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PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, June 7, 1972*

The House met at 12 o'clock noon.

Rev. Floyd H. Gayles, pastor, St. James Baptist Church, Washington, D.C., offered the following prayer:

Create in me a clean heart, O God; and renew a right spirit within me.—Psalms 51: 10.

Almighty and Everlasting God, who dost govern all things in heaven and earth, mercifully hear our prayers, and grant unto us all things that are needful.

We thank Thee, Almighty God, for the rich heritage of this great land.

Help us to seek unity and harmony among men. Deliver us from the power of evil. Visit us now, we pray Thee, in the darkness of these times, and let Thy truth and righteousness shine forth among us.

Grant wisdom to our statesmen and integrity to all in authority.

Take from this world fears which oppress mankind, and the wrongs which torment and blind us; help us to live within the power of justice and the freedom of Thy truth and light—through Jesus Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On May 17, 1972:

H.R. 13753. An act to provide equitable wage adjustments for certain prevailing rate employees of the Government.

On May 18, 1972:

H.J. Res. 1174. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1972, and for other purposes; and

H.R. 13334. An act to establish certain positions in the Department of the Treasury, to fix the compensation for those positions, and for other purposes.

On May 19, 1972:

H.R. 9212. An act to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes;

H.R. 13591. An act to amend the Public Health Service Act to designate the National Institution of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and for other purposes; and

H.R. 14070. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

On May 27, 1972:

H.R. 14582. An act making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

On June 2, 1972:

H.R. 5199. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251–A, and for other purposes;

H.R. 8116. An act to consent to the Kansas-Nebraska Big Blue River compact; and

H.R. 14655. An act to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1074. An act to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year;

H.R. 5065. An act to amend the Natural Gas Pipeline Safety Act of 1968; and

H.R. 13034. An act to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

The message also announced that Mr. BAYH be appointed as a conferee on the bill (S. 2770) entitled "An act to amend the Federal Water Pollution Control Act" in lieu of Mr. TUNNEY, excused.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill for fiscal year 1973.

Mr. MICHEL reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DEATH OF MRS. JAMES BARRY LOSS TO CREDIT UNION MOVEMENT

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, on May 5 following a long illness Mrs. James Barry, wife of the managing director of the Texas Credit Union League, died in Dallas. Marge Barry was indeed an extraordinary woman. Not only was she active as a credit union supporter, but she devoted much of her life to helping others. She was the past president of the Dallas Deanery Council of Catholic Women, a past president of Christ the King Mothers Club, and a member of the Dallas Diocesan Board of the National Council of Catholic Women. As a member of NCCW, she had been extensively engaged in interdenominational activity through a group of women known as Church Women United and had been active with the National Conference of Christians and Jews. She had written book reviews for America magazine, a publication of the Jesuit Order.

She was a member of the Women of Rotary, organized the Dallas chapter of Kappa Gamma Pi Honor Society, and had served as chairman of the Camp Committee for the Dallas Area of the Girl Scouts of America. For many years she was active with the Committee for Foreign Visitors to Dallas.

Mrs. Barry was also an inspiration in his credit union work to her husband who developed the Texas Credit Union League into one of the finest in the Nation. In fact, when Mr. Barry was drafted into the Army in 1944, soon after becoming managing director of the Texas Credit Union League, Mrs. Barry took over as office secretary and was the only employee of the league while her husband was in the service. Thus, during the war years, Mrs. Barry was the Texas Credit Union League.

As I said earlier, Marge Barry devoted much of her life to helping others. And the work that she has done will never go unnoticed by those who were fortunate enough to have come in contact with her.

PROPOSED APPROPRIATIONS BILL FROM WAYS AND MEANS COMMITTEE

(Mr. MAHON asked and was given permission to address the House for 1 minute.)

Mr. MAHON. Mr. Speaker, this morning the House Committee on Appropriations approved a $28 billion appropriation bill for Labor, and Health, Education, and Welfare, which is scheduled to be before the House next week.

Next week there is also scheduled to be before the House a $30 billion appropriation bill out of the Ways and Means Committee.

Mr. Speaker, this Ways and Means Committee bill does not raise one penny of revenue. It is an authorization bill and it is an appropriation bill for 5 years. It bypasses the established authorization process involving a number of major legislative committees, and it bypasses the established appropriations process which we have known for the last 52 years.

Not in the history of Congress that I can find has an appropriation bill come to the floor under a closed rule, which is now proposed for this Ways and Means Committee bill.

I say it is indefensible that the appropriation bill of $30 billion should come before the House next week under a closed rule. Members should have the right to make points of order and offer amendments. I propose to do what I can to open up the rule so the House can work its will on that appropriation bill, just as it does on other appropriation bills.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1973

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of said District for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 15259, with Mr. McFALL, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on yesterday, the Clerk had read through line 8 on page 2 of the bill. If there are no amendments to be proposed, the Clerk will read.

The Clerk proceeded to read the bill.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 191]

Abernethy
Abourezk
Alexander
Anderson, Tenn.
Aspin
Badillo
Baring
Bell
Biaggi
Blatnik
Burton
Carney
Celler
Chappell
Clark
Clawson, Del
Clay
Conyers
Daniels, N.J.
Danielson
Dellums
Denholm
Dennis
Diggs
Dowdy
Dwyer
Eilberg
Esch
Eshleman
Fish
Ford, William D.
Fraser
Frelinghuysen
Gallagher
Gibbons
Gray
Griffin
Griffiths
Gude
Halpern
Hébert
Holifield
Horton
Koch
Kyros
Long, La.
Lujan
McClory
McCloskey
McEwen
McKinney
McMillan
Macdonald, Mass.
Metcalfe
Miller, Calif.
Minshall
Mitchell
Moss
O'Konski
Passman
Pelly
Pepper
Peyser
Price, Tex.
Pryor, Ark.
Rangel
Reid
Riegle
Robinson, Va.
Rodino
Rooney, N.Y.
Rosenthal
Roybal
Runnels
Scheuer
Schmitz
Schneebeli
Springer
Steed
Stratton
Stubblefield
Stuckey
Teague, Calif.
Teague, Tex.
Van Deerlin
Waldie
Whitten
Wilson, Bob
Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15259, and finding itself without a quorum, he had directed the roll to be called, when 343 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC SAFETY

Public safety, including employment of consulting physicians, diagnosticians, and therapists at rates to be fixed by the Commissioner; cash gratuities of not to exceed $75 to each released prisoner; purchase of one hundred and fifty-five passenger motor vehicles for replacement only (including one hundred and forty for police-type use and five for fire-type use without regard to the general purchase price limitation for the current fiscal year but not in excess of $400 per vehicle for police-type and $600 per vehicle for fire-type use above such limitation); $181,700,000, of which $7,854,600 shall be payable from the highway fund (including $112,000 from the motor vehicle parking account): *Provided*, That the Police Department and Fire Department are each authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement.

Mr. NATCHER. Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

POINT OF ORDER

Mr. HALL. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman from Missouri will state the point of order.

Mr. HALL. Mr. Chairman, I make a point of order against the language on page 4, line 11, after the semicolon, the phrase: "cash gratuities of not to exceed $75 to each released prisoner;".

I believe this is not authorized by law, and I make that point of order against this phrase.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard?

Mr. NATCHER. Mr. Chairman, the gentleman from Missouri is correct; and we concede the point of order.

The CHAIRMAN. The Chair would like to ascertain exactly the language to which the point of order was directed.

Mr. HALL. Mr. Chairman, the point of order is raised to the language on page 4, line 11, following the word "Commissioner", and semicolon, the phrase "cash gratuities of not to exceed $75 to each released prisoner" and the semicolon.

The CHAIRMAN. (Mr. FASCELL). The Chair will state that the point of order has been conceded, and the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

GENERAL OPERATING EXPENSES

General operating expenses, $65,029,000, of which $629,700 shall be payable from the highway fund (including $72,400 from the motor vehicle parking account), $94,500 from the water fund, and $67,300 from the sanitary sewage works fund: *Provided*, That the certificates of the Commissioner (for $2,500) and of the Chairman of the City Council (for $2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, $5,000 of the appropriation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not in excess of $100 per diem: *Provided further*, That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That $2,500,000 of this appropriation (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That not to exceed $100,000 of this appropriation shall be available for settlement of property damage claims not in excess of $500 each and personal injury claims not in excess of $1,000 each: *Provided further*, That not to exceed $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner.

Mr. NATCHER (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, open to amendment at any point, and subject to any points of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

POINT OF ORDER

Mr. HALL. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman from Missouri will state his point of order.

Mr. HALL. Mr. Chairman, my point of order should lie on page 3, line 8, following the colon, against the phrase:

> *Provided*, That the certificates of the Commissioner (for $2,500) and of the Chairman of the City Council (for $2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary:

In other words, Mr. Chairman, I am raising a point of order against all after the colon on line 8, through the colon on line 13.

This was not authorized, and it is an appropriation bill without authorization.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that that part of the bill to which the gentleman has raised his point of order was previously read prior to the unanimous-consent request.

Mr. HALL. But, Mr. Chairman, I submit that the unanimous-consent request was granted to the entire bill, that it be open to amendment and open for points of order at any point. This request was granted and therefore I have gone back to this point of order.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order raised by the gentleman from Missouri?

Mr. NATCHER. Mr. Chairman, the gentleman from Missouri (Mr. Hall) is correct, and we concede the point of order.

The CHAIRMAN (Mr. Fascell). The point of order is conceded, and the point of order is sustained.

Are there any further points of order?

Are there any amendments to be proposed?

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

CAPITAL OUTLAY

For reimbursement to the United States of funds loaned in compliance with the Act of August 7, 1946 (60 Stat. 896), as amended, and payments under the Act of July 2, 1954 (68 Stat. 443), construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), May 18, 1954 (68 Stat. 105, 110), June 6, 1958 (72 Stat. 183), August 20, 1958 (72 Stat. 686), and the Act of December 9, 1969 (83 Stat. 320); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, $131,394,000, of which $12,227,700 shall be payable from the highway fund, $2,420,000 from the water fund, and $1,760,000 from the sanitary sewage works fund: *Provided*, That $4,332,000 shall be available for construction services by the Director of the Department of General Services or by contract for architectural engineering services, as may be determined by the Commissioner, and the funds for the use of the Director of the Department of General Services shall be advanced to the appropriation account, "Construction Services, Department of General Services": *Provided further*, Notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90–495, approved August 23, 1968), for which funds are provided by this paragraph, shall expire on June 30, 1974, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse: *Provided further*, Notwithstanding any other provision of law, any authorization for a capital outlay project, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (Public Law 90–495, approved August 23, 1968), for which funds have heretofore been appropriated shall expire two years from the date of the Act making such appropriation unless prior to the expiration of such period funds for such projects were or will have been obligated in whole or in part. Upon expiration of any such project authorization the funds appropriated therefore shall lapse.

The Clerk read as follows:

Amendment offered by Mr. Reuss: Page 9, strike out lines 10 through 13, and insert in lieu thereof the following: "available until expended, $131,429,000, of which $2,420,000 shall be payable from the water fund, $1,760,000 from the sanitary sewage works fund, and $12,262,700 from the highway fund: *Provided*, That of the funds payable from the highway fund $35,000 shall be available for the construction of a bicycle route network in the District of Columbia: *Provided further*, $4,323,000 shall be".

Mr. REUSS. Mr. Chairman, this amendment would simply restore a rather small sum, $35,000, which was in the budget request, but which does not appear in the bill before us. That $35,000 was requested by the District government to build bicycle routes from various areas in the city downtown.

For $35,000, plus help from the highway fund, the District would be able to build ramps from the curbs, so that your bicycle does not jolt, and would be able to put striped painted bicycle lanes down, and would be able to put up signs telling motorists and truck drivers that this is a route on which bicyclists will also travel. There will be a whole series of accesses to downtown—from the Georgetown area downtown, Connecticut Avenue area downtown, the Capitol Hill area downtown, and from the Southwest Redevelopment Area downtown.

Already some 6,000 of us do commute on bicycles. It is a safe and healthy and efficient use of space. The bicycle, unlike the automobile, does not present an air pollution hazard.

Bicycle sales are up in Washington. More people want to use them. But in order to prevent danger to bicyclists, there ought to be this kind of a simple setting aside of parts of paths and highways which should be available for the use of bicycles.

A pollution test recently conducted shows that the monoxide pollution level in this city is bad, and is getting worse. If we are going to come to grips with it at all, we should encourage bicycle riders.

I understand that a not very notable case was made for this in the subcommittee hearings. I cannot find anything in the hearings about it. I have talked to the distinguished chairman of the subcommittee, and I would hope there would be no objection to this item, which, though small in amount, only $35,000, can do an awful lot of good for traffic to encourage a healthful form of locomotion, and relieve congestion.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I will be glad to yield to the gentleman.

Mr. GROSS. This sounds to me as though it is not the first cost but the upkeep that we should look at. To my way of thinking, it sounds like a foot in the door to a much greater expenditure. Is that not true?

Mr. REUSS. I honestly do not think so, Mr. Gross. This money in this amendment would be used for just three purposes: getting rid of the 6-inch decline when the curb hits the street and putting a little ramp in so that you can drive the bicycles on them; painting the lanes; and putting up signs saying "Motorists watch out; there are bicyclists here." The upkeep cost would be very small. This is listed as a capital cost, and I think properly so. Therefore I do not believe it is the camel's nose under the tent, for which the gentleman from Iowa is a great watcher-outer.

Mr. GROSS. It seems to me when Congress is appropriating $185 million of Federal funds for the District of Columbia that money ought to be spent for purposes more essential than this at least until the District of Columbia shows a disposition to run the municipal government on an economical and sound basis.

Mr. REUSS. The subcommittee has made some very well-deserved criticisms of management in the District of Columbia, with which I concur. However, I would not think it relevant to apply those strictures to a proposition to make $35,000 available to put into effect a clean and nonpolluting form of locomotion like bicycles.

Mr. NATCHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I said yesterday, Commissioner Walter Washington presented to the committee and we in turn are presenting to the House a good budget for the District of Columbia.

As I said yesterday Mr. Chairman, I think Walter Washington is trying to do a good job and he is making a good Commissioner. When he prepared his budget and submitted the budget to the City Council there was no provision in the budget for $35,000 for the use that the gentleman now incorporates in his amendment.

When the budget was presented to the city council the council decided that $35,000 should be added for a bicycle route network.

Now, when they brought the budget before the committee as the members of the subcommittee will remember we had no strong advocate speaking for this particular project. The Commissioner did not want it. He did not add it in the budget. And this is a facility and a project that is not necessary at the present time.

Mr. Chairman, you will recall several months ago in Rock Creek Park and in certain other sections of the city, the Department of the Interior decided to have an experimental bicycle lane. They set this lane up and it was in operation from September 13, 1971, until September 20, 1971.

During this time they made a careful survey to determine as to whether or not these lanes were used and by actual count they ascertained that on the inbound traffic they had 85 bicycles using the lanes and 80 bicycles using the lanes on outbound traffic. In the morning and during the rush hours 85 bicycles coming in and in the afternoon on the outbound traffic 80 bicycles going out.

Here in our Nation's Capital we have 640,000 automobiles that come into this city every morning bringing people to work. And when you say $35,000 to set up bicycle lanes you are talking about confusion. I say to you that Walter Washington is correct. This is a matter that should have considerable study before it is adopted by the Commissioner or the City Council or the House of Representatives.

With all due respect to my friend from Wisconsin (Mr. Reuss), Mr. Chairman, I ask that this amendment be defeated.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman.

Mr. DAVIS of Wisconsin. Mr. Chairman, I take this time to inquire of my colleague, the gentleman from Wisconsin, as to the explanation of the $9,000 reduction in construction services by the Director of the Department of General Services that is provided for in the last line of his amendment.

Mr. REUSS. I am somewhat baffled by the gentleman's question.

Mr. DAVIS of Wisconsin. The bill as written provides for $4,332,000 to be available for construction services by the Director of the Department of General Services.

The gentleman's amendment changes that to $4,323,000.

Is that simply a transposition of figures or is there an intention to reduce the funds available for that purpose?

Mr. REUSS. I am wondering if the gentleman is reading from my amendment. My amendment is on page 9. It would merely add $35,000 to the capital outlay funds. There is no language in there——

Mr. DAVIS of Wisconsin. Oh, yes, there is language. That is why I am asking the question.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

(By unanimous consent, Mr. Natcher was allowed to proceed for 2 additional minutes.)

Mr. NATCHER. I yield to my friend from Wisconsin.

Mr. DAVIS of Wisconsin. The gentleman, on line 13, has changed the figure "$4,332,000" to "$4,323,000." I am inquiring whether that is merely a typing mistake or whether the gentleman intends to reduce the figure in the bill.

Mr. REUSS. The gentleman makes a good point.

Mr. Chairman, I ask unanimous consent that the figure in my amendment "$4,323,000" be changed to "$4,332,000." I thank the gentleman. I had not seen that.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. DAVIS of Wisconsin. Mr. Chairman, if my chairman will yield further——

Mr. NATCHER. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. I think it should be pointed out that this amount, which is small, is not the whole story. It represents the seed money for additional funds that would come either from the Federal Government or in later appropriations for the District of Columbia. I must join my chairman in opposition to the amendment.

Mr. NATCHER. Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. Reuss).

The question was taken; and on a division (demanded by Mr. Reuss) there were—ayes 6, noes 27.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MYERS

Mr. MYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Myers: On page 15, add a new section after line 24 as follows:

"No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, further, or accommodate the promotion or influencing of legislation or other governmental actions of the United States Government or the District of Columbia, or for partisan political activities, but this shall not prevent officers or employees of the United States or its departments or agencies from communicating to Members of Congress on the request of any Member of the Congress. Nothing is intended to prohibit the availability of school buildings for the use of any community group during non-school hours."

Mr. MYERS. Mr. Chairman, back in March the District of Columbia schools, with the help of the administration of the schools and the school board, encouraged students and faculty members to engage in a demonstration within the District of Columbia. They used school facilities to send out materials encouraging the young people, the students themselves, to be used as pawns for a political motive here in the District. They used all the communicative routes of the District of Columbia school system to send out this material to the homes of the children.

They further stated that the students, the young people who would attend this demonstration around the Capitol here, and the White House, would have protection from the school system, that school buses would be used. They generally gave all types of help. There was implied protection by school officials for the young people.

Then later on, about 3 weeks ago, a member of the school board encouraged and led a group of high school students from Eastern High School, over the objection of the principal of that high school, who said that the students in Eastern High School needed to work on their curriculum much more than they needed to demonstrate here in the Capitol. Over the objection of the principal of that high school to having the students used for that purpose, a member of the school board led those students to demonstrate in the Capitol.

The purpose of this amendment is to help the school system and the young people, the schoolchildren of the District of Columbia, to prevent them from being used in the future as a pawn or as a tool to encourage action for or against any particular legislation or to be used in a demonstration.

As has been said before in debate here, our school systems are in difficult problems enough in the District of Columbia, and they certainly do not need to be engaged in any further activities such as this that will be a means of diminishing or taking away support from the local schools.

The National Achievement Tests that have been given have shown a large number of students failed, so the students themselves cannot afford to be taken out of their school at this time.

We have some built-in protection here that does not prevent the students or teachers or administrators from individually coming up and testifying before a committee or taking part in some kind of legitimate activity within the schools. This is protected in the amendment.

Also we have a provision that the schools themselves, the buildings and facilities can be used for political meetings, for legitimate political meetings or other community activities. It is not the intent of this amendment in any way to deny use of public buildings for other public services, but I personally feel that this amendment is needed to protect the students and the school systems.

There is not a member of the subcommittee who will not agree that our schools in the District of Columbia need to be improved. They need all the help they can get.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. Mr. Chairman, for purposes of clarification, the gentleman's language refers to "officers or employees of the United States or its Departments or Agencies."

I am wondering if the gentleman is certain that the employees or officers of the District of Columbia would be included in that language, and whether the District of Columbia is a department or an agency of the Federal Government. I think that is, perhaps, somewhat questionable. I would wonder what the gentleman's true intent is with respect to that language.

Mr. MYERS. I am happy to respond to the gentleman.

I think the gentleman shares with me the concern that we do not want to prevent any legitimate complaint to the Congress, or the opportunity to be able to testify before one of the committees or to come to a Congressman by any member of the District of Columbia, including the school system.

This language, verbatim, is taken from the District of Columbia Code. It is already existing law, this particular section we are speaking about and which the gentleman is questioning. It is taken from the District of Columbia Code, and it can be found in the District of Columbia Code 47, section 145.

Mr. DAVIS of Wisconsin. My question is, then, in that code and in other related legislation, is the District of Columbia referred to as a department or agency of the United States?

Mr. MYERS. I think it certainly is, because this is not the United States Code I have taken this from. It is taken from the District of Columbia Code. I am sure it directs itself, and it is my intention here, that it refers to all departments or agencies of the District of Columbia government as well as the Federal Government.

Mr. DAVIS of Wisconsin. That is not what the gentleman's amendment says. The gentleman's amendment says "officers or employees of the United States or its departments or agencies." At least, that is the way my copy reads.

Mr. MYERS. This is what it says, and this is what the District of Columbia Code says, and it is already enacted into the District of Columbia Code. I have taken the language which has already been accepted in the District of Columbia Code.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(On request of Mr. GIAIMO, and by unanimous consent, Mr. MYERS was allowed to proceed for 5 additional minutes.)

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to my friend, the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I appreciate what the gentleman is trying to accomplish with his amendment, and that is to eliminate the political controversy type activities which have taken place in the school programs of the District of Columbia.

For example, there was a recent march on the White House to demonstrate against the President's welfare program, and a peace march which took place with the coming of schoolchildren to the Capitol Building. I assume these are the types of activities which the gentleman feels should not be a proper part of the school curriculum.

The thing which bothers me, however, is that in trying to legislate against activities of this type we might get ourselves into a real legislative bind. It is very difficult to write language which will accomplish the job we are trying to do, and in fact we may find ourselves prohibiting the use of school buildings for quite proper activities. Or, on the other hand, we may find, for example, if we say that the school system shall not encourage, participate in or finance any type of controversial political activity, that immediately we get into a legal question as to what is controversial or what is not.

Is a United Nations day celebration controversial? They will tell you, as in fact the superintendent and the chairman of the Board of Education told us, it is.

I wonder if the gentleman would be satisfied if we suggested some changes. We can try to accomplish this by unanimous consent.

I believe we are all trying to arrive at the same purpose, which is to eliminate the inciting and stimulating of schoolchildren to take part in things which quite frankly they really know nothing about.

I wonder if language of this type would be satisfactory to the author of the amendment:

> No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate or further partisan political activities.

We could leave out, then, the "accommodate the promotion or influencing of legislation or other governmental actions of the U.S. Government or the government of the District of Columbia."

In effect, what we would be prohibiting would be the use of these funds to encourage, facilitate, or further partisan political activities.

This might not go the whole way the gentleman intends to go, but I believe it would be a start. It would be the beginning. Certainly it would serve notice on the Board of Education and the superintendent of schools that the Congress is dead serious about this situation and does not want to see a repetition of it.

If they continue to ignore Congress, then we could take additional steps in the future.

If the gentleman would be agreeable to that type of language, we could ask unanimous consent to change the amendment. I believe we could gain additional support for it here in the Chamber in that way.

Mr. MYERS. The "influencing of legislation or other governmental action" also was taken from the existing law.

I can fully appreciate what the gentleman is trying to accomplish here. I certainly agree with him.

However, what is "partisan political activities"? How would one define that?

For instance, what about the so-called march down here for welfare rights? That was not partisan, at least so the witnesses said. Dr. Scott and the chairman of the school board, Mr. Barry, said all of this was not partisan political activity at all.

How do we really stop this action of using young people, the youth, for that type of activity, if they maintain it is not political activity?

Mr. GIAIMO. Certainly the march on the White House was partisan politics.

Mr. MYERS. Not in the minds of the school officials was it considered political.

Mr. GIAIMO. What we are trying to do here is to narrow rather than to broaden the purpose of the definition, which is going to create a very real problem in respect to whatever kind of language we write here.

All I suggest is, let us try to simplify it, which will in effect eliminate some of the pitfalls and problems, and still serve notice on them downtown that they have to cut this out.

We do have additional weapons. The fact is that we are appropriating money. Ultimately, if they do not listen, we will have to hurt them where it hurts, in the pocketbook, and then they will begin to listen.

(By unanimous consent, Mr. MYERS was allowed to proceed for 5 additional minutes.)

Mr. MYERS. Along the line the gentleman spoke of, regarding the use of school buildings and facilities, he and I discussed it and we accepted that language in the last paragraph to make sure that school buildings will not be denied for legitimate purposes, and I agree with that. However, I cannot completely agree with the gentleman's line of reasoning here that we are denying individual rights of students to participate on their free time here or the rights of faculty members or administrators to participate on their own time. We are merely talking about the use of school facilities during school time and using schoolchildren during school periods or for organizing a march or activity during school hours. I think you need that language in order to do that.

Mr. OBEY. Will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. You talk about students. Well, I am not a lawyer, and I kid my lawyer friends by saying that every time someone assumes I am one I stand up and defend my character, but I read this language to mean no member of the school board or officer of the schools could come up here and testify on their budget under your language. I do not think that any teacher, regardless of what you might think of a pay raise, could come up here and support a bill that contained a pay raise for teachers.

Mr. MYERS. If the gentleman will allow me, it says this shall not prevent employees or officers of the U.S. departments or agencies from communicating with the Congress.

Mr. OBEY. I do not have that language on this side.

Mr. MYERS. We changed that. It comes out of the District of Columbia Code. It gives the people the opportunity legitimately to come to testify before a committee or a Member of Congress.

Mr. OBEY. I will grant you that. I hope if a teacher wants to come up and lobby for a bill that contains funds that provide for increased salaries for him, he could come up under this. They are not officers of the school system.

Mr. MYERS. I do not think they can lobby during school hours, but after school hours or in the evening, if an individual wants to come in and talk about something, I do not think that we could deny him that right. As individuals I do not think we could. I certainly would not want to. But I do not think we are doing that here.

Mr. OBEY. I have one other question. If you have difficulty in defining "partisan political activity," then what does the langauge mean when it says, "influence legislation or other Government action of the U.S. Government"? If you cannot define partisan political activity, then how do you define that?

Mr. MYERS. I think to influence legislation as an example was used before our committee for about two sessions when Dr. Scott and Mr. Barry came and testified that it was legitimate for them to engage in actions like this, in this activity, in school. They said it was not a partisan political activity. Time and time again they said they did not consider it as political, but merely were objecting to the use of welfare funds and inadequate welfare funds.

Mr. OBEY. I ask you how do you define it. That is the question. I can accept the language as suggested by the gentleman from Iowa or Connecticut, but I cannot buy this.

Mr. GIAIMO. Will the gentleman yield?

Mr. MYERS. I am glad to yield to the gentleman.

Mr. GIAIMO. I do not want to argue the merits of the gentleman's original amendment or the language I am suggesting as opposed to it, but in the interests of succeeding in this area, if you would ask unanimous consent to modify it, I believe you will gain greater strength for the passage of the amendment.

Mr. DAVIS of Wisconsin. Will the gentleman yield?

Mr. MYERS. I yield to the distinguished minority leader of the subcommittee, the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. I rise again to inquire of the gentleman, for apparently the gist of my previous question did not reach the point that I am concerned about. Where the gentleman's amendment reads "officers or employees of the United States," I am sure the gentleman means to say "officers or employees of the District of Columbia." Is that not correct?

Mr. MYERS. That is correct. I ask unanimous consent at this point, then, that a comma be inserted after "the United States," and add the words "the District of Columbia."

Mr. DAVIS of Wisconsin. I want to be sure that has relevance with respect to officers and employees of the District of Columbia, and if the gentleman can secure unanimous consent for this I think it would accomplish that purpose.

The CHAIRMAN. Will the gentleman from Indiana restate his unanimous-consent request, please?

Mr. MYERS. Mr. Chairman, I ask unanimous consent that the amendment be further amended that after "employees of the United States," add these words:

> the District of Columbia, or its departments or agencies from communicating to Members of Congress.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Indiana?

There was no objection.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Do I understand that your wording would prevent a student from testifying at a hearing before the Committee on Appropriations?

Mr. MYERS. Not at all. That is not what we are speaking about—that as individuals they have every right, but to be organized at their schools, and then to be used as fronts or tools, this would be prohibited. As to their individual rights it would not be at any time or any place prohibited.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to direct a question or two to my distinguished friend, the gentleman from Indiana (Mr. MYERS), a member of the subcommittee. And, Mr. Chairman, I do so not in opposition to the amendment nor as to the problem that the distinguished gentleman from Indiana has in mind. The gentleman from Indiana is an able member of this subcommittee, and during the hearings when this matter was brought to our attention he, along with other members of the subcommittee, spent considerable time trying to develop why this took place in the District of Columbia.

I would like to ascertain from the distinguished gentleman from Indiana if he would be willing to strike from his amendment the words that I will omit, with the amendment then reading as follows:

> No funds appropriated herein for the Government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes, may be used to permit, encourage, facilitate—

And I would add the words, after "facilitate":

> or further partisan political activities.

Thereby striking out the words "or accommodate the promotion or influencing of legislation or other governmental actions of the U.S. Government, or the Government of the District of Columbia." Then the balance of the amendment, I would say to my friend, the gentleman from Indiana (Mr. MYERS) would read:

> Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours.

Now, Mr. Chairman, I call this to his attention because I have been a member of this subcommittee for a number of years and on a number of occasions school teachers, presidents of colleges, and other officials in the District of Columbia, have appeared before our committee on numerous occasions, and they have brought students with them. Now, I say to the gentleman that they may have come here in a bus, and if they did I think it is all right. I think they ought to have the right to come up to appear before a hearing of our committee with teachers, and with the principal, and if they come in school property, I think it is all right.

Mr. Chairman, I believe if the distinguished gentleman from Indiana would agree to the elimination of the words that I think any court of the District of Columbia would declare to be unconstitutional and strike them, I believe that the gentleman from Indiana will have a sound amendment, and would accomplish the purpose that he has in mind.

Mr. MYERS. Mr. Chairman, would the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I ask unanimous consent that my amendment be further amended to strike the words that the gentleman from Kentucky (Mr. NATCHER) has just indicated.

The CHAIRMAN. The Chair would ask the gentleman from Indiana if he would enlighten the Chair as to just exactly the words to be stricken.

Mr. MYERS. Certainly.

Mr. NATCHER. Mr. Chairman, if the gentleman from Indiana will permit me to interrupt, may I say that the amendment would read as follows:

> No funds appropriated herein for the Government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes, may be used to permit, encourage, facilitate, or further partisan political activities.

And then it would continue:

> Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours.

Is that correct?

Mr. MYERS. That is correct, and, Mr. Chairman, I hope that the unanimous-consent request will be agreed to.

The CHAIRMAN. The Chair would inquire of the gentleman from Indiana whether the gentleman from Indiana intends to delete the language that was previously modified under the earlier unanimous-consent request?

Mr. MYERS. Yes, Mr. Chairman, if the gentleman from Kentucky would yield to me to permit me to say so, that is what I believe the gentleman from Kentucky asked me to do, that that language would be deleted.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana for the reading of the amendment as just read by the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. MYERS: On page 15, add a new section after line 24 as follows:

"No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities.

Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during non-school hours."

Mr. FAUNTROY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I simply want to ask a question of the gentleman from Indiana (Mr. MYERS).

Would the amendment as now offered prevent a party from securing school premises for a forum, during the course of a party primary?

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. FAUNTROY. Certainly I yield to the gentleman.

Mr. MYERS. I think the language clearly defines it and gives every opportunity for the services of facilities and buildings and so forth.

The last paragraph reads, and I will read it again—

> Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during non-school hours.

Mr. FAUNTROY. So that you would allow that?

Mr. MYERS. That is right. It is the intention of this amendment to permit that kind of use.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. MYERS).

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the distinguished chairman of the subcommittee, Mr. NATCHER, a question or two concerning the bill.

Is there any language in this bill that is designed in any way to provide for a Federal contribution to be used for the guaranteeing of District of Columbia bonds of any description?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I am glad to yield to the gentleman.

Mr. NATCHER. The answer to the gentleman's question is "No."

Mr. Chairman, I want to say to the gentleman that I certainly agree with him and this is a very important question.

As far as the guarantee of bonds is concerned there is no provision in this bill along that line. I think that before any consideration is given to such a proposal there should be considerably more study given to any such idea.

As I said, the answer is "No."

Mr. GROSS. Mr. Chairman, I thank the gentleman.

I asked that question in view of the fact that only a short time ago it was reported that the per capita income of District of Columbia residents jumped 11.1 percent in 1971 over 1970, almost twice the national increase according to the Department of Commerce figures. At that rate of income increase, so far as I am concerned, the District of Columbia is pilfering the pockets of the taxpayers of the country, including Kentucky and Iowa, beyond all reason when it gets a handout in this bill of $185 million.

May I ask the gentleman another question. How much of a contribution do the taxpayers of the entire country, through the process of contributions to the District of Columbia, make to the payment of interest on the bonds for that white elephant stadium in the eastern part of the city?

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes; I am glad to yield to the gentleman.

Mr. NATCHER. As the gentleman well knows, at the time the stadium was constructed, I was a Member of the House and on the floor when the distinguished gentleman now standing across the aisle from Iowa asked the question as to how much the stadium would cost. The answer to the gentleman was between $5 and $6 million. As the gentleman well knows, it cost a little over $20 million. It requires $831,000 a year to pay the interest on the bonds. We have to borrow that money out of the Treasury of the United States. Not one single bond has been retired, and the money that is borrowed, of course, must later on be paid. This, then, of course, is a part of the Federal payment.

So, therefore, in the end a part comes out of Federal money, because the $831,000 in interest must be paid each year.

Mr. GROSS. So we continue to pay interest on those bonds, not a dollar of which has been retired since the stadium was built. We pay in the percentage of the Federal contribution to the District of Columbia. Is that the situation?

Mr. NATCHER. The gentleman is correct.

Mr. GROSS. And yet our former colleague from Arkansas, Mr. Harris, one of the advocates of the stadium, told us on the floor of the House, and repeatedly, that the stadium would never cost the taxpayers of the country one single dime.

Mr. NATCHER. The gentleman is correct.

Mr. Chairman, as you know, the original legislation provides that in the year 2001 the stadium would then be turned over to the Department of the Interior. We tried on a number of occasions, I will say to my friend from Iowa, to get the Department to take it over, and the gentleman knows the answer to that move.

Mr. GROSS. And I have no doubt that by the year 2001 that edifice down in Foggy Bottom, known as the Cultural Center, will also become the property of the Department of the Interior.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. DAVIS of Wisconsin. I take this time only for purposes of clarification and to suggest to the gentleman from Iowa that while there is legislation pending, at least requested, which would permit the District of Columbia to issue bonds for the purposes stated, there is no existing legislation of that kind.

There is also legislation that has been requested to provide for the guarantee of $1.2 billion in bonds for purposes of financing continuance of the subway construction. That, too, has not yet been written into law. But under existing law, in lieu of the bonds, the borrowing of the District of Columbia is done directly from the Treasury of the United States, and they pay the going rate for Treasury borrowing at that particular time.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. I wish to commend the committee, although I am opposed to this bill, for not having inserted any language in this bill which will eventually trap all the taxpayers of the country into either of those proposals with a request that will probably come upon the Congress sooner or later for the taxpayers of all the country to guarantee $1.2 billion of bonds for subway construction or to guarantee the payment of the bonds pertaining to the stadium.

Mr. DAVIS of Wisconsin. Even if we were so inclined, if we had attempted to insert any such language, it would have been subject to a point of order, and I am sure the diligent gentleman from Iowa would have seen that that language was deleted.

Mr. GROSS. I will say, if the gentleman will yield further, there are several other legislative provisions in this bill that were not challenged here today, and I think for sufficient reason. I do not make points of order against all provisions in all bills, because some of them are meritorious, and in that case I do not make points of order.

I thank the gentleman for yielding.

Mr. SCHERLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time simply to advise the House at this time that, as a member of the Appropriations Subcommittee, I will not vote for this bill. However, it is not because the committee has not done a good job—it has—my vote is in protest of the present sloppy District administration.

There may be some who do not understand the depth of my criticism of the District of Columbia government. I wish those colleagues of mine who maintain that one or another District of Columbia official is not implicated in this wholesale mismanagement would tell me who they think is responsible. Former President Harry Truman had a sign on his desk which read: "The buck stops here." It is apparent that almost no one in the District of Columbia government is willing to be a buckstopper. They are all champion buckpassers. Most assuredly the distinguished chairman and ranking minority member of this committee would not consider Commissioner Washington's latest outburst to be proper. No one in this House can substantiate the Commissioner's remark that, if he replied to criticism, the committee would "cut another million dollars off our budget." Such a remark is the height of irresponsibility and everyone knows it. If what I have said in my supplemental views in the subcommittee report and on the House floor in the last couple of days applies to anyone, let him take it to heart.

The committee has worked diligently to cut out the waste and extravagance that permeates the government of our Nation's Capital. Our esteemed chairman, the gentleman from Kentucky (Mr. NATCHER) with years of experience at his command, has provided a good bill considering the obligations that we have and the roadblocks set up by District officials that we confronted.

My vote is primarily a protest against the mismanagement, hypocrisy, and total arrogance of the District of Columbia officials. Never in my life have I found so many people who would testify before this committee using falsehoods and half-truths. They have tried to sweep under the rug as much as possible. They operate as if under "home rule" with all the independence of total local revenue.

Once again, this is no reflection on the committee, but reflects the experience I have had.

As one member of the committee, I can promise this. If I serve on this committee next year, or if a supplemental bill is requested later this year from our committee, unless the attitude of the District officials changes radically, they might just as well save their time and their breath, because I will not support additional budgetary requests.

We all think a great deal of the District. It is our Nation's Capital. It belongs to each and every one of us. We have not been chintzy with the District of Columbia. They have been given all the money they could use wisely, but results prove they prefer "not" to use it wisely. We are not a committee of condemnation. Too many people have appeared before us and provided us with only half the picture, yet they try to put the blame on this committee for lack of support. There is absolutely no truth to that. Consistently generous appropriations have proved the opposite.

I personally ask that the Members of the House take time to read the hearings, or at least the supplemental committee report. You will find much to agree with. Decide for yourself whether or not we have a major problem here that could be corrected if we had some candid cooperation and support from downtown.

A case in point I would like to mention briefly today was included in the District of Columbia budget request. It would have provided a tenfold increase for free uniforms for District of Columbia highway department employees. Last fiscal year, the District of Columbia government spent $949 for free uniforms for these employees. This year they plan to spend $10,000. The officials, under questioning, admitted they did not know of any other State highway department which provided free uniforms.

They also requested $50,400 to provide free laundry service for the free uniforms.

As I said before, we do not mind assisting the District of Columbia. However, some of these proposals are just a bit ridiculous. You will be pleased to know that the subcommittee refused to take the taxpayers to the cleaners for this boondoggle. But do you think the District of Columbia hierarchy will learn anything from this? Do not bet on it. Considering their perpetual "gimme" attitude, next year they will probably request tuxedos for the 481 employees receiving over $25,000 a year, plus patent leather shoes and free 75-cent cigars.

The people downtown should reevaluate their attitude in testifying before the committee. Hopefully they will correct some of the situations cited. Otherwise they will suffer serious consequences.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, there is another matter which has not been mentioned and which I hope the Appropriations Committee will look into. A short time ago, according to District of Columbia rule, one school could not spend more than 5 percent more than other schools, and so on, and the method that was used to try to equalize the situation, as I understand it, was this.

The teachers and the salaries were put on a computer. If one school were a little high in the expenditures per pupil, the highest paid teacher in the school, usually the person with the greatest tenure, was simply transferred to another school where they were below the average. This resulted, as I understand it, in one case, for instance, where a little school in the District wound up one Monday morning with three music teachers when they needed one.

As I understand it, in the computation of the amount spent per pupil only the District tax funds were taken into consideration. The Federal funds under title I were not. So actually they had been adding money to schools which were spending more per pupil, but not more per pupil under District of Columbia taxes.

Mr. SCHERLE. We are aware of this and many other fiscal shenanigans by the elected school board.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman who has just spoken, from the State of Iowa, and a member of our subcommittee, is one of the able Members of the House. He is one of the most conscientious Members to serve on either side of the aisle.

During the hearings on the District of Columbia budget for the fiscal year 1973 the distinguished gentleman from Iowa attended every day. He was there when every witness, according to my knowledge, appeared.

I know that during the hearings this year a number of matters were brought to the attention of the committee which certainly were right frustrating and confusing to the committee.

I have served, Mr. Chairman, for a period of 17 years on the District of Columbia Budget Subcommittee. I have had the honor of serving as chairman of this subcommittee since January of 1962. I serve on three subcommittees. I was No. 2 on each of my subcommittees.

As you will recall, Mr. Chairman, the distinguished gentleman from Michigan, Louis Rabaut, who was one of the greatest Members who ever served in this Congress, was the chairman of this subcommittee, and he died. At the time Mr. Rabaut died I was named to be chairman of the subcommittee.

Since I have been the chairman of this subcommittee, Mr. Chairman, I have had the honor and privilege of serving with some outstanding people in the District of Columbia. I believe some of the most dedicated people I have met since I have been a Member of Congress have been and are associated with the District of Columbia government.

I know that at the present time we have problems in education. We have problems with crime. We have problems concerning welfare.

I say to you quite frankly that when this budget was presented to our subcommittee some of the witnesses who appeared were right unusual, to say the least, insofar as the information we were trying to secure is concerned.

I know the gentleman is right frustrated as a member of this subcommittee. This is his second year on this subcommittee.

But, Mr. Chairman, in all fairness to the District of Columbia, I believe I would be remiss as chairman and remiss in my duties as chairman of this subcommittee if I failed to state to the Members of this House that I believe Walter Washington is doing a good job. Mr. Chairman, I believe he is trying. He has problems every day, and they are serious. He is making a good Commissioner.

I know that on the City Council from time to time we have had one or two members who have been in direct conflict with the Commissioner. That has not been to the best interests of our Capital City.

But I want you to know, Mr. Chairman, as one member of this subcommittee I believe we have a number of outstanding people serving in our District government, and I say to you frankly that they are trying to do a good job.

This is a difficult subcommittee to serve on, Mr. Chairman. We have in all, I believe, 21 standing committees of this House, including the District of Columbia Committee. On that committee serve men like my friend EARLE CABELL, who is sitting here on the floor; JOHN MCMILLAN; Mr. FAUNTROY, the nonvoting delegate, who is on the floor; my friend ANCHER NELSEN, who sits on that side. These men, Mr. Chairman, are trying to do a good job. They serve on a right difficult committee.

But in going back to the major premise I wanted to bring to the attention of this committee, and the major point, Mr.

Chairman, I believe the Commissioner is doing a good job.

He is trying and we have a number of serious problems here. I, for one, Mr. Chairman, believe with a little help we are going to solve all of these problems.

Mr. DAVIS of Wisconsin. Will the gentleman yield?

Mr. NATCHER. I will be delighted to yield.

Mr. DAVIS of Wisconsin. The gentleman from Kentucky preceded me in what I wanted to say. I do not believe a blanket indictment of those who appeared before our subcommittee or of officials in the District government can be justified. I think it would do harm if the record were not made clear and if we kept our silence, that we might infer that this is the case. My experience with the men who headed the testimony before our subcommittee—and that, of course, refers to Mayor Washington and to Comer Coppie, the budget officer of the District—is one of candor both on the record and off the record and one of helpfulness in our attempting to get the information that we were entitled to have from some of the reluctant people who did not display that candor in responding to some of the questions that were legitimately raised.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. NATCHER was allowed to proceed for 5 additional minutes.)

Mr. NATCHER. I yield to my distinguished friend.

Mr. DAVIS of Wisconsin. So, while I can agree that we did have some instances where we were frustrated and we did have some witnesses who we felt were there to conceal rather than to inform, that that did not apply to the major responsible witnesses we had before us.

I am glad that the chairman preceded me in stating what I felt was necessary to say in the interests of fairness for my colleagues in the House.

Mr. NATCHER. I yield to my distinguished friend from Minnesota, the ranking minority member on the Committee on the District of Columbia and a man who has done a good job in serving on this committee all through the years.

Mr. NELSEN. I thank the gentleman for yielding. I want to thank him also for his reference to Walter Washington.

In the work we have been trying to do to bring about a better design in city government our efforts have been closely coordinated with Walter Washington in every respect as he cooperated with us. I think when our report is finally filed and made available you will find that he will be given the tools whereby he can do a better job for the people of this area and for the people of the United States.

I want to make it very clear he has cooperated entirely with us, and I think he has done a remarkably good job under the circumstances under which he had to work.

I thank the gentleman for yielding.

Mr. HALL. Will the gentleman yield to me?

Mr. NATCHER. I yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the distinguished gentleman from Kentucky, the chairman of the subcommittee, who is handling this very difficult chore and task yielding to me, but I am a little bit disturbed about some of the allegations and counterallegations; and as just one elected Member from an equal number of taxpayers across the length and breadth of the country who is proud of our Capital City, believes in the principle of a Federal City, and who has pride therein, I am concerned about whether we are not as a reaction to a blanket implication defying the law of responsibility where accountability lies. Command and high office has its responsibility and function, as well as its privilege.

Certainly, Mr. Chairman, the appointed members or the elected members of any government, be it municipal, State, quasi-State, Federal, or otherwise must be responsible. There must be some time and some place where for example, a great loss of school funds has to be accounted for and where those responsible for either the election or the appointment of comptrollers, overseers, budget officers, or commissioners or even mayors; must take this problem by the nape of the neck if over $185 million of Federal taxpayers contribution is involved—including some of the interest payments alone that the gentleman referred to in his colloquy—and solve the mystery or replace heads.

I think it is proper that we consider this matter on the floor of the Congress because the taxpayers have a right to know, and I for one say this: that I shall vote against such largesse on the part of the taxpayers as contained in this bill, whether in the blessed name of welfare, charity, human rights, or anything else, so long as these things are swept under the rug and the accountable officer is not held responsible.

Mr. NATCHER. Mr. Chairman, in answer to the distinguished gentleman from Missouri (Mr. HALL), I think that the last statement applies to every Member of the Congress of the United States. I think every Member of this House and every Member of the other body would feel the same way as far as sweeping anything under the rug is concerned. Anyone guilty of malfeasance or nonfeasance should march up on the line like they do everywhere else, and be held accountable. I think every member of this committee feels the same way. But, Mr. Chairman, when you come into this committee and make one sweeping statement and allegation applying it to every member of the District of Columbia government, this to me, Mr. Chairman, with all due respect to my friend, is a mistake.

Mr. BROYHILL of Virginia. Mr. Chairman, I want to commend the gentleman from Indiana (Mr. MYERS) for the amendment he offered previously and which has been adopted.

We witnessed one example of the pied pipers of radical education abusing District schoolchildren by forcing them to march on our public streets. We witnessed another just last week when they marched them from their classrooms to the Capitol steps to demand that we legislate to their liking.

One example should be enough to convince Congress, as I am sure it has our taxpayers, that quality education in the District of Columbia is impossible under the present free-wheeling radicalism of some of our so-called educators unless Congress provides some plain and objective restraints.

An educated child of any race, color, or creed is a national asset, Mr. Chairman, nowhere in the world is intense educational training more vital than in the city of Washington, D.C.

Congress and the American taxpayers have been generous in providing funds to secure quality education for our young, if it is spent for the purpose for which it is appropriated. The time has come to see that it is.

All this amendment asks on behalf of parents in the District and taxpayers throughout the Nation is to affirm that the basic function of education is to teach our children in the classrooms and not on the streets of the Nation's Capital.

These so-called educators who use toddlers for political propaganda are not straining the quality of education, they are obliterating it. We cannot allow this to happen.

Overseeing the educational standards of the Nation has become a covenant of the Congress of the United States. To maintain it is a matter of public faith. We have reaffirmed that faith today by approving the gentleman's amendment and stopping this nonsense in the public schools of the District of Columbia in its tracks.

Mr. LONG of Maryland. Mr. Chairman, I oppose the appropriation of $33.5 million for District of Columbia subway construction, which is contained in the fiscal 1973 District of Columbia appropriations bill.

I oppose the building of the District of Columbia subway for five broad reasons.

First, I oppose the subway for financial reasons. Now the subway's sponsors admit that it will cost $3 billion. The chairman estimates that it may cost as much as $5 billion, and I respect his judgment on this estimate.

If we take the $3 billion figure, it would buy a new home, on the basis of the 1970 census reports, for every one of the 150,000 families in the average congressional district. If each of the 13 metropolitan areas of the United States now planning subways builds one, the costs are going to run between $50 and $75 billion.

My second reason for opposing the subway is its probable lack of use. People do not want to use mass transit. Just incidental to this is the problem of subway crime. If in New York City 3,200 police ride shotgun on the subways to keep law and order, imagine what it is going to be like in Washington, where we have a higher crime rate per capita than they do in New York City. The real reason people are loathe to take subways is that they just do not find it convenient to use mass transportation.

In 1955 Marquette University surveyed 1,000 households, 56 percent of the respondents said they would use their automobiles to go to work, no matter what was done to improve transportation.

In his authoritative book, "Metropolitan Transportation Problem," Wilfred Owen wrote:

> Where facilities do not now exist, and would have to be constructed, the contention that rail solutions can be adopted on any large scale to the accommodations of today's traffic pattern is dubious. Even in older communities like New York and Chicago, which have grown up around mass transportation, the trend in patronage is downward.

What are the implications of this unwillingness to use the subway? In order to get the people to use it, you would have to close the city to auto traffic. If you do this, express buses can be used at lower initial cost, at lower operating cost, and at greater convenience and greater flexibility so that subways would not be necessary.

My third reason for opposing a District of Columbia subway is that it is one more case in which people of ordinary means, in your district and in mine, are going to be asked to subsidize people of high income in the Washington area. The beneficiaries will be mostly Federal employees already enjoying higher salaries and fringe benefits than the taxpayers back home. Can we justify asking your people and mine to pay more taxes and to get along with pollution and inferior schools so that high paid Federal workers can get to work a little quicker at the taxpayer's expense? Most of the really high paid workers will not use it. What they have in mind, I think, is to let the poor people use the subway and keep their cars at home so that the well-heeled can get through the streets faster with their own automobiles.

My fourth reason for opposing the subway is that even if the subway should be ultimately necessary and practicable, which I deny, it is totally unnecessary to plunge into a $3 to $5 billion program for building new rapid rail facilities in Washington when these already exist.

A 1968 Senate study of the metropolitan area transportation situation pointed out that—

> Existing railroad rights of way in Metropolitan Washington . . . run end to end through all but one of Washington's suburban development corridors and provide (or could easily be made to provide) reasonably direct access to downtown Washington. An expanded and improved commuter railroad service utilizing existing area tracks provides a very practical way of promoting development goals and offering a significant measure of interim highway congestion relief in the form of an attractive transportation alternative . . . which could be relatively inexpensive in terms of capital outlay, would involve virtually no disruption to existing land use, and could be operational within a year's time.

Why does the District of Columbia not undertake this quick, cheap, minimally disruptive program? Probably because it does not cost enough, there is no profit for the engineers, the designers, the contractors, the equipment manufacturers, and the investment bankers.

My final objection is that mass transit is not the answer to the congestion of our large cities, especially here in Washington.

The answer is to stop locating so many Government agencies in Washington and to decentralize our Government back home—in your district and mine.

In closing I want to quote Lewis Mumford's "Culture of Cities":

> While congestion originally provided the excuse for the subway, the subway has not become the further excuse for congestion.

I continue to oppose the construction of the District of Columbia subway.

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of said District for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. NATCHER. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 302, nays 67, not voting 63, as follows:

[Roll No. 192]

YEAS—302

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chisholm
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dent
Derwinski
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frenzel
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Hagan
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Koch
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
McClure
McCormack
McCulloch
McDade
McDonald, Mich.
McFall
McKay
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Martin
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Michel
Mikva
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Railsback
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Saylor
Schwengel
Scott
Seiberling
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—67

Abbitt
Archer
Ashbrook
Baker
Baring
Belcher
Bevill
Blackburn
Bray
Burke, Fla.
Byron
Camp
Clancy
Collins, Tex.
Colmer
Conover
Crane
Dennis
Devine
Dickinson
Duncan
Findley
Flowers
Frey
Griffin
Gross
Grover
Haley
Hall
Harsha
Hillis
Hutchinson
Jonas
Jones, Tenn.
King
Kuykendall
Kyl
Landgrebe
Lennon
McCollister
McKevitt
Mann
Mathis, Ga.
Mayne
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Powell
Quillen
Randall

Rarick
Rousselot
Ruth
Satterfield
Scherle
Sebelius
Shoup
Skubitz
Spence
Steiger, Ariz.
Terry
Thompson, Ga.
Waggonner
Wiggins
Wyman
Young, Fla.

NOT VOTING—63

Abernethy
Bell
Burton
Carney
Celler
Chappell
Clark
Clawson, Del
Clay
Conyers
Daniels, N.J.
Danielson
Dellums
Denholm
Diggs
Dowdy
Esch
Eshleman
Fisher
Ford, William D.
Frelinghuysen
Gallagher
Gibbons
Goldwater
Griffiths
Gubser
Gude
Halpern
Holifield
Kyros
Long, La.
Lujan
McClory
McCloskey
McEwen
McKinney
McMillan
Metcalfe
Miller, Calif.
Moss
Murphy, N.Y.
O'Konski
Passman
Peyser
Price, Tex.
Pryor, Ark.
Rangel
Robinson, Va.
Rodino
Rooney, N.Y.
Roybal
Runnels
Scheuer
Schmitz
Schneebeli
Springer
Stokes
Stubblefield
Stuckey
Van Deerlin
Waldie
Wilson, Bob
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Gude for, with Mr. Price of Texas against.

Mr. McEwen for, with Mr. Schmitz against.

Mr. Metcalfe for, with Mr. Chappell against.

Mr. McMillan for, with Mr. Long of Louisiana against.

Until further notice:

Mrs. Griffiths with Mr. Esch.

Mr. Stubblefield with Mr. Robinson of Virginia.

Mr. Rooney of New York with Mr. Halpern.

Mr. Murphy of New York with Mr. Peyser.

Mr. Burton with Mr. Conyers.

Mr. Scheuer with Mr. Dellums.

Mr. Passman with Mr. O'Konski.

Mr. Stuckey with Mr. McClory.

Mr. Diggs with Mr. Roybal.

Mr. Moss with Mr. Del Clawson.

Mr. Waldie with Mr. Stokes.

Mr. Celler with Mr. Bell.

Mr. Clay with Mr. Gallagher.

Mr. Rodino with Mr. Rangel.

Mr. Carney with Mr. Springer.

Mr. Clark with Mr. Eshleman.

Mr. Charles H. Wilson with Mr. Gubser.

Mr. Daniels of New Jersey with Mr. Frelinghuysen.

Mr. Fisher with Mr. Lujan.

Mr. Gibbons with Mr. Schneebeli.

Mr. Kyros with Mr. McKinney.

Mr. Miller of California with Mr. McCloskey.

Mr. Danielson with Mr. Bob Wilson.

Mr. Van Deerlin with Mr. Goldwater.

Mr. Runnels with Mr. William D. Ford.

Mr. Holifield with Mr. Pryor of Arkansas.

Mr. Denholm with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1971—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–227)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed, with illustrations:

To the Congress of the United States:

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1971.

During that year retirement and survivor benefits totaling $1.9 billion were paid to more than one million beneficiaries. Benefits for unemployment and sickness totaling $95 million were paid to over 300,000 claimants. Cumulative benefit payments under both programs since their inception reached the $25 billion mark during the year and at its end had risen to $25.6 billion.

Legislation enacted in August 1970 provided for the establishment of a Commission on Railroad Retirement to study this system and to make recommendations for legislative changes to assure the continuation of retirement and survivor benefits in adequate amounts on an actuarially sound basis. The Commission's recommendations are due to be submitted by the close of fiscal year 1972.

RICHARD NIXON.

THE WHITE HOUSE, *June 7, 1972.*

APPOINTMENT OF ADDITIONAL CONFEREE ON H.R. 9580, AGREEMENT CONCERNING FEES FOR OPERATION OF MOTOR VEHICLES

Mr. CABELL. Mr. Speaker, at the request of the gentleman from South Carolina (Mr. MCMILLAN), the chairman of the Committee on the District of Columbia, I ask unanimous consent that the Speaker be authorized to appoint an additional conferee on the disagreeing votes of the two Houses on the bill H.R. 9580, to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

The Chair hears none; and appoints the following additional conferee: Mr. CABELL, of Texas.

The Clerk will notify the Senate.

REPORT ON RESOLUTION PROVIDING FUNDS FOR EXPENSES OF THE INVESTIGATIONS AND STUDY AUTHORIZED BY HOUSE RESOLUTION 21

Mr. THOMPSON of New Jersey, from the Committee on House Administration, submitted a privileged report (Rept. No. 92–1116) on the resolution (H. Res. 839) to provide further funds for the expenses of the investigations and study authorized by House Resolution 21, which was referred to the House calendar and ordered to be printed.

PERMISSION TO CALL UP HOUSE RESOLUTION 839 TOMORROW

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that I may bring up the resolution (H. Res. 839) tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HALL. Mr. Speaker, reserving the right to object, may we have some explanation before this unanimous-consent request is granted, as to what the resolution contains and what the urgent purpose is warranting a violation of the House's reorganization rules?

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman.

Mr. THOMPSON of New Jersey. This is a funding resolution for the Committee on Merchant Marine and Fisheries which was referred to the Committee on House Administration and to the Subcommittee on Accounts last February. It has been held up. The committee is without funds to meet its payroll. It is the routine funding resolution. I am simply asking unanimous consent that I may bring it up tomorrow because I have three other privileged resolutions which have been printed in the RECORD heretofore.

Mr. HALL. I understand Mr. Speaker, that it is privileged but I also deduce it is not a great emergency if your subcommittee has had it since February—wherein lies the exigency or reason for a violation of the rule of having a printed bill in the hands of Members 3 days before it is considered?

Is there some extra emergency about it that we do not understand, in view of the gentleman's statement?

Mr. THOMPSON of New Jersey. No, I may say to my friend, the gentleman from Missouri, obviously I am trying to violate the rule since I am asking unanimous consent to bring it up.

The chairman of the committee, the gentleman from Maryland, informs me that the committee is without funds because of delays, with which to meet his payroll.

Mr. HALL. Mr. Speaker, that is well and good, and I am sympathetic with the gentleman and his payroll situation. But I still fail to understand why, if this committee that does such a beautiful job of dissecting, paring, and amputating, and reducing the drain on the taxpayers' money regularly, and has had it in surgery since February—that it now becomes an emergency requiring a waiver of the rule.

Mr. THOMPSON of New Jersey. I might say to my friend from Missouri this was done out of consideration for members of the Committee on House Administration, who asked that the matter be delayed at this point.

Mr. HALL. Mr. Speaker, in order to expedite the matter—I do not mean to prolong the agony in any manner or means—has there been a reduction in the original asking in keeping with the practice of the Committee on House Administration and the Subcommittee on Budget?

Mr. THOMPSON of New Jersey. Yes, there is a committee amendment, I might say to the gentleman, and if I do get consent, I will be delighted tomorrow to yield to answer questions about it, reducing the amount by $50,000.

Mr. HALL. I say to the gentleman that after a Member gives unanimous consent, there is very little point in yielding then. The whole purpose in withholding consent is to see the privileged resolution.

Mr. Speaker, I do not want to prolong this and my friend has given me at least indirect assurance, so I will withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. GOLDWATER. Mr. Speaker, on rollcall No. 192 I was unavoidably detained. If I had been present, I would have voted "yea." I ask that the RECORD so indicate.

ATOMIC ENERGY COMMISSION AUTHORIZATION, 1973

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1007 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1007

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14990) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 14990, it shall be in order to take from the Speaker's table the bill S. 3607 and to consider the said Senate bill in the House.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1007 provides an open rule with 1 hour of general debate for consideration of H.R. 14990, the fiscal year 1973 authorization for the Atomic Energy Commission. The bill shall be read for amendment by titles instead of by sections and, after passage of H.R. 14990, it shall be in order to take from the Speaker's table S. 3607 and consider the same in the House.

The purpose of H.R. 14990 is to authorize appropriations for the Atomic Energy Commission for fiscal year 1973 in the amount of $2,602,975,000—$2,109,980,000 for operating expenses and $492,995,000 for plant and capital equipment.

Approximately 51 percent of the estimated program costs—$1,410,338,000—is attributable to the military applications, which include primarily the nuclear weapons and naval propulsion reactors programs. Of this amount, $1,238,581,000 are for operating costs and $171,757,000 are for plant and capital equipment.

The estimated costs for civilian applications of atomic energy are about 49 percent—$1,358,962,000. Of this amount, $1,137,519,000 are for operating costs and $221,443,000 are for plant and capital equipment.

Most of the funds authorized to continue the programs presently in existence. There are some new construction projects for which $222,025,000 are recommended, which amount is $77,725,000 less than the AEC's request.

Title II of the bill is a new program to provide for a Federal-State effort for a program of remedial action to limit radiation exposure resulting from the use of uranium tailings in construction material. Tailings are the residue or clinkers remaining after smelting metal or burning fuel. The tailings at issue resulted from production of uranium concentrate by private producers under contract with the Government to provide materials deemed essential to our security and defense.

Generally there is very little danger of radiation exposure from the tailing. However, in the area of Grand Junction, Colo., the tailings were used in conjunction with other materials for foundations of homes in one or more housing developments. There was excessive radiation in some instances and families had to be removed until the situation is remedied by removal of tailings, application of sealants, or addition of external or internal ventilation facilities, or by some other means.

The AEC is authorized to enter into an arrangement with the State of Colorado to provide not more than 75 percent of the costs of a program of remedial action to correct the problem. There would be no liability on the part of the Federal Government; $5 million is authorized for implementation of title II.

Title III of the bill authorizes the Commission to charge Federal agencies fees for the licensing nuclear power reactors. Anticipated revenues from the issuance of construction permits and operating licenses are $900,000 in fiscal year 1973 and $1.14 million in fiscal 1974.

Mr. Speaker, I urge the adoption of H.R. 1007 in order that H.R. 14990 may be considered.

I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule making in order H.R. 14990 which authorizes $2.6 billion for the Atomic Energy Commission in fiscal year 1973. Of this amount, $2.1 billion is for operating expenses, and $493 million is for plant and capital equipment. The overall figure our committee is requesting is approximately 4.5 percent less than the administration's request.

Approximately 51 percent of this authorization or $1.4 billion is for military applications, that is, nuclear weapons and naval propulsion programs and nuclear materials; and the remaining 49 percent or $1.3 billion is for civilian applications of atomic energy.

The major items by cost authorized in this bill include $447 million for the nuclear materials program; $877.7 million for the weapons program; $481 million for reactor development; $281.8 million for the physical research program; $93.8 million for the biology and medicine program; and $120.1 million for program direction and administration.

Mr. Speaker, after 10 days of public hearings and 3 days of executive hearings, our committee reported out a clean bill by a unanimous vote of those present. The initial request received our most careful scrutiny and we cut where we felt necessary and added where we felt it important. I think this is a good bill and a sound bill and I urge my colleagues to join me in voting for it without amendment.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14990) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14990, with Mr. UDALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 30 minutes, and the gentleman from California (Mr. HOSMER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois, (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I yield myself such time as I may consume.

This fiscal year 1973 authorization bill is the result of a searching examination of the AEC's budget request by the committee through 10 public hearing sessions and three executive hearing sessions. The bill was reported without dissent by the joint committee to both Houses and last Thursday, May 25, the Senate passed the companion bill S. 3607 by a vote of 71 to 0.

This bill would authorize appropriations to the AEC for fiscal year 1973 totaling $2,602,975,000 for both "operating expenses" and "plant and capital equipment." This is approximately 4.5 percent less than the amount requested by the AEC. The authorization is about equally divided between civilian and military programs. The committee has been advised by the AEC and the Department of Defense that the recently proposed SALT agreements relative to nuclear weapons will have no impact on the funding level required for fiscal year 1973. I shall provide a copy of the AEC and the Department of Defense letters for the RECORD at the appropriate time. Included within the total budget is $126,400,000 for the Nation's high-energy physics program. The AEC is the principal funding agent for this activity for this program alone represents almost 5 percent of the recommended AEC budget.

Turning to the provisions of the bill itself, section 101(a) would authorize $2,109,980,000 for operating expenses. Sections 101(b) and 105 would provide a total of $492,995,000 for plant and capital equipment including new construction projects, additions to previously authorized projects, and plant and capital equipment not related to construction. Tables indicating the various programs and the construction projects are set forth at pages 3 and 35 of the committee report accompanying the bill. These tables reflect the recommendations of the joint committee in relation to the amounts requested and the changes recommended by the committee reflect its judgment concerning the funding necessary to achieve the Commission's high priority goals.

Let me turn now to some of the more significant items in the bill.

URANIUM ENRICHMENT

The largest single addition recommended by the committee relates to the operation of the three gaseous diffusion plants owned and operated by the AEC. These plants represent the sole source of enriched uranium necessary to manufacture fuel for nuclear reactors as well as to supply the materials required for our nuclear weapons program. The committee has recommended the addition of $15.5 million to be applied to the operation of these facilities. Of that amount, $15 million will be for the acquisition of electric power as part of the program to restore these facilities to their full rated capacity. The AEC, in its budget request, proposed to not exercise all of its contract rights to acquire electric power for these plants. Included in the budget request was $11.2 million which must be paid by way of penalties for not acquiring some 523 megawatts of power. For that money, the Commission would receive absolutely nothing. With the addition of the recommended $15 million, together with the amount which would have to be paid as penalties, this 523 megawatts can be acquired and will provide additional separative work capacity at an incremental cost of $8 per unit. This separative work has a market value of $32 per unit, so the economic validity of the committee's recommended addition should be abundantly clear.

The other one-half million dollars which the committee recommends be added will be employed to assure the proper maintenance of these facilities—maintenance which the AEC proposes to defer. When we are considering one-of-a-kind facilities which are our sole source of supply, the committee considers the deferral of maintenance activity, particularly at such a slight saving, to represent the assumption of an unwarranted risk. These plants cost the taxpayers $2.3 billion. Their on-line value in relation to the national defense and the nuclear power industry is incalculable. I believe the validity of this recommendation also is self-evident.

REACTOR DEVELOPMENT

The committee has recommended the addition of $6.5 million to the budget for civilian power related reactor programs. Of this amount, $3.5 million is for increased research in the area of nuclear reactor safety. The committee also has recommended the addition of $1 million to permit increased effort relative to the gas cooled fast breeder reactor—GCFR—and the addition of $2 million for the thorium utilization program which is deemed necessary to develop the technology to permit recycling of high-temperature gas-cooled reactor fuel. In the last 9 months, six of these reactors have been ordered by utility companies and it is apparent that this class of reactor is now a viable alternative to light water reactors. Development of the necessary fuel technology will help assure realization of the full potential of that class of reactors.

The committee has also recommended the addition of $7 million for the space nuclear propulsion program. As my colleagues know, the administration has terminated the NERVA program to develop a flight rated nuclear powered rocket engine. The additional money recommended by the committee would permit a maximum utilization in the new program for longer range space nuclear propulsion applications of the technology and data developed during the NERVA program. It would seem to be a wise investment to insure against the loss of that valuable information.

PLOWSHARE

The other major addition to operating funds recommended by the committee is $3.7 million for the civilian applications of nuclear explosives program—Plowshare. These funds would permit a second test of a hardened, low-radioactive nuclear engineering explosive designed to permit sequential firing of these devices. It is the committee's view that the second test is necessary in the coming year to maintain the proposed schedule for the first experiment employing that technology—Wagon Wheel—which is currently scheduled for fiscal year 1974. Sequential detonation will permit the fracturing of considerably larger depths of natural gas-bearing rock with a substantially reduced seismic effect. The experiments in releasing otherwise unavailable natural gas by employing nuclear explosives have demonstrated this technology to be effective. Currently it is estimated that the amount of natural gas recoverable in this manner could more than double this country's supply and I need not belabor the current situation of high demand and low availability of this cleanest of all fossile fuels.

CONTROLLED THERMONUCLEAR FUSION

Although the committee has recommended no change in the AEC request for funding of the controlled thermonuclear fusion program, I should like to point out to my colleagues the level of effort to be employed in this field during fiscal year 1973. The AEC has requested and the committee has recommended the authorization of $38 million in operating funds for this program. This compares to the $31 million authorized last year. Moreover, there are two construction projects recommended which would establish new laser fusion laboratories at Los Alamos, N. Mex., and Livermore, Calif., at a total of $12 million. When you add in the equipment and general plant projects, the fiscal year 1973 budget approaches $80 million for fusion research and there is a considerable private investment in this research as well. I believe this adequately reflects the great promise of this technology as does the fact the AEC has established a new division solely for fusion research.

I must caution, however, that the application of this technology is not just around the corner. Hopefully, we shall see the accomplishment of proving its technical feasibility within this decade, but all of the information presented to the committee during the comprehensive hearings last November indicates that we are not likely, even at best, to see commercial application of fusion technology to generate electric power before the turn of the century.

CAPITAL EQUIPMENT AND CONSTRUCTION

The committee made its major reductions in the AEC request in the area of construction projects and capital equipment not related to construction. Here the committee has recommended a total of $163,425,000 less than the amount requested by the AEC. The major reductions were $69 million from the prototype nuclear propulsion plant for the new Trident—ULMS—submarine; $5.8 million from a proposed addition to the AEC headquarters building in Germantown, Md., limiting that project to A. & E. only; $12 million from the bedrock waste storage project in South Carolina requiring the development of further data; and $70 million from two projects which comprise the cascade improvement program for the gaseous diffusion plants. The last does not imply in any way a lessening of the committee's sense of urgency to proceed with the cascade improvement program but rather limits the authorization to the amount of appropriations which can be effectively employed during fiscal year 1973.

TITLE II

Title II of the bill authorizes the AEC to enter into a cooperative arrangement with the State of Colorado to provide up to $5 million in financial assistance to the State of Colorado for its program to limit radiation exposure resulting from the use of uranium mill tailings as construction material in the area of Grand Junction, Colo. My distinguished colleague from Colorado (Mr. ASPINALL) will have more to say on this topic.

TITLE III

Title III of the bill would permit the AEC to charge licensing fees to other Federal agencies which obtain licenses for nuclear power reactors. At the present time, this relates only to the Tennessee Valley Authority, but that agency is embarked on a rather extensive nuclear power program. Since the general concept of Federal licensing activity is governed by the philosophy of full recovery by the licensing agency of the costs associated with issuing such licenses, it is considered appropriate that the AEC be reimbursed by the TVA for the costs associated with issuing licenses for TVA nuclear powerplants.

Mr. Chairman, this is a sound, carefully considered bill which provides for an important program. The bill has the unanimous support of the committee and I urge its favorable consideration by my colleagues.

Mr. Chairman, at this point I include the letters which I previously referred to:

ATOMIC ENERGY COMMISSION,
Washington, D.C., May 31, 1972.

Hon. MELVIN PRICE,
Vice Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. PRICE: This is in response to the Committee's May 30 inquiry regarding the impact of the proposed SALT agreement on the AEC budget.

The proposed SALT agreement in no way affects U.S. plans for the strategic offensive forces. Therefore, it would have no impact on the planned production rate for strategic offensive weapons. Similarly, the agreement does not deal with general purpose forces and would thus not affect programs for production of tactical nuclear weapons.

The SALT agreement was achieved as a result of the strong military posture of the U.S. It will remain viable only through continued strength. In this regard the Administration has indicated the importance of vigorously pursuing the Trident program, the reactor component of which is contained in the AEC budget request. More generally, the SALT agreement in no way affects research and development save for certain categories of strategic defensive weapons. Consequently, the agreement should have no effect on our research and development activities.

To summarize, the agreement would not require any changes in the FY 1973 budget now before the Congress. The complete impact of the proposed SALT agreement on the FY 1974 and beyond cannot now be ascertained without considerable further analysis.

Sincerely,
JAMES R. SCHLESINGER.

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., May 31, 1972.

Hon. MELVIN PRICE,
Vice Chairman, Joint Committee on Atomic Energy, Congress of the United States, Washington, D.C.

DEAR MR. PRICE: In response to your letter of May 30 to Mr. Laird, my staff has already contacted Dr. Schlesinger's people concerning Defense support in responding to Mr. Bauser's query concerning the effects on AEC weapons-related programs caused by the recent strategic arms limitation agreements.

You also asked about the effects of the SALT agreements on the Trident Program. I am enclosing a copy of Secretary Laird's remarks at Andrews Air Force Base on May 26, 1972, which speak for themselves regarding the Trident Program for FY 1973. Secretary Laird will be testifying further before the Congress on June 6 on our strategic programs as related to the SALT agreements.

Sincerely,
CARL WALSKE,
Assistant to the Secretary of Defense (Atomic Energy).

Enclosure.

SECRETARY OF DEFENSE MELVIN R. LAIRD INTERVIEWED BY NEWSMEN ON ARRIVAL FROM NATO MEETINGS, ANDREWS AFB, MAY 26, 1972

Secretary LAIRD. Ladies and gentlemen, this has been a week in which President Nixon's strategy for peace has achieved momentous advantages in various parts of the world. The key elements of the strategy—strength, partnership, and a willingness to negotiate—indeed have global applications. If we have the determination to stick with these principles, which have proved successful, there is in my view a good chance of achieving and maintaining peace, and this of course is the objective of the Nixon Doctrine.

The agreement on the Strategic Arms limitation announced earlier today by the White House will enhance the national security of the United States. All Americans can be proud of President Nixon's major achievements as a world leader for peace in moving steadily from confrontation and towards more meaningful negotiations and success in these negotiations.

The ABM treaty and the interim agreement on strategic offensive forces represent major first steps in limiting strategic arms competition between the Soviet Union and the United States. These first steps were made possible only by the United States' determination to negotiate from a position of strength. The SALT agreements are clearly a capstone of President Nixon's journey for peace to Moscow. The agreement places the United States in a strong strategic position; they enhance our security by putting the brakes on the momentum of the Soviet strategic development, a momentum which I talked about as a Member of Congress, and which I have continually stressed in my Defense Reports as Secretary of Defense to the Congress these past 3½ years.

Indeed, they were only possible because of U.S. strength. The agreements provide a basis for continuing negotiations and both sides are pledged to do this. However, ladies and gentlemen, we still need to keep up our guard and there should be no mistake, we shall do so.

The agreements which have been announced in the Soviet Union and the finalization of that announcement will be made, in addition to the announcement which was made at the White House, in a few hours in the Soviet Union.

I am confident that the Congress will give the President its full support and in so doing will assure that adequate funds are provided for the modernization and improvement of our strategic forces here in the United States. This will require an acceleration of the Trident, formerly called the ULMS, submarine program. As you know, this program, the first of these submarines would not become available under the present program we have before the Congress until the latter part of 1978.

Today, I returned from very important meetings that had far reaching effect as far as the security of Western Europe is concerned. These meetings took place in Denmark, Copenhagen, and in Belgium at Brussels. I had a series of unofficial meetings with the Defense Ministers, including a very rewarding conversation yesterday with Minister deKoster in the Netherlands. I have found increased understanding and support for the President's strategy of realistic deterrence and the total force concept.

The communique of the NATO Defense Ministers reflects the endorsement of these strategic concepts, not only the strategic concept as far as our security planning and realistic deterrence, but also the application of total force planning to the allies of the NATO nations and this is reflected very dramatically in the communique which was issued at the close of the Defense Planning Committee.

I was pleased that additional interest has been given to the European Defense Improvement Program, which as you know is funded completely by the European allies. I believe that our Congress will be impressed with the tangible evidence of improved burden-sharing, and the application of the total force concept in the security planning councils of NATO. The decision of the Defense Planning Committee to give the "green light" to Operation Strong Express is a dramatic application of the total force approach in this large military operation in which some 60,000 military personnel of 11 NATO nations are scheduled to participate. It will be an amphibious operation, as well as a sea operation. The operation will start this September.

I am hopeful that as far as the United States participation in this the largest of the NATO exercises ever conducted, that we will be using Reserve and Guard elements in line with the policy that we have adopted here in the United States of giving increased responsibilities to these forces as we apply the total force concept wthin the military forces here in the United States. The total force planning requires that we and our allies abandon the parochial views of the past and that we make certain that we use the available resources which we have for national security to the maximum effectiveness possible, and that's what these meetings were all about.

We just can't afford to keep doing our defense business in the old and narrower viewed ways of the past. What we set out to do at the start of the Nixon Administration, we are doing, and this will continue in the President's second term in office, and that is, and I repeat, to carry out the national security program in which military strength and partnership makes possible successful negotiations.

During my NATO meetings I also had the opportunity to brief my fellow Defense Ministers on an official and on a private basis on the situation and the latest developments in Southeast Asia. These Defense Ministers of the other NATO nations listened intently as I stressed the fact that the American people would never abandon an ally confronted with aggression anywhere in the world. In these discussions on Southeast Asia I emphasized that the ultimate decision in Vietnam, with 11 U.S. ground combat divisions returned home under our Vietnamization program, would depend on the will and the desire and the fighting spirit of the forces of the South Vietnamese. We will support them with air and naval assets, but when all is said and done, with the departure of these 11 divisions that had the ground combat responsibility in Southeast Asia during these past two years, when all is said and done, the outcome will depend upon the continuing resistance which is presently being carried out very effectively and adequately by the South Vietnamese, fighting on the ground. That was precisely what the Vietnamization program was all about.

So let me say in summary that the President's strategy for peace is working. In Moscow, negotiations of unprecedented significance have taken place to limit strategic arms, on Incidents in the Sea, on space, trade and in other areas. In NATO there is a new commitment to the principles of realistic deterrence and total force planning, a commitment that has been backed by deeds of the NATO allies. In Southeast Asia, the planned spectaculars which I talked about shortly after my trip to Southeast Asia, the latter part of last year, these planned spectaculars by the enemy and the massive invasion in MR I across the DMZ in violation of the '54 Accords and '68 Understanding, these spectaculars in MRs I, II and III have been blunted. The spectacular was a success in the early stages in capturing one provincial capital of the 44 provincial capitals in South Vietnam. The enemy is paying a tremendous price for these spectaculars. They're paying a tremendous price for the stubborn refusal of the North Vietnamese to begin meaningful negotiations on President Nixon's proposal to an internationally-supervised ceasefire, for release of our prisoners of war and the accounting for those that have been missing in action. The North Vietnamese continue to disregard this the most important and far reaching peace proposal ever made by any nation in the world.

Ladies and gentlemen, let us all hope that this week of May of 1972 will mark the beginning of a stepped up pace for the attainment of world peace. I'll be glad to respond to any questions that you may have.

Q. Mr. Laird, since the SALT agreement apparently freezes the current military balance of the two super powers, doesn't this freeze the Soviet superiority in strategic offensive weapons and also in the ballistic missile defenses?

A. I am not going to get into the specifics of the agreement. They will be announced in Moscow in about three hours. I can only say that the momentum, which I have discussed at some length in appearances before the Congress as Secretary of Defense and as a Member of the Defense Appropriations Committee beginning in 1965, will be slowed by the agreement which will be announced in detail in about three hours in Moscow.

Q. Mr. Secretary, what did you mean when you said that we would have to accelerate some of our programs? Especially, what did you have in mind in regard to ULMS?

A. I am concerned about the actions that have taken place as far as the Congress is concerned, not only in the reductions in military assistance announced in the last 10 days, but the reports of further actions in the reduction of the Defense budget which are being reviewed by the various Committees of the Congress. These bills have not been reported to the floor as yet, but on the basis of information supplied to me when I was in Europe there have been reported some tentative cuts made in various program levels. I would warn against such actions on the part of the Congress at this time. I notified the Congress over five weeks ago that we were using emergency legislation to incur deficits as we build up our insurance reserve in Southeast Asia. We are on several accounts incurring deficits and operating on a deficiency basis because of the insurance reserve and the augmentations that have gone forward, particularly in the area of sea and air power and also in the replacement of certain items of equipment which have been lost during the combat activities in South Vietnam.

As far as the strategic budget is concerned, the actions which we will be outlining to the Congress and which I will be presenting to the Congress will make even more important the work which is being done on the underseas missile launched submarine system, the Trident system, during this particular five-year period. As you know, I outlined to the Congress the Soviets were constructing a ballistic-firing submarine, the so-called Y-class, at a rate of eight a year. In my interview with U.S. News and World Report, I pointed out earlier this year and also in various Congressional cross examinations by Members of Congress, I pointed out that the Soviet Union would have the capability, continuing its present construction program, to have in the area of some 90 of these submarines before the first of the so-called Trident series could be launched.

This was of great concern to me and this concern continues to be a concern for national security planning and for the safety of our peoplle because the 41 (ship) ballistic missile submarine program which the United States has, was approved in 1958. There has been no change in that program since 1958. There are submarines that need to be replaced and should the agreement not go forward after a period of some five years, it's absolutely essential to the security and safety of this country that we have such a capacity to construct these programs and to go forward with their construction. As Secretary of Defense, I will do everything that I possibly can to see that this capability does move forward as far as the United States is concerned. It is absolutely essential as far as the period after 1978 and during the periods of the 1980s, if we are to protect our freedom, our safety, and to preserve and maintain peace.

Q. So you're talking about speeding up the Trident submarine program? How many do you want to build, Mr. Secretary, and when do you want the first one?

A. The Trident program which we presently have before the Congress and which is being considered by the various Committees at the present time is a 10-boat program. We will do everything that we can to see that this 10-boat program is approved, goes forward in the amount that has been recommended by the President and are contained in the Defense budget for Fiscal Year 1973.

Q. Is that a speedup in Trident or do you simply want to do what you've already proposed?

A. There is a speedup provided in the legislation which we have. I understand there are some Members of the Senate who feel that the speedup should be even accelerated at a faster rate than we have in our bill. It is possible to perhaps accelerate it by 12 months, but we feel that we have picked the best program and that would be that the first of the Trident submarines would be available in 1978. That is the program that has the approval of the President; that is the program that is included in the Defense budget before Congress. Prior to that time, the program's completion date, under the old schedule would have been late in 1979 or early 1980. We do not believe that we have that kind of time for planning and that that program cannot be delayed. We are going to support the program as submitted in the 1973 budget, and I will be doing everything that I can to assure the approval of that program.

Q. Sir, to what extent does the five-year agreement permit you to replace Polaris submarines with Tridents?

A. I'm not going to get into the specifics of that arrangement, but I would only say that, of course, modernization would be permitted. Of course, as you know the first 10 of the 41 Polaris-type were approved in 1958; the 41-boat program was approved in 1958; the last 31 are different types than the first 10. The last 31 can be converted to Poseidons; the first 10 cannot.

Q. What about hard site? What does this do to hard site?

A. The hard site program, we will continue to move forward on our research and development, and that is a research and development program. The hard site program in research and development as submitted to the Congress will move forward.

Q. Mr. Secretary, when you talk about keeping our guard up, do you mean we're going to have a missile race for quality now rather than quantity?

A. It's essential, I think, when you view the numbers that are involved in the agreement that the United States maintain a technological superior position. This is important in order for us to have a parity with the Soviet Union. Our program is not based upon the quantitative aspects in the strategic area. Our program is based and equated and equalized on the qualitative aspects and that's very important to bear in mind when considering the full ramifications of the agreement which will be announced in a few hours.

Q. You implied that you'll go to Congress now with some new and rather dramatic proposals. In other words—

A. I certainly will if the reports that I got that there were some individuals in the Congress feeling that somehow or other now we could have tremendous reductions as far as the B–1 program, tremendous reductions as far as submarine construction. That just cannot be. That would be the worst result of these important agreements. If we are going to be successful in obtaining the goal of the President, we must maintain during this important period of negotiations in the offensive area, a strong United States position. We will not be successful in the follow-on negotiations if the United States were to take a different position today. These follow-on negotiations are important. Now, there will be some changes we can make as a result of the SALT agreements to be announced in the defensive area, but as far as the offensive area there is a necessity for us to remain in a strong position as these follow-on negotiations go forward.

Q. What happens to the B–1 bomber, by the way?

A. We are supporting that program fully at the budget request that has been submitted to the Congress.

Q. We are not going to save a lot of money as a result of this agreement, is that what you're saying, Mr. Secretary?

A. I do not want to imply that there won't be some savings, because there will be some savings as far as moving away from the 12-site ABM program, so there will be some overall savings in that area. There will be no savings as far as the offensive request for offensive strategic weapons which have been presented to the Congress in the '73 budget.

Q. What about the ABM around Washington?

A. I'm not going to get into that discussion. I'll come down and visit with you some time soon regarding the full implications of the agreement. The agreement will be announced and I think it will speak for itself, and that will be within the next two or three hours.

Press: Thank you very much.

Mr. HOSMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to associate myself with the remarks of the able vice chairman of the Joint Committee on Atomic Energy, in his excellent summary of the principal features of H.R. 14990, and I am pleased to join him in urging the passage of the bill.

As indicated, it was a very carefully examined document. It took the testimony of some 45 witnesses over a period of several months. Many of our witnesses were Ph. D. types from the laboratories and other parts of the Government, who could give us the benefit of their expert knowledge of the area of priorities in connection with the Nation's nuclear program.

I should like to point out something very significant which is not too often realized by the Members with respect to the funds which are appropriated annually to the Atomic Energy Commission.

Roughly, of the $2.5 billion sought approximately $500 million will be used for capital improvements of one kind or another in the very large nuclear establishment operated by the U.S. Government. Two billion dollars of the funds will be used for operating moneys.

I should like to point to a negative item in this budget, a credit against the funds to be appropriated, for moneys received by the Atomic Energy Commission over the year. That credit amounts to $328 million in the form of so-called revenues applied.

What in the world could the U.S. Government be doing to obtain that magnitude of income from somebody, somewhere? Well, let me say that the major portion of this $328 million comes from a U.S. Government, socialized, federally operated business.

Now, a lot of people may seem shocked that such things would be going on in this Nation of free enterprise, but ever since the inception of the nuclear program it has been necessary for the U.S. Government to operate a business, to wit, the business of enriching uranium.

First we had to do this so that we could get the fuel or the ingredients we needed for nuclear weapons, and we sized the plants for this purpose, which cost us over $2 billion, so that they could take care of the entire requirements of the military of the United States for enriched uranium for use in nuclear bombs. That was back in the late 1940's.

Then along came the invention of the hydrogen bomb in the early 1950's, and this tremendous productive capacity for the enrichment of uranium was indeed no longer necessary.

But at this very same time, and particularly in the year 1954, we started to turn from the military atom to the peaceful atom, and it turned out that this enriched uranium was the very fuel that is needed to carry on the Nation's nuclear power peaceful program for the production of electricity.

As the years go on we as a Nation are going to have to work out, possibly, some better means than the U.S. Government operation of this enrichment complex in order to supply this product.

However, that can be done, and it will probably have to be done simply because we as a nation probably will not want to put up the money necessary to increase the capacity for enrichment that will be required as our nuclear industry grows and grows and grows.

I hope that this gives you a feel for some of the variety of the activities that are carried on by this program. I hope you will join us in approving the words and figures of the report which have been carefully chosen to describe the nature of the activities and the priorities. I heartily recommend the passage of H.R. 14990.

Mr. FINDLEY. Will the gentleman yield?

Mr. HOSMER. I am glad to yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding.

I ask for this privilege in order to inquire as to the relationship of the authorization request with the request of the executive branch as set forth in the budget earlier this year. Can the gentleman tell us how the dollars involved in the authorization compare with the request made by the executive branch?

Mr. HOSMER. As indicated a moment ago by the gentleman from Illinois, there is about a 4.5-percent cut below the various budget requests that were received. We received requests in this particular instance in two or three increments, and we finally had to consolidate them.

Mr. FINDLEY. If the gentleman will yield further; to be more precise, can the gentleman tell us how the figure in this authorization compares with the initial budget request as set forth in the budget message of the President in January?

Mr. HOSMER. The gentleman from Illinois has those figures at his fingertips, and I will yield to him for the purpose of answering the question.

Mr. ANDERSON of Illinois. If the gentleman from Illinois (Mr. FINDLEY) will look at page 4 of the committee report, I think he will find as a result of the committee recommendations there is a net reduction of $121,875,000 from the original budget request of the AEC, which was $2,724,850,000.

Mr. FINDLEY. I want to congratulate the committee. I think this is probably the most favorable relationship to the budget request that any committee reported, whether it is an authorizing or an appropriating committee. I hope that the work of this committee will be a standard that others will try to follow.

Mr. HOSMER. We are very pleased with the gentleman's remarks.

Mr. Chairman, I wish to commend the distinguished vice chairman of the Joint Committee on Atomic Energy on his excellent summary of the principal features of H.R. 14990, and I am pleased to join him in urging passage of this bill.

This measure is the result of exhaustive review by the Joint Committee. We heard testimony from the AEC Chairman and key officials, representatives of the national laboratories, and members of the public on certain programs. The committee deliberated with great care in full recogntion of the very substantial amount of public funds involved and it is our considered opinion that this bill provides for a necessary and, in reality, a rather austere program.

A major portion of the funding involved for the civilian portion of this program will be applied to assist this country in meeting the enormous demand for electric power which now faces us. Fully one-half of the total budget will be applied to insure the national security. Without the application of sufficient financial resources to each of these fundamental needs of our Nation, as we know it, will cease to exist.

The distinguished gentleman from Illinois (Mr. PRICE) has very ably stressed the most significant factors of the bill. I should like to apply what I think is an appropriate characterization of this bill:

It is an energy bill. If my colleagues will address themselves to the table on page 3 of the committee report, you will quickly note that almost $450 million is provided for nuclear materials, a major portion of which is devoted to the production of nuclear fuel to generate electric power. Part of that is also for the production of materials for our nuclear weapons. The reactor development program would be funded at a level of over $480 million. Defense related efforts will consume another $875 million. These three general areas alone provide this country with the energy needed to insure our survival, to keep our industries humming and our economy strong, and to provide a portion of the electricity for use in our homes and businesses. We have all come to take this energy for granted but never forget that it is fundamental to the standard of living which has come to be known as the American way.

Other, significantly lesser amounts, will be devoted to the development of technology which will enable us to keep pace with the future demands for energy. Here I speak of the physical research program for which the AEC provides essentially all Federal funding. Here also is funding for the Plowshare program which has at its fingertips the capacity to more than double this Nation's available natural gas, the most environmentally desirable fossil fuel.

I shall not impose upon my colleagues further by reiterating the extensive details contained in the committee's report. I shall be happy to respond to any questions. This is a sound measure, a carefully considered measure, and your support of this bill will be support for the most comprehensive and most effective energy program now being conducted by the Federal Government. The bill has the unanimous support of the committee and the identical measure has already been passed by the other body. Mr. Chairman, I commend this measure to my colleagues and urge passage of this bill.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman, title II of the bill provides authority to the Atomic Energy Commission to provide financial assistance to the State of Colorado to undertake a program of assessment and necessary remedial action relative to limiting further exposure of the people in the area of Grand Junction to radiation resulting from the use of uranium mill tailings as a construction material. Title II is patterned after the Texas City Disaster Relief Act of 1955 in that it recognizes the compassionate responsibility of the Federal Government in the absence of any apparent legal liability. While it is clear that the situation existing in Colorado is by no means in the nature of a disaster, there does exist a potential health hazard for which there is no apparent remedy other than an expenditure of Federal and State moneys to aid the people affected. The mill tailings involved were generated through the production of uranium concentrate which was needed by the Federal Government in order to provide for the national security and it is only reasonable and appropriate that the Federal Government share, to a significant degree, the costs involved in remedying the resultant situation.

The bill authorizes the AEC to provide up to 75 percent of the cost of the program with the Federal share not to exceed $5 million. The program is to be administered by the State of Colorado which will itself or by its contractors perform the necessary action whether it be removal of tailings, application of sealants, installation of internal or external ventilation or some other appropriate measure. The State will see that the work is paid for and will have continuing responsibility for any tailings removed as part of this program.

The determination of what is the appropriate action is specifically the responsibility of the AEC. In reaching that determination, the Commission is to apply standards promulgated by the Surgeon General of the United States. The Commission also is empowered to issue such rules and regulations as may be necessary for it to carry out the authority granted by the bill. Upon the completion of any remedial action taken or waiver thereof, the United States is to be released from any liability related to the use of mill tailings, whatever that liability may be, and further the United States is to be held harmless against any claim which may arise out of any performance of remedial action by the State or its contractors.

A law has been enacted by the State of Colorado to provide one-half of the State share of funding for this program. I am confident that the State will meet its obligations and provide the appropriate resources in both money and manpower to assure the satisfactory completion of this program.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Chairman, I too rise in support of this legislation. I think that it is a thoroughly excellent bill that, in addition to representing reductions as has already been pointed out in the original administration's budget request, the other items of this bill have been given careful consideration.

I would also certainly pay tribute to both the gentleman from Illinois (Mr. Price) the chairman, and the distinguished vice chairman and the ranking Republican member, the gentleman from California (Mr. Hosmer) for their enormous contributions during the time that this bill was being worked on in committee.

Mr. Chairman, last year, in its action on the AEC authorizing legislation, the Congress amended sections 31 and 33 of the Atomic Energy Act to provide authority to the Commission to engage in nonnuclear energy related research. This is in consonance with the importance attached to finding improved techniques for use of energy resources and energy converters, and the reduction of environmental impact in connection with energy applications as emphasized by the President in his June 4, 1971, energy message to the Congress. It also recognizes that the Commission's national laboratories represent an unsurpassed national asset in terms of scientific talent which should be utilized in finding solutions to energy problems outside as well as within the nuclear field.

This year's budget request of $3 million is to be applied in research on dry cooling towers, lithium-sulfide batteries, and underground transmission lines. These are important projects directly related to prospects of improving techniques for more efficient use of our electrical generating facilities and lessening their impact on our environment.

This is an appropriate funding level for this first year of nonnuclear technology effort. It has special significance, however, in that it brings to bear the talents and expertise of our AEC National Laboratories in solving energy research problems which are nonnuclear in nature.

The Argonne National Laboratory, located in Illinois, is one of the AEC laboratories—it has throughout its existence made significant contributions in the fields of nuclear physics, nuclear chemistry, engineering and high-energy physics. I anticipate with special pride the contributions which Argonne can be depended upon to make in this important new undertaking—nonnuclear technology research.

I would also like to describe briefly for my colleagues the status of the high-energy physics research program in the United States.

The Subcommittee on Research, Development, and Radiation, of the Joint Committee on Atomic Energy, conducted hearings on February 29 and March 1, 1972, to examine how the high-energy physics program of the United States was progressing under the stewardship of the AEC. In general, I conclude that the U.S. program is going well. Our efforts have kept us well in the forefront of the high-energy physics research in the world. We now not only have facilities with the greatest intensity beams, we have the facility with the highest energy beam. At about 2 p.m. on the afternoon of March 1, 1972, the energy of the proton beam at the National Accelerator Laboratory—NAL—near Batavia, Ill., reached 200 billion electron volts, the design energy, although at something less than designed beam intensity. We have been told that because of advances made while the accelerator was under design and construction, it should be possible to get to 400 billion electron volts with few changes in the system. The major requirement will be the availability of increased power from the local utility. This indeed would be a remarkable achievement.

As my colleagues may recall, the NAL project was fully authorized by the Congress in fiscal year 1970 at a total estimated cost of $250 million. Of this total amount the Congress has appropriated about $192.4 million for design and construction work through fiscal year 1972. As of December 31, 1971, all work was on schedule and progressing well. The appropriation requested this year to bring the laboratory almost to completion is $42,850,000.

Some problems were encountered during the past year because of high moisture content in the underground 4-mile accelerator ring. I am pleased to announce that these difficulties have been overcome and repairs have been made to damaged magnets and other equipment within the scope of funding estimated for the complete accelerator laboratory. I consider that a "well done" is in order for the laboratory and AEC personnel responsible for bringing this truly major program along on schedule with a design better than the original specifications, all within the original cost estimates made several years ago.

I would like to conclude by stating that a joint United States-U.S.S.R. research program is now underway, the first research program at the new facility. Batavia, Ill., is becoming as internationally famous and as well known in scientific circles as CERN in Switzerland and Serpukhov in Russia. We of Illinois are proud of this achievement.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Dow).

Mr. DOW. Mr. Chairman, under the 5-minute rule, I plan to introduce an amendment to this authorization H.R. 14990 that will decrease the total appropriation in sec. 101(a), from $2,109,980,000 to $2,082,230,000. This will reduce the amount planned for in the committee report for a liquid metal fast breeder reactor by $65,750,000, which is half of the amount designated for that type of reactor. At the same time, my adjustment of the figure in the bill will double the amount provided in the report for controlled thermonuclear research. That is, by $38 million.

There are roughly three types of nuclear reactors that offer prospect for generating electrical power. The most common type is the light-water reactor such as the present nuclear powerplants which are operating, or are recently constructed to operate, for power generation in the United States today. This type of reactor is regarded as inefficient in its use of the uranium isotopes which provide the energy. It is also being seriously challenged on grounds of safety. The main fear is loss of coolant such that the cores of thermonuclear material may melt down and cause dangers in earth, water, and air, that are difficult to predict.

The second type of reactor that has a scientific standing for generation of power is the liquid metal fast breeder reactor. This reactor is barely at the laboratory stage; $131.5 million is proposed in the bill to provide a demonstration plant by 1980. The fast breeder system is far more efficient than the light water reactor, but is regarded as vastly more dangerous. Melting of the core could precipitate problems with the coolant even more than those we fear in the present generation of reactors. In this reactor, the uranium has been converted to plutonium which is one of the most dangerous substances known to man. Among the scientists who have issued warnings about the fast breeder are Nobel Prize winners such as Linus Pauling and Harold Urey, experts known for their pioneering in the atomic field. The purpose of my amendment is to heed these great men by cutting the outlay for the fast breeder in half. I would like to eliminate the entire authorization for this type of breeder, but I do not want to stand as an outright obstructionist who would bar all investigation of this particular endeavor.

The third type of power generation is the fusion process, often associated with the use of lasers, when it is sometimes called laser-fusion. This system is regarded as having infinitely more potential because it can use unlimited elements available in the sea, unlike uranium which is limited in supply. Moreover the fusion process is regarded as highly efficient and considerably safer than other processes. Yet this system will not be perfected for some years. My amendment would double the $38 million contained in the bill for the development of the controlled thermonuclear research leading to the fusion process.

In other words, my amendment simply says the liquid metal fast breeder is far too dangerous to implement and we must hasten the perfection of the fusion process. Let us halve the investment in the fast breeder and double the investment in the fusion process, which has such a vast potential.

Mr. PRICE of Illinois. Mr. Chairman, I have no further requests for time.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, I would like to bring my colleagues up to date on the current status of the AEC's nuclear waste management program.

In June 1971, the Commission created a Division of Waste Management and Transportation which has been assigned broad programmatic and fiscal responsibilities for the AEC's nuclear waste management programs. Included are the design, construction, and future operation of long-term storage facilities for those AEC-generated wastes now in temporary storage. Under study are plans to place the AEC-generated wastes from the reactor fuel reprocessing plants deep beneath the two major reactor product production facilities—Savannah River, S.C., and Hanford, Wash. Since 1963, at the National Reactor Testing Station in my State of Idaho, calcined waste has been stored in stainless steel bins inside concrete vaults just below the earth's surface. This may prove acceptable as long-term storage. Further studies are being made.

The new division also is responsible for the research, design, and future operation of the proposed Federal repositories for commercially generated high-level nuclear wastes. These wastes would be solidified at the commercial reprocessing facility and then shipped to a Federal repository for long-term storage.

The division will be responsible for the operation of solid waste burial facilities at AEC sites like the one at the National Reactor Testing Station. These sites generally handle materials contaminated by plutonium or other alpha emitting contaminants. Finally, the division will implement policies for the decontamination and decommissioning of AEC-sponsored facilities and will advise the Commission on transportation of radioactive materials.

My colleagues will recall that last year the AEC announced plans to build a prototype federally operated waste repository in a salt mine near Lyons, Kans. Subsequent to last year's debate on the AEC's authorization bill, data became available which indicated that the Lyons, Kans., site might not be the best location for a permanent waste repository. Reflecting this information, section 105 of the bill amends the fiscal year 1972 act by striking the words "Lyons, Kansas" and substituting therefor the words "site undetermined". Meanwhile, the Kansas Geological Survey conducted a study for the AEC and has identified other areas in Kansas which contain salt beds believed to be more suitable for a permanent repository. In addition, other geologic formations in various parts of the country are being examined and considered for repository use. Meanwhile, research is continuing at Lyons, Kans., and in laboratories on the characteristics of bedded salt and associated shale layers and their possible interaction with buried nuclear waste. Authorization by the Congress will be required before construction of any storage facility.

I would like to make it clear that the present method of holding AEC-generated high-level radioactive waste in double containment steel and concrete vessels at Savannah River and Hanford could suffice as a means of storage for considerable periods of time. Such wastes have now been stored for approximately 30 years in these containment systems. Furthermore, as announced by the AEC on May 18, the Commission is undertaking the design of engineered surface structures for storing solidified high-level waste. These will be so designed as to safely isolate wastes for centuries if necessary. Such containment systems, of course, would be suitable for the first commercially generated wastes to be delivered in 1979 or 1980. It is expected that initial construction funds will be requested for fiscal year 1975.

The committee report, at pages 11 and 12, contains the committee's comments on this program. The AEC fully recognizes the magnitude and complexity of the waste management issue and is following a course which carefully considers a variety of possible solutions. This is a prudent approach and the Commission's efforts are being carefully monitored by the committee.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Chairman, I rise in support of H.R. 14990.

Mr. Chairman, I have carefully read the provisions of the $2.6 billion Atomic Energy Commission authorization bill H.R. 14990, now before us for approval, and the Joint Committee's report on the measure.

I believe that I am correct in my interpretation that the bill does not authorize any funds for the installation or operation of an atomic waste depository in the State of Kansas, including Lyons. It is on that premise that I shall not oppose the measure.

It is incumbent on me, however, Mr. Chairman, to make it very clear to the AEC that the people of Kansas, its State officials from the Governor down, and its newspapers, remain unalterably opposed to any legislative or administrative legerdemain that might permit the AEC to do by indirection what it professes it will not do directly.

For example, the bill before us authorizes the AEC to carry out research on the disposal and handling of atomic waste but makes clear that such research shall not be restricted to Kansas, nor indeed to any particular site in Kansas or elsewhere. That is all to the good because up to very recently, Kansas was the chosen land, the new Jerusalem to which dangerous atomic wastes from all over the United States would be shipped for interment.

Many of my colleagues will recall, I am sure, that about this time last year when the AEC authorization was before us, I fought tooth-and-nail against the AEC's preposterous proposal that an abandoned salt mine near Lyons, Kans., be made the national atomic waste depository.

Our point then was that the AEC simply had not completed its research, did not know all the facts it should know before exposing mankind and the environment to the dangers of waste burial in salt.

As is normal for the AEC, it sought to run roughshod over the wishes and even the welfare of ordinary citizens. The arrogance for which it has become notorious, as is now cited by scientist after scientist who may differ with the AEC, was evident then and remains the concern of many Kansans who do not trust this governmental agency.

The AEC is currently engaged in drilling bore holes in salt beds in other parts of Kansas. Many people in Kansas continue to believe that the AEC will stubbornly persist in making our State a site for a waste depository. I can only assure the people of Kansas that the Joint Committee on Atomic Energy has drafted language which limits AEC operations in Kansas to research. The drilling of such boreholes is technically defined as research. Hopefully, sites "not in Kansas," to use the words of the committee, are being investigated. Hopefully, research, meaning boreholes and other more meaningful work of a geologic nature, will be undertaken in other parts of the United States.

Indeed, it is my fervent hope that the AEC eventually will select a waste burial site in a remote, unpopulated place that is acceptable to the international community of nuclear nations. It is for this reason I said a year ago, and repeat now, that I support funds for laboratory and field research, but for research that does not endanger the lives of a community, however small, nor harm the environment and its plant and animal life.

I pointed out earlier, Mr. Chairman, that newspaper editorials in our State oppose Kansas as a site for a nuclear waste dump. Indeed, carefully carried out polls show that three-fourths of the people of my district, and almost as large percentages of the people of the State, oppose the waste dump even if it could be proved absolutely safe.

I ask that two recent editorials from the Chanute Tribune and the El Dorado Times, which emphasize the distrust in which the AEC is held in Kansas, be printed at this place in my remarks.

The editorials follow:

Blackmail for Kansas

R. W. Clack of Kansas State University's Nuclear Engineering Department is dangling a $250 million bait in front of Kansans to lure them into easy acceptance of making our state a nuclear trash dump.

He points to the growth of nuclear power plants around the country, and suggests that a 10–20 per cent surcharge on bills from these utilities be tacked on, with the money going to Kansas. This would be our sop for taking the waste from nuclear reactors.

A cynical try, but one that probably won't get far.

For one thing, it is unlikely that Congress or the states could ever get together on providing a special tax to send to one state.

For another, and more important objection, the Atomic Energy Commission has so lost its credibility with many Kansans that even this form of blackmail payoff would hardly convince some that what the AEC is up to is safe.

As John Lear of Saturday Review pointed out in his analysis of nuclear waste disposal, the AEC has dented the public trust through its deceptions and half-measures that it may be impossible to find approval for present disposal schemes any place in the country.

The solution is for the scientists to come up with another disposal system, which does not involve storage. After all, the technicians got us into this mess, and they are the only ones who can get us out. Fortunately, such research is well underway—and it could be we need not worry about how to spend that $250 million.

AEC Won't Give Up

While Kansas people cannot praise the Atomic Energy Commission's plan to make Kansas the dumping ground for its nuclear waste, it must admire its persistence.

A dispatch announces that work on the commission's search for a suitable Kansas salt bed to utilize for the purpose started this week. Tests are being run in Lincoln and Wichita counties.

All this indifference to the mounting sentiment in Kansas to refuse to accept nuclear waste for burial anywhere within the state seems surprising. Does the AEC think Kansas has no mind of its own?

Governor Docking said again this week what he, and others have said before. "I repeatedly have recommended that the Commission look beyond Kansas and beyond the continental United States for sites" to dispose of such waste, said the governor. He added the suggestion that it discuss the feasibility of storing this waste in other substances than salt.

Ron Baxter, Topeka, president of the Kansas Sierra Club, declared the intention of his agency to urge the AEC to investigate the possibility of an international agreement on a world disposal site.

If the Atomic Energy Commission thinks it is going to ferret out a site in Kansas where it believes the waste may be stored, lull the residents of the area into acquiescence to the move by spending a few millions (as it did at Lyons) and somehow manage to get the project going despite disapproval of the state in general, it has another think coming. Too many dead game "antis" are watching it now.

Mr. HOSMER. Mr. Chairman, I am very pleased that the gentleman from Kansas is this year supporting the bill.

Mr. BAKER. Mr. Chairman, I rise in support of this fiscal 1973 authorization for the Atomic Energy Commission.

Those of us who were adults in 1945 can never, it seems to me, cease to stand in awe of the capability of atomic energy.

Just as the Roman goddess of wisdom and technology sprang fully grown and armed from the brain of Jupiter, so, for most of the Nation in 1945, did Oak Ridge seem to suddenly appear on our gently rolling East Tennessee countryside.

Oak Ridge, conceived in the urgent immediacy of a vital wartime mission, has today assumed even more tremendous importance through the breadth and depth of its operations, research and development.

For this reason, although it is a relatively small item in this authorization, the National Nuclear Science Information Center—or the American Museum of Atomic Energy—at Oak Ridge is of particular interest to many thousands of visitors who come each year. The people of the Oak Ridge community have long been interested in this project and aware of the valuable contributions it could make to the Nation as a museum in the traditional sense and as a training facility as well.

Of paramount interest to all of us, of course, is the fact that energy consumption trends in this country are presenting us with an energy crisis. In this affluent land of ours, we consider as necessities many things which in other lands are considered to be luxuries. We consume enormous amounts of energy each and every day. Indeed, half of man's total energy consumption has taken place in the last 30 years—we have consumed as much energy in the last 30 years as was consumed by mankind down through all the previous centuries of recorded time.

And, along with this energy crisis, we have an environmental crisis. We have demanded, we have wasted, we have put a tremendous load on our resources and have done tremendous ecological damage.

It is no simple task to work out a proper balance between our critical energy needs and our equally vital environmental concerns.

Nuclear powerplants are at the center of both this national concern about supplies of energy and the national concern over our environment.

In view of both these crises, I believe one of the most important features of this authorization we are considering today is the authorization of funds for the commencement of construction in the TVA area of the liquid metal fast breeder reactor. This demonstration program, which seems to be progressing on schedule toward meeting the goal of operation by 1980 established by the President, will, I believe, help us to find answers to both our energy and our environmental crises.

There are problems in connection with this particular breeder reactor which admittedly must be solved, waste heat, low-level radiation, possibility of accidents, waste disposal—but with the wealth of talent at Oak Ridge, I am persuaded that the LMFBR development program can proceed with the expectation that safety and reliability will be attained, with maximum assurance that every problem will be completely solved.

Of equal importance, is the continuation of the research and development work on alernative breeder technology. I am gratified that the Joint Committee has provided increased funds for work on the light water breeder reactor, the molten salt breeder reactor—which is being done exclusively at Oak Ridge, and the gas cooled fast breeder reactor. This permits continuation of the vital research being done at our Oak Ridge National Laboratory and, thus, our scientists will be able to evaluate each reactor's technical and economic potential.

I want to commend the committee, too, for authorizing $50 million for the cascade improvement program, considerably increasing the capacity at Oak Ridge to enrich uranium 238, and for further funding the cascade power uprating program. In order to make fuel for a fission reactor, they have to enrich it. As fuel needs grow, this cascade improvement program will be increasingly important. I join with the committee in urging the Appropriations Committees and the Commissoin to proceed with these vital programs as expeditiously as possible.

As our research and development efforts in the vital fields of defense and national security continue—with the civil defense program, the naval propulsion reactors program, the space propulsion program and the space electric power program—I believe people are becoming more and more aware and interested in the truly wonderful applications of nuclear technology for the benefit of all of us.

Most meaningful, perhaps, are the applications in the fields of biology and medicine. In the divisions of biology and medicine at Oak Ridge, we have an unusually talented group of people working on a host of our Nation's medical and biological problems. I hope and expect their work will grow as they continue their research—indeed, the work they are doing now on cancer detection and treatment indicates to me that they will play a vital role in our priority search for cancer causes and cures.

Atomic research in the development of fission and fusion breeders, on the application of nuclear energy to desalting, to agriculture and other fields, as well as the application of isotopes to medicine, seems almost impossible on the face of it. It is clear, too, that atomic research has strengthened our capacity to contribute intelligently to resolving the problems of the environment posed by nuclear energy.

One final observation I would like to make is in regard to community assistance payments to Oak Ridge. These assistance payments to the city of Oak Ridge are calculated on a tax base formula under which the AEC payment is $1,252,000, plus the percentage of that base amount by which the local property tax rate is above $2.48 per $100 of assessed value. The formula does not take into account rising property values and assessments in Oak Ridge. The total property tax paid by an individual is based on the tax rate and the properties assessed valuation.

Therefore, it seems to me that to assure that AEC pays its fair share of increasing city of Oak Ridge expenses, the AEC payment should reflect not only the local property tax rate, but the changes in assessments from the time the AEC tax base of $1,250,000 was originally formulated. In this way, AEC assistance payments would be made on an equitable basis with the taxes paid by individuals.

Mr. WOLFF. Mr. Chairman, we are all greatly concerned about this Nation's ability to generate an adequate quantity of electricity for the future. We all seek to have this power produced with a minimum amount of environmental impact. However, a look at our initiatives reveals that we have not followed these principles well. We are about to embark on a short sighted crusade to make the liquid metal fast breeder reactor this Nation's principal source of electrical energy for the future. While we propose to spend $230-plus million in fiscal year 1973 on the LMFBR program, alternative energy options are being seriously underfunded. We are being shortsighted because the LMFBR is clearly not the most promising technology available to supply energy for future generations. We should take the time and spend the money now to find out whether fusion power or solar power can become commercially feasible by the year 2020. Dr. Roy Gould, assistant director of reactor research for the AEC has stated:

> A significantly expanded program, spending some $650 million in this decade would give us "greatly increased" chances of reaching scientific feasibility for fusion in the 1970's. An "all-out effort" requiring nearly $1 billion in funding would give us a "high" probability of attaining feasibility in this decade, probably by 1977.

For power supply in this decade and through the year 2020, we should depend upon improved conventional reactors and improved fossil fuel utilization techniques. I urge you to consider the inherent hazards of the LFMBR before we push ahead with this program.

Troublesome problems exist even with today's reactors: the possible diversion for clandestine purposes of the smaller—but still substantial—quantities of plutonium now in circulation; the possibility of a reactor accident, including one caused by either earthquake or sabotage, that could release huge amounts of radioactivity; routine emissions and potential accidents at the reprocessing plants where uranium and plutonium are separated from radioactive wastes in the spent reactor fuel; and the difficulties of isolating the long-lived radioactive wastes from the environment for thousands of years. It is imprudent to deploy the even more hazardous LMFBR before sound technical solutions for these problems have been developed and proven.

The LMFBR has all the drawbacks of conventional nuclear plants—such as thermal pollution, radiation releases, and no solution to radioactive waste storage—plus severe additional dangers of its own. The hundreds of tons of plutonium that will be produced by fast breeders pose a permanent threat because of its extreme toxicity—one particle can cause cancer; 1/1,000,000th of a gram can be lethal and its permanence—half-life is 24,000 years.

The liquid-sodium coolant poses an additional threat because of its violent explosive potential on contact with air and water. The fast breeder reactor, with its ton of plutonium fuel, could explode like an atomic bomb in circumstances leading to a critical configuration.

The LMFBR should not be ruled out as a long-term energy option, nor should it be propelled by Congress into a position of superiority because of a shortsighted funding commitment. The claim that the LMFBR is needed now to prevent a crisis in uranium supply is erroneous. Federal funds being sought for the hasty demonstration and deployment of breeder reactors should be spent instead on such basic problems as reactor safety, waste storage, and plutonium management. Of equal importance is increased Federal funding of other energy options, including solar power, fusion power, coal gasification, geothermal power, fuel cells, magnetohydrodynamics—MHD—and use of agricultural wastes and garbage. Together, these systems hold the promise of providing the energy we need as a great nation to meet the demands of our people in the future.

Mr. VANIK. Mr. Chairman, today we are being asked to approve a $2.6 billion authorization for the Atomic Energy Commission for fiscal year 1973. Before we approve this authorization request I believe that there are several crucial issues that must be discussed. These issues are in the areas of nuclear safety, continuing advances in energy source development, and the development of the fusion reactor. These are issues that are vitally important to all of us.

In any development of nuclear power the question of safety must be paramount. Safety is of such importance that we should examine all aspects of nuclear energy, from the daily operation of reactors to the transportation and disposal of nuclear materials and waste. Because the tremendous potential for catastrophe exists due to the nature of nuclear materials, it is imperative to ask if the AEC is devoting the considerable effort to nuclear safety that is required.

Recently, the AEC designated the liquid metal fast breeder reactor as its main priority in civilian power development. However, several serious questions remain unanswered on the safety aspects of the liquid metal fast breeder reactor, LMFBR. The LMFBR is a fuel-producing reactor, the fuel it will produce is plutonium. The danger of plutonium pollution is almost unlimited. One speck of plutonium on the lungs can cause cancer. Regardless of any real or supposed benefits of the LMFBR, the utmost attention must be paid to proper safety precautions.

Furthermore, in the advent of an overheating accident in the reactor, the nuclear reaction in the LMFBR would not be stopped as in present nuclear reactors, but the reactions could be accelerated and possible nuclear explosion could result.

One further safety question remains and that is the nature of this coolant element. The LMFBR is a liquid metal cooled reactor and its cooling element is sodium. Sodium is an element so volatile that immediately upon contact with air or water it explodes. This new coolant has vastly different properties than the water currently being used for cooling purposes. The slightest mishap in handling this volatile coolant could be disastrous. In view of these facts concerning the LMFBR, we cannot be cautious enough when considering safety factors.

In its naming of the LMFBR as the No. 1 energy priority, the AEC claimed that the LMFBR would save the Nation $20 billion over the next 50 years in power expenditures. This saving made the eventual $4 billion development cost of the LMFBR seem worthwhile. It now appears that the method the AEC used in calculating the savings figure is questionable. For example, the $20 billion savings was calculated on a discount or cost of money rate of 7 percent while George Shultz, former director of the Office of Management and Budget, set a 10-percent discount rate as appropriate for all Federal projects. This higher discount rate would reduce the AEC net savings by 75 percent.

Part of the savings benefit figure was calculated by using estimates of future electric power demand, existence of uranium reserves, and construction costs of the LMFBR. In all of these cases, the AEC used figures that have been questioned by experts in each area. None of these estimated numbers should be considered definite and thus there is no way we can accept the AEC cost savings estimate as definite.

Because of the approaching energy shortage we cannot depend entirely on any single energy development project.

We must develop other nonnuclear energy sources. One of the alternative nuclear energy sources is controlled thermal nuclear fusion which could be a clean, efficient source of energy, but our development of fusion has been slow. If more emphasis were placed on fusion research and development, would we not possibly come closer to realizing the goal of a functioning nonpolluting fusion reactor.

The energy problem requires research into nonnuclear energy technology as well as nuclear energy. A $3 million expenditure appears in the AEC authorization for nonnuclear technology, "to be used for research in the energy field." The programs funded with this money must be coordinated with other programs of energy source development carried on by other Government agencies and with those of the private sector. We must continue our research efforts into the areas of geothermal energy, solar power, and thermal gradients.

The AEC should consider as its primary goal finding and producing the means with which we can supply our future energy needs in a manner that is efficient, environmentally sound, and safe.

Mr. PRICE of Illinois. I have no further requests for time.

The CHAIRMAN. Under the rule, the Clerk will read the bill by title.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $2,109,980,000 not to exceed $126,400,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) Nuclear Material.—

Project 73–1–a, in-tank solidification systems auxiliaries, Richland, Washington, $2,500,000.

Project 73–1–b, waste management effluent diversion control facilities, separations areas, Richland, Washington, $1,000,000.

Project 73–1–c, expansion of weighing and sampling facility for gaseous diffusion plant, Portsmouth, Ohio, $1,400,000.

Project 73–1–d, component test facility, Oak Ridge, Tennessee, $20,475,000.

Project 73–1–e, radioactive waste management improvements, Savannah River, South Carolina, $1,300,000.

Project 73–1–f, safety improvements, reactor areas, Savannah River, South Carolina, $2,000,000.

Project 73–1–g, contaminated soil removal facility, Richland, Washington, $1,400,000.

Project 73–1–h, Rover fuels processing facilities, National Reactor Testing Station, Idaho, $3,250,000.

Project 73–1–i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

(2) Nuclear Material.—

Project 73–2–a, atmospheric pollution control facilities, heavy water plant, Savannah River, South Carolina, $4,300,000.

Project 73–2–b, improved sanitary waste treatment facilities, Savannah River, South Carolina, $1,100,000.

(3) Atomic Weapons.—

Project 73–3–a, weapons production, development, and test installations, $10,000,000.

Project 73–3–b, laser fusion laboratory, Los Alamos Scientific Laboratory, New Mexico, $5,200,000.

Project 73–3–c, laser fusion laboratory, Lawrence Livermore Laboratory, California, $6,800,000.

Project 73–3–d, classified facilities, sites undesignated, $15,000,000.

(4) Atomic Weapons.—

Project 73–4—a, new sewage disposal plant, Mound Laboratory, Miamisburg, Ohio, $700,000.

Project 73–4–b, land acquisition, Rocky Flats, Colorado, $8,000,000.

(5) Reactor Development.—

Project 73–5–a, Liquid Metal Engineering Center facility modifications, Santa Susana, California, $3,000,000.

Project 73–5–b, modifications to EBR–II, National Reactor Testing Station, Idaho, $4,000,000.

Project 73–5–c, modifications to Power Burst Facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–d, modifications to TREAT facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–e, research building safety modifications, Mound Laboratory, Miamisburg, Ohio, $3,000,000.

Project 73–5–f, Pu-238 fuel form fabrication facility, Savannah River, South Carolina, $8,000,000.

Project 73–5–g, modifications to reactors, $3,000,000.

Project 73–5–h, S8G prototype nuclear propulsion plant, West Milton, New York, $56,000,000.

(6) Physical Research.—

Projection 73–6–c, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $400,000.

Project 73–6–b, accelerator and reactor improvements, Brookhaven National Laboratory, New York, $475,000.

Project 73–6–c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, $75,000.

Project 73–6–d, accelerator improvements, Lawrence Berkeley Laboratory, California, $525,000.

Project 73–6–e, accelerator improvements, Stanford Linear Accelerator Center, California, $1,025,000.

Project 73–6–f, accelerator and reactor improvements, medium and low energy physics, $600,000.

(7) Biology and Medicine.—

Project 73–7–a, high-energy heavy ion facility (BEVALAC), Lawrence Berkeley Laboratory, California, $2,000,000.

(8) Biology and Medicine.—

Project 73–8–a, replacement of laboratory service systems, Oak Ridge National Laboratory, Tennessee, $1,200,000.

(9) Administration.—

Project 73–9–a, addition to Headquarters building (AE only), Germantown, Maryland, $1,500,000.

(10) General Plant Projects.—$49,050,000.

(11) Capitol Equipment.—Acquisition and fabrication of capital equipment not related to construction, $164,080,000.

Sec. 102. Limitations.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (5), (6), and (7) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (2), (4), (8), and (9) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b)(10) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(10) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Sec. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Sec. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

Sec. 105. Amendment of Prior Year Acts.—(a) Section 101 of Public Law 91–44, as amended, is further amended by striking from subsection (b)(1), project 70–1–b, bedrock waste storage, the figure "$1,300,000" and substituting therefor the figure "$4,300,000".

(b) Section 101 of Public Law 91–273, as amended, is further amended by (1) striking from subsection (b)(1), project 71–1–e, gaseous diffusion production support facilities, the figure "$45,700,000" and substituting therefor the figure "$72,020,000", (2) striking from subsection (b)(1), project 71–1–f, process equipment modifications, gaseous diffusion plants, the figure "$10,400,000" and substituting therefor the figure "$34,400,000", (3) striking from subsection (b)(6), project 71–6–a, National Nuclear Science Information Center, the words "AE only" and substituting therefor the words "American Museum of Atomic Energy", and further striking the figure "$600,000" and substituting therefor the figure "$3,500,000", and (4) striking from subsection (b)(9), project 71–9, fire, safety, and adequacy of operating conditions projects, the figure "$45,700,000" and substituting therefor the figure "$69,000,000".

(c) Section 101 of Public Law 92–84, as amended, is further amended by (1) striking from subsection (b)(1), project 72–1–f, component preparation laboratories, the figure "$3,000,000" and substituting therefor the figure "$25,300,000", (2) striking from subsection (b)(2), project 72–2–b, weapons neutron research facility, the words "(AE only)" and further striking the figure "$585,000" and substituting therefor the figure "$4,400,000", (3) striking from subsection (b)(3), project 72–3–b, national radioactive waste repository, the words "Lyons, Kansas" and substituting therefor the words "site undetermined" and further adding after the words "*Provided*, That" the words "with respect to any site in the State of Kansas", and (4) striking from subsection (b)(5), project 72–5–a, radiobiology and therapy research facility, the words "(AE only)" and further striking the figure "$345,000" and substituting therefor the figure "$1,600,000".

Sec. 106. Rescission.—(a) Public Law 91–44, as amended, is further amended by rescinding therefrom authorization for the following projects, except for funds heretofore obligated:

Project 70-2-a, rebuilding a gaseous diffusion plant cooling tower, Portsmouth, Ohio, $1,000,000.

Project 70-4-b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

(b) Public Law 91-273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71-3-b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

TITLE II

SEC. 201. The Congress recognizes and assumes the compassionate responsibility of the United States to provide to the State of Colorado financial assistance to undertake remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material in the area of Grand Junction, Colorado.

SEC. 202. The Atomic Energy Commission is hereby authorized to enter into a cooperative arrangement with the State of Colorado under which the Commission will provide not in excess of 75 per centum of the costs of a State program, in the area of Grand Junction, Colorado, of assessment of, and appropriate remedial action to limit the exposure of individuals to, radiation emanating from uranium mill tailings which have been used as a construction related material. Such arrangement shall include, but need not be limited to, provisions that require:

(a) that the basis for undertaking remedial action shall be applicable guidelines published by the Surgeon General of the United States;

(b) that the need for and selection of appropriate remedial action to be undertaken in any instance shall be determined by the Commission upon application by the property owner of record to the State of Colorado within four years of the date of enactment of this Act and recommendation by and consultation with the State and others as deemed appropriate;

(c) that any remedial action shall be performed by the State of Colorado or its authorized contractor and shall be paid for by the State of Colorado;

(d) that the United States shall be released from any mill tailings related liability or claim thereof upon completion of remedial action or waiver thereof by the property owner of record on behalf of himself, his heirs, successors, and assigns; and further, the United States shall be held harmless against any claim arising out of the performance of any remedial action;

(e) that the State of Colorado shall retain custody and control of and responsibility for any uranium mill tailings removed from any site as part of remedial action;

(f) that the law of the State of Colorado shall be applied to determine all questions of title, rights of heirs, trespass, and so forth; and

(g) that the Atomic Energy Commission shall be provided such reports, accounting, and rights of inspection as the Commission deems appropriate:

Provided, That before such arrangement or amendment thereto shall become effective, it shall be submitted to the Joint Committee on Atomic Energy and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee on Atomic Energy, after having received the arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such thirty-day period.

SEC. 203. The Atomic Energy Commission shall prescribe such rules and regulations as it deems necessary and appropriate to carry out the provisions of this title II. Notwithstanding the provisions of subsection (a) (2) of section 553 of title 5, United States Code, such rules and regulations shall be subject to the notice and public participation requirements of that section.

SEC. 204. For the purpose of carrying out the provisions of this title II, there is included in subsection 101(a) of this Act authorization of appropriations in the amount of $5,000,000.

TITLE III

SEC. 301. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"w. prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b, any fee, charge, or price which it may require, in accordance with the provisions of section 483a of title 31 of the United States Code or any other law, of applicants for, or holders of, such licenses.".

Mr. PRICE of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. PRICE OF ILLINOIS

Mr. PRICE of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE of Illinois: Page 1, line 7, after "not," strike out "tot" and insert "to".

On page 5, line 9, strike out "Administration" and insert "Administrative".

And on page 5, line 13, strike out "Capitol" and insert "Capital".

Mr. PRICE of Illinois. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PRICE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOSMER

Mr. HOSMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOSMER: Page 1, line 7, after " 'Operating expenses'," strike out "$2,109,980,000" and insert "$2,110,480,000".

Mr. HOSMER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, during the markup on this legislation, there was a question in connection with the funds that had been requested by the administration for carrying on the nuclear-powered heart pacemaker work, as to whether or not the requested $1 million could be utilized during this fiscal year. At the time we actually marked up the bill, it appeared that this sum could not be utilized for certain technical reasons, and that $500,000 would be adequate for the purpose.

Let me point out that the nuclear-powered pacemaker is the device which is used to stimulate the heart in cases of individuals who have an irregular or low heartbeat and who need some kind of minor electrical stimulation in order to carry on a normal heartbeat pattern. The commercial pacemakers are battery powered at the present time. When they are implanted into the body, they have to be explanted and replanted whenever the batteries run low. The batteries have not lasted too long, a year or two, and we are attempting to get a nuclear-powered battery which would have a life of 10 years.

With this restoration of $500,000, it will coincide with the administration request and coincide with the action taken in the other body on this bill, if we add this sum of money. Therefore, I trust that support will come for this amendment.

Mr. Chairman, I wish to add that the triggering of this issue was brought to us by the gentleman from Pennsylvania (Mr. SAYLOR) who has kept very close watch on this. The gentleman pointed out that the money could be used, for which I thank him. I would like to yield at this point to the gentleman from Pennsylvania, and I express my thanks to him.

Mr. SAYLOR. Mr. Chairman, I congratulate the gentleman from California for offering this amendment. I think that as a result of this, our country will forge ahead and into the lead on the pacemaker that will save American lives.

Mr. HOSMER. Mr. Chairman, again I wish to thank the gentleman from Pennsylvania for his understanding and kindness and support in this matter.

Mr. Chairman, I yield now to the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I thank the gentleman from California (Mr. HOSMER) and I think he stated the situation accurately. Certainly there is no objection on this side to the adoption of the gentleman's amendment. We accept the amendment on this side.

Mr. SAYLOR. Mr. Chairman, there is no secret about the fact that I have, on occasion, been critical of the work of the Atomic Energy Commission. Our colleagues are aware that the civilian side of our atomic energy program has come under increasing scrutiny by the Congress and the public. But where plaudits are due, plaudits should be given. Such is the case with a life-saving program authorized by the Joint Committee on Atomic Energy and carried out by the Commission with respect to the "atomic pacemaker."

Without getting into a technical discussion of the radioisotope powered cardiac pacemaker development, allow me to proudly boast that this breakthrough in and for the medical sciences is being conducted by a firm in my congressional district—ARCO Nuclear Co. of Leechburg, Pa. You can see, then, why I have a particular interest in the legislation pending inasmuch as the amount requested in the fiscal year 1973 AEC authorization request would provide funds for continuation of this marvelous, lifesaving technology. The research and development connected with the program will make it possible for many thousands of Americans with malfunctioning or damaged hearts to function normally and for longer periods of time.

ARCO has kindly provided a program summary which I include here to bring our colleagues up to date on this important research. You will note that the research and development is four-fifths done; the authorization sought in the legislation today is designed to finish the job. The program summary follows:

PROGRAM SUMMARY

There are approximately 80,000 men, women, and children in the United States who need and use cardiac pacemakers to help them live with a malfunctioning heart. This number increases every year by 25/30,000 people. Their average age is 71 years, and they as a group average 6 years of life with a pacer. The United States census shows the number of people in the older age brackets is growing much more rapidly than the population as a whole and thus there is a strongly growing need for devices to increase further the useful life span of our citizens. At present, the average battery implant operates successfully for only 2 years, and the average patient is required to have 3 or more implants with the associated surgical risks and costs. A 10-year nuclear battery pacer should eliminate need for this additional surgery, hospital time, and expense for most users.

The AEC nuclear battery program is aimed at ensuring an effective, reliable unit for the users and safety for the public as they associate with these nuclear pacemaker users. The major responsibility of the program has been the development of safety and reliability standards. It has been found that it will be necessary for such a nuclear unit to withstand industrial fires of 1900°F, cremation at 2100°F, free fall at terminal velocity, direct impact from a hand gun bullet, crashing, and drowning without rupture or breach of the fuel capsule.

The other major responsibility of the AEC program is the design and fabrication of a unit which will meet these standards, and the demonstration that it can be manufactured economically.

The AEC program in FY 1973 will provide units for human implant which have demonstrated this safety and efficacy to the users and the public. During FY 1973 to facilitate the transition of these devices into general use, a system cost reduction analysis will be made and published which will demonstrate the economical production of nuclear batteries to these necessary standards of safety and reliability. Such economical feasibility will be further demonstrated in FY 1973 by fabrication of pacers using electronics obtained from commercial pacer manufacturers.

This has been a highly successful program so far. It is about 4/5 done, and the FY 1973 part of the program will bring it essentially to completion. There is still need for the program because commercial sources have not yet proposed to make available pacers which will meet the required standards.

Present models of cardiac pacemakers operate on chemical batteries. Although they are effective in providing a regular and sufficiently powerful beat to correct the condition known as heart block which deprives the body of sufficient blood, they have the disadvantage of having to be surgically replaced about every 2 years. The expected lifetime of these new atomic pacemakers is estimated between 8 and 10 years. Medical technology in this field in Europe is running considerably ahead of our present timetable; about 30 atomic-powered pacemakers have already been implanted in European patients in the last two years.

There are approximately 80,000 men, women, and children in the United States who need and use cardiac pacemakers to help them live with a malfunctioning heart. One source estimates that this number could increase by 25,000 or more each year. At present the average lifespan after installation of a pacemaker is 6 years but the battery-operated pacemakers require surgical replacement about every 2 years, subjecting the patient to the risk, trauma, and costs of serious surgery, three or more times in what has been calculated as their last decade of life. The atomic pacemaker, in addition to its increased efficiency of operation, brings with it the potential of relieving the patient of anxieties during a day-to-day existence.

I do not want to overdramatize about the pacemaker-user, nor overgeneralize about the medical technology which has brought about this life-prolonging miracle, but having known about one pacemaker-user, I can say with confidence that her contribution to society as a fulltime teacher was incalculable from the time she first underwent heart surgery to the date of her passing—5 years and two standard pacemakers later.

With the radioisotope powered cardiac pacemaker we stand at a new threshold of medical science. Full funding for this technological advance is important steps still necesary to qualify the device for human application here in the United States. I do not for a minute imply here that the advances in this field made in Europe are not safe for human use; merely that we have a duty to the whole Nation and to potential users of the atomic pacemaker, to be absolutely sure that we have the best model—in every sense of the word—on the medical market.

SUBSTITUTE AMENDMENT OFFERED BY MR. DOW FOR THE AMENDMENT OFFERED BY MR. HOSMER

Mr. DOW. Mr. Chairman, I offer a substitute amendment.

Mr. HOSMER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from California will state it.

Mr. HOSMER. Mr. Chairman, was the previous amendment offered by me accepted?

The CHAIRMAN. No. The Chair will state the gentleman from New York is offering a substitute for the amendment offered by the gentleman from California (Mr. HOSMER) and the Clerk is about to report the substitute.

The Clerk read as follows:

SUBSTITUTE AMENDMENT OFFERED BY MR. DOW FOR THE AMENDMENT OFFERED BY MR. HOSMER

On page 1, line 7, strike out "$2,109,980,000" and insert "$2,082,230,000"

Mr. DOW. Mr. Chairman, in moving to strike the figure of $2,109,980,000 from the Atomic Energy Commission appropriation and substitute $2,082,230,000. I am aiming in two directions. One is to reduce by one-half, the appropriation for a liquid metal fast breeder reactor, a very dangerous type of reactor. The other purpose is to double the authorization for the fusion process of generating nuclear power; this is a process which is farther way in point of time but much safer, according to eminent physicists, and certainly a process not limited by the supply of uranium. The decreased appropriation for the fast breeder in my amendment is $65,750,000 and the increase for fusion is $38 million. The net of these two figures is $27,750,000, and that is the reduction in the total figure of operating expenses found in section 101(a) of the bill, on page 1. The appropriation for the fast breeder may be noted on page 14 of the committee report, and the appropriation for the fusion process, known as controlled thermonuclear research, on page 25.

The fast breeder reactor is able to take a relatively small amount of uranium of a type that cannot be used by the present generation of light water reactors and convert it to plutonium. Plutonium is among the most dangerous substances on the face of the globe. A speck on the lungs can be fatal, according to reputable authorities. With a half life of 24,000 years, as against roughly 15 years for the byproducts of today's light water reactors, the plutonium is radioactive for many millenniums. This, of course, would compound the already alarming problems in handling nuclear wastes.

Moreover, the fear is justified that such a dangerous material may be diverted for use by unauthorized parties. Just a small amount is enough to construct a nuclear bomb.

While it is true that the AEC and the power industry, under the goad of brownouts, are eager for the development of the fast breeder, nevertheless, it would be a crying shame if voices on this floor do not express the alarm among many authorities about the fast breeder. Among the scientists who have issued warnings are Dr. Linus Pauling, Dr. John Edsall, Dr. Barry Commoner, Dr. Paul Ehrlich, Dr. George Wald, Dr. Lamont Cole, Dr. George L. Weil, Dr. Ernest Sternglass, Dr. Irving Lyon, Dr. Harold Urey, and a number of others.

I want to enlarge the amounts in the bill for fusion and other engineering options to provide energy for our society.

There is a woeful failure in our national provisions for such other options which are not within the scope of the AEC. I am thinking of the small programs of the Office of Science and Technology for exploiting solar energy. I am thinking of the programs of the Interior Department for geothermal experimentation and for the gasification of coal. Someone has said that 61 different Federal agencies are concerned with the subject of our energy crisis.

We should certainly as a nation take note of these small dispersed, tentative, and speculative activities. Mr. Chairman, the Congress is not grappling with the whole vast problem of our energy resources, and the Nation will be the loser.

We have all seen legislation aimed at the overall approach to our energy crisis defeated and delayed on more than one occasion.

By offering this amendment, I raise my voice against the myopic judgment that confines our salvation from the energy crisis to the fast breeder and largely ignores the necessity for a comprehensive program considering every possibility including the safest possibilities.

Mr. Chairman, I urge the adoption of my amendment.

Mr. REID. Mr. Chairman, I rise to support the amendment proposed by the distinguished gentleman from New York (Mr. Dow) to reduce by one-half the authorization of $180.5 million for the development of the liquid metal fast breeder reactors—LMFBR.

All responsible people realize that we must conduct extensive research and development programs to produce the new technologies to meet the growing energy needs of our Nation. I believe that the energy problem facing us is one of our major national priorities. It demands that basic decisions be made far in advance of requirements. It demands also that these decisions be made on the basis of thorough exploration of all alternatives and sober evaluation of the benefits and consequences of each. Above all, we must not allow ourselves to be stampeded into a precipitous rush to develop one alternative at the expense of all others, especially in light of the very serious questions as to the consequences of that alternative for the safety and health not only of this generation but of future generations as well.

H.R. 14990 does not provide for the kind of balanced exploration of alternatives that is needed. Quite the contrary, it would devote a totally disproportionate share of the development effort to the LMFBR. It would provide funding for this controversial program at levels far in excess of those for any other energy option. The effect of this is to decide the issue long before we have the facts as to which option would be most effective and safest.

Environmental Action, one of the groups concerned over the implications of this program, has prepared an analysis of some of the more promising alternatives and the Government funding for research and development on each. I insert this revealing document in the Record:

ALTERNATIVES TO THE LMFBR, GOVERNMENT FUNDING FOR RESEARCH AND DEVELOPMENT

[In millions of dollars]

Reactor	Fiscal year— 1972	Fiscal year— 1973
Water cooled	5.5	5.0
Advanced converter and light water breeder	29.8	30.8
Gas cooled fast breeder	1.0	1.0
Molten salt breeder	5.0	5.0
Solar energy	1.0	4.0
Coal classification and liquification	44.8	61.3
Magnetohydrodynamics	1.0	3.0
Fuel cells	0	0
Geothermal	.7	2.5
Controlled thermal nuclear fusion	47.2	65.4

I think that it is clear that there are a number of promising possibilities and that these possibilities are not receiving the same kind of attention that is being devoted to the LMFBR.

Thirty of our Nation's most distinguished scientists have raised very serious questions about the safety and feasibility of the LMFBR. I am submitting a copy of that statement for my colleagues consideration before they decide this grave issue:

Statement of Scientists Against the Breeder

The Atomic Energy Commission has announced that its highest priority is the development of the Liquid Metal Fast Breeder Reactor. This program has been endorsed by the Joint Committee on Atomic Energy and is the keystone of President Nixon's long-term energy policy. We believe that massive funding for the construction of the LMFBR demonstration projects at this time is a major mistake. Too many serious questions exist about the safety and environmental impact of such a project to make a commitment at this point to the commercial development of this technology.

The reactor's cooling system will utilize liquid sodium, which is highly reactive and burns on contact with air or water. Breeder reactors are inherently more difficult to control than today's commercial fission reactors, they operate closer to the melting point of their structural materials, and they generate and use much larger quantities of plutonium. Plutonium has a half-life of 24,000 years and is one of the most toxic substances known to man. Unlike the uranium on which today's fission reactors rely, plutonium can be fashioned relatively easily into a crude nuclear weapon. In an energy economy based on breeder reactors (some hundreds of them by the year 2000 according to AEC projections), enormous quantities of plutonium will have to be handled and transported. The potential for accidental release or theft by unauthorized persons will be unprecedented.

Troublesome problems exist even with today's reactors: the possible diversion for clandestine purposes of the smaller (but still substantial) quantities of plutonium now in circulation; the possibility of a reactor accident, including one caused by either earthquake or sabotage, that could release huge amounts of radioactivity; routine emissions and potential accidents at the reprocessing plants where uranium and plutonium are separated from radioactive wastes in the spent reactor fuel; and the difficulties of isolating the long-lived radioactive wastes from the environment for thousands of years. It is imprudent to deploy the even more hazardous breeder reactor before sound technical solutions for these problems have been developed and proven.

The breeder reactor should not be ruled out as an energy option for the long term. However, the claim that it is needed immediately to prevent a crisis in uranium supply is erroneous. Federal funds being sought for the hasty demonstration and deployment of breeder reactors should be spent instead on such basic problems as reactor safety, waste storage and plutonium management. Of equal importance is increased Federal funding of other energy options, including solar power, controlled thermonuclear fusion, coal gasification, geothermal power, fuel cells, magnetohydrodynamics (MHD), and use of agriculture wastes and garbage. Together, these systems hold the promise of providing significant contributions to our overall energy requirements.

In light of the serious concerns that we have about a national commitment at this time to the commercial development of Liquid Metal Fast Breeder Reactors, we strongly urge Congress to declare a moratorium on the construction of breeder reactors by rejecting the forthcoming proposal for the initial demonstration project.

During this moratorium, we urge Congress to reassess our reesarch and development commitments to energy sources. Funding priority should go to the technologies which hold the greatest promise of environmental compatibility.

Dr. Linus Pauling, Professor of Chemistry, Stanford University.

Dr. Lamont Cole, Langmuir Laboratory, Cornell University.

Dr. John Edsall, Biology Department, Harvard University.

Dr. Barry Commoner, Washington University, St. Louis, Missouri.

Dr. Harold Urey, Department of Chemistry, University of California at San Diego.

Dr. Paul Ehrlich, Department of Biology, Stanford University.

Dr. John Holdren, California Institute of Technology.

Dr. Edward Martell, National Center for Atmospheric Research.

Dr. John Gofman, Professor of Medical Physics, University of California at Berkeley.

Dr. Glenn Paulson, Environmental Scientist, City College of New York.

Harold L. Rosenthal, Professor of Physiological Chemistry, Washington University.

Dr. George Wald, Professor of Biology, Harvard University.

Dr. Roslyn Barbash, Teaneck, New Jersey.

Dr. Herman Levine, San Antonio, Texas.

Dr. David Gitlin, Cleveland, Ohio.

David Marra, Oceanographer.

Dr. Irving Lyons, Biologist, Bennington College.

Dr. George L. Weil, Nuclear Energy Consultant.

Dr. Ernest Sternglass, Professor of Radiation and Physics, University of Pittsburgh.

Patti Peterson, Professor of American Studies, State University of New York at Oswego.

Dr. Harry S. Blanchard, Limerick Ecology Action.

J. B. Nielands, Professor of Biochemistry, University of California at Berkeley.

Dr. Curtis Williams, Dean of Natural Sciences, State University of New York at Purchase.

Dr. James Watson, Biology Department, Harvard University.

Dr. Donald Geesamen, Physicist, Lawrence Livermore Laboratory, University of California.

Dr. Robert Rienow, Political Scientist, State University of New York at Albany.

Daniel S. Greenberg, Publisher, Science & Government Report.

K. Danner Clouser, Professor of Medical Ethics, Penn State University, College of Medicine.

Norman Edwards, Oceanographer.

T. A. Creswell, M.D., Chairman, County Medical Society, Environmental Committee, Saginaw, Michigan.

Affiliations listed for identification purposes only.

The LMFBR will, if all things go well, provide us with only a temporary energy source but will leave a permanent legacy of toxic wastes. Although its residue of plutonium and other radioactive wastes will remain lethally toxic for tens of thousands of years, it is considered, even by its proponents to be only a temporary energy source—in use perhaps for 50 years—until other less hazardous and hopefully renewable energy sources are developed. Let us take a hard look at the way the toxicity of plutonium is measured, in millionths of a gram, and the way the quantities to be produced are being estimated in hundreds of tons. Let us take a hard look at the fantastic disparity between cost—permanent hazard, and benefit—temporary use.

The proposal of the distinguished gentleman from New York is reasonable. It would not halt research and development on the LMFBR. Quite the contrary, it would continue funding for this program at $90.25 million, a level still higher than any of the other alternatives. But it would bring the program back into proportion with the other effects.

I strongly urge my colleagues to heed the words of our scientific community and support the amendment before us today.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the thrust of the amendment of the gentleman from New York (Mr. Dow) is to shift energy research and development emphasis away from the breeder reactor and to nuclear fusion. This is certainly a commendable ideal. It is an idealistic goal. Unfortunately, it is totally unrealistic at the present time.

In the President's energy message of last summer he set out an immediate goal, and that was to have a demonstration liquid metal fast breeder reactor on the line by the year 1980.

If we maintain our present program of research and development and support for the breeder as it is now established in this proposed budget, we can hope that we will meet the President's schedule, and have the first demonstration breeder on the line by the year 1980. If we have the LMFBR demonstration plant on the line by the year 1980, we can hope that we may have commercial plants on the line by 1985 or 1987. Then we can expect these new breeder reactors to begin to produce new fuel to provide energy for this country. We can hope that if this program is successful, then our fissile material inventory may be brought into equilibrium. That is, we will be producing as much fuel as we are consuming.

Mr. Chairman, I cannot overemphasize the importance of this point. We must depend upon nuclear energy from fission for the next 40 to 50 years, and until we have developed such other sources of energy as the gentleman from New York would have us emphasize. Unfortunately, however, we are not advanced far enough in our technology today to talk seriously about having electricity produced from fusion on the line at any time before the year 2000. It may be that existing R. & D. programs will advance that date, but we cannot today depend upon that possibility—or cut the breeder program, because of it. The breeder reactor program, whether it is the LEFDR or the gas-cooled breeder, is designed to give us enough nuclear fuel when we will need it. If we do not have this program, we might well have to burn up virtually all our gas and petroleum and coal, and use up most of our present uranium resources between now and the year 2000 in order to provide the energy that we need.

With the breeder program we can assume we may have enough fuel to catch up by the year 2000 and to keep us in a state of equilibrium from then on.

I agree that we must emphasize fusion research. This budget today provides an increase of 25 percent in fusion research for the fiscal year 1973. This is up to about $38 million for the traditional fusion research and a very large additional amount of money, also, for laser-pellet research.

This programs are not being limited by the budget. During the month of May the Subcommittee on Science Research and Development held a series of hearings on energy research and development. On two occasions, Mr. Chairman, we had outstanding experts in the field of fusion, who, when I asked if our fusion research program is being limited by money, responded unequivocally in the negative. The research program for fusion is limited by technology alone. When we are ready to take the next steps in research and development on fusion, then the Atomic Energy Commission and the Joint Committee on Atomic Energy stand ready, I am certain, and as all of our testimony indicates, to have the necessary funds for this research. It would be foolish to put more money into this fusion today than is needed; or more than can be used. It would be disastrous to cut our breeder program, because this would cause us to slip further and further behind in provide the nuclear fuel that we need between the year 1985 and 2000.

I completely sympathize with the desires of the gentleman from New York in his wish to emphasize other areas of research and development for energy.

Although we are not carrying out the integrated energy research program I would like to see, I believe we are moving in this direction. Above all else, however, we must not cut the breeder program at this time.

Mr. Chairman, an allegation has been made that because breeder reactors produce and utilize plutonium as a form of nuclear fuel, we should discontinue the breeder reactor program. The basis for this is said to be that plutonium is highly toxic.

It is certainly true that plutonium is a toxic material; however it has been handled in considerable quantity in this country for 25 years. The toxicity of plutonium was recognized at a very early time in the atomic energy program and stringent criteria for the handling and disposition of this material have been devised and are rigidly enforced.

The point which I wish to make is that in many industries, not just the nuclear industry, on a day-to-day basis we deal with highly toxic materials in industrial quantities which could be lethal to humans if not properly safeguarded.

It may not be well known to the proposer of the amendment, but civilian power reactors which have been in operation for the past 12 to 15 years have been producing plutonium as a normal consequence of their operation. The greater percentage of the uranium fuel in a light water reactor is in the form of uranium-238, which through interaction with neutrons produced in the reactor converts into plutonium. During processing of the expended fuel from such a reactor, the fissionable plutonium and the unused uranium, which is also of a value, are recovered for subsequent use as nuclear fuel.

During the 12-year period of routine handling of plutonium in the civilian reactor program, there have been no accidents which resulted in release of this toxic material outside the confines of the nulcear facility.

In summary, we should no more give up the development of the liquid metal fast breeder reactor because it utilizes plutonium than should we give up the manufacture of chlorine—for water treatment purpose related to the preservation of the public health, or give up the manufature of commercial explosives important to construction and mining activities, because improper handling could result in damage to members of the public.

We must be extremely careful in the handling of any toxic material and I am convinced that the Atomic Energy Commission, through its licensing program does and will insist upon procedural safeguards, engineering safeguards, and other techniques designed to assure the protection of the public health and safety against exposure to any form of radioactive material.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the action sought by the gentleman from New York is to do two things both of which would be a tremendous mistake.

The first thing the gentleman wants to do is to double the amount of money in the budget for controlled thermonuclear reaction research. This is a long way, and a very long way, to talk about the very physics processes that go on on the surface of the sun, and to tame them so that we can use them right here at home to produce electricity.

Now, a number of people have had the same suggestion as the gentleman from New York, to put a lot of money into it, and then we can have this almost overnight. In the Joint Committee on Atomic Energy we held a series of hearings on that very issue of how soon could you get controlled thermonuclear fusion as an economic process for the production of electricity in America. We called in everybody who had any reason to know anything about the technology and its development. It turned out that everybody, and they were all knowledgeable, said that it would take until the year 2000 in order to perfect this technique to become an economic technology. And if you even went ahead and spent untold billions of dollars in addition to that on this research you still could not push this date up any closer than1990.

Now, this is 1972. What the gentleman wants to do is to take this period of time between 1972 and 1990, or 2000, and eliminate the other technology to fill in the energy gap in this period.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. Not at this time; I will yield to the gentleman when I have completed my statement.

The technology that has been suggested—not only suggested, but it has been studied for years, and even for decades—is the liquid-metal fast breeder reactor to fill in this energy gap. You know, we will not have uranium around forever to burn in these light-water reactors. We need the liquid metal fast breeder reactor in order to take advantage of the plutonium that the gentleman is complaining about as being so dangerous, but which is being made every day in the light-water reactors. The plutonium problem is not going to be compounded a bit by the development of the fast breeder reactor. But this is what has to be done in order to avoid an energy gap even worse than the one that we now anticipate in this country.

This development as a technology of the production of electricity is the only alternative we have. There are other ways of having breeder reactors—you can have a gas-cooled breeder, you can have a water-cooled breeder, you can have a liquid molten salt-cooled breeder, but this liquid-metal fast breeder reactor is the one that seems to offer the best promise, and that is the goal we want to meet. Not only we, but every other nation in the world, any other advanced nation, is doing the same thing—developing liquid metal fast breeder reactors. Half a dozen countries in Europe are doing it, and the Soviet Union has a large effort.

But this is the most atavistic thing I have ever seen. I can understand the spirit that underlies the Spanish Inquisition, and I do not condone it, but I can understand it, and I can understand the same spirit that may have underlain the burning of witches, but I cannot understand the spirit in an economic society and a highly developed society that requires this type of approach.

Does anybody seriously want to take a hara-kiri knife to this kind of development in the year 1972?

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, I thank the gentleman for yielding, and I wish to commend the gentleman for his characteristic and forthright statement.

Mr. Chairman, I rise in opposition to the substitute amendment and in support of the original amendment offered by the gentleman from California.

Mr. Chairman, of late we have heard many suggestions for a new energy source to meet our burgeoning needs. These are frequently claimed to be clean, to have zero impact on the environment, to be available in the near future, and to be economical. These suggestions include solar energy, tidal energy, thermal gradients in the oceans, laser fusion, magnetically confined fusion, coal gasification, magneto hydrodynamics, wind power, methane generation by the decomposition of animal wastes, and so on.

Inevitably, though, a fundamental factor seems to be overlooked. Little if any recognition is given to the fact that all possible energy sources were carefully considered before our Nation's nuclear power program was laid out. As early as the late 1950's and the early 1960's the Joint Committee was fully cognizant of the claims made for a limitless supply of energy from our fossil fuel resources as well as the possibilities from other sources.

Accordingly, even though there was great pressure to go all out in the development of nuclear energy, the Joint Committee stubbornly insisted on a full justification of such an effort taking into consideration the claims that other sources were adequate or possibly better. It was upon the committee's insistence that the administration in the period of 1959 through 1962 thoroughly studied our energy needs and the practical ways in which we could meet those needs. These studies culminated in the 1962 report to the President on nuclear power. This report did not simply represent the views of the Atomic Energy Commission. It included the views of the Department of the Interior, the Federal Power Commission, the National Academy of Sciences, and many from the private sector who have professional competence in the development and utilization of energy.

That report concluded that we must have additional sources of energy; that nuclear energy was the only practical means for meeting our long-range needs. Nuclear energy, of course, includes both fission and fusion reactions although fission is the only nuclear reaction whose feasibility has been demonstrated and, therefore, the only practical source at this time.

Following the report the Joint Committee held extensive hearings at which both Government and private witnesses were given the opportunity to testify. The civilian nuclear power program laid out in that 1962 report to the President stood the test and the executive and legislative branches of our Government accepted the program and have been diligent in carrying out its mandates ever since.

Several years later though, as a check to determine that we were still on the right track, the committee asked the executive branch to verify the validity of the earlier conclusions. This culminated in the 1967 supplement to the 1962 report to the President which, fundamentally, reaffirmed the findings of the basic report.

Although it does not seem to be generally recognized, the Joint Committee has consistently supported other research and development programs on energy. It has not limited its interest and activity to nuclear energy. In 1962 after its review and acceptance of the 1962 program, the committee made it abundantly clear that it supported the development and utilization of our enormous coal reserves. This committee has supported research and development efforts by the Atomic Energy Commission, for example, in coal gasification. The committee has supported programs for the control of stack effluents from fossil plants. The committee has also supported the research effort on the fusion reaction to a total of nearly one-half billion dollars to date. Last year the committee amended the Atomic Energy Act to authorize the Atomic Energy Commission to perform research and development in all fields of energy so that the special competence and facilities existing in our atomic energy laboratories could be utilized to the fullest in our national interest.

Recognizing that there may always be those who will not or cannot agree, the committee remains convinced that the steps taken to establish the breeder program as a primary effort to meet our long-range needs were appropriate and the program which we are now following and which this bill will fund will meet those needs. I urge that the substitute amendment be rejected.

Mr. HOSMER. Mr. Chairman, let me add this: That the technology of the fast breeder reactor is no more dangerous than the technology of the light-water reactor, or the technology of the internal combustion engine which requires the storage of large amounts of gasoline, or with the use of other industrial processes such as those that use cyanide, or hydrochloric acid. If you take care of these things nobody gets hurt.

The CHAIRMAN. The time of the gentleman from California has expired.

(Mr. HOSMER (at the request of Mr. ANDERSON of Illinois) was granted 5 additional minutes.)

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I certainly want to associate myself with the remarks that have just been made by the gentleman from California, in opposition to the amendment offered by the gentleman from New York (Mr. Dow).

The gentleman now in the well and I know that we had occasion just last evening to talk with the vice chairman of the European Economic Commission in charge of energy matters.

Europe is indeed ahead of us right now on this very important matter of building a liquid metal fast-breeder reactor and have already sited and are planning the construction of a 300-megawatt reactor of that kind in West Germany.

The power from that will eventually increase to 1,000 megawatts.

Here are our economic competitors, with all of this power and muscle in the Common Market that is going to be imposed against us so far as world commerce is concerned.

They have the good sense to proceed with this development. I think it is nothing short of tragic if we were to yield to the kind of know-nothingness that we should somehow do something to cut down the efforts that we are making to produce and put on the line a liquid metal fast breeder reactor.

Mr. Chairman, I thank the gentleman for yielding.

Mr. HOSMER. Mr. Chairman, I thank the gentleman very much for his remarks.

I think that we ought to understand that this is not something new.

We have the EBR I reactor.

We have the EBR II reactor.

We have the Enrico Fermi reactor.

And we have the SEFOR reactor, all right here in the United States.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman.

Mr. DOW. I would like to quote one statement from one of the scientists that appeared this week in Time magazine.

He says:

> We are going in the future with only one arrow for our bow—the breeder. If it does not work out we will face a real crisis.

The gentleman from California I think erroneously suggested that I did not offer or care for any option other than the fusion process.

In my earlier remarks I spoke of the need for exploiting solar energy and also for experimentation in the geothermal area.

But this present bill does very little in that direction.

Mr. HOSMER. It has been suggested also, that the whole energy problem can be solved through the use of gas generated from manure piles. But it is not exactly practical in time to meet the problem as it rushes down upon us.

There are a number of alternatives, yes, but they are all in the area of 20 years for development, which will bring them all up in competition later.

And the gentleman probably was not listening when I recited that we do have alternates to the liquid metal breeder that we are working on.

Another probably is from the molten salt and gas-cooled breeders.

Each year about the time the Joint Committee's bill authorizing AEC appropriations reaches the floor of the House, arguments are generated against nuclear power reactors. This year we find opposition to the liquid metal fast breeder reactor being developed for electric power generation. One claim this year is that laser induced fusion powered generation is imminent and that within the next few years, at most, we could have powerplants which would utilize clean, nonpolluting fusion fuels. I can assure you that this is not the case.

On November 10 and 11, 1971, the Subcommittee on Research, Development, and Radiation of the Joint Committee on Atomic Energy held 2 days of hearings on controlled thermonuclear research in the United States and in the rest of the world. All types of fusion research were covered. Significant attention was given to the possibility of achieving controlled thermonuclear reactions using lasers to start the reaction. It was concluded that this promising field of research should continue to examine possible means of initiating fusion reactions with lasers. However, it also was concluded that practical high-energy lasers and the mechanical and optical systems necessary to create fusion reactions, even on a feasibility basis, are not expected until the end of this decade.

An apparent misunderstanding of what transpired at a recent international conference in Montreal no doubt led some of my colleagues to push for accelerated laser-induced fusion research instead of continuing with the liquid metal fast breeder reactor program. At that Montreal conference, it was stated that theoretical computer studies, conducted at a weapons laboratory, yielded results which indicated that, if it were possible to compress light elements, such as hydrogen atoms, by a factor of 10,000, it should be possible to induce a fusion reaction using lasers available today from commercial sources.

It is unfortunate that the statement made at that conference was interpreted by some as meaning such compression is possible today, because it immediately raised high hopes among those who opt for fusion over all other forms of energy generation that a means had been discovered to provide fusion now. As I indicated previously, it is not a fact that we know any way to achieve a compression of 10,000 using a laser.

Let us recall that the vice chairman of the Joint Committee on Atomic Energy in his opening statement indicated that a total of about $80 million is going into fusion research next year compared to $31 million in the current year. This will provide significant impetus but an orderly approach to the development of this remarkable, unlimited energy source of the future.

Furthermore, in consonance with the President's energy message of June 4, 1971, it is imperative that we go forward with the LMFBR program under development by the AEC so that such systems will be available to go on line by 1980.

In this regard, I recommend that we vote to reject the amendment to delete funds for the LMFBR program.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, during fiscal year 1973, the AEC will find itself at a crucial stage in the development program for the liquid metal fast-breeder reactor. Time is of the essence in the planning and execution of this program in order to meet the national goal established by President Nixon in his June 4, 1971, energy message—operation of a demonstration liquid metal fast-breeder reactor by 1980. This action by the President has brought about the development of the needed momentum, both in industry and the Government to make achievement of this goal possible.

Electric utility companies throughout the country, both public and private, have amassed a total of $240 million in pledges to be used in the design, construction, and operation of the first demonstration breeder, and to this will be added the $100 million of direct Federal assistance already authorized by the Congress.

The amendment would delete from the bill now before us is one-half of the amount proposed for the LMFBR base technology program for fiscal year 1973. This effort will lay the groundwork in terms of general engineering design, structural materials, fuels, and vital components for liquid metal fast breeder reactors. A significant portion of the effort relates to the demonstration program; the remainder will provide a long-range capability for this Nation to bring this program to successful fruition and, thereby, establish the feasibility of nuclear energy as a long-range solution to electrical energy requirements in this country.

The breeder reactor program has been a long-range program of the Atomic Energy Commission for a number of years and was formalized as such in the 1962 report to the President. It was recognized at that time that if we could not develop a breeder reactor, the uranium resources of this country would not permit nonbreeder reactors to make a significant contribution to our long-range energy problems. Present-day reactors do not utilize nuclear fuel efficiently and in the long run we must learn how to breed additional fissionable material in order to realize the full potential of nuclear energy. The feasibility of a breeder was demonstrated over 20 years ago. It is important now that we take advantage of the momentum recently generated and get on with the development and demonstration of this reactor for commercial application.

Shortages of oil, gas, and ultimately even coal have been well studied by many committees of both Houses. I am sure that the majority of my colleagues recognize the importance of finding solutions to the energy problem so that the generations to come will have an adequate supply of electricity, produced in a manner which will assure the quality of our environment.

It should be pointed out that ours is not the only effort to develop a liquid metal fast breeder reactor. The major industrial nations of the world each have their own program and some would claim that their efforts are equal or superior to ours. The U.S.S.R. earlier this year announced completion of construction of a liquid metal fast breeder demonstration reactor which provides for desalination of water in addition to the production of 150 megawatts of electricity. In addition, a 600-MWE breeder reactor is under construction by the Russians. The British are constructing a 250-MWE prototype breeder reactor and the French have nearly completed a breeder reactor of equal size. West Germany has its own program and the Japanese have put together a program to meet their own needs. Since our first demonstration reactor is not scheduled to be completed until 1980, it could be said that we are behind these other nations. The Atomic Energy Commission believes, and the Joint Committee concurs, that our program is being developed on a broad technology base requiring proof testing and safety evaluation of each component. Once these components are assembled in the demonstration facility, we believe we shall be closer to a commercially acceptable plant than others who will be trying to "de-bug" a whole facility and each component part.

All of these nations appear convinced that the sodium cooled breeder is the best approach and that it can be designed and operated in a fashion having minimal impact on the environment while concurrently providing protection to the public health and safety. Our own liquid metal fast breeder safety program is directed toward assuring that all conceivable accidents are considered and that full protection is provided to assure safety of operation.

I urge that the amendment be rejected and that the Members of this body lend support to this important program which has the goal of developing a new technology which can mean so much to this Nation's preeminence in the energy field.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRENZEL. Mr. Chairman, I rise today not in opposition to H.R. 14490, nor in favor of the amendment of the gentleman from New York (Mr. Dow) merely to question the research and development priorities in this authorization. I share some of the concerns of the gentleman from New York about the LMFBR.

With the authorization of $132 million for the liquid metal fast breeder reactor, our country could be launching itself on an unknown, and perhaps unsure, energy course. However the liquid metal fast breeder reactor authorization does not cease there. The liquid metal engineering center facilities and the modifications to the EBR, the power burst facility and the TREAT programs are all primarily LMFBR items. These are items 73.5 a-d in the plant and capitol equipment requests.

Thus the authorization gives LMFBR over $230 million while other promising energy options seem to be ignored.

The committee report states that—

> It is prudent to provide for continuing effort on viable alternative approaches.

Yet, two of the competing breeder concepts—the gas-cooled fast reactor and the molten salt breeder—are receiving only $1 and $5 million respectively in fiscal year 1973. The highly touted solar technologies are receiving a mere $4 million combined.

The authorization seems less a search for viable alternatives than a firm LFMBR commitment for the future. If LFMBR proves uncontrollable, unreliable, or unsuccessful, we could well be left with all our eggs in a leaky basket.

The time to evaluate our nuclear energy development priorities is now. The ratio of $230 million, or $132 for LMFBR, to $10 million for other technologies, deserves hard looks and searching questions now before the firm commitment is made and the chance for alternatives is lost.

The presentation of the gentleman from Illinois (Mr. Price) leads me to the conclusion that the Joint Committee has not favored the liquid metal fast breeder reactor to the exclusion of other technologies, but I would like to ask the gentleman if he would respond whether the committee is determined that the LMFBR is by far the most promising technology and why, for instance, we did not apply a few more dollars to the molten salt breeder and the gas-cooled fast reactor and the solar technology?

Mr. PRICE of Illinois. If the gentleman will yield, I could say we have studied both the molten salt reactor for many years, and some of us have seen some potential in it. We do feel it is as far along as other approaches. The fast breeder reactor, we feel at the present time, offers the best hope of producing not only the resources of energy we now need but also has a very important part in answering our fuel problem in future years.

We have followed the thermonuclear program from its inception and have been among the strongest supporters of the thermonuclear program, and I think we kept it alive for a few years, and we worked with the Commission and urged the Commission to continue and expand its research in the thermonuclear reactors.

Mr. FRENZEL. I thank the gentleman, and I accept that as a statement from the committee that they are not against these other technologies even though the auhorizations for them seem exceedingly low.

Might I ask the committee whether the committee is still enthusiastic to proceed with both the salt research in the foreseeable future and the other technologies?

Mr. PRICE of Illinois. I will say to the gentleman the committee's views on the salt reactor are expressed on page 14 of the committee's report. It certainly has not been ignored in any way by the committee.

Mr. FRENZEL. I thank the gentleman from Illinois.

I would like to ask further if, since the facility for which we appropriated in 1967 is not completed yet, the capital funds now to be applied for LMFBR can be safely spent before we complete the safety tests for it?

Mr. HOSMER. Mr. Chairman, if the gentleman will yield, if I may say, I think the gentleman probably refers to the fast flux test facility.

Mr. FRENZEL. I do.

Mr. HOSMER. That largely has to do with the neutronic testing of the fuel elements of the breeder reactor. The economics of the reactor are primarily involved rather than any of the safety elements of the reactor are, and as a consequence, we can go ahead with the demonstration program without having to have this facility in operation. The facility will make its largest contribution in the area of improvement of the economic and neutronic of the system.

Mr. FRENZEL. I thank the gentleman. I thank both the gentlemen for their careful attention to my education.

Mr. TIERNAN. Mr. Chairman, I move to strike the last word.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I yield to the gentleman from New York.

Mr. DOW. Mr. Chairman, I thank my colleague, the gentleman from Rhode Island, for yielding. I shall only be a minute. I have a list of 32 eminent scientists who have expressed deepest concern and opposition to the fast breeder reactor because of the danger. They conclude in these words:

> In light of the serious concerns that we have about a national commitment at this time to the commercial development of Liquid Metal Fast Breeder Reactors, we strongly urge Congress to declare a moratorium on the construction of breeder reactors by rejecting the forthcoming proposal for the initial demonstration project.

I wish the committee had paid a little bit more attention to these eminent men, some of whom are Nobel laureates.

I thank the gentleman from Rhode Island for yielding.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I will yield to the gentleman from California, but before doing so I should like to ask the distinguished chairman (Mr. Price) of the committee a question.

Mr. Chairman, I have read the testimony before your committee, on November 10 and 11, and I read the line of answers and questions—on page 33 of the report—where in response to Senator Symington the reply was given as follows:

> That is, we are very, very tight now. We are not able to do most urgent things, in my opinion.

I have read through this testimony, and listened to the arguments made by the gentleman from New York, and I, also, am concerned as to whether or not we are restricting the amounts of money for research in other areas.

I realize the necessity of the committee taking into consideration the whole line of development in this area, but I am also concerned. I do not quite favor the substitute amendment of the gentleman from New York, in the fact that it cuts back on what the committee seems to believe feasible, but I am in support of that part of the substitute amendment which would increase the amount of research for these alternate methods. I believe that is a very important point.

I wonder if the chairman could help me with a comment on that line of testimony?

Mr. PRICE of Illinois. We do have problems in the financing of these programs, as the gentleman recognizes, as we do in other areas of government where research and development is involved.

I do not believe, however, that this particular program has resulted in the reduction of any line items in the appropriation area. The Joint Committee itself has strongly supported the other research programs, and has been a staunch supporter of adequate research and development on any promising program under the Commission activities.

Mr. TIERNAN. I thank the chairman.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I am happy to yield to the distinguished gentleman from Illinois.

Mr. ANDERSON of Illinois. I should merely like to point out, in connection with the statement made a few minutes ago by the distinguished gentleman from New York (Mr. Dow) when he recited, I believe, a list of some 32 distinguished Nobel laureates, who expressed fears about the safety of the liquid metal fast breeder reactor. I am not sure I am aware of all the names on the list but I did recognize the name of George Wald, who is a very distinguished biologist, and I am scarcely ready to concede his capacity in this field.

Linus Pauling, a very distinguished scientist, is a chemist.

I believe we ought to consider the fact

that men like Glenn Seaborg, President Kennedy's Chairman of the Atomic Energy Commission, himself a distinguished atomic physicist, is one of those who appeared before this committee and testified in favor of the LMFBR program.

Lee DuBridge, a distinguished physicist, the former president of Cal Tech and the former science adviser to the President of the United States, also testified. These are the kinds of witnesses the committee listened to.

I believe, rather than to consider a long list of distinguished scientists who have great competence in their own fields, we ought to put greater weight on the testimony of men like Glenn Seaborg. and Lee DuBridge and many others who are in fact experts in this area.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York (Mr. Dow), for the amendment offered by the gentleman from California (Mr. HOSMER).

The substitute amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MRS. ABZUG FOR THE AMENDMENT OFFERED BY MR. HOSMER

Mrs. ABZUG. Mr. Chairman, I offer an amendment in the nature of a substitute.

Mr. PRICE of Illinois. Mr. Chairman, has the question been put on the amendment offered by the gentleman from California?

The CHAIRMAN. The gentlewoman from New York wishes to offer a substitute amendment for the amendment offered by the gentleman from California?

Mrs. ABZUG. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will report the substitute amendment.

The Clerk read as follows:

> Substitute amendment offered by Mrs. ABZUG for the amendment offered by Mr. HOSMER: On page 1, line 7, delete "$2,109,980,000" and insert instead "$1,927,840,000", and on page 6, after line 9, add the following new subsection:
>
> "(d) The Commission may not explode or assist in exploding any nuclear weapon of any sort, nor may it use any appropriated funds in furtherance of, or preparation for, any explosion of any nuclear weapon of any sort."

POINT OF ORDER

Mr. HOSMER. Mr. Chairman, I make a point of order against the substitute amendment.

The CHAIRMAN. The gentleman will state it.

Mr. HOSMER. The second portion of the gentlewoman's amendment to add section (d) is not germane to the amendment before the House and therefore is not a proper substitute.

The CHAIRMAN. Does the gentleman desire to be heard further on the point of order?

Mr. HOSMER. No further.

The CHAIRMAN. Does the gentlewoman from New York desire to be heard on the point of order?

Mrs. ABZUG. Well, I think it is germane, because it talks in that subsection concerning the use of appropriated funds in preparation for an explosion of nuclear weapons, so I think it is germane to the reduction of appropriations proposed in this bill.

The CHAIRMAN (Mr. UDALL). The Chair has examined the gentlewoman's substitute and will state that the main amendment pending offered by the gentleman from California (Mr. HOSMER) is only a money amendment. Therefore a substitute for that amendment would have to be germane thereto.

There might be another procedure by which the gentlewoman could offer the additional part of her substitute, but the Chair under the present situation holds the substitute not germane to the pending amendment and sustains the point of order.

SUBSTITUTE AMENDMENT OFFERED BY MRS. ABZUG FOR THE AMENDMENT OFFERED BY MR. HOSMER.

Mrs. ABZUG. Mr. Chairman, I desire to offer a substitute amendment.

The Clerk read as follows:

> Substitute for the amendment offered by Mrs. ABZUG for the amendment offered by Mr. HOSMER: Page 1, line 7: delete "$2,109,980,000" and insert instead "$927,840,000"

Mrs. ABZUG. Mr. Chairman, this amendment would delete $182 million authorized in this bill for nuclear weapons testing and would prohibit the Atomic Energy Commission from exploding or preparing to explode any nuclear device as part of the weapons program.

Last fall the Atomic Energy Commission detonated the "Cannikin" bomb on Amchitka Island in Alaska. The full extent of the damage which it caused to the ecology of that area is not yet known and may never be revealed fully. Thus far, we do know for certain that countless sea otters, fish, and other wildlife were killed or maimed as a result of the blast.

While the Atomic Energy Commission stated that Cannikin would be the last of the "large" nuclear weapons tests, testing of smaller devices has already begun in the Southwestern United States. Particularly in light of the arms agreements reached in Moscow last month, I cannot understand what more we have to gain from continued testing of these weapons.

I should like to remind this House that the United States solemnly pledged itself in both the limited test ban treaty and the nonproliferation treaty to work toward the discontinuance of all test explosions of nuclear weapons.

A comprehensive test ban on nuclear explosions would stabilize and retard the arms race and pave the way for further agreements among the nuclear powers with regard to mutual disarmament and limitation of strategic weapons.

Each new nuclear explosion poses a new set of undesirable questions about its possible adverse effects on the environment, release of radioactive materials, triggering of earthquakes, and permanent damage to the ecology of an area.

The Atomic Energy Commission spent over $200 million in fiscal years 1971 and 1972 for nuclear testing, and the bill before us proposes the expenditure of a like amount in fiscal 1973. This total sum of over half a billion dollars equals the annual budget for vocational and adult education. It also equals the total operating budget for the Environmental Protection Agency for a year.

For some time much of the American opposition to a comprehensive test ban has stemmed from the question of whether or not we could detect such testing. It has been made quite clear from reports on the subject, including that of the Federation of American Scientists, that we have been able to improve our seismology and such other means of detection as satellite photography and communications monitoring, enough to give us a high degree of confidence that any violation of a comprehensive test ban could and would be detected.

I believe that the United States should begin to take some initiatives with respect to creating the climate for active negotiations which would ultimately lead to a comprehensive ban on all nuclear test explosions with the Soviet Union and other nuclear powers. I think that this would slow the arms race and reduce the likelihood of other countries joining the nuclear club.

I believe that the Soviet Union has informally indicated a willingness to open additional nuclear test ban talks. I think that we should take the step here in the Congress to put a stop to this dangerous and unnecessary testing of nuclear weapons.

True security for this Nation lies not in instruments of destruction, but in the health and well-being of our citizens, the soundness of our economy, and the permanent reduction of world tensions.

Mr. Chairman, I urge the adoption of the substitute amendment.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, the gentlewoman from New York has offered an amendment which would prohibit the Atomic Energy Commission from engaging in nuclear weapons testing. The Congresswoman's major premise, and I quote from her "Dear Colleague" letter of June 5, 1972, is:

> With the termination of offensive missile development and production which we will soon see should also come the termination of nuclear warhead development.

I know of no indication stated or inferred that there will soon be termination of offensive missile development and production in the United States or in other countries which now possess nuclear weapons.

She also hopes that—

> A cessation of testing by the United States would be a long step in the direction of bringing about a comprehensive test ban treaty.

It apparently is expected that if the United States should unilaterally cease nuclear weapons testing, it might by some means result in other members of the nuclear weapons club following suit.

I do not understand why, in view of the great advances toward arms limitations made by the President in his recent summit trips, there remain those who would act now to jeopardize that progress made and the potential progress in future SALT negotiations.

I should like to point out that there is nothing in the Treaty on the Limitations of Anti-Ballistic-Missile Systems to prohibit the qualitative improvement of strategic forces. To the contrary, article VII of the treaty specifically states:

> Subject to the provisions of this Treaty, modernization and replacement of ABM systems or their components may be carried out.

Moreover, article IV of the Interim Agreement on Strategic Offensive Arms provides:

> Subject to the provisions of this Interim Agreement, modernization and replacement of strategic offensive ballistic missiles and launchers covered by this Interim Agreement may be undertaken.

Nowhere in these two documents does one find the slightest hint of a prohibition of nuclear weapons testing for the sake of arms control. It would be the height of foolishness to unilaterally weaken this Nation's position at the time when we are in a position to bargain from strength.

The reasons advanced for stopping tests, besides encouraging the other members of the nuclear club to follow suit, are manifold. Some are obvious trips into fantasy land. For instance, early in May 1972 there was a statement in the CONGRESSIONAL RECORD bemoaning the fact that if the United States did not cease testing, a test would cause an earthquake and a follow-on tsunami. It must be terrible to have such a short memory. Obviously, those who repeat these apocalyptic statements forget that the Cannikin test on Amchitka Island, Alaska, last November, a test announced as being in the megaton range, caused no earthquake and caused no tsunami.

It has been suggested that if the United States would unilaterally stop weapons testing it might stop weapons proliferation and that it might slow down the arms race. Has there been proliferation? I know of no country which has joined the nuclear club since the Chinese People's Republic detonated its first nuclear weapon in 1964.

Bear in mind the fact that India is the country most often cited as the one that would join the nuclear weapons club if the United States and the U.S.S.R. did not sign a comprehensive test treaty. However, it seems to me that India is more interested in what happens at the Chinese Lop Nor testing grounds than in what happens at the Siberia or Nevada testing sites. The People's Republic has not even signed the limited test ban treaty or the nonproliferation treaty. It is interesting to note that the Defense Minister of India recently stated that while his country was not interested in nuclear weapons, it was interested in the possible use of peaceful nuclear explosives.

I do not believe that the unilateral cessation of testing by the United States would really be a long step in the direction of bringing about a comprehensive test ban treaty. I strongly believe in the other side of the coin—the unilateral cessation of nuclear testing by the United States could further postpone agreement on a comprehensive test ban treaty, because it could significantly contribute to a weakening of our strategic deterrent.

Furthermore, I would like to point out that the cessation of underground testing would be in conflict with the four safeguards which the Senate insisted upon in 1963 when it ratified the treaty banning nuclear weapons tests in the atmosphere, in outer space, and underground. The essential purpose of the four safeguards was to protect the national security of the United States by assuring that our deterrent capabilities work. The proof of the effectiveness of our deterrence lies in our testing program. That testing program is essential for the evaluation of the effectiveness and workability of our weapons system. Several factors such as weapons storage and weapons movements are also validated by safety tests in the Nevada Test Site.

Nuclear weapons technology is dynamic. Nuclear deterrents, which are the cornerstone of our strategic policy, are dependent upon continued advances in nuclear weapons technology. A unilateral cessation at this time in history without adequate assurances of effective arms control agreements would present a grave danger to the security of our Nation. Very simply, the nuclear testing program is essential to maintain our nuclear capability which, in turn, is vital to our Nation's security.

I urge my colleagues to vote against this amendment, which would, in this critical time in history, weaken our Nation's nuclear weapons capability and the strength of our bargaining position in future discussions on acceptable arms control agreements.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I feel that this amendment is not going to be agreed to but I rise because I think the reasons why it should not be agreed to must be understood and underlined in the context of the treaties and agreements that were arranged in Moscow.

It is in the context of hard bargaining and negotiations that we are going to have a safer world. Or is it in the context of some unilateral decision on our part to forego our own defense?

I think most of us feel that a unilateral action has never in the history of the world brought a stable peace to any of the nations on the face of this world. Only by means of hard agreements that are in the mutual self-interest of the powers that have agreed to them can you achieve the stability by which peace can be imposed upon a troublesome world over a reasonable period of time.

Now, if we are just to forego all testing—and remember, remember, it was testing that made the treaty on the ABM possible—if we had not had the testing at Amchitka which was objected to by some in this Chamber, very loudly and very persistently, we would not have had an ABM system to make an agreement with the Russians about. Just think of that.

Just think of that. It was not until last November when that test was conducted successfully at Amchitka that we had the chips to put on the table to make an agreement with these people about the ABM. That was a great contribution to arms control and was only carried on and came about because we in the Congress and in the administration of this U.S. Government had the guts to go ahead and conduct this activity as it had to be carried forward in order to make an agreement.

Today we have that ABM agreement. It will be before the other body as a treaty. We also have the interim agreement on offensive missiles which will be before both bodies as an executive agreement. These two documents presuppose not only that the parties thereto will refrain from certain activities, but that the parties thereto will also carry on certain activities.

At the present moment this treaty and this agreement create a situation that is not lopsided either as to the capabilities in the nuclear strategic context of the Soviet Union or of the United States. Both of these nations have a sufficiency in nuclear capability to withstand the surprise attack of one of the countries and yet retain enough undamaged capability thereafter to retaliate to the other party's destruction, and that band of competency, that band of nuclear sufficiency that exists now, over the 5 years ahead that we have to negotiate a permanent interim agreement, will vary and will change.

As a matter of fact, it will probably disappear unless the very acts that are provided for, the research and testing of nuclear weapons, by this agreement and the other programs of nuclear weaponry are carried on as contemplated in the context in which that agreement was made; namely, the B-1 program, the trident program, and the other R. & D. programs in the strategic weapons area. If you do not want to carry those programs on, you apparently do not want to continue the stability of nuclear deterrents on both sides. You want to put yourself in a position, as the gentlewoman explained who offered this amendment, where we would do nothing but set an example while the other side, with whom we had not been able to do something because we have had nothing to bargain with them, would be free to achieve nuclear superiority. That just simply is not going to be to anybody's self-interest.

The CHAIRMAN. The time of the gentleman from California has expired.

Mrs. ABZUG. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. HOSMER), may have additional time.

Mr. HOSMER. I object.

The CHAIRMAN. Objection is heard.

The question is on the substitute amendment offered by the gentlewoman from New York (Mrs. ABZUG), for the amendment offered by the gentleman from California (Mr. HOSMER).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOSMER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RONCALIO

Mr. RONCALIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RONCALIO: Page 1, line 7, strike the figure "$2,109,980,000" and insert in lieu thereof the following figure: "$2,099,480,000."

Mr. RONCALIO. Mr. Chairman, and my colleagues, this amendment seeks to remove from the appropriations for operating expenses for the current year $10,500,000. That was a line item in the report for continuation of Project Plowshare, the procedure of atomic stimulation of natural gas in tight structures in the hope of this making a substantial contribution to alleviating the natural gas shortage, the energy shortage, in our Nation.

I reluctantly speak before this committee because I have over the last quarter of a century, since its inception following World War II, felt that this program has been one of the most successful in our Government, the Atomic Energy Commission and the Joint Congressional Committee on Atomic Energy from which the Commission gets its jurisdiction. So I speak with a bit of respect for what has been accomplished in the past, but also with something scratching my conscience called Grand Junction, Colo., where 50 to 60 people have died of cancer, though we were sure 20 years ago there was absolutely no danger whatever in the milling operations at Grand Junction.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I want to be sure I understood that last statement. Does my friend, the gentleman from Wyoming, have any factual material that states 60 to 70 people have died in the Grand Junction, Colo., area as a result of cancer from radiation?

Mr. RONCALIO. I have a clipping from the Associated Press in Washington, D.C., as follows:

Glen E. Keller, Jr., president of the Colorado State Board of Health, was the harshest AEC critic, saying:

We have observed the efforts of the AEC first to deny the possibility of a problem, then to admit possibility but pooh-pooh probability, then to recognize a problem and deny responsibility, and finally, in the last few weeks, to engage frantically in behind-the-scenes efforts to avoid recommendations of the Interagency Steering Committee and the Medical Advisory Committee that the tailings be removed.

I can either insert it in the RECORD or read it in the RECORD for the gentleman. It reports death rate from birth defects 50 percent higher in Mesa County in Colorado.

Mr. ASPINALL. Mr. Chairman, I have no desire to have any newspaper article placed in the RECORD.

Mr. RONCALIO. I do not know of any better way to support my position than to quote from some authority.

Mr. ASPINALL. If my friend has to depend on that for the only support he has got, the Surgeon General has made a statement before the committee that the figures that my friend has used are just not factual. That is all I wish to say, Mr. Chairman.

Mr. RONCALIO. Perhaps my figures are in error. I believe we all agree Grand Junction represents an abysmal failure, and title II of this bill is devoted to that Grand Junction failure.

Mr. Chairman, please consider the following two questions: First, is natural gas the proper fuel of the future; and second, what effect will gas stimulation have on the populations located near proposed gasfields?

Natural gas is a depletable resource; it is estimated that we will run out of it in the next 50 to 150 years. The Plowshare project assumes that the best use for natural gas is as a clean, cheap fuel. No thought is given to the fact that natural gas is also a unique and extremely important chemical resource, and that by burning more than 97 percent of our production each year, we are literally throwing away a vital resource, a resource that once it is gone, can never be replaced. We forget that natural gas is used for such common products as synthetic rubber, textiles such as nylon and orlon, plastics, drugs, sulfur, ammonia, fertilizer, solvents—items that cannot be produced from our alternative energy resources. Is it wise to continue to use 97 percent of our natural gas reserves for fuel, knowing that in 150 years, at the most, we will not have any left for fuel or nonfuel purposes? Why not be putting these funds to more positive sources of energy development, such as solar energy or nuclear fusion power, which will not deplete in the next 150 years?

Second, what effect will atomic gas stimulation have on those populations of Wyoming, Utah, Colorado, Arizona, and New Mexico who have the ill fortune to live in rich natural gasfield areas?

A case in point is Project Wagon Wheel which is proposed by the AEC and El Paso Natural Gas Co. in my State of Wyoming. It may have the following effects:

First, structural damage will occur, and it is already estimated 200 to 400 claims will be made adding up to about $65,000.

Second, five sequential blasts, each equal to 100,000 tons of TNT, will have an individual Richter magnitude of 5—6 is potentially quite destructive—and aftershock waves will continue for at least 3 weeks.

Third, it is unknown whether or not underground aquifers will be contaminated, but if they are, continuous contamination of these water reserves could be expected for 400 years.

Fourth, in April of 1972 the Atomic Energy Commission stated:

Experience from technical studies and two previous nuclear gas stimulation experiments—Gasbuggy and Rulison—suggests a high probability of success.

The use of "probability" did little to calm the fears of 275 of my constituents who live within a 15-mile radius of the blast site.

Fifth, if this experiment is successful, possibly 40 to 50 new wells will be developed in the Rocky Mountain region each year.

My amendment to halt for 1 year funding authorizations for the Plowshare project is thus based on two facts: Natural gas is an expendable resource that is wasted as an energy fuel; and the people directly affected are not certain that they want this development until some pending questions are answered.

The Plowshare project was established in the summer of 1957. In light of the new directions this Nation has taken and the vast knowledge we have obtained during the past 15 years, I am hopeful you will join me in halting the work of Plowshare for 1 year while we reassess the directions it is taking.

This program, Plowshare, as best, is premature and represents a continuing insistance in making our energy policy. It points up the fact that there is at the worst some misrepresentation and at the best some lack of candor when we term the Rulison and Gasbuggy "highly succesful," because they have not been successful.

To this day there has not been one cubic foot of gas usable from either one. To this day—and I am not talking about environmental damage here. I am not one of those who is highly concerned with the amendments before us today regarding environmental damage. If nuclear stimulation of tight gas fields would result in a substantial solution of the energy shortage, the people of Wyoming would be willing to put up with the damage of their environment, even with the sequential detonations which mean literally shaking up and doing damage to the earth, if we are in the pioneer area for the next 20 years, if that is the price, I say fine, so be it.

But if facts prove Plowshare is a continuing wastefulness of two important assets of this Nation's natural gas and U–238, I will say to my friend, the gentleman from California, that it then should no longer be funded.

I would like to quote from one of the many authorities who appeared in a meeting of about 1,100 citizens of Sublette County, Wyo., last month, attended by Senator CLIFFORD P. HANSEN of Wyoming and by me, and by radiologists, physicists, and other scientists. At that time, Mr. P. B. Henault of the Arco operations in Idaho pointed out what we are in effect doing is this. About 97 percent of natural gas in this country today is burned, when its most important use would be to continue as feedstock for the petrochemical industry.

We ought to face the fact that using uranium for atomic explosions of this kind to stimulate natural gas production is not the route toward solving our shortage in any way. It serves only to perpetuate the waste of both resources.

I would rather see the $10,500,000 used in the liquid metal fast breeder reactor, or in fusion research. These are programs that can ultimately make a lasting and real end to our energy crisis. Plowshare cannot; it only compounds our mistakes.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Roncalio was allowed to proceed for 1 additional minute.)

Mr. RONCALIO. Mr. Chairman, I would like to state, to the Members of Congress, this is the case as stated by two of the best geologists I know, each of whom is responsible for bringing in one of the largest gasfields in Wyoming today.

They have said:

> Teno, what is wrong with this program is that it is like going after a fly with a howitzer.

I suggest to you, my colleagues, we have now shot two howitzers after that housefly, and he is still buzzing around the Chamber. We ought not to be shooting a lot more howitzers at this fly, because we are wasting good ammunition doing it and we are making a mess of our House.

Geologically, these men have told me, the industry wanted to get permeability. Instead all it gets is a chimney. The program should be phased out.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this program was redirected 2 years ago to concentrate on underground engineering applications, particularly the stimulation of natural gas deposits not producible in any other way.

Present estimates are that we can more than double our supply of natural gas in the lower 48 States, and natural gas is the cleanest, most environmentally desirable fossil fuel.

This program has proceeded at a modest pace and, if anything, deserves more support, not less.

The two joint industry-government experiments to date—Gasbuggy and Rulison—have proved the technical feasibility of this concept. Efforts now are directed toward device development to limit residual radioactivity and to permit sequential detonation to reduce the seismic effects.

These efforts are being conducted under procedures to assure protection of the public health and safety both as to the use of the devices and the use of the gas produced.

I ask for defeat of the amendment.

Mr. HOSMER. Mr. Chairman, I also rise in opposition to the amendment.

Mr. Chairman, I believe it out to be pointed out that at the time the nations of the world engaged in the nonproliferation treaty, an obligation was assumed by the nuclear powers for the benefit of the nonnuclear powers, to provide them with peaceful nuclear-explosive services. Now, these services could include such things as the building of dams, the building of underground storage areas, and a host of nuclear-type activities—explosive they are, but peaceful also they are.

Now, if the gentleman's amendment prevails, this $10.5 million is all the money which the United States, one of the countries obliged to perform these services, has in its entire budget for the Plowshare program.

The gentleman from Wyoming is seeking to knock out not only the part that has to do with the gas experiments, but also everything else.

I believe this to be a very improvident move on an international scale.

On the domestic basis, let me say that I know the gentleman from Wyoming honestly believes there might be some detrimental occurrence in his district or in his State on account of the Plowshare project.

Let me say also, and I am sure the gentleman from Wyoming has no knowledge of this, but there are people in that part of our country who want to stop the Plowshare program for the production of gas for another reason. These are the people who own a lot of property they want to exploit for oil shale purposes. These people have come to the conclusion that if they can knock out the Plowshare program the environmentalists will be so grateful to them that they will not object to these operators exploiting the oil shale program, coming in and scooping out by strip mining the oil shale, burning it underground, with subsidence following, and all those other things.

So I suggest that the opposition to this program is not entirely sweet, clean and pure, and I exclude specifically from those remarks the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Wyoming.

Mr. RONCALIO. I am grateful to the gentleman for yielding.

I do not speak in behalf of the interest of any particular energy source, whether it be fossil fuel on one side, or shale, or anything else.

Let me say that all of this, or substantially all of this, will be used in a program called Wagon Wheel, which will be the sequential firing of five 100,000-ton explosives sequentially, about 500 feet apart, and all of it in Wyoming.

There is no foreign government involved in this program. The next shot is wholly in Wyoming.

I am not stating that this will be put out permanently. I am stating that the environmental impact report itself, which was hastily put through by the Atomic Energy Commission and the Environmental Protection Agency, incidentally, after telling the citizens of the State that they would have ample time for statements, then turned around and issued a final draft without giving a chance or notice to the people of the State of Wyoming.

Mr. HOSMER. Mr. Chairman, I yield to to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

In further elaboration of the point already made by my distinguished colleague (Mr. Hosmer), actually Wagon Wheel, which is the project which concerns the gentleman from Wyoming, amounts to $2.4 million. It would be tragic overkill, I believe, to kill off, as your amendment would do, the whole $10.5 million Project Plowshare because of your distaste for this one project.

Let me add one other point. These are joint industrial projects. When you talk about Gasbuggy and these other projects, they are shared in by private industry which will be contributing from their own capital funds for the support of these projects. Their share will be 90 percent. There will be 10 percent Government, 90 percent private capital. I think it would be a shame to wipe out a program when we provide that kind of incentive and encouragement to private capital to come in and develop the resources of the United States.

Mr. TIERNAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the gentleman from California, since he made some reference to the motivations of people, if he would give me some clarification for my benefit.

The gentleman made some remarks with regard to the motivations of people who are opposed to this and excluded the gentleman from Wyoming. I would like to know whether any of the people present in the Chamber would have a motivation that would fall in the category of the description you gave.

Mr. HOSMER. There is no one in the Chamber I know of that would fit the description I gave. Those who would fall in the category of the description I gave are operators of oil shale projects and properties in the Western United States.

Mr. TIERNAN. If the gentleman will also refer to page 28 of the committee report, it seems to me the increase in funding in this particular area resulted in an effort by you and members of the committee to increase the grants to carry on this program with vigor and with additional funding. Is that correct?

Mr. HOSMER. Indeed. In recognition of the tremendous gas shortage we have and in recognition of the fact that there is over twice the amount of gas locked in oil shale in the western regions of the United States than has been discovered and used in this country already, we figured that we should get with it.

Mr. TIERNAN. Is it correct from your remarks that the feeling of the committee and the administration is that this is not being pursued sufficiently?

Mr. HOSMER. Without funding of $3 million more than has been asked for over the last 3, 4, or 5 years we felt it has not been sufficient. Consistently, we have added about $3 million to the program with the feeling that it should be tied in at that rate rather than the slower pace indicated by the budgetary request.

Mr. TIERNAN. I thank the gentleman.

Mr. RONCALIO. Let me give a good example to the gentleman from Illinois of the magnanimity of the extent to which private enterprise has been contributing its 90 percent of costs of damage. I now read from Wagon Wheel Environmental Import Report:

Those within seven miles—fewer than 25 persons—will be requested to leave the area during detonation. Minor architectural damage to some 200 to 400 structures may occur.

Such damage is currently estimated at approximately $65,000.

This is the equivalent of $400 per citizen for the damage to their homes, to their walls, or to their feeding pens, to their fences, dams. I submit further that if you find the damage exceeds $65,000, additional appropriations will be sought from the Congress to pay the claims. It's always the people who pay. But if great quantities of gas are beneficially recovered, you know who gets the windfall profit.

Let me also state to the gentleman from California (Mr. HOSMER) with whom I have labored long and hard on many of these things in the Committee on Interior and Insular Affairs, that if this thing is a success, and a howling success, that you will have contributed less than 1.5 percent toward the solving of the shortage for energy over the next 15 years. It is not very much—at best.

I think that it is high time that we should be spending this money on nuclear fusion rather than on this wasteful, poor program which even if successful only perpetuates our wasteful habits regarding natural gas and uranium usage.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield so that I can make a brief reply to the gentleman from Wyoming?

Mr. TIERNAN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I just want to point out that I think perhaps the gentleman did it unwittingly, but that in referring to the particular question of the payment of damages the gentleman has created, I am sure, in the minds of some of the members of the committee, the impression that this was in fact that damage would occur. I think it should be emphasized that it is, that it may occur, but I think the fact is extremely problematical that it may occur, or that any of these rather horrendous predictions of estimated damage would in fact occur. So I think we ought to put the stress on the word "may."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO).

The amendment was rejected.

Mr. EDMONDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the bill H.R. 14990, and strongly urge its approval, including the funds authorized to provide and develop the advanced Trident missile submarine.

Mr. Chairman, the last time this body authorized a missile submarine was in 1964; that was the authorization of our last Polaris submarine. Our last missile submarine was completed in 1967. During this 8-year and 5-year period respectively the Soviets have been developing, designing, and building advanced missile submarines at an increasing rate. The Soviets have also been working very hard to develop techniques for neutralizing our missile submarines—techniques for finding them and destroying them. We believe they have not been successful to date, but it is only reasonable to expect that eventually they will be successful. Of course we do not know when but we must prepare for this day.

The best way to prepare for such an event is to develop an advanced submarine which will be able to take over in place of our older missile submarines by the time the Soviets have been successful in neutralizing them. This is the purpose in developing the advanced Trident system.

One of the most important factors in contending with this and similar complex technology and hardware programs is the time factor. It takes at least 5 years to develop an advanced nuclear propulsion plant. Any deferrals are irreversible actions. Ignoring this lead time and waiting until an absolute need develops will cause us to be 5 years late. Of course, in matters such as this, vital to our national defense posture, such a situation would be disastrous. Accordingly, delays in getting started cannot and should not be tolerated.

The funds herein authorized are essential to U.S. security and I am confident the House will vote its approval on that basis.

AMENDMENT OFFERED BY MRS. ABZUG

Mrs. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ABZUG: Page 12, after line 7, add a new section to read as follows:

"SEC. 302(a) The Commission shall not grant or renew any license permitting the Trustees of Columbia University in the City of New York to operate or fuel any nuclear reactor within the City of New York. Any such license currently outstanding is hereby revoked, effective immediately upon the enactment of this Act.

"(b) The Court of Claims shall have jurisdiction to hear and determine—

(1) whether any revocation under subsection (a) of this section constitutes a taking of private property within the meaning of the Fifth Amendment to the United States Constitution, and

(2) should it decide that such a taking has occurred the amount of compensation due from the United States for losses resulting from such revocation."

POINT OF ORDER

Mr. PRICE of Illinois. Mr. Chairman, I make a point of order against the amendment offered by the gentlewoman from New York (Mrs. ABZUG).

The CHAIRMAN. The gentleman will state his point of order.

Mr. PRICE of Illinois. Mr. Chairman, the amendment just offered by the gentlewoman from New York (Mrs. ABZUG) in subparagraph (b) prescribes the jurisdiction of the Court of Claims. Of course, the Court of Claims is not within the purview of the legislation pending before us this afternoon.

The CHAIRMAN. Does the gentlewoman from New York (Mrs. ABZUG) desire to be heard on the point of order?

Mrs. ABZUG. I do, Mr. Chairman.

Mr. Chairman, the question involved here is not the prescription of the jurisdiction of the Court of Claims; it merely provides that should it be interpreted here that there is a taking of private property, that the Court of Claims which has jurisdiction would herein determine whether or not there is a taking of private property within the meaning of the fifth amendment. It does not impose any new jurisdiction upon the Court of Claims.

The CHAIRMAN (Mr. UDALL). The Chair is prepared to rule on the point of order raised by the gentleman from Illinois (Mr. PRICE).

The first portion of subparagraph (a) of the amendment offered by the gentlewoman from New York (Mrs. ABZUG) is in the opinion of the Chair germane to the legislation before us. However, subparagraph (b) of the proposed amendment would impose or give jurisdiction to the Court of Claims to make certain determinations. The matter contained in subparagraph (b) is not a matter within the jurisdiction of the Joint Committee on Atomic Energy, and would lie within the jurisdiction of another committee of the Congress, and of the House of Representatives.

It is therefore the opinion of the Chair that since subparagraph (b) of the amendment offered by the gentlewoman from New York (Mrs. ABZUG) is not germane, the Chair therefore sustains the point of order against the amendment.

AMENDMENT OFFERED BY MRS. ABZUG

Mrs. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ABZUG: Page 12, after line 7, add a new section to read as follows:

"SEC. 302. (a) The Commission shall not grant or renew any license permitting the trustees of Columbia University in the city of New York to operate or fuel any nuclear reactor within the city of New York. Any such license currently outstanding is hereby revoked, effective immediately upon the enactment of this Act.

POINT OF ORDER

Mr. HOSMER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. HOSMER. Mr. Chairman, I make a point of order against the amendment in that it denies the trustees of Columbia University the equal protection of the law because it singles them out and them alone as being ineligible for a license, which is within the general power of the Commission to grant.

The CHAIRMAN. Does the gentlewoman from New York desire to be heard?

Mrs. ABZUG. Yes, Mr. Chairman.

Mr. Chairman, I understood the Chair to have ruled the amendment which I have just proposed as being germane and in order.

However, I do not believe that it does that at all. It does not deny equal protection of the laws. The fact is that the Commission has the authority to either grant license or not grant a license depending upon its authority under the act.

This merely indicates it has also the power to revoke licenses upon a demonstration that there is a lack of safety involved.

Mr. Chairman, I think this amendment is both germane and in order.

The CHAIRMAN (Mr. UDALL). The pending bill would authorize certain appropriations for the Atomic Energy Commission and authorize certain activities.

The proposed amendment would place a limitation, a specific limitation, on those activities.

In the opinion of the Chair the amendment is germane and therefore the Chair overrules the point of order.

Mrs. ABZUG. Mr. Chairman, this amendment is addressed to a very serious problem in New York and many other places.

Despite much community protest, and over the safety-based objections of the experts comprising its own trial board, the Atomic Energy Commission has just granted a license permitting Columbia University to operate a nuclear reactor in the densely populated Morningside Heights community.

My amendment would uphold the objections of the Morningside community and the safety experts of the AEC by revoking that license and prohibiting the issuance of a new one.

Community opposition to the Triga II pulsing nuclear reactor, located at 119th Street and Amsterdam Avenue, goes back nearly a decade to the time the reactor was first proposed. Three years ago, four Columbia professors and many local residents and public officials joined in protesting the reactor as too dangerous, and community residents have participated in the proceedings before the AEC.

In April 1971, the AEC trial board recommended the denial of Columbia's application for a reactor permit on the ground that there was insufficient evidence that the reactor could be operated safely. This "pulsing" reactor, while smaller than many other reactors, pulses up to 250,000 kilowatts of atomic power once every 6 minutes At the time this pulse occurs, the reactor is as powerful and as dangerous as a substantially larger reactor.

Last month, the AEC Appeals Board reversed the decision of the trial board and granted the license, effective June 2—last Friday.

Columbia has not taken any steps to fuel the reactor, but under this last decision they are free to do so at any time. The Columbia situation is one of national significance. I am not opposed to the peaceful application of atomic energy, but we have a responsibility to guarantee that atomic reactors are not located in the midst of densely populated areas. All people have a right to be protected in their own homes and to be assured that we will not permit atomic reactors to be their next-door neighbors.

Mr. Chairman, this amendment is of great importance to the people in New York City and around the country, and I urge its adoption.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this terrible monster about which you have just heard is so horrible, in fact, that it is a machine that is used as a research tool and it is installed in many of the universities of the United States and, indeed, the major progressive universities throughout the world.

For example, there is one of these at the University of Arizona, one at the University of Illinois, one at Idaho State University, one at Reed College, and one at Michigan State University. There are other reactors on other campuses all over the country. The reason they are put there is that they are tools and devices for the enhancement of man's knowledge in technical areas, man's knowledge in medical areas, biological areas, and many other areas.

If I were to have any phraseology at all to describe the amendment, I would have to describe it as "the dark ages amendment," "turn back the clock," "stop the knowledge," "take away the research tools."

Mr. Chairman, I urge defeat of the amendment.

Mr. KOCH. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment knowing that the amendment is not going to be agreed to, but to use the opportunity to address myself to a basic question, because I think it should ultimately be the subject of legislation and be discussed in the appropriate committee. That is this: Should not a locality have the right to have standards more stringent than those the AEC requires? There have been attempts at that. I think it was the State of Minnesota that established more stringent safety standards, and they took it all the way up to the Supreme Court and the Supreme Court said no, that setting standards had been preempted by the Federal Government.

Ought we not have legislation which says that where the standards of a State are higher than those provided in the Federal law, the Federal Government shall not preempt the State standards?

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am delighted to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding. I think you have asked a perfectly legitimate question, but as I read section 302(a), the language of the proposed amendment states:

> Any such license currently outstanding is hereby revoked effective immediately upon the enactment of this Act.

In other words, you would be adding the power of the Federal Government here to revoke a license that had already been granted.

Mr. KOCH. No, if I understand the amendment and the situation applying in New York it is this: The license is an AEC license that has been granted to Columbia University. The language and intent of the amendment is not directed at preventing the city of New York from issuing a license, indeed it has no such power. And I want to tell you that many of the people of the city of New York do not want that reactor there. And in my judgment the city of New York would bar it if it had that power.

As I said, I do not believe we will pass this amendment, but ought this House not address itself at some time to the question of whether we, the Federal Government, shall impose a nuclear reactor on an area where the city or the State does not want it? That is the basic question.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am delighted to yield to the gentleman from California.

Mr. HOSMER. The AEC did not initiate the proceedings to authorize a license. The trustees of Columbia University wanted a reactor and a license to operate it. Why should the U.S. Congress tell the trustees of Columbia University that they cannot have a reactor when all the rest of the universities have reactors? But Uncle Sam, in the form of the United States, says, "You cannot have one."

Mr. KOCH. Columbia University is a great university, but that does not mean it has the right to endanger the city if it decides to do that. The city of New York does not have the power to bar the Columbia University reactor, because the Federal Government has preempted that power. That is what I am addressing myself to.

Mr. HOSMER. On that basis, I submit they can also prevent trucks and cars and people from coming into the city of New York. Are they going to create a duchy of New York?

Mr. KOCH. Does the gentleman equate trucks and buses with atomic energy and atomic plants? I certainly do not.

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will yield further, is there any evidence the city of New York actually wants to take away from the university the right to operate a nuclear reactor?

Mr. KOCH. I can tell the gentleman that this project has been condemned by great numbers of community groups in the city of New York. There has been no opportunity for the city of New York to make an official judgment or decision, because the city of New York is not given a role in determining whether the reactor will be built in its jurisdiction. What I am saying is there should be legislation to permit the State of Minnesota to do what it wanted to do to give the city of New York comparable powers to say what energy sources shall be built within its city. Does the gentleman not agree with that?

Mr. McCORMACK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to point out once again that nothing the Federal Government is doing is forcing the nuclear reactor onto the Columbia University campus or anywhere else. We have established in the Atomic Energy Commission the right to license reactors. The trustees of the university have requested this reactor. If we lend our authority to the hysteria that makes people fear this reactor, this tiny research tool, as if it is going to destroy the city of New York, then we will be doing a great disservice, not only to research, but also to common intelligence.

There are a great many other reactors in the country. I cite the one in Washington, which is right on the campus, built right along the sidewalks the students walk on as they pass the student union building, and along which everybody walks to go to the football stadium. The reactor is enclosed in glass. Everybody can walk past it and see it. It is half the width of this room away from the sidewalk. The students work on their research projects on this reactor, separated only by a pane of glass from the bystanders. The people learned to accept this, because they have not been driven by hysteria into thinking this reactor is going to gobble them up and destroy their city. We have to establish that we are not going to lend ourselves to this hysteria.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentlewoman from New York.

Mrs. ABZUG. It has been pointed out by the gentleman from New York (Mr. KOCH) and I will reaffirm this, that this particular reactor has been opposed by many leading scientists and community leaders in New York City. I realize that it may be the impression of my colleague, the gentleman from Washington, that we in New York are hysterical, but I think it has been evident that there are many of us who are not, and some of us who may be.

There has been serious and informed testimony—and the gentleman can read it if he wishes to—that there is considerable question about the safety of this particular nuclear reactor. There have been some indications that considerable damage can flow from even low-level plant emissions which it has been suggested can take place here.

I find it interesting that the gentleman has made it his role to defend against any effort to amend that is made in the arena of atomic energy for the safety of people, and I think it is good, because he is a scientist. However, we must reconcile the needs of atomic energy with the rights and safety of our citizens.

I think that no amount of evidence that there has been only some reactor accidents, and that there has not been accidents at every one of them, can obscure or erase the fact that community after community is being subjected to possible safety hazards.

There is no reason to have the reactors in crowded areas of cities. We should address ourselves to the question of where and how we can maintain nuclear development for peaceful purposes which will not at the same time create possible hazards to densely populated areas.

Mr. McCORMACK. Thank you.

I can only say that there is no established record anywhere of any accident for any such reactor, anywhere in the world.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. ABZUG).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UDALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14990) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, pursuant to House Resolution 1007, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 367, nays 2, not voting 63, as follows:

[Roll No. 193]

YEAS—367

Abbitt
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conover
Conte
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Link
Lloyd
Long, Md.
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid
Reuss
Rhodes
Roberts
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—2

Abzug
Ryan

NOT VOTING—63

Abernethy
Bell
Burton
Byrne, Pa.
Carney
Celler
Chappell
Chisholm
Clark
Clawson, Del
Colmer
Conyers
Daniels, N.J.
Danielson
Dellums
Denholm
Diggs
Dowdy
Drinan
Eshleman
Flood

Gallagher
Gibbons
Griffiths
Gude
Halpern
Holifield
Kyros
Leggett
Lent
Long, La.
Lujan
McClory
McCloskey
McEwen
McKinney
McMillan
Metcalfe
Miller, Calif.
Moss
Murphy, N.Y.
O'Konski
Passman
Peyser
Price, Tex.
Pryor, Ark.
Pucinski
Rangel
Riegle
Robinson, Va.
Rodino
Rooney, N.Y.
Roybal
Scheuer
Schmitz
Schneebeli
Springer
Stubblefield
Stuckey
Van Deerlin
Waldie
Wilson, Bob
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Del Clawson.
Mr. Chappell with Mr. Robinson of Virginia.
Mr. Flood with Mr. Eshleman.
Mr. Denholm with Mr. O'Konski.
Mr. Burton with Mrs. Chisholm.
Mr. Drinan with Mr. Diggs.
Mr. Stubblefield with Mr. Lujan.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Daniels of New Jersey with Mr. Riegle.
Mr. Colmer with Mr. McClory.
Mr. Byrne of Pennsylvania with Mr. Schneebeli.
Mr. Murphy of New York with Mr. Peyser.
Mr. Rooney of New York with Mr. Halpern.
Mr. Waldie with Mr. Rangel.
Mr. Melcher with Mr. McCloskey.
Mr. Kyros with Mr. McKinney.
Mr. Gibbons with Mr. Springer.
Mr. Celler with Mr. Gude.
Mr. Van Deerlin with Mr. Schmitz.
Mr. Stuckey with Mr. McEwen.
Mrs. Griffiths with Mr. Price of Texas.
Mr. Carney with Mr. Lent.
Mr. Leggett with Mr. Bell.
Mr. Scheuer with Mr. Dellums.
Mr. McMillan with Mr. Passman.
Mr. Rodino with Mr. Danielson.
Mr. Miller of California with Mr. Pucinski.
Mr. Moss with Mr. Pryor of Arkansas.
Mr Roybal with Mr. Gallagher.
Mr. Clark with Mr. Conyers.
Mr. Abernethy with Mr. Long of Louisiana.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, pursuant to the provisions of House Resolution 1007, I call up from the Speaker's table for immediate consideration the Senate bill (S. 3607) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 3607

An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $2,110,480,000 not to exceed $126,400,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) Nuclear Material.—

Project 73–1–a, in-tank solidification systems auxiliaries, Richland, Washington, $2,500,000.

Project 73–1–b, waste management effluent diversion control facilities, separation areas, Richland, Washington, $1,000,000.

Project 73–1–c, expansion of weighing and sampling facility for gaseous diffusion plant, Portsmouth, Ohio, $1,400,000.

Project 73–1–d, component test facility, Oak Ridge, Tennessee, $20,475,000.

Project 73–1–e, radioactive waste management improvements, Savannah River, South Carolina, $1,300,000.

Project 73–1–f, safety improvements, reactor areas, Savannah River, South Carolina, $2,000,000.

Project 73–1–g, contaminated soil removal facility, Richland, Washington, $1,400,000.

Project 73–1–h, Rover fuels processing facilities, National Reactor Testing Station, Idaho, $3,250,000.

Project 73–1–i, radioactive waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

(2) Nuclear Material.—

Project 73–2–a, atmospheric pollution control facilities, heavy water plant, Savannah River, South Carolina, $4,300,000.

Project 73–2–b, improved sanitary waste treatment facilities, Savannah River, South Carolina, $1,100,000.

(3) Atomic Weapons.—

Project 73–3–a, weapons production, development, and test installations, $10,000,000.

Project 73–3–b, laser fusion laboratory, Los Alamos Scientific Laboratory, New Mexico, $5,200,000.

Project 73–3–c, laser fusion laboratory, Lawrence Livermore Laboratory, California, $6,800,000.

Project 73–3–d, classified facilities, sites undesignated, $15,000,000.

(4) Atomic Weapons.—

Project 73–4–a, new sewage disposal plant, Mound Laboratory, Miamisburg, Ohio, $700,000.

Project 73–4–b, land acquisition, Rocky Flats, Colorado, $8,000,000.

(5) Reactor Development.—

Project 73–5–a, Liquid Metal Engineering Center facility modifications, Santa Susana, California, $3,000,000.

Project 73–5–b, modifications to EBR–II, National Reactor Testing Station, Idaho, $4,000,000.

Project 73–5–c, modifications to Power Burst Facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–d, modifications to TREAT facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–e, research building safety modifications, Mound Laboratory, Miamisburg, Ohio, $3,000,000.

Project 73–5–f, Pu-238 fuel form fabrication facility, Savannah River, South Carolina, $8,000,000.

Project 73–5–g, modifications to reactors, $3,000,000.

Project 73–5–h, S8G prototype nuclear propulsion plant, West Milton, New York, $56,000,000.

(6) Physical Research.—

Project 73–6–a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $400,000.

Project 73–6–b, accelerator and reactor improvements, Brookhaven National Laboratory, New York, $475,000.

Project 73–6–c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, $75,000.

Project 73–6–d, accelerator improvements, Lawrence Berkeley Laboratory, California, $525,000.

Project 73–6–e, accelerator improvements, Stanford Linear Accelerator Center, California, $1,025,000.

Project 73–6–f, accelerators and reactor improvements, medium and low-energy physics, $600,000.

(7) Biology and Medicine.—

Project 73–7–a, high-energy heavy ion facility (BEVALAC), Lawrence Berkeley Laboratory, California, $2,000,000.

(8) Biology and Medicine.—

Project 73–8–a, replacement of laboratory service systems, Oak Ridge National Laboratory, Tennessee, $1,200,000.

(9) Administrative.—

Project 73–9–a, addition to headquarters building (AE only), Germantown, Maryland, $1,500,000.

(10) General Plant Projects.—$49,050,000.

(11) Capital Equipment.—Acquisition and fabrication of capital equipment not related to construction, $164,080,000.

Sec. 102. Limitations.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (5), (6), and (7) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (2), (4), (8), and (9) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b)(10) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(10) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Sec. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Sec. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

Sec. 105. Amendment of Prior Year Acts.—(a) Section 101 of Public Law 91–44, as amended, is further amended by striking from subsection (b)(1), project 70–1–b, bedrock waste storage, the figure "$1,300,000" and substituting therefor the figure "$4,300,000".

(b) Section 101 of Public Law 91–273, as amended, is further amended by (1) striking from subsection (b)(1), project 71–1–e, gaseous diffusion production support facilities, the figure "$45,700,000" and substituting therefor the figure "$72,020,000", (2) striking from subsection (b)(1), project 71–1–f, process equipment modifications, gaseous diffusion plants, the figure "$10,400,000" and substituting therefor the figure "$34,400,000", (3) striking from subsection (b)(6), project 71–6–a, National Nuclear Science Information Center, the words "AE only" and substituting therefor the words "American Museum of Atomic Energy", and further striking the figure "$600,000" and substituting therefor the figure "$3,500,000", and (4) striking from subsection (b)(9), project 71-9, fire, safety, and adequacy of operating conditions projects, the figure "$45,700,000" and substituting therefor the figure "$69,000,000".

(c) Section 101 of Public Law 92–84, as amended, is further amended by(1) striking from subsection (b)(1), project 72–1–f, component preparation laboratories, the figure "$3,000,000" and substituting therefor the figure "$25,300,000", (2) striking from subsection (b)(2), project 72–2–b, weapons neutron research facility, the words "(AE only)" and further striking the figure "$585,000" and substituting therefore the figure "$4,400,000", (3) striking from subsection (b)(3), project 72–3–b, national radioactive waste repository, the words "Lyons, Kansas" and substituting therefor the words "site undetermined" and further adding after the words "*Provided*, That" the words "with respect to any site in the State of Kansas", and (4) striking from subsection (b)(5), project 72–5–a, radiobiology and therapy research facility, the words "(AE only)" and further striking the figure "$345,000" and substituting therefor the figure "$1,600,000".

Sec. 106. Rescission.—(a) Public Law 91–44, as amended, is further amended by rescinding therefrom authorization for the following projects, except for funds heretofore obligated:

Project 70–2–a, rebuilding of gaseous diffusion plant cooling tower, Portsmouth, Ohio, $1,000,000.

Project 70–4–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

(b) Public Law 91–273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71–3–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

TITLE II

Sec. 201. The Congress recognizes and assumes the compassionate responsibility of the United States to provide to the State of Colorado financial assistance to undertake remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material in the area of Grand Junction, Colorado.

Sec. 202. The Atomic Energy Commission is hereby authorized to enter into a cooperative arrangement with the State of Colorado under which the Commission will provide not in excess of 75 per centum of the costs of a State program, in the area of Grand Junction, Colorado, of assessment of, and appropriate remedial action to limit the exposure of individuals to, radiation emanating from uranium mill tailings which have been used as a construction related material. Such arrangement shall include, but need not be limited to, provisions that require:

(a) that the basis for undertaking remedial action shall be applicable guidelines published by the Surgeon General of the United States;

(b) that the need for and selection of appropriate remedial action to be undertaken in any instance shall be determined by the Commission upon application by the property owner of record to the State of Colorado within four years of the date of enactment of this Act and recommendation by and consultation with the State and others as deemed appropriate;

(c) that any remedial action shall be performed by the State of Colorado or its authorized contractor and shall be paid for by the State of Colorado;

(d) that the United States shall be released from any mill tailings related liability or claim thereof upon completion of remedial action or waiver thereof by the property owner of record on behalf of himself, his heirs, successors, and assigns; and further, the United States shall be held harmless against any claim arising out of the performance of any remedial action;

(e) that the State of Colorado shall retain custody and control of and responsibility for any uranium mill tailings removed from any site as part of remedial action;

(f) that the law of the State of Colorado shall be applied to determine all questions of title, rights of heirs, trespass, and so forth; and

(g) that the Atomic Energy Commission shall be provided such reports, accounting, and rights of inspection as the Commission deems appropriate:

Provided, That before such arrangement or amendment thereto shall become effective, it shall be submitted to the Joint Committee on Atomic Energy and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee on Atomic Energy, after having received the arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such thirty-day period.

Sec. 203. The Atomic Energy Commission shall prescribe such rules and regulations as it deems necessary and appropriate to carry out the provisions of this title II. Notwithstanding the provisions of subsection (a)(2) of section 553 of title 5, United States Code, such rules and regulations shall be subject to the notice and public participation requirements of that section.

Sec. 204. For the purpose of carrying out the provisions of this title II, there is included in subsection 101(a) of this Act authorization of appropriations in the amount of $5,000,000.

TITLE III

Sec. 301. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"w. prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b, any fee, charge, or price which it may require, in accordance with the provisions of section 483a of title 31 of the United States Code or any other law, of applicants for, or holders of, such licenses.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 14990) was laid on the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RE-REFERENCE OF S. 2988, ARCTIC WINTER GAMES, TO THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of S. 2988, to authorize the appropriation of $250,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974, and that the bill be rereferred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

DEATH OF HELEN G. BONFILS

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, it is my sad duty to advise the Members of the death of Helen G. Bonfils, whose family has meant a great deal to the people of my district and particularly to the schools at Troy, Mo. The account of her death in today's Washington Post follows:

Helen G. Bonfils Dies at 82; Chairman of Denver Post

Denver, June 6.—Philanthropist Helen G. Bonfils, chairman of the board of the Denver Post, died Tuesday at St. Joseph's Hospital after a lengthy illness marked by heart trouble. She was 82.

Miss Bonfils had expressed the desire to have employees own the newspaper and at the time of her death she personally owned one share.

The remainder of her majority holdings, about 82 percent, earlier had been placed in an employees' stock trust and in her own Helen G. Bonfils Foundation for later transfer to the employees' fund.

Miss Bonfils was the younger daughter of Post cofounder Frederick G. Bonfils, who bought the paper with H. H. Tammen for $12,500 in October, 1895. When he died in 1933, she assumed management.

Charles R. Buxton, editor and publisher of The Post, said Miss Bonfils was "a great lady, a philanthropist, actress, but most of all a newspaperwoman—one of the few in U.S. journalism history who understood, guided and loved her people so that her newspaper could achieve greatness."

Though hospitalized in recent years, "Miss Helen," as she was known to her employees, worked closely with the editors of The Post.

The newspaper and the theater were her first interests, but she also spent a great deal of time and money on charitable causes, churches and hospitals. She received a Papal Cross in 1942 for her contributions to the Catholic Church and its institutions.

In the theater, Miss Bonfils was a actress, a benefactor and the financial backer of many plays, including "Sleuth," a Tony Award winner on Broadway during the 1970–71 season.

Born in Peekskill, N.Y., Nov. 26, 1889, Miss Bonfils grew up and was educated in Denver and at the National Park Seminary in Forest Glen, Md.

She married summer stock director George Somnes here in 1936. He died in 1956 and she married a local oil man, Edward Michael Davis, in 1959. They were divorced last year.

Miss Bonfils and her sister, the late Mrs. Charles Stanton, shared equally in the $14-million estate of their father and in the $10-million estate of their mother, who died in 1935.

Mrs. Stanton sold the bulk of her shares in the newspaper to Samuel I. Newhouse, the owner of a group of newspapers and head of the Herald Co. that now holds 14,724 shares, or about 18 percent.

Miss Bonfils added to her holdings in the newspaper by buying two blocks of stock for the corporation in 1960 and 1966.

The Herald Co. filed suit in 1968, contending The Post management had made improper use of newspaper funds in the 1960 stock purchase. The case is now being considered by the 10th U.S. Circuit Court of Appeals here following a lower court ruling that the disputed shares be sold at public auction.

Miss Bonfils made several generous gifts to the community in which her father and his father obtained their starts. Bonfils Auditorium and Bonfils Cafeteria in Buchanan High School in Troy will stand as monuments to their philantrophy. Equally important, her father, Fred Bonfils, provided a great deal of the color of frontier life in Missouri and Kansas, as well as Colorado.

Gene Fowler's book "Timber Line" describes him:

Tammen invaded Chicago's Midway with a portfolio of Jackson's Architectural Views—tinted photographs of the World's Fair.

While scouting the press room, Tammen chanced on a book of peculiar tickets. "What are these?"

The boss-printer glanced up from the Declaration.

"Oh, those? Some lottery tickets."

"Who for?" Tammen asked.

"A fellow named Bonfils. Know him? Fred G. Bonfils."

"No. What's his game?"

The printer chuckled. "He's a lulu! Kansas City. We do all his printing. This Bonfils has a million dollars salted away."

"Banker?"

The printer shook his head. "Not so's you could notice. Gambler!"

Tammen pricked up his ears. "A million, eh? How old is he?"

"I'd say about thirty-three or four. Went to West Point. Says he's a relative of Napoleon. Sounds kind of crazy."

"He's not crazy," Tammen said, "or he'd claim he was Napoleon. How'd he make his million? Lotteries?"

"He got his stake in the Indian Territory land rush of '89."

"A prairie-dog trapper," Tammen said. "Then what?"

"Well, he helped lay out the town of Guthrie. Then there was a little commotion. When the boys began peddling high-priced lots in Oklahoma City, what does this here Bonfils do? Why, he puts big ads in all the newspapers, offering Oklahoma City parcels for one-third the market value; but it seems the ground Bonfils sold was not in Oklahoma City, Oklahoma, at all, but Oklahoma City, Hemphill County, Texas!"

"A genius!" Tammen said. "Is that all you know?"

"Maybe I oughtn't to gab so much," the printer said. "I don't know who you are."

"I'm the fellow who's going to trim this Bonfils," Tammen said.

The printer laughed loudly. "Any old time! Why, just let anybody try and get a dime out of him. It's like childbirth. . . . How big you want this plate? Same size?"

"A little bigger," Tammen said. "Let's not short change the people of Chicago. . . . Say, what kind of looker is this Napoleon of the Corn Fields?"

"A dude," the printer said, "handsome and military, if he didn't wear such loud check suits."

"Big fellow?" Tammen asked.

"Say, you seem interested!" the printer said. "You ain't a copper by any chance?"

"No, a con man."

"Oh," the printer said. "Well, you see the authorities are after him. They claim Bonfils' lottery is crooked."

"They're narrow-minded," Tammen said.

"That's why them lottery tickets are still here. Bonfils was supposed to get 'em two weeks ago. But I guess he's laying low. Some new laws was passed."

"Laying low where, partner?'

The printer hesitated. "Well, it's none of my business, but he works his lottery from Kansas City, Kansas, and lives in Kansas City, Missouri."

"Skip out of one State into the other on short notice?" Tammen asked.

"Search me. Now, you was askin' about his size. Taller'n you, I'd say. About five feet ten and a half. Well set up. Like a boxer. Moves sure and fast. They say he's got a punch like a mule. Anyway, you wouldn't want to cross him. He's got the damnedest set of blazing black eyes that ever looked at five aces. A sharp-pointed moustache and curly hair, black as coal . . . How many of these you want printed?"

"I'll be back," Tammen said. "If Bonfils shows up, tell him Harry Tammen is out to trim him."

"You'll be the first one, then," the printer said.

Tammen did not find his man in Kansas City. Many other persons were looking for Frederick Gilmer Bonfils, government officers being anxious to question him concerning the Little Louisiana Lottery, which they claimed he had been operating under the alias of L. E. Winn. That interesting enterprise, said the sleuths, was fraudulent, Mr. Winn offering a large capital prize and several lesser ones, himself winning the big plum through members of his own ring.

The more Tammen learned of Bonfils, the more determined he became to contact the Napoleon of the Corn Fields. Information was plentiful. The Kansas City Star, the farmers' Bible, had been attacking Bonfils. The owner of that great publication, William Rockhill Nelson, was determined to rid the municipality and State of the swarthy Corsican. The Nelson publication declared Bonfils had operated under several aliases, such as L. E. Winn, E. Little, Silas Carr, and M. Dauphin. The last-named, said Kansas City journalists, was a fabulous person, who "had died conveniently" during some scheme or other.

As for Bonfils' biography, Tammen learned that he was a native of Troy, Missouri, the son of a Probate Judge, whose name originally had been Eugene Napoleon Buonfiglio. The family—a respected and well-to-do clan—had changed the name for purposes of simplification. Fred Bonfils' grandfather it was said, not only had been closely related to Napoleon, but as a boy in Corsica had played with the future First Consul.

The Judge, on retiring from the bench, became an executive of the Triple Alliance,[*] an insurance company of Troy. He had military ambitions for his son. He was delighted when Fred was nominated for West Point. The young man entered that war-foundry in the late '70's, a classmate of John J. Pershing and Enoch H. Crowder.

Stories varied concerning Bonfils' leaving West Point. One had it that he was demoted from the third to the fourth class for deficiency in mathematics; that he tried for three years to meet the academic requirements, but finally was dropped in 1881. Another version was that he resigned voluntarily to marry Miss Belle Barton, a young woman of Peekskill, N.Y. At any rate he did leave West Point before graduation.

It was said that he labored briefly in New York City, merchandising gas mantles from door to door. Gossipers averred he was ejected from a Knox Hat Store when giving a sales talk, and was so lastingly enraged that, during his journalistic days, he ordered a virulent editorial attack on Senator Philander Knox, who was not related in any way to the Knox Hat people. Bonfils hated the very name, Knox.

Still later, he worked in the Chemical National Bank, learning something of finance. Then, after his wedding in 1882, he moved to Canon City, Colorado. There he became drill master and instructor in mathematics at a military school. After a short sojourn in Canon City, Bonfils returned to Troy, where he engaged in the insurance business of his father, Judge Eugene Napoleon Bonfils. He heard so much of Napoleon that eventually he came to believe himself a lineal descendant of the Little Corporal.

Tammen gleaned all the reports he could concerning Bonfils and went back to Chicago.

As to what occurred when the Little Dutchman met Bonfils for the first time, one must rely upon Tammen's own account.

"I walked smack in on him," said Tammen. "He eyed me up and down, and said:

" 'Who are you? and what do you want?'

" 'Kid,' I said, 'I hear you've got a million dollars in safety-deposit boxes and I'm going to shake you down for half of it.'

"This sort of floored him. He said: 'Sit down, and we'll talk it over.' Then he imitated me. 'Kid,' he said, 'if you get a nickel out of me, you'll be doing more than anyone else ever did, or ever will do.'

"Well, I guess I'm a pretty good salesman. I told Bonfils about the new crop of millionaires out in our country. Of Stratton, Tabor and the rest; Dave Moffat and the boys of the gold fields. Then I told him about the Eveing Post, a little sheet that could hardly pay its office rent. And we went into partnership then and there. And there never was a scratch of a pen between us. There were a lot of things he didn't know. What he didn't know, I did. What I didn't know, he knew. And between us, we knew everything."

Tammen and Bonfils took lunch together, The Little Dutchman had a first taste of Bonfils' shrewd and everlasting guardianship of that which belonged to him, when time came to pay the check.

Bonfils swiftly added the figures. Then he said: "We'll each pay for his own."

Tammen studied the lithe, handsome gambler, who began a lecture on giving large tips to waiters. "It only spoils a man," Bonfils was saying, "to overpay him—to give him something that he doesn't earn. Never do it. It means you are really afraid of something—of looking ridiculous perhaps—when you give away a big tip."

It was the beginning of as strange and lasting a friendship as the West ever witnessed. The obscure meeting of these men of opposite temperament, of opposite behavior, was apparently unimportant to anyone but themselves. Yet, it was to affect the lives and thoughts of hundreds of thousands of persons, shape the destiny of a city, a state—and, within certain limits, a nation. For, from this friendship was born a blatantly new journalism, called by some a menace, a font of indecency, a nuptial flight of vulgarity and sensationalism; by others regarded as a guarantee against corporate banditry, a championing of virtue and a voice of the exploited working man. The important thing was that everyone would have some opinion of the product of this union.

Tammen was a dreamer. Bonfils was haughty, dynamic, publicly taciturn (except when his Peer Gynt temper broke through and words or fists commenced to fly).

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[*] In the Triple Alliance policy you were assigned a number and you collected if the person with the number before or after you died. It was later declared a lottery.

Neither of these men ever seemed to grow old in mind or body. They didn't have time. And as diametrically opposite as they were in most respects, they had this in common: both were strong of purpose, both were aggressive fighters.

The initial agreement between the partners was that Bonfils provide the capital—$12,500 for the purchase of the Evening Post—and Tammen "the publishing brains."

The partners arrived at Denver in October, 1895. They bought the Post property on October 28 of that year.

"It's a piddling little paper now," Tammen said to Bonfils as they walked arm-in-arm up Curtis Street. "But we'll wean it on tiger-milk."

When the first week had passed, Tammen applied to Bonfils for funds to meet the editorial pay-roll.

Bonfils looked at his partner wonderingly. "Why, no, Harry," he said, "I won't advance another cent."

Tammen was deflated. "Then how in hell are we to keep on publishing?"

"That's for you to determine, Harry. You say you have the brains. I know I have the money."

"You won't put up a few hundred more?"

Bonfils embraced Tammen. "Harry, when we bought this paper, I expected it to make money from the grass up. And it will have to do just that. Not one cent more do I put in from my capital. The POST has got to earn its own way."

"Great!" Tammen said. "It will."

The first of Bonfils' many newspaper crusades was launched—it was a drive against the operation of lotteries!

CONFERENCE REPORT ON HIGHER EDUCATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Mrs. GREEN), is recognized for 60 minutes.

Mrs. GREEN of Oregon. Mr. Speaker, the conference report on the higher education bill is scheduled for a vote tomorrow. The higher education bill as it was reported out of the full committee and as it was approved by this House on November 4 by a vote of 332 yeas to 38 nays is legislation that was enthusiastically supported by all of the higher education community. I regret more than I can say that the conference report on the higher education bill is legislation that I cannot support. The reasons for my opposition are stated very eloquently and very succinctly in the hundreds of letters and telegrams which I have received in my office in opposition to the bill. I do not suggest that all of higher education is opposed to the conference report, but it seems to me that an article in the June 2 issue of Science describes the situation accurately:

An ambiguous note is the attitude of the higher education community. The associations of universities and colleges which form the higher education lobby in Washington have given an uncharacteristically slow and uncoordinated reaction to the bill, offering either halfhearted endorsement for the bill or engaging in extended consultations with their constituents. Advocates of the bill have been counting on support from university and college officials to counterbalance the busing issue. There is considerable reluctance in the higher education community to accept even the modified antibusing features added to the bill, and there are also objections to several of the educational provisions of the bill. The bill's institutional aid formula, in particular, is viewed unenthusiastically by academia's policy makers, who would have preferred a program of direct grants to institutions to the bill's complicated formula stressing aid based on federal funds received by an institution's students.

There follows a statement by the National Association of Jesuit Colleges and Universities in opposition to the conference report:

ASSOCIATION OF
JESUIT COLLEGES & UNIVERSITIES,
Washington, D.C., May 31, 1972.

DEAR COLLEAGUE: The Association of Jesuit Colleges and Universities has reluctantly decided that it cannot endorse the Conference Report on the proposed higher education bill, S. 659. The members of this Association feel strongly that the anti-busing provisions added to the original bill have no place in legislation affecting the future of our colleges and universities.

In addition, the Association is grieved that many needs and wishes of our institutions and associations were ignored and deleted in the Conference, particularly in the matter of direct institutional aid. The small and middle-sized private college receives small comfort from this particular program as offered in the Conference Report. It hopes that such actions do not augur a trend for future legislation.

Further, the Association remains convinced that there is little promise of equity in the future for students from middle-income America. It is also clear that there is no guarantee in S. 659 that the "national entitlement" promised to students from low-income families will soon be sufficiently funded to provide all eligible students with support.

Finally, there has been no planning for or evaluation of the effect that the amounts of discretionary funds provided the Office of Education and HEW would have upon the present structure of higher education.

REV. JOHN A. FITTERER, S.J.
MR. JOSEPH KANE.

The president of every private college in my State of Oregon is on record in opposition to the bill. Their reasons are very persuasive from an educational standpoint:

STATEMENT OF OPPOSITION TO HIGHER EDUCATION CONFERENCE REPORT—SIGNED BY THE PRESIDENTS OF INDEPENDENT COLLEGES IN OREGON

Because of the many good things in the final bill, we wish we could support it—but we cannot. . . . Our objections to the bill are, we believe, basic and fundamental.

1. Although we are pleased with your general acceptance of the entitlement grant concept, the actual wording in this bill is so susceptible to political budgetary manipulations that we fear the entire program could easily be made meaningless after having raised the hopes of millions of potential recipients across the nation.

2. We are deeply concerned that the final version of "institutional aid" is—except for the very minor portion concerning graduate students—tied entirely to the question of aid to needy students. To relate the general support of higher education to the amount of aid to needy students is to miss the point of higher education. Higher education is for all students, not just needy students. Unfortunately, if this section is approved as written it may well further increase the difficulties of middle income students attempting to attend colleges of their choice. It could also tend to subvert the basic role and purpose of higher education institutions.

3. The appropriation process for this institutional aid program is so written that unless Congress were to fund the student aid programs for more than $1 billion, no funds under entitlements would flow to any institution. A real and dependable program of institutional aid should be based upon a formula having to do with the needs of the institution and should then be financed by itself, not dependent upon other programs.

4. There is a very real need to reform the veterans benefit law regarding educational assistance but the provisions, as written in this bill, would not really aid veterans to achieve attendance at the college of their choice. It does, however, establish a back door method of giving indirect aid to public colleges with their lower tuition but would not significantly assist the independent colleges.

We regret having to take this stand, but we feel the bill is deficient. We do so with the hope and anticipation that next year Congress will be able to pass an improved and comprehensive higher education bill.

Dr. Rex F. Johnston, Columbia Christian College, Portland, Oregon; Dr. David C. Le Shana, George Fox College, Newberg, Oregon; Dr. John R. Howard, Lewis & Clark College, Portland, Oregon; Rev. Christian R. Mondor, Mt. Angel College, Mt. Angel, Oregon; Dr. James V. Miller, Pacific University, Forest Grove, Oregon; Rev. Paul E. Waldschmidt, University of Portland, Portland, Oregon; and Dr. Roger J. Fritz, Willamette University, Salem, Oregon.

Dr. E. P. Weber, Concordia College, Portland, Oregon; Dr. Donald Reid, Judson Baptist College, Portland, Oregon; Dr. Gordon C. Bjork, Linfield College, McMinnville, Oregon; Dr. Robert H. Krupp, Marylhurst College, Marylhurst, Oregon; Dr. Paul Bragdon, Reed College, Portland, Oregon; and Dr. E. Joe Gilliam, Warner Pacific College, Portland, Oregon.

The nationally known and highly respected president of Duke University has stated very eloquently the reasons for his opposition to the conference report. President Terry Sanford is the former Governor of North Carolina and an outstanding leader in the educational field. He was one of the first to initiate the Education Commission of the States. He is the author of the widely read book, "Storm Over the States." It seems to me we would be wise to listen to his counsel.

(Letter from President Terry Sanford of Duke University (in opposition to the Higher Education Conference Report.) He is also the Chairman of the National Council of Independent Colleges and Universities.)

MEMORANDUM

May 22, 1972.

Re: S. 659, Education Amendments of 1972.
Memo to: Honorable Edith Green.

As President of a private, graduate university, it is quite likely that this bill is very beneficial for us. But I hope we can look beyond our private interests.

I have deep misgivings about this bill. I agree with the broad objectives of Federal participation in the support of higher education, and especially with the objective of a program that will make it possible for every qualified student to get a college education, regardless of financial disability.

However, I do not think that this bill accomplishes these national purposes, certainly not in the long run.

I am opposed, as a matter of principle, to expediency, to taking what is offered by Congress simply because it is better than nothing. We react too easily to the dollar sign. I happen to believe that nothing is much better than many courses of action. I do not think we should jump at every dollar mark held up by Congress. I think that we should be firm in insisting that Congress not start false courses that cannot later be corrected.

First of all, this bill appears to be full of empty promises. It is not likely to be funded properly, and there are too many loopholes for those who will play budget games. Unless there is 75% funding of EOG and 100% of Work-Study and NDSL there can be no funding of the new BOG (Basic Opportunity Grants), and until BOG is funded to at least 50% of need there cannot be full institutional aid. I am advised by an Office of Education spokesman that there is no chance that BOG can be started in time for the next school year.

Furthermore, I am not tremendously impressed with the concept of BOG. If EOG had been fully funded, we would not need this "new" approach.

As for institutional aid, the objective of any such assistance should be to add Federal tax dollars to the general support of higher education, something that has never been done and something that is now needed because of rapidly increasing costs if higher education is going to function adequately.

To relate the general support of higher education to the amount of aid to needy students is to miss the point of higher education, and to miss the point of the needs of students. Higher education is for all students, not just needy students.

I am an original champion of removing all financial barriers to higher education, but I cannot stretch this to a policy that suggests removing financial barriers *is the purpose* of higher education. Aid to institutions should relate to all students, for the student from the middle income group is already being squeezed out and this new philosophy does not help. It aggravates the problem and therefore cannot be considered good public policy.

There are some good aspects. I especially approve of the aid to community colleges and technical and industrial education. If this bill is defeated this special assistance can be provided before the 1973 school year, and will not, I am told, be available for the 1972 school year in any event.

The Educational Opportunity Grants, the subsidized loans, and Work-Study will take care of 100% of the requirement of needy students if fully funded by Congress.

Institutional aid should be based on students, not on just a class of students.

The four-year college, the most in need, gets very little from this bill unless it changes its function and starts recruiting a special class of students.

The provisions relating to veterans are absurd. We need right now a positive and full GI bill, but this is at best a sop and at worst a special provision for one big state.

TERRY SANFORD,
President, Duke University.

Mr. Speaker, at this point I am including in the RECORD letters from educational leaders across the country. These letters urge the defeat of the conference report because it is not sound educational policy. However, a vote against the conference report obviously cannot be construed as a vote against higher education. As these hundreds of college presidents describe the inadequacies of the conference report, they are certainly arguing for the future of higher education when many of them say that no bill at all or a 1-year extension of existing programs would be preferable to the conference report. I urge my colleagues to consider the arguments which are made by these educational leaders who are not looking at the dollar sign but rather at the long-range interests of all postsecondary education:

May 29, 1972.

DEAR CONGRESSWOMAN GREEN: I am unequivocally and unalterably opposed to the Higher Education Bill as outlined in the Conference Report. I would greatly favor the extension of existing legislation for a year, hoping for more rational new legislation a year hence. College officials have been informed that they must support the Senate version or there will be no legislation at all; I prefer none at all.

It simply is not reasonable, and neither does it ring true to the American way, to say that we will ignore—and perhaps thereby *kill*—any institution which does not have a substantial number of students on federal assistance programs. (This may include a majority of the private colleges.) I cannot be convinced that the *only* institutions rendering service worthy of support are those serving a large percentage of disadvantaged students. In actuality, many "colleges" the Conference Report proposes to aid are providing instruction at a junior high level; but they are to be rewarded for an *attempt* to provide compensatory education the public lower schools should provide (even though research has proven most compensatory efforts to be fruitless anyway).

Please do what you can to kill the legislation proposed by the Conference Report, and please understand that many college officials have "switched rather than fight" because they have been told they are in a "this or nothing" position. . . .

Sincerely yours,
S. DAVID FRAZIER,
President, Peace College, Raleigh, N.C.

The higher education bill on which you will be voting is so tortured and defective that I cannot find much hope in it and hope you will vote against it—and vote instead for a continuation for one year of the present legislation.

The difficulty with the new bill, as I see it, is that it so circumscribes two important principles of funding as to make each almost useless. To tie everything to EOG—even institutional aid—is itself not very helpful, no matter how deeply one feels for the "disadvantaged"; to limit the proposed expansion by making it conditional on the unlikely proposition that present programs will be fully funded is, I should think, to ensure that probably unworkable scheme gets approval without even sweetening the medicine with dollars.

Because the various associations in higher education have apparently decided that a quarter-loaf is better than none, I'd really like to be of the party of consent. But the more I study this bill the more I am led to believe it offers no serious response to a very serious matter that of fiscal survival for private colleges. I would therefore be false to what I can read out of the bill and what I know about college finances were I to express even mild enthusiasm for the main provisions of the bill.

HAROLD C. MARTIN,
President, Union College, Schenectady, New York

I have received pressures from various organizations to urge the passing of the bill. I have not been convinced it was well designed, and thoroughly endorse your idea of a one-year extension of existing programs or a one-year continuing resolution at the 1972 level of funding as better solutions than the proposed legislation. I commend you for your refusal to sign the Conference Report under the circumstances. You have excellent backing when people like Terry Sanford feel as you do.

FREDERICK C. PERRY,
President, Pine Manor Junior College, Chestnut Hill, Mass.

President ROGER W. HEYNS,
American Council on Education, One duPont Circle, Washington, D.C.

DEAR PRESIDENT HEYNS: Thank you for your letter of May 22 reporting the decision of the Board of Directors of the American Council on Education to support the proposed Higher Education Act (S. 659).

I recognize that there are some commendable features of this proposed piece of legislation. However, it seems to me the undesirable features outweigh those deserving our support. I regret that the Board of Directors saw fit to endorse a piece of legislation that seems well calculated to make the position of the four-year, private college more precarious. Further, I do not believe it is in the best interest of the American Council on Education to let its decisions on higher education be influenced by the antibusing controversy in the public schools.

I recognize the need for a prompt response by the Council to proposed legislation and that the issues in this instance are quite complex. Nevertheless, I believe constituents of the Council should let their convictions be known to those who must speak on our behalf.

Sincerely yours,
RAYMOND M. BOST,
President, Lenoir Rhyne College, Hickory, N.C.

Your vote against higher education bill strongly urged. Legislation represented in this bill very detrimental to a large sector of education in America, namely private colleges. More thought must be given to meeting needs of the entire field of higher education. Urge that bill be defeated and that present legislation concerning Federal support of higher education be extended to allow time for further consideration and for the preparation of a more adequate bill during the next year.

SIDNEY E. SANDRIDGE,
President, Athens College, Athens, Ala.

. . . The Higher Education Bill is not a response to either the University, generally, or needy students in our student body.

LEON W. GILLESPIE,
Executive Vice President, Southeastern Bible College, Birmingham, Ala.

We are not at all "sold" on the bill in its present form. It seems to us at best, that it is a "make-do" situation intended as a temporary sop to those who wish aid for higher education, and yet a bill which will not meet the needs of higher education in the long run.

As representatives of private higher education, we are quite sure of the fact that this bill will not meet our needs. Our primary need, as we have stated many, many times in the past, is direct institutional aid based perhaps on a student per capita basis. We would, of course, like to see the aid to education continued under EOG, CWS, and NDEA. This is a help, but not a total solution to the problem. . . . Personally, we would rather see the bill postponed and the current programs continued until such time as a more satisfactory bill could be brought out of Committee.

JOHN V. TERRY,
Director of Development, John Brown University, Siloam Springs, Ark.

May 24, 1972.

DEAR MR. PERKINS: As to the substance of the conference report, again, I am disappointed. I speak as the president of a small, private, undergraduate college:

1) I cannot see that the provisions of the conference report promise much help to private colleges. "Entitlement" gives a fixed amount of aid to a student and encourages him to go to the school where the tuition is lowest. Institutional aid will follow him to that low tuition school. Therefore, the conference report does not provide significant relief from our declining enrollments and budget deficits. It seems to me that following the passage of the conference report there will be a flood of federal dollars and of

additional students into the already overcrowded state-supported institutions.

In sum, I am very much disappointed that many needs and wishes of private colleges and of educational associations were ignored and deleted in the conference, particularly in the matter of direct institutional aid as it was proposed by Mrs. Edith Green in H.R. 7248.

2) Cost of instruction payments to veterans as proposed in the conference report is even more discriminatory against the private school. Eighty per cent or more of veterans are already in public institutions where their fixed allotments from the G.I. Bill stretch further because of low tuition. Cost of instruction payments will follow them to the large public institutions.

Sincerely,
WILLIAM J. RIMES, S.J.,
President, Spring Hill College, Mobile, Alabama.

MAY 24, 1972.

MY DEAR MR. PERKINS: Thank you for such immediate dissemination of the Conference Report and for requesting comment.

As president of an institution newly coeducational and located in a geographic area the minority population of which is practically non-existent, I cannot find much in the report to elicit my enthusiastic response.

Dominican College was a woman's college until this academic year; it is gradually building an enrollment of men, but the attraction of a substantial enrollment of veterans will probably be a slow process.

Martin county is one of California's most affluent counties, and with the exception of a small largely black-populated area in southern Marin, has practically no minority inhabitants. The College attracts resident students from many states and from other countries, and has tried to make it possible for students with very little money to spend for education to attend, but again its most immediate constituents are not members of minority groups (save that increasingly threatened species, the middle class).

This college, like its small liberal arts counterparts, does some things very well and, as the only college in a 521 square mile county, genuinely serves a constituency which needs it. There is almost no provision for a college such as ours in the proposed legislation, except perhaps in the program of grants for interim emergency assistance to institutions in serious distress; I look forward to the spelling out of its details.

I am truly appreciative of the hard work and long hours which have gone into the conference committee's work, as well as of the complicated extraneous matter included, and the need for compromise. However, I sometimes wonder who in Washington (besides Edith Green) really values colleges such as ours and their contribution to the diversity of higher education in this country, for diversity seems to receive much lip service but very little support.

Very truly yours,
SISTER M. SAMUEL CONLAN, O.P.,
President, Dominican College.

Memo to: Honorable EDITH GREEN.
Re: S. 659 Education Amendments of 1972.

MAY 26, 1972.

As the President of a small liberal arts college, I concur fully with the views expressed in your letter of May 20, 1972.

I would rather see an extension of existing programs over the legislation developed by the Conference Committee. Bless you for your courage and support of sound educational policy.

Institutional aid is needed desperately by the important segment of smaller institutions if they are to survive. Let's wait and start fresh in January of 1973.

You have my continued support.

RAYMOND DOYLE,
President, Russell College, Burlingame, Calif.

MAY 26, 1972.

DEAR MRS. GREEN: It is with a good deal of disappointment that I have observed recently that the bill which the House approved has largely been discarded by the House-Senate conference committee.

While the bill will do much for the low-income person, it will completely by-pass the needs of the middle-income person and will spell the demise for many small private colleges; 49 have died this year and predictions are that 300 more will have died by 1980—these are institutions which for the most part deserve a better fate than they will receive.

In the name of the small private college, I implore you and your colleagues to award us a better fate than that.

Sincerely,
DR. GEORGE WILLIAMS,
President, Regis College, Denver, Colo.

MAY 30, 1972.

In re: Higher Education Bill.
Hon. EDITH S. GREEN,
U.S. House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: It has come to my attention that the Conference Committee on the Higher Education Bill has reached an agreement which does not include general institutional aid. The formula for institutional aid, I am informed, relates to needy students who are or will be receiving federal financial assistance. As worthy as this "needy student" concept might be in principle, it does not meet the urgent need for unqualified institutional aid. Furthermore, the Conference Report represents an indifference to the blight of the middle income family. All students are served by higher education, and failure to provide general institutional aid ignores this basic fact. There is little doubt that the legislation in question fails to consider the crush placed upon middle income families to educate their children.

I hope you will vote against the Conference Report. I would rather wait another year to renew efforts for general institutional aid than to be faced with a situation which represents what I consider to be an unacceptable alternative.

With best regards.

Sincerely,
WILLIAM T. O'HARA,
Director, Southeastern Branch, University of Connecticut, Groton, Conn.

MAY 30, 1972.

Re: S. 659 Education Amendments of 1972.
Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

MY DEAR MRS. GREEN: I could not agree with you more! It is far better to extend the existing programs for one more year so as to pass a proper bill for higher education than it is to vote for the provisions in this bill. Nova University, a graduate institution mission-oriented to resolve the problems facing society in the 70's, would receive almost no funding as a result of the provisions in the higher education bill. This would be so even though we are attacking a fundamental problem in American education, that of upgrading the competency and skills of elementary and secondary principals to help them bring about the changes so urgently needed in American public education.

Respectfully,
ABRAHAM S. FISCHLER,
President, Nova University, Fort Lauderdale, Fla.

MAY 30, 1972.

DEAR MRS. GREEN: In response to your correspondence regarding the educational legislation which is now before the House of Representatives, my basic feeling at this time is that we should renew and fund the present programs, provide some assistance to universities based on total population and forget the complicated percentages, formulae and quoted restrictions that appear in the new bill. The integration rider is a ridiculous imposition on the total education bill. . . .

Sincerely,
JOHN E. JOHNS,
President, Stetson University,
DeLand, Fla.

MAY 26, 1972.

DEAR MRS. GREEN: I am not able to state any more adequately my thoughts than to echo the message of President Terry Sanford. He speaks for a large number of college and university presidents, I am sure.

Unfortunately, and with some embarrassment in admitting it to you, I have responded to Representative Carl D. Perkins, Chairman of the Committee on Education and Labor just three days ago and offered support for the Conference Report. I did so, while at the same time indicating many reservations and concerns. My reason for responding positively to Chairman Perkins resulted from the information I had received from a number of sources that this was the only way to assure continuing funding of the current programs for the coming academic year.

As you already know, the continuation of the NDSL, CWSP, and EOG programs is critical for all institutions. For a few of us who have exerted extensive effort to recruit lower income students, the continuation of funding in the EOG program particularly, is crucial.

In my letter to Chairman Perkins, I indicated my strong views that it makes no sense to authorize any new programs, when those that could very well perform the services needed, have not been funded to an adequate level to make their effectiveness possible. It is my belief that the various associations that you referred to in your letter have reversed themselves on many issues, simply because they have heard the urgency of the necessity for funding the current student aid programs from their constituents. In part, I am guilty of the same in my response to Chairman Perkins.

In summary, there are a number of items in the Conference Committee Report with which I find disagreement and which I believe will prove to be unsound educational policy. If there is any hope of passing the necessary legislation to assure ongoing funding of the current aid programs, I would prefer to see the total Higher Education Bill restudied and submitted in different form next year.

Sincerely yours,
JACK B. CRITCHFIELD,
President, Rollins College,
Winter Park, Fla.

MAY 25, 1972.

DEAR MRS. GREEN: I regret that your Bill was not accepted by the Committee. I feel that the present bill is unsatisfactory for the needs of Higher Education particularly in the area of institutional aid. Apparently no consideration was given to the efforts which institutions make in providing institutional financial aid to its students. Young Harris College has always provided assistance for needy students. This has been true since 1886 and certainly before we began receiving Economic Opportunity Grants, College Work/Study and National Defense Student Loan Funds. We appreciate the financial assistance which we receive through

Health, Education and Welfare but I do not believe that the institutional aid should be tied to student aid.

The proposed program for institutional aid on the basis of veterans attending seems to me to be ridiculous. I concur wholeheartedly in the premise that some extension of the current program would be better than to complicate matters by passing a bill which has not been carefully considered. I certainly hope that the Representatives of the people will be concerned enough to read the bill before it is passed. I do not think that we should accept "second best" when it is possible with more time to receive the best. Many of our problems are the result of expedient measures and our society certainly needs excellence in all areas.

Thank you again for your support.

Respectfully yours,

Ray Farley,
President, Young Harris College,
Young Harris, Ga.

May 26, 1972.

Dear Mrs. Green: I thought you would be interested in knowing that I wrote a letter yesterday to Representative Perkins telling him that, as far as I was concerned, they might as well not pass the Bill. From the beginning, I have supported the position which you took relative to direct aid to the institutions of higher learning. The Conference Committee Bill is utterly useless to institutions such as my type of state institution and to most private institutions which so badly need help.

Sincerely yours,

Henry L. Ashmore,
President, Armstrong State College,
Savannah, Ga.

May 25, 1972.

Dear Mrs. Green: I very much support the stand you have taken with reference to the Conference Committee report on the Higher Education Bill. By all means, oppose the bill. It is not a good bill. It would be far better for us to have a one-year extension at the 1972 level than to have this bill adopted ....

Sincerely yours,

Thomas Y. Whitley,
President, Columbus College, Columbus, Ga.

Georgia Southern College,
Statesboro, Ga., *May 25, 1972.*

Dear Congresswoman Green: I appreciate your analysis of the Conference Report on the Higher Education Bill. I must agree with you with regard to the problems which are inherent in the bill as it now stands. I have noted that the American Council on Education is supporting the Conference Report reluctantly, but I think your position is the sounder one. It appears to me that higher education would be better served by having an extension of the existing programs in order to give time for the Congress to develop a better higher education bill than the one now before the House. . . .

Respectfully yours,

Pope A. Duncan,
President.

May 29, 1972.

Dear Congresswoman Green: I am writing this brief letter simply to say two things. First, I greatly appreciate all the efforts you have been making on behalf of higher education. Second, I agree with your opinion of the Higher Education bill as worked out by the Conference Committee last week.

The colleges need financial assistance very badly. Unless the assistance can be given without too many strings attached, however, I believe it would be just as well not to give it. Many institutions like my own would benefit relatively little from the present bill.

Sincerely,

W. Earl Strickland.

Kaneohe, Oahu, Hawaii.

Am in full agreement with you and with Terry Sanford. Without a doubt a one-year extension of existing programs would be a better measure, and would provide time to draft a bill that truly offers aid to higher education.

Hawaii Loa College is a new institution having just completed its second commencement. As a private liberal arts college, it is unique in Hawaii and adds an important dimension to the educational base in the state. Because of its newness and the kind of minority groups in Hawaii, we are only just beginning to be eligible for NDEA, EOG, and work-study funds, and such as we are allowed are very small. Consequently, under the proposed bill Hawaii Loa College would receive virtually no assistance from the Federal Government. I expect that most private new colleges would find themselves in the same situation. . . .

Chandler W. Rowe,
President, Hawaii Loa College.

Chicago, Ill., *May 25, 1972.*

Congresswoman Edith Green,
House Office Building,
Washington, D.C.:

Please oppose higher education amendments because of increased costs. Federal tax dollars needed for general support of higher education.

Harry A. Marmion,
President, St. Xavier College.

Butler University,
Indianapolis, Ind., May 25, 1972.

Dear Mrs. Green: I have been studying the matter for several days and feel very strongly that the Conference Committee Bill is very bad. I find that my feelings about it are similar in many respects to those of President Sanford of Duke University, as presented in the memorandum to you from him, and I agree with your feeling that it would be better to have a one-year extension of the existing programs while a new bill is prepared than to adopt the bill as it emerged from the Conference Committee.

I applaud your decision not to support the present bill when it is officially considered by the House of Representatives.

Sincerely,

Alexander E. Jones, *President.*

University of
Northern Iowa,
Cedar Falls, Iowa, May 25, 1972.

Hon. Edith Green,
House of Representatives,
Washington, D.C.

Dear Congressman Green: With great reluctance, I write to you to oppose the Higher Education Bill as it emerged from Conference Committee. I had hoped that this would be the year when a great breakthrough would be made in federal support of higher education. The institutions of higher education in this country are badly in need. Unfortunately, I believe that the compromise worked out by the Conference Committee contains too many undesirable features.

Sincerely,

John J. Kamerick, *President.*

Leavenworth, Kans.,
May 30, 1792.

Hon. Edith Green,
U.S. House, of Representatives,
Washington, D.C.

I have read carefully the provisions of the conference report on the Higher Education Amendments of 1972 and find it very difficult to support the proposed legislation simply because, it is better than nothing. Instead, I would endorse your plan for one-year extension of existing programs, with full funding of each program and trust, the Congress, to work out a fairer and more authentically helpful bill in the next session.

Sister Mary Janet,
President, Saint Mary College.

Great Bend, Kans.

Certainly those of us involved in higher education had hoped for the passage of the Green bill during the current congressional session. The purpose of this letter, however, is to question whether the bill which came out of the Conference Committee should be passed. To our view point, it would do little to help out financial problems and might even force us into directions of educational training which would ultimately hurt our institutions.

Paul D. Hines,
President, Barton County Community Junior College.

May 25, 1972.

In regard to institutional aid, it seems to me that this Bill instead of increasing stability would in the case of small colleges tend to undermine such stability because it would demand that these colleges, which are already giving beyond available resources for aid to needy students, would have to provide even greater resources of their own to match the use of Federal funds which would be necessary to enable them to qualify for the institutional aid offered in the Bill.

Furthermore, I would like to point out that the Federal Program already in effect which provides said for the lowest income group of students is now giving this group of students more financial advantages in securing a college education than the middle income group of students which are finding it increasingly difficult to finance their college education. We have a large number of under-privileged students who get a completely free ride in their education, whereas some with moderate incomes have to seek institutions where the cost is not so high in order to get a college education, and therefore we lose a large number of this group of students. An institution cannot exist if it caters solely to students who can pay little or nothing on their educational costs, and I believe that the colleges of the country are already providing a fair share of aid to the lowest income students.

I think it is wrong for the Federal Government to try to force a college into a mold which would be detrimental to other students who are just as worthy of a college education as the more needy. In addition I cannot agree with the compromise Bills conditions for granting institutional aid on the basis of increasing enrollment of Veterans by 10% and such other provisions. These types of provisions are most unfair to the smaller institutions where many educators recognize real quality education is to be found. Therefore, while I am highly in favor of Federal Aid directly to institutions as well as to students, I cannot feel that this compromise Bill should be passed into law in its present state, and hope you will consider the objections which I have tried to raise in a very concise manner. Colleges such as Sterling need general institutional aid which is not tied to needy students receiving Federal financial assistance.

Sincerely yours,

William M. McCreery,
President, Sterling College, Sterling, Kans.

I am writing to you to express concern over the higher education bill which is being reported out of the Conference Committee.

In addition to emphasizing and subsidizing the institutions with a large number of students receiving Federal monies already this bill would particularly penalize a new institution such as Northern whose grants from EOG and other Federal monies are very small.

Beyond the above objections, I am very much concerned that Congress continues to see fit to appropriate money which it does not have. I am getting very tired of finding governmental units and educational institutions planning to spend, not what they have to spend, but what they claim they need to spend. It is this profligate spending which always, for domestic and for military purposes, involves enormous waste which contributes more than private spending does to run-away inflation. How long will it take Congress to understand that there is a vast "silent majority" in this country who are fed up with the assumption that more money will solve any problem.

Sincerely,

Frank Steely,
President, Northern Kentucky State College.

Saint Catherine College,
Saint Catharine, Ky., May 30, 1972.

Dear Mrs. Green: Thank you for your notice concerning the Higher Education Bill.

I am writing Congressman Perkins telling him of my opposition to this bill in its present form.

Thank you for all you continue to do for the cause of education in our nation.

Sincerely yours,
Sister Margaret Marie Hofstetter.

University of Maine,
Fort Kent, Maine.

In view of our relatively small enrollment as well as the economically disadvantaged status of a very large percentage of our students, it is tempting to be enthusiastic over the Senate's passage of the Higher Education bill. Philosophically, and pragmatically, too, I believe that the fiscal complications involved in the bill will be self-defeating in the long run.

There is no sense to the exclusion from aid of the student who works and studies—but does so not under the federal program. There is little sense in enabling the rich to get richer. I object strenuously to the complicated processes needed for the administration of the bill.

Richard J. Spath,
President.

Peabody Institute,
of the City of Baltimore,
Baltimore, Md., May 31, 1972.

Dear Mrs. Green: As President of an institution of higher learning, I should like to express my thanks to you for your letter of May 27, 1972, and its enclosures concerning the Higher Education bill. I am delighted that you will not sign the Conference Report or support the proposed legislation. I feel that your reasoning is sound and proper, and I should like to compliment you and assure you of my support. I am sure that many college presidents feel as I do and share your sentiments.

Sincerely yours,
Richard Franko Goldman,
President.

Hon. Edith Green,
House of Representatives,
Washington, D.C.

May I add my voice to Terry Sanford in opposing S. 659 Education Amendment of 1972 in all respects. I agree with his analysis and urge you to oppose this bill in the House since I have not had time to adequately discuss and evaluate the bill with my faculty. I speak only for myself and not the college.

Paul D. Newland,
St. Johns College, Annapolis, Md.

Emmittsburg, Md.

Hon. Edith Green,
Congress of United States, House of Representatives, Washington, D.C.

I concur with your opinion to have a one year extension of existing program.

I believe aid should be available to students from the middle income group and to the institutions that serve them. St. Joseph College, Emmittsburg, Maryland will close in June 1973 largely for the reason that its clientele can not afford to attend the college of their choice. It is deplorable that a fine institution like St. Josephs that has educated thousands of women for leadership roles can not continue. We are not alone in our plight; many private colleges are in similar straits.

Sister Margaret Dougherty,
President.

May 26, 1972.

Dear Mrs. Green: I would like to respond to your thoughtful letter of May 20th.

Although I cannot afford to deny that "something is better than nothing" we guess that the present Higher Education Bill will do very little for this College and for many others like it which are facing a serious and deepening financial crisis. The situation for colleges like ourselves is probably more serious than it is for any other segment of higher education (with the possible exception of the private junior colleges) because we have no unrestricted funds with which to meet deficits which can be caused by various special situations (curriculum modernization, temporary enrollment declines, changes in departmental enrollments, etc.).

The present bill may be fine for the Harvards, and Stanfords, but it accomplishes these objectives either poorly or hardly at all for the smaller poorer institutions.

Not representing one of the prestige institutions I feel that it is a bit hard to get heard, particularly at the Federal level. Our only chance seems to be through associations such as the American Council on Education, but even they seem to be saying a bad bill is better than none.

In the interest of brevity I have not commented on the unwieldy complexities which would require substantial administrative support, the incongruity of basing aid on a certain class of students, coercion vs. assistance; the need to support programs for the disadvantaged rather than force them on institutions whose resources are already thinly spread.

Thank you for giving me the opportunity to express my views. Your presence in the House and your leadership on educational matters has long held my respect.

Sincerely,
Richard Chapin, *President.*

Dear Mr. Perkins: Your letter of May 19 asked for an expression of opinion about the Higher Education Amendments of 1972. You asked for it, so hold onto your hat.

We who are running private colleges are about to go under because of our inability to compete with colleges which are supported by public funds. The Higher Education bill this year indicates either that some people cannot recognize that fact or that they just don't care.

Why do I say this? Because in tying aid to higher education to the amount of help a college gives to the disadvantaged, you have virtually assured that nearly all of this aid will go to the publicly-supported institutions.

It should be obvious that disadvantaged students usually go to public colleges and universities because their tuition and fees are much lower. When a private school helps the disadvantaged, the burden falls on the other students who must pay more to cover the increased costs. A very few heavily-endowed schools probably pay for it in other ways, but their tuition rates are highest of all.

So, if the money goes where the disadvantaged are, it goes to publicly-supported colleges.

If you want to help private colleges, *do* something for them. If you want to help the disadvantaged, do something for *them.* But please stop trying to link the two things together. It just won't work.

The Education Amendments of 1972 are simply another body blow to hundreds of institutions who are already on the ropes from government competition.

Sincerely,
Gordon B. Cross, *President.*

Worcester Polytechnic Institute,
Worcester, Mass., June 1, 1972.

Hon. Edith Green
Congress of the United States, House of Representatives, Washington, D.C.

Dear Congresswoman Green: You have my brief telegram opposing the Conference Committee version of the Higher Education Bill. I have strongly supported the concepts in the House (your committee) version and continue to do so. May I add a few remarks about why I oppose the Conference Committee report?

WPI is a small but prestigious private college of engineering and science with an enrollment of 2,000. Half its undergraduate students are on financial aid since they come from lower to middle income families. We devote over $1 million of our funds to helping these students achieve an education that makes them productive members of society, not dropouts.

The formulas of the Conference Committee would almost completely ignore most of our students and the aid *we* give them. It would say, in effect, if you want federal support, take more rich kids and more very poor kids but ignore most of those you have educated in the past. Not a very good way to maintain the backbone of our technological society!

We have always needed and asked for more EOG, Work-Study, and NDSL funds than have ever been available. It is hard to see how the Conference Committee bill improves this situation at all.

Finally may I point out that a much better approach all around would be federal matching of institutional support efforts. Public institutions can support larger *numbers* of students with fewer *dollars* because of their large influx of *state* TAX DOLLARS. But private institutions spend more *dollars* helping their students. Would it not provide the greatest equalization of opportunity for the greatest number of students if *dollars* of institutional support were matched by federal *dollars*?

The efforts we are all making for veterans, for women, for minorities are not really helped by the Conference Committee bill. I urge you and your colleagues to develop a more realistic and useful program for assuring the useful survival of higher education.

Sincerely,
George W. Hazzard, *President.*

Siena Heights College,
Adrain, Mich.

I am in firm belief that the Higher Education Bill as it stands now should not be passed, and that further study be given to it for the extension of another year. It is important at this point in time that the existing programs be continued for a year and be given greater consideration for fuller appropriations. It was essential that awards be made to students for the Fall term with some hope that the Regional Boards' approvals would be met to a reasonable degree. Rather than rush new regulations, it would seem more reasonable to me to do something about the existing ones in order to avoid hardship for the 1972–1973 year. In our situation, I am requesting a greater consideration in the CWSP, EOG, and NDSL Programs.

The biggest objection in the aid bills centers around the word "Needy student." The term is fine but the actual connotation given it by regulations is something else. An "overemphasis" of "disadvantaged students" has caused a severe hardship on our middle-class, moderate income families, who are in just as much need for educational financial assistance as are the lower income groups. Little or great, if the verified need is evidenced, a student—regardless of income—should be considered.

I again stress that an extension of the present programs be made with reasonable appropriations increase for this year.

Mississippi State University,
State College, Miss., May 29, 1972.

Hon. Edith Green,
House of Representatives,
Washington, D.C.

Dear Mrs. Green: Thank you for your letter of May 20 and the comments on the Higher Education Bill. I agree fully with your views on this proposed legislation.

It seems to me that to accept as helpful and needed the bill that came from the conference would be being less than completely honest with ourselves. This legislation, it appears to me, simply disregards the help needed by a vast majority of our people.

Sincerely yours,
William L. Giles, *President.*

Avila College,
Kansas City, Mo., May 25, 1972.

Dear Representative Green: To focus aid solely on students rather than institutions is sad. We should have learned this from the past. There are students who are in higher education who don't belong there. Higher education is for all students, not just needy students. Most of the colleges outside of the prestigious colleges have more than half of their students who are from the middle and lower middle classes. Aid to our college should relate to all students, for the student from this little income group is already being hard pressed and the new legislation certainly does not help. It aggravates the problem and cannot possibly be good public policy.

If there is an argument for institutional aid, it is to give financial stability to institutions facing financial crisis and help them meet basic institutional costs for all students. Avila is one of these institutions.

Sincerely,
Sister Olive Louise, C.S.J.,
President.

Southeast Missouri State College,
Cape Girardeau, Mo., May 25, 1972.

Dear Congressman Burlison: The Conference Report on the Higher Education Bill No. S. 659 appears so seriously in error that I would suggest that the report be rejected by both the House and the Senate and a new bill introduced which would extend the provisions of the present bill for one year so that the Congress has time to work out a better bill. There's no point in compounding problems that we now have by adding those inherent in the new legislation.

Very truly yours,
Mark Scully, *President.*

William Woods College,
Fulton, Mo., May 30, 1972.

My Dear Representative Green: I should like to go on record as stating that our institution has many grave doubts about the bill, and we wish that the weaknesses and inconsistencies that exist could be somehow rectified. We are, at the same time, torn by an ambivalency created by advice which comes to us from our national associations which state that if this bill is rejected, it will probably be three or four years before it would be attempted again. We would, therefore, have to settle either for what we have now or nothing. This is a very frightening bit of advice and, indeed, a sobering one. Most private colleges in this country cannot exist indefinitely on the present level of higher education support and probably not much longer on the bill which was passed.

I believe that nearly every private college president in the United States and practically every professional association pleaded the cause of unrestricted grants to colleges as being the way to help most institutions in their fight for survival. This was excluded from the bill, and this alone would have weakened the document had everything else been included that might have been helpful.

Basing the preliminary emphasis of the Higher Education Bill on the students and financial need is a gross oversight of those who claim to want to help our nation's colleges. Our institution fortunately is not in dire financial need, but I know of hundreds and hundreds who are and who probably cannot continue to exist under the bill now being proposed.

I appreciate all of your good work and the efforts that you have made to supply the real needs of colleges, and I am most regretful that more of your colleagues do not see fit to support you.

With warmest personal regards, I remain
Cordially yours,
R. B. Cutlip, *President.*

Telegram
May 26, 1972.

Dr. Roger Heyns,
President,
American Council on Education,
Washington, D.C.
Dr. Frederic W. Ness,
President,
Association of American Colleges,
Washington, D.C.:

I wish to go on record as being strongly opposed to the hasty passage of the final conference committee bill. Rather, I urge that the American Council on Education (Association of American Colleges) do all it can to bring about a 1-year extension of existing programs supported by the present higher education bill. We should not vote in haste on something that several years ago we did not approve of.

Leland Miles,
President, Alfred University.

Harriman College,
Harriman, N.Y., May 25, 1972.

Dear Mrs. Green: I don't think it is the role of Congress to use economic coercion to persuade colleges and universities to provide compensatory education. I think this should be dealt with in the junior colleges, but not in isolation. The creativity of trained teachers is the only way to respond to the seventh grade arithmetic and eighth grade reading difficulties of many students. I think we are degrading the higher educational system by admitting unprepared students to four-year colleges and universities. If students with these deficiencies are taken care of in a junior college they will be able to transfer to four-year colleges with greater confidence and a greater chance for success. Then the government's money would be well spent.

Gratefully,
Sister Agnes, *President.*

Hartwick College,
Oneonta, N.Y., May 25, 1972.

Dear Congresswoman Green: I agree with your judgment that it would be better to have a one-year extension of existing programs than the bill which is now proposed. We further concur with the memorandum to you from Terry Sanford, President of Duke University and in particular to his notation, "As for institutional aid, the objective of any such assistance should be to add Federal tax dollars to the general support of higher education, something that has never been done and something that is now needed because of rapidly increasing costs if higher education is going to function adequately."

We do not believe that this compromise bill will accomplish the national purposes, certainly not in the long run.

Sincerely,
Adolph G. Anderson, *President.*

Telegram

Le Moyne College,
Syracuse, N.Y., May 26, 1972.

I am informing Congressmen James Hanley and John Terry of my position on S. 659 with this message.

I join Congresswoman Edith Green in opposing the passage of the higher education bill reported out of conference. First, it does not meet the need of the students who attend Le Moyne College or the needs of the institution itself. Second, it is poorly drafted especially with the ambiguities of BOG grants subjected to the vagaries of uncertain appropriations. Third, I deplore the insertion of the anti-busing provisions in the legislation for higher education. I support the proposal of Chairman Green that existing programs for higher education be given a one-year extension.

Father William L. Reilly,
President.

Maria Regina College,
Syracuse, N.Y., May 31, 1972.

Dear Madam: After reading the summary and the memorandum from President Terry Sanford of Duke University, we agree that this Bill is ill advised, both in its philosophy and its implementation. We would favor an interim measure to continue student financial aid at the 1972 level of funding. We note that the generous provisions for community colleges do not include private two-year colleges, even though the latter may be providing many of the same educational services.

This Bill seems to give the impression that the Federal Government is solicitous for the well-being of institutions of higher education chiefly insofar as they are dispensers of student financial aid to needy students as narrowly defined in the Bill. Finally, the passage of S. 659 would be likely to preclude any further treatment of higher education problems in a more carefully considered bill.

Sincerely,
Sister Mary Rosalie,
President.

Vassar College,
Poughkeepsie, N.Y., June 1,1972.

Dear Congresswoman Green: I agree heartily with your comments and those of President Terry Sanford that the bill is woefully inadequate and full of half-hearted compromises that accomplish very little in the way of institutional aid.

For Vassar College the bill as proposed gives us the alternative of changing the composition of our student body if we want Federal institutional support. The fact that we presently appropriate 20% of our income for student financial aid means nothing insofar as the compromise bill is concerned, because it is directed to those who can benefit from higher education, and who have demonstrated a financial need. Should Congress force all these students to seek Federal financial assistance? I think not.

Please continue your support of intelligent legislation in the area of Higher Education. We urge you to resist these attempts that fail miserably to meet the needs of the quality four-year liberal arts institution that is already doing everything it can to carry its share of the load.

Yours sincerely,
Alan Simpson, *President.*

. . . I am as disgusted with the entire measure as you are. I am totally opposed to the tying of higher education support to the disadvantaged student program.

Jesse L. McDaniel, *President,*
Lenoir Community College, Kingston, N.C.

I wish respectfully to register a very strong recommendation that the Conference bill on higher education be defeated in the House. . . .

Disadvantaged people clearly need help. However, it is a terrible error to fund programs that are based on the assumption that college experience is vital for everyone, and that therefore institutions desiring to qualify for Federal aid must commit personnel and time to "remedial" work. Where interest and capacity warrant it, this can be (and has been) done on an individual or small-group basis. But it is dishonest and misleading to establish national policy that infers that remedial programs plus college programs are the answer to the economic and social problems of every disadvantaged person—or, for that matter, for every non-disadvantaged person.

One of the basic impacts of the Conference bill would be to expand community colleges at a rate and to a level that would impair the existence of a sizable number of private junior and senior colleges—literally to use Federal funds to drive the private schools out of business! It appears reasonable to expect that there could be devised less disastrous methods of supporting strength in the community colleges. Such support is important for post-secondary technical and vocational training clearly are badly needed.

The idea of a full-time Office of Veterans Affairs at smaller institutions is patently ridiculous. This requirement under the bill would virtually eliminate opportunities for smaller schools (both public and private) to enroll veterans under a Federal support program.

Finally, except for a very few highly endowed institutions, the Conference bill's apportionment formula would very soon put private colleges and universities out of business with respect to serving disadvantaged students.

We would be immensely better off if the expiring legislation were merely extended for another year, which would provide time to develop realistic and appropriate legislation for the following year.

Donald J. Hart,
President, St. Andrews Presbyterian College, Laurinberg, N.C.

Brevard College,
May 30, 1972.

Dear Mrs. Green: I would like to indicate my strong support for the position that you have taken on the recent compromise of the higher education bill. The point you expressed in your memorandum and in that of President Terry Sanford represents, I believe, an appropriately sound position. I feel that it would be greatly inappropriate to relate the general support of higher education to the amount of aid to needy students as proposed in the compromise bill. The trend of recent years to virtually penalize the students from middle income groups would be further heightened by a program which would relate institutionally to the basic opportunity grants.

I would like to urge you to stay with your present position for a one year extension of existing programs rather than accepting the bill with all of its present liabilities.

Be assured of the genuine appreciation of the higher education community for your astute leadership and careful analysis of the implications of the proposed bill.

Sincerely yours,
Robert A. Davis, *President.*

Chowan College,
Murfreesboro, N.C., June 3, 1972.

Re: S. 659.

Dear Congresswoman Green: I simply have not had time to look at your communication of May 20 until today. This is true also of the letter from President Terry Sanford of Duke University.

Though I have written my Congressman, Walter B. Jones, as well as Congressman L. H. Fountain, requesting their support of subject bill, I now have second thoughts. Moreover, I have just talked with one of my colleagues in the state and I think you may be right that it is better to defeat the Conference Report and then to get, immediately, a one-year extension of the existing programs or a continuing resolution for one year at the 1972 level of funding. However, I would earnestly and sincerely hope that in January of 1973 a bill like that formerly passed by the House would be passed by Congress.

Frankly, I am quite concerned that the traditional liberal arts college like ours, (we are a two-year church-related college enrolling approximately 1,500 students), simply would not fare well under the Conference Report. An institution needs money so that it can serve all students enrolled in the institution. There must be assistance of this nature and type with adequate funding or many, many private and church-related colleges will not be in existence within the next five-ten year period.

I am taking the liberty of forwarding a copy of this letter to Congressman Walter B. Jones and to Congressman L. H. Fountain in light of my previous communication with them. I wasn't happy about the endorsement of the Conference Report from the outset, but "was sold" on it being the best we could expect within the next several years.

My best thinking at the moment therefore is that the Conference Report should be defeated and that we then should get a continuing resolution for one year with full funding at that level, but then begin to work early next year on a bill comprising the much better components of the earlier House-passed bill. . . .

Very sincerely yours,
Bruce E. Whitaker, *President.*

Wilson County Technical Institute,
Wilson, N.C., June 1, 1972.

Madam: Too often we let the pressures of the moment spur us into unwise action. Too often we let our emotions toward the disadvantaged influence our judgment for what is best for each individual. Too often needs for financial aid prompt acceptance at any cost. Let's not repeat these mistakes in this massive and historic bill. I, for one, seek financial aid of community colleges and technical institutes and their students with as few controls and restrictions as is possible.

If a continuing resolution will buy the necessary time for careful review of the bill while allowing us to meet the needs of this fall's crop of students, then it appears a prudent move.

Sincerely,
Ernest B. Parry, *President.*

Wingate College,
Wingate, N.C., May 29, 1972.

Dear Mrs. Green: I want to write and say that I am most grateful to you for your stand on the higher education bill. I am certainly aware that you understand the importance of this legislation, and I want you to know that we support you in every way. I agree that if the bill was not a good one previously it is no longer good. We need to have your thinking on this. No other person in this country is as aware of the basic philosophy and needs of all types of institutions as you. The private institutions of our land are in trouble, and I believe you are a friend to both private and public higher education. As a representative from a two year private school, we do not know where we are going if things continue to be controlled out of Washington. There seems to be very little concern about the two-year private, church-related college in the government. This is indeed sad because it is in these institutions that real teaching takes place and young people are given an opportunity to establish values that will last and uphold the principles of our great country.

Again I want to thank you for your concern and hope and pray that everybody will vote with you when the matter comes to the floor in the House.

Very cordially,
Budd E. Smith, *President.*

Miami University,
Oxford, Ohio, May 31, 1972.

My Dear Mrs. Green: I have your letter of May 20, together with a copy of the memorandum from Terry Sanford to you under date of May 22. After studying the Conference Committee report on the Higher Education Bill, I find myself in total support of your views. Assuredly, the compromise is not a good one; the present bill should be defeated.

I agree with your conclusion that it would be better to have a one-year extension of existing programs than it would be to be saddled with bad legislation.

One final comment: the presidents of Yale, Harvard, Stanford, Cornell, Dartmouth, and Brown most decidedly do not represent my views or the views of the majority of those in higher education. I wish that some of your colleagues in Congress could wake up to that fact.

Sincerely yours,
Phillip R. Shriver, *President.*

New Concord, Ohio,
May 31, 1972.

Re: Conference Report on Higher Education Amendments of 1972.

Dear Mrs. Green: I want to thank you for mailing to us a copy of the summary of actions taken by the Conference Committee. As I understand the new proposal, it would not hurt us; that is, I see it providing the kinds of aid for disadvantaged people that we are presently receiving. Our disappointment is that it will not help us. In fact, the suggested plan of institutional aid will not provide funds for us since we will have very few of these students enrolled. The $1400 per student assistance will encourage more students to attend the state universities rather than the private instiutions. Therefore, my overall assessment is that we might very well find our enrollment picture worsening because of the proposed legislation.

We thank you very much for your efforts to provide financial assistance to all higher education, both public and private.

Cordially yours,
William P. Miller,
President, Muskingum College.

El Reno, Okla.

Your letter of May 27 stated that you could not sign the Conference Report on the Higher Education bill. . . . I fully agree with your position.

A. R. Harrison,
President, El Reno College.

Portland, Oreg.

You probably have received a letter from a group of community college presidents which indicates our position on the matter. We back your position fully.

In regard to the student financial aid, as I look at it the compromise bill, unless it is fully funded, won't be much better than the present formula. I also see nothing in the financial aid package which would give an institution flexibility. I happen to believe that we are the best determiners of who needs financial aid and although we might need some Federal guidelines, we need the flexibility if we are to make decisions which will help the student.

AMO DE BERNARDIS,
President, Portland Community College.

STATEMENT OF OPPOSITION TO HIGHER EDUCATION CONFERENCE REPORT—SIGNED BY THE PRESIDENTS OF INDEPENDENT COLLEGES IN OREGON

Because of the many good things in the final bill, we wish we could support it—but we cannot. . . . Our objections to the bill are, we believe, basic and fundamental.

1. Although we are pleased with your general acceptance of the entitlement grant concept, the actual wording in this bill is so susceptible to political budgetary manipulations that we fear the entire program could easily be made meaningless after having raised the hopes of millions of potential recipients across the nation.

2. We are deeply concerned that the final version of "institutional aid" is—except for the very minor portion concerning graduate students—tied entirely to the question of aid to needy students. To relate the general support of higher education to the amount of aid to needy students is to miss the point of higher education. Higher education is for all students, not just needy students. Unfortunately, if this section is approved as written it may well further increase the difficulties of middle income students attempting to attend colleges of their choice. It could also tend to subvert the basic role and purpose of higher education institutions.

3. The appropriation process for this institutional aid program is so written that unless Congress were to fund the student aid programs for more than $1 billion, no funds at all would flow to any institution. A real and dependable program of institutional aid should be based upon a formula having to do with the needs of the institution and should then be financed by itself, not dependent upon other programs.

4. There is a very real need to reform the veterans benefit law regarding educational assistance but the provisions as written in this bill would not really aid veterans to achieve attendance at the college of their choice. It does, however, establish a back door method of giving indirect aid to public colleges with their lower tuition but would not significantly assist the independent colleges.

We regret having to take this stand, but we feel the bill is deficient. We do so with the hope and anticipation that next year Congress will be able to pass an improved and comprehensive higher education bill.

LIST OF PRESIDENTS

Dr. Rex F. Johnston, Columbia Christian College, Portland, Oregon.

Dr. David C. Le Shana, George Fox College, Newberg, Oregon.

Dr. John R. Howard, Lewis & Clark College, Portland, Oregon.

Rev. Christian R. Mondor, Mt. Angel College, Mt. Angel, Oregon.

Dr. James V. Miller, Pacific University, Forest Grove, Oregon.

Rev. Paul E. Waldschmidt, University of Portland, Portland, Oregon.

Dr. Roger J. Fritz, Willamette University, Salem, Oregon.

Dr. E. P. Weber, Concordia College, Portland, Oregon.

Dr. Donald Reid, Judson Baptist College, Portland, Oregon.

Dr. Gordon C. Bjork, Linfield College, McMinnville, Oregon.

Dr. Robert H. Krupp, Marylhurst College, Marylhurst, Oregon.

Dr. Paul Bragdon, Reed College, Portland, Oregon.

Dr. E. Joe Gilliam, Warner Pacific College, Portland, Oregon.

MONMOUTH, OREG.,
May 25, 1972.

DEAR MRS. GREEN: I agree with you completely and thank you for your stand. Today's often well-intended but poorly thought out "solutions" become tomorrow's problems.

From the very beginning to the present, as you have pointed out, this bill has had elements in it which will harm higher education and the nation. The backers of these elements both in the Congress and out have manifested a kind of simple mindedness about the complexity of educational problems. I grant that many of these persons are well meaning, but their proposed solutions are childish and their naivette is frightening. Others have acted through crass self interest. Still others have acted through fear—fear that higher education or large segments of it will collapse if the bill is not passed without further delay. (I am sorry to say that the education community itself has created most of this fear pressure.)

Please maintain your stand and do not allow higher education in the years ahead to be saddled by a bad bill. It is far better to extend the student aid benefits in the current programs for another year or as long as is necessary to get a Higher Education Bill that is statesmanlike.

Sincerely,

LEONARD W. RICE,
President, Oregon College of Education.

FOREST GROVE, OREG.,
May 30, 1972.

DEAR MRS. GREEN: Several presidents of Oregon colleges and universities have expressed our common concerns in a recent group letter. Permit me to add misgivings over my signature.

Reports in the national press and educational news sources seem to point to a fact: S659, Education Amendments of 1972, is "full of sound and fury" but of little value to most of the colleges and universities. Without full-funding of Work Study and NSDL and 75% funding of EOG there will be no funding of the Basic Opportunity Grant. This indeed sounds like a budgetary BOG. Then, too, as I understand the provisions, institutional aid depends upon at least 50% funding of the Basic Opportunity Grant. If so, such aid seems remote.

The part dealing with veterans will be of no help to most colleges. Why not provide an adequate G.I. Bill?

The bill provides little or nothing for the mass of our students and will thereby move most independent colleges one more step toward absorption into the state educational system.

I deeply appreciate your understanding and interest in education.

Sincerely yours,

JAMES V. MILLER,
President, Pacific University.

PORTLAND, OREG.,
May 25, 1972.

DEAR CONGRESSWOMAN GREEN: I wish to record formally my opposition to the Report on the Higher Education Bill by the Conference Committee.

Many of the decisions therein support provisions which were strongly opposed by the President of the University of Portland, and by one national association after another, representing the University of Portland.

As now reported, many an undergraduate four-year institution, like our own, would be discriminated against. Such a school would receive no general institutional aid and would receive institutional aid only as it is related to needy students who are receiving Federal financial assistance. We would be cut off, largely for trying to build a strong school academically.

The Institutional Aid formulas are all too unrealistic. Many an excellent institution of higher education would be locked out from such aid, and consequently the opportunity of helping many a really deserving student would be frustrated.

A bad feature of the Bill as now proposed is that it precludes the student from the middle income group. This student is often the needy student who would profit much by four years in a college or university, yet is hampered for lack of the support he needs.

What is badly needed now is Federal general support for higher education, badly needed now because of the escalating costs all along the line. The Report of the Conference Committee sets up barriers and formulas too unrealistic to really help where help is most needed.

Moreover, the provisions for veterans are unrealistic. It is not near what should be developed for the returning G.I. The guidelines and regulations that would have to go along with the Conference Report would never allow a good G.I. program to get off the ground.

I strongly oppose the acceptance of the Conference Report. Far better would be to extend present programs, to provide an opportunity to reconsider the Bill as it was overwhelmingly approved by the House. A one-year extension of present programs is now a necessity which I wholeheartedly support.

Sincerely,

Reverend MICHAEL G. O'BRIEN, C.S.C.,
Academic Vice President, University of Portland.

CARLISLE, PA.,
June 7, 1972.

Concerning the conference report on the Higher Education Amendments of 1972. I feel that the disadvantages of this report far outweigh the advantages. Personally I can not support it.

CHARLES TWICHELL,
Director of Student Aid, Dickinson College.

EAST STROWDSBURG, PA.,
May 26, 1972.

DEAR MRS. GREEN: This summarizes points I expressed in our conversation about the conference report on the Higher Education Amendments of 1972.

1. The Bill still makes provision for passing the cost of education to the student—particularly a hardship on the "working poor" who are not eligible for aid. It ignores the general public responsibility for the education of its citizenry. It does "recognize" special interest groups and, however laudible this may be, it is devisive. A fair basic opportunity for all ought to be a central goal and this can be achieved by a base general institutional aid.

2. The administrative costs of these new complex amendments will mount and mount, and my position is that a simpler, across-the the-board formula would be easier to administer and money spent for administration could be put into "on line" support.

3. Students must have something by way of aid for the coming fiscal year. It is a fact that substantial numbers of students here at East Stroudsburg State College will not be able to attend college if existing levels of support are denied them. Your comment that '72 levels of funding can be maintained is reassuring. I share your concern about the government's current capability of implementing necessary steps to "get the money out" to the needy students under the new proposals.

I hope these comments may be helpful. With all good wishes.

Sincerely,

DARRELL HOLMES,
President, East Stroudsburg State College.

Bryn Mawr, Pa.

Thank you for sending the analysis of the Higher Education bill. I support your position wholeheartedly.

Michael A. Duzy,
President, Harcum Junior College.

Gettysburg, Pa.

Hon. Edith Green: Share your judgment about the conference bill on higher education and commend your analysis. Please vote against the bill.

C. A. Hanson,
President, Gettysburg College.

Center Valley, Pa.,
May 26, 1972.

Dear Mrs. Green: Higher education is, of course, in dire need of financial aid but I agree with you that this bill might very well force colleges to change their mission. Colleges have an obligation to provide quality education to all segments of the society. This bill, it seems to me, focuses completely on needy students who are receiving federal assistance and ignores needy students who, on their own initiative, are providing aid for themselves by such means as working their way through college and obtaining scholarships from sources other than government money.

I would hope that there could be a one-year extension of existing programs, with perhaps more adequate funding of economic opportunity grants to give aid to needy students; and that a bill similar to the one passed by the House which would provide institutional aid in terms of the number of students attending the institution be passed.

Sincerely,
Rev. J. Stuart Dooling, OSFS,
President.

Lafayette College,
Easton, Pa., June 1, 1972.

Dear Mr. Perkins: I have before me your memorandum of May 19 summarizing the Conference Report on the Higher Education Amendments of 1972. At your invitation I am providing you with my reaction to the report.

There are some elements of the report which I favor. The increase in funding for the work study and guaranteed student loan programs, the improvement of community colleges, the extension of Title III for strengthening developing institutions, and the emergency assistance for institutions in financial trouble are all decisions which I favor.

However, I regret that I cannot add my support to the new program of entitlement grants or the program of institutional aid. I do not believe that the compromise developed through the Conference Committee addresses itself properly to current problems and may, in fact, produce greater difficulty in higher education in the future.

In many ways Lafayette College is representative of other privately-sponsored institutions. Tuition, room, board and other charges run approximately $4400 per year for each student. Consequently, a student receiving the maximum education opportunity grant ($1400) will still require nearly $3000 in additional aid per year to attend Lafayette College. Even with work study and national defense student loans, the institution would still have to commit nearly $1500 of its own scholarship funds to assist this student. Under these conditions, it is not likely that private institutions such as Lafayette would enroll many students receiving basic education opportunity grants, since each student enrolled adds to the financial burdens of the institution.

While I recognize the desire of Congress to assist disadvantaged students, I think it is unfortunate that the proposed legislation relates direct institutional aid to the aggregate amount of supplemental EOG, Work Study and NDSL funds received by each institution. Privately-sponsored institutions perform a great service to society by creating educational opportunity with least possible drain on tax revenues. However, under the proposed legislation privately-sponsored institutions would receive very little institutional aid since they are not likely to have many students enrolled who receive federal scholarships and work study grants. Consequently, federal support will be going primarily to those institutions which are already low charge due to state tax support, and the private sector which is in serious need of federal aid will receive very little.

If the proposed legislation were enacted, low-charging institutions would be encouraged to enroll more disadvantaged students and expand facilities for that purpose. Consequently more tax revenues would be required for such expansion. At the same time, spaces would remain empty in privately-sponsored institutions because those institutions were not receiving general institutional aid according to their service to society. Instead they would receive very little aid according to a formula which demanded substantial commitments from their own resources in order to enroll disadvantaged students. All in all the provisions for institutional aid seem to make things worse rather than better for most privately-sponsored institutions.

Under these conditions, I do not favor the immediate or long-range results which appear to emanate from the current proposed legislation.

Sincerely,
K. Roald Bergethon.

Bethlehem, Pa.,
May 31, 1972.

Dear Congresswoman Green: I have received your letter of May 20 with its enclosures and have given it careful consideration. We have, on a continuing basis, attempted to keep abreast of the progress of both your bill and that bearing the name of Senator Pell. We have been favorably disposed toward the content of your proposed legislation and were dismayed at the results of the Conference Committee's deliberations.

After reviewing the contents of his memorandum to you, I find myself in complete agreement with President Stanford of Duke University. Clearly, the existing federal programs could do the job if fully funded. It is especially noteworthy that the attitude of Congress toward the funding of higher education has shown clear support for the self-help programs, and much less than full support for the "free money" programs. It is strange, indeed, that the Senate should now so overwhelmingly support yet another "free money" program.

I am writing to Congressmen Perkins, Flood and Rooney to convey the concern of Lehigh University. I sincerely hope that, should the current legislation proposal be defeated and continuing legislation for existing programs enacted for the fiscal year 1973, you will reintroduce your aid to higher education proposal.

Very sincerely yours,
W. Deming Lewis, *President.*

Philadelphia, Pa.

Hon. Edith Green: Recommend House defeats Conference Committees Higher Education Bill and approves one year extension existing program.

Robert H. Thompson,
President, Spring Garden College.

Due West, S.C.,
May 25, 1972.

Dear Congresswoman Green: I have considerable misgiving about the Higher Education Bill as it came out of the Conference Committee. The provisions concerning student aid and the formula for the new institutional aid need further thought and reshaping.

I am, therefore, in favor of your suggestion of a one-year extension of existing programs, so that next year Congress can come up with a fully thought out solution of the complicated problems.

Sincerely yours,
Joseph Wightman,
Erskine College.

Springfield, S. Dak.,
May 25, 1972.

Hon. Edith Green: Urge you to make determined effort for one year extension of present higher education bill. Conference committee bill has provisions which are intolerable for higher education.

Carrol Krause,
Provost, University of South Dakota.

Lake Jackson, Tex.,
June 1, 1972.

Dear Congresswoman Green: I concur 100% with the statement you made, "To relate the general support of higher education to the amount of aid to needy students is to miss the point of higher education and to miss the point of the needs of students. Higher education is for all students, not just needy students." You go on to state, "Aid to institutions should relate to all students for the student from the middle income group is already being squeezed out and this new philosophy does not help. It aggravates the problem and therefore can not be considered good public policy."

I am appalled at some of the things being done in the name of education. I am gratified in the knowledge that there are still many in legislative positions who have the type character it takes to stand up and be counted. You I count as one of these.

I have sent letters stating my views, which are essentially identical with those you expressed, to Senator Harris of Oklahoma and to Texas Senators Tower and Bentsen. I also sent the same type letter to Congressmen John Young, Bob Casey and Olin E. Teague.

I believe that I can speak for a great majority of the forty-four presidents of Texas public junior colleges when I commend you for your action and encourage you to remain steadfast in your conviction.

Best wishes in your efforts.

Sincerely,
J. R. Jackson,
President, Brazosport College.

Houston, Tex.

Hon. Edith Green: Cannot support S. 659, agree with Sanford's letter of May 22 to you.

Norman Hackerman,
President, Rice University.

Lovelland, Tex.
May 26, 1972.

Dear Representative Green: In my estimation, the Pell Bill has many weaknesses, and I would certainly favor extending the existing programs for this year until these weaknesses can be worked out.

For example, our EOG allocation for FY 1973 was 26% less than our last year's appropriation. The CWSP allocation was 13% less than last year. The NDSL approved level of lending was increased by 4.5%, but this program has been self-sustaining for the past three years and required no additional government funds.

If the cost of fully funding the Pell grants runs about ⅓ more than the funding for the present programs, I have no reason to believe funding would be anywhere close to adequate under the Pell Bill. The present Federal programs will take care of all the needs of the needy students if the programs were fully funded by Congress.

Sincerely yours,
Marvin L. Baker,
President, South Plains College.

Seguin, Tex.,
May 26, 1972.

Dear Congresswoman Green: I agree with your views and appreciate very much the efforts that you are making to provide a sound program of institutional grants and financial aid for students, which would permit students to have a viable choice in the kind of educational institutions they choose. I hope you are successful in your efforts.

Best wishes.

Sincerely,

Joe K. Menn,
President, Texas Lutheran College.

Poultney, Vt.,
May 26, 1972.

Dear Mrs. Green: Frankly, at this point I can see no value in passing the bill in its present form and like you I am of the opinion that it would be better to delay such passage for several months, if necessary, in order to obtain a satisfactory measure.

The present bill provides little, if any, assistance for the individual college by tying institutional grants to student aid. Unless the colleges themselves receive some form of assistance some of them will be in very serious difficulty before too long.

We are indebted to you for your concern for and interest in our colleges and universities during this critical time.

Sincerely,

Raymond A. Withey,
President, Green Mountain College.

Dear Congresswoman Green: I agree with the position which you have taken and I agree with the statement made by Terry Sanford. I hope that the House of Representatives does reject this bill and will start to work on a bill which will provide educational opportunities for all American youth but will, in addition, prevent the demise of an extremely large number of private colleges in this country.

Last year I met with the American Council on Education's Commission on Federal Relations to urge their support of a plan which would equalize educational opportunity in higher education and would preserve private higher education. I would very much appreciate your reaction to this particular plan. I would also welcome the opportunity to testify before your Subcommittee along with some other colleagues who are intrigued with the educational opportunity bank idea.

Because I am a long time friend of Claiborne Pell, I sent this suggestion to him at the same time as my meeting with the American Council on Education. He sent me a copy of his plan at the time and I was distressed at the proposed institutional aid in his program. It would do very little to help private higher education. It would merely make public higher education less expensive for states and municipalities. In essence, it is the Pell plan which has been adopted by the joint committee.

In spite of my preference for an educational opportunity bank instead of direct institutional aid, as it exists in your bill, I nevertheless support your bill. It would give direct and much needed immediate aid to private colleges which are in dire straits. It is worth fighting for and I hope that you will keep up the fight.

Cordially,

Eugene C. Winslow,
President, Windham College, Putney, Vt.

As President of a private institution badly in need of funds but looking beyond private interest, I urge you to vote against the Higher Education Bill (S. 659) and to bring your influence to bear upon its defeat.

Roy D. Hudson,
President, Hampton Institute, Hampton, Va.

Dear Mrs. Green: Thank you so much for sending your comments and Terry Sanford's letter about S. 659. I think there are very few people in the higher education community who are happy about the proposals that have issued from the Conference Committee. Regardless of the stand taken by our national organizations in Washington, many do not think it is wise, for the long run, to accept this form of higher education legislation. It is a matter of holding your nose and voting for proposals which you know will not serve the best interest of colleges and universities in the future.

I thoroughly agree with Terry Sanford's analysis, and I feel, with you, that an extension of the present programs of aid for "disadvantaged students" would adequately serve their needs. I emphatically do not think that institutional aid should be tied to the numbers of needy students enrolled at institutions of higher learning. The bill which you endorsed in the House meets our real problems more directly and realistically, and I know of very few of my colleagues who would not have preferred your formulas to Senator Pell's bill.

The problem of the middle income student is particularly severe at both private and public institutions. General institutional aid is the only approach that will begin to attack this problem. We are in grave danger of giving awards only for quantitative achievement in higher education, and the form of the proposed legislation accentuates this danger.

Every college and university is facing grave financial problems, but I think it would be woefully shortsighted of us to accept badly constructed legislation in the illusory hope of some short run relief.

Please let me know if I can be helpful to you in any way.

Yours very sincerely,

John A. Logan, Jr.,
President, Hollins College, Hollins College, Va.

May 31, 1972.

Hon. Watkins M. Abbitt,
House of Representatives,
Washington, D.C.

Dear Congressman Abbitt: We at Sweet Briar are not unaware of the necessity of compromise that makes politics "the art of the possible," nor are we deaf to the argument that half-a-loaf is better than none. Still, after a weekend of study and reflection we feel that the Conference Committee Report on the Higher Education Bill represents too unsatisfactory a compromise for us to wish to support it.

Our chief objection centers on the mixed formula for individual and institutional aid, which in the long run threatens further to weaken quality education at the higher level.

To judge by the correspondence received in the past few days, I assume ours is a minority position among educational institutions, but even so we urge you to oppose the current draft, approved by the Senate, in the belief that extension of existing programs and a hopefully wiser new proposal would provide a more desirable alternative.

Yours very sincerely,

Harold B. Whiteman, Jr.,
President, Sweet Briar College, Sweet Briar, Va.

May 30, 1972.

Dear Representative Green: Thank you very much for your letter of 20 May 1972. It is certainly with a distinct feeling of chagrin and disappointment that I acknowledge this letter of yours. So many hopes of so many private colleges and universities were pinned to your amendment of the higher education bill. Seeing the frustration of your efforts is a distinct and bitter disappointment. I can only thank you for the very real interest which you have taken in the plight of our sector of American society. I can only encourage you to do whatever you can to see that a more equitable arrangement than the one reported out by the Joint Conference in one way or another becomes the law and the policy of this republic.

Very sincerely yours in Christ,

(The Very Rev.) Matthew Naumes,
O.S.B.,
Saint Martin's College, Olympia, Wash.

At the meeting of the program council of the Mountain State Association of Colleges, Inc., which included Alderson-Broaddus Davis and Elkin Salem and West Virginia Wesleyan on June 5, 1972, the following resolution was approved be it resolved that the Mountain State Association of Colleges, Inc., of West Virginia express its concern regarding current higher education legislation and urge that the present bill be extended for one year and be funded to the fullest extent possible allowing the various institutions immediately to make and keep their financial aid commitments to needy and worthy students and be it further resolved that the legislators in Washington be commended for their conscientious and continuous attention to higher education and be urged to consider further programs which will help to maintain the traditional strength of diversity in the nations educational structure and give vitality to the smaller developing institutions like the associations members, who are contributing in a growingly substantial way to the educational cultural and economic welfare of the nation through their service in Appalachia.

Gordon E. Hermanson,
President, Mountain State Association of Colleges, Inc.

June 5, 1972.

Wire to U.S. Senators and Congressmen

Our presidents still strongly favor House version of education bill concensus is that higher education in general would profit by defeating the compromise bill and then authorizing the continuation of present programs, hopefully more adequately funded. We recommend trying for passage of stronger and more equitable legislation one year hence.

A. P. Dunlap,
Acting Coordinator, West Virginia Association of Private Colleges.

May 24, 1972.

Dear Representative Green: A few years ago when new federal education and poverty programs were being cranked out in bundles, I recall a pertinent cartoon. A father, with his arm on the shoulder of his son who had just graduated from college, was saying, "Go into poverty, son—that's where the money is!" It looks like that's where the money will be for colleges.

After flip-flopping between expediency and longer range reality, I support your attitude on the Conference Report on the Higher Education Bill. I believe it will lead to an intemperate race by colleges for needy students regardless of their suitability for college work or national needs for college trainees. I believe that the Conference Report creates a more complicated student aid plan than what we have now. Furthermore, is the impending pressure on veterans to attend college in their best interests; is it in the national interest in view of the spiraling number of college graduates?

Furthermore, as I fight to recruit a few students to enter the fine program we have at our small private junior college, I have little sympathy toward means whereby community colleges can continue their spawning of new ones. In view of some hard facts on population trends, it appears that such expansion is becoming willy-nilly. I therefore oppose Part A—Community Colleges. It is a prod to unneeded growth. The enclosed ERIC review I believe is thoughtful reading on this subject.

I prefer essentially your views as expressed last fall. I believe that the Conference Report is a half-loaf that offers little to most colleges beyond what we now have. Yet I do appreciate the mountain of man-hours spent in trying to hammer out a workable report.

Sincerely,

JUSTIN B. ROBERTS,
President, Ohio Valley College, Parkersburg, W. Va.

MAY 26, 1972.

DEAR MRS. GREEN: . . . My interest and concerns run deep, because I sense some threats to small developing institutions like Salem College. Although the institution was established in 1888 and has a long and distinguished career of educational service in Appalachia, it was not until recent years that the College emerged as a fully-accredited thriving institution performing increasingly important educational services.

Two major dangers are evident in the current legislation, it seems to me. One is that the private sector of higher education may be irrevocably weakened unless some major specific attention can be given to independent colleges like Salem very soon. Second, colleges like Salem are in double jeopardy. In addition to their independent status, they are "emerging," they are caught in a "twilight zone" between achieving real strength and prestige or being forced into oblivion.

My initial plea would be that we make arrangements to use our present higher educational facilities to the fullest extent possible before creating further junior and community colleges or inadvertently causing a greater inbalance between public and private institutions. It would seem to me wise to make some provision to assure free choice for students in selecting a college, providing "equalizing" grants or loans so they can go to private institutions if they so desire and still meet the higher tuition costs without economic prejudice or disadvantage.

In addition, I would urge that the present legislation be immediately authorized for extension while proposed legislation is being considered. This will serve two purposes. First, there will be more adequate opportunity to study the new legislation and perfect it in such a way as to more nearly meet all the needs. Second, it would allow both colleges and students to make immediate decisions regarding next year's educational programs. It is already almost too late. Many students, with an uncertainty about financial assistance, are deciding not to continue their educational programs or are transferring from colleges like Salem to tax-supported institutions.

Sincerely,

K. DUANE HURLEY,
President, Salem College, Salem, W. Va.

MAY 26, 1972.

DEAR CONGRESSWOMAN GREEN: I support without reservation your concept of a one-year extension of existing programs. I would hope for at least a continuing funding at the 1972 level, but would prefer an increase in several areas, particularly the work-study program.

I support fully your proposal to start in January, 1973, on a new higher education bill.

I share your fear that for too long a few universities have dominated higher educational policy for this country.

I find very pertinent the questions you raise concerning the wisdom of Congressional action to force universities to pay attention to "disadvantaged" and "needy" students, and the questions you raise concerning compensatory education at the higher education level. There are other pertinent questions which I believe should be considered, such as those involving current efforts to politicize the college and university and current efforts to transform the university into a multiversity. Further, I think the entire question of the relationship between the higher education components of our educational system to the high school and the elementary school, as well as to the vocational school, needs much closer scrutiny. It seems to me that the funding of higher education, in other words, must be tied much more closely to a clearer picture of national goals and national priorities.

Sincerely yours,

JAMES M. HANLON,
President, Marion College of Fond du Lac, Fond du Lac, Wis.

DEAR CONGRESSWOMAN GREEN: All of us in higher education are very concerned about the higher education bill and its many deficiencies. We worked with you and your office, as well as with others and their offices, in an imaginative new approach to relations between the Federal Government and higher education. It is disappointing to see that the heart of what we worked for has been eliminated from the bill.

It is quite obvious that the bill contains some good provisions. But aside from the busing provisions, it is extremely frustrating to note the insertion of the basic opportunity grants for institutional support based upon the number of students. The latter was an important principle, and its elimination certainly tends to dull enthusiasm for the bill. If we are to achieve equities of educational opportunity in the United States, aid to institutions of higher education should not be based on just one class of students. Rather, it should be based upon the needs of all who seek higher education.

I hope we from higher education will continue to enjoy your support as we work together to improve congressional legislation in the future.

Sincerely yours,

EDWARD W. WEIDNER,
Chancellor, University of Wisconsin, Green Bay, Wis.

I have been a supporter of your original bill, H.R. 7248, for over a year. On April 30, 1971, I wrote Congressman William A. Steiger strongly endorsing it and at the same time pointed out my objections to the companion bill of Senator Pell, S. 659.

I have the same deep misgivings about the conference committee, which follows the S. 659 pattern that prompted Terry Sanford, president of Duke University, to write you.

I, therefore, urge you to oppose the conference bill in its present form and to seek a one year extension of existing programs.

I further urge that the extension period be used to draft a sound educational bill along the lines of your original bill.

Confirming letter follows.

Sincerely,

R. E. GUILES,
Chancellor, University of Wisconsin, Oshkosh, Wis.

MAY 26, 1972.

DEAR CONGRESSWOMAN GREEN: Thank you for sending to me a summary of the Conference Report on the Higher Education Act. I am in agreement with your position on the institutional aid portion of this bill and would add to your arguments against same the following:

1. The formula would encourage the wealthier institutions to focus their high powered recruiting machines upon the disadvantaged students and the rich would get richer and the poor get poorer. Even worse, however, the disadvantaged students would be pawns in the "Dollar" game. Often finding themselves enrolled in an institution ill equipped to meet their needs.

2. The conditions attached to the Veteran's Grants create the same situations as described in No. 1 above.

A continuing resolution may be the most expedient way to solve our current dilemma, however, we would need supplemental funds for Educational Opportunity Grants and College Work-Study.

I sincerely appreciate your efforts to see enacted equitable legislation in support of Higher Education.

Sincerely,

CHARLES ROGERS,
President, East Wyoming College, Torrington, Wyo.

U.S. COURT OF APPEALS REVERSES SCHOOL BUSING DECISION IN RICHMOND, VA.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 10 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, yesterday the U.S. Court of Appeals for the Fourth Circuit in a 5 to 1 decision reversed the district court decision in Bradley against the School Board of the City of Richmond, Va., and held that the district court exceeded its power of intervention in ordering the joinder of the School District of the City of Richmond with the school districts of the two adjoining counties of Henrico and Chesterfield Counties in order to achieve a greater degree of integration and racial balance.

In his opinion, Judge Craven of the Fourth Circuit held that a judge may not compel one of the States of the Union to restructure its internal government for the purpose of achieving racial balance in the assignment of pupils to the public schools absent a showing of "invidious discrimination in the establishment or maintenance of local governmental units."

Judge Craven stated further that—

> We think that the root causes of the concentration of blacks in the inner cities of America are simply not known and that the district court could not realistically place on the counties the responsibility for the effect that inner city decay has had on the public schools of Richmond. We are convinced that what little action, if any, the counties may seem to have taken to keep blacks out is slight indeed compared to the myriad reasons, economic, political and social, for the concentration of blacks in Richmond and does not support the conclusion that it has been invidious state action which has resulted in the racial composition of the three school districts. Indeed this record warrants no other conclusion than that the forces influencing demographic patterns in New York, Chicago, Detroit, Los Angeles, Atlanta and other metropolitan areas have operated in the same way in the Richmond metropolitan area to produce the same result. Typical of all of these cities is a growing black population in the central city and a growing white population in the surrounding suburban and rural areas. Whatever the basic causes, it has not been school assignments, and school assignments cannot reverse the trend. That there has been housing discrimination in all three units is deplorable, but a school case, like a vehicle, can carry only a limited amount of baggage. *Swann v. Charlotte-Mecklenburg Board of Education, supra* at 24.

Mr. Speaker, in light of the current controversy raging throughout this Nation concerning the issue of possible cross-district busing and the merging of school districts for the purpose of achieving racial balance and because of the overwhelming widespread interest in this landmark decision, my own and other congressional districts in Michigan as well as throughout the rest of the country, I ask unanimous consent to insert the full text of the majority opinion of the court in the RECORD at this point:

[In the U.S. Court of Appeals for the Fourth Circuit]

MAJORITY OPINION

NO. 72–1058

In the matter of:

Carolyn Bradley, et al., Appellees, *versus* The School Board of the City of Richmond, Virginia, et al., Appellees, *versus* The School Board of Chesterfield County, et al., Appellants.

National Education Association, Amicus Curiae.

American Civil Liberties Union, American Civil Liberties Union of Virginia, Amicus Curiae.

United States of America, Amicus Curiae.

Congress of Racial Equality, Amicus Curiae.

NO. 72–1059

In the matter of:

Carolyn Bradley, et al., Appellees, *versus* The School Board of the City of Richmond, Virginia, et al., Appellees, *versus* The School Board of Henrico County, et al., Appellants.

National Education Association, Amicus Curiae.

American Civil Liberties Union, American Civil Liberties Union of Virginia, Amicus Curiae.

United States of America, Amicus Curiae.

Congress of Racial Equality, Amicus Curiae.

NO. 72–1060

In the matter of:

Carolyn Bradley, et al., Appellees, *versus* The School Board of the City of Richmond, Virginia, et al., Appellees, *versus* The State Board of Education of the Commonwealth of Virginia, et al., Appellants.

National Education Association, Amicus Curiae.

American Civil Liberties Union, American Civil Liberties Union of Virginia, Amicus Curiae.

United States of America, Amicus Curiae.

Congress of Racial Equality, Amicus Curiae.

NO. 72–1150

In the matter of:

Carolyn Bradley, et al., Appellees, *versus* The School Board of the City of Richmond, Virginia, et al., Appellees, *versus* Dawn Gauldin, an infant, by her next friend and mother, Judith Gauldin, and others, parents and school children of Chesterfield County, Appellants.

National Education Association, Amicus Curiae.

American Civil Liberties Union, American Civil Liberties Union of Virginia, Amicus Curiae.

United States of America, Amicus Curiae.

Congress of Racial Equality, Amicus Curiae.

Appeals from the United States District Court for the Eastern District of Virginia, at Richmond. Robert R. Merhige, Jr., District Judge.

(Argued April 13, 1972; Decided June 5, 1972).

Before Haynsworth, Chief Judge, and Bryan, Winter, Craven, Russell and Field, Circuit Judges, sitting en banc.

Philip B. Kurland (Andrew P. Miller, Attorney General of Virginia, William G. Broaddus, D. Patrick Lacy, Jr., Assistant Attorneys General, on brief for [The State Board of Education and the Superintendent of Public Instruction]; Frederick T. Gray, Walter E. Rogers, and Oliver D. Rudy, Commonwealth's Attorney for Chesterfield County, on brief for [The Board of Supervisors of Chesterfield County]; J. Segar Gravatt on brief for [The School Board of Chesterfield County]; R. D. McIlwaine, L. Paul Byrne, J. Mercer White, Jr., County Attorney for Henrico County, on brief for [The Board of Supervisors of Henrico County and the School Board of Henrico County] for Appellants; and George B. Little (John H. Obrion, Jr., James K. Cluverius, and Browder, Russell, Little, and Morris, and Conard B. Mattox, Jr., City Attorney, on brief) and Norman J. Chachkin (Louis R. Lucas, William L. Taylor, Jack Greenberg, James M. Nabrit, III, James R. Olphin, and M. Ralph Page on brief) for Appellees. (Stephen J. Pollak, Richard M. Sharp, David Rubin, and Shea and Gardner on brief) for Amicus Curiae, The National Education Association. (Richard Falcon, David Bogen, Melvin L. Wulf, Sanford Jay Rosen, American Civil Liberties Union, and Philip Hirshkop, on brief) for Amicus Curiae American Civil Liberties Union, American Civil Liberties Union of Virginia. (Brian P. Gettings, United States Attorney, David L. Norman, Assistant Attorney General, Department of Justice, and Brian K. Landsberg, Attorney, Department of Justice, on brief) for Amicus Curiae, The United States. (Theodore Walker Mitchell and William C. Chance, Floyd B. McKissick, Charles Conley, and Roy Innis, National Director, Victor Solomon, Associate National Director, Congress of Racial Equality, on brief) for Amicus Curiae, The Congress of Racial Equality.

Craven, Circuit Judge:

May a United States District Judge compel one of the States of the Union to restructure its internal government for the purpose of achieving racial balance in the assignment of pupils to the public schools? We think not, absent invidious discrimination in the establishment or maintenance of local governmental units, and accordingly reverse.

This is a new aspect of an old school case begun in 1961.[1] Neither the parties to this appeal nor the numerous amici permitted to file briefs question the duty of the Richmond School Board to achieve a unitary school system. *Brown v. Board of Education* (*Brown I*), 347 U.S. 483 (1954); *Brown v. Board of Education* (*Brown II*), 349 U.S. 294 (1955). *Green v. School Board of New Kent County*, 391 U.S. 430 (1968). Indeed, it is virtually conceded and established beyond question that, albeit belatedly, Richmond has at this juncture done all it can do to disestablish to the maximum extent possible[2] the formerly state-imposed dual school system within its municipal boundary.

What is presented on appeal is whether the district court may compel joinder with Richmond's unitary school system two other school districts (also unitary) in order to achieve a greater degree of integration and racial balance. The district judge felt compelled to order consolidation of the three school units partly because of his concern with what seemed to him an unfortunate racial balance in the three separate systems and partly because he felt this racial balance was the result of invidious state action. In his concern for effective implementation of the Fourteenth Amendment he failed to sufficiently consider, we think, a fundamental principle of federalism incorporated in the Tenth Amendment and failed to consider that *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971), established limitations on his power to fashion remedies in school cases.

Footnotes at end of article.

I.

The current phase of the case began on March 10, 1970. On that date the black plaintiffs filed a motion for further relief, and on March 19, 1970, in response to inquiry by the court, the Richmond School Board filed a statement to the effect that "they had been advised that the public schools of the City of Richmond are not being operated as unitary schools in accordance with the most recent enunciations of the Supreme Court of the United States." The board thus conceded that its previously implemented plan of integration, largely based on freedom of choice, which plan had been approved by the district court on March 30, 1969, was insufficient under *Green* v. *School Board of New Kent County, supra,* to constitute a unitary school system. The school board waived a hearing and further advised the court that it had "requested the Department of Health, Education and Welfare to make a study and recommendation as to a plan which would insure the operation of the unitary school system in compliance with the decisions of the Unitd States Supreme Court" said plan to be ready by May 1, 1970. On June 26, 1970, the court rejected the proposed HEW plan and granted leave to the Richmond School Board to submit another plan if they so desired. That plan was filed on July 23, 1970, and a hearing on its adequacy was conducted on August 7, 1970. Because of the imminence of the beginning of the school year 1970–71, the court approved this second plan purely on an interim basis. After several additional hearings, another plan, designated Plan III, was approved in April 1971 for the school year 1971–72, The Richmond city schools are currently operating under this plan. In *Bradley* v. *School Board of the City of Richmond*, 325 F. Supp. 828, 835 (1971), the district judge, having carefully compared the three proposed plans, plus a fourth one, called the Foster Plan, concluded that Plan III, if successfully implemented, would eliminate "the racial identifiability of each facility to the extent feasible within the City of Richmond." The court added that "this is the extent, under current law, of the affirmative obligation governing use of its [school board] available powers: . . ."

Meanwhile, administrators of the Richmond school system were having second thoughts, prompted perhaps by a colloquy between court and counsel having to do with possible consolidation of the Richmond school system with the adjoining school systems of Chesterfield County and Henrico County. Under the approved Plan III it was projected that the percentage of whites in high schools would range from 21 percent to 57 percent and the percentage of blacks from 43 percent to 79 percent, that the range in middle schools would be 19 percent to 61 percent whites and 39 percent to 81 percent black, and the elementary range would be from 20 percent to 66 percent white and from 34 percent to 80 percent black. Such arithmetic pointed up the obvious: that if the heavily white school population of the adjoining counties could be combined with the majority black school population of Richmond a "better" racial mix would result. Thus, on November 4, 1970, the city filed a "motion to compel joinder of parties needed for just adjudication under Rule 19." The court allowed the motion and the filing of an amended complaint directed toward relief against these new respondents: the Board of Supervisors of Chesterfield County, the Board of Supervisors of Henrico County, the School Board of Chesterfield County, the School Board of Henrico County, the State Board of Education, and the Superintendent of Public Instruction. On January 10, 1972, came judgment: all defendants, including the State Board of Education, the State Superintendent of Public Instruction, the school boards of the two counties and the city, the boards of supervisors of the two counties, and the City Council of the city, were enjoined to create a single school division composed of the city and the two counties. In great detail, set out on some seven pages, methods and procedures of effecting consolidation were specified to be completed within time limitations. It is from this injunction that the state and county defendants prosecute this appeal.

II.

Were we to sustain this injunctive decree, the result would be one of the largest school districts in America. In the fall of 1970 the Richmond school district had 47,824 pupils and was the third largest school district in Virginia. The Henrico school division had 34,080 and was the fifth largest in Virginia, and the Chesterfield school district had 24,069 pupils and was the twelfth largest in Virginia. Richmond has a geographical area of 63 square miles, Henrico 244 square miles, and Chesterfield 445 square miles. The mandated school consolidation would thus create a district containing over 750 square miles and in excess of 100,000 pupils. In the fall of 1970 there were only 28 school districts in the entire United States containing 100,000 or more pupils, approximately 0.2 percent of all school districts in the nation. Presently in Virginia there is only one school district (Fairfax County) containing more than 100,000 pupils. The second largest is Norfolk with 55,739 pupils, and, as stated, Richmond is third with 47,824 pupils.

For the school year 1970–71, the Richmond City School Board operated 57 schools, and the racial composition of the pupil population was approximately 64 percent black and 36 percent white. Henrico operated 43 schools, and the racial composition was approximately 92 percent white and eight percent black. Chesterfield operated 28 schools, and the racial composition was approximately 91 percent white and nine percent black.

Beginning at page 234 of his opinion, the district judge sets out in some detail the theory advanced by various witnesses of a "viable racial mix."[3] In order to effect such a mix, the court approved, subject to trial and error, a lottery program similar to the national draft.

"Under the lottery program developed by the Richmond officials, whether a child is among those normally assigned to the school in his attendance zone who would be transported elsewhere is determined by birth date. A single birthday or 366 might be picked out of a hat. Then, starting with the first picked and taking all born subsequently, or following the list of 366 in order drawn, sufficient pupils are chosen to meet the quota of those to be transported out. After the child's status is determined according to the lottery, he would remain with his fellows during his tenure at each level of school. A new lottery would be conducted for him as he moved into middle school and later into high school." *Bradley*, at 236.

In his concern to achieve a "viable racial mix," the district court did not rule out the possibility of joining additional counties, *e.g.*, Hanover County (*Bradley*, at 248), and indeed ventured the opinion that "due to the sparsity of population in some of the adjoining counties, the task will not be difficult." *Bradley*, at 247.

It is not clear from the district court's decision the weight given to the testimony of various witnesses. Some importance, however, undoubtedly attaches to the testimony of Dr. Pettigrew adopted in part by the court below.[4]

"To achieve 'integration', in Dr. Pettigrew's terms one must have the 'mix plus positive interaction as we would want to say, between whites and blacks.' Current research indicates that in order to achieve these benefits there is an optimum racial composition which should be sought in each school. Dr. Pettigrew placed this at from 20 to 40% black occupancy. These figures are not at all hard and fast barriers, but merely indicate to the racial composition range in which interaction of a positive sort is the more likely to occur. Social science is not such an exact science that the success or failure of integration depends upon a few percentage points. The low level of 20% fixes the general area below which the black component takes on the character of a token presence. Where only a few black students are in the particular school, there simply are insufficient numbers for them to be represented in most areas of school activities. Such participation would be crucial to the success of integration. The high level of 40% is linked not to the likely behavior of the students so much as it is to the behavior of their parents. When the black population in a school rises substantially above 40%, it has been Dr. Pettigrew's experience that white students tend to disappear from the school entirely at a rapid rate, and the Court so finds. This is only possible, of course, when alternative facilities exist with a lesser black proportion where the white pupils can be enrolled. The upper limit, then, relates to stability." *Bradley*, at 250.

The district court concluded (*Bradley*, at 231) that "taking the three jurisdictions together," (Chesterfield, Henrico, Richmond) over the past ten years "the racial proportions have remained quite constant, at about 67% white and 33% black." The court stated that he rejected the notion that a goal of placing 20 to 40 percent black students in each school could be characterized as the imposition of a fixed racial quota,[5] but did note that "if the goal were achieved Negroes would be in a minority in each school." *Bradley*, at 234. He emphasized that this corresponded to the demographic pattern of the units combined, and, indeed, corresponded to the racial balance of the nation as a whole. However, in discussing the Richmond Metropolitan School Plan, the district court also emphasized the fact that without consolidation, very few pupils in the city or the counties would attend schools whose racial mix corresponded to that considered "viable" by Dr. Pettigrew, while with consolidation under the proposed plan,

"97% of the black students in the area would attend schools in the range of 20–40% black; the remainder would be in 15–20% black schools. Under that plan 92.5% of the white students in the area would be in schools of the optimum mix determined by Dr. Pettigrew, and 7.5% would be in schools with a 15–20% black enrollment." *Bradley*, at 252.

The desire of the district judge to achieve such a racial mix is quite understandable since the evidence seemed to indicate its workability in practice. But we think the adoption of the Richmond Metropolitan Plan in toto by the district court, viewed in the light of the stated reasons for its adoption, is the equivalent, despite disclaimer, of the imposition of a fixed racial quota.

The Constitution imposes no such requirement, and imposition as a matter of substantive constitutional right of any particular degree of racial balance is beyond the power of a district court. *Swann v. Charlotte-Mecklenburg Board of Education, supra* at 24; *Spencer v. Kugler*, 326 F. Supp. 1235 (D. N.J. 1971), *aff'd mem.*—U.S. —, 92 S. Ct. 707 (1972).

III.

The boundaries of the three school districts, Richmond, Chesterfield and Henrico, have always been (for more than 100 years) coterminous with the political subdivision of the City of Richmond, the County of Chesterfield and the County of Henrico. The boundaries have never been changed except as occasioned by annexation of land within the two counties caused by the expansion and growth of the City of Richmond. The most recent annexation has resulted in adding to the school population of Richmond 10,240 pupils, of which approximately 9,867 are white.[6] It is not contended by any of the parties or by amici that the establishment of the school district lines more than 100 years ago was invidiously motivated. We have searched the 325-page opinion of the district court in vain for the slightest scintilla of evidence that the boundary lines of the three local governmental units have been maintained either long ago or recently for the purpose of perpetuating racial discrimination in the public schools. As the brief of the United States points out, to the extent, if at all, there are district court findings of inter-district discrimination, they are delineated with such a "broad brush" as to make "it difficult on review to say precisely what the violation, if any, was." We agree with the position of the United States that "this is not primarily a case about segregation required by law, because state law has never required segregation as between Richmond and the neighboring school systems."

With the discontinuance, at the instigation of HEW, of Chesterfield County's participation in the Matoaca Laboratory School, every black child in Chesterfield County attends a racially desegregated facility, and the school system is unitary. As early as 1969, HEW was satisfied that Henrico County was operating a unitary nonracial school system, and by June 30, 1971, with the elimination of the racial identifiability of the Central Garden School, Henrico County complied in all respects with the suggestions of HEW. It is thus established that in each of the three school districts the formerly dual system of schools has been disestablished and effectively replaced with a unitary school system within which no child is excluded from any school by reason of his race. The issue, also as urged by the United States, is whether the maintenance of three separate unitary school divisions constitutes invidious racial discrimination in violation of the Fourteenth Amendment.

It is urged upon us that within the City of Richmond there has been state (also federal) action tending to perpetuate apartheid of the races in ghetto patterns throughout the city, and that there has been state action within the adjoining counties also tending to restrict and control the housing location of black residents. We think such findings are not clearly erroneous, and accept them. Just as all three units formerly operated dual school systems, so likewise all three are found by the district court to have in the past discriminated against blacks with respect to places and opportunity for residence. But neither the record nor the opinion of the district court even suggests that there was ever joint interaction between any two of the units involved (or by higher state officers) for the purpose of keeping one unit relatively white by confining blacks to another. What the district court seems to have found, though this is not clear, is that there has been in the past action by the counties which had a tendency to keep blacks within the boundaries of the City of Richmond and excluded them from the counties. In arriving at this conclusion, the district court seemed to place great reliance on the selection of new school construction sites over the years, racially restrictive covenants in deeds, the non-participation of the counties in federally assisted low income housing, and testimony concerning private acts of discrimination in the sale of housing. If the district court's theory was that the counties were thus keeping blacks in Richmond schools while allowing whites to flee to relatively white sanctuaries, the facts do not support this theory.

Footnotes at end of article.

It is significant that of the 34,000 pupils enrolled in Henrico County schools for the school year 1970–71 only 2,035 (5.9 percent) had transferred from the Richmond city schools to the Henrico County schools during the preceding *decade*, and of this number 532 (26 percent) were black. Of the more than 2,500 pupils listed by the Richmond School Board as "missing" from the Richmond city schools for the 1970–71 school year, only 145 enrolled in Henrico County schools that school year, and of this number 36 (25 percent) were black.

Of the 20,676 Chesterfield children enrolled in Chesterfield County schools for the year 1970–71, only 1,335 had transferred from the Richmond city schools during the preceding 12 years. Except for 36, all were white. But, significantly, only 6.46 percent of the entire Chesterfield school population ever attended Richmond schools.

The Richmond white school population decreased from 17,203 in 1970–71 to 13,500 in 1971–72—a net loss of 3,703. But these white students did not move to Chesterfield or Henrico Counties. For both counties show a net white enrollment loss for the same period, Chesterfield down 208 white pupils and Henrico 366.

If we assume state action to keep blacks confined to Richmond, and none appears, it is evident that such action has failed to achieve its assumed invidious purpose. Richmond schools may be getting blacker, but so also are the schools of Henrico, and the trend may soon reach to Chesterfield. If the district court's conclusion was that, regardless of the effect on the schools in the City of Richmond, the counties' action kept blacks who lived in Richmond from moving to the counties, thereby perpetuating segregation in the public schools in the counties and thus denying to the plaintiffs the equal protection of the laws, we think that this conclusion is not supported by substantial evidence.

We agree that there has been some inaction, (*e.g.*, nonparticipation in construction of low income housing) by the counties here which may have restricted the access of blacks to residences in these counties. If we assume invidious purpose, and none is established, it is possible to draw an inference of cause and effect if one ignores the possibility that in a heavily white county much of such housing would likely be occupied by low income white. School construction site selection would seem to have little relevance to city-county movement by blacks, since, until recently, blacks who moved to the county would still have had to go to segregated schools. Thus the choice of whether to move or not would not have been influenced by the location of schools in the counties or the city. Former FHA policies and the use of racially restrictive covenants have doubtless had an impact on residential housing patterns within the city and the counties. The record does not establish whether or not Richmond's restrictive use of such tools of discrimination has been greater or less than that of the counties. We are thus unable to determine whether such discrimination, practiced in all three units, has had any impact upon movement by blacks out of the city and into the counties.

The two instances in the record of private discrimination in the sale of housing, illegal since *Jones v. Meyer*, 392 U.S. 409 (1968), are scant evidence of state action, even assuming that state inaction in preventing such discrimination is state action within the meaning of *Shelley v. Kraemer*, 334 U.S. 1 (1948).

We think that the root causes of the concentration of blacks in the inner cities of America are simply not known and that the district court could not realistically place on the counties the responsibility for the effect that inner city decay has had on the public schools of Richmond. We are convinced that what little action, if any, the counties may seem to have taken to keep blacks out is slight indeed compared to the myriad reasons, economic, political, and social, for the concentration of blacks in Richmond and does not support the conclusion that it has been invidious state action which has resulted in the racial composition of the three school districts. Indeed this record warrants no other conclusion than that the forces influencing demographic patterns in New York, Chicago, Detroit, Los Angeles, Atlanta, and other metropolitan areas have operated in the same way in the Richmond metropolitan area to produce the same result. Typical of all of these cities is a growing black population in the central city and a growing white population in the surrounding suburban and rural areas. Whatever the basic causes, it has not been school assignments, and school assignments cannot reverse the trend. That there has been housing discrimination in all three units is deplorable, but a school case, like a vehicle, can carry only a limited amount of baggage, *Swann v. Charlotte-Mecklenburg Board of Education, supra* at 24.

To approve the consolidation of these three school districts would require us to ignore the tradition and history of the Commonwealth of Virgnia with respect to its establishment and operation of schools, as well as hold invalid various enactments of the Legislature of Virginia structuring Virginia's system of free public schools. In addition, there are some practical problems involving money and finance and taxes.

The power to operate, maintain and supervise public schools in Virginia is, and has always been, within the exclusive jurisdiction of the local school boards and not within the jurisdiction of the State Board of Education. *School Board of Prince Edward County v. Griffin*, 204 Va. 650, 133 S.E.2d 565 (1963). Indeed, the operation of public schools has been a matter of local option. *See Griffin v. School Board of Prince Edward County*, 377 U.S. 218 (1964).

Section 133 of the 1902 Constitution of Virginia provided that "the supervsion of the schools in each county or city shall be vested in a school board." But school boards, per se, including a court-ordered consolidated school board, are not authorized by law to raise funds for the schools. Instead, under Virginia law, a school board is fiscally dependent upon the local governing body, e.g., county commissioners or city council, and have no authority whatever to levy taxes or appropriate funds for school purposes.

Although it is true that under Section 132 of the 1902 constiution the State Board of Education can designate two or more counties or counties and cities as a single school division, and has done so on 28 accasions, Section 133 of the constiution contemplates that even after such "consolidation" the separate school boards of the combined units are to continue to function.[7]

In 1954 the General Assembly of Virginia enacted Virginia Code 22–100.1 et seq. Under these statutes a multi-unit school district with a single school board could be established, but only by the majority vote of the school board of each affected county and/or city and with the approval of the governing body of each affected unit and the approval of the State Board of Education.

Such a school division has never been established in Virginia. Prior to the order entered in this case on January 10, 1972, neither the school boards of Richmond, Henrico or Chesterfield nor any of the governing bodies of these units ever requested the State Board to take such action.[8]

Under the new Constitution of Virginia the State Board is given power to divide the Commonwealth into school divisions subject to "such criteria and conditions as the General Assembly may prescribe. At its extra session of 1971, the General Assembly enacted into law Virginia Code 22–30:

"(1) No school division shall be composed of more than one county or city.

"(2) No school division shall be composed of a county or city and any one of the following towns: Abingdon, Cape Charles, Colonial Beach, Fries, Poquoson, Saltville, or West Point.

"Notwithstanding any of the above criteria and conditions, the Board of Education may, upon the request of the school boards of the counties, cities, and towns affected, concurred in by the governing bodies thereof, consolidate or otherwise alter school divisions."

Thus neither under the old constitution and statutes in effect prior to July 1, 1971, nor under the new constitution and statutes in effect after that date, could the State Board of Education, acting alone, have effected the consolidation of the school systems of Richmond, Henrico and Chesterfield into a single system under the control of a single school board.

But even if we were to ignore Virginia law, as we are urged to do, there are practicabilities of budgeting and finance that boggle the mind. Each of the three political subdivisions involved here has a separate tax base and a separate and distinct electorate. The school board of the consolidated district would have to look to three separate governing bodies for approval and support of school budgets. The Turner Commission in its 1967 report on raising the level of public education in Virginia concluded that consolidation of school districts in Virginia could not work under Virginia's fiscal structure:

"It would appear that the *compulsory* consolidation of School Boards, not accompanied by a consolidation of all functions of local government, would need to have a degree of fiscal independence not available under present statutes."

Apparently none of the numerous witnesses examined in the district court was aware of any instance in American education in which any expert in the field had ever recommended the consolidation of three separate school divisions into a single consolidated school division having three separate tax bases.

We think it fair to say that the only "educational" reason offered by the numerous school experts in support of consolidation was the egalitarian concept that it is good for children of diverse economic, racial and social background to associate together more than would be possible within the Richmond school district. The expert thought that the optimum size school district was one having a school population of from 20,000 to 50,000 pupils. When a district is too small, specialized programs tend to be eliminated, and when a school district is too large, it tends to become unwieldy and cumbersome and to lose parent participation.[9] Thus the consensus was that the three separate school districts were about the right size, and the consolidated district much larger than desirable for educational and administrative purposes.

V

By the Tenth Amendment to the Constitution of the United States it is provided that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

One of the powers thus reserved to the states is the power to structure their internal government. "Municipal corporations are political subdivisions of the state, created as convenient agencies for exercising such of the governmental powers of the state as may be entrusted to them. . . . The number,

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Footnotes at end of article.

nature and duration of the powers conferred upon these corporations and the territory over which they shall be exercised rests in the absolute discretion of the state." *Hunter* v. *Pittsburgh,* 207 U.S. 161, 198 (1907).

"When a state exercises power wholly within the domain of state interest, it is insulated from federal judicial review." *Gomillion v. Lightfoot,* 364 U.S. 339, 347 (1960). The Supreme Court has always recognized "the breadth and importance of this aspect of the state's political power," *Gomillion, supra* at 342, but "has never acknowledged that the states have power to do as they will with municipal corporations regardless of consequences." *Gomillion, supra* at 344. If the states' near plenary power over its political subdivisions "is used as an instrument for circumventing," *Gomillion, supra* at 347, the Fourteenth Amendment equal protection right of blacks to attend a unitary school system, then the Tenth Amendment is brought into conflict with the Fourteenth, and it settled that the latter will prevail. *Gomillion, supra*. The facts of this case do not establish, however, that state establishment and maintenance of school districts coterminous with the political subdivisions of the City of Richmond and the Counties of Chesterfield and Henrico have been intended to circumvent any federally protected right. Nor is there any evidence that the consequence of such state action impairs any federally protected right, for there is no right to racial balance within even a single school district, *Swann v. Charlotte-Mecklenburg Board of Education, supra* at 24, but only a right to attend a unitary school system.

In seeking to define the extent of a district judge's remedial power in a school case.

"It is important to remember that judicial powers may be exercised only on the basis of a constitutional violation. Remedial judicial authority does not put judges automatically in the shoes of school authorities whose powers are plenary. Judicial authority enters when local authority defaults.

"School authorities are traditionally charged with broad power to formulate and implement educational policy and might well conclude, for example, that in order to prepare students to live in a pluralistic society each school should have a prescribed ratio of Negro to white students reflecting the proportion for the district as a whole. To do this as an educational policy is within the broad discretionary powers of school authorities; absent a finding of a constitutional violation, however, that would not be within the authority of a federal court." *Swann v. Charlotte-Mecklenburg Board of Education,* 402 U.S. 1, 16 (1971).

Because we are unable to discern any constitutional violation in the establishment and maintenance of these three school districts, nor any unconstitutional consequence of such maintenance, we hold that it was not within the district judge's authority to order the consolidation of these three separate political subdivisions of the Commonwealth of Virginia. When it became "clear that state-imposed segregation . . . [had] been completely removed," *Green, supra* at 439, within the school district of the City of Richmond, as adjudged by the district court, further intervention by the district court was neither necessary nor justifiable.

As the Chief Justice said in Swann:

"At some point, these school authorities and others like them should have achieved full compliance with this Court's decision in Brown I. The systems would then be 'unitary' in the sense required by our decisions in Green and Alexander.

"It does not follow that the communities served by such systems will remain demographically stable, for in a growing, mobile society, few will do so. Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition or student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system. . . . in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary." *Swann, supra* at 31–32.

In devising remedies in school cases it is difficult to know "how far a court can go, but it must be recognized that there are limits." *Swann, supra* at 28. In *Spencer* v. *Kugler,* 326 F. Supp. 1235 (D. N.J. 1971), *aff'd mem.* —— U.S. ——, 92 S. Ct. 707 (1972), black plaintiffs sought to compel the joinder of separate school districts within the State of New Jersey for the purpose of achieving racial balance and preventing de facto segregation The three-judge court held de facto segregation, defined as racial imbalance that exists through no discriminatory action of state authorities, to be beyond the ambit of the Fourteenth Amendment. On appeal the decision was affirmed without opinion by a nearly unanimous United States Supreme Court. We think *Spencer* v. *Kugler, supra,* is indistinguishable and controls decision in this case.

Because we think the last vestiges of state-imposed segregation have been wiped out in the public schools of the City of Richmond and the Counties of Henrico and Chesterfield and unitary school systems achieved, and because it is not established that the racial composition of the schools in the City of Richmond and the counties is the result of invidious state action, we conclude there is no constitutional violation and that, therefore, the district judge exceeded his power of intervention.

Reversed.

APPENDIX A—RESOLUTIONS OF THE SCHOOL BOARD OF CHESTERFIELD COUNTY UNDER ORDER OF U.S. DISTRICT COURT OF JANUARY 10, 1972

Be it resolved by the School Board of Chesterfield County that:

1. Whereas, on January 10, 1972, the United States District Court for the Eastern District of Virginia, Richmond Division, did enter its Final Order in the case of Bradley v. School Board of the City of Richmond, et als, in which suit this Board was joined as a defendant, and

* * * * *

4. Whereas, it is the judgment of this Board that the best interest of the education of the children of Chesterfield County, and indeed, of the children of the City of Richmond and of Henrico County, will be promoted by maintaining Chesterfield as an independent division and system; and

5. Whereas, it is the judgment of this Board that, under no circumstances should a request under Section 22–30 be made for consolidation of the three separate divisions as required by the Order of January 10, 1972, until an agreement has been reached between the three separate political sub-divisions upon the value of the school property required to be transferred by each to the school board for the consolidated division and until payments required to equalize the value of property conveyed by each have been agreed upon among the City and the Counties based upon the value of the property conveyed by each and the anticipated school enrollment from each County and the City, and upon some other fair basis; and

6. Whereas, it is further the judgment of this Board that under no circumstances should a request be made as required by the Order of January 10, 1972, for consolidation of the separate school divisions of the Counties of Chesterfield and Henrico and the City of Richmond until the amount of the outstanding bonded indebtedness for school construction of each of the Counties and the City has been determined and agreement reached for the equitable distribution of the entire tax burden of the consolidated division among the two Counties and the City of Richmond based upon the anticipated enrollment of each in the schools of the consolidated division, or upon some other fair basis.

7. Whereas, if the members of this Board remained free to vote in accord with their independent and collective judgment and will, they would unanimously refuse to request the State Board of Education to create a single division to be composed of the Counties of Chesterfield and Henrico and the City of Richmond; and

* * * * *

9. Whereas, our attorney aforesaid has advised us that the Order of January 10, 1972, mandatorily directs that we cast our vote in favor of a "request" that the State Board of Education create a single division composed of the Counties of Chesterfield and Henrico and the City of Richmond on or before 30 days from January 10, 1972, under pain of punishment for contempt by fine or imprisonment should we fail to do so.

10. Now, therefore, acting under the duress, coercion, and compulsion of the penalties consequent upon doing otherwise, and acting contrary to our individual and collective judgment and wills, and under the compulsion of the Order aforesaid, we do adopt and vote for the following:

11. [T]hat we request the State Board of Education to create a single school division to be composed of the Counties of Chesterfield and Henrico and the City of Richmond; this request is, however, expressly limited to such period of time, only, as said Order shall not be stayed or reversed by order of the Court of Appeals for the Fourth Circuit or of the Supreme Court of the United States.

FOOTNOTES

[1] The history of this litigation unfolds in Bradley v. School Board of the City of Richmond, 317 F. 2d 429 (4th Cir. 1963); 345 F. 2d 310 (4th Cir. 1965), *rev'd and remanded,* 382 U.S. 103 (1965). After four years under a consent decree, the subsequent litigation in the district court is found in Bradley v. School Board of the City of Richmond, 51 F.R.D. 139 (E.D. Va. 1970); 317 F. Supp. 555 (E.D. Va. 1970); 324 F. Supp. 396 (E.D. Va. 1971); 324 F. Supp. 439 (E.D. Va. 1971); 324 F. Supp. 456 (E.D. Va. 1971); and 325 F. Supp. 828 (E.D. Va. 1971). The opinion of the district court which is the subject of this appeal is Carolyn Bradley v. School Board of the City of Richmond, Civil No. 3353 (E.D. Va. January 5, 1972), hereinafter referred to as Bradley.

[2] This is not a bussing case. That remedy, approved in Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971), has been utilized in Richmond and is not challenged on appeal.

[3] "The term 'viable racial mix' was defined by Dr. Little as 'It is a racial mix that is well enough established that it will continue to prosper. It will be a desirable, reasonable mix for educational purposes. . . .' " Bradley. at 234, n. 22.

[4] In apparently adopting Dr. Pettigrew's viable racial mix theory, the district court rejected the testimony of another expert that the idea of a viable racial mix in which blacks must be in the minority in order to have a good education is a racist proposal. Dr. Hooker thought that the consolidation of schools in the Richmond area would "disenfranchise" black residents by preventing them from achieving control of the school system and would in time be resented by black citizens as paternalistic and patronizing. The position of one of the amici, the Congress of Racial Equality, is similar to that expressed by Dr. Hooker.

[5] The author of this opinion is not unsympathetic with the district judge's having

accepted the Pettigrew theory of "viable racial mix." In Brunson v. Board of Trustees of School District No. 1 of Clarendon County, South Carolina, 429 F. 2d 820 (1970), I wrote favorably of such an approach because of my dismay that white fleeing had actually *occurred* and would unquestionably continue until there were neither black schools nor white schools, but just black schools only. But in that case there was an extreme preponderance of blacks not present in the Richmond school district. Even so, I acknowledge doubt about my approach in that case and an increasing respect for the viewpoint of Judges Sobeloff and Winter expressed in opposition. Brunson, *supra* at 823.

[6] The district court's concern with viable racial mix has been partly alleviated by this annexation, which has now been approved by this court. Holt v. City of Richmond, Nos. 71–2185 and 71–2186 (4th Cir. May —, 1972).

[7] "There shall be appointed by the school board or boards of each school division, one division Superintendent of Schools. . . ." Constitution of Virginia § 133 (1902).

[8] Under coercion of the district court, the School Board of Chesterfield County, on February 5, 1972, adopted a resolution set out in part as Appendix A.

[9] Dr. Thomas C. Little, expert witness for plaintiff and associate superintendent of the Richmond schools, conceded that:

"You also reach a point, and I don't know exactly what that point is, some 50, 60, 70 thousand students, whereby it becomes unwieldy for certain types of operations, particularly your curriculum, your involvement and neighborhood input into the operation of your schools."

SUPPORT FOR MOBILE HOME SAFETY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FREY) is recognized for 5 minutes.

Mr. FREY. Mr. Speaker, H.R. 15157 which I introduced on May 24, 1972, with 24 cosponsors to establish uniform Federal safety standards for mobile home through a National Mobile Home Safety Bureau has resulted in a considerable amount of support from individuals and my own State of Florida.

I should like at this time to insert in the RECORD some representative letters which I have received.

Mr. Vestal Lemmon, president of the National Association of Independent Insurers—NAII—in announcing the support of the NAII for the legislation stated as follows:

The National Association of Independent Insurers, whose 535 affiliated companies write approximately 85 per cent of the mobile home insurance in the nation, supports the objectives of your proposed National Mobile Home Safety Act of 1972.

We wholeheartedly agree with you that in view of the mounting human and economic loss resulting from mobile home accidents, and the general lack of safety-related measures in the mobile home field, prompt action is needed to ensure the protection of the more than seven million Americans who live in this form of housing.

The absence of clearly-defined, enforceable safety legislation for mobile homes has had inevitable consequences in the insurance industry. As you pointed out in your recent comments on the floor of the U.S. House, the average mobile home fire loss has almost doubled in the last six years. Studies by the state of Oregon have concluded that fire loss in a mobile home as compared to its value is almost four times greater than the loss-value ratio of a conventional home; and the state of Arizona estimates that the mortality rate in mobile home fires is eight times higher than that in ordinary housing.

As our industry strives to provide the broadest possible protection at affordable and equitable rates, these conditions are unfortunately creating unnecessarily high underwriting exposures which are having a telling impact upon insurance costs. It is a bad situation and certain to get worse unless meaningful safety provisions are adopted and enforced.

The introduction of your bill, therefore, was encouraging and welcome, and the NAII is ready to lend whatever advice and assistance we can to achieve the objectives of your proposed safety Act."

A fireman in Gibsonton, Fla. wrote:

I am a fireman in The Gibsonton Volunteer Fire Dep't, and thus, am sitting on top of the situation as regards fires in these units. Fortunately, we do not have many mobile home parks, and none of those of 200–300 spaces, in our area.

When answering an alarm, and learning that it is a mobile home fire, my personal views are: that except for saving life, or personal possession, or protecting adjoining property, the engines may as well stay in the firehouse, because, if they are not at the scene in moments of ignition, it is certain to be a total loss, even though only one end may be destroyed. They go up that fast.

Now to the design of these homes.

Prior to the twelve wides, the second door of these units opened directly into a bedroom, giving occupants an escape route in case of fire. In the newer units, probably to preserve the decor of the bedroom, the second door is now situated in a hallway between the living and sleeping quarters. In this hallway are the heating furnace, entrance to the bathroom, and in some, a small bedroom. The main, or master bedroom, is at the end of the hall.

A malfunction in the heating unit during the night, and getting a little headstart, could prevent the use of that second door as a means of escape from the bedrooms. Also, the type of windows used in these units, are a detriment for getting out, and in some, with their placement near the ceiling, makes it an impossibility. I believe the second door should still open directly into the bedroom.

More on design, but for another reason.

I am also a driver and First Aider on the ambulance we operate in conjunction with the fire department. I find that in a good percentage of these homes, it is impossible to get into a bedroom with a stretcher, as we cannot make the turns, into them. Recently, while inspecting a new doublewide, (24 X 54), with three bedrooms, I noted that the same situation prevailed. As we know, many mobile homes are being purchased by elderly people, and as such, are more susceptible to falls, heart attacks, and other illnesses necessitating the use of a stretcher. Of course we can use an orthopedic (scoop) stretcher, but it takes more time, and even with its use, the patient would almost be in a vertical position to make the turn out of the bedroom to the wheeled stretcher. This is another reason why the second, or third door, should open into the bedroom.

I believe that the proper placement of doors in these units, and the use of better construction materials as your bill provides, would do much to make mobile home living that much safer.

The quality control manager of two national mobile home manufacturers stated:

Am very interested in the progress of your bill concerning safety factors of Mobile Home Manufacturing.

Have been Quality Control Manager for years, representing two of our National Manufacturers and placed my trade with smaller custom plants.

Their interest was quality but coding was a thorn in their side. I have worked close with state inspectors and MHMH (National inspectors), Insurance inspectors, etc.

Can I be of some help to you in this respect?

There are short cuts in construction which misrepresents wall structure as advertised yet legal but not defined.

I have been in trailer-mobile home industry for a straight 32 years and in all its phases and still at it.

I believe your bill will be a God-send to the public for their security, etc.

A long-time resident of mobile homes sent six photographs of unsafe conditions and stated as follows:

Your Bill on Mobile Homes Safety Laws, is what has been needed for a long time. I have lived in mobile homes since 1954. I know what an ordeal it is to get people to live up to their so called Guarantees and Warranties.

I am enclosing some photos, an advertisement of the home that I am living in now, also some newspaper clippings. This may be of some help.

Typical of the responses received from the many retired senior citizens who live in mobile homes is the following:

I retired at 73 with a fixed income of $5,300.00 and about 6 weeks ago purchased for $1,200.00 a double wide Mobile Home. Moved in April 1. The following evening the furnace started and fell apart. About 2 weeks ago during a hard shower the water literally ran in under the outside walls in seven different places.

President Peter F. Secchia of Universal Forest Products, Inc., which supplies materials for mobile home construction wrote:

We commend you on your Federal Standards Agency Proposal for mobile home construction. Our firm has long taken the position that we must standardize our construction methods and up-grade the industry.

I have been appointed Chairman of a nine-state committee for Lumber Standards and we are currently negotiating with Third Party Testing so that they will accept our procedure in structural rigidity testing proposals.

Should you need any information regarding the lumber usage and structural problems of mobile home construction, please feel free to call on our firm. We are the leader in this industry for technical and engineering knowledge.

These communications, Mr. Speaker, are a few of the many I have received since the introduction of H.R. 15157. Although 6½ million people now live in mobile homes and 95 percent of the single family dwellings under $15,000 are mobile homes, there is no effective regulation to protect the low- and moderate-income purchasers. The legislation I have introduced would fill this gap.

FEDERAL CONTROL OF THE LEGAL SERVICES CORPORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. DEVINE) is recognized for 60 minutes.

Mr. DEVINE. Mr. Speaker, as my colleagues know, the other body will shortly consider the bill S. 3010, to amend and extend the Economic Opportunity Act of

1964. A bill extending the life of the Office of Economic Opportunity has been passed by this body. While I approved that bill as written it is certainly my hope that the Congress will enact, and the President will sign, legislation to accomplish that important objective.

There are, however, matters of some concern embodied in S. 3010, and I believe it will be useful to my colleagues to give these matters some consideration. I refer particularly to title IX of the bill, which would establish a new National Legal Services Corporation. I understand that several of my colleagues share my concern regarding this title, and I understand further that some distinguished Members of the other body have similar concerns which they intend to express in due course.

Mr. Speaker, my colleagues will recall the words used by the President when he vetoed S. 2007; in speaking about the National Legal Services Corporation:

> In the Congress . . . the quintessential principle of accountability has been lost.

I am concerned, Mr. Speaker, that in S. 3010, that quintessential principle of accountability still has been lost, as it must obviously and most assuredly has been in H.R. 12350.

The thrust and philosophy of Title IX in S. 3010 is all in the direction of insulation from Federal review. Now surely, Mr. Speaker, no one in this body wishes to see the delivery of legal services to the poor be a political activity, subject to political pressures. Yet the fact is, that many of the activities of the Legal Services program have involved political aspects. Legal Services attorneys have run for office; they have organized pressure groups to influence legislators; some have even organized efforts to recall elected officials. My concern, Mr. Speaker, is that if this program is now removed from Federal oversight, with all the political involvement that is its history, and institutionalized, that it will prove impossible to depoliticize it. Section 913 of title IX provides:

> Nothing contained in this Title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision or control over the Corporation or any of its grantees or contractees or employees, or over the charter of bylaws of the Corporation, or over the attorneys providing legal services pursuant to this Title. . . .

The amount of independence this confers upon the proposed Corporation is virtually infinite. Considering that over $60 million of taxpayers' funds have been expended annually by OEO on its Legal Services program, it seems to me, Mr. Speaker, to raise grave concerns about the proper relationship of Congress and this new Corporation. In an era when semiautonomous, quasi-governmental corporations are taking over so many functions formerly carried out either by Government or the private sector, it seems to me that Congress has a profound obligation to insure that public funds are expended in a responsible manner, and consistent with the intent of Congress.

I can fully sympathize, Mr. Speaker, with those Senators who are gravely concerned about title IX of S. 3010, and I can well understand why some Senators are contemplating the advisability of striking the entire title.

Mr. WAGGONNER. Mr. Speaker, the National Advisory Committee on Legal Services, which is supposed to provide guidance to the legal services program of the Office of Economic Opportunity, has come to be dominated by a self-perpetuating clique of persons presently or formerly connected with individual legal services programs or grantees. This results, quite obviously, in the supervision of Legal Services by persons with a vested interest in specific programs, which by anyone's definition constitutes a conflict of interest.

For example, among the present members of the National Advisory Committee is the president and no less than nine other officers and board members of the National Legal Aid and Defender Association—NLADA—which in the current fiscal year is the recipient of a $440,000 grant from OEO's legal services program. One vice president and director of the NLADA, who serves on the National Advisory Committee, is also president of the National Clients' Council, an offshoot of NLADA which is currently receiving $126,000 from legal services.

There are other, only slightly less glaring, examples. Antioch Law School's Urban Law Institute is presently being funded at the level of more than $500,000 annually. The co-dean of Antioch University Law School and executive director of the Urban Law Institute serves on the National Advisory Committee on Legal Services. So does a California attorney who is employed by the California rural legal assistance program—CRLA—which has received more than $2.5 million from OEO's legal services in the current fiscal year.

Can these individuals reasonably be expected to conduct themselves with a complete absence of concern for the organizations they represent, and focus entirely upon the total problem of the legal needs of the poor?

The simple truth is that the National Advisory Committee on Legal Services cannot exercise objectivity in the supervision of OEO legal services programs when its membership is to such an extent made up of persons associated with legal services grantees. Nor can the committee reasonably be expected to reflect a widely divergent spectrum of viewpoints and attitudes when so many of its members are drawn from the community of legal services grantees.

Another problem that has arisen out of the present structure of the National Advisory Committee on Legal Services has to do with the methods by which its members have, in the past, been selected and replaced. There has been no limit on the terms of service of committee members, and the membership has rather informally filled any vacancies that have occurred. The result has, of course, been a committee narrow in outlook, composed largely of persons sharing similar professional backgrounds, connections, and points of view. This, too, is unhealthy for the legal services program.

The National Advisory Committee on Legal Services must be entirely restructured if it is to perform its function without becoming a spokesman for special interests or a battleground in ideological warfare. It is not enough merely to permit the Board of Directors of the proposed Legal Services Corporation to appoint members to the Advisory Committee for unspecified terms of service. The term of service of members of the National Advisory Committee should be specified by statute, and a more responsible means of filling vacancies established. Until the Legal Services Corporation is actually inaugurated, the Director of the Office of Economic Opportunity should have broad authority to reconstitute the National Advisory Committee along the lines that will most effectively serve the cause of the provision of legal services to the poor, and should make recommendations with regard to the organization and function of the committee as an adjunct of the Legal Services Corporation.

Mr. HUNT. Mr. Speaker. I am glad to have this opportunity to participate in the dialog on the necessity of striking the provisions of the Economic Opportunity Amendments, S. 3010, contained in title IX proposing the establishment of an autonomous Legal Services Corporation.

The legal services program under the Office of Economic Opportunity has admittedly been controversial and there have been a large number of cases that few responsible authorities would doubt should not have been handled under the program with taxpayer funds. Perhaps more than anything else, the political pressures that have followed the controversy have kept the program in check even though the extent to which this has been successful can be compared with squeezing a water-filled balloon. Obviously, insulating legal services from those who are the elected representatives of the people can only serve to put this program beyond the bounds of reasonable congressional oversight and the ability of even the executive branch to enforce to statutory limitations respecting political activities.

Mr. Speaker, my experience with legal services to date is that there is a serious lack of accountability. This deficiency can only be compounded under the terms of the corporation concept and it should be of concern that while the objectives of providing legal services to the involuntarily poor are meritorious, there are no evident restrictions on the representation of the nonpoor or the voluntarily poor.

From all outward appearances of the provisions as written, coupled with the turbulent experiences that mark the present legal services program, it can be predicted that the enactment of title IX would result in the creation of another haven for Federal bureaucrats whose grievances against the system that supports them can be carried on with abandon and with little fear of reprisal or reprimand by the executive branch or the Congress. The concentration of such power whose exercise is deliberately left vague and subject to the most liberal interpretation cannot be vested in an autonomous agency of the Government without jeopardizing the integrity of the Congress and its ability to be responsive to the people. I certainly trust this matter will be put to an early rest with the striking of title IX to forestall the possibility that the House will not have another opportunity to review this proposal should the legislation go directly to conference.

Mr. SPENCE. Mr. Speaker, many able arguments have been presented here this afternoon, serving notice that the National Legal Services Corporation, as proposed in Senate bill S. 3010, is an unacceptable alternative to the present structure of the legal services program. I am not sure there is anything new that I can add, for this topic is by now, in this Congress at least, a well plowed field.

Unfortunately, however, in view of the bill recently reported by the Senate Labor and Public Welfare Committee—S. 3010—it seems that no amount of plowing up skeletons is sufficient to deter some Federal legislators from their efforts to establish the forces of revolutionary change permanently upon our public landscape.

We all know that the present legal services program under the administration of OEO stands badly in need of reform. One legislative attempt at establishing a Legal Services Corporation has already been courageously vetoed by the President because it only worsened an already intolerable situation.

We have been assured by spokesmen for S. 3010 that the objections on which the President based his veto have now been corrected. My review of the bill, on the contrary, convinces me that this is one of the most flagrant examples of legislative whitewash ever perpetrated. In hardly a single significant respect has the bill been substantively improved, though a great deal of camouflaging verbiage has been added.

For this reason I am delighted for the opportunity which this special order provides. Mr. Speaker, I oppose the entire concept of a National Legal Services Corporation. If, however, there is to be such a Corporation, the structure outlined in S. 3010 is wholly and totally inappropriate. I would like to discuss the problem from both points of view.

I am, as I said, opposed to the entire concept of a quasi-public corporation for legal services. In the first place, such a structure tends to insulate from public scrutiny and control the activity it carries on. I can understand why the vast corps of legal services lawyers now operating under the program are anxious to be insulated from public scrutiny and control. But it is not in the best interests of justice for the poor or of good government for the country to so insulate them.

Equally as important, I have seen nothing to satisfy me that the corporation approach is the best way to refrom the present program. It is certainly not the only way.

Adoption of the Legal Services Corporation will effectively limit, if not entirely preclude, any meaningful experimentation with judicare, vouchers, or prepaid legal insurance as mechanisms for providing the poor with equal access to justice. Other alternatives may also be available.

It is my impression that any of the three aforementioned plans would be preferable to the Corporation with its permanent extension of the existing staff-attorney system. This is the system which presently threatens to preclude the development of private law offices in low-income areas. Instead of encouraging the development of a true choice in legal representation for the poor, we are now insuring—and would under the Corporation continue to insure—that low income minority groups are forced to patronize public legal services exclusively and, in the vast majority of cases, wind up being represented by lawyers with whom they have little in common, culturally or ethnically.

This fact, alone, I believe, does more to show up the current legal services program for the manipulative power struggle that it really is in many areas, than any other point that could be made.

I am not in favor of either perpetuating or encouraging that power struggle, and I am not in favor of a program which emphasizes class action suits and dramatic cases at the expense of serving the real legal needs of the poor.

Thus, I say again, I am opposed to the whole concept of a Legal Services Corporation. If we must have one, however, there is still no reason for enacting it in the form contained in S. 3010. There are enumerable failings and inadequacies in the bill. But one, alone, is sufficient in my estimation to mark the bill for rejection. That one fatal flaw is the fact that congressional oversight and review of the Corporation would be almost negligible. Congress could review the audits of the Corporation's financial operation. Beyond that, this quasi-public Corporation would be effectively beyond the reach of Congress except, of course, that it could refuse to appropriate funds for the Corporation or could abolish it entirely.

In addition, Office of Management and Budget authority in budget reviews would be severely limited and the authority of the Justice Department and the Civil Service Commission to enforce adherence to statutory limitations on political activity would be greatly restricted.

These facts, coupled with the unrealistic limitations on the appointment power of the President and the extent to which the governing board will represent vested interests, suggest that, all other criticisms aside, the bill is just as indefensible now as when it was vetoed earlier.

I would certainly hope that a successful effort will be made in the Senate to strike the Legal Services Corporation title from S. 3010. If that is successful, I would definitely favor a motion to instruct the House conferees to concur in the Senate action.

Mr. MATHIAS of California. Mr. Speaker, I wish to join my colleagues in voicing strong opposition to the enactment of any provision which would create an independent National Legal Services Corporation, unless this body has given full consideration to it.

The parliamentary problem now facing us is clear. If the Senate passes S. 3010, as reported, it will have approved a new National Legal Services Corporation. By inserting the language of the passed S. 3010 for the provisions of H.R. 12350, as passed by this body and as sent to the Senate, the Senate will confront the House conferees with provisions which this body has not yet had an opportunity to fully debate. It is not accurate to say the will of this body was expressed with respect to a Corporation last year, for the Corporation as embodied in S. 3010, as reported, is different from that acted upon by the House last year. Additionally, new factors have come to our attention, including what seems to be a never ending list of examples showing questionable activities being conducted under the auspices of the existing legal services program.

One thing is clear: This body has not yet had an opportunity to concern itself with the new proposal for a Corporation. This body should have that opportunity. It must.

What are some of the major policy and administrative issues that are yet to be resolved? Here are some:

First. The meaning and role of "accountability" of the Corporation, its directors, officers, and employees, and the meaning and role of "accountability" of project directors and attorneys within programs to be assisted by the Corporation, have not been resolved, either with respect to the public, to the client community, to the Congress, or to the executive.

Second. The role of Federal oversight with respect to this Corporation and program—to be federally authorized and to be federally funded—has yet to be resolved.

Third. The qualifications of attorneys and personnel who will provide legal services to the poor has yet to be resolved, despite evidence showing "attorneys" in some existing projects as not even being admitted to practice, and despite showings of overriding ideological, philosophical, and political motives among many project attorneys.

Fourth. The question as to who is eligible to be represented, if the new program is authorized, has not been resolved—and would not be resolved under the Senate language. Is it to be an income of $3,000 per year, or $6,000, or $9,000, or $12,000? Is it to include organizations? Who monitors the criteria? Who revises them?

Fifth. The nature of the attorney-client relationship within federally created and federally funded programs has yet to be resolved.

Sixth. The whole question of solicitation by project attorneys within the client community—of individuals and of organizations—has been left open ended.

Seventh. The question of the permissible scope of the outside practice of law and representation has been left open? Does it permit representation of parties otherwise excluded by the statute or by regulations? Does it permit the representation of criminals? Of prison "rights" organizations? Of the nonpoor? Would a project attorney be able to make such representations by taking "afternoon leave," despite his public identification with a legal services project?

Eighth. The question as to priorities and who determines them—the Congress, the Executive, the Corporation, the local programs, the project attorneys, the National Advisory Committee for Legal Services, the clients council, the project attorneys council, or members of the client community—and even the question as to whether or not there should be preestablished priorities—using, in the alternative, the rule that whomever needs help, if eligible, gets it—has been left unresolved.

Ninth. The role of project attorneys in criminal representations and in prisoner activities has been left unresolved, for the section which attempts to prohibit criminal representation leaves open such representation as pro bono publico work, as well as leaving open the possiblity that numerous exceptions to the present prohibition will be taken over as exceptions into the new corporation.

Tenth. The role of project attorneys in so-called community organization—which typically means organizing chapters of the National Welfare Rights Organization, the National Tenants Union, and so forth—and in so-called community education—which usually means whipping up public hostilities—has been left unresolved.

Eleventh. The role and propriety of promoting ideological, philosophical, political, and partisan goals of project attorneys, sometimes to the detriment of the needs of clients, has been left unresolved. When a project attorney has his own self-imposed agenda, the case which does not conform to furthering the goals embodied within that agenda gets often pushed aside. The client is left without adequate representation.

Twelfth. The nature and the scope of the representation of organizations has been left totally unresolved by the section on eligibility. Can a project attorney represent any organization that purports to represent poor people? Even if that organization has sufficient funds for counsel? Even if a majority of the members are not poor? Even if the purpose of the organization is lobbying, such as NWRO?

Thirteenth. The efficacy of involvement and participation in, among project attorneys, direct action, political activity, legislative advocacy, and lobbying has been left open. For the first time in the history of the federally funded legal services program, legislative advocacy is specifically authorized by statute, if S. 3010 becomes law. Must such action relate to the needs of a specific client? At what point does one draw the line against solicitation of a client for such advocacy purposes? Is it not still outside of the permissible scope of conduct for a member of the legal profession to whip up masses at rallies against the Federal Government—when he draws his income from the Federal Government?

Fourteenth. The role of project attorneys on those issues not yet even resolved by the Congress—busing to achieve racial balance in the schools, abortion reform, work requirements for the receipt of public welfare assistance, to mention just a few—has been left open.

Fifteenth. The role of State officials has been left unresolved.

Sixteenth. The role of the State bar associations has been left unresolved.

Seventeenth. The shape the new program will take as an autonomous and independent Legal Services Corporation has been left unresolved.

Mr. Speaker, I suggest that these issues can be resolved only in one forum—the Congress of the United States. Full debate must be had by both bodies as to this legislation. It must have a full airing before the American public.

Mr. ARCHER. Mr. Speaker, proposed title IX of the EOA would create a National Legal Services Corporation as an independent, autonomous corporation. The legal services program now within OEO would be moved to the new Corporation, where it would be further expanded.

As it is presently structured in the committee-reported bill, S. 3010, I oppose this new Corporation. I share deeply the concerns expressed by my colleagues this afternoon. One of the most persuasive arguments which can be advanced against the reported bill is its failure to preclude possible conflicts of interest and the way in which such potential conflicts are actually set into motion by the terms of the bill.

One of the major problems in trying to set aright the present program within OEO has been that those who ought to be in a position to help straighten out the program too frequently represent the interests of organizations which are recipients of the benefits of the program. Many members of the National Advisory Committee on the Legal Services Program represent recipients of financial assistance from the programs—as grantees, as contractees, and so forth. Additionally members of the project attorneys organization and the clients organization are represented on the advisory committee. Can this be documented? Yes.

An analysis of the grants and contracts made by the Office of Legal Services, OEO, shows at least these grants and contracts to organizations represented on the National Advisory Committee. There may be more, but this is all that I could glean from the public press release gathered by my staff on very short notice.

Antioch College: Urban Law Institute. The co-dean and principal organizer of the Urban Law Institute under the auspices of Antioch College is Jean C. Cahn. Mrs. Cahn is a member of the National Advisory Committee on the Legal Services Program. Through a grant for program year July 1, 1971, to August 31, 1972—which means this will soon be up for refunding—the Institute received $559,761 from OEO's program. The total grant was $1,019,761; the balance of $460,000 was "to be drawn from sources other than the Office of Legal Services, pending authorization by Congress or the determination that OEO's funds for fiscal year 1972 were in excess of its requirements."

American Bar Association: Fund for Public Education. The ABA is represented on the National Advisory Committee by John W. Cummiskey, chairman of the ABA Committee on Professional Education; William Falsgraf, chairman of the board of governors of the ABA Committee on Legal Services; Thomas Gilhool of Philadelphia; William T. Gossett, former president of the ABA; Leon Jaworski, president, ABA; Robert Meserve, president-elect of the ABA; John D. Robb, chairman of the ABA Standing Committee on Legal Aid and Indigent Defendants; Jerome J. Shestack of Philadelphia; and Bernard Segal, former president of the ABA, and chairman of the National Advisory Committee.

For program year July 1, 1971, through June 30, 1972, $750,022 was given to the Council on Legal Educational Opportunity of the ABA. The ABA's Commission on Correctional Facilities and Services received a $124,450 grant for program year March 1, 1972, through February 28, 1973. The ABA's Special Committee on Housing received $70,000 in carry over from a previous fiscal year for the Boston Lawyers for Housing.

National Legal Aid and Defenders Association. NLADA is represented on the National Advisory Committee by John Douglas. The association received $440,000 for program year July 1, 1971, through June 30, 1972.

National Clients Council. The council is represented on the National Advisory Committee by Maryellen H. Hamilton, of Washington, D.C. For program year January 1, 1972, through September 30, 1972, the council received $126,300. It has been previously funded as a project of the National Legal Aid and Defender Association, its parent body, at the level of $118,100 for program year July 1, 1970, through June 30, 1971, and $77,197 for program year July 1, 1971, through December 31, 1971.

UNIVERSITY OF CALIFORNIA REGENTS

The University of California is represented on the National Adivsory Committee by two professors, Harold Horowitz and Earl Johnson, Jr. The National Housing and Economic Development Law project of the University of California at Berkeley received $224,451 for its economic development component for program year May 1, 1971, through March 31, 1972 and $344,955 for its housing law component for program year May 1, 1971, through March 31, 1972. The National Legal Program on Health Problems of the Poor of the University of California at Los Angeles received $311,920 for the program year ending September 30, 1972.

Mr. Speaker, I wish to make it perfectly clear, I have no evidence, and I am not suggesting, that these members of the National Advisory Committee have, in some clandestine manner, secreted sums of money from OEO for the organizations they represent. Public exposure and disclosure evidences that this is not the case. I do wish to make it clear, however, that a potential conflict does exist here in that, as the Holy Bible says, you cannot serve two masters. Thus, tension between different loyalties must arise if one must decide an advantage of one over and against a disadvantage of the other. Can a member of the committee have a genuinely disinterested posture with respect to an activity which involves funds for the organization he represents? Each must answer that question from his own conscience.

In my opinion, the new Corporation, if it does come into being, must be removed from susceptibility to falling into the alluring traps that have lured many other worthwhile antipoverty efforts away from recognition and realization of their stated objectives. They must avoid not only the conflict, but also the appearance of the conflict. They must avoid both as to "self-dealing," both as to providing funds more to the "poverty-industrial complex" than to the people they are intended to serve, both as to real or potential conflicts of interest.

The new Corporation should be free of such existing, or potential, conflicts. The only way to fully insure this is for the other body, or this body when it is considered by us, to reject any Corporation structure which does not contain absolute safeguards against these real or potential conflicts. Such conflicts should include:

A prohibition against any person, who is a partner in, or employee, officer, or designee of, any firm program, organization, or corporation receiving financial assistance at the time the act is enacted from being consulted or used in any official consultative capacity by the incorporating trustee during the transition period between the OEO program and the Corporation program.

A prohibition that no person who is a partner in, or an employee, officer, or designee of, any firm, program, organization, or corporation receiving financial assistance in any form whatsoever at the date of the enactment of the act, either under the existing program or the one to be created, shall serve on any advisory board, committee, or similar body constituted pursuant to the title to recommend, or to consider recommending, persons for appointment to membership on the board of the Corporation should be accepted.

A prohibition that no contract agreement, grant, loan, or other assistance shall be made with, or provided to, any firm, program, organization, or corporation of which a partner therein, or officer, or employee, or designee thereof, serves on the Board of Directors of the Corporation, the National Advisory Committee, or any other committee, board, council, or similar body organized pursuant to the title should be accepted.

A prohibition should be accepted as to the foregoing prohibition, except that it would be also applicable to those programs transferred to the Corporation from OEO.

Mr. Speaker, only with these changes in S. 3010, as reported, can conflicts no longer be an overwhelming concern to many Members of this body.

Mr. NELSEN. Mr. Speaker, it appears that one of the serious shortcomings of the Office of Economic Opportunity's legal services program is that it gives less than alequate attention to the needs of the elderly poor in this nation. There are 5 million Americans over 65 whose incomes put them below the poverty line. This represents one-fourth of the elderly population, and one-fifth of all low-income Americans. And although in other areas of need to problems of the elderly poor have received a great deal of attention lately, I believe that they receive far less than their fair share of the benefits of the legal services program.

In general terms, the elderly poor share the needs common to all persons below the poverty line, and in addition are affected by the problems of most of the elderly. Old age brings poor health; but financial resources are scarce and mobility is reduced, with the result that the health needs of the elderly poor are most likely to go unmet.

The elderly have greater difficulty than any other age group in securing employment, which of course reduces their financial security and may also contribute to a feeling of despair and hopelessness. The elderly often live in virtual isolation widowed, deserted by their relatives, unable to get around easily and often unable to afford even the simplest means of communication with the outside world. And perhaps most critically, they are frequently unaware of the availability of some assistance, either governmental or private.

In addition, we are all aware of the burden that inflation has created for the elderly, even for those who had been members of the middle class. The erosion of savings and pensions and the higher cost of living have particularly serious consequences for persons living on fixed, modest incomes.

These needs have been recognized, and steps have been taken to begin to meet them. In his message this past March, President Nixon outlined a comprehensive strategy of assistance to the aged, regardless of their income level:

Improvement of incomes;

Upgrading the quality of nursing homes;

Helping the elderly to live dignified, independent lives in their own homes;

Expanding opportunities for involving the elderly in community life;

Organization of government to meet the needs of the elderly.

The President is committed to increasing the improving social security benefits, and he has charged the Office of Economic Opportunity with the improvement of its legal services program for the elderly poor.

The aged have many legal problems requiring assistance. Some are related to housing and tenancy: evictions, rent increases, inadequate housing, and so on. Others involve consumer issues: Fraudulent sales techniques, false advertising, credit fraud, nonfulfilment of contracts, et cetera. There may be problems with social security and retirement benefits, welfare, disability insurance, veterans benefits and the like, or with private pension plans. And in some cases their problems involve issues of guardianship, competence, mental commitment, and so forth.

It is readily apparent that the elderly American, living in near or actual poverty on limited social security or other benefits, his savings eroded by inflation, is in no position to be able to pay for legal aid. It is therefore a legitimate function of OEO's legal services program to meet the needs of these unfortunate Americans.

It is not, however, always within the realm of intentions of the attorneys who man OEO's legal services offices around the country. In far too many instances, legal services staff attorneys prefer to concentrate their energies and resources on cases calculated to obtain extensive publicity, or to focus on so-called relevant social issues. They are most interested in class action suits and other cases that might lead to extensive, basic changes in our legal and social system. And only rarely do the needs of the elderly meet such criteria.

Mr. Speaker, I believe it would be appropriate for the Congress to direct OEO's legal services programs to devote to the elderly poor a portion of their program funds similar to the percentage of the elderly among the poverty population. In most cases, this would come to 15 to 20 percent of their resources, but in some areas it might be considerably higher. Although I recognize that OEO's programs are decentralized, and should be subject to very few federally imposed criteria, it would seem that such a provision is the only way to insure that the elderly are fairly treated by all legal services agencies. I trust that the Senate, in its current consideration of the OEO legislation, will give its attention to this problem so that such a provision may be incorporated into the OEO Amendments of 1972.

Mr. BETTS. Mr. Speaker, just recently, an OEO news release came across my desk that candidly points out how legal services lawyers are given blanket approval to conduct lobbying activities at the taxpayers' expense. The release—dated May 10—announced a grant of $101,251 from OEO to the Ohio State Legal Services Association to assist legal service lawyers in their efforts in behalf of legislation affecting the poor before the Ohio Legislature.

I certainly have no objection to a group of attorneys at their own expense, or through a private donation, representing the views of the poor before the U.S. Congress or the Ohio General Assembly. However, I seriously question the propriety of a Federal agency granting tax dollars to any group to lobby for passage of legislation that would benefit them or their clients. This is simply a matter of robbing Peter to pay Paul, and I feel the hard-working American taxpayer deserves an explanation. Not only are Federal tax dollars used to lobby the Legislature of Ohio, but there is always the possibility the lobbying will be done in behalf of legislation that, if enacted, would place even further tax burdens on the productive element of society.

For the Record, I want to read a part of the release. It states:

> One of the OSLSA's (Ohio State Legal Services Association) most useful anti-poverty services is monitoring proposed or pending legislation which might affect the poor. In this way, when legislative committees meet or hearings are held on such legislation, Legal Services lawyers and their clients can be present to observe and voice their opinions.

"OSLSA also studies the need for new or revised legislation to protect poor clients and testifies before committees considering such bills. It suggests and drafts similar legislation. Since OSLSA's office is in the State Capital, its lawyers have frequent contact with other Ohio anti-poverty agencies. They suggest improvements in their services and encourage other Legal Services programs to take advantage of these state facilities.

It is interesting to note that the proponents of a Federal Legal Services Corporation with independence from so-called political control like to make the argument that partisan politics has no place in legal services programs for the poor. In other words, the elected representatives of the people should not be allowed to pursue congressional oversight, at least according to this argument. But, the unbelievable thing is that those who advance such an argument turn right around and declare with a straight face that tax dollars should be spent to lobby for passage of what can be very partisan legislation.

There is certainly no doubt in my mind why many people question the real purpose of the legal services program when such tortured reasoning is used to justify so obvious a double standard.

Mr. CRANE. Mr. Speaker, a dangerous tendency which is developing among significant segments of our Nation's governmental bureaucracy is highlighted by certain activities of the legal services program of the Office of Economic Opportunity. I speak of the growing inclination of many bureaucrats to ignore or even to violate openly the traditional American taboo against the use of governmental power and resources to further a particular ideological, philosophical, political or partisan point of view. And I submit that to a considerable and disquieting degree this predisposition has come to dominate the cadre of attorneys and other personnel affiliated with OEO's legal services.

The question, Mr. Speaker, is this: Who really runs America? Historically, our position has been that the final decision-making authority must rest with the people, that ours is a Government, as President Lincoln put it, "of the people, by the people, for the people." We, the elected representatives of the people, may have the obligation to exercise our own best judgment on public issues, but we are responsible, in the final analysis, to the people who vested in us the authority to make public policy.

It is vital to recognize that the policy-making authority in this Nation was never granted to the professional administrative bureaucracy of Government. We are not unique in this regard: indeed, no free society gives its bureaucracy the power to create policy. Only in the oligarchic states—the "big brother" societies—is such authority granted to professional government employees who represent no one and whose responsibility is only to their bosses. Certainly the framers of our Constitution never intended that the United States should become such a society.

But freedom is never easily maintained. If we are to keep our Nation a Republic, we must continually fulfill two absolutely essential requirements: Our institutions of government must unceasingly conform to the will of the people, as expressed through their elected representatives; and the American people must remain a constantly alert and informed public, capable of—and, more importantly, disposed to—the intelligent and responsible exercise of that will.

There are today many who say that this is a time of testing for the Republic. In recent years, to be sure, we have seen an increasing surge of public dissatisfaction with the course of events and some of the directions of public policy. The zeitgeist of the 1970's, we are told, is antiestablishmentarian, and we—indeed, the Republic itself—represent the establishment.

A significant part of the problem results from a widespread feeling on the part of the average citizen that he is powerless to control his own destiny, or to influence the course of events or the development of policy. In a nation of more than 200 million, the individual believes that his voice goes largely unheard, and he finds the realization frustrating.

One example of this frustration is the current "taxpayer's rebellion." No one has ever enjoyed paying taxes, but the understandable annoyance that most of us feel is severely compounded for many Americans by the feeling that they have no way to control the way in which their tax dollars are spent, at any level of government.

To many this is but a single symptom of a more serious general malaise, the apparent growth of governmental elitism. There is an increasing recognition in this country that there is one branch of the Government over which the people have absolutely no control at all. Even when the President and the Congress have determined the direction of public policy, the professional bureaucrats whose duty it is to administer that policy may very well frustrate it instead. Perhaps this is why the average citizen is so quick to anger at the thought of rising Government employment and salaries. "Bureaucrats aren't elected by me," the taxpayer will say in pique, "and I can't control what they do—so why should I have to pay their salaries?"

On a more serious level, this question might well be phrased thus: What recourse have the people when the bureaucracy begins to formulate and implement its own policy, or when it thwarts the implementation of policy determined by the elected leadership?

It is an important question. If America's form of government is to survive, the principle of accountability of the bureaucracy to the elected officials and ultimately to the people must be recognized and forcefully upheld. And although it is widely recognized, it is too often today honored more in the breach than in the observance.

The situation becomes particularly critical when the bureaucracy ignores or condones attempts by Government programs to violate the historical taboo against governmental support of an ideological or philosophical position, or of a particular political viewpoint. And, Mr. Speaker, this happens far too often, particularly in programs such as OEO's legal services.

The taboo is violated when the Government makes grants to organizations that advocate a particular philosophical or ideological position, be it the viewpoint of the Welfare Rights Organization, the black nationalists, or other radical activists. It would be equally wrong to make grants to the Minutemen or the Klu Klux Klan, but this is not what is happening. The taboo is further violated when the Government provides legal assistance to such ideological or political organizations or their representatives in legal battles intended to promote their philosophical premises.

The taboo is violated by the use of Government funds in either legal or extra-legal efforts to make basic changes in the system without any expression of the public will or recourse to the legislative process.

And finally the taboo is most greviously violated when those in positions of authority in government programs or grantee agencies focus their efforts upon political and ideological goals and then shout "political interference!" when someone dares to challenge them.

The legal services program conducted by the Office of Economic Opportunity is intended to serve the poor. Instead, it has become a hotbed of ideological and outright political activity: Supporting organizations engaged chiefly in radical activity, employing individuals better qualified as agitators than as attorneys, spending Government funds on projects that seek to make radical changes in our system without legislative action, only thinly veiled as "class action" and "civil liberties" lawsuits.

OEO legal services thus theatens the basic premise that the American Government should not be involved in the promotion of ideology, and is a prime example of the elitist attitude of those who would impose the will and convictions of a few radical activists and their champions in the bureaucracy upon the Nation as a whole, by molding our legal system to their own specifications.

Recent attempts to control such activities within OEO legal services have failed, largely because of the decentralization and independence of the program. I believe that the time has come for the Congress to act to prevent further such assaults on the American system by bureaucrats and attorneys who are supposed to serve the people of the United States.

Mr. VEYSEY. Mr. Speaker, section 18 of S. 3010, as reported in the other body, would add a new title IX to the Economic Opportunity Act of 1964, as amended. That new title would create a new National Legal Services Corporation and transfer to it the present activities and functions of the legal services program within OEO.

The concept of an independent corporation for the federally funded legal services program for the poor has received widespread support. It was proposed by the President in a message to Congress. It was endorsed by the American Bar Association. It has been supported in the Congress.

But the independent corporation proposed by the President and supported by many is not the same as the corporation which would be created by section 18 of S. 3010.

The Legal Services program within OEO has been fraught with problems of administration and policy. It is felt that the program has been inadequately administered and monitored, has become too heavily involved in public policy issues, and has become a principal vehicle for radical and revolutionary activities and organization. Through its present approach, the program tends too often to treat poor people as a distinct class of people in our society, thereby drawing them further away from full integration with the mainstream of our society.

The principal question as to whether or not the Corporation, as proposed in S. 3010, ought to be created is whether it will be adequately accountable to the people through their elected representatives in the Congress and in the Presidency. The answer is, unfortunately, "No." Neither will the Corporation manifest itself in its new status any differently than it has within OEO, unless major changes are made by the Congress and carried out by the Executive. We can, in essence, expect the problem areas to go on unchecked, if the program is given a corporate status, virtually immune from Federal oversight. Certainly, a problem-plagued program within a Federal agency is not going to become free of those problems simply by transfer to a federally created and federally funded corporation.

Other problems exist with the Corporation, as proposed in S. 3010. These problems have been dealt with on a one-by-one basis by my colleagues today.

For the first time, the opportunity now exists within OEO to make substantial reform within the existing program—reforms of substance, not simply of form. It is critically important to remember that if the proposed Corporation is stricken from the language of S. 3010, it will not deny legal services to the poor. It leaves the present program intact within OEO. Within OEO, and with intensified efforts to aright the program, coupled further with the problem areas brought to light by the debate of this and the other body, it would be more susceptible to constructive changes than it would be in the new Corporation.

Mr. Speaker, I suggest that the appropriate course of action ought to be to strike the provisions creating a new Corporation, keep the existing program within OEO, and immediately set about to make changes in that existing program.

GENERAL LEAVE

Mr. McCOLLISTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the subject of Mr. DEVINE's special order today and to include pertinent extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

KEMP SPEAKS OUT ON BEHALF OF FIREMEN AND POLICEMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, today I presented testimony to the House Judiciary Committee on behalf of legislation I have cosponsored, H.R. 12629, which would pay a $50,000 death benefit to the family survivors of policemen, firemen, and other public safety officers who sacrifice their lives in the line of duty.

Generations of Americans have depended upon our police and firemen for both personal and family safety. Too often, I am afraid, we have taken their presence for granted. Our police and firemen, day after day, face harassment, tough working conditions and low pay—yet they are there when we need them.

I am proud to number among my friends many individuals who have chosen law enforcement or firefighting as careers. I know the immense personal sacrifices which are made daily by these brave men and women of the police and fire departments in order that we might feel secure on the streets and in our homes.

In my 39th District, which takes in part of Buffalo, N.Y., we are fortunate to have an especially outstanding group of police and fire officials. Among these are Frank Felicetta, the first American of Italian extraction to achieve the post of police commissioner of Buffalo; Pat Mangan, president of the Buffalo Professional Firefighters' Association; and Robert B. Howard, Jr., commissioner of the Buffalo Fire Department, whose recent statement I have included in my testimony before the House Judiciary Committee.

This legislation has the full support of the Police Benevolent Association which includes all ranks of the Buffalo Police Department.

And its benefits would provide protection to all the courageous and dedicated paid officers who serve Erie County, including those in the Erie County sheriff's office, the New York State Police, and those in law enforcement agencies protecting the citizens of Amherst, Cheektowaga, West Seneca, Depew, Angola, Lackawanna, the town of Tonawanda, Hamburg, Orchard Park, and Boston.

I would like to emphasize at this time, Mr. Speaker, my strong disagreement with administration spokesmen who have said that firemen do not need coverage such as that provided by my bill. I am in full accord with the International Association of Firefighters which has stated:

> Firefighters are prime targets—sitting ducks—to those who foment and promote civil disorders. Virtually every city in the land is experiencing a fantastic increase in the number of false alarms to which firefighters must respond. A firefighter is just as dead when killed by a fall from his truck as he is when killed in a burning building. And every additional false alarm increases the chances of such a fatal accident. A firefighter is just as dead when killed by a sniper's bullet as he is when killed in a burning building. And our newspapers and other news media have been filled with stories of sniping attacks on firefighters during times of civil disorder. Indeed, one study of civil disturbances in 11 cities reported four firefighters killed and some 400 injured, a greater toll than that suffered by police.

Mr. Speaker, I believe that these courageous firemen, who risk their lives each time they answer a call, have unquestionably earned the right to be included along with policemen for benefits in legislation such as mine.

Through this bill we can repay in a very small part the immense debt we owe our police and firemen and their families. I have urged that the House Judiciary Committee give favorable consideration to this urgently needed legislation and I hope that it will be promptly passed by the Congress.

Mr. Speaker, I know that many of my colleagues share my deep concern for our police and firemen and I include for their consideration my testimony presented to the House Judiciary Committee:

STATEMENT BY HON. JACK KEMP

Mr. Chairman, members of the Committee and others present, I sincerely appreciate this opportunity to testify on behalf of legislation which would provide a $50,000 Federal death benefit to the families of public safety officers who sacrifice their lives in the line of duty.

The immensity of the law officer's task in today's complex society cannot be over-emphasized. They are our first line of defense against those who would destroy our freedom and all we hold dear.

Today, more and more, the police and fire fighters themselves are becoming victims of crime. With this appalling upsurge of attacks on both law enforcement officers and firemen, it is imperative that we aid those most directly affected, the families of those who have made the supreme sacrifice that we might go about our daily lives in safety.

H.R. 12629, which I have cosponsored, and other legislation which you are considering, would provide much needed assistance to those hapless victims of a deterioration of respect for law and order on the part of some elements of our society.

In 1970, one hundred law enforcement officers were killed on duty, a sixteen per cent increase from the previous year, and for every one hundred policemen, there were 18.7 assaults, an increase of around 11 per cent. Since then, the tragic toll has continued with over 90 officers killed in the first nine months alone of 1971. Most of these policemen had families who depended upon them for support as is evidenced by the fact that nine out of ten law enforcement officers killed in New York City during 1971 left a widow and on the average of three children.

Demands for more police protection are bringing an increased number of officers out into the streets where patrol duty is the most hazardous of all police activities. Not only is stronger legislation needed to protect our police and firemen, it is also our responsibility to assure that the families of these men, who daily place their lives in jeopardy on our behalf, receive a proper measure of security in the case of their death. This bill will provide reasonable and humane benefits for those bereaved families who at this moment must depend upon meager pension funds, insurance and contributions.

We owe much to our police and firemen, but special tribute should also be paid to their courageous families who also serve. Mr. Chairman, I include as part of my testimony a statement, Gallant Wives and Children, made by Philip Conners, President of the Southboro, Massachusetts, Police Association. Although Philip Connors speaks of wives and children of police officers, his statement applies equally well to the families of firemen:

"Gallant Wives and Children

"(By Philip Connors, President Southboro, Mass., Police Association)

"Their husbands and fathers have one of the most dangerous, discouraging and demanding jobs in the world. Their husbands and fathers are honorable and competent men. Their husbands and fathers know that they deserve every reasonable encouragement and rightful support.

"I am talking about wives and children of police officers. Not that it is just limited to them, for friends and relatives of policemen often suffer ridicule, scorn, harassment and assault, just because they are friends and relatives.

"It takes courage and understanding to be the wife or child of a policeman. Besides the long and unusual work hours the officers work, besides the danger and discouragement, often cranks will telephone, write or yell threats of death or destruction to the family. Wives and children often will be told their husband or father 'will not make it home tonight.' Often they are threatened with bombs or fire and sometimes even taunts and physical attacks. It takes a special type of person to read newspapers—with blurring headlines of 'Police brutality'—and yet knowing that really the headlines should read 'Police Brutalized' by persons.

"It takes a special family to know that their father or husband will work Christmas, and probably be pushed, punched, shoved and spit upon and yet be charged with brutality if he over-reacts.

"Knowing that criminals their fathers or husbands risk their lives arresting will probably be on the streets again before the police even finish the report, makes them wonder about justice.

"Wives and children must wonder where the people who yell for police help are, when the police ask for help. Yes, wives and children of policemen are courageous, sacrificing and understanding, knowing that they too do much to help combat crime, which if not checked and controlled will one day destroy this nation from within."

The attack upon law enforcement officers has also spread to our firemen whose occupation, the most hazardous in the Nation, is being increasingly endangered by hostile crowds. In some states, the arson rate is climbing several times as fast as the respective crime rate and each call to one of these fires means danger to the firemen and the possibility of serious injury or death. During a three-year-span in New York City, for example, over 2500 harassment incidents were recorded with over 650 firemen injured. Widows of firemen in several states receive only forty dollars per month in pension plans—a shameful amount when compared to the constant sacrifices of their husbands for life and property.

Mr. Chairman, at this point, I wish to include as part of my testimony the statement of Robert B. Howard Jr., Commissioner of the Department of Fire of the City of Buffalo, New York, who makes some excellent points concerning problems facing the fire services:

"Problems Facing the Fire Services

"(By Robert B. Howard, Jr.)

"One of the most pressing problems facing urban fire departments today is the terrifically high cost of operations.

"Compulsory bargaining between municipalities and fire department unions has driven the cost of wages and fringe benefits, however they may be deserved, to greater heights than were dreamed of a few years ago.

"The reduction of working hours due to mandated shorter work weeks, more paid vacation days, longer vacations, and bereavement time periods is making necessary the addition of personnel and the reduction of the number of men assigned to each piece of fire apparatus.

"The cost of equipment, including fire pumpers and ladder trucks, rises about 10% per year.

"All these increases in the cost of operating today's fire departments have placed staggering burdens upon most of our already overburdened cities.

"The suggested restructuring of the firefighters job into different levels of skill, thereby requiring two or more people to do what one firefighter is presently doing is impractical and unrealistic.

"The apparatus unit crew strength of many fire departments today is below par because of the high cost of manpower,

"The above mentioned factors make necessary the present versatility and interchange ability of the firefighter.

"He must at various times be driver of the apparatus, tillerman on a hook and ladder truck, acting officer, nozzleman, ladderman, fire investigator, etc., because he must fill in for off-duty men during vacations, periods of sick time, personal leave time and bereavement time.

"Certification of firefighter training standards is one way by which we can maintain the proficiency which the Fire Service must maintain if the public is to be adequately served.

"Unfortunately, that proficiency is already diminishing because of reduced manpower strength.

"Another contributing factor in fire service operational costs is the inability of the Fire Chief to implement some suggestions made by fire protection engineers because of political considerations.

"All citizens, understandably want the best possible fire protection for his home area.

"Suggested elimination of unneeded fire companies frequently creates a storm of protests from angry citizens within an affected area.

"Elected public officials usually will be reluctant to approve actions which will affect their reelection campaigns.

"On the other side of the coin, survey firms which are hired by some cities to make operations and systems analyses in the interest of effecting economics sometimes make suggestions which decrease the effectiveness of the fire fighting forces.

"Few citizens wish to save a few tax dollars at the expense of the fire safety of their homes and their lives.

"The Fire Chief, after all, is a better judge of practical fire department operations than is an 'instant expert' analyst.

"The greatest problem, by far, which urban fire departments have had to face has been the massive conflagrations of the civil disturbance era. Hopefully, we think of this period in the past tense, but who can be sure of what the future may bring?

"It behooves the Fire Service to do everything possible to make all segments of our communities aware of the fact that firefighters are their friends and benefactors.

"Every member of the Fire Service group should be made aware of the fact that it is advantageous to himself to have a good rapport with the citizens of every segment of his community.

"Probably, the National Commission on Fire Prevention and Control can do more than any other organization to promote good will on both sides of the fence through the medium of a massive public relations campaign.

"Disadvantaged people must be brought into the mainstream of American Community life by making them and their more affluent neighbors aware of the fact that this is mutually advantageous.

"Arson and false alarms are apparently accepted forms of amusements for disadvantaged youngsters and to a certain extent for young adults.

"Vacant buildings are routinely set on fire in urban communities with a complete lack of regard for the safety and well-being of the occupants of adjacent buildings.

"Fire companies are tied up by these unnecessary fires and by false alarms, thereby necessitating the dispatching of more distant companies to handle real emergencies.

"Injuries and death, both among the civilian population and firefighters ranks, are too frequently the results of false alarms.

"Deliberately set fires have brought about a tragic situation in insurance cancellations and unconscionable increases in fire insurance premium rates within ghetto communities.

"A practice called 'red lining' is prevalent in many cities. This is an arbitrary designation of a large section of a disadvantaged neighborhood as uninsurable by a particular insurance company.

"Most of the buildings in the area may be just as sound and insurable as those in other sections of the city but the owners of the good property face the possibility of a disastrous fire.

"Home owners with tears in their eyes have appealed to me for help. People who had put a life time of saving into what they thought was the security of their homes, face the prospect of losing all their possessions in the event of a fire.

"Insurance companies which participate in their practice should be denied licenses to operate in cities where they have red-lined sections of those cities.

"A powerful government agency might be able to bring about a cessation of the practice of 'red-lining'.

"The residents of ghetto neighborhoods must assume a share of responsibility in an effort to have them share in the good life which every American citizen should be entitled to. This country certainly has enough of the necessities by which this could be made possible.

"They must be taught that arson and false alarms hurt them more than they hurt anyone else.

"Ghetto residents must also be taught that the fire departments of their respective cities provide them with more dedicated service than any other municipal agency, regardless of what city is involved.

"The firefighter is the friend of all the people within his response area, and those people must be convinced that harassment of firefighters is comparable to a dog's biting of the hand that feeds him.

"Frustration resulting from inability to obtain all the benefits of first class citizenship is causing some members of the black communities to advocate separatism. This does not solve the basic problems which have caused the frustations which plague them.

"These people hate the so-called establishment of which the local fire departments are part. They must be told that even though the fire department is a municipal agency, it is not a part of the establishment in the sense that law enforcement agencies are.

"The fundamentals of fire prevention in the home and the advantages of careers in the Fire Service should be taught to people who have had little exposure to that knowledge which is taken for granted by the average American citizen.

"The National Commission could be the most influential agency in this nation in implementing these reforms."

Mr. Chairman, generations of Americans have depended upon our policemen and firemen for both personal and family safety.

Too often, I'm afraid, we have taken their presence for granted. Our police and firemen, day after day, face harassment, tough working conditions and low pay, yet they are there when we need them.

Mr. Chairman, through this legislation we can attempt to repay in a very small part the debt which we owe these gallant men and their families. I respectfully urge that your Committee give favorable consideration to this legislation and I very much hope that it will be promptly passed by the Congress.

Thank you.

ENVIRONMENTAL OVERKILL IN THE AUTO INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 10 minutes.

Mr. WYMAN. Mr. Speaker, concern for environmental quality has been of paramount interest to the Congress for the past decade. Through a whole new body of legislation, coupled with resurrection of older laws already on the books, Congress has established stringent pollution controls. In some cases, however, new standards are based more on desire for environmental overkill than on practicality. The utopian plateau of an absolutely pollution free environment is a worthy goal, but to legislate such a goal as a standard, without adequate consideration of the costs involved, both economic and social, is to shirk responsibility as legislators.

The automobile emission standards of the Clean Air Act of 1970 are an example of Congress legislating beyond genuine need in terms of the realities of life, in terms of jobs and daily living. Under this law, carbon monoxide and hydrocarbon emissions are required by 1975 to be reduced to 90 percent of the 1970 standards. This is not reduced by 90 percent rather by 96 percent because the 1970 standards were already higher than zero.

Such a standard requires that by 1975 automobile emissions must be approximately 96-percent pollution-free. Estimates of the added cost to the price tag of a new car for compliance with such a standard range up to $1,000 additional per vehicle, without considering the additional cost for gasoline required to operate the pollution control devices which will reduce mechanical efficiency and hence mileage-per-gallon on the order of one-third. Net cost to the consuming public for the last 6 percent over the 90 percent requirement for pollution free emission per car for an annual road mileage of 15,000 miles can run as high as $250 more per year per vehicle. This is both unrealistic and unnecessary.

Accordingly, I am today introducing legislation to provide that automobile carbon monoxide and hydrocarbon emissions be reduced by 90 percent over the actual emission of these pollutants. Such a reduction is within existing competence of technology and does not involve excessive additional cost to car owners. The remaining 10 percent, despite the dire predictions of the enthusiasts of overkill, will not poison the air humans breathe sufficiently to endanger public health, even in city streets.

Frankly, it is time for Congress to modify the present standards to a realistic level in relation to public health rather than setting a utopian goal as a required standard that in terms of the present level of technology is unrealistic in terms of cost, result and public need.

My bill is as follows:

H.R. ——

A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during or after model year 1975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202(b)(1)(A) of the Clean Air Act is amended by striking out "reduction of at least 90 per centum from emissions of carbon monoxide and hydrocarbons allowable under the standards under this section applicable to light duty vehicles and engines manufactured in model year 1970." and inserting in lieu thereof "reduction of at least 90 per centum from the estimate of the average emissions of carbon monoxide and hydrocarbons which would have been emitted from light duty motor vehicles and engines manufactured during model year 1970 had such vehicles and engines not been subject to any Federal or State emission standard for carbon monoxide or hydrocarbons. Such estimate of the average of emissions shall be determined by the Administrator under regulations."

KLEINDIENST, SHAME, SHAME, SHAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the incredible Sharpstown scandal has not come to an end—perhaps it never will—but tomorrow it looks as if the whole sorry episode will end in a crowning irony, with the expected Senate confirmation of Richard Kleindienst to be Attorney General of the United States. This is the same Kleindienst who approved the action of freeing Frank Sharp from prosecution on any serious Federal charge, thus freeing the biggest fish of them all in the gigantic Texas scandal.

Let me say that the citizens of Texas did not have the moral blindness of a Kleindienst. The Sharpstown scandal has set off the greatest public housecleaning in the history of the State. At the polls, the Governor, the Lieutenant Governor, the speaker of the house, the newly appointed speaker of the house, the State attorney general, and about half the members of the State legislature have been retired through primary election defeats, and many of these defeats were wholly due to the feeling that people had that too many State officials had profited by the scandal, or simply had been too slow to search out and prosecute Sharp and the crooks associated with him.

Moreover, the speaker of the house, just replaced and then defeated in the primary election, has been convicted for his role in the Sharp scandel. Other legislators are facing criminal indictments for playing too fast and loose with their expense allowances. Both in the courts and at the polls, the people of Texas are dealing with the Sharpstown scandal and all that it symbolizes, the best way they can. The whole political atmosphere of Texas has changed; people have let candidates and officeholders alike know that they expect and demand better performance, higher standards, than have prevailed in the past.

In the face of this general housecleaning, it is a supreme irony that Frank Sharp has made a clean getaway. The only Federal actions that have been taken have been against the lowliest minions of the Sharp gang, save for the granting of what amounts to a Federal amnesty to Sharp himself.

There was only one reason that the Department of Justice extended its amnesty to Sharp, and that was political. Kleindienst sought, as I have at great length shown, to protect his subordinate Will Wilson from being caught up in the scandal, and at the same time to make political hay against Wilson's old Democratic enemies in Texas. As it turned out, Wilson had to resign anyway, because his close associations with Sharp became known, and eventually were the subject of national news and comment. And Sharp himself was a worthless witness; his testimony produced a handful of indictments against men of no importance to the Sharp empire, while the only political figures subjected to criminal action were indicted under State laws. Kleindienst was neither able to protect Wilson nor to do any political grandstanding.

Perhaps the failure of Kleindienst's venture was due to the ineptness of the local U.S. attorney down in Houston, who bungled the affair from start to finish. This fellow, one Anthony J. P. Farris, is so blatantly political that his politics interferes with his ability to do a job. Farris is so anxious to be a good Republican that, like an over-eager dog, he only gets in his master's way. Today, Farris claims that he might not recommend immunity for Sharp, but he blames his action on the State attorney general of Texas, who he says failed to dissuade him soon enough. Farris seems to think it was the duty of the State's officials to keep him from doing the wrong thing. I hate to remind him that he is paid to run his own office, and his mistakes are his own.

The Senate has been amused to find that certain California Republicans have been left free of any embarrassing prosecution by the Department of Justice. Kleindienst tells them that the faithful Republican attorney in this instance was wrong, and indeed acted improperly, but of course nothing has been done. He would not want to hurt the fellow's feelings.

Then of course we have the case of Kleindienst being offered a bribe, which he properly refused. However, he did not see anything particularly wrong with this, finding it just one of those things, and took no other action. Had Kleindienst any sense of the importance of the event, and the importance of discouraging future bribe offers, he would have had the man prosecuted rather than merely booting him out of his office.

And there is the sordid tale of Dita Beard, who now has disappeared from sight and mind, and of her employers, ITT, who conveyed $400,000 or so to Kleindienst's boss, all in the spirit of good comradeship and in the interests of a jolly good convention. It was only a coincidence that following this, Kleindienst called in the antitrust chief, who dropped the biggest antitrust case in years, against that same ITT corporation. The now departed antitrust chief has been made a Federal judge. In the course of the ITT affair, the Justice Department wavered between discrediting Dita Beard, denying all, admitting some, or just enduring. It was the sorriest performance in years.

All of this—the moral blindness of Kleindienst, his incredible action in letting Frank Sharp go, his brazen political acts, his zany protection of incompetent subordinates—all of this is the kind of behavior that has so disaffected the citizens of Texas. They have demonstrated that they want none of it. And yet, we are about to see it all affirmed and blessed with the confirmation of Kleindienst to be Attorney General. We are about to tell the protesting and disbelieving voters not just in Texas but everywhere else, that ineptitude and outright dishonesty has its rewards.

I say shame—shame on Kleindienst and shame on the Senate if this man is confirmed. The country has not gone so far as to have to tolerate such men in its highest councils. The country has not become so blind as to be unable to see the difference between a good man and a sorry one. If we do not know now why people are casting protest votes by the millions, I despair of the future. If we are so insulated from reality that we can conceive of Kleindienst as being worthy of his office, then we well deserve the disgust of the millions of decent, concerned people of this country.

Mr. Speaker, the confirmation of Kleindienst will be a great irony; the people of Texas have plainly shown their impatience with a situation that made Sharp's thievery possible; yet Kleindienst has let Sharp go. His appointment, were it up to the voters of my State, would be soundly rejected for that reason alone. His action in letting Sharp go was a calculated political move, one that could not be defended on any moral grounds, and which failed even as a political tactic. Such a grand failure deserves not commendation and promotion, but condemnation and termination.

I hope that the Senate will reject this man; if it does, and I think that is the duty of the Senate to do so, then we can at least take comfort in the knowledge that the man who let Sharp go is getting his just desserts. If he is confirmed, it will only be another sorry chapter in the Sharpstown follies.

COST OVERRUNS ON AIR DEFENSE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, the Army is shelling out an extra $377.6 million on cost overruns for new forward defense system. This air defense system which consists of the Charappal missile, the Vulcan gun and the FAAR radar is a botched-up disaster.

Despite the recognition of the problem since 1948, the Army cannot build a decent air defense system to protect our frontline infantry troops.

In addition, the Army is knowingly buying defective FAAR radar systems and paying almost three times more than the original estimated cost. The Army is consciously misusing public funds to buy admittedly inadequate equipment according to a recent General Accounting Office staff study.

The GAO study concludes that:

> The most recent tests leaves serious doubts as to the suitability of FAAR.

Despite the GAO's conclusion, the Army insists on producing 90 units before a reevaluation is made. Even the Army's old tests reveal that the radar systems suffer from six major deficiencies that the Army has done nothing about.

Since the completion of the General Accounting Office study in March, and additional $67.7 million of cost overruns have occurred resulting in the total overrun of $377.6.

The FAAR radar system itself has increased in cost from a development estimate of $41 million to $114.1 million. The original planning estimate for the FAAR radar was only $1.1 million.

I have been informed by Army officials that although the Army originally hoped to classify the FAAR radar as "acceptable" by January of this year, additional technical foulups will prevent its classification as acceptable until at least September 1972.

While the Chaparral missile and Vulcan gun are considered acceptable for Army use, the FAAR radar is not. But the missile and gun are useless in protecting our troops without a radar to spot approaching enemy planes.

I am writing to Secretary of the Army Froehlke today requesting that he penalize the contractor for his inability to build a decent radar rather than reward a company for botching the job. It should be forced to pay for its own mistakes.

Sanders Associates, of Bedford, Mass., is responsible for building this radar system.

Apparently changes in redesigns, delays and just plain mismanagement are the causes of these huge cost overruns.

My letter to Secretary Froehlke follows:

House of Representatives,
Washington, D.C., June 7, 1972.

Hon. Robert Froehlke,
Secretary of the Army, Department of the Army, The Pentagon, Washington, D.C.

Dear Mr. Secretary: I am most concerned about the huge cost overruns that are plaguing our air forward defense system program.

The air forward defense system which consists of the Chaparral missile, the Vulcan gun and the FAAR radar has been plagued by cost overruns, delays and managerial problems.

I am particularly concerned about the inability of Sanders Associates of Bedford, Massachusetts to produce an acceptable radar for Army use.

It is my belief that the Army should penalize the contractor for its inability to build a decent radar. Rather than reward a company for botching the job, it should be forced to pay for its own mistakes.

I hope that you can forward me those portions of the contract with Sanders that include provisions for penalty payments and tell me what the Army has done to penalize the contractor for its poor performance.

As long as we continue to reward contractors for waste and mismanagement, we will continue to suffer from huge cost overruns and deficient end products. The way to alleviate the waste and deficiencies is to place the contractor on notice that a poor job will no longer be rewarded.

Thank you very much for your cooperation.

Sincerely,

Les Aspin,
Member of Congress.

PRESIDENT NIXON SHOULD EXPLAIN WHY SALT AGREEMENTS INCREASE DEFENSE COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. Cotter) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, I am perplexed by recent developments in the area of defense spending. For the last several days, Secretary of Defense Melvin Laird has been telling appropriate congressional committees that defense spending for strategic weapons must be increased.

After listening and studying the President's statements on the first agreements to limit strategic weapons, I was convinced that the costly arms race was being lessened. Yet, within the last few days, the Secretary of Defense has confused this issue. He has forcefully argued that the United States must forge ahead with new strategic weapons, at great cost, to assure our parity with the U.S.S.R. The Secretary specifically mentioned the need for a Trident submarine and a B–1 bomber for which the R. & D. costs for the next 2 years are estimated to be $1.6 billion and full R. & D. extends into many additional billions of dollars. Each Trident submarine, for example, will cost $1 billion. The news report this morning that DOD is planning to use $20 million saved by the limitation on ABM's to develop a new cruise missile further compounds the confusion.

I do not claim to be a defense expert, but when the President justifies the arms agreement as lowering the costly arms race and his Secretary of Defense claims we must spend more for strategic weapons, I believe the President owes the Congress and the American people an explanation.

TARIFF COMMISSION GIVES ASSISTANCE TO DUCHESS SHOE CO. OF SALEM, MASS.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Harrington) is recognized for 10 minutes.

Mr. HARRINGTON. Mr. Speaker, along with other Congressmen from New England I have been sharply critical in the past of the refusal of the Tariff Commission to make adjustment assistance available to companies in need of it, and entitled to receive it under the law.

Therefore, I think it is important today for me to give credit to the Commission for its forthright and courageous decisions of last Friday, certifying the Duchess Shoe Co. of Salem as eligible for adjustment assistance.

That company is in my district, but the importance of this case transcends the fate of any one company, for it comes after a long period of negative decision by the Tariff Commission on shoe company petitions and those of us who have worked for the industry's interests informed the Commission that we considered it a test case of the Commission's attitude toward shoe companies.

I am pleased to be able to report that the Commission passed that test well.

This one decision in favor of a company which made a very strong case by no means solves all of the problems of the shoe industry, nor does it mean that every shoe company that applies will automatically get approval. What it does mean is that for the first time in a long time, there is a disposition on the Tariff Commission to respond sympathetically and with understanding of the economic realities to companies hurt by imports.

I said this was a courageous decision, Mr. Speaker, because part of the blame for the sorry record of adjustment assistance lies with Congress and the Executive branch, as well as with the Tariff Commission. The statute is not well drawn, and the weakness of the language gives a coloring of legitimacy to those who wish to deny adjustment assistance to needy companies. In the face of this, and in the face of the long line of negative decisions, it took courage for the three-member majority to speak out firmly in favor of aiding the shoe industry at this time.

It is worth noting that one of those voting for the company was our former colleague, Mrs. Catherine May Bedell, who voted as Chairman of the Commission for the first time in a shoe case. And it is no accident, I believe, that Mrs. Bedell voted for adjustment assistance. As a former Member of the House, she knows the difficulty of drafting legislation, and she also knows what the House and Senate intended to accomplish when they enacted that provision. In other words, Mr. Speaker, the arrival on the Commission of a former Member of Congress has helped bring the Commission around to the position of carrying out the will of Congress. I think it is incumbent on us to correct the shortcomings of the adjustment assistance statute. I am cosponsoring amendments drafted by Congressmen ASPIN and FRASER to do that, but until we can get action on these amendments, large segments of American industry are dependent on the willingness of a majority of the Tariff Commission to carry out the clear intent of the law.

I am very glad to be able to report to the House that last Friday, Mrs. Bedell and Commissioners Moore and Parker did exactly that.

PROTECTING THE BILL OF RIGHTS IN MIDDLE CLASS HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, the Bill of Rights and our system of justice is supposed to protect everyone from the arbitrary actions of Government. Among the most important foundations of our democracy are the right to privacy, the constitutional prohibition against self-incrimination and the presumption that a person is innocent before proven guilty.

But in New York today, all of these foundations are being challenged. Middle class citizens are being forced to abandon their fundamental rights in order to live in decent housing at a fair cost.

Mr. Speaker, this outrageous situation began with a very noble experiment. A number of years ago, New York State established the visionary Mitchell-Lama program to encourage the development of reasonably priced middle class apartments. This law has not only enabled many New Yorkers to find decent housing, but has also provided a buffer against some of the worst excesses of inflation that other apartment dwellers have had to face.

In years past, the residents of this housing have had to sign an affidavit attesting to their middle income status. A tenant's signature was taken as his solemn oath—in the same way that his signature is used on a driver's license, a check, or a Federal income tax return.

This year, however, the managers of these apartment buildings have gone beyond the normal affidavit. They are demanding that each tenant sign a statement authorizing the New York City Finance Administrator to show his income tax returns to the State Division of Housing.

This procedure assumes that the tenant is guilty of defrauding the State—even though no tenant has been brought before a court of law on such charges. This procedure requires self-incrimination. This procedure opens up income tax returns to numerous curiosity seekers in the bureaucracy of New York—when instead the right of privacy should be protected. Indeed, we know that Federal income tax returns, which are available to the States, have been misused by some State officials.

So far as I know, only these middle class tenants are forced to forfeit their fundamental rights in this way.

Many organizations and people are subsidized. The officers of the Lockheed Corp. are subsidized. Certain builders in New York are subsidized. The officers of certain day care centers are subsidized. Yet none of these people are required to divulge their income tax returns.

Why are only middle class persons' rights so easily violated?

Mr. Speaker, today I have introduced legislation to protect the rights of these middle class citizens—the backbone of America. My legislation amends the fair housing laws which we enacted in order to end practices of discrimination in housing. When we passed those laws we could not have anticipated this latest form of intimidation.

These tenants should not be forced to choose between skyrocketing rents or the forfeiture of their rights. My bill would specifically protect them by providing that:

> No person shall be required by any officer of the Federal Government or any officer of any State or municipal government or any manager of housing or any other person to divulge his income tax return as a condition for residence in any housing, provided that such person is not under criminal indictment or authorized criminal investigation.

This legislation should not be necessary—but it is unfortunately now necessary. As we all know, "eternal vigilance is the price of liberty."

ADMINISTRATION SHOULD REPUDIATE STATEMENT BY SECRETARY OF LABOR HODGSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HENDERSON) is recognized for 5 minutes.

Mr. HENDERSON. Mr. Speaker, I have not seen an exact transcript of the statement made by Secretary of Labor Hodgson at the National Press Club on May 25, but my understanding is that in response to a question, he said he favored the right of union and management to negotiate union shops.

It seems to me that the White House should spell out whether this is the official administration position or just the personal opinion of Mr. Hodgson.

I would think, also, that the administration needs to spell out just what that means in terms of policy. Does it mean the administration favors the repeal of section 14(b) of the Taft-Hartley Act? Does it mean the administration does not support the 1968 Republican Party platform? Does it mean the administration does not support its own Executive order protecting Federal employees against compulsory union membership? Does it mean the administration favors repeal of the Henderson amendment to the Postal Reorganization Act?

It is hard for me to believe that the official administration position is in accord with Mr. Hodgson's statement. And if it is not, the statement should be specifically repudiated by the President.

INSTEAD OF UNEMPLOYMENT ENDING, UNEMPLOYMENT BENEFITS ARE ENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to call the attention of my colleagues in this House to a situation which is becoming more and more ominous with each passing day. I am referring to the fact that with national unemployment in the Nation hovering at a rate of 5.9 percent for the the past 20 months, and some States well in access of this figure for the same period, some States are in danger of exhausting the present unemployment compensation benefits provided in the Emergency Unemployment Compensation Act of 1971. The Emergency Unemployed Compensation Act of 1971, in fact, expires this month. Already the national extended unemployment compensation benefit program has ended.

Under the terms of the Emergency Unemployment Compensation Act of 1971, the Secretary of Labor was directed to report to the Congress by May of 1972 on the operation of the extended benefit program as well as to make recommendations regarding extended benefits during a period of massive unemployment. To date, the Secretary has refrained from making any recommendations as to the future operation of the program. The report of many can only be considered disappointing to anyone reading it for specific recommendations. At that time, the Secretary claimed inadequacy of data as his excuse for refraining from making any specific recommendations. Instead he promised to be back in early June to Congress with these recommendations. However, to date the report has failed to make its appearance and rumors are circulating that this means the administration is not likely to come to Congress with a request to extend the program. The pressure of time would have dictated submitting such a positive recommendation as close to June 1 as possible.

I can only conclude from this delay, therefore, that for States like Massachusetts currently laboring under a 7.9-percent unemployment rate with thousands of people in danger of exhausting existing benefits the future is bleak indeed. It seems to me that this Nation is sophisticated enough to have on the books by now a long-term national program for coping with extended periods of unemployment such as we have experienced the past 3 years. The present patchwork of law and programs with the need to revise and extend periodically adds an element of uncertainty to the unemployed workers' problems, which they do not need. It is difficult enough to be unemployed without worrying about whether the unemployment benefit program is going to be around next month. It seems to me that the managers of our economy owe its victims—many of them unemployed directly as a result of the fiasco known as the game plan—a better deal than this. To justify failure to extend the emergency unemployment benefit program at this juncture on the basis of fiscal responsibility just does not stand up under close examination. The fact of the matter is that as the unemployed workers go off this program they will be looking directly to the States for welfare. If that is where the Secretary of Labor wants them—on Secretary Richardson's back rather than his own—then it can only strike me as so much passing of the buck. In fact, I think it could be argued that the cost of the Nation resulting from additional welfare recipients would be a lot worse than continuing those who are unemployed workers on an unemployment compensation program. If the Secretary of Labor fails to act then it seems incumbent upon Congress to pick up the cudgels without further delay.

I want to close by adding a copy of a letter just received from the AFL–CIO on this subject:

American Federation
of Labor and Congress
of Industrial Organizations,
Washington, D.C., June 6, 1972.

Hon. James A. Burke,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Burke: The Secretary of Labor this past week reported an unemployment rate of 5.9 percent for the nation. Unemployment has hovered between 5.7 and 6.2 percent at the national level for the past 20 months. The continuation of persistent high unemployment has imposed a severe hardship on the long-term unemployed because the legislative mechanisms which determine whether extended benefits under the Employment Security Amendments of 1970 shall or shall not be paid are unsuited in a period of continuous high unemployment. The Emergency Unemployment Compensation Act of 1971 expires this month.

On June 2, 1972, President Meany in a letter to the Secretary of Labor, James D. Hodgson, urged revision of the formulae which set in motion the extended benefit payments under the Employment Security Amendments of 1970, and extension of the Emergency Unemployment Compensation Act of 1971 for an additional year.

Enclosed is a copy of President Meany's letter to Labor Secretary James D. Hodgson.

We strongly urge the Congress at the earliest practicable opportunity to enact legislation to meet the needs of the long-term unemployed.

Sincerely yours,
Andrew J. Biemiller,
Director, Department of Legislation.

A COMPREHENSIVE REFORM OF OUR TAX LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. Ullman), is recognized for 10 minutes.

Mr. ULLMAN. Mr. Speaker, today, I am introducing a bill to call for a comprehensive reform of our tax laws including a rewriting and simplification of the entire Internal Revenue Code during the two sessions of the next Congress.

I join my chairman, Wilbur D. Mills, in wanting to see a comprehensive reform of the tax laws. I believe, however, that the termination of specific provisions would cause considerable uncertainty in many areas of economic planning and business conduct.

Under my bill, the same 54 items are listed for tax review as were listed by Chairman Mills in H.R. 15230. I make it clear, however, as I think he intended, that the tax reform measures I am concerned with are not limited to these 54 items but would also include any other tax reform measures with which the House Committee on Ways and Means might be concerned. I am particularly anxious that we review measures designed to simplify the Internal Revenue Code.

Under my proposal, the House Committee on Ways and Means will be directed during the first session of the 93d Congress to review at least one-half of the 54 provisions previously referred to by Chairman Mills and specifically referred to in my bill and to report to the House of Representatives before the close of the session a bill which repeals or modifies those provisions which the committee determines should be repealed or modified, also indicating those provisions which it believes should be continued as they are. The committee is also directed to review and study the second half of these provisions, and to report a bill repealing and modifying these provisions to the extent it so determines during the second session of the 93d Congress. As I have already indicated, the committee during its consideration of the preferences which are listed in the bill is also expected to consider other areas especially those which deal with the problem of simplifying the tax laws.

I expect the committee in its work to rewrite many provisions of the Internal Revenue Code and to state them in terms which are much more readily understandable to the average citizen. At the same time, I expect to see a real reform of the tax laws and the elimination of loopholes. I think it is important that in this 2-year period ahead, we do the whole job.

The text of my bill follows:

H.R. 15360

An act to insure orderly Congressional review of tax preferences and other items which narrow the income tax base

REVIEW BY HOUSE COMMITTEE ON WAYS AND MEANS

Section 1. The Committee on Ways and Means of the House of Representatives is hereby directed, during the first session of the 93rd Congress, to review and study at least one-half of the income tax items described in section 2 and to report to the House of Representatives before the close of such session a bill to repeal or modify those items reviewed during the session which the Committee determines should be repealed or modified. The Committee on Ways and Means is hereby directed during the second session of the 93rd Congress to review and study those items listed in section 2 which were not considered by it during the first session of such Congress, and to report to the House of Representatives before the close of such second session a bill to repeal or modify those items reviewed during such session which the Committee determines should be repealed or modified. The Committee is directed in its report on each bill to specify any item listed in section 2 which the Committee reviewed and decided should be retained in the law without modification. The Committee is authorized to include in such bills reported to the House of Representatives such other amendments of the Internal Revenue Code of 1954, not covered by the items listed in section 2, which the Committee determines are needed or desirable—

(a) in order to simplify the income tax laws and particularly the individual income tax return,

(b) in order to broaden further the income tax base of individuals and corporations or otherwise reform the income tax provisions, or

(c) to reform and improve the estate and gift tax provisions.

INCOME TAX ITEMS TO BE REVIEWED

Sec. 2. The following income tax provisions of the Internal Revenue Code of 1954 shall be reviewed, as provided by the first section, by the Committee on Ways and Means of the House of Representatives:

(1) The corporate surtax exemption.—The surtax exemption of $25,000 provided for corportations by section 11 of such Code.

(2) Retirement income credit.—The re-

tirement income credit allowed by section 37 of such Code to individuals on retirement income.

(3) Investment credit.—The credit against tax allowed by section 38 of such Code to individuals and corporations for investment in certain depreciable property.

(4) Credit or deduction for contributions by individuals to candidates for public office.—The credit allowed (to a maximum of $25) by section 41 of such Code to individuals for contributions to candidates of public office, and the deduction (to a maximum of $100) allowed to individuals by section 218 of such Code for such contributions.

(5) The $30,000 exemption for the minimum tax.—The substraction under section 56 of such Code of $30,000 each year from the sum of the items of tax preference for the year in computing the minimum tax on items of tax preference.

(6) The deduction of ordinary income taxes for the minimum tax.—The subtraction under section 56 of such Code from the sum of the items of tax preference for the taxable year of the ordinary income taxes paid for the year in computing the amount subject to the minimum tax on tax preferences.

(7) Group-term life insurance purchased for employees.—The exclusion from gross income under section 79(a) of such Code of the cost of $50,000 of group-term life insurance purchased for employees.

(8) Exclusion from gross income of $5,000 employee's death benefit.—The exclusion from gross income under section 101(b) of such Code of $5,000 of a benefit paid by an employer upon an employee's death.

(9) Tax-exempt interest.—The exclusion from gross income under section 103 of such Code of interest on obligations of a State or possession of the United States, or of any political subdivision of a State or possession.

(10) Exclusion from gross income of sick pay.—The exclusion from gross income under section 105(d) of such Code of amounts received by an employee from his employer as sick pay.

(11) Exclusion from gross income of rental value of parsonages.—The exclusion under section 107 of such Code from the gross income of a minister of the gospel of the rental value of a home or a rental allowance furnished to him as part of his compensation.

(12) Exemption from tax of $100 of dividends received by individuals.—The exclusion from gross income provided by section 116 of such Code of $100 of dividends received by an individual.

(13) Exclusion from gross income of scholarship and fellowship grants.—The exclusion provided by section 117 of such Code of amounts received as a scholarship or as a fellowship grant.

(14) Exclusion from gross income of gain on sale of residence by person over age 65.—The exclusion from gross income provided by section 117 of such Code of gain from the same of the taxpayer's residence if the taxpayer has reached the age of 65 years before the sale.

(15) Additional exemption for age 65 or blindness of taxpayer or spouse.—The additional exemption of $750 provided by section 151 of such Code if the taxpayer has reached the age of 65 before the close of the year and an additional exemption of $750 if he is blind.

(16) Exemption for child whose income exceeds $750.—The deduction allowed by section 151(e) of such Code for a dependent child of the taxpayer where the child has gross income in excess of $750 and is entitled to an exemption of $750 in the return filed by him.

(17) Deduction of nonbusiness interest.—The deduction allowed under section 163 of such Code for interest paid where the indebtedness was not incurred in carrying on a trade or business or an activity for the production of income.

(18) Deduction of nonbusiness taxes.—The deduction allowed under section 164 of such Code for certain taxes where they are not incurred in carrying on a trade or business or an activity for the production of income.

(19) Deduction for nonbusiness casualty losses.—The deduction provided in section 165(c) to an individual of casualty losses not connected with a trade or business.

(20) Treatment of loss of certain nonbusiness guaranties.—The treatment under section 166(f) of such Code as an ordinary loss, rather than a short-term capital loss, of payments made by an individual on account of his nonbusiness guaranty of the obligation of another individual.

(21) Fast depreciation methods.—The allowance for depreciation under section 167 (b) of such Code by use of the declining balance method or the sum-of-the-years-digits method.

(22) 20-percent variation under the asset depreciation range system.—The provision of section 167(m) of such Code which allows the use by the taxpayer of a 20-percent variance from any class life prescribed by the Secretary of the Treasury.

(23) Charitable contribution deductions.—The deductions allowed under section 170 and 642(c) of such Code for charitable contributions and gifts.

(24) Deduction of research and experimental expenditures.—The election provided by section 174 of such Code to treat research and experimental expenditures as deductible expenditures.

(25) Deduction of soil and water conservation.—The election provided in section 175 of such Code to treat soil and water conservation expenditures as deductible expenses.

(26) Additional first-year depreciation allowance.—The additional first-year depreciation allowance for small business provided by section 179 of such Code.

(27) Deduction of expenditures for clearing land.—The election provided by section 182 of such Code to treat expenditures incurred in the clearing of land for use in farming as deductible expenses.

(28) Amortization of railroad grading and tunnel bores.—The election provided by section 185 of such Code to a domestic common carrier by railroad to take amortization deductions over a period of 50 years for railroad grading and tunnel bores.

(29) Medical expense deduction.—The deduction allowed an individual under section 213 of such Code for medical, dental, etc., expenses.

(30) Household and dependent care deduction.—The deduction allowed under section 214 of such Code to an employee for certain household and dependent care services.

(31) Deduction of moving expenses.—The deduction allowed under section 217 of the Code to an individual for expenses paid in connection with the commencement of work at a new location.

(32) Deduction of intangible drilling and development costs.—The deduction provided in section 263(c) of such Code for intangible drilling and development costs in the case of oil and gas wells.

(33) Nonrecognition of gain on appreciated property used to redeem stock.—The exceptions and limitations provided in section 311(d)(2) of such Code on recognition of gain when a corporation distributes appreciated property in redemption of stock in such corporation.

(34) Nonrecognition of gain in connection with certain liquidations.—The provisions of section 337 of such Code for nonrecognition to a corporation of gain or loss incurred on the sale of property in the course of complete liquidation during a 12-month period.

(35) Capital gain treatment for lump-sum distribution from pension funds.—The provisions in section 402(a)(2) and 403(a)(2)(A) of such Code for capital gains treatment for certain lump-sum distributions received on account of an employee's death or termination of employment.

(36) Treatment of employee stock options.—The exclusion from gross income provided by section 421 of such Code upon exercise by an employee of a qualified or restricted stock option.

(37) Tax exemption of credit unions and mutual insurance funds for certain financial institutions.—The exemption provided by section 501(c)(14) of such Code to credit unions (without capital stock and not operated for profit) and certain corporations (not operated for profit) organized for the purpose of providing reserve funds for building and loan associations, cooperative banks, and mutual savings banks.

(38) Treatment of bad debt reserves of banks and other financial institutions.—The special deductions for reserves for bad debts allowed by section 585 of such Code to banks and by section 593(b) of such Code to mutual banks, building and loan associations, and cooperative banks.

(39) Percentage depletion for oil, gas, and other minerals.—The allowance for depletion provided in section 613 of such Code for oil, gas, and other minerals, based upon a percentage of gross income, with a limitation on the allowance of 50 percent of taxable income.

(40) Deduction of development expenditures in the case of mines.—The deduction provided in section 616 of such Code for expenditures incurred in the development of a mine.

(41) Capital gain for timber, coal, and iron ore royalties.—The provisions of section 631 of such Code for the treatment of certain income from timber, coal, and domestic iron ore as long-term capital gains.

(42) Tax exemption for ships under foreign flag.—The tax exemption provided by sections 872(b)(1) and 883(a)(1) of such Code for earnings from ships under foreign flags.

(43) Exclusion of gross-up on dividends of less developed country corporations.—The provision in section 902 of such Code which exempts dividends received from a less developed country corporation from the gross-up required in the case of dividends received from other foreign corporations for the deemed paid foreign tax credit.

(44) Exemption of earned income from foreign sources.—The exemption provided by section 911 of such Code of earned income derived from sources without the United States.

(45) Special deduction for a Western Hemisphere trade corporation.—The deduction provided by section 922 of such Code for a domestic corporation qualifying as a Western Hemisphere trade corporation.

(46) Exemption of income from sources within possessions of the United States.—The exemption provided under section 931 of such Code to a United States citizen or domestic corporation on income from sources outside the United States.

(47) Exclusion from Subpart F income of shipping profits and certain dividends, interest, and gains.—The exclusion from Subpart F income provided in section 954(b)(1) and (2) of such Code for certain dividends, interest, and gains from qualified investments in less developed countries, and of income derived from any ship or aircraft in foreign commerce.

(48) Tax exemption for a DISC.—The tax exemption provided in section 991 of such Code for a domestic international sales corporation.

(49) Step-up in tax basis of property acquired from decedent.—The provisions of section 1014 of such Code which provide that the tax basis of property acquired from a decedent shall be the fair market value of

the property at the date of the decedent's death.

(50) Alternative tax on capital gains.—The alternative tax for corporations and individuals provided by section 1201 of such Code on long-term capital gains.

(51) Deduction of capital gains.—The deduction allowed an individual under section 1202 of such Code with respect to long-term capital gains.

(52) Capital gains on sale or exchange of patents.—The treatment as long-term capital gain under section 1235 of such Code of amounts received by an individual from his transfer of a patent created by his efforts, whether or not the payments received are contingent on the productivity or use of the transferred patent.

(53) Rules for capture of depreciation on sale at gain of real property.—The rule in section 1250 of such Code that gain on the sale of depreciable real property is ordinary income only to the extent the taxpayer has taken depreciation on the property which is in excess of straight-line depreciation, in contrast to the rule in section 1245 of such Code which requires recapture in the case of equipment of all depreciation previously deducted (to the extent of the gain on sale).

(54) Special exemptions for excess deductions account for farm losses.—The provisions in section 1251(b) of such Code which provide that an individual does not have to make an addition to the excess deductions account unless his nonfarm income for the year exceeds $50,000 and his farm loss exceeds $25,000.

PANAMA CANAL: REPRESENTATIVE FLOOD REPLIES TO RADICAL PANAMANIAN DEMANDS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 20 minutes.

Mr. **FLOOD**. Mr. Speaker, the present administration, which accepted the unfortunate Isthmian canal policy of the preceding one, is now engaged in diplomatic negotiations with the unconstitutional Government of Panama in which the announced purpose is to surrender U.S. sovereignty over the U.S.-owned Canal Zone territory to that Government. Such surrender, which has not been authorized by the Congress, is in direct violation of article IV, section 3, clause 2 of the U.S. Constitution that vests the power to dispose of territory and other property of the United States in the Congress, which includes the House of Representatives as well as the Senate. Because of its importance I quote the indicated provision:

> The Congress shall have Power to dispose of—Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States.

Despite this important constitutional provision, obviously framed by the farvisioned Founders of our country to protect its territory against despoilment or unjustified whims of the executive branch, this agency of Government has continued negotiations that should never have been started. Have our negotiators informed Panamanian representatives of these constitutional limitations on their powers? I have seen no evidence that they have and they are proceeding under the erroneous assumption that an Executive fiat in the premises is adequate for the purpose of negotiating surrender. Mr. Speaker, there could not be any greater fallacy, better way to mislead Panama, or to imperil all U.S. citizens engaged in such negotiations.

To supply the basis for views herein stated there was the address on May 24, 1972, by Foreign Minister Juan Antonio Tack, a rabid Panamanian radical, before the Eighth Congress of the Student Federation of Panama. In this address Minister Tack—

First, revealed that there is an understanding between the executive branches of Government of the United States and Panama for the elimination of the Canal Zone.

Second, asserted that in addition to the elimination of the Zone, this U.S. territory would be fully integrated with the territory of Panama and that it would exercise jurisdiction over land, sea, and air.

Third, stated that Panama would take effective control over the shores of the Canal itself.

Fourth, charged that the effect of United States presence on the Isthmus has been pernicious through "corruption, threat, and slander" but failed to mention the enormous benefits that Panama receives from U.S. agencies in the Zone that total more than $160 million annually and that some 15,000 Panamanians are employed in the Zone and that they fear the loss of their livelihood. Nor did he refer to the billions of dollars supplied by U.S. taxpayers for the construction, maintenance, operation, sanitation, and protection of the canal that has given Panama one of the highest per captita incomes in all Latin America.

Fifth, asserted that the immediate origin of the present negotiations was in the 1964 riots, which is not only untrue but amounts to political blackmail.

Sixth, disclosed that key points in the negotiations include provisions for elimination of the perpetuity clause in the 1903 treaty and for authorization for the United States to modernize the existing canal.

As to the last point such major modernization is already authorized. The word "maintenance," as specifically defined by the Panama Government, includes "expansion and new construction" as required for the maintenance, operation, sanitation, and protection of the existing waterway—Congressional Record, volume 84, part 9, July 24, 1939, page 9834.

Why, Mr. Speaker, should officials of our Government try to negotiate for rights already possessed? Do they not know the diplomatic history of the subject with which they are dealing? So far as can be ascertained no recent President, Secretary of State, or other official of the State Department, who have been so solicitious to turn the Canal Zone over to Panama, has ever borne the burden of responsibility for operating the Canal and thus, in a realistic sense know nothing about actual canal problems involved. They are apparently guided alone by shabby sentimentalism.

As the result of an extensive correspondence from all parts of the Nation, I know that the American people do not wish to surrender the Canal Zone territory or to give away the Panama Canal to Panama or any other country or international agency; and any administration or political party that so advocates does so at its peril.

In spite of the truculence and sustained campaign of hate against the United States by the present Government of Panama no replies in defense of our country are ever made by our high responsible officials whose duty is to defend our Nation against manifest and malicious attacks by others. No wonder we are being judged abroad unjustly. Mark my word: the world is watching what the United States does at Panama. Upon the outcome of the present perplexing state of affairs will depend much of our country's present and future reputation. For the guidance of our officials, who should realize that the canal is under diplomatic and juridical attack, we quote the fine statement of ex-President Theodore Roosevelt in meeting the 1917 internationalization proposal of the U.S.S.R. His words were:

> It is our canal; we built it, we fortified it, and we will protect it, and we will not allow our enemies to use it in war—House Document No. 474, 89th Congress, page 388.

Man for man Panamanian negotiators seem stronger than those of our Government and have succeeded in brain washing the latter. As evidence of this is the fact that our negotiators have never, so far as I have learned, stressed the indispensable necessity for retention by the United States of the Canal Zone for military reasons, which apply to Panama as much as to the United States. Certainly, Mr. Speaker, the time has come to terminate these nonsensical negotiations and to go ahead with the major modernization of the Panama Canal under existing treaties.

In these general connections certain vital points should never be forgotten. They are:

First, that the Isthmus of Panama is one of the most strategic land areas in the world.

Second, that the Isthmus is coveted by predatory powers and probably always will be because of its strategic position.

Third, that the Republic of Panama is a small, weak, unstable, and technologically primitive country under an unconstitutional government and can stay free only so long as the United States remains on the Isthmus.

Fourth, that the advantages Panama seeks to exploit because of its geographic position are canceled out by its precarious weakness, which is well illustrated by the fact that in the last 69 years it has had 59 presidents some of which have been unconstitutional.

Fifth, that the U.S. taxpayers between 1904 and June 30, 1971, invested in the canal enterprise, including its defense, a total of $5,695,745,000—Congressional Record, volume 118, No. 60, April 18, 1972, page 13154.

Sixth, that the Canal Zone, in addition to the canal itself, has many U.S. Government installations essential for defense, scientific, and health purposes.

Seventh, that the annual benefits from

these agencies to Panama exceeds $160 million, and is steadily increasing.

Radical agitators of Panama never mention the above facts. They think no more of the billions expended by our Nation and the activities for which they are beneficiaries than taking a drink of water but continue their unrealistic demands to drive the United States from the Isthmus by the indirect means of obtaining cession to Panama of sovereignty over the Canal Zone. In event of such cession to Panama its government would be in a position to expropriate the Canal Zone and canal as did Egypt in case of the Suez Canal. So I say, Mr. Speaker, if there is ever to be any surrender of U.S. sovereignty over the Canal Zone it should be to Colombia and not to Panama; but I am opposed to either as I am to the return of the Gadsen Purchase to Mexico or Alaska to Russia.

In a physical sense the United States can take pride in the fact that its facilities for communication are unexcelled anywhere in the world. But the sizes of mass media plants do not mean much in this day of publishing only the news that fits. Communication media in our country seldom publishes any worthwhile information on events affecting the status of the Canal Zone now under Communist attack but aids and abets such attacks by its silence and indifference. In contrast, the people of Panama and other countries following the situation on the Isthmus are far better informed than our own citizens. This is not accidental but the result of a strict censorship by the pro-red revolutionary Government of Panama in which Soviet agents have already penetrated and the failure of our own press.

A recent newsstory in the Panama Star Herald, one of the leading Latin American newspapers established in 1849 and now published under the strong arm of censors, reports on the previously indicated address of Minister Tack and quotes significant portions of it. Because of the relevance of the newsstory to understanding what is taking place as regards the Canal Zone and Panama Canal, I quote the full text:

END OF CZ ENCLAVE IS RP–US UNDERSTANDING

The elimination of the Canal Zone as a colonial enclave is the understanding behind the current Panama Canal negotiations between Panama and the United States and Panama is steadfastly maintaining that position, Foreign Minister told the Student Federation last night.

"If there were no such understanding," he said, "We would not be seated now at the negotiation table."

The Foreign Minister said "some progress" has been made in the year since the negotiations began.

"In the lapse of almost one year since the negotiations began," he told the Student Federation, "we feel that some progress has been made. There has been a constant and continued interchange of position documents, as well as studies on specific topics.

"The two governments have agreed on the elimination of the odious perpetuity clause; the principle that the jurisdiction over the Canal Zone must revert to Panama has been accepted.

"However, the positions of both countries are still far apart from each other on many fundamental points and on many details.

"Therefore, up to this point, there is no commitment to accept, nor even to examine for definite acceptance, any document which has the nature of an accord, agreement or pact between the two nations."

PERPETUITY MUST GO

"This situation," Foreign Minister Tack added, "should not lead us to despair; this situation is perfectly explainable. This is due to the fact that, unlike previous negotiations, the National Government is determined that not for one instant can the possibility be admitted—whether openly or in a concealed fashion—that perpetuity will be maintained or that the duration of the treaty may extend beyond what is strictly necessary.

"Likewise," Tack said, "the National Government has taken a position against any formula that could imply the concession of lands and waters away from Panamanian jurisdiction and against any proposal that may tend to lessen the jurisdiction that the Republic must exercise over all its territory."

Tack did not go into the details of the treaty talks, but in a recent appearance before the National Commission that is drafting constitutional amendments he spelled out the seven key topics of negotiations as: duration of the treaty, expansion of the present canal, lands and waters, flag, protection of the canal, and economic compensations or benefits.

STUDENTS' ROLE PRAISED

The Foreign Minister was the principal speaker at the installation of the Eighth Congress of the Student Federation. The opening session was attended by Brig. Gen. Omar Torrijos, leader of the Revolutionary Government, cabinet members and officers of the staff of the National Guard.

In his address, Tack praised the role of students in the country's struggle for liberation from alien domination. In his discussion of the Panama Canal treaty negotiations, which he described as "the definitive struggle for the reaffirmation of national independence," Tack declared:

". . . The goals that Panama has set for itself in the negotiations are concentrated in a fundamental objective: The elimination of the colonial entity known as the Canal Zone and the full integration of the latter to the territorial sovereign—the Republic of Panama.

"FULL INTEGRATION" EXPLAINED

"It is important that this Panamanian position be understood well . . . What is meant by the full integration of the Canal Zone to Panamanian jurisdiction? We understand this to mean that the so-called Canal Zone belongs to the metropolitan area of the Republic of Panama geographically, politically, socially, economically and culturally. Logically, the exercise of full Panamanian jurisdiction over the Canal strip not only involves the exaltation of the image of the Republic, domestically as well as internally, but offers the key to launch a Panamanian program aimed at accelerating the progress of the nation and the fair distribution of its benefits to all sections of the country. In other words, the recovery of full jurisdiction and economic development, nationally inspired are inseparably linked.

"With this objective in mind," Tack added, "the Panamanian state is entitled to the exercise of jurisdiction—land, sea and air—over all its territory, all persons and all things whether national or foreign, based on the principle of exclusive jurisdiction recognized by the international community . . . and taking into account that such jurisdiction is incompatible with analogous powers by another state.

"Contrary to what has been the general belief of some of our intellectuals, Panama's geographical position does not mean riches through the Canal annuity and the furnishing of services, but rather through our effective and sovereign control, at some time, over the shores of the Canal which is what would permit economic as well as national development of unsuspected intensity."

Tack said Panama's diplomacy in the past had been mistakenly directed towards capturing the Canal Zone market. He added:

TRADER MENTALITY

"Some of our people, who have the mentality of traders and who care only about keeping their pockets full, think that our struggle for dignity is romantic and foolish. They are mistaken. We know very well what we want. Sovereignty and dignity are translated into economic development, but with a national content.

"In order to render effective our geographical position, Panamanian control and development of the Canal Zone and the shores of the waterway—which up to now have been rendered sterile to world trade because of their utilization by the United States for military purposes—are indispensable."

Tack charged that the Canal Zone, in its present status, has served for a "preconceived plan to destroy Panamanian nationality . . ."

PERNICIOUS CZ INFLUENCE

"The Canal Zone has exerted a pernicious influence on Panamanian life, not only because of the numerous outrages that have been perpetrated there against citizens of our country, the gravest one being the implantation of racial prejudices alien to our tradition, but because the powers therein installed have sought at all times to extend their influence over the rest of the Republic to keep it weak and in disrepute, poor and subjected, so that it would never raise the cry of national liberation and integration.

"This constant pressure," Tack declared, "the oldest of the wars between two countries, has sought also the moral dismantling of Panamanian citizenship and its leaders through corruption, threat and slander to bring about the disappearance from the national stage of figures who opposed the extension of its (the United States') illegitimate prerogatives.

"The Canal Zone is a foreign body that has been limited to fulfilling a military purpose serving designs that are anachronistic in today's world and alien to the true interests of Panama and Latin America.

"Panama's general policy on the Canal Zone has nothing to do with temporary situations or episodes. It responds to a historic attitude and to the need of defending our interests, which have been injured from the beginnings of our independent life."

It is this position that Panama has made clear in the current negotiations, Tack declared.

The Foreign Minister reminded the students that the negotiations had their "immediate origin" in the January 9, 1964, events in which students played a leading part. The 1964 clashes along the Canal Zone border resulted from an attempt by Panamanian students to display the Panamanian flag in the Canal Zone.

FOR A CHANGE—LET THE CRIMINAL BE FEARFUL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I rise in support of continuing efforts by many Members to institute severe, mandatory punishment for those persons convicted of carrying a firearm during the commission of a crime.

Until a few years ago the British imposed the death penalty on criminals taking the life of an unarmed policeman by using a firearm. This led to a situation where most criminals would not bother carrying a firearm, Why? Because of the strict penalty for using it.

Between 1900 and 1965 the English police had only 47 of their number killed by armed criminals. When the death penalty was abolished in 1965, this number rose by 12 in the next 2 years. Members of the British Parliament are now fighting to reinstitute the death penalty for this crime.

Criminals in Britain can expect to receive a term of imprisonment of from 10 to 14 years for carrying a firearm or facsimile during the commission of a crime. More important is the fact that the law is enforced.

I realize that it is impossible to compare every aspect of life between Britain and the United States. However, safety from the threat of crime is a challenge each country has faced. The British found a workable solution. Why not the United States?

The United Kingdom has shown us what to expect if we pass a law which benefits criminals. This country needs a law to give the citizen some piece of mind; a law to put fear into the minds of the lawbreakers.

STRENGTHENING AND EXPANDING NATIONAL AND STATE MARINE MAMMAL PROTECTION PROGRAMS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in their column released May 10, through the Los Angeles Times syndicate, writers Stewart L. Udall and Jeff Stansbury make a number of contemptible assertions about the positions of two respected American conservationists: Daniel A. Poole of the Wildlife Management Institute and Thomas L. Kimball of the National Wildlife Federation, with respect to pending legislation to strengthen and expand national and State marine mammal protection programs.

The subject itself is controversial, as many Members know. Unfortunately the controversy over the legislation is being smothered by a type of gutter-sniping journalism that one would not, should not, expect to see coming from the pen of a former Secretary of the Interior.

I want to add right here that my relations with former Secretary Udall, during his years at the helm of the Department of the Interior, were always conducted on the highest possible plane, even when we disagreed on conservation matters. I find it utterly incomprehensible that he has joined with less high-minded individuals and organizations to deride and castigate the motives of those who were his former allies in many hard-fought battles in the Congress.

The issue in contention is "Wildlife Management." Messrs. Udall and Stansbury have apparently taken upon themselves to publicly discredit persons and organizations who may hold views different from their own on the subject. Congress must act on the basis of facts, not emotions. Udall and Stansbury raise many questions of fact about the legislation in question.

After reading the column I contacted Mr. Poole and asked him for an explanation of his position with respect to the emotion-tinged statements in the column. After thanking me for caring about this unprecedented attack on himself and his organization, Mr. Poole provided a series of documents in rebuttal to the Udall-Stansbury assertions which, I believe, lays the matter to rest at least as far as the "official record" is concerned.

It is an unlucky fact that one never wins an argument with the press so the damage done by the Udall-Stansbury column will probably never be undone. It is my hope however that Members of Congress will read the columns mentioned, the rebuttals, and the supporting documentation attached herewith, and decide for themselves whether or not the Wildlife Management Institute and the National Wildlife Federation are guilty of the charges leveled by the columnists. Once that issue is resolved, we can get back to the real business: the protection of marine mammals.

The material follows:

OUR ENVIRONMENT—THAT OLD KAIBAB CAPER

(By Stewart Udall and Jeff Stansbury)

MAY 10, 1972.

One of the grand legends of wildlife biology is the boom-and-bust fate of the Kaibab Plateau deer. In 1906, when this Grand Canyon rimland was declared a national game preserve, deer-loving hunters went on a rampage. They reportedly slaughtered all the Kaibab's wolves, 5,000 coyotes, 700 mountain lions, 500 bobcats and a mess of eagles. Then they sat back to watch their lovely deer prosper.

The deer did not oblige. At first it seems they multiplied handsomely, up from 4,000 head to an estimated 100,000, but the legend has it that they ran out of food, sickened, wasted away and died by the tens of thousands. A marvelously poetic biologist, Aldo Leopold, said the destruction of the deer's enemies had destroyed the deer.

Leopold's dictum has been sanctified by the wildlife management crowd. Today, in an emotional tantrum, they are trying to use it to scare the Senate Commerce Committee out of imposing a ban on the "taking" of whales, dolphins, seals, sea lions, manatees, polar bears and other marine mammals.

It strains credulity to watch stalwarts from the Wildlife Management Institute cite the "lessons" of the Kaibab Plateau as if they ruled marine mammals. By their lights, manatees and sea lions need culling (by human predators) so they won't grow too numerous for their food supplies—and this despite evidence that both species are dwindling!

The evidence, to be sure, is inconclusive. Both the WMI's Dan Poole and the National Wildlife Federation's Tom Kimball point out that no one knows for sure whether fishermen are killing too many manatees or pesticides are aborting too many California sea lion pups.

Okay, but what do we do about what we don't know? Should we permit the commercial killing of sea mammals to go on, as Poole and Kimball propose, or should we stop the slaughter until more facts are in?

Tom Garrett, a staff man with Friends of the Earth, has his own reply and it isn't Dan Poole's. "Our very limited knowledge of marine ecosystems and marine mammals," he says, "makes it necessary to set aside a period when the animals will not be subjected to molestation."

With this goal in mind, Friends of the Earth, the National Audubon Society and other conservation groups hope to coax a strong marine mammals bill out of the Senate. Their effort is being undercut every foot of the way by the WMI, the NWF and the National Forestry Assn. You figure that last one out. We can't. None of the marine mammals we know eats trees.

Thanks mostly to Sen. Ernest F. Hollings (D–S.C.), the conservationists and their scientific allies will get a bill which is at least half-good. The present draft calls for a 15-year moratorium on the killing of marine mammals. This is a notable step toward the full genetic protection of these intelligent, playful and harassed creatures.

The Commerce Committee bill, however, vests an enormous degree of discretion in the chief of the National Oceanic and Atmospheric Administration. Not only may he sanction the "accidental" killing of thousands of dolphins and porpoises by tuna fishermen, but he may also allow the importation of marine mammal products and the killing of these animals by "persons who are members of a class found . . . to have common needs requiring" such slaughter.

Whom is this gobbledygook supposed to benefit? Furriers who trade in seal pelts? Wealthy sportsmen who like to bag polar bears from helicopters?

These loopholes, says Garrett, will undermine the 15-year moratorium. In the few weeks before the bill reaches the Senate floor, Friends of the Earth and its allies will try to get the offending language removed.

Meanwhile, they must contend with Dan Poole's scare campaign. In news releases that smack of lobbying (though the WMI gets a tax break for laying off legislation), his publicists assail the "antihunting and animal protection groups" for their stand against "scientific management." You know what scientific management means. It means knocking seals on the head with a club.

Any lingering respect for the WMI's pseudoscience has surely been demolished by the latest restudy of that old Kaibab Plateau caper. Apparently at least one heretical ecologist couldn't bring himself to genuflect before Aldo Leopold's dictum. It sounded much too neat, too simple. Sure enough, an investigation showed that Leopold had badly misread his numbers. The Kaibab deer herd's boom and bust never happened.

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., May 19, 1972.
Mr. STEWART L. UDALL,
The Overview Group,
Washington, D.C.

DEAR STEWART: I have a copy of your and Stansbury's May 10 "Our Environment" column for the Los Angeles Times Syndicate in association with Newsday. Titled "That Old Kaibad Caper," it contains several specific references to me and to the Wildlife Management Institute. For reasons that I will explain, I find the column inaccurate, misleading and personally offensive. I regret that those who may have read it have been exposed to such distortion.

This is the second time that you have referred to me in one of your columns. In neither case did you or Stansbury seek to talk with me or any member of our staff to ascertain our views. And, clearly, neither was there any examination of the record. You will recall I wrote you following that first instance (copy of letter enclosed) and explained how the column was in serious error.

You telephoned me on September 20, 1971, and explained that the September 8 column had been prewritten and released by your associate in your absence from the city during August. You said further that on several earlier occasions you found on your return to the city that you did not agree with what he had written in the column and you apologized for it. You also expressed appreciation for our courteous letter, saying you "were pleased that the Institute did not get mad at you."

You will recall that I thanked you for your phone call and noted (1) that an oral apology constituted no apology of record and (2) that as such it in no way informed your readers that they had been misinformed.

Your May 10 column is in serious error on two major counts. First, it demonstrates an abysmal lack of understanding of the now-ancient Kaibab deer situation. Secondly, it totally misrepresents the Wildlife Management Institute's position, including my personal views, on the current subject of devising a sound and workable program for the protection of marine mammals. The author's or coauthors' ignorance of wildlife literature, plus his or their inability to comprehend the substance and limitations of the scientific paper used as a platform for carrying the burden of the column, is compounded by his or their equal ignorance of the marine mamal siutation.

1. You said: "One of the grand legends of wildlife biology is the boom-and-bust fate of the Kaibab Plateau deer." And in your closing sentence you said, "The Kaibab deer herd's boom and bust never happened."

Truth: The rise and fall of the Kaibab deer population is not a legend. It is established and a well-documented fact. Its several contributory reasons are well known, and similar events have occurred elsewhere but on a more minor scale.

If, after actually consulting the abundant wildlife literature on this point, you have any doubt about the Kaibab having happened, check with Dr. Edward C. Crafts, personally known to you. Dr. Crafts worked on the Kaibab at the time and he invites your inquiry, should you care for personal verification outside of the large body of scientific literature on this point.

2. You said: In 1906, after the Kaibab area was made a "national game preserve, deer-loving hunters went on a rampage. They reportedly slaughtered all the Kaibab's wolves, 5,000 coyotes, 700 mountain lions, 500 bobcats and a mess of eagles. They then sat back to watch their lovely deer prosper."

Truth: *Government predator agents,* employed for the specific purpose, not *"deer-loving hunters,"* killed a recorded 781 mountain lions, 30 wolves, 4,899 coyotes, and 554 bobcats plus an unknown number of eagles. You do America's sportsmen a disservice.

Further complicating the situation biologically for the deer were (1) the banning of all sport hunting for deer, (2) vegetative change brought on by domestic livestock grazing that created conditions more favorable to deer, (3) controversy between federal and state interests, and (4) ignorance, even then, of wildlife management objectives and necessity.

3. You said: "A marvelously poetic biologist, Aldo Leopold, said that the destruction of the deer's enemies had destroyed the deer."

Truth: The ill-advised killing of predators helped to destroy the deer. So did the range forage changes caused by domestic livestock and the ban on deer hunting. The animals increased beyond the capacity of their overtaxed range to support them. Although individual deer died, the deer were not destroyed as a species, for they persist and flourish in the Kaibab today. The main point is that a large number of deer needlessly and wastefully suffered cruel deaths. Also, the habitat elements that sustain wildlife were greatly altered by overgrazing by deer and domestic livestock.

As a long-time former U.S. representative of Arizona and the author of a book on conservation history, it is surprising that you do not know that ignorance and obstinance in your home state contributed to the severity of the Kaibab situation. Arizonans resisted suggestions that steps be taken to get the deer-livestock-range situation under control. As Arizona State Game Warden K. C. Kartchner later stated, "All this could have been avoided if we had had experienced game managers twenty years ago."

4. You said: "It strains credulity to watch stalwarts from the Wildlife Management Institute cite the 'lessons' of the Kaibab Plateau as if they ruled marine mammals."

Truth: The Wildlife Management Institute *never* cited the Kaibab incident in any of its statements on marine mammals, written or oral.

5. You said: "By their lights (referring to the Wildlife Management Institute) manatees and sea lions need culling (by human predators) so they won't grow too numerous for their food supplies—and this despite evidence that both species are dwindling!"

Truth: The Wildlife Management Institute never has advocated "culling" manatees or sea lions. The taking of manatees is correctly prohibited by Florida law, the only state in which they occur naturally. California sea lions also are protected by law, but fishermen may take them to protect their equipment and catch. The animals are completely protected in Oregon and Washington. Stellar sea lions in Alaska, which number about 200,000, may be taken under permit regulations promulgated by that state's wildlife agency. There is no evidence that the latter species is dwindling.

6. You said: "Both WMI's Dan Poole and the National Wildlife Federation's Tom Kimball point out that no one knows for sure whether fishermen are killing too many manatees or pesticides are aborting too many California sea lion pups."

Truth: *Nowhere* in my invited testimony before the House and Senate Committees, during the questioning, or anywhere else did I make any mention of manatees or pesticides in the manner alleged.

7. You said: "Should we permit the commercial killing of sea mammals to go on, as Poole and Kimball propose, or should we stop the slaughter until more facts are in?"

Truth: I *never* have proposed the commercial killing of marine mammals, and you cannot support such an allegation. In agreement with many other knowledgeable individuals, I have urged the scientific management of marine mammals, which, by the definition inserted in the bill by the Senate Subcommittee, includes "when and where appropriate . . . the periodic or total protection of species or populations as well as regulated taking."

Who is included within the meaning of "we" in your question? You and Stansbury? You, Stansbury, and your not-so-well camouflaged advisor? The public at large? I suggest you read the House testimony (available for public distribution without charge) of Dr. G. Carleton Ray, Dr. Kenneth S. Norris, and Mr. William E. Schevill (respectively director, Marine Mammal Council, International Biological Program and Johns Hopkins University; University of California and chief scientist, Marine Mammal Division, Oceanic Institute of Hawaii; and Harvard University and Woods Hole Oceanographic Institution). The recommendations of these experts contradict, at virtually every point, your column's simplistic and emotional inferences and suggestions.

8. You said: In quoting a spokesman for Friends of the Earth, "Our very limited knowledge of marine mammals makes it necessary to set aside a period when the animals will not be subject to molestation.

"With this goal in mind, Friends of the Earth, the National Audubon Society and other conservation groups hope to coax a strong marine mammals bill out of the Senate. Their effort is being undercut every foot of the way by WMI, the NWF and the National Forestry Association."

Truth: The Wildlife Management Institute cooperates very closely with the National Audubon Society and has for many decades. Had you taken the time to check with the Society's officers (or with us) you would have found our views closely parallel on marine mammals protection. We have the greatest respect for the Society's biologically trained and experienced staff and its program. Incidentally, there is *no* organization by the name of the National Forestry Association. Such a group does not exist.

An objective reporter, with respect to the suggestion of establishing a period "where the animals will not be subject to molestation" (i.e. a legislatively mandated moratorium), also should have quoted Dr. G. Carleton Ray, Program Director of the Marine Mammal Council, which directs the U.S. International Biological Program's Marine Mammal Program under financial support through the National Science Foundation. Dr. Ray told the House Committee at its September 1971 public hearing (page 401 of the hearing record)

"A total moratorium on the taking of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future."

With other conservation organizations, we accept the judgment of Dr. Ray and his colleagues, among the most respected marine mammal specialists in the world. Perhaps you were not aware of the scientific community's evaluation of this very critical point, and Dr. Ray's full statement on it is attached. Then again, it may not have been the column's purpose to give readers an intelligent report on this important conservation issue.

9. You associate WMI with the killing of thousands of porpoises incidental to commercial tuna fishing.

Truth: Our statements decry the wasteful loss, demand that it be stopped, and suggest measures to remedy the situation. They are practically identical to and in support of those expressed by *all* organizations interested in marine mammals protection. Check the hearing records and see for yourself.

10. You said: "You know what scientific management means. It means knocking seals on the head with a club."

Truth: As approved by the Senate Subcommittee, and as recommended by the Wildlife Management Institute and other conservation organizations, scientific management means, "the collection and application of biological information for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat. Management includes the entire scope of activities that constitute a modern scientific resource program, including, but not limited to, research, census, law enforcement, and habitat acquisition and improvement. Also included within this term, when and where appropriate, is the periodic or total protection of species or populations as well as regulated taking." Scientific management has absolutely no connection with the manner animals are taken, if, indeed, they are taken at all.

A final point. The column's thrust is hung on what you describe to be "the latest restudy of the old Kaibab Plateau caper." You say, "at least one heretical ecologist couldn't bring himself to genuflect before Also Leopold's dictum." His findings, you assert, show "The Kaibab deer herd's boom and bust never happened."

Your "heretical ecologist" is Graeme Caughley, then of New Zealand, whose paper, "Eruption of Ungulate Populations, With Emphasis on Himalayan Thar in New Zealand," was published in Ecology (Vol. 51, No. 1, 1970). Caughley's paper is devoted to examination of the mechanism of the eruption of ungulate mammal populations. In the early part of the text, he makes some reference to the Kaibab case.

At *no* point in his paper, however, did Caughley claim, as you say, that the "Kaibab deer herd's boom and bust never happened." In fact, in several places, he acknowledges that it *did* happen. His sole concern with the subject is *how* it happened. And its consideration was only a minor element of his long paper.

For example, in the very first three sentences of his abstract, which appears at the beginning of his paper, he states: "An eruptive fluctuation is defined operationally as an increase in numbers over at least two generations, followed by a marked decline. Reported eruptions in ungulates suggest that the upswing is initiated by a change in food or habitat and is terminated by overgrazing. An apparent exception—the Kaibab eruption—probably also fits this pattern."

Secondly, I have discussed your column with several wildlife leaders, including some having personal knowledge of the Kaibab situation. One of those consulted was John P. Russo, chief of game for the Arizona Game and Fish Department, a trained and widely respected biologist with more than twenty years experience in your home state. He is the author of a definitive study of the Kaibab situation.

John is familiar with Caughley's paper and he gave me permission to quote his reaction to it. Caughley, he said, "picked up several incidents throughout our country and related them to New Zealand. He has taken everything in publication out of context."

Unlike your column, everything stated in this letter can be substantiated. I would prefer that you not call me again to say you again disagree with a column written and released during your absence from your office. Your name is on the column and you must bear appropriate responsibility for its content.

I believe your syndicators and your readers deserve to know if the column content actually represents your opinion in all cases, however. If it does not, and if these are the columns that are written and released when you are unavailable to review them, could it be that someone is taking advantage of your name and your past proud conservation record? In any event, I believe your syndicators and your readers have a right to know which of the materials issued under your name reflect the thinking and knowledge of Stewart Udall.

Sincerely,

DANIEL A. POOLE,
President.

JUNE 9, 1971.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Programs for the protection and scientific management of marine mammals are being threatened by well-publicized but misguided efforts which, if successful, would destroy the conduct of biologically sound activities of state and federal conservation agencies.

Conservation of this varied group of animals has been a long and arduous battle in the face of indifference and exploitation. Their management has been made more difficult by the international movements of several of the species involved and insufficient knowledge concerning their habitat requirements. Progress has been and is being made, however.

Some animals, such as the fur seal and sea otter, have been restored to productive numbers. Research is underway into the life histories, habitats, and movements of others.

Much more can be done. This will require the understanding and support of the Administration, support which no Administration heretofore has seen fit to confer in any degree commensurate with the need. Your Administration could gain much support and commendation by requesting adequate authorities and funds to bring federal programs for marine mammals up to necessary levels and by seeking new and more effective international understanding.

Should these many past years of progress be undermined by a complete "hands off" policy forced upon responsible fish and wildlife agencies, such as proposed by S. 1315 and similar House bills, marine mammals under scientific management would suffer a serious set back.

In essence, the issue is whether natural resources will be protected, managed and used on a scientific basis or whether they are to be regarded as something apart from and unaffected by man.

As has been amply demonstrated by the successful management and restoration of other wildlife resources, the latter course is unacceptable. Decisions regarding the well-being of any wildlife resource must be based on fact, not on emotion.

The following national conservation organizations respectfully request that you support programs to improve domestic and international management of marine mammals. Further, we urge the Administration to oppose S. 1315 and similar House bills as being a negative response to a resource management responsibility that should be accepted by the Federal and State Governments.

Sincerely,

American Forestry Association, William E. Towell, Executive Vice President; Citizens Committee on Natural Resources, Spencer M. Smith, Secretary; International Association of Game, Fish and Conservation Commissioners, Chester F. Phelps, President.

Izaak Walton League of America, Joseph W. Penfold, Conservation Director; National Audubon Society, Charles H. Callison, Executive Vice President; National Rifle Association of America, Maxwell E. Rich, Executive Vice President.

North American Wildlife Foundation, C. R. Gutermuth, Secretary; Sport Fishing Institute, Richard H. Stroud, Executive Vice President; The Wildlife Society, Fred G. Evenden, Executive Director.

Trout Unlimited, Ray A. Kotrla, Washington Representative; Wildlife Management Institute, Daniel A. Poole, President; World Wildlife Fund, Ira N. Gabrielson, President.

OUR ENVIRONMENT—THE HUNTERS

(By Stewart Udall and Jeff Stansbury)

SEPTEMBER 8, 1971.

The Wildlife Management Institute (WMI) is guilty of some crude distortions in its campaign to quash the Harris-Pryor ocean mammals protection bill—a bill offering our only hope to save the polar bear and endangered species of whales, seals, sea lions, manatees and walruses.

In its latest bulletin, the WMI alleges that "conservationists" strongly oppose the Harris-Pryor bill "because it would prevent scientific management and make certain marine mammals subject to indiscriminate slaughter." This statement is utterly misleading.

First, the few "conservationists" who oppose Harris-Pryor are members of a Washington, D.C., hunting lobby which does not adequately represent most sportsmen in this country. The bill would prohibit the killing of any ocean mammals by U.S. citizens or in U.S. waters—and the WMI absurdly views this as the first shot in a war against hunters. Meanwhile, many environmental groups led by Friends of the Earth vigorously support the Harris-Pryor legislation.

Second, "scientific management" is the WMI's code-word for a license to go on killing species whose very future is at stake. There is no ecological basis for the assertion that the commercial culling of ocean mammal stocks is the best way either to protect them or to learn about them.

Third, it is deceitful to say that Harris-Pryor would subject certain marine mammals to "indiscriminate slaughter." The bill would immediately *halt* the killing of all such species in U.S. waters—and it would call upon the State Department to negotiate a worldwide moratorium.

But it is on the test of predation that some hunters—especially U.S. hunters—fail. What is this test? Simply that there must be a rough symmetry between the skills of the predator and the skills of the prey. Over evolutionary time, both the hunter and his victim unwittingly refine each other's weapons so that the contest becomes more nearly equal. And one way this is accomplished is through the predator's selectivity: by disproportionately culling the sick, aged and deformed, he enhances the genetic vigor of his prey.

The gun-toting trophy-hunter is something else. Armed to the teeth, wrapped in weather-defying nylon and perhaps carted to his target in a snowmobile or jeep, he makes a mockery of predation. Only his *lack* of stamina and skill serves any evolutionary purpose.

Three years ago the junior author of this column interviewed Dr. Lee Talbot, then of the Smithsonian Institution and now staff ecologist for the Council on Environmental Quality. The interview was germane to this discussion.

While predators cannot subsist only on aged or sick prey, Dr. Talbot said, "they do, in the process, remove any animal that is substandard. They are beautifully adapted to do this—something we found in East Africa. An antelope, say, that is behaving slightly different from the herd—right off the lion will charge straight through the herd to get at him. Obviously it's a knack the predators have picked up to survive, but it also assures that the least survival-worthy antelope will be removed and the breeding stock, to that degree, will remain strong."

All of which is a far, far cry from the nimrod who helped wipe out the passenger pigeon or who always sets his sights on the finest head or the stoutest heart in the herd.

The WMI bulletin's choice of words is peculiarly haunting, for what the WMI apparently seeks is the *discriminate* slaughter of ocean mammals. Such a policy, no matter how glibly couched in scientific gobbledygook, is a policy of extinction.

SEPTEMBER 9, 1971.

Mr. STEWART L. UDALL,
The Overview Group,
Washington, D.C.

DEAR STEW: A copy of the Udall-Stansbury column for September 8—The Hunters—has been called to my attention.

Unfortunately, much of what it conveys distorts both the Institute's position and the facts at hand. Its net effect, in my view, is to waste an opportunity to help unite public opinion behind an appropriate marine mammal program.

The enclosed copies of the letters to the President and all Members of Congress will give you the names of the "few" conservationists and "members of the Washington, D.C. hunting lobby" who share the view that the Harris-Pryor approach holds more harm than good for marine mammals. Please note, too, that the organizations go strongly on record in support of a greatly strengthened program for the animals. These letters were inserted in the Congressional Record and have been a matter of public information for many weeks.

I am also enclosing a copy of the Institute's testimony prepared for submission to the House subcommittee. It calls for a strong and effective marine mammals program—one based on knowledge rather than emotion. When all the testimony is in, I believe that you will find similar recommendations have been made by the several national organizations who actually have trained and experienced biologists on their staffs.

Sincerely,

Daniel A. Poole,
President.

Executive Office of the President,
Council on Environmental Quality,
Washington, D.C., August 4, 1971.

Daniel A. Poole,
President, Wildlife Management Institute, Washington, D.C.

Dear Mr. Poole: The President has requested that I express his appreciation for the letter which you and your fellow representatives of national conservation organizations have addressed to him regarding Senate Bill S. 1315. Because of my responsibilities in connection with this subject, he has also requested that I respond to the specific matters which you have raised.

I agree wholeheartedly with the points that you have made in your letter. In my opinion, some of the actions called for by S. 1315 could threaten the future status of the Pribilof seals and could adversely affect the United States' position of leadership in conservation matters. As an ecologist, I am particularly concerned over the principle of substituting protection for scientific management. Scientific management of a species may require protection at some time as one of its methods, but it also must rely on various other types of actions. The United States has led the world in the development of scientific wildlife management techniques. To me, it would be highly unfortunate if we should take action which would renounce these principles. Further, the history of conservation practices of the Pribilof sealing appears to be a good one. It is an outstanding—perhaps the outstanding—example of an international agreement which has managed a wildlife population effectively. There appear to be good diplomatic reasons why such a convention should not be renounced in the manner which would be accomplished by S. 1315, but perhaps more important from the standpoint of conservation of seals, it would appear that the unilateral renunciation of that convention could result in the loss of the effective management and protection which now exists. The net result could be highly detrimental to the survival of this species.

From these remarks I hope that my position relative to this legislation is clear. However, in spite of the similar views held and expressed by some members of Congress and by a number of other conservation organizations and citizens, the specter of baby seals being killed on the snow appears to have developed a very strong public support for S. 1315, or something like it. In a sense this is ironic since it is not the policy for baby seals to be killed in the Pribilofs. The killing pictured in most of the propaganda which I have seen is done in Canada, and the U.S. legislation would not affect this directly.

However, regardless of the scientific aspect of the situation, there does appear to be remarkably strong support for some bill increasing protection of the seals and other marine mammals. Therefore, we are now reviewing the situation to see whether or not it would be desirable to develop some mechanism for improving the scientifically based management of marine mammals in general—but which would not involve the adverse effects which you have rightly cited. I would value your views and advice on this matter.

The Administration has made a very positive move in the direction of scientific management in the case of whales. As you know, the International Whaling Commission held its annual meeting in the United States last month. At the end of this calendar year, America will cease to be active in any commercial aspect of whaling, since we have listed all of the larger whales as species whose continued exploitation can seriously endanger their survival. However, at the Whaling Commission meeting, the United States position was that whales, like many other forms of wildlife, represent both a potential commercial harvest and a significant component of the ecosystem. Their continued survival in adequate numbers can be significant to the health of the marine environment, as well as to the whaling industry. Consequently, even though the United States will no longer be involved commercially after this year, we will maintain a strong and active interest in whales from the standpoint of maintenance of their role in the marine environment. The United States also offered a contribution to help initiate the long overdue international observer's scheme (to provide for international supervision of the whaling activities) and it was agreed that this scheme would be put into operation this year.

This Administration is committed to the management and restoration of wildlife resources based on scientific knowledge and principles. The contributions in this field made by your group and by other citizen groups and professional organizations has been truly impressive, and over the years these contributions have been instrumental in helping to establish America's international leadership in conservation and management of wildlife resources. Your contributions to these activities in the past and the views which you have expressed in your letter are greatly appreciated. I can assure you that your views will be fully taken into account in any response of the Administration to S. 1315 and similar bills.

With all best wishes,

Sincerely yours,

Lee M. Talbot,
Senior Scientist.

Marine Mammals Hearings, House Committee on Merchant Marine and Fisheries, September 9, 13, 17, 23, 1971

Dr. G. Carleton Ray, Program Director, Marine Mammal Council, on subject of legislative moratorium on taking (page 401):

"The marine mammals are the Cetacea (whales, dolphins, and porpoises), the Pinnipedia (seals, sea lions, and walruses), the Sirenia (dugongs and manatees), the sea otter (a member of the weasel family, Mustelidae), and the polar bear (which is considered a marine mammal only because of its sea-ice habitat, not because of any anatomical adaptation to live in the sea). This is a diverse group, for which no sweeping statements can be made in terms of abundance, habits, or conservation. Together, they represent perhaps the least-known of the large mammals. As they represent several hundred thousand tons annual production, they assume vital resource importance. It is not true that most are in danger of extinction; two marine mammals have become extinct at the hand of man, some are now seriously depleted, and some are in good condition. Many are already protected by international treaty, to the limits of the power of international law. Notably excepted are the small Cetacea. One, the fur seal of the North Pacific, is being managed in exemplary fashion; in fact, the treaty covering the fur seal represents exactly what is needed in international law of the high seas, namely, limitation of entry into a "fishery." *A total moratorium on the take of all marine mammals cannot serve such a diverse group equally. It becomes a meaningless gesture for those already protected and, conversely, a threat to development of international cooperation for species which might be protected on the fur seal model. It abrogates the responsibility of those who know the field of wildlife management best. In our judgment, such an action is simplistic and negative, only stating what we will not do and neglecting to consider what we must do in the future.*"

A CORRECTION

(Mr. GROSS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, on May 23 of this year, in discussing the purchase by the District of Columbia Redevelopment Land Agency of a parcel of land on which is situated the business known as the Wax Museum, I incorrectly stated that Mr. Norman Bernstein was the owner of the museum as well as the property.

I have been notified of this error by Mr. Frank L. Dennis, who identifies himself as president of the Wax Museum and who states that the museum was a tenant of Mr. Bernstein. It was, therefore, Mr. Bernstein who realized a 212-percent profit in the sale of this property and not the Wax Museum.

WAR POWERS LEGISLATION

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the Record.)

Mrs. GREEN of Oregon. Mr. Speaker, on April 25, with the cosponsorship of my distinguished Republican colleague and fellow Oregonian, Wendell Wyatt, I introduced a war powers bill which is identical in all important respects to one I introduced back in October of 1969, in the 91st Congress.

This bill, H.R. 14592, looks to the post-Vietnam war era and establishes safeguards to prevent this Nation from ever again sliding imperceptibly into a full-fledged war as we never intended to, but did, in Vietnam. It is carefully balanced to prevent unwarranted encroachment either by the Congress on the powers of the President or the reverse in their mutually heavy responsibilities and decisions affecting war or peace. While it does not outlaw war, it provides a mechanism to keep us alert and conscious of the sobering possibilities in any situation involving the use of U.S. Armed Forces in potential combat areas.

I am pleased to announce the reintroduction of this bill today with additional cosponsors including the following: Mr. Alexander, Mr. Carey, Mr. Dent, Mr. Downing, Mr. Gaydos, Mr. Giaimo, Mr. Gibbons, Mr. Leggett, Mr. Mazzoli, Mr. Mollohan, and Mr. Pike.

RT. REV. JOHN E. HINES, THE PRESIDING BISHOP OF THE EPISCOPAL CHURCH, DELIVERS DEDICATION SERMON

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on May 25, 1972, in a unique service of dedication, St. Paul's Episcopal Church, in Syracuse, N.Y., was "set apart" to be the cathedral for the Episcopal Diocese of Central New York.

The presiding bishop of the Episcopal Church, the Right Reverend John E. Hines, delivered the sermon, in which he pointed out that—

> Rather than a dedication of a Cathedral, this was a rededication of people. This Cathedral is a focus of unity and meaning in the Diocese—it is not simply a local possession. It belongs to the community in the heart of the City and is surrounded by people who belong to it. Its purpose is not to stand apart from pain or joy but to share in those problems which work its progress toward the realization of its destiny.

Noting the beginning of a new era by this "set apart," Bishop Hines stated he would be pleased "if Christian social concern should motivate and charge every person touched by the cathedral. I will be grateful if the whole city encountered the Lord here and be driven downward on their knees in penitence and upward ambition."

St. Paul's Episcopal Church in Syracuse dates back to 1826; the present towering gothic structure to 1885.

The Right Reverend Ned Cole, Episcopal Bishop of Syracuse, will enjoy the "privilege of the pulpit" at St. Paul's Cathedral four times per year in keeping with Episcopal custom. The former rector of St. Paul's, Harold Hutton, now has assumed responsibilities as dean of the cathedral.

I commend to your attention, Mr. Speaker, and to the attention of the U.S. Congress the hard working spirit and dedication of the clergy and people of the Episcopal Diocese of Syracuse, so successfully and spiritually symbolized in the "setting apart" of St. Paul's Cathedral.

I also commend the full text of Bishop Hines' address to my colleagues:

TEXT OF BISHOP HINES' ADDRESS

On one occasion, speaking to the role of the Church in an era of change, Abbé Godin said:

"The task is not to renew preaching methods, nor to restore liturgical forms, but to establish by a recasting of the message from within, the indispensable dialogue between the Church and the culture of this era."

We are gathered together this evening to set apart this Church edifice as the Cathedral of St. Paul's, in the City of Syracuse, in the Diocese of Central New York. In so doing we may, perhaps, also underscore the essence, if not the substance, of Abbé Godin's observation!

This Cathedral is a Christian edifice—to be sure.

It is committed to, and rises out of, the Judeo-Christian tradition which, for Christians, is incarnate in the life, death, and resurrection of Jesus Christ!

But—even though it is a focus of unity and meaning for this diocese—it is not simply a "local possession"—this Cathedral—of a few people—operating in a narrow ideological framework! It belongs to the community! It is placed—symbolically enough—right in the heart of a vital community—a city—and—the diocese, and it is surrounded by people who belong to this Church—who belong to this City—and who belong to the human race! And its purpose is not to stand apart from the pain and joy—the problems and privileges—of a vital community—but, rather, to share in those problems which mark the progress of a diocese towards the realization of its destiny.

Some of you may have been in the memorial chapel—cut into the wall of the great castle which broods over the city of Edinburgh. If so—you may recall this observation: (inscribed on the wall in tribute to the Scots who died in World War I).

"The whole world is the tomb of heroic men; and their story is graven not only on stone, over their clay—but abides everywhere—without visible symbol—woven into the very stuff of other men's lives."

A ministry can be "woven into the stuff of other men's lives" only inasmuch as it champions the freedom through which people can be liberated from the chains of their partisanship:

From the rigidities of their sectarianism,
From the bond of their prejudices,
From the fetters of their ignorance,
From the myopia of their parochialism.

In candor, it must be said that the Church has not always lived up to the "high expectations" of her Lord—and the catholicity of her concerns too often has been less than ideal—if not, on occasion, a scandal. Some dark pages of history have been written because of the Church's apostasy—because of her reluctance to obey the movement of the Spirit—because of her "self-serving"—and her arrogance!

Two or three years ago, when I had an opportunity to visit with Col. Frank Borman (a communicant and Lay Reader in this Church) after the historic Lunar Flight of Apollo VIII, I asked him what had impressed him most. He replied: "Two things: when we were on the dark side of the moon—for the final orbit—not knowing whether our propulsion engines would fire—and start us home—the sense of aloneness—and isolation was almost unbearable!"

And, (later) "When I had the privilege of describing to the College of Cardinals the flight—in the identical room in which their predecessors—four hundred years before—had condemned Galileo as a heretic for theories that made the flight possible!"

"Those," he said, "were moments I shall never forget!"

The ministry of this Cathedral—of any Cathedral—is to know that even a structure of beauty and powerful symbolism, such as this, cannot domesticate a God Who says:

"My ways are not your ways—nor my thoughts your thoughts."

But, rather, must offer itself as a place where the whole community can engage in dialogue upon the central issues which make the difference between light and darkness, freedom and bondage, life and death. In offering itself in this manner it does not abandon its own commitments in faith—but neither does it require that people coming within these portals should abandon their own convictions!

For Christians—honest pursuit of truth (and this must not be separated from doing the truth) includes the willingness to hear the claims of others who do not represent our point of view—for

"The spirit bloweth where it listeth—and no man knows from whence it comes—or whither it goes."

So mysterious—and compelling—are the ways of God in His ministry of Judgment, and love, and forgiveness—and renewal!

In a day of chaotic and rapid change—our responsibility is not to try to triumph over others, just because they disagree with us—but, to stand with them in openness and charity—trusting that God can lead us all—together—into a vital and creative fellowship, through which His will for mankind can better be done.

Ours is the terrifying honor of having been called by God as servants and fellow-heirs of the Lord Christ in the most unpredictable, exciting and frightening era in recorded history. How we discharge this grave responsibility is crucial—and may be decisive for our soul's destiny. It is precisely to such a situation that Abbé Godin spoke when, concerning the Church's role, he said:

"The task is not to renew preaching methods, nor to restore liturgical forms. But to establish by a recasting of the message from within, the indispensable dialogue between the Church and the culture of this era."

But, let us be certain of one thing: a recasting of the message means relevant, reinterpretation of God's self-revelation—and not the substitution of something different. No matter how critical the contemporary situation, the Church must not dilute her God-revealed tradition—nor should she abdicate her appointed role. The Church must offer the Good News of God's costly involvement in human history for what it is: Judgment and Life, by forgiveness and grace for such as believe—and not as a means of conserving any vested interests or privileges of any institution or race or class.

Dr. John Whale reminds us that—by his own admission—the Duke of Wellington used to go to Church "to set a good example for the common people,"—a transparent case of "doing the right thing, for the wrong reason!" For when we manage to corrupt the "essential disinterestedness" of Christian worship, in order to preserve the status quo, or, to freeze the social order, or to avoid a "costly involvement" in the tragedy and misery of human life, we have produced something less than the Christian faith—something demonic and self-destroying. Let the Church forget this, and the historic judgment recorded over Sapphira in the Book of the Acts, will be pronounced upon us by a new generation: "Behold—the feet of the young men, which have buried thy husband, are at the door—*and shall carry thee out!*"

This Cathedral is the place of the Bishop's Cathedra—it symbolizes both the unifying influence of the Bishop's office and the Bishop's role of pastoral and prophetic leadership. Actually, it is the Bishop's responsibility to help widen the horizons of his people, and to keep the Church "family" engaged "on the firing line" of the battle of the world's most desperate needs.

It will not take a Bishop long to discover that many of the congregations, committed to his charge, are "like children"—occasionally are even childish!

Like children, they will prove to have short memories, forgetting that they are not their own, but have been bought with a price.

Like children, they will be inclined to view their relatives as nuisances, unless they happen to be wealthy relatives from whom generous gifts can come.

Like children, they will be possessed of the aggravating tensions between their own immediate wants, and the universal needs of mankind, that stand in judgment over them—even if separated by half a globe from them.

Like children, their understanding is too frequently localized within the confines of their own little world, in which they play the "major role" according to their whims and fantasies.

Everybody knows that it often takes a shattering "conversion" of family experience to keep a child from being utterly destroyed by the poisons with which his natural ego feeds him. Whatever a father in a Christian famliy is responsible for, he is responsible, under God, for such a transformation of his own children.

To carry out the analogy—without trespassing upon their freedom—so must a Bishop discharge this responsibility with his "family in God." For—many times—they are "as sheep without a shepherd." And you, Ned Cole, have been chosen as the representative of "the Great Shepherd" Whose Spirit is a maturing power and Whose service is perfect freedom!

When a Bishop can learn to walk, and stand, amidst the members of his "family in God" in love and patience—in courage and hope—exercising discipline with tact and forbearance, always remembering whose servant he, the bishop is! And that he, himself, is a weak, sinful man, in need—sometimes desperate need—of God's forgiveness and grace, then the Church can be the Church! His Cathedral can be the legitimate symbol of the Church. And durable things will be done in the name of Christ and for His People!

Many of us of the older generation can recall with thanksgiving the ministry of Dr. Harry Emerson Fosdick. The Riverside Church in New York City is a monument to the power of it! Dr. Fosdick admits in his autobiography that he had many an anxious moment wondering whether or not the new Church would be a great tragedy! So, while still in the Park Avenue edifice, he preached a sermon on this topic and this is a part of what he said:

"You know it could be wicked for us to have that new Church—wicked! Whether it is going to be wicked or not, depends upon what we do with it! Very frequently in these days people come to me and say: "The new Church will be wonderful!' My friends, it is not yet settled whether or not the new Church will be wonderful! If we should gather a selfish company there, though the walls bulge every Sunday with the congregations, that would not be wonderful! If we formed there a religious club, greatly enjoying themselves, and though we trebled in numbers the first year, that would not be wonderful!

"But, if all over the world, at home and abroad, wherever the Kingdom of God is hard beset, the support of this Church should be felt, and like an incoming tide, many an estuary should feel its contribution flowing in, that would be wonderful! If young men and young women coming to that Church should have Isaiah's experience, seeing the Lord high and lifted up, and if they, too, should discover their divine vocation, answering, "Here am I, send me!"—that would be wonderful! If wherever soldiers of the common good are fighting for a more decent international life, and a juster industry, they should feel behind them the support of this Church which, though associated in the public thought with prosperity and power, has kept its conviction clear that a major part of Christianity is the application of Jesus to the social life, and that no industrial or international question is ever settled until it is settled Christianly, that would be wonderful!

If in this city, this glorious, wretched city, where so many live in houses that human beings ought not to live in, and children play where children ought not to have to play, if we could lift some burdens and lighten some dark spots, and help to solve some of our community's problems, that would be wonderful!

"If, in the new temple we simply sit together in 'heavenly places,' that will not be wonderful! But, if we also work together in 'un-heavenly places,' that will be!" And it was to such an ideal and such a realistic hope that the ministry in Riverside Church was dedicated and few are the people, today, who do not know its glory!

Beginning a new era—in the life of this Diocese—by setting apart St. Paul's Cathedral—as you are doing—I would be pleased indeed if powerful Christian "Social Concern" should motivate and highly charge every person touched by this Cathedral. But—I would be more profoundly grateful—and this whole city would be enriched—if we could be certain that men and women, entering this lovely impressive building, would see the Lord—high and lifted up—and, through a penetrating understanding of his mission of judgment and forgiveness and reconciliation upon this earth be driven downward to their knees in penitence, and then, outward into the world in vocation and mission.

Then, it would be that—instead of a Cathedral being dedicated a people would be re-dedicated. And, there would be joy—in heaven.

To this so great a hope, and so powerful an expectation, may this cathedral be offered Today and forever.

FRANCIS E. HORRIGAN, PASTOR OF ST. JAMES CHURCH IN SYRACUSE, N.Y., CELEBRATING 50 YEARS OF DEDICATED SERVICE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, this weekend, one of the kindest and most respected gentlemen it has been my pleasure to know, will be honored on the golden anniversary of his ordination to the priesthood. Mr. Francis E. Horrigan, pastor of St. James Church in Syracuse, N.Y., is celebrating 50 years of dedicated service to God and church. For nearly three decades, Monsignor Horrigan has guided the destiny of St. James Parish. He has presided over a growth pattern that has included the construction of a new church, a new rectory, and a new grammar school. But more importantly, Monsignor Horrigan has made St. James a vital force in the community affairs of Syracuse.

A few years ago, when the new wave of ecumenism was sweeping the world, Monsignor Horrigan was in the forefront of the effort to heal old wounds, and to bind up new allegiances. His warm, soft spoken manner, his gentle understanding, and his genuine love of people earned him the undying respect of everyone who knew him.

Monsignor Horrigan has been a familiar figure in the valley since his appointment as pastor of St. James back on November 14, 1944. I say in the valley rather than just in St. James, because, in fact, Mosignor Horrigan's flock includes thousands who are not even members of his church. Over the years he has provided counsel and advice to everyone who sought him out, regardless of their religious preferences.

As Monsignor Horrigan enters his 51st year in the priesthood, Mr. Speaker, I know that you and I and the other Members of the House of Representatives will want to join his parishioners, his legion of friends, and his beloved sister, Jule, in wishing him many more years of good health, good fortune, and the choicest of God's blessings.

SMITHSONIAN'S "DRUGS: A SPECIAL EXHIBITION"

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, the Smithsonian Institution is presenting an exhibition on a subject of the gravest public concern, the use and misuse of drugs. I think it is important that the Smithsonian, whose museums are visited by more than 13 million people each year, has brought its resources of knowledge in museum technique to bear on an important, but controversial subject. The exhibit places the use and misuse of drugs in a historical context. Its message to the visitor is that drugs are not a new problem, that they have brought benefits as well as harm to almost every human culture, and that drug misuse exists not only in our inner-city ghettos, but pervades every sector of our society. I believe that this exhibition sets in a helpful perspective the issues surrounding drugs, and I was pleased to note an editorial praising the exhibit in the Evening Star of May 31. I include this editorial at this point for the information of my colleagues:

Drug Show

The Smithsonian Institution, in its Arts and Industries Building, has recently opened "Drugs: A Special Exhibition."

The subtitle is entirely merited. The drug show is a very special exhibition indeed. The subject is another instance of a museum addressing itself to a problem of contemporary concern and bringing to the problem an unusual and very formidable array of resources to inform and to stimulate thought.

Beyond the subject, the exhibition's attitude is a relief from the panic or horror that often permeates discussions of drugs. Instead, history and present day facts are presented in very imaginative ways. The field of drugs is shown as including coffee, alcohol, tobacco and patent medicines along with the opium derivatives.

Different voices from "talking heads" present varied attitudes toward the subject: an American Indian, a Southeast Asiatic, a young white American marijuana user, a worried American mother and a black former addict.

The exhibition offers the visitor an enormous amount of information on drugs and places them in a worldwide historical context rarely even thought of by many who discuss the subject most heatedly.

Part of the show is a "Rap Theater," in which visitors may engage in discussion with representatives of local organizations concerned with the problem.

The spectacular design of the exhibition is the work of the Research and Design Institute, a non-profit group in Providence, R.I. The design includes air-supported inflatable galleries in which, following the Washington showing through this year, the exhibition can be shown on such sites as super-market parking lots in a three-year national tour.

THE HONORABLE JOHN A. CARVER

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, the Honorable John A. Carver, presently a member of the Federal Power Commission and formerly Assistant as well as Under

Secretary of the Department of the Interior, will soon become a member of the staff of the University of Denver Law School.

Recently, I was privileged to be at a meeting of the alumni of the University of Denver Law School for which occasion Mr. Carver had prepared some very interesting remarks concerning his future career in the field of teaching and his present approach on philosophy to such responsibilities. I found his statement so interesting that I am sure that it will be of interest also to my colleagues:

> The invitation for a newly appointed law professor to meet with the alumni of his new employer has to be recognized for what it is, a command performance. Your President, Dale Shaffer, said don't worry about preparation, just a few words off-the-cuff will suffice. He was right about the few words, but the off-the-cuff part was a figure of speech. One does not ramble before Wayne Aspinall, and preparation is the only known preventive measure for rambling.
>
> I am struck by the repetitive career theme among Denver law alumni here today. At least three former Speakers of the Colorado House of Representatives; an equal number of former Assistant Interior Secretaries, not to mention multiples of former, present and future Denver University faculty members, members and staff of the Congress of the United States, independent regulatory agency members, and military officers.
>
> I used to take pleasure in introducing Oscar Chapman as a former *Assistant* Secretary of the Interior, notwithstanding his service also as Under Secretary and Secretary. All of us ought to have the option of being identified either on our epitaphs or in our introductions with that part of our careers in which we experienced the most satisfaction—by calling attention to Oscar's thirteen years as Assistant Secretary, I simply express my own great joy in that job, now held by another Denver alumnus, H. Loesch.
>
> I am already in the debt of Chris Munch. On my first visit to his office, I was fumbling an attempt to articulate the thoughts I had about how I might distil out of my experience in government—state and federal—and in the practice of law something that would be useful and beneficial as a course offering. He saw instantly what it was, and named the courses—the Law of the Private Use of Public Resources.
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> As some of you know, I have long been preoccupied with the relationship between the government as land proprietor and as sovereign with the entrepreneurial section where much or most of the land and its resources is in federal ownership.
>
> That preoccupation has led me to the conclusion, among others, that the Western lawyer has the responsibility of understanding this process somewhat better, not simply to represent his clients better but to help halt the erosion of public confidence in government itself.
>
> The proliferation of course offerings in "environmental law" at all of the law schools in the country, attracts students with the premise, explicit or implicit, that they are choosing a side, to right an imbalance between conservationist and aesthetic values on the one hand and pressures exerted by corporate interests seeking resource development on the other.
>
> This is no bad thing by itself. Universities (and other institutions including perhaps the Congress) are chargeable with the quality of conceptions of those who exit, not those who enter.
>
> It is to the quality of conception that I would like to address my efforts. Criticism of the reclamation program, of the Taylor Grazing Act, of the mining and leasing laws, indeed of our economic and political system generally, does not threaten the republic. But those who hold themselves out as learned men, as professional men, owe the public as well as themselves the duty not to be ignorant in their criticism.
>
> Understanding of law demands an understanding of history, and of other disciplines as well. In the field of natural resources law, it is vital to know why the mining laws took their present shape; the policy choice which the country made for opening up the public lands; the abuses which were corrected by the Taylor Act.
>
> I have perhaps the misguided idea that judging last year's lawmakers or administrators by this year's standards promotes mistrust in government. There is a kind of revisionism rampant today which gives special weight to criticisms of resource decisions leveled by those who originally made the criticized decisions. I would like to promote a discipline of student approach which would present past decisions in the light of contemporaneous values and knowledge, not those of some later date. The passage of time can prove us all wrong, but the passage of time alone should not cause our reputations to be besmirched.
>
> This country opted for a Jeffersonian over a Hamiltonian philosophy for opening the Western lands—the part of today's morality which I criticize would make Jefferson a giveaway artist, responsible for many of our current ills.
>
> Well, such is the flavor of my philosophy as I undertake to begin teaching at the University of Denver, College of Law. I am hopeful that the breadth of my experience in government will be magnet enough to bring students to hear me. At the end of the course, they may remain of the opinion, or be newly come to it, that in resource matters they should put their faith in the courts, or in fashioning administrative structures out of rediscovered old laws. I can respect such views. I do not even expect respect for my old-fashioned ideas about values other than the quality of the environment being at stake if we commit resource decisionmaking to an elite or to politically non-responsible institutions, in perference to elected representatives.
>
> I expect, nevertheless, a net professional enhancement. I anticipate that I can gather together the readings in history, the statutes, the simulated case studies, and the insights of others to add to my own to give a unity to the subject of the law of private use of public resources. I am going to need a lot of help, and much of it must come from people in this room.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Martin (at the request of Mr. Gerald R. Ford), for June 8, on account of official business.

Mr. Denholm (at the request of Mr. McFall), for Wednesday. June 7, and Thursday, June 8, 1972, on account of official business.

Mr. Carney (at the request of Mr. McFall), for Wednesday, June 7, and Thursday, June 8, 1972, on account of official business.

Mr. Schneebeli (at the request of Mr. Gerald R. Ford), for today, on account of a death in the family.

Mrs. Griffiths (at the request of Mr. Boggs), for Wednesday, June 7, and Thursday, June 8, 1972, on account of official business.

Mr. Chappell (at the request of Mr. Boggs), for the week of June 5, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. Green of Oregon, for 60 minutes, today; to revise and extend her remarks and include extraneous matter

Mr. William D. Ford, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. McCollister) and to revise and extend their remarks and include extraneous matter:

Mr. Frey, for 5 minutes, today.

Mr. Horton, for 60 minutes, on June 14.

Mr. Devine, for 60 minutes, today.

Mr. Kemp, for 15 minutes, today.

Mr. Wyman, for 10 minutes, today.

(The following Members (at the request of Mr. Mazzoli) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Aspin, for 5 minutes, today.

Mr. Cotter, for 5 minutes, today.

Mr. Harrington, for 5 minutes, today.

Mr. Podell, for 10 minutes, today.

Mr. Henderson, for 5 minutes, today.

Mr. Brademas, for 5 minutes, today.

Mr. Burke of Massachusetts, for 10 minutes, today.

Mr. Ullman, for 10 minutes, today.

Mr. Flood, for 20 minutes, today.

Mr. Rooney of Pennsylvania, for 30 minutes, on June 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Saylor, notwithstanding an estimated cost of $455, to extend his remarks in the Record today.

Mr. Mahon, his remarks made today.

Mr. Price of Illinois, to include extraneous matter in his remarks in Committee of the Whole today.

Mr. Reid following Mr. Dow in connection with his amendment to H.R. 14990.

Mr. William D. Ford, notwithstanding the fact it exceeds the limit and is estimated by the Public Printer to cost $560.

Mrs. Green of Oregon, to include extraneous matter in connection with her special order notwithstanding the fact it exceeds the limit and is estimated by the Public Printer to cost $1,540.

(The following Members (at the request of Mr. McCollister), and to include extraneous matter:)

Mr. Steele in 10 instances.

Mr. Duncan.

Mr. Schwengel in two instances.

Mr. Broomfield.

Mr. Hosmer in two instances.

Mr. Wyman in two instances.

Mr. Erlenborn.

Mr. Harvey.

Mr. Derwinski in two instances.

Mr. Veysey in two instances.

Mr. Arends.

Mr. Mizell in five instances.

Mr. Sebelius.

Mr. Ashbrook in three instances.

Mr. Robison of New York.

Mr. Brotzman in two instances.

Mr. Dellenback.

Mr. du Pont.

Mr. Brown of Ohio.

Mr. Hillis.

Mr. Conte.

Mr. Steiger of Wisconsin.

Mr. Thone.

Mr. Kemp.

Mr. Spence.

Mr. Smith of New York.

(The following Members (at the request of Mr. Mazzoli) and to revise and extend their remarks and include extraneous matter:)

Mr. James V. Stanton.

Mr. Dingell.

Mr. Carney.

Mr. Begich in four instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Hagan in two instances.

Mr. Rogers in five instances.

Mr. Wolff in two instances.

Mr. Mahon.

Mr. Bingham in five instances.

Mr. Badillo.

Mr. Anderson of California in two instances.

Mr. Kastenmeier in five instances.

Mr. Hébert.

Mr. Patten.

Mr. Fraser.

Mr. Downing.

Mr. Vanik in two instances.

Mr. Hungate in two instances.

Mr. Roybal.

Mr. Hamilton.

Mr. Nix.

Mr. Corman in five instances.

Mr. Evins of Tennessee.

Mr. Stokes in two instances.

Mr. McCormack.

Mr. Perkins in two instances.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Thursday, June 8, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2067. A letter from the Secretary of Defense, transmitting notice that he has authorized deficiencies for the necessities of the current year in various appropriations to the Department of Defense, pursuant to 41 U.S.C. 11; to the Committee on Appropriations.

2068. A letter from the Secretary of Commerce, transmitting the 99th Quarterly Report on export control, covering the first quarter of 1972, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

2069. A letter from the Chairman, Federal Maritime Commission, transmitting a draft of proposed legislation to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

2070. A letter from the Acting Administrator of General Services, transmitting prospectuses for the construction of Federal office buildings in various locations, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

Received From the Comptroller General

2071. A letter from the Comptroller General of the United States, transmitting a list of reports of the General Accounting Office issued or released in May 1972, pursuant to the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANLEY: Committee on Post Office and Civil Service. H.R. 12602. A bill to amend title 5, United States Code, to improve the administration of the leave system for Federal employees; with amendment (Rept. No. 92–115). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 839. Resolution to provide further funds for the expenses of the investigations and study authorized by House Resolution 21; with amendment (Rept. No. 92–1116). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 15359. A bill to establish the Seward National Recreation Area in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 15360. A bill to insure orderly congressional review of tax preferences and other items which narrow the income tax base; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 15361. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 15362. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM:

H.R. 15363. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of police officers, firemen, and correction officers killed in the line of duty, and to police officers, firemen, and correction officers who are disabled in the line of duty; to the Committee on the Judiciary.

By Mr. CARNEY:

H.R. 15364. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, and for other purposes; to the Committee on Education and Labor.

By Mr. CONTE:

H.R. 15365. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 15366. A bill to amend title II of the Social Security Act to provide a 20-percent across-the-board increase in benefits thereunder, to increase the amount of earnings counted for benefit and tax purposes, and to make appropriate adjustments in social security tax rates; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 15367. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. FUQUA:

H.R. 15368. A bill to amend the Internal Revenue Code of 1954 to provide that married individuals who file separate returns shall be taxed at the same income tax rates as unmarried individuals and to provide a special rule in the case of earned income which is community income; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon (for herself, Mr. Alexander, Mr. Carey of New York, Mr. Dent, Mr. Downing, Mr. Gaydos, Mr. Giaimo, Mr. Gibbons, Mr. Leggett, Mr. Mazzoli, Mr. Mollohan, and Mr. Pike):

H.R. 15369. A bill to provide congressional due process in questions of war powers as required by the Constitution of the United States; to the Committee on Armed Services.

By Mr. HARRINGTON:

H.R. 15370. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, to the Committee on Education and Labor.

H,R, 15371. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 15372. A bill to amend the General Bridge Act of 1946, to prohibit the construction of a highway bridge across Long Island Sound from any point on the north shore of Long Island between Oyster Bay Harbor and Hempstead Harbor to any point in Westchester County, N.Y., in the vicinity of the city of Rye or the village of Port Chester; to the Committee on Public Works.

By Mr. MONTGOMERY:

H.R. 15373. A bill to provide service credit for certain periods during which members of Reserve components are entitled to basic pay and allowances; to the Committee on Armed Services.

H.R. 15374. A bill to provide that certain group health benefits plans shall be considered approved plans for the purposes of chapter 89 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 15375. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey:

H.R. 15376. A bill to amend the Service Contract Act of 1965 to revise the methods of computing wage rates under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. WHITEHURST:

H.R. 15377. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 15378. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for individuals who rent their principal residences; to the Committee on Ways and Means.

By Mr. BEGICH:

H.R. 15379. A bill to prohibit the use of certain small vessels in U.S. fisheries; to the Committee on Merchant Marine and Fisheries.

H.R. 15380. A bill to amend the National Science Foundation Act of 1950 so as to provide for a program relating to earthquakes; to the Committee on Science and Astronautics.

By Mr. DU PONT:

H.R. 15381. A bill authorizing demonstration programs for beach erosion control at certain locations along the shores of Delaware Bay in the State of Delaware; to the Committee on Public Works.

By Mr. ESCH:

H.R. 15382. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. ESCH (for himself, Mr. FRENZEL, Mr. MCKINNEY, and Mr. MOSHER):

H.R. 15383. A bill to provide for an end to the U.S. involvement in hostilities in and over Indochina, to secure the withdrawal of all U.S. forces therefrom, and to express the sense of the Congress for a cease-fire and an arms embargo therein; to the Committee on Foreign Affairs.

By Mrs. GRASSO:

H.R. 15384. A bill to provide for the establishment of a Commission on Revision of Federal Taxation; to the Committee on Ways and Means.

By Mr. LINK:

H.R. 15385. A bill to amend the Rural Electrification Act to provide that telephone excise taxes imposed on rural telephone service shall be used for purposes of the rural telephone loan program; to the Committee on Agriculture.

By Mr. SHIPLEY:

H.R. 15386. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Wabash Valley Basin environmental conservation program; to the Committee on Agriculture.

By Mr. TIERNAN:

H.R. 15387. A bill to provide certain amounts of broadcast time for candidates for President and Vice President of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. WYMAN:

H.R. 15388. A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during or after model year 1975; to the Committee on Interstate and Foreign Commerce.

By Mr. BADILLO:

H.J. Res. 1217. Joint resolution to authorize the assignment of Neighborhood Youth Corps members to employment in the private sector; to the Committee on Appropriations.

By Mr. BINGHAM:

H.J. Res. 1218. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.J. Res. 1219. Joint resolution to mandate consideration of comprehensive legislation reforming and recodifying the Federal income, estate, and gift tax laws; to the Committee on Rules.

By Mr. MACDONALD of Massachusetts:

H.J. Res. 1220. Joint resolution proposing an amendment to the Constitution of the United States to provide that a citizen shall not be ineligible to the Office of the President by reason of not being native born if he has been a U.S. citizen for at least 12 years and a resident within the United States for 14 years; to the Committee on the Judiciary.

By Mr. PODELL:

H.J. Res. 1221. Joint resolution to protect the bill of rights for middle-class housing residents; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WHALLEY introduced a House concurrent resolution (H. Con. Res. 628) expressing the Nation's gratitude and appreciation to Dr. Wernher von Braun on the occasion of his retirement from the National Aeronautics and Space Administration, which was referred to the Committee on Science and Astronautics.

PETITIONS, ETC.

Under clause 1 of rule XXII,

247. The SPEAKER presented a petition of Richard Richeson, et al., Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Wednesday, June 7, 1972*

The Senate met in executive session at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, in whose will is the destiny of men and nations, draw the people of this land together in a new comradeship of purpose to fulfill the vision of our fathers. Enable us to provide not only work and homes and food but a life where true religion and education flourish, where art and music come to full expression. Expel all that corrupts or defiles the divine image in men, that the more perfect order may come in a land of freedom and faith. May the President, the Congress, all holders of public trust, and all the people be joined in common dedication to serve the higher way of righteousness and justice, that Thy kingdom may come and Thy will be done on earth.

And to Thee shall be all glory and praise. Amen.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senate adjourned in executive session last night, hence it is convening in executive session today. Under the unanimous-consent agreement, the following business will be transacted, as in legislative session.

Before the Chair's distinguished colleague from Montana is recognized, the Senate will receive a message from the President.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 6, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 799.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUITABILITY OF INDIAN PEAKS AREA FOR INCLUSION IN WILDERNESS PRESERVATION SYSTEM

The Senate proceeded to consider the bill (S. 1198) to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, at the beginning of line 3, strike out "That (a) the Secretary of Agriculture in administering the provisions of subsection (b) of section 3 of the Wilderness Act" and insert "That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892), relating to public notice, public hearings, and review by State and other agencies"; on page 2, after line 16, insert:

(b) During the review period provided by this Act and for a period of three years after his recommendations are submitted, the Secretary shall manage and protect the resources of the Indian Peaks study area in such a manner as to assure that the suitability of all or any part of the area now suitable for potential wilderness designation is not impaired.

And, at the beginning of line 24, strike out "(b)" and insert "(c)"; so as to make the bill read:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892), relating to public notice, public hearings, and review by State and other agencies, shall review, as to its suitability or nonsuitability for preservation as wilderness, the area (or any portion thereof) located partially in Arapaho National Forest and partially in Roosevelt National Forest, containing approximately seventy-five thousand acres, lying generally south of the southern boundary of Rocky Mountain National Park, Colorado, and commonly referred to as the Indian Peaks Area, and shall report his findings to the President on or before the expiration of the two-year period following the date of the enactment of this Act. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation of such area or portion thereof as "wilderness", together with maps and a definition of boundaries. Any recommendation of the President to the effect that such area or portion thereof should be designated as "wilderness" shall become effective only if so provided by an Act of Congress.

(b) During the review period provided by this Act and for a period of three years after his recommendations are submitted, the Secretary shall manage and protect the resources of the Indian Peaks study area in such a manner as to assure that the suitability of all or any part of the area now suitable for potential wilderness designation is not impaired.

(c) The review required by this Act, including any reports and recommendations with respect thereto, shall, except to the extent otherwise provided in this Act, be conducted in accordance with the applicable provisions of the Wilderness Act.

SEC. 2. There is hereby authorized to be appropriated such amount as may be necessary to carry out the provisions of this Act.

Mr. ALLOTT. Mr. President, I support S. 1198, a bill to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado.

I introduced S. 1198 with the cosponsorship of my colleague from Colorado (Mr. DOMINICK) on March 11, 1971. An identical measure (H.R. 5932) was introduced in the House of Representatives on that same day by Mr. BROTZMAN with the cosponsorship of Mr. McKEVITT.

As amended, the bill would authorize and direct the Secretary of Agriculture to conduct a study of the Indian Peaks Area in Colorado under the same procedure as is outlined in the Wilderness Act for existing primitive areas, and to report his recommendations within 2 years after the enactment of the act. The need for such legislation is due to the fact that under the Wilderness Act, the Secretary of Agriculture is authorized to review only areas classified as primitive on the date of its enactment.

It is expected that the study will not only reveal the necessary information for the Secretary to recommend appropriate boundaries for the area, but also to determine the number and location of access points. Because the Indian Peaks Area is quite close to Metropolitan Denver, having a population in excess of 1 million, it may be appropriate to devise a special management plan to protect the wilderness values from general overuse, heavy localized user traffic, and sanitation problems, since the area is a part of the watershed supplying municipal water to communities along the Front Range.

The area is truly beautiful and derives its name from many mountain peaks named for various Indian tribes. It is worthy of serious consideration as a part of the wilderness system. Support for this legislation in Colorado has been enormous. I have received hundreds of expressions of support, both written and oral. In addition, the Colorado Legislature has memorialized Congress urging the enactment of this bill.

The Committee on Interior and Insular Affairs, after adopting some minor clarifying amendments, unanimously ordered the bill (S. 1198) reported, and I urge the Senate to pass the measure, as amended, today.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–833), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The legislation would authorize and direct the Secretary of Agriculture to conduct and complete a study of the "Indian Peaks" area to determine its suitability or nonsuitability for preservation as wilderness. The Indian Peaks area is 30 to 40 miles west of the Denver metropolitan area, and straddles the Continental Divide. It is located partially in Arapaho National Forest and, partially in Roosevelt National Forest in the State of Colorado. The area contains approximately 75,000 acres, and borders Rocky Mountain National Park on the South.

DESCRIPTION OF THE AREA

The Rocky Mountain National Park in Colorado is known for its rich natural scenic values. Its Trail Ridge Road near Estes Park has afforded millions, over the years, with their first breathtaking exposure to the inspiring majesty of the Continental Divide and the Rocky Mountains.

Within the panorama which unfolds before the visitor to the Rocky Mountain National Park, lies an area to the South of the Park, transversing the Continental Divide, which has come to be known as the Indian Peaks area:

The Denver Post on December 22, 1970 said of this area:

"Once proposed as part of Rocky Mountain Park and managed as a virtual wilderness area by the Forest Service, Indian Peaks is in sharp contrast to the sprawling high tundra prominent in the park. Access is by horseback or on foot. The Forest Service prohibits vehicles.

"Its ragged peaks, sheer walls rising above forests that have not been logged—bear proud names: Arapaho, Navajo, Apache, Paiute, Kiowa, Arikaree, Ogallalla, Pawnee, Shoshoni. Many of these are over 13,000 feet high."

A general description of the area as prepared by the Wilderness Workshop of the Colorado Open Space Council follows:

Maps: USGS Topographic 7.5 minute series: Allens Park, 1957; Ward, 1957; East Portal, 1958; Monarch Lake, 1958; Isolation Peak, 1958; Shadow Mountain, 1958. Commencing at the SE corner of Rocky Mountain National Park; thence generally S through peak 10,810 to a point ¼ mile N of the jeep road in the valley of the Middle St. Vrain Creek; then W parallel to and ¼ mile N of said road to a point N of the end of said road; then S across Middle St. Vrain Creek to a point ¼ mile S of the same jeep road; then generally SE parallel to and ¼ mile from said road to a point on the trail leading from the road to Coney Creek; thence generally S parallel to and including the Buchanan Pass Trail to the intersection of said trail and the Blue Lake Trail; thence SW to a point ⅛ mile downstream from the NE end of Long Lake; thence S to the crest of Niwot Ridge; thence W along the ridge to the boundary of the Boulder City Watershed; thence following the N,W, and S boundaries of said watershed to a point on the line between sections 28 and 29. T1N, R73W; thence SE to peak 10,616; thence S to peak 10,485; thence W through peak 12,081 and point 11,958 to point 11,156; thence S to a point ¼ mile S of the North Fork of Middle Boulder Creek; then SE parallel to and ¼ mile from said creek to a point due N of Chittenden Mt.; thence S through Chittenden Mt. to a point ¼ mile S of the South Fork of Middle Boulder Creek; thence W parallel to and ¼ mile from said creek and continuing in this general direction to the Continental Divide at a point ¼ mile N of Rollins Pass; thence W to the boundary of the private property in section 30, T1S, R74W; thence N along said boundary to the NE corner of the property in section 18, T1S, R74W; thence NW to peak 11,145; thence NNW down the ridge to Cabin Creek; thence NE up the ridge to peak 11,725; thence generally N through peaks 11,801 and 11,831 to peak 11,722 on the ridge which divides Meadow Creek and Arapaho Creek; thence NW along the ridge through peaks 11,281 and 10,925 to peak 9,810; thence N along Mill Creek to Arapaho Creek and continuing to its intersection with Buchanan Creek; thence due N to the 9,400 foot contour; thence generally NW to the intersection of Roaring Fork and the 9,200 foot contour; thence due W to the Shadow Mountain National Recreation Area boundary; thence W and N following said boundary to its intersection with the S boundary of Rocky Mountain National Park; thence E along the above boundary to the point of beginning.

DISCUSSION

The legislation, as amended, would require the Secretary to review the area and report his finding as to the area's suitability for preservation as wilderness to the President within 2 years after the enactment of the act.

The study is to be accomplished in accordance with the procedures established in the Wilderness Act (Public Law 88–577, 78 Stat. 890) and therefore, the area should receive the protection presently afforded to "primitive" areas during the study period. The committee adopted an amendment to ensure that such protection is granted to the area.

It is anticipated that the study will not only reveal information necessary to determine the area's suitability as a wilderness area, and to properly designate its boundaries, but, also, to determine the number and location of the access points. Because the Indian Peaks area is quite close to the metropolitan Denver-Boulder area, having a population in excess of one million, it may be that a special management plan will be found to be appropriate. Consideration should be given to such problems as general overuse, heavy localized user traffic, sanitation and other dangers inherent in the fact that part of the area is the watershed for municipal water supplies.

In carrying out the study to be authorized by this legislation, the Secretary is expected to include in his recommendation only areas which meet the definition of wilderness as defined in subsection 2(c) of the Wilderness Act and hereinafter quoted:

DEFINITION OF WILDERNESS

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least 5,000 acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

Furthermore, the Secretary is expected to fully consider and apply the provisions of subsection 4(c) of the Wilderness Act quoted below:

PROHIBITION OF CERTAIN USES

"(c) Except as specifically provided for in this act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area."

NEED FOR LEGISLATION

The need for such legislation stems from the fact that under the Wilderness Act, the Secretary of Agriculture is authorized to review only areas classified as "primitive" as of the date of enactment. When Congress enacted the Wilderness Act, it adopted a new policy with respect to areas designated as "wilderness," "primitive," "wild," and "canoe," as well as certain roadless areas under the jurisdiction of the Secretary of the Interior. All such areas were ultimately to be incorporated into one system—the Wilderness Preservation System. Additions to the System were to be incorporated only after the provisions of the Wilderness Act were fulfilled, which includes an act of Congress for final designation as "wilderness." Of course, Congress, under its plenary powers relating to the territory or other property belonging to the United States, could act directly to create "wilderness areas" on Federal lands, but by following the procedure provided by this legislation and the basic Wilderness Act, Congress will have the benefit of a full wilderness study before acting.

Further, by following the full wilderness review procedure as prescribed by this legislation, the objections, to the effect that a study had not been conducted, previously voiced by the Forest Service in connection with other wilderness legislation (such as S. 493, to add the Minam River Canyon area to the Eagle Cap Wilderness) are fully met.

HEARINGS

The bill (S. 1198) was introduced by Senators Allott and Dominick on March 11, 1971, and hearings were held by the Senate Subcommittee on Public Lands on May 5, 1972. Several witnesses were heard and about 200 communications were received. All were favorable.

RESOLUTIONS

The Forty-eighth General Assembly of the State of Colorado adopted House Joint Memorial No. 1002, memorializing Congress to "* * * enact the necessary legislation directing the Secretary of Agriculture to study the Indian Peaks Area of Colorado for its wilderness values and make recommendations to Congress concerning its inclusion in the National Wilderness Preservation System * * *"

Resolutions of support were also received from the City Council of the city of Longmont, Colo., the Board of County Commissioners of Boulder County, Colo., and the City Council of the City of Boulder, Colo.

COMMITTEE AMENDMENTS

The committee adopted three amendments which are discussed below.

The Department of Agriculture recommended a clarifying amendment with respect to complying with the review and hearing procedure set forth in subsection 3(d) of the Wilderness Act. Since it is the intent of the bill that the full review procedure as set forth in the Wilderness Act be followed, the committee adopted the amendment for purposes of clarification. The amendment is as follows:

On page 1, lines 3 and 4 and the word "act" on line 5 were stricken and the following was inserted in lieu thereof:

"That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892) relating to public notice, public hearings, and review by State and other agencies."

The Department of the Interior, in its report, recommended an extension of time for the completion of the mineral survey, and the Department of Agriculture recommended deletion of the language requiring completion of the study within 18 months after enactment, which would have rendered the prescribed study period as an indefinite period. The committee felt that it was in the best interests of the area, the wilderness program, all interested parties, and the Nation, generally, to prescribe a reasonable study period and agreed to an amendment to set the reporting date at 2 years after enactment. The amendment is as follows:

On page 2, line 4, strike out the words "eighteen-months" and insert in lieu thereof the words "two years".

It was the intent of the author of S. 1198 (Senator Allott) that the Indian Peaks area would be managed as "wilderness" during the study period, and of course, that such protection would continue for areas recommended for inclusion in the wilderness preservation system until its permanent status was determined by an act of Congress. However, by adopting the amendment recommended by the Department of Agriculture discussed earlier, some doubt was raised. The committee adopted a clarifying amendment which would insure wilderness management during the study, and provide for a continuation of such management for such lands as are recommended for inclusions in the wilderness system, for a period of 3 years after the submittal of the Secretary's recommendations.

The amendment will also assure the final disposition of the wilderness status of all of the lands within the area by the end of 5 years after enactment. Federal lands determined to be not suitable for wilderness classification will be returned to general multiple-use management by the Forest Service. The amendment follows:

On page 2, between lines 12 and 13 insert the following new subsection and redesignate subsections "(b)" as "(c)".

(b) During the review period provided by this Act and for a period of 3 years after his recommendations are submitted, the Secretary shall manage and protect the resources of the Indian Peaks study area in such a manner as to assure that the suitability of all or any part of the area now suitable for potential wilderness designation is not impaired.

COSTS

No cost estimates were supplied by either the Department of Agriculture or the Department of Interior; however, the costs of the study are expected to be nominal and the agencies will probably be able to absorb such costs in the general operating budget.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs recommends that S. 1198, as amended, be enacted. The adoption of all amendments and of the motion to report S. 1198 to the Senate with a recommendation of enactment was by the unanimous agreement of the members of the committee present.

ECOCIDE IN VIETNAM

Mr. MANSFIELD. Mr. President, published in the Los Angeles Times today is a commentary by Mr. Robert F. Goheen, president of Princeton University, entitled "Vietnam's Sad Lesson for the U.S." In Newsweek magazine for June 12, 1972, there is a small insert entitled "A Small War's Toll."

I read it in part as follows:

"It would be fabulous if the war in Vietnam cooled down," said one U.S. delegate to the Stockholm conference last week. "It would help us a lot if we didn't have to defend charges of ecocide." But the war was very much on, the charges were being shouted in the streets of Stockholm, and if what was happening in Vietnam wasn't ecocide, it would serve until the real thing came along.

The most publicized damage of the war was done by the herbicide spraying that started in 1961 in an effort to deprive the Viet Cong of food and cover. By the time the program was halted a year ago, it had utterly destroyed one-fifth to one-half of South Vietnam's mangrove forests, killed perhaps half the trees in the hardwood forests north and west of Saigon and stripped a total of 5.5 million acres.

After the spraying stopped, the stripping operation continued with huge "Rome Plow" bulldozers denuding 800,000 more acres at 1,000 acres a day. Bombs and shells also took their toll; between 1965 and 1971, bombing had created about 26 million craters with an average depth of 25 feet and diameter of 40 feet.

Mr. President, I ask unanimous consent that these two articles be printed in the Record in full.

There being no objection, the articles were ordered to be printed in the Record, as follows:

VIETNAM'S SAD LESSON FOR THE UNITED STATES

(By Robert F. Goheen)

Against the apparent endlessness of this country's involvement in Indochina under current policies, where massive air and naval commitments replace withdrawn ground forces, there may be a gleam of hope in the proposed joint resolution before the House Foreign Affairs Committee providing for an end to the engagement of all U.S. forces there.

I bring no specialized skill to the consideration of the question. Expert neither in constitutional law nor national defense strategy, I was once a student of history and find myself today especially struck by the grim parallels to be found in the undoing of brilliant, powerful Athens some 2,400 years ago, as told by Thucydides. From the vantage point of a university, my lot more recently has been to be a concerned observer of the tensions straining our American society—not least among them the issues of war and peace and national honor hinged on our heavy continuing military involvement in Indochina.

Even if not an infallible source of light, a university is, I suggest, a good place from which to view these matters. On the one hand, you are among people intent on trying to take the long view, on assessing the course of history and the options before us, in as clear-eyed, reasoned, and unprejudiced ways as are possible in this imperfect world. At the same time, you are in (sometimes uncomfortably) close touch with the sentient generations coming on, who with all their energy and idealism are the nation's best hope for a better, less torn, less ravaged future—all the frequent impatience, intemperance and self-conceit of the young notwithstanding.

Many of them have come to see more quickly and clearly than the general run of us what our forceful intervention in the affairs of the Vietnamese means not only for the people of that war-torn land but about us.

Among today's students, the few wild-eyed protesters who have again set themselves to obstruction and loud posturing represent neither the extent nor full nature of the moral concern which now runs wide and deep among college-age young Americans all across the country. The relative peacefulness of the majority this spring should not be construed an acquiescence in national policy. It bespeaks more often deep frustration about the constituted authorities, whom they seem to feel to be both unresponsive to their humanitarian concerns and apparently powerless to disentangle the country from its protracted devastating involvement in Indochina. There is much latent dynamite there. There is also immense desire and potential for human good.

Like the people of most nations holding great power, we Americans have been used to thinking self-righteously about our involvement in wars, even though the record is a mixed one. It is hard for us who love our country to face up to a candid recognition that it is engaged in action that is irreparably damaging and to no good effect. Therefore, most of us have been slow to accept the fact that our nation has unwittingly been caught up in a tragedy which has already cost more than 1 million lives—some 46,000 of them American; the rest, persons equally human and no less the children of God. We have been slow to see that almost all of us must in some degree or another share the blame. We have been slow to recognize ourselves as actors in a drama to which there can be no happy ending—a drama chillingly like the ancient Greek tragedies of human arrogance and catastrophe. Step by step, with no chief villain, with no architect of evil secretly in control, we and our elected leaders have made, supported or acquiesced in decisions that have multipled to now surely unconscionable heights the brutality and the suffering which war always brings.

Piling the arrogance of power on top of our ignorance of a strange and distant land, we have stumbled and forced our way under three national administrations into the lives and affairs of another people endowed with a culture very different from our own—acting as though their interests were our interests, and if not, that they should be! On this presumption we have helped to magnify manyfold their ability to do damage to one another, and involved ourselves in a heavy course of destruction. The fact that other large nations have also been meddling in Vietnamese affairs does not alter these facts.

Much has been made of our national honor and not enough, I think, of the dishonor we do ourselves when we bomb to save face. It is as though persistence in a grievous wrong could cover up the mistakes which led us into this tragedy. We now need not to save a face which has become arrogant to the world, but to let that face show the deep lines of hard lessons learned and of human compassion.

On our home shores, too, we are experiencing the infectious spread of violence, and we have begun to see an erosion of the nation's morale and confidence because of this dreadful war. Yet, there is hope that a movement toward contrition, a stirring of respect and compassion for other people, a candid recognition of former blindness and pride may halt that erosion. Under the grace of God, we Americans still have, I believe, the capacity for that sort of magnanimity. There is at least a chance that we can be honest and courageous enough to recognize that we have gone astray and need now to point ourselves back once more to the great humanitarian ideals of our Judeo-Christian heritage.

The Congress can begin to provide leadership in this by setting a date certain for the termination of all American military involvement there and cutting off funding beyond that date. For over a decade a series of Administrations has given us lesson after lesson in the futility of trying to end the kind of conflict we are involved in in Vietnam by enlarging and extending it. The recent magnification of the scale of the conflict by both the North Vietnamese and ourselves portends no new turn, only this same old lesson.

It is time to recognize that we cannot Vietnamize the Vietnamese to our purposes. They must be allowed to unravel and put back together their own affairs according to their own best interests, as best they can. If that means turmoil and more lives taken, the process cannot possibly be more devastating than the course of action to which the President apparently still has us committed in Vietnam.

But let me add the hope that if the Congress does move to force the end of the American military involvement in Indochina, it will simultaneously challenge us to aid in the task of reconciliation and renewal with no less intensity of spirit and no less expenditure of resources than the war has called forth from this nation these past dozen years and more.

A SMALL WAR'S TOLL

"It would be fabulous if the war in Vietnam cooled down," said one U.S. delegate to the Stockholm conference last week. "It would help us a lot if we didn't have to defend charges of ecocide." But the war was very much on, the charges were being shouted in the streets of Stockholm and if what was happening in Vietnam wasn't ecocide, it would serve until the real thing came along.

The most publicized damage of the war was done by the herbicide spraying that started in 1961 in an effort to deprive the Viet Cong of food and cover. By the time the program was halted a year ago, it had utterly destroyed one-fifth to one-half of South Vietnam's mangrove forests, killed perhaps half the trees in the hardwood forests north and west of Saigon and stripped a total of 5.5 million acres.

After the spraying stopped, the stripping operation continued with huge "Rome Plow" bulldozers denuding 800,000 more acres at 1,000 acres a day. Bombs and shell also took their toll; between 1965 and 1971, bombing had created about 26 million craters with an average depth of 25 feet and diameter of 40 feet.

"There is nothing in the history of warfare to compare with it," Wisconsin Sen. Gaylord Nelson recently told Congress. "Never before has a land been so massively altered and mutilated . . . The cold, hard and cruel irony of it all is that South Vietnam would have been better off losing to Hanoi than winning with us."

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, is there further morning business at this time?

The ACTING PRESIDENT pro tempore. No, there is not.

COMMUNICABLE DISEASE CONTROL AMENDMENTS ACT OF 1972

The ACTING PRESIDENT pro tempore (Mr. Metcalf). Under the previous order, and in accordance with the previous unanimous-consent agreement, the Chair now lays before the Senate S. 3442, which the clerk will report.

The assistant legislative clerk read as follows: S. 3442, to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

TITLE I—COMMUNICABLE DISEASE PREVENTION AND CONTROL

SEC. 101. (a) Section 317(a) of the Public Health Service Act is amended to read as follows: "There are authorized to be appropriated $90,000,000 for the fiscal year ending June 30, 1972; $90,000,000 for the fiscal year ending June 30, 1973, and each of the next four succeeding fiscal years to enable the Secretary to make grants to States, and in consultation with the State health authority, to agencies and political subdivisions of the States, under this subsection. In the awarding of such grants, the Secretary shall give consideration to the relative extent of the problems relating to one or more of the diseases referred to in subsection (b) (1) and to the design of the public health program to assure effective performance in preventing and controlling such diseases. Such grants may be used for meeting the cost of communicable disease control programs and their attendant laboratory services, including the cost of studies to determine the communicable disease control needs of the communities and the best means of meeting such needs.

(b) (1) Subsection (b) of such section is amended by striking out the word "subsection" and inserting in lieu thereof "section".

(2) Subsection (b) (1) of such section is amended by striking out the phrase "on the recommendation of the National Advisory Health Council".

(c) Subsection (f) of such section is amended by striking "assisted under this section".

(d) Such section, as amended by this Act, is further amended by adding at the end thereof the following new subsections:

"(h) (1) The Secretary is authorized to make grants to, and enter into contracts with, public and private nonprofit agencies, organizations, and institutions for the purpose of making the citizens of the United States aware of the consequences of the diseases described in subsection (b) (1) and the programs available which will avert such consequences.

"(2) For the purpose of carrying out this subsection, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and each of the next four succeeding fiscal years.

"(i) Except for section 318 of this Act, notwithstanding any other provision of law unless enacted after the enactment of this Act expressly in limitation of this section, no funds appropriated pursuant to the authorization of any section of the Public Health Service Act other than this section shall be available for communicable disease control or vaccination assistance programs of the type authorized under this section."

SEC. 102. Section 314(e) of such Act is amended by striking "$157,000,000" and inserting in lieu thereof "$179,000,000."

SEC. 103. Section 1001(c) of the Public Health Service Act is amended by striking out "$90,000,000" and inserting "$127,300,000" in lieu thereof.

TITLE II—VENEREAL DISEASE PREVENTION AND CONTROL

SEC. 201. This title may be cited as the "National Venereal Disease Prevention and Control Act".

SEC. 202. (a) The Congress finds and declares that—

(1) the number of reported cases of venereal disease has reached epidemic proportions in the United States;

(2) the number of patients with venereal disease reported to public health authorities is only a fraction of those treated by physicians;

(3) the incidence of venereal disease is particularly high among individuals in the 20–24 age group, and in metropolitan areas;

(4) venereal disease accounts for needless deaths and leads to such severe disabilities as sterility, insanity, blindness, and crippling conditions;

(5) the number of cases of congenital syphilis, a preventable disease, in infants under one year of age increased by 33⅓ per centum between 1970 and 1971;

(6) health education programs in schools and through the mass media may prevent a substantial portion of the venereal disease problem; and

(7) medical authorities have no successful vaccine for syphilis or gonorrhea and no blood test for the detection of gonorrhea among the large reservoir of asymptomatic females.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the prevention and control of venereal disease.

AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 203. (a) Part B of title III of the Public Health Service Act is amended by adding immediately after section 317 thereof the following new section:

"PROJECTS AND PROGRAMS FOR THE PREVENTION AND CONTROL OF VENEREAL DISEASE

"SEC. 318. (a) The Secretary is authorized to conduct, and render assistance to appropriate public authorities and scientific institutions in the conduct of research, training, and public health programs relating to the prevention and control of venereal disease.

"(b) (1) The Secretary is authorized to make grants to States, political subdivisions, universities, hospitals, and other public and nonprofit private institutions, agencies, institutions, or organizations, for projects for the conduct of research, demonstrations, or training for the prevention or control of venereal disease.

"(2) For the purpose of carrying out this subsection, there is authorized to be appropriated the sum of $15,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(c) (1) There is authorized to be appropriated the sum of $30,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years, to enable the Secretary to make grants to State health authorities to assist the States in establishing and maintaining adequate public health programs for the diagnosis and treatment of venereal disease. The sums so appropriated shall be used for making payments to States which have submitted, and had approved by the Secretary, State plans for the provision of public health services for the diagnosis and treatment of venereal disease.

"(2) In order to be approved under this subsection, a State plan for the provision of public health services for the diagnosis and treatment of venereal disease must—

"(A) provide for the administration or supervision of administration by the State health authority;

"(B) set forth the policies and procedures to be followed in the expenditure of the funds paid to the State under this subsection;

"(C) provide that the public health services furnished under the plan will include the provision of statewide laboratory services which include Darkfield microscopes for the diagnosis of both gonorrhea and syphilis, and will otherwise be in accordance with standards prescribed by regulations, including standards as to the scope and quality of such services;

"(D) contain or be supported by assurances satisfactory to the Secretary that (i) the funds paid to the State under this subsection will be used to make a significant contribution toward providing and strengthening public health services for the diagnosis and treatment of venereal disease in the various political subdivisions in order to improve the health of the people; (ii) such funds will be used to supplement and, to the extent practical, to increase the level of funds that would otherwise be made available for the purposes for which the Federal funds are provided and not to supplant any non-Federal funds which would otherwise be available for such purpose; and (iii) the plan is compatible with the total health program of the State;

"(E) provide that the State health authority will from time to time, but not less often than annually, review and evaluate its State plan approved under this subsection, and submit to the Secretary appropriate modifications thereof;

"(F) provide that the State health authority will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(G) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursements of and accounting for funds paid to the State under this subsection; and

"(H) contain such additional information and assurances as the Secretary may find necessary to carry out the purposes of this subsection.

"(3) From the sums appropriated to carry out the provisions of this subsection, the several States shall be entitled for each fiscal year to allotments determined, in accordance with regulations, on the basis of the incidence of venereal disease in, and the population of, the respective States; except that no State's allotment shall be less than $75,000 for any fiscal year.

"(4) (A) From each State's allotment under this subsection for a fiscal year, the State shall be paid a Federal share of the expenditures incurred during such year under its State plan approved under this subsection. Such payments shall be made from time to time in advance on the basis of estimates by the Secretary or by way of reimbursement, with necessary adjustments on account of previous underpayments or overpayments.

"(B) the Federal share for any State shall be such per centum (not in excess of 90 per centum) of the expenditures of such State (referred to in subparagraph (A)) as shall be established by such State.

"(C) 'State' means each of the several States of the United States, the District of Columbia, the Virgin Islands, Guam, American Samoa, Trust Territory of the Pacific Islands, and the Commonwealth of Puerto Rico.

"(D) Any amount so allotted to a State during any such fiscal year (other than the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Commonwealth of Puerto Rico) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only) and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount remaining unobligated at the end of the sixth month following the end of such year for which it was allotted which the Secretary determines will remain unobligated by the close of such next fiscal year may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this subsection, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under this subsection of this section to the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, or the Commonwealth of Puerto Rico for a fiscal year and remaining unobligated at the end of such year shall remain available to it for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such named States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to any such named State shall be in addition to any other amounts allotted and available to it for the same period.

"(5) Effective with respect to allotments under this subsection at least 70 per centum of a State's allotment under this subsection shall be available only for the provision under the State plan of services in communities of the State.

"(d) (1) The Secretary is authorized to make project grants to States and, in consultation with the State health authority, to political subdivisions of States, for the conduct of venereal disease prevention and control programs.

"(2) For purposes of this subsection, the term 'venereal disease prevention and control program' means a program which includes—

"(A) disease surveillance activities, including the reporting, screening, and followup of diagnostic tests and diagnosed cases of venereal disease;

"(B) casefinding and case followup activities, including contact tracing of infectious cases;

"(C) interstate epidemiologic referral and followup activities;

"(D) professional and public venereal disease education activities; and

"(E) such special studies or demonstrations to evaluate or test venereal disease control as may be prescribed by the Secretary.

"(e) Grants made under subsection (b) or (d) of this section shall be made on such terms and conditions as the Secretary finds necessary to carry out the purposes of such subsection, and payments under any such grants shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary.

"(f) Nothing in this section shall be construed to limit or otherwise restrict the use of availability of funds which are granted to a State or to a political subdivision of a State under other provisions of section 317 of this Act which are available for the conduct of venereal disease programs from being used in connection with programs assisted through grants under this section.

"(g) For the purpose of carrying out this subsection, there is authorized to be appropriated the sum of $30,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(h) Each recipient of assistance under this section shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(i) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this section.

"(j) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies, or equipment furnished to such recipient and by the amount of pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when the furnishing of such supplies or equipment, or the detail of such officer or employee (as the case may be), is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is based, but such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of this section, be deemed to have been paid to such agency.

"(k) Any grant awarded pursuant to this section shall be subject to the condition that all information obtained by the personnel of the project from participants in the project related to their examination, care, and treatment, shall be held confidential, and shall not be divulged without the individual's consent except as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form or for clinical and research purposes in such a way as not to identify particular individuals."

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement, time on the bill is limited to 20 minutes. The Senator from Massachusetts (Mr. Kennedy) has 10 minutes and the Senator from New York (Mr. Javits) has 10 minutes.

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself such time as I may need.

The pending bill, S. 3442, the communicable disease legislation, on which the Subcommittee on Health held extensive hearings is of great concern to the American people. The bill covers the whole range of communicable diseases which affect so many of our citizens.

The pending legislation has the enthusiastic support of the American Public Health Association, the American Academy of Pediatrics, the American Social Health Association, the New York City Department of Health, the National Respiratory and Tuberculosis Association, and the Association of State Territorial Health Officers.

Regrettably, the administration testified against enactment of the legislation. I would point out to my colleagues that the legislation is authorization for some 5 years, at a total cost of $759 million, to meet the problems of TB, measles, rubella, polio, diphtheria, venereal diseases, and a number of other kinds of communicable diseases which affect so many of our citizens. Mr. President, a great deal can be done to alleviate the pain and suffering and the human tragedy which comes as a result of these diseases. And that is the rationale for the committee's bill.

Mr. President, the Senator from California (Mr. Cranston), who worked closely with us in developing this bill, is unable to speak on the floor today as we debate S. 3442. He has asked me to indicate today that he will make a statement regarding this bill on the floor next Monday.

Mr. President, I commend the ranking minority member of the Health Subcommittee, the Senator from Pennsylvania (Mr. Schweiker), for his efforts and cooperation in support of this bill. I also commend the ranking minority member of the full committee, Mr. Javits, for his input and his energy. This legislation represents the best judgment of both the Democratic and Republican members of the Health Subcommittee. And it was unanimously reported from the committee. It is a constructive and positive piece of legislation. It is the kind of legislation which, when funded, can do a most comprehensive job in meeting the problems of communicable diseases in this country.

Mr. President, there is also in title II of the bill a provision that includes a special program to combat venereal diseases. That provision was sponsored by the distinguished Senator from New York (Mr. Javits). I know that he will elaborate upon that provision. I strongly support title II of the bill.

Mr. President, communicable diseases affect millions of Americans each year and especially present a serious threat to the health of the Nation's children, a most vulnerable population.

The efforts to prevent and control communicable diseases reflect the strengths and weaknesses of our present health care system. Communicable diseases were the leading causes of death at the turn of the century. In 1900, influenza, tuberculosis, and gastritis accounted for nearly a third of all deaths. However, outstanding medical research achievements have today dramatically reduced the mortality rates for infectious diseases. Many effective vaccines have been developed which can eradicate several of our common communicable diseases. Effective drugs are now available to treat the acute infections and thereby prevent serious medical complications. We have the means available, and yet there are serious gaps in the application of such effective remedies to eradicate many communicable diseases.

We are currently committing significant Federal support to scientific research for effective means to prevent and control heart disease, cancer, and stroke: the three leading causes of death in America today. Yet such effective approaches are available for many communicable diseases. It is imperative that the Federal Government play a leadership role in implementing the research tools available. Unfortunately, there often has not been a consistent and coordinated plan to control communicable diseases. Inadequacies in health care delivery have resulted in unnecessary infections with needless human suffering and economic loss.

Title I of this bill authorizes a 5-year program of project grants to State and local governments for assistance in programs for the prevention and control of communicable diseases. For such purposes, $90 million is authorized for each of the next 5 fiscal years.

Despite tremendous strides in vaccination and immunization programs, there continue to be serious gaps in levels of immunization for the Nation's children. In 1964, 87.6 percent of children between ages of 1 and 4 were immunized against polio; 1971 levels are 67.3 percent. Comparable immunization levels in 1971 include: Measles, 61.4 percent; rubella, 51.2 percent; and diphtheria-pertussis-tetanus, 78.8 percent. Overall these figures indicate an increase from 1970 levels, but still they demonstrate a serious lack of protection for many children. Furthermore, comparable levels are lower for the inner city and economically disadvantaged children.

Because of inadequate immunization, reported cases of such diseases continue. There were 75,000 cases of measles reported in 1971 in contrast to 47,000 for 1970. The reported cases of rubella have decreased from 56,600 cases in 1970 to 44,000 cases in 1971. Vigorous immunization programs have significantly reduced the impact of these diseases because of available vaccines, but a concerted effort must continue to immunize all children. Each disease may cause serious medical complications, and it is foolish to gamble with a child's health when vaccines are effective for prevention. The paralysis of polio is well known. Measles may cause encephalitis and mental retardation. Rubella, in the 1964–65 epidemic, resulted in 20,000 brain-damaged children with estimated costs of rehabilitation put at more than $2 billion. Diphtheria, which continues to occur in sporadic outbreaks, can result in health and brain damage and death by suffocation. Mortality rates for tetanus are as high as 70 percent. Whooping cough may easily cause death especially to the child under 1 year of age and also can produce convulsions, brain damage, and chronic lung disease.

In the health area, generally we still have few measures which can produce primary prevention of disease. Yet such tools are available for several communicable diseases.

Effective vaccines are available to eradicate many infections which wreak such havoc on children. There must be a Federal commitment to universal immunization for all children. If we can eradicate smallpox, we can also eradicate such diseases as polio, measles, and rubella. Support must not falter for such programs.

Mr. President, the committee, for example, is especially concerned with the faltering Federal support for tuberculosis control programs. For the first time in decades there are no funds designated at the Federal level for the support of TB programs. In his testimony, Dr. Lee Reichman of the New York City Department of Health documented the effectiveness of the New York City TB project whose present Federal funding is scheduled to be eliminated. If funding is stopped, it will force the closure of eight hospital-based clinics and transfer of 6,500 TB patients to other facilities. Elimination of Federal funding will seriously threaten similar programs throughout the country. The incidence of new cases of TB is now beginning to level off rather than decline and in urban areas may be increasing. In 1970, there were over 37,000 new active cases reported. Tuberculosis caused the death of 5,500 Americans, and remains the No. 1 killer among communicable diseases. The committee strongly endorses the testimony of the witnesses who urged continued strong Federal support for TB control programs and the committee's bill directs the administration to continue these worthwhile programs.

The administration in their testimony before the Health Subcommittee on this bill indicated special authority for communicable diseases, including venereal disease, was not needed: For under section 314(e) of the PHS Act there was ample authority and flexibility to provide for communicable disease programs. This rationale has accounted for administration requests for higher authorization ceilings for section 314(e) for the coming fiscal year to provide for several programs which include communicable disease prevention and control.

Regrettably, Mr. President, the administration has unwisely chosen to fly in the face of clear and unmistakable congressional intent in this respect. The Labor and Public Welfare Committee in its report on the Health Services Improvement Act of 1970 stated:

> The Committee notes with concern the fact that a large proportion of the programs funded under section 314(e) continue to be too narrowly focused rather than focused upon the broader area of the organization and delivery of health services. In large part, of course, this is attributable to the fact that the states have not been as willing as the Congress had hoped, in funding these vitally important though narrower projects with funds made available under the bloc grant program, 314(d). The Congress is in the process of responding to this problem. The Senate has passed and the House will soon take up the Communicable Disease Control and Vaccination Assistance Amendments of 1969 which, if enacted, would authorize separate categorical project grant authority for these programs. At that time the Committee intends the projects funded under section 314(e) be primarily intended to grapple with the organization and delivery of comprehensive health services.

The House Committee on Interstate and Foreign Commerce in its report on the Communicable Disease Control Amendments of 1970 stated:

> As a practical matter, the categorical grant approach which was sought to be eliminated by Public Law 89–749 has not, in practice, worked exactly as planned. In each of its budget presentations each year since the enactment of section 314(e), the Department of Health, Education and Welfare has earmarked specific amounts of the 314(e) fund request for specific programs for the coming year. In other words, the categorical grant approach has continued since the enactment of Public Law 89–749, except that instead of the Congress setting the categories, the categories have been set by the Department of HEW.
>
> One of the purposes of this bill is to restore some control to the Congress of the categories of health programs for which project grant funds are to be made available.
>
> Upon enactment of this legislation, the situation with respect to project grants will be restored to that prevailing in 1967 and 1968, at which time both section 314(e), providing overall authorizations for project grant funds, and section 317 of the Public Health Service Act, authorizing assistance for communicable disease prevention programs, were jointly operative.
>
> Upon enactment of this legislation, the administration will have available to it two separate authorizations for project grants programs—a general project grant authorization for health programs under section 314(e) and a communicable disease project grant authorization under this new legislation.

The most recent evidence, Mr. President, of this flagrant disregard of congressional intent is found in the Secretary of HEW's required report to the Congress on communicable diseases, which was transmitted to the Congress by the President on May 22, 1972. I ask unanimous consent that that report be included in the RECORD at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. KENNEDY. Mr. President, given this sorry record of the administration, Mr. President, the committee has felt obliged to include in its bill a provision which legislatively prohibits the administration from using section 314(e) as a smokescreen to cloud its disregard for an effective Federal effort in respect to communicable disease programs.

In addition to providing program funding for communicable disease controls, title I of this bill provides special support for public education concerning communicable diseases. Public education is a most important element in effective communicable disease control to alert the public on the possible serious consequences of communicable diseases and programs available to combat and prevent such diseases.

Title II of S. 3442 creates a new section 318 of the Public Health Service Act to provide for a special venereal disease prevention and control program, given the fact that venereal diseases have now reached epidemic proportions. The cases reported for venereal diseases represent alarming increases which this Nation has not faced since the post World War II period. Gonorrhea and syphilis are clearly approaching epidemic proportions and there is no indication that the present escalating trend will be abated in the near future.

Gonorrhea is the most prevalent reportable communicable disease in the Nation. In 1971, 624,000 cases were reported. If unreported cases were included, cases would total more than 2,500,000.

In the past 4 years gonorrhea has increased on the average of 15 to 16 percent per year. Some cities have had nearly 50 percent increases in the past year. Of special concern are the estimated 800,000 women with asymptomatic cases of gonorrhea who constitute a silent reservoir of infection. Prenatal clinic exams have shown one out of twelve pregnant women infected with gonorrhea who were unaware of the infection. Serious complications can result to the newborn of an infected mother—such as severe eye infections. Up to 10 percent of women infected may develop severe infections which can cause infertility and may warrant abdominal surgery.

Syphilis with declining rates of infection for four consecutive years—1965–69—rose 8.1 percent in 1970 and 8.9 in 1971. Reported cases for 1971 were 23,000 with estimates of more than 95,000 if unreported cases are included. Without prompt dignosis and treatment, severe medical disabilities may develop years after the initial infection. Syphilis can cause blindness, paralysis, and insanity. Institutional care for the syphilitic insane amounts to more than $40 million per year.

Mr. President, to meet this health crisis, title II authorizes for each of the next 3 fiscal years:

First. $15 million in project grants for research demonstration or graining for prevention and control;

Second. $30 million in formula grants to states for establishing and maintaining programs for diagnosis and treatment;

Third. $30 million in project grants to States for prevention and control programs.

The committee strongly endorses title II of its bill to begin to meet the overwhelming need for a national program against venereal disease as recently recommended by the President's National Commission on Venereal Disease.

Mr. President, S. 3442 is essential to mandate a concerted attack on a broad spectrum of communicable diseases. This legislation will increase the effort for coordinated plans and programs to prevent and control communicable diseases by research, immunization, treatment and public education. National communicable disease programs have in many instances significantly reduced the toll these diseases exact in human and economic terms. Yet much more needs to be done. This bill provides the impetus for continued congressional commitment to communicable disease prevention and control programs with a goal for (1) universal immunization of children to eradicate those communicable diseases for which vaccines are available; (2) expanded program support to halt the cycle of infection for such diseases as tuberculosis, gonorrhea and syphilis; (3) continued basic research to develop new vaccines and other effective treatment; and (4) program support for public education.

Mr. President, this is a good bill. It was reported to the Senate unanimously by the Senate Labor Committee. It is an extension of expiring legislative authority. I urge my colleagues to vote in favor of S. 3442.

EXHIBIT 1

REPORT TO THE PRESIDENT BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE FOR FISCAL YEAR 1971 ON ACTIVITIES UNDER PUBLIC LAW 91–464, "COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1970"

Section 317 of the Public Health Service Act, as amended by Public Law 91–464 (84 Stat. 988), authorized the appropriation of $75 million for fiscal year 1971 and $90 million for fiscal year 1972, to enable the Secretary of Health, Education, and Welfare to make grants to States and, with the approval of the State health authority, to political subdivisions or instrumentalities of the States for communicable disease control programs.

TUBERCULOSIS

In fiscal year 1971, Congress appropriated $2 million to implement this legislation. The Department of Health, Education and Welfare decided to use these funds to assist States in completing the phaseout of the tuberculosis control project grant program which had been supported under section 314(e) of the Partnership for Health legislation. In 1970 some $18 million was transferred from 314(e) project grants to 314(d) formula grants for the control of tuberculosis at the State level. This shift in funding mechanism was consistent with the basic concept of the partnership for Health legislation. The basic intent of that legislation was to establish a Federal State relationship in which States receive block-type formula grants to establish or maintain adequate public health services. Project grant funds were intended to support, for a short period of time, new and innovative programs for health services. Since the methods for control of tuberculosis were well known and generally used, it was appropriate that these funds be transferred from special project type funding 314(e) to block type formula grant funding 314(d). Because this change represented only a change in funding mechanism and not in the availability of funds for tuberculosis control activities, the Department did not request funds for tuberculosis control under the Communicable Disease Control Amendments. Knowing that some States would experience financial problems because of the shift, a program of transitional funding was developed in order to maintain tuberculosis control activities. In fiscal years 1970 and 1971, $3.3 million was made available from section 314(e) funds to provide transitional funding in areas which: (1) Still had significant tuberculosis problems and (2) received less financial support under the formula grant distribution than they previously had been awarded under tuberculosis control project grants. The $2 million appropriated under the Communicable Disease Control Amendments of 1970 has been used to continue the phaseout of project support for tuberculosis by forward funding tuberculosis control activities in fiscal year 1972. The funds are being used primarily to support outpatient clinics which had been established with previous grant funds. The major portion of the expenditures is for personnel and supplies needed to complete the treatment of individuals with active tuberculosis and to provide preventive therapy for suspects and contacts of infectious tuberculosis cases.

VENERAL DISEASES

Venereal diseases remain a continuing problem throughout the United States today. After a 4-year decline in incidence during the mid-1960's when the Nationwide syphilis eradication program was at its maximum, the incidence of syphilis has once again been on the increase. Gonorrhea has been increasing since 1957, but in the last few years, the annual increase has been dramatic—to the point where more than 600,000 cases were reported in 1971. Recognizing the need to act to curb the spread of these and other communicable diseases, the Department submitted a budget amendment requesting a $10 million increase in 314(d) formula grant funds over the original fiscal year 1971 budget request to provide additional assistance to the States. While the States would decide which health services these funds would be used for, the Department expected to encourage the States to use these funds for venereal disease and community immunization programs. The Congress did not act on this request but appropriated $20 million—$16 million earmarked for veneral disease under the authority of the Communicable Disease Control Amendments of 1970. These funds are in addition to the $6.3 million that has been identified for the control of syphilis under section 314(e). These grant funds, a total of $22.3 million, will enable States and communities to initiate gonorrhea control programs and to once again start down the road toward the eradication of syphilis.

IMMUNIZATION PROGRAMS

In recent years, Nationwide immunization levels against some of the major childhood diseases have declined, particularly among the urban and rural poor in the one through four age group. The results of this deterioration of protection became evident during 1970 in outbreaks of diphtheria, continued high levels of susceptibility to poliomyelitis particularly in inner cities, and a continued upswing in the number of cases of measles. To correct this trend the Department in 1971 authorized the use of $6 million in funds that had been appropriated for rubella under section 314(e) for the purchase of measles, poliomyelitis, and the newly licensed rubella-measles vaccine. The $6 million was available because of substantially larger decreases in the cost of rubella vaccine than had originally been estimated. The combined measles-rubella vaccine which permits simultaneous immunization against both measles and rubella will provide a stimulus to the programs. To continue these programs, $4 million for the support of immunization activities was appropriated in 1972 under the authority in section 317. These additional funds together with the $13 million that has been identified under section 314(e) for the national rubella immunization program will make it possible for States and communities to undertake a coordinated national immunization program against measles, poliomyelitis, and diphtheria, as well as rubella.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I thank the Senator from Massachusetts (Mr. KENNEDY) for his remarks. The Senator from Massachusetts has made so central a part of his career in the Senate the sponsorship of major health legislation including the great way we have to go in the field of health maintenance organization legislation, and ultimately in a national health insurance program.

Mr. President, I too would like to express my appreciation to the ranking minority member of the subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER), for his very expert and dedicated participation in bringing about this measure.

I wish personally to speak particularly about title II of the bill which deals with venereal disease prevention and control programs.

I am very grateful to the Senator from Massachusetts and to the Senator from Pennsylvania for including the S. 3187 in essence in the pending measure as title II.

Mr. President, I am the author of the National Venereal Disease Prevention and Control Act—S. 3187—which has the bipartisan support of 40 Senators, and I am pleased to commend to their attention, and the attention of all my colleagues, that this bill is incorporated as a separate title of the pending Communicable Disease Control Amendments Act of 1972—S. 3442—of which I am a cosponsor. I strongly urge their support for the measure.

The impact of venereal disease tends to rise and fall as a major element with expenditures to deal with it adequately, hence their vital importance. Venereal disease has reached epidemic proportions. The National Venereal Disease Prevention and Control Act title of the bill authorizes $45 million for the development of new and additional research, diagnosis, and treatment techniques and $30 million in formula grants to States for defined, comprehensive prevention and control programs. Witnesses estimated that there were 2,500,000 cases of gonorrhea and 100,000 cases of infectious syphilis in the United States during 1971. It should be understood that venereal disease is much more than a social disease, it has a tragic debilitating effect on its victims; blindness, paralysis, insanity, and death. Regrettably, the steady decline in the number of reported cases between 1966–69 has now been reversed and the number of cases is the highest since 1950. Federal funding has been substantially reduced and in 1971, 11 States were excluded from receiving any Federal project grant support for combating venereal disease.

I am pleased to commend to my colleagues' attention that although introduced prior to the final report of the National Commission on Venereal Disease—appointed by the Secretary of Health, Education and Welfare—the venereal disease title of the pending bill following the bill offered with my provisions is substantially responsive to their recommendations. The Commission Chairman, Dr. Webster, testified that the bill's passage was "essential to control the venereal diseases." The bill targets in on two facets of the VD problem which merit our attention—research education.

Unfortunately, only minimal amounts of research in the basic aspects of syphilis and gonorrhea were being carried out in the United States and it is therefore urgent that research, both inside and outside the Department of Health, Education, and Welfare, be initiated with a view to increasing our basic knowledge of the microbiology and immunology of the gonococcus and the treponema pallidum, which cause syphilis. This research should also be directed toward better diagnostic methods for gonorrhea, the effectiveness of prophylaxis of these diseases and ultimately, the possibility of a vaccine for syphilis and gonorrhea. Research is also needed into the effectiveness of current control programs being undertaken. Other countries appear to have achieved good results in VD control with less emphasis on the epidemiological approach and greater emphasis on education and clinical management. It would appear that we know too little about the behavioral motivations of the high incidence groups of their attitudes toward present methods of control or prophylaxis.

Significantly higher funding must also be allocated to public and professional education. Education concerning the venereal diseases should be introduced in the curriculum of public, parochial, and private schools, and the Commission recommends that this be done "no later than the seventh grade." We also must have the Federal Government initiate and support programs of public education and information to the various consumer groups concerned which would include information concerning signs and symptoms, prophylaxis, prevention, and facilities for treatment. There is strong evidence that our approach to public education in the past has been too indirect, too scattered, and, to some extent, unacceptable to the groups toward which it was directed. Also, professional education should not be overlooked. There is little or no instruction concerning the venereal diseases being carried on in the medical schools in this country and as a result of this, young doctors are leaving our medical schools with very little interest in, or knowledge of, the venereal diseases.

In closing, I believe it is most important that we all understand that when we speak about venereal disease, an epidemic of unparalleled proportions, that no level of society is immune. The sad statistics are that VD strikes our affluent suburbs as well as our inner cities. We urgently need this legislation which will allow us to be effective in combating these tragic diseases.

I agree with the Senator from Massachusetts that something will be done "if the measure is properly funded" as it so urgently needs to be, and we will see a material abatement in the grave threat which is represented by venereal disease.

Mr. President, I would congratulate the media for their efforts to focus public attention on the tragedy of the venereal disease epidemic. And they have done it without any of the self-consciousness, shibboleths, and pretentiousness which have for so many centuries surrounded this dread disease. I particularly commend to the attention of my colleagues the public service programing by the Metromedia radio stations in New York, WNEW and WNEW–FM, which discussed the symptoms, prevention, and treatment of venereal disease. The success of that programing was reflected by the thousands of people who were persuaded to seek treatment. I am pleased to announce that the project's success has led Metromedia to deal with the subject once again, and beginning on June 11, they will present on WNEW and WNEW–FM in New York two 1-hour programs and a series of shorter features, produced in cooperation with the New York City Bureau of Venereal Disease Control.

To the great credit of Metromedia, I understand, they will be promoting the program with advertising in newspapers and on television as well as on their own radio stations to provide the project the widest possible public exposure.

Mr. President, I also would particularly like to applaud the campaign of the public broadcasting stations which have moved into the field.

Mr. President, I ask unanimous consent that various publications demonstrating that fact be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENTARY ON VD

A nationwide campaign to combat venereal disease, which has reached epidemic proportions throughout the United States, will be launched this fall with the televising of a one-hour special being produced for the Public Broadcasting Service by WNET/13 under a grant from the 3M Company.

The program is expected to be seen on the 219 PBS stations next fall. These stations will be encouraged to follow the hour-long network program with live telecasts of their own designed to provide additional information on their local area as well as triggering community-wide educational and treatment campaigns.

If additional funds become available, printed materials containing information on all aspects of VD will be prepared by WNET/13 to be distributed throughout the nation by PBS stations, by educational institutions, by pharmacists and by physicians. Both the national and local telecasts and the printed materials will be geared to communicate with teenagers as well as adults.

Producing the one-hour national program for WNET/13 is Don Fouser, who will also coordinate the printed materials.

Raymond P. Herzog, president of the 3M Company, noted that the National Commission on Venereal Disease this week declared venereal disease "out of control" and called for a massive drive to combat it.

"The Commission's study estimates that there will be a record 2.5 million new cases of gonorrhea this year and 100,000 new cases of infectious syphilis," Mr. Herzog said. "They expect the number of cases to continue to rise in 1973.

[From the New York Times, Apr. 7, 1972]

PUBLIC TV PLANNING A PROGRAM TO FIGHT VENEREAL DISEASE

(By George Gent)

A one-hour dramatic program to combat venereal disease, with material by such writers as Jules Feiffer, Arnold Schulman, Eleanor Perry, Walter Jones and Israel Horovitz, will be televised nationally on public television, including Channel 13 here, next October.

The program, which was made possible by a $105,000 grant from the 3M Company, will be presented on the 219-station network of the Public Broadcasting Service. Each of the stations will also be encouraged to follow the program with live telecasts of their own designed to provide additional information on their local area as well as triggering community-wide educational and treatment campaigns. It is expected that physicians in each area will be encouraged to appear on the local segments of the program.

If additional funds become available, printed materials relating to all aspects of venereal disease will be prepared by WNET-13 to be distributed throughout the country by P.B.S. stations, by educational institutions, pharmacists and physicians. Both the national and local telecasts will be directed to teen-agers and adults.

Producing the one-hour national program will be Don Fouser, who will begin filming this summer. The format will be a series of dramatic vignettes designed to impart a variety of information on the subject.

The program, Mr. Fouser said, "will be serious and humorous, poignant and provocative. Each vignette will deal with the human predicament of the individual faced with venereal disease. The audience will learn the difference between various forms of VD—how it is contracted, diagnosed, cured and prevented. And what happens if it isn't cured."

Mr. JAVITS. Mr. President, I commend the willingness of the education system to join in the struggle. Much more of this needs to be done. This is very definitely a struggle to achieve public knowledge concerning the venereal disease tragedy.

I am so pleased to see that a totally new attitude now prevails. Indeed, the legislation itself contemplates assistance for precisely this type of education and information.

So, I join with the Senator from Massachusetts in gratification that the legislation has reached this far and that it will, without much question, become law, and I will certainly join with the Senator from Pennsylvania and the Senator from Massachusetts in a major effort to see that the funding to achieve this result meets the promise made for this organization.

I hope very much that the vote will be unanimous on the adoption of this bill.

Mr. SCHWEIKER. I yield myself 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SCHWEIKER. Mr. President, I join with my colleagues in recommending the support of the Senate for this very important bill. The Senator from New York has done an outstanding job, particularly with respect to title II. And, as has been stated, we have accepted his bill, a bill that was sponsored by a considerable number of Senators, and placed it in the communicable diseases bill as title II.

So, I think a geat deal of the credit logically has to go to the Senator from New York for his interest, for his perseverance, and for his very specific and positive proposals that have been incorporated into the pending bill at his urging and suggestion.

Mr. President, I would like to commend the distinguished chairman of the subcommittee on which I have the privilege of serving as ranking minority member for his leadership in the health field. Since I have become a member of the subcommittee, I have been pleased to work with the Senator from Massachusetts in a very impressive array of health legislative achievements commencing with the all-out attack on cancer bill which was signed into law last year. There is also the very significant comprehensive health manpower training act, which will enlarge our supply of health professionals around the country in a very serious time of critical shortage.

There is also the sickle cell anemia bill which was recently signed into law by the President in the recognition of the need for a cure for that disease and the arranging of our priorities to deal with this problem.

More recently there has been the heart disease bill which has passed the Senate and is now before the House for consideration.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCHWEIKER. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 additional minutes.

Mr. SCHWEIKER. Mr. President, we now have the communicable diseases bill which will be passed today. After its disposition, we will be considering the sudden infant death syndrome bill which hopefully we will pass. There is also pending before the Health Subcommittee the health maintenance organization bill which is a new way of approaching the health delivery system with a new method for the utilization of our health personnel and resources.

That is a very impressive array of health legislative priorities.

We are very definitely coming to grips with the real problems involving health. We are facing up to them and setting a national framework for the effort that is needed to wage war on these many critical disease and health problems.

I am very pleased to commend the Senator from Massachusetts for his leadership on the subcommittee on which I serve, and to recommend to my colleagues the unanimous support of this bill and the bill that follows it.

Mr. President, I yield back the remainder of my time.

Mr. TOWER. Mr. President, the Communicable Disease Control Amendments of 1972, S. 3442, of which I am a cosponsor, is an essential piece of legislation if we are to begin the difficult transition to the practice of preventive medicine. It is specifically addressed to those diseases, such as tuberculosis, measles, poliomyelitis, diphtheria, and venereal disease, which can be prevented or controlled. Perhaps no other piece of legislation so aptly addresses the old adage, "an ounce of prevention is worth a pound of cure."

The worth of a communicable disease program was most dramatically demonstrated by our Nation's conquest of "infantile paralysis." Less than two decades ago, the annual arrival of summer brought with it a somber fear of polio epidemics. Since the advent of the polio vaccine and a vigorous vaccination program, we have almost eradicated this crippling disease. Only slightly less dramatic have been our efforts to control tuberculosis, diphtheria, and measles.

The financial investment in prevention and control of these diseases is minute in comparison to the consequences, in terms of social and economic costs, of allowing them to run rampant. For example, measles are not always a benign childhood disease, for there are often serious medical complications such as middle ear infections and encephalitis, which can result in mental retardation. In addition to the financial resources expended for treatment, there is no way to accurately measure the number of school days lost.

The cost of rubella and its toll in human lives is greater. Its effects on the unborn child have been well demonstrated. In the most recent epidemic in 1964 and 1965, there were approximately 10 million cases, resulting in an alarming 15,000 to 20,000 miscarriages or stillbirths and 20,000 children born with defects.

Although these and other communicable diseases could be virtually eliminated, until now we have not developed a continuing and comprehensive immunization and vaccination program. Too often, we are merely responding to an emergency or epidemic situation. Our support must be constant and it must be total. Unfortunately, each time Federal expenditures are reduced in this area, the immunization level declines. This is then accompanied by a rise in the number and the severity of the outbreaks. This vicious cycle can be broken. The Communicable Disease Control Amendments of 1972 are a beginning.

Mr. President, I would like to specifically comment on two provisions of this measure which I feel are particularly important: First, adequate funding for tuberculosis control programs; and second, the specific designation of venereal disease as a target area.

In 1970, there were over 37,000 new active cases of tuberculosis reported. In the same year, this disease caused the death of 5,500 Americans, and it remains the No. 1 killer among communicable diseases. Due to a shortage of funding, however, many ongoing tuberculosis clinics were scheduled to lose their Federal support, including clinics in El Paso, Houston, and San Antonio, Tex. This legislation will enable these needed clinics to continue their operations.

Second, this act encompasses the provisions of the "Venereal Disease Control and Prevention Act of 1972," which I have also cosponsored. Venereal disease has reached epidemic proportions in the United States. Following World War II, we drastically reduced the incidence of syphilis with the introduction of penicillin and the availability of Federal support for State and local VD control programs. Nevertheless, when Federal expenditures were sharply reduced, we witnessed the resurgence of venereal disease, which now threatens to erupt into an epidemic of immense proportions. For example, just last year, there were an estimated 2 million cases of gonorrhea in the United States. We must begin now to address this problem with increased Federal support for programs of detection, treatment, and education.

Mr. President, I understand that the House of Representatives is acting expeditiously on this matter, and I am hopeful that undue delay can be avoided in bringing this legislation to enactment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have a statement by the distinguished Senator from Georgia (Mr. GAMBRELL) printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR GAMBRELL

I am pleased that the Senate is proceeding to the consideration of S. 3442 this morning. This bill, which was adopted from a bill I cosponsored, S. 3187, deals with a problem which has been growing in the United States and has increased at an almost uncontrollable rate over the last several years. Venereal disease in our country has reached epidemic proportions and has moved into second place as the most common communicable disease behind only the common cold. It shows no signs of lessening on its own prior to the introduction of effective control and treatment programs, programs which do not exist today.

The problem of venereal disease can no longer be swept under the rug as it once was. This is a problem which must be discussed and dealt with on a serious level. According to recent estimates, during 1972, there will be 2.5 million new cases of gonorrhea and over 100,000 new cases of syphilis. Over one-half million people are now living in this country with untreated syphilis. These victims either do not know they have the disease or they are afraid to seek treatment for fear of being socially ostracized.

The spread of venereal disease has reached all corners of our Nation from Georgia to Alaska and from Maine to California. The problem can no longer be ignored. If left untreated, venereal disease may result in blindness, sterility, brain damage, aortic insufficiency, visceral disorders and even death. The ramifications of the disease are too serious to allow the severity of this problem to go unrecognized.

This bill will provide added national recognition and special funding for an educational program which will increase the national awareness of the severity of the problem. This program will serve to better publicize the severe problems associated with VD, and it will hopefully result in the decrease of the number of people affected by this crippling disease each year.

Mr. JAVITS. Mr. President, I am prepared to yield back our time and vote on the measure.

Mr. KENNEDY. Mr. President, I am pleased to yield our time.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. WEICKER) are absent on official business.

The Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Tennessee (Mr. BROCK) and the Senator from Nebraska (Mr. HRUSKA) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea."

The result was announced—yeas 72, nays 0, as follows:

[Leg. No. 195]

YEAS—72

Aiken
Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Bentsen
Bible
Boggs
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fulbright
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
Metcalf
Miller
Mondale
Moss
Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Williams
Young

NAYS—0

NOT VOTING—28

Baker
Beall
Brock
Brooke
Buckley
Cannon
Case
Cranston
Eastland
Fong
Gambrell
Goldwater
Gravel
Harris
Hartke
Hruska
Humphrey
Inouye
McClellan
McGovern
McIntyre
Montoya
Mundt
Muskie
Packwood
Pell
Sparkman
Weicker

So the bill (S. 3442) was passed.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD and Mr. JAVITS moved to lay the motion on the table.

The motion to lay on the table was agreed to.

SUDDEN INFANT DEATH SYNDROME

The ACTING PRESIDENT pro tempore. Under the previous unanimous consent agreement, the Chair now lays before the Senate, Senate Joint Resolution 206, which the clerk will read.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 206) relating to sudden infant death syndrome.

The Senate proceeded to consider the joint resolution, which had been reported from the Committee on Labor and Public Welfare with an amendment on page 2, line 12, after the word "the", strike out "top" and insert "highest."

The ACTING PRESIDENT pro tempore. Debate on this measure is limited.

The Senator from Minnesota is recognized. How much time does the Senator yield himself?

Mr. MONDALE. Mr. President, I yield myself such time as I may need. I do not believe we are going to need the full 20 minutes. I know of no opposition.

May I first commend the distinguished chairman of the Health Subcommittee (Mr. KENNEDY) and the ranking Republican member of that subcommittee (Mr. SCHWEIKER) for their courteous, thorough, and expeditious consideration of this most necessary proposal.

I am pleased to propose for consideration by the Senate today a resolution which I hope will eventually end the suffering of thousands of families who lose babies in this country each year to sudden infant death syndrome or crib death.

My Subcommittee on Children and Youth held a hearing on the subject of SIDS on January 25. On that occasion I heard testimony from officials of HEW, from medical experts, and from parents whose children had died of SIDS. I was appalled to learn that, although SIDS kills at least 10,000 infants each year in this country, the Government does not even list it as a cause of death in infant mortality statistics.

Furthermore, HEW has in the past shown only the most minimal commitment to finding a cause and cure of the disease. In 1971, only one research grant in the amount of $46,258 was directed specifically toward the discovery of an exploration and solution of this hideous disease.

SIDS is a disease that takes a terrible toll on the families it strikes. The infant victims of the disease usually die suddenly and inexplicably, often in their cribs in the middle of the night. They often do not appear to be ill, and when an autopsy is performed, no specific cause of death is found.

Parents, other relatives and friends have no choice but to accept the death of an innocent child without explanation. Parents often cannot avoid the thought that they somehow neglected or abused the child. Police and other public authorities who come in contact with it are often not familiar with SIDS and imply that the parents are guilty of criminal neglect toward the child.

Following the hearing of the Children and Youth Subcommittee, I introduced Senate Joint Resolution 206 in the hope of encouraging HEW to intensify its SIDS research efforts and provide services to stricken families. The resolution was subsequently approved by the Health Subcommittee and the Labor and Public Welfare Committee. I am particularly grateful to Senator Kennedy for his role in gaining committee approval of the measure.

I ask unanimous consent to have printed in the Record at this point the report of the Labor and Public Welfare Committee on Senate Joint Resolution 206 and some letters written by parents who have lost children to SIDS.

These letters offer a moving and poignant description of the experiences of families whose children have died. They are the most convincing evidence I have seen of the need for the passage of this resolution. I hope that all of my colleagues will join me in voting for Senate Joint Resolution 206 today.

There being no objection, the report and letters were ordered to be printed in the Record, as follows:

Parents' Letters

REPORT OF HANDLING OF MICHAEL DAVANZO, AGE 23 MONTHS—DIED, THURSDAY, SEPTEMBER 17, 1970, AT HOME, 12 NOON

I found the baby limp after a morning nap. I phoned 911. An ambulance and a police car came. During the trip to Jamaica Hospital, the doctor in the ambulance applied oxygen. He asked "When was the last time you saw this baby alive?" At the hospital emergency treatment began immediately. At the same time police and nurses began questioning me. Their questions were: "What did you give him?" "What did you do to him?" "Did he fall?" My mind went blank.

Then I was taken into a private room to be interviewed by a doctor with a nurse. He took the case history and explained that an autopsy would be necessary. It was the law. It would be done in Queens General. On Thursday night when the undertaker called Queens General, he was told the baby was there. However, later it was revealed that baby arrived at Queens General on Friday (9/18) at 3:19 PM. There was no medical examiner in Queens, so the body was removed to Bellevue on Saturday (9/19) at 12:17 p.m. The reason for this delay was said to be that there was no van driver. On Saturday morning we called a television "Action Reporter," Christopher Jones. We were advised to call a woman doctor at Bellevue (by undertaker). This doctor asked if the baby had been sick. The baby had been well, and seen by his doctor 5 days previously. She took the doctor's name. We were advised to pick the baby up at 4:00 p.m. Within a short time, the death certificate arrived. Cause of death was stated as "under further investigation."

My husband and I went through a period of extreme anguish. We wondered if we'd missed an illness. We ate his baby food. We drank his apple juice. We relived our lives (previous to his death) trying to retrace steps and wondering.

In January, I contacted the previously mentioned "Action" reporter. I told him I had never heard anything further about my son's death. In February, a letter arrived stating the cause of death was pneumonia. For a full autopsy report we were advised to send $11. This we did. I called my family doctor and accused him of overlooking the illness. The doctor assured me and said it was crib death.

The cause of death on the autopsy report was "pending further investigation." The report also said "circumstances suspicious or unusual," which made me nervous.

In July, 1971 a letter came from Dr. Helpern. It stated he was sorry for the loss of my child and gave me statistics on how many babies do die suddenly. He asked me to please answer a questionnaire.

I have found it a great help talking to other parents about their experiences. I am now active and hope to prevent other parents from going through the anguish and treatment of almost a full year until they learned their baby has died of Sudden Infant Death Syndrome.

Mrs. Ronald Davanzo.

Miscellaneous Letters to National Foundation for Sudden Infant Death, Inc.

Dear Sirs: I lost my baby last week and they called it a crib death. My heart aches so I just can't explain it. I keep asking if there was something I could of done. Please send me some information.

Some times I feel I am losing my mind. I even fear going home to the place she died. Her crib is still there along with her clothing what should I do? I have only one other child, a four year old. Should I go home and try all over or should I look for another house? I am with my parents now. My husband is a truck driver and he's not home all the time. This means I am alone a great deal.

If you can please help me.

Waiting to hear from you.

——— ———,
Pennsylvania.

Gentlemen: I read an article in "The Kansas City Star" about your National Convention and wrote to J. Bruce Beckwith, M.D. who was kind enough to send me literature containing your address.

I lost my son almost 24 years ago in Lima, Peru, with this syndrome. An autopsy was not performed. I have since divorced and my ex-husband has told both my daughters that I killed the baby. I fed him at 3:00 a.m. and at 6:00 a.m. he was dying when I went in to check him. He was still warm and there was no vomitus in his crib. I have seen two psychiatrists but I still have terrible guilt feelings.

I am wondering whether there is a Chapter of the NFSID that I can join in my area. How can I help? There is an occasional local newspaper coverage of an infant death but there is usually no mention of this syndrome.

I would do anything I could to help relieve some tortured parent from going through what I have for 24 years and probably for the rest of my life.

I deeply appreciate the work you are doing and only wish that there had been people like you to help me when my baby died.

——— ———,
Missouri.

Dear Sirs: I need your help. My 2 month daughter has died and I love her very much. It was our first child. She was born on January 31, 1971—she died April 1, 1971.

My baby—I carried her for nine months. She weighed 8 pounds 2½ ounces she never lost any weight she gained. When she died she weighed 14 pounds and was very happy. She ate good, slept good.

Our family got the flu. I was wondering if my baby could of gotten the flu without anyone knowing about it. The only thing that happened was that I did not realize till she died that for three days before she died she slept 2 days and I had to wake her up to feed her. Then the next day she was alright. That night I gave her supper then I put her to bed. She seemed restless but everybody told me that lots of babies do cry all night and are all right. She had just been for a check up and she was alright. Well, I picked her up and rocked her to sleep. She was breathing okay. She didn't act like she had a cold or anything. The next morning she was dead.

Now I am a nervous wreck. I don't care if I live or not. The man that checks dead people said there was no sense in doing anything to her because they won't find anything. I am heartbroken.

What I want to know is do you have any idea what could have been wrong with her? They told me it might be "crib death"—what is that—I don't believe that my baby or any baby could die from nothing.

We want to have more children but I am scared to become pregnant because I am afraid it will happen again. I just can't take it anymore. I am on nerve pills. I keep hearing her crying. I don't feel like seeing my friends because when I do I don't know what to say to them. I need your help I am going to end up in a mental hospital if I don't get some help from someone soon. I am so lonely.

——— ———,
New York.

Dear Sirs: I have just finished reading a story in a magazine about "crib death". I can't begin to tell you how much I appreciated it. On April 16, 1969 we lost our seven week old baby. Coroner's Report Crib Death. I had heard little about these deaths, still we searched magazines, newspapers for anything we could find on the subject, anything to enlighten us to the facts about these deaths. I kept asking myself, did I do anything wrong. Did I over feed him, should I have laid him on his back instead of his stomach, will this happen again. All kinds of endless, torturing questions. Thank God, I had a doctor who explained to me that it was nothing I had done wrong and a husband who assured me that I gave my baby the best care in the world. You know when this thing happens to you it makes you more aware of other infants dying. I pick up a newspaper and see where a baby has died and my heart goes out to these parents, I think if only I could talk to them, help them and their family to learn the facts of these deaths. To tell them it wasn't their fault in any way—that there was nothing they could of done.

You'd be surprised how ignorant the general public is about this, people would ask us what did your baby die from and when we would say SID they'd look at us like we were crazy. For instance, Jedd Roe's case when the detective asked him that silly question. The Coroner showed us a clipping that he carried in his wallet about these deaths, he told us that he had seen marriages break up because one mate would blame the other, why? because most people don't know or have never read about crib death.

Please tell us how we can help others to understand. If there is a volunteer group near my home town put us in touch with them or tell me how to start one. We would sincerely like to help your cause. I thank you for this wonderful article—I hope millions of other people read it. Send us more information if you can.

——— ———,
Kentucky.

Dear Mrs. Choate: We thank you for your very nice letter plus all of the articles you enclosed on SIDS. They sure helped to answer questions which needed answering. And you gave us more information than we could have ever hoped for. Thank you from the bottom of our hearts.

There is one thing that left a doubt in my mind. In all the articles they mention a peak age for SIDS. Two to four months, rarely over 6 months. Our daughter was 13½ months old. She had been to the doctor 6 days before she died. He checked her and found her healthy. He gave her a vaccination shot. Six days later she ran a slight fever (100) then after that she was dead. No other signs of sickness, no cough, no runny nose, no sore throat. We had an autopsy performed. The doctor told us "bronchial pneumonia" was all they could come up with. He said it was a common thing to list this as "crib death." He had no explanation as to why, or how. All he said was "the vaccination had nothing to do with it, it was a "crib death." Why would they say "bronchial pneumonia" if it was "crib death"? We asked him for information or who we could write or talk to for answers. He had nothing to tell us.

It wasn't until a few months ago, two years after our daughter's death, that we found out about your organization. It is a long time to go around wondering and feeling guilty. We hadn't known that so many babies die from SIDS. For the longest time after our son was born, we were so frightened it would happen again. We feel relieved now. But I guess it will be some time before I am really secure.

Again, we thank you for your letter and for sharing your baby's death with us. It made us feel less alone. We deeply appreciate your literature and all of the work you are doing.

——— ———,
Massachusetts.

Dear Sirs: I am 18 years old, my husband is 21. We were married October 12, 1968. June 19, 1969, we had a baby girl. She would have been 3 months old September 19, 1969—the day she died.

We had left her with my mother-in-law for 3 days. We went to pick her up the evening of September 18, 1969. My mother-in-law informed me she thought "———" was catching a cold. She said she had a runny nose.

She was in a playful mood when we arrived home. My husband wanted me to let her stay up later and play. However—I had her on a schedule. She was to go to bed at 9:00 p.m.—she usually woke up at about 7:00 a.m. Then after she had her bath and ate she usually went back to sleep for an hour or two.

I put Vicks on her back, chest and throat—then I put a heating pad under her sheet and turned it on to medium.

I worked from the time she was 2 weeks old until she was about 2½ months. (My husband was in jail at this time, that's why we left her at my mother-in-laws—because he just got out and we wanted to be alone—so we could go places and have fun.)

So, she was used to being with her grandmother and uncles. Naturally she was spoiled and didn't like to go to bed. So she cried until about 10 or 10:30. At 11:00 just before we went to bed my husband went in to check on her. She was asleep on her stomach (she wouldn't sleep on her back). He asked me to come in the bedroom and showed me that she was covered with perspiration, her clothes were soaked. I presumed the heating pad was on too high although it didn't feel too warm when I touched it. I turned it on low. We had just moved to the apartment and didn't have the heat turned on yet so I didn't want to turn the heating pad all the way off.

At about 2:30 or 3:00 I woke up. "———" was screaming—not just crying but screaming. I thought that she just had a bad dream. I went to her room and tried to give a bottle but she wouldn't take it. She just kept on screaming. I went back to bed and she shut up in about 15 or 20 minutes—but all this time she was screaming.

At 6:00 we got up because I was going to take my husband to look for a job. I went in to get her to give her a bath. I picked her up and she was stiff—I dropped her back down. Her little fists were purple and they were gripping the sheet. There was white foam in her mouth.

The coroner said she had been dead probably 3 or 4 hours. I guess she stopped crying when she died. They said it was "crib death" but never did tell me anything more than that. I think she suffocated from the heat of the heating pad. My husband and mother-in-law both told me that it wasn't because of the heating pad and told me to call the autopsy man a few days later when I was off the tranquilizers. He again told me it was "crib death." But no one ever told me what that meant.

We now have a 7 month old baby. When he was 5 months old he was put in the hospital for 3 days for what doctors thought was bronchitis. They found he was only sick from allergy to a drug another doctor has prescribed for his cold while my baby's doctor was away.

The first day he went to the hospital my husband and I got into an argument. He said I never took care of the baby and that it was my fault he was in the hospital.

We were living with my mother-in-law then too (neither her nor my father-in-law could drive so I had to take each of them back and forth to work every day plus I had to do all the housework). So, about all I could do with the baby was give him a bath and my husband took care of him the rest of the time.

Also when he said it was my fault that the baby was in the hospital he said "at least I never killed our little girl". He had never said that to me before and didn't mean to say it then, it just slipped out. But that proved to me that he does think I killed her. Since then, I wonder all the time if it was my fault and if I really did kill her with the heating pad. Maybe my mother-in-law and the autopsy guy know I killed her with the heating pad and are hiding it from me. I don't know why, but I feel that they are lying to me. I am afraid to ask my husband.

(This letter goes on for three more pages pleading for answers to questions related to sleep, eating habits, etc., but is mainly repetitive.)

Well, there are probably more questions I could ask, but I mainly want to know if you think I killed my baby or did she really die from "crib death"? And what is "crib death". Please help me as soon as possible. I don't want to kill my new baby.

——— ———,
Oregon.

Letters to Subcommittee on Children and Youth

Arlington Heights,
January 28, 1972:

Senator Walter F. Mondale,
Chairman, Senate Subcommittee On Children and Youth, U.S. Senate, Washington, D.C.

Dear Senator Mondale: It was indeed a great pleasure meeting and talking to you after the Hearing on Sudden Infant Death Tuesday in Washington. It's quite a good feeling knowing that at last something is really going to be done to investigate and research Crib Deaths in our Country.

Enclosed is the testimony you asked us to submit, which is to be included in the record:

Our son, David, a four month old healthy adopted child, was fed early in the morning of June 28, 1968. (About 5:45 a.m.) After his bottle, I put him back in the cradle, and crept quietly back to bed myself.

Around 7:00 A.M. my husband awoke and we talked for a few minutes. We commented on how good little Dave was that morning, to go back to sleep. When my husband got out of bed, he immediately sensed something wrong. He went over to the cradle and found David laying face down with the light blanket wrapped around his head. He picked up the baby and tried to give him mouth to mouth resuscitation. I picked up the phone and asked the operator to send the fire dept. inhalator squad, because my baby wasn't breathing.

Moments later a hook and ladder fire truck was at our door, followed by the police. (We found out later, that our town didn't have a fire ambulance at that time.) At any rate the police squad car drove our baby to the hospital where he was pronounced dead on arrival.

At Northwest Community Hospital in Arlington Heights, we were handled extremely well. (So much better than the majority of young parents we have since contacted for the N.F.S.I.D.) This fact above all others, forces us to keep working with new families. When all SID parents are given fair and equal treatment, we will feel a sense of great relief.

Anyway, at the hospital, we told them we thought the baby had suffocated in his blanket. They didn't know, but explained that an autopsy would be performed.

Later that morning our pediatrician came out to the house and told us about crib deaths, and how he felt almost certain that the autopsy would prove that our son was a victim of Sudden Infant Death.

An hour later, the funeral home called to say the Cook County Coroner's office (Chicago, Illinois) called and released the body, as this was, in their opinion, an obvious case of pneumonia. We just couldn't understand how they could tell in a telephone call to the hospital, without ever having seen the baby. I became very confused once again. Maybe someone was trying to say pneumonia, just to make me feel better. It just made the guilt feelings stronger.

Pneumonia just couldn't be . . . . At 6:00 AM our son was in perfect health. There was no way he could be dead from pneumonia one hour later!

I immediately felt once again that I had accidently smothered the baby by putting a blanket over him. But it was cool that morning, I reasoned . . . why shouldn't I have covered him? But, maybe if I hadn't, he'd be alive. Thoughts like these raced madly through my mind. We called the pediatrician again, and told him what had happened. I honestly wanted to believe him about Crib Death, but couldn't . . . . . there was this blanket . . . . I just felt totally responsible.

Dr. Manas recommended a private autopsy be done at Evanston Hospital, which he thought would help. (Once again we were more fortunate than most, to have such good counseling from our doctor, and also, the ability of being able to afford a private autopsy.) It was performed that morning, and later that week, the pathologist found the cause of Death to be Sudden Infant Death Syndrome. A small relief to us on one hand, but a new worry just begininng on the other.

When friends and relatives began calling us that afternoon to offer sympathy and money for flowers, we directed that all the money be sent to any local medical organization that was researching Sudden Infant Death. The trouble was, no one seemed to know of one. We called Northwestern University Medical School first. No, they had nothing. Then we tried Univ. of Illinois Research, and after talking to a half dozen people, realized that they didn't have, or know of anyone researching SID. More phone calls followed, and again the same answer, "sorry, no". The sickening shock hit us, that nowhere in the entire Metropolitan Chicago Area, was anything being done about SID, nor could anyone direct us where to go.

By a coincidence, Redbook Magazine ran an Article on Crib Death, that appeared on the newsstands that June day in 1968, describing a case very similar to ours. I desperately wrote to the organization named, The National Foundation of Sudden Infant Death, N.Y., and through them, found many of the answers we were seeking.

We now know that our son's death was a classic example of S.I.D., but the biggest question still remains unanswered. It is the same one you asked throughout the Hearings, Sen. Mondale. "Why is research on SID still back in the middle ages, why in this day and age of medical research and technology, has nothing been done to find the answer to these Crib Deaths?"

The longer we searched three years ago . . . . the less we found. Today, it's basically no different . . . and we are still asking why. How does one truly answer the new parents questions of what has been done since our son died? How do you answer, not much . . . because not enough people care . . . .

It is our opinion, that by not wanting to scare the general public of young parents, SID articles and information, up until very recently has been very scant. We may be saving young parents from worrying about SID, but we are not saving their babies. Let this disease be known . . . . and let it be conquered.

With this in mind we came to Washington to support in any way, your interest in this problem.

Most sincerely yours,

Mrs. Noble C. Christensen.

Perth Amboy, N.J.

Dear Senator Mondale: On December 16th 1971 I awoke at about 8:25 a.m. because of a phone call from my husband who had left for work a half hour earlier. We spoke for a few minutes and with the phone in my hand, I got up and walked across the hall to our 4½ month old son's room. His name was George Smith III. He was usually a late sleeper, and since he had gone to bed past his normal bedtime, I thought nothing of him being asleep at 8:30 a.m.

As I opened the door to his room, I put down the phone and went to his crib. After just touching his blankets I knew something was very wrong—they were damp—. I could see his forehead and hands and pulled the blanket down—he was discolored and stiff—he was dead.

I called for first aid. I tried chest massage, back pat, and mouth to mouth. Then I called my husband and told him the baby died in his sleep of suffocation. The first aid came and took the baby and myself to the hospital.

There they took my baby and tried to revive him, but some nurse took me aside asking for information, then another nurse came out and said that she thought that the baby was breathing. At this I turned to her and said, "Why lie to me?". Another nurse led me to a room where I could sit down. A doctor came in followed by a policeman, a nurse and another man. The doctor told me my son died of crib death. He explained that it wasn't my fault and that this happens to about 20 babies every year in our county alone.

I found out who the other man was: he was a detective from the homicide squad and he wanted to question me. I almost begged him to please wait, but he insisted on asking me questions. "Was your baby sick? If so; why didn't you take him to see a doctor? When was the last time the baby saw a doctor? When was the last time I checked on him?"—and he kept repeating these questions. I answered all of his questions, still pleading with him to please wait because my husband wasn't there and he really didn't know for sure if the baby was dead. When my husband did arrive, they started questioning him in the same manner.

Someone brought my mother from work to the hospital. We told her what happened and the detective was still there listening to all this. Finally, our minister came and took us all to his home where we made arrangements for our son's funeral.

The most difficult part of everything was explaining to our families and answering their questions with little information that we had. Thank God my aunt had read an article the week before about crib death, and told us more about what caused it.

The only other thing I can say is that the hurt and guilt I felt was so intensified just by the police not waiting to question me, and that is a feeling I will live with always—it was cruel and inhuman, to make me go through something like that when a doctor had told me in front of the police that my son's death was no one's fault, that no one could have prevented it.

Mrs. Janice M. Smith,
Mr. and Mrs. George T. Smith, Jr.

Public Statement on Sudden Infant Death by Barbara and Dave Simpson

(Parents of SIDS victim David Carstairs Simpson. Born—November 5, 1968. Died—February 5, 1969. Age—3 months.)

A great amount of unnecessary suffering could have been eliminated by three little words, Sudden Infant Death, written on a piece of paper called a death certificate. Instead bronchial pneumonia and interitis was written. Our doctors told us that upon their inquiry, they were told that Davey's was a classic crib death.

How could this unnecessary suffering been eliminated? It took two years of my life away from my family and me. I wasn't sure if I were a fit person to be around anyone. I didn't know how it was affecting my two boys. I know that now they are very aware of how special our new little girl is. They protect her from all possible harm that they are aware of. This extra sensitivity probably never would have developed if SIDS were written on the death certificate. It never would have developed because we would have known for sure that SIDS was the cause and that an illness was not overlooked.

My hope for the future is that SIDS be an entry on all death certificates; and that there be no double standards of being told one cause of death and another being written on the death certificate.

There were so many doubts in my mind that I couldn't accept it all at once. I read everything that I could get my hands on about pneumonia and interitis. I just could not believe that my baby died of this without my seeing some sign of his discomfort. If he had had diarrhea I could have seen it with my own eyes. If he had had pneumonia and a fever, when I held him to nurse him I would have felt the heat of a fever. Only now can I rationalize these things. Three years ago I could not.

I thank God that there was a National Foundation for Sudden Infant Death to help me. Without it I could never have gotten the information I needed to know. They give parents so much of what is needed immediately after a SIDS death. Unfortunately it took me a few weeks to find them. The damage was already done. My thoughts kept going back to what had been written on the death certificate. I'll go back a way and tell you how it happened and the events that followed.

Dave, my husband, got up for work at the regular time; showered and shaved and went through the whole morning routine. Then he realized that the little guy was not rustling around like he did when someone was moving around in the room. He picked up our little son and held him close. Dave knew that there was no hope of bringing him back. That's why he did not wake me up right away. When he did awaken me, I could see that the tears were wetting his shirt. Our little Davey was dead. I knew he was dead, but I thought if I screamed loud enough it would bring him back. Dave called the police. I looked at Davey's face for a long time. I never wanted to forget it.

When they came they administered artificial respiration and mouth to mouth resucitation. I still kept hoping they would bring him back to life. The police asked Dave to wrap the baby in his blanket so they could take him to the hospital. I can remember that so well. As they left I remember telling Dave to make sure that he brought Davey back with him. Of course Dave came home without him. That's when two years grieving started. The following events contributed to prolonging our grief.

We called my uncle, a mortician. He asked where the baby's body was. We told him he was in Elmhurst General Hospital. In a few minutes he called back and said there was no record of the baby being brought there. (Well, Dave and I thought, Oh good, it was a bad dream.) It was late evening by the the time they found where they had misplaced my precious little baby. This was the start of the loss dignity. Why the hell should they care where my baby was lying. For all I knew (having been told nothing) they could have thrown him in a garbage can. Our next worst time was still to come. We were told to come down and identify his body the next day. All night I lay awake wondering what he was going to look like. Dave and I were so afraid we couldn't sleep in the same room he had died in. My mother had taken my two sons home with her to stay until we had all the arrangements made and the baby buried.

We arrived at the morgue the next day a little early. I was looking to see a little bundle. I didn't. We waited and watched the door to the morgue open and close. People with buckets and syringes went in and out. All I could think of was how could they put him in that dirty place. It is an awful place. It seemed like we waited for hours. All I wanted to do was see my baby again. Finally we were called into the coroner's office. I can still remember his face. He looked like he had no blood in his body. His face was very white. His hair was dark, trimmed in a meticulous crew cut. I couldn't help but notice that he wore a bow tie, and thinking he looked like he was going to a wedding. We were asked to sit down and answer some questions. Both agreeing, we sat. I asked him questions first—what did my baby die of? Did you perform an autospsy? He didn't answer us but said he would like to ask us some questions. Name, address, etc. Then he started—Did the baby have diarrhea? No. Was the baby sick? He had a cold. Did he have a fever? No. When was the last time you had fed the baby? 3:15.

Next, he told us there would have to be an autopsy. Dave and I agreed. He went into a detailed description of how an autopsy is performed. He started with the head first. He said that they would only take what they needed, and sew it back up and you would not see it if the baby wore a hat. Next he said a criss cross incision would be made in the stomach. By this time we said a few times that we knew how it was done, please don't explain any more. I couldn't tell you what he said after that, but he didn't stop until he was ready. I can remember, I kept asking if I could please see the baby now. He dismissed us and told us to identify the body.

We had to stand behind a big glass window. I could hear laughing and talking inside. An attendant wheeled him into view. We both said it was him. I wanted to touch him so bad—his hair was all standing up—straight out like a little halo around his head. I wondered how they could put him on a really dirty pillow, even the sheet was dirty. His head lying straight now and his hands were at his side. He was so precious to us. We went back to his office and asked if we could please be informed of the autopsy results.

We went home and waited and waited. I called my doctor and asked if he could hurry things up. He said he was also waiting. Soon after, my uncle the mortician called to let Dave and me know the baby would be released later on in the day and that he would come to our house to pick up the baby's clothes. He came and went and still no word. At about 3:30 that afternoon, Uncle Tex called to tell us that pneumonia and interitis were listed as cause of death.

Five minutes later my doctor called and said that it was a classic crib death. I asked what he meant. He said something about the tubes having ruptured blood vessels. At this point I called my pediatrician (he had taken care of my other two children). I asked if he could get the information straight. He did. He called back and also said it was crib death. I was very upset at this point. I kept thinking. Crib death? What is it, the crib that killed my baby? Nonsense. I started looking up the meaning of crib death. I just couldn't find anything on it. I did find a lot about pneumonia and interitis. But nothing on sudden infant death or crib death. My insides felt like someone was pulling on them. If it was SID why not put it on the death certificate. My uncle being the person to look at the death certificate kept telling me it was pneumonia. My family kept saying you must go by what is on the death certificate.

This was a very long day. My family had left for the day and we were alone. I couldn't stand it so still. Later that night friends came over so we wouldn't be alone. I remember we had a nice time and for a while I forgot what happened. Until the house was empty again. We were just waiting for tomorrow. The next thing I knew the little white casket was at the cemetery all sealed, and I could never see him again.

The nights that followed were terrible. I couldn't sleep. I was afraid that something was going to happen to Bobby and Daniel. Dave's hours were changed to the night shift. My two friends slept in my apartment with me so I wouldn't be alone. It didn't help. I still didn't sleep. When I closed my eyes he was right in front of me and I had to cry. Silly but I can remember laughing and still crying. This went on until I contacted the NFSID. Someone had mentioned that they had read an article in the newspaper, but they didn't know exactly when. I went to the Library. It took time but I finally found the article title *Infant Killer Stalked on Long Island*. With renewed vigor, I contacted the Foundation. They immediately sent all the information they had at the time. We spoke on the phone many times. One mother whose baby died on the same day a year previously gave me great comfort. For some strange reason the knowledge that someone else shared that same factor gave me a feeling that I wasn't alone.

I now learned that other families were told the same thing by coroners and doctors. Now that I knew that this was common practice, I tried to tell this to other people. This is where I ran into conflicts again. It was said that if SIDS is put on some death certificates, why wasn't it put on mine. I rationalized this and came up with the answer that the doctors were probably just trying to help me, so I wouldn't feel that I had overlooked some warning sign. For two years this is what I believed.

I have since come to reason that what killed little Davey was SIDS and not me—only through the Foundation did I make this decision. If I called the Foundation when I was down, they knew what it was to cry for days. They have educated me like no other source was able to. In return, I will do my best to continue to wipe out ignorance, extreme guilt so as to lessen grief. Foremost, however, is that SIDS be written on the death certificate and that no other substitute be used. Most of all I pray that a cause-cure be found, so no one ever has to try to wake up a dead baby that was put to sleep healthy.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MONDALE. I am happy to yield to the Senator from Massachusetts, who helped lead the fight for the adoption of this measure in the subcommittee.

Mr. KENNEDY. Mr. President, I want to commend the Senator from Minnesota for bringing this matter to the attention of the Senate. He has, of course, achieved very substantial recognition, which is well deserved, for his interest in the problems of children in this country. The hearing that his subcommittee held, I thought, was enormously informative, though extraordinarily distressing because of the fact that it revealed there are so many crib deaths in this country. I think all of us were distressed by the fact that there was so little information to be made available to us, that so little had been gathered by HEW. In the course of the hearing, we could see that there was a paucity of research and a lack of training programs for young researchers to move into this area and investigate the problem, and thirdly, a lack of information available both to Congress and to the parents and consumers across the country.

The thrust of this resolution is not only to draw attention to the sense of Congress, but hopefully to induce HEW to move in this area to provide the kinds of information and training and encourage the kind of research necessary so that this very dread syndrome, which affects so many children and causes such heartache to so many parents, can eventually be eliminated as a health scourge in this country.

So I urge the adoption of the joint resolution. I commend the Senator from Minnesota for the leadership he has provided and for making all of us on the Health Subcommittee, and I think all Senators, aware of the problem. I am hopeful that the joint resolution will pass, and I compliment the Senator and the ranking members of the committee, including the minority members, Senators JAVITS and SCHWEIKER, for their interest and support in getting this measure to the floor and their help in formulating the program.

Mr. MONDALE. I thank the Senator from Massachusetts for his wholehearted support of the measure and for his leadership in bringing it swiftly before the Senate for consideration.

We have found on several occasions in the Health Subcommittee, on which I am privileged to serve, that there are compelling health problems in this country which, for some unexplainable reason, are not receiving the kind of attention, either in research or treatment, that is needed. We have seen this earlier in connection with alcoholism and drug abuse, and later with sickle cell anemia, all major health problems in this country on which nothing was being done. Now another classic example of the problem is this sudden infant death syndrome, which causes over 10,000 deaths a year and yet nothing is being done about it. I believe that with this joint resolution, at long last, something will be done to deal with this frightful problem. I thank the Senator from Massachusetts again, and I am hopeful that the joint resolution will be adopted.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. MONDALE. I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I wish to congratulate both the able senior Senator from Masachusetts and the able junior Senator from Minnesota for their efforts and the splendid work they have done in bringing this resolution to the floor, and I share with them the feeling and the hope that the Senate will adopt the joint resolution unanimously.

Mr. MONDALE. I thank the Senator.

Mr. ROBERT C. BYRD. May I inquire of the Senator, are cosponsors being accepted at this time?

Mr. MONDALE. We would be delighted to have the Senator from West Virginia as a cosponsor.

Mr. ROBERT C. BYRD. I thank the Senator. Will he request that my name be added?

Mr. MONDALE. Mr. President, I ask unanimous consent that the name of the Senator from West Virginia be added as a cosponsor of this measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. MONDALE. Mr. President, I thank the Senator from West Virginia for his most gracious cosponsorship.

Mr. JAVITS. Mr. President, I ask unanimous consent that the time on the other side, which has been assigned to me, may be handled by the Senator from Pennsylvania (Mr. SCHWEIKER).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I yield myself 3 minutes.

I should like to begin by commending the Senator from Minnesota (Mr. MONDALE), who has done so much to take the leadership in this field and whose imprint is borne by the measure we now have before us. His work has been outstanding, and without it I am sure the joint resolution would not be in the form that it is today here on the Senate floor.

Second, Mr. President, I would like to say that the joint resolution does a few simple things that need to be done with reference to a disease about which virtually nothing is known as to its cure, its symptoms, or its general medical patterns. The measure, of course, focuses much attention on the research that has to be done on this mystery killer of infants, the largest killer of children under 1 year of age. It is rather ironic that we do not even know what it is. When we call it a mystery disease, crib death, or sudden infant death syndrome, it indicates that we do not know. It is all the more tragic when we consider the heartache it causes. There is ample reason for giving high priority to research on this major killer of infants.

The problem is complicated by the fact that we do not even call it a disease. Unless it is classified and internationally recognized as a disease, it is virtually impossible to obtain statistics and to coordinate the necessary research and treatment. One important feature of the measure is that it moves to make the sudden infant death syndrome, or SIDS, as we call it, a recognized, classified disease. It is hard to define it as a disease when we are not even accounting for it statistically.

Third, we have the problem of parental guilt. There is still much parental guilt in connection with this kind of death. The mother feels, though it is completely unwarranted, that perhaps the child died in the crib because she failed to cover the child, or put too many covers on it, or because she was out of the room and did not hear it cry out. She is haunted by the specter in her mind that she somehow helped cause the death when nothing could be further from the truth.

This problem has nothing to do with parental neglect in any way. Nevertheless, the mother who goes through this rather hard experience needs to cleanse her mind of that self-accusation. That is what this bill is about, to help to educate people as well as to help find the cause of "crib deaths."

I strongly urge the Senate to vote for the joint resolution. I believe it deserves unanimous support, and I once again commend the Senator from Minnesota.

Mr. DOMINICK. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCHWEIKER. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I congratulate the Senator from Pennsylvania, the ranking minority member of the subcommittee. The members of the Health Subcommittee, on this measure and many others, have been working very well together, trying to find some method by which all of us can participate in improving the speed of technological change in medical research and medical procedures. I believe that the Senator from Pennsylvania has been outstanding in this matter, and I think his leadership in the minority position, as head of the minority group on the Health Subcommittee, has been very helpful in getting this measure rapidly to the floor. I congratulate him.

Mr. SCHWEIKER. I thank the Senator.

Mr. MONDALE. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from Minnesota has properly taken the wonderful lead in this joint resolution. I am a cosponsor of it. I strongly urge its passage. I think it is one of the finest measures we have reported out of the Labor and Public Welfare Committee.

Mr. President, I am a cosponsor of Senate Joint Resolution 206, a resolution relating to sudden infant death syndrome, and urge its passage. SIDS takes the life of over 10,000 children each year; it is the leading cause of death of infants between 1 month and 1 year old—striking 3 out of every 1,000 children born in this country—yet nothing is known about its causes. The parents of infants who die from SIDS are, unfortunately, many times harassed by legal authorities, as well as family and neighbors, because the available educational material in this area is so limited that no one unaware of this disease can believe that such a sudden death can result from anything short of mistreatment of the infant. Due to the lack of information, the parents themselves are plagued with doubt and anxiety, thinking that the infant's death was their fault, as they can see no other explanation.

Unfortunately, Mr. President, progress in this area has been slowed by the paucity of researchers interested in the sudden infant death syndrome, the absence of the sudden infant death syndrome from the International Classification of Diseases, and the very nature of the syndrome itself, in which death occurs suddenly and without warning.

Recognizing the inherent difficulties of this research area, HEW plans to direct research efforts toward identifying factors which predispose infants to the sudden infant death syndrome and emphasis will be placed upon the study of developmental physiologic phenomena on a longitudinal basis during the first 9 months of life. With this approach, it should be possible to identify interrelationships between physiologic events in the growing infant, his environment, and the occurrence of the syndrome, and subsequently to develop approaches to intervention and prevention.

In addition, HEW has encouraged the inclusion of the sudden infant death syndrome in the ninth edition of the International Classification of Diseases, which will make possible a reliable index of the incidence and distribution of sudden infant death cases throughout the Nation. In addition, States and localities will be encouraged through HEW educational and informational activities to make autopsies available for the victims of the sudden infant death syndrome, with prompt dissemination of findings to the parents.

Although much needs to be done to achieve the purpose of the resolution to assure that maximum resources and efforts are concentrated on medical research into sudden infant death syndrome and on the extension of services to families who lose children to the disease, I am pleased to note that HEW has undertaken many important first steps.

Mr. KENNEDY. Mr. President, I am delighted this morning to join with the Senator from Minnesota (Mr. MONDALE) in the general debate on this very important resolution in respect to sudden infant death syndrome. My distinguished colleague (Mr. MONDALE) chaired the hearings by the subcommittee of children and youth, of which I am a member, last January which led to the introduction of this important resolution. Since the joint introduction of that resolution into the House and the Senate, the Senate Health Subcommittee has considered it in executive session, and it has now been brought to the full Senate for debate.

Mr. President, Senator MONDALE has great compassion for the children of this Nation, and his legislative records since coming to the Senate is replete with efforts intended to create the conditions for a better, more fruitful life for American children.

This resolution is another solid accomplishment in that effort of his, and I commend him for it.

There is no doubt that Congress is eager to move to eradicate this mysterious and most heartbreaking childhood disease. Three out of every 1,000 babies born, or 10,000 infants born in this country each year die from this elusive disease before they reach their first birthday. And yet, our scientists today concede they know very little about this tragic phenomenon which historians tell us has been with us since Biblical times. How ironic it is that although the National Institute of Child Health and Human Development of HEW calls it the largest cause of deaths for infants from 1 to 12-months old, SIDS is not even mentioned in Government statistics.

In Dr. Merlin K. Duval's testimony before the Subcommittee on Children and Youth, the Assistant Secretary for Health and Scientific Affairs for HEW stated that one of the reasons for the slow progress in SIDS was the "paucity of scientists interested in the phenomenon." One might then ask the question, "why is there this paucity"?

When our Nation embarked on the space age, we did not wring our hands deploring the lack of space scientists. Instead we took firm action to search the scientific community for the best talent possible. In less than a decade our Nation was second to none in space research. We can do no less for the children, and indeed the families of the children who may fall victim to sudden infant death.

Senate Joint Resolution 206 has several purposes. It assures appropriate research, including research training, and it also calls for an accelerated public education program to extend public knowledge.

The National Institute of Child Health and Human Development is directed to—

> Designate the search for a cause and prevention of sudden infant death syndrome as one of the highest priorities in intramural research efforts.

This would include the awarding of research and research training grants and fellowships and the encouraging of investigative proposals for possible Federal support.

The Secretary of Health, Education, and Welfare is also directed to develop, publish, and distribute literature to be used for educational purposes.

Finally, the resolution provides for a statistical reporting mechanism, including the addition of the sudden infant death syndrome into the international classification of diseases.

What the resolution cannot speak to is the effect inaction will have on thousands of families across the face of this country. As if the death of these infants were not tragic enough, the guilts shared by parents remain far afterward.

Sudden infant death outranks deaths from all other types of infant deaths, including heart disease. And over twice as many babies die from SIDS as die from cancer.

However, despite this irrefutable series of facts, in 1971 the Department of Health, Education, and Welfare awarded only a paltry $1.8 million in research grants for SIDS.

On May 23, I appeared as chairman of the Subcommittee on Health before Senator WARREN G. MAGNUSON's Subcommittee on HEW Appropriations. At that time I testified that of the $127,244,000 budgeted to the National Institute of Child Health and Human Development, $10 million should be earmarked for the sudden infant death syndrome. This seemed to be an appropriate indication of congressional intention to move quickly on SIDS. This should provide the stimulus to mobilize the research community to assist us in this effort.

Mr. President, I wish to thank you for this opportunity to speak in behalf of Senate Joint Resolution 206. Certainly it is our children who are still our Nation's greatest resource. We can do no less than assure each child the greatest possibility and potential for life.

Mr. President, I urge my colleagues to support this resolution.

Mr. TOWER. Mr. President, today, we are considering Senate Joint Resolution 206, of which I am a cosponsor. This resolution addresses the problem of the sudden infant death syndrome, or as it is more commonly called, "crib death."

Each year, at least 10,000 babies die of crib death. It is the largest killer of infants between the age of 1 month and 1 year. Yet, we do not know what causes crib death—nor do we know how to prevent it. It was only recently that we developed a recurring set of symptoms which has enabled us to define the boundaries of the disease. This lack of recognition has seriously impeded our efforts to effectively control the disease itself and its social consequences.

The first demonstrated need is for basic research. A typical case of crib death illustrates quite graphically our ignorance of the disease. An apparently healthy infant, usually between the ages of 3 weeks and 6 months, is put to bed. He shows no indication that something might be wrong. He might have the symptoms of a slight cold. Later, while asleep, without a single cry or whimper of warning, the child dies. An autopsy discloses no definite cause of death. This phenomena, which repeats itself thousands of times each year, is basically the essence of our knowledge to date. We merely know that crib death exists. Therefore, the first purpose of this resolution is to designate the search for a cause and cure of sudden infant death is one of the highest priorities of research activities in the National Institute of Child Health and Human Development.

The second demonstrated need is for the development of a range of programs to educate the public. The death of the child, by itself, is a tragic event. The social and psychological impact on the family who lose the child is often even more tragic. Because so little is known of the disease, parents often feel responsible for the death, feeling that in some way they could have prevented it. Furthermore, the parents must face the consequences of informing the authorities. Because the child must generally be seen by the coroner for investigation, crib death is often handled as if it were a criminal case. Hence, the parents are often investigated as if they were potential criminals, either directly or negligently having caused their infant's death. This situation is deplorable—and exists solely because of the general ignorance of law enforcement officials, coroners, and medical professionals as to the existence and the nature of the phenomena. Therefore, in order to correct this situation, the resolution directs the Department of Health, Education, and Welfare to carry out the following activities: First, development, publication, and distribution of literature to be used to inform the public and educate professionals who come in contact with crib death, about the disease; Second, work toward the establishment of reliable statistical reporting procedures for crib death, and third, work toward the availability of autopsies of children who die of crib death and the release of the autopsy results to the parents.

Hopefully, with these directives, the Department of Health, Education, and Welfare will be able to alleviate some of the social consequences of crib death and to answer some of the many questions which the disease raises.

Mr. MONDALE. Mr. President, I yield back the remainder of my time.

Mr. SCHWEIKER. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading and to be read the third time.

The joint resolution was read a third time.

The ACTING PRESIDENT pro tempore. All time has been yielded back. The joint resolution having been read a third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. WEICKER) are absent on official business.

The Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Tennessee (Mr. BROCK) and the Senator from Nebraska (Mr. HRUSKA) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea."

The result was announced—yeas 72, nays 0, as follows:

[No. 196 Leg.]

YEAS—72

Aiken
Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Bentsen
Bible
Boggs
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Moss
Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Williams
Young

NAYS—0

NOT VOTING—28

Baker
Beall
Brock
Brooke
Buckley
Cannon
Case
Cranston
Eastland
Fong
Fulbright
Gambrell
Goldwater
Gravel
Harris
Hartke
Hruska
Humphrey
Inouye
McClellan
McGovern
Montoya
Mundt
Muskie
Packwood
Pell
Sparkman
Weicker

So the joint resolution (S.J. Res. 206) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas sudden infant death syndrone

kills more infants between the age of one month and one year than any other disease; and

Whereas the cause and prevention of sudden infant death syndrome are unknown; and

Whereas there is a lack of adequate knowledge about the disease and its effects among the public and professionals who come into contact with it: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this joint resolution to assure that the maximum resources and effort be concentrated on medical research into sudden infant death syndrome and on the extension of services to families who lose children to the disease.

Sec. 2. The National Institute of Child Health and Human Development, of the Department of Health, Education, and Welfare, is hereby directed to designate the search for a cause and prevention of sudden infant death syndrome as one of the highest priorities in intramural research efforts and in the awarding of research and research training gants and fellowships: and to encourage researchers to submit proposals for investigations of sudden infant death syndrome.

Sec. 3. The Secretary of Health, Education, and Welfare is directed to develop, publish, and distribute literature to be used in educating and counseling coroners, medical examiners, nurses, social workers, and similar personnel and parents, future parents, and families whose children die, to the nature of sudden infant death syndrome and to the needs of families affected by it.

Sec. 4. The Secretary of Health, Education, and Welfare is further directed to work toward the institution of statistical reporting procedures that will provide a reliable index to the incidence and distribution of sudden infant death syndrome cases throughout the Nation; to work toward the availability of autopsies of children who apparently die of sudden infant death syndrome and for prompt release of the results to their parents; and to add sudden infant death syndrome to the International Classification of Disease.

H.R. 2—ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make clerical and technical corrections in the Senate amendment to H.R. 2, passed yesterday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUBSTITUTION OF CONFEREE ON S. 2770

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Indiana (Mr. Bayh) be substituted as a Senate conferee on S. 2770, to amend the Federal Water Pollution Control Act, for the Senator from California (Mr. Tunney).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. Williams). Under the previous order, there will now be a period for the transaction of routine morning business, as in legislative session, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there any morning business?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Williams). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WORLD'S FIRST ENVIRONMENTAL CONFERENCE

Mr. MAGNUSON. Mr. President, for some time the U.S. Senate has been deeply interested in world environmental problems. The Senate passed a resolution late last fall in which it unanimously approved of the establishment of a World Environmental Institute. As a result, the State Department, the United Nations, and other nations of the world thought they should have what would be the first environmental conference in the world. That conference is now being held in Stockholm, Sweden.

The Senate designated me and the distinguished Senator from New Jersey (Mr. Case) to represent the Senate at that meeting, at which we will present a resolution based upon the measure the Senate passed last fall looking toward the establishment of a world environmental institute. I am to present the resolution to that body, at which 110 nations will be represented.

Many facets of the environment probably cannot be settled at the meeting, but we can make some very vital first steps. Our proposal to the conference in Stockholm will be for the establishment of a data-gathering institute, probably eventually leading to something like the World International Health Organization, in which we would have a place for all nations to go to receive technical and scientific advice on how to handle their specific environmental problems.

There will be many consultations in Stockholm. As I said, many facets cannot be resolved at the first session, but we think we can take this first step.

LEAVE OF ABSENCE

Mr. MAGNUSON. Mr. President, I have been designated to present the measure to which I have referred to the conference on Friday morning. Therefore, I must leave the Senate late this afternoon and proceed to Stockholm. I ask unanimous consent that I may have the indulgence of the Senate for the next 3 days, until the first part of the week, and that I be excused for this very important job on behalf of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF POSITION ON VOTE ON KLEINDIENST NOMINATION

Mr. MAGNUSON. Mr. President, when the vote occur tomorrow on the nomination of Richard G. Kleindienst to be Attorney General, on the vote to refer to the Committee on the Judiciary I would vote "aye" and on the vote on the nomination I would vote "nay." The Senator from Tennessee (Mr. Baker), who represents the State Department and the very fine advisory committee that will be in Stockholm will also be in Stockholm, and we will pair on this vote. But I want the Record to show that my vote would be as I have stated. It will be a back-to-back vote tomorrow, and my vote on the two rollcalls will be as I have stated.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate the following letters, which were referred as indicated:

Report on Overobligations of Certain Appropriations

A letter from the Secretary of Defense, reporting, pursuant to law on authorized deficiencies to be incurred for the necessities of the current year in certain appropriations; to the Committee on Appropriations.

Report on Approval of Loans Relating to East Kentucky Rural Electric Cooperative Corp., Winchester, Ky.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of loans made to certain distribution systems for investment in East Kentucky Rural Electric Cooperative Corporation, Winchester, Kentucky; to the Committee on Appropriations.

Report on Export Control

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on Export Control, for the first quarter of 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Flammability Standard for Mattresses

A letter from the Assistant Secretary of Commerce, transmitting, for the information of the Senate, a flammability standard for mattresses (with accompanying papers); to the Committee on Commerce.

Proposed Amendment of Shipping Act, 1916

A letter from the Chairman, Federal Maritime Commission, transmitting a draft of proposed legislation to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes (with accompanying papers); to the Committee on Commerce.

List of Reports of General Accounting Office

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports made by that Office, for the month of May, 1972 (with an accompanying document); to the Committee on Government Operations.

Prospectuses for Construction of Certain Federal Buildings

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, prospectuses for the construction of certain Federal buildings (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION NO. 205

"To memorialize the House of Representatives of the United States Congress to support passage of the federal revenue sharing bill, H.R. 14370.

"Whereas, revenue sharing by the United States with the states is a just and equitable principle as it serves to return to the states for use in promoting the welfare of their citizens a portion of the revenues collected from the citizens of the states; and

"Whereas, H.R. 14370, a revenue sharing measure, is now pending before the House of Representatives of the Congress and deserves the support of the Louisiana delegation in Congress as well as the support of the Representatives from all other states.

"Now therefore be it resolved by the House of Representatives of the Louisiana Legislature, the Senate thereof concurring, that the Louisiana delegation in the Congress and the Representatives from all other states are memorialized, requested and urged to give their full support to the passage of H.R. 14370.

"Be it further resolved that a copy of this resolution shall be sent to the members of the Louisiana delegation in the Congress and to the speaker of the House of Representatives of the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLEN, from the Committee on Agriculture and Forestry, with an amendment:

H.R. 10729. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes (Rept. No. 92–838).

Mr. ALLEN. Mr. President, as in legislative session, acting under authority of the Committee on Agriculture and Forestry, I report H.R. 10729, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes. Inasmuch as some of the subject matter of the bill comes within the jurisdiction of the Committee on Commerce, I ask unanimous consent that the bill be referred to the Committee on Commerce for a period of 30 days, exclusive of recesses and adjournments of more than 3 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TALMADGE:

S. 3678. A bill to amend the Internal Revenue Code of 1954 to provide for a credit or refund of manufacturer's excise tax on parts and accessories installed on light-duty trucks. Referred to the Committee on Finance.

By Mr. HATFIELD:

S. 3679. A bill to authorize the payment of a pension to veterans of the Philippine Jolo Jolo Campaign and the Cuban Pacification Campaign and to the widows and children of such veterans, and for other purposes. Referred to the Committee on Veterans' Affairs; and

S. 3680. A bill to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. WILLIAMS (for himself and Mr. TOWER) (by request):

S. 3681. S. 3681. A bill to amend the Investment Company Act of 1940 to provide certain safeguards with respect to assignments of contracts to provide investment advisory services to registered investment companies. Referred to the Committee on Banking, Housing, and Urban Affairs.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALMADGE:

S. 3678. A bill to amend the Internal Revenue Code of 1954 to provide for a credit or refund of manufacturer's excise tax on parts and accessories installed on light-duty trucks. Referred to the Committee on Finance.

Mr. TALMADGE. Mr. President, today I am introducing legislation to correct a defect in the provisions of the Revenue Act of 1971 which repealed the 10 percent manufacturer's excise tax on light-duty trucks having a gross vehicle weight of 10,000 pounds or less. At the time that the repeal of the manufacturer's excise tax on passenger cars was being considered, Congress also decided to repeal the tax on light-duty trucks because, to a substantial degree, these trucks are used by many families in farm areas, as well as by other individuals, as a means of personal transportation comparable to the use made of passenger cars.

In that connection, the Report of the Committee on Finance states; at page 81:

> The exclusion from the 10 percent truck excise tax for light-duty trucks includes the original equipment on the truck when it is sold. That is, parts and accessories that in the past have been subject to the 10 percent truck tax because of the sales of the truck, in the future are not to be subject to the parts tax. This means that parts and accessories which are sold with the truck (or ordered at the time of sale) are not to be subject to tax.

It has been called to my attention that, due to a technical rule, the 8 percent manufacturer's excise tax on truck replacement parts and accessories, rather than the 10 percent tax on trucks—including original equipment—is imposed in the situation where the dealer, in connection with the sale of a light-duty truck, sells or installs a part or accessory which he has purchased from a manufacturer other than the manufacturer of the truck. As a result of this situation, the repeal by the 1971 act of the 10 percent excise tax on trucks does not provide relief from excise tax in the case of accessories, obtained by the dealer from a manufacturer other than the truck manufacturer, which are sold on or in connection with the sale of a light-duty truck. For example, there is a considerable demand for heavy-duty bumpers for pick-up trucks, but these generally are not supplied by truck manufacturers. Rather, they must be purchased from independent bumper manufacturers. The purchaser of a light-duty truck, equipped with such a heavy-duty bumper from an independent manufacturer, is burdened with the 8 percent excise tax on the bumper which is passed on to him in the form of higher sales price.

When the Congress repealed the 10 percent manufacturer's excise tax on light-duty trucks, I am sure it did not intend to discriminate against purchasers of light-duty trucks who required equipment available only from independent manufacturers of such equipment. The amendment I am offering today will correct this oversight by allowing a credit for refund to the manufacturer of the 8 percent tax imposed on parts or accessories in the case where such parts or accessories are sold on or in connection with the first retail sale of a light-duty truck. As in the case of the repeal of the manufacturers excise tax on passenger cars and light-duty trucks, it is intended that the full amount of the repealed tax be passed on to the consumer.

By Mr. WILLIAMS (for himself and Mr. TOWER) (by request):

S. 3681. A bill to amend the Investment Company Act of 1940 to provide certain safeguards with respect to assignments of contracts to provide investment advisory services to registered investment companies. Referred to the Committee on Banking, Housing and Urban Affairs.

ASSIGNMENT OF INVESTMENT COMPANY MANAGEMENT CONTRACTS

Mr. WILLIAMS. Mr. President, at the request of the Securities and Exchange Commission, on behalf of myself and Senator TOWER, I am introducing a bill prepared by that agency to regulate the assignment of investment advisory contracts with mutual funds and other investment companies.

The purpose of this bill is to clarify the legal status of the assignment of such contracts in light of the decision of the United States Court of Appeals for the Second Circuit in the case of Rosenfeld against Black. I hope that this bill will provide a vehicle for congressional consideration of this question. Mr. President, I ask unanimous consent that the full text of this proposed legislation be printed in the RECORD together with a technical statement prepared by the Securities and Exchange Commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Investment Company Act of 1940 (15 U.S.C. 80a–15) is amended by adding at the end thereof a new subsection as follows:

"(f) An investment adviser of a registered investment company, or an affiliated person of such investment adviser, may receive any amount or benefit in connection with a transaction which results in an assignment of an investment advisory contract with such company if—

"(1) no affiliated person of such company (or successor thereto by reorganization or otherwise) is, for a period of five years after the date on which any such transaction occurred, (A) an interested person of the investment adviser of such company, or (B) an interested person of the predecessor of such investment adviser; and

"(2) there is not imposed an unfair burden on such company as a result of such transaction or any express or implied terms, conditions, or understandings applicable thereto.

For purpose of this subsection, an unfair burden on a registered investment company includes any arrangement, during the two-year period after the date on which any such transaction occurred, whereby the predecessor or successor investment adviser of such company or any interested person of either such adviser, receives or is entitled to receive any compensation directly or indirectly (i) from any person in connection with the purchase or sale of securities or other property to, from, or on behalf of such company, or (ii) from such company or its security holders for other than bona fide investment advisory or administrative services."

SEC. 2. Section 15(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–15 (c)) is amended by adding at the end thereof a new sentence as follows: "It shall be unlawful for the directors of a registered investment company, in connection with their evaluation of the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company, to take into account the purchase price or other consideration such person may have paid in connection with a transaction of the type referred to in subsection (f)."

SEC. 3. Section 16 of the Investment Company Act of 1940 (15 U.S.C. 80a–16) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by adding after subsection (a) a new subsection as follows:

"(b) Any director of a registered investment company who is an interested person of either party to a transaction of the type referred to in section 15(f) shall not serve as a director of such company on and after the date of commencement of the new investment advisory contract, and the remaining directors of such company shall select, and propose to stockholders for election to the board of directors, the requisite number of other persons who are not such interested persons in the manner specified in section 10(e)."

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., May 24, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Committee on Banking, Housing, and Urban Affairs, United States Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: I am enclosing proposed legislation designed to clarify and modify the Investment Company Act of 1940 in light of the decision in *Rosenfeld* v. *Black* as it may apply to transfers of mutual fund investment advisory organizations. The proposal is drafted generally along the lines discussed in my letter of March 10, 1972. A detailed explanation of the proposed legislation is contained in the attached technical statement.

The proposed legislation has the unanimous approval of the Commission, and the Office of Management and Budget has advised us that it has no objection to our submitting the proposal to Congress from the standpoint of the program of the Adminstration. The Commission therefore recommends that the attached legislative draft be introduced as a bill and that your Committee support its passage.

We have transmitted this proposal and recommendation to Senator Sparkman and to Congressman Staggers, Chairman of the House Committee on Interstate and Foreign Commerce.

Sincerely yours,
WILLIAM J. CASEY,
Chairman.

TECHNICAL STATEMENT BY SEC

PROPOSED AMENDMENT TO SECTION 15 OF THE INVESTMENT COMPANY ACT OF 1940 TO ADD A NEW SUBSECTION (F)

(f) An investment adviser of a registered investment company, or an affiliated person of such investment adviser, may receive any amount or benefit in connection with a transaction which results in an assignment of an investment advisory contract with such investment company, *provided that*

(1) for a period of five years after the time of any such transaction, no affiliated person of such registered company (or successor thereto, by reorganization or otherwise) shall also be (A) an interested person of the investment adviser of such investment company or (B) an interested person of the predecessor investment adviser; and

(2) such transaction or its terms, conditions, or any understanding with respect thereto, express or implied, does not impose an unfair burden on the investment company. For purposes of this section, an unfair burden shall include any arrangement, during the two-year period after the time of such transaction, whereby the predecessor or successor adviser or any interested person of either such adviser receives or is to receive any compensation directly or indirectly (A) from any person in connection with the purchase or sale of securities or other property to, from or on behalf of such investment company or (B) from the investment company or its security holders for other than bona fide investment advisory or administrative services.

PRESENT SUBSECTION 16(B) BE REDESIGNATED 16(C) AND A NEW SUBSECTION (B) BE ADDED AS FOLLOWS

(b) In the event of any transaction within the provisions of Section 15(f), the directors of the investment company who are interested persons of either party to the transaction shall resign effective at the date of commencement of the new advisory contract and the remaining directors of the investment company shall select, and propose to stockholders for election to the board of directors, the requisite number of other persons who are also not such interested persons in the manner specified in Section 10(e).

PROPOSED AMENDMENT TO SUBSECTION 15(c) TO ADD A NEW PROVISION

Subsection (c) as amended would read as follows (new matter underscored): (c) In addition to the requirements of subsections (a) and (b) of this section, it shall be unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of directors, who are not parties to such contract or interested persons of such party, cast in person at a meeting called for the purpose of voting on such approval. It shall be duty of the directors of a registered investment company to request and evaluate and the duty of an investment adviser to such company to furnish, such information as may reasonably be necessary to evaluate the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company. It shall be unlawful for the directors of a registered investment company, in connection with their evaluation of the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such investment company, to take into account the purchase price or other consideration such person may have paid in connection with a transaction within the provisions of subsection (f).

TECHNICAL STATEMENT OF THE SECURITIES AND EXCHANGE COMMISSION ON THE PROPOSED AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940 REGARDING TRANSFERS OF ADVISORY RELATIONSHIPS

The proposed legislation would amend Section 15 of the Investment Company Act of 1940 ("Act") by adding new subsection (f), amend Section 16 by renumbering subsection (b) as (c) and adding a new subsection (b) and would add a new provision to Section 15(c). The proposed amendments are intended to clarify and modify the law in light of the decision in *Rosenfeld* v. *Black*, 445 F. 2d 1337 (2 Cir. 1971), as it may apply to the assignment of a contract of an investment adviser of an investment company registered under the Act.

In that case, the Court of Appeals for the Second Circuit held that the general equitable principle that a fiduciary cannot sell his office is impliedly incorporated into Section 15(a) of the Act. Consequently, a retiring investment adviser breaches its fiduciary duty under the Act by receiving compensation which reflects either (1) payment contingent upon the use of influence to secure approval of a new adviser or (2) an assurance of profits the successor adviser will receive under the new advisory contract and renewals thereof.[1]

The Commission believes that the principle that a fiduciary cannot profit from the sale of his office was appropriately applied under the circumstances of that case, which appears to have involved an outright sale by the investment adviser of its investment advisory contract with a registered investment company.[2] The transfer of investment advisory functions in the *Rosenfeld* case did not involve the sale of the outgoing investment adviser's business through a sale of its stock or through a sale of its assets. However, the broad sweep of the language of the Court has cast substantial doubt on whether an investment adviser can make any profit when it sells his business in that manner.[3]

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[1] See 445 F. 2d at 1343, 1344.

[2] The facts in the *Rosenfeld* case show that the outgoing investment adviser, Lazard Freres & Co., ("Lazard"), decided to terminate its relationship with the Lazard Fund ("the Fund"), a registered investment company. Ordinarily, a retiring adviser sells a controlling block of its stock or its assets. However, Lazard did not follow this route, but instead, entered into an agreement with Dun & Bradstreet, Inc. ("D&B") to transfer the advisory functions to Moody's Advisers & Distributors ("Moody's A&D"), a wholly-owned subsidiary of Moody's Investor Service, which in turn is a wholly-owned subsidiary of D&B. The transfer of advisory functions was accomplished by merging the Fund into Moody's Capital Fund ("Capital Fund"). Approval of the merger by the Fund's stockholders included approval of the new advisory contract between Capital Fund and Moody's A&D. Other agreements, which were contingent upon consummation of the merger, consisted of covenants or undertakings by Lazard, among other things, not to engage in the investment company business as an investment adviser or otherwise, and to provide or make available certain services to Capital Fund. As consideration for such agreements, D&B agreed to deliver to Lazard Freres, in installments over a period of five years, 75,000 shares of its common stock then worth about $2.7 million. In this

The Commission believes that it would be in the public interest to remove the uncertainty in the mutual fund industry which has been generated by the *Rosenfeld* decision. Therefore, the Commission recommends legislation which would clarify and modify the applicability of the Investment Company Act, as interpreted by *Rosenfeld,* to transfers of investment advisory organizations.

The proposed amendments are intended to permit an investment adviser, or an affiliated person of an adviser to obtain a profit upon the sale or transfer of its stock, or in connection with any other transaction which results in an assignment of the advisory contract, if certain conditions are met. These conditions are designed to prevent a retiring investment adviser or an affiliate from receiving any payment or other benefit in connection with the sale of the business of the adviser where such payment or benefit includes any amount reflecting certainty of succession to and assurance of continuation of the investment advisory contract. Preventing receipt by a retiring adviser of payments for these purposes should mitigate the dangers with which the Second Circuit was concerned in the *Rosenfeld* opinion. A detailed discussion of the statutory language follows:

Proposed section 15(f)

Proposed Section 15(f) specifies that an investment adviser or an affiliate may receive any amount or benefit in connection with a transaction resulting in an assignment of such adviser's investment advisory contract, if the adviser or affiliate can establish that conditions in the provision of the subsection are met. Proposed Section 15(f) would apply only to a transaction which results in an assignment of the adviser's investment advisory contract. "Assignment" is defined by Section 2(a)(4) of the Investment Company Act as including "any direct or indirect transfer or hypothecation of a contract or chose in action by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor." An assignment will ordinarily occur as a result of a transfer of a controlling block of the adviser's stock but this may also be accomplished, as indicated by the definition of assignment, indirectly by a sale of assets, or transfer or hypothecation of a contract or chose in action, as for example, a sale of non-voting stock.

The proviso in subsection (f) would not limit the value of the purchase price or other consideration which may be received or accrued by the retiring adviser or its affiliate. The proposal thus takes into consideration the fact that a purchaser of the investment adviser may be willing to pay consideration for the business of an investment adviser over and above the fair value of its tangible assets in the hope or expectation of serving as investment adviser to the registered investment company in the future.

The first provision of proposed Section 15(f) requires, however, that for a period of at least five years subsequent to the time of any such transaction, all affiliated persons of the investment company, such as officers, directors, and employees, must not be interested persons of the company's investment adviser and of any successor adviser. This would be accomplished by making it unlawful during the five year period for the registered investment company involved in the transaction to have as an affiliated person any person who is also (1) an interested person of the investment adviser of such investment company or (2) an interested person of any predecessor adviser. These requirements would also apply to any successor to such an investment company where the successor becomes such by reason of a reorganization of the investment company or otherwise. For the purpose of determining who are interested persons, the definition in Section 2(a)(19)(B) of the Act would apply.

The second provision of Section 15(f) prohibits any assignment of an advisory contract which subjects the investment company to an unfair burden for a two-year period after the transaction. Such a burden could arise, for example, where the transaction involves an arrangement with respect to the investment company's brokerage commissions. A definition of unfair burden along these lines is included in the section. The prohibition against unfair burden is limited to two years—the maximum period specified by the statute for the duration of the initial advisory contract with the new investment adviser. Thereafter, the investment company's board of directors, consisting entirely of disinterested persons, will be expected to continue this protection.

It is important to note that the proposed amendment does not provide for rate making or fixing of profits by either the Commission or a court. In this connection, however, in determining whether or not to recommend the new contract for stockholder approval, the directors of the investment company who now have a fiduciary duty to refrain from personal misconduct in the performance of their office, would of course be required to carefully scrutinize and evaluate the terms and conditions of such contract as well as the qualifications and capabilities of the proposed new adviser.

Proposed New Section 16(b)

Section 16(b) provides that in the event of a transaction causing an assignment within the provisions of Section 15(f), the investment company affected will achieve a board of directors as required by Section 15(f) by prompt resignation of any directors who become ineligible to serve. Further, in order to achieve maximum independence of any successor directors throughout the period contemplated by Section 15(f)(1) during which the board must consist entirely of persons who are not interested persons of the investment adviser, new Section 16(b) also provides for the selection of such successor directors, and their recommendation to shareholders for election, by those members of the company's board of directors who themselves are not interested persons of the investment adviser. In this connection, the time periods specified in Subsection 10(e) would be applicable.

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In view of the provisions of proposed Section 15(f), and new Section 16(b), a prospective purchaser of the business of an investment adviser would know that automatic perpetual succession to and continuation of the advisory relationship could not be assured. The new adviser would have to service the investment company at arm's length and the arm's-length relationship would continue for at least five years after the consummation of the transaction which caused the existing advisory contract to be assigned. Because the proposed successor adviser would have to deal at arm's length with the investment company, there should be no assurance that a purchaser will automatically perpetuate an advisory relationship with the investment company. Therefore, the proposed amendment should have the tendency of limiting to a fair value the consideration which a purchaser would be willing to offer a retiring adviser for its stock or assets.

Proposed Amendment to Section 15(c)

The proposed amendment to Section 15(c) of the Act would make it clear that the directors of a registered investment company when evaluating the terms of an investment advisory contract, may not take into account the purchase price or other consideration that might have been paid by the adviser in connection with an earlier transaction within the provisions of Section 15(f). The directors of the investment company would be expected to perform their fiduciary duties presently specified by Section 15(c) by requesting and evaluating all relevant information and considering the qualifications and performance of the adviser. Although this consideration could include the adviser's costs in servicing the investment company, such costs could not include any amount paid to a predecessor adviser or its affiliated persons.

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It is intended that these amendments would be prospective in application only.

The Commission believes that the proposed amendments would permit investment advisers and their affiliates to obtain fair returns for the risks they assume in organizing, promoting, and managing investment companies and, at the same time, would protect the interests of investment companies and their shareholders when the investment advisers of those companies engage in transactions resulting in the assignment of their investment advisory contracts.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2050

At the request of Mr. SCHWEIKER, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 2050, a bill to amend the Atomic Energy Act of

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connection, the Court stated that (445 F. 2d at 1344):

". . . any payment made to the outgoing adviser by his successor in these circumstances over and above the value of any continuing services represents consideration not for the lawful assignment of the contract—which is prohibited—but primarily for the use of influence in securing stockholder approval of the successor who expects to profit from the post. While it is true that the advisory contract is not conceptually an asset of the Fund, it is equally true that the expectation of profits under the contract is not an asset which, under the Act, the adviser can assign outright. Hence, if plaintiffs are correct in asserting that Lazard's few covenants were only a minor part of the consideration for D&B's payment to Lazard, Lazard and D&B must have assumed that the outgoing adviser was in a position to help effect the transfer of his office and that his efforts in doing so were worth valuable consideration."

[3] In its discussion of *S.E.C.* v. *Insurance Securities, Inc.*, 254 F. 2d 642 (9 Cir., 1958), *cert. den.*, 358 U.S. 823 (1958), which involved the sale by controlling stockholders of an investment adviser of their stock to a new controlling group at a price 25 times its net asset value, the Second Circuit stated that ". . . there are passages in the opinion suggesting that in the court's view none of the excess of the price received by the controlling stockholders over the book value of their stock would be recoverable under any circumstances by stockholders of the investment company." The Court stated that it did "not wish to be understood as accepting these views," although it did not find it necessary to determine "whether the difference between a transaction such as that here before us and the sale of a controlling block of stock in a corporate adviser at a price reflecting the expectation of profits under a renewed contract with the corporation which the sellers were to aid in procuring, is sufficiently substantial to warrant a different result in this latter case." 445 F. 2d at 1346–1347.

1954 to provide for agreements for broader State control, and to confer certain powers on the Administrator of the Environmental Protection Agency.

S. 3148

At the request of Mr. BAYH, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 3148, a bill to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

S. 3472

At the request of Mr. ANDERSON, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 3472, a bill to authorize Federal cost sharing in promoting public safety through the elimination of hazardous open canals by converting them to closed conduits and by fencing.

S. 3573

At the request of Mr. SCHWEIKER, the Senator from Nevada (Mr. BIBLE) and the Senator from Delaware (Mr. BOGGS) were added as cosponsors of S. 3573, the State Lottery Exemption Act of 1972.

S. 3643

At the request of Mr. BENNETT, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 3643, the Allied Services Act of 1972.

S. 3664

At the request of Mr. MOSS, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 3664, the National Multiple Sclerosis and Epilepsy Act of 1972.

SENATE CONCURRENT RESOLUTION 84—SUBMISSION OF A CONCURRENT RESOLUTION IN APPRECIATION TO DR. WERNHER VON BRAUN

(Referred to the Committee on Aeronautical and Space Sciences.)

Mr. SCOTT submitted the following concurrent resolution:

S. CON. RES. 84

Whereas the development of the national space program has brought science and technology to new levels of achievement and has generated inspiration, intellectual stimulation, and a sense of adventure not only for the people of the United States but for the entire world; and

Whereas the accomplishments of the space program are in large part a direct result of the contributions made over the years by Doctor Wernher von Braun, whose stature as the space genius of the twentieth century and the chief architect of the coming exploration of space has already begun to grow into a legend; and

Whereas the retirement of Doctor von Braun from the National Aeronautics and Space Administration at the end of June 1972 provides a uniquely appropriate occasion for expressing public appreciation of his achievements in the space program and recognition of his contributions in space-related areas:

Now, therefore, be it,

Resolved by the Senate (and the House of Representatives concurring), That the Congress of the United States, for itself and on behalf of the American people, expresses its gratitude and appreciation to Doctor Wernher von Braun for his outstanding contributions to and achievements in the space program and its recognition of the benefits which his contributions and achievements have conferred and will continue to confer upon mankind.

OFFICE OF THE HANDICAPPED ACT—AMENDMENT

AMENDMENT NO. 1214

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. STAFFORD. Mr. President, today on behalf of Senator EAGLETON and myself, I am submitting an amendment to S. 3158.

The Federal Government has been for years committed to the principle that employment of the handicapped is in the national interest in terms of both the use of their national human resources and of individual fulfillment. Yet, I feel that the Federal Government has in some respects failed to live up to its own commitment in providing employment opportunities to handicapped people in appropriate Federal jobs relating to services provided by them.

It is for that reason and also a feeling that a handicapped person can best understand the plight of another handicapped individual in search of Government services that I am introducing this amendment.

Simply stated, the amendment is designed to demonstrate that we as a Nation and Government mean it when we say that a handicapped person needs only the opportunity to demonstrate that he can meet the performance requirements of most jobs so that he may be self-supporting in our society. I can think of no better way in which they can actively contribute to our society than the use of their skills to help fellow handicapped persons obtain the necessary services the Government can provide so that they may become independent.

My amendment would require that handicapped persons otherwise qualified be employed to fill all jobs in the proposed Office of the Handicapped of HEW. I can think of no better place to start with such a program.

Mr. President, I ask unanimous consent that the text of my amendment and of an explanation thereof be printed in the RECORD at this point.

There being no objection, the amendment and explanation were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1214

On page 3, between lines 2 and 3, insert the following new section:

"SEC. 3. In carrying out the functions of the Office under this Act, the Secretary shall employ handicapped persons otherwise qualified to fill all positions in said Office."

On page 3, line 3, strike out "SEC. 3" and insert in lieu thereof "SEC. 4".

EXPLANATION OF SENATOR STAFFORD'S AMENDMENT TO S. 3158

The amendment would require the Secretary of Health, Education, and Welfare to hire handicapped persons otherwise qualified to fill all jobs in the newly created Office for the Handicapped within HEW.

The burden would be on the Secretary to prove that he is unable to find a qualified handicapped person before he could hire a non-handicapped person for any job in the Office.

The purpose of the amendment, quite simply, is to provide tangible demonstration that the Congress means it when it says that handicapped persons are capable of meeting the performance requirements of most jobs; of supporting themselves, and of contributing actively to society . . . if only given the opportunity.

The amendment would also strengthen the Office of the Handicapped by guaranteeing a staff attuned to the special problems of the handicapped. And, of course, it would provide a practical, working model for achieving the goal of gainful employment of the handicapped of the nation.

STATE AND LOCAL FISCAL ASSISTANCE ACT—AMENDMENT

AMENDMENT NO. 1215

(Ordered to be printed and referred to the Committee on Finance.)

Mr. GURNEY. Mr. President, I am today submitting, on behalf of myself and Senator RIBICOFF, Senator BENTSEN, Senator BIBLE, Senator CANNON, Senator COTTON, Senator MCINTYRE, Senator TOWER, and Senator WEICKER, an amendment to S. 3651—the State and Local Fiscal Assistance Act of 1972—which will remove from the bill the bias against States with no, or relatively small, State personal income taxes.

The bill, as introduced, provides for $3.5 billion in direct aid to local governments plus an additional $1.8 billion for State governments. Half of the $1.8 billion to State governments would be allocated among the States on the basis of each State's combined tax effort—State and local taxes. The remaining $900 million would be allocated on the basis of State personal income tax dollars collected, with minimum payments for States with no personal income taxes.

The effect of the distribution formula for this latter $900 million would be to penalize States with no personal income taxes, or with relatively low personal income taxes. In all, 28 States are discriminated against by this provision including: Alabama, Arizona, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Washington, West Virginia, and Wyoming.

The language of the committee report on H.R. 14370, which is identical to S. 3651, indicates that supporters of this provision believe:

First. That the Federal Government should force States to adopt specific methods of generating revenues, as directed by Congress through penalty provisions within revenue-sharing legislation, and

Second. That State personal incomes taxes are the "most reasonable" method of generating revenues for every State.

I strongly disagree with both of these propositions.

General-revenue sharing, which I support, was originally intended to strengthen State and local governments, not emasculate them by removing the right of the people of a State to determine for themselves what type of State taxes should be levied. Indeed, this is a form of taxation without representation in that it effectively provides that the amount and type of State taxes would be determined at the national level—by representatives from other States.

Not all States are uniform in their fiscal and tax situations. The same tax structures are not equally equitable in every State. There are many examples of States where factors such as unusual economic bases, extreme mobility of population, or electoral preferences make dependence on State personal income taxes inappropriate and inequitable.

In my own State of Florida, for instance, there are a large number of "second homes" which belong to out-of-State residents. These owners—who are generally among our Nation's more affluent citizens—share in the benefits of State public works and services. They also pay their fair share for those benefits, because Florida does not rely on personal income taxes for financing.

My amendment to S. 3651 would remove from the revenue-sharing distribution formula the factor based on State individual income tax collections, and would substitute a factor based on Federal individual income tax collections within the respective States. While this plan would continue to base the allocation of revenue-sharing funds on the personal taxable incomes within each State—as these taxable incomes are the indirect determinant of both State and Federal income tax collections—the change would allow all States to share equitably in revenue sharing. States, in order to get fair returns, would not be forced to adopt new or greatly increased State personal income taxes, taxes their citizens would otherwise oppose.

It is my sincere hope that this amendment will be adopted so that those of us who oppose State personal income taxes, and support the right of the States to exercise fiscal self-determination, may consider giving our full support to a fair and equitable general revenue-sharing formula.

Mr. President, I ask unanimous consent that the text of my amendment be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1215

On page 26, beginning with line 10, strike out through line 25 on page 31 and insert the following:

Sec. 122. Amount of Entitlement of Each State.

(a) General Rule.—The amount of the entitlement of any State for any entitlement period is the sum of—

(1) the income tax share of such State for such period, plus

(2) the combined tax effort share of such State for such period.

(b) Income Tax Share.—For purposes of this section—

(1) In General.—The income tax share of any State for any entitlement period is the amount equal to the lesser of—

(A) the adjusted Federal income tax effort of such State for such period, or

(B) the amount which bears the same ratio to the amount appropriated for such period under section 123(a)(1) as the adjusted Federal income tax effort of such State for such period bears to the sum of the adjusted Federal income tax effort of all States for such period.

(2) Federal income tax effort.—The Federal income tax effort of any State for any entitlement period is 3 percent of the Federal individual income tax liabilities attributed to such State for taxable years ending during 1971 or (if later) during the last calendar year ending before the beginning of such entitlement period.

(3) Adjustment.—The adjusted Federal income tax effort of any State for any entitlement period is one-half (one-quarter in the case of an entitlement period of 6 months) of the Federal income tax effort of such State (determined under paragraph (2)).

(c) Combined Tax Effort Share.—

(1) In general.—The combined tax effort share of any State for any entitlement period is the amount which bears the same ratio to the amount appropriated for such period under section 123(a)(2) as the combined tax effort amount of such State for such period bears to the sum of the combined tax effort amounts of all States for such period.

(2) Combined tax effort amount.—The combined tax effort amount of any State for any entitlement period is the amount determined by multiplying—

(A) the net amount collected from the State and local taxes of such State during the most recent reporting year, by

(B) a fraction—

(i) the numerator of which is the net amount referred to in subparagraph (A), and

(ii) the denominator of which is the aggregate personal income attributed to such State for the one-year period ending on the second June 30 before the beginning of such period.

(d) Definitions.—For purposes of this section—

(1) Federal individual income tax liabilities attributed to State.—The Federal individual income tax liabilities attributed to any State for any period shall be determined on the same basis as such liabilities are determined for such period by the Internal Revenue Service for general statistical purposes.

(2) State and local taxes.—

(A) Taxes taken into account.—The State and local taxes taken into account under subsection (c)(2) are the compulsory contributions exacted by the State (or by any political subdivision of the State for public purposes other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes.

(B) Most recent reporting year.—The most recent reporting year with respect to any entitlement period consists of the years taken into account by the Bureau of the Census in its most recent general determination of State and local taxes made before the close of the entitlement period.

(3) Personal income.—Personal income means the income of individuals, as determined by the Department of Commerce for national income accounts purposes.

(c) State Must Maintain Effort.—

(1) General rule.—The entitlement of any State for any entitlement period beginning on or after July 1, 1972, shall be reduced by the amount (if any) by which

(A) the aggregate amount transferred by the State (out of its own sources) during such period to all units of local government in such State is less than—

(B) the similar aggregate amount for the one-year period beginning July 1, 1971.

(2) Adjustment where State assumes responsibility for category of expenditures.—If the State establishes to the satisfaction of the Secretary that since June 30, 1972, it has assumed responsibility for a category of expenditures which (before July 1, 1972) was the responsibility of local governments located in such State, then the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent that increased State spending (out of its own sources) for such category has replaced corresponding amounts which for the one-year period beginning July 1, 1971, it transferred to units of local government.

(3) Special rule for period beginning July 1, 1976.—In the case of the entitlement period beginning July 1, 1976, and ending December 31, 1976, the aggregate amount taken into account under paragraph (1)(B) shall be one-half of the amount which (but for this paragraph) would be taken into account.

(4) Reduction in entitlement.—If the Secretary has reason to believe that paragraph (1) requires a reduction in the entitlement of any State for any entitlement period, he shall give reasonable notice and opportunity for hearing to the State. If, thereafter, he determines that paragraph (1) requires the reduction of such entitlement, he shall also determine the amount of such reduction and shall notify the Governor of such State of such determinations and shall withhold from subsequent payments to such State under this subtitle an amount equal to such reduction.

(5) Transfer to general fund.—An amount equal to the reduction in the entitlement of any State which results from the application of this subsection (after any judicial review under section 143) shall be transferred from the Trust Fund created by section 123(c) to the general fund of the Treasury on the day on which such reduction becomes final.

Mr. RIBICOFF. Mr. President, I am pleased to join with the distinguished Senator from Florida (Mr. Gurney) in introducing this amendment to correct a serious inequity in the revenue-sharing legislation approved by the House Ways and Means Committee.

As a former Governor and Cabinet member, and as a member of the Senate Finance Committee, I fully support the concept of revenue sharing. State and city governments across the country are on the verge of bankruptcy. Their costs are rising at the same time their tax base is declining.

The revenue-sharing system embodied in H.R. 14370 will be an important first step toward alleviating this problem. By granting $3.5 billion to local governments and $1.8 billion to State governments with relatively few strings attached, local officials will be able to develop programs they consider most responsive to the needs of their constituents.

I am opposed, however, to the formula presently in the bill distributing one-half of the $1.8 billion State allotment on the basis of each State's collection of individual income taxes. States without State individual income taxes would receive smaller amounts based on a percentage of Federal individual income tax liabilities from these States.

This formula seriously penalizes States which do not have an income tax or have an income tax with low rates. The rationale is that the individual income tax is the most efficient and reasonable type of taxation and should be encouraged. The fallacy, however, is that we are simply making the same mistake all over again. We are saying: "Washington always knows best. Do it our way if you want more money." This places the States in the same subservient position we are attempting to abolish.

The amendment we introduce today would eliminate this problem by basing the distribution of the $900 million in question solely on Federal, rather than State, income tax revenues. As a result, the amount of funds to be shared would more accurately reflect each State's contribution to the National Treasury. A State like Connecticut, which would be heavily penalized under the House bill, would receive the amount it rightly deserves.

Under the present formula, the State government of Connecticut would receive a total of $21 million in the first year of the program. Under the Gurney-Ribicoff proposal, this would rise to approximately $35 million, in addition to the $51 million that would flow under either proposal directly to cities within the State. A total of 28 States would gain more funds under this proposal without increasing the overall cost of the program.

General-revenue sharing is an important concept that should be implemented as soon as possible. However, if revenue sharing is also going to mean responsibility sharing, the amendment we introduce today must be adopted.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1216, 1217, AND 1218

(Ordered to be printed and to lie on the table.)

LEGAL SERVICES FOR THE POOR

Mr. HRUSKA. Mr. President, everyone wants to do something about the crime situation. Most people agree that the difficulty in obtaining swift and sure justice in our courts has a direct relationship to the growth of crime in America.

In addition, the overcrowded dockets throughout every level of our judicial system pose a distinct threat to the concept of justice in this country and to the respect for and resort to the law which should be prevalent in our society.

Before long the Senate will be asked to consider S. 3010, a bill which deals with programs administered by the Office of Economic Opportunity. Title IX of S. 3010, as reported by the Committee on Labor and Public Welfare, would establish a National Legal Services Corporation. This Corporation would supplant the existing program to provide legal services for the poor which is now administered by OEO.

Mr. President, last December, President Nixon vetoed a bill which contained provisions establishing an independent legal services corporation, not just because of these provisions, but primarily because of portions of this proposal dealing with child development. The President's concern about the legal services corporation provisions was quite apparent, however, and it was shared by this Senator. This is one of the reasons why I supported the President's action in vetoing the measure in question, S. 2007.

Under the present OEO legal services program there has been a measurable impact on the Nation's courts—not the least of which has been the far-ranging nature of the legal actions undertaken by several legal services attorneys in the name of justice for the poor. A significant number of instances have come to my attention where such attorneys have become involved in cases which go beyond what Congress intended in authorizing this program, at least in the opinion of this Senator. I will not go into them at this time.

When the proposal to establish a Legal Services Corporation was considered in this Chamber last year, I had grave reservations about the nature of the Corporation so established and its effect upon our judiciary. The fact that this proposal was not studied by the Committee on the Judiciary prior to its consideration on the Senate floor did very little to allay my concern.

We will shortly face a repeat performance of this situation, Mr. President, and my reading of the present version of this proposal in title IX of S. 3010 gives me the uneasy feeling that we are right back where we started from. The current measure appears to have at least as many problems as did its predecessor. It should be gone over very carefully in this Chamber, and I believe this will be done.

I intend to have a good deal more to say about this proposal at a later time. For the present, however, I now send to the desk three amendments which I intend to propose to S. 3010 and ask that they lie on the table and be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I am not sure that any number of amendments will make this provision into an entirely acceptable measure. These amendments would make a beginning, however. The first would insure that legislative jurisdiction over future changes in this area of the law would lie with the Committee on the Judiciary, where it should have been in the first place. The second would make more stringent and effective the prohibition against outside practice of law by full-time employees of the Corporation. And the third would prohibit the Corporation from employing attorneys who have been suspended, disbarred, or who are otherwise undesirable citizens.

I am pleased to have been able to make the remarks prior to the actual consideration of S. 3010. After today's discussion of this proposal and its implications, hopefully all Senators will have their interest in taking a very careful look at this measure stimulated.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 914

At the request of Mr. Hatfield, the Senator from Iowa (Mr. Hughes), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from Wisconsin (Mr. Proxmire) were added as cosponsors of amendment No. 914, intended to be proposed to the bill (S. 3108), the Military Procurement Authorizations Act, 1973.

ADDITIONAL STATEMENTS

CAPT. ROGER C. LOCHER RESCUED IN NORTH VIETNAM

Mr. DOLE. Mr. President, the Sunday papers carried a Vietnam story about a happy ending to a long and anxious ordeal for a Kansas Air Force officer.

Capt. Roger C. Locher, of Sabetha, Kans., was shot down near Hanoi on May 10. When his F–4 Phantom was hit, Captain Locher bailed out, and, for 23 days he evaded North Vietnamese search parties, sustained himself and kept alert for rescue opportunities.

Finally, last Friday he was found by U.S. rescue forces and taken to Thailand where he received a warm welcome back to our lines from his comrades and the Commander of U.S. Air Force Operations in Indochina, Gen. John W. Vogt.

Captain Locher's courage and resourcefulness speak highly of his personal character. Very few Americans have been shot down so deeply in North Vietnam and then managed to conceal themselves from the enemy until our rescue forces could locate them and get in with sufficient firepower and equipment to bring about their rescue.

Captain Locher certainly deserves high praise as do those forces who effected his rescue. I am sure I speak for all my colleagues in extending a heartfelt expression of relief for Captain Locher's safe return and a sincere "well done" to the brave and devoted men who rescued him.

Not only does this story reflect great credit on Captain Locher and his rescuers, but it also speaks most highly of the training received by our fighting men and the Armed Services' commitment to protecting their personnel and rescuing them from the perils encountered on their hazardous missions in Southeast Asia—or wherever in the world duty takes them.

JAMES J. KILPATRICK ENDORSES SENATOR BAYH'S "SATURDAY NIGHT SPECIAL" BILL

Mr. BAYH. Mr. President, recent events have forced us to recognize that the easy availability of cheap handguns is a continuing source of much of our crime problem. Recently, James J. Kilpatrick, a respected national columnist, lent his support to those of us in Congress who are trying to do something about curbing these dangerous crime weapons.

In his column several weeks ago, Mr. Kilpatrick pointed out that the gun problem in our country is getting worse: In 1970 more than half the murders in the United States—or almost 8,000—were committed with handguns. We can no longer afford to wait to take action on reducing the number of cheap handguns on our streets. As Mr. Kilpatrick notes, my bill to ban the so-called "Saturday Night Specials" "does make sense—these are small snubnosed handguns, useless to the sportsman."

Mr. President, I am encouraged by Mr. Kilpatrick's support for my proposal and ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the St. Louis Globe-Democrat, May 26, 1972]

GUN CONTROLS HAVEN'T REDUCED CRIME

(By James J. Kilpatrick)

WASHINGTON.—Four years ago, the assassination of Martin Luther King and Robert Kennedy led directly to congressional approval of sweeping gun controls. History repeats. This summer, in the wake of the attempted assassination of Governor George C. Wallace, Congress will try once more to draft an effective law.

It won't be easy. In this highly-charged field, where emotions have a way of outrunning reason, it is far easier to define the problem than to find a workable solution.

The problem itself is universally recognized. In 1970, the FBI reported an estimated 15,800 murders in the United States; more than half of them were committed with handguns.

That same year saw an estimated 350,000 robberies. Nearly two-thirds of them were armed robberies.

Between 1961 and 1970, more than 600 law enforcement officers were slain; 466 of them died of handgun wounds.

The figures give no account of the hundreds of tragic accidents that occur when children discover loaded weapons around the home. No accurate tabulation is kept of persons wounded by firearms in cases of aggravated assault, but at least 80,000 such assaults occurred in 1970.

The gun problem in our country is grave; and it is getting worse.

That is one point to keep in mind in contemplating new laws. There is little to indicate that the two acts approved in 1968 have done much to curb criminal violence.

The first of them, embodied in Title IV of the Omnibus Crime Control Act, prohibited the interstate shipment of pistols and revolvers to individuals, prohibited the sale of such weapons to convicted felons and fugitives, and banned over-the-counter sales of handguns to non-residents of a dealer's State.

The law also required that detailed records be kept on shipments and purchases; it was this provision that enabled the FBI instantly to track down the weapon used against Governor Wallace.

In October of 1968, Congress extended generally the same provisions to commerce in rifles and shotguns. Together, the two Federal laws provide a tight system of dealer licensing and record-keeping; and they flatly prohibit the sale of handguns to persons under 21.

Yet thousands of young hoodlums manage to acquire concealable weapons anyhow, and the ugly wave of crime rolls on.

What to do about it? It is easier to suggest what ought not to be done.

We are hearing once again the fatuous demand for outright confiscation; the idea is that a 30-day period would be provided in which every person would have to surrender his firearms to his local police. There he would receive a receipt for them; subsequently he would receive compensation.

The idea is absurd. It would leave criminals armed, and their victims defenseless.

Neither is there merit in the idea of licensing and registration. Here the argument goes that men do not object to licensing of their automobiles. If a car can be effectively registered, why not a gun? One answer is that automobiles, by their very nature, can be publicly observed; an automobile licensing law presents no problems of effective enforcement. But this is not true of firearms.

For every law-abiding citizen who registered his weapons, and paid the heavy license fees proposed, a hundred criminals would simply ignore the law.

One measure does make sense. On Wednesday, less than 48 hours after the Wallace shooting, a Senate sub-committee approved Senator Birch Bayh's bill to ban the so-called Saturday night specials. These are small, snub-nosed handguns, useless to the sportsman. If a law could be drafted that defined such weapons precisely, the law should be passed. Over a period of years, it might help.

But my own thought is that Congress can do less than judges can. If our courts would crack down hard on gun-toting criminals, hitting them with tough additional sentences for the use of a firearm, the word would get around.

REMOVAL OF EARNINGS LIMITATION IN SOCIAL SECURITY

Mr. JAVITS. Mr. President, I have received many letters in the past year from New York constituents—more so than in the past—protesting against the unfair earnings limitation in social security. While, as we all know, the administration has proposed easing somewhat the monetary amount of the limitation, I believe it is about time that we gave serious consideration to lifting this limitation altogether. I certainly hope that the Committee on Finance, in its deliberations on H.R. 1, will review this problem closely and will come up with some equitable arrangement for eliminating a provision which unjustly penalizes so many older Americans.

In this connection, I ask unanimous consent that there be printed in the RECORD an article published in the Insurance Advocate of March 18, describing an address by Lester J. Bradshaw, Jr., president of Travelaire Flight Insurance Agency, Inc. Mr. Bradshaw outlines succinctly the arguments for ending the earnings limitation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

END OF BENEFIT PENALTY AGAINST SOCIAL SECURITY RETIREE WHO CONTINUES WORKING IS URGED BY BRADSHAW

A simple change in the law will end the rampant discrimination which has plagued the rank and file retiree under the Social Security System throughout its existence. Lester J. Bradshaw, Jr., president of Travelaire Flight Insurance Agency, Inc., told the Friendly Sons of St. Patrick in a St. Patrick's Day address at John F. Kennedy International Airport, New York.

Mr. Bradshaw's reference was to the requirement that people reaching retirement age under Social Security must sacrifice benefits if they continue to work and earn in excess of about $30 per week. Yet, he said, the Social Security benefits are at best meager in the light of the rise in living costs and the pension benefits under the system are barely enough to keep an individual from starving.

Even if the individual wants to earn more in some job in order to supplement the Social Security benefits, Mr. Bradshaw told the St. Patrick's Day gathering, he or she is barred from doing so without the penalty of loss of benefits.

This is unfair, Mr. Bradshaw said, because the Social Security benefits are not a gift, not charity, and not welfare. The worker reaching retirement age under the law, has paid for the benefits in advance all through the working years and there is no reason to continue the rule which restricts the use of these monies when they are paid, Mr. Bradshaw asserted.

The law is discriminatory against the middle class and poor individual, Bradshaw said, because people of means who reach Social Security retirement age can continue to collect any amount in dividends, interest, rents or other non-salaried income, without penalty to the Social Security benefits. Obviously, he said, the original intent of the Social Security system, to provide income to the aged of limited means, is thwarted because the income rule is no longer responsive to present needs.

One who is not wealthy and who wants to continue to work and has the capacity to do so, even part time, is discouraged from doing so and may thereby be reduced to a state akin to the poverty level, Bradshaw said.

Private retirement plans make no such income limitation rules. They are entered as straight cash deals, you pay while you work and they pay you back when you retire, he said. The pension fund, whether through civil service, private industry or union, does not limit what you can earn in your retirement years. There is no reason, Bradshaw pointed out, why the federal government can't do the same under Social Security, particularly where the law works so unfair a hardship on so many people. In simple truth, he said, when a person reaches his retirement age under the Social Security law, whether he works or not is none of Washington's business. He said that salary income such a person may earn has no effect on Social Security funds except to enhance them if the tax continues to be collected on earnings.

PEOPLE FAVOR IT

Talking over the years to hundreds of his life insurance clients, Mr. Bradshaw said, it is clear that the people favor this change which would hurt no one and benefit millions of people. In the present session of Congress, he said, the legislators will spend a lot of time on welfare problems, annual incomes of the poor and Social Security.

Attention to this amendment to the law to end this infringement on the rights of the older citizen, would be beneficial to the country as a whole, Bradshaw said.

McGOVERN ON ISRAEL

Mr. CHURCH. Mr. President, last week, while campaigning for Senator McGOVERN in the California primary, I was astonished to find questions being raised, and groundless charges circulated, concerning the McGovern position on Israel.

I was astonished because Senator McGOVERN has so frequently addressed himself to the crisis in the Middle East in so specific and forthright a manner as to leave no reason whatsoever for misunderstanding.

On May 30, 1972, in Los Angeles, Senator McGOVERN again reiterated his stand, outlining a four-point program aimed at "guaranteeing the survival of an Israel that is economically sound, politically democratic, and militarily secure."

His four-point program included a firm and continuing commitment for supplies of American arms to Israel; an $85 million aid program to assist in resettling immigrants from the Soviet Union; U.S. recognition of Jerusalem as the Israeli capital; and American efforts to persuade the Soviet Union on the merits of a nonimposed Middle East settlement.

I wholeheartedly support the McGovern program. I believe its implementation would help to stabilize the situation in the Middle East, reduce the chances of another tragic war, and enhance the prospects for an enduring settlement.

I ask unanimous consent that the text of Senator McGovern's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

McGovern Issues Four-Point Policy Statement on Israel

Los Angeles.—Senator George McGovern outlined a four-point stand on Middle East issues over the Memorial Day weekend in a major campaign address to Jewish community leaders in Los Angeles.

American policy, the South Dakota Democrat said, should be aimed at guaranteeing the survivial of an Israel that is economically sound, politically democratic and militarily secure.

This four-point program included an $85 million aid program to assist in resettling immigrants from the Soviet Union; United States recognition of Jerusalem as the Israeli capital; American efforts to persuade the Soviet Union on the merits of a non-imposed Middle East settlement; and a continuing commitment for supply of American arms.

In his address, McGovern cited his support of "every legislative effort to give military and economic assistance to Israel since I came to Congress in 1957." He added he had also urged "hesitant administrations, both Democratic and Republican, to sell Israel the equipment required for her defense. And I have opposed military aid for other Middle Eastern countries when I felt it could be used for military activity against Israel," he added.

McGovern called for "direct negotiations, without preconditions, between the nations of the Middle East themselves," as "the only kind of negotiations which can bring peace. The cornerstone of any peace settlement must be mutual agreement upon defensible and recognized national boundaries capable of deterring any future aggression." The Senator said Israel's current boundaries, "because of their tempting vulnerability, were invitations to armed invasion and maritime blockade." He continued that all three Israeli-Arab wars "can be traced to these arbitrary and erratic lines drawn as Israel's temporary boundaries."

The Democratic Presidential candidate, who said he was "proud to have built a reputation as a spokesman for peace," drew a sharp distinction between Israel and Vietnam.

"Israel is not Vietnam," McGovern said. "It is, in fact, the very opposite of Vietnam. The government of Saigon is a corrupt dictatorship which long ago lost the support of its people. Israel is a democratic nation, whose elected leadership has as firm a support among its people as any government in the world. Southeast Asia is not essential to the economy and security of the United States. The Middle East is. And most important, the Israelis have never and will never ask for a single American soldier to come and fight in their defense."

Criticizing State Department efforts which "tried to impose a settlement through a concert of outside powers," McGovern said, "This effort not only failed, it helped stoke up the arms race, strengthened the forces of aggression and terrorism and made it far more difficult for the Israelis."

McGovern's four point plan, he said, would make it possible for the United States to "assert itself as a force for peace in the Middle East." Text of the four-point plan is as follows:

"*First:* The most effective guarantee of both the present cease-fire and of a permanent peace is the modern military deterrent of the Israeli armed forces. Where we have hesitated in our military support of Israel, the fragile fabric of peace has been weakened. When we have supplied this help, conditions have stabilized. At a time of massive Soviet arms shipments to other states, we have an obligation to furnish Israel the advanced aircraft and other equipment necessary to prevent attack. Our sale of these weapons should not be made contingent upon Israeli agreement to American diplomatic demands. It should be an ongoing commitment based solely upon the military requirements of the day.

"*Second:* Israel needs substantial economic aid. It has, of hard necessity, the largest per capita defense budget in the free world. Yet it must continue to provide for refugees from the Soviet Union and elsewhere. Much of Israel's economic aid is supplied by people like yourselves. But our government can do more than it has. In this connection, I have proposed an $85 million program—from available refugee funds—to help defray the costs of settling new immigrants from the Soviet Union.

"*Third:* Israel needs our diplomatic support, in support of her basic peace proposals and her present policies in the arenas of diplomacy, including the United Nations. I was distressed when the United States joined in voting criticism of Israeli administration of Jerusalem. In the last twenty centuries, Jerusalem has never seen better rule than it sees today under the Israeli administration of Mayor Kollek. The people have jobs—Arabs and Jews. Health care is available to all. The holy places of all religions are fully protected and under repair. The people of Jerusalem have gained from Israeli administration and should continue under it. Furthermore, the United States should recognize Jerusalem as the capital of Israel and move our embassy there.

"*Finally,* Israel needs our help in restraining Soviet activity in the Middle East. For fifteen years, the Soviets have fished in the troubled waters of the Eastern Mediterranean. Their weapons and the stationing of their own personnel represent a difficult obstacle to negotiations. I would hope that, in the new period of negotiation that has opened up with the Soviet Union, we might do what we can to persuade them to join with us to encourage the kind of non-imposed settlement that would take the Middle East out of the theatre of big-power confrontation."

GREENVILLE NEWS EDITORIAL ENTITLED "LOCAL POVERTY PROGRAM PROMISING"

Mr. THURMOND. Mr. President, I have long been a critic of welfare plans which tend to perpetuate the problems of people in poverty rather than helping them get on their feet so they can earn their own way.

The Greenville, S.C., County Council for Community Actions, Inc., has initiated a program that, in my judgment, has merit. Teams of specialists, who have been trained in specific problem areas relating to the poor, are now going directly into the homes of needy families. They associate themselves with a certain number of these families and they work with them until they have found a way to alleviate the problems.

The Greenville News of June 4, 1972, published an editorial praising the efforts of this county council. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Local Poverty Program Promising

Having for years insisted that handouts, federal or otherwise, don't really help people in poverty and often make their situations worse, we welcome efforts in Greenville County to deal with and hopefully eliminate or alleviate the real causes of poverty.

A new program of the Greenville County Council for Community Actions, Inc., is aimed directly in that direction. It will tend to de-emphasize use of neighborhood centers to help needy families, and will put teams to work directly on the families themselves.

The program is based upon research which proves that families in poverty have numerous problems, any one of which renders them helpless. It follows that the solution of those problems, rather than merely providing dollars, is the way to get such families on their feet and keep them there.

In Greenville teams of specialists in the various problems known to produce poverty will go directly into poverty-stricken homes. As Mrs. Eula M. Stockman, CAP program developer, described it, "The family team will be the general practitioner."

Each team will have a limited number of families, each carefully selected, and will stay with those families until success is achieved within a reasonable time or all available avenues have been exhausted.

One good aspect of this program is that it can be evaluated easily, and changes can be made on the basis of experience.

It offers real promise and deserves the cooperation of all Greenville individuals and organizations in position to lend helping hands.

PROFILE OF SENATOR PERCY

Mr. BOGGS. Mr. President, from time to time there appear in publications large and small profiles of biographies of Members of Congress and other dedicated public servants.

Often, they provide perceptive new insights into the philosophy and legislative approach of the individual who is being interviewed.

Such a profile of the distinguished Senator from Illinois is the lead article in the May 1972 issue of the AMBA Executive, a publication of the Association of Master and Business Administration Executives.

I believe the article would be of particular interest to Members of this body. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the AMBA Executive, May 1972]

Apply the Principles of Business to Government, Says Senator Percy

Q. (*AMBA*) *At what point did you begin your business career?*

A. (Senator Percy) I went into business quite early. I was very young—I think seven years old.

My first venture began when a salesman for the Saturday Evening Post drove by a group of us playing ball. The salesman called us over and asked, "Would anyone like to make a dollar?" The Post was running a promotion at the time. I said I would. The salesman said, "Sell this pile of magazines and you've earned a dollar." That's how I got started in business.

I told the salesman to increase the number of magazines in my order each week, as I ought to be able to sell more. Soon I had one of the largest Saturday Evening Post Thursday night sales routes. I added the Ladies Home Journal once a month and even won a YMCA Scholarship for selling more Country Gentlemen in an urban area than any other salesman in the United States—I think I sold seven.

Then I developed a shopping service on Saturday which involved grocery shopping for the wives in the neighborhood. I'd take their lists and a wagon and I'd shop. It grew a great deal by word of mouth, which is the way you develop any business—your satisfied customers create a large part of your next year's sales. For example, they would say, "I only asked for two cans of tomatoes, you've bought me three."

"Yes, but they were three for thirty-nine," I would answer. "You save a couple of cents by buying three." The wives would tell a friend that this young fellow saves them money; he doesn't do just what is on the shopping list.

Q. *Did you continue your business career while you attended college?*

A. When I went to the University of Chicago, I had to borrow money to start. I had to earn a hundred-plus percent of my expenses, since I had to contribute something at home because it was the Depression. I had a very small scholarship and waited tables at 40c an hour. It seems ridiculous today, but that's what we all got. There were no better paying jobs. I was cutting down on my meals; I had to have more money; it was a matter of pure necessity—but how do you do it at 40c an hour?

The answer was a fraternity purchasing agency which I started by getting all the fraternities together. Before I started the agency, each of the fraternities was buying separately in uneconomical quantities for its 40 or 50 members using local merchants or local stores and shops. Also, each used a different laundry and a different coal company—we had coal furnaces in those days. I had had a part-time job shoveling coal when I went to high school so I knew something about buying coal. I also knew something about laundry and linen. I proved to fifteen fraternities that if I bought for all the men, I could buy substantially cheaper than they could on their own. For example, I went in and offered a large laundry all the business and we cut the rate in half. I went to the wholesale houses and would buy goods in the summer to be used during the year. We saved a great deal; we drove the prices down. I remember one incident in particular because I knew so little about some aspects of the business—olives for instance. I bought giant olives, cases of them, when I was buying one summer, only to find that giant is the smallest olive made. They were like little peas—super colossal is what I should have bought. I had a lot of giant olives on my hands for months. Then we sold fruits and vegetables—I got a man who had a wagon to work full time with me. He's now become one of the largest purveyors on the south side of Chicago selling to hotels and restaurants. I started him by having him buy fruits and vegetables at the market for us.

As Robert Hutchins, Chancellor at the University of Chicago said, I was the richest poor boy who ever went there. We had a business; we were grossing $150,000 a year in my last year; and I netted $10,000. I could hardly afford to quit school.

I've been in business most of my life. I love business; it's intriguing and fascinating.

Q. *When you finished college, did you think of continuing your education; getting an MBA or a law degree, for example?*

A. No, I didn't. I did want law, but couldn't afford law school, and the War was on—it was June of 1941 when I graduated from college.

After graduation, I went to work for Bell & Howell where I had been working summers while at the University of Chicago, I had the feeling we were going to be involved in the War and I helped Bell & Howell prepare for it.

Q. *Can you tell us more about your career at Bell & Howell?*

A. The first summer I worked at Bell & Howell, four of us dictated answers to letters and correspondence that came in from customers. A typical letter ran: "Dear Sir, I bought one of your cameras and I took three rolls of film. They're all black—what's the matter with your camera?" We'd write back, "Dear Sir, If you'll take the little lens cap off the lens, perhaps you'll get better pictures." We dictated answers all day long on dictating machines—they used round cylinders then I remember it very well because it took me so long to dictate my first cylinder. I carried it to the stenographic department and I dropped it—four hours of work scattered on the ground.

Near the end of the summer I analyzed all the correspondence we were doing and realized that there were no more than 150 different questions and answers that accounted for 90% of the mail. I carefully developed 150 perfect answers, numbered them and put a copy of each answer into two books. I gave one copy to the secretary and kept one for myself. I'd get my mail and put the appropriate numbers down at the bottom of each letter and send the letter to the secretary. She would answer the letter by looking at her book. Both she and I were able to do five times as many letters in one day as we did previously. I wrote a report at the end of the summer saying that one person rather than four could do this job and still have time to do other things. The sales manager, who went on to become Executive Vice President of Polaroid, thought it was pretty humorous and wrote a note to the president saying that this young fellow is going nowhere—he's just eliminated his job for next summer. The president was a Scotsman, Joe McNabb. McNabb sent for me and as a result, I got to know him in a kind of unique way. He told me that he wanted me to come in and see him every summer.

At the end of my third year, McNabb sent for me because I hadn't come in personally to report to him. The sales manager had told him that Chuck Percy had quit; he was leaving and taking a job with Crowell-Collier in sales promotion. The president sent for me and asked me to come to his home.

I had never been in his home, and at that time we were living in relatively unsatisfactory housing, to say the least. I walked into this mansion and I was never so awe-struck in my life.

"Young man, I'm terribly disappointed in you because I thought you had a future, but I found out that you left us," said McNabb.

"Why? You didn't even tell me." I replied that I had told my immediate superior and didn't think I should go over his head.

"Why did you leave?" he repeated. I said I was only getting $13 a week and was working to support myself and give my family some assistance. I had a chance to get $50 a week from Crowell-Collier—to triple my salary.

"That's the biggest mistake you've ever made," said McNabb. "You should know that at your age, experience is more valuable than money."

"Mr. McNabb," I said, "I have enough faith in the American economic system to feel that if they're willing to pay me three times as much as Bell & Howell, I must be getting three times as much experience with them." That was the last conversation I ever had with him or anyone at Bell & Howell about salary—after that, they always paid me more than I thought I was worth.

When I graduated from college, McNabb asked me what I intended to do. I said. "I'd like to go on to law school, but I can't afford it. I think that we're going to be involved in the War. I'd better get to work now and at least get the feel of it before I go into the service. I think I should look around for the best job I can find."

"Promise me one thing," McNabb said, "before you accept any offer, you will tell me what the best offer you receive is, and won't commit yourself."

So I went to see a number of companies, including Armstrong-Cork. At my final interview, after three days, one of my Armstrong-Cork interviewers said, "The fine thing about our company is that we can tell you today just where you'll be ten or fifteen years from now—you might even be an Assistant Vice President in charge of the Floor Division." I said, "I appreciate that very much but I can't say yes or no right now." I wasn't too impressed with the offer; I wasn't so sure that what I wanted was that "security". However, it was the best dollar offer.

I went back to see Joe McNabb. He asked me how much they offered. I told him and he said, "I'll double it to start with." And that was that. Later the Chairman of the Board of Armstrong-Cork and I became very close friends and I told him what had happened. That was the last time their recruiters ever told a young fellow about the "sure route for him".

My first suggestion to McNabb was that Bell & Howell ought to get into defense work. I couldn't see how a company in June '41 could stay in amateur photographic products very long—they just were not essential. McNabb said, "Fine. You handle it; that's your department." At that point I became a department head. It was the smallest department in the company—one man—me; not even a secretary. Within six months the war broke out and we had a six month lead on most companies. We got the first ordnance contract in the city of Chicago. We had developed a knowledge, an expertise on how to do business with the government which catapulted us into defense work. I handled all of that work until I left for the Navy in January of '43.

When I left for the Navy, McNabb told me he would keep me on salary and make me an officer of the company: assistant secretary. I was about 24. He said he wanted me to write a report once a month on what Bell & Howell ought to be doing after the war. That helped keep my interest in the company strong.

When I came back after the War he said, "I'd like you to become a stockholder and if you'd like to borrow money to buy stock now, you can start to buy." I went to the banks and arranged my first loan. Each year my measure of success was how much bigger my debt was. I was in debt steadily for over 20 years and did not pay it off until I resigned and went into public life when I felt I shouldn't have any debts. Other than the house, all my investments were in Bell & Howell. I was once told the old adage, "Don't put all your eggs in one basket, unless you can watch the basket.' I thought why not pour my life into something and put my money where my life was.

McNabb had left a note for the Board, to be read when I was elected President. It suggested that they should give me a stock option. I refused it for two years until the Board was willing to give options to other officers and until I proved myself as President—I didn't want to have the moral obligation of an option if I didn't work out. I lost several executives because we had no stock option plan.

Q. *What do you feel was most important to your success at Bell & Howell?*

A. You cannot say to my success, you would have to say to my colleagues' success.

My predecessor at Bell & Howell ran the company—ran a one man company—22 men reported directly to him. He knew every aspect of it. I didn't want to run the company that way; I wasn't qualified to run it that way. I delegated a great deal of responsibility and developed a rapport with men who were used to being directed in virtually every aspect of their life to see whether they could assume responsibility. I had to weed out the ones who simply refused to take a risk.

This is one of the great problems I have found in government, with the State Department particularly—you can progress if you don't make a mistake. In business, you can't work on that philosophy. You have got to take risks. The more risks you are willing to take, backed up by solid reasoning, judgment and research, the higher a business can afford to pay you. One of the qualities that brings success is, I think, the ability to take risks, to not make too many mistakes, but to make enough.

I remember our credit manager, for example. We used to have one that everyone was proud of because we had the lowest bad debt losses of any company in the photographic industry. My first question when I became President was, "Harry, how many sales are you losing? I think you're so unwilling to take risks that we're losing hundreds of thousands or millions of dollars worth of business. Have a little more faith in people. Don't say *no* too frequently or demand cash on the barrel-head. Let's see if we can't expand sales just on credit alone." We did expand tremendously because everyone knew we were the most tight-fisted company in the industry. That is one of the reasons I went out to my dealers and said, "We're now going to share the risks with you. But, you've got to share your knowledge with us as to where you stand, where you are going and what your plans are." We offered a dealer counseling service to them. That helped build their business as we built ours.

I was blessed with fine men to work with. Building men was my main job; that is, bringing men in, giving them responsibility, giving them the thrill that I had when I suddenly realized that I was President and Chief Executive Officer and could run things. I was only responsible to my conscience, my Board of Directors, my employees and the stockholders, among others. But I wanted to share the burden and the risks. We had presidents of divisions—I liked the term "President of the Division" because it gave the individual the feeling of being the Chief Executive Officer of a business. These decisions were what started us off on a spiral of sales and earnings growth—we grew into a very large, several hundred-million dollar company.

Q. *How did you get involved with politics?*

A. Before the War, I had no particular interest in politics. When I came back from the War in 1946 I started a group to get returning veterans involved in politics. I became interested in precinct work and associated myself with the Republican Party.

During the Eisenhower administration I was asked to be State Finance Chairman. Twelve other businessmen had been asked, I found, and they had all turned it down. Finally Eisenhower, as the President, asked me to come down and take the job—and I did. That gradually got me into politics in 1955. I raised $4 million for the Party in the next four years, went on the Budget Committee and the National Committee. Eventually, President Eisenhower began to give me assignments: he sent me to Latin America, to Bolivia and Peru for the inaugurations as his personal representative with the title of Ambassador. While there, I spoke at Chambers of Commerce, investigated business opportunities and our relationships with these countries and then reported back to the President. He asked me to head the Foreign Aid Program, which I could not do. He asked me to become the Assistant Secretary of the Department of Health, Education and Welfare—then a new agency—but I just didn't feel I could leave business. I had been given an opportunity early—at age 29—to be head of Bell & Howell. I told the President that if it was an emergency, I would certainly do it. In the absence of that, I said, when and if I go into politics, rather than going from a limousine at Bell & Howell to a limousine in Washington, I would rather start at the bottom. I would seek and run for public office, know what it's like to struggle and work to gain my job rather than becoming a Presidential appointee which would be so easy. It wouldn't teach me the business of government and politics as I had learned the Bell & Howell business.

"If you will do that," said President Eisenhower, "I will back you for any office you want to run for, be it the highest in the land, and I will tell all of my administrative people to stop pestering you about coming in full time as long as you can take part-time jobs." He wrote me a letter confirming that. I agreed to head the Republican Committee on Program and Progress; I worked on the National Goals Commission; I worked with the President and very gradually started to spend an increasing amount of time on the business of government. Finally, needless to say, after 25 years at Bell & Howell, I felt I ought to give other young fellows a chance—I either had to go for another 25 years and get the gold watch, or start a whole new career.

I resigned as Chief Executive but didn't as Chairman of the Board, then ran for Governor. I lost. I decided to run for the Senate in 1966, to go for broke—no ties with the past. People were saying, "Does he really mean it? He's still a businessman, but he's running for office." I resigned as Chairman and left Bell & Howell totally and completely severing every business connection. I ran and won.

Q. *Are there any particular characteristics that have contributed to your political success?*

A. Yes. I think very careful organization has helped. Politics is a terribly haphazard and catch-as-catch-can business. It is emotion-driven. I feel that reason, research, planning and forward thinking can be successfully applied to it.

In order to best organize my office, to take good care of correspondence, I've put all of my first term salary, my speaking and writing fees and more, into the office. I think I have one of the most efficient offices in Washington.

Participatory democracy—which I tried to instill at Bell & Howell—which the *Reader's Digest* wrote up some years ago in an article entitled "Democracy—Eight to Five" is something I have tried to apply to my public service. At Bell & Howell, our suggestion system was one of the most successful in the country—we would get ideas from the people who were working on the product as to what we could do to improve it.

Similarly, we go back and survey our constituents with great regularity for their opinions. I think we have one of the largest mailing lists of any Senator, all on computer tape. A management consulting firm came in and set up my computer system so that I could stay in closer touch with my constituents. When I wanted to send a survey out to doctors to ask them to appraise and analyze the Scott-Percy Medical Health Rights Bill which we developed, I sent preliminary copies to every doctor in the State of Illinois. I was able to send them out in about 24 hours. I can send out a survey to every dentist, to every automobile dealer, to every private pilot, for example. Having them all on computer makes us able to do so much and expand our knowledge of their opinions. That is why we have been able to introduce so much legislation.

I have had management engineers analyze my operation from a managerial standpoint. They made suggestions on how I could improve the handling of mail, the use of filing systems, among other things. An accounting firm audits my books and files income tax statements—I have the finest talent that I can get to back up and support me. I think I have the finest staff—they get paid less and work twice as hard, but then so do I.

In business I felt that the longer the assembly line, the further removed management was from the workers' attitudes and feelings. Every year, from the first year I was President of Bell & Howell when we had 1300 employees, to the last year when we had 10,000, I shook hands with everyone in the plant at least once a year. I met with employees frequently and regularly and with all supervisors at least once a month.

In politics, I have listen-ins all over the State; not in my office but down on the ground floor of a post office, anyplace that people stop or that is accessible to many people. The people should have easy access to their public officials and not feel they have to come to Washington or make an appointment—they can just see me where they are—I'll come to them. I have been taking 40–50 trips back to Illinois every year since I've been here, though the Senate only allows either six or eight, I forget which. I take the rest simply because I feel the need to stay close to constituents in my State.

Q. *In business profit is a measure of performance. How do you measure your performance as a Senator?*

A. The necessity of a follow-up is a discipline you learn in business. You get a monthly financial statement. You know where you stand because you get regular measures of your performance. When I was at Bell & Howell, every year we sent an annual report to 25,000 stockholders, 5–10,000 major customers and to over 10,000 employees. I addressed all three groups each year; I personally reported to thousands of our stockholders, employees and their families each year.

I've kept that habit here; every year I send an annual report to our constituents and release it publicly. It covers ideas, accomplishments and failures. In business I always included failures in the annual report; things don't always go right. *Forbes* said that my annual report was the most unusual one they had ever seen. Generally, they are white sheets that only talk about the good things. I don't think an annual report should be a sales brochure; I think it ought to be an accurate accounting of what you do, and obviously you have made mistakes that cost stockholders' money. You ought to say so. I made a horrible mistake one year, underestimating the size of a market. I reported that we lost millions of dollars worth of sales because of my judgment in not appraising the market properly. I received more letters of commendation from mentioning our mistake than from mentioning all the successes we have had. When I reversed myself on the SST, I admitted on the floor of the Senate that I had made a mistake. I originally voted for it, but I hadn't analyzed and appraised its economic impact carefully enough. I just emotionally said that we ought to have the best of everything, and went ahead and voted for it, foolishly. It was the most stupid vote I have ever cast. I corrected it by working hard against the SST. We defeated it and I made up for my mistake.

The tendencies in business are the same tendencies I like to have here. I feel that in business the consumer is king, not the producer. The consumer, not the producer should be the one who is protected. We built our business by satisfying consumers.

In the Consumer Protection Forum that we had in the Senate today on a bill that I am sponsoring along with a number of my colleagues, I said the same things—we must protect the consumer. Government has a role to play in helping the consumer have an advocate who protects his interests. Business needs to understand that. I have tried to keep the same principles in government that I have had in business.

Q. *What do you think about the voluntary social action programs involving business and government? Many businessmen feel that they have not worked because they do not provide adequate motivation—profit—to business.*

A. I think the criticism that some of the programs have not worked is valid. When we develop a program, test it and find it has not worked, the best thing to do is scrap it. The inertia of these programs is such that once they get started, they are very hard to stop. Committees are similar. In business you can set up a temporary committee that is dissolved as soon as it has fulfilled its function. In politics, when a presidential commission, for instance, is set up, it is just like it has been cast in cement to try to get rid of it. I have an avowed objective to get rid of a great number of them while I am in government. I have yet to get rid of one, but I have got a bill in now that will eliminate all commissions at the end of two years unless they have a separate piece of legislation authorizing their extension. I can see why many people feel that programs that were set up during one period of industrial or economic history are no longer useful.

Q. *What do you see happening in the role of business and society in the years ahead?*

A. For a number of years I have felt that younger men and women want a sense of "worthwhileness" about the company or enterprise in which they work. This is why I have said it is going to be good business in the future for companies to get into programs such as the Alliance for Businessmen—for business to participate actively in community betterment, urban planning, new town developments. You might say government should do this, but I would a lot sooner see it done through the planning and thinking of private enterprise. To attract and hold young people, business is going to have to be more socially oriented. That is a philosophy I have had for 20 some years in business. Originally I was considered impractical, but now virtually all companies have a social conscience and recognize that it is good business for them to have it.

You cannot ever forget, however, that the acid test, the litmus test, of a business is that it must be successful; that it must obtain a reasonable rate of return on investment. It cannot create opportunities for growth and expansion for individuals unless it can attract sufficient capital to finance its own growth. To do this, it must have a reasonable expectation of increasingly higher returns in the future—that means running a profitable business. You can't become so socially oriented as to forget that the first step is to become profitable and successful. It is a mockery to say that business is a substitute for either government which is non-profit and/or for non-profit ventures and charitable organizations—that is a soft-headed way of looking at it. You have to try to do both but you must remember your primary responsibility is to stay financially sound and successful as an enterprise while at the same time serving a social conscience.

Regarding business participation in politics, I have always been impressed that labor unions have never hesitated to take partisan positions. They don't hide behind a cloak of, "Well, I can't get involved or I can't become committed." They take a stand. They are knowledgeable enough in politics to work at the grass roots level, to realize that just making a contribution is not enough: you must get out and learn the business from the bottom, at the grass roots level, at the precinct. I am impressed now that more businessmen are becoming increasingly sophisticated, recognizing that they have to take positions. They can't be political eunuchs; they have to declare themselves on occasion and fight for what they believe in if they want to command respect.

As a family man I know my children participate in public affairs. Government is one of the more exciting aspects of my life as far as they are concerned. I am not sure I would have attracted and held their interests by just being a businessman that stuck his nose to the grindstone; that I would have been as good as a businessman if I had that narrow a perspective. By broadening my horizon, by going into civic activities, politics, I brought a fresher and a broader point of view to the company as well. I think some of the finest training and experiences that my older son has had as a graduate student in business, were not as a result of being the son of a corporation president, but as the son of a corporation president who was interested in politics. He has participated in politics and became my first administrative assistant and driver for my campaign. My younger son, who is 16, is going to follow in his footsteps and be my driver this summer back in Illinois as I run for reelection. I don't imagine that my son-in-law, Jay Rockefeller, has begrudged the political experience that my daughter has had, though my son-in-law and I are in a contest to see whether or not his children, my grandchildren, are going to be Democrats or Republicans. Politics has given us a common bond and provided an element of excitement.

I have heard it said that to Democrats, politics is a way of life, and to Republicans, it's a sacrifice. This is one Republican that feels that political activity has been one of the most exciting, meaningful and significant aspects of his life. As I look back, I wouldn't do it any other way than to establish my business career first and then go into politics. Having that base behind me has been extremely helpful to me.

SUMMER YOUTH JOBS

Mr. JAVITS. Mr. President, the President has now signed into law the second supplemental appropriation bill which, as approved by the Senate-House conference, contains a supplemental appropriation of $156 million for the Neighborhood Youth Corps summer job and recreational programs.

This makes possible the provision of a record number of jobs in the program, a total of 740,222 job slots, compared with 609,300 slots last summer, which was the highest up until that time; each slot represents a 9-week opportunity for a disadvantaged boy or girl between the ages of 14 and 21.

Mr. President, Senators may recall that on April 19, joined by 26 other Senators, I urged the Senate Appropriations Committee to respond to the current unemployment crisis among poor youth by meeting the needs documented to us by the National League of Cities-U.S. Conference of Mayors. We originally sought a supplemental of $291.4 million for 947,928 slots in the program; the Senate Appropriations Committee responded with a recommendation of $246 million, an amount necessary to provide the slots we requested, but on a 9-week, rather than a 10-week basis. The House had passed only a $95 million supplemental appropriation.

Mr. President, of course I had hoped that the final amount agreed upon in conference would be closer to that which the National League of Cities and the U.S. Conference of Mayors had documented to me as essential.

However, I am very grateful that this significant amount has been made available at this relatively early date in the summer and I wish to take this occasion to express my appreciation to the members of the Senate Committee on Appropriations for their initial action and their efforts in conference; to my colleagues and to the administration for making this possible.

I wish also to acknowledge my special appreciation to my colleagues who joined with me in April. They include the following: Senators Lloyd Bentsen, Quentin N. Burdick, Robert C. Byrd, Howard W. Cannon, Clifford P. Case, Alan Cranston, Thomas F. Eagleton, J. W. Fulbright, Fred R. Harris, Philip A. Hart, Hubert Humphrey, Henry M. Jackson, Frank E. Moss, Edmund S. Muskie, Bob Packwood, Claiborne Pell, Abraham Ribicoff, Robert Taft, Jr., John Tower, John V. Tunney, Harrison A. Williams, Jr., Robert P. Griffin, George McGovern, Walter Mondale, William B. Saxbe, and Richard S. Schweiker.

Mr. President, I ask unanimous consent that there be printed in the Record a news release dated June 5, 1972, issued by the Department of Labor, which provides a summary of funds available for summer jobs from these and other sources, as well as tables with respect to allocations among the regions of the Nation.

There being no objection, the items were ordered to be printed in the Record, as follows:

Extra Funds Raise Summer Youth Jobs to 1.2 Million—Record High

The supplemental appropriation signed by President Nixon in Moscow has raised the number of summer jobs for youth to the all-time high of 1,201,400, Secretary of Labor J. D. Hodgson announced today.

This is 220,000 more summer jobs than were available for youth last summer.

The funds made available through this appropriation will bring the total to be spent this summer to $377.6 million, also a record high, and $85 million more than in any previous year, Hodgson explained.

Most of the federally supported jobs for youth this summer will be in the Neighborhood Youth Corps. The NYC summer program is providing nine weeks of employment for 740,222 disadvantaged boys and girls, 14 through 21. The jobs pay $1.60 an hour for work in community service activities.

The supplemental appropriation not only sets up a larger-than-ever summer program, but it still provides a record amount of lead time for local planners. Local governments and agencies were given initial allocations in March to help plan for the summer. The supplemental funds are also that much ahead of previous years availability, Hodgson pointed out.

The $377.6 million in Federal funds will be spent through four programs providing 865,322 jobs. The remaining 336,000 jobs will be provided mainly in the private sector by business and industry, without Federal financial support.

Federally supported summer jobs will be provided through the:

Neighborhood Youth Corps Summer Program	740, 222
Federal Summer Employment Program for Youth	63,000
Public Employment Program	59, 100
Youth Conservation Corps	3, 000

An estimated $25 million of already allocated Section 6 Emergency Employment Act funds will be available to provide 59,100 jobs paying $1.60 an hour if local officials so choose.

The Federal Summer Employment Program will hire one disadvantaged youth through the Civil Service Commission for every 40 Federal employees for jobs in most agencies. The Youth Conservation Corps selects participants through the Department of the Interior from all walks of life for environmental support work.

The Federal-State Employment Service plans to fill 161,000 jobs in its Youth Summer Placement program, an increase of 5,500 over last year. The Employment Service will hire up to 600 special placement officers to help handle the influx of summer job seekers.

"The National Alliance of Businessmen deserves a special note of recognition," Hodgson said. "In addition to its efforts in behalf of the disadvantaged and its additional and nearly fulfilled pledge to find jobs for 100,000 veterans, the NAB has pledged to hire 175,000 young people in 126 metropolitan areas, 24,000 more than it did last summer."

In another facet of the Administration's summer program, 2,228,000 recreational opportunities for young people between 8 and 13 years of age will be provided. The Summer Recreation Support program will support 2,185,000 youngsters and the National Summer Youth Sports will handle an additional 43,000.

The Labor Department's regional offices are contacting local Neighborhood Youth Corps program sponsors now to inform them of the new slot and fund allocations. Tentative allocations were released by the Department March 19.

In many communities, the mayor's office will play a greater role than in past years in coordinating summer activities for youth.

Revised enrollment slots in the Neighborhood Youth Corps summer program by State and the 50 largest cities, are listed. (attached)

FISCAL YEAR 1972 NYC SUMMER PROGRAM SLOT ALLOCATIONS

Region I	38,706
Connecticut	10,367
Maine	3,828
Massachusetts	18,040
New Hampshire	1,813
Rhode Island	3,132
Vermont	1,526
Region II	110,093
New Jersey	21,879
New York	67,963
Puerto Rico	19,830
Virgin Islands	421
Region III	68,339
Delaware	1,709
Maryland	10,473
Pennsylvania	33,585
Virginia	12,632
West Virginia	9,940
Region IV	130,078
Alabama	15,924
Florida	22,462
Georgia	17,483
Kentucky	14,617
Mississippi	13,059
North Carolina	19,092
South Carolina	11,431
Tennessee	16,010
Region V	137,469
Illinois	38,883
Indiana	14,979
Michigan	30,979
Minnesota	11,118
Ohio	29,536
Wisconsin	11,974
Region VI	80,869
Arkansas	9,543
Louisiana	17,873
New Mexico	4,716
Oklahoma	9,488
Texas	39,249
Region VII	34,183
Iowa	7,366
Kansas	6,726
Missouri	16,193
Nebraska	3,898
Region VIII	17,445
Colorado	6,162
Montana	2,640
North Dakota	2,055
South Dakota	2,304
Utah	3,311
Wyoming	973
Region IX	82,708
Arizona	9,492
California	68,671
Hawaii	2,032
Nevada	1,672
Guam	622
W. Trust Territory and Samoa	219
Region X	25,948
Alaska	2,152
Idaho	2,287
Oregon	7,088
Washington	14,421
District of Columbia	14,384
U.S. Total	740,222

FISCAL YEAR 1972 NYC SUMMER PROGRAM 50 CITY ALLOCATIONS

	Job opportunities
Region I:	
Boston	5,230
Region II:	
Jersey City	2,206
Newark	7,000
Buffalo	2,913
New York	49,884
Rochester	1,239
Region III:	
Baltimore	7,712
Philadelphia	8,571
Pittsburgh	8,536
Norfolk	2,684
Region IV:	
Birmingham	2,349
Dade County (Miami)	5,851
Tampa	5,597
Atlanta	3,109
Louisville	2,537
Memphis	2,179
Region V:	
Chicago	31,617
Gary	3,556
Indianapolis	1,594
Detroit	18,332
Minneapolis	2,318
St. Paul	1,147
Akron	958
Cincinnati	2,903
Cleveland	10,205
Columbus	1,635
Dayton	1,098
Toledo	1,046
Milwaukee	3,379
Region VI:	
New Orleans	2,738
Oklahoma City	1,634
Tulsa	751
Dallas	2,424
El Paso	1,168
Fort Worth	1,134
Houston	3,846
San Antonio	5,080
Region VII:	
Kansas City	3,212
St. Louis	5,385
Omaha	1,834
Region VIII:	
Denver	1,481
Region IX:	
Phoenix	3,475
Los Angeles (Including Long Beach)	24,948
Oakland	6,233
San Diego	4,350
San Francisco	4,310
Honolulu	791
Region X:	
Portland	2,370
Seattle	4,198
Washington, D.C	14,384

Fact sheet—Summer job opportunities, 1972

A record number of summer job opportunities with Federal support has been scheduled for 1972. Six major programs are being organized to provide 1,201,400 summer jobs, an increase of 219,900 over last year's total.

JOB PROGRAMS AND FUNDING

	Opportunities			Federal funds		
	1971	1972	Change	1971	1972	Change
Neighborhood Youth Corps	609,300	740,222	+130,922	$257.9	$316.1	+58.2
Federal summer employment program for youth	63,000	63,000	0	31.9	33.0	+1.1
Youth Conservation Corps	2,700	3,000	+300	2.5	3.5	+1.0
Public employment program		59,100	+59,100		25.0	[1] +25.0
National alliance of businessmen summer hires	151,000	175,000	+24,000			
Employment service youth summer placement	155,500	161,000	+5,500			
Total	981,500	1,201,400	+219,900	292.3	377.6	+85.3
Recreation opportunities:						
Summer recreation support	1,900,000	2,185,000	+285,000	12.8	15.0	+2.2
National summer youth sports program	43,000	43,000	0	2.9	3.0	+.1
Total	1,943,000	2,228,000	+285,000	15.7	18.0	+2.3
Supportive service programs:						
Summer transportation	851,113	851,113	0	1.5	1.5	0
Youth coordinator grants				3.3	3.3	0
Total	851,113	851,113	0	4.8	4.8	0

[1] This is an estimate. Program agents under the public employment program may use Emergency Employment Act funds for summer job opportunities, if they so choose.

Neighborhood Youth Corps summer programs will be for 9 weeks at a minimum pay of $1.60 an hour for a total of 234 hours. PEP funds would be similarly used.

National Alliance of Businessmen's summer hires will be in the private sector without Federal funds, as will most of those hired through the Employment Service Youth Summer Placement program.

The Federal Summer Employment Program will hire one disadvantaged youth for every 40 Federal workers.

Recreation opportunities will be for youngsters between 8 and 13 years of age. May 30, 1972.

THE GENOCIDE CONVENTION AND EXTRADITION

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention have expressed concern about the possibility that under this treaty American citizens could be tried in foreign courts without American constitutional guarantees. But a close examination of the facts of the matter reveals that an objection to the convention on this basis is without foundation.

If an American citizen is accused of committing genocide in another nation, and is accused while he is in that nation, he may, according to article VI of the treaty, be tried by a competent tribunal of the state in the territory of which the act was committed. There is nothing unusual about this provision; under present law, an American accused of murder in a foreign country may be tried there. And even without American ratification of this treaty, American citizens may be tried for genocide by nations which are parties to the treaty.

What seems to concern critics of the treaty is the provision of article VII regarding extradition of citizens who are accused of genocide. That provision says that:

> The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

The important point is that extradition is promised in accordance with laws and treaties in force. What this means is that the Genocide Convention itself does not alter extradition procedures; it says they will be conducted the way our extradition treaties specify. At present, we have no extradition treaties dealing with genocide, and they would be made in the future with the advice and consent of the Senate.

These future extradition treaties could and would contain a number of safeguards. First, we can assure that certain procedural rights are secured in the courts of the foreign nation. As George Aldrich, Deputy Legal Adviser of the Department of State, testified to the 1970 Foreign Relations Subcommittee:

> [One] factor in any decision to negotiate an extradition treaty is whether the judicial process of the other country affords persons who may be extradited a fair trial. In addition, since extradition treaties often remain in force for a long time, during which judicial systems can change, basic procedural protections have to be built into the treaty at the beginning.

Second, there can be provision for a thorough examination of the evidence in the case before extradition is agreed to. As Mr. Aldrich proposed:

> Any extradition treaty will require the state requesting extradition to produce sufficient evidence that the person sought would be held for trial under U.S. law if the offense had been committed here.

Finally, S. 3182, the proposed legislation implementing the Genocide treaty, states that it is the sense of Congress that extradition treaties should provide that the United States reserves the right not to extradite in cases which the U.S. is either already prosecuting or intends to prosecute. I might add that Mr. Aldrich testified that the State Department supported this provision.

The Genocide treaty is, then, not in itself an extradition treaty. Mr. President, we already have extradition arrangements for various other offenses with 97 nations. Since there is no reason to think that the extradition arrangements we would make concerning genocide would particularly differ from those existing treaties either in provision or effect, criticism of the Genocide Convention on these grounds is unreasonable.

I urge the Senate to ratify the Genocide Convention without further delay.

GREENVILLE NEWS EDITORIAL ENTITLED "50 YEARS OF SERVICE"

Mr. THURMOND. Mr. President, the Jaycees of Greenville, S.C., are celebrating their Golden Anniversary this year. This local chapter is one of the oldest in the United States, having been formed in 1922 shortly after the national organization was launched in St. Louis in 1920.

The Greenville Jaycees have always been in the forefront of civic leadership and they have played a large and significant role in the growth and prosperity of their city.

Mr. President, I am highly pleased to express my appreciation to this capable group of responsible citizens. I commend them for their past achievements and express my hope that the next 50 years will record a continuation of their constructive efforts and leadership.

An editorial entitled "50 Years of Service" was published in the Greenville S.C., News of June 4. It pays a deserving tribute to the Greenville Jaycees. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

50 Years of Service

The Golden Anniversary of the Greenville Jaycees this year is an event that should not pass unnoticed by the community at large. During the past 50 years the Jaycees have been in the forefront of efforts to make Greenville a better place in which to live and work.

The Greenville Jaycee chapter is one of the oldest in the nation. It came into being as the Junior Chamber of Commerce shortly after the founding of the national organization in St. Louis in 1920.

The purpose of the organization has never been, from the beginning, strictly fun and fellowship. Rather, it has been a rallying point for young men concerned about the problems of their community.

The Jaycees are activists. Their long list of projects over the years point to a willingness to become involved in helping to meet some of the community's pressing needs.

They have, from time to time, been drawn into controversy, but this is often the case for people who attempt to get things done. The Jaycees have never backed away from an issue or problem because it might be controversial.

The Jaycees have made a difference in Greenville. We salute them on their 50th birthday, and sincerely hope—for the good of the community—that they will have many more.

JAMES G. STAHLMAN, A GIANT AMONG NEWSMEN

Mr. ALLEN. Mr. President, on Thursday, June 1, 1972, James Geddes Stahlman retired after 60 years of service to the Nashville Banner, to the people of Nashville and Tennessee and, in every respect, to the people of the United States. Starting on the Banner as a delivery boy, Mr. Stahlman spent the past 42 years as publisher and president of the paper, "dedicated," as he said in his final editorial, "to the cause of free and responsible journalism."

Unfortunately for America, the day is about over for personal journalism practiced through the medium of strongly edited, independent, home-owned daily newspapers. But Mr. Stahlman has written that he shall not retire to some secluded beach, and even though the Banner is now part of a national newspaper chain, those who pick up his pen were trained under Mr. Stahlman to be dedicated to the journalistic principles which have made the Nashville Banner the potent, independent, conservative voice that it has been for its 96 years of existence, 91 of which have been under the stamp of the Stahlman family.

Mr. President, in its issue of June 1, the Banner published a final column written by James Stahlman and addressed to his friends and readers. I ask unanimous consent that this touching, yet stirring, article be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Stahlman Completes 60 Banner Years—Plans Two Books on People, Places, Events in His Exciting Life

To my friends and readers of The Nashville Banner:

By the grace of God, the tolerance of a fickle and sometimes intolerant newspaper constituency, and the faithful and devoted support of cherished members of what has become affectionately known as "The Banner Family," I have come to one of the most emotionally difficult days of my life.

Today I complete sixty years of service to The Nashville Banner, forty-two of it as president and publisher, with every day dedicated to the cause of free and responsible journalism.

I had firmly charted my present course prior to the conclusion of my sale of this beloved newspaper to the Gannett Group. I had made it perfectly clear to my longtime friend, Paul Miller, whose personal and journalistic integrity had prompted me to select him and his able associates in the Gannett Group as my successor owners, that I would end my duties as president and publisher on the day that I had completed 60 years as an employe of this newspaper.

This is it!

These three-score years have taught me much. They have afforded me world travel, world friendships, world service.

They have placed me in high positions of honor and responsibility.

They have given me the opportunity to play a part in the history of this beloved country of ours, of this neighboring hemisphere which we have shared with Canadians to the North and our Latin brothers South of the border.

And in more far-reaching portions of the earth I have been privileged to serve my country in times of war as well as peace in numerous capacities.

I have witnessed and actively participated in some of the important scientific and industrial developments from the horse-car to Americans on the moon; from the early filament bulb to the devastating laser beam; from Marconi to Telstar; from Kitty Hawk to the SST; from a reverent pulpit to a distressing era of agnosticism.

This has been the most exciting period of advance in the world's history—culturally, scientifically, industrially, sociologically, economically, politically.

Our progress has wrought much havoc. It has played hob with stable homelife, produced a disdain for the fundamentals, destroyed respect for law, order, the courts and constituted authority. It has brought the United States to a dangerous divisiveness and the world to the brink of self-destruction.

Through all these years, I have clung steadfastly to the belief that this blessed country of ours is still worth saving; that the freedoms of our people can be preserved; that there is more good than bad in mankind and that a forgiving, omnipotent Father can and will save those men and nations willing to defend that faith implicit in our national motto: "In God We Trust."

As I relinquish The Banner's helm, I shall not retire to some secluded beach. I turn over the flagbridge to a competent team—Wayne Sargent, Jimmy Armistead and Ken Morrell—all experienced in their respective fields, the two latter gentlemen my longtime, valued associates, indoctrinated in and dedicated to the journalistic principles which have made The Nashville Banner the potent, independent, conservative voice of this region during its ninety-six years of service to Nashville, the State of Tennessee and the United States, ninety-one of which have had the Stahlman imprint dominant in its policies.

I commend them to all who read, respect and trust The Nashville Banner, confident that these gentlemen and their equally dedicated associates—all of whom I hold in highest esteem and deep personal affection, will uphold the editorial policies and journalistic traditions which have characterized The Nashville Banner since its founding nearly a century ago.

They are the inheritors of a precious legacy bequeathed by men like Dr. William Martin Clark, Major Edward Bushrod Stahlman, Gideon H. Baskette, Edward Claiborne Stahlman, Richard H. Yancey, George Harrison Armistead and Alvand C. Dunkleberger.

Their legatees would not, could not betray this sacred trust.

For me there are days and years of serious work ahead.

I have two or more books to write, before my memory fades.

I have things to say and things to tell about places I have visited, men I have known, events in which I have participated, many of them having had something to do with where we are today, how we got there, where we could be headed and how we may arrive at our respective destinies. Some of this might be fairly interesting. None of it will be dull.

Stick around and I'll try to convince you.

And remember this—on April 10, 1976, The Nashville Banner will celebrate its one-hundredth anniversary.

Meet me there!

THE COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, FAMILY SERVICES ACT, AND OEO EXTENSION

Mr. JAVITS. Mr. President, two measures of deep importance to the poor and to families generally have been reported by the Committee on Labor and Public Welfare, of which I am the ranking minority leader.

First, S. 3617, the Comprehensive Headstart, Child Development, and Family Services Act of 1972, a bipartisan proposal sponsored by Senator MONDALE and myself, and based in part upon S. 3228, which I introduced on February 24 and a similar measure before the committee. The bill would provide $2.95 billion over a 3-year period in Federal assistance for increased educational and other developmental opportunities for preschool and other children.

Second, S. 3010, the Economic Opportunity Amendments of 1972, originally introduced by Senator GAYLORD NELSON, chairman of the Subcommittee on Employment, Manpower, and Poverty, and myself. The bill would provide for a 3-year extension of the poverty program, establish a new Legal Service Corporation, authorize a new community economic development program, and authorize other important measures affecting the poor.

As I have urged, these bills have been reported separately and will be acted upon by the Senate separately, in the order mentioned.

Together, they represent a thoughtful bipartisan effort to meet the President's specific objections to S. 2007, the Economic Opportunity Act Amendments of 1972, to which had been attached an earlier child care measure, and which was vetoed last December.

Mr. President, so that Members may be aware of the basic elements of each of these measures, and my basis for recommending that each be approved by the Senate, I ask unanimous consent that the text of the Supplemental Views of myself and Senators SCHWEIKER, PACKWOOD, TAFT, and STAFFORD with respect to S. 3617 and a section-by-section analysis of the bill and Supplemental Views with respect to S. 3010, joined in by the same Senators, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL VIEWS OF MESSRS. JAVITS, SCHWEIKER, PACKWOOD, TAFT AND STAFFORD

We support the "Comprehensive Headstart, Child Development and Family Services Act of 1972", which is a bipartisan compromise proposal based upon S. 3228, which we introduced on February 24 with 9 other Republican co-sponsors, and a similar measure contained in S. 3193.

We are pleased that the Committee chose to report this measure separately from the extension of the Economic Opportunity Act, as we urged, so that there will be full opportunity for debate on child development legislation, and the essential extension of our anti-poverty efforts will not be further delayed.

A separate bill, the Economic Opportunity Amendments of 1972, S. 3010, has been reported by the full Committee simultaneously with this measure.

We believe that a legislative framework should be provided for increased educational and other developmental opportunities for preschool and children whose parents request them in order to engage in employment, training, or education or otherwise to enhance the well being of their families.

At the present time there are only 700,000 licensed child care "slots" available in the Nation, while there are five million children of working mothers in families with incomes under $7,000, as well as 2.5 million low-income preschool children whose mothers are not employed. Overall, in 1971, 43% of the Nation's mothers worked outside the home compared with 18% in 1948.

The unfortunate result has been that millions of working mothers and many others who need supplemental educational and other services for their children have been unable to find adequate child development opportunities.

In his message of December 9, 1971, vetoing S. 2007, the Economic Opportunity Amendment of 1971, President Nixon stated that the "laudable" purpose of the child development title had been "overshadowed by": "fiscal irresponsibility, administrative unworkability, and family weakening implications of the system it envisions."

We have sought in this measure, as we did in S. 3228, to meet these specific objections relating to the system established under the vetoed bill.

First, with respect to fiscal responsibility, the Committee bill authorizes $1.2 billion for the first fully operative year, fiscal year 1974, and $1.6 billion in the following year, the same basic authorizations as were contained in S. 3228. This represents a substantial change from the vetoed title, which commenced with an authorization of $2 billion for the first fully operative year.

We consider these amounts to be fiscally responsible both in terms of the extent to which new resources may be effectively channelled through the system each year, and in light of the amounts spent upon remedial programs that attempt to correct the damage inflicted upon many children who lack such opportunities during early childhood.

Second, the bill contains a number of new provisions, many of which were adopted from S. 3228, to ensure its "administrative workability"; they include provisions:

Requiring that any city, county, or combination of local units of general government applying as prime sponsor serve a population of 25,000 or more persons as well as meet certain substantive criteria. Under this provision it is estimated that the Secretary would designate less than 2,000 prime sponsors, compared with 7,000 sponsors under the vetoed bill, which had a minimum population requirement of only 5,000. Importantly, state governments will serve as prime sponsors for areas of the State for which a local prime sponsor does not qualify;

Giving state and local prime sponsors clear administrative responsibility for conducting the programs. Under the vetoed bill, the lines of administrative responsibility between the prime sponsors and the child development councils established were unclear. The Committee bill limits the role of such councils to approving certain basic actions taken by the prime sponsor;

Providing for "annual family service plans" to be submitted by State governments, in conjunction with local prime sponsors, to ensure statewide coordination and maximum utilization of resources; and

Ensuring coordination with other efforts for children, including those conducted in the schools.

These provisions also will ensure a substantial role for State governments, which the President described as "insignificant" under the vetoed bill.

Third, in terms of family strengthening aspects, the bill contains a number of elements to which we contributed to ensure that child development programs will serve to strengthen the family. These include provisions:

Emphasizing that child development services are voluntary, that is provided only at the request of parents who choose to use them and not as a matter of universal application;

Providing a greater number of options to parents, ranging from full or part day services in centers to in-home services, in each case considered supplemental to family efforts;

Emphasizing the provision of child related services to other members of the family, such as prenatal care, so that child development centers will be family centers; and

Providing for the involvement of parents in programs.

Importantly, at least half of the membership of councils to be established at the prime sponsorship, area and project level are to be parents of children enrolled in child development programs.

In our opinion, these provisions distinguish the programs contemplated under the Committee bill from the state run compulsory system which exists in other countries.

We support the basic fee schedule provisions of the Committee bill, worked out with the Administration last year, under which free services would be provided to families with incomes up to $4320 for a family of four, with modest fees between that level and $7214, the so called Bureau of Labor Statistics "lower living standard". The Secretary would establish the fee schedule for families with incomes above that level.

Significantly, the Committee bill includes an additional provision from S. 3228 to ensure that any schedule established by the Secretary will permit continued participation as income rises, and that prime sponsors may request permission to charge fees below those prescribed in order to meet special local circumsatnces.

We also note that the bill authorizes greater funding for training than S. 2007, an aspect which the President considered deficient.

In conclusion, we believe that the Committee bill represents a viable means of implementing the objective, which the President articulated so well in February 1969, when he said:

"So crucial is the matter of early growth that we must make a national commitment to providing all American children with the opportunity for a healthful and stimulating development during the first five years of life."

We urge that the Committee bill be approved by the Congress and signed into law so that the Nation's commitment to full opportunity may be implemented fully.

JACOB K. JAVITS.
RICHARD S. SCHWEIKER.
BOB PACKWOOD.
ROBERT TAFT, Jr.
ROBERT T. STAFFORD.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section provides that the legislation may be cited as the "Comprehensive Headstart, Child Development, and Family Services Act of 1972".

SECTION 2. STATEMENT OF FINDINGS AND PURPOSE

This section sets forth the congressional findings concerning the need for child development and family services and the purpose to assist parents who request such services in providing their children with an opportunity for a healthful and stimulating development.

SECTION 3. AUTHORIZATION OF APPROPRIATIONS

Subsection (a) authorizes the appropriation of $1.2 billion for fiscal year 1974 and $1.6 billion for fiscal year 1975 for carrying out this Act. Any unobligated amounts at the end of such fiscal year may be obligated in the succeeding fiscal year.

Subsection (b) authorizes the appropriation of $150 million for fiscal 1973 for the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems appropriate to prepare for the implementation of this title.

Subsection (c) provides that the amounts appropriated under subsection (a) shall be made available as follows:

The amount of $500 million shall be for the purpose of providing assistance under title I of this Act for child development programs focused upon young children from low-income families, with priority for Headstart projects.

Up to 15 percent of the amounts which remain thereafter may be made available, as the Secretary of Health, Education, and Welfare deems appropriate, for titles II and III of this Act, but not to exceed 5 percent of such remaining amounts shall be used for title III.

The remainder of the appropriation is to be used for carrying out title I.

Subsection (d) sets forth advance funding authority.

SECTION 4. DEFINITIONS

This section defines terms used in the Act.

TITLE I—HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES PROGRAMS

SECTION 101. PROGRAMS ASSISTED

This section provides that the Secretary of Health, Education, and Welfare shall provide financial asistance for carrying out child development and family services programs under this title to prime sponsors and to other public and private nonprofit agencies and organizations pursuant to plans, program statements, and applications approved in accordance with this title. The purposes for which financial assistance may be used are set forth in this section.

SECTION 102. STATE AND LOCAL PRIME SPONSORS

Subsection (a) provides that a State, a unit or combination of units of general local government of at least 25,000 population or, if less, which demonstrates capability and a particular need, an Indian tribal organization, or a public or private nonprofit agency may be designated as a prime sponsor of child development and family service programs in accordance with the provisions of the legislation upon approval by the Secretary of a prime sponsorship plan.

Subsection (b) provides that the plan must provide for a child and family services council, must provide assurances that staff and other administrative expenses of the council and local program councils and project policy committees will not exceed percent of the total cost of child development programs administered by the prime sponsor (unless increased to reflect higher start-up costs or other special needs), and must provide assurances to provide or to enter into arrangements with appropriate State or local or other agencies for linkages to provide services related to child development.

Subsection (b)(8) provides that, in the case of a State applicant for designation as prime sponsor of areas not served by a local prime sponsor, the plan must also provide for designating local family service areas serving the area of one local government or of units of local government serving not more than 50,000 population unless Secretary allows area of up to 100,000 population. For each local family service area, a local program council must be maintained consisting of at least half parents and the remainder public members appointed by the local government official. These local program councils participate in developing and approve the State's program statement for the area and arrangements for projects in the area.

Subsection (c) provides that any local program council may appeal directly to the Secretary when it alleges a failure to comply with the program statement or the provisions of the Act.

Subsection (d)(1) provides that the Secretary shall approve a satisfactory State prime sponsorship plan for areas not served by local prime sponsors.

Subsection (d)(2) authorizes the Secretary to designate five States to carry out demonstration projects as Statewide prime sponsors, even with respect to localities which would otherwise qualify as local prime sponsors. No State with a population of 5 percent of the national population or more could be so designated.

Subsection (e) provides that the Secretary shall approve a prime sponsorship plan submitted by a city or county or other unit of general local government if it meets the requirements of subsection (a) and has a population of 25,000 or more. The Secretary has discretion to choose either a city or a county as prime sponsor for an area which covers a common geographical area.

Subsection (f) provides that the Secretary shall approve a prime sponsorship plan submitted by a combination of localities if the plan meets the requirements of subsection (a) and has a population of 25,000 or more.

Subsection (g) provides that the Secretary shall approve a prime sponsorship plan submitted by an Indian tribal organization if the plan meets the requirements of subsection (a).

Subsection (h) provides that the Secretary may approve a prime sponsorship plan submitted by a unit or combination of units of general local government or a public or private nonprofit agency if he determines that the plan includes provisions setting forth arrangements for serving children in a neighborhood which is not covered by a prime sponsor or in any portion of an area where the prime sponsor is not satisfactorily implementing child development programs, or for making available special services designed to meet the needs of economically disadvantaged or preschool children. He may also approve such a prime sponsorship plan setting forth arrangements for providing comprehensive child development programs on a year-round basis to children of migrant agricultural workers, or arrangements for carrying out model programs, especially projects for economically disadvantaged, minority group, or bilingual preschool children.

Subsection (i) provides that the Governor of the State shall be given between thirty and sixty days to review and make recommendations on prime sponsorship plans submitted under this section.

Subsection (j) provides that a prime sponsorship plan may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary provides written notice, a reasonable time for corrective amendments or action, and an opportunity for a hearing upon which an appeal to the Secretary may be based.

Subsection (k) provides for review by the court of appeals of the Secretary's final action with respect to prime sponsorship under subsection (j).

Subsection (l) provides that the Secretary shall approve the application of an alternate unit of Government or a public or nonprofit agency or organization in the area representing the interests of minority and economically disadvantaged persons where any unit of general government or other prime sponsor is practicing discrimination against minority group or economically disadvantaged children.

Subsection (m) provides that the Secretary may directly fund programs, including those in rural areas without regard to population, where he deems it necessary, in the event that a State, or unit or combination of units of general local government, or Indian tribal organization has not submitted or the Secretary has not approved a program statement under this section, or where a prime sponsorship designation is not in effect, or where the needs of migrants, preschoolage children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served.

SECTION 103. CHILD AND FAMILY SERVICES COUNCILS

Subsection (a) provides that each prime sponsor shall establish and maintain a Child and Family Services Council consisting of not less than 10 members half of whom must be parents of children served in programs under this Act and the remainder of whom are to be appointed by the prime sponsor's chief executive or governing body to represent the public.

(Half of the public representatives must be persons broadly representative of the general public including community agencies and organizations, and the remaining members must be persons who are skilled in child development, child health, child welfare, or other child services.)

Subsection (b) provides that, in accordance with regulations the Secretary shall establish pursuant to regulations, each prime sponsor shall provide that the parent members of child development councils shall be chosen by the membership of local program councils described in section 102(b)(8), in the case of State prime sponsors, and participants in federally assisted day care programs especially Headstart, in the case of local prime sponsors. Not less than one-third of the total membership of such council shall be persons broadly representative of the economically disadvantaged. The council is entitled to approve program statements, basic goals, policies, actions, and procedures, and the selection or establishment and annual renewal of the administering agency or agencies, for the prime sponsor. The council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before acting upon applications for financial assistance submitted by project applicants.

SECTION 104. PROGRAM STATEMENTS

Subsection (a) provides that financial assistance to a prime sponsor may be provided for any particular fiscal year only pursuant to a program statement approved by the Secretary. Provisions which such program statement are to include are set forth in this subsection. Among these provisions are the requirements that not less than 65 percent of the financial assistance from apportionments under section 3(c)(3) must be used for programs and services for economically disadvantaged children; and that priority thereafter must be given to other children of single parents and working mothers.

Subsection (b) provides that no program statement shall be approved unless opportunities to submit comments to the prime sponsor and to the Secretary have been provided to each community action agency or single-purpose Headstart agency previously responsible for a Headstart program, to the local educational agency and other appropriate educational and training agencies and institutions, and the Governor of the State.

Subsection (c) provides that a program statement may be disapproved or a prior approval withdrawn only if the Secretary has provided written notice, reasonable time for corrective amendments or action, and an opportunity for a public hearing upon which an appeal may be biased.

Subsection (d) provides that the Secretary shall establish procedures to permit prime sponsors to submit jointly a single program statement for the areas served by such prime sponsors.

SECTION 105. PROJECT APPLICATIONS

Subsection (a) provide that financial assistance may be provided to a project applicant for any particular fiscal year if the project application is submitted by a public or private nonprofit agency and contains other provisions set forth in this subsection. Among these provisions are requirements that funds be provided only to qualified public or private agencies and that project policy committees be established and maintained. Such project policy committees must consist of not less than 10 members and half must be parents of children served in such projects and the remaining half shall be comprised of persons who are representative of the community approved by the parent members and one person who is skilled in child development. Project policy committees must participate directly in the development and preparation of project applications and have responsibility for approving basic goals, policies, actions, and procedures for the project applicant. The bill provides that no charges be made to families with an annual income equal to or less than $4,320, with adjustments in the case of families with more than two children. Charges for other families may be made in accordance with a fee schedule established by the Secretary based on ability to pay. However, such fees may not exceed 10 percent of the difference between the free services level and 85 percent of the lower living standard budget, and then 15 percent of any income between that level of 85 percent of the lower living standard budget and 100 percent of the lower living standard budget.

Subsection (b) requires that the project application otherwise further the objectives and satisfy the requirements of the prime sponsor's program statement.

Subsection (c) provides that a public or private nonprofit agency which is a prime sponsor shall submit a project application directly to the Secretary.

Subsection (d) provides that a prime sponsor may disapprove a project application only if it provides a statement of reasons to the applicant and that the project applicant may appeal to the Secretary for direct approval thereof.

Subsection (e) provides that a project application submitted to the Secretary by a public or private agency may be approved upon the Secretary's determination that it meets the statutory requirements.

SECTION 106. ANNUAL FAMILY SERVICE PLANS

This section provides that, upon submission of an annual family service plan by any State, the Secretary is authorized to provide financial assistance for carrying out activities for the purposes of determining child development and family service goals and needs, assisting in the establishment of Child and Family Service Councils, and strengthening their capabilities, and arrangements under which State agencies assist in providing child development and related services where requested by prime sponsors in the development and implementation of program statements.

SECTION 107. SPECIAL COOPERATIVE PROGRAMS WITH EDUCATIONAL AGENCIES AND OTHER PROJECT SPONSORS

This section provides that the Secretary shall use funds made available under section 108(a)(1)(E) to provide assistance to educational agencies and institutions for cooperative programs designed to provide continuity between preschool, after school, and other educational programs.

SECTION 108. ALLOCATION OF FUNDS

Subsection (a)(1) provides that, of the amounts available for this title, the Secretary shall reserve the following:

For apportioning among programs for children of migrant agricultural workers, not less than that proportion of the total amounts available for this title, as the proportion which the number of such children bears to the number of economically disadvantaged;

For apportioning among programs for children on Federal and State Indian reservations, not less than that proportion of the total amounts available for this title as the proportion which the number of such children bears to the number of economically disadvantaged children;

For special activities for handicapped children, not less than 10 percent of the total amount available for this title; and

For model programs, not to exceed 5 percent of the total amounts available for this title.

For special cooperative programs with educational institutions, not to exceed 5 percent of the total amounts available for this title.

Subsection (a)(2) provides that the amounts remaining after such reservations shall be allocated by the Secretary to the extent practicable so that such funds shall be apportioned among the States and localities within each State as follows: 50 percent in proportion to the relative numbers of economically disadvantaged children, 25 percent in proportion of the relative numbers of children up to age 6, and 25 percent in proportion to the relative numbers of children of working mothers and single parents.

Subsection (a)(3) provides that not to exceed 10 percent of the total funds allotted for use within a State may be made available to the State to carry out its annual family service plan under section 106.

Subsection (b) provides for reapportionment of unused apportionments.

SECTION 109. ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION OR ACQUISITION

This section provides that applications for financial assistance for projects including construction may be approved only if the Secretary determines that construction of such facilities is essential to the provision of adequate child development services, and that rental, lease or lease-purchase, renovation, or remodeling of adequate facilities is not practicable. Federal assistance for construction may not exceed 50 percent of cost in the case of funds to be paid to other than public or private nonprofit agencies and organizations. A maximum of 15 percent of a prime sponsor's total financial assistance may be used for construction.

SECTION 110. USE OF PUBLIC FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

This section requires reports as to the extent to which facilities owned or leased by Federal agencies and other agencies may be available for child development programs during times when such facilities are not being utilized fully for their usual purposes.

SECTION 111. PAYMENTS

This section sets forth the Federal share provisions. A Federal share of 90 percent is provided for child development programs ordinarily, but the Secretary has discretion to exceeed that percentage and he is required to pay 100 percent of programs for migrants and Indians.

TITLE II—TRAINING, TECHNICAL ASSISTANCE PLANNING, AND EVALUATION

SECTION 201. PRESERVICE AND INSERVICE TRAINING

This section authorizes the Secretary to provide financial assistance for preservice or inservice training for professional and nonprofessional personnel.

SECTION 202. TECHNICAL ASSISTANCE AND PLANNING

This section provides that the Secretary shall make technical assistance available to prime sponsors and project applicants to assist them in planning, developing, and carrying out child development programs.

TITLE III—SUPPORTIVE SERVICES AND SPECIAL ACTIVITIES

SECTION 301. SPECIAL RESPONSIBILITIES OF THE SECRETARY

Subsection (a) provides that the Secretary shall make an evaluation of Federal involvement in child development activities and services. The Secretary must reserve 1 percent, and may reserve up to 2 percent, of the funds under this Act for the evaluations required by this section.

Subsection (b) provides that the Secretary shall carry out research and demonstration projects, including research on the nature of child development processes, research to test alternative methods of providing child development and related services, evaluation of research findings, and the dissemination and application of research and development efforts.

Subsection (c) provides that the Secretary shall give priority in assisting research and demonstration projects to programs carried out by multicounty local development districts under the Appalachian Regional Development Act and the Public Works and Economic Development Act.

Subsection (d) authorizes the Secretary to make grants in contracts with public or private nonprofit agencies to carry out research and demonstration projects under this section.

Subsection (e) authorizes the transfer with the approval of other agency heads, of funds to the Secretary for research purposes under this part, provides that the Secretary shall through the Office of Child Development coordinate all child development research, training, and development efforts conducted within the Department of Health, Education, and Welfare.

Subsection (f) authorizes financial assistance for child development and family service programs for the children of employees of the Federal Government.

Subsection (g) provides that the Secretary of Health, Education, and Welfare shall establish procedures to assure that adequate nutrition services will be provided in child development programs under this Act. Such services shall make use of the special food service program for children as defined in section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with such acts.

SECTION 302. FEDERAL STANDARDS FOR CHILD DEVELOPMENT AND FAMILY SERVICES

This section provides that the Secretary shall promulgate a common set of program standards to be applicable to all programs providing child development services with Federal assistance under this title, to be known as the Federal Standards for Child Development Services. Such standards shall be consistent with the Federal Interagency Day Care Requirements. A special Committee on Federal Standards for Child Development Services, consisting of parents and child development experts, is to be established for the purpose of participating in the development of such standards.

SECTION 303. DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

This section provides for a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities dealing principally with matters of health, safety, and physical comfort. Upon approval by the Secretary, standards contained in the code are to be applicable to all projects assisted under this Act.

SECTION 304. MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

This section establishes a program of mortgage insurance for child development facilities, to be administered by the Secretary of Health, Education, and Welfare.

SECTION 305. OFFICE OF CHILD DEVELOPMENT

This section provides for the Office of Child Development to be the principal agency in the Department of Health, Education, and Welfare for the administration of this title and for the coordination of programs and other activities relating to child development and family service research, training, and development efforts.

SECTION 306. SPECIAL COORDINATING COUNCIL

This section establishes by statute the Child Development Research Council.

SECTION 307. SPECIAL PROHIBITIONS

This section contains administrative provisions of the same kind usually set forth in similar legislation.

SECTION 308. WITHHOLDING OF GRANTS

This section provides that the Secretary may withhold funds for failure to comply with requirements of this Act after notice and opportunity for a hearing.

SECTION 309. FEDERAL CONTROL NOT AUTHORIZED

This section sets forth the prohibition against Federal control of education.

SECTION 310. SPECIAL PROHIBITIONS AND PROTECTIONS

This section provides that nothing in this Act shall infringe upon parental rights and directs the Secretary to establish procedures to insure that no child shall be the subject of research or experimentation under this Act unless the child's parent or guardian is informed and has the opportunity to except such child therefrom. This section also provides that the Secretary shall assume that programs providing care outside the home for very young children shall be reviewed periodically and frequently by the Secretary and that no such program shall be approved for assistance unless it is specifically authorized and approved by the Secretary.

SECTION 311. REPEAL OR AMENDMENT OF EXISTING AUTHORITY AND COORDINATION

This section provides for repealing, effective July 1, 1975, the authorization for Headstart and provides that where day care authorized elsewhere in the Economic Opportunity Act shall be provided, wherever feasible, through child care programs under this Act.

SECTION 312. TRANSITIONAL AUTHORITY

This section permits the Director of the Office of Economic Opportunity to waive allotment and Federal share provisions under title II of the Economic Opportunity Act to relieve hardship resulting from the failure to continue the authorization for Headstart under the current section 222(a)(1) when this Act takes effect.

SECTION 313. ACCEPTANCE OF FUNDS

This section authorizes the Secretary to accept, for use under this Act, funds appropriated to carry out other laws if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

SUPPLEMENTAL VIEWS OF MR. JAVITS, MR. SCHWEIKER, MR. PACKWOOD, MR. TAFT, AND MR. STAFFORD

We support the Economic Opportunity Act Amendments of 1972, to extend our crucial anti-poverty efforts, by continuing the Office of Economic Opportunity on the federal level and the activities conducted by Community Action and similar agencies on the local level.

S. 3010, the Economic Opportunity Act Amendments of 1972—which was first introduced by Senator Javits and Senator Nelson, Chairman of the Subcommittee on Employment, Manpower and Poverty, soon after the President's veto of the Economic Opportunity Amendments of 1971—commends itself in four major respects.

First, it would extend the basic authorization for programs under the Economic Opportunity Act of 1964, for a period of three fiscal years, through fiscal year 1974.

We are pleased that the Committee adopted an amendment which we proposed for a three-year extension, rather than the two-year extension continued in the Senate bill as originally introduced; it is time that our anti-poverty efforts be given a more secure tenure.

The funds authorized under the Committee bill for community action, manpower training, Headstart and related programs—representing an aggregate of approximately $9 billion—should help greatly to make this new tenure a meaningful one.

We note in this connection that the Committee chose to reduce significantly the earmarking for these programs, thus providing the Administration with greater flexibility as it requested.

Second, it would establish a new independent non-profit corporation for the conduct of the legal services program. This step, which first was proposed by the Administration, represents a general bipartisan consensus on the desirability of giving top priority to legal aid to the poor as one of the Nation's most effective anti-poverty efforts.

As President Nixon stated, in his message to the Congress on May 5, 1971, proposing the establishment of such a corporation:

"Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice."

The key obstacle to establishing such a corporation has been the failure to agree on the composition of its Board of Directors.

We are pleased that the Committee adopted a compromise amendment which we proposed to provide for a nineteen-member board consisting of ten "public" members appointed by the President, and nine members appointed by the President from recommendations made by various national bar, clients, and project attorney groups.

As introduced, S. 3010 provided for a seventeen member board, consisting of six public members appointed by the President and eleven by the President from lists submitted from various groups, as in the vetoed bill, to which the President objected.

Third, the Committee bill includes a new title for Community Economic Development co-authored by Senator Javits which would authorize grants to urban and rural Community Development Corporations and their non-profit partners. This would encourage greater assistance to such corporations, as well as to rural cooperatives, from a number of federal and other sources.

This title builds upon the "special Impact" program under title 1–D of the Economic Opportunity Act, which was included in the law in 1967 by Senator Javits and the late Senator Robert Kennedy. The new title, like the previous measure, is based on the model of a very successful program in the Bedford-Stuyvesant section of Brooklyn, New York.

According to a task force report issued by the Twentieth Century Fund of New York on the basis of a review of the experience of more than 75 urban and rural Community Development Corporations throughout the country, such corporations have demonstrated—"unique capacity for pooling a community's talents and resources . . . for linking together a variety of businesses and projects . . . and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area."

Fourth, the bill contains important new provisions for rural housing, drug rehabilitation, environmental action and other new activities which should greatly advance our anti-poverty efforts.

We are pleased also with the inclusion of provisions which we sponsored for the treatment of Puerto Rico as a State for the purposes of financial assistance and to provide more adequately for groups who often do not receive full benefits under the programs, such as the aged.

We urge that the Committee measure be approved and signed into law at the earliest moment so that our essential efforts against poverty may be continued.

Jacob K. Javits.
Richard S. Schweiker.
Bob Packwood.
Robert Taft, Jr.
Robert T. Stafford.

SECOND ANNUAL COLLEGE WEEK FOR SENIOR CITIZENS AT CLEMSON UNIVERSITY

Mr. THURMOND. Mr. President, programs which provide for the enrichment and advancement of senior citizens can also be of benefit to everyone. Such a program is College Week for Senior Citizens at Clemson University in South Carolina. It recently concluded its second annual session under the sponsorship of that institution and several other State and private organizations.

A program of this nature brings knowledge of many skills useful to people of all ages, but particularly to those in older age groups. Perhaps of more importance is the additional knowledge made available to these people who already possess the wisdom of time and experience.

Mr. President, the field of instruction in this program was broad and offered subjects of value to people of all interests.

A feature article entitled "School Bell Tolls for Elderly," published in the Greenville, S.C., News, of June 4, 1972, presents good description of the College Week program for Senior Citizens at Clemson University. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

School Bell Tolls for Elderly

(By Garnette Bane)

Clemson.—It's been a long time since reading, 'riting and 'rithmetic, but some 250 senior citizens have discovered school still can be fun.

These men and women, all South Carolina residents over 65, participated in the second annual College Week for Senior Citizens at Clemson University which concluded Thursday. The classes were sponsored by the South Carolina Commission on Aging, the South Carolina Churchman's Committee for Older Adult Ministries, Clemson University Extension Service and the Department of Recreation and Park Administration at the university.

Instead of the three "Rs" students studied subjects of interest directed to their particular age group.

Classes on nutrition were designed to help persons prepare meals for special diets or make dinner for one, should the person live alone. The instructor stressed the importance of a nourishing diet, regardless of one's age.

A course on home safety dealt with home furnishings and household products which could possibly be detrimental to the individual's well-being. "Proper labeling of chemicals and medicines were outlined so there would be no mistake in consuming the wrong potion," said Charles R. White, project director.

Early South Carolina history was aimed at helping those taking the course become more familiar with their state, various historical sites, and tales of the Palmetto State's favorite sons and war heroes.

Special programs on health and consumer fraud, Social Security and Medicare were set up to work as safeguards for the elderly. Under the instruction of William J. Monaghan, staff associate of the Department of Investigation, American Medical Association, the course on health fraud examined and analyzed so-called "health claims" which mean nothing. Consumer fraud, taught by Miss Veronica Carmack of the home economics department at Clemson, looked into the major areas in which many older people are exploited.

Besides subjects designed to educate and enlighten, the week's scholars also found time to pursue their favorite hobby, which included everything from oshibana and macrame to papiers-colles; needlepoint, decoupage and wine-making.

Highlighting the week of activities were tours of Keowee-Toxaway Visitors Center and various historic homes in Pendleton.

Robert Hill, assistant professor of English at Clemson, taught a class in creative writing for oldsters who have shown an interest in writing poetry. Horticulture instructors taught fruit and vegetable production in home gardens in the gardens of the school.

Topping off the week were songfests and a talent show. Graduation was held Thursday night with "graduates" receiving diplomas at a banquet.

It was a busy week for all; however, more than one who attended left with "I'll be back next year."

MANDATORY RETIREMENT VERSUS FLEXIBLE RETIREMENT AGE

Mr. CHURCH. Mr. President, in recent years there has been a trend toward compulsory retirement at a fixed age.

With unemployment continuing to remain at an unacceptably high level, pressures for earlier retirement have continued to mount.

Today only about 15 percent of all persons 65 and older have jobs—usually part time and in lower paying occupations.

Many persons in their forty's and fifty's are now dropping out of the labor force.

Nearly 2.4 million persons in the 45 to 64 age category have withdrawn from the work force, in many cases involuntarily. This compares with 1.4 million for 1960. The net impact of these figures is that the labor force drop-out rate for middle-aged and older men has increased by more than 71 percent in a little over a decade.

To the Committee on Aging, of which I am chairman, these alarming statistics raise very fundamental questions, such as:

What is the impact upon our Nation when we lose some of our most experienced and skillful workers?

What kind of a national policy should we develop to cope with the growing dependency ratio of nonworkers to workers, which in large part is the result of forced and earlier retirement practices?

The issues related to mandatory retirement and a flexible retirement age received the close scrutiny of the White House Conference on Aging.

The employment and retirement section, for example, had this to say:

> Our long established goal in employment and retirement policy is to create a climate of free choice between continuing in employment as long as one wishes and is able, or retiring on adequate income with opportunities for meaningful activities.

Another excellent analysis of this growing problem has been prepared by Ted Schuchat in his North American Newspaper Alliance syndicated column.

In this article, he describes very clearly and concisely some of the arguments for and against compulsory retirement.

Moreover, he provides further evidence about the growing trend toward compulsory retirement. According to a recent social security survey, the proportion of men subject to mandatory retirement increased from 11 percent in 1951 to 36 percent in 1970. In the vast majority of cases, 65 was the mandatory quitting age.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sixty-Five And Out? Not Everybody

(By Theodor Schuchat)

Compulsory retirement, usually at age 65, is growing in the United States, according to the Social Security Administration, but presently affects less than half the working population.

Past surveys made by Social Security research teams found the proportion of men subject to mandatory retirement rising from 11 per cent in 1951 to 21 per cent in 1963.

The latest survey, made in 1970, showed 36 per cent of the recently retired males drawing Social Security benefits had been forced into retirement.

Compulsory retirement is less likely to apply to women. Still, the proportion of women subject to this personnel practice rose from six per cent in 1951 to 10 per cent in 1963 and 23 per cent in 1970.

Two thirds of those subject to compulsory retirement in 1970 reported that 65 was the mandatory quitting age. The second most common age for retirement was 70, applied to a fifth of those surveyed.

Pension plans and compulsory retirement usually go together. Nearly all (84 per cent) subject to compulsory retirement were eligible for a private pension, but 34 per cent of those with pension coverage were not forced to retire.

Compulsory retirement is most common in industries with high rates of pension coverage—transportation, communications, public utilities, government. In government, two thirds of those subject to mandatory retirement did not have to retire until age 70 or later.

The association of pension coverage and compulsory retirement rules is shown also by the incomes of retirees. Men who were forced to retire average $3,380 in retirement income compared with $1,640 for men who did not face compulsory retirement in their last job.

For women, the corresponding amounts of retirement income were $1,870 and $890 per year, respectively.

INCOME LOSS

Retirement meant a considerable loss of annual income for those surveyed by the Social Security Administration in 1970. For about half the men subject to compulsory retirement, their retirement income replaced at least 40 per cent of their previous income.

For nearly half those not subject to compulsory retirement, retirement benefits amounted to less than 30 per cent of the amount they had been earning before retirement.

More than half of those compulsorily retired said they did not want to quit working. Only a fourth of the men and a sixth of the women who hit compulsory retirement age said they had health problems that would prevent them from working regularly.

Health problems also were a factor in the retirement of many people before they reached the age of compulsory retirement. Of those who retired voluntarily, 44 per cent of the men and 21 per cent of the women said their health prevented them from working regularly.

NO COVERAGE

Those who worked in jobs without compulsory retirement (who were also least likely to have private pension coverage) were least likely to have wanted to retire when they did and most likely to have health problems.

Nearly 60 per cent of these men and 40 per cent of these women told the Social Security Administration they were unable to work regularly.

As the trend toward compulsory retirement grows, the debate about its wisdom and equity continues.

Dr. Arthur S. Flemming, President Nixon's special consultant on aging, calls compulsory retirement a lazy man's way of making a difficult personnel decision. Flemming is a former member of the U.S. Civil Service Commission.

PROS AND CONS

Advocates of compulsory retirement say it opens up jobs for younger workers and usually provides some secure retirement income.

They acknowledge that it is easy to administer and claim in its favor that it is objective—applying equally to all workers—and completely predictable, so plans for retirement can be made well in advance.

Opponents of compulsory retirement contend that workers should be able to decide for themselves whether they want to retire or continue working.

They emphasize, too, that retirement income is usually only an unsatisfactory fraction of what the worker was previously able to earn. Retirement thus works an economic hardship on many.

HIGH COST

Opponents also question whether society can continue to afford the mounting costs of supporting—even at relatively low income levels—a growing number of retired workers.

LEGAL SERVICES, YES; CORPORATION, NO

Mr. ALLOTT. Mr. President, I am extremely pleased that we are taking time today to discus title IX of S. 3010. This is an important piece of legislation, one which I personally believe will be, at least, a startling precedent and more than likely will be unconstitutional if enacted. Title IX contemplates establishing an independent corporation to provide legal services and assistance to low-income persons. The corporation will also assist low-income persons in obtaining a legal education. The philosophy behind the establishment of an independent corporation is to eliminate so-called political interference from the present legal services program. I believe that it is important to examine this philosophy.

Section 901(4) provides in part "that there be no political interference with the provision and performance of legal services." The report submitted by the committee to accompany S. 3010, states that—

> The Committee feels that it is necessary that the legal services program be placed in an institutional setting which will minimize political interference with the provision of legal services.

It goes on to state that—

> The program must be insured a sufficiently secure future with adequate funding to enable it to plan and to operate efficiently and effectively.

In the section-by-section analysis of the report the committee states that section 901 is to "create a private nonprofit corporation free from extraneous interference and control."

I quote these sections from the bill and the report to assist me in defining the phrase "political interference." In all honesty, Mr. President, I am unable to understand what the authors of the phrase mean by it. And I am concerned that the effect of the philosophy behind that phrase might be to make the corporation independent from executive and legislative review.

I have in the past and I will in the future support the idea that legal services should be provided to needy individuals. In a society based on law there can be no justification for denying judicial remedies to those who cannot afford it. I hold this view as a Senator, and also as one who has been actively engaged in the practice of law before coming to the Senate.

I am familiar with the current OEO-operated legal services program. In Colorado alone, there are OEO-assisted legal programs operating in Denver, Adams County, Arapahoe County, Colorado Springs, Pueblo, and a statewide rural program with offices in Boulder, Greeley, La Junta, Trinidad, Grand Junction and the San Luis Valley. These offices are staffed by some 75 attorneys and assisted by 21 volunteer attorneys. They are operating on a yearly budget of over $1.5 million provided by the Federal taxpayer. Along with the 90 some attorneys there are more than 110 other individuals employed by the legal services program in Colorado. I enumerate these facts only to show the size of the legal services in just one State. This is not a small operation.

Because of the size of this operation I have been called upon numerous times to assist in one way or another with problems connected with the legal services program. These problems come from all conceivable types of possibilities: individuals objecting to what they consider legal harassment by the OEO attorneys, individuals seeking assistance from me in securing legal counsel, and finally individuals directly connected with the OEO programs attempting to obtain additional funds which, in turn, would allow the opening of additional legal services offices in Colorado. As the elected representative of the persons making these inquiries, I attempt, as I am sure all Senators do, to be of assistance. But it is possible to interpret section 901 (4) to forbid this type of constituent assistance as "political interference." Therefore, I cannot support this provision.

Let me take just a moment to more specifically enumerate my concern. In the past several years I have received complaints of harassment by legal service attorneys from individuals as diverse as school superintendents, farmers, radio station operators, private businessmen, hospital administrators, and practicing attorneys. I also have received complaints from potential clients that legal services have not been responsive in meeting their legal needs. During this same period I have had several requests from individuals associated with the legal services program to assist them in obtaining additional Federal funds. In all cases I have attempted to be responsive.

I have referred complaints to the appropriate officials in the OEO. I have attempted to work with the State Bar Association in forming a review panel for hearing these complaints. I have personally written to the appropriate legal services office referring clients to that office. And finally, Mr. President, I have supported applications for additional funds in Colorado. I am afraid that these activities would no longer be possible if title IX of S. 3010 is enacted.

To support this title, I would have to shirk my responsibility to the people of Colorado. I am not prepared to do this.

The expenditure of Federal funds should be subject to the closest type of legislative and executive review. A taxpayer expects and is entitled to ask his elected officials to examine the use of Federal funds. Any attempt to reduce this scrutiny or to make it more difficult should not be acceptable.

I interpret title IX to do just this and I hope that Senators will vote to strike this section.

WELFARE REFORM

Mr. RIBICOFF. Mr. President, I am hopeful that Congress can enact meaningful welfare reform this year—reform which assures that no one is less well off than he or she is under the present system and which creates a humane and efficient welfare structure.

With bipartisan support in the Senate, I am sure that major improvements can be made in H.R. 1 which will achieve our reform goals. I fully recognize that H.R. 1 as it passed the House in April of 1971 is unsatisfactory and will not have my support without major improvements. I am hopeful that the administration will join with those of us who support meaningful welfare reform in enacting a forward looking welfare reform program.

The Washington Post in a series of recent editorials has pointed out the need for supporters of genuine welfare reform to work together to create worthwhile legislation.

I ask unanimous consent that the Washington Post editorials of June 5 and 6 be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

SALVAGING WELFARE REFORM

Chairman Russell Long of the Senate Finance Committee has once again promised to complete action—presumably some time this month—on the social security bill bearing the remains of welfare reform. We use the word "remains" advisedly, in view of the committee's decision to replace the administration proposal with a wholly different and thoroughly unacceptable substitute of its own. And we use the word "promise" with some hesitation, not just because the chairman has slipped his own announced deadline in this matter so often, but also because what is about to issue forth from the committee and what could subsequently take place in Congress strikes us as constituting at least as much of a threat as a promise.

The point is that neither the committee proposal nor the administration-favored measure which it has replaced (but which remains the House version of the bill) can be described as meeting the minimum requirements of genuine welfare reform. The committee bill fails because it embodies an employment program that takes the wrong approach to employment, trapping both government and welfare recipient in a choiceless situation where armies of people must be hired and retained in starvation-wage, make-work jobs that provide them neither the opportunity nor the incentive to improve their lot—jobs which will cost the taxpayer plenty into the bargain. The House-passed, administration-sponsored version of the reform has the theoretical advantage at least of being based on the more reasonable and humane principle of putting a cash floor under income and providing additional incentives to work. However, time and alteration of the original administration measure have rendered it, in its present form, as unacceptable and dangerous as the Committee's make-work bill.

For while this measure would put a floor under the income of working poor families with children, that floor ($2,400 annually) is so low and the tax on a recipient's earnings (67%) so high, that in practice very little relief would be forthcoming for the working poor. For the non-working and unemployable poor among families with children—that is, for many current recipients—it would do even less, creating a strong possibility that a great majority would have their present low benefits substantially reduced. Moreover, this version of Mr. Nixon's original bill would actually provide *less* incentive to work than is provided under current welfare law: some recipients would be left with a smaller proportion of earned wages than they are at present. Finally, this version of the bill relies heavily on coercion and is encumbered by provisions that endanger the fundamental freedoms and liberties of welfare recipients—and, by extension, everyone else.

There is a third alternative, one which we have favored. This is Senator Ribicoff's proposal which would raise the administration's basic guarantee from $2,400 to $3,000 annually and which would also ensure that current recipients did not end up worse off than they are now. In addition, the Ribicoff measure would dispose of very nearly all of the objectionable features of the House-passed, administration-backed bill. It has long been apparent, however, that in its present form, the Ribicoff bill is too expensive to be passed and implemented now and that the only chance of enacting an effective, generous and authentic reform in this Congress lies in the fashioning of a compromise measure that is broadly acceptable to Senator Ribicoff and his liberal supporters, to the White House and to Chairman Mills of the House Ways and Means Committee.

That such a measure at least lies within the realm of possibility seems self-evident to us: all three have made the basis of proposed reform the establishment of a federal floor under the income of families with children, including working poor families; all three have endorsed, in principle, the creation of a structure of work incentives and job opportunities to accompany the guaranteed income; and Mr. Mills and the President both have expressed a willingness to support increased federal expenditures of around $6 billion on such a program. Within a range of some $1 billion to $2 billion more, it is possible to work out an initial program that meets both the requirements of genuinely aiding the nation's poor and of reforming the present cruel and self-defeating welfare system. We find it encouraging that talks between the parties with a view to arriving at such a measure are now reported to be under way.

Our own idea of an acceptable compromise would begin with an ironclad guarantee that welfare reform not be used as a perverse instrument whereby welfare recipients experience a reduction in present benefit levels and a worsening of their situation. Such a bill would have to include mandatory provisions for states to maintain current levels of welfare payment and to assure that the equivalent value of food stamp payment levels was maintained. Second, the federal guarantee should be raised to somewhere between the too low $2,400 administration figure and Senator Ribicoff's $3,000, with provision for raising the figure to $3,000 in phases—and ultimately beyond. In addition, it would seem to us desirable that the tax rate on earned income in both the Ribicoff and administration bills be lowered in a substitute measure: the poor should be allowed to keep at least 50% of their earnings in the effort to work their way off welfare. (Besides encouraging work, a liberal tax rate on earned income tends to increase the recipient's cash benefits in a more substantial way than does the raising of the floor by a few hundred dollars.) Again, the provisions in the administration measure infringing on constitutionally protected rights should be eliminated entirely. In this connection, the coercive aspects of the welfare work requirement should be modified by inclusion of a volunteer preference provision, one that would guarantee that job and job-training opportunities went first to those recipients who volunteered for them. Voluntary demand for jobs has generally outstripped supply wherever work incentive programs have been made available to welfare recipients. There should also be uniform federal standards of eligibility and federal administration of the program.

What a program along these lines would do would be three-fold: it would improve conditions substantially for many current welfare recipients and for numbers of the working poor; it would ensure that current recipients did not suffer wholesale loss of benefits; and it would provide an improved and—equally crucial—an improvable base for a rational, generous and effective system of public assistance. But while there is widespread agreement among those concerned for the well-being of the poor on the desirability of meeting these objectives, there is anything but agreement on tactics. We shall take up this disagreement in a subsequent editorial.

Within the ranks of those who care about the well being of the poor, there is sharp division on the question of how to respond to the present situation in Congress concerning welfare reform—division not over principles but over tactics. Our own view is that the well being of the nation's poor will be advanced by efforts made now to construct a decent alternative to the proposals pending on the Hill, to mobilize a majority around an administration-backed and liberal-supported compromise measure along the lines of that which has already been outlined in this space. It would require what we regard as a wholly feasible accommodation between Senator Ribicoff and those who favor his welfare bill, the White House and Chairman Mills of the House Ways and Means Committee on a compromise that would merit the support of all three.

This approach—to put it mildly—is not universally held to be a wise one among people concerned with reforming our shameful welfare system. Elsewhere on this page today, for instance, Nick Kotz has sketched out a prospective scenario for disaster that could occur in Congress even if an acceptable welfare compromise were worked out and passed in the Senate. And there are voices from many quarters—the National Urban League, the National Council of Churches and the National Welfare Rights Organization among them—arguing that there is only one way to prevent Senate-House conferees from ultimately confronting Congress with a no-choice welfare program that represents the most regressive features of the current proposals and, consequently, dealing an enormous blow to the nation's poor. This way would be to work to kill any comprehensive welfare legislation that comes to the floor of the Senate for attachment to the social security bill. We disagree with this analysis of how the dreadful prospect can best be prevented. In the past, we have argued, vainly, that organizations such as the National Welfare Rights Organization could best promote the cause of just welfare reform by putting forward and lobbying for a serious alternative to the present mess—rather than by proposing a $6,500 program that would cost tens of billions of dollars and publicly combating anything that fell short of it. We would argue now—perhaps just as vainly—that the best chance of warding off disaster in Congress is not to oppose all substitute welfare reform but to work to mobilize a majority around an alternative such as that we have broadly outlined, one which could legitimately merit the support not only of liberal Democrats but also of the administration.

If you believe, as we do, in accord with the protesting organizations, that neither the Finance Committee bill nor the House-backed bill nor, for that matter, any other collection of regressive amendments or provisions affecting welfare recipients should be enacted into law, and if you also share our conviction that Senate liberals and moderates have an obligation to defeat such proposals at whatever point they come along, it still does not follow, in our view, that this is a moment to reject all efforts at passage of a better bill. With an administration-backed majority in the Senate mobilized around a decent and worthy alternative, it seems to us there is a rather better chance of averting the dismal scenario set forth by Mr. Kotz than there is without one.

What makes anybody think that without a Senate passed welfare measure of any kind, a Senate-House conference such as that Mr. Kotz and others fear would not *still* append to the social security measure at hand a string of mean-minded and punitive provisions affecting the people now receiving public assistance? That there is likely to be a pitched battle over the conference report seems beyond question to us. That will be the time when the fight to prevent the enactment of punitive welfare measures will be conducted, if such measures are reported out. We expect such a fight would be made easier, not harder by the existence of a Senate majority which has expressed its will in favor of a *good* welfare bill—whether that bill has survived the conference or whether it has been abandoned by faithless Senate conferees. In this connection, it seems appropriate to us to recall that last winter a collection of "workfare" measures passed both houses and were enacted into law. So there already are on the books some of the features that critics of the present legislation rightly object to. While we subscribe to the view that any further inroads of this kind must be prevented, it seems to us that the passage of last winter's legislation and the threat of more of the same coming out of conference make the effort in the Senate to get a genuine reform bill while there is still a chance all the more urgent—not less so.

The critics of this tactic are right in stressing the dangers that attend it—even though, in our judgment, these are no greater than the dangers of the course the critics themselves prescribe. What is required is a clear, firm and irrevocable commitment on the part of those involved in fashioning and supporting a compromise measure, a commitment to full scale, unequivocal battle in its behalf and to equally intense battle to reject legislation that would harm, not help, the poor. On the left, on the right, at the White House, in Congress and among the lobbies there has been so little reliability on this question over the past few years and so much rhetorical self-indulgence, that it is still not certain that a coalition of the kind we have in mind will be produced and maintained, even as it is still not certain that a decent and mutually acceptable reform bill will be the result of efforts now under way in that direction. Our view is that it is urgent that the effort be made.

UNITED STATES-SOVIET RELATIONS AFTER THE MOSCOW SUMMIT

Mr. JAVITS. Mr. President, on June 1, 1972, it was my honor to give the commencement address at Dropsie College, in Philadelphia, Pa. By coincidence the day of graduation at Dropsie College coincided with the date of President Nixon's return from his historic mission to the Soviet Union. I chose as the subject of my remarks "United States-Soviet Relations After the Moscow Summit." I ask unanimous consent that the text of my address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

UNITED STATES-SOVIET RELATIONS AFTER THE MOSCOW SUMMIT

(Address by Senator JACOB K. JAVITS)

Graduation from so eminent a college gives each graduate the capability of leadership in the community and in his time. Because the challenges to leadership are so great, in terms of knowledge and intellect required, I feel it most appropriate to talk with the graduating class about the overriding issues of our times which will determine whether we shall have peace and a moral climate in the world for the next thirty years. It is fortuitous in this respect that we meet today, the same day that the President returns from a historic trip to Moscow. Viewed in the context of his visit to Mainland China, this journey may inaugurate in a new era.

The single most important determining factor in American foreign policy since 1945 has been our adversary relationship with the Soviet Union. Some key elements of that relationship now appear to have been changed following President Nixon's visit to Moscow. The changes flowing from the President's visit to the Soviet Union are likely to be even more significant and far-reaching than the consequences flowing from the President's historic visit to Peking. In my judgment, the President, and his gifted advisor Dr. Kissinger, deserve the nation's gratitude for the outstanding diplomatic accomplishments related to the President's trip to the Soviet Union.

Indeed, the big point is that notwithstanding the President's action in mining Haiphong harbor and the resultant bottling up or turning back of Soviet ships, the invitation to President Nixon was not cancelled—obviously restraint and cooler heads with a long view prevailed in the Kremlin's inner counsels. This is the best augury for the future hopes for the U.S. and the U.S.S.R. getting along and for peace that we have seen in years. It is the biggest thing that happened in respect of the Moscow visit by far.

The capstone achievement of the President's trip was the agreement on strategic arms limitation. The Strategic Arms Limitation Talks (SALT) have been in progress for nearly three years and many arms control advocates have been pessimistic and skeptical over the results because of the slow pace of the negotiations. However, the end result has been excellent—and worth waiting for—it seals the concept of nuclear parity into the relations between the superpowers and removes the incentive to escalate to gain some fancied superiority.

There is every reason to expect that additional agreements will be arrived at, for the negotiations will continue in the established channels, and new institutions—as well as pledges on both sides to seek further limitations—give evidence of a strong momentum.

The significance of the SALT agreements can be fully appreciated only by reminding ourselves of the alternative—a dangerous, spiralling escalation of the strategic arms race leaving both sides less secure at the end. Technology has brought us to the threshold of a whole new generation of offensive and defensive strategic weapons. In the past, such technological break-throughs invariably have touched off another round of the arms race—with each round more costly, dangerous and "destabilizing" than the previous.

In my judgment, the Senate has played a very important role in success of the SALT negotiations. The great Senate debates of 1968, 1969 and 1970 on strategic arms issues helped importantly to educate the Executive Branch of our government and the Soviet government—for we know that the Soviets avidly read the Senate debates. The issues and the principles which were established and clarified in the Senate debates have now found expression in the SALT agreements. This instructional role of the Senate would not have been possible except for a most remarkable phenomenon which was uniquely American.

That phenomenon was a "revolt" by key elements of the scientific community and defense intellectuals—in many instances men who had invented and developed the very weapons which the SALT agreements now control. Unable to break through the rigid compartmentalization of the Executive Branch, these men turned to the Senate for a hearing. A substantial group of Senators quickly grasped the significance of the issues, and mounted determined efforts focusing largely on amendments relating to the construction of ABM systems. Although the principal Senate amendments were defeated in extremely close votes, the arguments of the proponents have now been accepted and are embodied in the SALT agreements signed by President Nixon and General Secretary Brezhnev. The same spirit in the Senate—and hopefully in the Congress—made possible the recent Senate passage of the War Powers Act.

The SALT agreements are evidence that the United States and the Soviet Union have succeeded in averting a costly and dangerous new round of the nuclear arms race, and this signifies a highly significant shift in the rhythm and tenor of our relationship of the past twenty-five years. Other key elements of our relationship also appear to have been constructively altered as a result of the negotiations and agreements connected with the Nixon visit.

However, it would be a mistake to convey any false sense of euphoria respecting U.S.-Soviet relations. On the two issues foremost on the public mind—Vietnam and the Middle East—there is no evidence of any progress. In the Mideast, the Soviet Union seems to feel that time is on its side. This sense of self-assurance does not seem to be shared by President Sadat with respect to Egypt's confrontation with Israel, as he has pledged to renew the war against Israel in 1972. But, the key factor will be Soviet diplomatic and military calculations. The Arabs can attack Israel only with Soviet arms and can avert defeat only through Soviet intervention if they do attack. Overt Soviet intervention would, of course, create a grave risk of confrontation with the U.S. considering the key security implications of the Middle East for Western Europe and the U.S.

The greatest disappointment of the Nixon-Brezhnev communique is its failure to indicate any progress toward a Vietnam agreement. In the communique, the U.S.S.R. reiterates its support of Hanoi and the Vietcong in unflinching terms. Against the background of President Nixon's escalation of the air war and the blockade and mining of North Vietnamese harbors on the eve of his Moscow visit, the Soviet reiteration of verbal support for its Communist allies in Indochina may be considered as evidence of restraint. But President Nixon's Vietnam speech of May 8, couched in terms almost of a challenge to the Soviet Union, created an expectation that the President believed he could enlist the help of the Soviet Union in bringing about a peace settlement compatible with the terms set forth in that speech.

The expectation of many that concrete trade agreements would be signed during the Moscow visit was not fulfilled. But, for the short term, the proposed Joint Commission to develop the economic relationship between the United States and U.S.S.R. as trading partners including "most favored nation" treatment and export credits may prove to be very important. The U.S.S.R. wishes to be accepted as a great industrial power and to receive the credit and the reciprocity which come with that status. If the United States now recognizes these Soviet aspirations and asks that they be the reason to unlock the door of Soviet secretiveness and economic chauvinism, the benefit to all peoples, including the Soviet people, and to peace and to the other peoples of the Communist bloc in Eastern Europe will be incalculable. For this reason I urge the President to insist in including in these negotiations, in addition to the four items already stipulated, the following:

1. Subscription by the U.S.S.R. to the fair trading rules of GATT (General Agreement on Tariffs and Trade) or to join GATT itself.

2. Protection of patents and copyrights on a reciprocal basis through the internation Convention or by a special convention on the subject.

3. Freedom of access by business and technological personnel to the business and industrial centers of both countries.

4. A relationship with or membership in the International Bank for Reconstruction and Development and the International Monetary Fund (IMF) so that the U.S.S.R. may have a role in the international monetary system to be established following the Smithsonian Institution agreement and play a role with the rest of the developed world in aid to the developing world. It is noteworthy in this regard that the U.S.S.R. has been since its beginning a member of the International Labor Organization (ILO).

The U.S.S.R. is obviously bidding for economic respectability and acceptance as a major world industrial power. This is the moment to invite the U.S.S.R. to join the world economy and not to remain out of it as agitator and critic as it has for 54 years. It is a time for boldness in the world economy and the United States can leapfrog the new protectionism which could develop here at home and in the EEC and Japan. We can do this by bringing in the two Communist giants. If we do not raise our sights to include the U.S.S.R. and the Peoples Republic of China in the world economy, we will be missing the other half of the greatest chance for peace in this century.

Europe has been the central arena of U.S.-Soviet confrontation since 1945. Developments of the past twenty-five years have created a new situation on the ground in Europe and this "new situation" has found expression in the agreements reached in Moscow by President Nixon. In this respect, the Four Power Berlin agreement of 1971 and the West German Non-Aggression Treaties with the Soviet Union and Poland must be regarded as essential preliminaries.

The Nixon-Brezhnev communique has opened the way for the convening of a Conference on European Security and Cooperation and for negotiations on Mutual Balanced Force Reductions in Central Europe. What we are witnessing is a series of negotiations to achieve a comprehensive settlement of the unresolved issues of World War II in Europe. Most of those issues have been essentially resolved by pragmatic arrangements achieved in an *ad hoc* manner over the past two decades. A *de jure* settlement, based on these pragmatic arrangements, is now emerging. A comprehensive, *de jure* settlement will permit a "normalization" of relations between Eastern and Western Europe and an easing of tensions. Intense competition will continue and many potential sources of crisis will remain.

But in its overall outlines, the emerging pattern in Europe is one which is favorable to United States interests and one which leaves the forces of freedom and peace greatly enhanced. The free nations of Western Europe, who are our closest allies, are set on a course of economic and political integration, with the German Federal Republic as an important and manageable component of the new European entity. There is every reason to hope that Europe will not again in this century be the breeding ground and cockpit of a world war.

Viewed from the perspective of the Kremlin, the results of the Nixon visit must be viewed with great satisfaction by the Soviet leaders. The Soviet Union achieved public acceptance of respectability and "parity" with the United States; and its World War II territorial gains in Eastern and Central Europe have been accorded recognition. All of these are long-standing major objectives of Soviet postwar diplomacy. Rightwing circles in the United States have already begun to question the Moscow results, focusing their attack on the SALT agreement and its acceptance of Soviet strategic parity.

In a very important sense, it remains to be seen which side will benefit more from the Moscow agreements. The outcome, in my judgment, will depend on the creativity and initiative which the respective sides bring to bear upon the new situation of "political normalization" in Europe in the decade ahead. In this respect, I have faith in the vitality and purpose of the free peoples of the West. The Soviet objective of "consolidation" in Eastern Europe is likely to prove a backward-looking vision based upon the realities of the 1940's and 1950's and in the new competition of peaceful coexistence the dynamic societies of the Atlantic Alliance have a real opportunity to demonstrate the obsolescence of the Soviet, and Soviet satellite system. The prerequisite for such a felicitous outcome, of course, is continued Western cohesion and integration—and the continued full-scale engagement of the United States in Europe.

The right-wing pessimists in our country view the Soviet Union primarily as a still emerging military colossus implacably set on a course of world domination. I do not dispute this interpretation of Soviet ideology and rhetoric; but in the reality of the Kremlin's position, I believe it is an unrealistic projection of the future by them. Viewed from an overall strategic perspective the Soviet Union must be viewed as a nation which is under increasing strategic pressure from China, as a nation which is faced with the prospect of increasing challenge from its satellite partners in Eastern Europe, and as a nation whose regime is even on the defensive in respect of its own people.

In an important sense, the decades of superpower dominance of the world are drawing to a close—for the United States as well as for the Soviet Union. The emphasis on maintaining the *status quo*, which was such a distinct feature of the Moscow agreements, reflects a certain sense in both Moscow and Washington that the days when major questions can be settled by only two superpowers are numbered. It should not be the objective of U.S. diplomacy to assure the Soviet Union a continued great role in the twentieth century analogous to the role assured to the Austro-Hungarian Empire in the nineteenth century, long after the Austro-Hungarian Empire had lost its own inner vitality and *raison d'etre*. A freezing of the *status quo* at the Congress of Vienna brought relative stability in Europe for a number of decades, but by making peaceful change almost impossible the somewhat mechanical "balance of power" arrangements of the nineteenth century also fueled the flames of revolution and World War in this century.

Most importantly, in our search for stability in our relationship with the U.S.S.R. we must not sacrifice our own dedication to the principles of freedom and human dignity. Repression and persecution remain standard instruments of Soviet rule. Particular targets of repression in the Soviet Union at this time are its intellectuals and its Jewish community. We must not fail these groups by muting our expressions of concern and solidarity as elements of an overall "bargain of convenience." To do so would be a betrayal of ourselves and the freedom for which men and women have fought and sacrificed for centuries and which is the base of our own freedom.

ALASKA PIPELINE HEARINGS

Mr. PROXMIRE. Mr. President the Joint Economic Committee will conduct hearings on natural gas regulation and the economics of the trans-Alaska pipeline on June 7, 8, 9, and 22. The press announcement and a list of witnesses for the hearings is being distributed today.

It is becoming increasingly clear that the Nation badly needs a rational national energy policy to avert an energy crisis.

But this means much more than simply the rapid development and use of our scarce energy resources. It means a hard-nosed analysis of our energy supplies and the development of comprehensive government policies that provide needed energy while balancing the environmental, economic, national security, and other social demands of both consumers and producers.

It does not mean that the Nation accepts the energy policies that are dictated by those who have the most to gain from the policies they advocate.

I am particularly concerned about accusations that the recent Alaska pipeline decision by the Interior Department was not made on the facts in the context of the broad energy needs of the Nation, but was the result of a decisionmaking process that was biased from the beginning.

With the assistance of the Joint Economic Committee staff, I have examined the Interior Department's final impact statement, the related economic and security analysis, the four volumes of comments aubmitted by conservation groups, and Secretary Morton's May 11 public justification for proceeding with the Trans-Alaska Pipeline right-of-way. Regrettably, there are serious omissions and inconsistencies among these documents, including inconsistencies between Secretary Morton's public statement and the findings contained in the impact statement and the economic and national security analysis done by the Interior Department staff.

On May 19, I wrote a detailed letter to Secretary Morton spelling out some of the questions that had arisen in the course of our review, and asked the Secretary to come before the committee to answer these questions and provide a detailed explanation of the reasons for his decision. I am very happy to report that Secretary Morton has agreed to do so on June 22. There is no better test of the quality of a decision than a good public airing.

In addition, Secretary Morton sent me a 45-page document that was supposed to be a response to my questions. It is not responsive. The document reads like a 45-page public relations handout for somebody who knows nothing about the circumstances of the Trans-Alaska Pipeline case.

It does not answer my questions.

It asserts but provides no evidence of a west coast oil deficit in 1975 or 1980.

It fails to compare the benefits of the Trans-Alaska pipeline with the benefits of Trans-Canada oil and gas pipelines showing a common corridor.

It gives us no basis for the alleged 3- to 5-day delay on the Canadian route.

It asserts but fails to indicate diverse and flexible supplies for the Midwest and east coast.

Perhaps we should not expect this 45-page document to answer my questions. It was prepared on May 11, 8 days before I wrote to Mr. Morton and was to be used as the Secretary's public explanation of his approval of the Trans-Alaska pipeline. Surprisingly, and perhaps inadvertently, the copy of the 45-page document I received was still stamped with the May 11 date.

This response from Secretary Morton raises two questions.

First, why did the Secretary choose not to release the more detailed statement publicly on May 11?

Second, why does even the longer statement still not address itself to such fundamental questions as those raised in my May 19 letter?

I want to put the Secretary on warning. Unless he has better answers for the Joint Economic Committee on June 22, he is going to have a tough time supporting his case.

Since I know that many Senators are interested in this issue, I ask unanimous consent that my May 19 letter and the news release announcing the hearings be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PROXMIRE TO HOLD HEARINGS ON NATURAL GAS REGULATION AND THE TRANS-ALASKA PIPELINE

Senator William Proxmire (D-Wis.), Chairman of the Joint Economic Committee, announced Friday that the Committee will hold four days of hearings on June 7, 8, 9, and 22 on natural gas regulation and the Trans-Alaska pipeline.

"It is becoming increasingly clear that the supply of energy has shifted from abundance to scarcity," Proxmire said, "and that the Nation badly needs wise public policies to avert an energy crisis.

"But this means much more than rapid development and use of our scarce energy resources.

"It means a hard-nosed analysis of our energy supplies, how we are presently using those supplies, and the development of comprehensive government policies to close the gap between energy supply and demand.

"It also means that government policies must be formulated in a broad perspective that carefully balances the environmental, economic, national security, and other social demands of both consumers and producers.

"We must guard against situations where our energy policies are dictated by the special interests that have the most to gain from the policies they advocate.

"The purpose of the hearings I am announcing today will be to place the Federal Power Commission's regulation of natural gas and the Interior Department's decision to approve the Trans-Alaska pipeline right-of-way into this broad context and determine how well these policies serve the broad public interest.

"The hearings on June 7 and 8 will focus on means of improving the domestic supply of natural gas, with special attention to the regulatory process and the recent rule proposal of the Federal Power Commission. This proposal could potentially amount to deregulation of well head prices for new gas supplies and thus lead to much higher prices to users of natural gas without necessarily improving the supply of gas. The Committee will inquire into alternative approaches which could and perhaps should be used by the Federal Government to meet this critical situation without unduly burdening the consumer.

"The hearings on June 9 and 22 will investigate whether there is evidence to support the Interior Department's decision to approve the Trans-Alaska pipeline right-of-way. As I indicated in a May 19 letter to Secretary Morton, a preliminary analysis of the available information indicates serious omissions and inconsistencies between Secretary Morton's public statements and his Department's analysis of the situation."

All hearings will begin at 10:00 in Room 1202 of the New Senate Office Building. A list of the witnesses is attached.

Members of the Joint Economic Committee are:

SENATE

William Proxmire (D-Wis.), Chairman
John Sparkman (D-Ala.)
J. W. Fulbright (D-Ark.)
Abraham Ribicoff (D-Conn.)
Hubert H. Humphrey (D-Minn.)
Lloyd M. Bentsen, Jr. (D-Tex.)
Jacob K. Javits (R-N.Y.)
Jack Miller (R-Iowa)
Charles H. Percy (R-Ill.)
James B. Pearson (R-Kan.)

HOUSE OF REPRESENTATIVES

Wright Patman (D-Tex.) Vice Chairman
Richard Bolling (D-Mo.)
Hale Boggs (D-La.)
Henry S. Reuss (D-Wis.)
Martha W. Griffiths (D-Mich.)
William S. Moorhead (D-Pa.)
William B. Widnall (R-N.J.)
Barber B. Conable, Jr. (R-N.Y.)
Clarence J. Brown (R-Ohio)
Ben B. Blackburn (R-Ga.)

HEARINGS ON NATURAL GAS REGULATION AND THE TRANS-ALASKA PIPELINE

All hearings will be held in Room 1202, New Senate Office Building, beginning at 10:00 a.m.

WEDNESDAY, JUNE 7, 1972

Charles H. Frazier, Independent Public Utility Consultant associated with National Economic Research Associates, Inc.

Michael V. Posner, Senior Fellow, The Brookings Institution.

Lee C. White, Semer, White & Jacobsen (formerly Chairman, Federal Power Commission, March 1966–July 1969).

THURSDAY, JUNE 8, 1972

John N. Nassikas, Chairman, Federal Power Commission.

S. David Freeman, Research Director, National Energy Policy Study, Twentieth Century Fund.

John F. O'Leary, Energy Consultant, Washington, D.C.

FRIDAY, JUNE 9, 1972

David Anderson, Member of Parliament, Canada.

Charles Cicchetti, Economist, Resources for the Future.

Richard D. Nehring, Former Economist, Department of the Interior.

Stewart L. Udall, Chairman of the Board, The Overview Corporation.

THURSDAY, JUNE 22, 1972

Rogers C. B. Morton, Secretary of the Interior.

(Additional witnesses for June 22 to be announced later.)

JOINT ECONOMIC COMMITTEE,
Washington, D.C., May 19, 1972.

Hon. ROGERS MORTON,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: On May 11, you publicly announced: "I have determined that it is in the national interest of the United States to grant a right-of-way permit for the Trans-Alaska Pipeline which will transport crude petroleum from state lands in northern Alaska to the south coast of Valdez. . . . I am convinced that the decision is consistent with the policies set by the Congress in the National Environmental Policy Act of 1969, which the Department and I, personally, are deeply committed to carry out."

As you know, the National Environmental Policy Act of 1969 declares that it is the policy of the Federal Government "to use all practical means and measures, including financial and technical assistance, in a manner calculated to foster and promote general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

This means that your decision on the Trans-Alaska pipeline must ultimately be judged in terms of how well you balanced the environmental, economic, national security, and other social demands that are integral to maintaining the Nation's general welfare in this case.

With the assistance of the Joint Economic Committee staff, I have examined the Interior Department's final impact statement, the related economic and security analysis, the four volumes of comments submitted to you by conservation groups, and your May 11th public justification for proceeding with the Trans-Alaska pipeline right-of-way.

Regrettably, there are serious omissions and inconsistencies among these documents, including inconsistencies between your public statement and the findings contained in the impact statement and economic and national security analysis done by the Interior Department staff.

I am particularly concerned about the adequacy of the evaluation of the pertinent economic and national security factors. Unfortunately, your May 11th statement is completely inadequate as an explanation of what substantive factors in fact caused you to believe that national security and economic considerations so overridingly supported the Trans-Alaska alternative. Your 4 page statement merely makes assertions regarding national security and economic matters, with no discussion of the critical evidence that caused you to approve the Trans-Alaska pipeline right-of-way.

Consequently, there remain at least the following questions that must be answered in order to really explain why you made the decision you did:

1. Since your impact statement notes the existence of 26 trillion cubic feet of natural gas under the Prudhoe Bay oil field and concludes that it is economically unfeasible to liquify this gas at Valdez and ship it to market in LNG tankers, did you consider the economic and environmental merits of a single oil/gas pipeline corridor running from Prudhoe Bay to Fort McPherson, Canada and then south along the Makenzie River Valley to Edmonton versus two separate corridors, one for oil through Alaska, and another for gas through Canada? If so, why are the results of this comparison not included in the Interior Department's analysis and why did it not alter your decision?

2. Did you estimate the full potential of the North Slope and adjoining Arctic Regions in order to determine the probable need for a second oil pipeline route to this

country between 1980 and 1985? If so, what would be the route of that pipeline?

3. What is the basis for your 3 to 5 year estimate of the delay associated with constructing the Alaska-Canada route, given that there is no discussion of this matter in the impact statement, and that Canadian officials have estimated a 1 to 2 year delay? Regarding the alleged 3 to 5 year delay you allude to, did you consider legal delays involved in the Trans-Alaska route while the matter is litigated in the courts?

4. On what basis did you determine a Pacific Coast deficit in 1980 of 2 million barrels a day?

(a) What were your estimates for oil supply, offshore and onshore, from sources in southern Alaska, California, the Canadian Trans-Mountain pipeline, and possible flows from Oil Districts III and IV?

(b) What were your estimates for oil demand on the Pacific Coast?

(c) Is it not true that the Canadians have indicated a willingness to compensate for any shortage of crude oil brought about by a delay in pipeline construction and, if so, why have we rejected this offer?

5. Given the Pacific Coast oil oversupply that is likely to occur if the Trans-Alaska pipeline is built, as noted in your own economic and security analysis, did you evaluate how this oversupply would disrupt existing oil markets, forcing other oil sources out of the Pacific Coast market, and thereby imposing additional economic and national security costs on the Nation? Since your May 11th statement nevertheless implies that the total North Slope production will be absorbed on the Pacific Coast, would you—in order to further enhance the military and economic benefits of Alaskan production—be willing to write into your stipulations with the oil industry provisions forbidding the sale of North Slope oil to foreign nations, including Japan?

6. In arguing that the Trans-Alaska pipeline is an essential oil source for the Pacific Coast, because that region "does not have the diversity and flexibility of supply available to the midwest," you have not made clear what are to be the future oil sources for the midwest.

(a) Does this statement reflect the physical impossibilities of delivering oil from the southwest to the Pacific Coast, or the desire of certain oil companies to maximize their profits and enhance their positions in certain areas of the country at the expense of citizens in other areas?

(b) Is it not true that the crude oil deficit in the midwest is several times that of the Pacific Coast and is projected to continue?

(c) What are the diverse and flexible sources available to the midwest that you allude to?

(d) Certainly of equal importance, to what extent did your analysis take into account East Coast needs for diverse and flexible oil sources?

7. What were the national security criteria that allowed you to come to the conclusion that the Trans-Alaska route would make this country's oil supply more secure? In particular, since your own economic and security analysis finds greater oil shortages in the midwest and eastern regions, how did you balance the short- and long-run security needs of these regions with the security needs of the West Coast?

8. The economic analysis section of your March 20 impact statement concluded that construction of a pipeline through Alaska would not lower the rate of unemployment in Alaska, would not significantly reduce existing barriers to native employment, would have a major adverse impact on the native subsistence economy in a great portion of the state, would aggravate conditions of inflation and over-crowded housing, would severely damage commercial and recreational fishing in the Valdez Arm and Prince William Sound, and would lead to a "significant downward (economic) adjustment" when construction is complete. What then is the basis for your May 11th statement that construction of the pipeline through Alaska "will be beneficial to the economic development of the state?"

9. Did your May 11th statement that, "The Trans-Alaska right-of-way to Valdez would commit an additional area of 30 to 50 square miles to development," include the 361 mile service road accompanying the project, the 61.3 miles of avian habitat your impact statement estimates would be destroyed during construction, the area to be occupied by three to five air strips, 12 construction camps and six pumping stations (each of 50 acres), the 900 acre "tank farm" at Valdez, and activity associated with the gathering of the 89 million cubic yards of construction material, mostly gravel, to be gathered along the route?

(10) In evaluating the Trans-Alaska alternative, did you take into account the cost of the subsidy and tax deferral of building tankers, developing environmentally safe harbors, and Department of Defense requests for patrol frigates and sealane control ships to protect U.S. oil tankers?

(11) Regarding the difficulties of obtaining financing for a Canadian pipeline, is it not true that the same oil companies involved in the development of Alaska's resources are also involved in exploring the Canadian Arctic? What are the unique financing difficulties associated with the Canadian alternative?

(12) Did you determine the nature and magnitude of the special economic benefits accruing to each oil company that is a member of Alyeska as a result of approving this particular pipeline route? Have you evaluated the effect of this particular pipeline arrangement on competition in the oil industry?

As Chairman of this Committee it is of course my duty to seek answers to these questions because, taken together, they have a profound impact on insuring an adequate national energy supply at the lowest possible cost consistent with meeting our environmental and national security needs.

Since you are uniquely responsible for the decision to proceed with the Trans-Alaska pipeline right-of-way, I invite you to come before the Joint Economic Committee and provide the Congress with a substantive explanation of the considerations that caused you to make the decision you made. We would of course expect answers to the questions mentioned above, and I know that you will want to respond to these questions in order to assure the public that it can in fact support your decision. We have scheduled oil and gas supply hearings for the 7th, 8th, 9th, and 12th of June and would be happy to receive your testimony on any of those days. We would prefer that you appear on the 12th if that is possible.

Looking forward to hearing from you.

Sincerely,

WILLIAM PROXMIRE, *Chairman.*

MAY 26, 1972.

Hon. WILLIAM PROXMIRE,
Chairman, Joint Economic Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Your letter of May 19 invites me to appear before the Joint Economic Committee of the Congress for the purpose of clarifying the considerations that led to my decision to proceed with the Trans-Alaska Pipeline right-of-way. As a member of your staff has been advised, the date of June 12 would be impossible because of my scheduled conferences in Paris, Stockholm and London. If the Committee can conveniently reschedule my appearance date to June 22 I shall be happy to appear on that day.

Your letter mentioned that my public statement issued on May 11 was inadequate in its discussion of the critical evidence which I reviewed. I am enclosing for reference of the Committee a 45-page document which sets forth in greater detail the reasons for my approval which were summarized in my statement of May 11. Many of the questions posed in your letter are answered in the more detailed document. Nevertheless I will be pleased to discuss the 12 questions you posed upon my return from Europe.

Sincerely yours,

ROGERS C. B. MORTON.

Enclosure
cc: Secy's Chron.
Secy's Personal

THE LEGAL SERVICES PROGRAM

Mr. DOMINICK. Mr. President, as a member of the Committee on Labor and Public Welfare, I voted to report S. 3010, the Economic Opportunity Amendments of 1972. I have nonetheless certain serious reservations with regards to title IX, which creates the Legal Services Corporation. I have expressed these in the supplemental views published with the committee report that I signed with the Senator from Maryland (Mr. BEALL).

In its present form, title IX limits the likelihood of achieving reforms necessary to an effective and responsible legal services program, and allows the perpetuation and extension of practices that are inconsistent with the expressed will of the Congress and at odds with the best interests of the program's intended beneficiaries.

I do not believe that title IX sufficiently safeguards the congressionally imposed objectives of the legal services program against subversion by individuals within the Corporation who would set their own priorities for the Corporation on the basis of personal conviction to the detriment of expressed congressional intent.

I become alarmed when creative legal services attorneys find ways to litigate criminal cases in a civil context, thus circumventing the clearly expressed congressional prohibition against such representation.

S. 3010 ostensibly proscribes criminal representation, yet it is couched in such terms that it can be easily circumvented by Corporation attorneys. For example, it does not prohibit criminal representation by project attorneys as pro bono publico representation during off-duty hours; nor would it prohibit legal services projects from using privately donated funds for such purposes. I do not believe that the Congress should enact a Legal Services Corporation bill so fraught with opportunities for abuse of congressional intent.

The limitations on lobbying and political activities included in this title are less than adequate attempts at dealing with these problems. In denying, as this bill does, the right to lobby to attorneys who are not representing a client or group of clients, this must conversely permit such activity by attorneys who do represent any client—whether or not the activity is in the interest of that client. My concern is that this creates a most dangerous precedent in allowing Government resources to be enlisted in support of legislative advocacy.

Let me stress that my objection is not that legal services attorneys are trying to bring about changes in public policy, as that is the right of every American. But Americans have never accepted the notion that public funds—taxpayers' money—should be used in such a manner, and I do not believe that we should accept such a notion now.

Surely the interests of the poor may best be served by the Legal Services Corporation if its attorneys devote themselves to representing the poor in the courts and providing them with legal counsel, rather than to pursuing legislative goals more in keeping with their own beliefs than with the aspirations or practical needs of their clients.

The bill also calls for a congressional stamp of approval on another form of political activity by Corporation attorneys—the transportation of voters to the polls. Although such activity may seem innocent and indeed public-spirited, it is altogether too easily subverted into a form of partisan involvement. Title IX must be amended to prohibit this transportation activity and the presently permissible forms of legislative advocacy or lobbying.

Further, I question the compatibility of the tax-exempt status conferred upon the Legal Services Corporation by this legislation with the activities, nowhere proscribed, of legal services attorneys in support of welfare demonstrations, rent strikes, boycotts, and other such activities. Other organizations, not funded by the Congress, engaging in similar activities would have a very questionable claim to tax-exempt status under the regulations of the Internal Revenue Code. Yet, title IX not only confers tax exempt status on the Corporation, but also denies the right of the Commissioner and District Directors of Internal Revenue to remove the tax exemption from the Corporation for engaging in activities that IRS would ordinarily deem impermissible. Certainly this constitutes preferred treatment for a government-chartered corporation, publicly funded, in violation of our traditional inhibition against selective Government support.

Mr. President, I do not challenge either the concept of legal services or the principle of the Corporation, but whether the program is continued as a division of OEO or placed in a newly created Corporation, I believe that the points I have raised should be subjected to Senate scrutiny, and that the provisions which unnecessarily dilute the services flowing to the poor should be corrected.

ABUSE OF FIREARMS

Mr. KENNEDY. Mr. President, nowhere in the civilized world is there the massively uncontrolled abuse of firearms as exists in the United States. Among the nations of the world, America stands in the bloodiest pool of death by gunfire—guns kill over 20,000 Americans each year. Yet we still have not fashioned an effective system to curb the explosive number of deaths and injuries that guns cause. Moreover, we tend to display public concern about guns only when public figures are involved.

Attacks on national figures stun the national conscience and make us take pause. But we have not yet produced the national will required to stop the spiral of death by gunfire in this country. The Nation stood paralyzed in the hours following the shooting of Gov. George Wallace. Exactly 2 weeks after the shooting of Governor Wallace an even more tragic assault occurred in Raleigh, N.C., where Senator EVERETT JORDAN was campaigning for reelection.

There is no way to explain why the gunman fired into that North Carolina parking lot. And there is no way to measure the grief and agony in the homes of the three people he killed, or to explain the bewilderment of the gunman's parents who are sentenced to live with the staggering truth that their son took his own life, killed three people, and wounded eight more.

Horrifying as it was, the attack on those innocent unsuspecting victims in North Carolina is already accepted in public opinion as unpreventable. Even worse, that is the kind of tragedy often described by gun zealots as a normal expected risk for the citizens of a gun owning society.

For, it is proclaimed, there is a certain number of madmen in the world and it is impossible to prevent their erratic and uncontrolled behavior.

I deplore the logic of that claim because it completely ignores the real issue—and that is that the easy accessibility to firearms produces an unnatural and uncivilized environment. At least 100 million guns are owned by civilians in the United States. About 30 million of that number are handguns. Such a national arsenal of death wielding devices is absurd.

Harvey Glenn McLeod lies dead along with three others in Raleigh, N.C., not just because no one could predict how he would use the rifle he purchased from Thorne's Hardware Store, but because our society tacitly permits citizens to purchase such deadly weapons as easily as we can purchase a stepladder.

More than 20,000 Americans die by gunfire each year because we in Congress have failed to control the availability of firearms.

Immediately after Governor Wallace was gunned down, familiar demands for a curb on cheap handguns emerged again. But our distorted sense of the role of all firearms in our society diverted attention from the need for effective controls on every kind of firearm—both handguns and long guns.

More than 15 months have passed since I introduced in the Senate, the Personal Safety Firearms Act. Not only would my bill produce a significant reduction in the manufacture of handguns in this country; it would also require people to undergo an investigation before buying a rifle or shotgun. Agencies authorized to issue firearms licenses must obtain fingerprints and a recent photograph of the prospective buyer to aid in establishing that the purchaser is neither an addict, a minor, an alcoholic, a felon nor a fugitive from justice.

Harvey McLeod could not have purchased that rifle 2 hours before devastating the rally in Raleigh if my bill were the law of the land. He could not have passed the eligibility requirements. After days of investigation, authorities would have rejected his application because his criminal background would have disqualified him.

I can see no reasonable justification for failing to implement safeguards that may reduce the tragedies of assaults by people who may take up arms and blast away at innocent, unknowing victims.

Clearly we have not achieved the technical ability to identify those people who are likely to go on a shooting rampage. But it is obvious that the device used in such instances—the gun—should not be so readily available to people who are likely to do what Harvey McLeod did.

Mr. President, I have brought to the attention of the Senate several outstanding editorial comments that were published recently in the Wall Street Journal, the Christian Science Monitor, the Washington Post, the Washington Sunday Star, the Boston Globe, and the New York Times regarding the need for a nationwide system of gun controls.

I ask unanimous consent to have printed in the RECORD additional contributions on the gun issue, these also from the Washington Post and the Wall Street Journal. In accordance with Senate rules, I have requested the Government Printing Office to estimate the probable cost of printing this material, and I am informed that such costs should not exceed $700. All these writings have consistently upheld the reasoned demand for implementing stronger gun controls. I am hopeful that with such well presented expressions of concern on this matter we can begin to get proper Senate action on a national gun control system.

Therefore, notwithstanding the additional cost involved. I again ask unanimous consent to have this material printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The material ordered to be printed in the RECORD is as follows:

[From the Wall Street Journal, June 6, 1972]

THE GUN IN BRITAIN, THE ABSENCE OF ARMS CONTRIBUTES TO THE GENERAL DECORUM

(By Felix Kessler)

LONDON.—At about 5 p.m. on May 11, the prime minister was chatting with members of Parliament in the House of Commons lobby when a stranger approached, pulled out a pistol and shot him in the chest.

About 10 minutes later, Prime Minister Spencer Perceval was dead. That was in 1812—and though it occurred 160 years ago, it was Britain's last political assassination. (The murderer, a bankrupt named John Bellingham, was convicted and hanged a week after the shooting.)

Today, it's only slightly more difficult for strangers to get close to members in the houses of Parliament—but it's a lot harder for anyone to obtain a gun in Britain. By strictly controlling the sale of firearms, the nation has limited the flow of weapons among the civilian population to bare trickle.

This has had a distinctly beneficial effect on the flavor of life in England. Prime Minister Heath as a rule travels without a motorcade and accompanied by only a single bodyguard. Occasionally hecklers pelt him with eggs or paint—in Brussels a girl hurled ink—but the outright violence that has hit politicians and other public figures in America hasn't been a threat to Mr. Heath or other British politicians.

There are, of course, numerous reasons for the overall gentler quality of life in England. For one thing, the nation lacks the rough-and-ready frontier tradition of America. For another, it has far fewer of the social and racial tensions that mark American life. But the absence of guns also clearly plays a role, and one of the most important facts is that, just as the populace is unarmed, so is the policeman.

Sociologists and police officials believe that, just as violence can beget violence, the sight of British policemen proceeding unhurriedly and unarmed through the roughest neighborhoods has, over the decades, helped mold the calm and even passive character of the people. Because until just a few years ago the death penalty was extracted for killing an unarmed policemen, even criminals made a point of being unarmed.

There has been a sharp rise in armed robberies and violent crime throughout Britain since 1965, when the death penalty was dropped, and more criminals seem to carry guns now. But the police are still opposed to carrying guns. Reginald Gale, chairman of the Police Federation, which represents some 95,000 of Britain's policemen, says that practically none want guns and that most would refuse to carry them if requested.

FEARS FOR THE INNOCENT

"If forced to carry them, a lot would resign," he says. "No one wants to be associated with the first policeman who draws a gun and kills an innocent member of the public."

On rare occasions, English policemen are issued guns for special missions. But only twice since 1911 have they shot to kill—and in each case a berserk gunman was the target. In all England and Wales, with a population of 50 million, only 29 gun homicides occurred in 1970, compared with 965 in New York City alone, with a population of less than eight million.

These statistics, of course, exclude Northern Ireland, where bombs and firearms in the past three years alone have claimed more than 300 civilian, military and police fatalities. "Those of us who grew up in England know that Northern Ireland is a special case," says Clive Davies, a Liverpool University sociologist. "All this and more occurred in 1916. Ulster's history has always been like that."

Compared with the United States, where the nation's borders were achieved through violence that made firearms a necessity for survival and where the vigilantes were sometimes synonymous with law and order, Britain has for 150 years been a model of decorum.

The densely settled and enclosed nature of the British Isles has bred a sense of self-discipline that has tended to keep the citizenry from punching, stabbing, maiming, shooting or even severely insulting one another. Historians and sociologists like to point out that Britain hasn't been invaded in 900 years, and the homogeneous nature of the populace has helped the country withstand the social and industrial strains that have toppled other European governments.

To be sure, some note that the subdued nature of the British and the relative absence of violence aren't all positive. "This is basically a static society," observes Mr. Davies. "You only have real violence where you also have a mobile, upward-achieving society."

Nevertheless, there doubtless would be more violence here if Sir Robert Peel hadn't stipulated that the London police he established in 1829 be unarmed. The London policeman has subsequently maintained a friendly relationship with the public that's unmatched elsewhere. Not only is the policeman unarmed, but his 15-inch nightstick is normally tucked out of sight down his right trouser-leg and rarely brandished, even when angry demonstrations threaten to boil into riots. Handcuffs are also seldom carried, since courts have awarded damages for unnecessary use.

The seemingly ingrained courtesy of British police is largely reciprocated by the public and has been an essential ingredient, according to many officials, in forestalling violence and preventing the rise of an armed populace. T. A. Critchley, in his book "The Conquest of Violence," remarks that it hasn't all been inevitable. Had the police been established at a time "when all adult males were required to keep arms, the police themselves would have been armed; and it is unlikely that any later government would ever have felt it safe to disarm them."

England nowadays doesn't rely solely on long-established tradition for maintaining a gunless society. Firearms laws are stringent by American standards, and the penalties for violations are stiff: You can be imprisoned for three years simply for possessing a rifle without a certificate, and terms of 10 to 14 years are meted out regulary to those carrying real or even imitation guns during a crime.

A rifle or pistol can't be acquired without a certificate from the police, and, as the law makes clear, "they will not issue a certificate unless they are satisfied that you have good reason for having it, that public safety is not endangered, and that you are fit to be entrusted with a firearm."

With these conditions, only 220,000 rifle and pistol certificates were in effect in 1965, and a more stringent law in 1968 brought the number down to 216,000, with each weapon requiring a separate certificate. The Home Office says it hasn't tabulated statistics since then from England's local police departments, but indications are there has been a further reduction in the number of weapons in civilian hands. Although private security guards can apply for certificates, a Home Office official says that "it's most unlikely that people who want to guard premises would get one from any local police." Neither bank guards nor other armored car guards customarily carry guns.

"People who ask for a gun to protect themselves or their homes are just the ones who are going to get turned down," says a spokesman for the London metropolitan police. "As long as guns are there, they tend to be used."

Since 1968, police certificates have also been required for shotguns, and 600,000 have been issued. Unlike holders of the other firearms certificates, the shotgun holder is entitled to obtain as many shotguns as he wishes, and police must show cause why he can't have a certificate, rather than the owner being required to provide a reason for possession. But with crime statistics pointing to a rise in armed robberies particularly with sawed-off shotguns, there's a mounting campaign for still-tougher firearms laws.

"The majority of people probably would want tighter regulations," says a Home Office spokesman.

Baroness Wotton of Abinger, a criminologist who's leading a campaign in the House of Lords for stiffer laws, says that 23 people were fatally injured by shotguns last year (official statistics haven't been released yet) and that the police have been too lax in issuing certificates. "You could get six shotguns and hang them on your front door," she claims. "I can't see why we have to have all these guns."

While the British strictly license sellers and purchasers of firearms, large numbers of illegal weapons are still smuggled into the country. An amnesty before the 1968 law went into effect resulted in 25,000 firearms being turned in; past amnesties yielded up to 76,000.

Although firearms are a relatively minor problem here by American standards, the authorities aren't complacent. Police officials observe that 47 policemen on duty were killed from 1900 to 1965, when the death penalty was abolished, and 12 in just the following six years. That has resulted, in addition to the push for stiffer firearms laws, in a campaign for restoration of the death penalty.

Comparing gun laws and violent crime in England and America, the New Law Journal, a weekly published for British lawyers, says that the principal difference "is one of degree. And though public attitudes to firearms in the two countries differ also, and in this country are relatively more receptive to control, the need in present circumstances for a radically different approach here is nonetheless real." Tom Harper, the Journal's editor, says that "there are too many guns around" and not even law-abiding people should be granted certificates unless they establish a very special need.

Similarly, C. H. Rolph, a writer and policeman for 25 years, wants all firearms withdrawn from the civilian population and more stringent controls by authorities to curtail illegal imports of weapons. He says that "far too many (German) Lugers and other foreign weapons" arrive in Britain and that the Ulster situation, with a heavily armed civilian population, is proof of the laxity of border checks.

If a gun lobby can be said to exist in England, its impact is minimal compared to that in the United States. The National Rifle Association here, unrelated to the powerful American organization of the same name, has a membership of about 15,000. The National Small Bore Rifle Association has 70,000 members in 2,800 clubs. Both are target-shooting groups, and their members are responsible for a substantial portion of the firearms certificates issued here. Both also oppose tighter restrictions. Although the clubs sell guns, there's nothing like the American firearms industry here to wage battle against more stringent controls.

Mr. Rolph believes the police resist being armed because both they and the public are long familiar with the present situation and feel comfortable in it. But he rejects any notion that American police could profit from the British experience and shuck their arms. "You can't disarm the American police without first disarming the American public," he says. "It would be suicide sending a policeman on the streets of New York without a gun."

Even in England, the lack of firearms occasionally is suicidal for policemen. The Blackpool chief of police was shot dead last summer when he grappled with an armed man escaping from a jewelry store holdup. More often, though, the unarmed policeman has helped save lives by his cool presence and persuasive powers.

When one police constable accidentally stumbled onto a bank robbery in December 1970, for example, he noticed two men armed with shotguns—and one was holding a baby, evidently as a hostage. Recalls the policeman:

"I drew my truncheon, pointed to the baby and then to the two raiders. We did not say a word, but they knew what I wanted. There was a pause, then one of the raiders nodded. I knew he meant I could take the baby away." By the time the policeman returned, the robbers had made off with $130,000. But no lives were lost.

It's obvious that an unarmed policeman can't exchange shots with robbers, a fact that lessens the danger to innocent bystanders.

Nor does he shoot fellow policemen by mistake or kill fleeing offenders like pickpockets, whose crimes aren't otherwise punishable by death. Police can, of course, obtain firearms when necessary, and 5% are qualified marksmen. Their weapons are kept locked in police stations; none bring them home, thus reducing the chance of accidental shootings.

In Switzerland, Many Have Guns, but Few Get Shot

Many European countries share Britain's antipathy to the widespread possession of guns, but one country—Switzerland—is a notable exception. By comparison with the British, its people are armed to the teeth.

Switzerland, with a population of 6.2 million, has a reserve army of 600,000, and each citizen-soldier is required to keep his army rifle and 24 rounds of ammunition in his home. Yet the number of shooting deaths in the nation is so small that police say they don't even both to keep statistics—a fact often cited by U.S. opponents of gun-control laws who argue that widespread possession of guns needn't result in widespread gun abuse.

One reason for the relative lack of shootings is the nature of Swiss society; it is stable and homogeneous, and there are few of the racial and ethnic strains that exist in the U.S.

But there also are rigid controls imposed on those who keep guns in Switzerland. Each citizen-soldier is held strictly accountable for his weapon and each of his 24 bullets. Moreover, anybody who wants to buy or carry other types of weapons—even including knives—would find that in most cantons, or regions, of Switzerland he would have to get the same sort of permits that gun fanciers oppose in the U.S.

The Gun to the Arms Industry, Control Controversy Is a Business Problem

(By David Gumpert)

Watertown, Mass.—Saul Arnstein, owner of the Ivanhoe Gun Shop, would seem to have a marketing problem. The three daily newspapers in nearby Boston refuse to carry ads for the handguns he relies on for a sizable percentage of his sales. The newspapers say they will advertise only "sporting" weapons, like shotguns.

Mr. Arnstein isn't hurting, though. While the newspapers may refuse his ads, he feels he's getting a free sales boost in the papers' news columns. The reason: Every time there's a burst of publicity about proposals to restrict the ownership of handguns, his sales jump.

"It's beautiful," he says. "They're helping the gun business." He attributes the sales spurts following such publicity to citizens' fears that they may suddenly be unable to buy many types of guns. Many customers, Mr. Arnstein says, tell him they want the weapons for protection against criminals.

Mr. Arnstein's situation may be paradoxical but no more so than the situation of the entire civilian firearms industry in the U.S., including some of the biggest arms manufacturers in the nation.

On the one hand, there's growing pressure to limit or outlaw entirely the private ownership of firearms. And even without legal restrictions, gun makers fear that a growing public aversion to hunting—derisively attributed by some in the industry to a "Bambi complex"—is undermining a major source of their business. At the same time, population pressures are reducing the amount of hunting land available, discouraging hunters.

Yet on the other hand, guns remain very big business indeed. Last year nonmilitary sales of guns and ammunition in the U.S. amounted to about $553.8 million, according to the National Sporting Goods Association. And for the next few years at least, despite the "problems," sales are expected to grow at a modest rate.

To those who abhor the widespread and largely unregulated civilian ownership of firearms in the U.S., the mere thought of regarding guns solely in business terms is repugnant. Manufacturers and sellers who consider only profit "divorce themselves completely from the final results of their activity," says Rep. John M. Murphy of New York, a long-time advocate of gun controls. "There's just no conscience on the part of these people."

But it would be naive to ignore the role of profit in the current struggle between antigun forces and the so-called gun lobby over proposals to restrict gun sales and ownership. Gun manufacturers play an important part in bankrolling the thus-far largely successful fight to minimize antigun legislation. Money from gun makers and sellers, either through outright subsidy or indirectly in the form of advertising in membership journals and the like, helps finance such leaders in the antigun fight as the National Rifle Association and the National Shooting Sports Foundation.

Interestingly, though, the companies themselves try to keep a low profile in the dispute. "We find we can't win by making public statements, so we don't make any . . . We just take our lumps," says a spokesman for Colt Industries Inc. in explaining the company's reluctance to let a reporter question top executives about Colt's firearms operations. (Eventually, however, the interview was granted.)

The firearms industry includes some of the oldest and most familiar names in U.S. manufacturing—names like Colt, Remington and Winchester. Remington Arms Co., the oldest surviviing firm, was founded in 1816, and many of the others date back well into the 19th century.

A number of the best-known names have long since been assimilated in to conglomerates or have themselves expanded into widely diversified companies. But a few, such as Marlin Firearms Co. and Iver Johnson's Arms & Cycle Works Inc., are still privately held. Practically all, big or small, remain based in Massachusetts or Connecticut, where they began.

If the names and home bases haven't changed much, neither have the products—at least in this century. Small-arms technology went through its greatest period of advancement in the latter 19th century. At the beginning of the 1800s, the standard weapon was a muzzle-loading flintlock musket. The shooter had to load separately his "bullet," which in those days was actually a round ball, and his gunpowder, which provided the explosive force to propel the ball. When he pulled the trigger a spark from the flint striking steel ignited the powder.

Later, the flint was replaced by percussion cap, which is a small metal or paper container holding a highly explosive charge that provides ignition for the powder when struck by the gun's hammer. Eventually, by the end of the century, percussion caps, powder and bullet had been combined into a single self-contained cartridge, and guns had been designed that would fire several cartridges successively without reloading.

The repeating weapon firing a self-contained cartridge remains the standard today. Weapons makers have introduced a number of refinements, including more powerful and more accurate cartridges and various design changes in the weapons, but the principle remains the same.

TWO CATEGORIES

Civilian weapons generally fall into two categories—long guns, which include shotguns and rifles, and handguns, which include both revolvers and semiautomatic pistols. Rifles and shotguns sell for as little as $40, but a dedicated gun fancier can easily pay several hundred or even thousands of dollars for a precision-crafted weapon with a fancy inlaid stock and engraved metalwork. American-made pistols sell for about $40 and up, but some models assembled from cheap imported parts can be found for $10 or even less.

(Many arms makers also make weapons for the armed forces of the U.S. and other countries, of course, and some of these products are far more sophisticated. But sales of military small arms amount to much less for most firms than civilian sales.)

Production methods also have changed relatively little over the years, remaining highly dependent on hand labor with little automation. The gun industry "has tended to be a little slower than other industries to change," says William Ruger, president of Sturm, Ruger and Co., a firearms maker based in Southport, Conn.

Indeed, there isn't even a moving assembly line in Ruger's Southport plant. In one area, machinists and other technicians turn out gun frames and other parts. Elsewhere, men seated at tables spread out batches of parts and assemble them into complete revolvers. In a small room off to one side, the weapons are test-fired on a miniature target range by two men wearing sound proof earmuffs.

The Southport plant employs 175 men and turns out 150,000 revolvers and rifles a year.

Figuring out a pecking order among the firearms makers is difficult, because the industry is intensely competitive and most comparative statistics are closely guarded. Remington and the Winchester-Western division of Olin Corp., however, are generally acknowledged to be the top two in terms of overall sales volume, with other firms trailing substantially behind. While Olin keeps its Winchester-Western sales secret, Remington last year reported nonmilitary sales of nearly $115 million.

In ammunition sales, an estimated 90% of the market is controlled jointly by Winchester, Remington and Federal Cartridge Co., a privately held Minneapolis concern.

Besides the old-line manufacturers, there has in recent years sprung up a new segment of the industry—the makers of cheap handguns known as "Saturday-night specials." The name came from Detroit police, who discovered a few years ago that Detroit residents, unable to buy cheap pistols in their own city, were driving to Toledo (where laws are less restrictive) and returning with guns to tote in their Saturday-night merrymaking.

Saturday-night specials, assembled in the U.S. from imported parts, sell for about $10 to $25. Practically all makers of such guns went into business right after the federal Gun Control Act of 1968 outlawed the importation of small, cheap handguns. (Only pistols meeting certain specifications as sporting weapons are still legally imported.) By mounting imported components on American-made frames, the makers of Saturday-night specials are able to circumvent the law and still produce cheap guns. Some also legally import inexpensive long-barreled target pistols, then saw the barrels off to make the pistols more easily concealable.

"A GREAT, GRAVE PROBLEM"

Shy as the old-line manufacturers may be about publicity, they seem almost publicity-mad by comparison with many makers of Saturday-night specials. One such manufacturer, Criterion Dye & Machine Co., won't even allow a reporter in its gun-making facility on the second floor of an old eight-story stone building in a warehouse district of lower Manhattan in New York. And a company official, contacted by telephone and asked why the firm shuns publicity, abruptly ends the conversation with: "We avoid publicity on every level."

These makers of cheap handguns (Criterions retail for $12 to $20) have upset the established manufacturers no end. The established companies contend the low price of Saturday-night specials makes them particularly appealing to criminals and inexperienced gun users. They also charge that the guns are poorly made and thus dangerous to use, sometimes even blowing up in the shooter's hand. Perhaps most importantly, they feel the Saturday-night specials provide antigun forces with that much more ammunition in seeking restrictive gun laws.

A BAD NAME FOR HUNTING

The National Shooting Sports Foundation, a trade group of arms makers, says none of its members produce such guns. Its president, Warren Page, adds that the group views their existence as "a great, grave problem."

Anything that might contribute to adverse public opinion about firearms is, of course, anethema to the old-line manufacturers. Gun makers have long been concerned that public revulsion as assassination, urban riots and the slaughter of the Vietnam war would lead to legal restrictions on the sale and ownership of firearms not used for hunting. But now, they say, even hunting seems to be getting a bad name.

Some gun makers say many people have developed a "Bambi complex" from watching the personification of animals in Disney-type cartoons and movies. But a somewhat different view was expressed by the director of the National Congress of American Indians, a civil rights group, in a letter to Field & Stream magazine earlier this year. The average hunter, he wrote, "yearly treks into the virgin, unspoiled wilderness with his beer cans, whisky bottles, gas fumes and other mementos of his 'civilization' for the brief pleasure of sending a 180-grain, .30–06 (high-powered) bullet crashing and tearing through the heart of some frightened, desperate bear or moose or deer."

Whatever the reason, industry representatives say sales of hunting weapons, long the industry's backbone, have stagnated. As a consequence, they're pushing other markets to take up the slack. One of the most promising, they say, is target shooting.

Much of target shooting's appeal to manufacturers lies in its potential as a family sport—and in the fact that it burns up far more ammunition than hunting. Winchester-Western 10 years ago started franchising trap and skeet shooting clubs around the country. Today there are 35 clubs, and the company expects them to multiple at a faster rate in the next few years.

Trap and skeet shooting involve firing at clay disks thrown into the air by machines. Devotees say an afternoon of shooting costs about $15 for ammunition and $5 for targets. Also needed: a proper shotgun, which costs about $200.

GUNS FOR COLLECTORS

Guns made especially for collectors form another growing market. Typically, a manufacturer will produce a limited number of copies of a 75- or 100-year-old model and sell them for several hundred dollars apiece. Harrington & Richardson Inc. last year made 10,000 copies of an 1872 model rifle, priced them at $250 to $300 and sold all before production was completed.

Handguns for law enforcement also constitute a growing market, manufacturers say. Colt Industries' small-arms division has watched its sales double during the past eight years, and David Margolis, president, claims sales of handguns to police and other law-enforcement agencies are largely responsible.

For all their image problems, gun manufacturers seem to have no qualms about what they're doing. "I think it's a fine, worthwhile business, and I don't try to keep it from anyone that I'm in it," says J. P. McAndrews, a Remington vice president and director of marketing.

"A DAMNED RESPECTABLE POSITION"

Like nearly everyone else in the industry, Mr. McAndrews argues it isn't guns that are responsible for crime but the people who use them and "lenient" law enforcement. "I guess I'm like every human," he says. "If a man gets shot by another person, I don't like it. But then you find out the man (who did the shooting) has been paroled or is out on bail."

Listening to some manufacturers makes one wonder just where the guns used in crimes come from. Larry Levine, director of sales and marketing for a Saturday-night-special maker called General Precision Corp. of Watertown, Conn., argues: "The guy who's going to buy the $20 handgun (like General Precision makes) is going to put it in his home for protection or he's going to a target range and fire it." The criminal, however, "is not going to take a chance on it misfiring on him. He's going to use a quality handgun like a Colt or a Smith & Wesson."

Mr. Margolis of Colt doesn't see it that way. Most of Colt's pistols go to policemen, he contends, and thus the company actually performs a social service. "If the police can be made more effective through Colt, that's a damned respectable position as far as I'm concerned," he says.

When talk turns to the role of manufacturers in the gun lobby, industry representatives plead ignorance. "I've never been able to make out what the gun lobby is," says Warren Page of the National Shooting Sports Foundation.

Some people think they have the connection figured out, though. Former Sen. Joseph Tydings of Maryland, whose 1970 defeat was blamed in part on the efforts of gun proponents upset with his backing of firearms legislation, says the manufacturers provide the financial leverage needed to muster opposition to gun-control laws. "It's the industry that has provided the sinews, the money, the direction that has made the gun lobby the power it is," says Mr. Tydings.

The National Rifle Association, for instance, took in some $1.7 million in advertising revenues last year for its magazine, the American Rifleman, and most of that came from makers of guns, ammunition and related gear. The ad revenues amounted to more than 22% of the NRA's income, the rest coming mainly from membership dues. Other gun and sporting magazines, including commercial ones, similarly benefit from manufacturers' ads; they level harsh criticism regularly at gun-control proposals.

Some long-standing "conservation" groups such as Ducks Unlimited and the National Wildlife Management Institute receive large contributions from gun manufacturers. The groups push for wildlife "conservation" for the benefit of hunters.

Ducks Unlimited, for example, gets a "substantial" part of its $3 million in annual income from gun manufacturers, says Kenneth McCreary, executive secretary. It also happens to express opposition to most gun-control legislation in the publications it sends to members and in congressional testimony.

Gun makers seem to expect that. When asked how Remington would feel if any of the wildlife conservation groups to which it contributes should change their positions about guns and hunting, Mr. McAndrews says: "We feel that anyone who is knowledgeable will realize that hunting has a place in our society." And, he adds, "we contribute only to knowledgeable groups."

[From the Washington Post, May 30, 1972]

GUNS: A TALE OF TWO CITIES AND 19 PEOPLE

Last week, in the little town of Harrisonville, Mo., a lone gunman raced across the sleepy town square, squeezing rounds out of his M–1 carbine as he went. This week, on Monday afternoon, a lone gunman stood in the parking lot of a shopping center in Raleigh, North Carolina, squeezing rounds out of his .22 caliber semi-automatic carbine, crouching calmly only to reload his weapon before rising and firing again.

The body count, more reliable than some others we have seen of late, excluding the gunmen themselves, was six dead and eleven wounded. Charlie Simpson killed three and wounded three in Harrisonville and Harvey McLeod killed three and wounded eight in Raleigh. When he was through, Charlie Simpson, 21 put the muzzle of his M–1 in his mouth and pulled the trigger. He was buried by his friends last week. When he heard the first sirens, according to witnesses, Harvey McLeod turned the gun to his own head and fired. Presumably he will be buried later on this week.

Harvey McLeod, 23, according to people who knew him, was a shy, clumsy fellow who was never clever with girls. He had recently taken a job as a janitor. The local police chief related that McLeod had a record dating back to 1964 including assault with a deadly weapon. Just Sunday, he was arrested on charges of falsely reporting the theft of an automobile. On Monday morning he bought the .22 and in the afternoon, he and three other people were dead.

Charlie Simpson was one of a group of nine long-haired young men who hung around the Harrisonville town square upsetting the local populace with their appearance, their unwavering gazes at the passersby and the preference of eight of them to draw unemployment checks rather than to work. A month before the shooting, Charlie confided to a friend, "I'm sick of the world, but it's nothing serious." He was crying as he talked. Later, the police arrested all of Charlie's friends for loitering.

The next morning, he took his life's savings and bailed them all out. That afternoon, he and three other people were dead.

Neither Mr. Simpson nor Mr. McLeod will be around to tell us why he decided to end his life as he did or why he chose, at the end, to turn his weapon upon himself. It is clear, however, that in each of these young men, something snapped to turn life's potential toward death and destruction. It is also clear that in McLeod's case, a man with a record of arrests, one occurring in the immediate past, could purchase a rifle in a hardware store with the same ease that any other citizen could purchase a flashlight in the same store.

Two weeks ago, in the aftermath of the attempt on Governor Wallace's life, this newspaper reaffirmed its view that handguns should be outlawed except under carefully circumscribed conditions and that long guns should be registered and their owners licensed to use them. In a complex and thrusting society of over 200 million, there are bound to be a number of people who cannot cope with the problems of the world around them or with the conflicts that the world unleashes inside themselves. The country recognizes that in such an interwoven and difficult society, not everyone is quick enough of muscle or eye to be given the opportunity to drive or aim an automobile. By the same token, it is a reasonable proposition, it seems to us, that not everyone is sufficiently stable of mind or spirit to be given the opportunity to aim and fire a rifle.

We recognize that just as the licensing of drivers and the registration of automobiles have not ended the slaughter on our highways, the licensing of riflemen and the registration of their weapons will not end gunplay in our national life. But, as we have said repeatedly, and ever more wearily and sadly, it might make tragedies such as those of Harrisonville and Raleigh and Charlie and Harvey much less likely to occur.

[From the Washington Post, May 28, 1972]

THE VIOLENCE OF THE DISPOSSESSED

(By William Davidson and
Louise FitzSimons)

Davidson is a practicing psychiatrist and president of the Institute for Psychiatry and Foreign Affairs. FitzSimons is a political scientist and author of "The Kennedy Doctrine."

The tendency to regard the attempted assassination of George Wallace as a senseless act may obscure its important lessons. The attack may not have been rational, but even irrational acts have meaning. Behind this particular irrational act are two disturbing truths about American life: First, large numbers of powerless individuals cannot exist in a culture of violence without deadly effect and, second, we have reached an impasse between the democratic process as we know it and America's culture of violence.

As a result of the attack on Gov. Wallace, some well-meaning Americans apparently are prepared to put the democratic process at the service of violence and irrationality rather than to address the deeper problem. Some suggest that campaigning be confined to "closed halls," with the audience passing metal detectors on the way in. Direct contact between candidate and voter, long regarded as a sacred American tradition, must now be abandoned, they say.

When an individual under stress refuses to recognize and deal with an important factor in his distress, we speak of a psychic mechanism called denial. To suggest that recent assassinations have merely been meaningless, irrational acts and that the only way to prevent them is to surround leaders with bullet-proof glass and cut them off from the people is an instance of the denial mechanism at work.

It is, of course, practically impossible to give political leaders absolute security. No politician would permit it in any event, as President Nixon demonstrated the day after the attack on Wallace by deliberately plunging into a crowd of tourists. But apart from these realities, Americans must now begin to wonder when pillars of the establishment call for ever-tighter security rather than basic remedial action.

Those who cast suspicion on the suggestion that there is something wrong with America are doing the nation a disservice. No amount of exhortation to "talk about what is *right* with America" can erase the image of our political leaders lying in pools of blood with sobbing wives bending over them.

THE NATIONAL PATHOLOGY

If we assume that there are a certain number of madmen at large in the world, then it is difficult to explain why other democratic countries do not seem to have this problem. As the National Commission on the Causes and Prevention of Violence (the Eisenhower Commission) noted: "In comparison to the other nations of the world, the level of assassination in the United States is high. It is still high when the comparison is limited to other countries with large populations or other Western democracies . . . Almost alone among the nations with the highest level of economic development and the greatest degree of political freedom the United States has a high assassination rate."

Even totalitarian nations—where it might be assumed that increased motive might compensate for the reduced opportunity afforded by leaders who do not dive into crowds to "press the flesh"—do not seem plagued by this evil. It seems to be rampant in America at this point in our history because of the intersection of two processes, one personal—the frustration of the powerless that arises from our idealization of "the winner"—and the other historic—the persistence of the cult of the gun.

Within nations as within individuals, benign and malignant processes are constantly at work. Maladjustments in character can exist in nations as in individuals. Usually these maladjustments are controlled and balanced by countervailing forces. In people, when they are not balanced and controlled we tend to call the result pathological. Rather than wall off the reality by dismissing it as individual madness—although individual pathology certainly may be a significant factor in all of these cases—should we not examine the deeper process, the national pathology? Is it not time to address ourselves to the underlying disease of which these unpredictable and painful crises are the outward expressions? Should we not ask ourselves whether we as a people have not permitted the malignant elements in our natures to prevail by continuing to accept a culture of violence that honors the use of force on both the individual and national levels?

"A GOOD COUNTRY"

One can still believe that, as President Nixon has said, "this is a good country," and yet recognize the fact that we are not a peaceful people.

We came to virgin shores and hacked settlements out of a hostile wilderness. We fought for our independence and fought again to maintain it. We fought Indians and Mexicans on the frontier to fulfill our "manifest destiny." We fought a bitter civil war, the consequences of which are still with us after 100 years. We fought in the mines and factories and on the rail roads for the right of workers to organize. We fought to "make the world safe for democracy" and to preserve it from fascism. We fight today to "preserve the freedom" of those whose devotion to it is less clear than our own.

There is much in this record that it is honorable, some that is dishonorable. But overall it is a record of a people in struggle. The political assassinations that have so shocked the nation over the last decade have occurred in the climate of a society that, while it may define itself as "peace-loving," has historically accepted the resolution of conflict by violent means.

Further, we have always valued and rewarded the fighting spirit, on the football field and in the political arena. We have honored the "doer" rather than the man of contemplation, the winner rather than the man who may have played the game well but who didn't make it. We have idealized the frontier mentality.

THE RAGE OF IMPOTENCE

The second element of the national pathology is the rage of impotence that was responsible for three of the six major attacks of recent years. It killed John and Robert Kennedy and crippled George Wallace. (Martin Luther King, Malcolm X and George Lincoln Rockwell were assassinated for somewhat different reasons.)

The bullets shot by Bremer, Sirhan and Oswald are an expression of the frustration of powerlessness of those who feel themselves cut off from any effective control over their lives. Each of these pathetic non-winners acted with the classic motivation of the lone assassin, to compensate for his own impotence by sharing in the power—by destroying it—of an expressive, charismatic figure. Each sought to give significance and importance to a meaningless existence. Ironically, the very constituency George Wallace was trying to mobilize, the forgotten men, the non-achievers, the left-behind little people is grotesquely represented by his would-be assassin.

There are in America today large and increasing numbers of alienated, powerless people with no stake in the system, no investment in its future. The urban poor make up only part of this mass. Many others are essentially the innocent castoffs of a highly developed technological society, agricultural workers displaced by mechanization, blue-collar workers stifled by repetitive, unsatisfying jobs. They are the products not only of our neglect but of the increasing demands of a machine society that has left little room for the non-achiever. In our emphasis on the external environment, on productivity, on increases in gross national product, we have failed to provide for an inner meaning that can assure that people find some satisfaction in their work and in the quality of their lives and that they feel some sense of participation, of ability to make an impact on the forces that determine their destinies.

A growing mass of men and women, for various intellectual, physical or emotional reasons, are incapable of "achievement" in the particular way that our society defines achievement.

In an older and less crowded America, the son who didn't make it might have sought his fortune in the West. In a simpler America, he might have devoted himself to a craft. But today there is scarcely any room for him.

If he is a factory worker or a policeman trapped in the system, he has nowhere to go but home to the television with a six-pack. His chief hope left is a better life for his children through quality education, and even this many now see as threatened by busing. If he is a middle-level business executive, he despairs when he realizes he will never rise to the top. And because he is repeatedly told that there is little value in being second-best, he may have started to drink excessively. If his children are hustlers and "A" students, they possibly have gone on to Harvard. If they are not, they may have dropped out and joined a commune, which at least affords them some sense of participation, of value, of community in microcosm.

SHOOTING OUT OF LOVE

It is no coincidence that skyjackings and attacks on political figures are committed by the same types of individuals and that both acts resist solution by any feasible law enforcement procedures. If we exclude politically motivated acts by Arab guerrilla groups, we can see that skyjackers usually come from that same psychological rock-bottom of society as those who strike at political leaders. They are the dispossessed. They do not care about their own lives or the lives of others. They feel utterly powerless, and the airplane is an enormous symbol of power and of the technology that overwhelms. So they seize it and make it their own, with little or no thought that at some point, inevitably, the adventure will be over.

Seen in this context, it is not at all surprising that George Wallace should have been gunned down by one who apparently had been an admirer. Such a disaffected, powerless individual, a man who, as one newspaper put it, was "at the end of his rope," might well have struck at Wallace not out of hatred but out of love, out of longing to participate in Wallace's power and authority. Ironically, that power and authority are made even more attractive and appealing by the very accouterments that are supposed to protect the candidate—speeding cars with screeching sirens, bands of Secret Service agents, a bullet-proof speaker's podium. Unable to have any effect on the world around him or on other people, the disaffected soul so desperately longs to be noticed, to be part of that impressive drama—"Hey, George! Hey, George! Come over here! Come over here!"—that he leaps onto the stage and enters the action.

Sick? Of course. But it can hardly be denied that the society in which we live provides to such unfortunate persons a pattern for working out their psychoses, a pattern that we, perhaps partly unwillingly, approve and admire. The cult of D. B. Cooper—the song, the sweatshirts—that appeared on the West Coast after the first successful parachute skyjacking is a demonstration of the idealization both of the winner and of the successful violent act.

THE CULTURE OF VIOLENCE

Impotence in small nations, it appears, is better tolerated. Few small and powerless nations commit national suicide with one made act. On the individual level, however, particularly in America, the man who cannot live with his powerlessness and frustration strikes out. The American misfit with a potential for violence is reinforced by the elements of the culture of violence all around him, particularly in movies and on TV. Examples are endless: "Gunsmoke," "The Untouchables," "Bonnie and Clyde," "A Clockwork Orange." "The Godfather" promises—or should we say threatens—to become the biggest money-maker in the history of the movies. While science has been unable to show a cause-and-effect relationship between violence on film and TV and individual acts of violence, movies and TV do offer constant support to the climate that nurtures men like Bremer, Sirhan, and Oswald.

If, as so many have said in recent days, America can tolerate no more of this, then we must look not to palliatives, but to careful diagnosis and therapeutic programs. There are elements of sickness within American society, and they are constantly contending with elements of health. We need to control the elements of sickness and support the healing process.

The impasse between our democratic processes and the persistence of the culture of violence cannot be resolved in favor of violence. Rather, it must be recognized that our democratic system requires that a political candidate be able to take his case to the people directly, not only on television and behind bullet-proof glass, but on street corners and even in shopping centers. An open, participatory democratic system requires a high level of political maturity and the kind of civility and civic respect that can never be instilled by law enforcement alone. We must, as a nation, now understand that the martial spirit that built America when it was a struggling young nation in the wilderness is not an appropriate spirit for an impacted, interdependent, 20th Century society. We need to replace the culture of violence with a culture of accommodation.

Nations, like individuals, can change and grow from experience. We need, first of all, to reduce our obsession with the gun and with the winner. Although 21,000 Americans die every year by gunfire, Congress continues to refuse to control handguns, which were created for shooting people. The Wall Street Journal estimates that a new handgun is sold in America every 24 seconds. But there are hopeful signs. According to an April, 1972, Gallup poll, 79 per cent of Americans favor requiring a police permit before a gun can be purchased. Americans should be outraged if Congress still fails to act on gun control legislation and the President still fails to use his leadership to this end.

THE HAPPY LOSERS

There are also some indications that Americans, particularly younger Americans, are becoming less obsessed with winning, with being "number one." A Trendex poll in November, 1971, indicated that more than 30 per cent of Americans felt that, as a general concept, the idea that America had to be first in the world in everything was not valid. Over 39 per cent of those in their 20s held this view. Unfortunately, President Nixon has decried this tendency as "defeatism and self-doubt," which, he claims, is chipping away at the "moral strength" of the nation. Can we not ask what price the nation is to pay for sustaining this particular definition of "moral strength?"

To make a place for those who are now regarded as losers, we must re-humanize patterns of work and the American lifestyle. This, to be sure, is no small task, and much of it is beyond the power of government. But we must nonetheless strive for these changes. We hear repeated accounts of the failure of increased financial incentives to motivate the assembly-line man whose job it is to tighten screws on a metal plate 480 times a day. We read of high absenteeism among younger workers, some of whom regularly show up only four days a week and, when asked why, respond that they cannot make enough money in three. We need new concepts and patterns of work that will allow people to find satisfaction and a sense of accomplishment in their daily jobs.

George Santayana once said that a nation that could find no satisfying place for its least gifted citizens deserved to be remembered no more than the sands of the sea. A basic failing of the Marxist approach is that communism's preoccupation with material goods for sharing is actually no advance over capitalism's preoccupation with material goods for profit.

Finally, we need a further opening of the political process and the corridors to power so that people have a sense of participating and affecting, if only in a small way, the forces that control their lives. Ironically, what we do not need is an increase in the distance between the political leaders and the people, as has been suggested in the wake of the attack on Gov. Wallace. Rather, we need to bring them closer together. There was much psychological insight in Sen. Eugene McCarthy's 1968 "campaign promise" to take down the fence around the White House.

When the human body suffers a massive wound, it either expires or it resists, adapts, adjusts and survives. When the human mind sustains a traumatic shock, it is either destroyed or it accommodates, resolves and incorporates the experience as learning and survives. The process is not so very different for the national body that is all of us.

COMMENCEMENT ADDRESS BY SENATOR MILLER AT GEORGETOWN VISITATION PREPARATORY SCHOOL FOR GIRLS

Mr. FANNIN. Mr. President, yesterday, June 6, the distinguished senior Senator from Iowa (Mr. MILLER) gave the commencement address at Georgetown Visitation Preparatory School for Girls, in Washington.

The address contains some most timely guidance for young people who are moving into their new role of full participants in guiding the destiny of our society. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GEORGETOWN VISITATION PREPARATORY SCHOOL COMMENCEMENT ADDRESS BY JACK MILLER, U.S. SENATOR FROM IOWA

Members of the Class of 1972: This is a happy day for both you and me. For you, it represents a major achievement after four years of commitment—the beginning of your golden rainbows. For me, it happens to be my birthday.

I recall one of my high school class reunions several years ago. Few of us even remembered who our commencement speaker had been. No one remembered what he had said. But all of us retained a distinct impression that the auditorium had been very warm and that the commencement speaker spoke much too long.

I intend to do better than that for this outstanding class.

Most of you are familiar with Flip Wilson's wonderful characterization of Christopher Columbus discovering America.

As Chris anchors his ships off the shore of what he believes to be America, a maiden rebukes him this way: "What . . . you want comin' round in them ships? We don't wanna be discovered."

Contrary to what some people are saying, most of the youth of today want to be discovered—to be recognized as individuals—and to have a piece of the action, so to speak.

There is no one here today who doesn't have some doubts about the future. As your class song expresses it: You are "not sure of what will come".

But the answer to those doubts is not going to be to just sit and do nothing.

The answer lies in involvement. And one of the most crucial challenges facing you from the moment you receive your diploma will be whether you will live up to your responsibilities by becoming involved in the cause of helping to make ours a good society.

Actually, each of you will become involved—actively or passively—in one way or another, whether you wish to or not, in shaping solutions to the problems of our society. The only question is how much.

Your class, along with the thousands of others across the land in this year 1972, has had thrust upon it—more than any other in history—the new politics of involvement.

Yours is the first class ever to hold in its hands some of the voting power which, in a democracy, CAN lead to the solution of our problems. I say "can", because voting power, unwisely exercised, will inevitably lead to more problems and worse problems.

"There is nothing more frightful than ignorance in action," said the philosopher Goethe.

Will that apply to you, in this first year in which graduating classes at the high school level have been given the opportunity to cast your ballots for public officials?

Will you exercise your franchise wisely and ably, through thoughtful and effective awareness of today's issues and problems?

Will you take your voting power seriously and conscientiously?

These are not mere rhetorical questions, for I regret to say there have been many of the older generations who have not, in the years past, taken the time and trouble to be able to answer those questions affirmatively.

While no one is expecting you to solve all the problems of the world, it will be up to you, through your voting power and through other action-type involvement, to demonstrate that you have the stuff to contribute significantly to the betterment of not only yourselves but also your community, your state and your country.

We all have read articles which say that some students have lost faith in America. This is true. But there have always been pessimists—ever since our country was born. Those who have lost faith might admit to the relative goodness and prosperity that is ours. But they are impatient—terribly impatient—over the fact that our system has not overcome the problems that concern them. However, they aren't the only ones who are concerned, or the only ones who are impatient.

All of us are concerned and impatient in one way or another. The difference is that most of us believe in reform—which is change for the better—not just change for the sake of change—and we believe that reform *within* our system will be far more lasting and helpful than abolishing our system. Most of us recognize that had it not been for our system, our problems would be more numerous and worse. And we realize that countries which have not had our system generally have far more and far worse problems than we do.

I am afraid that we have been hearing too much about the rights of citizenship and not enough about the correlative responsibilities that accompany those rights. Our system is not to be blamed if it is abused by someone who claims all the rights our system affords, but chucks the responsibilities off onto someone else's shoulders.

The right of free speech is not an absolute right, and it has a correlative responsibility to respect the rights of others to speak, to avoid false statements which may damage the reputations of others, and to help—not to hinder—others in their search for truth.

The right to academic freedom is not an absolute right either, and it has a correlative responsibility to help in the search for truth, knowledge and wisdom, to broaden horizons, and to enhance—not tear down—the good name of the school, college or university.

The right to dissent is matched by the right of others to agree.

The right to equal job opportunities has a correlative responsibility to be loyal to one's employer, to be tolerant and understanding of one's fellow employees, and to earn advancement on the basis of merit.

The right to own property has a correlative responsibilty to respect the property of others, including public property owned by all the people.

The right to vote has a correlative responsibility to do one's homework and to know whom and what one is voting for.

If these correlative responsibilities of American citizenship are not lived up to, the rights of citizenship are not going to be worth very much and, indeed, any system" would be in trouble.

I am confident these responsibilities will be met by the vast majority of the members of your generation. Your generation recognizes, more than those which have gone before—that quality—not quantity—in our society should be the principle by which to measure progress. Your generation realizes we cannot have a "great" society simply by calling it "great," that we must have a "good" society if we are to have a great society.

Let me make a few points about your newly acquired voting power. The first is that you should never get the idea that your vote doesn't count. It does, and it counts just as much as the vote of the President of the United States, or the vote of your teachers and parents.

The second point is: Don't waste your vote. During my first campaign for the Senate in 1960, the League of Women Voters of my state ran a series of ads a couple of weeks before the November election. All these ads said was this "Vote—But Don't Vote in the Dark." What the League was saying was don't waste your vote by failing to live up to your responsibility to do your homework first.

Thomas Jefferson once wrote that for the great experiment in self-government to succeed, the will of the majority is a necessary condition, but it isn't a sufficient condition. The necessary and sufficient condition, he said, is the will of the *enlightened* majority.

It is often said that people get the quality of government they vote for. If they are uninformed voters, they are likely to get poor government. The uninformed voters can, of course, offset the vote of an informed voter. He really wastes two votes. If voters take the trouble to become informed, they are likely to get good government.

My third point ties in with this. Polls disclose that nationwide some 60 percent of the new voters are identifying themselves as "independent," and it is well known that an increasing percentage of old voters are also registering independent. Even among the new voters who are identifying with a Party, an overwhelming number say they are more candidate- or issue-oriented than Party-oriented.

To me, this means that most of the new voters are going to take their time and do their homework before they cast their vote. And I don't believe they are going to be impressed by glittering generalities and all kinds of promises. They want specifics. They are not interested in change just for the sake of change. They know that campaign promises are very cheap; that it's performance that counts. There may be a few of them who will vote for someone who promises the most, but I believe most of them *expect to have to work for a better America* and they like those challenging words of the late President Kennedy: "Ask not what your country can do for you, but what you can do for your country."

Just like my generation has been, your will power and your intellects will be subject to some very severe tests. These tests will often not be clear-cut, and they may arise under nice-sounding labels of "social justice," "fairness," and "change." They will try your consciences. But beware of false prophets. Persevere in the proposition that we can correct injustices through the use of proper means just as well as through improper means—and a lot better in the long run. We can assure equal opportunities for all our citizens and a better life for all within the system which has produced a nation, which is the acknowledged leader of the Free World.

Our first national goal is a just and lasting world peace. Without genuine peace in the world, the peace, security, and freedom of our people cannot last. And our second national goal is a good society for America, because without that, all else fails.

These goals are part of what being an American citizen means. And they are not beyond our reach!

But if we reach them, it will be because we have called upon the best that is within us—commitment to hard work, recognition that the easy road is not always the right road, respect for the rights of others, patience, and, above all, firm adherence to sound moral principles—the ones you have had the opportunity to learn here at Visitation.

I am confident that you will meet these responbilities of good citizenship; and, if you do, I can promise that you will gain the happiness and peace of mind which always accompany the realization that one has made a contribution towards making ours a nation of better people.

Each of you can make a meaningful contribution. As Edward Everett Hale so well put it: "I am only one, but still I am one. I cannot do everything, but still I can do something. And because I cannot do everything, I will not refuse to do the something I can do."

As you leave here today my fondest wish for each of you is that you will be good citizens.

Congratulations, good luck, and God bless!

AGRICULTURE AND THE ENVIRONMENT

Mr. MOSS. Mr. President, many city dwellers who have recently joined the environmental crusade are not aware of the great efforts which have been made down through the years by our rural agricultural community to protect our land, our air, and our water from environmental deterioration. Most farmers and ranchers were action environmentalists long before the current public interest was aroused.

I recently received a report from A. W. Hamelstrom, vice chairman of the Utah Rural Development Committee, which said, in part:

> The farmers and ranchers in Utah have been carrying out environmental improvements for years, yet few people recognize this. For example, erosion control measures installed on our farms and ranches reduce sediment deposits in our lakes and streams. This results in cleaner water. Wind erosion control practices such as strip cropping and residue management reduce air pollution. Proper management of cropland, woodland, rangeland, and pasture stabilizes soil erosion, provides wildlife habitat, and provides a pleasing view to the observer. All of these contribute to environmental quality. Many of the lakes and reservoirs in our state which provide so many hours of recreation for large numbers of people started out as irrigation reservoirs constructed by farmers and ranchers. These are only one of the many contributions agriculture has made to preserve environmental quality.

I am glad to have the opportunity to spread the word of the excellent work Utah agriculture has done and is continuing to do in this field.

MANTUA INDUSTRIAL DEVELOPMENT CORP.

Mr. SCHWEIKER. Mr. President, the Mantua Industrial Development Corp., of Philadelphia, was written up in Business Week.

The Mantua project was initiated by two dedicated Philadelphians, Wilbur W. Pierce and Herman Wrice. Over 2 years ago, Wilbur Pierce was working on a doctorate at the University of Pennsylvania when he met an energetic young black leader named Herman Wrice. At that time, Wrice had already organized a group called the Young Great Society. YGS was running drug abatement, rat control, housing renewal, medical, and educational programs on a shoestring. Wrice was convinced that one of the keys to the development of the black community was to find jobs for the local residents, and he also knew very well that YGS needed money to continue its vitally needed programs.

Herman Wrice and Wilbur Pierce teamed up to organize the Mantua Industrial Development Corp. The story of the struggles and the successes, along with the wonderful support they received from several helpful Philadelphia businessmen, is told in the Business Week article.

Mr. President, the Mantua project represents a wonderful example of dedication and determination. I commend the story of how it was done to the Senate and ask unanimous consent that the Business Week article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLACK CAPITALISM: A STUDY OF STRUGGLE

Frederick S. Jackson, Jr., the black president of Mantua Techtron, Inc.: "I have first-hand knowledge of the many days Wilbur Pierce sat in a heatless building trying to put together the operation. I saw and heard the abuse of so-called militants who demanded immediate action or removal of the 'Honkey' from the neighborhood. I called the office within minutes after Wilbur had been attacked with a pick ax. . . . I was there when the kids broke windows and there wasn't enough money to buy heating fuel, let alone replace windows. Yes, I saw Wilbur take abuse after abuse, and when questioned as to why, his answer was: 'We all have a job to do.'"

The job Wilbur W. Pierce of Philadelphia had to do reached a heady plateau at yearend when, after a year of wrangling, the Small Business Administration approved a $600,000 loan to complete financing of a $1-million building to house the first primarily black-owned cooperative industrial complex in the United States.

Through Pierce's dedication, tenacity, and coaching, 10 small businesses, seven black owned, have been brought together to form Mantua Industrial Development Corp. The 190,000-sq.-ft. MIDC building will house a line-up that includes a printed circuit-board maker, a producer of sophisticated plastic molded parts, a computer softwear designer, a contract engineering and part-time help company, and a janitorial service. Alongside the primary black-owned operations will be a Mexican-American furniture manufacturer and two white-owned companies: a printing plant and a medical supply distributor.

The MIDC affiliates expect to:

Employ 350 people and gross $3-million this year.

Merge and remerge into companies that make products three or four can produce together and sell through a common marketing front.

Show that an integrated group of companies can cope—face to face—with the realities of business life.

Help a downrodden neighborhood finance its own revival.

BACKGROUND

Tracing the hurdles that MIDC participants overcame to reach this point is a case study of the problems that can attend efforts to assist black capitalism.

The saga started more than two years ago when Pierce, who was working on a doctorate in Russian history at the University of Pennsylvania, met a charismatic young black leader, Herman Wrice. Working in a dismal ghetto called Mantua, Wrice had organized a cadre of young men into a group he called the Young Great Society (YGS). Living hand-to-mouth, Wrice managed to fund and run drug abatement, rat control, housing renewal, medical, and special pre-school-to-college-level educational programs. In the process, he learned to work his way through two mazes: foundations and Washington.

Most importantly, Wrice knew his people needed jobs and YGS needed money. He put it to Pierce: Why not start some businesses that could put jobs in the ghetto and possibly profits into YGS? Pierce says Wrice told him, "I know 'social' but I don't know ecconomic." Pierce adds, "I didn't know economic either, but I decided to figure it out." For Pierce, 29, this meant the school of hard knocks.

ADVICE

From all sides—Wharton B-school professors, Philadelphia bankers, and government agencies—Pierce was told to keep his efforts simple because the blacks he would hire had little or no work experience. His advisers thought making pallets for fork-lift trucks would be ideal. A bank loan of $10,000 provided money to rent a garage, buy some nail guns, and order a load of lumber.

One large company donated a 1938 truck, which broke down on its first trip and never ran again despite $800 in repairs. Another company gave a fork-lift truck, which did not have enough power to get up the driveway to the garage. "That taught me something about business handouts," says Pierce, who was rapidly and painfully learning some fundamental lessons in business management.

Wrice kept sending to Pierce workers who simply were not ready to work eight hours a day with rough lumber. Orders were slow and equipment broke down. The oversized staff amused itself by firing nail guns at a sign that read: "No job is so important that safety can be sacrificed." Nail gun battles became an occupational hazard.

Piecework was tried, and within an hour Pierce was called a "Jibe Mother Honkey." Against a market price of $4.85 per pallet, Mantua was producing pallets at an average cost of $61.43. Within four weeks, the company failed. "From then on, whenever I went to a bank, I felt like a schmoo trying to climb over a stack of my pallets barricading the doors," recalls Pierce.

With $80 left in the till, Pierce tried a different tack. He wrote a rubber check to buy a machine to make plastic name plates. It was lighter work, more easily learned, and the venture managed for a time to get enough business to keep ahead of the rubber checks. But banks were not willing to loan enough to buy better equipment to make the operation more efficient.

Through the winter of 1968–1969, Pierce had no money to heat his office, toilets flushed into the basement, typewriters and adding machines were stolen, and solid oak doors were destroyed within a week. But the phone bill was conveniently overlooked by a former Bell vice-president.

One day, word got out that YGS had received a $120,000 grant and that Pierce had some of it. Two hoods decided they wanted to open a shoe store and stalked Pierce in his frigid lair at gunpoint, demanding $10,000. On the pretense of getting the money, Pierce managed to escape onto the roof. Another time, harassers knocked him unconscious with a pick ax.

UNDAUNTED

Pierce kept pushing. The Mantua project tried to start a moving company to move welfare families displaced from their homes. Government funds were supposed to pay the cost, but the welfare recipients cashed the checks first and the operation folded with $1,500 in receivables. "And we dropped a couple of refrigerators along the way," says Pierce.

Though Pierce started with Wrice's YGS at $130 a week in salary, that dropped to nothing within a month. Friends, black and white, still are awed by his commitment. Many a day he and his wife, Sara, lived on Philadelphia's functional and filling soft pretzels. Other days they would be fed by friends like Wayne Owens of General Electric's Re-Entry & Environmental Systems Div., or Ben Lane of the printing company which is now a part of MIDC, or Stanley Bernstein, a quiet benefactor and president of Quaker Export Packaging Corp.

In fact, GE's RESD operation, located near Mantua and strongly committed to the community, was a second home for Pierce. "I could cry there, I could get warm there, and I sure abused their phone privileges. It's a good thing Otto Klima doesn't know everything his people did for me." Klima, vice-president and general manager, knows and applauds what happened.

Pierce eventually became convinced that he could not help YGS and Mantua if he had to work in fear for his life. And he had learned that business cannot be run for purely social benefit. It has to be run for profit, he says, before there can be any social benefit. Perhaps most importantly, he concluded that black business would have no meaning unless it entered the industrial mainstream. "To make an impact, don't go into barber shops and dashiki shops," he says. "You have to be fair-sized, and you have to be in manufacturing. Oh, there may never be a black Alcoa, but there might be an integrated one."

To make the impact he wanted, Pierce needed money, a facility, a type of business that would mean something, and a black entrepreneur. With nothing but three failures to show, the tasks were incredibly difficult.

THE ENTREPRENEURS

"Bernard Baruch," says Pierce, "said find a need and fill it. No, the need's there. The problem is to find the man to fill it." For Pierce, this meant finding black entrepreneurs: men who could build a business, "live with the agony of Friday" when the payroll falls due, and do business with white executives.

MIDC's enterpreneurs come from a variety of backgrounds, but the majority threw over secure corporate jobs to take the plunge. One such is Frederick S. Jackson, Jr., president and 51% owner of Mantua Techtron, Inc., a manufacturer of printed circuit boards. He had spent 12 years in electronics with RCA Corp. when, by the summer of 1968, he realized he wanted to become more involved in black affairs. But with six children and a mortgage, he could not take welfare-oriented offers.

At the same time, Pierce was deciding—in a leap of fancy his associates have learned to accept—that what pallets could not do, printed circuit boards could. He saw an ad for a plant and called Owens at GE to see if he knew a black with electronic experience who could run that sort of operation. Owens put Jackson and Pierce together.

YGS was to be a large shareholder in the venture, with Jackson receiving a $12,500 salary for two years before getting 25% control. But in two months, the salary stopped, and Jackson scraped by on $70 a week from the owners of the plant, while they waited for Pierce and YGS to find funds and buy the operation.

Finally, as Pierce says, "I met a babe in swaddling clothes." The "babe" was Norman L. Bitterman of Central Penn National Bank who had not been burned by pallets, liked the idea, and arranged a $25,000 loan.

Mantua Techtron, Inc (MTI) was incorporated last June with Jackson, at Bitterman's insistence, holding 51%, Pierce with 10%, and YGS and Wrice the balance. Monthly income is up to $13,000 and pushing the break-even mark. But before he got this far, Jackson often faced the agony of Friday and the specter of failure.

"I have $16,000 in this business," says Jackson. "I sold my insurance policies and used my life savings. My house was next to go." But the payroll was always met. When things began to look too bleak, he would call Bitterman, who would say, "Call me on Friday and we'll work something out."

Pierce's contribution was twofold. He was there when Jackson needed him and he helped open corporate doors. Pierce has a simple sales theory. "You have to deal with the big companies whose top men have reputations to protect. A medium-size company doesn't give a damn."

CUSTOMERS

MTI's first customer was Leeds & Northrup. Now, both RCA and IBM are steady customers. IBM, in fact, has programmed purchases through 1971 at a rate that should assure MTI of a profitable year. Other customers include GE's Switchgear Div. and Boeing's Vertol. Div. But the companies weren't easy to sell. One buyer told Pierce flatly: "A black can't make printed circuit boards." Pierce replied: "You're right. A black can't make anything unless you give him an order."

MTI, like other MIDC companies, is afloat now because of an SBA-guaranteed loan of $100,000 at 5½% interest for 15 years. Some $32,000 of that went to wipe out the initial loan and the ever growing line of credit from Bitterman. The balance was used to buy new equipment and to cover operating expenses. But it is still touch and go, says Jackson. "I'm very uncomfortable on working capital. I'm working strictly on accounts receiveable."

The SBA and MIDC directors are confident that Jackson will make it. "He's bright, and we felt he should have the opportunity to fly," says SBA Regional Director Russell Hamilton, Jr., who loaned MTI $15,000 more than it requested. In total, SBA and Philadelphia banks have backed the 10 MIDC companies with about $750,000 in loans issued or pending.

THE SHOWCASE

MIDC Chairman Jay Tolson says: "This thing died at least a hundred times. Each time, somehow, someway, Wilbur brought it back to life." Getting the showcase building was an example. By September, 1969, Pierce thought he had enough companies lined up to justify building a big industrial park near the Philadelphia airport. He had learned that while the Mantua goal was to give jobs to ghetto residents, the jobs had to be accessible and yet situated far enough from employees' homes to eliminate noontime disappearances. The airport site, he still tells skeptics, was "accessible."

Through corporate clients, Pierce met real estate executive Robert M. Brasler, who quickly proved that the industrial park scheme was too grandiose. But Brasler had a 190,000-sq.-ft. building on his books, which was only a short streetcar ride and stroll from Mantua. Brasler struggled to put the deal together all year—first with banks, then with a state agency, and finally the SBA. "Never have I worked so hard. It's been like handling a bomb. One false step and it would blow," he says:

The loan was delayed at least three months by seemingly endless SBA regulations and policies. "In most business deals," says an MIDC director, "You agree to clean up points A, B, and C and then you have a deal. With the government, they say 'clean up A, B, and C then come back and see if we have thought up D, E, and F.' Furthermore, they have to ask Washington if *it* thinks you cleaned up A, B, and C. There has to be an easier way."

The SBA's Hamilton never doubted that the loan would go through. "That Pierce," he says, "has more brass than a statue. He and the black businessmen carried the load, and the things they have done are phenomenal. This has to work and has to spread. Really, MIDC is what the hell it's all about."

ORDERS

Even as they waited for the building, some of the MIDC's dreams started to come true. Norman Moore's Jeannor, Inc. a knitting mill, got a $250,000 contract to make sweaters for the Navy, and some work for Sears, Roebuck & Co. Q-Pel Corp., controlled by Willie Cunningham, a black, gregarious plastic parts for a new IBM computer, pushbuttons for Ford car radios, parts for GE switchgear controls and Philco TV sets. Pierce is a partner in Q-Pel. He will get a 32% interest if he brings in $1-million worth of business. But if he does, his stock will go into escrow, at SBA insistence, to insure black control of Q-Pel. Says Cunningham: "If Wilbur were dipped in a deep rich bath of milk chocolate and looked like an M&M candy, he might be allowed to earn something for the year he went without salary and the midnight hours he spends helping people."

But Pierce has not given up his role as MIDC cajoler and coordinator. One of his goals is to form separate companies out of the MIDC components, which would make new products to be marketed originally under special small-business set-aside contracts. Negotiations are under way for Philco-Ford Corp. to join with three Mantua firms—MTI, Q-Pel, and Creative Computer, Inc.—to form a company called Nucleus, Inc. to make transceivers. Philco would contribute its marketing and management knowhow and after three years would divest its interest.

Pierce expects Nucleus and other synergistic permutations of the little businesses to soak up 60,000 sq. ft. of the MIDC building which the seller, Logistics Industries Corp. has agreed to continue to rent from MIDC for three years. And he is already negotiating with a black dental supply firm, and a Chinese importer to join MIDC.

But MIDC's real hope is to keep the companies already in the fold growing and to move them on to other, bigger buildings, which it will finance in part from the profits made on the present building. Besides offering tenants a favorable rent—$1 per sq. ft. for the first three years—MIDC is so structured that the tenants will own the building. That is small recompense, say MIDC's creators, for the years that black entrepreneurs have suffered the fear of payless Fridays, the sight of reluctant bankers, and often the skepticism of white business.

REGULATION OF TRANSPORTATION

Mr. COTTON. Mr. President, on May 17, Mr. John A. Creedy, president of the Water Transport Association, spoke before the 15th annual transportation seminar at St. Anselm's College, in Manchester, N.H. The subject of Mr. Creedy's address was "Better Regulation: Time to Get at the Real Problems."

In Mr. Creedy's address, I find much with which I can agree, but there are some assertions with which I am not wholly in accord. However, I believe Mr. Creedy's address to be a thought-provoking statement of current regulatory problems affecting our transportation industry which may be of interest to Senators.

Therefore, by request, I ask unanimous consent that the text of Mr. Creedy's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BETTER REGULATION: TIME TO GET AT THE REAL PROBLEMS

It is always a special pleasure to have an excuse to visit New Hampshire and New England and it is a privilege to participate in the St. Anselm's College Transportation Seminar.

We have never been more in need of good communications in the transportation industry and between the industry and government than we are today.

At a critical time when probably, realistically, only weeks are available to agree on a program for action in the Congress this year, we need to get down to business. Forums such as this can be helpful in untangling some of the confusions.

Far and away the most important immediate problem to resolve is the question of priorities this year. There is great momentum for long range reform, but also there is an emergency situation as to the railroads which has to be dealt with first. This is basically what the joint rail-water-truck approach in the Surface Transportation Act is aimed at doing. We know there is more in this proposal for the railroads than for any other segment of transportation, but their need is more immediate. It is time for the transportation industry and shippers and government to back an effective approach to prevent nationalization of the railroads now and, later on, of the rest of the transportation industry.

Having said that, what about "Economic Regulation—How Much?", our topic today? In the testimony before the Congress so far this year, I think that question has been resolved. It is not how much. The deregulation idea has become obsolete. The question is how to achieve *better* regulation.

But even before we can get to that question, we urgently need much better analysis of the problems than we have had so far. Very distinguished scholars in the Council of Economic Advisers and elsewhere have discussed transportation problems. But unfortunately they have relied for their conclusions on some of the most undistinguished economic scholarship in recent history.

This scholarship is now being torn to shreds in testimony before the Congress. In essence, the underlying data supporting the reform theories of the Department of Transportation has dealt with small segments of the trucking industry, not with the trucking industry as a whole, nor with the rest of surface transportation. Even for what the scholarship purports to prove about a small segment of trucking, the data has been shown to be at the best obsolete, inconclusive and irrelevant, and at worst, totally mischievous and misleading. As to its relevance to the rest of transportation, it is completely useless.

I am not proposing here a massive new study program. We tend to study our problems to death. But it is necessary to analyze the industry enough to recognize its real problems. A 15-year-old study—itself faulty—by the Department of Agriculture of a small segment of trucking is not enough as a justification for drastic change in regulation for the entire transportation industry. Nor does it help to be offered, as I have been, experience in Australia or Canada or airline experience in California or the experience of the taxicab industry in Washington as a substitute for a thorough analysis of U.S. railroads, U.S. water carriers and all segments of U.S. trucking. Indeed, attempts to justify the shoddy thinking and inadequate data are becoming ludicrous.

It is increasingly clear that the DOT proposals are in reality a massive attack on the trucking industry. The proposals would seriously damage the railroads and the water carriers as well, but apparently mostly by mistake, and certainly in ways that were not foreseen. Of course the truckers are perfectly capable of defending themselves, but any student of transportation recognizes that the instant overnight service of trucking makes a decisive contribution to the nation's productivity and any attack on trucking which threatens to undermine its efficiency is a very serious matter for everyone who produces and uses transportation.

The ready availability of trucking as a connection for gathering and distribution of water carrier business works at maximum efficiency as an aid to our industry. Some years ago, as president of a school board, I was deeply involved in the construction of a new school in Westchester County. It was impressive to observe how the bricks from Baltimore, the windows from Providence, the steel from New York and all the other components were assembled on time by the trucks. Where one supplier failed, the trucks could reach out at once to an alternate one and the school opened very close to schedule. Any delays we had were not the fault of the truckers. We take this sort of efficiency for granted. It does seem that the proponents of drastic change should feel an obligation to provide more than one 15-year-old study of an extremely limited segment of trucking to show that such far-reaching proposals would necessarily provide better solutions.

One obvious trap the policy makers fall into is the assumption that the transportation market place is like every other market place. In fact, there are many different market situations in the economy and transportation has its own market imperatives which cannot be dismissed lightly.

For example, guaranteeing agricultural and industrial producers access to their markets on an equitable basis is quite a complex problem. There probably isn't one simple solution to providing equity as between competing ports, communities, factories, and commodities.

The problem of equitable access to markets for competing producers in part has been recognized by the establishment of rate bureaus, where timely protests can be lodged as legitimate interests are affected. These may look like cartels to those who are satisfied with over-simplifications, but they perform a very necessary function. Rate bureaus can be abused, but the cure is to improve the way the bureaus operate, not to eliminate them. This is now being accomplished through a series of meetings between shippers and carriers at which the actual rather than theoretical problems are being discussed.

The very inadequate scholarship of those who propose change has obscured the basic fact that, far from holding up rates to artificially high levels, the industry has failed to produce adequate revenues and earnings. The shippers are getting the best of the rate level argument; average rate levels for transportation lag far behind the consumer and wholesale price indices.

So, far from having to reduce profits of the industry as appears to be the erroneous view of some experts, the real problem is how to coax new investment into an industry which has a very poor reputation for earnings.

And for that we need to talk about improving the regulatory process; not necessarily more regulation or less regulation but better regulation.

One of the simplest first steps is to stop starving the ICC. The Congress provides adequate funding for the ICC, but the funds are arbitrarily withheld by the government bureaucracy and the regulatory process is slowed to a snail's pace, even sabotaged, as a result. A quick cure would be to remove authority for the ICC's budget from the Office of Management and Budget, as is proposed in the Surface Transportation Act.

A second step would be to go directly to the most important problem, adequacy of revenues and earnings. Astonishing as it may sound, the ICC so far has not developed any standard as a yardstick to determine what rate levels are adequate in the public interest to provide for the public service. Shippers claim they are willing to pay a fair price for freight service. They say they do not want to be subsidized by the transportation industry. But there is constant controversy over and resistance to necessary rate increases, in large part because adequate intelligence is not available on adequacy of revenues.

Transport rate levels are tied to historic costs. Particularly, with long-lived equipment such as rail and water carrier equipment, the gap between acquisition cost and replacement cost has been disastrous. In the last five years, for example, a 1,200 ton covered hopper barge has doubled in cost from $60,000 to $120,000. Rates based on historic cost of equipment now 15 years old will fall far short of providing the necessary means for replacement and expansion. The bright side is that although it is complicated, it is perfectly feasible to quantify the inflation factor acceptably and feed it into the consideration of rate standards. One would of course make due allowances for whatever productivity increases have resulted from investment in new equipment. As long as the standard is tied to "useful equipment," the shipper is protected against the inclusion of redundant capacity.

The modernized standards will simply provide accurate recognition of the revenues needed to perform well in the public interest. This is not a new idea. Assets of oil pipelines, for example, are revalued every year and a standard rate of return allowed on the revalued assets. In the non-regulated economy, prices rise to a level which covers replacement cost of assets and the current costs of obtaining capital. The tremendous lag between increases in transport rates and increases in the wholesale and consumer price indices is symptomatic of something fundamentally wrong in present transport pricing standards.

The development of adequacy of earnings standards should be rounded out by the early completion of the present rate structure, rate base and cost finding proceedings. Perhaps special additional staff should be made available to the ICC to complete these cases promptly.

A continuing study of capital requirements for the industry over the next 10 years would help complete the picture. Shippers can hardly object to rate levels which will buy necessary hardware to improve and expand service. It would help to identify the requirements beyond reasonable dispute. Having a capital requirement study would give the ICC an opportunity to audit the relationship between investment and revenues and earnings.

Much has been made by the Council of Economic Advisers of the need to improve the way the forces of competition work in transportation. Contrary to the impression the CEA tries to give, the transportation industry is far less concentrated and more competitive than most of industry. The water carriers have thoroughly orthodox views on competition. They believe that competition *is* one of the most reliable forces available to ensure and promote efficiency. They are not for protection of the inefficient. At the same time, clearly, the more efficient producer should not be knocked out of the market place by the abuse of economic muscle. Water carriers urge that an analysis be made of the present actual roadblocks to improved healthy competition looking toward the development of reasonable rules to make sure that the more efficient competitor is not artificially shut out of an opportunity to compete.

Finally, it is time to open a very large new subject which has been curiously neglected by the policy makers in transportation. This is the question of how productivity improvement may be achieved in transportation.

Oddly enough, the leading transportation texts have little to say about transportation productivity. There is seldom much discussion of it in the current articles on transportation policy in the transportation magazines. Every other aspect of transportation is fully covered, but productivity does not have the center of the stage.

And yet obviously the main hope of holding down rates is improvement in productivity. No one can entertain the illusion that, in the future, wages are going down or the cost of fuel, or the cost of steel, or the price of engines, or the price of rubber tires, or groceries for the galleys, or the cost of printing tariffs, or the cost of repairs and maintenance will be less than they are today.

Indeed most people throw up their hands at the mere prospect of improving productivity. How can you take all those components, each of which is getting more costly by the minute, and expect to produce stable rates or even lower rates? It is manifestly impossible, they say.

The issue of improving productivity is so crucial that the policy makers, as a matter of priority, ought to know all there is to be known about it. In fact, they know very little about it. Their intelligence on the subject is so primitive that they do not even have a price index of freight transportation by mode. They do not have a productivity index. They don't know how productivity improvement is achieved in transportation.

Obviously change in production of anything begins with new investment. Workers have to be trained to improve their skills and training costs money. New technology has to be bought, re-organization of production to take advantage of economies of scale means discarding old methods and buying new; committing more capital per worker means heavy new investment.

It is precisely heavy new investment which has worked in improving productivity in the water carrier industry. The container system, pioneered in the domestic trades, replaced the old break-bulk system which had survived virtually unchanged since before the time of Christ. The new development was the investment of about five times as much per ton of capacity for the container system than the break-bulk system. Savings for the customer have been substantial.

In barging, big towboats were purchased at heavy cost capable of pushing upwards of 40,000 tons of cargo at a time, replacing much smaller units which could handle less than half that load. Again heavy new investment paid off. Average barge rates today are less than they were in 1960.

One thing that stands out in all the discussion of transport problems is the failure to recognize that transportation is far more capital intensive than most other segments of the economy. In manufacturing, fifty cents of investment will, in general, produce a dollar of revenue. But in railroads three dollars of investment are required to produce a dollar in revenue and a somewhat similar picture emerges when water carriers are analyzed.

When the ICC talks of capital starvation of transportation companies, this is not just another factor among many, it may be *the* paramount factor explaining carrier difficulties. Not enough attention has been given to the significance of the formation of capital for transportation companies, particularly railroads and water carriers, in the struggle for improved productivity.

Thus, in summary, we make four suggestions for improving regulation of surface freight transportation.

The first is to fund the ICC adequately and stop playing games with this vital agency.

The second is to determine on a continuing and accurate basis standards for the adequacy of earnings for transportation.

The third is to identify the roadblocks to competition and remove them and the fourth is to find out just what triggers improved productivity in transportation and invest in it.

It seems to me that the shippers and carriers have plenty of reason to work together on these issues in the coming months. As one of the early promoters of the joint rail-water-truck approach, I have invited shippers to work with us as fellow experts to produce a program that will really help.

A program which has as its target disadvantaging the trucking industry or tries to help one industry at the expense of another or is not fair to the consumers of transportation services is, in my opinion, doomed.

Transportation is not a simple industry. There are unlikely to be simple solutions to its problems. A doctrinaire approach to the solutions borrowed from pure economic theory without adjustment to the realities of the transport market place has done more harm than good. If the legitimate requirement of industrial and agricultural producers for equitable access to their markets at reasonable rates is to be recognized, the policies adopted have to fit the problems. There is no escape from that simple fact.

The DOT's search for new directions is commended by everyone. In essence, the objectives are sound—more competition, less government intervention with business decisions. Nobody can be against those objectives and nobody is. What they have turned out, however, is obviously the result of an attempt to apply a doctrine, then tinker with it to anticipate political objections. The end product is now unworkable, unhelpful and probably unfixable. An alternative approach is to identify the problems needing attention more precisely. To do that the help of shippers and carriers is needed. Up to now the DOT has been selling a pre-determined doctrine, and has not been receptive to constructive alternative suggestions from the consumers and producers of transportation.

Looking at the wrong solution to a problem is often a necessary prelude to finding the right solution. In my view, if we develop effective lines of communication on the rest problems, the Department is in a position to do the public a significant service. The present system is not all bad as some extremists would have us believe; perhaps there is much more good than bad in it. A conservative approach to change so that matters are not made worse seems indicated. The four-point program suggested here is both conservative and far-reaching.

TAX REFORM—OR IS IT?

Mr. HANSEN. Mr. President, as one headline writer recently put it, "Rich Man's Loophole is Little Man's Shelter."

He went on in the article to point out that there are, of course, a number of loopholes in the tax laws by means of which people with large incomes are able to avoid paying significant amounts of income taxes.

But most of these tax avoidance possibilities were written into the tax laws not as loopholes but to encourage those with substantial capital holdings to invest that capital in ways which Congress thought would be helpful to a particular cause of the Nation as a whole.

For example, a homeowner is subsidized by allowance as a tax deduction the amounts paid for property taxes and mortgage interest.

And one of the best-known tax avoidance techniques is the purpose of municipal bonds the interest on which is exempt from Federal income tax and generally from State income tax as well.

But, if the tax exemption for municipal bond interest were to be eliminated, only about a third of the revenue increase to the Federal Government would come from the investor while the other two-thirds would be added on to the already crushing local tax burdens.

The same would be true of other so-called loopholes. The investment tax credit is a good example. Intended to stimulate business and industrial activity—more jobs.

The oil depletion allowance intended to stimulate exploration and development of new oil and gas reserves has worked well for almost 50 years. Now that the Nation's insatiable appetite for energy is devouring oil and gas faster than it is being discovered, incentive for discovery of new supplies is needed more than ever.

The prospects of the billions of dollars which will flow out in trade deficits for imported oil and the hazards of dependence on unstable foreign sources are added reasons for retaining the oil depletion allowance. But the compelling reason is again, that whatever is taken away from the oil companies in tax deduction will as surely as the sun rises be added to the consumer price of gasoline, home heating oil and other petroleum products just as the added cost of the interest on tax exempt bonds would be paid by the average taxpayer.

Removal of the tax and interest deduction for homeowners would eliminate the incentive to own a home. Why not rent and let someone else pay the expenses?

Mr. President, the real answer to the overburdened taxpayer's problems is not tax reform but Government spending reform. I am in favor of a new awareness and, in fact, a militancy on the part of the American taxpayer toward the big spenders in Government—those who would cure all of our ills with money. During the past decade, Federal spending has doubled and there is no end in sight.

Mr. President, it should by now be obvious to the average taxpayer that someone keeps turning the screw as his taxes go up year after year. And that someone is the Congress of the United States, over which only he has control. When he, the average taxpayer, decides he has had enough, he can do something about it. Each 2 years he has an opportunity to vote for a Congressman or Senator. Each 4 years, a President.

Mr. President, I have a more detailed analysis and commentary on the Tax Policy Review Act of 1972—the Mills-Mansfield tax reform proposals. I ask unanimous consent that the following explanation and comment be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE MILLS-MANSFIELD TAX REFORM PROPOSAL (H.R. 15230, S. 3657)

I. EXPLANATION

1. *Proposal.*—The Mills-Mansfield bills ("Tax Policy Review Act of 1972") would amend the Internal Revenue Code by terminating 54 tax differentials which were originally enacted, largely with bipartisan support, to provide incentive, equity, and/or fairness in accordance with stated economic or social rationales. Under the proposal the termination of 18 differential items would occur on January 1, 1974, with an additional 18 items terminated in each of the two succeeding years. The groupings of the items in their respective termination categories follow no consistent pattern and are at best illogical. The differentials in tax treatment specified for termination in the bills include Code provisions allowing exclusions, exemptions, deductions, and credits affecting such items as capital recovery allowances, research and conservation expenditures, exploration expenses and percentage depletion in the case of over 100 minerals, special reserves of financial institutions, interest on state and local bonds, home mortgage interest, educational expenses, retirement benefits, personal exemptions, dividend income, capital gains, estate taxation, charitable contributions, etc. The sweeping thrust of these terminations would affect all varieties of taxpayers at all income levels.

2. *Purpose.*—The professed sole purpose of this unique sudden-death approach to tax reform is to "provide a guarantee" of an "orderly and systematic review" of virtually all differentials in tax treatment presently contained in the Federal tax law. Presumably, in connection with the three-year review that is to follow enactment of the termination measure, the Congress could take such action, if any, which it deemed appropriate with respect to the Code provisions affected. If Congress did not act, the provisions of present law covered by the Mills-Mansfield bills would be terminated on the dates scheduled.

3. *Legislative status.*—The Mills-Mansfield bills are now pending before the House Committee on Ways and Means and the Senate Committee on Finance respectively. The intention has been indicated to offer the legislation as an amendment to a measure increasing the statutory debt limit ceiling. The debt-ceiling bill has not to date been introduced but it is scheduled to be considered by the Congress during the month of June and must become public law by midnight June 30, 1972. The Committee on Ways and Means has begun brief public hearings on the subject. The hearings are to be immediately followed by executive sessions. The amendatory attempt may occur at any of several stages in the legislative process. However, it is considered the most likely stages for the effort are in executive session by the Ways and Means Committee or during Senate Floor debate. Other possible legislative stages include House Rules Committee, House Floor, or Senate Finance Committee action.

II. COMMENT

1. *Economic effect.*—Economic growth and the creation of new and improved job opportunities would be seriously jeopardized if the Mills-Mansfield proposal were enacted. Business investment would encounter a tax climate of unprecedented uncertainty. The American businessman would become an endangered species. Economic recovery could be turned into recession. The House Committee Report accompanying the Revenue Act of 1971 stated as a reason for that bill, "The growth in our gross national product has been small, unemployment has remained too high, and capital goods expenditures have hardly grown at all." (p. 3, H. Rept. No. 92-533) Enactment of the Mills-Mansfield proposal would make those lamentable conditions seem like the "good old days" as the resulting tax uncertainties stifled economic progress.

2. *Family effect.*—The Mills-Mansfield proposal would cause uncertainty regarding numerous tax provisions that have important bearing on long-range family planning. Home acquisitions and real estate values would be adversely affected by the termination of the deductibility of interest on home mortgages. Automotive financing would be similarly affected. The retirement security of millions of Americans would be threatened by the proposed terminations of Code provisions relating to insurance, retirement income, pension distributions, additional exemptions for the aged, and estate taxation. Additional provisions affecting individuals that would be terminated include the tax treatment of charitable contributions, scholarships and fellowships, medical expenses, child care expenses, and sick pay.

3. *Fiscal effect.*—An acknowledged principal objective of the more militant and precipitous tax reformers is the quest for more revenues to finance higher governmental expenditures. The probabilities are that enactment of the Mills-Mansfield proposal would actually produce *less* revenues at all echelons of government during the three-year tax hiatus because of the inevitable economic downturn. Under these conditions, governmental fiscal affairs would seriously deteriorate and even the cost of maintaining existing programs would become more onerous. An additional fiscal complication would arise in those 33 states which conform their income tax structures with the Federal law.

4. *Tax perspectives.*—America's preeminence among Nations is contingent on the vitality and durability of our free enterprise system. Capital formation and investment and the productivity of its citizens are keys to America's continued economic progress. It is essential that tax policy have a minimum inhibitive effect on the business decision-making that is a daily part of our economic life. Reasonable continuity and stability of treatment are important aspects of this tax objective. The present tax structure is an integral part of our economy and any proposal which threatens sweeping adverse changes in that structure is bound to be disruptive. Part of the present clamor for instant tax reform is predicated on the false assertion that recent tax legislation has favored corporate taxpayers over individual taxpayers. The facts prove the contrary. For the 12-year period 1969–1980, the Revenue Acts of 1969 and 1971 and the adoption of the Asset Depreciation Range System (accelerated depreciation) will decrease corporate income taxes by an aggregate of $8.1 billion (an average of $0.7 billion a year), decrease individual income taxes by an aggregate of $140.7 billion (an average of about $11.7 billion a year), and decrease excise taxes by an aggregate of $19.7 billion (mostly benefiting individuals). The advocates of instant tax reform seek to leave the impression that tax avoidance is rampant among the wealthy. Factual examination of this assertion proves it is grossly exaggerated as a revenue raising factor. To the extent the assertion is true, a proper remedy must be found but it hardly justifies threatening the

entire Nation with a tax recession induced by the Mills-Mansfield proposal.

5. *Spending perspectives.*—The so-called Taxpayers' Revolt may in fact be a revolt against the burgeoning level of governmental spending. Public concern is mounting over the apparently insatiable demand of government for tax dollars to finance new and expanded programs of doubtful effectiveness. Published instances of mismanagement of public funds are increasing in frequency and provide little comfort to the harassed and overburdened American taxpayer. The level of Federal spending has more than doubled in the eight-year fiscal period 1965 ($118.4 billion to 1973) ($246.3 billion projected). Serious question exists as to whether or not there has been a commensurate public benefit. Spending projections for the balance of the 1970's make it clear that the future will demand stringent frugality in the initiation, maintenance, and administration of governmental programs if the private enterprise sector of our economy is to survive. The Nation's ability to spend more for governmental programs will largely depend on the extent to which our private economy is expanding or contracting.

III. CONCLUSION

The unprecedented Mills-Mansfield approach to sweeping tax reform is a dangerous and unnecessary departure from traditional tax reform procedures. It is dangerous in the light of the aggravated apprehensions and uncertainties that would be reflected adversely in economic trends. It is unnecessary in that all that would be required for the Congress to undertake tax reform is for the Committee on Ways and Means to announce public hearings on the subject. Such an announcement should reflect a bipartisan commitment by the Committee which could be made now. It should be aimed at the commencement of such hearings early in 1973 so as to avoid undue election-year political input into the decision-making process. Such timing would allow affected taxpayers reasonable time in which to prepare their presentations and would provide Congress with an opportunity for a comprehensive and deliberate study. It would avoid the inevitable imputation of "guilty until proved innocent" that is inherent in the prejudgment approach of the Mills-Mansfield proposal.

Tax reform as a political issue in 1972 can be put in context by recognizing that most of the differentials in tax treatment that are covered in the Mills-Mansfield proposal were adopted with bipartisan support in the Congress. Furthermore, in the last two decades control of the Executive Branch has been vested in the Republican Party during 12 years and in the Democratic Party 8 years. The Democratic Party has been in control of both houses of the Congress 18 years and the Republican Party in control 2 years. Our present Federal tax structure can be ascribed to no one party label and to no one institution of government.

THE EDUCATION AMENDMENTS OF 1972

Mr. BAYH. Mr. President, on May 24 the Senate approved the conference report on S. 659, the Education Amendments of 1972. Despite my opposition to the bill's attempt to frustrate desegregation of the public schools, I voted to approve the conference report. I did so for three reasons: First, the bill contains some of the most significant advances in Federal aid to education Congress has ever enacted; second, the bill's unfortunate and misguided attempt to inhibit school desegregation is of questionable constitutionality and dubious effectiveness; third, to return the bill to conference was to risk both loss of the higher education bill and enactment of a more restrictive pupil transportation provision.

Every Member of Congress knows the emotional response the words "school busing" bring in this election year. And every Member knows or should know that the issue has been blown far out of proportion to its importance. Busing has always been an integral part of our Nation's educational system. Before anyone ever heard of "forced busing," close to 40 percent of the country's public school students were taking the bus to school. For two generations busing has been the way to provide bigger, consolidated, more modern school facilities; that is, better educational opportunities or, in the current phase, a quality education. Court-ordered busing designed to facilitate the desegregation of the schools has increased preexisting busing by only about 3 or 4 percent.

Every Member of Congress knows, too, that, despite the various directions in which lower courts have gone, the Supreme Court has given only very limited approval to school busing. In Swann against Charlotte-Mecklenburg Board of Education, the Court unanimously stated that busing is only one of many remedies which a lower court may use to overcome the effects of State-sanctioned racial discrimination in the public schools—and even then it cannot be ordered where the time or distance of travel is so great as to risk the health of the children or to impinge on the educational process. The Court has never approved busing which is shown to be educationally harmful. The Court has never spoken to the question whether school districts can be consolidated or students bused across political boundaries. The Court has never even considered whether busing can be ordered to overcome de facto segregation.

Indeed, one of the most serious difficulties we face in trying to deal dispassionately with the busing issue is that we in Congress—and the lower courts—have had little guidance from the Supreme Court. Partly for this reason, partly to allow time for emotions to cool, and partly because some lower court orders appear to have gone beyond Swann, I supported the Mansfield-Scott amendment to the education bill.

Briefly, Mansfield-Scott prohibited the use of Federal funds for busing which was so extensive that it risked the health of children or significantly impinged on the educational process. It prohibited all Federal employees from urging or requiring school busing which endangered public school pupils' health or safety, or which resulted in students going to schools substantially inferior to those they would otherwise lawfully attend. And it postponed—for 1 year, or until judicial appeals were completed, whichever is shorter—district court orders requiring interdistrict transfer or transportation of pupils or consolidation of educational agencies.

This last provision of Mansfield-Scott—which postpones the effective date of certain busing orders for a limited period of time—is particularly important. It was designed to give the courts, including the Supreme Court, an opportunity to clarify the law. Once the legal situation is clarified, I am confident the issue will be put in its proper perspective. We can then consider additional legislation, if it is needed.

But now—when politics and emotion are joining together to cloud reason—is no time to tamper with the fundamental human rights involved in assuring high quality, equal educational opportunity to every child. For this reason I supported Mansfield-Scott. For the same reason, I opposed the unconstitutional and unwise Griffin amendment, which attempted to withdraw from the Federal Courts all jurisdiction to provide for pupil transportation, even where it is the only remedy available to end forced segregation. And for the same reason I am opposed to those proposed constitutional amendments which would deal with the busing issue by cutting back on our commitment to equal protection of the laws.

Mansfield-Scott was a responsible and reasonable effort to deal with a highly divisive issue. Unfortunately, section 803 of the education bill as it came from conference, is not. That section is far too broad to be acceptable to a nation dedicated to overcoming its past and existing racial segregation. For section 803 purports to stay, for up to 18 months, the effectiveness of any district court order requiring "the transfer or transportation of any student—from any school attendance area—for the purposes of achieving a balance among students with respect to race." This broad language could conceivably be interpreted to stay the most ordinary court order not involving busing at all which was designed to prohibit segregation. For example, its language might be thought to reach a court order transfering a student from a school to which he has been bused for the purpose of racial segregation to a nearer integrated school, within walking distance of his home. If section 803 were so interpreted—and if it were constitutional—it would indeed be a drastic step backward from Brown against Board of Education. And precisely for this reason, I have the gravest doubts as to the constitutionality of this provision.

Moreover, there is a great likelihood that section 803 will have no legal effect whatsoever. It stays only court orders which are intended to achieve a racial balance. But the Supreme Court has never permitted or authorized any court order—involving busing or any other tool of desegregation—simply to achieve racial balance in the public schools. The Court in Swann went to great pains to remind us all that "judicial powers may be exercised only on the basis of a constitutional violation"—namely, State-imposed racial segregation in the public schools. For these reasons, section 803 is very likely to be either unconstitutional or wholly ineffective.

The question I faced as a responsible legislator was whether to vote against the whole education bill because I opposed section 803. The decision was extremely difficult because the bill contains a number of absolutely vital reforms in Federal aid to education policy. I can touch only on the highlights here. First, the bill contains a national commitment that students who want postsecondary education—whether in a community college, a vocational institution, or a traditional 4-year college or university—will receive financial assistance if they need it. While maintaining and improving the existing work-study and student loan programs, the bill would provide a basic grant of $1,400 to every postsecondary school student, less the family contribution. This provision will assure the poor and underprivileged access to the advanced education they need to realize the promises of America. Second, the bill recognizes the shaky financial conditions of many colleges and universities today, and provides direct operating subsidies to help them stay alive and functioning. The subsidy is based primarily on the percentage of scholarship students in the school, which, in keeping with the thrust of the bill, should help open the doors of our Nation's postsecondary schools to those who might otherwise be unable to attend. Third, the bill provides $2 billion in 2 years to assist those school districts which are working to provide public school students with quality integrated education. Obviously, this money is desperately needed by the many school districts which are trying to comply with the law, but face rapidly rising school costs.

These are the major programs in the bill. In addition, there are provisions for a special Indian education program; for continuation of the Teacher Corps; for the establishment in inner city and poverty areas of educational centers to provide guidance to young people entering college; for special programs to improve the educational opportunities of disadvantaged and bilingual children; for a new National Institute of Education to coordinate educational research and to promote innovative ways of opening postsecondary education to all. The bill also contains, I am glad to report, a prohibition against sex discrimination by educational institutions, a provision virtually identical to an amendment which I offered and the Senate accepted when the bill was being debated in this Chamber.

Thus, rejection of the conference report would have deprived American educational institutions and American students—particularly those of low and moderate income who might otherwise never become students—of desperately needed new programs and funds. And I fear that sending the bill back to conference would have risked more blatant—and perhaps more effective—assaults on Brown against Board of Education. Accordingly, I supported the conference bill.

WELFARE REFORM

Mr. KENNEDY. Mr. President, welfare reform has been the center of public debate since the President submitted his family assistance plan to the Congress nearly 2 years ago. Controversy about the essential features of meaningful reform has often focused on the principles highlighted by welfare advocates and the opposing views of those who are not interested in meeting the needs of the poor.

For months, while the Committee on Finance has studied the details of the House-passed welfare proposal many of us have grown increasingly more concerned about the prospect of achieving the changes that are needed to produce an adequate and humane system.

Peter Edelman, who is now vice president for policy and plans at the University of Massachusetts, has concisely described the present conditions concerning this very critical matter. I ask unanimous consent to have printed in the RECORD the article entitled "Welfare Reform . . . or Repression?" published in the Boston Globe on May 31, 1972.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, May 31, 1972]

WELFARE REFORM . . . OR REPRESSION?

(By Peter Edelman)

In a few weeks Sen. Russell Long, chairman of the Senate Finance Committee, will report to the full Senate a new version of H.R. 1, the omnibus Welfare-Social Security bill that has been pending in Congress in various forms for most of the Nixon years.

As part of this new version, Sen. Long has managed to come up with a new extreme in punishment of welfare recipients—no assistance at all for families with children over 6, only grossly substandard wages for "voluntary" public and subsidized private contract employment at menial jobs.

It is likely that the Long legislation will be viewed by nearly all who claim concern for the poor as grossly reactionary and an unacceptable equivalent to slave labor. The House-passed version—President's Nixon's Family Assistance Plan—will probably be revived with a sigh of relief. The trouble is that the House bill does not constitute reform, either. It, too, is dangerous and punitive, as much an effort to control and regulate the poor as Sen. Long's, just more subtle.

To call President Nixon's plan "reform" as the House passed it is a fraud. It is not reform, it is repression. This is the view of the National Welfare Rights Organization, the National Urban League, the American Civil Liberties Union, the Black Congressional Caucus, the National Council of Churches, the Child Welfare League of America and dozens of other organizations.

The first of the bill's regressive features is the so-called work "incentive"—allowing the government to force mothers to work, exempting only those with children under 3.

There are few standards governing forced work. People may be required to work for three-fourths of the regular minimum wage. A mother would have no control over the choice of day care for her children, the location of her job or her working conditions. And she may end up taking home less money than she would receive from welfare, not much of an "incentive" to work.

A second step backward is the series of sanctions for noncompliance of various kinds. It is a Federal crime, punishable by a year in jail or $1,000 fine, for a father to cross state lines with the intention of leaving his family on this program.

Failure to comply with a bureaucratic directive for work or training, or for referral to vocational rehabilitation for drug abuse or alcoholism treatment, can result in loss of $800 in benefits for the family. Failure to report family income promptly and accurately every three months can result in a fine or even total cut-off.

In any case, all recipients are cut off the rolls every two years and must reapply.

Third is the lack of simple due process. The bill turns back the clock on an array of procedural safeguards declared by the courts in recent years. The facts as determined by bureaucrats cannot be appealed in court; appeals are possible only on interpretation of the legislation.

The Secretary of Health, Education, and Welfare can determine who is fit to represent a recipient in an administrative hearing. Payments alleged to be erroneous can continue until a hearing is held, but must be paid back if the finding goes against the recipient. Each of these provisions, is contrary to present law.

A fourth problem is the level of assistance. It is not just that $2400 for a family of four is inadequate when the poverty line is $4000 and the Federal "modest but adequate" standard is $6500. The $2400 figure is less than 45 states now pay.

Worse, the bill does not require states to preserve current levels where they are higher. Indeed it invites them to cut benefits, an invitation not likely to be refused. But even if the legislation provided an adequate income, it would still be reprehensible as an assault on the civil liberties of the poor.

If all of this is not a system for controlling the poor, I do not know what is. I do not see how a liberal senator can vote for legislation with these provisions in it, regardless of what may be in other titles of the bill.

How can welfare reform be saved, then? First, we must recognize that HR 1 is not welfare reform at all. Second, there is simply no effective way to liberalize the bill in the Senate. Why? Because whatever family assistance plan the Senate enacts will be sent to a conference between Wilbur Mills and Russell Long to resolve the differences, which is a little like asking Andrew Carnegie and John D. Rockefeller to design a plan for the redistribution of wealth in America.

A Mills-Long meeting is sure to produce the worst bill possible under the parliamentary circumstances. I can bear personal witness to this. I was legislative assistant to Sen. Robert Kennedy when the Senate passed a series of liberalizing amendments to some damaging welfare legislation in 1967. Every last amendment was removed in conference.

What, then should be done? The answer proposed by a Massachusetts citizens group—the Ad Hoc Committee Against Bogus Welfare Reform—is that H.R. 1 should be killed outright. The Committee, which is chaired by Hubie Jones and Rev. James Breeden and includes representatives from a wide range of black, peace and liberal groups, has been actively meeting with Sens. Brooke and Kennedy to work toward this end. Both senators have been responsive.

Sen. Brooke has already urged the defeat of H.R. 1. He has proposed that a 20 percent Social Security increase and reforms for the aged, blind and disabled be passed separately. This is a sound idea. There is no reason to delay Social Security reforms because the Senate Finance Committee is not prepared to approve real welfare reform.

Sen. Kennedy has indicated his opposition to the House version, and is considering introduction of a stop-gap welfare measure to provide fiscal relief to the states, a modest national floor and preservation of present state benefit levels.

This will not be welfare reform either, but it is not repression. And it will ease the present crisis while we take the time to have a thoughtful national debate on what true welfare reform really is.

THE NEED IS FOR NEW EMPHASIS FOR ENERGY RESEARCH

Mr. RANDOLPH. Mr. President, today the National Fuels and Energy Policy

Study being conducted by the Senate Interior and Insular Affairs Committee pursuant to Senate Resolution 45, sponsored by Senator Jackson and me, held a hearing on Federal Energy Research Priorities and Programs. The consensus among the witnesses, who included the President's Science Adviser, Dr. Edward David, Jr.; Dr. Alfred J. Eggers, the National Science Foundation's Assistant Director for Research Applications; and S. David Freeman, is that the viability of our Nation's energy future is critically dependent on developing during the 1970's environmentally acceptable means for the use of domestic fossil fuels for example, both high and low B.t.u. synthetic gas from coal. Longer term alternatives energy sources include solar energy, the breeder reactor, and fusion nuclear power. In addition improved efficiencies and methods for the extraction, conversion, and transportation of energy offer relief for our Nation's emerging gap between energy supplies and requirements.

Mr. President, I feel the statement of Prof. Raymond F. Baddour, the distinguished head of the Chemical Engineering Department at Massachusetts Institute of Technology and Director of the M.I.T. Environmental Laboratory, is most informative. He graphically presents the technological case for Federal leadership in developing process innovation in the extraction and use of our Nation's abundant fossil fuel energy resources.

I ask unanimous consent to have printed in the Record the statement by Professor Baddour.

There being no objection, the statement was ordered to be printed in the Record, as follows:

A National Need for Process Innovation in the Fossil Fuels Industry

(By Prof. Raymond F. Baddour)

Projections of energy demands and alternative sources of energy supply in the coming decades vary according to a wide range of existing and potential technologies and available economic resources. Considerations of the quality of the environment and regional differences of economic and natural resources, levels of industrial development, and population further serve to increase the variance in what options are most feasible. These options were studied in depth for the National Science Foundation by Resources for the Future, Inc., of Washington, D.C., in cooperation with the M.I.T. Environmental Laboratory. This study and its conclusions were reported under the title, "Energy Research Needs," and published last October. In the interest of time, I will concentrate my remarks on the most likely trends for the immediate future and discuss the need for process innovations vital to the continued development and use of fossil fuels.

In this regard, the pressing national need for new technology is concerned primarily with producing pipeline quality and low-BTU clean gas from coal, and synthetic crude oil from coal, tar sands, and shale oil. The alarming depletion of our domestic proven reserves of gas and petroleum and projected demands to the year 2000 and beyond, consideration of our national security in terms of our energy consumption and industrial well-being, and the measurably vast potential reserves of coal and shale in particular all combine to make the development of processes to upgrade our low grade fuel reserves not only attractive but imminently imperative.

Until the present (since about 1850), new fuels typically have not displaced but generally added to existing fuels, and since about 1885 our total energy consumption has increased at a faster rate than the population. Wood is the only fuel which has had a declining use, but its present consumption is estimated at just under a half of what it was in 1900, and the energy produced nationally from wood in 1970 was about four times that from nuclear sources.

With dwindling reserves and greatly increased costs of exploration and drilling to add to our proven reserves of high grade fuels, this situation is bound to change. Synthetic and substitute fuels must begin to assume more of our national energy burden, and they must do so in the very near future.

According to the latest complete data compiled by the Bureau of Mines, oil supplies 43% of our present energy needs. Gas supplies 32.8%, coal 20%, hydro power a little less than 4% and nuclear power about 0.3%. Nuclear power will inevitably take on a greater share of our energy demands but by 2000, the major portion (in the order of ¾ or more) of our energy demand will have to still be met with hydrocarbons. In terms of our conventional use of fuels and present rates of use, we simply cannot expect to meet such continued demand without severe economic and environmental costs, massive energy shortages, strategically harmful foreign policy alternatives, or combinations of all of these difficulties. Our total energy requirements have for the past 40 years doubled on the average every 22 years and for the past nine years the doubling time has held steady at 15.5 years. In these terms, the year 2000 is alarmingly close at hand.

In terms of environmental quality considerations, ease of handling, and efficiencies in energy production, our most attractive hydrocarbon fuel is natural gas. However, even though our total energy requirements doubling time is now 15.5, the doubling time for the consumption of natural gas is 11 years and, thus, is growing at a much faster rate than total energy consumption.

The problem is immediate. For almost 4 years, gas distributors have had difficulty in contracting for increases in long term gas supplies. Major distributors are now defaulting on some industrial contracts, and the situation has become critical with the curtailment of gas deliveries to industrial plants during severe cold spells as early as two winters ago.

There is strong evidence that the present 6 per cent per year growth rate in natural gas use will combine with continuously decreasing discovery rates of new gas to produce a great shortage of natural gas if both trends persist. The United States will need gas from coal at a time not yet established, but very probably soon, on a scale that will dwarf all other industry of comparable chemical content.

In consequence, the Office of Coal Research, the Bureau of Mines, and the American Gas Association are vigorously pursuing research on synthetic gas from coal. Four processes—two in pilot stage—deserve strong support; they have demonstrated sufficient promising results, freedom from serious faults, and differences in concept to warrant being kept in the running during the period of pilot-plant assessment of the processes. The four organizations involved are the Institute of Gas Technology, Consolidation Coal Co., the U.S. Bureau of Mines, and Bituminous Coal Research. The first two of these have pilot plants for the main gasification process near completion; the last two have plans for pilot plants and have done the necessary research.

In view of the magnitude of the final commercial operation based on the research of these four teams to date, the nation cannot afford to overlook the possibility that any one of the four processes may have advantages properly assessable only on a larger scale than that of the laboratory research which has been completed to date.

The strong recommendation of continuation of four processes at least through the pilot-plant stage implies that much basic research has already been carried out on coal gasification, but it does not imply absence of the need for more. Any process that wins the race will be in need of continuous modification and improvement; and a strong research program, both basic and applied, on the physics and chemistry of coal gasification is needed.

The air-blown gas producer that left the American scene in the 1920's is due for a comeback if it can be made larger, automatic, and capable of handling coking coals, and if it can be given a high capacity through operation under pressure. A major impetus for developing a process for making low-BTU gas from coal comes from the electric power industry. Producer gas made under pressure and scrubbed to remove sulfur is an ideal gas-turbine fuel, and the combining of gas producers with gas-steam power cycles of high efficiency looks attractive as a solution to the sulfur problem in power production. The implications of low-BTU gasification for power production are so striking as to warrant a more vigorous support of research on air gasification of coal at moderate pressures than at present exists.

Although our immediate energy shortages concern the supply of natural and synthetic gas, significant process research is being applied to the conversation of coal, tar sands, and oil shale to synthetic crude oil. In terms of our national needs beyond this decade, such continued research is imperative. Failure to couple the expectation that nuclear fuel will in the long run supply our power with the recognition that this cannot happen fast enough to eliminate the need for clean fossil fuels now is a real national danger; inadequate emphasis on research to produce clean fossil fuels both for power and for processing operations could produce an impasse between industrial energy needs and the need to protect the environment.

The various processes for making liquid fuel from coal are in too early a stage of development to allow meaningful estimates to be made of comparative costs. Processes which appear to be in the running include the H–Coal process, which uses a cobalt molybdenum catalyst to hydrogenate fine coal at high pressure in an ebullating bed, the Consol process modified to make low-sulfur synthetic crude oil, the PAMCO process for light hydrogenation of coal to make an ash-free product which is pumpable only when hot, and the COED process of staged pyrolysis to make gas, oil, and char. Opinions differ on the relative merits of these processes.

Research on H–Coal is being supported by a consortium of oil companies, and a National Academy of Engineering panel has recommended continued support of the Consol process. Though published studies of the probable cost of oil from coal have indicated the possibility of production of synthetic crude at prices comparing favorably with quoted market prices of crude oil, the estimates may not be realistic in their allowance for contingencies associated with new processes and for escalation during completion of development and plant construction.

The need for technological sophistication in recovering oil from nonpetroleum fossil deposits is much less when the raw material is tar sands or oil shale than when it is coal. This may cause earlier developments of oil from shale than from coal, regardless of ultimate comparative economics.

Tar sand treatment has become commercial in Alberta, on sands averaging 12.5 per cent bitumen, and shale oil would be attractive to U.S. industry largely because of vast domestic deposits in Colorado. The hydrogen-carbon ratio is higher than that for tar sands, which increases its attractiveness, and three retorting processes have operated on sufficient scale (260–1000 tons/day) to evaluate the retorting operation. Cost estimates for processing oil shale appear reasonable, but experience with mining and acceptably disposing of shale at a rate in excess of one ton per second—the rate required in a plant producing 50,000 barrels of oil daily—is missing.

An intercomparison of the conversion processes considered—pipeline-quality gas from coal, low-BTU gas from coal, oil from coal, oil from tar sands, and oil from shale—is difficult because of different objectives of different customers, national energy policy, foreign energy policy and import-pricing, differences in status of development of the processes, limits on ability to predict resources, the differences in cost-estimating procedures used in the economic studies, and the degree of interchangeability of the products.

Within the limitations these uncertainties impose, certain conclusions are possible. Contrary to widely held public opinion, the pessimistic conclusions of a year ago of a National Academy of Engineering Panel concerning SO_2 removal from stack-gas still stand, and the shortcomings of stack-gas sulfur-dioxide clean-up systems so far investigated make processes for the production of sulfur-free fuels or for sulfur removal during combustion look especially attractive. Within this scope, two concepts—making clean low-BTU gas from coal and making an ash-free, sulfur-free heavy hydrocarbon from either coal or oil—should be of great interest. If the cost estimates are realistic, completion of development along both lines is justified. Because of the capital-intensive character of fuel conversion processes, federal support is warranted on research on coal hydrogenation and on coal gasification with air, and on development of larger advanced-cycle gas turbines.

The resources of coal, tar sands, and oil shale are all so enormous as sources of oil that they must certainly someday be tapped. The timetable for this, however, is very difficult to establish, especially because of changes in import quotas and in prices established by foreign governments.

With respect to coal versus oil shale as sources of synthetic crude oil, the assessment is more difficult. Despite the considerable effort that has gone into oil-from-coal development, research processes for oil shale treatment are simpler and more nearly ready for use. But the yield from coal is so much greater (3 to 3.5 barrels per ton versus 0.8 barrel for relatively rich oil shale) and the disposal problem so much simpler that vigorous pilot-plant development followed by demonstration-plant operation is in the best national interest. The very fact that the processing of coal to produce oil is considerably more complex than the production of oil from shale is reason to expect a greater improvement, through research, in the efficiency and cost of the latter.

The development of any of the previously discussed oil recovery processes to the point of producing synthetic crude at prices reasonably near present crude prices could well turn out to be primarily an insurance policy—but a very valuable one—against excessive increase in the price of imported oil. On this ground alone strong federal support of fuel conversion research is eminently warranted.

But the problems are not simply a matter of technology. To illustrate the capital investment costs involved and place a perspective on the magnitude of the foreseen industry necessary to adequately utilize synthetic pipeline gas and augment our energy needs, I would like to cite remarks presented to the American Association for the Advancement of Science this past December by Professor Hoyt C. Hottel, a senior member of our Chemical Engineering faculty at M.I.T. and a nationally-recognized authority on combustion processes and energy technology:

"The probable size of the synthetic gas industry is indicated by the following: the United States consumed in 1970 some 23 x 10^{12} cu. ft. of natural gas. If 40% of that much gas were to be made synthetically by 1983 when the 11-year doubling time has elapsed and the synthetic gas then represents only 20% of the total, 100 gas plants of 250 million cubic feet per day each would have to be built, each requiring an investment of the order of $200 million and each consuming 15,000 tons of coal per day—a total investment of $20 billion and a total annual coal consumption of one-half billion tons, approximately our present total coal consumption."

A major problem, of course, concerns the time-lag involved in developing such a massive industry. The effects of gas shortages are immediate, and if we, with our present rates of gas consumption and pricing, wait until natural gas shortages create enough economic strain such that prices are allowed to rise and other incentives provided to alleviate the stress, the time scales will be too long to adequately prevent major damage to our industrial economy.

To illustrate the time-lags involved, I will cite an example where the technology is fully developed and for which overseas reserves exist; that is, liquefied natural gas.

It is estimated that a facility for the production, liquefaction, and delivery of 400 million cubic feet a day costs about $500 million, and from inception to first output a time span of 5 years is minimum.

The subject of foreign reserves brings up the question of national security. The risks, of course, are concerned with our becoming primarily dependent on the Middle East and North Africa, where 70% of the world's reserves of petroleum and natural gas are located. We run great future danger of our supply of energy from this highly unstable region of the world being cut off at critical times of our industrial and consumer needs. Adequate and timely development of processes related to upgrading our low-grade fuels such as shale oil and coal (which if completely developed could combine to satisfy our energy needs for even centuries to come) would greatly assist in reducing our foreign policy risks.

An additional and most important point concerns our maintaining a competitive edge in bargaining with foreign parties in filling our energy gap. The national costs of developing commercially viable processes to upgrade our low-grade fuels will surely be less than the alternative of not doing so. It is only reasonable to expect what the exporter can ask for a price just below the price of the next best alternatives. The development of coal liquefaction and gasification and oil from tar sands and shale oil will provide us those alternatives at prices reasonably arrived at.

The immediate costs in terms relative to current industrially sponsored research and development are great, however. I am of the opinion that Federal research and development support is absolutely essential until viable processes have been developed. A present situation, for example, is this: there is no single good coal gasification process and no single oil company can produce the capital to research and develop such a process adequately. The government must share, with partial support, the development costs of non-proprietary processes, the results of which would be generally available. If, then, gōvernment regulations are properly prepared, industry could apply the necessary capital from private sources to construct plants for the processing of coal and distribution of its products.

Such a program of research and development, coherently arrived at, would afford a great opportunity for universities, industry, and the government to jointly provide a vital security for the nation for generations to come.

Thank you.

EDITORIALS IN SUPPORT OF GUN CONTROL

Mr. BAYH. Mr. President, the tragic shooting of Governor Wallace, like the tragic assassinations of President Kennedy, Martin Luther King, and Senator Robert F. Kennedy has focused public concern on the question of why the United States is the only civilized country in the world in which deadly and useless weapons are freely available for over-the-counter sale. At this late date, there is no need to take the time of this body to recite the statistics showing the senseless slaughter, both deliberate and accidental, which this plague of weapons inflicts upon us each year. As the distinguished Senator from Utah (Mr. BENNETT) said here in 1969:

> I think the Senate knows what the issues are.

Gun control is an issue "which every Senator understands."

But if the facts of this situation are known to us all, it may still be useful to bring to the attention of the Senate indications of the mood of the country on the question of gun control. I therefore ask unanimous consent to have printed in the RECORD a number of editorials which have been published on the subject since the shooting in Laurel, Md.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

WMAL AM–FM–TV EDITORIALS

MAY 15–16, 1972

What kind of madness so twists a man that he tries to thwart the political process with a gun?

And how much more senseless violence must the nation endure before we wake up and rid ourselves of the menace of handguns.

Too often in recent years, gunmen have struck down prominent Americans: President John F. Kennedy, Medgar Evers, Malcolm X, Dr. Martin Luther King, and Senator Robert Kennedy.

Now, Alabama Governor George Wallace lies wounded from bullets fired from a .38 caliber pistol.

This latest shooting is even more tragic because it might have been prevented by effective national gun control legislation.

For nearly a year we have appealed to Congress to *get the guns off the streets* through federal licensing and registration of gun owners, and federal control of the manufacture and sale of firearms.

We said then . . . Congress has the power to do it . . . you the people can make Congress act.

We say it again. Let our national leaders know that Americans are sick of violence and murder by guns.

President Nixon has asked the nation to pray for the recovery of Governor Wallace. We join in that prayer. We add this fervent plea of our own—get the guns off the streets in the name of our national sanity.

MAY 17, 1972

Commenting on the attempted murder of Governor George Wallace, former Attorney General John Mitchell said: ". . . the American political process now subjects political leaders to such personal danger that it deprives the American people of direct access to those leaders."

We respectfully disagree with Mr. Mitchell. It is not the American political system that is at fault. We have great faith in the system which has served us so well for so long. We are concerned, however, with our mindless refusal to adopt strict controls on handguns.

We refuse to accept the premise that assassinations and attempted assassinations by several lunatics are a sign that the nation is sick. But it should tell us that we do have many insane, troubled and frustrated people in this country. It should cause us to question the policy that makes it easy for such people to buy guns and ammunition. And, it should cause us to question the continued refusal of our political leaders to call for strict controls on handguns.

Murders and assassinations would be far more difficult if we sharply reduced the availability and use of handguns.

That is why we have argued we must *get the guns off the streets.*

It is time to ban handguns for all but law enforcement officers and the military.

Congress must control the manufacture, sale, and transportation of handguns, and enact tough licensing laws which will in fact *get the guns off the streets.*

MAY 18, 1972

Yesterday, WMAL urged Congress to enact an immediate ban on the manufacture and sale of handguns to all but law enforcement officers and members of the military.

This will not stop assassinations and senseless murder, but it will make both much more difficult, and it will dramatically reduce the rate of both.

This nation has been incredibly lax in controlling guns—especially handguns. The effect of our policy has been to make it easy for lunatics, criminals, and addicts to obtain and use guns.

There are two undeniable facts about guns in the hands of deranged people: Guns give them the power of life and death; and the gun is an essential factor in the violence and fear in this nation.

Guns make our streets unsafe, cause the deaths of more than 20,000 people a year, and result in the wounding of tens of thousands more.

In this presidential campaign, there will be more discussion of the violence unleashed on American society. But that dialogue will be futile if it deals only with alleged sickness in society, and if it ignores the need for strict federal gun licensing and registration, and controls on the manufacture, sale and transportation of firearms.

Congress must *get the guns off the streets.*

MAY 19, 1972

The time is over for hand-wringing and desperate talk about the sickness in American society as the cause of assassinations and assassination attempts.

It is time now to get the guns off the streets.

It is time to question why our highest officials and Congress refuse to eliminate the one thing that makes this madness possible—handguns.

Let's face it. They're afraid of the propaganda mill of the gun lobby. They know that if they eliminate handguns for all but the military and law enforcement officers that we could drastically reduce murder, assassination and fear in this country.

The Nixon administration calls itself a law and order administration. If it really wants to earn that label, now is the time.

And the time calls for leadership and courage. The watered down bill to ban the cheap, short Saturday night specials isn't the answer.

Most of our murders, shootings, and armed robberies are committed with good, high-performance pistols. So, look for the National Rifle Association, Senator Roman Hruska and friends try to confuse this issue in the days ahead. The fact that this country is an armed camp is a monument to their skill in delaying and confusing the issue of gun control.

You *can* do something to put this nation back on the right track. Write and phone your Congressman. Tell him to *get the guns off the streets.*

[From the Washington Star, May 17, 1972]

And the Handgun Problem

A grim piece of irony associated with the shooting of George Wallace is that the victim has long been opposed to legislation restricting the availability of handguns. Moreover, many other Americans vehemently resisting such legislation are firm Wallace supporters.

We trust at least some of the gun lobby is having second thoughts today. If that is the case, so much the better. For an inevitable consequence of the assault on Wallace will be the revival of efforts to pass effective gun-control legislation. Success of these efforts will depend to a great deal on the muting of the vociferous gun-lovers and gun-makers, along with some greater candor and courage on the part of our politicians.

Three years ago, in the wake of the killings of Robert Kennedy and Martin Luther King, Congress passed a gun-control act that was supposed to end the flow of cheap, imported handguns into this country. It did not work. Because of a loophole in the law, vast quantities of handgun parts continue to pour into the United States, and by the hundreds of thousands a year these "Saturday night specials" are assembled and sold on the open market.

And so things are worse than ever on the American crime front. Where else in the civilized world is the handgun so readily available to the common criminal or the deranged assassin? Why does this nation continue to put up with it?

We believe nothing less is needed than a flat, nationwide ban of handguns, together with heavy, mandatory penalties for their possession or use. An extreme step, yes. And yet what kind of case can be made for the handgun? Very little. As a means of household defense or as a hunting instrument, it is inferior to the shotgun or rifle. That leaves target shooting, a hobby for some. Well, this is one hobby group that should get out of the way.

It is too much to expect, of course. But for starters, we would commend the long-delayed proposal of Senator Bayh of Indiana. It makes room for the hobbyists, and it avoids any attempt to outlaw, or even register, the millions of pistols that citizens now own. It would, however, prohibit dealers from selling any more new handguns, unless the purchaser is a law enforcement officer or unless the guns are designated by the Treasury as suitable for sport.

Senator Bayh's judgment is that this proposal is the most that can be hoped for. Perhaps he is right. Since hearings were held in September, he has not been able to move even this bill out of his own juvenile delinquency subcommittee. For one thing, President Nixon kept promising his own version of gun-control legislation. That promise hasn't been kept. Then, too, Senator Hruska of Nebraska, a darling of the gun lobby, keeps threatening an executive session filibuster. But other subcommittee members, including Maryland's Senator Mathias, also have shown little enthusiasm for the bill.

Today, in the wake of the Wallace shooting, Senator Bayh called another session of his subcommittee in an attempt to clear the measure. We hope the gun lobby, including its numerous Maryland adherents, remain mindful of what happened in Laurel. We hope Senator Mathias, whose vote could be critical, stands up for the legislation. It does, after all, have the endorsement of the nation's police chiefs' and patrolmen's association. It is a modest, necessary step in the right direction.

[WNEP–TV editorial, Wilkes-Barre-Scranton Airport, Avoca, Pa., May 17, 1972]

The Wallace Shooting Again Points Up the Need for Strong Gun Controls and a Better Understanding of Free Speech

The barbaric assassination attempt on the life of Governor George Wallace in Laurel, Maryland, is like a bad dream. It brings back all of the horrible memories of all of the political assassinations of the past. It forces Americans to confront the reality of senseless violence which has become so characteristic of our time. The wounded body of Governor Wallace is but another reminder of one of the most serious threats to our democracy, for if a man cannot seek political office or espouse a controversial point of view publicly without threatening his life of the lives of those close to him, our democratic guarantees of free speech are nothing more than paper promises.

No longer can anyone argue that political assassination is an aberration in the United States. The deaths of President John F. Kennedy, Reverend Martin Luther King, Robert Kennedy, Malcolm X, Jock Yablonski and several others clearly indicate that those who speak their minds expose themselves to possible assassination. This must not be tolerated.

Perhaps the shock of the most recent senseless act of violence will convince us of the need to do something to take revolvers—the instrumental cause of these barbarous deeds out of the hands of would be assassins. It is a sad and ironical fact, but the very State which repudiated Senator Joseph Tydings for his gun control position, now must bear the terrible reality of being the scene of the crime.

As ABC's Howard K. Smith so accurately put it, the politicians want controls, the courts want controls, the police want controls but the National Rifle Association prevents these controls from becoming a reality.

The time has come for each of us to stand up and be counted. We have more evidence than we need or can tolerate that substantial reform is in order. We are the only civilized country in the world which does not have controls and we are one of the least civilized when it comes to the statistics on political assassination and death at the hands of the midnight special.

Earlier this week we pointed out statistics which indicate that one of every ten Americans suffers from some form of mental or emotional illness. To permit these sick people to have guns or to make guns easily available to them is to invite trouble.

Certainly we are appalled by what has happened, but we have seen it all before on the national level and in our cities. This madness and the climate of polarization which so contributes to it must be ended. The first most difficult step must be strong gun control legislation which would take the hand guns away from would be assassins. The second step involves the personal reallization that this country is built on the principle of free speech. It is at the very heart of our democracy and each time it is denied by a violent act a little bit of each of us dies.

[WNEP–TV editorial, Wilkes-Barre-Scranton Airport, Avoca, Pa., May 25, 1972]

Hand Gun Control Legislation Is Needed

It is more than a week since Governor George Wallace was shot. Since that time much has been written and said about gun control legislation. Our opinion remains the same. Strict hand gun controls are necessary and they should become law.

Some of our viewers disagree. They write telling us that our position is "too emotional," "too hysterical." A typical comment goes something like this, "Our laws are perfectly good as they are." Another viewer writes "the politicians are in favor of gun control because most of them are such weasels that they should be hung and they are afraid of being shot."

"People kill, not guns" one viewer wrote. Another told us "There should be tougher laws to punish those who use guns in criminal acts" and one person said "Something should be done, but not more blind laws which encumber honest people."

The last two points are well taken. The U.S. Firearms Act which requires the registration of guns, constitutes a good half step toward effective gun control, but we need much more.

Senator Birch Bayh's bill banning the manufacture and sale of all concealable hand guns, the Saturday night special variety, should be passed. Senator Philip Hart's bill which would put guns only in the hands of the military, the police, the antique collector and the target shooting clubs—to remain at the clubs, is another necessary reform. Moreover, strict federal and state laws designed to punish those who use guns in criminal acts are also in order.

We believe this to be a constructive legislative approach to a most serious national problem. In no way would it compromise the target shooting sportsman. In no way would it endanger the police or the public figure. Nor would it harm the honest citizen. On the contrary, it would help to reduce the more than 30,000,000 hand guns circulating in this country, many of which are being used to the disadvantage of society.

As necessary as these proposed laws are, however, they must be accompanied by a new state of mind which diminishes the wild west psychosis which causes some of us to believe that the court of last resort is an act of violence.

[KNXT editorial, Los Angeles, Calif., May 18 and 19, 1972]

Tighter Gun Controls

Last November a young man was arrested in Wisconsin for carrying a concealed weapon. In December, his gun was confiscated. In January, he went out and bought another one. All he had to do was sign a form that said he was not a felon or not otherwise prohibited by law from owning a handgun. Today that young man is being held in the shooting of George Wallace.

California law might have stopped that man from getting another pistol. We have a five-day waiting period between the purchase and delivery of a handgun. During that time, the authorities can check the buyer's record and find out if he's an ex-convict or a former mental patient or otherwise disqualified. It's a good law and it should apply nationally.

But recording names of original buyers is not enough. Guns can be sold again and again, and there's no record of the owner. That's why we also need a registration law.

Senator Bayh of Indiana wants to ban the sale of any handgun to anyone, except police, unless it is a sporting gun. His bill is before the Senate Judiciary Committee and has a bare chance of passing if the public will support it.

(Picture) Now here's the kind of gun used in the Wallace shooting. What does anyone need with a gun that can be hidden so easily? Sportsmen don't need them. It's not a sporting gun and we see no reason for anyone to buy one.

Federal law prohibits the importation of such guns, but it doesn't prevent their production in this country. An American company can even import all the parts and assemble them here. The law is a farce. It doesn't protect the public. It only protects the American manufacturer from competition.

None of us who enjoys hunting or target shooting wants any restriction on the right to own sporting guns. But the sportsman owes something to the public at large, too. We've got to support reasonable gun control bills. Nobody can guarantee that they're going to stop all crime, but we've got to give it a try.

[WOR editorial, New York, N.Y., May 25 and 26, 1972]

Gun Control

America needs tough gun control legislation.

It is needed to protect men like John Kennedy, Martin Luther King, Robert Kennedy, and George Wallace. It is needed to protect the 21,000 Americans killed by guns every year.

A United States Senate subcommittee recently voted to bar the sale of snub-nosed pistols; pistols like the one that seriously wounded Alabama Governor George Wallace last week. The bill is already running into opposition from the powerful gun lobby. That lobby must not again win the fight against tough gun control laws.

Every American owes it to the families of those 21,000 Americans killed by guns every year to fight for tough gun controls. Every American should fight for the passage of the subcommittee bill banning the sale of hand guns. Every American should fight for laws banning the sale of parts used to make home-made guns, the so-called "Saturday night specials." Every American should fight for laws requiring the registration of the 25-million owners of hand-guns in this country.

Tough gun control legislation is urgently needed. Tell your Congressman, Senators, and The President to ignore the special-interest gun lobby. Tell them tough gun control legislation is needed now.

This has been a WOR 710 Editorial. I'm Robert S. Smith.

[From the New York Post, May 22, 1972]

Gun Control: The Peril of Delay

In the immediate aftermath of the shooting of George C. Wallace, the gun lobby once again found itself temporarily on the defensive. But each moment that passes without the enactment of new, stringent gun-control legislation increases the danger that Congress will once more unleash a water-pistol rather than a massive offensive against the domestic merchants of death. Its tendency to retreat under fire as soon as the anti-control forces mount a new attack—under the old slogans—has been demonstrated too often.

Sen. Birch Bayh (D-Ind.), a long-time advocate of effective curbs, recalled yesterday on ABC's "Issues and Answers" what happened with the adoption of limited legislation following the death of Sen. Robert Kennedy. The bill did in fact restrict the import of certain parts and materials vital to gun-making; the major result appears to have been a boom for creative home-front manufacturers who swiftly—and profitably—moved into the breach.

Even the measure now moving in the Senate, Birch conceded, falls far short of the decisive action needed. It would not, for example, do anything about the registration of 25,000,000 owners of handy hand-weapons now roaming the land; it would ostensibly block future production. Certainly the passage of this bill would be better than nothing. But can we really do no better at a time when revulsion against terrorism by gun-fire must be felt in every political camp?

Bayh pointed out that the Nixon Administration has been conspicuously negligent about coming forward with any serious challenge to the gun lobby. At a moment when the President is emphasizing his hope for international arms restrictions in his Moscow meeting, surely a real measure of domestic disarmament deserves full-scale support.

We have never contended that gun-control offers automatic safety for political candidates—or anyone else. But neither are we impressed by those who demean its importance while addressing solemn sermons to the verbalizers of political hatred. A free society cannot impose standards of rhetorical civility; too often one man's demagogy is another's inspirational sermon. But it can undertake a major, bi-partisan drive to remove firearms from the hands of millions who have capriciously obtained them. No "sporting" interests—so often the front for the gun lobby—should be permitted to stand in the way of that effort. Time is crucial in that battle; delay is the ally of legislative mutilation.

Shape of One Man's Opinion—May 23, 1972

This is Edward P. Morgan, ABC News Washington, with the Shape of One Man's Opinion. A look at arms control at home, after this word. . . .

At the Kremlin summit, the president and Brezhnev are pursuing ways to stabilize peace in the world, so Moscow dispatches say. On Capitol Hill, the pursuit of peace at home is languishing. An item of top priority of the Moscow agenda is an arms control agreement to limit the production and placement of certain nuclear weapons and weapons systems by the two super powers. This won't be easy to perform. But what a monstrous irony it is that a domestic arms control agreement to limit the weapons systems people use to kill each other is almost impossible to achieve—even after the attempted assassination last week of Governor Wallace.

Why is this so? Why do Congress and other law-making bodies continue to be held in thrall by the virulence of the socalled gun lobby despite a 1971 record of some 10,500 citizens murdered by gunfire? How do you explain legislative delay and the pusilanimity of what it does enact in the face of such proof of rising public concern as the Wall Street Journal cited in a long lead article about gun control last Friday? Namely, a Gallup Poll showing that in April—before the attack on the Alabama governor—a record 79 percent of Americans favored requiring a police permit to buy *any* gun.

On ABC's Issues and Answers Sunday, I put this contradiction to Indiana's Birch Bayh, chairman of a Senate judiciary subcommittee which, roused by the Wallace shooting, finally approved his bill to outlaw sale and purchase of handguns.

He answered that it was extremely difficult to get good legislation—he emphasized his own bill was no panacea—because of the propaganda pressure of outfits like the National Rifle Association, because of deliberate misrepresentation and a kind of hysteria generated over the issue.

Reminded that there were already some 25 million hand guns in private possession in the U.S. which his bill would not touch, Senator Bayh argued there had to be a beginning of control. Indeed he would extend nationwide Indiana's requirement that you can't carry a hand gun without a license.

"Why should you walk around the street with a weapon in your belt, concealed," he asked, "without having some test placed upon your ability to know how to use that weapon?"—or, he might have added, to justify your carrying it. But, he conceded, "whenever you move this far, then they turn the dogs loose and we don't get anything."

Well, it's time to put those dogs on leash and push for meaningful gun control. No bill can prevent assassinations, or murders, motivated by passion or in cold blood. But their chances of happening can be shrunk by shrinking and/or controlling the supply of guns. The Bayh bill is a good start.

Ironically, the senator reports that the Nixon administration has thrown nothing but roadblocks in the way of his measure for two years. From the president down to Acting Attorney General Kleindienst, Bayh charges, the thinking is: the less said about gun control, the better off you'll be politically.

Any such thinking on arms control, domestic or international, puts us all in trouble.

This is Edward P. Morgan, ABC News Washington, with the Shape of One Man's Opinion.

[From the Christian Science Monitor, May 31, 1972]

GUN CONTROL WATCH

By the time you get to the end of this sentence, at a reading-aloud pace, another new handgun will have been sold in the United States.

Will it have a history like the one a 14-year-old Virginia boy went home for after a playground fight and took back to school, firing at three classmates and killing one?

By now in your reading, two new handguns have been sold and a used one traded. A handgun in new hands every 13 seconds.

This multiplying of handguns in America occurring with the deadly consistency of punctuation to sentences, can be stopped.

Congress has this week the materials, in the form of legislation already introduced to end the proliferation of handguns—particularly the cheap or concealable variety which are causing so much havoc.

The Senate has four major pieces of gun-control legislation: Sen. Philip Hart's bill, which would prohibit possession of all handguns after 180 days; Sen. Edward Kennedy's bill which would require the licensing of owners and registration of all guns, and would restrict handgun ownership; Sen. Birch Bayh's bill which would end the proliferation of cheap handguns by settling quality and size regulations; and Sen. Adlai Stevenson III's bill which would set federal licensing and registration standards for handguns.

The hopeful sign in recent days on the Senate side is that the Bayh bill outlawing the "Saturday night special" handgun may soon reach the full Judiciary Committee after being buried in subcommittee for a year.

In the House there are three important handgun bills: Rep. John Murphy's bill banning the manufacture and sale of Saturday night specials; Rep. Abner Mikva's bill prohibiting the manufacture, sale, import of handguns or bearing them outside one's home; and Rep. Emanuel Celler's bill which combines Senator Kennedy's proposal to require the licensing and registration of long guns and Representative Mikva's proposal on handguns.

The hopeful sign in the House is that Representative Celler, the key man in House gun control action, has promised to start hearings now that the Memorial Day weekend is over.

It is important to stress that the stirrings in Senate and House committees are only opportunities. There is still great resistance to gun control. In the Senate, Senators Bayh and Hruska are near dead-lock on what constitutes a permissible "sporting" handgun. In the House, Representative Celler is worried that the start of hearings could boomerang into repeal of handgun control progress to date. The White House remains opposed to meaningful handgun control. The other day Republican presidential campaign strategist John Mitchell repeated his opposition to gun controls, indicating the likely White House and Republican line until November.

But we are convinced that the resistance to gun control progress will yield. The majority of Americans (by three to one) want controls. The logic and statistics on the issue argue inescapably for greater control. What is most needed is a clear setting forth of the facts so that those in Washington will have no choice but to respond to the dictates of reason. To this end these columns are undertaking a "gun control watch," to monitor events in Washington and to help build the case for effective controls. We urge our readers to join us in this vigil.

WHAT IS WRONG WITH TITLE IX OF S. 3010?—II

Mr. CURTIS. Mr. President, it is my understanding that other Senators will be discussing the specific problem areas with the legislation and what amendments ought to be considered in an effort to make this a workable piece of legislation. I wish to continue that item-by-item discussion.

OUTSIDE PRACTICE OF LAW

A prohibition against any outside practice of law whatsoever is needed to prevent circumvention of proscriptions otherwise made in the title or by regulations.

Section 906(d) attempts to proscribe full-time employees of programs funded by the Corporation from any outside practice of law, but an exception is made, to wit: "unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation."

In section 906(i), the bill purports to prohibit the provision of legal services with respect to any criminal proceedings.

The exception provided for in proposed section 906(d) could vitiate any other proscriptions contained in this bill, for pro bono publico representation could be expanded to permit legal services thought to be proscribed by this body. A not infrequent method of circumvention of prohibitions under the existing legal services program within OEO is to represent a criminal defendant—that one is prohibited from representing during duty hours—as pro bono publico representation in off-duty hours. If the criminal case requires one to be present in court during working hours, the project attorney simply takes annual leave or compensatory time leave for those hours. Thus, he is still able to represent the client and is not in strict violation of the proscriptions, although he is clearly in violation of the spirit of those proscriptions. I suggest that prohibitions contained in the bill before us can all be circumscribed, unless the Congress strictly forbids the outside practice of law in any manner whatsoever.

An amendment is needed placing the responsibility for insuring against the outside practice of law by project attorneys onto the executive director of the corporation, project directors, and, of course, on the individual project attorneys. Such a responsibility must be both joint and several. The amendment must preclude the outside practice of law by project attorneys in any form whatsoever.

LEGISLATIVE AND POLICY ADVOCACY

Other Members of this body have spoken on this matter today, I do not need to dwell further upon the particulars of where project attorneys have deeply involved themselves in policy advocacy where it had no relation to the needs of a particular client. If advocacy on behalf of, or opposed to, a particular point of public policy must be aired as a required and necessary aspect of the representation of the needs of a particular client, it should not be prohibited or restrained. Unfortunately, project attorneys have become deeply involved in policy advocacy, and in legislative advocacy, when it had no relation to a client, or when they had to seek out a particular client in order to have a relationship to the issue at hand.

The propriety of the Federal Government authorizing and funding programs and activities which authorize, and frequently encourage, legislative advocacy—usually known as lobbying—has seldom been fully debated by the Congress. It has never been debated with respect to the legal services program.

Because of its gradual development, and because of the similarly slow development of the premises which underlay it, legislative advocacy has grown into a controversial public issue, the resolution of which may significantly impact upon our society. It seems appropriate, therefore, for the Congress to address itself forthrightly to the question of the propriety of such authorization.

These issues arise from several sections of the bill, but primarily from section 906(e) which reads;

> The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committees request that the attorney makes representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

Several questions arise from an investigation of the proposed legislation, from the current statute and regulations, and from the historic record as to the subject matter:

First, ought the Federal Government to support with funds, or otherwise assist, independent or semiautonomous entities which authorize and permit lobbying and political activities?

Second, ought the Federal Government to support with funds, and otherwise assist, independent or semiautonomous entities which seek, through lobbying and political activities, to undercut the antipoverty policies and objectives established by the Congress and administered by the Executive, and also to do some on State and local levels?

Third, ought any of this to be permitted with virtual immunity from legislative and executive oversight, as such immunity is provided for in proposed section 913?

A negative answer is obvious as to each of these questions.

Inherent in our freedoms is the notion that government ought not to expend taxpayers dollars to promote ideological, philosophical, political, or partisan points of view. This taboo against government expending, or authorizing to be expended, sums of money for such viewpoints is deeply imbedded in the American tradition and in our laws. In summary, the taboo can best be characterized as a guarantee against infringements on the rights of free thought.

From time to time, the Congress has enacted statutory prohibitions reflecting this taboo, the most stringent of which is 18 U.S.C. 1913, a prohibition against lobbying with appropriated funds, as follows:

> No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution opposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member of Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.
>
> Whoever, being an officer or employee of the United States or any department or agency thereof violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

The responsibility which a Federal officer or employee has under this section of the code can be variously interpreted. Nonetheless, it is clear that the issue is the use to which Federal funds are put, immediately or ultimately, and that no less than these responsibilities and duties are mandated for a proper administration of the public trust: first, a Federal offical should make a preaward survey to determine the risks of noncompliance with the proscriptions of his statute; secondly, he ought to stipulate prohibitions in the form of conditions, if he feels there are questionable areas of conduct which might arise; and he ought to make audits of those Federal funds at routine intervals.

Congress has addressed itself to the issues of direct action and political activities through amendments to the Economic Opportunity Act of 1964, as amended, principally in sections 603(b) and 613, which, respectively, prohibit political activity in a broad sense, and prohibit unlawful activities. But OEO has worked around these prohibitions. In the implementation of the EOA by Sargent Shriver, its first administrator, the theme of OEO being "an advocate for the poor" was developed, through which theme OEO, at all levels, was encouraged to be the spokesman within, and without, the Federal Government for the interests at law of the poor and disadvantaged. Pursuant to provisions of the EOA, guidelines in the form of OEO instructions have been issued as to restrictions on political activities; limitations with repect to unlawful demonstrations, rioting, and civil disturbances; and employee participation in direct action.

A combination of these items—the statute, the theme, and the guidelines—with the trend of intensified activity on behalf of the poor has produced lenient interpretations of the permissible scope of political, lobbying, and direct action activities. In reality, more is now permitted under the system than is prohibited. OEO has drifted a great measure from its indication in Guidelines for Legal Services Programs, promulgated in 1968, that legislative advocacy was not within the "scope of legal services rendered," to the pronouncement in the OEO-funded publication, Clearinghouse Review, of Febuary 1972 that:

> A campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated, or controversial pieces of legislation—Kantor, Legislative Advocacy, Clearinghouse Review, Vol. 5, p. 574. 576.

What has legislative advocacy come to mean for federally funded project attorneys? Why? And how?

Rather than making judgments and evaluations myself, the article to which I have referred—Kantor, Legislative Advocacy, 5 Clearinghouse Review 574—gives us the answers to these questions without any equivocation. Mr. Kantor is the executive director of the Action for Legal Rights, Inc., and the publication is the federally funded monthly sent as the primary reference source to all project attorneys and directors. Here is what Mr. Kantor has to say about legislative advocacy:

> Legislative advocacy is the stepchild of the Legal Services Program. . . . However, this area of involvement is an emerging concern. Because of its importance and the developing attitude of the Supreme Court over "legislating in the courts" a reevaluation of the role and emphasis of the Legal Services attorney and overall program priorities has become critical. . . .
>
> With all of its benefits, litigation remains expensive, time-consuming, often frustrating, and it nearly always results in less for the client than was pleaded for or anticipated. Similarly, litigation can be dysfunctional in terms of building organizational strength among the poor. . . .
>
> Use of litigation as an advocacy tool remains important today. However, because times change, so must strategies, and other advocacy alternatives must be nurtured and developed. . . .
>
> Your weapon is not political reprisal but preparation, facts, sensitization and ultimately the development of a coalition of concern and interest. . . .
>
> A campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated or controversial pieces of legislation. . . .
>
> A legislative strategy must be developed prior to introduction or immediately thereafter. Is it an issue which should be publicly debated—and thus the subject for a media campaign—or is it better left to a quiet consideration without a public ventilation of the issue? . . . Is a grassroots effort required to develop support among the legislators? If so, how is it to be organized? Who does the organizing? . . .
>
> If during the struggle over the second Murphy Amendment, the forces supporting the amendment had been able to define the issue as decentralized government or the need for a governor to determine the resources operative in his state and therefore had been able to enlist the aid of credible governors, the result might have been different. . . .
>
> The advocate's role is to inform and provide information, persuade and be a constant source of information and ideas for the client, the legislator or his staff, and interested groups. . . .
>
> The . . . area of need is for a legislative advocacy service in Washington, D.C. It could be a vital part of the proposed, but heretofore unimplemented, Administrative Counsel for the Poor. . . .
>
> The various back-up centers should produce a resume of important federal and state legislative proposals in their particular area of concern as well as suggestions for needed legislation.

Mr. President, certain provisions of the legislation before us, notably proposed section 906(e), are put into a more realistic perspective by this article. We are being asked to fund what will, in reality, be lobbyists to lobby in the Congress and the State legislatures. Our dollars will be used for developing and passing new, sophisticated, or controversial pieces of legislation. We are to be made the objects of federally funded legislative strategies. Is the National Legal Service Corp. the "legislative advocacy service" advocated for location here in the Nation's Capital?

In Smith, "Legislative Advocacy at CRLA," 5 Clearinghouse Review 584—February 1972—several other interesting observations are made as to what really is going on:

> Develop the most effective means of introducing the legislation. In some instances a coalition with other community groups or other legislative advocates is essential. The selection of a legislative author is, by far, the most important decision.
>
> The three criteria most germane to selecting the best author are:
>
> 1. That he is generally viewed as a conservative or moderate by his colleagues, and that the legislation he carries will not be viewed as a radical departure;
> 2. That he is viewed as an expert in the field affected by the legislation and has credibility in the field; and
> 3. He believes in the legislation and will push hard for it.
>
> . . . By a process of "Christmas treeing" the bill—that is by putting in all possible benefits to our clients, and dealing with the opponents in a give and take negotiation, e.g., "I will accept this amendment if you will withdraw your opposition to the bill," an eventual cooption of the opposition is possible. . . .
>
> It seems far more useful to become part of a welfare or education coalition with community, client, church, minority, and teacher or social welfare worker groups so as to maintain and define a policy position that is rational and distinct from those who wish to reduce the cost of state government whatever the consequences.

Mr. President, the legislation before us transfers these OEO-funded activities to a to-be-created National Legal Services Corporation. We can rest assured that the activities and directions being deployed presently within OEO will be transferred to the new corporation, with an immunity from responsible criticism never before possible. I ask unanimous consent that the full text of the Kantor and Smith articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

APPENDIX II

LEGISLATIVE ADVOCACY

(By Mickey Kantor, executive director, Action for Legal Rights, Inc.)

Legislative advocacy is the stepchild of the Legal Services Program.[1] This important forum for protecting the poor has been largely ignored in the past by Legal Services lawyers. However, this area of involvement is an emerging concern. Because of its importance and the developing attitude of the Supreme Court over "legislating in the courts"[2] a re-evaluation of the role and emphasis of the Legal Services attorney and overall program priorities has become critical. In addition, the role of the effective legislative advocate must be explored—especially with regard to present OEO regulations.

There has been little doubt—in fact it is mandated—that a lawyer is obligated to utilize every legitimate forum possible in order to redress his client's grievances.[3] Litigation was initially viewed as the most relevant and productive forum for the poor. Indeed the most dramatic and far-reaching decisions on behalf of the poor have been the result of litigation.[4] With all of its benefits, litigation remains expensive, time-consuming often frustrating, and it nearly always results in less for the client than was pleaded for or anticipated. Similarly, litigation can be dysfunctional in terms of building organizational strength among the poor.

Yet it was litigation which created the credibility of the Legal Services lawyer with his client and sensitized the bar and the public to the most glaring and outstanding abuses which were, and continue to be, visited upon the poor. For these reasons, litigation was a valuable strategy for the Legal Services Program in its first six years of existence. Use of litigation as an advocacy tool remains important today. However, because times change, so must strategies, and other advocacy alternatives must be nurtured and developed. For example, there are some who argue that in the area of welfare reform litigation is no longer viable.

Legal Services lawyers have not been completely unaware of other avenues of potential redress. Administrative procedures and informal negotiations with agencies have been used with great success. Programs have responded to city councils and state legislatures, as well as the Congress, with their views on various issues affecting the client population. But it would be an overstatement to consider these activities equal to litigation in terms of the commitment of resources and manpower.

One of the inhibitions that characterized this reluctance to move into the area of legislative advocacy was a misinterpretation of OEO regulations. Legislative advocacy has always been encouraged by OEO. There has never been a ruling that Legal Services lawyers must be invited to appear before a legislative committee as a pre-condition to participation. However, many programs and attorneys felt this to be the case and therefore hesitated before engaging in these activities.

The American Bar Association's *Code of Professional Responsibility* makes it an affirmative responsibility of the lawyer to advocate for appropriate changes in the law and to propose and support legislation in the public interest:

"By reason of education and experience, lawyers are especially qualified to recognize deficiencies in the legal system and to initiate corrective measures therein. Thus they should participate in proposing and supporting legislation and programs to improve the system. . . ."[5]

This professional duty was in no way limited by the congressional intent relating to Section 222(a)(3) of the Economic Opportunity Act of 1964.[6] That section's directive, "To further the cause of justice . . . by legal counseling" is obviously broad enough to encompass representation in all types of forums.

The original guidelines for Legal Services Programs stated:

"Advocacy of appropriate reforms in statutes, regulations and administrative practices is a part of the traditional role of the lawyer and should be among the services afforded by the program. This may include judicial challenge to particular practices and regulations, research into conflicting or discriminating applications of laws or administrative rules, and proposals for administrative and legislative changes."[7]

Specific OEO directives encouraged utilization of the legislative arena for change:

"Grantee and delegate agencies may, of course, undertake activities dealing with issues related to their basic program responsibilities. In carrying out the basic mission and goals of community action, grantee and delegate agencies may actively engage in campaigns connected with constitutional amendments, referenda, municipal ordinances, law reform and lawful attempts to influence government officials to respond to the grievances of the poor. Grantee and delegate agencies need not avoid such activities merely because partisan officials or candidates for public office may take or have taken positions with respect to the issue."[8]

The National Legal Services Corporation Act,[9] as proposed by the Senate and House conferees, clearly authorizes legislative advocacy by Legal Services attorneys on behalf of their clients. The only limitations are that (1) the lawyer must represent a client or client group, *or* (2) he is invited by a legislator or committee to make representations. There are other prohibitions but they do not limit attorneys in pursuit of legitimate representation.[10]

The Administration bill would have prohibited such advocacy; that bill only allowed legislative advocacy in the event attorneys were asked to make representations to a committee. However, Frank Carlucci, then Director of OEO, in response to questioning by Senator Walter F. Mondale said that:

"We would interpret the administration proposal as permitting it on behalf of a client. Let me stress that our intent was to prohibit self-generating of self-initiated lobbying activities not on behalf of clients. We would recognize that the attorney ought to pursue all possible remedies on behalf of an individual client."[11]

Other witnesses appearing before the House and Senate Committees specifically endorsed the necessity for legislative reform as a permissible activity for Legal Services programs.[12]

Legal Services lawyers have a grave responsibility with regard to the impact of legislation on their client community. The poor remain disenfranchised and powerless because they lack input in the political arena. There are very few state legislators and congressmen who are directly responsible to the poor or minorities in a political sense. Thus their legislative priorities do not reflect the needs of the poor. When "tradeoffs" are made or bills are drafted, labor, management, and vested interests are represented at every stage—either directly or through legislators particularly sensitive to their needs. The interests of the poor are taken into account only indirectly in most cases—and virtually never by reason of constituent demands. Therefore the job of a Legal Services advocate is crucially necessary and extremely difficult.

The Legal Services program must first of all be alert to legislation which would affect the interests of their clients. Clients must be informed of the meaning of pending bills and the ways they affect their interests. The chances of passage must be assessed. Finally, the clients' judgment as to the posture of the lawyer should be scrupulously observed.

This is basically a negative or reaction kind of strategy to legislation. However, it is highly effective and crucial. The identification of a potentially harmful amendment or act, the sensitization of legislators to its impediments, and the advocacy of its defeat can save the poor from immediate adversity and from thousands of dollars in litigation costs.

Further, the coordination and implementation of a positive legislative program on behalf of clients is important. There are obvious areas to be addressed including:

(a) the enforcement of judicially recognized rights through legislation;

(b) the recognition and implementation of the changing relationships between landlord and tenant;

(c) the implementation of programs for child care, housing, health and other programs which are necessary for the benefit and protection of client groups;

(d) the amendments of various laws which have excluded certain classes from protection—such as child labor laws as they relate to farm workers;

(e) the recognition of the inequality and ineffectiveness of our present public school financing system and the fostering of legislation to readdress these imbalances;

(f) the adoption of laws and regulations which would more effectively address the problems of consumer abuse and juvenile delinquency.

In each of these areas particular expertise is required. It is extremely difficult to advocate in a legislative forum for the poor. They are virtually powerless. Your weapon is not political reprisal but preparation, facts, sensitization and ultimately the development of a coalition of concern and interest. Each step must be accompanied by complete and real client participation in the decision-making, professional preparation of arguments, and development of an overwhelming factual base for the presentation.

In order to avoid the consequences of an ill-prepared position, a Legal Services attorney should be careful to:

(a) truly reflect the interests of his client or client group;

(b) have a firm working knowledge of the legislative process;

(c) develop convincing expertise in the particular substantive area he is addressing:

(d) be careful not to duplicate the efforts of other programs in the state—but to coordinate resources;

(e) examine applicable lobbying laws and follow them scrupulously;

(f) constantly consult with friendly legislators and their staff as to drafting problems, strategy and similar problems;

(g) be aware of the ABA *Code of Professional Responsibility* which states:

"Whenever a lawyer seeks legislative or administrative changes, he should identify the capacity in which he appears, whether on behalf of himself, a client, or the public. A lawyer may advocate such changes on behalf of a client even though he does not agree with them. But when a lawyer purports to act on behalf of the public, he should espouse only those changes which he conscientiously believes to be in the public interest."[13]

Footnotes at end of article.

There are many considerations in developing a program for legislative advocacy. Certainly the major concern is one of client priorities. Once issues have been defined by the client groups (or individual clients) priorities must be established. All these plans are considered with the knowledge that during a legislative session, issues will arise which will momentarily assume a priority status. In addition, in attempting to advocate positive legislation, a campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated or controversial pieces of legislation.

Drafting a piece of legislation involves much more than technical knowledge or ability. In fact, because many legislatures and the Congress have their own technicians, it may become relatively unimportant. A thorough understanding of what the client wants to accomplish and a realization of attendant problems is crucial. A good example is the development of legislation to transfer the Legal Services Program to an independent entity. The clients' problem could have been simply stated—*i.e.*, a desire to free the Program from debilitating political influences. Implementation of the desire, however, involved many considerations. What were the alternatives? How do you legitimize the idea? What were the positions of the bar, the clients, the lawyers, the White House, and various key members of Congress? What parts of the Economic Opportunity Act dealt with Legal Services? What other acts needed to be considered? Would the Executive Branch adopt your position and advocate it as well?

After these questions were answered, a first draft had to be prepared, a sponsor had to be found. Who is best suited to introduce the bill? What about bi-partisan support?[14] Co-sponsors? Do you make trade-offs prior to introduction in order to gain the support of key congressmen? To what committee will it be assigned?

The most crucial initial issue (I consider initial issues those decisions which must be made prior to introduction) involved a complete understanding of the minimum package the client would accept. In drafting all legislation, the drafter must contemplate the various compromises and trade-offs which may be made. He must create a piece of legislation which can be flexibly considered to allow for changes and compromises. However, there are issues which are so fundamental to the entire effort that they cannot be compromised. This is not to say particular strategies will not change. New alternatives will present themselves. But certain fundamental considerations—if eroded—will render any particular piece of legislation meaningless or potentially harmful. These issues must be identified and decisions made before introduction.

A legislative strategy must be developed prior to introduction or immediately thereafter. Is it an issue which should be publicly debated—and thus a subject for a media campaign—or is it better left to a quiet consideration without a public ventilation of the issue? Are there natural allies for the bill among groups or individuals? What kinds of groups are these and how would their support help or hinder the legislation? Is a "grass roots" effort required to develop support among the legislators? If so, how is it to be organized? Who does the organizing? How can the hearing process be used to publicize the issue or to create special interest or public support?

Whether or not your campaign involves a public battle or quiet consideration, it is essential that your sponsors create the issue and its parameters. The person who defines the issue creates the rules of the game and the elements of the debate. If during the struggle over the second Murphy Amendment, the forces supporting the amendment had been able to define the issue as decentralized government or the need for a governor to determine the resources operative in his state and therefore had been able to enlist the aid of credible governors, the result might have been different. However, the bar and Legal Services advocates in the Congress were able to show clearly that the issue was really the independence of the lawyer in his attempt to serve the poor.

Another major concern is the ability to be completely aware, at all times, of the status of each bill. Many crises are potentially harmful actions can be averted by an alert advocate who is in touch with those most particularly concerned with the bill. The advocate must be available for research, consultation and review at any time.

There are a myriad of issues in addition to those that have been mentioned. One caution should be in the forefront of the legislative advocate's mind at all times. The advocate cannot become so personally identified and involved with the bill that he becomes the issue. Legislators have the responsibility and the position to advocate your cause in the proper arena. Others can assert their positions on behalf of your clients' concerns, from outside the arena—at public hearings or in private conversations. The advocate's role is to inform and provide information, persuade and be a constant source of information and ideas for the client, the legislator or his staff, and interested groups.

There is always the danger that the advocate will become so identified with an individual legislator or party that his effectiveness becomes limited. There are, of course, situations in which this is impossible to avoid. However, the advocate should attempt to develop continuing relationships and support from persons who are members of both political parties. This enables him to proceed more flexibly and effectively in pursuing an issue and having an influence over the legislative decision-making process.

The state "back-up" centers in Massachusetts, Michigan and Ohio have been invaluable resources in the area of legislative advocacy and reform. They have proved themselves to be incomparable resources—able to concentrate on legislative advocacy and coordinate state resources in this regard. Recent moves in California and Oregon[15] indicate that individual programs are moving swiftly to fill the role in states without these centers. The national back-up centers also have, in varying degrees, been advocates for their particular interests at both national and state levels.

Glaring deficiencies, however, are apparent in terms of resources available in Legal Services for the purpose of legislative advocacy. There is no reporter with the resources to compile legislation which may affect the interests of the poor and which indicates through articles and presentations, opportunities for advocacy in this regard. The *Clearinghouse Review* is making valiant attempts[16] to provide such a service—but its resources are inadequate. Individual projects, such as the Migrant Legal Action Program, are developing an ability to report on federal legislation which may affect farm workers—but in that regard, as well, their resources are limited.

The second area of need is for a legislative advocacy service in Washington, D.C. It could be a vital part of the proposed, but heretofore unimplemented, Administrative Counsel for the Poor.

It is gratifying to note that the National Training Program at Catholic University is moving to establish training programs in legislative advocacy. Similarly, the Director of Legal Services has noted the importance of legislative advocacy.[17] The first priority of the Office of Legal Services, with or without the new corporate structure, would be to utilize any available funds provided to reflect the growing need for activity in this area.

Even without additional resources, certain steps can be taken to increase participation in the legislative process, The various back-up centers should produce a resume of important federal and state legislative proposals in their particular area of concern as well as suggestions for needed legislation. The Reggie Program could add a session on legislation to its already fine orientation effort. Programs in the larger states could combine resources to staff a small office in the state capitol as part of their law reform effort. Private groups such as NLADA and the Lawyers Committee for Civil Rights Under Law should combine or coordinate resources to develop a continuing legislative program analogous to the structure of the effort of the ACLU in this regard. Law school clinical efforts should be expanded to include an emphasis on legislative advocacy for the poor.

There are, of course, concerns about the tax status of programs which engage in extensive advocacy. These concerns have been addressed in a memorandum prepared by Mitchell Rogovin of Arnold and Porter, available from the Clearinghouse, Clearinghouse No. 6928. The proposed National Legal Corporation Act specifically exempted the Corporation under § 501(c)(4) of the Internal Revenue Code and does not require a local share to be contributed to each program.

Legislative advocacy, the stepchild of the Legal Services Program, must soon achieve full kinship status with litigation as an advocacy tool or Legal Services will not be providing a comprehensive attack on the problems of the poor.

FOOTNOTES

[1] Gross, The Legislative Struggle, at 153–4:

The existence of choice, of course, is a relative matter; it shifts from one situation to another. For many contestants in the social struggle, there is no choice whatsoever. The battleground is picked for them by the action of opponents and competitors. For stronger groups, the area of choice is far broader than for a weaker people faced with identical problems. The ability to make choices is itself a good measure of power. For all groups, strong and weak, the availability of alternatives is limited by habit; many of the obstacles to the use of one process as opposed to another flow entirely from an inability to break with customary methods of operation.

Others have argued, in the past, that so called "law reform" efforts are better left to the legislatures. *See* Hazard, *Social Justice Through Civil Justice*, 36 U. CHI. L. REV. 699 (1969). The author feels this is an overly simplistic view of the role of the courts in our society as related to the rights of the poor.

[2] Address by Chief Justice Warren E. Burger before the ABA Convention in London, England, July 1971.

[3] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 7–1 (1970):

In our government of laws and not of man, each member of our society is entitled to have his conduct judged and regulated in accordance with the law, to seek any lawful objective through legally permissible means, and to present for adjudication any lawful claim, issue or defense.

[4] *See* Boddie v. Connecticut, 401 U.S. 371 (1971); Serrano v. Priest, 96 Cal. Rptr. 601 (Cal. Sup. Ct. 1971); Tate v. Short, 401 U.S. 395 (1971); Goldberg v. Kelly, 397 U.S. 254 (1970); Shapiro v. Thompson, 394 U.S. 618 (1969); Smith v. King, 392 U.S. 309 (1968).

[5] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8–1 (1970).

[6] Economic Opportunity Act of 1964 as amended, 42 U.S.C. § 2701 (1964).

[7] Office of Economic Opportunity, Community Action Program, *Guidelines for Legal Service Programs.*

[8] Restrictions on Political Activities, OEO Instruction 6907-1.

[9] S. 2007, 92d Cong., 1st Sess. (1971).

[10] *Id.* at § 906 (e).

[11] *Hearings on S. 1305 and S. 2007 Before the Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare,* 92d Cong., 1st Sess. pt. 5 at 1621 (1971).

[12] *Id.* at 1679.

[13] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8-4 (1970).

[14] 117 Cong. Rec. (daily ed. Mar. 18-19, 1971). One hundred Congressmen and Senators initially co-sponsored the legislation including leaders from both parties. This support tended to provide (1) momentum (2) legitimacy (3) initially defined a base from which all would proceed and (4) gained the support of a number of Republican legislators who were crucial for its safe passage on the House floor.

[15] Williamson, *Legislative Law Reform: A New Challenge,* 5 Clearinghouse Rev. 380, 402 (November 1971). California Rural Legal Assistance and the Portland Program have begun to pay serious attention to, and devote considerable resources to, legislative advocacy.

[16] *See* 5 Clearinghouse Rev. 142, 215, 295, 446 (1971).

[17] *See* 5 Clearinghouse Rev. 434 (December 1971).

APPENDIX III

LEGISLATIVE ADVOCACY AT CRLA

(By James F. Smith, staff attorney and legislative advocate, California Rural Legal Assistance)

California Rural Legal Assistance (CRLA) has maintained a legislative office in the state capital at Sacramento since the beginning of the 1969 legislative session. This will discuss the techniques we have utilized in sensitizing other Legal Services attorneys to the legislative process, cooperating with other legislative advocates who are our natural allies, selecting priority issues of law reform in the legislature and implementing these priorities with specific examples of successes and failures. In addition to the bills used as examples herein, an Appendix attached to this article describes the fate of all other bills in the 1971 CRLA legislative package.

OBTAINING LEGISLATIVE SUGGESTIONS FROM OTHER LEGAL SERVICES ATTORNEYS

Our legislative office does not see clients on a regular basis. Accordingly, we are not directly involved with the legal problems faced by our clients but must rely on the information provided us from other Legal Services attorneys as to what issues capable of resolution by the legislature are of critical importance to our clients. In order to establish and maintain a viable communication with those attorneys we found that it was extremely important to sensitize them to the use of the legislature as a forum for bringing about law reform for the benefit of their clients. This has been by no means an easy task.

Attorneys are trained to look to the courts for redress of an individual client's grievances as well as law reform. The fact that state legislatures are a more suitable forum for law reform, both because of constitutional separation of powers, and because of the more lasting implications of enacted statutes, has not been seriously considered by most attorneys. They are not familiar with the legislative forum and they do not think of it as a practicable arena in which to represent their clients.

Within CRLA our efforts to induce attorneys to suggest and draft legislation of benefit to their clients have been reasonably successful. Most of our regional offices (7 of 9) in the past year have submitted legislative proposals in behalf of their clients to our office.

THE LEGISLATURE ITSELF

There are literally hundreds of legislative advocates at the California legislature. This fact alone, plus the fact that over 7,000 bills are now introduced on an annual basis, requires us to make very careful determinations of our priorities. In terms of defense work, that is, stopping bad legislation, we have found it most useful to maintain close contact with other legislative advocates who are our natural allies. We attempt to determine if they will take action to stop that legislation, or more specifically, if any of those lobbyists who, because of their personal relationships with legislators, committee staff, etc., are in a position to evaluate such legislation's chances of passage.

The underlying axiom in defense work is that it is much easier to stop a bad bill than to achieve passage of a good bill because a bill has to pass through several committees, the floor votes of two houses, and the governor's desk. We have found the following groups to be most helpful to us in this regard: The American Friends Service Committee, NAACP, ACLU, organized labor, social welfare workers, teachers associations, church groups (Council of Churches), League of Women Voters and other similar groups.

SELECTION OF LEGISLATIVE PROGRAMS

Having developed procedures and relationships for defensive work on behalf our clients, we then determine what input by our office is likely to be productive in offensive programs. If other legislative advocates are heavily involved in a given issue (e.g., welfare rights organizations on welfare), or if the likelihood of success in a given poverty law area (e.g., the creation of thousands of public works jobs) is totally unlikely, those issues are not considered priorities. If, on the other hand, major law reform efforts have been stymied in the past because of ignorance of state legislators or misinformation supplied them by other legislative advocates, then we consider those areas for sponsoring or cosponsoring significant law reform legislation.

We apply an analysis similar to that used in major test case litigation:

1. What law reform measures would affect most of our clients in a meaningful sense or a significant number of clients in a profound sense, and

2. Are those issues susceptible of administrative reform by the defendant private industry or governmental entity?

The latter question is probably the most important practical one, because major test case litigation as well as major law reform efforts are usually resolved in a less than complete victory.

After determining that the issue is one possible of resolution at the legislature and one that will significantly affect our clients, the next step is to develop the most effective means of introducting the legislation. In some instances a coalition with other community groups or other legislative advocates is essential. The selection of a legislative author is, by far, the most important decision. The three criteria most germane to selecting the best author are:

1. that he is generaly viewed as a conservative or moderate by his colleagues, and that the legislation he carries will not be viewed as a radical departure;

2. that he is viewed as an expert in the field affected by the legislation and has credibility in the field; and

3. he believes in the legislation and will push hard for it.

Most legislation is not carefully considered by legislators but is voted on by reason of the members' feeling toward the author and thus the importance of the moderate and credible author. These criteria are not always possible to achieve—legislators might not be interested in offering major law reform legislation—but there is no harm in asking. If that legislator will not introduce the desired legislation, then a close second should be obtained.

MAJOR LAW REFORM EFFORT VERSUS THE MORE MODEST LEGISLATION

The most useful and exciting work in the legislature on behalf of our clients is the major law reform effort in which legislation is sponsored by Legal Services attorneys on behalf of their clients. We have sponsored major law reform efforts in the areas of random selection of jury reform (SB 1420, Clearinghouse No. 7150), health and safety protection for field workers handling or exposed to pesticides (SB 432, Clearinghouse No. 7151), and the use of isolation and segregation cells in state prisons (AB 2904, Clearinghouse No. 7152). Because each of these bills presented a major departure from the past and a significant law reform, a great deal of educating committee members who would pass on the bills was necessary. The mere introduction of major legislation can have this effect. It will probably take two to three years to secure passage of any such bills and maybe longer. But it is interesting to contrast this period with that of major law reform litigation which often takes as long and the results of which are usually more fragile than the enactment of a chapter in the codes to deal with the problem.

The Pesticide Safety Bill was originally introduced in the 1970 session and rapidly killed. This year it had passed the California Senate, the more conservative house. Actually, two CRLA-sponsored bills were introduced in the 1971 session dealing with the problem of farm worker exposure to deadly pesticide. AB 2399 (Arnett, R–San Mateo) provided that a county could, upon the request of the county medical officer, obtain the technical assistance of the state to conduct an epidemologic study after a pesticide poisoning incident occurred. SB 432, Clearinghouse No. 7151 (Petris, D–Okla) was directed at preventing pesticide poisoning by requiring handwashing facilities, protective garments, and complete disclosure to the farm worker of the pesticides that he was coming into contact with, including first aid instruction.

The major opposition to the bills was that of the Department of Agriculture and the California Farm Bureau Federation, both of whom argued that the Department of Agriculture was doing a fine job in protecting the farm worker, and that these bills, which involved the Department of Public Health in the issue, were unnecessary. Eventually, the opposition decided on the strategy of endorsing AB 2399 so as to argue that SB 432 was not necessary. This argument would have presumably been used by the Governor's Office to justify the veto of SB 432. In fact, the strategy was unnecessary, as AB 2399 was signed into law and SB 432 failed to pass the assembly floor on the last day of the legislative session. Time simply ran out, as there were ample votes to pass the bill, but not enough time to gather them. Of course, of equal significance was the concerted and sustained opposition of the Farm Bureau and its members to SB 432. Unquestionably, they still carry considerable political clout. As a by-product of this activity, the pertinent administrative agencies have been influenced to enact numerous administrative regulations dealing with the problem and unquestionably our clients are the beneficiaries of better enforcement practices because of this legislation.

A bill introduced for the first time this year to require random selection of members of the grand jury (SB 1420, Clearinghouse No. 7150) passed the California Senate and seemed likely to pass the California Assembly. The numerous challenges to the composition of indictment grand juries across the country, particularly in California in recent years, provided the groundwork for this bill. It was the right bill introduced at the right time. However, the comprehensive package died on the vine during the all-night session December 2. The vote came well after midnight and 36 "aye" votes were cast; 41 were needed.

One of the most active areas of prison

reform litigation is that involving solitary confinement for extended periods on the basis of a perfunctory hearing which in most states, including California, has no pretense of even rudimentary due process. Placing a prisoner in solitary confinement usually means additional years of confinement since he loses his "good time" credit or the paroling agency is disinclined to grant paroles to one so confined. AB 2904, Clearinghouse No. 7152, provides for due process protections appropriate to prison disciplinary procedures. The bill passed the lower House, but faced considerable opposition in the Senate. The bill was taken up in the Senate after the San Quentin massacre of August 21st. After six weeks of maneuvering, the bill finally surfaced from the Senate Judiciary. More than the usual amount of difficulty was encountered in setting the bill for hearing before the Senate Finance Committee. It was eventually set for November 29, the last hearing of that Committee.

The Senate Finance Committee is chaired by Randolph Collier (D-Yreka), a member of the California Senate since 1938. The Committee is composed of older, more conservative members, who see their task as stopping progressive legislation. The Committee has the opportunity to pass on legislation having any fiscal impact whatever. Any legislation which involves a state agency eventually has a fiscal impact. As a consequence, that Committee has been the traditional graveyard of progressive legislation.

It appeared that the seven necessary votes were likely for passage of AB 2904 but, as so often happens, two members who had indicated "aye" votes were not in attendance when the bill was heard. It was, however, a very thorough and educational hearing. Testimony before the Committee demonstrated that most of the prisoners in the solitary confinement adjustment centers (80%) were placed in 6′ x 9′ cages for 23½ to 24 hours a day—not because of any disciplinary infractions, but in the Department's words, "as part of our regular prison assignments." The Department representative went on to testify that prisoners so confined would be released to the general population after they showed significant improvement. One puzzled Senator asked the Department representative: "If these men are held in cells virtually all of the time, how do you tell if they are improving—by looking in on them to see if they smile a lot?"

The defeat of the adjustment center bill was not completely discouraging, because the legislation had traveled further through the legislature for the first year of introduction than most observers expected, and certainly it added increased pressure to the Department to modify their barbaric practices.

NEGOTIATIONS WITH OPPONENTS OF LEGISLATION BENEFICIAL TO OUR CLIENTS

We have found that after introduction of a major law reform bill that opponents of that legislation are likely to be influenced to sit down with us and to negotiate possible legislative resolution of the problem. By sponsoring the bill, we are in a far better negotiating position because of our ability to work through the legislator carrying the bill and because the opponents are somewhat on the defensive. By a process of "Christmas treeing" the bill—that is by putting in all possible benefits to our clients, and dealing with the opponents in a give and take negotiation, *e.g.,* "I will accept this amendment if you will withdraw your opposition to the bill," an eventual cooption of the opposition is possible.

COALITION ON MAJOR BUDGETARY PROBLEMS

Decision by the Executive branch involving major budgetary problems such as the allocation of state funds to welfare or education can be influenced by broad coalitions. In these situations, the legislative advocacy of the Legal Services attorney alone is usually in and of itself quite impotent because of the major political ramifications of the issues. For that reason, it seems far more useful to become part of a welfare or education coalition with community, client, church, minority and teacher or social welfare worker groups so as to maintain and define a policy position that is rational and distinct from those who wish to reduce the cost of state government whatever the consequences. Following is an *Appendix* which chronicles the fate of other 1971 legislative efforts.

APPENDIX A

Consumer

Motor Vehicles. AB 620, Clearinghouse No. 7153 (Waxman, D-Los Angeles), motor vehicle financing anti-deficiency bill. The bill was heard in Assembly Finance and Insurance Committee and passed through the Assembly on April 13, (41–32). As the bill left the Assembly, it provided for abolition of the deficiency judgment as to both new and used cars. However, in order to get the measure out of the Senate Judiciary Committee, the bill had to be watered down such that deficiency judgments would be abolished on used car sales only. The bill was carried for us in the Senate by Senator Moscone (D–San Francisco) who lost the first floor vote despite a massive Legal Services campaign in support of the measure. Senator Moscone was able to obtain reconsideration of the bill. The vote would have been extremely tight. Many of the supposed "committed" votes changed their minds at the last minute. Fortunately, or unfortunately, the bill never got to a final floor vote in the Senate because that house adjourned for the year before the bill came up again. As now planned, the measure will be reintroduced next year, hopefully in its original form. As we have learned increasingly, the key to consumer issues is constituency pressure. Work on this will have to be started quite early in the year.

SB 1627, Clearinghouse No. 7154 (Beilenson, D–Los Angeles), used car fitness warranty bill. The bill was initially assigned to the Senate Committee on Transportation, It requires that there be a distinction between major and minor defects for purposes of the remedy provided. This distinction was to have been developed by the joint efforts of the Department of Motor Vehicles and the California Highway Patrol. Both of these agencies protested that the task would require months of study, if it could be accomplished at all. The bill was then weakened so as to require only a general warranty of fitness. The choice was whether to get something through the legislature this year or scrap the entire measure. We opted for the latter, feeling that the measure, if passed, would actually do quite little. Our efforts were pulled off, and the bill was allowed to die quietly in the senate committee. Following this, our office has been in touch with the National Center for Consumer Law and the Center for Auto Safety (Ralph Nader's group) in Washington, D.C., and together we are developing a method of easily distinguishing between major and minor defects in automobiles. Hopefully, next session a more tightly drafted measure can be introduced into the legislature.

Small Claims Courts. AB 2720, Clearinghouse No. 7155 (Waxman, D–Los Angeles) would have limited the number of times a party could bring a small claims court action to 12 within each calendar year. The intent was to curtail corporation usage of the small claims court as its collection agency. Opposition here was so strong that the bill was removed and effectively killed.

AB 1142, Clearinghouse No. 7156 (Brathwaite, D–Los Angeles) raised the jurisdictional amount of small claims courts from $300 to $500 with no other protections. This measure passed both houses and was signed into law by the Governor. Bills become law 60 days after the legislature adjourns. Obviously, because of this new element in small claims practice, measures similar to AB 2720, above, will hopefully be introduced in the 1972 session.

Default Judgments. AB 1905, Clearinghouse No. 7157 (Warren, D—Los Angeles), default judgment statute regarding venue. The bill passed easily out of the Assembly (60–0) on June 23 with support for the Assembly Judiciary Committee. The Bill, as amended, passed out of the Senate 24–4, and was signed by the Governor (Chapter 1640, Stats. 1971). In its final form, the bill extends to all consumer transactions the same type of venue protections now available in Unruh and Rees-Levering situations. The new parts of the bill, dealing with default situations, are of great significance. Defendant/debtor now has 60 days *after levy upon his property* to move to defend the case in the proper county (the bill also extended this provision to Rees-Levering and Unruh cases). Where venue is improper, plaintiff has the burden of showing he used reasonable diligence to select the proper court. If he fails in this, defendant has the right to actual damages and costs, including reasonable attorneys' fees. For the sake of passage of the measure, punitive damages and dismissal with prejudice were deleted from the final document.

Voters' Rights

Bilingual Voter Registrars. AB 2101, Clearinghouse No. 7158 (Maddy, R—Fresno) died in the Senate after passing the first time. Senator Richardson and the Republican caucus led the opposition. The bill would have provided that bilingual voter registrars be deputized whenever there are significant linguistic minority groups in a county.

Education

Placement of Mentally Retarded Minors. SB 33, Clearinghouse No. 7159 (Burgener, R—San Diego) was signed at an early date by Governor Reagan. The California Department of Education has issued extensive regulations to implement this Act, and copies are available from the Clearinghouse.

Parolees' Higher Education Act. AB 3002, Clearinghouse No. 7160, was passed by the Senate Education Committee and failed by one vote in Senate Finance. Los Angeles State College recently received a grant in excess of $25,000 to provide services along the lines proposed by the bill.

School Finance. No bills passed this year. A special joint committee has been established and is expected to report its findings by May 1, 1972.

Mr. CURTIS. Mr. President, deficiencies in the present statute and guidelines include, but are not limited to, the following: Inadequate restrictions on off-duty activities of officials with high visibility and public identification with programs funded by OEO; inadequate penalties for violations of the restrictions; inadequate restraints on the solicitation of clients in order to have a client whose interests one is representing before a legislative body, committee, or member; encouragement of activities if they are related to public issues impacting upon the poor.

What can a party still do under section 960(e)? How can he, knowingly or unknowingly, circumvent its provisions? I remind my colleagues that this new section 906(e) is not new at all. Its first appearance was in the bill vetoed by the President on December 9, 1971; thus, it has already been vetoed once before.

Section 906(e) does not, in reality, guard against what it is intended, or what it superficially, guards against. Rather, for the first time, it specifically authorizes legislative advocacy—lobbying—which by definition is a type of political activity—here, Federally funded—when such is in furtherance of the interests of a client, a group of clients, or when such is requested by a legislative body, committee, or member. Now, let's look at this in its real application. Is there really a neighborhood legal services project attorney alive who cannot find a client whose interests conform to the subject under legislative consideration? Of course, the answer is no. Is there a legal services attorney alive who would find it difficult to obtain the consent of a group of clients—that usually means an organization—which would not give him their consent to represent their interests? Again, the answer is no. Finally, is there a project attorney alive who does not know a legislator friendly to his cause, which legislator would request him to make representations to the body, the committee, or to himself? Again, the answer is no. Additionally, the language of section 906(e) does not prohibit grassroots organization of legislative advocacy efforts through such client groups as the National Welfare Rights Organization, the National Tenants Union, et cetera, and their local affiliates.

In the opinion of many, efforts to restrict such activities are, in reality, more likely to be successful through amendments to the statute, thereby reflecting the will of the Congress, than they are likely to be successful through maneuvers within the administrative system. We can truly expect the modus operandi of the Office of Legal Services, OEO, to become the modus operandi on this matter within the new Corporation. An amendment should say:

> Funds or personnel made available to, or made available by, the Corporation pursuant to this title or pursuant to any other provision of law or any other source of public or private funding, shall not be used in a manner involving the use of such funds, the provision of services or facilities, or the employment or assignment of such personnel in a manner supporting or resulting in the identification of the Corporation, of legal services programs assisted by the Corporation, or of their personnel, with—
>
> (1) Consideration in any form by any Federal or non-Federal legislative or executive body of any proposed convention, constitutional amendment, code, statute, executive order, initiative, ordinance, regulation, rule, or similar enactment or promulgation, or any amendment thereto, or any similar legislative or executive activity; or
>
> (2) Organization of others, or the encouragement of the organization of others, to directly or indirectly promote changes in public policy.

Such an amendment would preclude legislative advocacy for advocacy's sake.

I call upon Senators to examine these, and other, criticisms of the particulars of the legislation which will be coming before us soon. Only by making substantial changes in the reported bill will this legislation warrant affirmative action by this body.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION TOMORROW OF S. 722, RELATING TO CERTAIN FEDERALLY OWNED LAND

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the votes on the confirmations of nominations on the Executive Calendar, and at such time as the Senate returns to the consideration of legislative business, the Senate proceed to the consideration of S. 722, a bill to declare that certain federally owned land be held by the United States in trust for the Stockbridge-Munsee community.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there is a time limitation on that bill of 1 hour. There is a time limitation on any amendment, debatable motion, or appeal in relation thereto of 30 minutes. Action will be completed on that bill before the close of business tomorrow.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that when the hour of 2:30 p.m. arrives today, the conference report on the authorization for public buildings be considered as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. WILLIAMS) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1971.

During that year retirement and survivor benefits totaling $1.9 billion were paid to more than one million beneficiaries. Benefits for unemployment and sickness totaling $95 million were paid to over 300,000 claimants. Cumulative benefit payments under both programs since their inception reached the $25 billion mark during the year and at its end had risen to $25.6 billion.

Legislation enacted in August 1970 provided for the establishment of a Commission on Railroad Retirement to study this system and to make recommendations for legislative changes to assure the continuation of retirement and survivor benefits in adequate amounts on an actuarially sound basis. The Commission's recommendations are due to be submitted by the close of fiscal year 1972.

RICHARD NIXON.

THE WHITE HOUSE, *June 7, 1972.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 12674) to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12674) to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes, was read twice by its title and referred to the Committee on Veterans' Affairs.

NOMINATION OF RICHARD G. KLEINDIENST

The PRESIDING OFFICER. Under the previous order, the Senate, in executive session, will now resume debate on the confirmation of the nomination of Richard G. Kleindienst to be Attorney General of the United States.

The question is, Will the Senate advise and consent to the nomination of Richard G. Kleindienst to be Attorney General of the United States?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL PLANT PROTECTION CONVENTION, CONVENTION TO PREVENT AND PUNISH ACTS OF TERRORISM, TREATY WITH HONDURAS ON THE SWAN ISLANDS, CONVENTION ON TAKING OF EVIDENCE ABROAD, EXTRADITION TREATY WITH ARGENTINA, AND PARTIAL REVISION OF RADIO REGULATIONS (1959) RELATING TO SPACE TELECOMMUNICATIONS

Mr. MANSFIELD. Mr. President, after consultation with the Republican leadership, inasmuch as the Senate is in executive session, I ask unanimous consent that the pending nomination be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 20, Executive D, 84th Congress, second session, the International Plant Protection Convention; Calendar No. 21, Executive D, 92d Congress, first session, Convention To Prevent and Punish Acts of Terrorism; Calendar No. 22, Executive H, 92d Congress, second session, Treaty with Honduras on the Swan Islands;

Calendar No. 23, Executive A, 92d Congress, second session, Convention on the Taking of Evidence Abroad in Civil or Commercial Matters; Calendar No. 24, Executive F, 92d Congress, second session, Treaty of Extradition with Argentina; Calendar No. 25, Executive E, 92d Congress, second session, Partial Revision of Radio Regulations Relating to Space Telecommunications.

It is my understanding that all these treaties were reported unanimously by the Committee on Foreign Relations. I know of no opposition to any of them.

I ask unanimous consent that I be permitted to incorporate at appropriate points in the RECORD pertinent excerpts from the reports detailing what the treaties comprise, and that the treaties be considered as having passed through the various parliamentary stages, up to and including the presentation of the resolutions of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate as in Committee of the Whole, proceeded to consider Executive D, 84th Congress, second session; Executive D, 92d Congress, first session; Executive H, 92d Congress, second session; Executive A, 92d Congress, second session; Executive F, 92d Congress, second session; and Executive E, 92d Congress, second session, which were read the second time as follows:

EXECUTIVE D—84TH CONGRESS, SECOND SESSION

INTERNATIONAL PLANT PROTECTION CONVENTION

PREAMBLE

The contracting Governments, recognizing the usefulness of international co-operation in controlling pests and diseases of plants and plant products and in preventing their introduction and spread across national boundaries, and desiring to ensure close co-ordination of measures directed to these ends, have agreed as follows:

ARTICLE I—PURPOSE AND RESPONSIBILITY

1. With the purpose of securing common and effective action to prevent the introduction and spread of pests and diseases of plants and plant products and to promote measures for their control, the contracting Governments undertake to adopt the legislative, technical and administrative measures specified in this Convention and in supplementary agrements pursuant to Article III.

2. Each contracting Government shall assume responsibility for the fulfillment within its territories of all requirements under this Convention.

ARTICLE II—SCOPE

1. For the purposes of this Convention the term "plants" shall comprise living plants and parts thereof, including seeds in so far as the supervision of their importation under Article VI of the Convention or the issue of phytosanitary certificates in respect of them under Articles IV (1), (a), (iv) and V of this Convention may be deemed necessary by contracting Governments; and the term "plant products" shall comprise unmanufactured and milled material of plant origin, including seeds in so far as they are not included in the term "plants."

2. The provisions of this Convention may be deemed by contracting Governments to extend to storage places, containers, conveyances, packing material and accompanying media of all sorts including soil involved in the international transportation of all plants and plant products.

3. This Convention shall have particular reference to pests and diseases of importance to international trade.

ARTICLE III—SUPPLEMENTARY AGREEMENTS

1. Supplementary agreements applicable to specific regions, to specific pests or diseases, to specific plants and plant products, to specific methods of international transportation of plants and plant products, or otherwise supplementing the provisions of this Convention, may be proposed by the Food and Agriculture Organization of the United Nations (hereinafter referred to as "FAO" on the recommendation of a contracting Government or on its own initiative, to meet special problems of plant protection which need particular attention or action.

2. Any such supplementary agreements shall come into force for each contracting Government after acceptance in accordance with the provisions of the FAO Constitution and Rules of Procedure.

ARTICLE IV—NATIONAL ORGANIZATION FOR PLANT PROTECTION

1. Each contracting Government shall make provision, as soon as possible and to the best of its ability, for

(*a*) an official plant protection organization, with the following main functions:

(i) the inspection of growing plants, of areas under cultivation (including fields, plantations, nurseries, gardens and greenhouses), and of plants and plant products in storage and in transportation, particularly with the object of reporting the existence, outbreak and spread of plant diseases and pests and of controlling those pests and diseases;

(ii) the inspection of consignments of plants and plant products moving in international traffic, and, as far as practicable, the inspection of consignments of other articles or commodities moving in international traffic under conditions where they may act incidentally as carriers of pests and diseases of plants and plant products, and the inspection and supervision of storage and transportation facilities of all kinds involved in international traffic whether of plants and plant products or of other commodities, particularly with the object of preventing the dissemination across national boundaries of pests and diseases of plants and plant products;

(iii) the disinfestation or disinfection of consignments of plants and plant products moving in international traffic, and their containers, storage places, or transportation facilities of all kinds employed;

(iv) the issue of certificates relating to phytosanitary condition and origin of consignments of plants and plant products (hereinafter referred to as "phytosanitary certificates");

(*b*) the distribution of information within the country regarding the pests and diseases of plants and plant products and the means of their prevention and control;

(*c*) research and investigation in the field of plant protection.

2. Each contracting Government shall submit a description of the scope of its national organization for plant protection and of changes in such organization to the Director-General of FAO, who shall circulate such information to all contracting Governments.

ARTICLE V—PHYTOSANITARY CERTIFICATES

1. Each contracting Government shall make arrangements for the issue of phytosanitary certificates to accord with the plant protection regulations of other contracting Governments, and in conformity with the following provisions:

(*a*) Inspection shall be carried out and certificates issued only by or under the authority of technically qualified and duly authorized officers and in such circumstances and with such knowledge and information available to those officers that the authorities of importing countries may accept such certificates with confidence as dependable documents.

(*b*) Each certificate covering material intended for planting or propagation shall be as worded in the Annex to this Convention and shall include such additional declarations as may be required by the importing country. The model certificate may also be used for other plants or plant products where appropriate and not inconsistent with the requirements of the importing country.

(*c*) The certificates shall bear no alterations or erasures.

2. Each contracting Government undertakes not to require consignments of plants intended for planting or propagation imported into its territories to be accompanied by phytosanitary certificates inconsistent with the model set out in the Annex to this Convention.

ARTICLE VI—REQUIREMENTS IN RELATION TO IMPORTS

1. With the aim of preventing the introduction of diseases and pests of plants into their territories, contracting Governments shall have full authority to regulate the entry of plants and plant products, and to this end, may:

(*a*) prescribe restrictions or requirements concerning the importation of plants or plant products;

(*b*) prohibit the importation of particular plants or plant products, or of particular consignments of plants or plant products;

(*c*) inspect or detain particular consignments of plants or plant products;

(*d*) treat, destroy or refuse entry to particular consignments of plants or plant products, or require such consignments to be treated or destroyed.

2. In order to minimize interference with international trade, each contracting Government undertakes to carry out the provisions referred to in paragraph 1 of this Article in conformity with the following:

(*a*) Contracting Governments shall not, under their plant protection legislation, take any of the measures specified in paragraph 1 of this Article unless such measures are made necessary by phytosanitary considerations.

(*b*) If a contracting Government prescribes any restrictions or requirements concerning the importation of plants and plant products into its territories, it shall publish the restrictions or requirements and communicate them immediately to the plant protection services of other contracting Governments and to FAO.

(*c*) If a contracting Government prohibits, under the provisions of its plant protection legislation, the importation of any plants or plant products, it shall publish its decision with reasons and shall immediately inform the plant protection services of other contracting Governments and GAO.

(*d*) If a contracting Government requires consignments of particular plants or plant products to be imported only through specified points of entry, such points shall be so selected as not unnecessarily to impede international commerce. The contracting Government shall publish a list of such points of entry and communicate it to the plant protection services of other contracting Governments and to FAO. Such restrictions on points of entry shall not be made unless the plants or plant products concerned are required to be accompanied by phytosanitary certificates or to be submitted to inspection or treatment.

(*e*) Any inspection by the plant protection service of a contracting Government of consignments of plants offered for importation shall take place as promptly as possible with due regard to the perishability of the plants concerned. If any consignment is found not to conform to the requirements of the plant protection legislation of the importing country, the plant protection service of the exporting country shall be informed. If the consignment is destroyed, in whole or in part, an official report shall be forwarded immediately to the plant protection service of the exporting country.

(*f*) Contracting Governments shall make provisions which, without endangering their own plant production, will reduce to a minimum the number of cases in which a phytosanitary certificate is required on the entry of plants or plant products not intended for planting, such as cereals, fruits, vegetables and cut flowers.

(*g*) Contracting Governments may make provision for the importation for purposes of scientific research of plants and plant products and of specimens of plant pests and disease-causing organisms under conditions affording ample precaution against the risk of spreading plant diseases and pests.

3. The measures specified in this Article shall not be applied to goods in transit throughout the territories of contracting Governments unless such measures are necessary for the protection of their own plants.

ARTICLE VII—INTERNATIONAL CO-OPERATION

The contracting Governments shall co-operate with one another to the fullest practicable extent in achieving the aims of this Convention, in particular as follows:

(*a*) Each contracting Government agrees to co-operate with FAO in the establishment of a world reporting service on plant diseases and pests, making full use of the facilities and services of existing organizations for this purpose, and, when this is established, to furnish to FAO periodically the following information:

(i) reports on the occurrence, outbreak and spread of economically important pests and diseases of plants and plant products which may be of immediate or potential danger;

(ii) information on means found to be effective in controlling the pests and diseases of plants and plant products.

(*b*) Each contracting Government shall, as far as is practicable, participate in any special campaigns for combating particular destructive pests or diseases which may seriously threaten crop production and need international action to meet the emergencies.

ARTICLE VIII—REGIONAL PLANT PROTECTION ORGANIZATION

1. The contracting Governments undertake to co-operate with one another in establishing regional plant protection organizations in appropriate areas.

2. The regional plant protection organizations shall function as the co-ordinating bodies in the areas covered and shall participate in various activities to achieve the objectives of this Convention.

ARTICLE IX—SETTLEMENT OF DISPUTES

1. If there is any dispute regarding the interpretation or application of this Convention, or if a contracting Government considers that any action by another contracting Government is in conflict with the obligations of the latter under Articles V and VI of this Convention, especially regarding the basis of prohibiting or restricting the imports of plants or plant products coming from its territories, the Government or Governments concerned may request the Director-General of FAO to appoint a committee to consider the question in dispute.

2. The Director-General of FAO shall thereupon, after consultation with the Governments concerned, appoint a committee of experts which shall include representatives of those Governments. This committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the Governments concerned. This committee shall submit a report to the Director-General of FAO who shall transmit it to the Governments concerned, and to other contracting Governments.

3. The contracting Governments agree that the recommendations of such a committee, while not binding in character, will become the basis for renewed consideration by the Governments concerned of the matter out of which the disagreement arose.

4. The Governments concerned shall share equally the expenses of the experts.

ARTICLE X—SUBSTITUTION OF PRIOR AGREEMENTS

This Convention shall terminate and replace, between contracting Governments, the International Convention respecting measures to be taken against the *Phylloxera vastatrix* of 3 November 1881, the additional Convention signed at Berne on 15 April 1889 and the International Convention for the Protection of Plants signed at Rome on 16 April 1929.

ARTICLE XI—TERRITORIAL APPLICATION

1. Any Government may at the time of ratification or adherence or at any time thereafter communicate to the Director-General of FAO a declaration that this Convention shall extend to all or any of the territories for the international relations of which it is responsible, and this Convention shall be applicable to all territories specified in the declaration as from the thirtieth day after the receipt of the declaration by the Director-General.

2. Any Government which has communicated to the Director-General of FAO a declaration in accordance with paragraph 1 of this Article may at any time communicate a further declaration modifying the scope of any former declaration or terminating the application of the provisions of the present Convention in respect of any territory. Such modification or termination shall take effect as from the thirtieth day after the receipt of the declaration by the Director-General.

3. The Director-General of FAO shall inform all signatory and adhering Governments of any declaration received under this Article.

ARTICLE XII—RATIFICATION AND ADHERENCE

1. This Convention shall be open for signature by all Governments until 1 May 1952 and shall be ratified at the earliest possible date. The instruments of ratification shall be deposited with the Director-General of FAO, who shall give notice of the date of deposit to each of the signatory Governments.

2. As soon as this Convention has come into force in accordance with Article XIV, it shall be open for adherence by non-signatory Governments. Adherence shall be effected by the deposit of an instrument of adherence with the Director-General of FAO, who shall notify all signatory and adhering Governments.

ARTICLE XIII—AMENDMENT

1. Any proposal by a contracting Government for the amendment of this Convention shall be communicated to the Director-General of FAO.

2. Any proposed amendment of this Convention received by the Director-General of FAO from a contracting Government shall be presented to a regular or special session of the Conference of FAO for approval and, if the amendment involves important technical changes or imposes additional obligations on the contracting Governments, it shall be considered by an advisory committee of specialists convened by FAO prior to the Conference.

3. Notice of any proposed amendment of this Convention shall be transmitted to the contracting Governments by the Director-General of FAO not later than the time when the agenda of the session of the Conference at which time the matter is to be considered is dispatched.

4. Any such proposed amendment of this Convention shall require the approval of the Conference of FAO and shall come into force as from the thirtieth day after acceptance by two-thirds of the contracting Governments. Amendments involving new obligations for contracting Governments, however, shall come into force in respect of each contracting Government only on acceptance by it and as from the thirtieth day after such acceptance.

5. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of FAO, who shall inform all contracting Governments of the receipt of acceptances and the entry into force of amendments.

ARTICLE XIV—ENTRY INTO FORCE

As soon as this Convention has been ratified by three signatory Governments it shall come into force between them. It shall come into force for each Government ratifying or adhering thereafter from the date of deposit of its instrument of ratification or adherence.

ARTICLE XV—DENUNCIATION

1. Any contracting Government may at any time give notice of denunciation of this Convention by notification addressed to the Director-General of FAO. The Director-General shall at once inform all signatory and adhering Governments.

2. Denunciation shall take effect one year from the date of receipt of the notification by the Director-General of FAO.

ANNEX: MODEL PHYTOSANITARY CERTIFICATE

PLANT PROTECTION SERVICE OF ______ No. ____

This is to certify that the plants, parts of plants or plant products described below or representative samples of them were throughly examined on (date) __________________ by (name) ________________ an authorized officer of the (service) __________ and were found to the best of his knowledge to be substantially free from injurious diseases and pests; and that the consignment is believed to conform with the current phytosanitary regulations of the importing country both as stated in the additional declaration hereon and otherwise.

Fumigation or disinfection treatment (if required by importing country):

Date ________________________________
Duration of exposure ________________
Treatment ___________________________
Chemical and concentration ___________
Additional declaration:
(Date) _________________________ 19____

(Signature)

____

(Rank)

____

(Stamp of the Service)

DESCRIPTION OF THE CONSIGNMENT

Name and address of exporter: ____________
Name and address of consignee: ___________
Number and description of packages: ______
Distinguishing marks: ____________________
Origin (if required by importing country): ________________________________
Means of conveyance: _____________________
Point of entry: __________________________
Quantity and name of produce: ____________
Botanical name (if required by importing country): ______________________________

DONE *at Rome, Italy, on the sixth day of December, one thousand nine hundred and fifty-one, in a single copy in the English, French and Spanish languages, each of which shall be of equal authenticity. This document shall be deposited in the archives of the Food and Agriculture Organization of the United Nations. Certified copies shall be transmitted by the Director-General of the Food and Agriculture Organization to each signatory and adhering Government.*

IN WITNESS WHEREOF *the undersigned, duly authorized to that effect, have signed this Convention on behalf of their respective Governments on the dates appearing opposite their signatures.*

For Austria:
R PHILIP 6th of December 1951

For the Kingdom of Belgium:
A VAN HOUTTE 6 décembre 1951
ad referendum

For Brazil:
JOSUE DE CASTRO 6 de décembre 1951
ad ref.

For Canada:
H. BARTON Dec. 6, 1951
ad ref.

For Ceylon:
G. C. S. Corea 7th December 1951

For Egypt: On account of the fact that the Royal Egyptian Government does not acknowledge and has not up till now acknowledged the existence of Israel, my signature to this Convention does not bind my Government by any means to Israel and has been allowed with all rights reserved in this connection.

Mohamed Ali El Kelany 6.12.51
ad ref.

For France:
Andre Mayer 6 décembre 1951
ad referendum

For India:
J. N. Khosla 30/4/52

For the United States of Indonesia:
Suryo-Di-Puro December 6, 1951

For Ireland:
Thomas Walsh 6th December 1951
ad ref.

For Israel:
D Moshe Ishay 6.21.51

For Japan:
R. Yamazoe 6.12.51
ad ref.

For Lebanon:

For the Grand Duchy of Luxembourg:
Bruck 16 1 52
ad ref.

For the Kingdom of the Netherlands:
S. L. Louwes 6.12.51
ad ref.

For New Zealand:
C. S. M. Hopkirk 6.12.51

For Pakistan:

For the Republic of the Philippines:
J S Camus 12/6/51
subject to confirmation

For Portugal:
Antonio Pereira de Sousa da Camara
6 Dec. 51

For Spain:
Carlos Rein 10 décembre 51

For Switzerland:
L Maire 6 dec. 1951

For Thailand:
Phra Chuang Kashetra Dec. 6, '51

For the Union of South Africa:
S. J. de Swardt 6th Dec. 1951

For the United Kingdom of Great Britain and Northern Ireland:
Carrington 6.12.51
ad ref.

For the United States of America:
P. V. Cardon 6:12 '51
ad ref.

For Viet-Nam:

For Yugoslavia:
Dalibor Soldatic 6 Dec. 51
ad ref.

For Cuba:
Carlos Martinez 6 de decembre de 1951
ad ref.

For Denmark:
A. P. Jacobsen 6 Dec. 1951
ad ref.

For El Salvador:
Rod B. Schonenberg 6 Dec. 1951
ad ref.

For Sweden:
Johan Beck-Friis 11 Dec. 1951

For Italy:
Amintore Fanfani 2 fevrier 1952
ad ref.

For Ecuador:
R. Jacome 12 marzo 1952
ad referendum

For Chile:
C. Campo R. 3 abril 1952

For Guatemala:
F. Cosenza G. 23 abril 1952
ad referendum

For Costa Rica:
Teodoro B Castro 28 abril 1952 ad referendum

For Colombia:
Edu Zuleta Angel *Ambassador of Columbia* 29 abril de 1952

For the Federal Republic of Germany:
Clemens Brentano *Ambassador of Germany* 30 avril 52 ad referendum

For the Government of the Commonwealth of Australia:
C. V. Kellway 30th April 1952

For Uruguay:
C Giambruno 30 de abril de 1952 ad referendum

I hereby certify that this text is a true copy of the International Plant Protection Convention as signed in Rome by the representatives of 37 governments between December 6, 1951 and 1 May 1952.

/s/ Norris E. Dodd
Director-General of the Food and Agriculture Organization of the United Nations.

Executive D—92nd Session

CONVENTION TO PREVENT AND PUNISH THE ACTS OF TERRORISM TAKING THE FORM OF CRIMES AGAINST PERSONS AND RELATED EXTORTION THAT ARE OF INTERNATIONAL SIGNIFICANCE

Whereas:

The defense of freedom and justice and respect for the fundamental rights of the individual that are recognized by the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights are primary duties of states;

The General Assembly of the Organization, in Resolution 4, of June 30, 1970, strongly condemned acts of terrorism, especially the kidnapping of persons and extortion in connection with that crime, which it declared to be serious common crimes;

Criminal acts against persons entitled to special protection under international law are occurring frequently, and those acts are of international significance because of the consequences that may flow from them for relations among states;

It is advisable to adopt general standards that will progressively develop international law as regards cooperation in the prevention and punishment of such acts; and

In the application of those standards the institution of asylum should be maintained and, likewise the principle of nonintervention should not be impaired.

The Member states of the Organization of American States have agreed upon the following articles:

Article 1

The contracting states undertake to cooperate among themselves by taking all the measures that they may consider effective, under their own laws, and especially those established in this convention, to prevent and punish acts of terrorism, especially kidnapping, murder, and other assaults against the life or physical integrity of those persons to whom the state has the duty according to international law to give special protection, as well as extortion in connection with those crimes.

Article 2

For the purposes of this convention, kidnapping, murder, and other assaults against the life or personal integrity of those persons to whom the state has the duty to give special protection according to international law, as well as extortion in connection with those crimes, shall be considered common crimes of international significance, regardless of motive.

Article 3

Persons who have been charged or convicted for any of the crimes referred to in Article 2 of this convention shall be subject to extradition under the provisions of the extradition treaties in force between the parties or, in the case of states that do not make extradition dependent on the existence of a treaty, in accordance with their own laws.

In any case, it is the exclusive responsibility of the state under whose jurisdiction or protection such persons are located to determine the nature of the acts and decide whether the standards of this convention are applicable.

Article 4

Any person deprived of his freedom through the application of this convention shall enjoy the legal guarantees of due process.

Article 5

When extradition requested for one of the crimes specified in Article 2 is not in order because the person sought is a national of the requested state, or because of some other legal or constitutional impediment, that state is obliged to submit the case to its competent authorities for prosecution, as if the act had been committed in its territory. The decision of these authorities shall be communicated to the state that requested extradition. In such proceedings, the obligation established in Article 4 shall be respected.

Article 6

None of the provisions of this convention shall be interpreted so as to impair the right of asylum.

Article 7

The contracting states undertake to include the crimes referred to in Article 2 of this convention among the punishable acts giving rise to extradition in any treaty on the subject to which they agree among themselves in the future. The contracting states that do not subject extradition to the existence of a treaty with the requesting state shall consider the crimes referred to in Article 2 of this convention as crimes giving rise to extradition, according to the conditions established by the laws of the requested state.

Article 8

To cooperate in preventing and punishing the crimes contemplated in Article 2 of this convention, the contracting states accept the following obligations:

a. To take all measures within their power, and in conformity with their own laws, to prevent and impede the preparation in their respective territories of the crimes mentioned in Article 2 that are to be carried out in the territory of another contracting state.

b. To exchange information and consider effective administrative measures for the purpose of protecting the persons to whom Article 2 of this convention refers.

c. To guarantee to every person deprived of his freedom through the application of this convention every right to defend himself.

d. To endeavor to have the criminal acts contemplated in this convention included in their penal laws, if not already so included.

e. To comply most expeditiously with the requests for extradition concerning the criminal acts contemplated in this convention.

Article 9

This convention shall remain open for signature by the member states of the Organization of American States, as well as by any other state that is a member of the United Nations or any of its specialized agencies, or any state that is a party to the Statute of the International Court of Justice, or any other state that may be invited by the General Assembly of the Organization of American States to sign it.

Article 10

This convention shall be ratified by the signatory states in accordance with their respective constitutional procedures.

Article 11

The original instrument of this convention the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited in the General Secretariat of the Organization of American States, which shall send certified copies to the signatory governments for purposes of ratification. The instruments of ratification shall be deposited in the General Secretariat of the Organization of American States, which shall notify the signatory governments of such deposit.

Article 12

This convention shall enter into force among the states that ratify it when they deposit their respective instruments of ratification.

Article 13

This convention shall remain in force indefinitely, but any of the contracting states may denounce it. The denunciation shall be transmitted to the General Secretariat of the Organization of American States, which shall notify the other contracting states thereof. One year following the denunciation, the convention shall cease to be in force for the denouncing state, but shall continue to be in force for the other contracting states.

Statement of Panama

The Delegation of Panama states for the record that nothing in this convention shall be interpreted to the effect that the right of asylum implies the right to request asylum from the United States authorities in the Panama Canal Zone, or that there is recognition of the right of the United States to grant asylum or political refuge in that part of the territory of the Republic of Panama that constitutes the Canal Zone.

In witness whereof, the undersigned plenipotentiaries, having presented their full powers, which have been found to be in due and proper form, sign this convention on behalf of their respective governments, at the city of Washington this second day of February of the year one thousand nine hundred seventy-one.

For Nicaragua:
Guillermo Sevilla Sac
For Trinidad and Tobago:
Ellis Clarke
For Peru:

For Honduras:
Roberto Perdomo Paredes
For Guatemala:

For Uruguay:
Joaquin Costanzo
For Bolivia:

For Ecuador:

For Chile:

For Barbados:

For Mexico:
Emilio O. Rabasa
For the United States of America:
John N. Irwin II
Charles A. Meyer
Joseph John Jova
Mark B. Feldman
For Panama:
Nander Pitty Velasquez
For Costa Rica:
Gongalo J. Facio
Rafael Alberto Zuniga
Humberto Pacheco
Rodrigo Oreamuno
Rogelio Navas
For Brazil:

For Haiti:

For Paraguay:

For the Dominican Republic:
Jaime Manuel Fernandez
Enriquillo A. del Rosario C.
Marco A. de Pena
For Venezuela:
Aristdes Calvani
Gonzalo Garcia Bustillos
Martin Marquez Anez
Esteban Agudo Freites
Alejandro Tinoco
Oswaldo Gamboa
For El Salvador:
Julio A. Rivera
Juan Scaffini H.
For Colombia:
Alfredo Vazquez Carrizosa
Carlos Holguin
Alberto Venegas Tamayo
Jose Camacho Lorenzana
For the Argentine Republic:

For Jamaica:
Egerton Richardson

Executive H

TREATY ON THE SWAN ISLANDS

The Government of the United States of America and the Government of Honduras,

Acknowledging that both Governments have heretofore claimed sovereignty over the Swan Islands,

Recognizing that the Government of the United States of America has for many years maintained a radio air navigational, meteorological observation, and telecommunications facility there, and

Desiring to reach an amicable settlement with respect to their conflicting claims to the Swan Islands and regarding the continuance in operation of the radio air navigational and meteorological facility thereon,

Have agreed as follows:

Article I

The Government of the United States of America recognizes the sovereignty of Honduras over the Swan Islands.

Article II

The Government of the United States of America and the Government of Honduras, recognizing the benefit derived by both countries from the maintenance of a meteorological observation and telecommunications facility in the Swan Islands, declare their intention to establish a cooperative program between them for the continuation of that facility, according to terms to be agreed upon between them.

Article III

The Government of Honduras assumes responsibility for operation and maintenance of the radio air navigational facility in the Swan Islands as long as it is included in the International Civil Aviation Organization Caribbean Regional Air Navigation Plan.

Article IV

The Government of the United States of America transfers to the Government of Honduras as of the date of this Treaty enters into force all land, buildings, equipment, and other real and personal property in the Swan Islands to which it holds title, except as agreed pursuant to Article II of this Treaty.

Article V

(1) This Treaty shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

(2) This Treaty shall enter into force on the date of the exchange of the instruments of ratification.

In witness whereof, the undersigned, duly authorized, sign this Treaty in the city of San Pedro Sula, in duplicate, in the English and Spanish languages, both texts being equally authentic, this twenty-second day of November, nineteen hundred and seventy-one.

For the Government of the United States of America:

Hewson A. Ryan (Ambassador of the United States of America to Honduras)

Robert H. Finch (Counsellor to the President of the United States of America)

For the Government of the Republic of Honduras:

Andres Alvarado Puerto (Minister of Foreign Affairs)

Ramon Ernesto Cruz (President of the Republic of Honduras)

(Exchange of notes concerning a cooperative program for a meteorological and telecommunications facility)

Tegucigalpa, D.C., *November 22, 1971.*
No. 185.

His Excellency Andrés Alvardo Puerto,
Minister of Foreign Relations
Tegucigalpa, D.C.

Excellency: I have the honor to refer to the Treaty on the Swan Islands, signed today, on behalf of the Government of the United States of America and the Government of Honduras, and subject to ratification, Article II of the Treaty declares the intention of the Governments to establish a cooperative program for the operation and maintenance of the meteorological observation and telecommunications facility on the Swan Islands, according to terms to be agreed upon between the two Governments. Under Article IV of the Treaty, the Government of the United States of America transfers to the Government of Honduras on the date the Treaty enters into force, all land to which it holds title as well as buildings, equipment, and other real and personal property on the Swan Islands, except as agreed pursuant to Article II of the Treaty.

In accordance with the provisions of Articles II and IV of the Treaty, I have the honor to propose a cooperative program between our two Governments on the following terms:

1. *Names of Program.* The cooperative program to which this agreement refers shall be known as the "Swan Islands Cooperative Meteorological Program."

2. *Purposes.* The purpose of the Cooperative Meteorological Program shall be, through cooperation between the Governments of Honduras and the United States, to facilitate the operation and maintenance of a meteorological observation and telecommunications facility in the Swan Islands; to make surface meteorological and rawinsonde observations; and to disseminate internationally reports of these observations.

3. *Specific Undertakings of the Government of the United States.* As its contribution to the Cooperative Meteorological Program, the Government of the United States:

(a) Shall operate and maintain the facility described in paragraph 2 above, and shall provide and maintain all buildings and services, such as water, light, etc., and furnish all materials, equipment, supplies, goods, and personnel required for the operation and maintenance of the facility, except as provided in paragraph 4(b) below; and

(b) Shall ensure that reports of all entries of personnel in accordance with the provisions of paragraph 4(d) below, and the entries of aircraft and vessels in accordance with the provisions of paragraph 4(e) below, and the entries of materials, supplies, equipment and effects in accordance with the provisions of paragraph 4(f)(i) and 4(k)(i) below, are furnished expeditiously to the Government of Honduras.

4. *Specific Undertakings of the Government of Honduras.* As its contribution to the Cooperative Meteorological Program, the Government of Honduras:

(a) Shall make available, with right of access, without charge to the Government of the United States and for the duration of the Cooperative Meteorological Program, for its use as sites for the facility described in paragraph 2 of this document, the two areas of land on Great Swan Island described in Annex A. Officials, employees, and agents of the Government of Honduras shall be entitled to access to these areas whenever necessary for the operation and maintenance of any facility or equipment for which the Government of Honduras has assumed responsibility. Also without charge to the Government of the United States and for the duration of the Cooperative Meteorological Program, officials, employees, and agents of the Government of the United States shall be allowed access to any other areas where there are service and distribution lines furnishing oil, water, or electric power for any facility or equipment for which the Government of the United States is responsible, when such access is necessary for the operation or maintenance of the lines, facilities, or equipment.

(b) Shall assume responsibility for the continued maintenance and further development of the dock and landing strip on Great Swan Island, including the maintenance of the equipment connected therewith, as may be necessary to carry out the Cooperative Meteorological Program, subject to the right of access, without cost to the Government of the United States for the duration of the Cooperative Meteorological Program, which the officials, employees, and agents of the Government of the United States shall have to the aforesaid dock and landing strip.

(c) Shall take all necessary steps to facilitate:

(i) The activities of the Government of the United States and its officials, employees, and agents in connection with the Cooperative Meteorological Programs;

(ii) The provision of such services and facilities in Honduras as may be required to carry out those activities; and

(iii) The importation into Honduras of all materials, equipment, supplies, and goods furnished by the Government of the United States for use in the Cooperative Meteorological Program.

(d) Shall exempt the officials, employees, and agents of the Government of the United States who are required to visit or serve on Great Swan Island in connection with the Cooperative Meteorological Program from visa requirements, immigration inspection, and any registration or control as aliens, until the provisions of paragraph 4(m) shall have been implemented. Thereafter, without charge and through the appropriate Honduran official or officials resident on Great Swan Island, they shall comply with Honduran visa requirements and procedures relating to immigration inspection and alien registration and control.

(e) Shall permit aircraft and vessels engaged in the Cooperative Meteorological Program to go to Great Swan Island, without prior authorization but subject to prior notification to the pertinent authorities.

(f) Shall permit the entry into Honduras, free of customs and import duties, taxes, or other similar charges, of all materials, equipment, supplies, and goods furnished by the Government of the United States for use in the Cooperative Meteorological Program, and shall permit the entry into Honduras of such materials, equipment, supplies, and goods directly at Great Swan Island. Until the provisions of paragraph 4(m) below shall have been implemented,

(i) Such entries shall be reported to the Ministry of Finance, pursuant to paragraph 3(b) above; and

(ii) No item thus brought in shall be transported to any other part of the territory of Honduras without the prior authorization of the Ministry of Finance.

After paragraph 4(m) has been implemented, provisions (i) and (ii) above shall no longer be in force.

(g) Shall collect no license fees, taxes, or other similar charges in respect of the use in Honduras, in connection with the Cooperative Meteorological Program, of any items imported under the provisions of paragraph 4(f) above.

(h) Shall levy no fees, taxes, or other similar charges with respect to the use or ownership of the real property described in paragraph 4(a) above and paragraph 5 below.

(i) Shall require no person ordinarily resident in the United States to pay in Honduras any tax for a license in respect of any service or work done for the Government of the United States in connection with the Cooperative Meteorological Program or under any contract made with the Government of the United States in connection with the Cooperative Meteorological Program.

(j) Shall exempt any official or employee of the Government of the United States temporarily in Honduras in connection with the Cooperative Meteorological Program from payment of any taxes or other charges which would otherwise be imposed upon him by virtue of his temporary residence in Honduras.

(k) Shall exempt any official or employee of the Government of the United States serving or employed in Honduras in connection with the Cooperative Meterological Program, who is not a national of Honduras and who is residing in the country only by reason of such service or employment, from the payment of customs and import duties, taxes, or other similar charges on personal effects, household furnishings, equipment, and supplies, including one personal motor vehicle, which was imported into Honduras and which enter directly at Great Swan Island, for his own use or the use of his immediate family (spouse, parents, and children). Until provisions of paragraph 4(m) below shall have taken effect,

(i) Such entries shall be reported to the Ministry of Finance, pursuant to paragraph 3(b) above; and

(ii) No item thus brought in shall be transported to any other part of the territory of Honduras without the prior authorization of the Ministry of Finance.

After paragraph 4(m) has taken effect, provisions (i) and (ii) above shall no longer be in force.

(l) Shall exempt any such official or employee, and the spouse, parents, and children of such official or employee, from the payment of all taxes that otherwise would be imposed on them solely by virtue of their residence in Honduras, including (1) income tax (except from income derived from sources in Honduras); (2) social security taxes; (3) any poll or personal tax; and (4) any tax on the ownership or use of property situated on Great Swan Island or outside Honduras.

(m) Shall provide on Great Swan Island, as soon as feasible, sufficient Honduran personnel who will reside on the island and who shall be authorized to issue on Great Swan Island all permits or authorizations required for the entry of person, aircraft, vessels, materials, equipment, supplies, and household effects under the provisions of paragraph 4(d), 4(e), 4(f), 4(g), and 4(k) above, to issue visas, and to implement on Great Swan Island Honduran procedures with respect to alien registration and control.

5. *Title to Property.*

(a) Title to the property on Great Swan Island described in Annex B shall be retained by the Government of the United States.

(b) Title to improvements to real property hereinafter furnished, acquired, or constructed by, or with funds provided by, the Government of the United States in connection with the Cooperative Meteorological Program shall be vested and remain vested in the Government of the United States.

(c) Title to any item of equipment or other personal property hereafter supplied by, or purchased with funds provided by, the Government of the United States in connection with the Cooperative Meteorological Program shall be vested and remain vested in the Government of the United States.

(d) In the event of termination of the Cooperative Meteorological Program, the Government of the United States shall have the option of removing from Great Swan Island any personal property to which it has title. Title to any property which is not removed shall be transferred to the Government of Honduras.

6. *Liability.* The Government of the United States shall be responsible for claims for damage to property or injury to persons only with respect to activities connected with the Cooperative Meteorological Program directly engaged in or performed by that Government or its employees.

No liability shall attach to the Government of the United States based solely on the fact that it holds title to real or personal property used in connection with the program.

7. *Protection of Radio Frequencies*

(a) During the life of the Cooperative Meteorological Program:

(i) The following radio frequencies shall be protected in order to ensure their use free of interference for the operation and maintenance of the facility described in paragraph 2 above: 2738 kHz, 2774.5 kHz, 3223 kHz, 3329 kHz, 3361.5 kHz, 5923.5 kHz, 5945 kHz, 6855 kHz, 6976 kHz, 8150 kHz, 9840 kHz, 9946 kHz, 12175 kHz, and 14790.5 kHz, and emergency frequencies 121.5 mHz and 242 mHz.

(ii) The radio frequencies in the 401–406 MHZ and 1660–1700 MHZ bands shall be protected to ensure their use free of interference for rawinsonde observations, in accordance with the provisions of the Radio Regulations annexed to the International Telecommunication Convention.

(iii) A radio call sign which has been assigned by the appropriate Honduran agency shall be used in its telecommunications operations by the meteorological observation and telecommunications facility on Great Swan Island.

(b) The appropriate agencies of the Governments of Honduras and the United States shall initiate consultations as soon as practicable making available at the headquarters of the National Meteorological Service of Honduras the reports of the meterological observations made at the Great Swan Island facility.

8. *Appropriation of Funds.* To the extent that the carrying out of any provision of this agreement will depend on funds appropriated by the Congress of the United States of America, it shall be subject to the availability of such funds.

9. *Review of the Program.* Five years after the entry into force of this agreement, or at an earlier date if mutually agreed upon, the Government of Honduras and the Government of the United States shall review its operation and consider its revision to provide for an adjustment and appropriate reapportionment of responsibilities under the program or for assumption by the Government of Honduras of complete responsibility for the operation and maintenance of the facility described in paragraph 2 above.

10. *Term.* This agreement shall enter into force on the date of the exchange of the instruments of ratification of the Treaty mentioned above and shall continue in force until terminated by mutual agreement or sixty days after either Government has given notice in writing to the other Government of its intention to terminate it.

If the foregoing provisions are acceptable to the Government of Honduras, I have the honor to propose that your Excellency's reply to that effect and my note shall constitute an agreement between our two Governments, which shall enter into force as provided above.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

HEWSON A. RYAN.

ANNEX A

Annex A gives the description of the two sites to be made available by Honduras to the United States for the duration of the Cooperative Meteorological Program.

ANNEX B

Annex B gives the description of the property to which the United States retains title.

(Translation)

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS,
Tegucigalpa, D.C., November 22, 1971.

His Excellency HEWSON A. RYAN,
Ambassador of the United States of America, United States Embassy.

EXCELLENCY: I have the honor to acknowledge receipt of Your Excellency's note of this date, which refers to the Treaty on the Swan Islands, concluded also on this date, subject to ratification, between the Governments of Honduras and the United States of America.

Article II of the Treaty states the intention of the two Governments to establish a cooperative program for the operation and maintenance of the meteorological observation and telecommunications facility on the Swan Islands, according to terms to be agreed upon between the two Governments.

Under Article IV of the Treaty, the Government of the United States of America transfers to the Government of Honduras, on the date the Treaty enters into force, all land to which it holds title, as well as buildings, equipment, and other real and personal property on the Swan Islands, except as agreed pursuant to Article II of the Treaty.

In the same note your Excellency proposes a cooperative program between our two Governments on the following terms:

[For text see preceding U.S. Embassy note No. 185.]

Since the foregoing provisions are acceptable to the Government of Honduras, Your Excellency's note and this note in reply shall constitute an agreement, which shall enter into force as provided.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

ANDRÉS ALVARADO PUERTO,
Minister of Foreign Affairs of Honduras.

(Exchange of Notes Concerning Electric Power)

TEGUCIGALPA, D.C., *November 22, 1971.*
No. 191.

His Excellency ANDRÉS ALVARADO PUERTO,
Minister of Foreign Relations,
Tegucigalpa, D.C.

EXCELLENCY: I have the honor to refer to the Treaty on the Swan Islands, signed today, subject to ratification, on behalf of the Government of the United States of America and the Government of Honduras.

Article II of the Treaty declares the intention of the two Governments to establish a cooperative program for the continuation of the meteorological observation and telecommunications facility on the Swan Islands according to terms to be agreed upon between the two Governments.

These terms were agreed in an exchange of notes today between Your Excellency and me and provide, *inter alia,* for the Government of the United States to retain title to the electric generators which furnish electric power for the facility and for the Government of Honduras to assume responsibility for the maintenance and further development of the dock and landing strip.

Furthermore, Article III of the Treaty provides for the Government of Honduras to assume responsibility for the operation and maintenance of the radio air navigational facility on the Swan Islands. The electric generators referred to presently supply also the electrical power needed for the operation of the radio air navigational facility and for the lighting systems associated with the dock and the landing strip.

In view of the above, I have the honor to propose that, in order to facilitate the operations for which the Government of Honduras will be responsible, the Government of the United States, while it continues to operate the electric generators on Great Swan Island, shall make electric power available to the radio air navigational facility and the lighting systems associated with the dock and the landing strip, without cost to the Government of Honduras, provided that

(a) current levels of consumption at each of the three installations shall not be exceeded without prior agreement between the appropriate representatives of the two Governments;

(b) the Government of Honduras shall assume responsibility for the maintenance of the electric service lines between each of the three installations and the nearest power distribution point to the installation in question.

If the foregoing is acceptable to the Government of Honduras, I have the honor to propose that Your Excellency's reply to that effect and my note shall constitute a further agreement between our two Governments, which shall be supplementary to the agreement on the meteorological facility and which shall enter into force on the day of exchange of the instruments of ratification of the Treaty mentioned above and shall continue in force until terminated by mutual agreement or for sixty days after either Government has given notice in writing to the other Government of its intention to terminate this further agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

HEWSON A. RYAN.

(Translation)

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS,
Tegucigalpa, D.C., November 22, 1971.

His Excellency HEWSON A. RYAN,
Ambassador of the United States of America.

EXCELLENCY: I have the honor to acknowledge receipt of your note of this date, which refers to the Treaty, on the Swan Islands, concluded today, subject to ratification, between the Governments of Honduras and the United States of America.

Your Excellency states:

[For text see preceding US Embassy note No. 191.]

Since the foregoing terms are acceptable to the Government of Honduras, Your Excellency's note and this reply shall constitute an agreement, which shall enter into force on the date of exchange of the instruments of ratification of the aforesaid Treaty and shall continue in force until terminated by mutual agreement or for sixty days after either Government has given notice in writing to the other Government of its intention to terminate this further agreement.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

ANDRÉS ALVARADO PUERTO,
Minister of Foreign Affairs for Honduras.

(Exchange of Notes Concerning Rights of Third Country Nationals)

EMBASSY OF THE
UNITED STATES OF AMERICA,
Tegucigalpa, D.C., November 10, 1971.

AIDE-MEMOIRE

Reference is made to the current negotiations between the United States of America and the Republic of Honduras with respect to the Swan Islands.

As the Government of Honduras is aware, there are a small number of third country nationals with long residence and personal property in the Swan Islands, including a number of Caymanese (British) nationals. It is the understanding of the Government of the United States that after its recognition of Honduran sovereignty over the Swan Islands under the Treaty which the two Governments have recently negotiated, the Government of Honduras will protect the residential and personal property rights of such persons.

It would be appreciated if the Government of Honduras would confirm this understanding.

(Translation)

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS,
Tegucigalpa, D.C., November 18, 1971.

AIDE-MEMOIRE

With reference to the Embassy's aide-memoire of November 10, 1971, concerning the small number of third country nationals with long residence and personal property in the Swan Islands, including a number of Caymanese (British) nationals, the Government of Honduras takes pleasure in stating that it is willing to protect their residential and property rights, in conformity with the Constitution of the Republic and other national laws.

——— ———,
Ministry of Foreign Affairs of Honduras.

(Exchange of Notes Concerning the Juridical Position of the United States With Respect to the Territorial Sea and Jurisdiction Over Fisheries)

TEGUCIGALPA, *November, 22, 1971.*
No. 190.

His Excellency ANDRÉS ALVARADO PUERTO,
Minister of Foreign Relations,
Tegucigalpa, D.C.

EXCELLENCY: I have the honor to refer to the Treaty on the Swan Islands signed today by the United States of America and the Republic of Honduras.

Nothing in said Treaty on the Swan Islands shall prejudice the juridical position of the United States Government with respect to the breadth of the territorial sea under international law as well as jurisdiction over fisheries and the continental shelf.

Accept, Excellency, the renewed assurances of my highest consideration.

HEWSON A. RYAN.

(Translation)

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS,
Tegucigalpa, D.C., November 22, 1971.

His Excellency HEWSON A. RYAN,
Ambassador of the United States of America.

MR. AMBASSADOR: I have the honor to acknowledge receipt of Your Excellency's note of this date, referring to the Treaty on the Swan Island, signed today.

I state to Your Excellency that: "Nothing in the said Treaty on the Swan Islands shall prejudice the juridical position of the United States Government with respect to the breadth of the territorial sea under international law as well as jurisdiction over fisheries and the continental shelf."

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

ANDRÉS ALVARADO PUERTO,
Minister of Foreign Affairs of Honduras.

EXECUTIVE A

CONVENTION ON THE TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS

The States signatory to the present Convention,

Desiring to facilitate the transmission and execution of Letters of Request and to further the acccommodation of the different methods which they use for this purpose,

Desiring to improve mutual judicial co-operation in civil or commercial matters,

Have resolved to conclude a Convention to this effect and have agreed upon the following provisions—

CHAPTER I. LETTERS OF REQUEST

ARTICLE 1

In civil or commercial matters a judicial authority of a Contracting State may, in accordance with the provisions of the law of that State, request the competent authority of another Contracting State, by means of a Letter of Request, to obtain evidence, or to perform some other judicial act.

A Letter shall not be used to obtain evidence which is not intended for use in judicial proceedings, commenced or contemplated.

The expression 'other judicial act' does not cover the service of judicial documents or the issuance of any process by which judgments or orders are executed or enforced, or orders for provisional or protective measures.

ARTICLE 2

A Contracting State shall designate a Central Authority which will undertake to receive Letters of Request coming from a judicial authority of another Contracting State and to transmit them to the authority competent to execute them. Each State shall organize the Central Authority in accordance with its own law.

Letters shall be sent to the Central Authority of the State of execution without being transmitted through any other authority of that State.

ARTICLE 3

A letter of Request shall specify—

(a) the authority requesting its execution and the authority requested to execute it, if known to the requesting authority;

(b) the names and addresses of the parties to the proceedings and their representatives, if any;

(c) the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto;

(d) the evidence to be obtained or other judicial act to be performed.

Where appropriate, the Letter shall specify, inter alia—

(e) the names and addresses of the persons to be examined;

(f) the questions to be put to the persons to be examined or a statement of the subject-matter about which they are to be examined;

(g) the documents or other property, real or personal, to be inspected;

(h) any requirement that the evidence is to be given on oath or affirmation, and any special form to be used;

(i) any special method or procedure to be followed under Article 9.

A Letter may also mention any information necessary for the application of Article 11.

No legalization or other like formality may be required.

ARTICLE 4

A Letter of Request shall be in the language of the authority requested to execute it or be accompanied by a translation into that language.

Nevertheless, a Contracting State shall accept a Letter in either English or French, or a translation into one of these languages, unless it has made the reservation authorized by Article 33.

A Contracting State which has more than one official language and cannot, for reasons of internal law, accept Letters in one of these languages for the whole of its territory, shall, by declaration, specify the language in which the Letter or translation thereof shall be expressed for execution in the specified parts of its territory. In case of failure to comply with this declaration, without justifiable excuse, the costs of translation into the required language shall be borne by the State of origin.

A Contracting State may, by declaration, specify the language or languages other than those referred to in the preceding paragraphs in which a Letter may be sent to its Central Authority.

Any translation accompanying a Letter shall be certified as correct, either by a diplomatic officer or consular agent or by a sworn translator or by any other person so authorized in either State.

ARTICLE 5

If the Central Authority considers that the request does not comply with the provisions of the present Convention, it shall promptly inform the authority of the State of origin which transmitted the Letter of Request, specifying the objections to the Letter.

ARTICLE 6

If the authority to whom a Letter of Request has been transmitted is not competent to execute it, the Letter shall be sent forthwith to the authority in the same State which is competent to execute it in accordance with the provision of its own law.

ARTICLE 7

The requesting authority shall, if it so desires, be informed of the time when, and the place where, the proceedings will take place, in order that the parties concerned, and their representatives, if any, may be present. This information shall be sent directly to the parties or their representatives when the authority of the State of origin so requests.

ARTICLE 8

A Contracting State may declare that members of the judicial personnel of the requesting authority of another Contracting State may be present at the execution of a Letter of Request. Prior authorization by the competent authority designated by the declaring State may be required.

ARTICLE 9

The judicial authority which executes a Letter of Request shall apply its own law as to the methods and procedures to be followed.

However, it will follow a request of the requesting authority that a special method or procedure be followed, unless this is incompatible with the internal law of the State of execution or is impossible of performance by reason of its internal practice and procedure or by reason of practical difficulties.

A Letter of Request shall be executed expeditiously.

ARTICLE 10

In executing a Letter of Request the requested authority shall apply the appropriate measures of compulsion in the instances and to the same extent as are provided by its internal law for the execution of orders issued by the authorities of its own country or of requests made by parties in internal proceedings.

ARTICLE 11

In the execution of a Letter of Request the person concerned may refuse to give evidence in so far as he has a privilege or duty to refuse to give the evidence—

(a) under the law of the State of execution; or

(b) under the law of the State of origin, and the privilege or duty has been specified in the Letter, or, at the instance of the requested authority, has been otherwise confirmed to that authority by the requesting authority.

A Contracting State may declare that, in addition, it will respect privileges and duties existing under the law of States other than the State of origin and the State of execution, to the extent specified in that declaration.

ARTICLE 12

The execution of a Letter of Request may be refused only to the extent that—

(a) in the State of execution the execution of the Letter does not fall within the functions of the judiciary; or

(b) the State addressed considers that its sovereignty or security would be prejudiced thereby.

Execution may not be refused solely on the ground that under its internal law the State of execution claims exclusive jurisdiction over the subject-matter of the action or that its internal law would not admit a right of action on it.

ARTICLE 13

The documents establishing the execution of the Letter of Request shall be sent by the requested authority to the requesting authority by the same channel which was used by the latter.

In every instance where the Letter is not executed in whole or in part, the requesting authority shall be informed immediately through the same channel and advised of the reasons.

ARTICLE 14

The execution of the Letter of Request shall not give rise to any reimbursement of taxes or costs of any nature.

Nevertheless, the State of execution has the right to require the State of origin to reimburse the fees paid to experts and interpreters and the costs occasioned by the use of a special procedure requested by the State of origin under Article 9, paragraph 2.

The requested authority whose law obliges the parties themselves to secure evidence, and which is not able itself to execute the Letter may, after having obtained the consent of the requesting authority, appoint a suitable person to do so. When seeking this consent the requested authority shall indicate the approximate costs which would result from this procedure. If the requesting authority gives its consent it shall reimburse any costs incurred; without such consent the requesting authority shall not be liable for the costs.

CHAPTER II. TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS

ARTICLE 15

In a civil or commercial matter, a diplomatic officer or consular agent of a Contracting State may, in the territory of another Contracting State and within the area where he exercises his functions, take the evidence without compulsion of nationals of a State which he represents in aid of proceedings commenced in the courts of a State which he represents.

A Contracting State may declare that evidence may be taken by a diplomatic officer or consular agent only if permission to that effect is given upon application made by him or on his behalf to the appropriate authority designated by the declaring State.

ARTICLE 16

A diplomatic officer or consular agent of a Contracting State may, in the territory of another Contracting State and within the area where he exercises his functions, also take the evidence, without compulsion, of nationals of the State in which he exercises his functions or of a third State, in aid of proceedings commenced in the courts of a State which he represents, if—

(a) a competent authority designated by the State in which he exercises his functions has given its permission either generally or in the particular case, and

(b) he complies with the conditions which the competent authority has specified in the permission.

A Contracting State may declare that evidence may be taken under this Article without its prior permission.

ARTICLE 17

In a civil or commercial matter, a person duly appointed as a commissioner for the purpose may, without compulsion, take evidence in the territory of a Contracting State in aid of proceedings commenced in the courts of another Contracting State if—

(a) a competent authority designated by the State where the evidence is to be taken has given its permission either generally or in the particular case; and

(b) he complies with the conditions which the competent authority has specified in the permission.

A contracting State may declare that evidence may be taken under this Article without its prior permission.

ARTICLE 18

A Contracting State may declare that a diplomatic officer, consular agent or commissioner authorized to take evidence under Articles 15, 16 or 17, may apply to the competent authority designated by the declaring State for appropriate assistance to obtain the evidence by compulsion. The declaration may contain such conditions as the declaring State may see fit to impose.

If the authority grants the application it shall apply any measures of compulsion which are appropriate and are prescribed by its law for use in internal proceedings.

ARTICLE 19

The competent authority, in giving the permission referred to in Article 15, 16 or 17, or in granting the application referred to in Article 18, may lay down such conditions as it deems fit, *inter alia*, as to the time and place of the taking of the evidence. Similarly it may require that it be given reasonable advance notice of the time, date and place of the taking of the evidence; in such a case a representative of the authority shall be entitled to be present at the taking of the evidence.

ARTICLE 20

In the taking of evidence under any Article of this Chapter persons concerned may be legally represented.

ARTICLE 21

Where a diplomatic officer, consular agent or commissioner is authorized under Articles 15, 16 or 17 to take evidence—

(a) he may take all kinds of evidence which are not incompatible with the law of the State where the evidence is taken or contrary to any permission granted pursuant to the above Articles, and shall have power within such limits to administer an oath or take an affirmation;

(b) a request to a person to appear or to give evidence shall, unless the recipient is a national of the State where the action is pending, be drawn up in the language of the place where the evidence is taken or be accompanied by a translation into such language;

(c) the request shall inform the person that he may be legally represented and, in any State that has not filed a declaration under Article 18, shall also inform him that he is not compelled to appear or to give evidence;

(d) the evidence may be taken in the manner provided by the law applicable to the court in which the action is pending provided that such manner is not forbidden by the law of the State where the evidence is taken;

(e) a person requested to give evidence may invoke the privileges and duties to refuse to give the evidence contained in Article 11.

ARTICLE 22

The fact that an attempt to take evidence under the procedure laid down in this Chapter has failed, owing to the refusal of a person to give evidence, shall not prevent an application being subsequently made to take the evidence in accordance with Chapter I.

CHAPTER III. GENERAL CLAUSES

ARTICLE 23

A Contracting State may at the time of signature, ratification or accession, declare that it will not execute Letters of Request issued for the purpose of obtaining pre-trial discovery of documents as known in Common Law countries.

ARTICLE 24

A Contracting State may designate other authorities in addition to the Central Authority and shall determine the extent of their competence. However, Letters of Request may in all cases be sent to the Central Authority.

Federal States shall be free to designate more than one Central Authority.

ARTICLE 25

A Contracting State which has more than one legal system may designate the authorities of one of such systems, which shall have exclusive competence to execute Letters of Request pursuant to this Convention.

ARTICLE 26

A Contracting State, if required to do so because of constitutional limitations, may request the reimbursement by the State of origin of fees and costs, in connection with the execution of Letters of Request, for the service of process necessary to compel the appearance of a person to give evidence, the costs of attendance of such persons, and the cost of any transcript of the evidence.

Where a State has made a request pursuant to the above paragraph, any other Contracting State may request from the State the reimbursement of similar fees and costs.

ARTICLE 27

The provisions of the present Convention shall not prevent a Contracting State from—

(a) declaring that Letters of Request may be transmitted to its judicial authorities through channels other than those provided for in Article 2;

(b) permitting, by internal law or practice, any act provided for in this Convention to be performed upon less restrictive conditions;

(c) permitting, by internal law or practice, methods of taking evidence other than those provided for in this Convention.

ARTICLE 28

The present Convention shall not prevent an agreement between any two or more Contracting States to derogate from—

(a) the provisions of Article 2 with respect to methods of transmitting Letters of Request;

(b) the provisions of Article 4 with respect to the languages which may be used;

(c) the provisions of Article 8 with respect to the presence of judicial personnel at the execution of Letters;

(d) the provisions of Article 11 with respect to the privileges and duties of witnesses to refuse to give evidence;

(e) the provisions of Article 13 with respect to the methods of returning executed Letters to the requesting authority;

(f) the provisions of Article 14 with respect to fees and costs;

(g) the provisions of Chapter II.

ARTICLE 29

Between Parties to the present Convention who are also Parties to one or both of the Conventions on Civil Procedure signed at the Hague on the 17th of July 1905 and the 1st of March 1954, this Convention shall replace Articles 8–16 of the earlier Conventions.

ARTICLE 30

The present Convention shall not affect the application of Article 23 of the Convention of 1905, or of Article 24 of the Convention of 1954.

ARTICLE 31

Supplementary Agreements between Parties to the Conventions of 1905 and 1954 shall be considered as equally applicable to the present Convention unless the Parties have otherwise agreed.

ARTICLE 32

Without prejudice to the provisions of Articles 29 and 31, the present Convention shall not derogate from conventions containing provisions on the matters covered by this Convention to which the Contracting States are, or shall become Parties.

ARTICLE 33

A State may, at the time of signature, ratification or accession exclude, in whole or in part, the application of the provisions of paragraph 2 of Article 4 and of Chapter II. No other reservation shall be permitted.

Each Contracting State may at any time withdraw a reservation it has made; the reservation shall cease to have effect on the sixtieth day after notification of the withdrawal.

When a State has made a reservation, any other State affected thereby may apply the same rule against the reserving State.

ARTICLE 34

A State may at any time withdraw or modify a declaration.

ARTICLE 35

A Contracting State shall, at the time of the deposit of its instrument of ratification or accession, or at a later date, inform the Ministry of Foreign Affairs of the Netherlands of the designation of authorities, pursuant to Articles 2, 8, 24 and 25.

A Contracting State shall likewise inform the Ministry, where appropriate, of the following—

(a) the designation of the authorities to whom notice must be given, whose permission may be required, and whose assistance may be invoked in the taking of evidence by diplomatic officers and consular agents, pursuant to Articles 15, 16 and 18 respectively;

(b) the designation of the authorities whose permission may be required in the taking of evidence by commissioners pursuant to Article 17 and of those who may grant the assistance provided for in Article 18;

(c) declarations pursuant to Articles 4, 8, 11, 15, 16, 17, 18, 23 and 27;

(d) any withdrawal or modification of the above designations and declarations;

(e) the withdrawal of any reservation.

ARTICLE 36

Any difficulties which may arise between Contracting States in connection with the operation of this Convention shall be settled through diplomatic channels.

ARTICLE 37

The present Convention shall be open for signature by the States represented at the Eleventh Session of the Hague Conference on Private International Law.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

ARTICLE 38

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 37.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

ARTICLE 39

Any State not represented at the Eleventh Session of the Hague Conference on Private International Law which is a Member of this Conference or of the United Nations or of a specialized agency of that Organization, or a Party to the Statute of the International Court of Justice may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 38.

The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter force for a State acceding to it on the sixtieth day after the deposit of its instrument of accession.

The accession will have effect only as regards the relations between the acceding State and such Contracting States as will have declared their acceptance of the accession. Such declaration shall be deposited at the Ministry of Foreign Affairs of the Netherlands; this Ministry shall forward, through diplomatic channels, a certified copy to each of the Contracting States.

The Convention will enter into force as between the acceding State and the State that has declared its acceptance of the accession on the sixtieth day after the deposit of the declaration of acceptance.

ARTICLE 40

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for the territories mentioned in such an extension on the sixtieth day after the notification indicated in the preceding paragraph.

ARTICLE 41

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 38, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

ARTICLE 42

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 37, and to the States which have acceded in accordance with Article 39, of the following—

(a) the signatures and ratifications referred to in Article 37;

(b) the date on which the present Convention enters in force in accordance with the first paragraph of Article 38;

(c) the accessions referred to in Article 39 and the dates on which they take effect;

(d) the extensions referred to in Article 40 and the dates on which they take effect;

(e) the designations, reservations and declarations referred to in Articles 33 and 35;

(f) the denuciations referred to in the third paragraph of Article 41.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto have signed the present Convention.

DONE at The Hague, on the 18th day of March 1970, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archieves of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Eleventh Session of the Hague Conference on Private International Law.

EXECUTIVE F

TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ARGENTINA

The United States of America and the Republic of Argentina, desiring to make more effective the cooperation of the two countries in the repression of crime, agree as follows:

ARTICLE 1

The Contracting Parties agree to extradite on a reciprocal basis to the other, in the circumstances and subject to the conditions established in this Treaty, persons found in the territory of one of the Parties who have been charged with or convicted by the judicial authorities of the other of the offenses mentioned in Article 2 of this Treaty committed within the territory of such other, or outside thereof under the conditions specified in Article 3.

ARTICLE 2

Persons shall be delivered up according to the provisions of this Treaty for any of the following offenses provided that these offenses are punishable by the laws of both Contracting Parties by deprivation of liberty for a maximum period exceeding one year:

1. Murder or manslaughter.

2. Abortion.

3. Aggravated injury or mutilation.

4. Any offense relating to firearms.

5. Willful abandonment of a child or spouse when for that reason the life of that child or spouse is or is likely to be endangered or death results.

6. Rape; statutory rape; indecent assault; corruption of minors, including unlawful sexual acts with or upon minors under the age specified by the penal laws of both Contracting Parties.

7. Procuration; promoting or facilitating prostitution.

8. False imprisonment; abduction or child stealing; kidnapping.

9. Robbery or larceny or burglary.

10. Extortion or threats.

11. Bigamy.

12. Fraud; embezzlement or breach of fiduciary relationships; obtaining money, valuable securities or property, by false pretenses or by other fraudulent means including the use of the mails or other means of communication.

13. Unlawful manufacture, use, distribution, supply, acquisition or possession, or theft of bombs, apparatus capable of releasing nuclear energy, explosive or toxic materials, asphyxiating or flammable materials; manufacture, use, distribution, supply, acquisition or possession of any bombs, apparatus capable of releasing nuclear energy, explosive or toxic materials, asphyxiating or flammable materials, with the purpose of committing an offense.

14. Offenses that endanger the safety of means of transportation or communication, including any act that endangers any person on a means of transportation.

15. Piracy of vessels or aircraft, including hijacking.

16. Offenses against public health.

17. Unlawful introduction or importation, exportation, fabrication, production, preparation, sale, delivery or supply of narcotic drugs, psychotropic drugs, cocaine and its derivatives and other dangerous drugs including cannabis sativa L, and chemicals or substances injurious to health or of primary materials designed for such fabrication.

18. Introduction, export, fabrication, transportation, sale or transmission, use, possession or stockpiling of explosives, offensive chemicals or similar materials, substances, or instruments designed for such fabrication, arms, munitions, nuclear elements and other materials considered war material, other than such acts legally provided for or properly authorized.

19. Bribery, including soliciting, offering and accepting.

20. Malversation.

21. False statements, accusations or testimony effected before a government agency or official.

22. Counterfeiting or forgery of money, bank bills, bearer bonds, documents of credit, seals, stamps, marks, and public and private instruments. For the purpose of this offense, holographic wills, sealed wills, checks, letters of exchange and negotiable or bearer documents shall be considered public instruments.

23. Issuance, acceptance or endorsement of receipts which do not conform, totally or partially, to purchases and sales actually performed.

24. Execution or issuance of checks without sufficient funds.

25. Smuggling.

26. The acquisition, receipt or concealment of money, objects or valuables, knowing the article is the result of a crime, whether or not the receiver participated in such crime or intervened pursuant to an agreement preceding the offense.

27. Arson; malicious injury to property.

28. Any offense against the bankruptcy laws.

29. Industrial or commercial fraud, including:

(a) The raising or lowering the price of merchandise, public funds or negotiable instruments through the use of false information, simulated negotiations, meetings or coalitions, for the purpose of not selling certain merchandise or of selling at a fixed price.

(b) The offering of public funds or stock or financial obligations of corporations, companies, partnerships, or corporate bodies, dissimulating or concealing facts or true circumstances or affirming or expressing false statements or circumstances.

(c) The publishing or authorizing of false or incomplete inventories, accounts, profit and loss statements, reports or statements or informing a meeting of partners by falsehood or the withholding of information about important facts needed to understand the economic condition of a firm, for whatever end.

In the case of subparagraphs (a) and (b) of this paragraph, the offense can be committed by any individual as well as by members of corporations or partnerships of any nature. In the supposition of subparagraph (c) of this paragraph, the offense must necessarily have been committed by incorporators, directors, administrators, liquidators or trustees of incorporated entities, cooperatives or other joint companies.

30. Assault upon a public official.

Extradition shall also be granted for participation in any of the offenses mentioned in this Article, not only as principal or accomplices, but as accessories, as well as for attempt to commit or conspiracy to commit any of the aforementioned offenses, when such participation, attempt or conspiracy is subject, under the laws of both Parties, to a term of imprisonment exceeding one year.

In the case in which a person has already been convicted, extradition will be granted only if the sentence imposed or remaining to be served is a minimum of one year of imprisonment.

ARTICLE 3

For the purposes of this Treaty, the territory of a Contracting Party shall include all the territory under the jurisdiction of that Contracting Party, including airspace and territorial waters and vessels and aircraft registered in that Contracting Party if any such aircraft is in flight or if any such vessel is on the high seas when the offense is committed. For purposes of this Treaty an aircraft shall be considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends. The aforementioned provisions do not exclude the application of penal jurisdiction exercised in accord with the legislation of the requested Party.

When the offense for which extradition has been requested has been committed outside the territory of the requesting Party, the executive authority of the United States or the judicial authority of the Republic of Argentina, as appropriate, shall have the power to grant extradition if the laws of the requested State provide for the jurisdiction over such an offense committed in similar circumstances.

ARTICLE 4

Notwithstanding the general principle contained in Article 1, the Contracting Parties shall not be bound to grant extradition of their own nations, but the executive authority of the United States or the competent authority of the Republic of Argentina shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

If the request for extradition is denied on the basis of nationality, the person claimed shall be tried by the requested Party for the offense on which the request for extradition was based, unless that offense is not punishable under its own laws or the requested Party lacks appropriate jurisdiction.

The status of nationality shall be determined by the laws of the requested Party.

ARTICLE 5

Extradition shall be granted if the evidence presented, according to the laws of the place where the indicted or convicted person is located, would justify his arrest in order to be held for trial if he had committed the crime there, or is sufficient to prove that such person has already been convicted by the requesting Party.

ARTICLE 6

When the person whose extradition is requested is, at the time of the presentation of the request for extradition, under the age of eighteen years and has permanent residence in the requested country and the competent authorities of that country determine that extradition would prejudice the social readjustment and rehabilitation of that person, the requested Party may suggest to the requesting Party that the request for extradition be withdrawn, specifying the reasons therefor.

ARTICLE 7

1. Extradition shall not be granted in any of the following circumstances:

(a) When the person whose surrender is sought is being proceeded against or has been tried and discharged or punished in the territory of the requested Party for the offense for which his extradition is requested.

(b) When the person whose surrender is sought has been tried and acquitted, or has undergone punishment, or has been pardoned, in a third State for the offense for which his extradition is requested.

(c) When the prosecution or the enforcement of the penalty for the offense has become barred by lapse of time according to the laws of the requested Party or the requesting Party.

(d) When the offense in respect of which the extradition is requested is a military offense and does not fall within the jurisdiction of ordinary criminal law.

(e) When the offense in respect of which the extradition is requested is of a political character or is connected with an offense of a political character, or when the person whose extradition is requested proves that the extradition is requested for the purpose of trying or punishing him for an offense of the above-mentioned character.

The allegation of a political motive or end shall not impede the extradition if the alleged offense constitutes primarily a common offense, in which case the requested Party may request that the requesting Party give assurances that the political motive or end will not contribute to the aggravation of the penalty.

2. In the case of doubt related to this Article the competent authorities of the requested Party shall decide.

ARTICLE 8

When the offense for which the extradition is requested is punishable by death under the laws of the requesting Party, and the laws of the requested country do not permit the death penalty for that offense, extradition may be refused unless the requesting Party provides such assurances as the requested Party considers sufficient that the death penalty shall not be imposed, or, if imposed, shall not be executed.

ARTICLE 9

When the person whose extradition is requested is being proceeded against or is serving a sentence in the territory of the requested Party for an offense other than that for which extradition has been requested, his surrender may be deferred until the conclusion of the proceedings and, in the case of a conviction, until the full execution of any punishment he may be or may have been awarded.

ARTICLE 10

The determination that extradition should or should not be granted shall be made in accordance with this Treaty and the law of the requested Party. The person whose extradition is sought shall have the right to use such remedies and recourses as are provided by the law of the requested Party.

ARTICLE 11

1. The request for extradition shall be made through the diplomatic channel.

2. The request shall be accompanied by:

(a) A statement of the facts of the case.

(b) The data necessary to prove the identity of the person whose extradition is sought including, when possible, photographs and fingerprints.

(c) The text of the applicable laws, including the laws defining the offense, the law prescribing the punishment for the offense and the laws relating to the limitation of the legal proceedings or the enforcement of the legal penalty for the offense.

(d) The evidence which would be necessary, according to the laws of the requested Party, to justify the arrest and committal for trial of the person whose extradition is sought, as if the offense had been committed in the territory of the requested Party.

3. When the request relates to a person who has not yet been convicted, it must be accompanied by a warrant of arrest issued by a judge or other judicial officer of the requesting Party.

4. When the request relates to a person already convicted, it shall be accompanied by the following:

(a) When emanating from the United States, a copy of the judgment of conviction and of the sentence if it has been passed.

(b) When emanating from the Republic of Argentina, a copy of the sentence.

In a case envisioned in this subparagraph, a certification showing that the sentence has not been served or how much of the sentence has not been served shall also be sent to the requested Party.

5. The documents which, according to this Article, shall accompany the extradition request, shall be admitted in evidence when:

(a) In the case of a request emanating from the United States, they are signed by a judge, magistrate or officer of the United States, authenticated by the official seal of the Department of State and certified by the principal diplomatic or consular officer of the Republic of Argentina in the United States.

(b) In the case of a request emanating from the Republic of Argentina they are signed by a judge or other judicial authority and are legalized by the principal diplomatic or consular officer of the United States in the Republic of Argentina.

6. All the documents mentioned in this Article shall be accompanied by a translation into the language of the requested Party which will be at the expense of the requesting Party.

ARTICLE 12

In case of urgency the Contracting Parties may request, through their respective diplomatic agents, the provisional arrest of an accused as well as the seizure of objects relating to the offense of which he has been accused and which objects are in the possession of the accused or of his agent, associate, or representative, and the location of which has been identified by the requesting Party. The requesting Party shall support a request for objects by evidence showing the relationship of the objects to the offense charged. The requested Party may decline this request if it appears that the interest of innocent third parties has intervened.

The request shall be granted if it contains a declaration of the existence of one of the documents enumerated in Article 11, paragraphs 3 and 4, the description of the person sought and the offense for which he has been charged.

If, within forty-five calendar days from the date of provisional arrest, the requesting Party fails to present the formal request for extradition, supported by the documents required by Article 11, the person claimed shall be released and a new request based on the same offense shall be admitted only if a formal request for extradition is presented with all the requirements enumerated in Article 11.

ARTICLE 13

If the requested Party requires additional evidence or information to enable it to decide on the request for extradition, such evidence or information shall be submitted to it within such time as that Party shall require.

If the person sought is under arrest and the additional evidence or information submitted as aforesaid is not sufficient or if such evidence or information is not received within the period specified by the requested Party, he shall be discharged from custody. Such discharge shall not bar the requesting Party from submitting another request in due form in respect of the same offense.

ARTICLE 14

A person extradited under the present Treaty shall not be detained, tried or punished in the territory of the requesting Party for an offense other than that for which extradition has been granted nor be extradited by that Party to a third State unless:

1. If, upon being released, he remains in the territory of the requesting Party for more than thirty days counting from the date his release was granted; or

2. When, having left the territory of the requesting Party after his extradition, he has voluntarily returned to it;

3. When the requested Party has manifested its consent to his detention, trial or punishment for an offense other than that for which extradition was granted or to his extradition to a third State provided such other offense is covered by Article 2.

For the purpose of subparagraphs 1 and 2 of this Article, the person extradited must be formally advised at the time he is released in the requesting Party of the possible consequences if he remains in the territory of that Party.

The stipulations of subparagraphs 1, 2, and 3 of this Article shall not apply to offenses committed after the extradition.

ARTICLE 15

The requested Party upon receiving two or more requests for the extradition of the same person, either for the same offense or for different offenses, shall determine to which of the requesting States it will grant extradition, taking into consideration all the circumstances of the case and, particularly, the possibility of a later extradition between the requesting States, the seriousness of each offense, the place where the offense was committed, the nationality of the person sought, the dates upon which the requests were received and the provisions of any extradition agreements between the requested Party and the other requesting States.

ARTICLE 16

The requested Party shall promptly communicate to the requesting Party through the diplomatic channel the decision on the request for extradition.

If a warrant or order for the extradition of a person sought has been issued by the competent authority and he is not removed from the territory of the requested Party within thirty days from the date of said communication, he shall be set at liberty and the requested Party may subsequently refuse to extradite that person for the same offense.

ARTICLE 17

To the extent permitted under the law of the requested Party and subject to the rights of third Parties, which shall be duly respected, all articles, objects of value or documents relating to the offense, whether acquired as a result of the offense or use for its execution, or which in any other manner may be material evidence for the prosecution, shall, if found, be surrendered upon the granting of the extradition even when extradition cannot be effected due to the death or disappearance of the accused.

ARTICLE 18

Transit through the territory of one of the Contracting Parties of a person surrendered to the other Contracting Party by a third State shall be granted on request made through the diplomatic channel, which request shall be accompanied by a copy of the warrant or order of extradition, provided that conditions are present which would warrant extradition of such person by the State of transit and reason of public order are not opposed to the transit.

The requesting Party shall reimburse the State of transit for any expenses incurred in connection with such transportation.

ARTICLE 19

Expenses related to the translation of documents and to the transportation of the person sought shall be paid by the requesting Party. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means within their power, assist the requesting Party before the respective judges and magistrates.

No pecuniary claim, arising out of the arrest, detention, examination and surrender of persons sought under the terms of this Treaty, shall be made by the requested Party against the requesting Party.

ARTICLE 20

Once extradition of an individual is denied, it may not again be requested for the same offense.

ARTICLE 21

Desirous of perfecting the judicial cooperation in criminal matters, the Contracting Parties agree as follows:

1. The competent judicial authority of each Contracting Party shall execute letters rogatory in criminal matters.

2. Such letters and accompanying documentation shall be presented in the original and one copy. All letters and documentation shall be translated by the sending State into the language of the receiving State which translations shall also be sent in the original and one copy.

3. Upon receipt of the letters, the receiving authority will effect transmission of these letters to the competent judicial authority for execution.

4. When the letters have been executed, they shall be returned to the sending State authenticated by the competent authority of the receiving State. The authentication shall be accomplished, as indicated, by the seal of the Department of Justice of the United States of America or the stamp of the Ministry of Foreign Affairs and Worship of the Republic of Argentina. Such authentication shall constitute evidence of authenticity of the letters and accompanying documents.

5. Expenses incurred in processing such letters shall be borne exclusively by the Government of the receiving State.

ARTICLE 22

This Treaty shall be ratified and enter into force upon the exchange of ratifications in Buenos Aires at the earliest possible date.

It may be terminated at any time by either Contracting Party by prior notification of the other Contracting Party, and termination shall become effective six months after the date such notification is received.

This Treaty shall abrogate and supersede the Extradition Treaty between the United States of America and the Argentine Republic done at Buenos Aires on September 26, 1896. The offenses listed in the Treaty of 1896 and which have been committed prior to the entry into force of the present Treaty shall nevertheless be subject to extradition pursuant to the provisions of that Treaty.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

Done in duplicate, in the English and Spanish languages, both equally authentic, at Washington this twenty-first day of January, one thousand nine hundred seventy-two.

For the United States of America
William P. Rogers
For the Republic of Argentina:
Carlos M. Muñiz

Executive E

Final Acts of the World Administrative Radio Conference for Space Telecommunications, Geneva, 1971

ABBREVIATIONS

The following abbreviations are used in the Annexes, to indicate the nature of amendments made in the partial revision of the Radio Regulations.

Symbol	Meaning
MOD	Modification
SUP	Suppression
ADD	Addition
NOC	No change

Note: If a modification affects only the drafting of a number, without changing the substance, the following symbol is used: (MOD)

Partial Revision of the Radio Regulations[1]

In its Recommendation No. Spa 9, the Extraordinary Administrative Radio Conference to allocate frequency bands for space radiocommunication purposes, held in Geneva in 1963, recommended that the Administrative Council of the Union should review annually the progress in space radiocommunications made by administrations and the available reports and recommendations of the permanent organs of the Union with respect thereto. The Conference also recommended that the Administrative Council should, in the light of its annual review and at a date which it would determine, recommend to administrations the convening of an Administrative Conference to work out further agreements for the international regulation of the use of radio frequency bands allocated for space radiocommunications by the 1963 Conference.

At its 23rd Session in 1968, the Administrative Council, in its Resolution No. 632, recommended that a World Administrative Radio Conference should be convened during the latter part of 1970 or early 1971 and invited Administrations to send to the Secretary-General their proposals for the agenda thereof.

In accordance with Nos. 56 and 64 of the International Telecommunication Convention (Montreux, 1965), the Administrative Council, at its 1969 Session, with the concurrence of a majority of the Members of the Union, determined in its Resolution No. 653 the agenda of the World Administrative Radio Conference for Space Telecommunications and decided that it would meet in Geneva on 7 June, 1971 for a duration of six weeks, provision being made for one additional week if necessary.

However, in 1970, the Administrative Council, taking into account the provisions of Resolution No. 40 of the XIIth Plenary Assembly of the C.C.I.R. relative to the convening, prior to the Conference, of a Special Joint Meeting of C.C.I.R. Study Groups, decided in its Resolution No. 665 that the duration of the Conference would be six weeks.

The World Administrative Radio Conference for Space Telecommunications, accordingly convened on the appointed date, considered and revised, in conformity with its agenda, the relevant parts of the Radio Regulations. Particulars of the revision of the Radio Regulations are given in Annexes 1 to 19 hereto.

The revised provisions of the Radio Regulations shall form an integral part of the Radio Regulations which are annexed to the International Telecommunication Convention. They shall come into force on 1 January, 1973, on which date the provisions of the Radio Regulations which are cancelled or modified by this revision shall be abrogated.

The delegates signing this revision of the Radio Regulations hereby declare that, should an administration make reservations concerning the application of one or more of the revised provisions of the Radio Regulations, no other administration shall be obliged to observe that provision or those provisons in its relations with that particular administration.

Members and Associate Members of the Union shall inform the Secretary-General of their approval of the revision of the Radio Regulations by the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971). The Secretary-General will inform Members and Associate Members of the Union regarding receipt of such notifications of approval as they are received.

In witness whereof the delegates of the Members of the Union represented at the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) have signed in the names of their respective countries this revision of the Radio Regulations in a single copy which will remain in the archives of the International Telecommunication Union and of which a certified copy will be delivered to each Member and Associate Member of the Union.

Done at Geneva, 17 July, 1971.

Pour l'Algérie (République Algérienne Démocratique et Populaire):
M. IBNOU-ZEKRI
M. HARBI
Pour le Royaume de l'Arabie Saoudite:
A. ZAIDAN
OBAID AL RAHMAN SAFFDAR
Pour la République Argentine:
N. J. MAZZARO
R. SAIDMAN
Pour le Commonwealth de l'Australie:
L. M. HARRIS
E. SANDBACH
Pour l'Autriche:
H. PANGRATZ
Pour la Belgique:
P. C. M. BOUCHIER
Pour la République Socialiste Soviétique de Biélorussie:
Z. L. PODORSKI
Pour le Brésil:
P. RIBENBOIM
J. V. PARETO NETO
A. J. A. SALGADO
N. V. DA SILVA
C. P. QUEVEDO
M. A. DE BIASE SILVA PICOT
R. R. RAMOS
M. B. MARSIAJ
L. C. BAHIANA
A. B. CARLEIAL
B. HIMELGRYN
J. SANTELLI JUNIOR
Pour la République Populaire de Bulgarie:
I. IGNATOV
Pour la République Fédérale du Cameroun:
P. N. KAMGA
Pour le Canada:
DE MONTIGNY MARCHAND
R. MARCHAND
Pour la République Centrafricaine:
F. D. DIMA
Pour Ceylan:
M. B. RODRIGO
Pour le Chili:
J. S. SCHATZ
S. H. MORALES
R. ARAGAY
R. B. E. BENAVIDES
A. M. LUENGO
J. B. SERRAT
Pour la Chine:
P. CHENG
T. V. MIAO
C. CHEN
Pour la République de Chypre:
R. MICHAELIDES
Pour l'Etat de la Cité du Vatican:
H. M. DE RIEDMATTEN
A. STEFANIZZI
P. V. GIUDICI
Pour la République de Colombie:
D. GARCES
L. CHETHUAN
H. ROMBERO

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[1] Namely the Radio Regulations, Geneva, 1959, as partially revised by the Extraordinary Administrative Radio Conference to allocate frequency bands for Space Radiocommunication purposes (Geneva, 1963) by the Extraordinary Administrative Radio Conference for the preparation of a revised allotment plan for the Aeronautical Mobile (R) Service (Geneva, 1966) and, by the World Administrative Radio Conference to deal with matters relating to the Maritime Mobile Service (Geneva, 1967).

Pour la République Démocratique du Congo:
A. BANANISA
G. NKUBITO
B. MVILAKANI

Pour la République Populaire du Congo:
F. BATOLA

Pour la République de Corée:
J. S. CHOY
B. K. CHO
Y. H. LEE
J. U. KIM

Pour la République de Côte d'Ivoire:
C. N. NOGBOU
P. K. KOPOIN

Pour Cuba:
L. SOLA VILA
J. A. VALLADARES TIMONEDA
J. RAURELL VIDAL

Pour le Danemark:
G. PEDERSEN
B. NIELSEN
I. LONBERG
P. V. LARSEN

Pour l'Ensemble des Territoires représentés par l'Office francais des postes et télécommunications d'Outre-Mer:
J. L. A. CONSTANTIN

Pour l'Espagne:
E. PEREZ-HERNANDEZ
F. MOLINA NEGRO
J. M. ARTO MADRAZO
J. M. PAREDES QUEVEDO
B. A. DURAN MINGORANCE

Pour les Stats-Unis d'Amérique:
R. C. TYSON
W. DEAN, JR.
G. L. HUFFCUTT
R. E. LEE

Pour l'Ethiopie:
B. DESTA
T. SEBHATU

Pour la Finlande:
T. KYTONIEMI
A. SINKKONEN

Pour la France:
F. JOB.
M. HUET
P. L. CHASPOUL
J. B. BES

Pour la République Gabonaise:
S. EWORE
T. SOUAH

Pour le Ghana:
R. K. BAFFOUR

Pour la Gréce:
L. PARAVANTIS
E. NICOLAIDES
G. DEBONOS

Pour la République de Haute-Volta:
J. M. OUEDRAOGO
J. GUISSOU

Pour la République Populaire Hongroise:
D. HORN

Pour la République de l'Inde:
N. C. SHRIVASTAVA
M. K. BASU
R. G. DEODHAR
M. V. KRISHNASWAMY
R. B. MUKHERJEE
S. THIRUVENKATACHARI
B. S. RAO

Pour la République d'Indonésie:
M. K. M. MANGOENDIPRODJO
W. M. MANGOENDIPRODJO
SOEGIHARTO

Pour l'Iran:
A. MOTAMEDI
H. ANSARI
S. FATEMI

Pour la République d'Iraq:
A. H. ALI

Pour l'Irlande:
J. MALONE

Pour l'Islande:
S. THORKELSSON
S. OSKARSSON

Pour l'Etat d'Israël:
M. SHAKKED

Pour l'Italie:
A. BIGI
A. PETTI

Pour la Jamaïque:
G. A. GAUNTLETT
T. O. MINOTT

Pour le Japon:
S. FUJIKI
Y. OKAWA

Pour le Kenya:
R. M. YUSUF
P. O. OKUNDI
I. N. ODUNDO

Pour l'Etat de Koweït:
A. A. AL-SARAWI
A. A. ALSAADOON
A. M. ALSABEJ
A. A. ALAYOUB
J. A. ALMAZEEDI

Pour la République du Libéria:
S. H. BUTLER

Pour la République Arabe Libyenne:
N. S. TULTI

Pour la Principauté de Liechtenstein:
M. LEDEBUR

Pour le Luxembourg:
P. FABER

Pour la Malaisie:
Tun V. T. SAMBANTHAN
K. P. CHEW
S. bin ABDUL KADIR
D. S. VARIYAN

Pour la République du Mali:
M. L. KANE
M. M. KEITA

Pour le Royaume du Maroc:
M. MOUKITE

Pour la République Islamique de Mauritanie:
A. DAFFAU

Pour le Mexique:
J. HERNANDEZ

Pour Monaco:
C. C. SOLAMITO

Pour le Nicaragua:
A. A. MULLHAUPT

Pour la République du Niger:
M. ABBA

Pour la République Federale de Niberia:
A. A. BODEDE

Pour la Norvège:
H. NYMOEN
A. BOE

Pour la Nouvelle-Zélande:
D. C. ROSE
R. J. BUNDLE

Pour l'Ouganda:
P. O. OKUNDI

Pour le Pakistan:
A. KHAN
S. A. AZIZ
A. ZAIDI

Pour le Paraguay:
C. M. GAONA VELAZCO

Pour le Royaume des Pays-Bas:
F. R. NEUBAUER
P. E. WILLEMS
K. J. KERLING
F. S. LATOUR

Pour le Pérou:
J. ESTRADA GOMEZ SANCHEZ
J. E. BARREDA DELGADO
M. COLINA-MARIE

Pour la République des Philippines:
C. S. CARREON
L. A. GARCIA

Pour la République Populaire de Pologne:
K. KOZTOWSKI

Pour le Portugal:
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Pour la République Orientale de l'Uruguay:
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Pour la République de Venezuela:
C. J. MARTINEZ
R. ZERPA

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VUONG QUANG NGHIA
PHAM VAN TRINH
NGUYEN CONG ANH-TUAN

Pour la République Socialiste Fédérative de Yougoslavie:
M. DAKIC

ANNEX 1: REVISION OF ARTICLE 1 OF THE RADIO REGULATIONS*

Article 1 of the Radio Regulations shall be amended as follows:

SECTION II. RADIO SYSTEMS, SERVICES AND STATIONS

After Regulation No. 21, add the following new Regulations:

ADD 21A
Spa2

Space Station

A station located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the Earth's atmosphere.

Earth Station

A station located either on the Earth's surface or within the major portion of the Earth's atmosphere intended for communication:

With one or more space stations; or

With one or more stations of the same kind by means of one or more passive satellites or other objects in space.

ADD 21C
Spa2

Space Radiocommunication

Any radiocommunication involving the use of one or more space stations or the use of one or more passive satellites or other objects in space.

ADD 21D
Spa2

Terrestrial Radiocommunication [1]

Any radiocommunication other than space radiocommunication or radio astronomy.

ADD 21D.1
Spa2

ADD 21E
Spa2

Terrestrial Station [2]

A station effecting terrestrial radiocommunication.

ADD 21E.1
Spa2

Replace Regulation No. 69 by the following new text:

Safety Service

MOD 69
Spa2

A radiocommunication service used permanently or temporarily for the safeguarding of human life and property on the Earth's surface, in the air or in space.

Delete Regulations Nos. 84AA and 84AB.

MOD.
84ATE, Space Operation Service, 84AC, MOD.
84ATF, Inter-Satellite Service, 84AC, MOD.
84BAA, Spacecraft, 84BH, MOD.
84BAC, Active Satellite, 84AJ, NOC.
84BAD, Passive Satellite, 84AK, NOC.

SECTION IIA. SPACE SYSTEMS, SERVICES AND STATIONS

Delete Regulations Nos. 84AC, 84AD and 84AE.

Replace Regulation No. 84AF by the following new text:

MOD 84AF
Spa2

Space System

Any group of co-operating earth and/or space stations employing space radiocommunication for specific purposes.

After Regulation No. 84AF, add the following new Regulations:

ADD 84AFA
Spa2

Satellite System

A space system using one or more artificial earth satellites.

ADD 84AFB
Spa2

Satellite Network

A satellite system or a part of a satellite system, consisting of only one satellite and the co-operating earth stations.

ADD 84AFC
Spa2

Satellite Link

A radio link between a transmitting earth station and a receiving earth station through one satellite.

A satellite link comprises one up-path and one down-path.

ADD 84AFD
Spa2

Multi-Satellite Link

A radio link between a transmitting earth station and a receiving earth station through two or more satellites, without any intermediate earth station.

A multi-satellite link comprises one up-path, one or more satellite-to-satellite paths and one down-path.

Replace Regulation No. 84AG by the following new text:

ADD 84AGA
Spa2

Fixed-Satellite Service

A radiocommunication service:

Between earth stations at specified fixed points when one or more satellites are used; in some cases this service includes satellite to satellite links, which may also be effected in the inter-satellite service;

For connection between one or more earth stations at specified fixed points and satellites used for a service other than the fixed-satellite service (for example, the mobile-satellite service, broadcasting-satellite service, etc.).

After Regulation No. 84AG, add the following new Regulations:

MOD 84AG
Spa2

Mobile-Satellite Service

A radiocommunication service:

Between mobile earth stations and one or more space stations; or between space stations used by this service;

Or between mobile earth stations by means of one or more space stations;

And if the system so requires, for connection between these space stations and one or more earth stations at specified fixed points.

ADD 84AGB
Spa2

Aeronautical Mobile-Satellite Service

A mobile-satellite service in which mobile earth stations are located on board aircraft. Survival craft stations and emergency position indicating radiobeacon stations may also participate in this service.

ADD 84AGC
Spa 2

Maritime Mobile-Satellite Service

A mobile-satellite service in which mobile earth stations are located on board ships. Survival craft stations and emergency position indicating radiobeacon stations may also participate in this service.

ADD 84AGD
Spa2

Land Mobile-Satellite Service

A mobile-satellite service in which mobile earth stations are located on land.

Delete Regulations Nos. 84AH to 84AO.

Replace Regulation No. 84AP by the following new text:

MOD 84AP
Spa2

Broadcasting-Satellite Service

A radiocommunication service in which signals transmitted or retransmitted by space stations are intended for direct reception [1] by the general public.

ADD 84AP.1
Spa2

After Regulation No. 84AP, add the following new Regulations:

ADD 84APA
Spa2

Individual reception (in the broadcasting-satellite service)

The reception of emissions from a space station in the broadcasting-satellite service by simple domestic installations and in particular those possessing small antennae.

ADD 84APB
Spa2

Community reception (in the broadcasting-satellite service)

The reception of emissions from a space station in the broadcasting-satellite service by receiving equipment, which in some cases may be complex and have antennae larger than those used for individual reception, and intended for use:

By a group of the general public at one location; or

Through a distribution system covering a limited area.

ADD 84APC
Spa2

Radiodetermination-Satellite Service

A radiocommunication-service involving the use of radiodetermination and the use of one or more space stations.

Replace Regulation No. 84AQ by the following new text:

MOD 84AQ
Spa2

Radionavigation-Satellite Service

A radiodetermination-satellite service used for the same purposes as the radionavigation service; in certain cases this service includes transmission or retransmission of supplementary information necessary for the operation of radionavigation systems.

After Regulation No. 84AQ, add the following new Regulations:

ADD 84AQA
Spa2

Aeronautical Radionavigation-Satellite Service

A radionavigation-satellite service in which mobile earth stations are located on board aircraft.

ADD 84AQB
Spa2

Maritime Radionavigaton-Satellite Service

A radionavigation-satellite service in which mobile earth stations are located on board ships.

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*Note by the General Secretariat

Certain definitions were rearranged and renumbered by the Conference; some were amended while others were maintained unchanged. The definitions concerned are the following:

New number; Definition; Old number; Remarks.

21A, Space Station, 84AE, MOD.
21B, Earth Station, 84AD, MOD.
21C, Space Radiocommunication, 84AC, MOD.
21D, Terrestrial Radiocommunication, 84AA, MOD.
21E, Terrestrial Station, 84AB, MOD.
84AFA, Satellite System, 84AL, MOD.
84ATD, Space Research Service, 84AM,

[1] In these Regulations, unless otherwise stated, any radiocommunication service relates to terrestrial radiocommunication.

[2] In these Regulations, unless otherwise stated, any station is a terrestrial station.

[1] In the broadcasting-satellite service, the term "direct reception" shall encompass both individual reception and community reception.

Delete Regulations Nos. 84AR and 84AS.

Before Regulation No. 84AT, add the following new Regulation:

ADD 84ASA
Spa2

Earth Exploration-Satellite Service

A radiocommunication service between earth stations and one or more space stations in which:

Information relating to the characteristics of the Earth and its natural phenomena is obtained from instruments on earth satellites;

Similar information is collected from airborne or earth-based platforms;

Such information may be distributed to earth stations within the system concerned;

Platform interrogation may be included.

Replace Regulation No. 84AT by the following new text:

MOD 84AT
Spa2

Meteorological-Satellite Service

An earth exploration-satellite service for meteorological purposes.

After Regulation No. 84AT, add the following new Regulations:

ADD 84ATA
Spa2

Amateur-Satellite Service

A radiocommunication service using space stations on earth satellites for the same purposes as those of the amateur service.

ADD 84ATB
Spa2

Standard Frequency-Satellite Service

A radiocommunication service using space stations on earth satellites for the same purposes as those of the standard frequency service.

ADD 84ATC
Spa2

Time Signal-Satellite Service

A radiocommunication service using space stations on earth satellites for the same purposes as those of the time signal service.

ADD 84ATD
Spa2

Space Research Service

A radiocommunication service in which spacecraft or other objects in space are used for scientific or technological research purposes.

ADD 84ATE
Spa2

Space Operation Service

A radiocommunication service concerned exclusively with the operation of spacecraft, in particular tracking, telemetry and telecommand.

These functions will normally be provided within the service in which the space station is operating.

ADD 84ATF
Spa2

Inter-Satellite Service

A radio communication service providing links between artificial earth satellites.

Delete Regulations Nos. 84AU and 84AV.

SECTION IIB. SPACE, ORBITS AND TYPES OF OBJECTS IN SPACE

Replace Regulation No. 84BA by the following new text:

MOD 84BA
Spa2

Deep Space

Space at distances from the Earth approximately equal to, or greater than, the distance between the Earth and the Moon.

After Regulation No. 84BA, add the following new Regulations:

ADD 84BAA
Spa2

Spacecraft

A man-made vehicle which is intended to go beyond the major portion of the Earth's atmosphere.

ADD 84BAB
Spa2

Satellite

A body[1] which revolves around another body of preponderant mass and which has a motion primarily and permanently determined by the force of attraction of that other body.

ADD 84BAB.1
ADD 84BAC
Spa2

Active Satellite

An earth satellite carrying a station intended to transmit or retransmit radiocommunication signals.

ADD 84BAD
Spa2

Passive Satellite

An earth satellite intended to transmit radiocommunication signals by reflection.

Replace Regulations Nos. 84BB to 84BE by the following new texts:

MOD 84BB
Spa2

Orbit

1. The path, relative to a specified frame of reference, described by the centre of mass of a satellite or other object in space, subjected solely to natural forces, mainly the force of gravity.

2. By extension, the path described by the centre of mass of an object in space subjected to natural forces and occasional low-energy corrective forces exerted by a propulsive device in order to achieve and maintain a desired path.

MOD 84BC
Spa2

Inclination of an Orbit (of an earth satellite)

The angle determined by the plane containing an orbit and the plane of the Earth's equator.

MOD 84BD
Spa2

Period (of a satellite)

The time elapsing between two consecutive passages of a satellite or planet through a characteristic point on its orbit.

MOD 84BE
Spa2

Altitude of the Apogee (Perigee)

The altitude of the apogee (perigee) above a specified reference surface serving to represent the surface of the Earth.

Delete Regulation No. 84BF.

Before Regulation No. 84BG, add the following new Regulation:

ADD 84BFA
Spa2

Geosynchronous Satellite

An earth satellite whose period of revolution is equal to the period of rotation of the Earth about its axis.

MOD 84BG
Spa2

Geostationary Satellite

A satellite, the circular orbit of which lies in the plane of the Earth's equator and which turns about the polar axis of the Earth in the same direction and with the same period as those of the Earth's rotation.

The orbit on which a satellite should be placed to be a geostationary satellite is called the "geostationary satellite orbit."

Delete Regulation No. 84BH.

SECTION III. TECHNICAL CHARACTERISTICS

After Regulation No. 98, add the following new Regulation:

ADD 98A
Spa2

Equivalent Isotropically Radiated Power (e.i.r.p.)

The product of the power of an emission as supplied to an antenna and the antenna gain in a given direction relative to an isotropic antenna.

After Regulation No. 103, add the following new Regulations:

ADD 103A
Spa2

Equivalent Satellite Link Noise Temperature

The noise temperature at the input of the earth station receiver corresponding to the radio-frequency noise power which produces the total observed noise at the output of the satellite link excluding noise due to interference coming from satellite links using other satellites and from terrestrial systems.

ADD 103B
Spa2

Co-ordination Distance

Distance from an earth station in a given azimuth within which a terrestrial station sharing the same frequency band may cause or be subject to more than a permissible level of interference.

ADD 103C
Spa2

Co-ordination Contour

The line joining the points which are on all azimuths around an earth station at a distance from this station equal to the co-ordination distance corresponding to each azimuth.

ADD 103D
Spa2

Co-ordination Area

Area around an earth station enclosed by the co-ordination contour.

ANNEX 2: REVISION OF ARTICLE 2 OF THE RADIO REGULATIONS

Article 2 of the Radio Regulations shall be amended as follows:

SECTION III. NOMENCLATURE OF THE FREQUENCY AND WAVELENGTH BANDS USED IN RADIOCOMMUNICATION

Replace Regulation No. 112 by the following new text:

MOD 112
Spa2

§ 7. The radio spectrum shall be subdivided into nine frequency bands, which shall be designated by progressive whole numbers in accordance with the following table. Frequencies shall be expressed:

In kilohertz (kHz) up to and including 3000 kHz.

In megahertz (MHz) thereafter up to and including 3000 MHz.

In gigahertz (GHz) thereafter up to and including 3000 GHz.

However, where adherence to these provisions would introduce serious difficulties, for example in connection with the notification and registration of frequencies, the lists of frequencies and related matters, reasonable departures may be made.

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[1] A body so defined which revolves around the Sun is called a planet or planetoid.

Band number	Frequency range (lower limit exclusive, upper limit inclusive)	Corresponding metric subdivision
4	3 to 30 kHz	Myriametric waves.
5	30 to 300 kHz	Kilometric waves.
6	300 to 3,000 kHz	Hectometric waves.
7	3 to 30 MHz	Decametric waves.
8	30 to 300 MHz	Metric waves.
9	300 to 3,000 MHz	Decimetric waves.
10	3 to 30 GHz	Centimetric waves.
11	30 to 300 GHz	Millimetric waves.
12	300 to 3,000 GHz or 3 THz.	Decimillimetric waves.

Note 1: "Band Number N" extends from 0.3×10^N to 3×10^N Hz.

Note 2: Symbols and prefixes: Hz=hertz; k=kilo (10^3), M=mega (10^6), G=giga (10^9), T=tera (10^{12}).

Note 3: Abbreviations for adjectival band designations: Band 4=VLF; Band 5=LF; Band 6=MF; Band 7=HF; Band 8=VHF; Band 9=UHF; Band 10=SHF; Band 11=EHF.

ANNEX 3: REVISION OF ARTICLE 5 OF THE RADIO REGULATIONS

Article 5 of the Radio Regulations shall be amended as follows:

Replace the title of Article 5 by the following new title:

MOD Spa2

Frequency Allocations[1]

10 kHz to 275 GHz

SECTION I. REGIONS AND AREAS

Replace Regulation No. 125 by the following new text:

(MOD) 125
Spa2

§ 1. For the allocation of frequencies the world has been subdivided into three Regions[2] (see Appendix 24).

Insert the following new foot-note:

ADD Spa2

Replace Regulation 125.1 by the following new text:

(MOD) 125.1
Spa2

MOD Spa2 Section IV. Table of Frequency Allocations—10 kHz to 275 GHz

In the Table of Frequency Allocations, replace the provisions for the band 1 800 – 2 000 kHz in Regions 2 and 3 by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
NOC	1 800—2 000 Amateur Fixed Mobile except aeronautical mobile Radionavigation 198	

NOC 198
SUP 199 199.1

In the Table of Frequency Allocations, replace the provisions for the band 2 170–2 194 kHz by the following:

kHz

Region 1	Region 2	Region 3
2 170–2 194	Mobile (distress and calling) 201 201A	

NOC 201
ADD 201A
Spa2

The frequencies 2 182 kHz, 3 023.5 kHz, 5 680 kHz, 8 364 kHz, 121.5 MHz, 156.8 MHz and 243 MHz may also be used, in accordance with the procedures in force for terrestrial radiocommunication services, for search and rescue operations concerning manned space vehicles.

The same applies to the frequencies 10 003 kHz, 14 993 kHz and 19 993 kHz, but in each of these cases emissions must be confined in a band of ±3 kHz about the frequency.

In the Table of Frequency Allocations, replace the provisions for the band 2 498–2 502 kHz in Region 1 and for the band 2 495–2 505 kHz in Regions 2 and 3 by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
2 300–2 498 NOC	2 300–2 495	NOC
2 498–2 502 Standard frequency 203 203A	2 495–2 505	Standard frequency 203 203A
2 502–2 625 NOC	2 505–2 625	NOC

ADD 203A
Spa2
SUP 204

The bands 2 501–2 502 kHz, 5 003–5 005 kHz, 10 003–10 005 kHz, 15 005–15 010 kHz, 19 990–19 995 kHz, 20 005–20 010 kHz and 25 005–25 010 kHz are also allocated, on a secondary basis, to the space research service.

In the Table of Frequency Allocations, replace the provisions for the band 2 850–3 025 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
2 850–3 025	Aeronautical mobile (R) 201A	

In the Table of Frequency Allocations, replace the provisions for the band 4 995–5 005 kHz by the following:

kHz

Region 1	Region 2	Region 3
4 995–5 005	Standard frequency 203A 210	

NOC 210

In the Table of Frequency Allocations, replace the provisions for the band 5 480–5 730 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
5 480–5 680	Aeronautical mobile (R) 201A	
5 680–5 730	Aeronautical mobile (OR) 201A	

In the Table of Frequency Allocations, replace the provisions for the band 7 000–7 100 kHz by the following:

kHz

Region 1	Region 2	Region 3
7 000–7 100	Amateur Amateur-satellite	

In the Table of Frequency Allocations, replace the provisions for the band 8 195–8 815 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
8 195–8 815	Maritime mobile 201A 213	

NOC 213

In the Table of Frequency Allocations, replace the provisions for the band 9 995–10 100 kHz by the following:

kHz

Region 1	Region 2	Region 3
9 995–10 005	Standard frequency 201A 203A 214	
10 005–10 100	Aeronautical mobile (R) 201A	

NOC 214
SUP 215 215A

In the Table of Frequency Allocations, replace the provisions for the band 14 000—14 350 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
14 000–14 250	Amateur Amateur-satellite	
14 250–14 350	Amateur 218	

NOC 218

In the Table of Frequency Allocations, replace the provisions for the band 14 990–15 010 kHz by the following:

kHz

Region 1	Region 2	Region 3
14 990–15 010	Standard frequency 201A 203A 219	

In the Table of Frequency Allocations, replace the provisions for the band 15 762–15 768 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
15 762–15 768	Fixed	

In the Table of Frequency Allocations, replace the provisions for the band 18 030–20 010 kHz by the following:

---

[1] See Resolution No. 6.

[2] It should be noted that where the words "regions" or "regional" are without a capital "R" in these Regulations, they do not relate to the three Regions here defined for purposes of frequency allocation.

kHz

Region 1	Region 2	Region 3
18 030–18 052	Fixed	
18 052–18 068	Fixed Space research	
18 068–19 990	Fixed	
19 990–20 010	Standard frequency 201A 203A 220	

NOC 220
SUP 221 221A

In the Table of Frequency Allocations, replace the provisions for the band 21 000–21 450 kHz by the following:

kHz

	Allocation to services	
Region I	Region 2	Region 3
21 000–21 450	Amateur Amateur-satellite	

In the Table of Frequency Allocations, replace the provisions for the band 21 850 — 22 000 kHz by the following:

kHz

Region 1	Region 2	Region 3
21 850–21 870	Radio Astronomy 221B	
21 870–22 000	Aeronautical fixed Aeronautical mobile (R)	

ADD 221B
Spa2

In Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 21 850–21 870 kHz is also allocated to the aeronautical fixed and the aeronautical mobile (R) services. The administrations concerned will take all practicable steps to protect radio astronomy observations in this band from harmful interference.

In the Table of Frequency Allocations, replace the provisions for the band 23 350–25 010 kHz by the following:

kHz

	Allocation to services	
Region 1	Region 2	Region 3
23 350–24 990	Fixed Land mobile 222 222A	
24 990–25 010	Standard frequency 203A 223	

NOC 222
ADD 222A
Spa2

In Argentina and Uruguay, the band 24 528–24 538 kHz may be used by the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 223

In the Table of Frequency Allocations, replace the provisions for the band 28–47 MHz in Region 1, for the band 28–50 MHz in Region 2 and for the band 28–44 MHz in Region 3 by the following:

MHz

	Allocation to services	
Region 1	Region 2	Region 3
28–29.7	Amateur Amateur-satellite	
29.7–30.005	Fixed 228 229 231 232 Mobile	
30.005–30.01	Space operation (Satellite identification) Fixed 228 229 231 Mobile Space research	
30.01–37.75	Fixed 228 229 230 231 Mobile 233A	

NOC 228 229 230 231 232
SUP 233
ADD 233A
Spa2

In Argentina and Uruguay, the bands 36.65—36.85 MHz, 41.15—41.35 MHz and 45.65—45.85 MHz, and in Argentina, Brazil and Uruguay, the band 170.55—170.95 MHz, are allocated to the radio astronomy service and no assignments shall be made to the fixed and mobile services in these bands.

MHz

	Allocation to services	
Region 1	Region 2	Region 3
37.75–38.25	Fixed 228 229 231 Mobile Radio astronomy 233B	
38.25–41	Fixed 228 229 230 Mobile 235 236 236A	
41–47 Broadcasting Fixed 228 237 Mobile	41–50 Fixed 228 231 237 Mobile	41–44 Fixed 228 237 Mobile
		236A
		44–50
236A 238 239 240 241		NOC
	233A 236A	

ADD 233B
Spa2

In making assignments to stations of other services to which the bands 37.75–38.25 MHz, 150.05–153 MHz, 406.1–410 MHz, 2 690–2 700 MHz and 4 700–5 000 MHz are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

MOD 235
Spa2

The band 39.986–40.02 MHz is also allocated, on a secondary basis, to the space research service.

NOC 236
ADD 236A
Spa2

The band 40.98–41.015 MHz is also allocated, on a secondary basis, to the space research service, in particular for measurements of the differential Faraday effect.

NOC 237 238 239 240 241

In the Table of Frequency Allocations, replace the provisions for the band 80–100 MHz in Region 3 by the following:

MHz

	Allocation to services	
Region 1	Region 2	Region 3
NOC	NOC	80–87 Fixed Mobile 254 255 256 257 261 266
NOC	NOC	87–100 Fixed Mobile Broadcasting 254 267 268

NOC 254 255 256 257 261 266
MOD 267
Spa2

In New Zealand, the bands 87–88 MHz and 94–108 MHz are allocated to the fixed and mobile services.

NOC 268

In the Table of Frequency Allocations, replace the provisions for the band 117·975–174 MHz in Region 1, for the bands 117·975–146 MHz and 148–174 MHz in Region 2 and for the bands 117·975–146 MHz and 148–170 MHz in Region 3 by the following:

MHz

	Allocation to Services	
Region 1	Region 2	Region 3
117.975–132	Aeronautical mobile (R) 201A 273 273A	
132–136	Aeronautical mobile (R) 273A 274 274A 274B 275	
136–137	Space research (space-to-earth) 281A 281AA	
137–138	Space operation (Telemetering and tracking) Meteorological-satellite Space research (Space-to-earth) 275A 279A 281C 281E	

NOC 273 273A
MOD 274
Spa2

In Bulgaria, Japan, Poland, Portugal, Portuguese Oversea Provinces in Region 1 south of the equator, Roumania, Sweden, Czechoslovakia and the U.S.S.R., existing stations in the aeronautical mobile (OR) service in the band 132–136 MHz, may continue to operate for an unspecified period on a primary basis.

ADD 274A
Spa2

In Regions 2 and 3, stations of the fixed and mobile services may continue to use the band 132–136 MHz until 1 January 1976. Until that date, frequency assignments to stations of the aeronautical mobile (R) service shall be co-ordinated between the administrations concerned and shall be protected from harmful interference.

ADD 274B
Spa2

In Cuba and Mexico, the band 132–136 MHz is also allocated to the fixed and mobile services.

MOD 275
Spa2

In Burundi, Ethiopia, Gambia, Malawi, Nigeria, Portuguese Oversea Provinces in

Region 1 south of the equator, Rhodesia, Rwanda, Sierra Leone and in the Republic of South Africa, the band 138–144 MHz is allocated to the fixed and mobile services. In these countries, existing stations in the fixed and mobile services may continue to operate in the band 132–136 MHz until 1 January 1976.

NOC 275A
SUP 276 277
MOD 278
Spa 2

In New Zealand, the band 138–144 MHz is allocated to the aeronautical mobile (OR) service.

SUP 279
NOC 279A 281A
ADD 281AA
Spa2

In Bulgaria, China, Cyprus, Korea, Spain, Ethiopia, Ghana, Hungary, India, Indonesia, Iran, Iraq, Iraz, Kenya, Kuwait, Malaysia, Uganda, Pakistan, Philippines, Poland, Portugal, the United Arab Republic, Roumania, Senegal, Syria, Tanzania, Czechoslovakia and the U.S.S.R., the band 136–137 MHz is also allocated to the fixed and mobile services.

SUP 281B
MOD 281C
Spa2

In Bulgaria, Hungary, Kuwait, Lebanon, Poland, the United Arab Republic, Roumania, Czechoslovakia, the U.S.S.R. and in Yugoslavia, the band 137–138 MHz is also allocated to the aeronautical mobile (OR) service.

SUP 281D
MOD 281E
Spa2

In Malaysia, Pakistan and the Philippines, the band 137–138 MHz is also allocated to the fixed and mobile services.

SUP 281F

MHz

Allocation to services

Region 2	Region 2	Region 3
138–143.6 Aeronautical mobile (OR)	138–143.6 Fixed Mobile Radiolocation Space research (Space-to-earth)	138–143.6 Fixed Mobile Space research (Space-to-earth)
275 281G 282A 283	283A	278 279A 284

ADD 281G
Spa2

In the F.R. of Germany, the band 138–140 MHz is also allocated, on a secondary basis, to the space research service (space-to-Earth).

SUP 282
ADD 282A
Spa2

In Belgium, France, Israel, Italy, Liechtenstein, Netherlands, the United Kingdom and Switzerland, the bands 138–143.6 MHz and 143.65–144 MHz are also allocated, on a secondary basis, to the space research service (space-to-Earth).

MOD 283
Spa2

In Austria, Denmark, Greece, Norway, Netherlands, Portugal, F.R. of Germany, United Kingdom, Sweden, Switzerland and Turkey, the band 138–144 MHz is also allocated to the fixed and mobile, except aeronautical mobile (R), services.

ADD 283A
Spa2

In Argentina, the frequency 138.54 MHz ± 7.5 kHz and the band 143.6–143.65 MHz may be used by the space research service (telecommand), subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 284

MHz

Allocation to services

Region 1	Region 2	Region 3
143.6–143.65 Aeronautical Mobile (OR) Space research (space-to-earth) 275 283	143.6–143.65 Fixed Mobile Space research (space-to-earth) Radiolocation 238A	143.6–143.65 Fixed Mobile Space research (space-to earth) 278 279A 284
143.65–144 Aeronautical mobile (OR) 275 282A 283	143.65–144 Fixed Mobile Radiolocation Space research (space-to-earth)	143.65–144 Fixed Mobile Space research (space-to-earth) 278 279A 284
144–146	Amateur Amateur-satellite	
146–149.9 Fixed Mobile except aeronautical mobile (R)	146–148	NOC
	148–149.9	Fixed Mobile 285A 290
285 285A		
149.9–150.05	Radionavigation-satellite 285B 285C	

MHz

Allocation to services

Region 1	Region 2	Region 3
150.05–151 Fixed Mobile except aeronautical mobile (R) Radio astronomy 233B 285 286A	150.05–174 Fixed Mobile	150.05–170 Fixed Mobile
151–153 Fixed Mobile except aeronautical mobile (R) Radio astronomy Meteorological aids 233B 285 286A		
153–154 Fixed Mobile except aeronautical mobile (R) Meteorological aids 285		
154–156 Fixed Mobile except aeronautical mobile (R) 285		201A 287 287A 290
156–174 Fixed Mobile except aeronautical mobile		170–174 NOC
201A 285 287 287A 288	201A 233A 287 287A	

SUP 284A
NOC 285
MOD 285A
Spa2

The band 148–149.9 MHz may be authorized for space telecommand, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected. The bandwidth of an individual transmission shall not exceed ±15 kHz.

MOD 285B
Spa2

In Austria, Bulgaria, Cuba, Hungary, Iran, Kuwait, Pakistan, Poland, the United Arab Republic, Roumania and Yugoslavia, the band 149.9–150.05 MHz is also allocated to fixed and mobile services (see Recommendation No. Spa8).

ADD 285C
Spa2

Emissions of the radionavigation-satellite service in the bands 149.9–150.05 MHz and 399.9–400.05 MHz may also be used by receiving earth stations of the space research service.

SUP 286 (*see* **ADD 233B)**
NOC 286A 287
ADD 287A
Spa2

In the frequency bands designated for the maritime mobile service in accordance with Appendix 18 to the Radio Regulations, the use of satellite systems for safety and distress may be authorized on certain channels on an exclusive basis in the band 157.3125–157.4125 MHz for transmissions from ships to satellites and in the band 161.9125–162.0125 MHz for transmissions from satellites to ships. The satellite systems shall not be brought into use before 1 January 1976 (see Resolution No. Spa2–5).

NOC 288 289 290

In the Table of Frequency Allocations, replace the provisions for the bands 235–470 MHz and 582–790 MHz in Region 1; for the band 235–942 MHz in Region 2 and for bands 235–470 MHz and 585–890 MHz in Region 3 by the following:

MHz

Allocation to services

Region 1	Region 2	Region 3
235–267	Fixed Mobile 201A 305 305A 308A 309	
267–272	Fixed Mobile Space operation (telemetering) 309A 309B 308A	
272–273	Space operation (telemetering) 309A Fixed Mobile 308A	
273–328.6	Fixed Mobile 308A 310 310A	
328.6–335.4	Aeronautical radionavigation 311	

NOC 305
ADD 305A
Spa2

In New Zealand, the band 235–239.5 MHz is also allocated to the aeronautical radionavigation service.

ADD 308A
Spa2

The bands 240–328.6 MHz and 335.4–399.9 MHz may also be used by the mobile-satellite service. The use and development of this service shall be subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 309 309A 309B
MOD 310
Spa2

Radio astronomy observations in the band 322–328.6 MHz are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in using this band.

ADD 310A
Spa2

In India, the band 322–328.6 MHz is also allocated to the radio astronomy service.

NOC 311

MHz

Allocation to services

Region 1	Region 2	Region 3
335.4–339.9	Fixed Mobile 308A	
339.9–400.05	Radionavigation-satellite 285C 311A	
400.05–400.15	Standard frequency-satellite 312B 313 314	
400.15–401	Meteorological aids Meteorological-satellite (Maintenance telemetering) Space research (Telemetering and tracking) 313 314	

MOD 311A
Spa2

In Bulgaria, Cuba, Greece, Hungary, Indonesia, Iran Kuwait, Lebanon, the United Arab Republic, Syria and Yugoslavia, the band 399–400–05 MHz is also allocated to the fixed and mobile services (see Recommendation No. Spa. 8).

SUP 312A

ADD 312B
Spa2

In this band the standard frequency is 400–1 MHz. Emissions shall be confined in a band of ± 25 kHz about this frequency.

NOC 313 314

MHz

Allocation to services

Region 1	Region 2	Region 3
401–402	Meteorological aids Space operation (Telemetering) 315A Fixed Meteorological-satellite (Earth-to-space) Mobile except aeronautical mobile 314 315 315B 315C 316	
402–403	Meteorological aids Fixed Meteorological-satellite (Earth-to-space) Mobile except areonautical mobile 314 315 315C 316	
403–406	Meteorological aids Fixed Mobile except aeronautical mobile 314 315 316	

NOC 315 315A 315B

ADD 315C
Spa2

In the band 401–403 MHz, earth exploration-satellite applications, other than the meteorological-satellite service, may also be used for Earth-to-space transmissions on condition that no harmful interference is caused to stations operating in accordance with the Table.

NOC 316

MHz

Allocation to services

Region 1	Region 2	Region 3
406–406.1	Mobile-satellite (Earth-to-space) 314 317A 317B	
406.1–410	Fixed Mobile except aeronautical mobile Radio astronomy 233B 314	
410–420	Fixed Mobile except aeronautical mobile 314	

SUP 317 (*see* ADD 233B)

ADD 317A
Spa2

The band 406–406.1 MHz is reserved solely for the use and development of low-power (not to exceed 5 W) emergency position-indicating radiobeacon (EPIRB) systems using space techniques.

ADD 317B
Spa2

In Austria, Bulgaria, Chile, Cuba, Ethiopia, Hungary, India, Iran, Kenya, Kuwait, Liechtenstein, Malaysia, Uganda, Poland, the United Arab Republic, Rwanda, Sweden, Switzerland, Syria, Tanzania, Czechoslovakia and in the U.S.S.R., the band 406–406.1 MHz is also allocated to the fixed service and the mobile, except aeronautical mobile, service.

MHz

Allocation to services

Region 1	Region 2	Region 3
420–430 Fixed Mobile except aeronautical mobile Radiolocation 318 319	420–450	
430–440 Amateur Radiolocation 318 319 319B 320 320A 321 322		Radiolocation Amateur
440–450 Fixed Mobile except aeronautical mobile Radiolocation 318 319 319A		318 319A 319B 320A 323 324
450–460	Fixed Mobile 318 319A	
460–470	Fixed Mobile Meteorological-satellite (Space-to-earth) 318A	

MOD 318
Spa2

Radio altimeters may also be used until 31 December 1974 in the band 420–460 MHz. However, after this date, they may be authorized to continue to operate on a secondary basis except in the U.S.S.R. where they will continue to operate on a primary basis.

NOC 318A 319

MOD 319A
Spa2

The band 449.75–450.25 MHz may be used for space telecommand and space research (Earth-to-space), subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 319B
Spa2

In France and the French Department of Guyana (Region 2) the frequency 434 MHz±0.25 MHz may be used for space operation (Earth-to-space) subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 320

ADD 320A
Spa2

In the band 435–438 MHz, the amateur-satellite service may be authorized, on condition that no harmful interference shall be caused to other services operating in accordance with the Table. Administrations authorizing such use shall ensure that any harmful interference caused by emissions from an amateur satellite is immediately eliminated in accordance with the provisions of No. 1567A.

NOC 321

MOD 322
Spa2

In Denmark, Norway and Sweden, the bands 430–432 MHz and 438–440 MHz are also allocated to the fixed and mobile services.

NOC 323 324

(MOD) 324A
Spa2

It is intended that meteorological-satellite space stations operating in the band 1 670–1 690 MHz shall transmit to selected earth stations. The location of such earth stations is subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 324B
Spa2

Earth exploration-satellite service applications, other than meteorological-satellite service, may also be used in the bands 460–470 MHz and 1 690–1 700 MHz for space-to-Earth transmissions on condition that no harmful interference is caused to stations operating in accordance with the Table.

MHz

Allocation to Services

Region 1	Region 2	Region 3
470–582	470–890 Broadcasting	470–585
NOC		NOC
582–606 Broadcasting Radionavigation 325 327 328 329		585–610 Radionavigation 330B 336 337
606–790 Broadcasting 329 330 330A 331 332 332A		610–890 Fixed Mobile Broadcasting
790–890 NOC	329A 332 332A	330B 332 332A 338 339
890–942 NOC	890–942 Fixed Radiolocation 339A 340	890–942 NOC

NOC 325

SUP 326

NOC 327 328 329

ADD 329A
Spa2

In Argentina and Uruguay, the band 602–608 MHz is allocated to the radio astronomy service.

NOC 330 330A

ADD 330B
Spa2

In India, the band 608–614 MHz is also allocated to the radio astronomy service.

NOC 331 332

ADD 332A
Spa2

Within the frequency band 620–790 MHz, assignments may be made to television stations using frequency modulation in the broadcasting-satellite service subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see Resolutions Nos. Spa2–2 and Spa2–3). Such stations shall not produce a power flux density in excess of the value −129 dBW/m² for angles of arrival less than 20° (see Recommendation No. Spa2–10) within the territories of other countries without the consent of the administrations of those countries.

NOC 336 337 338 339 339A
MOD 340
Spa2

In Region 2, the frequency 915 MHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±13 MHz of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

In the Table of Frequency Allocations, replace the provisions for the band 1 350–1 400 MHz by the following:

MHz

Allocation to services

Region 1	Region 2	Region 3
1 350–1 400 Fixed Mobile Radiolocation 349 349A	1 350–1 400 Radiolocation 349 349A	

NOC 349
ADD 349A
Spa2

Radio astronomy observations on the Hydrogen line displaced towards lower frequencies are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the band 1 350 — 1 400 MHz.

In the Table of Frequency Allocations, replace the provisions for the band 1 427 — 1 429 MHz by the following:

MHz

Region 1	Region 2	Region 3
1 427–1 429	Space operation (telecommand) Fixed Mobile except aeronautical mobile	

In the Table of Frequency Allocations, replace the provisions for the band 1 525–2 300 MHz by the following:

MHz

Allocation to services

Region 1	Region 2	Region 3
1 525–1 535 Space operation (Telemetering) 350A Fixed 350B Earth exploration-satellite Mobile except aeronautical mobile 350C	1 525–1 535 Space operation (Telemetering) 350A Earth Exploration-Satellite Fixed Mobile 350D	1 525–1 535 Space operation (Telemetering) 350A Fixed 350B Earth exploration-satellite Mobile

MOD 350A
Spa2

Space stations employing frequencies in the band 1 525–1 535 MHz for telemetering purposes may also transmit tracking signals in this band.

NOC 350B 350C 350D
SUP 350E

MHz

Allocation to services

Region 1	Region 2	Region 3
1 535–1 542.5	Maritime mobile-satellite 352 352D 352E	
1 542 5–1 543.5	Aeronautical mobile-satellite (R) Maritime mobile-satellite 352 352D 352F	
1 543.5–1 558.5	Aeronautical mobile-satellite (R) 352 352D 352G	
1 558.5–1 636.5	Aeronautical radionavigation 352 352A 352B 352D 352K	
1 636.5–1 644	Maritime mobile-satellite 352 352D 352H	
1 644–1 645	Aeronautical mobile-satellite (R) Maritime mobile-satellite 352 352D 352I	
1 645–1 660	Aeronautical mobile-satellite (R) 352 352D 352J	

SUP 351
NOC 352
MOD 352A
Spa2

The bands 1 558.5—1 636.5 MHz, 4 200—4 400 MHz, 5 000—5 250 MHz and 15.4—15.7 GHz are reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities.

MOD 352B
Spa2

The bands 1 558.5—1 636.5 MHz, 5 000—5 250 MHz and 15.4—15.7 GHz are also allocated to the aeronautical mobile (R) service for the use and development of systems using space radiocommunication techniques. Such use and development is subject to agreement and co-ordination between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

SUP 352C
NOC 352D
ADD 352E
Spa2

The use of the band 1 535—1 542.5 MHz is limited to transmissions from space to earth stations in the maritime mobile-satellite service for communication and/or radiodetermination purposes. Transmissions from coast stations directly to ship stations, or between ship stations, are also authorized when such transmissions are used to extend or supplement the satellite-to-ship links.

ADD 352F
Spa2

The use of the band 1 542.5—1 543.5 MHz is limited to transmission from space to earth stations in the aeronautical mobile-satellite (R) and maritime mobile-satellite services for communication and/or radiodetermination purposes. Transmissions from land stations directly to mobile stations, or between mobile stations, of the aeronautical mobile (R) and maritime mobile services, are also authorized. The utilization of this band is subject to prior operational coordination between the two services.

ADD 352G
Spa2

The use of the band 1 543.5—1 558.5 MHz is limited to transmissions from space to earth stations in the aeronautical mobile-satellite (R) service for communication and/or radiodetermination purposes. Transmissions from terrestrial aeronautical stations directly to aircraft stations, or between aircraft stations, in the aeronautical mobile (R) service are also authorized when such transmissions are used to extend or supplement the satellite-to-aircraft links.

ADD 352H
Spa2

The use of the band 1 636.5—1 644 MHz is limited to transmissions from earth to space stations in the maritime mobile-satellite service for communication and/or radiodetermination purposes. Transmissions from ship stations directly to coast stations, or between ship stations, are also authorized when such transmissions are used to extend or supplement the ship-to-satellite links.

ADD 352I
Spa2

The use of the band 1 644—1 645 MHz is limited to transmissions from earth to space stations in the aeronautical mobile-satellite (R) and maritime mobile-satellite services for communication and/or radiodetermination purposes. Transmissions from mobile stations directly to land stations, or between mobile stations, of the aeronautical mobile (R) and maritime mobile services, are also authorized. The utilization of this band is subject to prior operational coordination between the two services.

ADD 352J
Spa2

The use of the band 1 645–1 660 MHz is limited to transmissions from earth to space stations in the aeronautical mobile-satellite (R) service for communication and/or radiodetermination purposes. Transmissions from aircraft stations in the aeronautical mobile (R) service directly to terrestrial aeronautical stations, or between aircraft stations, are also authorized when such transmissions are used to extend or supplement the aircraft-to-satellite links.

ADD 352K
Spa2

Radio astronomy observations on important spectral lines due to the hydroxyl radicle OH at frequencies 1 612.231 MHz and 1 720.530 MHz are carried out in a number of countries under national arrangements; the bands observed being 1 611.5–1 612.5 MHz and 1 720–1 721 MHz respectively. Administrations should bear in mind the needs of radio astronomy service in their future planning of the bands 1 558.5–1 636.5 MHz and 1 710–1 770 MHz.

MHz

Allocation to services

Region 1	Region 2	Region 3
1 660–1 670	Meteorological aids Radio astronomy 353A 354 354A 354B	
1 670–1 690	Meteorological aids Fixed Meteorological-satellite (space-to-earth) 324A Mobile except aeronautical mobile 354	
1 690–1 700 Meteorological aids Meteorological-satellite (space-to-earth) Fixed Mobile except aeronautical mobile 324B 354A	1 690–1 700	Meteorological aids Meteorological-satellite (space-to-earth) 324B 354A 354C
1 700–1 710 Fixed Space research (space-to-earth) Mobile 354D	1 700–1 710	Fixed Mobile Space research (space-to-earth) 354D

SUP 353
MOD 353A
Spa2

In view of the successful detection by astronomers of two hydroxyl spectral lines in the regions of 1 665 MHz and 1 667 MHz, administrations are urged to give all practicable protection in the band 1 660–1 670 MHz for future research in radio astronomy particularly by eliminating air-to-ground transmissions in the meteorological aids service in the band 1 664.4–1 668.4 MHz as soon as practicable.

NOC 354
MOD 354A
Spa2

In Bulgaria, Cuba, Ethiopia, Hungary, Israel, Jordan, Kenya, Kuwait, Lebanon, Uganda, Pakistan, Poland, the United Arab Republic, Roumania, Syria, Tanzania, Czechoslovakia, the U.S.S.R. and Yugoslavia, the bands 1 660–1 670 MHz and 1 690–1 700 MHz are also allocated to the fixed service and the mobile, except aeronautical mobile, service.

NOC 354B 354C
ADD 354D
Spa2

The band 1 700–1 700.2 MHz may be used, on a secondary basis, for the transmission from space stations on board satellites of frequencies harmonically related to those emitted in the bands 149.9–150.05 MHz and 399.9–400.05 MHz for the requirements of ionospheric investigation and geodesy.

SUP 355A

MHz

Allocation to services		
Region 1	Region 2	Region 3
1 710–1 770 Fixed Mobile 352K 356	1 710–1 770	Fixed Mobile 352K 356A
1 770–1 790 Fixed Meteorological-satellite 356AA Mobile 356	1 770–1 790	Fixed Mobile Meteorological-satellite 356AA 356A
1 790–2 290 Fixed Mobile 356 356AB 356ABA 356AC	1 790–2 290	Fixed Mobile 356A 356AB 356ABA
2 290–2 300 Fixed Space research (space-to-earth) Mobile 356C	2 290–2 300	Fixed Mobile Space research (space-to-earth)

MOD 356
Spa2

In Switzerland, the band 1 710–2 290 MHz is allocated to the fixed service and the mobile, except the aeronautical mobile, service and the band 1 770–1 790 MHz is also allocated, on a secondary basis, to the meteorological-satellite service.

MOD 356A
Spa2

In Region 2, in Australia and Japan, the band 1 750–1 850 MHz may also be used for Earth-to-space transmissions, and in Regions 2 and 3, the band 2 200–290 MHz may also be used for space-to-Earth transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 356AA [NOC 356AA *is* (MOD) 356AA *in the French and Spanish version.*]

ADD 356AB
Spa2

In Regions 2 and 3 and in Spain, in the band 2 025–2 120 MHz Earth-to-space transmissions in the earth exploration-satellite service may be authorized with equally of right to operate with stations of other space radiocommunication services in this band and subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 356ABA
Spa2

In Region 2, in Australia and Spain, in the band 2 025–2 120 MHz and in Regions 1 and 3, in the band 2 110–2 120 MHz Earth-to-space transmissions in the space research service may be authorized with equality of right to operate with other space radiocommunication services in these bands and subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 356AC
Spa2

In Region 1, in the band 2 096–2 120 MHz, Earth-to-space transmissions in the earth exploration-satellite service may be authorized with equality of right to operate with stations of other space radiocommunication services in this band and subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see No. 356AB)).

SUP 356B
NOC 356C

In the Table of Frequency Allocations, replace the provisions for the band 2 450–2 700 MHz by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
2 450–2 500 Fixed Mobile Radiolocation 357 361	2 450–2 500	Fixed Mobile Radiolocation 357
2 500–2 550 Fixed 364C Mobile except aeronautical mobile Broadcasting-satellite 361B 361A 362 364F	2 500–2 535	Fixed 364C Fixed-satellite (Space-to-Earth) Mobile except aeronautical mobile Broadcasting-satellite 361B 361A 364E 364F
	2 535–2 550	Fixed 364C Mobile except aeronautical mobile Broadcasting-satellite 361B 361A 364F
2 550–2 655		Fixed 364C Mobile except aeronautical mobile Broadcasting-satellite 361B 362 363 364 364F
2 655–2 690 Fixed 364C 364D Mobile except aeronautical mobile Broadcasting-satellite 361B 364H 363 364 364F 364G	2 655–2 690	Fixed 364C 364D Fixed-satellite (earth-to-space) Mobile except aeronautical mobile Broadcasting-satellite 361B 364H 364E 364F 364G
2 690–2 700	Radio astronomy 233B 363 364A 364B	

NOC 357
MOD 361
Spa2

In France and the United Kingdom, the band 2 450–2 500 MHz is allocated on a primary basis to the radiolocation service and, on a secondary basis, to the fixed and mobile services.

ADD 361A
Spa2

In France, the band 2 500–2 550 MHz is also allocated, on a primary basis, to the radiolocation service and, on a secondary basis, to the fixed and mobile services. In Canada, the 2 500–2 550 MHz is also allocated on a primary basis to the radiolocation service.

ADD 361B
Spa2

The use of the band 2 500–2 690 MHz by the broadcasting-satellite service is limited to domestic and regional systems for community reception and such use is subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see Resolutions Nos. Spa2–2 and Spa2–3). The power flux density at the Earth's surface shall not exceed the values given in Nos. 470NH–470NK.

MOD 362
Spa2

In the United Kingdom, the band 2 500–2 600 MHz is also allocated, on a secondary basis, to the radiolocation service.

NOC 363
MOD 364
Spa2

In Region 1, tropospheric scatter systems may operate in band 2 550–2 690 MHz, subject to agreement between the administrations concerned and those having terrestrial radiocommunication services, operating in accordance with the Table, which may be affected.

MOD 364A
Spa2

In Bulgaria, Cuba, Hungary, Israel, Kuwait, Lebanon, Morocco, Pakistan, the Philippines, Poland, the United Arab Republic, Roumania, Czechoslovakia, the U.S.S.R. and Yugoslavia, the band 2 690–2 700 MHz is also allocated to the fixed and mobile services.

NOC 364B
ADD 364C
Spa2

When planning new tropospheric scatter radio-relay links in the band 2 500–2 690 MHz, all possible measures shall be taken to avoid directing the antennae of these links toward the geostationary satellite orbit.

ADD 364D
Spa2

Administrations shall make all practicable effort to avoid developing new tropospheric scatter systems in the band 2 655–2 690 MHz.

ADD 364E
Spa2

The use of the bands 2 500–2 535 MHz and 2 655–2 690 MHz by the fixed-satellite service is limited to domestic and regional systems and such use is subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see Article 9A). In the direction space-to-Earth, the power flux density at the Earth's surface shall not exceed the values given in 470NE.

ADD 364F
Spa2

In Bulgaria, Iran, Portugal and the U.S.S.R., the band 2 600-2 690 MHz is allocated to the fixed service and the mobile, except aeronautical mobile, service.

ADD 364G
Spa2

Radio astronomy observations in the band 2 670-2 690 MHz are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of this band.

ADD 364H
Spa2

In the design of systems in the broadcasting-satellite service, administrations are urged to take all necessary steps to protect the radio astronomy service in the band 2 690–2 700 MHz.

SUP 365 (*see* ADD 233B)

In the Table of Frequency Allocations, replace the provisions for the band 3 400-5 250 MHz by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
3 400–3 500 Fixed Fixed-satellite (space-to-earth) Mobile Radiolocation 372 373 374 375	3 400–3 500 Fixed-satellite (space-to-earth) Radiolocation Amateur 376	
3 600–4 200 Fixed Fixed-satellite (space-to-earth) Mobile	3 500–3 700 Fixed Fixed-satellite (space-to-earth) Mobile Radiolocation	3 500–3 700 Fixed-satellite (space-to-earth) Radiolocation Fixed Mobile 377 378
374	3 700–4 200 Fixed Fixed-satellite (space-to-earth) Mobile 379	
4 200–4 400	Aeronautical radionavigation 352A 379A 381 382 383	
4 400–4 700	Fixed Fixed-satellite (earth-to-space) Mobile	

MHz

Allocation to services		
Region 1	Region 2	Region 3
4 700–4 990	Fixed Mobile 233B 354 382A 382B	
4 990–5 000 Fixed Mobile Radio astronomy 233B	4 990–5 000 Radio astromomy 383A	4 990–5 000 Fixed Mobile Radio astronomy 233B
5 000–5 250	Aeronautical radionavigation 352A 352B 383B	

NOC 372
(MOD) 373
Spa2

In Denmark, Norway, Sweden and Switzerland, the fixed, mobile, radiolocation and fixed-satellite services operate on a basis of equality of rights in the band 3 400—3 600 MHz.

NOC 374
SUP 374A
NOC 375 376
MOD 377
Spa2

In China and Japan, the band 3 500—3 700 MHz is also allocated to the fixed and mobile services.

NOC 378
(MOD) 379
Spa2

In Australia, the band 3 700—3 770 MHz is allocated to the radiolocation and fixed-satellite services.

ADD 379A
Spa2

The standard frequency-satellite service and the time signal-satellite service may be authorized to use the frequency 4 202 MHz for space-to-Earth transmissions and the frequency 6 427 MHz for Earth-to-space transmissions. Such transmissions shall be confined within the limits of ±2 MHz of these frequencies and shall be subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 381 382
ADD 382A
Spa2

Radio astronomy observations on the formaldehyde line (rest frequency 4 829–649 MHz) are being carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the band 4 825–4 835 MHz.

ADD 382B
Spa2

Radio astronomy observations in the band 4 950–4 990 MHz are being carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of his band.

NOC 383
(MOD) 383A
Spa2

In Cuba, the band 4 990–5 000 MHz is also allocated to the fixed and mobile services, and the provisions of No. 233B apply.

ADD 383B
Spa2

The band 5 000–5 250 MHz is also allocated to the fixed-satellite service for connection between one or more earth stations at specified fixed points on the Earth and satellites used by the aeronautical mobile (R) service and/or the radio-determination service. Such use and development shall be subject to agreement and co-ordination between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

In the Table of Frequency Allocations, replace the provisions for the band 5 725–7 750 MHz in Regions 1 and 3 and for the bands 5 725–5 850 MHz and 5 925–7 750 MHz in Region 2 by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
5 725–5 850 Fixed-satellite (earth-to-space) Radiolocation Amateur 354 388 390 91 391A	5 725–5 850	Radiolocation Amateur 389 391 391A

NOC 388 389
(MOD) 390
Spa2

In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 5 800 – 5 850 MHz is allocated to the fixed, mobile and fixed-satellite services.

NOC 391
ADD 391A
Spa2

Radio astronomy observations are being carried out in the bands 5 750 – 5 770 MHz and 36 458 – 36 488 GHz in a number of countries under national arrangements. Administrations are urged to take all practicable steps to protect radio astronomy observations in these bands from harmful interference.

MHz

Allocation to services		
Region 1	Region 2	Region 3
5 850–5 925 Fixed Fixed-satellite (earth-to-space) Mobile 391	5 850–5 925 NOC	5 850–5 925 Fixed Fixed-sattelite (earth-to-space) Mobile Radiolocation 391
5 925–6 425	Fixed Fixed-satellite (earth-to-space) Mobile	
6 425–7 250	Fixed Mobile 379A 392AA 392B 393	
7 250–7 300	Fixed-satellite (space-to-earth) 392D 392G	

MHz

Allocation to services		
Region 1	Region 2	Region 3
7 300–7 450	Fixed Fixed-satellite (space-to-earth) Mobile 392D	
7 450–7 550	Fixed Fixed-satellite (space-to-earth) Meteorological-satellite (space-to-earth) Mobile 392D	
7 550– 7750	Fixed Fixed-satellite (space-to-earth) Mobile 392D	

SUP 392A
ADD 392AA
Spa2

In Brazil, Canada and the United States of America, the band 6 625–7 125 MHz is also allocated, on a secondary basis, to the fixed-satellite service for space-to-Earth transmissions. In Region 2, the power flux density produced by space stations in this band shall be in accordance with the provisions of No. 470NM. In Regions 1 and 3, it shall be at least 6 dB lower. Receiving earth stations in this band may not impose restrictions on the locations or technical parameters of existing or future terrestrial stations of other countries.

MOD 392B
Spa2

The band 7 145–7 235 MHz may be used for Earth-to-space transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

SUP 392C
MOD 392D
Spa2

As an exception, passive fixed-satellite systems also may be accommodated in the band 7 250–7 750 MHz subject to:

a) agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected;

b) the co-ordination procedures laid down in Articles 9 and 9A.

Such systems shall not cause any more interference at active earth station receivers than would be caused by the fixed or mobile service. Power flux density limitations at the Earth's surface after reflection from the passive fixed-satellites shall not exceed those prescribed in the present Regulations for active fixed-satellite systems.

SUP 392F
NOC 392G 392H 393

In the Table of Frequency Allocations, replace the provisions for the band 7 900–8 500 MHz by the following:

MHz

Allocation to services

Region 1	Region 2	Region 3
7 900—7 975	Fixed Fixed-satellite (earth-to-space) Mobile	
7 975—8 025	Fixed-satellite (earth-to-space) 392H	

MHz

Allocation to services

Region 1	Region 2	Region 3
8 025–8 175 Fixed Fixed-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394B	8 025–8 175 Earth exploration-satellite (space-to-earth) Fixed Fixed-satellite (earth-to-space) Mobile	8 025–8 175 Fixed Fixed-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth)
8 175–8 215 Fixed Fixed-satellite (earth-to-space) Meteorological-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394B	8 175–8 215 Earth exploration-satellite (space-to-earth) Fixed Fixed-satellite (earth-to-space) Meteorological-satellite (earth-to-space) Mobile	8 175–8 215 Fixed Fixed-satellite (earth-to-space) Meteorological-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth)
8 215–8 400 Fixed Fixed-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394 394B	8 215–8 400 Earth exploration-satellite (space-to-earth) Fixed Fixed-satellite (earth-to-space) Mobile	8 215–8 400 Fixed Fixed-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394

MHz

Allocation to services

Region 1	Region 2	Region 3
8 400–8 500		Fixed Mobile Space research (space-to-earth) 394A 394D

(MOD) 394
Spa2

In Australia and the United Kingdom, the band 8 250–8 400 MHz is allocated to the radiolocation and fixed-satellite services.

MOD 394A
Spa2

In the United Kingdom, the band 8 400–8 500 MHz is allocated to the radiolocation and space research services

(MOD) 394B
Spa2

In Israel, the band 8 025–8 400 MHz is allocated, on a primary basis, to the fixed and mobile services and, on a secondary basis, to the fixed-satellite service.

SUP 394C
NOC 394D

In the Table of Frequency Allocations, replace the provisions for the band 10 v 55 15.35 GHz by the following:

GHz

Allocation to services

Region 1	Region 2	Region 3
10·55–10·6	NOC	
10·6–10·68	Fixed Mobile Radio astronomy Radiolocation 404A	
10·68–10·7	Radio astronomy 405B	

ADD 404A
Spa2

In the F.R. of Germany, in the band 10.6–10.68 GHz, the radio astronomy

SUP 405A
NOC 405B

GHz

Allocation to services

Region 1	Region 2	Region 3
10.7–10.95	Fixed Mobile	
10.95–11.2 Fixed Fixed-satellite (space-to-earth) (earth-to-space) Mobile	10.95–11.2	Fixed Fixed-satellite (space-to-earth) Mobile
11.2–11.45	Fixed Mobile	
11.45–11.7	Fixed Fixed-satellite (space-to-earth) Mobile	

GHz

Allocation to services

Region 1	Region 2	Region 3
11. 7–12. 5 Fixed Mobile except aeronautical mobile Broadcasting Broadcasting-satellite	11. 7–12. 2 Fixed Fixed-satellite (space-to-earth) Mobile except aeronautical mobile Broadcasting Broadcasting-satellite 405BB 405BC	11. 7–12. 2 Fixed Mobile except aeronautical mobile Broadcasting Broadcasting-satellite 405BA
405BA	12. 2–12. 5	Fixed Mobile except aeronautical moblie Broadcasting
12. 5–12. 7 Fixed-satellite (space-to-earth) (earth-to-space) 405BD 405BE	12. 5–12. 75 Fixed Fixed-satellite (earth-to-sapce) Mobile except aeronautical mobile	12. 5–12. 75 Fixed Fixed-satellite (space-to-earth) Mobile except aeronautical mobile
12. 75–13. 25	Fixed Mobile	
13. 25–13. 4	Aeronautical radionavigation 406 407 407A	
13. 4–14	Radiolocation 407 407A 408 409	

GHz

Allocation to services

Region 1	Region 2	Region 3
14–14. 3	Fixed-satellite (earth-to-space) Radionavigation 408A 407 407A	
14. 3–14. 4	Fixed-satellite (earth-to-sapce) Radionavigation-satellite 408A	
14. 4–14. 5	Fixed Fixed-satellite (earth-to-space) Mobile 408B 408C	
14. 5–15. 35	Fixed Mobile 408B 408C	

ADD 405BA
Spa2

In the band 11.7–12.2 GHz in Region 3 and in the band 11.7–12.5 GHz in Region 1, existing and future fixed, mobile and broadcasting services shall not cause harmful interference to broadcasting-satellite stations operating in accordance with the decisions of the appropriate broadcasting frequency assignment planning conference (see Resolution No. Spa2–2) and this requirement shall be taken into account in the decisions of that conference.

ADD 405BB
Spa2

Terrestrial radiocommunication services in the band 11.7–12.2 GHz in Region 2 shall be introduced only after the elaboration and approval of plans for the space radiocommunication services, so as to ensure compatibility between the uses that each country decides for this band.

ADD 405BC
Spa2

The use of the band 11.7–12.2 GHz in Region 2 by the broadcasting-satellite and fixed-satellite services is limited to domestic systems and is subject to previous agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see Article 9A and Resolution No. Spa2–3).

ADD 405BD

In Bulgaria, Cameroon, Congo (Brazzaville), the Ivory Coast, Gabon, Ghana, Hungary, Iraq, Israel, Jordan, Kuwait, Libya, Mali, Niger, Poland, Syria, United Arab Republic, Rumania, Senegal, Czechoslovakia, Togo and the U.S.S.R., the band 12.5–12.75 GHz is also allocated to the fixed service and the mobile, except aeronautical mobile, service.

ADD 405BE
Spa2

In Algeria, Belgium, Denmark, Spain, Ethiopia, Finland, France, Greece, Kenya, Liechtenstein, Luxembourg, Monaco, Norway, Uganda, Netherlands, Portugal, the F.R. of Germany, Sweden, Switzerland, Tanzania and Tunisia, the band 12.5–12.75 GHz is also allocated, on a secondary basis, to the fixed service and the mobile, except aeronautical mobile, service.

NOC 406
MOD 407
Spa2

In Albania, Bulgaria, Hungary, Poland, Rumania, Czechoslovakia and the U.S.S.R., the bands 13.25–13.5 GHz, 14.175–14.3 GHz, 15.4–17.7 GHz, 23.6–24 GHz, 24.05–24.25 GHz and 33.4–36 GHz are also allocated to the fixed and mobile services.

ADD 407A
Spa2

The band 13.25–14.2 GHz may also be used, on a secondary basis, for Earth-to-space transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

MOD 408
Spa2

In Sweden, the bands 13.4–14 GHz, 15.7–17.7 GHz and 33.4–36 GHz are also allocated to the fixed and mobile services.

ADD 408A
Spa2

The use of the bands 14–14.3 GHz and 14.3–14.4 GHz by the radionavigation service and radionavigation-satellite service respectively, shall be such as to provide sufficient protection to space stations of the fixed-satellite service (see Recommendation No. Spa2–15, paragraph 2.14).

ADD 408B
Spa2

The band 14.4–15.35 GHz may also be used, on a secondary basis, for space-to-Earth transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 408C
Spa2

Radio astronomy observations on the formaldehyde line (rest frequency 14.489 GHz) are being carried out in a number of countries under national arrangements. In making assignments to stations in the fixed and mobile services, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference in the band 14.485–14.515 GHz.

NOC 409
SUP 409A 409B

In the Table of Frequency Allocations, replace the provisions for the band 17.7–24.25 GHz by the following:

GHz

	Allocation to services	
Region 1	Region 2	Region 3
17.7–19.7	Fixed Fixed-satellite (space-to-earth) Mobile	
19.7–21.2	Fixed-satellite (space-to-earth) 409E	
21.2–22	Earth exploration-satellite (space-to-earth) Fixed Mobile	
22–22.5	Fixed Mobile 410A	
22.5–23	Fixed Mobile	22.5–23 Fixed Mobile Broadcasting-satellite 410B
23–23.6	Fixed Mobile	
23.6–24	Radio astronomy 407	
24–24.05	Amateur Amateur-satellite 410C	
24.05–24.25	Radiolocation Amateur 407 410C	

SUP 409D
ADD 409E
Spa2

In Japan, the bands 19.7–21.2 GHz and 29.5–31 GHz are also allocated to the fixed and mobile services. This additional use shall not impose any limitation on the power flux density of space stations in the fixed-satellite service.

SUP 410
ADD 410
Spa2

The band 22.21–22.26 GHz is also allocated to the radio astronomy service for observations of a spectral line due to water vapour (rest frequency 22.235 GHz). Administrations are urged to give all practicable protection in this band for future research in radio astronomy.

ADD 410
Spa2

In Region 3, the broadcasting-satellite service is authorized in the band 22.5–23.0 GHz, subject to power flux density limits for the protection of the terrestrial services in this band.

ADD 410C
Spa2

The frequency 24.125 GHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±125 MHz of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

In the Table of Frequency Allocations, replace the provisions for the band 25.25–31.3 GHz by the following:

GHz

	Allocation to services	
Region 1	Region 2	Region 3
25.25–27.5	Fixed Mobile	
27.5–29.5	Fixed Fixed-satellite (earth-to-space) Mobile	
29.5–31	Fixed-satellite (earth-to-space) 409E	
31–31.3	Fixed Mobile Space research 412H 412I	

NOC 412E 412H
ADD 4121
Spa2

Radio astronomy observations in the band 31.2–31.3 GHz are carried out in a number of countries under national arrangements. Administrations are urged to take all practicable steps to protect radio astronomy observations in this band from harmful interference.

In the Table of Frequency Allocations, replace the provisions for the band 36–40 GHz by the following:

GHz

Region 1	Region 2	Region 3
36—40	Fixed Mobile 391A 412E	

In the Table of Frequency Allocations, replace the indication "above 40 (Not allocated)" by the following new Table:

GHz

	Allocation to services	
Region 1	Region 2	Region 3
40–41	Fixed-satellite (space-to-earth)	
41–43	Broadcasting-satellite	
43–48	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
48–50	(Not allocated)	
50–51	Fixed-satellite (earth-to-space)	
51–52	Earth exploration-satellite Space research	
52–54.25	Space research (passive) 412J	
54.25–58.2	Inter-satellite	

ADD 412J
Spa2

All emissions in the bands 52–54.25 GHz, 58.2–59 GHz, 64–65 GHz. 86–92 GHz, 101–102 GHz, 130–140 GHz, 182–185 GHz and 230–240 GHz are prohibited. The use of passive sensors by other services is also authorized.

GHz

	Allocation to services	
Region 1	Region 2	Region 3
58.2–59	Space research (passive) 412J	
59–64	Inter-satellite	
64–65	Space research (passive) 412J	
65–66	Earth exploration-satellite Space research	
66–71	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radio-navigation-satellite Maritime radio-navigation-satellite	
71–84	(Not allocated)	
84–86	Broadcasting-satellite	
86–92	Radio astronomy Space research (passive) 412J	

GHz

Allocation to services

Region 1	Region 2	Region 3
92–95	Fixed-satellite (earth-to-space)	
95–101	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation satellite	
101–102	Space research (passive) 412J	
102–105	Fixed-satellite (space-to-earth)	
105–130	Inter-satellite 412K	
130–140	Radio astronomy Space research (passive) 412J	
104–142	Fixed-satellite (earth-to-space)	

ADD 412K
Spa2

Radio astronomy observations on the carbon monoxide line at 115–271 GHz are carried out in a number of countries under national arrangements. In making assignments to other services in the Table, administrations should bear in mind the need to protect radio astronomy observations from harmful interference in the band 115.16–115.38 GHz.

GHz

Allocation to services

Region 1	Region 2	Region 3
142–150	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
150–152	Fixed-satellite (space-to-earth)	
152–170	(Not allocated)	
170–182	Intersatellite	
182–185	Space research (passive) 412J	
185–190	Intersatellite	
190–200	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
200–220	(Not allocated)	
220–230	Fixed-satellite	
230–240	Radio astronomy Space research (passive) 412J	
240–250	(Not allocated)	
250–265	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
265–275	Fixed-satellite	
Above 275	(Not allocated)	

ANNEX 4: REVISION OF ARTICLE 6 OF THE RADIO REGULATIONS

Article 6 of the Radio Regulations shall be amended as follows:

Replace Regulation No. 415 by the following new text:

MOD 415
Spa2

§ 2. (1) When special circumstances make it indispensable to do so, an administration may, as an exception to the normal methods of working authorized by these Regulations, have recourse to the special methods of working enumerated below, on the sole condition that the characteristics of the stations still conform to those inserted in the Master International Frequency Register:

(a) a fixed station in the terrestrial radiocommunication service or an earth station in the fixed-satellite service may, on a secondary basis, transmit to mobile stations on its normal frequencies;

(b) a land station may communicate, on a secondary basis, with fixed stations in the terrestrial radio communication service or earth stations in the fixed-satellite service or other land stations of the same category.

Replace Regulation No. 417 by the following new text:

MOD 417
Spa2

§ 3. Any administration may assign a frequency in a band allocated to the fixed service or allocated to the fixed-satellite service to a station authorized to transmit, unilaterally, from one specified fixed point to one or more specified fixed points provided that such transmissions are not intended to be received directly by the general public.

Add the following new text after Regulation No. 419:

ADD 419A
Spa2

§ 5A. Earth stations on board aircraft are authorized to use frequencies in the bands allocated to the maritime mobile-satellite service for the purpose of communicating, via the stations of that service, with the public telegraph and telephone networks.

ANNEX 5: REVISION OF ARTICLE 7 OF THE RADIO REGULATIONS

Article 7 of the Radio Regulations shall be amended as follows:

Add the following new sub-title and text after Section I:

ADD Spa2

SECTION IA. BROADCASTING-SATELLITE SERVICE

ADD 428A
Spa2

§ 2A. In devising the characteristics of a space station in the broadcasting-satellite service, all technical means available shall be used to reduce, to the maximum extent practicable, the radiation over the territory of other countries unless an agreement has been previously reached with such countries.

Replace the title of Section VII by the following new title:

MOD Spa2

SECTION VII. TERRESTRIAL RADIOCOMMUNICATION SERVICES SHARING FREQUENCY BANDS WITH SPACE RADIOCOMMUNICATION SERVICES ABOVE 1GHZ

Choice of Sites and Frequencies

Replace Regulation No. 470A by the following new text:

(MOD) 470A
Spa2

§ 18. Sites and frequencies for terrestrial stations, operating in frequency bands shared with equal rights between terrestrial radiocommunication and space radiocommunication services shall be selected having regard to the relevant Recommendations of the C.C.I.R. with respect to geographical separation from earth stations.

After Regulation No. 470A, add the following new Regulations:

ADD 470AA
Spa2

§ 18A. (1) As far as practicable, sites for transmitting[1] stations, in the fixed or mobile service, employing maximum values of equivalent isotropically radiated power exceeding +35 dBW in the frequency bands between 1 and 10 GHz, should be selected so that the direction of maximum radiation of any antenna will be at least 2° away from the geostationary satellite orbit, taking into account the effect of atmospheric refraction.[2]

ADD 470AB
Spa2

(2) As far as practicable, sites for transmitting[3] stations, in the fixed or mobile service, employing maximum values of equivalent isotropically radiated power exceeding +45 dBW in the frequency bands between 10 and 15 GHz, should be selected so that the direction of maximum radiation of any antenna will be at least 1–5° away from the geostationary satellite orbit, taking into account the effect of atmospheric refraction.[4]

ADD 470AC
Spa2

(3) In the frequency bands above 15 GHz there shall be no restriction as to the direction of maximum radiation for stations in the fixed or mobile service.

ADD 470AA.1
Spa2

Power Limits

Replace Regulation No. 470B by the following new text:

MOD 470B
Spa2

§ 19. (1) The maximum equivalent isotropically radiated power of a station in the fixed or mobile service shall not exceed +55 dBW.

After Regulation No. 470B, add the following new Regulations:

ADD 470BA
Spa2

(1A) Where compliance with No. 470AA is impracticable the maximum equivalent isotropically radiated power of a station in the fixed or mobile service shall not exceed:

+47 dBW in any direction within 0.5° of the geostationary satellite orbit; or

+47 dBW to +55 dBW, on a linear decibel scale (8 dB per degree), in any direction between 0.5 and 1.5 of the geostationary satellite orbit, taking into account the effect of atmospheric refraction.[1]

Replace Regulation No. 470C by the following new text:

MOD 470C
Spa2

(2) The power delivered by a transmitter to the antenna of a station in the fixed or mobile service in frequency bands between 1 and 10 GHz, shall not exceed +13 dBW.

After Regulation No. 470C, add the following new Regulation:

ADD 470C
Spa2

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[1] For their own protection receiving stations in the fixed or mobile services operating in bands shared with space radiocommunication services (space-to-Earth) should also avoid directing their antennae towards the geostationary satellite orbit if their sensitivity is sufficiently high that interference from space station transmissions may be significant.

ADD 470AA.2
Spa2

[2] Information on this subject is given in the most recent version of C.C.I.R. Report No. 393.

ADD 470AB.1
Spa2

[3] See No. 470AA.1.

ADD 470AB.2
Spa2

[4] See No. 470AA.2.

(2A) The power delivered by a transmitter to the antenna of a station in the fixed or mobile service in frequency bands above 10 GHz shall not exceed + 10 dBW.

ADD 470BA.1 [1] See No. 370AA.2.
Spa2

Replace Regulation No. 470D by the following new text:

MOD 470D
Spa2

(3) The limits given in Nos. 470AA, 470B, 470BA and 470C apply in the following frequency bands allocated to the fixed-satellite service and the meteorological-satellite service for reception by space stations, where these bands are shared with equal rights with the fixed or mobile service:

2 655–2 690 MHz (for Regions 2 and 3)
5 800–5 850 MHz (for the countries mentioned in No. 390)
5 850–5 925 MHz (for Regions 1 and 3)
5 925–6 425 MHz
7 900–7 975 MHz
7 975–8 025 MHz (for the countries mentioned in No. 392H)
8 025–8 400 MHz

After Regulation No. 470D, add the following new Regulations:

ADD 470DA
Spa2

(4) The limits given in Nos. 470AB, 470B and 470CA apply in the following frequency bands allocated to the fixed-satellite service for reception by space stations, where these bands are shared with equal rights with the fixed or mobile service:

10.95–11.20 GHz (Region 1)
12.50–12.75 GHz (Regions 1 and 2)
14.175–14.300 GHz (for the countries mentioned in No. 407)
14.4–14.5 GHz

ADD 470DB
Spa2

(5) The limits given in Nos. 470B and 470CA apply in the following frequency bands allocated to the fixed-satellite service for reception by space stations, where these bands are shared with equal rights with the fixed or mobile service:

27 5 - 29 5 GHz
29 5 - 31 0 GHz (for the country mentioned in No. 409E)

Replace the title of Section VIII by the following new title:

MOD Spa2

Section VIII. Space Radiocommunication Services sharing Frequency Bands with Terrestrial Radiocommunication Services above 1 GHz

Choice of Sites and Frequencies

Replace Regulation No. 470E by the following new text:

(MOD) 470E
Spa2

§ 20. Sites and frequencies for earth stations, operating in frequency bands shared with equal rights between terrestrial radiocommunication and space radiocommunication services, shall be selected having regard to the relevant Recommendations of the C.C.I.R. with respect to geographical separation from terrestrial stations.

Power Limits

Replace Regulations Nos. 470F and 470G by following new texts:

MOD 470F
Spa2

§ 21. (1) Earth stations.

MOD 470G
Spa2

(2) The equivalent isotropically radiated power transmitted in any direction towards the horizon by an earth station operating in frequency bands between 1 and 15 GHz, shall not exceed the following limits except as provided in Nos. 470H or 470GC:

+40 dBW in any 4 kHz band for θ less than equal 0°

+40+30dBW in any 4kHz band for 0° $< \theta$ (less than equal)

where θ is the angle of elevation of the horizon viewed from the centre of radiation of the antenna of the earth station and measured in degrees as positive above the horizontal plane and negative below it.

After Regulation No. 470G, add the following new Regulations:

ADD 470GA
Spa2

(2A) The equivalent isotropically radiated power transmitted in any direction towards the horizon by an earth station operating in frequency bands above 15 GHz shall not exceed the following limits except as provided in Nos. 470H or 470GD:

+64 dBW in any 1 MHz band for θ (less than equal) 0°

$+64+3\theta$ dBW in any 1 MHz band for 0° $<$ θ (lss than equal) 5°

where θ is as defined in No. 470G.

ADD 470GB
Spa2

(2B) For angles of elevation of the horizon greater than 5° there shall be no restriction as to the equivalent isotropically radiated power transmitted by an earth station towards the horizon.

ADD 470GC
Spa2

(2C) As an exception to the limits given in No. 470G, the equivalent isotropically radiated power towards the horizon for an earth station in the space research service (deep-space) shall not exceed +55 dBW in any 4 kHz band.

ADD 470GD
Spa2

(2D) As an exception to the limits in No. 470GA, the equivalent isotropically radiated power towards the horizon for an earth station in the space research service (deep-space) shall not exceed +79 dBW in any 1 MHz band.

Replace Regulation No. 470H by the following new text:

MOD 470H
Spa2

(3) The limits given in No. 470G, No. 470GA, No. 470GC and No. 470GD, as applicable, may be exceeded by not more than 10 dB. However, when the resulting co-ordination area extends into the territory of another country, such increase shall be subject to agreement by the administration of that country.

Delete Regulation No. 470I.

Replace Regulation No. 470J by the following new text:

MOD 470J
Spa2

(3A) The limits given in No. 470G apply in the following frequency bands allocated to transmission by earth stations in the fixed-satellite service and earth exploration-satellite service, and in particular the meteorological-satellite service, where these bands are shared with equal rights with the fixed or mobile service:

2 655–2 690 MHz (Regions 2 and 3)
4 400–4 700 MHz
5 800–5 850 MHz (for the countries mentioned in No. 390)
5 850–5 925 MHz (Regions 1 and 3)
5 925–6 425 MHz
7 900–7 975 MHz
7 975–8 025 MHz (for the countries mentioned in No. 392H)
8 025–8 400 MHz
10.95–11.20 GHz (Region 1)
12.50–12.75 GHz (Regions 2 and 3 and for the countries mentioned in No. 405BD)
14.175–14.300 GHz (for the countries mentioned in No. 407)
14.4–14.5 GHz

After Regulation No. 470J, add the following new Regulation:

ADD 470JA
Spa2

(3B) The limits given in No. 470GA apply in the following frequency band allocated to transmission by earth stations in the fixed-satellite service, where this is shared with equal rights with the fixed or mobile service:

27.5–29.5 GHz

Minimum Angle of Elevation

Replace Regulations Nos. 470K and 470L by the following new texts:

MOD 470K
Spa2

§ 22.(1) Earth stations.

MOD 470L
Spa2

(2) Earth station antennae shall not be employed for transmission at elevation angles of less than 3 degrees measured from the horizontal plane to the direction of maximum radiation, except when agreed to by administrations concerned or those whose services may be affected. In case of reception by an earth station, the above value shall be used for co-ordination purposes if the operating angle of elevation is less than that value.

After Regulation No. 470L, add the following new Regulation:

ADD 470LA
Spa2

(2A) As an exception to No. 470L, earth station antennae in the space research service (near-earth) shall not be employed for transmission at elevation angles of less than 5 degrees, and earth station antennae in the space research service (deep-space) shall not be employed for transmission at elevation angles of less than 10 degrees, both angles being those measured from the horizontal plane to the direction of maximum radiation. In case of reception by an earth station, the above values shall be used for co-ordination purposes if the operating angle of elevation is less than those values.

Delete Regulation No. 470M.

Replace the sub-title "Power Flux Density Limits" as well as Regulation No. 470N by the following new sub-title and text:

MOD Spa2 *Limits of Power Flux Density from Space Stations*

MOD 470N
Spa2

§ 23. (1) Power flux density limits between 1 690 MHz and 1 700 MHz.

After Regulation No. 470N, add the following new Regulations:

ADD 470NA
Spa2

a) The power flux density at the Earth's surface produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed —133 dBW/m^2 in any 1.5 MHz band. This limit relates to the power flux density which would be obtained under assumed free-space propagation conditions.

ADD 470NB
Spa2

b) The limit given in No. 470NA applies in the frequency band listed in No. 470NC which is allocated to transmission by space stations in the earth exploration-satellite service and in particular the meteorological-satellite service where this band is shared with equal rights with the meteorological aids service.

ADD 470NC
Spa2

1 690–1 700 MHz

ADD 470ND

Spa2

(2) Power flux density limits between 1 670 MHz and 2 535 MHz.

ADD 470NE

Spa2

(*a*) The power flux density at the Earth's surface produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:

—154 dBW/m^2 in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

$-154+\frac{\delta-5}{2}$dBW/m^2 in any 4 kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;

—144 dBW/m^2 in any 4 kHz band for angles of arrival between 25 and 90 degress above the horizontal plane.

These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.

ADD 470NF

Spa2

(*b*) The limits given in No. 470NE apply in the frequency bands listed in No. 470NG which are allocated to transmission by space stations in the following space radiocommunication services:

—Earth exploration-satellite service and in particular meteorological-satellite service (space-to-Earth)

—space research service (space-to-Earth)

—fixed-satellite service (space-to-Earth)

where these bands are shared with equal rights with the fixed or mobile service:

ADD 470NG

Spa2

1 670–1 690 MHz

1 690–1 700 MHz (for the countries mentioned in No. 354A)

1 700–1 710 MHz

1 770–1 790 MHz (for the countries mentioned in No. 356AA)

2 200–2 290 MHz

2 290–2 300 MHz

2 500–2 535 MHz

ADD 470NGA

Spa2

c) The power flux density values given in No. 470NE are derived on the basis of protecting the fixed service using line-of-sight techniques. Where a fixed service using tropospheric scatter operates in the bands listed in No. 470NG and where there is insufficient frequency separation, there must be sufficient angular separation between the direction to the space station and the direction of maximum radiation of the antenna of the receiving station of the fixed service using tropospheric scatter to ensure that the interference power at the receiver input of the station of the fixed service does not exceed—168 dBW in any 4 kHz band.

ADD 470NH

Spa2

(3) Power flux density limits between 2 500 MHz and 2 690 MHz.

ADD 470NI

Spa2

a) The power flux density at the Earth's surface produced by emissions from a space station in the broadcasting-satellite service for all conditions and for all methods of modulation shall not exceed the following values:

—152 dBW/m^2 in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

$-152+3(\delta-5)/$ dBW/m^2 in any 4 kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;

—137 dBW/m^2 in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.

ADD 470NJ

Spa2

b) The limits given in No. 470NI apply in the frequency band:

2 500–2 690 MHz

which is shared by the broadcasting-satellite service with the fixed or mobile service.

ADD 470NK

Spa2

c) The power flux density values given in No. 470NI are derived on the basis of protecting the fixed service using line-of-sight techniques. Where a fixed service using tropospheric scatter operates in the band mentioned in No. 470NJ and where there is insufficient frequency separation, there must be sufficient angular separation between the direction to the space station and the direction of maximum radiation of the antenna of the receiving station of the fixed service using tropospheric scatter to ensure that the interference power at the receiver input of the station of the fixed service does not exceed—168 dBW in any 4 kHz band.

ADD 470NL

Spa2

(4) Power flux density limits between 3 400 MHz and 7 750 MHz.

ADD 470NM

Spa2

a) The power flux density at the Earth's surface produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:

—152 dBW/m^2 in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

$-152+\delta-5/2$ dBW/m^2 in any 4 kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;

—142 dBW/m^2 in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.

ADD 470NN

Spa 2

b) The limits given in No. 470NM apply in the frequency bands listed in No. 470NO which are allocated to transmission by space stations in the following space radiocommunication services:

—fixed-satellite service (space-to-Earth)

—meteorological-satellite service (space-to-Earth)

where these bands are shared with equal rights with the fixed or mobile service:

ADD 470NO

Spa2

3 400—4 200 MHz

7 250—7 300 MHz (for the countries mentioned in No. 392G)

7 300–7 750 MHz

ADD 470NP

Spa2

(5) Power flux density limits between 8 025 MHz and 11-7 GHz.

ADD 470NQ

Spa2

(*a*) The power flux density at the Earth's surface, produced by emissions from a space station, or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:

—150 dBW/m^2 in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

$-150+\delta-5/2$ dBW/m^2 in any 4 kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;

—140 dBW/M^2 in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.

ADD 470NR

Spa2

(*b*) The limits given in No. 470NQ apply in the frequency bands listed in No. 470NS which are allocated to transmission by space stations in the following space radiocommunication services:

Earth exploration-satellite service (space-to-Earth)

Space research service (space-to-Earth)

Fixed-satellite service (space-to-Earth)

where these bands are shared with equal rights with the fixed or mobile service:

ADD 470NS

Spa2

8 025–8 400 MHz

8 400–8 500 MHz

10.95–11.20 GHz

11.45–11.70 GHz

ADD 470NT

Spa2

(6) Power flux density limits between 12.50 GHz and 12.75 GHz.

ADD 470NU

Spa2

(*a*) The power flux density at the Earth's surface, produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:

—148 dBW/M^2 in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

$-148+\delta-5/2$ dBW/m^2 in any kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;

—138 dBW/m^2 in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.

ADD 470NV

Spa2

(b) The limits given in No. 470NU apply in the frequency band indicated in No. 470NW which is allocated to the fixed-satellite service for transmission by space stations where this band is shared with equal rights with the fixed or mobile service:

ADD 470NW

Spa2

12.50–12.75 GHz (Region 3 and for the countries mentioned in No. 405BD)

ADD 470NX

Spa2

(7) Power flux density limits between 17·7 GHz and 22·0 GHz.

ADD 470NY

Spa2

a) The power flux density at the Earth's surface produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:

—115 dBW/m^2 in any 1 MHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;

$-115+\delta-5/2$ dBW/m^2 in any 1 MHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;

—105 dBW/m^2 in any 1 MHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.

These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.

ADD 470NZ

Spa2

b) The limits given in No. 470NY apply in the frequency bands listed in No. 470NZA which are allocated to transmission by space stations in the following space radiocommunication services:

—fixed-satellite service (space-to-Earth)
—earth exploration-satellite service (space-to-Earth) where these bands are shared with equal rights with the fixed or mobile service:

ADD 470NZA
Spa2
17·7–19·7 GHz
21·2–22·0 GHz

ADD 470NZB
Spa2

(8) The limits given in Nos. 470NA, 470NE, 470NI, 470NM, 470NQ, 470NU and 470NY may be exceeded on the territory of any country the administration of which has so agreed.

Delete Regulations No. 470O to 470U.

Delete note [1] on the foot of page 140 (Radio Regulations—1968 edition).

Replace Section IX by the following next text:

MOD Spa2

Section IX. Space Radiocommunication Services

Cessation of Emissions

MOD 470V
Spa2

§ 24. Space stations shall be fitted with devices to ensure immediate cessation of their radio emissions by telecommand, whenever such cessation is required under the provisions of these Regulations.

ADD Spa2

Control of Interference between Geostationary-Satellite Systems and non-synchronous inclined Orbit-Satellite Systems

§ 25. Non-geostationary space stations in the fixed-satellite service shall cease or reduce to a negligible level radio emissions, and their associated earth stations shall not transmit to them whenever there is insufficient angular separation between the non-geostationary satellite and geostationary satellites and unacceptable interference [1] to

ADD 470VA.1
Spa2

geostationary satellite space systems operating in accordance with these Regulations.

ADD Spa2

Stations Keeping of Space Stations [1]

ADD 470VB
Spa2

§ 26. Space stations on geostationary satellites:

ADD 470VC
Spa2

—shall the capability of maintaining their positions within ± 1 degree of the longitude of their nominal positions, but efforts should be made to achieve a capability of maintaining their positions at least within ± 0.5 degree of the longitude of their nominal positions;

ADD 470VD
Spa2

—shall maintain their positions within ± 1 degree of longitude of their nominal positions irrespective of the cause of variation; but

ADD 470VE
Spa2

—need not comply with No. 470VD as long as the satellite network to which the space station belongs does not produce an unacceptable level of interference [2] into any other satellite network whose space station complies with the limits given in No. 470VD.

ADD Spa2

Pointing Accuracy of Antennae on Geostationary Satellites

ADD 470VF
Spa2

§ 27. The pointing direction of maximum radiation of any earthward beam of antennae on geostationary satellites shall be capable of being maintained within:

10% of the half power beamwidth relative to the nominal pointing direction, or

0.5 degree relative to the nominal pointing direction, which ever is greater. This provision applies only when such a beam is intended for less than global coverage.

In the event that the beam is not rotationally symmetrical about the axis of maximum radiation, the tolerance in any plane containing this axis shall be related to the half power beamwidth in that plane.

This accuracy shall be maintained only if it is required to avoid unacceptable interference [1] to other systems.

ADD Spa2

Power Flux Density at the Geostationary Satellite Orbit

ADD 470VG Spa2

§ 28. In the frequency band 8 025 to 8 400 MHz, which the Earth exploration-satellite service using non-geostationary satellites shares with the fixed-satellite service (Earth-to-space) or the meteorological-satellite service (Earth-to-space), the maximum power flux density produced at the geostationary satellite orbit by any earth exploration-satellite service space station shall not exceed—

—177 dBW/m^2 in any 4kHz band.

ADD 470VF.1 Spa2

ANNEX 6: REVISION OF ARTICLE 8 OF THE RADIO REGULATIONS

Article 8 of the Radio Regulations shall be amended as follows:

Replace Regulation No. 477 by the following new text:

MOD 477
Spa2

e) the study, on a long-term basis, of the usage of the radio spectrum, with a view to making recommendations for its more effective use;

ANNEX 7: REVISION OF ARTICLE 9 OF THE RADIO REGULATIONS

Article 9 of the Radio Regulations shall be amended as follows:

The title of the article as well as the text of footnote [6] shown on page 143 of the Radio Regulations (1968 edition) are replaced by the following new title and notes:

MOD Spa2 Notification and Recording in
the Master International Frequency Register of Frequency
Assignments [1] to Terrestrial
Radiocommunication Stations [2]

ADD 470VE.1
Spa2

SECTION I. NOTIFICATION OF FREQUENCY ASSIGNMENTS AND CO-ORDINATION PROCEDURE TO BE APPLIED IN APPROPRIATE CASES

Delete Regulation No. 486.1.

Replace Regulations Nos. 486, 486.2, 486.3 and 486.4 by the following new texts:

(MOD) 486
Spa2

§ 1. (1) Any frequency assignment [1] to a fixed, land, broadcasting [2], radionavigation land, radiolocation land or standard frequency station, or to a ground-based station in the meteorological aids service, shall be notified to the International Frequency Registration Board:

a) if the use of the frequency concerned is capable of causing harmful interference to any service of another administration [3]; or

b) if the frequency is to be used for international radiocommunication; or

c) if it is desired to obtain international recognition of the use of the frequency [3].

[(MOD) 487 *only concerns the French text*]

(MOD) 486.1
Spa2

Replace Regulations Nos. 490, 491, 492, 492A, 492A.1, 492B, 492B.1, 492C, 492D, 492E, and 492F by the following new texts:

MOD 490
Spa2

(2) When stations of the same service, such as the land mobile service, use a band of frequencies above 28 000 kHz in a specific area or areas, an individual notice should be drawn up, as prescribed in Section C of Appendix 1, which specifies the basic characteristics to be furnished, for each frequency on which there are assignments within the band; however, the particulars should relate only to a typical station. This does not apply to broadcasting stations or to other terrestrial stations to which the provisions of Sub-Section IIB of this article apply or to other stations of the fixed or mobile service which operate in frequency bands listed in Table II of Appendix 28 with equivalent isotropically radiated power exceeding the corresponding values listed in the table.

MOD 491
Spa2

§ 3. (1) Whenever practicable, each notice should reach the Board before the date on which the assignment is brought into use. It must reach the Board not earlier than ninety

---

[1] The level of unacceptable interference shall be fixed by agreement between the administrations concerned, using the relevant C.C.I.R. Recommendations as a guide.

ADD Spa 2

ADD 470VA
Spa2

[1] In the case of space stations on geosynchronous satellites with orbits having an angle of inclination greater than 5 degrees the positional tolerance shall relate to the nodal point.

---

[2] The level of unacceptable interference shall be fixed by agreement between the administrations concerned, using the relevant C.C.I.R. Recommendations as a guide.

[1] The level of unacceptable interference shall be fixed by agreement between the administrations concerned, using the relevant C.C.I.R. Recommendations as a guide.

[1] The expression *frequency assignment*, wherever it appears in this Article, shall be understood to refer either to a new frequency assignment or to a change in an assignment already recorded in the Master International Frequency Register (hereinafter called *Master Register*).

[2] For the notification and recording in the Master International Frequency Register of frequency assignments to radio astronomy and space radiocommunication stations, see Article 9A.

[1] In the case where a frequency is used by numerous stations under the jurisdiction of the same administration, see Appendix 1 (Section E, II, Column 5a, paragraphs 2c and 2d).

(MOD) 486.2
Spa2

[2] With respect to assignments to broadcasting stations in the bands allocated exclusively to the broadcasting service between 5 950 kHz and 26 100 kHz, see Article 10.

MOD 486.3
Spa2

[3] The attention of administration is specifically drawn to the application of the provisions of Nos. 486 *a*) and 486 *c*) in those cases where they make a frequency assignment to a terrestrial station, located within co-ordination area of an earth station (see No. 492A), in a band which terrestrial radiocommunication services share with equal rights with space radiocommunication services in the frequency spectrum above 1 GHz.

days before the date on which it is to be brought into use, but in any case not later than thirty days after the date it is actually brought into use. However, for a frequency assignment to one of the terrestrial stations mentioned in Sub-Section IIB of this article or in No. 639AQ, the notice must reach the Board not earlier than three years and not later than ninety days before the date on which the assignment is to be brought into use.

MOD 492
Spa2

(2) Any frequency assignment, the notice of which reaches the Board more than thirty days after the notified date of bringing into use, or in the case of a terrestrial station mentioned in Sub-Section IIB of this article, any frequency assignment, the notice of which reaches the Board less than ninety days before it is brought into use, shall, where it is to be recorded, bear a remark in the Master Register to indicate that it is not in conformity with No. 491.

MOD 492A
Spa2

§ 3A. (1) Before an administration notifies to the Board, or brings into use any frequency assignment to a terrestrial station[1] for transmitting in a band allocated with equal rights to terrestrial radio-communication services and space radiocommunication services (space-to-Earth) in the frequency spectrum above 1GHz, it shall initiate co-ordination of the proposed assignment with the administration responsible for the receiving earth station concerned if the assignment is for use within the co-ordination area of an existing receiving earth station or of one for which the co-ordination procedure referred to in No. 639AN has been initiated. For the purpose of effecting co-ordination, it shall send to any other such administration, by the fastest possible means, a copy of a diagram drawn to an appropriate scale indicating the location of the terrestrial station and all other pertinent details of the proposed frequency assignment, and the approximate date on which it is planned to bring the station into use.

MOD 492B
Spa2

(2) An administration with which co-ordination is sought under No. 492A shall acknowledge receipt of the co-ordination data immediately by telegram. If no acknowledgement is received within fifteen days of dispatch, the administration seeking co-ordination may dispatch a telegram requesting acknowledgement of receipt of the co-ordination data, to which the receiving administration shall reply. Upon receipt of the co-ordination data an administration shall promptly examine the matter with regard to interference[1] which would be caused to the services rendered by its earth stations operating in accordance with the Convention and these Regulations, or to be so operated within the next three years, with the proviso that in this latter case co-ordination specified in No. 639AN has been effected or that the co-ordination procedure has already been initiated; and shall, within an overall period of sixty days from dispatch of the co-ordination data, either notify the administration requesting co-ordination of its agreement to the proposals or, if this is not possible, indicate the reasons therefor and make such suggestions as it may be able to offer with a view to a satisfactory solution of the problem.

MOD 492A.1
Spa2

MOD 492C
Spa2

(3) No co-ordination under No. 492A is required when an administration proposes:

a) to bring into use a terrestrial station which is located, in relation to an earth station, outside the co-ordination area; or

b) to change the characteristics of an existing assignment in such a way as not to increase the level of interference to the earth stations of other administrations.

ADD 492B.1
Spa2

MOD 492D
Spa2

(4) An administration seeking co-ordination may request the Board to endeavour to effect co-ordination, in those cases where:

a) an administration with which co-ordination is sought under No. 492A fails to acknowledge receipt under No. 492B within thirty days of dispatch of the coordination data;

b) an administration which has acknowledged receipt under No. 492B but fails to give a decision within ninety days of dispatch of the co-ordination data;

c) there is disagreement between the administration seeking coordination and an administration with which co-ordination is sought as to the acceptable level of interference; or

d) co-ordination between administrations is not possible for any other reason.

In so doing, it shall furnish the Board with the necessary information to enable it to endeavour to effect such co-ordination.

MOD 492E
Spa2

(5) Either the administration seeking co-ordination or an administration with which co-ordination is sought, or the Board, may request additional information which they may require to assess the level of interference to the services concerned.

MOD 492F
Spa2

(6) Where the Board receives a request under No. 492D *a*), it shall forthwith send a telegram to the administration concerned requesting immediate acknowledgement.

After Regulation No. 492F, add the following new Regulations:

ADD 492FA
Spa2

(7) Where the Board receives an acknowledgement following its action under No. 492F, or where the Board receives a request under No. 492D *b*), it shall forthwith send a telegram to the administration concerned requesting an early decision in the matter.

ADD 492FB
Spa2

(8) Where the Board receives a request under No. 492D *d*), it shall endeavour to effect co-ordination in accordance with the provisions of No. 492A. Where the Board receives no acknowledgement of its request for co-ordination within the period specified in No. 492B, it shall act in accordance with No. 492F.

ADD 492FC
Spa2

(9) Where an administration fails to reply within thirty days of dispatch of the Board's telegram sent under No. 492F requesting an acknowledgement, or fails to give a decision in the matter within sixty days of dispatch of the Board's telegram of request sent under No. 492FA, it shall be deemed that the administration with which co-ordination was sought has undertaken that no complaint will be made in respect of any harmful interference which may be caused by the terrestrial station being co-ordinated to the service rendered by its earth station.

Replace Regulation No. 492G by the following new text:

MOD 492G
Spa2

(10) Where necessary, as part of the procedure under No. 492D, the Board shall assess the level of interference. In any case, the Board shall inform the administrations concerned of the results obtained.

After Regulation No. 492G, add the following new Regulations:

ADD 492GA
Spa2

(11) In the event of continuing disagreement between one administration seeking to effect co-ordination and one with which co-ordination has been sought, provided that the assistance of the Board has been requested, the administration seeking co-ordination may, after sixty days from the date of the request for the assistance of the Board, taking into cosideration the provisions of No. 491, send its notice concerning the proposed assignment to the Board.

ADD 492GB
Spa2

§ 3B. Where the Board receives information from an administration in accordance with the provisions of No. 639AQ in reply to a request for co-ordination for an earth station, it shall consider as notifications under this Section, only that information relating to assignments to existing terrestrial stations or to those to be brought into use within the time limits defined in No. 491. Such notifications shall be examined by the Board with respect to the provisions of Nos. 570AB and 570AD, as appropriate, and shall be treated accordingly.

Replace No. 493 by the following new text:

(MOD) 493
Spa2

§ 3C. (1) Whatever the means of communication, including telegraph, by which a notice is transmitted to the Board, it shall be considered complete if it contains at least those appropriate basic characteristics specified in Appendix 1.

Replace the title of Sub-Section IIA by the following new title:

MOD Spa2 Sub-Section IIA. Procedure to be followed in cases not covered by Sub-Section IIB of this Article

[(MOD) 501 only concerns the French and the Spanish texts]

Replace the title of Sub-Section IIB by the following new title:

MOD Spa2

Sub-Section IIB. Procedure to be followed in cases where terrestrial stations are in the same frequency band as, and within the co-ordination area of, an existing earth station or one for which co-ordination has been effected or initiated.

[(MOD) 570AB *only concerns the French and the Spanish texts*]

Replace Regulation No. 570AD by the following next text:

(MOD) 570 AD
Spa2

c) where appropriate, with respect to the probability of harmful interference to the service rendered by an earth receiving station for which a frequency assignment already recorded in the Master Register is in conformity with the provisions of No. 639BM, and if the corresponding frequency assignment to the space transmitting station has not, in fact, caused harmful interference to any frequency assignment in conformity with No. 501 or 570AB, as appropriate, previously recorded in the Master Register.

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[1] Appendix 28 contains criteria relating only to co-ordination between earth stations and stations in the fixed or the mobile service. Until the C.C.I.R., in accordance with Recommendation No. Spa2-9 provides criteria for other terrestrial radiocommunication services, the criteria to be used in effecting co-ordination between earth stations and terrestrial stations other than those of the fixed or the mobile service, shall be agreed between the administrations concerned.

[1] The criteria to be employed in evaluating interference levels shall be based upon relevant C.C.I.R. Recommendations or, in the absence of such Recommendations, shall be agreed between the administrations concerned.

Replace Regulation No. 570AG by the following new text:

MOD 570AG
Spa2

(2) Where the notice includes a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be examined immediately with respect to Nos. 570AC and 570AD.

After Regulation No. 570AG, add the following new Regulations:

ADD 570AGA
Spa2

(3) If the finding is favourable with respect to No. 570AC or 570AD, as appropriate, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

ADD 570AGB
Spa2

(4) If the finding is unfavourable with respect to No. 570AC or 570AD, as appropriate, the notice shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding. Should the administration insist upon reconsideration of the notice, the assignment shall be recorded in the Master Register. However, this entry shall be made only if the notifying administration informs the Board that the assignment has been in use for at least one hundred and twenty days without any complaint of harmful interference having been received. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the advice that no complaint of harmful interference has been received shall be indicated in the Remarks Column.

ADD 570AGC
Spa2

(5) The period of one hundred and twenty days mentioned in Nos. 570AGB and 570AX shall count:

—from the date when the assignment to the terrestrial station which received an unfavourable finding is brought into use, if the assignment to the earth station is then in use;

—otherwise, from the date when the assignment to the earth station is brought into use.

But if the assignment to the earth station has not been brought into use by the notified date, the period of one hundred and twenty days shall be counted from that date. Allowance, if necessary, may be made for the additional period mentioned in No. 570BF.

Replace Regulations Nos. 750AH to 570AK by the following new texts:

(MOD) 570AH
Spa2

(6) Where the notice does not include a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding and with such suggestions as the Board may be able to offer with a view to the satisfactory solution of the problem.

(MOD) 570AI
Spa2

(7) If the notifying administration resubmits the notice unchanged, it shall be treated in accordance with the provisions of No. 570AH.

(MOD) 570AJ
Spa2

(8) If the notifying administration resubmits the notice with a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be treated in accordance with the provisions of Nos. 570AG and 570AGA or No. 570AGB, as appropriate.

(MOD) 570AK
Spa2

(9) If the notifying administration resubmits the notice with modifications which, after re-examination, result in a favourable finding by the Board with respect to No. 570AB, the notice shall be treated under the provisions of Nos. 570AL to 570AX. However, in any subsequent recording of the assignment, the date of receipt by the Board of the resubmitted notice shall be entered in Column 2d.

[(MOD) 570AM, (MOD) 570AN, (MOD) 570AO (MOD) 570AP *only concerns the Spanish text*]

ADD Spa2

[(MOD) 570AV *only concerns the Spanish text*]

Replace Regulation No. 570AX by the following new text:

MOD 570AX
Spa2

(4) Should the notifying administration resubmit the notice, either unchanged, or with modifications which decrease the probability of harmful interference, but not sufficiently to permit the provisions of No. 570AW to be applied, and should that administration insist upon reconsideration of the notice, but should the Board's finding remain unchanged, the assignment shall be recorded in the Master Register. However, this entry shall be made only if the notifying administration informs the Board that the assignment has been in use for at least one hundred and twenty days without any complaint of harmful interference having been received. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the advice that no complaint of harmful interference has been received shall be indicated in the Remarks Column. The period of one hundred and twenty days shall count from the date indicated in No. 570AGC.

Delete Regulation No. 570AY.

Replace Regulation No. 570BA by the following new text:

MOD 570BA
Spa2

(2) A notice of a change in the basic characteristics of an assignment already recorded, as specified in Appendix 1 (except those entered in Columns 3 and 4a of the Master Register), shall be examined by the Board according to Nos. 570AB and 570AC and, where appropriate, No. 570AD, and the provisions of Nos. 570AF to 570AX inclusive applied. Where the change should be recorded, the original assignment shall be amended according to the notice.

Replace Regulation No. 570BC by the following new text:

(MOD) 570BC
Spa2

§ 23H. In applying the provisions of this Sub-Section, any resubmitted notice which is received by the Board more than two years after the date of its return by the Board, shall be considered as a new notice.

Replace Regulations Nos. 570BF, 570BG and 570BH by the following new texts:

(MOD) 570BF
Spa2

(3) If, within the period of thirty days after the projected date of bringing into use, the Board receives confirmation from the notifying administration of the date of bringing into use, the special symbol shall be deleted from the Remarks Column. In the case where the Board, in the light of a request from the notifying administration received before the end of the thirty-day period, finds that exceptional circumstances warrant an extension of this period, the extension shall in no case exceed one hundred and fifty days.

MOD 570BG
Spa2

(4) In the circumstances described in No. 570AX, and as long as an assignment which received an unfavourable finding cannot be resubmitted as a consequence of the provisions of No. 570AGC, the notifying administration may ask the Board to enter the assignment provisionally in the Master Register, in which event a special symbol to denote the provisional nature of the entry shall be entered in the Remarks Column. The Board shall delete this symbol when it receives from the notifying administration, at the end of the period specified in No. 570AX, the information relating to the absence of complaint of harmful interference.

MOD 570BH
Spa2

(5) If the Board does not receive this confirmation within the period referred to in No. 570BF or at the end of the period referred to in No. 570BG, as appropriate, the entry concerned shall be cancelled. The Board shall advise the notifying administration before taking such action.

Replace Regulation No. 611A by the following new text:

(MOD) 611A
Spa2

(6) If harmful interference to the reception of any station whose assignment is in accordance with No. 639BM is actually caused by the use of a frequency assignment which is not in conformity with No. 501 or 570AB, the station using the latter frequency assignment must, upon receipt of advice thereof, immediately eliminate this harmful interference.

SECTION VIII. MISCELLANEOUS PROVISIONS

After Regulation No. 635, add the following new Regulations:

ADD 635A
Spa2

§ 47A. (1) If it is requested by any administration, particularly by an administration of a country in need of special assistance, and if the circumstances appear to warrant, the Board using such means at its disposal as are appropriate in the circumstances, shall render the following assistance:

a) verification of the diagram showing the co-ordination area referred to in No. 639AN;

b) computation of the interference level, as referred to in No. 492B;

c) any other assistance of a technical nature for completion of the procedures in this Article.

ADD 635B
Spa2

(2) In making a request to the Board under No. 635A, the administration shall furnish the Board with the necessary information.

ANNEX 8: REVISION OF ARTICLE 9A OF THE RADIO REGULATIONS

Article 9A of the Radio Regulations shall be amended as follows:

The entire Article 9A is replaced by the following new text:

MOD Spa2 ARTICLE 9A

Co-ordination, Notification and Recording in the Master International Frequency Register of Frequency Assignments [1] to Radio Astronomy and Space Radiocommunication

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[1] The expression *frequency assignment*, wherever it appears in this Article, shall be understood to refer either to a new frequency assignment or to a change in an assignment already recorded in the Master International Frequency Register (hereinafter called *Master Register*).

Stations except Stations in the Broadcasting-Satellite Service

SECTION I. PROCEDURE FOR THE ADVANCE PUBLICATION OF INFORMATION ON PLANNED SATELLITE SYSTEMS

639AA
Spa2

§ 1. (1) An administration (or one acting on behalf of a group of named administrations) which intends to establish a satellite system shall, prior to the co-ordination procedure in accordance with No. 639AJ where applicable, send to the International Frequency Registration Board not earlier than five years before the date of bringing into service each satellite network of the planned system, the information listed in Appendix 1B.

639AB
Sp2

(2) Any amendments to the information sent concerning a planned satellite system in accordance with No. 639A shall also be sent to the Board as soon as they become available.

639AC
Spa2

(3) The Board shall publish the information sent under Nos. 639AA and 639AB in a special section of its weekly circular and shall also, when the weekly circular contains such information, so advise all administrations by circular telegram.

639AD
Spa2

(4) If, after studying the information published under No. 639AC, any administration is of the opinion that interference, which may be unacceptable, may be caused to its existing or planned space radiocommunication services, it shall within ninety days after the date of the weekly circular publishing the information listed in Appendix 1B, send its comments to the administration concerned. A copy of these comments shall also be sent to the Board. If no such comments are received from an administration withn the period mentioned above, it may be assumed that that administration has no basic objections to the planned satellite network(s) of that system on which details have been published.

639AE
Spa2

(5) An administration receiving comments sent in accordance with No. 639A shall endeavour to resolve any difficulties that may arise.

639AF
Spa2

(6) In case of difficulties arising when any planned satellite network of a system is intended to use the geostationary satellite orbit:

a) the administration responsible for the planned system shall first explore all possible means of meeting its requirements, taking into account the characteristics of the geostationary satellite networks of other systems, and without considering the possibility of adjustment to systems of other administrations. If no such means can be found, the administration concerned is then free to apply to other administrations concerned to solve these difficulties;

b) an administration receiving a request under *a*) above shall, in consultation with the requesting administration, explore all possible means of meeting the requirements of the requesting administration, for example, by relocating one or more of its own geostationary space stations involved, or by changing the emissions, frequency usage (including changes in frequency bands) or other technical or operational characteristics;

c) if after following the procedure outlined in *a*) and *b*) above there are unresolved difficulties, the administrations concerned shall together make every possible effort to resolve these difficulties by means of mutually acceptable adjustments, for example, to geostationary space station locations and to other characteristics of the systems involved in order to provide for the normal operation of both the planned and existing systems.

639AG
Spa2

(7) In their attempts to resolve the difficulties mentioned above administrations may seek the assistance of the Board.

639AH
Spa2

(8) In complying with the provisions of Nos. 639AE to 639AG, an administration responsible for a planned satellite system shall, if necessary, defer its commencement of the co-ordination procedure, or where this is not applicable, the sending of its notices to the Board, until one hundred and fifty days after the date of the weekly circular containing the information listed in Appendix 1B on the relevant satellite network. However, in respect of those administrations with whom difficulties have been resolved or who have responded favorably, the co-ordination procedure, where applicable, may be commenced prior to the expiry of the one hundred and fifty days mentioned above.

639AI
Spa2

(9) An administration on behalf of which details of planned satellite networks in its system have been published, in accordance with the provisions of Nos. 639AA to 639AC, shall periodically inform the Board whether or not comments have been received and of the progress made, with other administrations, in resolving any difficulties. The Board shall publish this information in a special section of its weekly circular and shall also, when the weekly circular contains such information, so inform all administrations by circular telegram.

SECTION II. CO-ORDINATION PROCEDURES TO BE APPLIED IN APPROPRIATE CASES

639AJ
Spa2

§ 2. (1) Before an administration notifies to the Board or brings into use any frequency assignment to a space station on a geostationary satellite or to an earth station that is to communicate with a space station on a geostationary satelilte, it shall effect co-ordination of the assignment with any other administration whose assignment in the same band for a space station on a geostationary satellite or for an earth station that communicates with a space station on a geostationary satelilte is recorded in the Master Register, or has been co-ordinated or is being co-ordinated under the provisions of this paragraph. For this purpose, the administration requesting coordination shall send to any other such administration the information listed in Appendix 1A.

639AK
Spa2

(2) No co-ordination under No. 639AJ is required:

a) when the use of a new frequency assignment will cause, to any service of another administration, an increase in the noise temperature of any space station receiver or earth station receiver, or an increase in the equivalent satellite link noise temperature, as appropriate, not exceeding the predetermined increase of noise temperature calculated in accordance with the method given in Appendix 29; or

b) when an administration proposes to change the characteristics of an existing assignment in such a way as will, in respect of any service of another administration, meet the requirements of sub-paragraph *a*) above, or, where this assignment has previously been coordinated, will cause an increase in noise temperature not exceeding the value agreed during co-ordination.

639AL
Spa2

(3) An administration initiating the coordination procedure referred to in No. 639 AJ shall at the same time send to the Board a copy of the request for co-ordination, with the information listed in Appendix 1A and the name(s) of the administration(s) with which co-ordination is sought. The Board shall publish this information in a special section of its weekly circular, together with a reference to the weekly circular in which details of the satellite system were published in accordance with Section I of this Article. When the weekly circular contains such information, the Board shall so inform all administrations by circular telegram.

639AM
Spa2

(4) An administration believing that it should have been included in the co-ordination procedure under No. 639AJ shall have the right to request that it be brought into the co-ordination procedure.

639AN
Spa2

§ 3. (1) Before an administration notifies to the Board or brings into use any frequency assignment to an earth station, whether for transmitting or receiving, in a particular band allocated with equal rights to space and terrestrial[1] radiocommunication services in the frequency spectrum above 1 GHz, it shall effect co-ordination of the assignment with any other administration whose territory lies wholly or partly within the co-ordination area[2] of the planned earth station. For this purpose it shall send to any other such administration a copy of a diagram drawn to an appropriate scale indicating the location of the earth station and showing the coordination areas[2] of the earth station for the cases of transmission and reception by the earth station and the data on which they are based, including all pertinent details of the proposed frequency assignment, as listed in Appendix 1A, and an indication of the approximate date on which it is planned to begin operations.

639AO
Spa2

(2) An administration with which coordination is sought under No. 639AJ shall acknowledge receipt of the co-ordination data immediately by telegram. If no acknowledgement is received within thirty days after the date of the weekly circular publishing the information under No. 639AL, the administration seeking coordination shall dispatch a telegram requesting acknowledgement, to which the receiving administration shall reply within a further period of thirty days. Upon receipt of the co-ordination data, an administration shall, having regard to the

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639AN.1
Spa2

[1] Appendix 28 contains criteria relating only to co-ordination between earth stations and stations in the fixed or mobile service. Until the C.C.I.R., in accordance with Recommendation No. Spa2-9 provides criteria relating to other terrestrial radiocommunication services, the criteria to be employed in effecting co-ordination between earth stations and terrestrial radiocommunication stations, other than those of the fixed or mobile service, shall be agreed between the administrations concerned.

639AN.2
Spa2

[2] Calculated, in relation to the fixed or mobile service, in accordance with the procedures described in Appendix 28.

proposed date of bringing into use of the assignment for which co-ordination was requested, promptly examine the matter with regard to interference[1] which would be caused to the service rendered by its stations in respect of which co-ordination is sought under No. 639AJ; and shall, within ninety days from the date of the relevant weekly circular, notify the administration requesting co-ordination of its agreement. If the administration with which co-ordination is sought does not agree, it shall, within the same period, send to the administration seeking co-ordination the technical details upon which its disagreement is based, and make such suggestions as it may be able to offer with a view to a satisfactory solution of the problem. A copy of these comments shall also be sent to the Board.

639AP
Spa2

(3) An administration with which co-ordination is sought under No. 639AN shall acknowledge receipt of the co-ordination data immediately by telegram. If no acknowledgement is received within fifteen days of dispatch of the co-ordination data, the administration seeking co-ordination shall dispatch a telegram requesting acknowledgement to which the receiving administration shall reply within a further period of fifteen days. Upon receipt of the co-ordination data an administration shall, having regard to the proposed date of bringing into use of the assignment for which co-ordination was requested, promptly examine the matter with regard both to:

a) interference[2] which would be caused to the service rendered by its terrestrial radiocommunication stations operating in accordance with the Convention and these Regulations, or to be so operated prior to the planned date of bringing the earth station assignment into service, or within the next three years, whichever is the longer; and to

639AP.1
Spa2

b) interference[1] which would be caused to reception at the earth station by the service rendered by its terrestrial radiocommunication stations operating in accordance with the Convention and these Regulations, or to be so operated prior to the planned date of bringing the earth station assignment into service, or within the next three years, whichever is the longer.

The administration with which co-ordination is sought shall then, within sixty days from dispatch of the co-ordination data, notify the administration requesting co-ordination of its agreement. If the administration with which co-ordination is sought does not agree it shall, within the same period, send to the administration seeking co-ordination a copy of a diagram drawn to an appropriate scale showing the location of its terrestrial radiocommunication stations which are or will be within the co-ordination area of the earth transmitting or receiving station, as appropriate, together with all other relevant basic characteristics, and make such suggestions as it may be able to offer with a view to a satisfactory solution of the problem.

639AQ
Spa2

(4) When the administration with which co-ordination is sought sends to the administration seeking co-ordination the information mentioned in No. 639AP, a copy thereof shall also be sent to the Board. The Board shall consider as notification in accordance with Section I of Article 9 only that information relating to existing terrestrial radiocommunications stations or to those to be brought into use within the next three years.

639AR
Spa2

(5) No co-ordination under No 639AN is required when an administration proposes:

639AP.1
Spa2

a) to bring into use an earth station, the co-ordination area of which does not include any of the territory of any other country;

b) to change the characteristics of an existing assignment in such a way as not to increase the level of interference to or from the terrestrial radiocommunication stations of other administrations;

c) to operate a mobile earth station. However, if the co-ordination area associated with the operation of such a mobile earth station, in a frequency band referred to in No. 639AN, includes any of the territory of another country, it shall be subject to prior agreement between the administrations concerned in order to avoid harmful interference to existing terrestrial radiocommunication stations of that country. This agreement shall apply to the characteristics of the mobile earth station(s), or to the characteristics of a typical mobile earth station, and shall apply to a specified service area; unless otherwise stipulated in the agreement, it shall apply to any mobile earth stations in the specified service area provided that the probability of harmful interference caused by them shall not be greater than that caused by the typical earth station.

639AS
Spa2

§ 4. (1) An administration seeking co-ordination may request the Board to endeavour to effect co-ordination in those cases where:

a) an administration with which co-ordination is sought under No. 639AJ fails to acknowledge receipt, under

No. 639AO, within sixty days after the date of the weekly circular publishing the information relating to the request for co-ordination;

b) an administration with which co-ordination is sought under No. 639AN fails to acknowledge receipt, under No. 639AP, within thirty days of dispatch of the co-ordination data;

c) an administration has acknowledged receipt under No. 639AO, but fails to give a decision within ninety days from the date of the relevant weekly circular;

d) an administration has acknowledged receipt under No. 639AP, but fails to give a decision within sixty days from dispatch of the co-ordination data;

e) there is disagreement between the administration seeking co-ordination and an administration with which co-ordination is sought as to the acceptable level of interference;

f) co-ordination between administrations is not possible for any other reason.

In so doing, it shall furnish the Board with the necessary information to enable it to endeavour to effect such co-ordination.

639AT
Spa2

(2) Either the administration seeking co-ordination or an administration with which co-ordination is sought, or the Board, may request additional information which they may require to assess the level of interference to the services concerned.

639AU
Spa2

(3) Where the Board receives a request under No. 639AS *a*) or *b*), it shall forthwith send a telegram to the administration concerned requesting immediate acknowledgement.

639AV
Spa2

(4) Where the Board receives an acknowledgement following its action under No. 639AU, or where the Board receives a request under No. 639AS *c*) or *d*), it shall forthwith send a telegram to the administration concerned requesting an early decision in the manner.

639AW
Spa2

(5) Where the Board receives a request under No. 639AS *f*), it shall endeavour to effect co-ordination in accordance with the provisions of Nos. 639AJ and 639AN, as appropriate. The Board shall also, where appropriate, act in accordance with No. 639AL. Where the Board receives no acknowledgement to its request for co-ordination within the periods specified in No. 639AO or 639AP, as appropriate, it shall act in accordance with No. 639AU.

639AX
Spa2

(6) Where an administration fails to reply within thirty days of dispatch of the Board's telegram requesting an acknowledgement sent under No. 639AU, or fails to give a decision in the matter within thirty days of dispatch of the Board's telegram of request under No. 639AV, it shall be deemed that the administration with which co-ordination was sought has undertaken:

a) that no complaint will be made in respect of any harmful interference which may be caused to the services rendered by its space or terrestrial radiocommunication stations by the use of the assignment for which co-ordination was requested;

b) that its space or terrestrial radiocommunication stations will not cause harmful interference to the use of the assignment for which co-ordination was requested.

639AY
Spa2

(7) Where necessary, as part of the procedure under No. 639AS, the Board shall assess the level of interference. In any case, the Board shall inform the administrations concerned of the results obtained.

639AZ
Spa2

§ 5. In the event of continuing disagreement between one administration seeking to effect co-ordination and one with which co-ordination has been sought, provided that the assistance of the Board has been requested, the administration seeking co-ordination may, after one hundred and fifty days from the date of the request for co-ordination, taking into consideration the provisions of No. 639BF, send its notice concerning the proposed assignment to the Board.

SECTION III. NOTIFICATION OF FREQUENCY ASSIGNMENTS

639BA
Spa2

§ 6. (1) Any frequency assignment to an

639AO.1
Spa2

[1] The criteria to be employed in evaluating interference levels shall be based upon relevant C.C.I.R. Recommendations or, in the absence of such Recommendations, shall be agreed between the administrations concerned.

[2] The criteria to be employed in evaluating interference levels shall be based upon relevant C.C.I.R. Recommendations or, in the absence of such Recommendations, shall be agreed between the administrations concerned.

[1] The criteria to be employed in evaluating interference levels shall be based upon relevant C.C.I.R. Recommendations or, in the absence of such Recommendation, shall be agreed between the administrations concerned.

earth or space station shall be notified to the Board:

a) if the use of the frequency concerned is capable of causing harmful interference to any service of another administration; or

b) if the frequency is to be used for international radiocommunications; or

c) if it is desired to obtain international recognition of the use of the frequency.

639BB

Spa2

(2) Similar notice shall be given for any frequency to be used for the reception of transmissions from earth or space stations by a particular space or earth station in each case where one or more of the conditions specified in No. 639BA are applicable.

639BC

Spa2

(3) Similar notice may be given for any frequency or frequency band to be used for reception by a particular radio astronomy station, if it is desired that such data should be included in the Master Register.

639BD

Spa2

(4) A notice submitted in accordance with No. 639BA or 639BB and relating to a frequency assignment to mobile earth stations in a satellite system shall include the technical characteristics either of each mobile earth station, or of a typical mobile earth station, and an indication of the service area within which these stations are to be operated.

639BE

Spa2

§ 7. For any notification under No. 639BA, 639BB, 639BC, or 639BD, an individual notice for each frequency assignment shall be drawn up as prescribed in Appendix 1A, the various Sections of which specify the basic characteristics to be furnished according to the case. It is recommended that the notifying administration should also supply the additional data called for in Section A of that Appendix, together with such further data as it may consider appropriate.

639BF

Spa2

§ 8. (1) For a frequency assignment to an earth or space station, each notice must reach the Board not earlier than three years before the date on which the assignment is to be brought into use. The notice must reach the Board in any case not later than ninety days[1] before this date, except in the case of assignments in the space research service in bands allocated exclusively to this service or in shared bands in which this service is the sole primary service. In the case of an assignment in the space research service, the notice should, whenever practicable, reach the Board before the date on which the assignment is brought into use, but it must in any case reach the Board not later than thirty days after the date it is actually brought into use.

(2) Any frequency assignment to an earth or space station, the notice of which reaches the Board after the applicable period specified in No. 639BF, shall, where it is to be recorded, bear a mark in the Master Register to indicate that it is not in conformity with No. 639BF.

SECTION IV. PROCEDURE FOR THE EXAMINATION OF NOTICES AND THE RECORDING OF FREQUENCY ASSIGNMENTS IN THE MASTER REGISTER

639BH § 9.

Spa2

Any notice which does not contain at least those basic characteristics specified in Appendix 1A shall be returned by the Board immediately, by airmail, to the notifying administration with the reasons therefor.

639BI § 10.

Spa2

Upon receipt of a complete notice, the Board shall include the particulars thereof, with the date of receipt, in the weekly circular referred to in No. 497, which shall contain the particulars of all such notices received since the publication of the previous circular.

639BJ § 11.

Spa2

The circular shall constitute the acknowledgement to the notifying administration of the receipt of a complete notice.

639BK § 12.

Spa2

Complete notices shall be considered by the Board in the order of their receipt. The Board shall not postpone the formulation of a finding unless it lacks sufficient data to render a decision in connection therewith; moreover, the Board shall not act upon any notice which has a technical bearing on an earlier notice still under consideration by the Board, until it has reached a finding with respect to such earlier notice.

639BL § 13.

Spa2

The Board shall examine each notice:

639BM

Spa2

a) with respect to its conformity with the Convention the Table of Frequency Allocations and the other provisions of the Radio Regulations (with the exception of those relating to the co-ordination procedures and the probability of harmful interference);

639BN

Spa2

b) where appropriate, with respect to its conformity with the provisions of No. 639AJ, relating to the coordination of the use of the frequency assignment with the other administrations concerned vis-a-vis space radiocommunication stations;

639BO

Spa2

c) where appropriate, with respect to its conformity with the provisions of No. 639AN relating to the co-ordination of the use of the frequency assignment with the other administrations concerned vis-a-vis terrestrial radiocommunication stations;

639BP

Spa2

d) where appropriate, with respect to the probability of harmful interference to the service rendered by a space radiocommunication station for which a frequency assignment already recorded in the Master Register is in conformity with the provisions of No. 639BM if this frequency assignment has not in fact caused harmful interference to any frequency assignment in conformity with No. 639BM previously recorded in the Master Register;

639BQ

Spa2

e) where appropriate, with respect to the probability of harmful interference to the service rendered by a terrestrial radiocommunication station for which a frequency assignment already recorded in the Master Register is in conformity with the provisions of No. 501 or 570AB, as appropriate, if this frequency assignment has not, in fact, caused harmful interference to any frequency assignment in conformity with No. 639BM previously recorded in the Master Register;

639BR

Spa2

f) where appropriate, with respect to the probability of harmful interference caused to the receiving earth station by a terrestrial radiocommunication station for which a frequency assignment already recorded in the Master Register is in conformity with No. 501 or 570AB, as appropriate.

639BS § 14.

Spa2

When, following an examination of a notice with respect to No. 639BP, the Board reaches an unfavourable finding based upon the probability of harmful interference to a recorded assignment for a space station which the Board has reason to believe may not be in regular use, the Board shall forthwith consult the administration responsible for the registered assignment. If it is established, after such consultation and on the basis of the information available, that the recorded assignment has not been in use for two years, it shall not be taken into account for the purposes of the examination in progress or any other further examination under No. 639BP conducted before the date on which the assignment is brought back into use. Before the assignment is brought back into use, it shall be subject to further co-ordination in accordance with the provisions of No. 639AJ or further examination by the Board with respect to No. 639BP, as appropriate. The date on which the assignment is brought back into use shall then be entered in the Master Register.

639BT § 15.

Spa2

Depending upon the findings of the Board subsequent to the examination prescribed in Nos. 639BM, 639BN, 639BO, 639BQ and 639BR, as appropriate, further action shall be as follows:

639BU § 16.

Spa2

(1) *Finding favourable with respect to No. 639BM in cases where the provisions of Nos. 639BN and 639BO are not applicable.*

639BV

Spa2

(2) The assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

639BW § 17.

Spa2

(1) *Finding unfavourable with respect to No. 639BM.*

639BX

Spa2

(2) Where the notice includes a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, and the finding is favourable with respect to Nos. 639BN, 639BO, 639BP, 639BQ and 639BR, as appropriate, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

639BY

Spa2

(3) Where the notice includes a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115 and the finding is unfavourable

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639BF.1

Spa2

[1] The notifying administration shall take this limit into account when deciding, where appropriate, to initiate the co-ordination procedure(s).

with respect to No. 639BN, 639BO, 639BP, 639BQ or 639BR, as appropriate, the notice shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding. Should the administration insist upon reconsideration of the notice, the assignment shall be recorded in the Master Register. However, this entry shall be made only if the notifying administration informs the Board that the assignment has been in use for at least one hundred and twenty days without any complaint of harmful interference having been received. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the advice that no complaint of harmful interference has been received shall be indicated in the Remarks Column.

639BZ

Spa2

(4) The period of one hundred and twenty days mentioned in Nos. 639BY and 639CP shall count:

From the date when the assignment to the space radiocommunication station which received an unfavourable finding is brought into use, if the assignment to the station which was the basis for the unfavourable finding is then in use;

Otherwise, from the date when the assignment to the station which was the basis for the unfavourable finding is brought into use.

But if the assignment to the station which was the basis for the unfavourable finding has not been brought into use by the notified date, the period of one hundred and twenty days shall be counted from this date. Allowance shall, if necessary, be made for the additional period mentioned in No. 639CY.

639CA

Spa2

(5) Where the notice does not include a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding and with such suggestions as the Board may be able to offer with a view to the satisfactory solution of the problem.

639CB

Spa2

(6) If the notifying administration resubmits the notice unchanged, it shall be treated in accordance with the provisions of No. 639CA. If it is resubmitted with a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be treated in accordance with the provisions of No. 639BX or 639BY, as appropriate. If it is resubmitted with modifications which, after re-examination, result in a favourable finding by the Board with respect to No. 639BM, it shall be treated as a new notice.

639CC § 18.

Spa2

(1) *Finding favourable with respect to No. 639BM in cases where the provisions of No. 639BN or 639BO are applicable.*

639CD

Spa2

(2) Where the Board finds that the co-ordination procedures mentioned in No. 639BN or 639BO have been successfully completed with all administrations whose space or terrestrial radiocommunication stations may be affected, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

639CE

Spa2

(3) Where the Board finds that either of the co-ordination procedures mentioned in Nos. 639BN and 639BO has not been applied, and the notifying administration requests the Board to effect the required co-ordination, the Board shall take appropriate action and shall inform the administrations concerned of the results obtained. If the Board's efforts are successful, the notice shall be treated in accordance with No. 639CD. If the Board's efforts are unsuccessful, the notice shall be examined by the Board with respect to the provisions of Nos. 639BP, 639BQ and 639BR, as appropriate.

639CF

Spa2

(4) Where the Board finds that either of the co-ordination procedures mentioned in Nos. 639BN and 639BO has not been applied, and the notifying administration does not request the Board to effect the required co-ordination, the notice shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this action and with such suggestions as the Board may be able to offer with a view to the satisfactory solution of the problem.

639CG

Spa2

(5) Where the notifying administration resubmits the notice and the Board finds that the co-ordination procedures mentioned in Nos. 639BN and 639BO have been successfully completed with all administrations whose space or terrestrial radiocommunication stations may be affected, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the resubmitted notice shall be entered in the Remarks Column.

639CH

Spa2

(6) Where the notifying administration resubmits the notice with a request that the Board effect the required co-ordindation under No. 639AJ or 639AN, it shall be treated in accordance with the provisions of No. 639CE. However, in any subsequent recording of the assignment, the date of receipt by the Board of the resubmitted notice shall be entered in the Remarks Column.

639CI

Spa2

(7) Where the notifying administration resubmits the notice and states it has been unsuccessful in effecting the co-ordination, the Board shall inform the administrations concerned thereof. The notice shall be examined by the Board with respect to the provisions of Nos. 639BP, 639BQ and 639BR, as appropriate. However, in any subsequent recording of the assignment, the date of receipt by the Board of the resubmitted notice shall be entered in the Remarks Column.

639CJ § 19

Spa2

(1) *Finding favourable with respect to Nos.* 639BM, 639BP, 639BQ *and* 639BR, *as appropriate.*

639CK

Spa2

(2) The assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

639CL

Spa2

(3) However, should the examination show that the level of the interference noise and the percentage of time during which it is likely to occur have values slightly greater than those used for assessing the probability of harmful interference (extreme propagation conditions, abnormal atmospheric humidity, etc.), a remark shall be included in the Master Register to show that there may be a slight risk of harmful interference and hence additional precautions must be taken in the use of the assignment to avoid harmful interference to assignments already recorded in the Master Register.

639CM § 20

Spa2

(1) *Finding favourable with respect to No.* 639BM *but unfavourable with respect to No.* 639BP, 639BQ *or* 639BR, *as appropriate.*

639CN

Spa2

(2) The notice shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding and with such suggestions as the Board may be able to offer with a view to the satisfactory solution of the problem.

639CO

Spa2

(3) Should the notifying administration resubmit the notice with modifications which result, after re-examination, in a favourable finding by the Board with respect to Nos. 639BP, 639BQ and 639BR, as appropriate, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the resubmitted notice shall be indicated in the Remarks Column.

639CP

Spa2

(4) Should the notifying administration resubmit the notice, either unchanged, or with modifications which decrease the probability of harmful interference, but not sufficiently to permit the provisions of No. 639CO to be applied, and should that administration insist upon reconsideration of the notice, but should the Board's finding remain unchanged, the assignment shall be recorded in the Master Register. However, this entry shall be made only if the notifying administration informs the Board that the assignment has been in use for at least one hundred and twenty days without any complaint of harmful interference having been received. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the advice that no complaint of harmful interference has been received shall be indicated in the Remarks Column. The period of one hundred and twenty days shall count from the date indicated in No. 639BZ.

639CQ § 21.

Spa2

(1) *Notices relating to radio astronomy stations.*

639CR

Spa2

(2) A notice relating to radio astronomy station shall not be examined by the Board with respect to Nos. 639BN, 639BO, 639BP, 639BQ and 639BR. Whatever the finding, the assignment shall be recorded in the Master Register with a date in Column 2c. The date of receipt by the Board of the notice shall be recorded in the Remarks Column.

639CS § 22.

Spa2

(1) *Change in the basic characteristics of assignments already recorded in the Master Register.*

639CT

Spa2

(2) A notice of a change in the basic characteristics of an assignment already recorded, as specified in Appendix 1A (except the name of the station or the name of the locality in which it is situated) shall be examined by the Board according to No. 639BM, and, where appropriate, Nos. 639BN, 639BO, 639BP, 639BQ and 639BR, and the provisions of Nos. 639BU to 639CR inclusive shall apply. Where the change should be recorded, the original assignment shall be amended according to the notice.

639CU

Spa2

(3) However, in the case of a change in the characteristics of an assignment which is in conformity with No. 639BM, should the Board reach a favourable finding with respect to Nos. 639BN, 639BO, 639BP, 639BQ and 639BR, where appropriate, or find that the changes do not increase the probability of harmful interference to assignments already recorded, the amended assignment shall retain the original date in Column 2d. The date of receipt by the Board of the notice relating to the change shall be entered in the Remarks Column.

639CV § 23.

Spa2

In applying the provisions of this section, any resubmitted notice which is received by the Board more than two years after the date of its return by the Board, shall be considered as a new notice.

639CW § 24.

Spa2

(1) *Recording of frequency assignments notified before being brought into use.*

639CX

Spa2

(2) If a frequency assignment notified in advance of bringing into use has received a favourable finding by the Board with respect to No. 639BM and, where appropriate, Nos. 639BN, 639BO, 639BP, 639BQ and 639BR, it shall be entered provisionally in the Master Register with a special symbol in the Remarks Column indicating the provisional nature of that entry.

639CY

Spa2

(3) If, within thirty days after the projected date of bringing into use, the Board receives confirmation from the notifying administration of the date of putting into use, the special symbol shall be deleted from the Remarks Column. In the case where the Board, in the light of a request from the notifying administration recevied before the end of the thirty-day period, finds that exceptional circumstances warrant an extension of this period, the extension shall in no case exceed one hundred and fifty days.

639CZ

Spa2

(4) In the circumstances described in Nos. 639BY and 639CP, and as long as an assignment which received an unfavourable finding cannot be resubmitted as a consequence of the provisions of No. 639BZ, the notifying administration may ask the Board to enter the assignment provisionally in the Master Register, in which event a special symbol to denote the provisional nature of the entry shall be entered in the Remarks Column. The Board shall delete this symbol when it receives from the notifying administration, at the end of the period specified in No. 639BY or 639CP, as appropriate, the information relating to the absence of complaint of harmful interference.

639DA

Spa2

(5) If the Board does not receive this confirmation within the period referred to in No. 639CY or at the end of the period referred to in No. 639BY or 639CP, as appropriate, the entry concerned shall be cancelled. The Board shall advise the administration concerned before taking such action.

SECTION V. RECORDING OF FINDINGS IN THE MASTER REGISTER

639DB § 25

Spa2

In any case where a frequency assignment is recorded in the Master Register, the finding reached by the Board shall be indicated by a symbol in Column 13a. In addition, a remark indicating the reasons for any unfavorable finding shall be inserted in the Remarks Column.

SECTION VI. CATEGORIES OF FREQUENCY ASSIGNMENTS

639DC § 26.

Spa2

(1) The date in Column 2c shall be the date of putting into use notified by the administration concerned. It is given for information only.

639DD

Spa2

(2) If harmful interference is actually caused to the reception of any space radiocommunication station whose frequency assignment has been recorded in the Master Register as a result of a favourable finding with respect to Nos. 639BM, 639BN, 639BO, 639BP, 639BQ and 639BR, as appropriate, by the use of a frequency assignment to a space radiocommunication station subsequently recorded in the Master Register in accordance with the provisions of No. 639CP, the station using the latter frequency assignment must, upon receipt of advice thereof, immediately eliminate this harmful interference.

639DE

Spa2

(3) If harmful interference to the reception of any station whose assignment is in accordance with No. 501, 570AB or 639BM, as appropriate, is actually caused by the use of a frequency assignment which is not in conformity with No. 639BM, the station using the latter frequency assignment must, upon receipt of advice thereof, immediately eliminate this harmful interference.

SECTION VII. REVIEW OF FINDINGS

639DF § 27.

Spa2

(1) The review of a finding by the Board may be undertaken:

At the request of the notifying administration;

At the request of any other administration interested in the question, but only on the grounds of actual harmful interference;

On the initiative of the Board itself when it considers this is justified.

639DG

Spa2

(2) The Board, in the light of all the data at its disposal shall review the matter, taking into account No. 639BM and, where appropriate, Nos. 639BN, 639BO, 639BP, 639BQ and 639BR and shall render an appropriate finding, informing the notifying administration prior either to the promulgation of its finding or to any recording action.

639DH § 28.

spa2

(1) After actual use for a reasonable period of an assignment which has been entered in the Master Register on the insistence of the notifying administration, following an unfavourable finding with respect to No. 639BP, 639BQ or 639BR, this administration may request the Board to review the finding. Thereupon, the Board shall review the matter, having first consulted the administrations concerned.

639DI

Spa2

(2) If the finding of the Board is then favourable it shall enter in the Master Register the changes that are required so that the entry shall appear in the future as if the original finding had been favourable.

639DJ

Spa2

(3) If the finding with regard to the probability of harmful interference remains unfavourable, no change shall be made in the original entry.

SECTION VIII. MODIFICATION, CANCELLATION AND REVIEW OF ENTRIES IN THE MASTER REGISTER

639DK §29.

Spa2

(1) Where the use of a recorded assignment to a space station is suspended for a period of eighteen months, the notifying administration shall, within this eighteen-month period, inform the Board of the date on which such use was suspended and of the date on which the assignment is to be brought back into regular use.

639DL

Spa2

(2) Whenever it appears to the Board, whether or not as a result of action under No. 639DK, that a recorded assignment to a space station has not been in regular use for more than eighteen months, the Board shall inquire of the notifying administration as to when the assignment is to be brought back into regular use.

639DM

Spa2

(3) If no reply is received within six months of action by the Board under No. 639DL, or if the reply does not confirm that the assignment to a space station is to be brought back into regular use within this six-month limit, a mark shall be applied against the entry in the Master Register. Thereafter, the assignment shall be treated in accordance with No. 639BS as one which has been established as having been out of regular use for two years.

639DN § 30.

Spa2

In case of permanent discontinuance of the use of any recorded frequency assignment, the notifying administration shall inform the Board within ninety days of such discontinuance, whereupon the entry shall be removed from the Master Register.

639DO § 31.

Spa2

Whenever it appears to the Board from the information available that a recorded assignment has not been brought into regular operation in accordance with the notified basic characteristics, or is not being used in accordance with those basic characteristics, the Board shall consult the notifying administration and, subject to its agreement, shall either cancel or suitably modify the entry.

639DP § 32.

Spa2

If, in connection with an inquiry by the Board under No. 639DO, the notifying administration has failed to supply the Board within forty-five days with the necessary or pertinent information, the Board shall make suitable entries in the Remarks Column of the Master Register to indicate the situation.

SECTION IX. STUDIES AND RECOMMENDATIONS

639DQ § 33.

Spa2

(1) If it is requested by any administration, and if the circumstances appear to warrant, the Board, using such means at its disposal as are appropriate in the circumstances, shall conduct a study of cases of alleged contravention or non-observance of these Regulations, or of harmful interference.

639DR

Spa2

(2) The Board shall thereupon prepare and forward to the administration concerned a report containing its findings and recommendations for the solution of the problem.

639DS § 34.

Spa2

In a case where, as a result of a study, the Board submits to one or more administrations suggestions or recommendations for the solution of a problem, and where no answer has been received from one or more of these administrations within a period of ninety days, the Board shall consider that the suggestions or recommendations concerned are unacceptable to the administrations which did not answer. If it was the requesting administration which failed to answer within this period, the Board shall close the study.

SECTION X. MISCELLANEOUS PROVISIONS

639DT § 35.
Spa2

(1) If it is requested by any administration, particularly by an administration of a country in need of special assistance, and if the circumstances appear to warrant, the Board, using such means at its disposal as are appropriate in the circumstances, shall render the following assistance:

a) computation of the increases in noise temperatures in accordance with No. 639AK;

b) preparation of diagrams showing the co-ordination areas as in No. 639AN;

c) any other assistance of a technical nature for completion of the procedures in this Article.

639DU
Spa2

(2) In making a request to the Board under No. 639DT, the administration shall furnish the Board with the necessary information.

639DV
Spa2

§ 36. The technical standards of the Board shall be based upon the relevant provisions of these Regulations and the Appendices thereto, the decisions of Administrative Conferences of the Union, as appropriate, the Recommendations of the C.C.I.R., the state of the radio art and the development of new transmission techniques.

639DW
Spa2

§ 37. The Board shall promulgate to administrations its findings and reasons therefor, together with all changes made to the Master Register, through the weekly circular referred to in No. 497.

639DX
Spa2

§ 38. In case a Member or Associate Member of the Union avails itself of the provisions of Article 28 of the Convention, the Board shall, upon request, make its records available for such proceedings as are prescribed in the Convention for the settlement of international disputes.

ANNEX 9: REVISION OF ARTICLE 14 OF THE RADIO REGULATIONS

Article 14 of the Radio Regulations shall be amended as follows:

Replace Regulation No. 695 by the following new text:

MOD 695
Spa2

§ 3. In order to avoid interference:

locations of transmitting stations and, where the nature of the service permits, locations of receiving stations shall be selected with particular care;

radiation in and reception from unnecessary directions shall be minimized, where the nature of the service permits, by taking the maximum practical advantage of the properties of directional antennae;

the choice and use of transmitters and receivers shall be in accordance with the provisions of Article 12;

the conditions specified under No. 470V shall be fulfilled.

ANNEX 10: REVISION OF ARTICLE 15 OF THE RADIO REGULATIONS

Article 15 of the Radio Regulations shall be amended as follows:

Replace Regulation No. 717 by the following new text:

MOD 717
Spa2

(2) In such a case, the administration concerned may also request the Board to act in accordance with the provisions of Sections VII and VIII of Article 9 and Sections IX and X of Article 9A; but it shall then supply the Board with the full facts of the case, including all the technical and operational details and copies of the correspondence.

ANNEX 11: REVISION OF ARTICLE 27 OF THE RADIO REGULATIONS

Article 27 of the Radio Regulations shall be amended as follows:

Replace Nos. 951 and 952 by the following new texts:

MOD 951
Spa2

§ 3. (1) Stations on board aircraft may communicate with stations of the maritime mobile-satellite services. They shall conform to those provisions of these Regulations which relate to these services.

MOD 952
Spa2

(2) For this purpose stations on board aircraft should use the frequencies allocated to the maritime mobile or maritime mobile-satellite services. However, having regard to interference which may be caused by aircraft stations at high altitudes, maritime mobile frequencies in the bands above 30 MHz shall not be used by aircraft stations in any specific area without the prior agreement of all the administrations of the area in which interference is likely to be caused. In particular, aircraft stations operating in Region I should not use frequencies in the bands above 30 MHz allocated to the maritime mobile service by virtue of any agreement between administrations in that Region.

ANNEX 12: REVISION OF ARTICLE 41 OF THE RADIO REGULATIONS

Article 41 of the Radio Regulations shall be amended as follows:

After Regulation No. 1567, add the following new Regulation:

ADD 1567A
Spa2

§ 6. Space stations in the amateur-satellite service operating in bands shared with other services shall be fitted with appropriate devices for controlling emissions in the event that harmful interference is reported in accordance with the procedure laid down in Article 15. Administrations authorizing such space stations shall inform the I.F.R.B., and shall insure that sufficient earth command stations are established before launch to guarantee that any harmful interference that might be reported can be terminated by the authorizing Administration (see No. 470V).

ANNEX 13: REVISION OF APPENDIX 1 TO THE RADIO REGULATIONS

Appendix 1 to the Radio Regulations shall be amended as follows:

SECTION A. BASIC CHARACTERISTICS TO BE FURNISHED FOR NOTIFICATION UNDER NO. 486 OF THE REGULATIONS

Replace the paragraph "Supplementary information" *by the following:*

MOD Spa2 Supplementary information:

a) reference frequency, if any, and any coordination required by No. 492A;

b) the name of any administration with which an agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

SECTION B. BASIC CHARACTERISTICS TO BE FURNISHED FOR NOTIFICATION UNDER NO. 487 OF THE REGULATIONS

Replace the paragraph "Supplementary information" *by the following:*

Mod Spa2 Supplementary information:

a) any co-ordination required by No. 492A;

b) the name of any administration with which an agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

SECTION C. BASIC CHARACTERISTICS TO BE FURNISHED FOR NOTIFICATION UNDER NO. 490 OF THE REGULATIONS

Replace the paragraph "Supplementary information" *by the following:*

MOD Spa2 Supplementary information:

a) any co-ordination required by No. 492A;

b) the name of any administration with which an agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

ANNEX 14: REVISION OF APPENDIX 1A TO THE RADIO REGULATIONS

Appendix 1A to the Radio Regulations shall be amended as follows:

The entire Appendix 1A is replaced by the following new text:

APPENDIX 1A

MOD Spa2

Notices relating to Space Radiocommunication and Radio Astronomy Stations; (See Article 9A)

SECTION A. GENERAL INSTRUCTIONS

1. A separate notice shall be sent to the International Frequency Registration Board for notifying:

each new frequency assignment;

any change in the characteristics of a frequency assignment recorded in the Master International Frequency Register (hereinafter called the *Master Register*);

any total deletion of a frequency assignment recorded in the Master Register.

2. When submitting notices under No. 639BA for earth and space transmitting assignments and under No. 639BB for space and earth receiving assignments, separate notices shall be submitted to the Board for each assignment to an earth or space station. In the case of a passive satellite system, only earth transmitting and receiving assignments shall be notified.

3. In the case of a satellite system employing multiple space stations with the same general characteristics, a separate notice shall be submitted for each space station:

—when it is aboard a geostationary satellite; or

—when it is aboard a non-geostationary satellite except when a number of satellites have the same radio frequency characteristics and orbital characteristics (excluding the ascending node position); in the latter case, one notice covering all such space stations may be submitted.

4. The following basic information shall be shown on the notice:

a) the serial number of the notice and the date on which the notice is sent to the Board;

b) the name of the notifying administration;

c) sufficient data to identify the particular satellite network in which the earth or space station will operate;

d) whether the notice reflects:

1) the first use of a frequency by a station;

2) a change in the characteristics of a frequency assignment recorded in the Master Register (indicate whether the change is a replacement, addition or deletion of existing characteristics); or

3) a deletion of an assignment in all of its notified characteristics;

e) reference to the I.F.R.B. weekly circular providing the advance publication information required in accordance with No. 639AA;

f) basic characteristics as outlined in Section B, C, D, E, or F as appropriate;

g) any other information which the administration considers to be relevant, e.g., any factors taken into account when applying Appendix 28 for determination of the coordination area and also any indication that the assignment concerned would be operating in accordance with No. 115, information concerning the use of the notified frequency if such use is restricted, or, in the case of notices pertaining to space stations, if the transmissions of the station are to be permanently switched off after a certain period.

SECTION B. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES USED BY EARTH STATIONS FOR TRANSMITTING

Item 1 Assigned frequency

Indicate the assigned frequency as defined in Article 1, in kHz up to 30 000 kHz inclusive, and in MHz above 30 000 kHz (see No. 85).

Item 2 Assigned frequency band

Indicate the bandwidth of the assigned frequency band in kHz (see No. 89).

Item 3 Date of bringing into use

a) In the case of a new assignment, indicate the date (actual or foreseen, as appropriate) of bringing the frequency assignment into use.

b) Whenever the assigment is changed in any of its basic characteristics, as shown in this Section (except in the case of a change in Item 4*a*)), the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 4 Identity and location of the transmitting earth station

a) Indicate the name by which the station is known or the name of the locality in which it is situated.

b) Indicate the country in which the station is located. Symbols from the Preface to the International Frequency List should be used.

c) Indicate the geographical co-ordinates (in degrees and minutes) of the transmitter site.

Item 5 Station(s) with which communication is to be established

Identify the associated receiving space station(s) by reference to the notification thereof or in any other appropriate manner, or, in the case of a passive satellite, the identity of the satellite and the location of the associated receiving earth stations(s).

Item 6 Class of station and nature of service

Indicate the class of station and nature of service performed, using the symbols shown in Appendix 10.

Item 7 Class of emission, necessary bandwidth and description of transmission

In accordance with Article 2 and Appendix 5:

a) indicate the class of emission;

b)[1] indicate the carrier frequency or frequencies of the emission(s);

c)[1] indicate for each carrier, the class of emission, necessary bandwidth and description of transmission.

Item 8 Power characteristics of the transmission

a)[1] Indicate for each carrier, the peak power supplied to the input of the antenna.

b) Indicate the total peak power and the maximum power density per Hz supplied to the input of the antenna averaged over the worst 4 kHz band for carriers below 15 GHz, or averaged over the worst 1 MHz band for carriers above 15 GHz.

Item 9 Transmitting antenna characteristics

a) Indicate the isotropic gain (dB) of the antenna in the direction of maximum radiation (see No. 100).

b) Indicate the beamwidth in degrees between the half power points (describe in detail if not symmetrical).

c) Either attach the measured radiation diagram of the antenna (taking as a reference the direction of maximum radiation) or indicate the reference radiation diagram to be used for co-ordination.

d) Indicate graphically the horizon elevation angle for each azimuth around the earth station.

e) Indicate in degrees from the horizontal plane the planned minimium operating angle of elevation of the antenna in the direction of maximum radiation.

f) Indicate in degrees, clockwise from true north, the planned range of operating azimuthal angles for the direction of maximum radiation.

g)[1] Indicate the type of polarization of the transmitted wave in the direction of maximum radiation; also indicate the sense in the case of circular polarization and the plane in the case of linear polarization.

h) Indicate the altitude (metres) of the antenna above mean sea level.

Item 10 [1] Modulation characteristics

For each carrier, according to the nature of the signal modulating the carrier and the type of modulation, indicate the following characteristics:

a) carrier frequency modulated by a frequency-division multichannel telephony baseband (FDM–FM) or by a signal that can be represented by a multichannel telephony baseband: indicate the lowest and highest frequencies of the baseband and the r.m.s. frequency deviation of the test tone as a function of baseband frequency;

b) carrier frequency modulated by a television signal: indicate the standard of the television signal (including, where appropriate, the standard used for colour), the frequency deviation for the reference frequency of the pre-emphasis charcateristic and the pre-emphasis characteristic itself. Also indicate, where applicable, the characteristics of the multiplexing of the video signal with the sound signal(s) or other signals;

c) carrier phase-shift modulated by a pulse code modulation signal (PCM/PSK): indicate the bit rate and the number of phases;

d) amplitude modulated carrier (including single sideband): indicate as precisely as possible the nature of the modulating signal and the kind of amplitude modulation used;

e) for all other types of modulation, provide such particulars as may be useful for an interference study;

f) for any type of modulation as applicable, indicate the characteristics of energy dispersal.

Item 11 Maximum hours of operation

Indicate in G.M.T. the maximum hours of operation on the frequency of each carrier.

Item 12 Co-ordination

Give the name of any administration with which the use of this frequency has been successfully co-ordinated in accordance with Nos. 639AJ and 639AN and, if appropriate, the name of any administration with which co-ordination has been sought but not effected.

Item 13 Agreements

Give, if appropriate, the name of any administration with which agreement has been effected to exceed the limits prescribed in these Regulations, and the contents of such agreement.

Item 14 Operating administration or company

Give the name of the operating administration or company and the postal and telegraphic address of the administration to which communications should be sent on urgent matters regarding interference, quality of emissions and questions referring to the technical operation of stations (see Article 15).

SECTION C. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES TO BE RECEIVED BY EARTH STATIONS

Item 1 Assigned frequency

Indicate the assigned frequency of the emission to be received, as defined in Article 1, in kHz up to 30 000 kHz inclusive, and in MHz above 30 000 kHz (see No. 85).

Item 2 Assigned frequency band

Indicate the bandwidth of the assigned frequency band in kHz (see No. 89).

Item 3 Date of bringing into use

a) In the case of a new assignment, indicate the date (actual or foreseen, as appropriate) when reception of the assigned frequency begins.

b) Whenever the assignment is changed in any of its basic characteristics, as shown in this Section (except in the case of a change in Item 4*a*)), the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 4 Identity and location of the receiving earth station

a) Indicate the name by which the receiving earth station is known or the name of the locality in which it is situated.

b) Indicate the country in which the receiving earth station is located. Symbols from the Preface to the International Frequency List should be used.

c) Indicate the geographical co-ordinates (in degrees and minutes) of the receiver site.

Item 5 Station(s) with which communication is to be established

Identify the associated transmitting space station(s) by reference to the notification thereof or in any other appropriate manner, or, in the case of a passive satellite, the identity of the satellite and the associated transmitting earth station(s).

Item 6 Class of station and nature of service

Indicate the class of station and nature of service performed, using the symbols shown in Appendix 10.

Item 7 Class of emission, necessary bandwidth and description of the transmission to be received

In accordance with Article 2 and Appendix 5:

a) indicate the class of emission of the transmission to be received;

b)[1] indicate the carrier frequency or frequencies of the transmission to be received;

c)[1] indicate, for each carrier to be received, the class of emission, necessary bandwidth and description of the transmission.

Item 8 Earth station receiving antenna characteristics

a) Indicate the isotropic gain (dB) of the antenna in the direction of maximum radiation (see No. 100).

b) Indicate the beamwidth in degrees be-

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[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

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tween the half power points (describe in detail if not symmetrical).

c) Either attach the measured radiation diagram of the antenna (taking as a reference the direction of maximum radiation) or indicate the reference radiation diagram to be used for co-ordination.

d) Indicate graphically the horizon elevation angle for each azimuth around the earth station.

e) Indicate in degrees from the horizontal plane the planned minimum operating angle of elevation of the antenna in the direction of maximum radiation.

f) Indicate in degrees, clockwise, from True North, the planned range of operating azimuthal angles for the direction of maximum radiation.

g) Indicate the altitude (metres) of the antenna above mean sea level.

Item 9 Noise temperature

Indicate the lowest equivalent satellite link noise temperature in kelvins (see No. 103A) under "quiet sky conditions". This value shall be indicated for the nominal value of the angle of elevation when the associated transmitting station is aboard a geostationary satellite and, in other cases, for the minimum value of angle of elevation.

Item 10 Maximum hours of reception

Indicate in G.M.T. the maximum hours of reception of the frequency of each carrier.

Item 11 Co-ordination

Give the name of any administration with successfully co-ordinated in accordance with which the use of this frequency has been Nos. 639AJ and 639AN and, if appropriate, the name of any administration with which co-ordination has been sought but not effected.

Item 12 Agreements

Give also, if appropriate, the name of any administration with which agreement has been effected to exceed the limits prescribed in these Regulations, and the contents of such agreement.

Item 13 Operating administration or company

Give the name of the operating administration or company and the postal and telegraphic addresses of the administration to which communications should be sent on urgent matters regarding interference and questions referring to the technical operation of stations (see Article 15).

SECTION D. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES USED BY SPACE STATIONS FOR TRANSMITTING

Item 1 Assigned frequency

Indicate the assigned frequency as defined in Article 1, in kHz up to 30 000 kHz inclusive, and in MHz above 30 000 kHz (see No. 85). At least one separate assignment notice should be made out for each antenna radiation beam.

Item 2 Assigned frequency band

Indicate the bandwidth of the assigned frequency band in kHz (see No. 89).

Item 3 Date of bringing into use

a) In the case of a new assignment, indicate the date (actual or foreseen, as appropriate) of bringing the frequency assignment into use.

b) Whenever the assignment is changed in any of its basic characteristics as shown in this Section (except in the case of a change in Item 4), the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 4 Identity of the space station(s)

Indicate the identity of the space station(s).

Item 5 Orbital information

a) In the case of a space station aboard a geostationary satellite indicate the nominal geographical longitude on the geostationary satellite orbit and the longitudinal and inclination tolerances. Indicate also:

1) the arc of the geostationary satellite orbit over which the space station is visible, at a minimum angle of elevation of 10° at the Earth's surface, from its associated earth stations or service areas; and

2) the arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas; and

3) in the event that the arc defined in paragraph 2) above is less than the arc defined in paragraph 1) above, provide the reasons therefor.

Note: The arcs specified in 1) and 2) will be indicated by the geographical longitude of the extremes of these arcs on the geostationary satellite orbit.

b) In the case of space station(s) aboard non-geostationary satellite(s), indicate the angle of inclination of the orbit, the period, the altitudes in kilometres of the apogee and perigee of the space station(s) and the number of satellites used.

Item 6 Service area

Indicate the service area or areas on the Earth or the name of the locality and country in which the associated receiving station(s) is (are) located.

Item 7 Class of station and nature of service

Indicate the class of station and nature of service performed, using the symbols shown in Appendix 10.

Item 8 Class of emission, necessary bandwidth and description of transmission

In accordance with Article 2 and Appendix 5:

a) indicate the class of emission of the transmission;

b) [1] indicate the carrier frequency or frequencies of the transmission;

c) [1] indicate, for each carrier, the class of emission, necessary bandwidth and description of transmission.

Item 9 Power characteristics of the transmission

a) [1] indicate, for each carrier, the class of power supplied to the input of the antenna.

b) Indicate the total peak power and the maximum power density per Hz at the input of the antenna averaged over the worst 4 kHz band for carriers below 15 GHz or averaged over the worst 1 MHz band for carriers above 15 GHz.

Item 10 Space station transmitting antenna characteristics

For each service area:

a) in the case of a space station aboard a geostationary satellite, indicate the gain of the space station transmitting antenna by means of gain contours plotted on a map of Earth's surface. The isotropic gain at each contour which corresponds to a gain of 2, 4, 6, 10 and 20 dB and at 10 dB intervals thereafter as necessary, below the maximum gain, shall be indicated;

b) in the case of a space station abroad a non-geostationary satellite, indicate the isotropic gain of the space station transmitting antenna in the main direction of radiation and indicate the antenna radiation pattern in those directions which can intersect with the Earth's surface, taking the gain in the main direction of radiation as a reference;

c) [1] indicate the type of polarization of the antenna, the sense in the case of circular polarization, and the plane in the case of linear polarization; also indicate the worst case axial ratio in the half power beam;

d) for a geostationary satellite, indicate the pointing accuracy of the antenna.

Item 11 [1] Modulation characteristics

For each carrier, according to the nature of the signal modulating the carrier and the type of modulation, indicate the following characteristics:

a) carrier frequency modulated by a frequency-division multi-channel telephony baseband (FDM–FM) or by a signal that can be represented by a multichannel telephony baseband: indicate the lowest and highest frequencies of the baseband and the r.m.s. frequency deviation of the test tone as a function of baseband frequency;

b) carrier frequency modulated by a television signal: indicate the standard of the television signal (including, where appropriate, the standard used for colour), the frequency deviation for the reference frequency of the pre-emphasis characteristic and the pre-emphasis characteristic itself. Also indicate, where applicable, the characteristics of the multiplexing of the video signal with the sound signal(s) or other signals;

c) carrier phase-shift-modulated by a pulse code modulation signal (PCM/PSK): indicate the bit rate and the number of phases;

d) amplitude modulated carrier (including single sideband): indicate as precisely as possible the nature of the modulating signal and the kind of amplitude modulation used;

e) for all other types of modulation, provide such particulars as may be useful for an interference study;

f) for any type of modulation as applicable, indicate the characteristics of energy dispersal.

Item 12 Maximum hours of operation

Indicate in G.M.T. the maximum hours of operation on the frequncy of each carrier.

Item 13 Co-ordination

Give the name of any administration or group of administrations with which the use of the satellite network to which the space station belongs has been successfully co-ordinated in accordance with No. 639AJ.

Item 14 Agreements

Give also, if appropriate, the name of any administration with which agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

Item 15 Operating administration or company

Give the name of the operating administration or company and the postal and telegraphic addresses of the administration to which communications should be sent on urgent matters regarding interference, quality of emissions and questions referring to the technical operation of stations (see Article 15).

SECTION E. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES TO BE RECEIVED BY SPACE STATIONS

Item 1 Assigned frequency

Indicate the assigned frequency of the emission to be received, as defined in Article 1, in kHz up to 30000 kHz inclusive, and in MHz above 30000 kHz (see No. 85). At least one separate assignment notice should be made out for each antenna radiation beam.

Item 2 Assigned frequency band

Indicate the bandwidth of the assigned frequency band in kHz (see No. 89).

Item 3 Date of bringing into use

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[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

a) In the case of a new assignment, indicate the date (actual or foreseen, as appropriate) when reception of the assigned freqency begins.

b) Whenever the assignment is changed in any of its basic characteristics as shown in this Section (except in the case of a change in Item 4, the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 4 Identity of the receiving space station(s)

Indicate the identity of the receiving space station(s).

Item 5 Orbital information

a) In the case of a space station aboard a geostationary satellite, indicate the planned nominal geographical longitude on the geostationary satellite orbit and the planned longitudinal and inclination tolerances. Indicate also:

1) the arc of the geostationary satellite orbit over which the space station is visible, at a minimum angle of elevation of 10° at the Earth's surface, from its associated earth stations or service areas; and

2) the arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas; and

3) in the event that the arc defined in paragraph 2) above is less than the arc defined in paragraph 1) above, provide the reasons therefor.

Note: The arcs specified in 1) and 2) will be indicated by the geographical longitude of the extremes of these arcs on the geostationary satellite orbit.

b) In the case of space station(s) aboard non-geostationary satellite(s), indicate the angle of inclination of the orbit, the period, the altitudes in kilometres of the apogee and perigee of the space station(s) and the number of satellites used.

Item 6 Associated transmitting earth station(s)

Identify the associated transmitting earth station(s) by reference to the notification thereof or in any other appropriate manner.

Item 7 Class of station and nature of service

Indicate the class of station and nature of service performed, using the symbols shown in Appendix 10.

Item 8 Class of emission, necessary bandwidth and description of the transmission(s) to be received

In accordance with Article 2 and Appendix 5:

a) indicate the class of emission of the transmission(s) to be received;

b) [1] indicate the carrier frequency or frequencies of the transmission(s) to be received;

c)[1] indicate, for each carrier to be received, the class of emission, necessary bandwidth and description of the transmission(s) to be received.

Item 9 Space station receiving antenna characteristics

For each receiving beam:

a) in the case of a space station aboard a geostationary satellite, indicate the gain of the space station receiving antenna by means of gain contours plotted on a map of the Earth's surface. The isotropic gain at each contour which corresponds to a gain of 2, 4, 6, 10 and 20 dB and at 10 dB intervals thereafter as necessary, below the maximum gain, shall be indicated;

b) in the case of a space station aboard a non-geostationary satellite, indicate the isotropic gain of the space station receiving antenna in the main direction of radiation and indicate the antenna radiation pattern in those directions which can intersect with the Earth's surface, taking the gain in the main direction of radiation as a reference;

c) [1] indicate the type of polarization of the antenna, the sense in the case of circular polarization, and the plane in the case of linear polarization, also indicate the worst case axial ratio in the half power beam;

d) indicate, for a geostationary satellite, the pointing accuracy of the antenna.

Item 10 Noise temperature

Indicate the total receiving system noise temperature (in kelvins) at the input of the space station receiver.

Item 11 Maximum hours of reception

Indicate in G.M.T. the maximum hours of reception of the frequency of each carrier.

Item 12 Co-ordination

Give the name of any administration or group of administrations with which the use of satellite network to which the space station belongs has been successfully co-ordinated in accordance with No. 639AJ.

Item 13 Agreements

Give also, if appropriate, the name of any administration with which agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

Item 14 Operating administration or company

Give the name of the operating administration or company and the postal and telegraphic addresses of the administration to which communications should be sent on urgent matters regarding interference and questions referring to the technical operation of stations (see Article 15).

SECTION F. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES TO BE RECEIVED BY RADIO ASTRONOMY STATIONS

Item 1 Observed frequency

Indicate the centre of the frequency band observed, in kHz up to 30 000 kHz inclusive, and in MHz above 30 000 kHz.

Item 2 Date of bringing into use

(*a*) Indicate the date (actual or foreseen, as appropriate) when reception of the frequency band begins.

(*b*) Whenever there is a change in any of the basic characteristics, as shown in this Section (except in the case of a change in Item 3(*b*)), the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 3 Name and location of the station

a) Indicate the letters "RA".

b) Indicate the name by which the station is known or the name of the locality in which it is situated or both.

c) Indicate the country in which the station is located. Symbols from the Preface to the International Frequency List should be used.

d) Indicate the geographical co-ordinates (in degrees and minutes) of the station site.

Item 4 Bandwidth

Indicate the width of the frequency band (in kHz) observed by the station.

Item 5 Antenna characteristics

Indicate the antenna type and dimensions, effective area and angular coverage in azimuth and elevation.

Item 6 Maximum hours of reception

Indicate in G.M.T. the maximum hours of reception of the frequency band shown in Item 4.

Item 7 Noise temperature

Indicate the over-all receiving system noise temperature (in kelvins).

Item 8 Class of observations

Indicate the class of observations to be taken on the frequency band shown in Item 4. Class A observations are those in which the sensitivity of the equipment is not a primary factor. Class B observations are those of such a nature that they can be made only with advanced low-noise receivers using the best techniques.

Item 9 Operating administration or company

Indicate the identity of the operating administration or company and the postal and telegraphic addresses of the administration to which communication should be sent on urgent matters regarding interference and questions referring to the technical operation of stations (see Article 15).

[Section G. Form of Notice (Earth Station) not printed in the RECORD]

[Section H. Form of Notice (Space Station) not printed in the RECORD]

ANNEX 15: ADDITION OF A NEW APPENDIX (APPENDIX 1B) TO THE RADIO REGULATIONS

The following new Appendix 1A shall be added to the Radio Regulations after Appendix 1A:

ADD

Spa2

APPENDIX 1B

Advance Publication Information to be furnished for a Satellite Network (see Article 9A)

SECTION A. GENERAL INSTRUCTIONS

Item 1 Information shall be provided separately for each satellite network.

Item 2 Information to be furnished for each satellite network shall include general characteristics (Section B), and, as applicable characteristics in the Earth-to-space direction (Section C), characteristics in the space-to-Earth direction (Section D), and characteristics for space-to-space relay (Section E).

SECTION B. GENERAL CHARACTERISTICS TO BE FURNISHED FOR A SATELLITE NETWORK

Item 1 Identity of the satellite network

Clearly identify the satellite network and, if applicable, identify the satellite system of which it will form a part.

Item 2 Date of bringing into use

Indicate the date by which the satellite network is expected to be brought initially into use.

Item 3 Administration or group of administrations submitting the advance information

Give the name of the administration or the names of the administrations in the group submitting the advance information on the satellite network and the postal and telegraphic addresses of the administration(s) to which any communication should be sent.

Item 4 Orbital information relating to the space station(s)

a) In the case of a space station aboard a geostationary satellite, give the planned nominal geographical longitude on the geostationary satellite orbit and the planned longitudinal and inclination tolerances. Indicate also:

1) the arc of the geostationary satellite orbit over which the space station is visible, at a minimum angle of elevation of 10° at the Earth's surface, from its associated earth stations or service areas;

2) the arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas; and

3) in the event that the arc defined in

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[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

paragraph 2) above is less than the arc defined in paragraph 1) above, provide the reasons therefor.

Note: The arcs specified in 1) and 2) will be indicated by the geographical longitude of the extremes of these arcs on the geostationary satellite orbit.

b) In the case of space station(s) aboard non-geostationary satellite(s), indicate the angle of inclination of the orbit, the period, the altitudes in kilometres of the apogee and perigee of the space station(s) and the number of satellites used having the same characteristics.

SECTION C. CHARACTERISTICS OF THE SATELLITE NETWORK IN THE EARTH-TO-SPACE DIRECTION

Item 1 Earth-to-space service area(s)

Indicate the service area(s) on the Earth associated with each receiving antenna of the space station.

Item 2 Class of stations and nature of service

For each Earth-to-space service area, indicate the class of the stations in the satellite network and the nature of the service to be performed, using the symbols shown in Appendix 10.

Item 3 Frequency range

For each Earth-to-space service area, indicate the frequency range within which the carriers will be located.

Item 4 Power characteristics of the transmitted wave

a) For each Earth-to-space service area indicate the maximum spectral power density (W/Hz) to be delivered to the antenna of the transmitting earth stations (the bandwidth over which this is averaged depends on the nature of the service concerned).

b) If available, indicate, for each Earth-to-space service area, the actual radiation pattern (relative to isotropic) of the transmitting earth station antenna having the highest offbeam equivalent isotropically radiated spectral power density.

Item 5 Characteristics of space station receiving antennae

For each Earth-to-space service area:

a) in the case of a space station aboard a geostationary satellite, indicate the estimated gain of the space station receiving antenna by means of gain contours plotted on a map of the Earth's surface; the isotropic gain at each contour which corresponds to a gain of 2, 4, 6, 10 and 20 dB and at 10 dB intervals thereafter as necessary, below the maximum gain, shall be indicated;

b) in the case of a space station aboard a non-geostationary satellite, indicate the estimated isotropic gain of the space station receiving antenna in the main direction of reception and indicate the antenna radiation pattern in those directions which can intersect with the Earth's surface, taking the gain in the main direction of radiation as a reference.

Item 6 Noise temperature of the receiving space station

For each Earth-to-space service area, when other than a simple frequency changing transponder is used aboard the space station indicate the lowest total receiving system noise temperature.

SECTION D. CHARACTERISTICS OF THE SATELLITE NETWORK IN THE SPACE-TO-EARTH DIRECTION

Item 1 Space-to-Earth service area(s)

Indicate the service area(s) on the Earth associated with each transmitting antenna of the space station.

Item 2 Class of stations and nature of service

For each space-to-Earth service area, indicate the class of the stations in the satellite network and the nature of the service to be performed, using the symbols shown in Appendix 10.

Item 3 Frequency range

For each space-to-Earth service area, indicate the frequency range within which the carriers will be located.

Item 4 Power characteristics of the transmission

For each space-to-Earth service area, indicate the maximum spectral power density (W/Hz) to be delivered to the transmitting antenna of the space station (the bandwidth over which this is averaged depends on the nature of the service concerned).

Item 5 Characteristics of space station transmitting antennae

For each space-to-Earth service area:

a) in the case of a space station aboard a geostationary satellite, indicate the estimated gain of the space station transmitting antenna by means of gain contours plotted on a map of the Earth's surface; the isotropic gain at each contour which corresponds to a gain of 2, 4, 6, 10 and 20 dB and at 10 dB intervals thereafter as necessary, below the maximum gain, shall be indicated;

b) in the case of space station aboard a non-geostationary satellite, indicate the estimated isotropic gain of the space station transmitting antenna in the main direction of transmission and indicate the antenna radiation pattern in those directions which can intersect with the Earth's surface, taking the gain in the main direction of transmission as a reference.

Item 6 Characteristics of receiving earth stations

a) For each space-to-Earth service area, when other than a simple frequency changing transponder is used aboard the space station, indicate the lowest total receiving system noise temperature of the earth stations.

For each space-to-Earth service area and for each projected usage,[1] when simple frequency changing transponders are used on the space station, indicate the lowest equivalent satellite link noise temperature and the associated value of transmission gain evaluated from the output of the receiving antenna of the space station to the output of the receiving antenna of the earth station. For each projected usage, indicate also the receiving antenna(e) of the space station to which each simple frequency changing transponder will be connected.

b) If available, indicate for each space-to-Earth service area the actual radiation pattern (relative to isotropic) of the receiving earth station antenna having the highest off beam level. When simple frequency changing transponders are used on the space station, indicate also, if available, the pattern associated with each equivalent satellite link noise temperature indicated above.

SECTION E. CHARACTERISTICS TO BE FURNISHED FOR SPACE-TO-SPACE RELAY

Where the satellite network is connected to one or more satellite networks by means of space-to-space relay, indicate the following:

a) identity or identities of the other satellite network(s) to which the satellite network is connected;

b) transmit and receive frequency bands;

c) classes of emission;

d) nominal equivalent isotropically radiated power(s) on the beam axis.

ANNEX 16: REVISION OF APPENDIX 9 TO THE RADIO REGULATIONS

Appendix 9 to the Radio Regulations shall be amended as follows:

Replace the title of Appendix 9 by the following:

APPENDIX 9

MOD Spa2 Service Documents

(See Articles 8, 9, 9A, 10 and 20)

List I. International Frequency List

Replace footnotes 1 to 8 by the following (footnotes 3 and 5 are unchanged):

[1] In the case of television broadcasting stations in Region 1, the frequency in this column is that of the sound and vision carriers (See Appendix 1 to the Radio Regulations). [2] See Nos. 607 and 608 of the Radio Regulations. [3] A symbol instead of a date indicates an assignment notified pursuant to No. 272 of the Extraordinary Administrative Radio Conference Agreement (Geneva, 1951), or, in the frequency bands above 27 500 kHz, an assignment for which the notice was received by the I.F.R.B. before 1st April 1952. [4] See Appendix 1 to the Radio Regulations. [5] Columns 12a and 12b contain numbers or letters which are explained in the Preface to the International Frequency List. [6] See Article 9, Section II and Article 9A, Section IV, of the Radio Regulations. [7] See Nos. 516, 517, 621, 622, 639BS, 639DM, 639DO and 639DP of the Radio Regulations. [8] Including dates referred to in Section II of Article 9 and Section IV of Article 9A of the Radio Regulations.

Replace the title of List VIIIA by the following:

MOD Spa2

List VIIIA.—List of Space Radiocommunication Stations and Radio Astronomy Stations[1]

MOD Spa2

Replace the title of section 1 by the following: 1—Earth stations in the fixed-satellite service

Replace the column heads of section 1 by the following:

1. Name by which the station is known or the name of the locality in which it is situated.
2. Geographical co-ordinates (in degrees and minutes) of the transmitter site.

TRANSMISSION

Telecommand where appropriate

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (kW).

Communications

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
4c. Power (kW).

RECEPTION

Telemetering

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.

Tracking

6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.

Communications

7a. Frequency (MHz or GHz).
7b. Class of emission, necessary bandwidth and description of transmission.
8. Identity of the associated space station(s) with which communication is to be established.
9. Operating administration or company.
10. Remarks:

1. Special channelling arrangements for: (*a*) telegraphy; (*b*) telephony; (*c*) other types of communication, as appropriate.

2. Special methods of modulation.

Note: For the cases where these data must be supplied, see Nos. 639BA, 639BB and 639BC.

Replace the title of Section 2 by the fol-

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[1] A different usage will be considered to take place when different types of carriers are employed (different by virtue of maximum power spectral density), or when different types of receiving earth stations are employed (different by virtue of receiving antenna gain).

lowing: 2—Space stations in the fixed-satellite service

Replace the column heads of Section 2 by the following:

1. Identity of the station.
TRANSMISSION
Telemetering
2a. Frequency (MHz or GHz).
2b. Class of emission, necessary bandwidth and description of transmission.
2c. Power (watts).
Tracking
3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (watts).
Communications
4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
4c. Power (watts).
RECEPTION
Telecommand Where Appropriate
5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.
Communications
6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.
7. Service area or areas on the Earth or the name of the locality and country in which the associated earth station(s) is (are) located.
8. Operating administration or company.
9. Remarks:

1. Orbital information: (*a*) angle of inclination of the orbit; (*b*) period of the object in space; (*c*) altitude of apogee (km); (*d*) altitude of perigee (km); (*e*) number of satellites used, if appropriate; (*f*) in the case of geostationary satellite: minus nominal geographical longitude on the geostationary satellite orbit; minus arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas.

2. Special channelling arrangements for: (*a*) telegraphy; (*b*) telephony; (*c*) other types of communication, as appropriate.

3. Special methods of modulation.

Replace the title of Section 3 by the following: 3—Earth stations in the earth exploration-satellite service

Replace the column heads of Section 3 by the following:

1. Name by which the station is known or the name of the locality in which it is situated.
2. Geographical co-ordinates (in degrees and minutes) of the transmitter site.
TRANSMISSION
Telecommand where appropriate
3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (kW).
RECEPTION
Telemetering
4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
Tracking
5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.
Reception of earth exploration information
6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.
7. Identity of the associated space station(s) with which communication is to be established.
8. Operating administration or company.
9. Remarks: Special methods of modulation.

Replace the title of Section 4 by the following: 4—Space stations in the earth exploration-satellite service

Replace the column heads of Section 4 by the following:

1. Identity of the station.
TRANSMISSION
Telemetering
2a. Frequency (MHz or GHz).
2b. Class of emission, necessary bandwidth and description of transmission.
2c. Power (watts).
Tracking
3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (watts).
Transmission of earth exploration information
4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
4c. Power (watts).
RECEPTION
Telecommand where appropriate
5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.
6. Service areas or areas on the earth or the name of the locality and country in which the associated earth station(s) is (are) located.
7. Operating administration or company.
8 Remarks:

1. Orbital information: (*a*) angle of inclination of the orbit; (*b*) period of the object in space; (*c*) altitude of apogee (km); (*d*) altitude of perigee (km); (*e*) number of satellites used, if appropriate; (*f*) in the case of a geostationary satellite: —nominal geographical longitude on the geostationary satellite orbit; —arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas.

2. Special channelling arrangements for: (*a*) telegraphy; (*b*) telephony; (*c*) other types of communication, as appropriate.

3. Special methods of modulation.

Replace the title of Section 5 by the following: 5—Earth stations in the radiodetermination-satellite service.

Replace the column heads of Section 5 by the following:

1. Name by which the station is known or the name of the locality in which it is situated.
2. Geographical co-ordinates (in degrees and minutes) of the transmitter site.
TRANSMISSION
Telecommand where appropriate
3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (kW).
RECEPTION
Telemetering
4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
Tracking
5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.
Supplementary Information Necessary for the Operation of the Radiodetermination System
6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.
7. Identity of the associated space station(s) with which communication is to be established.
8. Operating administration or company.
9. Remarks: Special methods of modulation.

Replace the title of Section 6 by the following: 6—Space stations in the radiodetermination-satellite service.

Replace the column heads of Section 6 by the following:

1. Identity of the station.
TRANSMISSION
Telemetering
2a. Frequency (MHz or GHz).
2b. Class of emission, necessary bandwidth and description of transmission.
2c. Power (watts).
Tracking
3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (watts).
Transmission of radiodetermination information
4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwith and description of transmission.
4c. Power (watts).
RECEPTION
Telecommand where appropriate
5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.
6. Service area or areas on the Earth or the name of the locality and country in which the associated earth station(s) is (are) located.
7. Operating administration or company.
8. Remarks:

1. Orbital information: (*a*) angle of inclination of the orbit; (*b*) period of the object in space; (*c*) altitude of apogee (km); (*d*) altitude of perigee (km); (*e*) number of satellites used, if appropriate; (*f*) in the case of a geostationary satellite: —nominal geographical longitude on the geostationary satellite orbit; —arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas.

2. Special channelling arrangements for: (*a*) telegraphy; (*b*) telephony; (*c*) other types of communication, as appropriate.

3. Special methods of modulation.

Replace the title of Section 7 by the following: 7—Earth stations in the space research service

Replace the column heads of Section 7 by the following:

1. Name by which the station is known or the name of the locality in which it is situated.
2. Geographical co-ordinates (in degrees and minutes) of the transmitter site.
TRANSMISSION
Telecommand Where Appropriate
3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (kW).
RECEPTION
Telemetering
4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
Tracking
5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.
Reception of research information
6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.
7. Identity of the associated space station(s) with which communication is to be established.
8. Operating administration or company.
9. Remarks: Any special characteristics of the station and scope of research.

Replace the title of Section 8 by the following: 8—Space stations in the space research service

Replace the column heads of Section 8 by the following:

1. Identity of the station.

TRANSMISSION

Telemetering

2a. Frequency (MHz or GHz).
2b. Class of emission, necessary bandwidth and description of transmission.
2c. Power (watts).

Tracking

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (watts).

Transmission of information

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
4c. Power (watts).

RECEPTION

Telecommand where appropriate

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.
6. Service area or areas on Earth or the name of the locality and country in which the associated earth station(s) is (are) located.
7. Operating administration or company.
8. Remarks:

1. In the case of an earth satellite, orbital information: (*a*) angle of inclination of the orbit; (*b*) period of the object in space; (*c*) altitude of apogee (km); (*d*) altitude of perigee (km); (*e*) number of satellites used, if appropriate; (*f*) In the case of geostationary satellite: —nominal geographical longitude on the geostationary satellite orbit; —arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas.

2. In the case of a space probe, general indication of its trajectory.

3. Special methods of modulation.

Replace the title of Section 9 by the following: 9—Stations in the radio astronomy service

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ANNEX 17: REVISION OF APPENDIX 10 TO THE RADIO REGULATIONS

Appendix 10 to the Radio Regulations shall be amended as follows:

Delete the symbol FE.

Replace the symbols EC, TC, TH, TM *and* TN *by the following:*

MOD EC Space station in the fixed-satellite service
MOD TC Earth station in the fixed-satellite service
MOD TH Earth station in the space research service
MOD TM Earth station in the meteorological-satellite service
MOD TN Earth station in the radionavigation-satellite service

Add, in alphabetical order, the following new symbols:

ADD EA Space station in the amateur-satellite service
ADD EB Space station in the broadcasting-satellite service (sound broadcasting)
ADD EV Space station in the broadcasting-satellite service (television)
ADD TA Space operation earth station in the amateur-satellite service
ADD TE Transmitting earth station
ADD TF Fixed earth station in the radiodetermination-satellite service
ADD TL Mobile earth station in the radiodetermination-satellite service
ADD TP Receiving earth station
ADD TT Earth station in the space operation service

ANNEX 18: ADDITION OF A NEW APPENDIX (APPENDIX 28) TO THE RADIO REGULATIONS

The following new Appendix 28 shall be added to the Radio Regulations after Appendix 27:

APPENDIX 28

Procedure for Determination of the Co-ordination Area around an Earth Station in Frequency Bands between 1 and 40 GHz shared between Space and Terrestrial Radiocommunication Services

1. *Objectives*

The co-ordination area (see No. 103D) is determined by calculating, in all directions of azimuth from the earth station, the co-ordination distances (see No. 103B), and drawing to scale on an appropriate map the co-ordination contour (see No. 103C).

It must be emphasized that the presence or installation of a terrestrial station within the co-ordination area of an earth station would not necessarily preclude the successful operation of either the earth station or that terrestrial station, since the procedure is based on the most unfavorable case asumptions as regards interference.

For the determination of the co-ordination area two cases may have to be considered:

(1) For the earth station when it is receiving (and hence capable of being interfered with by terrestrial stations);

(2) For the earth station when it is transmitting (and hence capable of interfering with terrestrial stations).

Where an earth station is intended to operate with a variety of classes of emissions, the earth station parameters to be used in the determination of the co-ordination contour shall be those which lead to the greatest co-ordination distances, for each earth station antenna beam and in each allocated frequency band which the earth station proposes to share with the terrestrial services.

The procedure given in this Appendix for the determination of the co-ordination area is fairly complex. For this reason, it is considered useful to present in Annex A a simplified vesion of this procedure which will assist a user in following the necessary steps to produce co-ordination contours. The simplified presentation is given for certain allocated frequency bands.

It is suggested to draw, together with the co-ordination contour, auxiliary contours based on less unfavourable assumptions than those chosen for determination of the co-ordination contour. These auxiliary contours may be used during subsequent negotiations between the administrations concerned with a view to eliminating from the discussions (without the need for more precise calculations) the case of certain existing or planned stations located within the co-ordination area. The determination and use of these auxiliary contours is explained in Annex B to this Appendix.

2. *Permissible values of interference*

The permissible interference power (in dBW) in the reference bandwidth to be exceeded for no more than p percent of the time at the receiver input of a station suffering interference, from each source of interference, from each source of interference, is given by the general formula below:

$$P_r(p) = 10 \log_{10} (kT_rB) + J + M(p) - W \quad (1)$$

where

$$\text{with} \quad M(p) = M(p_o/n) = M_o(p_o) \quad (1a)$$

k=Boltzmann's constant (1.38×10^{23} joule per K);

T_r thermal noise temperature of the receiving system (K);

B=reference handwidth (in Hz) (bandwidth, of concern to the interfered with system, over which the interference power can be averaged);

J=ratio (in dB) of the permissible long term (20% of the time) interfering power to the thermal noise power in the receiving system (1);

P_o percentage of the time during which the interference from all sources may exceed the permissible value;

n=number of expected entries of interference, assumed to be uncorrelated;

p=percentage of the time during which the interference from one source may exceed the permissible value; since the entries are not likely to occur simultaneously $p = p_o/n$;

$M_o(p_o)$=ratio (in dB) between the permissible interference powers during p_o% and 20% of the time respectively, for all entries of interference (2);

$M(p)$=ratio (in dB) between the permissible interference powers during p% of the time for one entry of interference, and during 20% of the time for all entries of interference, respectively;

W=equivalence factor (in dB) relating the effect of interference to that of thermal noise of equal power in the reference bandwidth.[3]

Tables I and II list values for the above parameters.

3. *Determination of co-ordination distance for near great circle propagation mechanisms*

When determining the co-ordination distance for an earth station, a number of mechanisms of radio-wave propagation need to be considered. This section deals with the determination of co-ordination distance in conditions associated with super-refraction, ducting, scattering and reflection due to irregularities in the refractive index of the lower atmosphere in the absence of precipitation. The determination of the co-ordination distance associated with propagation due to scattering from hydrometeors is discussed in Section 4.

3.1 *Normalized basic transmission loss* $L_o\,(0.01)$:

To facilitate the graphical determination of the co-ordination distance, it is convenient to normalize the percentage of time to 0.01% and the frequency to 4 GHz.

The first step in the determination of the co-ordination distance is the calculation of a normalized basic transmission loss $L_o\,(00.1)$ given by:

$$L_o(0.01) = P_t' + G_t' + G_r - P_r(p) - F(p) - 20 \log_{10} (f/4) \quad (2)$$

where

P_t'=maximum available transmitting power (in dBW) in reference bandwidth B at the input to the antenna of an interfering station[4];

G_t'=gain (in dB relative to isotropic) of the transmitting antenna of the interfering station. If the interfering station is an earth station, this is the isotropic gain in the pertinent direction. If it is a terrestrial station, P_t' *and* G_t' are combined in the main beam equivalent isotropically radiated power E, for which the values given in Table II shall be used. When G_t' is the gain in the main direction of radiation it is denoted $G_t'\ max.$;

G_r=gain (in dB relative to isotropic) of the receiving antenna of the station suffering interference. If that station is an earth station, this is the isotropic gain in the pertinent direction; in the case of a terrestrial station, the maximum antenna gain is to be used. When G_r is the main beam gain, it is denoted $G_r\ max.$ (In the case of terrestrial tions, see Table I);

$F(p)$=correction factor in dB to relate the effective percentage of the time p to 0.01% (see Figure 1);

f=operating frequency in GHz.

The "pertinent direction" referred to in the definitions of G_t' *and* G_r is usually the direction toward the physical horizon on the azimuth considered (see Section 3.2) except when an earth station points its main beam at elevation angles below 12°. In the latter case, the path of minimum transmission loss may not be the horizon path but rather the main beam path (see Section 3.6).

When considering moving satellites, G_t', or G_r (whichever pertains to the earth station antenna) is variable with time. In such cases, it is suggested that an equivalent time-invariant earth station antenna gain[5] should be used. This equivalent gain is either 10 dB less than the maximum horizon antenna gain or is that value of horizon antenna gain exceeded for no more than 10% of the time, whichever is the greater.

3.2 *Antenna gain at the earth station horizon for geostationary satellites:*

The gain component of the earth station antenna in the direction of the physical horizon around an earth station is a function of the angular separation ϕ between the antenna main beam direction and the horion direction under consideration. Therefore, knowledge of the angle φ is required for each azimuth.

The elevation ϵ and azimuth α of geostationary satellites as seen from an earth station at a latitude λ are uniquely related. Figure 2 shows the "permissible" location arcs of geostationary satellites in a rectangular *elevation azimuth plot,* each are corresponding to an earth station latitude.

Specific relative satellite longitudes may not be known beforehand, but even when they are, the possibility of the addition of a new satellite, or the repositioning of an existing one suggests that all or a portion of the applicable arc be considered to hold satellites.

With the correct arc or segment of arc chosen and suitably marked, the horizon profile$\theta(\alpha)$ is superimposed on the plot of Figure 3, which shows an example for an earth station located at 45°N latitude for a satellite expected to be located somewhere between relative longitudes of 10°E and 45°W, with the site horizon profile drawn as shown.

For each point on the local horizon $\theta(\alpha)$, the smallest distance to the arc is determined and measured on the elevation scale. The example of Figure 3 shows the determination of the off-beam angle φ at an azimuth $a_o=210°$ with a horizon elevation $\theta=4°$.

If this is done for all azimuths (in suitable increments, e.g. 5°), a relationship $\varphi(a)$ results. The relationship $\varphi(a)$ may be used to derive a function for the horizon antenna gain $G(a)$, by using the actual earth station antenna pattern, or a formula giving a good approximation; for example, in cases where the ratio between the antenna diameter and the wavelength exceeds 100, the following equation should be used:

$G(\varphi)$ equals 32 minus 25 $\log_{10}\varphi$(dB) (1° less than or equal to φ 48° equals minus 10 dB (48° less than or equal to φ 180°).

The application of this gain equation to the $\varphi(a)$ plot yields the desired horizon antenna gain as a function of azimuth.

The parameters used above are defined as follows:

a=azimuthal angle under consideration, east of True North;

φ=the smaller angle in degrees between the main beam direction of the earth station antenna and the straight line connecting the earth station to the physical horizon on azimuth a;

ϵ=earth station main beam elevation angle above horizontal plane;

λ=latitude of earth station;

θ=elevation angle of the physical horizon above the horizontal plane on azimuth a.

3.3 *Radio-climatic Zones:*

The world has been divided into three basic radio-climatic regions termed Zones A, B and C, respectively.

These zones are defined as follows:

Zone A: land, with the exception of a coastal strip the width of which is either 100 km or that distance from the actual coast at which the terrain begins to exceed an altitude of 1000 m, whichever is the lesser distance;

Zone B: sea, at latitudes greater than 23.5° (North or South), excluding the Mediterranean and Black Seas, but including the coastal strip defined above wherever land borders on sea at latitudes greater than 23.5°;

Zone C: sea, at latitudes smaller than 23.5° North or South), including the Mediterranean and Black Seas, and the coastal strip defined above wherever land borders on sea at latitudes smaller than 23.5°.

3.4 *Procedure for the determination of the coordination distance for propagation mode* (*a*):

To obtain the co-ordination distance for Zone A, it is necessary to subtract from L_o(O–01) a correction ΔL which accounts for the difference in basic transmission loss over paths that have different horizon elevation angles at the earth station. ΔL is computed in two steps. First a correction ΔL_o for unit elevation angle (i.e, for a 1° elevation angle) is obtained from Figure 4 as a function of the normalized basic transmission loss and the frequency. Linear interpolation should be used between the curves of Figure 4 for frequencies not shown.

For ainy other horizon elevation angle 0, the horizon angle correction ΔL (in dB) is obtained from Figure 5 using the value of ΔL_o previously obtained from Figure 4. If values are required at elevation angles other than those indicated, linear interpolation should again be used. In cases where the elevation angle is less than 0.2°, ΔL is always 0 dB.

The horizon angle correction ΔL so obtained should be subtracted from the normalized basic transmission loss to result in a "co-ordination loss"L_c:

$L_c = L_o(0.0) - \Delta L$.

This co-ordination loss, used with the appropriate frequency in Figure 6, yields the co-ordination distance.

In a similar manner, the Zone B and Zone C co-ordination distance can be determined using Figures 7, 8 and 9 for Zone B and Figures 10, 11 and 12 for Zone. C

Distances so obtained are, for reference purposes, to be labelled d_{aA}, d_{aB}, and d_{aC} for Zones A, B and C, respectively.

3.5 *Co-ordination distance for mixed paths:*

3.5.1 *Two Zones.*

The procedure to be followed in the case of a mixed path involving two zones is illustrated by the example shown in Figure 13b. The earth station is situated in Zone A at a distance of 75 km from Zone B. The graphical presentation described below is particularly useful where more than one boundary between zones may be involved, as in this example.

It is assumed that, at a frequency of 4 GHz, the normalized basic transmission loss $L_o(0.01)$ is 200 dB, and that the horizon elevation angle is zero degrees. This results in identical values of 200 dB for L_c in any zone (which would, of course, not be the case if the horizon elevation angle were greater than 0.2°). The procedure is as follows:

(i) determine the distance entirely in Zone A that would give the co-ordination loss. Mark this distance (in this case it is 350 km) from the origin along the abscissa axis of linear graph paper as indicated by the point A (Figure 13a);

ii) determine the distance entirely in Zone B that would give the same co-ordination loss. Mark this distance (in this case it is 530 km) from the origin along the ordinate axis of the chart as indicated by the point B;

iii) draw a straight line between points A and B representing these distances from the origin;

iv) starting from the origin, the distance of 75 km from the earth station to Zone B is set off along the abscissa axis of the chart as indicated by the point A_1;

v) starting from point A_1 the Zone B path length of 375 km is then set off parallel to the ordinate axis of the chart as indicated by the point B_1;

vi) the further distance in the next Zone A region is then measured parallel to the abscissa axis from the point B_1 to the point of intersection of the mixed path curve as indicated by X. On Figure 13a, this distance is 30 km;

vii) the co-ordination distance is the sum of the distances OA_1, A_1B_1 and B_1X and is equal to

$$75+375+30=480 \text{ km}$$

The distance B_1X can also, more precisely, be found numerically from the total distance of the two parts in Zone A, OA_1+B_1X given by

$$OA_1+B_1X=OA\left(1-\frac{A_1B_1}{OB}\right)$$

whence:

$$B_1X=OA\left(1-\frac{A_1B_1}{OB}\right)-OA_1$$

hence,

$$B_1X=350\left(1-\frac{375}{530}\right)-75=27 \text{ km}$$

In some special cases, the mixed path involves all three radio-climatic Zones A. B and C. A solution to this problem can be found in adding a third dimension to the procedure to be followed for mixed paths involving only two zones. Theoretically, it means that the third coordinate has to be determined for a point having coordinates corresponding to the known distances in the first two zones and lying in a plane defined by three points on the axes X, Y and Z, corresponding to distances in Zones A, B and C, respectively, that would give the required basic transmission loss.

In practice, the procedure can be reduced to a simple graphical method shown in Figure 14, assuming for example a co-ordination loss (L_c) of 200 dB at a frequency of 4 GHz. It is required to find the co-ordination distance from the earth station in the direction given in Figure 14a. Here an earth station is situated in Zone A at a distance of 75 km in a given azimuthal direction from Zone B. In the same azimuthel direction Bone B is 375 km long and followed by an unknown portion in Zone C (Figure 14a.).

In this case, the procedure to be applied should be as follows (Figure 14b):

i) repeat the same procedure as for mixed paths involving only two zones, given in steps (i) to (v) above, and continue as follows:

ii) from the point B_1 draw a line parallel to the line AB to intersect the abscissa axis as indicated by the point D;

iii) determine the distance entirely in Zone C that would give the co-ordination loss. Mark this distance (in this case it is 930 km) from the origin along the ordinate axis of the chart as indicated by the point C. Draw a straight line between points C and A;

iv) at the point D, draw a line parallel to the ordinate axis to intersect the line CA as indicated by X;

v) the distance between the points D and X, which is the unknown distance in Zone C, is found to be 75 km;

vi) the co-ordination distance is then the sum of the distances $OA_1+A_1B_1+DX$ and in this example is equal to

$$75+375+75=525 \text{ km}$$

The distance DX can also, more precisely, be found numerically from the formula:

$$DX=OC\left(1-\frac{OA_1}{OA}-\frac{A_1B_1}{OC}\right)$$

hence,

$$DX=930\left(1-\frac{75}{350}-\frac{375}{530}\right)=73 \text{ km}$$

The distance obtained from either the single zone case (Section 3.4), whichever is applicable, is to be labelled d_a.

3.6 *Determination of the co-ordination distance for propagation mode* (*b*)

If the main beam of the earth station antenna is elevated less than 12° for long periods of time, as may be the case in operation with geostationary satellites, the co-ordination distance in the azimuthal direction of the main beam is determined in the same manner as above but the antenna elevation angle ϵ is used instead of the horizon elevation angle θ, and the antenna main beam gain is used instead of the gain towards the horizon. *In all such cases, the Zone A curves should be used irrespective of the actual zone involved.*

This procedure yields a distance for propagation mode (b), to be labelled d_b.

When considering non-geostationary satellites, interference via the main beam path should only be considered when the earth station antenna points in the same direction for appreciable periods of time (e.g., when working to deep space probes or to satellites which are almost geostationary).

3.7 *Evaluation of results from propagation modes (a) and (b)*

If propagation mode (*b*) is applicable, then the distance obtained for propagation mode (*b*) is compared with that of propagation mode (*a*) and where the co-ordination distance resulting from the main beam calculation exceeds that from the horizon path calculation, the procedure illustrated in Figure 15 should be used as follows to obtain the co-ordination contour for great circle propagation mechanisms:

i) draw two straight lines from the earth station at azimuthal angles of ±5° relative to the azimuth of the main beam till they intersect the co-ordination contour obtained according to propagation mode (*a*);

ii) from the point corresponding to the co-ordination distance derived according to propagation mode (*b*) in the azimuthal direction of the main beam, draw two straight lines to join these two intersections;

iii) these two lines so drawn constitute the part of the co-ordination contour to be used in the sector ±5° relative to the azimuthal direction of the main beam;

iv) outside the preceding sector ±5° the co-ordination contour for the great circle propagation mechanisms is the one obtained for propagation mode (*a*).

For reference purposes, the distances obtained after application of procedures set forth in Sections 3.4 to 3.7 are to be labelled d_{ab}.

4. *Determination of co-ordination distance for propagation mode (c) scattering from hydrometeors)*

The determination of co-ordination distance for scattering from hydrometeors (rain scatter) is predicated on a path geometry which is substantially different from that of the great circle propagation mechanisms.

4.1 *Normalized transmission loss* $L_1(0.01)$

To determine the co-ordination distance associated with rain scatter, it is necessary to calculate a "normalized transmission loss", given by:

$$L_1(0.01) = P_{t'} + \Delta G - P_r(p) - F_1(p,f) \quad (4)$$

where:

ΔG = difference (in dB) between the maximum gain of terrestrial station antennae in the frequency band under investigation and the value of 42dB. When the earth station is a transmitting station, the values shown in Table 1 should be used; when it is a receiving station, the values shown in Table II should be used.

$F_1(p,f)$ = correction factor (in dB) to relate the effective percentage of the time p to 0.01%, in the frequency band under consideration (see Figure 16).

All other parameters have been defined in Section 2. For terrestrial stations, values of P_t' are listed in Table II.

4.2 *Rain-climatic Zones*

The world has been divided into five basic rain-climatic zones numbered 1 to 5 as shown in Figure 17.

4.3 *Procedure for the determination of rain scatter co-ordination distance*

To obtain the rain scatter co-ordination distance for rain-climatic Zone 1, the normalized transmission loss (obtained by solving equation (4)), is used together with the appropriate frequency in Figure 18 to yield the rain scatter distance d_{cr}.

Figures 19 to 21 show corresponding curves for rain-climatic Zones 2 to 5. In all cases that rain climate is to be chosen which corresponds to the location of the earth station. Due to the peculiar geometry associated with rain scatter propagation, the centre of the rain scatter co-ordination contour does not coincide with the location of the earth station by a distance $\triangle d$.

The rain scatter distance d_{cr}, together with the elevation angle ϵ of the main beam of the earth station antenna are used in Figure 22 to obtain the distance denoted $\triangle d$. The distance $\triangle d$ is measured from the earth station location along the azimuth of the main beam of the earth station antenna; a circle of radius d_{cr} is drawn around the point so reached. The circle is the rain scatter contour.

The rain scatter co-ordination distance, to be labelled d_c, is the distance from the earth station site to the rain scatter co-ordination contour on the azimuth under consideration.

5. *Minimum value of co-ordination distance*

In the process of determining the co-ordination distance for propagation mode (*a*) or (*b*), if values result which would require the co-ordination distance curves to be extended to distances of less than 100 km, the co-ordination distance (d_a or d_b) for the propagation mode under consideration shall be 100 km.

In the process of determining the co-ordination distance for propagation mode (*c*), if values result which would require the rain scatter distance curves to be extended to distances of less than 100 km, the rain scatter distance (d_{cr}) shall be 100 km, used with the appropriate value of $\triangle d$.

6. *The co-ordination distance*

On any azimuth, the greatest of the co-ordination distances d_a, d_b, or d_c, for any of the three propagation modes, represents the co-ordination distance and is to be used for the co-ordination procedure.

An example of a co-ordination contour is shown in Figure 23.

7. *Parameters for calculation*

The values of parameters necessary for the determination of the co-ordination contour are given in Table I in the case of a transmitting earth station, and in Table II in the case of a receiving earth station.

In certain cases, an administration may have reason to believe that, for its specific earth station, a departure from the values associated with the earth station, as listed in Table II, may be justified. Attention is drawn to the fact that for specific systems the bandwidths *B* or, as for instance in the case of demand assignment systems, the percentages of the time *p and* p_o may have to be changed from the values given in Table II.

To aid in subsequent negotiations between administrations (as discussed in Annex B), it has been found useful to isolate from equation (2) two composite parameters associated only with terrestrial stations, an interference sensitivity factor $S = G_r - P_r(p)$ for the case of transmitting earth stations, and the e.i.r.p. $E = P_t' - G_t'$ for the case of receiving earth stations. The values to be used for *S* and *E* are given in Tables I and II, respectively.

If it becomes necessary to calculate the co-ordination distance in a band not shown in Table I or II, the values associated with the nearest allocated frequency band for the same service should be used.

TABLE I.—PARAMETERS REQUIRED FOR THE DETERMINATION OF COORDINATION DISTANCE FOR A TRANSMITTING EARTH STATION

Space radiocommunication service designation	Space operation (telecommand)	Fixed-satellite							
Frequency bands (GHz)	1.427–1.429	2.655–2.690	4.400–4.700	5.850–6.425	7.900–7.975, 8.025–8.400	10.95–11.20	12.50–12.75	14.4–14.5	27.5–29.5
Modulation of terrestrial station [1]	A	A	A	A	A	A	A	A	N
Interference parameters and criteria:									
p_o (percent)	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.003
n	2	1	1	2	2	2	2	2	1
p (percent)	0.005	0.01	0.01	0.005	0.005	0.005	0.005	0.005	0.003
J (dB)	16	9	9	16	16	16	16	16	0
$M_o(p_o)$ (dB)	17	17	17	17	17	17	17	17	30
W (dB)	0	0	0	0	0	0	0	0	0
Terrestrial station parameters:									
B (Hz)	4×10^3	4×10^3	4×10^3	4×10^3	4×10^3	4×10^3	4×10^3	4×10^3	1×10^6
G_r (dB) [2]	35	[3] 52	[3] 52	45	47	50	50	50	50
ΔG (dB)	−7	[3] 10	[3] 10	3	5	8	8	8	8
T_r (K)	750	[3] 500	[3] 500	750	750	1500	1500	1500	3200
Auxiliary parameters:									
S (dBW)	166	192	192	176	178	178	178	178	154
$P_r(p)$ (dBW) in B	−131	−140	−140	−131	−131	−128	−128	−128	−104

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[1] A=analog modulation; N=digital modulation.

[2] Feeder losses are not included in the values for G_r.

[3] In these bands the parameters for the terrestrial station associated with transhorizon system have been used.

TABLE II.—PARAMETERS REQUIRED FOR THE DETERMINATION OF COORDINATION DISTANCE FOR A RECEIVING EARTH STATION

Space radiocommunication service designation	Space operaiton (telemetering)[1]	Meteorological-satellite[1]	Space research		Fixed-satellite						Earth exploration-satellite[1]	Space research		Fixed-satellite					Earth exploration-satellite[1]
			Near earth	Deepspace; manned								Near earth	Deep space						
Frequency band (GHz)	1.525-535	1.670-1.690	1.700-1.710 2.290-2.300		2.500-2.535		3.400-4.200		7.300-7.750		8.025-8.400	8.400-8.500		10.95-11.20 11.45-11.70		11.70-12.20 12.50-12.75		17.7-19.7	21.2-22.0
Modulation at earth station[2]					A	N	A	N	A	N				A	N	A	N	N	
Interference parameters and criteria:																			
p_0 (percent)			0.1	0.001	0.03		0.03	0.003	0.03	0.003		0.1	0.001	0.03	0.003	0.03	0.003	0.003	
n			2	1	3		3	3	3	3		2	1	2	1	2	1	1	
p (percent)			0.05	0.001	0.01		0.01	0.001	0.01	0.001		0.05	0.001	0.015	0.003	0.015	0.003	0.003	
J (dB)					−8		−8	0	−8	0				−8	0	−8	0	0	
$M_0(p_0)$ (dB)					17		17	[3]5	17	[3]5				17	[3]5	17	[3]5	[3]5	
W (dB)					4		4	0	4	0				4	0	4	0	0	
Terrestrial station parameters:																			
E (dBW) in B	55	55	[4]62	[4]62	92		55	55	55	55		[4]25	[4]25	55	55	55	55	[5]35	
P'_t(dBW) in B	13	13	[4]10	[4]10	40		13	13	13	13		[4]−17	[4]−17	5	5	5	5	[5]−15	
ΔG (dB)	0	0	10	10	10		0	0	0	0		0	0	0	0	0	0	0	
Reference bandwidth: B (Hz)			1	1	10^6		10^3	10^3	10^3	10^3		1	1	10^3	10	10^3	10^3	10	
Permissible interference power: $P_r(p)$ (dBW) in B			−220	−220								−220	−220						

[1] Parameters associated with these services may vary over a rather wide range. Further study is required before representative values become available.

[2] A=analog modulation; N=digital modulation.

[3] See note (2) in sec. 2. $M_0(p_0)$ may assume values between 5 and 40 dB, depending on frequency, rain-climatic zone and system design.

[4] These values are estimated for 1 Hz bandwidth and are 30 dB below the total power assumed for emission.

[5] These values assume an RF bandwidth of no less than 100 MHz, and are 20 dB below total power assumed per emission.

[6] In these bands, the parameters for the terrestrial stations associated with transhorizon systems have been used.

Figures 1–23 are not printed in the RECORD.

ANNEX A TO APPENDIX 28: DETERMINATION OF CO-ORDINATION DISTANCE IN ALLOCATED FREQUENCY BANDS

1. Article 9A of the Radio Regulations requires co-ordination distances to be determined only in the particular frequency bands given in Article 5 of these Regulations and listed in Tables III and IV of this Annex. For each of these frequency bands it is convenient to combine those parameters which depend only upon the frequency and types of system using the band. The resulting value of the combined parameters is then a given constant for a particular allocated frequency band and type of earth station.

Earth station transmission:

2. In the bands allocated for earth station transmission (Table III), use is made of constants C_1 and C_2 derived in the following manner:

For propagation by modes (*a*) and (*b*):

$$C_1=G_r-P_r(p)-20\log_{10}(f/4)-F(p)$$
$$=S-20\log_{10}(f/4)-F(p)$$

For propagation by mode (*c*):

$$C_2=-P_r(p)-F_1(p,f)+\Delta G$$

The normalized basic transmission loss $L_0(0.01)$ and the normalized transmission loss $L_1(0.01)$ are given by:

$$L_0(0.01)=P_t'+G_t'+C_1$$
$$L_1(0.01)=P_t'+C_2$$

The values of C_1 and C_2 for bands allocated for earth station transmission are given in Table III, together with the reference bandwidth (B) which is used in calculating P_t'

Earth station reception:

3. In the bands allocated for earth station reception (see Table IV) use is made of constants C_3 and C_4 which are derived in the following manner:

For propagation by modes (*a*) and (*b*):

$$C_3=E-(10\ log_{10}\ kB+J-W)-F(p)-20\log_{10}(f/4)$$

For propagation by mode (*c*):

$$C=P_t'-(10\log_{10}\ kB+J-W)-F_1(p,f)+\Delta G$$

The normalized basic transmission loss $L_0(0.01)$ and the normalized transmission loss $L_1(0.01)$ are given by:

$$L_0(0.01)=G_r+C_3-10\log_{10}T_r-M(p)$$
$$L_1(0.01)=C_4-10\log_{10}T_r-M(p)$$

The values of C_3 and C_4 for bands allocated for earth station reception are given in Table IV.

Flow Diagrams:

4. The procedure for determining co-ordination distance is illustrated by Flow Diagrams 1 and 2 in this Annex. The steps required to determine co-ordination distances for a transmitting earth station are shown in Flow Diagram 1, and those for a receiving earth station are shown in Flow Diagram 2. The symbols used in these diagrams are defined in the main text of Appendix 28.

TABLE III.—EARTH STATION TRANSMISSION (SEE FLOW DIAGRAM 1)

Allocated frequency bands (GHz)	C_1 (dBW)	C_2 (dBW)	Reference bandwidth B(Hz)
1.427–1.429	178	127	4×10^3
2.655–2.690	196	150	4×10^3
4.400–4.700	191	150	4×10^3
5.850–6.425	175	136	4×10^3
7.900–7.975 8.025–8.400	175	138	4×10^3
10.95–11.20	172	137	4×10^3
12.50–12.75	171	137	4×10^3
14.40–14.50	170	137	4×10^3
27.5–29.5	142	112	1×10^6

TABLE IV.—EARTH STATION RECEPTION (SEE FLOW DIAGRAM 2)

Allocated frequency bands (GHz)	Designation of space radiocommunication service	Type of modulating signal[1]	C_3 (dBW)	C_4 (dBW)
1.525–1.535	Space operation (telemetering)			
1.670–1.690	Meteorological-satellite			
1.700–1.710	Space research:			
2.290–2.300	Near Earth			
	Deep space, manned			
2.500–2.535	Fixed-satellite	A	277	231
3.400–4.200	Fixed-satellite	A	236	194
		N	234	188
7.300–7.750	Fixed-satellite	A	230	194
		N	228	186
8.025–8.400	Earth exploration-satellite			
8.400–8.500	Space research:			
	Near Earth			
	Deep space			
10.95–11.20	Fixed-satellite	A	225	184
11.45–11.70		N	220	176
11.70–12.20	Fixed-satellite	A	224	184
12.50–12.75		N	219	176
17.7–19.7	Fixed-satellite	N	196	154
21.2–22.0	Earth exploration-satellite			

[1] A=Analogue modulation; N=Digital modulation.

ANNEX B TO APPENDIX 28: DETERMINATION AND USE OF AUXILIARY CONTOURS

1. *Introduction:*

For great circle propagation mechanisms, modes (*a*) and (*b*), auxiliary contours are of great value in eliminating certain existing or planned terrestrial stations falling within the co-ordination area without recourse to precise and arduous calculations. The work of both the earth station administration and the affected administrations is therefore eased during subsequent negotiations if these auxiliary contours are supplied.

2. *Determination of the auxiliary contours:*

Two types of contours can be determined, depending on whether the earth station is used for transmission or reception.

2.1 *Transmitting earth station:*

The contours are determined in the same way as the corresponding co-ordination contour for propagation modes (*a*) and (*b*), but using terrestrial station interference sensitivity factor *S* values (in dBW) which are 5, 10, 15, 20 dB, etc. lower than the value (given in Table I of Appendix 28) corresponding to the co-ordination contour.

2.2 *Receiving earth station:*

The contours are determined in the same way as the corresponding co-ordination contour, for propagation modes (*a*) and (*b*), but using terrestrial station e.i.r.p. values *E* (in dBW) which are 5, 10, 15, 20 dB, etc. lower than the value (given in Table II of Appendix 28) corresponding to the co-ordination contour.

3. *Use of auxiliary contours:*

The auxiliary contours, the co-ordination contour for great circle propagation (modes (*a*) and (*b*)) and the co-ordination contour for rain scatter (mode (*c*)) are all plotted on the same diagram for a given shared band. An illustrated example is given in Figure 23 of Appendix 28 for a transmitting earth station.

For each terrestrial station situated within the co-ordination area, a two-stage procedure may be applied, one for the great circle propagation mechanism and the other for rain scatter.

3.1 *Great circle propagation mechanism (modes (a) and (b)):*

If a transmitting terrestrial station is outside the co-ordination area corresponding to modes (*a*) and (*b*), it need not be considered further with respect to modes (*a*) and (*b*).

For each transmitting terrestrial station situated within the co-ordination area corresponding to modes (*a*) and (*b*), the e.i.r.p. value in the direction of the earth station is determined. If this value is less than the value associated with the nearest contour defining an area outside of which the station is situated, the station may be considered not to cause more than a permissible level of interference and therefore may be eliminated from further considerations with respect to modes (*a*) and (*b*).

For each receiving terrestrial station, the analogous procedure may be applied, using the interference sensitivity factor instead of the e.i.r.p. value.

3.2 *Elimination of a terrestrial station and rain scatter mechanism (mode (c)):*

Terrestrial stations eliminated by the above procedure from further consideration with regard to propagation modes (*a*) and (*b*) need, nevertheless, be further considered with regard to propagation mode (*c*) when they lie within the rain scatter co-ordination area.

FOOTNOTES

[1] The factor *J* (in dB) is defined as the ratio of total permissible long-term (20% of the time) interference power in the system, to the long-term thermal noise power in a single receiver. For example, in a 50-hop terrestrial line-of-sight radio relay hypothetical reference circuit, the total allowable additive interference power is 1000 pW0p (C.C.I.R Recommendation 357–1) and the mean thermal noise power in a single hop may be assumed to be 25 pW0p. Therefore, since in a FDM/FM system the ratio of the interference noise power to the thermal noise power in a 4 kHz band is the same before and after demodulation, $J=16$ dB. In a satellite link in the fixed-satellite service, the total allowable intereference power is also 1,000 pW0p (C.C.I.R. Recommendation 356–2), but the thermal noise contribution of the down path is not likely to exceed 7,000 pW0p, hence *J* is greater than or equal to 8.5 dB. In digital systems it may be necessary to protect each communication path individually, and in that case, long-term interference power may be of the same order of magnitude as long-term thermal noise, hence $J=0$ dB.

[2] $M_o(p_o)$ (in dB) is the "interference margin" between the long-term (20%) and the short-term (p_o%) allowable interference powers. For analogue radio-relay and fixed-satellite systems in bands between 1 and 15 GHz, this is the ratio (in dB) between 50,000 and 1,000 pW0p (17 dB). In the case of digital systems, $M_o(p_o)$ may tentatively be set equal to the fading margin which depends, inter alia, on the local rain climate.

[3] The factor *W* (in dB) is the ratio of thermal noise power to interference power, in the reference bandwidth, producing the same interference effect after demodulation (e.g. in a FDM/FM system it would be expressed for equal voice channel performance; in a digital system it would be expressed for equal bit error probabilities). For FM signals, it is defined as follows:

$$W=10\log_{10}\left\{\frac{\text{Interfering power in the receiving system after demodulation}}{\text{Thermal noise power in the receiving system after demodulation}}\times\frac{\text{Thermal noise power at the receiver input in the reference bandwidth}}{\text{Interfering power at the radio frequency in the refference bandwidth}}\right\}$$

Also, when the wanted signal uses FM modulation with r.m.s. modulation indices which are greater than unity, *W* is approximately 4 dB, regardless of the characteristics of the interfering signal. For low-index FDM/FM systems a very small reference bandwidth (4 kHz) has been used in order to avoid the necessity of dealing with a large range of characteristics of both wanted and unwanted signals upon which, for greater reference bandwidths, the value of *W* would depend.

When the wanted signal is digital, *W* is usually equal to or less than 0 dB, regardless of the characteristics of the interfering signal.

[4] Primes refer to the parameters associated with the interfering station.

[5] This equivalent antenna gain should not be used when the earth station antenna points in the same direction for appreciable periods of time (e.g., when working to deep space probes or to satellites which are almost geostationary).

ANNEX 19: ADDITION OF A NEW APPENDIX (APPENDIX 29) TO THE RADIO REGULATIONS

The following new Appendix shall be added to the Radio Regulations after the new Appendix 28:

APPENDIX 29

Method of Calculation to evaluate the Degree of Interference between geostationary Satellite Networks Sharing the same Frequency Bands.

1. *Introduction:*

The method of calculating interference is based on the concept that the noise temperature of the system receiving interference increases as the level of the interference increases. It can, therefore, be applied irrespective of the modulation characteristics of these satellite networks, and of the precise frequencies used.

In this method, the apparent increase in the equivalent satellite link noise temperature (1) resulting from interference caused by a given system is calculated and this value is compared with a predetermined increase in the noise temperature (see section 3 below).

2. *Calculation of the increase in noise temperature of the satellite link receiving interference:*

Let A and A′ be the satellite links (2) of the two satellite networks considered. Primes indicate the parameters of satellite link A′; the notation without primes is used for the parameters of satellite link A.

The parameters are defined as follows (for satellite link A):

ΔT_s = increase in the receiver noise temperature of the satellite S caused by interference in the receiver of this satellite (K);

ΔT_e = increase in the receiver noise temperature of the earth station e_R caused by interference in the receiver of this station (K);

p_s = maximum power density per Hz delivered to the antenna of satellite S (averaged over the worst 4 kHz band for a carrier frequency below 15 GHz or over the worst 1 MHz band above 15 GHz) (W/Hz);

$g_3(\eta_e')$ = transmitting antenna gain of satellite S in the direction of the receiving earth station e'_R of satellite link A′ (numerical power ratio);

Note: the product $p_s g_3(\eta_e')$ is the maximum equivalent isotropically radiated power per Hz of satellite S in the direction of the receiving earth station e'_R of satellite link A′;

p_e = maximum power density per Hz delivered to the antenna of the transmitting earth station e'_R (averaged over the worst 4 kHz band for a carrier frequency below 15 GHz or over the worst 1 MHz band above 15 GHz) (W/Hz);

$g_2(\delta e')$ = receiving antenna gain of satellite S in the direction of the transmitting earth station e'_R (numerical power ratio);

$g_1(\theta)$ = transmitting antenna gain of the earth station e'_R in the direction of satellite S′ (numerical power ratio);

$g_4(\theta)$ = receiving antenna gain of the earth station e'_R in the direction of satellite S′ (numerical power ratio);

k = Boltzmann's constant (J/K);

l_d = free-space transmission loss on the down-path (numerical power ratio) (3);

l_u = free-space transmission loss on the up-path (numerical power ratio) (3);

γ = transmission gain of the satellite link evaluated from the output of the receiving antenna of the space station S to the output of the receiving antenna of the earth station e'_R (numerical power ratio, usually less than 1);

θ = geocentric angular separation between two satellites (degrees) (4).

The parameters ΔT_s and ΔT_e are given by the following equations:

$$\Delta T_s=\frac{p'_e g'_1(\theta)g_2(\delta_e')}{kl_u} \qquad (1)$$

$$\Delta T_e=\frac{p'_s g'_3(\eta_e)\,g_4(\theta)}{kl_d} \qquad (2)$$

The symbol ΔT will be used to denote the apparent increase in the equivalent noise temperature for the entire satellite link at the receiver input of the receiving station e^1_R due to interference from link A′.

This increase is the result of interference entering at both the satellite and earth station receiver of link A and can accordingly be expressed as:

$$\Delta T=\gamma\Delta T_s+\Delta T_e \qquad (3)$$

Hence,

$$\Delta T=\gamma\,\frac{p'_e g'_1(\Theta)g_2(\delta_e')}{kl_u}+\frac{p'_s g'_3(\eta_e)g_4(\Theta)}{kl_d} \qquad (4)$$

Equation (4) combines both the up-path and the down-path interference. If there is a change of modulation in the satellite or if the translation frequencies of the wanted and interfering satellites are different then it may be necessary to treat up and down paths separately using equations (1) and (2).

In the foregoing equations, the gains $g'_1(\Theta)$ and $g_4(\Theta)$ are those of the earth stations concerned. Unless more precise actual data are available, an appropriate reference radiation pattern may be used to express the gain $g'_1(\Theta)$ and $g_4(\Theta)$ in a direction forming an angle Θ with the direction of maximum radiation. In the event that precise numerical data are not available, the reference radiation pattern 32–25 log $_{10}\Theta$ shall be used for earth station antennae for which the ratio *diameter/wavelength* exceeds 100.

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(1) See No. 103A.

(2) See No. 84AFC.

(3) To simplify the circulation it was assumed that:

Basic transmission loss on the down-path is the same regardless of the satellite and earth station considered;

Basic transmission loss on the up-path is the same regardless of the earth station and satellite considered.

(4) To simplify the calculation it was assumed that the topocentric angular separation between the two satellites as seen from any earth station is identical to the geocentric angular separation between the two satellites.

In the same way, the increase $\Delta T'$ in the equivalent noise temperature for the entire satellite link at the receiver input of the receiving earth station e'_R under the effect of the interference caused by satellite link A is given by the following equations:

$$\Delta T'_{s'} = \frac{p_e g_1(\Theta) g'_2(\delta_e)}{kl_u} \qquad (5)$$

$$\Delta T'_{e'} = \frac{p_s g_3(\eta_{e'}) g'_4(\Theta)}{kl_d} \qquad (6)$$

$$\Delta T' = \gamma' \frac{p_e g_1(\Theta) g'_2(\delta_e)}{kl_u} + \frac{p_s g_3(\eta_{e'}) g'_4(\Theta)}{kl_d} \qquad (7)$$

For two multiple-access satellites this calculation must be made for each of the satellite links established via one satellite in relation to each of the satellite links established via the other satellite.

3. Comparison between calculated and predetermined percentage increase in equivalent satellite link noise temperature

The calculated values of ΔT and $\Delta T'$ shall be compared with the corresponding predetermined values. These predetermined values are taken as 2% of the appropriate equivalent satellite link noise temperatures:

If the calculated values of ΔT is less than the predetermined one, the interference level from satellite link A' to satellite link A is permissible irrespective of the modulation characteristics of the two satellite links and of the precise frequencies used;

If the calculated value of ΔT is more than the predetermined one, a detailed calculation shall be carried out following the methods and techniques set out in the relevant C.C.I.R. Reports and Recommendations.

The comparison of $\Delta T'$ with the predetermined value shall be carried out in a similar manner.

As an example, it can be seen that in the case of a satellite link operating in accordance with current C.C.I.R. Recommendations, using FM telephony and having a total noise in a telephone channel of 10,000 pW0p including pW0p interference noise from terrestrial radio-relay systems and 1,000 pW0p interference noise from other satellite links, a 2% increase in equivalent noise temperature would correspond to 160 pW0p of interference noise.

The list of basic characteristics to be furnished for each network is given in Appendix 1B to the Radio Regulations. A detailed illustration of the interference calculation in the case of two geostationary satellite links is given in the Annex to this Appendix.

4. Determination of the satellite links to be considered in calculating the increase in equivalent satellite link noise temperature from the data furnished for the advance publication of satellite network

The greatest increase in equivalent satellite link noise temperature caused to any link of another satellite network, existing or planned, by interference produced by the proposed satellite network must be determined.

The most unfavourably sited transmitting earth station of the interfering satellite network should be determined for each satellite receiving antenna of the network suffering interference by superimposing the "Earth-to-space" service areas of the interfering network on the space station receiving antenna gain contours plotted on a map of the Earth's surface. The most unfavourably sited transmitting earth station is the one in the direction of which the satellite receiving antenna gain of the network interfered with is the greatest.

The most unfavourably sited receiving earth station of the network suffering interference should be determined in an analogous manner for each "space-to-Earth" service area of that network. The most unfavourably sited receiving earth station is the one in the direction of which the satellite transmitting antenna gain of the interfering network is the greatest.

When the satellite of the network suffering interference is equipped with simple frequency-translating transponders the above determinations are made in pairs, one for the receiving antenna of a particular transponder and one for the "space-to-Earth" service area associated with the transmitting antenna of that transponder.

The calculation procedure described above may be used to determine the greatest increase in equivalent noise temperature caused to any satellite link in a proposed satellite network by interference produced by any other satellite network.

ANNEX TO APPENDIX 29: EXAMPLE OF AN INTERFERENCE CALCULATION BETWEEN TWO GEOSTATIONARY SATELLITE LINKS SHARING THE SAME FREQUENCY BAND

A. General

In this example, for simplicity, two identical satellite networks are assumed with 0 = 6° geocentric angular spacing between the satellites. For this angular separation the reference radiation pattern of the earth station antenna (32 — 25 $\log_{10}\theta$) gives a gain of 12.5 dB in the direction on the satellite of the other network.

The calculations have been performed in dB, which means that numerical multiplications thus become dB additions and numerical divisions become dB subtractions. In each step, the contributing factors have been introduced in a sequence corresponding to the propagation direction. The first three steps define the system parameters for each link. Steps 4, 5 and 6 perform the actual interference calculations.

To determine the equivalent link noise temperature it is necessary to know the ratio between the total internal link noise and the thermal noise of the down-path. The noise budget for this example is assumed as follows:

NOISE BUDGET

Internal noise—8 000 pW0p:	
Thermal noise (down-path)	5 000 pW0p
Thermal noise (up-path)	1 000 pW0p
Intermodulation noise	2 000 pW0p
External noise—2 000 pW0p:	
Interference noise from links using other satellites	1 000 pW0p
Interference noise from terrestrial systems	1 000 pW0p
Total noise	10 000 pW0p

It may be noted that since both satellites use global beams, essentially no antenna discrimination between wanted and unwanted signals is obtained at the satellite and that this constitutes a worst case.

B. SYSTEM PARAMETERS

	Symbol	Link A or A'	Unit
Step 1. Up-path at 6 175 MHz			
Maximum power density per Hz delivered to the antenna of the transmitting earth station in the worst 4 kHz band.	P_e	−370	dBW/Hz
Earth station antenna gain	g_1	62.5	dB
Free space loss 38 500 km at 6 175 MHz	l_u	200	bB
Satellite antenna gain (using global beam)	g_2	15.5	bB
Receiver input at satellite $P_e+g_1-l_u+g_2$		−159	bBW/Hz
Step 2. Down-path at 3 950 MHz			
Maximum power density per Hz delivered to the satellite antenna in the worst 4 kHz band.	P_s	−57	bBW/Hz
Satellite transmitting antenna gain	g_3	15.5	dB
Free space loss for 38 500 km at 3 950 MHz	l_d	196	dB
Earth station receiv. antenna gain	g_4	58.5	dB
Receiver input at earth station $P_s+g_3-l_d+g_4$		−179	dBW/Hz
Step 3. Link calculations			
Transmission gain from satellite receiver input to earth station receiver input 159 dB—179 dB.	γ	−20	dB
Earth station noise temperature (giving G/T=40.7 dB)		60	K
Thermal noise down-path (see noise budget)		5 000	pW0p
Total internal link noise (see noise budget)		8 000	pW0p
Equivalent link noise temperature 8 000/5 000×60	T	96	K

C. INTERFERENCE CALCULATION

	Symbol	Link A or A'	Unit
Step 4) Up-path interference			
Interfering earth station power density (as in Step 1)	p_e'	−37	dBW/Hz
Interfering earth station antenna gain towards interfered satellite (6° off beam)	$g_1'(\theta)$	12.5	dB
Free space loss for 38 500 km at 6 175 MHz (see Step 1)	l_u	200	dB
Satellite antenna gain in the direction of the interfering earth station	$g_2(\delta_e')$	15.5	dB
Boltzmann's constant 1.38×10^{-23} J/K	k	−228.6	dBW/K
Increase in receiver noise temperature of the satellite	ΔT_s	91	K
$p_e'+g_1'(\theta)-l_u+g_2(\delta_e')-k$ (in logarithmic units)		19.6	
Step 5. Down-path interference			
Interfering satellite transmitter power density (as in Step 2)	p_s'	−57	dBW/Hz
Interfering satellite antenna gain towards interfered earth station.	$g'_3(\eta_e)$	15.5	dB
Free space loss for 38 500 km at 3 950 MHz (see Step 2)	l_d	196	dB
Earth station antenna gain in the direction of the interfering satellite (6° off beam)	$g_4(\theta)$	12.5	dB
Boltzmann s constant $1{\cdot}38\times10^{-23}$ J/K	k	−228.6	dBW/K
Increase in receiver noise temperature of the earth station $p'_s+g'(\eta_d)-l_d+g_4(\theta)-k$ (in logarithmic units)		3.6	
Increase in receiver noise temperature of the earth station	ΔT_e	2.29	K
Step 6. Total link interference			
Increase in satellite noise temperature (from Step 4)	ΔT_s	91	K
Numerical value for γ (from Step 3)	γ	0.01	numerica
Increase in receiver noise temperature of the earth station (from Step 5)	ΔT_e	2.29	K
Increase in equivalent link noise temperature $\gamma\Delta T_s+\Delta T_e=0.01\times91+2.29$	ΔT	3.2	K
Percentage increase 3.2/96 × 100%	$(\Delta T/T)\times 100\%$	3.33	%
Increase in link noise due to interference (3.33/100) × 8 000 pWOp		266	pWOp

D. Conclusions

In the example shown, the increase in equivalent satellite link noise temperature is 3.33%. Since it exceeds the predetermined value of 2%, the amount of noise introduced can no longer be considered permissible and therefore co-ordination between the two networks is required. More precise calculations should now be made using, in particular, the actual antenna patterns of the earth stations, the topocentric angular separation of the satellites, and the precise basic transmission losses. There may be additional factors such as polarization discrimination, frequency interleaving, spectral distribution of the interference which all reduce the calculated interference.

It can be shown that for this example a larger satellite spacing of 7.4° would have caused only 2% increase in equivalent link noise temperature and thus obviated the need for any co-ordination.

FINAL PROTOCOL

At the time of signing of the Final Acts of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) the undersigned delegates take note of the following statements made by signatory delegations:

General

The World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) decided that the following statement by India should be included in the Final Protocol forming part of the Final Acts of the Conference:

"In India, the band 845–935 MHz is also used in the experimentation of satellite broadcasting of television with frequency modulation including energy dispersal, subject to agreement with the administrations having services operating in accordance with the Table of Frequency Allocations which may be affected.

"For the protection of terrestrial television services the power flux-density limit given in Radio Regulation 332A will apply; and for the protection of fixed and mobile services operating in this band, the power flux-density limit given in Radio Regulation 470NI and the power flux-density limit in Radio Regulation 470NK will apply."

Federal Republic of Cameroon

The Delegation of the Federal Republic of Cameroon to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), unable at the present state of its development to make pertinent comments on the proposed allocation of frequency bands between 40 and 275 GHz yet earnestly wishing to encourage technological progress.

Signs the Final Acts of the present Conference but reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, and to protect its telecommunication network should certain Members or Associate Members fail to comply with the provisions of the Radio Regulations thus revised and amplified.

Central African Republic

The Delegation of the Central African Republic to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) signs the Final Acts of the present Conference but reserves for the Government of the Central African Republic the right to take such action as it may consider necessary to safeguard its interests should certain Members or Associate Members fail in any way to comply with the decisions of the present Conference or should action resulting from the reservations made by other countries jeopardize the efficient operation of its telecommunication services.

Ceylon

The Delegation of Ceylon reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should certain Members fail in any way to comply with the decisions of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), or should reservations by other countries jeopardize its telecommunication services.

Chile

The Chilean Delegation reserves the right for the Republic of Chile to take, in cooperation with the International Telecommunication Union, such action as it may consider legitimate to safeguard its sovereignty and interests should any Member or Associate Member fail to comply with any or all of the provisions of the revised Radio Regulations (Geneva, 1971) and the Montreux Convention (1965) or should reservations made by other countries affect directly or indirectly the interests and/or telecommunication systems of the Republic of Chile.

Democratic Republic of the Congo

The Delegation of the Democratic Republic of the Congo to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) reserves for its Government the right, in co-operation with the International Telecommunication Union, to take such action as it may consider necessary to safeguard its interests should certain Members or Associate Members fail to comply with the provisions of the revised Radio Regulations, or should reservations made by other countries jeopardize the efficient operation of its telecommunication services.

Republic of the Ivory Coast

The Delegation of the Ivory Coast wishes to declare that, by virtue of the powers conferred on it, it reserves for its Government the right to take such action as it may consider necessary, in co-operation with the International Telecommunication Union, to safeguard its interests should certain Members or Associate Members fail in any way whatever to comply with the provisions in the revised version of the Radio Regulations (Geneva, 1959), prepared by the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), or should reservations made by other countries jeopardize the efficient operation of its telecommunication services.

Republic of Indonesia

The Indonesian Delegation is of the firm belief that only through close international co-operation on as broad a basis as possible could the tremendous potential of satellite communications be realized.

Indonesia being an archipelago with a vast land and sea area looks forward with great hope to the expansion of satellite communications as to help solving its tremendous communication problems.

The great importance of satellite communications in helping to diffuse education, information, and other public services to the people in places far away from the capitals is being fully recognized by the developing countries.

There is, however, great need for the developing countries to fully participate in the discussions and in important decisions concerning the future of the satellite systems. They need to be continuously informed with regard to its further progress and development.

Furthermore, the developing countries should not be left with a feeling as being dependent on the goodwill of a small group in order to enjoy the progress of this technology. The use of the satellite system should not be limited to a few rich; assistance measures have therefore to be devised so as to allow even the poorest among the developing countries to take advantage of the progress in the satellite communication systems.

If the progress of this technology is to benefit mankind as a whole and if it is to become a substantial contribution towards the success of the Second Development Decade, then it is necessary that more attention be given to the interest of the developing countries.

Indonesia is grateful to the I.T.U. and the U.N.D.P. for the assistance given so far in the improvement of its communication system. There are, however, projects which are still to be completed such as: the regional telecommunication network in South East Asia, educational projects, telecommunication projects in West Irian in the framework of the Funds for Development for West Irian and others for which further assistance is being required. It is the sincere hope of Indonesia that it could be given technical assistance in developing its own national satellite communication system.

Iran

The Imperial Government of Iran reserves the right to take such action as it may consider necessary to protect and use its services as operated at present or to be brought into operation in the future should they be affected by the services of other countries.

It also reserves the right not to accept the I.F.R.B. procedures for registering the frequencies now used or to be used in the future in respect of its equipment and on its territory.

The Delegation of Iran therefore reserves for its country the right to take such action as may be necessary to meet its requirements in telecommunications and to protect its existing and future services without restriction of any sort as to the equipment used or to be used in the future in all frequency bands.

Jamaica

The Delegation of Jamaica reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member fail in any way to comply with the decisions of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) and in so doing jeopardize the telecommunication services of Jamaica.

Islamic Republic of Mauritania

The Delegation of the Islamic Republic of Mauritania to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), in signing the Final Acts of this Conference, reserves for its Government the right, in co-operation with the International Telecommunication Union, to take such action as it may consider necessary to:

Safeguard its interests, or

Protect, in all the frequency bands concerned, its existing, projected or future telecommunication network, should certain Members or Associate Members fail in any way to comply with the revised and supplemented provisions of the Radio Regulations, or should reservations made by other countries jeopardize the normal operation of its telecommunication services.

Republic of the Niger

The Delegation of the Republic of the Niger reserves for its Government the right to take any steps it may deem fit and adequate to safeguard its interests should any country fail in any way to comply with the provisions contained in the Final Acts of this Conference or should reservations made by any country jeopardize the efficient operation of its telecommunications.

Pakistan

In signing the Final Acts of the Wolrd Administrative Radio Conference for Space

Telecommunications, (Geneva, 1971), the Delegation of Pakistan reserves the right of its Government to adhere to all or to some of the provisions of the revised Radio Regulations (Geneva, 1959).

The Delegation of Pakistan further declares that it reserves the right of its Government in accepting implications that may arise through the non-adherence by any other country Member of the Union to the provisions of these revised Radio Regulations.

REPUBLIC OF RWANDA

The Delegation of the Republic of Rwanda, in signing the Final Acts of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, should any Members or Associate Members fail in any way to comply with the provisions of the Radio Regulations (Geneva, 1959) as revised by this Conference or should reservations made by other countries jeopardize the efficient operation of its telecommunication services.

REPUBLIC OF THE SENEGAL

The Delegation of the Republic of the Senegal to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), in signing the Final Acts of this Conference, reserves for its Government the right to take such action as it may consider useful or necessary:

To safeguard its interests in the use of the frequency bands above 40 GHz;

Or should certain Members fail in any way to comply with the decisions of this Conference or should acts deriving from reservations made by other Members jeopardize the efficient operation of its telecommunication services.

REPUBLIC OF SINGAPORE

In signing the Final Acts of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), the Delegation of the Republic of Singapore reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any country fail in any way to comply with the requirements of the Final Acts of this Conference or should reservations made by any country jeopardize the telecommunication services of the Republic of Singapore.

REPUBLIC OF VENEZUELA

The Delegation of the Republic of Venezuela to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), delcares that, in signing the Final Acts of the Conference, it expressly reserves the right for its Government to adopt or not to adopt the conclusions of the Conference and to take any steps that it may deem fit to safeguard its interests and to protect its telecommunication networks should any Member or Associate Member fail to comply with the provisions of the Radio Regulations as amended or supplemented at the date mentioned above.

INTERNATIONAL PLANT PROTECTION CONVENTION

MAIN PURPOSE OF THE CONVENTION

The main purpose of the convention is to promote international cooperation in controlling pests and diseases of plants and plant products and in preventing their introduction and spread across international boundaries.

The convention applies to living plants and parts thereof, to unmanufactured and milled material of plant origin, and to seeds (Art. II (1)). It may be extended to storage places, containers, conveyances, and packing material (Art. II(2)), but it is to have particular reference to pests and diseases of importance to international trade (Art. II(3)). Supplementary agreements covering specific regions, plants, or problems may also be negotiated (Art. III) and regional organizations established (Art. VIII).

Each contracting government is required to make provision "as soon as possible and to the best of its ability," for (1) a competent official plant protection organization for inspection and disinfection work and for issuance of phytosanitary certificates; (2) distribution of information within the country regarding pests and diseases of plants; and (3) research and investigation in the field of plant protection (Art. IV). Provisions are made regarding issuance of phytosanitary certificates to insure that they are dependable documents (Art. V (1)), and it is agreed that a government will "not require consignments of plants intended for planting or propagation imported into its territories to be accompanied by phytosanitary certificates inconsistent with" a model certificate annexed to the convention (Art. V(2)).

National plant protection legislation is not to be used as a basis for import regulations except for phytosanitary reasons (Art. VI(2) (a)). Phytosanitary restrictions and requirements in regard to imports are to be published and communicated to other contracting governments and to the U.N. Food and Agriculture Organization (Arts. VI(2) (b) (c) and (d)). Inspections and other requirements are to be carried out so as to impede trade as little as possible (Art. VI(d) (e) and (f)). A worldwide reporting service on plant diseases and pests is to be established in cooperation with the Food and Agriculture Organization (Art. VII).

The convention is of indefinite duration but it may be denounced on one year's notice (Art. XV). Disputes regarding the convention are to be settled by negotiation between the governments concerned, assisted, if they so desire, by a committee of experts appointed by the Director General of the Food and Agriculture Organization (Art. IX).

BACKGROUND

Negotiations for the present convention took place in 1950 and 1951, with the participation of the Departments of State and Agriculture. The convention was open for signature at Rome from December 6, 1951, to May 1, 1952, during which time it was signed by the United States and 36 other states. Up to the present, 61 countries, which are listed in the appendix, have completed the ratification or adherence procedure.

The convention came into force, as among ratifying countries, on April 3, 1952.

CONVENTION TO PREVENT AND PUNISH THE ACTS OF TERRORISM

PURPOSE

The express purpose of this Convention is to condemn crimes of violence against officials of foreign states and international organizations as common crimes regardless of the motive for which they were committed. The effect is to exclude such crimes, for purposes of extradition and asylum, from being treated as political offenses. Thus, the perpetrators of such crimes would not be eligible for the diplomatic or territorial asylum which is often extended to those who commit political offenses.

BACKGROUND

In the past few years a new form of terrorism has emerged, directed against diplomats and other officials of foreign governments. Approximately 17 incidents of kidnapping and violence directed at representatives of states have occurred in six countries of the Western Hemisphere in the last three years, nine of which involved United States personnel.

This wave of terrorism prompted the General Assembly of the Organization of American States (OAS) to adopt a resolution on June 30, 1971 condemning all acts of terrorism as crimes against humanity and further condemning "such acts when perpetrated against representatives of foreign states, as violations not only of human rights but also of the norms that govern international relations." In response to this situation, the Inter-American Juridical Committee was requested to prepare "one or more draft Inter-American instruments on kidnapping, extortion and assaults against persons, in cases in which these acts may have repercussions on international relations." The work of this Inter-American Juridical Committee was considered by a special session of the OAS General Assembly meeting in Washington January 25–February 2, 1971. The Convention under consideration is a much narrower version of the Committee's draft and is limited only to assaults against foreign officials.

It was adopted by the OAS General Assembly by a 13 to 1 vote with 2 abstentions. It should be noted, however, that six of the OAS delegations boycotted the final vote in protest against what they considered an inadequate document. Brazil, Argentina, Ecuador, Paraguay, Guatemala and Haiti wanted a convention which included all acts of political terrorism and not just the kidnapping of diplomats and foreign officials.

The Convention was signed at Washington on February 2, 1971 and submitted to the Senate on May 11, 1971.

PROVISIONS OF THE AGREEMENT

The Convention consists of a preamble and thirteen articles accompanied by a short statement of the Delegation of Panama clarifying the interpretation of the right of asylum with respect to the Panama Canal Zone.

The following is a summary of the convention's provisions provided by the Secretary of State.

Article 1 commits the Contracting States to cooperate by taking effective measures under their own laws and in accordance with the Convention to prevent and punish acts of terrorism, especially kidnapping, murder, and other assaults against the life or physical integrity of those persons to whom the state owes a special duty of protection under international law. This provision extends to acts of terrorism generally, but incorporates no specific commitments. Rather, it establishes a general duty of cooperation that should guide the Contracting States in their application of other provisions of the Convention.

Article 2 provides that kidnapping, murder and other assaults against the life or personal integrity of those persons to whom the state has the duty to give special protection according to international law, and related acts of extortion, shall be considered common crimes of international significance regardless of motive. The provision establishes the principle that such crimes are not to be considered as political offenses.

Article 3 states that persons charged or convicted of crimes referred to in Article 2 shall be subject to extradiction under the provisions of existing treaties or, in the absence of a requirement for a treaty, in accordance with relevant national laws.

Article 3 confirms that it is the exclusive responsibility of the state that may be asked to grant asylum or extradition to determine the nature of the acts and whether the Convention is applicable to a particular request for extradition.

Article 4 specifies that "any person deprived of his freedom through the application of this convention shall enjoy the legal guarantees of due process".

Article 5 requires a Contracting State, if it withholds surrender of a fugitive charged or convicted of an offense specified in Article 2 either because the person sought is a national of the requested state or because of some other legal impediment, to submit the case to its competent authorities for prosecution as if the act had been committed in its territory.

Article 6 states that "none of the provisions of this convention shall be interpreted so as to impair the right of asylum".

Article 7 requirees the Contracting States to include the crimes described in Article 2 of the Convention as extraditable offenses in any future extradition treaty concluded among them.

Article 8 sets forth certain obligations of cooperation accepted by the Contracting States to prevent or punish the crimes defined in Article 2 of the Convention. The Contracting States agree:

(*a*) To take all measures within their power, in conformity with their laws, to prevent and impede the preparation in their respective territories of such crimes that are to be carried out in the territory of another Contracting State;

(*b*) To exchange information and consider effective administrative measures for the purpose of protecting the persons referred to in Article 2;

(*c*) To guarantee to every person deprived of his freedom under the Convention every right to defend himself;

(*d*) To endeavor to have the criminal acts included in their penal laws, if not already so included;

(*e*) To comply most expeditiously with the request for extradition concerning the criminal acts contemplated in this Convention.

Articles 9–13 provide that the Convention shall remain open indefinitely for signature by the member states of the Organization of American States and any other state, member of the United Nations or its specialized agencies or party to the Statute of the International Court of Justice. Other states may be invited by the OAS General Assembly to sign.

DATE OF ENTRY INTO FORCE

Pursuant to Article 12, this Convention shall enter into force among the states that ratify it immediately upon deposit of their instruments of ratification.

TREATY WITH HONDURAS ON THE SWAN ISLANDS

PURPOSE

The express purpose of this treaty is to settle long-standing difference between the United States and Honduras resulting from their conflicting claims to the Swan Islands. The State Department has indicated that this treaty will fulfill the desire of the Honduran people for the recognition of Honduran sovereignty over these islands and will adequately protect the interests of the United States in maintaining a weather observation and telecommunication facility on the larger of the two islands.

BACKGROUND

The Swan Islands are rock keys located in the Caribbean about 98 miles off the coast of Honduras. The islands have no intrinsic value to the United States and the largest of the two islands is only two miles long and one-half mile wide. The only U.S. interest in these islands is the operation and maintenance of a meteorological observation and telecommunications facility and an air navigation beacon. The islands are populated by approximately six Americans who operate the facilities and a dozen Honduran nationals and British subjects who work for the United States facilities or raise cattle.

The U.S. claim to these islands was originally made in 1863 under the authority of Guano Act of 1856 (48 U.S.C. 1411–1419). That Act provides that whenever "any United States citizen discovers a deposit of guano on any island, rock or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States." The Act also provides that nothing in it "shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same."

Guano operations were carried on for a number of years but have long since ceased. Beginning in 1914, the U.S. has operated a weather observation station and since 1946 the Federal Aviation Agency has maintained an airways beacon. During the 1960's the islands were also the site of a radio transmitter, since discontinued, broadcasting to Cuba.

The Honduran claim to these islands is based on succession to a sixteenth century Spanish claim. The State Department feels that this issue is of considerable importance to the Honduran people and has been a long-standing irritant in U.S.-Honduran relations.

On August 23, 1960, the Secretary of State informed the Honduran Foreign Minister that the U.S. would be pleased to discuss the position of Honduras with respect to the Swan Islands. On November 3, 1962, a joint communique issued after a meeting between President Kennedy and Honduran President Villeda Morales stated that the two governments should seek, on an urgent basis, a solution to the question concerning these islands. It was submitted to the Senate on March 28, 1972.

PROVISIONS OF THE AGREEMENT

The Treaty consists of a short preamble and five Articles accompanied by an exchange of notes which set forth the terms of the agreement dealing with: (1) a cooperative program for the meteorological and telecommunications facility; (2) the electric power; (3) the rights of third country nationals; (4) the juridical position of the U.S. with respect to the territorial sea and jurisdiction over fisheries.

The following summary of the treaty's provisions was provided by the Secretary of State:

Under Article I of the Treaty the Government of the United States recognizes the sovereign of Honduras over the Swan Islands.

Article II recognizes the mutual benefit derived from the maintenance of a meteorological observation and telecommunications facility and provides for establishment of a cooperative program to continue the facility on terms to be agreed. Simultaneously with signature of the Treaty, the two Governments exchanged notes setting forth the terms of agreement for the facility. They provide for continuation of the meteorological facility on terms recommended by the National Oceanic and Atmospheric Administration (NOAA) under a cooperative program similar to those in effect with several countries throughout the world. The United States Government will retain use of the land and title to the property and improvements thereon needed for the facility and will maintain and operate the facility. The Government of Honduras will make the needed land available for use without charge, will be responsible for the continued maintenance and further development of the dock and landing strip, and will facilitate the NOAA operation by granting it tax-exempt status as well as providing for duty-free entry for materials, equipment, and supplies relating to the program. Radio frequencies will be protected and a radio call signal has been assigned for the facility's use. The meteorological program agreement will enter into force simultaneously with the Treaty, and operations under it will be subject to review and possible revision five years later. To the extent the program depends on funds appropriated by the United States Congress, it is made subject to the availability of such funds.

Under Article III of the Swan Islands Treaty the Government of Honduras assumes responsibility for operation and maintenance of the radio air navigational facility in the Swan Islands as long as it is included in the International Civil Aviation Organization Caribbean Regional Air Navigation Plan. This transfer of responsibility was recommended by the Federal Aviation Administration, which presently operates the beacon. As provided in a supplementary exchange of notes, electric power for the operation of the air navigation facility as well as for the lighting systems associated with the dock and landing strip will be supplied, as at present, by the electric generators to which the United States Government is retaining title.

Article IV of the Treaty provides for the transfer to the Government of Honduras, upon entry into force of the Treaty, of all land, buildings, equipment, and other property to which the United States holds title, except for such property as the parties agree, pursuant to Article II, shall be retained by the United States for operation by NOAA of the meteorological facility. As pointed out above, it is agreed in the cooperative weather program agreement that the United States will retain use of the land and title to the property thereon needed for that facility.

DATE OF ENTRY INTO FORCE

Pursuant to Article V, this treaty will enter into force on the date instruments of ratification are exchanged in Washington.

CONVENTION ON TAKING OF EVIDENCE ABROAD

BACKGROUND AND PROVISIONS

The Convention on the Taking of Evidence Abroad in Civil or Commercial Matters was approved at the conclusion of the eleventh session of the Hague Conference on Private International Law which was held from October 7–26, 1968. It was opened for signature on June 1, 1970, and signed on behalf of the United States on July 27. According to the State Department, the willingness of the Conference to proceed promptly with work on the evidence convention is perhaps attributable in large measure to the difficulties encountered by courts and lawyers in obtaining evidence abroad from countries with markedly different legal systems. To minimize such difficulties in the future, the convention, which consists of a preamble and forty-two articles, is designed to:

1. Make the employment of letters of request a principal means of obtaining evidence abroad;
2. Improve the means for securing evidence abroad by increasing the powers of consuls and by introducing in the civil law world, on a limited basis, the concept of the commissioners;
3. Provide means for securing evidence in the form needed by the court where the action is pending; and
4. Preserve all more favorable and less restrictive practices arising from internal law, internal rules of procedure and bilateral or multilateral conventions.

The Convention is divided into three chapters dealing with (1) letters of request which are issued by a judicial authority in a civil or commercial matter to obtain evidence or to perform some other judicial act; (2) the taking of evidence by foreign officials, principally consuls and commissioners; and (3) general provisions. The report accompanying the convention explains these chapters as follows:

Chapter I deals with Letters of Request ("Commissions rogatories"). It includes articles 1–14, and regulates the form of the Letter, the scope of its content, the methods of transmission, the language to be used, the method and technique of execution, the compulsion to be exercised against a witness, the privileges and immunities of the witness, the permissible grounds for refusal to execute the Letter, and the question of costs and expenses.

Chapter II deals with the use of consuls or commissioners to take evidence. It includes articles 15–22, and regulates the situations under which a consul or commissioner may act, the extent to which approval and consent of the State of execution may be required, the extent to which compulsion against the witness may be available, the privileges and immunities of the witness, the limits of the power of the consul or commissioner, and the privilege of obtaining evidence through other channels in the event of the failure to obtain the evidence through the consul or commissioner.

Chapter III contains the general clauses. It includes articles 23–42, and regulates the relationship between the present Convention and the Conventions of 1905 and 1954, the limits of the power of reservation by a signatory, the declarations to be filed and the authorities to be designated under certain articles, the State which may be signatories or which may accede to the Convention, the use of diplomatic channels to resolve disputes, the application of the Convention to the territories of a signatory, the time when the Convention will enter into force, the time the Convention will remain in force, the power of denunciation and the provisions for administration by the Ministry of Foreign Affairs of the Netherlands.

Chapter III also contains individual clauses further limiting the scope of Letters of Request, providing details respecting the Central Authority, authorizing States with more than one legal system to designate one of them to execute Letters of Request, further regulating certain costs and expenses, and listing the matters as to which States may, by agreement, derogate from the provisions of the Convention.

Finally, Chapter III contains, in article 27, the all-important provision that if any State, by internal law or practice, permits any act provided for in the Convention to be performed on a more liberal and less restrictive basis than the Convention provides, such internal law or practice will be unaffected by the Convention and will continue to govern.

DATE OF ENTRY INTO FORCE

The Convention will enter into force on the sixtieth day after the third instrument of ratification has been deposited by any of the twenty-five member states which attended the eleventh session of the Hague Conference on Private International Law.

EXTRADITION TREATY WITH ARGENTINA

According to the Administration, the Extradition Treaty with Argentina, which is the first to be signed with a Latin American country since 1961, "follows generally the form and content of extradition treaties recently concluded by this Government."

MAJOR PROVISIONS

Article 2 of the Treaty lists thirty extraditable offenses, including those relating to narcotics and aircraft hijacking. In addition, it contains a provision which would permit extradition in the case of conspiracy to commit any of the offenses mentioned.

Pursuant to the provisions of Article 3, the normal concept of territorial jurisdiction is extended to include aircraft in flight. Thus, acts of aircraft piracy would be covered whether or not they occur over United States territory. In addition, extradition could be granted for offenses committed outside the territory of either country, if such offense would be punishable under the laws of both parties. It is understood that this provision will be useful in narcotics and counterfeiting violations.

Article 4, which is a standard provision, grants the executive authority of either country the discretionary power to extradite its own nationals. However, if one of the parties refuses extradition on the basis of nationality, then that party is obliged to undertake to try the individual requested when the offense is punishable under its own laws and it has appropriate jurisdiction. This latter provision is new to United States extradition treaties.

Under the terms of Article 8, extradition may be refused unless assurances are received from the country requesting extradition that the death penalty will not be imposed for an offense not punishable by death in the country from which extradition is requested. Several other recent treaties include similar language.

Other articles deal with such matters as procedures to be followed in requesting extradition (Article 11), provisional arrest in case of urgency (Article 12), requests for additional evidence or information (Article 13), detention or punishment for an offense other than that for which extradition has been granted (Article 14), the handling of multiple requests for extradition of the same person (Article 15), the time limit for removal of a person after extradition has been granted (Article 16), surrendering evidence upon granting of the extradition (Article 17), and the procedure for requesting transit for the person surrendered (Article 18).

Article 19 provides that expenses related to "the translation of documents and to the transportation of the person sought" are to be paid by the requesting party. In addition, it states that each party shall assist the other in the presentation of extradition cases before their respective judges and magistrates. The Department of State maintains that this requirement is normally included in the more recent extradition treaties "because the costs of presentation are a hindrance to the making of extradition requests." It should be noted, however, that this provision differs from domestic law (18 U.S.C. 3195) which requires that costs or expenses incurred in extradition proceedings be paid by the requesting authority. The State Department expects to recommend legislation amending that law so it will not be in conflict with the treaty language.

The provisions of Article 21 are new in United States extradition treaties. They provide for judicial cooperation in criminal matters by the execution of letters rogatory. (These letters are directed to any judge or tribunal having jurisdiction in a foreign country with the request that witnesses come before them and answer interrogatories and that they cause their depositions to be committed to writing and returned with the letters rogatory.) Article 21 states that expenses incurred in processing such letters shall be borne exclusively by the receiving State.

DATE OF ENTRY INTO FORCE

In accordance with the provisions of Article 22, this treaty will enter into force upon the exchange of instruments of ratification in Buenos Aires. It may be terminated at any time by giving six months' notice. Although it will abrogate and supersede the Extradition Treat of 1896, the offenses listed in that treaty which have been committed prior to the time the pending treaty enters into force will be subject to extradition pursuant to the provisions of that treaty.

PARTIAL REVISION OF RADIO REGULATIONS

The pending Partial Revision of the Radio Regulations relating to space telecommunications was signed on behalf of the United States at the conclusion of a conference held at Geneva from June 7–17, 1971.

BACKGROUND

The Radio Regulations (Geneva, 1959) came into force for the United States on October 23, 1961. Subsequently, the United States became a party to three partial revisions of those regulations: (1) a partial revision to allocate frequency bands for space radiocommunication purposes, dated at Geneva November 8, 1963; (2) a partial revision dated at Geneva April 29, 1966, to put into effect a revised frequency allotment plan for the aeronautical mobile service; and (3) a partial revision dated at Geneva November 3, 1967, relating to the maritime mobile service.

PROVISIONS OF PARTIAL REVISION

According to the Department of State, the 1971 World Administrative Radio Conference for Space Telecommunications was called, pursuant to a resolution adopted by the Administrative Council of the International Telecommunication Union in May, 1969, (a) to consider, revise, and supplement the Radio Regulations and related instruments to adopt new provisions for radiocommunication services in so far as they use space radio techniques, including those for manned space vehicles and for the radio astronomy service; (b) to provide for the use of space radio techniques by the Aeronautical Mobile and Maritime Mobile Services; (c) to adopt provisions pertaining to the technical criteria and procedures for frequency sharing between space and terrestrial services and between space systems; and (d) to consider the feasibility of coordinated frequency planning for radiocommunication satellites, including those placed on the geostationary orbit. The revisions embodied in the Final Acts deal with these matters.

The Final Protocol sets forth the texts of declarations made by certain of the governments represented at the Conference in regard to their rights to take action to protect their interests should any other country not comply with the provisions or should reservations made by other countries jeopardize the efficient operation of their respective telecommunication services.

DATE OF ENTRY INTO FORCE

The Partial Revision, according to its terms, will come into force on January 1, 1973, and will supersede the existing regulations adopted at the space telecommunications conference held in 1963. It has the support of the Department of State, the Federal Communications Commission, and the President's Director of Telecommunications Policy.

The PRESIDING OFFICER. Without objection, the protocols will be considered as having passed through the various parliamentary stages, up to and including the presentation of the resolutions of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Plant Protection Convention, which was open for signature at Rome from December 6, 1951, to May 1, 1952, and during that period was signed on behalf of the United States of America and 36 other states. (Ex. D, Eighty-fourth Congress, second session.)

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance, signed at Washington on February 2, 1971 (Ex. D, 92–1).

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on the Swan Islands Between the Government of the United States of America and the Government of Honduras, signed at San Pedro Sula on November 22, 1971 (Ex. H, 92–2).

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the

Convention on the Taking of Evidence Abroad in Civil or Commercial Matters Adopted at the Eleventh Session of the Hague Conference on Private International Law on October 26, 1968, and Signed on Behalf of the United States of America at the Hague on July 27, 1970 (Ex. A, 92-2).

Resolved, **(Two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of The Treaty on Extradition Between the United States of America and the Republic of Argentina, signed at Washington on January 21, 1972 (Ex. F, 92-2).**

Resolved, **(Two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of A Partial Revision of the Radio Regulations (1959) Relating to Space Telecommunications, with a Final Protocol, Dated at Geneva, July 17, 1971 (Ex. E, 92-2).**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at an appropriate time to request a yea-and-nay vote on all six treaties; that three of them be voted on beginning at 2:30 p.m. on Monday next and that the other three be voted on on Tuesday next, but the time will be determined by the joint leadership, in conjunction with interested Senators, at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WILLIAMS). Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS ON TREATIES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order, with one show of seconds, a yea-and-nay vote on each of the six treaties to which the distinguished majority leader alluded a little earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON S. 1736

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that, at such time as the conference report on S. 1736, the Public Buildings Act amendment, is called up, there be a limitation of 1 hour thereon, the time to be equally divided between the distinguished senior Senator from West Virginia (Mr. RANDOLPH) the chairman of the committee, and the distinguished senior Senator from Kentucky (Mr. COOPER).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that at 2:30 p.m. today the Senate proceed to the consideration of the conference report on S. 1736, the Public Buildings Act amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, whether there will be a rollcall vote on that conference report, I am in no position to say at this time. It would be well for the respective cloakrooms, however, to alert Senators to the fact that the conference report will be before the Senate during the afternoon, beginning at 2:30 p.m., to last for not to exceed 1 hour, and that there is a possibility of a rollcall vote thereon.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. ROBERT C. BYRD. Now, Mr. President, I ask unanimous consent that the Senate, in executive session, return to the consideration of the nomination of Richard G. Kleindienst to be Attorney General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 12:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 12:30 p.m. today.

The motion was agreed to; and at 12:06 p.m. the Senate took a recess until 12:30 p.m; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

ORDER FOR YEAS AND NAYS ON S. 722

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that it may be in order to order the yeas and nays on S. 722 by the same show of seconds as will order the yeas and nays on the various treaties previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATUS OF APPROPRIATION BILLS

Mr. ELLENDER. Mr. President, since Wednesday, May 31, 1972, there have been on the Senate Calendar two of the large, important regular annual appropriation bills—H.R. 14989, making appropriations for the Departments of State, Justice, Commerce, the judiciary, and related agencies, and H.R. 15093, making appropriations for the Department of Housing and Urban Development, Space, Science, Veterans.

The State-Justice-Commerce appropriation bill is being held up for lack of several authorizations. All of the appropriations for the Department of State have not been authorized, so the committee has inserted in the bill a general provision stipulating that the funds shall be available only upon the enactment of authorizing legislation. Under the Department of Commerce, several items have not been authorized although the funds have been included in the bill with a similar restriction. Some of these items are export control, fishermen's protective fund, certain activities under the National Bureau of Standards, and the Maritime Administration. There is no authorization for certain activities of the Commission on Civil Rights, for which funds have been included in the bill; nor are the funds contained in the bill for the United States Information Agency authorized. All of these items contain restrictions on the use of the funds, prohibiting such activities until the authorizing legislation has been enacted.

This is also the case with respect to the appropriation bill for the Department of Housing and Urban Development, Space, Science, Veterans. The homeownership and rental housing assistance item, which is included in the bill on page 2, requires enactment of authorizing legislation. This is true of college housing, comprehensive planning grants under community planning and management, urban renewal programs, and grants for neighborhood facilities. Although the funds for these items have been included in the bill, certain authorizations are lacking and, consequently, similar provisions prohibiting the use of the funds until the enactment of such authorization have been inserted in the bill in each instance. This is also true of the National Science Foundation where an appropriation of $619 million has been provided by both the House and the Senate committee.

It is expected that the committee will report the District of Columbia appropriation bill in the near future. There will be no need to delay this bill due to a lack of authorization.

It is expected that the committee will

report the Department of Transportation appropriation bill in the near future. However, again, as in the case of the first two bills I mentioned, certain authorizing legislation is required—for example, for the Coast Guard, the National Highway Traffic Safety Administration, the Federal Railroad Administration, high-speed ground transportation, and the natural gas pipeline safety program. Thus, when this bill is reported, it will likewise have to be held on the Calendar.

The committee will be reporting the Department of the Interior and Related Agencies appropriation bill in the near future, and in this case, there is no reason why it cannot be considered immediately in the Senate. There is no program which requires authorizing legislation except the American Revolution Bicentennial Commission. I understand the House has omitted this item from the bill, but we can consider the item in a supplemental bill.

It is expected that the Departments of Labor and Health, Education, and Welfare appropriation bill will be reported to the House today and is scheduled for House action next week. It is my hope that the Committee on Appropriations of the Senate will report the bill to the Senate promptly. Again in this case, I have been advised the House will include $116,200,000 for comprehensive health services projects, which requires authorizing legislation. It will include, I am informed, over $137 million for family planning service grants and contracts, which is not authorized, as well as over $100 million for maternal and child health services, which is likewise not authorized. Consequently, when this bill is reported to the Senate it will also have to be held up pending the enactment of authorizing legislation.

It is not clear when the military construction appropriation bill will be reported to the House, but there is no authorizing legislation in either the Senate or the House for this entire program.

A large part of the funds in the Public Works-Atomic Energy Commission appropriation bill requires authorizing legislation. It is expected that this bill will come to the Senate in the near future, and I am hopeful that the AEC authorization will have cleared the Congress so that we can take this bill up on the floor as soon as we receive it from the House.

Most of the requirement for authorizing legislation in the agriculture-environmental and consumer protection appropriation bill—namely, the Environmental Protection Agency—has passed both bodies and is in conference, so I would envision handling this bill in the Senate soon after it is received from the House of Representatives. However, it is not clear yet when the House will pass this particular appropriation bill.

I foresee no difficulties with respect to the Treasury-Postal Service appropriation bill. The $250 million authorization bill for the Special Action Office for Drug Abuse has now been signed into law, and I would hope that we can process the appropriation bill shortly after its arrival from the House. However, the date when this bill will be considered in the House is not certain.

There are two remaining appropriation bills—the foreign assistance appropriation bill and the Department of Defense appropriation bill—which are dependent upon authorizing legislation, not yet processed in either the Senate or the House of Representatives.

I desired to make this short review to the Senate at this time on the status of the appropriation bills. Mr. President, it appears to me that we are in a very bad situation. Until the authorizing committees can report their respective bills and have them considered by the Congress, we are not in a position to complete action on the appropriation bills before July 1. It will be recalled that I promised to have all of our regular appropriation bills on the desk of the President on or before June 30. We are still in a position to do so, if we can have the necessary authorizing legislation enacted.

Mr. President, as I have stated on the floor of the Senate on many occasions, it is my hope to have all the bills on the President's desk on or before June 30, and I am proud to say that the Senate Committee on Appropriations, through its subcommittees, has held the proper hearings on all of those bills, and we are now waiting on the House of Representatives and on the authorizing committees as well, in order to be able to handle the bills and send them to the President. I do hope that action will be taken soon in order to accomplish that, so that the bills can be passed and sent to the President as soon as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST—UNANIMOUS CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, beginning at the hour of 1 p.m., the debate on the nomination of Mr. Kleindienst be under time control, and that the time between 1 p.m. and 4 p.m. be equally divided between and controlled by the distinguished senior Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Nebraska (Mr. HRUSKA).

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:45 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 1:45 p.m. today.

The motion was agreed to; and at 12:55 p.m., the Senate took a recess until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BURDICK).

ORDER FOR EXECUTIVE SESSION ON TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, at the direction of the distinguished majority leader, I ask unanimous consent that on Tuesday next, at the hour of 3 o'clock P.M., the Senate go into executive session, and that the Senate then proceed to vote on Executive Calendar Order No. 23, Executive A, 92d Congress, 2d session; that immediately following that vote, the Senate proceed to vote on Executive Calendar Order No. 24, Executive F, 92d Congress, 2d session; and that upon the disposition of that treaty, the Senate immediately proceed to vote on Executive Calendar Order No. 25, Executive E, 92d Congress, 2d session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the yeas and nays will be ordered on those three treaties. The yeas and nays will also be ordered on the three treaties on which votes will occur on Monday. Senators are alerted, therefore, to the fact that there will be at least three rollcall votes on Monday next beginning at 2:30 p.m. and at least three rollcall votes on Tuesday next.

NOMINATION OF RICHARD G. KLEINDIENST

BYRD TO VOTE AGAINST KLEINDIENST

Mr. ROBERT C. BYRD. Mr. President, the nomination of Richard G. Kleindienst to be Attorney General of the United States was voted out of the Judiciary Committee on February 24, 1972, by a vote of 13 to 0 following 2 days of routine hearings. On February 29 and March 1, 1972, columnist Jack Anderson ran stories of an alleged secret memorandum from an International Telephone & Telegraph lobbyist, Mrs. Dita Beard, to her superior, Mr. William R. Merriam, the head of ITT's Washington Office. The stories alleged that the memorandum implied a deal with ITT regarding a monetary commitment to the Convention Bureau of San Diego, Calif., for the purpose of bringing the Republican National Convention to that city in exchange for a settlement of the $6 billion ITT divestiture suits with the Antitrust Division of the Justice Department.

On March 2, 1972, the Judiciary Committee met again in public hearings and Chairman EASTLAND stated:

> This hearing was called at the request of Mr. Kleindienst.

In his opening statement Mr. Kleindienst said:

> I would not want that confirmation to take place with a cloud over my head.

On April 27, 1972, the hearings concluded over the objections of six of the members of the committee who, the day before, had unsuccessfully sought, by a vote of 8 to 6, to call further witnesses and to postpone conclusion of the hearings to a point beyond the following day.

The hearings totaled 24 days, tying the Senate record for length of confirmation hearings, and included an unprecedented seven-member subcommittee hearing in a hospital room in Denver, Colo.

Although my duties on the floor of the

Senate precluded me from taking the active role in the hearings that I otherwise might have wished, I did take an active part in the executive sessions concerning this nomination. I have also reviewed the transcripts as best I could. I take this opportunity to very briefly express my problem with the confirmation of Mr. Kleindienst to be Attorney General.

These hearings have seen events that do not do credit to the integrity of the Senate's role to advise and consent on the nomination of high public officials. These hearings have seen corporate witnesses making themselves less than available to the committee. These hearings have seen the shredding of possibly relevant documents at the Washington office of ITT by ITT security personnel following the appearance of the news stories as to the alleged Beard memorandum.

These hearings have seen a deluge of "real Beard memorandums" as well as affidavits contradicting each other as to who typed what part of which memorandum. These hearings have seen the outright contradiction of witnesses testifying under oath, and a lack of candor and/or memory of certain witnesses concerning events that could have been helpful to the committee in sorting out the conflicting implications of the evidence. Events of this type and the behavior surrounding the Senate confirmation hearings do not do credit to our constitutional system. The American people expect and deserve better.

The lack of candor of witnesses; the reluctancy of witnesses to relate events in detail; the innocuous-looking documents and statements that, when closely scrutinized, raised questions that remain unanswered; the many inconsistencies and contradictions spread throughout the 24 days of hearings and the 1,751 printed pages of testimony; the quashing of a subpena by the U.S. attorney—conduct which, in the words of a high official of the Justice Department, was characterized as "highly improper" but which was publicly exonerated by the Department—all these constitute a show of arrogance and deception and insensitivity to the people's right to know.

It is for these reasons that I consistently voted in the executive sessions of the Senate Judiciary Committee to call additional witnesses and to continue the hearings—always within reason—to try to find some of the answers.

The answers were not forthcoming, however, and they do not even now appear on the record. But I do not believe that any useful purpose would be served by a resumption of the hearings, judging from the experience and the results of the previous marathon.

It seems to me that there are two distinct aspects with respect to a vote on the nomination of Mr. Kleindienst—one is the personal aspect to him about which we are all aware. The other and the broader aspect, it seems, has to do with the unique nature of the position of Attorney General and the administration of the Department of Justice on a day-to-day basis.

Probably unlike any other department of the executive branch, the Attorney General participates more directly, hour by hour and day by day, in not only the decisionmaking process but also the actual formal decision itself. Constantly throughout each day, the decision whether or not to prosecute in a particular case—whether antitrust, civil rights, general crimes, tax, or environment—requires the personal signature of the Attorney General. The decision whether to conduct an administrative investigation with respect to the alleged improper conduct of Department of Justice employees requires the actual signature of the Attorney General. The decision whether a national security or a court-ordered electronic surveillance shall be instituted requires the actual signature of the Attorney General.

Because of the sensitive impact and effect that the function, therefore, has upon the lives of both individual citizens and corporations, it is imperative that the person who is called upon to exercise that function do so with the full power contemplated by the Constitution. This is to say that he be not only nominated as the Attorney General of the United States, but also confirmed by the U.S. Senate, thereafter appointed by the President, and qualified by taking the oath of office. So, as a consequence, in order to permit the proper administration of justice under the law, the Senate of the United States should as speedily as possible determine the identity of the next Attorney General, so that all persons—whether individual, corporations, labor organizations, or other associations—will know that in the event a prosecutorial decision is made that will affect them, it will have been made by the Attorney General of the United States—not by an Acting Attorney General of the United States, a creature of bureaucratic regulation.

I have stated that Mr. Kleindienst is entitled to a judgment and a verdict by the full Senate. If it is the Senate's judgment that his nomination be rejected, then that judgment should be rendered without further delay and the President given an opportunity to submit another nomination for consideration. If, on the other hand, it is the will of a majority of the Senate that consent be given to the nomination, then that action should no longer be unduly delayed. As for myself, as one Senator, and as one member of the Senate Judiciary Committee, I am ready to cast my vote.

I have no question regarding the legal ability of Mr. Kleindienst. Moreover, he is a man of remarkable charm and ingratiating personality. I personally like him. Actually, I would like very much to be in a position to vote for his nomination, believing, as I do, that the President should be given the benefit of the doubt, as a general rule, regarding nominations of cabinet members.

In retrospect, I am constrained to feel that Mr. Kleindienst's loyalty to his superiors, his dedication to the administration which he serves, and circumstances and events—all these may have conspired to prevent him from being the master of his own destiny. He must be given great credit for his willingness to return before the committee in his desire that the confirmation not take place with a cloud over the nomination. Yet, the questions raised and left unanswered, in the course of the hearings, in my judgment, have only served to silhouette the cloud to which the nominee referred.

I am afraid that the events which were brought to light during the course of the hearings are typical of what has contributed much to the decline of public confidence in what we call the Government—or what some would call the "system." Such public confidence cannot be restored when important questions remain unanswered and where uneasy doubts remain which cannot be explained away.

I am sorry to have to vote against Mr. Kleindienst. I cannot say that he is unfit or unworthy or incapable. I can only say that the overall complex of circumstances and events surrounding the nomination are such that, the record being what it is today as it stands before us for our judgment, I cannot give my consent to the nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURDICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

Mr. BURDICK. Mr. President, the Committee on the Judiciary has spent many days of hearings on the qualification of Richard Kleindienst to be Attorney General of the United States. As a member of that committee, I attended most of those hearings, including the abortive hearings scheduled at Denver, Colo. At each stage of the hearings, I joined with those on the committee who urged that the hearings be extended for whatever length of time was necessary in order that the committee might hear the complete testimony of those persons who had knowledge of the events involved in these hearings.

As we meet here today to deliberate upon the nomination of Mr. Kleindienst, the fact remains that all the necessary witnesses have not been heard and the examination of certain vital witnesses has not been completed. The Members of this body should not be asked to make a final decision on this nomination until the hearing record is complete.

It is particularly important, at this time in our history, that the serious questions raised during these hearings not be glossed over by means of forcing a vote on an imperfect record.

Thus, when we are asked to consent to the nomination of a person to serve as Attorney General of the United States, we must bear in mind that we are dealing with the highest law enforcement office in our Federal system. The decision of this body on the question of the nominee's confirmation is a judgment of the Senate that the nominee, by past record and general qualifications, is a person who would faithfully and impartially execute and enforce the laws of the

United States. This judgment of the Senate must be reached under such facts and circumstances that the vast majority of our citizenry will concur in the decision which we have made.

Mr. Kleindienst himself recognized this when he asked for additional hearings after charges had been made that settlement of the ITT antitrust case had been influenced by partisan political reasons during the time when he was the Deputy Attorney General.

The Judiciary Committee, by a unanimous vote, reported the nomination of Richard Kleindienst favorably. Subsequently, Mr. Kleindienst requested an appearance before the committee to "remove a cloud" over his nomination caused by a story which appeared in Jack Anderson's column, linking a contribution to the Republican Convention in San Diego, with a settlement of certain antitrust suits against the International Telephone & Telegraph Co. Mr. Kleindienst stated:

> The reason why I asked for this hearing, Mr. Chairman, and members of the committee, is because charges have been made that I influenced the settlement of Government antitrust litigation for partisan political reason. These are serious charges, and by virtue of the fact that the confirmation of my nomination as the Attorney General of the United States is before the U.S. Senate, *I would not want that confirmation to take place with a cloud over my head*, so to speak, nor would I want the U.S. Senate to act upon my nomination if there was any substantial doubt in the minds of any of the Members of the U.S. Senate to the effect that while I performed my official duties on behalf of the U.S. Government in the past 3 years as the Deputy Attorney General, that I engaged in any improper conduct or in any conduct that would go to or be relevant to the consideration of my confirmation by the U.S. Senate. (Hearings, p. 96.) (Emphasis added.)

The President of the United States at his March 24 news conference said:

> *We want the whole record brought out because as far as he is concerned, he wants to go in as Attorney General with no cloud over him.* He will not have any, in my opinion, once the hearings are concluded and what we are talking about will be proof, rather than simply charges which have not been substantiated. (Emphasis Added.) (New York Times, March 25, 1972)

On the 10th day of April 1972, a majority of the Judiciary Committee voted to conclude the hearings on the 20th day of April 1972. I voted against the termination of the hearings because, among other reasons, a principal witness, Dita Beard, had not been fully heard.

The hearings have come to an end, Mrs. Beard has not been heard, the cloud over the nomination has not been removed, and yet the majority of the committee wish to report the nomination. A recent Wall Street Journal editorial commented:

> *If Mr. Kleindienst is confirmed, it will inevitably be under the cloud he said he sought to avoid.* (Emphasis added.)

The irony of the situation is that, although 24 days have been consumed in taking testimony, a principal witness has not appeared, except for a brief and preliminary examination at a Denver hospital. Mrs. Beard and her memo constituted the basis for the Jack Anderson story that precipitated the return of Richard Kleindienst to the committee room. I submit that it will be impossible to conclude the hearing now and at the same time do what the nominee and the President of the United States wanted done, namely, remove the cloud over the nominee.

The majority might argue that because of her health, she is not available. Serious doubts about that have arisen since the abortive Denver hearing. Within a few days after the Denver collapse, Mrs. Beard appeared on a Mike Wallace television show without the tubes, needles, monitors and other medical trappings which were present when the committee began their hearing in Denver. Within 2 days after the Mike Wallace TV appearance, she moved from the hospital to a private apartment. In addition, the committee received a statement from two independent doctors questioning the objective findings of Mrs. Beard's personal physician. It is true that her own doctors say that she cannot testify at this time.

I have the deepest concern for Mrs. Beard's health and I recognize the emotional strain of any hearings. However, in view of what has transpired since the Denver hearing, I believe it is reasonable to assume that her testimony will be available.

The majority might argue that it is not fair to Mr. Kleindienst to require him to wait until the Beard testimony is available. Mr. Kleindienst is the Attorney General for all practical purposes at this time. I do not believe the delay that might be occasioned in securing the testimony of Mrs. Beard would be as prejudicial to him as will be the murky situation that now prevails about the record without her testimony.

Finally, the majorty might say that further testimony of Mrs. Beard is not necessary since we have her statement. But having her statement and having the right to cross-examine are two different things.

> For two centuries past, the policy of the Anglo-American system of Evidence has been to regard the necessity of testing by cross-examination as a vital feature of the law. *The belief that no safeguard for testing the value of human statements is comparable to that furnished by cross-examination, and the conviction that no statement (unless by special exception) should be used as testimony until it has been probed and sublimated by that test*, has found increasing strength in lengthening experience. (Emphasis added.) 5 Wigmore, Evidence, § 1367, at 28 (3rd ed. 1940)

As the record now stands, 12 members of the Judiciary Committee, including me, have been denied this right of cross-examination. The record is replete with inconsistencies, contradictions and perjury on the part of someone. In a great many cases there are contradictions between Mrs. Beard's abbreviated testimony and the other witnesses, which in the interest of the truth and the record must be cleared up. I should like to point out to my colleagues these are not idle matters, but bear directly on the issues. For that reason, I have selected many places in the record that need explanation. The answers could well clear away dark clouds that hang over this nomination. These are some of the areas I would have pursued, and would pursue, if Mrs. Beard were a witness.

DITA BEARD'S RESPONSIBILITY OVER ANTITRUST MATTERS

Mrs. Beard, according to her testimony, had almost sole responsibility for the ITT-San Diego convention arrangements but denied she was attempting to gain a favorable settlement of the three antitrust suits against ITT and its subsidiaries. She testified in Denver that Britt Hume, when questioning her in February, tried to tie her work on convention arrangements and antitrust lobbying together. She said:

> . . . I kept stating, "You are not going to tie the two together, because they are not related." I was never assigned to work on anything in antitrust. I have no background to work on such a thing as that and certainly I don't work at that level. (Hearings, p. 761.)

She further emphasized her denial of any antitrust lobbying when she testified:

> At that point, sir, I wasn't near the White House as far as this antitrust thing was concerned. I did not understand it. I am not a lobby—I am not a lawyer. I can't add two and two. I was never involved in that in any way. . . . (Hearings, p. 747.)

But the matter cannot rest with these denials as there are too many statements and too much evidence of her lobbying efforts to the contrary.

Mr. Hume stated that in his interview with Mrs. Beard, she indicated she was instructed in regard to the antitrust cases as follows:

> . . . She said Governor Nunn, whom she described as a good and dear and close friend, had tipped her in advance that the Attorney General would be at this Kentucky Derby party, and that she might have the opportunity to meet with him at that time.
>
> Senator BAYH. She told you that?
>
> Mr. HUME. She told me that is what Governor Nunn had told her, that is right. I gather there was some kind of friendship between her and Governor Nunn because he testified that she was always present for his Derby parties for the whole time he was Governor.
>
> Nevertheless, she said she wrote a memorandum at that point to Mr. Gerrity, senior vice president for public relations in New York. Mr. Gerrity, from what I understand of the structure, more or less has charge of overseeing the Washington operation. She said that Mr. Gerrity responded to that memorandum in a telephone conversation in which he gave her the broad outlines of what she should push for if she did indeed get into a discussion with the Attorney General over the merger cases. (Hearings, p. 434.)

Mr. Hume further stated that Mrs. Beard told him she did discuss these antitrust matters with the Attorney General at Governor Nunn's party:

> She said that the Attorney General began to berate her angrily. He protested that she had been causing trouble for him by writing and having given on the floor of both Houses of Congress a number of speeches which were either critical of the Antitrust Division or critical of the handling of the ITT matter in general. (Hearings, p. 434.)

In a CBS television interview with Mike Wallace on Sunday, April 2, 1972, Mrs. Beard also stated that she had been instructed by Mr. Gerrity that if the occasion arose, she might mention the settlement matter:

> Wallace. Did they tell you to ask about ITT and Hartford?
>
> Beard. No, they didn't.
>
> Wallace. Honest?
>
> Beard. They asked if the occasion arise, if there is a possibility, to do it.
>
> Wallace. So you did.
>
> Beard. So I did. . . . (Transcript, p. 1651.)

The fact that Mrs. Beard did lobby, despite her protestations to the contrary, can best be seen in the uniform assertions of the other witnesses.

Former Attorney General Mitchell testified that she lobbied in antitrust matters:

> As I recall this incident, Mrs. Beard approached me to complain about the treatment ITT was receiving at the hands of the Justice Department. . . . (Hearings, p. 541.)
>
> . . . And I don't recall whether anybody introduced me to her or not, but the first contact I had with her was at that time when she approached and opened up on the subject matter of the ITT litigation. (Hearings, p. 542.)

Dr. Liszka testified that she lobbied in antitrust matters:

> She told me, "I tried to talk to the Attorney General about a merger and antitrust matters and he told me that I should proceed through proper channels. . . . (Hearings, p. 227.)

Mr. Nunn testified that she lobbied in antitrust matters:

> Mrs. Beard responded . . . why didn't he [Attorney General Mitchell] say something about what they were doing to ITT. (Hearings, p. 294.)
>
> * * * * *
>
> As we walked along, she continued to talk, trying to get back on the subject from time to time about ITT and what was happening to them. (Hearings, p. 295.)
>
> * * * * *
>
> In any event she came back to the table or raised the issue again about ITT. . . . (Hearings, p. 295.)

Britt Hume testified that she had lobbied in antitrust matters:

> She said Mitchell told her he was sympathetic [about ITT antitrust] but that his great problem was McLaren. . . . (Hearings, p. 492.)
>
> * * * * *
>
> She said she told him [Attorney General Mitchell] they had to have the Hartford Insurance Company "because of the economy." And she added they also wanted "part of Grinnell." She said she couldn't remember what else she asked for, but it was exactly what the company got in the settlement. (Hearings, p. 492.)

In light of the foregoing direct contradictions appearing in the testimony of the several witnesses, it is imperative that Dita Beard complete her appearance as a witness in these hearings.

ORIGIN AND AUTHORITY OF THE MEMORANDUM

The testimony given by various witnesses as to the origin and authenticity of the Dita Beard memorandum only compounds the doubt and inconsistency in the record. As to the motives of Dita Beard in writing the memo, the hearing record discloses at least three statements which indicate that Mr. Merriam needed the memorandum and ordered that it be written. Yet, Mr. Merriam denies this and, in turn, gives conflicting testimony, first by stating Mrs. Beard insisted on writing the memorandum and, then, denying any knowledge of the memorandum at all.

The reasons for writing the memorandum can be found in the following testimony.

Mrs. Beard, in response to a series of questions from Senator Kennedy, stated that Mr. Merriam was confused and excited about convention arrangements. She stated:

> He said, "I don't understand it. Go write it." *And I did.* (Emphasis added.) (Hearings, p. 755.)

Mr. Hume explained that she had related a somewhat different purpose for the memo:

> And now she talked, we discussed her memo, and she explained the reason she had written the memo was that she had felt that her friend, Mr. Merriam, who is her boss, I guess, technically, and the manager of the Washington office, had committed an indiscretion by letting the word slip out at a lower level of the White House than she had desired, and she felt that it was undesirable, about this commitment, which remained secret, as you know, until well after the convention decision was made. (Hearings, p. 412.)

She reaffirmed her motive later, as Mr. Hume testified:

> And she said that she wrote the memo in an effort really to impress upon him the need for discretion in this matter, and furthermore, she was trying to resolve the confusion that had developed about whether or not it was going to be in cash, this commitment, or in services, that it was apparently the cause of Mr. Merriam asking some questions and then there being a call to the White House, or from the White House, which really triggered this memorandum (Hearings, p. 412.)

Mr. Hume further stated:

> The only information I have is Mrs. Beard's statement to me on the night that I talked to her on the phone that she had discussed this with Mr. Merriam and that he had said not that he hadn't received it but that he didn't know what he had done with it. (Hearings, p. 433.)

Although Mrs. Beard seemed quite positive that Mr. Merriam had ordered that she explain the arrangements that ITT had made to contribute to the GOP Convention in writing, Mr. Merriam while testifying before the committee, was unequivocal in his denial of having asked for or of having received the memo. In answer to a question of Senator Burdick, he denied ever asking for a memorandum. He states:

> *. . . I do not recall her sending me any memorandum concerning the subject of our conversation. I do not recall asking her to dictate a memorandum on this topic.* (Emphasis added.) (Transcript, p. 1608.)

He stated further:

> No, sir, in my prepared statement I denied having ever asked her to put anything in writing. No doubt about I was confused but I never asked her to put it in writing. (Transcript, p. 1635.)

But prior to Mr. Merriam's appearance, Congressman Wilson told a different story. His testimony is that Mr. Merriam did not deny receiving the memorandum, but only that he denied having asked for it. Senator Burdick quoted the Congressman's statement from an earlier newspaper interview as follows:

> . . . ITT puts out the story that nobody ever saw it. Well that's Gerrity saying nobody ever saw the memo. The hell they didn't. Merriam personally told me last Monday that he got the memo.

Then Senator Burdick queried:

> That is correct?

The Congressman replied:

> That is correct. (Transcript, p. 1536.)

Mrs. Beard must be questioned as to the authenticity of the memorandum of June 25, 1971, which first connected the convention gift and the settlement of the ITT antitrust cases. Mrs. Beard, on March 26, over 3 weeks after the memorandum was first published, denied the authenticity of the memorandum in these words:

> I did not write, compose or dictate the entirety of the memorandum which Mr. Hume presented to me in the Washington office of ITT last month. (Hearings, p. 739).

Yet, six other persons have testified that Mrs. Beard either admitted the authenticity of the memorandum or failed to deny her authorship.

Dr. Liszka, testifying on March 6, stated that Mrs. Beard told him that she did not mean to imply some things in the memo—she did not deny she wrote it:

> Well, no, she didn't deny it. She denied that she—it was my impression that she accepted it that was her memo. (Hearings, p. 231).

In answer to a question from the chairman as to whether or not she was intoxicated when she wrote it, Dr. Liszka stated:

> She said she was just mad. She could have been because, you know, but she said I was mad and disturbed when I wrote it, she said. She stated that she didn't mean to imply things which seem to be implied in the memo. (Hearings, p. 232.)

According to Mr. Hume's testimony, she acknowledged that the memorandum was hers:

> . . . I went over there about noon that day and showed her the document, which is the original of this memorandum.
>
> And she was quite flustered about it, but she did acknowledge this was authentic, and she did this in the presence of two ITT public relations officials, Bernie Goodrich and Jack Horner. The best thing she said in terms of authenticating this document was that the initial "D" beside her typed name on the memo was "her own little 'd'," as she put it. (Hearings, p. 408.)

Mrs. Beard went so far as to confess to Britt Hume that "they" wanted her to lie. As he told the committee:

> On the night I met here at her home she said, "They wanted me to tell you that I made this up." But, she said something like, *"I wrote this memo. You know I wrote this memo. There is no use trying to pretend otherwise." She underscored the confirmation of it that she had given me a day earlier.* (Emphasis added.) (Hearings, p. 455.)

After the publication of her memorandum by Jack Anderson, Mrs. Beard traveled to New York on February 29, 1972. There she met for 3 hours with Mr. Gerrity, an ITT vice president, who probed deeply into the question of the handling of the memorandum. In regard to this interview, Senator HART asked:

> Senator HART. Did she deny that she had written the memo?
>
> Mr. GERRITY. Sir, at that point in time I do not recall she denied writing the memorandum. . . . (Transcript, p. 2138.)

Following this, Senator BAYH asked:

> Senator BAYH. I would suggest the answer to the question I just asked is yes, she did not deny writing it.
>
> Mr. GERRITY. I guess that is a fair inference. (Transcript, p. 2165.)

Nor did she make any denial to her old friend, Louie Nunn. Mr. Nunn, in testimony, related that approximately 2 days prior to the publication of the memorandum, she called him and said his name was used in a column by Jack Anderson about the ITT memorandum; she was sorry if it would embarrass him. Senator KENNEDY then asked Mr. Nunn specifically:

> Senator KENNEDY. In that conversation, she didn't say that she didn't write the memorandum, though, did she, Governor?
>
> Mr. NUNN. No. (Hearings, p. 317.)

Congressman WILSON in his testimony reiterated what he had earlier stated in a newspaper interview. In that interview, Congressman WILSON talked of a conversation he had with Mr. Merriam in which Mr. Merriam claimed that Mrs. Beard had insisted on writing the memo. Senator BURDICK asked if the newspaper account was correct.

> Senator BURDICK. He [Merriam] said Dita insisted that she write the memo."
>
> That's right, too, isn't it?
>
> Mr. WILSON. That's right. (Transcript, p. 1536.)

Such testimony is totally inconsistent with a claim that Dita Beard did not write the memorandum and even inconsistent with Merriam's claim that he did not know of its existence.

Senator TUNNEY elicited from Mr. Merriam the fact that the authorship of the memorandum had never been denied, at least to him. The exact words were:

> Senator TUNNEY. What was the first time that Mrs. Beard denied, Mr. Merriam, that she had written the Anderson memorandum?
>
> Mr. MERRIAM. She never denied it to me, Senator . . . (Transcript, p. 1645.)

TESTIMONY REGARDING ARRANGEMENTS FOR THE REPUBLICATION CONVENTION IN SAN DIEGO

Attorney General Mitchell testified he was not informed of any of the arrangements for the San Diego convention. This was contradicted by Republican Lieutenant Governor Reinecke of California and Ed Gillenwaters. Mr. Gillenwaters stated in an interview with Britt Hume during the week of February 22 that he and Lieutenant Governor Reinecke discussed the arrangements in great detail with Mr. Mitchell in May of 1971. Mr. Gillenwaters admitted to Senator BAYH during the hearings that he had, in fact, made such a statement to Britt Hume:

> Senator BAYH. In your original statement to Mr. Hume, did you suggest that his conversation was in April or May?
>
> Mr. GILLENWATERS. Erroneously advised in May. (Transcript, p. 2580.)

Lieutenant Governor Reinecke and Mr. Gillenwaters, in their testimony before the committee, also contradicted Mrs. Beard's testimony given in the Denver hearing. They claimed in their statements to Mr. Hume that the discussions with Mrs. Beard about the possibility of having a convention in San Diego first took place in May. Mrs. Beard had testified in answer to a question of Senator HART that it was in January or February:

> Chairman HART. Well, who was it that made the suggestion to you?
>
> Mrs. BEARD. Some people in California, Ed Reinecke and his aide, and not—I have known them. They are very, very close friends. Heck, I have known Ed Reinecke since he was in candidate's school, and I don't know whether it was his idea or whether—I really didn't ask any questions. He said, "This is in utter confidence. We don't know whether there is a chance in the world. You know San Diego. Can you look it over and find out if your own hotel will be built in time, because rooms are going to be difficult?" So I did. My own company didn't know what the heck I was doing. I was out in San Diego counting rooms, meeting with Ma and Pa operations, and we had the time at the Sheraton one of the finest managers I had ever known at any hotel, Gary Seland, who happened to be the assistant manager of the Blackstone in Chicago in 1960 and a tremendous help, having been through a convention, and the dangers thereof and so forth, and he and I just quietly went around counting rooms and realized that, you know, transportation, everything, and realized that extra 700 rooms we were going to have in our hotel would make the difference.
>
> Chairman HART. Well, about when was the suggestion made to you by Mr. Reinecke?
>
> Mrs. BEARD. Either January or February of last year, sir.
>
> Chairman HART. And was the aide whom you have not named Mr. Gillenwaters?
>
> Mrs. BEARD. Yes, I'm sorry. (Hearings, pp. 747 and 748.)

Her answer to Senator HART was consistent with the testimony given by Britt Hume as to what she had originally told him in the interview at her home:

> She said she first thought of having the GOP Convention in San Diego during a conversation that she had with Ed Reinecke, the California Lieutenant Governor, in about January of last year. She said that he considered it a possibility and mentioned it to her. (Hearings, p. 411.)

When Senator KENNEDY questioned Lieutenant Governor Reinecke as to the first time the convention idea was discussed, Mr. Reinecke disagreed with Mrs. Beard:

> Senator KENNEDY. Well, I think Mrs. Beard indicated to us that as an idea it either started in either January or February of last year, is her testimony. Do you know why she might have thought that it did?
>
> Mr. REINECKE. No; I really don't, Senator. I was not in Washington.
>
> Senator KENNEDY. She said she was out in San Diego; she was out in California.
>
> Mr. REINECKE. I have never met Mrs. Beard in San Diego at any time. (Transcript, pp. 2546 & 2547.)

If Mrs. Beard and Lieutenant Governor Reinecke had begun discussing convention matters in January or February of 1971, as she testified, there is a stronger likelihood of a meeting between Lieutenant Governor Reinecke and Attorney General Mitchell in May to discuss the progress of these arrangements.

Lieutenant Governor Reinecke did testify that when the meeting with Attorney General Mitchell took place in September, a full disclosure of convention arrangements was made at that time:

> Mr. REINECKE. I am sure he [Attorney General Mitchell] had heard about it and I wanted him to know about our part of it, what we had done. Also, I am sure he was interested in knowing from the standpoint of communications and security and his role as adviser to the President. It was vital that he know everything he could about something as important as this. (Transcript, p. 2613.)

Whatever version of Lieutenant Governor Reinecke's is believed, he comes in conflict with the following testimony of Mr. Mitchell to the effect that Mr. Mitchell was at no time told of the convention arrangements:

> Mr. MITCHELL. The third point, Mr. Chairman, related to the selection of San Diego as the site of the Republican 1972 Convention. I was not involved in any way in any negotiations which led to the selection of San Diego as the site of the convention by the Republican National Committee.
>
> I have never talked to any representative of ITT about the San Diego site or any matter relating thereto.
>
> I have never talked to the Deputy Attorney General or the Assistant Attorney General in charge of the Antitrust Division about the San Diego convention site or anything relating to any discussion or negotiations with ITT or any of its subsidiaries.
>
> *I do not as of this date know what arrangements, if any, exist between ITT or the Sheraton Hotel Corp. and the Republican National Committee, or between ITT or any of its subsidiaries and the city of San Diego or any agency thereof.* (Emphasis added.) (Hearings, p. 541.)

OTHER NECESSARY WITNESSES AND EXHIBITS

There are additional gaps in the record which are created by the failure of the committee to call several necessary witnesses and the refusal of the Justice Department to comply with requests for evidentiary material. Some of the additional witnesses are Howard Abel, corporate counsel for ITT and William Timmons, White House staff member in charge of the convention arrangements. In addition, Peter Flanigan and Harold Geneen should be recalled to clarify certain inconsistencies which exist between their testimony and the testimony of other witnesses. The need for these witnesses is fully set forth in the separate views of Senator KENNEDY.

On Wednesday, March 8, 1972, I made a request to Judge McLaren for a chronological record of the events which transpired in the ITT litigation. I requested that this chronology cover material from the time that the complaints were filed until final settlement of the cases. On Thursday, April 27, 1972, this chronology had not been received. I called Mr. Kleindienst's attention to this fact during the following testimony:

> Senator BURDICK. But there is one omission I would like to call your attention to and maybe you can help us with it.
>
> Mr. KLEINDIENST. If I can, I will, Senator.
>
> Senator BURDICK. On March 8, I questioned Mr. McLaren—
>
> Mr. KLEINDIENST. On what page are you referring to?
>
> Senator BURDICK. 371.

Mr. Kleindienst. Thank you, sir.

The Chairman. Was that 371 or 271?

Senator Burdick. 371, Volume—page 2. There I had asked Mr. McLaren if he would supply me with a chronology of events and just to state it, Mr. Cook said: "Mr. Chairman, do I understand that Senator Burdick was in effect asking for a docket sheet?

"Senator Burdick. No, I was just asking for a chronology of the events that took place. This would include the pleadings that were filed, what contacts you made with the courts and with the people in respect to this case. I am thinking of a kind of a day-to-day diary. I haven't been able to attend all the hearings. It would be helpful to me.

"Judge McLaren. I think I understand what you are asking for, Senator. I think we can put it together."

Mr. Kleindienst. Apparently they have not put it together."

Senator Burdick. They have not put it together in seven weeks and I have to vote at five o'clock.

Mr. Kleindienst. I am deeply apologetic for it and I know Judge McLaren would be. May I just have a moment, Senator Burdick? Senator Burdick, I have given instructions that it will be prepared immediately and be delivered up here today. (Transcripts, pp. 2922 & 2923.)

On Friday, April 28, 1972, a letter from a Justice Department official stated that the Department had complied with my request, but, in fact, the documents which were referred to were simply responses to the various interrogatories requested by other members of the committee. No document furnished by the Justice Department remotely resembled that which was promised by Judge McLaren on March 8, 1972, and which was again promised on April 27, 1972, by Mr. Kleindienst.

Without this material, the record remains incomplete.

CONCLUSION

Except for the inferences which can be justifiably drawn from the facts of record, the committee's efforts to obtain a full disclosure of the facts surrounding the Department of Justice's settlement of the ITT antitrust litigation have been almost totally frustrated by a tangled web of half-truths and contradictions spun by the witnesses, some of whom were marked by an obvious lack of candor. Ascertainment of the true facts surrounding this litigation is critical to an assessment of Mr. Kleindienst's performance as the second-in-command of the Department for which he is now nominated as the prime commander.

Rather than having dispelled the cloud, these hearings have made it more murky. I have supported efforts to get at the full story. Unless that story is told, completely and frankly, I would have no choice, but to draw the permissible inferences which arise from the record. This would not be fair to Mr. Kleindienst. It would be in the best interests of the Attorney General to assume the administration of that high office free from those clouds of suspicion. It certainly would be in the best interests of the country. And, it would be in the best interests of Dita Beard. As the record now stands, the doubts, suspicions and contradictions will plague her. If she were recalled, she would have the opportunity to give some answers to many unanswered questions.

For these reasons, I oppose the closing of these hearings and I oppose the reporting of this nomination. Mr. Kleindienst deserves to be considered on a complete record which I believe through additional hearings should be made available to the committee. If the nomination is not recommitted, then I would have no alternative, but to vote against the nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF PUBLIC BUILDINGS ACT OF 1959—CONFERENCE REPORT

The PRESIDING OFFICER. The hour of 2:30 p.m. having arrived, under the previous order, as in legislative session, the Senate will now proceed to consider the conference report on S. 1736, which was previously submitted by the Senator from Alaska (Mr. Gravel).

Thereupon, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

(The conference report is printed in the House proceedings of the Congressional Record of May 30, 1972, at pp. 19103–19108.)

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, as I understand it, the time agreement is for 1 hour. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. RANDOLPH. Is it likewise correct that one-half of that time would be under my control?

The PRESIDING OFFICER. The Senator is correct.

Mr. RANDOLPH. Mr. President, I ask that the time allotted to me be transferred to the Senator from Alaska (Mr. Gravel), the chairman of the Subcommittee on Public Buildings and Grounds of the Committee on Public Works, who is the manager of the conference report.

The PRESIDING OFFICER. The remaining 29 minutes will be so remanded.

Mr. RANDOLPH. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. GRAVEL. Mr. President, I ask unanimous consent that the following five members of the Public Works Committee staff be given the privilege of the floor to help us during the deliberations: Mr. Barry Meyer, Mr. Bailey Guard, Mr. Harold Brayman, Mr. John Purnton, and Miss Kathy Cudlipp.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I call up the conference report on the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

Mr. President, the conferees of the Senate and House met on May 24, 1972, to consider the differences in their respective versions of S. 1736, the Public Buildings Amendments of 1972. The session was one of cordiality, as the two committees have always been able to compose differences in a spirit of cooperation and accommodation. I feel that we have brought back a sound and useful measure which retains most of the items and provisions included in the version passed by the Senate.

Briefly, Mr. President, the conference report of the Public Buildings Amendments of 1972 authorizes a purchase contract procedure of 3-year duration to eliminate an 8-year backlog of 63 much-needed but unfunded Federal buildings. To finance these on a fiscally sound and efficient basis the legislation also authorizes the establishment of a revolving fund, into which will be deposited rents collected from all Federal agencies using space in Government-owned buildings. These rents will be used to make payments on purchase contracts for the new buildings to be constructed. This will effect a wholesale revamping of the Government's public building construction and improvement program, and will save the taxpayers millions of dollars annually.

In addition, the conference report contains language concerning the Kennedy Center, providing for transfer of the non-performing arts functions of the center, including maintenance, security, janitorial and other services, to the National Park Service, and authorizing funds for the public maintenance and operations costs of these non-performing arts functions during fiscal year 1972.

Mr. BIBLE. Mr. President, will the Senator permit an interruption at that point, because he has mentioned the Kennedy Center?

Mr. GRAVEL. I yield.

Mr. BIBLE. Perhaps the Senator would prefer to complete his statement.

Mr. GRAVEL. No, I am happy to yield now.

Mr. BIBLE. Mr. President, I have read with great interest the statement of the conferees on S. 1736, specifically with respect to their construction of the language of section 10. I would appreciate a clarification of the extent of jurisdiction which the conferees contemplate for the National Park Service as to provisions for information and interpretation facilities at the Kennedy Center.

Mr. GRAVEL. I would be most happy to assist the Senator.

Mr. BIBLE. It is my understanding gained from conversations and correspondence that both the National Park Service and the Board of Trustees contemplate that the National Park Service shall have overall responsibility for providing information and interpretation at the Center, but that the Service will not be prohibited from entering into agreements with the Board of Trustees so that interested groups such as the Friends of the Kennedy Center could provide some services, many of which are now being provided by the Friends.

Mr. GRAVEL. That is also my understanding.

Mr. BIBLE. What had concerned me, and the reason I wanted to make this legislative history, is the language in the statement that:

> Section 10 does not confer exclusive responsibility on the National Park Service for providing information and interpretation services at the John F. Kennedy Center for the Performing Arts and in no way does it give authority to the National Park Service over the Friends of the Kennedy Center or place the Friends under the direction of the Park Service.

The implication of this language unless it is clarified appears to be that the Friends of the Kennedy Center would not be responsible to the Park Service for certain informational or interpretative functions, and since the jurisdiction of the Service is not exclusive they can engage in any form of information and interpretation service they choose. This interpretation is totally inconsistent with my understanding of the intent of this section. The National Park Service has done a fine job at other memorials, and I am confident they can do the same at the Kennedy Center. I have grave reservations over any division of authority in a situation like this where you have two entities involved. I want to make it abundantly clear that the overall responsibility for the nonperforming arts function rests with the Secretary of Interior acting through the National Park Service.

Mr. GRAVEL. I agree with the Senator. The statement's language was not designed to give free rein to any group who chose to provide or disseminate information at the Center. The reason the words "section 10 does not confer exclusive responsibilty" was used, was to insure that we do not prohibit the National Park Service from entering into such agreements as it feels would be beneficial. They will still be ultimately responsible for the overall quality of the services provided, but we did not want to prevent them from delegating some functions.

Mr. BIBLE. I thank the Senator. What happens if the National Park Service enters into an agreement with the Board of Trustees calling for the Friends of the Kennedy Center, a creature of the Board, to provide information? Will this language prevent the Service from exercising control over the Friends activities with respect to the information function?

Mr. GRAVEL. Not with respect to those functions provided in the agreement. The Friends of the Kennedy Center provide a variety of services for the Center, some intimately connected with the performing arts function. We wanted to make it clear that the National Park Service does not have any responsibility over the performing arts function of the Center and therefore does not have authority over the Friends in that respect.

Mr. BIBLE. That would be only with respect to the performing arts functions.

Mr. GRAVEL. That is correct.

Mr. BIBLE. But as to the nonperforming arts functions such as providing information and interpretation, the role of the Friends would have to be the subject of an agreement with the National Park Service and the Service would have overall authority over the Friends as it concerned the operation of the Center from the nonperforming arts standpoint.

Mr. GRAVEL. With respect to those nonperforming arts functions for which the Service will have responsibility, they will have authority over the conduct of any group with whom they enter into an agreement.

Mr. BIBLE. I thank the Senator. That accords with my understanding of the situation.

Mr. President, I ask unanimous consent to have printed in the RECORD an exchange of correspondence I have had with Mr. Harry McPherson, which I believe reinforces the understanding I have expressed here today with respect to the prospective role of the National Park Service in administering this great center. I ask unanimous consent that the letter from Mr. McPherson, who is the vice chairman of the Board of Trustees, John F. Kennedy Center for the Performing Arts, and is, as I understand it, their legal adviser, be printed in the RECORD, and I likewise ask unanimous consent that my letter to Mr. McPherson be printed in the RECORD. My letter should be incorporated before the letter from Harry McPherson, because they occurred in that sequence.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAY 31, 1972.

Mr. HARRY MCPHERSON,
Vice Chairman, Board of Trustees, John F. Kennedy Center for the Performing Arts, Washington, D.C.

DEAR HARRY: Thank you for sending me a copy of your letter of May 23 to Senators Randolph and Cooper relating to section 10 of S. 1736 which places the jurisdiction of the National Park Service over the non-performing arts functions of the Kennedy Center.

In your letter you stated with respect to the means of providing "information" and "interpretation" that "the National Park Service has long performed such a role in other national memorials and in the park and monument system, and it is appropriate that the Service have overall responsibility for it in the Center." As you intimated in your letter, the language should not prohibit the Park Service from entering into an agreement with the Friends of the Kennedy Center such that the Friends might provide some services at the Center, but in order to insure that the services are conducted with the quality present at other memorials there should be no division of responsibility and that "overall responsibility" should be vested in the Park Service. I tend to agree with you, and the National Park Service is in accord with this interpretation of its functions under section 10. The Service has evinced interest in having the Friends of the Kennedy Center continue to be involved if this legislation is enacted, as indicated in the letter dated May 23 from the Acting Director Thomas Flynn to Senator Randolph.

The construction placed on section 10 by the Conference Committee in the joint Statement of the Conferees may appear to be inconsistent with such a view. The Conference statement language in question states that "section 10 does not confer exclusive responsibility in the National Park Service for providing information and interpretation services at the John F. Kennedy Center for the Performing Arts, *and in no way does it give authority to the National Park Service over the Friends of the Kennedy Center or place the Friends under the direction of the Park Service.*" This language might allow the Friends of the Kennedy Center to engage in any activities it chooses with no control exercisable by the Park Service with respect to the non-performing arts functions of the Center, which is the only role assigned to the Department. As I interpret it, the language could in effect deny "overall responsibility to the Park Service" over this function. As the fine lawyer you are, I would appreciate your comments with respect to the effect of this language and whether you consider it consistent with the view you expressed in your letter of May 23, 1972.

In addition, there is some more financial information which I would appreciate receiving from you in your capacity of Vice Chairman of the Board of Trustees. In the event this language is approved and a budget request is submitted to the Congress for its consideration, my Appropriations Subcommittee will require this information, and it might be helpful to have it immediately available. I would like to know the exact status of the construction of the building and how much has been spent and how much more is anticipated to be expended to complete the Center, if any. It is my understanding that somewhere in the vicinity of $70 million has thus far been expended, of which more than $40 million has been provided by the Federal Government.

I would also like to have some idea of the budget which has been maintained to operate the Center, i.e., the source of operating funds and the allocation of these funds in the day-to-day operation. It has been advertised that the Park Service will be reimbursed by some $500,000 by the Center for carrying out its proposed functions in connection with the operation as they relate to the performing arts function.

I would also like to be advised of the revenues that have been raised by the Friends of the Center and how these funds have been utilized.

I am aware that the General Accounting Office is currently auditing the Center and this is not expected to be completed until July. However, I am sure that the information I am requesting is basic, and I would appreciate having it in time for Floor consideration of the conference report on the Public Buildings Act.

Cordially,

ALAN BIBLE.

John F. Kennedy Center
for the Performing Arts,
June 6, 1972.

Hon. Alan Bible,
U.S. Senator,
Washington, D.C.

Dear Senator Bible: I am responding to your letter of May 31, 1972, with reference to the proposed role of the National Park Service in the Kennedy Center, and to the Center's own financial situation.

First, I can well understand that as Chairman of the Subcommittee on Interior Department appropriations you are concerned that the Park Service's role be spelled out as clearly as possible. In my letter to Senators Randolph and Cooper, I stated that it was appropriate that the Park Service have overall responsibility for the information and interpretation function at the Center. In the words of Park Service Acting Director Thomas W. Flynn, that responsibility is to "provide the public with an interpretive program of high standards similar in quality and integrity to the . . . programs for other memorials in the Washington area, such as the Washington Monument, Lincoln Memorial and Jefferson Memorial."

At the same time, the Center, the Congress, and the public should take full advantage of contributions made by the Friends of the Kennedy Center. This organization, which has attracted support for the Center throughout the nation, has provided guide service, special education programs, and funds for a number of activities at the Center. The Friends have helped us carry out our congressional mandate to offer a broad range of educational experiences to the public. In my judgment, there will be little difficulty in reaching an agreement between the Center and the Park Service as to the Friends' future role. I believe the Park Service wishes to make maximum use of this volunteer force, consistent with its responsibility to "provide an interpretive program of high standards . . ." I read the S. 1736 conference report language as expressing the conferees' concern that the Friends should continue to exist and function, not as a unit of the Park Service, but as an entity whose role will be defined by the Center's Board of Trustees and was you know, the Friends organization is an arm of the Center's Board of Trustees and was created by resolution of the Board.) For reasons of consistency and accountability, the interpretive and informational aspects of that role should be guided and shaped by the Park Service. In other words, the Friends' activities can and should be made to fit into an overall Park Service program as envisioned by Section 10 of the Bill.

Next, as to the financial condition of the Center.

Construction of the Center, as contemplated under the prime contract, is substantially completed. The remedy of several hundred defects and omissions, required of the contractor and subcontractor under warranties, remains to be done. Completion of a multi-purpose room and studio theatre, included in the design of the Center, has been deferred for lack of funding.

To date, approximately $65.2 million has been expended for construction under the prime contract, the total cost of which is estimated to be approximately $67.5 million. In addition, $2.4 million has been expended for settlement of subcontractor's delay claims. The existence of these delay damage claims, totaling more than $6.1 million, was not known by the Trustees or by GSA in 1969, when the estimate of $66.4 million for completion of the Center was given to the Congress. It is anticipated that full settlement of these claims will require between $3 and $4.5 million, a figure which includes the $2.4 million already paid out.

The Federal Government, as you state, has provided more than $43 million for construction of the Center. $23 million was provided by direct appropriations and has been more than matched by private donations. $20.4 million was provided in the form of Treasury Revenue Bonds payable within fifty years of issue.

At the present time, the Center is completely reorganizing its budgeting process. The budget system maintained during the construction phase was found to be quite inappropriate to the operation of a performing arts center. To accomplish this reorganization, the Center has hired a new comptroller, given new authority to its Finance Committee, and retained the firm of Lutz and Carr, experienced theatrical accountants, to assist its own Certified Public Accountant. We hope to complete the reorganization by July 15, 1972, at which time it will be possible to provide the detailed information requested by the Appropriations Subcommittee. The pending GAO review of the Center's operations will also supply more complete answers to the questions your raise.

As to the Center's ability to reimburse the Park Service in the amount of $500,000 per year, as its share of the expense of the functions to be assumed by the Park Service, Roger Stevens has stated that he considers this amount feasible, if the Center is operated purely as a commercial enterprise. By this is meant that to the extent the Center undertakes public service responsibilities—either in the nature of its programming, in reduced-priced tickets for students, the aged, veterans, and other groups, or otherwise—its ability to meet that figure is correspondingly reduced. We shall try to meet it, without sacrificing the other needs which Congress has instructed us to satisfy, but there is no doubt that it will be difficult to do so.

In response to your inquiry about the financial operations of the Friends of the Kennedy Center, from March, 1967, through May, 1972, the Friends have had income of $403,462.30 from the following major sources: membership fees, operation of the information (souvenir) booths at the Center, and fundraising events. Total cash expenditures—chiefly for informational and promotional purposes—during that same period have been $379,248.23. The excess of receipts over disbursements is held by the Friends, subject to certain liabilities. These figures take no account of the value of the volunteers' time and services, which can conservatively be estimated at more than half a million dollars.

In closing, let me offer an independent observation. As I see it, the Center has achieved two principal goals, and has yet to achieve a third.

The first was to construct a building to which the public might come, either to enjoy the lively arts or as tourists. The second was to provide the capital and its millions of visitors with an almost nightly offering of first-rate theater, dance, and music. The building is operating, and the public's response to its attractions has been almost overwhelming. Of both achievements, the Congress that provided the lion's share of the means should be very proud.

The third goal is to develop the tightest and most efficient administration and cost controls possible within a performing arts center. This we are trying to do now, and, given the dedication of the Trustees and the staff to the Center, we will do it.

Public support for the non-performing arts functions—the memorial functions of the Center—is essential if we are to make the performing arts functions viable. I hope it will be possible for you to support the proposal whole-heartedly.

With highest regard.

Sincerely,

Harry McPherson,
Vice Chairman, Board of Trustees.

Mr. BIBLE. It might well be that either the Senator from Alaska or the Senator from Kentucky (Mr. Cooper), who has been extremely active in working out the negotiations, would likewise like to ask unanimous consent, though the letter is directed to the chairman of the committee (Mr. Randolph), to incorporate the letter from Senator Randolph to the Park Service and likewise the reply of the Park Service. I think those letters should be incorporated into the Record, so that we would have a complete cycle of the negotiations and understandings we have reached up to the present time.

By this colloquy and by the introduction of these letters, I merely want to clear up what might appear to be an inconsistency between the language of the proposed statute and the joint statement of the conferees. I think the history made in the other body together with the statements made here today have cleared the air. What it boils down to, Mr. President, is that if this Center is to be administered as a memorial and as a de facto unit of the national park system insofar as its visitation by the thousands of our citizens annually is concerned, then the Secretary of Interior, through the National Park Service, must have overall authority for this nonperforming arts aspect of the Center's operation.

As I understand it, the authorizing language, as contained in the conference report called up here today, is for a period of 1 year, that is for fiscal year 1973; is that correct?

Mr. GRAVEL. That is correct.

Mr. BIBLE. I think there is some language providing for $1.5 million for operation and maintenance up to June 30 of this year, to take care of the items discussed in the supplemental appropriation package. Is that correct?

Mr. GRAVEL. That is correct.

Mr. BIBLE. There may be other problems—and I think there are going to be some. But from what I have been told by the Park Service people and the trustees of the Kennedy Center—I think there is every indication that they will come to a satisfactory agreement. In any event, the problems will have to be cleared up before they come in for appropriations in order to get the money. But I think the procedure will go along very well, though I thought we ought to have a full colloquy, so that we will understand where the responsibilities lie.

Mr. GRAVEL. I thank the Senator from Nevada, who has added a great deal of precision to the understanding of this issue. Of course, he is recognized as Mr. Park Service in this country, and I am deeply grateful to him for his comments.

Mr. President, the language of the conference report also authorizes use of the Congressional Hotel as a House office building and provides that certain surplus space may be leased at fair market value. Finally, it authorizes conveyance of air rights to the city of New York, by the U.S. Postal Service, for the purpose of constructing public housing in Brooklyn over a mail handling facility.

Mr. President, I urge the Senate to adopt the conference report.

Mr. JAVITS. Mr. President, if the Senator will yield on that last point, I do not wish to intrude on the time of the Senator from Kentucky, but I would like to develop some matters respecting this language concerning the Morgan Post Office Annex, on the time which the Senator will yield me.

Mr. GRAVEL. We are aware of this, and we certainly will give deference to the Senator from New York's views on this, because I think they are very sound.

I will yield the floor at this time, so that the comanager of the measure on the minority side may make his statement, and then I am sure we will both provide the Senator from New York sufficient time for his purpose.

I yield the floor.

Mr. COOPER. I thank the Senator from Alaska.

First, I want to commend the chairman of the subcommittee, the distinguished Senator from Alaska, the members on the majority side, and our member on the minority side, the Senator from Delaware (Mr. Boggs), for the very effective bill they have presented to the Senate and then to the conference. I believe this bill will save our country millions of dollars in the construction of public buildings.

In line with the colloquy between the Senator from Alaska and the Senator from Nevada (Mr. Bible), I shall comment briefly upon the issue they have discussed.

In the conference committee, I raised questions regarding the role of the Friends of the Kennedy Center. I thought it was important to do so, because the Friends of the Kennedy Center are a voluntary association of several thousand persons who have given their time freely and voluntarily—I might say that I understand the value of their services has been estimated to be a half million dollars—to the raising of funds for the Kennedy Center and to undertaking informational and intepretational duties at the center. This has been done under the able direction of Mrs. Polk Guest, who has devoted full time, day after day, to this task.

I am very much interested in what their role would be under this bill. I am, of course, very glad that the National Park Service is undertaking the functions which are spelled out in the bill.

Senator Randolph and I wrote to the National Park Service and the trustees of the Kennedy Center, asking them for their interpretation of the words "information" and "interpretation" which appear in section 10. I thought there was some lack of clarity in their letters and that there were some differences in definitions.

I wrote the language which is on page 16 of the conference report and secured approval of the conferees with respect to this language. Since that time, I have discussed the matter with the Senator from Alaska, the Senator from Nevada, and the Senator from West Virginia (Mr. Randolph), and I think the interpretation which they have given today is about as close as one can get.

It is my understanding—and I ask the Senator from Alaska whether this is correct—that so far as the performing arts are concerned, there has been no limitation upon the work of the Friends of the Kennedy Center, except as done by agreement with the trustees for the Kennedy Center.

Mr. GRAVEL. That is my understanding. Of course, it would be limited by the agreement in question. But it is not our intention to inject the Government in any form into the performing arts.

Mr. COOPER. As to the nonperforming arts work of the center, such role as the Friends might have would be developed between the trustees of the Kennedy Center and the National Park Service?

Mr. GRAVEL. Very much so. Of course, it would be a contractual arrangement, but we do specifically want to give the authority to the National Park Service in that regard so that there is no area for confusion.

Mr. COOPER. I think this would follow. It would be logical that if the Friends are a voluntary association and do not want to place themselves under the National Park Service, they would not have to do so.

Mr. BIBLE. If I may interject, I think the statement is a hundred percent correct. I do not think the Friends can be forced into their agreement. It would be to their advantage to enter into an agreement, and every indication is that they will enter into an agreement. I think the Senator from Kentucky is correct. By this act or any other act, we cannot force them in.

Mr. COOPER. I accept that interpretation, without question.

I just want to point out the very valuable work of the Friends and express the hope that they will have a function which will be helpful in the work of the Kennedy Center.

In an attempt to define some of the issues before going to conference and to get the views of the Park Service and Kennedy Center as to the scope and extent of jurisdiction conferred by section 10, Senator Randolph and I sent a letter to the Park Service and to the board of trustees of the Kennedy Center I ask unanimous consent that these letters be included in the Record.

I also ask unanimous consent that the responses to these letters, together with a cost analysis received earlier from the Park Service, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

May 19, 1972.

Mr. Roger L. Stevens,
Chairman, Board of Trustees, John F. Kennedy Center for the Performing Arts, Washington, D.C.

Dear Mr. Stevens: We have addressed a letter today to Mr. Hartzog, Director of the National Park Service, copy of which is enclosed.

We would be glad to receive your comments on the questions addressed to the National Park Service from the point of view of the Kennedy Center, or any additional information or suggestions you believe might be helpful to us at this time.

We were happy to meet with you earlier his week, and also to learn from several of our colleagues that you have had constructive discussions with them.

Truly,

Jennings Randolph,
Chairman.
John Sherman Cooper.

U.S. Senate,
Committee on Public Works,
Washington, D.C., May 19, 1972.

Hon. George B. Hartzog, Jr.,
Director, National Park Service, Department of the Interior, Washington, D.C.

Dear Mr. Hartzog: The House of Representatives on April 19 passed S. 1736, as amended, including Section 10—an amendment offered by Congressman Roncalio which would direct the National Park Service to provide certain services "necessary to the non-performing arts functions of the John F. Kennedy Center for the Performing Arts", and authorizing for fiscal year 1973 the appropriation of "such sums as may be necessary" for that purpose.

As Sections 9 and 10 were not included in the bill as passed by the Senate on November 1, 1971, and as there are other differences in "The Public Buildings Amendments of 1972", it will be necessary for these differences to be resolved in conference. A Senate-House conference has been scheduled for Wednesday morning, May 24.

While hearings were not held by either the House or Senate Committees on Public Works on the proposal to extend Park Service jurisdiction to the Kennedy Center, we have recently had some discussions of this matter with representatives of the Center. We understand the proposal has been discussed also with Members of the Interior and Appropriations Committee, but as far as we know no formal presentation as to the intent, scope and cost of this proposal has been submitted. It is essential to have an appraisal of the proposal by the National Park Service before the conference. We need your immediate response to these questions:

1. What is the view of the National Park Service as to the nature and extent of jurisdiction to be assumed under the language of the House amendment, Section 10 of S. 1736?
2. Does the Park Service have any objection to assuming such jurisdiction?
3. Does the language of Section 10 provide the Park Service with any authority, or impose any duties, with respect to the performing arts functions of the Kennedy Center?
4. What does the Park Service consider its authority would be under Section 10, with respect to providing "information, interpretation . . . and other services" necessary to the non-performing arts functions of the Center?
5. Would the Park Service interpretation of the above language provide to it any authority over the activities of the Friends of the Kennedy Center, and if so, in what way? Could the Friends continue their present operations and functions, independent of the activities of the National Park Service?
6. What is the Park Service estimate of the cost of providing the services covered by Section 10? Would it be the intention of the Park Service, if Section 10 is adopted, to request a budget estimate for an appropriation in fiscal year 1973, in this or some other amount, and to support such a request before the Appropriations Committees?

We recognize that time is short before the conference, but are advised that you are acquainted with this proposal. We hope very much, therefore, that you will be able to send us a timely response. As always, of course we would be glad to receive any additional information, comments or suggestions which you believe pertinent, or which you consider might be helpful to us in consideration of Section 10, or any modification or alternative to it the conference might appropriately consider.

Truly,

Jennings Randolph,
Chairman.
John Sherman Cooper

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 23, 1972.
Hon. JOHN SHERMAN COOPER,
U.S. Senate, Public Works Committee,
Washington, D.C.

DEAR SENATOR COOPER: We are pleased to respond to your May 19 letter cosigned by Senator Randolph requesting our appraisal of the proposal that the National Park Service provide certain services necessary to the nonperforming arts functions of the J. F. Kennedy Center for the Performing Arts.

We will comment on the questions in your letter in the order in which they are presented:

1. The National Park Service is agreeable to the nature and extent of jurisdiction to be assumed under the language of the House Amendment, Section 10 of S. 1736.

2. The National Park Service has no objection to assuming such jurisdiction, and prefers that its jurisdiction be as now defined in Section 10.

3. The language of Section 10 does not provide the National Park Service with authority, or impose any duties, with respect to the Performing Arts function of the Kennedy Center. The National Park Service involvement in the performing arts function will be only in those areas of activity which affect both the performing arts and nonperforming arts functions, such as the provision of maintenance, security and janitorial services. Parking and restaurant facilities affect both functions; but we propose to leave responsibility therefor in the Kennedy Center.

4. The National Park Service considers its authority and responsibilities under Section 10 to provide the public with an interpretive program of high standards similar in quality and integrity to the informational and interpretive programs for other memorials in the Washington area such as the Washington Monument, Lincoln Memorial and Jefferson Memorial. It will provide under its control guides and other visitor services.

The National Park Service conduct of these activities would require the same high standards for security, maintenance, interpretation and information services evident in our memorial programs and responsibilities elsewhere in the Washington area.

5. We would not envision the present interpretive and informational services now conducted by the Friends of the Kennedy Center to continue as an independent activity should the Service assume responsibility for this function. It would be the hope of the National Park Service, however, that the Friends of the Kennedy Center could work with the National Park Service in continuing to furnish information and in interpreting the functional or memorial aspects of the Kennedy Center, provided that high standards are maintained. Indeed, the Service looks forward to such assistance. It would be anticipated under Section 10, S. 1736 that the National Park Service would assume the management role required to implement such a program. The full professional skills and expertise of the National Capital Parks office would be available to develop an interpretive program of the highest standards in addition to the resources which are already available for the Kennedy Center interpretive program. In addition to the memorial aspects of the Center, we would interpret the role of theatre operations in the Center for all visitors except for theatre patrons. Obviously, the Friends' performing arts activities would be unaffected by Section 10.

6. We have estimated the total costs of maintenance, security, information, interpretation, janitorial and all other services for the Center to be $2,986,000 for fiscal year 1973, of which $2,400,000 is related to the nonperforming arts function and would be borne by the National Park Service out of funds appropriated to it for this purpose. We would expect that the remaining $586,000, allocated to the performing arts function, would be reimbursed to the Service by the Center. Without this reimbursement the total cost of $2,986,000 will be required. As you can appreciate, this estimate could be reduced in amount, but only with a corresponding reduction in the level of service and maintenance. Such a reduction is not desirable for a building which is valued in excess of $70 million.

If Section 10, S. 1736 is adopted, we will request an appropriation in fiscal year 1973 for funds to fulfill the Service's obligations under this authority. Both the National Park Service and the Department of the Interior would support such a request before the Appropriations Committee. Please let us know if you need any further information.

Sincerely yours,
THOMAS FLYNN,
Acting Director.

VERNER, LÜPPERT,
BERNHARD AND MCPHERSON,
Washington, D.C., May 23, 1972.
Senator JENNINGS RANDOLPH,
Senator JOHN SHERMAN COOPER,
Senate Public Works Committee, U.S. Senate, Washington, D.C.

DEAR SENATORS: In the absence of Roger Stevens, I am responding to questions you have put to Mr. George Hartzog with reference to the proposed relationship between the Kennedy Center and the National Park Service. While several of the questions can only be answered by the Park Service, others can appropriately be commented upon by the management of the Center.

It seems clear that under the House-passed § 10 of S. 1736, the Park Service would have no responsibility for, nor authority over, the performing arts functions of the Center. This is as it should be. Such responsibility and authority are vested by law in the trustees of the Center. To my knowledge, it has never been contemplated that a government agency should in any way control or influence the programming or performance of Center productions.

Further, the language of § 10 would give the Park Service no responsibility for the operation of garages, restaurants, or other commercial concessions at the Center. These are the subject of contractual agreements entered into between the Center and concessionnaires.

The "maintenance, security, . . . and janitorial services" language in § 10 is pretty clear. The cost of these functions is principally associated with the Center's role as a national memorial and tourist attraction, and has accounted for most of the financial burden on the Center since it opened to the public last September.

The fourth and fifth questions in your letter, relative to "information" and "interpretation", have occasioned discussion among those most interested in the Center. Principally, the words refer to the work of guiding and informing the thousands of visitors who come through the Center each day. The National Park Service has long performed such a role in other national memorials and in the park and monument system, and it is appropriate that the Service have overall responsibility for it in the Center.*

At the same time, it would obviously be self-defeating to supplant completely the work of the Friends of the Kennedy Center. In my judgment, it is quite feasible to work out an agreement between the Center and the Park Service by which the Friends may continue to play active roles as guides, to accommodate special group tours, to develop special education programs, to operate a booth for the sale of mementos and other objects associated with the Center. This kind of volunteer work is now being performed by the Friends, to the great benefit of the Center and the public. My understanding is that the Park Service is actively encouraging such voluntary efforts throughout its system, and believes it should be done at the Center. Time has not permitted reaching a detailed agreement on the Friends role, but after discussions with Interior and Park Service officials, I have no doubt that the Center and the Park Service can work out all problems which might arise under the language of the amendment; for surely the intent of the language is to enable the Park Service to play a constructive and cooperative role in helping the Center to perform its legislative mandate.

With the highest regard.
Sincerely,
HARRY MCPHERSON,
Vice Chairman, Board of Trustees.

ESTIMATE OF INTERPRETATION, PROTECTION AND MAINTENANCE OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The attached statements show the estimated cost of operating and maintaining the John F. Kennedy Center, as submitted by the Kennedy Center, and included in the hearings before the Subcommittee on Buildings and Grounds of the Committee on Public Works of the U.S. Senate, and those estimates as prepared by the National Park Service.

The Center shows total cost of $2,384,000 and the National Park Service $2,986,000.

The significant differences are as follows:

1. Law enforcement is $35,000 over the Center's estimate and is based on original estimate to the Center and actual experience to date.

2. An item for care of the interior specimen trees is included by the National Park Service at a cost of $69,000. This item was not considered by the Center. Four 16-foot and eighteen 12-foot to 14-foot trees are being donated to the Center, to be placed in the Hall of Nations, and in the atrium on the top level. It will be necessary to purchase an additional 22 trees for rotation purposes on a month-to-month basis which must be done to insure survival of the trees. The rotation costs and the care of the 44 trees in the Center and in storage will cost $69,000.

3. The National Park Service includes an item of $141,000 for interpretation as against no cost shown by the Center. While the estimate is based on utilization of the present volunteers, costs are included for the employment of professional staff for program planning, direction and supervision, and uniforms, meals and transportation for approximately 100 volunteers. This is essential for a quality visitor interpretive program at the Center.

4. The major difference is in operation and maintenance; $1,015,000 as opposed to $548,000 estimated by the Center. The principal reasons for this difference are (1) the understanding that the Center's estimate was made before the Center was opened, and the NPS estimate is based on experience from actual operations, (2) there have been pay increases since the Center's estimate was proposed, and (3) the NPS estimates include the operation of the exterior fountains and pools which have not been operated since opening last September.

5. The National Park Service is less than the Center's estimate for janitorial services, again due to experience gained from actual operations.

The allocation of expenses has been made on the same formula as those for the Center which was based on estimate that the theaters would average two dark days per week during the year and 10 hours of the 15 hours of operation are allocable to nonperforming arts activities. The interior planting and interpretation have been included wholly as nonperforming arts expenses. It is noted that the allocation according to the formula for the Center shows an amount of $1,884,215 as against a National Park Service amount of

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*The language of § 10 wisely does not provide for an *exclusive* Park Service responsibility in the areas of "information" and "interpretation".

$2,400,000. According to the hearings, the Center would cover the difference between the $1,884,215 and $1,500,000 from other sources.

The National Park Service feels strongly and interpretation, befitting this memorial, that to provide quality maintenance, security will require at least a total of $2,986,000 with $2,400,000 allocated to the nonperforming arts activities and the remainder to be reimbursed by the Center. If it be the will of Congress to request the Department of the Interior to assume these responsibilities, it is requested that this amount be authorized and appropriated. The National Park Service is not in a position to determine whether or not the Center may have the funds from other sources to apply toward these nonperforming arts functions.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS—ALLOCATION OF EXPENSES

	Estimated expenses	Allocable to nonperforming arts activity	Requested Federal appropriation for nonperforming arts activity
Center estimates:			
Security	$285,000	$285,000	$226,885
Operation and maintenance	548,000	417,524	332,386
Utilities	720,000	548,572	436,712
Janitorial services	764,000	582,072	463,381
Shop and other equipment	16,000	12,190	9,704
Management and administration	51,000	38,857	30,932
Total	2,384,000	1,884,215	1,500,000

	Estimated expenses	Allocable to nonperforming arts activity	Requested Federal appropriation for nonperforming arts activity
NPS estimates:			
Security	$320,000	$320,000	$320,000
Interior tree maintenance	69,000	69,000	69,000
Interpretation	141,000	141,000	141,000
Operation and maintenance	1,015,000	773,335	773,335
Utilities	720,000	548,572	548,572
Janitorial services	666,000	507,430	507,430
Management and administration	55,000	41,906	41,906
Total	2,986,000	[1] 2,401,243	[2] 2,401,243

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[1] Or $2,400,000.

[2] Or $2,400,000.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS, TOTAL ESTIMATED OPERATING AND MAINTENANCE EXPENSES

	Center estimates	NPS estimates
A. Primarily nonperforming arts costs:		
1. Security	$285,000	$320,000
2. Interior specimen tree maintenance		69,000
3. Interpretation		141,000
B. Costs to be allocated between performing arts and nonperforming arts activities of the Kennedy Center:		
1. Operation and maintenance of mechanical and electrical equipment (excludes theater and backstage equipment)	548,000	1,015,000
Wages, supplies and materials for operation	273,000	940,000
Maintenance repairs	200,000	
Elevator and escalator maintenance	75,000	75,000
2. Utilities, electricity	720,000	730,000
3. Janitorial services	764,000	666,000
Daily servicing	690,000	520,000
Window washing	14,000	14,000
High cleaning	25,000	25,000
Cleaning chandeliers	10,000	10,000
Relamping	8,000	80,000
Trash removal	17,000	17,000
4. Shop and other equipment	16,000	
5. Management and administration	51,000	55,000
Total	2,384,000	2,986,000

NATIONAL CAPITAL PARKS

OPERATING COSTS OF MAJOR MEMORIALS

Maintenance	Lincoln Memorial and grounds	Washington Monument and grounds	Jefferson Memorial and grounds
Memorial maintenance	$30,600	$38,200	$10,000
Memorial operation	32,100	27,700	30,000
Utilities	11,300	10,800	4,700
Sanitation	2,800	28,300	4,000
Outside lighting	1,900	3,300	
Turf	5,000	20,900	6,200
Trees	1,100	10,700	1,000
Flowers		3,000	
Shrubs	5,800	4,900	2,000
Special events	3,400	50,100	1,500
Roads and walks	5,200	42,700	5,000
Miscellaneous	3,000	22,500	3,000
Supervision	9,900	28,000	3,900
Total maintenance	112,100	291,100	71,300
Visitor services	80,000	96,000	80,000
Protection	125,000	125,000	125,000
Total	317,100	512,100	276,300

The above costs were included in the hearings on the Kennedy Center.

These structures are not comparable in size, furnishings and complexity. For instance, the Lincoln Memorial is all masonry with no floor and wall coverings as in the Center, and with no elevator and escalator facilities; and with a very simple heating system as compared to the complex heating and air-conditioning systems in the Center. Also, the many elaborate lighting facilities in the Center do not exist at the Lincoln Memorial.

The Kennedy Center is approximately ten times the size of the Lincoln Memorial.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield the Senator from West Virginia such time as he desires.

Mr. RANDOLPH. Mr. President, the members of the Committee on Public Works, especially those on the Subcommittee on Buildings and Grounds, chaired by Senator GRAVEL, have given very detailed study to the subject matter and to many of the implications which have been discussed in connection with the operation of the Kennedy Center.

I only want to strengthen, if I may, what has been said by the Senator from Nevada and the Senator from Kentucky, that we do realize that there is a proper function for the Friends of the Kennedy Center, who are intensely interested in the development of the Center.

I also feel that it is important to say that we do agree—I think all of us who have studied this question—that there must be better management of the Kennedy Center than we have had to date. This is not in disparagement of any individual or of any group who have had responsibilities. It is the responsibility of Congress, in its authorizing and appropriating process, to insist, insofar as practical, on the quality of oversight or review which will keep us fully informed as to the ongoing functions of the Kennedy Center under management which we know must be the very best.

Mr. GRAVEL. I thank the distinguished chairman of the committee.

Mr. President, at this time I yield to the distinguished Senator from New York as much time as he may need. I reserve 2 minutes for myself, and I am sure that we can use some of Senator COOPER's time after that.

Mr. JAVITS. I will not take too long, but I do have a very important matter to discuss which relates to the city of New York.

It will be noted, Mr. President, as the Senator from Alaska has already noted, that various arrangements are contemplated by this conference report, with the city of New York respecting a very large facility to be installed—which is mentioned in the report as if it were going to be installed—by the U.S. Postal Service at a location referred to as the "Morgan Annex Site."

This has been a very highly controversial proposition, and there has been much debate between the junior Senator from New York, Senator BUCKLEY, and myself, as well as the Representative from the area, Mrs. ABZUG, with the U.S. Postal Service, respecting the propriety and desirability of building on this site, or on an alternate site which is two city blocks away.

Mr. GRAVEL. Mr. President, will the Senator from New York yield momentarily so that I may ask for the yeas and nays?

Mr. JAVITS. I yield.

Mr. GRAVEL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, my specific concern is with section 6(b) which grants to New York City for public housing the air rights above "the postal facility to be constructed" on the so-called Morgan Annex site in midtown Manhattan.

Mr. President, this language stems from the extensive debate over two complex questions having to do with the Postal Service and New York City. The first question is "Who is the proper owner of the Morgan Annex property?" The second is "What is the best location for a multimillion dollar vehicle maintenance facility the Postal Service wishes to build in Manhattan?"

The language serves a valuable purpose by clarifying the issue of ownership. However, the language used to clarify this issue appears to take as a given fact that the Post Office will construct the vehicle maintenance facility on this property. Therefore, this wording seems to place the conference in the position of having decided on the merits of building at Morgan Annex, which I feel to be incorrect and inappropriate.

A number of responsible citizens and at least one agency of the New York

City municipal government contend that a less costly alternative for construction exists; in addition, a number of agencies of the New York City government question the desirability of use of the Morgan Annex site for a vehicle maintenance facility because of its impact on the New York community in terms of air pollution, community development and surface traffic.

My colleague from New York (Mr. Buckley) and I have insisted very strongly that the doubts be thoroughly explored. However, the questions cannot be settled, apparently, by us or by the parties or by the Postal Service itself, although I have talked with the directors of the Postal Service and I realize how many pros and cons there are in the argument. So we finally decided that we would get a report from the General Accounting Office which would gather up all of the points of view—to wit, those of the Postal Service, those of the General Services Administration, and those of the various agencies of the city of New York, and apply its own expertise to it and come up with an answer.

I have talked with Comptroller General Staats personally and I am satisfied, without in any way quoting him, that he will have this report in about 10 days. It will take a short amount of time thereafter actually to analyze and consider it.

What I am disturbed about here, is the effect of the conference language on the question of what is best in terms of housing regarding the city of New York, which is very controversial, the traffic pattern in New York, which is also hotly controversial, the environmental impact of this particular facility and also the cost question which is the most controversial of all——

Mr. DOMINICK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. May I just finish my thought? My concern is that this particular provision takes for granted that the facility at the Morgan Annex site is about to be built and if we pass the conference report we are confirming that it will be built.

Mr. COOPER. Mr. President, will the Senator just yield a moment so that I may give him more time? I yield him 10 minutes.

Mr. GRAVEL. Mr. President, he is still talking on my time.

Mr. JAVITS. I wanted to make the point, and then I shall yield to the Senator from Colorado (Mr. Dominick), that I believe that in the interests of the city of New York, as to whether, in fairness and common decency, an opportunity should be given to the General Accounting Office to file its report, which is in process, so that the Postal Service and all of us may know whether this is truly the best deal for the United States, taking into consideration all the factors which I have just mentioned.

When I am through yielding, I shall ask a question of the manager and the ranking member in that regard.

I yield now to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I thank the Senator from New York. I obviously have heard about this problem myself. It has nothing to do with Colorado except the fact that we have public funds involving it, and I do not intend to inject myself as a Senator from Colorado into a problem which is inherently one of New York's; but it does seem to me that we have got a difficult situation here, where the two Senators from New York have worked hard to try to work out the problem through the General Accounting Office, only to find that we are about to pass a bill under the terms of which the various buildings will be constructed for these purposes, before we get the GAO report.

What I am wondering about is whether the Senator has been able to work out any agreement with the Postal Service or the managers of the bill which would permit a review of this again, at such time as the GAO report comes out.

Mr. JAVITS. I am hoping, as soon as we are at the proper point in this debate, to put that question to the manager and the ranking member. It is my understanding that they will deal with it affirmatively and are sympathetic to the idea of giving an opportunity for this matter at least to be considered, based upon the GAO report.

Mr. DOMINICK. I thank the Senator from New York very much. I know how hard he has worked on this matter. I hope we can get it accomplished.

Mr. JAVITS. I thank the Senator from Colorado for his helpful intercession.

Mr. President, I ask unanimous consent to have printed in the Record a letter written by myself, my colleague from New York, and Congresswoman Abzug on March 8 to the Director, Office of Policy and Program Planning of the General Accounting Office requesting a comparative cost analysis of the Morgan Annex site and an alternative site. Also, a second letter from Senator Buckley, Mrs. Abzug and me written on March 29 to the Postmaster General expressing our concern over plans to build at Morgan Annex and requesting that a final decision not be made until first, the GAO report was received and second, signed statements were obtained from the six involved New York City agencies presenting their views on the Morgan Annex site.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 8, 1972.

Mr. E. H. Morse, Jr.,
Director, Office of Policy and Program Planning, U.S. General Accounting Office,
Washington, D.C.

Dear Mr. Morse: Last month the General Accounting Office prepared a comparative cost analysis on the question of whether the Postal Service should (1) construct for ownership a Vehicle Maintenance Facility on land owned by the Postal Service adjacent to the Morgan Station (Morgan Annex site) or (2) negotiate to lease a similar VMF to be constructed by the Sharp Development Corporation on land about two city blocks from the Morgan Annex site.

The Postal Service has indicated that their chief objection to the Sharp proposal was a high footage rate ($5.15 per foot) and the need to build to a height of eight stories. In the past weeks representatives of the Sharp Development Corporation have been working very closely with the New York City Economic Development Administration on a new plan which, based on an extremely positive and creative approach by the New York EDA, indicates a rate thirty-percent lower than that previously quoted (or $3.50 to $3.80 per foot) and would produce a building five stories high, the height proposed by the Postal Service at the Morgan Annex site.

We would greatly appreciate having the comparison of the two alternatives confronting the Postal Service updated on the basis of the new information regarding the Sharp Development Corporation's proposal.

Sincerely,

Jacob K. Javits,
U.S. Senate.
James L. Buckley,
U.S. Senate.
Bella Abzug,
Member of Congress.

U.S. Senate,
Washington, D.C., March 29, 1972.

Hon. E. T. Klassen,
Postmaster General,
U.S. Postal Service,
Washington, D.C.

Dear Mr. Postmaster General: We understand that a decision has been made in favor of the Morgan Annex site for the proposed vehicle maintenance facility and garage in New York City. We request that this decision be reconsidered before it is presented to the Board for final approval.

Selection of the site of the vehicle maintenance facility is critical for two reasons. First, the facility will have a massive impact on the New York community and surface traffic. Second, the construction project represents a significant expenditure of funds, which may indirectly affect the cost of postal service to the public.

Given the importance of this decision, we are concerned at the apparent conflicts over, first, the basic suitability of the Morgan Annex site and, second, the economic advantages of Morgan Annex versus another site. The positions attributed to various New York City agencies in the feasibility study prepared for the Postal Service by Ames Associates directly contradict information given to us by the same agencies. Further, the cost comparison being carried out by the General Accounting Office to resolve earlier conflicts over estimated costs of two different sites is still two to three weeks from completion.

To ensure that reconsideration is based on the best available information, we urge that it await:

1. The submission of signed statements by the Housing and Development Administration, the City Planning Commission, the Borough President's Office, the Department of Traffic, the Department of Highways, and the Economic Development Administration presenting their views on the Morgan Annex site.
2. The final report from the GAO comparing the Morgan Annex and the proposed alternative sites.

We look forward to your advices accordingly.

Sincerely,

Jacob K. Javits,
U.S. Senate.
James L. Buckley,
Member of Congress.
Bella S. Abzug,
Member of Congress.

Mr. JAVITS. Mr. President, now if I may have the attention of the manager of the bill and the ranking minority member, I would like to ask a question relating to this particular matter.

It would be helpful if we could have an expression from the Senate conferees in support of the policy that no final decision to build the Morgan Annex should be made until the report of the Comptroller General, and the positions of the New York City municipal agencies involved, are received and analyzed by the parties.

As I have said, I have every reason to state that the Comptroller General's report should be in hand within 10 days. I hope very much that in this way we can avoid any necessity for moving into legislation in respect of the matter and also any necessity because of this particular situation for my voting against the conference report.

Mr. GRAVEL. Mr. President, let me say that I share the views of the Senator from New York, that the Postal Service should wait for clarification. The Senator from New York is very much on target with reference to this matter.

Mr. JAVITS. I thank the Senator from Alaska. I take it, then, that the manager of the bill would support us and does support us in the request that this matter not be finalized until the GAO study is received and a modest time afforded to analyze it.

Mr. GRAVEL. I can assure the Senator from New York, not only as manager of the bill but also as a Senator, that I share his views most strongly.

Mr. JAVITS. That will help us in this respect.

Mr. GRAVEL. I say that in my capacity as manager of the bill, and in my capacity as a Senator.

Mr. BOGGS. Mr. President, I want to join the distinguished manager of the bill in the remarks he has just made. I would point out, further, that the conference report, in my opinion, does not preclude the use of an alternative site in Manhattan. This legislation merely says that if the Postal Service builds the Morgan Annex facility, it must give the air rights to the city of New York for construction of a housing facility.

If the Postal Service, after consideration of the GAO report, decides to go ahead at an alternative site, then the Morgan Annex property can be purchased by the city of New York for its fair market value.

As I see it, we will accomplish nothing by delaying consideration of the conference report. Actually, the delay will cause a delay in the construction of many facilities needed by the Federal Government and the public.

Mr. JAVITS. Mr. President, I thank the Senator from Delaware very much. Sometimes in a particular conference report such as this, the matter becomes involved as this one has and can be resolved by the fairness which the Senator from Delaware has evidenced and which the Senator from Alaska has also evidenced. Or, on the other hand, in some cases it could hold up the report.

I welcome the support that my colleagues have given so as to make it possible for me to support the report which dealing with all of the matters that it does, should not be rejected.

Mr. GRAVEL. Mr. President, I can speak for the rest of my colleagues. We will be glad to support the Senator on this matter.

Mr. COOPER. Mr. President, I would like to say that the Senator from Delaware (Mr. BOGGS) is the ranking Republican member of the subcommittee. I want to associate myself with his statements and with the statement of the Senator from Alaska, the manager of the bill. Further, I want to commend the distinguished Senator from Nevada (Mr. BIBLE) for his views on this legislation. His interest in the Kennedy Center is vital, in view of his position as chairman of the Parks Subcommittee of the Interior Committee, and as chairman of the Appropriations Subcommittee which has jurisdiction over Park Service appropriations. I also wish to support the proposal of the Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator very much. That is very helpful.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. COOPER. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 10 minutes remaining.

Mr. COOPER. Mr. President, I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. MATHIAS. Mr. President, I thank the distinguished Senator for yielding me 5 minutes. I might not require that much time. I would merely like to address an inquiry to the chairman of the full committee, the very distinguished Senator from West Virginia, because I am somewhat perplexed by reports that appear in the press to the effect that the provisions of this conference report would be available for the first time to construct a recreational facility under the lease purchase arrangement which had heretofore been available only for regular Federal office buildings.

As the distinguished Senator from West Virginia will recall, my colleague from Maryland (Mr. BEALL) and I have discussed with him on occasions the philosophy of the use of the lease purchase facility, and we have understood from him in the process that this would not be the normal course of procedure.

I wonder if the Senator would comment on the reports that have appeared in the press.

Mr. RANDOLPH. Mr. President, responding to the question of the Senator from Maryland, I wish to state that it is proper that the RECORD be clarified in reference to the matter in question. I believe that perhaps I can best respond by reading the letter that I sent on June 1, as chairman of the Senate Public Works Committee, to Hon. J. GLENN BEALL, Jr., the junior Senator from Maryland. It reads as follows:

> This is in response to your letter of June 1, inquiring as to the status of the proposed convention center and sports arena in the District of Columbia.
>
> I am advised the lease-purchase prospectus relating to these facilities is currently pending before the House Public Works Committee, having been approved by its Public Buildings and Grounds Subcommittee. It will not come before the Senate Committee on Public Works until after the House Committee has acted favorably.
>
> It is my feeling that a facility of this kind should not be handled by the lease-purchase prospectus procedure. The purpose of this summary method of authorizing building construction should, I believe, be reserved exclusively for public buildings designed to serve the operational needs of the Federal Government. The procedure does not require action by the full House and Senate. It is my feeling that the only proper method of handling the proposed convention and sports arena, should be by legislation, reported from the respective Committees on the District of Columbia, considered in each House and funded through the appropriations process.
>
> If you have further questions on the status of the proposal, please let me know.

Mr. MATHIAS. Mr. President, does the distinguished Senator from West Virginia feel that he can announce with certainty that that is the feeling of the majority members of the committee?

Mr. RANDOLPH. I believe that is the position generally of the members of the committee.

Mr. GRAVEL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAVEL. Mr. President, I yield the Senator from Maryland an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for an additional 3 minutes.

Mr. GRAVEL. Mr. President, I associate myself with the remarks of the chairman of the full committee. He speaks certainly with my voice behind him. In this regard, I think that a record should be made.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. TUNNEY. Mr. Presidnt, I was very happy that the Senator from Maryland brought up the point because it was of concern to me.

I am pleased that the very able chairman of the committee made the statement he made. I would like to associate myself with the remarks of the Senator from West Virginia.

I feel that there was a complete understanding in the conference that a special finding of the President would be required to the effect that the building is in the public interest before it could be constructed. From the conversations we had at the time, I was led to believe that this was the general feeling of the membership on the majority side. I am very happy that the Senator from West Virginia has clarified his attitude.

Mr. RANDOLPH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. MATHIAS. Mr. President, I am very happy to yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I wish to state further that the understanding of the Senator from Maryland and the Senator from California as to the feeling within the committee is that which is stated in the letter which I wrote to the junior Senator from Maryland and have just read. That was the position then and it is the position now. It has not changed in any way. I think that should be noted for the RECORD.

The Senator from Kentucky (Mr. COOPER) and I discussed the matter. I believe this is the procedure that should be followed. It is one that retains to the Congress of the United States the decisionmaking in reference to the proposed convention center and sports arena.

We underscore that it should be by legislation. The two committees of the House and Senate on the District of

Columbia should consider this proposal, and then there should be action in the respective Chambers.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. TUNNEY. Mr. President, it was my feeling that the conferees expected that the President was unlikely to make a finding that the complex was in the public interest. Was this the attitude of the other members of the conference who are present this afternoon?

Mr. RANDOLPH. I believe that generally would reflect the feeling we had.

Mr. MATHIAS. I thank the Senator for his clarification.

Mr. GRAVEL. Mr. President, I believe I have 4 minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAVEL. I yield 3 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BOGGS. I thank the distinguished chairman of the subcommittee. I want to take this opportunity to express my support for the conference report on S. 1736 and to compliment the members of the subcommittee and its distinguished chairman, the Senator from Alaska (Mr. Gravel), the Senator from Kentucky (Mr. Cooper), the Senator from California (Mr. Tunney), and the distinguished chairman of the full committee the Senator from West Virginia (Mr. Randolph) for their work on the bill and for bringing this conference report promptly to the Senate.

Mr. President, I wish to give my colleagues a brief description of the main features of the legislation.

The central provisions of the legislation are contained in sections 3 and 5 of the bill. Section 5 grants to the Administrator of the General Services Administration authority to enter into lease-purchase contracts, for up to 30 years, for construction of Federal buildings. These are buildings presently authorized, but unfunded in whole or in part.

Mr. President, this is an emergency provision, which expires 3 years after enactment. And we do face an emergency in meeting the office needs of the Federal Government.

Due to slowdowns in the past, there are 63 Federal buildings that have been authorized, but on which construction funds have not been appropriated in whole or in part.

Mr. President, I should point out that congressional authorization of some of these structures dates as far back as a decade or more. Section 5 will allow GSA to go forward with these buildings, shifting the initial capital investment on the private sector.

But I must also point out that section 5(a) requires that title for each building be transferred eventually to the Federal Government.

I ask unanimous consent that a list of these buildings be included at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOGGS. Mr. President, GSA, it should also be noted, plans to go to the market for purchase contracts on 32 of these structures approximately 60 days after enactment. I am happy to report that one of the buildings on this 60-day list is a new Federal office building authorized for construction in Dover, Del.

The other major provision of the bill is section 3. This section creates a revolving fund into which Federal agencies will pay "rent" fees for the Federal space they occupy. Such a fund should guarantee that future major backlogs of unbuilt Federal structures will not occur.

In addition, Mr. President, I call the attention of my colleagues to language in the statement of managers at the conclusion of the explanation of the conference substitute of section 2 of the bill.

The statement reads:

> In the letting of contracts for purchase contract construction, it is the intent of the conferees that the General Services Administration retain ownership of architectural and engineering designs and plans developed for such facilities prior to enactment of this Act.
>
> Further, the conferees recognize that additional design and engineering work may be necessary on some of the projects that will be constructed under a purchase contract arrangement. The GSA should make every effort to contract for such work with the original architect or engineer. GSA should also make every reasonable effort to contract directly for such services with the architect or engineer, rather than directing that the contractor make such arrangements. The conferees believe this is essential, whenever possible, to avoid a situation in which an architectural or engineering firm may face a conflict of interest between the Federal Government and the contractor.

I would like to point out that this language also pertains to section 5 of the bill, the section authorizing lease-purchase contracts.

In closing, Mr. President, I recommend approval of the conference report to the Senate.

EXHIBIT 1

GENERAL SERVICES ADMINISTRATION, PUBLIC BUILDINGS SERVICE—APPROVED PROJECTS, POTENTIAL PURCHASE CONTRACTS

States and cities	Buildings	Net assignable square feet	Estimated direct Federal construction cost
Arizona: Tucson	FOB	74, 225	$5, 533, 000
Arkansas: Batesville	PO, CT, FOB	33, 354	2, 192, 000
California:			
Los Angeles	PF	705, 600	8, 125, 000
San Diego	CT, FOB, PF	639, 000	44, 955, 000
Santa Ana	FOB	197, 500	13, 900, 000
Santa Rose	FOB	49, 315	4, 502, 000
Van Nuys	FOB	176, 128	8, 521, 000
Connecticut: New Haven	PO, FOB	117, 420	8, 675, 000
Delaware: Dover	FOB	19, 325	1, 577, 000
Florida: Orlando	CT, FOB	114, 700	8, 555, 000
Georgia:			
Athens	PO, FOB	75, 392	1, 868, 000
Atlanta	CT, FOB	703, 450	51, 976, 000
Griffin	PO, FOB	33, 942	1, 690, 000
Rome	PO, CT	60, 000	3, 703, 000
Waycross	PO, CT, FOB	52, 000	3, 946, 000
Hawaii: Honolulu	CT, FOB	398, 950	44, 184, 000
Idaho:			
Moscow[1]	PO, CT	28, 800	1, 340, 000
Sandpoint	FPB	25, 000	2, 168, 000
Illinois:			
Chicago	GSA Federal Records Center	180, 000	6, 946, 000
Mt. Vernon	FOB	13, 000	975, 000
Indiana: Indianapolis	FOB	461, 429	19, 219, 000
Iowa: Iowa City	PO, FOB	73, 629	4, 497, 000
Louisiana: New Orleans	CT, FOB	424, 629	27, 533, 000
Maine: Waterville	PO, FOB	42, 650	2, 152, 000
Maryland: Baltimore	CT, FOB	286, 290	19, 541, 000
Massachusetts:			
Fitchburg[1]	PO, FOB	68, 860	4, 438, 000
New Bedford	PO, FOB	19, 400	1, 731, 000
Michigan:			
Ann Arbor	FOB	48, 000	4, 167, 000
Detroit	P. V. McNamara FOB	820, 101	48, 224, 000
Saginaw	FOB	32, 400	2, 625, 000
Mississippi: Hattiesburg	CT, FOB	36, 455	2, 636, 000
Nebraska: Lincoln	CT, FOB, PF	422, 450	21, 307, 000
New Hampshire: Manchester	PO, FOB	200, 000	6, 563, 000
New Mexico: Las Cruces	CT, FOB	35, 700	3, 146, 000
New York:			
Albany	FOB	185, 855	$12, 636, 000
Auburn	PO, CT, FOB	64, 500	4, 589, 000
Hempstead	FOB	914, 900	74, 342, 000
New York[1]	CT, CU, FOB annex	554, 700	58, 740, 000
Syracuse	CT, FOB	242, 200	19, 087, 000
North Carolina: Winston-Salem	CT, FOB	220, 105	12, 144, 000
Ohio:			
Akron	CT, FOB	286, 900	16, 168, 000
Dayton	CT, FOB	117, 300	8, 890, 000
Oregon:			
Eugene	CT, FOB	58, 200	4, 923, 000
Portland	FOB	349, 675	19, 667, 000
Pennsylvania: Williamsport	PO, CT, FOB	52, 000	3, 983, 000
Puerto Rico: San Juan	CT, FOB	243, 000	20, 471, 000
Rhode Island: Woonsocket	PO, FOB	31, 400	2, 041, 000
South Carolina: Florence	PO, CT, FOB	92, 725	5, 192, 000
South Dakota:			
Aberdeen	FOB	108, 825	8, 000, 000
Huron	PO, FOB	100, 000	7, 645, 000
Rapid City	CT, FOB	54, 000	3, 728, 000
Tennessee: Nashville	CT, FOB	301, 451	12, 211, 000
Texas:			
Denton[1]	PO, FOB	68, 364	2, 527, 000
Fort Worth	FOB, PF	437, 500	4, 425, 000
Houston	Federal motor vehicle facility	16, 598	1, 240, 000
Pearsall	PO, FOB	7, 600	347, 000
San Angelo	PO, CT, FOB	106, 300	4, 209, 000
Vermont: Essex Junction	PO, FOB	8, 585	268, 000
Virgin Islands: Charlotte Amalie	PO, CT, FOB	54, 000	5, 248, 000
Virginia: Roanoke	FOB	147, 000	11, 169, 000
Washington: Wenatchee	PO, FOB	55, 200	4, 489, 000
Wisconsin:			
Madison	FOB	129, 000	8, 123, 000
LaCrosse	PO, CT	73, 650	6, 097, 000
Totals		11, 750, 227	735, 709, 000

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[1] Amount as required by increase.

Mr. GRAVEL. Mr. President, I thank my associate on the committee on the minority side, the Senator from Delaware (Mr. Boggs). I compliment him. He has been a most assiduous worker in connection with this legislation and it is a pleasure to work with him, as well as the Senator from California (Mr. Tunney). I also thank the Senator from Kentucky (Mr. Cooper) for his support. He deeply involves himself in these matters. I also wish to thank the chairman of the full committee, the Senator from West Virginia (Mr. Randolph). It is a pleasure to work with these Senators. I also wish to thank the staff that worked so hard to bring forth the data to make possible this legislation.

Mr. President, I think that with this legislation today we do the American people a great service in connection with the method to finance the space to be occupied. It is a benchmark in the processes of government; it is to the best interests of the taxpayers, and to the best interests of providing service to the people.

Mr. TUNNEY. Mr. President, before we act on this conference report, there is an additional matter which I would like to raise concerning the Federal courthouse to be built in San Diego. This report which we will approve today is intended to be the final congressional action necessary for this project. However in view of the present controversy which exists between the Federal judges in San Diego on the one hand and the Administrative Office of the U.S. Courts and GSA on the other over the design of that building, and similar controversies in other Federal judicial districts, I wish to serve notice that we will continue to monitor this situation closely.

Mr. President, because of some very serious questions raised by Federal judges throughout the country about the adequacy of the proposed new standard size courtroom, the chairman of the House Subcommittee on Public Buildings and Grounds (Mr. Gray) recently held two hearings on those problems. During the hearings, this entire matter was considered at some length.

As a result of those hearings, it is my understanding that there is presently an effort underway to resolve the problem in a satisfactory manner. I earnestly hope that such a result will occur because I think it would be most unfortunate to have the present situation continue. I clearly support efforts to save Federal tax dollars and I know that was the intent of the proposal for standard courtrooms.

But I am afraid that the application of this idea is being carried forward with none of the flexibility that such proposals require. In fact, in San Diego I think the result may very well be unsatisfactory not only in terms of judicial efficiency but in cost as well.

For that reason I want to serve notice as we act upon this conference report that I will continue to watch this problem closely. I am hopeful that a compromise can be arrived at between the various parties in this situation. But as said in a letter to Chairman Gray last week, as a member of both the Senate Judiciary Committee and the Public Works Committee, including particularly the Public Buildings Subcommittee, I am prepared to take such appropriate action as may prove necessary. I might add that I have discussed this entire problem with my colleague in the House, Mr. Van Deerlin, whose district includes part of San Diego, and we will continue to coordinate our efforts.

Mr. President, I ask unanimous consent that my letter to Chairman Gray be inserted at this point in the Record.

The PRESIDING OFFICER. Without objection it is so ordered.

May 25, 1972.

Hon. Kenneth Gray,
Chairman, Subcommittee on Public Buildings and Grounds, U.S. House of Representatives, Washington, D.C.

Dear Ken: I want to reiterate my personal interest in swift resolution of the present controversy involving the size of federal courtrooms in the new federal courthouse in San Diego and other judicial districts.

As you know, I presently serve on both the Senate Judiciary Committee and the Senate Public Works Committee (including its subcommittee on Public Buildings and Grounds). In those capacities I have had the opportunity to review the present plans for the San Diego court facility and the alternate proposal being advanced by the Administrative Office of the U.S. Courts and the General Services Administration.

After considering all of the factors, I concluded that forced adherence to the so-called "mini-courtroom" plan will serve neither the interest of the people of San Diego in efficient administration of justice nor the interest of federal taxpayers in cost savings.

For that reason I and members of my staff have been involved since mid-February in various meetings with the federal judges in San Diego, with members of the Senate Judiciary Committee and with GSA and the Administrative Office to reach a workable resolution of this problem.

Your personal interest in this problem and particularly the hearings which you have chaired have been of major significance. It is my understanding that assurances have been given to you that the matter will be promptly resolved through consultation by members of the appropriate committee of the Judicial Conference.

My purpose in writing to you at this stage is to voice my continued interest and support in this matter. In the event that the San Diego situation is not satisfactorily resolved in the very near future, I am prepared to support your efforts by taking appropriate action with the two Committees on which I serve.

In view of your own efforts and those of our colleagues in the House and the Senate, I am confident that such action will not be necessary.

I am sending copies of this letter to the appropriate officials at GSA and the Administrative Office.

Best regards,

John V. Tunney,
U.S. Senator.

Mr. GRAVEL. I am prepared to yield back the remainder of my time so that we may proceed to a vote.

Mr. COOPER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time is yielded back. The question is on the adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Maine (Mr. Muskie), the Senator from Wisconsin (Mr. Nelson), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell), and the Senator from Washington (Mr. Magnuson) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Gambrell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Maryland (Mr. Beall), the Senator from Massachusetts (Mr. Brooke), the Senator from New York (Mr. Buckley), the Senator from New Jersey (Mr. Case), and the Senator from Oregon (Mr. Packwood) are absent on official business.

The Senator from Hawaii (Mr. Fong) is necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. Brooke) would vote "yea."

The result was announced—yeas 73, nays 2, as follows:

[No. 197 Leg.]

YEAS—73

Aiken
Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Bentsen
Bible
Boggs
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Moss
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—2

Brock
Saxbe

NOT VOTING—25

Baker
Beall
Brooke
Buckley
Cannon
Case
Cranston
Eastland
Fong
Gambrell
Goldwater
Harris
Hartke
Humphrey
Inouye
Magnuson
McClellan
McGovern
Montoya
Mundt
Muskie
Nelson
Packwood
Pell
Sparkman

So the conference report was agreed to.

Mr. TOWER. Mr. President, I am extremely pleased, today, with the adoption of the conference report on S. 1736, the public buildings amendments of 1972. This represents the successful culmination of several years' efforts to obtain congressional authorization for Federal construction projects in Denton, Fort Worth, Houston, Pearsall, and San Angelo.

Briefly stated, the public buildings amendments of 1972 will:

First. Establish a public buildings fund into which will be poured rents collected from all Federal departments and agencies using Federal space, and from which will be drawn the capital to finance congressionally approved Federal buildings projects; and

Second. Authorize a 3-year crash program for the construction of 63 public buildings already authorized by the Congress, but unfunded in whole or in part, including the buildings at Denton, Fort Worth, Houston, Pearsall, and San Angelo. To permit the execution of this crash program without jeopardizing present economic and budgetary planning, the bill would authorize the purchase of Federal buildings over a period of years through a purchase-contract arrangement.

This purchase-contract authority permits the General Services Administration to make regular payments over a period of from 10 to 30 years to entrepreneurs who will finance and construct buildings that meet GSA specifications. At the end of the contract term, title to the buildings will be vested in the United States. During the contract term, a purchase-contract building will remain on the local tax rolls, helping to ease the burdens of the Federal presence upon the local community.

The bill includes the purchase-contract authority for all congressionally approved but unfunded buildings projects, including a new post office and Federal office building in Denton, a new Federal office building in Fort Worth, a new motor vehicle facility in Houston, a new post office and Federal office building in Pearsall, and a new post office, courthouse, and Federal office building in San Angelo.

In four of these five cities, the Federal Government already owns the sites and has completed design and construction plans. These sites and plans may now be sold to entrepreneurs who may begin construction of the buildings immediately.

I applaud this action, which will be of tremendous benefit to Texans.

NOMINATION OF RICHARD G. KLEINDIENST

The Senate, in executive session, continued with the consideration of the nomination of Richard G. Kleindienst to be Attorney General.

Mr. PERCY. Mr. President, I want to indicate at this time that I will vote for the confirmation of the nomination of Richard G. Kleindienst as Attorney General of the United States.

The Senate is responsible for giving its advice and consent to the appointments of Cabinet officers. In the long tradition of the past, the Senate has based its decisions on three general criteria. The nominee should be competent to perform the duties of the office; he should be a person of integrity; and in accepting the office for which he is nominated, he should be free of any conflict of interest. Within these bounds, the President should be permitted to have as Cabinet officers those persons he feels will best be able to carry out the policies of his administration.

In my judgment, the question which presents itself to the Senate in cases of Cabinet appointments is clearly distinguishable from judicial appointments. Federal judges hold their positions for life, and they conduct their official responsibilities independent of either the Presidents who nominate them or the Senate which confirms them. Cabinet officials serve at the pleasure of the President, assisting him in the implementation of his programs in the manner and style of his choosing. To the greatest extent possible, a President ought to be permitted to build a Cabinet of his own choice.

I have studied Mr. Kleindienst's record and the confirmation hearings very carefully. From the record and from my own working relationship with Mr. Kleindienst, I have concluded that he clearly meets the criteria I have mentioned.

Mr. Kleindienst's career has been a distinguished one. Having graduated magna cum laude and Phi Beta Kappa from Harvard College, he thereafter received his law degree from Harvard Law School in 1950. He was admitted to the Arizona bar that same year. In the practice of law he focused his efforts on the area of labor law. He served in the Arizona House of Representatives in 1953 and 1954, and since 1969 he has served as the Deputy Attorney General of the United States.

The issues raised during the confirmation hearings involving Mr. Kleindienst's integrity stem mainly from allegations concerning the settlement of three antitrust suits brought against the International Telephone & Telegraph Corp. After reviewing the 1,700 pages of testimony before the Judiciary Committee, I have concluded that the evidence presented was wholly insufficient to support any suggestion of impropriety. I have withheld announcing my decision until today in case any new evidence were presented that would refute the findings of the Judiciary Committee. The record still reveals no evidence to demonstrate that Mr. Kleindienst conducted himself other than properly and forthrightly.

Indeed, the Senator from Michigan (Mr. HART), who participated in every aspect of the Judiciary Committee review and who chaired many of the proceedings, in his supplemental views to the committee report, stated that in regard to the settlement of the ITT cases:

> I find no errors in judgment for which I would deny him his nomination . . . On the basis of this record, I find no basis on which to conclude that the nominee was involved in, or aware of, any effort to link the convention and the settlement.

I concur in that judgment.

Nevertheless, the confirmation hearings have raised again the larger issue of the manner and extent to which influence is exerted by powerful private interest groups on Government policy. It is an area which has received precious little scrutiny by Congress and which deserves a careful and exhaustive review. The American people should not be forced to accept anything less. However, the confirmation procedure itself is not the proper forum to debate this larger issue.

Mr. President, in all candor I should point out that I do have some important differences of opinion with Mr. Kleindienst on matters of public policy. Although I respect his opinions, we at times find ourselves on different sides of issues. But, in general, these differences are irrelevant to the question of the confirmation of the nomination of Mr. Kleindienst. They are nothing more than the differences in views which characterize a healthy democracy.

As I have indicated, I consider Mr. Kleindienst a competent public servant and man of integrity. I also find no basis to suspect that any conflict of interest exists which would interfere with the performance of his duties as Attorney General. He has proven himself worthy of the office to which he has been nominated. For these reasons, I will vote for the confirmation of his nomination as Attorney General of the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST FOR UNANIMOUS-CONSENT AGREEMENT—SENATE RESOLUTION 299

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that at such time as Senate Resolution 299—a resolution to establish a select committee to study questions relating to secret and confidential Government documents—is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, to be equally divided between and controlled by the distinguished Senator from Nebraska (Mr. HRUSKA) and the distinguished majority leader or his designee; that time on a motion to be offered, presumably by Mr. HRUSKA, but, in any event, a motion to refer the resolution to committee, be limited to 1 hour, to be equally divided between the mover of that motion and the distinguished majority leader or his designee.

I make this request, Mr. President, having cleared it with the distinguished Senator from Nebraska (Mr. HRUSKA) and with the distinguished Senator from Alabama (Mr. ALLEN) and with other Senators involved. Before the Chair propounds the request, I state that it would not be the intention of the leadership to call up this resolution this week. It would be called up, presumably, on a day next week, after appropriate notice is given to the principal Senators who have shown interest in this measure.

The PRESIDING OFFICER. Without objection, the order is entered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 11 A.M. ON MONDAY, JUNE 12, 1972

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that, when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. COTTON. Mr. President, throughout this long debate concerning the confirmation of the nomination of Mr. Kleindienst as Attorney General of the United States, I have not participated; and I suspect it has been assumed generally that I would be in support of the nominee and that, in a sense, it was unnecessary for me to make any public announcement on the floor in connection therewith.

However, I do wish to say that not only have I read with some care the speeches made on the floor in opposition to the confirmation of the nomination of Mr. Kleindienst, but also, I have made some examination of the record—not all the record, but parts of the record that purported to present reasons against his confirmation—and have read with care the utterances of members of the Judiciary Committee who have conducted the hearings and listened to the evidence.

I, too, like the distinguished Senator from Illinois, find no possible reason, no satisfactory reason, and no reason at all, from the viewpoint of the Senator from New Hampshire, why the nomination of Mr. Kleindienst should be objected to.

Furthermore, since early in the year 1964, or perhaps late in the year 1963, I have personally been very well acquainted with Mr. Kleindienst. I worked with him for a series of months in the State of New Hampshire in connection with the campaign of the distinguished Senator from Arizona (Mr. GOLDWATER) when he was running for the office of President of the United States. I have seen Mr. Kleindienst in action and I have counseled with him with small groups in dealing with campaign tactics, campaign strategy, and if you please, Mr. President, to a certain extent, campaign ethics. I have found him in those personal contacts to be a man of absolute integrity who lived up to his background of distinguished service as a member of the bar and to his outstanding qualifications as indicated in his college and law school career, who always advocated the open and honorable course.

From my personal knowledge of Richard Kleindienst, he is about the last man that I would suspect of any act in which he knowingly would deviate one jot from the honorable and straightforward course.

In character, in reputation, in his sense of honor, and in his ability, he is highly qualified to be the chief law enforcement officer of the United States of America. It would be my pleasure, privilege, and honor to vote against recommittal to the Committee on the Judiciary. It would seem to me, from my knowledge of the man throughout this long and drawn out procedure that there was little to justify it.

Certainly it will be my honor, and I shall vote with complete consciousness that I am doing the absolute right thing, to cast my vote for his confirmation.

Mr. KENNEDY. Mr. President, before we adjourn for this evening, I should like to highlight another matter that concerns the nominee. The Judiciary Committee gave some attention to this issue and I think it will be of interest to this membership in its consideration of how it will vote tomorrow afternoon. This concerns the conduct of the nominee in regard to the Warner Lambert case—another antitrust situation in which the nominee played a rather key role.

I think, in reviewing the set of circumstances that involved the ITT cases in particular, it will be of some use for the membership of this body to consider some of the facts that were brought out during the course of the hearings in the Judiciary Committee about how the Warner Lambert matter was resolved.

So, with the indulgence of the Senate, I should like to make some remarks and to read the particular passages from the record which I think would be of interest to the membership this afternoon.

Over the past few days there has been extensive discussion on the Senate floor concerning the nominee's actions in regard to the ITT settlement and the Harry Steward case. There has also been comment on Mr. Kleindienst's refusal to discuss his role in the Carson matter before the committee. These three items are dealt with extensively in the minority views of Senators BAYH, TUNNEY, and myself, and in the separate views of Senator TUNNEY. The Warner Lambert case, as I said, should also be brought to the attention of my colleagues before the votes on the nomination.

WARNER LAMBERT CASE

The role of Mr. Kleindienst in the Justice Department's decision to allow Warner Lambert Co. and Parke Davis & Co. to merge in the fall of 1970 was brought out in the Judiciary Committee hearings.

This case is important because, as Mr. Kleindienst told us:

> The only antitrust case where I had to act as the Attorney General were the three ITT cases and the Warner Lambert case.

We all know about the controversy surrounding the three ITT cases; well, there are some problems with the nominee's handling of the Warner Lambert situation likewise.

Let me first read Mr. Kleindienst's full explanation of his handling of this case, from pages 150–151 of the hearings:

> I was in, I believe, Phoenix, Ariz., on the weekend of November 6, 7, 8, and 9—or 7, 8, and 9, whatever the dates were. I received a call, I believe on a Friday night or a Saturday night, I don't remember which, from Mr. Mitchell, in which he asked me when I was going to return to Washington, D.C. I said that I planned to return on Monday or Sunday night, to be in the office on Monday.
>
> He asked me if I had any appointments scheduled on Monday and I said, "I don't know."
>
> He said, "Do you think you could cancel them?"
>
> I said, "I think I could; for what reason?"
>
> He said, "Well, Mr. McLaren brought up a proposed injunction to me today," on Friday—or if he called me on Saturday, he said "yesterday," but I believe it was a Friday night—"I have a conflict of interest situation in that case, and have to disqualify myself. The complaint seeks to enjoin a merger that's going to take effect on Thursday, November—well, the following Thursday—and you're going to have to determine between 1 day when you get back and sometime on Wednesday, whether or not the Department is going to file the lawsuit and seek the injunction to prevent the proposed merger of Warner-Lambert and Parke, Davis."
>
> I told him that I would call my secretary, or I think maybe I asked him to have his secretary get hold of my secretary and cancel my appointments on the following Monday.
>
> When I came back, the files had been placed on my desk in that matter and were there waiting for me on Monday.
>
> Mr. McLaren was out of the city on that Monday. I think he was up in New Haven some place, but he wasn't there. I read over the files, and, incidentally, the representatives of these two companies had requested a meeting with me to discuss this matter on Monday.
>
> I believe I met with them on Monday afternoon.
>
> I read over the prosecuting memorandum presented by the Antitrust Division and the other matters contained in the file. I then had a meeting with the attorneys and officers of Warner-Lambert and Parke, Davis. They made some very strong assertions and statements to me.
>
> I then studied the file that Monday night.
>
> On Tuesday morning—I believe it was Veteran's Day—I attended the Veteran's Day ceremony at the cemetery, and came back to my office. I believe I had a conference with Mr. McLaren on that Tuesday, but I'm not sure.
>
> In any event, I determined that an injunction should not be issued by the Department of Justice.
>
> On Wednesday noon, Mr. McLaren and I met again, in which we discussed the matter. He disagreed with that decision on my part. I stuck with my decision, in which I said that under these circumstances and at this late hour, with such short notice, with the proposed merger to be consummated the next day—and for some other reasons that I'll come to in a second, Senator—I persisted in my position.
>
> At that luncheon, however, Mr. McLaren and I did agree that the matter should be referred to the Federal Trade Commission, which has concurrent jurisdiction in civil actions of this kind, and which Mr. McLaren indicated to me was having some investigations in the ethical pharmaceutical field.
>
> I told Mr. McLaren that the reasons for my position in the Warner-Lambert case were essentially as follows:
>
> No. 1, the proposed merger did not come within the Department's own guidelines, the guidelines that they publish with respect to acquisitions did not cover this case.
>
> No. 2, in the meeting with the Parke, Davis and with Warner-Lambert officers and attorneys, a representative of Parke, Davis, whose name I don't know, indicated to me that if this merger did not come about, Parke, Davis was going to have to get out of the research business. I felt that that would have a bad effect on competition in the pharmaceutical industry.
>
> I might say that after our decision, Parke, Davis repudiated that statement publicly.

They denied they ever said that. But they did say that to me in that meeting.

Second, at that meeting, a representation was made by some representative of either Warner-Lambert or Parke, Davis that Dr. Edwards at HEW had said that this merger would not interfere with competition.

Finally, I arrived at the opinion not to file the injunction because, even after the acquisition by Warner-Lambert of this company, it would have no more than 5 percent of the market, and this was not a concentrated industry type of business. I think the largest portion of the market by any company was, as I recall, 8 or 9 percent. That might not be correct, but that's my recollection, that there were many companies in the field and it was not concentrated and there was a lot of competition.

But I think the thing that disturbed me more than anything else was, and I think this is the only situation that I ever had in a friendly way to be kind of critical of Mr. McLaren, was the fact that for one reason or another, the Antitrust Division did not get the prosecuting memorandum and the recommendation for the filing of the complaint up to Mr. Mitchell's office until Friday, the Friday before the proposed merger was to take place.

He had to disqualify himself; I was out of town. I got back, and I really had only about 2 days within which to make a very fundamental decision involving two very significant companies.

I think the thing that really tipped it in my mind is the fact that the prosecuting memorandum from the Department itself to the Attorney General—in this case, myself—said that while this case does not come within our guidelines, we think for other reasons that we ought to proceed with it.

Those are essentially the reasons why I arrived at that decision in that case.

Mr. Kleindienst had told us that he "never tried to substantiate a recommendation of opinion of Judge McLaren"; that McLaren "ran the Antitrust Division and I was not going to interfere with his operaton." Yet in the Warner Lambert case he not only overrode McLaren's recommendation and opinion—he did it on the basis of unsubstantiated assertions by counsel to the parties involved. And who was that counsel? The Warner Lambert Co. was represented by none other than the law firm of Mudge, Rose, Guthrie—formerly the law firm of the President and the Attorney General.

I am not going to go into a detailed refutation of the reasons given by Mr. Kleindienst in his referring the Warner Lambert matter to the Federal Trade Commission rather than approving a Justice Department lawsuit to block or undo the merger. In his testimony that I just read the nominee submitted that one of his three reasons—what he was told by a Parke, Davis representative—was totally false and was later repudiated by the company itself. The other two reasons, suffice it to say, were equally weak.

Since Mr. Kleindienst had gone into such detail on his conversation with the Attorney General on the Warner Lambert case, we asked Mr. Mitchell for his recollection. I quoted from the nominee's statement and continued the questioning. I will read here from the transcript:

Senator KENNEDY. Can you tell us why this matter would come to your desk at all or how you were able to become so familiar with that case if you had disqualified yourself?

Mr. MITCHELL. Senator, I have no recollection at all.

He was referring to the telephone call to Mr. Kleindienst here.

Continuing to read from the transcript:

. . . I am certain if the telephone call took place that it wasn't with respect to the details involved. The time elements might have been furnished to me by somebody like my executive assistant. I have no recollection, no reason why I should.

Question. You don't remember talking to Mr. Kleindienst about this case in the kind of detail that Mr. Kleindienst——

Mr. MITCHELL. Quite to the contrary. I don't know much about the case and still don't. It is quite conceivable that based on the information that my executive assistant would give me that I would call Mr. Kleindienst and ask him to come back for that purpose but I have no recollection of it. What year was it, Senator?

Question. 1970.

Mr. MITCHELL. I am sure I talked to Mr. Kleindienst many, many times about many, many things and I certainly wouldn't remember the details of a conversation like that.

Question. You wouldn't have this kind of information, obviously——

Mr. MITCHELL. No, sir.

So with Mr. Mitchell's testimony appearing to be in direct contradiction with that of Mr. Kleindienst, we are left again with an unresolved conflict surrounding the nominee's handling of the one other antitrust case for which he was responsible outside of the ITT cases.

In fact the case was referred by Justice to the Federal Trade Commission—a move admitted by all concerned to be completely unprecedented. The FTC has brought a lengthy complaint to undo the merger, but unfortunately Commission procedures are such that it will take years before any resolution can be reached—quite a different situation than if Justice had sued directly before the merger was consummated.

Why would Mr. Kleindienst want the Warner Lambert merger to go through? Did his boss' old law firm have that much influence? Or was it because the honorary chairman of Warner Lambert, Mr. Elmer Bobst, also happened to be a good and close personal friend of the President of the United States? To see what Mr. Bobst said about the situation, we can turn to the National Journal of January 22, 1972. In an article entitled "President's Inner Circle of Friends Serves as Influential 'Kitchen Cabinet,' " the National Journal reported:

The closeness of Bobst and the White House prompted speculation early in the Administration that favoritism may have been involved when the Justice Department ruled against invoking antitrust proceedings against Warner-Lambert in its takeover of the Parke, Davis & Co. pharmaceutical firm.

McLaren overruled—Richard W. McLaren, head of the department's Antitrust Division, favored taking action but was overruled by Deputy Attorney General Richard G. Kleindienst. Attorney General Mitchell excused himself from the case because of his former association with the Mudge, Rose law firm, which was representing Warner-Lambert.

At the direction of Kleindienst, the issue was turned over to the Federal Trade Commission.

"I never opened my mouth to the President about the case," Bobst said. "I did talk to other people in the White House about it, though."

So there are four major antitrust cases in which Mr. Kleindienst had some participation or involvement by his own admission. In the three ITT cases we saw a strong effort on the part of Mr. McLaren, who was charged with antitrust responsibility and who was driving for 2½ years to have that antitrust policy—as expressed by the ITT cases approved by the Supreme Court—abruptly halted and a settlement favorable to ITT reached. And in the course of those hearings we found that, quite the contrary to what Mr. Kleindienst wrote Chairman O'Brien, that he, in fact, handled and negotiated the settlement of these cases.

We found during the course of our hearings that he was very much involved in a very intimate way with the case.

When we examined the other case in which he was involved, the Warner Lambert case, we found once again the recommendation made by Mr. McLaren was turned around and the unprecedented move taken of turning that case back to the Federal Trade Commission contrary to the recommendations of Mr. McLaren. And we have one of the principal figures in that case, the Warner Lambert case, Mr. Bobst, indicating that he did go to the White House and did talk to White House aides about it. This is a legitimate concern for the Members of the Senate.

So the White House, according to Bobst, was involved in this one also. Who in the White House was involved?

A Washington Post article published on January 29, 1972, written by Morton Mintz, entitled "Nixon Friend Reveals Talks on Drug Firms," based on the National Journal reporter's 5-hour interview with Mr. Bobst, discussed the National Journal piece and continued:

The article did not amplify Bobst's knowledge of the "merits" of the acquisition, in which Mudge, Rose represented Warner-Lambert. The Federal Trade Commission, to which Kleindienst agreed to refer the merger after the Justice Department abandoned it, now is seeking to dissolve the merger.

Sometime after that, Bobst said during a five-hour interview, White House aide Peter M. Flanigan "received and interviewed" FTC Chairman Miles W. Kirkpatrick and Republican members of the regulatory agency.

The purpose was to discuss the Warner-Lambert case."

So again the name of our friend Mr. Flanigan appears in conjunction with alleged impropriety in the handling of an antitrust case for which the nominee was responsible. This is certainly an area which the Judiciary Committee should have the opportunity to question Mr. Flanigan about before we close the books on this nomination. Yet we did not have that opportunity when Mr. Flanigan appeared before the Judiciary Committee.

Reviewing the facts and cast of characters for a moment in the Warner Lambert case, we find—

First. Judge McLaren strongly recommending an antitrust action against a company that he believes to be clearly violating Federal law by merging with another company.

Second. Attorney General Mitchell excusing himself because his law firm represents the prospective defendant.

Third. Mr. Kleindienst taking over responsibility of the case.

Fourth. A chief executive officer of the company and close friend of the President making contact with the White House.

Fifth. Mr. Peter Flanigan named as going to bat in behalf of the company.

Sixth. The Justice Department deciding not to file suit against the company.

Mr. President, admittedly all of the facts surrounding this matter are not known yet. But the appearance of impropriety runs high, and taken along with the ITT cases the pattern seems unmistakable, adding one more cloud over the nominee's head.

EXECUTIVE PRIVILEGE

There is one other area I might review very briefly. I mentioned it the other day in my comments on the floor. That concerns the abuse by the administration of the executive privilege with respect to the Judiciary Committee's requests for information.

Executive privilege is the only basis for refusing to cooperate with congressional committees. President Nixon himself has said so. Mr. President, I would like to read the President's directive to all the departments and agencies on March 24, 1969.

It reads as follows:

THE WHITE HOUSE,
Washington, March 24, 1969.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Subject: Establishing a procedure to govern compliance with Congressional demands for information.

The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocations of Executive privilege:

1. If the head of an Executive department or agency (hereafter referred to as "department head") believes that compliance with a request for information from a Congressional agency addressed to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney General through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, that Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency.

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege, or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President's decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional agency that the claim of Executive privilege is being made with the specific approval of the President.

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination can be made. Care shall be taken to indicate that the purpose of this request is to protect the privilege pending the determination, and that the request does not constitute a claim of privilege.

RICHARD NIXON.

That is what the President's memorandum says—

Executive privilege will not be used without specific Presidential approval.

As a matter of fact, when William Rehnquist was the Attorney General's official lawyer—he was in charge of the Office of Legal Counsel in the Justice Department—he specifically acknowledged that executive privilege was the only basis for refusing congressional requests for information under the terms of President Nixon's directive that I just read.

Here is what Mr. Rehnquist said when he testified before Senator ERVIN's Subcommittee on the Separation of Powers last August. The testimony appears on pages 440 and 441 of Senator ERVIN's hearings.

Senator ERVIN. I think Counsel has some questions.

Mr. EDMISTEN. Mr. Rehnquist, I am sure that you are very familiar with the President's memorandum issued to the executive departments and agencies, in which he specifically states that executive privilege will be invoked only in the most compelling circumstances and only personally by him. That memorandum does not give to any agency any authority whatsoever to devise its own means of refusing information, does it?

Mr. REHNQUIST. You mean short of a presidential——

Mr. EDMISTEN. Yes.

Mr. REHNQUIST. No. Let me add, Mr. Edmisten, that requests for information are never or virtually never addressed to the President himself. I think the President expects the responsible heads of the agencies to whom such requests are addressed to make some sort of a tentative determination as to whether some of the information requested might warrant a claim of executive privilege. And during the course of discussions or negotiations between congressional staff members and agency staff members, certainly it is not inappropriate. I think, for the executive people to say if you insist on that, then we will have to go through the procedure for presenting a claim for executive privilege to the President. But that is not the same thing as claiming the privilege.

Mr. EDMISTEN. But under the plain wording of this memorandum, there is no authority for any executive agency or department to refuse outright to give Congress information?

Mr. REHNQUIST. No.

Mr. EDMISTEN. No agency or department is authorized to say no, you shall not have it?

Mr. REHNQUIST. No.

And yet during the recent Judiciary Committee hearings—despite President Nixon's directive, and despite the interpretation that had been placed upon that directive by the Attorney General's lawyer—here is one of our exchanges with the nominee on the subject, which appears on pages 3005–3006.

Q. Well, the reports Justice sent to the White House on antitrust policy; we understand there was at least one. Why wouldn't that be made available?

Mr. KLEINDIENST. It might be on the same basis, Senator.

Q. Well, can we get the basis once more just so we have got that in the record and so we can tell the members of the Senate what the basis is?

Mr. KLEINDIENST. As of right now, Senator Kennedy, it is my refusal.

Q. Just your refusal based on what?

Mr. KLEINDIENST. As the Acting Attorney General of the United States.

Q. Based on what?

Mr. KLIENDIENST. On my opinion it is not a proper document to give to this committee.

So there it is. That is the basis upon which a committee of the Congress was, time and time again, denied extremely relevant and pertinent information.

The nominee's own personal opinion that the committee should not have it.

No executive privilege claimed, no compliance with the President's order, complete rejection of the Rhenquist position—the same William Rhenquist in whom this administration had so much confidence that they put him on the Supreme Court of the United States. Instead, we had just the nominee's own personal opinion that we should not have the information; just the personal opinion of the one person who should have believed he had more to gain by extending his Department's full cooperation to the committee.

That is the kind of theory that was employed to refuse us so much important information: the ITT settlement file, the information about the interagency committee, the factual basis for "clearing" U.S. Attorney Harry Steward of any "wrongdoing," and all the other items that are listed on pages 118 and 119 of our report.

Mr. President, this is just one more subject I thought was important to bring to the attention of the Senate.

I yield the floor.

Mr. BAYH. Mr. President, as accurately pointed out on Monday by the distinguished minority leader, on March 27, when Mr. Kleindienst appeared before the Judiciary Committee on the last day of the hearings into his qualification and fitness to be Attorney General of the United States, I raised the matter of Mr. Kleindienst's conduct in the case of Robert Carson. Mr. Carson, a former administrative assistant to one of our colleagues, had—according to sworn statements of Mr. Kleindienst's—offered to procure a $50,000 to $100,000 contribution to President Nixon's reelection campaign if Mr. Kleindienst would fix a criminal case for a friend of Mr. Carson's. Mr. Kleindienst stated under oath that he did not think that was a bribe offer, and that he did not report the offer until after he found out—1 week after the offer was made—that Mr. Carson was under FBI investigation, including an imminent electronic surveillance. Only then—1 week later—did Mr. Kleindienst report the offer to Attorney General Mitchell—and only after he learned of the FBI investigation of Mr. Carson did he regard Mr. Carson's offer of a week earlier as having been a bribe offer.

The distinguished minority leader did not seek to defend or explain Mr. Kleindienst's curious conduct in that case. Instead he chose to question why it was that the Carson matter had not been brought up at some earlier time. He said, in his remarks on Monday:

> During the last hour of the last day of 24 days of hearings on this nomination, one member of the Judiciary Committee introduced an entirely new issue which had been utterly ignored by him and the other opponents since the President nominated Mr. Kleindienst on February 15. The new issue involved the Carson case, which is now on appeal and at the trial of which Mr. Kleindienst appeared as a witness.
>
> Mr. Kleindienst's opponents insist that the nominee is not fit to be Attorney General on the basis of facts in the Carson case they were all aware of long before the nomination was submitted to the Senate. Incredible as it may seem, the same Senators voted on February 24 to report Mr. Kleindienst's nomination favorably, even though they knew on the last day of hearings when the issue first came up. I say this is incredible. The same Senators who refused to bring up the issue during the hearings before the first committee vote on February 24 and who voted to report the nominee, now rise on this floor in apparent outrage and indignation. We hear expressions such as "obviously improper" "clearly recognizable," and "easily recognizable." If it is so obivous, why did we wait so long to hear about it? If it is disqualifying now, why was it not disqualifying on February 24? I suggest that the attempt to provide answers to those questions by the Senator who first raised the Carson issue are entirely unsatisfactory.

In my remarks last Friday, I said that it would probably make more sense if Senators spent more time discussing the issues and less time speculating and making allegations about other Senators' motives. But such apparently is not to be the case with regard to the Carson case and the distinguished minority leader. Apparently it is more relevant to the nomination of Mr. Kleindienst—according to the distinguished minority leader—that the Senate find out why certain questions were asked when they were asked, than it is to find out the answers to those questions. Frankly, I do not think that is the issue at all.

But since the issue was raised, let me reply briefly to his inquiry. It is quite clear that Mr. Kleindienst's conduct in the Carson case raises the most serious questions regarding his fitness and qualification to be Attorney General of the United States. These questions were as serious in February as they are now in June. But, as I stated, rather clearly, last Friday:

> I was reluctant to get involved in pursuing this matter, because the man who was convicted of perjury and offering of the bribes had previously been the employee of one of our colleagues. I do not think anyone can for a moment suggest that this colleague, who shall remain unnamed here, knew anything about his actions or was implicated in any way, shape, or form. But because of this past relationship, the Senator from Indiana has been reluctant throughout the hearings to get involved in the matter.
>
> I thought about it, and was persuaded not to pursue it.

I felt, at the time of the original hearings back in February, that Mr. Kleindienst was entitled to the benefit of the doubt—no other allegations of wrongdoing having been made by anyone, or any allegations of poor judgment.

However, Mr. Kleindienst then requested a new set of hearings into his nomination, in order to reply to charges of misconduct and questionable judgment.

That he did so is to his credit, for he did not wish to assume the extremely important office of Attorney General with a cloud of suspicion hovering over his appointment to that position.

As those hearings went on, however, it became clear to me that rather than dispell that cloud, the evidence being brought out was only making it more threatening. And troublesome questions about Mr. Kleindienst's judgment were being raised. Not only were these questions being raised—and not satisfactorily answered—with regard to the ITT and Warner Lambert antitrust cases, but these questions of judgment became especially acute in the case of Harry Steward, where Mr. Kleindienst issued a press release clearing Steward of all misconduct despite the fact that the Justice Department investigators who had looked into Mr. Steward's alleged misconduct had found that he had acted in a "highly improper" manner in quashing a subpena on behalf of his leading political benefactor and sponsor.

At this point I felt that the Carson matter was of special relevance, and had to be raised, even though there might be some possible embarrassment to one of our colleagues—who had no part in Mr. Carson's scheme, and certainly was not implicated in any way in his activities. Since Mr. Kleindienst—who was, after all, the only man who could explain his conduct in that case—did not appear again until the final day of the hearings, that final day was the only opportunity that remained to raise the issue, once the clear necessity of raising the issue had been established by the developments in the previous weeks of hearings.

Perhaps the distinguished minority leader is right—perhaps the matter should have been brought up at an earlier time, for as the distinguished minority leader accurately pointed out, Mr. Kleindienst's conduct was equally disqualifying in February as it is now. But that is surely not the issue. Are we really to be stopped from raising crucial issues in March because we did not first raise them in February? It would seem that arguments like this are made because it is apparent that there is no decent explanation for Mr. Kleindienst's conduct in the Carson case, and rather than just accept that, this gratuitous argument is raised to get around that embarrassing truth. Mr. Kleindienst did not have an explanation, so he concocted a specious legal excuse to cover up his refusal to answer questions about the matter. And the distinguished minority leader apparently can come up with no decent explanation either, so instead he has chosen to throw up a smokescreen of frivolous argument.

I would also point out, for the record, that all three Senators who joined in debate on this subject last Friday agreed that the offer that Mr. Kleindienst did not recognize and did not report as a bribe offer was easily recognized as such a bribe offer. And two of those Senators were supporters of Mr. Kleindienst. So this is not some trumped up issue raised at the last minute—it is an extremely serious question of the man's judgment.

I would also like to reply briefly to a point raised in debate last Friday by my good friend, the Senator from Nebraska, who has been so ably defending the nominee for the last few days. This is in regard to Mr. Kleindienst's refusal to answer any questions at all about the Carson case. Mr. Kleindienst made the argument that: he would not answer any questions about the matter because—

> I was a witness in that case. I testified in open court in the Federal District Court for the Southern District of New York. My testimony in that matter is a matter of open record. That case is on appeal and I believe that either as a lawyer or as an officer of the Department of Justice that it would be improper for me to comment in any way upon any aspect of that case because by doing so I might risk prejudicing the rights of the defendant in that case, either on appeal or in a retrial of the matter, if one comes about, or to prejudice the rights of the U.S. Government which was the plaintiff in that case.

Last Friday, instead of quibbling about when the matter was first raised, Senator HRUSKA and I engaged in lengthy and thorough debate on this matter of Mr. Kleindienst's conduct in the Carson case and his refusal to answer questions about the matter. The Senator from Nebraska cited, in support of Mr. Kleindienst's refusal to answer questions about the matter, certain American Bar Association disciplinary rules regarding extrajudicial statements by attorneys. Now it is quite clear upon examination of those rules that they simply do not cover the case, and even if they did, the rules themselves contain an exception which would, in fact, specifically allow Mr. Kleindienst to answer the questions which I would have liked to put to him. The rules cited by Senator HRUSKA are as follows:

DISCIPLINARY RULE 7-107

> (B) A lawyer or law firm associated with the prosecution or defense of a criminal matter shall not, from the time of the filing of a complaint, information, or indictment, the issuance of an arrest warrant, or arrest until the commencement of the trial or disposition without trial, make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that related to:
>
> (1) the character, reputation, or prior criminal record of the accused.
>
> * * * * *
>
> (6) any opinion as to the guilt or innocence of the accused, the evidence or the merits of the case.
>
> (D) During the selection of a jury or the trial of a criminal matter, a lawyer or law firm associated with the prosecution or defense of a criminal matter shall not make or participate in making any extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that relates to the trial, parties, or issues in the trial or other matters that are reasonably likely to interfere with a fair trial, except that he may quote from or refer without comment to public records of the court in the case.
>
> (E) After the completion of a trial or disposition without a trial of a criminal matter and prior to the imposition of sentence a lawyer or law firm associated with the prosecution or defense shall not make or participate in making an extrajudicial statement

that a reasonable person would expect to be disseminated by public communication and that is reasonably likely to affect the imposition of sentence.

(I) The foregoing provisions of DR 7-107 do not preclude a lawyer from replying to charges or misconduct publicly made against him or from participating in the proceedings of legislature, administrative, or other investigative bodies.

It should be immediately apparent that these rules do not excuse Mr. Kleindienst from testifying about the Carson case at all. Section E comes the closest to being at all relevant. But it states—and I do not think one has to be a strict constructionist to agree to its limited applicability—that post trial statements about a case are improper where such statements would be "reasonably likely to affect the imposition of sentence."

Now how can that apply to the Carson case? Carson has already been sentenced, and his appeal argued. So the section is absolutely not on point.

But even if it were—for the sake of argument—at all relevant, section I of the rule expressly creates an exception for just such a situation such as the one in which Mr. Kleindienst found himself before the Judiciary Committee on March 27, when he was asked about his conduct with respect to the Carson case. Section I states that the rule does "not preclude a lawyer from replying to charges of misconduct publicly made against him or from participating in the proceedings of legislative, administrative, or other investigative bodies."

Mr. Kleindienst was both appearing before an investigative, legislative body, and replying to publicly made charges of misconduct. What situation could be more on point?

So why did he refuse to answer the questions? He had no good legal reason. I have to suggest again, as I did on last Friday, that Mr. Kleindienst's meager excuse was just a crutch used to try to explain away an embarrassing situation for which there was no decent explanation. This man, who would be Attorney General of the United States, with vast power and influence over all the citizens of this Nation, refuses to answer questions going directly to his fitness for that responsibility, and the Senate of the United States is called upon to stamp its approval in his unjustifiable refusal to tell us just why he behaved the way he did in this crucial matter. Such advise and consent would be neither good advice, nor informed consent.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that tomorrow, after the two leaders have been recognized under the standing order there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes—all of which will be as in legislative session—at the conclusion of which the Senate resume its consideration, in executive session, of the nomination of Mr. Richard G. Kleindienst for the office of Attorney General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY AND FOR CONSIDERATION OF AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that on Monday next, following recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate S. 3390, a bill to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BILL TO AMEND THE FOREIGN ASSISTANCE ACT OF 1961 (S. 3390) TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the close of business tomorrow the Chair lay before the Senate, to be the pending business, S. 3390, a bill to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—SENATE RESOLUTION 299

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, with respect to Senate Resolution 299—concerning which an agreement already has been entered into—time on any amendment to that resolution, debatable motion or appeal be limited to 30 minutes, the time to be equally divided and controlled by the mover of such and the author of the bill, the Senator from New York (Mr. JAVITS), except in an instance in which the author of the bill (Mr. JAVITS) might support such amendment, debatable motion, or appeal, in which case the time in opposition thereto be under control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished assistant majority leader, what the program is for the rest of the week and the first part of next week. I know there are a number of votes being planned, and I would like Senators to be on notice.

The PRESIDING OFFICER. The Senate will be in order, so that the Senators can be heard.

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 10 a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, all of which will be as in legislative session.

Following morning business, there will be a resumption of the consideration of the nomination of Mr. Kleindienst, and beginning no later than 1 p.m., time for the debate thereon will be controlled. A rollcall vote will occur at 4 p.m. on the motion to refer the nomination back to commitee, and, if that motion fails, immediately thereafter there will be a rollcall vote on the confirmation of the nomination of Mr. Kleindienst.

Immediately following that rollcall vote, there will be a rollcall vote on the nomination of Mr. Shultz for the office of Secretary of the Treasury. Immediately after that rollcall vote, there will be debate, under a 1-hour limitation, on a bill on the calendar, S. 722, and there will be a vote on passage of that bill. The able junior Senator from Wisconsin (Mr. NELSON) will be in charge of the time on this side of the aisle, and he has indicated that there will be a rollcall vote.

Mr. SCOTT. It is a resolution; is it not?

Mr. ROBERT C. BYRD. It is S. 722, a bill to declare that certain federally owned land be held by the United States in trust.

Mr. SCOTT. All right.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. In addition to the rollcall votes that I have enumerated, it is quite possible that, if it is agreeable to all sides, during the day between the hours of 10:30 a.m. and 1 p.m., other measures on which a time limitation agreement has been entered into could be called up and could, of course, necessitate rollcall votes. But barring that, the first rollcall vote would occur at 4 p.m. tomorrow.

In further answer to the query by the distinguished Republican leader, the state of the calendar will be such that there will be no session on Friday. It is hoped on the part of the leadership that committees will take advantage of the opportunity to conduct uninterrupted sessions, so that "must" legislation can be prepared for future floor action.

On Monday following routine morning business, the Senate will take up the bill to amend the Foreign Assistance Act of 1961, S. 3390, and at the hour of 2:30 p.m. on Monday, there will begin a procession of rollcall votes back-to-back on three treaties, Calendar Order Nos. 20, 21, and 22 on the Executive Calendar. Following those three rollcall votes on Monday, the Senate will resume its consideration of the Foreign Assistance Act. On Tuesday afternoon, beginning at 3 o'clock, there will be three rollcall votes, back-to-back, beginning with Calendar Order No. 23 on the Executive Calendar, and including Calendar Order Nos. 24 and 25. There may be other rollcall votes on Tuesday.

One further thing, Mr. President. It is the intention of the leadership next week, possibly beginning with Tuesday, to operate on a two-track system if necessary and where possible, with the Foreign Assistance Act being the main track. There is also a possibility of Saturday sessions from next week onward.

Mr. SCOTT. Mr. President, one further question. Following the rollcall vote on the confirmation of Mr. Shultz as Secretary of the Treasury, there appear also on the Executive Calendar nominations for Deputy Secretary of the Treasury, Under Secretary of the Treasury, Assistant Secretary of the Treasury, and an Assistant General Counsel in the Treasury Department who is to be Chief Counsel for the Internal Revenue Service. I would assume it is the intention to take those up also, following the vote on the Secretary of the Treasury. I know of no delay that has been requested on any of those nominations.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Republican leader is correct; they will be taken up. I do not anticipate rollcall votes thereon.

The distinguished majority leader has just reminded me that we had indicated there would be a rollcall vote on the Shultz nomination. I, therefore, ask unanimous consent that it be in order at this time to order the yeas and nays on that nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thereupon ask for the yeas and nays on the nomination.

The yeas and nays were ordered.

Mr. SCOTT. Have the yeas and nays been requested on the motion to recommit the Kleindienst nomination and, if that should fail, the vote to confirm the nomination?

Mr. ROBERT C. BYRD. That is my understanding. I ask the Chair for confirmation.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I now ask for the yeas and nays on S. 722, and on Executive Calendar Nos. 22, 23, 24, and 25.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Republican leader.

Mr. SCOTT. I thank the distinguished assistant majority leader, and I yield back my time.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 4:27 p.m., the Senate adjourned in executive session until tomorrow, Thursday, June 8, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 7, 1972:

IN THE AIR FORCE

The following-named officer under the provisions of Title 10, United States Code, Section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of Section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Louis T. Seith [redacted] FR (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Leo Edward Benade, [redacted], Army of the United States (brigadier general, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. James Madison Lee, [redacted], Army of the United States (major, U.S. Army).

Col. John Winn McEnery, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Richardson Sadler, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Upton Greer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Eivind Herbert Johansen, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Benedeck Starker, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Joseph Malley, [redacted], United States Army.

Col. Lee Eli Surut, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col Richard Joseph Tallman, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Albert Mauer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Harold Dean Yow, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Morris Joseph Brady, [redacted], Army of the United States (major, U.S. Army).

Col. Julius Wesley Becton, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Macon Mullens [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Harry Williams Brooks, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Calvert Potter Benedict, [redacted], U.S. Army.

Col. George Macon Shuffer, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard John Eaton [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. George Linus McFadden, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Gerd Susman Grombacher, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Greer, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Raphael Dean Tice, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur James Gregg, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William Lyman Lemnitzer, [redacted] Army of the United States (major, U.S. Army).

Col. John Franklin Forrest [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Lewis Fant III [redacted], Army of the United States (major, U.S. Army).

Col. Ennis Clement Whitehead, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. William White Palmer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James Harry Johnson [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Donald Stevenson, [redacted], Army of the United States (major, U.S. Army).

Col. Hugh French Thomason Hoffman, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Santo Moura II [redacted], United States Army Reserve.

Col. John Carter Faith [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Charles Kingston, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James Laflin Kelly [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert George Yerks, [redacted], Army of the United States (major, U.S. Army).

Col. Wilfrid King Grover Smith, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Jerry Bennett Lauer [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Otis Clyde Lynn, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. George Dewey Eggers, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Donald Raymond Keith, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Vincent Mackmull, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Kenneth Eugene Dohleman, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Payne Clarke [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Greenleaf Trefry, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Franklin Means, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Orvil Cranfill Metheny, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Hirsch, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Arnold Cheney, [redacted],

Army of the United States (lieutenant colonel, U.S. Army).

Col. William James Kennedy, [redacted] Army of the United States (lieutenant colonel U.S. Army).

Col. Willard Latham, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William Ashbrook Patch, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Tom Judson Perkins, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William Edgar Read, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Gordon Beckner, [redacted], United States Army.

Col. Lloyd Joseph Faul [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Griffin Jones [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Edward Fix III, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Wesley Currier, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. George Earl Turnmeyer, [redacted], U.S. Army.

Col. Paul Traylor Smith [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Jacob Koehler, Jr., [redacted], Army of the United States (lieutenant colonel U.S. Army).

IN THE NAVY

The following-named Reserve Officers of the U.S. Navy for permanent promotion to the grade of rear admiral:

LINE

Paul C. Huelsenbeck Chester C. Hosmer
Ira D. Putnam Samuel W. Van Court

MEDICAL CORPS

Scott Whitehouse

SUPPLY CORPS

Owen C. Pearce

CIVIL ENGINEER CORPS

John H. McAuliffe, Jr.

IN THE MARINE CORPS

Lt. Gen. William G. Thrash, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, U.S. Code, section 5233.

In accordance with the provisions of title 10, U.S. Code, section 5232, Maj. Gen. Robert P. Keller, U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be colonel (medical)

Schmidt, Clayton H., [redacted].

To be captain (medical)

Peacock, George H., [redacted].

To be captain (dental)

Daehlin, Douglas R., [redacted].
Dettmann, Darryl D., [redacted].

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

Aitken, Gordon J., [redacted].
Akins, Jerry G., [redacted].
Alford, Robert T., [redacted].
Allen, Guy V., Jr., [redacted].
Anderson, Perry L., [redacted].
Anderson, Philip J., [redacted].
Auffert, Edward L., [redacted].
Barbi, Kenneth W., [redacted].
Barnes, Larry A., [redacted].
Barr, Roger B., [redacted].
Baumgart, John R., [redacted].
Baynes, Larry A., [redacted].
Beach, Allen B., [redacted].
Beck, Carolyn R. T., [redacted].
Beck, William R., [redacted].
Berkshire, Walker E., Jr., [redacted].
Birmingham, Donald D., [redacted].
Bishop, Robert G., III, [redacted].
Bittner, Robert J., [redacted].
Boland, Thomas J., [redacted].
Bonebrake, Galen D., [redacted].
Bonne, Kenneth A., [redacted].
Bornstein, Robert M., [redacted].
Bourne, Carol D., [redacted].
Boyd, David J., [redacted].
Boyle, Allan E., [redacted].
Bretschneider, Roland W. P., [redacted].
Brown, Robert P., [redacted].
Brown, Thomas J., [redacted].
Burk, Larry L., [redacted].
Burns, Ralph S., [redacted].
Butkovich, Albert N., [redacted].
Callaway, Michael R., [redacted].
Capparossa, Benjamin, [redacted].
Carpenter, Margaret J., [redacted].
Carter, Percy M., [redacted].
Castello, Dale A., [redacted].
Castine, Michael L., [redacted].
Castle, Ronald C., [redacted].
Christiansen, Lynn A., [redacted].
Clay, Sherwood A., [redacted].
Cleveland, Grover, Jr., [redacted].
Cleyrat, Daniel A., [redacted].
Coburn, Dick E., [redacted].
Cochoy, Robert E., [redacted].
Cochran, Robert W., [redacted].
Cogswell, Brent E., [redacted].
Coleman, John W., [redacted].
Cork, Thomas R., [redacted].
Corwin, Arthur J., [redacted].
Cowan, Jay G., [redacted].
Craig, Robert G., [redacted].
Craig, William B., [redacted].
Csuy, Trennace G., [redacted].
Cundiff, Robert D., Jr., [redacted].
Curtis, William C., [redacted].
Davis, Francis J., Jr., [redacted].
DeCarlo, Juan J., [redacted].
DeLagarza, Carlos A., [redacted].
Devine, Jon P., [redacted].
Dietzel, Ronald K., [redacted].
Dionne, Ronald R., [redacted].
Dodge, Frederick J., [redacted].
Doyle, Thomas A., [redacted].
Duelfer, Rudolph F., III, [redacted].
Duncan, John C., Jr., [redacted].
Dunn, Robert W., [redacted].
Durant, Earl, [redacted].
Durham, Richard, [redacted].
Dye, Scott M., [redacted].
Eagan, Dennis F., [redacted].
Eager, Richard A., [redacted].
Eberts, Randy D., [redacted].
Edenfield, John N., Jr., [redacted].
Edge, James F., [redacted].
Egelston, Thomas G., [redacted].
Ellis, Richard R., [redacted].
Erwin, James S., [redacted].
Fergus, John H., Jr., [redacted].
Fernandez, Juan D., [redacted].
Fiene, Bruce, [redacted].
Fisher, John C., [redacted].
Fjeld, Gary J., [redacted].
Fletcher, George J., Jr., [redacted].
Forbes, Robert E., [redacted].
Foss, Thomas P., [redacted].
Fowler, James D., [redacted].
Fox, Daniel B., [redacted].
Fravel, Ralph P., [redacted].
Freiburger, Robert J., [redacted].
Fries, Robert G., [redacted].
Galanos, Chris S., [redacted].
Garbin, David A., [redacted].
Geith, James W., [redacted].
George, William M., [redacted].
Giedras, Peter W., [redacted].
Gilbert, John A., [redacted].
Glover, William L., [redacted].
Goeller, Craig J., [redacted].
Gookins, Carl E., [redacted].
Griffin, Merrill D., [redacted].
Grzymajlo, Richard J., [redacted].
Guirreri, Joseph A., [redacted].
Hackleman, Ferris J., [redacted].
Hadley, Tee R., III, [redacted].
Haines, Dennis G., [redacted].
Hales, William D., Jr., [redacted].
Hall, Charles F., [redacted].
Hammond, Glenn B., [redacted].
Hanlon, Robert C., [redacted].
Hannigan, Joseph C., Jr., [redacted].
Hansen, Wayne N., [redacted].
Harrelson, Rick, [redacted].
Harsha, Truman, III, [redacted].
Hart, Carl D., Jr., [redacted].
Hart, John F., [redacted].
Haslam, Robert T., III, [redacted].
Haynes, Kenneth W., [redacted].
Hearn, Vern C., [redacted].
Heefner, Barton L., [redacted].
Heiman, Virgil G., Jr., [redacted].
Henning, Elaine H., [redacted].
Henry, Gary G., [redacted].
Herron, Jack C., Jr., [redacted].
Highley, James R., [redacted].
Hogan, Patrick M., [redacted].
Holmes, Burton K., [redacted].
Hood, Dennis, [redacted].
Hudkins, John W., [redacted].
Huey, Joel L., [redacted].
Hughes, Benjamin C., [redacted].
Hutchison, Keith D., [redacted].
Jacobs, Robert H., [redacted].
James, John B., II, [redacted].
Janssen, Don W., [redacted].
Jenkins, Charles G., Jr., [redacted].
Johnson, Larry R., [redacted].
Johnson, Robert A., [redacted].
Johnson, Robert M. L., [redacted].
Johnson, Russell H., [redacted].
Johnson, William R., II, [redacted].
Jones, Charlie E., [redacted].
Jones, Eric L., [redacted].
Jordan, James P., [redacted].
Junck, Rodger N., [redacted].
Kalinowski, Leonard E., Jr., [redacted].
Keady, Joseph F., Jr., [redacted].
Kehres, John W., [redacted].
Kelkenberg, Kelvin J., [redacted].
Key, Fred W., [redacted].
Klovstad, Donald W., [redacted].
Koehler, James W., [redacted].
Koenig, George G., [redacted].
Krejci, Robert H., [redacted].
Krulic, James J., [redacted].
Kueper, Vincent J., [redacted].
Kunkle, Robert J., [redacted].
Kuratko, Louis G., Jr., [redacted].
Lafferty, James W., [redacted].
Laird, Michael J., [redacted].
Landis, Dale L., [redacted].
Lanier, Laurie T., [redacted].
Laughlin, William T., [redacted].
Launey, Allison J. P., [redacted].
Lenz, John O., [redacted].
Leveille, Brent B., [redacted].
Lindstrom, Jon C., [redacted].
Linhard, Robert E., [redacted].
Lockie, Douglas G., [redacted].
Long, James P., [redacted].
Lord, Lance W., [redacted].
Lowe, Robert N., [redacted].
Lucas, Ben A., [redacted].

Lukasik, Stephen M., [redacted].
Lustrea, John L., [redacted].
Lynch, Franklin E., [redacted].
Mansell, John A., [redacted].
Marks, Jacky R., [redacted].
Marquis, Calvin F., [redacted].
Marshall, Bruce E., [redacted].
Mason, Willard L., [redacted].
Mathias, Darryll A., [redacted].
Matthews, Thomas W., [redacted].
Mayeux, Robert P., [redacted].
Mayfield, James R., [redacted].
McBride, Richard W., [redacted].
McCanless, William V., [redacted].
McCardle, Darrell W., [redacted].
McCommon, Leonard V., Jr., [redacted].
McDonald, John D., [redacted].
McInnis, Helene L., [redacted].
McKee, Thomas B., [redacted].
McLaughlin, Kenneth B., [redacted].
McSwain, Thomas C., Jr., [redacted].
McWhorter, Ted A., [redacted].
Midtbo, Richard D., [redacted].
Miller, Craig S., [redacted].
Miller, John R., Jr., [redacted].
Mitchell, Ocie L., Jr., [redacted].
Morris, John L., [redacted].
Moss, Howard R., [redacted].
Motley, Alvin, [redacted].
Mozingo, Lloyd M., [redacted].
Muniz, Edelmiro, [redacted].
Newcom, Darwin K., [redacted].
Nicastri, Edward D., [redacted].
Nozaki, Kenneth Y., [redacted].
Palmer, William A., [redacted].
Palmetier, Charles M., [redacted].
Pelak, Andrew J., Jr., [redacted].
Perigo, Gary C., [redacted].
Perkins, William W., [redacted].
Perry, Philip R., [redacted].
Peterson, Kenneth A., [redacted].
Peterson, North A., [redacted].
Pineda, Pete P., [redacted].
Poindexter, Jeffry A., [redacted].
Porubski, John S., Jr., [redacted].
Prismon, Carol E., [redacted].
Radzykewycz, Dan T., [redacted].
Rainey, Hal L., [redacted].
Ramfla, Jeffrey A., [redacted].
Rasch, Ronald H., [redacted].
Rathgeber, William A., [redacted].
Reaves, Charles R., [redacted].
Revere, Michael F., [redacted].
Rice, Robert L., [redacted].
Richards, David F., [redacted].
Riley, Daniel R., [redacted].
Robinson, Carl C., [redacted].
Robinson, Richard L., [redacted].
Rogers, Douglas G., [redacted].
Rogge, Thomas K., [redacted].
Rosengren, Paul L., Jr., [redacted].
Rouell, Ira E., [redacted].
Saltzman, Arnold L., [redacted].
Sampson, James G., [redacted].
Sanders, Joseph E., Jr., [redacted].
Saracco, Don, [redacted].
Savage, Sallie A., [redacted].
Scanlan, Thomas J., Jr., [redacted].
Schaefer, Daniel A., [redacted].
Schaff, Jonathan E., [redacted].
Schonenberg, Paul M., [redacted].
Schubert, Charles W., Jr., [redacted].
Schulmeister, Glenn, [redacted].
Schwebach, Gerhard H., [redacted].
Schwingendorf, Charles O., [redacted].
Scott, James H., [redacted].
Searles, Donald G., [redacted].
Seeley, Edgar G., III, [redacted].
Shelton, Barry A., [redacted].
Sipka, Milan D., [redacted].
Slagle, Christine F., [redacted].
Slivka, John A., [redacted].
Small, Lester L., [redacted].
Smith, Stephen A., [redacted].
Standage, William N., [redacted].
Stanton, John R., [redacted].
Stelling, Jimmie D., [redacted].
Stonge, John V., Jr., [redacted].
Stovall, Thomas B., Jr., [redacted].
Stowell, Philip G., [redacted].
Sutter, Joseph E., [redacted].
Sutton, Bret J., [redacted].
Swaim, Samuel J., Jr., [redacted].
Swain, Paul A., [redacted].
Swanick, David R., Jr., [redacted].
Synchak Roman, [redacted].
Szczepanski, Kenneth N., [redacted].
Tatus, Ronald P., [redacted].
Thomas, Charles B., [redacted].
Thomas, Jackie R., [redacted].
Thompson, Jack R., Jr., [redacted].
Thompson, John A., [redacted].
Thompson, Robert W., [redacted].
Townsend, William G., [redacted].
Trask, David C., [redacted].
Troutman, Acel B., [redacted].
Turner, Douglas R., [redacted].
Twedt, Gordon H., [redacted].
Valaika, John R., [redacted].
Vandenbosch, Gerald L., [redacted].
Vanornum, Joel V., [redacted].
Vanroyenvisee, Jean A., [redacted].
Villarina, Ricardo, Jr., [redacted].
Vlcek, Joseph G., [redacted].
Waddle, David E., [redacted].
Wagner, Thomas G., [redacted].
Waldrop, James H., [redacted].
Walker, John M., [redacted].
Ward, Herbert M., [redacted].
Ward, Jack D., [redacted].
Watanabe, Harry H., [redacted].
Watkinson, Warren B., [redacted].
Westover, Frederick, [redacted].
Wheeler, Gilmer B., [redacted].
Whitsett, James W., [redacted].
Wilhelm, Daniel L., [redacted].
Williams, Everett D., Jr., [redacted].
Williams, Wallace E., [redacted].
Winkelmann, Robert W., [redacted].
Wohlfeld, Stephen L., [redacted].
Woodbury, Roger M., Jr., [redacted].
Woodworth, Richard C., [redacted].
Worrell, Gary D., [redacted].
Wozniak, Michael R., [redacted].
Yama, Rodney N., [redacted].
Yelmgren, Kevin E., [redacted].

To be second lieutenant

Abbott, Ira R., III, [redacted].
Accola, Thomas D., [redacted].
Acton, Thomas D., [redacted].
Adams, James D., [redacted].
Adams, Louis S., [redacted].
Adams, Patrick O., [redacted].
Addy, Ronald G., [redacted].
Ainslie, Robert S., [redacted].
Aja, Joseph G., [redacted].
Akers, Merideth J., [redacted].
Alcorn, James S., [redacted].
Allen, Donald L., III, [redacted].
Almquist, Kenneth C., [redacted].
Amatulli, Ladis W., [redacted].
Ambos, Dale S., [redacted].
Andersen, Theodore E., [redacted].
Anderson, Donald M., [redacted].
Anderson, William A., III, [redacted].
Andrews, Gary J., [redacted].
Andrews, Ralph E., [redacted].
Angelico, John D., [redacted].
Anschuetz, Harold F., Jr., [redacted].
Ard, Robert F., [redacted].
Ashford, Gene M., Jr., [redacted].
Ashton, Warren A., [redacted].
Atkinson, Daniel W., [redacted].
Aubin, Robert R., [redacted].
Aucoin, James S., [redacted].
Aucoin, Peter A., [redacted].
Austin, Gary M., [redacted].
Aymond, Thomas W., [redacted].
Babcock, Walter H., [redacted].
Backstrom, Robert C., [redacted].
Bacon, Marion E., [redacted].
Baehr, Kenneth M., [redacted].
Bainter, Elaine A., [redacted].
Baker, Charles W., [redacted].
Baker, Joseph E., [redacted].
Baker, Karen A., [redacted].
Baker, Larry N., [redacted].
Baker, Michael A., [redacted].
Baker, William L., [redacted].
Baker, William L., [redacted].
Ball, Ronnie E., [redacted].
Ballard, Robert H., [redacted].
Baralt, Raymond A., [redacted].
Barker, Raymond H., Jr., [redacted].
Barnes, Carroll T., [redacted].
Barnette, William D., [redacted].
Barrilleaux, Ray J., [redacted].
Barthel, Gerald R., [redacted].
Bartkowski, Michael A., [redacted].
Bartlett, Stephen E., [redacted].
Bates, Walter T., [redacted].
Baxter, Harvey E., [redacted].
Beach, Charles D., [redacted].
Bean, Allan K., [redacted].
Bearce, Douglas L., [redacted].
Beatty, Thomas R., [redacted].
Beck, Charles E., [redacted].
Beckman, Steven C., [redacted].
Bedard, Robert J. C., [redacted].
Beebe, Iris C., [redacted].
Bell, Lee P., Jr., [redacted].
Bence, Christopher, F., Jr., [redacted].
Benedict, William N., II, [redacted].
Bennett, Ronald W., [redacted].
Benson, Dick G., [redacted].
Benson, William H., [redacted].
Berg, James A., [redacted].
Berger, Peter A., [redacted].
Berkey, Robert P., [redacted].
Bernards, Herman W., [redacted].
Bertoldo, Donald R., [redacted].
Bever, James D., [redacted].
Beyer, Charles T., [redacted].
Biggio, Stephen L., III, [redacted].
Bingham, Dennis A., [redacted].
Bird, Stephen E., [redacted].
Bird, Thomas A., [redacted].
Bishop, John R., [redacted].
Bittenbender, Leona C., [redacted].
Bitzer, Richard L., [redacted].
Black, Nathaniel L., Jr., [redacted].
Black, Robert J., [redacted].
Blackburn, Thomas D., Jr., [redacted].
Blom, Raymond, [redacted].
Blum, Norman R., [redacted].
Boe, Gary B., [redacted].
Boerum, Joseph E., Jr., [redacted].
Bohnenstiel, Robert L., Jr., [redacted].
Boltin, Gerald, [redacted].
Bolyard, William T., III, [redacted].
Bone, Terrence E., [redacted].
Bonesteele, Raymond G., [redacted].
Boomhouwer, Jacob, [redacted].
Borkowski, Gloria M., [redacted].
Bosco, Salvatore R., [redacted].
Boyer, Kenneth S., [redacted].
Boyle, James S., [redacted].
Bozeman, Charles L., [redacted].
Braisted, Daniel M., [redacted].
Brandt, Thomas R., [redacted].
Brantley, Billy E., [redacted].
Braswell, Gary J., [redacted].
Brent, Michael J., [redacted].
Brentnall, Gerald J., Jr., [redacted].
Brining, Donald R., [redacted].
Brink, Donald L., [redacted].
Brister, James L., [redacted].
Brittingham, Richard B., [redacted].
Brogdon, Bill D., [redacted].
Brooks, Harry G., II, [redacted].
Brooks, Robert J., [redacted].
Brower, Charles L., [redacted].
Brown, Alan T., [redacted].
Brown, David I., [redacted].
Brown, Keith S., [redacted].
Brown, Lawrence L., [redacted].
Brown, Timothy A., [redacted].
Browning, Ronald G., [redacted].
Broyles, Stephen D., [redacted].
Bruck, Lawrence A., [redacted].
Brumbaugh, James Lee, [redacted].
Bryant, Don R., [redacted].
Bubenik, Kirby J., [redacted].
Buchanan, Donald G., [redacted].
Buckland, George H., [redacted].
Buell, Larry L., [redacted].
Buescher, Frank J., Jr., [redacted].
Buhl, Lynn J., [redacted].
Bulman, Rudolf A., [redacted].
Bunjer, Verl A., [redacted].
Buran, Robert L., [redacted].
Burke, Michael T., [redacted].
Burke, Thomas J., [redacted].
Burke, William E., [redacted].

Burnette, Keith T., [redacted].
Burns, Hugh L., Jr., [redacted].
Burrow, Glenn A., [redacted].
Burtt, David A. III, [redacted].
Bush, Patricia J., [redacted].
Butterfield, Alan V., [redacted].
Byrne, Gregory L., [redacted].
Cain, William D., [redacted].
Caldwell, Walter F., [redacted].
Callaghan, Dennis W., [redacted].
Camacho, Joseph P., [redacted].
Campbell, Timothy R., [redacted].
Campione, Joseph A., [redacted].
Cantin, Paul F., [redacted].
Capellini, Aristide M., [redacted].
Cardinale, Richard O., [redacted].
Carlsen, Gary A., [redacted].
Carlton, Russell P., [redacted].
Carmody, Timothy J., [redacted].
Carolus, Duane A., [redacted].
Carter, Ronald L., [redacted].
Casanova, Angel S., [redacted].
Casey, Dennis L., [redacted].
Castor, Kenneth G., [redacted].
Catoe, Mitchell J., [redacted].
Chadbourne, Robert K., Jr., [redacted].
Chapel, James L., [redacted].
Chapel, William E., [redacted].
Chapman, Terry C., [redacted].
Childs, Robert D., [redacted].
Chmelir, William E., [redacted].
Churchill, Carol L., [redacted].
Cieciwa, Gregory A., [redacted].
Clark, James M., [redacted].
Clark, John K., [redacted].
Clarke, John P., [redacted].
Clay, Dennis R., [redacted].
Coble, Walter R., [redacted].
Cochran, Mary A., [redacted].
Cochrum, George T., Jr., [redacted].
Cohen, Lawrence A., [redacted].
Cohrs, Edwin W., [redacted].
Cole, James L., [redacted].
Cole, Larry D., [redacted].
Coleman, Robert R., [redacted].
Compton, Richard N., [redacted].
Compton, Ronald J., [redacted].
Cone, Douglas B., [redacted].
Coniglio, Frank J., [redacted].
Conley, William L., Jr., [redacted].
Conti, Michael P., [redacted].
Cook, Joann Pengelly, [redacted].
Cook, William E., Jr., [redacted].
Cooper, Robert N., [redacted].
Corey, Larry E., [redacted].
Corey, Thomas D., [redacted].
Cornette, Jimmy C., [redacted].
Cornwell, Larry P., [redacted].
Corsetti, Charles D., [redacted].
Costella, Ronald R., [redacted].
Coulter, Byron L., [redacted].
Courtwright, Terry E., [redacted].
Covell, Philip A., [redacted].
Cox, James A., Jr., [redacted].
Coyne, James G., [redacted].
Creswick, William C., [redacted].
Crisafulli, Joseph A., [redacted].
Culbertson, Charles N., [redacted].
Culbertson, John D., [redacted].
Currie, Wayne D., [redacted].
Daggett, Thomas R., [redacted].
Daniels, Marc E., [redacted].
Daquila, Joseph M., [redacted].
Daries, Henry J., [redacted].
Datema, Charles P., [redacted].
Daughety, James T., Jr., [redacted].
Davis, Frank, III, [redacted].
Davis, James N., [redacted].
Day, Kenneth P., [redacted].
Deduck. Peter F., Jr., [redacted].
Deemer, Thomas P., [redacted].
Defend, Alan E., [redacted].
Denny, Frederic M., [redacted].
Deterich, Taylor L., [redacted].
Detter, Lewis E., [redacted].
Devine, Michael W., [redacted].
Dickens, Dennis D., [redacted].
Dilda, James H., [redacted].
Dilley, Jack C., [redacted].
Dinwiddie, Porter R., [redacted].
Douglas, Frank E., III, [redacted].
Douvadjian, Michael, [redacted].
Drew, Terral W., [redacted].
Druzak, Stephen A., [redacted].
Duarte, Fernan, [redacted].
Duerr, Eric R., [redacted].
Duesler, David M., [redacted].
Duguid, Thomas E., [redacted].
Duncan, Douglas E., [redacted].
Durham, Christopher R., [redacted].
Dybis, Ronald S., [redacted].
Eberly, Raymond C., [redacted].
Edelblute, Stephen H., [redacted].
Edwards, Clifford D., [redacted].
Eldridge, Everett E., [redacted].
Elliston, Davie M., [redacted].
Elmo, Augustine L., Jr., [redacted].
Emery, James D., Jr., [redacted].
Emhart, Stephen W., [redacted].
Emmanuel, George N., Jr., [redacted].
Erickson, Glenn E., [redacted].
Erickson, Mark R., [redacted].
Erie, William A., [redacted].
Ernst, John R., Jr. [redacted].
Estavillo, Tomas, [redacted].
Etzel, James E., [redacted].
Evans, David E., [redacted].
Evans, Jerry P., [redacted].
Evans, Joseph W., Jr., [redacted].
Everett, John E., [redacted].
Eversen, Barend, [redacted].
Farmer, Francis A., III, [redacted].
Fast, Larry E., [redacted].
Faulhaber, Kenneth B., [redacted].
Faurot, Richard W., [redacted].
Femal, James E., [redacted].
Ferencak, Andrew J., [redacted].
Ferranto, Michael D., [redacted].
Fertitta, Charles G., [redacted].
Fessler, Clifford E., [redacted].
Fillmer, James L., [redacted].
Finkelstein, Leo, Jr., [redacted].
Fischer, Bruce W., [redacted].
Fischer, Susan, [redacted].
Fischer, Thomas S., [redacted].
Fitzgerald, Baldwin G., [redacted].
Flack, Eric G., [redacted].
Flanagan, Gerald F., [redacted].
Fleishman, Mark A., [redacted].
Florey, Gregory D., [redacted].
Fokakis, Arthur N., [redacted].
Fosha, Charles E., Jr., [redacted].
Fowler, James A., [redacted].
Franchi, Joseph L., Jr. [redacted].
Frederickson, Ronald T., [redacted].
Fredette, James E., [redacted].
Freehan, Robert J., [redacted].
Freeman, Frank N., [redacted].
Frey, Ralph A., Jr., [redacted].
Friedenstein, Charles D., [redacted].
Friend, Arnold L., [redacted].
Friend, Ronald E., [redacted].
Frisbie, John D., [redacted].
Fry, James W., [redacted].
Fuhrmann, Heinz E., [redacted].
Fuller, John W., [redacted].
Fuller, Larry D., [redacted].
Funa, Francis M., [redacted].
Furne, Larry L., [redacted].
Gaffey, John L., [redacted].
Garrison, David M., [redacted].
Garrison, Dennis C., [redacted].
Garrison, James A., [redacted].
Garrison, John R., [redacted].
Garrity, John M., [redacted].
Gatlin, John C., [redacted].
Gavel, John, [redacted].
Geeding, James M., [redacted].
Gehman, John R., Jr., [redacted].
Geringer, Larry J., [redacted].
German, Elmer W., [redacted].
Gertcher, Franklin L., [redacted].
Gies, Gary J., [redacted].
Gilbert, Bennett H., [redacted].
Gilbert, John M., Jr., [redacted].
Gilbert, Mary C., [redacted].
Gilchrist, John E., [redacted].
Gilliam, Fred T., Jr., [redacted].
Gillum, James M., [redacted].
Ginsburg, Arthur P., [redacted].
Gipson, Floyd, [redacted].
Givens, Gerald R., [redacted].
Glaesemann, William E., [redacted].
Glickman, Barry S., [redacted].
Godfrey, Paul W., [redacted].
Godfrey, Thomas J., [redacted].
Goin, Roy A., [redacted].
Goodman, Thomas A., Jr., [redacted].
Gorder, Robert A., [redacted].
Gourley, Gregory L., [redacted].
Grant, William K. F., Jr., [redacted].
Graser, Warren L., [redacted].
Graves, William M., IV, [redacted].
Gray, Daniel B., [redacted].
Gray, Thomas E., [redacted].
Grayson, Phillip B., [redacted].
Green, Alfred L., Jr., [redacted].
Green, Joseph S., [redacted].
Green, Wayne A., [redacted].
Greenham, David M., [redacted].
Griffin, John P., II, [redacted].
Griffin, John T., Jr., [redacted].
Griffith, Henry R., [redacted].
Grigg, Don A, [redacted].
Grim, Frank A., [redacted].
Grooms, Ferris L., Jr., [redacted].
Gross, Laurence D, [redacted].
Grover, Jeffrey M., [redacted].
Grover, Warren L., [redacted].
Guilbeau, Richard P, [redacted].
Guiliano, John E., [redacted].
Gurney, Robert E., [redacted].
Gustafson, Ronald A, [redacted].
Gwaltney, Curtis H., [redacted].
Hablenko, Nicholas C., [redacted].
Haddock, David L., [redacted].
Hagedorn, Phillip R, [redacted].
Haisley, Robert E., Jr., [redacted].
Hall, Bobby E, [redacted].
Hall, Eddie R, [redacted].
Hall, Michael J., [redacted].
Hall, Michael R., [redacted].
Hall, William E., Jr., [redacted].
Haman, Donald A., [redacted].
Hamil, Roy A., [redacted].
Hammervold, James A., [redacted].
Hammesfahr, Roy D., [redacted].
Hannickel, Harold L., [redacted].
Hansen, Bruce E., [redacted].
Hardenbergh, Lewis R., [redacted].
Harkrider, James R., [redacted].
Harrell, William W., [redacted].
Harrington, Haven D., Jr., [redacted].
Harris, David G., [redacted].
Harris, Herbert T., [redacted].
Harris, John H., Jr., [redacted].
Harris, John W., Jr., [redacted].
Harris, Phillip L., [redacted].
Harris, Phillip W., [redacted].
Harrison, Walter L., [redacted].
Hart, Deron H., [redacted].
Hart, John C., [redacted].
Hart, John D., [redacted].
Havard, James C., [redacted].
Hawkins, Herbert C., III, [redacted].
Hawkins, Larry J., [redacted].
Hawkley, Daniel L., [redacted].
Hayden, Michael V., [redacted].
Haynes, William L., [redacted].
Heath, Richard E., [redacted].
Heemstra, Dale M., [redacted].
Heidenreich, Glenn P., [redacted].
Heindel, Mallory J., [redacted].
Heinitz, Darwin D., [redacted].
Held, Peter R., [redacted].
Heller, James L., [redacted].
Helton, Clarence A., [redacted].
Hemmig, Floyd G., [redacted].
Henneke, Vernon M., [redacted].
Henry, Robert C., Jr., [redacted].
Henshaw, Kenneth M., [redacted].
Herman, Edward J., [redacted].
Hernandez, George, [redacted].
Hicks, Graydon K., [redacted].
Higgins, James F., Jr., [redacted].
Hinck, Ernest G., [redacted].
Hinesley, Frederick L., [redacted].
Hironaga, Alvin T., [redacted].
Hish, Lloyd R., [redacted].
Hodge, Gregory A., [redacted].
Hofstatter, Robert A., [redacted].
Hogge, Robert M., [redacted].
Holden, Philip C., [redacted].

Hollan, William E., Jr., [redacted].
Holliday, Stephen H., [redacted].
Hollis, Teddy L., [redacted].
Holljes, Lee T., [redacted].
Holtkamp, William E., III, [redacted].
Hoover, Lloyd W., [redacted].
Hopson, Hunter S., Jr., [redacted].
Horkovich, James A., [redacted].
Horn, Stephen M., [redacted].
Horne, John K., [redacted].
Horton, James T., [redacted].
Hubbard, Michael T., [redacted].
Hubbard, Ronald P., [redacted].
Hudson, Donald W., [redacted].
Hufnagel, Alan E., [redacted].
Hughes, David A., [redacted].
Hughes, James H., Jr., [redacted].
Huguley, John T., Jr., [redacted].
Hukill, Frank W., III, [redacted].
Humes, Larry R., [redacted].
Hunter, George A., [redacted].
Hunter, Richard M., [redacted].
Huskey, Clyde B., [redacted].
Hutchings, Richard L., [redacted].
Ingle, Richard M., [redacted].
Ingle, Robert M., Jr., [redacted].
Ireland, Thomas S., Jr., [redacted].
Iris, Benjamin W., III, [redacted].
Itagaki, Brian H., [redacted].
Jackson, Alexander, [redacted].
Jackson, James M., III, [redacted].
Jacobs, David M., [redacted].
Jaeger, Michael A., [redacted].
Jamal, Asif D., [redacted].
Janger, Frank J., [redacted].
Jaquier, Jules A., [redacted].
Johnson, Byron G., [redacted].
Johnson, Chris A., [redacted].
Johnson, Durrell H., Jr., [redacted].
Johnson, Gary E., [redacted].
Johnson, Hubert O., III, [redacted].
Johnson, Jeffrey W., [redacted].
Johnson, Michael H., [redacted].
Johnson, Michael R., [redacted].
Johnson, Richard F., [redacted].
Johnson, Robert A., [redacted].
Jones, Cato L., [redacted].
Jones, Finch M., Jr., [redacted].
Jones, Marvin D., [redacted].
Jones, Peter E., [redacted].
Jones, Robert G., [redacted].
Jones, Theron R., [redacted].
Judice, Marc W., [redacted].
Juhl, William A., [redacted].
Juppenlatz, Richard M., [redacted].
Jusionis, Vytautas J., [redacted].
Kalberg, David E., [redacted].
Kamm, John A., [redacted].
Kasik, Kurt H., [redacted].
Kelly, John C., [redacted].
Kennedy, Lexie J., [redacted].
Kent, Charles M., [redacted].
Keppel, Edward J., [redacted].
Kern, Larry W., [redacted].
Kerns, John R., [redacted].
Kibel, Michael G., [redacted].
Kiefel, Thomas E., [redacted].
King, David W., [redacted].
King, John M., [redacted].
King, Samuel J., [redacted].
Kirk, William T., Jr., [redacted].
Kirschner, Frank D., [redacted].
Klein, Gerald L., [redacted].
Kleiv, Thomas C., [redacted].
Klippert, Donald A., [redacted].
Koller, Duncan G., [redacted].
Kouts, Louis A., [redacted].
Kozak, Michael D., [redacted].
Kraska, Krystyna, [redacted].
Kratsios, Constantinos, [redacted].
Kriley, Ronald L., [redacted].
Krimsky, Harold, [redacted].
Kroncke, George T., [redacted].
Kryka, Richard J., [redacted].
Kwasigroh, Larry D., [redacted].
Lamb, Terry M., [redacted].
Lammlein, Dennis R., [redacted].
Lamontagne, Richard R., [redacted].
Lander, Stephen F., [redacted].
Landis, Daniel J., [redacted].
Landrith, Thomas S., [redacted].
Lane, Daniel C., [redacted].
Lane, Gerald M., [redacted].
Lane, Phillip D., [redacted].
Lang, Paul J., [redacted].
Langer, Jerry A., [redacted].
Langham, Derald R., [redacted].
Lanphear, Michael B., [redacted].
Larson, Lanny J., [redacted].
Lasher, Richard F., [redacted].
Latham, Edward E., [redacted].
Lathrop, Phillip E., [redacted].
Latimer, Gary L., [redacted].
Latone, William I., [redacted].
Lavergne, Luke A., [redacted].
Law, Richard T., [redacted].
Lawrence, Lloyd R., Jr., [redacted].
Lebarron, Daniel L., Jr., [redacted].
Lee, Monte D., [redacted].
Lee, Terry S. H., [redacted].
Leeper, Robert E., [redacted].
Leighton, Robert C., [redacted].
Lenz, Brian R., [redacted].
Lenz, Richard A., [redacted].
Leonard, Scott E., III, [redacted].
Lewandowski, Adrian M., [redacted].
Lewis, Gary A., [redacted].
Lewis, James H., [redacted].
Lheureux, Richard J., [redacted].
Libecap, Gary D., [redacted].
Lillemoe, Jonathan R., [redacted].
Linquist, William B., [redacted].
Link, H. A., [redacted].
Linn, David W., [redacted].
Locke, Thomas M., [redacted].
Logan, Virginia E., [redacted].
Long, Charles B., [redacted].
Longcor, Michael E., [redacted].
Loomis, Charles H., III, [redacted].
Lorenson, Michael, [redacted].
Lovell, Gervis W., [redacted].
Lowe, David E., [redacted].
Lowell, Robert J., [redacted].
Lubera, William, [redacted].
Luce, Donald H., [redacted].
Luckett, Perry D., [redacted].
Luffred, Michael A., [redacted].
Luna, Bruce G., [redacted].
Lupton, Elmer C., Jr., [redacted].
Luttinen, Gail L., [redacted].
Lynch, Charles A., [redacted].
Lyon, James K., Jr., [redacted].
Macias, Valente, Jr., [redacted].
Maddux, James C., [redacted].
Madrid, Marcus J., [redacted].
Magallanes, Philip G., [redacted].
Magee, Robert E., [redacted].
Magill, John J., [redacted].
Mahlum, Ronald W., [redacted].
Majoros, Robert L., [redacted].
Maligno, Vincent J., [redacted].
Malishenko, Timothy P., [redacted].
Mangold, Sanford D., [redacted].
Manley, David S., [redacted].
Mann, Jack V., [redacted].
Manning, John W., [redacted].
Marlow, Robert T., [redacted].
Marquardt, Michael F., [redacted].
Marshall, Danny E., [redacted].
Marshbank, James D., [redacted].
Martens, Daniel P., [redacted].
Martz, Warren B., [redacted].
Maruniak, Charles W., [redacted].
Matheson, Roderick, III, [redacted].
Mathis, James A., [redacted].
Mattingly, Jack D., [redacted].
Mattox, Jeffrey, [redacted].
Mattson, Brian J., [redacted].
Maxson, Steven L., [redacted].
Mays, James E., [redacted].
McAbee, Ronald D., [redacted].
McCallister, Sydney A., [redacted].
McCampbell, Stephen S., [redacted].
McCombs, William R., [redacted].
McCormack, James I., [redacted].
McCoy, James D., Jr., [redacted].
McCracken, Guy F., [redacted].
McCrea, James S., [redacted].
McDaniel, Billy G., [redacted].
McDonald, Thurman D., [redacted].
McFarland, Michael A., [redacted].
McFawn, Lester, [redacted].
McGlasson, Allan J., [redacted].
McGlynn, Henry J., Jr., [redacted].
McGrady, Lloyd W., [redacted].
McIntosh, Donald W., [redacted].
McKenna, David R., [redacted].
McKinney, Daniel M., [redacted].
McLatchey, Kenneth D., Jr., [redacted].
McLaughlin, Robert F., [redacted].
McLean, James G., [redacted].
McLendon, Michael H., [redacted].
McMahon, Gerald J., [redacted].
McMullan, William J., [redacted].
McNally, Donald L., [redacted].
Meadows, Roy D., [redacted].
Meazell, Billy G., [redacted].
Meek, Terry A., [redacted].
Melzer, Iaurence S., [redacted].
Menke, Lawrence F., [redacted].
Mente, Richard C., [redacted].
Mercer, James A., Jr., [redacted].
Merz, Edward W., [redacted].
Metcalf, Douglas S., [redacted].
Middendorf, David E., [redacted].
Might, Robert J., [redacted].
Milburn, Kim C., [redacted].
Miller, Alan R., [redacted].
Miller, Bowman H., [redacted].
Miller, Craig E., [redacted].
Miller, Daniel E., [redacted].
Miller, David C., [redacted].
Miller, Harold L., [redacted].
Miller, John E., [redacted].
Mills, Edward E., [redacted].
Mills, Frank A., [redacted].
Midduski, Henry X., [redacted].
Misciasci, Frank J., Jr., [redacted].
Mitchell, Barry L., [redacted].
Mitchell, Delmar K., [redacted].
Mitchell, Nathan S., [redacted].
Miyasaka, Michael K., [redacted].
Mobley, David H., Jr., [redacted].
Mongeon, Theodore D., [redacted].
Monson, Wayne E., [redacted].
Montgomery, Thomas A., [redacted].
Moore, Carl L., [redacted].
Moore, Charles T., [redacted].
Moore, Robert P., [redacted].
Moravek, William D. K., [redacted].
Morgan, Ralph R., [redacted].
Morgan, Robert J., [redacted].
Morris, Anthony A., [redacted].
Morris, Charles R., [redacted].
Morris, Robert C., Jr., [redacted].
Morse, David G., [redacted].
Moss, Charles L., [redacted].
Moss, Richard N., [redacted].
Mullen, Charles D., Jr., [redacted].
Murphy, Daniel L., [redacted].
Murray, Robert B. III, [redacted].
Myers, Thomas M., [redacted].
Nardi, John C., [redacted].
Nardone, Girard F. II, [redacted].
Nault, Charles C., [redacted].
Neary, Thomas H., [redacted].
Negstad, Paul L., [redacted].
Neid, Patrick L., [redacted].
Nelson, Christopher T., [redacted].
Nelson, Kent D., [redacted].
Neri, Patrick J., [redacted].
Neulist, Peter F., [redacted].
Neustrand, Carl B., [redacted].
Newlon, Thomas H., [redacted].
Newman, Daniel L., [redacted].
Newman, Richard A., [redacted].
Newsom, William M., [redacted].
Nielsen, Wade L., [redacted].
Nix, John R., Jr., [redacted].
Noble, Max L., [redacted].
Noel, Bruce A., [redacted].
Nolting, David J., [redacted].
Novakowski, Frank E., [redacted].
Nunn, Tery D., [redacted].
Nuttleman, Robert A., [redacted].
Oguin, Gerald T., [redacted].
Ohlson, Richard J., [redacted].
Oliver, Richard A., [redacted].
O'Neill, Peter P., [redacted].
Orbison, Caroll F., [redacted].
Orenstein, Steven M., [redacted].
Orlando, Robert J., [redacted].
Orr, David L., [redacted].

OrTgies, Donivan D., [redacted].
Origies, Donivan D., [redacted].
Owens, Raymond W., III, [redacted].
Page, Cedric D., [redacted].
Palfreyman, David L., [redacted].
Pancoast, Edward L., [redacted].
Parker, Richard S., [redacted].
Parr, Randall J., [redacted].
Patrick, John R., [redacted].
Patterson, Robert G., [redacted].
Patterson, Robert J., [redacted].
Pearce, Charles L., [redacted].
Pearson, Frederick Y., [redacted].
Pearson, Sammy W., [redacted].
Peck, Richard E., [redacted].
Peckham, Lawrence N., [redacted].
Pedro, Verne A., [redacted].
Pemrick, John J., III, [redacted].
Peppard, Ralph E., [redacted].
Pepple, Joe R., Jr., [redacted].
Perkins, Glenn D., [redacted].
Perrien, Dennis J., [redacted].
Peters, Bruce E., [redacted].
Peterson, Daryl A., [redacted].
Peterson, Gene L., [redacted].
Peterson, Walter G., Jr., [redacted].
Phalen, Thomas E., [redacted].
Phillips, James M., [redacted].
Philpitt, Donald A., [redacted].
Pierce, Elihu C., [redacted].
Pierce, Ronald C., [redacted].
Pirrie, Robert J., [redacted].
Pittavino, Robert R., [redacted].
Polk, Thomas D., [redacted].
Poole, John A., Jr., [redacted].
Pope, Eugene J., Jr., [redacted].
Porter, Thomas D., [redacted].
Presutti, Anthony H., Jr., [redacted].
Price, William J., [redacted].
Purtle, Homer, Jr., [redacted].
Quick, Willard G., [redacted].
Quinn, William J., II, [redacted].
Quon, Randolph D. S., [redacted].
Ransel, Alfred D., [redacted].
Rastetter, Arthur L., III, [redacted].
Rawls, James M., [redacted].
Rayment, Larry L., [redacted].
Reale, John R., [redacted].
Reames, Brian W., [redacted].
Reed, Raymond L., II, [redacted].
Reeder, Glen L., [redacted].
Reid, Donald R., [redacted].
Reid, Paul A., [redacted].
Rendon, Henry M., [redacted].
Reusser, David L., [redacted].
Reuter, Carl D., [redacted].
Rewalt, James C., [redacted].
Reynolds, Philip J., [redacted].
Riccardi, Frederick V., [redacted].
Ripley, James D., [redacted].
Ritchey, Vernon S., [redacted].
Robbins, Cleudis, [redacted].
Roberts, Leroy C., [redacted].
Robinson, William C., [redacted].
Rogers, Michael E., [redacted].
Rogers, Robert L., [redacted].
Rohm, David A., [redacted].
Roy, Robert J., [redacted].
Rudolph, Robert A., [redacted].
Rudy, Clifford M., [redacted].
Ruffin, Paul W., [redacted].
Runingen, Daniel C., [redacted].
Rusby, William C., [redacted].
Rush, George D., III, [redacted].
Rust, Alan L., [redacted].
Rylander, Robert A., [redacted].
Salton, Ronald D., [redacted].
Sample, Stephen E., [redacted].
Satrom, Steven B., [redacted].
Sauer, Peter W., [redacted].
Saxton, Harold E., [redacted].
Schade, John W., [redacted].
Schaffler, Mark C., [redacted].
Schiller, Stephen L., [redacted].
Schmiesing, Roy L., [redacted].
Schnorr, Dennis R., [redacted].
Schussler, Edward G., III, [redacted].
Schwartz, Rodney J., [redacted].
Scott, Donald C., [redacted].
Scully, Thomas A., [redacted].
Seiler, Louis W., Jr., [redacted].
Self, Wayne L., [redacted].
Sellers, Billy J., [redacted].
Sellin, Paul J., [redacted].
Senft, Robert G., [redacted].
Shaw, Charles W., [redacted].
Shema, Theodore M., Jr., [redacted].
Sheperd, James G., [redacted].
Sherrard, Ancel R., [redacted].
Shevis, Gordon R., [redacted].
Shimomura, Richard K., [redacted].
Shook, Billy H., [redacted].
Shore, Thaddeus W., [redacted].
Shumaker, Gerald C., [redacted].
Sias, John W., [redacted].
Sikra, James C., [redacted].
Silber, Robert N., [redacted].
Simas, Robert J., [redacted].
Simmons, Larry C., [redacted].
Simonson, Robert T., [redacted].
Sleeper, Leigh E., [redacted].
Sloan, Charles J., [redacted].
Sluzevich, Sam C., II, [redacted].
Smith, Charles G., [redacted].
Smith, Frank, Jr., [redacted].
Smith, Hewey E., Jr., [redacted].
Smith, R. C., Jr., [redacted].
Smith, Ronald C., [redacted].
Smith, Thomas E., [redacted].
Smith, William R., [redacted].
Sonnenburg, Allen E., [redacted].
Soule, Stanley E., Jr., [redacted].
Spence, Kenneth M., [redacted].
Spunich, ordon D., [redacted].
Stahl, Michael J., [redacted].
Stamas, Louis N., Jr., [redacted].
Stanke, Edward C., II, [redacted].
Stann, John F., Jr., [redacted].
Starr, Rowland E., Jr., [redacted].
Stead, Charles R., [redacted].
Steen, Sanford N., [redacted].
Steiger, Nancy L., [redacted].
Stephenson, Karen L., [redacted].
Stern, Scott W. M., [redacted].
Stickel, Jack R., [redacted].
Stocks, Maurice L., [redacted].
Stockwell, John K., [redacted].
Stoehr, Martin E., [redacted].
Stone, Alan C., [redacted].
Stover, James E., [redacted].
Stover, James G., [redacted].
Strick, David C., [redacted].
Strobridge, Steven P., [redacted].
Stump, Richard R., [redacted].
Suffron, Raymond D., [redacted].
Sullivan, Daniel F., [redacted].
Sullivan, Paul G., Jr., [redacted].
Svoboda, Kenneth G., [redacted].
Swailes, James E., [redacted].
Swanson, Richard P., [redacted].
Sydney, Lloyd B., [redacted].
Sykes, Lundy M., [redacted].
Symsack, Elmer F., [redacted].
Szczesniak, John G., [redacted].
Tanabe, Dick Y., [redacted].
Tate, Martin L., [redacted].
Tauscher, Leon J., [redacted].
Taylor, John W., [redacted].
Taylor, Larry D., [redacted].
Tejkowski, Emil J., [redacted].
Terlecky, Peter M., Jr., [redacted].
Teschner, Charles F., [redacted].
Theobald, Alan C., [redacted].
Thomae, Steven A., [redacted].
Thomas, Michael L., [redacted].
Thomson, George T., [redacted].
Thran, Duane C., [redacted].
Tisher, Kenneth R., [redacted].
Tkach, Vladimir, [redacted].
Todd, Richard A., II, [redacted].
Todd, Robert S., [redacted].
Tolendino, Lawrence F., Jr., [redacted].
Toole, Garon A., [redacted].
Townsend, John C., [redacted].
Townsend, Ray E., [redacted].
Trapnell, Robert N., Jr., [redacted].
Traynham, William L., II, [redacted].
Trilling, Ronald H., [redacted].
Triplett, Henry H., Jr., [redacted].
Trizna, Walter, [redacted].
Trowbridge, Leigh M., Jr., [redacted].
True, Ted W., [redacted].
Tucker, Alan E. M., [redacted].
Tupper, Norman C., [redacted].
Turman, Bobby N., [redacted].
Turner, Daniel S., [redacted].
Turner, Thomas L., [redacted].
Turquette, John N., [redacted].
Twilley, John L., [redacted].
Tyne, John M., [redacted].
Ullman, Bruce L., [redacted].
Unz, Richard L., [redacted].
Unzelman, Louis R., [redacted].
Unzicker, Jerry L., [redacted].
Utley, Tom W., Jr., [redacted].
Vail, Patrick J., [redacted].
Valentine, Michael L., [redacted].
Valkenburg, James R., [redacted].
Vanallen, Robert L., [redacted].
Vansickle, Judd R., [redacted].
Varnado, Latham A. [redacted].
Vassallo, Anthony R., [redacted].
Vecellio, Leo A., Jr., [redacted].
Viau, Richard P., [redacted].
Vidmar, Randolph F., [redacted].
Vincent, Robert A., [redacted].
Vitz, Robert C., [redacted].
Vloet, John M., [redacted].
Vojtech, Larry J., [redacted].
Vonada, John A., [redacted].
Voss, Paul O., [redacted].
Wade, James C., Jr., [redacted].
Wagner, James C., [redacted].
Walker, Jay L., [redacted].
Wall, Charles G., [redacted].
Walsh, Kenneth V., [redacted].
Walsh, Margaret, [redacted].
Wang, David M., [redacted].
Ward, Jimmy D., [redacted].
Ward, Ralph R., Jr., [redacted].
Ware, Michael R., [redacted].
Washburn, Kenneth L., Jr. [redacted].
Watkins, Thomas E., [redacted].
Watring, Harry G., II, [redacted].
Watson, Emory O., Jr., [redacted].
Watts, Jerry L., [redacted].
Weathers, Edward B., [redacted].
Weaver, John L., [redacted].
Weaver, Russell L., Jr., [redacted].
Webber, Michael D., [redacted].
Weeks, Dale J., [redacted].
Wertz, Faust H., [redacted].
West, Charles T., [redacted].
Whicker, Elmer, [redacted].
Whiddon, William I., [redacted].
White, Cullen L., [redacted].
White, Robert E., [redacted].
Wilbur, George I., [redacted].
Wilkinson, David M., [redacted].
Wilkinson, Edward C., [redacted].
Williams, Dan D., [redacted].
Williams, James R., [redacted].
Williams, John L., [redacted].
Wiliams, Nathaniel, [redacted].
Williams, Richard B., [redacted].
Williams, Roland B., [redacted].
Williams, Ronald C., [redacted].
Williamson, Steven L., [redacted].
Willoughby, Steven B., [redacted].
Wilson, Douglas H., [redacted].
Wilson, Jackson L., Jr., [redacted].
Wilt, Donald C., [redacted].
Witiw, Michael R., [redacted].
Wittman, Thomas V., [redacted].
Witty, Robert M., [redacted].
Wolf, Michael L., [redacted].
Wolfard, Neal E., Jr., [redacted].
Wood, Russell O., [redacted].
Wood, William L., [redacted].
Wyatt, Phillip P., [redacted].
Yankee, Jerald R., [redacted].
Yasuhara, Philip K., [redacted].
Yates, William E., [redacted].
Yerby, Jack D., [redacted].
Young, G. R., [redacted].
Zahorski, Theodore R., [redacted].
Zalkovsky, David F., [redacted].
Zappa, Patrick A., [redacted].
Zimmerman, Alan L., [redacted].
Zorn, James F., [redacted].
Zuckerman, Meyer D., [redacted].
Zwick, Kent W., [redacted].

Lois C. Parks, [redacted] for appointment in the Reserve of the Air Force, in the grade of lieutenant colonel, under the provisions of sections 593 and 1211, title 10, United States Code and Public Law 92–129.

Roland L. Langley, [redacted] for appointment as a temporary officer in the U.S. Air Force (medical corps). In the grade of lieutenant colonel, under the provisions of section 8444, title 10, United States Code and Public Law 92–129, with a view to designation as a medical officer under the provisions of section 8067, title 10, United States Code.

The following persons for appointment in the Reserve of the Air Force, in the grade of lieutenant colonel, under the provisions of section 593, title 10, United States Code and Public Law 92–129.

Barney, Robert I., [redacted].
Wuennemann, Bernard H., [redacted].

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code and Public Law 92–129.

Major to lieutenant colonel

LINE OF THE AIR FORCE

Albers, Frank C., [redacted].
Arthur, Jay C., [redacted].
Birdsall, Robert A., Jr., [redacted].
Black, John W., [redacted].
Bomkamp, Raymond W., [redacted].
Bonde, Bernard E., [redacted].
Bowthrope, Benjamin W., [redacted].
Brands, Paul C., [redacted].
Brighenti, James M., [redacted].
Callari, Joseph A., [redacted].
Carruthers, Buell, [redacted].
Cozzi, Martin A., [redacted].
Crites, Howard G., [redacted].
Daniel, Thomas N., [redacted].
Davidson, Ricard E., [redacted].
Duffy, John E., [redacted].
Dye, Everett C., [redacted].
Ehrlingspiel, Richard J., [redacted].
Fagg, James W., [redacted].
Graves, John W., [redacted].
Grove, Lynn S., [redacted].
Heist, Harry E., II, [redacted].
Highsmith, William S., III, [redacted].
Horner, Karl F., [redacted].
Huntley, Dean E., [redacted].
Hurley, Michael J., [redacted].
Janucik, Richard W., [redacted].
Jewell, Gerald W., [redacted].
Johnson, Don, [redacted].
Jones, Glenn E., [redacted].
Kaufman, John F., [redacted].
Kester, William E., [redacted].
Kidder, Donald G., [redacted].
Kozak, Gerald M., [redacted].
Lattin, Gary G., [redacted].
Lawrence, John K., [redacted].
Lindsay, Herbert N., [redacted].
Lisenby, Harvey G., [redacted].
Marse, Hugh E., [redacted].
Moffitt, Albert R., Jr., [redacted].
Nuccitelli, Vincent V., [redacted].
Olson, Donald C., [redacted].
Ostrem, James A., [redacted].
Parkinson, Lawrence P., [redacted].
Piccotti, Louis S., [redacted].
Powell, Daniel D., [redacted].
Przybylski, Joseph A., [redacted].
Roller, James M., [redacted].
Schupp, Roger W., [redacted].
Smallwood, Paul E., Jr., [redacted].
Snoreck, Harry P., [redacted].
Vurbeff, Theodore C., [redacted].
Walker, Donald R., [redacted].
Wasson, William H., [redacted].
White, Marshall N., Jr., [redacted].
Williams, Donald R., [redacted].
Wright, Henry J., Jr., [redacted].

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, section 3294:

To be captain

McDonald, Paul T., [redacted].
Pardi, Livo F., [redacted].
Zurlo, Joseph A., [redacted].

To be first lieutenant

Albus, Robert A., [redacted].
Cole, Gary B., [redacted].
Herman, Claude P., [redacted].
Karl, Robert D., Jr., [redacted].
Peake, James B., [redacted].
Read, John A., II, [redacted].
Smith, Steven R., [redacted].
Stanfield, Bernard M., II, [redacted].
Taylor, Harvey G., Jr., [redacted].
Wehunt, William D., [redacted].
Winkel, Craig A., [redacted].

IN THE NAVY

Richard B. Porterfield (midshipman Naval Academy) to be a permanent ensign in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officer's training corps candidates) to be permanent Ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Robert A. Dussman
Sammy L. Foursha
Steven R. Goad
Roger E. Krogstad
Alfred W. Mitchell

Charles R. Hamlin, U. S. Navy officer, to be a permanent commander and a temporary captain in the Medical Corps of the Reserve of the Navy, subject to the qualification therefor as provided by law.

The following-named U. S. Navy officers to be temporary commanders in the Medical Corps in the Reserve of the U. S. Navy, subject to the qualification therefor as provided by law.

Jon G. Beidler
Joseph H. Bowlds
Frank M. Crittenden, Jr.
William W. Johnson
Carl P. Kessler
Robert J. Mollerus
John F. Russo
Ralph G. Sablan

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Jonathan L. Gray
Stephen W. Malley
Steve M. Walsh

The following-named (Naval Reserve officers) to be permanent lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Thomas J. Forgeng
Michael B. Griffee
Dennis W. Lauth
Vincent M. Lynch
Keith G. Mason

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary Lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Terry L. Carlberg
Richard T. Darnall III
Russell E. Haag
Edward R. Hintzen
John J. Holton
Dennis L. Nelson
Timothy R. Perkins
Edward A. Rohrbaugh
Jeffrey R. Vinton

Newell J. Cummings, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent captain in the Supply Corps of the Navy, subject to the qualification therefor as provided by law.

Owen G. Blackwell, II, to be a permanent commander in the Medical Corps in the Reserve of the Navy, subject to the qualification therefor as provided by law.

The following-named chief warrant officers to be lieutenants (junior grade) in the Navy, limited duty, for temporary service in the classification indicated and as a permanent warrant and/or permanent and temporary warrant, subject to the qualification therefor as provided by law.

SUPPLY

Dennis E. Bell
Lonnie D. Holt
Bobby L. Randall
Robert E. Reynolds
Lyle M. Seymour

CIVIL ENGINEER

Harold W. Bryant
George L. Law

DECK

Larry D. Countryman
James T. Easterling
William L. Estes
Terrence M. Gallagher
Donald E. Gavin
David W. Herrington
Kenneth D. Luper
James E. Malloch
Thomas W. Morris
Arthur G. Nolan
Charles R. Scott
Chester B. Smith
Bobby G. Sowers
Herbert A. Stephan
Robert E. Taylor
Robert A. Worley

OPERATIONS

Donald C. Brown
William J. LaPointe
Robert W. Mays
Robert H. Neil, Jr.
Russell W. Salyers
Frank O. Stutler, Jr.
Donald P. Turner
William C. Unangst

ORDNANCE

Robert T. Alexander
William A. Brooks
Loren K. Dixon
Bobby L. Dowty
Larry D. Huffman
Richard W. Manley
LaVonne H. Moore
James P. Oxrider
Hugh K. Redding
Robert R. Riegger
William R. Robertson
Frank L. Rogers
Francis F. Thomas
Lawrence W. Whitaker

EXPLOSIVE ORDNANCE DISPOSAL

John P. Boyden
Henry W. Busseno
Theodore K. McCarley
James S. Wallace

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Richart F. Yount

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John S. Petersen

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Harold M. Devries
Dickie D. Dunn
Kenneth P. Edwards
Robert H. Engelman
David L. Farley
Pablo J. Flores
Roy G. Formby
Leo E. Garrett
Louis P. Genin
Edward R. Gilley
Larry D. Gorans
Charles R. Graves
Allen E. Hall
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James B. McGlothen
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Jerry D. Mooney
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Ernest R. O'Rourke
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Marion A. Petty
John F. Pfuhl
David L. Potter
Joel B. Pridgen
Melville E. Prior, Jr.
Charles F. Ragghianti
James W. Remer
Thomas A. Robertson
Ronnie L. Rodeffer
Leo C. Rosenberg
Chuck N. Ruston
Lance D. Sirmans
Chester P. Szydlowski
Clarence E. Thompson
James S. Turner Jr.
Chester H. Walters
Wayne L. Weller
John E. Wilson
Millard L. Wilson
Neal R. Young
Ralph K. Zimmerman

George C. Bingham (Naval Reserve officer) to be a permanent commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Lawrence H. Fink (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Martin S. Barber
Charles M. Belisle
Robert E. Cruetz
Michael J. Dainer
George J. Everidge
Gerald R. Fabry
Donald E. Harmon
Robert D. Harper
Robert J. Hartman
Anthony B. Junkin
Jon B. Lowe
Thomas G. Lutz
Richard M. Manjerovic
Peter P. Menghini
George D. Miller
John R. Nisbet
Russell C. Packard
Wayne E. Pasanen
Randall W. Powell
David S. Richmond
William B. Ross
Michael W. Schuetz
Henry H. Street
Henry Travers
David K. Wagoner
John R. Wilcox

David J. Reilly (Navy enlisted scientific education program candidate) to be a permanent lieutenant (junior grade) in the Line or Staff Corps of the Navy, in lieu of ensign, as previously nominated and confirmed.

Frederick A. Cravens (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

John L. Verkleeren (Naval Reserve officer) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Lieutenant Ralph J. Gemelli, U.S. Navy, to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Jon D. Rahman
Miguel Saldana

The following-named midshipmen (Naval Academy) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Patrick A. Fayle
Steven J. Konota
Brad S. Smith

IN THE MARINE CORPS

The following-named commissioned warrant officers/warrant officers for temporary appointment to the grade of first lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Adams, Charles W.
Aldrich, David S.
Alexander, Frank A.
Anderson, Joseph N.
Ash, James B.
Asselin, Raymond F.
Bacon, Welles D.
Bahr, Wayne D.
Baldwin, Claude R., Jr.
Balius, Ronald A.
Bass, Bonnie H.
Bennett, Charles S.
Bennett, Michael B.
Boggess, Gary M.
Boudreaux, Clyde P.
Bowen, Robert L.
Braun, Donald B.
Brinkham, Lawrence C.
Britton, Albert K.
Brown, William C., Jr.
Browning, Victor E., Jr.
Bruce, Charles J.
Bullock, James R., Jr.
Campbell, Billy R.
Campbell, Everett J.
Caulfield, Robert J. Jr.
Caulfield, Robert J.,
Click, Tilden U.
Clifton, Rayborn S.
Cole, John H., Jr.
Conti, Frank J.
Dankmyer, Charles A., Jr.
Danley, Douglas J.
Deguise, Joseph L.
Dodson, Eldon L.
Dulaney, Terrell L.
Ethington, Riley S.
Ferguson, Harold D.
Floe, Jerry D.
Floyd, Joe M.
Flynn, Jack W.
Franklin, Eugene T.
Gale, Earl G., III
Gillberg, Emil A., Jr.
Haferkamp, Johann
Hanson, Donald L.
Hart, Frank R.
Haugley, Lorell J.
Hicks, Herbert O., Jr.
Hug, Raymond L.
Humphrey, Edward W.
Hutchinson, Holland C.
Immings, Barton E.
King, Carl E.
King, Thomas F., Jr.
Kuykendall, William A.
Lainhart, Michael S.
Lane, Albert, Jr.
Lee, Bernard L.
Lem, Juan M.
Leslie, Philip D.
Lewis, Kenneth D.
Macey, Wayne W.
Main, Raymond J.
Marsh, Barry E.
McDonald, Howard
McGill, Bryan M.
McNutt, Benjamin H.
Miller, Edward R.
Miller, George A.
Mongoven, Patrick J.
Parry, Fred R.
Phillips, Lloyd G.
Pullin, Jesse P.
Renau, Thomas T.
Ribeiro, Joseph
Robinson, Dorsey, Jr.
Rosser, William H.
Salamack, Stephen C.
Sanchez, Efrain F.
Sawin, Peter B.
Seman, Stephen G.
Shanklin, Michael L.
Shidal, William F., Jr.
Slavens, Charles R.
Sorley, James A.
Stafford, Herbert B.
Stevens, Patrick L.
Steward, John A., Jr.
Strickroth, George B.
Vincent, Robert L.
Wahlers, Larry F.
Walker, Bennie R.
Weaver, Napoleon K.
White, Ford D.
Whitley, John, Jr.
Wildgrube, Wayne D.
Wine, Larry L.
Winter, Warren W.
Woinoski, Stanley G.
Yoerk, Richard L.

The following-named staff noncommissioned officers for temporary appointment to the grade of second lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Akioka, Harry E.
Andelin, Marvin R.
Anderson, Robert C.
Baier, Charles G.

Baird, Dale L.
Barineau, Richard L.
Barron, Bonie P.
Baseley, Jacque A.
Belville, Arthur J., Jr.
Bergeron, Joseph W., Sr.
Birren, James M.
Bolles, Elmer S.
Brakowiecki, Laurence R.
Brewington, Robert E.
Broughton, Frankie D.
Bryant, Edward L.
Carr, Jay S., II
Carr, William W.
Carter, Wallace M.
Cheely, Benjamin L.
Collins, Melvin
Condrey, Jimmy W.
Corbett, Edward F.
Critzer, Roger A.
Cuddy, Raymond S., Jr.
Curry, Carl R.
Day, Lawrence M.
Dolphin, John J.
Donelow, Robert L.
Dowell, Frederick L.
Dunbar, George H.
Eckman, George M.
Egbert, Carroll F., Jr.
Eldredge, Frederick R., Jr.
Estey, Howard E.
Faircloth, Jeris L.
Farr, Roland C.
Fitzgerald, Joseph T., Jr.
Flowers, Percy
Ford, Billy J.
Geer, Robert W.
Giger, John R.
Griffin, Charles L.
Gwinn, Robert P.
Halburnt, James C.
Haley, Dale A.
Hallbick, Larry J.
Harkless, James J.
Harpe, Charles W.
Hashagen, Donald J.
Hastings, Sidney T.
Heatley, George
Hicks, Robert
Hinchliffe, Herbert C.
Hinman, Rex L.
Howard, Sylvester
Hunnicutt, Thomas
Hurst, Charles E.
Jackson, Albert P.
Jenkins, Robert
Jiminez, Francis
Johnson, John W.
Johnson, Robert B.
Jordan, Robert T.
Justis, Forest W.
Kidd, Arthur J.
Kiker, Meek C.
Kingry, Thomas E.
Kistler, Ernest J.
Kolek, David L.
Ledford, William H.
Liebl, Luitpold J.
Lile, Brian K.
Loy, Lloyd L.
Luchansky, George J.
Lundberg, Frank C.
Lynch, John F.
Machado, Louis E.
Mannix, James W.
Mattox, Chester C.
McDuffie, Don C.
Meagher, Gregory F., Jr.
Mouton, Joseph
Newman, Billy R.
Palmquist, Charles J.
Parrish, John W.
Payne, Walter A., Sr.
Scroggy, Gene A.
Seagroves, Ronald G.
Sellers, Walter S.
Sherry, Guy R.
Smiley, Perry
Snodgrass, Nathaniel L.
Spangler, Tommy L.
Surles, Charles T.
Thompson, Leon R.
Vaughn, James
Vessey, Arnold F.
Webster, Lawrence E.
Whipple, William L.
White, Llewellyn S.
Whitehead, Otis J.
Widenhouse, Robert W.
Williams, Robert G.
Wilson, Eugene S.
Witham, Merton T.
Wolf, Donald E.
Young, Paul M., Jr.

INTERNATIONAL MONETARY FUND; INTERNATIONAL BANK FOR RECONSTRUCTION & DEVELOPMENT; INTERAMERICAN DEVELOPMENT BANK; AND ASIAN DEVELOPMENT BANK

George P. Shultz, of Illinois, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years.

A Governor of the Inter-American Development Bank for a term of 5 years; and

U.S. Governor of the Asian Development Bank.

DEPARTMENT OF AGRICULTURE

Carroll G. Brunthaver, of Ohio, to be an Assistant Secretary of Agriculture, vice Clarence D. Palmby, resigned.

Carroll G. Brunthaver, of Ohio, to be a Member of the Board of Directors of the Commodity Credit Corporation, vice Clarence D. Palmby, resigned.

BOARD OF PAROLE

Maurice H. Sigler, of Nebraska, to be Member of the Board of Parole for the term expiring September 30, 1978. Mr. Sigler is now serving in this position under an appointment which expires September 30, 1972.

EXTENSIONS OF REMARKS

A STUDY OF THE RUSSIAN NAVY

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 7, 1972

Mr. GRAVEL. Mr. President, I should like to place in the RECORD a study on the Russian Navy by Michael MccGwire, a former commander in the British Navy and naval attaché in Moscow. The title of this study is "Soviet Naval Capabilities and Intentions."

I would like to summarize some of the main points of this report. First, Mr. MccGwire says the West has given the Russians propaganda advantages by overstating the threat in the Mediterranean. The author speculates that this may have been done to create myths similar to the bomber and missile gaps for the purpose of expediting funds through Congress. Mr. MccGwire states that—

> By ignoring the "most likely course of enemy action," and by concentrating our attention solely on some hypothetical "worst case," based on a rather flattering estimate of Soviet naval capabilities and an implied absence of Western reaction, we undermine our own maritime credibility while encouraging the Soviet Union to develop a taste for sea power, and to fulfill our most gloomy prophesies.

The basic strategy of the Soviet Naval forces is the "Young School" concept adopted in the early thirties of only defending their maritime frontiers and not ruling the waves. The first two tasks of the Soviet Navy are:

> 1. Countering the Polaris submarine.
> 2. To neutralize the strike attack aircraft carriers prior to aircraft launch.

The main defense areas are the Baltic and Black Seas. It was from these areas that the Western Powers intervened by sea in an attempt to crush the revolution. Then in 1957 the United States introduced the A3D aircraft on our aircraft carriers in the Eastern Mediterranean. Since these planes could reach Russia's industrial areas the Russians felt they had to counter our carriers in the Mediterranean for defensive purposes. When we later put Polaris submarines in the Mediterranean this gave them another reason to be there. Mr. MccGwire illustrates this by saying:

> The greatly increased range of sea-borne strategic weapons has meant that the eastern basin of the Mediterranean is now in many ways of greater defensive concern to the Soviet Union than her northern seas. Moscow is equidistant between the two, but whereas population and industry thin out to the north of the capital, to its south and east lies the greater part of Russia's industrial strength. It seems probable that the 1963 announcement that Polaris submarines were taking up station in the Mediterranean, caused the Soviet Navy to advance its plans to project a naval presence in the area.

This is a classical case of the spiraling arms race.

Concerning the value of our huge carriers, Mr. MccGwire says:

> As sufficient nuclear submarines armed with horizon-range missiles become available for the task, it seems likely that Western strike carriers will be marked wherever they may be.

It is the belief of many naval experts that the aircraft carrier is now obsolete due to the cruise missile. The new Russian C class cruise missile system would be very dangerous against carriers, because of its submerged launch, supersonic speed, and surface-skimming trajectory.

But once out of the Russian frontier area, Mr. MccGwire feels Soviet capabilities fall off:

> The Soviet Navy does not have the capacity to sustain general naval operations in a hostile maritime environment at a distance from Russia's shores. The Soviet Union currently lacks a worldwide maritime capability.

I ask unanimous consent that the study be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

SOVIET NAVAL CAPABILITIES AND INTENTIONS

(By Michael MccGwire)

Most qualified opinion is in fact agreed on the essentially defensive requirements which caused the Soviet Union to develop its present naval capability, although there is a wider range of opinion as to where this may lead them in the future. All are also agreed that, irrespective of its genesis, growing Soviet naval strength presents a potential threat to Western interests, which must be countered. But starting from these points of agreement, opinion then divides into two broad groups. There are those who see the greatest danger to the West, in a democracy's reluctance to provide adequate resources to long-term defence in peacetime, and who therefore tend to formulate the threat in extreme terms, both of military capability and aggressive intentions, in order to frighten the politicians into releasing adequate funds to naval defence. And there are others who consider that more certain damage to Western interests has been, and will be caused by alarmist assessments (however worthy their motives) which exaggerate Russian maritime capabilities and ignore the considerable constraints which limit the flexible employment of Soviet naval forces.

I hold unreservedly to this latter opinion, and it is not because I under-rate the very real threat to Western interests which is implicit in Soviet naval strength nor because I am persuaded of their friendly intentions. My reasons are twofold. Firstly, experience as a long-range planner has shown me the dangers of 'fiddling the factors' in order to produce some predetermined conclusion, and how in the long run it always rebounds to one's disadvantage; in formulating a threat which will persuade the politicians, we run the risk of obscuring our own perception of the real danger to Western maritime interests, and at the same time we are likely to distort our wider foreign policy assessments. And secondly, I have watched the way in which alarmist, and frequently ill-informed Western comment has brought Russia political benefits, which the Soviet Navy could never have achieved on its own.

Over the last three years, there has been a marked and substantial shift in the Soviet Union's political exploitation of her navy's enforced forward deployment; this stems from the aftermath of the Arab-Israeli conflict in 1967, and the sudden and vociferous public awareness in the West, that Russia had a navy which went to sea. Western commentators delivered a substantial (and undeserved) propaganda success to the Russians by insisting that the Soviet naval presence must paralyse Western naval initiatives, by failing to distinguish between the widely varying combat capabilities of the Russian units in the Mediterranean, and by speaking of illusory 'massive naval reinforcements' during the June war (which on one occasion even included a water-tanker and an icebreaker towing a patrol-craft). They then confirmed Russia's naval standing in Arab eyes, by ridiculing official Western statements which pointed to the exposed nature of these Soviet deployments, and to the vulnerability of individual units to Western attack. This alarmism may have been thought necessary to arouse a sense of concern in NATO, or to extract funds from a reluctant US Congress, but it none the less provided the Russians with a detailed course on how to discomfort the West with the smallest diversion of resources; it has also given Soviet surface deployments a military credibility which is still largely spurious. It was most noticeable that, prior to June 1967, Russian deployments were primarily a navy-to-navy affair, with a relative disregard for the potential political benefits. The strategic reasons underlying these deployments have not changed, but since that date, naval visits have been increasingly used to reinforce the reputation which the West has gratuitously bestowed on the Soviet Navy.

In the late 1950s the Soviet Union derived substantial political benefits from the publicising by Western commentators of the mythical Bomber and Missiles Gaps, and the ease with which the West can still be induced to credit their opponents with an exaggerated military capability must be a source of continuing gratification to Soviet leaders. It conceals their technological inadequacies from critical world opinion, and allows them to make retrospective claims to have influenced the outcome of events in situations where they have sat by helpless, as selfishly worried spectators. It is significant that well into 1968, the Russians remained understandably silent about their negative contribution to the outcome of the June war, concentrating their propaganda on linking the presence of the US Sixth Fleet with the Israeli attack; but by 1969, the Soviets were emboldened to play back the West's more alarmist assessments, and now claimed that it was the Russian naval presence which saved the Arabs from imperialist intervention in 1967.

As with Soviet naval capabilities, so with their intentions, and they are only too happy that the West should concentrate on the former and assume the worst of the latter. By causing the West to over-estimate both her belligerency and her naval strength, the Soviet Union hopes to encourage inaction and acquiescence when otherwise the West might thwart her plans. She has not lacked support and from the start Western Jeremiahs have insisted that the mere presence of Soviet naval units, irrespective of their real or relative capability, must inevitably inhibit the West's reaction. The effect of these exaggerations is to obscure the limited nature of the Soviet Union's physical commitment outside the boundaries of the Warsaw Pact, and to induce a quite unjustified belief in both her capability and her readiness to use force. There is a perverse community of interest between Russia's desire to obscure her naval inadequacies and the West's concern to guard against overcomplacency. Naturally enough, the Soviet Union welcomes the Western amplifier which is now plugged into her naval propaganda machine, whose authoritative voice helps to compensate for the sometimes glaring shortfall between her words and deeds.

It is of course a distorted form of realism which insists that we must ignore our opponent's intentions. While it is proper to concentrate on capabilities in contingency planning or at the theatre-tactical level, such an approach is wholly inappropriate as the basis of policy formulation at the politico-strategic level. A country's national interests, intentions and essential defence requirements are equally important factors in the threat equation and to exclude these constraints on Soviet action, must inevitably distort Western maritime policy and inhibit the effective use of our naval superiority. By ignoring the 'most likely course of enemy action', and by concentrating our attention solely on some hypothetical 'worst case', based on a rather flattering estimate of Soviet naval capabilities and an implied absence of Western reaction, we undermine our own maritime credibility while encouraging the Soviet Union to develop a taste for sea power, and to fulfill our most gloomy prophesies.

I make no apologies for this digression before getting down to the details of the paper, because Russian intentions are a function of Western political will and the extent to which Soviet maritime policy is shaped by the West's naval preponderance and by the nature of our response at sea, is inadequately understood. I will come back to this fundamental point, which should become clearer as we turn to consider the development of Soviet naval policy since the war, and gain a better idea of the changing requirements they have had to meet. This background knowledge is fundamental to analysing the present capabilities of their forces.

THE STRATEGIC THREAT FROM CARRIERS

By 1957–58, the Soviet Navy realized that it had been geographically and technologically outflanked. The US Navy's A3D carrier-borne aircraft could reach Russia's industrial areas from the South Norwegian Sea and the Eastern Mediterranean; the US Navy's nuclear submarines were of much higher performance than the Soviet classes due to begin delivery; the US Navy was also establishing an anti-submarine area-defense system off its seaboard which would largely neutralise the Soviet strategic delivery units; the US. Navy's *Polaris* would pose an additional strategic threat.

The maritime threat to Russia was once more a national rather than a single service problem and the repercussions on naval building were considerable. Neither the missile-cruiser nor the SSG were of much use when the encounter-zone was beyond the range of shore-based air-cover, and all these programmes were cancelled. The relatively inferior performance of Soviet strategic delivery submarnes and the threat of nuclear strike by carrier aircaft combined to cause the reallocation of nuclear propulsion to what was now the top-priority task of countering the carrier. The second generation SSBN was cancelled and the hull/propulsion unit was configured as an SSGN, making use of the J-Class weapon systems. Meanwhile the Soviet Union misinterpreted the future scale and nature of the *Polaris* threat, and saw it as a complementary weapon system to close the Northern arc, where principles of area-defense could apply. The main requirement was to extend the range of helicopter operations, to achieve which two *Stalingrad* class (the *Sverdlov*-successor) cruiser hulls were adapted to build the *Moskva* Class anti-submarine cruiser. These were mainly interim measures, and the final answer had to await the third generation of nuclear submarines, which were projected at this time and due for delivery in 1968. These would include a nuclear missile system with a self-contained horizon-range missile system for use against the carrier and a much improved *Polaris* style SSBN. Meanwhile the Soviet Union adopted various other expedients such as basing W-Class submarines in Albania (1958) trying to set up a joint Sino-Soviet naval and air defense command (1957) and the stationing of intelligence units off the USA (1959).

THE INCREASED THREAT FROM POLARIS

By 1961, the Soviet Union had come to realise that the threat from *Polaris* was not limited to the Arctic, but that Western Russia was now threatened from 270° of arc, extending from the Indian Ocean through the Mediterranean to the Norwegian Sea, and that by the middle sixties, one third of the USA's nuclear strike capability would be seaborne. This generated a fundamental re-assessment of naval policy which is discussed further below, leading to the decision that some form of permanent counter must be deployed against both *Polaris* and the US carriers.

In 1962, the Soviet Navy was ill-prepared for this radical reorientation of policy, both operationally and in terms of the necessary ships to implement the concept. Although primary reliance was to be placed on submarines and naval air, surface ships would be required in support, but their only surface-to-air missile (SAM) armed destroyer-type (the *Kashin*) was programmed to build at a mere two units a year. To ameliorate the situation, they undertook the major conversion of eight of the older *Kotlin* Class destroyers, and six of the *Krupnyj* Class missile units, into SAM-armed anti-submarine ships. This gave these ships a weapons performance comparable to the *Kashin*, for delivery during the latter half of the sixties.

In the longer term, they were somewhat better placed. They were already committed to a three-fold increase in their nuclear submarine building capacity, with the third generation of submarines due to enter service in 1968–69. Meanwhile, in the normal course of events, a new family of surface ships was scheduled to begin delivery in 1970, and the design of the larger type could be ajusted to reflect these changed requirements.

THE SHIFT TO FORWARD DEPLOYMENT

The last eight years has seen the Soviet Navy's progressive shift to forward deployment, as it attempts to counter the strategic nuclear threat which can now be posed from sea-areas 2,000 miles or more from Russia's frontiers. Admiral Gorshkov has admitted that the change has not been easy, involving as it did the organic restructuring of the Navy and the reorientation of traditional naval policy and operational habits, in order to meet this qualitatively new requirement. The process still has some way to go, but the pattern of operations is now clear enough to identify the underlying concept of operations.

Posing a permanent counter. For the Soviet Union, the implications of the USA's shift to seaborne strategic strike systems went far beyond the intensification and diversification of an existing threat. Most serious was that naval units would largely escape the intercontinental nuclear exchange; the USA would therefore have the option of holding back their seaborne systems, in order to dictate the subsequent course of a general war. To foreclose this option, the Soviet Union had to provide for the destruction of these US naval units at the outbreak of war, irrespective of whether the effective reaction time would also be able to prevent the launch of strategic weapons. Since the destruction of all US units could not be guaranteed, the

Soviet Union would need to develop its own SSB force in order to ensure that the post-exchange nuclear balance was preserved.

In formulating an operational concept to meet these specialised requirements, Soviet naval leaders chose to exploit the particular characteristics of nuclear-missile war at sea; (it is likely that the alternative of trying to match the West's maritime capability was dismissed as impractical for both military and economic reasons). The Soviet Navy requires to destroy Western strike units at the outbreak of war. To do this, the Soviet Navy does not need maritime superiority, because their naval units deployed to this task have only to survive long enough to discharge their weapons; if they are already within weapon range of their opponent, the requirement is limited to surviving a preemptive attack. Meanwhile, the free use of the sea which has enabled the peacetime deployment of US strategic strike units within weapon range of the Soviet Union, means that the Russians are likewise free to maintain their own naval forces within weapon range of Western units.

This operational concept, which can be described as "posing a permanent counter under the protection of peace", underlies the extending pattern of Russian naval deployments since 1962, and points the way ahead. The decision to by-pass the basic naval requirement to be able to survive in a hostile environment, is particularly significant, and has allowed the Soviet Navy to base its future plans on the sustained mid-ocean support of units on forward deployment. It does not however reduce the vulnerability of such operations to interference from the West, and militarily, is only tenable in the context of mutual deterrence.

As a corollary of this concept, existing Soviet "zones of maritime defence" (which only reached 200–300 miles from Russian shores), were extended to cover the more vital sea areas of threat, such as the Norwegian Sea and the eastern Mediterranean. This served to contest the right of Western strike units to use these seas unhindered, while allowing the Soviet Navy to apply some of their established tactical concepts of anti-submarine area defence, in their efforts to counter *Polaris*.

Countering the carrier. Initially this involved the close shadowing of Western carriers whenever they approached to within strike range of the Soviet Union, in order to provide target location data to Soviet missile units, which remained permanently within weapon range. In the Norwegian Sea and Pacific the requirement could be met by sailing units as the need arose, but to counter the carriers of the Sixth Fleet in the Mediterranean, a continuous Soviet naval presence was necessary. In the longer term, as sufficient nuclear submarines armed with horizon-range missiles become available for the task, it seems likely that Western strike carriers will be marked wherever they may be. Irrespective of their current employment, as long as U.S. carriers carry nuclear weapons in their magazines, their potential threat remains.

Countering the Polaris *submarine*. The problem of posing a permanent counter to *Polaris* is of quite a different order, reflecting the difficulties of initial acquisition and remaining in contact with a nuclear submarine, as well as the vast areas of sea from which missiles can be launched against Russia, including the Mediterranean, the eastern Atlantic and the Arabian Sea, as well as parts of the Pacific. The range of methods adopted by the Soviet Union has yet to be fully perceived, but it appears that they are trying to develop some combination of continuous tracking and area defence. The problems are immense, and in most respects they are at a disadvantage to the U.S. Navy in this field. The Soviets lag both in nuclear submarine design and submarine detection systems, and are badly placed in terms of maritime geography. But limited prospects of success have never discouraged the Soviet Union from embarking on measures which she sees as essential to her national security, and there is little doubt that the Soviet Navy will continue to give priority to their efforts to counter *Polaris;* certainly, these provide the explanation for a large proportion of their distant deployments.

THE EXTENDING PATTERN OF SOVIET NAVAL OPERATIONS

The past decade of Soviet naval operations illustrates the progressive implementation of the long term operational concept. The appointment of Kasatanow to the C.-in-C. of the Northern Fleet in February 1962, was one of several indicators of the reorientation policy which appears to have been decided during 1961. Preliminary moves were made in 1962, but it was not until 1963–64 that the shift to forward deployment became more widely noticed. The initial areas of attention were those from whence both *Polaris* submarines and aircraft carriers could launch strikes against Russia; the eastern Mediterranean, the Norwegian Sea and equivalent areas in the Pacific. This was partly because the Soviet Navy already had some form of counter to deploy against the carriers, but also reflected their policy of trying to achieve a *de facto* extension of the Soviet Union's maritime frontiers, by maintaining a naval presence in those sea areas of most immediate defensive concern to Russia. After five years of steady if slow progress in these areas, the Soviet Navy turned its attention to the sea-route between the USA and the Mediterranean, and then to the Arabian Sea.

The Mediterranean deployment. The greatly increased range of seaborne strategic weapons has meant that the eastern basin of the Mediterranean is now in many ways of greater defensive concern to the Soviet Union than her northern seas. Moscow is equidistant between the two, but whereas population and industry thin out to the north of the capital, to its south and east lies the greater part of Russia's industrial strength.

It seems probable that the 1963 announcement that *Polaris* submarines were taking up station in the Mediterranean, caused the Soviet Navy to advance its plans to project a naval presence in the area, before it was properly equipped to do so. Although there was a progressive naval build-up from the initial sorties in 1963, their afloat support was not designed to work from open anchorages, and they were neither able to sustain year-round deployments, nor substantial numbers of ships on station. It was not until after the June 1967 war that the availability of sheltered berths for their support ships in Egyptian harbours, enabled a substantial jump in the average number of ships deployed. Throughout most of 1968–69, the Soviet naval squadron was maintained at about seven to ten submarines and eight to twelve surface combatants, the number rising when overlaps were arranged to allow for major exercises; since 1967, the Soviet Navy has also been able to maintain a year-round presence in the Mediterranean, although it is still considerably reduced during winter months. The Arab-Israeli war led to the use of Egyptian airfields in support of Soviet naval operations, by UAR reconnaissance aircraft and by Soviet ASW *Badger* units. Apart from marking the carriers of the Sixth Fleet, Soviet naval activity concentrates mainly on anti-submarine (i.e. counter *Polaris*) operations in the eastern Mediterranean.

Besides these attempts to counter the US strategic threat directly (which includes posing a threat by proxy, through the supply of naval arms to Arab states), Russia is also pursuing a policy of "maritime exclusion" designed to cause the US Navy to cease (or limit) its operations in the Mediterranean. The Soviet Union has always sought to achieve *de jure* recognition that the Baltic and Black Seas were "closed" or "neutral" seas, and has never accepted the right of non-riparian powers to innocent passage in these areas, and she is now trying to extend this concept to the Mediterranean. She made proposals in 1958 and 1963 about non-nuclear zones, but in April 1967 Kosygin demanded the withdrawal of the Sixth Fleet, and this signalled a policy of deliberate harassment by Soviet naval units. By November 1968, Russia was claiming that since she was a Black Sea power she was by definition a Mediterranean power, and she declared that the area should be designated a nuclear-free zone from which the Sixth Fleet would be excluded. This diplomatic offensive is having some effect in the area, and Jugoslavia and Algeria have separately suggested that both Russia and the USA should take their quarrel and their fleets elsewhere. It is probable that on balance, such a solution would be acceptable to the Soviet Union, if she could be certain that *Polaris* submarines would also be excluded.

Mission. Traditionally, the primary mission of the Russian Navy has been "to defend the homeland," and although the nature of maritime warfare has undergone fundamental changes, there is ample evidence (including the statements of Soviet leaders) that this still pertains today, although it is now set in the context of mutual deterrence and general nuclear war. It is this basic mission which, over the years, had dictated the size and composition of their fleets, and the characteristics of their naval units. Before 1958, the nature of the maritime threat to Russia meant that (apart from strategic delivery) primary naval requirements were limited to operations in the four fleet areas, and these would take place following the outbreak of war. But the introduction of nuclear weapons and long-range delivery systems has radically altered the operational scope of the Navy's traditional mission. To defend the Soviet Union against attack from the sea now requires the Soviet Navy to operate in remote areas at a great distance from Russian shores.

Tasks. In support of its mission, the Soviet Navy now has to discharge five primary tasks:

(a) To counter the *Polaris* submarine.

(b) To neutralize the strike carriers prior to aircraft launch.

(c) To contribute to the Soviet Union's strategic delivery capability.

(d) To gain command of the four fleet area, particularly the Baltic, Black and Barents Seas.

(e) To provide maritime flank support for land operations along the coastal axes.

There are of course many other ways in which Soviet naval forces can or would be used, particularly after the outbreak of fighting. But these five primary tasks have precedence, both chronologically and in determining the design specification of new classes of ships. And although all submarines have an anti-surface capability, attack on sea-communications is not among these five tasks, all of which must be discharged during the initial nuclear exchange, or earlier.

The last two are traditional tasks, whose underlying nature has changed little, although the geographical scope has been somewhat extended, and it is assumed that operations will take place in a nuclear environment. The first three derive from the availability of nuclear weapons and the increased range of seaborne delivery systems, and it is these tasks which embody the special characteristics of mutual deterrence and nuclear-missile war, of which the most significant is the force-consuming requirement that these tasks must be discharged continuously in peacetime, at wartime level of readiness.

The Soviet naval balance. The composition of her fleets, the pattern of their deployments and the statements of her leaders, all confirm that the Soviet Union has built a Navy for strategic deterrence and general war. Her navy is deficient in its capability to discharge three of its five primary tasks, and this deficit will probably persist, at least in the task of countering *Polaris*. Her surface ships can sail around the world in time of peace, but because of the unbalanced structure of her fleet which has been built to meet a particular threat, and the West's naval predominance, the Soviet Navy does not have the capacity to sustain general naval operations in a hostile maritime environment at a distance from Russia's shores. The Soviet Union currently lacks a worldwide maritime capability.

H.R. 12674—A BILL TO CREATE A NATIONAL CEMETERY SYSTEM WITHIN THE VETERANS' ADMINISTRATION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ZWACH. Mr. Speaker, it was my privilege to coauthor H.R. 12674, a bill to create a national cemetery system within the Veterans' Administration. The vote by which this bill passed the House of Representatives last Monday, 310 to 4, is a reflection of the strong support for the provisions of the measure by this body.

The bill represents the initial step in ultimately solving the national cemetery problem that has confronted the veterans of this Nation for the past several years.

Despite the fact that every honorably discharged veteran is entitled to burial in a national cemetery, there have been no new cemeteries constructed since 1950 and existing burial spaces are rapidly being filled and national cemeteries closed to further burial.

The bill, H.R. 12674, will transfer to the Veterans' Administration the administrative jurisdiction over the national cemetery system presently administered by the Department of the Army; military posts cemeteries administered by the respective services departments and cemeteries on foreign soil administered by the American Battle Monuments Commission. These Federal cemetery systems, together with the several cemeteries presently operated by the Veterans' Administration will form the nucleus of a new national cemetery system.

Under the terms of the measure, the Administrator of Veterans' Affairs is required to undertake a comprehensive study of the criteria that should govern the future of the national cemetery system. The Administrator will then report to us within 30 days after the convening of the next session of Congress, his recommendations for a national policy on veteran burial, including the need for and location of additional national cemeteries.

The bill additionally authorizes a plot allowance of $150 payable on behalf of those veterans who are not buried in a national cemetery. Authorization for the interment in Arlington National Cemetery of an unknown serviceman from the Vietnam era is also provided in the bill.

It is my understanding, however, that at the present time there are no unidentified war dead from the Vietnam conflict.

Mr. Speaker, this is necessary legislation. As a cosponsor of this bill, I have supported it vigorously in committee and on the floor of the House of Representatives. I hope the other body will act promptly and rapidly to send the measure to the President for his approval.

FEDERAL AID TO PRIVATE SCHOOLS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 7, 1972

Mr. TUNNEY. Mr. President, the subject of school financing is one which has caused great concern to me and to my fellow Senators. Schools throughout the country, both public and private, are facing increasing financial difficulties as the costs of providing an education rise at a rapid rate. Many concerned parents and educators feel that private, alternative sources of education are a vital part of the American educational tradition which may now be faced with extinction, because they cannot meet the increasing financial demands placed upon them. Parents who choose to send their children to private schools, for whatever reason, face the very real problem of having to pay two tuitions: One to the private schools which they have chosen, and one to the public school system in the form of educational taxes. The private schools themselves face a double problem: Not only are the costs of education going up, but, in addition, the revenues from tuition are going down as more and more parents withdraw their children from private schools—either because they no longer wish their children to attend private schools, or because, quite simply, they no longer feel that they can afford the double burden of taxation and tuition.

Legislators at both the State and the Federal level have given thought to this problem. Many feel that the private schools are indeed vital to the American tradition, and must be aided by public funds in order that they may continue to fulfill their role in American society. At the college level, of course there are already a large number of State and Federal programs which provide aid both directly to colleges and universities, and to the students who attend these institutions.

The problem is more complex at the level of elementary and secondary education because, as things are at present, the vast majority of the private schools are operated by religious organizations. The most extensive network of private schools, enrolling roughly 83 percent of all private elementary and secondary students, is that of the Catholic Church. The question of aid to private elementary and secondary schools cannot be separated, therefore, from the question of the interrelationship of church and state. The first amendment to the U.S. Constitution forbids the Government to take any action to establish any church or religious activity.

The constitutional prohibition against establishment of religion has led the U.S. Supreme Court to set very strict rules over the kinds of aid which governments may provide to schools affiliated with religious organizations. State laws providing for aid to parochial schools have recently been declared unconstitutional, because they were deemed to constitute establishment of religion or to engender excessive intermingling and potential entanglement of the church and the state. Only those limited programs of aid to parochial schools for the express purpose of providing nonsectarian services to the pupils in the schools, and some aids directly to private school pupils, have been allowed to stand.

In view of these strict constitutional requirements and the close scrutiny which the Supreme Court may be expected to devote to any program of aid to parochial schools, Congress is obliged to proceed very cautiously in this area.

Two types of aid which could possibly be developed to bring financial relief to the parochial schools—as well as to other private elementary and secondary schools—are the voucher system and the tax credit or tax deduction system.

The Office of Economic Opportunity is currently conducting an experiment with a voucher system. Under this system a local school board gives each student in the school district a voucher valued at some sum of money, perhaps the average annual expenditure per pupil in the local public schools. The student is then free to use this voucher to pay the full cost of his education at any school he chooses, so long as that school meets requirements for participation laid down by the school board and also agrees to accept the voucher as full payment for educational services over the school year.

Another possibility lies in providing tax deductions or tax credits to parents who pay tuition to send their children to private elementary or secondary schools. Under this system, the parent, when he filed his Federal income tax form each year, would be allowed either to deduct some proportion of his tuition payments from his taxable income, or to subtract some fixed amount from the actual tax which he must pay. The amount of tuition which he could deduct or which he could credit against his final tax liability would be determined, probably, in relation to the number of children for whom he is paying tuition, and his total family income.

This is a difficult problem, one which vitally affects the education of our children. America has always paid careful attention to its educational system and has developed one of the best systems in the world. We must now find a resolution to this pressing problem, but we must find a solution that will be consistent with our legal as well as our educational traditions—and which will assure the long-range health and vitality of all our Nation's schools.

A COMMENDABLE SELF-INITIATED ANTIPOLLUTION EFFORT

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. HARVEY. Mr. Speaker, it seems to me that far too often there is an emphasis or a great deal of publicity on negative situations concerning our country's commitment to better protect and improve our environment. At this time, I would like to bring to the attention of all Members the efforts of the Saginaw Steering Gear Division of General Motors which, on its own initiative and expense, has installed a "closed loop" system for recycling and reusing more than 1,000,000 gallons of industrial oils annually.

This new system eliminates the need for disposing of used industrial oils by burning, burial or other methods that might pollute the environment. Instead, as it is pointed out, the oil now is recovered, cleaned, refined and fed back into the division's manufacturing plants for reuse.

Let me quote from the statement issued by Mr. Ellis M. Ivey, Jr., general manager of the steering gear division, who said:

> A recent report by the United States Environmental Protection Agency shows that 1.5 billion gallons of industrial lube oils are purchased in the United States annually and that 30% of this amount is not consumed and must be disposed of in some manner. The EPA is increasingly concerned that this 30% is being burned or dumped, thus becoming an environmental pollution threat.

Mr. Ivey then concluded:

> Our "closed loop" system ends this problem for our plants, except for water soluble oils. We now are planning additional, still more advanced, waste oil removal systems for the near future that will further reduce the possibility of air, water, or solid waste pollution.

Because I felt that this was an excellent example of good citizenship and concern for our environment, I informed the Environmental Protection Agency of the development of this new system.

I am happy to include the letter of commendation received from the EPA on this matter, as well as a news statement from the Saginaw Steering Gear Division. Both follow below:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., April 13, 1972.

Hon. JAMES HARVEY,
House of Representatives,
Washington, D.C.

DEAR MR. HARVEY: This is in response to your letter of March 24, 1972, to Mr. William D. Ruckelshaus, Administrator, Environmental Protection Agency (EPA) forwarding information on the closed-loop oil recycling system developed by the Saginaw Steering Gear Division of the General Motors Corporation.

We appreciate receiving this information and would like to commend the company for their effort in attacking the problem of pollution caused by the discharge of waste oils into the environment.

The Environmental Protection Agency initiated studies addressed to waste oil management in 1967. A grant was awarded to Villanova University to upgrade current rerefining technology. In 1969, a grant was awarded to the National Oil Recovery Corporation to develop new technology for the conversion of waste oils into saleable products by distillation. The results of this work are now being put to use in an economically feasible manner. A grant issued to the City of Buffalo, New York, has developed information on in-sewer detection techniques and trapping equipment plus effects of waste oil in benthic deposits in the Buffalo River. We have just recently awarded a grant to the State of Maryland to develop methods for dealing with the problem of the disposal of all types of oily waste materials on a statewide basis. This grant includes the requirements for a state-of-the-art report which will be used as the basis for the reports to the Congress required by the pending legislation. We have also been in contact with the City of Seattle to investigate the possibility of having a similar study conducted there. Another contract is to be awarded to study the efficacy of using waste oils in conjunction with incineration of garbage and refuse. EPA is currently preparing a Request for Proposals for the development of improved technology for the rerefining of waste oils. This RFP will be issued in the latter part of this fiscal year for funding in Fiscal Year 1973.

The abatement of pollution caused by waste oils will have to be attacked by the combined efforts of government and industry. Efforts in this direction such as those taken by Saginaw Gear will greatly assist in finding a solution to this problem.

I appreciate your interest in this matter and would like to thank you for sending this information to us.

Sincerely yours,
A. C. TRAKOWSKI,
Acting Assistant Administrator for Research and Monitoring.

The Saginaw Steering Gear Division of General Motors has completed and put into use a "closed loop" system for recycling and re-using more than 1,000,000 gallons of industrial oils annually.

The new system, according to Ellis M. Ivey, Jr., general manager, eliminated the need for disposing of used industrial oils by burning, burial, or other methods that might pollute the environment. Instead the oil now is recovered, cleaned, re-refined and fed back into the division's manufacturing plants for re-use.

Last year Steering Gear treated approximately 300 million gallons of waste water from its plants in the "closed loop" system and recovered 1,193,840 gallons of oil. After preliminary treatment this oil was trucked to a Detroit firm where it was re-refined and returned to storage for re-use in SSG manufacturing processes.

The "closed loop" system, located at the division's Holland Road location in Buena Vista Township, collects industrial waste water from Plants 3, 4, 5, 6, and 7 and from the Chevrolet Manufacturing Plant at 2328 E. Genessee Avenue. Aa similar system treats waste water from SSG Plants 1 and 2. Waste from the Chevrolet plant is pumped to the facility through a 1½-mile-long underground conduit. This waste water contains large quantities of various industrial oils, grease, and other substances used in manufacturing operations.

The waste water treatment facility skims floating oils from the surface of the water and dredges the heavier waste materials from the bottom of the settling tanks. The recovered oils are pumped into holding tanks where further settling and skimming is performed.

Eventually, the oil is drained from the holding tanks into tanker trucks for shipment to the re-refining plant in Detroit. After being re-refined, the oil, which is found to be equal to new oil for cutting, broaching, and grinding operations, is repurchased by Saginaw Steering Gear.

Before the "closed loop" waste water treatment facility was completed, most of the recovered oil had to be disposed of by a professional waste disposal firm, which meant that it was buried, incinerated, or used for road surfacing. Each of these methods poses a threat of undesirable environmental pollution. The completed "closed loop" system permanently eliminates any such possibility.

In commenting on the new system, Ivey said,

"A recent report by the U.S. Environmental Protection Agency shows that 1.5 billion gallons of industrial lube oils are purchased in the U.S. annually and that 30% of this amount is not consumed and must be disposed of in some manner. The E.P.A. is increasingly concerned that this 30% is being burned or dumped, thus becoming an environmental pollution threat.

"Our 'closed loop' system ends this problem for our plants, except for water soluble oils. We now are planning additional, still more advanced, waste oil removal systems for the near future that will further reduce the possibility of air, water, or solid waste pollution."

YES, THE DEMOCRATS CAN BEAT RICHARD NIXON

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 7, 1972

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Yes, the Democrats Can Beat Richard Nixon," written by Joseph Napolitan, and published in the Saturday Review of April 1, 1972.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YES, THE DEMOCRATS CAN BEAT RICHARD NIXON

(By Joseph Napolitan)

I start by assuming that Richard Nixon can be defeated in 1972. There are some elections that cannot be won—even on a Presidential level. I'd put the 1964 Johnson victory over Goldwater in this category; I don't see any way that Goldwater could have beaten Johnson that year. But I do think Nixon can be taken in 1972—that's not to say he *will* be, only that he *can* be.

Right now, of course, the Democrats are preoccupied with the internal problem of selecting a candidate, but I hope, and indeed I urge, that at least the leaders of the party concern themselves with the more distant but also more crucial matter of winning the general election once the candidate has been nominated. I say this now because what happens between the present time and the Democratic nominating convention in July will have incalculable impact on the outcome of the election. The status of the war in Vietnam and the economy of the country are the two major variables, and my crystal ball is murkier than most people's so I wouldn't even hazard a guess about how those important factors will have developed by November 1972. But if I were to lay out a program to defeat Nixon, I would start now, and this is what I would do.

First, I would plan a negative campaign. That is, the thrust of the effort would be aimed at influencing people to vote *against* Nixon rather than *for* my candidate, whoever he might be. Any incumbent President in turbulent times must run on his record, or be forced to run on his record if he tries to seek another avenue. The powers of the Presidency are awesome, the resources of the President are unmatchable by the party out of office, and the staff and services provided by the federal government are far too rich for the out party to match, particularly if the out party still is trying to pay off its 1968 debts.

But there is one big disadvantage to running as the incumbent: You must accept responsibility for what has happened to the country in the four years of your stewardship.

I'd begin my campaign planning with polls. Starting immediately, I would try to make arrangements with the leading political polling firms, Democratic state committees, and Democratic candidates for statewide and Congressional offices to include a brief series of questions in all their polls about the Presidential election. The polling firms might have to get the permission of their political clients to include the questions, but this really shouldn't be a problem. If I were running a statewide campaign for a Democratic candidate in 1972, I'd certainly want a pretty clear look at the Presidential contest anyway. Even if it became necessary to pay the polling firms a few hundred dollars for adding the questions, and I don't think we would have to, it still would be worth it.

There are certain *kinds* of questions I'd like to see included in all polls, starting immediately, with exactly the same wording in each poll, and presented to demographic cross sections as similar as possible in each state. First I would list the candidates and ask the respondent if he had heard of each and whether he regarded them favorably or unfavorably or had no opinion. Next I would ask him what he felt were the major accomplishments and failures of the Nixon administration. Then I would have him select who he thought would make the best Democratic candidate. Finally I would have him choose between Nixon and several of the more prominent Democratic contenders.

Obviously, this wouldn't be a survey in depth, but it would give the Democratic National Committee, which bears the ultimate responsibility for organizing the Presidential campaign, a constant and standardized flow of information from the various states. The DNC can feed this information to a computer and get figures and comparisons, broken down regionally and demographically (by age, for example, or by race, sex, income, education, religion, and so forth). And all for free, or practically nothing.

I can readily understand Presidential candidates' reluctance to share their private poll information, but if they would all agree to provide the national committee with this kind of information, with the understanding that all the candidates for the nomination would have access to it, they'll all benefit, and so would the committee.

Another thing I'd do now is line up half a dozen good polling firms, concentrate on the states that need to be polled, and assign them some specific states and dates. For example, I'd want a full-scale poll in the field about a week after the Democratic nominee is selected, probably another one the first week in September, and a third about the second week of October. I wouldn't assign more than three or four polls to any one polling firm, because none of the firms I know of can handle a lot of states simultaneously and turn out high-quality work on time. The questionnaire should be prepared at the DNC and the demographics be selected by someone appointed to supervise polling operations for the DNC so that the polls would be compatible and easily matched. Polling firms use various age breakdowns. My firm happens to use these: twenty-one through thirty, thirty-one through forty, forty-one through sixty, over sixty. We make a ten-year breakdown between twenty-one and forty, because those under thirty really grew up on television, those over thirty weren't as influenced in their childhood by television. In 1972, obviously, the eighteen- through twenty-year-olds should be included, and I'd put them in a separate category, to measure what impact, if any they will have in the Presidential election. The breakdowns for income, education, and other factors also should be standardized.

I wouldn't advocate any national polls, because we don't have a national election; we have a series of state elections, and there are many states that the Democratic Party need not poll in 1972.

We tried to do some selective polling in 1968, but by the time we got going—after Labor Day—it was too late to achieve maximum effectiveness. We were in the awkward position of being forced to produce our media materials before the poll results were in hand. But if the Democratic National Committee follows the outline I've presented, or something similar, it will have the best set of polls ever produced for a Presidential candidate.

Another project I'de get started on early would be the selection of target states. We wasted a lot of money in 1968 because of poor advance planning; there's no excuse for allowing this to happen again in 1972.

Picking the target states is easy. In 1968 Nixon won thirty-two states with 301 electoral votes, Humphrey won thirteen and the District of Columbia with 191, and Wallace won five with 46. The clear and obvious Democratic targets for 1972 are the thirteen states Humphrey won in 1968—Connecticut, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, New York, Pennsylvania, Rhode Island, Texas, Washington, and West Virginia—plus the states Nixon won that the Democrats have a reasonable chance to carry in 1972. This is the critical list, and on it I would place, in order of importance, California, Illinois, Ohio, New Jersey, Missouri, Wisconsin, Delaware, and Alaska. Those eight states delivered 137 electoral votes to Nixon in 1968; today, because of census reapportionment, they're worth 140. The states Nixon carried in 1968 now total 305 electoral votes instead of 301; Humphrey's states drop from 191 to 188; Wallace's from 46 to 45.

If the Democratic candidate can carry the thirteen states Humphrey carried in 1968, plus as few as three of the states Nixon carried (California, Illinois, Ohio, or California, Illinois, New Jersey; or California, Ohio, New Jersey), he can accumulate the 270 electoral votes needed to win, regardless of what Nixon and any third- or fourth-party candidate may do. I don't see this as an impossible task.

The keystone state is California. That's the battleground for 1972. Gainer of 5 electoral votes—booming it to 45 while New York drops back to 41—California is the prize that could decide the election. A Democrat could win without California by carrying Humphrey's 1968 states plus, say, Illinois, Ohio, New Jersey, Missouri, and Alaska, but it would be more difficult.

Of the states that Humphrey lost in 1968, I would say New Jersey, Missouri, and Alaska will be the easiest to swing into the Democratic column in 1972, closely followed by Delaware. California, Illinois, Ohio, and Wisconsin will be tougher—much tougher, but worth fighting for.

With the objectives clearly defined so early in the game this is the time to begin tooling up in the target states—for whoever the Democratic candidate may be. Special television programs can be developed for these states. Registration drives should begin at once in Democratic strongholds in these states, among blacks and young people and the poor. The votes aren't hard to identify, but unless they are registered they won't do the Democratic Party any good in November.

I may give the impression here that I am writing off certain states, and I am. There are at least a dozen states I'm willing to concede immediately and avoid spending any money in at all, unless that money is raised in the state to be spent there. This may be a cold-blooded position not calculated to win friends among state chairmen and committeemen and women, but, to tell the truth, I'd rather win the election than make friends. (It's amazing how friendly everyone gets to be after you've won.)

There are some states that Nixon carried in 1968 that a Democrat conceivably could win in 1972—other than the eight I already have listed—but none in which I see the Democrats with a strong chance. Nevada, New Mexico, North Carolina, Kentucky, Tennessee possibly—but if I had my druthers I'd much rather place emphasis (i.e., money) in states where I had a better chance of winning than I do in these places. And I wouldn't bother with the Wallace states at all. It's conceivable a hawkish Democrat such as Senator Jackson might pull off one or two if he wins the nomination, but I wouldn't bet on it. And who knows at this point whether there will be a third-party candidate (Wallace) or maybe even a fourth-party nominee (Gene McCarthy or John Lindsay). But, for planning purposes at this stage, it really doesn't make much difference, because there is a minimum number of electoral votes required to win—270—and efforts should be directed at carrying enough states to accumulate that number of votes.

If this is going to be a negative campaign—and I don't see how it can be any other kind unless Nixon is not the candidate—then the DNC computer should be put to use right away. I'd begin feeding it every public statement Richard Nixon has made since he became a Congressman, properly coded and categorized. I'd also add the statements of Spiro Agnew and any other Republicans who might be targets of one sort or another in 1972—for example, Republican National Chairman Robert Dole. Then when I (i.e., the DNC, any of the Presidential candidates, eventually *the* Presidential candidate and his running mate, or any other prominent Democratic speechmakers) wanted to demonstrate the inconsistencies of Nixon's actions with his words, I could just punch the right buttons on my computer, and it would print out the material I needed.

This information-retrieval system can be a tremendous boon to speech writers, copywriters, film and radio producers, and local Democratic candidates. It's just a question of assembling, coding, storing, and retrieving. I assume something like this has and is being done, because the information it can provide, literally on a moment's notice, will be invaluable to the campaign.

My major interest in campaigns is political communication. This involves the use of mass media, particularly television and radio, but other media as well. When I became advertising director of the Humphrey organization late in the 1968 campaign, I tried to implement some of my theories on the use of media in a Presidential election, with a fair amount of success. But the shortage of time and funds caused us to fall sort of our goal. We have the time now, and I expect there will be enough money amound to finance an adequate campaign—not as much as the Republicans will have, but enough to cover the necessities if it is spent properly.

I would try some new approaches to the use of media in the 1972 election, some of which can be initiated before we even know who the Democratic candidate will be. In fact, there is no reason why the candidates could not be informed what is being done (notice I said "informed," not "consulted"; you don't produce good media by committee in consultation) on their behalf. Presumably, the eventual candidate might want to scrub everything, but I doubt it if the material I envision is produced the way it should be;

and even if he doesn't want to use it, it will be prepared in such a way that Democratic candidates for Senate, the House, and statehouses will be able to make use of it.

Suppose I had carte blanche to organize and implement media planning and structure for the 1972 Presidential election: What would I do?

First I would take the seven big states I feel are essential to win in 1972—California, New York, Pennsylvania, Illinois, Ohio, Michigan, and Texas—and get some tough research done on how the Nixon administration has failed to solve the problems in those states. I would deal in hard specifics, with problems directly related to the individual states. In New York, for example, this could include the massive problems of welfare and drug addiction; in California, the rampant unemployment in aerospace and the erosion of natural resources.

I would find out not only what the problems are and how the Republican administration has failed to solve them but also what solutions have been presented by the Democrats. We should also note that California, New York, Illinois, and Michigan have Republican governors, and that Pennsylvania and Ohio had Republican governors until the start of 1971.

As soon as I had assembled my research, and probably concomitantly, I would engage three or four of the best television documentary producers to make a thirty-minute film on each state. These films should be suitable for both Presidential and regional candidates. Wherever and whenever possible, attractive local candidates should be included in the film.

By the late spring or early summer of 1972 I would have a package of half-hour documentaries for use in the major battleground states, specifically relating to their problems, revealing Republican failures and outlining Democratic programs. Remember one thing: We should never underestimate the intelligence of the American voter or overestimate the amount of information at his disposal. We should be giving him solid chunks of anti-Nixon information preparatory to presenting our own constructive proposals.

While I was producing these state documentaries. I also would be working on some *problem* (or, if you prefer, *issues*) documentaries on the major problems facing the country: lack of job opportunities, drug addiction, education, pollution and conservation, education, welfare, and poverty. Again, these would be definitive studies that would document Republican failures and present Democratic programs, and they'd work for whoever the nominee might be. I can't see that there would be sharp differences among Humphrey, Muskie, McGovern, Kennedy, or Jackson programs on drugs or poverty or protection of natural resources or education.

The basic footage could be filmed in the spring and early summer; after the candidate is nominated, he can be worked into each of the films, and there could be time and space provided for tie-ins with local candidates.

These problem-oriented films could, if desired, be shown on national network television, although I would be more inclined to make local purchases within states so that we would be paying for only the states we wanted to reach and not for states where we have no chance of winning anyway. I'd have all these films ready to go on the air by Labor Day, and perhaps run one a week for the next five or six weeks, making them available to state committees and candidates within each state for additional showings at their convenience and expense.

As soon as the candidate is nominated, I'd begin work on a biographical documentary of him and, perhaps, his running mate. This would be for use later in the campaign, say from the middle of October on.

From all these films—the state documentaries and those on problems—five-minute programs and one-minute spots also could be culled. The candidate would go into the campaign armed with the greatest assortment of television weapons any candidate for President anywhere has ever had. What would this whole package cost? About $1-million—or something less than 8 per cent of the total Republican television time budget in 1968, around 15 per cent of what the Democrats spent on television in the past election. And there would be some offsetting gains: Candidates for senator and governor might be induced to pick up part of the tab by acquiring the films they considered most useful to them in their own races and adapting them to their personal needs.

The key to the success of this project is the quality of the materials produced, as it so often is. That's why I would try to get a lock on the best film producers as early as possible and put them to work on these films before they get so committed in other races that they don't have time to work on the Presidential election. This happened in 1968, to Humphrey's detriment.

Nixon made much better use of radio in 1968 than Humphrey did. For 1972, a series of low-key, factual five-minute radio programs on important issues can be prepared early, utilizing the best speech writers in the Democratic stable, and go on the air during the summer. The cost is low, and the impact can be high.

I'd also make use of the *losing* Democratic contenders in films, perhaps a series of five-minute programs not unlike the one made with Humphrey and Ted Kennedy in 1968. These would not be used nationally but shown in the states where the losing candidate is particularly popular. For example, if Senator Jackson doesn't make it, a five-minute film of him and the Democratic nominee discussing the problems of the state of Washington should have favorable impact in that state. The same would be true with Harold Hughes in Iowa, Birch Bayh in Indian, Kennedy in Massachuseets, George McGovern in the Dakotas, Humphrey in Minnesota, Edmund Muskie in New England. Not too costly, and potentially useful.

I'd get the best political time buyer available and have him chart the states where we wish to make our biggest push and outline budgets and potential time buys in those states. Buying network time isn't as difficult in a Presidential election, because the networks are, by law, forced to make equal time available to each of the Presidential candidates. The time buyer's skill can best be used within key states.

There also are some more esoteric areas of electronic communication that I would want the Democrats to take advantage of. One is instant reaction, and the other would be the establishment of videotape and radio files. I would establish an "instant-reaction" electronics team, a group of television and radio specialists who could capitalize on an event virtually instantaneously, be it a statement, a speech, or a piece of news, and through electric feeds make it available to the networks and key stations throughout the country. Often this could be news material offered to the stations for use on news programs; in other cases, paid spots produced in twenty-four hours or less and worked into previously purchased time.

No one knows when news that could affect the outcome of the election will break, or even when an opponent will commit a gaffe that could be capitalized on. Under conventional systems of producing television and radio spots, it takes days, sometimes weeks, to turn out reaction spots. Under the system I envision, these could be done in hours. What it takes is an alert electronics team, standing by twenty-four hours a day, ready to act on literally a moment's notice. The problem here really is not so much one of implementation, but of proper planning and having the right people ready to move when they must. I am convinced that the cost of such an operation would be far less than the value we would realize from it.

For years candidates have maintained newspaper clip files; sophisticated ones are beginning to use computer retrieval systems similar to the one I mentioned earlier. But now it is time for candidates, at least for Presidents, to establish data banks of video- and audiotapes—not necessarily or exclusively of their opponents, but also of news events. These can be used for recall, to capitalize on the information already inside everyone's brain. Consciously, we tend to forget fairly rapidly; subconsciously, we retain information for much longer periods, possibly forever. The audio/videotape banks would permit our television and radio producers to create instant recall of major events and to capitalize on both the emotionalism and the rational reactions that surrounded these events during the time they were taking place. For example, no one who lived in New York in July 1970 is likely to forget the suffocating smog that smothered the city for a few days during the middle of that month. Utilization of newsfilm clips and commentaries would instantly recall those horrendous conditions and could trigger the rage and frustration New Yorkers felt during those days.

These electronic data banks could be extraordinarily valuable in preparing television and radio materials for the Presidential election—but the time to start assembling them is *now*, not after the candidate has been nominated in the middle of July 1972. A candidate who goes into the campaign armed with this kind of backup material, and the availability of instant reaction facilities, possesses a big advantage over the candidate who doesn't, and this is the kind of thing the party apparatus can be doing prior to the election. By Labor Day 1972 the operation should be organized and ready to go, the material assembled, the technologists in place, the research completed, the techniques perfected.

This whole operation obviously requires planning, direction, and financing. The last may be the toughest, but I think it's not a question of whether the Democratic Party can afford to do it but whether the party can afford *not* to do it. And, in the long run I don't think the program I have outlined would cost any more than the haphazard media programs both parties have had in the past; intelligent reallocation of resources would provide maximum value for every dollar—something we did not receive in past elections.

In any event, one aspect of the campaign has worked out well. Former Attorney General John Mitchell will run Nixon's campaign again. Anyone who can manage Nixon from a fifteen-point lead to a seven-tenths-of-a-point victory in seven weeks is too good a friend to lose.

GENERAL ASSEMBLY CALLS FOR NEW GRAIN AND OIL SEED BASE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. SCHWENGEL. Mr. Speaker, the second session of the 64th general assembly of the State of Iowa expressed a deep concern for the inability of Iowa grain producers to obtain premium prices in accordance with the consistently higher quality of the grain and oil seed products which they submit under the present grade-price structure.

In Iowa House Concurrent Resolution 111, all resources of the Federal Government are called upon to institute a study of the present price-grading system with the intent of establishing a new basis for determining the market price of feed grains and oil seeds. The text of the resolution follows:

HOUSE CONCURRENT RESOLUTION 111

Whereas, we, the members of the Agriculture Committee of the Iowa House of Representatives, have a deep concern for the problems of the grain producers of our state in marketing grain and oil seeds, the market price of which is determined by established grade; and

Whereas, hundreds of Iowa grain producers are submitting grain and oil seeds to local markets, which grain and oil seeds average consistently higher in quality and grade than is provided for in the present grade-pricing system; and

Whereas, these producers of premium quality grain and oil seeds are unable to procure premium prices for their products under the present grade-price structure, now therefore be it

Resolved, by the House, the Senate concurring, That the President of the United States, the Secretary of Agriculture of the United States, the Congress of the United States, and the Committees on Agriculture of the United States House of Representatives and Senate be directed to immediately institute a study of the present price-grading system for grains and oil seeds in the United States with the intent of establishing a new base for determining the market price of feed grains and oil seeds; and be it further

Resolved, That copies of this Resolution be transmitted to the President of the United States, the Secretary of Agriculture of the United States, the Speaker of the United States Senate, the Committees on Agriculture of the United States House of Representatives and Senate and to all members of the Iowa delegation to the Congress of the United States.

INCREASING CONFIDENCE IN THE ECONOMY

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ARENDS. Mr. Speaker, new information on the economy indicates it is continuing to expand. The Department of Commerce has reported that new factory orders for durable goods during the month of April continued their upward trend of the last several months. In addition, the F. W. Dodge division of McGraw-Hill Information Systems Co. has reported that new construction contracts during the month of April were at a record level.

Total new factory orders during April were $35.5 billion, up 1.2 percent from March. The April increase followed a 1.7-percent increase in March. The total March–April rise of 2.9 percent in new factory orders for durable goods would be equal to an annual rise of more than 17 percent. The strength of the recent performance in new durable goods orders is highlighted by comparing the last 4 months of 1971 with the first 4 months of 1972; the increase is higher this year.

The Dodge index of new construction contracts, as seasonally adjusted, rose to 167 in April, up from March's 159 and February's 155. The growth was strong in both residential and nonresidential contracts. Residential building contracts showed the biggest gain, with a 27-percent increase to $3.97 billion, as compared to April 1971's $3.12 billion. Nonresidential contracting showed a 6-percent gain to $2.18 billion, as compared to $2.06 billion a year ago.

Mr. Speaker, this strong performance by these two important indicators is very encouraging because of the increasing confidence in the economy indicated by such a high level of durable goods orders and the inevitably favorable effects which such strong construction activity has on the rest of our economy.

FEDERAL CIVILIAN EMPLOYMENT, APRIL 1972

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. MAHON. Mr. Speaker, I include a release highlighting the April 1972 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, APRIL 1972

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of April was 2,870,842 as compared with 2,866,346 in the preceding month of March. This was a net increase of 4,496.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of April totaled 2,830,332. This was a net increase of 4,123 as compared with employment reported in the preceding month of March. Employment by months in fiscal 1972 follows:

Month	Full-time employees in permanent positions	Change from previous month	Temporary, part-time, etc.	Change from previous month	Total employment	Change from previous month
1971:						
July	2,521,703	+1,391	381,448	+18,755	2,903,151	+20,146
August	2,524,098	+2,395	366,062	−15,386	2,890,160	−12,991
September	2,527,518	+3,420	317,021	−49,041	2,844,539	−45,621
October	2,529,832	+2,314	303,236	−13,785	2,833,068	−11,471
November	2,528,233	−1,599	300,256	−2,980	2,828,489	−4,579
December	2,525,858	−2,375	300,662	+406	2,826,520	−1,969
1972:						
January	2,552,081	+26,223	272,945	−27,717	2,825,026	−1,494
February	2,550,984	−1,097	277,284	+4,339	2,828,268	+3,242
March	2,539,790	−11,194	286,419	+9,157	2,826,209	−2,037
April	2,533,275	−6,515	297,057	+10,638	2,830,332	+4,123

Agencies of the executive branch have reported a net reduction of 17,037 in total full-time permanent employment since June 1971 (excluding for comparison purposes a shift of about 30,000 Postal Service employees from temporary to permanent status) to the April total of 2,533,275.

Administration orders announced last August were directed at reductions in the category of full-time permanent employment in agencies exclusive of Postal Service. Since June 1971 this employment has been reduced 15,650, indicating further reduction of about 21,780 to reach the level of 1,918,100 projected by the budget for June 30, 1972 under the reduction orders.

This net decrease in full-time permanent employment of 15,650 reflects reductions of 20,826 reported by the Defense Department in the 10 months since June 1971, partially offset by increases totaling 5,176 reported by other civilian agencies. The further reduction of 21,780 necessary to reach the projected June 30, 1972 level is anticipated by the Administration as a result of expected Defense reductions resulting from the transfer of Okinawa and seasonal decline in overseas teachers, together with lower than anticipated expansion in certain civilian agencies.

Changes in total employment in April in Civilian Agencies of the Executive Branch as compared with civilian employment in Military Agencies were as follows:

	April	March	Change
Civilian agencies	1,714,680	1,705,937	+8,743
Military agencies	1,115,652	1,120,272	−4,620
Total, civilian employment	2,830,332	2,826,209	+4,123

The civilian agencies of the Executive Branch reporting the largest increases in April were Agriculture with 5,028, Treasury with 1,783 and Interior with 1,410. In the Department of Defense the largest decreases in civilian employment were reported by Army with 2,134 and Air Force with 1,360.

Total Executive Branch employment Inside the United States in April was 2,651,950, an increase of 8,769 as compared with March. Total employment Outside the United States in April was 178,382, a decrease of 4,646 as compared with March.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in April totaled 32,236, an increase of 383 as compared with the preceding month of March. Employment in the Judicial Branch in April totaled 8,274, a decrease of 10 as compared with March.

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during April 1972, showing comparisons with June 1970, June 1971, and the budget estimates for June 1972:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1970	June 1971	April 1972	Estimated June 30, 1972[1]
Agriculture	89, 912	84, 252	82, 789	83, 000
Commerce	25, 427	28, 435	27, 860	28, 500
Defense:				
Civil functions	30, 297	30, 063	30, 129	30, 600
Military functions	1, 129, 642	1, 062, 741	1, 041, 849	1, 011, 000
Health, Education, and Welfare	102, 297	104, 283	106, 556	102, 000
Housing and Urban Development	14, 661	16, 030	15, 729	15, 200
Interior	59, 349	57, 570	56, 585	56, 900
Justice	38, 013	42, 662	44, 131	45, 100
Labor	10, 217	11, 352	12, 111	11, 800
State	23, 618	23, 398	22, 768	22, 700
Agency for International Development	14, 486	13, 477	12, 400	12, 400
Transportation	63, 879	68, 482	66, 995	66, 400
Treasury	86, 020	90, 135	95, 661	98, 500
Atomic Energy Commission	7, 033	6, 920	6, 808	6, 700
Civil Service Commission	5, 214	5, 324	5, 167	5, 600
Environmental Protection Agency[2]		5, 959	8, 030	8, 000
General Services Administration	36, 400	38, 076	35, 596	39, 400
National Aeronautics and Space Administration	31, 223	29, 478	28, 026	27, 500
Panama Canal	14, 635	13, 967	13, 863	14, 200
Selective Service System	6, 665	5, 569	5, 790	6, 200
Small Business Administration	4, 015	4, 004	4, 007	4, 000
Tennessee Valley Authority	12, 657	13, 612	13, 801	14, 000
U.S. Information Agency	9, 989	9, 773	9, 462	9, 400
Veterans Administration	148, 497	158, 635	160, 976	162, 700
All other agencies	29, 807	31, 333	32, 791	34, 300
Contingencies				2, 000
Subtotal	1, 986, 953	1, 955, 530	1, 939, 880	1, 918, 100
U.S. Postal Service	565, 618	564, 782	593, 395	[3]613, 400
Total[4]	2, 552, 571	2, 520, 312	2, 533, 275	2, 531, 500

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[1] Source: As projected in 1973 budget document; figures rounded to nearest hundred.

[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council and Atomic Energy Commission.

[3] Includes approximately 39,000 postal employees subject to reclassification by June 30, 1972, under a labor-management agreement. Reclassification of 30,000 such employees was reported to the Committee in January 1972.

[4] April figure excludes 3,054 disadvantaged persons in public service careers programs as compared with 2.947 in March (see table 3, p. 11).

ITALIAN REPUBLIC DAY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mrs. GRASSO. Mr. Speaker, on June 2 the Republic of Italy celebrated the 26th anniversary of that date when, in 1946, its people voted by popular plebiscite to replace the monarchy with a republic. This occasion affords me the special pleasure of honoring the people of Italy and the nation which has its own unique place in the world community.

Following the devastation of World War II, Italy began the long journey which has carried it to new heights of economic growth and national pride. The impressive progress of the past generation demonstrates the indomitable spirit of the Italian people. Tremendous obstacles faced Italy. The country lacks widespread natural resources. Yet, industrialization has created in Italy industries known throughout the world for the production of automobiles, tires, textiles, and leather goods. Through trade and commerce, Italy has strengthened ties with the free world and has become an integral part of the Western European community.

The economic advances have contributed to a strengthening of the Republic itself. Recently, more emphasis has been placed on providing the fruits of economic prosperity to the entire nation. Economic policies are being aimed at increased diversification and development—especially in the underindustrialized south. Despite the diverse nature of the populace, Italy proved in recent elections that the Italian people remain committed to democracy—to social and economic change without authoritarian discipline.

The Western World owes much to the long and rich history of Italy. Roman law, which is the basis for our own legal system, was only the first of the contributions made by the Italian nation to the culture of Europe and the Americas. In the arts, science, and in philosophy, Italians from many ages have been leaders in their fields. The works of DaVinci, Raphael, and Michelangelo testify to the genius of the nation's artists. The world of opera and classical music would be far different from what we know without the talents of Verdi, Vivaldi, and Toscanini. The writers Dante and Pirandello are among the greatest authors in the history of literature. In the field of science, men like Galileo, and DaVinci made invaluable contributions to our understanding of the world around us. The fields of philosophy and government have been enriched by the writings and actions of Cicero, Machiavelli, Mazzini, and Garibaldi.

The creativity and energy which the people of Italy have demonstrated in their native land have been transmitted to our country by the hundreds of thousands of Italians who have come to these shores. Italian-Americans have contributed to all fields of American life. Constantino Brumidi—the Michelangelo of the Capitol—and the famed physicist Enrico Fermi are two examples. The industry and devotion of Italian-Americans has made this Nation a better place for all our citizens. The many Italian-Americans who have been instrumental in our own country's progress insure that the bonds between Italy and America will continue to be strong and friendly.

I extend my warmest congratulations to the Italian people for the 26th anniversary of the Republic, and wish them the continued success which is rightfully theirs.

HELPING THE VOICELESS CHILDREN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. FRASER. Mr. Speaker, an article by Thomas R. Miller, entitled, "Helping the Voiceless Children," appeared in the New York Times on June 3, 1972. It is a poignant statement.

We can count the lives lost and the billions of dollars wasted in Vietnam, but it is not as easy to measure the suffering among the survivors. And the deepest cruelty in Vietnam has been inflicted upon the children. They are the true innocents. The article follows:

HELPING THE VOICELESS CHILDREN

(By Thomas R. Miller)

I recently went to Hue to see the damage caused by the new fighting. Before it began doctors at the hospital there estimated it would take thirty years after the fighting stopped to take care of the war's innocent victims. Now it most certainly was worse—sudden rocketing followed by heavy bombing in populated areas.

At the airport American G.I.'s, brought for combat duty in the defense of radar sites in the rugged hills around Hue, walked slowly and silently through the mud, obviously bitter that they might be the last Americans to die. They were greeted by an equally silent group of South Vietnamese troops waiting, bandaged and bloodied, for air evacuation.

Tens of thousands of refugees had packed themselves into every available space, silently enduring the latest man-created test of their willingness to live. Many others were not so lucky and were caught to the north when the heavy bombing began. "I saw hundreds being killed and injured by the bombs," said a stunned 66-year-old man who had just escaped from Cam Lo with 500 other refugees after days of heavy bombing. Rockets from the North had taken their toll, too.

What about the civilian medical conditions? At first we got no clear answer. The hospitals in Hue and Quantri were hesitant to give out any information. It was only when one of the hospital officials came privately to a reporter friend of ours—a Vietnamese-speaking doctor who had a keen interest in civilian medical problems—that we learned the real story.

"I needn't tell you that there have been many wounded brought to the hospitals," the hospital official said, "but in Quantri there was only one part-time doctor and no emergency service before the fighting began. Then, when the fighting began, the hospital staff, including the doctor, fled," he added. Immoral for a doctor to flee his patients? I thought. It is hard for Americans to put themselves in the position of the Vietnamese. Among the people, no one is loved and honored more in Vietnam than the rare soul who, when the test comes, does care beyond himself and his family. We learned more, confirming our worst fears of the human destruction.

Except for one napalm-burned child, we did not have space to bring injured children back—they would come later through the organized clinics. And for those lucky few children who did make it to the hospital, the painful task of putting their little bodies back together would begin. Tiny arms glued by burn contractures to the side; skull and faces shot away or eaten away in a few days by a disease called "noma" (it was last seen in Europe in Nazi concentration camps); hands and legs injured and burned; eyes that could not shut. It is too much for even the most hardened observers to bear.

Through clouds of smoke from napalm fires we returned to Saigon. My next duty was to prepare an announcement to the overworked Vietnamese staff that their already small salaries would be cut because we were running out of funds for our hospital.

RIGEL SCHOOL FOR SPECIAL EDUCATION: A MODEL SCHOOL IS DEDICATED

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BEGICH. Mr. Speaker, during the tenure of Mr. Henry Bryant, superintendent of the Elmendorf Air Force Base schools and during my tenure as superintendent of the Fort Richardson schools, an idea was born, an idea that developed over 6 long years into a reality that was officially dedicated on May 16 of this year. That idea was the Rigel School for Special Education, at Elmendorf Air Force Base, Alaska; the first special education building in Alaska designed specifically for this purpose.

There are no orthopedic barriers at Rigel; the front doors are electric, all halls have handrails, each room has an exterior door. There are no classroom doors, but there are screen barriers with one-way glass for observation. The building is completely carpeted. The gang lavatories have no doors and each has a special wheelchair sink. The multipurpose room is completely open with no hall walls. It has a hot lunch kitchen for about 100. In fact, in a preview of the building the many teachers, visitors, professors, architects, and professionals who toured the building could not think of one thing that had been left out of this innovative building.

Rigel School is named for the star that makes up the heel of the constellation Orion—Rigel, the smallest and brightest star. On May 16, 1972, Rigel School was dedicated "to all the special people who need an abundance of love and understanding to meet their needs." The following description, written by Mrs. Thelma Fenner, a teacher at Rigel, shows just how well-equipped toward meeting those needs is the Rigel School:

Today, Monday, February 29, 1972, we had our first day in our new school—this also happened to be the day President and Mrs. Nixon were at Elmendorf on their way back from China.

Our facilities consist of 10 classrooms, conference rooms, testing rooms and multi-purpose rooms. We are very happy with our set up.

At present we have 2 classrooms for the TMR (trainable children), each well equipped for the Children's individual needs.

One class for the Multi-handicapped. We have railed supports for these children along the hallways even to the stage in the multipurpose room.

One classroom for the hard of hearing. We do not take the deaf (children with no residual hearing), these children are taken care of by the Alaska Crippled Children Association School. We have special equipment that will greatly aid these children. The teacher will also be teaching communication skills and speech.

There will be two classrooms—one for the children interested in vocational home-ec. and the other for vocational arts and craft.

The other four classrooms will be for children with learning disabilities with specialties in Reading, Math, Lang. Arts, and Science.

Distar, complete series in reading, math, lang. arts, Lippincott Reading Series, Reader's Digest Series, Action Series, teacher's own series, and many others are introduced to our students.

For P.E., the children will be introduced to special perceptual exercises that will aid them in our classes. We have plans for the best program of P.E. that the state has to offer.

The individual needs of each student with learning disabilities dictates that the teacher has available a wide range of instructional aids and methods. Teaching Resources provides in our school this variety with many different programs, and within each program itself. Each concept or progression in every program is so structured so that the teacher can use as many, or as few, of the multiple procedures and exercises suggested at each step without interfering with the continuity of the program.

We are introducing special programs such as Dubnoff, Program I, these are basic perceptual skills that develop the child's readiness for reading and writing.

Dubnoff Program I, Level 2, develops cognitive skills for reading and writing readiness.

Dubnoff Program I, Level 3, brings to the children a complete curriculum of writing readiness skills.

Dubnoff Program 2, is for visual-motor perception with pattern boards.

For eye-hand coordination, we are using in each room the Pathway School Program. These are games and exercises to develop or improve visual-motor integration, and body-arm-hand-eye movements in unison. Many children are developed in these games and exercises. Body awareness and relationships in working in a confined space at a restricted or defined activity is stressed.

Our A.D.D. Program of auditory discrimination in depth is designed to teach beginning students, or below average students of any age, the basic auditory perceptual skills they must have in order to read and spell correctly—the ability to decode and encode.

In Math, we have the Foundation for Math, which is a completely new approach in four sequential units, to provide a foundation of basic skills and concepts from which mathematical competency is developed. This Math program was developed by Dr. William Crueckshank, Professor of Psychology and Education, University of Michigan.

These above programs will be added to our regular programs: We are striving at all times to bring to our children the newest and the best approaches that have been presented to us.

Your child will be safe and loved in our classrooms. We welcome your inspection.

Rigel School is a joint venture of the Air Force and Army through ALCOM to serve the special education students of the base and post. It presently accommodates 85 trainable, mentally retarded and physically handicapped youngsters. Next year there will be about 110 students. There are 10 teachers, a coordinator, and a principal to provide the program for the youngsters from Elmendorf and Fort Richardson, Alaska.

Rigel is a model school of special education, wtih architectural curricular and administrative innovations. I urge my colleagues and all those interested in special education to study this unique school and all the possibilities it presents. Rigel School is a milestone in special education, a school plant which will certainly enhance the school experiences of our special disadvantaged, dependent schoolchildren, and I am proud to have had a small role in its planning and development.

Mr. Speaker, I am certain that I speak for all the Members of this House when I offer congratulations and best wishes to the Rigel School for Special Education as they celebrate their building dedication and begin their first year of operation. A special salute should go to Henry Bryant, superintendent of schools, who had the perseverance to see this project to completion. He deserves great thanks from all of us.

OPERATION FACT

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. SEBELIUS. Mr. Speaker, a unique approach to promoting rural-urban understanding, Operation FACT—Food and Agriculture Communications Tour—was recently sponsored by the National Agricultural Institute.

I was most impressed with this effort, and I commend the National Association of Wheat Growers, and its supporting organizations such as the Kansas Wheat Growers Association, for recognizing the value of meeting face to face with consumers and working to help them to better understand and appreciate our agricultural system. The timing of this activity was particularly good. It was launched during a period of heightened concern over food costs and at a time when the public was receptive to the farmer's side of the story.

Mr. Eugene Moos, president of the National Association of Wheat Growers, was one of four active farmers who served as farm ambassadors to the cities of America to set the record straight regarding mass urban confusion over food prices. During the tour, the team met with shoppers, sought the views of consumer spokesmen, talked with students, and answered questions from radio, television, and newspaper reporters in Washington, D.C., Chicago, Seattle, Houston, Atlanta, Boston, and New York to disseminate the facts regarding farmers, farm prices, and our Nation's No. 1 industry—agriculture.

Mr. Moos, a wheatgrower from Edwall, Wash., has prepared the following report on his participation in Operation FACT which I would like to share with my colleagues at this time:

A REPORT ON "OPERATION FACT"

(By Eugene Moos)

The objective of the National Agricultural Institute's "Operation FACT" (Food and Agriculture Communications Tour) was to provide two-way communication between farmers and consumers with a special focus on the food price issue. We pointed to the positive aspects of agriculture's story, and sought also a more complete understanding of consumer concerns.

Each of the tour participants was a producer of a basic agricultural commodity. They were J. S. Francis, Jr., Peoria, Arizona, cotton and alfalfa; Thurman Gaskill, Corwith, Iowa, corn-hog; John Barringer of Memphis, Tennessee, cattle; and myself, a wheat producer from Edwall, Washington. The group was selected to provide broad geographic balance, and to reflect a representative cross-section of various commodities.

"Operation FACT" started in Washington, D.C., on April 18th with a press conference held in the hearing room of the Senate Committee on Agriculture and Forestry. Team members were joined by Secretary of Agriculture Butz, Senator Carl Curtis of Nebraska and Congressman George Mahon of Texas. The team also appeared on "Panorama," a local TV talk show.

Prior to the tour start, a briefing session by USDA personnel was held on April 17th. The briefing session covered agricultural program policies, export markets, domestic marketing and public information efforts of the Department.

Before leaving Washington, D.C., team members had the opportunity to tour the meat processing and distribution center of Safeway stores for the District of Columbia area. Two hundred and forty-six supermarkets are served from this meat center, covering an approximate 200 mile radius of Washington, D.C.

The first team stop was in Chicago. There we met with Jane Byrne, consumer advisor to the Mayor of Chicago, and assistants. After these meetings, we attended a press conference in North Chicago at a Jewel Store which was covered by three TV networks plus radio and news reporters. Team members were filmed interviewing both men and women shoppers. The shoppers all felt that food prices were high, but then "so was everything else." No one blamed farmers, and shoppers always referred to the "big guys" as being responsible for high food prices. We also appeared on a major radio talk program in Chicago.

The following day we were in Seattle and met and lectured a class at Seattle Pacific University. Each team member gave a 10-minute presentation covering all of agriculture. I covered farm programs and their relation to food prices. Questions from the class were direct but not hostile.

Next, I met with a group of University of Washington graduate students at a marketing seminar. I gave a 20-minute presentation and the class asked questions for over an hour. Class participation was very good with major interest on understanding farm programs and farm subsidies. The students seemed to have a very good understanding of marketing involved in the food chain.

In Houston we met with consumer representatives and had a 40-minute dialogue on a radio show. We also met with the editorial board of the *Houston Chronicle* to discuss food prices and the farm situation; the newspaper men gave an impression of understanding and interest. Two of our team members were interviewed on a local TV talk show while in Houston. We met consumers at supermarkets, talked with home economists, housewives and consumer advocates and served on a panel responding to consumer questioning.

In Atlanta the team appeared on live TV talk shows, live and taped radio programs, and met with the editors and editorial staff of both the *Atlanta Constitution* and *Atlanta Journal*. We also conducted two hours of interviews with consumers at an Atlanta shopping center.

We participated on radio and TV talk shows in Boston. We met with the Massachusetts Commissioner of Agriculture and the Governor, and were introduced to a Joint Session of the Massachusetts Legislature where the team spoke briefly on the purpose of its tour. The team met with the "Mini-Consumer Board of Directors of the Stop and Shop Supermarkets" and had a two-hour exchange on food prices, farm returns, farm programs and subsidies, agricultural politics, etc. Operation FACT visited one of the few supermarkets located in the Black community anywhere in the U.S., and we talked at length with black consumers—most of whom are on fixed incomes or of low income.

An unusual experience in the Boston area was a visit to the U.S. Army Research and Development Center in Natick. Here, the Department of Defense is conducting experiments to improve food storability (shelf life) through irradiation processes. They are also developing a freeze-drying process to minimize handling and distribution problems connected with large-scale food shipments.

In New York we met with a Consumer Journalism class at the Columbia University Graduate School. We presented our story and then asked for their critique in terms of credibility and style of presentation. The class indicated that the team was very effective. They asked the same question we heard in Boston—"Why aren't farmers doing more of this to counteract their poor image?"

Before leaving New York we met with the editorial staff of the *Wall Street Journal* and were questioned on the direction and purpose of Federal farm programs.

Our tour ended in Washington, D.C., on April 28th with a luncheon on Capitol Hill set up by Senator Curtis and Congressman Mahon and attended by members of the House and Senate Agriculture Committees and top-level USDA personnel. The team reported on its communications tour and presented its findings to members of Congress attending the lunch. The report stimulated an impressive amount of interest and a lengthy question and answer period.

TOP SOVIET OBJECTIVE: U.S. WITHDRAWAL FROM EUROPE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. CRANE. Mr. Speaker, there are many voices both at home and abroad who urge an American withdrawal from Europe. One of the bases upon which such a policy is advocated is that the Soviet Union has abandoned its own territorial ambitions in Western Europe and has now embarked upon a policy of conciliation and detente.

Often, our own country has been victimized by its optimistic assessment of the policies of those whose aggressive desires have been made known, but have been somewhat camouflaged. Insisting upon seeing the best in others, we have mistaken the camouflage for reality and have often overlooked the real facts. Hitler's aggression in Europe, the Japanese assault in Asia, the Communist desire for control over Eastern Europe after World War II, all were misunderstood by American observers.

Speaking before the German Atlantic Society, West German Publisher Axel Springer expressed the view that Soviet goals have not changed in the least. He noted that—

> For me the purpose of the East is unshakeably clear, and it is equally clear that the Soviet Union's Western policy has not altered one iota in its aims since the war. That aim has always been: Consolidation of military conquest in Eastern Europe, Sovietization of all Germany, and hegemony over Europe.

Mr. Springer points out that—

> An American withdrawal is . . . the top priority long-term objective of Soviet policy for Europe. American withdrawal is the actual main objective of the repeatedly propagated European security conference, which West Germany in the Moscow treaty has promised to support. Once the U.S. troops were to go, however, NATO would become a mere chimera; the decisive prerequisites for Soviet hegemony over Europe will then have been created.

If the United States leaves Europe, Mr. Springer believes:

> The Kremlin then expects . . . that not even ten years would be needed to bring Western Europe under Soviet control.

I wish to share Mr. Springer's remarks, as they were published in The New York Times of May 16, 1972, with my colleagues, and insert them in the RECORD at this time:

THE UNITED STATES MUST NOT LEAVE EUROPE

(By Axel Springer)

STUTTGART, GERMANY.—In the reflected glow of good feeling cast by West Berliners being temporarily reunited with families and friends in the eastern part of the city behind the Wall, it is worth looking at the reasons why reunion has been permitted to happen after six years of isolation and to determine the place Berlin occupies in today's world. By doing so, we may see why a city so far away is important to Americans.

To define the city's place, one need go no further than the statement of Willy Brandt in 1958, when he was both Mayor of Berlin and President of the Association of German Municipalities. He said, "From all German cities, factories and communities the call must come, not to be ignored, 'We will not be torn asunder. Berlin is the capital of Germany.' "

That place in both history and geography had been confirmed in the Convention on Relations between the Three Powers and the Federal Republic of Germany dated Oct. 23, 1954. What then, one may well ask, has happened that the Soviet-dominated Eastern part of our country woos West Berliners with the promise of easy access and the present leaders of the Federal Republic eagerly respond to such overtures?

From my viewpoint there are only a few possible explanations: Either those responsible in Bonn believe, in spite of all their own experience and in the face of all the information from secret and nonsecret services which they continuously and copiously receive, that one can now trust the Soviets because they have changed. Or, those responsible in Bonn have given up and believe there is no more chance for a free society to prevail against the Communists, and so one must try to come to an arrangement with the inevitable. Or, finally, those responsible desire victory for Socialism and the elimination of a free society because they believe in a just and workable Socialism or even a humane Communism.

For me the purpose of the East is unshakably clear, and it is equally clear that the Soviet Union's Western policy has not altered one iota in its aims since the war. That aim has always been: Consolidation of military conquest in Eastern Europe, Sovietization of all Germany, and hegemony over Europe.

This is the old great Russian aim, once

documented by a competent man, a witness who cannot be suspected of being a modern cold warmonger. "Russian policy is unchangeable," wrote this expert. "Russia's methods, tactics, maneuvers, can change; but the Pole Star of Russian politics—to rule the world—is a fixed star. There is only one way to deal with a power like Russia, and that is the way of fearlessness. . . ." Who wrote that? The London correspondent of the old New York Daily Tribune in his reports on Eastern policy. His name: Karl Marx.

The Eastern ambition to rule is served up to the Germans today in cheap demagogics as a peace policy. But for the Soviets, I believe, it is a policy for preparing the conquest of the rest of Europe. To me, therefore, the *ostpolitik* of the present German Government implies a deadly danger for our country and our people; and I consider it at the same time a menace to Europe as well as to the entire free world of which America is, of course, the foundation.

The immediate objective of the East clearly remains one way or another to overcome the "enemy," which means the West Germans. Why do they want this? Because Communism can only exist unchallenged in East Germany once democracy is eliminated from the Federal Republic in West Germany. Otherwise its magnetic attraction for the 17 million Germans under the Red yoke will persist. That is why it is so important for the Soviet imperial league to banish from the edge of its fortifications the permanent temptation of freedom. That is why Berlin is such a disturbing factor to them and so important to the West.

This objective is being pursued by the East in various ways. One is directed to political capitulation by the West. Important landmarks in this are the treaties of Moscow and Warsaw. A great deal has been said about these in the last Bundestag debate.

But to those in the United States, I believe one point in this East-West confrontation has particular importance: As long as the Americans remain engaged in Europe, the Soviets will not attain their objective. An American withdrawal is, therefore, the top-priority long-term objective of Soviet policy for Europe. American withdrawal is the actual main objective of the repeatedly propagated European security conference, which West Germany in the Moscow treaty has promised to support. Once the U.S. troops were to go, however, NATO would become a mere chimera; the decisive prerequisites for Soviet hegemony over Europe will then have been created. If the Americans leave Europe, the Kremlin then expects, according to credible information, that not even ten years would be needed to bring Western Europe under Soviet control.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

INDUSTRIAL NATIONS ON THE BRINK OF AN ECONOMICALLY DESTRUCTIVE TRADE WAR

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. HUNGATE. Mr. Speaker, the citizens of Missouri are privileged to have one of their distinguished citizens, William S. Lowe, serving now as president of the U.S. Chamber of Commerce.

This is recognized as a fine thing for the citizens of Missouri and particularly the city of Mexico, Mo., where Mr. Lowe makes his home. As one who has known Mr. Lowe for many years and had the privilege of serving with him on the Board of Trustees of William Woods College at Fulton, Mo., I suggest that the U.S. Chamber of Commerce is fortunate in getting his services. He is a man of leadership and vision.

As foreign trade has become increasingly important to our economy, it has grown correspondingly as a subject of controversy. We have before us numerous measures designed to further restrict the flow of goods and capital across our borders. In other industrial nations, the situation is much the same.

In a perceptive and timely speech to an audience of European businessmen, Mr. Lowe has warned that the major industrial nations are today poised on the brink of an economically destructive trade war. The way to prevent it, he says, is for businessmen and their organizations to make every effort to educate the peoples of the world to the benefits of freer trade.

Mr. Lowe is himself an experienced international businessman. He is chairman and chief executive officer of A. P. Green Refractories Co., which manufactures firebrick and other ceramic materials used to insulate against ultrahigh temperatures in many industrial processes. The company has 22 plants in the United States and Canada, and 16 in other countries, with headquarters in Mexico, Mo. He is also a past president of the Missouri Chamber of Commerce, which he still serves as a director and member of its executive committee.

Mr. Lowe's speech, "Organizing for Economic Progress," was delivered to the biannual meeting of the Council of American Chambers of Commerce Abroad in Europe and the Mediterranean, held in Amsterdam, the Netherlands, May 26:

ORGANIZING FOR ECONOMIC PROGRESS

Chairman Kelly, President Piliero, ladies and gentlemen: Mrs. Lowe and I are delighted to be here in this historic city of Amsterdam, and to have the privilege of meeting with all of you on the auspicious occasion of the semiannual meeting of the Euro-Med Council of American Chambers of Commerce.

I have heard that Netherlanders say, "God made the world, but the Dutch made the Netherlands." The sturdy, innovative character of the Dutch people is certainly evidence of that.

It is a privilege for me to represent the Chamber of Commerce of the United States, and I bring you greetings and best wishes from our board of directors and from Arch N. Booth, our executive vice president.

In our Chamber federation of 40,000 business and 4,000 organization members, the American Chambers Abroad are far more important than their numbers alone would suggest. You are our window on the world. We are proud of you, and we invite an ever closer working relationship as we address ourselves to the problems and opportunities of the international business community.

The economies of the nations of the world are becoming more closely interrelated every day. What affects one tends to spread rapidly to all. Problems cross international borders. So must our search for solutions.

In our common effort, however, we must take care that the solutions we offer are soundly conceived. Then, we must make certain they are wisely implemented.

I want to discuss with you tonight some of the current developments and emerging problems which are seen by the National Chamber both as cause for concern and as challenges which offer opportunities for progress.

Underlying these developments has been the emergence of a new Europe—the near fulfillment of a remarkable concept—the European Community. Concurrently there has been another important post-war phenomenon in the world—the development of the multinational enterprise.

On the first point, developments of economic and trade relations between the United States and an enlarging European Community call for new forms of cooperation. Such cooperation is bound to benefit all parties involved. Let us acknowledge that the United States benefits from the success of the market of Six. Let us earnestly hope that similarly good relations can be maintained with the Europe of Ten.

There are, nonetheless, problems which should have attention before they become acute. This means a keen sense of responsibility on the part of all countries involved—the United States included.

THE GUIDING PRINCIPLES

Just as the economies of countries are interrelated, so are the elements of international economic policy: Trade problems cannot be separated from monetary and investment matters. There are certain broad principles concerning the framework of international trade which I believe we all agree should be recognized:

1. The importance of increasing world trade;
2. The gradual elimination of tariff and non-tariff barriers to trade;
3. The principle of comparative economic advantage guiding the structure of trade;
4. The necessity of stable monetary arrangements for the development of trade relations.

At the same time, in supporting the principle of free trade, recognition should be given to the fairness of trade. Fair trade must be achieved by competitive performance and neither impeded nor distorted by artificial measures.

We recognize the essential role that the General Agreement on Tariffs and Trade has played and must continue to play in the evolution of an open trading system for the world. In consideration of the evolution of world trade in recent decades and of the emergence of new economic and monetary organizations, we would urge that it is time for the GATT rules to be applied and honored.

With respect to the importance of non-tariff barriers to trade, more attention must be given to the problems of world-wide technical and environmental standards and legal and administrative controls.

On the monetary side, while the Bretton Woods system has been of considerable benefit to the world economy, it does require some modification. Even so, its basic principles remain valid and should be maintained. For example, every country has the responsibility of managing its own economy appropriately, so that its actions do not have an adverse impact on other economies. Also, while the system of relatively fixed parity levels is a good one, some changes are desirable in order to give it greater flexibility. When a currency's parity is out of line, it should be adjusted before a crisis erupts.

Establishment of a European currency may face practical difficulties in the short range, but may well be a desirable objective.

There should be early restoration of the convertibility of the dollar, and full confidence in the dollar must be reestablished. To this end, continued efforts must be made to improve the U.S. balance of payments, including the strengthening of its trade accounts to enable the U.S. to meet its other important international obligations.

One desirable step in this direction would be a partial funding of U.S. dollar balances—converting into longer-term debt some portion of excess short-term dollar liabilities to overseas holders.

Progress toward convertibility would serve to reduce the danger of a general imposition of controls over trade and capital movements. Certainly, any world monetary changes should aim at the greatest possible freedom of trade and capital flows.

It seems likely that Special Drawing Rights will ultimately become the major foreign reserve asset as their allocation expands, with a relatively lesser role for dollars, sterling and gold.

One way to utilize surplus dollars more effectively is through more European direct investment in the United States. If you know of obstacles to such investment, please tell us. They should be identified and removed.

INTERNATIONAL INVESTMENT AND NATIONALISM

The third part of the international economic equation is international investment. Freedom of trade and investment are generally linked. Investment provides one of the most effective vehicles for improving the wealth of both rich and poor countries.

The major impediments to investment all over the world, including fiscal, legal and social disparities, need removing. Double taxation should be eliminated, and national treatment generally accorded all investors. Of course, international investment must always respect national sensitivities.

There is an insidious, narrow economic nationalism rising in certain countries—and to a degree even in the U.S. It is not to be confused with patriotism. Its rationale is expressed in terms of a need for more employment within a country, for the conservation of foreign exchange otherwise required for imports and, possibly, for the provision of an opportunity to earn foreign exchange through exports.

None of these objectives is in itself unworthy. The approach used, however, is contrary to the trade expansionist concept and frequently has to find its support through specious appeal to prejudice. The outcome is usually a highly protected preference for domestic goods accompanied by a virtual shut-out of foreign goods. Quality, performance, price, operating costs and all the other considerations which go into the determination of value are subordinated to the nationality of source. So also are the advantages derived from effective competition.

The displaced U.S. exporter is, accordingly, obliged either to abandon the market to protected domestic sources or to try to hold a place by undertaking production within the market.

If, indeed, this production takes the form of direct investment, it may be found that the plague of economic nationalism passes from the goods to the investment. In what sometimes seems to be little more than false pride, laws are passed to curb foreign ownership or to confine it to a minority position. The rationale rests on a claim that sometimes a business should be operated not in accordance with the best interest of the concern itself but in accordance with what local nationals or their government may deem best for some other purpose.

To forestall these irresponsible actions, international investors must always seek to emulate the high standards of responsible corporate action that many multinational enterprises have applied with success. Even then, there will remain an urgent need to increase *public understanding* of the proper function played by multinational investment in the world economy. The multinational corporation on a world-wide scale has been a most effective and successful agent for the production and distribution of goods and services through all parts of the population.

You and your membership play an important role in explaining to the public the positive contribution of multinational corporations. Emphasis on sound public affairs programs is exceedingly well placed.

Attitudes vary greatly throughout the world and are influenced by many things, not the least of which are local political considerations. In certain Latin American countries at this time, the multinational enterprise is in a tenuous situation, to put it mildly. Even in Canada domestic pressures have brought about proposals for a review of take-overs by foreigners. Canadian firms valued at more than $250,000 or with annual revenues exceeding $3 million would be effected.

Meanwhile, on the brighter side, in Japan there is a distinct trend toward greater freedom of movement of capital.

In Europe, I am reliably informed, most countries enjoy stable government and once hostile governments are now re-inviting U.S. investments, albeit under close scrutiny. In spite of this, it has been pointed out that protectionist trends in European-U.S. trade relations are heavily reported and have a concentric impact larger than reality. The press throughout Europe has been saturated with articles on the vices of multinational corporations. U.S. investment is seemingly not needed now as it was in the past.

U.S. ECONOMIC AND TRADE POLICY

Understandably, the United States has grown anxious at the signs of a European Community turning inward and becoming more protectionist, while expanding its size. On the other hand, the Europeans chastise the U.S. for complaining about the economic dislocations caused in the States by Community trade policy. But Europeans should remember that in the past the U.S. has accepted tremendous economic, political and military burdens to create a politically strong, economically stable Atlantic Alliance.

In the trade field, the U.S. has initiated several major trade agreements and has taken the lead in removing tariff barriers to trade expansion. The National Chamber does not believe it is the intention of the U.S. Government to renounce these precedents. However, it is clear that a tougher trade policy is emerging from the U.S. in response to tougher trade policies by its trading partners. The National Chamber supports this rational position.

The fact, is the post-war era of American scientific and technological supremacy in the world economy has come to an end. We now face a new era of more intensive international competition.

We cannot indulge the misconceptions that have encouraged fiscal irresponsibility at home and weakened the dollar abroad. Deep-rooted and persistent inflation has become a serious problem. Events have forced us to recognize that we can no longer safely ignore rules of reason, prudence and self-discipline in the management of our economy. That was the significance of President Nixon's dramatic move on August 15.

The President's decisive action offered our nation, and the world, historic risks as well as historic opportunities. The risks are that the greatest bastion of free, competitive enterprise, in a reflex action of self-defense, may now turn inward, in both economic and political philosophy. The opportunities are, through renewed constructive and cooperative action, to achieve another step forward in the slow, and sometimes painful, evolutionary process toward a more open world and greater human welfare.

President Nixon had no choice but to arrest the forces that were slowly but surely sapping our economic vitality. The symptoms of our creeping incapacity, both at home and abroad, have been long apparent. They included the 20-year chronic U.S. balance of payment deficits, the resulting decline in our gold reserves from a post-war high of $25 billion to less than $10 billion, the drop in our share of world exports from 25% in 1948 to 14% in 1970, and, for the year 1971, the first trade deficit since 1893. Add to these unnerving statistics the fact that the purchasing power of the dollar has declined by 27% since 1965. Under such circumstances, even those who know the dangers of wage-price controls could only applaud the President for his recognition of the emergency facing our nation. Phase I had to come.

Insofar as Phase II is concerned, the jury is still out. If you want to be a pessimist, you can point to the fact that both wage rates and prices have been creeping up at a faster rate than the guidelines are supposed to allow. And you can worry about the "time bomb" inflationary potential of the government's record deficits, when economic recovery is completed and the economy returns to capacity.

On the other hand, the optimists can point to the fact that inflation has slowed somewhat, if not as much as we would like.

In the end, the greater threat to our economy would seem to come not from *economic* policy, but rather, from the effect of domestic political considerations *on* economic policy.

LABOR TURNS PROTECTIONIST

While U.S. business supports in principle the President's program, labor has been more critical, culminating in the well-publicized walk-out from the Pay Board.

George Meany's attacks on the wage-price aspects of the package are being parroted on the trade and investment policy side.

Mr. Meany believes that the President's program for increasing exports and curbing imports is inadequate. He feels it will not restrain U.S. based multinational companies and the international banks from practices which, accounting to the AFL-CIO, have meant the "export" of American jobs.

Therefore, organized labor in the U.S. is urging Congress to enact an ominous program which includes:

New tax measures to halt the alleged "export of jobs"; to remove presumed incentives to establish new plants and to curb expansion of existing facilities abroad.

New legislation to restrict outflows of U.S. capital, including close controls on the nature of investments and on the effects of Eximbank loans of U.S. trade and the national economy.

Presidential authority to supervise and limit the export of technology, through standards to regulate licensing and patent agreements.

International fair labor standards inserted in trade agreements.

And quantitative restraints on imports that allegedly threaten the displacement of U.S. production and workers.

The bill itself is less of a threat than the philosophy it represents. It has been generally recognized for the reactionary outrage that it is, and therefore stands little chance of passage as a unit. However, the political influence of organized labor is both potent and enduring. Therefore, the greater danger is that regressive trade legislation will make its way through Congress piece-by-piece, either separately or tacked on to other, unrelated bills.

Guarding against this eventuality will require continuing vigilance and effort.

With labor throwing its weight into the scale against international trade, American farmers become the swing vote. An alliance of farm interests, enlightened consumers and internationally-oriented businesses has just enough political strength to hold the protectionists at bay. We must therefore keep in mind the political importance and social implications of the agricultural situation on both sides of the Atlantic. In current and forthcoming negotiations, account should be taken of the necessity for maintaining equitable income to farmers while enhancing their market opportunities.

As you can see, this is an issue ideally suited both to the demagogue and to an age in which people receive their news in small capsules and their conclusions in quick jumps.

Indeed, there are already pending in Congress several bills to repeal the earned income exemption for U.S. citizens working abroad, to limit or eliminate credits allowed on U.S. taxes for taxes paid abroad, to repeal the Asset Depreciation Range allowance, to repeal the Domestic International Sales Corporation, and to repeal the Western Hemisphere Trade Corporation tax provision.

Both the labor push for protection and the populist appeals for tax reform are aimed directly to the very corporations which you represent, or with which you deal. Beyond that, they are aimed, through ignorance or selfishness, at the entire underpinning of the economic prosperity of the Western world.

Americans especially are just not aware of the importance of international trade to the high standard of living we all enjoy.

THE TRUTH ABOUT THE MNE

The National Chamber, through the efforts of its International Group and its Special Task Force on the Multinational Enterprise, is aggressively fighting these potentially disastrous anti-trade bills. Since good intelligence is the first step in a successful campaign, the Chamber undertook a survey of major U.S. international companies—now completed—which clearly documents three basic facts:

Contrary to labor's charge that foreign investment means the "export of American jobs," the findings show that U.S. international companies *increased domestic employment* far beyond the national average during the 1969 to 1970 period; that these companies *increased exports* far above the national average; and that the major reason for going overseas was that this was the only viable way of serving the market.

The full report is currently at the printer and will be available soon. It cuts through a proliferation of misinformation, and can go far in preventing misguided action in the U.S. against U.S. investment overseas.

The emergence of protectionist sentiment in the United States, as elsewhere, reflects a normal reaction to economic difficulty and unemployment. It is always easy to point to outside competition as the prime culprit when business slackens—whether or not it is justified. This makes it all the more important that all trading nations strive to abide by the rules of fair trading practices as restraints beget restraints on the part of others in retaliatory measure.

There must be a spirit of give and take so that the mutuality of objectives will not be obscured by narrow interests. This is not to say that dislocations should not be met on the domestic front, but the remedies to be used should be carefully chosen so that they will not be unduly disruptive or breed unbridled retaliation.

The 1970's will be a period of heightened competition and accelerated adjustment to change. Hopefully, 1973 will see extended negotiations among major trading nations to set the monetary, trade and developmental policies for an era marked by the maturity of the European market, the continuing rise of Japan, and the further growth of the multinational corporation.

Policy negotiations will be carried on in a context of increasing world concern over environmental issues, particularly as they relate to foreign trade and depletion of resources. The economic instability caused by varying rates of inflation will remain a major problem. To maintain an open society of dynamic growth and rising living standards through this decade, business and government leaders must not only have, but take, the opportunity to get down to basics in a frank exchange of views. The National Chamber is sponsoring a National Conference on International Trade Policy on December 6 in Washington, D.C. to provide such exposure of problems.

To lead calls for courage and enterprise. The call for enterprise falls most heavily on we who represent business. A prominent business statesman has wisely observed. "If we allow ourselves to be intimidated by sometimes exaggerated reports of hostility toward us, we will not be doing our part. If we insist on being 'liked' before we act, we will never enjoy the opportunity to earn the better right of being respected. If we act courageously, we shall become even greater contributors to a society which can only be as great as its industry is progressive. We need more effective private decision-making."

It has been well said that history demonstrates that a two-fold test of a great people is their ability, first, to foresee the impact of world movements on the nation, the economy and their personal well-being. And, second, their ability to act bravely, wisely, vigorously and promptly to master their own fate.

A statement of Nicholas Murray Butler seems even more apt today than when it was written over fifty years ago:

"What higher use can be made of a nation's sovereignty than to cooperate with other like-minded sovereign nations in the common tasks of advancing civilization and promoting the comforts, the satisfaction, and the happiness of man, in removing artificial barriers to trade and commerce, in spreading abroad the teachings of science, in making common property of the world's literature and the world's art, and in holding out the hand of helpfulness and courage to those less fortunate peoples who, backward in their social organization or in their philosophy of life, have not yet been able to take their place in the council board of nations?"

I am grateful for this opportunity to meet with you today. I feel very strongly that there is a great need for more consultation and cooperation among the business communities represented here. There must be more cooperation, for the world has grown too complex, the economic pressures are too strong for us to continue going our separate ways.

Please let us have your views at all times.

THE ALASKA FESTIVAL OF MUSIC

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BEGICH. Mr. Speaker, each year, the Alaska Festival of Music is held to afford to Alaskans an opportunity to concentrate their attention on the performing arts. This 2-week program, including performing and visual arts ranges from native music and crafts to major orchestral compositions and jazz, and affords Alaskans from all over the State the opportunity to participate and perform. All Alaskans consider it a valuable part of the cultural life of the State. I enclose for the attention of my colleagues the recent proclamation of Alaska Gov. William A. Egan commemorating the Alaska Festival of Music:

PROCLAMATION—ALASKA FESTIVAL OF MUSIC TIME

The Alaska Festival of Music is dedicated to a threefold emphasis of studying, performing, and hearing great music.

The first Music Festival was held in 1956, and it has continued to draw its audience, participants, auditors, and native scholars from throughout Alaska.

The programs of the Alaska Music Festival, including performing and visual arts ranging from native music and crafts to major orchestral-choral compositions and jazz, afford Alaskans the opportunity to enjoy performances by talented residents of our own great State as well as performances by leading national and international artists.

Therefore, I, William A. Egan, Governor of Alaska, in recognition of this program which contributes to the prestige and culture of our great State, proclaim the month of June, 1972, as "Alaska Festival of Music Time" throughout Alaska, and I urge all who are able to do so to participate in, or attend, this worthy and enjoyable event which will be staged in Anchorage over a two-week period beginning June 15, 1972.

Dated this fourth day of May, 1972.

NATIONAL STUDENT LOBBY ENDORSES EDUCATION AMENDMENTS OF 1972

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, the conference report on the Education Amendments of 1972 has received the endorsement of the National Student Lobby representing 134 member colleges and universities and 950,000 students in 36 States. It has been my pleasure to work with the NSL during our consideration of this legislation. I would like to express my personal tribute for their sophisticated and effective efforts and share with my colleagues the following statement:

STATEMENT BY LAYTON OLSON, DIRECTOR OF THE NATIONAL STUDENT LOBBY

The Conference Report on the Higher Education Act (S. 659) passed the Senate last week by a substantial majority (63–15). Now this legislation goes to the House for final passage. The Report represents two years of effort by members of Congress to legislate increased benefits for students enrolled in institutions of higher education and for the colleges they attend. As reported out of Conference, this Omnibus Higher Education Act (S. 659) includes new provisions and programs which would allow students, previously prevented from attending college for financial reasons, opportunities to acquire a college degree.

Last year over 400,000 students who were deemed eligible for participation in student assistance programs, both by their institutions and the Federal Government, had the door to college slammed in their face. For no other reason than insufficient funds, they were barred from attending college. S. 659 takes an important step in the direction of solving this problem. Most importantly, S. 659 begins the process of involving the Federal Government in guaranteeing at least some money to needy students through Basic Educational Opportunity Grants. This is an historic step.

With 134 member colleges and universities the National Student Lobby (NSL) speaks for 950,000 students in institutions of higher education in 36 states. With its central office in Washington, D.C., the NSL has been actively engaged in all phases of development of the Omnibus Higher Education Act. On March 22, 23, and 24 of this year, the NSL coordinated a major lobbying effort bringing 350 students from 39 states to Washington, D.C. to speak with their legislators and to lobby in support of the "Basic Grants" provision (which was subsequently included in the Conference Report)—and against anti-busing amendments. In addition, these students lobbied in support of the Harris Amendment which would encourage student representation on Boards of Trustees (a considerably watered down version of this Amendment now appears in the Conference Report).

As provided in the final Conference Report, the advantages of S. 659 to both universities and students are considerable. At a time when students and universities alike are under critical financial pressure, this Higher Education Act speaks substantively to the vital financial questions of higher education and to the changing approaches to institutional management. Benefits in S. 659 for students and universities include:

(1) The *Basic Educational Opportunities Grants Program* providing needy college students with up to $1400.00 yearly assistance for education, minus their "family contribution."

(2) Continued funding at guaranteed minimum levels of present student Educational Opportunity Grants (E.O.G.), Work-Study programs, and low-interest direct loans programs.

(3) extension of Work-Study programs to community service jobs (with preferences for veterans) and to part time students.

(4) a "Harris Amendment" encouraging student participation (i.e., representation) on college and university Boards of Trustees, with the student body having a voice in the selection of such student Trustee.

(5) funds to finance *reforms* in higher education.

(6) creation of a National Institute of Education to finance needed *research* at all levels of education.

(7) massive direct financial aid to colleges and universities.

Coupled with its other higher educational provisions, this conference bill undoubtedly represents the most comprehensive and advanced higher education achievement to have ever come for a vote before Congress. The National Student Lobby is seriously concerned with the future welfare of higher education in America, and urges the active support and passage of this act. The Senate has recognized the substantial merit of S. 659, and has voted accordingly. The time has now come for the House to act.

Passage of the Report on Higher Education (S. 659) in this session is placed in doubt by the anti-busing provisions. Jeopardizing the entire Higher Education program, however, on the basis of such an emotionally charged and confused issue as busing would constitute an unwarranted and irresponsible action by the House.

Ever since the Supreme Court struck down "separate but equal" and instituted busing as one method for achieving racial balance, the depth of our domestic racial problems have become clearer. The emotional question of the effectiveness of busing has divided the country. The anti-busing Amendments on the Higher Education Act S. 659 are seen by students as a serious threat to the progressive measures this legislation outlines and a weakening of the moral leadership of the Congress. However, the benefits of the Higher Education Act S. 659 provisions stand apart in issue and merit from the busing issue. The anti-busing provisions (providing for full federal court appeals before the issuance of a busing order) would be in effect only until January 1, 1974. The benefits and effects of Higher Education upon society are lasting; the weight of public emotions and opinion of the moment are not. Accordingly, it is the responsibility of the House to recognize this crucial difference, and to vote passage of the Conference Report on Higher Education (S. 659).

NATIONAL SCHOOL BOARDS ASSOCIATION SUPPORTS HIGHER EDUCATION CONFERENCE REPORT

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. PERKINS. Mr. Speaker, as we near the final vote on the Higher Education Conference Report still another education association has endorsed the conference report. I am pleased to share with my colleagues the following letter I received today from the National School Boards Association in which this major association representing the public schools of our Nation urge adoption of the conference report. The letter follows:

National School
Boards Association,
Washington, D.C., June 7, 1972.

Hon. Carl D. Perkins,
Chairman, Committee on Education and Labor, Rayburn House Office Building, Washington, D.C.

Dear Chairman Perkins: On behalf of the National School Boards Association I wish to again commend you and the members of your committee from both political parties for the outstanding way in which the conference on S. 659 was concluded.

This conference report, like nearly all similar reports, is the result of a compromise of varying points of view. Therefore it is inevitable that certain decisions of the conferees would not meet with our support—the final language of Title V, General Provisions Relating to the Assignment of Transportation of Students being the best example. Nevertheless, on balance we find this a *great* piece of legislation and *endorse* its final passage.

The scope of the bill is not limited to higher education, but contains substantive provisions for elementary and secondary schools. Local school districts need the research which will be provided through the National Institute of Education, they need support in occupational education, and they need financial assistance to deal with desegregation problems. The Education Amendments of 1972 contain provisions designed to meet these needs and much more.

Again I must say that we who represent the public schools of our nation urge the final passage of the report.

Sincerely,

August W. Steinhilber.
Director, Federal and Congressional Relations.

POOR WOMEN AND THE EQUAL RIGHTS AMENDMENT—ERA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. FRASER. Mr. Speaker, on May 10, 1972, Mrs. Elizabeth Duncan Koontz delivered a speech—"ERA and Upward Mobility for Women"—at the Equal Rights Amendment Ratification Assembly here in Washington. Mrs. Koontz, in her address, quickly laid to rest one of the perennial arguments used against the ERA, the equal rights amendment. The ERA is not a constitutional provision aimed at giving the greatest benefits to business and professional women. Its object is to benefit all women and, in the larger sense, the entire Nation.

As Mrs. Koontz points out, young women and girls, particularly disadvantaged young women and girls, will benefit greatly from the ERA. Mrs. Koontz' description of these benefits is a good one. I place it in the Record at this point:

ERA AND UPWARD MOBILITY FOR WOMEN

(By Mrs. Elizabeth Duncan Koontz)

Many people have the mistaken idea that the Equal Rights Amendment will be of greatest benefit to business and professional women—that it might even work to the disadvantage of other workers.

Actually, young women and girls, particularly the disadvantaged, stand to gain the most in tangible benefits, once the Amendment becomes law. This is true on a number of counts.

1. EQUAL EDUCATIONAL OPPORTUNITIES

Our society has, for too long, designated certain jobs for men and others for women, and for the most part, women's jobs have required less skill and paid less money. For this reason girls and women have usually been excluded from vocational education courses in auto and aircraft mechanics, electronics, repair of appliances and office machines, jewelry and watch repairing, and similar training.

Most vocational training for girls is confined to fields traditionally thought of as women's. More than half the women and girls in public vocational programs are being trained in home economics and about one-third are studying office practice.

As a matter of policy, many school systems have maintained separate vocational courses or even separate vocational schools for boys and girls. The Amendment would require that all educational opportunities in the public schools be open to both girls and boys.

Young women from poor families will benefit at the college level, too. Many depend on Scholarships for tuition and other expenses but often women are restricted by a quota system or men are given preference in the awarding of scholarships. Under the Amendment, government supported colleges and universities would be required to make scholarships and other student aid programs equally available to students of both sexes.

2. EQUAL OPPORTUNITY FOR JOB TRAINING

Publicly funded training programs for the disadvantaged would be required to provide the same opportunities for men and women under the Equal Rights Amendment. At present, some inequities do exist.

For instance, the law provides that the Secretary of Labor endeavor to achieve 50 percent participation of women in the Job Corps. However, the present enrollment of women is only 28.9 percent, in spite of the fact that the Nation's highest unemployment rate is among non-white girls, aged 16–21.

Possibly, young women are not attracted to the Job Corps because the kinds of training provided follow the same old limiting pattern. For instance, enclosed in the December assistance checks sent by a southwestern State to recipients of Aid to Families with Dependent Children was Job Corps recruiting material. Young women were offered training in the occupations of secretary, hospital and food service workers, beauty operator and nurse's aide. Young men were offered training as auto mechanics, heavy equipment operators, carpenters and electronics workers—all better paying jobs with a future.

To cite another example—the recently passed Public Law 92-223 amending Title II of the Social Security Act, gives male heads of households priority over female heads of household for training and work under the Work Incentive Program (WIN).

3. BENEFITS FROM MILITARY SERVICE

Women would be subject to the draft under the Equal Rights Amendment but military service would make them eligible for training while in service and for all the veterans' benefits which have provided an exit from poverty for disadvantaged young men for many years.

At present, the armed forces treat men and women differently in a number of ways that tend to discriminate against women:

Young women cannot volunteer for military service unless they are high school graduates. This is not true of men.

Women must make higher scores on the educational tests than the regular scores for men who are drafted.

Women are excluded from many occupational slots that might lead to lucrative careers in civilian life. They are not, for example, permitted to train as pilots.

4. ANY STATE OR LOCAL LAWS LIMITING THE HOURS WOMEN MAY WORK OR THE TYPES OF WORK THEY MAY DO AND LAWS SETTING CERTAIN LABOR STANDARDS FOR WOMEN ONLY WOULD BE INVALIDATED

Actually, very few of these so-called "protective" laws remain. In most cases they have been found to be restrictive, rather than protective, and have been ruled discriminatory under Title VII of the Civil Rights Act. But we find situations such as that in one State where women earn pay for two and three-fifths fewer weeks than men because they are required to take lunch breaks while men can eat on the job. Nightwork laws in some States prevent women from earning premium pay.

The fact of the matter is that "protective legislation" rarely covered the poorest working women in the country, those in service occupations, like household employment, which have been, generally, outside the coverage of those laws.

It should be noted that under the Equal Rights Amendment, where existing laws confer a benefit on women, such as laws requiring rest periods for women workers, the benefit would be extended to men. On the other hand, where a law restricts or denies opportunities to women, the law would be rendered unconstitutional.

5. INEQUITIES IN CRIMINAL JUSTICE WOULD BE CORRECTED

The poor woman suffers most through inequities in criminal justice. Delinquency and crime breed most frequently under conditions of poverty and the poor are least able to cope with the behavioral problems that lead to crime. Statistics show that one-half of all girls appearing before juvenile courts are referred there for non-criminal behavioral problems while that is true of only one-fifth of the cases involving boys. The family of a poor girl is unable to afford psychiatric treatment or a private school in order to avoid her commitment to a reformatory where she is likely to serve a longer sentence than a boy committing a more serious offense.

Adult women may be given harsher sentences than men for the same offense. If she is head of a family or has dependents, the imprisonment of a poor woman can be devastating to those who depend upon her for the necessities of life.

While the injustices of sex discrimination affect all women, poor women, particularly non-white poor women, are at a special disadvantage. Middle and upper income women can sometimes obtain through private means remedies or opportunities available to poor women only if public policy changes. When the Equal Rights Amendment is ratified we will need to change some existing laws and enact others to eliminate conflict between State and local laws and practices and the new constitutional amendment. We will have to guard, too, against those forces in our society that resist the idea of giving women equal power, forces that can be expected to raise barriers to implementation of the law, that will even seek to play off one disadvantaged group against another—minority men against women, for instance.

TAX CREDITS FOR OVERBURDENED PARENTS OF CHILDREN IN PRIVATE SCHOOLS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. NIX. Mr. Speaker, I have introduced a bill, H.R. 15296, that will provide a tax credit to parents of children in private nonprofit elementary and secondary schools of up to half the tuition paid with a maximum ceiling of $400 a year.

This bill is really not a radical departure from the past in that the Federal Government has without objection aided those going to all schools of higher education, regardless of whether private or Government institutions. Three GI bills bear this out. Therefore, I see no objection in aiding the parents of pupils in elementary schools in the form of a tax credit, since there is no objection to the direct aid of students attending private colleges.

For a considerable period of time, the U.S. Government has encouraged pluralism in education rather than promoting a government monopoly of education.

Today there are over 5 million children in elementary and secondary private schools. The vast majority of these children are in parochial schools. Their 2 million parents pay the same tax bill that other citizens do while voluntarily paying additional sums in order to provide a private education for their children. This voluntary effort results in the saving of $4,290 million in public money since it costs on a national average $858 a year to educate a child in the public schools.

Tax credits are allowed citizens for the payment of interest on mortgages, for interest on car payments and sales taxes. Yet, up to now, we have allowed nothing for the payment of tuition for the education of a child, a far more significant expenditure.

While it is true that up until now parents have borne their double burden of private tuition and school taxes without complaint, they can no longer do so. Private education in the United States is in financial trouble because of the impact of a severe inflation.

If we ignore private education's plight, we will be ignoring its contribution to American society and if we wait long enough we can expect to spend $4 billion a year more on government education. While the costs of my bill to the Treasury may reach $500 million, it is a saving considering the problem.

I believe that the limited competition now existing between private and public education in our elementary and high schools is good for both. Each in effect sets goals for the other as a result in comparison in methods, successes, and failures. Each provides a yardstick for the other. This kind of competition is part and parcel of the American system in my opinion and I believe that my bill is a step in keeping the total American school system alive and well.

TENANT TAX DEDUCTION 25 PERCENT RENT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. WOLFF. Mr. Speaker, much has been said about the need to reform our system of taxation so as to equalize the burden among persons of all income groups; and to eliminate the discriminatory features now embodied in the law. One such feature which has developed operates to the particular-disadvantage of those who rent rather than own their homes. A homeowner is presently permitted a tax deduction for the amount of his property tax as well as the interest on his mortgage. Even the owner of a cooperative apartment is allowed to deduct that portion of his rent or maintenance which represents the property taxes on his building and the interest on the mortgage. A tenant, however, is permitted no such deduction, even though his rent includes a proportion of the property tax passed on by the landlord.

To eliminate this discriminatory feature, and to take an important step toward equalizing the tax burden, I am today introducing a bill which would permit a tenant the right to deduct from his personal income tax 25 percent of his annual rent. This legislation closely resembles a measure proposed in the New York State legislature by Assemblymen Eli Wager and Irwin Landes that would permit a 25 percent deduction from the New York State personal income tax.

Mr. Speaker, by so acknowledging the substantial contribution the tenant makes to the property tax on his building, I believe this legislation will effectively equalize tax treatment for tenant and homeowner alike and thereby restore a long absent measure of justice to the millions of renters who now reap no benefit for the taxes they pay.

REPORT ON THE COLD WAR

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ROSENTHAL. Mr. Speaker, Dr. Fred Warner Neal, an associate at the Center for the Study of Democratic Institutions, Santa Barbara, Calif., recently gave an important address on "American Foreign Policy at the Crossroads: The New Game Plan, the U.S.S.R. and Europe." His talk, before the center's convocation on "The United States and the World After the Cold War," was given in New York on May 6, 1972.

Dr. Neal, an expert on the cold war, testified before the Subcommittee on Europe last year on the subject. His latest statement brings up to date his excellent analysis of our difficulties in dealing with the Soviet Union. I include his speech below:

AMERICAN FOREIGN POLICY AT THE CROSSROADS: THE NEW GAME PLAN, THE U.S.S.R. AND EUROPE

(By Fred Warner Neal)

The Chinese have a saying that to prophesy is dangerous, especially about the future. It should, perhaps, be amended to say, especially about the future of American foreign policy in 1972. Until a relatively few days ago, at least, the options open to us looked like this:

1. We had the possibility, for the first time, of ending the Cold War altogether, of achieving a detente with the Soviet Union—and with China—and putting coexistence on an assured basis which would guarantee peace and survival.

2. We had the possibility of continuing the comparatively low-key Cold War sparring of recent years while entering into peripheral *ad hoc* agreements and understanding calculated to tamp down those passions not already eroded by ennui, economic considerations and glimpses of thermonuclear reality.

3. We also had the possibility of heating up the Cold War and returning to the era of serious and possibly deadly confrontation and conflict.

The omens for the first possibility, breaking free of the confines of the Cold War and putting our international relations on a new footing, seemed good for a while. The disaster of Vietnam brought popular discontent and the beginnings of a reexamination of our Cold War policies. The Soviet Union, anxious for a formal settlement in Europe, indicated in countless ways, in the diaphanous body language of diplomacy, its desire to put relations with the United States on a new and firmer basis. And President Nixon's comparative restraint in rhetoric and policy led one to hope that after all he might be a pragmatist rather than true believer and would take advantage of the situation to fulfill his promise of establishing a generation of peace.

It was probably too much to hope for realistically. After twenty-five years, the Cold War mentality in our country has become institutionalized, and one could hardly expect the President, major victim (or victimizer) to break free of it entirely. The second possibility, continued Cold War but on a less passionate plane, thus seemed more realistic. The awful anomaly, however, is that our present policy may well be rushing pell mell toward the third alternative, a reheating of the Cold War. Almost certainly this is not something Mr. Nixon wants any more than anybody else, save for a few kooks and extremists. But if we are not extremely lucky it is what we may get nevertheless.

If this indeed be our predicament, the explanation lies, I think, first in President Nixon's continued commitment to Cold War concepts and secondly to Dr. Kissinger's commitment of what I would call the "back to Metternich syndrome."

For a quarter of a century, American foreign policy has been dominated by Cold War concepts. They originated, I think, in the deeply-held and largely psychological-originated fear that the United States faced a military threat from the Soviet Union. I am deeply convinced there was no basis whatsoever for this fear, but, unlike the new revisionist historians, I do think the fear existed and was sincerely believed in. It followed that those who held it in effect abandoned diplomacy and focused on the use of military power to "contain" the Soviet Union, which we saw as the originator of all Communism as well as other evils. From there we went on to try military containment of China, of Communism generally and finally simply revolution, which we subsumed under the totally illogical term of "internal aggression."

UNITED STATES ALONE NOT RESPONSIBLE

I am not suggesting that the United States alone was responsible for the Cold War. It takes two, or more, to make a war, even a Cold War. But I am asserting that our misperceptions of reality—of the world and of the Soviet Union in particular, were a major if not the primary factor.

In any event, in the process of trying to prevent "Communism" from dominating the world—the perennial American nightmare—a number of characteristic Cold War attitudes took a firm hold on American foreign policy thinking. Psychologically, we refused to accept the reality of the Soviet Union as a great power, and later of China. We refused to deal with the USSR as even a potential equal. We refused to negotiate with the Russians meaningfully if at all. We insisted on trying to maintain military superiority and saw Moscow's refusal to accept inferiority as proof of aggressive intent. Our attempted military encirclement of the Soviet Union, and then of China, we saw as defensive, and we objected to their objections to it. All resulting problems—spiraling nuclear arms race, ever-expanding foreign bases, and continual military intervention—were justified by the perceived Communist threat—which had to be contained at all costs.

The Cold War policy, aimed at a threat that wasn't there, failed because it was conceived on the assumption that the United States could maintain unto itself a dominant preponderance of military power. Once this assumption proved to be wrong, not only did the American Cold War policy not work but it became acutely dangerous. Neither Soviet influence nor revolution could be satisfactorily contained, at least without risking thermonuclear war.

FAILURE IN VIETNAM

Vietnam has been the *reductio ad absurdum*, the *reductio ad tragedium*, of all this—Vietnam and the suicidal arms race. But Vietnam, for all its tragedy, could turn out to have a good effect. Up until recently, the Cold War foreign policy was neither debated nor questioned in the United States. The impact of our egregious failure in Vietnam—exposed by the casualty rate, the revolt of the youth, the television and the Pentagon Papers—has now, for the first time, aroused critical attention to the fundamentals of American Cold War concepts. The remarkable article by Senator Fulbright, in the January 8th issue of *The New Yorker*—is a case in point. I don't think Senator Fulbright's analysis goes far enough, but until something like it comes to be widely accepted, I doubt if we will get very far with new foreign policy directions.

As I read the Nixon foreign policy game plan, the way it has unfolded in recent weeks—and days—it is still based mainly on the Cold War concepts. It still seeks the same ends and objectives, only now it is trying to use 19th century balance of power diplomacy, as well as military power, to obtain them. If the original Cold War policy failed because world reality refused to conform to the American view of it, I think failure for the new Cold War policy is likely for the same reason.

The new Nixon Cold War policy reflects an idea dear to the hearts of some professors of international relations, namely that the postwar bi-polar world, in which the United States and the Soviet Union were the only major powers, has been replaced by a multipolar world with five rather than two power centers. In such a world, it is felt, wily diplomacy can achieve the upper hand by playing off various powers against each other, just like Metternich in the 19th century. Nowhere is this system discussed with more enthusiasm than Dr. Kissinger's doctoral dissertation, published under the title *A World Restored*.

A CENTURY TOO LATE

There is only one thing wrong with it as a prescription for policy today. It is a century too late—or, perhaps, a century too early. Because the most important fact about the present-day international system is that peace and a liveable world depend in the first instance on relations between the United States and the Soviet Union. That which contributes to a betterment of these relations contributes to peace. That which threatens these relations threatens the peace. This has nothing to do with what one thinks about the Soviet Union. It is simply the prime, hard, cold reality of the 1970's.

In future years—if we make it through this decade—it is not inconceivable that our relations with other countries may become equally important—our relations with China, for example, with Japan, with Western Europe, if it ever becomes a unified entity. I am not suggesting that these relations are not now important. Indeed, both we and the Russians have to consider them more than before. I am merely saying that in terms of the power to destroy and the power to exert influence, the United States and the Soviet Union remain in a unique category by themselves. In this sense, we still have very much a bi-polar world, however altered its nature.

There is much talk these days about multipolarity, some of it based on wishful thinking, some of it on crystal-grazing. It may be useful for an academic lecture on the international politics of the future. But to the extent it ignores the over-riding priority of American-Soviet relations it is both wrong and dangerous as a guide for foreign policy. Nevertheless, all the signals emanating from the present game-plan indicate that this is the course we have set.

BACK TO METTERNICH

The first major step in the Nixon-Kissinger attempt to resurrect the Metternichian system was the rapprochement with China. The very idea of the President's visit to Peking, of course, is enormously important because it brought about an end to twenty years of total unrealism about China. But it seems clear that much more than this was involved.

For the past three years, the Russians, both here and in Moscow, have been forcefully and seriously telling anybody who would listen that they were worried about American-Chinese collusion against them. It seemed like such a ridiculous idea that I, at least, put it down to the well-known Soviet paranoia about the rest of the world. Several factors, however, suggest that the Russians may have known what they were talking about.

First, the anti-Soviet orientation of Mr.

Nixon's anti-Communism has shown itself repeatedly, most clearly, perhaps, in recent weeks regarding Vietnam. Second, there is Dr. Kissinger's well-known predeliction for Metternich. In his doctoral dissertation, Dr. Kissinger describes in almost adulatory fashion how the cunning Austrian exponent and practitioner of balance of power politics sought to play Tsar Alexander I against Napoleon and vice versa. One cannot read it without the sudden reversal of our China policy coming to mind. Thirdly, there is the recent American position on the India-Pakistan conflict.

In a conflict between two states, one can imagine a third state favoring one side, even if it is certain to be the loser, on the grounds that there is harmony of ideals, that for moral reasons it will lend support regardless of immediate advantage. Or one can imagine supporting one side just because it was going to win, even though its political system is repugnant. But prior to the American stance in the India-Pakistan war one could not imagine support of a sure loser with a repugnant system and opposition to the sure winner which carries the banner for your brand of political ideals. Even granting the extreme limits of irrationality in statesmen, I find it difficult to believe that President Nixon and Dr. Kissinger—who are clever men—would have so ostentatiously supported Pakistan against India without some reason. The only reason likely to come to mind, at least in Moscow, is one which has to do not only with support of Chinese interests but support of those interests against the Soviet Union.

RESPONSE TO HANOI

Finally, we have the current situation in regard to Vietnam. If Mr. Nixon's savage response to the renewed Hanoi offensive illustrates his commitment to Cold War concepts, his virtual throwing down the gauntlet to the Russians seems to illustrate the "back to Metternich syndrome" in operation. If nothing else, it indicates that the President regards preservation of an American-dominated, anti-Communist stronghold in Southeast Asia more important than improving relations with the Soviet Union.

In this Metternich-like approach to Moscow there is likely to be another miscalculation. Often in the past, the Russians when pushed in the East have given in in the West, and vice versa. But this pattern of events characterized a militarily weak and backward Russia. The Soviet Union of today, however much it may seek to avoid being engaged on two fronts, is a different story.

Containment a la Metternich is, of course, not confined to diplomacy. The Nixon Doctrine is designed to supply muscle in many parts of the world. What it can mean we have seen recently in Vietnam. It also involves urging remilitarization of Japan, calling for expansion of foreign military aid and continued stationing of American forces in Europe. But above all it assumes we must have clear military superiority over the USSR. Indeed, forcing the Russians to agree to nuclear inferiority may well be one of the prime objectives of the new game plan. Thus as a prelude we insured the SALT talks would get off to an inauspicious start by opting for ABM and MIRV even before the talks began. The new Cold War policy may in fact be even more committed to a big military posture than the old. With all our economic difficulties internally, the Administration has cheapened the dollar, raised protectionist tariffs and imposed domestic controls while simultaneously proposing a higher military budget than ever. It seems as though those now in power will do almost anything to avoid cutting military spending, despite the fact that it is this, more than anything else, which is at the heart of our economic dislocation.

VIEWS ON "ISOLATIONISM"

Those who raise questions about all this are greeted with stern warnings from the Administration—and such as Dean Rusk—about the dangers of "isolationism." Such warnings seem to me to be aimed less at isolationism than at efforts to ward off restraints which Congressmen would impose to prevent a repetition of tragedies like Vietnam. We must stand in no confusion about what isolationism really is. It is, I think, primarily a state of mind, a psychological attitude, based in ignorance of the realities of international politics, in a refusal to accept the world as it is, in insistence on a unilateral approach to foreign affairs which rejects real international cooperation. This can take the form of head-in-sand ignoring of foreign affairs which characterized our stance between the wars. Or it can take the form of a riding-off-in-all-directions global intervention which characterized our policy since World War II. Both, in my opinion, were equally isolationist-based.

The pre-World War II type of isolation is, of course, impossible today. For good or ill, we are too much entangled with the world. But the syndrome is still with us and exhibited nowhere more markedly than by the Nixon Administration. The blunt unilateral economic moves of the past year, the reaction to the refusal of the United Nations to follow our two-China policy, the high-handed treatment of India, even the sudden, dramatic move toward Peking itself, all smack of a take-it-or-leave-it approach to the world which rejects international cooperation as a basis for policy. Could anything be more isolationist that the idea that our persistence in the Vietnam war, which is so universally condemned in all but the most subservient of our client states, is necessary to guarantee us prestige and world leadership? I think even Metternich, were he not blinded by Cold War concepts, would see this kind of an approach to today's world will not serve the true interests of the United States.

IDEOLOGICAL COEXISTENCE

An alternative approach to foreign policy is one based on consciously seeking a *detente* with the Soviet Union, and for a world in which peace is necessary it is the only rational one. This involves first accepting the idea of coexistence with competing ideological systems. Second, it requires working out clear mutual understandings that we and the Russians will both honor our respective core interest, that each will stay out of those strategic areas considered vital by the other. For us these include Latin America and Western Europe. For the Soviet Union they include Eastern Europe and other areas on the periphery of the USSR, Thirdly, we must try to work out arrangements for neutralization of areas which are not the core interests of either great power, that is, pledging mutually that we will both stay out of them militarily and pledging also that changes in such areas will not add to the strength of either bloc. This last is especially significant if we are to achieve a real sense of security. The Soviet position is that it is an equally great power and will not let such areas as the Mediterranean and the Indian Ocean be dominated by the United States alone. And it has the power to make its position effective. The Russians are saying, in effect, if you go in we will. If you stay out, we will stay out. Can any other solution than neutralization, a mutual staying out, insure against dangerous military competition in these seas? Ultimately, can any other solution bring peace to the Middle East? Or to Southeast Asia?

Working out such arrangements with the Soviet Union—and ultimately with China—may not be easy; we won't know that unless we try. But if anything is certain, it is at the moment the Soviet Union sees its interests enhanced by agreements with the United States. While it is obvious that there are lengths to which Moscow will not go—and cannot be pushed—it is equally clear that at the moment the Soviet Union is, by its lights, doing its best to encourage a process of *detente*. If we can let the process develop, free of Cold War concepts and the "back to Metternich" syndrome, we stand a better chance now than ever before of removing the main barriers to a stable and peaceful world.

TO CONTROL ARMS

The end objective must be effective arms control and disarmament. But the most immediately pressing ones involve Germany and mutual withdrawal of troops from Central Europe. This is the place to start because the door is already more than half way open. Chancellor Brandt's West German government has recognized East Germany *de facto* and moved for its own *detente* with Moscow. That these arrangements are presently in such a precarious state is not due only to Brandt's opposition. Whether the United States has actually dragged its heels on them is not clear, but for a country professing world leadership we have demonstrated an abysmal lack of diplomatic initiative. The way is open to us, if we would but take it, for a normalization of relations with East Germany, at least to the extent of having both Germanies in the United Nations, a reduction of our own troops and a move toward elimination of both NATO and Warsaw Pacts.

Essentially, this is what the Soviet proposal for a European Security Conference is mainly about. The Western position is not so clear. We have raised the concept of Mutual Balanced Reduction of Forces. There is nothing wrong with this concept in principle, but we must be very careful, I think, that it is not used as an excuse for maintaining NATO willy-nilly. Here an old shibboleth is always raised. This is, that since the United States would have to withdraw its forces clear across the Atlantic and the Soviet Union only withdraw its forces behind Soviet borders, this would represent an inequality to our side. Since we have only the geography God gave us, this is little more than an argument for a permanent American garrison in Europe under any and all circumstances. No one who raises this argument can be serious about wanting to end the Cold War. Yet this seems to be the present position of the U.S. government.

NO EUROPEAN POLICY

The fact is that aside from NATO the United States has no real European policy, and there is a built-in reluctance to face up to the possibility of a Europe without NATO. In addition, there has developed in and around NATO a substantial bureaucracy which, like any bureaucracy anywhere, is mainly concerned with its own perpetuation and aggrandizement. Not only has it helped perpetuate the myth of a Soviet military danger but it has helped perpetuate the myth that, should such a danger exist, NATO could cope with it. It took General de Gaulle, with all his *grandeur*, to stand up and say that NATO, like the king, wasn't very well clad. NATO has never been the same since.

It may well be that at one time NATO was a necessary means of giving assurance to weak European regimes. But this consideration no longer obtains. To the extent that these governments need armed forces, they themselves are quite capable of providing them. To the extent that NATO has kept Western European governments from thinking meaningfully about foreign policy, NATO has been a device however, unintentional, for blocking East-West *detente*. In one way it may have contributed to Western European unity, but in another way it has been an impediment to unity. Particularly has NATO impeded closer relations between Western and Eastern Europe, and its existence ever tends to make the Common Market not only an economic instrument but a Cold War instrument as well. Western European unity, especially with the addition of Britain to the Market, has gone beyond being a Cold War device.

NATO A HINDRANCE

What is true about Western European cooperation is also true, I think, about Atlantic cooperation. Without NATO, American relations with Western Europe could be on a firmer basis. As it is, it is primarily our military relationships which have been destabilizing. These, more than anything, contributed to our estrangement from France and to the long delay in Britain joining the Common Market, and they have also stood in the way of other non-Communist but neutralist-minded nations coming in. There has been constant pulling and hauling about who should contribute what, with our disproportionate share not only causing economic problems to everybody but also putting our European partners in a poor client relationship, to everybody's detriment.

There has been some talk about non-military cooperation within the NATO framework. I don't think it will work, and it shouldn't if it could. NATO is a military organization with a Cold War orientation. Without its military component and without the Cold War, it would altogether lose its *raisen e'etre*. Surely an alliance whose origin was in Cold War military considerations is not suitable for a post-Cold War period. There is a need to lift our foreign policy thinking about Europe to new horizons, just in case the cynics are wrong and the Cold War is really ending.

SPECIAL TIES WITH EUROPE

It is true that the United States has special ties with Western Europe; cooperation between us and them should be increased, not lessened. A whole variety of forms of cooperation are possible, for instance, dealing with political, cultural, economic, ecological and technological problems. I would assume there would be also some sort of military mutual assistance agreements. And as long as we have nuclear weapons they clearly will stand as an umbrella over Western Europe, for whatever this is worth. But if many of our interests are parallel with those of Western Europe, many are different also, as we may well soon see in regard to the Common market. The world, even Europe, is bigger than Western Europe, and one way we can serve Western Europe's interests, as well as our own, is by avoiding the parochialism which sometimes comes too easily to the Western Europeans. One of the objections to NATO, indeed, is that it accentuated the division of Europe, regardless of what the Russians did, and, if anything, made the Soviet bloc more closely knit. We should promote organizations designed to bring the Communists regimes in, not keep them out. Western Europe clearly should be one of our main interests, but we should not over-focus on it.

It is at least now possible to make a beginning toward such a new, post-Cold War grand design of foreign policy. How much further than a beginning depends, of course, not only on the United States. But wise and courageous American leadership, free of the old Cold War hang-ups and attuned to the realities of the 20th Century rather than those of the 19th, is the essential ingredient. Without such leadership, we are in danger of lapsing back into earlier Cold War patterns, or into isolationism, if not both, with consequences which are indeed frightening to contemplate.

EAGLES, AFFLUENCE, AND PESTICIDES

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BROWN of Ohio. Mr. Speaker, Roy M. Kottman, dean of the College of Agriculture and Home Economics, the Ohio State University, Columbus, Ohio, recently brought to my attention a most pertinent and timely statement on the subject of pesticides and the "balance of nature." This statement was made by Andrew J. Rogers, Ph. D., and with the thought that it may be of interest to my colleagues in the House of Representatives, I am pleased to submit his thoughtful comments:

EAGLES, AFFLUENCE, AND PESTICIDES

(By Andrew J. Rogers, Ph. D.)

Modern man has progressed from a point in the misty past where he was part of the vicious animal-eat-animal system, which some now call the balance of nature, to material abundance and a safer, longer life. In order to accomplish this it was necessary to upset this mythical natural balance by eliminating the competition of his food plants, a process now called cultivation, and by domesticating some of the more useful animals, and protecting them from their enemies.

So he moved from a condition of hunter and gatherer to one of farmer and animal husbandman. Not many generations ago almost 100 percent of the people were engaged in farming as a necessity of survival. Owing to improved agricultural technology, the condition now prevails in some affluent countries like the United States where one farmer produces enough food and fiber to supply himself and approximately 40 others. And, the only way that modern man can maintain this condition is to keep nature unbalanced in his favor.

This great achievement in food production has freed more than 95 percent of our people to engage in other vocations, crafts, professions and miscellaneous activities. Some have become so detached from the land that they do not look beyond the suburban supermarket as the source of their food, and there is a small minority which seems determined to destroy the very technology that sustains us all. It is this subject which I wish to discuss.

Many charges have been made against pesticides, i.e., pesticides in the sea, pesticides in Antarctica, pesticides in food, pesticides causing thin eggshells, pesticides causing cancer, pesticides in mother's milk, pesticides in rain, and on and on ad infinitum. One obviously cannot discuss each of these in a brief address; therefore, I have chosen two relevant points of this controversy for examination in some depth.

The members of this Association are well acquainted with the absolute necessity of using insecticides for mosquito control and for protecting millions of people against such scourges as malaria, filariasis, onchoceriasis, yellow fever, encephalitis, and other deadly diseases. And we know of the strong stand of the World Health Organization for the continued use of DDT in the worldwide malaria eradication program. Therefore, rather than repeat this well-known subject, this presentation will emphasize some vital points recently made on the subject of pesticides and food production and the effects of pesticides on bird population, especially the birds of prey, which seem to be of most concern to the anti-pesticide lobby.

As a preface to this discussion, I wish to state that the members of this Association want a clean environment as much as any other group of responsible citizens. It is the policy of the American Mosquito Control Association to use pesticides properly so as to minimize any possible hazard to the environment, and they are used as supplements to water management and other methods of mosquito control in an integrated program of pest management. We are proud of the fine cooperative program of the National Mosquito Control-Fish and Wildlife Management Coordination Committee. The professional wildlife scientists who are a part of that program are not included in the anti-pesticide lobby referred to in this paper. Neither are the many responsible conservationists both in and outside various conservation organizations.

The real hard core anti-pesticide lobby appears to be a very small minority of scientists who seem to think that their scientific training in other disciplines qualifies them to discuss pesticides authoritatively, a classic example of a little learning being a dangerous thing. This group and their supporters make it appear that pesticides are the major environmental pollutants. This just isn't true. The mere presence of a substance in minute quantities does not prove harmful effects, which is the logical basis of judging the importance of a polluting substance.

Harmful pollution is a result of our high standard of living, and all Americans contribute their part, including the environmentalists. Damaging pollution can and should be corrected, but this is a job for everyone—not just industry or those who farm or control insects.

Pesticides and Food Production.—While we are an affluent people, this is not true of about 75 percent of the world population. A visiting minister who has been converted by the "ecology" movement came to my church a few months ago and in his sermon blasted DDT for polluting the environment. More recently a Bishop of this church stood in the same pulpit and asked the congregation to help feed those in developing countries where 12,000 people die of starvation every day. We who call ourselves Christians need to speak with one voice on this vital matter.

Dr. Norman E. Borlaug, winner of the Nobel Peace Prize in 1970, is much more qualified than I to tell the story of pesticides and food production, and tell it he did in the McDougall Memorial Lecture at the 1971 Conference of the Food and Agricultural Organization of the United Nations. I have leaned heavily on this great man's lecture for the following points on this subject. Dr. Borlaug developed improved varieties of wheat that are the basis of the Green Revolution which is reducing the number of deaths by starvation in developing countries. The continued success of this program depends not only upon the availability of improved varieties of food plants, it also requires the continued availability and input of agricultural chemicals, including pesticides.

The subject of modern agricultural technology as it affects available wildlife habitat is another very cogent point. This technology including pesticides, has saved 292 million acres of wildlife land in the United States in the past 30 years by increasing the yield per acre of 17 principal crops, thus making it possible to leave this much additional land for trees and wildlife. According to Dr. Borlaugh, this is an area equal in size to the entire land area east of the Mississippi and south of the Ohio Rivers.

On this same subject, the point is also made that within the next 30 years the large animals of East Africa and the elephant, tiger, and peacock of India will all be poached out of existance unless agricultural food production is increased sufficiently to take the pressure off these animals. These startling pronouncements deserve careful consideration by biologists and others who continue to demand the banning of the very pesticides that might help prevent this.

To close this subject, a statement by Dr. Earl L. Butz, Secretary of Agriculture, seems pertinent. He says that we can return to organic farming, which was our production technology of 75 years ago; but first someone has to decide which 50 millions of the American people are willing to starve, for this would be the result without a large production input of chemicals.

Pesticides and Birds of Prey. For the purpose of this address, the emphasis will be on eagles with a few comments about other birds of prey. These birds appear to be the basis of most of the opposition to pesticides.

On the subject of eagles, there is one thing about which there seems to be general agreement; these great birds are declining in numbers. But the anti-pesticide minority would have us believe that this unfortunate situation only started or became serious with the general use of persistent pesticides about 26 years ago and that these chemicals are the most important cause of the problem. The published record reveals some interesting information on this subject.

Fifty years ago (1921) a paper was published in the scientific journal Ecology entitled, "Threatened Extinction of the Bald Eagle". This paper stated in part that the bald eagle was fast becoming a rare bird in the United States. Again, in Science News Letter of July, 1943, several years before there was general use of persistent pesticides, attention was called to the declining eagle population and the author attributed this to the cutting of nesting trees and pollution of nearby streams by sewage and industrial wastes which destroyed the fish that comprised the principal food of eagles. So, scratch one false charge. The decline of eagles started many years before DDT or any other persistent pesticide was ever used.

And here is more from the record about what has happened to eagles in more recent times. Of 147 eagles found dead in the United States and examined at the Patuxent Wildlife Research Center in the period 1960–68, only nine, or 6.1 percent, were suspected of being killed by pesticides, only one of which was by DDT. The other 138 were shot or died of disease or unknown causes. But hear this! Prior to 1951, Alaska is reported to have paid bounties on 100,000 eagles slaughtered in a 36 year period because they were believed to be detrimental to the salmon industry. This is almost 3,000 eagles per year for 36 years. In this connection the following statement from Smithsonian U.S. National Museum Bulletin No. 167, published in 1937 is pertinent: "Where eagles are sufficiently abundant and are known to be doing serious damage to salmon fisheries, fur farming activities, or other human interest they should be reduced in numbers. There is no danger of their extermination in the vast uninhabited regions of Alaska. Elsewhere we can afford to protect such a picturesque feature as our national emblem".

And there is more! Although the practice was banned in 1962, the record states that 20,000 eagles were shot from small planes, presumably in the American West. But the ban on this practice notwithstanding, a press report as recently as August 3, 1971 stated that 500 Bald and Golden Eagles were shot from planes in Wyoming and Colorado for predator control that year. And speaking of predator control, it is well known that poison baits placed in the environment for control of other predators have inadvertently killed hundreds of eagles. This has been done for many years with the approval of the U.S. Department of Interior and was discontinued only about a month ago.

Another published report states that the Department of Interior authorized the killing of Golden Eagles in some Montana Counties in 1967 to protect livestock.

Now, this is 120,645 dead eagles, an average of 2,116 per year during the past 57 years, that have been accounted for by the published record, and this does not include the unknown hundreds killed by poison baits, electrocution by power lines, etc., that were not recorded. But of those accounted for only nine are reported as having succumbed to pesticides, only one of which was by DDT.

Much is said about reproductive failures of birds, especially birds of prey, due to pesticides. These chemicals are blamed especially for causing thin eggshells that break before hatching. This charge is based primarily on laboratory studies where various kinds of birds were fed rather large amounts of pesticides daily for long periods. In a frequently cited recent paper on this subject by Hickey and Anderson, there are data showing reductions of average weights of eggshells of Florida eagles of about 19 percent in the late 1940's and the 1950's when compared to average weights of eggshells collected before that time. But the published record also shows that this difference is similar to the normal range of egg size for Florida eagles as determined by measurements of 50 eggs collected prior to 1937. As reported in U.S. Museum Bulletin 167, the length of the 50 eggs varied by 26.2 and the width by 18.4 percent. It seems reasonable, therefore that the difference in weights of the shells of these pre-DDT eggs would have varied by at least the 19 percent reported by Hickey and Anderson, especially since their samples of recent eggs were only 8 and 12 in number. The authors relate their data of eggshell weight to a declining eagle population in Florida.

There can be no debate about another factor that has prevented thousands of birds' eggs from hatching over the past 100 years. This is the practice of egg collecting by some ornithologists and bird protectionists for scientific or private collections. Collecting a reasonable number of eggs for scientific study is understandable and necessary, but the practice appears to be much more widespread than this.

The paper by Hickey and Anderson (ibid.) states that 1729 eggs from 39 museums and private collections were examined in their study. On page 361 of U.S. Museum Bulletin 167 it is reported that the measurements of 312 American Osprey eggs in a private collection averaged 61 by 45.6 millimeters. In discussing possible causes of the osprey abandoning a nesting area of New England we find this statement: "Considerable egg collecting was done in certain parts of the area, but no more than, if as much as, in the area where the birds still breed". Also, there are many references to average sizes of eggs of several of the birds of prey based on measurements of 40 to 50 eggs from various collections. There is another reference to robbing the nest of a pair of peregrine falcons repeatedly until the birds gave up in despair. It seems evident from these and many similar references that egg collectors have probably prevented the hatching of a much larger number of birds' eggs than any pesticide ever has.

The record also indicates that many additional eggs are prevented from hatching as a result of molesting birds on their nests, causing them to abandon the eggs at various stages of incubation. There are many references to this practice in past years, but a more current report also is available. In a recent paper entitled, "The Truth about the California Brown Pelicans", Dr. J. Gordon Edwards blames "scientific persecution" during the 1970 breeding season for the near failure of these birds to bear young that year off the California coast, on Anacapa Island, rather than pesticides as claimed. Dr. Edwards states that the superintendent of Channel Island National Monument, was deeply concerned over the Anacapa Island disruption by biologists and the widely publicized misinformation about the pelican colony there. Moreover, in 1971 the National Park Service refused to permit scientists to hover over or land on Anacapa Island by helicopter, as they did frequently in 1969–70, because noise and excitement are known to upset the birds, causing thin eggshells and nest desertion. Dr. Edwards states further that research biologists were no longer permitted to roam among the nests frightening off the brooding females or shooting them on the nests for analysis, as they had also done earlier.

One final comment on bird hunting should be adequate to make this point. These excerpts are from a letter published in the Monthly American Journal of Geology and Natural Science of 1832. Again the subject is bird collecting and the place is the East Coast of Florida. Quote: "At sunrise the next morning, I and four negro servants proceeded in search of birds and adventures. The fact is, that I was anxious to kill some 25 brown Pelicans. (*Pelicanus fuscus*) to enable me to make a new drawing of an adult male bird, and to preserve the dresses of the others. I proceeded along a narrow shallow bay, where the fish were truly abundant . . . I shot some rare birds, and putting along the shore, passed a point, when lo, I came in sight of several hundred pelicans perched on the branches of mangrove trees, seated in comfortable harmony, as near each other as the strength of the boughs would allow. I ordered to back water gently: the hands backed water. I waded to the shore under cover of the rushes along it, saw the pelicans fast asleep, examined their countenances and deportment well and leisurely, and after all, levelled, fired my piece, dropped two of the finest specimens I ever saw. I really believe I would have shot one hundred of the revered sirs, had not a mistake taken place in the reloading of my gun. A mistake, however, did take place, and to my utmost disappointment, I saw each pelican, old and young, leave his perch and take to wing; soaring off, well pleased, I dare say, at making so good an escape from so dangerous a foe. . . . After shooting more birds, and pulling our boat through many a difficult channel, we reached the schooner again; and as the birds, generally speaking, appeared wild and few (you must be aware that I call birds few when I shoot less than one hundred per day)—my generous host proposed to return towards home again." The letter also states that in celebration of getting their boat afloat, the party set fire to the whole salt-marsh just for fun, and saw marsh rabbits, etc. scampering from the fire by the thousands, as they pulled their oars. The letter was written by John J. Audubon, December 31, 1831. This reference is included only to emphasize how attitudes have changed, not to discredit this famous man in any way.

In concluding this discussion it is pertinent to cite an example from the record concerning pesticides and bald eagles in nearby Everglades National Park. The Park is next door to two of the most intensely sprayed areas in the world, the Everglades muck farms a few miles to the north and the Homestead vegetable farms on the eastern boundary of the Park. These farming areas are cultivated almost yearlong and sprayed almost continuously with just about every pesticide available, including DDT, and this has been going on for many years.

Consider also that South Florida is a network of canals connecting the farming areas with the drainage and water storage areas of the Everglades and that the main source of water for the Park is from this farming district a few miles to the north. Now, a news release datelined Everglades Park of January, 1969, reports a biologist of the National Audubon Society as saying that pesticides are being washed into canals, streams, lakes, etc., in increasing volume where eagles hunt fish, their primary food. One can easily demonstrate the effect of this kind of publicity.

About a year ago my wife and I were riding along listening to an interview on the car radio with an influential official at the Washington level about the fires that were then destroying forever much of the Everglades muck. When asked about his thoughts on this the official stated that the fires were not too important because they had been occurring for years in the glades. He said the real danger was all that DDT in the water that was flowing into the Park.

Now, on the basis of these pronouncements, the Everglades National Park should be the perfect model for conditions which the anti-pesticide people claim are responsible for thin eggshells and declining populations of eagles. Therefore, any citizen who is not knowledgeable on the subject would have to conclude that if there are any eagles left in the Park, they must be just hanging on by one claw and soon will be gone forever, because there could not possibly be any hatching of eggs with all those pesticides building up in the food chain.

But wait! According to the published record this is not the case. The same news release quotes the biologist further as saying that the Everglades National Park has the healthiest Bald Eagle population in the United States, outside of Alaska, and that a Park official estimates the reproductive success of the eagles there at close to 60 percent, while only a 50 percent rate is required for maintaining a stable population. The healthy nature of the eagles in the Park also is confirmed by a scientific report in the Pesticides Monitoring Journal of December, 1970.

But, the news story also points out that of the other three eagle populations in Florida, the two coastal colonies are declining and the one between Lake Okeechobee and Orlando is just holding its own.

Now, when you put it all together, the record clearly shows that the eagles that are getting along well in Florida are those in or near the farming areas that are heavily sprayed with pesticides but are also far removed from people, and the declining eagle colonies are those along the coasts where people are numerous and are intruding on former eagle territory. The news release does mention shooting, habitat destruction, and competition between people and eagles for waterfront property as important factors affecting the coastal populations of eagles. But the most amazing statement of the news release is a quotation attributed to the Audubon biologist which says that unless measures are taken to prevent it, pesticides, and DDT in particular, eventually will eradicate the bald eagles. This Mrak report, a scholarly study of pesticides and environmental health, submitted to the Secretary of the Department of Health, Education, and Welfare just over two years ago, seems to put the subject of pesticides and reproductive success of eagles in proper perspective. This report states on page 437 that there is a reasonable doubt that chlorinated hydrocarbon pesticides are found in the natural feed of these birds at levels required to adversely affect reproduction.

Now, according to the published record, it appears that shooting, collecting of birds and their eggs, encroachment of suburbia on former eagle habitat, poison baits, electrocution, and molesting of nesting birds are all important factors adversely affecting the populations of these great birds of prey. Based on this evidence, it seems reasonable to conclude that birds might profit a great deal more by a ban on some of these practices than by banning pesticides. If pesticides are an important cause of declining bird populations, this will be determined in time by unbiased, objective science—not by environmental rhetoric. At the present time, the evidence for this is not impressive.

What is impressive about the published record is that wildlife, like people, is dependent upon the continuing use of pesticides—not their elimination. For the simple truth is that people are going to see to their own survival first, and if present high yields per acre of food are reduced by banning pesticides, more wildlife land will be cleared and farmed to make up this loss of production.

I find no more reason to apologize for using a legally labelled chemical pesticide than would a physician for using penicillin, which also is a pesticide, especially when that chemical pesticide has saved more lives than penicillin and all of the other so-called antibiotic drugs combined. But there is a real danger that we will lose these vital tools of food production and public health protection through mosquito control unless more people start telling the positive side of the pesticide story. The challenge I leave with you is to acquaint yourselves with the scientific facts about this matter and use these facts in every possible way in defense of pesticides in your work.

Let's not be members of the silent majority of the affluent 40 while the militant minority destroys the technology that man has developed for his own survival and health, as well as for the protection of wildlife. With 2.8 billion people in the world of 1972, all having a need for housing and food, there might not be enough caves to go around if we are forced to return to the "balance of nature" culture of our prehistoric ancestors; and the few eagles that remain would surely end up in stew pots in those circumstances, anyway. Thank you.

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VIRGINIA: PROGRESS IN THE OCEANS

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. DOWNING. Mr. Speaker, last Saturday afternoon the Hampton Roads Jaycees celebrated the fourth annual marine festival at Huntington Park in Newport News, Va. It was a festive occasion with entertainment for all and featuring every conceivable type of delicious seafood.

The main speaker on this occasion was a dear friend and former colleague in the House of Representatives, the Honorable Howard W. Pollock, Deputy Administrator of the National Oceanic and Atmospheric Administration, whose topic was "Progress in the Oceans."

His speech, which follows, was so interesting and informative that I thought it was deserving of being placed in the CONGRESSIONAL RECORD for everyone to read:

VIRGINIA: PROGRESS IN THE OCEANS

(By Hon. Howard W. Pollock)

Distinguished citizens of Newport News, visitors to the Marine Festival, vigorous and energetic members of the Hampton Roads Jaycees, ladies and gentlemen:

It was with the greatest of pleasure that I received the thoughtful invitation from my very dear friend, Congressman Tom Downing to join you for this wonderful celebration and marine festival.

My friends, this is an old and historic area, rich in American history and rich in the heritage of America's seafarers. I am told that the first settlers came to Hampton in 1610, just three years after Jamestown was established; and Hampton has been settled ever since, and Virginians have been going down to the sea ever since—fishing, launching ships, fighting our Nation's battles, manning our merchant marine.

Indeed, one Virginian of note, George Washington, apparently enjoyed recreational fishing when he had the opportunity, for his diary speaks of going out on the river on one occasion and catching great quantities of shad. Thomas Jefferson, another Virginian, a man of many talents and ideas, had a great interest in America's early commercial fishery resources. While he was Secretary of State, in February of 1791, Mr. Jefferson initiated action that led to a subsidy to the commercial fishing industry of the Commonwealth of Massachusetts to help that industry recover from the devastating effects of the American Revolution. So far as we know, this was the first direct subsidy arrangement ever made by the Federal Government for any United States industry.

Throughout our Nation's history, the Virginia watermen who fish the ocean, the estuaries, and the rivers of the Old Dominion have made Virginia one of America's leading fishery states, for both commercial and recreational fishing. In commercial fishing, Virginia is consistently among the leaders in annual landings—a fact that is not sufficiently known and appreciated. Last year, for example, Virginia was third among the states, with a total commercial landing of about 489 million pounds of fish and shellfish, with a total value of approximately $22 million.

Our best available information shows that in 1971, Virginia had 4,700 full time and about 2,800 part time commercial fishermen.

Virginia has about 120 seafood processing plants, employing some 3,500 persons full time and about 1,500 more on a seasonal basis. Are you aware that there are about 140 wholesalers in the fishing business, employing an additional 500 to 700 persons, depending upon the season?

And so, the seafood industry is well established, and of great economic importance to the area. The oystermen, the crabbers, the finfishermen and all the others connected with our coastal fisheries are of great interest to us in the National Oceanic and Atmospheric Administration. It is part of our charter in NOAA to help ensure the good health of the fishing industry. We try to do this primarily through our National Marine Fisheries Service and our Sea Grant Program.

Today, about 80% of the volume of Virginia's commercial fishing is for menhaden, the volume leader among all fish taken by U.S. fishermen. Of the five billion pounds of fish and shellfish caught by all U.S. commercial fishermen in 1971, 2.2 billion pounds were menhaden.

As an industrial fish, menhaden is the source of numerous products. It provides oils for five lubricants, soaps and paints. It is manufactured into meal as a protein supplement for poultry and livestock feed—so when you eat some of those marvelous Rockingham fowl or Smithfield hams from other parts of Virginia, you may well be getting some of your own fish back in an indirect way.

On a related subject, for the information of the nonfisherman, it might interest you to know that the National Marine Fisheries Service maintains a Market News office in Hampton. The office provides valuable services to the commercial fishing industry. The Hampton office is a collection point for receiving and distributing information from all over the Nation on prices, landings, and other statistical information of vital importance to the American fishermen.

Laboratories of the National Marine Fisheries Service are scattered on all coasts of the U.S. Some of these laboratories are carrying out work of special interest to the Virginia fishing industry. Through the Marine Advisory Service of the Virginia Institute of Marine Science on the York River, there is now an effective way to make the results of this research work known locally. A recent example is the research and evaluation of mechanical fish separators, which are designed to recover fish flesh that would otherwise be thrown away. Up in New England, the National Marine Fisheries Service developed a separator that appears to be both effective and, for some uses, quite economical. So NMFS technicians from Gloucester, Mass., came down to Gloucester Point, Va., to demonstrate it. The VIMS marine resource information bulletin, part of its Sea Grant advisory service, disseminated this important information to Virginia seafood processors for their possible use.

The Sea Grant extension program is a particularly interesting and important example of the wonderful work carried out by the Virginia Institute of Marine Science and by its Director, Dr. Bill Hargis. Many of you know Dr. Hargis, of course. He is also Chairman of the Coastal States Organization, and he is Chief Advisor for marine science to the Governor and to the Legislature of Virginia. I understand that he also works with the University of Virginia and for William and Mary College in marine affairs.

In my capacity as Deputy Administrator of NOAA, I interface with Bill Hargis in yet another capacity in which he serves. President Nixon appointed him as Vice Chairman of the National Advisory Committee on Oceans and Atmosphere. You are fortunate indeed to have such a fine scientist and leader in your area, in addition to my friend and colleague, Congressman Tom Downing.

We at NOAA are proud to be a part of your marine activities. Our largest Sea Grant in Virginia is held by VIMS to support a variety of projects, including advisory and extension activities, shellfish research, mineral inventory on the continental shelf, and coastal zone planning.

Our grant forms a portion of a program also funded by the National Science Foundation, relating to the entirety of the Chesapeake Bay area. Our current grant to the institute, which began January 1 and runs for one year, is for $325,000.

VIMS has been able to obtain an additional amount of about $175,000 from the Commonwealth and from industry as matching funds for the NOAA Sea Grant.

And, incidentally, while we are speaking of the cooperation and support of other groups, permit me to mention the cooperative extension effort recently begun by VIMS and the Virginia Polytechnic Institute, also with a NOAA Sea Grant. VPI has a Food Science and Technology Department, a good one, and has long been active in extension activities with the agricultural industry and terrestrial food processing industries. With the aid of the Sea Grant, VPI is now drawing on this experience to initiate the extension service program for the seafood processing industry in the Commonwealth of Virginia. The VIMS/VPI cooperative effort is designed to help the fishing industry and other users of the marine environment to get answers to some of the problems that they face.

With its food science and agricultural extension background, VPI will make an important contribution to marine advisory work in Virginia. It will provide the first outside addition to the VIMS program, and we should not be surprised to see this grow into a very effective multi-university effort within the Commonwealth of Virginia.

One of the major research efforts at VIMS, which we at NOAA are both supporting and following with a great deal of interest, is the work on crabs. The program is designed to assist the industry in expanding the production of soft blue crabs, and to better forecast the commercial blue crab catch a year in advance, so that the industry can plan its operations more efficiently. VIMS is developing a recirculated sea water system, and is making comparisons of survival in soft crab yield—subjecting the crabs known as peelers to various combinations of water quality and crowding conditions. Some of the work sounds esoteric, I'm sure—for example, biologists there are working to obtain base line data on blood serum constituents of hard, soft and peeler crabs. But information of that sort is urgently needed to develop sophisticated methods for possible early recognition of abnormal conditions in the crabs.

VIMS scientists are also working on developing techniques for estimating spawning success in blue crabs, and estimating the population size, total catch, and fishing mortality in the winter crab dredge fishery.

This is the kind of applied work, combining field and laboratory techniques, that leads to payoffs for the industry and thus for the economy of the area.

Another example of their work that is culminating in success is obtaining edible soft shells from the rock crab for winter consumption. Based on the recommendations of institute scientists, the industry has already produced small amounts of soft shell rock crab the last two winters, and has promising plans for the future.

We all hope that what we are seeing here is the beginning of a new and productive activity for Chesapeake Bay watermen in the wintertime.

Another major research area is the work with oysters, and related work with clams, scallops, and other bivalves. Many of you are aware of the unhappy recent history of oyster production in the lower Chesapeake Bay. Many public beds had been unproductive for decades because of predation on the spat or seed and the effects of diseases and of unlimited harvesting on larger oysters. Large seed oysters from the James River were used to plant thousands of acres of private beds in Mobjack Bay, off Egg Island, and in Hampton Roads. The high salinity areas were places where only large-scale and relatively efficient oyster culture kept this rather precarious industry from collapsing.

Virginia now suffers from a serious shortage of seed oysters; and oysters steadily move farther into the luxury category owing to decrease in supply and increase in price.

Recognizing the grave situation, the Virginia Institute of Marine Science is making a strong effort to breed, test, and select laboratory-bred stocks for disease resistance, primarily for oyster mariculture.

Here again, basic biology that sometimes seems baffling to those of us who are laymen is absolutely necessary to the restoration of a thriving industry. Knowledge and use of genetic factors in the oyster are essential to intensive oyster culture, just as they are in agriculture and animal husbandry.

The VIMS work has been underway for a number of years, with direct support from the Commonwealth, from the National Marine Fisheries Service, and the National Science Foundation, to which we have now joined the Sea Grant support.

These are impressive accomplishments. VIMS is a research organization that is making an invaluable contribution to the continued economic health of this region, and we are delighted to support it and delighted that you support it so well.

In the few brief moments remaining to me, I should like to sketch out some of the interests of my own organization that overlap your own. As you know, President Nixon created NOAA almost two years ago, within the Department of Commerce, because of the clear need for a mechanism for making effective use of the oceans, the atmosphere, and their resources—while conserving them for future generations of Americans.

NOAA is a major Federal mechanism to foster the exploration, development, operation and maintenance of a national system to monitor and predict the environment.

NOAA is one of the new trio of Federal institutions—along with the Environmental Protection Agency and the Council for Environmental Quality—to deal with problems of environmental control.

NOAA is a key agency in solid earth science and service.

Finally, our organization is charged with insuring the Nation's scientific and technological competence for understanding the oceans and atmosphere.

With respect to the living resources of the Sea, one of our very high priority efforts is called "MARMAP", an acronym for Marine Resources Monitoring Assessment and Prediction, of the kinds and quantities of living marine resources available. It will hopefully provide a comprehensive data base for domestic and international management of these resources.

The MARMAP surveys will be supported by biological and physical oceanographic studies conducted by our National Marine Fisheries Service, by universities and colleges, and by other Federal, state and international organizations.

A portion of MARMAP will be directed towards groundfish; that is, those species that live on or near the sea floor such as flounder, cod, and haddock.

Another MARMAP effort will be directed toward the pelagic species such as herring and tuna. Further development of remote sensing capabiliites, either through aerospace techniques, hydro-acoustics, or some combination of the two, will be necessary to sample all the species covered in this survey.

In addition to MARMAP, we are increasing our surveys of inshore, continental shelf and deep ocean regions for navigation and for resource development, and are devoting substantial resources to a variety of coastal zone programs, including cooperative projects with states for boundary delineation. In this context, I note again the work of VIMS, with its recent report on the boundary of the territorial sea of Virginia.

Other high-priority tasks will include a major examination of the impact of human activities on the quality of our oceans and atmosphere.

Here I might mention that we have already been very active in the quest to define contaminants in our marine life. We are seeking to define the nature and extent of heavy metal pollution in fish found in coastal and offshore waters. A systematic survey of major commercial and sport species is now underway.

We also intend to extend our system for predicting air pollution potential, and will intensify our programs for the modification of weather processes, especially focusing on the possibility of hurricane and other severe weather modification.

We are convinced of the need to develop certain national capabilities vital to many oceanic and atmospheric purposes. Among the most important of these are the undersea laboratories and submersibles that scientists need to do their work on or near the floor of the ocean. One such project, incidentally, involved the work of a graduate student in oceanography at Old Dominion College.

In closing, let me say what a wonderful experience it has been to be here, and share with you some of our plans and projects, and the progress that is being made in America's oceanic programs. You have a wonderful marine tradition right here in Virginia. We in the Federal Government are benefiting from it, and we are trying to enhance your own maritime efforts and the economic prosperity that you derive from them. My very best wishes, and thanks to all of you.

My friends, I'm told that we are now going to have a crab feed, and I'm delighted, and I'm ready. So, let's turn our attention to some of the culinary benefits provided by Virginia waters. Thanks so much for letting me share your day.

God love you and keep you—each and every one of you.

THE 1972 LEGISLATIVE QUESTIONNAIRE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. PATTEN. Mr. Speaker, knowing the legislative views of constituents is important to me, so I send a legislative questionnaire once every year to each home in the congressional district I represent.

This year my questionnaire contains eight questions—five on domestic issues and three in the area of foreign affairs. The questions follow:

Do you think that the Administration's program to hold down prices and wages (Phase II) is effective and fair?

Do you feel that the Federal government should undertake a comprehensive child care program that would take care of children while their mothers work?

Would you favor the N.J. Commissioner of Education ordering the busing of students across municipal lines to achieve racial balance?

The Administration is considering a so-called value-added tax, which would place a Federal levy on each stage of the manufacturing and distribution process. Would you favor such a tax?

Would you favor providing income tax credits for such educational expenses as tuition, fees, books, and supplies?

Would you approve of withdrawing all U.S. military forces from Vietnam by October, 1972, providing American prisoners of war are released?

Should the United States continue to sell military aircraft to Israel to help maintain a balance of power in the Middle East?

Do you think that President Nixon's trips to Peking and Moscow will significantly improve American relations with China and the Soviet Union?

MORE IMPROPRIETIES IN THE FOREIGN SERVICE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ASHBROOX. Mr. Speaker, on May 18, 1971, I introduced H.R. 8523, a bill designed to provide a grievance procedure for Foreign Service officers and information officers who had been denied due process in firing through selection out. Since the introduction of my bill, the Senate Foreign Relations Committee has held hearings on similar measures introduced in the Senate and on May 31, 1972, the Senate approved S. 3526 which would, among other things, establish a formal grievance procedure. Consequently, the House itself will be confronted shortly with the issue of the personnel procedures governing the Foreign Service.

My main concern in introducing H.R. 8523 had been with the evils of selection out. Since then I have repeatedly invited the attention of the House to a long series of unjust actions concerning eminent Foreign Service officers who were the victims of vendettas conducted against them by the Foreign Service. These cases included that of Stephen A. Koczak, a Harvard University graduate, selected out for predicting that the East German Communist Government would build the Berlin Wall and for calling attention to serious security problems in connection with the American Embassy in Warsaw. Mr. Koczak's service included assignments in strategic positions in the Military Government in Germany; on January 31, 1949, he was expelled by the Stalinist Rakosi government in Hungary for allegedly conspiring with Cardinal Mindszenty "to overthrow" the Hungarian state; he had accurately predicted the Israeli-Arab War of 1956.

Other well-known injustices to which I called the attention of the House included the case of John Hemenway, who had a distinguished military record in the Army; then graduated as an ensign from Annapolis; and received his bachelor and master's degrees from Oxford as a Rhodes Scholar. I have also provided extensive material on the selection out of Charles Thomas, one of the most distinguished Foreign Service officers who was an Air Force fighter pilot during World War II; who held two law degrees; and who was authorized to practice before the Supreme Court of the United States. Mr. Thomas, denied a hearing by the State Department, was reduced to poverty and to waiting on the tables of diplomats who were formerly his colleagues. He committed suicide on Easter Monday 1971.

On May 15 and May 17, 1972, I introduced into the RECORD the testimony of John Hemenway questioning the promotion of many of the Foreign Service officers by the most recent selection panels. Mr. Hemenway concentrated on the lack of foreign language competence of many of the officers being nominated for promotion. He pointed out that 35 percent of class 1 Officers and 31 percent of class 2 officers on the promotion list do not meet the minimal standards of having a command of a single foreign language. In addition, he cited two cases in which he charged that both professional competence and basic integrity or honesty are possibly involved.

In commenting on this promotion list, Mr. Hemenway said the following:

> Mr. Chairman, you will recall that the former Director of Personnel, Mr. Howard P. Mace attempted to explain to this Committee, during his recent confirmation hearing, the complex sequence by which Promotion Boards determine promotions. According to Mr. Mace, Boards consist of objective citizens, who determine objective personnel files (presumably in accordance with the regulations) to determine—competitively and fairly—which officers are the best. Under questioning from you, Mr. Chairman, it was determined that Mr. Mace himself had a large say in who sat on these Boards. This 1972 promotion list is, so to speak, the last "Mace List" in that Mr. Mace helped determine the composition of these Boards. The process sounds orderly enough, when glibly explained; but it is not orderly, Mr. Chairman, nor is it equitable.

I have now received further disquieting news about how promotions are arranged by the Foreign Service from the Charles William Thomas Memorial Legal Defense Fund which is sponsored by the American Federation of Government Employees, AFL–CIO. In preparing for suits against the State Department for selection out, the fund has discovered certain practices in the way selection boards are designated that are contrary to the most elemental standards of fair play. I should like to call your especial attention to the following passages which the Thomas Fund has been circulating to interested parties:

> Because the Fund hopes to instruct its counsel to file suit by the end of June or early July, we wish to stress that any person who was "selected out," or who retired "voluntarily" in order to avoid selection out, should communicate immediately with the Charles William Thomas Memorial Legal Defense Fund to obtain particulars about qualifying for participation in the suit. It would be helpful if each correspondent indicated whether he or she had been "selected out"

or had retired "voluntarily" to avoid selection out; the date and composition of the last selection panel rating the Officer; the date of retirement; and any other information which the Officer recalls in connection with the administrative processing of "retirement" or separation. (These data are especially important in light of the discovery by Fund that State Department management had been placing among "public members" of the Promotion Boards persons whose primary qualifications are family ties or service to management in confidential or consulting roles. For example, Deputy Under Secretary William J. Crockett appointed his brother-in-law, William Figy, to the 1963 Selection Board "B" which promoted Idar Rimestad, Howard Mace and seven other proteges of Mr. Crockett to Class FSO–1. Most recently, Deputy Under Secretary William B. Macomber appointed Harry Tyson Carter as FSR–1 to work with Mr. Robert Gordon, the Department's Ombudsman for grievances. Previously, Mr. Carter was a paid "consultant" to the Department serving as special counsel to Secretary Macomber in connection with the unsuccessful attempted confirmation of Howard Mace as Ambassador to Sierra Leone. Prior to that, Mr. Carter served as "public member" of the 1970 Selection Board "II" which promoted among others, Mr. Robert Gordon, the Department's "Ombudsman", to Class FSO–1. We are now assembling lists of Officers "selected out" by Board "B" and Board "II" and by other Boards.)"

* * * * *

Management has also made available to Selection Panels unverified, oral prejudicial material relating to "suitability," and these data have sometimes resulted in placing officers in the lowest percentage of their class.

First of all, I am shocked to have heard that the selection boards do not maintain permanent records of their actions; and that for this reason, any appeals system will have to be based on procedures without benefit of complete records of decisions by selection panels. Second, I am astounded that unverified detrimental and, it appears, even fabricated materials have been orally submitted by top State Department personnel officers to selection boards to assure the selection out of certain officers. Third, I am literally astonished to discover that the top administrative officer at that time, Deputy Under Secretary of State William J. Crockett, appointed his own brother-in-law, William Figy, as a so-called public member, to the 1963 board promoting officers to class 1.

Let us look at some of the people that board promoted. The Thomas Fund has informed me that in addition to Idar Rimestad, who succeeded Mr. Crockett as Deputy Under Secretary of State for Administration and Mr. Howard Mace, whom the Senate Foreign Relations Committee did not agree to confirm after hearings about the way he discharged his duties as Deputy Director General of the Foreign Service, the following names of persons closely associated with Mr. Crockett appeared on that promotion list:

Joseph F. Donelan, Jr.: Acting Assistant Secretary for Administration;

Millan L. Egert: Department of State Consultant; Assistant Director Planning Administration; Special Assistant; Deputy Administrative Officer in Rome during the period 1956 to June 1959. He served immediately under Crockett who was Administrative Officer in Rome from Feb. 28, 1954 to June 14, 1957;

Frederick Irving: Deputy Assistant Secretary for Educational-Cultural Affairs;

Marshall P. Jones: Special Assistant to Assistant Secretary of State for Administration;

Howard P. Mace: Consul General, Istanbul, Turkey; previously, Acting Director General of the Foreign Service; previously, Deputy Director General of Personnel; Deputy Assistant Secretary for Personnel; Deputy Assistant Secretary for Organization and Management;

Adrian T. Middleton: (Deceased);

Idar Rimestad: U.S. Representative to U.N. with rank of Ambassador; previously, Deputy Under Secretary for Administration;

Earl D. Sohm: Deputy Director of Personnel for Operations; previously, Deputy Assistant Secretary; earlier, Chief Career Management Assignment Division; Chief, Personnel Operations Division; Deputy Chief, Personnel Operations Division; and

John H. Stutesman, Jr.: Deputy Director of Personnel for Recruitment; previously, Dean of Foreign Service Institute School for Professional Studies; earlier, Foreign Affairs personnel planning program; earlier Special Assistant to Deputy Under Secretary of State for Administration.

Many highly qualified Foreign Service officers were "selected out" by selection boards since 1963. In reviewing the role that was played by the William Figy board, I learned from the fund that several persons promoted to FSO–1 by that board subsequently themselves served on selection boards. For example, Frederick Irving and Earl Sohm served on two boards; John Stutesman and Adrian Middleton on one; and Charles Mace, the twin brother of Howard Mace, served on a selection board in 1966.

I question whether the foreign policy of the United States is served properly when career professionals are promoted, fired and assigned by a system where brothers-in-law and twin brothers of top personnel administrators are given crucial roles over the fate of Foreign Service officers.

I include in the RECORD material recently mailed to Foreign Service personnel by the Charles William Thomas Memorial Legal Defense Fund.

The material follows:

IMPORTANT MESSAGE FROM THE THOMAS LEGAL DEFENSE FUND TO RETIRED FOREIGN SERVICE OFFICERS WHO MAY WISH TO JOIN ITS CLASS ACTION SUIT

The Charles William Thomas Memorial Legal Defense Fund wishes to call the attention of all retired Foreign Service Officers, Foreign Service Information Officers, and other Foreign Service personnel to the possible impact on them of the suits which it is about to file. These consequences should be seriously weighed especially by those Officers *who are "selected out" or who retired "voluntarily" to avoid selection out*. This suit will seek to restore many Officers to the rolls of the Foreign Service; for others it will establish claims for back pay; and it should result in increased annuities for all participants who define the "class".

The legal action which the Thomas Fund will be filing on behalf of "selected out" Foreign Service Officers is defined as a *class action suit*. Thus, this suit differs from all previous suits brought on behalf of Foreign Service Officers, whether as individuals or as a group.

"CLASS ACTION"

This suit will seek redress for all litigants on the grounds that, *as a class*, they were denied due process by certain specific operations of the Foreign Service *as a system*. The individual cases which will be presented will serve primarily as representative examples of the systematic denial of due process to all the litigants as a result of the procedures and the administrative practices and policies of the Foreign Service.

Previous suits against selection out were unsuccessful principally because the Department of State was able to persuade the courts to deny the litigant the right of "discovery". This meant that the litigant could not subpoena records and obtain affidavits. The Department relied essentially on the argument that discovery should be denied because the records sought in the suit related to the performance rating of the individual officer and were not germane to the issue as to how his *relative standing* had been established by the selection boards. Since "selection out" was based on "relative standing", the Department of State argued, "discovery" should be denied.

This suit, in contrast, will address itself primarily to the very process of establishing "relative standing". On the basis of precedents already established by the courts, we have every reason to believe that discovery will be allowed and we will be able to subpoena records and witnesses.

SPECIAL CRITERIA REGARDING PARTICIPATION

There is another important distinction of which all potential participants should be aware.

Class action suits, which are a relatively recent genre of litigation, must comply with certain specific requirements not applying to traditional suits. Especially important for litigants is the manner in which participation in the suit is established.

It is a standard rule that potential participants may join *up to the time immediately before the suit is filed. Once the suit is filed, however, it may be difficult for additional participants to join the suit without the explicit approval of the court. Some courts have refused to grant this permission.*

Because the Fund hopes to instruct its counsel to file suit by the end of June or early July, we wish to stress that any person who was "selected out", or who retired "voluntarily" in order to avoid selection out, should communicate immediately with the Charles William Thomas Memorial Legal Defense Fund to obtain particulars about qualifying for participation in the suit. It would be helpful if each correspondent indicated whether he or she had been "selected out" or had retired "voluntarily" to avoid selection out; the date and composition of the last selection panel rating the Officer; the date of retirement; and any other information which the Officer recalls in connection with the administrative process of "retirement" or separation. (These data are especially important in light of the discovery by Fund that State Department management has been placing among "public members" of the Promotion Boards persons whose primary qualifications are family ties or service to management in confidential or consulting roles. For example, Deputy Under Secretary William J. Crockett appointed his brother-in-law, William Figy, to the 1963 Selection Board "B" which promoted Idar Rimestad, Howard Mace and seven other proteges of Mr. Crockett to Class FSO–1. Most recently, Deputy Under Secretary William B. Macomber appointed Harry Tyson Carter as FSR–1 to work with Mr. Robert Gordon, the Department's "Ombudsman" for grievances. Previously, Mr. Carter was a paid "consultant" to the Department, serving as special counsel to Secretary Macomber in connection with the unsuccessful attempted confirmation of Howard Mace as Ambassador to Sierra Leone. Prior to that, Mr. Carter served as "public member" of the 1970 Selection Board "II" which promoted, among others, Mr. Robert Gordon, the Department's "Ombudsman", to Class FSO–1. We are now assembling lists of Officers "selected out" by

Board "B" and Board "II" and by other Boards.)

Please address all correspondence to: The Charles William Thomas Memorial Legal Defense Fund, P.O. Box 19443—20th Street Station, Washington, D.C. 20036.

THE TIME TO SPEAK OUT AGAINST MILITARY PLANS TO DESTROY THE NORTH VIETNAMESE DAM AND DIKE SYSTEM IS NOW

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. KASTENMEIER. Mr. Speaker, during the long history of the Indochina war, we have heard one President after another announce that a decision had been reached and military action initiated that broadened the American involvement in that tragic conflict. Those of us in and out of the Congress who have opposed these war policies, had found ourselves, time and time again, presented with a fait accompli, and our protests against the stepped up military activities went largely ignored by the White House.

The increased air bombing of North Vietnam could present us with a similar situation. One of the most inviting targets in North Vietnam is its system of dams and dikes, and the military has been known to favor an attack upon these flood control systems. Such an act would bring mass devastation to the civilian population of North Vietnam. Now, not after another fait accompli, is the time to let the President know that such an attack against civilians will not be tolerated by the American people who already must feel some moral compunction about the enormous damage our bombings cause throughout Indochina.

Mr. Speaker, in this respect, I would like to call to the attention of my colleagues an article by D. Gareth Porter which appeared in the June 3, 1972, New Republic:

NIXON'S NEXT OPTION: BOMBING THE DIKES

(By D. Gareth Porter)

North Vietnamese society, based on agriculture and a highly motivated and resourceful labor force, has one major vulnerability—the vulnerability of its food supply to destruction by floods. The destruction of that food supply by flooding is Mr. Nixon's only remaining military option. He's bombing the ports, power transformers, rail lines and bridges; next he can bomb the dams and dikes of the Red River Delta.

The possibility arises because of the extreme unevenness of precipitation in the North; about 85 percent of its annual rainfall will come during the coming months, peaking in July, August and September in the most fertile rice-producing area. During the rainy season the Red River becomes swollen, often nearing the top of its dikes. If those dikes are breached or broken, floods will cause paddy fields to become waterlogged and the rice crop to be lost, even if other damage is minimized. And if the Red River overflows, it will probably mean serious floods in the other river valleys of Central North Vietnam as well.

North Vietnam's people have suffered floods during the rainy reason—and droughts during the dry season—many times in their history, but the worst of all was in 1944 when 25 sections of the Red River dikes were broken and some 225,000 hectares of riceland, or about one-fourth of the total under cultivation, were ruined. That natural calamity became an atrocity when the Japanese occupation authority requisitioned much of the available paddy for its own purposes, leaving an estimated two million Vietnamese to starve to death.

Last year, flood waters smashed through a 30-mile section of the delta's dikes, wiping out large parts of the 1971 autumn rice crop, which was then being harvested and the 1972 winter crop, which is only now being harvested. Because of the importation of food from Russia and China and relief efforts, there apparently was no starvation. When systematic US bombing of the North began in 1965, a civilian army of 200,000 men and women was formed to patrol the branches of the Red River for any ruptures in the dikes, whose destruction would threaten mass starvation.

Air attacks on the dike system would have to be combined with all-out bombing to prevent the import of sufficient foodstuffs overland from China. The Johnson administration gave serious consideration to just such a plan, based in part on the analysis of the Central Intelligence Agency, which said in January, 1967, "Bombing the levee system which keeps the Red River under control, if timed correctly, could cause large crop losses and force North Vietnam to import large amounts of rice. Depending on the success of the interdiction efforts, such imports might overload the transport system." But the military effects of such a policy, the CIA correctly observed, would be "limited and short-lived." Such proposals were rejected, and Secretary McNamara's memorandum of May 16, 1967 explained why: "There may be a limit beyond which many Americans and most of the world would not permit the United States to go," he wrote.

Although the systematic targeting of the Red River dikes and dams was ruled out, this did not mean that they were never hit. Attacks on dikes surrounding the city of Namdinh in 1966 were reported by *New York Times* correspondent Harrison Salisbury during his trip to the North. According to city officials, U.S. planes dropped six bombs on a two-kilometer section of the dike on May 31 and again on July 14. As the water level of the Dao River continued to rise, American planes returned on July 20 and July 31 to hit the dikes repeatedly. The Pentagon responded to Salisbury's report by saying the real target was a transshipment facility in Namdinh, and that, in any case, "repairs would not be difficult and . . . accidental damage inflicted on it would not necessarily show up on later intelligence photography taken subsequent to repairs." Many such "accidents" occurred from 1965 through 1968, seemingly intended to force North Vietnam to divert manpower to repairing the damage. (In the case of Namdinh, the population worked for 20 straight days to repair the dike.)

Nevertheless, U.S. bombing was not intended to cause major flooding in the Red River Delta. As we know from the Pentagon Papers, the joint chiefs were never satisfied with this restriction and pressed for both the removal of restraints on the bombing of Hanoi and Haiphong, "with the expected increase in civilian casualties to be accepted as militarily justified and necessary," and the systematic targeting of dikes and dams as well.

The precedent for striking flood control systems as "strategic targets" for the purposes of starving the enemy into submission was set near the end of the Korean War, when the U.S. air force was authorized to destroy all North Korean irrigation dams. On May 13, 1953, 20 air force F-4s destroyed the Toksan irrigation dam, causing a flash flood which inundated 27 miles of valley farmlands. Two other dams were bombed for the same purpose; the remainder were scheduled for attack when the armistice intervened.

American memories are short. Only a few years before, the flooding of agricultural land by a Nazi enemy had been considered a heinous crime. The German high commissioner in Holland, Seyss-Inquart, who opened the dikes of that country at the end of 1944 and flooded approximately 500,000 acres of land, was hanged as a war criminal by the Nuremburg Tribunal—despite the fact that he stopped the flooding after being warned by the Allied High Command and agreed to help in relief efforts.

But that was a crime against white Europeans. In North Vietnam, as in North Korea, the distinction between military and civilian targets is barely perceptible. As marine Commandant Wallace M. Greene, Jr., testified before the Senate Preparedness Investigating Subcommittee on October 23, 1967, "We are at war with North Vietnam right now . . . , and we shouldn't be so much interested in [the North Vietnamese people's] anger as we are in bringing the war home to every one of them up there." Army Chief of Staff Harold K. Johnson was more blunt: "I put 'innocent civilians' in quotation marks," he said.

The joint chiefs, having lost in the previous administration, are now renewing pressures on the President to attack the dams and dikes. With the fear of direct Soviet and Chinese intervention receding, the Nixon administration may not be as constrained as its predecessor. At any rate, Mr. Nixon has publicly kept this option open. In Texas on April 30, he was asked about bombing the dams and dikes of North Vietnam. His answer, carefully phrased, could be interpreted both as a warning to Hanoi and a trial balloon at home. First he called the dikes and dams "strategic targets," indicating his acceptance of the joint chiefs' doctrine that they are legitimate targets. He went on to say that bombing the dikes and dams could cause "an enormous number of civilian casualties" and that this was something which "we need to avoid" and also "something we believe is not needed." But he did not rule out such attacks at some future time.

Twelve days later, after serious reversals had been suffered by the Saigon army, Hanoi radio reported that US bombers had knocked out a section of the dike protecting Hanoi from the waters of the Red River. *Nhan Dan*, the Lao Dong Party's newspaper, reported that flood control dikes in many areas of the country's four southern provinces had been hit. These breaks, which could presumably still be repaired in time to avoid flooding from the coming heavy rains, might have been accidents, but they might also have been intended to remind Hanoi that the dikes could be breached. If the President does choose to use this remaining option, he will move swiftly and secretly. Congress and the public would once again be faced with a *fait accompli*, and left once again, with nothing to do but express regrets. Those in Congress who want to prevent this crime would be well advised to raise the issue now—while there is still time.

JUNIOR PHILHARMONIC ORCHESTRA OF CALIFORNIA

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ROYBAL. Mr. Speaker, I wish to take this opportunity to applaud the work of Dr. Ernest Katz and his Junior

Philharmonic Orchestra of California for 35 years of outstanding musical achievement.

In 1937 Dr. Katz started his young people's symphony which has now been recognized by contemporary composers and musicians as one of the finest junior symphonies in the United States.

One amazing fact about this orchestra is that while it has never accepted any financial support from local, State, or Federal Government, it has helped raise over $8 million in funds for noteworthy causes.

Composed of 125 boys and girls between the ages of 12 and 19, the orchestra has been honored by personal appearances of such famous composers as Oscar Straus, Jerome Kern, Sigmund Romberg, David Rose, Meredith Wilson, Ferde Grofe, Rudolf Friml, and Dimitri Tiomkin. Included among its honorary members are pianist Jose Iturbi, violinist Isaac Stern and comedian/violinist Jack Benny.

The orchestra has received special commendations from Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon. I wish to extend my congratulations to Dr. Katz and his young people's symphony for their many cultural and civic contributions, and I invite my colleagues to join with me in honoring them today.

A PROGRAM TO COMBAT THE MYSTERIOUS INFANT DEATH SYNDROME

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation which would assure that an extensive and concentrated effort is made to discover the cause of the sudden infant death syndrome—SIDS. This disease kills one of every 300 babies born during their first year of life—almost 10,000 infants a year. So ignorant is the public about SIDS that even the labeling of this killer as a disease has been a major step forward in the past 3 years.

Due to a lack of medical research, virtually all we know about SIDS is that it affects babies between the ages of 1 month to 1 year and fatalities reach a peak at age 3 months. Most infants die silently in their sleep without the slightest indication when they were put to bed that anything was wrong. Very often, an autopsy is performed but it fails to disclose the precise cause of death. "Crib death," as it is also known, is the explanation offered to parents. Ignorance of the cause of death leads many parents to despair over the way they cared for their child and makes the entire experience especially traumatic for them. Occasionally, parents are even subjected to a police investigation because the authorities suspect some wrongdoing on the parents' part. Thus, lack of knowledge compounds the tragedy for the parents.

The resolution I am proposing would rectify the appalling ignorance about SIDS. It would call for the dissemination of information concerning SIDS to coroners, medical examiners, social workers, and similar personnel. This information would describe the nature of SIDS and discuss the needs of families affected by it. The Secretary of the Department of HEW would be responsible for researching and distributing this material.

Most important, my resolution would instruct the National Institute of Child Health and Human Development of HEW to search for the cause of SIDS and for its prevention or cure. This would be achieved through the awarding of special research grants and fellowships.

Last, the measure would authorize the Secretary of HEW to develop a reliable index that would outline the national incident and distribution of SIDS. Further, autopsies would become standard procedure for infants who die from SIDS and the results would become immediately available to parents.

We must provide the resources to SIDS research if we are to assure children their right to life and families their right to understand SIDS. Compassion and human decency require the Congress act now before more young lives are lost.

FOURTH-CLASS TREATMENT

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. THONE. Mr. Speaker, fourth-class treatment for Nebraska farmers and residents of small towns is proposed with the announcement that the U.S. Postal Service plans to discontinue Sunday deliveries to third- and fourth-class post offices in my State.

The proposed move will delay first-class letter delivery and will make it difficult or impossible for many farmers and people who live in small towns to get a newspaper on Sunday. When mail is not delivered to a post office on Sunday, it is not apt to reach homes on Monday. Many rural Nebraskans subscribe to Sunday newspapers by mail. They go to the post office to pick up their papers on Sunday. Without Sunday deliveries to the post offices, many Nebraskans may not get Sunday papers through the mail until Tuesday.

I was not a Member of Congress when the Department of the Post Office was abolished and the independent U.S. Postal Service was created. Many now believe it was a mistake to free that agency from control of Congress, and I am inclined to agree that something is apparently wrong.

Over the years, the Post Office Department helped to unite this Nation. It aided tremendously in disseminating information and knowledge, especially in rural areas.

The U.S. Postal Service is attempting to convey the idea that it is newly efficient. The high-priced imagemakers, however, cannot conceal the fact that mail service is still deteriorating, while rates go higher.

Today, Postmaster General E. T. Klassen declares that it is unprofitable to make Sunday deliveries to third- and fourth-class post offices in Nebraska. Tomorrow, at the rate he is going, he will declare that all rural free delivery is unprofitable.

Within the next few weeks, Congress is expected to pass new legislation to aid in the redevelopment and revitalization of rural America. I, of course, will support that legislation. Does it make sense, however, for one arm of Government to provide millions and millions of dollars to make rural America liveable, while another arm of Government, the Postal Service, tries to cut off farmers and small-town dwellers from information and service through the mail?

The cost of Sunday delivery to Nebraska third- and fourth-class post offices compared to the cost of contemplated increases in postal rates is similar to the difference in size between a gnat and an elephant.

The new entity to deliver the mail added service to its name. I think it is about time to place service foremost in the management philosophy of the U.S. Postal Service. I am again calling on Postmaster General Klassen to rescind his order to end Sunday service to small Nebraska post offices as of July 1.

THE WAR AND OPPRESSION—A STATEMENT OF HUMAN VALUES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BEGICH. Mr. Speaker, as is so often the case in our society, the churches represent the cutting edge of enlightened human opinion. Recently I received in my office a copy of two resolutions passed at the Convention of the Episcopal Diocese of Alaska meeting in Anchorage on April 21 of this year. Those resolutions relate to the Indochina war and to the general question of repression everywhere. I believe their expressions of opinion are moving, and deserve the attention of all my colleagues.

The resolutions follow:

A RESOLUTION ON THE INDOCHINA WAR

Whereas the original, radical message of Christ insists upon a real peace and love between neighbors and nations; and

Whereas many different religious groups, including the Executive Council of this Church, have condemned the war in Indochina and its continuation;

Be it therefore resolved that this Convention, aware of its Christian responsibility, urges all governments immediately to stop the war in Indochina. It urges all governments foreign to Indochina to withdraw troops from, and military aid to Indochina.

And be it further resolved that this Resolution shall be communicated to the Alaska Congressional delegation, the President of the Senate and Speaker of the House of the Alaska State Legislature, the public and the press.

A RESOLUTION ON OPPRESSION

Whereas there appears to many an alarming trend toward repression in this country; and

Whereas this climate seems to have as a goal the discouragement and intimidation of any political dissenters who might think of expressing their views out loud; and

Whereas love and worship of God requires respecting the personhood of one's brother:

Be it therefore resolved that this Convention urges the full protection of the rights of all prisoners and persons being investigated and that their human dignity be respected; and

Be it further resolved that this Convention condemns partiality in enforcement and interpretation of the law and the indiscriminate use of violence to intimidate minority groups and causes; and

Be it further resolved that this Convention condemns the misuse of power to control and manipulate dissenting viewpoints unpopular with those in power; and

Be it further resolved that this Resolution shall be communicated to the Alaskan Congressional Delegation, the President of the Senate and Speaker of the House of the Alaska State Legislature, the public and the press.

MEMORIAL DAY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. DUNCAN. Mr. Speaker, for a long number of years, it has been my privilege and high honor to participate in Memorial Day observances in my home city of Knoxville. The program this year was under the auspices of the Metropolitan Knoxville Council of War Veterans Organizations. The officers of this organization are as follows:

President, William E. Fitzgerald, Veterans of Foreign Wars, American Legion.

Executive vice president, Charles H. Dodge, World War I Veterans, American Legion.

Second vice president, Raleigh Wynn, Sr., Veterans of Foreign Wars.

Third vice president, Harry W. Pipkin, Jr., Disabled American Veterans, American Legion.

Secretary, James A. King, Veterans of Foreign Wars, American Legion.

Sergeant at arms, Walter Chandler, American Legion.

This year's program was a most impressive one. One of the finest high school bands in the Nation, Doyle High School in Knoxville, under the direction of Mr. Anthony J. D'Andrea, provided patriotic music for the event.

The occasion this year was in honor of Col. John A. Clancy, Sr. The Clancy family is well known in Tennessee, and have been referred to as the "outstanding patriotic family of Knoxville." I was so impressed by the remarks Mr. Clancy prepared for the occasion that I would like for all my colleagues to have the benefit of the wisdom contained therein.

The remarks follow:

TEXT OF AN ADDRESS BY COL. JOHN A. CLANCY, SR.

I speak for the Clancy Clan, the family referred to by the Arrangement Committee and news media as "An Outstanding Patriotic Family of Knoxville.' '

I am a poor hand at speaking but if you will bear with me, I will try to get the record straight. First, we make no claim to being outstanding, though we sincerely appreciate the compliment. We are not outstanding, just numerous and healthy. We thank God no member of our family was ever deprived of service because of a physical or mental handicap. But we are similar to thousands of families hereabouts with give or take a few more or less members who like ourselves want to share our burden of defense of our country. Any recognition or honor accorded our immediate family is not for me or my boys but for their sainted mother, the late Ellen Joy Clancy, who went to her reward in 1965. We only stand proxy for her. Any credit is her due. She taught our children to love and serve their God, their country, their family, and their neighbors. She was a true Christian mother and she worked at it hard. God rest her.

Our family has quite a roster of veterans down through the years. Some wore the gray. One was with Major Walter Reed and his Yellow Fever Immunes in Cuba. We have been well represented in all our wars (at least by numbers). Two of our grandsons left the university for Vietnam service. They are now, by the grace of God and the generosity of our government, back with their studies, proud holders of Combat Infantry Badges. Another left high school and joined the Navy. There is nothing spectacular about our service, we are just able and willing and we keep coming along, generation after generation. We have thirteen husky grandsons now and (if women's lib takes over) sixteen equally healthy granddaughters, one great granddaughter and two great grandsons coming along. With natural increment, we feel we can meet any probable quotas in the foreseeable future for our immediate family.

We are both humble and proud and honored to be with our Gold Star Mothers, his honor the Mayor, and that tried and true friend of all veterans, their families, and their organizations, the Honorable John J. Duncan, our representative in the Congress, the reverend clergy, our city and county officials, representatives of our veteran organizations and their auxiliaries, the Honorable William E. Fitzgerald and Charles H. Dodge of the Arrangement Committee and a host of other distinguished guests assembled with you to honor and pay homage to the sacred memory of our departed comrades, friends, and neighbors. May they rest in peace is our prayer.

May I take the liberty of asking you to pray? Please pray. Please, I beseech you to pray.

Pray for our Country

Pray for its Dedicated Leaders

Pray for our gallant defenders in the service

Pray for our vigilant protectors in law enforcement

And last but not least

Please pray for peace and may God be with you all.

Thanks.

BUFFALO COURIER EXPRESS URGES NO MORE STALLING ON REVENUE PLAN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. KEMP. Mr. Speaker, I am anxious to cast my vote in favor of the Mills revenue-sharing bill. I am a cosponsor of the legislation and I have been expending considerable time and effort in obtaining a redevelopment designation for Erie County, N.Y. This would enable the county to obtain special benefits from the Economic Development Administration and these are badly needed.

I know firsthand the financial problems of the governmental units, not only in Erie County, but throughout the Nation. This editorial points out that these governmental units must determine the sources of revenue in order to plan ahead. Many will not have much time to plan, so prompt action is a necessity.

I was delighted to read the editorial appearing in the May 31, 1972, issue to the Buffalo Courier Express and I believe this editorial will spark some action on the revenue-sharing plan. I commend this article to the attention of all my colleagues and specifically urge the majority leadership to note the straightforward comments in the editorial. I include the edioria at this point:

[From the Buffalo Courier Express, May 31, 1972]

NO MORE STALLING ON REVENUE PLAN

In putting off action on the Nixon-Mills revenue-sharing bill until after June 5, the House Democratic leadership seems to have taken a calculated risk, apparently hoping to be sure of the votes needed for passage. For the sake of the cities and towns of this nation, the congressional leaders had better be 100 per cent sure of what they're doing.

Perhaps the sudden shift in plans was indeed due to the need to await the return of President Nixon from Moscow, as Rep. Carl Albert and Rep. Hale Boggs indicated. But if prospects for approval of this too-long-delayed bill really are so chancy that it requires more arm-twisting from Mr. Nixon, it does not speak too well for the enthusiasm and effectiveness of Speaker Albert, Majority Leader Boggs and Rep. Wilbur Mills, chairman of the Ways and Means Committee which made several improvements in the original Nixon legislation. This trio certainly should be able to get their own people lined up in the time remaining.

However, the leadership may be in deep trouble if the opposition snag was due to resentment on the 8–7 Rules Committee vote to bar amendments on the floor. And there is a possibility that the bill might lose unless modified to cut out the five-year time span of the $30-billion funding and to make the program subject to annual funding. Perhaps Rep. Mills will be able to work another compromise; perhaps a two-year initial funding would be easier to get.

In order to have any validity for long-range planning, however, revenue sharing needs to be free of the threat of being the victim of a political hatchet job every year. Local communities have to know the funds are there so they can plan their own projects efficiently. So the start of the revenue-sharing plan needs to be funded with specific dollar amounts, not just with an authorization for money which can be torpedoed later on. State and local officials have been put through the wringer long enough in the struggle for this bill and there is no excuse for any further gamesmanship in Congress. It's up to the House leadership of both parties to get it passed with no more stalling.

JOINT RESOLUTION TO MANDATE TAX REFORM

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BROTZMAN. Mr. Speaker, I am today introducing a joint resolution which would require Congress to begin the task of reforming and recodifying the Federal tax laws by June 30, 1972. It is my belief that the Internal Revenue Code of 1954 has been amended and reamended so many times in the last 18 years that the course I am recommending is the only sensible way to give the American people the comprehensive tax reform they seek and deserve.

My resolution would direct the Ways and Means Committee and the Senate Finance Committee to hold hearings on each tax preference contained in the Internal Revenue Code no later than June 30. By tax preference, I am referring to the adjustments, credits, deductions, exclusions, and exemptions which are found throughout the code. The resolution directs the executive branch to fully cooperate with the hearings, and it further directs the Ways and Means Committee and the Senate Finance Committee to report to the floors of the House and Senate, respectively, comprehensive legislation to reform and recodify the Federal income, estate, and gift tax laws. This approach to tax reform neither singles out a certain small percentage of tax preferences for review, nor does it cause provisions in the present tax laws to lapse prior to the completion of congressional action, and thereby create hopeless uncertainty for the Nation's taxpayers.

Mr. Speaker, it is often said that one man's tax loophole is another man's tax incentive. While everyone would wish tax lopoholes to be closed, the problem is to determine what, in fact, is a loophole.

The term "loophole" generally refers to a legislative oversight—a gap in the law which allows particularly clever people to violate the intent of Congress with impunity. This is not the case, however, with so-called tax loopholes. Here we are talking about tax preferences which have been accorded by the Congress for the purpose of achieving socially desirable decisions in the private sector.

Personally, I view the whole question of tax reform with an open mind. Certainly the growing dissatisfaction with various provisions in the Internal Revenue Code justifies thorough hearings, of the sort called for in my resolution, and I believe they should be commenced in the very near future.

The resolution also establishes certain ground rules for the consideration of tax reform which I deem essential if we are to view this matter in its proper context. First, we must ask if the particular tax preference seeks to implement a desirable policy in the public interest. Second, if the policy goal is a good one, we must ask if the present language in the Internal Revenue Code does the best possible job of implementing that goal. Third, tax preferences must be assessed as to their compatibility with the overriding social goal of equitably treating all taxpayers. Finally, it must be determined if the tax preference in question is one which is compatible with the revenue needs of the Federal Government.

The Nation needs, Mr. Speaker, a new tax law. It does not need additional random consideration of individual sections of the present code, and it most assuredly does not need a methodology of tax reform which leaves the Nation's taxpayers unable to wisely plan their financial decisions over the course of the next several years. For these reasons I urge the quick approval of the joint resolution I have today introduced.

WELFARE IS NOT AN EVIL WORD

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. FRASER. Mr. Speaker, on May 13, 1972, The New York Times published an essay by former Chief Justice of the U.S. Supreme Court Earl Warren entitled, "Welfare is not an Evil Word." Knocking welfare has become a political pastime, that, evidently, few national figures can resist. President Nixon has repeatedly thumped for "workfare" over "welfare." People, more than ever before, perceive welfare clients as an affront to the American way of life. "Welfare people," says George Sternlieb, director of the Center for Urban Policy Research of Rutgers University in New Jersey, "are now the closest thing to untouchables that this country has got."

Justice Warren's comments put the problem in a better perspective.

The article follows:

WELFARE IS NOT AN EVIL WORD

(By Earl Warren)

Many of the poor who came here struggled out of ghettos to a more favorable position in life for their children. But there are still more recent arrivals who have not yet been able to escape their sordid surroundings. What a breach of trust it is—as well as a betrayal of a commitment to our own ideals—whenever any of these people, because of their race, or color, or creed, find hostility here instead of hospitality, or are awarded not light and warmth from the "lamp beside the golden door" but a badge of inferiority for conditions they are powerless to change.

Those without color have found it comparatively easy to work their way out of the slums. But the colored, particularly the blacks—almost twenty million of them—have carried a cross throughout our history, not because of anything they could change but because of well-known reasons not flattering to the rest of us. The condition of these citizens presents one of our greatest national problems.

It is imperative to remember in all of our actions that our nation has developed as a plural society composed of people of every racial origin on earth. Our ancestors were urged to come here to populate the country, to develop its resources, and to build its economy and its institutions. We have enshrined in our Constitution the principle that all men are created equal and have made everyone born or naturalized in the United States a citizen with all the privileges and immunities inherent in that status. We must realize that the only way we can have unity throughout the nation is to accord the full spectrum of constitutional rights equally to everyone. There is no other way. The color of a man's skin or the religion he espouses must not be a factor in according him rights.

We have for centuries segregated certain groups from the mainstream of American life. Now that that exclusion has caught up with us, we do not know how to communicate with them, and in effect, while using the same words, we speak different languages. Our boast for years has been that we have developed the most affluent society in recorded history; yet, admittedly, millions of Americans go to bed hungry every night. This does not add up to affluence. It is, at best, a paradox. Here we are, plagued with problems of unemployment, relief and frustration, while surrounded on every side with extravagance of all kinds.

Recently, resistance has developed to what is compendiously called "welfare." Because of disjointed statutes, faulty administration, and abuse by some, all of the categories of aid to the unfortunate are lumped under that term, and welfare has acquired a somewhat sinister meaning. But it is not, of course, an evil word. Indeed the Preamble to the Constitution includes the general welfare as one of its objectives. Many functions of the government are undertaken with welfare in mind, for the benefit of different segments of society, but as a term of debasement it seems to apply only to assistance to the unfortunate.

When hundreds of millions of dollars are given to bankrupt railroads, failing defense manufacturers, shipping interests and the like, the words "welfare" or "relief" are not used. Instead, such things are done to "strengthen the economy." Perhaps welfare to needy individuals can some day be discussed with the same particularity and with the same equanimity as subsidy to industry and other impersonal beneficiaries.

The same metamorphosis is occurring in the field of health and medical care. Only a very few years ago any proposal for medical assistance that called for governmental participation in the health of the public was denounced by vested interests as the work of the devil. It was "Communism" in its purest form. But today we have Medicare and Medicaid, and the questions under review are primarily how and when aid can be extended to other groups whose ill health, caused by the inaccessibility of medical attention, is weakening our society.

In considering the problems of intolerance and neglect in a multiracial society, we must not close our eyes to the danger to the rights of all inherent in the denial of rights to the few. That danger is visible all around us, today as never before.

JOINT RESOLUTION AUTHORIZING EMPLOYMENT OF NEIGHBORHOOD YOUTH CORPS MEMBERS BY THE PRIVATE SECTOR

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BADILLO. Mr. Speaker, I am today introducing a joint resolution which would authorize the assignment of Neighborhood Youth Corps members to employment in the private sector. By thus enlarging the scope of utilization, I hope to open up to these youngsters meaningful job training opportunities, as well as jobs capable of incorporating career ladders.

On May 17, commenting on the appropriation levels voted this year for the Neighborhood Youth Corps, I stated that not only do we woefully underfund this program, but that we are also critically underutilizing its potentials. The joint resolution I am introducing today calls on the Secretary of Labor to rectify this situation by making available funds appropriated for manpower training services under the Second Supplemental Appropriations Act of 1972 for employment and training opportunities with private for-profit employers.

For years, especially in connection with this program, many unkept promises were made. For years a large majority of eligible youth, more than eight out of 10 in New York City last year, were excluded from the opportunities which were allegedly created for their benefit. As a result, our disappointed youth and communities have come to regard the Summer Neighborhood Youth Corps program as the establishment's efforts to buy peace. This belief has been reinforced by the types of jobs into which we have been channeling participating youth. To date the public and nonprofit sectors have often had to put the corpsmen to work in make-work situations, employing them in dead-end jobs which the youngsters were quick to see would lead them nowhere and provide them with no salable skills. The youth drew the minimum wage and were confirmed in their disillusionment with and disappointment in "the system."

New York City, as many of our other cities, is experiencing high levels of unemployment. It is also experiencing disastrous levels of juvenile delinquency. On the night of June 1, three youngsters were shot in the Bronx. The day before that 12 were knifed.

Out of work, excluded from meaningful opportunities, deeply disillusioned with the idea of working within the framework of "the system," these youths turn to destructive behavior—thus making the already bleak and deprived neighborhoods they inhabit even more intolerable. If allowed to continue, they are destined for a life of crime and dependency.

But troubled though they are, these youth represent one of our most precious resources. We must reach them, we must give them meaningful opportunities. And as far as the Neighborhood Youth Corps program is concerned, we can only do this fully by utilizing the resources of the private sector so that they can, during their term as corpsmen, acquire skills that are genuinely helpful and have the potential of preparing them for the existing job market. I do not stand alone in this belief. A subcommittee of the Bronx Task Force on Gang Activity passed a resolution on June 1 calling for the immediate implementation of such an approach.

The legislation I am introducing is an emergency measure to meet an existing dramatic need. By making funds available for such programs this year we can pave the way for comprehensive legislation in this area in the future. The 1-year authorization contained in the measure will be sufficient to set up programs this year, establish meaningful and profitable ties with business, and accumulate data to guide us in our deliberations in this area next year.

Mr. Speaker, I am inserting here, for the information of my colleagues, the text of my joint resolution. I believe it represents an effort very much worthy of support and I am asking my colleagues on both sides of the aisle to aid me in this endeavor.

Text of the joint resolution follows:

Joint resolution to authorize the assignment of Neighborhood Youth Corps members to employment in the private sector

Whereas, by restricting the utilization of neighborhood youth corps summer employment opportunities to public, nonprofit employers, the potential of the Neighborhood Youth Corps program for providing training and meaningful work experience is severely restricted;

Whereas, the youths eligible for participation in this program are in severe need of meaningful work training and experience which is capable of leading to permanent jobs in the private industry and to job opportunities which have the potential of incorporating career ladders; and

Whereas, it is necessary to harness and call upon the resources of private for profit businesses to achieve the above two objectives. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated for manpower training services under the Second Supplemental Appropriation Act for fiscal year 1972 shall be available to carry out a program to fund employment and training opportunities with private for profit employers: *Provided,* That the program shall not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed.

H.R. 15361—A BILL TO INCREASE THE RATES OF COMPENSATION FOR DISABLED VETERANS BY 10 PERCENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ANDERSON of California. Mr. Speaker, I am today introducing legislation which would increase the rates of compensation for service-connected disabled veterans by 10 percent.

We all know that there is no way to adequately compensate a veteran who has lost a limb or an eye, or a veteran who has suffered irreparable psychological damage in the service of his country.

Who can place a price tag on the value of one's eyesight?

Who can attach a dollar value to a man's ability to be a working, productive member of society?

Compensation payments for disabled veterans have always reflected an inadequate amount. But, we have an obligation to at least insure that we are compensating our veterans for their average economic loss resulting from a disease or an injury.

I am not convinced that we are computing rates to reflect the actual loss suffered by the veteran. The Veterans' Administration is undertaking an intensive study on this question and I believe that a reform should be forthcoming in order to adequately compensate those who gave so much of themselves in the service of our country. However, the study is not yet available in its final form.

Thus, I am introducing this legislation today in order to adjust compensation rates to the increases in the cost of living. Hopefully, this increase will be met with further increases after the results of the VA study are revealed.

Disability rates were last adjusted July 1, 1970. Since that time and by the end of this year the cost of living will have risen an estimated 9 percent.

Therefore, a 10 percent increase will do little other than allow the disabled veteran to have the same purchasing power than he had in 1970.

Under this proposal, the veteran with a 40 percent disability would receive $106 per month, instead of his present $96 per month. The veteran with an 80 percent disability would receive $245 per month, rather than the $223 he presently receives.

But, Mr. Speaker, even with the 10 percent increase as proposed by my bill, the disabled veteran still does not receive adequate compensation.

Let us compare the 100-percent disabled veteran with his counterpart, who also served, but, only through the grace of God, was spared from receiving totally disabling wounds. The veteran with a 100-percent disability presently receives $450 a month, or $5,400 per year. His comrade, without a disability, earns $721 a month or $8,660 per year—based on the median income of male veterans in the civilian noninstitutional population for 1970.

Thus, the disabled veteran not only receives $271 a month less than his comrade, he also suffers the psychological burden of not enjoying a prosperous career, such as a skilled carpenter, or a dentist.

In addition to the 10 percent increase in rates, this proposal would establish a $150 annual clothing allowance for disabled veterans who wear prosthetic devices. The Congress has recognized that the use of these artificial limbs results in unusual wear and tear on ordinary clothing, and the VA has furnished repairs to clothing damaged by prosthetic devices.

However, this VA service has not proven adequate, and veterans now pay for needed repairs out of their own pockets.

Thus, by establishing an annual clothing allowance, the seriously disabled veteran would have a relatively low-cost benefit that will be well worth the expense.

I urge the Veterans' Affairs Committee to make this legislation a top-priority item, and enact no less than a 10-percent increase in benefits within the coming months.

GEORGE WHITE: CLEVELAND'S SUPER-QUALIFIED ARCHITECT OF THE CAPITOL

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. JAMES V. STANTON. Mr. Speaker, at the time the 92d Congress convened in January 1971, a distinguished Clevelander, George M. White, entered the service of the Federal Government in

Washington, as the ninth Architect of the Capitol.

The job of Capitol Architect is very demanding, for the one who holds it must possess skills not only in architecture, but also planning and management. The importance of his post cannot be understated either, for through his decisions, the Architect shapes the physical makeup of our Nation's symbol of democracy.

I am extremely proud of the job done by my close friend, George White, and I was pleased to see that the Cleveland Plain Dealer recently carried a feature article about him in its Sunday magazine. I commend this article, which appeared on April 23, to the attention of my colleagues:

Architect of the Capitol: Clevelander in the Historic Hot Seat

Washington.—In January last year, when President Nixon appointed Clevelander Malcolm White to the prestigious position of architect of the Capitol, there was a feeling that there would be an easing of the tensions that had so long typified relations between Congress and White's late predecessor, firebrand J. George Stewart. But there is every evidence that the new architect has inherited at least one of the controversial issues proposed and pursued with great diligence by Stewart—extension of the west front of the Capitol. It was Stewart who conceived and directed the extension of the east front of the building between 1958 and 1962 and who, before he died, charged that present west front of the building was in imminent danger of collapse and should be rebuilt and extended in the same manner. This, since it involves the last vestige of the exterior of the original Capitol building, caused some instantaneous hackleraising in Congress and inspired new heights in anti-Stewart oratory.

An ex-congressman himself but without official architectural qualifications, although he was an engineer, Stewart responded in kind. But congressmen, many of whom view the last wall of the original building with the same reverence they accord to the flag and motherhood, had been calling down anathemas upon Stewart's head consistently through his 16-year tenure without swaying him from his views or stilling his sharp repartee.

So constantly did turmoil reign that former Sen. Paul Douglas would periodically rise in the senate chamber and implore in resounding tones:

"Architect, spare our Capitol
Touch not another stone.
In youth it sheltered our Republic.
O, please let it alone."

The vision of peace at last on Capitol Hill was inspired by White's known position on the thorny extension issue. He was in favor of restoration and preservation, entirely in agreement with the announced policy of the American Institute of Architects, of which he was vice president. The $38,000-a-year job although considered a political plum, does not require congressional approval and traditionally is not affected by changes of administration. There have been 37 presidents, who appoint the architect, but in all history there have been only nine Capitol architects. Strangely, or maybe not so strangely, only four of them have been really architects in the professional sense. It has sometimes been an uneasy position only because the Capitol is every American's symbol of freedom and government. Any dalliance with the gods of change therefore is regarded with suspicion and invites scorching condemnation.

After a year on the job and much soul-searching, White has now reversed his position and favors an extension of the west front, not only to save the hallowed original area which has required much buttressing and reinforcing, but to provide 163,000 square feet of space for offices, restaurants, committee rooms and auditoriums. The estimated cost has been put at $45 million.

Actually, the decision was made, with White's professional concurrence and as a member, by a seven-man Commission for Extension of the United States Capitol, a commission set up by Congress with the specific responsibility of determining whether the aged west front should be restored or extended. The other six members are Carl Albert, speaker of the House; Spiro T. Agnew, vice president of the United States and president of the Senate; Hale Boggs, majority leader of the House; Mike Mansfield, majority leader of the Senate; Gerald R. Ford, minority leader of the House; and Hugh Scott, minority leader of the Senate. Any way you figure it, this is a pretty good hand in anybody's poker game.

But, since he is the professional, the flak drops down on the holder of the architect's job and scarcely had the decision been announced than Rep. Samuel S. Stratton (D-N.Y.) suggested that White had allowed himself to be swayed and pushed around. Said Stratton, "his performance was a disgrace and he should resign."

Even Sen. Ted Kennedy, long an advocate for preservation and renovation, rose to speak his mind . . . "Today, the debate has entered a new and much more critical stage. George White, for whom I have immense respect, was with us in the fight in other days. Now, he wears a different hat, and we now hold different views."

The New York Times, without mentioning names, took violent issue with the plan. "The United States Capitol does not belong to the seven congressmen of the Commission for the Extension of the Capitol. It belongs to the people of the United States and to history . . . the controversial extension of the Capitol's west front is a gross error of art and judgment . . ."

Even the American Institute of Architects which had long been lobbying for appointment of one of its members, announced its intention of marshaling forces to save the old west front, refusing to accept the commission's decision as irrevocable.

But the urbane White, unruffled by the furor, proceeds with his plans, knowing that the issue is still far from resolved and that the halls of Congress will long echo with the thunder of voices raised in protest and accepting the fact that voices raised in protest are always louder than those raised in accord.

"You have to remember that this is a very emotional issue," smiles White. "Actually, I was seated next to Sen. Kennedy and he told me that he was going to say something about the project. Then, when he finished and sat down he turned, smiled and said, 'there, that wasn't so bad, was it?' And I saw Rep. Stratton shortly after his remark and he assured me that there was nothing personal about his remarks."

To attain a true perspective of the ramifications involved in being the architect of the Capitol, White has only to peruse the careers of the men who held the job before him to realize that conflict and travail have frequently been part and parcel with the job.

William Thornton, first architect of the Capitol and designer of the original building, held his successor, Benjamin Latrobe, the first professional to hold the job in such low esteem that he was fond of quoting his feelings in verse:

"This Dutchman in taste,
This monument builder,
This planner of grand steps
and walls,
This falling-arch maker,
This blunder-roof gilder,
Himself still an architect calls."

Thornton, actually a physician, was the $500 top prize winner in a competition for design of the Capitol. But because he was unfamiliar with building procedures, the runner-up in the competition, Edienne S. Hallet, took charge of construction. But Hallet was so overly fond of adding his personal touches that a third person, James Hoban was finally put in charge. Hoban had won a competition to design the White House. George Washington laid the cornerstone on September 18, 1793. The north wing was completed in 1800 and Congress met in Washington for the first time that November.

Then along came a rear admiral of the British fleet, Sir George Cockburn, who ordered "this harbor of Yankee democracy" set afire on Aug. 24, 1814. As a result Congress met temporarily in a "Brick Capitol" on the site of the present Supreme Court building while Latrobe efficiently set about rebuilding the "magnificent ruin."

Latrobe resigned under pressure in 1817 as a result of friction with others involved in the restoration but the present interior reflects his own work in which he closely followed Thornton's original designs.

Charles Bulfinch, America's first native-born architect of distinction, was appointed to succeed Latrobe by President James Monroe. Bulfinch supervised construction of the Capitol's midsection linking the two wings and built the building's first low, wooden dome. His reward for diligent service was typical of an ungrateful Congress. They abolished the office of Capitol architect. The necessary services, from 1829 to 1851, were performed by either the commissioner of public buildings and grounds, or the architect of public buildings.

Ironically, during this period, the same congressional grumbling over lack of space that inspired today's proposed extension, resulted in another design competition for extending the building north and south. Jefferson Davis, later president of the Confederacy, was chairman of the Senate committee which supervised the contest.

After some controversy and personal involvement by President Millard Fillmore, Thomas Ustick Walter, a Philadelphia architect, was named the winner. And in a rare example of presidential initiative during his administration, Fillmore re-established the office of architect of the Capitol in 1851, appointing Walter to the post.

Under Walter's architectural direction the House and Senate extensions were both finished by 1859. Although the interiors have been remodeled, these extensions contain the present House and Senate chambers.

During Walter's regime, too, came the huge nine million pound, cast-iron dome rising 385 feet above the eastern plaza and topped by the 19½-foot, seven and one-half-ton Statue of Freedom, the figure of an Indian with headdress. Construction continued under Walter during the Civil War at the urging of President Lincoln who logically concluded that, "if the people see the Capitol going on . . . it is a sign we intend the Union shall go on."

The 90 years following the Civil War were relatively uneventful but busy for the men who held the title of Capitol architect. The Senate and House Office Buildings, the Library of Congress and the Supreme Court buildings sprang up nearly although changes to the Capitol itself were purely functional. Steam heating was added in 1856, elevators in 1874, fireproofing in 1881, modern drainage in 1882 and electricity in 1884. The Capitol architects of that era, Edward Clark, Elliott Woods and David Lynn, perhaps cognizant of past history, fiddled around with repairs and maintenance or busied themselves with nearby construction. They wisely left the Capitol alone. The most lasting Capitol development was the hiring of landscape architect Frederick Law Olmsted to lay out the magnificent Capitol grounds, a job that began in 1874 and lasted until 1885.

Over those peaceful years, however, the infirmities of an aging building grown too small for the services expected of it began to become apparent. The ambitious and single-minded J. George Stewart was appointed architect of the Capitol by President Eisenhower and the tranquility of past decades evaporated almost immediately. During his regime Stewart, a caustic, undiplomatic man, managed to enrage nearly everyone but a tightly knit coterie of powerful congressional leaders and favored architects. It was at his insistence and under his direction that the east front of the Capitol was extended 32½ feet at an approximate cost of $12 million. The anguished wailing from those who relish antiquity and tradition above all was loud, long, bitter and unavailing. Stewart had the congressional muscle.

And now comes George M. White and, as fate would have it, just in time to figure in the hornet's nest of public and congressional wrath over the proposed extension at the west front by 88 feet—plans inherited from the crusty and controversial J. George Stewart who possessed, according to his critics, an "edifice complex." He was, they pointed out, forever altering the face of Capitol Hill with untold tons of gleaming marble. His last "monument" on the hill was the Rayburn House Office Building, roundly scored for its excessive cost and "early Halloween" architecture.

It is somewhat prophetic that White took command only a day after a bomb exploded in the Senate wing, creating an unholy mess and costly repair job that his department inherited. The uproar would probably have delighted the late J. George Stewart.

By the questionable and mysterious criteria employed by some of today's corporate personnel people, White is undoubtedly the most "overqualified" man ever appointed to the post of architect of the Capitol. Not only is he an architect of international fame and stature, but he holds bachelor and master's degrees in engineering from Massachusetts Institute of Technology, a master's degree in business administration from the Harvard Graduate School of Business Administration and a law degree from Case Western Reserve University. The law degree was earned while he shared architectural offices with his father, Maxwell H. White, at 750 Prospect Avenue, where the senior White still holds forth. During World War II he worked as an electronics engineer at General Electric, designing radar transmitters. Later he taught physics at Case Western Reserve for eight years, scheduling early morning classes after which he went to work in his architectural office. He has made a specialty of and is a recognized authority on the legal aspects of the building business and the architectural profession.

"My physics classes usually began at eight o'clock," he recalls. "This gave me a chance for an hour of skating at the Cleveland Skating Club before classes. The classes were over in time for me to still put in a full day at the architectural office."

How does a man, still young at 51, manage to achieve such scholarly stature and acquire so much varied knowledge?

"I've always been interested in intellectual pursuits," he explains. "Study to me is what golf or fishing are to others, fun and relaxation. There was no planned goal for seemingly diverse subjects but, strangely, it seems as though fate has directed me to the one single job in the country where all of them, engineering, business administration, architecture and law, are immensely important and interrelated."

With a staff of 1,900, from professional status architects, engineers and accountants to charladies and groundskeepers, White has supervision of not only the Capitol Building, but the Senate and House Office Buildings, the Supreme Court, the Library of Congress, the Botanical Gardens and the power plant that serves all of them.

A complicated, detail-ridden assignment, the job carries with it collateral responsibilities that consume time and energy. The holder of the office automatically becomes a member of the Capitol Police Board and the District of Columbia Zoning Board.

"I had to learn as much about the city and its development as possible," says White. "It involved an amazing number of fields, factors and important considerations. I had to get the feeling and 'aura' of the community, its historic background and its future growth potential. The job is not one of dwelling on the past, but of trying to anticipate the needs of the Capitol and other governmental offices and facilities 40, 60 and even 100 years from now and to plan accordingly without being callous to the needs of preservation. As far as the extension of the west front, I have had to change my position after studying all the factors and stripping away all the emotional issues. It's a question of what will best serve the people as a nation. It is the 'people's building,' the shrine of freedom and democracy. And it is fitting that the present controversy is about the home of the most deliberative body in the world. Actually, the old west front isn't going to disappear. It will still be visible within the extension, after being buttressed, restored and strengthened. Keystones have slipped, cracks extend the height of the wall and pieces of the west front have fallen off the building. For that reason it has already been subjected to considerable shoring and buttressing. We have had to install screens to keep pieces of the upper cornice from tumbling down. The very same architectural lines will be carried forward in the new west front when and if it is finally approved. Again, it is an emotional issue with many people and when emotion is in the forefront of reasoning one seldom arrives at a reasonable or wise verdict. The proponents for restoring the original west front have sort of a 'save at any cost' philosophy which is something like 'peace at any price.' "

Much of the deterioration of the west front is in the nature of flaking and cracking of the sandstone, partly because of the heat when the British torched the building in 1814 and 158 years of alternate freezing and thawing of the porous stone. Some historians say that Washington insisted that native sandstone from nearby Virginia be used in the building, possibly in a laudable attempt to boost his state's economy.

"Not so," says White. "The Capitol Building was begun with funds so modest that economy was the watchword. Sure, Vermont marble would have been preferable because of its durability, but they just couldn't afford the marble or the shipping costs."

Not a political activist, White is a registered Republican who recalls that his lone expedition into partisan politics was in 1960 when he turned his station wagon into a sound vehicle to campaign for Nixon against Kennedy.

Divorced, White has four children and is renting a townhouse in the Georgetown section of Washington. Two daughters are in college, a son is presently a page in Congress and will return to University School. Another daughter is in high school in Washington.

When he was in Cleveland White was an enthusiastic yachtsman and long time member of the Mentor Harbor Yacht Club. Shortly after his Washington appointment he went to Grand River to prepare his Tartan 34 for the season. The boat had been laid up for the winter at Merriman-Holbrook, Inc., manufacturers of marine equipment and a firm he was once president of. Somehow, late on that Sunday afternoon he forgot to deactivate the burglar alarm system which protected the anchorage docks and buildings. Soon he was confronted with police officers and sheriff's deputies. Fortunately, membership on the Capitol Police Board involves an impressive badge which in this case convinced the gendarmes that all was well.

"We had a good laugh over it," recalls White. "But at first I'm sure they thought the joint was being raided by the feds."

But the badge will carry no weight in committee hearings where, as tradition has it, he will spend a good deal of time justifying to Congress his decisions, actions and recommendations with regard to its hallowed home. There is precedent, of course, for his immediate predecessor, the volatile J. George Stewart, spent much time in similar pursuits.

"I never met the man," philosophizes White. "But I suspect he got a lot of abuse he didn't deserve."

WHAT'S SAUCE FOR THE GOOSE OUGHT TO BE SAUCE FOR THE GANDER

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ERLENBORN. Mr. Speaker, a sense of humor has been likened to the pole which adds balance to our steps as we walk the tightrope of life. I had that thought in mind when I replied to a request from the Nader Task Force on Congress.

Would I, the letter asked, supply the task force with my speeches, newsletters, news releases and the like so that the task force could make a nonpartisan study of Congress? Yes, I would.

Inasmuch as the study had the backing of Mr. Nader, I was certain, of course, that it would be conducted fairly and without partisanship; but I deemed it prudent, nevertheless, to be reassured. So I asked that Mr. Nader supply me with copies of his speeches, news releases and position papers on the assumption that what is sauce for the goose ought to be sauce for the gander.

It did not quite work out that way, as you will perceive from a perusal of our correspondence.

The material follows:

NADER TASK FORCE ON CONGRESS,
Washington, D.C.

DEAR SIR: An institution with as much impressive authority and power as the United States Congress deserves the full understanding of its citizens. Under the guidance of Ralph Nader, we are forming a large, nonpartisan study group to conduct a year-long inquiry into the structure and operations of Congress.

Our goal is to provide citizens with additional and comprehensive information about their Congress. We shall focus on the activities, procedures, and composition of the Senate and House of Representatives and examine their impact both in Washington, D.C. and at the local level.

Research will be conducted in Washington, D.C. by about 80 young professional and graduate students from all parts of the country during the spring and summer of 1972. In addition, information will be gathered in as many of the Congressional districts as possible. The end product will be a detailed and constructively framed report.

To ensure the accuracy and completeness of our analysis, we look forward to working and talking with you and your staff. We also hope that our findings and suggestions will be reviewed and considered by the Congress.

Your experience and guidance will be valuable in helping us transmit an active understanding of the legislative branch of government to the American people. We would welcome receiving any addresses, articles, or debates which you have prepared or conducted on Congressional activities and public issues, including your newsletter to constituents. Thank you.

Very truly yours,
ROBERT C. FELLMETH,
Project Director.

MAY 24, 1972.

Mr. RALPH NADER,
Center for the Study of Responsive Law,
Washington, D.C.

DEAR MR. NADER: In response to your recent request, I have asked a member of my staff to cull from my files for your Congress Study Project a copy of each of the press releases, questionnaires, and other public statements that I have issued over the past two years. The stack will also include copies of several of the speeches I have made, but not all, the time and expense involved preclude my duplicating all of them.

This collected material, I suspect, will be of such volume that it will travel better by hand delivery than by mail. For this reason and another, I would appreciate your sending someone to pick it up. The other reason is that I would like that person to deliver to my office a copy of each of the addresses, articles, reports and press releases that you have prepared and conducted on public issues over the past two years.

When an institution or an individual achieves a position of power and influence over the government or the press, the public interest is necessarily involved; and public curiosity is aroused. So that the public may understand the influence you exercise, I would like to conduct an in-depth, nonpartisan study of your operations.

My goal is to provide the public with a comprehensive analysis of the development of your expertise in the host of problems that beset us. I shall focus on the activities, procedure, and composition of your various task forces and examine your impact both in and out of government.

Additionally, I am happy to add your name to my press release mailing list and hope you will add my name to yours.

By this reciprocal trade agreement, we should be able to ensure the accuracy and completeness of the study each of us is making.

Very truly yours,
JOHN N. ERLENBORN,
Member of Congress.

MAY 29, 1972.

Representative JOHN N. ERLENBORN,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR MR. ERLENBORN: Your May 24, 1972 letter of misunderstanding deserves some clarification. First, the request to your office for recent speeches and other public statements was for the purpose of obtaining your views and positions on issues relating to the performance of your public trust as a public servant. It is certainly within your power to exercise a negative and deprive us of your unedited positions on the issues. It is obviously your choice to make.

The remainder of your letter reflects a quality of unfamiliarity and prejudgment that is most unbecoming to your official status. The Congress project has not issued any reports, speeches, articles and press releases thus far, with the exception of an announcement of the study which was sent to your office last November. Furthermore, all other reports and statements which you requested not related to the Congress Project, are either in the Library of Congress—readily accessible to you—or in Congressional hearings. Are all your public materials as readily available in the Library of Congress or in Congressional hearings?

In addition, it is surprising indeed to note your lack of awareness of critical appraisals conducted on our activities by dozens of investigative reporters, authors, corporations, trade-associations and members of Congress. Again, a simple reference to various and accessible indices will inform you of their presence, inasmuch as you have apparently been unfamiliar with these materials.

It is interesting to note that your curiosity arises from this citizens' study of your office. Perhaps, you are espousing a new premise to your operation—namely, that when citizens, some from your own District, decide to study their elected representative in Congress, (who is supposed to represent all Americans, not just his District residents,) "a trade agreement" must be entered into whereby the Representative studies the citizenry. It should be clear, Mr. Erlenborn, that it is you who are elected and who are endowed with such awesome powers for the present and future of this country, not the citizens who must be served by you. Such citizen evaluation, particularly during these years of great challenges before the Congress, should be welcomed and not described with such demeaning phrases as a "reciprocal trade agreement." These citizens, after all, are not like the ordinary lobbyists who come to you with such regularity that you might be forgiven the misuses of such commercial analogies.

At any rate, should you choose not to forward the requested materials, our desire to have your most complete views represented in the basic research compilations must regrettably accede to your decision to refuse.

Sincerely,
RALPH NADER.

JUNE 7, 1972.

Mr. RALPH NADER,
Center for the Study of Responsive Law,
Washington, D.C.

DEAR MR. NADER: Your May 29 letter of misunderstanding deserves some clarification. First, the request to your office for recent speeches and other public statements was for the purpose of obtaining your views and positions relative to the performance of your public trust as self-proclaimed Public Citizen. It is certainly within your power to decline the invitation. The choice obviously is yours.

Second, your letter declares, ". . . All other reports and statements which you requested not related to the Congress Project are either in the Library of Congress—I have inquired at the Library of Congress. It seems likely that your definition of "readily accessible" differs from mine.

In addition, it is surprising to note your lack of awareness of critical appraisals of Members of Congress by dozens of investigative reporters, authors, corporations, trade associations, academic leaders, the Committee on Political Education, the Americans for Democratic Action, the Americans for Constitutional Action, consumer groups and environmentalists, to mention only a few. Persons investigating Congress need not even fear a suit for invasion of privacy if they press their investigations beyond the limits of good taste or fairness.

Throughout my tenure in Congress, I have gone far out of my way to make sure that the people of the Fourteenth Congressional District—*and they are my constituents*—know where I stand and what I believe. My constituents often disagree with me, and are not bashful about saying so; but I hear no complaint that they lack information on which they may make a judgment when they vote every other November.

Now comes Ralph Nader, who has elected himself Public Citizen in a campaign financed by those privileged bastions of entrenched wealth, the Foundations. He announces that he will use his access to the public press to tell the people of the 14th Congressional District what to think about their Representative in Congress.

It is curious, I repeat, that such a Public Citizen should seek to deny the private citizens of the 14th Congressional District information which will help them make a judgment about his activities. Such citizen evaluation, particularly during these years of great challenges before Congress should be welcomed by you.

At this point, permit me to apologize. I did not intend to offend you by the phrase, "Reciprocal Trade Agreement," and I hasten to withdraw it. The material which you asked for is collected here in my office. As I explained in my May 24 letter, it is of such a nature that it would not travel well by mail (and there is an additional question in my mind whether it should properly be sent by frank).

Hence, if you will send one of your aides to my office, I will be glad to turn all this material over to him, without reciprocity, without trade, and without agreement.

I would hope, however, that you would now voluntarily send your materials along.

Yours very truly,
JOHN N. ERLENBORN,
Member of Congress.

THE DEFEATISTS ARE AT IT AGAIN

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. HÉBERT. Mr. Speaker, Mr. Richard G. "Dick" Capen, Jr., is well known to Washington officialdom since he served with distinction as Assistant to the Secretary for Legislative Affairs.

He has moved on to become vice president of Copley Newspapers.

On May 26 Mr. Capen addressed the district convention of Lions International in San Diego, Calif., and I believe that his words need repeating, and I insert them at this point in the RECORD:

THE DEFEATISTS ARE AT IT AGAIN

Events of the past few days have moved the world's two great powers a few steps closer to President Nixon's goal of building a generation of peace. The President's statesmanlike leadership during the substantive talks in Moscow can be a source of pride for all Americans.

We now have a major understanding to halt the arms race. We have treaties with the Soviets on conquering pollution and disease. A joint Soviet-United States space effort is planned by 1975. An agreement has been reached to reduce incidents at sea.

Through the spirit of negotiations, an outbreak of war has been averted in the Middle East. The access to Berlin has been reestablished. A treaty involving the use of the world's seabeds has been developed and we have renewed a dialogue with the more than 800 million people of Mainland China.

Regrettably, our desire to negotiate differences has not led to an end of the war in South Viet Nam. But that has not been due to any lack of effort or reasonableness on the part of the Nixon Administration. Rather, our initiatives toward an honorable settlement have been met with only obstinate, negative response from the enemy.

Today it's a new ball game in Viet Nam. It's a new game because the North Vietnamese have made it so, not the United States. The enemy has violated the demilitarized zone. They have rocketed population areas.

They have killed more than 20,000 civilians in the past two months alone.

To invade South Viet Nam, the enemy has committed virtually all of its combat forces—12 of 13 divisions. Their goal has been to choke off South Viet Nam's freedom at all cost. The North Vietnamese have undertaken this massive effort in clear violation of international accords and understandings which they themselves agreed to follow.

Despite these facts, the American defeatists are at it again.

They have called The President's decision reckless, foolish and irresponsible. They were convinced that the Moscow talks would be sabotaged, that the Red Chinese would be forced to intercede. To hear these defeatists talk, one would think that the North Vietnamese invasion was our fault instead of the other way around.

Some of these critics, I am convinced, would rather see America defeated than support any responsible means for extricating this country from a long and frustrating war.

In the frantic search for expedient solutions, they have openly supported resolutions which would tie The President's hands as he withdraws from Viet Nam. Yet, several years ago they were giving full approval to decisions that got us into Viet Nam.

Today, they favor resolutions to condemn President Nixon for seeking to stop the enemy's aggression, but they direct not one single word of criticism against the enemy that started that aggression. Some have gone so far as to believe enemy propaganda while deliberately refusing to accept statements by our own government.

Now these defeatists are seeking to cover up their own errors, and the mistakes of earlier administrations, by labeling this battle "Nixon's War." It's a simple matter for them to criticize their country's current military initiatives. After all, they have no responsibility for the consequences of such casual words. Nor would they be accountable for the loss of credibility in our nation's commitments around the globe should we desert South Viet Nam at this, their most critical, moment.

Some critics have built their entire political career on platforms of obstructionism. They have placed their political interest first and their country's interest last. They have expressed moral indignation when it was convenient to do so.

They have generated the impression that there would be no war in the world if the United States were not in Viet Nam. They have naively convinced others that once the last American soldier was out of Viet Nam, that there would be peace in the world. Do they really believe that settling the war in Viet Nam will settle the war in Ireland? Or the war in the Middle East? Or the confrontation in India and Pakistan? Or the dispute along the Chinese-Russian borders?

No, Catholics and Protestants, Arabs and Jews, Hindus and Moslems and Russians and Chinese have battled for hundreds of years. It's not likely to stop soon. This, of course, is regrettable, but, I cannot really believe that restoring peace in Southeast Asia will restore peace in the world.

Because it's a new ball game today in Viet Nam, I believe it is essential to place recent developments in proper perspective. One cannot do so without taking stock of what has occurred in the past three and one-half years.

In my opinion, President Nixon has shown incredible restraint in the face of irresponsible criticism by those who run away from their responsibility for past actions by seeking to saddle others with the consequences of these actions.

Today, from the privacy of Washington law offices, a former Defense Secretary and a former U.S. negotiator in Paris have all the answers for getting America out of Viet Nam—now. But, where were those ready solutions when these former officials were in positions to act? These were the people who got our country into a war they could neither win nor end. That, in a sentence, is the sad legacy President Nixon inherited when he assumed office.

Since January 1969, conditions have changed substantially through President Nixon's leadership and through his Vietnamization program. It was not President Nixon who sent 550,000 Americans to Viet Nam. He has brought 500,000 home.

It was not President Nixon who was in office when as many as 500 Americans were being killed each week. Under his administration combat deaths have been reduced by more than 95%. And I might add that those low levels have been maintained despite the current intensity of ground combat in South Viet Nam.

When the Nixon Administration took office, American troops were handling ground combat. In fact, there was no authorized plan whatsoever for turning that combat role over to our allies. Today, the South Vietnamese have that responsibility and they are doing amazingly well. Sure, they are not winning every battle, but no one ever predicted they would.

In short, Vietnamization is working. We have provided the equipment. We have helped to train South Vietnamese forces, and we have assisted with air and naval support as necessary. As a result, substantial numbers of Americans have been withdrawn. Do you realize that there are fewer Americans in Viet Nam today than there were Americans in Korea when President Nixon took office in 1969. It took 10 to 15 years for the Koreans to take over their own internal security responsibilities. But the South Vietnamese have been forced to assume that responsibility in less than three years. I think they have come a long way.

Three and one-half years ago, there was no comprehensive peace plan for ending the war in Viet Nam. That, too, has all changed. Through secret initiatives and public talks in Paris, the President has sought every reasonable avenue for ending the conflict through negotiations. But the enemy has balked every step of the way, greeting each peace offer with insult and escalation of the war.

I don't see how anyone can possibly criticize the President for failing to do all that was humanly possible to end the conflict. He has offered every reasonable alternative to Hanoi. Even while negotiating—as frustrating as that was—he proceeded to withdraw thousands and thousands of Americans despite any visible progress in Paris.

Today, not only has the President decided to stand up against the enemy's blatant aggression, but he also has made it clear that the North Vietnamese will have to prove their sincerity to negotiate before such talks are resumed. In the meantime, their war-making capacity is being destroyed. It is being destroyed rapidly and effectively.

Overlooked in the dramatic announcement to mine the harbors of North Viet Nam and to step up our bombing of military and strategic targets has been the significant negotiating move made by this country.

That involves our proposal to withdraw all U.S. forces from Viet Nam within four months after American prisoners of war are released and after an internationally supervised cease fire has begun. There are no commitments for linking our withdrawal to the progress of Vietnamization. There are no commitments linking our agreement to the stability of the South Vietnamese government. In short, it is about the most liberal peace plan anyone—most of all the enemy—could hope to expect.

Even the Senate Doves should be able to support this proposal, but I sometimes think that they are more concerned about defending the Communists than protecting the South Vietnamese.

Fortunately, I feel that most Americans understand what has been accomplished to date and realize what is now at stake. They respect the President's efforts. They recognize that he has taken every possible public and private step to end our involvement. And they know that it is the enemy—not the United States—that is responsible for the current actions in Viet Nam.

Public support from a majority of Americans has come through clearly. It has been seen in the thousands of letters and telegrams to The White House and Congress. It has been seen in the Gallup poll indicating that 74% of the American public supports The President's efforts toward building peace. It has been seen in the Harris poll showing that 59% endorse The President's decision to mine the enemy's harbors.

It has also been seen in the low level of protest around the country. Sure, there have been some riots and demonstrations, but there always will be regardless of the issue. Those who carry the Viet Cong flag today will carry another banner tomorrow. But you can be sure that their banners will urge the destruction of America not the improvement of it!

If there is to be a negotiated settlement, the time is now. In the meantime, the President has asked for the support of a unified nation. I believe he deserve that support and I believe, for the most part, he is receiving it.

Today this nation has a new direction. The Peking trip has dramatized that fact. The substantive agreements in Moscow have dramatized that fact.

Hopefully, the world can arrive at a point when its leaders can safely discuss and resolve mutual problems. If so, we will truly be moving toward our nation's goal of a generation of peace.

LET US END CRIME AND VIOLENCE NOW

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BROOMFIELD. Mr. Speaker, as part of my continuing effort to keep my constituents abreast of the latest events here in Washington, I have mailed to the residents of Oakland County, Mich., my Washington Report. In this newsletter I have related the latest news on the firebombing of my district congressional office, the progress of my amendment to halt court ordered busing and other issues which are vitally important to the people of Oakland County.

Mr. Speaker, as we know, the privilege of holding public office carries with it the responsibility of taking a stand on a wide range of crucial issues. In addition, good government requires that we make every effort to express those views and positions to our constituents. Newsletters such as these are one of the best ways that I know of to meet that commitment.

I, therefore, insert my Washington Report be in the CONGRESSIONAL RECORD for the benefit of all my colleagues.

The report follows:

WASHINGTON REPORT

LET'S END CRIME AND VIOLENCE NOW!

In the days since the firebombing of my Congressional District Office in Oakland

County, I've tried hard to understand the motives and the meaning behind this shocking and destructive attack.

Although police and the F.B.I. are still working on the case, most of the evidence suggests that the bombing may have been a "protest" against the war in Vietnam, my stand against forced school busing, or any number of other positions I am required to take almost every day on controversial issues.

Make no mistake about it, this violent attack was no more a "protest" than was the attempted assassination of Governor Wallace later the same day. Plainly and simply, they were criminal acts and should not be dismissed or excused as political activism.

In writing about the bombing, a friend of mine observed that: "Freedom does not justify anarchy any more than respect for order justifies oppression." It is important to identify these acts of criminality for what they are and to see that those who are responsible are punished as criminals and not glorified. We must insist that judges enforce the full penalties of the law, that the courts give at least equal weight to the rights of law-abiding citizens as they do to the rights of the accused, and we must not be afraid to stand up in full support of those whose job it is to preserve order—the police officer, the prosecutor and the courts.

In the days ahead and hopefully with your support I am going to devote myself to doing just that and to finding new ways of putting an end to the crime and violence that touches each of our lives in some way everyday.

Our only hope of progressing further along the road to a more perfect democracy lies in strengthening the bonds of mutual trust and tolerance that allow us to function as an open society. The assassin and the bomb-thrower do as much damage to these fragile links of our society as they do physical harm.

SPECIAL PROGRESS REPORT: U.S. SENATE APPROVES BROOMFIELD BILL TO HALT FORCED BUSING

Hopefully, as you read this newsletter, Congress will have given final approval to my bill to halt forced school bussing and it will be on the way to the President for his signature.

Last week the Senate voted its final okay of a package of anti-bussing amendments which includes my bill to prevent Federal District Courts from implementing bussing orders until all parties have had an opportunity to exhaust their appeals, hopefully to the U.S. Supreme Court.

My bill is the only measure now pending in Congress which has a chance of preventing cross-district bussing in the Detroit Metropolitan area this fall. Stronger legislation ultimately may be needed. But there is not enough time left in this session of Congress to get new legislation approved to affect the Detroit case and others like it throughout the country.

It is vitally important to get one of these cases before the U.S. Supreme Court since it has never ruled on one like the Detroit or Richmond, Virginia situation involving cross-district bussing. In view of the 1964 Civil Rights Act which was explicit against bussing to achieve racial balance, there is reason to believe the court might oppcse cross-district bussing.

While I have signed the discharge petition calling for a vote on a Constitutional Amendment to prohibit bussing, it is doubtful there will be a vote in Congress on it this year. Many members of Congress feel that efforts should be made to resolve the matter by legislation or through the courts before beginning the lengthy process of amending the Constitution. Immediate approval of my bill will provide the necessary time to accomplish these things and to permit us to concentrate on the most important problem—providing a quality education for everyone.

FEDERAL COURT DIVIDES OAKLAND COUNTY INTO FOUR CONGRESSIONAL DISTRICTS

PLUS CHANGE IN COURTS: CRIME CONTROL NEEDS FIVE-FRONT ATTACK

Serious crimes have continued to increase nationally and in the Oakland County area. Most important in changing that trend, I believe, is a new attitude on the part of the courts to insist that the law be upheld and enforced for the protection of law-abiding citizens as well as the accused.

Beyond this, however, there are five broad areas in which I would like to see increased emphasis by the Federal Government. First, we need higher priorities in allocating Federal funds to the fight against crime which still ranks low in comparison to other social problems. Second, we must provide better pay and equipment for police agencies—our first line in the battle against crime. Third, we must attack inefficiency and delays in the courts; fourth, vastly improve our correctional system; and finally, continue the attack on organized crime and control drug addiction.

Oakland County was divided into four Congressional Districts by a Federal Court decision recently which re-drew the boundaries of Michigan's 19 seats in Congress.

The judge's ruling meant that five Michigan Congressmen have had to move their residences including both of us in Oakland County.

Because I was born and raised in Oakland County and represented all of it for 8 of my 16 years in Congress, I have decided to seek re-election in the new 19th Congressional District which remains mostly in the County.

I represented all of the County for 10 years from 1954 to 1964, first as a member of the State Senate and for eight years as a Member of Congress.

This decision means that I will continue to represent many of the people I have served in Congress for 16 years. It means also that I will have the pleasure of renewing acquaintances with people in other parts of the county.

MORE THAN 100 BROOMFIELD BILLS PENDING BEFORE CONGRESS THIS YEAR

Since the 92nd Congress convened, I have sponsored more than 100 pieces of legislation. Some of these measures which may be of special interest to you are summarized below. Additional information and copies of the bills are available on request.

War powers: H.J. Res. 1—To define the powers and responsibilities of the Congress and the President in committing this nation to armed conflict.

Strikes: H.R. 10433—To provide procedures by law for resolving national transportation strikes which threaten the public's interest.

Cancer: H. Con. Res. 128—Calling for a national commitment to control and cure cancer within this decade.

Firearms: H.R. 7176—A bill to make it a Federal crime to commit a felony with a firearm.

Drugs: H. Con. Res. 129—Requires that U.S. aid be cut off to nations which permit the flow of illegal drugs into this country.

Property taxes: H.R. 9071—To provide additional relief for homeowners by allowing increased Federal tax deductions.

HOUSE LEADER NAMES BROOMFIELD TO UNITED STATES-CANADA INTERPARLIAMENTARY

House Minority Leader Gerald Ford has appointed me a delegate to the U.S.-Canada Interparliamentary Conference this year, an assignment which I have had in the past.

This year, I am also serving as a Congressional Adviser to the 26-nation Geneva Disarmament Talks. These assignments are made because of my position as a ranking member of the House Foreign Affairs Committee.

In this role, I served in 1967 as U.S. Ambassador to the 22nd General Assembly of the United Nations.

VIETNAM QUESTIONNAIRES ARRIVE BY THOUSANDS

Thousands of Oakland County residents are returning my May questionnaires on Vietnam. All replies will be tabulated and the results will be sent to the President and transmitted to Congress.

If you need additional ballots, please let me know. Later this summer, I will forward a summary of the results to you so that you may compare your views with those of your neighbors in Oakland County. These periodic surveys are to encourage those who would not otherwise write to let me know their thinking on important issues. I welcome your detailed comments by letter at any time.

WELCOME TO WASHINGTON

My staff and I will be glad to help you plan your trip to Washington and to arrange tours of the Capitol, museums, the FBI, State Department and the White House.

If you can, let me know about a month before your visit. You can write me at 2435 Rayburn House Office Building, Washington, D.C. 20515.

THANK YOU FOR YOUR CONCERN

The destruction of my District office brought many very kind and considerate expressions of concern from people throughout Oakland County for which I express my sincere appreciation. One of the most moving messages came from the Prisoner of War Committee of Michigan. The text of the message from Secretary Treasurer Robert J. Farr follows:

"The Prisoner of War families of Michigan are deeply indebted to Congressman Broomfield for his untiring efforts and long-standing record of aggressively pressing for humane treatment, and identification of our men held captive in S.E. Asia. To those of us who have carefully watched the actions of our Senators and Congressmen, in respect to our involvement in Vietnam, we feel Congressman Broomfield deserves the support of all Americans, and is entitled to recognition as an outstanding representative of his constituency. This reckless act of symbolically bombing the principles for which he stands, by physically destroying his office and endangering his staff, is a depraved act representing those things which have enslaved people and subjected them to untold horrors from tyrannical despots from the beginning of time. We, and I am sure all rational Americans, deplore this flagrant act of violence towards an honorable man."

1971 YEARBOOKS AVAILABLE

A limited supply of the 1971 Agricultural Yearbook, "A Good Life for More People," is still available through my office. I will be glad to fill requests for them on a first-come, first-served basis as long as they last. Please let me know if you would like a copy by writing me at 2435 Rayburn House Office Building, Washington, D.C. 20515.

VIETNAM PROTESTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. DERWINSKI. Mr. Speaker, there has been a noticeable atmosphere of caution in the Congress among those Members who have been constant critics of the President's Vietnam policy, even among those who have gone out of their way to agitate groups congregating near the Capitol, the White House, and the Pentagon. A hard-hitting editorial commentary on the subject of the Vietnam protests was carried by the Tri-City Advertiser of May 31 which I think eloquently speaks for itself:

VIETNAM PROTESTS

We find it rational to try to understand those of our people who express their views on the Vietnam war because it is not too difficult to comprehend their viewpoint.

By the same token we are sympathetic to those in authority who were initially responsible for getting us into the conflict despite warnings by men who understood Asians. It is admitted by most everyone that these men made a mistake and it is well to recall they are not the first to have erred.

It is true that two Generals, MacArthur and Wainright who, perhaps more so than any others, knew, as they said, that we could never win that war because we did not understand the Asian mind. How right they were!

What we abhor is the growing list of various so called "peace" organizations who persist in staging demonstrations when the purpose of those demonstrations appears to be to lay the blame where it does not belong.

For example, the TV carried a scene where one of those organizations staged a protest in the midst of ceremonies honoring our war dead on Memorial Day. The leader and the loudest speaker was a man who said he was a Veteran of World War I and gave his age as 81.

He proclaimed his violent opposition and insisted that we must get out at once.

We wonder why such men as this one didn't protest when the war started instead of waiting until now.

We have a faint suspicion that much of the protesting is to gain attention for political power.

We feel that steps to end the war are meaningful and will be successful. We believe the conflict can be ended.

It cannot be ended just exactly when Joe Soap wants it to be.

GENERAL MOTORS WINS NATIONAL SAFETY COUNCIL AWARD

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. HILLIS. Mr. Speaker, today I would like to take a few minutes to congratulate the employees of General Motors for their outstanding on-the-job safety record.

For the 23d time in 30 years General Motors has received the National Safety Council's highest award for on-the-job safety.

Many of these employees live in my congressional district. I understand their safety programs and commend them for their effort.

The United Auto Workers Union stresses safety programs and I also commend the UAW for their work in this field.

The accident frequency rate for GM employees last year was less than one accident per million man-hours worked.

The National Safety Council estimates that less than one-half of 1 percent of all companies or plants in the United States could qualify for the award in a single year.

GM's safety record for 1971 has to be better than the average experience of both GM and the automotive industry for the 3 preceding years in order to win the award.

WATER—WILL IT LAST?

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. STEELE. Mr. Speaker, it is widely recognized today that our environment is in great need of a general clean up. It has taken a long time for man to become aware of his effect on the environment. Unfortunately, it has been too long, and now that we do recognize the detrimental effects of our daily lives on the environment, we must strengthen our efforts to clean and protect it.

Water has played a vital role throughout man's history. Not only is it basic for man's survival, it has provided indispensable services for man, as a form of transportation and as an inexpensive element to be used in the industrial production process. With the advent of modern-day industry and appliances, the waters of our country have become receptacles for many chemical wastes which are not readily reclaimed by natural sources.

The transportation of oil products by ship has proved to be a major cause of pollution of the oceans. Movement of crude oil or its products now accounts for half of the world's ocean tonnage. More than 4,000 tankers carry over 600 million tons of oil each year. The American Bureau of Shipping reports that, during the 1960's, there were 553 collisions, 17 underwater collisions, and three damaging collisions with ice involving 488 American tankers of 30,000 tons of deadweight or more.

In 1971 alone there were nearly 10,000 oil spill incidents throughout the world. Many of these spills cost more than $3 million to partially alleviate the environmental and other damages caused by the spread of oil from these spills.

Oil spills are but one source of pollution of the waters. Combined with the many other causes of water pollution, not only is the water polluted and made unfit for human consumption or recreation, but the national wildlife, which depends upon water for its survival and livelihood, dies or is maimed by the pollutants.

As pointed out in "Water, Water Everywhere, and Not a Drop To Drink," an article published in the May issue of Textile Labor, we do not have an endless supply of water. Although we have begun the fight to prevent further water pollution, there is still further work to be done to insure that our water supply does not become exhausted and that our seas, lakes, and rivers do not die.

An excerpt from the above-mentioned article follows:

WATER, WATER EVERYWHERE, AND NOT A DROP TO DRINK

Despite the fact that man has no hope of surviving without it, water is perhaps the most carelessly abused and taken for granted of all our natural resources.

Falsely secure in the knowledge that an endless supply of water is virtually assured, we tend to think only in terms of its quantity with little or no concern for its rapidly diminishing quality.

We drink it, bathe in it, shave with it, swim in it, fish from it, make steel with it, distill it, dump chemicals and human and animal wastes in it, store it, cool our power plants and cars with it, and create scores of amusement or tourist attractions in and around it.

In the process, however, once crystal-clear lakes are becoming stagnant cesspools and sparkling rivers are being turned into flowing sewers which pour endless tons of filth into the seas around us.

Each day, 2,600 billion gallons of water—more than six times the daily flow of the vast Mississippi River—are used in the United States, according to the Dept. of Interior. Of this total 2,285 billion gallons are used for the generation of hydroelectric power and returned uncontaminated to their source.

It is with the still formidable 315 billion gallons remaining that problems arise and pollution results. Industry uses 177 billion of these, 120 billion go for irrigation and 18 billion are used by the general public.

Of the water used by industry, much carries a heavy load of various contaminating wastes and poisons when it is returned to lakes, rivers and streams. Most of it—approximately 90%—is heated to high temperatures when discharged, posing a further threat to the purity of the waters and the life within them.

About half of water used for irrigation evaporates and leaves the area from which it was taken as vapor. The other half picks up varying quantities of harmful salts, minerals and chemicals before emerging from soil or subsoil into a ditch or stream.

With the third major category of water use, that by the general public, comes the most publicized form of water pollution—sewage and domestic wastes generated in increasing quantities by every city and town in the nation.

Just a small percentage of the pollutants produced by any one of these three sources—as little as 1% in the case of sewage—can ruin any stream for swimming or fishing, kill any lake and everything in it, or contaminate any estuary in which a river merges with the sea. Combined at full strength they can spell the eventual end of humanity.

This grim process is already well underway. Citing New York as an example, the Interior Dept. pointed out in a 1970 Environmental Report that the nation's largest city dumped 24,000 tons of waste each day into a nearby swampland, once the home of a wide variety of birds and animals but now populated only by rats and foraging gulls.

It estimated that the 5.3 pounds of solid waste discarded daily by each New Yorker in 1970 would increase to 7.5 pounds in 1980 and to 10 pounds by the year 2000.

"This is only part of the picture," the report declared. "The continuous dumping of sewage sludge in the New York harbor area has killed all marine life in a great expanse. In a recent four-year period, that metropolitan area expected the ocean to assimilate 10 million tons of such waste solids. Overwhelmed by such affluence, part of the sea simply died."

Surface bodies of water are not the only ones threatened, the report continued.

The quality of precious water far below the ground, which serves so many cities and towns from coast to coast, also faces a pollution peril. "Untold millions of gallons of poisonous liquid, mostly from industries, are being pumped into the earth each year, hopefully to be assimilated safely."

What we can see of water pollution is sickening and frightening enough, but the unknown effects of underground waste disposal on subterranean waters is, in the words of former Interior Sec. Walter Hickel, "a potential environmental Frankenstein's Monster."

Occasional periods of drought notwithstanding, the natural cycle of water from sea to clouds to rain still produces an overall average annual rainfall of 30 to 40 inches. There are 326 million cubic miles of water worldwide—97% of it in the oceans. We will never have any less, but there will never be any more either.

Scientists in the U.S. and abroad are universally agreed that when an estimated 6 billion people occupy the Earth by the year 2000, the world's oceans will be expected to produce four times today's animal proteins and minerals while at the same time being asked to double their intake of man's wastes. This will be impossible unless all nations join in finding technological solutions to man-created water problems before it is too late.

Water is in a class by itself among all of Earth's tangible resources. No living organism—animal or plant—can exist without it. Man cannot run any machine or produce a single product without water in some form. Yet water, just as in the case of the intangible air we must breathe in order to live, cannot itself be produced or replaced. It can't even be consumed as other resources can. Water can only be ruined by perpetual abuse through misuse.

As of 1970, "the number of chemical compounds reaching the ocean from rivers, from sewers, from the air and from vessels is (was) in the neighborhood of 100,000," according to Calvin Menzie, a chemist for the Interior Dept., and "we really don't know much about the sea's ability to process them."

However belatedly, the battle lines against water pollution are now being drawn tighter throughout the world.

DELAWARE LEGISLATURE EXPRESSES RESPECT FOR WORK OF FBI UPON DEATH OF J. EDGAR HOOVER

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. du PONT. Mr. Speaker, the General Assembly of Delaware recently passed a resolution commending the FBI and J. Edgar Hoover for many years of outstanding service to the Nation.

The resolution follows:

Expressing the Respect of the General Assembly of the State of Delaware for the Work of the Federal Bureau of Investigation Upon the Death of its Director, J. Edgar Hoover

Whereas, the death of J. Edgar Hoover on May 2, 1972, has brought attention again to the people of Delaware of the need for the highest type of dedicated citizen to serve in the Federal Bureau of Investigation; and

Whereas, during his career as Director of the Federal Bureau of Investigation, a career which began on May 10, 1924, J. Edgar Hoover exemplified professionalism; and

Whereas by this example, J. Edgar Hoover inspired tens of thousands of Federal Bureau of Investigation agents as well as state, county and municipal policemen to regard their work with pride; and

Whereas, through the creation of the FBI Academy and other units within the Federal Bureau of Investigation, J. Edgar Hoover underlined the importance of training and the need for scientific training in the constant war against crime; and

Whereas, through the creation of a national fingerprint system, J. Edgar Hoover developed an additional method for apprehending criminals and for assisting victims of crime; and

Whereas, J. Edgar Hoover employed outstanding young men in whom the community and nation could have complete faith; and

Whereas, J. Edgar Hoover saw corruption in local police units as destroying all that the professional police officer stood for and helped wherever he could to eliminate it; and

Whereas, J. Edgar Hoover filled his years of service with courage, dedication and integrity in the public annals of this nation. Now therefore:

Be it resolved by the House of Representatives of the 126th General Assembly of the State of Delaware, the Senate concurring therein, that the State of Delaware expresses a deep sense of gratitude for the many years of unselfish and dedicated service that J. Edgar Hoover rendered to his fellowman and country as its chief law enforcement officer.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Attorney General of the United States and the Delaware Congressional Delegation for inclusion in the Congressional Record as a permanent expression of respect by the people of Delaware.

Be it further resolved that a copy of this resolution of appreciation be made a part of the Archives of the Federal Bureau of Investigation.

MEMORIAL DAY

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. SPENCE. Mr. Speaker, the June 4 issue of the Washington Post carried an unusual entry which caught my attention. The item appeared as a paid advertisement sponsored by the Montgomery County Memorial Day Committee of Huntingdon Valley, Pa., and it included an eloquent address delivered by an unidentified young veteran.

The heading on the advertisement was as follows: "In All the Fun and Excitement of Memorial Day Weekend, Did We Forget Something?" This is a talk given by a young combat veteran to one of a myriad of groups of Americans that gathered under the flag to remember the meaning of Memorial Day. It is presented as a reminder for those distracted by traffic exhaust and holiday exhaustion, from sharing in the pulse and purpose of America's heart.

It does seem that, increasingly, Americans focus on personal plans for their long Memorial Day weekend, thus tending to disregard the real significance of the holiday.

Our ancestors of the last century knew what it was like to live in a land beseiged by the horrors of war. They experienced what I pray will turn out to be the last major conflict fought on American soil. Perhaps that is why they ascribed so much more significance to that special day than do we.

Our Nation has come a long way since that devastating era which produced the Memorial Day observance. Life today is better in so many ways; yet, there are valuable lessons we can learn from those who saw her through one of our most difficult periods.

We must maintain a reverence for those who have preserved, and are preserving, for us the precious gift of freedom.

In the event some of my colleagues missed the profound expression of patriotism printed in the Post of June 4, 1972, I insert it at this point in the Congressional Record.

The address follows:

Memorial Day

Memorial Day was begun to honor soldiers killed in the Civil War.

Annual celebrations were conducted in several of the Confederate States even before the end of hostilities. A date was first fixed when John A. Logan, commander of the Grand Army of the Republic, named May 30, 1868, for the purpose of "strewing flowers or otherwise decorating the graves of comrades." He hoped the practice would continue.

Rhode Island, in 1874, was first to legalize the May 30th date, now recognized by all states; some Southern States still celebrate a Confederate Memorial Day, usually on Jefferson Davis' birthday, June 3rd.

Today, Memorial Day is an occasion in which we honor the soldiers who have died in that and all subsequent wars.

Memorial Day holds a special significance for me, and should for all of us. For at this very moment there are Americans actively engaged in combat, defending an allied nation threatened by a belligerent whose clearly expansionist and totalitarian leadership intends to impose its will by force.

The war is geographically distant, as were our past three major conflicts. Our children don't hear the terrors of enemy artillery crashing into their towns, or sickeningly see mutilated bodies in their streets.

I pray they never will. But we cannot isolate ourselves from the fact, intellectually or emotionally, for our allies are not so fortunate and we are not immune. Our physical separation has not been without terrible cost in life, limb, and resources. We owe this insulation to people who have willingly sacrificed their lives for it.

On Memorial Day, I cannot help but have mixed feelings. I feel a permeating sadness and remorse in the immeasurable tragedies inflicted on families, relatives, friends and communities of those who have died.

But I also feel a tremendous debt of gratitude to the servicemen and women who made the ultimate sacrifice, who subordinated themselves to their beliefs, for the protection of a way of life and of their loved ones, for the generations to follow, and for freedom.

The fruit of their sacrifice is what we enjoy today: freedom, prosperity, religion, schools, perhaps life itself. Ours is not a Utopian Society, but it is the one they died for. And how many of us would prefer a different citizenship?

We owe these men a debt we can never pay; we should not even attempt to pay it in mourning, for nothing is gained by lingering in sorrow. The only meaningful reconciliation is to perpetuate the ideals for which they stood, to accept our responsibilities as free men and women of a free nation—and not to shrink from them.

We must conscientiously and meticulously guard our freedoms, and curb the erosion of our national foundations from subversion and apathy, and actively resist our enemies.

This requires dedication and unity of effort. Our unique form of government encourages dissent, and this is a right we should never compromise; we should not only welcome change but strive for it. But at the same time we must be alert to the insidous dangers of subversion and sedition which bring anarchy, and ultimate destruction or enslavement.

War is the most horrible event man has brought on himself, but tyranny and avarice have made it prerequisite to survival. Nobody wants war—our enemies would prefer to conquer without violence—but they cannot because free men have refused to betray their beliefs for personal safety.

One of the best descriptions of this national character was in the late President John F. Kennedy's 1961 Inaugural Address: "Let every nation know, whether it wishes well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to insure the survival and the success of liberty . . . United there is nothing we cannot do. . . divided there is little we can do—for we dare not meet a powerful challenge at odds and split us asunder."

The generations before mine have known the ravages of war. Now, my generation faces a determined enemy whose ruthlessness, disregard for human life and willingness to sustain appalling casualties has left many of my contemporaries dead.

Perhaps my generation's challenge is even greater than those before. We have seen Viet Cong flags paraded in the streets. We have seen men dedicated to the destruction of every princple for which we stand—Ho Chi Minh, Mao Tse Tung, Che Guevara, Fidel Castro—made heroes by elements of our society. We have even seen that unbelievable desecration, the burning of America's flag, on nationwide television.

This is a time of fear and confusion, of real danger to the human rights that others before us have shed their life's blood for.

We should now more than ever reaffirm our commitment to liberty, our responsibility to the men and women we honor today who gave their lives for it and for us. Their memory should give us not only pride, but confidence and inspiration to move forward so they shall not have died in vain.

On a plaque at the entrance to the headquarters of a combat group in Viet Nam, this was anonymously inscribed:

"War is an ugly thing, but not the ugliest of things. The decayed state of moral and patriotic feeling which thinks nothing is worth war is much worse. The individual who has nothing for which he is willing to fight, whose only concern is for his own personal safety, is a miserable creature who has no chance of being free unless made and kept so by the exertions of better men than himself."

IRAQI OIL TAKEOVER

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. McCORMACK. Mr. Speaker, as one who has been deeply concerned with the fuel and energy situations in this country, I would like to call my colleagues' attention to an article and an editorial on the Iraqi Government's nationalization of a major Western oil company. As Chairman Wayne Aspinall recently said in discussing the Interior and Insular Affairs Committee's hearings on fuel and energy:

> The United States is about to be caught in a Middle Eastern squeeze-play and I believe the American people ought to know about it.

It appears that the squeeze-play has begun and I hope that, once the American people become aware of it, they will support the research and development necessary to end our dependence on foreign energy sources.

The articles follow:

[From the New York Times, June 6, 1972]

Baghdad's Gamble

Iraq's seizure of the Western-owned consortium, the Iraq Petroleum Company, is a blow to the West, a boon for the Soviet Union and a high-risk gamble for the radical regime in Baghdad.

The expropriation directly affects consortium partners from the United States, Britain, the Netherlands and France who stands to lose much, if not all, of an investment estimated at up to $1 billion. It threatens Western access to an important, though not major, component of Middle East oil—fields which, over-all, encompass about 70 per cent of the world's known reserves. And it could adversely influence delicate negotiations now under way between Western companies and other Middle East oil-producing states.

The West's loss is another gain for Moscow, which has been vigorously exploiting its support of the Arab cause against Israel for military, political and economic advantage throughout the region. The Russians already are helping to develop Algerian oil and are purchasing from Libya small amounts of oil seized from the British last December. Last April Soviet Premier Kosygin participated in the opening of a rich, new Iraqi oil field, developed with Russian assistance after its seizure from the consortium eleven years ago.

The question for the Iraqis is whether the Russians or others can furnish a ready market for the output of the newly seized fields and provide the hard cash urgently needed to sustain development programs that until now have been heavily dependent on revenues from the consortium. If they cannot, the Baathist regime could be in serious trouble. Even if the Russians do come through with a substitute for Western markets, the regime, already obliged to accept two Communists in high government posts, can expect to pay a heavy political price for its abrupt break with the Western consortium.

In the long run, there is an inevitable trend toward the acquisition of foreign-owned assets by the oil-producing states, both as an expression of national sovereignty and as a means of maximizing returns from oil resources for domestic development. Although this trend may be accelerated by Arab-Israeli tensions and by Soviet opportunism, both sides should be constrained to moderation by two hard realities—the West's compelling need for Middle East oil, which is increasing even in the United States, and the concurrent need of Middle Eastern states for Western markets and the hard cash they provide. If the jubilant Russians press their present advantage too far they may well end up cast in the onerus role of the ousted "imperialists," with embittered and unmanageable clients.

Iraq Takes Over Big Oil Company After Talks Fail

Beirut, Lebanon, June 1—Iraq tonight nationalized the Iraq Petroleum Company, owned jointly by American, British, French and Dutch oil companies, the Baghdad radio reported.

The company, which produces 10 percent of the Middle East's oil, was nationalized after negotiations between it and the Government broke down over a variety of demands.

Chief among Iraqi demands was one that the Government be given a 20 per cent share in the London-based company of which the United States concerns Mobil and Standard of New Jersey each owns 11⅞ per cent of the shares. The main shareholder is the British Petroleum Company.

President Ahmed Hassan al-Bakr announced that the ruling Revolutionary Command Council had issued a law nationalizing the company effective immediately.

NO COMMENT IN LONDON

In London, a company spokesman refused to comment on the nationalization report. "We have been waiting all day for something to happen," he said, "but until we hear from our people in Iraq I'm afraid we can't say anything at all."

Under the nationalization law the company's properties and concession areas become property of the state, the Iraqi News Agency said.

The law also provides for the formation of "the Iraqi Company for Oil Operations." This will run all the nationalized properties, but will not be responsible for previous commitments. The company will have an eight-man board, including its chairman.

The law also provides for the state to pay compensation to the foreign interests involved after allowing for debts, taxes, wages or any other sums that the Government may demand, the news agency reported.

In his announcement, President al-Bakr said "the struggle against oppression and imperialistic exploitation" would not end, except by the destruction of the foundations and vital interests upon which "imperialistic existence" was founded.

Foreign Minister Murtada al-Hadithi and Geoffrey Stockwell, the company's managing director, met for two hours in Baghdad last night, when a two week deadline imposed by the Government expired.

The meeting ended with Iraq's rejection of the company's latest offer and the deadline was extended 11 hours.

But no word of further developments was received until President al-Bakr's announcement of nationalization.

The talks first started last January between Government and the Iraq Petroleum Company and its affiliates, the Mosul and Basrah petroleum companies.

The three companies faced a host of demands, including a minimum share of 20 per cent in existing assets, as well as more than $250-million in claims starting in 1956.

The dispute came to a culmination in March, when the oil companies reduced production from northern oilfields.

The Iraqi Government charged that the three companies during March and April and early in May, had sharply cut back production of its northern fields, ostensibly for commercial reasons, thus causing great loses to Iraq's revenues and the national economy.

Iraq is heavily dependent on oil revenue, which provides more than 80 per cent of the foreign exchange needed to finance numerous development projects.

The Revolutionary Council demanded an immediate response by the oil companies to a Government request that production be raised to the maximum. It also called for the companies to adhere to their agreement with the Oil Ministry to work out a long-term program of steady production.

FOURTH LARGEST OIL PRODUCER

Iraq is the fourth largest oil-producing country in the Middle East. In 1971, the nation's production amounted to 1.7 million barrels a day, slightly more than 10 per cent of the region's total production of 16,165,000 barrels a day. Output has increased about 71 per cent over the last decade.

The Iraq Petroleum Company accounts for the bulk of the country's oil production The company is owned jointly by the British Petroleum Company, Compagnie Francaise des Petroles, the Royal Dutch-Shell group and a company owned by the Standard Oil Company (New Jersey) and the Mobil Oil Corporation.

The Government and the company have been in a continuing dispute over increasing oil exports and prices, both of which affect royalties paid to the Government by the company, and Iraq's claim to oil concessions previously assigned to the company. Iraq has been developing some of the disputed concession areas with Russian help.

THE SOVIET UNION, THE UNITED STATES, AND MIDDLE EAST OIL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. HAMILTON. Mr. Speaker, the nationalization of the Iraq Petroleum Co., by the Iraqi Government last week has focused attention once again on Middle East oil. The increasing importance of Middle East oil to the United States, the growing interest of the Soviet Union in Middle East oil, and the changing relationship between international oil companies and oil exporting countries are the topics of concern in two excellent articles by Ray Vicker which appeared in the Wall Street Journal on June 6 and 7, 1972.

The articles follow:

WINNING FRIENDS: IN A FOUR-PRONG DRIVE, SOVIET UNION INCREASES INFLUENCE IN MIDEAST—MOSCOW USES DIPLOMACY, OIL, MILITARY AND ECONOMIC AID TO UNDERMINE THE WEST

(By Ray Vicker)

BAGHDAD, IRAQ.—Three perspiring Soviet oil technicians in disheveled suits wait in line at the air terminal here along with other passengers leaving Middle East Airlines Flight 320 from Beirut. Among the others waiting to clear immigration are several Iraqis attired in Western garb except for their Arab headdress; they stand patiently. Not so patient is a Kuwaiti sheikh in white robes who fans himself with a passport from which several banknotes protrude conspicuously but, as it turns out, futilely.

Seeing the Russians' passport, an immigration clerk beckons to the technicians to go to the front of the line. "We go Rumaila," the leader of the Russians says in English. He is referring to Iraq's new oil field, which was developed with $200 million of Soviet-bloc aid.

Quickly the Russians are cleared through immigrations and customs and whisked away. Less elite passengers—like the Iraqis and the sheikh with the banknotes—continue to swelter in the crowded terminal building.

The incident in the terminal has broader implications than simply fighting the international travel bureaucracy here in Baghdad. For Russians are being favored in many parts of the Middle East as Moscow increases its influence in the Arab world at the expense of the West. Militarily Israel's crack army may dominate the Mideast, but economically and diplomatically the Russians have been scoring most of the gains lately in this area—one that posseses two-thirds of the world's known oil reserves. That total is so large that even the U.S. is expected to become increasingly dependent on this oil for its supplies.

EFFECT OF THE RUSSIAN PRESENCE

The Soviet presence in Iraq undoubtedly is hardening the attitude of this Communist-leaning nation toward Western oil companies. Only last week Iraq nationalized part of the holdings here of Iraq Petroleum Co., a consortium owned by British Petroleum Co., Royal Dutch-Shell Group, Compagnie Francaise des Petroles, Standard Oil Co. (New Jersey), Mobil Oil Corp. and the Caloste Gulbenkian Foundation of Paris.

Immediately after the nationalization, Iraq's foreign minister led a delegation to Moscow for talks with Soviet officials. Tass, the Soviet news agency, strongly supported the nationalization, calling it a move toward liberating Iraq "from the sway of foreign capital."

"The Russians would like to see the U.S. and other Western nations as well as Japan pay a heavy price for that oil and perhaps even be forced to obtain their supplies through the grace of Moscow," one Western oilman here says.

The Soviet drive into the Middle East is four-pronged. First, military assistance links Arab armies to Soviet munitions plants. The total of all Soviet aid to Egypt thus far is estimated at more than $5 billion. Soviet MIG jets break the sound barriers over Arab skies in Syria, Iraq and Egypt. Soviet weaponry is evident almost every time any part of an Arab army stages a parade.

The second prong involves economic assistance, which creates an image of a benevolent big brother. In Syria, for instance, a giant dam on the Euphrates is widely touted by Soviet propagandists. The dam, being built with Soviet aid, will irrigate 1.5 million acres and generate 300,000 kilowatts of power when completed. Soviet help in developing Iraq's North Rumaila oil field is listed as another major project. The field was nationalized in 1961 but placed in production only last April by Iraq's state-owned oil company.

THE DIPLOMATIC PRONG

A tabulation of Soviet aid shows that there are 100 projects under way in Egypt, 80 in Algeria, 70 in Iraq, 50 in Syria and 40 in South Yemen. They range from a $125 million aluminum plant on the lower Nile to irrigation programs in Yemen and from re-equipping Egypt's commercial airline with new planes to prospecting for oil in Syria. It is difficult to put dollar tags on some of these projects because they may be repaid in oil or other commodities.

The third prong of the Soviet drive into the Middle East is diplomatic. Moscow gained its first foothold in the Mideast through its ties with Gamal Abdel Nasser, the late Egyptian president. Early last month Russia tightened up its links to Cairo through a series of diplomatic meetings.

Later in May Iraq's government placed two Communists in ministerial posts, an action evolving from the 15-year treaty of friendship the two nations recently signed. This was the first time Communists have been invited into a Mideastern government in this fashion. One Western European diplomat here says: "The timing of these appointments shows that Iraq certainly wanted to place its relationship with the Soviet Union on a firm foundation as it nationalized oil properties."

On May 14 Russia strengthened its ties to Syria with the signing of a military treaty between the two nations.

Algeria, another Arab nation, has rebuffed any tightly binding pact with Moscow, and it is the most independent of Russia's Arab friends. Nonetheless, it usually leans more to the East than to the West in politics. Its key oil-technicians' training center is controlled by more than 250 Soviet instructors and Algeria's oil industry is infused with Russian experts and technicians. Last year Algeria nationalized 51% of French interests in its oil; in 1970 five other foreign companies were nationalized.

THE FOURTH PRONG

Oil—the fourth prong in the Soviet drive in the Mideast—is especially important today, with nationalization more than just an idle threat over oil properties. The Communists provide the Arab nations with oil markets, which give the Arabs more flexibility in their moves to squeeze international oil companies. For instance, a Soviet tanker recently picked up the first cargo of oil exported from the North Rumaila field—about 157,000 barrels destined for the Soviet port of Odessa. About 20,000 barrels a day are scheduled to be shipped this year to Russia and about 40,000 barrels a day in each of the next three years.

Other East-bloc nations have been turning to the Middle East for oil also. Estimates are that the Soviet bloc imported 157,000 barrels a day in 1971, up from 131,000 the previous years. The main suppliers were Iran, Egypt, Algeria, Libya, Iraq and Syria.

With the Russians able to meet all their own oil requirements, the question is why the Soviet Union should seek Mideast oil. The answer is that although Russia can meet its own demands, it isn't sure that it can meet those of its East European satellites. In the future Russia would like to become the middleman for Mideastern oil, supplying its satellites and perhaps other nations as well.

Still, the Soviet Union will be hard-pressed to take all Iraq's nationalized oil. It may not have the tanker capacity. It doesn't need that oil for itself at the present time. It doesn't have the hard cash to pay for it. This, of course, doesn't mean that it won't try, probably funneling part of the oil back into Western markets in one way or another.

AN EYE ON THE PERSIAN GULF

Russia's real goal in this area is the Persian Gulf, where most of the Mideast oil is located, Western diplomats say. Iraq borders on the gulf and thus provides a stepping-stone for further Soviet advances. Already Soviet diplomatic feelers have been extended to some of the little states on the gulf. For decades Britain dominated this area militarily while American oil companies did so economically. Britain's military pullout has left a political vacuum that Russia would like to fill.

So would Iran, a non-Arab oil producer that would like to squeeze Western oil companies for its own benefit, not for that of the Soviet Union. Iraq has had a long feud with Iran and is willing to play along with Russia to further its own expansionist hopes in the gulf area. Along the border between Iran and Iraq there have been a number of shooting incidents recently and some diplomatic sources believe these have been created in an attempt to isolate Iran from Arab nations on the gulf.

"Iraq now has the Soviet Union behind it," explains one diplomat in Bahrain, one of the oil principalities on the gulf. "So all the little sheikdoms along here are reading those border incidents as Russia's way of telling Iran that it had better not try to control the Arabian Gulf." (In Arab lands, it's the Arabian, not the Persian, Gulf.)

Until recently, all of Iraq's oil was produced by Iraq Petroleum Co., which has been battling with the government for over 10 years. Soviet assistance hasn't been confined only to developing the fields but also has involved pipelines.

THE SECOND AND THIRD STAGES

The Russians currently are helping Iraq with the second stage of development, which will expand production by about 3½ times in 1974. A third stage is then scheduled to raise output to 40 million tons, or about 800,000 barrels daily, in the late 1970s.

Now Russia has the task of helping Iraq produce and sell oil from IPC's fields in northern Iraq. IPC, of course, is likely to try legal means to keep that oil from reaching Western markets. This is what it has been doing since oil began to flow from the North Rumaila field. Only last April IPC ran ads in numerous newspapers in Europe warning potential buyers against taking that oil.

The East bloc provides convenient markets for Iraq in these circumstances, yet it is apparent that the field is expanding so fast that the East bloc won't be able to take all that oil. Even with Soviet help, all the cards aren't on the Iraqi side, since Western oil companies have the marketing organizations that can dispose of Iraqi oil much better than can any Soviet-Iraq combination.

COMING CONFLICTS OVER ARAB OIL

(By Ray Vicker)

BEIRUT, LEBANON.—"Within 10 years all the oil properties in the Middle East and North Africa will be nationalized."

"The prediction comes not from a radical Arab but from a conservative American banker with considerable knowledge of this area and of the people who make decisions in it. He marshals impressive data to bolster his thesis.

Even now, international oil companies are reeling from Iraq's nationalization of the northern Iraq properties of Iraq Petroleum Co., Ltd., the consortium owned by the Shell Group, Compagnie Francaise des Petroles, British Petroleum Co., Ltd., Mobil Oil Corp., Jersey Standard and Gulbenkian interests. Without doubt, international oil companies are in a turbulent financial era which looks as if it will get worse. There are no signs at all that it will get any better. Arab oil nations other than Iraq are pressing for 20% equity participation in petroleum production companies. Arab leaders have made it clear that this is only the beginning. Nadim Pachachi, secretary general of the 11-nation Organization of Petroleum Exporting Countries (OPEC), is only one of many Arab leaders who stress that the ultimate goal is a minimum 51% of company equity for the host nations.

That equity control is enough to dictate the rate of expansion and the divided payments. Still it isn't beyond the realm of possibility that an Arab nation alone or several in conjunction may seize all of certain properties and well within that 10 years estimate. Iraq did just that when it seized the North Rumaila concession of Iraq Petroleum Co. Ltd. in 1961, and with its latest action against IPC. Algeria already has nationalized its oil industry. Libya has taken over control of British Petroleum Co. holdings in that country.

A GIANT POKER GAME

Today, there is a feeling of volatility in the Arab world, of muscle flexing based on a belief that Arabs hold all the aces in a giant poker game.

Wide-ranging effects of that game can be envisioned. Oil companies may be forced to revise their whole way of doing business. Changes in oil payment patterns may create revisions in the world's monetary structure. Oil consumers in Western Europe, Japan, the U.S. and elsewhere face sharply higher fuel costs for automobiles, some heating, industrial uses and power generation. The mechanized farmer, for instance, may find his fuel costs soaring. Airline fares of the future are likely to reflect considerably higher fuel costs. Economically, the trend injects a worldwide built-in inflationary factor, for oil companies are likely to pass along most of their increased costs. Already the profit return on net worth of international oil companies is down to around 9.5% versus 14% in 1960 and 11% in 1970.

The trend promises to hasten development of competitive energy sources. Nuclear power is likely to be stimulated. Coal may stage something of a comeback in some areas although it has ecological problems to surmount. Colorado oil shale and Athabasca oil sands may become more competitive. And technology will place more stress on achieving fuel economies. The electric car could have much more appeal when gasoline sells at $2 a gallon than when the gasoline price is 50 cents a gallon.

But technology is unlikely to show any measurable effects on the pattern of energy consumption before those sharply higher oil prices hit the world. Sir Eric Drake, chairman of British Petroleum Co., says, "The competing fuels are unlikely to achieve any substantial substitution for oil in the 1970s."

The Middle East is important in the worldwide energy picture because of its enormous reserves. At the start of 1971, oil authorities estimated that two-thirds of the world's published proved reserves of recoverable oil were located in the Middle East and in North Africa. Except for non-Arab Iran and a small amount obtained by Israel in the Sinai, this is all Arab oil.

"There is no substitute for Middle East oil," says Christopher Tugendhat, a British member of Parliament who also is an oil expert. Several hard economic facts lie behind the present turbulence on the oil scene. Over the last few years, the world's dependence on oil has increased substantially as home dwellers have switched from coal to oil for heating, power plants have changed to natural gas or oil, the auto population has expanded and industrial users have found new applications for liquid fuels. Today, just under 50% of total energy in the non-Communist world is supplied by oil. Shell Oil Group studies indicate that if oil consumption continues along the present road the world will use as much oil in the next 10 years as it did in the previous 100 years. Moreover, in the second decade ahead oil consumption would double from the level of the decade now starting. The consumption pattern shows that Middle East oil will become much more important in the future to users because it is the richest petroleum area in the world.

In the 1960s decade 44% of all the oil discovered was found in the Middle East, 24% in the Communist world and less than 1% in the U.S. Since that time important fields have been discovered in Alaska and in the North Sea. Yet when measured against total needs of Western Europe and the U.S. over the next two decades, these new producing areas are swallowed up by an inexorable demand. Even if the North Sea finds prove as rich as anticipated, they will only supply about 15% of Western Europe's needs in 1980.

As for that North Slope Alaskan oil, ecologists have inhibited its exploitation even though the U.S. may be headed for an energy shortage of crisis proportions. Some oil men aver that, even if all stops are pulled soon to produce North Slope oil, total U.S. oil output in 1980 may be below the 1970 rate. That, of course, means the U.S. will become ever more dependent on imports and an increasing percentage will be coming from the Mideast.

There are some astute Arab petroleum experts too. They can analyze the meaning of oil statistics as well as can executives of Western corporations. And authorities in the producing nations are convinced that they literally have the Western world over an oil barrel. This is what conditions the thinking of OPEC and its members. They seem convinced that the West's need for oil is so great that oil companies have no recourse but to accept a step-by-step nationalization of their properties.

It used to be standard whenever producer country-company relations deteriorated for oil executives to claim that Arab nations "can't drink their oil." But company-country negotiations over the last 18 months indicate clearly that oil demand plus the unity of producing nations have strengthened the latters' hands immeasurably.

Oil company officials now sound rather hollow when making that same remark about oil's lack of drinking appeal. Oil men in this part of the world don't even want to discuss the possibility of nationalization, as if their silence might encourage the whole matter to disappear. One executive of a major international company in a reluctant discussion utters platitudes about "Arabs seeing the light and recognizing that they need companies.

Then he adds, "We have the downstream operations and that gives us some cards, too. I can tell you one thing: We will never take a barrel of nationalized oil into our operations." (By "downstream" he means the refining and marketing operations which involve heavy investment.)

This remains to be seen. The history of nationalization in the minerals field shows that somehow countries do find markets for their output. It may be that after nationalization some nations are worse off owning their own resources than when properties were in the hands of outside companies. Some Iranian figures, for instance, suggest that Iran earns less per barrel of oil generally in fields where it has participation than from those fields operated exclusively by well-managed foreign companies.

Still this is not likely to deter the trend toward ownership of natural resources. Nationalism plays an important role. It isn't merely a case of earning revenue, it is a matter of steering oil investments and decision-making in a way that benefits the nation. This requires more participation on boards of the companies, say Arab spokesmen.

MARKETING AND DIVERSIFICATION

Of course, it won't be the end of the world for corporations if they do lose equity control through nationalization which either are forced or negotiated (there really isn't much difference but it might be diplomatic to pretend that there is). Producing corporations may become contractors for governments in pumping that oil. The marketing end of their businesses may become much more important. Already some outfits are diversifying into new or related areas.

The fate of international oil companies rides on two key matters which will be the subject of tough negotiations: the compensation to be paid for participation and the price per barrel of oil to be delivered by nations to companies. OPEC suggests compensation should be on the book value of properties with no allowance for any of the oil which companies may have discovered. In effect, companies would be paid only for the machinery and equipment above ground, an assessment which would have payoffs set at about a tenth of their true worth, the companies claim. Still, that may be more than companies will collect from a radical country like Iraq in the way of compensation for oil properties. Iraq, for instance, has placed claims against the companies which could total a few hundred million dollars in revenues. The government says these claims should have been paid years ago. By presenting claims which exceed any possible level of compensation, a radical nation may thus not only wipe out that compensation but have the companies owing money, at least in the opinion of the radical nation.

Moreover there's likely to be little cash in any transaction. Payments will be made in oil. Companies could be hit again if an unrealistic posted price were established by the governments on the oil used in payment.

Here though, the goals of producing nations should be understood. Their aim is to nationalize properties, yet have companies cooperating with them under the new arrangement. If nationalization alone were the goal, producer countries could do that tomorrow by decree. It is the compensation which will determine whether or not companies cooperate after the governments take control, not the anti-socialist prejudices of individual executives.

Most thoughtful Arabs realize this, which is why nationalization in a step-by-step procedure is considered better than any "one-swoop" seizures. Companies must be led carefully into the harness which Mideast nations are preparing for them. Nations certainly will suffer if the hassle leads to any halting of production.

Companies want to get as much as they can in any settlement. Their capital needs in reorganizations and new exploration strategies will be immense. Downstream operations have never been very profitable for companies and some firms may be left with direct control of only this end of their businesses. Higher prices may make some of those downstream operations more profitable. Higher prices are likely to come on a steeply rising curve.

UNEASINESS IN WASHINGTON

Balance of payments effects of this trend on the U.S. already are a cause for uneasiness in some Washington offices. A greater total of U.S. oil requirements must be imported at sharply higher prices. Today, oil earnings from the Middle East are a plus factor in the U.S. balance of payments. Looking ahead, it's a different story. Currently the U.S. imports less than 4 million barrels of oil a day with less than a tenth coming from the Mideast and North Africa; by 1985 nearly 15 million barrels a day will have to be imported, most from North Africa and the Middle East. Some estimates place the cost of that oil in the $30 billion to $35 billion-a-year range. Obviously it will take a substantial amount of U.S. exports if this trade is to be balanced. So finally, the U.S. faces some balance of payments problems along with all the other problems posed by the Arab oil nations. In other words, there are a good many headaches in store for Americans where the Middle East is concerned.

ONE MAN'S OVERVIEW OF PRESIDENT RICHARD M. NIXON

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. ROBISON of New York. Mr. Speaker, President Nixon's efforts at, alternatively, waging war and then waging peace have captured the headlines of late, with widely varying viewpoints as to the wisdom and correctness of his policies. Such divergencies are probably inevitable, in a presidential election year, as the political tides in the Nation move ever more swiftly.

Too often, however, emotions supersede objectivity, and prejudices overshadow logic, in arriving at an overall assessment. This is why my attention was so captured by the following letter to the editor of the Evening Press, of Binghamton, N.Y., in my district. The writer's thoughts are unusually direct, and to the point, and whether one agrees with his conclusions or not, the substance thereof is well worth considering. The article follows:

IN RUTHLESS WORLD, NIXON DESERVES RESPECT

BINGHAMTON, N.Y.

To the EDITOR:

The recent run of events in Southeast Asia has disturbed me so little that I feel compelled to be outspoken. The science of brinksmanship as practiced by all nations is either a competitive exercise by their PR men without genuine consequence, or it has subtle ties which escape us average citizens.

At best there is a double or triple standard here. Citizens think of the Vietnam war in terms of national uneasiness, those killed, wounded, missing, all with the shadows of nuclear weapons looming in the background; meanwhile, back at the conference table, ambassadors shout expected insults at one another on weekly schedule; and meanwhile back at the hotel room, special advisers and privileged emissaries sip cocktails and trade off real estate for battalions, bombing rights for military rights of way, tactical support for future trade agreements.

At least in part, I am ready to believe the worst about our conduct in international affairs; but at the same time, we must assume a similarly cynical posture for other nations. I do not believe that the coldness and calculation in our negotiations with foreign powers is predisposed, but is reactionary, defensive and absolutely necessary.

I believe this because American foreign policy is a confusing agglomeration of cherished, privileged and often outmoded tenets from economic, social, religious and military quarters, which are inconsistent with one another. Small wonder that national leaders and citizens alike shift easily from one viewpoint to another and often seek security on the nearest bandwagon.

America is wrongly accused of imperialism, because currently we have no clear foreign policy to execute. At least, we have nothing to match in scope and detail the game plans of China, Israel, Japan, and those emerging countries who are nationalizing themselves.

Keeping in mind that our foreign political adversaries are clever and dedicated and that international politics are ruthless. I would like to state that I admire, respect and support Nixon in his role as President.

Mr. Nixon is an excellent politician. He is less than satisfactory as a spiritual leader; his public relations crew still has some blind spots, and endless hours of practice have not humanized his smile. But when I voted for him, I was not trying to match him with some father image, and I did not intend to evaluate his competency as President by the amount of charisma he was able or unable to generate.

Nixon's job is 1) to oversee the improvement and balance of the economic and social climate at home and 2) in the international arena, to look out for the selfish interests of America. Evaluating the first depends upon point of view, and is largely another issue.

Considering the second, I voted for Nixon as my representative in the dirty sandbox of international relations because, given the rules of the game, I believed he could make better mud pies than anyone else. Nixon brought a professional attitude to this complex and corrupting job and did quite well. Very well, considering that a number of amateur politicians tried to disrupt his efforts with a campaign of oversimplifying and overemotionalizing the issues.

In short, I pay and praise Nixon for doing what I and most other Americans don't have the insight, patience, skill or stomach for—to protect American interests, just as other presidents (premiers, prime ministers, etc.), are committed to looking out for their own.

I really hope Nixon enjoys sports, patting babies, returning fallen birds to their nests, saluting the flag and other harmless things. But when American interests are challenged, I expect him to do his job and tell the other party to "buzz off." I don't want him to be any more understanding or tolerant or forgiving than any other national leader.

"Americans Shocked at Calley Massacre!" screamed the headlines. Don't make me laugh! We knew it all the time. We knew we couldn't be holding our own against another skilled slaughter machine without retaliation in kind. We knew deep down that you can't fight a Nice war.

We knew it all right, but it was way over there, and we were hoping to get it over with soon, and it was probably for a good cause and . . . how dare that Calley get caught and make us realize how brutal and inhuman America has been!

I have been deliberately provocative to make a point. There is a moral problem here. Nixon's dilemma—mine and yours, once we face it—is that the policies and techniques needed to maintain our posture in the world are mainly inconsistent with the Christian-social ethics we espouse. What we call virtue in the private sector (love, brotherhood, peace, sacrifice, forgiveness) are international liabilities in an era of conflict and disagreement. The now question is: Can this nation, fully aware of how cruel and inhuman modern war can be, ever have a just reason for being at war?

There seems to be a strong current of guilt rippling through America because we are ashamed of the killing and maiming in Vietnam which we are a part of. We like to think, if only we can get out of this war, the shame will fade. Should the people of South Vietnam be subsequently overrun, as many predict, we are going to acquire a different kind of guilt. Only a Christian could be in such a dilemma.

How can a Christian country, with its well-known turn-the-other-cheek attitude, possibly deal with a country which has no moral hang-ups of this sort, no adverse press, no angry citizens, no moral outrage at hurting one's enemy? With a country which intends to gain its objectives through any expedient means, and has said so frequently?

We learn of no dissent from North Vietnam, we learn of no guilt, no demonstrations among the people. While America seems to be weakening its resolution to fight there, the North Vietnamese, without the Christian guilt Syndrome, are fighting with as much determination as ever. Perhaps more so, as they read their daily reports from America.

Boy, have they got our number! America, with unprecedented charity, guilt, fear and compassion, is publicly turning the other cheek.

I hope we're ready for this conclusion. We are doomed to lose this war. After all, that is the only thing a decent Christian can do. Because, ironically, we are the good guys, after all. And you know what that makes ol' stick-to-his-guns Nixon.

For Nixon's conduct of the war has not put him at odds with many Americans. They have set themselves apart from him, have moved out from under their original, and his current, position. He has already liberalized and re-liberalized this position. If he gives in completely, history will remember him as the President who betrayed the principle of honoring treaties and who shut off assistance to a friendly ally.

On the other hand, if the war doesn't end pretty soon, we will have all convinced ourselves that this is Nixon's war, that he started it against our wishes, that he could end it right away if he weren't such a stubborn cuss, and that all future blood spilled is on his hands.

Just as many Americans sloughed off their guilt on scapegoat Calley, who didn't know how to fight honorably against a savage and unrestrained enemy, anyone as intransigent as Nixon is about this war has got to be guilty of something.

Those who have disassociated themselves from America's role in the Vietnam conflict ought to be glad that the bloodthirsty Calley and "stone-ears" Nixon came along. They provide a convenient dumping station for any type of guilt feelings you could do without.

Well, as I said before, Nixon is a pro. That's the way it goes in war biz.

Spiritual leaders need to give some attention to this problem. There is guilt involved in letting a friend be victimized without our lifting a finger; and there is guilt involved in helping him, if pain and death are the known consequences.

There is only one sure way to avoid war—just lie down and let whoever walk over you. Publish your plans and they will wait in line for the privilege.

Even if sparks generated in this country were to result in genuine love, respect and understanding, we would still have to cope with threats from other countries, ideologically opposed, and with a thousand creative ways to let you know it.

America needs Presidents with perseverance and highly developed political skills. Maybe a small compromise here and a secret deal there. But we are still a long, long way from resolving international disputes with other nations according to the Marquis of Queensbury and Robert's Rules of Order.

Maybe the day will come. Until then, I'll keep voting for the Nixons, bless their tricky hides.

ROBERT J. KRETZ.

BLACK CHANCELLOR SETS GOALS FOR UNIVERSITY OF MASSACHUSETTS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. CONTE. Mr. Speaker, one of the 13 fine institutions of higher education in my district is the University of Massachusetts at Amherst. It is indeed fortunate to have as its head Dr. Randolph W. Bromery, who was named chancellor this past April.

Having joined the university in 1967, he quickly distinguished himself in the classroom, became chairman of the geophysics department, and won the post of vice chancellor of student affairs before ultimately being named chancellor of the university. I am pleased to count this fine gentleman and educator as a close friend.

The June 7, 1972, edition of the Christian Science Monitor includes an article about Dr. Bromery and the university, to which I now respectfully call the Members' attention:

BLACK CHANCELLOR SETS GOALS FOR UNIVERSITY OF MASSACHUSETTS

(By Luix Overbea)

AMHERST, MASS.—"It is extremely lonely—being the only black here, one of only a few there, a black among a throng working in a non-black job."

So spoke Dr. Randolph W. Bromery, a black, a scientist, a New England migrant, an educator with only four years of full-time classroom experience—now head of a growing state university of 21,000 students with a $52 million budget.

Dr. Bromery was named chancellor of the University of Massachusetts at Amherst in April. He had become a full-time teacher in 1967 when the university hired him as associate professor of geophysics and deputy departmental chairman. The move to academic quarters followed 20 years in geology, most of them as an exploration geophysicist with the U.S. Geological Survey, Branch of Regional Geophysics.

RANGE OF IDEAS

As a neophyte chancellor, Dr. Bromery has a variety of ideas on what a "today" university should be:

It should attract students who are adult in mind.

It should not become a mammoth education factory turning out computerized graduates.

Black students and other minorities must have greater opportunities for higher education.

A chancellor must lend an ear to student desires, needs, and trends. He must relate to students and alumni.

A great university must serve the community, not only through special adult programs but also with imaginative educational options.

"The University of Massachusetts is not a place for parents to send their children," Dr. Bromery said as he recommended that young people in college should be mature individuals.

PARENTS CITED

"A great university is not a place for children," he explained. "The campus is a place for individuals who are young men and women. I often feel in working with students that parents are part of student difficulties. Many students want to be talked with, not just talked to. They want an adult father figure. The agitated, frustrated student is really never understood by his parents."

The chancellor feels that "we must challenge students to make something of themselves."

Being black in a "white world" has been a challenge to Dr. Bromery most of his adult life, he says. "My 20 years as a geophysicist most of them as the only black in my field, taught me to try to be the best there is in my field. Then I tried to recruit blacks, most of them untrained in the airborne geophysical discipline, as geophysicists."

TO FACULTY IN 1967

His efforts in recruitment, he said, caused him to decide to teach geophysics. He joined the University of Massachusetts faculty in 1967 as an associate professor. He later became chairman of the geophysics department, and he worked to recruit blacks to study in the sciences.

These efforts, he said, were often thwarted when black students were channeled into other fields. "This pushed me into running for vice-chancellor of student affairs," he said. He won that post, which included offices of admissions and financial aid, residence halls, dining commons, Student-Union-Campus Center complex, and security.

CHINESE OUTNUMBERED BLACKS

To bring more blacks to the campus and establish a program to help them, Dr. Bromery founded and became first president of the Committee for the Collegiate Education of Black Students (CCEBS), an educational opportunities program on campus that now includes students of all races.

As one of the first 10 black faculty members, Dr. Bromery said, he noticed there were only 33 black undergraduates and 2 black graduate students on campus in 1967, compared with 72 students from Taiwan, China.

He established CCEBS to bring more blacks to campus, to provide academic and social counseling to these students, to develop a program to help black students become more creative, and to change the environment for black students by encouraging the employment of blacks on the professional and nonprofessional staffs of the university.

SMALL INITIAL BACKLASH

"There was a small white backlash at first," Dr. Bromery said, "but more openings for black students resulted."

Today the university has nearly 50 black faculty students, and 200 graduate students. The 1972 class will have 50 black graduates, more than the total number of blacks graduated in the university's history, he said.

"What surprised me about CCEBS," he said, "was that students on campus supported our program verbally and financially. The student government allocated $30,000 a year to CCEBS. The faculty contributed from their salaries $75,000 a year.

A GREETING IN SPANISH

Today the committee helps Spanish-speaking students, American Indians, and even some whites. Dr. Bromery welcomed 200 Spanish-speaking students in Spanish and English last fall. He said he expects more progress in bringing minority students to the University of Massachusetts campus.

A good university, he feels, must appeal to all students with exciting new programs and improved continuing activities. He sees progress in small residential colleges within the campus complex, a university year-for-action program, an improved graduate studies program, and better relations between his office and other elements of the campus, including students and faculty members.

CEILING AT 25,000

The chancellor has set a ceiling of 25,000 students for the Amherst campus. "If we get too big, I will hardly know my students nor my faculty members," he said.

One way to keep the family spirit on campus, he noted, is the residential college concept, which provides a campus within the big campus atmosphere for students in the same field of study. Another is the university year for action, giving juniors and seniors a work-study program with academic credit while providing community service.

SIGNIFICANCE OF CUBAN INDEPENDENCE DAY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. BURKE of Florida. Mr. Speaker, it is fitting and proper to recall the historic events in the independence of a nation. May 20 marks the anniversary of Cuba's independence from Spain.

Seventy years ago, in 1902, a new government came into being in this neighboring country. It then became a government dedicated to the principles of political freedom. This was a culmination of a four century struggle for freedom led by Cuba's great men, such as Maximo Gomez, Antonio Maceo, and Jose Marti.

Jose Marti, called the "Apostle of Cuban Independence" was born in Havana in 1853, received his early education there and at 15 began to understand the plight of his Cuban people and their need for independence and self-determination. A year later his political activities brought him a 6-year prison sentence at hard labor, however, a short time later he was exiled to Spain by the Governor who feared his political activities. Marti did not, however, cease promoting independence for his country. He was a skilled orator and came to the United States and worked ardently as a journalist and literary critic to create good will and sympathy for the Cuban cause and at the same time uniting other exiles from Cuba, raising funds and supplies in a plan to win freedom for his people.

Marti, 10 years before his efforts were successful, founded a movement which united all Cuban exiles and gave Cuba a formal constitution, which proclaimed belief in the dignity and equality of all Cubans and propounded the ideal that the general happiness of a people rests on individual independence.

Realizing that Cuba's independence could not be won with words, Marti and his followers launched an attack on the military colonial oppressors of his land and landed a force near Santiago in eastern Cuba, and joined with other Cuban exiles from the Dominican Republic, Mexico and the Caribbean islands. In the battle Marti was mortally wounded, but others took up the cause for Cuba's freedom.

The effort was a feeble one and the military power of Spain made his early effort futile. Antonio Maceo was also killed in the battle and although he and Maximo Gomez succeeded in outmaneuvering the conquistadors, in the end the Spanish Army dispersed the greatly outnumbered patriots. The population was rounded up and held in concentration camps and the leaders tried for treason. News of the inhumane treatment by the Spanish of the political prisoners reached the United States, and demands for U.S. intervention was made throughout our country.

Finally, in February 1898, the American naval warship, U.S.S. *Maine*, was sent to Havana for the purpose of protecting American citizens living in Cuba. While in Havana Harbor, the ship was blown up and 266 American lives were lost. The sinking of the battleship *Maine* led to severe patrotic outbursts against Spain and the cry, "Remember the *Maine*" rang throughout the land.

The rest is history. As a final result the U.S. Congress declared war against Spain and ultimately was instrumental in gaining for Cuba its independence, on May 20, 1902, which lasted until 1959 when Fidel Castro, in the guise of freeing the Cuban people from the military dictatorship of General Batista, created the present Communist dictatorship.

Today, over 10 percent former Cubans are living in exile from Fidel Castro's present Communist regime. Most of these fled to the United States and have contributed much by assimilating themselves into the mainstream of our Nation. Most who fled from Cuba were doctors, lawyers, artists, teachers, and engineers and have accepted our land as one of opportunity and justice.

Some have become leaders of Cubans in our own Government process and most have proved themselves to be worthy of American citizenship.

FREEDOM OF PRESS DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. DERWINSKI. Mr. Speaker, today, June 7, is Freedom of the Press Day. Americans should appreciate the freedom our press enjoys, and especially so when it is contrasted with the total control of the news in countries dominated by communism.

A very timely, succinct editorial on the subject was carried in the Southwest Messenger Press of Cook County, Ill., on June 1 which I am pleased to insert into the RECORD:

FREEDOM OF PRESS OUR GREAT BLESSING

As the nation prepares to observe Freedom of the Press Day on June 7, it is fitting to consider what freedom of the press means to U.S. citizens in the crucible of the nuclear age. Freedom of the press allows an honest evaluation of the President's efforts to achieve peace and a "working arrangement" with former communist enemies. Although sometimes harsh in its approach, the free press permits every citizen to make an unvarnished assessment of political candidates. It probes the motives and principles of public figures who enjoy positions of leadership. The free press is the only genuine disciplinary force that can be exerted against government. It is the articulate focal point of public opinion.

A free press is literally the watchdog of a free people. At times wrong conclusions are drawn from what the press reveals, but over the long pull, its batting average is good. If every nation enjoyed the vision that is given by a free press to the people of the U.S., the cause of world peace would be immeasurably brighter. The purpose of Freedom of the Press Day is "To celebrate and promote press freedom in the Americas." In observing the Day, we should remember that it is an occasion for free men only.

MEMORIAL DAY 1972

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. SCHWENGEL. Mr. Speaker, the following is the text of the Memorial Day keynote speech delivered by George T. Nickolas of Davenport, Iowa, at services held on the lawn of the Rock Island County Courthouse in Rock Island, Ill.:

MEMORIAL DAY 1972

(Mr. Nickolas, a Contract Specialist with the U.S. Army Command, is the immediate past National President of the State Commanders and Adjutants Association of the Disabled American Veterans.)

Ladies, Gentlemen, Distinguished Guests, my brother and sister Americans. There are many reasons and purposes that bring us together this morning. Some of us have come to pay honor to a departed loved one, some of us have come to pay honor to a close friend or comrade in arms who died in service. Some of us have come because we are part of a veterans or service organization, and others just to participate in a patriotic program.

It is only fitting and proper that we annually set aside this time in our busy schedules. It is only fitting and proper that across the breadth of our great country we pay honor to those who gave the ultimate, their lives. It is only fitting and proper that we reflect in memories of those our departed loved ones. As the years wane our wounds of the body and mind heal. The grief that we once experienced at the loss of our loved ones diminishes. Visions of those departed loved ones become clouded and often we consciously forget them except when we are specifically reminded as we are today.

The roar of cannon still echoes around the world, bullets still pierce living flesh, and the suffering and the dying continues. It is no different this day than it was 30 years ago, and the only difference in the dying is that the name of the place may differ. It is Da Nang instead of Bataan. Men and women continue to fight for many reasons. Many who died did so doing what they believed was right, and others died not in total agreement with the objectives of the Government, but served because they had a sense of duty and obligation to their country. These servicemen have paid their dues for the freedom of man.

But, my friends, I do not propose to further praise these honored dead. They, the dead veterans, whose names are etched on stone have written a far better epitaph in their deeds and devotions to the perpetuation of the Republic and its principles.

All American citizens, no matter how they choose to commemorate Memorial Day, owe these honored dead more than just words of praise, a volley of rifle fire, the sounding of "Taps", or even a tear or two. We owe these American dead the renewed devotion and sworn adherence to the principles of freedom, equality, justice and the American Way of Life for which they were willing to give their lives.

To say, "I am an American!!! I was born here! I pay Taxes! I vote! These are simple words and they don't require very much sacrifice on the individual's part. It may require a little effort to go to the polls and cast your vote. It may hurt the pocketbook a little to pay the taxes. These are really insignificant payments for the privileges and the protection of the laws that are afforded the citizens of this country. I personally do not feel that these actions are adequate services or payments for the rights and privileges of living in this free society.

Today America is engaged in a war that seems to be unpopular with a great number of Americans who have hit the vital cord and have gained a great deal of free publicity. To be a patriotic individual is not in vogue. To support the war or the participants of that war can bring condemnation, scorn and even threats. It now takes a little courage to speak out for America and our free society. This may be more courage than most of our average citizens possess at this time. In order to perpetuate this country we must love it and be willing to defend and aid in the protection of the principles in which it was founded. Every man and woman in this society should endeavor to serve his country in some manner. To salute and pay homage to the flag, to nod one's head in agreement when someone makes a patriotic speech, or to do as Milton suggested when he wrote, ". . . others serve who only stand and wait," is not fulfilling the requirements of a good citizen. Since we all cannot fight in the Armed Services of this country, we must find other activities through which we can demonstrate our support and loyalty. We can not "stand and wait" for these activities and opportunities to seek us as individuals, we must seek these ways of service to our country, state, and community.

In these times too many of the people of this country have accepted the notion that the passive way is the only way out of this country's problems. Freedom as the average American enjoys and evisions was not achieved nor can it long endure with passiveness.

These famous words of the past hold true today—". . . Shall we acquire the means of effectual resistance by lying on our backs and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? We are not weak if we make a proper use of those means that the God of nature has placed in our power . . . armed in the holy cause of liberty, and in such a country as that which we possess, we are invincible to any force which our enemy can send against us. Besides we shall not fight our battles alone. There is a just God who presides over the destinies of nations . . . The battle . . . is not to the strong alone; it is to the vigilant, the active, the brave. It is in vain to extenuate the matter. Gentlemen may cry Peace, Peace, but there is no peace. The war is actually begun. Our brethren are already in the field! Why stand here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty or give me death!" We all know that one of the greatest American Patriots, Patrick Henry, made that speech nearly two hundred years ago.

We may not be facing the same battles he envisioned, but we do face the battle to preserve our society. It takes a positive response on the part of all Americans. Seldom do we think of those who helped on the home front during World War II as patriots, but they were and so are their counter parts today.

My hope is as America commemorates this Memorial Day, citizens will solemnly and sincerely resolve to express in some positive manner the pride of being an American and to keep that resolve everyday of their lives.

In addition to the voiced thanks for the rights and privileges that all citizens enjoy as free Americans, citizens in their own way must contribute time and effort in order that our freedoms can continue. If we fail to contribute—if we continue to seek the easy way and thus fail to do our share—the dead that we honor may yet have died in vain and their services and sacrifices may have been wasted.

I charge each and every American to volunteer to do something constructive for their community, state, and nation. Take an active part in the service organizations to which you belong and help your neighbor. With the help of each citizen and the grace of God this nation will continue to be the home of the brave and the free .

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the RECORD the Monthly Calendar of the Smithsonian Institution. The June Calendar of Events follows:

JUNE AT THE SMITHSONIAN

June 1, 1972

Creative screen: *With These Hands.* A look into the studios of eight artist-craftsmen working with equipment ranging from a weaver's loom to heavy machinery. Artists include Peter Voulkos, James Tanner and Toshiko Takaezu. 11 a.m., 12 noon, 1 p.m., National Collection of Fine Arts.

Exhibition: *Insect Zoo.* Live insects on display, including bees and termites and featuring a typical Allegheny mound ants nest. Colonies of bees and termites are also included as well as a butterfly flight cage. Highly magnified images of insects will be projected on a TV screen through the use of a videotape camera. Through August 31, Natural History Building.

Exhibition: *Arts and Physics.* "Astralites," light sculptures by Washington artist Adam Peiperl. Museum of History and Technology, through September 31.

June 3, 1972

Creative screen: *With These Hands.* Repeat. See June 1 for details.

June 4, 1972

Concert: *Fernando Astilleros,* flamenco guitarist. A student of Manolo Gano of Madrid, Mr. Astilleros has made public appearances on three continents. Sponsored by Adelante, an organization of Spanish-speaking professionals in D.C. 3 p.m., National Collection of Fine Arts. (Note: A tour of the collections will be given in Spanish at 2 p.m.)

June 5, 1972

Exhibition: Art from D.C. Junior High Schools, including paintings, drawings, prints and three-dimensional works. National Collection of Fine Arts, through July 31.

June 6, 1972

Suzanne's lament: Multi-media commentary on man's development of the spectacular Alaskan Coastal Wilderness. Created by Dr. Miles Hayes, Director of Coastal Research Center, University of Massachusetts, and introduced by Dr. Erie Kauffman, Smithsonian Division of Invertebrate Paleontology, 8:30 p.m., Natural History Building auditorium. Sponsored by the Smithsonian Associates.

June 7, 1972

Design film: *The Music Rack,* with wood craftsman Wendell Castle. Continuous half-hour showings from 11 a.m.; last showing, 2:30 p.m. The Renwick Gallery.

Lecture: *The Last Tribes of Mindanao,* by The Honorable Manuel Elizalde, Presidential Assistant for National Minorities, (Panamin), Philippines. Slides and a film are included in the lecture, presented in conjunction with the Smithsonian Department of Anthropology. 7:30 p.m., Natural History Building auditorium.

June 8, 1972

Seminar: *The Forging of New Alliances.* Final seminar in a series on the "Dynamics of the American Political System 1972; Trends and Directions," sponsored by the Woodrow Wilson International Center for Scholars. Moderator: Neal Peirce, journalist and Fellow, Woodrow Wilson Center. Speakers: Peter Lisagor, John Saloma. Commentators: Chris Aldrete, Channing E. Phillips, James Reichley, William Rusher and James Sundquist. 8 p.m., Natural History Building auditorium. The public is invited.

Exhibition: *The Art of Simon Yavitz.* Unique botanical subjects sculptured in gold and silver and enhanced with gems and ivory. Gem Hall, Museum of Natural History. On display indefinitely.

June 9, 1972

Exhibition: *Washington Print Club Collection.* Selected from the private collections of the Club members. National Collection of Fine Arts, through July 9.

Folk concert: *Rick and Lorraine Lee* performing "Old-Time and Modern" American music on guitar, banjo, dulcimer and piano. 8:30 p.m. Natural History Building auditorium. Sponsored by the Folklore Society of Greater Washington. Free to FSGW members: $1 non-members.

June 10, 1972

Exhibition: *The Swedish Touch.* Contemporary Swedish textiles including wall-hangings, patchwork, fabric collage, stitchery and plaiting by 25 artist-craftsmen. Sponsored by the Embassy of Sweden. At the Renwick Gallery, through July 30.

Lecture: *Swedish Textiles Today,* by Dag Widman, Curator of the Craft Department, National Museum in Stockholm. Presented in conjunction with The Swedish Touch exhibition. 3 p.m., The Renwick Gallery.

June 13, 1972

Exhibition: Prints by six Swiss sculptors: Bill, Corbusier, Giacometti, Luginbuhl, Muller and Tinguely. Fifty-nine works—mainly silkscreens, lithographs and etchings—from the Zurich collections of Hans C. and Walter A. Bechtler, show how sculptors think in another medium. Organized by the Mint Museum of Art, Charlotte, North Carolina, and circulated by the Smithsonian Institution Traveling Exhibition Service. At the Embassy of Switzerland, 2900 Cathedral Avenue, N.W. 10 a.m. to 7 p.m. daily. Free admission. Through June 29.

June 14, 1972

Design Film: *Glas-leerdam*—the design and manufacture of glass. Continuous showings from 11 a.m.; last showing, 2:30 p.m. The Renwick Gallery.

June 15, 1972

Creative Screen: *Penland Summer*—The intensive courses in pottery, weaving and other media offered by the North Carolina Penland School of Crafts; *The High Lonesome Sound*—a film by John Cohen, founder of "The New Lost City Ramblers," Two-film program begins at 11 a.m., 12 noon, 1 p.m., National Collection of Fine Arts.

June 17, 1972

Creative Screen: *Penland Summer; The High Lonesome Sound.* Repeat. See May 15 for details.

June 19, 1972

Demonstration: Gemstone carving by four master craftsmen from Idar-Oberstein, Germany. Museum of Natural History, through June 23.

June 21, 1972

Design Film: *The Music Rack.* See June 7.

June 22, 1972

Demonstration: Master potter Rick Flannery making pottery using designs of the Moravian potters of Old Salem, N.C. Museum of History and Technology. Reproductions will be sold in the Museum Shop. Through June 25.

June 23, 1972

Exhibition: *National Parks and the American Landscape.* Paintings, drawings, and photographs from the National Park Service's collections commemorating the park system centennial and focusing on the Hayden and Powell surveys of the West in the 1870's. Works by Moran, Bierstadt, and Thomas Hill are included. National Collection of Fine Arts, through August 23.

June 24, 1972

Concert: *Dupont Circle Consortium.* Sponsored by the National Park Service, in connection with the *National Parks and the American Landscape* exhibition. 3 p.m., National Collection of Fine Arts.

June 28, 1972

Design Film: *Design and Man*—A look at industrial and commercial design, and the design process. Continuous showings from 11 a.m.; last showing, 2:30 p.m. The Renwick Gallery.

June 30, 1972

Festival of American Folklife 1972 (Opening day). The sixth annual festival will feature the State of Maryland—including its horse country and the Greek community of Baltimore—with a special auxiliary site on the Potomac River depicting the water traditions and skills of the Eastern Shore. American Indians of the Southwest—tribes from 19 New Mexican pueblos—and the American working man as a member of organized labor will be the other two featured areas of the festival. Performances and demonstrations will be held from 11 a.m. to 5 p.m., June 30–July 4, Musical performance will continue until 8:30 every night. (Detailed schedule of activities will appear in the July Calendar of Events.)

DRUGS: A SPECIAL EXHIBITION—SCHEDULE OF SPECIAL ACTIVITIES, ARTS AND INDUSTRIES BUILDING

June 1.—*The Circle,* from the National Film Board of Canada. 11:30 a.m., 2:30, 4:30 and 6:30 p.m. Question/answer sessions follow.

June 2.—*The Circle,* 11:30 a.m., 2:30, 4:30 and 6:30 p.m. Question/answer sessions follow.

June 3.—*Trash,* filmed by Andy Warhol. 1:30, 3:30 and 6:30 p.m. Question/answer sessions follow.

June 4.—*Trash.* 1:30, 3:30 and 6:30 p.m.

June 5.—Panel discussion: *Drug Use: Historical Perspective and Current Parallels,* presentation of original papers by Richard Blum and Andrew Malcolm. Panel discussions follow presentation of each paper, followed by question/answer session.

June 6.—Video replay of June 5th panel. 10:30 a.m. and 12:30 p.m.

June 7.—*Inner Voices of Lorton.* Performances at 1:30 and 4:30 p.m.

June 8.—*To Find Our Life,* documentary by the Peyote Hunt of the Huichols of Mexico. 11:30 a.m. and 4:30 p.m. *Ebena.* Showings at 2:30 and 6:30 p.m.

June 9.—Repeat of June 8 Program.

June 10.—*Mike Malone's Group.* Performances at 1:30 and 4:30 p.m.

June 11.—*Mike Malone's Group.* Performances at 1:30 and 4:30 p.m.

June 12.—Informal drug education talk by Capt. Ralph Greene, Chief of Police, Crofton, Md., 10:30 a.m. 1:30 and 3:30 p.m. *The Answer Is Understanding,* documentary. 6:30 p.m. Discussion of film follows.

June 13.—Informal drug education talk by Capt. Ralph Greene. 10:30 a.m., 1:30 and 3:30 p.m. *David,* a documentary film. 6:30. Discussion of film follows.

June 14.—Informal drug education talk by Capt. Ralph Greene, 10:30 a.m., 1:30 and 3:30 p.m. *Brian at 17,* a documentary film. 6:30 p.m. Discussion of film follows.

June 15.—Informal drug education talk by Capt. Ralph Greene. Lecture: *Drug Education—A Community's Answer.* 1 p.m. Question/answer session follows.

June 16.—Informal drug education talk by Capt. Ralph Greene. 10:30 a.m., 1:30 and 3:30 p.m. *Anything for Kicks,* a documentary film. 6:30 p.m. Discussion of film follows.

June 17.—*Long Day's Journey Into Night,* film directed by Sidney Lumet. 11:30 a.m., 2:30, 4:30 and 6:30 p.m. Discussion of film and question/answer sessions follow.

June 18.—*Long Day's Journey Into Night.* 11:30 a.m., 2:30, 4:30 and 6:30 p.m.

June 19.—Panel discussion: *Socio-Cultural Patterns of Drug Misuse.* Two-hour sessions beginning at 10:30 a.m. and 2 p.m.

June 20.—Video replay of June 19th panel. 10:30 a.m.

June 21.—*Inner Voices of Lorton.* Performances at 1:30 and 4:30 p.m.

June 22.—*Skeezag,* a documentary film. 11:30 a.m. and 6:30 p.m. *Curious Alice.* 2:30 and 4:30 p.m. Discussions follow.

June 23.—*Skeezag.* 11:30 and 6:30 p.m. *Curious Alice.* 2:30 and 4:30 p.m.

June 24.—Bob Alexander's *Living Theatre.* Performances at 1:30 and 4:30 p.m.

June 25.—*Living Theatre.* 1:30 and 4:30 p.m.

June 26.—Lecture: *Law Enforcement Problems of Addiction.*

June 27.—*Changing,* a documentary film. 11:30 a.m. and 4:30 p.m. *Brian at 17.* 2:30 and 6:30 p.m.

June 28.—*Epitaph.* 11:30 a.m. and 4:30 pm. *Speedscene: the Problem of Amphetamine Abuse.* 2:30 and 6:30 p.m.

June 29.—*To Find Our Life.* 11:30 a.m. and 4:30 p.m. *Ebena.* 2:30 and 6:30 p.m. A discussion of the film follows each screening.

June 30.—*To Find Our Life.* 11:30 a.m. and 4:30 p.m. *Ebena.* 2:30 and 6:30 p.m.

OTHER NEWLY OPENED EXHIBITS

Why Teeth. An imaginative story of dental care illustrated by the sculpture and drawings of Provincetown artist Kathleen Ferguson. Museum of History and Technology, Hall of Health. Through July 1.

Helicopters. Five different types of helicopters, including the one used by Eisenhower during his presidency. Arts and Industries Building.

DOMESTIC TOURS

Winterthur and Hagley. July 22 (7:45 a.m.—6 p.m.). Special Museum Day for students age 16 and over. Sponsored by the Resident Smithsonian Associates. Available by subscription only. For information call Mrs. King, 381–5157.

The Smithsonian Associates also sponsor tours listed below. For further details, write Mrs. Kilkenny, Smithsonian Associates, Washington, D.C. 20560.

Windjammer Cruise: June 25-July 1.

Solar Eclipse: July 5–11. Prince Edward Island.

Archaeology Dig: August 6–12. New Hampshire.

Mountain Camping: August 21–31. Gifford Pinchot National Forest, Washington State.

Olympic National Park: September.

Instruction in Photography: September 24–29. Maine.

Sanibel Island, Florida: November 5–10.

A Look at Nature's Past: November 12–19. (Fla.)

VOLUNTEERS NEEDED

Info '72. Summer tour guides—students, 16 years old or over. Minimum: one full day or two half-days per week. Training will be provided. Call 381–6471.

Central Information Program. Continuing program for Information desks and independent areas of the Institution. Minimum: Three hours per week. Call 381–6264.

National Collection of Fine Arts/The Renwick Gallery. Docents to conduct school and adult tours. Training begins in the fall. Call 381–6541.

DEMONSTRATIONS—MUSEUM OF HISTORY AND TECHNOLOGY

Musical Instruments, from the Smithsonian's collection, Monday through Friday, 3 p.m. Hall of Musical Instruments, 3rd floor.

Music Machines—American Style. Mechanical and electronic music machines. Monday, Tuesday, Thursday and Sunday, 1:30 p.m., 2nd floor.

Spinning and Weaving, Tuesday, Wednesday, Thursday, 1:30–12:30.

Machine Tools. Wednesday, Thursday, Friday, 1–2 p.m.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (10.35) from 9–9:30 p.m. The program schedule for June:

4th—*Concert.* Sonya Monosoff, violin, Judith Davidoff, cello, and James Weaver, harpsichord, play violin sonatas of Corelli.

11th—*Terms of the Social Contract.* Robert Ardrey, author and anthropologist, discusses the structure of society with Wilton Dillon, Director of Seminars at the Smithsonian.

18th—*The Also Rans.* Lillian Miller, National Portrait Gallery Historian, talks about candidates who ran for president—and lost.

Are Heavy Metals Dangerous?, with Dale Jenkins, Director of the Smithsonian's Ecology Program.

25th—*Where is the Melody?* Martin Williams, noted jazz critic and Director of the Smithsonian's Jazz Program, discusses and illustrates jazz fundamentals.

HOURS

Museum of History and Technology, Museum of Natural History; Arts and Industries Building: 10 a.m.–9 p.m. seven days each week.

Freer Gallery of Art: National Collection of Fine Arts; National Portrait Gallery; Renwick Gallery: 10 a.m.–5:30 p.m. daily.

National Zoo buildings: 9 a.m.–6 p.m. daily.

Anacostia Neighborhood Museum: 10 a.m.–6 p.m., weekdays; 1–6 p.m., weekends.

PUPPET THEATRE

The Marvelous Land of Oz. The further adventures of Scarecrow, Tin Woodman, and Glinda the good witch, with many new characters and touched with light political satire. Based on L. Frank Baum's own sequel to his classic *The Wizard of Oz,* the production is designed and performed by Allan Stevens and Company, and produced by the Division of Performing Arts. Through June 11: Wed. through Fri., 10:30 and 11:30 a.m.; weekends, 10:30 a.m., 12:30 and 2:30 p.m. Tom Sawyer. Repeat production. June 14–July 9, 11 a.m., 12 and 1 p.m. Wed. through Sun. Performances are in the History and Technology Building auditorium. Tickets are $1.25 adults, $1 children. For reservations call 381–5395. (*The Marvelous Land of Oz will reopen July 19.*)

CLASSES AND WORKSHOPS—SPONSORED BY THE SMITHSONIAN ASSOCIATES

Classes are available in the following categories on a subscription-only basis. For information, call 381–5157.

Tiny Tots (ages 4–17), Two-week sessions every Tuesday, Wednesday, and Thusrday, July 11–20; July 25–August 3; August 14–24.

Young People (ages 8–13). Same schedule as above.

Tennagers and Adults: Twice a week for three weeks. July 20–27; August 7–24.

MUSEUM TOURS

National Collection of Fine Arts:

Monday-Friday. 1 p.m. Introduction to the Collection.

National Portrait Gallery: "Accoustiguide" tour (45 minutes) of exhibition, "If Elected . . ." Unsuccessful Candidates for the Presidency, 1796–1968. Recorded by Dr. Marvin Sadik, Director of the NPG. $1.

Renwick Gallery: By appointment, call 381–5811.

FOREIGN STUDY TOURS

For members of the National and Resident Associates. For further details on tours, listed below, write Miss Schumann, Smithsonian Institution, Washington, D.C. 20560.

1972

King Arthur's England: July 11–Aug. 1.

The Pilgrimage Road: Sept. 11–Oct. 9.

No-Tour Tour (Dulles-London-Dulles): Sept. 11–Oct. 2.

Russia: Sept. 22–Oct. 3. Waiting list only.

Pakistan and Afghanistan: Oct. 9–Nov. 8. Waiting list only.

1973

Peru (archeology tour): Feb. 8–Mar. 5.

Morocco: Mar. 6—3 weeks.

Prehistoric Caves of Spain and France: April 2—3 weeks.

Middle East (Lebanon, Jordan, Cyprus and Israel): April 13—3 weeks.

Sites of Civilization: Oct. 7—3 weeks on the cruise ship *Argonaut.*

African Safari (Tanzania and Kenya Game Parks and Seychelles): Oct.—3 weeks.

THE ELIZABETH BAPTIST CHURCH OF YOUNGSTOWN, OHIO, CELEBRATES 50TH ANNIVERSARY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. CARNEY. Mr. Speaker, on Sunday, April 23, 1972, Elizabeth Baptist Church of Youngstown, Ohio, celebrated its 50th anniversary. Through a great deal of dedicated service, Elizabeth Baptist Church has progressed both spiritually and financially over the years. I, therefore, would like to take this opportunity to extend my sincere congratulations and best wishes to Pastor Henry Clinkscale and his family; the four living charter members, Mrs. Adline Mixon, Deacon Ernest Jones, Mrs. Annie Battles, and Mrs. Fannie Lee; and all of the members responsible for the wonderful progress that has been made.

Mr. Speaker, I insert in the RECORD a brief history of Elizabeth Baptist Church, a profile of Pastor Clinkscale, and a few words from the pastor at this time:

HISTORY OF ELIZABETH BAPTIST CHURCH

The Elizabeth Baptist Church was organized April 22, 1922, by Rev. C. W. Lee, with approximately 25 members, four of which are still living, two of whom are still with the church. They are Mrs. Adline Mixon and Deacon Ernest Jones. The other two are, Mrs. Annie Battles, Akron, Ohio and Mrs. Fannie Lee of Youngstown, Ohio.

The church had its beginning on Cherry Street, from there we moved to Wilson Avenue. In 1931, the property at 1846 Lawrence Street was donated to the Church by Mrs. Caroline Hazeltine, at this time the Rev. W. L. Ingram was the pastor. Receiving this property were the following Trustees: K. D. Hall, E. S. Jones, Thomas Hall, Archie Hickson and Frank Bennett.

Since 1922, the church has had several pastors, since no records were kept until recent years we have no accurate account of the work of some of the members.

In November, 1954, the church called as its pastor, the Rev. Lonnie Simon. Under the leadership of Rev. Simon, the church membership increased. On January 8, 1956, the church held its last service at 1864 Lawrence Street. The following Sunday, we moved into another church building located at 328 S. Forest Avenue.

On September 1, 1957, dedicatory service was held, at which time the mortgage on the church was burned. This was a six-year mortgage, but was paid off in two and a half years.

In April, 1966, the Rev. Hycel B. Taylor, was called to the church as its pastor. He served till 1966 and moved to Nashville, Tennessee, to enroll in Vanderbilt University.

Rev. Arthur Stevens, pastor of First Baptist Church, Freedom, Pennsylvania, was called to pastor and was then called to St. Peters Baptist Church, Youngstown, Ohio.

Elizabeth Baptist Church sold their property at 328 S. Forest Avenue to Mt. Sinai Baptist Church and moved temporarily to 1452 Wilson Avenue.

The Church then called Rev. Henry Clinkscale, pastor of Beulah Baptist Church. Under the leadership of Rev. Clinkscale the church progressed both spiritually and financially.

In July, 1970, Elizabeth Baptist Church purchased the Emmanuel Baptist Church and Parsonage at 7 S. Garland Avenue for $35,000.00 On September 6, 1970, the Church was rededicated and our corner stone was laid.

November 1970 Elizabeth purchased property at 8 S. Garland Avenue for $4,700.00 for parking facility. In 1970, 21 members were added to the membership roll by Christian experience, 13 candidates for Baptism, 1 reinstated, 7 deceased, 8 dismissal by letter.

In 1970 our church grew spiritually. There was an increase of 58 new members. Of this number there were 38 candidates for Baptism, 17 by Christian Experience, 3 by Restoration and 5 babies were dedicated. Also, a Junior Church was organized.

At the beginning of 1971, our church proposed a budget of $22,700.00. With God's Blessings and your efforts we were able to surpass this goal by $2,484.00. The budget for 1972 has been set at $30,000.00. This year we plan to burn the mortgage on the church and, also, have the church air-conditioned.

To the members who are responsible for the 50 years of progress, we say "Thank You", unto Him who is able to keep us from falling we say, "Bless His Holy Name". Through the Years.

Charter members living: Deacon Ernest Jones; Sis. Fannie Lee; Sis. Adline Mixon; and Sis. Annie Battles.

Pastor and First Lady

PROFILE OF THE PASTOR

Henry Clinkscale Jr., the son of Mrs. Mattie Clinkscale and the late Henry Clinkscale, was born in Youngstown, Ohio.

He attended Covington School, Hayes Jr. High School, South High Night School and the International Correspondence School. He attended the Human Engineering Institute of Niles, Ohio for three years, and received a certificate for completing the course in Hydraulic Maintenance, I and II, which was sponsored by the Commercial Shearing and Stamping Company, where he is employed as a Plumber. He also attended the Central Bible College in Cleveland, Ohio for four years.

He served as an Ordained Deacon of the New Bethel Baptist Church for six years and was called to preach in 1965. He was licensed to preach by the New Bethel Baptist Church where the Rev. L. A. Simon is the Pastor. He served as Assistant Pastor of the Antioch Baptist Church where the Rev. Alfred Ward is the Pastor.

Pastor Clinkscale was ordained in 1967 and was called to Pastor the Beulah Baptist Church. In September 1969 he was called to Pastor the Elizabeth Baptist Church.

Pastor Clinkscale is married to the former Odessa Harris and they have four daughters, Rose and Sandra at home, Mrs. Ernest Paul, and Mrs. James Williams of Cleveland, Mississippi. They have three grand-children, Dwayne and Rodney Williams and Ernest Paul Jr.

Words From the Pastor

A COMMAND TO A MARCHING CHURCH

Exodus 14:13.—"Fear not, stand still, and see the salvation of the Lord."

We come at this time to celebrate the Fiftieth Anniversary of our church and again I say to you, it is so wonderful to be a part of such a great organization as the Elizabeth Baptist Church. I cannot express the joy and Christian love which I have felt working with you in the last two years and seven months of these fifty years.

I have been strengthened by the bond of fellowship which exists among the board of Deacons, Trustees and members. I am richer in experience today than I was two years ago. I can say like the poet, "Twas grace that brought us safe thus far and grace will lead us on."

Deacon Jones and Mother Mixon started out marching fifty years ago and are yet going forward.

Elizabeth, God's church must forever go forward, it must not stop, it cannot stop, "for God is in the midst of her."

Let us march forward in the preaching of the Gospel, the world needs the Gospel.

We must march forward in love, "For God so loved the world that He gave, His only begotten son."

The church must march on, in denouncing immorality. Elizabeth, keep on marching, holding up the blood stained banner of the Lord, until Christ comes for His Church.

Pastor Henry Clinkscale and Family.

SPRING HILL: A NEW CONFERENCE CENTER

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. FRASER. Mr. Speaker, I want to bring to the attention of my colleagues, and to those who plan conferences for the Government, foundations, or other private groups, the new Minneapolis area conference facility that will be available this September.

This conference center, Spring Hill, is located 35 minutes from the Minneapolis-St. Paul International Airport. There are 10 nonstop flights daily between Washington and Minneapolis and excellent transportation connections with New York, Chicago, and the west coast.

Planners of small conferences should investigate Spring Hill. A detailed description of the facility and background information on the concept of Spring Hill follow:

Spring Hill Conference Center

Spring Hill, organized to become a national and international conference center, is both a facility and a program . . . designed to encourage discussions which raise, illuminate and help to resolve the issues of our changing society.

It was established in 1971 by individuals in the Twin Cities area. It is organized as a non-profit operating foundation for educational, charitable and scientific purposes.

The center is located in the western suburbs of Minneapolis, on a hill overlooking Long Lake. It is accessible . . . within three miles of an Interstate highway which runs 30 minutes southeast to the Twin Cities International Airport. Yet its 62 acres provide an appropriate isolation.

It is a part of . . . as well as simply *in* . . . the Twin Cities community. The intellectual and cultural resources of this innovative metropolitan region will be made available to the users of Spring Hill. Its business, civic and governmental institutions will, in turn, be enriched by the discussions which take place here.

Spring Hill can accomodate conferences of up to 100, and provides guest facilities for 61 persons.

The conference area contains one room adequate for 60 conferees and 40 observers, and two rooms for 30 conferees each.

The guest rooms are arranged for privacy. There are 51 single rooms, each with its own bath and individually-controlled air conditioning. There are five double rooms.

There is a main lounge, a gallery, within the guest room area, four meeting lounges for informal discussion. There is a library, which can be supplemented with resource materials for a particular conference.

The dining room seats 60. Overflow space is available for an additional 40. Refreshments are served either in the lounges, around the fireplace, or outdoors on the terrace.

There are also facilities for relaxation and recreation. There is a fine tennis court, an outdoor pool, a sauna and exercise room . . . and an opportunity for walks across the surrounding fields or through the pines down to the lake.

The center is interested in encouraging discussions which probe the political, social, economic and other aspects of the fundamental changes occuring in our institutions . . . which project these changes toward the end of the century and of the millenium . . . and which examine—in relation to basic human values—both the issues raised by the efforts to direct this change, and the choices that will be required.

Spring Hill is particularly concerned with conferences which bring together a diversity of backgrounds . . . individuals working in different fields who will come, in the course of their sessions, to a larger understanding of the interrelationships of their various disciplines and activities.

A full-time professional staff assists in the preparation of conferences to be conducted by others . . . and prepares and conducts conferences sponsored by Spring Hill itself. For those responsible for the conference, audio-visual equipment, secretarial services and duplicating services are provided.

We welcome inquiries about the center and about its program . . . both of which are available to a broad range of organizations for discussions that share our purposes.

SPRING HILL: A CONFERENCE CENTER FOR SERIOUS PURPOSES

Spring Hill Conference Center serves two basic purposes. First, its facilities are available for rental by organizations and groups for all types of conferences and meetings which are compatible with the general policies of the Center. Second, Spring Hill will conduct its own program: (a) by sponsoring its own conferences, and (b) by serving as a catalyst to stimulate or assist—through subsidy or co-sponsorship—conferences arranged by other organizations.

With these goals in mind, Spring Hill expects to attract conferences of state, national and world leaders to discuss and make contributions toward resolving major questions and problems of our society.

In the quality of both its facilities and its own conference programs, Spring Hill Conference Center intends to become at least comparable with such other leading conference centers as Airlie House, Washington, D.C.; Arden House, Harriman, New York; Wingspread, Racine, Wisconsin; and the Aspen Institute, Aspen, Colorado.

For more than a decade, leading Twin City business and professional people have recognized the need for a conference center in the metropolitan-Twin City area. Unlike other major metropolitan areas in America, the Twin Cities do not now provide an executive conference center where men and women have an opportunity to address themselves to serious, constructive purposes in appropriate facilities.

In January of 1970 the Wood-Rill Foundation engaged John G. Fischer, former administrator of Wayzata Community Church, to begin researching the possibilities for development of such a center. His search confirmed favorable interest in such a development on the part of the academic and cultural communities, corporations and associations. The University of Minnesota, Augsburg College, Minneapolis Urban Coalition, Minnesota State Arts Council, the Minnesota Executive Program, the Walker Art Center, the National Association of Housing and Redevelopment Officials, American Society of Training Directors, and many others have already made inquiries of the center's availability.

In selecting a site for the proposed center, the words "accessible isolation" were used as a major criteria. The John Cowles, Jr. property on Long Lake in Orono, Minnesota, which became available in 1971, meets this criteria superbly. The Cowles house is readily adaptable to a conference center, and there is ample room for additional housing and conference facilities.

The environment of the 62-acre country tract of land provides the appropriate atmosphere. Conferees will be free to work and relax without distraction. A tennis court, swimming pool, gymnasium, and walking paths will offer contrast to the conference sessions themselves. Aesthetically, as the style of its architecture suggests, Spring Hill will be a place of simplicity and serenity, a setting conducive to creative inter-action of its conferees.

Functionally, Spring Hill Conference Center will fulfill a definite community need. It will be designed for meetings and conferences; it will be a center that will serve as a program catalyst, bringing together the intellectual and cultural resources of the area; and it will be an organization that will, through its own staff and directors, originate its own programs.

Spring Hill Conference Center is being developed for the benefit and use of all cultural and charitable agencies in the area, as well as service groups, business and government. Already inquiries have been received from many organizations for additional information and possible dates for proposed conferences, which indicates the potential high degree of usage. Construction of the center is planned for completion in September of 1972. Advance reservations will begin April 1, 1972; and it is expected that some smaller, day group meetings will begin in the summer of 1972.

PROGRAMATIC GOALS

Never before has man had greater freedom of choice. Never before have the choices been so numerous, complicated, and fraught with awesome consequences for the future. The technologic skills produced by our exploding knowledge have made almost routine man's historic objective of mere physical survival: food, clothing, protection from the elements and "natural" diseases, etc. Given some restructuring and redistribution of physical wealth, plus reasonable birth rates, mere survival need no longer be a primary concern of this Earth's population. Some of the new questions are: survival for what? Are "bigger," "faster" and "more" necessarily "better"? What do we now mean by progress?

If preservation of the species is now routine—barring nuclear accident or ecologic cataclysm—what might be man's new goals, priorities, value systems? What are the possible new objectives and what are the various ways to move toward them? What are the choices now? What will they be next year? In five years? In thirty years?

The physical "wealth" of this Earth, whether in the form of gold, water or uranium, is, within the human time frame, finite: the Earth's mass and energy are not expandable in perceptible human terms. Relatively, man's knowledge—the new wealth—may well be unlimited. But knowledge which has made possible man's new condition of free choice is also offering, or requiring man to make, many choices that are difficult to make because the subject matter is not familiar and/or the consequences are not clear and/or one or more of the choices conflicts with possibly obsolescent mores shaped during earlier stages of man's evolution.

The accelerating rate of change produced by our exploding knowledge, the multiplicity and interaction of the new choices, and the relative irreversibility of some of these choices (e.g. ecology, genetics) all require the longest possible "lead time" for these choices to be considered by all persons who might be involved or affected. The human psyche is not a computer: we need time to think, to speculate, to investigate, to choose, to adjust, to prepare. Nor can we safely assume that either the human mind or body is infinitely adaptable. The further ahead we can see, the sooner we shall be able to see what our limits might be, and modify our choices accordingly.

Spring Hill's conference program will try to provide this lead time by formulating and disseminating clear descriptions and/or evaluations and/or advocacy of the alternatives and choices that will increasingly confront, or become available to, the citizens of our region, nation and Earth.

Spring Hill will *not* have its own "master plan," though its sympathies might lean more toward pragmatism, heterogeneity, freedom, justice and individualism than toward ideology, homogeneity, security, efficiency or collectivism.

Spring Hill's objective will be to encourage and assist maximum feasible self-government at all levels of our society—from a private citizen's choice of life style to a President's formulation and ranking of national goals, from city councils and school boards to the chambers of the United Nations.

The center's conferences, in general, will tend to (a) formulate and reconcile goals before specifying solutions to real or putative problems, (b) reflect the systemic nature of man's existence by drawing upon all relevant disciplines, (c) recognize that generalists who can synthesize are as necessary as specialists who can analyze, and (d) seek means to reconcile conflicting value systems with a minimum of coercion and a maximum of individual freedom.

In thinking about the future and man's choices, Spring Hill will encourage specificity, application and alternatives: priority will be given to the possible applications of theoretical knowledge and artistic creativity to the improvement of definable spheres of social life, as contrasted with efforts at theory building as such, or speculation about the future as a whole. The spectrum of conferences might include such topics as: new modes of continuing education, socialization of the arts, the judicial system in American life, the changing nature and roles of various professions in modern society.

Our firm intention is that the center to be located here contribute in a major way to the intellectual life of the people living and working here. Spring Hill must be *of* this community, as well as *in* it. We will search for opportunities for individuals and for organizations here to participate in the discussions taking place at the center, even where these are sponsored by non-local groups. And we will try to see that the results of discussions here become available to this community. The persons coming to Spring Hill will represent a tremendous resource; this community can benefit enormously from opportunities we can develop to talk with them. We believe they can benefit, in turn, from an exposure to the changes occurring—in governmental organization, in social institutions, in private institutions—in this remarkably innovative Twin Cities area.

NATIONAL FREEDOM OF THE PRESS DAY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. WOLFF. Mr. Speaker, today, June 7, is National Freedom of the Press Day.

In the course of a year's time thousands of observations are held in America honoring this group or that, commemorating one anniversary or another, paying tribute to the various and sundry organizations to whom it is felt tribute is due. More often than not due recognition is given to these groups and organizations and observations detailing their exploits are found here in the pages of the RECORD. They serve to remind us, if we need reminding, that not all the good that is done, not all the causes that are served, not all the worthy endeavors undertaken, necessarily commence here in the two Houses of the Congress. To say to us that the greatness of America is found in the diversity of our institutions and in the worthiness of the good and just deeds they perform.

But today, Mr. Speaker, is a special day, seeking as it does to call attention to that one American institution which more than any other shores up our freedom—the press.

No group of men or women are more consistently maligned in this Nation than members of the press or more faulted for the ills that affect our society. Not even politicians, upon whose heads coals of fire are constantly poured, suffer as much from the citizenry as do the press. And yet, there is no freedom where there is an absence of a free press. So the very freedom that makes possible this maligning of the press is safeguarded by none other than the press itself.

Now the press, suffering no more abnormalities then the rest of us, chafes somewhat under this collective criticism, but understands in its more somber moments, the necessity of it. Within the past several years a spate of monthly and quarterly publications have arisen serving no other purpose than to cast a critical eye on the performance of the daily press. These journals—they appear in such places as Chicago, New York, Philadelphia, Baltimore, Los Angeles, and other cities—vary in size and scope and publishing schedules, but they all seek one primary objective—to keep the press from becoming too complacent. There is no certain measure to their success, but rather a certain measure to their need.

The bottom line of this is our very great need for the press to be free. Thomas Jefferson spoke of the press being chequered about with many abuses, but he knew better than most men, even vilified as he often was by the press, of America's dependence upon it as a means of keeping our freedom. I do not know of a time when our need for the press was greater than today. I say that because of the extraordinary hostility displayed toward the press by the Nixon administration. Flora Lewis wrote some days ago that the Nixon game is to "beat the press." I agree. it disturbs me, this line of attack, for the power of any administration to intimidate the press, is very great.

The press, in most cases—it should be said—does not appear to be backing down. We must hope the opposite never happens. Not if we wish to maintain our freedom.

Today, Mr. Speaker, when we honor the Freedom of the Press Day, I think the words of John Adams worth recalling:

> But none of the means of information are more sacred, or have been cherished with more tenderness and care by the settlers of America, than the press. Care has been taken that the art of printing should be encouraged, and that it should be easy and cheap and safe for any person to communicate his thoughts to the public. And you, Messieurs printers, whatever the tyrants of the earth may say of your papers, have done important service to your country by your readiness and freedom in publishing the speculations of the curious. The stale, impudent insinuations of slander and sedition with which the gormandizers of power have endeavored to discredit your paper are so much more to your honor; for the jaws of power are always opened to devour, and her arm is always stretched out, if possible, to destroy the freedom of thinking, speaking, and writing.

SENATE—*Thursday, June 8, 1972*

The Senate met in executive session at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, to whom all hearts are open, all desires known, and from whom no secrets are hid, we thank Thee for the cleansing of the morning hours and for the bright promise of the new day. May this day begin, continue, and end in Thee that we may worthily magnify Thy holy name. Grant to Thy servants in this place grace to hear with discrimination and to speak with wisdom, so that all their actions being ordered by Thy governance, this Nation may be ably served and Thy kingdom advanced.

Through Him whose name is above every name. Amen.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senate adjourned in executive session last night, hence it is convening in executive session today; but under the unanimous-consent agreement, the following legislative business will be transacted as in legislative session.

First, the Senate will receive a message from the President.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 7, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 802, S. 2987.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EISENHOWER MEMORIAL

The Senate proceeded to consider the bill (S. 2987) to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, N.Y., out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower.

Mr. JAVITS. Mr. President, I urge passage of S. 2987, the bill I introduced on December 10, 1971, in which Senators PASTORE, GOLDWATER, and FANNIN joined me as cosponsor. This legislation would authorize the Secretary of the Treasury to make a grant to the Eisenhower College in Seneca Falls, N.Y., of $1 from the proceeds received from the sale of each "proof" Eisenhower silver dollar being sold for $10 to collectors.

In 1963, the late President Eisenhower agreed to the establishment of Eisenhower College as a living, permanent memorial to his years of service to the Nation in war and in peace. In subsequent years, the Eisenhower family and close friends have actively supported the establishment of the school, its development, and the funds necessary for its success. They have been joined by some 12,000 donors who have contributed more than $7 million to the college.

Among individuals who submitted testimony in support of the bill were Dr. Milton Eisenhower, Mrs. Mamie Eisenhower, John Eisenhower of the family, and such close personal friends as Gen. Alfred M. Gruenther, and Gen. Lauris Norstad. Organization support came from such varied sources as the Veterans of Foreign Wars and the AFL–CIO. This testimony gives emphasis to the fact that the college is the Nation's memorial to the late Dwight D. Eisenhower and is not to be confused in any way with legislation to aid an institution of higher education, which like so many others, is in financial need.

In 1968, Congress enacted Public Law 90–563 providing $5 million for the Eisenhower College on a matching basis. This amount has been matched by foundation, corporate, and individual gifts and pledges. The $20 million anticipated from this bill for the sale of "proof" Eisenhower silver dollar coins would supplement the $5 million appropriated in 1968. Some $46 million in Federal funds has been expended on construction, bonds, and land acquisition for the Kennedy Center.

The Bank Holding Company Act Amendments of 1970, Public Law 91-607, authorizes the minting of Eisenhower silver dollars. Twenty million "proof" coins are being sold to the public—coin collectors and collectors of Eisenhower memorabilia—at $10 each. One dollar of this $10 would go as the Secretary of the Treasury may direct, to the Eisenhower College up to a maximum amount of $20 million.

In addition to the "proof" Eisenhower silver dollar coins being sold for $10 each, the Treasury is also selling 130 million "uncirculated" Eisenhower silver dollar coins, each in a plastic case, for $3 apiece. The $390 million proceeds from this sale would not be affected by my bill, the entire amount going to the Treasury.

Eisenhower College is a living memorial to the great American who led the people of his Nation in war and in peace. A former college president himself, President Eisenhower saw Eisenhower College, an institution of higher learning, as a proper memorial. At the groundbreaking ceremony in September of 1965, he said:

> This is an honor that will be prized by me every day of my life, for I can think of no greater monument to any man than a college bearing his name; an institution which will be a vital, vigorous champion of freedom through proper education.

This bill would help translate the will into the deed, the dream into reality. I urge its approval.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Treasury is authorized to make grants to Eisenhower College, Seneca Falls, New York, in an amount equal to 10 per centum of the amounts received by the Secretary for the issuance of proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower, and minted under the authority of section 101(d) of the Coinage Act of 1965, and section 203 of the Bank Holding Company Act Amendments of 1970; the amount received by the Secretary for each minted proof dollar coin being $10 per coin.

TRIBUTE TO REPUBLICAN LEADER—SENATOR SCOTT, OF PENNSYLVANIA

Mr. MANSFIELD. Mr. President, the distinguished Republican leader of the Senate is to be honored at a dinner this evening given by the American Technion Society, on which occasion Senator Scott will receive the Albert Einstein Award.

As Pennsylvania's senior Senator, Hugh Scott represents the people of his State with integrity, intelligence, and ability. Always calm, unfailingly courteous, possessed of good judgment, and a dedication to public service, he is the delight of his colleagues and a tribute to the good sense of the voters of Pennsylvania. In my opinion, Senator Scott has performed outstandingly on behalf of his district, his State, the Nation, and the free world.

As Republican leader in the U.S. Senate, he has been a major contributor to both the substance and the passage of landmark legislation. As my counterpart in the Senate, I have nothing but words of praise for his understanding, his tolerance, and his cooperation in seeing to it that the Senate functions as a legislative body in its true meaning, and as a man in whom I have the utmost confidence. While at all times he represents the viewpoint of his party and his colleagues, he, nevertheless, recognizes the fact that regardless of party the needs of the country come first and he acts accordingly.

To pay tribute to Hugh Scott is to recognize his virtues as an outstanding American, an accomplished legislator, and a decent human being. Having served with him for 14 years in the U.S. Senate, and having watched his stature grow during the ensuing years, I can attest to these qualities as a lawmaker and a humanitarian.

It is an honor and a privilege for me to have the opportunity to serve with him and alongside him in the Senate, and to speak personally and publicly of my extremely high regard for him as a man and as a legislator.

Hugh Scott is a great American, and I want to extend to him my best wishes and to assure him that it has been a distinct pleasure and, indeed, a privilege to work with Hugh Scott in the Senate in the service of the Nation.

I extend my congratuations to the American Technion Society for recognizing this citizen, this outstanding Senator, this fine gentleman, and my good and close friend.

I congratulate the distinguished Republican leader who will be, this evening, the recipient of the Albert Einstein Award, an award given to very few and given only to those of high integrity, of public purpose, and deep understanding and tolerance.

Mr. SCOTT. Mr. President, I am inexpressibly grateful.

For the first time in a long time, words fail me.

I thank the distinguished majority leader from the bottom of my heart.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there morning business?

Mr. MANSFIELD. Mr. President I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Robert C. Byrd). Without objection, it is so ordered.

RECESS TO 11:10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 11:10 this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

At 10:13 a.m. the Senate took a recess until 11:10 a.m.; whereupon the Senate reconvened when called to order by the Presiding Officer (Mr. Hollings).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. Con. Res. 82. A concurrent resolution to express the sense of the Congress that the U.S. Government urge the establishment of a United Nations Voluntary Fund for the Environment to which the United States would contribute its fair share (Rept. No. 92-840).

By Mr. ROBERT C. BYRD, for Mr. Long, from the Committee on Commerce, with amendments:

H.R. 13324. An act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce (Rept. No. 92-841) (together with separate and additional views).

REPORT ENTITLED "THE IMPACT OF CRIME ON SMALL BUSINESS—PART IV"—REPORT OF A COMMITTEE (S. REPT. NO. 92-839)

Mr. BIBLE. Mr. President, from the Select Committee on Small Business, I submit a report entitled "The Impact of Crime on Small Business, Part IV," concerning the effect of cargo loss, theft, and hijacking in the trucking industry, based on 2 years of hearings and investigative work by our committee. I ask that the report be printed.

The PRESIDING OFFICER. The report will be received and printed.

Mr. BIBLE. Mr. President, this report is the fourth issued by our committee since December 1969, as a result of our efforts to assess the economic impact of crime on the Nation's 5½ million small businesses who must try to survive in the marketplace these days despite the disadvantageous social and economic factors of our times.

Mr. President, we believe that truck theft and hijacking cargo losses will exceed the present $925 million annual cost, unless carriers, shippers and government regulatory-law enforcement agencies mount a coordinated attack to deal with them. Certainly this cost estimate is probably only the tip of the iceberg compared to the total economic loss suffered by trucking companies, shippers, retailers and the consumer public required to pay crime-inflated prices.

Certainly, the stealing of truck cargoes is one of the fastest growing crimes nationally today and a key element in the $1½ billion annual cost of theft, pilferage and hijacking of truck, air, rail and ship cargo.

According to Mr. Lewis I. Siede, executive vice president of Babaco Alarm Systems, New York City, truck theft and hijacking increased 17½ percent nationally in 1971 to a record high of $925 million. He estimates that the average truck full-load loss increased from $40,000 to $47,000. We can continue to wonder whether the motor freight industry can operate in a business-as-usual manner in a crime-plagued society where thieves prefer to steal a truck with its expensive load rather than rob a bank with that average $4,500 loss.

One of the committee's findings in our report is that law enforcement efforts of local, state, and Federal law enforcement authorities are wholly inadequate in preventing the alarming increase in truck cargo thievery and in apprehending criminals involved therein. The report explains that a multiplicity of overlapping jurisdictional responsibilities encourages lapses in information exchange and prevention and apprehension efforts. There seems to be no concerted effort to break up the shady business operations involved in fencing and hijacking. Possibly, the ineffectiveness of traditional law enforcement efforts is shown by the spiraling increase in thefts of cargo shipped by truck since 90 percent of such thefts are carried out against interstate shipments.

We are still hopeful that Congress will enact this year the Senate-passed bill, S. 942, which our hearings caused us to introduce 2 years ago, to establish a Presidentially-appointed Federal Commission on the Security and Safety of Cargo, to seek out the why's and wherefore's of cargo thievery and methods for industry, government, and labor to determine cooperatively how to strike out at these sophisticated 1972 model bandits of the road.

Mr. President, I ask unanimous consent that a summary of the committee's findings and recommendations be printed at the conclusion of my remarks.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Committee Findings Re Truck Cargo Thievery

1. The frequency of truck cargo transport pilferage, hijacking and thefts is increasing at an alarmingly rapid rate, with law enforcement personnel finding it difficult to control.

2. The task of apprehending and convicting criminals is made more difficult by the absence of a systematic program of truck cargo theft prevention controls by manufacturers, shippers, truckers, terminal operators, and receivers.

3. Physical security, documentation and personnel policies of the trucking industry are lax and negligent and unnecessarily facilitate criminal activities.

4. Law enforcement efforts by local, State and Federal authorities are "wholly inadequate" and more cooperation and better liaison with industry are essential.

Committee Recommendations Re Truck Cargo Thievery

1. Present mandatory loss reporting regulations for Class I trucks should be expanded by the Interstate Commerce Commission to include all truck cargo carriers.

2. State and local law enforcement agencies should cooperate with crime prevention efforts of industry and Federal authorities by requiring reporting and assessment of intrastate cargo crimes.

3. The Departments of Transportation and Justice (Law Enforcement Assistance Administration) should jointly support and conduct research efforts designed to eliminate causes of theft, pilferage and hijacking of truck cargo.

4. The Department of Justice should seek to increase manpower where needed to survey organized crime's role in truck thievery and promote training courses for Federal, State and local law enforcement authorities to understand better the nature of cargo theft.

5. The Departments of Transportation and Justice and the Interstate Commerce Commission, along with representatives of manufacturers, carriers and shippers, should prescribe packaging, labeling, and documentation requirements and standards.

6. The Secretary of Transportation should be granted statutory authority to research, develop and establish minimal physical security standards for carriers and cargo terminal facilities, as proposed in the Bible Cargo Security Commission bill, S. 942.

7. The Departments of Transportation and Justice (Federal Bureau of Investigation), the Interstate Commerce Commission, state regulatory and licensing authorities, and carrier and labor union representatives should devise and seek to establish uniform personnel identification and/or licensing requirements.

8. The Interstate Commerce Commission should review present regulations and enforcement practices permitting embargoes and selected refusals to transport commodities.

9. Industry or inter-industry efforts to curb increasing cargo criminality should be assisted by Federal technological, management and financial assistance.

10. Increased penalties, as suggested by civil damage actions for receiving and "fencing" stolen property, should be imposed by new laws.

11. The trucking industry should consider increased cargo thievery as a matter of high public interest and concern, and should increasingly cooperate with Federal agencies in developing and implementing modern management techniques to provide for tighter responsibility and accountability for moving cargo, with special efforts directed to hiring, personnel and training practices.

12. The Department of Justice should undertake systematic assessment and evaluation of truck theft data to formulate and recommend specific strategies of prevention, identify technical aspects of crime prevention requiring further scientific research, and identify information requirements to be supplied by industry through established reporting requirements.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

William A. Carey, of Illinois, to be General Counsel of the Equal Employment Opportunity Commission.

By Mr. EASTLAND, from the Committee on the Judiciary:

Charles W. Joiner, of Michigan, to be a U.S. district judge for the eastern district of Michigan; and

Albert W. Coffrin, of Vermont, to be a U.S. district judge for the district of Vermont.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary to Uganda.

PROHIBITION ON CERTAIN VESSELS IN U.S. FISHERIES—ORDER FOR A STAR PRINT OF S. 3358

Mr. STEVENS. Mr. President, the Commerce Committee will shortly be conducting hearings on my bill, S. 2258, to prohibit the use of certain small vessels in U.S. fisheries.

I ask unanimous consent that a star print be made of S. 3358, adding on page 2, after line 2, a new section 2, reading "This Act shall affect no vessel acquired prior to the date of enactment.".

The purpose of this addition is to protect those persons who previously purchased Canadian vessels and have substantial sums of money invested in them.

The PRESIDING OFFICER (Mr. Taft). Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MOSS:

S. 3682. A bill to authorize the payment of back pay and allowances to Federal employees whose positions are incorrectly classified. Referred to the Committee on Post Office and Civil Service.

By Mr. MILLER:

S. 3683. A bill to provide for the sharing of Federal tax receipts with the States and their political subdivisions for purposes of education. Referred to the Committee on Finance.

By Mr. BROCK (for himself and Mr. Baker):

S. 3684. A bill to create a special tariff provision for imported glycine and related products. Referred to the Committee on Finance.

By Mr. JAVITS:

S. 3685. A bill for the relief of Carmelo Sessa. Referred to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 3686. A bill for the relief of Siu Lun Pang; and

S. 3687. A bill for the relief of Hoi Yeung Wong. Referred to the Committee on the Judiciary.

By Mr. ALLOTT (for himself, Mr. Jordan of Idaho, Mr. Fannin, Mr. Hansen, Mr. Buckley, and Mr. Metcalf):

S. 3688. A bill to donate to certain Indian tribes certain submarginal lands of the United States, and to make such lands parts of the reservations involved. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 3689. A bill to suspend the procedure, with respect to fiscal year 1973, for increasing certain Federal salary rates. Referred to the Committee on Post Office and Civil Service.

S. 3690. A bill to provide vocational counseling and retraining for public safety officers who become disabled as the result of injury in the line of duty or those who retire after completing the required years of service. Referred to the Committee on Labor and Public Welfare.

S. 3691. A bill to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs. Referred to the Committee on Agriculture and Forestry.

By Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD):

S. 3692. A bill to amend the Act of June 30, 1944, an Act "To provide for the establishment of the Harpers Ferry National Monument", and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND RESOLUTIONS

By Mr. MILLER:

S. 3683. A bill to provide for the sharing of Federal tax receipts with the States and their political subdivisions for purposes of education. Referred to the Committee on Finance.

FEDERAL TAX-SHARING EDUCATION ACT OF 1972

Mr. MILLER. Mr. President, I introduce for printing and appropriate reference a bill which would, basically, return to the States and their political subdivisions 2 percent of the total Federal tax collections to be used solely for educational purposes. I have advocated this form of Federal revenue sharing ever since I was elected to the Senate. Based on fiscal 1971 Federal tax collections of $191.6 billion this would amount to about $3.8 billion.

Education is an essential prerequisite to self-fulfillment of the individual and to social and economic progress of a Nation. Our breakthroughs in space exploration and nuclear energy, our advances in health, social services, and in other areas are traceable to our citizens' enlightened view of education as a lifelong process. Our commitment to education is well known and is being emulated throughout the world.

Nevertheless, our schools face a financial crisis, born of the necessity and firm belief that every child should have the best education possible. Sources of money have been depleted by inflation while the needs continue to grow. Property taxes have become oppressive. The citizen-taxpayer is wondering when the demands on him will let up even as he knows we cannot afford to ignore our youth and our educational institutions.

The financial crisis of our schools is really an outgrowth of the financial problems of our States and local governments which are essentially ones of steeply rising expenditures and inadequate resources with which to meet the growing demands for increased services, not only in the case of education but in all other areas of State and local activities as well. If our federal system is to survive, the growing imbalance between the financial resources of the Federal Government and that of State and local governments must be corrected.

While State and local revenues have grown substantially—from $31.1 billion to $130.8 billion between 1955 and 1970, respectively—the heavy reliance of State and local governments on property and sales taxes has made increases in tax revenues more difficult to obtain recently. To a substantial degree these tax revenue increases have had to be obtained by rate increases because the bulk of State and local revenue comes from sources which do not increase as rapidly as income levels rise. In the meantime, State and local expenditures almost tripled between the years 1955 to 1970—from $33.7 billion to $131.3 billion.

I have received more and more complaints from constituents in my State concerning high property taxes. Because property tax revenues are used, in most States, to support local schools, a revenue-sharing measure such as I am proposing is the best way I know of providing meaningful and sustained property tax relief. It will significantly help State and local governments meet their growing responsibilities while at the same time retaining primary operational independence.

I am very much aware that there are numerous other revenue-sharing measures which are being considered by the Congress. Many allow the shared funds to be used for any purpose, but the most prominent—the so-called Mills bill (H.R. 14370)—would not allow local units of government to use their Federal revenue-sharing funds for educational purposes. Since revenue sharing would be a new approach, and since education is so important to the future of this country, any revenue sharing that is authorized should be limited, at first, to educational purposes, and that is what I have done in my bill. After we have had some experience with such a program, the purposes for which the money could be used could be expanded as the shared revenues are increased.

The principal provisions of my bill are as follows: The bill would establish a tax-sharing fund in the Treasury and would appropriate to such fund for the fiscal year beginning July 1, 1972, and for each fiscal year thereafter, an amount equal to 2 percent of total Federal tax collections received during the preceding fiscal year. The Secretary of the Treasury would be directed to pay the State allotments from this fund at least quarterly.

The allotment to each State would be determined primarily on the basis of the population of each State between ages 5 and 20 inclusive. Each State's basic allotment would be increased or decreased by the percentage that the State's annual per capita income is lesser or greater, respectively, than the average annual per capita income of all the States. This formula, while primarily distributing the funds on the basis of school age population, would assure that the lower income States would receive an added amount.

The bill contains a pass-through provision to assure that the local governmental units would receive a fair share of the State allotment. The amount passed through to each political subdivision would be determined by the ratio that expenditures of such subdivision for education—exclusive of State aid—bear to the total expenditures for education by the State and all of its political subdivisions.

The States and their political subdivisions could use their allotment under the bill only for activities, programs, and services in the field of education, including activities, programs and services provided with respect to elementary and secondary schools, vocational and technical schools, and institutions of higher learning.

If a State uses any of its allotment for other than educational purposes or if it does not obligate its allotment within 2 years after it was made, the Secretary of the Treasury, after notice and opportunity for hearing, would be required to subtract such amount from subsequent allotments to that State. Also, the States must give the Secretary assurances and certify that they will use fiscal control and fund accounting procedures necessary to assure proper disbursement and accounting of their allotment, make accounting reports to the General Accounting Office, and comply with all applicable laws, including title VI of the Civil Rights Act of 1964. If the Secretary finds any state or political subdivision not in substantial compliance with these requirements, he would be required to cancel any subsequent payments to that State and reallocate such amount to the other States. Determination by the Secretary would be subject to appeal to the U.S. District Court for the District of Columbia, as a matter of preventing hardship due to any arbitrary decisions by administrative officials.

By Mr. ALLOTT (for himself, Mr. JORDAN of Idaho, Mr. FANNIN, Mr. HANSEN, Mr. BUCKLEY, and Mr. METCALF):

S. 3688. A bill to donate to certain Indian tribes certain submarginal lands of the United States, and to make such lands parts of the reservations involved. Referred to the Committee on Interior and Insular Affairs.)

Mr. ALLOTT. Mr. President, on behalf of Senator JORDAN of Idaho, Senator FANNIN, Senator HANSEN, Senator HATFIELD, Senator BELLMON, Senator BUCKLEY, and myself, all of the minority members of the Interior and Insular Affairs Committee, I send to the desk legislation which, if acted upon favorably by the Congress, will provide lands to 19 Indian tribes in nine States including the lands for the Stockbridge Munsee Tribe, the subject of S. 722 being considered today which have located near their reservations, tracts of the so-called submarginal lands which were purchased in the 1930's as a part of this country's efforts to combat economic depression only.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. ALLOTT. Since the 76th Congress, legislation has been introduced in each Congress to date for the purpose of accomplishing a transfer of such lands to the Indian tribes but, time and time again, the Senate Interior and Insular Affairs—or its predecessor committee—has refused to act favorably upon the Senate bills or House-passed bills which were for only some of the tribes.

On May 19, 1972, the majority of the committee reversed its previously declared policy of not acting until it had considered the matter of all 19 transfers at the same time and proceeded to order a bill reported for one tribe only, S. 722 which as I said, is being separately considered by the Senate today.

While not endorsing the delay which the aforesaid policy of this committee has, in part, brought about we do believe that the only equitable manner in which to proceed is by considering all instances at the same time.

The bill which we are introducing today will provide the vehicle for considering all of the desired transfers of these lands together. Consistent with the previously declared policy of the Interior and Insular Affairs Committee, we would examine these requests in their entirety rather than on a piecemeal basis.

Considering and passing on the question of what will be done with all of these lands is long overdue.

The history of this submarginal lands legislation and the reasons for our introduction of this bill are detailed at length in the minority views we recently filed in connection with the report of the Interior and Insular Affairs Committee on the said S. 722.

The bill we are introducing today provides for the following:

First, donation of the pertinent submarginal lands to each of the 19 tribes in trust.

Second, exemption of requiring payments for the land by the tribes—or possible payment through "offsets" in the Indian Claims Commission which the Commission has determined it would not do, even if a provision for "offsets" is included in the legislation.

Third, reserves mineral rights in the United States—consistent with the provisions of an omnibus bill which Senator Church introduced in the 87th Congress and other similar bills.

Fourth, protects all vested contract and possessory rights including water rights.

We would be happy to have Senators who believe that the requests of all tribes should be considered join us in sponsoring this bill.

Mr. METCALF. Mr. President, I am delighted that the Senator from Colorado has brought up this question of the other 19 Indian reservations. If he would acquiesce, I should like to ask that I be allowed to be a cosponsor of the bill that he sent to the desk.

Mr. ALLOTT. I am very happy to have the Senator from Montana be a cosponsor of the bill and ask unanimous consent, Mr. President, that he be added as a cosponsor.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of safeguarding the respective interests and welfare of the tribes of Indians enumerated below in connection wtih specified submarginal lands, the following described lands and improvements thereon, upon which said Indians depend and which are necessary for their reasonable social and economic development, are hereby gratuitously given to said tribes, respectively, to be held in trust by the United States for the sole use and benefit of the said tribes and said lands shall be parts of the reservation heretofore established for each said tribe:

Tribe	Reservation	Submarginal land project donated to said tribe or group	Approximate acreage
1 Bad River Band of the Lake Superior Tribe of Chippewas	Bad River	Bad River LI-WI-8	13, 189
2 Blackfeet	Blackfeet	Blackfeet LI-MT-9	9, 037
3 Burns Paiute	Burns Colony	Burns Colony LI-OR-5	606
4 Cherokee Nation	Cherokee	Delaware IL-OK-4	13, 778
		Adair, LJ-OK-5	4, 960
5 Cheyenne River Sioux	Cheyenne River	Cheyenne Indian LI-SD-13	5, 111
6 Crow Creek Sioux	Crow Creek	Crow Creek LI-SD-10	19, 627
7 Lower Brule Sioux	Lower Brule	Lower Brule	14, 290
8 Devils Lake Sioux	Fort Totten	Fort Totten LI-ND-11	1, 424
9 Fort Belknap Indian Community	Fort Belknap	Fort Belknap LI-MT-8	25, 536
10 Fort Peck	Fort Peck	Fort Peck LI-MT-6	85, 338
11 Lac Court Oreilles Band of Lake Superior	Lac Courte Oreilles	Lac Courte LI-WI-9	13, 185
12 Keweenaw Bay Indian Community	L'Anse Community	L'Anse LI-MI-8	4, 022
13 Minnesota Chippewa	White Earth	Twin Lakes LI-MN-6	24, 115
		Flat Lake LI-MN-15	4, 436
14 Navajo	Navajo	Gallup-Two Wells LI-NM-18	70, 000
15 Oglala Sioux	Pine Ridge	Pine Ridge LI-DS-7	46, 522
16 Rosebud Sioux	Rosebud	Cutmeat LI-SD-8	10, 089
		Antelope LI-SD-9	18, 642
17 Shoshone-Bannock	Fort Hall	Fort Hall LI-ID-2	8, 710
18 Standing Rock Sioux	Standing Rock	Standing Rock LI-ND-10	6, 879
19 Stockbridge-Munsee Community	Stockbridge	Stockbridge LI-WI-11	13, 077

Sec. 2. As to the submarginal lands set forth next to their names, the donations made by this Act to such tribes or groups are all of the right, title, and interest of the United States of America in the lands, and the improvements thereon, that were acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), reserving to the United States the minerals thereof, and that are now under the jurisdiction of the Department of the Interior for administration for the benefit of the Indian tribes or groups named and hereby declared to be held by the United States in trust for such Indian tribes or groups, subject to the reservation in the United States of a right to use for military purposes any part of such lands that are within the boundaries of the Ellsworth Air Force Range, and subject to a reservation in the United States of a right to prohibit or restrict improvements or structures on, and to continuously or intermittently inundate or otherwise use, lands in sections 25 and 26, township 48 north, range 3 west, at Odanah, Wisconsin, in connection with the Bad River flood control project as authorized by the Act of July 3, 1958 (72 Stat. 297, 311), and the lands shall be parts of the reservations heretofore established for the tribes or groups involved: *Provided,* That the provisions of this Act shall not apply to the title to any part of such lands or any interest therein that the Secretary of the Interior and the Secretary of the Army jointly announce by publication in the Federal Register within one year from the date of this Act are needed in connection with authorized water resource development projects.

Sec. 3. The laws of the States in which the lands donated by section 1 are situated shall be applicable in adjudicating and establishing rights and priorities, if any, to waters under, upon or otherwise appurtenant to such lands, as in the case of other private rights and claims.

Sec. 4. Any receipts from leases or permits for minerals in such lands that were received prior to the date of this Act and that are required by section 6 of the Act of August 7, 1947 (61 Stat. 913, 915), to be deposited in a special fund in the Treasury pending final disposition thereof by Congress shall be deposited in or transferred to the miscellaneous receipts of the Treasury.

Sec. 5. Nothing in this Act shall deprive any person of any right of possession, contract right, interest, or title he may have in the land involved.

By Mr. HUMPHREY:

S. 3689. A bill to suspend the procedure, with respect to fiscal year 1973, for increasing certain Federal salary rates. Referred to the Committee on Post Office and Civil Service.

HIGH-LEVEL GOVERNMENT SALARY INCREASES SHOULD BE SUSPENDED FOR THE DURATION OF WAGE CONTROLS

Mr. HUMPHREY. Mr. President, I oppose any consideration of pay raises this year for high-level executive, legislative, and judicial officers of the Federal Government. I stated this in my letter of May 22, 1972, to President Nixon. Under present law the President convenes the Salary Review Commission which recommends high-level salary increases for inclusion in the next budget transmittal to the Congress.

In my opinion, public confidence in the Government and its economic policies would not be served by the appointment or convening of this Commission this year.

Wages of the typical American are now stringently controlled by economic stabilization policies. Leaders in the executive, judicial, and legislative branches of the Federal Government should not, in my opinion, enjoy a privileged status while the average family bears the brunt of both the inflation of prices and the attempted inflation control through wage restraints.

The first and only such Commission on executive, legislative and judicial salaries was convened in fiscal year 1969, and is scheduled again for this coming fiscal year under the provisions of section 225 of the Postal Revenue and Federal Salary Act of 1967.

This law requires salary reviews every fourth year. It also provides for a nine-member Commission; three appointed by the President of the United States, two by the President of the Senate, two by the Speaker of the House of Representatives, and two by the Chief Justice.

Four categories of salaries would be reviewed. The first category is Senators, Members of the House, and Resident Commissioners. The second category is legislative offices and positions, such as the Sergeant at Arms, Architect of the Capitol, legislative counsel, and others. Justices, judges and other personnel in the Federal judiciary comprise the third category, and Offices and Positions Under the Executive Schedule—chapter 53, II title 5, United States Code—commonly known as "executive levels," are the fourth category.

The rationale for this periodic review is that in the intervening 4 years other salaries, such as career civil service salaries have been increased, thereby creating instances in which employees' and superiors' salaries become out of alinement.

I cannot, despite this rationale, support these pay raises at a time when I feel that our whole economy is out of alinement, and working people's wages are frozen.

These pay raises affected 2,047 persons in 1970 and cost approximately $23 million each year. The salaries of the Cabinet members and Supreme Court Justices were increased to $60,000, the Chief Justice's to $62,500.

The salaries of the Vice President of the United States, and the Speaker of the House of Representatives were increased to $62,500 annually, from $43,000.

The salaries of the majority and minority leaders of the House and Senate and the President pro tempore of the Senate were increased to $49,500.

The salaries of the Members of the Congress were increased to $42,500.

The President's recommended salary revisions would ordinarily go into effect within 30 days of transmittal to the Congress, unless there is adverse action in either House.

It will be recalled, however, that considerable controversy surrounded the salary increases granted to the Members and leadership of the Congress, as well as that of the Vice President.

The increases were at first rejected by the Senate, and there was a good deal of opposition before the salary measure was finally passed.

As Members of the Congress, we should not require others to tighten their belts, yet refuse to tighten our own. The same need to provide an example of leadership by not seeking salary increases now carries throughout the higher levels of all three branches of the Government.

I therefore introduce a bill to suspend the executive, legislative, and judicial wage review procedure with respect to fiscal year 1973, and ask unanimous consent that the text be printed in the RECORD, along with my letter to President Nixon.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall be appointed, with respect to fiscal year 1973, as a member of the Commission on Executive, Legislative, and Judicial Salaries established under section 225 of the Postal Revenue and Federal Salary Act of 1967; no review shall be conducted or report submitted under such section by the Commission or its staff with respect to such fiscal year; and the President shall not make recommendations under that section with respect to such fiscal year.

MAY 22, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I understand that, as the law requires, you will soon be appointing members to the Commission on Executive, Legislative and Judicial Salaries. Members of this Commission will also be appointed by the President of the Senate, the Speaker of the House of Representatives and the Chief Justice.

The purpose of this Commission would be to recommend to you increases in salaries for members of Congress, legislative employees, judicial personnel and executive positions in federal agencies. The Commission would report to you anytime before the end of this year and you would have the option of forwarding their recommendation to the Congress with or without your own recommendations. If contravening legislation is not enacted by one house of Congress, the salary increase recommendations would become effective automatically.

I wish to serve notice here and now that I firmly oppose any increases in these high level salaries during such time as the wage freeze or wage controls continue to be applied to the salaries of wage-earning men and women. If salary increases are forwarded to the Congress I certainly will introduce and strongly support a resolution of disapproval, absent a lifting of the wage freeze or controls.

Raising the salaries of the President and Vice President, Senators and Congressmen, Cabinet members and others—among the highest paid people in our government and in our society, would clearly compound the existing inequities of wage-price controls. I simply could not support increasing the salaries of the government's top wage earners at the same time most workers in our country suffer the consequences of inflationary prices and controlled wages. This would be particularly unjust because, as we have seen, price and profit controls simply have not been effective, whereas wages have been held down. Moreover, while prices have continued to rise, exemptions to the price controls have been increased, rather than the reverse. Only the wage earner is forced to observe controls.

I urge you to make clear to the American people your intent with respect to high-level government salary increases.

Sincerely,

HUBERT H. HUMPHREY.

By Mr. HUMPHREY:

S. 3690. A bill to provide vocational counseling and retraining for public safety officers who become disabled as the result of injury in the line of duty or those who retire after completing the required years of service. Referred to the Committee on Labor and Public Welfare.

PUBLIC SAFETY OFFICER RETRAINING ACT

Mr. HUMPHREY. Mr. President, an increasing number of our Nation's public safety officers are injured, or even killed as they go about their job of protecting us.

In 1970, 100 police officers were killed.

In 1971, 125 police officers were killed.

Firefighting is now the most hazardous profession in the country. Last year, 210 firefighters lost their lives. During the past decade, 44 firefighters have been the victims of criminal attack.

In 1970 alone, 38,583 firefighters were injured in the line of duty.

That same year, assaults on policemen totaled 43,171. That is a rate of 18.7 assaults per 100 policemen.

Of the assaults on the police, 15,165 resulted in injuries—a rate of 6.6 per 100 policemen.

These are our truly unheralded heroes.

These grim statistics regarding the increase in murders of public safety officers are now familiar to us all. But there is little attention paid to those brave public safety officers—countless numbers of them—who sustain disabling injuries as they perform their duties.

These injuries often abruptly end their careers. Whether they are policemen, prison guards, or firemen, their public safety training is often their only marketable skill. They are left with many productive years ahead but little or no meaningful work to look forward to.

The problems facing the public safety officer who retires after 20 or 25 years is also serious. After courageously serving the public he often finds himself cut off, still in the prime of life, from anything useful to do.

Vocational programs and manpower training programs are now available to many Americans. Who could be more deserving of such assistance than one who is disabled for the rest of his life because he faced the hazards of protecting you and me?

Therefore, I am introducing the Public Safety Officer Retraining Act, to provide for the vocational counseling and retraining of public safety officers injured in the line of duty, or retiring after completing the required years of service.

By amendment to existing manpower development and training legislation, resources would be made available to bring the same vocational counseling, job retraining, and other assistance to public safety officers as we now provide to others.

States would be able to avail themselves of Federal matching funds to establish manpower programs. All job-disabled Federal, State, or local public safety employees, whether in enforcement, corrections, or other work with potentially dangerous persons through the courts systems, would be able to use these services.

Injured firefighters, voluntary or otherwise, would also be eligible for these services.

The Secretary of Labor would be authorized to provide up to 75 percent of the costs to the States for such programs.

Let us do no less for our injured and disabled public safety officers than they have done for us.

By Mr. HUMPHREY:

S. 3691. A bill to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs. Referred to the Committee on Agriculture and Forestry.

NATIONAL SCHOOL LUNCH LEGISLATION FOR 1972–1973 SCHOOL YEAR

Mr. HUMPHREY. Mr. President, I am today introducing legislation which will continue on a permanent basis the action taken by Congress last September to prevent the President and his administration from cutting Federal support for school lunch. The bill is similar to legislation now under consideration in the House.

It is essential for the Congress to enact this legislation in view of the admission yesterday that the President intends to save some $400 million in food stamp funds the Congress has authorized for the war on hunger in America.

This is not a savings, this is a scandal. We cannot be proud of an action which takes food from the poor, from those who now will suffer the indignity of hunger and pain of malnutrition. We must oppose any such efforts which substitute economy for compassion.

When the Nixon administration proposed new rules for the school lunch program last September which would have taken food from 2 million needy children, and would have reduced Federal support for school lunch, the Congress passed emergency legislation which imposed specific and positive requirements on the Nixon economizers.

We said that schoolchildren whose parents were poor should get a free lunch, and the Federal Government would pay up to 40 cents to support each lunch served to a needy child. We also said that every child should be encouraged to eat a school lunch, and we provided an additional reimbursement of 6 cents for each lunch served to any child.

We also said that the local school district and the State educational authorities could tell best which child was eligible for a free lunch, and we told the President he could not interfere with the people in the States and the community by dictating eligibility standards.

The bill I am introducing today continues this policy. The President should not be able to dictate to the people. The children should be fed.

I am making one significant change. It is to increase the level of additional reimbursement for all lunches from 6 cents to 8 cents. The cost of food has gone up, and continues to increase. Without additional support, the cost of a school lunch must also go up. If lunch prices increase, the children whose parents now earn a moderate income will be the first to drop out of the program. The blue-collar worker will benefit from this amendment.

I recognize the administration will deny any intention to reduce the level of support for school lunch, and will cite its budget proposal for the next school year as evidence of its good intentions.

I can only say that we must take Mr. Nixon at his own words—which are as I recall, "don't judge me by my words but by my deeds."

The failure to use $400 million which Congress has authorized to help eliminate hunger among the poor is warning enough of what will befall the schoolchild next fall if Congress fails to act this summer.

The legislation I have introduced will protect the school lunch program from the Nixon economizers.

Mr. President I ask unanimous consent to have my bill printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the National School Lunch Act (42 U.S.C. 1761) is amended by adding at the end thereof the following:

"(i) Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to utilize, during the period May 15 to September 15, 1972, not to exceed $25,000,000 from funds available during the fiscal years 1972 and 1973 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the purposes of this section. Funds expended under the provisions of this paragraph may be reimbursed out of any subsequent supplemental or regular appropriation hereafter enacted for the purpose of carrying out this section, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32. Funds made available under this subsection shall be in addition to direct appropriations or other funds available for the conduct of summer food service programs for children."

SEC. 2. (a) The first sentence of section 13 (a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) as amended, is amended to read as follows: "There is hereby authorized to be appropriated such sums as are necessary for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, or expand non-profit food service programs for children in service institutions."

(b) Section 13(a)(2) of such Act is amended by inserting a new sentence at the end thereof as follows: "To the maximum extent feasible, consistent with the purposes of this section, special summer programs shall utilize the existing food service facilities of public and non-profit private schools."

SEC. 3. The first sentence of section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows: "There is hereby authorized to be appropriated such sums as are necessary for the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, to enable the Secretary to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools."

SEC. 4. (a) Notwithstanding any other provisions of law, the Secretary of Agriculture shall until such time as a supplemental appropriation may provide additional funds for such purpose use so much of the funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)), as may be necessary, in addition to the funds available therefor, to carry out the purposes of section 4 of the National School Lunch Act and provide an average rate of reimbursement of not less than eight cents per meal within each State during the fiscal year 1973. Funds expended under the foregoing provisions of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out section 4 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32.

(b) Funds made available pursuant to this section shall be apportioned to the States in such manner as will best enable schools to meet their obligations with respect to the service of free and reduced-price lunches and to meet the objective of this section with respect to providing a minimum rate of reimbursement under section 4 of the National School Lunch Act, and such funds shall be apportioned and paid as expeditiously as may be practicable.

SEC. 5. Section 9 of the National School Lunch Act is amended by inserting after "as of July 1 of such year." the following: "Such guidelines shall be considered only as a national minimum standard of eligibility. The Secretary shall reimburse State agencies and local school authorities for free and reduced-cost meals pursuant to eligibility standards established by State agencies prior to September 1 of such fiscal year. The Secretary shall not lower eligibility standards for free or reduced-price meals in effect during a fiscal year for which such standards have been established nor require a reduction below the number of children served in any school district during such fiscal year."

SEC. 6. The first sentence of section 5(a) of the Child Nutrition Act of 1966, as amended by section 2 of Public Law 91–248, is amended by deleting the phrase "for the fiscal year ending June 30, 1973, not to exceed $15,000,000 and for each succeeding fiscal year, not to exceed $10,000,000" and inserting in lieu thereof the following phrase: "for each of the three fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, not to exceed $40,000,000 and for each succeeding fiscal year, not to exceed $20,000,000." To assist the Congress in determining the amounts needed annually, the Secretary is directed to conduct a survey among the States and school districts on unmet needs for equipment in schools eligible for assistance under section 5 of the Child Nutrition Act. The results of such survey shall be reported to the Congress by December 31, 1972.

My Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD):

S. 3692. A bill to amend the act of June 30, 1944, an act "to provide for the establishment of the Harpers Ferry National Monument", and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. RANDOLPH. Mr. President, it is a privilege today to introduce a measure which, if enacted into law, will enhance the continued development of the Harpers Ferry National Historical Park.

This park has contributed significantly to the enjoyment, education, and relaxation of millions of our citizens.

Visitation to the park has increased from 955,520 persons in 1967 to 1,129,900 in 1971. It is expected that visitation to Harpers Ferry over the next several years will increase by approximately 10 percent each year.

Over a period of many, many years, I have had a continuing and close association with the development of the Harpers Ferry facility. It was my privilege to have participated in the original planning of the park and to have sponsored the legislation in 1944 authorizing its establishment. That measure created the Harpers Ferry National Monument. In

1963, I authored the bill which expanded this very important park area and renamed it the Harpers Ferry National Historical Park.

From the date of park's establishment, the National Park Service has carried on a program of restoring the town as nearly as possible to its appearance from 1859 to 1865. This period includes the turbulent years of the raid on the Federal armory by John Brown and his small band of men and the Civil War that followed. Over the past 10 or 12 years, seven of the historic buildings have been restored including the Master Armorer's House in which is interpreted the story of the Federal armory operation in Harpers Ferry. The Robert Harper House has been restored and is furnished in the style of that period. The Paymaster's House has been restored and exhibits placed in two rooms depicting the school room setting of the time when Rev. Nathan C. Brackett as a missionary came to Harpers Ferry soon after the Civil War and began teaching former slaves in these very same rooms. From this humble beginning Storer College grew.

The Stagecoach Inn has been restored and is now the Park's Visitor Center. Other developments necessary to accommodate visitors and provide for operation of the park have been accomplished concurrently with the restoration program.

Additionally, the National Park Service has established a training center for its personnel and that of other Federal agencies, as well as State, local, and foreign park personnel. This training facility was developed from the buildings of Storer College which closed its doors in 1955.

Early in 1970, Mr. President, a major unit of the National Park Service was moved from Washington to Harpers Ferry. This division of the Park Service has the responsibility for planning and producing films and other audiovisual materials, publications, and museum interpretive exhibits for all parks across the country. The personnel involved in this important work are housed in a new, progressively designed building in a setting most conducive to creativity.

Recently the National Park Service developed a master plan which, when implemented, will provide for the accommodation of the large number of visitors in a manner that will better preserve the historic resources of the area. At the same time, it will permit them to derive a better understanding and appreciation of the historical events commemorated in the park. This is to be accomplished by arranging to park all passenger vehicles at some point outside the historic town where there will be a visitor orientation center, and provide a shuttle service by bus or some other means into the historic areas, including a circle tour to points of historic interest outside the town itself. Those of us familiar with the geography of the Harpers Ferry area readily understand the confined space in the historic town that is shared by the visitors and their automobiles. This situation has now become most serious. The congested vehicular traffic interferes with the visitors' enjoyment of the historic setting and its peaceful atmosphere. Additionally, large numbers of visitors, especially on weekends, are unable to find parking space and their searching creates hazards to the safety of these visitors walking about the town.

There are plans also to accelerate the restoration of the historic buildings and the general townscape to its 1859 to 1865 appearance and to improve the interpretation programs by means of living history activities, exhibits, and by an increased staff of skilled interpreters.

During recent conferences the officials of the National Park Service have promised me their continued cooperation to the fullest extent with the local governmental units, local associations, and with private individuals to preserve the historical resources in the area. Also, since the natural features of mountains, valleys, and streams of the lovely countryside contributed to the development of Harpers Ferry and its resulting place in our history, the Park Service is committed to maintaining this natural beauty which has made and still makes Harpers Ferry an historic jewel in a magnificent natural setting. It is important that they follow through with these commitments.

Mr. President, I ask unanimous consent that the bill and a summary of its provisions be printed in the Record.

There being no objection, the bill and summary were ordered to be printed in the Record, as follows:

S. 3692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 1 of the Act of June 30, 1944 (58 Stat. 645) an Act "To provide for the establishment of the Harpers Ferry National Monument" is amended to read as follows:

That, in order to carry out the purposes of this Act, the Secretary of the Interior is authorized to acquire lands or interests in lands, by donation, purchase with donated or appropriated funds, or exchange, within the boundaries as generally depicted on the drawing entitled "Boundary Map. Harpers Ferry National Historical Park," numbered 385–40,000B and dated September 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior: *Provided,* The Secretary may make minor revisions in the boundary from time to time, but the total acreage shall not exceed 1600 acres: *Provided further,* That nothing herein shall be deemed to authorize the acquisition without consent of the owner of a fee simple interest in lands within the boundaries in which a less than fee interest has previously been acquired by the Secretary of the Interior.

Sec. 2. Section 3 of the Act of June 30, 1944 (supra) is amended by striking the word "and" at the end of paragraph (1) thereof; by substituting "; and" for the period at the end of paragraph (2); and by adding the following new paragraph (3):

(3) Provide, directly or by contract, an interpretive shuttle transportation service within, between, and among lands acquired for the purpose of this Act for such times and upon such terms as in his judgment will best accomplish the purposes of this Act.

Sec. 3. Section 4 of the Act of June 30, 1944 (supra), as amended (16 U.S.C. 450bb–6), is further amended to read as follows:

Sec. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Summary of Bill

Section 1 amends the first sentence of the earlier Act, which limited acquisition to donations, by authorizing the acquisition of lands or interests in lands by donation, purchase with donated or appropriated funds, or exchange within the boundaries as generally depicted on the map referred to in the bill. The map would be on file and available for inspection in the offices of the National Park Service. It also provides that the Secretary of the Interior may make minor revisions in the boundary, but that the total acreage within the park may not exceed 1600 acres. Section 1 also prohibits acquisition, without the consent of the owner, of fee simple title to any lands in which a less than fee interest had previously been acquired.

Section 2 adds a new paragraph (3) to section 3 of the earlier Act. The new subsection would authorize the provision of an interpretive shuttle transportation service within, between, and among the lands acquired for the purposes of the Act.

Section 3 amends the authorization for appropriation language in the earlier Act, to authorize such sums as may be necessary to carry out the purposes of the Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1209

Mr. HANSEN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. Jordan) be added as a cosponsor of S. 1209, a bill I have sponsored, to amend the act of October 17, 1968, relating to the control of noxious plants on Federal lands.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

S. 3070

At the request of Mr. Thurmond, the Senator from Tennessee (Mr. Brock) was added as a cosponsor of S. 3070, a bill to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization and medical care.

S. 3423

At the request of Mr. Hartke, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 3423, a bill to amend the Federal Aviation Act of 1958 regarding the medical certification of airline pilots.

S. 3664

At the request of Mr. Moss, the Senator from Michigan (Mr. Hart) was added as a cosponsor of S. 3664, a bill to amend the Public Health Service Act to enlarge the authority of the National Institute for Neurological Diseases and Stroke in order to advance a national attack on multiple sclerosis, epilepsy, muscular dystrophy, and other diseases.

SENATE JOINT RESOLUTION 228

At the request of Mr. Hollings, the Senator from Texas (Mr. Tower) was added as a cosponsor of Senate Joint Resolution 228, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

ANNOUNCEMENT OF HEARINGS ON THE REDTAPE BURDEN

Mr. McINTYRE. Mr. President, on June 27, 1972, at 10 a.m., in Room 5302 of the New Senate Office Building, the Subcommittee on Government Regulation of the Senate Select Committee on Small Business will resume its hearings into the Federal paperwork burden.

The subcommittee, which I have the honor to chair, has held three hearings in Chicago, Boston, and Concord, N.H. At those hearings we heard from small businesses, the accounting profession, and other knowledgeable persons as to the growing burden and financial expense of Government redtape which, according to many, are causing many small businesses to cease operations.

The hearing scheduled for June 27 will have representatives from those Federal agencies who have an interest in, and responsibility for, curbing rapidly increasing Federal form pollution. Further information may be obtained by calling the subcommittee staff on 225-5175.

NOTICE OF HEARING BY THE SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. BURDICK. Mr. President, I ask unanimous consent that a statement prepared by the distinguished Senator from Washington (Mr. Jackson) be printed in the Record.

The PRESIDING OFFICER (Mr. Saxbe). Without objection, it is so ordered.

Statement by Senator Jackson

Mr. President, I wish to announce to the Members of the Senate and other interested persons that the Subcommittee on Indian Affairs has scheduled an open hearing for June 16, 1972, on the following bills:

S. 2969, to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon;

S. 3596, pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon; and

S. 2972, to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon.

The hearing will be held in Room 3110 New Senate Office Building, beginning at 10:00 a.m.

ADDITIONAL STATEMENTS

LAW ENFORCEMENT AND THE MEDIA—ADDRESS BY SENATOR ROBERT C. BYRD

Mr. TUNNEY. Mr. President, on Tuesday, May 30, the junior Senator from West Virginia (Mr. Byrd) spoke at the opening day luncheon of a 3-day conference on "Law Enforcement and the Media."

The speech deals with the relationship between the media and law enforcement agencies, and the relationship both these segments have with the rest of society. Before making his address, the Senator from West Virginia was given a fine and deserved introduction by Fulton Lewis III, the noted commentator of the Mutual Broadcasting Network.

I ask unanimous consent that the speech and Mr. Lewis' introductory remarks be printed in the Record.

There being no objection, the speech and the remarks were ordered to be printed in the Record, as follows:

Introduction by Fulton Lewis III

I am truly honored to have this opportunity to introduce today's distinguished speaker. He is a man who has driven the so-called political "experts" and odds-makers up the wall by consistently doing what they regard as "the impossible."

Let's look at the record, as they say. Our guest has held more legislative elective offices than has any other individual in the history of his home state of West Virginia. He was elected to the West Virginia House of Delegates in 1946, and was reelected in 1948. Two years later, he sought a seat in the State Senate. His campaign style was rather unique. He would go to a country store in a local community—or wherever people might congregate—take out his fiddle and play some country favorites until a crowd gathered—he would then give them his political pitch . . . it was enough to get him elected. In 1952, he won election to the U.S. House of Representatives . . . after winning two more bids for re-election to the House . . . he was elected to the U.S. Senate in 1958. He was reelected in 1964 by the greatest numerical vote and by the greatest numerical majority ever accorded a West Virginia candidate . . . in 1970, he won the primary with the highest percentage of votes ever received by a candidate in a West Virginia statewide contest election (98%) . . . in the 1970 general election, he carried all of West Virginia's 55 counties for the first time in a general election in the state's history . . . receiving the highest percentage (78%) ever received by a candidate there in a contested statewide general election.

In the 1960's he decided he would finish his education by attending night sessions at American University Law School—which he did on top of his senatorial responsibilities. He graduated cum laude.

In January, 1971, our guest was elected to his party's second most powerful Senate post, the assistant majority leader.

Only weeks ago, he again did the impossible . . . converting the Church-Case End-the-War amendment—by the addition of only a few of his own words—into a measure which supports President Nixon's Indochina war policy down the line

Liberals like him because of his record of supporting measures which give realistic assistance to those in need . . . and to open the door for those seeking to develop and use their talents.

Conservatives like him because of his hard line against crime and corruption—his deep belief in a strict interpretation of the Constitution . . . and his devotion to basic American principles . . .

On several occasions he has been mentioned prominently as a possible Nixon nominee to the Supreme Court . . . when the Senate rejected Judge Carswell, our guest sent a telegram to the White House stating: "Do not yield one centimeter in your desire to nominate a strict constructionist to the Supreme Court."

Every successful man has a secret of success . . . our guest's secret is no secret. He is exceptionally hard-working—I know personally that you are more likely than not to find him in his office from 7 a.m. until midnight on most occasions . . . He is candid—his outspoken views have angered some and pleased others but there has never been a shadow of a doubt as to where our guest has stood on the controversial issues of the day. Perhaps most important, he has been fair . . . to friend and foe alike. He will schedule Senate votes not in a way which will benefit his particular position on the issue at stake . . . but in a way in which all sides will have the fairest opportunity to have their positions represented and counted.

Ladies and gentlemen, I present to you the Majority Whip of the United States Senate, West Virginia's Senator Robert C. Byrd.

Speech by Robert C. Byrd, a U.S. Senator From West Virginia

Mr. Chairman, Ladies and Gentlemen:

It is a pleasure for me to be with the Friends of the F.B.I., with members of the Law Enforcement agencies of our nation, and with the representatives of the communications media. There comes to mind the lines from "Othello":

> "O heaven! that such companions thou'dst unfold,
> And put in every honest hand a whip,
> To lash the rascals naked through the world. . . ."

not that I think for a moment we have here any rascals—nor, indeed, have I any desire, as Senate Majority Whip, to attempt to lash anybody.

It is a piece of idle imagery, I know, but every time I read or use the word "media", I have a quiet chuckle. It is so similar to "Media", who, as you know, was the Greek enchantress who helped Jason win the Golden Fleece—and then burned down his palace.

The theme of this conference is an intriguing one—"Law Enforcement and the Media." These two have not always been exactly synonymous, to say the least. In recent years, in fact, the one has all too often been the antithesis of the other. Like so many young Americans, I received my first impressions of lawmen and newspaper men from the offerings of Hollywood and the silver screen. I can still remember the slot men and the city editors with their inevitable green eyeshades, and the intrepid reporters, fedora brims snapped and pencils poised, invariably solving the crime and printing it on page one, long before the somewhat dimwitted detectives had arrived at clue number two.

I can remember the gallant G-man, with omnipresent trench coat and monosyllabic conversation, doggedly tracking his criminal quarry to lonely cabin or lush penthouse. It took me years to realize that one really cannot fire fifteen rounds from a six-chamber revolver without re-loading.

But those were the romantic days of fantasy and glamor; and, like so much of what the movies churned out for our entertainment, the characters and the plots bore little resemblance to real life—either in the Bureau or police precinct, or in the city rooms of the nation's newspapers. For every Lee Tracy or Humphrey Bogart, there were thousands of plain, competent, and unglamorous newspapermen and policemen, who went daily about their appointed tasks with nary a fifth of bourbon in their desk drawers, or a sable-clad paramour in their private lives.

But when we come to think of it, very little has changed, actually, except that the screens are now twenty-eight inches wide, and a man, if he chooses, can sit and watch cops-and-robbers, in his shorts, with a cold beer in his hand. But the gap between reality and fantasy is still almost as wide.

More years ago than I care to remember, in grade school in the hills of West Virginia, my best subject, after spelling, was arithmetic. It might be an interesting exercise to take the conference theme—Law Enforcement and the Media—and put it into terms of simple arithmetic. "Law Enforcement *plus* the Media"; "Law Enforcement *minus* the Media"; and lastly, "Law Enforcement *divided* by the Media."

The first term is the easiest to contemplate.

Almost since the beginning of our American society, we have been accustomed to reading—and, in recent years, seeing—how our law enforcement procedures, our law enforcement personnel, and our law enforcement successes (or failures) work. Almost from the moment the law is violated—through arrest, arraignment, trial, and appeal—the case, if its news value warrants it, is blanketed by the communications media. Main stories, sidebars, human interest angles, family backgrounds, historical backgrounds, sex angles—all conceivable minutiae, relevant and irrelevant, are spread over the printed page, blared forth from millions of radios, and given the sophisticated coverage so beloved of the medium of living color.

The guilt (or the innocence) of the defendant, is established in millions of minds, all over America, long before the judge or the jury arrives at a verdict.

It has always been a point of argument, whether the public's right to know transcends the accused's right to privacy, before he or she has been adjudged guilty; but in our American milieu, the argument is purely academic.

There is no question that there are occasions when representatives of the media give invaluable help to law enforcement officers, just as there are occasions, I am sure, when the officers look upon the media representatives with a very jaundiced eye, and wish they were anywhere but in the immediate vicinity. For, as every man or woman in public life knows, media people can be infuriating, just as they can be helpful.

It is here that "Law Enforcement *divided* by the Media" is most relevant. I have never studied criminology, nor am I cognizant of how enforcement officers go about their tasks of piecing together the many strands of evidence that eventually make up a case. But common sense would seem to dictate that the less the quarry knows about the hunter, the easier will be the hunter's pursuit. Most criminals can read, most criminals have access to a television set, and I cannot help thinking that the detection and solving of crime in our society would often be simpler if the myriad of details were not emblazoned on every front page and blared forth from every microphone.

Men and women who have the privilege to write and to talk on public affairs, and, by so doing, influence public opinion, have a tremendous responsibility to avoid abusing that privilege. The rights and the protection given to them under the First Amendment are precious, and, I hope, will never be abrogated. I also hope the day will never come when license and irresponsibility become so rife as to make abrogation an even remote possibility.

I am sure you did not invite me here today to mouth platitudes or to tell you only what you might like to hear. I see in the audience quite a few individuals who are adept at the art of observing and analyzing—even, sometimes, criticizing—people and events, both in the *printed* and in the *spoken* word.

It is not too often that a United States Senator is given the opportunity, before such a distinguished and specialized audience, to offer a few gentle observations to the effect that, flourishing as the Fourth Estate and its contiguous territories may be, there are some areas that could stand some repairs.

No masthead slogan in the world is better known that "All The News That's Fit to Print". I have never particularly cared for that, as it smacks of some arrogance and not a little egotism. While the hierarchy of New York's "old grey lady" undoubtedly print what they do in the best of faith, there is just a vague possibility that their choice is not always right. But I have always liked the slogan of that once-renowned news agency, the late, lamented International News Service—"Get it First—but get it Right". That, I feel, is a slogan that should be emblazoned over the portal of every school of journalism, in all news and editorial rooms, and in every television and radio studio in the land.

I am not a philosopher, nor am I an expert in sociology. I have read the works of a few of those who are experts in these, and related fields, and frequently they seek to enlighten us as to the visible and invisible forces which cause change in men's lives and in the ways of the world. Their theories may well have validity, but to my rather more practical mind, the single, greatest influence for change is the incredible rapidity and profusion of human communication. And it is because this is so, that those who are the conduits of this profusion, have the inescapable duty to disseminate with absolute accuracy and total objectivity. I feel constrained to comment that this duty is not always fulfilled.

Zechariah Chafee, Jr., wrote in 1948, "The press is a sort of wild animal in our midst—restless, gigantic, always seeking new ways to use its strength . . . the sovereign press for the most part acknowledges accountability to no-one except its owners and publishers."

I feel that perhaps Mr. Chafee was a little harsh. While I have no illusions regarding the basic necessity for a newspaper, a radio station, or a television station to make a profit, I also believe that a significant number of the gatekeepers are men and women of integrity, who are fully as responsible to their consciences as they are to their publishers. Though there have been times when their carelessness has annoyed me, I still believe that there are far more Don Quixotes than Machiavellis in the ranks of our news media.

But if I may be allowed to chide gently, I feel compelled to observe that far too often these days, banalities and trivialities are allowed to overwhelm the simple art of good writing and good commenting and the penchant for the sensational is too often allowed to eliminate discretion and good judgment. There are, in my opinion, more crimes against simplicity and clarity committed in the name of "human interest", than West Virginia has hills. I do not expect, of course, that every writer should be able to make a story on a Senate debate on social security read like "Gone with the Wind", or every television commentator be able to make a mundane report sound like Laurence Olivier speaking the "Soliloquy" on the stage of the Old Vic. (Though, come to think of it, there *are* a couple of our well-known video personalities—who shall be nameless—who may well think of themselves as Olivier.)

What I have noticed most sharply in our leading newspapers over the past couple of years, is an increasing tendency towards shoddy technical production—careless typos, poor proof-reading and lackadaisical editing. When I mentioned these things recently to a highly-reputable newspaperman, he gave as his explanation that very few of the youngsters coming into the business these days, want to be desk men or technicians. They all want to be Walter Lippmans six weeks after graduating from journalism school. Not for them the glamorless and often tedious chores of putting the punctuation in the right place, correcting the frequently atrocious spelling, or catching the transposed lines.

This theory seems reasonable, and doubtless, has validity, but my own feeling is that in the news business, as in so many other aspects of our national life, there has gone from it, a great deal of the pride and a great deal of the loyalty that once were characteristic of the practitioners of the scriveners' art. There was a day when men felt about their newspapers—and to a lesser extent, about their radio stations—an almost "my country right or wrong" philosophy, and were fiercely proud of their associations. Today, with a few exceptions, that kind of loyalty is almost non-existent.

I think it is fair to say that there is a greater schism between the present Administration and the media—at least publicly—than at any previous time in our history. It is not my place, or my wish, to offer opinions on the merits or demerits, of the Administration's case against the press and the video medium. Vice President Agnew, particularly, has made it abundantly clear that in his, and presumably, the White House view, there are very few "white-hat boys" in the media.

However, as in most situations, there are two sides to the story. Neither the media nor the Administration is blameless; and, sometimes, misunderstandings arise purely through careless communication or because of an unfortunate choice of words. A good example of what I mean occurred just two weeks ago. Kenneth Clawson, deputy director of communications for the White House, and a former reporter for the *Washington Post*, accused the *New York Times* of being, in his words, "a conduit of enemy propaganda", for carrying two articles in which the North Vietnamese were shown in a somewhat favorable light.

Without repeating all the details, which I am sure all of you are familiar with anyway, it seems to me that this was a classic case of poor choice of words. While I may and do disagree firmly with the *New York Times* on some issues, I cannot for a moment accept the description "conduit of enemy propaganda". This is close to accusing the *New York Times* of treason, or at least, of furthering the cause of the North Vietnamese at the expense of ourselves and our Allies. And this I do not believe is the case. Much as I sometimes disagree with its editorial policy, I do not believe that the *Times* is subversive. I am not going to argue for or against the case of the newspaper's printing two dispatches from Hanoi on page one, but I beg leave to question Mr. Clawson's use of words. They can only serve to exacerbate feelings which are already strained on both sides; and from this, nobody can gain.

To men and women in public life, the goodwill of the media is vastly important; and while it might be exaggeration to say that the print and visual media can make or break a public figure, there is no question that a *hostile* media can make a man or woman's life infinitely more difficult. And this is true, unfortunately, even if the individual concerned is as close to being as pure as a mortal can be, and the hostility is morally unfounded. Owners, publishers, editors, commentators, and reporters have the same potential for vindictiveness as have politicians, lawyers, garden club members, or performing artists. They also have the same potential for benevolence. Unhappily, human nature being what it is, the blow of vindictiveness is always more marked than the caress of benevolence, and it is for this reason that the print, video, and audio media of this nation bear a responsibility towards impartiality unequalled anywhere in the world.

It is the function of the communications and information media to communicate and inform. If, in the course of fulfilling this function, there arises the necessity to expose—to lay bare facts that impugn integrities—then these integrities are fair game. But if we accept the premise that the exposing of doubtful integrities and characters is a legitimate facet of communicating and informing, is it not also reasonable to expect that emphasis be given to unquestioned integrity and character? Or are we always to be wedded to the old proverb that "bad news travels fast" and that good news is seldom worth dissemination?

On May 2nd of this year, a great American died—a man whose name was synonymous with law enforcement of the highest caliber. In his latter years, J. Edgar Hoover had some critics, who were entitled, under our system, to their opinions. But it struck me at the time when these criticisms were most vociferous, that they were given infinitely more notice than were the opinions of the many millions of Americans who respected and revered this man. Perhaps it was thought that his patent honesty, integrity, and incomparable record of achievement did not need defense. But it was noticeable that all the sterling qualities that made him great—and which were so little mentioned during his life—were subject to extensive notice in his eulogies. Perhaps it will always be true, as is written in the Book of Matthew, that "a prophet is not without honour, save in his own country . . ."

I mentioned earlier the inroads that have been made, in both the print and electronic media, by the fetish of "human interest". There are thousands of examples over the years, but one very recent and shocking case illustrates perfectly the lengths to which this technique has gone.

I refer to the attempted assassination of Governor Wallace, allegedly by one Arthur Bremer, of Milwaukee, Wisconsin. It is not for me here to judge the accused. His guilt or otherwise will be decided at his trial. What does seriously trouble me, however, is the grief and embarrassment that have been caused to the family and friends of this young man, whose apparent only involvement is that they are relatives or that they knew him. I cannot, for a moment, understand why it is necessary, in the name of "human interest," that the sanctity of privacy be violated by representatives of the media to a point where police protection is needed to save the innocent from further harassment.

I use the Bremer case as an illustration, only because of its topicality; its circumstances have been a feature of every major case for as long as I can remember. Perhaps what I am getting at is, that while I have much admiration for the competence and conscientiousness of the media in most fields, I find them guilty, in too many instances, of plain bad taste.

Any citizen who breaks the law, or by his or her actions, violates a reasonable or accepted standard of behavior in our society, must except a public investigation and possible obloquy. But the boundaries of good taste and discretion are exceeded, in my opinion, when persons on the periphery of these actions—and having no personal connection with or responsibility for them—are subjected to an unveiling of their personal lives by over-enthusiastic and ill-mannered minions of the media.

The possession of a press pass, the dignity of a by-line, or the heady wine of a thirty-second spot in living color on the 6:30 or 7 o'clock network news, should not entitle the individual who enjoys them, to exhibit a callous disregard for the private rights of innocent and law-abiding Americans.

Having said these things, I must also say that nowhere in the world are the people of a nation so well-informed, and, in most cases, so fairly informed, as are we in the United States. In the communications media, as in the market-place, competition has forced a striving for excellence, and this has been, to a notable extent, achieved.

I would be amiss, too, if I failed to mention one aspect of our communications media that seldom is given the kudos it deserves. I refer to the wire services. While all of our major publications and our major audio and visual outlets have large news-gathering staffs of their own, by far the bulk of the news that reaches into every nook and cranny of this country, is gathered and disseminated by men and women of the wire services, whose conscientious, and sometimes dull routine, is absolutely essential to the continuation of the premier place we Americans enjoy as the best-informed citizens in the world.

It cannot be argued that a man's judgment is only as good as the information on which he has based it, and the same applies to a nation. Over the years, the American people have displayed good judgment. There can be no more suitable accolade as to the quality of their information.

I have dwelt at some length on the media, and I have discussed only briefly the law enforcement side of this seminar. This is meant as no reflection on the most worthy citizens who represent here the forces of law and order. But as I perused the program and the panel discussions that will follow this luncheon, I felt reluctant to impinge on the comprehensive nature of the panel subjects.

"National Security and Public's Right to Know"; "Surveillance and the Media"; and "The Minorities, the Media and the Police" seem to me to run the gamut. I could not hope to discuss with you any one, or a melange, of these controversial subjects, with the expertise of those whose names are listed; so, I chose to share with you the few thoughts and observations I have advanced.

Those of you who are familiar with my attitude toward, and public statements on, law and order, will have no doubt as to where I stand. Our law enforcement agencies and the personnel who man them, have possibly our nation's most unenviable job. With very few exceptions, the men who have to apply the law and maintain order at the citizen level in these troubled days, are men of goodwill and men of conscience. The provocations they suffer frequently tax their capacities for patience and understanding.

The physical abuse they are subjected to, far too often goes beyond any normal limit of forbearance. It is much to their credit that the confrontations which take place are as largely non-violent as they usually turn out to be.

Just the other night, I saw on a network news show, a five-second segment of a policeman striking a campus demonstrator with his nightstick. The accompanying narration pointed out this action. It did not mention the fact that the policeman had a stream of blood running down the left side of his head and face. Perhaps, as Arnold Bennett wrote in his essay "Things That Have Interested Me", "the price of justice is eternal publicity."

Unfortunately, this price is frequently much too high for the value of the product as it relates to the public interest. As I mentioned earlier, those who are conduits of the profusion of information available to Americans, have an awesome responsibility to use discretion and sound judgment as to how that profusion is disseminated. It has always struck me as being unfortunate, if not to say inflammatory, that the confrontation aspects of demonstrations are written about, and shown, almost ad infinitum—in the case of television, often accompanied by a narration in language more suited to a dramatized production, than to responsible, unbiased reporting.

I am convinced that the over-colorful, almost romantic coverage given by all media to the irresponsible leaders and followers of campus and other demonstrations, is, to a frightening extent, responsible for the emulation by others, which always follow. I cannot expect that these kinds of events would be wholly ignored. But I can and do expect that information media should be capable of enough maturity and intelligent restraint, that they do not, wittingly or unwittingly, become contributing factors in the continuation and exacerbation of the kind of behavior to which they lend their immense power and influence.

One day, with the co-operation of all concerned, we may return to an America where tolerance—not overtolerance—is a virtue; where a different point of view is to be sought and respected and is not the object of derision and contempt; where the essential goodness of humankind is not blotted out by the excess of human evil; where pride in our country is not a subject of scorn; where the going down of the sun is a time for dreaming and not a time for fear.

In this re-birth of America, there will be, once again, a decent respect for the law, and a re-dedication to its letter and to its spirit by those charged with the duty of administering the law. Where exists crime, there, also, will exist punishment. Out of this respect for law, there will come a decent order, and these two conditions will be realities—not just a catch-phrase.

PROPOSED CATASTROPHIC HEALTH PLAN

Mr. SAXBE. Mr. President, it has been widely speculated that there is the possibility of having a catastrophic health insurance proposal pass the Senate this year, as part of H.R. 1, the social security bill.

For some time, I have been an advocate of a catastrophic health insurance program, at least in principle. I believe that our citizens should be protected from financial ruin encountered as a result of long and serious illness.

But the proposal that is being considered by the Finance Committee, and the one likely to be considered by the Senate, would not protect people from financial ruin. A person would have to pay the first $2,000 of doctor bills, as well as the cost of the first 60 days in the hospital, before receiving any Federal aid. This would in many cases require a person to pay as much as $6,000 or $7,000, and for millions of people in this country, $7,000 is financial ruin.

The following article on health insurance clearly explains the pitfalls and loopholes in the proposed catastrophic health insurance plan. I think it is important for all Senators, before they vote, to become aware of exactly what this proposal would do—or rather, what it would not do. I think we ought to see it for what it is.

For this reason, Mr. President, I ask unanimous consent that the article by Sylvia Porter, entitled "The Health Insurance Bill," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, May 30, 1972]

YOUR MONEY'S WORTH: THE HEALTH INSURANCE BILL

(By Sylvia Porter)

Comprehensive national health insurance legislation is dead as far as the 92d Congress is concerned—and if the 93rd Congress is less liberally inclined, it well may remain interred for many years.

A kind of "stopgap" catastrophic health insurance bill, sponsored by Sen. Russell Long, D.-La., has a chance, though. It has the widest political appeal of all the bills proposed. It seems the least costly of the proposals. And it is a health bill.

But an analysis of the Long proposal suggests that we well might be better off if the 92nd passed into oblivion without giving us any health insurance legislation at all. As Max Fine, executive director of the Committee for National Health Insurance puts it:

"The bill would be pouring good money after bad, it would do nothing to stem the rising costs of health care, nothing to provide quality controls on care, nothing to streamline our overall health system. It's a delusion."

No one disputes the need for financial protection against the catastrophic costs of a major illness. More than half of all Americans now covered by some form of health insurance are still without major medical insurance.

The typical ceiling on today's ordinary Blue Cross health insurance policy is about $5,000; the typical limits on the number of covered days of hospitalization are 60 to 90 days. Under private commercial major medical policies, a typical deductible is $100 a person and upper limits of coverage typically range from $5,000 to $15,000.

Under Long's "catastrophic" insurance plan, up to age 65, you would have to pay the cost of the first 60 days in the hospital plus 25 percent of hospital costs thereafter. You would pay the first $2,000 in doctor bills plus 20 percent of amounts above that. To finance the plan, a new tax of 0.3 percent would be added to the first $9,000 of all workers' wages (on top of the 0.8 percent Medicare tax) or an initial maximum of $22 a year.

But what wouldn't and would the legislation really do?

Consider this case history of a Wisconsin factory worker, a widow, age 58, who was admitted to a hospital last September with a broken hip. Her gross income was $4,500 a year, her total assets were a home valued at $15,000. She was too young for Medicare, and because her assets were too "valuable," she was ineligible for Medicaid.

This lady's total bill for 51 days of hospitalization—at $55 a day for the room, plus physician fees and other costs—came to $5,397. The Long bill would not pay one penny of this huge sum.

As it turned out, this widow's company insurance plan paid a total of $1,675; she was forced to sell her house to raise the $3,722 still owed. How "catastrophic" could this widow's illness be?

The Long bill would help only one in every 300 to 400 or perhaps even 600 who ever get medical bills in this lofty range. An overwhelming 96 percent of all hospital stays are for fewer than 30 days.

It would heap on incentives for the most expensive kind of care—would encourage long-term hospitalization in order to take advantage of catastrophic insurance benefits—and would thereby even intensify today's spiraling health care costs.

It would not provide protection for many in greatest need of catastrophic coverage—those in the middle income and the top of the lower brackets who aren't eligible for Medicaid—simply because many of these could not afford to pay the enormous deductibles and co-insurance. These would come to as much as $8,000 to $10,000 before the catastrophic coverage would even take effect.

It would force the poor and near poor to bear a disproportionate share of the overall financial burden via the proposed regressive tax on the full amount of their wages.

It would still fail to provide aged Americans with the catastrophic coverage—including long-term nursing care—they, more than anyone else among us, need.

This "catastrophic" insurance legislation would itself be a catastrophe indeed if it diverted—as it already is diverting—the attention of Congress from our very real need for a meaningful and comprehensive health insurance system for us all.

NATURE LASHES THE SOUTHWEST

Mr. MONTOYA. Mr. President, nowadays the Nation is preoccupied with political activity, while a major crisis is looming across our entire Southwest. Too often we take the natural course of events so much for granted that it takes some major catastrophe to remind us of elementary forces governing lives of men and societies. Across the Southwest, we are rapidly being confronted by a drought of massive proportions.

Water holes are drying up with frightening rapidity. Cattle are running out of range months before they are supposed to because of heat and lack of rain. In fact, rainfall has not been recorded in some parts of the Southwest for approximately 5 months.

A range of Federal emergency relief programs are available to affected citizens, but more often than not they simply do not go that far over the long pull in alleviating such a situation, if applied too late.

In view of the state of affairs developing in my home State of New Mexico, I believe such measures should be taken by the Federal Government immediately. Many people taking their living from the land are already very hard-pressed financially. Assistance from the National Government now would ease pressures on them. Further delay is unwise. We should not wait until these citizens are in extremis and up against the financial wall. Many local banks, familiar with such rural citizens, are willing to do all they can to aid them. But their resources in turn are limited, especially when stacked up against the magnitude of this potential disaster.

Because of the drought, many, many stockraisers, especially smaller ones, are being denied normal access to public grazing lands controlled by the Federal Government. In New Mexico, these lands are vast, and lack of access to them is a telling blow to the hopes of small ranchers.

Almost all such people must cope with a certain number of fixed expenses their forebearers did without. These include vehicles, electricity, fuel for homes, and phones. Even though utilized at an irreducible minimum, these bills are almost too much for many such people.

America's consumers will eventually pay the bill if we fail to act. Presently, markets are bulging with premature beef animals farmers cannot afford to feed. As a result, prices are somewhat lower. Yet next year, because of lower rates of reproduction, prices almost certainly will go much higher, with attendant travail and expense for the average American consumer.

Irrigation water supplies are already depleted dangerously. Across the entire southwest crops grown through heavy use of irrigation water are in peril. Such crops are raised all up and down the Rio Grande Valley in New Mexico. These consist of cotton, sorghum, grains, fruits, and vegetables. Many such crops are grown by small landholders laboring on small margin to supplement already low incomes. Here again we see eventual costs being borne by urban dwellers dependent upon these crops. What is the farmer's immediate loss is a long-term price increase for consumers.

Another menace looming immediately on the horizon as a result of this drought is a threat of major forest fires. Extreme fire hazard conditions are being created everywhere in our southwestern forest lands, which constitute a large portion of New Mexico's total area. We face a prospect of forest fires affecting millions of acres of land in my State, with all attendant destruction they bring.

The drought also cuts into vital water supplies of literally dozens of communities, including some as large as our State capital, Santa Fe, which is my home, and possibly the most historic city in America.

Santa Fe faces a prospect of harsh water rationing, perhaps within a month. Smaller communities face even worse possibilities, as their water supplies will dry up within a month if no rain falls. Then we shall have to haul water in to smaller towns in order to maintain community life.

Planning is already under way to provide emergency drinking water to small communities in our State whose wells will probably go dry for the second year in a row. In New Mexico, steamflow during May was the lowest in 56 years on the Pecos River at Santa Rosa, and the lowest in 71 years on the Rio Grande at Otowi Bridge near San Ildefonso.

Mr. President, our Nation has suffered severely in the past from such droughts in the same areas of the southwest now affected. I feel we must pay significant attention to this emerging state of affairs now, rather than wait for it to assume even more disastrous proportions.

In the past we have too often ignored the plight of vast rural areas subject to disaster from natural causes, mainly because their agonies are slow rather than rating as instantaneous tragedies. More often than not, they occur far removed from massive urban concentrations where the media find it easy to obtain a story on such a situation.

Yet in this case it is easy to ascertain the outlines of real, enduring tragedy today affecting millions of rural Americans. Further, their travail today is the loss of all the rest of America soon thereafter. Economic fallout and rural dislocation in these drought areas alone will have far-reaching effects upon the rest of our Nation in relatively short order.

For all these reasons, as well as simple compassion for our fellow citizens, it behooves the Federal Government to commence significant efforts to alleviate the worst effects of this drought, and to bring to bear the full force of Government agencies to prevent a further drastic worsening of this situation.

Half a dozen Federal agencies, particularly the Departments of Agriculture and Interior, should be ready with plans of action. The President should declare a state of emergency and get appropriate agency efforts moving forthwith. Having just come from that area, I can testify to how severe the situation is now and how it is deteriorating almost daily.

Many political figures bemoan the flight from rural to urban areas, which simply cannot support more population. Many sources complain about a need to keep rural America enticing in terms of year-round living. Yet here we observe stark tragedy and everyone is merely sitting, watching it happen and doing absolutely nothing except pointing to it and noting what is transpiring.

PUBLIC PROGRAM ANALYSIS AND EVALUATION FOR THE PURPOSES OF THE EXECUTIVE AND THE CONGRESS

Mr. ROTH. Mr. President, I recently made available a report which presents the findings of a study initiated by my staff and me in July of 1971. At that time we directed a questionnaire to 41 Federal agencies, seeking to put together a general picture of program evaluation and analysis in these agencies. This study seemed to us to be necessary to determine what sorts of improvements were needed in the information used by the executive and legislative branches in the allocation of scarce national resources. Much of the work in preparing this report has been performed by two very competent college student interns under the direction of a full-time member of my staff.

My entire approach to program evaluation and analysis is a commonsense one. I intend the term "evaluation" to refer primarily to a process which measures the success of ongoing activities. Obviously there is an analytical aspect to this. The expression "analysis" has a broader meaning—including the consideration of hypothetical situations in planning for the future. Decisionmaking based on analysis is what I am really advocating—be it in Congress or the executive. To my commonsense way of looking at it, this would be decisionmaking following upon a breakdown of problems into their constituent parts; an assembling of all pertinent, available facts; and the tying together of causes and effects.

My interest in making sure that the executive branch and Congress have adequate evaluation and analysis to back up their decisionmaking is derived from a desire to find a practical path to true fiscal responsibility. Evaluation and analysis contribute to this end by allowing us to better determine whether programs are accomplishing their intended goals, how these programs could be improved, and what new programs should be undertaken in the future.

Adequate analysis and evaluation would also permit us to compare the relative costs and achievements of various programs managed by one or a number of agencies. Any rational allocation of scarce public resources requires that some sort of cost-effectiveness or cost-benefit analysis be performed.

I have been led to an interest in the use of evaluative program data also as a result of my concern that sufficient program information be available for use by grant users. When I discovered that such user-oriented material was not always adequate, I began to wonder if agencies were collecting and using output data. Grant users, legislators, political-level executives, and program coordinators all stand to gain from improved program information of all sorts.

The use of analytical techniques is subject to a number of dangerous distortions. These include over-objectification, over-systematization, and use for advocacy by program managers and political executives. We must keep in mind that it is especially difficult to gage whether social programs are successful. These programs necessarily have multiple goals which in their ultimate form are very hard to measure. Further, I think we need to guard against the erection of complicated formal structures of analysis which have no impact on decisionmakers.

Despite these pitfalls, my staff and I still feel that a reasonable, flexible approach to evaluation analysis can contribute much to fiscal responsibility. This was President Nixon's argument when, in a May 1970 memorandum to agency heads, he urged wider use of program evaluation. In initiating our survey of Federal evaluation practices, we did not wish to advocate any particular approach or technique. We mainly hoped to get some feeling for the extent and nature of evaluation activities in the Federal Establishment as a whole.

In July of 1971 my staff directed a questionnaire to 41 Federal agencies. A copy of the questionnaire appears in the RECORD at the conclusion of my remarks. We received written replies from 39 of the agencies. In the questionnaire we concentrated especially on practices involved in evaluating ongoing Federal domestic assistance programs. However, as the staff proceeded with personal interviews and other contacts with agency evaluation people and interested parties, our scope of interest broadened to include the evaluation and analysis of most governmental activity.

I would now like to summarize the findings of our survey. The report we have prepared contains general summaries of the agency responses, as well as reports on each agency's reply. We have, of course, been limited by the accuracy and completeness of the agency responses. To as great a degree as possible we have simply summarized what the agencies have told us. Of course, in some instances it has been necessary to apply an amount of judgment in piecing together information from the direct answers as well as accompanying documents. It is also important to realize that the general summaries of the agency responses are necessarily only approximations of reality

It seems to me most essential that agencies make serious efforts to define the short and long-term goals of their programs. There is no denying the fact that legislative authorizations often do not pin down the purposes of authorizations. Further, by their nature those governmental efforts with social objectives usually have multiple objects. These realizations do not lead me to accept the often-made argument that we therefore cannot really assess the accomplishments of social programs.

An agency cannot possibly pursue its responsibilities in any coherent fashion without some goal orientation. Of course, it is usually possible to define and measure immediate outputs such as number of houses built, number of persons trained, et cetera. To accomplish the same with ultimate goals such as the improvement of housing or employment opportunities for a particular group in the society is a much taller order.

According to our survey, the definition of objectives and goals is not a highly developed art among the executive departments and the independent agencies. Immediate outputs seem to be more frequently defined, and the large executive departments have gone somewhat further in this direction than the usually smaller independent agencies.

Once goals and objectives are outlined, techniques must be selected with which to determine whether agency efforts are meeting these standards. Among the major executive departments immediate outputs appear to be measured for most programs in a majority of departments. Ultimate effectiveness seems to be rather infrequently gaged. Turning to the independent agencies, again, immediate output was said to be assessed somewhat more commonly than ultimate effects. The extent of output measurement, of any sort, was reported as considerably more limited by these agencies than by the executive departments.

Program outputs must be related to program costs in order to effectively use program evaluation and analysis to determine priorities and allocate scarce resources.

In other words, one must be able to categorize expenditures in the same terms as program activities. This process is of course complicated by the fact that Congress appropriates money in "input" terms, defined by organizational structure.

Our survey found the major executive departments to be further along than the other organizations in making use of cost benefit or effectiveness study. Nevertheless, in both cases many agencies said that they did not apply this technique to most of their activities or did not provide us with useful responses to the query. As regards the use of some sort of formal PPBS by agencies, such use was almost nonexistent among independent agencies, while four executive departments claimed to do so.

In constructing our questionnaire to the agencies, we felt that it was essential to find something out about the organization of evaluation and analysis within various agencies. It only makes sense that there must be a proper distribution of resources between program operators and agency-wide management. This distribution should allow program people to make use of their great knowledge of program operations for self-guidance and the guidance of top decisionmakers. Yet these top decisionmakers need to be able to reflect independently on this data and recommendations. To do this, they must have both independent informational as well as analytical resources. It just does not make sense to allow the civil servants who operate programs day-by-day and who may be conscientiously committed to them, to make final decisions about their role in an agency's overall effort.

Few executive departments or independent agencies, in response to our letter, described their evaluation apparatus as centralized. Decentralization seems to be the order of the day. Most departments and almost half the agencies noted the existence of a central unit with major evaluatory-analytical responsibilities. It is important that each agency determine, with guidance from the Executive Office of the President, what sort of formal structure of evaluation and analysis best meets its needs.

Sheer numbers of analysts, of course, may not be as important as their quality. For example, it is my understanding that the Department of Health, Education, and Welfare considers a small staff of analysts to be adequate for that department's needs. The Department of Agriculture has 11 analysts in its Office of Planning and Evaluation, and the Department of Commerce's Office of Budget and Program Analysis disposes of the services of 20 out of a total of 147 evaluation personnel.

I am most hopeful that the Federal Government will in the future take more interest in encouraging State and local government capacity to manage intergovernmental aid minus extensive Federal requirements. Following upon this concern, in our questionnaire we asked agencies to comment on their efforts to foster evaluative ability among State and local grant recipients. Both executive departments and independent agencies made it clear that almost no programs to support improvements in evaluation and analysis exist. Similarly, almost no functional programs permit the use of money for such purposes.

If we were to help our States and localities develop more capacity for self-criticism, we might be able to eliminate much of the expensive red-tape and bureaucracy now involved in administering Federal domestic assistance. As a consequence some of those at all levels of government who had formerly administered the endless requirements associated with categorical grants might be trained to assess the accomplishments of grants-in-aid. It is interesting to note that a few departments and agencies have given evaluation responsibilities to their regional organizations.

It has always seemed to me that the improvement of evaluative and analytical practices in the Federal establishment could best be achieved through the budget process. If the Office of Management and Budget, and for that matter Congress, were to demand more analytical support for agency budgetary requests, I think we would see at least an increase in the amount of analysis and evaluation in the agencies. The quality of this might also improve if OMB and Congress possessed the ability to spot check its validity.

OMB involves itself in agency program evaluation primarily through: issue letters which task agencies on special problems; the requirements for evaluative support set in OMB Circular A–11; studies it undertakes on its own; the work of the budget examiners; and through guidance provided to agencies by OMB's Evaluation Division. All evidence, including exchanges with OMB and the responses of agencies to our letter, lead to the conclusion that OMB involvement with substantive evaluation at the agency level is not great. Likewise, there is not a great deal of evidence indicating extensive independent substantive evaluation of agency activities by OMB.

With this laissez-faire attitude, it is difficult for me to understand how the executive can have adequate information to make tradeoffs among possible expenditures. Of course, we are all aware of the fact that the Office of Management and Budget has a tremendous number of tasks to perform—most of which it does quite well. A letter from Director Shultz of the OMB, presented as a part of my report on evaluation, reveals some useful information concerning his agency's impact on Federal evaluation practices. Perhaps there is a role for the domestic council to play in offering leadership to the agencies, especially as regards the evaluation of domestic assistance programs.

The General Accounting Office is an existing agency which could provide independent evaluations of programs to Congress, as well as assistance to executive agencies. At a later time I plan to treat the question of increased evaluative and analytical resources for the national legislature. A rather small portion of the executive departments, and an even smaller portion of the independent agencies, indicated in response to our inquiry that GAO was actively or regularly involved in evaluating the substantive accomplishments of their programs. They also stated that the Comptroller General's interest in their programs was quite often of a fiscal-procedural nature.

It should be noted, however, that the GAO has considerably increased its involvement in the evaluation of program accomplishments in recent years and plans further advances in the future. Comptroller General Staats has presented his view of the General Accounting Office's role in program analysis in a letter included in my report. By 1973 GAO estimates that of its 3,000 professional staff members about 32 percent will be involved in reviews of program effectiveness and program results. According to the same estimates, only 10 percent of professional staff is currently concerned with purely fiscal audits.

It is clear that GAO has plenty of work to do and does much of it effectively. However, Congress needs to have more independent evaluation of the impact of Federal governmental activity—by GAO, the Library of Congress, its own committees, or perhaps by some other body. The Legislative Reorganization Act of 1970 clearly assigns to the Comptroller General and the Library of Congress additional responsibility to perform substantive evaluations.

In our questionnaire we also inquired as to whether Federal bodies depended primarily on evaluation in-house by full-time staff or on studies contracted out to private consulting firms, research foundations, or universities. A good majority of agencies throughout the Federal establishment reported that they depend primarily on in-house evaluation and analysis. There are only a few instances, such as with HUD's model cities supplemental grants, where program money is available for evaluation. Equally uncommon is the situation, such as with a number of HEW programs, where Congress or the executive has earmarked specific funds for this function. One percent of program funds for HEW health programs and several social and rehabilitation service programs is set aside by Congress for evaluation.

Besides on occasion allocating specific funds for the assessment of program accomplishments, Congress in the 1967 Office of Economic Opportunity Amendments gave explicit instructions that the Director of OEO make a continuing effort to evaluate OEO efforts. These same amendments required evaluation by the Comptroller General.

In conclusion, it has been my hope that through these comments I can call attention to the need for the executive branch to improve and extend its attempts to measure the accomplishments of governmental activities and weigh these accomplishments against their costs. I feel that the study conducted by my staff suggests serious weaknesses in agency evaluative and analytical practices.

We in Congress can encourage the executive agencies to move in this direction in the course of committee hearings and by earmaking, where appropriate, program funds for evaluation and analysis when authorizing programs. We could also demand extensive analytical support for requests for funds and authorizations. At the same time, we must turn to the improvement of our own capacity to use and independently generate analysis and evaluation. These are tools which, when sensibly put to use, greatly increase the possibility of making the maximum use of public funds.

Mr. President, I ask unanimous consent that the text of my questionnaire to Federal agencies, the exchange of letters between myself, and OMB Director Shultz, and Comptroller General Staats letter to me be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., July 26, 1971.

DEAR ———

I am gathering information for a study of program evaluation in Federal agencies which concerns itself with the whole process of evaluation, from the collection and reporting of raw data to the final comparative cost-benefit/effectiveness analyses. I would sincerely appreciate your cooperation in providing any available information in the following specific areas of concern:

1. How many domestic assistance programs as defined by the 1971 Office of Management and Budget Catalog of Federal Domestic Assistance does the agency administer?

To what extent are agency activities readily defined in terms of objectives and outputs conducive to measurement and evaluation of effectiveness? (e.g., PPB program structures or building block format) How many programs are operated and monitored in terms of definite output measures and goals? (NOTE—"Output measures" does not describe measures of expenditure, but rather the ultimate results of these expenditures.)

2. For which programs are expenditure and output data *evaluated* (i.e., in terms of cost-effectiveness, alternative approaches, experimental variations, program side-effects, efficiency, improved program strategies)?

3. How are the tasks of evaluation organized and distributed within the department/agency?

(a) How is the department/agency evaluation staff arranged (in terms of size and scope of activity)?

Department/agency office of evaluation?

Bureau and program evaluation staffs?

For state and locally administered programs, have evaluation staffs been developed at the state and local levels? Are there program funds authorized specifically for this purpose? (What is the role of state and local personnel in reporting or evaluating information?)

(b) What has been the role of OMB in evaluating department/agency programs?

Independently of agency staff?

In cooperation with agency staff?

(c) What has been the scope of GAO activity in doing *evaluation* studies of department/agency programs?

(d) To what extent have valuation studies been contracted out?

(e) To what extent are date reporting and evaluation performed by:

Participating program staff?

Independent staffs?

4. How has the evaluation staff been funded?

(a) Individual program authorizations specifying evaluation studies of the program?

(b) The Secretary or director's administrative staff appropriations? (Were the funds utilized specifically designated for program evaluation in the budget authorization?)

(c) Other?

5. Is evaluative information made available or could it be made available upon request for use by the legislative branch in considering authorization and funding levels of the various programs? (How much evaluative information is covered by executive privilege?)

6. Are there any projected innovations in the area of program evaluation in the agency?

Any suggestions, further information or examples concerning program evaluation would be greatly appreciated. Please direct such information to Kent Peterson of my staff.

Sincerely,
WILLIAM V. ROTH, Jr.,
U.S. Senate.

U.S. SENATE,
Washington, D.C., July 22, 1971.

Hon. GEORGE P. SHULTZ,
Director, Office of Management and Budget,
Executive Office Building,
Washington, D.C.
Attention: Mr. William A. Niskanen, Jr.
Assistant Director for Evaluation.

DEAR MR. SHULTZ: I am gathering information for a study of program evaluation in Federal agencies which concerns itself with the whole process of evaluation, from the collection and reporting of raw data to the final comparative cost-benefit/effectiveness analyses. I would sincerely appreciate your cooperation in providing any available information in the following specific areas of concern:

1. What is the size and structure of the OMB evaluation staff? What is the scope and distribution of OMB evaluation activity? Are there any projected innovations?

2. What is the relationship between the OMB evaluation staff and the evaluation staffs of the agencies?

(a) How are the "tasks" of evaluation distributed between the two levels? (e.g., data collection, program analyses, comparative program analyses, etc.)

(b) What are the pressures acting on evaluation staffs at the two levels which might tend to decrease objectivity? An agency program analysis office has been described as "wearing two hats," it is initially "critical" towards an agency's programs, but then serves as an advocate of those programs vis a vis OMB. How does the OMB evaluation staff overcome these informational difficulties at the agency level? Are there similar distortive pressures within OMB?

(c) Where should the emphasis for expanding and improving program evaluation be focused in view of the need for objective evaluative information?

(1) enlarging agency evaluation staffs?

(2) expanding the evaluation staff at the OMB level?

3. What are the procedures providing for a comparative overview in analyzing

(a) programs with a similar goal?

(b) diverse groups of programs serving different goals?

4. How are the procedures for program evaluation integrated into the budgeting cycle?

(a) How much evaluative information is requested from the agencies in the budgeting process? (samples of relevant budget circulars)

(b) How much *"useful"* evaluation information *is provided* by the agencies in the budgeting process?

5. What is the role of the OMB evaluation staff in making or contributing to policy decisions? What are the structures and procedures involved in OMB's impact on policymaking? What, in your view, should the relationship between evaluation and policy-formation be?

6. What is the present OMB policy in using "executive privilege" to cover evaluative information? What is the impact of executive privilege on the quality of program evaluation information in the executive branch? If evaluative information were to be made public, would program evaluations then become less or more objective? (Should Congress develop its own office of program evaluation? If such a congressional office were established, at what levels of the evaluation process could data be shared, if at all?)

7. What is your reaction to Senator Mondale's proposal (S. 5—the Full Opportunity and National Goals and Priorities Act) which would create a Council of Social Advisors to perform an evaluative, policy-recommending role in analyzing Federal activity in areas of social concern?

What evidence could you give that adequate evaluation is being done in this area already by the present OMB/agency evaluation staff structure?

Any assistance you can provide on this important subject will be greatly appreciated.

Sincerely,
WILLIAM V. ROTH, Jr.,
U.S. Senate.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 15, 1971.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ROTH: I value your interest in the Federal evaluation process and your support of our efforts to improve the information and analysis available to Federal policy officials. John Collins and Kent Peterson met with our Assistant Director for Evaluation, Bill Niskanen, to provide a general background for our response to your specific questions.

1. What is the size and structure of the OMB evaluation staff? What is the scope and distribution of the OMB evaluation activity? Are there any projected innovations?

The OMB Evaluation Division has 18 authorized positions, divided equally between a Special Projects Branch and an Evaluation Techniques Branch. Each professional staff member has a primary responsibility for one domestic program area and also contributes to the evaluation of selected Government-wide management and procedural problems. The major projected innovation is to give the Evaluation Division the responsibility for structuring the OMB Spring Reviews that provide the policy and budget guidance for agency preparation of their proposed budgets.

It is important to recognize that evaluation is a management technique that includes performance audits of existing programs, management information systems, and analysis of the costs and effects of proposed programs and policies. In this sense, most of the OMB staff is involved in evaluation. The specific role of the Evaluation Division is to improve the quality of evaluation throughout OMB by developing criteria, improving analytic techniques, assisting the other divisions, and by performing special projects.

2. What is the relationship between the OMB evaluation staff and the evaluation staffs of the agencies?

In general, this relationship is professional and informal, primarily involving the sharing of data, research results, analytic methods, and perceptions of problems. The OMB Evaluation Division does not supervise or specifically monitor the budgets and activities of the agency evaluation staffs. One developing aspect of this relation is the development and promulgation of evaluation guidelines in specific program areas; these guidelines are usually developed jointly by the OMB and agencies' evaluation staffs and are incorporated in OMB Circulars.

(a) How are the "tasks" of evaluation distributed between the two levels? (e.g., data collection, program analyses, comparative program analyses, etc.)

Most of the data collection and program analyses are, and should be, conducted by the agency evaluation staffs and by the university and contract research community. OMB tries to assure that the specific studies of most direct interest to the Executive Office are performed, either by organizing a special project or by tasking an agency. The primary formal instrument for tasking an agency is an Issue Letter; these letters are now prepared in the summer for a response by the following spring and are usually restricted to studies of major importance. The OMB program examiners are continuously tasking the agencies for data and studies with a shorter deadline or of lesser importance.

(b) What are the pressures acting on evaluation staffs at the two levels which might tend to decrease objectivity? An agency program analysis office has been described as "wearing two hats," it is initially "critical" towards an agency's programs, but then serves as an advocate of those programs vis-a-vis OMB. How does the OMB evaluation staff overcome these informational difficulties at the agency level? Are there similar distortive pressures within OMB?

The agencies and OMB obviously have somewhat different institutional objectives—the agencies to promote programs for which they are responsible and OMB to constrain total spending and balance programs across the Government—and their respective evaluation staffs are bound to reflect these objectives. This problem is somewhat tempered by a developing sense of professional standards in the analytic community. In recognition of this problem, OMB's study requests to the agencies are increasingly restricted to information that does not directly threaten the agency's fundamental interests. In addition, OMB relies heavily on studies conducted outside of the Government and on studies by the OMB staff to provide parallel sources of information and analysis. We may not be sufficiently aware of similar distortive pressures within OMB, but it is probable that our current budget orientation sometimes makes us unduly critical of some spending proposals.

(c) Where the emphasis for expanding and improving program evaluation be focused in view of the need for objective evaluative information?

(1) enlarging agency evaluation staffs?

(2) expanding the evaluation staff at the OMB level?

At the present time, there does not appear to be a general shortage of analysts in either the agencies or OMB. The primary present challenge is to make more effective use of the potentially available analyses by improving our review processes and, pending these procedural changes, an increase in the supply of analysts will not increase the amount of analysis that is effectively used. In contrast, there may be a greater payoff to increasing the number and quality of analysts working for Congress, an action that would also improve the quality of analysis in the executive branch.

3. What are the procedures providing for a comparative overview in analyzing?

(a) programs with a similar goal?

(b) diverse groups of programs serving different goals?

Most programs serve several goals, some of which are not well defined. Indeed, the necessary coalition for approval of a major program usually includes parties who support the program for quite different reasons. In recognition of the several goals of most Federal programs, OMB is increasingly using several different formats for reviewing the Federal budget and activities. These several formats include the necessary agency and appropriation aggregation, several types of program aggregations, resource-type aggregations, and selected Government-wide overviews of economic and management issues. We are developing review procedures to give increasing attention to the distributive consequences of Federal activities—by income class, demographic group, region, etc.—as well as the incentive effects on the various parties involved in carrying out Federal programs. Our review procedures are still in an experimental state, subject to the necessary procedures to review and publish the budget, but we believe we are working toward a more informative and effective process.

4. How are the procedures for program evaluation integrated into the budgeting cycle?

(a) How much evaluative information is requested from the agencies in the budgeting process? (samples of relevant budget circulars)

(b) How much *"useful"* evaluative information *is provided* by the agencies in the budgeting process?

Program Evaluation materials are submitted at several stages of the budget cycle. The results of major studies prepared by the agencies in response to the Issue Letters as well as studies performed within OMB receive greatest attention in the Spring Reviews. Agencies submit some program evaluation materials with their proposed budgets, both in response to OMB Circular A–11 and to frequent informal request by the program examiners. Some program evaluation material, prepared either by the agencies or within OMB, is included in the program books for the Fall Reviews. A representative Issue Letter and a copy of Circular A–11 are enclosed. The usefulness of agency program evaluation information varies enormously; in general, the basic information on which the agency analysis is based is more useful to us than their analysis and conclusions.

5. What is the role of the OMB evaluation staff in making or contributing to policy decisions? What are the structures and procedures involved in OMB's impact on policymaking? What, in your view, should the relationship between evaluation and policymaking be?

The OMB Evaluation Division has no direct policy responsibility; its primary contribution to policymaking is to assure that the OMB policy officials have the best possible information and analysis on management and budget issues. OMB's impact on policymaking, of course, derives entirely from the powers of the President and OMB's unique role as the only comprehensive staff in the Executive Office. Evaluation can be one of several important inputs to policymaking, but cannot be a substitute for the critical political decisions; evaluation should not be expected to resolve issues when there is a fundamental disagreement on objectives among well-informed parties.

6. What is the present OMB policy in using "executive privilege" to cover evaluative information? What is the impact of executive privilege on the quality of program evaluation information in the executive branch? If evaluative information were to be made public, would program evaluations then become more or less objective? Should Congress develop its own office of program evaluation? If such a congressional office were established, at what levels of the evaluation process could data be shared, if at all?

The President's policy is to use "executive privilege" to the minimum extent consistent with the full and frank discussion of policy alternatives within the executive branch and with the necessary coordination of Administration proposals and consistent, of course, with the normal restrictions on classified material. In general, clearly, individual requests would have to be considered on a case-by-case basis.

As a general rule, the availability of the backup component studies might probably increase the objectivity of these studies, as they would be subject to review by a larger professional audience with, possibly, a wider range of interests. The release of studies that directly lead to a policy recommendation by appointed officials, however, would reduce the frankness of the internal policy discussion.

Because, generally, the basic data on which executive branch analysis is based would also be available to Congress, there would not seem to be any particular need for a separate congressional office of program evaluation, apart from existing committee staff, but of course, Congress would have to judge that for itself.

7. What is your reaction to Senator Mondale's proposal (S. 5—the Full Opportunity and National Goals and Priorities Act) which would create a Council of Social Advisors to perform an evaluative, policy-recommending role in analyzing Federal activity in areas of social concern? What evidence could you give that adequate evaluation is being done in this area already by the present OMB/agency evaluation staff structure?

We do not favor the creation of a Council of Social Advisors as proposed by Senator Mondale. A council of this nature without a specific program or policy focus would most likely evolve into spokesmen for specific policies and would usually be excluded from the primary decision processes. In addition to the agency evaluation staffs, it is important to recognize that the Executive Office review of social programs and policies now benefits from the contribution of the Domestic Council staff, the Council of Economic Advisers, the Office of Science and Technology, and the Council on Environmental Quality as well as OMB, and these staffs include able social scientists from a range of professional disciplines.

I hope that these answers are responsive to your requests. Bill Niskanen can follow up on more details if this would be valuable. Again, thank you for your interest and understanding.

Sincerely,

(S) GEORGE P. SHULTZ,
Director.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., May 5, 1972.

Hon. WILLIAM V. ROTH, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ROTH: I appreciate the opportunity afforded me to look over the report which summarizes your findings dealing with Federal program evaluation practices. As mentioned in my letter to you of April 20, you may wish to include a copy of this letter in your report.

I certainly share your view that program evaluation and analysis can contribute much to fiscal responsibility and for this and other reasons most of our audit effort over the past several years has focused on the evaluation of management of Federal programs and the assessment of whether these programs are accomplishing the purposes which Congress intended them to accomplish.

The principal objective of the General Accounting Office is to render maximum assistance to the Congress, its committees, and Members, consistent with our responsibilities as an independent, nonpolitical agency. Meeting this objective with our limited resources requires the judicious selection of assignments and the most efficient utilization of available staff in the conduct of those assignments. Therefore, except as otherwise required statute or external requests, our basic audit policy is to direct available resources and talents to the areas in which they can be most effectively used to fulfill the greatest apparent need and benefit to the Government.

Implementation of our audit policy results in considerable audit coverage of some Federal programs while very little audit effort will be devoted to other programs. For instance, we have performed a number of program evaluations at the Environmental Protection Agency and the Departments of Defense; Health, Education, and Welfare; Interior; Agriculture; and Housing and Urban Development because these departments have many substantive on-going programs which have a considerable impact on a large number of people and require sizable amounts of Federal funds. On the other hand, independent agencies such as the Inter-American Social Development Institute and the Overseas Private Investment Corporation have been in operation for only a little over a year and accordingly our work in these agencies has not been extensive at this point in time.

We are directing more of our efforts to providing the Congress and the Federal agencies with information on the progress made in achieving program objectives and on possible alternative approaches to accomplishing the objectives intended by Congress. For fiscal years 1971 through 1973 we estimate that our 3,000 professional staff members about 21 percent, 28 percent, and 32 percent, respectively, were, or will be, concerned with reviews of program effectiveness and program results. In addition, a substantial portion of our manpower is expended on management evaluations which are designed to achieve greater economy and efficiency in Federal Government operations. Less than 10 percent of our professional staff is concerned with purely fiscal audits.

A significant part of our work is done in response to specific requests by committees of the Congress, often in direct support of their legislative or legislative oversight responsibilities. As a current and important example, we are supporting the Joint Economic Committee in its study of welfare programs by measuring, in six geographic areas, the extent to which poor persons receive benefits from the multitude of Federal programs intended for their aid. To the best of our knowledge, this effort is unique. Also, we have recently evaluated and will shortly report on the impact of a basic change, provided for by present legislation, in the method of distributing funds for maternal and child health programs on the provision of services to program beneficiaries. This work was done at the request of the House Ways and Means and Senate Finance Committees to assist in their consideration of the need for modifying the legislation.

Many of our reviews are concerned with important domestic programs. Following are some examples of our more recent efforts in this area.

1. We reported to the Congress that the solid waste demonstration grant program had limited impact in improving the solid waste disposal problem in the Nation.

2. A report to be issued to the Congress this month will discuss the progress and problems in reducing air pollution from automobiles.

3. A recently issued report to the Congress evaluates the effect of Federal expenditures on the economy of Johnson County, Kentucky. A similar study, undertaken at the

request of Senator Edward Brooke, resulted in a report on our evaluation of the impact of Federal programs on economic development, employment, and housing in New Bedford, Massachusetts.

4. Our report to the Congress on civil defense in the United States provided an evaluation of the development of a nationwide fallout shelter system.

5. In a report to the Congress last month we assessed the dimensions of insanitary conditions in the food manufacturing industry.

6. Over a recent 3-month period we issued five reports to the Congress on our assessment of the impact of the Teacher Corps program at various locations in the United States and we will shortly issue a report on the impact of the program nationwide.

7. A report which will shortly be issued to the Congress will discuss how enforcement of housing codes can enhance achievement of the Nation's housing goal.

8. Two recent reports to the Congress provided evaluations of the housing and education programs for the American Indian.

These examples represent a small portion of the audit effort which we are devoting to program evaluations. We have already provided you with a copy of our annual report for fiscal year 1971. I am providing separately a partial listing of reports which we have issued during about the past 3 years, or which will be issued in the next month or two, on the agencies involved in your study. This listing includes about 200 reports directed to the status and/or accomplishments of Federal programs. From the information included in our annual report and in the listing, I think you will agree that our efforts in the area of program evaluations have been quite extensive.

It is obvious that some agency responses to your questionnaire were not complete concerning our past efforts in evaluating their programs. Some of the responses apparently were prepared by agency people who were not familiar with our work. Overall, I think it would be fair to say that our total effort in program evaluations has been quite substantial and that our progressive increase of both total and multidiscipline staff resources which we have applied in this area in the last 6 years evidences our deep interest in such evaluations. This is not to say that more should not be done. On the contrary, as you note in your report, the Legislative Reorganization Act of 1970, as well as other recent legislative actions, will require the General Accounting Office to place even greater emphasis on program evaluations.

We appreciate your interest in this subject and hope that you will support our program evaluation efforts. If we can be of any further assistance, please do not hesitate to call.

Sincerely yours,

Lewis B. Staats,
Comptroller General of the United States.

STUDENT REPRESENTATION ON UNIVERSITY BOARDS OF DIRECTORS

Mr. HARRIS. Mr. President, on February 29, the Senate adopted by a vote of 66 to 28 an amendment which I offered to the Higher Education Act which encouraged college and university boards of trustees to include a student in their membership. My amendment did not make such membership a legal requirement, but did instruct the Secretary of Health, Education, and Welfare to report to the Congress on the effect of student membership on university governance throughout the country.

In the past few weeks it became clear that the language of my amendment, gentle as it was, was not satisfactory to all members of the conference committee. Although the measure has been retained in principle, the conference language has seriously weakened the powerful mandate given by this House to the inclusion of students on college and university governing boards.

Mr. President, a major problem in America is the powerlessness of individuals to influence the institutions which dominate their lives. Our cities are in turmoil, our workers feel that they are totally isolated from their management, and our students feel their constructive criticisms of their own educational system go unnoticed. Little wonder, then, that many of our most responsible and talented young people feel that their protests must be taken outside the system before they can be heard.

I have received numerous communications from students, faculty members, and administrators of schools where students are given a real input into the decisionmaking structure. Those who have had experience with student trustees overwhelmingly endorse the contributions and perspective which these young people have made. And the students feel that they do have a way of making their vote heard.

I am sorry that the conferees were unable to agree to the Senate wording of my amendment; but I am hopeful that the sense of the Senate expressed in the original version, and the endorsements of student representation which I have made public in this Chamber will give colleges and universities throughout America a clear enough mandate that they will work to include students at all levels of the decisionmaking process.

FUNDS FOR AID TO IMPACTED SCHOOL DISTRICT

Mr. MATHIAS. Mr. President, yesterday the House Appropriations Committee approved a $28 billion appropriation measure for the Departments of Labor, and Health, Education, and Welfare. I was most pleased to note that the committee has included in that measure $615.5 million for impacted aid to local school districts authorized under Public Law 81-874. This is an increase of $210.5 million over the administration request, and provides for continuation of the current level of funding for this important program.

Mr. President, I, like many others, am painfully aware of the increasing inability of local governments to finance education through the property tax. The impacted aid program has become a vital source of funds for countless school districts across the country. It has given local authorities the ability and the discretion to meet the challenges before them. Moreover, the program achieves these purposes with a minimum of administrative costs to Federal and local agencies.

I congratulate the House Appropriations Committee for its wisdom in restoring funds to this critical program, and urge the Senate to approve at least an equal level of aid in order to sustain the quality of education we provide for this Nation's young people.

THE AMERICAN WAY OF BOMBING

Mr. CHURCH. Mr. President, the current issue of Harper's magazine contains an excerpt from a pioneering study entitled "The Air War in Indochina." The study was compiled by scholars working under the auspices of the Cornell University Program on Peace Studies.

Understandably, the attention of Americans has been principally focused upon ground combat activity which has generated approximately 55,000 dead American soldiers. However, the air war study makes the argument that air power has been the dominant feature of American military involvement in Indochina.

The study, totaling more than 280 pages, is a most worthwhile contribution to an understanding of the intensity of our military efforts in Indochina. The excerpt in Harper's treats with the growing impersonalization of warfare, typified by a remark of a Marine Corps captain to a report for the New York Times:

> I don't think anyone here thinks about blowing in and dropping bombs and killing a person. It's all very impersonal. You don't hear the bombs. It's all very abstract.

I ask unanimous consent that the Harper's piece be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The American Way of Bombing

Since the Battle of Agincourt, where the English longbow was decisive, warfare has become increasingly depersonalized. The distance between the combatants has become progressively greater, and each man has been given a growing offensive capability that permits him to kill many others with a single effort. The massive use of air power in World War II and in Korea contributed to this trend of increasing the physical and psychological separation between combatants and of minimizing the emotional interaction between them. The most recent developments in the instrumentation of warfare in Indochina—especially aerial navigation, target detection, and weapons delivery advances—have accelerated this trend considerably.

So far, advances in navigation and computerized weapons release have had their greatest impact on interdiction attacks by fixed-wing aircraft against stationary, soft targets; some degree of blind bombing capability has been achieved. Ground sensors are used primarily for accumulating intelligence for preplanned strikes on stationary targets, though they are also utilized for immediate strikes against trucks. The airborne sensor devices, on the other hand, have found their most important use in the truck interdiction campaign over the Ho Chi Minh trail, about which the Air Force has recently made such impressive claims. The U.S. night interdiction capability there rests on fixed-wing gunships, first employed in 1968, that carry various combinations of night viewing and other target detection devices.

The enormous U.S. industrial and scientific research base has made possible these rapid advances in weapons technology, but the demand for new military capabilities, plus the availability of a combat testing ground in Indochina, has been a major contributing factor to these developments. The results portend significant changes in the mode of operation of U.S. tactical air power for the future, particularly in counterinsurgency operations. Military enthusiasm for these systems obviously centers on their technical performance, on their cost savings, and on their increased effectiveness. Spokesmen have claimed that electronic battlefield developments have significantly reduced a long recognized deficiency of tactical air power—its lack of high-confidence, all-weather interdiction capability.

What tend to be forgotten or minimized are the limitations inherent in the system. Senors are vulnerable to decoys and countermeasures, and the possibilities for false responses abound (although the term "false alarm" has been stricken from the vocabulary; one refers now to a *nontargetable activation*). The battle between men and machines is not as one-sided as the machine designers claim. Highly motivated men are amazingly resourceful, and automated detectors are an open invitation to human ingenuity.

Beyond practical limitations there lies a fundamental problem. When friend and foe are intermingled, how can electronic sensing and controlling devices discriminate between them? This remains a basic problem under any conditions. A seismic detector cannot tell the difference between a truck full of arms and a school bus; a urine sniffer cannot tell a military shelter from a woodcutter's shack. The further the U.S. goes down the road to automation, and the greater its capital investment becomes relative to its investment in manpower, the more deeply will it become committed to this blind form of warfare. Gen. William Westmoreland, Army Chief of Staff, has stated: "On the battlefield of the future, enemy forces will be located, tracked, and targeted almost instantaneously through the use of data links, computer assisted intelligence evaluation, and automated fire control. . . . I am confident the American people expect this country to take full advantage of its technology—to welcome and applaud the developments that will replace wherever possible the man with the machine." [*Congressional Record*, vol. 116, pt. 18, p. 23824.]

Air Force spokesmen frequently point out that the data from electronic target detection and acquisition machinery are never used without collation with other inputs, and that no counteraction is ever ordered without the intervention of the essential element of trained human judgment. The human operator, however, is terribly remote from the consequences of his actions; he is most likely to be sitting in an air-conditioned trailer, hundreds of miles from the area of battle; from there he assesses "target signatures," evaluates ambiguities in the various sensor systems, collates their reports, and determines the tactical necessity for various forms of action, which are then implemented automatically. For him, the radar blip and flashing lights no more represent human beings than the tokens in a board-type war game. War and war games become much the same.

An account provided us by a retired general further illustrates this potential for depersonalization. He reported that when he was a student at the National War College he began to sense a regularity in the responses of the student officers to the various war-game scenarios endemic to such places of higher military learning. When faced with situations requiring either a diplomatic or a military response to a given crisis, experienced Navy PT-boat commanders tended to favor diplomatic solutions, while Polaris submarine commanders preferred tactical or strategic military responses. Similar distinctions were observed between Army infantry and artillery commanders, and between Air Force Tactical Air Command and Strategic Air Command officers. He concluded that those officers who were confronted directly with the consequences of their actions in the form of human lives lost—whether adversary, neutral, or allied—were more reluctant to resort to military solutions. Those officers whose weapons systems delivered death remotely were much more willing to call awesome amounts of firepower into play.

Moreover, an explicit goal of research-development programs is an improved "real-time" response, in all conditions of weather and visibility, to the information provided by the detection apparatus. The present bottleneck in the automated response process, as perceived by the Air Force, lies in the analysis of this information. According to the head of the Air Force Systems Command Laboratories, the "big problem" facing the labs today is how to analyze and correlate this input data for immediate response; "Microelectronics, coupled with new storage devices, offers some hope of dealing effectively with the data manipulation problem . . ." But, to the extent that this problem in data manipulation is solved, the contribution from human judgment in the target-selection process is likely to decline.

Automated warfare has certain "advantages," however, apart from its technical features. Instruments do not defect. They are not known to take consciousness-expanding drugs, nor to have ethical qualms about coincidental killing of civilians. They do more or less what they are told, and represent a powerful, mechanized, mercenary army.

Ultimately we can have the machines fighting the "target signatures" with no human beings involved on either side. As two commentators have put it, the electronic battlefield ". . . eliminates a constant problem of Vietnam and other wars—that some men must go and fight while others watch on television. With the truly automated system, everybody, including the soldiers, will watch the war on television—the only difference between the Army and the American Legion being the placement of the viewing screen."

The very existence of such an advanced technology produces pressures for its use; it will be hard to resist deploying these powerful weapons and gadgets for "countering insurgency" wherever found. Such a movement may have indirect consequences of considerable import. For example, the channeling of scientific and engineering effort into destructive applications of this sort may well encourage the currently emerging disaffection with technology per se, when in fact technology may be needed for extracting mankind from a wide range of ecological disasters. This disaffection in the U.S. is fueled by the recognition that American scientists and engineers—civilians as well as those working for the Department of Defense—have been deeply involved in the development of the electric battlefield.

The difference between war and a competitive sport has always been clear. A game of tennis cannot be won by blasting one's opponent clear off the court; the concept of "winning" is, by definition, tied to the rules of the game. Not so in war. Here the explicit objective is to reduce the opponent to a state of helplessness or willingness to capitulate. Anything that furthers this aim is part of the efforts; there is no umpire who might invalidate a victory that was won by breaking the rules. Of course, there are moral reasons for not going to excess with the destructive process of war—indiscriminate killing and devastation are repugnant to the individual, and few governments would subscribe to them as a matter of avowed policy. However, the exercise of moral restraint in practice comes under constant pressure from the practical calculations of the moment. If the advantages gained by transgressing a moral limitation appear great enough, the limitation is likely to give away. The practical calculations must of course take into account the possibility that the opponent, or one of his allies, will retaliate in like manner. This is a major factor inhibiting the unrestrained, moral rectitude exerts a very limited leverage. History abounds with examples of ruthless warfare, to say nothing of gratuitous brutality and wholesale massacre, in cases where one of the adversaries was free from the fear of retaliation.

If the effectiveness of moral restraints in practice has never been great, there are factors in the new technologies that serve to undermine the foundations even of those limited restraints. The change in attitude is already profound in the normal exercise of strategic air power. It becomes particularly marked, however, with the evolution of the electronic battlefield and of automated warfare, the full development of which has far-reaching implications.

Remote-controlled warfare reduces the need for the public to confront the consequences of military action abroad. The cost of a fully automated war can be reckoned in dollars and machinery—a small price compared to a harvest of casualties. No longer must the leaders of a nation first establish widespread support for the policies that require fighting a war. Wars can be entered quickly, if need be even in clandestine manner, and fought with minimum repercussions at home. Indeed, an automated war might soon fade from the public consciousness and become *institutionalized*. Modern air capabilities make realistic Orwell's vision of *1984*.

Remote-controlled warfare also reduces the need for emotional conditioning of the armed forces so that they can engage in face-to-face killing. With automated war the combatants are *technicians*. Their powers of destruction are enormous, but their emotional involvement can be small. The use of complex gadgetry and the acquisition of the skills to operate it successfully can endow the entire destructive process with the characteristics of a game. The mere manipulation of the machinery is absorbing and pleasurable, like playing with a super-sophisticated pinball machine. The effects or merits of the actions are not considered; if such questions arise at all, they are dismissed as matters for high-level decision of no legitimate concern to those who execute the commands.

At work, too, is the psychological principle that one's sense of responsiblity is weakened toward persons he cannot see. Through its isolation of the military actor from his target, automated warfare diminishes the inhibitions that could formerly be expected on the individual level in the exercise of warfare. With calm detachment, and without even being aware of it, persons can participate in the kind of indiscriminate destruction and killing that, in the context of conventional ground warfare, has so far been classified as a war crime.

This brief discussion outlines a rather somber view of the consequences of technological developments in warfare, particularly those involving progress toward a greater degree of automation and remote control. This is by no means a look into the distant future: though not yet fully developed, the electronic battlefield is a reality, and the strong pressures for its further refinement and free deployment cannot be ignored. What possibility is there, then, for restoring the balance in favor of restraint in warfare, on both the policy-making level and that of the individual combatant?

This is too broad and difficult a question to answer here. One can suggest certain ways however of creating or reinforcing such restraint. Increased awareness of the destructive power of modern air war with its burgeoning technology could make more people question the use of such destructive power to support limited policy aims. Individuals in positions of responsibility might become more willing to opposition decisions that violate the principle of proportionality and other well-founded rules of warfare. Still, it is no easy task to create greater public awareness of these matters, and to inculcate a greater sense of personal moral responsibility would require an all-out educational effort.

Such an effort would initially be handicapped by the progressive erosion of legal and moral restraints that has accompanied the development and use of strategic air power. Basic concepts like "military necessity," though applicable in principle to air warfare, have become nearly meaningless in practice. A concerted international effort to review and evaluate the juridical status of air warfare is vitally needed. Big-power agreement to a treaty limiting the use of air power could be a major achievement.

No one familiar with military developments over the past thirty years can believe that such agreement will be reached easily. An absolute prohibition of strategic bombing would probably be more practicable and effective than attempting to define which targets could be attacked at all, or only under specified conditions. Another possibility would be specifically to define air-war crimes in connection with an affirmation or reformulation of the Nuremburg principles, thus helping to institutionalize restraint at all levels. As a further internal restraint it would be well to curb the power of the executive to withhold information from the public. There is also the constitutional issue of restoring Congressional control over war-making activities.

No one of these measures—except possibly the absolute prohibition of strategic bombing—could effectively prevent the widely destructive use of air power, but all taken together possibly could. There doubtless are many other steps that could be taken. What is needed is a package of many mutually reinforcing measures. The design and creation of such a package is an urgent task, requiring imagination and leadership of the highest order.

U.S. POLICY TOWARD INDIA

Mr. HARRIS. Mr. President, the New York Times of May 30 contains a thoughtful letter by Chile's Ambassador to India. The article raises disturbing questions about the course of American foreign policy toward the largest democratic system in the world, the Government of India.

I believe that other Members of the Congress will wish to study the serious questions which Ambassador Miguel Serrano has raised. It helps us to place in context the consequences of the President's disastrous foreign policy toward India and Pakistan. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MUSIC OF DECADENCE

(By Miguel Serrano)

For some time the United States Government has been behaving like a man who, with an expensive house almost completed, decides to place a bomb in the living room and blow it to smithereens. For more than twenty years, the United States gave millions of dollars in aid to India, and then, almost overnight, in a seemingly mindless way, it stopped that assistance and began to court India's greatest competitor. This change seems alien to the traditional moral consistency of the American character. Perhaps it is the product of a new computer morality. If so, it represents a dehumanization capable of enslaving or destroying the human race.

This self-destructive impulse is revealed in a whole range of recent events. It is a tableau that threatens the survival of Western culture. To Europe the frivolousness of American foreign policy is especially disconcerting. The cold, hard men who voluntarily undertook the defense of the West now seem strangely untrustworthy. Everyone in Europe realizes that something had to be done to correct the American balance of payments and to reform the international monetary system.

For the last decade European bankers and politicians have been making discreet inquiries round the world concerning the possible devaluation of the dollar. Then suddenly, without consultation, the United States put an end to the convertibility of the dollar and imposed an import tax. These actions created a deep feeling of resentment throughout the North Atlantic alliance. Moreover, the Japanese, who for twenty-five years maintained a close relationship with the Americans, suddenly found themselves being treated like enemies. The ancient doubt began to take form again. The Japanese had accepted Hiroshima as a logical consequence to Pearl Harbor, and had developed an understanding of American rectitude, but now the earlier vision of the white Commodore forcing them to open their ports began to take shape again.

The United States' decision to try to close the gap with China was also undertaken in complete secrecy and without consulting any of its European or Asian allies. This rapprochement has required an abrupt shift in traditional American attitudes. To cite only one disastrous consequence, American silence about East Bengal and its open aid to Pakistan sanctioned the greatest massacre of modern times. This action was part of the price the American Government had to pay for its new relationship with China.

This sudden change, treating one's friends as enemies and one's enemies as friends has created disquiet everywhere. Anyone who has lived in the East will know that Asians will take it as a sign that the civilization of the white man is beginning to decay. This change constitutes what the ancient Chinese called the "music of decadence" that always precedes the death of an empire.

The modern Chinese will be pleased, but the laughter of Mao and Chou En-lai will be cold and sardonic. For them, there is only one people that count—the Chinese. All others are barbarians. And what better sign of barbarism than inconsistency, since it shows a lack of true culture, an insufficiency of feeling and ignorance of history.

It is difficult to understand why the Americans threw away the enormous influence that came with the millions of dollars they gave to India at the moment when India was at last attaining agricultural self-sufficiency and a greater industrialization than China, while at the same time maintaining a democratic parliamentary systems. Just when the aid efforts were bearing fruit, India was abandoned.

Americans, who are certainly generous, nevertheless have this defect of a young people; they want to be thanked, they want to be noticed, admired and loved by those to whom they give things. But for the survival of mankind, this powerful nation must abandon this childish indulgence. Instead of resenting what they imagine to be India's ingratitude, Americans should rejoice in India's independence and power.

It is not a communist country, nor does it allow foreign powers to establish military bases on its territory. More than ever before, it is a power in Southern Asia and in the Indian Ocean. Under Indira Gandhi, Nehru's daughter, it has an extraordinary Government that has only begun its mission. Women have governed countries in all times and places except in the Americas. This again would create suspicion among the Americans for whom the mother is only a superficial influence.

Unless these facts are recognized the Americans will inevitably begin to create on their side of the Pacific the "music of decadence" that the Ming emperors heard at the end of their rule three hundred years ago.

THE SALZBURG SEMINAR IN AMERICAN STUDIES

Mr. MATHIAS. Mr. President, the Salzburg Seminar in American Studies is a unique institution which rose from the ashes of World War II to help Europeans learn more about the United States. Many distinguished Americans such as the late Secretary of Labor Frances Perkins, Justice Byron White, and Justice Potter Stewart have taught at Leopoldskron in Salzburg, Austria, and it was with a sense of both history and humility that I accepted the invitation to join the seminar faculty.

Law, management, culture, urban, and international affairs are among the subjects explored at previous seminars by the faculty, which is traditionally American, and the student body, which is chiefly European. This spring's seminar gave me a chance to explain to the students my views on the changing political scene in the United States. But as the lectures ended and discussion began, the teacher-pupil relationship shifted and I found myself confronting the issues which of concern to the European community on both sides of the Iron Curtain.

Chief among these issues was the fear that the superpowers, the United States, Russia, and China, would engage in another Yalta-type agreement which would enforce some arbitrary world order on smaller nations and independent peoples. I hope that I was able to dispel this fear with respect to the intent of U.S. policy, but we should recognize that such currents of opinion do exist in important areas of the world.

The student body also expressed interest in the European Security Conference which is now being debated in the United States and Canada, as well as in both Eastern and Western Europe. They welcomed the concept of a nation-to-nation meeting to discuss European security in contrast to bloc-to-bloc confrontation but, again, expressed the fear that such a conference would be dominated by the superpowers.

The European students were apparently as concerned about the question of secrecy in government as are many of my Maryland constituents. Our discussion started on the publication of the Pentagon papers, but quickly broadened to focus on the classified document policies practiced by their governments.

It may interest Americans to learn that the role of the press in modern society is as controversial a topic in Europe as in the United States. We spent many hours debating the role of the press and its responsibility as the fourth estate, an instrument of government in a democratic society.

Many students told me of plans to visit the United States during the forthcoming celebration of the bicentennial of the American Revolution. Their plans challenged me to renew my efforts to get a bicentennial plan enacted that will make this enormously important celebration of 200 years of freedom meaningful to all mankind, American and foreign alike.

Finally, and most importantly, I was impressed by the concern for, and interest in the integrity of the American political process displayed by the students in Salzburg. These Europeans viewed our political system, not only as students, but as people whose lives would be affected by the American political process. They recognized that the end product of our political system is the choice of American leadership, and they know that the kind of leadership that America gives to the world can be of personal importance to each of them. I never felt a greater sense of responsibility for the integrity of our political institutions and I was inspired to renew my own pledge to preserve and protect the strength, vigor, and honesty of our system so that it will continue to accurately express the will of the American people.

While the Salzburg seminars were originally conceived as an institution to promote education of Europeans in Europe, it should be apparent that it also has much to offer to Americans. Now that Europe has regained its prosperity, now that her ancient universities have resumed their historic duties and now that travel across the continent is not only possible for Europeans, but easier than ever before, it may be time to look at Salzburg for an expanded role in educating men and women from both sides of the Atlantic. If my experience is typical, it would be a worthwhile and useful experiment in international education and I hope it will be considered.

STATE DEPARTMENT GRIEVANCE PROCEDURES

Mr. FULBRIGHT. Mr. President, during the past year the Committee on Foreign Relations has received many complaints about grievance procedures within the Department of State. As a consequence, the committee added a new title to the Foreign Service Act of 1946 which established a procedure for the consideration of grievances in the Foreign Service. The provision added by the committee was modified and approved by the Senate. It is incorporated in the Foreign Relations Authorization Act of 1972.

On May 5, 1972, I wrote Mr. Richard A. Frank, a 7-year veteran of the Office of the Legal Adviser in the Department of State, and asked him for an evaluation of the Department's grievance procedures in the light of his experiences both in and out of the Department. In a letter dated May 31, Mr. Frank sets forth some very interesting and well-informed judgments on the State Department's grievance system. Among other things, he states:

> My experiences with the Department of State and its grievance procedures have, however, not been encouraging; they have led me to the conclusion that there is a pervasive lack of understanding of due process and fairness in connection with the grievance process, and, consequently, personnel are not accorded what are considered elsewhere to be minimal, basic rights.

Mr. Frank concludes his letter with the following:

> As you are aware, foreign affairs functions are exempted from the Administrative Procedure Act, and the Department has applied this exemption to virtually all its activities. As a consequence, the Department has never been required to face up to issues of fairness and due process, and it apparently is merely treating personnel matters, including grievance procedures, the way it treats other foreign affairs issues. The Department is not in the habit of following rules, and carries this principle over to the personnel area. Just as the Department desires to formulate foreign policy without participation from outside sources, a patronizing attitude by management has been developed in connection with personnel affairs.
>
> Legislation requiring better procedures and regulations and Congressional scrutiny over the implementation of these regulations can, in the long run, result in the instillment of a sense of due process in the Department so that it would eventually fairly regulate its own personnel system.

Mr. President, I believe Mr. Frank's letter will be of interest to Members of Congress and the general public, and I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Center for Law and Social Policy,
Washington, D.C., May 31, 1972.

Senator J. William Fulbright,
Chairman, Committee on Foreign Relations,
New Senate Office Building, Washington, D.C.

Dear Mr. Chairman: In your letter of May 5, 1972, you requested my views, technical advice, and evaluation of the Department of State grievance procedures.

My experience with Department of State grievance system stems from my responsibility as counsel to the first grievant to have a completed hearing under the former grievance procedures, and a consultative function in connection with a more recent case pending under the "interim grievance procedures". My interest in these cases has been not only the specific grievances of the persons involved but also the general fairness of the grievance processes in the Department of State.

Rather than focusing on specific provisions of the Department of State's past or existing procedures or on the various proposals for change, I would like to concentrate on the more general questions whether the Congress should play a role in the Department of State grievance process by passing legislation of this nature and by maintaining surveillance, or whether the Department of State should be permitted to promulgate its own rules and operate under those rules without Congressional participation or scrutiny.

Since I was a member of the Office of the Legal Adviser of the Department of State for seven years, my biases have generally been in favor of depending on the Department's integrity and of granting it flexibility. The argument in favor of permitting the Department to act in this area without Congressional oversight is merely that a Government agency ought to be able to handle these matters adequately.

My experiences with the Department of State and its grievance procedures have, however, not been encouraging; they have led me to the conclusion that there is a pervasive lack of understanding of due process and fairness in connection with the grievance process, and, consequently, personnel are not accorded what are considered elsewhere to be minimal, basic rights.

The lack of appreciation within the Department for traditional administrative law rights was demonstrated in several respects in the cases with which I am familiar. One example of this involved the Department's unilateral actions in areas where decisions are normally taken only after an adversary proceeding. Under the former grievance procedures, the personnel division of the Department, without a hearing or other adjudicatory process, decided several times over a seven month period that the grievant would not prevail on the merits of his case, and the grievant should not, therefore, be allowed to utilize the grievance machinery. The Department, of course, is not itself entitled to make this decision in this fashion; and, in that case, the judgment turned out to be wholly incorrect, for when a hearing was finally held, the decision by both the Grievance Committee and the Department upheld the grievant's claim. This same issue remains under the "interim grievance procedures". The Grievance Committee unilaterally is able to determine whether it has jurisdiction over a grievance and whether the grievant is entitled to a hearing; the grievant has no right to discuss his position on these issues before the Grievance Committee.

The failure to understand basic administrative requirements was demonstrated in another instance when the decision maker and lawyers presenting the State Department's case collaborated during the course of a hearing. The State Department had no regulation, and still has no regulation, assuring a separation of functions of the advocate and decision maker, and the individuals involved did not comprehend that this collaboration was unjustified, until the Legal Adviser intervened in the matter.

The Department has also failed even to comply with its own regulations. For example, the Department's regulations under the former grievance machinery provided a specific procedure for extention of time limits (3 FAM 1824.2). In a case in which I was involved, the Deputy Under Secretary for Management unilaterally took an extension for an indefinite period in making a required decision and did so without complying with or even referring to the regulations. When we objected to this violation by the Department of its own regulation, the answer was that the Deputy Under Secretary needed "flexibility".

The Department has not been prepared to articulate reasons for its decisions, even though the courts have consistently required that reasons be stated. The former grievance procedures require that the decisions of the Director of Personnel be accompanied by the basis or reasons for his decision. While the Grievance Committee in one case in which I was involved fully stated the reasons for its conclusions, neither the Director of Personnel nor the Deputy Under Secretary for Management provided adequate reasoning when they rejected one Committee recommendation. The interim grievance procedures, rather than being an improvement, do not even require statements of reason for numerous decisions.

In sum, the Department's regulations have been and continue to be defective, and, in addition, the employees at the Department of State handling personnel and grievance matters have not administered these regulations in accordance with due process. I believe that if the Department of State is given more or less unfettered discretion, as it has requested, to promulgate its regulations and to implement those regulations, foreign service officers will not receive the equitable treatment which should be granted in sound administrative practice, and will be able to vindicate rights only through appeals to the courts.

A rather serious question is why the conceptions of Department of State officials about administrative due process are inconsistent with laws and with court decisions on this subject.

As you are aware, foreign affairs functions are exempted from the Administrative Procedure Act, and the Department has applied this exemption to virtually all its activities. As a consequence, the Department has never been required to face up to issues of fairness and due process, and it apparently is merely treating personnel matters, including grievance procedures, the way it treats other foreign affairs issues. The Department is not in the habit of following rules, and carries this principle over to the personnel area. Just as the Department desires to formulate foreign policy without participation from outside resources, a patronizing attitude by management has been developed in connection with personnel affairs.

Legislation requiring better procedures and regulations and Congressional scrutiny over the implementation of these regulations can, in the long run, result in the instillment of a sense of due process in the Department so that it would eventually fairly regulate its own personnel system.

If I can be of any further assistance concerning this matter, I would be happy to assist you or the Committee in any way.

Sincerely yours,

RICHARD A. FRANK.

REFORM OF THE SOCIAL SECURITY SYSTEM

Mr. HARTKE. Mr. President, one of the greatest issues remaining in this session of the 92d Congress is the reform of the social security retirement and welfare systems. Both programs suffer from long-term misconceptions and misunderstandings. So long as we fail to make meaningful change in these programs, we perpetuate their feelings and foster public disenchantment and disillusionment.

We have discussed the social security retirement system as a program of social insurance in which workers and their dependents receive benefits based upon the contributions which they and their employers made during working years. In fact, the program is quite different. Employee-employer contributions finance the benefits of presently retired workers. Those currently in the work force are not guaranteed any benefits whatsoever. Should future generations of workers allow themselves to be taxed as current wokers do, then those now in the work force will receive benefits upon retirement. The extent of those benefits is not guaranteed.

Among the greatest inequities of the current social security system is the flat-rate tax imposed to finance retirement benefits. For all too many persons, the social security tax is a greater percentage of income than the more progressive personal income tax.

Clearly, the social security tax is regressive. It is levied at a flat rate. There are no exemptions based upon size of family. There are upper income limitations on the applicability of the tax. And many forms of "unearned" income are excluded.

The rules which have been established around this program are both complicated and unjust. Why, for instance, should a married woman who is also a worker, not receive the full benefits to which she is entitled? **Why should a** working couple receive less benefits than a couple in which only one partner works? These are illogical situations, but they exist under the current social security system.

Mr. President, Congress has shown little inclination to undertake major surgery on this "sacred cow." On three occasions this year—and countless times in the past—I have offered omnibus proposals to reform the social security system. The most recent of these proposals can be found in amendments 893 and 1050 to H.R. 1.

Among the major changes included in these amendments are proposals for partial general-revenue financing of retirement and medical benefits, and a reduced rate of withholding tax for lower-income workers.

As drastic as these changes may appear to some, I am convinced that they are not the final solution to the inequities of the social security retirement system. Nevertheless, they commit Congress to make necessary changes.

Partial general-revenue financing of retirement and medical benefits recognize the fact that current workers are paying for the benefits of retired workers. Because of this, use of general revenues, financed in large part from taxes more progressive than the social security tax, eliminates a portion of the inequitable burden on the current working generation.

Reduced social security taxes for low-income workers eliminate a major cause of regressiveness in the current social security tax structure.

Mr. President, we must face up to this challenge in 1972. Each of us gets hundreds of letters from constituents complaining of inequities in the current social security system. Most of these complaints are well founded.

Mr. President, I intend to press for major reforms in the social security system during this session of Congress. The time for shortsighted expediency has passed. The most expedient action for this Congress to take is a major overhaul of the social security retirement and welfare programs.

GRADUATION ADDRESS BY H. A. DAVE TRUE, JR., AT COMMISSIONING OF CADETS CEREMONY, UNIVERSITY OF WYOMING

Mr. HANSEN. Mr. President, although a great many graduation speeches are made at this time of year, few people have placed into clearer perspective more worthy guidelines than were spelled out by H. A. Dave True, Jr., president of the University of Wyoming's board of trustees, as he greeted and addressed those men about to be commissioned officers in the Army and Air Corps.

Because I believe Mr. True's remarks are deserving of wide dissemination and readership, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY H. A. DAVE TRUE, JR., AT THE COMMISSIONING OF CADETS CEREMONY, UNIVERSITY OF WYOMING

Thank you, Colonel Pelland. Good morning, ladies and gentlemen.

It must be evident to you soon to be commissioned officers, that this large group, including a U.S. Senator, the President of the University, members of the Board of Trustees, Academic Deans, instructional staff within and from outside your departments, families and others, gathered here on an early Sunday morning in competition with the golf courses, the fishing streams, and probably most significantly—the soft beds, demonstrates the number of friends and supporters you and this program have.

While I seldom attempt to speak for the Board of Trustees, this is one instance in which I feel free to do so—to pass on to you the Board's high regard of you in the ROTC programs, your conduct, and the credit you bring to this institution.

Instead of burdening you with promises and predictions for the future, I want to talk simply about a matter which is of significant importance to all of us here today—the troubled Nation that is the United States of 1972.

All here today are well versed on our difficult domestic situations, and all have theories as to the causes. Perhaps these causes find their roots in a decline of standards throughout the United States, the decline of standards which is widely accepted as a way of life. Because of this decline, much of the behavior of our people is confused behavior. True, there are some among us who are deliberately agitating or deliberately attempting to undermine and alter our way of life. But these are few in number. The confused behavior extends far beyond them to encompass many, many others. These other people however are not radicals. They are not actively concerned with destroying our government. They are simply confused by the lack of these general standards.

This confusion of behavior—and of attitude—and of value—and of belief leads directly to resentment, a resentment directed not against any one aspect of life, but which remains unfocused until it can seize upon a single aspect of a single occurrence. Only then does it express itself in violence and disorder. The action may not be even remotely related to the cause.

It is essential to emphasize one point. In the United States we have traditionally granted our people a very large measure of personal freedom, more freedom than has been experienced by any other population in the history of the world. This means that we have permitted differences of opinions, differences of values, differences of attitudes, and differences of behavior in a very wide range.

This must be. We must continue to permit these personal freedoms to flourish unfettered. We must guarantee that the freedoms of the individual remain unchained. Yet there is a grave danger that these freedoms will be attacked. They will be attacked because they are visible. We can see them. It's easy to attack these visible freedoms and as they are attacked, we may thereby narrow the American way of life until it becomes something far different from what we want it to be. Thus we must continually strive to retain as much personal individual freedom as we can.

At the same time we must realize that the only reason we have been able to give freedoms of our people has been that under these personal differences of opinion, attitude, dress, and behavior, there has been an unshakable foundation of significant standards. These standards have been widely accepted and commonly followed, thereby giving a basis of unity and solidarity. Not all measured up to the standards. Many of us failed to do those things which we ought to have done. But when we failed in the past we admitted our failure. We accepted the standards, acknowledged our short-comings, and tried to do better. Today, it seems to me, the pattern has changed. Today the violator of the laws may insist his violation is justified, that it was the only thing to do, that it was the right thing to do, that the laws and standards are wrong, and that he alone is right.

This type of justification undermines the validity of law and law observance, and undermines the foundation of unity and solidarity so essential for the continuance of our Nation. This underscores a vital necessity in preserving our personal freedoms to as great an extent as possible while remembering that freedom flourishes only on the basis of a foundation of concensus, a foundation of agreement, a foundation of genuine devotion to standards.

These standards need not be set forth in vast and wordy documents. They can be stated best in very brief sentences such as "Do your duty."

Do your duty. This once was a standard applying to everyone. It was widely accepted. It governed our lives, military and non-military alike. Very often we were unsuccessful in meeting the standard, but we admitted our failures and we saw the standard as something bigger than ourselves, something we would continue to follow to the best of our ability.

In recent times two things have happened to this standard. On one hand, we have people who have forgotten the standard, or who laugh at it as old fashioned, or who regard it in other ways as not applicable to today. On the other hand there are the very persuasive voices of mass communication, mass literature, mass involvement—very persuasive voices redefining the way in which we should do our duty. Our duty is often defined for us as completely doing what will please us, doing what will develop ourselves—doing what will make us happy.

If we develop ourselves only for ourselves, if our duty is only to ourselves alone, we very soon discover that life is meaningless, and we very soon come to resent bitterly the meaninglessness of the very life which we, ourselves, have created.

A correspondent once wrote a famous author to tell him: "The whole purpose of life is to put yourself in second place." The purpose of life is to put you in second place—that sounds exactly like the opposite of what I have been saying. It sounds like the opposite of the advice to concentrate on ourselves. It is, in fact, exactly the opposite.

These two polar positions—concentration on ourselves and putting ourselves in second place—are both wrong. They are both wrong because they are both incomplete.

The author who received the advice from the correspondent responded by saying: "The whole problem of life is to find what to put in first place before yourself." That's it. That's the whole answer. That's why many people who today do put themselves in second place are still mistaken. Out of confusion and resentment they put some unworthy thing in first place before themselves.

These young officers of the University of Wyoming Cadet Corps have handled this paradox well up to this present moment. They have developed themselves, they have brought to the fore their abilities, their talents, their potential. More importantly they also have learned that development for yourself only is meaningless. They have learned that it is fatally wrong to put something unworthy before themselves. Therefore, they both developed themselves and they put in first place before themselves a worthy and meaningful goal.

They have put in first place their nation.

Congratulations to you, gentlemen of the Army and Air Force ROTC Corps, and congratulations to the nation which you serve.

Thank you.

DOMESTIC INTERNATIONAL SALES CORPORATION

Mr. HARRIS. Mr. President, during Senate debate on the Revenue Act of 1971, a number of Senators pointed out the grave risk of disagreements with our trading partners which this administration was willing to court in its plan to set up Domestic International Sales Corp. or the so-called DISC. It will be recalled that under DISC half of the export profits of U.S. firms can be sheltered from Federal income tax.

Senators at the time warned that even if many of the shaky economic arguments which the administration was advancing in favor of DISC were correct, our trading partners would be quick to retaliate by setting up similar trade gimmicks.

Today, it is no source of pleasure to report that the critics were right and the administration was wrong. The Wall Street Journal of May 24, 1972, contains an item reporting that the DISC is now propelling the United States toward a new clash with its foreign trading partners.

In answer to questions submitted by the Journal, the U.S. Treasury admits that the United States has quietly agreed to a meeting in about 6 weeks with officials of the European Community to discuss the U.S. DISC proposal. Meanwhile Canada is claiming that its proposed corporate tax rate cut is needed to offset the price edge U.S. exports would receive from the DISC tax deferral.

Mr. President, I think the administration owes Congress an explanation on the issue of DISC. We should know precisely what the complaints of our trading partners are and what the administration proposed to do to meet them.

I believe that other Senators will benefit from reading the brief item which appeared in the Wall Street Journal. I therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX REPORT—A SPECIAL SUMMARY AND FORECAST OF FEDERAL AND STATE TAX DEVELOPMENTS

DISC propels the U.S. toward a new clash with its foreign trading partners.

Companies in this country are rushing to set up Domestic International Sales Corporations, half of whose export profits can be sheltered from federal income tax under a new law passed last year. States are sweetening the pot even more. The New York legislature has passed a law similar to the federal incentive.

But trouble is brewing abroad, the Treasury grudgingly admitted yesterday. Foreign nations have never liked the DISC idea and some of them now are protesting. So the U.S. has quietly agreed to a meeting in about six weeks with officials of the European Communities, the Treasury said in answer to questions. Details weren't available. But the nations are expected to meet under the auspices of the General Agreement on Tariffs and Trade. Geneva-based GATT, a trade-liberalizing group of about 100 nations, frowns on export "subsidies," and that's precisely what some other nations deem DISC to be. A Treasury official said the U.S. agreed to the meeting on the condition that discussions include European "export subsidy methods."

Along with foreign talk against DISC, signs of retaliation-in-kind are appearing, too. Canada claims its proposed corporate tax rate cut is needed to offset the price edge U.S. exports would get from the DISC tax deferral.

DEPLETION OF U.S. FISH RESOURCES AND U.S. POLICY

Mr. WILLIAMS. Mr. President, the fish resources of our Nation, and of the world, are in danger of being depleted. Indiscriminate fishing by fleets of all nations, the use of modern equipment which sweeps the sea clean of even the smallest fish, a disregard for the reproductive cycles of fish, and the pollution of our oceans have all contributed to the problem of dwindling resources.

Commercial and sports fishermen have complained in recent years of dwindling fish catches. I have been receiving hundreds of letters from sport and commercial fishermen in New Jersey expressing their alarm at the diminishing fishing resources off the New Jersey coast. I have been keenly aware of the problems which are resulting from the expansion of foreign fishing off our coasts, and I believe we must intensify our efforts to preserve the interests of our American fishermen. Prompt action is essential if we are to conserve our resources.

The complaints of American fishermen are supported by figures which show a downward trend in total fish catch of such species as the Atlantic menhadens, sauries, California sardines, North Pacific herring, and Atlantic scallop. Already the haddock has been hunted off of the Georges Bank off the coast of New England and the yellowfin flounder is gone from Alaskan waters.

A principal cause of this reduction in numbers in overfishing. Overfishing has been given impetus by an expanding market for fish products, technological advances, capitalization of the industry, and competition between national fleets. In recent years the annual consumption of fish products has increased approximately 6 percent per annum. Since 1945 the world catch has increased almost 300 percent. The international trade in fishing products reached $2 billion in 1965, and it continues to increase.

Technological advances and the economic capitalization of the fishing industry have permitted the purchase of new gear which makes wholesale catches more possible. It also makes them necessary if the equipment is to be paid for. Some nations, particularly the Soviet Union and Japan, have rapidly built up their fleets and now comb the world's oceans for fish. Unsound fishing practices are often too tempting to resist. Denmark and South Korea, with no rivers in which salmon spawn, insist on the right to catch salmon on the high seas.

U.S. fishermen are particularly threatened by practices such as these. While the world fish catch increased from 43 billion to 123 billion pounds since 1945 the U.S. catch has remained relatively constant at 4 to 5 billion pounds.

PROBLEMS AND ISSUES

Since the 18th century users of the oceans and their resources have been subject to the rules of international law, the fundamental proposition of which is a 3-mile territorial limit, the rest of the oceans being considered high seas, belonging to no one and open to all.

Subsequently, many nations have unilaterally extended their jurisdiction, some to a 200-mile limit, primarily because of the fish stocks found within that zone. In 1958 and 1960 international conferences, held to deal with the problems created by these unilateral acts, failed to reach agreement on setting limits on national jurisdiction over the sea.

Some nations have interpreted the lack of agreement as leaving them free to set their own jurisdictional limits.

Thus, the problem of resource depletion created by an increase in economic competition and capability is aggravated by ambiguity in international sea law. The result has been confusion, anger, and in some cases international conflict.

The issues are quite complex and will not be easily resolved. The high seas belong to everyone, but different nations have different interests. Industrialized nations tend to have global interests plus the capability to exploit the resources of the ocean no matter how far from home. They tend to favor a more narrow definition of territorial waters, which permits a more extensive exploitation of the oceans by their more highly capitalized and technologically advanced fleets.

The less developed countries, particularly those in South America, favor a more extensive jurisdiction; 10 South American nations at this time claim a 200-mile territorial limit. These nations have rich fishing grounds off their coasts, they are badly in need of capital for economic development, and their economic arguments are intensified by a strong feeling of nationalism.

There are competing interests within nations as well as between nations. The United States, for example, has a west coast tuna fleet which wants to fish in the rich waters off the coast of South America. They want a narrow limit. East coast fishermen, facing the competition of Soviet vessels, tend to want a more extensive jurisdiction.

Furthermore, nations with technologically advanced and aggressive fishing fleets do not want foreign ships too near their territory for security reasons, nor do they want foreign fishermen exploiting resources traditionally reserved for their own fleets.

In sum, the given condition underlying fishery competition is that the oceans belong to all nations. Their status is open to all, with their resources now being overused and thus depleted. To prevent resource depletion, international rules which deal with the two major problems of, first, conserving fish stocks, and second, allocating catches in conserved fisheries, are required.

These problems must be resolved within the framework of economic efficiency by maximizing the net economic return from ocean fisheries. They must be resolved promptly with sound fisheries management and the appropriate international rules.

U.S. ACTIONS IN THE PAST

The United States in order to better preserve and utilize ocean fish stocks, has signed bilateral and multilateral agreements and conventions with other nations. In order to protect and promote the interests of its own fishermen it has passed national law.

The agreemnets and conventions, concluded for the most part in the 20th century, have attempted to conserve, regulate, and allocate fishery resources. Generally, they provide for an international commission, a body to do scientific research, equal representation, and enforcement by the individual State. None have granted the power to set relative national quotas or have made international adjudication of disputes compulsory.

The International Pacific Halibut Convention, signed in 1923, was an agreement between the United States and Canada to investigate and manage a particular fishery. Its powers included setting closed seasons, limiting the catch in specially designated areas, licensing ships and setting gear requirements, closing nursery grounds, collecting statistics and conducting investigations. Its success has been due to the limited number of parties and to their mutuality of interests.

An important agreement, in force today, is the International Convention for the North-West Atlantic Fisheries, founded in 1949. Its Commission recommends conservation techniques, such as closed seasons, closed breeding grounds, gear restrictions, overall catch limits, and size limits for fish. Each nation regulates its own fishermen.

The United States and the Soviet Union are participatories in the Atlantic Fisheries Agreement, signed in 1967 and modified and amended in 1968, 1970, and 1971. The agreement affords protection to four species of fish in the mid-Atlantic area and extends conservation measures to two additional species. These species, which have in the past been heavily fished by Soviet vessels, are important to American commercial and sport fishermen.

The Inter-American Tropical Tuna Commission and the International Commission for the Conservation of Atlantic Tunas deal with the establishment of controls on the harvesting of tuna and related species. The 22-year-old fishery management program of the former has an outstanding reputation among scientists.

The United States has attempted to protect its fishermen through national law as well as international agreement. A law enacted in 1964 made it illegal for any foreign vessel to fish within a 3-mile zone off the U.S. coast. In 1966, the act was amended to extend the exclusive fisheries zone of the United States to 12 miles, and in 1971 the fine for fishing within that zone was increased from $10 thousand to $100 thousand. In addition, legislation has been passed promoting research and control of disease.

CURRENT U.S. POLICY AND THE INTERNATIONAL LAW OF THE SEA CONFERENCE, 1973

To supplement national law and international agreement, the United States is preparing for an International Law of the Sea Conference, to be held in 1973. Official responsibility for U.S. law of the sea policy was vested in an interagency task force, composed of members of the Departments of State, Defense, Interior, among others, in February of 1970. A number of policy statements have been issued by the task force and the President since that date.

There are two principles upon which international policy should be based. First, issues are to be dealt with in their entirety as part of a systems approach. For example, fisheries will be dealt with within the context of a law-of-the-oceans approach. But this does not exclude bilateral and multilateral conventions. Second, other nations should participate as much as possible in achieving international agreement on these issues.

The administration's policy currently being developed for the Conference includes promotion of a new international treaty fixing the limitation of the territorial sea at 12 miles and giving preferential rights based on a "species approach" to coastal fishing nations. The species approach is based on the principle that the management and harvesting of fisheries should be governed by the biological distribution and migration of fish stocks, rather than by arbitrary jurisdictional boundaries expressed in miles.

The essence of U.S. policy is contained in a statement made on March 29, 1972, by Ambassador McKernan, alternate U.S. representative to one of the committees preparing the Law of the Sea Conference.

> Three-quarters of the world's marine fish catch is composed of coastal and anadromous species. Effective management and conservation of these species may be provided by granting coastal States clear and effective control over all such species, in the context of protecting other uses of the high seas. This concept includes inspection and arrest authority. The control exercised by the coastal States would follow such stocks as far offshore as the stock ranges. The coastal State could reserve to itself that portion of the allowable catch that it could utilize. The remaining portion of the allowable catch would be open to harvest on a nondiscriminatory basis by fishermen of other nations but would be subject to the coastal State's nondiscriminatory conservation measures, and reasonable management fees fixed in accordance with an international standard. The extent to which the coastal State preference should diminish traditional distant water fisheries—or vice versa—would be dealt with under a reasonable compromise provision in the treaty. We are opposed to the creation of a zone of exclusive coastal State jurisdiction beyond 12 miles.

The species approach principle of preferential fishing rights for coastal nations has evolved from two basic considerations. First, fisheries research has provided enough information for us to understand the breeding and migration patterns of the most important fish stocks. These findings permit us to make rules which will provide more sound fishery management practices. Second, it was deemed necessary to develop a position which would meet the concern of coastal States and be acceptable to them. The United States, noting the inherent conflict between the interests of coastal States and other States, and recognizing the priority interests of the coastal State, has proposed that coastal States have a priority interest based on their fishing capacity. This permits the coastal States to utilize the fish resources off their coast up to certain limits while assuring that other States will be able to utilize the excess over those limits.

CONCLUSION

I support a comprehensive approach to solving the fisheries problem within the framework of an international sea law agreement. A reasonable territorial limit and preferential rights based on the species approach would serve to preserve the interests of our fishermen and those of other coastal States. It would encourage those States to follow the best practices of conservation and efficient management. Agreement on the law should reduce international conflict.

While recognizing that international agreement is often slow and difficult of achievement, we must realize that a prompt resolution is essential in this case. The United States must vigorously continue to pursue bilateral and multilateral arrangements, which historically have been much more successful. We cannot afford the consequences of long delay. For example, prompt agreements should be concluded with respect to sea and river herring whose populations are declining rapidly.

I would prefer not to take extreme actions which would jeopardize the reaching of an international agreement at the Conference. The gravity of the fisheries problem and the danger posed by international conflict makes it imperative that a rational, equitable, and enforceable law of the sea be developed and adopted at the earliest possible moment. But if we cannot secure a prompt resolution of this problem, we must seriously consider extending our fishing zone substantially beyond the 12-mile limit supported by the administration.

RECENT DECISIONS OF THE SUPREME COURT

Mr. **THURMOND**. Mr. President, the June 5, 1972, issue of the U.S. News & World Report contains an article concerning recent decisions of the new "Nixon Supreme Court."

The article points out a new trend which is taking shape as the Nixon appointees cast the decisive votes in two decisions of the Supreme Court which upheld convictions by split-jury votes.

The rulings held that unanimous jury verdicts are not constitutionally required for convictions on criminal charges in State courts. Thus, the Court is apparently reflecting Mr. Nixon's judicial philosophy of strict construction of the U.S. Constitution.

Mr. President, in view of this recent shift in the Court's philosophy, I ask unanimous consent that the article, entitled "From the 'Nixon Court'—Decisions That Favor Lawmen," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FROM THE "NIXON COURT"—DECISIONS THAT FAVOR LAWMEN

The Supreme Court, as reshaped by Nixon appointments, now appears to be turning in a widely predicted direction—toward strengthened support for law enforcement against criminals.

Two decisions, handed down on May 22, are regarded by many Court observers as indicating what they see as a significant new trend.

The rulings held that unanimous jury verdicts are not constitutionally required for convictions on criminal charges in State courts. They upheld State laws authorizing less-than-unanimous verdicts in Oregon and Louisiana. Thus, they appeared to open the way for other States to pass similar laws.

The votes in both cases were 5 to 4. The majority included four Court members appointed by President Nixon—Chief Justice Warren E. Burger and Justices Harry A. Blackmun, Lewis F. Powell, Jr., and William H. Rehnquist.

NO MAJORITY, BUT—

Mr. Nixon, in appointing the four men, made clear that he regarded them as "strict constructionists" of the Constitution who would reflect his legal philosophy. Alone, they are not a majority of the nine-member court. But all they need is to pick up one additional vote.

In the jury-verdict cases, the vote they picked up was that of Justice Byron R. White, who is considered—along with Justice Potter Stewart—to be a "swing man" who frequently sides with the Court "conservatives."

Justice Stewart voted in the minority along with three justices widely regarded as the most "liberal" members of the Court—William O. Douglas, Thurgood Marshall and William J. Brennan, Jr.

The majority opinions, written by Justice White, rejected the idea that a unanimous vote is necessary to establish guilt beyond a reasonable doubt. He not only upheld Oregon convictions that had been reached by 11 to 1 and 10 to 2 vote but also upheld a Louisiana conviction arrived at by a vote of 9 to 3. Mr. White said.

"Of course, the State's proof could perhaps be regarded as more certain if it had convinced all 12 jurors instead of only nine; it would have been even more compelling, if it had been required to convince and had, in fact, convinced 24 or 36 jurors. But the fact remains that nine jurors—a substantial majority of the jury—were convinced by the evidence.

"In our view, disagreement of the three jurors does not alone establish reasonable doubt, particularly when such a heavy majority of the jury, after having considered the dissenters' views, remains convinced of guilt. That rational men disagree is not in itself equivalent to a failure of proof by the State nor does it indicate infidelity to the reasonable doubt standard."

OBJECTION

A minority report, written by Justice Stewart, said:

"The doubts of a single juror are in my view evidence that the government has failed to carry its burden of proving guilt beyond a reasonable doubt."

In addition to Oregon and Louisiana, Oklahoma and Montana also permit guilty verdicts by a split jury.

The American Civil Liberties Union deplored the Supreme Court ruling as "unfortunate since it illustrates the Supreme Court's new posture, which reflects a lack of sympathy for the rights of criminal defendants."

FEW STATES TO CHANGE?

Most jurists and legal experts questioned by the Associated Press, however, said they did not think the quality of justice would be affected by the rulings. Nor did they expect any rush by States to abandon unanimous verdicts.

The authorization of split-jury verdicts in State courts was not applied to federal courts, which apparently will continue to require unanimous votes for conviction of defendants.

Another Supreme Court ruling of May 22 also was interpreted as an aid to law-enforcement officials.

That ruling upheld the Government's power to compel grand-jury testimony of a witness without granting complete immunity from prosecution. Under this ruling the immunity need only insure that the testimony itself—or leads resulting from it—will not be used in prosecuting the witness. Any subsequent prosecution would have to be based on independent evidence. Justice Powell wrote that 5-to-2 decision, with Justices Douglas and Marshall dissenting.

EFFECTIVE STREET LIGHTING AS CRIME DETERRENT

Mr. **BIBLE**. Mr. President, we are pleased to report that Metropolitan Police Chief Jerry Wilson has advised me that crime in the Nation's Capital City has decreased by 30 to 35 percent in the last year, with a remarkable reduction of 32 percent in most types of nighttime crime, especially in areas where high-intensity, anticrime street lighting fixtures have been installed.

Three years ago it was my pleasure to call to the attention of the Senate that hearings before our Small Business Committee on the impact of crime against small business across this country showed that effective street lighting was "one of the best deterrents to robbery and burglary." To that we can also add assault-type street and stealth crimes to the person. Since 1969, when we cited the importance of effective street lighting as a crime deterrent, we have been working closely with Mayor Walter Washington and other District of Columbia government officials to use Washington, D.C., as a showcase to point up the success of a program now in progress to upgrade street lighting throughout the city by the installation of high-intensity fixtures as a means of combating the high crime rate.

It is particularly rewarding to see progress in crime prevention brought about by such a low-cost program as improved street lighting with Washington, D.C. as one of the first cities in the Nation to install this new high-intensity type light.

We believe strongly that good street lighting is an effective response to the problems of mugging, burglary, robbery, and the other personalized assault-type crimes. Lighting provides the opportunity for an intended victim to take evasive action. It is also a strong psychological deterrent against a criminal where he can be easily observed in brightly lighted areas.

Certainly, the Washington success story is not going untold. And we hope for greater success when more of the high-intensity lights are installed in Washington and hopefully within the Capitol Hill complex of Government buildings and parklands. Several months ago Newsweek magazine and General Electric jointly produced a film entitled "One Glow of Hope," telling about what more light has done for the business community and for residential areas of this city. This film is now being shown around the country and other cities are making inquiry to Mayor Washington about how these benefits here might be repeated in their own communities.

And emphasizing this success story is the nationwide program now in its 12th year, "Brighten the Night," cosponsored by the 11½ million member General Federation of Women's Clubs and the Reader's Digest Foundation. A feature of this program is a national competition among some 1,200 women's clubs from every State wherein cash prizes are awarded to those women's organizations who actively promote the installation of effective street lighting as an aid to fighting crime.

It was my high honor to serve as a judge for this national competition several months ago in the Senate reception room across the hall from this Senate Chamber. Joining with me in the judging of entries from 250 cities and towns were District of Columbia Police Chief Jerry Wilson and District of Columbia City Councilman Tedson Myers. And what both amazed and pleased us judges most about this entire program, Mr. President, was the seriousness with which cities, large and small across this Nation, have worked to install better street lights to curb crime and promote safety generally.

As Mrs. Earle A. Brown of Pittsburgh, Pa., president of the General Federation of Women's Clubs, told me while we judged the entries this year:

> If this program adds just one light that saves a life on the highway or protects an unsuspecting person from assault, our effort is more than justified.

We agree wholeheartedly with Mrs. Brown's comments and the work of the General Federation of Women's Clubs, the Reader's Digest Foundation, and the work of the Street and Highway Safety Lighting Bureau is to be highly commended. We believe the Nation's Capital City is helping to prove your case.

At noon today at the Hilton Hotel in Denver, Colo., the winners of the 1972 contest were announced by Educational Director Andrew S. Edson of the Street and Highway Safety Lighting Bureau before several thousand women attending the national convention of the General Federation of Women's Clubs. I might say that the State of Alabama took not only top honors but most of the prizes, but Arkansas, Indiana, Maryland, Iowa, Florida, Pennsylvania, California, and West Virginia fared well, too.

Mr. President, I ask unanimous consent to place in the Record at the conclusion of my remarks the names of the winners of the 1970–72 "Brighten the Night" contest, together with an article describing various aspects of the Washington, D.C., film, "One Glow of Hope."

There being no objection, the items were ordered to be printed in the Record, as follows:

Winners in 1970–72 GFWC–Reader's Digest "Brighten the Night" Competition

$2,000 Grand Prize Winner: Cullman County Federation of Women's Clubs, Cullman, Alabama.

$400 First Prize Winner—Class 1—under 1,000 population: Dalecarlia Women's Club, Lowell, Indiana.

$300 Second Prize Winner—Class 1—under 1,000 population: The Women's Club of Jessup, Jessup, Maryland.

$200 Third Prize Winner—Class 1—under 1,000 population: Outlook Club, Earlville, Iowa.

$400 First Prize Winner—Class 2—1,000 to 10,000 population: Women's Club of Saraland, Saraland, Alabama.

$300 Second Prize Winner—Class 2—1,000 to 10,000 population: Progressive Club, Mountain Home, Arkansas.

$200 Third Prize Winner—Class 2—1,000 to 10,000 population: Cutler Ridge Women's Club, Perrine, Florida.

$400 First Prize Winner—Class 3—10,000 to 50,000 population: Cullman County Federation of Women's Clubs, Cullman, Alabama.

$300 Second Prize Winner—Class 3—10,000 to 50,000 population: Presque Isle Women's Club, Erie, Pennsylvania.

$200 Third Prize Winner—Class 3—10,000 to 50,000 population: Sanger Women's Club, Sanger, California.

$400 First Prize Winner—Class 4—more than 50,000 population: Cosmopolitan Club, Mobile, Alabama.

$300 Second Prize Winner—Class 4—more than 50,000 population: Women's Club of Charleston, Charleston West Side Woman's Club, and their Junior Departments, Charleston, West Virginia.

$200 Third Prize Winner—Class 4—more than 50,000 population: Public Welfare Forum of Little Rock, Little Rock, Arkansas.

"One Glow of Hope"—The Nation's Capital City

Washington, D.C., February 16.—The effectiveness of intelligent community action in helping reduce crime in the streets of the nation's capital was dramatized here today at the premiere of a new documentary motion picture.

Focal point for a nationwide communication program, the 27-minute sound-color film depicts how the District of Columbia is utilizing highly improved street lighting to reduce night crime in many areas of the city by as much as 30 to 35%. The film, titled "One Glow of Hope," was produced by Newsweek Magazine and the General Electric Company in cooperation with the City of Washington.

The film describes how officials of the District of Columbia, working in close harmony with federal agencies, business community leaders, private citizens and other groups, are turning back the darkness of city streets to help curb street crime. These results are confirmed in a series of interviews with Mayor Walter E. Washington, Police Chief Jerry Wilson and a number of government officials, business leaders and private citizens.

Mayor Washington explained: "This is what our endeavor is; to really return the streets of a city in America, the nation's capital, to the people, and that's what we're about. We're lighting the streets."

The District of Columbia Highway Department efforts began in 1968 with less than $50,000 for initial lighting installations. Public demand for more relighting led to the approval of additional funds for further improved street lighting. Other grants came through HUD's Neighborhood Development Program and through provisions of the Law Enforcement Assistance Act.

John E. Hartley, Director of Traffic Engineering for the District of Columbia, points out that just over $1,000,000 had been invested in converting 6,000 street lights by the end of 1971. Plans for 1972 call for the conversion of about 12,000 more lights, covering about 30% of the city's lighting when installed.

The relighting program was initiated to sharply increase light levels. This was accomplished by using a modern high pressure sodium lighting system as well as designing a special conversion kit to fit in the historic Washington street globes.

Police Chief Wilson said that since the relighting: "Our experience has been that in those high-crime areas where we put the high-pressure sodium vapor lighting the crime rate has been down as much as 30 and 35%."

Businessmen testifying to the success of the relighting included a hotel manager who states "Ever since the lighting was installed, there's absolutely no question as to improvement relating to business. We're running 15 to 18% higher than a year ago prior to the new lighting."

According to Mayor Washington: "The only way that we're going to make the long-term decrease in the total crime rate that we want is by the government moving out with this initiative and citizens participating, cooperating because they have something that they really feel and really know is making the difference."

The film concludes that this successful report on a war on crime in the City of Washington has several things that are encouraging to all cities:

"First, high intensity lighting is reducing the streets to the people.

Second, all elements of the public eagerly welcome and appreciate the effort to bring better lighting to their city.

Third, adequate funding is available. Washington's Highway Department began its pioneering efforts with one man's ideas and less than $100,000. The City Council, just like all city councils, responded to the successful beginnings with vastly increased budgets. Private citizens and businesses, eager for better lighting, added personal contributions. The federal government, through Congress, HUD, the Law Enforcement Assistance Act, and other programs showed its responsiveness by providing additional funds. All of these actions are encouraging to all cities. For they indicate there are several significant means, including lighting, to reduce crime. Possibly the singlemindedness of purpose, this cooperative spirit of action is, indeed, our one *glow of hope.*"

Filmed by Vero Productions of Darien, Connecticut, "One Glow of Hope," was produced and photographed by Abbott Mills and edited by Joseph Filipowic.

In addition to the film, the communication program will include a slide presentation describing how various other cities have utilized high intensity street lighting.

It is anticipated that the communication program will be widely used by electric utilities and other industry-wide organizations to carry the Washington story to local governments and civic groups in formulating street lighting programs and provide direction for obtaining funding.

ANTIWAR SENTIMENT TURNS INTO HOSTILITY

Mr. HARRIS. Mr. President, from time to time a perceptive journalist is able to capture the mood of ordinary citizens as they attempt to cope with the problems faced by our society. Everett Groseclose has done this in an article for the Wall Street Journal which describes the way in which the Vietnam war has undermined the faith of our citizens in the ability of our society to reform itself.

Examining the attitudes of people in Dodge City, Kans., Mr. Groseclose found that the mood of the city's residents has changed from a groundswell of support for our involvement in Vietnam in 1966, to war weariness by 1967, to opposition in 1969, to "pessimism, cynicism, fear, and outright hostility" to U.S. military actions in Vietnam today.

According to Mr. Groseclose:

> Many residents hereabouts contend that they are engulfed in a new feeling of helplessness and frustration that is affecting all aspects of their lives. And the major reason, they contend, is the war.

Mr. President, I am convinced that our leaders cannot understand the consequences of what they are doing or they would stop. I wish it were possible for the President himself to talk with the citizens of Dodge City, as Mr. Groseclose did, so that the consequences domestically of our actions in Vietnam could be more clearly understood.

I believe that others will benefit from reading Mr. Groseclose's provocative article. I therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 23, 1972]

IN A TOWN IN KANSAS, ANTIWAR SENTIMENT TURNS INTO HOSTILITY

(By Everett Groseclose)

DODGE CITY, KANS.—Once again, the mood has changed.

From a groundswell of support for American involvement in Vietnam in 1966, sentiment here by mid-1967 had shifted to war weariness and deep-seated doubts. And by late 1969 many residents of this prairie town of 17,000 had turned downright dovish.

Now, another shift has come. It is characterized by pessimism, cynicism, fear and outright hostility for continuing U.S. efforts in Vietnam. It developed over the past several months, and hasn't changed noticeably since the U.S. started mining the harbors of North Vietnam and stepped up the bombing of military targets in the North.

But far more than just the war and the fact that it is continuing now is involved. Many residents hereabouts contend that they are engulfed in a new feeling of helplessness and frustration that is affecting all aspects of their lives. The major reason, they contend, is the war.

A SYMBOLIC FAILURE

"Vietnam is symbolic of our failure—the failure of our government and institutions of all kinds—to come to grips with our problems," says Charles M. Barnes, president of Dodge City's Community Junior College. "The war dramatizes our national predicament, our negative attitude toward all kinds of things." Aside from focusing attention on the scarcity of alternatives in Vietnam, he adds, the blockade has done nothing to change the basic outlook and sentiment of Dodge residents.

Mr. Barnes' view that the war has made deep inroads into the way people think and live in grass-roots America is relatively common around the "Cowboy Capital," as Dodge proudly calls itself. Although, of course, not everyone agrees, many residents here repeatedly talk about what the war has done and continues to do to American character, morals, integrity and willingness to place trust in elected leadership.

Indeed, to a visitor who comes to Dodge City for the fourth time in the past six years to gauge the impact of Vietnam, it's clear that things have changed enormously—not only since the first visit in the spring of 1966, but also since the most recent visit in the fall of 1969.

On the campuses of Dodge's two colleges, where attitudes of both faculty and students changed from hawkish in 1966 to active involvement in peace demonstrations in 1969, the mood now is one of despair and dejection. "You sit in the student union and try to talk to people about it, and you get disgusted reactions," says Kathy Ridgway, the president of the student body at St. Mary of the Plains College, a four-year institution. "They feel the subject has been talked to death, and they've given up on having any influence" with peace demonstrations, rallies and the like, she adds.

TOWN AGREES WITH GOWN

Around town, strikingly similar sentiment crops up. "People are just fed up with this war. They're frustrated. They've had it up to here," says W. D. Janousek, touching his throat while he sips midmorning coffee at Schafer's Cafe on Gunsmoke Street (named after the television show whose locale is Dodge). Mr. Janousek, who owns a retail TV and appliance store across the street, adds: "There's a feeling of helplessness. We all feel it, and we don't know what to do about it.

Almost all of Dodge's civic and business leaders blame the mood for voter rejection on April 4 of two issues that many believe would have been beneficial to the community. One was a $160,000 revenue-bond proposal, which wouldn't have involved a tax increase, to help finance a new park, swimming pool and recreation area for the town. The other was a one-year, one-mill assessment to help finance a search for new industry.

Moreover, many say that this mood helped elect a new group of city councilmen, headed by a man whose only campaign promise was negative—to fire Dodge's city manager, regarded by some as an able and conscientious man who had done much for the community. (Once elected, the new council majority promptly made good on its leader's promise.)

NEGATIVE FEELINGS EVERYWHERE

"There seems to be a negative feeling on just about everything—and especially anything that looks like an added tax burden," laments John E. Winter, Dodge's part-time mayor, who works full time as a teacher of driver education at Dodge City Junior High School. He adds: "All this disenchantment and unhappiness isn't just local. It's everywhere, all across the country."

It is impossible to determine precisely how much of such general discontent can be traced to the war and how much can be attributed to other factors—such as uneasiness about the economy, high taxation and racial strife. Nonetheless, the consensus of residents here is that the war's impact is a major element.

Why the dejection?

A few days in Dodge talking with townspeople turns up a number of considerations. The U.S. role in Vietnam combat—and thus U.S. casualties—has been scaled down dramatically in the past couple of years through troop withdrawals, but many residents say the strength of Hanoi's invasion that began on Easter Sunday only proves the failure of the so-called Vietnamization program.

Many also believe that the potential for reescalation is very real—especially after the U.S. mining of Haiphong harbor. A few pessimists even envision the possibility, unlikely though they admit it may be, that the U.S. could commit more troops, especially if the blockade fails to blunt the North Vietnamese invasion.

"I get the feeling that people around here just aren't willing to see more American lives lost over there, because the way things have been going, you have to wonder if they're lost in vain," says Mrs. William Merrill, executive secretary of the Red Cross chapter in Dodge.

Indeed, casualties play a large part in the sentiment of Dodge's residents. Thus far, 11 men from Dodge and its immediate vicinity have been killed in the war. About that many more have returned gravely wounded, some of them badly disfigured. And almost everyone recalls the shock that was felt in late July and early August 1970. In a three-week period two young men died in the war; both had lived in the tiny community of Wright, about five miles northeast of Dodge.

One of the men was Greg F. Steimel, the son of Mr. and Mrs. Alfred Steimel. Mr. Steimel is chairman of the board of trustees at Dodge's junior college and manager of a large farmer's co-op in Wright; Mrs. Steimel is a well-known feature writer for the Dodge City Daily Globe, the local newspaper. Until her son's death, says a tearful Mrs. Steimel, who has written a number of articles about the war, "like so many other people, we had always just accepted the war, the necessity for men to fight in it." Now, however, she says, "we're completely opposite. All that has changed."

A PEACE PLEA—TOO LATE

Mrs. Steimel and others view what happened at Greg Steimel's funeral as suggestive of the quiet intensity of antiwar sentiment in central Kansas. As is customary in cases of combat deaths, the Steimel family planned to have a military funeral service. Then a delegation of 12 students, all of whom had been Greg's friends at St. Mary of the Plains, called on the Steimel family to ask that military services be rejected.

By that time, however, it was too late to change plans. A daughter of Mr. and Mrs. Steimel made leather peace symbols, which the family and others wore, the symbols—and no one refused one—even the Army man assigned to escort the body. "He told me he absolutely believed in the peace movement," Mrs. Steimel says.

The other casualty from Wright was Richard J. Conrardy. In 1966, when I first assessed the impact of the war on Dodge, Richard's father, Eugene A. Conrardy, expressed fear for the life of an older son, Donnie, who had just been drafted. Mr. Conrardy, then a hawk but now a dove, also complained about having to cut back on the family's farming interests (he has 900 acres) because Donnie wouldn't be around to lend a helping hand. As it turned out, Donnie served in Vietnam without injury; his younger brother wasn't so lucky.

At the post-office building in Dodge, Mrs. Elwood Augerot, who has been the clerk of local draft board 23 since the war began heating up, says that these days "things are actually pretty quiet," especially compared with two years ago. At that time draft calls were still high, and many parents were openly expressing hostility toward the war and personal resentment at her role in drafting their sons.

"The kids are still coming in from time to time wanting to know where they stand, but that's about all, "Mrs. Augerot says. For the young men, she adds, "its just a feeling of helplessness. There seems to be nothing they can do about the war, and that frustrates them." In the past year, Mrs. Augerot's draft call has been almost nonexistent. She has been told to induct only one man, and a volunteer turned up to fill that space.

PROBLEMS FOR RECRUITERS

Across the hallway from Mrs. Augerot's office, however, a Marine recruiter says the absence of the draft threat is making recruiting considerably more difficult. And down the hall, a youthful Army recruiter allows that "you really have to get out there and hustle" to find enlistees. Even then, few are willing to sign up for infantry training "because they figure they'll go straight to Vietnam." Instead, he adds, "they all want to go to Europe or Hawaii."

In fact, there is substantial evidence around Dodge that a growing number of young men are determined to resist any connection with the military forces. Just a few weeks ago, for example, 20-year-old Stanley McMillen, the son of a local powerplant employe, returned home after making national headlines.

By young Mr. McMillen's account, he and nine other young men who had sought release from the Army on conscientious-objector grounds were "hastily discharged" at Fort Sam Houston, Texas, after being imprisoned for almost a week in a maximum-security stockade at Fort Hood, Texas. He contends that he faced "trumped-up" court-martial charges involving disrespect, disobedience and unwillingness or inability to adapt to military life. "The Army just wanted to get rid of us," he says.

VETERANS SEEKING TO FORGET

Over at the First Presbyterian Church, 31-year-old Tom Owen, whose mother is Mrs. Merrill at the Red Cross, works as a custodian full time and attends classes at the junior college in his spare time. He relates his opposition to the Vietnam war on moral grounds and says the deaths of several friends in Vietnam caused him to give up a military career after 10 years as a Navy medic. "I have a wife and two children," he says, "and I didn't like the thought of those children growing up without me."

Mr. Owen is also treasurer of the Vietnam Veterans Club, organized last October at the junior college. Club members, he says, hardly ever speak of their common memories of the war. Instead, they devote their time and interest to social projects, including the operation of a bus shuttle from homes for the aged to shopping areas. "Most of us just want to forget all about the war." Mr. Owen says.

Leaders of peace demonstrations two years ago agree that the situation is drastically changed. The Rev. Paul Palmer, pastor of the First Presbyterian Church, was one of the first Dodge residents to publicly oppose the war. "I have continued to make my opposition known, but I've found it less necessary to do it from a radical stance because I find that so many people are siding with me now," he says. Still, he is disappointed with the lack of peace-related activities on campus. "There haven't been any rallies in the last year or so, and that's part of the cynicism," he says.

Such attitudes also go a long way toward other things, according to James S. Maag, a second-term state representative, who teaches history at Dodge's junior college. He says such attitudes also contribute to "a general discontent with government at all levels—local, state and national—and their apparent inability to solve our problems." Voter rejection of Dodge's revenue-bond issue and of the assessment to finance a search for new industry, he adds, "is a classic example of the expression of that discontent."

But others in Dodge are expressing their dismay in other ways. Don C. Smith, a 46-year-old attorney, says his opposition to the Vienam war caused him to change his political affiliation from Republican to Democratic slightly less than a year ago. "The war has affected my life, the way I think and the way I feel like no other single thing," he says. "I'm terribly concerned about the possibility of reescalation."

Mr. Smith, who now is a local Democratic leader, expressed his opposition to the war May 13 at the First District Democratic Convention in Pratt, Kan., when he introduced an emotional resolution against continuation of the conflict. The resolution, in toned-down form, was adopted. Mr. Smith also helped deliver seven of Ford County's eight delegates at the district convention to Sen. George McGovern, largely because of the Senator's promise to promptly withdraw from Vietnam. (The session elected six degelates to the national Democratic convention, in Miami Beach; none of the delegates is formally committed, but Mr. Smith and others believe most of the delegates lean toward Sen. McGovern.)

A RARE SPECIES

Not everyone in Dodge, of course, sides with Mr. Smith and like-minded doves, but out-and-out hawks who favor a step-up in military action are indeed rare these days. Nonetheless, many residents contend that President Nixon had little realistic alternative to his blockade of North Vietnam.

One such man is Kenneth S. Johnson, an attorney in downtown Dodge. "Everybody wants to get out, but they want an honorable withdrawal," he says. "They don't want to just walk away." Like many other residents of Dodge, Mr. Johnson also complains that "these days you just don't know who you can believe—not the government, not what you hear on TV and read in the newspapers—you just don't know what the real situation is."

Six years ago the leaders of Dodge's small manufacturing community were complaining about late deliveries of goods, drafted workers and soaring prices. Now they say their problems that were brought on by the war have eased, largely because of lower draft calls, suppliers eager to please after the recession and the effects of economic controls. Business, they say, is generally improving, and they are optimistic about sales and earnings for the year.

But when the subject turns to Vietnam, their optimism vanishes. Stuart Curtis, president of Curtis Manufacturing Co., a maker of gearboxes, says that while he supports the Nixon policy, he is nonetheless dismayed that there seems to be no solution. Down the street at Speed King Manufacturing Co., a maker of conveyor systems, Hector Campbell, president, says: "Nixon has staked his whole future on Vietnamization, but what has happened so far is very discouraging. It appears to date that all the bombing we've done has accomplished exactly nothing, and I guess we'll have to wait and see what cutting off their supplies will do."

Whatever the sentiment concerning the war, a number of people in Dodge are glad they accomplished certain things before attitudes changed. Mr. Barnes, the president of the junior college, proudly shows a visitor through the institution's gleaming new buildings on the campus northwest of downtown Dodge. "Seven years ago," he says, "we passed a $2.5 million revenue bond issue" to help finance the school's $4.8 million construction program. "Seven out of every 10 voters supported it," he adds. "Thank goodness we did it when we did. Today, with attitudes being what they are, there's no way we'd ever get it approved."

SECURITIES SALESMAN SEES A DECLINE IN NIXON'S STOCK

DODGE CITY.—The war in Vietnam is viewed many ways by residents of central Kansas. But perhaps no one looks at it quite the way one securities salesman in Dodge does.

Warren K. Akerson, with the New York Stock Exchange member firm of Edward D. Jones & Co., says the erosion of confidence in the war effort "is sort of like what happened with a stock we recommended about six months ago."

The firm recommended buying shares of Recognition Equipment Inc., Dallas, based largely on the company's contract to deliver automated mail-sorting devices to the U.S. Postal System. But, for a number of reasons, deliveries have been later than expected.

"There's nothing inherently wrong with the company," Mr. Akerson says, but delivery of the devices "keeps getting put off." With the delays, he says, the price of the company's stock, which is traded over the counter, has declined from a 1972 high of $15 a share to $8.625 bid yesterday.

"Finally," he says, "some of the people who bought the stock on your recommendation and watched it go down start to lose faith in you. They start to back off. It's sort of the same thing that's happened with Nixon and the war."

A WHITE HOUSE VIEW OF McGOVERN

Mr. SCOTT. Mr. President, the New York Times of June 7 contains an article by White House Staff Assistant Noel Koch to which I invite the attention of Senators. I do, however, take issue with one point. Contrary to the statement in the article, of 36,709 French POW's and MIA's, only 10,754 were ever returned, and there was never an accounting of the remainder.

I ask unanimous consent that Mr. Koch's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A WHITE HOUSE VIEW OF McGOVERN

(By Noel Koch)

WASHINGTON.—President Nixon's journey to Moscow provides an excellent prism through which to view recent demands by Democratic hopefuls for a precipitous withdrawal from Vietnam. Their broadly publicized notion that we can simply pack up and pull out with a claim that we have done "all that could be expected" harkens back to the unusual ethical proposition advanced by Pilate who thought he could cleanse his conscience by washing his hands.

The most persistent voice here has been that of Senator George McGovern, whose design for unconditional departure from Vietnam within some vaguely stated period of time ranging from "within a few weeks" to "within ninety days" recalls a similar promise by French Socialist Pierre Mendés-France as he moved for the premiership in the dismal days of the hapless Fourth Republic.

As a former professor of history, Senator McGovern might have been expected to discern some cause and effect relationship between Mendés-France's ill-advised campaign promise to extract France from Indochina within one month, his even more ill-advised redemption of that promise, and the resumption seven years later of that same war—this time with the United States substituting for France.

The issue today is different, of course—the attempt of an ex-colonial power to reassert itself has become an effort to keep that half of Vietnam which escaped the colonial yoke free from a Communist yoke. But this should have been resolved in 1954, and was not, because expediency assumed a higher priority than responsibility to French politics.

In retrospect, it seems remarkable that France salvaged as much as she did in the process of extracting herself from the conflict. One estimate indicates the Vietminh controlled more than three-fourths of the territory of Vietnam—in the end they settled for less than half.

The South was not expected to survive.

Inexplicably, South Vietnam did survive, and, in a further departure from expectations, Ngo Dinh Diem, the man responsible for the survival of the South, refused to hold the elections which the Vietminh had promised themselves two years before with the hasty acquiesence of the other signatories to the agreement. (These included neither the representatives of Saigon nor those of the United States.)

If the road to Hanoi once lay through Moscow, it is doubtful that it still does. The Vietnamese Communists lost on Soviet terms in 1954. It is likely that they will prefer to lose on their own terms this time. It is, perhaps, for this reason—among others—that President Nixon has not insisted that they accept loss, but rather that they accept reason leading to the accommodation of mutual interest.

If such an accommodation is to be reached, it must come through painstaking and responsible efforts that will insure the lasting peace for which the President has risked his own re-election. For nothing is more certain than that the seeds of American involvement in Vietnam were planted in the politics of France when Pierre Mendés-France—in a prefiguration of latterday Presidential aspirants, such as George McGovern, who have adopted the politics of surrender—promised to have France out of Indochina in thirty days. (In contrast to Mr. McGovern's stated intentions, Mendés-France at least negotiated the return of French prisoners of war.)

The seeds planted in France were nurtured in Geneva when the armistice arrangements were appended for purposes of expediency with a final declaration having virtually no force in international law, and having the most malevolent possibilities. These possibilities were realized when alleged violations of the final declaration served as a pretense on the part of Hanoi for a resumption of the Indochina war.

The United States then harvested the mature and bitter fruits of the hasty surrender when it sought to aid a beleaguered ally. Whether it ought to have done so is a judgment to be levied ultimately on the Kennedy Administration, which sent forces into Vietnam two years before Senator McGovern thought to question such action.

Ultimately, history will show that the actions of both Pierre Mendés-France and Richard Nixon in ending their nations' involvement in Vietnam were dictated by a keen sense of their nations' positions in the matrix of world power. President Nixon will not seek short-term political advantage by adopting means that hold the long-term risk of renewed conflict. This time the war on the Indochina peninsula must be terminated, not merely postponed.

THE NEED FOR RAIL SAFETY

Mr. HARTKE. Mr. President, one of the frustrating experiences of being a legislator is to work hard to develop needed legislation and then to find after all the work has been accomplished that nothing is being done by the administration to make the impact of the legislation felt. We are beginning to get indications that this may well be the case with the Rail Safety Act that was passed by Congress in 1970 by an overwhelming margin. I hope the administration is not ignoring this overwhelming mandate. In this connection, however, I commend to the Senate an article entitled "Rail Safety Law: Chugging Along at a Pedestrian Pace," published in the magazine Occupational Hazards.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RAIL SAFETY LAW: CHUGGING ALONG AT A PEDESTRIAN PACE

On January 1, 1968, a freight train, heading west through Dunreith, Indiana, hit a broken rail, jumped the tracks, and collided with an eastbound train using the adjacent track.

A tank car loaded with vinyl chloride ruptured and caught fire almost immediately. Forty-five minutes later, a tank car loaded with ethylene oxide exploded. A tank car loaded with acetone cyanohydrin had been ruptured.

Water used on the fire reacted with the acetone cyanohydrin to form cyanides and poison the town's water supply.

A cannery and seven homes were destroyed. Miraculously, no one was killed or seriously injured.

On January 25, 1969, a train passing through Laurel, Miss. derailed when a defective wheel on one of the cars shattered. Fifteen tank cars, containing liquefied petroleum gas, exploded and burned. Fires raged for six hours. Fifty-four homes, six schools, and five churches were destroyed, and 1,350 homes were damaged. Two persons died, 33 were hospitalized, and many more were treated for minor injuries.

Three weeks later, a defective and misaligned track derailed a train passing through Crete, Nebraska. Derailed cars struck a tank car loaded with anhydrous ammonia standing on a siding. The tank car ruptured, and an ammonia gas cloud formed. Six persons died, 53 were injured from exposure to the ammonia gas.

PROPOSAL

In the first four months of 1969, train accidents involving hazardous chemicals happended in nine localities in the United States. In their wake, Sen. Vance Hartke (D.-Ind.) introduced railroad safety legislation, which was referred to the Senate Committee on Commerce.

The proposal was still in committee when, on September 11, 1969, a derailment in Glendora, Mississippi involving eight cars loaded with vinyl chloride resulted in explosions and fires that lasted 12 days and caused the evacuation of 21,000 persons from their homes.

The Federal Railroad Safety Act was reported out of committee in December, 1969. The committee report stated, "The basic thrust of the testimony in a voluminous hearing record is that the unsafe conditions which persist on some railroads are very serious, particularly in view of the fact that with the introduction of higher speed, longer and heavier trains, the increased carriage of deadly and dangerous materials, the possibility of a major catastrophe is ever present."

PASSAGE

The Railroad Safety Act passed in October, 1970. The Act empowered the Secretary of Transportation to set and enforce safety standards for railroads. The Secretary was to issue the first body of standards within one year and review and revise them after hearings as necessary. Violation of a standard results in a penalty of not less than $250 and not more than $2,500. Each day the violation lasts, it is considered a separate violation. In cases of emergency involving a hazard of death or injury to persons affected by it, the Secretary is empowered to issue orders prohibiting the further use of facilities and equipment until the unsafe condition has been corrected. The Secretary can grant exemptions from the regulations—if the exemptions are found to be in the public interest and consistent with railroad safety.

The Secretary of Transportation issued the first body of standards (safety standards for railroad track) under the new law in October, 1971. They became effective December 1, 1971 for track constructed after October 15, 1971; effective dates for track installed prior to that date are October, 1972 for most of the standards, and October, 1973 for the rest.

As we go to press, the Secretary was expected to propose a second body of standards governing railroad equipment.

The Secretary has not issued any citations, penalties, or exemptions from the standards, nor has he used his "cease-and-desist" power yet in an emergency.

The law authorizes the Secretary to conduct research, to set record-keeping and reporting requirements, and to enter railroad property to inspect for compliance to the standards. The National Transportation Safety Board is empowered to enter railroad property to investigate accidents.

To date, the Federal Railroad Administration has not hired any inspectors. Its activities under this Act have been confined largely to research, continuing studies on tank car safety begun before the Act was passed.

The law also provides for State participation in the enforcement of the railroad safety program. States may inspect for compliance to the standards and investigate accidents, but the Secretary holds to himself exclusive authority to assess and compromise penalties, to issue cease-and-desist orders in emergencies, and to take injunctive action against railroads. The law requires each participating State to submit an annual report listing the railroads under its authority and the inspections and investigations it's conducted. Participating States get Federal grants-in-aid covering 50 percent of the cost of these programs.

At present, the criteria for State participation has not been set up. An FRA spokesman describes 12 States as "interested" in the program and another 30 as "curious."

UNFULFILLED PROMISE

Al H. Chesser, president of the United Transportation Union, is pleased with the law but displeased with its administration. "The law itself is fine, but we've seen no effort to enforce it," Chesser told us. Chesser was especially critical of what he terms the slowness in promulgating standards, the delayed dates for compliance to the standards, and the lack of inspectors.

He believes the railroads are actively working against the implementation of the Act. "First, they (the railroads) tried to thwart the law's passage, and now they're trying to thwart its implementation," Chesser said.

Chesser thinks the railroads should view the Act with enlightened self-interest. "This law was not passed arbitrarily against the railroads but to help the railroads. Look at all these derailments. In many cases, proper track inspection would have found the $200 track repair that could have saved the railroad $500,000," said Chesser.

The union has not pushed hard for enforcement yet, however, Chesser said it first wanted to give the new FRA administrator, John Ingram, a chance to show what he can do. Chesser believes Ingram "will do a good job if he gets the tools."

John A. Risendal, executive director of safety and special services division of the Association of American Railroads, said the Act gave the secretary "comprehensive and complete authority to set standards for the railroads" but withheld further comment on the Act.

Regarding the standards Risendal said, "It would be premature to comment. Our engineering people are checking their own properties, and on the basis of preliminary perusal, it appears unlikely we can comply with all the standards within the allotted time."

Risendal described some of the safety standards as, "merely good maintenance practices," which, he says, do not belong among a body of legally enforceable standards.

A provision in the Railroad Safety Act required the Secretary of Transportation to submit to Congress within one year of the passage of the Act a study on how to protect or eliminate railway-highway crossings. The first part of the report was submitted last November, and the second part is expected this July.

COROLLARY PROPOSAL

Meanwhile, Sen. Hartke in the Senate and Congressman Brock Adams (D.-Wash.) in the House have introduced as the Surface Transportation Act of 1971, a bill designed to give financial aid to the transportation industry through government guaranteed loans, tax incentives, and tariff regulations. Title IV of the Act however would require States to use 5 percent of their highway trust funds to improve or eliminate grade crossings. The Senate Committee on Commerce is currently holding hearings on the bill, which has the support of the transportation industry. Whether the bill will get to the floor for a vote in this hectic, election year remains to be seen.

ROLE OF LARGE CORPORATE ENTITIES IN AMERICA

Mr. HARRIS. Mr. President, the recent allegations of waste and mismanagement directed at the Lockheed Aircraft Corp. have prompted serious and grave doubts as to the role of large corporate entities in our society. It is obvious that each American taxpayer was the loser in that incident, for it is he who must "foot the bill." It is he who must suffer under an inadequately funded educational system in order to support sickly business. It is he who must be content with poor public transportation, poor environmental controls, poor housing.

But there are others who suffer from such incidents as that concerning Lockheed Aircraft Corp. One such man is Henry Durham, of Marietta, Ga.

Mr. Durham was employed by Lockheed until May 1971, as a department manager in Marietta. Previous to that time, Mr. Durham had become aware of the amazing mismanagement in Lockheed's C–5A program and, when he attempted to report it, he was compelled to resign his post. Mr. Durham then went on to courageously inform his countrymen of the fantastic waste and seemingly poor practices of Lockheed. In the face of tremendous pressures from his friends and neighbors, Mr. Durham stood by his principles of honesty and fairness to attack the prime employer of his community.

As a result of his grave and commendable efforts, Mr. Durham has been forced to suffer under the most intolerable circumstances. He has been unable to find further employment. He and his family have been effectively ostracized from their community. He has received many hateful phone calls including threats on the lives and well being of himself, his wife, and his children.

What was Mr. Durham's crime for such punishment? He told the truth. He was unafraid to stand before one of the most powerful enterprises in our country and to say that it was not fulfilling the public's trust.

I do not know if Mr. Durham will ever be able to be recompensed for his brave actions. I do not know if he will ever be able to live the life that he and his family deserve. But if he cannot, it will portend a sad future for all Americans. The ills of our society will never be corrected unless an honest man can tell the truth without fear.

I fully support the efforts of the Senator from Wisconsin (Mr. PROXMIRE) to assist Mr. Durham, and because of the importance that this incident has for all Americans, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EDUCATION OF HENRY DURHAM

(By Erwin Knoll)

MARIETTA, GA.—Drive west on the highway that cuts through Marietta, past the old town square with its statue of Senator Alexander Stephens Clay, past the sprawling Lockheed plant on Dobbins Air Force Base, where they are building the huge C–5A cargo plane. If you are caught in the traffic crush when a shift lets out, you will find it hard to believe that Lockheed is in trouble—so much trouble that the taxpayers of the United States must keep the company afloat with a $250 million loan guarantee. Lockheed's Marietta payroll is down from 30,000 a couple of years ago to fewer than 20,000 today, but that is still enough to make it the largest industrial employer in Marietta, in Cobb County, in Georgia.

The landscape turns suburban a few miles past the Lockheed plant. You drive along tree-lined streets where comfortable brick ramblers sit on carefully tended lawns—the homes of engineers and computer programmers and middle-management men. The house at 256 Merrydale Drive SW is one of these. The jeep parked in the driveway has an American flag decal and a National Rifle Association emblem affixed to the rear window.

The house, the jeep, the flag decal, and the NRA membership belong to Henry Durham, whose neighbors and former friends have recently proclaimed him Public Enemy Number Two. In Marietta, the top title—Public Enemy Number One—is reserved for Senator William Proxmire, the Wisconsin Democrat who led the unsuccessful Senate effort to block the Lockheed loan guarantee.

The calls have let up lately, though I still get an occasional one in the middle of the night, Henry Durham told me. Sometimes they call me names, sometimes they just breathe into the telephone and hang up. Uptown I see people I've known for twenty years. They give me a dirty look and turn away. A thing like this sure lets you find out who your friends are.

You might suppose that Henry Durham would have many friends. He is a kind, soft-spoken man, proud of his home and family, proud of his participation in community affairs. He was assistant scoutmaster of his son's Boy Scout troop, and likes to coach little league football teams. His wife, Nan, is attractive, gracious, and devout—a native of Marietta who taught Sunday School for more than a decade at the First Presbyterian Church, which she has attended all her life. Their children, sixteen-year-old Melinda, who is called Mindy, and twelve-year-old Henry III, who is called Trey, are popular with their classmates or were until the classmates' parents told them to have no more truck with the Durham kids.

The reaction of the church was what hurt us worst. All of a sudden, when this happened, the church just turned cold as a cucumber. They told Nan that they "understood" she didn't want to teach Sunday school any more. Not one member of the church, not one officer, not the preacher, has made any move at all to ease the community pressure against us. Not one word has been said. You would think the preacher would be the first to hold high the banner of integrity, or at least to affirm that a person has the right to say what he thinks. Not a word.

Some weeks ago Mrs. Durham wrote a letter to the Reverend Billy Graham, whose gospel broadcasts she had long admired. "I felt I needed to get an answer from someone," she explains. "Our family has lived a twenty-four-hour nightmare each day," she wrote. "In our community, it seems that a person could stand in the square in the center of town and shout 'God is dead!'—and people would pass him by. But my husband said, 'Lockheed has been dishonest and grossly mismanaged'—and people are ready to kill him. Signs were put up all over the bulletin boards in the plant and in the rest rooms, 'Kill Durham'. . . . Is God dead in the hearts of these people?" The reply, from one of Dr. Graham's "spiritual counselors," said: "While it is not possible for us to become involved in the legal and political aspects of the situation, we do want you to know that we are having our prayer group faithfully remember your family and your cause. . . ." A bundle of Bible tracts was enclosed.

We didn't understand that Billy Graham was a business, too—a big business. We've had to learn a lot about a lot of things.

Henry Myron Durham has acquired his education slowly, painfully. He is forty-four years old. The neat mustache he grew not long ago is gray, as is the hair at his temples. He has the weathered complexion of an outdoorsman, which he is, and the build of a boxer, which he was. His bearing is that of an ex-Marine. His accent belongs to his native Florida and his adopted Georgia. He speaks carefully, sprinkling his sentences with "you knows" to give him time to organize the words to come.

He has never been employed by anyone but Lockheed. He joined the company in 1951 as a $50-a-week dispatcher, and worked his way up to a $20,000-a-year supervisory post.

I was determined to advance to a vice presidency, or as far as I could go. I've always felt that a person should advance within a company in accordance with his determination, effort, skill, and dedication to doing a good job, you know. I worked long, hard hours—an average of ten to twelve hours a day—and then I'd go in on the weekends. Sometimes they paid me for the overtime and sometimes they didn't—I never asked. I went in on Saturdays, and on Sundays, when my wife went to church, I'd go to Lockheed to catch up on my paperwork and do my planning. Everything had to be perfect. I never left without having organized for the next day.

I neglected my family—I know I did, and I regret it now. When I came home at night the kids would have been fed and Nan would cook another supper for me. Lockheed had priority; Lockheed came first. I can see now how large corporations do that to people. If Lockheed said something was right, you know, it was right. What was good for Lockheed was good for the world, as far as I was concerned.

The education of Henry Durham began in the summer of 1969, when he became a general department manager in the Marietta plant, wtih jurisdiction over some 250 employees involved in production control operations on the C–5A flight line. The big plane was already in big trouble. More than a half year earlier, A. Ernest Fitzgerald, a civilian cost analyst for the Air Force, had revealed before Senator Proxmire's Joint Economic Committee that costs on Lockheed's C–5A contract would run some $2 billion higher than initial projections. In his new job, Durham began to learn why.

I began to notice serious discrepancies on the airplanes almost immediately—starting with the first one I saw. The production people were making parts requests for which they had no authority; the paperwork showed that the parts had already been installed. Some were small parts, no bigger than your fingernail, some were large and tremendously expensive. Thousands of missing parts—and they really were missing.

At first I thought it was just some kind of clerical error. I didn't want to believe that anything dishonest was going on. I wanted to believe there was just some fantastic unseen problem that was causing this, you know. I had always known that Lockheed had problems in quality control, and I had been fighting those problems for years. But this was something bigger.

What was happening, Durham discovered, was that Lockheed was "meeting" its contractual production schedules, and qualifying for Air Force "milestone" payments on the C–5A, by falsifying the completion data. Aircraft would arrive at the final assembly stage still requiring work that should have been completed much earlier—and accompanied by forms indicating that the work had been done. In consequence, parts that had long since gone astray had to be refabricated or reordered at premium prices, and installed at over-time rates. The excess cost, Durham calculated, ran into many millions of dollars.

When I was sure of my facts, beyond a shadow of a doubt, I went to my supervisors and told them about it. I went to see all levels of management—the production manager, the assistant to the director of manufacturing, the director of manufacturing. I went to see all the division managers in production, the people responsible for having the parts installed. At first, they expressed shock and concern, and told me not to worry about it, they would take care of it. Then I began getting adverse, hostile reactions. They would say something like, "You SOB what do you mean running around talking about missing parts? Why don't you just go mind your own business and let us tend to ours?" That just made me more determined than ever.

All I wanted Lockheed to do was to halt everything, if necessary, and lay all the cards out on the table—admit that there were serious problems, get help, and do something about them. I was worried about the company. I just wanted it to get back on an even keel. Instead, they insisted on going on with the subterfuge.

In the fall of 1969, Durham began compiling and submitting to his superiors written reports and documentary evidence of the chaotic C–5A production process. At about the same time he began to feel the pressure in the plant. People stopped talking to him on the job, and he was excluded from management meetings dealing with production aspects under his jurisdiction.

Finally, they moved me off the flight line. They gave me another job, with equal responsibility, up in the final assembly area. They didn't know it, but I welcomed the opportunity to go up there, because it would give me a chance to check on the upper end of the business, to see if I could find out more about the problem.

I remember when Ship 23 [the twenty-third C–5A to be produced] came up, the papers showed forty-seven items left to be installed. That was real good, but I knew it wasn't factual. So I got some people who were familiar with production paper to go in there with me and check on what was really going on. There were more than 2,000 missing parts, and I wrote another report.

Durham had been present on March 2, 1968, when President Lyndon B. Johnson had come to Marietta to help celebrate the "roll-out" of the first C–5A. He recalls the President saying, "You could put an awful lot of hay in there." Apparently, hay storage was about all the plane was good for at that point. Durham has a memo from a former Lockheed colleague who wants to remain anonymous; he wrote: "This ship, which was supposed to be complete in every detail except for scattered engineering changes, came into the test program a virtual skeleton—missing many large structural assemblies and thousands of smaller parts and electronic components. When the ship was 'rolled out' for the inspection of President Johnson and other dignitaries, many portions of the ship had been hastily structured from plywood and paper and were installed strictly for show. A complete 'teardown' of the aircraft took place immediately after the President's inspection."

The President of the United States can be forgiven for failing to recognize a mock airplane, but what about the inspectors—military and civilian—whom the Air Force constantly assigns to the C–5A production lines?

They never talked to me, and I never talked to them. At Lockheed, you're dead if you talk to the Air Force about a Lockheed problem. That's one of the first things you learn. People have been fired for it.

Either the Air Force inspectors were blind, or there was collusion between Lockheed and the Air Force. I personally don't feel it could have been anything but collusion. They couldn't have missed seeing all this.

On February 24, 1970, Durham received a letter of commendation from Lockheed—one of several in his personnel file. "Among his many qualifications," the letter stated, "are unquestioned loyalty, energy, initiative, product and corporate knowledge, ambition, and insistence on a job well done—first of all by himself, and secondly by all reporting to him." Three months later, in May, he was commended "for a job well done under adverse conditions." Durham now believes these citations may have been designed to quiet him down. If that was the intent, the effort was unsuccessful.

By this time, having exhausted all lower levels of management. Durham had taken his case—and an eight-inch stack of documentation—to R. H. Fuhrman, the president of Lockheed-Georgia.

I gave him examples of double-ordering and triple-ordering of parts. I gave him all kinds of proof. He listened mostly, didn't say much. Finally, he said, "Where there's so much smoke there's got to be some fire. We'll look into it." I said to myself, "Man, at last I'm getting somewhere."

Two weeks later I was told my job was to be abolished. I was offered a downgrade and a substantial pay cut.

Instead, he decided to give two weeks' notice and take a layoff, which would enable him to collect severance pay and other fringe benefits. He felt he "just had to get out of that plant for a while." He sent a four-page letter, with accompanying documents, to Daniel J. Haughton, chairman of the board of the Lockheed Aircraft Corporation, the parent company of Lockeed-Georgia.

"Mr. Haughton," Durham wrote, "I know that many statements made by outside sources regarding Lockheed management are true as far as the Georgia company is concerned. However, I do feel that Lockheed management as a whole throughout the corporation is beyond reproach. I know the Lockheed Corporation had to be built on integrity to be as large as it is and to have enjoyed the respect it has gained through the years."

From Lockheed corporate headquarters at Burbank, California, Haughton replied that he would launch an investigation and advise Durham of the results. Durham is still waiting for further word.

I should have had guts enough to admit that Lockheed just didn't want to do anything about this. The fact is, I wanted to believe in them, you know. All my life I'd heard about Uncle Dan—Uncle Dan this, Uncle Dan that. I really thought the dear old whitehaired patriarch of the Lockheed family was going to do something. I found out that he's in on this thing as much as anyone else.

After a couple of months of lay-off—"I stayed home and talked to my children for the first time in a long time"—Durham was invited to come back to work for Lockheed. He refused to return to the Marietta plant and was given a job in Chattanooga, 100 miles away, at a $5,000-a-year cut in pay. The Chattanooga plant, where Lockheed makes ground equipment for the C–5A, is known to Lockheed employees as the "Siberia" of the corporation.

I discovered that things were even worse in Chattanooga than in Marietta. There was horrible waste and mismangement—absolutely gross. I found tools that were rusting away in the yard, some that had been out there for years. I found them buying material from vendors at exorbitant prices when they had the same material available in Chattanooga—or in Marietta—but they didn't know they had it because they had no inventory controls. I found tons and tons of steel that had rusted beyond recognition. When I tried to clean the place up, we scrapped forty-two tons of ruined metal.

I just couldn't stand it any longer. It was so rotten and so terrible that I finally decided the only thing I could do was to get out and attack the problem in a different way. I hadn't heard from Haughton, I hadn't heard from anybody, so in May, 1971, I decided just to call it quits.

But before I left, Paul Frech, the director of manufacturing for Lockheed-Georgia, came up to Chattanooga to see me. He had heard I might be planning to go outside Lockheed to publicize conditions in the company. He asked me, "Do you know what happened to Ernie Fitzgerald? He's now chief ——— inspector for the Civil Service Commission." [Fitzgerald, who was fired by the Air Force two years ago after testifying before Proxmire's Committee, is still trying to get his job back through the Civil Service Commission and the courts.] He said Fitzgerald would never be able to get a good job as long as he lives. He gave me to understand that anybody who bucks Lockheed or the Air Force is in for a rough time the rest of his life. I just said, "Is that so?" I wasn't intimidated; I was more determined than ever.

Durham returned to Marietta, where his family had remained during his months in Chattanooga, and embarked on a letter-writing campaign. The Lockheed loan guarantee was pending in Congress, and Durham wrote to every member who might conceivably be interested—eighty-six Senators and Representatives in all—offering to come to Washington at his own expense to provide information that might have a bearing on the Lockheed matter. He received sixteen replies—most of them what he calls "Dear Friend" letters thanking him politely for his communication.

One of my great disappointments was with the chairmen of the House and Senate Armed Services Committees. I wrote to them before the Lockheed bail-out bill had reached the floor, advising them that I had irrefutable evidence of gross mismanagement, waste, and corruption on the C–5A military contract. I implored them to let me come up and show them the evidence before they voted on the bill. I felt certain they would be vitally concerned. Aren't they supposed to be overseeing military spending? I never got a word. To this day I haven't heard a thing from them. I've really thought a lot about that.

Durham also wrote to Morton Mintz, an investigative reporter for The Washington Post, because he had read in Time magazine about a book, America, Inc., of which Mintz is co-author. After interviewing Durham and inspecting his evidence, Mintz wrote a long article about his allegations against Lockheed, which the Post published and distributed to newspapers receiving its wire service. The article appeared in the Atlanta Journal and Constitution on Sunday, July 18, ushering in the final phase of Henry Durham's education.

I started receiving calls by Sunday noon—about the time people were getting home from church—and they increased in frequency through the day and night. The callers were vicious almost every case, threatening my life, my family, my children. They were anonymous—some local and some long-distance. They said I was trying to close down Lockheed and jeopardize the livelihood of thousands of people. One caller said, "The only way you're going to Washington is in a box." Another said, "You won't be here when the sun comes up tomorrow morning." Still another told me, "You've got a pretty daughter now, but she won't be pretty long." In some cases it seemed to be an organized telephone attack—people calling to ask, "How much is Senator Proxmire paying you?" I'd just answer, "Thank you, is there anything else?" and hang up.

I took it rather lightly at first, as something that would go away in a few days. But I slept on a sofa down in the den, with a pistol on the coffee table, and every time I heard an unusual noise I went outside to check. I took all the calls myself—I didn't want my wife and children to hear the vulgar language—and about midnight I would take the phone off the hook so we could get some sleep.

By this time, Proxmire had invited Durham to testify before the Joint Economic Committee. As a Congressional witness, he was entitled to Federal protection, and when the abusive calls intensified instead of abating, Durham appealed to Proxmire for help. For more than two months this summer and fall, Federal marshals stood guard over the Durham family 'round the clock. Their presence—and some inquiries made by agents of the FBI about threats at the Lockheed plant—seemed to reduce the pressure.

Some of Durham's neighbors, however, protested the presence of the marshals and circulated a petition calling for their removal. Pat Backus, owner of a local computer firm, told the *Marietta Daily Journal:* "We simply do not think this neighborhood should continue to be a garrison. If his life is really in danger, which I doubt, then he should be moved. If there is a danger, we don't want that danger close to our wives and children. Let them move him to a hotel where he could be protected by a single guard instead of a team of them. Maybe he could stay with Senator Proxmire in his Washington apartment."

Duprham, accompanied by two marshals, went to Washington on September 29 to testify before the Joint Economic Committee. His testimony was voluminous and detailed, and was accompanied by letters, reports, production forms—even rusted parts and drill bits from the Chattanooga plant. When he finished, Proxmire told him, "I can't tell you how much I admire your courage. Very few people are called upon to show the kind of guts you have. If it weren't for people like you, we'd have a far poorer country."

Dozens of letters in a similar vein have reached Durham from all parts of the country. Often they say, as a correspondent in Lafayette, Louisiana, put it, "Thank you for being what most of us really want to be but haven't had the courage to be." Some of the letters have even contained small checks. Strangely, none has contained an offer of a job.

The Durham family is living on savings and the $7,000 a year Nan Durham earns as a caseworker for the Cobb County Department of Welfare. They would like to leave Marietta. "I wouldn't look back," says Mrs. Durham, who has lived here all her life, noting that people she has known since childhood will no longer speak to her.

Henry Durham is still writing letters. He wrote this the other day to his new friends in Congress and the press: "Lockheed typifies the large, arrogant Government-military-industrial complex in every way. Anything and everything wrong with the system and the large companies within the system can be found at Lockheed—disastrously rotten mismanagement, waste, unethical business practices, complicity with the Air Force and Government, etc., etc. So, a concerted effort and continuous pressure could result at long last in a foot in the door that in turn could result in drastic changes in military contracting and spending that could save billions of dollars. Dollars that could better be spent to improve the quality of life in our country. After Lockheed, the same pressure tactics could be applied to other serious conditions and social ills. Football games are won by team effort."

When he read recently that the government of Brazil was planning to buy some Orion anti-submarine patrol aircraft designed by Lockheed, Durham dashed off this handwritten note to the President of Brazil: "It should be abundantly clear that anyone purchasing an aircraft from Lockheed at this time will pay far more than the product is actually worth. Also, Lockheed has had great trouble with quality which stems from slipshod and faulty assembly. . . . I am writing you in all sincerity. I am not seeking revenge against Lockheed but am an honest, loyal U.S. citizen trying to correct some serious conditions existing in my country. The Lockheed problem represents a rotten political malignancy which must be removed from American society. I know that you, Mr. President, would be vitally concerned if such costly and unacceptable conditions existed in Brazil. . . ."

I always conducted myself the way the company would want me to. For years I was pro-management and anti-union, because that was what the company wanted. Now I realize that there's a union because the company makes it necessary. I've learned that a union member has protection—he can speak out against company practices because he has a contract. A management man has no protection—he can be fired on the spot.

This is one reason why a corporation can bilk the country out of hundreds of millions of dollars through mismanagement and waste: The people in management who know about these things are too frightened to speak out; to do so would jeopardize their very existence. It's a very strong club the corporation wields—not only over the country but over its own management. It's a very strong lever.

I'm not a pretzel to be bent and twisted. The company owned me up to a point, but when I found out they could do wrong—and, even worse, that they wouldn't do anything about what they were doing wrong—I drew the line. But there are hundreds and thousands of honest people in big corporations who would speak out if they were protected from reprisals. That's something we could do right now—write into every Government contract immunity for people who speak out.

With time hanging heavy on his hands—there is only so much tinkering you can do around a house, only so many letters to write, only so many times you can drive the jeep to pick up the kids at school—Henry Durham has been thinking hard about some things to which he never gave much mind before.

I have become greatly concerned about issues that never bothered me because I thought they were somebody else's problems; now I realize they're everybody's problems—the problems of old people, of poor people. There's something wrong with a society where children born across the tracks can't get enough milk to drink or food to eat and are looked down on by a more fortunate group. There's something wrong with a society whose Government will rescue an outfit like Lockheed and let our environment go down the drain.

My attitude towards the things the company has done has made me look hard at the things my country has done. Until recently I favored the Vietnam war because my Government favored it. If my Government said it was good, it was good. But what my Government did about Lockheed made me start asking questions. I looked at the war and decided—I hope I'm wrong about this—that it has been prolonged to keep our economy going, because so much of our economy depends on the production of military hardware. It's a horrible thing to think that people may have died to maintain production.

I'm beginning to realize some things—even though I'm a Southerner, born in the Bible Belt. We're patriotic in this part of the country, and we've produced many heroes, but I've come to understand that you're just as much of a hero when you see things wrong and do something about them. You're as much a hero to do that as to go out and die in Vietnam. I'm still proud of our country, I just realize we're going to have to do better.

So many things have to be changed in this country, and I'm hoping the young people will do it—not by blowing up toilets but by turning out of office the mossbacks who hold power now. I hope young people will have the courage to do what my generation has been unable to do. I would like to go out and speak to them—to all voting people—about what I have learned. We could have a peaceful revolution in this country that might save the basic qualities of life—instead of turning out more airplanes.

Henry Durham has no regrets—"I would do it a hundred times over," he says—but he would like to be back at work, doing the things he knows how to do on a job that lets a man live with his conscience. There must be a job like that somewhere in America for a man who is competent, honest, and brave. And who has acquired an expensive education.

PERSONS WHO POSE AS BANK EXAMINERS

Mr. BIBLE. Mr. President, a recent communication from Sgt. A. J. Feroah of the Inspectors Bureau, Fraud Detail of the Reno, Nev., Police Department called my attention to a serious fraud being perpetrated against some of our senior citizens by persons posing as bank examiners. The FBI classifies this fraud operation in the general crime category so nationwide statistics are unavailable; however, the experience in Reno is undoubtedly representative of frauds of this kindbeing committed all across the Nation. Thus while public attention naturally focuses on violent crimes such as robbery and murder, this type of crime against the elderly, often unknown and unseen, yet very costly, is ever prevalent in our society.

I am speaking of the elderly persons who become the victims of unscrupulous people who pose as bank examiners in an attempt to con victims out of their life savings. These victims are usually widows and social security recipients whose losses generally represent the victim's life savings.

As reported to me this bunco scheme usually follows a pattern: The intended victim receives a phone call from a person identifying himself as a bank examiner or a detective from the local police department. The caller advises the intended victim that examiners have found bank account irregularities and requests the victim to read, over the phone, the correct amount of money in his account at the present time. The caller then tells the victim he will check the bank records and make a return call. In the second phone call the victim is advised that someone is stealing from the bank account and that their cooperation will be appreciated in apprehending the thief. If the victim agrees to help the examiner or detective a withdrawal of funds is requested with an examiner to pick up the cash at the victim's home. Secrecy is important if the thief is to be arrested.

The victim is relieved of the cash which has been withdrawn and taken with the understanding that the money will be redeposited into the victim's account. Thus, this phoney scheme can rob its victims of their life savings.

I understand some general statements and warnings about such schemes have been published. Yet elderly persons still become victims of the bunco artist. Recently in Reno, four victims were bilked for more than $46,000. All were over 66 years of age. To combat the problem Sergeant Feroah has suggested that the Social Security Administration itself publish periodic warnings alerting social security recipients to such fraud schemes. Perhaps a notice could be mailed out along with social security checks.

I think this idea has a good deal of merit and have brought it to the attention of the Social Security Commissioner.

Also, I think the banks themselves,

associations of bankers, and the Federal Deposit Insurance Corporation should take notice and increase their efforts to alert bank depositors to this kind of scheme.

Unfortunately, many victims are reluctant to report such schemes as this fearing personal embarrassment. Education of the public is definitely needed. Sergeant Feroah and the Reno Police Department are to be commended for calling attention to the matter and for their helpful suggestions. This is certainly a problem that needs continuing exploration.

PENTAGON WRONG ON McGOVERN DEFENSE BUDGET

Mr. PROXMIRE. Mr. President, the Pentagon's appraisal of Senator George McGovern's proposed budget contains errors amounting to several billions of dollars.

The Pentagon's appraisal of Senator McGovern's proposed defense budget, contains mispricing errors amounting to several billions of dollars. These errors, along with their record of cost overruns on weapons systems, qualify the Pentagon experts as the champion miscalculators of all time.

The Department of Defense has not yet shown that it has made an objective analysis of Senator McGovern's proposals. In light of the highly inflammatory and unsupported charges leveled against Senator McGovern by the Secretary of Defense, I am doubtful that the Pentagon is capable of evaluating the proposal in a fair and impartial manner.

The alleged mispricing in the McGovern proposal is largely based on estimates of future inflation and future military pay increases. These matters are difficult, if not impossible to forecast with precision.

The lifference between the McGovern approach and the Pentagon's approach to the uncertainties of forecasting the future, is that McGovern recognizes the risks involved while the Pentagon maintains the illusion that it knows what will happen in the future.

The Department of Defense itself has proven to be a major source of miscalculations not only with regard to weapon system overruns, but also on the size of its own budget, the military assistance program, the Soviet and Chinese treats, the capabilities of the North Vietnam and the Vietcong, and the Vietnamization program.

The Pentagon alleges that McGovern overstates the cost of the war in Vietnam by about $5 billion. The statement by the Secretary of Defense that the expanded hostilities in Vietnam could add from $3 to $5 billion to the defense budget, partially contradicts the assertion that McGovern understates the cost of the war.

In its a appraisal of the McGovern proposal, the Pentagon apparently neglected to take into account the January 1, 1972, military pay raise, when calculating the future costs of military pay.

Some of the figures in the Pentagon's appraisal attributed to McGovern do not appear in McGovern's own proposal. Apparently, the analysts in the Department of Defense attempted to reconstruct McGovern's numbers so as to fit their preconceptions.

Thus, the Pentagon takes McGovern's item labeled Equipment. Supplies, and Services—$20.9 billion, and breaks it down into two categories; namely, Operating Costs, other than pay—$0.2 billion and Procurement, R.D.T. & E. and Construction—$20.7 billion.

The Pentagon appraisal then purports to show that McGovern's figures for operating costs other than pay are understated by $7.6 billion.

The facts are that Senator McGovern's tables do not show an item called "Operating costs, other than pay," that he does not place a $0.2 billion figure on such an item, and that therefore the Pentagon cannot demonstrate that the alleged mispricing has occurred.

In my judgment, the Pentagon has taken liberties with Senator McGovern's figures and juggled the numbers to suit their own purposes.

Instead of playing fast and loose with the costs of defense, the Pentagon ought to take a long, hard, and unbiased look at the McGovern proposal.

Senator McGovern's defense budget is the most comprehensive and careful analysis of the real requirements of national security put forth by any Member of the U.S. Senate. It provides the Members of Congress with a realistic set of alternatives to the administration's program and is a major contribution to the improvement of the process by which decisions about military spending are made.

Senator McGovern will be given the opportunity to explain his proposal in detail when he testifies before the Subcommittee on Priorities and Economy in Government on June 16, 1972.

OCEAN MAMMALS

Mr. HARRIS. Mr. President, last year I introduced with Representative Pryor legislation to protect our ocean mammals. It has proven to be a highly controversial piece of legislation and with good reason. It called upon our country to look at the exploitation of our natural resources in a new light. It asked that we not look on these as something to be destroyed for private profit but to be protected for the general welfare.

We had to expect strong opposition to reform legislation on this subject, for it is not easy for people to change attitudes which they have held for years. But the need to alter these attitudes was clear. If we were to continue on our present course, soon there would be no ocean mammals to kill.

Now we are nearing the final stages of legislative consideration of this issue. The Committee on Commerce will soon be reporting a bill to the Senate.

Up to the last moment the pressures on the committee have been enormous. The fur industry, which serves the desires of only the very richest members of our society, has lobbied hard against any change. The conservation groups in turn have pressed for a strong bill.

Recently, the Washington Post published an article by Lewis Regenstein, Washington representative for the Fund for Animals, which attempts to explain the point of view of many conservation groups. In a June 7 letter to the Post, the junior Senator from South Carolina (Mr. Hollings) replied to many of Mr. Regenstein's arguments. The Washington Post editorial then commented on both sides of the issue. I ask unanimous consent to have these articles printed in the Record at the end of my remarks because I believe they help to explain the issues involved in the important legislation which the Senate will soon consider. For the same reason I also ask unanimous consent that a May 30 editorial in the Times be inserted in the Record at the end of my remarks.

Mr. President, for my own part, I do not feel that I am in a position to comment in detail on the committee bill since work on this still continues. But I do wish to state today that I hope a large number of Senators will actively oppose any bill which represents a step backward from the House bill, which indeed is not an improvement on it.

We must not so riddle the concept of a 15-year moratorium with loopholes and exceptions that in the end one is forced to ask what the moratorium might mean. We must not permit the further importation of hair seal skins from Canada. We must not compromise on efforts to end the slaughter of the dolphins. We must not couch the language of the bill in a manner to suggest to those who will administer it that the goal is sustained slaughter rather than humane protection. We must not skirt the issue of our own kill on the Pribilof Islands.

Mr. President, I wish now to turn to another aspect of this issue—the interests of the Alaskan Natives.

The hearings on the Ocean Mammals bill which I introduced last year have served to bring the issue of protection for ocean mammals to a head. As a result, Congress may well adopt protective legislation this session.

But at the same time, the hearings have served another purpose. They have brought to light what we all suspected. The enemy of the ocean mammals is not the Alaskan Native who takes these animals in modest amounts for subsistence living. The enemy is the commercial firm which butchers tens of thousands for private profit.

It is estimated that the level of kill by Native Alaskans today is very low, running only to approximately 2,500 mammals per year, including all mammals for all purposes. Meanwhile, literally hundreds of thousands of seals and whales are killed by commercial firms which are depleting perhaps forever a resource given to all mankind.

In light of the findings which the ocean mammals hearings have brought to our attention, I am hopeful that the committee will amend the bill in a manner which will protect the interests of the Natives as well as the ocean mammals. In the event that the committee language is not satisfactory, however, I wish to announce that I am prepared to submit the following amendment:

EXCEPTIONS FOR CERTAIN NATIVES

Sec. 107. (a) The provisions of this title, including 103(g), shall not apply with respect to the taking of any ocean mammal (other than a marine mammal specified as one belonging to an endangered species pursuant to the Endangered Species Conservation Act of 1969) by the Indian, Aleut, and Eskimo Natives who dwell on the coast of the North Pacific Ocean or the Arctic Ocean as long as the general level of such taking remains approximately the same on a per capita basis as in the last decade. However, the Secretary of Commerce is authorized to place reasonable restrictions on such taking if he finds the general level to be on the rise.

Mr. President, this amendment should protect the rights of virtually all Natives in Alaska under this bill except possibly one. It is well known that today a few hundred Aleuts now living on the Pribilof Islands every year participate in the slaughter of seals as stipulated in international agreements with Japan, Canada, and the Soviet Union. Congressional hearings have revealed that the primary beneficiary from this slaughter is not the Aleuts but a single U.S. company which processes the seal skins for sale to wealthy people in the continental United States. This is the Fouke Fur Co. located in South Carolina. Although figures are not readily available, data presented in these hearings suggest that the U.S. Government heavily subsidizes the slaughter of these seal skins for the profit of this single company.

Mr. President, I see no reason why the U.S. taxpayers should continue to support an operation which benefits only a single corporation and a handful of wealthy people who like to wear fur coats. Both for humanitarian and commercial reasons, I believe that we should act quickly to end the slaughter of seals on the Pribilof Islands.

But if this were to happen, everyone recognizes that the Aleuts on the Pribilof Islands who now make their living from this seal kill would be temporarily out of work. It is for this reason that the distinguished junior Senator from Alaska (Mr. GRAVEL) announced his intention to submit an amendment, No. 1151, which would compensate Alaskan Natives who would be adversely affected financially by passage of the ocean mammals bill.

I wish to declare my support for measures designed to compensate the Aleuts who may be adversely affected by greater protection for ocean mammals. For years this country has paid wealthy farmers and the giant agribusinesses millions of dollars not to grow crops. We certainly can spend a vastly smaller sum on the Aleuts to make up for their willingness to end the slaughter of a national resource.

I do not believe, however, that this provision goes far enough. We must not only compensate the Aleuts but provide them with other native employment. Therefore I am announcing my intention to submit an additional amendment which would direct appropriate executive departments to find alternate routes of employment for the Aleut peoples on the Probilof Islands. Mr. President, I ask unanimous consent that my amendments be printed in the RECORD at this point.

There being no objection, the amendments and articles were ordered to be printed in the RECORD, as follows:

Amendment on Alaskan Natives

1. In the event that under this legislation reduction or elimination of the United States kill or the kill of other countries of fur-bearing seals on the Pribilof Islands results in the loss of income of individual Indians, Aleuts, or Eskimos employed on those islands, the appropriate agencies of the Federal Government shall be authorized to provide compensation in the amount of 100 per centum of the value of the loss for the individual in question. Compensation shall be determined by an average of the income earned by the individual averaged over the five years prior to enactment of this legislation.

2. The Secretary of Commerce, in conjunction with the Secretary of Interior, the Secretary of Labor and the Administrator of the Small Business Administration is directed to determine and make available alternative methods of employment of individual Aleuts or Eskimos or groups of such individuals now employed on the Pribilof Islands where the abolition or modification of the interim convention on the conservation of North Pacific Fur Seals results in the loss of employment for the individual or group. The Secretary shall report back to the Congress in twelve months within the enactment of this legislation regarding programs undertaken.

[From the Washington Post, May 31, 1972]

Proposed Bill, Would Legitimize Slaughter—A Last Chance for Ocean Mammals?

(By Lewis Regenstein)

The Senate Subcommittee on Oceans and Atmosphere, chaired by Senator Ernest Hollings (D-S.C.), has drafted and is about to report out a bill which is ostensibly designed to protect and conserve the mammals of the sea: whales, seals, sea otters, dolphins, porpoises, polar bears, sea lions, mantees, and dugongs. The actual language of the bill, however, would have the opposite effect: it would perpetuate and legitimize the present slaughter that is taking place, and allow the U.S. to remain a major market for marine mammal products.

A study of this bill's legislative history reveals a classic case of special interest groups succesfully lobbying behind the scenes to cripple a strong bill in order to protect their own interests, while at the same time maintaining an empty structural shell which seems designed to appease public sentiment. The bill is loftily entitled "The Marine Mammal Protection Act of 1972: A Bill to Protect Marine Mammals." However, its preamble states that it is the will of Congress that ocean mammals be "managed" under a "scientific resource program" in such a way as to achieve a maximum productivity to "insure the continuing availability of marine mammal products which move in interstate commerce." Language in previous drafts and in the House version of the bill which banned killing or importation that was "to the disadvantage of the species or population stocks" concerned has been stricken.

Since the bill is primarily oriented towards vested interest groups which profit from the killing and sale of marine mammals and their products, most of the responsibility for administering the law is given—logically enough—to an agency of Commerce. The National Oceanic and Atmospheric Administration (NOAA). This was done despite the fact that during the Senate hearings, Howard Pollock, deputy administrator of NOAA, opposed the passage of this legislation.

The bill's most obvious weakness is a flagrant exemption to the ban on imports of marine mammal products which was given to the fur industry, particularly that segment which utilizes pelts from the adults and baby "hair" seals killed by the hundreds of thousands each year by Canadian and Norwegian hunters. This loophole was inserted after a secret lobbying effort by Isidore Bergner, a New York furrier who deals in sealskins, acting on behalf of about 45 other New York fur merchants. This group was particularly incensed that the Subcommittee's Draft Bill Number 1 contained an import exemption only for Chairman Hollings' constituents in Greenville, South Carolina, the Fouke Fur Company. Fouke is the world's largest importer and processor of fur seal pelts, including those from Alaskan Fur Seals, and seals killed in South Africa and Uruguay. As with the bill passed by the House, Draft No. 1 allowed seal imports solely for processing and re-export, conditions which neatly satisfied Fouke's needs. However, the bill as now written allows unlimited imports of seal skins and finished products for sale in the U.S. even during the moratorium period during which time all other products are effectively banned. The only condition is that the seals must be killed in foreign "management" programs which meet the approval of—you guessed it—the Commerce Department's NOAA. This Agency's National Marine Fisheries Service (NMFS), headed by Philip Roedel, is already on record as implicitly endorsing the 1971 Canadian-Norwegian seal kill as efficient and humane. In this hunt, a quota was set at 245,000 seals, mostly nursing pups.

Mr. Bergner further requested that the House bills provision banning the import of seals under eight months of age be removed, so that the "whitecoat" baby seals could continue to be imported. The subcommittee obligingly changed the 8 months requirement to one month, thus allowing imports from seals of practically any age. For as Mr. Bergner pointed out in his secret statement, "There is literally no way of accurately determining the age of hairseals. Unlike human beings, they do not possess birth certificates."

This loophole also opens up the U.S. market to seal products from Antarctica, where commercial seal killing operations are expected to begin on a large scale this summer or the next. Thus, the U.S. will continue to provide an economic incentive for other countries to kill seals; and foreign nationals will be allowed to profit in this country from activities in which our own citizens are restricted from participating.

Another crippling provision in the bill allows the issuance of "general" or blanket permits for the killing of any marine mammal to any "persons who are members of a class who have common needs requiring them to take marine mammals." This terminology is so ambiguous that it could refer to any person or group now killing these animals: polar bear hunters and guides; abalone fishermen who kill sea otters to eliminate their competition; or tuna fishermen who kill dolphins and porpoises each year at 250,000–400,000 in one area of the eastern tropical Pacific.

There are several reasons the subcommittee has adopted this pitifully weak bill, including pressure from industry and the Nixon administration. Also effective was a last minute lobbying effort from the hunting and firearms complex, led by the Wildlife Management Institute and Mr. C. R. Gutermuth, who serves concurrently as President of the World Wildlife Fund and Vice President of the National Rifle Association. Dr. Carlton Ray, a marine "biologist" from the Smithsonian who is expected to head or participate in the Marine Mammal Commission set up by the bill, opposes a cessation of the killing of marine mammals and lobbied vigorously against a strong bill. Another significant factor was Senator Hollings' determination to protect his home state constituents, the Fouke Fur Company, which in turn led to a near total exemption for the fur industry as a whole. But most important of all was the attitude of the other committee members. Senator Stevens (R-Alaska) adamantly opposed any measures to provide adequate protection to ocean mammals, the killing of which is a big industry in Alaska. The indifference of the other members of the Subcommittee, including Senators Weicker (R-Conn.), Cook (R-Ky.), Griffin (R-Mich.), Inouye (D-Hawaii) and Long (D-La.) has allowed this "management," antiprotectionist attitude to prevail. And Senators Pastore (D-RI), Spong (D-Va.), and Hart (D-Mich.), while claiming to favor a stronger bill, have not been as active as the bill's opponents.

In response to letters from the public, Senator Hollings is sending out a form letter stating that "the government must take action to protect these threatened animals. It is highly possible that ocean mammals are a vital link in the chain which binds together all living things. I think we must act now to prevent their destruction before it is too late." Ironically, if Senator Hollings' bill is not significantly strengthened before it is passed, it may indeed be too late. For we will have lost what is perhaps our last chance to legally halt the slaughter, suffering, and eventual extinction that man is visiting upon these unique, intelligent, and highly-evolved creatures of the sea.

Comments on Protecting Ocean Mammals

As chairman of the Senate Subcommittee on Oceans and Atmosphere, I consider it my responsibility to respond to the opinions of Mr. Lewis Regenstein as stated in the article, "A Last Chance for Ocean Mammals?" It is unfortunate that The Washington Post has allowed its editorial page to be used to propagandize half-truths and misstatements of fact. The difficulty in attempting to shed light on such a complex situation as the marine mammal legislation is that the truth seldom is as dramatic or as sinister seeming as is the slander.

First, the full Committee on Commerce will indeed consider several amendments to Committee Print No. 1, which was reported by the subcommittee on May 10. These would include amendments to both expand executive authority to declare or lift moratoria, as well as tightening import restrictions. There is no final version of the bill until it is reported officially by the full committee.

Second, what does the bill do? It establishes a 15-year moratorium on the killing or capture of all marine mammals, including whales, seals, sea otters, dolphins, polar bears, sea lions, manatees, and walruses. We selected this time period in order to provide a complete life cycle for study and observation of various species of marine mammals, since so little is known about them. There are several important exceptions to the moratorium, each approved for valid scientific and diplomatic reasons.

It is mandatory that we remember that Congress acting alone cannot begin to solve the worldwide marine mammal problem. . . . Contrary to the article by Mr. Regenstein, we believe our bill provides the stimulus to launch immediately a round of international negotiations aimed at protecting and conserving all species of marine mammals.

The exceptions are:

1) The selected harvest of 3- to 4-year-old bachelor male seals, surplus to the breeding and reproduction needs of the population, will continue pursuant to United States obligations under the North Pacific Fur Seal Convention. At the same time, the bill provides for an intensive examination of the conditions of the herd to determine if the population saturation is at its peak. If not, then efforts will commence immediately to reduce the taking of seals through renegotiation of the treaty with Russia, Canada and Japan. It is undisputed fact that the scientific application of wildlife management principles to this fur seal herd have restored it from the brink of extinction to its present healthy status. It is also acknowledged fact that without this treaty, and because of commercial pressures, there would no doubt be a return to open ocean sealing. Should we allow this to happen, then the indiscriminate slaughter of these animals would take place on the high seas where as many as three or four would be lost for every one taken, and there would be no distinctions made between males, females or immature animals. This could decimate the fur seal herd quickly, as occurred prior to the treaty.

2) General class permits may be issued to the American tuna fishermen who participate in the yellowfin tuna fishery of the southwest Pacific Ocean, but only insofar as these fishermen adapt to gear and fishing methods found to cause the least feasible hazard to the three species of porpoise associated with the tuna. During a two-year period of scientific and technologic investigation, the tuna industry will be required to cooperate with government and academic research to eliminate the incidental taking of porpoise. At the end of this two-year period, it is envisioned that all U.S. flag vessels will have changed to fishing methods which will reduce to insignificant levels the taking of porpoises.

3) Committee Print No. 1 would allow, under certain circumstances, the importation of weaned seals for processing and sale in the United States. However, as chairman, I intend to offer an amendment to the bill to close the U.S. market to any and all hairseal products except those produced by native Alaskans. However, Mr. Regenstein erred in implying that the bill would allow the importation of pelts from the baby "Whitecoat" Canadian harp seal. The provision of allowing seals above one month was based on the fact that "Whitecoats" shed their white fur before one month of age, becoming "beaters" which leave the pack ice and effectively escape, in large part, to the open sea, where sealing is prohibited. The Post participated in this deception by printing a photograph of a "Whitecoat" pup. The committee is as distressed as anyone at the scenes of slaughter of these three to 10-day-old pups, and had no intention of allowing their importation, as Mr. Regenstein was fully informed by subcommittee staff.

4) Permits could be issued for the taking or importation of marine mammals for scientific research or for display in public oceanariums under strict regulation.

5) And, finally, the taking of such mammals would be permitted to continue in Alaska as part of the traditional cultural pattern of Eskimos, Aleuts and Indians, and to preserve their reliance on marine mammal products as part of their patterns of living and interacting on the fringe of our economy.

Of concern to me is the attack on this bill as perpetuating and legitimizing the present slaughter of marine mammals, when the opposite is true. The bill places sharp restrictions on the ability of any group of individuals to kill marine mammals. The appropriate secretary, working with the Marine Mammal Commission, must approve a strict set of limitations on each species, proceeding through a public hearing and judicial review, and a further hearing and review process in the granting of perimts—and all of this would be beyond the 15-year moratorium. If the Fund for Mammals thinks this is weak legislation, then what they seek must be the ultimate rejection of the killing of any animal for any purpose, including legitimate hunting in the United States. Personally, I do not believe we have reached that point yet, although this legislation sets broad precedent for protection of animals as well as the application of a tested field of scientific, biologic knowledge of wildlife conservation.

The Subcommittee on Oceans and Atmosphere and its members, rather than being disinterested and uninvolved, have gone to considerable effort to examine all sides of this issue in an attempt to create good legislation which will be to the benefit of marine mammals, not just to appease emotional pressures based on uninformed or misinformed propaganda. In the case of porpoise related tuna fishery, we know that it would have been simple and popular to clamp a one-year deadline on the incidental taking of porpoise, and then turn our backs, smugly considering our duty done. The industry simply would go to a flag of convenience, sell its tuna elsewhere, and the porpoise would continue to suffer. We chose instead to try to work with the industry to make certain that all nations join us in protecting porpoise and dolphin.

We are convinced that the bill which shall be reported to the floor will do these things, and that the United States will lift a standard for the world to follow in making certain that all species of marine mammals will continue to coexist with man on this planet we share with all living creatures.

Ernest F. Hollings,
U.S. Senator.

Washington.

For Your Information

On may 31 we printed on this page an article by Mr. Lewis Regenstein, Washington representative for the Fund for Animals, Inc., Mammals Protection Act of 1972" now before the Senate Commerce Committee. Today our Letters section is devoted to responses from two United States Senators and a scientist actively involved in that legislation. All three letters display a remarkable sensitivity to Mr. Regenstein's charges. Because this exchange of views dramatizes problems which crop up in many legislative arguments, especially over complex and emotionally charged issues such as the fate of baby seals, it may be useful—For Your Information—to review some of the attitudes involved and the ways in which we believe politicians and the press can best promote rational legislation.

At the heart of the dispute between Senators Hollings and Stevens and Dr. Ray, on the one hand, and Mr. Regenstein, on the other hand, is a basic disagreement over what should be the aims and therefore the provisions of legislation to "protect" ocean mammals. All parties object, as this newspaper has in the past, to the current absence of controls over the slaughter of ocean mammals, including seals, whales, dolphins and porpoises, Senator Hollings and Stevens and Dr. Ray, along with many interested organizations, support the bill which—as Sen. Hollings outlines in his letter—would impose a moratorium on the killing or capture of all marine mammals, and prohibit imports of marine mammal products, with some exceptions. To its advocates, this bill provides *substantial* protection to the species now endangered in the seas, and they view it as "strong." From this different perspective, Mr. Regenstein measured the bill against the yardstick of *complete* protection; since some killing of mammals would continue under the bill's exceptions, Mr. Regenstein judged it "weak."

How the bill looks depends on where you stand. This is a common and legitimate debate, akin to those raging constantly over civil rights, taxation and the war—to mention just a few other subjects on which people of differing attitudes constantly hurl value judgments back and forth. What is unfortunate in this instance is that today's correspondents, rather than resting on the merits of their own case, or simply challenging the premises or practicality of Mr. Regenstein's view, felt compelled to burden their responses with free-swinging accusations such as "half-truths," "slander," "absolute lie" and "consistent vendetta." Mr. Regenstein's statement which Sen. Stevens labels an "absolute lie," for example, was firmly grounded in Mr. Regenstein's judgment that the marine mammal protection bill Sen. Stevens backs is *not* adequate. It would have been enough for the Senator to disagree.

There is considerable persuasiveness in the view, underlying Sen. Hollings' position, that the marine mammal bill now under review is a real gain and, subject to certain improvements, may represent the longest step toward stopping the killing of these species which the Congress is willing to take this year. There is also considerable educational value, in our view, in permitting Mr. Regenstein—or another articulate advocate of a "purist" position in another field—to explore on this page the ways in which, from that angle, a relatively progressive measure is less than perfect. We welcome such articles, just as we welcome the substantive parts of today's letters in rebuttal.

It seems to us that the pending Hollings bill reflects the push and pull of many interests, including conservation groups, research scientists, elements of the fur and import industries, and Alaskan natives—all of whom have been actively "lobbying" for their views in competitive and apparently reasonable ways. There may be defects in the result; on the basis of the evidence so far, there is nothing disgraceful about it, and we regret that the architects of the "mainstream" position feel so defensive about criticism from their flanks. Creative compromise is, after all, an essential legislative art. Those who manage to gather their forces under large umbrellas should not be so nervous about the few who choose to stay out in the rain.

[From the New York Times, May 30, 1972]

TO PROTECT DOLPHINS

The Senate Commerce Committee is nearing a decision on the Marine Mammal Protection Act. As passed by the House, this bill had serious defects which reflected more concern for the profits and convenience of the commercial tuna fishing industry than for the welfare of the highly intelligent dolphins and other ocean mammals threatened with extinction.

In the Senate version, there is some significant added protection but it has also some weakening provisions. For example, at the behest of a small segment of the fur industry, the bill would permit the import of skins from seals more than one month old. That would mean the clubbing to death of baby seals, which horrified the American public when it was shown on television, would continue to have a commercial justification.

The bill establishes a fifteen-year moratorium on the killing of marine mammals by American citizens. The tuna industry, which inadvertently and needlessly slaughters thousands of dolphins every year, receives a special two-year exemption which could be renewed annually at the discretion of the Secretary of Commerce. The bill provides ample research funds to encourage the tuna industry to develop less deadly fishing methods but there is no firm cutoff date beyond which it would have to stop its current cruel practices.

Two amendments are indispensable if the Senate bill is to represent any improvement over the House version. First, Senator Humphrey, Democrat of Minnesota, has proposed that the special exemption for the tuna industry be limited to one year with no possibility of renewal. Secondly, Senator Hart, Democrat of Michigan, seeks to transfer all authority under the bill from the Commerce Department to the Interior Department, which now shares a small piece of the power. This change is highly desirable. Interior has a strong conservationist tradition while the oceanic administration in Commerce is the former Bureau of Commercial Fisheries with a new name but the same old exploitative, pro-industry attitudes.

A GRATEFUL IOWA MOTHER THANKS TAXPAYERS

Mr. HUGHES. Mr. President, in a short time the Senate will begin its consideration of welfare reform. As we debate this controversial—and so very human—subject, it may be well for us to bear in mind what ADC, aid to dependent children, is all about. We hear a lot about "welfare cheaters" and "freeloaders," who, according to official statistics, make up about 1 percent of the welfare load. Even if the percentage of those who should not be on the welfare rolls were as high as 10 percent, what of the other 90 percent? Who are they? What are they like? What are their problems? Since the bulk of our money goes for ADC, perhaps we should study more closely just who the families are that are helped by this program.

One such family is the Struthers family of Storm Lake, Iowa. Ten years ago, Mrs. Phyllis Struthers was left alone with her four small children, shortly thereafter giving birth to her fifth child. This family of six was left with nothing but unpaid bills and very little hope for the future. The only way Mrs. Struthers could hope to keep her family together was by applying for ADC, which she did only as a last resort because she had been taught to regard welfare as a disgrace.

But with the meager income provided by ADC, Mrs. Struthers managed to keep her family together, and at the same time to go to college to get the education needed to become self-supporting. Through scrimping and saving and sheer hard work, the family has grown up together, and the last ADC payment has been made.

The story of this family can be told many thousands of times over, and I think we should keep it in mind during the coming weeks. The full story has been ably related by Robert Krotz in the Des Moines Sunday Register of May 28, 1972. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW ADC SAVED HER FAMILY—A GRATEFUL IOWA MOTHER DECLARES: "I WANT TO THANK TAXPAYERS"

(By Robert Krotz)

STORM LAKE, IOWA.—Ten years ago Mrs. Phyllis Struthers' husband ran away, leaving her with four small children, a pile of unpaid bills and little hope for the future.

A few weeks after her husband disappeared, Mrs. Struthers gave birth to her fifth child.

Shortly afterward, several creditors came to her home and repossessed most of the family's belongings.

"My husband had bought everything on time and hadn't made the payments," Mrs. Struthers recalls. "They took everything—the refrigerator, the beds, they even took linoleum up off the floor."

With only a high school education, no particular job skills, and a back injury that prevented her from doing heavy work, Mrs. Struthers found she couldn't support her family alone. It appeared she would have to give up the children.

"I could just see all my children going to some detention home or juvenile home or orphanage, and I couldn't stand it. They were all I had left. I was really down," she remembers.

As a last resort, Mrs. Struthers reluctantly applied for and began receiving Aid to Dependent Children (ADC) from her county welfare office to support her family.

"It was hard for her to do because my parents had always taught us to regard ADC as some kind of disgrace," she recalls. "I had to fight a lot of psychological and emotional upsets. I had the idea that divorce was a mortal sin—and here I was, a divorcee and an ADC mother."

Ironically, Mrs. Struthers laughs a lot as she reminisces about her past hardships, but her laughter is that of a person whose memories are so painful that to not laugh about them is to cry. Her eyes water and she sniffles as she laughs, and she laughs about "this awful cold" as she dabs at her nose with a tissue.

COLLEGE GRADUATE

But those things were 10 years ago. A lot has changed since then.

For openers, Mrs. Struthers, 36, a pert, pleasant woman, is now a college graduate. She graduated near the top of her class at Buena Vista College here this year with a 3.27 grade-point average (4.0 is perfect).

In September she will begin work as a fifth-grade teacher in the Dunlap Community School District. Eighty other teachers applied for the same job.

Mrs. Struthers and her five children are still very much together, and the closeness of their family relationship is obvious to even the casual observer.

Instead of ending up in detention homes, the Struthers youngsters—Fred, 18, Phillip, 16, Felicia, 14, Starr, 13, and Sheila, 10—have grown up into the kind of wholesome, attractive kids that usually are seen only in milk commercials.

The debts Mrs. Struthers' husband left her have all been paid (although some new ones were created by the cost of her college education), and the family belongings that were repossessed 10 years ago have been replaced.

LAST ADC CHECK

This month, after 10 years of being on welfare, Mrs. Struthers accepted her last ADC check. Now, she says, she's eager to begin working and paying taxes "so I can help someone else get back on their feet."

And to every taxpayer who reads this, Phyllis Struthers says thank you.

"I don't imagine I could find words that would fully express my gratitude; there just aren't enough words," she told two visitors recently in the living room of her modest home here.

"But I just wish the taxpayers and the government could only know how sincerely I appreciate everything they've done for me and my family," she added. "I don't know what I would have done without ADC; it saved my family, that's all there is to it."

Mrs. Struthers said ADC, ranging from $125 to $279 monthly, was her family's only source of income for the last 10 years.

She said she stretched her monthly ADC allotments by shopping carefully for bargains, sewing most of her family's clothing, and "raising a big garden and doing a lot of canning and freezing every year."

SQUEEZE $5 FROM BUDGET

She gradually replaced the home furnishings that were taken away by "squeezing $5 out of the budget here one month, sneaking another $5 out from there the next and saving it all aside until I had enough to buy something. Then I'd start saving again for something else." She bought nothing on credit. Relatives also helped by donating some of their home furnishings, she added.

Mrs. Struthers said she insisted that her children mow lawns, babysit and perform other odd jobs in their spare time "because I wanted them to learn the value of work and I didn't want them to develop the attitude that, 'Oh, well, the government will always take care of us.' "

She explained that ADC regulations required that most of the children's earnings be placed in savings under their names, and couldn't be used to supplement ADC aid.

In addition to her financial debts, Mrs. Struthers said she also worked to repay "my debt to society" by teaching an intermediate Sunday school class, working in the nursery, and singing in the choir at First Presbyterian Church here. She also worked in a volunteer "meal-on-wheels" program for Storm Lake's elderly.

The first six years after her divorce, Mrs. Struthers stayed home and took care of her children. Then after all her children were in school, she spent the next four years doubling as a mother and college student.

SCHOLARSHIPS, LOANS

She financed her college education through scholarships, grants and long-term government loans.

"When I first enrolled in college and my instructors found out I was an ADC mother, some of them acted a little standoffish toward me, as if they didn't think I was going to be around very long," she remembers.

She also remembers that her first year of college was particularly difficult, mainly because of reoccurring family problems.

"The first semester, while I was taking tests, my sister was in a bad car accident in California and I took off three weeks to go out and see her because she wasn't expected to live, but she did," said Mrs. Struthers.

"Then the second semester, I was right in the midst of my English final exam and I had to get up and leave because they called me to tell me my mother had died.

"The kids always seemed to be getting sick. It just seemed to be one of those years. And we had this little rickety old house and the furnace was always blowing up.

SON IN COLLEGE

"Things like that were always making me fall behind, and then I'd have to work extra hard to catch up."

But she survived, she explained, by "missing a lot of sleep and burning a lot of midnight oil."

While Mrs. Struthers was finishing her senior year, her oldest son, Fred, enrolled at Buena Vista as a freshman. He is currently paying his own way through school by attending classes in the morning and working as an electrician in the afternoon.

Mrs. Struthers said her attitude toward ADC has changed considerably, but she's well aware that many people still feel as she did 10 years ago.

"Someone knows a bad ADC mother, so they think they're all that way," she said. "People tend to stereotype ADC mothers the same way they stereotype religion, race and everything else. But it's not true; you've got to know the individual before you can judge.

"There are ADC people who just want more and more and more," she adds, "but I think the taxpayers ought to know that there are many of us who really use the money wisely and really need it, and without this kind of aid to keep families together, I think the cost to the public in the long run would be much greater.

SHE REMARRIES

"I know the help I received through ADC made all the difference for me and my children."

And that ends the Phyllis Struthers story. For Saturday, in a brief ceremony at Call State Park near Algona, she became Mrs. Ed Rich. Her new husband is an Algona electrician.

The bride prepared for her wedding by getting out her sewing machine several weeks ago and whipping up the wedding clothes for everyone in the ceremony.

"It was fun," she bubbled as she displayed the brightly colored gowns and shirts.

"You'd think I was 16 and had never been married before, the way I'm getting ready for this wedding," she laughed, this time with no sniffles.

She even made her husband's suit and her own wedding slippers.

PRICE TOO HIGH

"I looked at some shoes downtown but they cost $15, and I decided that was too much to pay for something that I'd only wear once," she casually explained.

The Rich family—"We're going to be 'poor' Rich'," Mrs. Rich quips—is now preparing to move to a new home in Dunlap.

"Everything's really going nicely now," Mrs. Rich smiled before the wedding. "Finally, it seems as if the sun is shining."

THE GENOCIDE TREATY AND AMERICA'S ROLE IN THE WORLD

Mr. PROXMIRE. Mr. President, article I of the International Convention of Genocide says this:

> The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

If, as I strongly recommend, the United States were to join the 75 nations who are already parties to this treaty, we, too, would undertake the prevention and punishment of genocide. This would be an important commitment; and it is a commitment which some opponents of the treaty are reluctant to make. The tragic consequences of our intervention in Vietnam have persuaded many Americans that we should not undertake involvement in events far away from home.

But a decision to isolate ourselves from the rest of the world would draw the wrong lesson from our painful experiences in Vietnam. We cannot and ought not limit our concerns to what happens within our own borders; we are necessarily affected by and concerned about what goes on in the world. Rather than try to withdraw from international involvement, we must take care that the nature of that involvement is just and in our national interest.

What, then, would we commit ourselves to by ratifying the Convention on Genocide? First, we would be committed to the enactment of legislation, such as proposed in S. 3182, to outlaw genocide within our own country. Second, and what is particularly relevant to my remarks today, our commitment to prevent genocide abroad is spelled out by article VIII of the treaty, which says:

> Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide.

What ratification of this treaty would not mean is unilateral U.S. responsibility to prevent genocide all around the world. We would not be world policemen against genocide; we would join with other nations in the United Nations to act against genocide. This is, I think, most appropriate. The United States has neither the resources nor the authority to enforce even these minimal moral standards on the conduct of all other nations. The universal realization of a right even as obvious and elementary as the right of groups of people to live is not an easy thing to achieve. Prudence will dictate that even the collective force of many nations cannot defend that right in every case. But surely such collective action is what will make that defense possible. What the treaty does is define genocide as an international crime, and establishes international authority to combat it. This convention helps build a structure to settle matters of international importance by the responsible collective action of the community of nations. Such a structure is of the utmost importance to world peace.

I therefore urge the Senate to speedily ratify the Genocide Convention.

POPULISM

Mr. HARRIS. Mr. President, the New York Times Magazine on June 4 published an unusually comprehensive article on "Populism," written by the distinguished historian C. Vann Woodward.

In describing the origins of populism in this country, Professor Woodward demolishes the false belief, often found in the popular press, that the old populism was necessarily racist in origin. On the contrary, Professor Woodward notes, many of the early leaders made repeated efforts to bring black and white together. Their purpose was to end a political tradition which enabled unprincipled politicans to exploit racial hatreds.

According to Professor Woodward, it was during the cold war period that the myth arose that the old Populism was racist. Intellectuals at that time found themselves under attack from Senator Joe McCarthy; and in attempting to explain the roots of popular support for McCarthy, many of these observers falsely identified the early Populist tradition as the cause of our trouble in the 1950's. Very few of these men were historians. Fewer understood the efforts of the early Populists to work across race lines.

Summing up, Professor Woodward suggests that the fate of the new populism may determine the political future of our country. For if the premise of the new populism is wrong—namely that the average working people of all races and nationalities in this country can work together against the vested interests—then our future is bleak indeed.

Mr. President, I ask unanimous consent that Professor Woodward's provocative article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GHOST OF POPULISM WALKS AGAIN

(By C. Vann Woodward)

American political culture encourages the periodic revival of ghosts. The practice has become traditional. Revivals and celebrations of the past are national rituals. Before fully recovering from a Civil War Centennial, we gird ourselves for a Revolutionary Bicentennial. We have had two Whig parties and two Republican parties, and now we appear to be pregnant with a second Populist movement, some would have it a populist fad or myth. Populist slogans and populist candidates abound.

Some politicians proclaim themselves populists and even more are rather indiscriminately labeled populists. The term crops up everywhere—in book titles, manifestoes, speeches, editorials. It is used, as it always has been, both as a term of abuse and a term of praise, depending on the ax the user has to grind or the history he has read and how he understands it. Increasingly it turns up in improbable and unaccustomed quarters and more and more as a term of approbation rather than approbrium.

After a Rip Van Winkle sleep of 80 years, an old Populist of 1892 would awake in a bewildering world of 1972. He would not blink twice at a populist Senator from Oklahoma and one from South Dakota, or be startled by a Governor of Alabama in populist clothing, a Lieutenant Governor of Virginia who calls himself a populist, or assorted populist types in the Lower South. Those were all old Populist territories in the nineties with authentic traditions and precedents. What would give our old Populist a turn would be the sight of a populist from Maine or one from Park Avenue. What he would make of a self-proclaimed populist from West Virginia who bore the name John D. Rockefeller 4th, or the Presidential candidacy of Dr. Benjamin Spock on a populist ticket, or references to the "populist style" of Spiro Agnew—is beyond imagining.

Any resemblance between the late 19th century Populism and the movement now struggling to be born would at first appear entirely superficial. The world of Tom Watson, Cyclone Davis, Stump Ashby, Sockless Jerry Simpson, James B. Weaver and Mary E. Lease was a remote, intensely provincial, horse-and-buggy America of a forgotten long ago. Their world was rural, their values agrarian, their problems largely agricultural, their movement bred of prolonged depression. To many Americans today their language would seem quaint, their temper overwrought and some of their ideas cranky.

On the other hand, when one takes account of their grievances, their political and economic plight, their enemies, the coalitions they formed, the issues they raised, the platforms they wrote and the strategies they used, the remoteness and irrelevance of the old Populists diminishes and they begin to come into focus. They spoke for the little man against the establishment, the provinces against the metropolis, the poor and deprived against the rich and privileged. The issues they addressed centered on the unequal distribution of wealth and income, and the unjust distribution of power. These issues included prices, wages, money, taxes, unemployment, monopoly, consumers' rights, big-business corruption of government and government selling out to business.

In a moment of exasperation, the economist Henry Demarest Lloyd once called his fellow Populists "a fortuitous collection of the dissatisfied." And so they were. The mass of them were farmers, however, and their dissatisfactions were bred of three decades of agricultural depression, the last of which coincided with the worst industrial depression up to that time. Debt-ridden, mortgage-ladened, impoverished and helpless, millions of farmers saw themselves slipping from landowning to tenant status. Bitter and desperate, they undertook for a time to speak for and lead the oppressed of all classes.

Back of the Populist revolt were many organizations, unions and cooperatives, such as the Grangers and the Knights of Labor, but none was as powerful as the Farmers' Alliance. Founded about 1875 in Texas, it exploded with new ideas and militant zeal in 1886, and swept through the whole South, establishing thousands of suballiances at the community level. In three years the Alliance claimed four and a quarter million members. Semisecret, highly centralized, with its own press and official corps of "lecturers" or propagandists, the Farmers' Alliance radicalized and disciplined the future Populist cohorts. The larger part of a similar but much smaller Northwestern Alliance merged with the dominant Southern organization as a National Alliance in 1889 and the Knights of Labor affiliated with it.

The "demands" of the Alliance evolved into the Populist platform. They focused on issues of money and credit, land and industrial monopoly, and transportation. They called for the abolition of national banks, Government control of credit and money and a substantial increase of the money in circulation by several means, including free coinage of silver. They also wanted the break-up of trusts and monopolies; an eight-hour law for labor; Government ownership of railroad and telegraph lines; a Federal income tax; initiative and referendum; and direct election of Senators.

Feeling strong enough to take over the Democratic party in the South in 1890, Alliance men did in fact elect 45 Congressmen and three Senators pledged to support their demands, and secured control of eight state legislatures. In the West, Alliance men set up several independent third parties of different names that elected eight Congressmen and two Senators. When most of the Alliance-elected Congressmen from the South lined up behind a conservative Democratic candidate for Speaker, Tom Watson of Georgia left his party and became the "People's party" or Populist candidate for Speaker, with support of the Western third-party men. Thus the new party had a Congressional delegation before it had a national organization.

At a national convention the Populists welcomed alliance with the Knights of Labor, the Single-Taxers, the utopian Nationalists, Greenbackers and Prohibitionists, and attracted several Socialists. Their main problem lay in bridging the cleavages between the disconnected sections, parties, races and classes they sought to unite. They revived the old agrarian alliance between South and West, divided since the Civil War by the bloody-shirt issue. They struggled hard to unite black and white voters in the South against the racist propaganda of the old party. They appealed to labor and won over the declining Knights of Labor, but not the growing American Federation of Labor.

William Allen White of Kansas called Populist leaders of his state "wild-eyed, rattle-brained fanatics," and the very nicknames of such leaders as "Calamity" Weller of Iowa, "Bloody Bridles" Wait of Colorado and "Cyclone" Davis of Texas, lent themselves to the stereotype. But the variety of leaders defied generalization. They ranged from Virginia aristocrats with the oldest and most distinguished names to Texas evangelists and ex-cowpunchers. More typical was the middle range that included Tom Watson, twice the party's Presidential nominee and once the nominee for Vice President. A successful lawyer and editor, and a prolific author of history books, the red-headed Georgian was, before his party's collapse and his personal deterioration, utterly fearless and a formidable orator.

Leonidas L. Polk, a distinguished North Carolinian who was president of the National Alliance, was assumed to be the Populist choice for the 1892 nomination, but on his death James B. Weaver, the old Greenbacker from Iowa, was put forward. In spite of handicaps, the new party cast more than a million votes for their Presidential candidate, and elected 10 Congressmen, five Senators, three Governors, and some 1,500 members of state legislatures. In the elections of 1894 the third party increased the vote it polled in 1892 by 42 per cent, mainly in the South, and badly frightened the Democrats.

Democratic insurgents took over their own party in 1896, unseated the conservatives, and invited the Populists to put aside their more radical demands and support William Jennings Bryan on the silver issue. In spite of resistance by radicals, the silverites had their way. The Populists ran an independent ticket in two more Presidential elections, but the fight over fusion with Democrats in 1896 tore them apart and they never succeeded in reuniting.

The Old Populists left a vital heritage of protest and precipitated a historic realignment of American politics. It is far-fetched, however, to picture them as a model for modern radical reform. They lacked firm grip on the problems even of their own time. Their parochial idiom, their evangelical style and their pentecostal politics are about as far removed from the present as anything in our history.

But to catch the echo of the past in the present, to capture the appeal the Old Populism has for the New, one has to listen closely to the rhetoric of 19th-century Populism in old manifestoes, platforms and speeches. Here one senses the shared moods and common impulses of the two periods. They are moods of suspicion and resentment and a sense of betrayal, tones of frustration, disillusionment and alienation, disenchantment with the old parties, flashes of anger at injustice and neglect, disgust at private opulence and public squalor, indignation over fraud and bribery in government and corruption in high office, outrage over privilege of special interests and the arrogance of the rich.

As an example of the desperate tone and apocalyptic rhetoric of the Old Populists, the preamble of of their platform of 1892 is often cited. It begins: "The conditions that surround us best justify our cooperation; we meet in the midst of a nation brought to the verge of moral, political and material ruin."

Yet neither the rhetoric of 1892 nor the bill of particulars that followed would seem especially out of date in any number of current-day speeches and editorials. The New York Times, for example, can ask rhetorically "Whether a new rot has infected the American political-economic system" (April 2, 1972). According to a Harris Poll last September, a majority of Americans indicated distrust of every major institution in the country—business, the press, the media, the old parties and government in general, all the way up to and including the Presidency.

The New Populists on the whole enjoy advantages over the Old in their attack on common targets. They have more to shoot at, for one thing, and the targets are usually larger. The "bigness" that so disturbed the Populists of the nineties was minuscule compared with the bigness of the present. One has only to compare, for example, Standard Oil then with General Motors now. The old-fashioned Robber Barons were more conveniently personalized, but their corporate counterparts of today are more flagrant, as demonstrated by the recent histories of the nation's largest railroad, the nation's largest corporate conglomerate, or the nation's largest defense contractor.

The power of banks, which terrified the embattled farmers, was peanuts compared with the present day concentration of bank power. In their wildest paranoid and conspiratorial dreams of interlocking directorates and financial monopolies, the Old Pops never imagined anything so extensive and elaborate as exists today among the largest commercial banks and the largest insurance companies.

There are certainly far more opportunities for contemporary scandal in view of the proliferation of Government contracts for national defense highways, housing, airlines, health, education, welfare and agriculture. There are opportunities for Government subsidies, handouts and favoritism for business beyond anything dreamed of in the philosophy of the Old Pops. Besides a $4-billion annual subsidy to big corporate farmers, and fabulous subsidies to the largest defense contractors such as Lockheed, Boeing and General Dynamics, there are depletion allowances and import quotas for the powerful oil industry. Our Byzantine Federal tax structure has correctly been called "welfare for the rich and free enterprise for the poor," with built-in shelters, loopholes and exemptions that are closed to small incomes and wide open to the billions of the wealthy.

POPULISM: "A MOVEMENT CLAIMING TO REPRESENT THE RANK AND FILE OF THE PEOPLE"

Ready and waiting for the New Populism, therefore, are many of the issues that were exploited by its 19th-century predecessor plus a great many more concerns of the same character which have even greater popular appeal and explosive potential. The question remains, who will exploit them and to what ends? Will the resulting movement head to the right or the left? Is there any quality inherent in the nature of populism that dooms it to retrogressive and reactionary uses? Is there something about the ideology of populism, or about the type of leaders it produces or attracts, that justifies the rather sinister reputation it has among some intellectuals and more widely among the literate public?

To answer these questions, we must assess the findings of some scholars and look over the leaders populism has produced in the past as well as the potential leaders of the present in this country. But first a cursory glance at manifestations abroad might be instructive, for populism of one kind or another has found root lately in many parts of the world besides our own.

A conference of international scholars brought together in London five years ago to discuss world-wide manifestations of populism opened its summary report (a book entitled "Populism: Its Meaning and National Characteristics") with a phrase consciously lifted from the "Communist Manifesto" of 1948: "A specter is haunting the world—populism." Five years ago, the specter admittedly assumed a fantastic variety of forms. Among manifestations cited in the report were Poujade of France, Peron of Argentina, Vargas of Brazil, Zapata of Mexico and Belaunde of Peru. Populist leanings were found in Frantz Fanon's African following, in Gandhi's Indian movement, in the Sinn Fein of Ireland, in the Iron Guard of Rumania, even in the doctrines of Tito, Mao and Castro.

A populist international has, of course, never developed, and to imagine a summit conference of world populists is to evoke comparison with the Tower of Babel. It would bring together left- and right-wingers; fascists and egalitarians; parliamentarians and totalitarians; the working class, middle class and peasants; movements that grew out of both rural and urban settings; and from developed and undeveloped countries (though predominantly the latter); upheavals bred of depression as well as booms; people with progressive as well as reactionary yearnings; and those with forward-looking as well as nostalgic impulses. It would also bring together movements that had never been conscious of one another, were unaware of a common denominator, and rarely adopted the name "populist."

Their grouping is not their own idea but that of theorists who impose on them the populist classification. Admitting the looseness and the contradictions inherent in the term, the theorists point to the looseness with which the terms "capitalism," "communism," and "democracy" are used, holding that "populism" is no more vague and that its use is equally unavoidable. When pressed for definitions of populism, political theorists say they are speaking more of a syndrome than an ideology, a situation rather than a theory, an emphasis, a dimension of political culture rather than a system. They speak of movements found "among those aware of belonging to the poor periphery of an industrial system," either in provinces or ex-colonies. Populism is a "tension between metropolis and province," an upheaval of the little man, the neglected many against an indifferent establishment. It proclaims the supremacy of the "will of the people," the common folk over the sophisticated, the wealthy, the powerful and the corrupt.

The two classic historical examples of populism, apparently the only two that embraced the name, occurred in the late 19th century in Russia and the United States. Mutually unaware of each other, they shared some characteristics, but their differences were more numerous. For one thing, Russian Populism was made up of intellectuals without a mass following, American Populism of a mass following with few intellectuals. Illuminating comparison is difficult, however. For example, there is the contrast between the figures of Czar Alexander II and President Grover Cleveland as national symbols of what populists of the two countries opposed; there is also the remarkable encounter between Count Leo Tolstoy and William Jennings Bryan—an interview without communication, as it turned out.

Beyond the obvious point that populism assumes many forms (as, indeed, do capitalism and Communism) and that comparisons are dangerous, this excursion abroad leaves us with the conclusion that for an understanding of the American heritage of populism we had best stick pretty closely to its domestic history. Even then we are confronted with sharp differences of opinion and interpretation among scholars. Populists and their forebears, and the populist tradition, have from the start had rough handling from conservative historians. But until the nineteen-fifties, historians of the progressive, liberal or radical tradition generally treated populists with respect as people with legitimate and serious grievances, striking at real economic and social evils, proposing rational and sometimes ingenious reforms, and working within the reform tradition toward humane ends.

A startling reversal of this picture took shape in the mid-nineteen-fifties at the hands of intellectuals caught in cross-currents of the cold war. Mainly social scientists rather than historians, these revisionists published numerous works, but most of their strictures on populism find expression in contributions to a book edited by Daniel Bell, "The New American Right" (1955). None of the writers repudiated democracy, but they fixed on populism—or what they loosely and sometimes wrongly identified with it in all periods of American history—as embodying the seamy and sinister side of democracy, often referred to as "mobism" or "plebiscitarism."

Few professed much knowledge of the historic party of Populism or historic Populists, but those who did joined in attributing to the 19th-century movement a basically irrational mentality that was expressed in paranoidal obsessions, conspiratorial delusions, nostalgic dreams of a golden age and hostility to industrial progress. Populists were described as opportunists given to demagogic exploitation of racism, anti-Semitism and the hatred of foreigners (xenophobia) and immigrants (nativism).

Most of the revisionists were more interested in the present than in the past, and were particularly concerned over the mass support Senator Joseph McCarthy was then winning in his anti-Communist crusade of character assassination. They seized upon populism, in its newly conceived reactionary image, as proto-Fascism and the roots of authoritarianism—the "radical right" and all that was retrograde in the mid-ninteen-fifties and in the whole American political tradition. Thus Prof. Talcott Parsons of Harvard discovered "elements of continuity between Western agrarian populism and McCarthyism," and Prof. Edward A. Shils of Chicago thought them connected by "a straight line." An extreme statement by Peter Viereck declared that underneath the old populism "seethed a mania of xenophobia, Jew-baiting, intellectual-baiting and thought-controlling lynch spirit."

This interpretation of historic American Populism, or one derived from it, is the one still fixed in the mind of the educated public. It has given the word the sinister connotation that it has for so many, and is responsible for the moral and political disreputability under which the New Populism suffers. Many informed people, even some who are—or otherwise would be—drawn to support the new movement, continue to renounce or apologize for the heritage of Populism and to disavow any connection with it.

Thus even Jack Newfield and Jeff Greenfield, authors of "A Populist Manifesto: The Making of a New Majority," a spirited platform for the New Populism, feel obliged to renounce the proper heritage of the movement in their book. And in a subsequent appeal they write: "We emphasize a 'new' populism because there was plenty wrong with the old Populism which flourished in the late 19th century: racism, paranoia, xenophobia. The movement we seek rejects these poisons."

If popular protest and radical reform movements of the present are obliged to cut their roots with the past, they will wither and die. If they, unlike those of the past, habitually regard political impulses in the mass of ordinary people as inherently irrational or poisonous, they cut off their source of support. If every mass protest against existing institutions is discredited as "populist," we are lost. If intellectuals and enlightened folk are alienated from the sources of revolt, mass dissent will be consigned to the demagogues, the racists and the unscrupulous. The very core of the democratic faith is at stake here.

Rarely have crises in public affairs so closely coincided with scholarly concerns. Yet the public has fallen behind the scholars. The sinister interpretations of populism, biased by the mood of the mid-fifties, have been since then subjected to searching criticism in monographs and articles of limited circulation, some yet to be published. These have effectively disproved the charge of penopholia and nativism, discounted the evidence of anti-Semitism, and greatly diminished and brought into perspective of a racist society the charge of racism. They have stressed the reality of Populist grievances, the vital importance of Populists' issues, the rationality of their demands, and the courage of their leaders. If Populists were anti-intellectual, we are reminded that intellectuals of the time were hysterically anti-Populist. The late Richard Hofstadter, whose "Age of Reform" (1955) shaped much of the earlier view but not its extreme form, conceded the validity of much of this criticism in later publications.

A curious twist of history, it can now be seen, fastened upon the Populists a reputation for the tactics, bigotries and policies of their enemies, their betrayers, or a few old Populists like Tom Watson who did not age gracefully. Only thus can a George Wallace be conceded the mantle of Populism. A Ben Tillman or a Jim Hogg, or their . . . gone, the Heflins, Bilbos and Cole Bleases, are now regularly labeled "Populists," yet they were the bitter enemies of Populism. It was they who disfranchised the Negro and used white-supremacy demagoguery to destroy Populism. It was the Populists who tried and often succeeded, at a time when Negrophobia was approaching a peak, in uniting black and white voters behind the party of reform.

As for the theory giving more recent right-wing demagogues populist roots and origins, it received a severe blow from a study by Michael P. Rogin, "The Intellectuals and McCarthy" (1967), which proved that the overwhelming majority of those who sent Joe McCarthy and his supporters to the Senate were antiprogressive regular Republicans and predominantly economic conservatives.

Few scholars are so naive as to believe that the mass of people who support any leftward movement are devoid of irrational and retrograde impulses. Nor for that matter are the masses who support rightist movements in the old parties. Certainly the populist masses had their share of such impulses, and it was always a struggle between leaders who appealed to the retrograde and those who addressed the better nature of the discontented. The same sort of struggle is raging today for leadership of the nascent New Populism.

As a matter of fact the New Left students were among the first to sense the rise of incipient populism in the nineteen-sixties and make ineffectual bids to organize and capture it. At one New England university a professor of history, known for his writing on populism, was repeatedly approached by student activists seeking his support for reviving the Populist party under New Left auspices. His advice was that nothing was better calculated to alienate the sort of people they sought to attract than certain "life-styles," class attitudes and varieties of arrogance. The New Left tried but failed. The later efforts of some chastened old New Lefters to organize populist sentiment at the community level through their New Americans Movement remain indeterminate.

The Nixon Republicans, with their appeal to "The Silent Majority" and "Middle America," were trying in their way to capture at least a share of the same constituency. It is not too fantastic to regard Vice President Agnew's assaults on the "effete East" and assorted sophisticates in this light. The Nixon-style populism, however, has already written off one element essential to any successful populist coalition—the black votes. The "Southern strategy" and the Presidential stand on busing and other race issues indicate that clearly enough.

Last September populist-watchers with strict standards believed they saw the genuine article emerging out of Oklahoma when Senator Fred Harris announced his Presidential candidacy. The son of a sharecropper from Mississippi, he spoke the true idiom in down-to-earth style. "No more hogwash" was the way he paraphrased his real slogan for the networks. "There simply cannot be a mass movement without the masses," he maintained, and he meant masses of all colors. He spoke, he said, "in the spirit of the old Populism," which he believed "contains lessons with modern applications." After six weeks he withdrew from the race, declaring simply, "I am broke."

George Wallace of Alabama, in spite of the crippling attempt on his life, continues to be a formidable contender in this field. The busing issue is the latest version of his original stand as defender of segregation and white supremacy. He knows that hard-line segregationists can have perfectly rational economic grievances and political demands, and makes his pitch accordingly. Any candidate for the Democratic nomination in 1972 who seriously addresses himself to the valid and rational issues of discontent, Senator George McGovern, for example, will have to contend with an opponent skilled at combining and confusing the irrational with the rational. The two candidates will be appealing to overlapping parts of the same constituency. After Senator Robert Kennedy was assassinated and Senator Eugene McCarthy was eliminated from the race in 1968, many of their supporters turned to Wallace in the general election. Four years later we seem faced with the possibility of a re-enactment of such a struggle.

Both Senator Humphrey and Senator McGovern are making bids for the neo-populist constituency, each in his own way. Humphrey has made more explicit concessions to the Wallace line on busing, and, like Wallace, relies less on economic issues than on folksy identification with the masses. McGovern, on the other hand, has drawn a rather strict line against racist appeals and in his dry, firm, sometimes angry voice, hammers home economic issues and his program of reforms. Acknowledging a kinship between his supporters and those of Wallace, and insisting that the latter be granted a hearing at Miami, McGovern goes so far as to say, "Governor Wallace and I have different solutions, but both of us are saying with a perfectly straight, clear conscience that we are fed up with conditions as they are."

An air of paradox hangs over the Humphrey-McGovern contest. While the former history professor, McGovern, apparently clings to the darker interpretation of historic Populism and disavows the Populist label, he is closer to the old Populist tradition in his economic reforms and his moral outrage than any of his opponents. Yet organized labor leans more to Humphrey than to McGovern and so do the black voters. Both of these Humphrey constituencies seem to be guided by historic allegiances and debts of the past rather than by concerns of the present. McGovern's advantage lies in his appeal to youth and in his anti-Establishment reputation. That reputation is indispensable to any Populist leader and Humphrey has not been able to acquire it.

It must be admitted that the New Populism is still a sentiment and not an organization. Candidates seeking to co-opt that sentiment for their national ambitions do have organizations, but not the sentiment itself. The new populists lack what the old Populists had painfully built up by the rank and file in their local and state organizations, founded on the discipline and radical education of the Farmers' Alliance, vital precursor of the party. Lacking such discipline and political education, the new populists are more susceptible to demagogic appeal. In dragging them into national politics prematurely, Presidential candidates act in a parasitic rather than a constructive role and may dissipate the sentiment before it achieves coherence.

Part of the antiestablishment tradition of both populist movements is a distrust of the two old parties. Then and now they are pictured as equally reactionary, corrupt and cynical—Tweedledee vs. Tweedledum. The obvious answer is a third party. Wallace may still be able to run a replay of his third-party adventure if he is not the choice at Miami. If the Democrats nominate an establishmentarian we may well have a second "third" party, dividing the populists into hostile right- and left-wing camps.

The chances of the Democrats co-opting the populists a replay of the Bryan performance of 1896, are not to be dismissed out of hand. It is true, as Newfield and Greenfield point out, that the main current of Democratic thought has run counter to the party's populist tradition for a generation. Labor unions enlisted in the cold war and liberals grew conservative and elitist. The party rejected Estes Kefauver, who had the common touch and the true populist reform zeal, and fell under the charm of Adlai Stevenson and John Kennedy, bewitched by "style." What there was of the populist in Lyndon Johnson was quickly submerged under his Vietnam disaster and he was scorned as much for the one as for the other by liberal elitists.

Signs of a reversal of the élitist current in the Democratic party are not lacking. Bobby Kennedy's reception among South Bend blue collars and in Watts pointed the way in 1968, and George McGovern is claiming his mantle. The drastic reform of delegate elections for the Democratic National Convention now curbs the dominance of bosses and party establishmentarians and gives youth, blacks and women a striking prominence. The submerged populist tradition has a better opportunity of surfacing than it has had in many years. As in '96, of course, the populists may be joining a losing coalition.

It remains to see what part the New Populism may play in the major voting realignment that political scientists have been predicting, and whether 1972 may qualify as one of our historic "critical elections." These realignments and critical elections have periodically served to relieve the build-up of tension in our society and restore the health of the party system and the body politic. They have come in cycles of 29 to 36 years: 1800, 1828, 1860, 1896, 1932. Each one from Jefferson to Franklin Roosevelt was founded on a new coalition, represented major breaks in the voting habits of millions and reflected widely perceived national crises such as slavery, the Populist revolt or the Great Depression. Dominant sentiment on such polarizing issues either captures one of the major parties or forms a new one: Anti-Masons in the eighteen-twenties. Free Soilers in the eighteen-fifties, Populists in the eighteen-nineties, La Follette Progressives in the nineteen-twenties.

By almost every sign we are already ripe for a new realignment, whether it comes now or later. More than the normal span between "critical elections" has elapsed. Huge blocs of voters have cut loose from traditional moorings: the South growing more Republican, New England more Democratic, blacks and other ethnic groups more independent and politically conscious. Ticket-splitters multiply, and between a fourth and a third of all voters now classify themselves as independents. Some 25 million persons between the ages of 18 and 25 will be eligible to cast their first votes for President in 1972, and almost half of them refuse to profess affiliation with either of the old parties. The aimless drift and confusion of the old parties that has always preceded a major realignment has long prevailed.

The great unknown is which of several possible issues or combinations of them will polarize the voters, be captured by the winning candidate, precipitate the new realignment and shape the dominant coalition. "Rational" or "irrational" issues? Is race "the one question in American life today that seems to pack the emotional punch necessary for a party realignment" as David S. Broder, author of "The Party's Over," fears? Fred Harris would seem to agree. "Race is the central fact in American politics today," he writes, "because it is the deepest and most dangerous problem of American life." If so, the new realignment could be an ugly one. Ominous questions of this sort lend an urgency and poignancy to the questions we have been raising about the new and old populism.

Few who write about or instruct or govern ordinary Americans have kept in very close touch with them in recent years of crisis. One who has both kept in touch and kept his faith in them is Dr. Robert Coles of Harvard, author of many fine books about them. "In my experience," he writes, "if ordinary 'average' Americans are anything, they by and large are loyal to this nation's populist tradition. It is a tradition that goes back into the 19th century, when farmers and factory workers railed in down-to-earth language against 'big-money boys' and 'the crooked politicians.' It is a tradition that includes white Southerners, among them avowed segregationists, Mid-western small-town people, miners and blue-collar workers. And it is a tradition that is by no means dead."

History would appear to be forcing a new test on that tradition. On the outcome of that test—and on the frustrations and fears, the real problems and grievances, the good sense and good faith of the people who submit to it—hangs the shape of our future.

THE WAR, GOLD, AND THE DOLLAR

Mr. SYMINGTON. Mr. President, 1 month ago, the price of gold on the London market was $54 an ounce, at that time the highest in history.

Yesterday, the price of gold on the London exchange soared to $64.85. Today it was $66.75. This is nearly $29 higher than the official monetary price of $38 an ounce and some $24 higher than the market price in January.

As I noted in my last of three recent statements on this subject, European bankers point out that:

> The more gold prices exceed the official price of $38 an ounce, the weaker the dollar seems to look psychologically. That compounds the task of restoring confidence.

Also compounding the problem of confidence in the dollar are the increasing deficits in the U.S. balance of trade, the continuing deterioration in our overall balance-of-payments position, and the mounting inflation here at home, due primarily to our continuing heavy and tragic involvement in Southeast Asia.

Surely a strong economy is as vital to the well-being of this Nation as a strong military posture; and therefore, it would appear essential that steps be taken now to reverse the trends noted above, thereby restoring confidence in the dollar.

A NEW PENSION PROPOSAL

Mr. McGOVERN. Mr. President, Stephen Duane started working for the Great Atlantic & Pacific Tea Co. when he was 19. He worked for that company for 32 years, participating in a company pension program and looking forward to secure retirement income. But then the plant where he had been working closed. He was still 4 years short of the early retirement age, and he forfeited his pension rights. Stephen Duane did not decide to close that plant, the company did. And when the company decided to close that plant, they took away not only his job but also his pension. For 32 years of pension benefits in lieu of wages, Stephen Duane received nothing.

This sort of experience is far too common. People who have participated in pension plans for years find, when it is too late, that they have no "vested" rights. If they lose their jobs, or change jobs, or if their company goes out of business, then they have no rights in the pension plan in which they may have participated for most of their working lives. Inadequate vesting provisions are particularly conspicuous in the mining, transportation, and service industries.

Even a worker with vested rights is not secure. Pension funds have been mismanaged in every conceivable way.

George Silver worked for 30 years for the Michigan Tool Co. in Detroit. Then his company announced plans to cease operations in Detroit and move South—one of the domestic runaway industries. And it turned out that the pension plan to which George Silver had contributed had been mismanaged. It was the company's fault, but it was George Silver who lost out.

In fact, the beneficiaries lose out even when they do not actually forfeit their pensions for lack of funding. Pension funds are commonly administered in the interests of the managers rather than the beneficiaries. A company will invest pension funds in its own activities, rather than seeking the highest return on the beneficiaries' money.

Senator HARRISON WILLIAMS' Subcommittee on Labor has documented astonishing cases of pension fund abuse by corporate managers. One large data-processing equipment manufacturing company has invested $41 million of pension money in unsecured loans. A Midwest cable corporation has in the last 5 years charged off as "administrative costs" more than one-third of the benefits paid.

The executives of our large corporations are provided for well in their companies' pension plans. It is the men and women who staff the assembly lines and the offices whose pensions are likely to evaporate. The insecurity of pensions has long been a matter of deep concern for working people in America. It has made old age a time of poverty and lost hopes for millions of Americans. Yet except for modest regulation of union pension funds, it is an area which the Federal Government has virtually ignored.

A NEW APPROACH

To assure complete protection of worker rights the entire system ought to be overhauled. The essential need is to assure secure and well-managed systems.

The best approach would be to take the management of pension money out of employers' hands, and permit each employee to select a fund in which to establish a retirement account. This proposal was originally made by Ralph Nader. Employers would still contribute toward their employees' retirement, and they would still get tax deductions for those contributions. But instead of creating their own funds, they would pay into funds selected by the employee.

An important first result of this system would be immediate vesting. The money in an employee's account would belong to him from the day it was paid in. If he changed jobs his pension rights would not be endangered and the new employer would contribute to the same account. The pension would also be secure if the company went out of business. And an employee's spouse would be assured of the pension in the event of the breadwinner's death.

The funds themselves would be private and competitive, licensed and regulated by the Securities and Exchange Commission. The competitive feature would have two important benefits. It would guarantee that managers of the funds would compete to offer the greatest return on investment. And by giving employees the opportunity to go elsewhere, it would be the strongest possible safeguard against mismanagement.

Federal employees are permitted to choose between several medical insurance programs, and the resultant competition has benefited the employees greatly. Free choice in the selection of pension funds could be equally beneficial.

The fact that employers would no longer be responsible for the administrative work associated with pension plans would make it feasible for many new employers to begin pension programs for their employees.

Contributions to an employee's retirement account are essentially a deferment of wages in order to guarantee a secure retirement income. Employees should be able to choose how much income they wish to set aside for future security. They should be permitted to voluntarily make additional contributions to their retirement accounts, and should receive tax deductions for such contributions.

MINIMUM PENSION CONTRIBUTIONS

These steps would protect workers against forfeiting their pensions, but additional steps must be taken to see that pensions are raised to adequate levels, and that pension programs are extended to cover the tens of millions of workers who now have no private pension rights at all.

I recommend that future minimum wage legislation should include requirements for minimum employer contributions to pension funds. Pension contributions, which are, after all, deferred wages, are just as legitimate subjects for minimum wage legislation as ordinary wages are. By including minimum pension requirements in future minimum wage increases, we can gradually achieve an insured adequate pension for all workers.

DISTRIBUTION OF WEALTH

Mr. HARRIS. Mr. President, one of the great undiscussed issues of our time is the distribution of wealth in this country. More and more of our public figures finally are beginning to understand that the distribution of income in the United States is unfair. From time to time in newspaper articles we now read the troubling revelation that the top 20 percent of the income bracket receives around 41 percent of the Nation's income after taxes, whereas the bottom 20 percent receives only around 5 percent.

But how much more unequal is the distribution of wealth. According to a survey by the Federal Reserve Board published in 1964, the wealthiest 20 percent of the population in 1962 owned 75 percent—I repeat 75 percent—of all private assets. Meanwhile, the poorest 25 percent of all families had no net worth—their debts equaled their assets. And the wealthiest 8 percent of the population owned 60 percent of all private assets.

Unfortunately, most American economists are not interested in this problem. They are lost in the clouds of macroeconomics and view wealth distribution as an equity question which is political most economic in nature. They, therefore, help to insure that no one will talk about it, that it will remain the great secret of our economy.

There is, however, an outsider to the profession who has attempted to force the establishment economists to face up to the problem of the unequal distribution of wealth in the United States. The man's name is Louis Kelso, a highly successful San Francisco lawyer. The author of several books and articles on various mechanisms which would attempt to broaden the ownership of stock and real property in the United States, recently he encountered a breakthrough. Although economists would not listen to him, the new Governor of Puerto Rico would.

Governor Ferre thus proposed the creation of a Proprietary Fund which would assist the citizens of Puerto Rico to become stockholders. The idea behind his fund was not crude leveling but the creation of a mechanism which would insure that as the Puerto Rican economy grew, the benefits of growth would be more widely distributed among the population. In other words, his purpose was to attempt to bring to a halt the current system which permits those already owning great wealth to accumulate even more. His intention was to enable the little guy to have a chance to become a property holder.

The Ferre proposal soon gave rise to an exchange of views between noted economist Paul Samuelson and Kelso. Although the exchange is perhaps more polemical than a real examination of the problem would require, it is instructive.

In the case of Samuelson, despite hard points which Kelso must answer, we see again the unwillingness to face up to the problem of the distribution of wealth. Nowhere in Professor Samuelson's contribution is there any concern expressed over the extremes in wealth ownership on the island of Puerto Rico.

In the case of Kelso, whatever we may think of his recommendations, we have a man who at least is talking about an important problem. I am not judging his scheme one way or another. Neither man goes into sufficient detail for an outsider to judge the logical rather than the polemical face of the argument. Nevertheless, I rather feel Kelso won the exchange and for this reason. If his scheme is economically faulty as Samuelson suggests, then I agree with a point Kelso has made repeatedly, namely that the more established economists should come forward with a scheme which is not faulty. For the problem of such gross disparities in ownership is a real one. It will not go away because our more established economists ignore it.

Mr. President, I believe that others in the Senate will benefit from study of the Samuelson-Kelso exchange of views. I therefore ask unanimous consent that it be printed in the RECORD. I also ask unanimous consent that an article from the Wall Street Journal on the Puerto Rican plan be printed in the RECORD, as well.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the San Juan Star, Apr. 27, 1972]

THE PROPRIETARY FUND CRITICIZED

(By Paul A. Samuelson)

(EDITOR'S NOTE.—The following was released Wednesday by Senate President Rafael Hernandez Colon. Samuelson is the Nobel Prize-winning professor of economics at MIT who lectured at the University of Puerto Rico earlier this year.)

Statement by Paul A. Samuelson on House Bill 1708, concerning the Patrimony for the Progress of Puerto Rico (the Proprietary Fund).

1—This statement is prepared at the request of the president of the Senate of Puerto Rico, soliciting my views on the wisdom of this measure. The views I express are my own and have no relation to the views of any political parties or factions in Puerto Rico. Moreover, I make no pretense toward expert knowledge of Puerto Rico: I confine myself to problems of broad general economic principle, relating to the distribution of income and to economic development.

2—The general purposes of the bill must strike an economist as being vaguely philanthropic if not grandiose. One would wish for the typical citizen of any land both higher real wages and higher non-wage income. However, the guiding philosophy that underlies the bill is that associated with the two-factor theory of Louis Kelso (and various collaborators such as Mortimer J. Adler). Kelsoism is not accepted by modern scientific economics as a valid and fruitful analysis of the distribution of income, but rather it is regarded as an amateurish and cranky fad. Although it has been put forth in more than one book and has been around for a long time, the principal learned journals of economic science—e.g., the American Economic Review, the Royal Economic Journal, the Harvard Quarterly Journal of Economics, the Chicago Journal of Political Economy—have steadfastly withheld recognition and approval from the doctrines of Kelsoism. Its central tenet is contradicted by the findings of economic empirical science: according to statistical study of macroeconomic trends, by such distinguished scholars as Professor Simon Kuznets of Harvard (Nobel laureate in economics for 1971), Senator and Professor Paul H. Douglas (award winner for his Cobb-Douglas statistical measurement of the aggregate production function), MIT Professor Robert M. Solow, and numerous researchers at the National Bureau of Economic Research under the directorship of Arthur F. Burns, chairman of the Board of Governors of the Federal Reserve System, economic adviser to Presidents Eisenhower and Nixon, the contribution of labor to the totality of GNP is in the neighborhood of 75 per cent, with only 25 per cent attributable to land, machinery and other property.

Moreover, an increasing proportion of labor productivity is attributable in modern economics, such as Puerto Rico is aspiring to become, to investment of "human capital" in the form of education and skill enrichment. This 75–25 per cent breakdown is diametrically opposite to the Kelso presuppositions, which are purely speculative and not based upon econometric analysis of the observed statistics of nations at different stages of development.

3—Because the basic economic principles underlying the proposal are faulty, it is likely in practice to prove a cruel disappointment to the Puerto Rican people. Beyond its fundamental weaknesses, the proposal has many pitfalls and loopholes that the American Congress would condemn it to oblivion. Let me enumerate only a few of the defects that struck me at first study of the matter. If so many defects appear on the surface, think how many more a careful and informed analysis would reveal.

(a)—It is a first principle of sound finance that families at low income level must not invest so heavily as more affluent families in venture equities. Although Puerto Rican incomes are higher than they used to be and higher than in many Latin countries, island incomes are lower still than in any of the 50 states. It would be rash for California, our most affluent state, to tempt people into venture equity investment by guaranteed bank loans and various gimmicks of government guarantees and tax abatements. How much more rash for Puerto Rico.

(b)—You cannot get something for nothing in economic life. The scandal of John Law in ancient France pretended otherwise, and led to fiasco. I fear the same in this case. If the Commonwealth guarantees bank loans to purchase Patrimony stocks, it has thereby less credit to expend in other directions of development. What advantage is there in a dollar of dividends if it slows down the growth of productivity of real wages by tens of dollars?

(c)—The Commonwealth has a limited tax base. It must not squander that base. It must expend it prudently in developing industry. Every dollar of tax exemption squandered on the Patrimony is that much less of a dollar available for other Bootstrap operations. Here in the states, we have much experience, much of it sad, with venture capital efforts—the disastrous Small Business Investment Companies with their water tax exemptions, etc. All the least, very wealthy men who can afford to lose their money, should be relied on for such risky ventures. To tempt, or coerce, the masses and the poor into such avenues is to invite, if not disaster, at the least disappointment, economic inefficiency, and waste.

(d)—Further, the program is open to dangerous pitfalls of corruption, political patronage, and tax avoidance. Thus, if one has tens of thousands of dollars of capital gains in a business, and even if it makes no economic sense for this to be acquired by the Patrimony, there is a tax reason for selling to that body and temptation to lobby with some future government official to have this done. Who will be able to prevent this or even recognize that such a miscarriage of sound finance is taking place? To avoid inheritance tax, some men will send for the priest and at the same time acquire tax-exempt Patrimony shares, only to have their heirs sell off those shares after they have performed their loophole functions.

These are not vague possibilities. As consultant to the U.S. Treasury over the years and as an expert witness before congressional committees, I have had occasion to see every chink in the law exploited in this way, and yet I have never seen a mainland bill so carelessly drafted in terms of providing such tax-avoidance opportunities. The Puerto Rican legislature is warned!

4—In summary, despite the laudable intentions of the Patrimony bill, a careful cost-benefit analysis of its features in terms of scientific economics must raise grave fears concerning its unsoundness for a commonwealth anxious to elevate the standard of living of its citizens.

KELSO ANSWERS SAMUELSON'S ATTACK ON THE PROPRIETARY FUND BILL

(By Louis O. Kelso and Patricia Hetter)

We are grateful to Senate President Rafael Hernandez Colon. He has succeeded in doing what we have failed to do in more than a decade of effort. He has enticed a Keynesian economist—indeed, the dean of Keynesian economists—to break the conspiracy of silence which the profession has drawn around two-factor economics. More, he has wrung from Professor Samuelson an admission that the conspiracy has existed.

Professor Samuelson is correct in stating that "the principal learned journals of economic science," which he proceeds to name, "have steadfastly withheld recognition of approval from" two-factor economic concepts. The conspiracy extends beyond the refusal of the learned economic journals to publish articles, review books, or to acknowledge the existence of two-factor theory in any form. In the 14 years that have passed since the publication of The Capitalist Manifesto, no academic economist who has disagreed with it has seen fit to accept numerous invitations to subject two-factor concepts to public debate and discussion. Nor have two additional books, numerous articles and lectures succeeded in tempting the dissenting academic economists to engage in open, forthright dialogue.

The official silence which the academic economics fraternity has carefully preserved over the years does not mean that academic economists have not heard of two-factor theory or are indifferent to the challenge it offers to their 30-year reign over men's minds and the economic policies of the governments of the West. During these same years we have acquired an impressive collection of private "economic analyses" and "critiques" written by academic economists. Not one of these "refutations" has ever reached us through the courtesy of its author, or through the medium of print. The academic economist knows that controversy spreads ideas. Therefore, he prefers to attack underhandedly by stealth, using his self-conferred status as "expert" to disparage two-factor economics and to intellectually intimidate anyone of prominence who appears likely to succumb to this dangerous new heresy.

Even surreptitious attacks would be welcome and valuable if they were addressed to the actual concepts and assumptions of two-factor economics, and to the concrete business applications and the proposals and policies which this line of thought suggests. But this has yet to occur. Invariably the academic economist constructs out of a melange of fact and fiction a conceptual scarecrow which, he assures his reader, is an accurate representation of Kelso's ideas. With self-righteous ostentation, he then proceeds to demolish this effigy straw by straw, to demonstrate of what flimsy stuff it is constructed.

We had supposed that an academic economist of Prof. Samuelson's distinction would be above such shabby tactics. But his statement on the Ferre Fund is indistinguishable from the works of his minor league precursors. Like them, Prof. Samuelson has not bothered to read the books or articles which set forth the ideas he presumes to criticize. He does not understand two-factor economics. He does not understand the mechanics of the Proprietary Fund. He does not, by his own admission, understand the economy of Puerto Rico or the aspirations and needs of its people. Before we present the evidence for this harsh judgment, however, we would like to make a few general remarks about the academic Keynesian economist and the relationship between Keynesian economics and the state of the world today.

During the thirty-five years Kelso has spent as a corporate and financial lawyer among the men who actually organize and manage the wealth-producing enterprises that academic economists theorize about, the only professional economists he has encountered were in staff capacities, mostly in very large banks. Economists, particularly academic economists, have no function in the productive sector of the economy. They theorize about it (from a distance), they are supported by it, but they are not part of it.

The layman is inclined to believe that the "economist" is the final authority on all things economic; the economist, being human, does not discourage the illusion that without him the macro-economy would come crashing down about our ears in ruin. Happily for mankind, however, the facts are quite the opposite. We think it would help the people of Puerto Rico to evaluate Prof. Samuelson's contribution if we briefly considered the subject matter and limitations of Keynesian economics. For Prof. Samuelson is, of course, a Keynesian.

In his own words, "I first resisted the Keynesian revolution, and was finally won over."[1] Not only is Prof. Samuelson a Keynesian economist, he is the archetypical Keynesian economist. From the same New York Times interview, published shortly after he was awarded the Nobel Prize in economics in 1970: "Mr. Samuelson gladly accepted the award as evidence of the respect still due, in his opinion, the Keynesian school of thought. 'I have never been,' he said, 'a lone wolf outside the frame of reference of modern economists generally. My faults are the faults of my contemporaries. I have been through all the metamorphoses.' "[1]

But the world is waking up to the fact that Keynesian economics is not quite as "scientific" as its practitioners pretend. Sweden, one of the first countries to run its economy on Keynesian principles and widely proclaimed as a model of success, is in deep economic trouble. Here is the distinguished economics journalist Leonard Silk reporting to the New York Times from Stockholm:

"Public indignation over the failure of governments to solve the problem of inflation by conventional monetary and fiscal measures—without causing more unemployment than is politically tolerable—is starting to force a breakup of economic dogmas and political alignments throughout the Western world. The trend is comparable to the impact on politics and economics of persistent mass unemployment in the 1930's. But now as then, *public demands for improvement in economic policy are in advance of what either the economics profession or the politicians are yet prepared to offer.*"[2] [Italics ours.]

After 40 years of the harshest redistributive taxation in the Western world (average income tax 40%, sales tax, 17%), a Swedish government commission in 1968 found that taxation and social policies had little effect on income distribution, and that concentration of ownership of capital is even greater in Sweden today than in the United States or England. Inflation rampages on—it was 6% in 1971.

Recently the influential magazine, Saturday Review, devoted an issue to questioning the relevance of Keynesian economics. Here is Robert A. Solo of Michigan State University; not as illustrious an academic economist as Prof. Samuelson, but more honest.

"It comes down to this: the Establishment economics that is taught in the universities, proliferated in the journals, regurgitated in the councils of government, with all its mountains of published outputs, has not advanced our capacity to control our economy beyond what it was in the late 1930s.

"That after the clear failure of neo-classical and Keynesian concepts and techniques of monetary and fiscal control, the nation is left with no answer to the persistent and profound economic problems of inflation and unemployment save a wage-price freeze in the manner of World War I or World War II attests to the sterility of economic thought and policy."[3]

In 1971 the distinguished journalist Edwin L. Dale, Jr., of the New York Times, himself an economist, brought back what he described as a "cautionary tale" from England. There a great debate had raged over the question of whether Britain should or should not join the European Common Market. About a week before the decisive vote in Parliament, two letters appears in the Times of London. The first letter, signed by 154 full-time teaching officers of economics in British universities, predicted that the economic effects of joining the European Common Market "are more likely to be unfavorable than favorable to Britain." The second letter, signed by 142 full-time teaching officers of economics in British universities, predicted that these economic effects "are more likely to be favorable than unfavorable to Britain."

"Thus did the informed British public receive the verdict of the 'experts,' following about 10 years of erudite discussion and a mass of written material (including statistics) that probably equaled the entire literary output of the productive eighteenth century," commented Edwin Dale. He went on to explain that the issue was not the merits of Britain's entry into the Common Market. The issue was economists.

"In the United States we have gone through the strange drama of the monetarists versus the fiscalists while the economy itself was going to pot. We have had ever more complex econometric models of the economy wtih ever more dubious results.

"As the mountain of literature grows, and the mathematical equations become more impenetrable, and the predictions become more suspect, it is fair to ask a cruel question: are we seeing the decline and fall of the economists' empire?"[4]

The failure of Keynesianism in Great Britain was conceded as long ago as 1968. The august journal, The Economist, wrote the obituary. It recalled that Keynes had observed at the end of his magnum opus. "The General Theory of Employment, Interest and Money":

"Practical men, who believe themselves to be quite exempt from any intellectual influences, are usually the slaves of some defunct economist."

The Economist then delivered the coup de grace:

"The piquant situation today is that Keynes himself is now a defunct economist."[5]

It is true that The Economist only dethroned Keynes in order to crown Hilton Friedman and his monetary doctrines. But now the monetarists, after a brief day in the sun, are themselves defunct. At the American economy with ever more dubious results.
New Orleans in January of this year, Milton Friedman made this memorable confession:

"I believe that we economists in recent years have done vast harm—to society at large and to our profession in particular—by claiming more than we can deliver. We have encouraged politicians to make extravagant promises [which] promote discontent with reasonably satisfactory results because they fall short of the economists' promised land."[6]

At the same meeting, Arthur Okun admitted, in the words of The Wall Street Journal, "How distressing it was for himself and other Johnson administration fiscalists that the 10% income tax surcharge of mid-1968 failed to dampen the inflationary boom. 'When we were able to call the policy tune . . . the economy did not dance to it,' he ruefully recalls."[7]

Nor does Arthur F. Burns, chairman of the Board of Governors of the Federal Reserve System, seem to consider Keynesian economics the last word in scientific exactitude. In July of 1971 he issued this understatement of the fiscal year: "The rules of economics are not working in quite the way they used to."[8]

And this brings us to the heart of the matter.

Society imposes on "experts" in other professions—most particularly the sciences—the most rigorous standards of accountability. Society does not bestow honors on engineers whose bridges collapse, nor do people queue up to consult physicians whose patients mainly end up in the cemetery. The reward of a lawyer who counsels his client to ruin is not the Nobel Prize but a malpractice suit. But economists so far have been excused from having to submit their theories to the test of empirical reality which society imposes on more mundane disciplines. In the forty years that have turned all economists into Keynesians, the diagnoses, proposals and remedies emanating from this profession have

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Footnotes at end of table.

been consistently in error. The institutional walls between our actual and potential productive power on the one hand and our proliferating poverty and misery on the other have remained. These theories display without exception the fatal characteristic which Pasteur, who was a true scientist, declared the infallible sign of a false theory, namely, "the impossibility of ever foreseeing new facts; whenever such a fact is discovered, those theories have to be grafted with further hypotheses in order to account for them."[9]

"True theories, on the contrary," continued Pasteur, "are the expression of actual facts and are characterized by being able to predict new facts, a natural consequence of those already known. In a word, the characteristic of a true theory is its fruitfulness."[10]

With a sound theory, in other words, you can make accurate predictions. But the "scientific economics" of Prof. Samuelson and his colleagues is virtually useless for providing reliable information about the future. The ancient Roman Senate consulted public soothsayers or augurs before every important act of policy, government or war; these haruspices—liver inspectors—would report on the will of the gods by examining the entrails of sacrificed animals. Academic economists are the augurs of our day, although their clients could probably learn more about the future by reading an academic economist's entrails than by consulting his prognostications and econometric models.

Here we venture to make a modest prediction. The world is about to discover that economics is only potentially a science. True "scientific economies" is two-factor theory, not yet recognized in the circles of the academic economists. Fashionable economics today is in exactly the same state that medicine was before the germ theory of Pasteur. Prof. Samuelson considers two-factor economics a "crankish fad." We consider his one-factor economics preposterous quackery which enlightened people will soon discard. Puerto Rico, indeed, is already in the process of doing just that—which is the real motivation for Prof. Samuelson's attack.

The fundamental absurdities of Keynesian "scientific economics" are generously illustrated by Prof. Samuelson in his statement.

To begin with, the Professor asserts that the central tenet of two-factor economics is "contradicted by the findings of empirical science," as personified by various Keynesian colleagues and institutions whose names he proceeds to drop for the next 10½ lines—in the belief, evidently, that the people of Puerto Rico will be intimidated by this fusillade of authority into relinquishing the right to think for themselves. Prof. Samuelson would do well to recall the wise warning of one of his colleagues, the British economist Colin Clark: "Economists, speaking collectively, have a remarkable capacity for being wrong."[11]

Unfortunately, Prof. Samuelson has either dashed off his statement in careless haste, or entrusted its preparation to one of his students. For he neglects to identify two-factor economics' central tenet. He implies that it is the opposite of what empirical "economic science" has found, namely that labor contributes about 75% to the total GNP, and land, machines and other property only 25%. If Prof. Samuelson means that labor receives about 75% of the total income in the economy, while capital owners receive about 25%, this is such a universally-known fact that no one would bother to dispute it. This statistic is not the central tenet of two-factor economics, however. Since Prof. Samuelson does not seem to be able to locate its central tenet, perhaps he will not be offended if we venture to enlighten him.

The central proposition of two-factor theory is simply that there are two factors of production, people and things, and that the function of technology is to shift the burden of production from the human factor to the non-human. Each factor produces wealth in exactly the same sense—physical, economic, political and moral. An individual can legitimately and effectively engage in the production of wealth through the ownership of either factor, or, as common sense suggests, through a combination of both.

This is a momentous and basic truth which Prof. Samuelson could not refute even if he understood the significance of what is asserted, which he does not.

It is also a truth which neither the economic policy of the United States nor that of any other nation recognizes. Under the tutelage of one-factor Keynesian "scientific economics," the economic policy of all the Western nations is exactly the same. Full employment of the labor force alone is relied upon to enable all people to produce an adequate income. It is full employment that is the number one goal—not the highest level of affluence attainable with current technology and consistent with environmental protection and wise resource use. The Keynesian economic goal is indistinguishable from that of the Soviet Union, and its imitators in Cuba, China, etc. Its spirit may be summarized in a phrase: Full toil for all forever.

Puerto Rico, through the Ferre Plan, would be the first government in the world to recognize that things produce wealth as well as do people and that in an age of accelerating technology, a family can rarely produce an affluent standard of living for itself through labor alone, even if all of its members are employed. Each consumer unit must have the opportunity to produce some of its income through ownership of productive things, as well as through employment. No Keynesian has ever suggested such a policy, nor could he, for his pre-industrial tunnel mind is focused on just one factor of production, labor, and his ideal for humanity is to make a toiler out of every human being not confined to his crib or his bed, and to leave the ownership of proliferating and ever-more productive capital to the already rich.

The people of Puerto Rico must be alerted to one other Keynesian blind-spot before we dispose of Prof. Samuelson's other erroneous and irrelevant criticisms of the Ferre Fund. Keynesian doctrine is totally oblivious to the concept of private property. It is indifferent to ownership—to its legal attributes, to its personal, social and economic benefits, to the relationship between private property and freedom, to the economic and social consequences of the concentration of ownership of industrial wealth (with only a handful of exceptions), and to the hole of private property in power diffusion. To the Keynesian, the income produced by capital exists only to be redistributed. Property, like freedom, independence, leisure, affluence, love of peace, and other human desires, are "values," and "ethical judgments," and the Keynesian economist is not concerned—to quote Prof. Samuelson's best selling economics textbook—with "basic questions concerning right and wrong goals." These are beyond the realm of their "science."

Property, of course, is a supreme value—it is only private property in one's labor power that distinguishes the free man from the slave. Being oblivious to property, the professional economist also ignores the evidence that most human being are fiercely attached to their property, resent parasites, and strenuously resist all the plans of the professional Keynesian economist to redistribute their property income, from labor or from capital, to the less productive or the non-productive. In the 8th edition of Prof. Samuelsons textbook, Economics, the concept "property" appears in the index only twice, one of these entries being "Property taxes." A total of 71 pages is devoted to employment, full employment and unemployment. This emphasis eloquently reveals the Keynesian blind spot.

But the American economic dream—indeed, the universal economic dream—has never been toil, but a defendable property relationship between the individual and the productive land, structures, and machines on which economic wellbeing depends. The Keynesian "scientific economist," who considers the realm of value judgments none of his affair, does not understand that his sacrosanct goal of full employment is itself a value judgment, for if capital instruments are the source of affluence and leisure, why should men and women be condemned to make their productive input solely through toil and labor? Why should economic policy fly in the face of technological facts? Why should the rich get more capital and the poor stay capital-less?

The goal of the Proprietary Fund is to eventually create a generally affluent Puerto Rico. Employment opportunities will be greatly increased by the new consumer demand that the Proprietary Fund will help unleash. Full employment should be an important *effect* of the Ferre Plan. It is not the *goal*. Its goal is greater affluence for Puerto Ricans.

Mr. Samuelson states that "one would wish higher real wages and higher non-wage income for everyone." This pious sentiment confuses the issue at the outset. The Proprietary Fund envisioned by Gov. Ferre is not designed to create just any kind of "non-wage income." It is specifically designed not to create any of the kinds of non-wage income that the Keynesians rely so heavily on to accomplish redistribution. Indeed, it is precisely such kinds of non-wage income that bloat the statistics Prof. Samuelson cites as evidence that labor *produces* 75% of the economy's goods and services. That labor *receives* 75% of the economy's income does not mean that labor produced it. The statistics include income obtained through organized coercion, doles, unemployment compensation, redistributed income removed from the productive sector through taxation, governmentally subsidized boondoggle paid for by taxpayers (income channeled through boondoggle is disguised to look like "wages," but actually represents non-productive make-work grants, subsidies, or other types of handout).

Not a trace of criticism is due labor unions or individual wage-earners for this development. The responsibility rests squarely on Keynesian "scientific economics" which lie, misrepresent or equivocate about technology's logic and function. Keynesian "scientific economists" assure workers that technology causes the productivity of their labor to rise, although the facts are just the opposite. The Keynesians, in short, with their one-factor myopia, have put the workers and their unions in a position where, as inevitable technological change robs them of the adequacy of their labor power, their Keynesian-misguided institutions do not restore and enhance that productive power by building capital ownership into them. Keynesian doctrine forces labor to demand more pay for less work—a short-term gain that is quickly offset by the resulting rise in the cost of living.

Prof. Samuelson frequently invokes the "findings of economic empirical science" based on "statistical study of macrocosmic trends." But a real scientist looks behind observed phenomena for the explanation or cause. To ignore the role that coercive redistribution plays in the national income statistics, and to assert that all the income diverted to labor represents real productive input, is about as "scientific" as reading a thermometer while holding a blow torch under the mercury bulb.

Footnotes at end of table.

As for the scientific basis of Keynesian economics, Prof. Samuelson's advice to beginning economists who study his textbook, Economics, reveals his contempt for scientific method:

"'Satchel' Page, a great baseball player, once said: 'Never look back; someone may be gaining on you.' This is good advice in economics, too. Do not look back to see what caused past layoffs; look forward to see what you have to do to restore high employment. This is more efficient—and more helpful.

"Better still, this approach means you do not have to decide whether the pessimists are right who argue that inventions will kill off more jobs than they create. Why care? *In every case we know that high employment without inflation will require monetary and fiscal policies of the correct magnitudes and mixed economies know what needs doing.*"[12] [Italics his.]

The Ferre Fund is designed to enable men born without capital, or without adequate capital, to buy it, to pay for it out of the income *it* produces, to own it and thereafter to receive capital income in addition to their wages.

"Wishing" is one thing. Translating the wish into action is another. Perhaps Mr. Samuelson would come forward and identify those of his works (written works, that is) where this "wish" has been translated into an actual proposal for enabling the nonpropertied many to obtain capital ownership. We have searched his writings carefully and are confident that no such proposal has ever been made or implied. Since Prof. Samuelson is a millionaire and is proud of his speculations in the stock market, it may be presumed that he is aware that capital ownership exists and is a good thing—for Prof. Samuelson and the 5% or so of families who monopolize ownership of capital assets in the United States and elsewhere.

As for the Proprietary Fund proving "a cruel disappointment to the Puerto Rican people," that is a strange prophecy, considering its source. Keynesian "scientific economics" has been disappointing people in one economy after another for almost 40 years. Since 1932 the Keynesians have pretended to be fighting poverty. In actuality, they have invariably confined their attacks to the *effects* of poverty, while meticulously ignoring its cause: the low economic productiveness of exclusively labor-dependent people unassisted by capital ownership in an economy where progressively more goods and services are produced by the non-human factor of production owned only by a few families at the economy's pinnacle. As a consequence, and with rare exceptions, the only poverty consistently cured under Keynesian policies and prescriptions is the poverty of Keynesian economists. Little wonder that Gov. Ferre's proposal to attack the causes of Puerto Rican poverty by building capital ownership into the people has triggered Prof. Samuelson's desperate effort to save the Keynesians' faces. He libelously insinuates that Gov. Ferre is the modern day counterpart of the 1720 infamous stock swindler, John Law, who nearly bankrupted France with his fraudulent scheme.

As for the "defects" that Prof. Samuelson thinks he sees in the Proprietary Fund proposal, not one is well founded.

"It is a first principle of sound finance that families at low income levels must not invest so heavily as more affluent families in venture equities." The professor has managed to overlook the fact that the Proprietary Fund involves making available to the average worker the logic of business investment that is traditionally used by the business corporation itself on behalf of its stockholders: to provide them with access to *nonrecourse credit* on terms where it will be used to buy newly issued stock, the proceeds of which to the corporation will be used to acquire business capital on terms where it will pay for itself. The Proprietary Fund, like the growing applications of two-factor financing techniques used in business in the United States, does not call for any deductions from the worker's paycheck, nor for investment of his savings. Thus, it is a kind of investment which enables the man born without capital to invest in the largest and best managed corporations on terms where, when the productive capital has paid off its financing cost, he can own it, protect it, and enjoy its income. Nothing in the Proprietary Fund proposal, nor in any use of two-factor theory to build equity ownership into those who are born without capital, involves any "venture equity investment" by the individual either of his income or his savings. Thus Prof. Samuelson, by misrepresenting the nature of the proposal, seeks to mislead his readers and his clients.

'You cannot get something for nothing in economic life," says the professor. What the professor implies here is that (1) one who does not own capital can legitimately acquire it only to the extent that he foregoes the use of current income for consumption and (2) that one cannot acquire income without personal toil. The first point, as noted above, happens to be contrary to the basic self-liquidation logic of financing capital formation that is standard operating procedure in well-managed businesses everywhere. The second implication happens to be a variation on a favorite phrase that Prof. Samuelson repeats over and over again in his writing and in his lectures: "There is no such thing in economics as a free lunch."

In the pre-industrial past, the "no free lunch" assertion was true for most men. Today, it is not true except to the extent men continue to be victims of one-factor Keynesian thinking. The essence of two-factor theory is that there are two factors of production, the human factor or labor, and the non-human factor or capital. In the sense that men may legitimately and properly enjoy income produced by their privately owned capital, there is such a thing as a toil-free lunch. Indeed, the industrial world lives primarily on toil-free lunches, and as technological advance progresses, it will increasingly do so. In the sense of saving toil, you can indeed get something for nothing in economic life, and it is the purpose of the Proprietary Fund to make this advantage of technology available to those who traditionally do not own capital. That Prof. Samuelson will have many of his most cherished misconceptions trampled upon by such a program is perhaps of less importance than solving the problems of poverty for the masses and the inadequacy of their purchasing power for the merchants.

Prof. Samuelson darkly hints that 'if the Commonwealth guarantees bank loans to purchase Patrimony stocks, it has thereby less credit to expend in other directions of development." What he conveniently overlooks is that the proceeds of the Patrimony Fund received from the credit-financed purchase of its stock is indeed invested in economic development. That is one of the main purposes of the Proprietary Fund.

"The Commonwealth has a limited tax base. It must not squander that base. It must expend it prudently in developing industry. Every dollar of tax exemption *squandered* on the Patrimony is that much less of a dollar available for other Bootstrap Operations." Prof. Samuelson again resorts to incredible misrepresentation. One of the prime purposes of the Proprietary Fund is the developing of industry, the building of the Commonwealth tax base, the the expansion of Commonwealth private industry. All of the expertise that has been used in "Bootstrap Operations" will be used in the operations of the Proprietary Fund, with this difference: the ownership of the industry thus developed and expanded will be built into private individual citizens of the Commonwealth.

The scientific professor, in referring to the sad experience of the United States with "venture capital efforts" is disregarding in total the objectives of the Proprietary Fund. Its function, exactly like the function of "Operation Bootstrap" is to bring to Puerto Rico or expand in Puerto Rico the largest, best financed, best managed and most prosperous business corporations that can be found. The difference is that a portion of their ownership, to the extent financed through the Proprietary Fund, will be in the individual Puerto Rican employee, without any deduction from his paycheck or investment of his savings. Capital, in well-managed businesses, pays for itself, not just once, but repeatedly. The object of the Proprietary Fund is to assure that the first time following investment by the Proprietary Fund that the capital pays for itself, it will be owned outright by the employee-investors (through non-recourse credit) in the Proprietary Fund. The scandalous distortion about "tempting" and "coercing" the masses and the poor into giving up their limited wealth is simply "scientific" misrepresentation.

"Further, the program is open to dangerous pitfalls of corruptions, political patronage, and tax avoidance." If Prof. Samuelson can conceive of any greater corruption than that fostered by the "scientific economists" through their subsidized boondoggle in agriculture, industry, education, research, foreign aid, and elsewhere, we would like to know about it. The cheap political trick of trying to prevent sound change by conjuring up visions of misuse and human fraud is an old one. The fact of the matter is that those economies which do not make the ownership of capital available to the great majority of their citizens inevitably invite fraud and corruption.

The American Dream, so far as economics is concerned, is the ownership of a private holding of capital that will produce a private supplement to income. The "scientific economists" have succeeded in defeating realization of this dream for most Americans for 40 years. Without legitimate avenues to buy capital, pay for it out of what it produces, and to own it and enjoy its economic security and its support to political freedom, fraud inevitably becomes a part of the distribution structure itself. Thus the activities in recent decades of the "scientific economists," in limiting the masses of citizens of every economy to the solution of their personal income problems through employment (real and pretended) alone, are the chief perpetrators of fraud and corruption. If men cannot acquire capital ownership legitimately, in a world where it is perfectly clear that the ownership of capital is critical to their wellbeing, then they will acquire it illegitimately.

The important truth is that all schools of one-factor economic thinking—the "scientific economists"—are obsolete. The "scientific economists" of the Keynesian or Keynesian-Samuelson schools, like "scientific Marxism," are as non-scientific and as contrary to reality as it is possible to be. Their theory of the "rising productivity of labor" (a more grotesque version is called "increasing human capital") is a hoax. It consists of measuring the output of two factors of production (the human and non-human) in terms of the input of one (the human) and attributing all gains, where comparisons are made, to the human factor. In reality, the gains in productiveness are not in the human factor but in the non-human factor. It is capital that is the source of our increasing affluence, and when "scientific economists" deprive most men of the legitimate, effective and speedy means of acquiring the ownership of capital, they deny them the right to freedom, to leisure, to peace, and to affluence.

Footnotes at end of table.

Gov. Luis A. Ferre is a modern hero in his earnest effort to make the ownership of capital accessible to those Puerto Ricans who are not born with it. It may well serve the purpose of Gov. Ferre's political opponents to call upon the pseudo-scientific economists like Prof. Samuelson to mislead the public as to the nature and purpose of the Proprietary Fund bill, but it does not serve the interests of the people of Puerto Rico, nor their future prosperity, nor their liberty.

Puerto Rico has before it in the Ferre proposal the opportunity to show all of Latin America, and indeed all of the world, that there is an alternative to socialism, either of the Marxian variety such as that found in Cuba, or of the Samuelson variety that is gradually converting the United States economy into state capitalism.

FOOTNOTES

[1] New York Times, Nov. 7, 1970, p. 2–E.

[2] New York Times, Oct. 7, 1970, p. 67.

[3] Saturday Review, Jan. 22, 1972, p. 47.

[4] New York Times, Nov. 7, 1971, p. 7 Financial Section.

[5] New York Times, Nov. 6, 1968, p. 53.

[6] The Wall Street Journal, Jan. 10, 1972, p. 1.

[7] The Wall Street Journal, Jan. 10, 1972, p. 1.

[8] Statement before the Joint Economic Committee, July 23, 1971, p. 2.

[9] The Life of Pasteur, by Rene Vallery-Radot (Garden City Publishing Co., Inc., N.Y.), p. 243.

[10] Op. cit.

[11] The Cost of Living, a pamphlet (Hollis & Carter, London) 1957.

[12] P. 319, Economics, 8th Edition.

[From the Wall Street Journal, Mar. 29, 1972]

IN PUERTO RICO, STOCKS FOR EVERYONE

(By Richard F. Janssen)

SAN JUAN.—To examine garden-variety government giveaways, one needn't come to Puerto Rico. To the chagrin of conservatives and the applause of liberals, governments around the world long have been handling out everything from false teeth to flour and beans, from welfare checks to subsidized mortgages.

But one does have to come to Puerto Rico to find a government planning a giveaway that is uniquely seasoned to both liberal and conservative tastes: shares of stock, and for nearly everyone.

In essence, Puerto Rico is considering opening up to the average mechanic or garbageman the same avenue a wheeler-dealer might take toward investment in a corporation with no cash outlay of his own—borrow money from a bank, use it to buy stock and use the dividends to pay off the loan. To make this painless approach to investorhood feasible on a mass basis, the Puerto Rican authorities propose to prearrange and guarantee the loans, and provide the stock through a sort of government-run national fund.

If the bill being pushed by Gov. Antonio Luis Ferre is enacted (and prospects appear good), it could gradually transform Puerto Rico into a "commonwealth" in actuality as well as name, making it an island populated almost entirely by capitalists. All this, advocates admit a bit nervously, may flow from a theory that no country has hitherto tried to apply, and one that most prominent American economists dismiss as a crackpot dream.

MR. KELSO'S THEORY

For years now, Louis O. Kelso, a San Francisco lawyer-author, has been telling people about his "theory of universal capitalism." It holds that the economy would grow much faster if the earnings of capital went to the great mass of people poor enough to speed them swiftly on a worldy goods they need, rather than to a tiny slice of wealthy investors already sated with possessions.

If the theory takes roots in Puerto Rico's lush tropical climate, it just might be transplanted to northerly industrial nations. Canadian officials are already expressing interest, sources here say, and the more enthusiastic backers can envision long-poor Puerto Rico someday leading the U.S. itself into a bright new era in which every worker enjoys a sizeable "second income" from his dividends.

So what happens here is "important for the world," says Joseph A. Novak, a 41-year-old private tax lawyer from Massachusetts. Mr. Novak finds himself the key man in the effort to tailor the theory to Puerto Rican conditions. His assignment owes much to some chance personal encounters.

Mr. Kelso met once with Gov. Ferre some time ago, while on a mission involving a much narrower aspect of his dream, a corporate employe stock ownership plan. On the airplane back to the mainland, Passenger Kelso happened to sit next to Passenger Novak, and sparked his interest. Last summer, chance struck again. Gov. Ferre tapped Mr. Novak's law partner to be his treasury secretary, and Mr. Novak sent the idea up through the newly personalized channels. He almost instantly drew the assignment to draft a detailed plan, which stayed quite secret until the governor sprang it early this year.

If it succeeds, the impact could be nothing less than "to save capitalism," Mr. Novak asserts. By giving almost everyone "a piece of the action," he figures, there's at least a fighting chance to counter the alienation of the young and poor, and to inspire employes to greater loyalty and diligence. Maybe, others add, it would even make workers less likely to resort to strikes and sabotage such as the much-criticized-local telephone company has suffered lately.

Failure, on the other hand, could cause at least as much grassroots disillusionment with the free enterprise system here as the collapse of speculative off-shore mutual funds has among Europe's small stockholders.

Even if so much weren't potentially at stake, the details of the plan would be inherently intriguing. And they could, of course, make it foolproof, or mask a fatal flaw.

The basic instrument is to be the "Proprietary Fund for the Progress of Puerto Rico," known popularly in Spanish as the "Patrimonio" and in English as the "Ferre Fund," a nicety not lost on the governor's political opponents in this election year. Every employed Puerto Rican with gross wages between $800 and $7,800 a year would be eligible to buy convertible preferred shares in the fund. In turn, the fund's professional managers would invest in a diversified portfolio of commercial, industrial and agricultural operations in Puerto Rico.

The individual shareholders could buy in "without putting up a dime," Mr. Novak stresses, because the government expects banks to make fully guaranteed loans to every eligible person. And there's a free bonus to lure eligible investors into the plan; if a worker borrows his proposed first-year limit of $50 to buy the preferred shares, the government will draw from a $10 million appropriation to buy him a matching $50 of common shares.

With priority accorded to those at the lowest end of the income scale, planners expect they'll be able to accommodate about 200,000 of the 800,000 eligible investors the first year. The dividends on both classes of stock will be earmarked for paying off the bank loans, at which point the preferred shares will be converted into common and the worker-investor can start pocketing the dividends.

That should take only about five years, they figure, counting on shrewd investment decisions and a generous array of tax advantages to produce a return to the fund of 20%, maybe even 40% annually. (If it does take longer than five years, the government pays off the bank loans and gets all the dividends until it in turn has been paid off.) Under the law, the individual's credit record would be protected against any blemish.

For earnings to be at least 20% annually is "not all that unrealistic," Mr. Novak argues. Some of the investment will be in small, presumably fast-growing local ventures, and in most cases the fund will insist on a "relatively high" dividend payout before investing. The fund will be free of all taxes, and it can issue tax-exempt bonds to supplement its resources.

That's not all. If the fund owns, say, 25% (the proposed maximum control) of a corporation, then 25% of that company's income tax will be turned over to the fund in addition to the dividends. To encourage people to sell shares they now own in profitable existing businesses to the fund, the bill would make their capitol gain tax-free. These receiving dividends on fund shares won't pay any income tax on them, and higher-income residents earning up to $18,000 a year will get an income-tax deduction for buying up to $100 in fund common shares under a "supplemental investment plan." This might provide many more millions to add to the fund's basic first-year resources of $20 million.

HAZARDS CONCEDED

There are hazards, even ardent backers concede. At one extreme, the fund could become too successful. Within a few decades, some figure, it could prosper so massively that it would clearly be the most pervasive force in Puerto Rico's economy, in effect socializing or nationalizing much of industry, agriculture and retailing. Conceivably, the fund's chunk of big U.S. and foreign companies doing business in Puerto Rico could give it the pivotal voice in proxy fights, pollution-policy battles and other corporate issues, with global reverberations.

At the other extreme, it could be starting so small that it will stay that way. The prospective five-year wait for the first dividend check could deter many from even bothering to make the trip to the bank and to fill out the loan application. And then the dividends might not be more than a few dollars a year, or an almost imperceptible few cents a week, far from enough to bring a meaningful reordering of social attitudes and economic standing.

Despite a lot of local press attention, proponents are well aware that overcoming apathy, misunderstanding and outright mistrust rank as major problems. "The Patrimonio? I know noting of it," shrugs Umberto, a short-order cook in a working-class restaurant here; nor does he want to, and not because he's uninitiated in the world of finance. "A few years ago I bought stock in a very famous food company, and now I hear nothing from them—except I read that they are bankrupt."

Unsettling for one Ferre plan fan is that he tried to explain it to the family cleaning woman, finally settling for the simplest possible description that it is "just like *acciones,*" Spanish for common stocks. Only she hadn't heard of acciones. Other potential investors are unshakable in their misimpressions. "It is only for government employees," insists Juan, a part-time waiter who cites his credentials as a student of political science as authority. Besides, he argues, "I am a socialist, and this is a reactionary sham."

Some more careful analysts come to much the same conclusion. The suspicion can't be avoided that the Ferre Fund is "little more than a dressing up of the facade of the body politic, or worse still, politicking for the working class vote in an election year," contends an article by Richard Gillett, director of the Puerto Rico Industrial Mission, and Jose J. Villamil, a professor in the University of Puerto Rico Planning School.

A BASIC OBJECTION

The basic objection, these and other academic critics contend, is that with an unemployment rate running around 12% there are other things that Puerto Rico needs more—among them a more progressive tax system and greater budget outlays for housing, welfare and other services rendered more directly to the poor.

Legally required profit-sharing by individual companies probably would have more impact on worker morale than this "indirect and most likely ineffectual" economy-wide form, suggests the university's Prof. Arthur J. Mann. He doubts it can do much to redistribute income; now, he calculates, the poorest fifth of Puerto Rican families have 3.2% of the income, while the richest fifth have 47.2%.

The advocates appear no less sincere, however, in wanting to reach the same ends of a more equitable distribution of wealth, and in a way that strengthens rather than weakens the free enterprise system. Anyway, the appeal of "something for nothing" is so elemental that labor and political leaders to the left of Gov. Ferre's GOP-oriented New Progressive Party generally aren't inclined to risk outright opposition.

So it appears that Mr. Kelso's long-scorned plan for a short-cut to universal capitalism is due for its first practical test. It is hard to shake the thought that it is probably just as well that the test take place on a very small island. But it is also hard to avoid the conclusion that it is well for the test to be made.

DISCONTINUANCE OF THE POSTAL ACADEMY

Mr. HARRIS. Mr. President, I invite the attention of Senators to an article by William Raspberry, about the decision that was recently made to discontinue the Postal Academy program as of June 30, published in the Washington Post of Monday, May 22, 1972.

The Postal Academy, now operating in six cities throughout the United States, is patterned after the New York Urban League street program, whose primary purpose is to reach inner-city youngsters who have dropped out of school for such reasons as need for a job, rebellion against the public school society, trouble with the law, family difficulties and pregnancy, and to get them to resume their education.

I am very disappointed that such a program, tailored to the needs of young people whom our society has not been able to reach, is being discontinued. When the Government spends thousands of dollars on study after study trying to determine what programs would aid the poor, it demonstrates its insincerity by dropping a program with a proven record of success.

For further review by Senators, I ask unanimous consent to have printed at this point in the RECORD, along with the newspaper article, a fact sheet giving some background information on the history of the Postal Academy, its aims and its financial needs.

I urge that serious consideration be given by the Departments involved to reconsider their previous decision and continue this very important program for those young people who so desperately need encouragement and help in getting back into the mainstream of life.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ANOTHER BAD DECISION

(By William Raspberry)

Sometimes you wonder if there isn't somewhere in the bowels of the federal establishment a deputy under secretary in charge of official madness.

If there is, he could be the guy who ordered the end of the Postal Academy Program, effective the end of next month.

The Postal Academy, modeled after the Urban League's Street Academy program in New York, has been in operation for two years in six cities. Its purpose is to reach inner-city youngsters who have dropped out, or been pushed out, of public school and get them to resume their education.

By the account of a government-ordered evaluation study, the academy was doing its job very well.

"There seems to be real pride, hope, positive attitudes, feelings of accomplishment and the kind of aspirations that one would hardly expect to find among a group of inner-city school dropouts," the evaluation report said at one point.

And at another: "As in most experiments, there were both successes and failures. The prime objective of the program—to educate and motivate disadvantaged school dropouts—appears to be the strongest part of the program and generally is being achieved."

The evaluators recommended continuing funding. The letters informing academy leaders that funding won't be continued don't contend that the program has been a failure, either here or in any of the other cities where it operates (Atlanta, Chicago, Detroit, Newark and San Francisco).

In fact, the letters don't say much of any thing at all by way of explanation.

You can get an off-the-cuff explanation from former Assistant Postmaster General Ken Housman, though.

"Red (former PMG Winton "Red" Blount) is gone, and the people in there now aren't interested in this kind of effort, in my opinion. It's a damn shame."

If that sounds a little bitter, Housman is entitled. It's his baby that's being thrown out.

Housman, an official with Union Carbide at the time, was one of the leaders in the movement to get businesses involved in the prototype Street Academy program, sponsored by the Urban League in New York.

When he was tapped to come down to Washington as assistant PMG, he brought his enthusiasm for the academy program with him.

"I wanted to build on what I already knew about the Street Academy program and also the special advantages of the Post Office. Postal people are walking the street, every day, making direct personal contact with the people we were interested in reaching.

"Also, the Post Office had the advantage of being nationwide; it was in every city. I saw it as a chance to use some of the country's untapped resources to tackle some of the problems of the country."

Housman, now a vice president of Amtrak, said he limited the Postal Academy to six cities initially because he thought the idea needed proving.

"Well, I think we proved some things," he said last week, "and I'll be mad as hell if it's not going to be used somewhere."

The program's most useful findings in dealing with youngsters who haven't made it in regular school programs, he said, are:

Part-time work is vital "if you're going to keep a youngster interested in school instead of in hustling."

You have to be interested in the total lives of people, not just their education.

You don't need certificated teachers. "It's interest and dedication that turns these kids on."

"Look at the (evaluation) report," he said. "Well, that's factual. That's not an effort for publicity, that's not a grandstand play. In fact, when it first came out I wouldn't even permit publicity on it.

"But the report reflects enthusiasm, both on the part of the students and on the part of the teachers (mostly postmen detailed to the program). It's the same spirit as in the early days of the Peace Corps."

There's a good deal of evidence that he's right. A good many of the postmen involved with the program, for instance, are saying they won't exercise their right to return to the Postal Service if the program folds.

"In fact, most of us aren't going back," one of them said. "Not in protest. We just feel we have to do something for the 280 youngsters who are still in the program."

THE POSTAL ACADEMY PROGRAM: A CASE FOR SURVIVAL

The Postal Academy Program, located in six cities across the country, involving approximately 1500 staff and students at an annual budget of 4 million dollars has been evaluated by the Department of Labor as an "asset to their cities." The evaluators took time to document the "air of exuberance" in these storefront schools accommodating young high school dropouts looking forward to their High School Equivalenncy Diplomas and a chance for a college experience.

Despite proven success and the crying need to restore the victims of our inner city schools, the Postal Academy Program is being *closed down!*

SOME HISTORY

The Postal Academy Program has its roots in the decade long experience of the New York Urban League Street Academy Program. There, a handful of men daily faced the desperation on the faces and in the hearts or urban youth and slowly evolved the concepts and practices which became Street Academies and Harlem Prep. Late in 1969, a few of the leaders in New York brought their vast experience and successful model to Washington and convinced the Post Office Department, Labor and O.E.O. to inaugurate a federally funded program marrying the concepts and experience of the street academies with the resources of the Postal Service.

The Postal Academy Program brought from New York the concepts of small storefront schools identified with the communities in which they were located. This structure was filled out from the resources of the Postal Service.

The Academy staff was selected primarily from qualified postal employees interested in dealing with youth, who were then detailed to the program full-time. Academy students received part-time jobs in the Post Office in the evenings. In addition, the Post Office provided such services as educational materials from their dead letter office, transportation and administrative support.

More important than the structure and services to the success of the Postal Academy Program is the attitude which the staff has toward high school drop-outs. It believes that students in the acedemies have as high or higher potentials than those who remain in school. It feels they dropped out for a variety of reasons that often had nothing to do with academics—need for a job, rebellion against the public school society, trouble with the law, family difficulties, pregnancy. Therefore, it feels that if an atmosphere of learning and development different from the public school which they left can be created in the academy, there is no reason that the students could not achieve. For this reason, it emphasizes motivation, self concept, and academics rather than job training. For this reason, too, it encourages the students to aspire high—beyond the GED to further education or to a challenging career.

The program emphasizes three points which it believes are important in its ability to reach dropouts. First, it believes that academics must be set in the student's life context and that his everyday needs must be met as well as his academic needs. Thus, the academies have unique staff members called streetworkers, who establish close relationships with students, counsel them, and meet their housing, job, health, legal, and other personal needs whenever required—regardless of time or day. It is trying to correct a failure of the public schools and most social service agencies which only deal with a part of youth's life and fail to come to terms with his total life.

Secondly, the Postal Academy Program believes that the establishment of friendly, trusting relationships among staff and students is a prerequisite for motivation and learning to take place. Thus, in the selection of staff, the Director of an Academy places greater emphasis on the ability of the staff member to convey genuine concern, respect, and appreciation to the students than on his academic or professional credentials.

Thirdly, the program, through its academic and related activities, attempts to help the student to place all knowledge, skills, and concepts in a context of a larger search for adequate values and life style for a person of the future. It believes that knowledge is worthless unless a student places it in a context of what he thinks is important to him and what he wants to do with his life.

In May 1970, the Postal Academy Program first opened its doors to an initial group of 250 students in sites in five cities—Atlanta, Chicago, Detroit, San Francisco and Washington, D.C. located in a variety of renovated community buildings in the urban centers. Each of the academies recruited an initial group of fifty high school dropouts, aged 16–22, under the direction of a local community oriented Director.

In the two years since then, the PAP added two new academies in the existing cities and opened a new academy in Newark. The enrollment has grown to 1,275 and the academies are showing the first fruits of success. As of January 1972, scarcely one and one-half years after opening, the Postal Academy Program has recorded 58 students who are in college, 95 students who have received their high school equivalency diploma, 103 students who entered full time employment, 16 students who entered the armed services, and 57 students who returned to the public schools. In November 1971, the Department of Labor conducted an extensive evaluation and had high praise for the quality of the staff and of the educational program and of the enthusiasm of the students.

ABOUT FUNDING

In its first year of operation, the Postal Academy Program was financed by the Department of Labor and the Office of Economic Opportunity while the Post Office Department contributed ten percent of the total 4 million dollar budget. As now, no formal funding arrangements were established and the money was allocated through informal arrangements between the Secretaries of Labor and OEO and then Postmaster General Winton Blount.

In fiscal year '71, O.E.O. was replaced by the Department of Health, Education, and Welfare. In fiscal year '72, the budget was made up of the following components.

Department of Labor	$1, 585, 098
Health, Education & Welfare	2, 127, 400
U.S. Postal Service	386, 800
Total fiscal year 1972 Budget	4, 099, 298

These funds are still coming from informal agreements between men in high places. It is also true that much of the H.E.W. money is from their MDTA funds which makes the Department of Labor a substantially larger contributor than the above breakdown would indicate.

The Postal Academy Program is a victim of these informal funding patterns. It is basically an education program and the Postal Service and the Department of Labor are now unwilling to continue funding a program which does not fit in their respective plans. H.E.W. is also unwilling to continue its funding for reasons that remain obscure. About all that can be concluded is that our government thinks in categories and the Postal Academy Program, despite its record of quality, doesn't fit in an established category.

Each mayor's office in the six cities has endorsed the program and has expressed dismay that the present administration would take more than $600,000 out of each of their cities at a time when just the opposite is needed.

Who will suffer? Those with careers will continue. Those in the Postal Academy Program with credentials will choose new jobs. Again, only the students in the academy will suffer. Only they will come to a dead end, maybe the final deadend.

APPEAL

The Postal Academy Program must not be allowed to shut down! Pressure must be brought on the offices of the Postmaster General, the Secretary of Labor and the Secretary of Health, Education, and Welfare to face up to their obligation to place the program in a suitable home to see that it is refunded. The Office of Management and Budget has attempted to resolve this dilemma but to no avail. Now Congress must demand that action be taken by the administration to preserve the only successful alternative to the inner-city dropout crisis.

Our country cannot allow compartmentalized bureaucracy to destroy the hopes of thousands of young dropouts attempting to make it within the system.

What happens to a dream deferred?

Does it dry up
Like a raisin in the sun?
Or fester like a sore—
And then run?
Does it stink like rotten meat?
Or crust and sugar over—
Like a syrupy sweet?
Maybe it just sags
Like a heavy load.
Or does it explode?

LANGSTON HUGHES.

SURFACE MINING REGULATION

Mr. MOSS. Mr. President, with my distinguished colleagues, the Senator from Idaho (Mr. JORDAN), the ranking minority member of the Subcommittee on Minerals, Materials, and Fuels, and the Senator from Wyoming (Mr. HANSEN) the subcommittee toured Utah, Idaho, and Wyoming as a part of our year-long efforts to meet the problems of surface mining throughout the Nation.

I have presided over days of hearings and flown over hundreds of miles of land from the Four Corners area of our own Southwest to the cool, clear, alpine meadows of the Stillwater over Montana, and the broken hollows and denuded mountaintops of Appalachia, inspecting surface mining operations and seeking solutions to the problem of how to keep the beauty of our fragile land, while extracting the minerals which we need for energy and industrial development.

For those of us in the developing West, putting our resources to work is an accepted fact of life. For those in the East whose resources are dwindling and for whom an open space is a premium to be zealously guarded, mining, particularly of coal, with its concomitant degradation of water supplies and the environment, has become anathema to be fought by environmentalists at every turn of the road.

In my own State, we looked at sand and gravel pits composed of alluvial deposits along the mountain edges of Salt Lake Valley and flew into the mountain areas where we were pleased to find compatible use being made of an ongoing mine operation and an active ski resort. We flew over the vast checkerboard of solar evaporation ponds on Great Salt Lake where there are extensive surface operations recovering potash from brines of the lake. Of course, one of the wonders of the world is the Bingham Copper pit at the Kennecott Copper Co. where surface mining has been proceeding for many years and will be carried on for a long time yet. The vastness of this operation defies the imagination and serves to emphasize in a very obvious way the difficulties in defining reclamation requirements to meet Appalachia requirements and the Bingham pit.

To the north in the State of Idaho, we looked at phosphate operations where extensive efforts are being made to reseed and claim the lands being mined under regulations of the Department of the Interior and pursuant to Idaho State law. Much of the effort was voluntary on the part of the companies involved. This is not to say, however, that this has always been the case and our tour showed us both the good and the bad—from no reclamation on the early mines to the sophisticated methods on ongoing mines of today.

In our sister State of Wyoming, we journeyed through an area which had contained a bustling coal mining town at the turn of the century and which is now part of the high grass, good grazing land with lakes and rolling hills. The sites of coal operations could be seen in subsidence pockets dotting the hillside from underground mines. In one remarkable instance, we toured a coal seam which lies in a continuous vein from 102 feet to about 40 feet where erosion has removed the upper layer of coal. In uranium pits in Wyoming, reclamation has begun under Wyoming State law even before the uranium production has begun.

In all of our travels, the recurring theme was of the diversity of the mineral wealth and the unique problems varying within each State in the geologic pattern, weather conditions and so forth. The problems which we encountered in our surface mining operations in Appalachia differ remarkably with those of the West.

America depends upon its mineral and energy resources for many commodities and services: phosphate for fertilizer; iron and chrome for steel; uranium for nuclear power; sand, gravel, and stone for construction; and coal and oil shale for fuel. These mineral resources are critically essential to the Nation's economy and security. We must find a way to meet the need and mitigate and avoid environmental damage.

The potential for surface mining operations in the Western United States is staggering. Coalfields underlie approximately 68.7 million acres, and are the major source of low-sulfur coal required to meet environmental standards for air pollution control. In 1970, production of western coal was about 29 million tons. Projected production for 1990 is over 11 times that, or about 338 million tons. Heavy demands for more coal-powered electrical generating plants to meet the Nation's increasing power crisis can be expected to result in a rapid increase in coal production until such time as commercial breeder-nuclear power reactors become a reality.

The establishment of effective mining and reclamation systems for development of mineral resources by surface mining is urgently needed to prevent undesirable environmental conditions detrimental to the general welfare, health, and safety of the population.

It is my hope to present to the Senate within the next several weeks a surface mining bill which the committee has been working on long and hard which will recognize the co-existing policy concepts adopted under the Mineral Policy Act of 1970 and the National Environmental Protection Act of 1969.

I wish to thank the many fine people in the States of Wyoming, Utah, and Idaho who welcomed us and provided us with a comprehensive tour of mining areas and the Secretary of Defense and his competent people who made our aerial inspection of remote areas possible.

MEXICO IMPOSES TOUGH NEW CONTROLS ON GUNS; AND IN BRITAIN, THE ABSENCE OF ARMS CONTRIBUTES TO THE GENERAL DECORUM

Mr. BAYH. Mr. President, I noted with interest an article in the Washington Post on June 6, 1972, stating that Mexico is imposing tough new controls on guns. The prevalance of firearms in Mexico is somewhat comparable to the situation in the United States. But Mexico has followed the lead of countries throughout the world in taking strong action to curtail the accessibility and use of firearms. The regulations which Mexico has adopted are not necessarily those that the United States should adopt and certainly this Senator is not suggesting legislation reflecting Mexican laws. Nevertheless, the action taken by the Mexican Government will certainly be of interest to Members of this body. Mexico, like the United States, has a long frontier tradition of a heavily armed citizenry and purely local controls of firearms, but they have recognized the need for a national system of firearms regulations.

I ask unanimous consent to have printed at this point in the Record the article by Marlise Simons, published in the Washington Post.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mexico Imposes Tough New Controls on Guns

(By Marlise Simons)

Mexico City, June 5.—Mexicans today began handling in illegal firearms and registering permitted weapons as a tough new gun-control law went into effect.

The law is the country's first serious attempt to deal with an alarming level of violent crime and rid Mexico of its image as a nation of "bandidos" and "pistoleros."

There was some public opposition to the law, and minor amendments were made by Congress, but no powerful gun lobby comparable to that in the United States exist here.

Under the new law, a civilian may own only one small-caliber pistol, and all other weapons are reserved for use by the army and police. All firearms must be surrendered or registered, and permission to carry a gun will be granted only in rare circumstances.

From now on each household will be permitted one pistol which must be kept at home, although the government responded to public pressure by agreeing to consider the car as an extension of the home.

These home permits for small-caliber guns will be granted only to adults who can read and write, who have done their military service, who are gainfully employed and who have no criminal record.

But with an estimated 6 million unregistered weapons loose in the country, implementing the law and breaking a longstanding habit will not be easy.

To the majority of Mexicans a gun is a natural accessory. A weapon has become a traditional symbol of a man's "machismo," the Latin concept of masculinity that invariably involves drinking, cruelty to women, defending one's honor and flashing a gun.

Much of Mexico's violence therefore stems from crimes of passion and honor, although there are no realiable figures on the number of killed and wounded with firearms.

Many incidents go unreported or unpublished, but there are daily stories in the press about lovers' quarrels, labor disputes, insults or traffic incidents that are settled by showdowns with guns.

Shoot-outs have even occurred in the Chamber of Deputies, the last time three years ago. No one was seriously hurt.

Analyzing their tradition of violence and their impersonal contempt for death, Mexicans recall the sacrificial practices of the Aztecs, who needed the blood of humans to nourish their gods. The Spanish invaders imported their own belief that damaged pride and honor must always be avenged.

Mexico's modern history has been turbulent, first fighting the Spanish conquistadors and then invaders from France and the United States. Its revolution of 1910 lasted over a decade, taking more than a million lives.

Even if the Mexican revolution romanticized the "pistoleros" who killed indiscriminately and died violent death themselves, today's Mexicans are glad to have peace. Yet the disregard for human life persists.

In 1968, the army, acting under orders, fired on a protest meeting of students and workers in Mexico City, killing close to 300 people including women and children.

Only last June, a student march was broken up by progovernment terrorists carrying submachine guns and at least 30 people died.

This "official violence" and the lack of faith in their system of justice make many Mexicans hesitant to surrender their arms. In the remote areas of the country gun law still rules, with politicians and landowners using "pistoleros" to control dissidents and peasants arming themselves in self-defense. In urban areas, no day goes by without police using their position to rob or extort money from violators of the law.

Since last year's wave of bank robberies and political kidnaping, the Mexican policeman—even the traffic cop—is armed with large-caliber weapons. Under the new law, such weapons are reserved for the army, but policemen continue to carry them despite this law and public protest.

Defense Minister Gen. Cuenca Diaz recently explained that the law "aims to control the wave of violent crimes, to combat gun-running and to prevent lesser authorities and influential people from abusing the right to own a weapon.

"Mexico is a peaceful country," the general went on, "and its citizens do not need to walk around armed."

Just how peaceful the citizens themselves consider the country, and how much protection they believe they can count on from the authorities, will be determined by the level of adherence to the new law.

For ordinary citizens, buying bullets or a pistol used to be as simple as ordering a cup of coffee, but private armories are now closed down and sales are to be strictly controlled by the government. Smuggling arms into the country, a highly profitable business—especially automatic rifles from the United States—will be punished with one to 15 years' imprisonment and a fine of $8 to $8,000.

Sanctions for owning an illegal weapon will vary from three months' to three years' imprisonment, a fine from $4 to $8,000, or both.

"Many Mexicans want to sell their guns at the moment," said a former armory owner who is now converting his shop into a snack bar. "But since there are no bullets, no one wants to buy."

Mr. BAYH. Mr. President, I also noted an article entitled, "In Britain, the Absence of Arms Contributes to the General Docorum," published in the Wall Street Journal of June 6, 1972. By strictly controlling the sale of firearms, that Nation has limited the flow of weapons among the civilian population to a bare trickle. I am the first to agree that there are numerous distinctions between Britain and the United States, but if the United States could regulate more clearly their firearms controls, we might be able to receive the same "beneficial effect on the flavor of life" in America as those in Britain.

I ask unanimous consent that the article by Felix Kessler be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Gun: In Britain, the Absence of Arms Contributes to the General Decorum

(By Felix Kessler)

London.—At about 5 p.m. on May 11, the prime minister was chatting with members of Parliament in the House of Commons lobby when a stranger approached, pulled out a pistol and shot him in the chest.

About 10 minutes later, Prime Minister Spencer Perceval was dead. That was in 1812—and though it occurred 160 years ago, it was Britain's last political assassination. (The murderer, a bankrupt named John Bellingham, was convicted and hanged a week after the shooting.)

Today, it's only slightly more difficult for strangers to get close to members in the houses of Parliament—but it's a lot harder for anyone to obtain a gun in Britain. By strictly controlling the sale of firearms, the nation has limited the flow of weapons among the civilian population to a bare trickle.

This has had a distinctly beneficial effect on the flavor of life in England. Prime Minister Heath as a rule travels without a motorcade and accompanied by only a single bodyguard. Occasionally hecklers pelt him with eggs or paint—in Brussels a girl hurled ink—but the outright violence that has hit politicians and other public figures in America hasn't been a threat to Mr. Heath or other British politicians.

There are, of course, numerous reasons for the overall gentler quality of life in England. For one thing, the nation lacks the rough-and-ready frontier tradition of America. For another, it has far fewer of the social and racial tensions that mark American life. But the absence of guns also clearly plays a role, and one of the most important facts is that, just as the populace is unarmed, so is the policeman.

Sociologists and police officials believe that, just as violence can beget violence, the sight of British policemen proceeding unhurriedly and unarmed through the roughest neighborhoods has, over the decades, helped mold the calm and even passive character of the people. Because until just a few years ago the death penalty was extracted for killing an unarmed policeman, even criminals made a point of being unarmed.

There has been a sharp rise in the armed robberies and violent crime throughout Britain since 1965, when the death penalty was dropped, and more criminals seem to carry guns now. But the police are still opposed to carrying guns. Reginald Gale, chairman of the Police Federation, which represents some 95,000 of Britain's policemen, says that practically none want guns and that the most would refuse to carry them if requested.

FEARS FOR THE INNOCENT

"If forced to carry them, a lot would resign," he says. "No one wants to be associated with the first policeman who draws a gun and kills an innocent member of the public."

On rare occasions, English policemen are issued guns for special missions. But only twice since 1911 have they shot to kill—and in each case a berserk gunman was the target. In all England and Wales, with a population of 50 million, only 29 gun homicides occurred in 1970, compared with 965 in New York City alone, with a population of less than eight million.

These statistics, of course, exclude Northern Ireland, where bombs and firearms in the past three years alone have claimed more than 300 civilian, military and police fatalities. "Those of us who grew up in England know that Northern Ireland is a special case," says Clive Davies, a Liverpool University sociologist. "All this and more occurred in 1916. Ulster's history has always been like that."

Compared with the United States, where the nation's borders were achieved through violence that made firearms a necessity for survival and where the vigilantes were sometimes synonymous with law and order, Britain has for 150 years been a model of decorum. The densely settled and enclosed nature of the British Isles has bred a sense of self-discipline that has tended to keep the citizenry from punching, stabbing, maiming, shooting or even severely insulting one another. Historians and sociologists like to point out that Britain hasn't been invaded in 900 years, and the homogeneous nature of the populace has helped the country withstand the social and industrial strains that have toppled other European governments.

To be sure, some note that the subdued nature of the British and the relative absence of violence aren't all positive. "This is basically a static society," observes Mr. Davies. "You only have real violence where you also have a mobile, upward-achieving society."

Nevertheless, there doubtless would be more violence here if Sir Robert Peel hadn't stipulated that the London police he established in 1829 be unarmed. The London policeman has subsequently maintained a friendly relationship with the public that's unmatched elsewhere. Not only is the policeman unarmed, but his 15-inch nightstick is normally tucked out of sight down his right trouser-leg and rarely brandished, even when angry demonstrations threaten to boil into riots. Handcuffs are also seldom carried, since courts have awarded damages for unnecessary use.

The seemingly ingrained courtesy of British police is largely reciprocated by the public and has been an essential ingredient, according to many officials, in forestalling violence and preventing the rise of an armed populace. T. A. Critchley, in his book "The Conquest of Violence," remarks that it hasn't all been inevitable. Had the police been established at a time "when all adult males were required to keep arms, the police themselves would have been armed; and it is unlikely that any later government would ever have felt it safe to disarm them."

England nowadays doesn't rely solely on long-established tradition for maintaining a gunless society. Firearms laws are stringent by American standards, and the penalties for violations are stiff: You can be imprisoned for three years simply for possessing a rifle without a certificate, and terms of 10 to 14 years are meted out regularly to those carrying real or even imitation guns during a crime.

A rifle or pistol can't be acquired without a certificate from the police, and, as the law makes clear, "they will not issue a certificate unless they are satisfied that you have good reason for having it, that public safety is not endangered, and that you are fit to be entrusted with a firearm."

With these conditions, only 220,000 rifle and pistol certificates were in effect in 1965, and a more stringent law in 1968 brought the number down to 216,000, with each weapon requiring a separate certificate. The Home Office says it hasn't tabulated statistics since then from England's local police departments, but indications are there has been a further reduction in the number of weapons in civilian hands. Although private security guards can apply for certificates, a Home Office official says that "it's most unlikely that people who want to guard premises would get one from any local police." Neither bank guards nor other armored car guards customarily carry guns.

"People who ask for a gun to protect themselves or their homes are just the ones who are going to get turned down," says a spokesman for the London metropolitan police. "As long as guns are there, they tend to be used."

Since 1968, police certificates have also been required for shotguns, and 600,000 have been issued. Unlike holders of the other firearms certificates, the shotgun holder is entitled to obtain as many shotguns as he wishes, and police must show cause why he can't have a certificate, rather than the owner being required to provide a reason for possession. But with crime statistics pointing to a rise in armed robberies particularly with sawed-off shotguns, there's a mounting campaign for still-tougher firearms laws.

"The majority of people probably would want tighter regulations," says a Home Office spokesman.

Baroness Wotton of Abinger, a criminologist who's leading a campaign in the House of Lords for stiffer laws, says that 23 people were fatally injured by shotguns last year (official statistics haven't been released yet) and that the police have been too lax in issuing certificates. "You could get six shotguns and hang them on your front door," she claims. "I can't see why we have to have all these guns."

While the British strictly license sellers and purchasers of firearms, large numbers of illegal weapons are still smuggled into the country. An amnesty before the 1968 law went into effect resulted in 25,000 firearms being turned in; past amnesties yielded up to 76,000.

Although firearms are a relatively minor problem here by American standards, the authorities aren't complacent. Police officials observe that 47 policemen on duty were killed from 1900 to 1965, when the death penalty was abolished, and 12 in just the following six years. That has resulted, in addition to the push for stiffer firearms laws, in a campaign for restoration of the death penalty.

Comparing gun laws and violent crime in England and America, the New Law Journal, a weekly published for British lawyers, says that the principal difference "is one of degree. And though public attitudes to firearms in the two countries differ also, and in this country are relatively more receptive to control, the need in present circumstances for a radically different approach here is nonetheless real." Tom Harper, the Journal's editor, says that "there are too many guns around" and not even law-abiding people should be granted certificates unless they establish a very special need.

Similarly, C. H. Rolph, a writer and policeman for 25 years, wants all firearms withdrawn from the civilian population and more stringent controls by authorities to curtail illegal imports of weapons. He says that "far too many (German) Lugers and other foreign weapons" arrive in Britain and that the Ulster situation, with a heavily armed civilian population, is proof of the laxity of border checks.

If a gun lobby can be said to exist in England, its impact is minimal compared to that in the United States. The National Rifle Association here, unrelated to the powerful American organization of the same name, has a membership of about 15,000. The National Small Bore Rifle Association has 70,000 members in 2,800 clubs. Both are target-shooting groups, and their members are responsible for a substantial portion of the firearms certificates issued here. Both also oppose tighter restrictions. Although the clubs sell guns, there's nothing like the American firearms industry here to wage battle against more stringent controls.

Mr. Rolph believes the police resist being armed because both they and the public are long familiar with the present situation and feel comfortable in it. But he rejects any notion that American police could profit from the British experience and shuck their arms. "You can't disarm the American police without first disarming the American public," he says. "It would be suicide sending a policeman on the streets of New York without a gun."

Even in England, the lack of firearms occasionally is suicidal for policemen. The Blackpool chief of police was shot dead last summer when he grappled with an armed man escaping from a jewelry store holdup. More often, though, the unarmed policeman has helped save lives by his cool presence and persuasive powers.

When one police constable accidentally stumbled onto a bank robbery in December 1970, for example, he noticed two men armed with shotguns—and one was holding a baby, evidently as a hostage. Recalls the policeman:

"I drew my truncheon, pointed to the baby and then to the two raiders. We did not say a word, but they knew what I wanted. There was a pause, then one of the raiders nodded. I knew he meant I could take the baby away." By the time the policeman returned, the robbers had made off with $130,000. But no lives were lost.

It's obvious that an unarmed policeman can't exchange shots with robbers, a fact that lessens the danger to innocent bystanders. Nor does he shoot fellow policemen by mistake or kill fleeing offenders like pickpockets, whose crimes aren't otherwise punishable by death. Police can, of course, obtain firearms when necessary, and 5% are qualified marksmen. Their weapons are kept locked in police station; none bring them home, thus reducing the chance of accidental shootings.

AN AMERICAN FOREIGN POLICY FOR ISRAEL

Mr. HUMPHREY. Mr. President, the President has just returned from a visit to the Soviet Union, after having reached several important agreements with that country. One item which was noticeably absent in the joint communique released at the end of the Moscow Summit Conference was any substantive progress with respect to the Middle East. President Nixon does not seem to have convinced the Soviet Union that a continuation of its present policies in Arab countries only serve to raise tensions in that part of the world and, consequently, to weaken the prospects for a negotiated settlement.

What we see, instead, is a continuation of Soviet military incursion into that highly volatile part of the world. It hardly serves to strengthen peaceful Soviet-American relations to find that the Soviet Union openly supports and sustains governments which applaud the kind of indiscriminate human slaughter which occurred so recently at Lod International Airport in Israel.

The United States must firm up its policies in the Middle East so that no doubt remains as to our commitment to stand by Israel in an attempt to facilitate a negotiated settlement by the parties directly involved. I have spelled out in a recent statement what I think should be the main thrust and the principal goals of American foreign policy in the Middle East. Mr. President, I ask unanimous consent that the statement, published in the Near East Report of June 7, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Senator Hubert H. Humphrey: A Personal Statement

An American foreign policy which is truly responsive to the needs of this nation and the new requirements for international understanding must include the clear and consistent recognition of our commitment to Israel. This commitment is based on experience, the history of the birth and struggle for the survival of the State of Israel, and above all, it is rooted in our affirmation of human rights for people of all races and religions.

In sum, it is in the national interest of the United States to maintain our commitment to Israel. Our overall interest is in facilitating peace in the Middle East. For the United States, the goal rests on the supposition that the Arabs and Israelis must settle the outstanding issues between them through the negotiating process. The focus of our attention should be on ways to reduce the threshold for a renewed outbreak in hostilities and for creating a climate which facilitates direct negotiations by the parties themselves.

The United States can do a great deal in this regard, but success or failure is as much a function of whether the Soviet Union exercises restraint by refraining from any further military or political interference in the Middle East. Once the Soviet Union decides to assume a stand-off position, the chances for direct negotiations are that much greater.

Any settlement of the Middle East, to be viable over a long term, must establish secure, recognized and agreed boundaries with demilitarized zones to act as buffers between the states in recognition of the territorial sovereignty of all states in the Middle East.

The settlement should also establish effective controls against terrorism and other recurrent violations of international law, an agreement for free navigation in international waterways, compensation and resettlement programs for Jewish and Arab refugees in the Middle East, and recognition for Holy Places.

At the moment Arab intransigence towards negotiations is reinforced by actions taken by the Soviet Union, which is steadily building up Soviet personnel, military equipment and influence in the Middle East and along the coast of North Africa. Joint communiques frequently issued by the Soviet Union and the Arab countries have been provocative and a clear indication to Israel that it must seek outside support.

Unfortunately, our own government has been too slow in recognizing the trend of increasing Soviet involvement in the Middle East and has failed to grasp its full significance for the security of Israel.

Only after substantial Congressional and public concern was expressed did the Administration act appropriately. In May of 1970, during the "war of attrition," I went to Israel and after conferring with its leaders strongly recommended that the U.S. supply Israel with the military equipment it needed, including Phantom jets, and make it clear to Russia that we were so committed. I also joined with 77 other U.S. Senators in October 1971, in introducing a resolution urging the sale to Israel of Phantom jets which were essential to maintain her defense capabilities.

Early this year, the Congress, with my support, also included $50 million of supporting assistance to Israel as part of the Foreign Assistance Act of 1972. I favor increasing this figure for 1973.

I have proposed other steps which our government should take to implement our commitment—that the United States recognize Jerusalem as the capital of Israel, that we provide continued assurances of economic and military support, and that we exert diplomatic and moral pressure in behalf of the Russian Jewish community and Syrian Jewry now suffering under a heavy yoke of persecution.

Israel is founded on the moral tradition of providing a haven from persecution for Jews throughout the world. For this reason, it has a very special role to play in the international community. As much as we would like to think that religious persecution no longer exists, we know otherwise. There are 2.2 million Jews now living in the Soviet Union who are living in an alienated world, separated from their religion, their culture and their national identity. There are 5,000 Jews in Syria whose lives are severely restricted in contravention of the Universal Declaration of Human Rights, which Syria and the Soviet Union have signed.

I have urged repeatedly that President Nixon make every effort to discuss with the Soviet Union the question of the persecution of Soviet Jews, their right to emigrate, and the establishment of ethnic cultural exchanges between each of several minority groups with sizeable populations in both the United States and the Soviet Union. I have urged the President to do this during his scheduled trip to Moscow.

I have joined with other Senators in cosponsoring legislation which would provide $85 million in special assistance for the settlement of Soviet refugees in Israel. This sum will cover only a portion of the expense when you consider the enormous costs Israel has had to incur for its own defense and for the settlement of refugees.

There is more that Americans can do and I know there is more I can do. I know what must be done and I have the will to do it. Moral conviction and a yearning for greater understanding in the Middle East are my motives. Peace is my goal.

SOUTHERN POLICE INSTITUTE

Mr. COOK. Mr. President, one of the most serious problems confronting the United States at this time is the ever-escalating crime rate. It is no longer sufficient merely to place a badge on an individual and give him a revolver and tell him now that he is a policeman, he is prepared to rid the community of crime. As the criminal element becomes more sophisticated in the commission of crimes it is mandatory that our law enforcement officers likewise become more sophisticated in the apprehension of offenders. It is for this reason that I am so enthusiastic about the accomplishments of the Southern Police Institute conducted by the University of Louisville in Louisville, Ky. The institute, oftentimes referred to as the "West Point" of police work, has trained some 3,600 persons from over 40 States and 12 foreign countries in its 21 years of existence. As a Kentuckian, I am extremely proud of the fine record which the institute has established over the years and the service which it has provided not only the State of Kentucky, but also the Nation.

For those who would like to know more about the institute, I ask unanimous consent to have printed in the Record an article written by Mr. Stan Macdonald and published in the Louisville Courier-Journal of May 30, 1972.

There being no objection, the article was ordered to be printed in the Record, as follows:

Southern Police Institute: University of Louisville Grooms Future Police Chiefs

(By Stan Macdonald)

J. C. Goodman was a sergeant in the Charlotte, N.C., police department when he attended the Southern Police Institute in Louisville some 20 years ago.

He recalls that before attending SPI he knew little about policing beyond the cop-on-the-beat functions.

Goodman says the experience was a turning point. "I was on a one-way street," he says. "I decided I wanted to be an administrator."

Today, Goodman is Charlotte's police chief.

An unusual case? Not a bit. A number of police chiefs and other top police administrators around the nation are SPI graduates.

Traditionally, policing and academics have rarely gone hand in hand. The Southern Police Institute, which is part of the University of Louisville, has been a notable exception.

Law officers refer to the institute as the "West Point" of police work. It is one of the best known police schools in the nation. It concentrates on producing officers who can run and administer police departments.

The curriculum taught at the institute's fast-paced 12-week terms was almost unheard of in police circles two decades ago when the school was founded. Even today it probably produces some frowns.

Subjects include personnel management,

the use of computers in determining crime patterns, crowd psychology, budgeting and constitutional law.

Not exactly the cop as egghead—but the institute does stress the police officer as part businessman and part lawyer. And there is good reason for this. According to SPI's teachers and students, most of the policemen are of supervisory rank.

John C. Klotter, institute director, says simply, "Policing is big business . . . A large percentage of the budget of a municipality or a county is for public safety. If we don't have good administration in the public safety section, then we're going to waste a lot of money."

Police departments, like business and industry, have to train personnel, select and assign their manpower, prepare budgets, keep accounts and purchase equipment. "The only difference here," Klotter says, "is that the product is the protection of the public."

If policing is big business, so is police education, thanks largely to an increasing amount of federal grants available for police training and education. Law enforcement courses and educational programs are mushrooming at colleges and junior colleges across the country. The Southern Police Institute prides itself as a forerunner in this field.

A law enforcement training complex at the U of L has grown up around the institute. In recent years the university has established the School of Police Administration and the National Crime Prevention Institute. SPI and the Crime Prevention Institute are separate but are both under the School of Police Administration, which offers a four-year undergraduate degree program.

ABOUT 3,600 HAVE ATTENDED

Klotter is both the dean of the police administration school and director of SPI.

The Southern Police Institute began in 1951 as a small, cramped operation in the second floor of a University of Louisville service building. The first class had 25 students and one-full time instructor.

Although the institute originally was to serve 11 Southeastern states, its scope soon grew nationwide. Officers from a wide geographical area asked to attend.

The needs for such police training were many and they remain:

Law enforcement authorities say repeatedly that policing is growing more complex and police must keep pace with the times. Modern business techniques, they say, are essential if police departments are to be run efficiently and effectively. Civil rights questions pose delicate and sensitive police problems. Protests and demonstrations must be dealt with. U.S. Supreme Court decisions require that policemen adopt new procedures and reforms.

Today SPI—largely through foundation grants—has a building of its own, five instructors and about 60 students in each class.

About 3,600 persons connected with law enforcement from over 40 states and 20 foreign countries and several federal agencies have attended the institute's 12-week terms or its two-week seminars.

Four seminars are held each year. They focus on particular areas, especially those of current concern to police. Recent topics have been "bombings, assaults, ambushes and murders of officers" and "civil disorders and riots." Leading experts in the subjects being studied are brought for one-day lectures at the institute.

M'CANDLESS WAS FIRST DIRECTOR

The school's 47th class will graduate Friday, and if the past is an indication, some of the sergeants and lieutenants presently enrolled will eventually become chiefs of their departments.

David A. McCandless was instrumental in founding the institute and was its first director until he died at 65 last year. He set a direction and a tone.

McCandless was a staunch defender of the policeman. He was resentful that legislative bodies were often unwilling to raise police salaries until a crisis arrived. He thought the news media should be more understanding of the complexity of the policeman's job.

But McCandless saw much need for self-improvement in policing and he was concerned that more policemen didn't appear to share this view. In one of his last interviews, he said he was most troubled by the lack of interest of many veteran officers in "improving themselves and their departments," he said. "It is difficult to overstate the resistance of a number of officers to change, no matter what the change it."

Students at the institute today seem to agree. "We have kind of spurned the idea of technical training and it has harmed us, slowed us down," says Capt. Gene Fawley, of the Cuyahoga Falls, Ohio, Police Department. "We just don't have enough of a general education to understand all the complex problems we have to deal with," he adds.

During the 12-week terms, which are offered twice a year, there is little time for anything but education. It's a cram course—providing intensive "in-service" training without keeping an officer away from his job for more than a few months.

TUITION IS $500

The program has its pressures; it's not intended to be a vacation. Hard work is expected and it is possible to flunk out, although this has rarely happened.

Classes run each week day from 8:45 a.m. to 4 p.m. For one hour the students may be lectured on "spans of control" in utilizing manpower, for the next hour they may examine U.S. Supreme Court decisions concerning an accused person's constitutional right to counsel.

Discussion in the classes often is lively. Much of it is give and take, and the officers don't hesitate to ask questions.

The school isn't a "mutual admiration society," said psychology instructor B. Edward Campbell. One function, he said, is to make officers "aware of some of the shortcomings of the past." He added, however, that the purpose isn't to "lock horns" because nothing else would be accomplished.

The officers quickly learn there is a lot they didn't know which directly concerns their jobs. "I really thought I knew constitutional law but after sitting in class for a few hours I found out how much I didn't know," said Lt. Otis Hinton, of Raleigh, N.C. "I thought I was doing a top-notch job with the squad at home but now I realize some of the things that I didn't do. Being a policeman is a hell of a job."

The ratio between applicants and those admitted to the institute is running about 5 to 1, Klotter said. Police chiefs recommend the men whom they want to send to the school. A university committee then makes the selections. To be considered, all applicants must have a high school diploma or its equivalent and must "pass" a college aptitude test.

Once admitted, a man has incentives to work hard. The police chiefs expect their men to utilize their training when they return. A poor showing at the institute could possibly lessen an officer's advancement in his department. An officer who does nothing at the school is wasting his time and the taxpayer's money. Tuition for each student is $500, and in many cases this is paid through federal funds given to local law enforcement agencies for police education and training.

Some officers, Klotter said, arrive with a "here I am, teach me" attitude. But he added that this is immediately discouraged. "We tell them the first day that if they already have their minds made up, they might as well go home."

Klotter doesn't recall any officer leaving the first day but he says that "sometimes the pressure is so great that students have gone home after a week or two."

Klotter himself isn't the high-pressurized type. The 53-year-old former FBI agent is a quiet, friendly man. But he also is a man who hates to waste classroom time. For him there is too much to teach and learn and too little time.

STUDENTS CALLED "SHARPER"

Students at the institute wait anxiously for the day when Klotter will arrive late for his constitutional law class. Invariably, however, he is always there when the bell rings, clutching textbook and lecture notes. He also has been known to ask if anyone would like to have class on a holiday.

Instructors at the institute say today's students are generally "sharper" and more highly motivated. This is largely due, they say, to the fact that many police departments have raised their entrance requirements. When the institute began the average student hadn't finished high school. Today he has about one year of college.

The institute's curriculum also is changing. In the first years, technical training like fingerprinting, traffic control and crime-scene investigation were stressed. But these subjects are now taught at local police recruit schools and the institute has moved its emphasis to police administration. Very few police schools in the nation offer this type of instruction on an "in-service" basis.

Next fall the terms will be expanded to 14 weeks in length because a new course in "communications" is being added to the curriculum. Klotter said that a good percentage of students have difficulty expressing ideas.

LOCAL ACADEMY NEEDED

The institute gets high marks from many in law enforcement. But it also isn't without criticism. At least one student this term questioned trying to give officers from both small and large police departments the same administrative training. He said a large department may have very different training needs than a small one. "It's difficult in providing a program that's geared to the middle of the road," he said.

The city of Louisville gives $10,000 a year to the institute and the city Police Department has by far more graduates than any other department. Many Jefferson County police officers also have attended the institute. County Police Chief Russell McDaniel and city Police Chief Edgar Paul are graduates of the institute and both speak highly of it.

But some law enforcement officials feel that the local governments haven't taken enough advantage of the institute's resources and, at the same time, the institute hasn't been aggressive enough in pushing for more local criminal justice training programs.

Stephen Porter, executive director of the Louisville-Jefferson County Crime Commission, thinks a local Criminal Justice Training Academy for police as well as correctional personnel, court officials and social workers would be a great benefit.

"The academy," Porter said, "should be based on the experience of the Southern Police Institute, the School of Police Administration, the U of L law school and the Kent School."

Some officials said there has been resistance to such an academy. But Klotter and Chief Paul indicated their support.

WELFARE REFORM

Mr. HARRIS. Mr. President, on June 6 an article by Nick Kotz, published in the Washington Post spelled out a probable scenario for the welfare legislation soon to be before the Senate for consideration. Mr. Kotz is an able, perceptive, and knowledgeable reporter in the area of welfare reform and has, in my opinion, done a great service by publicly spelling out what so many Members of the Senate have privately felt for some time now. His conclusion is that Members of the Senate who have the best intentions may in fact be a part of moves which will result in a regressive, punitive bill that will be disastrous for those millions of our citizens forced into poverty and onto the welfare rolls. I ask unanimous consent that the article be printed in the Record. I hope that Senators will read it carefully before voting for any half-way step toward welfare reform.

There being no objection, the article was ordered to be printed in the Record, as follows:

"As the Political Rhetoric Heats Up": A Crucial Stage for Welfare Legislation

(By Nick Kotz)

As the political rhetoric heats up in a presidential election year, candidates once again are promising they will stamp out welfare loafers who are living it up at taxpayers' expense. Governor Wallace would put an end to the welfare bonanza created by liberal "pointy heads." Senator Humphrey, even though he has co-sponsored a generous welfare bill, has adopted a campaign tone hostile to welfare recipients. President Nixon has been asserting that emptying bedpans at $1.20 an hour is just as rewarding a job as being President.

It is in this atmosphere that Congress reaches a crucial stage in its three-year consideration of so-called "welfare reform" legislation. At this time, it is awfully hard to find anyone who is speaking for and to the human needs of those 12 million children, old people, and disabled who comprise more than 85 per cent of the welfare "deadbeats." Their case deserves to be stated in a country that still prides itself with concern over the helpless, the powerless, and the child.

Ironically some of the welfare poor are just as worried today about protection from their "friends" (liberals in Congress and newspapers like The Washington Post and New York Times) as they are sickened by their enemies. They thoroughly understand the intentions and motivations of Senator Russell Long (D–La.), the Finance Committee chairman, who is openly preoccupied with the present shortage of women willing to wash his shirts for poverty wages. Long and a majority of his committee and the House Ways and Means Committee traditionally have approached welfare with a keen interest in maintaining a cheap, helpless labor supply in the South and elsewhere.

But members of the National Welfare Rights Organization composed of poor people who must exist on welfare, and their allies in the National Council of Churches, are far more perplexed, but no less worried about the liberal legislative strategists who keep pushing this year's welfare reform bill toward the White House.

Advocates for the welfare poor, such as NWRO and the Council of Churches are convinced that Congress is now virtually locked into a legislative course that almost certainly will leave present welfare recipients worse off than they are today. Yet this legislative drive is being kept alive by liberals flying under the banner of welfare reform and an interest in helping the poor, but unmindful of the likely outcome.

This is the legislative scenario that is envisioned by these spokesmen for the welfare poor:

1. The House has already passed a Nixon administration welfare bill, which could result in a loss of legal rights and benefits for 90 per cent of the recipients now on welfare. The poor in only four or five states might end up better off. Food stamp aid, now amounting to $2½ billion annually to 12 million poor, would be eliminated. Numerous hard-won legal rights are stripped from the poor. A family of four would be guaranteed only $2,400 a year, which is about one-third of what the Labor Department says it takes to live on a low-level budget in a typical American city. The reform in the bills is that the working poor will get benefits for the first time.

2. The Senate Finance Committee will report out a bill, that will make even the most regressive features of the administration's House-passed bill look generous by comparison. If that bill contains subtle measures to control the poor, the Long bill openly punishes welfare children and their mothers.

3. The White House will then negotiate a compromise bill with a single senator, Abraham Ribicoff (D-Conn.). The White House needs Ribicoff and liberal Democrats because the administration can't find a half dozen Republicans to support its own House-passed bill. Ribicoff needs help from the White House because his own proposal, which helps rather than punishes the poor, also probably cannot pass the Senate.

So the President and Ribicoff strike a compromise restoring a few of the legal rights which other proposals snatch from the poor, and offering at least a better guarantee that millions of poor people won't have their already inadequate benefits cut still further. (To Ribicoff's credit, he is the one liberal senator to have designed and worked hard on a practical, generous welfare plan.)

4. The Senate, depending on how many liberals have deserted the floor for presidential and other campaigning, will probably approve some form of Nixon-Ribicoff compromise. The quality of the compromise will depend on the mood of the White House, which has swung to a punitive attitude on welfare, and of Senator Ribicoff, whose volatile views about the poor have varied from punitive to human understanding.

At best, the Senate will pass a bill that improves somewhat on the House version and guarantees that current welfare and food stamp recipients aren't left worse off than before. Such a guarantee would require ironclad provisions that state benefits above the minimum are maintained, that food stamps are retained or replaced dollar-for-dollar with cash, and that welfare recipients are not denied their civil liberties and legal rights.

5. A Senate-House conference committee will then convene to consider the different House and Senate versions of welfare reform. The committee will probably consist of the senior members of Long's Finance Committee and Rep. Wilbur Mills' Ways and Means Committee. Based on past voting records, there is not among these senior men a single one who will support decent living standards for the welfare poor.

The conference committee will reach a compromise. If the Senate conferees make any pretense of supporting the Senate-passed bill (which they violently opposed), then the compromise probably will be no worse than opening the way for 80 per cent of the poor to suffer reduced benefits.

6. The conference bill will be reported back to the House and Senate floors, just as Congress is about to adjourn and political demagoging of welfare has reached election year fever pitch.

The House will approve the conference report overwhelmingly, over the protest of the Black Caucus and a few dozen others.

The Senate also will pass the bill by a wide margin after first hearing the belated protests of a few liberal senators that the bill should be defeated because it takes bread out of the mouths of already undernourished children.

It will be a good vote for most members of Congress. It will be considered a good political vote not only against welfare loafers but for social security increases. (Social security and welfare are considered in a single package.) Few congressmen would consider endangering a social security hike in an election year.

7. President Nixon will sign the bill, announcing his greatest legislative achievement—which will put an end to the welfare mess.

8. About 15 million, mostly powerless poor people will suddenly discover that they have less money and no food stamps with which to feed their children. Senator George McGovern and others who fought for the last six years to end hunger in America will sadly discover that the hungry are right back where they started, without the principal food program that was starting to help them.

The legislative scenario described here doesn't have to be acted out. It can be short-circuited in several ways.

A Senate majority of liberals and moderates could conceivably exercise a collective profile in courage. But this would require action now. These senators would have to pledge, starting this week, that they will kill any legislation that hurts poor people. Ribicoff hasn't made that pledge. They will have to decide that the fate of millions of poor Americans should not be decided in private negotiations between a single Democratic senator and the White House, nor by two ultra-conservative finance committees whose members have hard hearts when it comes to poor people. These senators will have to forswear the political luxury of casting one vote for poor people and then resignedly voting for a final bill that punishes the poor.

These senators will have to decide, as have NWRO and the National Council of Churches, that there is a price that is too high to pay for a few elements of structural reform.

The price is too high when it includes increased suffering for innocent children. The price is too high when it strips poor Americans of the rights they have won the last 10 years in the U.S. Supreme Court. The price for establishing the principle of aid to the working poor is too high when it includes increased misery for 15 million already miserable people.

The welfare bill also could be killed by a coalition of senators who refuse to hurt the present welfare poor, and conservatives who disapprove of aid to the working poor.

Noticeably absent from the entire debate are a few facts about welfare.

1. There are no more welfare cheaters than there are income tax chiselers.

2. No one is getting rich on welfare. The average family on welfare today is receiving far less than what the government calls a poverty-level income.

3. The welfare deadbeats are few unless one counts in their number 8 million dependent children, 4 million disabled and elderly, and more than two million mothers of dependent children. There are fewer than 200,000 ablebodied men among more than 14 million welfare recipients.

Many of the women are needed at home to care for small children. Many do work—at poverty wages. Many more want to work but can't find jobs that would pay them enough to support their families. Many can't find jobs at all. Many are not qualified for jobs.

But these kinds of facts do not register on the minds of people who want to believe something else. The welfare recipient becomes a convenient scapegoat for a troubled society.

So the genuine representatives of poor people watch with dismay while their self-appointed liberal champions keep the welfare legislation rolling, without attention to legislative realities that could end disastrously for the poor. The poor still look for the champions who will say "no" to legislation that could mean less food for 8 million children and millions of elderly who already can't afford an adequate diet.

OVER 50 YEARS IN SCOUTING

Mr. PROXMIRE. Mr. President, Boy Scout Troop 409 in Wausau, Wis., was founded in 1918. The man who served as its first scoutmaster, Richard Eiseman, was recently honored for his long service to the youth of Wausau.

Mr. President, I ask unanimous consent that an article published in the Wausau Record-Herald of May 15 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOY SCOUT TROOP 409 MARKS 50TH ANNIVERSARY

Boy Scout Troop 409, sponsored by the Stettin School Parent Teacher Association, observed its 50th anniversary Sunday at Thomas Jefferson School.

The unit, which has actually seen 53 years of uninterrupted scouting, is the only troop in the district and the second in Samoset Council to reach the 50-year mark.

The troop attained the 50 years last year, but just recently received national clarification on the organization date.

Originally organized as Troop 9 in 1918, Troop 409 was at one time the only scout troop in existence in the council. The situation continued for two years, 1928 to 1930, during which time Richard Eiseman, in addition to serving as scoutmaster, was acting scout executive. He and C. C. Yawkey kept the council charter alive.

The Rev. Eastwood of First Presbyterian Church and the late Henry C. Manecke were the troop's first scout leaders in 1918.

In 1918 E. J. Hopkins was the leader and Eiseman became actively involved in scouting at this time at Underwood Memorial Chapel.

Hopkins was followed by Karl Schmidt, a local attorney, with Eiseman as assistant scoutmaster. In 1921, Eiseman was appointed scoutmaster.

He served continuously in that capacity until 1942 at which time he enlisted in Army during World War II. After his discharge in 1945, he again took over Troop 409 and served until 1947 when he retired from active scouting.

During the war years, Emil Ammentorp took over the troop's operation for two years.

Other scoutmasters and their terms of service include Robert Egeler, 1948 to 1953 and 1956; David Hase, 1954 to 1955; Kenneth Schaefer, 1957 to 1965; Larry Schaefer, 1966; John Sadenwasser, 1967 to 1968; William Hussong, 1969; Francis Fassino, 1970, and current scoutmaster, John Stroesenreuther, who took over in 1971.

Troop 9 became known as 409 in the late 1950s and transferred to Stettin School then.

The unit has had as many as 69 scouts registered. There are presently 14 scouts enrolled. These include Bill and Karl Boeselager, Bruce Fochs, Wes Hawkinson, Scott Karasek, Leland Koenig, Steve Misoni, Jim Rogge, Brian Smith, David Schreiber, Keith and Peter Soma, Tom Williams and Randy Woldt.

The troop also sponsored a junior scout program at one time, enrolling 101 boys, ages nine to 12. This was organized by Eiseman before the national headquarters entered the cubbing field actively.

The group has had 20 Eagle scouts during its history. These include Norman Gahnz, Robert Manecke, Harold Neitzke, Earl Kutchery, Jay Dudley (deceased), James Bibby, Albert Dahl, Fred Reich, Donald Manecke, Glen Gritzmacher, Earl Brandt, Jack Heybl, Robert Fehl, Terry Wadinski, Jim and Larry Schaefer, Robert Wolslegel, Thomas and Marcus Hawkinson and David Strobach.

The Sunday observance included a talk and charter presentation by John Hedquist, Stevens Point, council commissioner.

Hedquist discussed a commissioner's duties, which include solving problems that arise within units and maintaining registration within the council.

He also talked about the various campaigns conducted by the boy scouts through the years, ranging from conservation to drug abuse and ecology.

"Although the ranks and requirements for boys may have changed through the years," he said, "the aims are the same, citizenship training, character building and physical fitness."

He then discussed some of the changes to take place in scouting.

These include immediate presentation of awards when they are earned. Previously, a boy might have to wait several months between the time he earned an award and the time he actually received it.

Previously a boy entering boy scouting automatically became a tenderfoot. With the change, he will have to be a member for two months and must earn two skill badges prior to receiving the tenderfoot rank.

Skill award and merit badge requirements for first and second class ranks will be increased.

Youth will no longer be called boy scouts, Hedquist said, rather they will be known as scouts.

A leadership corps will be established for 14 and 15 year-olds. Training will be required for this and one of the scouts will be a member of the troop leader council, previously called the patrol leader council.

Master of ceremonies for the evening was John Tetzlaff, a member of the executive board.

A year certificate was presented by Russell Johnson, district executive, to Wes Hawkinson, senior patrol leader of Troop 409.

Jerry Madison, home secretary for Rep. David R. Obey, D-Wausau, presented the troop with a flag that had flown over the nation's Capitol.

A special troop neckerchief was designed and presented to all those involved in the troop and its anniversary celebration.

Troop Eagle scouts received certificates and past scoutmasters received plaques.

Donald Manecke presented a special 50-year service award to Richard Eiseman.

The invocation and benediction were given by the Rev. George Robie, assistant pastor, First Presbyterian Church, Wausau.

In addition to Stroesenreuther, and Williams, troop personnel include Todd Orthman, executive officer, Keith W. Smith, committee chairman; Edwin Strobach, and Robert Boeselager, committee members; David Strobach and Marc Hawkinson, assistant scoutmasters.

IN COMMEMORATION OF AFRICAN LIBERATION DAY

Mr. HUMPHREY. Mr. President, on May 27 of this year more than 12,000 people gathered in Washington to commemorate African Liberation Day. Several distinguished speeches were given, some of which remonstrated against the lack of initiative by the United States to promote the liberation of persecuted black majority populations in Africa with a view toward the implementation of social and racial equality in all countries of the African continent.

At the time of the Washington and San Francisco demonstrations for Africans' Liberation I issued a statement proposing a set of guidelines for U.S. policies toward black southern Africa which are in keeping with the traditions which we uphold in our own country. Mr. President, I ask unanimous consent that this statement and the statement I issued upon the release of the British Government's Pearce Commission findings on Rhodesia be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.—Senator Hubert H. Humphrey issued the following statement today in observance of African Liberation Day and the first national African-American Conference on Africa at Howard University:

IN COMMEMORATION OF AFRICAN LIBERATION DAY AND THE AFRICAN-AMERICAN CONFERENCE ON AFRICA

This year's marking of African Liberation Day and the first national African American Conference on Africa comes at a time when the majority of black Southern Africa is still not free. This annual commemoration has stirred a new consciousness among black and white people alike that this grave injustice to the majority population of Southern Africa is an affront to the principles of the United States and the cause of civil rights the world over.

On Africa Freedom Day in 1961 I said:

"We believe that the people of Africa—all of Africa—must be given a chance for freedom of choice—the opportunity to plan and achieve the cultural, political, economic, and social development to which they are entitled."

In 1961 several African countries were still under colonial rule, but in most instances steps had been taken by the European countries to move rapidly towards independence and majority rule. The United States was applying its own diplomatic pressure to accelerate the movement.

It is now 1972 and there are still at least 35 million non-whites living under the colonial-type rule of 4 million whites. It is 1972 and we find our own government backtracking on the cause of African liberation abroad and the cause of civil rights here at home. The two are interconnected, for ultimately an administration's foreign policy is an extension of its policies at home.

In 1972, President Nixon spoke of an African dilemma and noted that "Southern Africa contains within itself the seeds of change." In practice these words have come to mean resignation and even complacence with the *status quo*.

Today I offer a broad outline of steps to be taken in the assumption of an active and constructive policy towards Southern Africa.

1. *Rhodesia*—The United States should strictly observe UN sanctions until independence with majority rule is achieved. It should encourage the convening of a new constitutional conference with the participation of black and white Rhodesians, as well as representatives of the British government.

2. *Namibia* (*South West Africa*)—The United States should take full account of the legal consequences of the UN General Assembly vote and the World Court's advisory opinion. Our government must refrain from any acts and in particular any dealings with the Government of South Africa which would imply recognition or support of the South African government's rule over this territory. Instead, the U.S. government should restrict American investment operations in Namibia to dealing with the United Nations. Taxes on the profits of American companies in Namibia should not be paid to the government of South Africa

but to the UN itself which is now the legal trustee of Namibia.

3. *South Africa*—The United States should restaff its embassy in Pretoria to include a proportionate number of blacks as an indication of our own government's strong opposition to apartheid. Corporate responsibility is a reflection of U.S. policy on apartheid. American corporations in South Africa should, therefore, be encouraged by our government to achieve the equal employment opportunity standards which we insist upon in our own country.

4. *Portuguese territories of Angola, Mozambique and Guinea-Bissau*—An immediate study should be made of our military assistance program to Portugal to determine just how essential this assistance is to NATO and the extent to which our military aid is diverted to Portuguese colonial governments to aid in their fight against the local liberation forces.

5. Our government should set up a Citizens Committee to study and report on U.S. relations with Southern Africa and U.S. support of UN policies in Africa.

These actions can contribute to ending violence and hostility between races. They are steps to achieving human freedom and dignity.

Humphrey Calls for Independence With Majority Rule for Rhodesia

The British Government's Peace Commission has just announced its flat rejection of the proposed formula for an independent Rhodesia. I applaud their decision.

The Commission was formed to study the acceptability, to the people of Rhodesia, of the new formula. Its findings conclusively indicated that the porposal was unacceptable, unacceptable to the Rhodesians, and to the majority of Africans.

How could this proposal be acceptable when it endorsed the inequality between the majority black and the minority white populations in Rhodesia. How could this proposal be acceptable to Africans who are striving to build their countries on a foundation of human rights and liberty. How could this proposal be acceptable to our own government unless it cares little for the principles laid out in our own Bill of Rights and amendments to the Constitution, unless it cares little for the cause of blacks, or colored peoples as much as whites the world over.

I am hopeful that the Pearce Commission's decision will lead to a constructive effort to attain independence with majority rule for Rhodesia. I urge our own government to add its support to the British government and the people of Rhodesia to attain this goal.

Until independence is achieved with majority rule, I support the position of the British government and the United Nations of maintaining economic sanctions. I view the importation of chrome to the United States as a serious violation of these sanctions and of the principle of UN enforcement procedures. It is incumbent upon the Congress and President Nixon to restore all trade sanctions observed by the UN against Rhodesia.

HEALTH CARE

Mr. McGOVERN. Mr. President, the Nation's health care system is in critical condition.

Overall, it costs about $70 billion a year in private payments and public taxes.

But it is not delivering the treatment Americans need, when they need it, where they need it, and at prices they can afford.

And it is falling far behind in recruiting and training the people we must have to preserve the Nation's health in the future.

Recently I visited Harbor General Hospital in Torrance, Calif. It has dedicated young physicians and a capable staff. It is as good a public hospital as there is in this country.

Yet, a women with a sick child must often wait 6 hours for a few minutes of treatment in its clinic.

Accident cases die before they get to the emergency room, because many of the ambulances which bring them here lack survival equipment.

A medical care patient who cannot qualify as an indigent pays $146 a day.

And Federal cutbacks are making it harder and harder for Harbor General to find the funds it needs for research and expansion.

The truth is that Harbor Hospital's patients are as much a victim of the system as they are of accidents and disease.

It is the system of lax regulation that keeps medical costs consistently the fastest-rising component of the price index.

The system of poor supervision that allowed Blue Cross to make a $92 million profit on its Federal employee program last year, while pleading poverty in order to get approval of a 22-percent increase in premiums.

The system that limits the number of young people who can go to medical school, while doctors' offices resemble factories, thousands of communities have no doctors at all, and even the affluent suburbanite finds it impossible to get hold of a doctor on weekends.

And the system of governmental indifference which has cut back the medical program in California, and tried to increase the deductible payments for medicare at the Federal level.

We must break this system before it breaks our health, and before it breaks the people of all income levels who suffer accidents and disease.

The Nixon administration's response leaves almost everything to be desired.

In the past 40 months we have seen a constantly growing patchwork of inadequately conceived, overlapping, and uncoordinated health programs, accompanied by a proliferation of complex—if not incomprehensible—regulations.

We have seen a veto of desperately needed Hill-Burton funds for hospital construction.

We have seen a veto of legislation to train more family physicians; cuts in Federal aid to medical students, and the deletion of over $25 million from the research budgets of the National Institutes of Health.

The Federal Government cannot and should not attempt to solve all health problems by itself. It cannot do the work of State and local governments, doctors, and other health personnel.

But certainly it must take the leadership role in medical care. It is the Federal Government's ultimate responsibility to assure the health and welfare of the American people.

I propose here today some new directions to help fulfill that obligation.

First, we must adopt legislation to insure against the spiral in health bills borne by the individual.

The cost of medical care has been rising at a rate twice as fast as everything else. The daily rate on hospital rooms in major cities is 15 percent higher than it was last year.

Yet, 20 percent of people under 65 have no health insurance at all; nearly half have no coverage for care outside a hospital; 20 percent are not covered for the cost of surgery; and the scope of private health coverage held by most Americans leaves them wholly unprepared for the catastrophic health bills they are receiving now.

The best answer presented thus far is the health security plan which I am cosponsoring with Senator Kennedy and 23 other Senators. It would help provide more doctors and skilled medical technicians, and it would permit all Americans to receive medical care at costs they can afford.

Second, we should greatly improve the organization and efficiency of the entire health delivery system.

Today's fragmentation of the medical system means that available manpower is often misused, hospitals are often poorly managed, expensive facilities are needlessly duplicated, and costs tend to defy rational controls.

The health security plan includes to deal with this problem. But we should also encourage, support, and guide the private sector to organize itself into "medical care corporations" or "health maintenance organizations." Such agencies would include doctors, hospitals, laboratories, nursing homes, mental health facilities, and other health services under one organizational and financial roof. The prototype HMO, the Kaiser-Permanente health care program throughout the west coast, has been operating successfully for 40 years. Such organizations should be encouraged with start-up money and through the collection and dissemination of needed research and management data.

Third, emergency medical services should be dramatically improved.

People under 38 years of age die more frequently from accidents than from any other cause. Heart disease and strokes are the biggest killers over 40. And thousands of people in both groups could be saved if emergency medical services were upgraded just to meet what is already technically feasible.

Priorities should include the training of ambulance attendants, designing and equipping emergency vehicles, communications systems, and the staffing and organization of hospital emergency rooms.

Fourth, medical services must be delivered to areas of acute shortage, particularly in rural areas and central cities.

Both areas have a major stake in the communications and transportation systems that would be available under regional emergency medical services systems. But they also need more medical personnel. The National Health Service Corps should be expanded, with particular attention to this special inadequacy.

The most promising route is to foster the establishment of rural area and community health centers in areas not presently served, staffed by paramedical personnel and stocked with medical equipment from the 1,500 prepackaged health units now stored by the civil defense program and not used.

Fifth, action is needed to stem the rising costs of drugs.

Whether the bill is paid by the patient or the public, the price of drugs used for both immediate and long-term treatment should be a matter of serious concern. Extension of medicare to include prescription drugs should include a requirement that such drugs be prescribed by their generic name. Further, the patent period for commercially produced drugs should be shortened to 5 years, and patent holders should be obliged to license them to competitors after that period. When this was done in the case of penicillin, the price dropped nearly 100 percent.

THE NORTHEASTERN FOREST FIRE PROTECTION COMPACT

Mr. MUSKIE. Mr. President, 1972 marks the 25th anniversary of an event which resulted in passage of one of the most unique and significant pieces of forest fire protection legislation ever enacted in the history of our country.

The Northeastern Forest Fire Protection Compact, created by an act of Congress, was the first intergovernmental body of its kind and has served as a model of mutual aid for other sections of the country. Its establishment was a direct result of a series of disastrous forest fires which burned throughout New England and the Northeast during the autumn of 1947. In that year, my own State of Maine experienced the most devastating fires in its history in which 220,000 acres of forest and wildland were burned 2,500 people were made homeless, and nine communities were leveled or practically wiped out.

The events of 1947 pointed up the critical importance of interstate and Federal cooperation to deal effectively and promptly with forest fires. As a consequence, the 81st Congress on June 25, 1949 enacted Public Law 129 authorizing the Northeastern Forest Fire Protection Compact. Three years later on May 13, 1952, the 82d Congress enacted Public Law 340 authorizing Canadian participation in the compact.

Several Senators well remember the forest fires of 1947, for they participated in passage of the legislation authorizing the Northeastern Forest Fire Protection Compact. Senator AIKEN, of Vermont, with 12 cosponsors, guided S. 1659 through to enactment at Public Law 81–129. Senator PASTORE, as Governor of Rhode Island, on May 8, 1950, executed the document which made his State a member of the first Interstate Forest Fire Protection Agency.

Mr. President, all of us, especially those who were in any way connected with the establishment of this Compact have a deep interest in its development, progress, and accomplishments. The devastation caused by the 1947 forest fires was most severe in the State of Maine. At that time, Austin H. Wilkins, at present forest commissioner for the State of Maine, was supervisor in charge of forest fire control in the organized towns. He is a member of the Compact Commission and served as chairman in 1969–70. His firsthand knowledge of conditions throughout the State in 1947 and action on the fireline provided excellent qualifications for writing "The Story of the Maine Fire Disaster" published in the Journal of Forestry in August 1948.

This account not only vividly describes the disaster, but sets forth the reasons for establishing an intergovernmental mechanism for preventing the recurrence of the events which took place in the fall of 1947.

Mr. President, I ask unanimous consent that the article entitled "The Story of the Maine Forest Fire Disaster" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE STORY OF THE MAINE FOREST FIRE DISASTER

(By Austin H. Wilkins[1])

Never in the history of the state of Maine have a series of forest fires caused such devastation and privation as those which ran rampant in October, and November, 1947. There is nothing from historical records of the state to indicate that a major forest fire disaster ever before occurred in the fall. In the recent fire disaster winter set in before the fire lines were totally extinguished. In some sections, hose lines were frozen into the ground while others were buried under snow to be recovered in the spring.

The loss of property was not wholly confined to the forests. When one measures a loss in terms of human privation and hardship, the destruction of many inhabited dwellings and crossroad neighborhoods in the late season was tremendous.

Approximately 220,000 acres of forest, hay fields, and pastures were burned. This is a little over 1 percent of the total 16,783,000 acres of forest land in the state. Graphically, a straight line 313 miles long and one mile wide, extending from one extreme corner of the state to the other, would be an equivalent to the area burned.

It is estimated that the total property loss was $30,000,000, and fire suppression costs $500,000. This loss in a general classification includes the destruction of many fine homes and cottages and most all of their furnishings; sets of farm buildings, livestock, and farm machinery; boys' and girls' summer camps; antiques that can never be replaced; a famed cancer research laboratory; factories, stores, and businesses; telephone, telegraph, and power lines; trucks, tractors, and automobiles; public buildings; sawmills and lumber yards; millions of feet of mature timber and thousands of cords of cut and uncut fuelwood and pulpwood, and even the soil was so severely burned that nature will require many years to rebuild. In the tragic wake of this destruction 16 persons lost their lives, 2,500 were made homeless, 9 communities were leveled or practically wiped out, and 4 other communities suffered extensive damage.

One serious false impression must be corrected here before actual accounts of the fire are related. In spite of heavy property losses and extensive areas swept over, the whole state of Maine did not burn up nor did a major portion of it. It is unfortunate that leading newspapers outside of New England and national radio broadcasts, carried the exaggerated information that "The State of Maine was aflame." The psychological damage done by this false impression can result in a most serious effect upon the state. As an illustration, the publisher of a weekly newspaper received a letter of condolence from his newsprint supplier regretting to learn that he had been "burned out" (which he wasn't) and advising that his November and December paper supply would be allocated elsewhere. A quick long distance telephone call soon straightened out the situation. There are many other similar cases. It is going to take much true publicity to get the facts across to the people of the country to prevent Maine being "written off" by tourists, vacationers, sportsmen, businessmen, and others.

The writer in describing the scenes, events, and conditions prior and during the diaster cannot be too detailed because of the many aspects of the whole situation. One must realize that there was not just one major forest fire but a series of widely scattered fires. Any oversight in mentioning persons companies, agencies, or occurrences is not deliberate. There just isn't time to include all in this paper.

The contributing factors should first be considered. They were the character of the season, ground conditions, and fire hazards following lumbering operations building up to and extending through the disaster period.

The snowfall of 1946–47 was normal. But in early March, an abnormal warm spell set in which caused the snow to quickly melt and disappear from the woods along the entire coast line and for several townships inland. Temperatures in the high eighties broke long-standing weather records. There was also very little frost in the ground. Thus, there was the unusual condition of fields and woods clear of snow at about the same time. To those engaged in fire control this was an ominous sign.

However, for the months which followed to the middle of July, the season was wet and cold. The average precipitation for April, May, and June was over 5 inches. In one section of the state there were five continuous days of rain from April 30 to May 5. Heavy rains also fell in May and June. There were many days of overcast skies and slight drizzles.

In the middle of July, a complete reversal of weather conditions started and remained unchanged for the next four months. This marked the beginning of a prolonged drought which accumulated to 108 days before any appreciable rains fell on November 8. There were several periods of 25 to 35 continuous days without any trace of precipitation whatsoever.

Continued days of warm, drying, gentle winds from the southwest and northwest quarters began to have a marked effect upon the soil moisture, wells, lakes, streams, ponds, and vegetation. By the first of October, with no break in the drought, several danger signs became very real and threatening. The water level of wells and lakes receded to unprecedented low marks, small streams dried up leaving here and there little stagnant pools. Bogs and marshes could be crossed without any sign of wetness, and the forest floor was practically without moisture.

The hardwood foliage began to show the effects of the drought. Lack of moisture caused the leaves to dry while still on the trees. Many fell prematurely and when crushed in the hand were pulverized. During the fire, hardwood trees flamed up just like a conifer. In stands of hardwood growth, fires actually crowned. Sometimes leaves would fall like snowflakes in a storm and quickly ignite on the hot ground and jump across trenched firelines. There were several early killing frosts but little coloration as in other falls. The nights were hot and very little dew formed.

Conditions were so dry that the soil would not hold together. Very few farmers did fall plowing because of the difficulty of laying over furrows. When crews were constructing fire lines the soil would spill off the workmen's shovels like loose sand. Bulldozers working around fields and woods raised nothing but clouds of dust. Often in establishing a fire line a second run was made to lay up sufficient mounds of earth for a fire stop or for the crews to work with.

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[1] Maine Forest Service, Augusta, Maine. Senior member, S.A.F.

Wood in buildings became dry. The moisture in shingles, clapboards, foundation timbers, and wooden steps was greatly reduced by the evaporating rays of the sun.

Added to these physical dry signs were the reports from fire danger stations of a class 4 fire danger day continuing for periods of 15 to 20 consecutive days. There were several reports of a class 5 danger day.

Within the last 10 years four very distinct factors contributed toward the accumulation of this serious forest fire hazard. First, the slash hazard of the hurricane of 1938 had not been entirely eliminated; second, the severe snowstorm of 1945 caused heavy tree bending, branch and top breakage; third, the accelerated cutting operations during the war to supply wood so essential for the national emergency; and fourth, the continuing lumber operations to meet a vast program of post-war reconstruction.

At this point a brief word should be said about the state-town fire protection set-up in order to better understand what happened when the fires raged. The State Forestry Department is a cooperating agency only with the organized towns in forest fire control. Under the existing statutes the municipalities are responsible for their own fires. The state does not have any authority but cooperates by providing services of trained wardens, tools, and equipment, at no cost to the towns. The state further helps by paying one-half of the suppression costs on forest fires up to 1 percent of the town's valuation. It also maintains lookout towers, storehouses, and trucks. The only authority the state can exercise is what the selectmen of towns wish to give. They can and often do deputize the state wardens.

Normally, the state closes the lookout towers, storehouses, and lays off some of the wardens by the first of October. Charged with functioning within a limited budget, and expecting fall rains, the state did close out some districts. As fires began to occur the second week of October, everything was reopened at full strength, although it was pitifully inadequate to handle the situation which was to arise a week later.

Thus, the week of October 20 found the state, as a whole, powder dry and with about 50 small fires going. All were considered under control. By Governor's Proclamation, a ban was already in effect closing the entire woods of the state to smoking or building of any fires. This was made effective at sunrise, October 17, and continued in force until November 12, making one of the longest periods of woods' closure on record.

On October 21, strong winds blew all day and several fires broke out of patrol lines and then began the race of terror, climaxed by the all-day wind gale on the twenty-third. What happened that day and subsequent days is still a nightmare.

The major fire disaster in southern Maine will be referred to as the York County fire because 15 towns were involved. The situation, prior to the big wind of October 23, was this: This county had been cut heavily for pine lumber for the last 10 years leaving behind a tremendous volume of slash which was powder dry. A fire had burned for several days at North Kennebunkport but was more or less being held in check. Another fire was going on the Shapleigh Plains, an area of scrub oak and pitch pine, which had covered about 1,000 acres. Line patrols had been lessened but not stopped. Still another fire was going in the town of Wakefield, N.H., just over the Maine line. These fires were located at widely separated points. When the day of the big wind of October 23 came these three fires were whipped into a fury never experienced by natives or fire fighters in that section. The Wakefield fire jumped across the state line into Maine and raced until it met the Shapleigh fire a distance of 8 miles. In the meantime the Shapleigh fire was racing through towns southward and ending at a point 19 miles from its point of origin. The North Kennebunkport fire, fanned by the wind, carried a solid wall of fire clear to the Atlantic Ocean wiping out valuable popular summer beach sections.

After the smoke had cleared away it was found that the Wakefield and Shapleigh fires which had joined did not catch up with the North Kennebunkport fire. Thus, there were two separate major areas burned. The total acreage covered was 131,000 acres with an estimated perimeter of 150 miles of fire lines. It is anticipated that 100,000,000 board feet of timber can be salvaged. Sawmill operators are now busily engaged in this work with millions of board feet cut as logs or already turned into lumber.

It was an awesome sight to see the solid walls of roaring fire sweeping over mountains and across level areas, consuming everything in their path. The smoke hung so thick and heavy for days over the area that it was difficult to determine at times just how near or far away the fires were. The sun did not penetrate through the thick pall of smoke for over ten days. Men using trucks, cars, and bulldozers had to use their headlights as much in the daytime as at night.

The state forest fire watchman on Ossipee Lookout had to abandon his tower together with a state police radio technician. Fortunately, the fire had slowed down at night and just crept over the mountain causing negligible damage to the tower.

The sound of the onrushing fires on fronts of several miles is described as a continuous roar.

The blackout conditions because of several communication and power lines added to the problem of fire suppression and evacuation. Stories of heroism are heard everywhere; fire fighters making last ditch stands; families just escaping before their homes became enveloped with flames; and efforts to rush help where needed.

In the actual fighting of the fires, there was an abundance of manpower and equipment. However, there was no organization to handle fires at disaster level. When the fire, got beyond town size there was no centralized control to coordinate the various protective agencies. It was not until two days later that organizational set-up began to function at state level and and orders were handed down through properly authorized channels.

Appreciating that water was scarce, virtually whole fleets of big and small tank trucks were moving bumper to bumper to areas where they could be emptied onto burning buildings, fire in the woods, or wetting down protection strips. One cannot mention here all the names of those who provided heavy equipment except to state that offers to assist came from most everywhere. Grateful acknowledgment is made to all of them.

The intensity of the fire is of special interest. Fanned by gale velocity winds, fires crowned through stands of pine and yet did not drop down to develop a surface fire. In other instances, the crown fire traveled hundreds of feet ahead of the surface fire. In still other places, the fire was blown so hard that only an inch depth of the humus was burned. It is mystifying to see places where the fire virtually blew itself out. Charred leaves and twigs rained down on some sections to actually blacken the ground but contained no live fire brands.

A half-mile out to sea a heavily wooded island burned like a flaming torch.

The burning of the settlement of Newfield was tragic. It is hardly conceivable that a whole settlement could be so completely consumed. In the Goose Rocks, Cape Porpoise districts in Kennebunkport, over 200 dwelling places, most of them summer cottages, were destroyed. The State Forestry Department lost its valuable storehouse at Alfred. Practically all of the equipment was out on the fires. Insurance coverage will permit rebuilding sometime this spring.

The Fryeburg-Brownfield fire is another story of flame and smoke roaring madly over mountains and sweeping across valleys. This fire, like the others, broke out of bounds by the wind of October 23. On that day it travelled a distance of 13 miles. Jump fires were carried great distances ahead of the main fire, making it difficult for fire fighters to make a determined stand. The technique of back firing was used to good advantage in some instances. Miles of back fires were started from bulldozed fire lines and widened, old dirt roads. It is said that this was a battle of the bulldozers. In the anxiety of many to save buildings and woods this method of fire suppression did not always save the situation. The oncoming head fire was too unpredictable and much effort was wasted.

Conditions were equally dry in this area with numerous cutovers to feed the fire. The loss of the two communities of Brownfield and East Brownfield was indeed tragic. Roads were crowded with people, livestock, cars, teams, and wheelbarrows fleeing before the fire. One could drive for miles and see where telephone poles were completely consumed, while in other places just the tops of poles and the crossarms would be dangling in midair.

The dry stubble of cut hay fields burned like spring grass fires, often igniting house and barn foundation timbers. Pilots engaged to assist in the control work could see little due to the dense rolling clouds of black smoke.

The watchman on a nearby lookout had to abandon the tower for two days because of the choking smoke and haze conditions. Typical "yellow days" hung over the area for nearly a week.

Rough estimates place a figure at 20,000,000 board feet of timber to be salvaged. Operations are already in progress.

It is believed that approximately 20,000 acres burned over.

The Bar Harbor fire followed a pattern similar to the others. A small fire was being held in check until October 23. Then the wind came. An all-day blow from the northwest quarter fanned the fire out of bounds and caused tremendous damage to many beautiful palatial residences and surrounding forest growth. Because of the rugged terrain, characteristic of Bar Harbor and Mt. Desert, the problem of fire fighting was most difficult. The dense growth of spruce and other softwoods was sufficient for the fire to travel hard and fast, fanning out into many fingers. As the fire swept over mountains and valleys at will toward the compact section of Bar Harbor there was enacted one of the most dramatic scenes of the disaster. With the causeway road leading to the mainland blocked by flames, a second Dunkerque took place with fleeing residents rescued by Coast Guard patrol boats, the Navy, and many private boats. Inasmuch as the Acadia National Park (federal land) was considerably involved, some form of martial law was in force. Federal soldiers from the Dow Airfield gave valuable assistance to augment the local organizations. Through long lines of hose, water was pumped by boats from the Coast Guard and the Navy.

Here too, as in the other burns, some timber salvage program is to be worked out. Estimates place 17,500 acres burned over.

The last major fire to be mentioned occurred in Washington County and known as the Centerville-Jonesboro fire. This fire originated in a pulpwood operation. Again the strong wind of October 23 fanned this fire out of control and burned 20,000 acres. Much fine cut and uncut pulpwood was destroyed. Lack of water necessitated long hauls by trucks and tractors, and laying of long lines of hose. Many miles of hose were laid out. It was on this fire that winter set in before all the equipment had been picked up. Heavy bulldozers laid back and buried miles of live fire which continued to smoke late into December.

A brief word should be *written* here as to the organizational set-up. It is frankly admitted that there was no fire action plan to meet such a disaster. As previously stated, the small municipalities have always handled their own fires. When the fires began to get beyond town lines and whole communities engulfed or threatened, then the job was turned over to the State Forestry Department. The Governor, on the evening of October 23, declared a state of emergency and broadcast to the people of the state that all should turn to and give whatever help at their command to the Forestry Department. The response to this appeal was magnificent. The department was immediately placed on a 24-hour schedule for the duration of the emergency.

It was not until two days later that things began to smooth out and organizations function under a single head. The agencies of the Red Cross, National Guard, State Police, State Fish and Game Department, State Highway Commission, Army, Navy, F.W.A., American Legion, Civil Air Patrol, Boy Scouts, U.S. Forest Service, municipalities, colleges, industries, and many others all contributed toward the tremendous task of patrolling fires and rehabilitation. Even dry ice was dropped by planes in an effort to make it rain.

Over 150 separate fires were going or being patrolled at one time or another during the week of October 20. It was natural that the state as a whole should revert to a set-up reminiscent of the days of the O.C.D. (Organization for Civil Defense). Towns not affected by fires began to mobilize manpower and equipment. Rumors of sabotage caused towns to maintain 24-hour road patrols, form vigilante groups, establish road blocks and watches from every vantage point. The state issued special car stickers for entrance to and from fire areas. Lookout towers were manned around the clock on a 24-hour schedule for over two weeks. Even the coastal lighthouses cooperated in this detection work.

The public was so thoroughly aroused to the fire danger that any new fires could almost be "ringed" by crews of men. In one instance over 200 men with every conceivable fire tool and equipment converged on a small 10-acre fire. It would have had to go between the legs of men to escape. Even a septic tank was mounted on a truck and used to haul water.

This vigilance continued until the crisis was over. Welcome rains came on November 9 and brought to end one of the worst periods of forest fire devastation known in Maine. It is significant to state that man and the facilities at his disposal did in a large measure bring under control most of the major fires before the rains came. In retrospect it should be noted that not a single life was lost of the thousands engaged in actual fire fighting. The reported 16 deaths were due to indirect causes.

It is especially noteworthy to state that in the Maine Forestry District, where over 10,000,000 acres of vast wild timberlands are located, there were no major fires such as those going in the organized towns. This was probably due to better organization and preparation.

In summary, what was the most valuable lesson learned from the disaster? It can be summed up as a need for centralized control, premised on law—a single authority to handle such situations at the various levels of organization, and mandatory training of state and town wardens.

A master state fire plan must be drawn up calling for legislative action combined with appropriation of sufficient funds. It should contain the combined thoughts and ideas of all cooperating agencies and be an expression of what the people of Maine want and are willing to pay to get forest fire protection.

SOME SIDELIGHTS OF THE DISASTER

The State Forestry Department sent the following telegram to the D. B. Smith Company, Utica, New York. "Rush immediately 200 Indians." The astonished Western Union operator asked if we really meant 200 live Indians. The young lady was quickly advised.

A family moved all of their furnishings and valuables to another house some distance from the path of the fire only to learn that the house was burned and their own saved.

Army transport planes flying from Newfoundland to Westover Field, Mass., reported 30-mile tail smoke out to sea from the Bar Harbor fire.

Several stories are told of sophomore college students who took charge of some of the fire control work and did a credible job. It was learned later the men were majors in the army during the war.

It is told that a farmer saved his home by using a hard cider barrel and contents as an extinguisher which had been preciously stored in the cellar for enjoyment for the coming long winter nights.

Eye witnesses speak of live embers being blown by the wind onto sides of old houses and barns and held there until the clapboards ignited.

A local mutual insurance company had just reinsured itself shortly before the disaster and was able to pay its burned-out policy holders.

A most peculiar story, verified by several, is told of a patrolman observing several small fires all in straight line of each other leading away from the fire line. Five little fires were found and were traced to a dried up mud hole where a raccoon lay dead and almost completely singed.

A freak is reported of the branches of a pine resting on the roof of a shingled barn. During the fire the branches were burned but the barn did not ignite.

A colony of beavers hindered the suppression work by repeatedly rebuilding their dam which had been dynamited to let the water through.

Another colony of beavers is credited with first beginning timber salvage operations. Hardly had the fire passed near their winter houses when they began cutting the burned trees leaving high stumps to get away from the charred wood.

Mr. MUSKIE. Mr. President, the Maine forest fire disaster of 1947 brought a realization that no single State could afford to employ and equip a forest firefighting organization adequate to cope with such a catastrophe. Gov. Frederick G. Payne of Maine and the citizens of Maine and other State sought better forest fire protection. The first step was a conference of the New England Governors at the Massachusetts State House in November 1947. This led to several subsequent conferences attended by officials of interested agencies.

In the discussions and studies that accompanied this effort, several objectives and several difficulties became apparent. The primary objective was to assure the possibility that a State facing a threat of serious forest fires could be aided by the forest firefighting personnel of a neighboring State. The difficulty was the question of the powers, immunities, rights, and liabilities of the forces of the aiding States.

In essence, this was the heart of the problem, but there were other suggestions that would strengthen such a pattern of cooperation. It was suggested that some permanent agency be set up which, through its membership and its power of reporting and recommending, would by its very existence serve to integrate the forest fire protection services of the States of the region into a cohesive and organized pattern. In addition, it was suggested that a regional forest fire plan ought to be developed, while at the same time each State would be obligated to maintain a forest fire plan of its own. Another interesting problem was the situation along the international boundary with Canada. Some of the States that fronted on that boundary were anxious, if possible, to have any plan for cooperative aid include the adjacent Canadian Provinces.

With the necessity for securing a legally binding agreement among the States and a permanent basis for a joint interstate agency it was decided that an interstate compact was necessary.

For this purpose a conference of the State Foresters of New England and New York was organized and met several times during 1948 and 1949 under the auspices of the Massachusetts Commission on Interstate Cooperation and the Council of State Governments. The Draft of a compact was formulated to encompass these several objectives.

The Council of State Governments played a major part in the details of drafting the compact legislation which was introduced by it in the Congress and through the several State joint legislative committees on interstate cooperation in the State legislatures.

The enactment of Public Law 129, 81st Congress, approved June 25, 1949, authorized the establishment of an interstate forest fire protection compact in the Northeast. Within 4 months, six of seven specified member States had become party to a northeastern interstate forest fire protection compact. Rhode Island, whose legislature was not in session the previous year, became the seventh State by joining in 1950.

The citations and dates on which the compact was executed by the Governors are as follows:

Connecticut, Public Act 236 of 1949; September 30, 1949 (Chester Bowles, Governor).

Maine, Chapter 75 of 1949; August 23, 1949 (Frederick G. Payne, Governor).

Massachusetts, Chapter 457 of 1949; August 23, 1949 (Paul R. Dever, Governor).

New Hampshire, Chapter 302 of 1949; September 1, 1949 (Sherman Adams, Governor).

New York, Chapter 744 of 1949; October 18, 1949 (Thomas E. Dewey, Governor).

Rhode Island, Chapter 2430 of 1950; May 18, 1950 (John O. Pastore, Governor).

Vermont, Public Act 271 of 1949; September 14, 1949 (Ernest Gibson, Governor).

ORGANIZATION OF THE COMMISSION

By January 1, 1950, legislative requirements had been met and the commission met to organize on January 19 of that year, electing Perry Merrill, of Vermont, as chairman; Arthur S. Hopkins, of New York, as vice chairman; and appointing committees on rules and regulations and organization. After a general discussion on the compact setup, adjournment was had to March 10, 1950.

At that meeting the rules and regulations prepared by Mr. Fred Zimmerman of the Council of State Governments were approved, a budget for expenses to July 1, 1950, prepared, and R. M. Evans appointed executive secretary. The meeting also fixed the date of the first annual meeting for July 17, 1950. Mr. Evans began work May 4, 1950, from office space furnished by the White Mountain National Forest at Laconia, N.H. The commission was now in business a short 9 months after congressional approval of the compact.

The first annual meeting in Boston was an important one. From its deliberations came the pattern which was to guide the commission in its pioneer interstate fire protection work. A budget for the year July 1, 1950, to June 30, 1951, in the amount of $7,500 was approved and assessments made on the several States in proportion to the Clarke-McNary estimates for "basic protection." This method is still in use.

A technical committee composed of the State foresters was established to supervise a coordinated training program and to formulate procedures in all technical fire control problems. Uniform closure laws, regional and State fire plans were also discussed and the officers and secretary reelected for the ensuing fiscal year.

CANADIAN PARTICIPATION

Representatives of the Provinces of New Brunswick and Quebec attended the first annual meeting of the compact in Boston.

On May 2, 1951, the Province of New Brunswick adopted an Order-in-Council giving authority to the Minister of Lands and Mines to negotiate and enter into an agreement for participation in the Northeastern Interstate Forest Fire Protection Compact subject to the approval of the Department of External Affairs of the Dominion Government at Ottawa. Representatives of the Department of External Affairs approached officers of the commission as well as the eastern office of the Council of State Governments for full details concerning the compact.

It was now in order to secure the additional consent of Congress as called for in Public Law 129 with reference to participation in the compact by Canadian Provinces. A draft bill to accomplish this purpose was prepared, containing the simple implementing language required by both the compact and Public Law 129. In addition, it contained provisions designed to cover any questions that might arise under the immigration laws or under the tax laws dealing with exports and imports. Public Law 340, 82d Congress, approved May 13, 1952 filled this need.

Although the Province of New Brunswick seriously considered becoming a member of the compact in the early 1950's, it was Quebec which was the first Canadian Province to become a member of the Northeastern Forest Fire Protection Compact on September 23, 1969.

The April 1970 issue of American Forests carried an article entitled "The Quebec Joinder" which describes the ceremony at which Quebec joined the compact. The author Alfred E. Eckes is a 38-year veteran employee of the U.S. Forest Service who has spent much of his career in the northeast where he acquired a wealth of information about the Northeastern Forest Fire Protection Compact. For the past decade, he has been assigned to the cooperative forest fire control program in the northeast and has provided liaison to the compact organization.

Mr. President, I ask unanimous consent that the article entitled "The Quebec Joinder" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE QUEBEC JOINDER

(By A. E. Eckes)

September 23, 1969, was an historic day in the annals of forest fire prevention and control in North America. In joining the Northeastern Interstate Forest Fire Protection Compact, the Province of Quebec pledged that it is now a full-fledged partner in the task of providing forest fire protection to forests situated along the 500 miles of common border shared with the states of Maine, New Hampshire, Vermont and New York. The agreement is called the Quebec Joinder.

The solemnity of the occasion was marked. Dignitaries from both countries who gathered at Quebec's Legislative Council Chamber knew this was an important "first" that brought two neighboring countries into a full partnership. Prime Minister of Quebec, the Honorable Jean-Jacques Bertrand, was there. So was the Minister of Lands and Forests, the Honorable Claude G. Gosselin. Representing the Northeastern Forest Fire Protection Commission was Chairman Austin H. Wilkins, Forest Commissioner of the Maine Forest Service, and Governor Kenneth M. Curtiss, of Maine.

Many of those present had long memories of past killing fires, some of mutual concern to both countries. Beginning with Peshtigo Fire of 1871 in Wisconsin and continuing through the Sundance Fire of 1967 in Idaho, there is a long list of fire spectaculars including numerous death-dealing disasters. October 1947, loomed even more importantly in the minds of the new partners. Throughout the northeastern states and eastern Canada, the days had been hot, dry and dark. A summer drought became a nightmare. In Maine, three major fires—Alfred, Brownfield and Bar Harbor—burned more than 250,000 acres. Numerous lesser fires burned in the New England States, New York and Canada.

Property losses ran high. Homes were burned, numerous small industries and businesses wiped out, family possessions lost, and villages and schools destroyed.

In the wake of the fires, there was a new realization in both countries that no single state could afford to employ and equip a forest fire organization adequate to cope with a holocaust as had been experienced.

A Governors' conference, followed by subsequent studies by representatives of interested agencies, led to a decision to employ the Interstate Compact device to provide the suppression forces and facilities which would be required should another catastrophic fire situation occur. The 81st Congress enacted Public Law 129 granting consent and approval of Congress to an interstate forest fire protection compact: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the consent and approval of Congress is hereby given to an interstate forest fire protection compact, as hereinafter set out; but before any province of the Dominion of Canada shall be made party to such compact, the further consent of Congress shall be first obtained."

In 1952, the 82nd Congress enacted legislation which gave consent and approval for joinder of the Canadian Provinces.

These Acts made it possible to establish the first interstate compact for prevention and control of forest fires. The six New England States and New York, along with any State or Canadian Province contiguous to a member State, were specified in the law as eligible for membership. Six states enacted necessary legislation in 1949 and the Northeastern Forest Fire Protection Compact became effective. The legislature of Rhode Island met in 1950 and approved a measure that enabled compact membership.

For 20 years, 1949–1969, membership in the Northeastern Forest Fire Protection Compact remained at seven States, though the latch string was out. The Canadian Provinces of Quebec and New Brunswick indicated interest in membership but encountered obstacles which prohibited an early joinder. Throughout the years, representatives of the forest agencies of these provinces worked to remove the obstacles. Persistence paid off and by mid-1969 it was clear the Province of Quebec would soon be ready for joinder. September 23, 1969 was the day selected for Quebec to become a full partner.

Invitations were sent out to selected forest fire control people in the United States and Canada to participate at the ceremony. During the ceremony Minister of Lands and Forests Gosselin stated "This agreement will make it possible for Quebec to provide fire protection to the forests situated along the five hundred miles of common border that we share with the States of Maine, New Hampshire, Vermont and New York and this in a manner that will be altogether more efficient and economical.

"We have had in the past a profitable experience in dealing with this commission particularly in the field of personnel training but we felt that we should join this group in order to establish a more systematic approach in our efforts. The agreement will permit the establishment of integrated programs for the conservation of a resource that spreads on both sides of the border and that is equally important to our countries. The compact bears on all aspects of the prevention and suppression of forest fires and includes the conditions under which mutual assistance will be granted.

"It must be remembered that fire knows no border and that therefore coordination of efforts is vitally important. Furthermore modern techniques of fire control rely on extensive use of aircrafts as well as other heavy equipment and therefore it is necessary to spread the utilization of that costly material over the largest possible area in order to keep operating costs within reasonable limits. This is why the agreement which is signed today opens a new era in the protection of our south shore forests and we deem that we are fortunate to be able to profit from over 20 years of experience in fire control."

Speaking for the Governors of the seven member States, Governor Curtiss, of Maine, replied:

"A great American poet, Robert Frost, once wrote that 'Good fences make good neighbors.' It was the sort of remark that a New Englander might be expected to make for it tells us in a brief, pointed way that while we respect one another, we recognize each other's right to independent thoughts and action. Today's compact signing ceremony is but another example of this. In reality, of course, we have been able to call for help and receive it when fighting fires in our vast woodlands for some time.

"Just two years ago a disastrous blaze was sweeping across our northern region and it was the airborne firefighters from Quebec who rushed to our aid and helped drown the fire.

"During many emergencies along our border there have been men from Canadian cities and towns who have hurried to our aid, and when the need has arisen, we have reciprocated.

"The idea of a compact to formalize this Gentlemen's Agreement between nations and states is but a reaffirmation of this agreement."

Then the agreement was signed by the Minister of Lands and Forests Gosselin, representing the Province of Quebec, and Commissioner Wilkins. The Province of Quebec was now a member of the first forest protection compact, and the compact had become an international fire control agency.

Mr. MUSKIE. Within a year, following "The Quebec Joinder," the Province of New Brunswick became a member of the Northeastern Forest Fire Protection Compact. A news item released at Fredericton, New Brunswick, on June 9, 1970, describes the ceremony at which this Province became a member of the compact.

Mr. President, I ask unanimous consent that the news article entitled "New Brunswick Joins Fire Compact" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW BRUNSWICK JOINS FIRE COMPACT

FREDERICTON.—The province of New Brunswick today (June 8, 1970) joined the Northeastern Forest Fire Protection Commission, an agency which includes the New England States, the State of New York and the Province of Quebec.

The agreement calls for mutual aid in fighting forest fires and integration of regional fire plans and training programs.

Premier Louis J. Robichaud and Natural Resources Minister W. R. Duffie signed the Northeastern Forest Fire Protection Compact" on behalf of New Brunswick.

Signing for the Commission was its Chairman, Austin H. Wilkins, Forest Commissioner for the State of Maine. Governor Kenneth M. Curtis of Maine also signed in his capacity as representative of the New England Governor's Conference.

The mutual aid provisions of the Agreement cover 5.4 million acres of New Brunswick forests, and includes all of Charlotte, Carleton, Victoria and Madawaska counties and parts of Saint John, Kings, Queens, Sunbury and York Counties.

The Northeastern Forest Fire Protection Commission was formed following the disastrous fires in New England in 1947 to provide for mutual assistance in meeting extreme forest fire emergencies.

New Brunswick Forest Service personnel have taken part in the Commission's training programs in the past and the agreement signed today will formalize such participation.

Speaking at a luncheon following the signing, the Premier welcomed Gov. Curtis and officers of the Commission to the Province and expressed his pleasure that New Brunswick had joined with its neighbors in a cooperative approach to the problems of forest protection.

The Premier referred to the agreement as further evidence of the friendly co-operation that has always existed between the two countries, especially in the Atlantic area.

"For many years the province has benefited through the attendance of our fire protection personnel at the kind invitation of members of the Compact. With the signing of this formal agreement we are now in a position to take an official part in assisting the activities of the Commission. I am sure that such direct participation on our part will be mutually advantageous to all concerned," said the Premier.

THE COMPACT IN ACTION—MUTUAL AID

Mr. MUSKIE. Mutual aid provisions of the compact were invoked for the first time in August of 1952 when extremely dry conditions and stubborn fires were affecting Maine, New Hampshire, Massachusetts, and Rhode Island. Arrangements were made through the Secretary and when calls for assistance resulted Vermont provided New Hampshire with pump operators and standby service. Maine received pumps and hose from New York in less than 5 hours from time of request.

In October of 1963 extreme conditions in New York resulted in requests for hand tools, pumps, and hose. These requests were honored by Rhode Island, Connecticut, and Maine. Maine also had standby manpower ready to go.

Later that month Massachusetts reached a "state of emergency" and requested assistance through the Secretary. Standby men and equipment were made available from Maine, Rhode Island, and the U.S. Forest Service.

Massachusetts had problems again the next year and in May of 1964 utilized manpower and tank trucks from Connecticut and Rhode Island.

In August of 1965 a large, uncontrolled fire in Maine resulted in five member States providing aid. Pumps and hose were furnished by Massachusetts, New York, Connecticut, New Hampshire, and Rhode Island.

Although over 12,000 acres of forest land had been burned over, compact aid had helped prevent a recurrence of the disastrous fires 18 years before under similar conditions.

The latest call for compact assistance came through the U.S. Forest Service in Washington for possible assistance to the Province of Ontario. Fifty thousand feet of hose and 23 portable pumps were made available for transport by military aircraft. Fortunately the situation cooled and dispatch was not necessary.

TRAINING

On November 14–16, 1950, the fire control officers of the region met at Laconia, N.H. This was an important meeting because out of it came agreements and recommendations which determined the direction and kind of the training programs of the commission. The basic purpose of such a program was determined to be as follows:

To enable the compact "on short notice to assemble from its several States fire control personnel capable of functioning as a well-coordinated, smoothly operating team to take on the handling of a large forest fire," it was recognized that the same principles of organization would apply to fires of any size in varying degrees. It was also emphasized that instate training based on the commission's standards was a must if uniformity was to be secured.

Two months later the commission held its first training session in Laconia, N.H., on January 29 to February 1, 1951. The subject was "Fire Control Organization and Its Operation." In August of the same year the technical committee approved the proposed scheme of interstate training and urged its continuation.

A second training meeting on organization was held October 2–5, 1951, at Norfolk, Conn. This was a simulated exercise or dry run. This exercise, participated in by fire personnel from all seven compact States, clearly demonstrated the need for the proposed type of training.

Following this dry run, the technical committee on November 13–14, 1951, formally adopted a detailed training policy under which all subsequent training sessions have been conducted.

The program originated with the need for uniformly trained personnel who could move from State to State as needed, and be fitted into the firefighting organization of a sister State without further instruction as to how the firefighting job was to be done. The training program is conducted by the commission in cooperation with the U.S. Forest Service, State forestry departments, State university forestry departments, and private organizations.

In brief, the purpose of the program is to train persons who, in turn, are expected to train others in their home States. The aim is to teach such persons how to cooperate in controlling large or "campaign" fires.

Since the inception of the compact training program in 1951, 23 training sessions have been held, providing more than 650 hours of instruction in the various facets of forest fire control. Subjects covered include, compact fire control and organization, campaign fires, fire suppression fundamentals, weather forecasting, management of men and equipment, presuppression planning for critical high hazard areas, interpretation of fire records and data, fundamentals of ignition and combustion, fire prevention, law enforcement, instructor's training, air operational procedures, weather and fire behavior, mechanized forest fire control, fire planning, organization for large fires and other related subjects.

Some State forest fire control personnel have attended nearly all of the training sessions, and hundreds of individuals have attended one or more training sessions. Attendance has not been limited to member States, but forest fire control people from outside the area have been invited to attend either as trainees or program specialists.

An analysis of the forest fire record of the seven States joining the compact shortly after the fire catastrophe of 1947 shows that these training sessions have paid good dividends, as there has been a substantial increase in efficiency in controlling fires. Unfortunately the prevention of man-caused fires has not had similar success. Forest fire prevention is made difficult by an expanding and mobile population and increased hazards.

FOREST FIRE STATISTICS

NORTHEASTERN FOREST FIRE PROTECTION COMPACT (MAINE, NEW HAMPSHIRE, VERMONT, MASSACHUSETTS, NEW YORK, CONNECTICUT, AND RHODE ISLAND)

5-year period	Number of fires in 5 years	Average per year	Acres burned in 5 years	Burned area acres per year	Average size (acres)
1945–49	29,243	5,848	488,826	97,765	16.2
1950–54	30,623	6,124	250,962	50,192	8.5
1955–59	34,632	6,926	196,640	39,328	5.2
1960–64	51,989	10,398	158,191	31,638	3.2
1965–69	56,616	11,323	131,377	26,275	2.1

The Northeastern Forest Fire Protection Compact is effectively accomplishing the purposes intended by the Congress. It is indeed a pleasure, Mr. President, to review a program which, over the course of 25 years, has filled an important need and has served as a model for similar efforts in other parts of the Nation.

ADMINISTRATION WITHHOLDING MORE THAN $400 MILLION IN FISCAL YEAR 1972 FOOD STAMP FUNDS

Mr. HUMPHREY. Mr. President, on May 26, 1972, I called public attention to the fact that the administration is planning to return more than $400 million to the Treasury in unspent food stamp funds appropriated by Congress for the program for fiscal year 1972. On May 31, 1972, I wrote Senator HERMAN E. TALMADGE, chairman of the Senate Committee on Agriculture and Forestry, asking that the committee, in cooperation with the Senate Subcommittee on Agricultural Appropriations, investigate why 20 percent of money appropriated by Congress for the food stamp program in fiscal year 1972 has not been spent. Yesterday, Senator TALMADGE responded to my request by indicating that he has asked Secretary of Agriculture Butz to comment on my charges and to explain what actions have been taken by the Department this past year to improve and expand the program in accordance with congressional directives to do so.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to Senator TALMADGE requesting this investigation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

May 31, 1972.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I was very disappointed to learn last week that the U.S. Department of Agriculture will likely return to the Treasury at the end of next month over $400 million in unspent funds. Congress appropriated $2.285 billion in Fiscal Year 1972 to operate the food stamp program, but it now appears that spending by the Administration will not exceed $1.860 billion, or about $425 million less than provided.

USDA in presenting its budget proposals to Congress in January for the 1973 Fiscal Year revealed it would turn back $198 million in food stamp funds in the 1972 Fiscal Year to the Treasury. These estimates assumed that program expenditures, including the value of bonus coupons to individuals and families participating in the program, together with operating and administrative costs, would be $2.087 billion. Against this amount, the Congress had appropriated about $2.2 billion and had authorized a carryover from fiscal Year 1971 of $89 million, or a total of about $2.285 billion to finance food stamps in Fiscal Year 1972.

While USDA program officials will not cite the specific amount they estimate will be returned unspent from the food stamp budget, they have acknowledged the actual level will be at least $400 million.

In view of those revelations, I wish to request that the Senate Committee on Agriculture and Forestry, in cooperation with the Senate Subcommittee on Agricultural Appropriations, investigate why 20 percent of money appropriated for the food stamp program has not been spent, and why the Administration has not taken action to improve and expand the program in accordance with Congressional direction to do so.

The Administration last week acknowledged that unemployment would remain high through the rest of 1972. If the Administration is aware that millions of Americans are going to continue to suffer from low income, then the least it could do is show some compassion and use the resources Congress has provided to help minimize the impact of such conditions.

Your favorable consideration of this request is very much appreciated.

Sincerely,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, this action by the Nixon administration is further evidence of its consciously contributing to hunger and malnutrition and openly ignoring the efforts of Congress to help underfed Americans by deliberately withholding a substantial amount of the funds which Congress has appropriated for this purpose.

This action by the administration also has to make you wonder about its basic credibility. In early May, the President announced that he was going to ask Congress for additional $45 million to expand the school breakfast and summer child feeding programs. Now we learn that he is simultaneously planning to turn back almost 10 times that amount in needed food stamp funds to the Treasury:

> It is clear to me that food stamp bonus amounts could have been increased this past year and that action could have been taken to reach the 12 million or more people who now do not participate in the program. Furthermore, in view of the Administration's acknowledgement that unemployment is expected to remain high through the rest of 1972, this action by the Administration is nothing short of a callous disregard of the low income problems that millions of Americans will be faced with during this period. The least the Administration could do in view of this situation is show some compassion for these people and use the resources Congress has provided to help them minimize the adverse impact of such conditions.

Congress appropriated $2.285 billion in fiscal 1972 to operate the food stamp program, but it now appears that the administration will not use more than $1.860 billion, or about $425 million less than that provided by Congress.

In presenting its budget proposals to Congress in January for the 1973 fiscal year, USDA revealed it would turn back $198 million in food stamp funds in the 1972 fiscal year to the Treasury.

These estimates assumed that program expenditures, including the value of bonus coupons to individuals and families participating in the program, together with operating and administrative costs, would be $2.087 billion.

Against this amount, Congress had appropriated about $2.2 billion and had authorized a carryover from fiscal 1971 of $89 million, for a total of about $2.285 billion to finance food stamps in fiscal 1972.

While USDA officials will not cite the specific amount they estimate will be returned unspent from the food stamp budget this fiscal year, they have acknowledged that the amount will be at least $400 million.

Mr. President, it would appear that Congress will again have to take action to force the administration to implement both the letter and spirit of the food assistance laws it enacts.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD three tables showing monthly performance under the food stamp program and the budget analysis for the program for this fiscal year.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—MONTHLY PERFORMANCE, FOOD STAMP PROGRAM (FISCAL 1972)

[In thousands]

Month	Participation	Bonus stamps
July	10,414	138,371
August	10,668	143,560
September	10,610	141,435
October	10,601	141,601
November	11,070	148,717
December	11,184	149,956
January	11,070	150,690
February	11,355	154,018
March	11,460	156,272
April [1]	11,660	159,000
May [1]	11,800	161,800
June [1]	12,060	164,600

[1] Participation is assumed to increase 200,000 persons monthly The bonus rate for each new participant is assumed to be $14 per month.

TABLE 2: FOOD STAMP PROGRAM—BUDGET ANALYSIS [1] FISCAL 1972

	Million
Appropriation	$2,196
Unobligated balance available, start of year	89
(Available for operations)	2,285
Unobligated balance lapsing	198
Total obligations [2]	2,087

[1] Data Source: The Budget of the United States, Fiscal 1973.

[2] Includes $50 million for administration, other costs.

TABLE 3: FOOD STAMP PROGRAM—REVISED ANALYSIS, FISCAL 1972

	Million
Available for operation [1]	$2,285
Bonus Stamps [2]	1,810
Administration, Other [1]	50
Total Obligation	1,860
Unobligated balance lapsing	425

[1] Table 2.

[2] Table 1.

PROBLEMS OF THE SMALL BUSINESSMAN

Mr. McGOVERN. Mr. President, competition is the strength of our free enterprise system, and the greatest single threat to our economic system is the mounting pressure against small businessmen. Study after study has shown that prices to the consumer are significantly lower where there is effective competition, and in our efforts to insure the survival and strength of small business, literally billions of dollars of benefits are at stake for every man, woman, and child in this country.

Since the 19th century, it has been recognized that the many features of our economic system and our Government policy that benefit the growth of big business domination need to be counterbalanced with a positive small business policy. Since 1953, it has been national policy to "aid, counsel, assist, and protect, insofar as possible, the interests of small business concerns in order to preserve free competitive enterprise—and to maintain and strengthen the overall economy of the Nation."

Unfortunately, despite lipservice to these goals, the present administration has acted as if free enterprise meant not competition but large corporations. The long term growth in economic concentration has continued and even accelerated in the last 3 years. The share of Federal procurement going to small businesses has continued to decline. The recession brought on by the administration's economic policies has been a depression for small businessmen. In 1970, the profit margins of small businessmen declined by 32 percent; the after tax profits of small manufacturing corporations declined by 45 percent; the rate of business failures increased by 17 percent.

When Lockheed was in trouble, the administration rushed through Congress a $250 million emergency loan guarantee. The administration has shown no such solicitation for failing small businesses—of which there are 10,000 every year. On the floor of the Senate, I attempted to add an amendment to the bill providing for $2 billion of loan guarantees for farmers and small businessmen, but the administration's supporters defeated this proposal.

Our small business policy should include an immediate end to the recession, a more vigorous Federal procurement effort, a review of Federal requirements and specifications as they affect small businesses, a crackdown on crimes that affect small businessmen, assistance to small businessmen who face compliance deadlines for new regulations, and reform of the tax laws as they affect small businessmen.

With respect to the tax laws, I am a cosponsor of Senator BIBLE's bill, S. 1615. This bill contains provisions to encourage the establishment and growth of small businesses. It also provides for an eight-step graduation in the corporate income tax rates, to provide relief for small businesses. The corporate tax rate would be lowered to 20 percent for income up to $50,000.

Numerous small businessmen have faced problems in complying with new regulations adopted in the last few years as safeguards for consumers and employees. On April 1, 1969, I was one of the original cosponsors of S. 1750, the bill to guarantee the availability of capital for small businesses facing compliance problems. In the words of the 1971 report of the Senate Small Business Committee, this bill "was designed to make small businesses—the partners in progress rather than its victims." Key provisions of S. 1750 have been inserted as amendments to the Egg Products Inspection Act of 1970, and other legislation.

I am currently cosponsoring S. 1649, introduced by Senator BIBLE, which would permit the Small Business Administration to make emergency deadline compliance loans to small businesses on terms not otherwise available. I hope that this will ameliorate some of the problems that small businessmen face.

A NEW FOUNDATION FOR AN AMERICAN POLICY TOWARD ISRAEL

Mr. McGOVERN. Mr. President, in my first year in Congress I voted against a proposed aid package for the Arab countries because I knew that this aid, which was intended for use against communism, would only be used against Israel.

I am proud that I resisted Vietnam-type thinking as applied to the Middle East. I am proud that I have resisted the idea that we should support any dictator, whether Nasser in Egypt or Thieu in Saigon.

Mr. President, some see an analogy between Vietnam and the Middle East. I see only a paradox.

A flimsy dictatorship in Saigon is backed with the hugest arsenal of firepower ever assembled in history. But the citizens of the free democracy of Israel must wonder from year to year whether they are again to slip to the razor's edge of survival.

Huge sums are spent to develop modernistic weapons that are tailored exactly to the needs of the strong men in Saigon. But the army of Israel must depend on carefully shepherded leftovers.

Hundreds of thousands of men and women and children die to make Southeast Asia a model of unshakeable commitment. But Israel is still in danger after a generation of war because the commitments of her friends have been abandoned again and again and again.

Lives have been lost because it has mistakenly been claimed that our national interests and our democratic ideals are at stake in Southeast Asia. But in treating our aid to Israel as a favor rather than a permanent relationship we have been deaf where those needs and ideals are really at stake.

We have talked about self-determination in Southeast Asia. Yet we have failed to give our unequivocal support for the principle that the problems of the Middle East must be solved by the nations of the Middle East themselves.

Mr. President, it is a foolish priority that this Nation spends hundreds of millions of dollars designing people sniffers and spider mines and other bizarre weapons for use in guerrilla warfare in Southeast Asia rather than reinforcing Israel's capacity to wage desert warfare in the Negev and the Sinai.

Our primary goal in the Middle East should be clear. We seek a secure peace that will guarantee the military security and economic soundness of democratic Israel. The cornerstone of such a peace must be mutual agreement upon recognized national boundaries that are defensible and capable of deterring future aggression. The arbitrary and erratic lines drawn as Israel's temporary boundaries after World War II were largely responsible for three wars.

If we make a commitment to Israel as firm as our commitment has been to Saigon, I do not think that Israel will have to endure another generation of warfare.

I suggest the following four points as the foundation for American policy.

First, Israel's modern deterrent is the most effective guarantee that could exist for the current cease-fire or for a permanent peace. When we have hesitated in our military support for Israel the fragile fabric of peace has been weakened. When we have supplied this help, conditions have stabilized. At a time of massive Soviet arms shipments to other states, we have an obligation to furnish Israel the advanced aircraft and other equipment necessary to prevent attack.

Our sale of these weapons should not be made contingent upon Israeli agreement to American diplomatic demands. It should be an ongoing commitment based solely upon the military requirements of the day.

Second, Israel needs substantial economic aid. Israel's per capita defense budget is, of hard necessity, the largest in the free world. Yet it must continue to provide for refugees from the Soviet Union and elsewhere. Much of Israel's economic aid has come in the form of contributions by thousands upon thousands of citizens of this country. But our Government can do more than it has. In this connection, I have proposed an $85 million program—from available refugee funds—to help defray the costs of settling new immigrants from the Soviet Union.

Third, Israel needs our diplomatic support. This should include support for Israel's basic peace proposals and for her positions in the arenas of diplomacy, including the United Nations.

Recently the United States joined in voting criticism of Israeli administration of Jerusalem. Yet in the last 20 centuries, Jerusalem has never seen better rule than it has today under the Israeli administration of Mayor Kollek. The people have jobs—Arabs and Jews. Health care is available to all. The holy places of all religions are fully protected and under repair. I wish that we could make these claims about our country. The people of Jerusalem have gained from Israeli administration and should continue under it. The United States should recognize Jerusalem as the capital of Israel and move our Embassy there.

Finally, Israel needs our help in restraining Soviet activity in the Middle East. For 15 years, the Soviets have fished in the troubled waters of the Eastern

Mediterranean. Their weapons and the stationing of their own personnel represent a difficult obstacle to negotiations. I would hope that, in the new period of negotiation that has opened up with the Soviet Union, we might do what we can to persuade them to join with us to encourage the kind of nonimposed settlement that would take the Middle East out of the theater of big-power confrontation.

The policy measures that I propose are an investment in the future. They will bring closer the permanent peace that is the first need of Arabs and Israelis alike. They will bring closer the day when all of the nations of the Middle East can use their resources for growth rather than war.

SENATOR HUGH SCOTT'S RECORD ON CONSUMER LEGISLATION

Mr. COOK. Mr. President, American consumers are more aware of their function in the marketplace than ever before. Shoddy goods, misleading advertising, and poor service have all been looked at by the Congress and the Government's various consumer protection offices. Consumers are just not that easy to fool. Our esteemed minority leader, Senator HUGH SCOTT, of Pennsylvania, has long advocated sound legislation to protect consumers. I ask unanimous consent that Senator SCOTT's record on behalf of consumers be placed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

92D CONGRESS

Legislation

S. 3080—To amend the Lead Based Paint Poisoning Prevention Act.

S. 3136—To amend the Federal Food, Drug, and Cosmetic Act to regulate the amount of lead and cadmium which may be released from glazed, ceramic, or enamel dinnerware.

Votes

Voted for appropriations to provide consumer protection and services.

Voted for the Motor Vehicle Information and Cost Savings Act.

Voted for the Consumer Product Warranties and Federal Trade Commission Improvement Act of 1971.

Voted for the Wholesome Fish and Fishery Products Act of 1971.

THE 91ST CONGRESS

Legislation

S. 861—To provide Federal assistance to States for establishing and strengthening consumer protection programs.

S. 1689—To protect children against dangerous toys.

S. 2259—Credit Union Act amendment to assist in meeting the savings and credit needs of low-income persons.

S. 3204—To require safety devices on household refrigerators.

S. 3822—To provide insurance for member accounts in State and Federally chartered credit unions.

S. 3941—To provide penalties for the use of lead-based paint in certain dwellings.

Votes

Voted to prohibit issuance of credit cards, except on request, and to limit holder's liability for loss.

Supported the Consumer Products Warranty and Guaranty Act.

Voted to require identification of sexually oriented mail advertising and to provide for its return, if unsolicited at sender's cost plus a surcharge.

Voted for the Consumer Protection Organization Act of 1970.

Voted for the Securities Investor Protection Act of 1970.

THE 90TH CONGRESS

Legislation

S. 1003—To increase protection afforded consumers against injurious flammable fabrics.

S. 1129—Fire Research and Safety Act.

S. 2268—Requiring meaningful disclosure of the cost of credit in advertising promoting retail installment sales, loans, or open-end credit plans.

S. 2966—To limit categories of questions required to be answered under penalty of law in the decennial censuses.

S. 3771—To amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, etc.

Votes

Voted for the Truth in Lending Act.

THE 89TH CONGRESS

Legislation

S. 3054—To provide for a study of serious interruptions of certain essential services due to power failures, etc.

S. 3059—To authorize Secretary of Agriculture to regulate animals used for research, experimentation, etc.

Votes

Voted for the Tire Safety Act of 1966.

Voted for the Fair Packaging and Labeling Act.

Voted for the Humane Handling of Research Animals Act.

Voted for the Traffic Safety Act of 1966.

THE 88TH CONGRESS

Legislation

S. 774—To promote quality and price stabilization, restrain unfair distribution, equalize rights of producers and resellers in the distribution of goods identified by distinguishing trademarks.

S. 1249—To protect consumers against misbranding, false invoicing and false advertising of certain wood products.

THE 87TH CONGRESS

Legislation

Senate Resolution 119—To establish a Select Committee on Consumers.

THE 86TH CONGRESS

Legislation

S. 73—To prohibit certain acts involving import, transport, possession or use of explosives.

Senate Joint Resolution 160—To combat traffic in obscene matters.

ILLINOIS SENIOR CITIZENS QUESTIONNAIRE REPORT

Mr. PERCY. Mr. President, 6 months have now passed since the conclusion of the White House Conference on Aging, at which over 500 recommendations were made for improving life for our elderly citizens.

Although no one anticipated that all of these recommendations would be adopted, it was hoped that they would be reviewed carefully by appropriate public and private agencies, and that the best and most important among them would be put into effect.

The recommendations made collectively by the more than 3,400 delegates have already proved useful in giving public officials guidance with respect to actions they can take. At the time of the conference, however, I felt it would be useful as well to have the benefit of the individually expressed views of the delegates, and I therefore distributed a special questionnaire to my constituents represented in the Illinois delegation. Their responses were informative and interesting, and insofar as they pertain to certain provisions of H.R. 1 and other legislation now pending before Congress, I would now like to share them with my colleagues:

> Question No. 1: Inadequate income is frequently mentioned as the most serious problem confronting senior citizens today. Do you agree with this view? If not, what do you feel is the most serious problem?

Eighty-eight percent of the delegates agreed that inadequate income is the most serious problem—at least in terms of needed response by the Government. Furthermore, as Nils Axelson, with the Evangelical Covenant Church of America, pointed out:

> It is also true that the elderly poor are least able to do anything about improving their own financial situation.

Next to inadequate income on the list of serious problems came health, for, as Mrs. Fred Kushmer, of Lombard, Ill., stated:

> If you do not have good health, you have nothing.

Significantly, a substantial number of the delegates indicated that loneliness and isolation among the elderly constitute a problem as serious—if not more so—than inadequate income. The chairman of the delegation, Joseph L. Gidwitz, indicated this by saying:

> Among the less visible problems are loneliness, a feeling of purposelessness, a feeling of rejection, malnutrition—malnutrition, because so many older people do not bother to secure an adequate diet—and other causes that contribute to mental deterioration.

This view was reaffirmed by Percy Shue, a representative of Kiwanis International, who responded to this question in part by saying:

> I would suspect that their most serious problem would probaby be expressed in some context of human relations—uncertainty about their future, finding life meaningful and enjoyable, separation from those they most love, and so forth.
>
> Question No. 2: Do you agree or disagree with the concept of a guaranteed annual income for the elderly poor? If you favor this concept, what would you recommend as a reasonable and proper guaranteed annual income?

Eighty percent of those who responded agreed with the concept of a guaranteed annual income. Recommended incomes ranged from $1,500 to $4,500 for an individual per year; from $3,500 to $7,200 for couples. The average of those figures recommended for an individual was $3,123; for a couple, $4,557. Most of those who supported the concept of a guaranteed annual income felt that it should reflect changes in the cost of living as well as differences in the living standards found to exist in various parts of the country.

The 20 percent who disagreed with this concept disagreed strongly, and expressed fears that the guaranteed income would destroy one's incentive to plan for his retirement and to help himself, thereby eroding his sense of self-respect and dignity.

Question No. 3: Do you favor a liberalization in the Social Security earnings limitation, now set at $1,680? If so, what would you consider a reasonable figure for the earnings limitation? Would you support a total elimination of the limitation?

The delegates were virtually unanimous in supporting liberalization of the earnings limitation, or "retirement test," and there was strong sentiment in favor of eliminating the test altogether.

Question No. 4: Do you support the idea of increasing substantially the minimum monthly Social Security payment? If so, what do you feel would be a reasonable minimum?

Eighty-eight percent supported raising the monthly benefit substantially, but the figures recommended varied widely. The most commonly suggested figure was $150 per month for an individual. The current minimum is $74.

Question No. 5: Do you feel Medicare should be extended to cover prescription drugs?

Ninety-five percent responded affirmatively to this question. In favoring the extension of medicare to cover out-of-hospital prescription drugs, however, the delegates cautioned that the Government should watch for unwarranted increases in the price of drugs, and that it should exercise certain controls.

Question No. 6: What do you feel are the greatest shortcomings in our Social Security and Medicare programs? Can you give specific recommendations for improving the program?

Criticism of the social security program—especially when measured against that of the medicare program—was relatively mild. There were no particular features of social security viewed as shortcomings on a widespread basis, although several delegates did single out the earnings limitation as one of the more undesirable aspects of the program. Other aspects cited as shortcomings included: a. inadequate benefits; b. inequities in the treatment of widows versus other groups; c. little return for the self-employed.

Medicare, however, seemed to draw nothing but negative comments, and on the basis of the responses, one would conclude that it is an inadequate and poorly administered program.

In commenting on its inadequacy, delegate Jerome Hammerman, a professor at the University of Chicago, stated:

> Medicare has been described as a "leaking umbrella." The idea is right, but the quality and coverage of protection are very spotty.

Recommendations for making the program more adequate included: a. extension of medicare to cover eyeglasses, hearing aids, and dental service; b. elimination of deductions and copayment features; and c. more emphasis on preventive health care.

The administrative shortcomings of medicare were depicted in these terms by Miss Caroline Redebaugh, a registered nurse with the Orchard Glen Nursing Home in Dixon, Ill.:

> Medicare has grown to be a bureaucracy where paperwork is considered more important than the patient. The entire program needs to be looked into, reviewed, and evaluated from a humanistic point of view as opposed to an accountant's viewpoint.

Professor Hammerman made this comment:

> Present administrative interpretations of "skilled" nursing care have gone to ridiculous lengths in refusing coverage for all except the most exotic forms of illness, forcing us to use the most high cost facilities to qualify for this insurance coverage. The aged—and providers—are forced to play a game of Russian roulette, never knowing in advance what needed service will be considered eligible and what will be disallowed. The result has been untold hardship on all, and a growing loss of confidence in the honesty and effectiveness of the whole program.

Complaints were made that "it takes forever to process claims," and suggestions for improving the administrative aspects of medicare included: a. better procedures for notifying recipients of termination of benefits; b. elimination of the practice whereby payments for services already rendered are denied retroactively.

In summation of what is wrong with medicare, one delegate, Mrs. Agnes Czachor, replied tersely:

> Too many people in the office don't know what they are doing.

Question No. 7: Do you feel there has been any improvement in the nursing home conditions in Illinois since the exposés of last spring? Should the Congress take further action in this area? If so, what specific actions would you recommend?

Interestingly, the consensus answer to this question was that there has been some improvement. Not surprisingly, however, this optimism was expressed in cautious terms, and the continuing need for vast improvement and for constant surveillance of homes was stressed. The answer given by Ben Levinson, of the Northwest Home for the Aged, in Chicago, summarizes well the responses of the others:

> There has been some improvement in nursing homes since the exposés of last spring. These improvements will be temporary unless: 1) owners are made to comply with laws, rules, & regulations affecting them; 2) the point system of payment for care is abolished; and 3) some way is found to get physicians into long-term care facilities to treat the patients and supervise health care.
>
> A word about the "point system" in Illinois. It is wasteful, extravagant, and encourages abuse and fraud. It makes patients dependent instead of self-reliant, inactive instead of active, and creates an unhealthy environment in which a man loses interest in all things, including life itself. The facts supporting these conclusions are well known to interested people familiar with the "point system."

Miss Redebaugh felt that while standards are generally adequate, enforcement is not, and that "enforcement is the key word to any legislation." I would certainly agree with this view.

Question No. 8: Do you feel the Age Discrimination in Employment Law needs to be strengthened? Have you personally encountered age discrimination in either applying for a job or in obtaining auto insurance? Or can you give information concerning friends or acquaintances who have encountered such discrimination?

Surprisingly, almost half the delegates had no opinion on this question, and indicated that their knowledge of the problem was so limited that they could not respond strongly either way.

Half the delegates indicated that the age discrimination in employment law does need to be strengthened, but for the most part, these delegates did not cite specific examples of age discrimination within their own personal experience, nor that of their acquaintances.

One delegate opposed strengthening the law, commenting that "age cannot be an excuse for employment."

Question No. 9: The Senate Aging Committee recently held hearings on "A Barrier Free Environment for the Elderly and the Handicapped." The hearings focused on problems which can arise from poorly or thoughtlessly constructed public facilities. Presumably you would support making transportation facilities more accessible to the elderly and the handicapped; would you—and could you—actively work toward this goal in Illinois?

All of the delegates who responded to this question expressed sympathy with the goal of making transportation facilities more accessible to the elderly and the handicapped; 58 percent actually said they were in a position to work actively toward this goal. In commenting on the "architectural barriers" issue, several delegates brought up the issue of reduced fare programs for senior citizens on mass transit facilities, indicating strong support for such programs.

One delegate, Robert Rummenie of Quincy, Ill., made the suggestion that:

> Two possibilities (for making transportation facilities more available to the elderly) lie in the use of school buses—if the insurance angle and availability of experienced drivers could be worked out—and some sort of transportation stamp program, similar to food stamps.

Question No. 10: Do you have any suggestions as to how the Federal Government could help alleviate the housing problems of the elderly?

Aside from general agreement that the Federal Government should foster conditions conducive to the development of more, better, and more reasonably priced housing—a goal desirable for all age groups, and not unique to the elderly—the delegates recommended:

a. creating conditions which allow elderly people to remain in their own homes;

b. easing the property tax burden;

c. providing social and supportive services in and around housing for the elderly;

d. rehabilitating old buildings—again, so that residents can remain in environments familiar to them; and

e. upgrading of the 202 program.

Question No. 11: What do you feel has been the primary value of the 1971 White House Conference on Aging?

The delegates were almost unanimous in saying that the primary value of the conference was to focus much needed attention on the most serious problems of the elderly. The conference also served to bring together people knowledgeable in the field of aging, so that they could pool their wisdom and put together a reservoir of suggested solutions for the administration, the Congress, and the various State administrations and legislatures to act on during the coming years. A generally shared view was that expressed by Chauncey Lee from Springfield, who said:

> The conference was well organized, the delegates dedicated, hardworking people, but

it will all be in vain if no recommendations are implemented. The Executive Director for the Governor's Committee for Senior Citizens, Clarence Lipman, said that "if Congress in its wisdom would just follow the recommendations that came forth at the Conference, the senior citizens who attended would feel the conference was well worth the effort they put into it."

In summing up the meaning of the White House Conference on Aging, and the task before us, I think the comments of Professor Hammerman are most appropriate:

> Clearly the most serious problem confronting older people is their very real exclusion from the main areas of political, economic, and social life; the fragility of familiar and primary relationships, and the unfortunate position usually accorded the superannuated, unneeded, and unwanted in society. To reverse this negative attitude toward the aged is the ultimate sum and substance of our concerns.

SENATE MUST ACT ON H.R. 1

Mr. President, I believe the remarks made in response to this questionnaire underscore the importance of congressional action on H.R. 1, the omnibus social security, medicare, and medicaid bill now before the Senate.

Every single day I am receiving letters from constituents asking: "What has happened to the social security bill? When can we expect to see an increase in our social security benefits?"

Enactment of H.R. 1 is critical to the millions of older Americans who must depend largely upon social security for their income, and I would once again like to note the urgency with which we must consider this legislation and the many amendments I have introduced that will move a long way toward correcting the injustices evidenced by responses to my questionnaire.

SOUTHERN RURAL ACTION, INC.

Mr. COOK. Mr. President, at a time when all the Nation is concerned with welfare and unemployment and the Government's role in solving these problems, there are examples of initiative being taken by nongovernmental institutions. One such organization is the Southern Rural Action, Inc., which has attempted to create jobs for the rural poor in the manufacturing and construction industries. President Nixon recently said of this organization.

> By offering on-the-job training in building construction, you have provided skills, jobs and homes to a number of persons who had previously lacked them and have thus added pride and dignity to their lives.

I ask unanimous consent that the article in the New York Times of May 8 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RURAL ACTION HELPS TO GIVE POOR SOUTHERN BLACKS JOBS AND PRIDE

ATLANTA, May 7.—Dr. Randolph T. Blackwell, director of Southern Rural Action, Inc., unrelentingly walked the back roads of the South attempting to create jobs for rural blacks where none existed and instilling community pride where it seldom existed.

Now after six years of guiding an organization where personalities run a distant second to programs and projects, there are those in other self-help agencies around the nation multitalented staff has demonstrated rural America does not have to become a sprawling ghost land as some have prophesied.

A practical, often crafty administrator who instinctively knows and relates to the problems of the poor, uneducated and deprived. Mr. Blackwell readily admits Southern Rural Action has by no means solved the nagging unemployment and housing problems of the stagnant masses trapped in backwoods America. But he hastens to add:

"We are trying to make it impossible for anybody to argue that it can't be done by demonstrating what can be done," he stresses.

INDUSTRIES ESTABLISHED

By demonstrating, Mr. Blackwell points to the 20 light industries S.R.A. has created in small hamlets of Georgia, Mississippi, North Carolina, South Carolina and Alabama, since his organization was founded in 1966.

From an original staff of four that has grown to 26, Mr. Blackwell and his supporters have built eight garment factories, four brick manufacturing plants, three silk screen shops, two roof truss operations, a cabinet shop, a bakery and a woodwork plant.

Products from these places come by way of such unheralded towns as Mt. Bayou, Miss.; Uniontown, Ala., Plains, Ga., and Choctaw, Ala., to mention a few. Funding to develop these projects has been left primarily to the largesse of individuals, churches, trade unions and women's organizations.

In June, however, Southern Rural will be reconsidered for a second $200,000 Housing, Education and Welfare (H.E.W.) grant that is applied to administrative needs only. The fact that the efforts of his staff has also caught the eye of President Nixon pleases Mr. Blackwell.

In a recent letter to the S.R.A. director, President Nixon wrote: "By offering on-the-job training in building construction, you have provided skills, jobs and homes to a number of persons who had previously lacked them and have thus added pride and dignity to their lives."

Possibly the showcase of what Southern Rural is accomplishing is found in the small community of Plains, Ga., located in the black belt of Southwest Georgia and which also is the home of incumbent Gov. Jimmy Carter. ("Make it clear that we were there long before Mr. Carter became Governor," notes Mr. Blackwell, "and that we didn't climb on any political backs.")

There, in one of the 10 poorest counties in Georgia, Southern Rural has constructed a roof truss plant capable of turning out 60 trusses per day; a brick plant used for training as well as supplying materials to buy homes; a $20,000 community center that was constructed from the ground up mostly by local black teen-agers who in turn will run the center.

But the largest project has just gotten under way. On April 17, ground was broken for the construction of 15 low-income homes to be built in Plains ranging from $9,000 to $14,000, with payments scaling from $35 to $55 monthly depending on family size and household income.

PROVIDE FOR THEMSELVES

When completed by September, Africana Village will be additional evidence, as Mr. Blackwell often points out, "that want to provide for themselves, and in fact want to provide for themselves, if given the opportunity."

Mr. and Mrs. Henry Tatum, a black couple with seven children ranging from eight to 21 years old, were the first to move into a home constructed in Plains with S.R.A.'s assistance. Their oldest son Jimmy made and laid many of the bricks used to build the family's modest four-bedroom home.

Every enterprise that S.R.A. undertakes winds up in the hands of the employees or coordinators of a project. Once a business, like the sewing plant in Blue Ridge, Ga., or Greene County, Ala., is self-sustaining, workers determine their own salaries, manage the plant and provide for expansion if necessary.

MOST UNITS SHOW PROFIT

Most of the capital generated by the small industries is fed into the local community, thereby stimulating whatever growth is possible.

While there continues to be lean months where Southern Rural doesn't know where the next project dollar is coming from, Mr. Blackwell refuses to take money from the businesses he has helped to establish. "You're not helping people when you're benefiting from their labors," he says.

From all indications, all but two of the businesses Southern Rural has helped to start are showing a profit. The two exceptions are a brick plant in Choctaw County, Ala., and a factory in Huntsville, Ala., that manufactures disposable hospital garments.

Occasionally, Mr. Blackwell, who was a former program director of the Southern Christian Leadership Conference (S.C.L.C.) when Dr. Martin Luther King was alive, will undertake a project that gives the needy services instead of jobs.

For example, in Russum, Miss., S.R.A. has formed a water association and will shortly provide the system necessary to pipe water into the homes of 38 families there whose only source of any kind of water until now has been rain barrels.

Wedded to the principle of total community development, S.R.A. through Mr. Blackwell's leadership has sought to assist mainly poverty pockets of the South with projects diverse enough to make it possible for everybody to participate.

"If we are going to reverse the downward trend of these (poor) counties, it will take the efforts of everybody. And most of the places we have been going into in fact have been going downhill for the past 100 years."

WE CANNOT AFFORD TO BE COMPLACENT ABOUT U.S. PRODUCTIVITY

Mr. PERCY. Mr. President, increased U.S. economic productivity is at the core of our domestic economic recovery and our international competitiveness. There is a debate, however, about the nature of Government's role in increasing productivity.

One point of view is that productivity rises or falls in tandem with general economic activity, that there is no particular reason to worry about poor productivity now, and that it will improve almost automatically as business conditions genreally improve.

The other point of view, which I and my very able colleague, Senator JAVITS, share, is that the United States is entering a period when productivity cannot be expected to rebound upward along with an upward trend in the business cycle. We think that an analysis of the causes of low U.S. productivity indicates the presence of factors, especially changed employee attitudes, that will lead to continued productivity sluggishness. We believe that so much depends on increasing our Nation's productivity that Government must take an active role in encouraging labor and management to take special steps to increase it.

The differences between the two points

of view are well illustrated by an exchange of views in Fortune magazine between Mr. Sanford Rose, an associate editor of Fortune, and Senator Javits and myself. In the February issue of Fortune, Mr. Rose, in an article titled "The News About Productivity Is Better Than You Think," Congressional Record, page 3767, expressed the view that productivity is essentially a reflection of the level of general economic activity, and that we can expect it to improve rather automatically as the economy recovers.

In our rejoinders in Fortune's May issue Senator Javits and I responded that we cannot expect automatic productivity increases and that Government must now take an active role in encouraging productivity improvement.

I think this exchange of views amply illustrates the current division of opinion about the importance of governmental steps to increase productivity. The same differences were expressed in the Joint Economic Committee's hearings on national productivity, which were held April 25 through 27.

In my view Government must take an activitist role in increasing productivity. I very much hope that the Joint Economic Committee's hearings report will reflect this urgent need, which I believe is gaining increased acceptance.

I ask unanimous consent that this excerpt from Fortune magazine be reprinted in the Congressional Record at this point.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

How Good Is the News About Productivity?

(Note.—In "The News About Productivity Is Better Than You Think" (Fortune, February), associate editor Sanford Rose argued that all the recent talk about a "crisis in productivity" may be somewhat overdone. Two members of the Joint Economic Committee of Congress, Senator Charles H. Percy and Senator Jacob K. Javits, vigorously dissented. We are pleased to publish their remarks.)

Senator Percy. I do not share Mr. Rose's optimistic analysis that U.S. productivity rates will almost automatically achieve their 1950–65 levels as the economy recovers. My view is that since 1965, when productivity rates began to drop, some quite fundamental social changes have taken place that will, in the long run, depress U.S. productivity unless we take special remedial steps.

I agree with Mr. Rose that low U.S. productivity performance in the 1965–70 period was directly related to the distorted economic forces at work in those years. I am also keenly aware that the productivity increase we are now experiencing is a cyclical phenomenon that normally occurs in periods of economic recovery. But will productivity growth return to the 1950–65 rate after this short-term recovery, and even if it does, can we afford to be content with that level of performance?

In the short term I believe that a determined effort to increase productivity rates is essential in order to achieve price stability, speed removal of wage-price controls, and improve our international competitive position. Such an effort is also necessary to help achieve important long-term objectives. There is an urgent need to create greater real economic growth so that we can more readily afford to solve our social problems. A number of experts have indicated that our productivity potential is significantly greater than the 3 percent annual average growth from 1950 to 1965. The question is, how do we achieve "optimum" levels?

I have urged my fellow legislators to recognize the pressing national need to adopt tax and other measures that will provide incentives to stimulate growth. Likewise, I have tried to make both business and labor more aware of the need for a substantiral long-term increase in productivity growth rates through such techniques as job enrichment and redesign, group incentive-pay plans, manpower planning for adjustment and upward mobility, and joint labor-management efforts to increase productivity through such means as formation of productivity teams or councils at the plant level. What must be communicated is a national concern, a sense of "productivity consciousness." Instead Mr. Rose's analysis encourages a renewal of complacency about what I consider a very serious problem. I argue that inadequate emphasis is given to at least four important changes that have been taking place.

REBELLIOUS WORKERS

Mr. Rose, like too many others, seems reluctant to accept the fact that the work force of the 1970's is simply not the same as the work force of the 1950's or the 1960's. As he points out, it is younger and better educated. Today 60 percent of the work force has a high-school education, compared to 30 percent thirty years ago. As a result, employee attitudes are changing. Even as jobs have become more and more standardized and routinized, the idea is taking root that work must be a fulfilling, personally rewarding experience. Unless the new work force is motivated to do the blue- and white-collar jobs industry needs done, the fact that it is on average younger and better educated could well be a disadvantage, not, as Mr. Rose indicates, an advantage.

The fact that the work force is different and, more important, is dissatisfied, has been convincingly explained both by former Assistant Secretary of Labor Jerome Rosow in his report on America's blue-collar workers, and by Mr. Judson Gooding in his series of articles for Fortune, particularly those titled "Blue-Collar Blues on the Assembly Line" (July, 1970) and "The Fraying White Collar" (December, 1970). There is evidence that America's productivity is being handicapped by high quit rates, excessive absenteeism, pilferage, overt sabotage, resistance to change, and rebellion against union leadership.

The point is that these changes in attitude and job performance require businesses to change as well, and many of them are doing so. At Polaroid, Texas Instruments, General Mills, and other companies, efforts to enrich jobs and motivate employees by giving them responsibility for their jobs, and for the pace and ways in which they do them, have paid off handsomely for companies as well as employees. Such techniques should be emulated.

The special problem of low productivity in service industries creates another long-term drag on productivity that is not given enough emphasis in Mr. Rose's analysis. And we have come to the end of the substantial off-farm migration that helped boost private-sector productivity growth by an estimated 0.2 percent to 0.3 percent a year in the pre-1965 period.

FASTER GROWTH ABROAD

Finally, I do not think Mr. Rose's analysis adequately takes into account the changed position of the U.S. in the world economy. A special effort to increase productivity in all sectors of the American economy would be necessary for this reason alone.

The spread of technology throughout the world, the increased use of modern management techniques, the availability of capital, and the installation and renewal at very high rates of highly sophisticated plant and equipment have created an entirely different situation now than in the postwar period, when the U.S. economy was in a predominant position.

Strong corrective measures have been taken, with my own active support as a legislator, to restore the competitive position of the U.S. economy. Realistic exchange rates and dampened inflation will help create a more favorable trade balance. Enactment of the 7 percent investment tax credit and more liberal depreciation rules will help make treatment of U.S. capital investment more nearly equal to that of our major competitors.

Even if our more stable and more competitive economy does regain a 3 or even 4 percent level of productivity growth after 1972, we will still remain at the low end of the productivity growth scale. For example, at the rate of 3.1 percent for the 1960's, U.S. productivity growth was lower than that of (in ascending order) the United Kingdom, Canada, Switzerland, France, Germany, Belgium, Italy, the Netherlands, Sweden, and Japan.

A fundamental requirement for significant progress is a change of attitudes. Management must take a new look at workers and their jobs. Both labor and management should re-examine their adversary relationship and begin working together to achieve common objectives. Higher rates of investment and more dynamic research and development will result in significantly improved performance.

We cannot be complacent about the fundamental problems we face. We must be more active in urging concentrated efforts to generate a substantial long-term increase in productivity. In short, we must become a productivity-conscious nation.

The rewards are certainly worth the effort. Faster real economic growth will enable us to afford solutions to our national needs. Increased quality of output will help reassure and satisfy consumers. More jobs, higher-paying jobs, better and more satisfying jobs will help cure our labor force's "blues." Ultimately, the U.S. economy will again be the most competitive in the world.

Senator Javits. Indeed, I wish the news about productivity were better than I think. However, this otherwise well-written and researched article fails badly on at least four important counts.

First, it makes no mention of the fact that during the past six years the rate of productivity increases in other industrialized countries has exceeded both our average and, in most cases, our peak performance. Germany, Japan, and Canada, to name a few countries, are increasing their output per man-hour at rates that severely threaten our ability to maintain price competitiveness for long periods of time. The figures on productivity growth in those countries from 1965 to 1970, incidentally, are 5.3 percent, 14.2 percent, and 3.5 percent respectively.

The article states that "for all this chatter about a 'productivity crisis,' the years 1971 and 1972 might well produce the greatest back-to-back gains in over twenty years"; however, even this peak performance is expected to be overshadowed by the gains in Japan, which is currently suffering under its worst postwar recession.

Second, the article does not clarify the direct connection that increased productivity has with price stability. The economy was simply following the inexorable laws of economics when our sagging productivity performance in 1969 and 1970 coincided with a price situation that seemed to be getting out of hand. Similarly, the prospects for price stability during the Phase Two period are enhanced by the fact that productivity is following the normal cyclical pattern of increase. We shall need above-average rates of productivity growth if we are to expect the wage gains and price stability that are the goals of economic policy.

Third, there is no description in the article anywhere of the role that increased productivity can play in satisfying the immense social needs that have been generated by our affluence. Modern society now demands clean air and waters, higher-quality education, better housing for all, efficient mass transit, and a myraid of other expensive services. Politicians compete for superlatives in describing how America deserves new, and costly, programs for improving the quality of life.

Well, where are the money and the resources for these programs going to come from? The Office of Management and Budget recently informed us that there is only $5 billion of leeway left in the 1976 federal budget for new programs. A Joint Economic Committee study concluded last year that without above-average productivity increases the economy itself would be capable of absorbing only $44 billion in new programs over the 1972–76 period. Place these figures alongside the bill that is given merely for cleaning up air and water pollution in America—$70 billion—and the need for greater productivity gains becomes obvious.

A final issue completely missed by the article is the effect that our success in increasing the educational level of Americans has had on worker attitudes and, therefore, productivity. It seems clear to me that the government should take the lead in promoting new ways of employing our intelligent work force, which possesses immense potential but no longer conforms to the blue-collar stereotype—if it ever did so conform—under which management science has developed.

These are only a few of the flaws. Others include the fact that there is no mention concerning the effect of R. and D. on productivity, of profit-sharing and other incentive plans, or of the National Commission on Productivity, which is spearheading the government's work in this field.

Although I believe it is necessary to call the nation's attention to our need to increase productivity, I am no pessimist. The American working force has the greatest potential of any nation's for productivity improvement, and for raising our standard of living and that of others. But there is much work to be done in changing our attitudes toward work and "humanizing" the work environment so as to bring our full productive potential into play.

SANFORD ROSE REPLIES

Many of the criticisms relate to omissions that were unavoidable in an article devoted to the broad dimensions of the productivity problem. But the Senators made some curious points that require a response. They note that many other countries have exceeded our productivity performance and that this, in Senator Javits' words, "severely threatens our ability to maintain price competitiveness." Surely Senator Javits is aware that price competitiveness depends not merely on relative movements of productivity change but also on relative trends in hourly compensation. From 1960 to 1965, for example, U.S. productivity increased far more slowly than that of most of our competitors, but so did U.S. wages. Unit labor costs in the U.S. actually fell during this period, while those of other nations were rising sharply, and the U.S. trade surplus increased.

Since 1965 our trade surplus has evaporated, in part because our productivity has lagged, but also because of outsize wage increases. In the future our productivity will probably continue to rise at a slower rate than that of our major competitors—though the gap will almost surely be less than in the past—but this need not mean a deterioration in price competitiveness. In fact, there are encouraging signs that relative price movements will favor the U.S. for much of the next two to three years.

Moreover, both Senators seem to forget that competitiveness is defined, in economic terms, as equilibrium or surplus in the current account of the balance of payments—that is, goods *and* services——rather than in just the merchandise trade account. Considered in this light, there can be little doubt that the U.S. will remain a formidable world competitor. While our surplus on "visible" trade will fall short of the level reached ten years ago, our balance on "invisible" trade will undoubtedly rise. Computers, aircraft, etc., are not the only trade goods that the U.S. possesses. Management is also a trade goods—indeed, perhaps the most important one—and the U.S. will shortly earn enough from its overseas management to offset any weakness in the visible-goods area.

Senator Percy refers to certain structural changes in the U.S. economy that would tend to dampen the rate of productivity growth. But the article did take these changes into account. It pointed out that, according to estimates by the Bureau of Labor Statistics, the shift to service industries could lower the rate of productivity growth by 0.2 percent a year during the 1970's, while the shift away from farms could reduce it by an additional 0.2 percent. The article notes, however, that the B.L.S. is currently projecting an *increase* in the rates of productivity gain in many industries. These increases will offset about half the loss from the occupational shifts, leaving a net potential decline of about 0.2 percent.

Senator Percy argues that discontents in the labor force may jeopardize commitments to productivity. Everyone talks about new worker attitudes, but no one seems able to document them, except by isolated examples that in themselves prove little. Senator Percy says that one problem is high turnover rates, but while turnover rates were higher in the late 1960's than in the early 1960's, they were no higher than in mature stages of previous economic expansions. Moreover, they fell when the recession began, just as they had always fallen in similar circumstances.

Senator Percy says that absenteeism is excessive, but offers no evidence that it is rising—nor could he, I believe, present compelling evidence on an economy-wide basis. In preparing this article, I made an extensive effort to find statistical support for the idea of *pervasively* deteriorating work attitudes, but could find relatively little.

It is helpful to alert people to the need for higher productivity, but it is dangerous to overstate the problem. It took an unconscionably long time to deflate economic expectations during the late 1960's. Let us hope that it does not take quite so long a time to reflate them during the 1970's.

LEGAL SERVICES

Mr. COOK. Mr. President, in respect to the bill S. 3010, which would amend and extend the Economic Opportunity Act of 1964, as amended, I need not remind this body of the importance of this deliberation, in view of the fact that legislation in many respects similar to the present bill was passed by this body last fall, only to be vetoed by the President, a veto, I might add, which was subsequently sustained.

Included in the new bill as ordered reported, is a provision for the creation of a new National Legal Services Corporation which would replace the legal services program now with the Office of Economic Opportunity. It is entirely possible that the Congress may permanently fix the Federal role in legal services for many years to come. The critical need for all Members of this body, before committing themselves to such an outcome, to become fully aware of the very serious issues raised by S. 3010, is what brings me to the floor today.

There are a number of serious problems in the committee bill which all of my colleagues should recognize.

Last year I introduced on behalf of the administration S. 1769, the Legal Services Corporation Act. Subsequently on September 9, 1971, I offered this measure as a substitute for the legal services provision in S. 2007. Although the amendment failed by a very close vote, it did I believe focus the Senate's attention on some very serious problems; namely, accountability and criminal representation. To my satisfaction these problems and others, have still not been resolved.

In regard to accountability, there are a number of problems. First there is the board of directors, the governing body of the proposed Legal Services Corporation. The bill as reported is far superior to the original version which provided the President with only 6 out of 17 appointees. The committee version now empowers the President to appoint 10 out of 19 board members. But in reality, factors such as executive committee authority and the power of a working majority to set policy still clouds this issue.

But even more disturbing is the total lack of control over the activities of the proposed corporation. Section 913 states very clearly:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

This not only limits congressional review, except in audits, but also restricts the Office of Management and Budget in its budget review role. I believe this to be an intolerable situation.

The section dealing with criminal representation is also a slight improvement over the previous version vetoed by the President. However, I believe it is an improvement in form rather than substance. The bill vetoed by the President (S. 2007) contained a so-called criminal representation prohibition as does section 906(i). However, that section is replete with potential loopholes. I believe this section should likewise be tightened up.

There are many other issues which are equally important and which I hope some of my colleagues will study and debate. These include lobbying by the corporation's attorneys, political activity—employees are not subject to the Hatch Act, lack of criteria establishing standards for eligibility and others.

Mr. President, I do not especially wish a role which many will conclude as being against legal services for the poor. I favor such services as a means of insuring citizens of limited means the opportunity of resolving their means "within the system." However, I will think twice before supporting the Legal Services Corporation in its present form. I plan to offer amendments to correct many abuses in S. 3010. Furthermore, I will consider amendments either striking title IX or separating it from the rest of the bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

NOMINATION OF RICHARD G. KLEINDIENST

The PRESIDING OFFICER. Under the previous order, in executive session, the Chair lays before the Senate the nomination of Richard G. Kleindienst to be Attorney General of the United States.

The PRESIDING OFFICER. The question is on the confirmation of the nomination of Mr. Kleindienst to be Attorney General of the United States. The vote will occur at 4 p.m. this afternoon. The time between 1 p.m. and 4 p.m. will be equally divided between and controlled by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Nebraska (Mr. HRUSKA).

WAIVER OF GERMANENESS RULE FOR REMAINDER OF DAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Pastore rule concerning germaneness be waived for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE FOR CADETS AND MIDSHIPMEN

Mr. MANSFIELD. Mr. President, if the Senator from Indiana would yield to me without losing his right to the floor, I ask unanimous consent, as in legislative session, that the Senate turn to the consideration of Calendar No. 526, H.R. 9096.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

Calendar No. 526, H.R. 9096, a bill to amend ch. 19 of title 38 of the United States Code to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered.

The Senate proceeded to consider the bill.

Mr. HARTKE. Mr. President, I have discussed this matter with the Senator from Colorado (Mr. ALLOTT), who is interested in this legislation. We have also had hearings on this matter. We have come to an understanding as to what the bill is to cover. And I think it is important for us now to proceed with this bill to provide this needed service to the cadets and midshipmen.

Mr. ALLOTT. Mr. President, I wish to extend my sincere appreciation to the distinguished senior Senator from Indiana for his graciousness in holding hearings on this bill on May 27. Because the Air Force Academy is located in Colorado, I felt perhaps an extra amount of responsibility to fully acquaint myself with this legislation prior to its consideration by the Senate. Therefore, I particularly want to thank the chairman for making this hearing record available to us.

Mr. President, I would like to ask the Senator from Indiana if I am correct in my understanding that this bill is to extend to service academy cadets and midshipmen the privilege of purchasing SGLI, a privilege which is currently available to all active duty personnel?

Mr. HARTKE. The distinguished senior Senator from Colorado is correct. At present there are nearly 2.9 million servicemen who are insured for $42.5 billion. This bill would extend eligibility for coverage under servicemen's group life insurance to approximately 12,500 cadets and midshipmen at the four service academies. I should like also to point out that this past May 17 the Veterans' Administration declared a 15 percent reduction in premium rates which are listed in the committee's report on H.R. 9096. The new rate for full $15,000 coverage is now $2.55 a month.

Mr. ALLOTT. Am I correct in my understanding that currently, service academy cadets have available to them commercial life insurance coverage specially designed for this group of individuals?

Mr. HARTKE. It is my understanding that certain commercial group life insurance policies are available to cadets and midshipmen at some but not all of the service academies.

Mr. ALLOTT. Am I also correct in understanding that there is no intent by the enactment of this legislation to discourage cadets and midshipmen from availing themselves of SGLI coverage in lieu of commercial coverage which may be available to them; or in any way to discourage the private sector from continuing to be able to offer coverage to the cadets and midshipmen?

Mr. HARTKE. That is correct. It is the intent of the legislation to correct an anomalous situation in which cadets and midshipmen were unintentionally excluded in coverage under SGLI when that program was first enacted. I think we all recognize the value of adequate insurance and this bill is not intended to exclude or eliminate other policies which will be of value to these young men in obtaining the best and most extensive coverage suitable for them.

Mr. ALLOTT. Mr. President. I would like to ask the distinguished chairman if it would be his desire that appropriate information be available to the cadets and midshipmen so that they can make an informed, intelligent decision relative to life insurance coverage?

Mr. HARTKE. As I have indicated, it would be my hope that the cadets and midshipmen would make informed decisions which would enable them to have the best possible coverage. I would assume that the Deartment of Defense and the respective Academy superintendents would adopt appropriate regulations to that end.

Mr. ALLOTT. Once again, Mr. President, I wish to thank and commend the Senator from Indiana for his diligent work on this particular piece of legislation which I believe is meritorious and which will afford a broader range of selection of insurance coverage to cadets and midshipmen comparable to that available to active duty personnel.

Mr. HARTKE. I thank the distinguished senior Senator from Colorado for his kind remarks. I am most mindful that as the ranking minority member of the Appropriations Subcommittee on HUD-Space-Science-Veterans he has consistently shown an active interest and deep concern for the programs over which the Committee on Veterans' Affairs has legislative authority.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 9096) was ordered to a third reading, was read the third time, and passed.

AMENDMENTS TO THE RAIL PASSENGER SERVICE ACT OF 1970—CONFERENCE REPORT

Mr. HARTKE. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of the conference report on H.R. 11417.

The PRESIDING OFFICER. The clerk will state it.

The legislative clerk read as follows:

The report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 6, 1972, at pp. 19824–19828.)

Mr. HARTKE. Mr. President, the conferees have completed work in resolving the differences between the House and Senate versions of the pending Amtrak legislation. The conference report lays out in detail the results of the conference. I think it appropriate, however, to make some special comment about a few of the items which were considered.

First, the Senate agreed to recede from its provision in section 1 of the Senate bill establishing a flat salary limitation on all Amtrak officers not to exceed the level of salary for Cabinet-level officers now fixed at $60,000 annually. We accepted the House version which also contains a salary limitation at the same level but modifies the limitation so as to make it possible for officers of the Corporation to enjoy a salary greater than $60,000; provided, however, that any excess over the limit must come from net profits. We were concerned that the House modification would inadvertently provide an incentive for officers of the Corporation to severely limit the Amtrak network, discontinuing after July 1, 1973, all unprofitable routes or services and retaining only the profitable routes. This might have meant, unless circumstances change, that the system would be pared down to consist solely of the Metroliner service between Washington and New York. Such result would, of course, be a gross distortion of legislative intent, and the House conferees agreed that we should admonish Amtrak management to remember that its responsibility is to provide service on a nationwide scale. Accordingly, the conference report at page 10 states that the provision of section I of the agreed-upon bill relating to excess salary payments from their profits is not intended "to serve as an incentive to discontinue any part of a nationwide system of intercity passenger service." This should eliminate any question about management's continuing responsibility to maintain rail passenger service where needed in accordance with the principle of the act. The profitability of a particular service is only one measure of need.

Another problem which has arisen is the practical question involved in applying the Freedom of Information Act—5 U.S.C. 552—to a quasi-public corporation such as is required by section 3(b) of the conference bill. Amtrak has within the past few days indicated that because it is not an agency of the Federal Government, that it will be difficult for it to comply with certain provisions of the Freedom of Information Act. It is pointed out, for example, that much of the Freedom of Information Act is concerned with rules, regulations, and standards promulgated by an agency. Amtrak in the normal course of its business would not issue rules, regulations, or standards in the nature of those issued by a Federal agency.

But it does not appear that this should present an overwhelming problem to Amtrak. Certainly, if a part of the Freedom of Information Act cannot operate on Amtrak, then it should not be considered applicable and Amtrak need not be concerned with complying. It is quite clear, however, that the reason for including this section in the bill is to insure that the public, which after all is footing the bill for Amtrak operations, should have the right to scrutinize the Corporation's operations. Beyond this general principle, it would seem that Amtrak management need only exercise good commonsense in deciding whether a particular provision of the Freedom of Information Act can as a practical matter be made to apply to Amtrak operations. I would also point out that if this section of the act presents a problem for Amtrak, the Corporation has only itself to thank. This section was adopted after members of the Senate Commerce Committee and others had been made aware of several instances during the past year in which Amtrak refused to make information available to the press and private citizens. Nevertheless, if this section proves to be onerous, I, for one, would be happy to entertain the possibility of an amendment.

It is also of importance to comment on a provision of the House version that was acceded to by the Senate concerning section 22(1) of the Interstate Commerce Act. The Department of Transportation in a letter dated May 3, 1972, expressed concern that section 3 of the House bill, now section 3(a) of the conference bill applying to section 22(1) of the Interstate Commerce Act, would inadvertently subject Amtrak to provisions of the Interstate Commerce Act pertaining to rates, fares, and charges. The conference committee, in its report at page 11, makes clear that there is no intention by virtue of the reference to section 22(1) to in any way change the impact of the Interstate Commerce Act upon Amtrak.

The amount of financial assistance contained in the conference reported bill represents a compromise by both Houses of Congress and further represents, I think, the best possible position achieveable by the Senate conferees. Briefly stated, the conference committee recommendation for financial assistance compared to the Senate approved version is as follows: The Senate approved $270 million in Federal grants, plus $2 million annually for certain international service. The conference committee agreed upon a figure of $225 million in direct grants retaining the $2 million annually for international service. The Senate bill contained an increase of $150 million in loan guarantees above existing law which would have brought the total in loan guarantees to $250 million. The conference committee agreed to a $50 million increase in loan guarantees to be effective upon enactment, and $50 million more in loan guarantees to be effective on July 1, 1973, bringing the total available by that date to $200 million. The Senate bill also contained four amendments earmarking $15 million for experimentation, $100 million in loan guarantees for urban corridors, and $50 million in loans for urban corridors. These three amounts were stricken from the Senate bill by the conference committee except that the Senate language on experimentation contained in section 7 of the Senate bill was retained as section 6 of the conference committee bill.

Mr. President, while there were several other less significant changes agreed to by the Conference Committee, I think the foregoing discussion has outlined the most significant changes. The Senate conferees supported the Senate position with enthusiasm and, I think we have, with the House conferees, developed a very fine bill. Certainly, there is not as much in the final legislation as the Senate thinks is necessary but Amtrak will now be better equipped to upgrade rail passenger service in the United States.

I think it appropriate to emphasize at this point that Amtrak should consider that it has a mandate to carry out a thorough evaluation of the basic system. Under existing law, Amtrak's discretion to discontinue service in the basic system will be greatly expanded on July 1, 1973. But Amtrak management should not look upon this as an opportunity for a wholesale shutdown of all rail passenger service that is not profitable by that time. Rather Amtrak should exercise its discretion with great care. It should not discontinue service that has not received a thorough testing from every standpoint including both marketing and service. Government's interest in transportation and Amtrak's interest, therefore, should not be to measure profitability as a goal in itself. Rather, it should strive to insure that rail transportation services are available for those citizens who need the services. This may or may not mean that the service makes money.

There can be little question that thus far Amtrak has failed to make the kind of effort that the Congress and the public had hoped that it would make. During the past year, because of inadequate funds, Amtrak has had a ready-made excuse, albeit a very inadequate excuse. In the year to come, Amtrak will have available to it substantial resources to launch sound improvements in rail passenger service. We in the Congress have made clear that we expect Amtrak management to take advantage of the opportunities and begin a thorough testing of rail passenger service. There is little question that for the foreseeable future there will be a continuing role for Amtrak or at least rail passenger service in a balanced transportation system. Amtrak must now begin asserting itself in that role. It is anticipated that a year from now we may once again be required to examine Amtrak's performance. I hope that those of us on the Commerce Committee will be able to present a better report on Amtrak performance in fiscal year 1973 than we were able to present for the past 12 or 13 months.

Mr. WEICKER. Mr. President, I wish to join my distinguished colleague from Indiana (Mr. HARTKE) in urging the Senate to adopt the Conference Report on H.R. 11417, to amend the Rail Passenger Service Act of 1970 and provide financial assistance to Amtrak for the purchase of modern railroad passenger equipment.

In approving this conference report, the Congress will be taking the lead in committing the Nation to the long-term improvement of intercity rail passenger service.

Recently, some influential voices in government have been saying that passenger trains should be retired to the same museum that holds the stagecoach.

Others say that rail service should continue but only in its present precarious state, glued together by the hopes of a few rail buffs and allowed quietly to fade away before the onslaught of the automobile and the airplane.

These views are rejected by this conference report.

Rail passenger service is an essential facet of a balanced national transportation system. Over 200,000 miles of railroad track exist all over the country, serving every major metropolitan area in the Nation. Rails connect city centers which are often miles and hours from airports. Rails carry people far more efficiently than highways which cover two to three times the amount of increasingly scarce real estate. Rails serve smaller cities which are ignored by airlines and cut off from the world by all modes other than the automobile.

With all these advantages—and the relatively low cost of using existing tracks—it is incredible that knowledgeable people, people in a position to take meaningful, affirmative action, are willing to allow the American rail passenger to disappear at the very same time that every other developed nation in the world is investing billions in new technology to speed people along the ground.

It is with pride that I congratulate my fellow conferees in the Senate for taking the lead in burying the array of negativism expressed by so many in government and committing themselves to a new day in rail passenger service.

Mr. President, this was not an easy conference. The conference committee was confronted with almost 20 issues. I had hoped we could return with more of the provisions of the Senate-passed bill. However, confronted as we were with an adamant position of the House on certain major issues, I think we have done well.

I especially again want to compliment our chairman and leader in this matter, the Senator from Indiana (Mr. HARTKE).

For example, we were able to maintain the Senate provision with respect to pass privileges for railroad employees, an amendment authorized by the distinguished senior Senator from Delaware (Mr. BOGGS) which had been adopted by the Commerce Committee. Similarly, the Senate managers were able to prevail on at least that part of the amendment of the distinguished Senator from Massachusetts (Mr. BROOKE) providing standards for additional experimental service by Amtrak. Unfortunately, we were not successful in "earmarking" the additional funds sought by the balance of Senator BROOKE's amendment.

As for Federal grants, the House-passed measure authorized $170 million plus $2 million annually for international service. The conference compromise would authorize Federal grants of $225 million, $55 million over that passed by the House, or more than half the increase sought by the Senate.

I would like to make one point at this juncture—that it is not only the $55 million that is important, but, rather, what that $55 million is to be committed to; and we come back to this Senate Chamber as conferees with a commitment that Federal moneys will not only be used to cover operating deficits—which is a rather bleak purpose at best—but, rather, that it is money which will be used for capital improvements, research, and development.

As for loan guarantee authority, the House-passed measure made no change in existing law, leaving the amount at $100 million. The Senate, on the other hand, had increased this amount by $150 million to a total of $250 million. The conference substitute represents an increase of $100 million in two steps. The first step raises the total to $150 million immediately and the second takes it to $200 million after July 1, 1973.

Mr. President, the increase in the amount authorized for Federal grants and the loan guarantees, especially that after June 30, 1973, is particularly significant when recognizing that Amtrak's legal obligation to operate passenger service runs only until July 1, 1973. At issue here is what I believe to be a basic philosophical difference between the Senate conferees—if not most members of this body—and the House conferees.

During debate on the Senate version of H.R. 11417 in this Chamber last April 27, the distinguished junior Senator from Maryland (Mr. BEALL) correctly observed, in quoting from the House Report on the original Rail Passenger Service Act of 1970:

> This is a constructive attempt to salvage an essential system of intercity rail passenger service to meet the needs of the public.

Amtrak also has been characterized by Secretary of Transportation Volpe as a vehicle—

> To conduct a nationwide test to determine the appropriate role and level of rail passenger service in the development of a transportation system.

Similarly, the report of the House Interstate and Foreign Commerce Committee accompanying H.R. 11417 noted that:

> We fully recognize that Amtrak was to be a substantial degree an experimental effort to determine the appropriate role and level of rail passenger service in the development of a balanced national transportation system.

Mr. President, I do not quarrel with the characterization that Amtrak does represent "an experimental effort." And, I believe that most Members in this Chamber would concede that Amtrak is an experiment, albeit one that no doubt most of us would wish to see prosecuted with considerably more vigor than has been demonstrated thus far. Yet, when we got to conference on H.R. 11417, I was surprised to learn of a very sharp philosophical difference between the Senate and House conferees as to the outlook for intercity rail passenger service after the completion of this "experiment" next July 1. This Senator believes—and very strongly, I might add—that whether it be Amtrak or some other organization which moves more toward the nationalization of rail passenger service, the facts clearly dictate a continuing and increasing need for revitalization of this mode of transportation. It is on this most important point that I find myself in sharp disagreement with my colleagues in the House.

The House conferees feel that the jury is still out on intercity rail passenger service itself and that, subject to the results of the Amtrak experiment, we may seriously consider ending all Federal assistance beyond July 1 of next year.

And what a preposterous contemplation on the part of the House that is. Certainly we know that, insofar as intercity rail service is concerned, it is not going back into private hands. Rather, we hope that the present system will succeed, which is a combination of government and private enterprise. But if it goes anywhere, it goes the route of nationalization, and not back in private hands.

I understand there was even insistence on the part of some House conferees that language to this effect be included in the joint explanatory statement to reflect this House position.

I refer again to that portion of my comments that indicated that, subject to the results of the Amtrak experiment, we might be considering ending all Federal assistance by July 1 of that year.

For example, some House conferees wanted language directing Amtrak to use guaranteed loans only for capital improvements with a high degree of liquidity which could be easily disposed of upon the death of passenger service. I vigorously and successfully opposed any such language in the joint explanatory statement, but I shall not be surprised if there is a colloquy in the other body when this conference report is considered which attempts to convey this pessimistic philosophy. While I have no control over what is said in the other body, I believe that if such a philosophy is espoused, it would fly in the face not only of the conference report itself but also of the report of the House Committee on Interstate and Foreign Commerce which accompanied the Rail Passenger Service Act of 1970, Report No. 91-1580.

Mr. President, I cannot understand what is in the minds of those, be they on the House side, members of the administration, representatives of private enterprise, or the president of Amtrak himself who feel that this Nation can survive without superior intercity rail transportation.

No longer is it only a problem of the commuter living outside of New York, Chicago, or Boston. Rather it is the problem of every budding city in our United States. In my own State of Connecticut, it is no longer the problem of the Fourth District of Fairfield County; it is now the problem of the Hartfords, the New Havens, and the Bridgeports. It is no longer simply something which is demanded in the name of mobility, but the arguments can be made in many other areas for a rail system that truly works.

For example, in the name of safety: Mr. President, certainly the people of this Nation have every right to protest the loss of American lives wherever it occurs. But where are the protestors who will sit down in the waiting room of my office and say, "We are tired of having 55,000 Americans each year killed on the highways of this Nation?"

I think each one of us knows that if any governmental policy were being construed that contemplated the loss of 55,000 Americans, whoever espoused such a policy would fast be out of office. And what about the ecology, the environment? It can also be argued here that we have to have decent rail service, and in fact the pollution created by increasing numbers of automobiles is something we can no longer live with. And what about the fact that no form of transportation moves so many people over so great a length of real estate in so short a time? It may well be that we have finally reached the saturation point, and will have to return to the rails.

First, such a proposition would fly in the face of section 10 of this conference report concerning loan guarantees. Subsection (d) of that section provides that the aggregate unpaid principal amount of loans outstanding "(1) may not exceed $150 million before July 1, 1973 and (2) may not exceed $200 million after June 30, 1973." Certainly, Mr. President, to authorize an increase of $50 million in loan guarantee authority 1 day prior to the termination of the Amtrak "experiment" on July 1, 1973 indicates a definite congressional commitment to continue intercity rail passenger services beyond the termination date of this so-called experiment.

I know that this was the intent of the committee, for in fact the gracious chairman of our subcommittee, the Senator from Indiana (Mr. HARTKE), wanted a date placed in the bill which would have made it clear that we are going to continue beyond July 1 of 1973. Some opposition having developed to that, and realizing the importance of moving this legislation through, he, I, and the other members of the committee all got together and figured out that we would make a meaningful commitment, dollarwise, which certainly would be interpreted to mean that this "experiment" was to be a meaningful commitment for the future, to move Americans, via rail, intercity.

Second, Mr. President, if, in the words of the House committee's own report on the Rail Passenger Service Act of 1970, this is to be a "constructive attempt to salvage an essential system of intercity rail passenger service—," then surely Amtrak cannot be held back and labeled a holding action foretelling the eventual abandonment of this same passenger service. If we were to adopt the philosophy espoused by the House conferees which would limit loan guarantees to those items with the greatest degree of liquidity, Amtrak would be foreclosed from issuing the guarantees to obtain new passenger cars and would be doomed to failure.

Based on personal experience in Connecticut, I know that it takes several years between the ordering of new rail equipment and the date such equipment comes on line.

Before I even came to the Senate, in the year 1966, the then Governor of Connecticut, Hon. John Dempster, and the Governor of New York, Hon. Nelson Rockefeller, met in Greenwich, Conn., and, with the cooperation of the then President of the United States, Lyndon Johnson, made a commitment for the purchase of 154 new cars for the New Haven Railroad.

The first delivery on those cars will take place in the fall of this year, 1972, or in fact 6 years later. Six years after the agreement was made, the first of the equipment arrives.

To deprive Amtrak of desperately needed lead time by preventing the purchase of and planning for entirely new passenger equipment, we would be telling the American people that the "constructive attempt" of the so-called Amtrak "experiment" has no chance of success. This I, and, I am sure, a vast majority of my colleagues in the Senate, are totally unwilling to say.

Here, Mr. President, is the essential difference between the two versions. The House was willing to go along on the basis of merely covering operating deficits. The Senate said:

> We cannot fulfill our obligations to the American people by continuing a system of covering deficits in the operation of our railroads.

Rather, what we would say to the American people is:

> We have now given Amtrak the tools to eventually bring to a close that day when its operating deficits need be covered by public funds.

If you run the same equipment over the same tracks, employing the same methods, you are going to end up with the same deficits, only this time the taxpayers of the United States will be covering it rather than private enterprise. That is the House version of the bill.

The Senate version, which we pass upon today, says:

> We are now giving you the tools, the money, to buy new equipment, to run that equipment over new rights of way, employing new methods, and thus bring to an end the unending cycle of deficits.

Mr. President, I apologize for the length of my statement on what should otherwise be a routine consideration of a conference report. However, I feel very strongly that the legislative history which I anticipate may be attempted to be made in the House on this conference report cannot be left to stand uncontested. It is too vital a philosophical difference for me to remain silent. Amtrak as an entity may be an experiment; rail passenger service as a viable essential mode of transportation is not.

In conclusion, Mr. President, I urge the adoption of the conference report on H.R. 11417, subject to my foregoing remarks. I would only ask my distinguished colleague from Indiana (Mr. HARTKE), chairman of the Surface Transportation Committee of our Committee on Commerce, who has worked so diligently on this legislation since its inception, and without whose support these principles I have enunciated could not come to pass, whether he would concur in the views which I have expressed concerning this matter.

Mr. HARTKE. Mr. President, I concur with the Senator from Connecticut, indeed, I wholeheartedly agree with everything he has said and explained here, in what I consider a very fine exposition of the problems we are faced with in connection with Amtrak.

Our feeling is that Amtrak, or at least rail passenger service, is here to stay for the foreseeable future. Nothing in the law indicates that the corporation has a limited life. Article II of its articles of incorporation provides that the period of duration of the corporation is perpetual. Eight members of the board of directors who are appointed by the President with the advice and consent of the Senate are appointed for successive terms of 4 years. The legislation presently being considered authorizes $150 million in guaranteed loans up to June 30, 1973, and $200 million thereafter.

Section 404(b)(3) of the act specifies the method by which Amtrak may discontinue trains in the basic system after July 1, 1973.

Section 701 authorizes $200 million in loans and loan guarantees to the railroads for the purpose of permitting them to enter into and carry out contracts with Amtrak. The maturity of these loans is 5 years.

Of course, any agency created by Congress or pursuant to an act of Congress can be restructured or abolished at any time. But this principle does not make Amtrak any less permanent than any other agency created by Congress or pursuant to an act of Congress.

Amtrak must be given an opportunity to reverse the downward trend in ridership and to cause the trend to start on the upgrade. After June 30, 1972, it will possibly need long-term financing. Within the next 2 months, I am told Amtrak will be making long-term commitments for new locomotives, new passenger cars, and perhaps whole new trains.

Amtrak has also been directed by Congress to take over passenger operations and operate our intercity rail passenger service directly, to the extent this is practicable. Congress certainly would not have required this if, as soon as the employees were taken over, they would have to be fired.

Pursuant to the authority granted to Congress, Amtrak has entered into a contract with the railroads which gives Amtrak the right to use the railroads' rigths-of-way through April 30, 1996, and also provides that the railroads may not terminate their service obligations to Amtrak prior to May 1, 1981.

Every bit of evidence indicates that Congress intended Amtrak to be more than a temporary organization, more than an experiment; and this is not changed by the requirements that Amtrak make recommendations to Congress for a basic route system to be operated after July 1, 1973. Not only is the law clear on the intention of Congress, but good business judgment will require that Amtrak or its successor, be funded on a long-term basis.

I think it is appropriate at this time for me to give a special commendation to the distinguished Senator from Connecticut (Mr. WEICKER) for his diligence not only in the conference but also throughout the entire committee consideration of this bill. He certainly was one of the best informed members and he was one of the driving forces to make this legislation what it is today.

I think both of us would agree that it does not go as far as we would like, that it is not as specific as we would like it to be in its direction to assume responsibility and opportunity which we believe passenger service transportation should have. But, at the same time, the efforts by the Senator from Connecticut were of such nature that it made it possible for the committee to move affirmatively, to move in a manner in which the intent is clear, and which we have tried to make clear on the floor in discussing this conference report.

I might say, also, that, in my opinion, contrary to the views expressed by those who think the United States has reached its zenith in passenger service by rail, I look at this not as the end of an old age but the beginning of a new age.

If the people who are the directors and operators of Amtrak do not have the vision and do not have the commitment and do not have the foresight to make Amtrak what the country thinks it should be, and what we in Congress want it to be, then they ought to find themselves a different place to work, because Amtrak is a place in which opportunity is presented for those willing to grasp it.

It has been said frequently that to take over an operation which is a success and to continue its success deserves no credit whatever. But to take over operation of a system which has been permitted to come to the edge of disaster, and to be placed in a position to turn it around is to be given an opportunity of great value. If the managers and directors and the people who are in charge of Amtrak seize the initiative and demonstrate their capacity to be innovative and forward looking—then I think the efforts of those on the committee will be rewarded. I point out to the management of Amtrak that if they will display the same diligence we have had on this committee, that in and of itself would be a good start.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana

The motion was agreed to.

QUORUM CALL

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question now recurs on the confirmation of the nomination of Richard G. Kleindienst to be Attorney General of the United States.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. ROBERT C. BYRD. Mr. President, there is at the desk a report on the nomination of Mr. William A. Carey, of Illinois, to be General Counsel of the Equal Employment Opportunity Commission. This nomination was reported earlier today by the committee chaired by the distinguished Senator from New Jersey (Mr. WILLIAMS). Mr. WILLIAMS has requested that the nomination be confirmed today. The matter has been cleared with the other side.

I therefore ask unanimous consent that the Senate proceed with its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The nomination will be stated.

The assistant legislative clerk read the nomination of William A. Carey, of Illinois, to be General Counsel of the Equal Employment Opportunity Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of the nomination of Mr. Richard G. Kleindienst.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12:55 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 12:55 p.m. today.

The motion was agreed to; and at 11:59 a.m., the Senate took a recess until 12:55 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SAXBE).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that the Speaker had appointed Mr. Cabell as an additional manager on the part of the House in the conference on the disagreeing votes of the two Houses thereon to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virgina and the State of Maryland concerning the fees for the operation of certain motor vehicles.

The message announced that the House had passed, without amendment, the bill (S. 3607) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the House had passed a bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

The PRESIDENT pro tempore subsequently signed the enrolled bill.

HOUSE BILL REFERRED

The bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MONDALE). Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. ROBERT C. BYRD. Mr. President, I take the liberty of yielding, on behalf of the distinguished Senator from Massachusetts (Mr. KENNEDY), 5 minutes to the able Senator from Minnesota (Mr. MONDALE).

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, I thank the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) for his courtesy.

Mr. President, on April 27, 1972, a majority of the Senate Judiciary Committee abruptly voted to end the committee's deliberations on the nomination of Richard Kleindienst to be Attorney General of the United States. This action insured that the full Senate would be forced to consider this important nomination on the basis of an incomplete and inconsistent hearing record.

The committee's task was to investigate the public allegations that the Justice Department and Mr. Kleindienst had acted improperly in settling a major antitrust case against one of the Nation's largest conglomerates—ITT. Yet the committee failed to obtain several crucial documents—both from the Justice Department and ITT which could have shed light on this issue, failed to hear from several critical witnesses, and failed to recall witnesses—such as Mrs. Dita Beard and Harold Geneen, President of ITT—

whose earlier testimony was both incomplete and substantially contradicted by other testimony.

What we are left with, then, is a series of basic questions about the ITT affair and Mr. Kleindienst's role in the matter. Unless the committee holds further hearings, hearings which allow ample and complete cross examination of key witnesses, I cannot vote to confirm this nomination.

Without such hearings, it would be a serious mistake to confirm Mr. Kleindienst on the basis of the record before us. As the New York Times pointed out in its editorial opposing this nomination:

> Mr. Kleindienst's personal integrity in a financial sense is not in dispute. What is seriously doubted is the integrity of his judgment when public interest and party interest collide.

While the Times noted that men can grow as Attorney General, it concluded that:

> There is little in Mr. Kleindienst's record to encourage that hope and much to suggest that it would be unwise to take the chance. A vote to confirm would be a vote in favor of this gamble. A vote to reject would be a vote to protect a great department of government from probable decline and demoralization. On balance, the Senate should prefer to be safe than sorry. It should tell Mr. Nixon that he can do better, that the nation deserves better than Mr. Kleindienst as Attorney General.

Mr. President, I ask unanimous consent to have the full text of the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE KLEINDIENST CASE

Ideally, an Attorney General should be a lawyer, highly regarded for his professional attainments and wise, discriminating judgment. Although aware of political necessities, he ought not be a partisan in a narrow or combative sense. To the President, he should be a sagacious counselor able to take a long view in the rush of immediate events. To the public, he should be—along with the members of the Supreme Court—one of the ultimate guardians of justice.

It is sad but not historically unprecedented that Richard G. Kleindienst, whose confirmation is now under Senate debate, falls short of these high standards. At least half of the men who have headed the Justice Department in its long history have failed to meet them. Mr. Kleindienst is a lawyer of no particular distinction and a routine politician. But those facts do not preclude his confirmation inasmuch as American tradition gives a President wide latitude in choosing his Cabinet advisers.

Furthermore, it is only to be expected that Mr. Kleindienst holds regressive opinions on civil liberties and civil rights. In view of President Nixon's own law-and-order attitudes, the choice of a more liberal lawyer as successor to John N. Mitchell could not be expected.

The issue then for the Senate and the nation is whether Mr. Kleindienst falls so far below an acceptable standard of competence, political involvement and leadership quality as to override the prevailing presumption in favor of any Presidential nominee. Reluctantly, we conclude that Mr. Kleindienst does fall below this minimum standard.

His personal integrity in a financial sense is not in dispute. What is seriously doubted is the integrity of his judgment when public interest and party interest collide. There is a high risk, perhaps a probability, that if Mr. Kleindienst is confirmed and serves for any considerable time as Attorney General, he will reduce the morale and efficiency of the Justice Department to the demoralized condition which it reached twenty years ago at the end of the Truman era.

The experience of the Truman Administration is relevant and disturbing. President Truman appointed three successive Attorneys General, none of them personally corrupt but none of them professionally eminent or invulnerable to political influence. Each in turn was a shade more mediocre and, in varying ways, more political-minded than his predecessor. The result by 1953 was a flight of the competent employes and a rotting away of the spirit of those who remained.

Former Attorney General Mitchell, except in the field of municipal finance, is not professionally distinguished. He is an able man but his guidance of the Justice Department was unduly influenced by short-run political calculations. Mr. Kleindienst's professional accomplishments are less visible than those of his predecessor and his political manipulations and preoccupations even more obvious. In short, his tenure would almost certainly lead to a quickening of the downward spiral within the department. When young and middle-level career employes lose confidence in the professional capacity and freedom from political subservience of the department's leadership, the destructive attitudes of cynicism and resentment rapidly gather force.

The six weeks of Senate Judiciary Committee hearings on Mr. Kleindienst's nomination were inconclusive on many issues of fact. But they wrote a compelling indictment of the nominee as evasive, disingenuous and crass. He consistently tried to conceal the extent and nature of his involvement in the politically motivated I.T.T. settlement which undercut an important legal position that the Antitrust Division had been asserting for two and one-half years.

In the bribery case involving Robert T. Carson, administrative assistant to Senator Fong of Hawaii, the most that can be said for Mr. Kleindienst's peculiar actions is that he must be remarkably obtuse. Mr. Carson allegedly offered Mr. Kleindienst a large political contribution in exchange for quashing a criminal case, but Mr. Kleindienst did not report the matter for a week and only after learning that the F.B.I. was "bugging" Mr. Carson's office. In the Stewart case involving the flagrant obstruction of justice in a San Diego investigation of illegal political contributions Mr. Kliendienst joined in hushing up the affair.

Men can grow as Attorney General as other men grow as President. When Robert Kennedy was appointed in 1961, he seemed a person of narrow views and inadequate experience, but in almost every respect he rose to the challenge of his high office. It is possible to believe that Mr. Kleindienst would respond similarly. Yet there is little in his record to encourage that hope and much to suggest that it would be unwise to take the chance. A vote to confirm would be a vote in favor of that gamble. A vote to reject would be a vote to protect a great department of government from probable decline and demoralization. On balance, the Senate should prefer to be safe than sorry. It should tell Mr. Nixon that he can do better, that the nation deserves better than Richard Kleindienst as Attorney General.

Mr. MONDALE. Mr. President, when news stories appeared linking Mr. Kliendienst to the ITT antitrust settlement, Mr. Kleindienst himself asked the Senate Judiciary Committee to reopen the hearings on his nomination. After his request was granted, Mr. Kleindienst testified that:

> He did not want the Senate to act upon his nomination "if there was any substantial doubt in the minds of any of the members of the Senate . . . that I engaged in any improper conduct or in any conduct that would go to or be relevant to the consideration of my confirmation by the U.S. Senate."

I think it is clear that the substantial doubts raised by the public allegations still remain, and under Mr. Kleindienst's own standards, so that until further hearings are called to clear the air, the Senate should not confirm Mr. Kleindienst's nomination as the Nation's chief law enforcement official.

Mr. President, I yield the floor.

Mr. WILLIAMS. Mr. President, the position of Attorney General of the United States is, next to the Presidency, one of the most important posts in the Federal Government. It is the Attorney General, as the chief legal officer of the United States, who is entrusted with the duty to uphold the Constitution and its guarantees. He must, of course, be the servant of the President. But he must be more than that. He must be the servant of all the people.

Under normal circumstances, most of us in the Senate have held the viewpoint that a President should have the opportunity to appoint his own man to advise him and develop national policy on the administration of justice, leaving the decision whether to accept or reject policy judgments to the American people when they are called upon to elect their President.

Unfortunately, the facts which have surfaced as a result of the hearings on the nomination of Richard Kleindienst raise such serious questions about the nominee's fitness to serve as Attorney General that I do not believe we should leave this judgment to November's balloting. And while we do not yet—and may never—have full knowledge of all of the important facts about this nominee's performance thus far in office, the things which we do know raise grave questions about Mr. Kleindienst's integrity and judgment.

The Senate Judiciary Committee has held an unprecedented 6 weeks of hearings on the Kleindienst nomination. There were many complex issues raised during these sessions which in large part centered around Mr. Kleindienst's role in the ITT antitrust settlement but which also went into episodes involving Mr. Robert Carson and U.S. Attorney Harry Steward.

While the notorious ITT affair has provided the American people with an important lesson as to the relationships between certain private interests, the Government, and partisan politics, it becomes particularly relevant to the Kleindienst nomination in the context of statements made by the nominee regarding his personal involvement in the events leading to the settlement of the legal case by the Justice Department. Mr. Kleindienst, when first questioned about his role in the ITT case, responded in a letter to the chairman of the Democratic National Committee that the case was handled exclusively by the head of the Antitrust Division. From that time forward, it became more and more obvious during the nomination hearings that Mr. Kleindienst did play an important role in the case. I think that the hearing record leaves no doubt that the nominee involved himself in this affair in a very substantial way and this leads me to conclude that Mr. Kleindienst simply refused to tell the whole story to the committee about his involvement.

Mr. Kleindienst's testimony concerning the Carson bribery case casts doubt on his personal judgment. He stated in Federal court that Mr. Carson asked for help for a friend under a grand jury indictment in return for a large cash contribution to the reelection campaign of President Nixon. But, it appears that Mr. Kleindienst did not view this offer as a bribe and gave no thought to reporting the incident to Attorney General Mitchell until after learning that the FBI was bugging Carson's office. Either Mr. Kleindienst is remarkably naive about matters such as this or he is extraordinarily insensitive, and in either case I think this incident raises additional profound questions about his ability to properly serve as the chief legal officer of our Government.

The ITT and Carson cases combined with the matter of U.S. Attorney Harry Steward, where Mr. Kleindienst tried to hush up the flagrant obstruction of justice by Mr. Steward in an investigation of illegal political contributions, suggest a clear pattern of performance which cannot be excused as the Senate considers the nominee's fitness for office. The record before us is one of evasive responses, convenient memory lapses, and a refusal to offer full cooperation with Members of the Senate who desired to seek out the truth behind all of these most unusual and peculiar circumstances. I find myself in a position where I cannot help but question the ability of Mr. Kleindienst to meet the high standards for the position to which he was nominated. I can have no confidence in his qualifications to impartially and vigorously enforce the laws of the United States when he has demonstrated his unwillingness to put the public interest ahead of political convenience. It is for these reasons that I have decided to oppose the confirmation of his nomination, and it is my hope that a majority of Senators can be persuaded to do likewise.

Mr. DOLE. Mr. President, I have previously stated my intention to vote to confirm the nomination of Richard Kleindienst to be Attorney General of the United States. Today, I rise to repeat my support for this nomination and to urge that the Senate proceed with all appropriate dispatch to give its advice and consent and then move on to the pressing business which requires our consideration.

The nomination and confirmation process is one of the most important interactions between the legislative and executive branches of Government. As part of the series of checks and balances with which the authors of the Constitution sought to strengthen our democratic institutions, its effective operation demands the most conscientious and serious attention of the President and the Senate.

PRESIDENT'S COMMITMENT

The Senator from Kansas believes that in nominating Mr. Kleindienst, President Nixon has fulfilled his responsibility for choosing a professionally qualified, personally distinguished individual to be our Nation's chief law enforcement officer. The President approaches each nomination to executive and judicial posts with the utmost seriousness and regard for the importance of these high offices. In doing so he keeps faith with one of the highest commitments of his Presidency.

In his campaign and throughout his service in office, the President has repeatedly stressed his determination to improve Government and make it more responsible and responsive to the needs of our citizens. He has initiated numerous reforms directed toward achieving that goal. Foremost among these are revenue sharing and departmental reorganization—and specific policy changes in existing programs have been made whenever appropriate. But nowhere has his commitment been more widely or effectively demonstrated than in the President's personal efforts to bring the most qualified, highly motivated, and dedicated men and women into Federal public service. These efforts have been pushed at all levels of Government, and they have succeeded to a unique degree in advancing the cause of better government—Federal, State, and local. Our Government is, after all, by the people, and it can only be as effective and efficient as the individuals who comprise it.

Setting the pace, President Nixon has brought an extraordinarily talented and dedicated group of Cabinet and sub-Cabinet officials to Washington. And these individuals have provided more than 3½ years of outstanding service to America while directing the job of implementing the President's policies. And throughout this period, Richard Kleindienst has been one of the foremost figures in this select group.

RECORD OF LEADERSHIP

Serving as Deputy Attorney General, he has played a major role in helping fulfill one of the President's most urgent campaign commitments—making an all-out assault on crime in America and securing improvements in the Administration of Justice, both civil and criminal, throughout the Nation.

Having worked in close cooperation with Attorney General John Mitchell, Richard Kleindienst deserves a large measure of credit for the accomplishments of the Department of Justice in strengthening law enforcement and protecting the law-abiding in America over the past 40 months. The record is clear, and it reflects great credit on all who participated in its achievement. For under this dynamic leadership, the Department of Justice has formulated and launched a massive program to improve the means and mechanisms by which our laws are enforced and applied—not only by the Federal Government but by States and localities as well.

In recognition of the threat posed by crime and the criminal to every level of society the Nation's entire criminal justice system has been scrutinized, and reforms have been pursued through advocacy of improved statutory provisions, modernized judicial machinery, and improved postconviction procedures and penal practices.

Also in the civil rights field, in areas dealing with the protection of our society from subversion and terrorism, regulation of competition in business, and the management and protection of our natural resources, the Department of Justice has compiled a record of vigorous, fair and diligent labor on behalf of the public interest. It should also be pointed out that the Department's Civil Division was given prime responsibility for enforcement of the President's wage and price freeze and subsequent controls.

In all these areas and many others the accomplishments of the Department are numerous and impressive. Of course neither Mr. Mitchell nor Mr. Kleindienst was personally involved in the details of every case or each decision, but the new sense of vigor and direction which they imparted to this important Department of Government reflects only the highest comment on their leadership and President Nixon's foresight in selecting them.

UNIQUELY QUALIFIED

Having been directly involved at the highest policy level of the Department, Richard Kleindienst has gained a background of experience and insight which uniquely qualifies him to serve as Attorney General. He fully understands the structure, personnel and goals of the Department, and his service in this position will assure continued dedication to the President's policies and an unbroken commitment to the full, fair and vigorous administration of equal justice under law in these United States.

I believe the President has made a wise and prudent choice. Mr. Kleindienst is superbly qualified, and he will be an able successor to John Mitchell as Attorney General.

THOROUGH INITIAL HEARINGS

Mr. President, I noted earlier that the nomination-confirmation process demands the conscientious and serious attention of both the President and the Senate. The President, as throughout his administration, has responded in a manner which demonstrates that he appreciates the importance of the nomination process and which evidences his high regard for the office of Attorney General.

The Senator from Kansas would have hoped that the response of the Senate had been in the same spirit. At first it appeared that examination of Mr. Kleindienst's record and qualifications would be accomplished with all appropriate diligence, but with a decent respect for the need to proceed without undue delay. In fact Mr. Kleindienst's nomination did receive a thorough, detailed, and adequate hearing before the Committee on the Judiciary. All who wished to came forward and gave testimony. Mr. Kleindienst appeared. A substantial record was made, and the committee voted to favorably report the nomination to the Senate.

TRIAL BY INNUENDO

However, the influence of an irresponsible Washington gossip columnist led to one of the most bizarre circuses of trial by innuendo, smear, and irrelevancy ever seen in the annals of Government—or sensational journalism.

I will spare my colleagues another dreary recitation of the second round of hearings on Mr. Kleindienst—hearings, I would point out, which were suggested by Mr. Kleindienst in hopes of providing the Senate every opportunity to explore his character, qualifications, and record.

But that second series of hearings, rather than attempting to further the Senate's knowledge and understanding of Mr. Kleindienst, was converted into a burlesque which appeared more intent on monopolizing time on the network newscasts and space in the Washington Post than serving any legitimate senatorial interest. Indeed, Mr. Kleindienst was all but forgotten as the so-called investigation strayed to such totally unrelated and self-serving areas as Latin-American politics, the Kentucky Derby social scene, and the ultimately unsuccessful efforts of a California city to obtain support for hosting a national political convention.

A POINTLESS CIRCUS

In short it was a circus. And in the end—many weeks after its muckraker-ringmaster opened the extravaganza—there was nothing to show for it, except a lengthy transcript, a number of bold but meaningless headlines and absolutely no grounds for questioning the soundness of the original finding that Richard Kleindienst should be confirmed by the Senate as Attorney General of the United States.

Delay, distortion, and a growing dullness were the chief products of this protracted exercise in headline fabrication. And while it may have raised some questions in the public's mind about the press' capacity to sustain a false issue. It certainly did not affect Mr. Kleindienst's qualifications nor, I am sure, his desire to continue his outstanding service to America in the Department of Justice.

CIRCUS IS OVER

But, now, at long last, the Senate has Mr. Kleindienst's nomination before it. The Senator from Kansas would hope that the Members of this body will recognize that the circus is over. Mr. Kleindienst, his record and his qualifications are easily winnowed from the chaff of sensational publicity, and he stands unmarred by the attacks of those whose charges have made headlines but which have not rung true either in the Senate or with the American people.

After those more than 6 weeks of endless smear and insinuation, aimed at Richard Kleindienst and in turn at the Nixon Administration; in spite of the muckracking; in spite of the Washington Post editorials which still go on like a broken record playing in an empty room; in spite of the desperate and extended effort to find something to justify the whole disgraceful Democrat-generated fiasco: in spite of it all, not one single piece of evidence was found to justify even questioning Richard Kleindienst's nomination.

It is the Senator from Kansas' impression that most if not all Senators have reached their decisions on Mr. Kleindienst. Attendance on the floor since his nomination was brought up would certainly indicate that most of our colleagues have not relied on the statements made here to assess their votes. The American public has certainly tired of hearing the same old arguments and accusations. Repetition of the old, unproven charges, further headline seeking and more delay will not change any votes—and will not serve the public interest.

OTHER IMPORTANT BUSINESS

The Senate has important business yet to consider in the short time before conventions and campaigns are upon us. It is time to fulfill our responsibility by disposing of this nomination and then turning to the business which awaits our attention.

The Senator from Kansas urges that the vote be taken and that Richard Kleindienst be confirmed as Attorney General.

Mr. GURNEY. Mr. President, on April 27, after 8 weeks of hearings, the Judiciary Committee confirmed by an 11-to-4 vote, the nomination of Richard Kleindienst as Attorney General of the United States. Never have hearings on the nomination of a Cabinet officer taken so long and proved so little. As a member of that committee, and of the special subcommittee that went out and interviewed ITT lobbyist Dita Beard, I have yet to see or hear any evidence of wrongdoing that would or should disqualify Richard Kleindienst from assuming the post as the Nation's top law enforcement officer.

On January 31, 1969, the Senate confirmed without objection the nomination of Richard Kleindienst as Deputy Attorney General. Since that time Mr. Kleindienst has built on his fine record of public service and his strong belief in law and order. In conjunction with former Attorney General John Mitchell, Richard W. McLaren, and others, he has helped to lead the fight against crime in the streets, urban unrest, drug abuse, and the growth of monopolistically inclined conglomerates.

A great deal of success has been achieved. Urban unrest has dropped off steeply since 1968, crime in the District of Columbia has declined to the lowest rate in the last 5 years, Federal anticrime aid to States and cities has been increased by 253 percent, and narcotics arrests have increased sharply. A lot of progress has been made in returning law and order to America and Richard Kleindienst deserves his share of the credit.

Yet, to hear all that has been said lately one would think that his record, not only as Deputy Attorney General, but as an Air Force navigator, as a member of the Arizona State House of Representatives, as a lawyer, and as a private citizen, does not count for anything. The fact is that his record eminently qualifies him to be Attorney General, these ITT hearings nonwithstanding.

As a matter of fact, the question of whether Mr. Kleindienst had anything to do with the alleged ITT deal has often been obscured in the welter of testimony, allegations, and insinuations. What we need to do is focus upon that charge and the other one dealing with U.S. District Attorney Harry Steward.

The two major allegations raised during the hearings on Mr. Kleindienst's nomination were, first, that the settlement negotiated between the Government and ITT concerning corporate divestiture was improperly linked to an ITT contribution to the Republican National Convention. And, second, that Mr. Kleindienst improperly absolved the U.S. attorney in San Diego of improper activities.

With regard to the ITT case, the accusations concerning the ITT antitrust case stem from charges made by columnist Jack Anderson to the effect that the settlement, requiring ITT to divest itself of numerous subsidiary companies but permitting it to retain the Hartford Insurance Co., was the result of a $400,000 contribution by ITT to the Republican National Convention.

First of all, the hearings produced no testimony which, in any way, indicated any connection between Richard Kleindienst and the San Diego convention. Furthermore, testimony showed that the Kleindienst connection with the ITT litigation was minimal.

The facts of the matter are that the accusations which have been made stemmed from a memorandum reportedly written by Dita Beard, ITT's Washington lobbyist, to the head of the ITT Washington office, William Merriam, which then, somehow, fell into the hands of Jack Anderson. Anderson's associate, Brit Hume, testified that Mrs. Beard identified that memorandum as hers. Mrs. Beard testified to the committee that, while she had written a memorandum concerning the convention, the Anderson memorandum was not the one she had written. Her testimony was corroborated in a sworn affidavit by one of her former secretaries, Susan Lichtman, who testified that she had typed a memorandum for Mrs. Beard concerning the convention but that the political and the litigatory references in the Anderson memorandum were not included. And, finally, Mr. Merriam testified that he had never received such a memorandum.

Two factors bearing on authenticity of the memorandum should be mentioned. In this connection. First, the shredding business, ITT, at best, exercised exceedingly poor judgment when, upon hearing of the Anderson memorandum, they panicked and shredded a large number of documents. This proves nothing. Fear of another "edited" document further embarrassing the company could easily have provoked this unwise move.

Second, Congressman BOB WILSON'S interview with San Diego newsman, Robert E. Cox. This interview likewise is not conclusive, since Congressman WILSON, under oath, testified that Mrs. Beard had indicated to him that she had not written the Anderson memorandum.

Thus, while the committee was faced with some conflicting statements, the overwhelming weight of the testimony adduced before it casts doubt on the veracity of the contents of the Anderson memorandum and suggests that it was entirely possible that the entire memorandum might have been a forgery.

As to the substantive contentions contained in the charge, two points should be noted.

First of all, there is the question of the contribution itself. The testimony before the Judiciary Committee clearly indicated that what we are concerned with was a pledge of up to $200,000, not $400,000, by the Sheraton Hotel chain to the city of San Diego's Convention Bureau to enable the city to attract the Republican National Convention. Actually, testimony indicated that the final contribution of the Sheraton Hotel possibly would have been less than $100,000.

It should also be noted that the convention would have coincided with the opening of the new Sheraton Hotel in San Diego, giving that hotel an estimated $1 million worth of national publicity at a cost below the $250,000 which the Sheraton chain had expended in promoting the opening of a new hotel in Hawaii the year before.

Thus, it is clear that the Sheraton pledge to the city of San Diego's Convention Bureau was nothing more than good business public relations strategy.

Second, there is the insinuation that all this was masterminded, for political purposes, by former Attorney General John Mitchell himself.

However, while the memorandum indicates Mr. Mitchell had some knowledge of the convention and the antitrust litigation, he testified that, at first, he had no knowledge of any convention plans while Attorney General and, second, that because of law firm associations, he had removed himself completely from the ITT antitrust litigation leaving Deputy Attorney General Kleindienst in charge. Most critics, even, have admitted the latter and, also, all parties involved are agreed that when Mrs. Beard attempted to broach the subject to Mr. Mitchell at the Governor's mansion during the festivities involving the Kentucky Derby, the Attorney General was adamant in his refusal to even discuss the matter.

A few comments should also be made about the antitrust settlement itself. First of all, the settlement was entered into only after the Government had lost two cases against ITT and a preliminary ruling in a third. Solicitor General Erwin N. Griswold testified that it was probable that the Government would lose any appeal and that the settlement arrived at was 70 percent pro-Government. A quick look at what the settlement did more than supports the conclusion that this was no "favorable deal" for ITT.

While it is true that ITT was permitted to retain the Hartford Insurance Co., the price was the divestiture of five firms with annual sales totaling $1 billion plus a ban on future anticompetitive acquisitions. Indeed, the announced terms of the settlement were so severe as to cause a 14-point drop in the value of the stock and the dumping of large numbers of shares by insiders—an abuse that should be prosecuted.

It should also be noted that this antitrust action was perhaps the largest in the history of the United States. It certainly is quite a contrast to the position taken by the two previous administrations, that conglomerate activity was not within the scope of antitrust actions. In fact, the antitrust chief in the Johnson administration, Donald Turner, publicly stated that antitrust laws were not broad enough to prosecute conglomerates.

In contrast, Judge Richard W. McLaren, who headed the Antitrust Division of the Department of Justice at the time of the ITT case, testified that not only was the decision to settle and the terms of the settlement made by him alone, but also that the settlement represented what he thought to be a good deal from the Government's viewpoint. Judge McLaren should know; he had 25 years experience in antitrust cases and, based on his record of going after big business mergers, he can hardly be considered a friend of the conglomerates. In his testimony he pointed out that his decision was based upon several factors: First, the Government had already lost two court cases, plus a preliminary ruling; second, specialists in the Treasury Department agreed with the settlement; and third, an evaluation performed by an outside analyst supported their conclusion. This last item, which has been popularly referred to as "the Ramsden Report" was, as McLaren consistently and specifically stated, only a cross-check and not the total basis for his decision.

Concern has been expressed about the role White House aide, Peter Flanigan, played in obtaining the Ramsden report. Testimony before the committee indicated that Mr. Ramsden was chosen because of a similar analysis he had performed while a White House fellow. Flanigan, as an accommodation to McClaren, ascertained the whereabouts of Mr. Ramsden and requested, on behalf of McClaren, the report. The report was prepared while Judge McLaren was out of the country and was held by Mr. Flanigan until McLaren returned. Flanigan testified that he served as a "conduit," a description which is corroborated by McLaren's description of his activities. The theory that his role was larger than that is based on speculation, not fact. The question, then, reverts to the role Mr. Kleindienst played in this affair. The testimony shows that, despite his meetings with Mr. Rohatyn, and it should be noted that ITT officials met with any Democrat that they thought might be helpful as well as administration officials, Mr. Kleindienst made no effort to influence Judge McLaren. He took no part in a meeting at which ITT made a presentation to McLaren and he only happened to be with McLaren when Flanigan transmitted to McLaren the Ramsden report. The only other contact occurred when Flanigan inquired of Kleindienst what to do with the report while McLaren was out of the country and Kleindienst informed him to hold onto it. Mr. Kleindienst testified that he never read the report, nor did he interfere in any way with any of the antitrust activities in regard to ITT. This hardly sounds like the way to execute some behind the scenes deal.

The second allegation against Mr. Kleindienst was the handling of a matter concerning the U.S. attorney in San Diego, Harry Steward. This story, which first appeared in a Life magazine article, accused Steward of hampering an investigation of a prominent Republican and personal friend, Frank Thornton. The charges were that Steward had quashed a subpena for Mr. Thornton and that he had generally obstructed the investigation.

However, testimony by Mr. Henry Peterson, head of the Criminal Division of the Justice Department, brought out the fact that when these accusations had reached the Justice Department, Mr. Kleindienst ordered a full FBI and departmental investigation of Steward's activities. Peterson testified that the FBI and the Department career personnel determined that there had been no culpable wrongdoing but, rather, a gross error of judgment. He also testified that, in light of the fact that Steward was due to prosecute some very important tax cases, it was recommend to Kleindienst that the Justice Department should issue a statement expressing confidence in Steward, but that, privately, he should be reprimanded. Both Steward and Kleindienst testified that the latter reprimanded Steward and informed him that, in the future, when a friend was involved he should remove himself from any activity in the case. Steward's contention was that he knew Thornton personally and that he knew that Thornton would cooperate and testify under oath without the need for dragging him before a grand jury where his reputation would inevitably be damaged by press coverage no matter what the outcome. As we have seen in the case of Frank Sinatra's appearance before the House Select Committee on Crime, Steward is not the only person to exhibit a concern for the sensitivities of a friend.

In conclusion, the 8 weeks of hearings by the Judiciary Committee indicate that insofar as the ITT affair is concerned, the only basis for any accusation of wrongdoing by anybody is the Anderson memorandum, the authenticity of which has been severely questioned and is in grave doubt. No evidence has been presented that substantiates the allegation in the Anderson memorandum. Instead, testimony shows that the antitrust settlement against ITT was the sole decision of Judge McLaren, based on a number of sources and opinions, and arrived at after three court losses by the Government.

As far as Richard Kleindienst was concerned, he had no contact or involvement with the Republican Convention and very little contact, and only an associational one at that, with any aspect of the antitrust litigation against ITT itself.

As far as the San Diego charges are concerned, several things are quite clear. First of all, even though Harry Steward acted with poor judgment in insisting on what he regarded as a more appropriate interrogation of a particular witness during an investigation, he did not violate any laws.

Second, Richard Kleindienst's decision to publicly express confidence in, while privately reprimanding Steward, was based upon recommendations of career service personnel who analyzed the FBI reports. Under the circumstances, it was justified and certainly is not grounds for disqualification of Mr. Kleindienst as Attorney General.

In conclusion, 8 weeks of hearings have not produced any evidence that would indicate any reason not to confirm Richard Kleindienst as Attorney General of the United States. Instead, what the hearings have succeeded in doing is damage the reputation of a man through insinuation and innuendo unsupported by the facts. If, in 8 weeks, no more of a case could be developed than the speculations we have heard so far, no further purpose can be served, and a good deal of harm can be done, by dragging these proceedings out any further. I am completely satisfied that Richard Kleindienst is completely qualified to be Attorney General and urge that his nomination be confirmed as soon as possible.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the remainder of the proceedings in connection with the Kleindienst nomination members of the majority staff and the minority staff of the Committee on the Judiciary and its subcommittees be permitted on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, the time to be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BELLMON. Mr. President, may I have 5 minutes?

Mr. HRUSKA. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, the Senate will decide today whether or not to consent to the appointment of Richard G. Kleindienst to the office of Attorney General of the United States. Much has already been written and said about this nomination and the junior Senator from Oklahoma has no desire to add unnecessarily to the already voluminous record on this matter.

Others have spoken concerning his legal qualifications, his legal experience, and his official acts as Deputy Attorney General. My comments to the Senate relate to none of the above. Rather, my support for Dick Kleindienst is based upon two points: First, the respect I feel for him as a result of a long and at times close association in the political arena and, second, my strong feeling that the laws of our land properly give to the President great latitude in selecting the person of his choice as Attorney General.

My association with Dick Kleindienst began in 1960 when we were both serving as Republican State Chairmen—he of Arizona and I of Oklahoma. I learned to admire his drive and intellect and to respect his political acumen.

Again in 1967 and 1968, we were closely associated in the campaign organization of then presidential candidate Richard Nixon. Here again Dick Kleindienst proved to be an incisive, hard-driving, cool-headed leader.

Since coming to Washington I have had frequent contacts with Dick Kleindienst in his capacity as Deputy Attorney General. Because of the close personal relationship between President Nixon and Attorney John Mitchell, I found that much of the responsibilities for day-to-day operation of the Department of Justice rested upon the shoulders of Dick Kleindienst and that many of the decision making powers were in his hands. I have found him to be honorable and reasonable in the use of these powers and highly competent as a decisionmaker in dealing with the many difficult problems faced by the Department of Justice. He has served his apprenticeship well and I have total confidence in his ability to serve with great competence as Attorney General.

Mr. President, our laws plainly give the President of this country the right to choose the Attorney General. As a practical matter our system could hardly do otherwise without disrupting the orderly processes of government.

I served 4 years as Governor of Oklahoma with an attorney general who was not of my choosing. I can personally attest to the dissatisfaction felt by both parties with such an arrangement. Our laws give the Chief Executive great latitude in forming his Cabinet. Certainly the choice of Attorney General is one where the President's personal desires should be paramount. The Senate should not, therefore, deny confirmation in any except the gravest circumstances. In spite of weeks of tireless efforts on the part of enemies of the administration in and out of Government, no such circumstances have been shown to exist in this case.

Mr. President, Dick Kleindienst has withstood all the unfounded attacks which have been made against him. There is plainly no reason for this matter to be held in abeyance any longer. I am convinced that President Nixon and the country need and deserve the services of an able, level-headed tough, and fair-minded Attorney General and I am convinced that Dick Kleindienst is such a man.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, how much time do we have on each side now?

The PRESIDING OFFICER. At this point there are 61 minutes to each side.

Mr. KENNEDY. Mr. President, I yield myself 15 minutes.

In just a short while I am going to make a unanimous-consent request. I will not do so at this time, but I will read the unanimous-consent request for the benefit of the distinguished Senator from Nebraska and to afford me an opportunity to communicate this proposal to my other colleagues who may not be on the floor during the course of the remaining time.

It will be a unanimous-consent request along the following lines: That if the nomination of Mr. Kleindienst is recommitted, the Senate will proceed immediately to its consideration at the close of morning business the day following the Judiciary Committee's report, and that during further consideration of the nomination debate be limited to 10 hours, to be equally divided between the majority leader and the minority leader or their designees.

The purpose of this request—which I will offer if the motion to reconsider is carried this afternoon—is to allow the Senate Judiciary Committee an opportunity to hold hearings during next week, on Monday, Tuesday, Wednesday, and Thursday, hopefully for some 25 hours of hearings, so that we would call the necessary witnesses, as defined primarily by those who were on the initial list accepted by the committee as clearly necessary, perhaps augmented by those witnesses, one or two witnesses that the Senator from California desired, who would be useful and helpful to clear up any further doubts about the Steward case. During this period of time, the committee would have the opportunity to subpena material, for example the ITT files that still remain in the ITT office in New York; and we would have an opportunity to examine relavant ITT files that are in the possession of the SEC which could have an important bearing on the ITT settlement effort, as well as the other materials which have not been made available by the Justice Department. We should at least require the Department, if they desire to withhold documents to exercise executive privilege, so that at least we would have some written explanation by those in authority for denying to the Judiciary Committee appropriate materials that have been requested.

Then the committee could subpena those materials it felt were being unlawfully withheld.

Finally, following the conclusion on Thursday of the hearings next week from June 12 to June 15, we would have a report due on Monday, June 19. With this unanimous-consent request we would limit the time for debate to 10 hours, to be equally divided between the majority leader and the minority leader, so that we could have a vote no later than Wednesday, June 21.

As I say, I shall propound this unanimous-consent request at a later time, Mr. President, but it is my intention to propose such an agreement. It is necessary that we have a unanimous-consent agreement to incorporate a limitation on the time that would be available for consideration; I have tried to assure the Members of the Senate that it is the purpose of those who support the motion to recommit that if we are successful on that motion to recommit, we would follow this schedule I have outilend, and would be quite willing to limit the time to approximately the 10 hours which I have indicated.

We wanted to assure the Senate that it is not our intention, through returning this nomination to the Judiciary Committee, to see it burned forever or tabled, but that the committee would proceed with its legitimate interest in exploring testimony from those witnesses who have not been heard, or only partially heard, and receiving the documentary information which I think is of such basic importance to those of us in the Senate who are trying to make a responsible judgment. That is the way that we would like to proceed.

I would remind the Senate that the unresolved issues troubled the Judiciary Committee itself. When the question arose of an extended period of time for consideration of additional witnesses, the committee itself was actually split on the more extended period of time, and we were unable to resolve that question and call the additional witnesses. There was a very substantial group within the committee that wanted to have the additional time and additional witnesses, and I would think that certainly the Senate should provide us with the opportunity to do so. The committee was in fact evenly divided, 7 to 7, on whether to continue the hearings. Half the members of the Committee on the Judiciary who had been considering the matter wanted to have additional time, and half wanted to end it. And of the 15 members participating in the final vote on reporting the nomination for confirmation, only eight joined in the majority views completely clearing the nominee, while seven filed individual views expressing varying levels of disagreement with the majority view.

So here we have the Committee on the Judiciary, charged with considering the qualifications of this nominee, split evenly on the question of additional hearings; and when the committee filed its report, only eight members signed the majority report and seven filed individual views expressing disagreement with the views of the majority. I think this doubt is reflected by many of the Members of the Senate.

Mr. President, during the course of the initial set of hearings I had the opportunity to listen to the nominee and an opportunity to question him about a number of different issues within the responsibility of the Justice Department over the period of time since he had assumed the important responsibility of Deputy Attorney General. Many things that took place during this period caused me great concern about his fitness and his competency to serve as Attorney General.

When we considered, for example, the Law Enforcement Assistance Act, which was to be the principal vehicle to meet the problems of crime in this country, we found that it had been bogged down in an administrative nightmare. I think all of us are hearing many and varied complaints expressed by those charged with its administration in States and in counties all over the country. Certainly we were not coming to grips with the problems of crime and disorder in this country, as I think many of us who had supported the Law Enforcement Assistance Act program thought that we should, because of lack of vigorous Justice Department efforts in this area.

I was troubled that in our battle to meet the problems of juvenile delinquency, for example, we had an administration that failed to fill the important and responsible position of Director of the juvenile delinquency program for some 16 months. The juvenile delinquency program—started in the early part of the 1960's—was provided with a variety of tools to meet the problems of juvenile delinquency and to help formulate community programs to meet those problems. Yet it was being left without direction in the Justice Department.

I was troubled by the attitude of the Justice Department on the Naroctics Addict Rehabilitation Act, a new program to help those afflicted by drug addiction. Obviously, all of us want a strong crackdown on drug pushers. But for the addicts themselves, the Narcotics Addict Rehabilitation Act was a program to provide some consideration during the time they are being held for trial, which would recognize their sickness and addiction, and to try to provide a more enlightened attitude and viewpoint about drug addicts and the whole process of rehabilitation. Yet that legislation was virtually ignored.

I was distressed—as I am sure many Americans were—by the failure of the Justice Department to carry forward in a strong and vigorous way enforcement of the gun control legislation passed by Congress in 1968. I was distressed, quite frankly, by the attitude of the former Attorney General, Mr. Mitchell, as well as Mr. Kleindienst, when he was asked to appear before the Judiciary Committee on a number of occasions, and respond to what the Justice Department was doing on the problem of Saturday night specials—the snub-nosed revolvers which are readily available to those who should not have any right to possession of those weapons in our society.

There is absolutely no justification for those weapons on the basis of use for sporting purposes. Still, we have had delay after delay by the Justice Department and a refusal of either Mr. Mitchell or Mr. Kleindienst to submit legislation on this issue.

I was distressed by the attitude Mr. Kleindienst exhibited on the whole question of the Kent State tragedy. Young students at Kent State were shot down over 2 years ago, yet the Justice Department has failed to investigate and to carry forward its responsibility to call a grand jury and to find out the real cause and who was responsible for the killing of young students, some of whose only crime was walking from one classroom to another.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield myself an additional 10 minutes.

I have met with the parents of some of those who were killed, and they said, "If this is a Department of Justice, why can't we have justice?" How do you answer a parent whose child has been lost, a child whose only transgression was walking between classes? The Justice Department has refused to carry forward any thoughtful and comprehensive investigation which many think was so essential and so important.

I was distressed quite frankly by the actions, in which this Justice Department was involved in the general dragnet operations on Mayday. The various courts have found, quite clearly, that the actions of law-enforcement officials at that time clearly exceeded legal authority, and we have seen hundreds of cases that have been dropped as a result.

I was distressed by the activities of the Justice Department at the time we considered the extension of the Voting Rights Act of 1965, in wanting to weaken that act, when there were those of us who were trying to strengthen it, to insure that the right to vote was going to be assured to all citizens, black and white, all over this country, yet the Justice Department's only efforts were to weaken those provisions.

I was distressed by the attitude of the Justice Department in carrying forward our national commitment toward equal rights toward equal education opportunities for students in all parts of this country, rather than taking a clear position to assure that all students in this Nation, black and white, students of different races and nationalities, would be assured of a quality education. The obvious ambivalence and confusion of the Justice Department on this matter finally developed into almost a revolt within the Civil Rights Division of the Justice Department.

These are just some of the areas that concern me. We saw the Justice Department's willingness to pull out all the stops when it came to Daniel Ellsberg and the Pentagon Papers, or to Clifford Irving and the Howard Hughes case. The Department was ready to call grand juries, ready to provide immunity, but was unwilling to do so when it came to the Kent State case.

These are some of the areas on which many of us who felt strongly about the importance of rights and liberties in this country, and about the prosecution of crime and violence in an enlightened and effective way, might have taken issue with the nominee. But as I pointed out—and I think other members of the Judiciary Committee pointed out—in our views at the conclusion of the first set of hearings, the President must be able to have the kind of Attorney General and the kind of Cabinet team he wants to carry forward his program, because he is elected by the people, and the standard used for Cabinet officials obviously is different from the standard which should be applied to those who sit on the Judiciary.

So I joined my colleagues in reporting the nomination of Mr. Kleindienst and indicated that I would support Mr. Kleindienst, even though we had those areas of very legitimate concern.

Then, as has been examined here during the course of the past few days—and by the Judiciary Committee—there arose very substantial, additional questions which run even deeper to the whole competency and handling of the responsibilities of the Justice Department, in which Mr. Kleindienst was implicated, and which I think raise some of the most serious questions about his being able to serve as our Attorney General.

In these matters, I would point out to my colleagues, we on the Judiciary Committee have been very seriously handicapped in doing justice to Mr. Kleindienst and to the Senate. We have been handicapped in not hearing from all relevant witnesses. We have been handicapped by not receiving all relevant materials. As a result, we think it is of importance that this matter be returned to the Judiciary Committee. The areas about which we are concerned are the settlement of the ITT cases, the handling of the Warner-Lambert case and the Harry Stewart matter, and the explanation of the Carson matter.

Mr. President, I yield 10 minutes to the Senator from Utah.

Mr. MOSS. I thank the Senator from Massachusetts for yielding me this time.

Mr. President, the Senate today is asked to confirm the nomination of Richard Kleindienst to be Attorney General of the United States. At the same time, however, the Senate has been denied access to information which has proven most crucial to our judgment of the nominee's qualifications to hold this position of high trust. For this reason, I intend to vote for additional hearings into this matter by the Judiciary Committee. Should that motion prove unsuccessful, I will be forced to vote against the nomination itself. The administration's insistent "coverup" of this investigation has left me no other choice.

One of the real drawbacks of our great two-party system is that the distinguished minority leader should support Mr. Kleindienst's nomination, and, at the same time, argue that an investigation of his qualifications was not justified in the first place, that the inquiry was a "dry creek."

"Dry creek" or not, the overwhelming majority of the American people remain convinced that there was some questionable actions in the relationship between the Justice Department and ITT.

The confirmation of Mr. Kleindienst will not instill public faith in those who were party to this affair. A cloud hangs over the Justice Department. It will continue to hang there until the next time the Attorney General is asked to make a conscientious decision regarding the execution of his duties. Perhaps it will be in the area of civil rights. Perhaps it will be in a case of official corruption or of vote fraud. There will, however, come a time, perhaps in the very near future, where the decisions and actions of the Attorney General will require his defense of the public trust based solely on his judgment and his integrity. I do not believe that confirming this nomination, under the present circumstances, will enhance that public trust.

More than any other post in the Cabinet, the national role of the Attorney General is determined by the character of the man who holds the position.

In recent years, we have seen a variety of Attorneys General. Some like Robert Kennedy and Ramsey Clark, have made themselves vigorous enforcers of civil rights and liberties, at the vanguard of the Nation's constitutional development in this field. Others Attorneys General in the recent past have seen their roles differently.

They have concerned themselves primarily with the need to preserve social order and tranquility. Regardless of one's political or ideological stand on these issues, everyone recognizes that the Attorney General must walk a tightrope between civil liberty and civil disorder, between social changes and social transgression. His discretion must be exceptional.

At the same time, his judgment must be above question. Even to those who disagree with the actions of an Attorney General, his motive must be above question. His conduct must be above politics.

As we approach a vote on Mr. Kleindienst's nomination, his unconvincing testimony regarding the ITT matter, his questionable behavior in the Carson bribery case, his unwillingness to expose the evidence that might exonerate him, have left me no alternative but to vote against his confirmation.

I make this judgment not as a member of a jury. If this were a court of law, we would have been given sufficient evidence to decide on Mr. Kleindienst's conduct, to establish his guilt or innocence of the charges. We have not received such information. Nor have we been shown sufficient reason to allay our suspicions about matters relevant to the ITT case itself.

The matter before us, however, is not whether to acquit Mr. Kleindienst of the charges made against him, but whether to make him our Attorney General. Therefore, today I do not vote against Mr. Kleindienst, but simply against his confirmation as Attorney General. In an age when so many people question the public interest of established government, we must have an Attorney General who is above suspicion of gross political intrigue. What it really comes down to is, Mr. President: If you cannot trust the Attorney General, whom can you trust?

Mr. President, I have taken a long time and given a great deal of thought to come to this conclusion. I know also that many of my colleagues have devoted many, many hours, much more time than I have been able to devote, to the consideration of the matter before us. But in the time I have had available to make my judgment, with the materials available, or rather lack of materials available before me, I can come to no other conclusion. Therefore, I state it to the Senate today.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. TAFT). The Senator from Massachusetts has 44 minutes remaining, and the Senator from Nebraska has 71 minutes remaining.

Mr. KENNEDY. I thank the Chair.

Mr. HRUSKA. Mr. President, I yield 5 minutes to the distinguished Senator from Delaware (Mr. ROTH).

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. ROTH. Mr. President, on March 29, 1972, I placed in the RECORD a copy of a letter that I had written to Acting Attorney General Kleindienst in which I urged that as Attorney General he make it abundantly clear that neither he nor officials of his Department will in any way be involved in partisan politics.

In making this request of the Acting Attorney General, I did not intend to suggest that there had been any wrongdoing on the part of any former Attorneys General, even though it is well known that there have been in the past Attorneys General of both political parties who have been top political advisers in the administrations in which they served.

Rather, I made the suggestion in the hope that any semblance of doubt about the integrity of the judicial system be removed; that there be no reason for the slightest suggestion that the administration of justice was in any way involved in or dependent upon political considerations.

Shortly after he received my letter, Mr. Kleindienst visited me in my office and discussed the contents of that letter. I agreed that it would be more appropriate for him to delay responding to my letter until after his nomination was placed on the calendar, and, accordingly, on May 30, 1972, Mr. Kleindienst did reply.

In his letter Mr. Kleindienst said:

> Let me comment specifically upon your convictions that the Attorney General and the officials of the Department of Justice refrain from involvement in partisan politics. This will be the general policy of the Department.

Mr. President, I think this is a most important policy and I trust it will be fully and promptly implemented.

I ask unanimous consent that my letter of March 29 and Mr. Kleindienst's reply of May 30, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 24, 1972.

HON. RICHARD G. KLEINDIENST,
Acting Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. KLEINDIENST: Among the matters of gravest concern to the American people today continues to be the question of law and order; the safety of our citizens in their homes and on the streets, the protection of their families and property from harm or destruction, and the swift and fair administration of justice once an offender is apprehended.

This concern, I think, is deeply rooted in respect for the rule of law, a respect that is shared by the vast majority of American citizens. It is this respect for the rule of law and the fervent desire on the part of Americans to see the law upheld that forms one of the basic cornerstones of our democratic system. That foundation of democracy cannot remain strong if respect for the administration of justice under the law is eroded.

Inherent in any administration of justice that seeks to command the respect of our citizens is the absolute imperative that justice be meted out without favor. Short of outright corruption of the justicial system or malfeasance in office on the part of members of either the Judicial Branch of the government or the administrators of our laws, political favoritism would rank at about the top of the list of those things which would bring the integrity of the system into serious doubt.

I am greatly concerned at this point that the just administration of our laws be carried out without the taint of political favor or even the appearance of such favoritism. It is not difficult to see how an appearance of favoritism may be created even though none actually exists if Justice Department officials are known to be involved in partisan political activity.

On March 15, 1972, the New York Times carried a lead editorial two paragraphs of which I would like to quote at this point:

"The politicizing of the Justice Department has been a dismal trend, engaged in by both parties for more than a generation. It is precisely because this course has been unchallenged by the Democrats and Republicans alike that sometimes even the most important officials become morally blind to its consequences.

"The result is a contagion of cynicism about the system and its institutions. When Government creates conditions which make it easy to abuse power, its citizens begin to condone corruption as a way of life. Such attitudes, particularly when they involve the Justice Department, subvert faith in Government by law."

It is not my purpose here to suggest any wrong-doing in the past on the part of officials of the Department of Justice, except to say that it is common knowledge that past Attorneys General have frequently served as top political advisers to the administrations of which they have been a part. The fact that this has occured under both Democratic and Republican administrations does not alter the fact that it is an unhealthy practice.

It is my deeply held conviction that a new policy is called for, one in which the Attorney General makes abundantly clear that neither he nor officials of his department, will in any way be involved in partisan politics.

I strongly urge you to make your position clear on this point, not only because it would greatly assist the Senate in the confirmation process, but because it would go a long way toward removing the Department of Justice completely from the arena of politics. To the extent that that has been achieved, I believe that greater public respect for the integrity, not only of the present Administration, but for the American democratic system of government itself, will swiftly follow.

I would appreciate your prompt response to this request for clarification of your position on the question of political involvement by Justice Department officials.

Sincerely,

William V. Roth, Jr.,
U.S. Senate.

Office of the Deputy Attorney General,
Washington, D.C., May 30, 1972.

Hon. William V. Roth, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator: This will supplement my letter to you of May 5, 1972, which in turn replied to your letter of March 24, 1972 to me.

Let me comment specifically upon your convictions that the Attorney General and the officials of the Department of Justice refrain from involvement in partisan politics. This will be the general policy of the Department. Indeed, to the best of my recollection, during three and one half years I may have made over 300 appearances before a variety of groups and organizations. With the sole exception of an appearance before the Trunk 'n Tusk groups of Tucson and Phoenix, Arizona last week, none of these appearances were sponsored by a political organization.

Of course, I intend to appear before many non-political gatherings in the future, and I intend, at such appearances, to describe and set forth the policies and accomplishments of the Department with respect to the administration of justice in America.

Let me thank you again for your interest in this matter.

Very truly yours,

Richard G. Kleindienst,
Acting Attorney General.

Mr. ROTH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

Mr. HRUSKA. Mr. President, in a few days it will be 4 months that this body will have been considering the nomination of Mr. Richard Kleindienst to be Attorney General of the United States. Since the floor debate on the nomination of Richard Kleindienst to be Attorney General of the United States began 8 days ago, we have heard a great deal of rhetoric and impassioned argument from the opponents of confirmation. What we have not heard is anything new or substantial which would serve as a basis for the Senate rejecting this nomination.

On May 31, in the opening hours of the debate, this Senator spoke at length on the evidence that had been presented at the Judiciary Committee hearings on this nomination. All of the issues raised during those sessions were analyzed. It was my conclusion that there was nothing on the record which could be construed as disqualifying the nominee from being confirmed for this high office. Rather, I felt he was well qualified and should be quickly approved.

But after this lengthy debate we are left just where we began. The opponents have found no new evidence on which to persuade us to their viewpoint. Instead, the record is exactly as it was at the time the committee voted 11 to 4 to report the nomination to the Senate. During these sessions we have heard the same tired arguments, which were unpersuasive in the beginning, trotted out for rehearing for the benefit of the full Senate. They failed to win the day in the committee; they should fail to do so on the floor.

It was my original intention to stand by my opening statement and not to speak again on this subject. However, after listening to the debate these past 8 days, I have concluded that the record should show that the charges made by the opponents are misleading, some very inaccurate, and most of them irrelevant. All of them were considered by the committee prior to the time it took its favorable vote.

ITT ANTITRUST CASES

It is alleged that the Justice Department settled its three antitrust cases against ITT in exchange for a pledge of $400,000 to the Republican Party and that all of this was arranged with the help of the nominee. Not one of these statements is true.

The facts surrounding the filing and the settlement of these three suits have been explored in depth by the full committee during these hearings. The evidence shows that the Nixon administration pursued a tough policy against conglomerate mergers with anticompetitive impact, despite the fact that the previous two Democratic administrations had failed to do so. As part of this program, Assistant Attorney General McLaren of the Justice Department Antitrust Division filed three suits against ITT to require the divestiture of Canteen Corp., Grinnell Fire Protection Division, and the Hartford Insurance Co.

During the litigation of all three of these cases, the Government lost its arguments before the court. It was the opinion of the Solicitor General that were the cases taken to the Supreme Court, the Government would lose all three appeals there.

Despite these facts, McLaren was able to work out with ITT a settlement which provided for the Government to win the Canteen and Grinnell cases, and required the divestiture of Avis, Levitt, ITT Life Insurance Co., and ITT Hamilton Life Insurance Co. In addition, ITT is prohibited from acquiring additional companies without the consent of the Justice Department or the courts. After winning all of these points, the Government had no basis to require the divestiture of Hartford.

Let me quote from Mr. McLaren on this point:

> I am responsible for that settlement and I stand fully behind it. In my professional opinion, it is an excellent settlement from the Government's standpoint not only as a matter of disposition of this litigation but for its overall impact in promoting compliance with the antitrust laws in deterring anticompetitive mergers.
>
> My settlement, by the way I ultimately analyzed it, is we got absolutely everything we could possibly get, by winning Canteen. We got the gist of everything we could win or we would want to win in Grinnell, and so far as Hartford was concerned, we paired off other companies which under the control of ITT might be used with Hartford for anticompetitive ends. And we thought that we had achieved really as much as we got by going through the appeals, and furthermore, we had a solid order against reciprocity, which we believed ITT had been engaging in, and we had a very solid order against further acquisitions of the major sort, and ITT had been the leader in this movement of these really giant mergers that had anticompetitive aspects, which is what we are trying to stop. (p. 118)

This is the settlement that some of my colleagues say was a sell-out by McLaren to ITT in exchange for a gift to the Republican Party. It was no such thing. Mr. President, I would like to quote from an article appearing in 48 Chicago-Kent Law Review—winter 1971—entitled "Conglomerate Mergers and the ITT Consent Decrees" written by Paul H. White. This article begins with the statement:

> A litigant can rarely lose every battle and yet win the war.

Now I hope my colleagues are listening to this:

> Yet that is exactly what happened when the Department of Justice attacked three acquisitions of the International Telephone and Telegraph Company as violating Section 7 of the Clayton Act. . . . the Justice Department lost final judgments to ITT in two of the three cases and a preliminary injunction had been denied in the third.
>
> Nevertheless, the government appears to have won the war. . . .

That is exactly the point this Senator and a good many of my colleagues have been trying to make ever since this matter was raised during the hearings.

Mr. President, I ask unanimous consent that the text of the entire article appear in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the other half of this charge is that ITT contributed $400,000 to the Republican Party in exchange for this "favorable" treatment from Kleindienst-McLaren and Company.

Let me quote from the testimony of ITT President Harold Geneen as to the details of the ITT pledge to the city of San Diego in order to attract the Republican Convention to that city:

> Therefore, on July 21st prior to the site, and I want to emphasize that, prior to the site selection board's meeting and prior to the presentation of the San Diego Convention and Tourist Bureau of its bid for the convention, we dispatched a detailed telegram to the San Diego Convention and Tourist Bureau, in care of Congressman Bob Wilson, spelling out specifically what ITT Sheraton's pledge was. I think the telegram made it very clear that this was the entire pledge of ITT Sheraton or ITT or any subsidiary thereof. That pledge is contained in the telegram, a copy of which I will be glad to place with the Committee, and it calls for three things:
>
> 1. A commitment that the presidential headquarters will be in the Sheraton Hotel if the bid should be successful.
>
> 2. A payment of $100,000 in cash to the San Diego Convention and Tourist Bureau.
>
> 3. An offer, if needed, to contribute an additional $100,000 again if needed and matched by other business organizations.
>
> That is the only commitment made to the San Diego Convention and Tourist Bureau, or to anyone else for the convention.
>
> We obtained outside legal advice that since this was in the ordinary course of Sheraton business and in proportion thereto, it was a proper and lawful action for the Sheraton chain consistent with their business practices, and it would be therefore allowable as a tax deduction under the IRS rulings. (pp. 648–49)

Just recently, May 17 to be exact, Judge Robert J. Kelleher of the U.S. District Court for the Central District of California, dismissed a case challenging the legality of the ITT pledge, ruling that it did not violate Federal law. This was the same argument made by at least one witness at the hearings. I ask unanimous consent to have an article from the Washington Post of May 19, 1972, reporting that decision printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

ITT Gift to GOP Is Ruled Legal

Los Angeles.—A federal judge ruled yesterday that the $100,000 contribution International Telephone and Telegraph Corp. made to attract the Republican National Convention to San Diego was not illegal.

U.S. District Judge Robert J. Kelleher dismissed the suit brought against ITT by California Secretary of State Edmund G. Brown Jr., who charged the contribution violated the Federal Corrupt Practices Act.

The act forbids corporations to make political contributions to federal election campaigns and conventions.

ITT countered that it did not contribute the money to a political campaign, but gave the money to a San Diego civic group to help attract a big convention, a legitimate business expense to promote bookings for three ITT-owned hotels in San Diego.

Lawyers for ITT also argued that Brown was not entitled to sue under the provisions of the Corrupt Practices Act, a criminal law.

Kelleher issued an order dismissing the suit, accepting all grounds urged by the defense attorneys, including the contention that the contribution did not violate the federal law.

The contribution figured prominently in Senate hearings. Democrats urged investigation of the possibility the contribution was part of a deal between ITT and the administration, in return for the Justice Department's settling an antitrust suit against the conglomerate out of court on favorable terms.

In the aftermath, spurred by an argument over rising convention hall costs, the Republicans pulled the convention out of San Diego and switched it to Miami Beach.

Mr. HRUSKA. Mr. President, it should be noted that the headline on the article is misleading and inaccurate however. It refers to a gift to the Republican Party. This is totally false. It went to the Convention Committee of San Diego, as the newsstory clearly indicates.

Having disposed of the challenges against the settlement and the pledge, all that remains is to quote from the testimony of Mr. Kleindienst that at the time the ITT settlement was going forward through normal channels at the Justice Department, neither he nor Mr. McLaren was aware of any aspects of ITT's involvement with San Diego or the Republican Convention. I read from the hearings:

> Mr. Kleindienst. Now, Mr. Chairman, based upon the statements that have been made I would like to conclude my remarks by saying categorically and specifically that at no time, until some time in December 1971, did I have any knowledge of any kind, direct or indirect, that the ITT Corp. was being asked to make any kind of a contribution to the city of San Diego or to the Republican Party with respect to the prospective national convention of the Republican Party in San Diego. I never talked to a person on the face of this earth about any aspect of the San Diego Republican National Convention or the I.T. & T. Corp. I never talked to Mr. Mitchell about any aspect of this case. He never mentioned any aspect of this case, and there is not a person in this world who, if they testify truthfully, can come forward and say either that I had knowledge of anything going on with respect to the San Diego convention and the I.T. & T. Corp. or that in any way, under any circumstances, I had anything whatsoever to do with anything that the Department of Justice, the Government of the United States, myself, or Judge McLaren, in connection with these matters. (P. 100)

Mr. President, the Senator from North Dakota (Mr. Burdick) made a request during the hearings that the Department of Justice supply a chronological list of events in the various ITT cases. There has been some suggestions during this debate that this request has not been met.

I ask unanimous consent to have printed at this point in the Record, the Department's reply to this request.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Justice,
Washington, D.C., April 27, 1972.

Hon. James O. Eastland,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I understand that Senator Burdick has renewed his request to provide information going to a chronological summary of the ITT matter. This request was initially directed to Judge McLaren, as shown on page 371 of the printed transcript of these hearings.

It is our position that prior submissions to the Committee constitute substantial compliance with Senator Burdick's request. We have furnished a complete listing of our docket entries, which to the best of our knowledge shows all pleadings and briefs filed and hearings in the three ITT cases. Moreover, on April 14, my letter to you listed the dates of meetings and persons present at each such meeting at which negotiations and discussion leading to the ITT settlement occurred. That letter was supplemented by my letter to you dated April 17, 1972.

Should you have further questions concerning this matter, please do not hesitate to contact us.

Sincerely,

Walker B. Comegys,
Acting Assistant Attorney General Antitrust Division.

Mr. HRUSKA. That, in the mind of this Senator, puts to rest any doubt about the ITT cases. I should also remind my colleagues that this matter was discussed in detail in my statement of May 31 and that of the Senator from Kentucky (Mr. Cook) on June 5.

BLOCKING INVESTIGATIONS

The second substantive charge against the nominee is not quite clear. However, it appears to go something like this: U.S. Attorney Harry Steward of the southern district of California blocked a criminal investigation involving a friend and benefactor, Frank Thornton, and that the nominee is somehow culpable for this wrongdoing.

The record shows no investigation was blocked. A particular method of proceeding—by the first subpena—was not used. But the investigation continued. A complete report was made. It is interesting to note that the regional commissioner of intelligence disallowed the investigator's recommendation as not in order for prosecution. The Department of Justice Organized Crime Section concurred that prosecution was not in order. Much ado about nothing, it can be said.

First, the actions of Steward. It is admitted by all that the U.S. attorney used very poor judgment when he involved himself in a criminal case concerning a longtime friend. For this lapse of good sense he has been reprimanded orally and in writing by the Deputy Attorney General; the entire matter has been spread on the hearing record and the newspapers so that all who are interested know that an error was made.

What really happened is that a subpena was issued for Thornton, but never served, during a time when Steward was out of the office. By the time he returned the subpena had lapsed; he ordered that no new one be issued until he had an opportunity to talk personally with Thornton. This was done. Following that conversation the investigation proceeded. No investigation was blocked. Stopping the subpena did not stop the investigation; only the manner of conducting the investigation was changed by Steward's intervention. This is confirmed for the record by the testimony of Henry Peterson, longtime career prosecutor, present head of the Justice Department's Criminal Division:

> Steward's actions, contrary to some assertions, did not thwart the investigation of any criminal violations. Admittedly, Steward did talk to Frank Thornton in lieu of subpenaing him before the special grand jury, but only after the subpena had been issued without Steward's knowledge and at a time when he was out of his office. I could tell you Senators I do not know what your reaction would be, but if somebody knew that I had a personal interest in an individual, and impliedly assumed that I would violate my duty, and issued a subpena behind my back, I can tell you I would scold them, and only my presence before this committee prevents me from using stronger language.
>
> Despite Steward's personal assertion into the case, it is clear that Stutz continued an independent investigation at the direction of strike force attorney DeFoe. (p. 973)
>
> Senator TUNNEY. But at a particular point in time the investigation by the IRS, by Mr. Stutz, was stopped by Mr. Steward, irrespective of what Mr. Stutz should have done?
>
> Mr. PETERSEN: I don't know that. The record reflects that the investigation proceeded. Now, whether there was a hiatus or not, I don't know. The record reflects that the investigation proceeded; Thornton's testimony was taken under oath in September. Stutz filed a report and made his recommendations.
>
> Senator TUNNEY. Do you know for a fact that the IRS investigation continued, that Mr. Stutz continued the IRS investigation?
>
> Mr. PETERSEN. We received a final report on it, Senator, in which the Assistant Regional Commissioner of Intelligence had disagreed with Mr. Stutz conclusion and regional counsel had disagreed with Mr. Stutz conclusion and because that aspect of it bore an organized crime label, it was referred to us.
>
> Ordinarily, it would be closed at that point. They referred it to us and the Organized Crime Section reviewed it; the fellows on the west coast reviewed it and they concurred in the decision of the regional counsel.
>
> Senator TUNNEY. To stop the investigation?
>
> Mr. PETERSEN. No, sir; not to stop the investigation. On completion of the investigation they concluded that prosecution was not in order. (p. 1013)

And by Steward himself:

> I told the agents, and I told Mr. Kleindienst that I told the agents, that I had known Mr. Thornton for many years: he was a friend of mine. I said that instead of subpenaing him I will go over and talk to him and take a look at what records he has, to determine whether or not it is necessary for him to be subpenaed before this grand jury.
>
> I went over; I talked to Mr. Thornton. I told him there was a question whether he should appear or not. Frank Thornton said, "Well, I don't mind appearing; I will come in any time you say; right now, as a matter of fact. Tell me what you want and I will come in." And I said, "Frank, we will talk first."
>
> So we talked for a while. I looked at the records that he had and I concluded that it was not necessary to open up another publicity campaign based upon what he showed me and what I saw. I have been an attorney on one side or the other, in Federal law, for about 20 years and I like to think I can see a case and not see a case when necessary; and I concluded that it was not necessary for him to testify before the grand jury and I went back and so advised the attorneys that were there—Huffman and DeFeo. At that time they had no particular adverse comment. To the contrary, it was agreed that the investigation would go along normal, usual lines; and I told the Deputy Attorney General that as far as I know that is exactly what happened, that it went along its normal, usual lines.
>
> At no time, I told him, did I ever attempt to interfere or stop the investigation. My sole participation, if you will, was in the decision as to whether or not he be questioned before a grand jury or questioned in the normal, usual practice and procedure that has always existed in the Department of Justice, to my knowledge for the last 18 years at least. (pp. 1423–24)
>
> * * * * *
>
> Senator FONG. At that time you decided then and there that subpenaing Mr. Thornton was not the thing to do, that you could elicit the information from him, the same information from him, if you talked to him?
>
> Mr. STEWARD. Yes; but I want to make it very clear, sir, if I may, my purpose in going over to talk to Thornton was not to investigate Thornton nor like an investigator would; it was just to determine whether or not under the circumstances the situation, the facts and the knowledge that he had were such that it should be brought out in connection with the grand jury proceeding rather than the normal proceeding which is to have an investigator go in and spend a few days or a few weeks going through books, records, and meeting people and the like. That was my purpose in this.
>
> Senator FONG. Now, in the course of your work as district attorney and formerly as assistant district attorney, did you have to subpena every witness that you wanted to talk to?
>
> Mr. STEWARD. No, sir; no; most witnesses you don't have to.
>
> Senator FONG. In other words, if a witness was willing to talk, you didn't have to subpena him?
>
> Mr. STEWARD. That is correct, sir.
>
> Senator FONG. In this case here, you thought that you could talk to Mr. Thornton?
>
> Mr. STEWARD. Yes, sir.
>
> Senator FONG. Therefore, you thought it was not necessary to subpena him?
>
> Mr. STEWARD. That is correct, sir. (pp. 1428–29)

While Petersen indicated that Steward had acted in a "highly improper manner" there is no evidence that his actions amounts to "wrongdoing" or criminal behavior. It is also interesting, Mr. President, that the type of action for which Mr. Steward has been criticized is apparently not unfamiliar to at least one Member of this body.

Secondly, the actions of Kleindienst. It is logical and fair that the nominee should be responsible only for his own actions in this incident, but the opponents of his confirmation seem to want to extend his liability to broader limits.

It is clear that Mr. Kleindienst's own role involved only the departmental review of charges against Steward. From the nominee's own testimony, as well as that of Steward and Petersen, it is established that all the Deputy Attorney General did was to call Mr. Steward to Washington to talk with him about the Thornton incident, to order a full FBI investigation of the charge, and to make the final decision regarding the retention of Steward based on the recommendation of the reviewing officers in the Criminal Division.

It was well summed-up by Petersen when he said:

> I think it will be clear from the following that Mr. Kleindienst's role in this matter involved the ordering of the investigation of Harry Steward and the making of the final decision, after a full discussion of the facts. The investigation itself was monitored by career attorneys who analyzed the information gathered and made recommendations with which Mr. Kleindienst agreed. (p. 966)

Petersen later gave his opinion of the nominee's handling of this matter:

> . . . I am convinced there is absolutely nothing in this record that would reflect adversely on Dick Kleindienst, absolutely nothing. (p. 1028)

The one remaining question which has troubled some observers is why the Department issued a press release indicating full confidence in Steward after Kleindienst had made a finding that he had used poor judgment in the Thornton episode. As this Senator indicated on the Senate floor on May 31:

> Steward was about to try a controversial and important case on behalf of the United States, the notable and long-awaited Alessio Tax Fraud Case. It was determined that the Department should announce its decision retaining Steward as U.S. Attorney in a way which would not undermine his effectiveness and which would stabilize the publicity that had surrounded this matter in the San Diego press.

My summary of the facts and reasoning behind this decision is supported by this excerpt from the hearing transcript:

> Senator HART. You, in this case, I take it, concurred in one further action, and that was because of your U.S. attorney's involvement in a pending trial; a statement was to be made which publicly had the Department expressing the fullest confidence in the U.S. attorney?
>
> Mr. PETERSEN. Yes, sir; I concurred in that. I saw no way we could say that he was half right or 99.9 percent pure. If he was going to try the Alessio case, which was a case of great notoriety in San Diego, and the trial was coming up imminently, we had to say, "Look, we have confidence in him," and indeed so far as that case was concerned, we did have confidence in him. We did not admire his conduct in one particular respect.
>
> Senator HART. But, in that situation again, and I think I am suggesting this may be

> basic, if you handle it the only other way, dismissal, presumably without explanation, you lend credibility to all of the charges that have surfaced?
>
> Mr. PETERSEN. That is the reason I say it would have been grossly unfair, Senator.
>
> Senator HART. And you ruin a man who used bad judgment?
>
> Mr. PETERSEN. That's right.
>
> Senator HART. It is a pretty tough rule for any of us to have to live with.
>
> Mr. PETERSEN. Indeed so.
>
> Senator HART. In any event, I have known you a long time and I believe you wouldn't lie or shade the truth to protect anybody. (p. 987)

CARSON CASE

On the 24th and final day of the hearing, one committee member sought to raise a new issue on which to oppose the nomination—the bribery trial of Robert Carson. The nominee refused to answer any questions concerning this case. His refusal to answer is now being characterized as an attempt to cover up some aspect of this matter.

I believe the nominee's response is the best answer that can be given to this charge. Mr. Kleindienst said:

> Mr. KLEINDIENST. Senator Bayh, I wonder if it might facilitate this hearing if I indicate to you what my posture is with respect to any questions that might be propounded to me as a result of the case that you are obviously referring to.
>
> I was a witness in that case. I testified in open court in the Federal District Court for the Southern District of New York. My testimony in that matter is a matter of open record. That case is on appeal and I believe that either as a lawyer or as an officer of the Department of Justice that it would be improper for me to comment in any way upon any aspect of that case because by doing so I might risk prejudicing the rights of the defendant in that case, either on appeal or in a retrial of the matter, if one comes about, or to prejudice the rights of the U.S. Government which was the plaintiff in that case.
>
> I am, therefore, indicating to you in advance, Senator Bayh, that I will not make any comment or respond to any questions with respect to that matter; and if, unfortunately, that leaves questions open with respect to my conduct as a Deputy Attorney General of the Department of Justice, then I will just have to run that risk because I think the rights of litigants in serious matters, such as this, are more important than any interest in my favor which you might have to get a further extension of any comments from me about it.
>
> Senator BAYH. Would you care to quote the basis for your refusal to answer—the legal precedent? This case is not on trial. The jury is in; the defendant has been convicted; it is now on appeal and it is my understanding, according to my understanding of Hornbook law as well as the little personal experience I have had as a lawyer, that the appellate court is confined to the trial record and any comment that you or I make now really has no relevance, cannot in any way prejudice the case on appeal.
>
> Mr. KLEINDIENST. It could, Senator Bayh, if the case were sent back for trial, and I am here under oath testifying in an open, public proceeding. Statements that I make might be statements which otherwise would not have been admissible in evidence in a court of law, that could operate to the prejudice of the defendant in any such case——
>
> Senator BAYH. May I ask—
>
> Mr. KLEINDIENST. Or to the U.S. Government. (p. 1710)

Mr. Kleindienst quite correctly took the position that any comment by him on any aspect of that case would be improper because it conceivably could prejudice the rights of either the defendant or the Government, on appeal or in a retrial.

Furthermore, Mr. Kleindienst had already been a witness in that case. He had given public testimony under oath in court where strict rules of evidence prevail. Further testimony under oath by him before the Senate Judiciary Committee without these same safeguards would only run the risk of prejudicing the rights of the parties involved.

Even though the trial of the case was completed, it is clear that, so far as the Second Circuit Court of Appeals—the court handling the appeal in this case—is concerned, such comment while the appeal is pending would be improper. The court strongly indicated this in a unanimous dictum in the case of *U.S.* v. *Bufalino*, 285 F. 2d 408, 420 (2d Cir., 1960).

On June 2 this Senator and the Senator from Indiana (Mr. BAYH) discussed this subject on the floor. At that time, I placed in the RECORD a number of rulings and case citations which make it crystal clear that the nominee acted properly and responsibly in refusing to elaborate on his trial testimony. I shall not repeat all of this material at this point, but indicate that it and the complete transcript of Mr. Kleindienst's trial testimony appear at pages 19592 et seq., CONGRESSIONAL RECORD, June 2, 1972.

Mr. President, at no time has the nominee sought to cover up the facts regarding Mr. Carson's approach to him in November 1970 or the events that took place thereafter. He testified voluntarily and under oath to all the aspects of this incident that the New York court would permit pursuant to the Federal rules of evidence. Twice he sought to amplify and elaborate on this testimony but was cut off by counsel and the court.

How cavalier it would have been for Mr. Kleindienst to disregard these court rulings in order to respond to questions at the hearings. I believe it is a measure of the man that he refused to sacrifice his commitment to fair trial and due process on the altar of expedience and personal gain.

All of the facts in the Carson case were known before this nomination was submitted to the Senate. It was not raised during the first set of hearings. It was not thought to be a disqualifying factor when the committee voted to unanimously approve the nomination on February 24. It was not until literally the final hour of the hearings that this subject was brought up. The attempt to find some sinister action by the nominee in this matter strikes me as last ditch attempt to find some issue—any issue, regardless of validity—by which to stop this confirmation. Why if Mr. Kleindienst's actions in the Carson case disqualify him from being Attorney General in June 1972, were they not disqualifying factors in February 1972? I suspect there is no answer to that question.

PROCEDURAL ISSUES

It is almost impossible to respond to the arguments of the opponents and remain faithful to our responsibility to be germane to the subject of this debate. Just as in the hearings when Mr. Kleindienst's name was not mentioned for days on end, so, too, during this debate when pages and pages of the record are devoid of any reference to him.

On what could be called procedural, as opposed to substantive issues the opponents make three principal charges regarding the conduct of the hearings. I should like to discuss these under three headings: Unanswered questions, uncalled witnesses, unsupplied documents.

UNANSWERED QUESTIONS

As an illustration of this type of argument, let me cite the 29 questions about ITT that the Senator from Indiana says remain unanswered by the testimony. Only five of these questions have any relationship at all to the nominee, and the answers to all of these were fully explored during the hearings. A majority of the committee resolved all of these questions in favor of the nominee. These same remarks hold true for the other unanswered questions that some Senators find lurking in the hearing pages.

UNCALLED WITNESSES

It is alleged that there are nine clearly necessary witnesses who should be but were not heard by the committee: Howard Aibel, Howard James, William Timmons, Harold Geneen, Richard Herman, Reuben Robertson, Denny Walsh, Dita Beard, and Peter Flanigan.

None of these have testimony that is clearly necessary to a full and proper consideration of the nomination of Richard Klendienst to be Attorney General. In fact, five of the nine have already been heard. The remaining four have no relevant evidence to offer to the committee, but would be called upon too offer testimony unrelated to Richard Kleindienst.

Let us look at the list:

Howard Aibel—ITT General Counsel. Aibel has already testified on more than one occasion. Senator KENNEDY, at least twice, saw that he was in the hearing room and requested him to come up to the witness table to testify, even though his appearance had not been scheduled. He has already been questioned on all of the issues that relate to the nominee.

Howard James—President of ITT-Sheraton. Anything James would add would be cumulative and immaterial because several other witnesses have already testified regarding the ITT pledge and because it cannot be linked to Kleindienst or McLaren or the settlement of the ITT suits.

William Timmons—White House Convention Coordinator. Timmons may have had something to do with the planning of the convention, but he did not discuss the ITT cases with the Justice Department.

Whatever he learned of the convention arrangements, there is no hint in the record or elsewhere that he had any connection with the ITT antitrust cases or with Kleindienst.

Harold Geneen—President of ITT. Geneen's testimony already takes up roughly 150 printed pages and covers every conceivable germane topic. Adequate testimony has already been received and cross-examination afforded on the only relevant point—contacts with Government officials.

Richard Herman—Republican National Committee vice-chairman. There is no contention that Herman had anything to do with the ITT antitrust suits or their settlement or any of the other subjects of concern to the committee. None of the items for which it is alleged his testimony is needed have anything to do with the nominee.

Reuben Robertson—Nader associate. The name Reuben Robertson brings to mind one of the most revealing incidents in the hearings. Robertson apparently told Kleindienst's opponents on the committe that he hand delivered a letter to both Kleindienst and McLaren on September 21, 1971, asking for several things, including a comment on charges that there was a connection between the settlement and an ITT contribution to the city of San Diego for the Republican Convention. In fact, the letter was hand delivered to neither. It was handed to Ray Carson, one of the Government attorneys in the ITT cases.

The original—and only—copy of the letter received by the Justice Department shows a handwritten notation that it was received by Carson. He then sent it to McLaren for a reply to Robertson because a hearing on final entry of the ITT consent decrees was scheduled for September 23, and McLaren wanted his attorneys to have something in hand in case the point came up at the hearing. He also wanted to prevent any possible allegation that the silence of the Justice Department amounted to an admission of guilt.

Although Robertson had ample opportunity to object to final entry of the ITT consent decrees on September 23, 1971, on the basis of charges that there was a political deal, he made no such objection.

Kleindienst never received a copy of the letter. He did, however, receive an inquiry from McLaren who asked if Kleindienst had talked to Representative Bob Wilson during the settlement negotiations. His answer was "no."

Robertson's testimony is sought for the purpose of giving an analysis of the settlement. He did that before the district judge who entered the decrees and was unable to persuade him that the decrees were not in the public interest. His associate, Mark Green, asked to appear before the committee during the first 2 days of hearings, but chose not to testify. Much of his prepared text dealt with the ITT settlement. Yet Green did not feel constrained to appear to testify on the subject. If the ITT settlement is so unsound now, why was it not so unsound on February 23? Nader, Green, and Robertson could have provided the same economic analysis to the settlement then if it was so important. The economics of the settlement have not changed.

In addition, Senator Kennedy has already inserted in the hearing record a statement prepared by Robertson.

Denny Walsh—Life reporter. There is nothing Walsh can offer that is relevant. We are not concerned with his investigation. We are only concerned with what Kleindienst did on the basis of the FBI investigation and the Criminal Division's report on the FBI investigation. In addition, his testimony would be entirely hearsay.

Dita Beard—ITT lobbyist. Kleindienst's opponents have tried to have it both ways on the subject of Dita Beard's testimony. After the special hearings in her hospital room in Denver, the Washington Post editorialized on March 28, 1972, that—

> Mrs. Beard's health ought now to be reason enough to persuade the Republicans on the committee to postpone their examination of her, and to allow the full Judiciary Committee to return to the serious business at hand.

Later in the same editorial, the Post suggested:

> In short, that part of the ITT affair which has to do with the reliability of Mrs. Dita Beard has been allowed by the Judiciary Committee to proceed from burlesque to the grotesque. If the Senate is serious about seeking out the truth, it should get back to that part of the ITT affair which has to do, narrowly, with the fitness of Mr. Kleindienst to be Attorney General and, in a larger sense, with the integrity of the government of the United States.

I ask unanimous consent that the text of that editorial appear at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 28, 1972]

THE ITT AFFAIR: FROM BURLESQUE TO GROTESQUE

The friends and supporters of the Nixon administration on the Senate Judiciary Committee have paid a heavy price—and might have paid a far heavier one—for the partisan, tactical maneuvering which had made the cross-examination of Mrs. Dita Beard a condition precedent to further hearings on the nomination of Mr. Richard Kleindienst to be Attorney General. By all accounts they were exceedingly lucky that her sudden heart seizure under the pressure of questioning was relatively mild and that the farce being played out at her bedside on Sunday did not turn into tragedy. Mrs. Beard's health ought now to be reason enough to persuade the Republicans on the committee to postpone their examination of her, and to allow the full judiciary committee to return to the serious business at hand. If not, perhaps such testimony as she was able to give at the bedside hearing will discourage them from pursuing this line of inquiry further because she was, as might have been foreseen, an unconvincing witness, at best, for the defense of either the Nixon administration or ITT.

Her denial that she wrote the so-called Anderson memorandum was not new; she had already signed an affidavit to that effect. As for the rest of her testimony, it is hard to make much of it, in the absence of further guidance from ITT as to when, precisely, she is, and is not to be believed—when her disavowals carry weight, and when she is "irrational" or "disturbed" or suffering from "mental lapses" or "drinking excessively." For example, she made it quite clear that although she didn't author the Anderson memo, she did write something on the subject which was different from the memo which ITT now offers as the one-and-only "genuine" memorandum on the subject. If so, this does not say much for the integrity of ITT.

Moreover, if we are supposed to credit her disavowal of the Anderson memorandum—a full three weeks after she had every chance to do so, and didn't—then we must equally believe her when she tells of a conversation with an unidentified White House aide which materially alters the picture we have been given by the administration and the Republican National Committee and ITT of the extent to which ITT was preparing to support the Republican Party this year. We had been told by ITT President Harold Geneen that $200,000 was involved, all of it connected with the promotion of ITT hotel properties in San Diego, and with the Republican Convention there. Other Republican figures have conceded that the figure might have been as high as $300,000 or $400,000. But now, in Denver, Mrs. Beard has introduced the figure of $600,000, and raised the possibility that some part of it might go directly into financing President Nixon's own campaign for re-election. Now that, assuming you believe it, puts rather a different light on things; it involves the White House and the President, who was supposed to be in no way involved, in a much more handsome gift from ITT at a time when that corporation's fate lay in the hands of a Republican administration.

For our part, we don't know what to believe, except that either you believe Mrs. Beard or you don't—you can't be selective about it. The best way out of this dilemma, we would think, is to put the Beard memorandum to one side and move on with the Senate's inquiry; the substance of the ITT affair, after all, has been amply documented in other testimony and far more significant witnesses are awaiting call—White House aide Peter Flanigan, for example, or Mr. Richard Ramsden, the private expert whose report, arranged by Mr. Flanigan, is said to have had so much to do with persuading the antitrust chief of the time, Richard McLaren, to settle the ITT cases out of court.

It is apparently Senator Hart's view that "clearly it will inhibit" the Judiciary Committee if Mrs. Beard cannot be questioned further and that as a result "we may never know the truth." In our view, not knowing the truth about the Beard memorandum, while perhaps tantalizing, can hardly inhibit the Senate for there is almost nothing in that memorandum, in the way of assertions or allegations, which has not been sworn to in other, more reliable, testimony. In short, that part of the ITT affair which has to do with the reliability of Mrs. Dita Beard has been allowed by the Judiciary Committee to proceed from burlesque to the grotesque. If the Senate is serious about seeking out the truth, it should get back to that part of the ITT affair which has to do, narrowly, with the fitness of Mr. Kleindienst to be Attorney General and, in a larger sense, with the integrity of the government of the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for an additional 10 minutes.

Mr. HRUSKA. Mr. President, as the Post elsewhere put it, interrogating Dita Beard again may be "tantalizing," but it is hardly essential.

Peter Flanigan—assistant to the President. The committee decided on April 18, 1972, by a 12 to 1 vote to have Flanigan testify on the following matters only:

First. Flanigan's involvement in assisting McLaren in obtaining independent financial analysis from Ramsden,

Second. Geneen's participation in a group meeting at the White House in February 1971,

Third. Flanigan's knowledge in respect to the selection of San Diego as the site of the Republican National Convention, and

Fourth. The matters which occurred in Flanigan's presence at the meetings held in the office of Attorney General Mitchell on April 29, 1971.

He testified fully and completely on those matters. During the course of Flanigan's testimony, the committee saw two other matters that Flanigan should comment on. They were:

First. The nature of all contracts between Flanigan and officers, employees, consultants, or representatives of ITT up to the time his activities in connection with the ITT cases ceased, to the extent such contacts related to the ITT cases.

Second. The nature of all contacts flowing from the Ramsden report between Flanigan and officials or employees of the Justice Department in connection with the ITT cases during the period of the settlement negotiations.

He responded to those two inquiries in a full and candid manner. Those who now seek to ask additional questions had an opportunity to suggest questions they wished to put to Flanigan when the committee decided to accept Flanigan's offer to testify or when they decided to send further inquires to Flanigan after he testified. They did not then offer any specific questions and their failure to do so now should demonstrate that they have nothing in mind but a grand fishing expedition.

Consider what happened when Flanigan appeared on April 20. Two days earlier, the committee had voted 12 to 1 to limit the questioning as described above. When Flanigan during the testimony quite properly refused to go beyond the four designated areas, the Kleindienst opponents on the committee cried "snow jobs" and "whitewash." All except Senator KENNEDY had agreed not to press questions beyond the scope of the agreement. All of the 13 members who voted on the agreement, I believe, conceded that there is a doctrine of executive privilege, although there were differences of opinion as to its scope. So this agreement was actually a compromise between two branches of government, the importance of which went far beyond the testimony Flanigan was to give to the committee.

Now having agreed to limitations 2 days before, why were some Senators objecting when Flanigan appeared? Were they misled by Senator Ervin, who drafted the agreement?

Here is what he said on the subject:

> I say to this day, that this resolution, plus Mr. Flanigan's letter, permits interrogation of Mr. Flanigan about everything that any of the testimony of these weeks showed he had any knowledge about, or had participated in, in any way, I read that proposed resolution aloud in the presence of every member of this committee, except Senator John L. McClellan, in a very loud tone of voice, because I use a pretty loud tone of voice, and it was voted for, I believe it was 12 to 1. (p. 1628)
>
> * * * * *
>
> Now, we have heard a lot of testimony from officials of the Department of Justice; we have heard a lot of testimony from people connected with ITT; and this agreement, plus Mr. Flanigan's letter, permit the testimony of Mr. Flanigan and he agreed to testify on these terms to everything that there was a scintilla of evidence during the weeks of hearings that linked him in any way with anything connected with this investigation.
>
> I just say this in defense of myself, having drawn the resolution, and I was very proud that I got every vote but one for it; but I do hope something could be worked out where he can testify as to whether he ever talked to Mr. Kleindienst about this or talked to ITT officials. But I think under this agreement he is not a free agent and I say in defense of him that if there is any unwise limitation here, I am responsible for it and the members of the committee who voted for the proposal I wrote out, after they could not agree on anything else, also are responsible for it.
>
> I think it is sort of a pity you have these privileges but they are privileges that run all through the law and we were trying the best we could to avoid a confrontation between the executive and the legislative branches of the Government with respect to these things; and I think it is highly desirable to avoid such a confrontation and I think that Mr. Flanigan—I will say to his credit—has agreed and has testified in respect to every transaction that the weeks of testimony, from all sources, indicated that he had anything to do with. (p. 1629)

Finally, it should be noted that the number and identity of witnesses called was largely up to the opponents. The limit agreed to by the committee was one of time only. Had the opponents been willing to curtail their repetitious and redundant questioning, additional witnesses could have been heard prior to the April 20 deadline. When the complaint concerning uncalled witnesses is heard, it should be remembered that the responsibility lies with the opponents.

Additionally, the chairman of the committee cooperated fully with those opposing the nomination in scheduling the witnesses they requested. The witnesses called were those on the list submitted to the chairman by the Senator from California (Mr. TUNNEY).

Let me repeat: all the "clearly necessary" witnesses, and many more, have already been heard.

UNSUPPLIED DOCUMENTS

It is alleged that pertinent documents requested by committee members from the Justice Department and ITT have not been produced.

I cannot speak for ITT. If documents which exist and are relevant have been requested and not supplied, that is a matter which ITT counsel should examine closely.

Mr. KENNEDY. Mr. President, will the Senator from Nebraska yield on my time?

Mr. HRUSKA. Mr. President, when I finish my speech, then I will yield on the Senator's time.

Mr. President, with regard to the Justice Department I can speak with more certainty. Since these hearings began, the Department has expended hundreds of man-hours sifting through files in order to comply with the numerous requests for documents. Thousands of pages of material—much having little or no bearing on the nomination—have been produced. Some documents were withheld on the decision of Department officials that they either reflected internal advice tendered by subordinates to the Assistant Attorneys General or the Deputy Attorney General which were not appropriate for public disclosure or were criminal files on which departmental rules require confidentiality.

The Department attempted to comply with the committee requests to the fullest extent possible. Some sensitive materials were submitted to committee members with the understanding that they be made available to Senators only. When these materials found their way unerringly into the columns of the Washington Post and the New York Times, the Department determined that it could no longer supply documents on this basis.

Before the charge is made that the Department failed to cooperate with the committee, we should be certain that a charge of "unclean hands" on this subject cannot be lodged elsewhere.

CONCLUSION

Mr. President, I have set forth the facts on the charges made by the opponents of this nomination so that the record will be quite clear as to both sides of these questions. The "clouds" which some would like to see over this matter have long since been drilled with so many holes that they no longer hold either water or hope for the opponents.

Richard Kleindienst will make a strong and effective leader for the Department of Justice. I know that we shall all be proud of the way he will discharge his duties. It is my hope the Senate will approve and confirm the nomination by a substantial vote.

Conglomerate Mergers and the ITT Consent Decrees

A litigant can rarely lose every battle and yet win the war. However, that is just what happened when the Department of Justice attacked three acquisitions of the International Telephone and Telegraph Corporation as violating Section 7 of the Clayton Act.[1] In *United States v. International Tel. & Tel.*,[2] filed in April, 1969, the government sought to force I.T.T. to divest itself of Canteen Corporation. In *United States v. International Tel. & Tel. and Grinnell Corp.*[3] and *United States v. International Tel. & Tel. and The Hartford Fire Insurance Company*,[4] both filed in August, 1969, the government sought to prevent the proposed acquisitions of Grinnell Corporation and the Hartford Fire Insurance Company by I.T.T. In the last two actions, the government also sought preliminary injunctions preventing the acquisitions. The court refused to issue an injunction in either case in October, 1969.[5] Then in December, 1970, the trial court found that I.T.T. was entitled to a motion dismissing the complaint in the case of the Grinnell acquisition.[6] In July, 1971, the trial court in the Canteen Corporation case found that the I.T.T. was also entitled to a judgment dismissing that complaint.[7] Thus, the Justice Department lost final judgments to I.T.T. in two of the three cases and a preliminary injunction had been denied in the third.

Nevertheless, the government appears to have won the war, since, in September, 1971, consent decrees were entered in all three cases.[8] These consent decrees provide for divestiture by I.T.T. of Canteen Corporation[9] and the Fire Protection Division of Grinnell Corporation[10] within two years. In addition the decrees require I.T.T. to divest itself of either (1) the Hartford Fire Insurance Company or (2) Avis Rent-A-Car, I.T.T.-Levitt and Sons, Inc. and its subsidiaries, I.T.T. Hamilton Life Insurance

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Footnotes at end of article.

Company, and I.T.T. Life Insurance Co. of New York within three years. Further, if I.T.T. does not divest itself of Hartford, it is restrained from acquiring any leading domestic company or dominant company in a concentrated market without showing in court that such acquisition would not lessen competition or tend to create a monopoly in any line of commerce in any section of the country.[11] Thus, the government received nearly all the substantive relief it had originally sought in filing the actions. The government, however, failed to get a definitive Supreme Court ruling on the novel arguments presented in attacking these mergers. Therein lies the quandary for attorneys in the field. The novel arguments had been rejected by the district courts. Why, then, had I.T.T. agreed to the consent decree? Did I.T.T. believe that these arguments would succeed in the Supreme Court? This article will examine these arguments and explore their probabilities of success.

Over forty-five years ago the Supreme Court emphasized that each antitrust case was *sui generis* and that the facts of each precedent must be closely examined before applying them to any other situation.[12] Though a trial court no longer must undertake an exhaustive economic analysis in every merger case,[13] at least some understanding of the economic effects of a merger is necessary.[14] Consequently, a brief look at the status of the companies involved in the I.T.T. acquisitions is necessary.

In 1968, the year prior to the filing of the suits, I.T.T. was the eleventh largest industrial concern in the United States. Its revenues were just over four billion dollars that year. Its holdings in 1968 included Continental Baking Company, the largest baking company in the U.S.; Sheraton Corporation of America, one of the two largest hotel chains in the nation; Levitt & Sons, Inc., the nation's largest residential construction firm; and Avis, Inc., the second largest car rental company.

In April, 1969, I.T.T. acquired Canteen Corporation, Hartford Fire Insurance Company and, Grinnell Corporation. At that time Canteen was one of the few nationwide food vending organizations, with operations in 43 states. Canteen had 1968 revenues of $322 million, 95 percent of which came from merchandise and equipment sales. Canteen ranked second among companies operating in the on site food service market. Hartford Fire Insurance Company was the fourth largest property and liability insurance company in the country. Hartford had 1968 revenues of $968.8 million. Grinnell Corporation was the largest manufacturer and installer of automatic sprinkler fire protection systems in the country. Grinnell had revenues of $341.3 million in 1968 and was the 268th largest industrial corporation in the United States. By acquiring these three companies, I.T.T. could expect to increase their 1968 revenues of $4 billion by at least $1.5 billion.

In light of the Justice Department's avowed intention to attack any merger among the top 200 manufacturing firms or firms of comparable size in other industries,[15] the vigorous attack on I.T.T.'s acquisitions is not surprising. What may be more surprising is that none of the government's arguments about the effects of these acquisitions were able to convince the trial judges that:

> "[I]n any line of commerce in any section of the country, the effect of such acquisition may be substantially to lessen competition, or to tend to create a monopoly." [16]

To understand this phenomenon an analysis of the government's principal arguments is required.

The government's complaint in the Canteen case [17] is primarily founded on the increased power of I.T.T. and Canteen to employ reciprocity or benefit from reciprocity effect in the furnishing of vending and inplant feeding services. In addition, the complaint alleges that the merger will foreclose competitors from vying for I.T.T.'s food service business; the merger will raise barriers to entry in this market and will trigger other defensive mergers.[18] With respect to the first allegation, the court found that since no significant increase in opportunities for reciprocal dealing was shown, and since I.T.T. would probably not utilize these opportunities if they did exist, no substantial adverse effect on competition was likely.[19] The court also found that the vertical foreclosure of Canteen's competitors from I.T.T.'s locations, even if it were to occur, would foreclose less than one-half of one percent of the market and would be de minimus.[20] Finally, since no likelihood of reciprocity effects or significant vertical foreclosure existed the court rejected the government's contention that these competitive advantages would hinder entry into the market or trigger other mergers.[21] Consequently, the government's complaint was dismissed on the merits.

In the case of the Grinnell acquisition,[22] the government first alleged that Grinnell was a dominant competitor in certain lines of commerce in certain sections of the country.[23] The government then alleged that this dominant competitor would receive certain competitive advantages from the merger and thus substantially lessen competition. The primary competitive damage alleged was increased opportunity for reciprocity. In addition, the government also alleged that the merger would permit Grinnell to sell complete packages or systems, obtain leads for sales of sprinkler systems from Hartford agents, foreclose Grinnell's competitors from competing for I.T.T.'s business, and give Grinnell access to I.T.T.'s financial and advertising resources.[24] Finally, the government alleged that this merger would increase economic concentration and result in injury to competition in numerous undesignated lines of commerce.[25]

The trial court emphatically rejected the government's first contention, that Grinnell was a dominant competitor in any relevant produce or geographic market.[26] Then, though the court said it need not have reached these questions, it decided that even if Grinnell were a dominant competitor none of the allegations of competitive advantages were substantiated. The court found that increased reciprocity was not likely to result from the merger.[27] As to the rest of the alleged advantages, the court either found that they were not truly advantages or that they were not likely to occur.[28] Finally, the court rejected the argument that increased economic concentration was forbidden by Section 7 of the Clayton Act. The court acknowledged that concentration in a particular market was a relevant concern of the statute, but rejected as irrelevant the argument that conglomerate mergers were causing concentration of resources in the entire domestic economy.[29]

The Justice Department's action attacking the I.T.T.-Hartford acquisition never came to trail. However, the gist of the government's complaint, and of the court's reaction to it, can be determined from the court's decision in refusing a preliminary injunction.[30] Again in this case, the government alleged that the acquisition would result in a market structure conducive to reciprocal dealing.[31] It also alleged a substantial vertical foreclosure of I.T.T.'s insurance business to Hartford's competitors.[32] In addition, the government claimed that I.T.T. and its subsidiaries would receive an advantage over their competitors by having access to $400 million in excess funds held by Hartford.[33] The government also alleged that the merger would eliminate potential competition between I.T.T. and Hartford, since Hartford was studying diversification as a way to utilize its $400 million surplus.[34] Finally, the government again alleged that the merger would further accelerate the trend of increasing concentration in the economy and thus would have anti-competitive effects.[35]

In refusing the preliminary injunction, the court decided that the government had not demonstrated a reasonable probability that it would be successful in sustaining any of its allegations at trial. As to reciprocity, the court found that the government had neither shown that the merger created substantially increased opportunities for reciprocity, nor that such opportunities, even if created, were likely to be exploited.[36] The vertical foreclosure was found to be insubstantial, or at least not large enough, by itself to make the merger invalid.[37] The court held further that the government had not shown a probability that Hartford's surplus would be used by I.T.T. subsidiaries.[38] The court also held that the government had made no showing that the merger eliminated potential competition between I.T.T. and Hartford.[39] Finally, the court found no merit to the government's claim that economic concentration in the aggregate, rather than in a particular market, was violative of the Clayton Act.[40]

These three cases together represent the Justice Department's most ambitious attack on conglomerate mergers to date. As such, they present several novel theories of attack on conglomerates. The first new theory they seek to establish is that a mere potential for reciprocity is adequate to invalidate a merger. The second new theory is that Section 7 of the Clayton Act was intended to remove the anti-competitive effects of concentration of assets in the economy as a whole as well as concentration in a particular line. The last new theory is that two corporations with plans to diversify are potential competitors and their merger may substantially harm competition.

Nothing is novel about attacking mergers because of reciprocity. The Supreme Court in *Federal Trade Commission v. Consolidated Foods Corp.*[41] made it clear that reciprocity is one of the anti-competitive practices which the antitrust laws are intended to counteract. The Court held that reciprocity violates Section 7 of the Clayton Act if the probability that it will lessen competition is shown.[42] Thus, the novel point argued in the I.T.T. cases was the nature of the proof necessary to show that probability. The government argued that a showing that opportunities for reciprocity were substantially increased was adequate. Their argument was strongly supported by two cases decided in the Third Circuit, *Federal Trade Commission v. Ingersoll-Rand Co.*[43] and *Allis-Chalmers Mfg. Co., v. White Consolidated Industries, Inc.*[44] However the trial courts felt that I.T.T. had shown a strong corporate policy against reciprocity and, because of their profit center structure, effectively discouraged it. In the absence of proof of these corporate policies, the government's argument on reciprocity would probably have been accepted by the courts.[45] The conclusion must be, therefore, that proof of a market structure significantly increasing the opportunities for reciprocity remains an important means of attack on conglomerate mergers.

Like reciprocity, the government's theory of the anti-competitive effects of eliminating potential competition is simply an extension of accepted law. *United States v. Continental Can Co.*[46] made it clear that mergers between two competitors may violate the antitrust laws, even if the competitors produce goods as different as metal cans and glass containers. Further, *United States v. Penn-Olin Chemical Co.*[47] stated that a combination between two potential entrants to a market for the purpose of jointly entering the market is also within the scope of the anti-trust laws. In that case, however, the district court on remand decided that neither joint venturer would

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Footnotes at end of article.

have entered the particular market alone and consequently no violation occurred.[48] In *Hartford*, though, the government could point to no particular industry and say that both I.T.T. and Hartford were potential entrants. The mere fact that both were considering diversification does not meet the *Penn-Olin* requirement that a reasonable probability exist that both would have entered a particular market.[49] In fact, since both companies' diversification studies were so wide-ranging, the mathematical probabilities that they would have chosen to enter the same market seems very small indeed. Therefore, the application of the doctrine of potential competition to conglomerate mergers appears to be largely foreclosed by the diversified nature of the conglomerates themselves.

The last new theory presented by the government in attacking the I.T.T. mergers is that the merger will impair competition by increasing economic concentration. Economic concentration in a particular line of commerce has long been a relevant concern in considering the anti-competitive effects of a merger.[50] The reason the alleged effect must be limited to a particular line of commerce is not clear. The words of the Clayton Act say that the requisite standard is met if competition is impaired "in any line of commerce in any section of the country."[51] The House report on the bill said that: "[T]he purpose of the bill is to protect competition in each line of commerce in each section of the country."[52] While the intention of the statute is directed toward preserving competition in each line of commerce, it does not follow that concentration only in a particular line of commerce can harm that line of commerce. For example, concentration in the American steel industry certainly could have a harmful effect on the auto industry. The court decisions, too, seem to justify a broader interpretation if their method of determining a relevant market is examined. In *United States v. Continental Can Co.*,[53] for instance, the Court recognized a line of commerce that included metal cans and glass bottles because what happened in one of those lines affected the other. Thus, if the government could show a casual relationship between conglomerate mergers and harmful effects in several different markets, their argument should be accepted. Certainly such effects are within purview of congressional intent in passing Section 7 of the Clayton Act and within the logic of court interpretations of the Act. Therefore, an argument which attacks a merger on the basis of these effects could be successful.

CONCLUSION

The trial courts refused to accept any of the three novel theories advanced by the Justice Department in attacking the three I.T.T. mergers. Nevertheless, I.T.T. respected the government's arguments enough to agree to a consent decree. On closer examination, at least two of these three novel theories seem to have some chance for success had they been argued before the Supreme Court. Thus, these arguments will probably continue to be valuable to the government in attacking future conglomerate mergers.

PAUL H. WHITE.

FOOTNOTES

[1] 15 U.S.C. § 18 (1970).

[2] 1971 Trade Cas. 90, 530 (N.D. Ill. July 2, 1971).

[3] 324 F. Supp. 19 (D. Conn. 1970).

[4] Civil Action No. 13320 (D. Conn., filed August 1, 1969).

[5] United States v. International Tel. & Tel., 306 F. Supp. 766 (D. Conn. 1969).

[6] United States v. International Tel. & Tel., 324 F. Supp. 19 (D. Conn. 1970).

[7] United States v. International Tel. & Tel., 1971 Trade Cas. 90, 530 (N.D. Ill. July 2, 1971).

[8] 521 B.N.A. Antitrust & Trade Reg. Rept. A-4 (Sept. 28, 1971).

[9] 1971 Trade Cas. 90,774 (filed August 23, 1971).

[10] 1971 Trade Cas. 90,763 (entered Sept. 24, 1971).

[11] 1971 Trade Cas. 90,766 (filed Aug. 23, 1971).

[12] Maple Flooring Association v. U.S., 268 U.S. 563, 579 (1925).

[13] Unit3d States v. Philadelphia National Bank, 374 U.S. 321, 363 (1963).

[14] *Id.* at 362.

[15] Address by Attorney General John N. Mitchell before the Georgia Bar Association, June 6, 1969, 5 C.C.H. Trade Reg. Rept. 55, 505 (June 19, 1969).

[16] 15 U.S.C. § 18 (1970).

[17] United States v. International Tel. & Tel., 1971 Trade Cas. 90,530 (N.D. Ill., July 1, 1971).

[18] *Id.* at 90,535.

[19] *Id.* at 90,548.

[20] *Id.* at 90,559.

[21] *Id.* at 90,560.

[22] United States v. International Tel. & Tel., 324 F. Supp. 19 (D. Coun. 1970).

[23] *Id.* at 24.

[24] *Id.* at 30.

[25] *Id.* at 52.

[26] *Id* at 29.

[27] *Id.* at 46.

[28] *Id.* at 47.

[29] *Id.* at 53.

[30] United States v. International Tel. & Tel., 306 F. Supp. 766 (D. Conn. 1969).

[31] *Id.* at 786.

[32] *Id.* at 792.

[33] *Id.* at 791.

[34] *Id.* at 795.

[35] *Id.* at 796.

[36] *Id.* at 791.

[37] *Id.* at 795.

[38] *Id.* at 792.

[39] *Id.* at 795.

[40] *Id.* at 796.

[41] 380 U.S. 592 (1965).

[42] *Id.* at 595.

[43] 320 F.2d 509 (3d Cir. 1963).

[44] 414 F.2d 506 (3d Cir. 1969), *cert. denied*, 396 U.S. 1009 (1970).

[45] *See, e.g.*, United States v. International Tel. & Tel., 306 F. Supp. 766, 783 (D. Conn. 1969).

[46] 378 U.S. 441 (1964).

[47] 378 U.S. 158 (1964).

[48] United States v. Penn-Olin Chemical Co., 246 F. Supp. 917 (D. Del. 1965).

[49] United States v. Penn-Olin Chemical Co., 378 U.S. 158, 175 (1964).

[50] *E.g.*, United States v. Von's Grocery, 384 U.S. 270 (1966).

[51] 15 U.S.C. § 18 (1970).

[52] H.R. Rep. No. 1191, 81st Cong., 1st Sess., 8 (1949).

[53] 378 U.S. 441 (1964).

Now, on the Senator's time, I yield to him briefly.

Mr. KENNEDY. Mr. President, I would like to gain the floor in my own right.

The PRESIDING OFFICER. Who yields time?

Mr. Kennedy addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, it is difficult for me to understand the reasoning of my good friend from Nebraska about the series of witnesses, and his statement that we were dilatory in trying to obtain witnesses or in not moving the hearings along. As a matter of fact, those of us on the subcommittee who took testimony from Mrs. Beard went out to Denver, Colo., on Saturday, conducted hearings on Sunday, and we did that on our own time. There was never a time when we were not prepared to meet in the evening or during the course of weekends if we were given the opportunity to do so, and our desire was expressed.

The Senator from Nebraska knows full well of the length of time it took us to get Mr. Flanigan before the committee. His name was mentioned on the first day of the hearing, but only in the final hour did he come before the committee, and then only under the most extraordinary restrictions did he answer questions. He was one of the most extraordinary witnesses to come before a committee in the 10 years I have been in the Senate. Mr. Flanigan was permitted to say he would come before the committee but that he would tell the committee what questions he would answer and would not testify on other matters. There was the exchange of correspondence which was worked out to elicit responses showing he was involved with Mr. Kleindienst, and had seen him and called him twice. Rather than satisfying questions that some of us had wanted to ask, answers only raised additional questions.

So I reject again the argument of the Senator from Nebraska that we were dilatory in trying to increase the number of witnesses. We indicated in our report the number of witnesses we wanted to call.

I wish to ask my friend the Senator from Nebraska if he takes some issue with our desire to call Mr. Howard Aibel. Howard Aibel was a quarterback for the ITT settlement offensive. We heard from Mr. Geneen, if only partially, Mr. Gerrity, and Mr. Ryan, but the one fellow who knew what all the others knew and more was Howard Aibel. Why should we not be able to call him? Does not the Senator from Nebraska think that the testimony of Mr. Aibel would be important and worth having for the record?

Mr. Howard James actually negotiated the ITT contribution to the Visitors Bureau in San Diego. Why should we not hear from Mr. James? We had testimony that Mr. Geneen turned negotiations over to Mr. James. Dita Beard said Mr. James handled the negotiations. Are we being dilatory to try to hear from the man who made the arrangements?

What about Mr. Timmons in the White House? We know he was in San Diego and was involved in the convention arrangements. Why should we not have the opportunity to question him as well as Mr. Flanigan? Is that being dilatory? I suggest it is not.

We go down the list. With respect to Mrs. Dita Beard, we agreed to 9 hours of questioning, yet we were able to get in only 2 hours. The final question was, "Did you know Mr. Kleindienst?" That is the basic question. But that ended it. She said, "I met him once," and that was the end. That was the last question. There was no followup on that answer.

There was no followup with respect to Mr. Flanigan. There was no testimony at all from Mr. Timmons, and there was no opportunity to hear from other witnesses.

I challenge the statement of the Senator from Nebraska. If he would like to make comment on these points at this time, I would be willing to yield time to him.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 40 minutes remaining and the Senator from Nebraska has 56 minutes remaining.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HRUSKA. Mr. President, as I indicated earlier Howard Aibel testified on more than one occasion. On at least one occasion he was sitting in the audience and the Senator from Massachusetts called him from the audience. He was not scheduled but he was called upon to testify; he did to the full extent of the negotiations imagined or expressed by the Senator. He already had been questioned on all matters relating to the nominee.

With respect to Howard James, anything he would add would be cumulative and immaterial because we had other witnesses who testified about the ITT pledge. It cannot be linked to Mr. Kleindienst and it is Mr. Kleindienst who was nominated and who stands before this body and not Howard James or ITT. It is Mr. Kleindienst.

As far as Mr. Timmons and Mr. Flanigan are concerned, Mr. Flanigan testified within those boundaries which the committee by a vote of 12 to 1 determined to be appropriate. He came there under those circumstances. It was to prevent what might have been an undesirable confrontation between two constitutional branches of Government that this agreement was entered into. He testified to all matters that are pertinent to this matter. He did not come there with a blank check and subject himself to some irrelevant, some impertinent, some redundant, and some outright alien questions to the subject at hand, which was the qualification of Mr. Kleindienst to be Attorney General.

We can see in this line of argument a repetition of that system of using and consuming time without any relevance and in redundant fashion again and again. It would serve no purpose. All the facts are there and more than enough for this body to make an intelligent judgment.

Mr. KENNEDY. I ask the Senator if he knows who in the White House negotiated with Mr. James. Do you think that that is immaterial? We have received no testimony in connection with the arrangement to have the Presidential headquarters at the ITT-Sheraton. Mr. James was working on the negotiations. Would it not be well to know with whom in the White House James was negotiating? Would it not be interesting if it turned out to be Mr. Flanigan? Should we not be able to have that information?

With respect to Mr. Aibel, it was very limited testimony, mainly dealing with the ITT shredding operation, despite the fact that he was the quarterback of the whole operation. Obviously, there was a range of contacts that Mr. Aibel knows about because he was the quarterback and knew whom all the ITT officials were talking to. We do not know who all those administration contacts were because we were unable to get the information from either Mr. Aibel or Mr. Geneen or anyone else.

When I hear the Senator from Nebraska say, "What in the world does Howard James have to do with Mr. Kleindienst?" the simple answer is that Mr. James negotiated the contribution for the Republican Convention. When it is asked, "What does that have to do with Mr. Kleindienst?" the simple answer is that for 2½ years there was a strong anticonglomerate policy which was turned around overnight at the same time as ITT's pledge for the Republican Convention.

Mr. President, we are charged with the responsibility of finding out if there was a connection. Each time we tried to call witnesses—Howard Aibel, ITT's quarterback on the antitrust cases; Howard James, who negotiated the contribution; William Timmons, up to his ears in convention negotiations between the White House and San Diego—we were denied these witnesses.

We are not interested in hearings ad infinitum; we are interested only in the witnesses listed on page 25 of our report.

We are not asking to go back to the Judiciary Committee and decide whom we might want to have. We have already specifically stated the particular witnesses we want to have, and the subjects on which we want to question them.

With respect once again to the role of Mr. Howard James, here is Mr. James' letter which he sent to Congressman BOB WILSON:

JULY 21, 1971.

To: San Diego County Convention and Tourist Bureau.

C/o: Congressman Bob Wilson, 2235 Rayburn House Office Building, Washington, D.C.

As you know Sheraton Corporation of America will have, with the completion of the Sheraton Harbor Island Hotel, a 700-room hotel being located on land owned and created by San Diego Port Authority, three hotels in San Diego. In consideration of the naming of the Sheraton Harbor Island Hotel as Presidential headquarters hotel in conjunction with its opening at the time of the convention, and as part of the general community effort to establish San Diego as a convention center by bringing the 1972 Republican National Convention to the City, Sheraton is prepared to commit a total of $200,000 to the Bureau for its promotional activities, if San Diego is designated as the convention site, on the following basis: $100,000 in cash to be available to the bureau on August 1, 1971 and a balance to be paid as a matching contribution when the bureau has raised an additional $200,000 in cash from other nonpublic sources.

HOWARD JAMES,
President, Sheraton Corporation of America.

So there is Howard James, speaking about the ITT-Sheraton being named as presidential headquarters. What authority did James have to say that? Whom did he talk to in the White House about that? So now we can see why we need Mr. James.

All we want to do is to have the opportunity to ask those questions. They are extremely relevant to the issues before us. I ask my friend from Nebraska, should we not be entitled to obtain from ITT the various memorandums they have which relate to antitrust policies—those memorandums which were not shredded? We asked Attorney Gilbert if he would provide that material to the committee. Mr. Gilbert indicated that he would make it available to the committee, but we have never received it.

I would ask why the Senator from Nebraska was not helping us or assisting us in getting that material from ITT, so that we could present it to the Senate? If any of that material had been made available to us, perhaps it would have been helpful to ITT. Yet they refused to provide it.

Here are some of the items we requested from ITT. These are listed beginning on page 120 of our report:

> Memoranda or vouchers relating to Mrs. Beards visit to the Kentucky Derby. These would include the alleged memorandum from Mrs. Beard to Gerrity indicating that she would see Mitchell at the Derby, and any memorandum reflecting activities or instructions she got thereafter. ITT counsel Gilbert told the committee under oath that "We have found nothing but we believe we can find some vouchers which we do not yet have." None have been supplied to the Committee subsequently.

We also asked ITT for—

> Memoranda, correspondence, reports or other documents relating to Geneen's contacts with the 22 federal officials listed in the March 13, 1972 press release.

We were asking for ITT's memoranda that might indicate the nature of the conversations ITT's people had had with White House and Cabinet officials. Does not the Senator think that that would have been relevant, when ITT has admitted that these contacts were about ITT, and antitrust policy? But we were not able to get that information, even though ITT's attorney told us under oath, "When I get back to New York, I will see if we can find anything there."

So we have not been able to find out with any specificity what all these ITT officials were talking about on these occasions when they discussed antitrust policy and anticonglomerate policy with the administration. That information is extremely important because we know that after the cases were settled none of these ITT people ever went back to the Justice Department or to the White House or to any of those Cabinet officials about antitrust policy. So I think we ought to have an opportunity to get that information.

We are certainly entitled to have the memoranda that were not shredded. And yet we find the ITT failed to furnish us that information, and that the Senator from Nebraska is not distressed that they did not provide us with it. I find that difficult to understand.

We also discovered during the course of the hearings that Mrs. Dita Beard was reimbursed for expenses by the Republican National Finance Committee into the amount of $116.50 on January 19, 1971. And she received another expense reimbursement from the National Republican Senatorial Committee on June 3, 1971, this time for $80.50. This was at a time when matters concerning ITT were being considered. Why was Mrs. Beard having her expenses paid by the Republican Finance Committee on one occasion and by the National Republican Senatorial Committee on the other? When she was charged with making arrangements at San Diego and also involved in the settlement of the ITT cases, we find vouchers paid by the Republican committees. We think there should be some explanation of that. We want to resolve that. That is the kind of information we want and which I think we are entitled to receive. Yet it is said to be irrelevant, and a dilatory tactic to ask for it.

These things are all extremely relevant and certainly justify our motion for recommittal.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Massachusetts has 30 minutes remaining.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum, to be equally divided between the two sides.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. KENNEDY. Mr. President, how much time remains on the other side?

The PRESIDING OFFICER. Fifty-three minutes remain to the Senator from Nebraska.

Mr. KENNEDY. And how much to us?

The PRESIDING OFFICER. There are now 52 minutes to the Senator from Nebraska and 30 minutes to the Senator from Massachusetts. If no time is yielded——

Mr. KENNEDY. Mr. President, I have some additional remarks. I would have thought that those who support this nomination would be wanting to take the opportunity to respond to the questions raised here and to use some of their time, but they appear unprepared to do so.

A great deal has been said here to the effect that, well, what do all these matters have to do with Mr. Kleindienist? What have Howard Aibel, or Howard James, or Peter Flanigan, or William Timmons, or Dita Beard got to do with Mr. Kleindienst? I would like to mention here the various contacts that Mr. Kleindienst had on the ITT case and to point up the importance of these various contacts. We have talked about the different roles these people have had with the settlement of the case. I would like to review very briefly the contacts between Mr. Kleindienst and representatives of ITT because it stands in stark contrast with what he had written to Mr. O'Brien when he indicated that the ITT matter had been "handled and negotiated exclusively" by Mr. McLaren.

Yet, even though he wrote that to Mr. O'Brien, we find, on page 156 of the hearings, Mr. Kleindienst saying:

> Yes, I guess I set in motion a series of events by which Mr. McLaren became persuaded that, for the reasons heretofore discussed, he ought to come off his position with respect to a divestiture of Hartford by ITT.

Mr. President, that is a pretty wide disparity between what was written to Mr. O'Brien as to the involvement of Mr. Kleindienst on the one hand and what Mr. Kleindienst himself indicated to our committee on the other.

It is understandable why he would have made the latter statement "I guess I set in motion a series of events by which Mr. McLaren became persuaded that, for the reasons heretofore discussed, he ought to come off his position with respect to a divestiture of Hartford" because of the series of contacts he had. We saw his repeated conversations with Mr. John Ryan, who was the antitrust listening post for ITT.

We found out about the Rohatyn contacts, involving two telephone calls and six meetings in person with Mr. Kleindienst. We found out about Judge Walsh, who in behalf of ITT made three telephone calls and sent one letter to Kleindienst. We found out about the conversations the nominee had with Mr. Griswold about the procedure to be followed in an ITT appeal. Then, with Mr. Flanigan in the White House, there were two telephone calls and one visit in person to the nominee.

So we can see significance of the contacts that were made with Mr. Kleindienst.

I yield 7 minutes to the Senator from Oklahoma.

Mr. HARRIS. I thank the distinguished Senator from Massachusetts for yielding to me at this time. I want to pay tribute to him on the floor of the Senate for the excellent and worthwhile work he has done as a member of the Senate Committee on the Judiciary in regard to the nomination of Richard G. Kleindienst to be Attorney General of the United States.

Mr. President, I am here today to speak against the confirmation of the nomination of Mr. Kleindienst. I might say that on the day this nomination was announced, I declared that I would oppose the nomination, and my view has not changed. As a matter of fact, I have become more confirmed in my original judgment about the lack of wisdom on the part of the President in making this particular appointment.

I said at that time, that my happiness at the retirement of the then Attorney General was exceeded only by my disappointment at the naming of his successor. I still feel the same way.

My reason for opposing this nomination is basically and fundamentally the same which led me last November to oppose the nomination of Dr. Earl Butz as Secretary of Agriculture.

I simply believe that public officials, especially those who are members of the President's Cabinet, must represent the public interest. They must have backgrounds and attitudes that will lead them to give highest priority to the interests of the ordinary American—the worker, the consumer, the taxpayer.

In the case of Dr. Butz, I was gravely concerned about his ties to the giant agribusinesses and his resulting insensitivity to the needs of small farmers, farm workers, and consumers. It is the same sort of concern that leads me to oppose the confirmation of Mr. Kleindienst. His record as Deputy Attorney General indicates he is unwilling to enforce the antitrust law when big corporations violate it.

The Attorney General of the United States is the country's chief law enforcement official. While at times I have disagreed with the current administration over the methods they have used to curb crime, I remain firmly committed to the principle that the laws of our Nation must be uniformly enforced.

I think the American people rightfully expect that anyone nominated for the post of Attorney General should share this belief. Yet Mr. Kleindienst has, while a member of the Justice Department, blatantly interferred with the enforcement of our antitrust laws on several occasions.

My interest in his record in this area stems from my continuing concern about the economic and political power of big corporations in this country. As Senators know, I sponsored and cosponsored legislation aimed at protecting the ordinary American from the dangers of concentrated economic power—including the Concentrated Industries Act, which would decentralize the shared monopolies that now control 35 percent of basic industry in America.

The economic power of our biggest corporation has grown to the point that it is extremely difficult to find anyone in our Government willing to enforce the antitrust laws passed by Congress. Yet Richard McLaren, the former head of the Justice Department's antitrust division, seemed an exception to this rule. He seemed willing to file suit against those corporations, mainly conglomerates, whose activities or holdings were in violation of the antitrust laws. Mr. McLaren did not get very far; and in at least two cases Mr. Kleindienst was the man who kept the Justice Department from enforcing the law of the land.

Ralph Nader's Study Group report on antitrust, entitled "The Closed Enterprise System," describes these cases in some detail.

According to their account, in early 1969 ITT was attempting to acquire the Canteen Corp., the Nation's leading producer of vending machines. When the Antitrust Division recommended that the Justice Department file suit to block the merger, Attorney General Mitchell withdrew from consideration of the case due to a conflict of interest. As the hearings also brought out, it therefore fell to Richard Kleindienst, Deputy Attorney General, to decide what to do about the case. I would emphasize the importance of the decision Mr. Kleindienst had to make. It did not involve the conglomerate merger of a mom and pop grocery store with a local florist. ITT is the eighth largest industrial company in America, with assets of over $6 billion. At the same time it was seeking to merge with Canteen, ITT was also initiating mergers with the $2 billion Hartford Fire Insurance Co. and with the Grinnell Corp., a large, diversified manufacturer. The March 2 Washington Post noted that Mr. McLaren wanted to overturn these mergers as it stated, "to break up at least part of the giant ITT telecommunications industrial complex." In addition, the Post pointed out that—

> On several occasions McLaren said that the ITT-Hartford case could well break new legal ground for the applicability of the Clayton Act.

What did Mr. Kleindienst do, Mr. President, when faced with making part of the decision on whether or not to challenge the biggest merger in the history of corporate America? According to the Nader report, he rejected the advice of Mr. McLaren and the staff of the Antitrust Division, and refused to file suit before the merger went into effect. Whether his decision was based on explicit political considerations, as Nader's study group charges, or rather merely on Mr. Kleindienst's unwillingness to challenge corporate power, it amounted to a refusal to enforce the law.

The Nader report goes on to describe how, after Mr. Kleindienst's initial decision, Mr. McLaren threatened to resign if the case was not brought. The report underscores what happened next. "The case was filed, but not until after the merger had been consummated. Thus, there was no chance for a preliminary injunction to stop the merger from occurring, as the antitrust staff had urged." When the Canteen case, along with the Grinnell and Hartford Fire cases, were settled in a consent decree on July 30, 1971, ITT agreed to divest itself of $1 billion in assets, including the illegally acquired Canteen Corp. While most of the attention has correctly been focused on the fact that ITT was not required to divest itself of the $2 billion Hartford Fire Insurance Co., the fact remains that the consent decree, splitting Canteen from ITT, confirmed that Mr. Kleindienst had been wrong from the beginning.

The Nader antitrust report also describes Mr. Kleindienst's actions in the proposed merger between two giant drug companies—Warner-Lambert and Parke-Davis. Again I must emphasize the importance of the decision Mr. Kleindienst would make. As the hearings chaired by the late Senator Estes Kefauver, so ably documented, the drug industry is the most profitable one in America. The average person is grossly overcharged for brand name drugs right now. The industry has an elaborate system of patent monopolies, excessive advertising expenditures, and monopolistic structures which takes the ordinary person to the cleaners when he or she buys brand name drugs. For this reason we need more competition in the drug industry—not more concentration.

Yet that is precisely what Warner-Lambert and Parke-Davis proposed in July of 1970—a merger which would make the new company the fifth biggest drug company in America with sales of $1.1 billion a year. Attorney General Mitchell again had to withdraw from the case because of a conflict of interest with his former law firm. Again, according to the Nader report, Mr. McLaren and the Antitrust Division staff recommended that the Justice Department file suit to block the merger. And again, Mr. Kleindienst refused.

Nader's Study Group believes that "the political context of this case is even more suspect than in ITT-Canteen." They point to the fact that the honorary chairman of Warner-Lambert is Elmer Bobst, a close friend of President Nixon. And that in an interview earlier this year with the Washington Post, Mr. Bobst admitted "I never opened my mouth to the President about the case. I did talk to other people in the White House about it, though."

Whether or not such considerations affected Mr. Kleindienst's refusal to block the merger, his decision was clearly a case of nonenforcement of the law. Five months after he overruled the Antitrust Division and stopped the Justice Department from enforcing the Clayton Antitrust Act, the Federal Trade Commission did challenge the merger. On April 20, 1971, the FTC charged that it would harm competition in the markets for 52 specific drugs. Once again, Mr. McLaren was vindicated and the evidence of Mr. Kleindienst's unfitness to be Attorney General increased.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield time to the Senator.

Mr. HARRIS. There is one other related issue involving the Justice Department's willingness to enforce the law against big corporations on which I believe this body should consider the impact of confirming Mr. Kleindienst. The Reclamation Act of 1902 was designed to make sure that Federal irrigation projects served small, family farmers and not the agribusinesses, the railroads, and the other giant landowners. The law specifically states that anyone receiving federally subsidized water must sell, at preirrigation prices, irrigated holdings over 160 acres. As we all know, this law has never been enforced and there are giant landlords in California with tens of thousands of acres irrigated at the expense of the Federal taxpayer.

Recently, court actions have tended to favor those who would like to enforce the 1902 law. But in an extraordinary letter to Mrs. Stephen L. Stover of Manhattan, Kans., the Solicitor General of the United States admitted that the Justice Department had not pursued one case on appeal because he believed "we should not win it." This, of course, is incredible doctrine—that the Justice Department can simply ignore a law when it disagrees with its intent.

Will Mr. Kleindienst enforce the Reclamation Act of 1902? His record on issues favoring the wealthy over the working man does not suggest this.

I must emphasize once again, Mr. President, that even if the more severe charges that have been made about this nomination are not true, the confirmation of Mr. Kleindienst would be a mistake. The refusal of a public official, and especially the second highest law enforcement officer in this country, to enforce the law—for whatever reason—is cause enough to reject his promotion to higher office. Even if there were no suggestion of financial and political influence over the decisionmaking process, the fact that Mr. Kleindienst's decisions themselves have amounted to nonenforcement of the antitrust laws disqualifies him from the attorney generalship.

As the Members of this body know, the problem of economic concentration in this country is getting worse all the time. In 1945, the 200 biggest corporations controlled 45 percent of manufacturing. By 1968 that figure had grown to 60 percent. The actions of Mr. Kleindienst and Mr. Mitchell in refusing to block major mergers, like the Warner-Lambert Parke-Davis merger and the ITT-Canteen Corp. merger, make the problem even worse.

These statistics and the complicated legal arguments may sound dull to the ordinary American, but they determine the prices he pays and the quality he gets when he shops for products every day. Mr. Kleindienst's refusal to enforce the antitrust laws against the big corporations will cost the working men and women of this country dollars and cents.

To confirm as Attorney General a man who has refused to enforce laws passed by this Congress would be to violate our trust to those who elected us; to confirm a man who ignores the antitrust laws at will—laws whose aggressive enforcement could cut many consumer prices by up to 20 percent—contradicts the public interest. And, whether or not there are huge sums of money involved—as there were in two cases I have described—it is clear that the Attorney General's duty is to work for enforcement of every law.

In addition, the Senate should consider what effect the confirmation of Mr. Kleindienst will have on other corporate executives who contemplate violating the antitrust laws.

What does the elevation of Mr. Kleindienst tell big business in this country? It tells them that the refusal to enforce the law against corporate giants will be rewarded by promotion. Dr. William O. Baker, research vice president of the Bell Telephone Laboratories, was asked recently by a Washington Post reporter whether or not he thought the Justice Department would enforce the antitrust laws against corporate efforts to wipe out competition in research activities. He replied:

> I think the matter of the Justice Department is being taken care of—Mr. McLaren has another job, and Mr. Kleindienst will be Attorney General. (February 18, 1972)

Let there be no mistake about it. The confirmation of Mr. Kleindienst as Attorney General will tell every corporate executive in America that obeying the law is for ordinary people—but not for them. Dr. Baker of Bell Telephone is clear that that is its impact. We should be, too.

Mr. President, I strongly believe that the confirmation of Richard Kleindienst would be a serious mistake in the light of his actions in the antitrust cases I have cited above. For this reason, I believe it is my duty to work and vote against his confirmation as Attorney General. I hope that Members of this body will agree with me. In any event, however, I do not believe that his nomination should proceed further until the Senate receives a complete study of Mr. Kleindienst's actions in every significant antitrust case in which he has been involved in the Justice Department. This committee should not concern itself solely with the few cases that have surfaced in the press and are tinged with allegations of scandal. It must look to the deeper issues that determine what the ordinary person pays for the products he buys; whether or not those products work the way they are supposed to; and whether or not he will be asked to bail out mismanaged giants like the Penn Central and Lockheed which collapse under their own weight. These are the kinds of questions the antitrust laws address; and they are kinds of questions the new Attorney General will face.

When Mr. Haynsworth and Mr. Carswell were nominated to fill vacancies on the Supreme Court, we refused to confirm their nominations—and in that refusal we clearly exercised a constitutional charge. Yet every time Senate opposition is voiced to a Cabinet nominee, we are all subjected to a barrage of criticism based on the theory that the President has some kind of "right" to appoint any relatively respectable woman or man to any job he wants to fill.

Mr. President, that is just not what the American Constitution says. As Senators, we have the right, and the duty, to vote against the confirmation of any woman or man who we feel is not suited to serve the public interest in the job for which she or he is nominated. There is no provision in the Constitution that our rejection of a candidate may only be on moral or ethical grounds. In deciding to vote for or against confirmation of Mr. Kleindienst, Senators may, and should, consider any or all of the criteria the President considers when he nominated him.

My own view is that the basic qualification for the Attorney Generalship is a commitment to enforce the law—against the powerful as well as against the powerless. Looking at this record, I must conclude that Mr. Kleindienst does not have that commitment. I, therefore, urge the Senate to recommit this nomination to the Judiciary Committee.

Mr. President, these it seems to me, are basic kinds of questions. Other Members of the Senate have spoken on the role of Mr. Kleindienst in the serious undermining of basic, fundamental, constitutional, individual rights in this country. I speak of his views of wiretapping, no-knock, and preventive detention. Such views influenced my early and immediate decision to oppose this nomination; but I have chosen this time to speak about another fundamental matter in this country, which has to do with the inordinate concentration of economic and political power.

As I have said on other occasions, those of my own party who have occupied the Presidency have not been without blame in this matter by any means. But there never has been the intensification of that kind of concentration of power that we have seen under this administration.

If one looks at a graph of mergers in this country, he will see that just before Teddy Roosevelt took office, mergers went up in a peak on a chart, like Pike's Peak, and when Teddy Roosevelt came in, they went down again. Just before Franklin Roosevelt became President, mergers went up, like Mount Everest, and then with Franklin Roosevelt they went down again. Under this administration and the preceding administration, mergers have gone completely off the chart. So that today the top 200 corporations control 60 percent of manufacturing, as compared with only 45 percent at the end of World War II. When one considers that more than 80 percent of all individually held corporate stock is today owned by 2 percent of our population, that economic growth is primarily within corporations, and that economic growth is primarily internally generated within corporations, I think it is easy to see that we are more and more becoming a country in which the interests of government and big industry are synonymous.

I do not want to further this trend; I would like to change it. Therefore, I intend to vote against the confirmation of this nomination.

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Nebraska has 51 minutes, and the Senator from Massachusetts has 16 minutes.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against each side.

Mr. KENNEDY. I yield myself 30 seconds.

Mr. President, the Senator from Nebraska kindly offered to yield some time to us. Perhaps if we have a quorum call, the time could be taken out of his time or he could yield us some of his time.

I say to the Senator from Nebraska that we have 15 minutes remaining and he has approximately 50.

The PRESIDING OFFICER. The Senator from Nebraska has 51 minutes remaining. Who yields time?

Mr. KENNEDY. Does the Senator wish to have the time for a quorum call taken out of his time, or will he yield us some time?

Mr. HRUSKA. I have a request for time, and I yield to the Senator from Arizona such time as he may require.

Mr. FANNIN. Mr. President, the past 3½ months have been very frustrating for those of us who know Richard Kleindienst well. He is a man who will make a great attorney general, and it is unfortunate that confirmation was delayed unnecessarily for such a long time. The record is now clear that the nomination of Richard Kleindienst should be overwhelmingly confirmed. Dick Kleindienst has the intelligence, the capability, and the devotion to preserving the rights and protecting the freedom of Americans.

In its May edition Justice magazine carried an article which expressed Dick Kleindienst's deep commitment to the law and to the development of a more democratic society. This magazine, incidentally, is not published by the Justice Department.

I would like to cite a few of the paragraphs from the article which is entitled "Kleindienst: Image Distorted?" This article points out that Dick Kleindienst has a reputation for being "tough" and "hard boiled." But I think it is clear that, although he is "tough" and "hard boiled" when it comes to doing his duty, he also has a deep commitment to the principles of democracy which make our Nation great.

Here are some of the passages from the article:

Concerning his public role:

> How does Kleindienst really feel about his public role?
>
> He sees the Department of Justice as one important element in society's two-pronged drive for social reform. "A lawful society is required if we are to have long-term redress of social grievances. It is the Department's role to enforce the laws enacted by Congress, to insure the short-term accommodations to the law, so that you can have the long-term capability of social reform. No social reform is going to take place if anarchy is permitted to take over."

Concerning civil rights, Mr. Kleindienst is quoted as saying:

> When the day comes that American citizens in their hearts begin to respect and honor each other as fellow human beings, that will be the day when we have eliminated the biggest injustice in our society. It will be done not by law but by changing people's hearts and minds.

Concerning dissent and violence, the article says:

> Justice Department friends tag him, not as a conservative, but rather as middle-of-the-road, or leaning toward liberal. They note his willingness to make intellectual distinctions between dissent and socially violent acts.
>
> "I believe," Kleindienst says, "that not only is the First Amendment right of free speech the most important right we have, but I also believe it important that the government, to the extent that it can, should create and maintain an atmosphere where people feel free to exercise that right."
>
> How does this philosophy jell with his actions during the May Day demonstrations?
>
> Marnie Kleindienst describes how upsetting it was for her husband, the father of four children, to look down from a Justice Department window into the faces of 5,000 American youths demonstrating under the banner of a Communist flag.
>
> "The steps he took were simply to hold things together until we grow back together."

One of the wonderful aspects of Dick Kleindienst is his devotion to his wife, and children, and to his church. The magazine closed its article with a brief mention of this:

> He and Marnie live with their four children in a big old house in Great Falls, Va. One visitor said the Kleindienst's home appears to be forged together in love and respect, rather than law and order tactics, attributed to his department.
>
> Marnie says that she and her husband make no big issue about hair or dress. Emphasis is placed on earning your way towards goals.
>
> "We give the children great latitude, don't put many restraints on them. They can fly around the country, but it's on money they earned.
>
> "We take the kids to church every Sunday. We don't make a fetish of religion, but within our concept of the basic Christian meaning, we are a Christian family. We don't interpret that to mean we have virtue. We're all fallible sinners.

Mr. President, I believe that the image of Dick Kleindienst has been terribly distorted by the groundless attacks on him during the past 3½ months. These attacks have obscured the fact that Dick Kleindienst has superb qualifications—technically and morally—to be the Attorney General of the United States.

I hope that we can now put this unfortunate episode behind us and get on with the important work before Congress.

Certainly I am relieved that the Justice Department will once again be able to concentrate its full efforts on enforcing the laws of our Nation. At last we can fill vacancies that have been left open because of the inevitable uncertainty which we have had because of the delay in confirmation.

Mr. President, in the 20 plus years that I have known Dick Kleindienst, I have never known him to act dishonorably. He has excelled in his every undertaking. President Nixon could not have made a better choice for this most important position in our Government. Again, Mr. President, I reiterate that I have every confidence that Dick Kleindienst will be a great Attorney General.

Mr. MILLER. Mr. President, I will cast my vote for confirmation of Richard Kleindienst to be Attorney General.

A study of the record indicates to me that, notwithstanding a great amount of testimony which turned out to be unrelated to Mr. Kleindienst, this nomination should be approved.

The major allegations of the opponents appear to be these:

First. That Mr. Kleindienst did not adequately discipline a U.S. attorney for exercising poor judgment in a case involving certain individuals in San Diego, Calif.

Second. That Mr. Kleindienst did not respond truthfully to the National Democrat Party chairman when he stated in his letter to him that he had not been connected with the settlement of the ITT antitrust cases.

With respect to the allegation concerning discipline, while some of us might have taken more severe measures, this would hardly seem to warrant voting against confirmation.

With respect to Mr. Kleindienst's statement to the National Democrat chairman, I find nothing in the record to refute it. He testified fully and frankly before the committee, showing that he had, indeed, met with ITT representatives and had turned them over to the Assistant Attorney General in charge of the Antitrust Division. The settlement, which was eventually worked out, was handled exclusively by said Assistant Attorney General. Moreover, the distinguished Solicitor General, Erwin Griswold, testified that the settlement was a good one from the standpoint of the Federal Government. I might point out that Solicitor General Griswold has served in his capacity under both Democratic and Republican administrations, and his reputation for integrity is above reproach.

All of this is not to say that, as a member of the legislative branch of our Government, I approve of the conduct by certain ITT officials in connection with the proposed commitment to the San Diego Civic Association to support its bid to obtain the National Republican Convention. But that had nothing to do with this nominee.

I might add that Mr. Kleindienst has earned this promotion in view of his dedication and overall efficiency in conducting the job of Deputy Attorney General, with its enormous duties, for over 3 years.

I ask unanimous consent that the lead editorial from today's Washington Evening Star be placed in the RECORD. It well expresses my sentiments.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VOTING ON KLEINDIENST

It seemed, until just recently, that Richard Kleindienst might become an old man while waiting for the Senate to vote on his confirmation as attorney general. But not so. The senators have agreed to take up the matter this afternoon, and a floor decision may have been reached by the time some of the reader peruse these words.

We hope so, because the affair has been dragged on until it's threadbare, and because the country has to have—or at least ought to have—an attorney general. The latest sporadic parries at Kleindienst by his detractors in the Senate have added nothing of consequence to the record. And if anything is added in the floor debate it will come as a big surprise, for the Judiciary Committee's hearings were more than ample. They were stretched out—to the point of equaling the longest such hearings in history—so that every scrap of information could be grasped. If anything important hasn't been ascertained, it is not for lack of time or energy expended.

And this investigative dragnet did not, as a commanding majority of the committee finally acknowledged, produce anything that disqualifies the nominee. On the most critical question, no political linkage between him and International Telephone and Telegraph's various endeavors was proved. The hearings provided much sensation, but no substance as far as Kleindienst is concerned. Some senators have questioned his judgment in other matters, and there were ups and downs in the quality of his testimony, especially in regard to his retrieval of memory. But there was nothing to indicate unfitness, and indeed no one is challenging his professional qualifications and good record as an administrator in the Justice Department.

Some senators consider Kleindienst's demeanor too bluff and find his hard line on law enforcement difficult to swallow, and some no doubt see partisan political advantage in getting in a few more whacks at him today. But a sizable majority of the Senate apparently perceives that the President is fully entitled to this appointment—to say who will sit in his own cabinet. Only twice in this century have Presidents (Coolidge and Eisenhower) been denied that right, and in neither instance is there any evidence that the Senate was correct. It turned the two appointees down for trivial reasons, not related to qualifications, thereby throwing grit in the nation's system of balanced powers. We're reminded, too, of the fervid opposition to Walter Hickel's appointment as Interior secretary three years ago, and of the fact that he later became the hero of those environmentalists who had complained the loudest.

So we hope the Senate will approve Kleindienst's appointment with the least possible delay and polemics, and get on with its weightier business. For this debate already has been exhausted.

Mr. MUSKIE. Mr. President, the Office of Attorney General is one of the most important posts in our Government. A man in that position, by word and deed, helps shape the course of justice in our country and the continuing faith, among all segments of our population, in the fairness of our legal system. Burdened with such responsibilities, the Attorney General of the United States must be a man of sound judgment whose legal and ethical sensitivities shield him and his department from any hint of concealed misconduct or arbitrary enforcement of the laws. I have grave doubts, on the basis of his handling of three matters during his service as Deputy Attorney General, that Richard G. Kleindienst meets these high standards.

The first matter involves Mr. Kleindienst's failure to recognize a bribe offer that was presented to him in the most direct, blatant fashion. A senatorial aide, Robert T. Carson, meeting with Mr. Kleindienst in the Department of Justice, asked for Mr. Kleindienst's help in easing the troubles of a New York friend who was under indictment for Federal offenses. The aide suggested that the man in trouble would be willing to make a substantial contribution of between $50,000 and $100,000 to the reelection of President Nixon. Mr. Kleindienst, in his own testimony at the subsequent trial of Mr. Carson for perjury and conspiracy to commit bribery charges, stated that he simply told Mr. Carson he could not do anything about this matter. Mr. Kleindienst then forgot about this conversation until, almost a week later, he saw a memorandum addressed to the Attorney General from the Director of the Federal Bureau of Investigation which made reference to Mr. Carson. He then reported his conversation with Carson to the Attorney General.

The Federal bribery statute clearly seems to cover the Carson offer. Commonsense shows it was gross impropriety. Yet Mr. Kleindienst was so unmoved by its illegality or impropriety that, according to his own testimony, he did not even give Carson's offer another thought for a whole week, until Carson's existing involvement with Federal authorities came to his attention. Only then did he reconsider his view of the Carson offer and report it to the Attorney General.

I am deeply troubled by the prospect of an Attorney General who does not possess the legal judgment or the good sense to recognize a bribe offer so nakedly put. Nothing Mr. Kleindiest has said about this incident eases my doubts.

The second matter involves Mr. Kleindienst's handling of the Department of Justice's investigation of Harry Steward, U.S. attorney for the Southern District of California. Mr. Steward, upon hearing of a Justice Department investigation, involving a friend of his, of possible illegal campaign contributions, intervened to halt the subpenaing of his friend before a grand jury and, instead, interviewed the man himself, without witnesses, and reported that the expenditure under investigation had been satisfactorily explained. Steward subsequently injected himself into another investigation of the same matter by the IRS.

Steward's conduct came to the attention of Justice Department officials in Washington. Steward was summoned to Washington for a private meeting with Mr. Kleindienst, who reportedly emerged from the meeting to tell the Deputy Assistant Attorney General of the Criminal Division, whose staff was to be in charge of an administrative inquiry into Steward's conduct, that he did not think Steward had done anything wrong.

The Criminal Division, at a meeting held in Mr. Kleindienst's office on February 17, 1971, reported the finding of its staff attorney that Steward's conduct had been "highly improper" and that he should be admonished. Mr. Kleindienst disagreed. Shunning even a mild rebuke, he issued a statement completely exonerating Steward of any wrongdoing. The statement read as follows:

> At the request of U.S. Attorney Harry Steward of San Diego, the FBI was directed to investigate allegations which have been raised about the conduct of his office.
>
> These changes were exhaustively investigated by the Bureau and a report was made to the Department. I have evaluated the matter and determined there has been no wrongdoing.
>
> The Department considers the matter closed and Mr. Steward will continue to serve as U.S. Attorney for the Southern District of California with the full confidence of the Attorney General.

Henry Peterson, Deputy Assistant Attorney General of the Criminal Division, later explained that Kleindienst decided to issue the statement because of his belief that Steward, who was about to try a major tax-evasion case, had to enjoy the full confidence of the public.

There are, as Senator TUNNEY has so ably highlighted in his statement "Individual Views on the Kleindienst Nomination," several distressing elements in Mr. Kleindienst's handling of this case:

> (1) Mr. Kleindienst prejudged the merits of the case after a single conversation with Steward and informed the subordinates who were to conduct an administrative inquiry of that prejudgment.
>
> (2) Mr. Kleindienst's public statement about the Steward case was highly misleading. Mr. Steward, according to Henry Peterson, never requested the investigation of his conduct. Mr. Kleindienst, who conceded that he did not read the FBI's investigative report on Steward, never truly evaluated the matter in detail. His statement that there was no wrongdoing simply ignored the finding of his own Department that Steward's conduct had been highly improper.
>
> (3) The rationale for this misleading statement, that public confidence in the office of prosecutor had to be maintained, borders on the incredible. I simply do not see how a responsible public official could contend that public confidence in the processes of government depends on hiding from the people the facts of official misdoing.

Finally, in evaluating Mr. Kleindienst's handling of the Steward case, we cannot ignore the fact that the investigation thwarted by Mr. Steward involved key fundraisers in California and national Republican circles. Mr. Kleindienst, who played a key role in the 1968 presidential campaign, must have been aware of this fact. If so, he should have been all the more sensitive to the need for a frank, judicious treatment of the Steward case. Instead, we find Mr. Kleindienst involved with hasty judgments and a calculated effort to conceal the true facts from the public. This performance, in such a sensitive setting, only erodes that public confidence in our legal system for which Mr. Kleindienst expressed such concern.

The third matter involves Mr. Kleindienst's handling of the ITT antitrust settlement. I cannot escape the conclusion, on the basis of the existing record, that Mr. Kleindienst substantially misrepresented the facts when he wrote to Lawrence O'Brien, the chairman of the Democratic Party, that the ITT settlement had been "handled and negotiated exclusively" by the head of the Justice Department's Antitrust Division. Mr. Kleindienst, in fact, played a determinative role in the events leading to the settlement of the ITT cases. He delayed, at the request of a personal friend representing ITT, a Government appeal to the Supreme Court in one of the three cases involving ITT. He maintained, throughout the crucial period prior to the settlement, continuing contacts with an ITT director, occasionally meeting with him without Assistant Attorney General McLaren, the man most familiar with the details of the case. He sat in on a meeting where ITT, urging its case for special consideration, made a presentation to Mr. McLaren and his staff.

Moreover, Mr. Kleindienst's assertion that the ITT settlement was "handled and negotiated exclusively" by Mr. McLaren ignores the role which Peter Flanigan of the White House staff played in securing the services of a financial expert to analyze ITT's contentions about the economic implications of the divestiture of Hartford Insurance. This report, which both Mr. Kleindienst and Mr. McLaren said they relied upon heavily in making the settlement decision, was later described by its author as simply not standing for the conclusions which Kleindienst and McLaren attributed to it.

These facts, in my judgment, simply do not square with Mr. Kleindienst's avowed detachment from the ITT settlement. This misrepresentation, as in the Carson matter, occurs in a case of extreme delicacy, both because of its implications for the development of antitrust law and because, at the very time the settlement negotiations were in progress, ITT was negotiating a gift that would bring the Republican National Convention to San Diego. There is no clear evidence that Mr. Kleindienst, at the time the ITT settlement was being negotiated, knew of the gift negotiations. He says he did not. However, as Senators BAYH, KENNEDY, and TUNNEY point out in their statement of views, both Mr. Kleindienst and Mr. McLaren were aware of the allegation of a nexus between the two transactions before the ITT settlement became final, as a result of a September 1971, letter from Reuben Robertson, an associate of Ralph Nader, inquiring about such a relationship. The very existence of this suspicion should have emphasized to Mr. Kleindienst the importance of allaying all such doubts through a full, candid explanation of the details surrounding the ITT settlement. Instead, when Mr. O'Brien inquired in December 1971, about these details, Mr. Kleindienst responded with a clear misrepresentation of the facts.

Perhaps, in all these matters I have discussed, there is more to be said in Mr. Kleindienst's defense. If so, I would like to hear it. Unfortunately, Mr. Kleindienst has refused to testify any further about the Carson case on the dubious ground that that case, now on appeal, might be prejudiced. The record on the Steward case is incomplete because a majority of the Judiciary Committee refused to call the key witnesses, though I must say that even on the basis of an incomplete record the culpability of Mr. Kleindienst's conduct seems irrefutable. The record on the ITT settlement is much more seriously incomplete, primarily because of the administration's continuing refusal to provide relevant witnesses and documents to the Judiciary Committee.

This last point is particularly troubling. The administration, by its refusal to cooperate with the Judiciary Committee in a full investigaton of the ITT affair, is asking the Senate to approve its nominee for the vital post of Attorney General while serious questions about the fitness of that nominee remain unresolved. A President, to be sure, must be able to surround himself with officials of his choice. The Senate must be sensitive to that Presidential prerogative. But the Senate abandons its confirming role if respect for Presidential prerogatives becomes mere compliance with Presidential will, particularly in a situation where the administration itself contributes to the lingering doubts about a nominee's qualifications. I feel no reluctance, under such circumstances, about resolving the doubts against the nominee. Indeed, given the extreme sensitivity of the position under consideration, Attorney General, a position which requires the same unimpeachable integrity as a Supreme Court Justice, I feel I have no other choice.

Mr. Kleindienst's conduct in the Carson, Steward, and ITT cases, on the record before us, raises grave questions about his judgment and his sensitivity to the delicate responsibilities of his office. An isolated act might be forgiven. A consistent pattern of conduct cannot be. I must vote against the nomination of Richard Kleindienst for Attorney General.

Mr. BUCKLEY. Mr. President, I am not a member of the Judiciary Committee and have not participated, up until this time, in the confirmation hearings or debate on the nomination of Richard G. Kleindienst to be Attorney General. However, I did not want the vote on this matter to occur this afternoon without making a few comments on this issue.

I shall vote against recommitting the nomination to the Judiciary Committee. That body has already examined this question on two separate occasions—for a total of 24 days of hearings—and each time it has approved the nomination—once unanimously, once by a vote of 11 to 4. It is time that the Senate worked its will, regardless of what the outcome may be. If the nomination is approved, the Nation will have a new Attorney General and the work of the Justice Department can go forward without interruption. If the nomination is rejected, Mr. Kleindienst will be able to relax after the 4-month ordeal the Senate has put him through, and the President will be obliged to send us another nomination. But it is time we voted and stopped the politically motivated stalling tactics which have consumed so much time and noise.

Should the recommittal motion fail, I shall vote to confirm the nominee.

Several of my colleagues have examined the charges made against Mr. Kleindienst in great detail and I shall not repeat all of these matters. I particularly refer interested Senators to the remarks of the Senator from Nebraska (Mr. HRUSKA) on May 31 and again this afternoon.

Since I have come to this body, I have had numerous opportunities to work with Mr. Kleindienst on matters of interest to the State of New York. I have always found him to be honest, hard-working, cooperative, and openminded.

He is a fine human being and in my judgment will make an excellent Attorney General.

There seems to be no question concerning his abilities. He is an honor graduate of Harvard and Harvard Law School. He has been a respected member of the Arizona bar for more than 20 years and was regarded, I understand, as one of the most capable attorneys in Phoenix prior to the time he became Deputy Attorney General. It is my firm belief that he has carried out his duties as the No. 2 man in the Justice Department these past 3½ years with diligence, intelligence, and a high degree of honor.

I have read the reports of the Judiciary Committee on this nomination with some care. I have dipped to a limited extent into the three volumes of committee hearings. I have reviewed the debate which has occupied the Senate these past 8 days. It is my firm conclusion that there is nothing in all of this material which in any way should disqualify Mr. Kleindienst from being Attorney General of the United States.

To be certain, there are issues raised in the hearings and report on which the answers are not clear. This is particularly so with regard to some of the activities of ITT and its employees. However, not one of these unresolved questions has anything to do with the nominee. His role in the settlement of the ITT antitrust cases—a settlement favorable to the Government, by the way—was proper and secondary to that of the Assistant Attorney General in charge of the Antitrust Division. His role with regard to the financing of the Republican National Convention was nonexistent.

The other substantive issues questioned by the opponents of the nomination—the investigation of San Diego U.S. Attorney Steward and the bribery trial of Robert Carson—likewise lead to dead ends. Based on the testimony adduced by the Judiciary Committee, it is my conclusion that the nominee acted reasonably and properly in both of these incidents. It would seem, in short, that some of my colleagues are clutching at invisible straws in an attempt to stop this nomination.

There is one point, however, that I would like to discuss for a moment. Much has been made of the fact that during his testimony the nominee did not always remember all the details of meetings, conversations, and events about which he was being questioned. On numerous occasions he told the committee that after refreshing his memory he remembered details and incidents which he had not mentioned earlier. These examples of imperfect recollection are now being used by some to substantiate a claim that Mr. Kleindienst was less than candid with the committee. This argument strikes me as totally ridiculous. How many of my colleagues can recall with exactitude events and conversations which took place a year ago? I certainly cannot do so in every instance. At the time the Deputy Attorney General was discussing and acting on the various aspects of the ITT cases, those events were no more important to him than any of the other things which occupied his busy days. It is only in retrospect, in the light of later events, that they became important. I believe that it is perfectly natural, perfectly human—given the way our minds function—that he could not recall with accuracy all of the matters about which he was being questioned. Some of my colleagues are attempting to hold the nominee to a standard which they themselves could not meet. In all fairness to Mr. Kleindienst, I think this point should be made for all to consider in light of their own experiences.

These are the reasons why I shall vote for the confirmation of Mr. Kleindienst to be Attorney General of the United States. I am confident that he will bring credit to that office and to the Nation. It is my hope that a majority of my colleagues will agree with me so that the Justice Department can again operate at full capacity.

RICHARD KLEINDIENST MERITS CONFIRMATION BY THE SENATE

Mr. RANDOLPH. Mr. President, we are approaching a vote on the nomination of Richard Kleindienst to be the Attorney General of the United States. I will vote against recommittal and for confirmation of the nominee.

Mr. Kleindienst is eminently qualified for the position of Attorney General. He has an excellent academic background: he was graduated magna cum laude from Harvard University and was elected to Phi Beta Kappa. He also received his law degree from Harvard in 1950. Mr. Kleindienst had 3½ years of service in the Army Air Corps during the Second World War. He was a law clerk at one of the most respected legal firms in the United States, Ropes and Gray in Boston.

For 18 years, he practiced law in Arizona. He is now president-elect of the Federal Bar Association. He served in the Arizona State Legislature as a member of the House of Representatives.

Most importantly, perhaps, he has proved to be an able administrator and a capable leader at the Justice Department. For 3 years, he has been serving in one of the most difficult of Federal positions. The nominee has demonstrated industry and diligence. His emphasis has been on the fight against crime. The crime situation has improved during the last 3 years. It has not been eliminated. But the frightening rise in crime has been abated. Gains have been made, particularly in Washington, D.C. I believe Richard Kleindienst merits commendation for his efforts to help bring about these improvements.

The nominee is a forceful man who has not shirked his duty to present the views of the Department of Justice directly and explicitly. He has done his job well in articulating the Department's policies and positions on a wide range of issues.

Mr. President, I consider Richard Kleindienst to be a man of conviction and integrity. He has outstanding legal ability, often not appreciated because of his forthright manner. His extensive civic and religious involvements show him to be a man of compassion and understanding.

If Mr. Kleindienst is confirmed by the Senate, he will, in my conviction, be an Attorney General who will serve this country and all of our people with courage and a high sense of public trust.

Mr. COOPER. Mr. President, I am not a member of the Judiciary Committee and I have not had the opportunity to hear all the information that came before it, but as a Member of the Senate I have read the report and part of the hearings record and attended several days of the hearings, with other committee responsibilities, I followed the progress of the hearings as best I could. Also, I read the daily newspaper accounts of the hearings and some editorial comment.

From my study, it is apparent that many of the matters before the committee, and criticisms of various individuals during the hearings were not related to Mr. Kleindienst's qualifications to be Attorney General. It is necessary to establish by substantial evidence that he conducted himself improperly, or, that any conduct of his reflected adversely upon his integrity.

I do not believe that these conditions were established in the hearings and I shall vote against the motion to recommit and then I shall vote for his confirmation.

There are two basic questions which the Senate should consider in reaching a judgment on the qualifications of the nominee:

First, the nominee's professional competence; and

Second, his character and reputation for integrity.

In reviewing the hearing record and the committee report, it is apparent that no one has questioned Mr. Kleindienst's legal ability, as evidenced by his academic career, his experience as an attorney and his experience as a Deputy Attorney General. I think it proper to summarize briefly his legal training and experience.

Mr. Kleindienst enrolled in the University of Arizona prior to World War II and, upon his discharge from the Army Air Force as a first lieutenant, he enrolled in Harvard College in 1946 to complete his undergraduate studies. He was graduated maga cum laude from Harvard University, and was elected to Phi Beta Kappa. He entered Harvard Law School and received his LL.B degree in 1950. He was then invited to serve as a law clerk in one of this country's well-known and respected law firms—Ropes, Gray, Best, Coolidge and Rugg of Boston, Mass., for approximately a year and a half. Upon his return to Arizona, he served in the State legislature and practiced law with several Arizona law firms. He was a partner in the firm of Shimmel, Hill, Kleindienst and Bishop of Phoenix for approximately 10 years prior to his nomination as Deputy Attorney General in 1969.

In addition to his legal accomplishments as a member of the Arizona Bar, Mr. Kleindienst has been active in various civic organizations and public service enterprises.

The professional competence and ability of Mr. Kleindienst to serve as Attorney General has not been challenged.

In addition to legal competence of a high order, the second important qualification of a nominee to be the country's chief legal officer—equal with the first—is that he must be a person of such character and integrity as to command public confidence.

We must ask, apart from the merits of the antitrust settlement, whether Mr. Kleindienst played any role with respect to the alleged financial contribution by an ITT subsidiary to support the Republican National Convention in San Diego? On this point the hearing record is clear. The Justice Department reached final agreement on the ITT antitrust cases at some time in July and August of 1971. Mr. Kleindienst's sworn testimony, on page 100 of the hearing record, states unequivocally that at no time until some time in December 1971 did he have any knowledge of any kind, direct or indirect, that the ITT Corp., was being asked to make any kind of contribution to the city of San Diego or to the Republican Party with respect to its national convention in San Diego. Mr. Kleindienst was explicit in stating that—

> I never talked to a person on the face of this earth about any aspect of the San Diego National Convention or the ITT Corp. I never talked to Mr. Mitchell about any aspect of this case.

As to the substance of the ITT settlement, while I am not experienced in antitrust matters, it is my view that a settlement of this nature, in a field of law that is unsettled, is a matter of judgment in which informed experts are bound to disagree. I find the testimony of Solicitor General Griswold on this point persuasive. I believe all if the Senate hold the Solicitor General in the highest esteem, for his legal competence and integrity. His answer, which appears on page 387 of the hearing record in reply to a question by Senator HART, is as follows:

> Senator HART. You describe what you thought was established by the settlement, namely, divestiture in a case of a conglomerate could be obtained under section 7.
>
> Mr. GRISWOLD. Yes, Senator.
>
> Senator HART. Now, as you look at that settlement, do you also find an indication that it can't be obtained if there is a balance-of-payments problem and a rippling effect?
>
> Mr. GRISWOLD. No, I don't think that appears. I think what does appear is that if you want to settle a conglomerate antitrust case, if the Government wants to settle the conglomerate antitrust case, it can't get 100 percent of what it wants. It can get 60 or 65 percent, which is what I would say—well, maybe that is a little high—yes, 60 or 65 percent, because the Hartford was the biggest part of it.
>
> On the other hand, a great many other things came in. And I think I will raise it to 70 percent. The Government really got a 70 percent settlement here, and anybody who tries lawsuits knows that when you can get that, that is pretty good, particularly after you have lost, completely, two of the major cases in the lower courts.

The testimony by Mr. Kleindienst and Judge McLaren, a part of which I heard, established that he did not have a decisionmaking role in the determination by the Department of Justice to enter into a consent decree with ITT and the terms of that decree relating to the divestiture by ITT of various subsidiaries. The record clearly supports the view that Judge McLaren made the basic decisions for the Government in this case.

I wanted to make this brief statement because of my personal views of the ability and integrity of Mr. Richard Kleindienst. I never knew him until after his appointment as Deputy Attorney General. Since that time, I have met with him to discuss official business, chiefly regarding the recommendations that my colleague, Senator MARLOW COOK, and I have made for the offices of Federal judges for the district courts and the circuit court of appeals and officials of the courts. I found him to be absolutely straightforward, correct, and reliable in the discussions which we had relating to these appointments. It is a personal judgment, of course, but we are constantly making personal judgments about persons and my judgment has been that he is a man of integrity and character. I thought that his decision to ask that the hearings be reopened after he had been approved by the Judiciary Committee was a further testimony to his confidence in his own proper conduct and his personal integrity. On the occasions when I attended the hearings and heard him, as he was questioned by the members of the committee, his answers and conduct also strengthened my belief in his candor, honesty, and integrity.

As I have said, I shall vote for his confirmation to be Attorney General of the United States.

Mr. McGOVERN. Mr. President, I shall cast my vote against the confirmation of Richard Kleindienst to serve as Attorney General of the United States. I announced my opposition when his name was first proposed, even before we knew about the apparent conflict of interest in connection with the ITT case.

I am opposed to him because of his record against civil rights, because of his tendency to encourage wiretapping, snooping, no-knock entrance to homes and preventive detention—all those things that I regard as inconsistent with what the Department of Justice should stand for.

Beyond these considerations, serious doubts have now been raised about apparent influence of big money on the way antitrust suits have been handled or dropped in the Department of Justice. The American people have a right to know that the chief law enforcement official of the land is completely above such considerations.

Mr. TUNNEY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. Forty-two minutes remain to the proponents and 15 minutes to the opponents.

Mr. TUNNEY. Mr. President, would the distinguished Senator from Nebraska (Mr. HRUSKA) object to yielding me approximately 7 minutes?

Mr. HRUSKA. I am very happy to yield 10 minutes to the Senator if that will bring any more sunshine into his life.

Mr. TUNNEY. I thank the Senator from Nebraska very much for yielding me this time. I am not sure he will enjoy the statement I am about to make, but I appreciate his great courtesy, nonetheless.

Mr. President, the time of judgment on this nomination has arrived. But as we make that judgment, I think we must focus, if only for a brief moment, upon the significance of what we are about to do.

For the judgment which we are called upon to make here today has taken on a significance that extends beyond the particular merits of this nominee.

The issue here is not the President's right to name his own man as Attorney General. The people of this country elected Richard Nixon and until they elect a new President he will retain that right. For that reason, although many of us on the Judiciary Committee had reservations about the dedication of this nominee to basic civil liberties, we voted unanimously in February to report him favorably. And, but for the events which intervened, I would have voted to confirm him on the Senate floor.

In retrospect, some of us wonder whether we met our responsibilities adequately in those first hearings.

But events did intervene. The nominee requested additional hearings and we were faced with the task of reexercising that responsibility and revising that judgment.

And now, in part through circumstances beyond his control, but primarily through his own conduct, Richard Kleindienst and his relationship to ITT has become a symbol of what many people consider to be wrong with our entire system of government.

Having made the request for new hearings, Richard Kleindienst had an obligation to the Senate and to the American people—an obligation to assure the fullest possible disclosure of the facts, not only in the ITT case but also in the case regarding the U.S. attorney in San Diego, Mr. Steward.

I believe that Mr. Kleindienst has failed that responsibility—he has failed it severely, but more importantly he has failed it deliberately, in a calculated effort to assure minimum embarrassment to the administration in which he serves—and to himself.

Richard Kleindienst cannot be charged with all of the defects and inadequacies in the hearing record. He had a lot of outside and, I must say, extraordinarily incompetent help from ITT.

The conduct of that corporation both before and during these hearings is perhaps the clearest example of the dangers that accompany the growing concentration of economic power in a few corporations. The arrogance displayed by ITT in shredded documents, questionable affidavits, phony memoranda, and corporate amnesia is a challenge to the integrity of the entire investigative process of the Congress.

But the American people have a right to expect more from their Attorney General than they do from ITT. Our system can survive corporate giants who wield power and influence irresponsibly, if we have strong and forthright public officials who resist and reject such pressure.

That is my quarrel with Mr. Kleindienst. No one of us is so hypocritical as to pretend that corporate influence is not a factor in every administration. It has been, under Republicans and Democrats alike—in the Congress as well as the White House—and it will continue as long as we continue to finance our political system by watering at the big money trough.

Therefore, I do not blame Richard Kleindienst for the fact that ITT put on the full court press in Washington.

But the job of the Attorney General of the United States is to reject that pressure, not to join eagerly in serving its goal. It is the job of the Attorney General to deal fairly and honestly with the public, not to mislead them with semantics. And it is the job of the Attorney General, when called upon to explain his conduct, to disclose the full record, not to bury it in the limbo between executive privilege and personal pique.

We do not know all of the facts that bear on this nomination.

The process by which we come to our judgment has not been a credit to the Senate which must advise and consent to this nominee or to the President who placed his name in nomination.

We have heard a lot of rhetoric in this Chamber recently about the abdication of congressional power to the executive branch. But the conduct of both the committee and the executive branch in this nomination has done nothing but confirm that abdication. A Senate committee voted not once but many times against calling key witnesses with highly relevant information. It refused to demand key documents. And in perhaps the most quixotic actions, it subpenaed two witnesses, flew them here from San Diego and then refused to hear their testimony.

But worst of all, the committee caved in to assertions of executive prerogatives and executive arrogance of a kind that demand the attention of this body.

Documents were denied to the committee not on the basis of any Presidentially authorized claim of executive privilege—which none of us would deny to the President where properly exercised—but on the basis of the nominee's own personal opinion, despite his obvious direct interest in the outcome of the hearings.

And most disturbing of all was the offhand dismissal of a committee member's specific request after a personal commitment from the nominee himself to comply with that request. During the opening days of the hearings the Senator from North Dakota (Mr. BURDICK) asked that the Department provide a chronology of the events that took place in the settlement of the antitrust cases. Had the Department complied with that one request alone, a major part of the effort to determine the facts might well have been rendered unnecessary.

But we were denied that chronology—denied it in a way that summarizes in a very obvious way what is wrong with this nomination and this nominee.

I would like to read Senator BURDICK's remarks on that point.

> On Wednesday, March 8, 1972, I made a request to Judge McLaren for a chronological record of the events which transpired in the ITT litigation. I requested that this chronology cover material from the time that the complaints were filed until final settlement of the cases. On Thursday, April 27, 1972, this chronology had not been received. I called Mr. Kleindienst's attention to this fact during the following testimony:
>
> Mr. KLEINDIENST. Apparently they have not put it together.
>
> Senator BURDICK. They have not put it together in seven weeks and I have to vote at five o'clock.
>
> Mr. KLEINDIENST. I am deeply apologetic for it and I know Judge McLaren would be. May I just have a moment, Senator Burdick?
>
> Senator BURDICK. I have given instructions that it will be prepared immediately and be delivered up here today. (Transcripts, pp. 2922 and 2923.)
>
> On Friday, April 28, 1972, a letter from a Justice Department official stated that the Department had complied with my request, but, in fact, the documents which were referred to were simply responses to the various interrogatories requested by other members of the Committee. No document furnished by the Justice Department remotely resembled that which was promised by Judge McLaren on March 8, 1972, and which was again promised on April 27, 1972, by Mr. Kleindienst.

Mr. President, I do not know how any Senator can be comfortable with that record.

It tells us a great deal about the way Richard Kleindienst will approach his responsibilities as Attorney General.

And the bottom line is this: When it comes to the crunch where Mr. Kleindienst has to answer the question of whether he will put the interests of the White House ahead of those of the American people, I feel that we have indications that the White House will win out.

I do not know whether there was a connection between the ITT convention offer and the settlement of its antitrust case. Frankly, I find it hard to believe that any public official would be corrupt enough or foolish enough to make that kind of deal.

But whether there was a payoff or not, it is clear that ITT got special treatment from Richard Kleindienst and when confronted with the evidence, he refused to face up to it and chose instead to camouflage and obscure his role.

And when Harry Steward gravely undermined the effectiveness of law enforcement in San Diego, Mr. Kleindienst declined to restore that effectiveness and chose instead to deceive the public, condone a wrong and protect a political crony.

If anyone has read the record of the hearings, he will see very clearly that the record contains allegations against the U.S. attorney in San Diego, Mr. Steward. Those allegations included the charge that Steward has obstructed a Federal investigation of a friend and political ally, in fact had prevented his appearance before a Federal grand jury, telling Federal agents:

> This man is a friend of mine. He got me my job as United States Attorney. He is going to make me a Federal court judge. And therefore I am going to see him personally.

Despite sworn affidavits by three Federal agents confirming those charges, affidavits contained in the report presented to him, Mr. Kleindienst subsequently gave a clean bill of health to this U.S. attorney in San Diego, and that fact indicates to me that there is something gravely wrong with Mr. Kleindienst's approach to his responsibilities.

Now we are required to assess that record and judge for ourselves whether this nominee should be the chief law enforcement officer for this country. No one can even be entirely comfortable sitting in judgment on another because it demands the application of a standard which we must be willing to apply to ourselves. I would like to be able to vote for this nomination because the nominee and I have been personal friends in the past. He is a man whose personality I have enjoyed and whose word I have had occasion to accept and rely upon.

But events have intervened and I can no longer accept him as a nominee. I cannot fault him for his loyalty to the administration which he serves, but I am afraid his loyalty has interfered with the public trust he must also bear. And, therefore, I cannot consent to this nomination.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I would like to ask the Senator from California if he would agree with me that, if we had the testimony of the witnesses we have asked for on the witness list in the report, plus one or two from California, and if we had the documents indicated in the report, we could probably finish up any additional hearings by the end of next week? Would the Senator not be willing to agree to some time limitation no later than the end of next week?

Mr. TUNNEY. I certainly would. I think that Mr. Kleindienst is entitled to have an up and down vote on his nomination.

Mr. KENNEDY. Yes.

Mr. TUNNEY. But I think he is entitled to have it after the Senate has the full record before it.

I am most disappointed that we did not have an opportunity to hear all of the witnesses we requested, particularly the witnesses from San Diego as they related to Mr. Kleindienst and Mr. Steward. We heard witnesses rebut the allegations in the Steward matter without ever hearing the charges themselves.

Mr. KENNEDY. Does the Senator remember when we voted on the question of additional hearings? That vote was 7 to 7. Does the Senator remember that?

Mr. TUNNEY. I recall that vote very clearly.

Mr. KENNEDY. Does the Senator remember that when the reports were filed, seven members of the Committee on the

Judiciary failed to sign the majority report and indicated separate views? Does the Senator agree that the Committee on the Judiciary charged with this responsibility is almost equally divided on the question of additional hearings? Certainly, out of consideration for that, would the Senator not agree that the request for witnesses and material is certainly not dilatory? It is reasonable and responsible, and could very well provide the kind of information that would give all Members of the Senate the material for a considered judgment on the nomination.

Mr. TUNNEY. I could not agree with the Senator more. I think that the Senator states it very clearly. There was a great division in our committee as to whether or not we should continue with the hearings.

I think that if a Senator has had the opportunity to read the record he will see how incomplete the hearings were and how much there was in the way of contradictory testimony. The Senator from Massachusetts sat through the hearings, every hour of the hearings, just as did the Senator from California. The Senator from Massachusetts is clearly aware of the fact that there were conflicting statements under oath which, at least in my lexicon, mean that someone was perjuring himself.

Mr. KENNEDY. I thank the Senator from California. I would like to ask him if he was not impressed by the climate that surrounded the whole Kleindienst-ITT hearings by the extraordinary impact of influence ITT had in the Justice Department and quite clearly in the White House.

An example of this kind of influence that distresses me, and certainly it distresses all Americans, is the kind of exchange that took place between the Justice Department when requests were made by a Member of the Senate and by a representative of Common Cause for legal opinions on different matters, and the Justice Department summarily dismissed those requests. But when it came to Mr. Kalmbach's firm from California getting clearance for a campaign contribution from the Justice Department, he received a very positive response.

Does the Senator remember when we put in the RECORD a letter written by Senator ALAN CRANSTON of California asking about certain Indian water rights and the response of the Deputy Attorney General?

In that instance, the Assistant Attorney General responded:

> This is in reply to your letter of June 30, 1971, requesting a formal opinion of Attorney General as to whether section 666 of title 43 of the United States Code has application to private property rights of Indians held in trust by the United States and whether the *Eagle River* case or the *Water District No. 5* case may be extended in their application to adjudications in state court of Indian water rights.
>
> We regret to inform you that under existing law, Attorney General opinions are authorized to be given only in response to the request of the President of the United States or in response to requests of heads of Executive Departments on questions of law arising in the administration of their departments.

So Indians do not get the treatment that the law firm of the President's friend was getting.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield myself 3 additional minutes.

Then, we have the letter to Mr. Rogovin, which was written by William S. Sessions, who was Chief, Government Operations Section, Criminal Division, Department of Justice, about the nonpartisan Common Cause organization. Mr. Sessions stated in his letter:

> This is in reference to your letter of December 22, 1970, requesting a ruling concerning the application of certain provisions of the Federal Regulation of Lobbying Act to your client, Common Cause.
>
> As you know, the Department of Justice is authorized to render legal advice and opinions only to the President and the heads of the executive departments of the Government; and I regret, therefore, that we are unable to comply with your request.

Then, there is the answer it gave to Mr. Kalmbach's firm whether a contribution, such as ITT's, to a local committee working on bringing a political convention to a city would violate the Corrupt Practices Act. We find the letter from Henry E. Petersen, Assistant Attorney General, Criminal Division, which indicates a willingness to give carte blanche permission for a contribution to such a committee.

So Indians could not get attention, Common Cause could not get attention, but Mr. DeMarco of the Kalmbach firm could for the Republican Party.

Does the Senator from California know Mr. Kalmbach? He is from the Senator's State.

Mr. TUNNEY. I do not know him personally, but he has the reputation of being a very close personal friend of the President.

Mr. KENNEDY. We had an article from the Washington Star on Kalmbach which points out that he raised millions of dollars for the President. That was in the record.

The Indians cannot get that kind of attention from the Justice Department, Common Cause cannot get that kind of attention from the Justice Department, but one of the leading contributors can. So we see the power of ITT.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. KENNEDY. I will yield to the Senator on his time but I wish to finish this thought first.

I think this shows the atmosphere which surrounded this case and why it is so important that the complete roster of witnesses and the information indicated in our report should be considered by the Committee on the Judiciary.

If the Senator wishes, I yield to him on his time.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. KENNEDY. I cannot use any more of my time.

Mr. DOLE. I have listened with great interest to the discussion of supposed contributions to the Republican Party. As chairman of the Republican National Committee I again state there was no contribution from ITT to the Republican National Committee.

As I have said for a long time, without much impression on the media or Democrats who controlled the spotlight and who prolonged these extended hearings, there was a time when I felt we should look into the Democratic National Committee's overdue phone bill of $1.5 million to see if it violated the Corrupt Practices Act. The sum of $1.5 million has been owed to A.T. & T. by the Democratic National Committee since 1968, and not one dime has been paid. I do not know whether any interest was paid. I am not certain that it violates the regulations, but it would appear that when Democratic Senators who have been exchanging remarks here are investigating contributions, they might have a look into their own party's A.T. & T. telephone bill. I suggest that if the average customer of A.T. & T. owed $1.5 million he would have his phone taken out and his service disconnected. But A.T. & T. understands which party controls committees in Congress, and the Democratic Party understands this. During all these torturous hearings in connection with the nomination of Richard Kleindienst, I find it rather strange that this matter was not gone into. We have heard talk about $50,000 with respect to ITT, but little mention was made of the $1.5 million owed to A.T. & T. for 4 years by the Democratic Party. Is there interest being charged? What are the facts? I think the American people are entitled to know.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield the Senator 3 minutes.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. TUNNEY. Would not the Senator agree that the question of A.T. & T. and the Democratic National Committee is quite extraneous to the question of whether the nomination of Mr. Kleindienst ought to be confirmed?

Mr. DOLE. No. There have been so many hearings on Mr. Kleindienst that most of the American people have forgotten the purpose of the hearings, but initially they were talking about alleged contribution of ITT to the Republican National Convention. Somehow Mr. Kleindienst was supposed to be involved in all that.

I again say that the Republican National Committee never received one dime from ITT. It went to the San Diego Convention Bureau, just as money is now being given to the Miami Convention Bureau for both the Democratic and Republican Conventions. It is perfectly legal.

That is why I brought up the A.T. & T. matter, because so much has been said about the influence of corporations and the influence of big business, but apparently a $1.5 million Democratic debt, as compared to an entirely legal contribution of $50,000 to a city's convention bureau, is nothing.

Mr. TUNNEY. I think the Senator knows full well that the hearings were held for the purpose of determining the qualifications of Mr. Kleindienst. Mr. Kleindienst's qualifications have no relation to A.T. & T. What we were talking about was a fact situation that during the time when ITT was having three antitrust cases resolved by the Justice Department and the issue was whether to pursue the litigation or settle the cases, a very substantial commitment of money was made by the ITT to the Convention Bureau at San Diego possibly in order to gain favorable treatment of its request. I indicated earlier in my remarks that I cannot imagine anyone would have been stupid enough to make a deal like that, but, on the other hand, we do know that ITT got its way. It got Hartford Fire Insurance.

Mr. DOLE. The record is clear that they did not get what they wanted. They divested themselves of some $1 billion worth of holdings. It was a fair settlement, but I will not get into that. I rose to state that the Republican Party did not receive one dime from ITT. I am pleased with the concern of the Senators. I wish they would be equally concerned with the $1.5 million still owed to the American Telephone & Telegraph Co. by the Democratic National Committee.

Mr. KENNEDY. Mr. President, I yield myself 1 minute. The point remains that the Republican Party was paying off as late as May 1971 its own campaign debts to Eastern Airlines—3 years after the 1968 campaign. And everyone understands they have bigger campaign coffers.

If the question is whether we are going to eliminate the influence of big campaign contributors, I wish our friend from Kansas would say so and discuss some alternatives like the dollar checkoff. Then we could really talk about doing something about the problems of campaign debts.

But the fact is that Dita Beard's memorandum states:

> I am convinced, because of several conversations with Louie re Mitchell that our noble commitment has gone a long way toward our negotiations on the mergers eventually coming out as Hal wants them.

That is Dita Beard's statement. She was ITT's only registered lobbyist. She is talking about the link between the convention gift and the antitrust settlement.

If the Senator can explain that, then we will talk about the A.T. & T.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I withhold the remainder of my time.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

Since February 17, when this nomination came to the Senate, there have been the equivalent of 5 full working weeks devoted to hearings. There have been in excess of 2,000 printed pages of hearings, reports, and analyses, and in the last 8 days many more pages in the CONGRESSIONAL RECORD.

Each and every one of the issues that has been suggested from time to time during the debate has been thoroughly discussed in the reports and on the floor of the Senate. By way of summary, it can be said that the bulk of those 2,000 pages is not relevant to the question at hand.

The question at hand is the qualification of Mr. Kleindienst to be Attorney General. It is said, here is a gift to a convention committee and there were litigations pending in the Department of Justice. That is true. But only by way of conjecture and imagination has any connection been shown. There are no facts to tie the two together.

I might suggest that, in the case of the $1.5 million telephone bill referred to by the Senator from Kansas, perhaps there might be some connection. Maybe there might be somebody in this world who could establish a connection between that fact and the fact that the congressional committees on antitrust and monopoly have not brought any suit against ITT. Is not it just as reasonable to suggest that as it is to suggest that there is a connection, without proof, without any evidence, between ITT and the nominee?

We do not have to get into that, because it does not measure up to any rules of logic, any rules of commonsense, or any rules that would be persuasive to reasonable men.

The fact is that we have a man who has served for 3½ years as a Deputy Attorney General. His record through his lifetime—and he has practiced law for over 25 years—has been that of an able, honorable, and capable attorney. He has earned the respect of his fellow practitioners in Arizona. He has earned the respect nationwide of the bar, and particularly of his colleagues at the Department of Justice, because of the fine manner in which he has administered the affairs of that Department.

Mr. President, there is still a rule that has not been repealed by the Supreme Court or by the Congress or by the commonsense of the American people, and that is that a man is presumed to be innocent until he is found guilty.

Let us have the facts. There has not been any evidence. There has been a lot of conjecture, but there has been no evidence of any wrongdoing, of dishonorable conduct, or any evidence even bearing a suggestion of impropriety on the part of Mr. Kleindienst. The record is a long one, and yet when we view it in that light, I believe the Senate should confirm the nomination, and by a substantial vote. I hope it does.

Mr. President, is there any more time remaining to me?

Mr. TUNNEY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HRUSKA. Is there time remaining?

The PRESIDING OFFICER. There is time remaining.

Mr. HRUSKA. How much time do I have left?

The PRESIDING OFFICER. The Senator from Nebraska has 18 minutes remaining.

Mr. HRUSKA. I have further requests for time. One of our colleagues is on his way here.

Mr. TUNNEY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HRUSKA. Yes, I yield 2 minutes.

PRIVILEGE OF THE FLOOR

Mr. TUNNEY. Mr. President, I understand unanimous consent has been obtained to have staff members of the Judiciary Committee present on the floor and also staff members of individual Senators.

I ask unanimous consent that Tom Gallagher and Jane Frank, of my staff, be added to the list of staff members who may be permitted on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. KENNEDY. Mr. President, does the Senator want to yield me any of his time?

Mr. HRUSKA. Would 5 minutes help the Senator?

Mr. KENNEDY. Yes.

Mr. HRUSKA. I yield 5 minutes to the Senator.

Mr. KENNEDY. I thank the Senator from Nebraska and also the Senator from Arizona. I do not know whether they will like what I am about to say.

I would like to review with the Senate for just a few minutes the contacts Mr. Kleindienst had in the ITT case before December 1971, when he indicated that this matter was "handled and negotiated exclusively" by Mr. McLaren.

This is all indicated in the full report, but I think when we look at the series of contacts, we will realize the questions have been raised, and why additional hearings are necessary.

We had, in March or April, the original Ryan and Kleindienst conversations at the neighborhood party about the antitrust cases.

We had, on April 16, the Walsh telephone call to Mr. Kleindienst. Walsh was at that time representing ITT.

About April 16, we had Rohatyn call Kleindienst for an appointment. He was then representing ITT.

On the morning of April 19, Kleindienst called Walsh about the Grinnell case, which was an ITT case. In the afternoon, Kleindienst talked with Mr. Walsh again about the ITT case. Then there was the meeting with Mr. Griswold about the extension of time. That is all on April 19, 1971.

Then, on April 20, we have the first of the private meetings between Mr. Rohatyn, a director of ITT, and Mr. Kleindienst, and we have the arrangements for the full presentation of the Rohatyn position to McLaren that same day.

On April 29, we have the meeting of Mr. Rohatyn with Mr. Mitchell in the Justice Department, when Mr. Kleindienst waited 55 minutes downstairs while Rohatyn was conferring with Mitchell about another matter; then there was an extensive meeting about the matter Mr. Rohatyn came to see Mr. Kleindienst about.

On May 10, we have the second private meeting between Kleindienst and Rohatyn. On about May 10, McLaren and Kleindienst confer, and McLaren calls Flanigan to request that he get in touch with Ramsden.

On May 20, Ramsden delivered his report to Flanigan, and Flanigan confers with Kleindienst the same day. Kleindienst tells Flanigan to hold the report for McLaren's return from Europe.

Then, approximately June 10, Flanigan delivers the Ramsden report to McLaren in Kleindienst's presence. On June 17, we have a McLaren memorandum to Kleindienst agreeing to settle and a joint phone call from the two of them to Rohatyn delivering the good news.

We have the third private meeting of Kleindienst and Rohatyn on June 29, and in early July we have Flanigan calling Kleindienst, telling him of Rohatyn's complaint about McLaren from Flanigan's own June 29 meeting with Rohatyn.

On July 15, we have the fourth private meeting between Kleindienst and Rohatyn, with Rohatyn again complaining about McLaren's inflexibility.

About July 17, there is the alleged WILSON and Kleindienst conference with respect to the ITT antitrust settlement.

Then, on September 14, we have Mr. Rohatyn visiting Mr. Kleindienst in his office.

So we have all these contacts and all this activity by Mr. Kleindienst, and still, at the time that he wrote to Mr. O'Brien, Kleindienst indicated that this was a matter handled and negotiated exclusively by Mr. McLaren.

The thing that we want to do upon recommittal is have the opportunity to explore those particular meetings, to try to assess whether there have been causal connections between the settlement of the case and the campaign contribution.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired. Who yields time?

Mr. TUNNEY. Mr. President, will the Senator from Nebraska yield me 2 minutes for a question?

Mr. HRUSKA. Mr. President, I will do that; but this is the last time. The talk has all been on that side of the aisle, and it does not seem to be making any more progress here than was indicated by the more than 2,000 printed pages of the hearing record.

Mr. TUNNEY. I thank the Senator from Nebraska. Maybe this side has talked so much that we have convinced ourselves of the veracity of what we are saying, but I think if the American people could listen they would agree definitely that Mr. Kleindienst's nomination should not be confirmed.

I would like to ask the Senator from Massachusetts if he has yet received the documents which Mr. Gilbert, the attorney for ITT, promised he would deliver to the committee. As of yesterday they had not been received.

Mr. KENNEDY. No, we have not received them. They are documents that relate to very specific items requested by the committee. Mr. Gilbert had indicated that he would respond positively, but still they have not been received.

Mr. TUNNEY. Mr. President, I, in my unanimous-consent request concerning the privilege of the floor, did not ask that my two staff members be permitted to be present on the floor during the vote, like the other staff members. I ask unanimous consent that they may be.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. HRUSKA. Mr. President, I am prepared to yield back the remainder of my time. It is my understanding that the time of the opposition has expired. Is that understanding correct, Mr. President?

The PRESIDING OFFICER (Mr. TAFT). The Senator from Nebraska has 9 minutes remaining. The Senator from Massachusetts has 4 minutes remaining. But under the unanimous-consent agreement, the vote may not occur until the hour of 4 o'clock.

Who yields time?

Mr. HRUSKA. Mr. President, I yield 4 minutes to the Senator from Michigan.

Mr. HART. Mr. President, soon the Senate will be asked to send the nomination of Richard Kleindienst to be Attorney General back to the Judiciary Committee for further hearings.

I will support that motion for the reasons presented in my individual views of the Judiciary Committee report. I ask unanimous consent that, at the conclusion of my remarks, the first portion of these views which summarizes them be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. As I made clear then, I strongly disagree with many of the policies which the nominee has helped implement and has indicated that he will follow in the future. But I think the proper remedy for our dissatisfaction is to change the leadership of our Government in this fall's election, not to oppose Cabinet members who will, naturally and properly, carry out the President's wishes.

If it were up to me, the nomination would be withdrawn, because of the many questions that have arisen during the recent hearings—questions which may never be answered satisfactorily in the public's mind.

Other members of the Judiciary Committee have ably detailed the important witnesses whose testimony either was never completed or was never heard at all by the committee, despite the objection of those of us who felt the hearing record was incomplete. They have also indicated the numerous documents and information which the committee was unable to obtain before the hearings were forced to end.

As I said in my views:

> I believe that the interests of the Senate, of the nominee, and of the American public, would best be served by further efforts to unravel more of these disturbing questions than can be fully answered by the present record and by further effort to pursue the inconsistencies in some of the testimony. Accordingly, I will support an effort to recommit the nomination to the Committee for further proceedings consistent with my earlier votes on this supplementary hearing.

But, as I also indicated, if a majority of the Senate decides to proceed to a final vote on the nomination on the basis of the existing record:

> I am not prepared to say, in these extremely unusual circumstances, that because of the inevitable shadow, the nomination should be denied.

Not all of the bizarre events which have confronted the committee in the past few months were necessarily within the nominee's control.

I have not found in the record evidence of misrepresentation to the committee by the nominee. Moreover, as my views stated—

> I do not believe there is any substantial evidence upon which to conclude that Mr. Kleindienst was aware of, let alone involved in any effort to link the settlement to ITT's convention commitment.

Finally, Mr. President, I should acknowledge that my analysis of the antitrust settlement and of what produced it has been affected by my knowledge of Judge McLaren, as a man, as an attorney, and as a public servant. This impact was inevitable, because I know him to be a man of quiet courage, candor, and of dedication to vigorous antitrust enforcement.

And I remain convinced, as my views noted, that he did not recommend a settlement he thought was against the public interest, let alone participate in some sort of "fix." I simply do not believe that.

While incomplete, the hearing record is extensive and has explored a great many avenues bearing on every aspect of the convention and the antitrust litigation. In the absence of any significant evidence at this point linking Mr. Kleindienst to improper efforts to obtain a settlement, he is, in my view, entitled to confirmation.

EXHIBIT 1

INDIVIDUAL VIEWS OF MR. HART

I. SUMMARY

This has been the second hearing on the nomination of Richard Kliendienst to be Attorney General. The nomination initially was reported from the Committee by a unanimous vote, although several of us indicated our profound differences with policies the nominee has espoused. We stated them:

"Members of the cabinet, unlike Justices of the Supreme Court serve at the pleasure of the President, as his assistants. The policies they pursue will almost inevitably follow the President's position. He must work with them. Therefore, absent personal impropriety, incompetence, or disqualifying conflict of interest, in the nominee, the President is entitled to the man or woman of his choice. * * * However, we wish to make clear the extent of our disagreement with the policies he has endorsed, in order that our votes not be misconstrued as approval of those policies. * * * Unfortunately * * * we have concluded that the President intends to continue these policies whether or not Mr. Kleindienst becomes Attorney General. Therefore, notwithstanding our dissatisfaction with that course, we shall vote to confirm the nomination."

Against that background, Mr. Kleindienst requested this second hearing to dispel an acknowledged "cloud" over the nomination caused by news stories of a memorandum allegedly written by ITT representative, Dita Beard. That cloud produced four weeks of stormy hearings.

The memorandum linked ITT's pledge of financial support for the 1972 Republican National Convention with the settlement of antitrust litigation against ITT. Mr. Kleindienst had been the acting Attorney General in that matter. The primary issue in the hearing, therefore, has been this. Did the nominee act so improperly or with such bad judgment in his handling of the litigation—whether by pressure on the Antitrust Division or otherwise—that he is not entitled to confirmation?

In the course of the hearing, however, other issues have arisen, which the committee is obliged to appraise for our colleagues.

First, did he act improperly—or with bad judgment of disqualifying dimension—in the investigation and public exoneration of a United States Attorney?

Second, has the nominee, by failing to be candid with the Committee, undermined our initial confirmation of his integrity?

Finally, has the hearing, itself, been hobbled by such lack of cooperation from the Executive Branch—in refusal to produce relevant documents, limitation upon probative testimony; or premature foreclosure of hearings—as to forfeit Senate advise and consent?

Each of us presumably has in mind the standard by which these determinations shall be made. This is neither a civil nor a criminal judicial proceeding, and the standard is not to be found in any hornbook. But fundamental fairness requires that some standard govern—or we have learned little from recent history.

Mr. Kleindienst now realizes, I am sure, that for many reasons the cloud in the public's mind may never be lifted fully. And public confidence in the integrity of our Justice Department is important. So, too, is confidence in the integrity of the legislative check and balance in the nominating process.

My preference at the conclusion of the hearings was to extend them, so that my colleagues and the public could have the fullest possible exploration of the disturbing charges and bizarre developments in this matter. That effort failing, I voted to report the nomination to the Senate again, without reaffirming our initial recommendation. This disposition also was defeated; the only vehicles for presenting the issue to the full Senate became a recommendation anew by the Committee, which I supported for that purpose.

But I am not prepared to say, in these extremely unusual circumstances, that because of the inevitable shadow, the nomination should be denied.[1] I believe each Senator should have the opportunity to resolve that judgment with whatever guidance the hearing and our deliberations upon the Record can provide.

I have concluded that the Antitrust Division Staff, under the direction of then Assistant Attorney General McLaren, did not agree to a settlement they thought inconsistent with the public interest.

And, on the record before us, I do not believe there is any substantial evidence upon which to conclude that Mr. Kleindienst was aware of, let alone involved in, any effort to link the settlement to ITT convention commitment.

As for the inevitable atmosphere of pressure created by ITT's more general lobbying efforts, one cannot pretend that it was absent from the settlement milieu. Regrettably, such pressure has haunted the Antitrust Division under every administration. The Division does not operate in a vacuum. The perennial ties between Washington and big business constantly threaten vigorous antitrust enforcement.[2]

We must bend our efforts to isolate these pressures, to challenge their inevitability, and to minimize their impact—whether conscious or subliminal—on the decision making process.[3] But while they undoubtedly were part of the context for this major litigation, as they have been for every other, such stones are not first cast lightly. The Antitrust Division in the last three years has, by and large, aggressively enforced our antitrust law—particularly in extending it application to conglomerate mergers. For this effort it deserves our commendation, not condemnation.

I believe that the interests of the Senate, of the nominee, and of the American public, would best be served by further efforts to unravel more of these disturbing questions than can be fully answered by the present record and by further effort to pursue the inconsistencies in some of the testimony. Accordingly, I will support an effort to recommit the nomination to the Committee for further proceedings consistent with my earlier votes on this supplementary hearing.

But if the Senate wishes to proceed to final consideration of the nomination on the basis of the existing Record, then I would vote for confirmation.

For the above reasons, I do not subscribe to all of the analysis and conclusions in the Majority Report of the Committee. The following is a brief elaboration of these summary observations.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. KENNEDY. I yield myself 2 minutes.

Mr. President, I ask unanimous consent that, if the nomination of Richard Kleindienst is recommitted, the Senate proceed immediately to its consideration at the close of morning business the day following the committee's report, and that during the further consideration of the nomination, debate be limited to 10 hours, to be equally divided between the majority leader and the minority leader or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. I did not hear the request.

Mr. KENNEDY. I ask unanimous consent that, if the nomination of Richard Kleindienst is recommitted, the Senate proceed immediately to its consideration at the close of morning business the day following the committee's report, and that during the further consideration of the nomination, debate be limited to 10 hours, to be equally divided between the majority leader and the minority leader or their designees.

This would limit the time for debate to 10 hours, when it comes back to the floor, if the nomination is recommitted.

Mr. HRUSKA. Mr. President, I see no point in venturing that far into the future. In due time, if and when recommittal is had, and if there will be a committee report, it seems to me that we can consider that matter. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. I want to establish now that it was our intention that on the motion to recommit we would set a precise time for the vote. I think that our desire to do so was reflected in the unanimous consent request.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. It is my understanding that, under the previous agreement, the motion to recommit will be voted on at 4 p.m.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I move that the nomination of Richard Kleindienst to be Attorney General be recommitted to the Committee on the Judiciary with instructions to resume hearings at the earliest possible date, to receive testimony from necessary witnesses for a total of 25 hearing hours, to issue subpenas for necessary witnesses and documents, and to report to the Senate by midnight on the second weekday following the day of completion of the hearings.

I would expect, Mr. President, that if we are able to obtain recommittal today, the documents and witnesses could be subpenaed by tomorrow; the hearings would take place during the course of next week; the report would be due by Monday, June 19; and the probable vote would take place by June 21.

I want the Senate, before it votes on this matter, to know that it is our intention to have a vote on the nomination of Mr. Kleindienst and that it be no later than the 21st. That would be the motion to recommit, at 4 o'clock.

The PRESIDING OFFICER. Will the Senator send his motion to the desk?

Mr. KENNEDY. I sent it to the desk.

Mr. HRUSKA. Mr. President, the record will show that there was a unanimous-consent agreement to vote on a motion to recommit, not a motion to recommit with instructions or conditions or hours or days, but simply to recommit.

I do not know whether a point of order would lie on the ground that this motion made by the Senator from Massachusetts would not be in compliance with that unanimous-consent agreement. I do not intended to object on that ground. I do believe, however, that when the motion does get into detail on instructions to the committee, those instructions and the fashion in which it was done are added reason why the motion to recommit should be rejected.

Mr. KENNEDY. Mr. President, I was not here at the time the unanimous-consent agreement was entered into, but no motion to recommit was made at that time. This is a motion to recommit. It is made now with a very clear indication of a limitation on time, and I believe that is in order.

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[1] I might feel differently were we faced with a lifetime appointment to the Supreme Court.

[2] See for example, the provocative, and sobering, discussions in Green, et al., *The Closed Enterprise System: A Nader Study Group Report* (1972), Chapter 2, "The Politics of Antitrust," and Chapter 3, "A History of Personality of Policy."

[3] To this end, I hope that the indignation expressed about a large contribution to the convention efforts of the incumbent Administration by an antitrust defendent will be matched by equally zealous support of public financing of election campaigns.

The PRESIDING OFFICER. The motion will be stated:

The motion was read, as follows:

> I move that the nomination of Richard Kleindienst to be Attorney General be recommited to the Committee on the Judiciary with instructions to resume hearings at the earliest possible date, to receive testimony from necessary witnesses for a total of 25 hearing hours, to issue subpoenas for necessary witnesses and documents, and then to report to the Senate by midnight on the second week day following the day of completion of the hearings.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. TUNNEY. Mr. President, will the Senator yield to me?

Mr. KENNEDY. I yield 1 minute to the Senator.

Mr. TUNNEY. I want to clarify a point raised by the Senator from Massachusetts about the recommittal motion. I was on the floor and had discussed it with the majority leader. Certainly, no motion was made and there was no indication as to the form the motion was going to take when it was made. We were relying on subsequent developments to formulate the motion.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. I am prepared to yield back the remainder of my time, if the time on the other side is yielded back.

Mr. MANSFIELD. Mr. President, will the Senator yield me ½ minute?

Mr. HRUSKA. I yield.

Mr. MANSFIELD. In view of the fact that the votes, under certain conditions, are going to follow one another in a sequence of three, I ask unanimous consent—I hope the Senate will approve—that if the motion to recommit fails, there be a 10-minute limitation on the two following votes, rather than the usual 15 minutes. I make this request in plenty of time so that Senators will be aware of what the situation will be if the Senate agrees.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I apologize to the majority leader. I could not hear him.

Mr. MANSFIELD. If the motion to recommit fails, that we then have 10 minutes on each of the two following votes—on the confirmation of Mr. Kleindienst and the nomination of Mr. Shultz.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. HRUSKA. I am prepared to yield back the remainder of my time, if the other side is willing to do so.

The PRESIDING OFFICER. Will the Senator from Massachusetts yield back the 1 minute which remains to him?

Mr. KENNEDY. I yield back the time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Taft). Without objection, it is so ordered.

GEORGE P. SHULTZ

Mr. BENNETT. Mr. President, when the Office of Management and Budget was created in 1970, President Nixon did not have to look far to find a man eminently qualified to become the first Director of the powerful new unit. He had only to look to his Cabinet and his able Secretary of Labor, George P. Shultz.

Today the Senate has the opportunity to once more put its seal of approval on the President's wisdom in selecting George Shultz for a vital position in our Government. I congratulate the President on his selection of Dr. Shultz to be the Secretary of the Treasury in his administration, and am pleased to fully support the nomination.

Through my committee assignments I have had the opportunity to watch Dr. Shultz in action from close range when he has testified before us. He has consistently showed a keen knowledge of issues facing the OMB and has exhibited a judicious balance of firmness yet understanding in his role as a mediator between the Government's resources and the needs of our country.

The public record of Dr. Shultz is too well known to merit repeating here. However, it should be emphasized that in him we have a man who has traveled with great facility over a wide range of academic, financial and governmental experience. He will bring to bear on the vital office of Treasury Secretary a personal knowledge of the problems facing every segment of our economy.

Finally, Mr. President, I cannot help but note once more than President Nixon in this selection has again shown a genius for selecting men with impeccable credentials to this vital Cabinet position.

My fellow Utahan, David Kennedy, made an important contribution to the post and continues important governmental service, especially in relation to America's economic dealings abroad. John Connally likewise made an invaluable contribution in leading us through the thorny problems associated with the administration's innovative economic policies.

I am certain that George Shultz likewise will leave an indelible imprint on the office of Secretary of the Treasury. I urge his immediate confirmation by the Senate.

MOTION TO RECOMMIT KLEINDIENST NOMINATION

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is on the motion to recommit with instructions the nomination of Richard G. Kleindienst to be Attorney General of the United States.

On this question the yeas and nays have been ordered, and the hour of 4 p.m. having arrived, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HUMPHREY (when his name was called). On this vote I have a pair with the distinguished Senator from Nevada (Mr. Cannon). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from California (Mr. Cranston), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Hawaii (Mr. Inouye), and the Senator from Arkansas (Mr. McClellan) are necessarily absent.

I further announce that the Senator from Washington (Mr. Magnuson), the Senator from Rhode Island (Mr. Pell), and the Senator from New Jersey (Mr. Williams) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel) and the Senator from California (Mr. Cranston) would each vote "yea."

On this vote, the Senator from Washington (Mr. Magnuson) is paired with the Senator from Tennessee (Mr. Baker).

If present and voting, the Senator from Washington would vote "yea" and the Senator from Tennessee would vote "nay."

On this vote, the Senator from New Jersey (Mr. Williams) is paired with the Senator from Oregon (Mr. Hatfield).

If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from Rhode Island (Mr. Pell) is paired with the Senator from Georgia (Mr. Gambrell).

If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from Georgia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Maryland (Mr. Beall), and the Senator from New Jersey (Mr. Case) are absent on official business.

The Senator from Colorado (Mr. Dominick) and the Senators from Oregon (Mr. Hatfield and Mr. Packwood) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Maryland (Mr. Beall), the Senator from New Jersey (Mr. Case), the Senator from Colorado (Mr. Dominick), and the Senator from Oregon (Mr. Packwood) would each vote "nay."

On this vote, the Senator from Tennessee (Mr. Baker) is paired with the Senator from Washington (Mr. Magnuson).

If present and voting, the Senator from Tennessee would vote "nay" and the Senator from Washington would vote "yea."

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from New Jersey (Mr. Williams). If present and voting, the Senator from Oregon would vote "nay" and the Senator from New Jersey would vote "yea."

The result was announced—yeas 20, nays 63, as follows:

[No. 198 Ex.]

YEAS—20

Bayh
Burdick
Church
Eagleton
Fulbright
Harris
Hart
Hollings
Hughes
Kennedy
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Ribicoff
Stevenson
Tunney

NAYS—63

Aiken
Allen
Allott
Anderson
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hartke
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Mathias
McGee
Miller
Montoya
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Humphrey, for.

NOT VOTING—16

Baker
Beall
Cannon
Case
Cranston
Dominick
Gambrell
Gravel
Hatfield
Inouye
Magnuson
McClellan
Mundt
Packwood
Pell
Williams

So the motion to recommit with instructions the nomination was rejected.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the confirmation of the nomination of Richard G. Kleindienst to be Attorney General of the United States?

YEAS AND NAYS ON SHULTZ NOMINATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent, for the purpose of eliminating any ambiguity, that I may be recognized for one-half minute to ask for the yeas and nays on the Shultz nomination, the vote to occur immediately after the vote on the Kleindienst nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the confirmation of the Shultz nomination.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the confirmation of the nomination of Richard G. Kleindienst to be Attorney General of the United States. On this question the yeas and nays have been ordered.

The Chair will announce that under the previous unanimous-consent agreement, this vote will take 10 minutes.

Mr. COTTON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Mr. President, may we have quiet so that we can hear the proceedings?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats and discontinue conversations.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HUMPHREY. On this vote I have a pair with the Senator from Nevada (Mr. CANNON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

On this vote, the Senator from Tennessee (Mr. BAKER) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from New Jersey (Mr. WILLIAMS).

If present and voting, the Senator from Oregon would vote "yea" and the Senator from New Jersey would vote "nay."

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Alaska (Mr. GRAVEL). If present and voting, the Senator from Georgia would vote "yea," and the Senator from Alaska would vote "nay."

On this vote, the Senator from Rhode Island (Mr. PELL) is paired with the Senator from California (Mr. CRANSTON). If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from California would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), and the Senator from New Jersey (Mr. CASE) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK). and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea."

On this vote, the Senator from Tennessee (Mr. BAKER) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Washington would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from New Jersey (Mr. WILLIAMS). If present and voting, the Senator from Oregon would vote "yea" and the Senator from New Jersey would vote "nay."

The result was announced—yeas 64, nays 19, as follows:

[No. 199 Ex.]

YEAS—64

Aiken
Allen
Allott
Anderson
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Mathias
McGee
Miller
Montoya
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—19

Bayh
Burdick
Byrd, Robert C.
Church
Eagleton
Fulbright
Harris
Hughes
Kennedy
McGovern
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Ribicoff
Stevenson
Tunney

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Humphrey, against.

NOT VOTING—16

Baker
Beall
Cannon
Case
Cranston
Dominick
Gambrell
Gravel
Hatfield
Inouye
Magnuson
McClellan
Mundt
Packwood
Pell
Williams

So the nomination was confirmed.

NOMINATION OF GEORGE P. SHULTZ

The PRESIDING OFFICER. Under the previous order the Senate will now proceed immediately to vote on the nomination of George P. Shultz to be Secretary of the Treasury. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON). the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), and the Senator from New Jersey (Mr. CASE) are absent on official business.

The Senator from Colorado (Mr. DOMINICK) and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

If present and voting, the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER) and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD) would each vote "yea."

The result was announced—yeas 83, nays 0, as follows:

[No. 200 Ex.]

YEAS—83

Aiken
Allen
Allott
Anderson
Bayh
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—0

NOT VOTING—17

Baker
Beall
Cannon
Case
Cranston
Dominick
Gambrell
Goldwater
Gravel
Hatfield
Inouye
Magnuson
McClellan
Mundt
Packwood
Pell
Williams

So the nomination was confirmed.

NOMINATIONS OF CHARLES E. WALKER, EDWIN S. COHEN, JOHN M. HENNESSY, AND LEE H. HENKEL, JR. IN THE DEPARTMENT OF THE TREASURY

The PRESIDING OFFICER. The clerk will state the next nomination on the Executive Calendar.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the remainder of the nominations for the Department of the Treasury be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the remaining nominations for the Department of the Treasury are considered and confirmed en bloc.

U.S. DISTRICT JUDGES

Mr. MANSFIELD. Mr. President, I understand that two judgeship nominations were reported earlier today, which have been cleared all around. I ask that they be called up at this time.

The PRESIDING OFFICER. Without objection, the clerk will state the nomination.

The assistant legislative clerk read the nomination of Charles W. Joyner, of Michigan, to be a U.S. district judge for the eastern district of Michigan.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of Albert Coffrin, of Vermont, to be a U.S. district judge for the district of Vermont.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HÉBERT, Mr. PRICE of Illinois, Mr. FISHER, Mr. BENNETT, Mr. ARENDS, Mr. BRAY, and Mr. HALL were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 5158) for the relief of Maria Rosa Martins, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 5158) for the relief of Maria Rosa Martins, was read twice by its title and referred to the Committee on the Judiciary.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STOCKBRIDGE-MUNSEE COMMUNITY

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate S. 722, which the clerk will read by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 722), to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community and to make such lands part of the reservation involved.

The Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment to strike out all after the enacting clause and insert:

That, subject to valid existing rights, all the right, title, and interest of the United States, except all minerals including oil and gas, in the submarginal lands and federally owned improvements thereon, which are identified below, are hereby declared to be held by the United States in trust for the Stockbridge Munsee Indian Community, and the lands shall be a part of the reservation heretofore established for this community: Stockbridge Project LI–WI–11 Shawano County, Wisconsin, comprising thirteen thousand and seventy-seven acres, more or less, acquired by the United States under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), administrative jurisdiction over which was transferred from the Secretary of Agriculture to the Secretary of the Interior by Executive Order 7868 dated April 15, 1938, for the benefit of the Stockbridge Munsee Indian Community.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. JACKSON. Mr. President, I am pleased that after prolonged and careful consideration, the Interior and Insular Affairs Committee has voted to recommend passage of S. 722, conveying trust title to the Stockbridge-Munsee Indian Community of 13,077 acres of submarginal land purchased by the Federal Government for this purpose.

If favorably acted upon by this body and the other House, this will complete long unfinished business initiated in 1933 under President Franklin D. Roosevelt's administration.

Under authority provided by the Congress in title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), with funds appropriated by Congress under the Emergency Relief Appropriation Act of 1935 (49 Stat. 115), and with specific congressional authorization extended in section 55 of title I of the act of August 24, 1935 (49 Stat. 750, 781), a national land program was established.

Under this program, it was decided by the Roosevelt administration that certain "Demonstration Indian Lands Projects" would be carried out to accomplish the purpose of "readjustment and rehabilitation of the Indian population by acquisition of lands to enable them to make appropriate and constructively planned use of combined land areas in units suited to their needs."

Five types of demonstration Indian areas were included in the program, including "lands for homeless Indian bands or communities forming acute relief problems," of which the Stockbridge-Munsee Indian Community was one.

The policy agreed on by all Government agencies involved was to "acquire lands for Indian use which will improve their economy and welfare and lessen relief costs."

The lands were purchased by the Farm Security Administration, as part of a combined purchase to form a blocked-out area to provide the Stockbridge-Munsee Indian Community with an adequate land base on which to survive and develop. A majority of the housing in which the people of this Indian community reside is located on the submarginal land, and was built under Federal supervision with Federal funds.

By some historical quirk, the land purchased with Indian Reorganization Act—IRA—(48 Stat. 984) funds was delivered to the tribe, and placed in trust. The submarginal land was transferred to the Bureau of Indian Affairs to hold for the exclusive benefit of Indians but trust title never passed to the tribe, a fact which has clouded the ability of the Indians to use this land, and particularly to develop it for the betterment of the community and its people. S. 722 would complete the long awaited delivery of trust title to the Stockbridge-Munsee community of their submarginal land.

At the request of the Secretary of the Interior, the distinguished ranking minority member of the committee, Senator Gordon Allott, and I jointly introduced S. 1230 early in the 92d Congress which, with the exception of language added by the committee reserving to the U.S. mineral rights in the land transferred, is identical to the bill which the committee now reports. The only known mineral deposit on this land is a small gravel deposit.

The committee held hearings on this legislation on March 26, 1971, at which no witness spoke in opposition to the transfer of these lands to the tribe, and congressional administration, tribal, and independent witnesses all presented strong and convincing cases supporting transfer of this land to the tribe.

The report of the National Council on Indian Opportunity entitled "Indian Submarginal Lands: An Unresolved Problem" has proved exceptionally helpful in clarifying the historic origins of this land. It, too, recommended passage of similar legislation.

This bill is not a precedent. The Congress previously transferred submarginal lands purchased under the land program to the tribes for which it was purchased, under the act of August 13, 1949 (63 Stat. 604) granting trust title to various pueblos in New Mexico, and under the act of July 20, 1956 (70 Stat. 581) delivering trust title of 27,000 acres of submarginal land to the landless Seminoles of Florida. Also under the act of August 2, 1956 (70 Stat. 941), Congress conveyed trust title to 78,372 additional acres of submarginal land to Zia and Jemez Pueblos of New Mexico.

The committee sought and waited 7 months for an independent evaluation of the propriety of completing delivery of trust title of this land to the tribe for which it was purchased, by the office of the Comptroller General. Again, the recommendation of that agency supported transfer of the land to the Stockbridge-Munsee community, as it had in a previous report in 1963.

Finally, the committee is well aware of the support for this legislation expressed before it by the two Senators from Wisconsin, and particularly grateful for the assistance furnished to the committee by the junior Senator from Wisconsin (Mr. Nelson), who was able to provide the committee with considerable information assisting our deliberations.

Mr. President, I urge favorable action on this legislation.

Mr. METCALF. Mr. President, on behalf of the Committee on Interior and Insular Affairs, I will control the time on the bill.

Mr. MANSFIELD. Mr. President, will the Senator yield to the Senator from Colorado first?

Mr. ALLOTT. Mr. President, will the Senator from Montana yield to me for a unanimous-consent request?

Mr. METCALF. Certainly.

Mr. ALLOTT. Mr. President, in the absence of several of us the other day, the yeas and nays were ordered on this bill. I see no justification for the yeas and nays at the termination of this matter. So that our colleagues may be advised, I ask unanimous consent that the order for the yeas and nays be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. METCALF. Mr. President, I yield such time as he may require to the Senator from Wisconsin (Mr. Nelson).

Mr. NELSON. Mr. President, I rise in support of S. 722, a bill transferring 13,077 acres of federally owned submarginal land to the Stockbridge-Munsee Indian Community of Wisconsin to be held in trust by the United States.

I introduced this measure on February 10, 1971. Hearings were held on the bill on March 26, 1971, by the Indian Affairs Subcommittee. And on May 19, 1972, the Committee on Interior and Insular Affairs ordered the bill reported favorably to the full Senate. The bill was reported only after prolonged and careful consideration.

WIDE SUPPORT

Mr. President, it is difficult for me to imagine how anyone could be against this measure. It has received wide support from a variety of sources. The administration supports the legislation; in fact, the bill, as amended by the committee, contains the very language of the administration sponsored bill—S. 1230—introduced by Senators Allott and Jackson. The Office of Management and the Budget has no objection to the bill. The General Accounting Office has no objection. Neither the 1962 GAO report nor the updated report of last October posed any objections to the submarginal lands being transferred to the Stockbridge-Munsee Indian Community. Both the Cabinet-level National Council on Indian Opportunity and the Department of Interior have gone on record as stating that the submarginal lands were purchased with the understanding that they eventually be placed in trust for the Indians. In fact, administrative jurisdiction of these lands was transferred to the Secretary of the Interior in 1938 for the benefit of the Stockbridge-Munsee Indian Community and these lands have been used by them for the past 34 years.

LEGISLATIVE PRECEDENT

Mr. President, not only has the bill had wide support from the executive branch, but also there are several legislative precedents. On three separate occasions, Congress has passed legislation transferring submarginal lands to Indian tribes. These precedents will be discussed later.

BACKGROUND

The lands involved are the so-called FSA lands, a title designation referring to the now defunct Farm Security Administration. The original objective of the acquisition of the FSA lands in 1936 was the retirement from farming of unprofitable, badly eroded and exhausted land and the removal of the occupants to other more promising areas where they could be rehabilitated and thus taken off the relief rolls.

Under a memorandum of understanding executed by the Resettlement Administration, which was charged with the land purchases, the lands were to be managed for the "exclusive benefit of the Indians." It is this official commitment which has not been honored in this case, because Congress has failed to enact legislation to deliver these lands to the Stockbridge-Munsee Community.

It should be pointed out that the Government has actually made money as a result of these FSA lands which were purchased "for the exclusive benefit of the Indians." The Federal Government originally paid $69,546 for the lands and has collected more than $92,263 in stumpage fees, gravel mining permits, and rentals.

Mr. President, there are no minerals involved in the submarginal lands in this bill. Even so, S. 722 as amended reserves all mineral rights for the United States. The lands comprise more than 85 percent of the total Stockbridge-Munsee Reservation area. Currently, more than 30 percent of the Indians in the reservation area reside on the submarginal lands. The lands are needed to restore the community and allow implementation of its development plan. Housing is in critically short supply. Passage of the legislation would allow home construction and job opportunity plans to proceed.

The Stockbridge-Munsee Indian Community has waited far too long for this bill. Now is the time for these submarginal lands to be placed in trust for the Stockbridge-Munsee people so that they may finally realize the intended benefits of the land.

As was stated before, Congress has previously recognized its commitment to make FSA or submarginal lands a part of the reservations involved. In 1949, Congress transferred 457,530 acres of submarginal lands to several Pueblo Tribal groups and to the Canoncito Navajo Tribe of New Mexico. On July 20, 1956, Congress transferred 27,000 acres of submarginal lands to the Seminole Indians of Florida. And again on August 2, 1956, Congress passed an act transferring 78,372 acres of submarginal lands to the Jemez and Zia Pueblos of New Mexico.

Mr. President, almost everyone concerned with the submarginal lands has recognized our commitment to transfer them to the Indian tribes. The Cabinet-level National Council on Indian Opportunity, which is chaired by Vice President AGNEW, released a report in May 1971, entitled "Indian Submarginal Lands: An Unresolved Problem." The conclusion of the report states:

> An examination of the legislative history and course of administration of this program can lead to but one conclusion: the land was purchased with special funds to be consolidated with other tribal land holdings, and held in trust for the tribes . . .
>
> Thus, the fulfillment of this promise made long ago requires passage of legislation delivering trust title to the submarginal lands to the respective tribes for whom they were purchased, for use in accord with land use plans which have been legislatively approved . . .

Moreover, the Department of the Interior executive communication to the Congress dated March 1, 1971, transmitting proposed legislation to convey beneficial interest in the submarginal lands to the Stockbridge-Munsee Indian Community states:

> The records disclose a complete understanding between the Federal Agencies involved in the acquisition and administration of submarginal lands on or near Indian reservations. It was that the lands were being selected for acquisition in connection with the demonstration Indian projects; that they were needed by the Indians; that they would be utilized by the Indians in connection with the use of Indian-owned lands; and that proper recommendations would be made at the appropriate time for the enactment of legislation to add these lands permanently to Indian reservations.

MINORITY VIEWS

Mr. President, I would like to address myself briefly to the arguments raised against the bill in the minority views of the committee report.

First of all, it is argued that there is no precedent for this legislation. This is a simple mistatement of fact. As was stated previously, Congress has, on three different occasions in the past, enacted legislation which transferred title to submarginal lands to Indian groups. The minority report even mentions these instances but by some logic which escapes me maintains that they are not precedents. Despite any attempts to the contrary, these precedents cannot be denied. In fact, in his letter to Senator JACKSON dated October 18, 1971, the Comptroller General states:

> On three occasions in the past, the Congress has enacted legislation which transferred title to submarginal lands to Indian groups.

I ask unanimous consent that a copy of this letter be inserted in the RECORD, after my remarks.

Second, the minority report states that in 1942 the Interior Committee established a position to the effect that all submarginal lands should be considered together. This contention is debatable but even if it is accepted, it is clear that it is also irrelevant due to the fact that this position was clearly overruled in 1949 and again in 1956 when submarginal lands were transferred to individual Indian tribes.

The minority report claims that the committee has consistently held to its supposed position of considering only omnibus approaches to the submarginal land bills. In fact, the committee has never reported out an omnibus bill, but has instead reported several submarginal land bills for individual tribes, three of which have passed Congress.

Third, the minority report states that the passage of S. 722 would represent only token recognition of a problem which should have been resolved years ago. This is true but it is certainly no reason to refuse to take a step in the right direction by passing this bill.

Lastly, another minority argument is that there should be an omnibus submarginal land bill which would provide equal treatment for all affected tribes. The Department of Interior presently lists 19 submarginal land areas as being now under consideration for transfer to the nearby Indian tribes.

The administration, through the Department of Interior, has indicated a desire to proceed on a case-by-case basis, as evidenced by the introduction of the administration-sponsored bills, S. 1217 and S. 1230 dealing with the White Earth and the Stockbridge-Munsee Reservations. The General Accounting Office, in meetings with the Interior Committee staff, also indicated a desire to report on the submarginal lands individually. This would seem to be the logical way to proceed when one recognizes the fact that situations and circumstances differ in each instance.

There are minerals on some submarginal lands and none on other lands. The economic and social situations of the tribes involved differ greatly. In this instance there are no minerals involved. The administration supports the bill. Neither the GAO nor OMB has any objections. The Interior Committee considered the bill for a year and a half before favorably reporting it. There can be no reason to delay this bill any longer.

Why should this bill be delayed by being grouped with other more controversial bills as the minority report proposes?

In effect, the minority report recognizes the need for this bill; they argue only on the means, by favoring an omnibus bill instead of this individual bill. However, the reasons against an omnibus bill mentioned above are persuasive.

The Republican signatories of the minority views are clearly out of step with the administration's position in support of this bill. They are also out of step with the majority of the Interior Committee which has considered the messure quite carefully and extensively. There can be no valid reason for delaying passage of this bill, the need for which is recognized even by those signing the minority report.

Mr. President, I ask unanimous consent that a letter from the Comptroller General of the United States dated October 18, 1971, addressed to the chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON), be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., October 18, 1971.

DEAR MR. CHAIRMAN: By letter dated April 1, 1971, you requested that we update an August 13, 1962, report which was submitted to the House and Senate Committees on Interior and Insular Affairs, which concerns submarginal lands and submit immediate reports on two bills, S. 1217 and S. 1230, 92d Congress.

These bills would declare that certain federally owned submarginal lands located on or near the Stockbridge Reservation, Wisconsin, and the White Earth Reservation in Minnesota, shall be held by the United States in trust for the Stockbridge Munsee Indian Community and the Minnesota Chippewa Tribe.

By letter dated May 25, 1971, we advised you that on the information then available to us, we would have to qualify our comments on these bills and we felt that such qualified comments would be of little value to the Committee. We have now completed our work on the updating of the August 13, 1962, report as it pertains to these Indian groups and are now prepared to comment on S. 1217 and S. 1230.

On three occasions in the past, the Congress has enacted legislation which transferred title to submarginal lands to Indian groups. By the Act of August 13, 1949, ch. 425, 63 Stat. 604, and the Act of August 2, 1956, ch. 886, 70 Stat. 941, certain submarginal lands in New Mexico were transferred to Navajo and Pueblo Indians with title held by the United States Government in trust for the Indian groups cited in the Acts. Also, under the Act of July 20, 1956, ch. 645, 70 Stat. 581, the Government transferred to the Seminole Indians 27,086.10 acres of submarginal lands located in Florida which the Government had purchased under various acts for the relief of stricken agricultural areas.

If title to the submarginal lands is transferred to the Stockbridge Munsee Indian Community in Wisconsin and to the Minnesota Chippewa Tribe on the White Earth Reservation in Minnesota, the revenues from timber cutting and other activities which presently are being collected by the Government would then accrue to the respective Indian groups. We believe that these revenues could help the groups advance their economic and social standiing, provided they are invested in planning, establishing, and operating enterprises having realistic chances of success.

In considering legislation to convey these submarginal lands to the Indian groups involved, we believe the Congress might wish to consider including provisions designed to assure that the lands would be developed for their best potential. Provisions which the Congress might wish to consider include the following:

Provision for a reinvestment of a reasonable portion of the timber and other revenues into the maintenance, improvement, cultivation, and preservation of the revenue-producing resources;

Provision for a minimum degree of group and/or individual Indian ownership of any enterprises established on such lands to ensure substantial and active Indian participation in the operation, management, and profits of such enterprises; and,

Provision for economic and ecological evaluations of proposed developments to ensure that they have reasonable chances of success and do not adversely affect the environment, particularly adjacent waters.

In accordance with a request of the staff of the Committee, we have examined into the question of offsets of the value of any submarginal lands conveyed to Indian groups against any awards that might be made to such groups by the Indian Claims Commission. In considering this question, we reviewed the decisions of the Indian Claims Commission in Docket No. 73 involving the Seminole Indians of Florida and Docket No. 151 involving the Seminole Nation of Oklahoma as successors to the Seminole Nation which was in Florida prior to 1823. While in Florida, the Seminole Nation sustained the injuries for which compensation was sought. These two cases were decided by the Commission on October 22, 1970, and are reported in 24 Ind. Cl. Comm. 1 (1970).

The Commission concluded that offsets of lands purchased with funds from national recovery acts is specifically prohibited by section 2 of the Indian Claims Commission Act of 1946, 25 U.S.C. 70a. Inasmuch as the submarginal lands proposed to be conveyed to the Stockbridge Munsee Community and the Indians of the White Earth Reservation were purchased under the authority of the same national recovery acts as were the lands transferred to the Seminoles, the holding in 24 Ind. Cl. Comn. 1 is *stare decisis* and the Indian Claims Commission would disallow any offsets of submarginal lands against any claims that might be awarded to the Indian groups.

Final reports which update the factual information that was contained in our report of August 13, 1962, as it pertained to these two Indian groups will be shortly forthcoming.

Sincerely yours,

——— ———,

Deputy Comptroller General of the United States.

Mr. NELSON. Mr. President, I yield the floor, with the understanding, as I have agreed with the Senator from Montana, that if I need more time it will be yielded by the committee.

Mr. METCALF. Certainly; I shall be delighted.

Does the Senator from Colorado seek recognition at this time?

Mr. ALLOTT. Unless the Senator from Montana wishes to speak on the bill at this time.

Mr. METCALF. I wish to speak on the bill very briefly.

Mr. ALLOTT. All right; I yield to the Senator.

Mr. METCALF. Mr. President, back in the days of the depression, when the Farm Holiday Association was tipping over milk trucks and farmers were moving with pitchforks against bankruptcy sales, President Roosevelt and Harry Hopkins sent people out to buy farms that were being foreclosed. The Roosevelt administration was trying to keep the people on farms, and maintain their operations during the days when wheat was selling at 17 cents a bushel and livestock was selling at about the same price it is selling now.

This is one of the cases where the Government went out and, for the purpose of helping the Indians, purchased agricultural lands. They bought them and said, "These lands will be held in behalf of the various Indian tribes."

There are many complex and complicated situations involved in the Indians' unique relations with the Federal Government. In my own State, for example, farms were bought for various Indian tribes, and oil was subsequently discovered on those farms, and we are now faced with the question of who should receive these oil revenues?

But the Stockbridge-Munsee situation is a very simple problem. These lands were purchased for the Indian tribe located in that area. They do not have any other problems involved. Our consideration of S. 722 represents a start on the manner in which we resolve this longstanding issue of conveying the submarginal lands to tribal groups with the title to be held in trust by the United States. The several tribes involved have utilized these lands for various purposes over the years as if it were in fact theirs.

I think that we should seek to solve the problem on a case-by-case basis. That is the simplest and probably the best solution. I have nothing but high praise for the Senator from Wisconsin, who introduced this bill. I believe we should follow the precedents that we have set in Florida and in New Mexico to return these properties in trust to the Indian tribes to which they really should belong, and give them not only the beneficial interest which they hold now, but the proprietary interest which is the subject matter of this legislation.

The PRESIDING OFFICER. Who yields time?

Mr. METCALF. Mr. President, I reserve the remainder of my time.

Mr. McGOVERN. Mr. President, I rise in support of S. 722, as favorably reported by the Senate Interior and Insular Affairs Committee. I am happy to give my support to legislation which is, at the same time, supported by the two Democratic Senators from Wisconsin, and by the Nixon administration.

As chairman of the Subcommittee on Indian Affairs, I know that concern for American Indians has traditionally been a bipartisan matter, and I am pleased that the language of this bill, originally proposed as a part of the program of the Nixon administration, is, with the one perfecting amendment added by the committee, supported by the distinguished chairman and entire Democratic side of the Interior Committee, which considered it carefully from the time of its public hearing on March 26, 1971, before my subcommittee.

Every witness appearing before that subcommittee—administration, tribal, and independent—testified in favor of this proposed transfer of trust title of these submarginal lands to the Stockbridge-Munsee Indian Community, which desperately needs them, and has waited patiently for such legislation since these lands were first purchased to add to the tribal land base of that community, beginning in 1934. The entire economic development of this Indian community depends upon the immediate enactment of this legislation.

The National Council on Indian Opportunity, in its recent report on this subject, has indicated that, for this tribe, obtaining trust title to these lands is the only legislative priority, upon which the entire tribal future depends.

The tribal delegation appearing before my subcommittee presented a carefully thought out and well-presented program for the use of these lands, in combination with the much smaller present tribal land base.

The Stockbridge-Munsee Reservation, created by the Treaty of the United States with the tribe on February 5, 1856, originally consisted of 23,040 acres. As a result of the Allotment Act of 1887, the national Indian land base was diminished from 140 million acres to 50 million acres of the least desirable land. At the Stockbridge-Munsee Reservation, by 1934, when the Allotment Act policy was finally repudiated by the Congress, little more than 100 acres remained in Indian hands, far too little to house, let alone support, the tribal population.

The 13,077 acres of submarginal land which are the subject of S. 722 were purchased by the Farm Security Administration, along with 2,450 acres of land purchased with funds appropriated under the authority of the Indian Reorganization Act (48 Stat. 984) to block out a single consolidated area which would be a viable reservation base for this tribe. Both purchases were entirely within the boundaries of the original reservation. The Farm Security Administration even acted as a purchasing agent for the Bureau of Indian Affairs, to insure that the land purchases would be consolidated. Although tribal members were allowed partial use of the land, and members of the tribe were permitted and even encouraged by Federal officials to construct houses on the submarginal land in the early expectation that Congress would enact legislation delivering trust title to the tribe, that legislation has not yet passed. More than half of the resident tribal population of this reservation lives on houses constructed on submarginal land, although title to the land remains in the United States. S. 722 is designed to correct that oversight and injustice.

An identical process was followed on behalf of the landless Seminoles of Florida, for whom a tract of submarginal land also was purchased during the thirties, in addition to another parcel purchased with IRA funds. In 1956, the Congress approved the delivery of trust title of the submarginal land parcel together with the IRA purchased lands, to the Seminole tribe to create a new reservation. (70) Stat. 581.)

Certain members of the minority of the Interior Committee have unconvincingly argued that this action does not constitute a precedent for the action we undertake today, on the grounds that the "justification for the transfer was, in fact, to provide a land base from whatever public lands were available and was not because of a 'submarginal lands' designation of some of them." Even were this view accurate, the Seminole legislation would still serve as a precedent for adding submarginal lands to otherwise acquired land to provide an adequate land base for the tribe, which is the ultimate purpose of the bill before us. However, what this minority view ignores is that in both the Seminole case and in the Stockbridge-Munsee case before us, all of the land was specifically purchased to accomplish the purpose of creating an adequate, economically productive land base reservation for the tribe in question, by a combination of IRA-purchased land, and submarginal land.

The Seminole case is obviously a precedent for today's proposed action. The only difference between the two cases is that in the present case, Congress did not deliver trust title to the submarginal land in its original enactment, an oversight which we are attempting to rectify today.

The whole question of precedent is

relevant only because the minority view asserts, without proving, that S. 722 is precedent creating, a contention I deny, and that, therefore, we must consider all of the tribes attempting to claim submarginal lands at once, or not at all. The only possible approach, we are told, is a single piece of omnibus legislation, proposed but not yet introduced, which is necessary because of some belated sense of fairness expressed by the minority to the 17 other tribes seeking title to submarginal land parcels purchased for them.

I am favorably impressed with the expressed desire of these members to support such legislation, since six of these tribes involved are in the State of South Dakota, twice as many as in any other State, and I have repeatedly introduced legislation on behalf of these tribes.

I am somewhat at a loss to understand why my friends in the minority of the committee, apparently so concerned with fairness to these tribes, have not joined with me in sponsoring this legislation, and I will look with favor on their support of any future bills to deliver submarginal land parcels to the South Dakota tribes.

I am also puzzled as to why these Senators, so concerned with equal treatment for all such tribes, have waited until so late in this session to introduce such legislation, which they claim follows a longstanding committee policy for an "omnibus" approach. At this time in the session, such a bill can only delay further consideration of the bill before us, and cannot possibly result in fair treatment for anyone, particularly the Stockbridge-Munsee Indian community.

At least one of these six Senators, the Senator from Oregon (Mr. Hatfield), seems to have overlooked the supposed longstanding committee policy when he introduced, on March 13, 1969, S. 1544 (91st Congress), his own bill to deliver trust title to its submarginal lands to the Burns Paiute Colony of Harney County, Oreg.

While the Senators protest against unfairness to the other Indian tribes, the tribes themselves share the view of the committee that a case-by-case approach is the fairest and most appropriate way to proceed. Delegates from each of the concerned tribes met jointly at Minneapolis, Minn., at a meeting sponsored by the National Council on Indian Opportunity, and pledged themselves to support the efforts of each of the tribes to obtain title to their lands. Four of the South Dakota tribes have furnished me with tribal resolutions indicating their support for such action.

A review of the history of the committee provided in the minority views of the report on the bill before us conclusively demonstrates, in spite of the minority conclusion to the contrary, that all of the evidence indicates that any action taken by the committee on this legislation has been on a case-by-case basis.

Whatever the previous committee history, no one yet has produced a single word to indicate that this land should not be transferred, as this bill proposes, to the Stockbridge-Munsee Indian community. I urge favorable action on this bill, so desperately needed by the Stockbridge-Munsee tribe.

Mr. PROXMIRE. Mr. President, I support Senator Nelson's bill, S. 722, as amended by the committee, to transfer 13,077 acres of FSA submarginal lands in trust to the Stockbridge-Munsee Indians. Twice over the past 10 years, I have introduced similar legislation to accomplish this transfer. In fact, I was a cosponsor of the original proposal introduced by my Wisconsin colleague, Senator Nelson, to bring about this land transfer.

The Stockbridge-Munsee Community has developed an extensive plan for use of this land. It is essential for their plan that this land be transferred in trust to the tribe, so they may have the security of knowing the land and improvements on it will remain in their hands. Such a transfer will also permit the tribes to operate and manage these improvements economically and efficiently.

The Federal Emergency Relief Administration—FERA—back in the early thirties was authorized to spend funds for the acquisition of submarginal land under consideration today. A memorandum dated July 16, 1934, to Hon. Harold L. Ickes, Secretary of the Interior, from John S. Lansill, director of the land program, concerning submarginal land purchases reads:

> These lands include projects in which land to be purchased is to be used primarily for the benefit of the Indians under the jurisdiction of the Bureau of Indian Affairs.

In January of 1935, a statement of policy regarding acquisition of land for Indian use was issued. This statement reiterated that it was "desirable to acquire lands for Indian use which will improve their economy and welfare, and lessen relief costs."

These pronouncements make it clear that this land was intended for the use of the Indians. The question then is "How can the Indians best make use of this land?" It is my view, as well as that of the tribe and the Interior Department, that this can best be done by transferring this land in trust to the Stockbridge-Munsee Indians.

This Stockbridge-Munsee submarginal land currently is much more important to the well-being of the tribe than the tribal land. For example, there are 152 Indians residing on submarginal land while 92 live on tribal land. According to the Interior Department, approximately 40 homes have been built on submarginal land. During fiscal year 1969, $17,010 was realized from the sale of submarginal land timber compared with a mere $60 from the sale of tribal land timber. Finally, the average family income of the submarginal land residents is $4,000 compared to $3,500 for the tribal land families.

The fact that the Stockbridge-Munsee Tribe depends heavily on this submarginal land, which covers almost six times as much acreage as the tribal land, makes it clear that these two tracts must be coordinated, planned, and developed under the same management. In fact, the development and real estate plans submitted by the Stockbridge-Munsee Indians are based on the assumption and hope of receiving these 13,077 acres in trust.

According to the real estate planning report of the Stockbridge-Munsee Reservation:

> The development of lands (sub-marginal as well as tribal) is dependent upon getting the lands under one ownership for efficient management purposes.

This plan includes the creation of a five site commercial development, the cultivation of acreage for farming, and the establishment of a community recreation area which would include swimming and wading facilities as well as a unique recreational area to be developed commercially to benefit the tribe. The report goes on to say:

> The development of the recreation area would be after land ownership is consolidated in the areas involved.

This report concludes that:

> There is sufficient acreage, considering the tribal, FSA land and the private lands within strategic areas for a commercial recreation center and to provide for the present and anticipated future needs of the Indian people for year-around and seasonal homesites. Also, timber production . . . is a compatible use.

It is important to note that one of the objections frequently interposed to tribal acquisitions of submarginal land is that the mineral value of the land is extremely high. This is not true of the land under consideration today. As the real estate planning report makes clear, there are no known mineral leases on either submarginal or reservation land. The only minerals of any value are a few gravel and sand deposits scattered throughout the reservation and submarginal lands. A GAO report also came to this conclusion. Thus, neither the State nor the Federal Government stands to lose substantial mineral values by this transfer.

Mr. ALLOTT. Mr. President, I yield myself such time as I may require.

(The remarks that Mr. Allott made at this point on the introduction of S. 3688, dealing with Indian submarginal lands, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

Mr. ALLOTT. Mr. President, the following is a quotation from the 1962 Report of the Comptroller General on 18 of the 19 submarginal land tracts, including those to which S. 277 relates when an omnibus bill for all tribes was before both the Senate and the House:

> The submarginal land proposed for conveyance to Indian tribes by Senate bill 1925, Senate bill 2183, and House bill 3534 was acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the act of August 24, 1935 (49 Stat. 750, 781).
>
> The general purpose for acquiring this land was to retire it from private ownership and to correct maladjustments in land use. This land was originally under the jurisdiction of the Secretary of Agriculture. However, inasmuch as it was found to be largely contiguous to existing Indian reservations, it was placed under the jurisdiction of the Secretary of the Interior by Executive Order 7868 dated April 15, 1938 (3 Fed. Reg. 767), and by Executive Order 8473 dated July 8, 1940 (5 Fed. Reg. 2520).

The term "submarginal," as used to describe the land proposed for conveyance, is for the most part a misnomer. Generally, the submarginal land is equal in quality to contiguous land at each of the 18 locations and most of it has been gainfully utilized for such productive activities as forestry, grazing, and farming.

Senate bill 1925, Senate bill 2183, and House bill 3534 would donate, in a trust status, the submarginal land to the stated Indian tribes and groups, thereby, in effect, providing for the Department of the Interior, as trustee, to administer and manage the land for the benefit of the tribes. Senate bill 2183 and House bill 3534 would reserve the right of the United States to use for military purposes that part of the submarginal land which is within the Ellsworth Air Force Range (Pine Ridge Reservation). However, the latter bills do not specifically state whether the United States would be required to pay the tribe for such right.

NEED AND USE FOR SUBMARGINAL LAND NOT ADEQUATELY JUSTIFIED

Inasmuch as most of the tribes have not developed adequate land-use plans, there is little evidence to show that the submarginal land would be better utilized if placed in tribal ownership. Officials of most tribes indicated that, if the submarginal land was conveyed to the tribes, they would continue to lease such land to Indians and non-Indians. Therefore, the only benefit that most of the tribes would derive from the transfer in trust of such land would be a relatively small addition of income to the tribes while the Bureau, as trustee, would continue to have administrative responsibility for managing the land and the income derived therefrom. Further, the tribes have not, apparently, encouraged individual Indians to lease and develop submarginal land; our review disclosed that the tribes had leased the greatest portion of submarignal land to non-Indians. (See p. 23.)

We believe that an adequate plan for tribal use of the land would be one in which the land is to be used for a tribal enterprise to provide employment or training for its members, housing for needy Indians, or homesites for unemployable or marginally employable adult members of the tribe. Therefore, the Committees may wish to consider that submarginal land should not be transferred to the tribes unless they contemplate a use for the land that is incorporated in an over-all constructive program to aid individual members of the tribe and to accomplish the ultimate objective of terminating Federal supervision over the recipient tribes.

"FINANCIAL RESOURCES OF THE TRIBES AND INCOME FROM SUBMARGINAL LAND

"We believe that, in determining whether the submarginal land should be provided to the tribes without cost, consideration should be given to (1) the ability of the tribes to finance the cost of the land, (2) the amount of income to be derived from the land, (3) whether the Federal Government has reimbursed or will reimburse the tribe for tribal lands taken for dams and reservoirs and for related damages, and (4) how the submarginal land will be used by the tribe.

"FINANCIAL RESOURCES OF THE TRIBES AND GROUPS

"The financial records and statements made available to us by Bureau and tribal officials disclosed that of the 18 tribes and groups, 8 had net worths in excess of a million dollars, 4 had net worths ranging from $100,000 to $296,000, 3 had net worths ranging from $8,257 to $95,876, and 1 had no assets or liabilities. The net worths of two tribes were not determinable from the information we obtained. The following table summarizes the financial position of each tribe and group as of June 30, 1961, or as otherwise noted.

"ALTERNATE METHOD OF DISTRIBUTING INCOME

"If the Congress intends that funds derived from submarginal lands should be used for the benefit of Indians, consideration should be given to the needs and justification for Federal assistance of all Indians under the responsibility of the Federal Government and to the desirability of distributing income collected from such land by means of appropriations. This procedure would preserve the congressional controls inherent in the appropriation processes and distribute Federal funds for the benefit of Indians on the basis of realistic requirements rather than on the coincidental location of valuable Federal lands.

"ADVANTAGES OF TRANSFERRING TITLE IN FEE RATHER THAN IN TRUST STATUS

"The proposed legislation provides that the submarginal land to be conveyed to the tribes is to be held by the United States in trust. Because the land would be transferred in trust status as opposed to a transfer in fee title, the Federal Government would continue to be responsible for administration of the land and income earned therefrom and the land would not be subject to local real estate taxes as are other privately owned lands. Conversely, if the land is transferred in fee title, it would serve to prepare the tribes for eventual withdrawal of Federal supervision because the tribes would gain experience in managing their own affairs and would be required to bear the related share of civic obligations and responsibilities."

Mr. President, the reason for these remarks on S. 722 are as follows:

As I have stated in introducing S. 3688, today, there are 19 submarginal tracts, divided into nine different States and consisting of some 403,000 acres. On page 23 of the report, in the footnotes, we have statements by lawyers for various Indian tribes who say specifically that they do not claim that the Indians have a legal right to this land. The most they can say is that they might have a moral right to retain it.

I have had the legislation which served as authority for the acquisition of the lands—which, by the way, is attached as an exhibit to the minority views in the report—examined thoroughly; and I find nothing in the authorizing legislation nor the appropriations which would indicate that there ever was an attempt or an intent by Congress to return this land to the Indians. This is also what GAO said and the Library of Congress has affirmed it. Everything which consists of a so-called moral right has consisted of exchanges of letters between officials in the administrations at various times and the Indians themselves and other executive branch documents but nowhere through the long history of this matter, since it first came up, has Congress ever, by any legislation, signified its intent to act upon this matter and donate these lands to the Indians:

I should like to refer to a short portion of the report, pages 34 and 35:

On November 18, 1970, Senators Allott and Jackson in accordance with their agreement as to bills transmitted by the Administration, introduced S. 4511 to transfer the submarginal lands of the White Earth Reservation. Earlier, Senator Nelson introduced a bill apparently as a result of the impending Administration transmittal. It pertained to the Stockbridge Munsee.

That is the bill we have here.

As later developed, these were only the first of the bills on *all* 19 tracts which the Dept. of the Interior had determined to attempt to submit to Congress.

When the two submarginal lands bills were submitted in the 92nd Congress by the Administration, they were introduced by Senators Allott and Jackson as S. 1217 (White Earth) and S. 1230 (Stockbridge Munsee) on March 12, 1970. Senator Nelson had already introduced S. 722 for the Stockbridge Munsee on February 10, 1971.

Only *six days* had passed since introduction of the Administration bills. . . .

When this bill was called up for hearing.

In so doing and in ordering one of those bills reported this year, the leadership of this committee broke with the two-pronged principle they had laid down twenty-nine years before and to which they had adhered ever since for reasons they presumably believed were valid.

The action of the majority appears to have been in reaction to the innovative Message to Congress on Indian Affairs by President Nixon on July 8, 1970, and the ensuing proposed legislation which was submitted by the Administration to carry out its Indian affairs legislative program. We note that when the hearings on S. 1217 and S. 1230 were announced, three non-administration bills had already been introduced in the 92nd Congress for the Bad River Band, the LaCourte Oreilles and the Standing Rock Sioux, but the hearings were not scheduled on them, only on the two administration bills.

Regardless of the reasons for the apparent reflex response of the leadership of the committee, at the March 31, 1971, Executive Session, consistent with its long-established policy, the committee voted *unanimously* to seek to have the 1962 GAO Report updated in its entirety so that it would have current data on all 19 tribes which desire these submarginal lands and which (after 32 years since the first bill) would permit this committee to consider *all* tracts for final disposition.

The minority Members foresaw omnibus legislation and I assure the Senators who have spoken that if the leadership had produced that updated report in accordance with the unanimous directive of the entire committee we would have done everything in our power to see that the reported bill gave each one of the 19 tribes equal treatment. That, as the Senators know, could have been done quite easily by ordering a substitute bill, for all 19 tribes, reported.

Well, Mr. President, to boil this all down as a result of an agreement of which we were only advised last month, after waiting for months, the GAO finally reported back with respect to two tribes. We did not set the current status report on all 19 tribes which was ordered 15 months ago. For this reason, we have introduced today the legislation S. 3688. My comments there on behalf of all the minority members of the Senate Interior and Insular Affairs Committee are pertinent to this discussion. We believe it is a basic mistake for Congress to consider this one bill at this time. We believe, as others concede, it may be years before the other tribes' requests are considered and even then they may not get similar treatment. This is unfair and discriminatory. By acting favorably on S. 722, the Senate will accede to only a token recognition of a problem which it should resolve in its entirety.

It seems to me that having 33 years of history of not doing anything about this, and having the GAO in effect refusing to report to the committee on all the 19 bills, we are in effect acting in the dark here, because no matter what the report says, no matter what kind of legislative history we attempt to make on the floor of the Senate, we are, in fact, by passing this bill, establishing a precedent that will have to be followed on all 19 of those parcels of land.

I want to make it very, very clear to every Senator in this Chamber that never before has Congress acted favorably on a bill the sole purpose of which was to donate only submarginal lands to the Indians. The minority views we have filed detail this very clearly. From a reading of those views it can be seen that the Seminole Indian bill and the two New Mexico bills are distinctly different.

That briefly is the situation. While I realize that there is no danger of the bill not being passed this afternoon, I did feel that, in pursuance of what I believe to be commonsense and the equitable approach, commensurate with the commitment with the Committee on Interior and Insular Affairs, these statements had to be made and we should remind ourselves that the decisions we have made consistently affirmed over the years, ordinarily are premised upon a sound base and should not be lightly overturned. In this situation, the committee decided years ago it should have a full and complete study and then act for all tribes together. This apparently has been the excuse for the 33-year refusal to act. Now that we are going to finally act, it should be for all, not just a favored single tribe. I think, Mr. President, for the moment at least, and perhaps for the remainder of the afternoon, that may be all I shall have to say about this matter.

Mr. METCALF. Mr. President, several of the bills included in the compilation of bills introduced in prior Congresses to convey submarginal lands to tribal groups, were undoubtedly sponsored by me. My bills related to submarginal lands near Indian reservations in Montana where the issues are more involved, but I will agree that the questions involved are more complex than those in S. 722. None of my bills were approved by Congress.

This bill will not set a precedent on oil leases or mineral disposal rights. The committee tried to take care of that. The Senator from Colorado introduced an amendment in committee, which all of us supported, to provide that the Federal Government would retain mineral rights in the submarginal lands to be transferred to the tribal group as contemplated in the bill before us today.

I believe the Senator's amendment to reserve the minerals to the United States is valid. I question whether there are any minerals to be considered at Stockbridge-Munsee, but when we move to consider similar legislation for tribal groups in Montana and other Western States the question of mineral rights will present serious problems for the Congress. So we are not setting any precedent or plowing any new ground today. We have already given the Seminole Indians of Florida and the New Mexico Pueblos these lands. Today, by introducing his omnibus bill, the Senator from Colorado has underscored what the Federal Government must do in order to convey the remainder of the submarginal lands to the various tribal groups who are concerned with the disposition of such lands.

So let us pass this bill, which does not have the problems or any of the complexities that are in some of the other 19, and then move forward on the proposal that the Senator from Colorado has proposed.

Mr. HUMPHREY. Mr. President, may I say that I am very happy to support the measure that the Senator from Wisconsin (Mr. NELSON) and the Senator from Montana (Mr. METCALF) are so actively forwarding and supporting here today.

Mr. METCALF. Mr. President, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, so that the record will be clear on this point, the Stockbridge-Munsee bill authorizing the transfer of Farm Security Administration lands held in trust to be made part of that reservation, I believe, was introduced first by me in 1963.

So, the issue has been pending before the Committee on Interior and Insular Affairs now for almost 9 years. Seven of those years I was on the committee myself. I do not quarrel with the idea of taking up all of these FSA lands in one bill as proposed by the distinguished Senator from Colorado.

I do not know all the complications involved in each of those parcels. And that may be a very good way to do it.

However, this particular proposal involving the Stockbridge-Munsee Indians has no complications involved in it at all. It involves 13,000-plus acres. It has been administered by the Department of the Interior for the benefit of the Stockbridge-Munsee Indians for 34 years, ever since 1938.

The Federal Government paid $69,000-plus for the land. It has now recovered through the sales of stumpage fees and gravel $92,000.

So, the Federal Government has gotten back all of the money it put in plus an additional $23,000. There are no mineral rights problems involved in these submarginal lands.

The administration recommended that these bills be taken up on an individual basis, case by case. And the administration made a proposal to transfer those lands that is practically identical to the one I have been introducing for the last 9 years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. METCALF. Mr. President, I yield an additional minute to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for an additional minute.

Mr. NELSON. Mr. President, the General Accounting Office has taken the position that it is much more manageable and feasible to handle each of these parcels on a case-by-case basis. So, I think that as to this particular bill the transfer ought to be made as it has been made on three previous occasions, by an act of Congress transferring the submarginal land to a particular Indian reservation.

Mr. President, as to the question of the balance of the bills, I certainly have no objection to taking them all up in one bill if it is feasible to do so. However, that might hold up this bill and deprive the Stockbridge-Munsee Indians of rights that they have been entitled to for over 30 years. It might hold it up for another 2, 3, 4, or 5 years, because I do not know what agreement could be reached on taking up all of these parcels at one time.

Mr. ALLOTT. Mr. President, I yield myself such time as I shall need.

First, the 2 to 5 year leadtime for the Stockbridge-Munsee, just referred to, is part of the inequity in proceeding only on S. 722. The other part, of course is the question of what type of treatment bills in future Congresses might provide. They, based on the history, could require the Indians to pay for the lands, give them to non-Indians, give non-Indians rights to use the lands. Previous instances where Congress has done this are set out in our minority views.

I want to point out that we set ourselves in a tenible bind in passing precedent setting legislation. Then we try to write a provision into the bill to say that it is not a precedent. Several precedents are being made, in my opinion, in this bill.

I just want to make the record straight. For example, on page 20 of the committee report, Mr. Sonosky, an attorney for some of the tribes and a leader in the drive for submarginal lands legislation is quoted. He made the following statement in 1970:

> Only a unified effort will work . . . since no single tribe will be able to succeed because the Committees won't let one bill pass which will serve as a precedent for the others. So that no matter how appealing the *Stockbridge*, or Burns Paiute case is, *it will rest with all the others.*

He, I submit, is correct, this is a precedent setting bill and there is no reason why we should not have given attention to all the tribes. We initiated this effort 15 months ago, but there was no follow-up.

Mr. President, I refer now specifically to the footnotes on page 23 of the committee report particularly to the statement by Mr. Arthur Lazarus, Jr., attorney for the Oglala Sioux Tribe, one of the 19. He said:

> I am making no argument that this land belongs to the Indians as a matter of law. It does not. It belongs to the United States.

So, Mr. President, by donating similar lands to the Stockbridge-Munsee, it seems to me that we are making a precedent and setting a precedent here in other instances, and I do not see how we can avoid the precedent we are setting here this afternoon in future cases.

In conclusion I wish to say that in the

consideration of future transfers I hope they will be considered en bloc because there is one principle involved here, and that principle is giving to the Indians, the respective Indian tribes, land which was purchased with Federal funds from the Treasury of the United States from people to whom they had sold, or otherwise conveyed the land. That is the issue in all 19 instances. So we are setting a precedent here and I do not see how the Senators are going to be able to argue that those tribes with more valuable lands should not receive them.

I hope that in the consideration of these cases that some study might be made of the minority views in this particular case, for which I am very indebted to Mr. Tom Nelson, a member of the minority staff of the Committee on Interior and Insular Affairs, because of the deep research he has done on these bills, and it should be the guide for the action we take in subsequent bills.

I hope my friends on the other side will persist with me in getting a report out of the GAO for all 19, or 18 tribes so that we can get and dispose of all these matters at the earliest possible time. It only took GAO a little over 6 months to compile the 1962 report and it should have been able to update it in the 15-month period which followed the committee's March 31, 1971, directive.

I am reminded of one thing. This question has been around a long time. There was an omnibus bill introduced in 1939 which passed the House and the Senate did not act upon it. The Senate has never acted on a bill such as S. 722 up to the present time.

I am ready to yield back the remainder of my time.

Mr. METCALF. I am ready to yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 722) was passed.

The title was amended, so as to read: "A bill to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge-Munsee Indian Community, Wisconsin."

Mr. NELSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. METCALF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

(The remarks that Mr. HUMPHREY made at this point on the introduction of S. 3689, S. 3690, and S. 3691 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. FOUNTAIN, Mr. FASCELL, Mr. MAILLIARD, Mr. FRELINGHUYSEN, Mr. BROOMFIELD, and Mr. THOMSON of Wisconsin were appointed managers on the part of the House at the conference.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. SPONG). Under the previous order, the Chair lays before the Senate S. 3390, a bill to amend the Foreign Assistance Act of 1961, and for other purposes. The bill will be stated by title.

The bill was read by title as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Foreign Assistance Act of 1972".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 2. Section 234(c) of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended by striking out "(1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation" and inserting in lieu thereof "(1) in its financing programs, acquire debt securities convertible to stock or rights to acquire stock, but such debt securities or rights shall not be converted to stock while held by the Corporation".

REFUGEE RELIEF ASSISTANCE

SEC. 3. Section 491 of the Foreign Assistance Act of 1961, relating to refugee relief assistance, is amended by striking out "1972" and "$250,000,000" and inserting in lieu thereof "1973" and "$50,000,000", respectively.

MILITARY ASSISTANCE

SEC. 4. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(1) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$600,000,000 for the fiscal year 1973".

(2) In section 506(a), relating to special authority, strike out "1972" wherever it appears and insert in lieu thereof "1973".

(3) In section 513, relating to military assistance authorizations for Thailand—

(A) insert in the section caption immediately after "Thailand", a comma and the following: "Laos, and South Vietnam"; and

(B) add at the end thereof the following new sentence: "After June 30, 1973, no military assistance shall be furnished by the United States to Laos or South Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act."

(4) (A) In section 514(a)(1), relating to special foreign country accounts, strike out "10" wherever it appears and insert in lieu thereof "25".

(B) The amendment made by subparagraph (A) of this paragraph is effective July 1, 1972.

(5) At the end of such chapter 2, add the following new section:

"SEC. 515. LIMITATIONS ON AVAILABILITY OF FUNDS FOR MILITARY OPERATIONS.—(a) No funds authorized or appropriated under any provision of law shall be made available by any means by any officer, employee, or agency of the United States Government for the purpose of financing any military operations by foreign forces in Laos, North Vietnam, or Thailand outside the borders of the country of the government or person receiving such funds unless Congress has specifically authorized or specifically authorizes the making of funds available for such purpose and designates the area where military operations financed by such funds may be undertaken outside such borders.

"(b) Upon requesting Congress to make any such authorization, the President shall provide to Congress a copy of any agreement proposed to be entered into with any such government or person and the complete details of the proposed military operation. Upon such authorization by Congress, the President shall provide a copy of any such agreement and thereafter of all plans and details of such operation."

SECURITY SUPPORTING ASSISTANCE

SEC. 5. Section 532 of the Foreign Assistance Act of 1961, relating to authorization for security supporting assistance, is amended by striking out "1972" and "$618,000,000" and inserting in lieu thereof "1973" and "$650,000,000," respectively.

TRANSFER BETWEEN ACCOUNTS

SEC. 6. Section 610(a) of the Foreign Assistance Act of 1961, relating to transfer between accounts, is amended—

(1) by inserting immediately after "except that" the designation "(1)"; and

(2) by inserting before the period at the end thereof a comma and the following: "and (2) no funds made available for any provision of part I of this Act may be transferred to, or consolidated with, funds made available for any provision of part II of this Act (including chapter 4 of such part II)".

PROHIBITION AGAINST FURNISHING ASSISTANCE

SEC. 7. Section 620 of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:

"(x) No assistance may be furnished under part II of this Act (including chapter 4 of such part), and no sale, credit sale, or guaranty with respect to defense articles or defense services may be made under the Foreign Military Sales Act, to, for, on behalf of the Governments of Pakistan, India (including Sikkim), Bangladesh, Nepal, Ceylon, the Maldive Islands, or Bhutan."

ALLOCATION AND REIMBURSEMENT AMONG AGENCIES

SEC. 8. Subsection (a) of section 632 of the Foreign Assistance Act of 1961, relating to allocation and reimbursement among agencies, is repealed.

LIMITATIONS ON CAMBODIAN ASSISTANCE

SEC. 9. Section 655 of the Foreign Assistance Act of 1961, relating to limitations upon assistance to or for Cambodia, is amended—

(1) by striking out "$341,000,000" and "1972", wherever they appear in subsections (a) and (b) and inserting in lieu thereof "$275,000,000" and "1973", respectively; and

(2) by inserting in subsection (g), after "section", a comma and the following: "or any amendment thereto,".

FOREIGN MILITARY SALES

SEC. 10. The Foreign Military Sales Act is amended as follows:

(1) In section 31(a), relating to authorization, strike out "1972" and insert in lieu thereof "1973".

(2) In section 31(b), relating to aggregate ceiling on foreign military sales credits, strike out "1972" and insert in lieu thereof "1973".

EXCESS DEFENSE ARTICLES

SEC. 11. Section 8(b) of the Act entitled "An Act to amend the Foreign Military Sales Act, and for other purposes", approved January 12, 1971, as amended, is amended by striking out "$185,000,000" and inserting in lieu thereof "$150,000,000".

HOSTILITIES IN INDOCHINA

Sec. 12. (a) Notwithstanding any provision of this or any other Act, all United States military forces, including combat and support forces, stationed in South Vietnam, shall be withdrawn in a safe and orderly manner from South Vietnam no later than August 31, 1972. No funds shall be authorized, appropriated, or used for the purpose of maintaining any United States military forces, including combat and support forces in South Vietnam after August 31, 1972.

(b) The involvement of United States military forces, land, sea, or air for the purpose of maintaining, supporting, or engaging in hostilities in or over Indochina shall terminate after—

(1) an agreement for a verified cease-fire between United States Forces and the National Liberation Front and those allied with the National Liberation Front, and

(2) the release of all United States prisoners of war held by the Government of North Vietnam and forces allied with such Government, and

(3) an accounting for all Americans missing in action who have been held by or known to such Government of such forces. An accounting for such American personnel referred to above shall be subject to verification by the International Red Cross or any other international body mutually agreed to by the President of the United States and the Government of North Vietnam.

AZORES AND BAHRAIN AGREEMENTS

SEC. 13. Commencing thirty days after the date of enactment of this Act, no funds may be obligated or expended to carry out the agreements signed by the United States with Portugal and Bahrain, relating to the use by the United States of military bases in the Azores and Bahrain, until the agreement, with respect to which the obligation or expenditure is to be made, is submitted to the Senate as a treaty for its advice and consent.

PROHIBITING OBLIGATION OR EXPENDITURE OF FUNDS FOR CERTAIN AGREEMENTS TO WHICH THE SENATE HAS NOT GIVEN ITS ADVICE AND CONSENT

SEC. 14. No funds may be obligated or expended to carry out any agreement entered into, on or after the date of enactment of this Act, between the United States Government and the government of any foreign country (1) providing for the establishment of a military installation in that country at which combat units of the Armed Forces of the United States are to be assigned to duty, (2) revising or extending the provisions of any such agreement, or (3) providing for the storage of nuclear weapons or the renewal of agreements relating to such storage, unless such agreement is submitted to the Senate for its advice and consent and unless the Senate gives its advice and consent to such agreement. Nothing in this section shall be construed as authorizing the President to enter into any agreement relating to any other matter, with or without the advice and consent of the Senate.

AUTHORITY FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to file reports until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TUNNEY AND SENATOR ROBERT C. BYRD ON MONDAY, JUNE 12, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, immediately after the two leaders have been recognized under the standing order, the distinguished junior Senator from California (Mr. Tunney) be recognized for not to exceed 15 minutes, and that he be followed by the junior Senator from West Virginia (Mr. Robert C. Byrd) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum shall be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—BILL ADJUSTING RATES OF PAY FOR GOVERNMENT EMPLOYEES—H.R. 9092

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 9092, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, is called up and made the pending business before the Senate, there be a time limitation on debate as follows: Two hours on the bill, to be equally divided and controlled by the distinguished Senator from Hawaii (Mr. Fong) and the distinguished Senator from Wyoming (Mr. McGee); the time on any amendment, debatable motion, or appeal be limited to 30 minutes, to be equally divided between and controlled by the mover of such and the manager of the bill (Mr. McGee); provided further, that Senators in control of time on the bill may yield therefrom to Senators on any amendment, debatable motion, or appeal; provided further that if the manager of the bill should favor any amendment, debatable motion or appeal, then the time in opposition thereto would be under the control of the distinguished Republican leader or his designee; and provided finally, that no nongermane amendments may be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

LEAVE OF ABSENCE

Mr. GRIFFIN. Mr. President, the junior Senator from Kentucky (Mr. Cook) will be with the crew of Apollo 16 on Monday. I ask unanimous consent that he be granted leave of the Senate on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will meet at 11 a.m. After the two leaders have been recognized under the standing order, the distinguished junior Senator from California (Mr. Tunney) will be recognized for not to exceed 15 minutes, after which the junior Senator from West Virginia, now speaking, will be recognized for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of the period for the transaction of routine morning business, the Senate will resume consideration of S. 3390, the bill to amend the Foreign Assistance Act of 1961, and for other purposes.

At 2:30 p.m. the Senate will proceed to conduct three consecutive rollcall votes on the following treaties, and in the order stated: One, the International Plant Protection Convention; two, the Convention To Prevent and Punish Acts of Terrorism; three, the Treaty with Honduras on the Swan Islands.

Following the rollcall votes on the aforementioned treaties, the Senate will resume consideration of the Foreign Assistance Act.

So Senators are reminded that there will be at least three rollcall votes on Monday, these occurring back-to-back and beginning at 2:30 p.m.

Mr. President, as a postscript, may I say that the Senate will continue consideration of the Foreign Assistance Act on Tuesday through the remainder of next week or until such time as the bill is disposed of. The leadership, however, expects and hopes to operate, beginning with Tuesday, a two-track system where necessary.

I might add that Senators should be

alerted to the possibility of Saturday sessions beginning next week and continuing until the Democratic Convention, there is a very strong possibility of Saturday sessions until the Republican Convention.

There is much work to be done, so in order to get the work done and remaining "must" legislation enacted, it is highly likely that there will be long sessions and at least the possibility of some Saturday sessions.

I say this just so Senators may be on notice and may act accordingly.

ADJOURNMENT TO MONDAY, JUNE 12, 1972, AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. on Monday next.

The motion was agreed to; and at 5:32 p.m. the Senate adjourned until Monday, June 12, 1972, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 1972:

DIPLOMATIC AND FOREIGN SERVICE

W. Beverly Carter, Jr., of Pennsylvania, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

C. Robert Moore, of Washington, a Foreign Service Officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Cameroon.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 8, 1972:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

William A. Carey, of Illinois, to be General Counsel of the Equal Employment Opportunity Commission for a term of 4 years.

DEPARTMENT OF JUSTICE

Richard G. Kleindienst of Arizona to be Attorney General.

DEPARTMENT OF THE TREASURY

George P. Shultz, of Illinois, to be Secretary of the Treasury.

Charls E. Walker, of Connecticut, to be Deputy Secretary of the Treasury.

Edwin S. Cohen, of Virginia, to be Under Secretary of the Treasury.

John Michael Hennessy, of Massachusetts, to be an Assistant Secretary of the Treasury.

Lee H. Henkel, Jr., of Georgia, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service).

U.S. DISTRICT COURTS

Charles W. Joiner, of Michigan, to be a U.S. district judge for the eastern district of Michigan.

Albert W. Coffrin, of Vermont, to be a U.S. district judge for the district of Vermont.

HOUSE OF REPRESENTATIVES—*Thursday, June 8, 1972*

The House met at 12 o'clock noon.

Rev. John E. Howell, First Baptist Church, Washington, D.C., offered the following prayer:

Lord God, we need Your strength to persevere in the cause of good when we are bone tired from the struggle. We need Your courage when we are discouraged, Your patience and wisdom when our solutions do not match the magnitude and complexity of our problems.

We believe, Father, that You are personally interested in each of us and in our needs. We also believe You have a mission for each of us to fulfill in Your service and that of our fellows.

Grant to the Members of this House today a keen awareness of Your presence, power, and encouragement as they renew their work.

We ask this in the name of Him who most clearly revealed both Your expectations and Your mercy. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1736) entitled "An act to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2. An act to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1198. An act to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado;

S. 3442. An act to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes; and

S.J. Res. 206, Joint resolution relating to sudden infant death syndrome.

PERMISSION TO FILE REPORT ON INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending June 30, 1973, and for other purposes.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

PERMISSION TO FILE REPORT ON DEPARTMENT OF LABOR, HEW AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill for fiscal year 1973.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, being necessarily absent on official business, June 5, 1972, I missed rollcalls Nos. 185, 186, 187, 188, and 189. Had I been present and voting, I would have voted "yea" on each of the rollcalls.

THE EDUCATION AMENDMENTS CONFERENCE REPORT

(Mr. BADILLO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BADILLO. Mr. Speaker, it is tragic that the most sweeping program of aid to higher education is encumbered with antibusing amendments that strike at the authority of our courts and at basic constitutional principles.

The intent of the Broomfield amendment is clear. It is designed to halt 14th amendment school desegregation enforcement for up to 18 months—6 months longer even than President Nixon's proposed moratorium.

It is not enough to say the amendment is probably unconstitutional and will be struck down by the Court. We cannot take that chance. We are being asked to sacrifice a basic right of American schoolchildren for the financial aid authorized by this bill.

I say that the rights and freedoms fundamental to American life cannot be so compromised. I urge rejection of the conference report and a new start toward providing assistance to higher education.

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 194]

Abernethy
Abourezk
Anderson, Tenn.
Barrett
Blatnik
Burton
Cabell
Carney
Chappell
Chisholm
Clark
Clawson, Del
Colmer
Conyers
Curlin
Danielson
Davis, Ga.
Denholm
Derwinski
Diggs
Dowdy
Dwyer
Eshleman
Ford, William D.
Gallagher
Gray
Griffiths
Gude
Halpern
Holifield
Howard
Kee
Kyros
Lujan
McClory
McEwen
McMillan
Macdonald, Mass.
Martin
Metcalfe
Miller, Calif.
Mitchell
Moorhead
Moss
Passman
Patman
Pelly
Poff
Price, Tex.
Pryor, Ark.
Rees
Robinson, Va.
Rooney, N.Y.
Rosenthal
Rousselot
Scheuer
Springer
Teague, Calif.
Teague, Tex.
Terry
Wilson, Bob
Yatron

The SPEAKER. On this rollcall 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 2, UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2), to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and appoints the following conferees: Messrs. HÉBERT, PRICE of Illinois, FISHER, BENNETT, ARENDS, BRAY, and HALL.

CONFERENCE REPORT ON S. 659, EDUCATION AMENDMENTS OF 1972

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related acts, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. WAGGONNER. Mr. Speaker, I object. I have two points of order against the conference report.

The SPEAKER. The Clerk will read the report.

Mr. PERKINS. Mr. Speaker, let me first state that the gentleman can make these points of order, and without reading the entire report.

Mr. GROSS. Mr. Speaker, I insist upon the regular order.

The SPEAKER. Regular order is demanded.

The Clerk will read the conference report.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that 1 additional hour of debate on the conference report be provided and that the time be equally divided between the gentleman from Minnesota (Mr. QUIE), the ranking minority member, and me.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. CLAY. Mr. Speaker, reserving the right to object, I represent 30 Members of this House who are opposed to the legislation. I think we have a unique position that perhaps might differ from the position of others who are opposed. For that reason, I would like to ascertain or seek from the chairman a statement as to whether he might amend his unanimous-consent request to allow that our positions be adequately articulated on the floor of this House, and I am asking him to amend his unanimous-consent agreement to allow us 30 minutes of the time which I will control.

Mr. PERKINS. Let me say to my distinguished colleague that will be impossible. We already have nine requests for time. We have four members of the committee that are on this conference who have requested time, and we have not been able to give any of them time.

Mr. CLAY. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. PUCINSKI. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PUCINSKI. Mr. Speaker, is it in order under the rules of the House to move that an additional hour be afforded for this discussion?

The SPEAKER. It requires unanimous consent.

Mr. PERKINS. Mr. Speaker, let me make another unanimous-consent request. I ask unanimous consent that we try, in order to accommodate many members on the committee and give people representation, that the time be extended for at least an additional 30 minutes to be controlled by myself and the ranking minority Member. If we only get a half hour's time, I do not see where anyone—and toward accommodating the committee—and I have committed myself to the gentleman from Louisiana (Mr. WAGGONNER)—could be recognized for more than 5 minutes, even with an hour and a half.

If we do not get an hour and a half, I do not see how we are going to be able to recognize Members.

The SPEAKER. Is the gentleman making a unanimous-consent request?

Mr. PERKINS. Mr. Speaker, I am making a unanimous-consent request that we have at least one hour and a half.

The SPEAKER. One hour and a half, the time to be equally divided.

Is there objection to the request of the gentleman from Kentucky?

Mr. CLAY. Mr. Speaker, reserving the right to object, I should like to ask the chairman if he can assure us we will be given at least 15 minutes of that time to express our opinion?

Mr. PERKINS. Let me say to my distinguished colleague that that would be impossible. I will assure you that your views will be adequately represented—I would not want to make any commitment beyond that. But unless we have the hour and a half the time is going to have to be cut even below the 5 minutes.

The point I want to make here, is that there were so many members of this conference committee. We have so many Members who want to speak, and so many members on the committee, that they will not be able to speak even with the hour and a half.

Mr. CLAY. Mr. Speaker, reserving the right to object, are you saying, Mr. Chairman, in dispensing the time that you will be fair and equitable and that our point of view will be permitted to be expressed on this floor?

Mr. PERKINS. I am saying that you will have an opportunity to express your point of view on the floor.

Mr. CLAY. Mr. Speaker, I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, further reserving the right to object, I wonder what special group is being talked about by the Member who is asking for an unusual distribution of time. What group is he talking about?

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I understood the chairman to say that every Member would be protected to the best of his ability, to present his views. This was why I was hopeful we could renew the gentleman's request for 2 hours.

Mr. GROSS. I understood there were 30 Members of this group. I thought we were all one group in the House, but I am advised by the request that there is another and special group among us.

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. CLAY. I think your question referred to the statement I made about 30 members whom I represent.

Mr. GROSS. Yes.

Mr. CLAY. For your information, they are the good guys who wear the white hats.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Kentucky yield?

The SPEAKER. The gentleman from Iowa has the time under a reservation of objection.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Iowa yield?

Mr. GROSS. Yes; if the gentleman can explain what the good guys in the white hats may mean.

Mr. GERALD R. FORD. I should like to say at the outset, I favor a 2-hour period. I do not understand how we help to alleviate the problem by cutting back to an hour and a half. It seems to me that 2 hours would give more Members an opportunity to explain their views.

I would strongly urge the gentleman from Missouri to withhold his objection. That obviously will give us more time for more people to explain their position on this important occasion.

Mr. GROSS. I will tell the gentleman, that the gentleman from Missouri has withheld an objection to an hour and 30 minutes, but he did not withhold his objection to 2 hours.

Mr. PERKINS. The gentleman objected to 2 hours before I made the other request.

Mr. GROSS. I happen to believe that, as a Member of the minority of the minority of the House, that minority of the minority should have equal consideration if there is to be additional time. We are not necessarily good guys in white hats, green hats, or any other kind of hats. If there is to be distribution of time in this fashion I would like to make an application on the part of the minority of the minority.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, I address my remarks now to the chairman of the full committee.

In view of the fact that this is one of the most controversial pieces of legislation so far as conference reports are concerned that have come to this House during this session, I think that the gentleman was wrong in requesting only 2 hours. I think he should have requested 3 hours and given everybody who wants to talk the opportunity to do so. I would sincerely hope he will ask for at least 3 hours to give people an opportunity to express their views.

Mr. PERKINS. Let me say to my distinguished colleague from Pennsylvania that the gentleman from Missouri objected to 2 hours, and then I made a unanimous-consent request for one and a half hours.

Mr. SAYLOR. I realize that, but, in other words, you did not solve the problem that the gentleman from Missouri was seeking to solve, and that is to give his group of Members time or to give all Members of the House time to present their views on this piece of legislation.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. THOMPSON of Georgia. I would like to state that I intend to object to anything less than 2 hours. I think we should have 3 hours, and if we are not going to have at least 2, I object to an hour and a half.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. PUCINSKI. Will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

The SPEAKER. There is nothing pending under which anyone can yield to anyone.

Mr. SAYLOR. Mr. Speaker, I withdraw my reservation of objection.

Mr. THOMPSON of Georgia. Mr. Speaker, reserving the right to object, I object to a one and a half hour time limit for the simple reason that, if we are going to discuss an issue that is one of the most pressing and critical in this Nation, we need at least 3 hours, but I would not object to anything over 2 hours. However, I object to one and a half hours.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield on his reservation?

Mr. THOMPSON of Georgia. I yield to the gentleman.

Mr. WAGGONNER. To whom does the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I would simply like to say to the gentleman from Georgia that in objecting to one and a half hours he has accomplished the same thing that the gentleman from Missouri has accomplished by objecting to 2 hours. He has further restricted the right to talk about this bill on the merits of the conference report.

Mr. THOMPSON of Georgia. One and a half hours does not give us ample time. One hour does not give us ample time.

Mr. WAGGONNER. Will the gentleman yield further?

Mr. THOMPSON of Georgia. I have to object to anything under 2 hours.

Mr. WAGGONNER. Will the gentleman yield further?

Mr. THOMPSON of Georgia. Yes. I yield to the gentleman.

Mr. WAGGONNER. The gentleman will certainly agree one and a half hours is better than an hour; will he not?

Mr. THOMPSON of Georgia. It still does not give adequate time, and we should give adequate time on this matter. I will not object if the chairman would restate his request for anything over 2 hours. I do object to one and a half hours.

The SPEAKER. Objection is heard. The Clerk will read.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Is the Clerk now to read the conference report or is he to read the statement of the managers?

The SPEAKER. The Clerk is reading the conference report.

Objection was made to the reading of the statement.

Mr. WAGGONNER. Then I am protected to offer my two points of order at the completion of the reading or dispensing of the reading of the conference report before any consideration or reading of the statement of the managers. Is that correct?

The SPEAKER. The gentleman is correct.

Is the gentleman from Kentucky seeking further recognition?

Mr. PERKINS. Nothing except to oppose a point of order.

I ask unanimous consent that the reading of the statement of the managers be dispensed with.

Mr. WAGGONNER. I object, Mr. Speaker.

The SPEAKER. The gentleman can ask unanimous consent that the reading of the report be dispensed with. Does the gentleman desire to make a unanimous-consent request to that effect?

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. WAGGONNER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The Chair will state to the gentleman from Kentucky that the gentleman could ask unanimous consent to dispense with the further reading of the conference report.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that further reading of the conference report be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

POINTS OF ORDER

Mr. WAGGONNER. Mr. Speaker, I have two points of order against consideration of the conference report which I make and insist upon prior to the reading of the statement of the managers.

The SPEAKER. The gentleman will state his point of order but prior to the gentleman doing so the Chair would ask if the gentleman is going to take up the points of order one at a time or is he going to have them both considered at once.

Mr. WAGGONNER. Mr. Speaker, I can state them one at a time or state both of them but I would prefer to state them one at a time.

The SPEAKER. The Chair would state to the gentleman from Louisiana that the Chair would prefer the gentleman would make both points of order at this time.

PARLIAMENTARY INQUIRIES

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Mr. Speaker, my parliamentary inquiry is this, if the gentleman from Louisiana states both points of order simultaneously, for consideration simultaneously, is the gentleman hindered in any way if one point of order should have merit and the other not have merit?

The SPEAKER. The Chair will state that the gentleman from Louisiana would not lose his right to have the Chair pass on both points of order.

Mr. WAGGONNER. A further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Mr. Speaker, it is my understanding then that the Chair will rule on the points of order separately?

The SPEAKER. The Chair will rule on all points of order.

Mr. WAGGONNER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Mr. Speaker, my parliamentary inquiry is this, will the Chair rule separately on all points of order?

The SPEAKER. The Chair will state that the Chair would like to hear the points of order first.

Mr. WAGGONNER. Mr. Speaker, I prefer to make the points of order separately.

The SPEAKER. The gentleman from Louisiana will state his first point of order.

Mr. WAGGONNER. Mr. Speaker, I make the point of order that the conference report on S. 659 does not comply with the rules and precedents of the House. House Resolution 661, the rule which governed the debate on H.R. 7248 provided in part that a point of order would lie against provisions in that bill that were properly under the jurisdiction of other committees.

Pursuant to this rule a point of order was made by the gentleman from Pennsylvania (Mr. GOODLING) against the language in title XII relative to the creation of land-grant colleges on Guam and the Virgin Islands. The Chair on that occasion sustained the point of order and title XII was stricken. It was later amended with proper language.

On November 4, 1971, the House passed H.R. 7248 and then in the usual manner substituted the language of the House bill for the language of S. 659.

On March 1, 1972, the Senate amended S. 659 with an amendment in the nature of a substitute for the House amendment in the nature of a substitute. Included in the text of this Senate amendment was language designating land-grant colleges on Guam and the Virgin Islands, language, Mr. Speaker, which had been earlier ruled out of order by you in the House.

The conferees have agreed to most of the Senate amendment.

The statement of the managers is as follows:

> The conference agreement retains the House provision with respect to endowment grants and the Senate conforming amendments relating to land grant status for such institutions. The Senate amendments are modified so as to provide an annual authorization in the Act equivalent with that provided under the Senate amendments.

Thus, it is clear, Mr. Speaker, that what the conferees did was to agree in conference to matter which had earlier been subject to a valid point of order in the House of Representatives.

Cannon's Precedents at page 136, citation of Speaker Mann of Illinois, February 15, 1921, illustrates the principle at hand here, and I quote:

> No part of order lies against a Senate amendment. And the rule has no application in that respect. The only effect of the rule in reference to Senate amendments is that the House conferees unless authorized by the House cannot agree in conference to Senate amendments which would have been subject to points of order in the House.

This is, of course, Mr. Speaker, the clear mandate of rule XXI, clauses 2 and 3.

It is also the clear philosophy of VII, 1571 which held that the Managers on the part of the House may not agree in conference to amendments in violation of clause 2 of rule XXI or to Senate amendments to legislative bills carrying appropriations unless authorized by a vote of the House.

Certainly, Mr. Speaker, to permit the House conferees to agree in conference to a Senate amendment, the language of which has or has been subject to a point of order, does violence to the orderly procedure in the House and I, therefore, make a point of order against section 506 of the conference report on the grounds that it includes specific language against which a point of order by the Chair and acting under the authority of House Resolution 61, the rule governing the original House debate on this legislation.

Mr. Speaker, I submit the point of order should prevail and the only way this conference report coming within the construction of these provisions of the House rules can be brought to this floor is to go to the Committee on Rules and get a rule from the Rules Committee waiving points of order.

Mr. Speaker, I insist upon the point of order.

The SPEAKER. Does the gentleman from Kentucky (Mr. PERKINS) desire to be heard on the point of order?

Mr. PERKINS. Yes, I do, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. PERKINS. Mr. Speaker, the precedent to which the distinguished gentleman from Louisiana referred was with reference to a peculiar situation. If the bill to which he had referred had been brought to the floor of the House under an ordinary rule, the point of order would not have been well taken. But it was brought to the House under a unique rule at that time.

Mr. Speaker, a point of order has been raised against section 506 of the conference report, conferring land-grant status on the College of the Virgin Islands and the University of Guam, as being in violation of the rules of the House of Representatives. This point of order should not be sustained.

The House amendment authorized a lump sum appropriation of $3 million for each institution, plus an annual appropriation of $450,000 for each for general operating expenses in lieu of land-grant status for the institution.

The Senate amendment provided for endowments and payment of operating expenses, but in slightly different form. Land-grant status was conferred on the two institutions, with a cash endowment in lieu of the receipts from the sale of land scrip, plus conforming amendments to other related legislation which is related to land-grant status.

The issue before the conferees, therefore, was not whether aid should be extended to the College of the Virgin Islands and the University of Guam, but only the form such aid should take.

The conferees adopted the Senate approach of conferring land-grant status on the two institutions instead of assistance in lieu of landgrant status, but limited the amount of the endowment payment to the House figure of $3 million. The Senate conforming amendments were modified to assure that the colleges' payments for general operating expenses did not exceed the amounts they would have received if they were located within the United States.

The provision reported by the conferees, therefore, represents a compromise between the provisions of both bills committed to conference. It certainly remains well within the scope of the issues presented to the conferees. That rule to which the distinguished gentleman from Louisiana referred applied only to the consideration of the bill during the House debate.

Mr. Speaker, the point of order should not be sustained.

It was a special and unique rule governing that debate only. It cannot be relied upon now. Again, I repeat, if the bill had been brought to the House under an ordinary rule instead of a special and unique rule at the time, the precedent to which the gentleman has referred would be of no avail.

The SPEAKER. Does the gentleman from Minnesota desire to be heard?

Mr. QUIE. Yes, Mr. Speaker, I would like to speak in opposition to the point of order.

Mr. Speaker, adding to what the gentleman from Kentucky has said—and I think the gentleman from Kentucky summed up the opposition to the point of order in a very excellent manner—I should like to read that portion of the rule that applied when the point of order was made on November 4, 1971. That part of the rule is as follows:

> And further, all titles, parts, or sections of the said substitute, the subject matter of which is properly within the jurisdiction of any other standing committee of the House of Representatives, shall be subject to a point of order for such reason if such point of order is properly raised during the consideration of H.R. 7248.

We have gone by that position. We have S. 659 before us, which has been agreed to in the conference report. We had in the bill H.R. 7248, when we sent it to the other body, the $3 million for the institutions of higher education, but we did not make them land-grant colleges. Since they were already set up in that way, the House accepted that portion of the Senate language which is within our jurisdiction, and under the rules, it seems to me, we have only the question of germaneness and cannot raise the rule under which we operated when H.R. 7248 was considered in the House.

Mr. WAGGONNER. Mr. Speaker, the gentleman from Minnesota says that the point of order should have been made during the consideration, and properly stated, of H.R. 7248. The point I make is exactly this: A point of order was made and was sustained during the consideration of H.R. 7248. The question is not whether or not there is an appropriation. The question still is whether or not this committee, having already been ruled against on a point of order during consideration of H.R. 7248, can now, by another device, bring back in this conference report legislation which designates these two institutions in Guam and the Virgin Islands as land-grant institutions. I submit that they cannot, except to follow the rules of the House, and that is now, inasmuch as the Senate amendment is not germane and the point of order has already been ruled on here in the House of Representatives, to obtain a rule from the House Committee on Rules waiving points of order.

The SPEAKER. The Chair is ready to rule. The gentleman from Louisiana makes a point of order that the conference report violates the rules and precedents of the House. Since the conference report on the bill S. 659 was filed some 2 weeks ago, the Chair has carefully scrutinized the agreements that were reached in conference to be sure that the managers have not violated the rules of the House with respect to conference reports. Obviously where, as here, the House amendment in the nature of a substitute and a Senate substitute therefor are both extensive and comprehensive legislative proposals, the task of writing a conference compromise is a difficult and painstaking task.

Several of the managers on the part of the House conferred with the Chair during the conference deliberations and stressed to the Chair that at every stage of their negotiations particular attention was being given to the rules governing conference procedure and the authority of the conferees.

Whenever a possible compromise infringed or even raised a question of the infringement of the rules of the House, the Chair was informed that the managers on the part of the House resolved that matter so there was no conflict with the provisions of rules XX or XXVIII.

The matter to which the gentleman from Louisiana referred was contained in title XI of the House amendment to the Senate bill. The Chair has examined the parts of the conference report to which the point of order is directed and the relevant portions of the statement of the managers. The Chair is satisfied that the managers have conformed to the rules of the House, and therefore overrules the point of order.

POINT OF ORDER

Mr. WAGGONNER. Mr. Speaker, I have another point of order.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Mr. Speaker, I make a point of order against section 704(a), the appropriation section of the emergency school-aid title of the conference report, report No. 92–1085.

I respectfully make the point of order, Mr. Speaker, that the conference committee has exceeded its authority. Section 1803(a) of the House-passed bill dealing with appropriations for emergency school aid authorized $1,500,000,000 for the next 2 fiscal years. In the Senate bill, in section 704(a) the Senate proposed the same amount of money, $1,500,000,000 for the first 2 fiscal years for emergency school aid.

Now, Mr. Speaker, as we know, section 3263, volume 8, of Cannon's Precedents of the House of Representatives states:

> Conferees may not go beyond the limits of the disagreements confided to them, and where the differences involve numbers, conferees are limited to the range between the highest figure proposed by one House and the lowest proposed by the other.

Each House, Mr. Speaker, dealing with this very specific subject, came to a very clear dollar figure for this authorization, $1,500,000,000. It is apparent, Mr. Speaker, that the conferees disregarded this. The conferees proposed an authorization for the first 2 years for emergency school aid of $2 billion, a half-billion dollars higher than proposed by either House of the Congress.

Notwithstanding the latitude allowed by general amendments, Mr. Speaker, I trust that no reasonable mind would carry that to encompass so clear an expression of the will of the two Houses as this specific dollar amount, and I trust that the Chair will agree that the conferees have in this instance exceeded the authority confided to them and will sustain the point of order.

The SPEAKER. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. PERKINS. Yes, Mr. Speaker.

The House amendment authorized the appropriations for the emergency school aid provisions of $500 million for fiscal year 1972, and $1 billion for the fiscal year 1973.

In contrast, the Senate amendment authorized $500 million for fiscal year 1973, and $1 billion for the fiscal year 1974.

The conference report authorizes the House amount for the fiscal year 1973, and the Senate amount for the fiscal year 1974.

The Precedents of the House are clear. The test is the total authorized amount in any single year, not the cumulative total. Therefore, the conference report does not violate the House Rules, and the point of order should be overruled.

Mr. WAGGONNER. Mr. Speaker, I desire to speak further to the point of order.

Mr. Speaker, section 3263, volume 8 of the Precedents of the House states again—and I want Members to listen—clearly:

> Conferees may not go beyond the limits of the disagreements confided to them, and where the differences involve numbers, conferees are limited to the range—

Mr. Speaker, "to the range"—

> between the highest figure proposed by one House and the lowest proposed by the other.

Mr. Speaker, the Precedents of the House do not speak to the fiscal year allocations. The Precedents of the House and the Rules of the House speak to the limitations and to the range between the highest and the lowest figure proposed by one House or the other. I submit the conferees have violated the Rules of the House, because they have not limited their actions to the range.

They have considered in their actions fiscal year appropriations and not limitations of the respective bills which went to the conference.

The SPEAKER. The Chair is prepared to rule.

The Chair has referred to that portion of the statement of the managers which explains the language in the conference report to which the point of order is directed. It seems to the Chair that the language in the statement goes directly to the point at issue.

> The House amendment authorized appropriations of $500 million for fiscal year 1972 and $1 billion for fiscal year 1973.
>
> The Senate amendment authorized $500 million for the period beginning with enactment and ending June 30, 1973, and $1 billion for fiscal year 1974.
>
> The conference substitute contains the House provision for fiscal year 1973 and the Senate provisions for fiscal year 1974.

The Chair will point out that neither the House nor the Senate provisions dealing with emergency school aid set an overall limit on authorizations. Both dealt with specific fiscal years. The conference in this situation had the authority to consider the differences between the two Houses with respect to each of the fiscal years 1972, 1973, and 1974, and to compromise their differences on a year-by-year basis. This they have done.

The Chair holds that the conferees have not exceeded their authority, and overrules the point of order.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Mr. Speaker, do I understand correctly the Chair rules that the conferees have not exceeded the limitations on authorizations contained in either the House or the Senate bills?

Mr. Speaker, I hold here in my hand the House-passed bill and the Senate-passed bill.

Appropriations in the House-passed bill, section 1803(a):

> There are authorized to be appropriated for carrying out this title not in excess of $500,000,000 for the fiscal year ending June 30, 1972, and not in excess of $1,000,000,000 for the succeeding fiscal year.

I submit that is a very severe and precise limitation.

And on page 288 of the Senate-passed bill, section 704 (a):

> The Commission shall, in accordance with the provisions of this title, carry out a program designed to achieve the purposes set forth in section 73(b). There are authorized to be appropriated to the Com-

missioner, for the purpose of carrying out this title, $500,000,000 for the period beginning with the enactment of this title and ending June 30, 1973, and $1,000,000,000 for the fiscal year ending June 30, 1974.

Mr. Speaker, I submit they are very precise and exactly duplicating authorization limitations.

The SPEAKER. The Chair passed upon the specific question the gentleman has raised in his parliamentary inquiry, and overruled the point of order; and the Chair reaffirms his previous ruling.

The Clerk will read the statement.

POINT OF ORDER

Mr. WAGGONNER. Mr. Speaker, I have another point of order.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Mr. Speaker, this point of order is quite simple. On two occasions the House of Representatives has by overwhelming votes instructed and given a mandate to the conferees from the House of Representatives on this particular legislation. I submit without any further explanation that they have violated the instructions of the House of Representatives, and therefore have violated, Mr. Speaker, the rules of the House of Representatives.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Is it not the fact that it is stated in Jefferson's Manual when the rules of instructions are exceeded by the managers on the part of this body that the remedy lies in returning to the body for instruction, and thus another violation, as clearly set forth in the report, has been approved?

Mr. WAGGONNER. The gentleman is exactly right.

The SPEAKER. The Chair is ready to rule.

The gentleman from Louisiana (Mr. WAGGONNER) makes a point of order against the conference report on the bill S. 659 on the ground that the managers on the part of the House have not adhered to the instructions imposed upon them by the House on March 8, 1972, and again on May 11, 1972.

The Chair has examined the precedents on this question and they consistently indicate, although conferees disregard the instructions of the House, the Speaker cannot for that reason rule the conference report out of order. The Chair would suggest that the gentleman examine Hinds Precedents, volume V, 6395 and Cannons Precedents volume VIII, 3246.

For this reason, the Chair overrules the point of order.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Do not the rules of the House of Representatives provide that when the House has given instructions to its conferees on any legislative proposal, if they cannot comply with those instructions, they are required to come back to the House of Representatives for further instruction?

The SPEAKER. The Chair knows of no rule that makes such provision.

Mr. WAGGONNER. Mr. Speaker, the gentleman from Missouri just read that particular rule.

The SPEAKER. The Chair has read the rule.

The Clerk will read the statement.

The Clerk read the statement of the managers.

(For statement see proceedings of the House of May 23, 1972.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. QUIE. Mr. Speaker, I would like to renew a unanimous-consent request.

I ask unanimous consent that the House take an additional half hour to consider the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. CLAY. Mr. Speaker, I object.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Oregon (Mrs. GREEN), the chairman of the subcommittee.

Mrs. GREEN of Oregon. Mr. Speaker, I regret very much that the chairman will only allow the opposition 4 minutes to state the reasons for opposition to many of the varied, complex, and detailed parts of this legislation, so I hope my colleagues will forgive me if I seem to be using shorthand in my speech. I will ask to include telegrams and other materials—but will try to summarize now in the allotted 4 minutes to discuss a $20 billion bill affecting the lives of millions of people in the next several years.

Mr. Speaker, in the 18 years I have been in the House I do not recall any time when I have actively participated in an effort to defeat a conference report. I fully realize that it is most difficult to defeat a bill in its final stages when it comes back from conference. It is only because of overwhelming reasons that I do so today.

As you know, I was the author of the higher education legislation and I now find myself in the most regrettable position of opposing the legislation I originally cosponsored with several others of my colleagues. This House on November 4 voted 332 to 38 in favor of the higher education bill. In the conference drastic changes were made in several respects. The debate should not center exclusively around the busing issue.

These are educational decisions of major importance. A vote against the conference report today cannot be construed by anyone as a vote against higher education. In my State of Oregon the president of every private college in the State wrote to me expressing his opposition. Presidents of State tax-supported institutions have also advised me they think it is a bad bill and that a 1-year extension of existing programs would be far preferable.

Literally hundreds of college and university presidents have written, phoned, and wired urging me to oppose the conference report. As college presidents they certainly are arguing for—I say "for"—the future of higher education when they say that no bill or a 1-year extension would be preferable to the conference report.

I do not argue that all of higher education is opposed. I do suggest they are terribly divided and that hundreds do outright oppose the conference bill; other hundreds are sitting on their hands; and some—but not all—of the community colleges are supporting the legislation. At the conclusion of my remarks I am going to include the article "A Moratorium on Community Colleges."

Glen Olds, the president of Kent State University, in supporting the legislation, even wrote:

> The serious limitations of the bill are: Absurd provisions regarding veterans; failure to respond to middle income group; there is presumption of empty promises reminiscent of International Ed Act of ignoble fame; false formula for interpreting institutional support.

Mr. Speaker, if a sizable segment of higher education is opposed to a bill written for their special benefit, then we ought to examine the legislation and ask why. Terry Sanford, the former Governor of North Carolina, the president of Duke University and president of the National Council of Independent Colleges, put it very succinctly:

> I am opposed as a matter of principle to expediency, to taking what is offered by Congress simply because it is better than nothing. We react too easily to the dollar sign.
>
> I happen to believe that nothing is much better than many courses of action. I do think we should be firm in insisting that Congress not start false courses that cannot later be corrected.

Yesterday I placed his entire statement in the CONGRESSIONAL RECORD. I urge your consideration of his views. Mr. Speaker, in my judgment we are starting false courses and we are making false promises that we will never keep. The first false promise appears in the student financial aid section on page 14 of the conference report in section 411(a).

We state that every student who has been accepted for enrollment shall be entitled to $1,400 a year minus the family contribution. With the 18-year-old vote and new court decisions on residency requirements, and with the trend toward emancipation of more and more 18-, 19-, and 20-year-olds, we invite youngsters to set up separate residences because parents will be willing and anxious to cooperate if by the new emancipation of their children they are relieved of the financial responsibility of helping to pay for higher education. This is accented, if by our action today the Federal Government says it will pick up the tab.

It is estimated that the so-called Pell grants or this "entitlement theory" may cost close to $1 billion the first year if we fully fund the promises we have made today. The sum may be astronomical later. But, Mr. Speaker, this is just the beginning. Before Congress could appropriate any funds for the so-called Pell grants, Congress would have to appropriate under the conference report language $653 million for educational opportunity grants, work-study, and NDEA loans. Only then could Congress appropriate funds under the so-called entitlement formula.

I do not happen to believe that this Congress or succeeding Congresses in the next several years will increase student financial aid appropriations to well over a billion dollars. In the authorization legislation today a favorable vote says Congress is making that promise. Later on, after studying other budget demands, the funds will not be there and students will have a perfect right to say this is another promise that Congress never intended to keep.

Furthermore, Mr. Speaker, I do not happen to believe that every student attending an institution of higher education is "entitled" as a matter of right to $1,400 of other taxpayers' money. I think any student financial aid supplied by the Federal Government should depend on the academic achievement and the motivation of the student. There are many, many Members in this Chamber who worked their entire way through college and did not have a dime of Federal financial assistance. Those of you who watched the CBS documentary 2 or 3 weeks ago, "Higher Education—Who Needs It?"—know that we have a surplus of Ph. D.'s and many thousands of college graduates who cannot find a job. To use an economic incentive to try to persuade every student to go to college is following a wrong course of action.

In the existing programs—educational opportunity grants, work-study and NDEA subsidized loans and guaranteed student loans, we have never embarked on the theory that every student is "entitled" to this financial assistance. The various proposals have been designed so that the very able, highly motivated student would not be denied the opportunity to attend college because of the status of the family pocketbook. This concept I support wholeheartedly.

However, originally these programs were designed so that the student financial aid officer would make the decision based on the student's academic achievement and his motivation and his financial need and that of the family. Not a single one of the four programs was originally passed on the theory that any and all enrolled students are "entitled" to the money. Furthermore, Mr. Speaker, if EOA, work-study, and NDEA were fully funded, there would be no need for a new program. They would be very adequate for the needs of all students.

In the dozens of letters and telegrams which I placed in the RECORD yesterday, over and over we find education leaders saying that there are too many students already in college. In a GAO audit made 2 years ago, the level of academic achievement for the special class of students at one college was fifth grade. I am advised that at CUNY, compensatory education is provided at the fourth- and fifth-grade level. Is this the role of the university—to provide classes at the elementary and secondary level in order to prepare the youngsters to go to the university? I do not happen to believe that we serve the individuals or the Nation by following a policy that has as its purpose to try to persuade colleges to take students unprepared for college.

Bob Clark, former president of San Jose, and now president of the University of Oregon, stated it this way:

> To keep young people off the job market our society has made the college or university a holding operation for some of our students—a kind of advanced baby sitting enterprise. Higher education should be available to all qualified aspirants who can profit therefrom; but they who do not want higher education should not be coerced to enter—we all believe that society has over sold itself on the value of college education for all youth and undersold the importance and dignity of socially productive and useful work of other forms.

The Department of Labor has done a detailed study of the manpower needs in the 1970's. The Department concludes that fewer than 20 percent of the jobs in the decade of the 1970's will require the equivalency of a bachelor's degree.

In the conference committee sessions a proponent of the "entitlement" theory argued that he wanted to force the college or university to pay more attention to the disadvantaged student. Does this Congress really want to pass class legislation and continue a policy which makes it more and more difficult for the middle income student and ignore their needs while we place all the emphasis on the disadvantaged and urge them to enroll at the college whether or not they do college work?

Mr. Speaker, in the original legislation I would never have argued for Federal funds for institutional support had I not been persuaded that many of our private colleges and universities are really facing a financial crisis of major proportions. The bill which the House passed was designed to give across-the-board support to all institutions of higher education with a weighted factor for the small college. As a compromise we accepted a provision that one-third of the institutional aid would be a cost-of-education allowance tied to the dollar volume amount of EOG, work-study, and NDEA funds at that institution. The conference report changed the 33⅓ percent to 90 percent so that no undergraduate 4-year institution will receive any institutional aid except that which is tied directly to the funds for needy students. Forty-five percent on EOG, work-study and NDEA and 45 percent on Pell grants. In my judgment, Mr. Speaker, this misses the point because higher education is for all students enrolled and not just for needy students. Institutional aid should never be based on a particular socioeconomic class. As Terry Sanford, the president of Duke University, wrote: "The 4-year college, the most in need, gets very little from this bill unless it changes its function and starts recruiting a special class of student."

The proponents have sent out notices that the private colleges with 26 percent of the students would receive 30 percent of the funds. Where they get these figures is a mystery but at a minimum they must be depending on the 45 percent of the distribution formula of institutional aid based on the Pell grants which, in my judgment, will never be appropriated. As I said previously, no Pell grants can be funded until $653 million is appropriated for EOG, work-study and NDEA. And then, the 45 percent of the institutional aid cannot be funded until $450 million is appropriated for the so-called Pell grants based on the entitlement theory.

So the proponents in promising institutional aid are again holding out false hopes. This money will not be forthcoming for institutional aid because Congress will not be appropriating well over a billion dollars for student aid. It also seems wrong to me to say to the private colleges whose financial crisis is the greatest that you will only get help as you are willing to fit into the mold that the conference committee designed—aid based on the number of disadvantaged students you are willing to take. The National Association of Jesuit Colleges has opposed this conference report. The letter follows:

ASSOCIATION OF JESUIT COLLEGES
AND UNIVERSITIES,
Washington, D.C., May 31, 1972.

DEAR COLLEAGUE,

The Association of Jesuit Colleges and Universities has reluctantly decided that it cannot endorse the Conference Report on the proposed higher education bill, S. 659. The members of this Association feel strongly that the anti-busing provisions added to the original bill have no place in legislation affecting the future of our colleges and universities.

In addition, the Association is grieved that many needs and wishes of our institutions and associations were ignored and deleted in the Conference, particularly in the matter of direct institutional aid. The small and middle-sized private college receives small comfort from this particular program as offered in the Conference Report. It hopes that such actions do not augur a trend for future legislation.

Further, the Association remains convinced that there is little promise of equity in the future for students from middle-income America. It is also clear that there is no guarantee in S. 659 that the "national entitlement" promised to students from low-income families will soon be sufficiently funded to provide all eligible students with support.

Finally, there has been no planning for or evaluation of the effect that the amounts of discretionary funds provided the Office of Education and HEW would have upon the present structure of higher education.

REV. JOHN A. FITTERER, S.J.
MR. JOSEPH KANE.

As I said previously, the president of every private college in my State of Oregon opposes the conference bill. Today I received a telegram from Don Patterson, executive director in the State of Washington for the Friends of Higher Education. Their telegram reads as follows:

KENT, WASH., *June 7, 1972.*

HON. EDITH GREEN,
Washington, D.C.:

We want there to be no misunderstanding about the position of the private higher institutions who are members of Washington Friends of Higher Education. That we are absolutely in opposition and you can be assured that we are on record as opposing S. 659. By all means we urge its defeat. We assure you that we are supporting you 100 percent and that we are using Dr. Terry Sanford's statement of principle.

Don S. Patterson,
Executive Director, Washington Friends of Higher Education.

Father Reinert in Missouri and the author of the book "To Stem the Tide" is opposed to this legislation. Also, I place at this point in the Record the telegrams from the executive director of Independent Colleges in Missouri and Texas. Also, the telegram from Sister Margaret Claydon, president of Trinity College in Washington; Landrum R. Bolling, president of Earlham College in Indiana; Bernard L. Boutin, president of St. Michael College in Vermont; and Michael P. Walsh, president of Fordham University in New York. These people together with Terry Sanford of Duke and Jim Sullivan of Oregon all serve on the national board of the Independent Colleges. They are all opposed to the legislation. Also, Mr. Speaker, today I received a telegram from the chairman of the board of trustees of Urbana College and a telegram from the dean of faculty affairs at Urbana. They add their names to the long list of college presidents opposed to this legislation:

St. Louis, Mo., *June 8, 1972.*

Hon. Edith Green,
Washington, D.C.:

Am not expressing a consensus of membership attitudes confusion however general agreement a member college presidents seems to be that a compromise bill does not accomplish what the original House bill was designed to do. My personal feeling is that support for S. 659 is a disastrous step in the wrong direction.

Charles V. Gallagher,
Executive, Independent Colleges.

Sherman, Tex., *June 7, 1972.*

Hon. Edith Green,
Washington, D.C.:

Apart from the busing issue, I personally do not think the conference report on the higher education bill is on balance desirable legislation.

John D. Mosley,
President, Austin College.

Bronx, N.Y.,
June 7, 1972.

Representative Edith Green,
Chairman, Higher Education Subcommittee, Washington, D.C.:

I am strongly opposed to the conference bill. I endorse your views.

Michael P. Walsh,
S. J. President, Fordham University.

Urbana, Ohio,
June 7, 1972.

Hon. Edith Green,
Washington, D.C.:

Re higher education bill pending floor vote on June 8, 1972. Bill not realistic. Has not really given thought to the effect on small private colleges. Better to rewrite next year. Will effect the mix of students at Urbana College. Continuing resolution better for next 12 months after election. Less emotionalism.

Charles F. Johnson,
Chairman, Executive Committee, Urbana College, Board of Trustees, President, Johnson Manufacturing Co.

Urbana, Ohio.

Hon. Edith Green,
Washington, D.C.:

Copy of telegram sent to Clarence J. Brown: after careful examination of the present education bill, which is up for vote by the House, June 8th, 1972, we at Urbana College strongly urge that you, as our representative, cast a no vote. Among other important consideration, this bill, if passed, will first; drastically affect the balance now existing between our lower and middle income students, and, secondly; due to the plethora of appended provisions, if not funded fully (which is likely), our institution, as well as others, stands the real risk of losing a good share of our present aid again, in the name of president Zenner, who is now on vacation, and the institution at large, please vote no to the Pell bill. Thank you.

Thomas E. Bellavance,
Dean of Faculty Affairs, Urbana College.

Washington, D.C.,
June 7, 1972.

Representative Edith Green,
Washington, D.C.:

I support your position in opposition to the pending higher education bill. Does not help small private colleges. Thank you for whatever you can do.

Sister Margaret Claydon,
President, Trinity College.

Richmond, Ind.,
June 8, 1972.

Hon. Edith Green,
Washington, D.C.:

Despite numerous good features in higher education bill now before Congress, it fails to deal with certain central problems in higher education while creating an illusion of providing a comprehensive solution. Moreover, it perpetuates and worsens some glaring inequities in financing of higher education. I urge the rejection of this bill in favor of a continuation of present programs more adequately funded and a renewed effort next year to develop a better, more comprehensive omnibus bill.

Landrum R. Bolling,
President, Earlham College.

Winooski, Vt.,
June 7, 1972.

Hon. Edith Green,
Washington, D.C.:

I am very disappointed with S. 659, particularly with provisions for institutional aid for higher education. I hope you will vote no.

Bernard L. Boutin,
President, St. Michael College.

Mr. Speaker, this conference bill will help private colleges very little if at all. In the House-passed bill last November, 66⅔ percent of the institutional aid would go to all institutions on a per capita basis. The conference report comes back providing that only 10 percent of the funds will be distributed on a per capita basis and all of that 10 percent will go to graduate schools and none of it to undergraduate 4-year institutions. Mr. Speaker, fewer than 100 universities, making up only 5 percent of the total, now receive 69 percent of all Federal funds. MIT and Harvard are Nos. 1 and 2 on that list with MIT receiving $97.6 million and Harvard $69.6 million, according to the latest figures available published in 1969. The University of Michigan is next with $61.4 million. In the name of equity and fairness why should we now reserve 10 percent of the unrestricted institutional aid for only graduate schools? Studies show that in the 4-year undergraduate private colleges over 350 will probably close their doors by 1980 because of the financial crisis. I do not think it is in the national interest to let this happen. The strength of higher education is in the dual system, the public colleges and the private colleges, and especially in these days we find certain moral values present in private colleges that are too often absent in public universities.

Now, Mr. Speaker, let me go to the busing provision. Title VIII in my judgment provides only the illusion of relief from busing but would aggravate the busing problems; it would aggravate by providing new grounds for court activity and specifically this bill provides funds definitely for busing. It is a busing bill.

The conference committee introduced in section 802 the Ashbrook amendment the proviso "except on the express written voluntary authority of the appropriate local school officials" which takes all meaning out of the prohibition of the use of funds for busing.

The conference committee introduced in section 802(b) an amendment which added the words "unless constitutionally required an administrative or judicial determination," which renders meaningless the prohibition of Federal activity, encouraging local agencies to bus upon a constitutional determination, administrative as well as judicial that the local agency should bus.

The conference committee introduced into section 803 the limitation:

> This section shall expire at midnight on January 31, 1974.

The fact is that imposes a time limitation on the term of relief. It converts a congressional recognition of the general difficulties that school districts face in accommodating to court orders into a short-term relief measure. Under unanimous consent, I include at this point a very careful analysis done by the legal counsel of the subcommittee. I ask also to include at this point another analysis done by a lawyer who also has the respect of his colleagues:

Analysis of S. 659 in Regard to Busing

(By Harry J. Hogan, legal counsel, Special Subcommittee on Education)

S.659 is a pro-busing Bill.

Title VIII provides only the illusion of relief. Not only does it not provide the substance, but it will have two negative effects: (1) To provide increased occasion for litigation of school issues; and (2) in specific instances to provide federal support for busing.

Section 802(a) (Ashbrook Amendment) prohibits use of funds for racial imbalance busing and racial desegregation busing, except on the "voluntary" request of local school officials. The request for federal funds of a school official under a court order to bus students, would qualify as a "voluntary request." The net effect is to authorize federal money for busing—a real result which is not only new law but is also precisely opposite to that apparently intended.

Section 802(b) adds two provisions apparently prohibiting busing: one prohibits use of funds for busing where time or distance risks health of the children or significantly impinges on the educational process. This provision merely expresses standards laid down by the Supreme Court in the *Swann* case. It appears to add something and in reality does not.

The other provision prohibits use of funds for busing "where educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin." The provision is apparently designed to prevent use of funds for busing students, now in good schools, to poorer schools. Actually, successful defense under this provision against a busing order must prove one school to be inferior and in doing so will probably prove discrimination, thereby introducing the Constitutional issue on which the busing to the inferior school can then be ordered. In addition, to the extent that the funds are used to bus students to their present school, the provision will provide students a new Congressionally enacted statutory ground, in addition to the Constitutional one, for requesting transfer to a better school to which they might be assigned under any non-discriminatory system. Certainly this provision can provide grounds for endless court interference in the drawing and redrawing of school boundaries.

Section 802(b) is nullified by the introduction of the proviso "unless Constitutionally required." The decision regarding Constitutionality can be made administratively as well as judicially. Once made, the prohibitory language is meaningless.

It can also be argued that the proviso does more than make the subsection meaningless. It may provide a negative inference that, upon finding that a purpose is Constitutionally required, the federal agent *must* provide federal funds to accomplish it and *must* require the local or state agency to do the same. The net effect would be to accomplish in reality the precise opposite to the result apparently intended.

Section 803, (Broomfield Amendment) staying court busing orders pending appeal, offers only illusory help. Appeal times are typically short. The addition of the sentence terminating the section on January 1, 1974 gives the provision itself only a short life. In addition, Section 803 may be interpreted to have effects now hardly realized. The use of the word "balance" instead of "desegregation" may be interpreted to imply a Congressional intent to provide statutory authority, now lacking, for treatment of racial imbalance situations. Similarly the use of the words "socio-economic status" may be interpreted to imply Congressional approval of court orders of busing which treat "socio-economic status" as offering the same possibilities of discrimination as exist in regard to race, sex, and religion. So interpreted section 803 would fortify court efforts to cross school district lines in order to reach suburban schools.

Title VIII, (Emergency School Aid) among other things, would be affirmatively a busing program except for the anti-busing provisions of Title VIII.

Section 709(a)(2) authorizes HEW grants to local educational agencies to develop plans "to reduce and eliminate minority group isolation, to the maximum extent possible, in the public elementary and secondary schools in the Standard Metropolitan Statistical Area, which shall, as a minimum, provide that by a date certain, but in no event later than July 1, 1983, the percentage of minority group children enrolled in each school in the Standard Metropolitan Statistical Area shall be at least 50 percentum of the percentage of minority group children enrolled in all the schools in the Standard Metropolitan Statistical Area."

Section 708(a)(2) authorizes HEW to make grants "for the purpose of conducting special programs and projects carrying out activities otherwise authorized by this title . . ."

Section 702 states the purpose of the Title to be the elimination of minority group segregation and discrimination. Section 720 (6) defines an "integrated" school as one "with an enrollment in which a substantial proportion of the children is from educationally advantaged background, and in which the Assistant Secretary determines that the number of nonminority group children constitutes that proportion of the enrollment which will achieve stability, in no event more than 65 per centum thereof . . ."

Under section 709(a)(2) no grant may be made unless ⅔ of the local educational agencies in the Area have approved the application, and the number of students in the agencies which approve the application constitutes ⅔ of the students in the schools of all the agencies in the Area. The fact that this provision allows local option (except for the outvoted one-third) does not detract from the Congressional endorsement of plans "to reduce and eliminate minority group isolation." Such plans must involve transportation of students. If transportation is made difficult or impossible by Title VIII provisions, then achieving the purpose of Title VII is correspondingly made difficult or impossible. To the extent that Title VIII provisions are meaningless, then the purpose of Title VII can be achieved by transportation of students, i.e., "busing."

Mr. Speaker, the second analysis follows:

The antibusing amendments adopted by the the higher education conference are illusory; that is, they sound like they provide relief and set national standards but an analysis of their application and effect clearly indicates that they do not.

Section 802(a), where the conference adopted the substance of the Scott-Mansfield version of the Ashbrook amendment—the only significant exception is the adding of the word "voluntary" between the words "written" and "request"—appears to set a new standard, but in fact does not—it just creates a new mess in school desegregation cases. The Congress provides two exceptions for transportation money; namely, the time, distance, and health limitations set forth in the Swann case, and second, an "inferior school" exception. Thus, Congress has made the first standard no more clear than it is today, but has gone on and muddied the waters considerably by putting local school districts and the Government in the impossible position of trying to compare educational opportunities in the context of hypothetical assignments for a student" who would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin." There is no helpful legislative history whatsoever as to the meaning of this provision.

Section 802(b) is again illusory. Because of the proviso "unless constitutionally required," it would not appear that section 802(b) will in any way affect current HEW title VI enforcement standards except to the extent that the Office of Civil Rights will be involved in the same "inferior school" morass that exists in 802(a).

Section 803—the Broomfield amendment—appears to do a great deal, but in fact its practical application in the courts will result in little, if any, relief. Although the record is clouded, it seems perfectly clear that the Broomfield amendment is intended to apply to cases like Nashville, which is currently on appeal, having already implemented a plan. The biggest fallacy with the Broomfield amendment is that, aside from the few consolidation cases, standard pupil assignment school desegregation cases are handled on an expedited basis and appeals are exhausted very quickly. Therefore, once the lower district court orders a massive school busing plan, staying the implementation of that plan until all appeals are exhausted sounds like it will take considerable time—in fact, however, in most cases it does not. A further complication arises over the "balance" issue in that it seems clear that the Senate understanding of that word was that it was used as a code word for desegregation, despite the obvious difficulty in having the Broomfield language bear that freight. If the "balance" language were only thought applicable to de facto situations, the entire debate and controversy in the Congress over the Broomfield amendment would have to be regarded as without practical substance or meaning, an exercise in much ado about nothing.

On balance, it would appear that the Congress has reached the worst of both possible worlds. It has tried to give the appearance of setting new standards as called for by the President in his substantive legislation proposals, but it has failed. Second, it has attempted to create the pretense of establishing a moratorium on busing, and it clearly has not.

The SPEAKER. The time of the gentlewoman from Oregon has expired.

Mrs. GREEN of Oregon. Mr. Speaker, I would ask for 3 additional minutes.

Mr. PERKINS. Mr. Speaker, I regret to say that the time is not available but I understand the gentleman from Louisiana wishes to yield his time to the gentlewoman and I yield for the time of the gentleman from Louisiana which we previously agreed on of 3½ minutes.

Mr. WAGGONNER. Mr. Speaker, let me say simply this, that we are not trying to do away with the higher education proposals if we vote this conference report down, we will have a preferential motion to insure that we do have an education bill.

I now yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, that is correct, if the conference report is voted down a preferential motion will be immediately offered which would provide, first, the continuation of all existing higher educational programs at the 1972 level of funding; and, second, it would add title X of the conference report which is the vocational and technical education and the community college section of the bill. It is my judgment we ought to be putting more emphasis on vocational and technical education, not just trying to offer financial incentives so more and more students would enroll in 4 years institutions; the third item would include the three busing amendments as originally passed in this House last November and which were reported by almost a 2-to-1 majority, and twice again approved on motions to instructions by a 2-to-1 majority.

Mr. Speaker, one part of this bill that would be eliminated if the conference report is voted down is the $100 million set aside for the Commissioner of Education to draw up a plan for a metropolitan school district.

Let me repeat, in the preferential motion, we would not have the metropolitan school district which is in the conference report.

If you read the conference report carefully on pages 135–136 there is a provision for 5 percent of $2 billion—$100 million—for the Commissioner of Education to draw up this plan for a metropolitan school district. Grants will also be made for educational parks.

If this conference report is voted on today and approved, this Congress would be putting its stamp of approval on a metropolitan school district such as the court ordered in Detroit, Richmond, and possibly in other places where there are metropolitan school district suits at the present time. What would be the impact in Detroit, Boston, Indianapolis, Hartford, Conn., Wilmington, Del., Grand Rapids—other places where suits may be brought?

Mr. Speaker, does this Congress that voted against busing want to vote for metropolitan school districts that could not operate unless there was busing?

Do we want to give a few judges the right and the authority to establish metropolitan school districts. The Fourth Circuit Court of Appeals reversed the lower court judge on the basis he exceeded his authority in establishing a metropolitan school district. Does Congress now want to bestow that authority by congressional action? If so, what impact will it have on future decisions on future appeals that are made?

A vote for this bill is a vote for the metropolitan school districts and a vote for this bill is a vote for busing—busing that we have never had in any other education bill.

Furthermore, a vote for this conference report is a vote to give the Office of Education $685 million more for educational research, educational reform, educational innovation. At the present time the Office of Education has 50,000 live contracts and grants that require some degree of monitoring? The General Accounting Office has said the Research Department is absolute chaos and confusion.

Do we want to vote $685 million more for additional contracts and grants that cannot—that will not be adequately monitored. There is no attempt to evaluate the results of the 50,000 contracts and grants now in effect. Hundreds of millions of dollars have been wasted in OEO and HEW contracting procedures. Why now provide $685 million more?

Would it not be better to let the research, reform, and innovation come from the institutions of higher education and from the States?

To summarize, Mr. Speaker, I cannot vote for this conference report because it is class legislation—with almost exclusive emphasis on the disadvantaged student—to the neglect of sons and daughters of middle-income families.

I cannot vote for this conference report because it abandons the House position of across-the-board institutional aid and the result, as I see it, will be to accelerate the pace at which private colleges will have to close their doors.

I cannot vote for this conference report because it promises 45 percent of the institutional aid tied to the Pell grants; this is a false promise because I do not believe Congress will appropriate over $1 billion in student aid—a prerequisite for this 45 percent of the institutional aid.

I cannot vote for this conference report because we use economic persuasion to try to force universities and colleges to change their function—to try to force a college into a mold which would be detrimental to other students who are just as worthy of a college education as the more needy. I cannot vote for the conference report because I do not think it wise for Congress to appropriate $100 million for a metropolitan school district. In desegregation plans—are we so sure this is good sound educational policy? Will your constituents endorse this approach with its inevitable busing across school district lines?

And finally, Mr. Speaker, I cannot vote for the conference report because the instructions of the House were not followed. This is a probusing bill.

Mr. WAGGONNER. Mr. Speaker, I urge in the interest of education that we vote the conference report down.

Mr. QUIE. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I think it is absolutely imperative for every mind in this House that is open and has not already decided what it is going to do, that it see this issue in perspective.

You realize that we have here a bill that has had four subcommittees of the House Committee on Education and Labor involved with it. This matter has gone on for more than 3 years, with 84 days of hearings, and there are more than 6,900 pages of testimony.

There have been literally thousands of hours of effort by dozens of Members of this House and there have been 9 weeks of conference. The House bill consists of 282 pages and the Senate bill consists of 247 pages.

There are more than 400 points of difference that have been acted upon. On about one-third of them, the House receded. The Senate receded on about one-third of them, and there was a compromise on about one-third of them.

The bill passed this House substantively in the same form by a vote of 332 to 8 last November.

There are certain points in this bill—isolated points—that have attracted the most attention.

I wish I had time to reply to my friend and colleague who argued before me in this well, that we do not have an additional $1,400 for student aid over the present program. We establish a basic program under this bill.

There is vitally needed institutional aid—and the highest percentage of aid goes to the private institutions.

This bill would bring to higher education critically important increased stability, with 3 full years provided, a stability that is absolutely imperative if we are to have any higher education.

We have here significant changes in some 19 other programs besides the nine that are involved in new programs.

We have community service and continuing education, college library programs, aid to developing institutions, student assistance, insured student loans, college work study, cooperative education, education professions development, academic facilities, networks for knowledge, graduate programs and fellowships, aid to community colleges, occupational education, law school clinical experience programs, postsecondary education commission, and comprehensive planning, vocational education, Indian education, prohibition of sex discrimination, consumer education, and on and on and on.

We have a statement from the Governors Conference approving it. We have the backing of every major national educational institution. We have the statement of support of HEW Secretary Richardson. This really is landmark legislation. Anybody who takes this and, because of a few lightning rods of controversy, says, "We will not support this bill today" is in danger of taking a major backward step in the field of education.

Mr. Speaker, the defeat of this conference report, with brushing aside of hundreds of specific features that the conference dealt with, major advances for education of almost every conceivable nature, such defeat of this conference report would be a tragedy.

Mr. QUIE. Mr. Speaker, many people can take pride in the fact that this conference report is finally reaching a vote on the House floor. Since the Senate has overwhelmingly approved it already, we can send this landmark education bill to the President tonight. I doubt if we will see for a long time a bill as complex and controversial as this bill has been. We started hearings on the basic higher education legislation December 16, 1969. That is almost 2½ years ago.

Actually the higher education legislation expired last June 30 but because of the complicated issues it was allowed to be extended automatically under one of the provisions of the General Education Provisions Act. But that provision will not apply this year and the higher education and vocational education laws are due to expire 22 days from now.

Since December of 1969 our committee has held over 80 days of hearings on this legislation. While most of it got its start in the higher education subcommittee, three other subcommittees have held hearings on provisions in the bill. Here on the desk are the several volumes of hearings which have gone into this legislation. They are over 9 inches high of small print taking up over 6,900 pages.

That type of effort, Mr. Speaker, can not be replicated in a short time. This is perhaps, for all of its remaining doubts and controversy, one of the most thoroughly researched and discussed bills to come from our committee.

I am extremely enthused over most of the provisions in the conference report. I am less enthused about others but no Member can expect in a bill of this size to have his own wishes and desires manifested throughout the bill.

Rather than going through a lengthy discussion of the many provisions in the conference report—all of which have been discussed at considerable length on the floor of the House and in the Senate—I will comment only on a few provisions.

STUDENT GRANTS

I believe the basic education opportunity grant will be looked upon in years ahead as one of the great achievements in Federal higher education legislation.

It represents an idea which I have studied and developed for well over a year. I commend Senator PELL and Senator JAVITS and Members of the other body who also introduced and pressed for this program.

The basic opportunity grant program does not have some of the shortcomings of our present educational opportunity grant program. But the conference report modified the present EOG program in such a way that I believe the two will complement one another. The BOG was one of those already complicated provisions which was made perhaps complicated by the tough negotiations of the conference committee. But I believe it is sound and workable as is. But there is no doubt that in a few years we will have the opportunity to change it or to modify it if experience dictates.

The present EOG program has been modified and continued in the conference report as the "supplemental education opportunity grant" program. Under present practice these supplemental grants are distributed at the discretion of each institution, under guidelines from the Office of Education. It has been the practice to continue a student receiving an EOG for the full 4 years of his education. Although we expect that students currently enrolled in colleges—who enrolled with the understanding the grant was good for more than 1 year—will continue to be so assisted.

But the conference committee changed this program so that no student has any call on the supplemental EOG money beyond 1 year. He, of course, can apply for a grant each year.

I point this out, Mr. Speaker, because the conference committee overlooked what I think would have been the proper change in the authorizing legislation to provide for one authorization figure rather than continuing one authorization for initial year grants and a separate authorization of such sums as may be necessary, for continuing grants.

I would not, therefore, expect the Office of Education to request, or the appropriations committees to make available money to fund renewal grants in total before money is available for first-time grants. Rather I would expect each institution to get its fair allotment according to its total request and that the institution would then make its decisions about individual supplemental grants as it determines.

GUARANTEED LOANS

Mr. Speaker, in terms of students and dollars the guaranteed student loan program is our largest program. Last year over 1 million students borrowed over $1 billion.

All of us on the committee are concerned about the default rate on these loans and the fact that some students are getting subsidized guaranteed loans and using the proceeds for purposes other than to meet educational costs.

Another concern of the committee has been the needs of middle and upper middle income students. Under present law all loans made to students with adjusted family incomes of $15,000 or less have the interest paid by the Government while they are in school and during a grace period. All students above $15,000 get no interest subsidy.

I believe the conference report provides a much more equitable rule than the habitually $15,000 rule. Why should the Government pay the interest on a student loan, all of which is not needed to meet educational costs? Especially when we do not provide an interest subsidy to students above $15,000 who are truly in need of a loan in order to attend their college or university.

The conference report provides for an institutional determination of the amount a student needs in order to attend that institution. The need is on top of whatever other assistance from family, the State, the institution, other Federal programs or anyone else provide. This amount is made as a recommendation to the lending agency. We continue to leave to the banks of the final determination of the amount of the loan. But I certainly would not expect any lending institution to exceed the institutional recommendation unless there is just cause. And I would expect the guaranty agencies, including the Federal Government, to disapprove the guaranty of such subsidized loans which exceed the institution's recommendation by any substantial amount without proper justification.

Mr. Speaker, any student may also apply for a guaranteed nonsubsidized loan—one which we have come to term a "loan of convenience" in addition to whatever amount of subsidized loan he might have. Of course the sum of these two loans could not exceed the statutory limits.

OCCUPATIONAL EDUCATION

Mr. Speaker, I am especially pleased that legislation which I introduced earlier this Congress relating to occupational education is incorporated in the conference report. Although its thrust is the support of postsecondary occupational education, it will encourage and support better counseling about the world of work in both elementary and secondary education.

NATIONAL INSTITUTE ON EDUCATION

The President proposed a National Institute of Education in the last Congress and again in this Congress. I think it holds promise of providing some new answers to the old problems of teaching and learning.

The conference report spells out that NIE will have a major responsibility for dissemination as well as for research and development. I think it is important that NIE have good communications with practitioners in our State and local education agencies. I believe a good educational system will be increasingly dependent on strong and respected leadership at the State level. And I believe we have seen a great improvement in this regard in the past 5 or 10 years.

So it is my hope that NIE would foster good relationships with State departments of education, encouraging them to provide ideas and feedback as one source of input to the NIE planning process. The task of dissemination is a very broad responsibility. Many channels must be used to get good ideas understood at the local level. Here again, the State department of education can make major contributions in assisting NIE in carrying out its functions of dissemination and demonstration of the products of NIE research.

State participation can be accomplished through such means as the participation of State education officials in the advisory council, NIE-State agency development of research projects, joint NIE-State agency staff development, and NIE dissemination grants to the State education agencies.

INNOVATION

Although the conference report does not include the President's proposal for a National Foundation on Higher Education, it does give the Secretary of Health, Education, and Welfare new authority to encourage and support projects similar to those in the proposed foundation. I believe the conferees look forward with great expectation to the stimulation of new approaches to postsecondary education, the development of new types of educational institutions, and noninstitutional-based learning and credentialing systems.

In order to accomplish this challenge, I would hope that the Secretary will be careful not to allow this new authority to get lost as simply one more program in one of the existing units of the Office of Education. I believe it must have some reasonable amount of flexibility and autonomy, as well as the involvement of many individuals outside of Government, in order to provide the creative leadership which we all expect.

Mr. Speaker, I would like to go on discussing the several other important provisions relating to higher education but as I said, I think most of them have been adequately discussed on the floor previously.

Although most of the conferees would have preferred that this legislation not be saddled with the issue of busing, we had no choice.

I think that the conference report on S. 659 is a victory for the House of Representatives with respect to the so-called antibusing amendments. The House conferees were under instructions to adhere to the House version of the amendments. They voted time after time to refuse to recede on any part of the language. But in the end, as in all free conferences, some compromises were required. The compromise reached I hope is acceptable to every Member who voted for the antibusing amendments and to instruct the House conferees.

First, it must be understood that the Senate language did not differ at most points from the language of the House amendments. The Senate language only modified or limited the scope of the House language. This is significant, because in all previous amendments of this kind we have ended up with language which limited the use of funds to achieve racial balance in the schools. No court has ever admitted to requiring racial balance, even when a nearly exact balance was the end result, and the U.S. Supreme Court in the Swann decision (*Swann et al.* v. *Charlotte-Mecklenburg Board of Education et al.*, April 20, 1971) said it would reverse a decision which held "as a matter of substantive constitutional right, any particular degree of racial balance or mixing" in the schools.

So in previous legislation the Congress has been tilting at legal windmills. But the Ashbrook-Green amendment addressed itself to the use of funds not only to effect some scheme of racial balancing, but for "transportation of students or teachers—in order to carry out a plan of racial desegregation of any school or school system." The Senate retained this language, as does the conference report, and thus for the first time since the Civil Rights Act of 1964 the Congress is addressing itself directly to plans of desegregation, and this time in terms of limitations on methods of carrying out such plans.

The Senate in its version of the Ashbrook-Green amendment did something more than to limit the scope of the amendment—it also added absolute prohibitions against the use of Federal funds for transportation, or against a Federal officer ordering the use of State or local funds for such purposes—

> When the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process of such children, or where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

The prohibition relating to too great a "time or distance of travel" comes directly from Chief Justice Burger's opinion in the Swann case, but the prohibition against assignment to an inferior school is a new concept, and together these distinctly strengthen the original House language.

Let us, therefore, at this point examine the House amendment offered by Mr. Ashbrook and the amendment to it offered by Mrs. Green—and most important of all, the Broomfield amendment—so that we may understand the action of the conference.

Unlike the Broomfield amendment, the Ashbrook-Green amendment was not a limitation on the Federal courts, but only upon the executive branch. The Ashbrook amendment simply prohibited the use of any Federal funds administered by the U.S. Commissioner of Education to be used "for the transportation of students or teachers—or for the purchase of equipment for such transportation" in order to overcome racial imbalance or to carry out a plan of desegregation in any school or school system. Actually, relatively small amounts of Federal funds would be affected, because the expenditure of these funds is controlled by the acts which authorized them, and aside from aid to federally impacted school districts under Public Law 874—which is for general school purposes—and the new emergency school aid authorization which will be specifically targeted for school desegregation, I am not aware of any act which authorizes the expenditure of funds for the purposes prohibited by the amendment.

The Green amendment added a sentence to the Ashbrook amendment which prohibited officials of the executive branch from ordering or urging a local educational agency or any private agency to use State or local funds for purposes for which Federal funds may not be used under the Ashbrook amendment, or from conditioning the receipt of Federal funds upon such use.

Now let us examine the conference action. First, with respect to both the Ashbrook and Green portions of the amendment the new prohibition I have described were applied. Second, the Ashbrook amendment was changed to permit the use of Federal funds—keeping in mind that the act which authorized the funds would also have to permit such use—for the purposes prohibited by the amendment, but only upon "the express written voluntary request of appropriate local school officials." That puts the matter squarely up to local officials, which means it is controlled by school boards which are elected by the local voters in virtually all cases. I find it difficult to follow the argument that this really weakens the Ashbrook portion of the amendment.

The effect of the sentence added by the amendment of Mrs. Green—and I think in all fairness we have to admit this—was significantly altered. The prohibition of the amendment still applies, but not to situations where the transportation of students is "constitutionally required." Even under instructions from the House, it was obvious that there would have to be some compromise worked out with the Senate in order to get this bill, which has provisions benefiting millions of Americans and significantly strengthening education in this Nation. This was the critical compromise. It simply permits Federal officials charged with such responsibilities under the Civil Rights Act of 1964 to take action to reach results which are required under the Constitution of the United States.

In any event, Mrs. Green's amendment even without a single change would not stop the process of school desegregation or prevent the use of any of the means approved by the Supreme Court for carrying out that process, because it would have no effect whatsoever upon the courts.

That is not the case with the Broomfield amendment, which was aimed solely at staying Federal court desegregation orders involving the transfer or transportation of students until all appeals are exhausted or until the time for taking such appeals has expired without one being taken. This is an extremely important and necessary action designed to obtain equity and uniformity in these cases, and perhaps to give the Federal judiciary some time to assess the mood of Congress and the country with respect to wholesale busing of schoolchildren.

Although the Broomfield amendment is addressed to orders which require the transfer or transportation of students "for the purposes of achieving a balance among students," it is clear from the debate on the House floor last November that its author and the House understood and intended that it would cover all desegregation orders involving the transfer or transportation of students "from any school attendance area prescribed by competent State or local authority."

The Broomfield amendment was thus by far the most significant of the House antibusing amendments covered by the instructions to the conferees, and on the substance of that amendment the House conferees did not yield a thing, despite prolonged debate and insistence by the Senate conferees. All we agreed to was a termination date for the amendment of January 1, 1974. This is not significant, since it provides ample time for all pending appeals to be exhausted, as well as appeals of decisions which may be handed down over the next year. That should be time enough to accomplish the purposes of the amendment.

Accordingly, the conference report contains without substantive change the most significant and effective of the amendments covered by the instructions of the House. For the first time in the field of school desegregation the Congress will be exercising its authority, which is limited under the Constitution, to regulate the actions of Federal courts.

One may argue that the Ashbrook-Green amendment was weakened, and it was to the extent I have pointed out, but it is also fair to say that the additional prohibitions relating to excessive busing and to transferring students to inferior schools strengthened the House version. It also holds up to the Federal courts and to Federal agencies a cautionary signal that while both Congress and the country approve of going forward with the task of ending dual school systems and of reducing racial isolation in our schools, we do not approve of excessive busing as a method of accomplishing these ends.

I think that this was the main purpose of the Ashbrook-Green amendment and that it has been accomplished. In my judgment, the conferees and the conference report merit the overwhelming support of the House.

Finally, Mr. Speaker, I would be remiss if I did not mention briefly those individuals who have played such a large role over the last couple of years in the development of this bill. Throughout, Chairman Perkins has done his best to expedite this legislation and to be fair to all sides. As a member of the minority, I thank him and respect him for that. The chairman has carried an especially heavy burden in the last 3 months as chairman of the conference committee.

I should also like to thank those subcommittee chairmen who have contributed to this bill, since it represents the work of four of our seven subcommittees. Mr. Brademas, as well as doing a most thorough job in preparing the legislation on the National Institute on Education, has also contributed greatly to the subcommittee handling the basic higher education legislation. And he contributed a great deal in working with me and others to find reasonable and acceptable compromises in the conference.

Mr. Speaker, I am most proud of the diligence and hard work displayed by my own colleagues on the minority. Congressman DELLENBACK, as ranking member of the higher education subcommittee has followed carefully and provided leadership on many aspects of the bill. Representatives BELL, ERLENBORN, ESCH, STEIGER, and HANSEN all played major roles in the development of various provisions of the conference report as House conferees. I thank them for the long hours they have spent on this legislation.

Comparable diligence has been displayed by Representative RUTH who is a member of the higher education subcommittee, but was not a conferee.

Mr. Speaker, we also know that any major legislation is the result of countless hours on the part of staff. Literally, thousands of staff hours have gone into this legislation. I would like to mention the outstanding jobs that our minority staff did on this legislation: First, Charles Radcliffe on emergency school aid programs, occupational education, and the issue of school busing; Dr. Marty LaVor for his work on the National Institute on Education and Indian Education; and Dennis Taylor for his assistance on youth camp safety and sex discrimination; Dr. Robert Andringa, who did such superb work on the basic higher education legislation and coordinated our staff effort on this legislation throughout the past 2 years.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, we are all hard-pressed in several minutes to accomplish our objectives. First of all, we want to counter the arguments that have been presented by the other side. We want to explain what is in the bill. We also want to explain what the situation will be if we vote down the conference report.

First, as to the arguments that have been pressed, basically they are twofold: First, that there will be no bill if we vote down the conference report which it is said would result in dire consequences for colleges throughout the country. As has already been explained, this is not the case. We are not leaving the colleges high and dry. There is adequate opportunity for providing continuation of existing programs, as the gentlewoman from Oregon has presented.

Second, it will be alleged, and it has already been referred to, that the conferees did keep the spirit of the House instructions on forced busing amendments. The gentleman from Oregon (Mr. DELLENBACK) just said the conference report was back in the same major form. It is not in the same major form. The antibusing amendments were clearly gutted. We are talking about a situation where, in November, the will of this House was that Federal funds should not be used for busing to achieve racial balance—shall not be used, I repeat—across the board. No matter what the rhetoric is, Federal funds can now be used under the conference report language for busing for racial balance.

So, in effect, we have gone from a position where we have prohibited Federal funds to a position where we now allow Federal funds and, indeed, in my opinion, encourage the use of Federal funds. So we do not see the busing amendment in the same major form as when we voted last November and, indeed, two times since in instructing the conferees. Let me remind the overwhelming majority of this body that our vote was 233 to 124 on the original amendment; 272 to 139 on the first motion to instruct; and 275 to 124 on the second motion to instruct. A substantial majority of this body is clearly on record as opposing Federal funds for busing, for forced busing to achieve racial balance.

We are now in a position in relation to this conference report of having everything provided for in forced busing that was ever wanted, that was ever discussed and desired in the first place. The House has totally capitulated and, even worse than that, as the gentlewoman from Oregon has indicated, as if to, in effect, say, "We don't care what the majority of the House wants," they went one step further in allocating up to $100 million for the metropolitan school district concept.

The heart of the court of appeal decision in the Richmond case this Monday in reversing Judge Merhige's decision was that the district court exceeded its authority in endeavoring to set up a metropolitan school district combining a city school district and adjoining districts. Here we are legitimatizing the metro school district concept, the very concept that the court of appeals said there is no such authority to establish such a district. What a peg for a court to hang a decision on in the future.

I think most of the Members of this body know that if the House and the Senate conferees had previously enacted a law which included the metropolitan school district plan, there is a very good chance the Monday decision would have been the opposite.

A court would have said this Congress is endeavoring to set up such a school district. Therefore, the metro concept is not proper. A vote for this conference report will encourage court-enforced metropolitan school districts. The heart of every metropolitan school district is a forced busing scheme. There is no way to walk from the suburbs to downtown or from downtown to the suburbs.

Our U.S. Commissioner of Education has stated busing should avoid what he calls grotesque distances, whatever that means, but that busing would be the heart of a metropolitan school district concept.

I believe the Richmond decision by the court of appeals would have been different had Congress been on record as voting what we are about to vote for if we adopt this conference report.

There is one additional fact. We have already gone from crosstown busing to the Mehrige decision which would unite districts outside the city. This setup would encourage the next step—merging across State lines. If we legitimatize standard metropolitan statistical areas, we will just open up another can of worms, to where we can attach Camden, N.J., to Philadelphia, Covington, Ky., to Cincinnati, and so forth.

Mr. Speaker, I urge defeat of this conference report.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Speaker, I share the disappointment of many that we were unable to get more time.

I would like to address myself to a couple of matters especially relating to the preferential motion which was discussed by our colleague, from Oregon (Mrs. GREEN). In the first place, it is, in my judgment, questionable under the rules. This preferential motion would eliminate all institutional aid. Each of the Members knows what the institutional aid can bring to the colleges and universities in his district under the conference report.

It would eliminate the basic grants. No reference is made in it to Indian education or work study help for the veterans of the Vietnam war. It will chop out completely any aid to them. We have sent those men there, and they need educational help on their return. We are being asked now to defeat a conference report which would include aid for them and aid for every institution, plus work opportunity grants, and innumerable other things, all on the specious ground of the so-called busing argument.

This conference report does not confer on any court any jurisdiction with respect to any metropolitan school districts. It confers the right, the entirely voluntary right to the municipalities to embark on such a project if, indeed, they want to. Members know in their districts which municipalities would or would not embark on metropolitan school districts. this issue is a total bugaboo. Three years of effort have gone into this enormous and important piece of legislation, and yet it seems to me we are reduced to emotional grounds of very dubious quality, in terms of accuracy, to defeat it.

Mr. REID. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from New York.

Mr. REID. Mr. Speaker, is it not true that the Carnegie Commission study last year documented that 60 percent of the 2,340 institutions of higher education in our Nation are in serious difficulty, some in grave financial straits, and that absent this legislation, we will place the fate of higher education in jeopardy in this country?

Mr. THOMPSON of New Jersey. There is no question about it, and there is no question further that the greatest number of private institutions in the United States, the land-grant colleges and all other colleges favor this legislation, notwithstanding a very small group which says they are against it.

In one instance we are told that a group of institutions operated by the Jesuits are opposed to it, and on that stationery is St. Peter's College in my State of New Jersey. Father Ryan, the executive vice president of that college, today talked with me in support of this legislation, as have all 16 of the private institutions in the State of New Jersey.

I respectfully suggest that it is in your best interests to support this conference report.

Mr. QUIE. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. GERALD R. FORD), the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, although I have some reservations about the higher education portion of this conference report, if it were standing alone I would vote for it.

I have major objections, however, to the total conference report, and for that reason I intend to vote against it.

No. 1: The House conferees, even though instructed twice by overwhelming majorities on a bipartisan basis, did not live up to the integrity of their instructions. In effect, the House conferees junked most of the specific language of the House instructions on the busing issue. The integrity of the instruction of House conferee process is at stake. If a majority of the House conferees are permitted to violate their instructions in this instance, from now on we might as well abandon the process of instructing House conferees.

No. 2: The antibusing provisions are inadequate. The only meaningful part of the conference report in the busing field is the Broomfield amendment. But even there we are getting a part of a loaf, not all of the original amendment passed by the House.

In addition I must say that there are some legal authorities who question the effectiveness of the Broomfield amendment. They allege that it appears to give relief but in effect it will not achieve that result. Only time will tell. I hope it is effective.

Second, let me say that the conference report in effect junks the Ashbrook and Green of Oregon amendments, and substitutes in place of them the philosophy and some critical words of the Scott-Mansfield amendment. The Scott-Mansfield amendment is totally ineffective in handling the antibusing problem.

Ladies and gentlemen of the House, it seems to me there is an alternative, a preferential motion, which in my judgment will answer the problems of higher education and retain the integrity of the House position on the antibusing provisions.

There has been some controversy on the floor of the House about the Metropolitan School District and its impact on Federal judicial decisions. No one could deny that if we approve this conference report we are legitimizing a Metropolitan School District in law. It is perfectly conceivable, once this becomes law, that a Federal judge, like Judge Roth in Detroit, can say in his decision that the action of the Congress strengthens his justification for a decree merging school districts.

He can utilize in his decision our action in Congress in his decision. I do not think we want to give him that hook on which to hang his decision.

Mr. Speaker, for almost 2 weeks I labored with the distinguished chairman of the Committee on Education and Labor seeking a parliamentary way to strengthen the antibusing action in this legislation. Unfortunately, those labors were not successful, and for that reason as well as others I intend to vote against the conference report.

Mr. WILLIAM D. FORD. Mr. Speaker, I rise in support of the conference report on S. 659, the Higher Education Amendments of 1972. I would like to outline the important provisions of this legislation and the reasons why it is so desperately needed at this time, as well as raising and answering questions as to what it should do and what it will do.

However, since so many of the Members here today have addressed themselves specifically to title VIII—"General Provisions Relating to the Assignment of Transportation of Students"—I ask unanimous consent at this point to insert at the conclusion of my remarks the text of the specific sections of this bill dealing with the prohibition against the assignment or transportation of students to achieve racial balance.

I was shocked and somewhat amazed by the distinguished minority leader from Michigan, who preceded me on the floor today and launched a wholly unwarranted and misleading attack on this legislation with respect to its effect on the transportation of students for the purpose of achieving racial balance.

Section 803 is the most important provision of this entire act to the people of my district, to the State of Michigan, and, perhaps, to the country, particularly now, as we wait day by day for a final decision from the Federal court which is at this very moment considering a plan of metropolitan school districts or cross-district assignment of pupils in the Detroit metropolitan area.

The specific language of section 803 was originally introduced on October 19, 1971, by me and six other Members of Congress representing the suburbs surrounding the city of Detroit. Because Congressman WILLIAM BROOMFIELD's name was listed first among the cosponsors, it has come to be known as the Broomfield amendment.

That particular piece of legislation was assigned to the House Judiciary Committee and although hearings have been held, no action on the legislation has been taken. On November 4, 1971, when the higher education bill which is the subject of this conference report was before the House, Congressman BROOMFIELD, with the concurrence of all of us were the cosponsors from both political parties, offered this proposed bill as a section to be added to the education bill.

Section 803 reads as follows:

PROVISION RELATING TO COURT APPEALS

SEC. 803. Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall expire at midnight on January 1, 1974.

The intent of this section is clearly evidenced by the legislative history which has developed since we originally introduced it in October 1971; during its consideration on the floor of the House in November 1971, and in the statement of the managers of the conference report indicating discussion during the conference, as well as the legislative history established here today by Congressman O'HARA of Michigan, Congressman BROOMFIELD of Michigan, and Congressman PERKINS of Kentucky, chairman of the conference committee.

The intent is to prevent any Federal district court from putting into effect any plan requiring the transfer or transportation of students from any school attendance area for the purpose of achieving a balance among students with respect to race, religion, or socioeconomic status.

If we adopt this conference report today, since it has already been adopted by the U.S. Senate, and I might say with the concurring vote of the minority whip who is the junior Senator from the same State and party as our distinguished minority leader, this legislation will go directly to the President for signature.

When it is signed into law, it will constitute the first act by the Congress to prevent such assignment of transportation of pupils until the Supreme Court has had an opportunity to act on this controversial matter.

I have been convinced ever since I first studied the preliminary findings made by Judge Roth in the Detroit case that the U.S. Supreme Court would not sustain on appeal any order requiring the merger of school districts contrary to the wishes of the people therein and without their vote and consent, or requiring the transportation of students from one school district to another.

The important decision rendered on June 5, earlier this week, in the Richmond case, I believe vindicates the course of action which we have taken in offering this legislative proposal and supporting it through its tortuous path to today when we now have an opportunity to adopt it.

In view of the Richmond decision, I am convinced that the appellate courts and, particularly, the Supreme Court of the United States, will not approve of any such order by a Federal district court.

When we introduced this legislation in October, 1971, all of us who cosponsored the legislation immediately joined in an urgent request to Gov. William Milliken, Attorney General Frank Kelley, and the State Board of Education, all parties to the Detroit lawsuit, asking them to proceed forthwith to appeal Judge Roth's order so that the matter could be reviewed by the Supreme Court.

Such an appeal has been filed and there is presently pending an appeal filed by Attorney General Kelley so that if we pass this legislation today, and the President signs it into law, any such order entered in the Detroit case could not and would not take effect until those appeals and others yet to be filed have been considered by the Supreme Court.

I am convinced that if this legislation is adopted today we will never see cross-district busing or court-ordered school district mergers in the State of Michigan or any other metropolitan area such as that surrounding Detroit.

At this point I would like to insert the full text of title VIII:

TITLE VIII—GENERAL PROVISIONS RELATING TO THE ASSIGNMENT OR TRANSPORTATION OF STUDENTS

PROHIBITION AGAINST ASSIGNMENT OR TRANSPORTATION OF STUDENTS TO OVERCOME RACIAL IMBALANCE

SEC. 801. No provision of this Act shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

PROHIBITION AGAINST USE OF APPROPRIATED FUNDS FOR BUSING

SEC. 802(a). No funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system, except on the express written voluntary request of appropriate local school officials. No such funds shall be made available for transportation when the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process of such children, or where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

(b) No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education), the Department of Justice, or any other Federal agency shall, by rule, regulation, order, guideline, or otherwise, (1) urge, persuade, induce, or require any local education agency, or any private nonprofit agency, institution, or organization to use any funds derived from any State or local sources for any purpose, unless constitutionally required, for which Federal funds appropriated to carry out any applicable program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any State or local public officer or employee which would be prohibited by clause (1) on the part of a Federal officer or employee. No officer, agent, or employee of the Department of Health, Education, and Welfare (including the Office of Education) or any other Federal agency shall urge, persuade, induce, or require any local education agency to undertake transportation of any student where the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process; or where the educational opportunities available at the school to which it is proposed that such student be transported will be substantially inferior to those offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zones established without discrimination on account of race, religion, color, or national origin.

(c) An applicable program means a program to which the General Education Provisions Act applies.

PROVISION RELATING TO COURT APPEALS

SEC. 803. Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall expire at midnight on January 1, 1974.

PROVISION AUTHORIZING INTERVENTION IN COURT ORDERS

SEC. 804. A parent or guardian of a child, or parents or guardians of children similarly situated, transported to a public school in accordance with a court order, may seek to reopen or intervene in the further implementation of such court order, currently in effect, if the time or distance of travel is so great as to risk the health of the student or significantly impinge on his or her educational process.

PROVISION REQUIRING THAT RULES OF EVIDENCE BE UNIFORM

SEC. 805. The rules of evidence required to prove that State or local authorities are practicing racial discrimination in assigning students to public schools shall be uniform throughout the United States.

APPLICATION OF PROVISO OF SECTION 407(a) OF THE CIVIL RIGHTS ACT OF 1964 TO THE ENTIRE UNITED STATES

SEC. 806. The proviso of section 407(a) of the Civil Rights Act of 1964 providing in substance that no court or official of the United States shall be empowered to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance or otherwise enlarge the existing power of the court to insure compliance with constitutional standards shall apply to all public school pupils and to every public school system, public school and public school board, as defined by title IV, under all circumstances and conditions and at all times in every State, district, territory, Commonwealth, or possession of the United States, regardless of whether the residence of such public school pupils or the principal offices of such public school system, public school or public school board is situated in the northern, eastern, western, or southern part of the United States.

Mr. Speaker, at the beginning of my remarks I indicated that I would like to discuss some of the other important provisions of S. 659 relating to higher education, and explain why they were so desperately needed at this time.

At this point I would like to continue, if I may, and outline some of these very significant features of the education amendments of 1972.

Mr. Speaker, consideration of the conference report on S. 659, the Higher Education Amendments of 1972, culminates several years' work of the Congress in reshaping and extending higher education programs which will more effectively enable colleges and universities to provide for the higher education needs of this Nation. More important, the conference bill will result in a realization of the often-stated congressional intent that no student be denied an opportunity for higher education because the cost of it is beyond his reach.

S. 659 extends expiring higher education and student assistance programs for a 3-year period, and these, combined with its newly authorized programs of assistance, call for approximately $18.5 billion of meaningful Federal support for the 3-year period.

Highlights of the legislation are:

First. Existing Federal higher education student assistance programs are strengthened and expanded with a new program being authorized to assist States in establishing State student grants program and a new Federal student assistance program covering all students with a grant of up to $1,400 to defer college expenses.

Second. For the first time, meaningful support for community and junior colleges is given through an authorization of $275 million and in addition $500 million annually is authorized in grants to States to assist in formulating, establishing, and operating programs of postsecondary occupational education.

Third. Forty million dollars is authorized to provide emergency grants to public and private colleges in severe financial distress.

Fourth. A National Institute of Education is established with a $550 million authorization over 3 years to support, conduct, and disseminate research at all levels of education.

Fifth. For the first time, direct aid to institutions, both public and private, is authorized with an annual authorization of $1 billion.

Sixth. Significant assistance is provided to strengthen opportunities for veterans seeking enrollment in institutions of higher education.

At this point in my remarks, I include questions and answers concerning major provisions of the conference report, as well as a summary of some of the most important features of the legislation:

(1) *How will the institutional aid authorized by the bill be apportioned among colleges and universities?*

The Conference Report authorizes a three-part formula for distributing institutional aid funds:

(1) Forty-five percent of the funds will be distributed according to the *number* of Basic Educational Opportunity Grant recipients enrolled at each institution;

(2) Forty-five percent of the funds will be distributed according to the *amount* of Supplemental Educational Opportunity Grant, College Work-Study and National Defense Student Loan funds paid to students enrolled at each institution; and

(3) Ten percent will be distributed according to the *number* of graduate students enrolled at each institution.

The specific provisions of this formula are explained in greater detail on pages 223–228 of the Conference Report.

(2) *Will private colleges and universities receive an equitable share under this formula?*

Yes. Private colleges and universities in the United States enroll 26.4% of students who attend institutions of higher education. Under the formula contained in the Conference Report, however, it is estimated that 37% of the institutional aid funds will go to private institutions which, according to all the evidence received by the Committee, are in greater financial difficulty than most public institutions.

(3) *What restrictions will be placed upon the use of institutional aid funds by colleges and universities?*

Institutional aid funds paid to colleges and universities must be used for instructional expenses incurred in academically related programs of the recipient institution. No other restrictions (aside from a prohibition against use of the funds for sectarian activities) are imposed—colleges and universities are free to use the funds as they see fit.

(4) *How does the size of the institutional aid program contained in the conference report compare with the program contained in the House-passed bill?*

Both formulas would require approximately the same amount—$1 billion annually—to pay each institution the full amount to which it is entitled.

(5) *Does the institutional aid formula in the conference report contain any of the provisions of the institutional aid formula approved by the House last fall?*

Yes. Under the Conference Report 55% of the money will be distributed in accordance with provisions contained in the House-passed bill. The other 45% will follow provisions contained in the original Senate-passed bill.

(6) *How will the so-called "basic grant" program for students work?*

Each student enrolled at an accredited institution of higher education, or an accredited post-secondary proprietary school, will be entitled to receive an annual grant of $1400, minus the amount which his or her family could reasonably be expected to contribute for education purposes. However, no grant could exceed the amount necessary to attend the institution at which the student is enrolled, nor could a grant exceed 60% of the amount a student needs beyond his expected family contribution to attend an institution.

(7) *Who will decide what a student's expected "family contribution" is?*

As in present practice, the financial aid officer at the institution which the student attends will make this decision in accordance with generally established principles for making student aid awards. The Conference Report requires that the financial aid officer consider, among other factors, the amount of the family's income, the number of dependents in the family, the number of children in the family attending college and any unusual expenses of the family such as unusual medical expenses.

(8) *Will basic grants be available only to low-income students?*

No. Middle income students as well as low income students will be able to receive Basic Grants, with the only difference being that middle income students' grants will naturally tend to be smaller.

(9) *What limitations does the conference report place on funding of the basic grant program?*

The Conference Report provides that Basic Grants may not be paid until the National Defense Student Loan and College Work-Study programs are funded at a level equal to FY 1972 appropriation, and the Education Opportunity Grants program is funded at a level equal to 75% of FY 1972 original appropriations. This provision was included at the unanimous insistence of the House conferees.

(10) *What about existing students aid programs?*

All existing student aid programs, including Educational Opportunity Grants, College Work-Study, National Defense Student Loans and the Guaranteed Loan program, will be continued for three years. The Conference Report substantially follows the eligibility amendments in the House-passed bill which will provide greater access to these programs for students from middle-income families, particularly those attending private colleges and universities, where costs are normally higher than at public institutions.

The Conference Report also contains a new National Student Loan Marketing Association for the purpose of providing greater liquidity for student loan paper, thus enabling banks and other lending institutions to substantially enlarge their student loan programs. The $15,000 annual family income limitation on the Federally subsidized loan program is deleted—all students, regardless of family income, will be able to receive a Federally subsidized loan through a bank or other lending institution so long as a student can show that he or she is in need of the loan.

CONFERENCE REPORT HIGHLIGHTS — HIGHER EDUCATION AMENDMENTS OF 1972

STUDENT ASSISTANCE

All existing programs, including College Work-Study, National Defense Student Loans, Educational Opportunity Grants, and Guaranteed Student Loans, continued for three years.

New program of Basic Educational Opportunity Grants, under which each student would be entitled to $1,400 per year, less expected family contribution. No grant could exceed 60% of what a student needed to attend a particular institution for any year.

Creation of a National Student Loan Marketing Association to buy, sell and warehouse Guaranteed Student Loans, and thereby stimulate new capital for such loans.

INSTITUTIONAL AID

$1 billion annually in direct aid to institutions, both public and private. Note: 45% of the aid would be based on the *number* of Basic Grant recipients at each institution; 45% on the aggregate *amount* of (Supplemental) EOG, Work-Study and NDSL funds paid to students at each institution; and 10% on the *number* of graduate students enrolled at each institution.

$40 million annually in emergency grants to institutions in severe financial distress.

Veterans Cost-of-Instruction Grants to institutions in the amount of $300 for each veteran enrolled, and an additional $150 for each veteran who is in a special or remedial program.

COMMUNITY COLLEGES

Start-up and expansion grants for community colleges. Authorization: $275 million over three years.

OCCUPATIONAL EDUCATION

New program to help the States design, establish and operate post-secondary occupational education programs. Authorization: $850 million over three years.

NATIONAL INSTITUTE OF EDUCATION

New agency established within HEW to support, conduct, and disseminate the products of, research at all levels of education. Authorization: $550 million over three years.

HIGHER EDUCATION INNOVATION

New program of grants to institutions to encourage reform and innovation in higher education. Authorization: $135 million over three years.

EXISTING HIGHER EDUCATION PROGRAMS

All existing categorical aid programs, including facilities construction, extended for three years.

INDIAN EDUCATION

$95 million over three years in grants to local education agencies for programs to help meet the special educational needs of Indian children.

Mr. Speaker, there have been many confusing and misleading statements made concerning the conference report and what it actually contains. Extension of existing programs and the new programs authorized are the product of lengthy and serious consideration by the Congress over a long period of time. In many instances, the conference report contains provisions which are not precisely as anyone of us individually would have written. But the overall impact of the bill is constructive and forward moving. Higher education opportunities and the ability of our junior colleges, 4-year colleges and universities to provide high quality education programs will be critically impaired unless S. 659 as reported by the conference is adopted. Consequently, I urge my colleagues to vote "Yes" on the conference report.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, the conference report the House considers today is truly a landmark in Federal support for higher education. Indeed, I believe it is the most significant Federal higher education measure since the Land-Grant College Act was signed by President Lincoln over a century ago.

The conference report is the result of bipartisan cooperation and compromise, and the product of a great deal of work by Members of both the House and Senate.

I would like to express my warm personal appreciation to the distinguished chairman of the Committee on Education and Labor, the Honorable CARL D. PERKINS of Kentucky, and to the distinguished ranking minority member, the Honorable ALBERT H. QUIE of Minnesota, who have labored long and hard on behalf of this legislation and American higher education.

I would also like to pay tribute to the other members of our committee who helped make possible the conference report today, in particular to our distinguished colleagues, the gentleman from New Jersey (Mr. THOMPSON); the gentleman from Illinois (Mr. PUCINSKI); the gentleman from Illinois (Mr. ERLENBORN); the gentleman from Oregon (Mr. DELLENBACK); the gentleman from Washington (Mr. MEEDS); the gentleman from Wisconsin (Mr. STEIGER); the gentleman from New York (Mr. REID); and the gentleman from Idaho (Mr. HANSEN). Without their fine work, we would not have this outstanding bill before us.

Mr. Speaker, the conference report on which we are voting today is truly an historic measure.

It contains provisions of great significance for the whole range of post-secondary education activities in the United States.

In addition to extending all existing higher education programs, the conference report would establish two new programs of special significance:

First. A new program of basic educational opportunity grants, championed by the distinguished Senator from Rhode Island, the Honorable CLAIBORNE PELL, whose leadership in the other body did so much to bring us to this historic day for American higher education.

Under the new basic grant program, each student will be entitled to a grant of $1,400 per year, less the amount his or her family could reasonably be expected to contribute toward his or her education.

Second. A new program of direct aid to colleges and universities, under which each institution of higher education in the United States, public as well as private, will receive a Federal payment based on, first, the number of basic grant recipients enrolled at each institution; second, the amount of other Federal student assistance provided to students enrolled at each institution; and third, the number of graduate students enrolled at each institution.

Mr. Speaker, this legislation, as I have indicated, will establish a landmark in

Federal support for higher education, and as might be expected with any measure of such great magnitude, its specific provisions are quite complex.

Indeed, Mr. Speaker, I have been disturbed to find in speaking to many of my colleagues in the House as well as college and university presidents around the country, that some of the provisions of this bill, including the ones I have mentioned above have been widely misunderstood.

Therefore, Mr. Speaker, I would like to take this opportunity to set the record straight as to what the conference committee agreed to with respect to both student aid and direct institutional assistance to colleges and universities.

First, let me address myself to the question of participation by students from middle-income families in the student assistance programs, and in particular in the new program of basic educational opportunity grants.

It is emphatically not true that the basic grant program will be limited to "needy students" in the sense that we use the term to describe students from low-income families.

On the contrary, the basic grant program is intended by the conferees to provide assistance to any student who is in need of help, whether he or she comes from a middle-income or a low-income family. A reading of the statutory provisions contained in the conference report makes clear that we have designed this program so as to prevent middle-income students from being "traded-off" in favor of low-income students, or vice versa, by the Commissioner of Education or anybody else.

And Mr. Speaker, lest there be any misapprehension on the part of my colleagues, let me make it quite clear that the basic educational opportunity grant program in the conference report was agreed to on a unanimous rollcall vote with every one of the House conferees voting for it.

While on this subject, I should also note that the other student aid provisions of the conference report are also designed to make available assistance to students from middle-income as well as low-income families. For example, the House amendment deleting the low-income preference from the college work-study program was adopted by the conferees with the express intent of opening up this program to greater middle-income participation.

In addition, the conference report creates a new National Student Loan Marketing Association to buy, sell, and warehouse guaranteed student loans, and thereby stimulate new capital for such loans. This new entity should vastly expand the amount of loan money available to students from banks and other lending institutions.

Finally, we followed the House bill in deleting the $15,000 family income limitation for participation in the subsidy feature of the guaranteed student loan program, thereby opening yet another avenue of access for students from middle-income families.

So any suggestion that the student aid provisions of the conference report discriminates against middle-income America is simply not accurate.

Second, the Speaker, I would like to address myself to the provisions of the conference report for direct assistance to colleges and universities, and the erroneous apprehension on the part of some that this program means "small comfort" for private institutions.

The formula agreed to by the conference committee should provide nearly $1 billion annually in direct assistance to our colleges and universities, both public and private.

Private institutions today enroll 26.4 percent of the Nation's college student population. In recognition of the fact that private institutions by and large have been experiencing financial distress to a greater extent than have public institutions, the formula contained in the conference report for institutional aid will give private colleges and universities at least 37 percent of institutional aid funds.

Thus the charge that the conference report discriminates against private colleges and universities is simply contrary to the facts. I might add that as a Member of Congress who is proud to represent the University of Notre Dame, Goshen College, Bethel College, Saint Mary's College, and Holy Cross Junior College, I would certainly not favor an institutional aid program that would operate against private institutions getting a fair share of Federal assistance.

Mr. Speaker, let me stress one more point on this particular subject. The direct aid provided to colleges and universities by the conference report is, indeed, direct and without strings attached. It is not, as some have erroneously thought, restricted to remedial services or other special services for disadvantaged students. Rather the new institutional aid may be used by each college and university for any instructional purpose it sees fit, subject only to the requirement, of course, that funds obtained under this program may not be used for sectarian purposes.

Mr. Speaker, I would touch on one other matter before concluding my remarks.

As you know, the Select Education Subcommittee, which I have the honor to chair, held extensive hearings last year on the proposed National Institute of Education, which will support research and development in education at every level.

Our subcommittee heard from some of the leading figures in American education on the need to increase the paltry one-third of 1 percent which we are currently spending, at all levels, on research and development in education.

Repeatedly, Mr. Speaker, witnesses told us of, first, the need for much more educational research of high quality, and then to insure the dissemination of the results of research into the educational system, where it could make an effective impact on improving the learning process.

The proposed National Institute of Education was accepted by both Houses of Congress, and the conferees agreed to House language insuring that the institute would be a strong, viable research and development agency on a par with the Office of Education.

Mr. Speaker, for the sake of brevity I include at this point an outline I have prepared explaining the purposes, functions, structure, and authorizations of the institute:

NATIONAL INSTITUTE OF EDUCATION

PURPOSES

The purpose of the Institute is to promote reform and renewal at all levels of education by advancing education as an art, science, and profession, strengthening the scientific and technological foundations of education, and building an effective educational research and development system.

FUNCTIONS

To accomplish these aims, the Institute will:

Conduct educational research;

Collect and disseminate the findings of educational research;

Assist and foster such research, collection, dissemination, or training through grants, or technical assistance to public or private organizations, institutions, agencies, or individuals;

Promote the coordination of educational research support within the Federal Government;

And construct or provide for such facilities as are necessary for these purposes.

An essential element in the achievement of the purposes of the Institute is the strengthening of the links between research and development and educational practice. The whole complex set of dissemination/utilization functions—including National Center for Educational Communication activities such as ERIC PREP, Publishers Alert—will, therefore, be responsibilities of the National Institute of Education.

STRUCTURE

A new Division of Education within the Department of Health, Education, and Welfare will be established. The Division will be headed by a new Assistant Secretary of HEW, and will be composed of the National Institute of Education, and the Office of Education—which are to be separate, co-equal administrative units. The Institute will be headed by a Director and the Office of Education by the Commissioner—both appointed by the President, with the advice and consent of the Senate.

A National Council on Educational Research will be responsible for general policies governing the Institute. The Director, however, will be in charge of overall operations and allocations decisions. The independent Council with decision-making authority. Exclusive of the costs of administering the program, and the strong Directorship will hopefully ensure a vigorous Institute.

FUNDS AUTHORIZATION

$550 million is authorized for the Institute over a three-year period. At least 90% of the funds appropriated for any fiscal year, must be expended through grants and contracts with public or private organizations, institutions, agencies, or individuals.

What I want particularly to explain to Members of the House today, Mr. Speaker, is the intent of the conferees with respect to one aspect of our concern to insure that educational research relates to educational practice.

If the purposes of the Institute are to be attained, clearly it is essential that the linkages between these two functions of research and practice be strengthened.

These linkages can be achieved in two principal ways.

First, the whole complex set of existing dissemination/utilization functions relating to education—including the National Center for Educational Communication activities such as ERIC, PREP, Publishers Alert—will be responsibilities of the National Institute of Education.

Second, Mr. Speaker, the conferees intend that the State education agencies play a part in the dissemination functions of the Institute.

Although as a Federal agency, the Institute must have specific links to existing State and local education agencies, the problems of communicating directly with thousands of local education agencies and coordinating product distribution to them could unnecessarily sap the resources of the Institute.

State education agencies are in an advantageous position to carry out the essential dissemination of Institute supported research. There are several reasons they can be helpful in this respect.

First, State education agencies are the existing State mechanisms for administering certain Federal programs such as title III of the Elementary and Secondary Education Act, as well as State-funded developmental programs in many States. State education agencies therefore already have experience as channels to local districts for program improvement.

Moreover, Mr. Speaker, the development of State intermediate offices has accelerated in many States—frequently under increasingly vigorous State leadership—and these regional offices provide additional administrative channels for the dissemination of Institute products.

I should say, Mr. Speaker, that the conferees' intention that State education agencies be utilized in the dissemination activities of the Institute is not based solely on the practical fact that these agencies have the capacity to carry out this essential function.

The intent is also based on the fact that such utilization is increasingly important, because the States are being held increasingly accountable for equalizing classroom opportunity and fiscal support for schools.

The Federal Government must clearly be helpful in making available the results of the new national educational research effort represented by the National Institute of Education—and this will mean in part working with the State education agencies.

But beyond the participation of State education agencies in the dissemination, diffusion, and demonstration of Institute supported research results, the agencies will also participate in both policy development and the specification of research needs.

It is intended that this participation, Mr. Speaker, be accomplished through such means as participation in the National Council on Educational Research, joint research design development, and joint staff development programs.

Mr. Speaker, the conferees' decision to assign dissemination and utilization functions to the Institute, and the provision that State and local educational agencies play a large part in these crucial areas, will help insure that the results of research in education do not gather dust on musty shelves, but, instead, make a real difference in the quality and accessibility of education at all levels.

Mr. Speaker, over the course of the last 2 years our committee has heard witness after witness describe the financial plight of American higher education today. The new institutional aid program contained in the conference report constitutes a rational and considered answer to the financial travails of our colleges and universities, especially those in the private sector.

In addition, the conference report does justice to the philosophy that every American young man and woman, regardless of his or her family's financial status, may aspire to the best education this country can provide and of which he or she is capable.

For this measure to fail now on the basis of an unreal promise of a preferential motion that would destroy the principal new programs in this legislation would be a tragedy we cannot afford to see happen.

I strongly urge adoption of this conference report.

Mr. REID. Mr. Speaker, we in Congress have today a unique opportunity to vote on an historic piece of legislation. As many have already said, this report could well be the most significant advance in Federal support for institutions of higher education since the Land Grant College Act over 100 years ago.

As a member of the Education and Labor Committee which considered this legislation over the past few years and as one of the conferees who worked for over 2 months to reach agreement on this conference report, I can say clearly that this bill is vital to higher education and essential to millions of students.

Both students and colleges and universities in every congressional district in this country will benefit from major new provisions in this bill and from the continuation and expansion of several other excellent existing programs.

Beginning in 1958 with the enactment of the National Defense Education Act, the U.S. Government made a special commitment to guarantee qualified high school graduates an opportunity to seek a postsecondary education. Today over 2 million students are benefiting from four major programs: educational opportunity grants, college work study grants, National Defense Education Act loans and guaranteed student loans. Although these programs have served many students over the past several years, it was felt by the conference that more needed to be done to insure that a student's access to a postsecondary education is not limited by financial needs.

The Senate committee report found, for example, that a student from a family with an income over $15,000 is almost five times more likely to attend college than a student from a family with an income under $3,000. Responding to this gap in our higher education system, the higher education amendments provide that in addition to present student aid programs, there will be created a program of basic educational opportunity grants, an entitlement to every college age youth of $1,400 minus the amount of money that his family can reasonably be expected to contribute to the cost of his education. These grants are available to students as a matter of right, regardless of where he or she lives or goes to college, and they are not limited to low-income students. Middle income students as well will be able to receive basic grants. For the first time the Federal Government has made a commitment to the principle that every qualified high school graduate is entitled to further his education—at a community college, vocational institution, or a 2- or 4-year college or university.

For the past 2 years we have seen evidence of an increasing financial crisis among many higher education institutions in this country. In 1971 over a dozen separate studies had been released documenting a new depression in higher education as the gap widened between expected revenues and estimated expenditures. Mushrooming enrollments, the need to increase the quality and variety of courses, increased expenditures on student aid coupled with accentuated inflation in the economy contributed to sharply increasing costs of education per student.

And with this increase in cost has come a decrease in revenue available from State, private, and Federal sources. Perhaps hardest hit have been the small private institutions, dependent on tuitions and donations. But public institutions have suffered too as revenues declined. The Carnegie Commission Study last year documented that 60 percent of the 2,340 institutions of higher education in our Nation were in or headed for financial difficulties. With enrollments up 60 percent from 1965, Federal support is at its lowest since 1966.

The conferees have responded with realistic and substantial direct college operating subsidies. $1 billion will be directed annually to both private and public institutions not only to help schools meet their present financial crisis, but also to provide assistance to higher education institutions to meet the demands which will be made on them in the future. Money will be allocated with 45 percent of the funds based on the number of basic grant recipients at each institution, 45 percent based on the aggregate amount of Federal student aid funds paid to students enrolled at each institution, and 10 percent based on the number of graduate students enrolled at each institution. Payments are weighted to take note of the special problems faced by the small liberal arts colleges which have been the hardest hit by this financial crisis. In fact, it has been estimated that under the formula contained in the conference report, 39 percent of the institutional aid funds will go to private institutions which presently enroll 26.4 percent of the students who attend institutions of higher education. Funds paid to these colleges and universities must be used for instructional expenses incurred in academically related programs. No other restrictions aside from a prohibition against use of the funds for sectarian activities are imposed and thus colleges and universities are free to use these funds in any way they see fit.

Additional institutional aid is provided for by a $40 million emergency assistance program designed to assist the Nation's schools facing the severest crises.

These two new programs—entitlement grants and direct cost-of-education allowances—are the two main provisions of a concept of Federal assistance which I endorsed in 1969. At that time, Congressman JOHN BRADEMAS and I introduced the Higher Education Bill of Rights, incorporating the recommendations of the Carnegie Commission on Higher Education. Today, 3 years later, these ideas have been refined and incorporated into the higher education amendments which we vote on today.

Combined with these two major new programs, several other student aid and categorical instutional aid programs have been revised and extended, thus reversing the trend of decreasing Federal assistance to the institutions of higher education.

The philisophical basis for the Federal student assistance programs, and particularly the new basic educational opportunity grant is that students from lower-income families have less access to financial aid, less opportunity to obtain guaranteed loans, and are less likely to receive help from relatives and private organizations. And institutions serving a high proportion of disadvantaged students have less money with which to help their student populations.

Along with the basic grant program, all existing programs, including college work study, national defense student loans, educational opportunity grants have been continued for 3 years, with expanded eligibility requirements, thus providing much greater access to these programs for students from middle income families. This will be of particular benefit for those attending private colleges and universities where costs are normally higher than at public institutions. The guaranteed student loan program was retained with a new National Student Loan Marketing Association established to expand the availability of credit.

One additional feature of particular benefit to New York State is the creation of a State student incentive grant program, authorizing $50 million annually for grants to States on an even-matching basis to assist them in providing grants to students of substantial financial need. The conference felt that the States have long preceded the Federal Government in this area of student aid and, that they ought to be assisted in continuing to do so. New York State, with the largest student aid program in the Nation, of over $72 million annually, will derive substantial benefit from this provision.

In the last decade there has been a growing demand to provide diversity in postsecondary education. Both students and educators alike, have recognized that the needs of all students are not served by the traditional 4-year liberal arts college education. Thus there has been a dramatic expansion of community colleges and vocational institutions. Enrollment in community colleges has increased 400 percent in the last 10 years. Responding to this important trend, and realizing its significance for the future of higher education, the conference report contains a program of startup and expansion grants for community colleges and a new program to help States design, establish, and operate postsecondary occupational education programs.

As a member of the House Education and Labor Committee for 8 years, I have constantly been dismayed by the lack of knowledge that we have about how children learn and about the best ways to educate the children in our society—and particularly the millions of deprived children. To date our efforts to learn more have been scattered and uncoordinated. In higher education as well, there is a need for reform and innovation—yet research in this field has continually been relegated to a very low priority. Since 1960 only $1 billion has been spent on research in education, while $7 billion has been spent on agriculture research and $14 billion on health research. For every dollar we spend on education, less than a third of a penny goes for research. For this reason, in 1970, Congressman BRADEMAS and I introduced legislation creating a National Institute of Education. I am most pleased, Mr. Speaker, to see the inclusion of the Institute in the present higher education amendments. This center modeled on the National Institutes for Health will provide for the first time coordinated educational research to stimulate reform and innovation at every level of education. Specifically included in the Institute is the concept of the proposed National Foundation for Postsecondary Education to promote innovation in postsecondary education.

Any one of these programs would represent progress. Together, as I said before, this legislation represents one of the most important pieces of education legislation ever before Congress. Recognizing this fact, colleges, universities, and education organizations from every State in the Nation have voiced their support of this bill.

If we defeat this report today, because we disagree with various provisions in the bill, higher education may not have another chance for many years. We will be saying not now to several million students who need the Federal Government's assistance to move into the mainstream of American life by advancing their education. We will be saying not now to over 2,500 institutions of higher education which have contributed so much and which desperately need our help. Congress, by its response today, may, in fact, be determining the fate of American higher education for many years to come.

Mr. QUIE. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. RUTH).

Mr. RUTH. Mr. Speaker, one of the Members has just suggested that we need better order and I thank him. However, I will say that if I cannot command the attention of this group then they can go ahead and talk, it is all right.

My usefulness on the Education and Labor Committee seems to be relegated today to digging out certain things that happen in the committee and some of the things that happen in conference and in interpreting them for my colleagues.

I hope you have my prepared statement which gives the six reasons why I oppose this conference report. Additional copies are available in the cloakroom.

Members of the House know that I supported the House bill, as most of you did, when it was considered last year. Earlier this year when the bill went to conference and was referred back to the House, I offered the motion which was carried to instruct the House conferees to insist on the House language regarding busing.

My opposition to this conference report should not be interpreted by anyone as an intention to kill the higher education bill. The plan is to offer a privileged motion which will include the educational programs, the House busing amendment and to include the titles of the bill which will continue community and vocational education. In the meantime, we can all hope and work for a better prepared higher education bill which will benefit all members of our society.

In case you think all of this malarkey or a snow job by RUTH I want you to look at the report and I state in the margin exactly where in the conference report you can find these things that I have mentioned. So I hope you will use this and I hope you will study it.

I began thinking about this first when I started getting letters from 4-year institutional presidents who were against this bill. Now, when you start getting presidents of institutions who stand to gain starting to tell you to vote against the conference report then, I think it is about time we start examining it.

And I will admit that I have gotten all kinds of telegrams in support saying they want this. However, when the likes of Terry Sanford, the president of Duke University, and he is also president of the National Council of Independent Colleges which oppose the report—and I might also add that I have other colleges that are quite substantial in my area against it. It is time to thoroughly examine the legislation. It reminds me of the case of the Boy Scouts who wanted to get merit badges so they went downtown and stood at the corner and started leading old ladies across the street, and this was fine, but when they got through they had lead a gang of old ladies across the street who did not want to go there.

Now, if you will let me follow my outline that tells you why I oppose the conference report, the first thing is that the conferees did not follow the instructions on busing. And I think we have beaten that horse pretty well to death. And I think you know that they did not follow the instructions. Our distinguished Speaker in his recent ruling said that he could not make the conferees follow the instructions, but that we have to do it, and he said it about as plain as one man can.

Then, there is the inclusion of the metropolitan school district. That is absurd. We have just gotten a reversal in the Richmond case and it was reversed because the judge did not have the right to set up a metropolitan school district and yet here we are passing a law to give them the right to establish such districts.

Then the next thing is the inclusion of veterans' benefits. And the gentleman from New Jersey should know that the veterans' benefits are for the colleges and not for the veterans. And you should remember that along with Tiger Teague, the gentleman from Texas, and other members of our entire Veterans' Committee, we feel our committee should consider this item.

Then we have got the inclusion of the Pell grants, but we do not need them.

If you look at item 4 you will see that if you include the Pell grants with all the other grants a student in college can get $7,900. The Pell program would make it possible for every student in the United States to be eligible for $1,400 to go to college. And it also says less the amount that the family can provide. We have already started people on welfare to have the daddies leave home so that the family can get the money and we are now going to start the students leaving home so that they can get Federal money by saying, "I am not depending on my daddy to get this money." And we have got a lot of smart kids in this country and I expect they will do it.

I am sorry the way time flies, but I hope you will look at item 4 of my hand out.

I guess my strongest reason to oppose the report, it is arguing or asking how any fiscally responsible person in the Congress can want to give institutional aid based on the amount of Federal aid to students.

I was a dean of students in a small college, and I used to preside over these meetings for needy students. We invariably looked for ways to help needy students without using Federal money.

Under permission to revise and extend my remarks I include detailed information supporting my opposition to the adoption of the conference report:

Busing

The Broomfield amendment as adopted by the House required that all appeals on busing must be heard before the court orders would be enforced. The conference report sets January 1, 1974 as a termination date for the provision. This weakens the amendment and could cause undue hardships in the future.

The Green Amendment prohibited Federal employees encouraging local government or local agencies to use their money for busing. The Conference added "unless constitutionally required." This language modifies the intent of the amendment and opens a loophole for debate in interpretation.

The Ashbrook Amendment prohibits the use of funds for busing of students or teachers to overcome racial imbalance, or for the purchase of equipment for such transportation and forbids any office or employee of HEW or the Office of Education, or any other Federal agency to force States to expend State and local funds for purposes for which Federal funds cannot be expended. The Senate added the language "unless instructed in writing by local school officials." This wording was included in the Conference Report and makes the amendment meaningless and completely disregards the House instructions to the Conferees.

Also it should be noted that in the statement on policy the House Amendment stated that *guidelines and criteria established pursuant to this title shall be applied uniformly in all regions of the United States* in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation. *The Senate amended the policy and stated the criteria used would be pursuant to Title VI of the Civil Rights Act.* An investigation of this shows it to be different from the House version inasmuch as it reads as follows: "Such uniformity refers to *one policy applied uniformly to de jure segregation* wherever found and such other policy as may be provided pursuant to law *applied uniformly to de facto segregation* wherever found."

Here we have a nullifying effect that might go completely unnoticed.

Metropolitan School District

The Conference Report authorizes the Commissioner of Education to set aside 5% of a $2 billion authorization ($100,000,000) to draw up plans for the metropolitan school district. The backbone of this plan is busing. It is only logical that this supports the Richmond and Detroit decisions. Congress is thus giving its stamp of approval to these busing decisions and is inviting more. Although the House instructions to the conferees did not deal with this particular section, it violates the will of the House on busing.

Inclusion of Veterans Benefits

As a member of the House Committee on Veterans Affairs, I have supported legislation to assist our veterans.

However, the provisions of this Conference Report include a new feature and impose requirements on the institutions which are costly and questionable. I quote the following from the Report: "The Senate bill would provide cost-of-instruction payments to institutions of higher education on behalf of veterans in attendance at such institutions. In order to be eligible, an institution must increase the number of veterans in attendance at such institution by 10 per centum the first year. If an institution is eligible for payment, the amount of that payment shall be (1) $300 for each veteran and (2) in addition, $150 for each veteran who has participated in one of the special remedial veterans programs. In case of payments in this latter category, no payment would be made on behalf of a veteran if the institution receives a payment in excess of $150 on behalf of that veteran under the cost of instruction allowances section.

When appropriations are not sufficient to meet such institutional entitlements, the Commissioner of Education shall use funds from the National Service Life Insurance Fund and give such Fund noninterest bearing notes that the Secretary of the Treasury is authorized and directed to purchase. There are no similar House provisions."

Traditionally legislation of this type has come from the Veterans Affairs Committee which I feel is highly qualified to consider and will do a better job coordinating such a program, if needed, with existing V.A. programs.

Inclusion of Pell Grants—Basic Educational Opportunity Grants (BOG)

We now have: E.O.G. Education Opportunities Grant; N.D.E.A. National Defense Education Act; G.S.L. Guaranteed Student Loans; C.W.S. College Work Study Program.

If these programs are funded, we don't need the Pell Grants (B.O.G.) Basic Opportunity Grants.

I am afraid of the wording "everyone eligible for post secondary education being *entitled* to $1,400."

Someone seemed to realize this is superfluous as it states the B.O.G. can be used for only ½ the aid a student receives.

Also, anything that can be done will be done. Under all these programs a student could get the following:

BOG	$1,400
EOG	1,500
NDEA	1,500
GSL	2,500
CWS	1,000
Total	7,900

In the welfare program we are now trying to get away from the father leaving home so the family can get welfare aid. Are we going to start a new practice—college students leaving home to become eligible for B.O.G.? This will be happening even in wealthy families.

Method of Distributing Money to Institutions

I'm not sure we are prepared to begin institutional aid. However, if we are—it needs to be cleared up and simplified. I know it is a mistake to grant institutional aid on a formula that is based on the amount of Federal aid used by students. While colleges in the past have looked first to other sources for student aid—economics will dictate that they now encourage all federal aid possible. The formula states that whatever is appropriated:

45% is based on all federal money such as E.O.G., N.D.E.A., C.W.S. and G.S.L. Each college adds its total dollars used and receives a pro-rated amount.

45% is based on the number of persons getting E.O.G. grants. After a head count each college receives a pro-rated amount. This is admitted an impossible task by the coming school year. 10% is based on the number of graduate students in an institution—each initiation receiving a pro-rated amount.

The House Bill allotted ⅔ of the money appropriated to institution based on enrollment.

This is a conglomeration aimed at satisfying the conferees. No thought was given to make this a simple or equitable process. This kind of hurried legislation only leads to confusion and criticism of the Federal government.

Postsecondary Education Is for Everyone

It is not the prerogative of the Federal Government to insist that post secondary education is for everyone and use the dollar to encourage institutions to lower their standards. It also destroys the incentive of the student to earn his education—both in meeting his financial obligation and preparedness.

Educators in my state are confused about this bill as are many throughout the nation. Some support and some oppose. Many admit they do not fully understand this bill. Following are some statements from some of these leaders.

Excerpt From Letters

TERRY SANFORD, PRESIDENT, DUKE UNIVERSITY

As President of a private, graduate university, it is quite likely that this bill is very beneficial for us. But I hope we can look beyond our private interests.

I am opposed, as a matter of principle, to expediency, to taking what is offered by Congress simply because it is better than nothing. We react too easily to the dollar sign.

I am not tremendously impressed with the concept of BOG. If EOG had been fully funded, we would not need this "new" approach.

Higher education is for all students, not just needy students.

I am an original champion of removing all financial barriers to higher education, but I cannot stretch this to a policy that suggests removing financial barriers is the purpose of higher education.

Institutional aid should be based on students, not on just a class of students.

S. DAVID FRAZIER, PRESIDENT, PEACE COLLEGE

College officials have been informed that they must support the Senate version or there will be no legislation at all; I prefer none at all.

It simply is not reasonable, and neither does it ring true to the American way, to say that we will ignore—and perhaps kill—any institution which does not have a substantial number of students on federal assistance programs.

Many college officials have "switched rather than fight" because they have been told they are in a "this or nothing" position.

DONALD J. HART, PRESIDENT, ST. ANDREWS PRESBYTERIAN COLLEGE

Disadvantaged people clearly need help. However, it is a terrible error to fund programs that are based on the assumption that college experience is vital for everyone, and that therefore institutions desiring to qualify for Federal aid must commit personnel and time to "remedial" work.

We would be immensely better off if the expiring legislation were merely extended for another year, which would provide time to develop realistic and appropriate legislation for the following year.

JOHN E. WEEMS, PRESIDENT OF MEREDITH COLLEGE

After reviewing the Higher Education Bill, I believe that a number of unwise decisions were made and it is legislation that should not be supported. I highly recommend that the existing higher education programs be given a one-year extension, with the hope that the additional length of time would allow the many problems to be better resolved. It is my opinion that we need the right legislation instead of just some legislation.

The SPEAKER. The time of the gentleman has expired.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, if I may have the attention of the House for one observation, the minority leader has tried to create the impression here that if this conference report is not adopted, there will be a preferential motion to do all those things that have to be done.

But there is no assurance that the Senate will accept that kind of preferential motion. After sitting in conference for countless hours, I can tell you that I have serious doubts that they will accept it.

The higher education bill expires in 3 weeks.

The vocational education bill expires in 3 weeks.

You are going to have in this nation unprecedented chaos if we do not address ourselves to the problem today.

This bill has a lot of good things in it.

It gives the middle-income family a break on sending their children to college. For the first time we extend student grants to a family that may have a middle income but finds itself hard pressed if it is helping finance the education of two or three children in the family.

I would like you to look at that program.

On the question of busing—I yield to no one in my opposition to busing in this Chamber. I was against busing long before anybody else in this House; when they thought it was an isolated problem and long before it became a national issue.

This conference report bars busing specifically and unequivocally. If the local community voluntarily asks for such funds, we put two limitations on them.

First of all, they cannot bus children from a good school to an inferior school.

Second, they cannot impair the child's health or safety.

This is the toughest anti bussing amendment ever passed by Congress because it puts a freeze on all orders until a final appeal has been exhausted.

On the question of metropolitan planning, I moved in conference to drop this whole program out of the bill.

The gentlewoman from Oregon offered an amendment to the metropolitan planning program which requires that two-thirds of the schools having two-thirds of the students must agree to seek such planning funds before application can be made. This additional requirement made the metropolitan planning section acceptable to the conferees.

If you are really opposed to metropolitan planning, you will vote for this conference report because we put in here that you have two-thirds support of the schools and two-thirds support of the students before any planning can be adopted.

This bill will rank among the greatest education bills ever considered by Congress. This bill will do more for our college and university students than even the landmark Higher Education Act of 1965. And it will do more for our colleges and universities than even the Higher Education Facilities Act of 1963 or for that matter any bill since the Morrill Land-Grant Act of 1862.

That is not to say that this bill stands before us in what I would consider the most perfect form possible. If I had had my way, I would have written many of these provisions differently. But, as we all know, the essence of the legislative process is compromise. And I can honestly say that the bill before us is the best compromise which we were able to arrive at in conference.

STUDENT ASSISTANCE

The centerpiece of the bill is the creation of an entitlement for every student to Federal student assistance, the amount limited only by the anticipated contribution of his family. This entitlement will be a matter of right, that is to say, once the Secretary of Health, Education, and Welfare has issued the schedule of anticipated contributions of families according to their incomes and numbers of children and if appropriations are sufficient, all students whose families' contributions are not sufficient to pay for their education will be entitled as a matter of right to a certain amount of Federal assistance.

This entitlement will allow a youngster to choose to attend whatever college or university, or community college or technical school, he wants to attend and which will accept him for enrollment. No longer will a student have to shop around for the school which offers him the most money.

But this conference report, in recognition of the fact that it may take several years to achieve sufficient appropriations to put this new program into full operation, also contains extensions for the present student aid programs. And in fact it improves these programs by increasing the maximum amounts for the educational opportunity grants and the guaranteed student loans. The conference report also contains the National Student Loan Marketing Association—Sally Mae—which will buy, sell, and warehouse guaranteed student loans and thereby stimulate new capital for these loans.

I am extremely pleased that the conference report contains my amendment to open eligibility for all the student assistance programs to half-time students. I would have preferred also including part-time students, but this amendment is at least a beginning in having the Federal Government recognize that a large number of our college students work part or full time and attend school whenever they can. These students should be commended and assisted for their tremendous efforts, instead of being penalized as they are now for not having enough money to be able to attend school full time.

INSTITUTIONAL AID

The next major innovation in the conference report is the new institutional aid program. This program will provide unrestricted Federal funds to colleges and universities for the first time. Illinois colleges and universities will receive a total of $43,518,224 when this program is fully operative. The Central YMCA Community College in Chicago will receive $1.6 million; the Kennedy-King branch of the City College of Chicago will receive $1.1 million; Illinois State University will receive $1.4 million; Loyola University will receive $1.1 million; and the University of Illinois at Urbana will receive $3 million.

VETERANS' COST OF INSTITUTION GRANTS

I am very pleased that the conference report also contains the veterans' cost of instruction grants. This program, which I sponsored in the House and supported vigorously in conference, provides each college and technical school enrolling veterans $300 for each veteran and $150 for each veteran who is in a special or remedial program on the condition that the institution increases its veterans' enrollment by 10 percent and use half of the money to establish an office of veterans' affairs and special and remedial programs for veterans. This last requirement can be waived if in the Commissioner's judgment the school is already doing an excellent job for its veterans.

Many of us were only able to attend college because of the World War II GI bill. Many of today's veterans are receiving the same opportunity under the new GI bill. Yet Defense Department studies indicate that men with a high school education or less are far less likely to use the present GI bill to attend college or junior college than are men of equal ability with preservice college attendance. In fact in Illinois while 45 percent of our veterans who have been to college before service used the GI bill only 13 percent of the far greater number of veterans with no preservice college used their once-in-a-lifetime GI bill assistance.

Part of the reason lies in the fact that we as a nation have failed to respond to veterans as we did after World War II. At that time, a veteran received full tuition plus $75 a month. Today, the veteran receives $175 a month, out of which he must pay his tuition. This amount falls miserably in paying for the true cost of an education.

In order to begin to right this wrong and to give educational institutions the incentive to serve many who have returned from war, I authored with Senator ALAN CRANSTON the veteran's cost of instruction amendment. This amendment will pay schools for part of the cost of educating veterans, and should go a long way in encouraging the educational community to meet the needs of our veterans, particularly those who have never enrolled before in college. These funds can be used to staff veterans' counseling offices on campus, pay veterans to run outreach programs, and enable the colleges to undertake to offer veterans remedial programs and other services needed to enable them to enter and complete college.

Illinois colleges, universities, community colleges, and technical schools could receive $10 million this year under the amendment. Since only 10 percent of Illinois Vietnam-era veterans are enrolled in college, I believe that this new assistance is absolutely vital if we are not to waste the talents of these young men.

VOCATIONAL EDUCATION AND OCCUPATIONAL EDUCATION

The conference report extends the expiring provisions of the Vocational Education Act for 3 more years. These provisions authorize the new, innovative programs which were added under my sponsorship in 1968 and which have done so much to rejuvenate the field of vocational education.

The conference report also authorizes a new Occupational Education Act which I am pleased to have cosponsored at a level of $850 million for three fiscal years. These funds will be used for postsecondary occupational programs of high quality and for career education in elementary and secondary schools. It is expected that the Commissioner will approve grants in equal amounts for each of these two purposes within each State although he has the discretion to vary these amounts according to each State's individual needs.

The State Advisory Councils on Vocational Education will have the same responsibility within the States for these new programs as they do now have for the vocational education programs. The National Advisory Council will also have the same responsibility on a national level. The Commissioner must assure that adequate funds are available from each State's allotment for the State councils, and the National Council is expected to request additional funds under authority of section 102(c) of the Vocational Education Act for its new duties under this act.

The conference report also creates a Bureau of Occupational and Adult Education within the Office of Education. This Bureau will have responsibility for the administration of part B of title X of the Higher Education Act, the Vocational Education Act—including the research and curriculum development programs—the Adult Education Act, and those portions of any new act which Congress passes authorizing career education as they are relevant to the purposes of the Bureau.

ETHNIC STUDIES

The bill also contains the Ethnic Heritage Studies Act which I first introduced in 1969. This act, which is authorized at $15 million for fiscal 1973, will provide substantial Federal funds for the first time for the development of curriculum materials on ethnic groups for use in elementary and secondary schools and institutions of higher education. Programs can be funded to focus on one group or to study a number of groups.

The purpose of this new program is to give students the opportunity to learn about the contributions of their own ethnic groups to American life and also to learn of the contributions of the other ethnic groups. I am hopeful that this program will lead to a growth in self-respect among students and also to the development of tolerance and respect for other groups.

Senator RICHARD SCHWEIKER is to be highly commended for his ardent advocacy of this idea and for his sponsorship of the Ethnic Studies Act in the Senate. His contribution to the successful passage of this act is enormous.

EMERGENCY SCHOOL AID

The conference report also contains the Emergency School Aid Act, a $2 billion, 2-year program providing financial assistance to school districts under court orders to desegregate or voluntarily integrating. I will insert at this point in the RECORD the State allotments for fiscal year 1973 under this new program:

Estimated distribution of funds under Emergency School Aid Act, S. 659, title VII: Fiscal year 1973—Estimated State amounts [1]

Alabama	$24, 725, 537
Alaska	2, 009, 664
Arizona	11, 842, 580
Arkansas	9, 911, 345
California	108, 777, 092
Colorado	8, 663, 067
Connecticut	6, 591, 501
Delaware	2, 247, 874
Florida	33, 763, 493
Georgia	31, 580, 741
Hawaii	100, 000
Idaho	774, 611
Illinois	45, 102, 327
Indiana	11, 039, 620
Iowa	1, 317, 645
Kansas	3, 841, 142
Kentucky	5, 838, 583
Louisiana	30, 206, 745
Maine	238, 106
Maryland	18, 816, 726
Massachusetts	6, 074, 344
Michigan	27, 841, 457
Minnesota	2, 162, 648
Mississippi	23, 715, 224
Missouri	12, 913, 629
Montana	1, 170, 295
Nebraska	1, 757, 984
Nevada	1, 452, 180
New Hampshire	180, 717
New Jersey	24, 941, 380
New Mexico	11, 965, 604
New York	80, 504, 907
North Carolina	31, 350, 286
North Dakota	664, 240
Ohio	26, 400, 684
Oklahoma	7, 759, 451
Oregon	1, 934, 315
Pennsylvania	26, 289, 089
Rhode Island	847, 102
South Carolina	22, 467, 844
South Dakota	1, 172, 009
Tennessee	16, 380, 824
Texas	83, 344, 574
Utah	1,726, 963
Vermont	111, 409
Virginia	22, 647, 686
Washington	4, 996, 764
West Virginia	1, 785, 413
Wisconsin	5,215, 219
Wyoming	737, 059
District of Columbia	12, 100, 301
Total 50 States and District of Columbia	820, 000, 000

[1] Estimated distribution of $1,000,000 with 5 percent ($50,000,000) reserved for sec. 709, and 13 percent ($130,000,000) reserved for secs. 708 (a) and (c), 711, and 713 and the remainder ($820,000,000) distributed with a basic amount of $75,000 to each State and District of Columbia and the balance distributed on the basis of the total of the 5–17 population, Negro and other races, April 1, 1970 and estimated enrollment of Spanish-surnamed Americans, fall 1970, with a minimum amount of $100,000.

The conference report authorizes funds for compensatory education in school districts which are receiving integration funds under ESAA. This will give those minority students in schools which are almost impossible to integrate, such as in the heart of Harlem or in the middle of the ghetto in Chicago, opportunities to participate in compensatory education programs of high quality.

The conference report sets forth with considerable care the criteria which the Assistant Secretary is to use in approving applications under ESAA. Those criteria are the only criteria which he can use in approving applications. If the Assistant Secretary believes that those citeria are too restrictive, then the administration can submit a bill to Congress to modify section 710(c). That provision and the Cranston amendment ought to make crystal clear that Congress insists on knowing what is going on in these programs and will no longer tolerate any administration—regardless of the party in power—issuing guidelines which frustrate the congressional intent.

Let me say another word about busing. You all know my position on busing. I voted twice this year to instruct the House conferees even though I myself was one of the conferees and last year I voted for all the antibusing amendments.

But I am here today to tell you that this bill contains prohibitions stronger against busing than any Congress has ever passed before.

This conference report contains an 18-month delay of all court orders open to appeal which require busing or transfers of students from their neighborhood schools. Let me emphasize that this is far stronger than even the President requested earlier this year.

This is 6 months longer than he requested and it bars far more than just busing—it also bars any transfer of a child away from his neighborhood school regardless of whether that requires busing or not.

This conference report also limits the use of Federal funds and restricts the activities of Federal officials to bar any busing which risks the health or safety of the children or impinges on their education. And, very importantly, it bars any busing when as a result children are bused to an educationally inferior school.

Lastly, this conference report contains a congressional statement for the first time on the neighborhood school. We provide that a school system which assign students to schools closest to their home—neighborhood schools—meets all requirements of law of such school district's school boundaries are drawn in a racially nondiscriminatory basis. It is my hope this new directive by Congress will eliminate busing orders in the future.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I wish I had more time, as do the other speakers I am sure wish they had more time.

But let me talk for just a few minutes about the students assistance portion of this conference report.

I do support the conference report. I was one of the conferees and I signed the report and I hope it will be adopted.

Let me say, first of all, that there are ranges in the student assistance program and I would point out to you that each one has a maximum limitation.

There is no way under this bill that any student can get $7,900. So let me put that to rest.

The gentleman who preceded me in the well has taken all of the maximum limitations and added them together. But there is no way you can get that amount for any one student.

There were two overriding concerns in our committee regarding student assistance which are incorporated in several provisions of the report: First, concern for the middle-income student; and second, concern for increasing the options a student has in making use of student assistance, especially the choice of attending a vocational or technical school.

Let us look at how the conference report changes present law to accomplish these objectives.

Middle-income students were specifically kept in mind in approving the following changes and additions:

Basic education opportunity grants: This is a new program which would move the Federal Government much closer to its long-standing objective of removing financial barriers for any student with ability and motivation to pursue postsecondary education.

The facts are that students of high achievement levels but limited resources do not attend college at nearly the rate of similar students with high incomes.

The program is based on the accumulated experience of over a dozen years of Federal student assistance.

The basic formula—called an entitlement, even though the program is dependent on annual appropriations—would provide a grant of $1,400 minus the student's "expected family contribution."

The use of "expected family contribution" has been part of higher education for a long time. It is already computed by our colleges for those students receiving benefits under current programs.

This program will reach up to family incomes of approximately $12,000 for families of two children, one in college. Higher incomes would qualify if there were more kids, unusual medical problems in the family, and so forth.

Of course, the higher the income, the smaller the basic education opportunity grant. The idea is to provide all students with a comparable base upon which to fund their education.

A grant could not exceed half of what the student has to have to meet all his expenses. Additional aid from other sources would have to be found—including the work-study program, direct loans, and so forth.

Work-study: Present law says that preference must be given to the "low-income student" for the work-study program.

The conference report changes that to a preference for the student in the greatest need—many middle-income students, especially those attending our higher cost institutions, have need. They should be able to work their way through college with help from this program. For the first time, they will be able to do so.

Direct loans—NDEA loans—because of increasing college costs, the conference report increases the amount a student can borrow under this program.

Incidentally, the conference report eliminates some of the cancellation features of this program which were originally intended to encourage students to go into teaching. Now that we have a surplus of teachers, these provisions are no longer necessary. The conference report would save the Government several million in this respect.

Guaranteed student loans: Perhaps the program which middle-income students have depended upon the most is the guaranteed student loan program. Last year over 1 million students borrowed from banks and other lending institutions over $1 billion.

In the past couple years, many students have had difficulty finding these loans because banks had come to their limits. Money has been scarce.

The conference report would solve that problem. It creates a secondary market—Sally Mae—to purchase and warehouse student loans from the lender. This will increase the amount of money in the private market for student loans.

Presently, students whose adjusted family incomes are over $15,000 cannot get a subsidized guaranteed loan. And every loan to students below $15,000 is subsidized. The $15,000 ceiling is somewhat arbitrary.

Under the conference report a student, regardless of family income, can be determined eligible for a subsidized guaranteed loan if his institution determines he is in need of the loan.

So we will not be making subsidized loans to those who use them for purposes other than meeting educational costs. And we will be making subsidized loans to middle- and upper-middle-income students who definitely have a need.

I mentioned the conference report provides more alternatives for federally aided students. Specifically, it allows students at accredited postsecondary proprietary and nonprofit vocational schools to benefit in all programs. Present law excludes these students.

The conference report opens up all programs to half-time students as well. That will allow more to work their way through school and get valuable experience at the same time.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Speaker, it is with regrets and a profound respect for the majority views that I must oppose this conference report.

I am not embarrassed by the company in which I find myself, for I believe my own position is in the best interest of all Americans, human justice, and the preservation of constitutional rights.

The 14th amendment—basic to this report—protects both the right and left; both corporate wealth and individual rights.

I therefore welcome the support of my distinguished colleagues from the South and from the Far West—who join in what I consider an unorthodox means to obtain what I believe to be just goals.

Despite some inconsistencies in the educational aspects of the bill S. 659, I would support this report if it did not contain the antibusing amendments. These provisions in the compromise go beyond the separate but equal concept of Plessy against Ferguson—1896—in their impact—and all the way back to the Dred Scott decision, the import of which was to deal with the Negro as a subject-property and not as a human being.

As long as we perpetuate unequal educational opportunities in elementary and secondary grades, the benefits and services which are provided in higher education by legislative enactments will widen still further the gap in education, employment, housing, and health between minorities and nonminority groups.

The racially exclusionary implications in the antibusing amendments of this report are deep and strong. Certain groups, especially blacks, are asked to accept further suspension of their constitutional rights while Congress debates the issue. I say "deliberate speed" in enforcing the law as interpreted 18 years ago in Brown against Board of Education has already run out.

Further, the racial implications of the Broomfield amendment are revealed in its application. not merely to court orders which involve busing, but likewise to student transfers or reassignments even where students walk to neighborhood schools.

In addition, the amendment singles out just school cases involving a balance of race, religion, national origin or socioeconomic status and treats these differently from all other school cases.

Likewise, despite the fact that 66 percent of American schoolchildren ride buses to school and only 3 percent for purposes of school desegregation, these amendments touch only the 3 percent. Never before have we seen so much emotion and political flak generated for so small a kill.

Furthermore, I find it inconsistent for an education bill to affirm a universal agreement that children should not be transferred to bad schools, but in the same legislation recognize the legal continuation of bad schools. Why should any children be left in bad schools? Why not first bring all schools up to a standard of quality?

Despite logical reasoning, however, I am fully aware that this issue today will be settled in an atmosphere beclouded with emotion and political expediency. Acting in such manner constitutes a threat to all Americans whose interest during such a similar hysteria may need protection against restrictive legislation interfering with the Federal courts' obligations to protect constitutional rights. Today it may be blacks but often it is others: Religious and political minorities, women's rights, and dissidents.

In the many communications I have received from educational institutions and associations supporting this report, I am impressed by the number that also expressed opposition to antibusing amendments being attached. This convinced me that we can obtain a good education bill without destroying the moral and legal base which is fundamental to our preservation as a free and viable society. We should request this report thereby serving notice on Congress that it should do—not the court's work but its own.

The danger in this report is not that we weaken education but that we weaken the moral and legal basis on which our Nation is founded. This price we cannot afford to pay.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Speaker, I rise in support of the conference report accompanying the bill S. 659, the Education Amendments of 1972.

There has been a great deal of controversy surrounding this bill.

But most of the controversy has been directed at only two pages of a 228-page conference report.

There have been some allegations that the House conferees "sold out" to the Senate on those portions of the bill dealing with the desegregation of schools. This allegation is simply without any foundation whatsoever.

When we went into conference, we were confronted by Senate emergency school aid language which consistently, at every turn, encouraged the busing of students for the purpose of achieving racial balance.

The Senate bill required, as a condition for the receipt of any funds under the emergency school aid program, that every school board in the Nation adopt a comprehensive integration plan—one that would provide integration to the maximum extent possible.

As we all know, many things are possible.

It is possible, though certainly not practicable or wise, to bus every child from every city into a distant suburb to school every day.

That is what the Senate bill could have required.

Your conferees were successful in eliminating that provision from the bill.

The Senate bill would have required the establishment of a model, integrated school in every school district of the Nation.

There are probably very sound reasons for encouraging this step—but it would have been contrary to the expressed wishes of this House to require it of every school district, since in many districts this action could not be taken without busing.

The House conferees insisted successfully on the elimination of this provision.

There was also the issue of the Senate's 15-percent earmarking for metropolitan area programs.

Two-thirds of this earmarking was thrown out altogether.

And the remaining one-third may be spent only on the voluntary application of school officials, just as under the original House bill.

I do not underestimate the importance of those two pages.

I would point out one thing:

First, focusing on busing language to the exclusion of the 18-point $5 billion of critically needed education assistance constitutes a tragic disservice to the more than 3 years of work which has gone into this bill.

I support the conference report with respect to the emergency school aid bill and to metropolitan area planning money that the gentlelady mentioned, Mr. Speaker, one point must be made absolutely clear: The fact that two-thirds of the districts in the area must participate in a voluntary planning application before funds can be granted absolutely does not mean that a plan would be binding on the remaining one-third. Nor would it in any way establish a metropolitan school district. Contrary to the statement of the gentleman from North Carolina it did not establish a metropolitan school area.

Not only would it not be binding, the plan could not even encompass nonparticipating school districts.

No school district will be affected in any way by any planning unless it voluntarily requests to participate in such planning, and note that this provision relates only to planning.

Mr. Speaker, the conference report emergency school aid language differs very little from the bill which passed this House last November.

If the House conferees had indeed sold out to the other body, then why did the three major Senate supporters of busing, vote against this conference report? And did not sign it.

I have great respect for the integrity of my colleagues on both sides of this issue whose positions reflect deeply felt principle on the question of busing.

I would say to both sides, however, that the very fact of their alliance in opposition to the bill is proof that the bill does not do what they think it does.

The whole bill represented by this conference report should be considered today—not just a few pages of it.

Vitally needed new programs are in this bill, programs that cannot be saved by any continuing resolution.

Regardless of one's point of view on the controversy, Mr. Speaker, the advantages of this bill so far outweigh any perceived disadvantages that it deserves the support of every Member present.

I strongly urge my colleagues to weigh these factors, and join with me in supporting the conference report.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Speaker, I am particularly interested in the provisions of section 803 of the conference report.

First, I would like to ask Mr. BROOMFIELD about his meaning when his amendment spoke of an order of a district court requiring the transfer or transportation of students "for the purpose of achieving a balance among students with respect to race, sex, religion, or socioeconomic status." In all of the court orders with which I am familiar, the court has stated that its purpose is to prevent unconstitutional segregation of students. May I inquire of the gentleman from Michigan if it was his intention that section 803 apply to orders that have the practical effect of achieving some sort of racial balance, although the court may have stated that its order was entered for the purpose of correcting unconstitutional segregation?

Mr. BROOMFIELD. Yes; it was my intention to cover such cases and specifically, it was my intention to cover cases like those now being litigated in Richmond and Detroit.

Mr. O'HARA. May I ask the chairman of the conference committee, the gentleman from Kentucky, if his understanding is the same as that of the gentleman from Michigan (Mr. BROOMFIELD)?

Mr. PERKINS. Yes, it is. It is my understanding that section 803 covers district court orders which require the transfer or transportation of students for racial purposes whether the court order is framed in terms of correcting unconstitutional segregation or whether it is framed in terms of "achieving a balance among students with respect to race."

Mr. O'HARA. If I could continue to have the attention of the gentleman from Kentucky, the effective date of section 803 is July 1 of this year.

The joint explanatory statement of the committee of conference says:

> This section does not authorize the reopening of final orders, however, appealable orders are considered to be within the scope of this amendment.

Does this mean that if an order requiring the transfer or transportation of students has been entered prior to July 1, 1972, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event that no appeals are taken, until the time for such appeal has expired?

Mr. PERKINS. The gentleman from Michigan is correct. Section 803 will apply to such orders whether entered before or after July 1, 1972, as long as appeals of such orders have not been exhausted or, in the event no appeal of such order was taken, until the time for such appeal has expired.

Mr. O'HARA. I thank the gentleman from Michigan and the gentleman from Kentucky for their explanations and I urge adoption of the conference report with the very important provisions contained in section 803.

Mr. QUIE. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. Esch).

Mr. ESCH. Mr. Speaker, I rise as one who supported the Ashbrook-Green amendments as well as the Broomfield amendment, and one who voted to instruct the conferees on this legislation. I rise to make sure that we understand, among all the rhetoric that has been going on today, specifically what we will be voting on.

For the first time, the very first time the Congress in this legislation is placing a limitation on the Federal courts in their execution of busing orders. Now there are some who argue that the Broomfield amendment in its reference to racial balance might well apply to all busing orders, but the legislative history, and the legislative history just repeated, indicates clearly that it applies to all orders, and that history will be determining.

The applicable history is as follows:

Mr. Broomfield. No, Mr. Chairman. I have a short statement and I should like to complete it.

Mr. Chairman, I am not alone in stating this view. Only last September, *Chief Justice Warren Burger said some Federal judges were misreading the Court's April decision on busing by ordering more than the law requires.*

Given these conflicting judicial statements on just what the law says in regard to busing, it is easy to understand the confusion and emotion that surrounds the busing issue.

We can expect that many of these decisions ordering busing will be appealed and that on appeal they may be overturned. However, the appeals process is a long and difficult one. It may take 2 or 3 years. Thus, before the courts can completely decide this question, before the law is crystallized once and for all, busing will have become an accomplished fact.

Mr. Chairman, forced busing may prove to be an expensive, time consuming and disruptive mistake.

My amendment would only delay a lower court's busing order until all those parties have had a chance to plead their case at their court of last resort.

I believe that it is a fair and equitable approach to this most difficult problem. It gives the courts the time they need to adjudicate this question completely. I urge my colleagues to lend their support to this amendment.

Mr. Boggs. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan.

Mr. Chairman, I know that we are coming to some amendments that will be highly controversial and highly emotional. Before discussing them I should like to commend the gentlewoman from Oregon and the other members of this committee for a very fine job under most difficult circumstances. The committee has brought here a consolidated bill dealing with the whole area of higher education. It is a good bill and I hope it passes.

Mr. Chairman, to the best of my knowledge this is the first time that this has occurred, and I know that it is quite a task to dispose of all 20 titles contained in this bill. But in many ways it is best for us to have some knowledge of what we are asked to do in the whole area of higher education at the Federal level than to come in as we have in the past with piecemeal legislation. And the fact is that many of us do now have a firm grasp of the full picture in the field of higher education. I am sorry that my good friend from Illinois plans to offer an amendment dealing with the legislation that was considered here and rejected on Monday last.

I say that not because I am in opposition to aid to elementary education. I say it because I think it is an entirely different subject; that it is not related to higher education; that the problems of elementary and secondary education are quite different generally throughout our country from those of higher education and to try to tie them together in this bill is an illogical marriage of two disparate subjects: That amendment and this amendment are not germane to higher education. But, it is coming and we will face it.

In that amendment I am informed that the whole question of busing will be debated.

Now, the gentleman who has offered this amendment seeks, I presume, to come to that discussion prior to the gentleman from Illinois. I would hope that his amendment would be defeated and I would hope that an amendment to strike the subject from the proposal of the gentleman from Illinois would prevail.

Mr. Chairman, I know that in polls conducted throughout the country when you go ask parents, "How do you stand on busing," the answer comes back almost invariably. "I am against it." Yet I also know that if you went and asked the same parent, "How do you stand on public education," the answer would come back invariably. "I am for it." But this does not stop busing. This is a vain and useless thing.

But, Mr. Chairman, our function here today, as it is in all legislative questions, is trying to see to it that we do what we consider best for our country.

In this particular case what is best for our country is to provide the best education we can have in this particular bill in the area of higher education and in the other bill in the area of elementary and secondary education.

Now, you know and I know that busing comes about from a whole variety of reasons. We had it for years merely as a transportation device to get people where they were going. Then we had it for years to preserve segregation. Everyone knows that. Now we have it because the courts have handed it down and said this is what must happen in certain areas of the country. This bill is not going to change that and let's not fool the people.

The Chairman pro tempore. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. Boggs was allowed to proceed for 5 additional minutes.)

Mr. Boggs. Mr. Chairman, if we adopt this amendment that the gentleman proposes—and he is a very sincere Member, I am very fond of him, and we have served together for many years—I ask you sincerely, with all of the earnestness that I can command, do you really help this bill by adopting this amendment?

Is there any higher educational institution in this country that has any busing problems? I do not know of one. There may be. This is a higher education bill. But what about in secondary and elementary education, where we have all these problems, and have all the emotionalism—and I know about it. I have lived through it for years. I do not have to tell you about it, I know. It has been part of my political life for 20 years. Does this help any school kid anywhere in the United States?

The court hands down the decree, and says you have to bus. If you write this provision into this bill it does not say, well, you do not bus, it simply says that you impose more, you impose more on the local taxpayers, most of whom, particularly in the areas where this problem is most acute, in the big cities, have already exhausted their remedies and their revenues. You say to them, oh, yes, we will give you some money to help in desegregation, but we are not going to let you use one penny to go out and buy buses, or pay school bus drivers, or all the other incidentals that result from a court decree.

You are not stopping the buses, you are not doing a thing about the busing, it is still going on, you are simply requiring that the local people will pay the cost and bear the burden.

It seems to me that every iota of logic commands us, if we are to legislate in this area, if we are to let the Federal Government assume, as it must, its proportionate share of the cost of educating our people, then the idea of trying by these indirect methods to overcome the decisions of the U.S. Supreme Court have no place in this type of legislation.

Whether I agree or disagree, I would say that the honest approach is in the approach of the gentleman from Georgia and the gentleman from Oklahoma who have put here on the desk petitions calling for constitutional amendments in this area. Do not take this legislation that this committee has struggled so long and so hard to report, and to perfect, and to pass, and use it as a vehicle that really will not accomplish what you seek to accomplish, but which would tie every school board and every school district in the United States into a hopeless situation on the expenditure of these funds that we make available.

That is my plea to you.

I hope the amendment of the gentleman from Michigan will be voted down, and I hope the other amendments that seek to bring about this result which cannot come to pass will also be voted down.

Mr. Gerald R. Ford. Mr. Chairman, I move to strike out the last word.

(Mr. Gerald R. Ford asked and was given permission to revise and extend his remarks.)

Mr. Gerald R. Ford. Mr. Chairman, we have a very simple amendment before us at the present time. *The amendment, in effect, says that no order on the part of any U.S. district court which requires the transfer or transportation of any student or students shall go into effect until such court order has been appealed to the highest court or until the time for such appeal has expired.*

If this amendment is approved—if it is enacted into law, it simply means that no district court order forcing busing for the purpose of obtaining racial balance shall go into effect until the U.S. Supreme Court has made the final determination.

I think that is fair. It is a bipartisan amendment. I am told that five Members on the Democratic side of the aisle from the State of Michigan, Mr. William D. Ford, Mrs. Griffiths, Mr. O'Hara, Mr. Nedzi, and Mr. Dingell have cosponsored this amendment in legislative form and they have been joined by the gentleman from Michigan (Mr. Broomfield) and the gentleman from Michigan (Mr. McDonald).

This is legislation that would, in effect, put a stop order on Federal court action until there has been a final appeal to the U.S. Supreme Court. I think it is fair. I think it makes sense. I applaud the bipartisan authorship of this legislation and I hope the committee approves it.

Let me talk a minute, if I might, about the other legislation that my friend, the gentleman from Louisiana mentioned.

I think we have to differentiate between this amendment and the emergency school aid amendment which will be offered by the gentleman from Illinois (Mr. Pucinski).

The emergency school aid bill is aimed at helping those school districts primarily that are under court order to bus for the attainment of racial balance. The purpose of the legislation is to provide Federal funds to assist those school districts that through no fault of their own have to take action in conformity with a court order.

It is equity and justice on the part of the Federal Government to provide that financial assistance. I am interested in the best education that we can get at the elementary and secondary level. The best way in this emergency to obtain that best education is to provide Federal financial assistance rather than to force busing. Forced busing to attain racial balance is not the best way to get good education.

Let me illustrate. In my hometown of Grand Rapids, Mich., we have, for example, a pupil-teacher ratio of 25 students to one teacher. In my judgment, it would be far wiser to spend the money that we might spend for busing, to reduce the pupil-teacher ratio. It should be 8 to 1 or 7 to 1. It is a far wiser expenditure to use that money for the lowering of the pupil-teacher ratio. The emergency school aid bill will accomplish that objective; $1.5 billion will accomplish that.

I happen to think it is far wiser timewise for kids to be in their neighborhood schools rather than to spend a lot of time traveling from their home to a school which may be 3, 4, 5 or 10 miles away.

For that reason I am strongly in support of the emergency school aid bill. It is a case of equity. It is a case of helping to improve education. It is a better way to do it than by the method used or proposed under the current circumstances.

Mr. Rangel. Mr. Chairman, will the gentleman yield?

Mr. Gerald R. Ford. I yield to the gentleman.

Mr. Rangel. I thank the gentleman for yielding.

I am new here and I recognize that we have three separate branches of Government. I know that busing is a very emotional and perhaps a political question. But does not your support of this amendment mean that the Members of the U.S. Congress are restraining the members of the judiciary from enforcing what they believe to be a constitutional mandate?

Mr. Gerald R. Ford. Under the Constitution, and I am sure the lawyers on the Committee on the Judiciary would agree, the Congress has the authority to prescribe rules and regulations as to appeals and the effect of an appeal during the process of appeal. That is all this legislation seeks to do.

Mr. Rangel. In your history as a Congressman has it ever occurred before when Members politically did not like a court decision that we legislated new ones?

Mr. Gerald R. Ford. I am sure that in the history of the Congress that has been done. I cannot recall a specific case since I have been here, but it is certainly permissible under the constitutional authority allocated to the Congress of the United States.

The Chairman pro tempore. The time of the gentleman from Michigan has expired.

Mr. Gerald R. Ford. Mr. Chairman, I ask unanimous consent that I may proceed for 2 additional minutes.

The Chairman pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. Carey of New York. Mr. Chairman, reserving the right to object, I wonder if we could actually hear the wording of the amendment.

Mr. Gerald R. Ford. I think the better way to do that is to suggest that the gentleman come over and get copies of the amendment, but if you would like, I will read the amendment.

Mr. Carey of New York. I would be glad to hear it now or read it later.

The Chairman pro tempore. Is there objection to the request that the gentleman from Michigan be given 2 additional minutes?

Mr. Thompson of Georgia. Mr. Chairman, if the gentleman from Michigan is going to read the amendment, I ask unanimous consent that he be given 3 additional minutes.

The Chairman pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. Gerald R. Ford. The amendment offered by the gentleman from Michigan (Mr. Broomfield) is as follows:

"On page 277 after line 20, insert:

"'Sec. 2001. Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired.'

"And renumber the remaining sections of title XX accordingly."

Mr. Pucinski. Mr. Chairman, will the gentleman yield?

Mr. Gerald R. Ford. I yield to the gentleman from Illinois.

Mr. Pucinski. I know it is late. I know many of us would like to get through the amendment to title XXI, so we can dispose of the question up or down.

As I understand the amendment before the House, it is nothing more than a reaffirmation of existing procedures in the courts. A school district is confronted with a court order, and there is a stay of execution while it perfects its appeal. *All this amendment does is merely to reaffirm as a statement of the Congress that local school districts faced with a court order do not have to implement the court order until all appeals have been perfected and completed and disposed of—all.*

If a local school district chooses not to perfect an appeal, then at least until the time of such an appeal has run, I do not see how or why we should have a great deal of difficulty with that question. I do not see any objection to the amendment. I do not see much difference whether one is for it or against it. It is a reaffirmation, and if Members of the Congress really want to participate in that kind of reaffirmation, it seems to me they should be given that opportunity.

Mr. Gerald R. Ford. I would summarize what I have said in this way: The amendment merely holds the status quo in a school district until a final judgment has been made by the U.S. Supreme Court. I think that is fairness. That is equity. We ought to approve it.

Mr. Jonas. Mr. Chairman, will the gentleman yield?

Mr. Gerald R. Ford. I yield to the gentleman from North Carolina.

Mr. Jonas. The record will show that U.S. district courts have refused to stay orders requiring busing pending appeal.

Mr. Gerald R. Ford. Mr. Chairman, in conclusion, this is a bipartisan amendment. It is in the form of a bill sponsored by five Members of the Democratic Party and two on the part of the Republican Party. I think the Committee ought to approve it.

When we vote for this conference report it will be the only opportunity that we have this year to give indication to the courts that we wish to stop court ordered busing for 18 months until either the courts can make a clarification as to busing to achieve racial balance or until this body takes other action by other means on this matter of court-ordered busing.

If Members will recall, the amendment we are voting on today, the primary amendment, the Broomfield amendment, was not germane, but it was put in the bill and left in the bill.

I would suggest to the Members that nothing coming out of the Judiciary Committee this year, or out of any other committee, or out of the Senate, will do this one thing. Those who are undetermined in this Chamber today, if they vote against this conference report, will be saying they do not wish to stop court-ordered busing for the next 18 months.

We all have disagreements on this legislation, but we must recognize we have to bring stability to the local school districts and to the children, black and white; and the intent of this legislation is to do just that.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. ESCH. I am happy to yield to the gentleman from Michigan.

Mr. BROOMFIELD. I wish to compliment the gentleman from Michigan and to say that I share in his explanation of the bill today, and indicate to the House that as a sponsor of the Broomfield amendment I am going to support the conference report.

Mr. Speaker, as the author of the Broomfield antibusing amendment which is contained in the bill before us, I have listened with great interest to the debate about this proposal since it was first approved by this body nearly 7 months ago.

Fine legal minds, respected scholars and working educators have analyzed it from all sides and presented arguments both for and against my proposal.

I have heard some more of this analysis today.

I cannot claim that sort of expertise.

I would only ask each of you to ask yourselves one very simple and direct question before you vote today.

Are you for or are you against forced busing?

And, if in all sincerity you conclude that you are against forced busing, you will vote for the bill and my amendment.

Because plainly and simply it is the only antibusing legislation before us today.

It is the only antibusing legislation that will go to the White House for the President's signature tomorrow—not next month, or next fall, or next year, or the year after.

If we, who are opposed to court-ordered busing, view this vote today as an all-or-nothing proposition, we are going to get just that—absolutely nothing—to prevent the senseless busing of thousands of school children this fall.

In the Detroit metropolitan area where I come from, in Florida, in California, or Texas where court-ordered busing could begin or will continue next September—just 3 months from now—people will want to know: "What happened to the Broomfield amendment?"

"Isn't it true," they will ask, "that Congress had before it the means to halt this senseless busing at least while we appealed our case all the way to the U.S. Supreme Court?"

The answer is: Of course it would have. And, it will, if we pass this legislation today.

In the 18 months that this amendment will be effective there is no telling how many more school districts will be ordered to bus. Illinois, Maryland, and Ohio are just three States that come to mind.

We have the means here today to halt those buses before they ever roll. We cannot let this chance slip through our hands.

Make no mistake about it, I am not telling you that we have the final answer to the busing problem before us.

I am prepared to continue working tomorrow for even stronger language and, if necessary, a constitutional amendment which will once-and-for-all make court-ordered busing a thing of the past.

But we have to be realistic. Forced busing is not yet a thing of the past. It is a very real and persistent problem of the present. It will, unfortunately, continue until we do something about it here in Congress.

This amendment bridges the gap between the present crisis for which we have no legislative remedy and that day in the future when we can eradicate forced busing for good.

Let us not delude ourselves—nor the people who are depending on us—that this can be accomplished overnight.

My amendment was added to the higher education bill last November along with the Green and Ashbrook amendments. But it has taken us nearly 7 months to come this far and we have lost most of the language of the Green and Ashbrook proposals—very fine proposals which I wholeheartedly support.

Does anyone of us who is sincerely opposed to forced busing seriously suggest that we vote down this antibusing legislation today and begin all over again tomorrow with absolutely no assurance that we can do better?

We can fill the air with all of the highest sounding rhetoric in the world about the need for strong legislation.

But if children are bused next week or next month or next fall because we were not satisfied with half-a-loaf then we have failed to help the people who are counting on us.

If this body were to pass a constitutional amendment against forced busing today, and, if by some major miracle the Senate were to do likewise tomorrow, which you and I know is as unlikely as a July snowfall, it still would be years before it could be ratified by the necessary State legislatures and be put into effect.

So, I say let us pass this language today. Let us take half-a-loaf today and begin working tomorrow for the rest.

This amendment will buy us the time we need to get the rest.

Without this antibusing amendment, parents in many places throughout the country will read in tomorrow's papers that Congress rejected help in the fight against forced busing while their children ride 10, 20, or 30 miles to school under court decree.

With this antibusing amendment, they will read that Congress is making progress in the fight against forced busing while their children continue to walk to their neighborhood school.

I can think of no better way to illustrate the importance and the fairness of the Broomfield antibusing amendment than by reminding you that only 2 days ago the Fourth Circuit Court of Appeals reversed a lower Federal court's cross-district busing order in Richmond.

Fortunately, Richmond had been granted a stay of that order pending appeal. Otherwise they would have been forced to spend the time and money to plan busing only to learn on appeal that the lower court was wrong.

If the appeals court had not ruled till next fall, children would have been bused only to find that it was not necessary under the law.

There is a very real possibility that without my antibusing amendment that hypothetical could become a reality in Metropolitan Detroit and other parts of the Nation.

I want to avoid that. My antibusing amendment will avoid that. It provides that the defendant school district will have his day in court before he has to buy buses, uproot children from their neighborhood schools and implement forced busing.

Mr. Speaker, it seems only fair to me that if those who would have us spend millions of dollars and thousands of hours, educational dollars and hours, for busing are so sure that it is constitutional, why not give those of us who are equally sure that it is not constitutional the opportunity to appeal before we have to bus.

It seems clear to me that the true solution to the busing problem lies in upgrading the quality of all of our schools across the country.

As one of the original signers of the discharge petition to the constitutional amendment to ban busing, I testified before the House Judiciary Committee last month on this very point. I feel that busing is hardly a remedy to the problem of unequal education.

There are remedies, real remedies, which we can and should explore. We need increased financial aid to local schools. We need improved teacher training programs designed to develop the unique and special skills to reach disadvantaged children. We need teaching aides and assistants to relieve professional teachers from the daily burdens and duties which rob them of precious time they can devote to their students.

These and other ideas are not new. They have been suggested in the past. They are viable. Yet, we have never really implemented them.

Mr. Speaker, I would like to address one final point. There has been some confusion, some misunderstanding about the operation of my antibusing amendment. I have read with a great deal of surprise that my amendment only applies to busing for purposes of arriving at a racial balance.

I have seen my amendment quoted out of context so as to imply that it will not be effective in preventing the vast majority of busing which is or will be ordered.

I suggest that a complete reading of the language reads, "for the purpose of achieving a balance among students with respect to race, sex, religion or socioeconomic status."

I repeat it halts busing ordered on the basis of socio-economic status. That phrase was purposely added to my bill and retained only after a great deal of thought. Our feeling was that the phrase is wide enough and open enough to include any rationale or basis which a court might conceive of in order to justify busing.

I realized that by limiting the language only to cases involving racial balance, there would be those who would try to skirt and evade the obvious and clear intent of my bill. My bill delays all busing orders pending appeal and socio-economic covers enough ground to make sure that happens.

Mr. Speaker it is for all of these reasons, but most especially to give relief to the millions of Americans who oppose forced busing, that I respectfully urge this House to pass the Higher Education Act and my amendment to postpone court-ordered busing until all appeals to that order have been exhausted.

Mr. ESCH. I appreciate the gentleman's statement.

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the conference report, and ask unanimous consent that I be granted permission to revise and extend my remarks immediately following those of the gentleman from Michigan (Mr. GERALD R. FORD).

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. McCULLOCH. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am pleased to yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Speaker, I rise to oppose this legislation. I hope it will be defeated.

Mr. Speaker, we must decide whether we wish to be one country or two. The conference report confronts us with that choice. Since I am committed to the proposition that we should be one nation, indivisible, I shall vote no.

As a U.S. Representative, I was elected to exercise my sound judgment and to legislate not exclusively for those who voted for me but for the common good of all the people of this country.

The common good will not be served by condoning or promoting a policy of racial isolation. No one can seriously—at least, openly—contend that continued separation of the races is the path to racial harmony and one America. Nor can anyone seriously contend that the separate facilities made available to minority groups have been, or ever can be, equal in quality to those facilities enjoyed by the majority of Americans.

A policy of integration is thus an absolute necessity for two distinct, independent reasons—national survival and simple justice.

Education does not escape this necessity. It is utter silliness to pursue a policy of racial harmony by educating the races separately. An education in a state of racial isolation is, at best, an incomplete education. Although a complete education includes the three R's, it is not limited to them. There are so many other things to learn—not the least of which is learning how to live and live together in our present society.

The law relating to this problem is quite clear. It says that wherever government has caused the races to be educated separately, it must correct this wrong. After having separated the races through its policies in the past, it is no answer for government to cease doing anything. If a car is veering off the road, it is no answer for the driver to take his hands off the steering wheel. In both cases the answer is affirmative action to put us back where we should have always been. The law reflects this commonsense approach to the problem.

Thus the Federal courts have ruled that a school board that racially discriminates must do more than merely stop discriminating; rather, it must return to where it should always have been.

There are some who argue—to continue our analogy—that the proper policy for the car is to drive straight, that if the car angles off the road that is wrong but that it is just as wrong to compensate by angling the car back toward the center of the road, that two wrongs do not make a right, and that even if the car is off the road it should pursue the correct policy of driving straight.

The courts have not been fooled by such an argument. Where school boards have assigned students by race to separate them, the courts have required that they unassign students by race in order to integrate them. Sometimes this can be done with little or no inconvenience. Sometimes it cannot.

For sometimes there arise cases where the prolonged patterns of school segregation which produce black schools and white schools have, in turn, respectively drawn around these schools black neighborhoods and white neighborhoods. In such a case, the only possible remedy—the only way to undo the damage of the school board's discriminatory policies, the only way to return to where we should always have been, the only way to pursue a policy of national survival and simple justice—is to transfer some students to a school beyond the nearest school so that the racial identifiability of the schools might be erased. If the transfer requires the student to travel some distance, generally about a mile and a half, the State or local government will provide free transportation.

Busing is an inconvenience, but it is an utterly necessary inconvenience. In some cases, it is simply not possible to desegregate without busing. In some cases, one has only two choices—busing or segregation. To say in such a context that one is for desegregation but against busing is to ignore the hard realities of the problem. To delude the American people by professing that they can have it both ways—integration without, in some instance, the inconveniences of busing—is to play politics with the future of our society. I have listened to more than 130 witnesses during the last 3 months of hearings before the Judiciary Committee. I repeatedly asked witnesses of all persuasions if there was any practical alternative to busing. If there is one, I am still waiting to hear it.

What is needed now is someone with the courage of a sales clerk who will say to the American people, "If you want the goods, you will have to pay the price." If we want one America, we will have to desegregate; if we desegregate, we will in some instances, have to bus.

Busing has been an educational fact of life for decades. The fact that busing was used in the South to promote segregation, of course, does not make it right for desegregation today. Nor does it make it wrong. Busing is only a means, a neutral means. It is the purpose of the busing that makes it good or bad. We all really know that. There appears to be no objection to busing children long distances for a better education. Experience has indicated that where special programs of good quality have been offered at some distance from the home, parents fight to have their children bused to that special program. There is no objection, either, to busing handicapped children unusually long distances for their special training. The inconvenience in these cases is thought worth the benefit. What disappoints me is that the same acceptance is not accorded to busing which is intended to bring the races together, equalize educational opportunities, and breathe life into the promise of our constitution.

The burdens of busing for desegregation are not greater than those of busing for other reasons already accepted by most people. What is different is how we value what the busing can accomplish.

Many witnesses against busing listed the inconveniences allegedly resulting therefrom. But what was never explained was why the inconveniences did not matter for the 40 percent of the total number of students who are bused for traditional reasons whereas they counted heavily for the eight-tenths of 1 percent who are bused to remedy desegregation. Why is it that busing is unsafe for the second group but not for the first? Why is it that busing precludes participation in extracurricular activities for the second group but not the first? Why is it that busing diminishes parental participation in school affairs in the second case but not in the first?

The evidence makes clear that these inconveniences either were invented out of fear or were inflicted by State agencies upon the children for political reasons. In Nashville, for example, the children are made to suffer by a local legislature that refuses to provide the buses needed to make the desegregation plan workable. Thus these children attend school in shifts from dawn to dusk—not because a Federal judge has ordered them to be punished as some spokesmen would have us believe, but because local agencies of government have chosen to use the children as pawns in an attack on the Federal courts because they have ordered compliance with the Constitution. I suppose it should be no surprise that town councils and school boards that have historically opposed desegregation are not converted to constitutional principles when a Federal court pronounces the law. That being so, we would do well, whenever there are allegations that children are made to suffer by busing, to look with scrutiny to determine exactly who is responsible for such inconveniences—those who declared the law or those who obstruct its implementation.

The question for the Members of this body is whether we shall stand up for those men of courage on and off the bench who have sought to apply the law and bring us all together or alternatively whether we shall reward those who have obstructed the law and sought to keep us divided.

A vote to accept section 802 would put this body on record clearly on the side of those who have obstructed the law. Its combined purpose is to make it more difficult for new buses to be acquired to carry out constitutional mandates. A vote for section 802 is akin to an act of civil disobedience for which the disobedient need not personally suffer. Instead the consequences are inflicted on children or on local taxpayers. That either group should suffer for the political gains of others is, in my opinion, an indefensible proposition.

Finally, section 803 would delay the actual implementation of a transfer or transportation order to achieve a balance on the basis of race until appeals have been exhausted. The provision is either meaningless or mischievous. In either case, I find no reason to support it. It is intended to delay desegregation—even where no busing is required and even where there are compelling circumstances to the contrary—in spite of the fact that the Constitution requires desegregation at once.

Therefore, I shall vote "no." A vote "yes" is not so much a vote against busing as it is a vote against education, against the Constitution, against children, and against the common good of the country.

(Mr. McCULLOCH asked and was given permission to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, I am reminded by this debate of the sign in the old Mayflower Coffee Shop about "Keep your eye on the doughnut and not the hole." I am afraid there are those today who have decided to pay less attention to the substance and more attention to the rhetoric.

Most Members will remember the eloquent and forceful statement of the gentlewoman from Oregon in November of 1971, in which she said—

> The various studies that have been made on higher education, it seems to me, prove absolutely that the institutions are facing

the greatest financial crisis they have ever seen in the United States.

Are we now to assume the crisis has disappeared? I think not.

In the Oshkosh Northwestern of May 31, 1972, the headline about a story on Father Reinert's study said "Many independent colleges may be closing down." That is the substance of this conference report.

There are three parts to institutional assistance which I believe the House ought to consider before it decides to vote down the conference report and attempts to take what is being offered in the form of a preferential motion.

Any kind of preferential motion, Mr. Speaker, is totally inadequate to do this job in terms of meeting the problems facing the institutions of higher education across the United States.

Institutional assistance is a part of what I think the conference has attempted to do in making available both to students and institutions the kind of aid which is most appropriate. To simply extend the present programs does little to relieve the serious problem facing some institutions.

Mr. Speaker, one of the big issues throughout his legislation has been institutional aid.

It is a fairly complicated issue. I have seen some things in print recently that completely misrepresent what the conference committee agreed on.

Many witnesses before our committee said the exact formula for institutional aid was not that crucial. Any number of formulas we explored had good points and bad. I believe the conference report includes a very reasonable formula.

Actually, the conference report has three different programs which can be considered as "institutional aid."

1. GENERAL ASSISTANCE

According to Office of Education estimates, the main conference report provision for general assistance costs about $890 million at a full funding.

I have heard it said that private institutions would not get any general assistance until over $1 billion is appropriated for student aid.

That is absolutely false.

The money institutions receive under this program can be spent at their discretion. They do not have to spend it on any particular group or category of students.

It is accurate to say that 55 percent of this general aid is distributed according to formulas which were in the House-passed bill.

That particular part of the total $890 million—or about $490 million—is not tied to the appropriation for the basic opportunity grants. It could be distributed immediately. And about $189 million of this $490 million would go to private institutions—45 percent of this general aid is distributed according to a formula related to the number of recipients of basic education opportunity grants on a campus. That includes both low- and middle-income students.

This 45 percent of any appropriation, however, could not be disbursed to the colleges unless the Congress funds the Basic Education Opportunity Grant program at least at the 50-percent level. If not, this part of institutional aid would revert back to the Treasury.

Let us be candid about the reason for this provision. It is to encourage the higher education community to help lobby for lower and middle income students at the same time they lobby for Federal aid for themselves.

The Senate bill would have put this condition on all of the general aid program. The conference report applies it to only 45 percent of the money.

So let us be clear. This general aid will help almost every college and university in the country. Although most of the distribution formula is tied to student assistance, the college is not bound at all to spend this money only on those receiving Federal student assistance.

And it does to justice to private institutions, many of which are small and cannot realize the same economies of scale which larger institutions can. Although private institutions enroll about 27 percent of the students, they stand to receive about 37 percent of this general aid.

2. EMERGENCY AID FOR INSTITUTIONS OF HIGHER EDUCATION

A second provision in the report authorizes $40 million over the next 2 years to provide emergency assistance to those institutions which might otherwise not survive without it.

The Senate bill provided $150 million for this purpose. The conference reduced that to $40 million.

The first general aid provision uses a shotgun approach. Everyone gets something.

The problem with that approach is that, even if funded at substantial levels, it will not provide enough assistance to those institutions about to close their doors.

This emergency assistance takes a rifle approach. It targets money only where it is needed for an institution to survive.

Money will not go to an institution simply because it is in the red. It must meet certain criteria as determined by the Commissioner, in consultation with a panel of specialists from outside the Government.

The institution must present data about its financial situation and agree to conduct a comprehensive cost analysis study of its operation.

The Commissioner must also determine that the institution, if aided, shows promise of making a major contribution to the overall higher educational system of the area of the State in which it is located.

The conferees discussed the need for sound, rational criteria which could be published and applied to all institutions wishing to seek aid under this program. We intend that the Commissioner would use the panel of specialists to create these criteria in order to provide clearly understood thresholds which must be met before an application could be considered.

3. COST-OF-INSTRUCTION BENEFITS FOR VETERANS

The purpose of this program is to encourage institutions to do a better job of making known their opportunities to our returning veterans.

Our veterans have not been taking advantage of their GI educational benefits as much as was the case following World War II and Korea, even though their ability makes them highly eligible for further education. One of the reasons is that colleges tend to concentrate their recruiting efforts on high school students.

This program—estimated to cost $150 million if fully funded—would go to institutions which increase their veterans enrollment by 10 percent over the previous year—50 percent of the money received by an institution would have to be used to provide educational vocational and personal counseling for veterans; for outreach and recruiting; and for special education programs.

We do not intend, as some have suggested, that this program encourage a lowering of standards to admit students who would not or should not otherwise attend college.

Once veterans do find the right educational opportunity for them, they have always proven themselves as serious, highly motivated students who do better than those of similar ability who go straight from high school to college.

This is not a massive program of institutional aid. But I believe its limited purpose of increasing educational benefits to those who have fought and are fighting for us in Vietnam is a worthy purpose.

The problem of the returning Vietnam veteran concerns us all. About a million GI's are expected to be released from the service this year. What are they coming home to, and what will they do? We have a 1970 GI bill with increased benefits—we have a Jobs for Veterans program—but we also have statistics that show that these GI's are suffering from high rates of unemployment—350,000 veterans are unemployed. Those veterans who have never been to college before are far less likely to use the GI bill to go to college or junior college than previous college attenders. Obviously, a veteran enrolled in college or junior college is one less veteran looking for a full-time job, and one man who will have skills he previously lacked to get a job when he completes his courses.

The reason for the veterans cost us instruction payment is that those veterans who have had previous college experience are almost three times as likely to use the GI bill to go to college as those with equal ability but only a high school education. When you realize that 80 percent of our returning veterans have only a high school education or less, you can understand that the GI bill alone will not solve the problem.

The problem is that these veterans must be sought out and convinced that the key to their future is higher education and that they can succeed at it. The colleges and the universities can do this job the way it must be done, using student veterans from like backgrounds. Except for some few demonstration efforts, there is no process now available which systematically serves to put the veteran—without prior college experience—in touch with institutions of higher education in a manner that overcomes institutional barriers to enrollment of men without a college orientation.

The veterans cost of instruction amendment encourages colleges to recruit and enroll veterans by having each veteran bring with him up to $300 and in the case of veterans using remedial and PREP courses authorized by the GI bill up to an additional $150. Only 15 percent of the high school graduate veterans—who comprise 60 percent of the 1 million men discharged last year—used the GI bill to attend college or junior college. Cost incentives to the colleges should activate them to enroll additional veterans, and at the same time help them with costs imposed by the $2.2 billion GI bill. The veterans cost of instruction provision is subject to the same safeguards as are the other institutional aid provisions. However, colleges receiving veterans cost of instruction benefits must meet specific requirements to get grants:

The veterans' cost of instruction provision is subject to the same safeguards as are the other institutional aid provisions. However, colleges receiving veterans' cost of instruction benefits must meet specific requirements to get grants:

First, they must have a 10-percent increase in veterans' enrollment;

Second, they must offer veterans counseling services based on the size of the school;

Third, they must run an outreach program with work study money; and

Fourth, they must offer prep and remedial programs. Perfecting amendments that were added in conference release smaller colleges from having to meet the requirement of offering a full-time veterans' counseling office by allowing them to participate in a consortium doing counseling.

Fifty percent of the moneys made available for veterans must be spent on the costs of offering educational and related services to veterans which will enable them to stay in school and successfully complete their courses. A final requirement is that colleges must offer prep and remedial programs authorized by the GI bill.

Unlike World War's GI bill, today's GI bill gives the colleges no financial incentives to recruit veterans. Colleges lose money on each student enrolled, including veterans. The World War II GI bill covered the total cost of college for a veteran and for the college, because many colleges charged—some say, overcharged—in-State GI's out-of-State tuition rates. Therefore, the real cost of education was covered.

In my own State of Wisconsin, only 29.7 percent of the State's Vietnam-era veterans have used the GI bill. This is well below the national average of 38.1 percent. Only 16.1, or about 20,000 Wisconsin veterans, have used their GI bill benefits to attend college or junior college. Based on the Defense Department study, 9.9 percent of Wisconsin veterans, who were high school graduates before they entered the service, used the GI bill to attend college or junior college while 42.1 percent of the veterans who had preservice college used the GI bill for that purpose.

More money to the veterans through the GI bill would fail to solve the problem of the colleges. A president of a leading junior college system has said that student aid is only one leg of a three-legged stool. If veterans fail to bring institutional aid with them, no additional veterans could be taken into his institution because the State legislature was reducing the operating funds available to the college. Veterans' tuition payments would not provide those missing funds to undertake a greater effort in order to aid veterans, we must give the colleges the same incentives we give them to educate other federally aided students.

Lower tuition private colleges should benefit from the veterans cost of instruction amendment. This will give them the means to recruit veterans who will bring with them Federal aid dollars. Giving colleges Federal dollars for doing so, as we are doing in this bill for other categories of federally aided students, should have an impact. No matter how one feels about the war, we must recognize our obligation to those men who served. Many of them were draftees, serving because they were required, and serving well.

In some areas, veterans find that colleges, particularly State colleges and some junior colleges, are turning them away because they have no places. These schools have been hard hit by State legislatures reacting against college students and cutting back on legislative appropriations. Veterans, therefore, are excluded often, because their high school records were not all that good, or because they were released from the services and applied at time of the year which are different than the colleges' normal schedules. For example, many veterans being discharged on programs to cut back the Armed Forces are rejected because their applications are made in May or June, and admissions have closed effectively in April. The moneys these men bring with them may help the colleges to do what many consider to be their duty to men who have served their country.

Just because national public opinion polls show that the country wants to forget about Vietnam, let us insure now that it not forget about its veterans. These young men, above all, should have the chance to receive higher education and we can bridge the gap that now serves to separate them from it.

Further, Mr. Speaker, the requirement that 50 percent of veterans' cost-of-instruction payments be used to provide special resources for veterans' education should be liberally construed to assist veterans in the ways needed to enable them to enroll in and complete college. For example, although emphasis is placed on using GI bill provisions for remedial courses, a number of colleges are undertaking "Upward Bound" for veterans programs. Non-Federal expenditures for such concentrated, remedial, motivational courses would be included in counting the 50 percent. This would be particularly important to encourage colleges to offer remedial courses which provide credit.

Colleges are to be encouraged to work together particularly in consortium arrangements to aid veterans. Thus, there will be limited duplication of effort and effective contact with the veterans.

An adequate counseling program would necessarily involve financial aid counseling. Veterans need a package of loans, part-time jobs and additional scholarships. Because they have been excluded from work-study programs, because of inclusion of GI bill payments, resources, job development is particularly important. Veterans hired to work on this and other questions should count toward the 50-percent requirement.

Another key need is for veteran peer counselors to assist veterans in adjusting to academic training.

It is not intended that the 50-percent requirement for use of veterans' cost-of-instruction payments be applied against financial aid made available to veterans. The exception to this is for veterans hired to implement the colleges' veterans program.

Mr. Speaker, I urge adoption of the conference report.

Mr. PERKINS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this debate culminates more than 2 years of intensive activity on the higher education bill. When the House convened the 92d Congress in January 1971, I called the subcommittee chairmen together to indicate that we were going to give higher education special attention. All other committee business was to stand aside, so that there would be no conflicts.

Higher education programs were due to expire on June 30, 1971. For a variety of reasons—all of them valid—the bill was not reported until the late fall. I went to the subcommittee and sat with Mrs. GREEN and the members of the subcommittee for many days. We worked out an excellent bill. My colleagues will recall that on November 5, it passed with a great majority.

Now there is one thing clear to me as I review this legislative history. This is the best possible conference report that could possibly be obtained. It is clear to me also—and it should be clear to every Member present—that the action we take here today will be final.

Now there have been various rumors circulating that there are alternatives which we can turn to if the conference report is defeated. Granted there may be motions available if the conference report should not be accepted, but in my judgment, these would be doomed to failure.

The conference report before us represents the only compromise possible between the divergent views of this House and the Senate on any number of issues. Such compromises were reached only after hours and hours of debate and discussion.

Mr. Speaker, the first meeting of the conference committee took place on March 15, more than 12 weeks ago. During the intervening period of time, the conference committee met 21 times. Most of our meetings lasted from early afternoon well into the evening hours. There were more than 100 hours of hard and tedious deliberation devoted to the work of resolving the differences in this legislation.

The conference committee had before it two massive versions—the House amendment numbered 423 pages and the Senate amendment numbered 754 pages. These versions in many respects were as dissimilar in their approaches as they were similar in the very controversial issues they each contained.

There were more than 383 substantive differences in the bill with which the conference committee had to deal. In our work we utilized nine different committee prints which identified and analyzed these differences. Because of the number and diversity of issues involved, it was necessary to prepare agendas each day so that Members could be advised of each session's activity. At the end of each session, it was necessary also to prepare a listing of the conference agreements and/or discussions with regard to the various points in difference.

Few of the differences could be resolved with relative ease because of the widely divergent approaches in each of the bills. Because of their very complex and substantive nature many of the topics required repeated discussion during which additional recommendations and suggestions for possible compromise could be aired.

The number of topics requiring the repeated attention of the conference committee during the 21 sessions included the differences involving institutional assistance, student aid, developing institutions, busing, emergency school aid, occupational education and junior colleges, the political internship program, ethnic heritage studies, sex discrimination provisions, the insured student loan program, state scholarships, basic grants, the National Institute of Education, and education renewal.

While these issues in and of themselves were not easily reconcilable, the conference committee was compelled to labor under House instructions. Throughout our proceedings the job of negotiation and deliberation was made that much more difficult because of these instructions. In addition, at all times we were conscious of the new House rules under which the conference committee had to function, and every effort was made to check all possible compromises and solutions with the House Parliamentarian to see that such agreement fell within the scope of conference authority.

Mr. Speaker, there were times when it seemed there would be no conference report. Agreement seemed very remote. The last session of the conference committee—May 16—extended over 15 hours, and I say to my colleagues that even when we were within close reach of a final agreement—not more than 2 hours before our signatures were affixed to the conference papers—there was a great possibility that all of our work would be in vain, that we would have to return to the House in disagreement. It was therefore not until the very end of the last session that the conferees could safely feel that agreement had been reached. Not until we walked out of the Old Supreme Court Chamber in the Capitol at 5:30 a.m. on the morning of May 17—after over 15 straight hours of deliberation—were we able to say our work was successful.

For my part, it was indeed an honor and a privilege to serve as chairman of a conference committee which I believe will be recognized as a diligent, persevering, dedicated body ever mindful of its authority and responsibility to the purpose of improving American education. The conference report before us today is the product of the labors of that conference committee. It is a good product—the best possible product—a negotiated product in which is evident the hard, tenuous give and take compromise agreements which were finally arrived at during the course of deliberation lasting close to 3 months.

This conference experience has convinced me—and I daresay the majority of the House conferees—that this higher education bill, and only this higher education bill, stands any chance of final enactment this year. Any attempts to further change or revise or add to what is before us at this very moment will fail. Turning to an analysis of the bill, title I covers higher education; title II vocational education; title III a recognization of the Office of Education; title IV Indian education; title V miscellaneous subjects; title VI Youth Camp Safety; titles VII and VIII emergency school aid and transportation of schoolchildren; title IX sex discrimination; and title X, direct aid to institutions of higher education.

I shall not in this statement touch upon every matter contained in the bill. Each element is fully explained in the joint statement of the managers. Suffice it to say, the conferees have brought to you a 3-year bill which extends certain of the present programs and authorizes new programs through fiscal year 1975.

Mr. Speaker, I have referred to the compromises. I do not wish to be misinterpreted in utilizing this term to indicate that the conference report compromises the House positions on the most important issues. It does not.

Paramount in the House bill was the authorization of a program of direct general assistance to institutions of higher education. That concept has been preserved. The conference report does not, as did the Senate bill, give secondary emphasis to institutional aid. General purpose moneys can begin to flow almost immediately to institutions of higher education, if the conference report is adopted.

Keep in mind there would be no general assistance if we simply have a continuing resolution.

Yes, the formula for distributing the funds is different from the House version. The mechanism—but not the concept—was compromised. What does the compromise mean? It does not, as some have suggested, slight private education. To the contrary, based on the studies we have, private education will benefit from this formula allocation as much as, if not more than, the original House bill.

Mr. Speaker, I wish to repeat that this conference report represents with respect to institutional aid a great victory for the House of Representatives—and for higher education—for the concept of direct institutional aid will become a reality.

Turning to another area of the conference report of equal importance—student aid. I do not think that neither the House or Senate bills by themselves offered as much in this area as we have in the compromise bill. Three essential items are part of our agreement:

A new program of basic educational opportunity grants is authorized. And for the first time I believe we have authorized a program which will result in a realization of the often-stated congressional intent that no student be denied an opportunity for higher education, because of financial difficulties.

Second, we have fully protected the integrity of existing student assistance programs which have, as you well know, made such a significant contribution to American higher education through the years. Under the agreement, the National Defense Education Act student loan program, the college work-study program, and the educational opportunity grants cannot and will not suffer, because of the establishment of the new program of basic grants.

And I think we should view this area in another way. Let us talk about the people we are trying to help through our student assistance programs. One of the great faults with the Senate approach to the issue of student assistance was that it neglected the financial plight in which middle-income families find themselves in financing a higher education. The House approach was a balanced approach in that it strengthened and sharpened the focus on low-income students while at the same time expanding benefits for middle-income students. The Senate approach did not offer this balance. The agreement—because it contains the House expanding provisions of the insured loan program and because it builds into the Federal student assistance program basic and supplemental grants—provides for even a more balanced approach than existed in either bill if taken separately.

Another thing, Mr. Speaker, the conference report has been challenged on the basis that it does nothing for middle-income America. I have just mentioned the balanced approach in the House bill and the balanced approach in the Senate bill. Let us consider also that the report contains the Student Loan Marketing Association, which will greatly strengthen and expand the volume of lending under the insured loan program—that program which we have specifically designed for students from middle-income families. Again a continuing resolution will not address this problem. The volume of lending under the insured loan program will continue to be hindered, because of the liquidity problems if we only have a continuing resolution.

The conference report also retains the proposal in the House bill to liberalize the interest subsidy benefits under the insured loan program. Under current law and in the Senate bill, no student from an adjusted family income of $15,000 or more could receive an interest subsidy payment. Under the conference report, this will now be possible provided the student can demonstrate need.

In the third major area of controversy, I wish to stress that the conference agreement lived up to the letter of the House instruction with regard to the busing agreements. The conference report speaks for itself:

After hours of debate during which the House conferees rejected numerous Senate proposals to weaken and compromise the Broomfield amendment, we were able to maintain the House Broomfield amendment staying court ordered busing until all appeal rights are exhausted. The conference report differs in only one way, and that is that there is a period certain fixed for this prohibition. The date was set as January 1, 1974—a period 6 months longer than the administration's proposed moratorium period.

A slightly modified version of the Ashbrook amendment which prohibits the use of Federal funds for busing is contained in the conference report. As modified, Federal funds could be used only "on the express written voluntary request of appropriate local school officials." But even this permission is limited by further amendments which absolutely prohibit the use of Federal funds when the busing involves travel over distances which risk health or safety of children or impinge on the educational process. Still another limitation is provided under which there is an absolute prohibition on the use of Federal funds for busing when the educational opportunities provided would be inferior at the school to which the child would be transferred.

The conference report contains a provision prohibiting Federal activity with respect to busing which was covered in the Green amendment. The prohibition has been modified, however, to allow such activity when "constitutionally required." But once again even this exemption has been limited so as to absolutely bar such Federal activity if the proposed busing would impinge on the educational process or involve travel over distances which risk health or safety or if the educational opportunities would be inferior at the school to which the children would be transferred.

Bear in mind also, however, that in addition, the conference report contains the following related Senate provisions:

First. A provision granting a parent or guardian the right to reopen or intervene in court ordered busing if the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process.

Second. A provision barring courts or officials of the United States from issuing any order seeking to achieve a racial balance in any school by requiring transportation of pupils or students from one school district to another. This provision applies to all schools and systems under all circumstances throughout the United States.

Third. A Senate provision reading "No provision of this act shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance."

There are other aspects of the conference report I should like to refer to. I believe an excellent decision was made in retaining those Senate provisions relative to the higher education title II program of assistance for college and university libraries for creating an entitlement for institutions of higher education for basic grants. This carries out, in my judgment, the original intent of the Congress. Likewise, I am pleased that the conference report contains certain House provisions regarding the eligibility requirements for participation in the title II program.

A question has arisen as to whether it is the intent of the committee and the Congress that independent research libraries such as the Henry E. Huntington Library of San Marino, Calif., the Newberry Library of Chicago, the American Antiquarian Society of Worcester, Mass., or the Historical Society of Pennsylvania in Philadelphia will be eligible for assistance under title II. The collections of the independent research libraries such as those listed above are of national importance, and their readers come from across the Nation. In that these research libraries serve colleges and universities in a cooperative fashion, it is my judgment that they will be eligible for assistance.

Other provisions of the conference report extend the expiring provisions of the Vocational Education Act of 1963. The report contains a number of new initiatives including the Senate proposal for a new program of grants to establish and expand community colleges, but it retains also the House provision of assistance to States to plan and develop postsecondary occupational education.

With approval of the conference report the National Institute of Education will be established and there will be authorized a national study of the financing of postsecondary education. Many changes are provided with respect to the Federal involvement in graduate education. A whole new title on graduate education which contains the best elements of both the House and Senate provisions in this matter is contained in the conference report. The new title would consolidate many of the graduate and fellowship programs; it would extend without change in the new title the program of education for public service, and the improvement of graduate programs; and it would extend NDEA title IV teaching fellowships. The report also extends as separate programs title VI NDEA fellowships with emphasis on undergraduate language programs. Under this title, the International Education Act is extended without change, and a new program of fellowships for mineral resources and for persons from disadvantaged backgrounds is created.

The conference report also allows the Department of Health, Education, and Welfare to assure responsibility for the highly successful CLEO program which has been administered as a research and demonstration project by the Office of Economic Opportunity. In 3 years, this program has assisted approximately 1,000 students from disadvantaged backgrounds in gaining admission to law school. The proposed transfer is consistent with the desires of the administration and has the support of the American Bar Association and the Association of American Law Schools, both of which serve as cosponsors of the Council on Legal Education Opportunity.

Finally, an important and very necessary new program in support of Indian education is in the conference report. Support for consumer education, ethnic heritage studies, for the University of Guam and the College of the Virgin Islands, a study of youth camp safety, and the basis of sex are still other important aspects of the conference report.

Mr. Speaker, for the purpose of legislative history on this bill, I would like to comment briefly on a few items which might otherwise leave some confused about the intent of the conferees. Let me say that I have checked with Mr. QUIE, the ranking minority member, on each of these items and he agrees with me on the interpretation of these provisions.

The conference report creates an education division within the Department of Health, Education, and Welfare, headed by an assistant secretary to whom the Commissioner of Education and the Director of the National Institute of Education would report. This assistant secretary should be the chief spokesman for education at the Federal level. This bill makes him a line officer in HEW, rather than merely a staff person to the Secretary. The heads of both the Office of Education and the NIE will report to him.

The assistant secretary would have administrative responsibility under this bill for the Emergency School Aid Act. I would assume that he would be free to administer the program within his own office or delegate that authority to the Commissioner of Education. Similarly, the assistant secretary could administer other educational programs delegated to him by the Secretary.

Mr. Speaker, we want to make clear, however, that the conferees did not intend to create a vast bureaucratic superstructure. Rather, the assistant secretary should require only the staff necessary to enable him to fulfill his responsibilities. I would assume that much of the supporting staff of the Office of the Secretary could be of assistance to him. And, of course, the Office of Education and the NIE will have staffs able to carry out some of the policy decisions made by the assistant secretary.

Section 402(a) of the General Education Provisions Act creates the position of assistant secretary at a level IV. It is the intention of the conferees that this is to be a new position, in addition to the other level IV's the Department has now.

Mr. Speaker, another clarification for legislative history has to do with the funds paid to institutions under section 464(b) to make up for direct student loans canceled for service as a teacher or member of the Armed Forces. It is the intention of the conferees that any funds paid to institutions under this section be required to be deposited in the student loan fund established at the institution under part E of title IV. This money is to be used to make additional loans to students.

Some have asked about the meaning of the word "entitlement" as it is used in the basic education opportunity grant program. Section 411(b)(3)(B) spells out the payment provisions that are operative when not enough money is appropriated to pay all entitlements. A student's entitlement, for the purpose of that section, is to be determined solely by subtracting from $1,400 his expected family contribution.

Another item which needs clarification relates to the veterans' cost-of-instruction payments under section 420. It is our hope, of course, that the appropriations committees would appropriate the amount to which these institutions are entitled for educating veterans. But if there is not sufficient funds, those institutions would have to be satisfied with their pro rata share of the amount that was appropriated. The conference never intended, in the way this provision was finally agreed upon, that any institution would have any legal right against the Government for the full amount of its entitlement. There should be no question about that.

Finally, Mr. Speaker, I would like to point out one drafting error in part J of title I of the bill—which deals with community colleges and occupational education. In that part which deals with the establishment of a Bureau of Occupational and Adult Education, specifically in section 1071(a) which describes the responsibilities of the new bureau in the Office of Education, one word should be changed. On page 91 of the conference report, it says that the new bureau "shall be responsible for the administration of this title." The reference to "this title" is incorrect, as that would include administration of the new program for establishment and expansion of community colleges, which is not intended. The correct reference would be to "administration of part B of this title," which is the part dealing with occupational education.

The administration of part A of the title, dealing with the establishment and expansion of community colleges, is not intended to be a responsibility of the new Bureau of Occupational and Adult Education.

And Mr. Speaker, in providing general assistance grants it is understood that law students are to be included with graduate students under the definition of "pursuing a program of postbaccalaureate study."

My remarks covered the main thrust of the conference report. Other members of the conference committee will wish to take note of specific portions. The House should accept this conference report because the House conferees have brought back a report which carries out the will of the House. This is the most significant piece of higher education legislation ever presented to the Congress.

The conference report has the strong support of the most prestigious national associations—American Council on Education, American Association of Junior Colleges, American Association of State Colleges and Universities, Association of American Colleges, Association of American Universities, National Association of State Universities and Land Grant Colleges, National Council of Independent Colleges and Universities, and College Entrance Examination Board.

Numerous other organizations and associations have notified me of their support. In addition, I have received hundreds of letters and telegrams from colleges and universities endorsing the conference report. I should like to insert at this point selected excerpts from a number of these communications:

We want you to know that as associations whose memberships encompass virtually all accredited institutions of higher education in the United States, we support the conference report and urge its adoption by the Congress.

We take this opportunity to commend you and all of your colleagues on the Conference Committee on S. 659 for the time, effort, and thought you have devoted to resolving the many difficult issues that were before you. Rarely, in our experience, have so many dilemmas faced a group of conferees who, without exception, are devoted to the cause of education. You have our deepest thanks.

Sincerely yours,

Roger W. Heyns, American Council on Education; Allen W. Ostar, American Association of State Colleges and Universities; Charles V. Kidd, Association of American Universities; Arland F. Christ-Janer, College Entrance Examination Board; Richard E. Wilson, American Association of Junior Colleges; Ralph K. Huitt, National Association of State Universities and Land Grant Colleges; Frederic W. Ness, Association of American Colleges; Howard E. Holcomb, National Council of Independent Colleges and Universities.

On behalf of the 46 universities, which are members of the Association of American Universities, I want to thank you for your efforts toward producing a higher education bill which would provide substantial programs of much-needed aid to higher education.

On the basis of the fact that a majority of this association's individual members have expressed support for the bill, the Association of American Universities endorses passage of the Education Amendments of 1972 as reported out by your conference committee. While many members have serious reservations about the stringent anti-busing provisions included in the bill, most are actively and publicly supporting the compromise education proposals. The attached letters and telegrams provide a fair sample of their views. In the judgment of these presidents the proposed programs of student aid and the initial steps toward general federal institutional support represent significant advances. They also support the wide range of other higher education provisions embodied in the bill, while recognizing that the scope and complexity of the measure will necessitate amendments as experience is accumulated.

William C. Friday,
President, Association of American Universities, President, University of North Carolina.

ALABAMA

If it is possible to pass the Amendments that you outlined, Higher Education will be able to perform at a higher level than it did in 1971–72. With the new Amendments (or programs that are new) each institution that is considered will be in a position to improve its services.

M. C. Cleveland, Jr.,
President, Selma University.

As requested in your letter of May 19, 1972, concerning the Conference Report on the Higher Education Amendments of 1972, my reactions are generally favorable. I think the scope of the program is good. I think the amounts are not sufficient to properly fund new and existing programs.

William H. McWhorter,
President, Lurleen B. Wallace
State Junior College.

ARIZONA

I have read over with great care highlights of the Conference Report on the Higher Education Amendments of 1972. While, of course, it is not all I would like, especially concerning institutional aid, I do think the Bill will be a great asset to the Thunderbird Graduate School of International Management and to higher education in general and to the students in higher education in the United States. . . . It is a milestone in the history of education and of the relationships of Congress to education in the history of the United States.

William Voris,
President, Thunderbird Graduate
School of International Management.

Your affirmative vote on this conference committee's recommendation will help to obtain the funds that are so desperately needed in the community colleges in the nation today. As you may know the community colleges attract large numbers of disadvantaged and minority students who are of low socio-economic needs. If we are to provide the advantages of a general education or special vocational education for these students, we must have some way of motivating their attendance in school. The financial aids programs made possible by this bill will do just that. The community colleges are also attracting thousands of veterans, most of whom are in dire need of financial assistance to resume their education. . . . In view of the great needs that exist in our community colleges, I urge your affirmative vote on this bill—S. 659.

John D. Riggs,
Executive Dean,
Mesa Community College.

I express strong support for the Conference Report on the Higher Education amendments of 1972 and urge early enactment by the Congress.

John W. Schwada,
President, Arizona State University.

Greatly appreciate your efforts on behalf of the community colleges and our students. Your Conference Report is excellent and will really help.

George L. Hall,
President, Arizona Western College.

ARKANSAS

The State of Arkansas would benefit from all programs outlined in the Conference Report. I am especially pleased with the provisions of the bill which relate to the development of community junior colleges.

M. Olin Cook,
Director,
Department of Higher Education.

CALIFORNIA

Strongly urge immediate favorable vote without further debate on the long delayed omnibus Higher Education bill S. 659 as passed by the Senate yesterday.

Homer H. Grant,
President,
Northrop Institute of Technology.

The University of Southern California strongly urges support of S. 659—Education Amendment of 1972.

John R. Hubbard,
President,
University of Southern California.

Due to provisions concerning community colleges the Associated Student Body Cabinet of Cypress College unanimously endorses and supports Senate bill 659. Will await reply on status of bill.

Steve Cifelli,
Student Body President,
Cypress College.

Just finished reviewing the Conference Report on the Higher Education Amendments of 1972. These are vital to higher education. I urge your continued support.

Omar H. Scheidt,
President, Cypress College.

Reviewed communication on Conference Report. Urge your strong support. Approve sections on support for low income community college students. General student aid essential. Formula good. Must have loans, grants, work study financing. Urge your strong support.

William B. Temple,
Chairman, Mount San Antonio
College Board of Trustees.

We urge your support for the Conference Report on the higher education bill, S. 659.

Sister Mary Ambrose Debereux,
President, Holy Name College.

We urge passage of Higher Education Amendments of 1972—as incorporated in SB 659 as essential to continuing services in community college.

William P. Niland,
President, Diablo Valley College.

The Purpose of this communication is to express my views, speaking for Cal-Tech, on the educational provisions of S. 659 as reported out by the conference committee. I believe that the higher education features of this bill are a very substantial step forward. These provisions support the national purpose of equality of educational opportunity and help institutions on the basis of how they serve this and other specific national purposes. Thus these higher education features of the bill are beneficial both to students and to institutions. Though I have a personal opinion about the busing provisions of the bill as reported by the conference committee, neither I nor my institution can speak with special expertise on this matter. Unfortunately it has not been possible to handle those features in separate legislation on its own merits. However, I want in any event to make known my view that the higher education provisions are clearly in the national interest.

Would you please VOTE YES ON this bill. San Joaquin Delta College—a community college, greatly needs the support which this bill provides in order to continue to help the hundreds of veterans and disadvantaged minorities. VOTE YES ON S659.

Dr. Naomi E. Fitch,
Registrar, San Joaquin Delta College.

I would like to commend the Committee and you for your long endeavors and ask for continued support and, hopefully, passage of the amendments.

Gibb R. Madsen,
Superintendent-President,
Hartnell College.

It is unfortunate that the busing amendments were attached to the bill as they certainly cloud the basic issue of Higher Education. However, the over-all recommendations on the Higher Education amendments are very good.

Harry X. Ford,
President,
California College of Arts and Crafts.

We appreciate the opportunity to comment on the Higher Education Act. The provisions will help many students to take advantage of the community college programs. The extension of eligibility to part-time students reaches a particularly deserving group since many of these students must work and cannot attend full time. The institutional aid which accompanies grants and work study will be a godsend to colleges which are in serious financial distress. We would prefer the general aid provisions originally in the bill, but at least it's a step in the right direction. In a period when unemployment is particularly acute among the 17-25 year age bracket, Congress has shown real statesmanship in providing viable options for the young person who is cut off from the employment market. I applaud your continued leadership in behalf of education.

Robert E. Swenson,
District Superintendent and
President, Cabrillo College.

This legislation is needed desperately at this time and particularly by the students in the community colleges of the United States. It is gratifying to note recognition of the purpose and the potential of the community college in the conference report. It is my urgent hope that the compromises on busing in the legislation are sufficiently acceptable that the legislation can be approved, and we can get on with the work that must be done to make higher education responsive to the needs of our people.

Glenn G. Gooder,
Superintendent-President, Santa Barbara Community College District.

COLORADO

I have just read the Conference Report on the Higher Education of 1972 and have discussed it with other members of our administration. We believe that in general it is very good and would urge its adoption. The amounts given for the minimum levels of support for E.O.G., Work Study, and Direct Loans appear to us to be absolute minimums for meeting the national needs of students in higher education. Again, we strongly support the Conference Report and stress the necessity of these concepts.

Richard R. Bond,
President,
University of Northern Colorado.

I have reviewed the Conference Report on The Higher Education Amendments of 1972 very carefully and urge immediate passage.

John P. Turano,
Acting President,
Adams State College.

CONNECTICUT

I am very enthusiastic about the higher education provisions of the bill. The busing rider bothers me, but I am not qualified to judge how it appears in the light of alternatives. However I did want you to know my view that the provisions relating to student and institutional support would go a long way toward helping all universities without imposing a heavy hand of uniformity on higher education. Best of all, the bill will mean real help to the students—and their parents—who need it most, while still allowing them to choose the institutions they most want to attend. The conferees had a most difficult task. I think they have done it remarkably well.

Kingman Brewster, Jr.,
Yale University.

Your letter of May 19 carries with it some great news for institutions like Post Junior College. We, as a small and struggling private junior college, need all the support that we can receive from the United States Government. We are urging our own senators and congressmen to vote in favor of the Higher Education bill, S. 659.

David J. Lonergan,
Financial Aid Officer,
Post Junior College.

DELAWARE

As President of a new and developing community college system, I urge support of the Higher Education Amendments of 1972 as described in the Conference Report.

Paul K. Weatherly,
President,
Delaware Technical and Community College.

FLORIDA

This is to express appreciation for your leadership and to support passage of the conference report on S–659. This is a very positive bill for community colleges. It will enable us to meet our responsibilities in many critical areas of operation and provide expanded higher educational opportunities for all.

Hugh Adams,
President,
Broward Community College.

The University of Miami, an institution private and independent in character and international in scope, endorses with reservations the final conference committee version of the higher education bill of 1972. We are both troubled and disappointed that the irrelevant issue of bussing is attended in this bill, for we are convinced that singular attention to the needs of both college students and institutions of higher education is mandated in this time of financial crisis. But we underscore our support for the continuance and expansion of federal commitments to needy students toward the end of equal access through higher education for all those who can benefit from it. Further, we endorse the establishment of the principle of direct federal aid to institutions as a dimension critical to the fiscal salvation of many. We regret that full funding of all programs is not now assured, for the attainment of no less a goal than this is required if higher education is to continue to realize its full potential for leadership in meeting the needs of society. We offer both our gratitude and our compliments to the members of the conference committee for their devoted efforts in behalf of the needs of higher education.

Henry King Stanford,
President, University of Miami.

House, Senate conference version of S–659 is an act of educational statesmanship. Proposed funds are badly needed for community college program. Strongly urge your support.

Dr. Ambrose Garner,
Vice President,
Miami Dade Junior College.

It is with great interest that I have read the highlights of the Conference Report on the Higher Education Amendments of 1972. I am totally in favor of all programs as presented in your report. I would hope for a speedy passage of the amendments. Thank you for all that you and your Committee are doing for Higher Education and College Students.

Timothy H. Czerniec,
Director of Financial Aid,
Barry College.

Initially, let me compliment you and those who have worked on the Conference Report for an excellent job. Although I will comment specifically on a number of items, I find the Conference Report to be overall excellent. Higher educational institutions, in my opinion, can not only live with the ideas as related but will find most to them quite exciting. It occurs to me that many of the changes that have been suggested will better assure optimum utilization of existing facilities and the continuation of private higher education as a strong force in this country.

Jack B. Critchfield,
President, Rollins College.

I have received the highlights you so kindly sent me of the Conference Report on the Higher Education Amendments of 1972. This extremely important legislation will be of immense benefit to all higher education in this country, including Florida's 28 community colleges. I have, today, wired the entire Florida House delegation urging their support for this bill.

Thomas W. Fryer, Jr.,
President, Florida Association of Community Colleges.

To better serve our community and its students we need quick, positive action on the Higher Education Act. S–659 would help meet the needs of our college as our student population increases at 16% per year.

Donald E. Rutledge,
Financial Aids Advisor, Valencia Community College.

Upon examining the highlights of the Conference Report on the Higher Education Act of 1972, I find it very favorable toward the community college. Even though the community college is the least expensive form of higher education more than 50% of our students need some type of financial aid to complete college. I emphasize this high need percertage with the fact that one of the main purposes of the community colleges is to help educate underprivileged, economically deprived, and vocational-technical program oriented students. S–659 helps in all of these areas. Having some 900 veterans enrolled in our college we also appreciate S–659's $300 payment to the college per full time veteran. I also support the supplemental EOG funds, the Basic Grant Program, and the matching community college grants for expanding and building. To better serve our community and its students we need quick positive action on the Higher Education Act. S–659 would help meet the needs of our college as our student population increases at 16% per year."

James S. Kellerman,
Dean of Student Affairs, Valencia Community College.

Thank you very much for sending us a copy of the highlights of the Conference Report on the Higher Education Act of 1972. We have reviewed it with care, and we find ourselves in general agreement with the provisions. We are particularly strong in our support fo the parts providing for community colleges and for programs of occupational education. We urge that the conference committee's report be brought to the floor and be passed. With our appreciation to you for your leadership in the field of education in the Congress, and with very best wishes, I am.

Myron R. Blee,
Executive Director, Associated Consultants in Education.

The administrative staff of Daytona Beach Community College has followed the progress of the Higher Education Amendments of 1972 with great interest. We are most pleased with the Conference Report and the recent action of the Senate. We urge you, members of your committee, and members of the House of Representatives to support the Conference Report.

Roy F. Bergengren, Jr.,
President, Daytona Beach Community College.

GEORGIA

Delighted Conference Report Higher Education Amendment 1972. Urge immediate passage.

J. R. Burgess, Jr.,
President, Rhinehardt College.

As an experienced financial aid officer, my reaction to the amendments is that these should make the final bill, even with the inevitable compromises, a landmark in the history of Federal Support for Higher Education and our students. I particularly want to commend the Committee for the amendment requiring the educational institutions to recommend the amount of a subsidized loan to the lender. The creation of a Student Loan Marketing Association should also have a beneficial impact on the availability of such loans. May I take this opportunity to thank the Committee members; not only as a student financial aid administrator, but also as a citizen and taxpayer; for their labors in this field. It appears that the final bill should be a long step down the road to our mutual goal of removing economic barriers to the opportunity for post secondary education so that every qualified young person will have the education he wants and can absorb."

C. Dean Dalton,
Director of Student Financial Aid, Georgia State University.

You and your committee are to be highly commended for the concern and action you are directing toward improving the status of higher education. In general, I agree with the provisions of your amendment.

Edward A. Tarratus, Jr.,
Dean of Instruction, Albany Junior College.

IDAHO

Deeply concerned regarding passage of Higher Education Compromise bill. Want you to know we appreciate past support and request your continued efforts toward passage of compromise.

David Blackwell,
Director, Financial Aid, Idaho State University.

The purpose of this telegram is to express our appreciation for your efforts on your committee work of the Higher Education Amendments of 1972. It is very satisfying to see how you have expanded all of the programs for student financial assistance including those programs for the veterans. We in the field of student financial assistance community certainly appreciate the efforts of you and your committee and we can support the Higher Education Amendments of 1972.

David Perkins,
Director of Student Financial Aid, College of Southern Idaho.

Urge passage of S569. Vital that student be funded thru 1975. Your help very much appreciated.

Earl A. Loomis,
Director of Financial Aid, Lewis-Clark State College.

ILLINOIS

Our college and students will profit greatly from passage of S659, the Higher Education Act. We are asking our congressmen to support it. Your leadership in this area is appreciated.

Eltiss Henson.

Springfield College in Illinois and its students greatly need the support which the Higher Education Act, S. 659, provides. We urge you to do all that you can to see that this is passed.

Sister Mary Patrick O'Brien, O.S.U.,
President, Springfield College.

We urge your support of the Conference version of S659.

Forrest D. Etheredge,
President, Waubonsee Community College.

Kennedy King College completely agrees with Senate Bill 659 and we urge your support for this measure. Our faculty and students all ask for your help in passing this important bill.

Maceo T. Bowie,
President, Kennedy King College.

The community colleges in the state of Illinois would greatly benefit from the passage of Senate bill 659. Every facet of the bill would accommodate Spoon River College in meeting a large number of student needs. The recipients either work or repay these monies at a later date. I personally like this aspect of the bill. I trust that you will support Senate bill 659 without hesitation. It will help us.

Hearl C. Bishop,
President, Spoon River College.

Overall I am encouraged by this finalized version. Emphasis on occupational development programs, veterans, institutional development and facilities is needed.

Walter F. Block,
Director of Institutional Research, Illinois Benedictine College.

Lake Land College and Board of Trustees unanimously support Senate bill 659 as agreed upon by the conferees. Junior colleges are in dire need of this kind of support. Your interest in good legislation is appreciated.

Virgil H. Judge,
President, Lake Land College.

My immediate response is one of *strong* support for the principles exemplified by this report. I would like to see you continue with your diligent efforts to get a compromise bill passed and signed by the President. I fully recognized that any bill will be considered deficient in some way by the various sectors affected. However, at this time you do have in hand proposed legislation which is deserving of passage. Future refinements can be instituted as experience dictates. You and the other conference committee members are to be congratulated for your major accomplishment in this extremely difficult task.

John T. Bernhard,
President, Western Illinois University.

I support the conference report. However, I am disappointed that the conference committee rejected the broad principle that the Federal Government should provide general support to all institutions on the basis of the number of students educated. I am, also, troubled by the fact that the anti-busing provisions were a part of the consideration. They should have been a separate issue. Nevertheless I would not want the Higher Education Amendments of 1972 lost because of these issues, so I reluctantly accept these provisions in the amendments.

Ivan E. Frick,
President Elmhurst College.

I recommend support for the compromise higher education bill S659 as reported by the conference committee. I do not agree with all provisions of this bill but recognize that it represents a compromise which on balance will provide needed assistance for higher education.

Rolf A. Weil.

We respectfully urge your support of Senate bill 659, as amended by the conference committees. This legislation will mean that Joliet Junior College can provide educational service to many disadvantaged and veteran students that otherwise simply will not be served. As you are well aware, colleges are facing a financial crisis in this nation. We face this crisis, knowing full well we have to expand our services to serve that disadvantaged element of our youth. It is an investment in human potential that must be realized for our future survival. Without your help and this bill, that investment will never be realized. We thank you for your support of this legislation.

H. D. McAninch,
President, Joliet Junior College.

The educational community is pleased with this legislation. We feel that this bill deserves our support, because it affirmatively has responded to virtually all the points that educational leaders brought to the attention of the House and Senate Conference on Higher Education earlier this year. We sincerely urge your continued support in the passage of this legislation so vital to the well being of American Education.

J. Richard Stoltz,
President, Lincoln College.

In short, I feel that S. 659 clearly addresses itself to the needs that exist in community colleges. In this light, it is my intent to do all I can to encourage the passage of this bill by both the House and Senate.

Dwight E. Davis,
Associate Dean Curriculum,
Development, Joliet Junior College.

Indiana

The House should pass it as an initial step in an improved Higher Education Act.

Louis C. Gatto,
President, Marion College.

We have examined the provisions of the conference committee version of S. 659 which was passed by the Senate on May 17. The bill in its present form is a bipartisan product and would provide substantial support for the Indiana institutions we represent, particularly in student financial assistance and in institutional grants. We urge you to vote for this measure. We know that the bill has undergone many changes in the months of consideration by both houses of Congress and the Conference Committee. Nevertheless, we believe the result—present Conference Committee Report—will provide essential support of the higher education needs of Indiana and the nation.

President Isaac K. Beckes,
Vincennes University,
President Arthur Hansen,
Purdue University,
President John Pruis,
Ball State University,
President Alan Rankin,
Indiana State University,
President John Ryan,
Indiana University.

Iowa

I am not totally satisfied with the bill but it certainly seems to me to be an essentially good bill for higher education. I am confident that it will be very helpful to us as a small private college. We desperately need help and we need it now.

Paul D. Mork,
President, Waldorf College.

After careful study I strongly urge the passage of the Higher Education Act (S. 659). Our College and our students need the support provided by this bill.

Dean F. Travis,
Dean of the College,
Clinton Community College.

Kansas

As president elect of Colby Community College I wish to extend my sincere support of the Higher Education Act Senate bill No. 659: The passage of this bill would provide our institution with support that would enable us to better serve the people of this rural area in North West Kansas. I appreciate your concern for higher education and urge your endorsement of Senate Bill No. 659. Its passage would have a tremendous impact not only for us but nationwide.

Dr. James H. Tangeman,
President, Colby Community College.

I believe that they represent the best possible compromise which can be reached at this time on most of the major issues and, therefore, I strongly support an early adoption of the report.

John E. Visser,
President,
Kansas State Teachers College,

I find myself in substantial agreement with the various elements particularly as they relate to Student Aid in its various forms, the suggested formulae for institutional aid, the emphasis on cost of Instruction Payments for Veterans and grants to existing community colleges to help expand enrollments and modify programs to meet the needs of the community.

Continuation and expansion of Community Service and Continuing Education programs, and Titles II, III, and VI of the Higher Education Act are also of direct interest to us.

I feel that the transference of the Higher Educational Facilities Act to become Title VII of Higher Education Act will be of some help administratively as well as the strengthening and expansion of its various programs. We have been beneficiaries of its provisions in our new campus construction which we are beginning to occupy this week.

Jack M. Flint

We would like to ask your support of S. Bill 659, the Higher Education Act. With a particular emphasis on the needs within Student Financial Aids and Occupational Education Programs. Both of these categories support those students who are in dire need of assistance to function within and assist the total economy of this country. Without assistance of the type that could come from S. Bill 659, many of these people will remain uneducated and unemployed. It is imperative that this assistance be provided if they are to be served.

Vernon V. Mai,
Dean of Student Services,
Dodge City Community College.

Kentucky

Urgently request your support of Legislation related to S. 659.

Dr. William James,
President, Kentucky Wesleyan College.

All 15 staff members and all 250 adult students at Ashland Kentucky Business College urge you to support strongly the Conference Report on Higher Education which has just been reported out of committee. This is a fair bill for all America.

President Leo Blackburn,
Ashland Kentucky Business Coll.,
Michael Highes,
Student Council President.

We heartily commend the efforts you and your colleagues have made to come up with a workable and liveable bill. It contains provisions that will benefit us at Bellarmine and our sister private institutions of higher education.

Rev. Msgr. Raymond J. Treece,
Acting President, Bellarmine College.

I do hope that this legislation can be successfully passed through both chambers of the Congress this year. It has the possibility of stimulating new emphasis in higher education finance which can ultimately save money to the tax payers while perpetuating the strength of a strong mixed system of public-independent higher education.

Thomas A. Spragens,
President, Centre College of Kentucky.

My response to these highlights is quite favorable. I feel that the community colleges for the Commonwealth of Kentucky and the students that attend them will benefit greatly.

Roscoe D. Kelley,
Director, Somerset Community College.

Please be assured of full support from the education community in your efforts to push this bill through to successful passage.

Troy R. Eslinger,
President, Lees Junior College.

We would be grateful for anything you can do to accelerate the passage of the Bill.

H. M. Sparks,
President, Murray State University.

The Higher Education Bill S. 659 which you have brought through the Subcommittees, full Committees, and now the Joint Conference—is a splendid Bill, with great promise for the American people who are served by higher education including the independent and public two year colleges.

William S. Hayes,
President, Alice Lloyd College

I am writing in support of your strong and long standing position on important educational legislation and trust this letter to serve as part of the substantiation needed to urge the House of Representatives to support and pass the Higher Education Bill. This legislation is very important to the community college movement in this country and I am sure you are aware of its value to the Community College System in Kentucky. I am sure of your support and have confidence in our leadership in bringing this bill to a successful passage. Thank you for your continued efforts and be assured of the vital and critical importance to community colleges which hinges on its success.

Marshall Arnold,
Director,
Henderson Community College.

Louisiana

The Conference Committee ironed out the questions at issue to a considerable degree and, in our judgment, this legislation now authorizes both the continuation of proven programs and the establishment of promising new approaches to the support of both individuals and institutions.

The legislation has been referred to as one of the most important pieces of legislation relating to the Federal Government to the institutions of higher education. I believe that it will be proven in the future to just that.

Herbert E. Longenecker,
President, Tulane University.

The highlights of the Conference Report on the Higher Education Amendments of 1972 have been received by this office. After careful study and deliberation, we are elated over the possibility of these Amendments becoming a reality.

Robert L. McNeese,
Supervisor of Student Financial Aid,
Louisiana State University in Shreveport.

On behalf of the President of St. Mary's Dominican College, we wish to congratulate the Committee on the difficult task they have just completed and urge that the bill be passed. The future of higher education, more especially of private higher education, is critical and believe that a great contribution to our country would be lost if such institutions would cease to exist. We believe that the Committee has made a step in the right direction.

Sister Mary Judene, O.P.,
Treasurer,
St. Mary's Dominican College.

Maine

I want you to know that I, as Chancellor of the University of Maine, wholeheartedly support the passage of this bill.

Donald R. McNeil,
Chancellor, University of Maine.

MARYLAND

The Board of Education of Montgomery County (MD) supports the report of the House/Senate Conferees on S. 659—the Education Amendments of 1972. Your support for enactment of this legislation is urgently requested.

William G. Colman,
President,
Montgomery County Board of Education.

This letter is in support of the Conference Report on the Higher Education Amendments of 1972.

Luther G. Shaw,
President, Garret Community College.

Now that the House-Senate conferees have completed work on S. 659, the Higher Education Act, I should like to inform you of Harford Community College's strong desire for this bill to pass, even as it now reads in the Conference Report. We ask for your support of this bill in the halls and on the floor of the House.

Edmund H. Schwanke,
President, Harford Community College.

MASSACHUSETTS

Form of Higher Education Bill is excellent.

F. Roy Carlson,
President, Mount Ida Junior College.

We urge your support in the passing of the Higher Education Act Bill, S. 659.

Very Rev. W. J. DuFault, A.A.,
Acting President, Assumption College.

We support the Higher Education Act.

Wilbert E. Locklin,
President, Springfield College.

We have the profoundest hopes that S659, the Higher Education Act, will become law in the next few weeks. It would be a great boon for the thousands of students who will be knocking at our doors in the years ahead.

Thomas E. O'Connell,
President,
Berkshire Community College.

I am very much interested in the passage of the higher education amendments of 1972 which you are presently considering. The program shows vision and is a step forward in meeting today's education needs.

Marjorie Hensley, Ed. D.,
Educational Manager, Essex
Agriculture and Technical Institute.

MICHIGAN

As Chairman in behalf of Presidents representing 13 public colleges and universities in Michigan, I convey to you our collective strong endorsement of the Conference Report on the Higher Education Amendments of 1972.

Harold E. Sponberg,
President,
Eastern Michigan University.

Urge your support for S659. Our community and students need support this bill provides. As a new community college these priorities conform to ours.

Justice D. Sundernann,
President,
Glenn Oaks Community College.

Provisions of Conference Report on the Higher Education Amendments of 1972. Student Aid and Institutional Aid are of vital importance to our students and our institutions as we continue to provide high quality educational services to our community. Much is at stake. Your support is urgently and respectfully requested and needed.

Dale B. Lake,
President,
Kalamazoo Valley Community College.

Urgent support needed on S. 659 Higher Education Act. Community College students and the Colleges themselves need additional funds to continue offering basic programs. Financing becoming extremely difficult. Your help needed now.

Dr. James D. Perry,
President,
Gogebic Community College.

Understand the House-Senate Conferees have completed their work on S. 659, the Higher Education Act. This bill provides support for our college and its students including many returning Vietnam Veterans. I would urge your support and passage of this important piece of legislation.

Richard J. Norris,
President,
St. Clair County Community College.

As Chairman of the Board of Trustees of Kalamazoo Valley Community College. I want to urge your support of the provisions of the Conference Report of the Higher Education Amendments of 1972. The provisions for student aid and institutional aid are of great importance and have tremendous bearing on this institution.

B. A. Thunman,
Chairman, Board of Trustees,
Kalamazoo Valley Community College..

Bay de Noc Community College is a small developing institution in the upper Peninsula of Michigan. We serve a sparsely populated area and one in which financial resources are extremely limited. It is my opinion that the components of the Higher Education Act as amended by committee would be of great assistance to our institution and to the people we serve.

Edwin E. Wuehle,
President,
Bay de Noc Community College.

There is now pending before the House after approval by the Senate, S. 659, 'the Higher Education Amendments of 1972.'

The busing provisions of the bill have been and are controversial. Nevertheless, to allow that particular amendment about which both the Congress and the American people are in wide disagreement to control the higher education bill does a very doubtful service to anyone. At the University of Michigan for instance we desperately need financial aid to students including increasing numbers of minority students to whom we are committed. Without Federal aid our whole program will suffer a severe setback.

We had frankly hoped for a better overall bill. It is apparent for instance that the present bill is not adequately funded. Thus it may arouse expectations which cannot be fulfilled. Nevertheless, the bill does at least take some steps in the right direction.

Despite our reservations, we believe that on balance the bill should be approved and I would hope that you would find it possible to vote for it.

R. W. Fleming,
President, University of Michigan.

MINNESOTA

This bill will help to meet the needs of those thousands of students who are presently standing outside the educational mainstream because of financial difficulties and racial discrimination. The Higher Education bill will help colleges such as this one meet those needs.

David Sweet,
President,
Minnesota Metropolitan State College.

I support immediate passage of the Higher Education bill. Delay will serve to cause additional jeopardy to the welfare of the students of the Nation.

Howard Bellows,
President,
Southwest Minnesota State College.

Colleges throughout nation in urgent need of provisions asked in Higher Education bill currently before your committee. I respectfully urge your support of this bill.

R. D. Decker,
President, Bemidji State College.

I urge your support for passage of Conference Report on Higher Education Act S659. The urgent need and general merit of the bill for our colleges and universities offset the anti-busing provisions and warrant your favorable vote.

James F. Nickerson,
President, Mankato State College.

I am writing a brief note to urge your support for Conference Report on S659, which, I understand, has now been reported out and will be coming to the House floor for action shortly. While there may be some differences of opinion among various segments of higher education about specific provisions of this bill, I believe we are generally united in feeling that it's a major step forward.

Your support for this legislation will be greatly appreciated. It will be a helpful step for St. Cloud State College and for thousands of young people in central Minnesota.

Charles J. Graham,
President, Saint Cloud State College.

We believe this bill is of enormous importance for needy college students, universities and colleges, and have written to our representatives from Minnesota to encourage the passing of this bill.

Bernt C. Opsal,
President.

We at St. Thomas—like all of higher education—are pleased with the news in today's paper, that the Senate has passed the Higher Education Bill. The conference committee has kept provisions for EOG, Work-Study, and NDSL in its report and this may rescue an otherwise gloomy current aid picture in those areas. Other parts of the Bill, when and if passed, will provide valuable aid to higher education at this crucial point in history. . . . While such a compromise, omnibus bill has departed from some provisions I would have preferred, the Bill in general deserves our support and therefore I willingly give it, and I urge you to do the same. The Nation cannot afford *not* to have this Bill passed. Whatever may be the deficiencies of this Bill, including matters of busing, it is infinitely better than no bill this year. The present situation, if not remedied, will be disastrous for this and other colleges.

Rev. Msgr. Terrence J. Murphy,
President, College of St. Thomas.

I join my colleagues in urging your strong support for adoption of the conference report.

R. A. DuFresne,
President, Winona State College.

MISSISSIPPI

The entire Mary Holmes College community urges your support of S. 659, the Higher Education Act. As a community oriented, two-year college, those served by Mary Holmes since 1892 badly need the support and assistance promised by the adoption of S. 659.

John W. Walton,
President, Mary Holmes College.

MISSOURI

It is essential to the future maintenance and growth of the junior colleges of Missouri that you support passage of the Higher Education Act, S. 659. Your help is desperately needed and we would sincerely appreciate any aid that you can give.

RALPH H. LEE,
President,
Forest Park Community College.

Passage of Senate Bill 659, in my judgment, essential to the continued development of higher education in America. I have wired all members of the Missouri delegation to urge their support respectively.

JOSEPH W. FORDYCE,
St. Louis Junior College District.

Please support the Higher Education Bill.

RAYMOND J. STITH,
President,
Florissant Valley Community College.

Respectfully request your support of Senate Bill 659, Higher Education Act of 1972 when voted on in the House. Benefits derived are of great importance to the students, the college, and the community."

R. S. WALKER,
Acting President,
Meramec Community College.

I commend the conference committee on the creative results of its efforts and as a private college President concur in the various aspects of this report. I trust that it will be approved by the two houses of Congress and will be made operative in the near future.

The emphasis on assisting students and then helping colleges that provided an education for these students seems to be the appropriate way of meeting both the needs of the youth of our country and of the colleges which are faced with many problems in meeting the cost of this education."

FRED HELSABECK,
President, Culver-Stockton College.

Thank you for forwarding the summary highlights of the Conference Report on Higher Education Amendments of 1972. The action taken by the Senate on these amendments represents a major step toward financing the education of our nation's low income students. The same action by the House is crucial if higher education, and particularly the community college, is to meet the pressing needs of our urban society. I therefore urge you and your fellow representatives to give even stronger support for these amendments than has been indicated in the past by your fine legislative record.

LESLIE KOLTAI,
Chancellor,
Metropolitan Junior College District.

I have read the highlights of the Conference Report on the Higher Education Amendments of 1972 and I am in general agreement with the provisions of the Conference Report.

There are some items that I would have preferred other provisions for, however, as a compromise, I feel the Conference Report is quite satisfactory.

RICHARD CASTER,
President, Mineral Area College.

This Report conveys a giant step forward for financing the education of American youth.

Although I do not fully understand the minute detail of all the provisions, I do discern that there is significant provision for student aid and institutional aid so desperately needed by so many colleges including Crowder College.

DELL REED,
President, Crowder College.

The House-Senate conference committee on S. 659 is to be commended for its farsighted provisions for the two-year college. The recognition of the service of community and junior colleges to the achievement of national goals has been conspicuous by its absence at the federal level.

The provisions of the conference version of S. 659 will provide much needed assistance to two-year institutions which have begun their development in the last five years; to complete the development will require funds from as many sources as possible.

I strongly urge you to support S. 659 which will assist Maple Woods Community College in completing its development and which will assist many students in participating in postsecondary education.

DR. JOHN M. GADZA,
President,
Maple Woods Community College.

Speaking for the total college community, your support is urgently requested for the conference report on Senate Bill 659, the Higher Education Act.

This college and the residents of the junior college district will be unable to meet the education needs in the areas of occupational programs, student financial aids, and veterans education if this bill is not approved and made law of the land.

DONALD D. SHOOK,
President,
East Central Junior College.

NEBRASKA

I have followed this with a great deal of interest and concern, and even though there are specific provisions which I wish could be changed, nonetheless, the general tenor of the proposed legislation is such that I hope it will be enacted by the Congress.

Specifically, we are anxious that this step be taken and that you give the necessary leadership and influence in the House of Representatives, hopefully anticipating that it will be passed. We support the Report for adoption.

VANCE D. ROGERS,
President, Nebraska Wesleyan University.

NEVADA

The provisions and programs contained within the Higher Education Amendments of 1972 are needed now by Western Nevada Community College. Our students, faculty, and administration give you and your committee our full support in finalizing this desperately needed legislation.

LEON H. VAN DOREN,
Executive Vice President,
Western Nevada Community College.

We strongly support the amendments and if they are passed by the Congress they would provide much needed assistance for the community colleges in Nevada. We have three community colleges in the state, two of which are in their initial year of operation and the Higher Education Bill would aid all of them immensely in providing occupational programs for students in Nevada currently not being served.

The student aid provisions will be especially helpful in assisting students in starting a college education. We feel that the apportionment formula could make the difference between the success and the failure in our colleges.

DR. CHARLES DONNELLY,
President, Community College Division, University of Nevada System.

NEW HAMPSHIRE

Dartmouth College supports conference version of Higher Education Amendments of 1972. Believe general recognition of institutional aid principle and value of other programs outweigh some unfortunate features of aid formula and regrettable anti-busing provisions which should never have been included in this bill.

DR. JOHN G. KEMENY,
President, Dartmouth College.

We at White Pines College wish to express our complete agreement with the report forwarded to us regarding the Conference Report on the Higher Education Amendments of 1972.

MARY ANN POWERS,
Financial Officer, White Pines College.

NEW JERSEY

I urge you to support the joint Conference Report on Senate Bill 659, the Omnibus Higher Education Bill. It is imperative that the Nation's two and four year colleges receive the institutional and programmed support included in this bill. The student aid formulas provided for in this legislation are urgently needed. All of the citizens of New Jersey will greatly benefit from the passage of S659.

DR. N. DEAN EVANS,
Chairman, Association of County Community College Presidents of New Jersey.

I favor passage of the Conference Report on the Higher Education Amendments of 1972. Conferees did an excellent job. I had problems with the Anti-busing amendments and the formula for institutional aid. The bill is too important to go down in defeat on these two points. As president of St. Peters College in Jersey City, I favor adoption by the House and the Senate of your Conference Report.

REVEREND VICTOR R. YANITELLI, S.J.
President, St. Peters College.

We are pleased that the Conference Committee has supported the principles of basic grants to students and institutional aid as well as continuation of the three major student aid programs. We urge continued Congressional effort to pass this bill, and to support the appropriations that must be approved to make it effective. The combination of rising college costs and inadequate aid funds, especially in the initial EOG program, will make next year and subsequent years very difficult without increasing funding. The bill has raised the hopes of students that increased aid will become available to them. Please continue to do all you can to see that these hopes are realized.

CLARE DAVIES,
Director of Financial Aid,
Newark State College.

I urge the adoption and Implementation of the Conference Report of the Higher Education Amendments of 1972.

J. P. WORTHINGTON,
President, Luther College.

I find the main thrust of the Amendments to be in the interests of higher education and, therefore, urge the passage of the Higher Education Bill as revised by the Joint Conference Committee.

RICHARD K. GREENFIELD,

Now that the House-Senate conferees have completed their work, I feel that moment of truth has arrived. As in the past, I am steadfast in my assurance that the community college movement, a movement that has made remarkable strides in recent years, is in serious need of the financial support provided under S. 659. Therefore, I reaffirm my resolute support of S. 659 and urge your continued support and direction for its speedy passage into law.

FRANK M. CHAMBERS,
President, Middlesex County College.

As you know, I favor across the board increases for colleges as advanced to the pattern outlined in the House. However, I believe that the financial crisis plight of private colleges, as well as public higher education, is serious enough to warrant passage of the Higher Education Bill.

Again, I appreciate all of the help that you have given to higher education. The passage of this Bill will be of great help to Trenton State College.

Clayton R. Brower,
President, Trenton State College.

North Carolina

We further encourage your continued support on Senate Bill 659. Our Technical Institute and students greatly need the support which this bill provides for veteran education.

John A. Price,
President, McDowell Technical Institute.

Your support of the Higher Education bill currently in conference is urgently requested. Those sections dealing with student aid, veterans, the occupational education and continuing education programs, and Titles II, III, and VI are especially vital to the successful operation of small post-secondary technical institutes such as ours in the economically depressed Appalachia region.

Donald N. Irwin,
Dean of Instruction,
Southwestern Technical Institute.

I would like to say that our school finds this bil lis a most important bill and agree in principle with all of its parts. We feel it is not necessary for part-time students to be eligible for student assistance programs.

It is very important that this bill be passed immediately so that we will be able to notify our new students of the possibility of receiving a National Defense Student Loan for the school year 1972–73. We also ask your strong support to raising the authorization for college work study and initial EOG funds for the year 1972–73.

Elizabeth Boulus,
Financial Aid Director,
Sacred Heart College.

We appreciate your giving us this opportunity to respond, and we want to assure you that this University administration is wholeheartedly supporting the legislation. We understand that the Senate has acted favorably. We urge the House to do likewise without delay. We very much regret that the busing issue has become entangled in this bill.

Banks C. Talley, Jr.,
Dean, North Carolina State University.

I want to urge every member of the House Committee on Education and Labor to give their wholehearted support to the Conference Committee Report on Senate Bill 659, the Higher Education Act, because I sincerely believe this bill will enhance the course of higher education in this country.

I sincerely urge support of this report and its passage.

Aubrey R. Flynt, Jr.,
Director of Student Personnel Services, Bladen Technical Institute.

In reference to S. 659, the Higher Education Act, the support which the bill provides is greatly needed by our students. I am sure the same applies to students at other institutions.

R. Bruce Freeman,
Financial Aid Director,
Randolph Technical Institute.

New York

Urge support and favorable vote on 1972 omnibus Higher Education Bill as presented in Senate 659 Conference Report. Legislation vital to higher education in city and state.

Leon M. Goldstein,
President, Kingsboro Community College.

Urban Colleges desperately need the support written into S. 659. I urge you and your colleagues to support the higher education act as submitted by House/Senate Conferees.

Dr. James A. Colston,
President, Bronx Community College.

As a parent of 2 college students, I urge your support of S. 659 Higher Education Amendment. Funds are vital to educational programs in Western New York.

Myles N. Fox.

Students, Faculty and Administration of State University Agricultural and Technical College, Alfred, New York, enthusiatically support Conference Report on Higher Education Amendment of 1972. We urge full adoption by the Congress.

David Huntington,
President, State University Agricultural and Technical College.

My analysis of the higher education bill indicates it deserves support which I earnestly solicit.

Dr. Neal Robbins,
President, Genessee Community College.

Disappointed in some aspects of the higher education bill but recognize problems faced by the Committee and therefore on balance urge its passage.

John F. White,
President, Cooper Union College.

Although disappointed over extraneous busing issues and somewhat complicated institutional aid provisions, I do endorse the omnibus Higher Education Bill S. 659, and ask for support of Conference Report. Many thanks for your thoughtful consideration.

Brother Gregory Nugent,
President, Manhattan College.

I believe it is good legislation, and I hope that the Conference Report will be approved by both houses promptly and then funded at the highest level.

Melvin A. Eggers,
Chancellor, Syracuse University.

I have received a summary of the Conference Report on the Higher Education Amendments of 1972 and I wish to indicate my support for the passage of such a Bill.

Robert D. Larsson,
President, Schenectady County
Community College.

I have reservations about the Bill because the Congress has seen fit to tie the future of higher education to the busing issue. But the Bill does make reasonable provision for student aid and embodies the principle of institutional aid. Thus I feel obligated to endorse the Bill and urge you to vote for it.

John W. Graham, Jr.,
Chancellor,
Clarkson College of Technology.

North Country Community College in Saranac Lake, New York, is 100 per cent behind the Conference Report.

Lawrence H. Poole,
Associate Dean of the College,
North Country Community College.

I should like to express my support of the Conference Report and urge that the Senators and Congressmen pass the resulting legislation.

Sister Marie Genevieve Love, Ed. E.
Provost, Mount Saint Mary College.

As we reviewed our programs during the past four months, we realize that Rensselaer faces, for the first time, a deficit in its operations during the 1972–73 academic year. The provision for institutional aid as we understand S. 659, in its present form, would enable us to continue and improve our quality educational offerings. We estimate our total annual institutional grant, according to the complex formula, could initially be in the $500,000 for Rensselaer, depending on funds actually appropriated. This would go a long way towards balancing our budget.

We urge you to vote in favor of passage of S. 659 reported out by the Senate-House Conference.

Richard J. Grosh,
President, Rensselaer Polytechnic Institute.

As an educator and administrator of a small but needed community college in a very economically and culturally deprived area of Northeastern New York State, I urge your favorable support of the Conference Report S. 659.

Alfred B. Light,
President, Clinton Community College.

The compromises worked out by the Conference Committee of the House of Representatives and Senate appear in the best public interest, and we urge positive action toward moving these to final legislative action as rapidly as possible.

S. V. Martorana,
Vice Chancellor, State University
of New York.

From my point of view the basic principle which you and your colleagues have helped to establish in this legislation is more crucial than the details. By making initial provisions for direct grants to academic institutions and by increasing the availability of funds to students, you are recognizing the fact that Higher Education is a national resource which crosses some of our traditional political boundaries and which is serving an ever larger percentage of our population.

The positive advantages the bill holds nonetheless compel me to support it. Not only disadvantaged students but nearly every other facet of higher education also stands to benefit, including community colleges, occupational education, and graduate education.

Dale R. Corson,
President, Cornell University.

Ohio

Wright State University supports the Conference Report on the Higher Education Amendments of 1972. Please work hard to insure House passage. Thank you.

Joel R. Cohan,
Director of Financial Aid,
Wright State University.

This is valuable legislation for higher education in America and Ohio. We hope for its success in the House.

L. A. Toepfer,
President, Case Western Reserve University.

Urge passage of conference version of higher education amendments for 1972.

Everett Cattell,
President, Malone College.

The hopes of many Ohio young people will be riding on the House vote on S. 659. The hopes of all Ohio higher education institutions for significant financial assistance are also at stake. And for some of our smaller private colleges in Ohio, the passage of S. 659 may well mean survival.

Novice G. Fawcett,
President, Ohio State University.

Though I regret the inclusion of matters extraneous to higher education, I join what I'm sure will be the great majority of my brother presidents in both the private and public sectors in the fervent hope that S. 659 will be enacted by the Congress and approved by the President.

Frank E. Duddy, Jr.
President, Marietta College.

It seems to me that the Conference Committee is to be congratulated in maintaining many of the vital elements of the original bills, and I am particularly pleased to see that financial assistance will be available to part-time students, even though they must be "half-time." It is particularly important to community colleges to have the Federal government taking first steps in institutional support because the real estate tax, on which most of us must rely substantially, does not increase automatically with increasing enrollments and voted increases are most difficult to achieve each passing year.

Ms. Thomas H. Ham,
Member, Board of Trustees,
Cuyahoga Community College.

OKLAHOMA

As President of a new community college which will open its doors to some 2,000 students in the Fall of 1972, the passage of this legislation is of tremendous interest. For your information, I am sending a copy of the Educational Master Plan which sets forth some of the approaches we are taking in an effort to maximize the effectiveness of our educational programs.

John E. Cleek,
President,
South Oklahoma City Junior College.

We at Murray State College are pleased with the results of your Committee on Higher Education and Labor in regard to the assistance given institutions of higher learning for the purpose of making education available to the youth of our nation. It is our hope that you may use your influence to see that this is enacted by Congress and funded to become available as scheduled by your conference report.

Clyde R. Kindell,
President, Murray State College.

PENNSYLVANIA

We support the Conference Report on the Higher Education Amendments and trust you will also.

Ray Hostetter,
President, Messiah College.

As a member of the American Association of State Colleges and Universities I want to express my appreciation to you for the support you are giving to the Higher Education bill.

Chester T. McNerney,
President, Edinboro State College.

Be assured of my pleasure in the improvements which are shown in these proposed amendments.

Frederick P. Sample,
President, Lebanon Valley College.

I write to indicate my support of the Conference Report on the Higher Education Amendments of 1972.—While certain provisions are of course less than ideal from the colleges' point of view, I recognize the overall benefit we shall gain—which in these critical times will be welcome indeed.

Sister Mary Schmidt,
President, Seton Hill College.

My immediate reaction to the highlights of the Conference Report on Higher Education Amendments of 1972 was one of complete accord in regard to all of the provisions for Higher Education as contained in these amendments.

Kenneth E. Carl,
President, The Williamsport Area
Community College.

It is our earnest hope that the House will act on this legislation promptly. In some way or another, it affects every college student in the nation. Its implications are far-reaching and will improve the life prospects of college-age young people indefinitely into the future, and consequently the course of our nation. Only through education will men and women realize their full potential, and the occupational programs offered by the community colleges are particularly urgent for a sizable segment of our population. For these reasons, as well as others, we hope that you would urge Congress to pass this legislation, and to do so as soon as possible so that programs can be developed and students enrolled in them.

James L. Evanko, *Acting President;*
James R. Spence, *Dean of Students;*
Allegheny Campus, Community College of Allegheny County.

SOUTH CAROLINA

We hope you will support the Higher Education Act S. 659. Our institution and students greatly need the support which this bill provides.

Orangeburg Calhoun Tech.

Higher Education urgently needs the programs and funding to be provided under S. 659 as finalized by House-Senate conferees. Any action you can take to secure passage of this vital legislation well be deeply appreciated.

Lex D. Walters,
Piedmont Tech.

Conference Report acceptable—but I deplore anti-busing provisions. Transportation working well in South Carolina—my own children included!

Paul Hardin,
President, Wofford College.

Conference Report on the Higher Education Amendment of 1972 was most encouraging. Early passage of the amendments and adequate appropriations will enable more students, capable and desirous of further training, to enroll in institutions best suited to their needs.

Marc C. Weersing,
President, Presbyterian College.

Overall, I would say that this seems to be a very excellent report with much thought being given to it with true concern for our fellow Americans."

R. L. Grisby,
Executive Director,
Midlands Technical Education Center.

Considering the tremendous task before the Conference Committee, I think an outstanding job has been done in bringing about acceptable compromises and agreements in so many areas."

Alan S. Krech,
Planning Officer, South Carolina
Commission on Higher Education.

SOUTH DAKOTA

I feel that these amendments are improvements on the original bill and I do trust that Congress sees fit to accept and vote favorably on the conference report.

H. M. Briggs,
President,
South Dakota State University.

TENNESSEE

Bill S.659, the Higher Education Act, should certainly be passed for the welfare of vocational and technical education.

Leon G. Hardison,
Head, Division of Related Studies,
State Technical Institute at Memphis.

While the Bill in several aspects, particularly that portion having to do with institutional support which is based on the level of Federal expenditures at institutions for federally aided students, is not my first choice, I do heartily recommend the approval by the House of Representatives of the Conference Committee Report. There are a number of substantial improvements in the Federal program which are authorized by this Report. For that reason I do recommend its approval. I am a great believer in the truism that democracy is the art of the possible. It seems to me that the Bill which resulted from the long weeks of deliberations by the Conference Committee represents the best possible Bill which can be adopted during the current fiscal year."

J. Jefferson Bennett,
Office of the Vice-Chancellor and President, The University of the South.

We have reviewed each of the areas discussed in the Highlights of the Conference Report and wish to commend you and the other committee members for the manner with which you have treated Higher Education.

D. F. Adkisson,
President,
Cleveland State Community College.

This will assure you that you have our endorsement of the recommendations of this Committee and to express our sincere gratitude to those who have worked so faithfully in support of these programs.

B. D. Benton,
Executive Director
of Development, Hiwassee College.

My immediate reaction is very favorable. I am certainly relieved to see that past programs in Student Aid have been continued and that funding has been extended. Without them, students' ability to attend college would have been very limited.

John J. Brannon,
Department Head of Student Aid and Veterans, State Technical Institute at Memphis.

We at Tennessee State University believe that Student Aid section of the Conference Report on the Higher Education Amendments of 1972 will be very helpful to our nation's commitment to full opportunity of higher education.

A. P. Torrence,
President, Tennessee State University.

TEXAS

In my opinion, if the amendments stated in your report become law and are fully funded, a bright new day will come in higher education. It will allow no student to be turned away for lack of financial resources. It will give the institutions which handle the task of higher education a broad financial base and will sustain a dual system of education within our country. It will also give the financial support needed to raise the academic standards required by a maturing nation which must advance or decay. This is a bill which recognizes the needs of higher education and applies the greatest amount of funds to the area of the greatest need. The alternative to such a bill is very bleak indeed. Private schools are closing while state supported schools take up the slack in some measure at a much higher ratio of cost to the taxpayer. The broad base of academic flexibility afforded by private institutions is the very foundation of our democracy. Our way of life would be in jeopardy if we were to continue the present erosion of private education because of lack of adequate financing. I believe that your conference committee has taken the best of the House and Senate bills and reduced them to a very workable bill which can be justifiably funded.

——— ———,
——— ———.

I support the conference version of the bill and hope that my colleagues in higher education generally will give you the same response.

Jack K. Williams,
President, Texas A & M University.

I think this is a great bill in many ways.

Al G. Langford,
President, Midland College.

In response to your request for immediate reaction to The Conference Report on the Higher Education Amendments of 1972, I am pleased to offer the following comments, some of which might be amended after the full text is studied. The bill is indeed of landmark quality.—P.S. I am President of the private college organization in Texas, and I believe I am speaking to some extent for them.

J. M. Moudy,
Chancellor,
Texas Christian University.

I am in favor of and impressed by the Conference Report on the Higher Education Amendments for 1972. Although I perhaps do not know as much as I should on some of the specific amounts, all that I can find indicates that these will be generally adequate to continue the very necessary programs that are now in operation. I am particularly pleased with the Student Loan Marketing Association as I think it will eliminate some very severe problems that have been found in some areas. In addition, I think that the increase in maximum amounts might be valuable to some of our students as they transfer to distant senior colleges. I feel that the section on community colleges is good, particularly the grants for planning, developing, etc. new colleges. In Texas at least, we find that perhaps new colleges could be started if there were a little "seed money" to get them off the ground.

Philip T. Speegle,
President, Odessa College.

We should like to express to you and the members of the Committee on Education and Labor our sincere appreciation for the excellent work which has been done on the Higher Education Act, S. 659. We feel that provisions of this bill which greatly increase the range of federal aid to higher education are excellent.

Jack W. Hudgins,
President, Angelina College.

We, the educators, administrators and students of the El Paso Community College, are very strongly in favor of this bill.

Ben Botello, Jr.,
Veterans Affairs Coordinator,
El Paso Community College.

My general reaction to the program is favorable. The general provisions are certainly ones which we would be happy to accept.

Johnny S. Payne,
Vice-President,
Temple Junior College.

UTAH

You are to be complimented on the leadership you have given Vocational Education and the monies provided for community colleges in the amendments. We hope that this bill passes.

Wilson W. Sorensen,
President, Utah Technical College.

VERMONT

We urge your support of S659 Higher Education Act. Austere Vermont appropriations forced increased charges to students each of last four years. 68% of our students are on financial aid. S659 mandatory to keep our occupational education alive.

Pierre Kieffer,
President, Vermont Technical College.

As immediate past president of the National Council of Independent Junior Colleges and a former member of the Commission on Legislation of the American Association of Junior Colleges I urge you to support the Higher Education Act, S659 as recommended by the House-Senate conferees and approved by the Senate 63 to 15 on May 24, 1972.

William L. Irvine,
President, Vermont College.

VIRGINIA

Responding to Higher Education Amendments of 1972—urge passing on omnibus higher education bill. Student aid portions particularly significant to us for students from lower income group.

Roy E. McTarnaghan,
Director, State Council
of Higher Education for Virginia.

I am writing to ask your support for S. 659, the Higher Education Act, which I understand will be presented for House action next week. An an administrator at Northern Virginia Community College, I am properly concerned that the educational opportunities which are offered to the citizens of Northern Virginia are not only maintained but increased. These opportunities, which are available not only to the recent high school graduate but to the more mature citizen whose education has been interrupted or requires additional education for a career advancement, are dependent to a significant degree on the support afforded by such acts as the Higher Education Act.

Donald L. Bisdorf,
Provost, Eastern Campus,
Northern Virginia Community College.

I encourage support of S. 659, the Higher Education Act, and the Cranston Veterans' amendment to provide additional assistance for veterans.

Edwin L. Walker,
Coordinator, Admissions and Records,
Northern Virginia Community College.

As a newly developing institution, it is most urgent for us that the Amendments be enacted in order that appropriations action be initiated prior to Fall term of this academic year.

Harold J. McGee,
President,
Piedmont Virginia Community College.

I write to say how much I hope that you will vote for the Omnibus Education Bill of 1972, which is scheduled to come to the floor of the House next week and has passed the Senate with the support of both of Virginia's Senators. This bill is of signal importance to the future vitality and strength of higher education upon which the economic, social and cultural capacity of the nation depends to such a large extent. The educational provisions of the bill are so essential at this time that I trust their merits will not be subordinated to the amendments concerning school busing, which is a matter extraneous to the activities and goals of higher education.

Edgar F. Shannon, Jr.,
President, University of Virginia.

WASHINGTON

On behalf of Yakima Valley College I urge your support of Higher Education Bill S659.

Dr. Thomas Deem,
President, Yakima Valley College.

We urge your support of the passage of the Higher Education Student Assistance Bill, S. 659, on June 5th. We have reviewed both the Senate and House bills prior to conference and have studied the compromise bill reported out of conference May 16. We feel that this is a good bill having long term ramifications of benefits to students who otherwise would not have access to higher education. This is a bill which assists not only the disadvantaged low income students but also the middle income sector whose income hasn't kept pace with rising educational costs.

Suzanne C. Feeney,
Director of Financial Aid,
University of Washington.

I understand that conference work has been completed on S. 659, the Higher Education Act, and I wish to urge the adoption of this act.

David B. Story,
President,
Lower Columbia College.

In sum, we regard the passage of the Amendments as desirable, and commend the conference members for their hard work. The Amendments reflect attention to concerns in the field.

Boyd C. Mills,
Director, Community College Program,
Eastern Washington State College.

I would like to make one point. S. 659 not only affords the *opportunity for all* in higher education (academic and vocational), but offers direct aid to institutions to support these students. Both students from low-income and middle class families will be aided. On behalf of our students and future students, I am urging you to vote affirmatively on this measure.

Marion O. Oppelt,
President,
Donald N. Noble,
Financial Aid and Placement Officer,
Fort Steilacoom Community College.

WASHINGTON, D.C.

Mount Vernon College of Washington, D.C., urges your favorable action on S. 659. The passage of S. 659 is of vital importance to two year college students throughout the nation and we need your support and endorsement. We will gratefully appreciate your vote of "yes."

Peter D. Pelham,
President, Mount Vernon College.

I hope you will continue to use your powerful influence with other members of the House to accept the bill as reported out of Conference, recognizing it for the steps it does take in the right direction.

George H. Williams,
President, The American University.

WEST VIRGINIA

This correspondence is sent to register my strong support of the conference report developed by members of the Senate and House of Representatives on the Higher Education Amendments of 1972. I trust Congress will respond quickly and favorably to the report.

James L. Chapman,
President,
——— ———.

WISCONSIN

I urge your ardent support of the conference report, and I pray for swift action so that the universities will have time to make award adjustments prior to the beginning of the fall semester.

Philip C. George,
Director of Student Financial Aids,
Wisconsin State University.

Higher education compromise bill not ideal but urgency of our financial crisis demands passage of this bill with hope of formula changes later. Private colleges must survive for their value to education and for economy of all taxpayers. Urge support of you and your colleagues.

Robert Christin,
President, Saint Norbert College.

Mount Senario College, along with all of higher education, has a vital interest in the passage of the higher educational bill as it has come from the Joint Committee of the House and Senate.

Bruce A. Harrison,
Mount Senario College.

In my view the committee has done an outstanding piece of work in arriving at reasonable solutions to the current problems of student and institutional aid.

T. N. Savides,
Dean, The University of Wisconsin.

I would lend my hearty endorsement of all provisions, particularly those that affect student assistance programs in the form of direct loans and college work-study. I also feel that the proposed payments for Veterans cost of instruction to institutions and the Community Service and Continuing Education programs would be of particular benefit to the communities served by our institution. I therefore strongly urge support of these proposals.

Harry J. Maxwell,
Dean, The University of Wisconsin.

At a conference on legislation convened here in Washington June 6, 1972, by the National Federation of Licensed Practical Nurses, nearly 150 delegates from 35 states adopted the following resolution unanimously: Be it resolved that the delegates to this conference go on record in support of the report on the Education Amendments of 1972. The Delegates to NFLPN Conference are Presidents, Executive Directors, and Legislation Chairmen in their respective states.

Mrs. Mary B. Runnels,
President, National Federation
of Licensed Practical Nurses.

The SPEAKER. The time of the gentleman from Kentucky has expired.

POINT OF ORDER

Mr. TEAGUE of Texas. Mr. Speaker, I desire to make a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. TEAGUE of Texas. Mr. Speaker, the rules of the House limit the number of staff members who are allowed on the floor in a situation like this and I make the point of order that this committee has violated that rule of the House.

Mr. Speaker, the reason I make this point of order is to point up the fact that if the debate concerning this conference report requires 10 or 15 staff members to be on the floor to tell them what to say or what to do, then for sure they must not know what is in the bill.

The SPEAKER. The gentleman has made a point of order that the committee has violated the rules of the House in bringing an excessive number of committee staff members to the floor. The rule which governs situations of this kind is rule 32 which lists those who do have the privileges of the floor, and contains the clause: "and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule."

This rule was adopted before the Reorganization Act of 1947 which provided for four professional staff members for each committee. The Chair must hold under the rule that no committee is entitled under the rules of the House—because the Chair cannot waive the rule—to more than four professional staff members and the clerk, a total of five.

Mr. TEAGUE of Texas. Mr. Speaker, would the Speaker request the staff beyond that number to leave the floor?

Mr. PERKINS. Mr. Speaker, let me say something, I certainly want to comply with the rules of the House, but the ranking members of the subcommittee requested the staff and that has always been the custom. And I certainly hope in the future that all committees will abide by the rules of the House, because it would be the purpose of the Committee on Education and Labor to abide by the rules of the House in the future.

I regret that the gentleman from Texas who opposes the bill has made the point of order of this kind, because it certainly would never have been done by the gentleman from Kentucky.

The SPEAKER. The Chair would like to add further that the rule explicitly prohibits the Chair from making an exception to the rules. If however procedures have changed to the point where every subcommittee wishes to be represented, then the rules of the House should be changed so that the Chair can keep within the rules of the House and to permit other members of the staff to come on the floor in excess of this present number.

For what purpose does the gentleman from Texas (Mr. Teague) rise?

Mr. TEAGUE of Texas. Mr. Speaker, the gentleman from Texas was merely trying to make the point that nobody on this floor knows what is in this bill—and it took six pages to explain the conference report.

The SPEAKER. For what purpose does the gentleman from Louisiana (Mr. Waggonner) rise?

Mr. WAGGONNER. Mr. Speaker, has all time expired?

The SPEAKER. No, it has not. Let the Chair state that the gentleman from Minnesota has 4 minutes remaining and the gentleman from Kentucky has 3½ minutes remaining.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the distinguished majority leader, the gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. Mr. Speaker, I know that on both sides of this issue this afternoon there are many Members who are greatly troubled. They find Members with irreconcilable views coming to the same conclusion. That would indicate that probably the easy vote here today would be a "no" vote because if one voted "no," one could say that he was pleasing both sides on this highly emotional and difficult issue.

I wonder though if that is the reasonable and logical thing to do here this afternoon.

This bill extends the five vital existing higher education programs for an additional 3 years.

In addition to that, it creates at least five new programs which are the result of many years of study and effort. They are:

The so-called new basic educational opportunity grants.

The program of direct general assistance to the colleges.

The basic grants to the students.

A new program designed to help the States design postsecondary education programs.

The new program for community colleges.

The new National Institute of Education.

These are vital to the continuation of higher education in this country.

But the vote here today comes not on the basic issue but on the hope of rejecting the conference report and passing a preferential motion to extend the existing programs and substitute different language for the busing provision.

Mr. Speaker, I just do not think that that can come to pass. To begin with, the other body by a lopsided vote—I think there were only 13 votes in the negative—the other body has already adopted this conference report.

I cannot believe at this late stage that the Senate would go back to another conference. That would mean that our only recourse would be new legislation.

Mr. Speaker, the education conference report on which the House will vote today is one of the most significant pieces of legislation to come before this Congress.

The report extends, for an additional 3 years, programs that have proven their worth in helping to build the American system of higher education, including:

The national defense education loan program, under which over 5 million students have obtained low-interest loans over the past 13 years.

The Higher Education Facilities Act, which since its inception has played a major role in the great expansion of college and university facilities over the past decade.

The educational opportunity grant and college work-study programs, which provide financial assistance to needy students for whom a college education would otherwise be out of reach.

The guaranteed student loan program, under which last year alone, 1,080,739 million students obtained more than $1 billion in loans from banks and other lending institutions under the auspices of a Federal guarantee of the principal and interest; and

The so-called categorical aid programs, under which Federal funds are made available to colleges and universities for specific purpose activities, including library support, teacher training, and facilities renovation, as well as language and area studies and other specific categories of academic pursuit.

Mr. Speaker, these programs have served our Nation well and deserve to be continued.

But there are other, new programs that will be established under the provisions of the conference report, which will make it a landmark in Federal support for higher education.

Two of these programs are particularly significant:

A new system of "Basic Educational Opportunity Grants," will be established, under which every American college student, from middle-income as well as low-income families, will be entitled to receive an annual grant of $1,400, less that amount his or her family can reasonably be expected to contribute to his or her education.

The new program of direct, general assistance to colleges and universities will be inaugurated, under which each institution will receive a payment based on the number of federally assisted undergraduate students it enrolls, the amount of aid they receive, and the number of graduate students it enrolls. These payments may be used by each college and university as it sees fit—no Federal "strings," other than a requirement that the money not be used for sectarian purposes, are attached.

These two innovations—basic grants and direct assistance to colleges and universities—constitute the major new programs established under the conference report, but there are several other innovations agreed to by the conferees that also deserve mention:

A new program to help the States design, establish, and operate postsecondary occupational education programs is created that will answer a long neglected need in our system of postsecondary education—the vocational training of the young man and woman who does not desire to pursue an academic degree;

A new program of startup and expansion grants for community colleges, the fastest growing segment of our higher education system, in terms of both size and popularity; and

The establishment of a National Institute of Education, patterned after the National Institutes of Health, which will conduct, support, and disseminate the products of research at all levels of education, from preschool through the graduate school.

In the list of programs I have mentioned there may be found proposals of this administration as well as the previous one, of the House as well as the Senate, of Republican as well as the Democratic Party.

The measure before us thus constitutes not only a rational and comprehensive response to the needs of American higher education, but a bipartisan one as well.

Mr. Speaker, this legislation should command the support of every Member of the House.

It is the product of 2 years work in this as well as the other body.

Our 6 million college students and the institutions they attend can wait no longer for Congress to take action in this important area.

Let us examine that question of new legislation for a moment. Here we are in the second week of June. We are a month away from the first great national political convention and 2 months away from the second great political convention. We have about 6 active legislative weeks between now and that second national convention.

And then the fall campaign will be here—therefore, I say to you—I say to all of you—if you want an education bill, I hope you will think a long time before you vote "No" on this conference report.

The SPEAKER. The time of the gentleman has expired.

Mr. QUIE. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, as we come to the end of this debate, I imagine that most of you now know what is in the legislation. It has been around for a long time. The House passed its version last November 4, 1971, and it has been out of conference now for 3 weeks.

Mr. Speaker, I am extremely proud of this bill. I do not think the Congress has ever passed a better piece of postsecondary education legislation. I think it is one of the most thoroughly researched and discussed education bills that our committee has reported out. We have put 2½ years into its development.

All of our colleges—let me repeat—all of our colleges and millions of our constituents will benefit directly from this legislation.

A simple extension or preferential motion, which was spoken of, just will not do the job. Going that route would not provide several provisions now in this legislation:

First. We would not provide relief for hundreds of thousands of middle-income and needier students.

Second. We would not have a secondary market for guaranteed loans.

Third. We would not have the long-sought-after general assistance to institutions of higher education.

Fourth. We would not have this great general assistance for institutions of higher education. It is the best formula, providing the most money for private colleges of any formula that has been considered so far.

Fifth. We would not have the National Institute for Education to launch new research in teaching and learning.

Sixth. No new authority for innovation grants in postsecondary education.

Seventh. And if the preferential motion were to be enacted into law—and I am certain it would not because the Senate would never approve it—we would not have this major new advancement in support of vocational and occupational education, which is desperately needed.

These probably are not the issues for most of you. The issue undoubtedly is busing. That seems to be on most people's minds. Many have talked about the excesses of the courts on the question of busing. This bill provides an opportunity for the Congress to act in a meaningful way. And let me remind you of the adage that "A bird in hand is worth two in the bush."

I believe this 18-month moratorium on the implementation of court orders and the limitations on the use of Federal funds for busing spells "results." For those who have exhausted their appeals and others who face massive financial hurdles to carry out the process of desegregation this bill authorizes $2 billion. And that spells "results."

I intend to push for further legislation in this regard in our Committee on Education and Labor. But I do not think anyone can have confidence that legislation to put limits on the courts is going to be enacted into law in this Congress. If this bill does not pass, you lose the opportunity to put some limit on the courts.

I talk to those of you who, 2 to 1, voted to instruct the conferees. This is your last opportunity to enact these busing limitations. You can limit the Federal agencies all you want to on appropriation bills, but here you have something that is excellent for higher education, the best we could produce, and you can make some headway on a limitation on the courts. What more can you ask now?

I urge you to support the conference report and pass and enact this landmark piece of legislation.

Mr. CELLER. Mr. Speaker, I cannot in all good conscience vote for this conference report. Unquestionably, the educational provisions of the higher education bill are desirable and merit support and I would do so without hesitation were it not coupled with provisions inimicable to civil rights. To vote for this conference report would, for me, spell the abandonment of my lifelong held commitment to constitutionally secured civil rights and an equal abhorrence of unwarranted interference with judicial process.

The educational goals of the conference report are admittedly of high benefit. But to have coupled desirable goals with undesirable ones places me in the position of having to say not that I loved Rome less but that I loved honor more.

A defeat of the conference report will not mean that the educational provisions will be lost. They can and should be separated from the segregationist provisions and Congress has the machinery to do so.

Let the choices be clear and clean cut. I, for one, cannot steer a boat between Scylla and Charybdis.

Mr. ANDERSON of Illinois. Mr. Speaker, it is in my judgment highly unfortunate that under the parliamentary procedures that prevail today it is not possible to divide the question in such a manner that separate votes can be had on the portions of this bill which deal with higher education, and those which have the effect of plunging us still further into the troubled waters of the highly emotional and divisive subject of school busing for primary and secondary school students. However, as is frequently the case, Members of the House will be required by their vote here today to accept or reject a far-reaching and multifaceted piece of legislation, and in doing so to make a determination whether on balance there is more good than bad contained in this omnibus bill. As one who voted against instructing House conferees on the subject of busing on both of the occasions when that question was before the House, I have the most serious reservations both with respect to the constitutionality and the wisdom of injecting the nongermane question of busing into a bill which deals primarily with the significant problems of higher education.

I should like in the brief time that I have to direct myself to the question of the so-called Broomfield amendment that would delay for up to 19 months, pending all appeals, any Federal court orders requiring the transfer of transportation of students for the purposes of achieving a balance with respect to race, sex, religion, or socioeconomic status.

I have carefully read the decision in the Swann case which clearly states that there is no constitutional requirement to achieve racial balance in the classroom. As I understand that decision, the court did not feel that the affirmative duty to desegregate dual school systems that was imposed upon local educational agencies by the court in the Brown case could be so extended. I take, therefore, the view that since the Supreme Court has already ruled in that fashion that the amendment that comes back to us as a part of the conference report is actually quite meaningless because although it contains provisions for mandatory stay on district court orders which would prescribe racial balance, it does not pretend to go so far as to decree a stay with respect to court orders that mandate desegregation. The latter would clearly be impermissible from a constitutional point of view.

I also believe that the conferees have altered the Ashbrook amendment which would have completely prohibited the use of Federal funds for busing to overcome racial imbalance in a very fundamental way with the incorporation of the proviso "except on the express written voluntary request of appropriate local school officials." Likewise the conferees have significantly altered the legal import of the so-called Green amendment which would have prohibited Federal officials from requiring or urging schools to use their own funds for busing when the words "unless constitutionally required" were added.

Having said all this, I recognize that there is still significant opposition to the inclusion of even the modified language of the Green, Ashbrook, and Broomfield amendments on the basis that it represents a step backward in the effort to promote desegregation and equality of educational opportunity in our country. In the case of Alexander against Holmes County which was decided in 1969, the Supreme Court indicated clearly that as a matter of constitutional principle it would brook no delay in the elimination of de jure segregation. However, in reliance upon my belief that the wording of the Broomfield amendment as it finally was incorporated in the conference report does not attempt to interfere with desegregation, but only with those situations where a court has erroneously mandated racial balance, I believe that this provision might pass the test of constitutionality.

I also believe that some of those who are adamant in opposition to the conference report because of the language that I have discussed above should bear in mind that this bill will make it possible over the next 2 fiscal years to distribute $2 billion in Federal funds for the purpose of promoting and assisting desegregation efforts in our Nation's schools. The defeat of this conference report would mean that for a further indefinite period these funds would not be made available.

I think we must also realize that one consequence of the defeat of this conference report would be to possibly doom for some years to come the enactment of some extremely worthwhile programs in the field of student financial aid and assistance that are designed expressly to help the disadvantaged student, many of whom are also members of minority groups. We must also be cognizant of the fact that the Carnegie Commission Report on Higher Education which to my knowledge has never been seriously challenged with respect to the accuracy of its conclusion, indicates very clearly that prompt Federal enactment of some form of institutional aid is the only thing that stands between many smaller colleges and universities and complete financial disaster.

I have frankly some great reservations about other portions of this bill than those that deal with the question of civil rights. The formula that has been enacted for dispensing institutional aid is almost unbelievably complex. I find it very difficult to see how colleges and universities can do the intelligent forward-planning required for a wise and judicious use of these funds when the amount of aid that they will be receiving is subject to so many contingencies with regard to the level of funding by Congress of the various student aid programs.

However, the plight of many of these institutions has become so desperate that I fear that at this point it is almost a question of something being better than nothing. However, I would take this opportunity to express the hope and, indeed, the convictions that it will be both desirable and necessary for the Education and Labor Committee to go back to the drawing boards and come up with a more workable formula. Having been critical of various aspects of this legislation I want to make it clear that I think that in many respects it richly deserves the distinction of being truly historic and landmark legislation. The establishment of a national institute of education, the funding of community colleges, the development of new programs of postsecondary vocational training and education, and the development of a mechanism for the secondary financing of student loans are all excellent provisions.

Therefore, I have after a great deal of thought decided that on balance this conference report should have my support. Finally, I would express the hope that in the weeks ahead Congress can act responsibly on the nettlesome question of providing proper guidelines for the judiciary which will have the effect of settling the question of school desegregation in a constitutional and responsible manner so that in the future we do not find it necessary to encumber otherwise worthwhile legislation with nongermane provisions of the type that were attached to this bill.

Mr. GOODLING. Mr. Speaker, I am strongly opposed to S. 659, the higher education bill, because I firmly believe that this legislation will not obtain the end product of the dynamic higher educational system it purports to achieve.

For one thing, this bill is clouded by having in its content antibusing provisions that have no place in educational legislation, either from a practical standpoint or from a recognition of appropriateness. Antibusing legislation, as recommended to the Congress by President Nixon, should be acted upon separately and expeditiously by this legislative body.

For another thing, the institutional aid formula of this legislation is highly complicated in nature, and it is inequitable in nature, both for many educational institutions and many students.

It should not be the role of Congress to use economic coercion, as is provided through this bill, to persuade colleges and universities to provide compensatory education. To me it is wrong for the Federal Government to try to force educational institutions into a mold on selecting students.

In addition to this, an institution of education, in order to be eligible for institutional aid, would have to increase its veteran enrollment by 10 percent each year. From a practical standpoint, if private 2- and 4-year colleges were to receive money under this program, they would be forced to duplicate many of the services now being performed by the Veterans Administration.

I would like to say here that I stand in strong support of educational programs for veterans. Perhaps there is a need for some reform in our educational benefits for veterans law, but if there is, this legislation should not be the place to effect such reform.

It should be noted that the institutional aid of this legislation is tied not to the need, worth, or contributions of educational establishments but to federal assistance to needy students. In our society, however, education should be made available for all qualified individuals and not for a select group. The bill before us appears to focus completely on needy students who are receiving Federal assistance. It ignores needy students who, on their own initiative, are providing aid for themselves by such means as working their way through college and obtaining scholarships from sources other than Government money.

This legislation has, because of the diversity of views expressed on it, divided the higher educational community. I feel we should seek some legislation that promotes harmony in this community, for after all, that's the subject of the legislation.

Mr. CONTE. Mr. Speaker, I rise in support of the conference report on the Education Amendment of 1972, the 92d Congress most significant achievement in the field of education. Indeed, it is no exaggeration to call it the most important legislation affecting higher education since the Congress approved aid to land-grant colleges over 100 years ago.

The conferees labored hard and long on this bill and I applaud them for their dedication and their stamina. With the more than 250 differences that had to be resolved in the House and Senate versions, there were bound to be some dissatisfactions with the agreements that were reached. I need remind no one here, however, that compromise and accommodation are an important and often necessary part of the legislative process.

It was just 15 years ago that the launching of sputnik signaled a new era of competition in education and weaponry. Hopefully the historic accords reached last month between the United

States and the Soviet Union will halt the frenzied arms buildup which has plagued us over the past decade. However our struggle on the educational front must continue and be intensified.

Human history has aptly been described as a race between education and catastrophe. Unfortunately education has been falling behind in that race. It is imperative that we seize the opportunity afforded by the arms accord to direct a greater amount of resources to the country's educational system—certainly the largest and most important activity that this Nation is engaged in. This education bill provides us with a worthy vehicle for that goal.

Throughout my 22 years in public life, I have been deeply committed to improving educational opportunities for our Nation's young people. I know that my colleagues here share that same sense of commitment.

As a member of the Labor-HEW Appropriations Subcommittee, I pledge my continuing support in this crucial effort and I urge my colleagues to approve this conference report.

Thank you, Mr. Speaker.

Mr. MIZELL. Mr. Speaker, when the House of Representatives first considered the higher education bill some time ago, I was happy to support it, because I believed the bill included some responsible provisions for improving the Nation's higher education system.

An additional incentive for supporting the original bill was the strong language of three amendments which placed effective restrictions on court-ordered busing for racial balance.

One of those amendments forbade the use of Federal funds for forced busing; another prohibited Federal agencies from encouraging local officials to use local funds for busing; and the third would have stayed all busing orders until all appeals were made through the courts.

As my colleagues know, I have been seeking a legislative remedy to the busing situation ever since coming to Congress 3½ years ago. I introduced my own nondiscriminatory education act in 1969, which would have preserved the neighborhood school concept, and in 1971, I was the first Member of Congress to propose a constitutional amendment prohibiting the assignment of students to schools on the basis of race.

I supported the antibusing amendments to the House higher education bill, believing them to be important initial steps toward the goal of prohibiting busing solely for the purpose of achieving some arbitrarily contrived quota of racial balance in our schools.

I joined the overwhelming majority of my colleagues in voting to instruct our conferees not to compromise these amendments when they met with the Senate conferees to resolve differences between the House and Senate versions of the higher education bill.

This instructing motion was passed not just once, but twice, and both times by sizable majorities. The intent of the House as far as busing was concerned could not have been made more plain, nor more forcefully demonstrated.

But despite all this, the Ashbrook, Green, and Broomfield amendments were all bargained away in the conference committee, and we are left today with a mere shadow of the substantive measures we had originally approved.

The moratorium proposed in this legislation today is not a solution to anything. Its only real effect will be to thwart the will of the American people, to make a mockery of previous House actions, and to remove the pressure for a solution which the people have rightly brought to bear on the Congress.

This moratorium offers no relief to the busing situation in my district. It is at best a temporary holding action and at worst a deliberate effort to spare Northern school districts the heavy financial and social burdens which busing has forced on school districts in the South.

It has been my personal feeling all along that higher education and busing are two matters of such great importance that they should have been considered separately.

Still, I was enthusiastic about the original House bill, with its generous provisions for higher education and its meaningful restrictions on busing.

My enthusiasm for that bill, though, cannot be extended to the legislation before us today. While it contains some much needed assistance to our beleaguered colleges and universities, it dooms several hundred primary and secondary schools to more chaos and more wasted resources as a result of unreasonable busing plans already in effect and not subject to appeal.

I am committed to the principle that every American child, no matter what his race, no matter what his age, deserves the best possible education he can receive, in elementary school, in junior high and high school, in vocational training centers, and in our colleges.

That commitment will not allow me to sacrifice a young child's opportunity for a quality education on the busing altar for the sake of his college-bound brother or sister. Quality education in America need not be an "either or" situation.

I want to see this Congress enact the best higher education legislation possible, with the most generous assistance we can responsibly provide. America's colleges and universities, the students who attend them, and the parents who pay most of the bills, deserve nothing less.

But there is no good reason why we should pay the cost of continued forced busing as the price for higher education legislation.

I call upon my colleagues to join me in voting down this conference report, and make new legislation on higher education and more effective prohibitions against busing our highest and most immediate priorities.

Mr. MINSHALL. Mr. Speaker, I congratulate and thank conferees for retaining the ethnic heritage studies provision in the higher education conference report.

I strongly believe in this program. The Senate has written its provision carefully and well, providing for substantial but not extravagant funding. It dispels for me the misgivings many of us felt last fall when we defeated the House version in a 200–159 recorded teller vote.

My own vote was cast most reluctantly last November 4, for I recognized the inherent value of ethnic heritage studies. But I also realized that the very ethnic groups I have the privilege of representing are solid, frugal, hard-working citizens, the last people I know who would want this sort of costly adventuring into unknown territory with their tax money.

The House version called for an initial $50 million for ethnic heritage studies, and I found no one, including proponents who came to Washington to lobby for this money, able to give a satisfactory outline of a program justifying expenditure of such an enormous sum of money. To the thinking of a majority of us in the House, there was a lack of substance in the request. The Senate version calls for an initial outlay of $15 million, a reduction of $35 million, and details the activities much more satisfactorily.

Very briefly, the Senate version, which I support, gives to the Office of Education the responsibility for making grants or contracts and promulgating regulations and guidelines for the ethnic heritage programs. Applicants must be nonprofit, public and private educational agencies, institutions and organizations, from grade school through college level.

Programs receiving aid under this legislation will develop and distribute curriculum materials for use in these schools relating to the history, geography, society, economy, literature, art, music, drama, language, and general culture of the group or groups with which the program is concerned, and the contributions of that ethnic group or groups to the American heritage. At the same time, these programs will provide training for persons using or preparing to use these curriculum materials.

Each ethnic heritage program will cooperate with persons and organizations with a special interest in ethnic groups with which the program is concerned to help them in promoting, developing, and producing programs or other activities relating to the history, culture, and traditions of the nationality or nationalities involved.

An application can be approved only after it has been determined that the program has been planned and will be carried out in consultation with an advisory council representative of the group concerned, and when it has been established that there is cooperation and coordination of efforts among the programs to include the exchange of materials or information and joint programs where applicable.

In order to facilitate these programs, the Commissioner of Education will arrange to use the research facilities of our colleges and universities, the special knowledge of ethnic groups in local communities and of foreign students attending schools in this country, the expertise of teachers at all grade levels, and the talents of other groups such as foundations, civic groups and fraternal organizations.

The legislation also establishes a National Advisory Council on Ethnic Heritage Studies consisting of 15 members appointed by the Secretary of Health, Education, and Labor.

This seems a very clear-cut proposal, a firm foundation for a program which can be of inestimable value and enrichment to all Americans.

My own life and the community life of Greater Cleveland have been inestimably enriched by our many and varied nationalities. Cleveland ranks among the top 10 of all cities in this country in citizens of foreign birth and foreign stock. We are fortunate in having an exceptionally large number of major nationality groups, nine of which contain more than 30,000 persons each and 19 others with more than 10,000 each. What is so unique is that no single group has a dominant number. We are not an Irish city like Boston, a German city like Cincinnati, nor a Mexican city like San Antonio. Cleveland is truly cosmopolitan.

We boast Poles, Hungarians, Germans, Italians, Slovaks, Czechs, Slovenes, Jews, Irish, Ukrainians, Russians, Croatians, Greeks, Lebanese and Syrian, Lithuanian, Romanians, Puerto Ricans, Serbs, Cubans, Byelorussians, Mexicans, Chinese, Filipinos, Egyptians, Albanians, Estonian, Latvian—a marvelous assortment of wonderful Americans, each of whom has a precious heritage from the Old World which must be preserved for the pride and knowledge of future generations. The ethnic heritage studies program will help inculcate that pride, knowledge and self-awareness. It will also, I am certain, lead to greater understanding and rapport among all Americans as they learn the fascinating differences and strong bonds of similarity, existing in our varied heritages.

I owe a great debt of gratitude to the counseling of my many friends who are members of nationality groups. Their understanding of my position on the House version of ethnic heritage studies was, indeed, heartwarming, and I was gratified that so many of them agreed with me that we must be cautious about plunging headlong into vast expenditures for new programs that are still in the experimental stage. I am proud to have their backing. They know of my lifelong record of complete support of their goals and aspirations for a free world, and of my efforts in behalf of captive nations. They are aware that I have never and shall never let them down.

One of the finest statements I have heard recently on the subject of national heritages was an address given on May 13 by my good friend, the Hon. Anthony J. Celebrezze, speaking at the National Conference on Ethnicity at Cleveland State University. I submit it now to the Record, joining with Tony Celebrezze in the sentiments he expressed so eloquently in his closing remarks:

> Our pride in our heritage can and should enable us to make sacrifices for what we know to be the common good without the fear of weakness which would give pause to those who do not understand their own worth. . . . It is my prayer that such activities, as they recognize and value our differences, can also bring us closer together to form a common bond, to perpetuate this nation, dedicated to the proposition that all men are created equal.

The address follows:

Address by the Hon. Anthony J. Celebrezze at the National Conference on Ethnicity

Ours is a nation which must be uniquely aware of that quality which has come to be called ethnicity.

Ours is not a land populated by people who have lived and worked and played together for many centuries. Some of the American people have indeed been here for thousands of years, but they have been joined by other, more recent immigrants to the North American shores.

The passage of time has brought to our shores people whose roots can be traced to every corner of the Earth.

Northern Europeans came in great numbers in the sixteenth, seventeenth and eighteenth centuries in the wake of the great explorers' voyages to the new world.

Blacks were carried to our shores during that same period to fulfill the needs of an underpopulated expanse.

The Nineteenth and early Twentieth Centuries saw wave upon wave of central and southern Europeans reach this Nation.

And at various times throughout these centuries groups of Asians added their numbers to the growing population of America.

For many years it was fashionable to speak of a melting pot—in which the individual cultures immigrants brought with them would be boiled—and presumably sanitized thereby—and from which could be distilled a new American culture.

In the last few years it has been recognized by many Americans—frequently the children and grandchildren of immigrants—that the melting pot metaphor is an unfortunate one.

It suggests a belief that the proper way to treat ethnic cultures is to destroy them; this is not acceptable. It has been recognized too that the image of the melting pot never comported with reality in any event. Whatever emphasis was placed on homogeneity and adoption of a common outlook and culture, persistent elements of individual ethnic cultures remained with groups of Americans. Now most Americans have come to recognize that the cultural heritages which make each ethnic group unique are not properly sources of embarrassment, but should be sources of intense pride.

Ethnic pride is necessary. It allows a man or woman to give his or her best effort, to surmount by accomplishment and diligence the barriers presented by discrimination and prejudice. It allows a person to face any other as an equal secure in the conviction that no accident of birth makes him inferior, knowing that any man who willingly gives in to the weakness of bigotry and prejudice acts not from strength and knowledge but from weakness and ignorance.

Ethnic pride allows men and women to exert themselves to their fullest capacities, to strive and to achieve, convinced that they need apologize to no man for their forbears.

Ethnic pride has its potential dangers, as well, of course. If narrowly understood such pride can be a source of further fragmentation in a country which can ill afford additional division.

Today America bleeds from wounds inflicted by both those who condemn her and those who would defend her.

She suffers as black is frequently pitted against white. She groans as violent demonstrations protesting government policy course through her streets and she groans when others reply to such violence with violence of their own.

America is wounded when liberals and conservatives refuse to listen to one another, but believe that each has a monopoly on truth. She suffers when one seer announces the cure for all America's problems is a return to the lawless state from which we emerged centuries ago, while another urges that the answer to the national problems can be found in the police state tactics adopted by nations against whom we fought World War II.

Conceivably ethnic pride can magnify these problems, add new dimensions to the divisions which plague our nation.

Ethnic pride can open new wounds in the body of American unity.

It can encourage bigotry and discrimination, it can pit man against man simply because the roots of each can be traced to different corners of the earth.

Or—the ethnic's interest in his own origins, his love for the culture of his ancestors, can help us bind up our national wounds and can aid in the struggle to attain the long sought after goal of national unity and understanding.

Properly understood, I believe the new found interest in ethnicity has such potential.

Anyone who has come to love a culture must, if he is at all sensitive come to understand that others may have a similar feeling for the heritage which they call their own. As an individual compares the culture of his ancestors with the culture of his neighbors he must begin to realize that for all the substantial differences which set those cultures apart the needs and drives which men seek to deal with in their stay upon this earth are remarkably similar.

Any honest examination of our ethnic heritages must convince us that there is much we have contributed to America—and much that is good about our country that has been given to it by others.

It would seem that such understanding is the first step toward a solution of the disunity which plagues us.

From such understanding can result a breakdown of alienation, and ultimately the maintenance of a pluralistic society with a diversity of attitude but with some consensus about basic values and common national goals.

With these insights into our fellow man—and perhaps more importantly into ourselves and those who are most like us—we can begin anew the task of bringing unity to our nation.

The challenge which faces us all is to ensure that the values of ethnicity are not perverted by those who misunderstand its importance. We must not allow the pride which allows each of us to stand up as an equal to any other become confused with the arrogance which makes us believe that an accident of birth can make us superior to another.

Our pride in our heritage can and should enable us to make sacrifices for what we know to be the common good without the fear of weakness which would give pause to those who do not understand their own worth.

This conference on ethnicity and meetings like it can serve a great cause. They can enable us to better understand and appreciate ourselves, our ethnic group and hopefully, the common good to which we must all dedicate ourselves. It is my prayer that such activities, as they recognize and value our differences, can also bring us closer together to form a common bond, to perpetuate this nation, dedicated to the proposition that all men are created equal.

Mr. ANNUNZIO. Mr. Speaker, I rise today to join in the position expressed by the gentlewoman from Oregon, Mrs. Edith Green, who is the chairman of the Special Subcommittee on Education and the principle author of H.R. 7248, the House version of the Higher Education

Act. During the deliberations on H.R. 7248 last November in the House of Representatives, I supported the gentlewoman from Oregon and voted for the Higher Education Act.

During my 8-year record in the Congress, I have consistently voted in support of legislation to provide better educational programs and facilities for America's schoolchildren, and especially, to improve the quality of education for all our children. Among the bills I have supported are the Elementary and Secondary Education Act of 1965, the National Vocational Student Loan Insurance Act of 1965, the Health Professions Education Assistance Amendments of 1965, the Higher Education Act of 1965, the Veterans Readjustment Benefits Act of 1966, the Library Services and Construction Act Amendments of 1966, the International Education Act of 1966, the Adult Education Act of 1966, the National Foundation on the Arts and Humanities Act, the Education Professions Development Act of 1967, the Public Broadcasting Act of 1967, the Elementary and Secondary Education Act Amendments of 1967, the National Foundation on the Arts and Humanities Amendments of 1968, the Handicapped Children's Early Education Assistance Act of 1968, the Higher Education Act Amendments of 1968, the Vocational Education Amendments of 1968, the National Center on Educational Media and Materials for the Handicapped Act of 1969, the Emergency Insured Student Loan Act of 1969, the Elementary and Secondary Education Act Amendments of 1970, the Environmental Quality Education Act of 1970, the Drug Abuse Education Act of 1970, and the Health Manpower Act.

As I have stated, I supported H.R. 7248, and at the time that votes were being taken on amendments to this bill, I supported the Pucinski amendment—not now included in the House conference report—which added title 21 to the higher education bill and contained an antibusing amendment and a definition of neighborhood schools.

Then, on March 8, 1972, I voted to instruct the House conferees to insist on the House antibusing amendments. These amendments, as originally adopted by the House of Representatives, would have stayed all court busing orders until all appeals were exhausted, would have forbidden the use of Federal funds for busing on account of race, and would have prohibited Federal agencies from ordering busing as a condition of receiving Federal aid.

On May 11, when another vote was taken on the busing issue, I again voted to instruct the House conferees on the higher education bill not to forego the House position on busing in the bill. This was an unprecedented action on the part of the House of Representatives, yet the majority of the House Members felt it was necessary—indeed imperative—to reinstruct their conferees to hold their position on this vital issue.

I am sadly disappointed that the House conferees, despite the mandate of the House of Representatives, compromised the House position on this issue. Because the position of the House has been compromised, I have no choice but to vote against the conference report.

Specifically, the conference committee added a termination date, January 1, 1974, to the Broomfield amendment—section 803—thus curtailing its effectiveness. The Broomfield amendment, as originally passed by the House, would have postponed forced busing until all appeals have been exhausted and the Supreme Court had acted.

On the Green amendment, which forbids Federal employees from encouraging local governments or local agencies to use their money for busing, the conference committee added "unless constitutionally required," thus nullifying the Green amendment—section 802(b). The Ashbrook amendment section 802 (a), which basically prohibited the use of funds for busing of students or teachers to overcome racial imbalance, was altered when the Senate added the exception, "on the express written voluntary request" of local school officials. Since a request for Federal funds of a school official under a court order to bus students would qualify as a "voluntary request"—the net effect would be to authorize money for busing.

Furthermore, title VII of the Higher Education Act—emergency school aid—would expend $2 billion over a 2-year period, would establish standard metropolitan statistical areas, and would permit, among other things, expenditure of funds for "establishing and maintaining integrated schools." This essentially would result in a busing program—with the exception of the antibusing provisions of title VIII—and the will of the House has been expressed over and over against forced busing.

We must put a stop to this large-scale forced busing once and for all before it destroys our public school system and makes higher education legislation superfluous. And forced busing is going to destroy our public school system.

For the last year or so there has been an ever-swelling number of parents rejecting this method of desegregation. The results at the polls in the last month make it crystal clear that the mothers and fathers of this Nation, both black and white, do not want their children bused all over the countryside in an attempt to balance the races in each school.

And they will not allow their children to be used as pawns. They will find other means and places to educate them and withdraw their support from the public schools. This would be tragic and have a cumulative effect of undermining the whole system.

These desegregation plans which involve such massive busing are intended to insure equality of educational opportunity and equal protection of the law but how can there be any educational opportunity if the schools are allowed to deteriorate from lack of support.

In 1962, 1963, 1964, 1965, and 1966 the percentage of elections approving school bonds was about 72 percent; this percentage dropped to the sixties in 1967 and 1968; and to 53 percent in 1970. These are funds needed for schools but the local communities are less and less willing or able to produce the money. Add to this the desertion by those who feel their child's education suffers under long-range, forced busing and you have a threatened total breakdown of our educational system. Everyone will suffer if that should occur.

But beyond the very real possibilities that as a result of massive forced busing we are threatened with a breakdown in our educational system and a total deterioration in the high quality of education all of us want for our children, and beyond the fact that the House conferees have compromised the House position on busing, there are other issues to consider.

I want to point out that the inclusion of veterans' benefits in the Higher Education Act duplicates the work of the Veterans' Administration and increases the operating costs of the colleges by requiring the establishment of a veterans' office, the hiring of a veterans' officer, and the spending of half of the funds allocated for veterans' benefits for counseling, recruiting, and operation of such an office. Not only is this a duplication of currently existing education benefits programs for veterans administered by the Veterans' Administration, but it is quite apparently wasting tax dollars when money is spent to operate an office rather than to educate the individual.

I also want to point out that although we now have the educational opportunity grant program, the National Defense Education Act program, the guaranteed student loan program, and the college-work-study program, the Higher Education Act as approved by the conferees, establishes a totally new program—the basic educational opportunity grant program. Yet, if sufficient funds are provided for the EOG, the NDEA, the GSL, and the CWS, it is not necessary to begin the new program provided by this act—the BOG program.

The duplication of Federal programs already in existence is causing a tremendous waste of the taxpayers' money. The time has come for Congress to more closely oversee the programs it authorizes, to cut the fat out of these programs, and if necessary, to eliminate altogether the programs that are not working and that are not contributing to the general good of our people and our country.

Almost everybody will agree that disadvantaged people clearly need help—and I have supported help for them—but higher education is for all students, and not just needy students. It is not reasonable, therefore, to base allocation of aid on a formula that tends to ignore and perhaps destroy institutions which do not already have a substantial number of students on Federal aid programs.

Again, I must emphasize that we are wasting taxpayers' dollars at a time when the taxpayers of America are already overburdened and are demanding relief. This bill sets no dollar figure on the amount of institutional aid, but authorizes such sums as may be necessary. Since no one knows exactly how much will be spent for institutional aid, no one can accurately gage the total cost of the Higher Education Act. Estimates have varied from $18.5 billion to as high as $24 billion.

This can only be regarded as fiscal irresponsibility, particularly when it is viewed in light of the fact that during the last 4 years we have spent $100 billion more than we have collected in taxes, and the taxpayers will simply not stand for their elected representatives to write a blank check—regardless of the worthiness of the cause. Evidently some of those serving in this Congress are not hearing the cries of the American people—stop spending, stop duplicating, stop wasting—and the bill before us today is full of duplication and waste of the taxpayers' dollars.

As my voting record indicates, I am no Johnny-come-lately to the cause of better education. As a former schoolteacher in the Chicago public schools—at the Carl Shurz High School on Milwaukee Avenue and other neighborhood schools in Chicago—I cannot stand idly by and watch one of the most outstanding systems of free education in existence in the world today being completely destroyed in order to serve the philosophical idiosyncrasies of a few who are so far removed from the people that they cannot see the forest because of the trees.

If the conference report is defeated today, it will not mean an end to the higher education bill. Within the next year, the House will once again have an opportunity to pass a higher education bill hopefully more responsive to the needs of the people, and I will support such a bill wholeheartedly at that time.

In the meantime, for the reasons I have cited, I am opposing the conference report on higher education and urge its defeat.

Mr. HORTON. Mr. Speaker, I rise in support of the conference report on S. 659, the higher education bill. I will vote for this measure, though my decision to do so was one of the most difficult I have ever made and I am sure this is the case for a great many of my colleagues. We have before us a good bill for higher education, in fact a landmark piece of legislation. But the bill also includes antibusing provisions which go beyond those I have supported in the past and beyond what I had hoped our conferees would present us for a final vote. Some of the antibusing language has even gone beyond the strong antibusing amendments which were adopted with my support last November.

Standing out among the proposals of this omnibus bill are the provisions establishing basic educational opportunity grants, a new program to provide postsecondary education to students who would otherwise be denied such opportunity because they lacked the funds. Under the grant system, any student admitted to an accredited institution of higher education would be entitled to a Federal grant based solely on need. The grant would be equal to $1,400, less the expected family contribution but not to exceed 60 percent of what the student needed to meet his educational costs for any one year. The far-reaching effect of this program was best summarized in a Washington Post editorial of May 21:

> For the first time the Federal Government would be saying loud and clear to all young people: "If you can meet the academic qualifications for education beyond high school you will not be denied the opportunity because your family is poor."

In addition, the bill provides colleges with flexible support by offering general financial aid without strict limitations on its use, a welcome departure from Federal assistance programs of the past. The bill offers special help to smaller institutions and community colleges and emergency grants to institutions facing severe fiscal problems. Student loan programs, which have helped so many middle-income families, are continued; a new system of veterans cost-of-instruction grants is established; and Federal assistance to students in vocational schools is provided.

Mr. Speaker, I deeply regret that the issue of busing primary, elementary, and secondary school children became attached to and, in fact, threatened the survival of the higher education bill. Busing has become an issue because both the Congress and the executive branch have consistently failed to put our money where our mouth is where educating poor children is concerned. In the absence of congressional and Presidential direction, the Federal courts were left the sole responsibility of providing equal educational opportunity for poor children of all races. The most controversial tool of the courts has been forced busing, an artificial means of achieving racial integration which leaves untouched the root problems of segregated housing patterns and deplorably inadequate urban schools.

The provisions of the House-Senate compromise on the higher education bill would stay court-ordered busing until all appeal rights are exhausted. While I am gratified that the final bill sets an expiration date of January 1, 1974, for this provision, I regret this period extends beyond the President's proposed moratorium by 6 months. Moreover, the President's plan dealt only with court-ordered student transportation while the bill under consideration applies to both the transportation of students and the transfer of students where no busing is involved.

I have serious reservations about these aspects of the busing provisions, though I am also mindful that many of my colleagues do not feel they are strong enough. The fact that everyone is not completely satisfied with the bill is being interpreted as a sign of genuine compromise. But as I have said today and on many other occasions, busing is an artificial solution that does not really get at the heart of the education problem in America. Likewise, the busing provisions of this bill in no way solve the problem, for we have not faced the hard questions of open housing and other alternatives to busing as a desegregation method, nor have we provided adequate Federal funds to upgrade the education of disadvantaged youngsters.

Mr. Speaker, if this bill passes, and I am confident it will, we will have achieved an historic advance in Federal support for higher education. If, at the same time, we step in to relieve temporarily the understandable dissatisfaction with inconsistent court busing rulings, then we have a duty to follow through by providing the alternatives and the moneys which will realistically replace busing as a solution to unequal educational opportunity and racial isolation. In this regard, I call on each of my colleagues to support legislation I have introduced to provide an immediate supplemental appropriation of $2.5 billion for title I of the Elementary and Secondary Education Act, our prime vehicle for improving educational opportunity for the disadvantaged.

Mr. MITCHELL. Mr. Speaker, the conference report on the higher education bill that is before the House today contains several provisions which would significantly increase the opportunities for disadvantaged Americans to receive a college education. The bill would also enhance the quality of learning for all students at the postsecondary level.

In reversing the trend of decreasing Federal assistance for higher education, this legislation strongly commits the National Government to the principle that every qualified high school graduate is entitled to further education and that such additional schooling should not be denied him for financial reasons. Complementing the assistance provided to individual students, $1 billion would also be extended annually in direct aid to colleges and universities, both public and private. Educational opportunity centers would be established under the bill to provide guidance to low-income students on the type of postsecondary education they should pursue. The newly created National Institute of Education would provide a vital initiative for greatly needed innovation and creativity in higher education. These admirable and far-reaching provisions make this bill a landmark piece of legislation in the area of higher education. The future of postsecondary education in this country is, indeed, made brighter by these provisions.

But the colleges and universities assisted by this bill represent only the pinnacle of our educational system. While helping to assure that no one will be denied a college education due to a lack of financial resources, this higher education bill guarantees that countless American children will be deprived of the educational resources they need to qualify for admission to college. Although this legislation is forward looking in its approach to postsecondary education, the antibusing amendment that remains in this conference report marks a patently unconstitutional attempt to turn back the clock to the era of separate and unequal. It is for this reason that I must speak against the adoption of this conference report.

In its momentous decision in the case of Brown against the Board of Education in 1954, the Supreme Court declared—

> It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the State has undertaken to provide it, is a right which must be made available to all on equal terms.

When the Court ordered the desegregation of schools to proceed "with all deliberate speed," it was departing from the normal standard which holds the deprivation of constitutional rights should be remedied immediately and totally. Eight years ago, the Supreme Court first stated that the time for mere "deliberate speed" had run out; the Court has repeated that assertion on several subsequent occasions. The Brookfield amendent contained in this legislation would prohibit the implementation of district court orders involving the busing or transfer of students until the appeals process has been exhausted, or until July 1, 1974—over 20 years after segregated schooling was struck down in the Brown case. This amendment is far more than an effort to sanction the continued maintenance of segregation for an additional 24 months.

The constitutional rights of black children and of all disadvantaged American youth will not simply be suspended over this period, they will be forgotten. We cannot look upon this amendment as a palliative that will satisfy the desires of those who remain opposed to equal educational opportunities for all our citizens. They will not be satisfied by this amendment alone, but will seek additional legislation to curtail the rights of blacks and others. We cannot justify support of this amendment on the grounds that it may later be ruled unconstitutional by the courts. Our obligation to uphold the Constitution is as great as that of the judicial branch and cannot be sacrificed on the altar of political expediency. Any freeze on school desegregation would run counter to a 57-year string of Supreme Court decisions and would also constitute the first congressional retreat from the outlawing of discrimination in public education embodied in the Civil Rights Act of 1964.

In its statement on the conference report on the higher education bill, the Congressional Black Caucus termed busing "a necessary tool which, in part, accomplishes our aims of providing quality education for black children and abolishing inferior school programs for the poor and the black." The proposed moratorium on busing, the Caucus went on, "legitimizes inferior schools for the black and the poor." We are not merely dealing in this instance with a question of accepting one offensive provision in a bill so that we can also obtain the benefits of the praiseworthy aspects of the legislation. Rather we are confronted with an attempt to subvert the Constitution itself. If we allow the principles upon which this Nation and Government are based to be disregarded in this instance, it will become that much easier to follow a similar course of expediency in the future.

Mr. VEYSEY. Mr. Speaker, if Congressmen were permitted to vote "yes but" on bills before the House we would never be faced with the necessity of voting against good parts of a bill in order to prevent the enactment of other parts. Since we are denied that luxury, I want to explain why I have made the difficult decision to oppose this conference report.

I agree with the objectives of Federal participation in the support of higher education, and especially with the objective of a program that will make it possible for every qualified student to get a college education, regardless of financial disability. I also firmly support aid to community colleges and vocational training. However, my concern over a number of other aspects of this bill forces me to vote no.

First, I do not think the provisions in this bill provide nearly enough assurance that the massive funding will be spent effectively. The only way to be sure that our efforts to upgrade the availability of a quality education will succeed is to require rigorous evaluation of all programs as they proceed. Otherwise the money authorized here may as well be spent paving the ocean for all the good it will do.

The bill recommended by the conference contains some ineffectual sops to the principle of accountability and evaluation in education, but it provides no guidelines and no funds at all to carry them out. The GAO is only authorized to evaluate programs on a piecemeal basis at the request of committees or, if manpower is available, at the request of individual Members.

There is a justified feeling of frustration in this country over the meager results we have to show for our massive investment in education. Only a systematic program of testing all programs for effectiveness and the modeling of new ones after the ones that have succeeded will end this. Today's bill fails to make that possible.

Second, I am also concerned over the little-noticed precedent that this bill establishes by creating a separate Bureau and Deputy Commissioner of Education for one particular ethnic group. After extensive field hearings all across the country it was clear that Indians and their organizations are not very enthusiastic over the prospect of having to deal with a whole new department for their education. But even more important is the likelihood of other ethnic groups immediately wanting their own legitimate and special problems recognized by a separate bureau and deputy commissioner as the Indians will have here. The Department of Health, Education, and Welfare is vigorously opposed to this precedent and I think it bodes ill for the future of the Office of Education as an effective or even credible organization.

But Mr. Speaker, my principal objection, like that of a large number of my colleagues, is to the substance of the bill's provisions relating to busing. What we see here is a breakdown of the legislative branch of Government. The Congress as a whole is refusing to face the necessity of pounding out the guidelines necessary to resolve the busing dilemma.

There is a broad national consensus on the desirability of becoming a single, integrated society and of providing a quality education to all our people regardless of race. But in a democracy there is no way to avoid the necessity of the elected representatives of the people sitting down and working out some plan acceptable to the voters to carry this out. No one can force unpopular solutions to tough social issues like busing down the throats of voters in a democracy. They just will not stand for it. If they have to they will punch an amendment into our Constitution to prevent it.

When the House-passed antibusing language was qualified by the expression "unless constitutionally required" the legislative branch was shirking its responsibility and shifting the job of finding constitutional solutions to the courts. The people will be forced to bring suits to find out what is or is not "constitutionally required," and those who decide will not be responsible to the voters. This mocks the whole theory of representative government and will not work.

The bill also defies the House's express instruction to its conferees on the question of requesting assistance for the costs of a busing program. The bill allows "local school officials" to ask for such funds, but does not say which officials. It may mean elected schools boards. Past history indicates it more likely will be tenure-protected school administrators who reflect the views of the education establishment rather than the community. Will they be able to initiate busing programs under this provision? A new spate of litigation will inevitably follow. This is another ruse to avoid the necessity of getting the consent of the people. It will not work either.

Mr. Speaker, if this body goes along with the Senate's insistence on delegating issues like these to the courts, we will have only ourselves to thank when the judiciary is no longer a respected and useful institution and when the voters go over our heads to clutter the Constitution with short-term, tactical amendments.

I cannot support this abandonment of our responsibility.

Mr. DRINAN. Mr. Speaker, the vote I cast today against the higher education conference report is the most difficult and personally painful vote I have ever cast in Congress.

I have spent most of my working life as an educator. I know the financial needs of our universities and colleges and their students. I know how acutely the $18.5 billion in funds provided by this bill are needed—funds to extend student aid programs, funds to establish a new program of substantial grants of assistance directly to institutions of higher learning, and funds to stimulate the granting of student loans.

But this bill as reported by the conference committee also contains provisions which would frustrate and in many cases make impossible the integration of our school systems as required by the Constitution and laws of the United States. These provisions if enacted would make a sham of 18 years of Supreme Court cases—from Brown against Board of Education onward—and would insure that thousands of black and other minority children in the United States never get an equal educational opportunity.

This bill not only prohibits court-ordered transportation of students, but also any "transfer" of students for purposes of desegregation. Not only is busing prohibited, but also outlawed are many other proven and accepted means of integration, including pairing of schools. for example.

Apart from the abridgments of the civil rights of students in this bill, I believe that the suspension by Congress of the effectiveness of Federal court orders under these circumstances is unconstitutional.

Thus, while this vote is a painful one for me, it is one as to which I am free from doubt. We cannot pass this bill consistent with the mandates of the 14th amendment and the constitutional doctrine of separation of powers.

On March 8 and March 22, 1972, in House debate, I set out at length my views on the constitutional and policy implications of the busing issue. I continue to believe that the antibusing provisions of this bill which suspend court orders and sanction separate education for blacks and whites are unconstitutional. I will not repeat here the analyses I made in March, but I affirm them again today.

When I came to Congress the oath of office I took required my "true faith and allegiance" to the Constitution. I am persuaded that to vote for this bill would not be consistent with allegience to the Constitution.

I wish to insert in the Record at this point, Mr. Speaker, three of the many letters I have received in opposition to this bill. They are from the AFL–CIO, the American Civil Liberties Union, and the National Council of the Churches of Christ. I agree with their views:

American Federation of Labor and Congress of Industrial Organizations

Washington, D.C., June 6, 1972.

Hon. Robert F. Drinan,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Drinan: Since the start of the American trade union movement, organized labor consistently has supported legislative efforts to improve our country's educational system. We are proud of this role. The AFL–CIO, therefore, does not take lightly its decision to oppose the Higher Education Conference Report.

The AFL–CIO takes this position, not because of the proposals dealing with higher education, but because of the inclusion of the Broomfield Amendment in the conference report.

Members of the House should understand clearly that this is not simply an anti-busing amendment. According to the author of the amendment (Congressional Record, March 8, 1972, p. 7555), it applies equally to desegregation cases generally as well as to busing cases. As such, the amendment would bring a halt to court-ordered desegregation.

The Broomfield amendment prohibits both the *transportation* and the *transfer* of students. Thus, even when busing is not allowed as a tool for desegregation, other tools also are prohibited—such as: school consolidation, closing of inadequate schools, redrawing of attendance zones (within walking distance), school pairing, new school construction, etc. Put bluntly, there is no way a court can order effective desegregation without some transfer of students.

Eighteen years ago, organized labor hailed the Supreme Court's *Brown* decision as historic. The AFL-CIO never has veered from its view that "separate but equal" is inherently unequal and a denial of constitutional rights. In 1969, in *Alexander vs Holmes County*, the Supreme Court declared that dual school systems must be terminated "at once."

The Broomfield Amendment clearly violates the constitutional principles established by the Supreme Court. While some have suggested that—for these reasons—the Broomfield Amendment will be found unconstitutional, no House member should vote for the conference report hoping that the Court will reject this amendment. The oath taken by House members to preserve the integrity of the Constitution gives them the same responsibility as federal judges.

Regardless of the merits of the remainder of the Higher Education Conference Report, Congress must not endorse a halt in the desegregation of our schools. Such an endorsement would be a cruel blow to millions of Americans who still seek quality education and equality of educational opportunity.

Since the House must act—up or down—on the conference report, the AFL–CIO urges you to vote "No," and thereby voice your opposition to an amendment that seeks to turn back the clock on court-ordered desegregation.

Sincerely,

Andrew J. Biemiller,
Director, Department of Legislation.

Washington Office,
American Civil Liberties Union,
Washington, D.C., June 2, 1972.

Dear Congressman: Sometime within the next few days you will be voting on the Conference Report on the Higher Education Act.

As you know, amendments have been added to the Act which allegedly deal with school busing. The truth is, the amendments reported out by the Conference Committee deal only peripherally with busing.

The amendments in question forbid not only court-ordered transportation, but any transfer of students for purposes of desegregation. This would eliminate solutions such as redistricting, rezoning, pairing, educational parks, magnet schools and all other means of overcoming unequal educational opportunity.

The plain fact is this: if the Higher Education Act passes, it will mark the first time in some 20 years that the Congress of the United States has chosen to enact legislation that is effectively anti-civil rights.

In view of the agony this nation has already suffered due to segregation, it is hard to believe the Congress may now be about to turn away from its commitment to equal opportunity, and from its obligation to say "no" to segregation in any guise.

Some say the Act must be passed because of the important aid it would offer our colleges and universities. But the overriding fact is that the damage from the so-called busing amendments will be irreparable, while any harm to higher education can surely be quickly remedied by a concerned Congress.

Unfortunately, we cannot keep the good in this bill and eliminate the bad. As Senator Lowell Weicker so aptly stated, we are faced with an indivisible package of excellence and muck.

This legislation would sacrifice the rights of minority children with what amounts to a bribe—the bribe being urgently needed funds for higher education.

Yet some Congressmen seek to justify the bill by saying the so-called busing amendment will be declared unconstitutional. This is an amazing rationale. Every Congressman takes a sworn oath to support the constitution. If you believe the "busing" amendment is unconstitutional, it is your obligation to vote no.

Furthermore, even if you should somehow overcome the constitutional question, it is no excuse to say the courts will remedy the wrong. By the time any court action could be completed, one or two full school years will have been lost. Thousands more children will have been cheated of their rights.

It has long since been acknowledged that separate schools are not equal. All-white schools have a marvelous way of finding themselves with the best facilities.

How ironic, then, that in the name of "higher education," this legislation would freeze underprivileged children into separate and inferior facilities. What good will better colleges be for those who need them most, if their early schooling does not equip them for any college at all?

The contradictions in this legislation are so great that they amount to trying to build a skyscraper on a foundation of sand. A skyscraper can't be built on sand. Nor can a decent nation be built on the sand of segregation.

Again, the salient fact of this legislation is that it is not "anti-busing". It is anti-transfer, and thus pro-segregation. Its passage would mark a tragic about-face in America's quest for equal opportunity for all citizens.

I hope this will not be the Congress to abandon that quest. I urge you to be guided by your conscience.

When you vote on the Conference Report on the Higher Education Act, I urge you to vote no.

With best regards.

Arlie Schardt,
National Legislative Director.

The Washington Office, National Council of the Churches of Christ in the U.S.A.

Washington, D.C., June 6, 1972.

Dear Congressman Drinan: I write to urge you to reject the Conference Report on the Higher Education Bill. I do so with sorrow because the legislation authorizes badly needed assistance for colleges and universities. I do so understanding the dilemma which this legislation poses for many members of Congress, and the fact that compromise and accommodation are an important and often necessary part of the legislative process.

However, in this instance, in our opinion, the price is too high. The Conference Report represents the greatest threat to orderly school desegregation since that process began with the 1954 Supreme Court decision. It is not just anti-busing but anti-integration. By blocking both the transportation *and transfer* of students, it could bring court-ordered desegregation to a halt for 18 months.

The Conference Report represents compromise of a kind we hope you will not accept. Our society cannot afford to compromise the constitutional rights of any of its citizens, the independence of its judiciary, nor our goal of becoming one nation, indivisible.

Sincerely yours,

Cynthia C. Wedel
Mrs. Theodore O. Wedel.

Mr. EDWARDS of California. Mr. Speaker, today on the floor of the House is the conference report on an historic higher education bill, an $18.5 billion bill, which not only extends existing programs but creates exciting and long-needed new ones.

For the first time, the bill commits the Federal Government to the principle that every qualified high school student graduate, regardless of his family income, is entitled to higher education, whether in community colleges, vocational institutes or the traditional 4-year college or university. This is a concept I heartily endorse.

Another commendable concept is contained in the legislation. That is, that there should be direct assistance to institutions of postsecondary education based in part on the number of students receiving the basic grant provided for in the bill, the amount of Federal student assistance at each school and graduate education. Again, this is a concept which I endorse.

Additionally, a new student loan marketing association is established which would expand the availability of credit and thereby expand the number of student loans. Again, this is a program with which I have no quarrel.

Yet despite all of these fine and innovative features and despite the general thrust of the entire bill in terms of higher education, I must sadly vote against it. Not because I have not been a vigorous supporter of federal aid to education, not because I want to deny to students from low-income families the opportunity to further their education, not because I do not recognize the desperate financial straits our higher education institutions find themselves in today, but because my commitment to the United States Constitution must exceed my commitment to any particular piece of legislation that would endanger or encroach on the constitutional rights of any citizens of the United States.

And the latter is what I believe this bill, encumbered as it is with antibusing amendments, will do if it is enacted into law.

Voting for the conference report would signal to minority groups in this country—too long the most powerless people in this Nation—that despite the 1954 Supreme Court decision, that despite the numerous civil rights bills enacted by the Congress over the last 12 years, that despite this country's verbal commitment to equal rights for everyone, the Congress of the United States is willing to sacrifice 14th amendment guarantees of equal educational opportunity for the sake of pacifying some groups in this country that have more power and more visibility.

The President of the United States has already opted for expediency over moral leadership in this whole area of equal educational opportunity. Is the Congress of the United States going to uphold the President's position and reaffirm his stand that the long-sought goal of equal education is not attainable in America or at the least cannot be espoused by those seeking public office? If this is the case, to whom do these millions of Americans look for redress when public officials, sworn to uphold the Constitution, wink at their oath on an occasion like today?

Those of us who have long supported civil rights goals in this country must not be tempted to slough them off today when the vote comes. We must be willing to unequivocally stand up today and tomorrow and whenever the occasion arises to continue to reaffirm our belief in the Constitution and in equal opportunities for everyone in this country.

Only by taking a public stand of firmness in these troubled times can we ever hope to rally millions of decent Americans—honestly confused and bewildered by the emotional atmosphere whipped up by so many public figures in this country—to the continuing struggle for equal rights and the hopefully temporary need for business to help achieve this goal.

The price we must pay today for refusing to equivocate on civil rights is regrettably the $18.5 billion higher education bill. While it is a large price to pay, it is certainly far less than the invaluable cost of sacrificing constitutional guarantees. Surely it is easier to legislate higher education programs than to attempt to restore constitutional rights.

Should this conference report be recommitted, it seems to me that there is every reason to believe that a massive lobbying effort could be launched by every college and university president, professors, students, and everyone else vitally concerned about the status of higher education in this country to see that a higher education bill, free of any attempts to erode constitutional rights, comes back before the Congress. Lobbying attempts like that have been made in the past and have proved highly successful. That is the American way and there is no reason to think it would not succeed.

On the other hand, how does a group of citizens lobby for a restoration of constitutional rights if both the executive and legislative branches in this country lead the way to an erosion of those rights and the Congress, at the urging of the President, seeks to prevent the third branch of Government from reaffirming those rights? Then the question we must all ask ourselves is, where does one go from there?

Mr. KOCH. Mr. Speaker, I regret that I must vote against final passage of the higher education bill before the House this afternoon. It is an important piece of legislation for our colleges and universities and there are many such institutions in my Congressional District. However, I cannot in good conscience vote for a bill which would, in effect, halt all desegregation of our public schools. Important as the higher education provisions are, they cannot justify the suspension of the historic 1954 Brown decision. Voting on most bills involves the weighing of equities, few votes are matters of conscience, but this one is.

Furthermore, I believe the Broomfield amendment is unconstitutional on its face and I have the obligation, believing as I do in the separation of powers on which our form of government rests, to vote against a measure that undermines that separation and our Constitution.

Since coming to Congress I have voted against every appropriation bill containing funds for the further prosecution of the Vietnam war. I have done this knowing full well that my total opposition to the war required me to vote against bills containing legitimate defense expenditures. Today I can do no less in supporting our Constitution and the courts of this country from this blatant denial of the rights of all children in our country to a decent education. The higher education provisions are not only legitimate but praiseworthy measures. But, I have no other recourse under these most unfortunate circumstances confronting me today.

I sincerely hope that a straight 1-year extension of existing education programs or a continuing resolution for 1 year at the 1972 level of funding can be passed soon as a temporary measure.

Mr. SCHWENGEL. Mr. Speaker, the importance of the conference report on the Higher Education Act cannot be overemphasized. This bill establishes the principle of institutional aid to our colleges and universities. In view of the financial crisis faced by the higher education community, the legislation has a sense of urgency.

One segment of the higher education community which has been particularly hard-hit is the community college. Iowa Community College enrollment ranks seventh nationwide. I have found that students in our community colleges have different characteristics from those in typical 4-year institutions. They tend to be older—50 percent of the vocational-technical students are over the age of 20; and more frequently hold some type of part-time job while attending college; 49.6 percent of the students at Kirkwood Community College in Iowa, receive financial aid. The high percentage of veterans attending our community colleges is an especially important factor. We need to provide educational opportunities to those individuals who have served their country and would appreciate some help in return. In the seven-county area served by Kirkwood Community College, veterans are returning at the rate of 200 each 6 weeks.

All of this emphasizes that the community college is serving that huge segment of our area population which was not previously served by our traditional 4-year institutions. Consequently, there is a great need for funding which would permit additional planning and expansion of opportunities provided by our community colleges.

In Iowa, Kirkwood Community College offers an example of the type and extent of aid that our community colleges have been receiving. In the initial year of the educational opportunity grant program, Kirkwood was approved by the regional panel for $90,000 in Federal moneys. They received $9,480. In college work-study, they were approved by the regional panel for $132,400. They received $34,561. In the NDSL program, panel action approved $123,174. If the program is extended, estimated receipts will reach $64,953. This situation has forced the institution into a position of accepting no new applications for financial aid for the coming academic year. In turn, many prospective enrollees have no alternative but to forgo enrollment.

My further support for this bill is based on the following national statistics: Currently, U.S. community colleges enroll 33 percent of all students in higher education and enroll 62 percent of all handicapped students who are enrolled in higher education, but receive only 9 percent of Federal funds expended for higher education. We cannot neglect people who have too long been denied opportunities in our scheme of higher education.

A particularly significant provision of this bill results from an amendment I proposed, was adopted on the House floor and agreed to by the conferees. It authorizes the waiver of maintenance of effort requirements for student assistance programs in certain cases. This could be applied to a situation where an institution's income was decreased, for example, by a decline in enrollment. This provision would allow the Commissioner of Education to waive minimum requirements for continuance of the program based upon higher enrollment figures. This type of situation is faced by many of our private schools at the present time.

I cannot overstate the importance of higher education in our society. This bill helps supply the needs of our higher educational system; for these reasons, it is receiving my support. The formula for basing institutional aid upon the number of federally aided students enrolled at any individual school is a sound one. The extension of student aid programs is vital to the maintenance of equal educational opportunities for all.

Mr. RANGEL. Mr. Speaker, I am straining to find something good in the advice given me by those of my liberal colleagues concerning their support of the higher education conference report which includes the antibusing provisions.

But I am driven to the conclusion that my friends are deserting me and the black community in what could mark the beginning of one of the saddest chapters in American history. Today could begin a concentrated effort, unintentionally supported by liberals, to reinforce well-entrenched patterns of housing segregation by locking in children to certain schools. For the first time since the famous Brown against Board of Education decision some 18 years ago, Congress is about to overtly array itself on the side of bigotry.

There is not really anything extremist about busing. It is merely an interim method for eliminating from our public schools some of the vestiges of deliberately fostered racial discrimination. When I observe my otherwise progressive friends compromising away the meager step that busing represents toward eliminating the inexcusable injustices on our people that have festered for generations, I begin to wonder whether my liberal colleagues are really only sunshine patriots.

To my conservative colleagues, I would say that you may believe that the Supreme Court will go along meekly with whatever Congress orders, but I have hopes that even Mr. Nixon's most conservative appointees will see through this meat-cleaver attack on the judicial branch.

Many of you say you are really for equality but are concerned about the safety of the children and the costs of busing. If you are really so motivated, where were you during the decades and decades that black children were bused past white schools in apartheid fashion. Justice delayed has been justice forever denied to millions of children who finished their entire public schooling without getting one scintilla of judicial relief. Now when it comes to busing white children, suddenly you find it essential to legislate away a so-called crisis. It is not the distance nor the safety that's the crisis but it is what happens after you get off the bus. As you know, every day over 18 million schoolchildren—40 percent of all schoolchildren—go to and from school by bus and their parents do not complain about inconvenience. The uproar is about desegregation not busing.

History will show that the only busing that was halted by enactment of this legislation today was that carrying black children toward a reasonable chance to secure what is really their birthright.

Let me now turn to the specific provisions in the legislation itself. Even if we give the sponsors of these amendments the most egalitarian of intentions, there are overwhelming flaws in their proposals.

The Broomfield amendment, section 803 of the bill, prohibits the implementation of district court orders involving either busing or the transfer of students for the purposes of achieving a balance among students with respect to race—until the appeals process has been exhausted or until January 1, 1974.

It seeks to hinder the capacity of the courts to provide speedy relief to those children whose constitutional right to a desegregated education has been violated.

It seeks to legislate away the rulings in *Alexander* v. *Holmes County*, 269 U.S. 19 (1969) and *Carter* v. *West Feliciana School Parish*, 396 U.S. 226 (1970) where the court ordered school boards to integrate now and litigate later, to implement the court ordered plans immediately pending appeal instead of waiting until they had exhausted their frivolous or foot-dragging appeals.

Further, this amendment affects not only transportation of pupils but transfer of pupils as well. Unless Federal district court judges can figure out some way to get around this product of sloppy drafting—perhaps by intepreting the term racial balance—even the traditional tools for desegregation other than busing will be affected. Other means such as school consolidation, zoning, pairing, construction of new schools and other measures all involving the transfer of students would be delayed. Put bluntly, there is simply no way a court can begin doing its constitutional duty to desegregate the schools unless it orders the transfer of pupils.

The Ashbrook amendment, section 802(a) of the bill, prohibits the use of Federal education funds for transportation of pupils or teachers to overcome racial imbalance or to achieve desegregation, except on the express written consent of local school officials. No such funds could be made available for transporation if the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process, or would result in children being assigned to a school substantially inferior to the one he or she would be attending under a nondiscriminatory geographic zone assignment.

When courts continue to order the desegregation of schools by transporting pupils, there can be no rational basis for putting the entire financing on State and local funds rather than Federal.

This represents a half-hearted futile legislative effort to undermine the courts and the school boards and to roll back the clock in hopes that the problem will disappear rather than become aggravated.

The Green amendment, section 802(b) of the bill, prohibits Federal officials from urging, persuading, inducing or requiring the use of non-Federal funds for transportation to correct racial imbalance or achieve desegregation, or to condition a grant of Federal funds on such transportation "unless constitutionally required."

Fortunately, the agreement reached by the conference included the words constitutionally required. Thus, HEW's officers are still allowed to make such suggestions where constitutionally required. Hopefully, then, this limitation on HEW will be interpreted to be a meaningless one since HEW has not generally in the past suggested or required the use of non-Federal funds for transportation to correct racial imbalance or achieve desegregation unless constitutionally required.

Taking the higher education bill as a whole, my colleagues today are asking me to sacrifice the constitutional rights of black children for a bag of goodies that everyone agrees is the most significant advance in Federal support for higher education since the passage of the Land Grant College Act over a century ago. This is something I cannot in good conscience do. Our children should not be required to continue to wait for their rights nor should their chances for an equal opportunity be burdened by further recalcitrance such as that openly displayed in the proposals on the floor today. I call now for strong moral leadership rather than defiance and backtracking.

For if today's legislation passes with the support of my liberal colleagues, the black community will be forced to bitterly conclude that the laws and court decisions that had begun—just begun—to generate hope and faith in this Nation's commitment to justice and equality were never a really true commitment but only a scheme devised to still the voices of frustration and discontent.

Mr. HARRINGTON. Mr. Speaker, I think that the vote I am going to cast today is one of the most difficult I have made since I came to the House in late 1969.

On the one hand the bill before us contains $18.5 billion for the extension of present higher education programs and the creation of new ones. The new programs include one to provide about $1 billion annually in general aid to colleges and universities, and another one providing basic grants to needy students.

The Basic Educational Opportunity Grants program, established by this act, is a new program under which students at colleges and universities would be entitled to basic grants of assistance up to $1,400 per year, minus what the family could be expected to contribute. No grant can exceed 60 percent of what a student needs to attend a particular institution for 1 year. These grants will help to alleviate the shortage of funds to needy students and allow them to plan on higher education free of the fear.

The bill also authorizes $40 million in emergency grants to institutions in severe financial distress, authorizes grants to institutions for $300 per veteran enrolled, and an additional $150 for each veteran participating in a special remedial veterans program.

In addition, it prohibits discrimination on the basis of sex in all federally assisted education programs, exempting only undergraduate admissions to private institutions, public institutions with a traditional policy of admitting only students of one sex and military academies.

The Higher Education Act is a good bill. It has taken 2 years to work out these provisions and the result is its much needed provisions of assistance to American students and universities.

Yet, attached to the legislation is an amendment which I find abhorrent. This amendment prohibits the implementation of district court orders involving either busing or the transfer of students for the purposes of achieving a balance among students with respect to race—until the appeals process has been exhausted or until January 1, 1974, which ever is earlier. The bill also prohibits the use of Federal education funds for transportation of students or teachers to overcome racial imbalance or to achieve desegregation, except on the express written consent of local school officials.

No such funds could be made available for transportation if the time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process, or would result in children being assigned to a school substantially inferior to the one he or she would be attending under a nondiscriminatory geographic zone assignment plan.

The amendment also prohibits Federal officials from urging, persuading, or requiring the use of non-Federal funds for transportation to correct racial imbalance or achieve desegregation, or to condition a grant of Federal funds on such transportation unless constitutionally required.

Mr. Speaker, I realize that this conference is going to pass the House. But I must vote against it. The amendment is totally wrong, and since the rules of the House require me to vote yes or no on the entire conference report rather than for the Higher Education Act and against the amendment, as I would like to do, I am forced with regret to vote "no."

This amendment will effectively prohibit not only the transportation of students but also the transfer of students. As a result no tools may be used for desegregation including school consolidation, closing of inadequate schools, redrawing of attendance zones within walking distance, school pairing, new school construction, et cetera. By stopping the transfer through this amendment, we effectively preclude the courts from ordering any effective desegregation.

This policy will continue the hatred and disharmony which exists between blacks and whites. No amount of money can repair the future social damage which will result from separating our children for the arbitrary reason of color. By passing this amendment we will continue to perpetuate a segregated lifestyle which is stifling to all concerned and is certainly abhorrent to any sense of social justice.

Busing is not the total answer to racial problems. But it is a step—a step ordered by our courts and a step which is logical and necessary at this time. The Supreme Court has made a very limited ruling on busing. The Court specifically said that busing was not required to create racial balance where residential patterns had produced imbalance. What the Court did say was that in those cases where a schoolboard or other Government agency has previously taken official action which resulted in segregated schools, a reasonable amount of busing could be used to correct this past segregation.

Even in this limited class of cases, however, the Supreme Court did not say that busing was the primary, or even the most desirable tool in correcting past government errors. The Court cited a long list of measures that could be taken and busing was only one of these.

It is true that tens of millions of schoolchildren ride buses daily to school. But only a tiny fraction of these children ride buses because of integration orders. In fact, it is probably still true today that more pupils are being bused in ways that perpetuate segregation than in ways that end it. In Massachusetts, for instance, a witness before the State legislature on the racial imbalance bill said that the State currently spends about $400 million annually on pupil transportation, of which only $300,000 is for race-related purposes.

These amendments lead one to believe that vast amounts of massive cross-busing schemes were being promulgated by courts across the country. There may be individual instances where particular lower federal court judges have exceeded the Supreme Court's guidelines. But if there are, they can be remedied easily by appeal to the Supreme Court itself.

Important as the Higher Education provisions are, they cannot justify suspension of the historic 1954 Brown decision. To quote the Brown decision:

> Separate educational facilities are inherently unequal.

History has shown that concessions to anti-civil rights forces merely increase their appetites for more.

Mr. MEEDS. Mr. Speaker, I rise in support of the conference report on S. 659. It was difficult to resolve all the issues contained in both bills and thus satisfy the desires of all Members in the House and Senate. But I feel this conference report and legislation embodies the most significant advances made since the passage of the Morrill Act of 1862. This is not only a significant bill; it is a bill embracing many aspects of education. While we tend to get caught up in the issues of busing, institutional aid, and student aid, there are far-reaching contributions to education contained in this bill. I should like to direct my remarks to just three of them: First, community and junior colleges; second, vocational and occupational education; and third, Indian education.

Mr. Speaker, the community, junior, and 2-year colleges of this Nation are important to the post-secondary educational experience in a far greater degree than is shown in the funding which we presently make available to them. These institutions are serving one-fourth of the post-secondary students in this Nation. They are providing terminal post-secondary academic education, initial post-secondary academic education, and vocational, technical, and occupational education.

This legislation would provide $50 million in fiscal 1973, $75 million in fiscal 1974, and $150 million in fiscal 1975 for planning statewide community college systems, for developing new community colleges, and for expansion of existing community and junior college facilities.

For years the role of these institutions has been consistently underfinanced, undervalued, and misunderstood. This legislation recognizes their importance and provides the funds and impetus to correct years of neglect.

Mr. Speaker, despite the strides achieved under the 1963 Vocational Education Act and the 1968 amendments thereto, vocational education is still the poor cousin of our educational family. By providing $850 million over a 3-year period for preparation for post-secondary occupational education and for improving the quality of post-secondary occupational education, this legislation recognizes the role and responsibility of vocational and occupational education more realistically.

One of the major reasons for the lack of attention and failure to give vocational education its proper place lies within the academically oriented U.S. Office of Education. For years some of us have been attempting to induce the Office of Education to upgrade the status of vocational and occupational education. Under this legislation we have, by creating a Bureau of Occupational and Adult Education, made clear our intent that this shall be done. An Assistant Commissioner for Occupational and Adult Education will have the responsibility for all vocational, occupational, and adult education. This should create within the Office of Education the visibility for vocational and occupational education which is essential to move it from its poor cousin status.

Mr. Speaker, without doubt the most disadvantaged youngsters are the first Americans—the American Indian. Lack of adequate education is one of the major reasons. They begin school late and leave early. The dropout rate of Indian youth across this Nation is twice the national average. During our subcommittee hearings on this legislation, I visited areas in New Mexico, Arizona, and Alaska where the dropout rate ran as high as 85 percent. We know many of the reasons for failure of our educational system to retain Indian children. In many instances they have language barriers. In almost all instances there are substantial cultural barriers. Perhaps most importantly, Indians have not been involved in their own and their children's educational process.

We have not only the responsibility but the capability to drastically improve educational opportunities for Indian children. This legislation will authorize $300 million over a 3-year period for special education programs serving Indian children.

Additionally, it provides $25 million in fiscal 1973, $30 million in fiscal 1974, and $30 million in fiscal 1975 for pilot demonstration and evaluation of special Indian education programs. Also, $5 million is authorized in fiscal 1973, $8 million in fiscal 1974, and $8 million in fiscal 1974 for Adult Indian Education programs.

And perhaps most importantly, Mr. Speaker, it provides for the creation of a Bureau of Indian Education within the Office of Education and a Deputy Commission. This, combined with the National Advisory Council on Indian Education, will begin the extremely important task of involvement of Indian people in their own and their children's education.

These are just three of the many benefits to be derived by education from this legislation. It is landmark legislation. Higher education in this country is in deep financial difficulty. If we are to attain the advantage of highly educated citizenry we must act now to relieve those difficulties.

Mr. SIKES. Mr. Speaker, I recognize the need for a higher education assistance bill. I had hoped the conference report now pending would provide a proper vehicle for this objective but it does not. It brings to the House as a result of conference action a new bill—far different from the House bill—a bill which has in it serious weaknesses and a number of objectionable features.

I believe the proposal now before us is damaging to educational processes; that it will actually perpetuate forced busing and that it will result in lowered standards of education at institutions of higher learning. If I read the bill correctly, it will set up a new welfare program for education patterned after the aid to dependent children program. In that program if the man of the house leaves home, the family gets welfare and food stamps. In the new college welfare program, if the student abandons his home ties, he gets $1,400 per year plus food stamps. This can provide a hippie haven of boundless proportions.

A matter of principal concern to the House has been those sections of the higher education bill dealing with the forced busing of students. Although the conference report purports to carry out the will of the people as expressed in the House bill by halting forced busing until all appeals have been taken, the fact is that this legislation actually guarantees forced busing in some circumstances.

It allows Federal employees—workers for HEW and other agencies—to do whatever they can to encourage or initiate local school officials to engage in forced busing plans if such busing plans are "constitutionally required."

I do not know who is to place the interpretation on that awesome phrase. There has been no Supreme Court decision on this matter. Are we to assume the HEW guideline drafters are to be entrusted to make such an interpretation? Farfetched as this may seem, they have been doing it for a long time and it clearly was the original intent of this legislation to stop that practice. But the conference report now gives HEW carte blanche to resume the practices on forced busing which have been so objectionable throughout our Nation.

The confusing conference report seems to envision the establishment of two sets of rules for the country. The Senate has inserted language in the bill which specifically excludes some States from certain guidelines and criteria established by Federal agencies. Once again we find that the vague and, in this modern society, nonexistant differences between de facto and de jure actions being used as a tool to force a handful of States to do that which the majority of States apparently are exempted from doing.

The truth of the matter seems to be that forced busing very definitely is not prohibited under this bill and that the efforts of the House to stop this abominable practice have become a farce. As a matter of fact, this bill authorizes $100 million which can be used by Federal agencies as a slush fund to establish local atmosphere or conditions conducive to the purposes of forced busing. This fund could be used to prevent court decisions such as that just rendered to overrule the infamous Richmond ruling.

There are other serious weaknesses. I have mentioned the welfare feature of the bill.

In my part of the country, we hold to the idea that colleges and universities should be open to anyone, of any economic bracket, just so long as the student has the desire and the ability to accomplish the work required. We tried to help provide the financial means where this is necessary. We strive to continually increase the standards of college entrance and graduation.

Those who can afford to pay their own way do so. Deserving students who cannot afford to foot the bill are helped, if help is available, through work programs or scholarships. Active efforts are made to assist any student, of any economic station, if that student has the ability and desire to meet the standards for obtaining a college education.

If I interpret the conference report correctly, it places stress on only one standard which is to be met if a college or university is to benefit from Federal dollars. That standard is; how many people are enrolled. The program of benefits starting at $1,400 per pupil per year would establish something resembling an educational welfare program.

This is not the way to run a higher educational system, Mr. Speaker. This proposal would result in a mad scramble by colleges to seek out—not brilliant students and deserving students—but economically deprived students. Academic standards would go out the window. Entrance requirements would rest largely on whether or not bodies are available. Certainly there would be no premium on ability of the student or on high standards for the institution.

This is wrong, and it must not be enacted into law.

This bill gets into the question of veterans benefits in a completely unrealistic manner, setting up a new veterans aid program for schools. It, too, is based on the school's ability to recruit not on its ability to educate.

The Nation's leading educators have clearly expressed their mistrust to the bill. In my State only one person has contacted me in support of the conference report. He represents a community college, but this category of schools gets special benefits under the bill and he was frank in stating that is his interest. He did not know that the bill contains dangerous and objectionable features.

There is a need for a higher education bill but this is not the kind of bill which those interested in sound educational standards can reasonably support. Surely the Congress can design sound legislation with which to meet today's needs in higher education. The conference report should be rejected. The House should insist that the House conferees at long last respect the mandate of the House by rejecting the conference report forthwith and by insisting on sound language along the lines of the House-passed bill.

Mr. FRASER. Mr. Speaker, I wish that it would have been possible for me to support the conference report before us today. If this legislation had been only what its title implies—a bill to support higher education—there would have been no question about my vote.

But S. 659 is more than economic opportunity grants and institutional aid for colleges. It also represents a major congressional retreat from a commitment to the elimination of racial segregation in public education. It is not an overstatement to say that this bill moves us toward repeal of Brown against Board of Education.

The most objectionable feature of the bill, as far as I am concerned, is the House provision originally identified as the Broomfield amendment and later modified somewhat by the conferees. The intent of this amendment is to postpone implementation of all court orders in all cases involving either transfer or transportation of schoolchildren to achieve desegregation.

Many people see in Broomfield only a ban on busing but they are misreading the amendment. All desegregation—even the redrawing of attendance zones—involve the transfer of students from one school to another. It is quite possible that a student can find that he lives closer to his new school after the desegregation order than he did to his old school. But under the revised Broomfield amendment, these transfers as well as more extensive transportation plans are suspended for 18 months, pending appeal.

We have made great progress as a nation since 1954 in ridding our public education systems of the last vestiges of legally sanctioned racial segregation. Many courageous school boards in the South as well as the North have gone farther than the courts required and have attempted to bring about genuine integration on the local level.

If we adopt S. 659 today, we will seriously undercut these efforts to break down the barriers of racial separation. And we will be telling the American people that the U.S. Congress lacks faith in our Federal court system to enforce the 14th amendment thoughtfully and fairly.

I cast my vote against the higher education amendment with great sadness knowing that I am also voting against a measure which strengthens Indian education, combats sex discrimination, and provides needed financial aid for many colleges and universities dangerously close to the edge of bankruptcy.

But I cannot turn away while efforts are being made to undo so many years of progress in the field of civil rights. I urge, therefore, that S. 659 be defeated.

Mr. CULVER. Mr. Speaker, the vote today on the adoption of the conference report on the Higher Education Act of 1972 places many of us in a painful dilemma. Unquestionably in its basic content, this is one of the most significant and far-reaching proposals on which we have acted during my 8 years in this House. Moreover, it is the product of the most genuine and painstaking legislative craftsmanship and effort. Its potential benefit, not only for our many colleges and institutions of higher learning, but also for neglected areas such as Indian education, is immense. By any reckoning this bill deserves support.

However, we cannot be oblivious to the one major defect in the bill before us—the insertion of an extraneous amendment which dilutes or at least calls into question our resolve to achieve nondiscrimination in public education. The antibusing amendment may be unconstitutional; it may turn out to have only slight legal effect; it may sink in its own ambiguities. But the fact that the amendment may ultimately be of small consequence does not justify our trivializing it or neglecting the change of attitude and commitment which it conveys to both members of minority groups and the country as a whole. It is a large blemish which the Nation, hopefully, will soon have the capacity and compassion to erase.

I have carefully pondered my vote, and on balance, I shall support the conference report. There is too much basic worth in the legislation, which has been the culmination of years of effort to bring our Federal programs into line with the contemporary need in post-secondary education as well as in specialized training and research. This is not a bill which can quickly be reconstructed and brought back to the floor. The busing issue cannot be stamped out by defeating this conference report. I have been persuaded that defeating the Higher Education Act of 1972 would neither advance the cause of education nor subsequently prevent even more lacerating blows to the cause of equal rights.

Mr. Speaker, I vote for this bill with the hope that it will bring new vigor to American higher education, that it will expand the horizons of opportunity for many young Americans, that it will alleviate the heavy economic pressures on many students, parents, as well as institutions, that it will help to maintain a proper balance and diversity among our institutions of public and private education. We can, I think, be confiident that this bill at its true core embodies an act of legislative statesmanship and creative achievement.

Mr. BADILLO. Mr. Speaker, it has become almost a cliche to describe as "historic" the education amendments before the House today. Unfortunately, this is so in both the positive sense and the negative sense.

Without doubt, the higher education assistance provisions represent a major achievement and deserve our enthusiastic support. They include a new program of basic educational opportunity grants to assure that no qualified student will be denied the resources necessary to attend a college or university.

This legislation also includes a desperately needed program of aid to institutions of higher education, to help them meet soaring costs which cannot be met through tuition alone. Particularly significant is the formula under which this aid is to be allocated, which emphasize assistance to institutions with high proportions of disadvantaged students. Having had a hand in working out this formula when the higher education bill was still in committee. I want to point out that this allocation was necessary to assure a fair apportionment of funds to developing institutions and those with high percentages of minority and disadvantaged students. These institutions are perhaps the most in need and without this formula, would have been among the lowest in funding priorities.

These amendments also include the Emergency School Aid Act, a $2 billion program to assist school districts desegregating as a matter of local choice or under court order, in providing quality, integrated education to all students. This bill was before the General Subcommittee on Education, on which I serve, for many months and I am gratified that the final version includes the special set-aside for bilingual education programs which I succeeded in having incorporated in the House version of this bill.

Another very significant provision establishes the National Institute of Education, modeled on the National Institutes of Health, to provide the coordinated educational research and development so long absent from our national education effort. It is heartbreaking to see millions of American children still receiving inadequate educations, despite the tremendous increase in expenditures at every level and despite the many new techniques and procedures which have been developed in recent years. It is to be hoped that the National Institute of Education will undertake the broad research and demonstration program needed to assure that our education dollars are being spent effectively and that those who still are denied the benefits of our progress will be guaranteed the quality education so essential to a decent life.

Other highly significant provisions of this conference report include expansion of existing aid programs for postsecondary education, bars to discrimination on the basis of sex in education programs, establishment of a National Student Loan Marketing Association to support the guranteed student loan program and creation for the first time of an ethnic heritage studies program.

It is fair to say this is the single most important education measure ever before the Congress. And it is tragic that it comes to us mortally encumbered with three amendments designed to cripple the capacity of the Federal courts and agencies to remedy racially discriminatory school segregation. These amendments, and primarily the Broomfield amendment, make it impossible for me to support the conference report for they represent a retreat from the national commitment to nondiscrimination embodied in the Civil Rights Act of 1964 and a serious threat to the authority of the courts.

The intent of the Broomfield amendment seems quite clear. It is designed to postpone all orders, in all cases involving transportation of children to achieve school desegregation. If this intent is given effect, the amendment will halt 14th amendment enforcement for up to 18 months—6 months longer than President Nixon's proposed moratorium.

It is a tragic irony that we are taking this legislation up just after the 18th anniversary of the historic Brown against Board of Education decision which ruled that "separate but equal" is not at all equal. The Broomfield amendment attacks the principles behind that decision and the mandate established in the 1969 Alexander against Holmes County, in which the Supreme Court declared that dual school systems must be terminated at once.

It has been suggested repeatedly that the Broomfield amendment is so poorly drafted and so clearly in opposition to the trend of court rulings that it will be found unconstitutional, and that, therefore, we should vote for the conference report to salvage all that is good in the bill. I think it would be dangerous and mistaken for any Member to vote for this conference report hoping that the Court will bail us out. In the first place, it would be foolhardy to attempt to anticipate the Supreme Court, particularly in view of recent changes in membership and the ideological shift which apparently has taken place. And in the second place, we all have taken an oath of office to preserve the integrity of the Constitution.

I think the distinguished Senator from Minnesota (Mr. MONDALE) put the issue in its proper perspective during Senate debate on this conference report when he said:

> I think most of us would agree that if someone offered us a bargain—to reduce our freedom of speech, our right to assemble, or our right to practice our religion in exchange for another 10 miles of super highways—we would all say, "we cannot exchange our freedoms for such considerations." The freedoms found in the Constitution, the freedoms fundamental to American life, are in a real sense noncompromisable. They are on a different level, a different plateau, and bear a different value from other disputes.

Mr. Speaker, I urge rejection of the conference report. There is still time to provide assistance to higher education, but we should not do so under the blackmail threat which attacks so basic a principle of our society and our system of laws.

Mr. DONOHUE. Mr. Speaker, from the continued debate here, it is rather obvious that practically every Member of this House is approaching the legislative determination of this conference report on S. 659, the Education Amendments of 1972, with mixed and troubled emotions.

It is equally clear, whatever misgivings many of us may have about any particular section of the report, that the educational benefit essence of the bill has been hailed and endorsed by an impressive array of professional organizations and authorities as comprising perhaps the most important single educational advance ever placed before the Congress.

In summary, among many other projections, the measure contains an urgently needed program of aid to institutions of higher education to help overcome the accelerating costs of post secondary education that cannot be met by tuition payments alone; it establishes a new program of basic educational opportunity grants in order to try and insure that no qualified student shall be deprived of his ambition to attend a higher education institution; it provides the Emergency School Aid Act, a $2 billion program to assist school districts, desegregating as a matter of local choice or under legal requirement, in offering high quality integrated education to all students; and, it creates a National Institute of Education, modeled after the National Institutes for Health, to initiate the coordinated educational research and development activity that is so urgently needed to stimulate creativity in modern higher education.

There are also, within the bill, provisions to expand existing programs of assistance to post secondary education, to establish protection against discrimination in education programs on the basis of sex, to set up a National Student Loan Marketing Association to strengthen the guaranteed student loan program and to initiate, for the first time, ethnic heritage study centers in local communities.

Mr. Speaker, all of the educational improvements and benefits embodied in and projected by this bill, involving some $18.5 billion in authorizations, truly represent the most impressive and most promising higher educational progress ever considered by the Congress. Undoubtedly our higher education structure is in nearly desperate need for the timely and sustaining support that is contained in this bill. While there are some aspects, as in most every other measure, that many of us might wish were not included in it, that may well have no legal effect whatsoever, but which we can not, under the procedure being followed, separate from the bill, I am impelled, on overall balance, to accept the unique educational substance of this proposal, in the national interest.

Mr. DERWINSKI. Mr. Speaker, it is unfortunate that this higher education bill was subject to the further complications inherent in the question of court-ordered busing. My position is based on the failure of the conferees to produce language which, in my judgment, would effectively terminate court-ordered busing for racial quota purposes. Of special concern to me is the fact that a number of school districts in my congressional district, who are affected by either court-ordered or administrative busing plans, would not have their problems alleviated by the language presented to us today.

This is a classic case of a major legislative proposal encountering unnecessary problems with the injection of a dominant issue. I believe that we should, as legislators, avoid situations like this where a bill becomes hostage to or, unfortunately, complicated by what should be a separate issue.

Mrs. ABZUG. Mr. Speaker, today the House is in a most regrettable position, we have before us the feast of the higher education conference report (S. 659) and the feast has been laced with poison. We are asked to alleviate the financial plight of our colleges and universities and to take the initial step in eradicating the rampant discrimination against women in higher education at the expense of quality integrated education. The price is too high. I will vote against the conference report because it would be neither moral or, in the long run, beneficial to barter the future of our children and our commitment to equal rights for all for the benefits which the higher education bill would provide.

The legislation before us today is known as the "higher education bill." To the extent that it relates to higher education, it is a good bill and a bill worthy of our approval. But there are aspects of this bill which do not deal with higher education, rather they deal with the denial of the right of small children to quality integrated education. The provisions known as the "antibusing provisions" demean and besmirch the high purpose of providing financial assistance for students and colleges and universities and the initial legislation precluding sex discrimination in higher education, which as you know, has been rampant. While this bill would not assure women full equality in admission to higher educational institutions, in that it does not apply to the admissions policies of private undergraduate institutions, it does represent a substantial advance for women. But I cannot believe that the women in higher education would seek to gain their rights at the expense of the public schoolchildren of this country.

The antibusing provisions in this bill represent an effort to turn back the clock to the time when racial segregation in the public school was accepted in this country and an effort to deny to black children their constitutional right to an equal education. It is incredible to me that nearly two decades after the Supreme Court held that separate facilities for different races were inherently unequal and therefore a violation of the equal protection clause of the 14th amendment to the Constitution, the Congress of the United States is still fighting to prevent the enforcement of that decision.

In addition, it is interesting to note how readily a Congress which lacks the courage to carry out its constitutional responsibilities in the fields of military and foreign policy by cutting off funds for the war in Indochina and setting a date for total American withdrawal is prepared to interfere with the constitutional responsibilities of the courts in an effort to deny the constitutional rights of black citizens.

Let us make no mistake about it. Opposition to "forced busing" is opposition to quality integrated education and defiance of the Constitution. Busing is not the only means for achieving quality integrated education, but is an acceptable means and should be used where necessary. The antibusing provisions in this bill are contrary to the principles on which this country is built, and I cannot support them no matter how attractive a higher education assistance package goes with them. I urge the rejection of the conference report.

Mr. BINGHAM. Mr. Speaker, I rise in support of S. 659, the higher education conference report. Few bills have had as stormy a journey through the 92d Congress and few offer so difficult a voting choice for Members concerned about the future of American education. Clearly, on their own merits, the substantive Higher Education proposals offer a progressive vision for American education. The extension of student aid programs and creation of new forms of financial assistance promises to expand educational opportunities for all Americans.

Further, the revolutionary institutional aid programs, which I wholeheartedly support, would greatly diminish the pressure on our financially hard-pressed colleges. I am particularly pleased that a new program to aid our communities colleges is incorporated in S. 659. I have sought such assistance for many years and am also happy to note that James A. Colston, president of Bronx Community College, is one of many of our leading educators who has urged adoption of S. 659. It is evident that the conferees did a remarkable job in balancing the varied interests in educational programs and while the conference report may not give all institutions what they sought, it does make the single greatest leap forward for higher education reform in this century. Thus, it deservedly has the support of most of the major college and university organizations.

It is against this background that I confront the busing amendment. Many persons and groups whose judgment I continuously solicit and rely upon urge defeat of the entire education bill because of the antibusing provisions. However, I do not believe the provision is a fatal flaw in the bill. In this regard, I was impressed by the following New York Times editorial of May 19, 1972:

> ### THE BUSING SIDESHOW
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> The agreement reached by Senate-House conferees on the so-called public school antibusing amendment should remove the most serious obstacle to enactment of the historic higher education aid bill. It is a compromise that has already drawn fire from Southern segregationists, who wanted to ram an anti-integration rider down the conference committee's throat, and from some civil rights groups, who consider any restriction on busing unacceptable.
>
> Unquestionably any amendment that attempts to use the higher education bill as a means of interfering with the totally unrelated issue of public school integration has an element of shoddiness about it. But given the hysteria that surrounds the busing issue, the conferees are entitled to credit for producing a compromise that extracts the segre-

gationist teeth from the dreadful provision presented to them by the House.

The amendment would delay for up to nineteen months, pending all appeals, any Federal court orders requiring busing to achieve racial balance. On that basis, it does not prohibit busing necessary for school desegregation. It merely adheres to the Supreme Court's ruling that it is proper for the lower courts to order busing to achieve integration but not to create racial balance.

Far from bowing to the House order to prohibit the use of Federal desegregation aid to pay for busing, the amendment allows the expenditure of such funds for busing if local communities request them. It does not prevent Federal civil rights enforcement agencies from ordering such expenditure provided they are "constitutionally required."

The anti-busing debate is a red herring politically magnified by Governor Wallace and given bogus respectability by President Nixon. The conference compromise, which closely resembles the earlier Scott-Mansfield amendment, is designed to do as little harm as possible. Its liberal authors would undoubtedly agree that it serves no constructive purpose in its own right; rather it is a shield for saving the college campuses without actively sabotaging school integration.

It should also be noted that the most vociferous opponents of school busing are all urging a "no" vote on the conference report.

On balance, I believe the importance of the bill for higher education is overriding.

Mr. FUQUA. Mr. Speaker, I cannot remember a legislative proposal that has elicited from me more ambivalent feelings than has the Higher Educational Act of 1972. Even the higher education community is unable to take more than an ambiguous stand on this legislation as there are a number of unsatisfactory provisions in this sweeping measure.

One of the more odious provisions of the measure sent to us from conference is the formula tying institutional aid to the amount of Federal dollars going to needy students. I feel strongly that all qualified students should be able to obtain a postsecondary education through Federal assistance if otherwise unable to do so. But where does the student from the middle income group fit into the broad picture of higher education? We are confronted once again with a situation where the poor and the rich benefit at the expense of the middle and lower income taxpayer. The funding formula developed under the able leadership of Mrs. GREEN rejected the concept of institutional aid based on a particular class of students and this concept has my support. The provision for general assistance to institutions of higher education as contained in the conference report gives me much concern.

Another area of great concern to me is that of school busing. The House was most explicit in its version of the Higher Education Act about prohibiting the forced busing of our schoolchildren. I reject the inference that antibusing language is superfluous to higher education legislation. Forced busing is one of the most pressing social concerns of this day and I feel strongly that the question should be addressed with strong proscriptions against compulsory busing. In this regard, I supported and still support the language as contained in the House version. I voted for the Broomfield amendment because I felt that all appeals should be heard before court-ordered busing plans are enforced. Yet, and contrary to House instructions, the conference added a termination date for these appeals. I reject the inclusion of this termination date as the congested state of our courts will often require judicial action after the January 1, 1974, date.

Similarly, I voted in favor of the Green amendment because I feel strongly that Federal employers must be prohibited from encouraging local governments or local agencies to use their money for busing. Unfortunately, the conference added "unless constitutionally required." Any layman can recognize that the inclusion of this phrase effectively diminishes the impact of the Green amendment and renders the language meaningless.

The House version also stated that no funds will be appropriated for the purpose of carrying out any applicable program used for the transportation of students or teachers or for the purchase of equipment for such transportation in order to carry out a plan of racial desegregation. Yet the conferees send us a provision which would prohibit such appropriations unless instructed in writing by local school officials. This is poppycock in light of the fact that the House said these funds would not be expended to carry out busing plans.

Finally, the House was steadfast in requiring that all guidelines and criteria established regarding the transportation of schoolchildren shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools without regard to the origin or cause of such segregation. Once again the conference lessened the strong and sound purpose of this provision.

If we are to address the question of school busing we must meet it headon. I see little to be gained by this one step forward, two steps backward approach to busing proscriptions. Time and time again the House expresses its distaste of forced busing only to have the language watered down. Regardless whether the conference report meets with success or failure the Congress must face up to the fact that forced busing is patently unpopular, unsuccessful in bringing about quality education, and is socially divisive.

However, even though the language of the conference report is not as strong as I would like for it to be, I do not feel that we can afford to sacrifice what is essentially a sound education bill. The House Education and Labor Committee is considering legislation that would provide funds for alternative means of school desegregation without the burden of forced busing. In addition, the House Judiciary Committee is considering legislation calling for a moratorium on all forced busing of schoolchildren. Finally, the House Judiciary Committee is considering a constitutional amendment prohibiting forced busing and I have signed the discharge petition to bring this amendment to the House floor. These measures as well as next year's elementary and secondary education bill will provide useful opportunities to eliminate the social ills concomitant with forced busing. I must repeat, however, that I strongly reject the watering down of the House language and several other provisions of the conference report.

But what are our alternatives? Higher education has had to wait over two years for an omnibus bill. Here we are at the 11th hour and still we are unable to present legislation that will remedy some serious shortcomings in programs of Federal assistance to higher education. We are now, however, out of options and I feel that I must support the conference report in spite of the objections I have just mentioned.

No legislation is going to be perfectly satisfactory to all concerned. I wish that the conference report could have been closer to the measure which was passed by the House and which received my support. In considering this measure I have attempted to balance the objectionable provisions against those which will assist our educational system. In addition, the long delay in getting an omnibus bill to the floor is a factor to consider in voting for or against the conference report. After a careful analysis of the measure, I feel that I must support the conference report although I have strong reservations about the measure. Certainly, this bill cannot be considered as if in a vacuum. The appropriations process will play an important role in determining whether the ultimate programs will provide the kind of assistance needed by our higher education institutions.

The new basic education opportunity grants appear excessive and I would prefer greater support of existing programs which have met the test of time. Fortunately, or unfortunately, the conference report requires that funding of present programs must reach a high level of funding each year before any appropriations may be made for the new basic education opportunity grant program. Supplemental education opportunity grants must receive over $130 million; the college work study program must be funded at over $237 million; NDEA direct loan program must be funded at over $286 million before funds are appropriated for the basic education opportunity grant program. I am most hopeful that these programs can be funded at a higher level and much less emphasis being given to the new program.

Notwithstanding the provisions to which I have just expressed my concern, this higher education bill will provide new and innovative answers to complex educational problems. One of the most exciting provisions of this measure is the creation of a Student Loan Marketing Association to help insure adequate funds for guaranteed student loans. The association would sell stock and buy up student loan notes from private lenders. I was the author of a very similar provision which would have, like the SMLA, created a secondary market for student loan notes. Consistent with the establishment of SMLA the legislation extends the current guaranteed student loan program, increasing the amount a student may borrow each year from $1,500 to $2,500. The bill places a limit of $7,500 on the total amount undergraduates can borrow and a total of $10,000 on the amount graduate students can borrow, including their undergraduate loans.

Another essential provision of the bill extends the national defense student loan program and authorizes annual appropriations of $400 million through fiscal 1975 and limits to $2,500 the total a student may receive during his first 2 years in college. The bill allows an undergraduate to receive a total of $5,000 in such loans and a graduate student $10,000, including his undergraduate loans.

One of the most essential provisions of the bill authorizes $275 million through fiscal 1975 for a program of matching grants to assist in planning, establishing and expanding community colleges. Many community college educators, their professional State associations, the American Association of Junior Colleges, and the Carnegie Commission on Higher Education have advocated the expansion of the very successful community college programs.

Graduate education receives increased assistance and the conference report recognizes the scientific and technological offshoots of graduate education and the prominent role it plays in maintaining our leadership in world technology and trade. The bill establishes a new section consolidating graduate aid. It authorizes a program for improvement of graduate facilities and programs with authorizations of $30 million for fiscal 1973, $40 million for fiscal 1974, and $50 million for fiscal 1975. The bill authorizes a program of graduate fellowships, similar to the current national defense graduate fellowships, for persons teaching in institutions of higher education. In addition, it authorizes a program of public service fellowships and extends the current program of language and area studies.

A total of $80 million through 1975 is authorized to develop curriculums for consumers' education and provides training for teachers and public service personnel. Another important provision authorizes funds for college library programs.

For these and other beneficial programs I do not feel that we can afford to defeat the conference report. Higher education contributes greatly to maintaining our position as a world leader. This is not to say that it is desirable to encourage every young person to obtain formal education beyond the high school level. Certainly there are young people who prefer for one reason or another to enter the trades and they can benefit greatly by vocational and occupational training. This bill provides incentives and opportunities for training of this nature and the development of sound vocational education programs must be encouraged.

It comes then, to a matter of balancing the merits and demerits of the bill. While I have outlined my objections to certain provisions of this measure, I do not feel that we can discard over 2 years of concentrated committee work and long hours of hearings by defeating the conference report. For this reason, I will vote in favor of the conference report, though reluctantly, so that we can move ahead with much needed educational programs. It is important to realize that the authorization of virtually all of the higher education programs will otherwise expire on June 30, 1972. If the House rejects the conference report we are confronted with a possibility of throwing the baby out with the bathwater. I encourage my colleagues to join me in support of this legislation.

Mr. PICKLE. Mr. Speaker, although I support this bill for passage I have some definite reservations on the merits and substance of the provisions on institutional aid to higher education.

This bill has recently been called by the Washington Post what "may be the most far-reaching legislation to come to a final vote in this Congress" and a bill which the New York Times states "can affect the fate of American higher education for generations to come." I agree in general with these descriptions and that is why I want the record to show several concerns I have about the bill.

The bill as reported out by a conference committee and accepted by the Senate contains many very fine provisions, including the extension of many excellent Federal aid programs, the addition of new student assistance programs, and new authorization levels for funding. However, the provisions for aid to institutions under title X, it seems to me, focus almost exclusively upon aid to needy students. Such institutional aid as may become available under title X of the bill is almost exclusively dependent upon the extent to which recipient institutions are obtaining and providing Federal aid to economically needy students. The provisions of title X ignore first the many purposes of higher education other than aid to the needy students which need to be supported, and second the efforts of the States, institutions, and private donors to provide assistance to needy students.

This is not to say that in any way I oppose more aid to needy students. I would point out that in my State of Texas, higher education has always been made more readily available to the economically disadvantaged students through low tuition charges. For example, a Texas student may complete a year's work of 30 credit hours for a tuition charge of $120. The voters of Texas in two separate elections approved bonds of $285 million for loans to students, a program which has provided to date 245,900 loans to 79,200 students for $91.6 million. Texas institutions have combined millions of dollars with millions in Federal aid to construct facilities to accommodate more students. New schools have been authorized and funded to provide more convenient geographic accessibility and increased educational opportunity for students. And our Texas institutions have availed themselves of the excellent and beneficient Federal aid programs for students.

However, Texas has pursued other objectives in higher education such as diversity of programs and purposes, and admissions standards within and among our colleges and universities. Our institutions have also sought to attain and protect quality in our offerings and performance. In addition, our State has attempted to maintain institutional autonomy from outside control or from bowing to financial inducements which may compromise these and other goals and objectives. Further, our institutions have sought to maintain financial stability and to carry out long-range planning based on the budgeting of predictable sources of income.

Title X provides a Federal system of reward for those institutions which make the greatest efforts to obtain Federal aid for economically disadvantaged students while ignoring the needs of the institutions for support for other programs and functions. I am concerned that this may provide a strong incentive for institutions to become more alike and will threaten their autonomy as they seek institutional aid in the only form in which they can receive it. In order to obtain the money we promise, they may do what we, the Congress, believe they should do rather than what it is best that they should do. In addition, the bill provides this incentive program in a form that could make the income under the program highly unpredictable and, therefore, could place all recipient institutions in the position of heavy reliance upon Federal support. I will come back to this point in a moment since it is of major importance.

My point here is that the need for increased assistance for students cannot be denied, but institutions have major social purposes to fulfill other than admitting federally aided students. To carry out these other functions, colleges and universities throughout the country are in great need of general institutional aid from the Federal Government, but title X may not provide general aid. It seems to me it provides funds to institutions only if they choose to emphasize what Congress by this bill would define as a worthy objective exclusive of all others.

I am encouraged by the statements of the gentleman from Indiana (Mr. BRADEMAS) that it is not the intent to penalize institutions by appropriations only for, or primarily for, needy students. If the committee does indeed intend to give more general institutional aid, it should make that known. Moreover, we should make plans to change that part of the bill at an early date. Meanwhile, I am pleased to hear from the committee members that the present limitations will not deprive our schools from receiving considerable institutional aid.

However, it is conceivable that institutions may be assisted to some extent under this bill as submitted, and consequently I believe it is worth trying out. But we should all be aware of what I call trap door clauses in this bill that can make a major portion of the institutional aid provisions totally inoperative. In total, these trap door clauses require that a minimum of $900,000,000 must be appropriated before a portion of the institutional aid program will become effective.

If we are promising the institutions direct aid with one hand, I do not believe we should be planning with the other to withhold it. Specifically, these trap door clauses provide:

First. That no basic opportunity grants to students may be made until annual appropriations are made at the following minimum levels in each of the three programs:

BOG	$130,000,000
Work-Study	237,400,000
Student Loans	286,000,000
Total	653,400,000

Second. That no institutional aid based on the basic opportunity grants to students will be made until the BOG program receives appropriations for at least 50 percent of such student grant entitlements, that is, until an appropriation of an estimated $250,000,000 is appropriated for the BOG program.

Third. That after appropriations reach the minimum of 50 percent, the funds to meet the institutional grant entitlements related to the BOG grants may not exceed the percentage equal to the level at which the BOG program needs are funded; that is, for example, if the BOG needs are met at 65 percent, the institutional grants may not exceed 65 percent of the entitlement.

I have addressed these topics concerning this bill for several reasons. First, I believe we should all be aware that we are probably not providing an adequate general aid program for higher education in this bill. Second, we should be aware that to trip the lever that would place the proposed institutional aid program in full operation, we are committing ourselves to appropriations for student aid and institutional aid in excess of $1 billion. And third, if we put this program into full effect in 1 year, we cannot easily withdraw from it in a subsequent year since institutions will immediately become dependent upon the continued income under the institutional aid program.

On the matter of busing, the bill postpones the effectiveness of orders issued by a U.S. district court—or on appeal—when such order requires "the transfer or transportation of any student or students to achieve a balance among students." Such orders are postponed until all appeals have been exhausted. In effect, the bill attempts to postpone all court decisions until all appeals have been exhausted—or until January 1, 1974—a period of some 18 months. It also keeps the so-called Ashbrook amendment in the bill that prohibits the use of any Federal funds for transportation of students or teachers in order to carry out a plan of racial desegregation—except on the express written voluntary request of appropriate local school officials.

I make mention of one other item in the bill—youth camp safety. I am glad the conferees agreed to proceed with provisions requiring a full survey of all youth camps in the country by the Secretary of HEW, and to present to Congress within a year such recommendations as the Secretary thinks best to carry out requirement for safe camps throughout the United States.

Mr. Speaker, good education should come first in our consideration. Although many of us are troubled by some sections of the bill, I believe the general advancement of higher education is better achieved by passage of the bill than by voting our doubts. Also, I think the provisions of the bill that will help further develop our technical and vocational programs both on the secondary and post-secondary level lend substantial weight to the need to approve this conference report.

Mr. STOKES. Mr. Speaker, I rise to declare my opposition to the conference report on the Higher Education Act. My decision is based upon a total commitment to equality in education.

For much too long the Congress and the Nation has been engaged in an emotional, irrational argument over school busing. Other far more vital issues have been obscured and ignored. I have opposed antibusing measures each time they have arisen. It has always been clear to me that attempts to eliminate busing as a means of desegregating schools would be followed by other, more direct attacks on the desegregation process. This is best illustrated by the administration's so-called busing proposals. That legislation goes far beyond busing to restrict other desegregation methods. It would also open long settled desegregation plans to new court tests. Busing has been used because, in many cases, it is the most immediate and effective method of accomplishing desegregation. Its elimination will be the first in a series of attempts to roll back the progress which has been made.

Some people say that the antibusing provision in this conference report is moderate. I cannot accept that view. The principles it represents are radical, not moderate. It interferes with the judicial process by declaring a busing moratorium pending appeal. Even more important, it represents a retreat from the Federal Government's commitment to equality in education.

I firmly believe in the critical importance of meaningful education for our young people. I cannot, however forsake the necessity for desegregation of elementary and secondary education in exchange for improved funding and other benefits for higher education.

Provisions of this bill such as expanded aid to college and college students, aid to vocational and Indian education, elimination of sex discrimination in higher education, and financial aid to desegregating school districts are vitally needed. Let us defeat this bill and halt the erosion of civil rights. We can then get on with the business of making real improvements in education at all levels.

Mr. RAILSBACK. Mr. Speaker, Clark Kerr, the noted educator who is now chairman of the Carnegie Commission on Higher Education, has referred to the Education Amendments of 1972 as the most important piece of legislation for higher education since the Morrill Act of 1862—the law which created land-grant State colleges such as the University of Illinois. More than 2 years of bipartisan effort have been devoted to the evolution of this bill, which will provide authorization for $18.5 billion in aid to higher education.

Unfortunately, the focus of public attention in regard to this legislation has not been on the aid to higher education—which was its original and still primary intention—but rather on the various amendments attached to it concerning the peripheral, yet highly emotional, issue of busing. It is ironic that this should happen, and it will become tragic if the controversy over these amendments result in the bill's rejection.

Passage of the Education Amendments of 1972 will be of significant benefit to the State of Illinois. Illinois ranks fifth among the 50 States in terms of Federal funds received under current programs. In fiscal year 1970, Illinois institutions of higher education received a total of $151,674,000 in Federal funds.

Numerous college educators have contacted me, explaining it now is necessary to provide increased assistance to the institutions of higher education in view of increased costs. The following chart will show how instructional costs have jumped over the past few years:

INSTRUCTIONAL COST PER FULL-TIME EQUIVALENT STUDENT (ACTUAL EXPENDITURES)

School	1966-67	1967-68	1968-69	1969—70
Chicago State	$1,136	$1,287	$1,511	$1,554
Eastern Illinois	1,256	1,239	1,362	1,531
Illinois State	1,201	1,325	1,348	1,465
Northern Illinois	1,195	1,307	1,434	1,550
Northeastern Illinois	1,020	1,111	1,217	1,462
SIU—Carbondale	1,486	1,587	1,547	1,701
SIU—Edwardsville	1,709	1,465	1,583	1,545
U. of Illinois at Chicago Circle	1,672	1,736	1,860	1,982
U. of Illinois at Urbana	1,777	1,857	1,874	2,064
Western Illinois	1,084	1,197	1,350	1,389
Averages	1,460	1,523	1,585	1,706

I am convinced the legislation we are considering today will dramatically help our institutions of higher learning.

It is estimated that approximately 200 independent colleges in the United States will close out their final year because of money problems. The Education Amendments of 1972 will direct the Commissioner of Education to distribute $40 million to institutions in such severe financial distress.

The legislation will also authorize a new program of aid distribution to colleges, and a new program of basic educational opportunity grants for students. In addition, there are important provisions regarding education for the handicapped, community services, ethnic studies, and consumers' education. Sex bias is banned in all graduate admissions and in undergraduate admissions to coeducational public colleges. Further, an education division is created in the Department of Health, Education, and Welfare to include the Office of Education and a newly-created National Institute of Education.

The Education Amendments of 1972 is of broad and enormous importance to the future of our higher education system. I urge the House to pass the conference report on this legislation without delay.

Mr. SMITH of Iowa. Mr. Speaker, I find the reasons for voting for and against this bill to be rather overwhelming on both sides. I do not recall a bill in recent times where I have had as much difficulty making up my mind whether the arguments on one side outweigh the arguments on the other.

I do not like the bill among other things for the following reasons:

First. It holds out several false promises which are subject to conditions precedent or practical appropriation limitations which are not readily apparent to people reading the summary of the bill. Institutions will not receive the amount of institutional aid they think they will get in many cases and most students will not receive a basic grant as many had been led to believe.

Second. Institutional aid is tied to Federal student aid and I think this represents an unnecessary interference in the operation of the institutions and, in effect, penalizes those which do not, through increasing tuition rates and other methods, find ways to increase the number and amount of federally assisted student aid.

Third. The emergency school aid portion of the bill contains provisions that leave something to be desired. They overlap considerably with the objectives of title I of the Elementary and Secondary Education Act but are not tied as closely to a formula which is based upon the number of children from needy families and therefore upon the ability to secure funds from local taxes or the ability of a local school district to support itself in overcoming school aid problems.

Fourth. One of the general provisions of the bill interferes with the operation of the courts and assures opponents of court orders that they can secure substantial relief merely by filing an appeal no matter how nonmeritorious it may be. In meritorious cases, there are legal ways of getting relief in a hurry by showing that irreparable harm will result from a delay, but in this case, substantial delays would be available even without such a showing and some delay would be guaranteed by just waiting to see if appeals are filed.

On the other hand, there are some provisions in this bill which are badly needed. For the past year, we have been appropriating money under a simple 1-year extension of previously enacted programs and without any updating of these programs. I serve on the subcommittee which recommends appropriations and we have been unable to include any recommendation in the bill which will come before the House next week for higher education because a new extension and guidelines have not been passed or authorized. The institutions of higher education need to know soon how much money they will have available for the semester starting in September and they need some time to plan for it. Some of the institutions are in very dire need of some of the new program provisions in the bill.

I realize that it is almost impossible in this Congress to secure the passage of legislation which would have overwhelming support. This is only partially because a busing argument has developed but it is also because there is a substantial difference of opinion as to the emphasis to be placed upon various kinds of student aid and institutional aid.

There are those who say that defeat of this bill will result in the adoption of better legislation. If I were sure of this, I would have no hesitation in voting against the bill and immediately support bringing forth some new legislation but I am having difficulty believing that this can be assured in this Congress. Perhaps we can correct some of the deficiencies that I mentioned above through the appropriations process during the coming year and I hope that the next Congress will be able to pass some amendments clearing up other negative aspects to this bill.

I regret that we will not have the opportunity to vote today on a bill which I could more enthusiastically support; but, as in the case with all bills, we eventually have to vote either "yes" or "no." But both those who vote "yes" and those who vote "no" should resolve to take further action to try to improve the provisions of this bill and remove some of the objections that I have referred to in this statement.

Mr. SATTERFIELD. Mr. Speaker, I rise in opposition to the conference report. Although I am opposed to it for several reasons, I will confine my remarks to title 7 of the bill.

I do so because I am deeply concerned about the effect this title will have in areas like Richmond, Va., which I represent, where the question of merger of school districts for the purpose of achieving a given racial balance in public schools has been very much in the news.

I am concerned about how the passage of this title might affect the recent decision in the Richmond case by the United States Court of Appeals for the Fourth Circuit when it is considered in the U.S. Supreme Court.

I am concerned about how it will affect other areas which are now or will in the future be confronted with similar problems and cases growing out of those problems.

Let me invite your attention to section 709 of the measure we are considering.

One hundred million dollars are available for three things under section 709. First, for grants and contracts with local educational agencies to assist them in establishing and maintaining integrated schools; second, grants to local educational agencies to pay all or a part of the cost of planning and constructing integrated education parks; and last, what I consider most offensive, is a provision to provide grants to groups of local educational agencies located in standard metropolitan statistical areas for the joint development of a plan to reduce or eliminate minority group isolation to the maximum extent possible.

The plan in question must provide that by a date certain before July 1, 1983, the percentage of minority group children in each school shall be equal to at least 50 percent of the overall percentage of all such minority children in the standard metropolitan statistical area involved.

There is a further requirement that before the grant can be made, two-thirds of the local educational agencies must approve the grant application and that the educational agencies so approving that application represent two-thirds of the total number of students in the local standard metropolitan statistical area.

One thing which every Member of this body will want to know is to whom will the provisions of this section apply. For the answer to that question, I refer you to the definition of a standard metropolitan statistical area as contained in section 720 of this title. It defines a standard metropolitan statistical area as an area in and around a city of 50,000 inhabitants or more, the boundaries of which are defined by the Office of Management and Budget and I am sure that this is intended to include redefinition of such areas from time to time by the Office of Management and Budget.

I find these provisions deeply disturbing for several reasons.

I have reviewed this measure and fail to find any prohibition which will preclude the Director of the Office of Management and Budget from including within a standard metropolitan statistical area land or school districts or political subdivisions which lie in more than one State. It is more than obvious that any city of 50,000 inhabitants or more located close to a State boundary could find itself at some time in the future confronted with a merger of an area including a portion of the adjacent State. This could clearly be the case in cities like Detroit, Mich.; Memphis, Tenn.; and the District of Columbia, to mention a few.

Every Member of this House should be concerned about the fact that if this measure is passed Congress will say, for the first time, that it endorses the concept of merging public schools of separate political entities in metropolitan areas for the purpose of reordering the racial balance of the pupils in each elementary and secondary school in such area. So long as the Supreme Court insists upon its decision that busing is a legitimate tool to help establish a unitary school system, Congress, if it passes this measure, will be approving the use of busing to achieve the required integration in the schools in these standard metropolitan statistical areas.

By approving this section, the House of Representatives will also be saying that it endorses the principle that a merger of such school districts may be involuntarily imposed upon school districts controlled and administered by local school agencies in the area involved. Clearly under the language of section 709, two local school boards in a standard metropolitan statistical area can combine to force a third to participate in such a plan against its will.

By approving this section, the House will be saying also that such a merger may occur in the absence of any action by the local electorate involved. In my home State of Virginia, for example, this is precisely what will happen because school boards are appointed and not elected. I am certain that a similar situation exists in many of our sister States.

I represent the city of Richmond and the adjacent counties of Henrico and Chesterfield in the State of Virginia. This area is not unlike many other areas across our land. The city of Richmond has been under a forced busing order for 2 school years. The district court ordered a merger of the public schools in two separate adjacent political subdivisions with that of Richmond to establish one master school district to accommodate a master busing plan. Earlier this week, the United States Circuit Court of Appeals for the Fourth Circuit ruled that the Federal judge in this case had exceeded his authority and reversed his decision. This decision has been discussed at length by the Members of this body. However, let me remind you that the decision in question applies only to the facts as they existed in Virginia and does not affect any other area.

Let me remind you also that if we approve this measure today, we will establish through title VII a basis upon which another court might very well determine has created and conferred the authority which the Fourth Circuit Court found lacking in the Richmond case.

If we vote for this bill we will be directing the Federal Government to exert its weight and to expend its funds to achieve in any standard metropolitan statistical area, including Richmond, to achieve the kind of merger which was the subject of the Fourth Circuit Court's ruling.

And let me remind you further that by passing this bill we may very well establish a condition where these mergers can be forced to occur. I use the word forced advisedly because I know and you know from bitter experience how the threatened use or nonuse of Federal funds, whether such use or nonuse is right or wrong, has been employed in the past to bring a local school agency to its knees and to agree to things which it would not otherwise have accepted.

Mr. Speaker, the provisions of title VII alone establish ample justification for a vote against this conference report. I urge my colleagues who are interested in further information with respect to this title to read the editorial from the Richmond Times-Dispatch, which I inserted in the CONGRESSIONAL RECORD on Tuesday, June 6, at page 19875.

This conference report should be defeated and I urge my colleagues to vote against it.

Mr. HOGAN. Mr. Speaker, today I must decide on a vote which is one of the hardest decisions I have had to make since my election to Congress. In fact, I can remember only once or twice before in the 3½ years that I have served in this body that a legislative vote has been as difficult as my decision today to vote against this higher education bill.

Before coming to Congress I served on the faculty of the University of Maryland and since I have been in Congress I have been a staunch supporter of education, but this bill before us today does not deserve my support.

I am sure many of my colleagues who have previously supported education bills are in a similar position, and I am sure there will be criticism whichever way we vote. Because of the complexities of this mammoth piece of legislation, we have been placed into a "damned-if-you-do, damned-if-you-don't" situation. Depending on your point of view, either the higher education provisions or the busing provisions color your perspective.

As the Representative of Maryland's Fifth Congressional District, which includes Prince Georges County which has been the target of HEW-conceived busing schemes, obviously my primary view of this bill is influenced by the busing provisions which the conferees' compromise have rendered meaningless. After a review of titles VII and VIII of this legislation, I am convinced that a vote for this bill is a vote for busing.

As so many newspaper headlines pointed out on the morning that the conference was concluded, the conferees did yield on the all-important antibusing provisions so as to render them worthless.

What makes this compromise all the more appalling, however, is the number of times that the House has gone on record in opposition precisely to the compromise language included in this conference report. On this bill alone, the House voted for three different antibusing amendments last November:

The Ashbrook amendment—which stated that no funds appropriated for the purpose of carrying out any applicable program can be used for the transportation of students or teachers or for the purchase of equipment for such transportation in order to carry out a plan of racial desegregation of any school or school system.

The Green amendment—which forbade Federal employees from encouraging local governments or local agencies to use their money for busing.

And the Broomfield amendment—which required that all appeals must be heard before court orders are enforced.

But perhaps even more important than these three votes was the unprecedented step taken by the House to twice instruct House conferees to insist on our recorded House position. The conferees completely ignored the House instructions and sold us out on busing. It is not often that we have five votes on a single issue in a single piece of legislation, with an overwhelming vote margin in each instance. The House's view left no room for doubt as to where we stand on busing.

Of course, even before those five votes for the antibusing provisions in the House bill, this body had gone on record numerous times in the past on this issue.

I have only served in the Congress since the start of the 91st Congress in January 1969. In that time, I cast my vote against busing on at least five occasions prior to the five votes I just mentioned. Those five votes were as follows:

First. On December 18, 1969, I voted against the Senate amendments to the Labor-HEW appropriations measure which added the words "except as required by the Constitution" to language in the bill prohibiting funds from being used to force busing of students, abolishment of any school, or assignment of any elementary or secondary school student against the student's or parent's choice, and forbidding busing of students to a particular school as a condition precedent to obtaining Federal funds.

Second. On February 19, 1970, this body passed the Labor-HEW appropriations—a new bill reported after the President vetoed the December 18 measure—by a vote of 315 to 81. This bill included the same antibusing provision as the earlier bill without the Senate amendments. It also included a freedom of choice provision to the effect that no funds contained in the act be used to provide, carry out, or implement any plan that would deny any student the right of attending any public school of his choice as selected by parent or guardian.

Third. On March 3, 1970, two votes were taken on the conference report on the Labor-HEW appropriations. The first vote on a motion to table the motion to accept the watered-down Senate antibusing and freedom of choice amendment was defeated 164 to 222. The second vote to agree to the Senate language to modify the antibusing provisions "except as required by the Constitution" passed by a vote of 231 to 152.

Fourth. On June 30, 1970, this body clearly voted to table a motion to instruct conferees on the Office of Education appropriations to agree to Senate amendments to strike out provisions prohibiting use of funds appropriated under the bill for forced busing and designed to protect freedom of choice school plans.

Fifth. On November 4, 1971, this body failed to suspend the rules and pass H.R. 2266, the Emergency School Aid Act by a vote of 135 to 222, thereby expressing disapproval of Federal funding of massive busing programs.

Furthermore, I think it must be pointed out that in this conference report which we have before us, the House conferees agreed to the Senate provision to set aside 5 percent of the title VII funds—5 percent of $2 billion—for the Commissioner of Education to draw up a plan for a metropolitan school district.

The Senate conferees argued it is voluntary because two-thirds of the school districts—involving two-thirds of the children—would have to approve of such a plan. What about one-third of the school boards and parents who might oppose such a cross-school-lines desegregation plan?

I can envision the District of Columbia School Board and the Prince Georges County School Board getting together and agreeing to a plan to bus students in and out of the District of Columbia.

Does Congress have sufficient information to put its congressional stamp of approval on a $100 million authorization for the Commissioner to plan a metropolitan school district?

This cannot be defended as sound educational policy and certainly a metropolitan school district—such as the court ordered in Detroit or Richmond, Va.—cannot operate without tranporting children from one school district to another.

Furthermore—if Congress were to approve this $100 million plan for a metropolitan school district, I believe we would invite further court orders similar to those handed down in Detroit and Richmond. Some judges might well conclude that the legislative branch has indeed given its approval to a desegregation plan involving city and suburban school districts with cross-jurisdictional busing.

It would seem that my opposition to the busing compromise would be reason enough to vote against this bill and, therefore, a decision would be relatively easy. But such is not the case because, despite the reprehensible provisions of titles VII and VIII, there are eight other titles providing approximately $18 billion in various forms of financial assistance to postsecondary students and educational institutions.

I have always been a firm supporter of increased assistance for the education of our young people and I am a firm believer in the long-range benefits to a nation derived from a well-educated citizenry. I have been a particularly enthusiastic supporter of community colleges.

Educational appropriations measures have always received a high priority with me. It always seems possible to justify the need for increased funds to aid in education. I have consistently voted for provisions to increase educational opportunities for all Americans. Among those votes:

A 2-year extension of aid to elementary and secondary education programs at $5.3 billion per year.

An amendment adding $894.5 million to the fiscal year 1970 education appropriation.

For incentive payments up to 3 percent to lenders making guaranteed student loans at 7 percent.

For a $5.146 billion appropriations bill for the Office of Education and related agencies.

But despite the hard work of our colleagues on the Education and Labor Committee and the especially grueling work of the members of the conference committee, I have come to the conclusion that this time the members have just not done enough homework. The committee is offering us a piece of legislation which essentially continues many existing funding programs for postsecondary education, and the cost to the Federal Government is astronomical.

Obviously, at this time of year when commencement speeches occupy a good deal of our time, we are impressed with the thousands and thousands of bright young minds that have been enriched with 4, 5, and 6 years of higher education and who, in future months, hopefully will be enriching our society.

But, as we propound truths about the blessings of a liberal arts education, are we also giving any thought to those same young people a few months from now. Then their outlook and their attitudes would not be quite so promising or hopeful. Many of them will have found that their lofty job goals would not be realized anytime soon. What do we tell the young woman with a B.A., M.A., or Ph. D. in English or philosophy who is discouraged because potential employers are only interested in her typing and shorthand speed? And what do we tell the Ph. D. in engineering or the sciences when he is told over and over again that technological jobs have dried up? The only answer we have is that the market for the highly educated is glutted while the market for less lofty and more practical types of employment is plentiful with no one qualified or willing to fill these jobs.

What the answer to this dilemma is should have been the preoccupation of the Education and Labor Committee rather than the blanket extension of existing programs which S. 659 offers us. Obviously, higher education is big business and dependence on Federal aid is making it more so. In conjunction with this effort to make higher education available to everyone, most colleges and universities have been forced to lower their standards in order to admit greater numbers. This practice results in a great disservice to those young people who are underqualified for college work. Peer pressure causes them to make the valiant attempt to complete their course work and graduate, only to find that they end up on the bottom of the employment ladder.

While this bill takes note of the need for vocational and occupational institutions for these young people whose skills lie in areas other than strict academic learning, the funding for these programs is miniscule compared with the multimillion dollar expenditures for liberal arts colleges. The bill also will result in colleges scrambling to recruit as many low-income students as possible to garner more Federal dollars.

Further, the bill completely bypasses the needs of middle-income students and could well spell the destruction of small private colleges, as so many educators from these institutions have warned us. The distribution formula works almost entirely to the advantage of large and prestigious institutions which can actively recruit disadvantaged students, creating a situation where the rich schools would get richer and the poor schools would get poorer. Further, 90 percent of the funds provided in the bill will go to only 100 colleges.

While concentrating on funds to aid disadvantaged students, whom we all agree must be helped, the bill ignores the plight of middle-class, moderate-income families who are finding it increasingly difficult to finance college educations for their children.

The vast amounts of money this bill would make available for disadvantaged students and remedial instruction offer active encouragement for our 4-year colleges to lower their standards of excellence, cheapen their system of instruction and enroll students who are not equipped to meet the demands of higher education. That is a disservice to the student, the university, higher education and this Nation.

The bill further seeks to thrust upon our 4-year colleges a role of remedial education which appropriately should be handled in other educational institutions, not our colleges.

Finally, Mr. Speaker, while I certainly sympathize with the conferees on the endless hours of negotiation they have undergone to produce this mammoth legislation and I recognize the need for the orderly continuance of some of the programs, such as college work-study and educational opportunity grants, I cannot help but feel that the committee has overlooked some less costly alternative measures which are just languishing on the committee docket. I refer specifically to such measures as H.R. 14595, a bill which I have cosponsored to give a tax credit for the costs of higher education. Since this bill, and numerous other similar measures, have not been given any committee consideration we have no way of judging whether S. 659 is really the best solution to this country's higher education problems. My feeling is that it is not and I feel obliged, therefore, to cast my vote reluctantly in opposition to this conference report on the higher education amendments.

Mr. RANDALL. Mr. Speaker, I support the conference report on the higher education bill, which comes back to the House identified as S. 659.

It should be clear at the outset that the easy vote on this conference report would be a "no" vote, because there are so many organized groups opposing this, all the way from certain Catholic organizations to the Leadership Conference on Civil Rights, which seems to be an umbrella organization of several different civil rights groups. By voting "no" on this conference report, I suppose a Member could please and satisfy such diverse groups ranging all the way from the League of Women Voters, to the AFL–CIO, Common Cause, the Auto Workers, and even the Americans for Democratic Action. Is a "no" vote in the interest of the future of higher education in America?

To a non-Member or anyone who has not literally lived with the course of this report and studied every line of every paragraph, the debate this afternoon must have been difficult to understand and even rather confusing as to why some Members who would be expected to support an education bill were against it, and even other Members who in the past have been cool toward Federal aid to education were today in support of this conference report. I can never recall such strange coalitions on the floor of the House as happened during the discussion of this conference report.

After listening to the debate, an observer would be justified to wonder whether or not this was really a conference report on a higher education bill, as all of the titles describe it to be, or a protracted debate over the issue of busing.

Some opponents of the report have argued that title VII will prevent integration of such public facilities as parks and recreation areas, and would constitute a throwback of as much as 35 years in interracial relationships. Equally as convinced are those who contend that this same section would allow unlimited or unrestricted busing of students. The rest of us should remember that this is debate over interpretation of exactly the same language in the very same section of the same conference report by men who should be equally well informed, and all fair-minded men who are presumed to be making their interpretations in a spirit of good faith.

One way to describe the alinement of opposition to this report would be to say that all of the opponents are out on each edge of the spectrum, so to speak. Opponents consist of extreme liberals who believe that all civil rights will hereafter somehow be impaired or infringed, and on the other end of the spectrum there are those who are so conservative as to believe that this measure goes so far in terms of social legislation in the removal of lingering racial imbalance in the schools, that the legislation exceeds the mandate of any of the court decisions.

That leaves the proponents of the bill, I suppose, as being the true moderates or in this instance, occupying the high ground in the middle of the road. Let us do more work on busing in another bill after we pass this education bill.

I support the conference report on S. 659 because it extends several existing and very vital higher education programs, and also because it creates several new programs which seem to many to be meritorious and acceptable. The important point, as I see it, is that this may be our last chance for a bill on higher education this session.

The other body has already adopted this conference report and it is doubtful that they would easily return to another conference. Perhaps the only recourse would be new legislation. If we are to be practical, we have only a limited amount of legislative time left in this session after we take out the times for the two conventions, and if we expect to adjourn some time in the latter part of September or early October of this year.

I am inclined to agree that this may be one of the better post-secondary education bills that we have ever had in one package. All colleges, even those who may be opposing this bill, will benefit from it, and millions and millions of our young constituents will benefit from this bill. The vocational and occupational sections of this conference report are badly needed.

The true issue is education, not busing. There is an 18-month moratorium on busing, and that allows time for interim action both by those who believe that this bill has not gone far enough, and those who may be inclined to think it has gone too far in the prohibition of busing.

On the issue of busing, I have signed the discharge petition for a constitutional amendment against forcing attendance of any students at other than their neighborhood schools. There is nothing to stop a vigorous push for further busing limitations in other legislation, but if we do not act on this bill now there very likely will not be another higher education bill this year.

We can restrict the Federal agencies in their zeal to continue busing. We can reach these zealous bureaucrats by putting limitations on their Federal agencies in appropriations bills, but I repeat again, we may not have another chance to pass such landmark legislation on higher education.

There has been more than one conference on this higher education bill. Our body of the Congress cannot expect to succeed in getting everything that it wants. We must keep in mind that there were only 13 votes in the other body against this conference report. How can we expect that they would budge much away from their previous position when it was so pronounced?

The important thing to remember is that school will start in about 10 or 11 weeks, and there is not time enough to start all over again on a new bill. We need this legislation. We need it now.

Finally, Mr. Speaker, I suppose the real issue for those who support this bill is the recognition of what this conference report is all about. The question proponents must decide is whether they are for or against the help this report will provide to our institutions of higher learning, all the way from the small private colleges to the smaller State-supported colleges, and on down to the newer category of community colleges.

Proponents have a lighter burden to bear because they have only to reach the conclusion that they are for some assistance to these institutions of higher learning, and for some assistance to students who could not otherwise attend these institutions of learning, except for the provisions of this bill. Mr. Speaker, I support this conference report because it is a great step forward for higher education. I recognize that it is not perfect, but let us all remember that it is an education bill, and we cannot cure all the social ills of this country in a higher education bill.

Mr. THOMPSON of New Jersey. Mr. Speaker, I would like to say a word about the community college unit which is created by the higher education bill, S. 659.

It is certainly my understanding of the intent of the Senate committee, as well as of the House and Senate conferees, that this office should develop for the community colleges the clout and involvement in HEW and USOE programs consistent with their tremendous contribution and potential in education.

We have mandated for this office a Director at the level of GS-17, or the equivalent of an Associate Commissioner of Education, with the intent that the Director shall have support staff necessary to give the community colleges a strong advocate and watchdog in the affairs of the Department and USOE.

I expect this unit to play a strong role in both the planning and programing of both the Bureau of Higher Education and the new Bureau of Adult and Occupational Programs, also established in this legislation. The community college unit should also encourage and cultivate community college participation in programs outside the Office of Education, such as the programs dealing with allied health, nursing, delinquency prevention, and the aging, and also in programs even outside HEW such as small business training, law enforcement education, and various Federal services for which the community colleges are a very promising delivery system.

We did not attach the unit to the Bureau of Higher Education, or to the Division of Adult, Vocational, and Technical Programs—or its successor—since neither of these sections of USOE has been nearly as responsive to community college development as they should have been. Community colleges have been consistently shortchanged in both the staffing and support distributions of both the Bureau of Higher Education and the Division of Adult, Vocational, and Technical Programs.

It was very much my intent that the community college office should work closely with the Commissioner himself. If he chooses to structure it into the Bureau of Higher Education, then he should provide strong assurances to the Congress that the unit has the strength and mobility to have an impact on resources and programs outside the Bureau itself, and that it will not be subverted and manipulated by senior institution influences which dominate the Bureau's leadership. The fastest growing segment of higher education, which now serves some 3 million full-time and part-time students, should and must command this level and scope of the Commissioner's attention.

This section of the bill, whose importance is further underscored by the rare action of the Congress in actually specifying the grade level at which it will function, is in part a reaction to the glaring fact that the Bureau of Higher Education has been so slow to respond to community college needs and contributions. Hopefully, that response is about to change sharply.

If the Commissioner needs a mandate to work for the fair and balanced participation of community colleges in the Bureau of Higher Education, the new Bureau of Adult and Occupational Programs, and for a strong community college unit, then this legislation certainly is, in my view, that mandate.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, I do want to point out that we have most important provisions affecting the Vocational Educational Act of 1963. Certain of those programs will expire unless the conference report is adopted.

Mr. Speaker, I move the previous question.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER.** Does the gentleman's parliamentary inquiry relate to the previous question?

Mr. WAGGONNER. Mr. Speaker, it does not relate to the vote on the previous question.

The **SPEAKER.** The question is on ordering the previous question.

The previous question was ordered.

PARLIAMENTARY INQUIRIES

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER.** The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Is it correct to assume that if the House rejected the conference report on S. 659, the bill would then be restored to the status it occupied when the House asked for a conference on March 8, 1972?

The SPEAKER. The last amendment of the Senate would then be pending.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Am I correct, then, that in the event the House votes its disagreement with the conference report, the status of the bill would be that it would then be restored to the position it occupied before a conference was requested?

The SPEAKER. The Senate amendment to the House amendment would be before the House for further consideration.

Mr. WAGGONNER. Would the Speaker please clarify that? Is it the Senate amendment which would be before the House, or the House amendment?

The SPEAKER. The last action would be before the House, which is the Senate amendment.

Mr. WAGGONNER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Under the circumstance, a motion would then be immediately in order, would it not, to send it to conference with or without instructions?

The SPEAKER. The Chair will pass on that when the situation arises.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Mr. Speaker, in the event the conference report is rejected, would it then be in order to offer a preferential motion to further amend the Senate amendment in the nature of a substitute to the House amendment in the nature of a substitute to S. 659?

The SPEAKER. The Chair will pass on that matter when it is before the House.

Mr. WAGGONNER. Mr. Speaker, a further parliamentary inquiry.

SEVERAL MEMBERS. Regular order.

The SPEAKER. Regular order has been demanded.

The question is on the conference report.

Mr. WAGGONNER. Mr. Speaker, this is regular order.

The SPEAKER. That is completely within the discretion of the Chair.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Mr. Speaker, in the event that a preferential motion does become in order, who would the Chair recognize to offer that preferential motion?

The SPEAKER. That is a matter completely within the discretion of the Chair, and the Chair will pass on that matter when it is before the Chair.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it, and this will be the last parliamentary inquiry the Chair will recognize.

Mr. WAGGONNER. Mr. Speaker, does not a preferential motion, if we reach that point in time, supersede other instructions?

The SPEAKER. The Chair cannot pass on that, because the Chair at this time cannot anticipate what motions may be made.

Mr. PUCINSKI. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair will not recognize for further parliamentary inquiries.

The question is on the conference report.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 218, nays 180, not voting 34, as follows:

[Roll No. 195]

YEAS—218

Abourezk
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Ashley
Aspin
Aspinall
Barrett
Begich
Bell
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Mass.
Burlison, Mo.
Byrne, Pa.
Carey, N.Y.
Carter
Cederberg
Chamberlain
Clausen, Don H.
Conover
Conte
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
de la Garza
Dellenback
Dent
Dingell
Donohue
Dorn
du Pont
Dwyer
Edmondson
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Fish
Flood
Foley
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Fuqua
Gaydos
Gonzalez
Grasso
Gray
Green, Pa.
Gubser
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Horton
Hosmer
Howard
Hungate
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Kuykendall
Kyl
Kyros
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
McCloskey
McClure
McCormack
McFall
McKay
McKinney
Macdonald, Mass.
Mailliard
Mallary
Matsunaga
Mazzoli
Meeds
Melcher
Miller, Ohio
Minish
Mink
Minshall
Mollohan
Monagan
Moorhead
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer, N.C.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Roy
Roybal
Ruppe
St Germain
Sarbanes
Scherle
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Shoup
Shriver
Skubitz
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Symington
Talcott
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Ware
White
Widnall
Wiggins
Williams
Winn
Wolff
Wright
Wylie
Yates
Young, Fla.
Zablocki
Zion
Zwach

NAYS—180

Abbitt
Abzug
Alexander
Anderson, Tenn.
Andrews, Ala.
Annunzio
Archer
Arends
Ashbrook
Badillo
Baker
Baring
Belcher
Bennett
Betts
Bevill
Blackburn
Blanton
Bolling
Bow
Bray
Brinkley
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Casey, Tex.
Celler
Chisholm
Clancy
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conyers
Corman
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellums
Dennis
Devine
Dickinson
Dow
Downing
Drinan
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Evins, Tenn.
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Fountain
Fraser
Frey
Fulton
Galifianakis
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Hagan
Haley
Hall
Harrington
Hawkins
Hays
Hébert
Henderson
Hillis
Hogan
Hull
Hunt
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
Kastenmeier
King
Koch
Landgrebe
Landrum
Lennon
Long, La.
McCollister
McCulloch
McDade
McDonald, Mich.
McKevitt
Madden
Mahon
Mann
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Mills, Ark.
Mills, Md.
Mitchell
Mizell
Montgomery
Natcher
Nichols
Patman
Pirnie
Poage
Poff
Powell
Price, Ill.
Purcell
Rangel
Rarick
Reuss
Rhodes
Roberts
Robinson, Va.
Rogers
Rosenthal
Rousselot
Runnels
Ruth
Ryan
Sandman
Satterfield
Saylor
Schmitz
Scott
Shipley
Sikes
Sisk
Slack
Smith, Calif.
Snyder
Spence
Steiger, Ariz.
Stokes
Stubblefield
Stuckey
Sullivan
Taylor
Teague, Tex.
Thompson, Ga.
Ullman
Vander Jagt
Veysey
Waggonner
Waldie
Wampler
Whalen
Whalley
Whitehurst
Whitten
Wilson, Charles H.
Wyatt
Wydler
Wyman
Young, Tex.

NOT VOTING—34

Abernethy
Burton
Carney
Chappell
Clark
Clawson, Del
Danielson
Denholm
Derwinski
Diggs
Dowdy
Eshleman
Gallagher
Griffiths
Gude
Halpern
Holifield
Lujan
McClory
McEwen
McMillan
Martin
Metcalfe
Mikva
Miller, Calif.
Moss
Passman
Price, Tex.
Pryor, Ark.
Rooney, N.Y.
Springer
Terry
Wilson, Bob
Yatron

So the conference report was agreed to.

The clerk announced the following pairs:

On this vote:

Mr. Yatron for, with Mr. Abernethy against.

Mr. Denholm for, with Mr. Diggs against.

Mr. Holifield for, with Mr. Passman against.

Mr. Clark for, with Mr. Rooney of New York against.

Mr. Pryor of Arkansas for, with Mr. Price of Texas against.

Mrs. Griffiths for, with Mr. Derwinski against.

Mr. Gude for, with Mr. Martin against.

Mr. McClory for, with Mr. McEwen against.

Mr. Eshleman for, with Mr. Halpern against.

Mr. Gallagher for, with Mr. Mikva against.

Mr. Carney for, with Mr. Metcalfe against.

Mr. Danielson for, with Mr. Chappell against.

Mr. Moss for, with Mr. Terry against.

Mr. Miller of California for, with Mr. Dowdy against.

Until further notice:

Mr. Burton with Mr. Bob Wilson.
Mr. McMillan with Mr. Springer.
Mr. Lujan with Mr. Del Clawson.

Messrs. KYL, SMITH of Iowa, SCHERLE, and BIAGGI changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 798 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 798

Resolved, That effective January 3, 1972, the further expenses of the studies and investigations to be conducted pursuant to H. Res. 27 by the Committee on the District of Columbia, acting as a whole or by subcommittee, not to exceed $30,000 including expenditures for the employment of investigators, attorneys, and experts, and clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized and signed by the chairman of such committee and approved by the Committee on House Administration.

SEC. 2. The chairman, with the consent of the head of the department or agency concerned, is authorized and empowered to utilize the reimbursable services, information, facilities, and personnel of any other departments or agencies of the Government.

SEC. 3. The official committee reporters may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

SEC. 4. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on the District of Columbia shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 5. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to inquire as to whether or not this resolution has met the requirements of having been printed and in the hands of Members for the requisite number of days?

I am happy to yield to the gentleman from New Jersey for a reply.

Mr. THOMPSON of New Jersey. Mr. Speaker, this particular resolution was printed in the RECORD approximately 2 weeks ago.

Mr. HALL. Mr. Speaker, my inquiry does not go to whether or not it was printed in the RECORD, but whether the resolution was printed, filed, and available for the Members for the requisite 3 days.

Mr. THOMPSON of New Jersey. Yes, sir.

Mr. HALL. May I ask the distinguished gentleman further if this represents a reduction in the funding of the committee work for this year?

Mr. THOMPSON of New Jersey. I did not hear the gentleman's question.

Mr. HALL. Mr. Speaker, to rephrase my question, Is the $30,000 allowed here the total amount that was requested by the committee?

Mr. THOMPSON of New Jersey. Yes. May I respond to the earlier question?

Mr. HALL. Yes.

Mr. THOMPSON of New Jersey. This represents for this Congress approximately $42,000 less than this committee had in the preceding Congress.

Mr. HALL. Mr. Speaker, I thank the gentleman, and I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 839 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 839

Resolved, That the further expenses of the investigations and studies to be conducted pursuant to H. Res. 21 by the Committee on Merchant Marine and Fisheries, acting as a whole or by subcommittee, not to exceed $277,500, including expenditures for the employment of investigators, attorneys, individual consultants, or organizations thereof, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. However, not to exceed $10,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Merchant Marine and Fisheries shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman from New Jersey if all of these resolutions for funding of committees have been cleared with the minority?

Mr. THOMPSON of New Jersey. Every one of them.

Mr. HALL. Did they come out of the committee by unanimous consent?

Mr. THOMPSON of New Jersey. All by unanimous votes.

Mr. HALL. May I ask again, since this particular resolution was discussed yesterday, whether or not there has been a reduction in the total request for funding?

Mr. THOMPSON of New Jersey. I might say to the gentleman that there was a reduction from $277,500 to $227,500.

Mr. HALL. In other words, a reduction of $50,000?

Mr. THOMPSON of New Jersey. Yes, a reduction of $50,000.

Mr. HALL. I notice this is not carried forward in the report. May I inquire of the gentleman as to whether or not there was an error in printing or whether the reduction as stated on the floor yesterday and now repeated today is verified?

Mr. THOMPSON of New Jersey. It is verified. There was an error in printing.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, line 4, strike out "$277,500" and insert in lieu thereof "$227,500".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR SELECT COMMITTEE ON THE HOUSE RESTAURANT

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 948 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 948

Resolved, That effective January 3, 1972, expenses incurred by the Select Committee on the House Restaurant, pursuant to H. Res. 317 not to exceed $29,500 including expenditures for the employment of clerical, stenographic, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1964 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. The chairman of the Select Committee on the House Restaurant shall furnish the Committee on House Administration information with respect to the activities of the select committee intended to be financed from the funds authorized by this resolution.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON PUBLIC WORKS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 1000 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1000

Resolved, That, effective from January 3, 1972, the expenses of the investigations and studies to be conducted pursuant to H. Res. 142, by the Committee on Public Works acting as a whole or by subcommittee, not to exceed $798,890, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)) shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $75,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Public Works shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PEACE CORPS ACT AMENDMENTS OF 1972

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1011 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1011

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14149) authorizing continuing appropriations for Peace Corps, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, I yield myself such time as I may use, and at the conclusion of my remarks I yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, House Resolution 1011 provides an open rule with 1 hour of general debate for consideration of H.R. 14149, Peace Corps Act Amendments of 1972.

The main purpose of H.R. 14149 is to authorize appropriations for the Peace Corps for fiscal year 1973.

The bill authorizes $88,027,000 for fiscal year 1973—$72.2 million for international programs, $14,828,000 for support programs, and an adjustment of $999,000 because of the pay raise effective January 1 of this year.

Not more than $350,000 of the authorized funds may be used in any fiscal year for the encouragement of voluntary service programs. These funds may be contributed to educational institutions, private voluntary organizations, and so forth, to pay a proportionate share of costs to encourage the development of and participation in international voluntary programs.

The Peace Corps National Advisory Council is abolished effective 90 days after enactment of legislation establishing a National Advisory Council for ACTION, or enactment of this legislation, whichever is later.

There is expected to be a high turnover in personnel this year because of the "5-year rule," which was enacted in 1965 limiting service to 5 years unless the Director approves a 1-year extension under special circumstances.

At the end of last year there were 6,985 volunteers and 720 programs in 57 foreign countries.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my understanding of House Resolution 1011 permitting the consideration of H.R. 14149 is in accordance with the statement made by the gentleman from Massachusetts (Mr. O'NEILL) and I urge the adoption of the resolution.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14149) authorizing continuing appropriations for Peace Corps, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MORGAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14149, with Mr. BURKE of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. MORGAN) will be recognized for 30 minutes, anl the gentleman from California (Mr. MAILLIARD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of H.R. 14149, the Peace Corps Act Amendments of 1972.

H.R. 14149 is a short bill and a simple bill. Its primary purpose is to authorize an appropriation of $88,027,000 to finance the operations of the Peace Corps for fiscal year 1973. This is the full amount sought by the administration for international operations of Action, that is, the Peace Corps. The breakdown is as follows:

International programs	$72,200,000
Support programs	14,828,000
Adjustment to reflect Federal pay raise, effective January 1972	999,000
Total	88,027,000

It should be noted that the executive request was for a continuing authorization of appropriations for the Peace Corps, which did not actually specify a dollar amount or time limitation. Our committee disapproved that request in the belief that an annual review of Peace Corps programs and activities via the regular authorization process is essential, particularly during this period when the Agency is undergoing major organizational changes and a redirection of many of its overseas programs. Instead, we authorized the amount the administration indicated was needed for one year—that is fiscal year 1973.

Additionally, the Committee on Foreign Affairs disallowed the administration's request for authority to shift up to

10 percent of appropriated funds within Action—that is from domestic to international operations and vice versa—to meet emergency situations. It was felt that the grant of such broad authority would constitute an unwarranted impairment of the committee's legitimate oversight responsibilities.

H.R. 14149 also provides an authorization of not more than $350,000 in any fiscal year in support of international voluntary service programs and activities. Lastly, the bill before us contains the requested authority to abolish the Peace Corps National Advisory Council, effective 90 days after the enactment of legislation establishing a National Advisory Council for Action—or enactment of this bill, whichever is later.

I might point out, Mr. Chairman, that almost $3.5 million of the current Peace Corps budget for fiscal year 1973 represents expenses which should have been incurred in fiscal year 1972, but for which sufficient funds were not available. This includes about $3.2 million in training costs and an additional $300,000 in deferred separation travel for volunteers completing their normal 2-year tours. Another almost $1 million—$999,000 to be exact—represents increased costs directly attributable to a Federal pay raise, effective in January of this year.

As many Members are aware, the Peace Corps has undergone a financial crisis during the last 6 months of the current fiscal year and a word or two of explanation may be in order: From July 1, 1971, until last December, the Peace Corps had been operating on a continuing resolution, approved on a month-to-month basis—pending definitive action on its appropriation request by the Congress. This meant that until December 1971 they were spending at the rate of, first, $82 million and subsequently, $77 million per year. Beginning in December, however, the Peace Corps was cut back to a rate of $72 million per year.

In February 1972, when House-Senate conferees finally agreed to an appropriation of $72 million, it became clear that a drastic reduction in current operating expenses would have to be made for the balance of this fiscal year. At one point, in fact, cables were prepared for transmission to the field which would have called for the immediate return of some 2,313 volunteers before their contractual 2-year assignments had been completed. The necessity for such a move was eventually obviated by the transfer of $2.6 million to the Action agency from the Agency for International Development. I should add that this emergency action was taken in consultation with and with the full approval of the distinguished chairman of the Appropriations Subcommittee on Foreign Operations (Mr. PASSMAN.) Although the premature return of volunteers from overseas was thus avoided, much of the savings took the form of deferred expenditures—that is, by delaying volunteer travel past July 1, 1972, and by deferring payments for training of volunteers. Since these are fixed costs—the bill must be paid eventually. Hence the inclusion of these amounts in the current Peace Corps budget.

As a result of these cuts in appropriated funds, Action officials have instituted rather drastic economies in the agency's international operations. These include the elimination of 60 overseas staff positions—from 330 to 270—and the termination of 130 administrative and program staff, both in Washington and abroad.

Although from the standpoint of legislative review, certain jurisdictional problems have inevitably arisen as a consequence of the year-old merger of the Peace Corps with a number of domestic voluntary action programs into a single agency called Action, it appears that certain economies in administrative and program support costs have been achieved through this consolidation. At the same time, I want to emphasize—as I did last year—that this reorganization made absolutely no change in the Peace Corps Act. The Peace Corps is still governed by the same provisions of law that were in effect before the administration's Reorganization Plan No. 1 of 1971 went into effect. Except for the minor modifications contained in H.R. 14149, as amended by our committee, these provisions will continue to apply in the forthcoming fiscal year.

Mr. Chairman, although the basic legislation is not changed by this bill, the Peace Corps itself has undergone a considerable qualitative transformation during the past several years. The Peace Corps is now recruiting people with technical skills which are needed in the less developed countries, such as mechanics, farmers, and specialists in watershed management and soil conservation. Even in the field of education, the emphasis has shifted away from direct classroom teaching in the primary and secondary schools to vocational and teacher training and the development of curriculum. Under this redirection of the program, the Peace Corps is sending overseas fewer liberal arts graduates just out of college.

By the end of 1971, 6,985 Peace Corps volunteers were participating in 720 distinct programs abroad in 57 countries. This represents a modest reversal of the steady decline in overall Peace Corps strength from 12,313 in calendar year 1966 to 6,900 in calendar year 1970. Last July, I might add, the Peace Corps predicted a total strength of only 6,200 in calendar year 1971 and 6,690 in calendar year 1972. This increase in the number of new recruits during 1971 is based, at least in part on the willingness of the Peace Corps to send an increasing number of volunteer families abroad and a simultaneous lessening of the earlier emphasis on youth. Obviously, the new volunteers are both more experienced and more mature.

Perhaps as a partial consequence of this fact, the Peace Corps has experienced no major disciplinary problems over the past year—involving either the volunteers or the staff. To the best of my knowledge, there have been no instances of volunteers becoming involved in political activity or demonstrations of any kind. And the Peace Corps has not been kicked out of any country since I last stood before this body in defense of the Peace Corps authorization bill of last year. I mention this point because I know it has traditionally been of considerable interest to a number of my distinguished colleagues.

I might add that the new programs over the past couple of years—in such countries as Zaire—formerly the Congo—Morocco and Mauritius—have been welcomed by the host governments concerned. In fact, during the recent budget crisis, two governments even volunteered to increase their contributions—either in cash or in kind—to insure the continuation of Peace Corps operations in their respective countries.

Mr. Chairman, the Peace Corps has rendered an important service to the people of the less-developed countries. Moreover, the volunteers are providing a variety of skills and increasingly important services for a fraction of their real value—that is, at bargain rates for the U.S. taxpayer. We should not forget, however, that the Peace Corps has also rendered a great service to the people of the United States. I believe that the vast majority of returned volunteers—and there are presently 51,000 in this category—have benefited from their foreign assignments and that most of them are better citizens because of this experience. I also believe that all of us benefit from their presence among us.

Mr. Chairman, it is important that the Peace Corps continue to operate and operate effectively. H.R. 14149, as amended, will fulfill this objective and I urge its adoption.

Mr. CHARLES H. WILSON. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I am glad to yield to the gentleman from California.

Mr. CHARLES H. WILSON. I have been a supporter of this program since its inception and I have felt it has been a worthwhile program. However, I have talked to the parents of young people who have returned from serving in the program in recent years and have found a great disenchantment with it. They have reported that their offsprings have come back drug addicts. They have become misfits. They have been unable to situate themselves in society upon their return.

The gentleman has mentioned certain areas in which the program is working and they sound worthwhile, but I am wondering if the gentleman can tell us how it is really helping our country and whether we are making a contribution which is worthwhile to the United States of America.

Mr. MORGAN. As the gentleman knows, the program has been in effect since 1961. There are now about 51,000 returned volunteers who have returned to private life in this country. I am sure there is a small minority of that number, the same as we have returning from Vietnam and other places, who have become addicted to drugs. But I think the number of such individual is very few and constitutes a small minority of the 51,000. Most of the volunteers who have returned to this country are engaged in productive work such as education, community activities, as well as private industry. They are doing an excellent job.

I feel the service that they have rendered overseas in the Peace Corps has been very valuable. I realize that some young men, the same as in our military in Vietnam, have gotten into serious trouble overseas.

Mr. CHARLES H. WILSON. As the gentleman is aware, once a program is started, it is very difficult to discontinue it, and that is why I asked the gentleman whether he could assure me that the program is actually making a contribution toward our Nation's efforts to get along in the world and is a worthwhile contribution, and not merely a continuation of an old program that we feel we must continue just to keep it going. If so, perhaps I will support it, but I am inclined right now to feel that we have no further need for it.

Mr. MORGAN. I might point out to the gentleman, as an example, that a new medical center called the John Kennedy Center has been built, which our highly skilled medical people are operating with physicians, nurses, and technicians. They are training many specialists and technicians. The Peace Corps has come a long way from the first days the gentleman from California and myself first supported it.

Mr. CHARLES H. WILSON. I thank the gentleman very much.

Mr. MAILLIARD. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from California is recognized.

Mr. MAILLIARD. Mr. Chairman, I rise in strong support of this bill, which would authorize funds for the operation of the Peace Corps in fiscal year 1973.

Our distinguished chairman has reviewed in some detail the current status of the Peace Corps, and has described what is contained in the recommendation of the committee as an authorization of $88,027,000, asking that it be approved by the House. I certainly do not want to go over the same ground, and I have only a few comments I would like to make.

I would like to emphasize today that the funds recommended for authorization are needed both for a slightly expanded program in the year ahead and to pick up certain training and other expenses which were deferred because of the financial crunch that the Chairman described that the Peace Corps faced last year. This situation came about because of the drastically reduced appropriation, finally agreed to in February of this year, after the Peace Corps had been spending under a continuing resolution at a higher rate for the previous part of the fiscal year. The delay on the part of Congress made it extremely difficult for the Peace Corps to conduct its operation in an efficient manner.

Nevertheless, I believe that the leadership of the Corps deserves our commendation for a very effective operation. Administrative overhead has been cut to the bone.

In addition to a reduction in administrative staff of over 12 percent from fiscal year 1969 to fiscal year 1971, 60 overseas staff positions were eliminated, and 130 administrative and program staff personnel were terminated for economy reasons during fiscal year 1972.

I think they also deserve credit from us for their efforts to redirect the program so that it effectively meets the needs of the host countries for more volunteers with practical experience and technical skills. In addition, the pilot program for sending families abroad has been highly successful. These new directions in Peace Corps programing have stimulated much interest and in 1971 reversed a 4-year downward trend in applications to participate in the program. This renewed interest is now being sustained, and I am advised that this year applications to date already equal the number for the entire year of 1970.

It is worth noting, I believe, that the caliber of the applicants is at a very high level, which is enabling the Peace Corps to be very selective in those it chooses for overseas service. The great experience and maturity of the volunteers being selected appears to have had beneficial effects overseas. In the past year in the Peace Corps, as the chairman explained, there have been none of the problems that did plague the Peace Corps in prior years, and I, for one, feel that the program is going very well and deserves the full support of the House.

Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I join the chairman and the distinguished ranking minority member and other members of our committee in strong support of this legislation. I would call to the attention of the committee the supplemental views submitted with the report by our colleague, the gentleman from Illinois (Mr. DERWINSKI) in which he says:

> The Peace Corps represents an important national asset, which merits the full support of the Congress.

Joseph Blatchford deserves the congratulations of the Congress and the people for the significant changes which have been made in recent years in the Peace Corps. The higher level and broader range of skill and the greater degree of maturity and experience represented in Peace Corps Volunteers have made a good idea in foreign policy even better. It is ironic that last year the Peace Corps should have had funding difficulties created by the Congress when it continued to enjoy a very high level of public support. In recent polls 80 percent of the American people reflected their support of the Peace Corps. I believe it enjoys that support on the part of the Congress as well. Our failure to authorize and appropriate sufficient funds for last fiscal year, however, created a crisis for the Peace Corps at the very time when host country requests for Peace Corps volunteers were at an all-time high and many more high-caliber people were volunteering for service than the Peace Corps could employ and support even if its full request had been honored by the Congress.

This same situation prevails in an even more marked degree at present concerning host country requests and a surplus of high-quality applicants. It is therefore, my profound hope that the Congress will both authorize and appropriate the full amount requested to carry on this vital aspect of our Nation's foreign policy.

The entire Peace Corps request is but a tiny drop in the ocean of Federal expenditures. Yet it sustains what has proven itself to be an important national asset which does much good for our country and in the world.

Mr. Chairman, this legislation deserves our full support. I urge my colleagues to both authorize and appropriate these needed funds for the Peace Corps operations.

Mr. MORGAN. Mr. Chairman, I have no further requests for time.

Mr. MAILLIARD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Peace Corps Act Amendments of 1972".

SEC. 2. The first phrase of section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)), ending with a colon, is amended to read:

"(b) There are authorized to be appropriated to the President such sums as may be necessary to carry out the purposes of this Act:".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On the first page, strike out line 5 and all that follows down through page 2, line 2, and insert in lieu thereof the following:

SEC. 2. Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended by striking out "1972" and "$77,200,000" and inserting in lieu thereof "1973" and "$88,027,000", respectively.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. Section 3 of the Peace Corps Act (22 U.S.C. 2502) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, not to exceed 10 per centum of the sums appropriated or otherwise fixed by law to Action for a fiscal year to carry out any activity or function vested in that agency may be transferred and used by the Director for the purpose of carrying out any other such activity or function."

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 4, strike out all of section 3.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. Paragraph 2 of subsection (b) of section 301 of the Peace Corps Act (22 U.S.C. 2501a), which relates to encouragement of voluntary service programs, is amended by deleting "$300,000" and substituting therefor "$350,000" and deleting "1971" and inserting before the word "fiscal" the word "any".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 13, strike out "SEC. 4" and insert "SEC. 3".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. Section 12 of the Peace Corps Act (22 U.S.C. 2511) is repealed, and the Peace Corps National Advisory Council is abolished, effective ninety days after the enactment of legislation establishing a National Advisory Council for Action, or the enactment of this bill, whichever is later.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 19, strike out "SEC. 5" and insert "SEC. 4".

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14149) authorizing continuing appropriations for Peace Corps, and for other purposes, pursuant to House Resolution 1011, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrosed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "A bill to authorize appropriations for the Peace Corps, and for other purposes."

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 14734, AUTHORIZING APPROPRIATIONS FOR DEPARTMENT OF STATE AND FOR U.S. INFORMATION AGENCY

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, FOUNTAIN, FASCELL, MAILLIARD, FRELINGHUYSEN, BROOMFIELD, and THOMSON of Wisconsin.

EXEMPTING THE MANAGERS ON THE PART OF THE HOUSE ON H.R. 14734 FROM CERTAIN RESTRICTIONS

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House appointed on the bill H.R. 14734 not be bound by the restrictions of clause 3, rule XX.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HALL. Mr. Speaker, reserving the right to object, may we have an explanation of what this exemption is, please?

Mr. MORGAN. Will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman.

Mr. MORGAN. Mr. Speaker, the Senate has combined in a single bill three authorizations which passed the House as separate bills:

H.R. 13336, the authorization for the Arms Control and Disarmament Agency, passed the House April 12, 1972;

H.R. 14734, the authorizations for the Department of State and the United States Information Agency, passed the House May 17, 1972; and

The House this afternoon has passed H.R. 14149, the Peace Corps authorization.

All of these authorizations are included in the bill passed by the Senate May 31.

The Senate took H.R. 14734, the State Department and U.S. Information Agency authorizations, struck out all after the enacting clause and inserted the text of their omnibus bill, including the authorizations for the Arms Control and Disarmament Agency and the Peace Corps, and asked for a conference.

Technically, these two authorizations might be considered nongermane to the House bill which authorizes funds only for the Department of State and the U.S. Information Agency. I have requested that the House conferees not be bound by the rule on germaneness.

The problem is getting all three of the authorizations which have passed the House and passed the Senate to conference.

The purpose of my unanimous-consent request is merely to make it possible for us to take the three House bills to conference so that we can consider them and the omnibus Senate bill at the same time.

I believe this will conserve the time of the House and expedite the completion of our work.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF JUNE 12

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader as the program for the remainder of this week, if any, and the schedule for next week.

Mr. BOGGS. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the request of the distinguished minority leader, we have completed the legislative business for this week, and I intend to ask to go over to Monday.

Monday is District day, but there are no bills from the District Committee. We have scheduled H.R. 10792, the SBA loan ceiling, which will be called up under an open rule with 1 hour of debate.

Also H.R. 12846, the Armed Forces drug treatment program, with an open rule and 1 hour of debate.

On Tuesday and the balance of the week H.R. 14370, State and Local Fiscal Assistance Act, with a closed rule and 8 hours of debate. That is the revenue-sharing bill.

Also the Labor-HEW appropriation for fiscal year 1973 and the Interior appropriation for fiscal year 1973.

On Wednesday we will observe Flag Day, which is customary, and on Thursday the President of Mexico will address a joint meeting of the House and Senate here.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

Mr. GERALD R. FORD. Would the gentleman from Louisiana tell the House, is there a distinct possibility or not for a session next Friday?

Mr. BOGGS. Well, I would say there is a possibility. I do not want to rule out a session next Friday. If both appropriation bills are not considered, there would not be a session next Friday, but the plan is to call up both of them so at this time I just do not know.

Mr. GERALD R. FORD. Next Friday is a third Friday.

Mr. BOGGS. That is correct. It is an eligible Friday.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the report of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent the business in order on Calendar Wednesday next week may be dispensed with.

The SPEAKER. Is there objection to

the request of the gentleman from Louisiana?

There was no objection.

SUGGESTED USE OF POW'S AS SHIELDS IS REPREHENSIBLE AND MISCHIEVOUS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 10 minutes.

Mr. TALCOTT. Mr. Speaker, in a post-California primary interview over NBC, one of our colleagues suggested that General Giap of the Government of North Vietnam take 700 of our POW's and place one each in 700 city squares throughout North Vietnam—and that this tactic would certainly force us to stop our bombing of North Vietnam.

Because the gentleman from California (Mr. MCCLOSKEY) is a personal friend and once served in a military capacity, I do not want to believe what I have heard and seen.

This is a horrendous suggestion by a public official of the United States or of any civilized nation. The rationale is specious as well as mischievous.

Our military personnel now incarcerated by the North Vietnamese Government have never been considered or treated as prisoners of war under any international treaty, agreement, or understanding. They have been treated simply as hostages. At best, their treatment has been wretched and nefarious.

No nation has ever waged a more vicious war of terror and aggression against another people than North Vietnam is waging against the people of South Vietnam, Laos, and Cambodia. No military authority has ever treated captured military personnel more inhumanely. The Nazis baked political prisoners in ovens and made lampshades from human skins, but they complied with international rules of warfare respecting captured military personnel. They never suggested using POW's as hostages or shields.

The commanding general of the North Vietnamese military needs no suggestion from a Member of the Congress on how to mistreat captured military personnel or cause agony and worry to their families and loved ones at home.

I strongly wish that a mutual ceasefire could be adopted, that the fighting, bombing, shooting, and killing could stop, the war ended, and peace prevail. This will require the initiative, resolve and action of both sides. Perhaps it can be achieved soon; but in the meantime the suggestion that POW's be used as shields is barbarous.

Actually our POW's would be safer in the city squares than in camps or prisons near military targets. Placing POW's near military facilities would be an heinous and explicit violation of the Geneva conventions.

We as Members of the Congress and human beings interested in the humanitarian treatment of other human beings should be urging compliance rather than violations of the Geneva conventions.

The wives and families of our POW's and our MIA's have every reason to be shocked and angered by this suggestion. I trust the gentleman will retract his suggestion. I am confident he never intended the barbarous implication of his remarks.

Let us urge both sides to mutually cease fire and negotiate a peace so that all killing, terror, apprehension, and agony of servicemen, civilians, and their families can be ended so that all peoples can live in true peace with freedom.

The President's proposal for peace seems to be the best and most generous proposal yet offered.

Using prisoners of war in such a diabolic way would violate every rule of law and international agreement. This use of prisoners would violate every tenent of humanitarian treatment of human beings.

His premise is a mischievous misrepresentation of the purpose, policy, and practice of our present bombing in North Vietnam. The targets are military, not city squares. Cities are not being bombed. Although accidents and mistakes can and do occur, especially during war, we are scrupulously avoiding strictly civilian structures and civilian personnel.

Our targets have military value—surface-to-air missile sites; ammunition and fuel storage dumps; transportation and logistics systems; powerplants; marshaling yards for tanks, weapons, and trucks; and concentrations of troops and fuel supplies.

We have taken extraordinary precautions to warn their government, their people, and their suppliers of our objectives and targets. We have been extraordinarily successful. We all know that if our bombing was hitting civilian structures or injuring civilian personnel that the North Vietnamese Government would supply the world media with plenty of documentary photographs and I am confident they would find some newspaper or television network to publish the photos for all of America and the world to see. But this has not happened. And although I wish that the bombing, mining, shooting, and killing were not occurring, I am grateful that our objectives are military and not civilian. I wish also that the objectives, policies, and practices of the North Vietnamese were the same.

HIGHER EDUCATION ACT

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. MCDONALD) is recognized for 10 minutes.

Mr. McDONALD of Michigan. Mr. Speaker, I am taking this special order today, because there was not sufficient time allotted during the debate on the Higher Education Act conference report.

If time had been allotted to me today to make my remarks they would have been basically in agreement with those made by our distinguished minority leader, GERALD FORD.

I voted against the conference report because the so-called antibusing amendment would have no positive effect on the busing problem within my congressional district, and as was pointed out by Congressman FORD, experts have suggested that it may have no effect on busing whatsoever.

Mr. Speaker, at this time I quote an article and editorial of May 18 and 19 of the New York Times:

> The Amendment (Broomfield) would delay for up to nineteen months, pending all appeals, any Federal Court orders requiring busing to *achieve racial balance*. On that basis, it does not prohibit busing necessary for school desegregation. It merely adheres to the Supreme Court's ruling that it is proper for the Lower Courts to order busing to achieve integration but not to create racial balance.

The Broomfield amendment was also changed in conference so that it applies only through 1973.

The full impact of conference committee changes in the House antibusing amendments is described in the article in the May 18 New York Times:

> The compromise would also permit Federal money to be used for busing if this was sought by local officials, and it would allow Federal officials to encourage busing under the Civil Rights Act of 1964.
>
> The conferees basically accepted the Senate language outlawing busing only if it endangered the health of pupils or required them to be sent to inferior schools.

The liberal New York Times editorial described the conference action as follows:

> The Conference compromise, which closely resembles the earlier Scott-Mansfield Amendment, is designed to do as little harm as possible. Its liberal authors would undoubtedly agree that it serves no constructive purpose in its own right; rather, it is a shield for saving the college campuses without actively sabotaging school integration.

For all of the above reasons stated, I opposed the conference report.

PART III—CHILDREN'S ALLOWANCES

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I insert the third and final excerpt of the study on the various children's allowances proposals all over the world. The charge that these programs spur the birth rate is one which I believe to be groundless, based on Canada's experiences. I submit your special attention to the section entitled "Impact on Birth Rates" in this study:

IMPACT OF BIRTH RATES

OTHER MEASURES

> Table 3 provides a comparison of the expenditures for children's allowances in terms of both total social security expenditures and the GNP in each of the five countries under consideration. The definitions set forth in a 1967 study[15] by the International Labor Organization (ILO) were used to update the expenditures for 1966, 1967, and 1968 as far as possible.

Footnotes at end of article.

TABLE 3.—EXPENDITURES FOR CHILDREN'S ALLOWANCES AS A PERCENT OF TOTAL SOCIAL SECURITY EXPENDITURES AND OF GROSS NATIONAL PRODUCT. FIVE COUNTRIES, 1966–68

Country	Expenditures for children's allwances					
	As percent of total social security expenditures[1]			As percent of gross national product		
	1966	1967	1968	1966	1967	1968
Canada[2]	12.7	11.2	9.3	1.0	1.0	0.9
France	25.3	24.5	24.5	3.7	3.6	3.6
Sweden[3]	9.2	8.2	6.8	1.3	1.3	1.2
United Kingdom	3.7	3.6	5.9	.4	.4	.7
West Germany	4.3	3.5	3.2	.7	.6	.6

[1] Social security expenditures include administrative expenditures but generally exclude those for government employee programs, industrial occupational pension plans, and benefits under private medical care insurance plans. The data used here, except as otherwise noted, are defined as in "The Cost of Social Security" (International Labor Organization), 1967.

[2] Children's allowances include family allowances and youth allowances but exclude the schooling allowances of the Province of Quebec. Social security expenditures exclude housing, education, and agricultural price support programs.

[3] Children's allowances for 1967 estimated.

Source: Data for children's allowances: Canada—Department of National Health and Welfare, Annual Report, Fiscal Year Ending March 31, 1968, pp. 127–128; France—Ministere de l'Economie et des Finances, Statistiques et Etudes Financieres, pp. 406–417; Sweden—1966 from Social Security in the Nordic Countries, 1966 (Statistical Reports of the Nordic Countries, No. 16, Copenhagen, 1969), and 1968 from the Swedish Embassy, Washington, D.C.; United Kingdom—Annual Abstract of Statistics, 1969; West Germany—Der Bundesminister fur Arbeit und Sozialordnung, Arbeits und Sozialstatistische Mitteilungen, July 1969, pp. 209–211. Data for social security expenditures: Canada—Department of National Health and Welfare, Social Security in Canada, 1969, p. 77; France—same as children's allowances; Sweden—1966 and 1967 from Social-Nytt, No. 5, 1969, p. 17, and 1968 from the Swedish Embassy in Washington, D.C.; United Kingdom—Annual Abstract of Statistics, 1969; West Germany—same as children's allowances. Data for gross national product: International Monetary Fund, International Financial Statistics, March 1970.

In 1968, the results relate favorably to the data in table 2. France is well ahead of the other countries with about one-fourth of all social security outlays going to children's allowances. Except for Canada, the other countries rank in the same order as they did in relation to average earnings: Sweden, the United Kingdom, and West Germany.

For Canada, the proportion of total social security expenditures directed toward children's allowances—9.3 percent—indicates relatively low total expenditures rather than high children's allowances. This point is borne out by the GNP figure, which is considerably lower for Canada than for the other countries. Still, expenditures have risen substantially with the maturing of the Canada and Quebec pension plans and the lowering of the retirement age year by year.

Except for the United Kingdom, national outlays for children's allowances account for a declining proportion of total social security expenditures as defined and calculated by the ILO. These allowances have been increasing at a slower rate than other social security expenditures. With the ad hoc method of adjustment, the allowances have tended to remain at a given benefit level longer than other social security benefits, which are often tied to a consumer price index or an earnings ratio.[16] And rapid expansion in other social security programs may have adversely affected the availability of funds for children's allowances. In recent years, the United Kingdom's renewed interest in child welfare caused a notable reversal in its spending share for children's allowances. In 1968, payments of children's allowances as a percentage of total social security expenditures rose markedly, reflecting the first benefit increase in such allowances since 1956.

As table 4 shows, the consumer price index outpaced the benefit rate index throughout the entire period in both Canada and France, before 1964 in West Germany, and before 1967 in the United Kingdom. Only in Sweden has the rate index been well ahead of the consumer price index since the early days of the program.

If the trend for this group of countries is indicative of developments in other countries with children's allowances, benefit levels in most programs have trailed the consumer price index despite periodic adjustments. Relating children's allowances to earnings would reveal an even more unfavorable picture, since in most of the advanced countries wages have increased more rapidly than prices.

TABLE 4.—CHANGES IN CHILDREN'S ALLOWANCES RATES AND THE CONSUMER PRICE INDEX, 5 COUNTRIES, BY YEAR OF CHANGE

County and coverage	Year of change	Index of allowance rates	Consumer price index[1]
Canada:			
All children	1945	100	100
Children under age 6	1957	120	163
Children aged 6–9[2]	1957	100	163
Children aged 10–12	1957	114	163
Children aged 13–17[2]	1957	100	163
	1970	(²)	223
France: All covered children	1946	100	100
	1948	214	239
	1951	308	361
	1957	321	404
	1958	339	484
	1961	418	550
	1962	434	576
	1963	494	604
	1967	560	675
	1968	645	706
	1969	674	751
	1970	674	781
Sweden: All covered children	1949	100	100
	1952	212	126
	1964	269	181
	1966	346	202
	1971	462	251
United Kingdom:			
2d child	1946	100	100
	1952	160	136
	1956	160	206
	1967	300	284
	1970	360	334
3d and additional children	1946	100	100
	1952	100	136
	1956	200	206
	1967	340	284
	1970	400	334
West Germany:			
All covered children	1954	100	100
2d child	1964	100	124
3d child	1964	125	124
4th child	1964	150	124
5th and additional children	1964	175	124
	1970	(²)	145

[1] Indexes have been recomputed to conform to base years.

[2] No change for any children.

FINANCING AND TAX POLICIES

Financing

As a rule, children's allowances programs encompassing the entire population are financed by the national government—that is, they are noncontributory.[17] Programs covering specific groups of the population, on the other hand, are commonly contributory. France provides a third method of financing—that is, in some instances, contributions from one group finance the coverage of another (the agricultural fund is subsidized by the general fund). No country has a contributory children's allowances program that covers the entire population. Where these programs exist, they cover only certain groups and tend to be fragmented with respect to both financing and administration. One advantage of general revenue financing is simplified administration. Furthermore, the cost of the program is more easily predictable through demographic projections. These considerations undoubtedly contributed to the adoption of general revenue financing by many Western countries since World War II.

These patterns are evident for the countries under consideration. Children's allowances programs in Canada, Sweden, and the United Kingdom are universal and financed through the national budget. West Germany has separate programs for public employees and for all other residents, but both programs are similarly financed through general revenue.[18]

In France, programs covering the employed and the self-employed are separate. Benefits for wage earners derive from employer contributions exclusively. Contributions by the self-employed are applied only toward the benefits to which this group is entitled. In 1968, employer contributions amounted to 13.5 percent of payroll. The self-employed contribute approximately 4 percent of income, according to an occupational scale. Maximum earnings for contribution purposes were 1,2000F a month. By comparison, average earnings in manufacturing amounted to approximately 855F a month.[19]

France has, in addition, separate occupational programs that cover the agricultural sector, public utilities, and civil servants. Under the law, the State and public authorities are considered as employers and bear the cost of family benefits for their employees.[20] The agricultural sector, usually associated with low incomes and large families, has historically been unable to provide sufficient funds to support its family allowances program and has relied on subsidies by the national government.

Tax deductions

Tax exemptions for children are sometimes considered a form of children's allowances because they either add to available income for rearing a family by reducing the income tax or, for low earners with large families, eliminate any tax liability. This factor perhaps influenced the Swedish decision to eliminate tax exemptions for children when children's allowances were introduced in 1948. In the other four countries studied here children's allowances and tax exemptions exist side by side.

France uses a somewhat indirect method of tax deduction. The taxable income may be divided between all members of the family (with two children counted as one adult). The tax is then computed for each individual share and added in computing the total tax liability of the family. Since tax rates are progressive, taxes presumably become smaller as the individual share diminishes, and the result is smaller total tax payments for the family.

The Canadian law provides for a deduction of $300 for each child.[21] For a family with three children this would be equivalent to pay of an average worker in manufacturing for 7½ weeks.

The West German tax schedule has a deduction of 1,200DM for the first child, 1,680 DM for the second, and 1,800DM for the third and each subsequent child, subject to the age limits for granting children's allowances.[22] The deduction for three children would represent the pay of the average worker in manufacturing for about 18 weeks.

In the United Kingdom, the tax deduction varies with the child's age: £115 for each child under 11, £140 from 11 through 16, and £165 for a child undergoing full-time education. This deduction can be claimed even when the student receives a full-cost maintenance grant from the government.[23] The deduction for a family with three children would equal about 15 weeks' pay for the average worker in manufacturing. Thus, for the average middle-class family, the value of tax deductions is considerably higher than the value of the children's allowances. In the United Kingdom alone, among the four countries studied, children's allowances are treated as taxable income. A part of the allowance is thereby recovered through the tax system.

Footnotes at end of article.

IMPACT ON BIRTH RATES

There is no agreement among social scientists or policymakers as to whether children's allowances programs have any effect on birth rates. The available evidence shows no clear relationship.

Chart 1 traces birth rates during 1948–69 in the five countries studied and the United States. Two general characteristics may be noted. One is the similarity in the development of birth rates in Canada and the United States despite the absence of children's allowances in the latter country. The other is the contrast between these two countries as a group and the European countries considered collectively.

In both Canada and the United States, increased birth rates in the late 1940's and early 1950's were followed by slight declines during the next 5 years and by sharper declines during the 1960 decade. A three-point spread maintained through the 1950's started to narrow after 1960 as the Canadian rate decreased more rapidly. By 1960 the two rates had converged.

In the European countries, all rates were falling during the early 1950's. Between 1955 and 1960, however, this trend reversed itself in West Germany and the United Kingdom. The upward movement continued into the early 1960's. Then the Swedish rate also turned up, and the French rate leveled off. Since 1965, rates for all four countries have been declining.

In analyzing the data for the individual countries, one is struck by a steep increase in the Canadian birth rate during 1945–47 that might easily be attributed to the introduction of children's allowances in 1945. Closer examination reveals that the rate had been increasing since the late 1930's. A more satisfactory explanation is that the 1945–47 increases were the continuation of a prevailing trend, buoyed by the military demobilization and high postwar expectations.

Similarly, an increase in the allowance rates in 1957 had no apparent effect on a gentle downtrend at the time.

As noted earlier, children's allowances were introduced in Sweden in 1948 and increased in 1952. During this period, as chart 1 (not reproduced) indicates, the birth rate was falling continuously. When the allowances were again increased in 1964, the birth rate had already shown an uptrend for 4 years. Still another increase in the late 1960's did not visibly influence an already declining birth rate.

A similar pattern is found in the United Kingdom. The advent of children's allowances in 1946, followed by rate increases in 1952 and 1967, had no measurable effect on a declining birth rate.

The introduction of children's allowances in West Germany in 1954 had no identifiable and immediate effect on the birth rate; it held steady the following year and increased gently during the next 5 years. During the 1960's a peak was reached in 1963 and the rate then declined slowly year by year. The 1964 increase in the rate of allowances apparently did not affect this process.

In France, there is little statistical support to link children's allowances and the birth rate. A steady decline was evident throughout the 1930's—interrupted neither by the introduction of compulsory children's allowances for wage earners in industry in 1932 nor by the generalization of allowances through the Family Code in 1939. The bottom was reached in 1941 during World War II with a rate of 13.1 per 1,000.[24] A subsequent postwar high of 21.3 was reached in 1947 (as it was in Canada). Since then, the decline has been slow but steady. After higher allowances were established in 1953, the birth rate held firm the following year but later resumed its downtrend. It is still too early to assess the effect of the 1969 increase in allowances.

CONCLUSION

In retrospect, perhaps the most striking development in children's allowances has been the recent acceptance of general revenue financing in the Western World—and thus implicit support of the theory that the responsibility for bringing up children must be shared by all.

Among the 60-odd national programs currently in existence, about one-fourth are government financed, chiefly in Western Europe.

FOOTNOTES

[15] International Labor Organization, *The Cost of Social Security*, Geneva, 1967.

[16] In Canada, Sweden, the United Kingdom, and West Germany, the rates of children's allowances are determined by legislation.

[17] The programs of Finland, Luxembourg, and the Netherlands are among the exceptions to this rule. The employer also contributes to the allowances in these countries. See *Social Security Programs Throughout the World, 1971*, Research Report No. 40, Office of research and Statistics, Social Security Administration, 1972.

[18] The public employee program provides for 50DM per child a month when other income in support of one or more children does not exceed 125DM per month. See footnote 9 for rates under the regular children's allowances program, where a special provision allows 25DM a month for the second child when monthly family earnings are below 650DM.

[19] In early 1971, employers contributed 10.5 percent of payroll up to 1,500F a month per employee.

[20] ILO, *Legislative Series*, France 10 (Part I, section 4, and Part IV, section 29).

[21] *The Department of National Health and Welfare in Relation to Poverty*, Ottawa, 1970, pages 31–32.

[22] These data were provided by the Embassy of the Federal Republic of Germany, Washington, D.C.

[23] Tony Lynes, "Family Allowances in Great Britain," in *Children's Allowances and the Economic Welfare of Children*, Citizen's Committee for Children of New York, Inc., 1968, pages 94–95.

[24] *Annuaire Statistique de la France*, 1966, p. 73.

FEDERAL TAX RELIEF FOR EDUCATIONAL LOAN REPAYMENT EXPENSES

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today, I am introducing a proposal which would permit a new Federal income tax deduction for the entire amount of educational loan repayments.

Presently, taxpayers repaying loans may deduct only the amount paid out as interest. Under my proposal, the entire amount of the debt repayment—the principal as well as the interest—would be considered "as interest" and therefore would be deductible. The proposal would aid, in particular, low- and middle-income students and their families by reducing the crushing burden of loan repayments. Also, the proposal would help our financially hard-pressed parochial and private schools and public and private colleges by encouraging greater utilization of loan opportunities which would bring more funds into the schools.

Furthermore, recent HEW figures disclose that 85 percent of the students in the federally guaranteed student loan program come from families earning less than $15,000 a year, and 50 percent of those receiving national defense student loans come from families with income under $6,000 a year. These figures reveal the heavy reliance of families of moderate means on educational loans. Most frequently, these students and their families must begin to repay the loan shortly after graduation. For many this is a heavy financial burden. I believe the Federal Government should continue to help these families by reducing the repayment cost.

Additionally, it has been known for some time that low-income families are underrepresented in our institutions of higher learning, despite existing loan opportunities. The poorer a child's family, the less likely he or she will enroll in college. I believe the Congress must act now to provide additional economic incentives, such as a new income tax deduction, to help these families and expand educational opportunities for all.

PERSONAL ANNOUNCEMENT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, during the past several weeks I was absent from the House due to pressing matters in my congressional district. Had I been present, I would have voted "aye" on the following rollcall numbers: 115, 116, 121, 124, 127, 129, 130–133, 139–142, 151, 152, 162–164, 167, 169–171, 182, 183; and "no" on the following rollcall numbers: 114, 119, 128, 138, 166, 173, 177–181.

PRESIDENTIAL ELECTIONS ACT

(Mr. BLANTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BLANTON. Mr. Speaker, today I am introducing the Presidential Elections Act. I feel that this legislation corrects many of the existing flaws in the circus that now exists in what we call an elections system.

In the first place this bill provides for the direct election of the President and Vice President, a step which should have been taken long ago.

Second, the bill establishes a system for national primaries to select the party candidates for President and Vice President. In addition, there is adequate protection for the establishment of third or Independent Party candidates.

To guard against someone winning either the nomination of the general election with only a small portion of the vote I have inserted a section making a 40 percent plurality mandatory for victory in either race with a provision for a runoff if no one receives the necessary plurality.

Finally, in what I consider to be one of the strongest and most needed aspects of the legislation, the bill places a restriction on candidate advertising before 30 days prior to the primary and 45 days prior to the general election. I feel that this is more than enough time for the candidates to put their views before the public.

I feel that this bill in conjunction with the recently enacted campaign spending legislation will assure the American people of true electoral reform. The type of reform which is badly needed and, until now, which very little has been done about.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Shoup) and to revise and extend their remarks and include extraneous matter:)

Mr. Talcott, for 10 minutes, today.

Mr. McDonald of Michigan, for 10 minutes, today.

(The following Members (at the request of Mr. McKay) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Murphy of New York, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Aspinall.

Mr. Broomfield to revise and extend his remarks on the higher educational bill today.

Mr. Quie to revise and extend his remarks immediately after the remarks of Mr. Dellenback during general debate on the higher education conference report today.

(The following Members (at the request of Mr. Shoup) and to include extraneous matter:)

Mr. Hall.

Mr. Hutchinson.

Mr. Anderson of Illinois in two instances.

Mr. Wyman in two instances.

Mr. Whalen.

Mr. Dellenback.

Mr. Michel in two instances.

Mr. Riegle.

Mr. Railsback in two instances.

Mr. Minshall.

Mr. Collier in five instances.

Mr. Heinz.

(The following Members (at the request of Mr. McKay) and to include extraneous matter:)

Mr. Fraser in five instances.

Mr. St Germain.

Mr. Badillo.

Mr. Gonzalez in three instances.

Mr. Hagan in three instances.

Mr. Rarick in five instances.

Mr. Rogers in five instances.

Mr. Hungate in three instances.

Mr. Pucinski in six instances.

Mr. Macdonald of Massachusetts.

Mr. Stokes in two instances.

Mr. Brinkley.

Mr. Moorhead in five instances.

Mr. Jacobs.

Mr. Addabbo.

Mr. Rangel in two instances.

Mr. Murphy of Illinois.

Mr. Bingham in four instances.

Mr. Roncalio in two instances.

Mr. Dingell.

SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1198. An act to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado; to the Committee on Interior and Insular Affairs.

S. 3442. An act to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes; to the Committee on Interstate and Foreign Commerce.

S.J. Res. 206. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1736. An act to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

ADJOURNMENT

Mr. McKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, June 12, 1972, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 13853. A bill to amend title VII of the Housing and Urban Development Act of 1965; with amendments (Rept No. 92–1117). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOOD: Committee on Appropriations. H.R. 15417. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1118). Referred to the Committee of the Whole House on the State of the Union.

Mrs. HANSEN of Washington: Committee on Appropriations. H.R. 15418. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1119). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG (for herself, Mr. Badillo, Mr. Collins of Illinois, Mr. Fraser, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Koch, Mr. Lent, Mr. Mitchell, Mr. O'Hara, and Mr. Riegle):

H.R. 15389. A bill to prohibit discrimination by financial institutions or any other persons on the basis of sex or marital status in connection with federally related mortgage transactions, and to require all parties to any such transaction to submit appropriate reports thereon (containing specified information) for public inspection; to the Committee on Banking and Currency.

By Mr. MILLS of Arkansas (for himself and Mr. Byrnes of Wisconsin):

H.R. 15390. A bill to provide for a 4-month extension of the present temporary level in the public debt limitation; to the Committee on Ways and Means.

By Mrs. ABZUG (for herself, Mr. Badillo, Mr. Collins of Illinois, Mr. Fraser, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Koch, Mr. Lent, Mr. Mitchell, Mr. O'Hara, and Mr. Riegle):

H.R. 15391. A bill to prohibit discrimination by any federally insured bank, savings and loan association, or credit union against any individual on the basis of sex or marital status in credit transactions and in connection with applications for credit, and for other purposes; to the Committee on Banking and Currency.

H.R. 15392. A bill to amend the Truth in Lending Act, to prohibit discrimination by creditors against individuals on the basis of sex or marital status with respect to the extension of credit; to the Committee on Banking and Currency.

By Mr. ANDERSON of Illinois:

H.R. 15393. A bill to prohibit flight in interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 15394. A bill to amend the Internal Revenue Code of 1954 to provide that principal repayments on educational loans shall be allowed as a deduction in the same manner as interest; to the Committee on Ways and Means.

By Mr. BLANTON:

H.R. 15395. A bill to provide for the selection of candidates for President of the United States in a national presidential primary election, and for the election of a President and a Vice President by direct vote of the people, and for other purposes; to the Committee on House Administration.

By Mr. CONTE (for himself and Mr. Bergland, Mr. Boland, Mr. Burke of Massachusetts, Mr. Cleveland, Mr. Donohue, Mr. Drinan, Mr. Giaimo, Mrs. Grasso, Mr. Harrington, Mr. Hathaway, Mrs. Hicks of Massachusetts, Mr. Keith, Mr. Kyros, Mr. Macdonald of Massachusetts, Mr. Mallary, Mr. Obey, Mr. O'Neill, Mr. Reuss, Mr. St Germain, Mr. Steiger of Wisconsin, Mr. Tiernan, Mr. Waldie, Mr. McKinney, and Mr. O'Konski):

H.R. 15396. A bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. DEVINE (for himself and Mr. Clancy):

H.R. 15397. A bill to amend title 10 of the United States Code, to provide that personal delivery of notification of death of servicemen to the next-of-kin may only be made by officers; to the Committee on Armed Services.

By Mr. EDMONDSON:

H.R. 15398. A bill to amend title 38 of the United States Code in order to provide more efficient job counseling and employment services for veterans; to the Committee on Veterans' Affairs.

By Mr. FISH:

H.R. 15399. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mrs. GRASSO:

H.R. 15400. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

H.R. 15401. A bill to amend title II of the Social Security Act to provide minimum monthly benefits thereunder at age 72 for all uninsured individuals, without regard to the time at which such age is attained; to the Committee on Ways and Means.

H.R. 15402. A bill to amend title XVIII of the Social Security Act to increase from 60 to 120 the number of "lifetime reserve" days for which inpatient hospital benefits may be paid under the medicare program, to reduce the coinsurance payment required of the beneficiary with respect to those days, and to provide a similar 60-day lifetime reserve for posthospital extended care benefits; to the Committee on Ways and Means.

H.R. 15403. A bill to amend title II of the Social Security Act to permit the computation of the benefits payable to a married couple (or to the surviving widow or widower) to be made on the basis of their combined earnings; to the Committee on Ways and Means.

By Mr. McCLURE (for himself and Mr. Hansen of Idaho):

H.R. 15404. A bill to provide for a comprehensive analysis of the means for providing public use and enjoyment of the outstanding recreation and scenic values of the public lands adjacent to the Middle Snake River to assure the preservation of these values until analyses are completed, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. MINK:

H.R. 15405. A bill to provide that time spent by all American civilians in enemy prisoner-of-war camps shall be creditable (as though it were military service) toward pensions, annuities, or similar benefits under various Federal retirement programs; to the Committee on the Judiciary.

H.R. 15406. A bill to amend title II of the Social Security Act to provide that where a person in good faith went through a marriage ceremony with an insured individual, but (because of a legal impediment) such marriage was invalid, such person (if living with such individual at the time of his death or of application for benefits) shall be considered the wife, husband, widow, or widower of such insured individual for benefit purposes notwithstanding the existence of another person who is the legal wife, husband, widow, of widower of such individual; to the Committee on Ways and Means.

H.R. 15407. A bill to amend title II of the Social Security Act to provide that any individual age 55 or over shall be considered disabled for purposes of entitlement to disability insurance benefits and the disability freeze if he meets the more liberal definition of "disability" presently applicable only to blind individuals at that age; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 15408. A bill to amend the Communications Act of 1934 in order to provide for the regulation of networks; to the Committee on Interstate and Foreign Commerce.

H.R. 15409. A bill to amend the Communications Act of 1934 in order to provide for the regulation of networks; to the Committee on Interstate and Foreign Commerce.

By Mr. NEDZI:

H.R. 15410. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. REID:

H.R. 15411. A bill to amend the Economic Stabilization Act to prevent excessive rent increases; to the Committee on Banking and Currency.

By Mr. WAMPLER:

H.R. 15412. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WOLFF:

H.R. 15413. A bill to prohibit the use of any nuclear weapon in Southeast Asia unless Congress first approves such use; to the Committee on Armed Services.

By Mr. FLOOD:

H.R. 15417. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

By Mrs. HANSEN of Washington:

H.R. 15418. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. BADILLO (for himself, Mr. Blanton, Mr. Halpern, Mrs. Abzug, Mr. Rosenthal, Mr. Ryan, Mr. Burton, Mr. Pepper, Mrs. Chisholm, Mr. Symington, Mr. Wolff, Mr. Hanley, Mr. Edwards of California, Mr. Mitchell, Mr. Dow, Mr. Scheuer, Mr. Riegle, Mr. Koch, Mr. Kyros, and Mr. Boland):

H.J. Res. 1222. Joint resolution directing the President to seek international agreements establishing uniform standards for the protection of persons utilizing aircraft and airport facilities; to the Committee on Foreign Affairs.

By Mr. BADILLO (for himself, Mr. Rangel, Mr. Metcalfe, Mr. Bingham, Mr. Addabbo, Mrs. Hicks of Massachusetts, Mr. Helstoski, Mr. Reid, Mr. Celler, Mr. Podell, Mrs. Mink, Mr. Nix, Mr. Hathaway, Mr. Seiberling, Mr. Winn, Mr. Pettis, and Mr. Rodino):

H.J. Res. 1223. Joint resolution directing the President to seek international agreements establishing uniform standards for the protection of persons utilizing aircraft and airport facilities; to the Committee on Foreign Affairs.

By Mr. DUNCAN:

H.J. Res. 1224. Joint resolution to mandate consideration of comprehensive legislation reforming and recodifying the Federal income, estate, and gift tax laws; to the Committee on Rules.

By Mr. BADILLO (for himself, Mr. Blanton, Mr. Halpern, Mrs. Abzug, Mr. Rangel, Mr. Rosenthal, Mr. Ryan, Mr. Burton, Mr. Pepper, Mrs. Chisholm, Mr. Symington, Mr. Wolff, Mr. Hanley, Mr. Edwards of California, Mr. Mitchell, Mr. Dow, Mr. Scheuer, Mr. Metcalfe, Mr. Bingham, and Mr. Addabbo):

H. Con. Res. 629. Concurrent resolution to protect airline passengers; to the Committee on Foreign Affairs.

By Mr. BADILLO (for himself, Mrs. Hicks of Massachusetts, Mr. Helstoski, Mr. Reid, Mr. Podell, Mrs. Mink, Mr. Nix, and Mr. Rodino):

H. Con. Res. 630. Concurrent resolution to protect airline passengers; to the Committee on Foreign Affairs.

By Mr. GRAY:

H. Res. 1013. Resolution relative to a transnational lunar expedition; to the Committee on Science and Astronautics.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN:

H.R. 15414. A bill for the relief of Raymond L. Wells; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.R. 15415. A bill for the relief of Johnson S. Jardiniano; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 15416. A bill for the relief of Anastacia Romero Cabansag; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

EVERYONE INVITED TO PITTSBURGH FOR JAZZ WEEK

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MOORHEAD. Mr. Speaker, Governor Shapp has proclaimed June 12–18, Jazz Week in Pennsylvania.

Several very industrious Pittsburghers have put their civic zeal and pride together to bring back to our town some of the famous jazz musicians who were born in Pittsburgh.

Pittsburghers and their friends will, at various times and places during the week, be entertained by such Pittsburgh-born greats as Errol Garner, Billy Eckstein, Roy Eldredge, Ahmad Jamal, and many others.

Several more of the biggest names in the jazz world will visit and perform in Pittsburgh on June 17–18, when the festival committee sponsors two jazz concerts at the Pittsburgh Civic Arena.

Performing those nights will be such stars as: the Buddy Rich Orchestra, Cannonball Adderley, Carmen McRae, Herbie Mann, Dizzy Gillespie, and many more.

Local jazz star Walt Harper and Roy Kohler, of Gulf Oil's Community Relations division, have made immeasurable contributions to our city's jazz extravaganza. I hope that my colleagues and their families will travel to Pittsburgh for some great music and good fun, when Pittsburgh celebrates Jazz Week, June 12–18.

I insert into the Record at this time an article from the New Pittsburgh

Courier telling of the activities planned for Pittsburgh next week.

The article follows:

TOP STARS TO PERFORM AT PITTSBURGH JAZZ FESTIVAL JUNE 17–18 AT CIVIC ARENA

Jazz lovers in the Pittsburgh area will jump for joy June 17–18 when the Pittsburgh Jazz Festival takes place at the Civic Arena.

Some of the top stars in the country will perform during the two nights of festivities which will get underway at 8 p.m. each night.

Billy Taylor, who has come into millions of homes via television's "David Frost Show" for which he, Taylor, serves as musical director, will emcee both nights. He will also perform with his well-known jazz trio on Saturday, the opening night.

Others slated to share the bill that night include: the great Buddy Rich Orchestra, everyone's favorite jazz singer, Carmen McRae; the Cannonball (Mercy, Mercy, Mercy) Adderley Trio and a popular local group called the Silhouettes.

An equally impressive group of artists will perform on Saturday night. B. B. King, otherwise known as "Mr. Blues" will be one of the headliners. Sharing the bill with him will perform on Sunday night. B. B. King, Mann, his flute and band; ever popular Dizzy Gillespie, Roy "Little Jazz" Eldridge, and the Walt Harper Quintet. Walt is director of the festival.

Governor Milton J. Shapp has declared the week of June 12 to June 18 as "Jazz Festival Week in Pennsylvania." He is encouraging all Pennsylvanians to turn their attention during the week to Pittsburgh's first Jazz Festival.

In a recent proclamation, Governor Shapp stated that Pittsburgh, the home of such jazz greats as Erroll Garner, Billy Eckstine, Ahmad Jamal, Mary Lou Williams, Henry Mancini and Roy Eldridge, should be commended for initiating a Jazz Festival.

Programs including concerts, art exhibits, special events for schools, college and youth groups, will bring national focus to Pittsburgh and to the Commonwealth of Pennsylvania and will honor one of the jazz greats of all time, Roy Eldridge.

One of the highlights will be two nights of Jazz at the Civic Arena on June 17 and 18.

The governor praised Carnegie Institute and the A. W. Mellon Educational and Charitable Trust for sponsoring the event. Proceeds from the festival will go to the Selma Burke Art Center, which draws students from nearby neighborhoods for instruction in the Arts.

LIMITATION OF TENURE OF MEMBERS OF THE JUDICIARY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 8, 1972

Mr. HARRY F. BYRD, JR. Mr. President, on April 15, the Bar Association of Parma, Ohio, adopted a resolution in favor of limiting the tenure of members of the Federal judiciary.

The Subcommittee on Constitutional Amendments of the Judiciary Committee on May 19 held a hearing on my proposed amendment to the Constitution, Senate Joint Resolution 196, which would require reconfirmation of Federal judges by the Senate every 8 years.

The Parma Bar Association resolution is one of many expressions of dissatisfaction with actions by some Federal judges that go beyond interpreting the laws and into the realm of making new laws.

The bar association resolution recommends a term of 6 years for Federal judges, as opposed to 8 in my proposal, but the fundamental reason for the action of the bar association is the same as my own reason for introducing a constitutional amendment. Basically, the goal is to bring a degree of accountability to Federal judges. They are appointed for life and accountable to no one.

Why should any public official in a democracy have life tenure?

I ask unanimous consent that the text of the resolution of the Parma Bar Association be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE PARMA BAR ASSOCIATION

Whereas, the founding fathers sought to preserve our democratic republic by a system of governmental checks and balances and acknowledged, as stated in the Declaration of Independence, that governments derive their just powers from the consent of the governed; and

Whereas, the United States Supreme Court has received criticism in recent years from knowledgeable citizens, constitutional lawyers, and even associate justices of the Court for its alleged assumption of powers beyond Constitutional limitations; and

Whereas, at present the federal judiciary, once appointed, are thereafter no longer answerable directly or indirectly to the people, and in this respect are unique among the three branches of government; and

Whereas, such foresighted exponents of American democracy as Thomas Jefferson warned against allowing too much power to, and of the dangers inherent in and advocated eliminating the virtual life tenure of, the federal judiciary;

Now therefore, be it resolved, that the Parma Bar Association urges the amendment of Article III, § 1 of the United States Constitution to read:

"The Judges both of the supreme and inferior Courts shall hold their offices for a term of six years."

Be it further resolved, that this Association urges consideration of new methods of selecting such judges, either by direct election by the people of each circuit and district, by nominating commissions, by judges of the various states, or other proposed changes in the present appointive system.

Adopted this 15th day of April, 1969.

MAKE POLICE SLAYING A FEDERAL CRIME

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, last Thursday in the CONGRESSIONAL RECORD I called the attention of my colleagues to the tragic shooting death of a Rockford, Ill., policeman, Patrolman Charles J. Williams. That same day, I introduced H.R. 15265 which would provide a $50,000 Federal payment to the survivors of policemen, firemen, and corrections officers killed or totally disabled in the line of duty. The previous week this proposal received the endorsement of the administration in the testimony of LEAA Administrator Jerris Leonard before the House Judiciary Committee.

Today I am introducing another bill related to this same subject, a bill which would make it a Federal crime to use interstate or foreign commerce to avoid prosecution for the killing of a policeman or fireman in the line of duty. The tragic spiral in police slayings over the last few years must be halted and reversed. These senseless acts of violence have reached national proportions. Last year, 126 policemen were murdered, a 46-percent increase over 1969 when 86 were slain. Since 1961, 759 law enforcement officers were killed on duty. It is no longer enough for us in the Federal Government to say we stand behind our local public safety officers; the time has come for us to get out front with the Federal shield and let these insane assassins know we mean business.

The bill which I am introducing today would make it possible for the FBI to assist State and local law enforcement officers in apprehending these killers almost immediately after the crime has been committed. I think this will serve as a deterrent to such heinous crimes and as a means to insure the swift apprehension of those who commit them.

Under this bill, a person alleged to have committed such an offense shall be presumed to have taken flight in interstate or foreign commerce to avoid prosecution if he is not apprehended and taken into custody within 24 hours. At that time, the resources and manpower of the Federal Government would be made available to assist State and local officials in the apprehension. I would emphasize that nothing in this bill is to be construed as preventing States from exercising jurisdiction over offenses for which they now have jurisdiction. The principal thrust of this legislation is to provide local law enforcement arms with this extra Federal tool immediately if they need it.

Mr. Speaker, similar bills have been introduced in this and the other body by other Members of Congress, the notable leader in this field being the gentleman from New York (Mr. BIAGGI). I wish to join with them in urging the appropriate committees of Congress to give serious attention and consideration to this legislation.

FOOD PRICES DECREASE BETWEEN FEBRUARY AND APRIL

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. RAILSBACK. Mr. Speaker, this year we have heard that food prices are rising and there are no bounds in sight. Newspapers and magazines have all dramatically told of the plight of the American consumer, and every congressional office has been flooded with letters from concerned constituents.

Because of the alarm, the administration promised to consider action to halt the rise in food prices. Officials met with grocery store executives from 12 major food chains in March, and a decrease in food prices was promised "through natural market forces." Immediately thereafter, six chains announced voluntary freezes or reductions.

Also of encouragement is the April Consumer Index which showed that prices for grocery store purchases dropped 0.2 percent, the first decrease in this component since October of last year. Beef and veal prices were lower, and pork prices were reduced substantially. The prices for fresh vegetables declined sharply also, as did prices for eggs and poultry.

A further encouragement were some specific price decreases between February and April which officials at the Labor Department made available to me. They are as follows:

Product:	*Percent down between February and April*
Flour	0.5
Round steak	2.3
Sirloin steak	.9
Rump roast	1.4
Chuck roast	1.4
Pork chops	6.7
Pork roast	4.6
Frying chicken	1.6
Butter	.1
Oranges	3.9
Potatoes	1.0
Carrots	9.7
Celery	27.2
Lettuce	24.3
Tomatoes	7.2
Salad oil	.8
Canned chicken soup	.3
Instant coffee	.4

The American consumer should be relieved by this trend. I am hopeful that such decreases in food costs continue.

TELEPHONE PRIVACY—XXIII

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ASPIN. Mr. Speaker, I have recently reintroduced the telephone privacy bill with 49 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 21st sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

STANFORD, CALIF.,
June 2, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: This is to say how keenly I support your effort to regulate the abuse of telephone privacy. I would appreciate receiving a copy of the bill HR 13267, and other information on its legislative status.

This is not a peripheral issue of minor personal irritation. The telephone system is central to the whole network of inter-personal communication in our culture. We will see many further technical advances that will doubtless reduce its costs—and make it ever more attractive to unsolicited intrusions. It is insufferable that this instrument of personal conversation should be abused to the extent it already has; and if unchecked, this trend will surely become ever worse. Even unlisted numbers are not a sure protection. And before long, telephone salesmen will have recourse to computer-mechanized dialing, which can automatically scan through every possible telephone number, whether in the directory or not, in the search for sales prospects.

I may have some technical comments, if I may have the opportunity to peruse your bill; but I have no doubt of being an enthusiastic supporter of your initiative.

Sincerely yours,

——— ———.

MINNEAPOLIS, NINN.,
May 27, 1972.

DEAR REP. ASPIN: This clipping was a joy to read. I haven't any more about this legislation but I sincerely hope you did introduce such. As a college teacher I am home during parts of the day and get bombarded with these obnoxious calls.

Onward!

———.

CONGRESSMAN WOULD CURB PHONE SOLICITORS

WASHINGTON, D.C.—Rep. Les Aspin, D-Wis., proposed Sunday that individuals be allowed to place "No Solicitors" signs on their telephones.

Aspin said he plans to introduce legislation in Congress today that would give persons the right to indicate to the telephone company if they do not want to be commercially solicited over the phone.

OXON HILL, MD., *May 19, 1972.*

DEAR SIR: Re your Unsolicited Phone Call Bill. I am behind you 100 percent. God or Congress protect us from the real estate and phony charity calls. Good luck.

The phone company is 90 percent to blame for selling our names.

Yours truly,

——— ———.

COMMONWEALTH OF VIRGINIA SENATE,
May 23, 1972.

Congressman LES ASPIN,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: I understand that you have recently introduced a bill which would limit telephone solicitations by requiring phone companies to indicate in their directories which subscribers do not wish to get calls from salesmen, etc.

My wife and I get many of these nuisance calls, and I want to commend you and wish you good luck in obtaining passage of this bill. Perhaps I should put in a similar bill at the State level.

Sincerely yours,

P.S.—Would you be kind enough to send me a copy of your bill?

——— ———.

IDAHO FALLS, IDAHO,
May 6, 1972.

Hon. LES ASPIN,
United States House of Reprsentatives,
Washington, D.C.

SIR: You can insert this letter into the record with my name attached.

I am not pestered greatly by advertisers but this magazine salesman calls me all the time when I am busy. Once this girl called me and talked for ten minutes before I got a word in. I should have hurry up, but I get amused easily.

I wish you luck in this vital legislation.

——— ———.

INDIANAPOLIS, IND.,
May 18, 1972.

Congressman ASPIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: I am writing to you to express my strong approval of H.R. 13267 as originally written.

An informal survey taken among my friends and neighbors shows an overwhelming percentage of us, living in suburban Indianapolis, receive an average of one unsolicited telephone call per day. I, and they, feel this is abusing our rights of privacy. Knowing that you and others in favor of this Act will receive a lot of pressure from those groups using the telephone as a sales tool, I felt compelled to write to you indicating, that at least among my acquaintances, we favor enactment of this bill at the earliest possible moment.

Sincerely,

——— ———.

SPRINGFIELD, VA.,
May 15, 1972.

Hon. LES ASPIN,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: In the past year or so I have become increasingly bothered by home telephone solicitations. I do not have the time for these calls and consider them an invasion of my privacy and a great inconvenience. I had thought there was no hope, but now I have heard about your bill to require the phone company to place an asterisk or other symbol next to a name in the phone book if the person does not wish to be bothered by solicitation calls. I am heartily in favor of this and every other measure to curtail this most annonying practice.

Also, please let me know if there are some interim measures that I can take when these people call. Presently I let the phone drop into the cradle from a height of about 12" or I just slam it down as hard as I can.

Thank you.

Sincerely,

——— ———.

THE JEANNE BUSSARD TRAINING WORKSHOP

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. BYRON. Mr. Speaker, Mr. and Mrs. C. Lease Bussard and Director Helen Nussear have made the Jeanne

Bussard Training Workshop in Frederick, Md., a shining example of local initiative. Recently, Paul A. Haley, associate editor of the Frederick Post wrote an article on the workshop and its achievements. He described the beginnings of the project and the methods used to train retarded children.

After death of their daughter, Jeanne, in 1957, the Bussards organized the workshop. Since its inception the Jeanne Bussard Training Workshop has trained and found jobs for more than 250 retarded people. The workshop started with six students in the old South Street Elementary School, and presently has over 100 in its work force. The young retarded workers come not only from Frederick County but from Montgomery, Carroll, and Washington Counties as well as from Loudoun County, Va.

The workshop is about 37 percent self supporting. The rest of the funding comes from the Frederick County Commissioners and HEW, but additional funds are needed if the workshop is to continue serving the community to the fullest extent. The achievements of the Jeanne Bussard Training Workshop can best be summarized by this quotation from Mr. Haley's article:

> . . . For the past few years the workshop has averaged an annual 50 percent graduating class who as a result of the skills taught them there, are today living happy, normal and fruitfully productive lives as workers in the business and industrial economy of Frederick and adjacent counties.

I would like to congratulate Mrs. Bussard and Helen Nussear and all those connected with the workshop for their outstanding service to the community.

McGOVERN HAD INSIDE TRACK

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MICHEL. Mr. Speaker, the leading candidate for the Democratic presidential nomination, Senator McGOVERN, has been quite vocal in the past on the issue of "conflicts of interest," but as an editorial appearing in the June 5, 1972, edition of the Peoria Journal Star points out, it would appear that he is involved in a "conflict of interest" of his own.

The editorial clears some of the "mystery" as to why Senator McGOVERN has done so well by describing what a terrific advantage the Senator was given when he was assigned the task of "reforming" the structure of the Democratic Party and also writing the rules for this year's convention. He then proceeded to build a rule structure that would be most advantageous to himself and that was also quite intricate.

I insert the text of the editorial in the RECORD and recommend its message to any of my colleagues who may have ambitions for higher office:

McGOVERN HAD INSIDE TRACK

At this point, the primary campaigns of 1972 begin to look oddly like the primary campaign of the "out" party in 1964.

In both cases we goofed—and so did much of the "professional observers" in the early going.

In 1964, we didn't really believe that Senator Goldwater was a serious candidate until about a month before the convention, and many people couldn't believe it right up to the roll call vote.

In 1972, we simply never really thought that Senator McGovern could be regarded as a bona fide, serious candidate—and many people are going to have trouble believing it regardless.

What we overlooked in 1964 was the extent of home-work and preparation Senator Goldwater made so that his opponents discovered that by the time they "got going," it was already too late.

That happened largley because nobody believed the party could really launch Goldwater as the nominee—and they were jockeying for position. Much the same thing is true of the Democrats of 1972 as was the case of the GOP in 1964.

What slipped by us—and obviously slipped by the party leadership—was the unique opportunity given Sen. George McGovern when he was put in charge of "reforming" the party structure and writing the rules for this year's convention.

He was clearly given that task as a sop to the "radicals" by the party leadership, who thought they needed a gesture in the convention and wanted to avoid the kind of "moral" charges that the left-wing flung about so freely in 1968.

Obviously they intended to give the rule-making task to McGovern—and that was all the crumbs from the table he was expected to get.

Instead McGovern built a rule-structure that would be most advantageous to himself, and that was very intricate indeed.

It projected more states than ever before into primary elections. However, what was overlooked was that it still left half the states using a "caucus system" and other complications imposed on the older caucus system.

McGovern emerged from that task, without question, as the one man who knew most intimately the mechanics of choosing delegates in every State in the Union, and even more significantly how they had changed from previous habits.

This was graphically demonstrated in Texas, for example, where young McGovern people early in the game took the standard party leadership completely by surprise, reversed the time-honored (or dishonored) political gimmickry of the caucus system, and rushed in from nowhere to "pack" caucus after caucus—excluding many of the politicians of the party—and choosing McGovern delegates.

Those delegates may not even come close to representing the political sentiments of the majority of Texas Democrats—but they are there.

McGovern has clearly played his advance knowledge of the new systems, and quietly prepared people in many areas, to "get the jump" on others by a number of devices.

This is largely how Goldwater so quietly "sewed up" the convention of the other party in 1964. He did most of it while the other fellows were sleeping.

McGovern's heading the convention-planner commission enabled him to combine the "convention rules" control for the convention itself with his own aspirations to become the nominee of that convention.

One doubts if ever before a candidate, not sitting as incumbent president, ever had the chance to "set up" the rules for the game in which he was about to become one of the main contestants.

We should have taken notice of that unique situation.

Talk about a "conflict of interest!" Wow!

Our only excuse is that the party leaders were presumed to know what they were doing—and that isn't much of an excuse. They obviously didn't know what they were doing, and that shouldn't be so surprising.

Everybody missed, it seems, the significance of this dual-role of candidate and rule-maker McGovern in relation to the same convention.

We don't know if he will cut it or not. One disadvantage he has is the memory of everybody as to what happened to an "extremist" candidate who performed a similarly ingenious pre-convention preparation in 1964.

But we were innocent and naive—after all these years—in not thinking a man with such a radical program was a genuine possibility as his party's nominee.

It has happened.

It could happen again.

After it happens, of course, it creates a very odd political situation in the final election indeed.

But that remains to be seen.

HOMOSEXUAL TEACHERS LEGALIZED FOR DISTRICT OF COLUMBIA CHILDREN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. RARICK. Mr. Speaker, the District of Columbia government filed a stipulation in the U.S. District Court on May 31, 1972, agreeing that the District of Columbia sodomy statute "does not apply and can not be applied to private consensual sexual acts involving adults." I called the attention of our colleagues to this action in earlier remarks, page 19407.

Perhaps the District of Columbia city fathers felt this action necessary to bring the city government in line with the policy of the District School Board adopted on May 23, 1972, extending more job protection to homosexuals employed in the school system to teach the children. Board Chairman Marion Barry is quoted as saying that the resolution:

> Reaffirms our commitment to nondiscrimination, but we need to go further—we need to open the schools to discussion of the realities of life.

The news article follow:

[From the Washington Evening Star, May 24, 1972]

DISTRICT OF COLUMBIA SCHOOLS ADOPT GAY RIGHTS POLICY

(By Lynn Dunson)

The District Board of Education last night approved what is believed to be the nation's first nondiscrimination policy which would extend more job protection to homosexuals employed in the system.

Franklin E. Kameny, the gay activist who ran for D.C. nonvoting delegate last year, was jubilant over the board's decision. "I feel it was the only action the board could have taken that would have been consistent with fundamental American principles," Kameny said.

By a vote of 3 to 4, a majority of the board present over-rode Supt. Hugh J. Scott's recommendation that the action was "unnecessary" since homosexuals are covered by the same equal employment and "affirmative action" policies that cover all employes in the school system.

Discussion of the resolution was brief, but sharply divided.

Strongly opposed to adoption of the resolution, Mattie G. Taylor, called the proposal "almost absurd" and expressed fear that it would place the schools in an "advocacy role."

"At no time has there been any allegation, charge or finding of fact of any discrimination . . . based solely on the sexual orientation of an employe," she asserted.

But Hilda Mason reflected, "After my long struggle for the liberation of my (black) people, I cannot sit and deny any person his constitutional rights. When you deny a person the right to a job, you deny him the right to live."

There have been no reported cases of dismissal solely because of homosexuality.

Board Chairman Marion S. Barry said the resolution "re-affirms our commitment to nondiscrimination, but we need to go further—we need to open the schools to discussion of the realities of life."

Voting for the measure were Martha S. Swaim, Mrs. Mason, Kemp and Barry. Voting against were Mrs. Taylor, Evie Washington and Bardyl R. Tirana.

In other business adopted a report showing that all elementary schools were in compliance with the Wright equalization degree as of May 2.

LEGISLATION TO END TERRORISM AGAINST AIR PASSENGERS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. BADILLO. Mr. Speaker, I am introducing today, with cosponsors, legislation designed to end, or at the very least, alleviate the alarming threat of terrorist attacks against airline passengers. This legislation was drafted in the aftermath of last week's massacre at Lod International Airport at Tel Aviv, Israel and I am pleased that it has attracted the active, bipartisan support of more than 30 of our colleagues.

Last week's assault made it abundantly clear that the unending reign of terror against airline passengers, primarily by Arab terrorists, demands the sternest possible measures by the United States and the community of nations.

It demands concerted and coordinated efforts by all nations because of the tremendous variances in the degree of care taken by governments, airlines and airport operators to assure safety. In the case of last week's massacre, it is clear that incredible laxity bordering on criminal negligence by Air France and Rome airport authorities, made the attack possible. Strict uniform standards for all airports and airlines are needed to prevent future assaults.

That is the purpose of the House Joint Resolution I am introducing with 35 cosponsors. This resolution directs the President to seek, through the United Nations, the International Civil Aviation Organization or other suitable body, a conference of nations for the purpose of establishing uniform, stringent standards of security for the protection of human lives in and around aircraft and airports.

This step is long overdue. Aircraft hijacking and attacks on passengers are no recent phenomenon. Had the nations of the world been concerned enough to get together and develop a coordinated policy, the 26 lives lost at Tel Aviv last week might well have been saved.

The United States can and must take unilateral action, as well. We cannot justify continued foreign aid to any government which permits innocent civilians, or in some cases, openly encourage these barbarians. And so the second measure I am introducing, with 26 cosponsors, establishes the sense of Congress that the President "shall immediately curtail all forms of economic and military assistance to any nation which either fails to take or fails to require its air carriers and airport operators to take adequate measures to protect passengers and their property from terrorist attacks" and also "shall immediately curtail all forms of economic and military assistance to any nation which encourages, harbors, protects, assists, supplies or fails to take appropriate action against any revolutionary, anarchist or terrorist organization."

I want to make clear that this latter provision is not by any stretch of the imagination aimed at groups which might be termed "revolutionary" in the political sense but which do not engage in acts of violence or terrorism against innocent civilians.

I present for inclusion in the RECORD the text of the two resolutions and the list of their cosponsors. Our efforts to see that these measures are passed without delay could be the most fitting and lasting memorial to those who lost their lives at Lod International Airport.

The resolutions follow:

H.J. RES. 1222

Joint resolution directing the President to seek international agreements establishing uniform standards for the protection of persons utilizing aircraft and airport facilities

Whereas, political warfare through terror in the air against civilian carriers and passengers cannot be tolerated, and

Whereas, violence and murder in the air have proven to be so contagious as to constitute a world problem which, unless checked, will threaten the very fiber of communications between nations and the orderly transport of peoples and goods, and

Whereas, governments and airlines have it in their power to take the long overdue steps necessary to guarantee the safety of the international traveling community, on the ground and in the air: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is directed to seek at the earliest possible date, and through the United Nations, International Civil Aviation Organization or other suitable international body, a conference of nations for the purpose of establishing uniform, stringent standards of security for the protection of human lives in and around aircraft and airports.

Cosponsors of the House Joint Resolution: Ray Blanton (D-Tenn.); Seymour Halpern (R-N.Y.); Bella Abzug (D-N.Y.); Benjamin S. Rosenthal (D-N.Y.); William F. Ryan (D-N.Y.); Phillip Burton (D-Calif.); Claude Pepper (D-Fla.); Shirley Chisholm (D-N.Y.); James W. Symington (D-Mo.); Lester L. Wolff (D-N.Y.); James M. Hanley (D-N.Y.); Don Edwards (D-Calif.); Parren J. Mitchell (D-Md.); John G. Dow (D-N.Y.); James H. Scheuer (D-N.Y.); Donald W. Riegle, Jr. (R-Mich.); Edward I. Koch (D-N.Y.); Peter N. Kyros (D-Maine); Edward P. Boland (D-Mass.); Charles B. Rangel (D-N.Y.); Ralph H. Metcalfe (D-Ill.); Jonathan B. Bingham (D-N.Y.); Joseph P. Addabbo (D-N.Y.); Louise Day Hicks (D-Mass.); Henry Helstoski (D-N.J.); Ogden R. Reid (D-N.Y.); Emanuel Celler (D-N.Y.); Bertram L. Podell (D-N.Y.); Patsy T. Mink (D-Hawaii); Robert C. Nix (D-Pa.); William D. Hathaway (D-Maine); John F. Seiberling (D-Ohio); Jerry L. Pettis (R-Calif.); Peter W. Rodino, Jr. (D-N.J.); Larry Winn, Jr. (R-Kans.)

H. CON. RES. 629

Whereas certain basic security measures must be taken to adequately protect the lives, property and general well being of national and international travelers; and

Whereas numerous countries have clearly failed to require their national airlines and airport operators to take adequate and effective measures to protect passengers from terrorist attacks, bombings, hijackings and air piracy and similar untoward acts representing serious threats to lives and property; and

Whereas various revolutionary, terrorist and anarchist groups dedicated to the willful and indiscriminate destruction of lives and property for their own ends, are freely operating within the boundaries of several independent nations; and

Whereas the continued activities and existence of such revolutionary, terrorist and anarchist organizations represent a clear and present threat to the maintenance of international peace and security and prompt and effective measures are warranted to end such ill-conceived and mindless acts of terrorism:

Now, therefore, be it *Resolved by the House of Representatives (the Senate concurring),* That it is the sense of Congress that:

(1) the President shall immediately curtail all forms of economic and military assistance to any nation which either fails to take or fails to require its air carriers and airport operators to take adequate measures to protect passengers and their property from terrorist attacks or similar actions; and

(2) the President shall immedately curtail all forms of economic and military assistance to any nation which encourages, harbors, protects, assists, supplies or fails to take appropriate action against any revolutionary, anarchist or terrorist organization.

Cosponsors of the House Concurrent Resolution: Ray Blanton (D-Tenn); Seymour Halpern (R-N.Y.); Bella Abzug (D-N.Y.); Charles B. Rangel (D-N.Y.); Benjamin S. Rosenthal (D-N.Y.); William F. Ryan (D-N.Y.); Phillip Burton (D-Calif.); Claude Pepper (D-Fla.); Shirley Chisholm (D-N.Y.); James W. Symington (D-Mo.); Lester L. Wolff (D-N.Y.); James M. Hanley (D-N.Y.); Don Edwards (D-Calif.); Parren J. Mitchell (D-Md.); John G. Dow (D-N.Y.); James H. Scheuer (D-N.Y.); Ralph H. Metcalfe (D-Ill.); Jonathan B. Bingham (D-N.Y.); Joseph P. Addabbo (D-N.Y.); Louise Day Hicks (D-Mass.); Henry Helstoski (D-N.J.); Ogden R. Reid (D-N.Y.); Bertram L. Podell (D-N.Y.); Patsy T. Mink (D-Hawaii); Robert C. Nix (D-Pa.); Peter W. Rodino, Jr. (D-N.J.)

MEMORIAL DAY

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. BRINKLEY. Mr. Speaker, Memorial Day is a day of remembering for all of us. On May 30 Mr. Foy Evans, publisher of the Daily Sun in Warner Robins, Ga., wrote in his daily column an especially poignant account of the deep personal meaning that Memorial Day holds for him. I commend Mr. Evans' sentimental and touching story to our colleagues.

The column reads:

Today is Memorial Day as far as I am concerned.

Congress may have changed our holidays around for the benefit of everyone who likes long weekends, but it seems that in doing so the real meaning of many holidays is lost.

Memorial Day has special meaning for me, anyway. It is my mother's birthday.

Not many days go by that I do not have occasion to recall some of the things she said or did, though she has been dead more than eight years.

I can recall some of the happiness I gave to her life and every instance that I caused her to shed a tear.

My father became ill and died before I became a teenager.

It fell on my mother's shoulders to provide for and mold the lives of three youngsters.

Looking back, I can see how bad it was not to have a father in my most impressionable years . . . it left memories and scars that never will go away.

Yet, looking at it objectively, I know that while fathers are important, children are better off in the hands of their mother, if destiny decrees that only one of them should survive.

I cringe when I hear young people . . . and sometimes older ones . . . speak unkindly to their mothers.

They really cannot know what they are doing.

Perhaps it does not bother them now.

But the time certainly will come when it does. Perhaps she will be gone then, and it will be too late to let her know.

I was very close to my mother until she died. Yet I wondered after she was gone if I really got across to her how much I appreciated her. There is a tendency not to put into words such things, and for those whose mothers still live I would recommend that they spend some time on this important message.

I doubt that any child can ever comprehend what a mother goes through, what she gives to her offspring, until that child is grown and has a family of his or her own.

This realization may come early or late in life. But surely it must come sometime to all except the most cold hearted.

These thoughts come to mind often . . . and especially on Memorial Day.

Few of us leave anything in this world physical to remind anyone that we have been here.

The living memory of someone who inspires you to succeed, overlooks your shortcoming and gives love without expecting anything in return is something all of us can cherish.

FACTUAL EVIDENCE THAT EDUCATION PAYS

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. HAGAN. Mr. Speaker, many claims have been made about how education and training pay good dividends. Few have doubted these claims, but often we have lacked concrete evidence.

The U.S. Census figures serve a helpful purpose in many matters, especially in determining incomes and living standards in different areas of the country.

A study made of two census tracts in the Augusta, Ga., area reveals the tremendous difference that more scholastic preparation makes in family income and living standard. These facts stand out as indisputable evidence of the need for our Nation to push forward its educational efforts with all possible energy.

The Augusta Chronicle in an editorial quoted in the Savannah News of May 24, 1972, reviews the census figures, as follows:

MORE TRAINING PAYS

If any youngster is contemplating dropping out from further education at the end of the school term, a glance at just-announced U.S. Census figures should help him make a more realistic decision.

Take two census tracts here: Tract 101, just north of the city of Augusta, has a population with median school years completed being 12.7; while tract 3, on the Savannah River in the center of the city, has a median education level of 7.7 years completed.

It is more than a coincidence that the area with more scholastic preparation had an average family income in 1969 of $1,689; average value of owner-occupied dwellings of $19,400; median contracts rents paid of $120; and only 44 out of 2,779 housing units without basic plumbing facilities.

Tract 3 with the lower educational level, had average family income of $5,932; average value of owner-occupied homes was $7,000; median contract rents paid was $43; and basic plumbing facilities were absent in 99 of 1,248 living units.

The benetfis of education, of course, extend into areas of life that cannot be counted financially. Even if one's vision is limited to the materialistic, however, it is dramatically clear that more training means more money.

AMERICAN POSITION AT STOCKHOLM CONFERENCE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. VANIK. Mr. Speaker, the Stockholm Conference on the Human Environment which will be meeting during the next few weeks, presents the world community with not only a great opportunity to study world environmental problems but the chance to begin to reverse our planet's deteriorating environment.

If this international effort is to be successful it must meet six requirements.

First, uniform standards to preserve the environment must be determined and observed worldwide.

Second, because of the particular economic situation of the lesser developed countries special compensation would have to be provided to enable them to comply with environmental standards.

Third, global monitoring of environmental conditions must be provided.

Fourth, an adequate and equitable means of enforcing these standards to assure their effectiveness must be developed.

Fifth, the coordination and financing of all these measures under the auspices of the United Nations is essential.

Sixth, the strengthening of the International Court of Justice to provide it with compulsory jurisdiction over environmental disputes is a necessity.

The present draft proposals of the U.S. delegation to the Stockholm Conference are disappointing. They call for principally the creation of three new U.N. entities: an Administrator of United Nations environmental programs, a commission for the Environment, and an Environmental Coordinating Board.

In essence, the United States recommends an enlarged United Nations bureaucracy without seeking an agreement on standards, without offering a workable solution to lesser developed countries, and without suggesting any means for enforcing subsequent agreements.

We cannot expect to accomplish in one conference all that is needed to meet the crisis, but the present U.S. position on the world environment is shortsighted. The urgency of the international environmental crisis demands immediate action as well as long-range comprehensive goals, to be met.

The U.S. delegation to Stockholm must begin to lay the groundwork for efficient and effective international environmental arrangements.

First, by working for the immediate establishment of standards. Preliminary guidelines may not be as comprehensive as necessary, but as scientific knowledge on pollution develops more adequate standards must be adopted. The acceptance of standards provides us with a more precise definition of pollution problems and a definite idea of the environmental quality we wish to maintain. With this "international understanding" on standards, "environmental aggression" would be defined and outlawed multilaterally.

Also, uniform standards would help prevent unfair trade advantages that will occur as countries with lenient pollution regulations compete with countries which are attempting to eliminate their pollutants.

Secondly, the U.S. delegation should work for the establishment of an international régime to govern the high seas which lie beyond the various national jurisdictions. Such a proposal can be suggested by the United States at Stockholm as a solution to controlling pollution on the high seas. Later, at the 1973 Geneva Convention on the Law of the Sea, the United States can work out the details and support the creation of such an institution under the authority of the United Nations.

With the authority of the United Nations extended over international waters, environmental standards could be equitably enforced. Licenses could be issued requiring those nations exploiting the seabed, to take all the guards necessary for the protection of the environment. Accords should be reached governing the shipping of dangerous pollutants on the high seas. Standards for oil tanker construction and operation should be developed; the practice of permitting the discharge of oily bilge wastes into the oceans must be stopped. New ship construction should be reviewed to determine whether it is environmentally sound. For example, the Japanese have developed new iron-ore carriers in which the ore is loaded as a waiting slurry and then the excess water is pumped out as the ship departs—leaving a "red sea" of unnatural contaminents behind. In short, the United Nations would thus be required to maintain a global monitoring network of environmental conditions.

Such an international system would operate under the principle of equal benefits and burdens to be borne by all participating states. This would mean, for example, the sharing of all proceeds derived from submarine exploitation. Several formulas for dividing up the proceeds among member states have already been developed by the United Nations. The key feature of this arrangement would be the distribution of proceeds on a basis weighted to the advantage of lesser developed countries. Direct distribution to governments, for instance, could be based on each country's percentage share of world population, adjusted to favor LDC's according to levels of per capita income. Funds, made available to developing nations in this manner, could be used to help lesser developed countries finance pollution controls without hindering the economic development these nations so desperately need if they are to provide for the stable, progressive, and democratic government of their impoverished people.

Eventually, as subsea exploitation progresses, this international system would be able to deny either a share in the proceeds or permits for resource extraction to those nations violating established standards, whether by their practices on the high seas or by their negligence in allowing polluted effluent to reach the oceans.

Besides protection of the marine environment, an international oceans authority could supervise an orderly development of mineral resources, share technology with lesser developed countries and even grant them preferential access to raw materials to aid their development.

Third the United States should begin action to strengthen the International Court Justice by granting it compulsory jurisdiction over environmental disputes. Aided by scientific experts on the environment, the court could facilitate a just and rapid settlement of such disputes.

Mr. Speaker, I believe that dealing with the world environmental issue in the manner I prescribe is a comprehensive, efficient, and reasonable plan of action. Those of us who feel a sense of urgency about the environmental threat anticipate a disappointing level of agreement to come out of Stockholm. Therefore, I urge the United States to join in organizing a coalition of environmentally concerned nations to lead the world in meeting the environmental crisis. We are the world's most advanced technological society. We consume a vastly disproportionate share of the world's resources and energy reserves. Frankly, we have probably been the world's major polluting nation.

Now, at last, we have begun to see what our development has done to our air, our waterways, and coastal waters. We have begun to act to curb this pollution.

But the world is one world; it is one ecology. If we stop our pollution, but others continue theirs, in time we here in the United States will be no better off.

Perhaps the greatest contribution our Nation—the richest Nation in the world—can make to the rest of the world in the coming decades is assistance in providing the controlled, environmentally sound technology which will end human misery around the earth without destroying this, our only world.

We must, therefore, make a stronger commitment to the U.N. conferences and the problems of the earth's environment.

HYPOCRISY ON RHODESIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. FRASER. Mr. Speaker, the hypocrisy mentioned in the headline of the New York Times June 7 editorial "Hypocrisy on Rhodesia" is the Nixon administration's. The White House's apparent failure to marshal support for Senator Gale McGee's effort to end U.S. violations of the U.N. sanctions against the racist Rhodesian regime seems to deserve the Times' severe judgment.

June 13 and 15, the House Foreign Affairs Subcommittee on International Organizations and Movements will look at the effectiveness of sanctions as an international enforcement tool. As the Times editorial points out, the United States is an international lawbreaker and by its actions contributes to U.N. ineffectiveness. Our subcommittee is not prejudging the administration's role in this process, but there is a prima facie case against the administration and the Times has presented that case very well.

The editorial follows:

Hypocrisy on Rhodesia

Forty Senators—only two-fifths of the membership but a slim majority of those present and voting—have dealt another blow against the credibility of the United States and the prospects for building an effective United Nations. On the spurious arguments of Senator Harry F. Byrd and others, they have voted in effect to require this country to continue to breach the sanctions invoked with American support by the U.N. Security Council against the white racist rulers of Rhodesia.

This makes the United States an international lawbreaker, an offender not only against a Security Council decision but against the U.N. Charter itself. Such an action will help propel the United Nations down the road to extinction taken by the League of Nations after its failure to halt Fascist Italy's aggression against Ethiopia in 1935.

The 40-to-36 vote, rejecting an effort by Senator McGee of Wyoming to return the United States to the side of international law, reflected racism, pique at the U.N. for ousting Taiwan, and clever lobbying by the Rhodesian regime as well as by Union Carbide Corporation and the Foote Mineral Company, both importers of Rhodesian chrome.

Most of all, however, the Senate behavior reflects a double game by the Nixon Administration. It tried to placate liberals, blacks, U.N. backers and African governments with a State Department letter supporting Mr. McGee while refusing the minimal White House initiative that would have brought him victory.

The letter to Mr. McGee from Acting Secretary of State John N. Irwin refuted all the arguments advanced by Mr. Byrd for breaking the sanctions to permit chrome imports: there is no shortage of chrome but 2.2 million tons of excess in the strategic stockpile; the Government hopes to sell off 1.3 million tons; the United States is not dependent on the Soviet Union for any of its chrome needs.

But especially in this Administration the lawmakers pay scant heed to the State Department; a White House follow-through was plainly required. Prior to the vote, Senator McGee telephoned Presidential assistant John D. Ehrlichman to report that six Senators in doubt on the issue had promised to support his amendment if asked to do so by the White House. But an Ehrlichman assistant later called back to say Mr. McGee could expect no further help in the matter.

After his amendment lost by four votes, Mr. McGee told the Senate of this exchange and warned of the high cost for America of a hypocritical stance on such matters of principle. "The time has come when the African nations no longer accept doubletalk and hypocrisy from this country as it concerns their vital interests and needs," he said. "Either we believe in their aspirations or we don't. Either we believe in the United Nations or we don't. We cannot have it both ways."

It would be comforting to be able to believe that these words had impact on forty Senators who had just voted to tarnish the honor of the United States for a supply of excess chrome and the preservation of white minority rule in Rhodesia.

PLOWSHARE PAYOFF?

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. RONCALIO. Mr. Speaker, in yesterday's AEC debates the gentleman from California (Mr. Hosmer) and others, debated at length the role of oil shale vis-a-viz the nuclear blasting of gas wells to increase production.

By a pleasant coincidence this morning's Wall Street Journal carried an excellent article on the present status of the art of plowshare and its effect on oil shale.

I believe this will be of immense interest in view of the current energy posture of this Nation and I know my colleagues will want to read it in full:

"Plowshare" Payoff?: The Nuclear Blasting of Gas Wells Appears Near Commercial Use

(By Herbert G. Lawson)

Residents of the resort community of Aspen, Colo., and 17 other nearby towns soon may have a singular (some will say dubious) distinction: They could be the first to heat their homes and cook with slightly radioactive gas produced by a nuclear underground blast.

This pioneering consumer role now is being discussed by companies that hope to conclude the first commercial contract for sale of gas produced under the Plowshare program. Plowshare is the joint industry-federal effort to harness nuclear explosives for peaceful purposes.

The contract, it has been learned, is being discussed by the sponsors of the second and most recent nuclear test to stimulate gas production, Austral Oil Co. and Colorado Interstate Corp. The prospective buyer is a small gas distributor, Rocky Mountain Natural Gas Co. The parties hope to bring a contract, or at least an informal agreement, to the Atomic Energy Commission and other federal agencies such as the Environmental Protection Agency in order to force hearings and rule-making. "This will be a test case to prove you can market such gas under reasonable regulation," says Miles Reynolds, vice president of Austral in Houston.

The manuevering under way on the gas contract is the most dramatic evidence to date that Plowshare's gas-stimulation plans are moving forward. Meanwhile, a third gas-well blast, a Colorado shot termed Rio Blanco that is far bigger than the earlier tests, could be detonated in December unless a legal challenge delays it. The first Plowshare tests, called Gasbuggy and Rulison, successfully released huge volumes of gas without dangerous accompanying radiation, the AEC and industry advocates claim.

"RUNNING SCARED"

The Plowshare program remains mired in controversy, however. "The AEC still is running awfully scared," says one industry source. Plans to use nuclear explosives for canal-building, excavation, carving of underground reservoirs and mining of everything from copper to shale oil have been quietly shelved or abandoned in recent years. Most companies say pressure from environmental critics and meager budgeting for Plowshare in the AEC are the chief problems.

But Plowshare's gas program, buoyed by an asserted nationwide gas shortage, has doggedly gone ahead, although at a slow pace. The AEC's Plowshare spending this fiscal year is only an estimated $6.9 million, down from $7.4 million last year. Next year, however, the Joint Committee on Atomic Energy is pushing to raise spending to $10.5 million, largely for gas projects.

The natural-gas program seeks to prove that nuclear explosions can safely and economically jar loose the gas trapped in relatively impermeable rock. Most of the gas is in remote areas of Colorado, Wyoming, Utah and New Mexico. The Interior Department has estimated that nuclear fracturing could recover 317 trillion cubic feet of gas now beyond reach with conventional techniques. That's more than all proved U.S. gas reserves and could provide the nation with gas for 15 years at present rates of consumption.

"EXCEEDINGLY HOPEFUL"

There's no provision now in AEC rules for the sale of gas released in Plowshare tests. Thus, the negotiations that could bring such gas to the Aspen area, though affecting only 12,000 residential, commercial and industrial customers, "would be a milestone, a trial case," says H. H. Aronson, vice president of CER Geonuclear Corp. of Las Vegas, project manager for the Rulison test that would supply the gas. CER Geonuclear, which specializes in industrial uses of nuclear explosives, is largely owned by Continental Oil Co. and EG&G Inc.

Rocky Mountain Natural Gas is optimistic it can win government and customer acceptance for the gas sale. "We are exceedingly hopeful that the program will develop to the point where permission will be granted by the AEC," says William A. Newton, chairman and president. "All data indicate the gas is safe and marketable." But he figures it will be a year or more before any AEC approval is forthcoming.

Many AEC scientists are convinced that gas from nuclear-stimulated wells can be provided to consumers nearly free of radioactivity. For one thing, they argue such gas would be diluted heavily with gas from conventional wells; also, they say a new thermonuclear device especially designed for gas wells produces far less radiation than previous devices that were actually off-the-shelf "bombs" from the AEC inventory.

The new nuclear device, tested last year and called "Miniata," leads AEC scientists to predict that a 90-kiloton blast would result now in less than 3,000 curies of residual tritium in the blast cavity. (Tritium, an isotope of hydrogen, is the most worrisome by-product of gas-well explosions; the tritium unites easily with gas or water and remains dangerous a long time, losing half its radioactivity only every 12 years. A curie is the amount of radiation emitted by one gram of radium.) The 3,000 curies compares with 10,000 curies from the far smaller Rulison blast, "With twice the (blast) yield, we can get less than one-third the tritium," says Richard Pastore, head of Plowshare's field operations for the AEC in Nevada.

IS THE RADIATION HARMFUL?

Researchers at the AEC's Lawrence Radiation Laboratory of the University of California calculate that, in a metropolis such as Los Angeles where Plowshare gas would be diluted and come from wells stimulated by the "clean" Miniata device, the average gas consumer would get only one-half of a millirem yearly of extra radiation. The millirem (one-thousandth of a rem) is a standard unit for measuring body exposure to radiation.

This dose is indeed small, though some scientists argue that any amount of radiation must be considered harmful and capable of causing cancer and other disorders. The one-half millirem compares with the three to five millirems received merely by flying coast-to-coast on a jet and the 50 millirems received from living in a brick or stone house (which is more radioactive than wood). The Federal Radiation Council has set 170 millirems yearly as the recommended maximum exposure from all sources for the general population.

Many environmental critics have shifted their attack from the alleged hazards of gas piped from nuclear wells to the alleged dangers of massive seismic shocks and groundwater contamination that might follow Plowshare explosions.

David Evans, a geological engineer at the Colorado School of Mines and spokesman for the Colorado Open Space Council, a private environmental group, criticizes the AEC's claims about the proposed Rio Blanco blast. The commission asserts that most radioactivity would be confined to rocks deep underground in the blast area. Mr. Evans notes that, in the Cannikin blast in Alaska recently, the AEC admitted ground water would enter the blast cavity and carry away radioactive particles. "It is hard to see how the same organization could have written the Rio Blanco statement," he testified at a hearing on Rio Blanco.

He insists that the dangers must be viewed in the context of the countless explosions that nuclear proponents are urging. The Rocky Mountain gas-field area, he notes, covers the underground circulating waters of the Upper Colorado river basin. "Who will inspect the tens of thousands of nuclear gas wells 20 to 50 years from now when the gas is produced and the wells are abandoned?" he asks. "When corroded casings begin to leak radioactive water, some time during the next 400 years, who will stop these poisonous springs? The answer is no one. Nothing man can do will keep the radioactivity out of the Colorado River."

CONCERN ABOUT SHOCKS

Ranchers and other residents near the proposed Rio Blanco test site are more concerned about the shock of the blast than about radiation. Rio Blanco, sponsored by CER Geonuclear and Equity Oil Co., would involve detonation of three 30-kiloton explosives simultaneously in a single well shaft. The devices would be placed at different levels roughly a mile below ground, creating three connected underground cavities.

After extensive hearings, AEC officials and industry proponents have concluded that the population near the sparsely settled Rio Blanco County site 52 miles north of Grand Junction is willing to accept the risks of the initial test. But development of the full field is another question.

"Most people here will go along with this first shot and then evaluate its effects," says rancher William Brennan, a county commissioner whose home on a 640-acre spread is only five miles from the proposed test well. "The biggest concern is over seismic effects. Everyone realizes there's going to be some."

While ground damage is likely to be limited (it totaled over $100,000 in claims paid after Rulison but is forecast at only $50,000 for Rio Blanco), critics of the Plowshare program say the gas industry has just begun to shake the earth. One rancher near the proposed test site, J. O. Weiland, remarks, "I don't mind a single shot, but if they knock the house down 200 or 300 times, that gets kind of old."

Mr. Evans of the Colorado School of Mines visualizes over 13,000 nuclear wells, eventually, each using up to four or five "bombs" to liberate the total estimated reserves of 317 trillion cubic feet. This, he says, would require four blasts every working day for over 12 years. The alternative, he argues, would be a series of "nuclear stimulation days" when hundreds of blasts would be coordinated. "It would be a nightmare," he asserts.

ROLE OF OIL SHALE

The people who most vividly foresee such a nightmare aren't environmentalists but rather are the men who hope to mine the fabled shale-oil riches of the Rocky Mountain region. "Our biggest opponent," says Mr. Aronson of CER Geonuclear, "is the Oil Shale Corp.," or TOSCO.

TOSCO officials claim that tremors caused by Rio Blanco and subsequent blasts would damage tunnels and surface facilities, making it impossible to mine shale from which many companies hope to extract oil. The shale beds lie close to the surface and above the sandstone formations where natural gas is trapped. "We have conservatively calculated the value of the recoverable oil shale alone to be 100 times greater than the value of the gas which the Rio Blanco projects seeks to produce," says Louis H. Yardumian, TOSCO vice president. "When the associated minerals of nahcolite and dawsonite are included, the risk of damage is even larger."

"We're considering some legal action" to block the Rio Blanco test, says Mr. Yardumian, though no suit has been filed yet. He says TOSCO and its partners are on the verge of deciding whether to build the nation's first full-scale commercial plant to process oil from shale. It would be a 50,000-barrel-a-day facility that could be working by 1976.

AEC studies assert that the nuclear explosions wouldn't damage shale mines or interfere with shale-oil extraction. Some of TOSCO's partners take a middle position. Atlantic Richfield Co., a 30% partner with TOSCO and two other companies in the shale-oil venture, hasn't publicly opposed Rio Blanco. "I have a number of geophysicists available to me and, unfortunately, they don't agree as to the danger (from the nuclear blast) to the oil shale," says H. E. Bond, manager of synthetic crude and mineral operations for Atlantic Richfield.

OTHER RESEARCH

Meanwhile, research near Las Vegas at the AEC's test facility may be the key to rapid commercial development of nuclear explosives. Scientists there are working on Project Yacht, an effort to fire two or more nuclear devices in the same well but a few minutes apart. Such "sequential" firing is essential if industry is to develop gas fields requiring hundreds of wells.

The reason involves the hazards of ground shock. An average well in the field might require 300 kilotons of explosives to exploit the gas around it. Fired all at once, such a blast could easily set up a damaging ground shock. But three devices of 100 kilotons each five minutes apart would set up three smaller ground shocks, each of which might be acceptable risks.

The problem is that protective casings and firing mechanisms to withstand the pressure of the sequential blast aren't available yet. But El Paso Natural Gas Co. and the AEC are so confident the technology can be developed that El Paso is planning a mighty 500-kiloton test shot in Sublette County, Wyo., called Project Wagon Wheel. It would use sequential firing of several devices.

DR. RICHARD M. CYERT NAMED PRESIDENT OF CARNEGIE-MELLON UNIVERSITY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MOORHEAD. Mr. Speaker, the Carnegie-Mellon University of Pittsburgh recently appointed a new president. He is Dr. Richard M. Cyert, who currently is dean of the CMU Graduate School of Industrial Administration.

I would like to congratulate Dr. Cyert on his appointment and include in the Record at this time the news release from the university announcing his new post:

Pittsburgh, Pa., May 10, 1972.—Dr. Richard M. Cyert, internationally known economist and behavioral scientist, and currently dean of the Graduate School of Industrial Administration at Carnegie-Mellon University, has been named as sixth president of the Pittsburgh institution.

Dr. Cyert succeeds Dr. H. Guyford Stever, who left the CMU presidency on February 1 to assume new duties as director of the National Science Foundation.

The announcement of the appointment, which will become effective on July 1, was made by CMU board chairman Fred C. Foy after a specially convened meeting of the CMU Board of Trustees approved the selection last night.

In announcing Dr. Cyert's selection, Mr. Foy said, "Search committees representing the faculty, students, administration, alumni, and trustees were closely involved in a joint and correlated search process. A list of more than 100 names was considered carefully and narrowed to a small number, some from outside the campus, and some from within. As the search evolved, it became apparent that Dean Cyert, because of his demonstrated management expertise and scholarly achievements, his knowledge of Carnegie-Mellon, and his own personal aspirations for the continued growth in the already high quality of education, research, and community service present at Carnegie-Mellon, was the best person to head the University."

At the same time, Dr. Cyert and Mr. Foy announced that Mr. Foy, as board chairman, will devote time to assisting the president in such matters as he may request during the transitional period. Mr. Foy has been on the CMU Board since 1958 and was elected chairman last year. He is retired chairman of the board of Koppers Company, Inc.

Dean Cyert, 50, was born in Winona, Minnesota. He joined the CMU faculty in 1949 after having served on the faculties at the University of Minnesota and the City University of New York. The next CMU president received his B.S. degree from the University of Minnesota and his Ph.D. from Columbia University.

At Carnegie-Mellon, he was assistant professor of economics and industrial administration until 1955, associate professor and head of the department of industrial management until 1960, professor from 1960 to 1962, and has been dean of the Graduate School of Industrial Administration for the past ten years.

Dean Cyert has gained an international reputation in economics, behavioral science, and management. He currently serves as president of the Institute of Management Sciences, an international organization devoted to incorporating the techniques of science into the field of management. As a consultant to the Ford Foundation, he has played a major role in programs aimed at increasing international cooperation in management practices and business education, conducted with the U.S.S.R., countries of Western Europe, and Japan among others. He is scientific director for the European Institute for Advanced Studies in Management in Brussels, Belgium, and is on the advisory council of the International Institute of Management in West Berlin. Dean Cyert was instrumental in starting both schools. In 1970 he served as chairman of a committee of enquiry on graduate management education for the Australian government.

He is the co-author of four books and has contributed more than fifty articles in the fields of accounting, behavioral science, economics, and management to professional journals. In 1959–60, Dr. Cyert was the recipient of a Ford Foundation Faculty Research Fellowship. In 1967–68, he received a John Simon Guggenheim Memorial Foundation Fellowship. In that capacity he spent a year in England as a visiting fellow at Gonville and Caius College at Cambridge University and served as university lecturer in the department of economics.

The new Carnegie-Mellon president is a director of the Pittsburgh Branch of the Federal Reserve Bank of Cleveland, Gemini Computer Systems, Inc., and Koppers Company, Inc. He is a consultant to the Ford Foundation's Office for Higher Education and Research. Dr. Cyert serves as chairman of the Research Advisory Committee of the National Planning Association's study of national goals and is a member of the Research Advisory Committee of the Brookings Institution's study on government regulation. He is also a member of a committee formed recently by the American Institute of Certified Public Accountants to study and reformulate the objectives of financial statements.

Dr. Cyert holds memberships in the American Economic Association, the American Statistical Association, and the Econometric Society.

He is married to Margaret Shadick Cyert and the couple has three children, Lynn Cyert Aikin, Lucinda Carol, and Martha Sue. The Cyerts currently reside at 35 Chapel Ridge Road, Pittsburgh, 15238.

PRESIDENTIAL PRIMARY SYSTEM NEEDS OVERHAULING

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MURPHY of Illinois. Mr. Speaker, as we near the end of the presidential primary trail, a course we travel every 4 years, I believe it is important to analyze this cumbersome system with the hope it can be overhauled and made more responsive to the voters.

A great deal of time, money, and energy is expended during the individual State primaries with the result that some delegates attend party conventions committed while others are uncommitted.

This system tends only to confuse the selection process and at the same time is not a true picture of how the voters feel about a specific candidate.

It was recently pointed out by Mayor Richard Daley of Chicago that a system of regional primaries, held on the same day by both parties, would be a viable solution to the problem.

Mr. Daley added that convention delegates would be apportioned among the candidates according to the percentage of the vote they receive.

This, he said, would eliminate situations such as the California primary where a candidate received all 271 convention delegates although he received only 45 percent of the popular vote.

I think my colleagues would have to agree that a regional primary system would give candidates the opportunity to speak more on national issues so they in return could judge the voters' feelings about those issues.

As it is now, a candidate tends to speak on more localized items and while this may satisfy some voters, there are more extensive matters with which a President must concern himself.

I ask my colleagues to consider some of these comments and to also consider the possibility of changing the current primary system as soon as the opportunity presents itself.

CARNIVALS AGAINST DYSTROPHY

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. WHALEN. Mr. Speaker, summertime is vacation time for schoolchildren throughout the Nation, a time for fun. But in my congressional district each summer, as in many American cities, children combine fun with a serious endeavor: raising money for the fight against muscular dystrophy by holding carnivals against dystrophy.

Last year, Dayton was among the 15 leading cities in raising money for the Muscular Dystrophy Association of America. Three hundred carnivals produced $7,700.

The children plan and conduct the carnivals themselves, expressing their concern for less fortunate youngsters through their fundraising efforts. The kids do it all—or almost all. One adult in the Dayton area has been integral to the success of the carnivals against dystrophy campaign—Malcolm MacLeod, the host of the "Clubhouse" program on WKEF–TV.

On his television show, Mr. MacLeod invites viewers to write for free carnival kits, and he encourages the children to participate. Each year the children respond with hundreds of carnivals against dystrophy.

The importance of Mr. MacLeod's promotion of the carnivals campaign is obvious: dollars are raised which are necessary to provide assistance to muscular dystrophy patients. However, the importance of Mr. MacLeod's work extends beyond the money raised for the battle against neuromuscular diseases. Children who watch Mr. MacLeod's "Clubhouse" program receive so much more than entertainment—they are encouraged to understand the problems of others, and to act on that concern by helping others. Mr. MacLeod is performing a public service for the Dayton area, and the citizens of the third district are justly proud of his work.

NATIONAL DEFENSE A PRIORITY

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. COLLIER. Mr. Speaker, during the last few years we have heard and read a great deal about reordering our priorities by cutting defense expenditures and diverting the savings to such items as health, education, welfare, housing, and transportation. I for one am certainly in favor of cutting defense expenditures whenever and wherever the reductions can be made without jeopardizing the independence and security of our country.

I must, however, part company with those of my colleagues in this body who want to earmark the savings for more and greater spending on welfare and related programs. It would be much better, in my opinion, to curtail unnecessary spending, reduce the national debt, and cut Federal taxes.

When it comes to reordering priorities, the most extremist position is the one advocated by the leading candidate of the right to oppose President Nixon in November. According to this aspirant for the Democratic nomination, $31 billion could be carved out of the Federal budget and reapportioned for other matters. He includes a billion dollars in allocations for supersonic transport and things like antiballistic missiles. Inasmuch as the SST was promoted primarly for civilian use, his total could be lowered somewhat, but the reductions he has proposed still total over $30 billion.

State and local governments and private individuals and organizations can do a much better job when it comes to spending money for hospitals, schools, homes, mass transit, et cetera. Those who advocate the intrusion of the National Government into practically every phase of our lives are the same ones who are constantly discovering new constitutional rights. I wish these people would occasionally read and study our Constitution instead of merely talking about it. It would also improve their minds if they would read the great governmental classic that was written by James Madison, Alexander Hamilton, and John Jay—"The Federalist."

Mr. Speaker, excerpts from three of the papers that make up this monumental work show that one of the principle reasons for establishing the Union of the 13 original States was to provide for the common defense. The arguments put forth for this priority by Hamilton and Madison are logical, coherent, consistent, and unanswerable.

The excerpts follow:

> The principle purposes to be answered by Union are these—The common defence of the members—the preservation of the public peace as well against internal convulsions as external attacks—the regulation of commerce with other nations and between the States—the superintendence of our intercourse, political and commercial, with foreign countries.
>
> The authorities essential to the care of the common defence are these—to raise armies—to build and equip fleets—to prescribe rules for the government of both—to direct their operations—to provide for their support. These powers ought to exist without limitation: *Because it is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent & variety of the means which may be necessary to satisfy them.* The circumstances that endanger the safety of nations are infinite; and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be co-extensive with all the possible combinations of such circumstances; and ought to be under the direction of the same councils, which are appointed to preside over the common defence.
>
> This is one of those truths, which to a correct and unprejudiced mind, carries its own evidence along with it; and may be obscured, but cannot be made plained by argument or reasoning. It rests upon axioms as simple as they are universal. The *means* ought to be proportioned to the *end;* the persons, from whose agency the attainment of any *end* is expected, ought to possess the *means* by which it is to be attained.
>
> Whether there ought to be a Federal Government intrusted with the care of the common defence, is a question in the first instance open to discussion; but the moment it is decided in the affirmative, it will follow, that the government ought to be clothed with all the powers requisite to the complete execution of its trust. And unless it can be shown, that the circumstances which may affect the public safety are reducible within certain determinate limits; unless the contrary of this position can be fairly and rationally disputed, it must be admitted, as a necessary consequence, that there can be no limitation of that authority, which is to provide for the defence and protection of the community, in any matter essential to its efficacy; that is, in any matter essential to the *formation, direction,* or *support* of the national forces.
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> * * * * *
>
> . . . The Union ought to be invested with full power to levy troops; to build and equip fleets; and to raise the revenues, which will be required for the formation and support of an army and navy, in the customary and ordinary modes practiced in other governments.
>
> . . . Shall the Union be constituted the guardian of the common safety? Are fleets and armies and revenues necessary to this purpose? The government of the Union must be empowered to pass all laws, and to make all regulations which have relation to them. . . . (No. 23, by Alexander Hamilton.)
>
> If . . . it should be resolved to extend the prohibition to the raising of armies in time of peace, the United States would then exhibit the most extraordinary spectacle, which the world has yet seen—that of a nation incapacitated by its constitution to prepare for defence, before it was actually invaded. As the ceremony of a formal denunciation of war has of late fallen into disuse, the presence of an enemy within our territories must be waited for as the legal warrant to the government to begin its levies of men for the protection of the State. We must receive the blow before we could even prepare to return it. All that kind of policy by which nations anticipate distant danger, and meet the gathering storm, must be abstained from, as contrary to the genuine maxims of a free government. We must expose our property and liberty to the mercy of foreign invaders, and invite them, by our weakness, to seize the naked and defenceless prey, because we are afraid that rulers, created by our choice—dependent on our will—might endanger that liberty, by an abuse of the means necessary to its preservation. No. 25, by Alexander Hamilton. (The word *denunciation* meant *anouncement* when *The Federalist* was written.)
>
> The several powers conferred on the Government of the Union . . . may be reduced into different classes as they relate to the following different objects;—1. security against foreign danger—2. regulation of the intercourse with foreign nations—3. maintenance of harmony and proper intercourse among the States—4. certain miscellaneous objects of general utility—5. restraint of the States from certain injurious act—6. provisions for giving due efficacy to all these powers.
>
> The powers falling within the first class, are those of declaring war, and granting letters of marque; of providing armies and fleets; of regulating and calling forth the militia; of levying and borrowing money.
>
> Security against foreign danger is one of the primitive objects of civil society. It is an avowed and essential object of the American Union. The powers requisite for attaining it must be effectually confided to the federal councils.
>
> Is the power of declaring war necessary? No man will answer this question in the negative. It would be superfluous therefore to enter into a proof of the affirmative. The existing confederation establishes this power in the most ample form.
>
> Is the power of raising armies, and equipping fleets necessary? This is involved in the foregoing power. It is involved in the power of self-defence.
>
> But was it necessary to give an Indefinite Power of raising Troops, as well as providing fleets; and of maintaining both in Peace, as well as in War?
>
> The answer indeed seems to be so obvious and conclusive as scarcely to justify such a discussion in any place. With what color of propriety could the force necessary for defence, be limited by those who cannot limit the force of offence? If a Federal Constitution could chain the ambition, or set bounds to the exertions of all other nations: then indeed might it prudently chain the discretion of its own Government, and set bounds to the exertions for its own safety.
>
> How could a readiness for war in time of peace be safely prohibited, unless we could prohibit in like manner the preparations and establishments of every hostile nation? The means of security can only be regulated by the means and the danger of attack. They will in fact be ever determined by these rules, and by no others. It is in vain to oppose constitutional barriers to the impulse of self-preservation. It is worse than in vain; because it plants in the Constitution itself necessary usurpations of power, every precedent of which is a germ of unnecessary and multiplied repetitions. If one nation maintains constantly a disciplined army ready for the service of ambition or revenge, it obliges the most pacific nations, who may be within

the reach of its enterprises, to take corresponding precautions. . . . (No. 41, by James Madison.)

(Emphasis in all three papers in originals.)

ATILLA THE TOURIST

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. HAGAN. Mr. Speaker, now that the touring season is beginning to come into full summer flower, Americans who still regard some things, especially historical, as sacred, may well begin to cringe as acts of desecration begin to take place. Much has been said about the lack of regard for irreplaceable historical artifacts which are sometimes stolen or damaged by overzealous tourists, but the practice continues.

If, indeed, these tourists did these things because of genuine love for historical things, that would be one thing, but usually these people could not care less about the real historical values and have heard somebody talk about the objects as being valuable and simply want their share of the spoils.

Providing guards at every important place is expensive, and even with guards atrocities continue, as was proved by the hammering of Michelangelo's Pieta recently in the Vatican.

Saddest aspect of all is the fact that in many instances parents either assist their children, or permit them, to disturb priceless mementos. As long as this continues there can be no end to these mentally warped indulgers.

The Savannah Press of May 30, 1972, comments helpfully on this problem in an editorial entitled "Atilla the Tourist", as follows:

Atilla the Tourist

The strange species known as Tourist Americanus "may be less dangerous to the civilized world than Atilla, but not much."

The charge is made by author John Keats, writing in Travel & Leisure magazine. In an article called "The Great American Vandal," he ticks off a list of tourist crimes committed by Americans. The samples include:

Partial destruction of the new John F. Kennedy Center for the Performing Arts shortly after its opening in the nation's capital, where tourists dismantled the chandeliers, pried the faucets off bathroom basins, stole the silverware from the restaurants, paintings from the walls and cut swatches out of carpet and draperies for souvenirs and in all did some $1.5 million worth of damage.

The irretrievable loss of several geysers and the Morning Glory Pool in Yellowstone Park because tourists could not resist the temptation to clog the vents with coins, stones and logs.

Graffiti at the Grand Canyon, where one ranger caught a family spraying their names on the rocks and was told, "We thought this was what everybody did. The rocks are for everybody, aren't they?"

In addition to our national parks, our historic sites and museums are particular targets of our touring barbarians, which accounts, says Keats, "for the fact that so much of our heritage is behind velvet ropes and iron bars or in glass cases and is only seen through a screen of uniformed guards."

It is bad enough that American tourists "foul their own nests," he says. "But worse, thanks to the creation of cheap jet travel, that our affluent barbarians now commit their nuisances on a worldwide scale."

He admits that American tourists are not the only ones who can be indicted: "The German yields to no one when it comes to oafishness, nor is the Belgian far behind."

The British Lord Elgin, it will be remembered, sent home whole shiploads of marbles which once adorned the Acropolis in Athens.

But Americans are the worst of all, claims Keats, if only because there are so many of them.

FOREST HILLS RALLY FOR SOVIET JEWRY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ADDABBO. Mr. Speaker, on a warm Sunday afternoon more than 5,000 people gathered in Forest Hills tennis stadium to express their support for Soviet Jews. This outpouring of sympathy for the plight of Soviet Jews was a great tribute to the bond we in the United States should feel for oppressed people in other nations.

The June 4, 1972, rally was sponsored by the National Council of Young Israel and its purpose was to raise approximately $100,000 to help those Soviet Jews who are able to emigrate to Israel. The funds will be used for religious and spiritual aid for refugees, to purchase prayer books and to support religious schools and houses of worship in Israel.

Mr. Speaker, the rally was entitled the "Miracle of Return" and spotlighted the refusal of the Soviet Government to recognize the basic international human right of emigration. There can be no freedom without the freedom to leave or move and that is the tragedy of the oppression of the Soviet Jews.

I am pleased to place in the RECORD at this point the program of the Miracle of Return Rally in Forest Hills and to commend the more than 5,000 persons who took part in that impressive expression of support for Soviet Jews:

Miracle of Return—To Support the Religious Needs of Our Russian Brethren

Sponsored by National Council of Young Israel.

Nash Kestenbaum, *President;* Rabbi Ephraim Sturn, *Exec. Vice Pres.*

Endorsed by U.O.J.C., R.C.A., SSSJ, Center for Russian Jewry.

YOUNG ISRAEL

ISRAEL PROJECTS COMMITTEE

Rabbi Marvin Luban, Chairman.

SOVIET JEWRY COMMITTEE

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Nash Kestenbaum.
Hon. Menachem Begin, M.K.
Jo Amar.
Or Hakesef Band.

PETROLEUM: THE MOST POLITICAL OF ALL COMMODITIES

HON. WAYNE N. ASPINALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ASPINALL. Mr. Speaker, Under Secretary of State John Irwin warned the House Interior and Insular Affairs Committee that petroleum "is the most political of all commodities." The recent Iraqi takeover of a major Western oil company underlines the importance of his warning.

The following articles from the Washington Post and the New York Times summarize current developments in the Middle East and the implications of these events for the United States. As Mr. Victor Zorza writes in his perceptive column:

> In a world in which the importance of nuclear and military power is going to be greatly reduced, as it is almost certain to be by the middle 80's, the balance of power is going to be measured in economic terms. The physical and the commercial control of the oil supplies will come to constitute the greatest source of power.

The articles follow:

[From the New York Times, June 6, 1972]

Oil Power Reversed Since 1967 War

(By William D. Smith)

The six-day Arab-Israeli War, which began five years ago yesterday, set in motion forces that have sharply changed the international oil industry.

The changes are still occurring, as last week's nationalization of the Western-owned oil consortium by Iraqi's Government shows. In the last five years the oil industry has lost some of its physical strength as well as emotional drive.

The most significant change has been a swing in the balance of power from the industralized nations to the oil-producing states.

In 1967 the Arabs accused most of the Western nations of siding with Israel. During the war the Arab nations cut off supplies to Western oil companies. They quickly decided that this was counter-productive because the Arab cause needed money at least as much as the industrialized countries needed oil.

SUEZ CANAL CLOSED

Nonetheless, there remained a substantial residue of ill will toward the Western companies.

The war closed the Suez Canal, tightening the world's oil supply lines. Europe began counting more and more on Libya, just across the Mediterranean in North Africa, which now supplies almost 40 per cent of its oil.

A break in the Trans-Arabian pipelines in Syria further tightened oil supply lines, and the cost of tankers to carry oil rose sharply.

In the meantime, a 29-year-old militant Colonel, Muammar el-Qaddafi, had overthrown the monarchy in Libya.

He used the situation to ask for higher payments for Libyan oil, now vitally important to Europe. The oil companies initially responded with an offer he said was insulting. The revolutionary demanded sharply higher posted prices and tax payments.

The oil executives looked at the world supply situation and suddenly realized they were holding a weak hand. Colonel Qaddafi was just as surprised to discover that he, not the Western companies, held the trumps.

BIG GAINS ACHIEVED

The Libyans obtained a sharp increase in the posted price as well as an increase in the tax rate to 55 per cent from 50 per cent.

These gains did not go unnoticed by other oil-producing nations. Within months the other 10 members of the Organization of Petroleum Exporting Countries had negotiated similar agreements.

The oil companies, even though they banded together to face the O.P.E.C. demands, submitted almost entirely to the demands of the producing nations. The once powerful international oil industry was virtually helpless in the face of what amounted to a cartel of oil-producing nations.

"The oil trade became a seller's market for the first time in its modern peacetime history." Prof. Henry Adelman of M.I.T. commented.

FINANCIAL POWER

The price increase will amount to almost $10 billion for the oil-producing nations by 1975, when the present agreements were scheduled to run out. This money gives the producing nations considerable financial power, which is likely to increase as the years go by.

The contracts failed to survive one year. The O.P.E.C. demanded compensation for the devaluation of the dollar. It also called for 20 per cent participation by the producing nations in existing concessions.

[From the Washington Post, June 7, 1972]

SOVIET OIL MOVES THREATEN WEST

(By Victor Zorza)

The Kremlin's control of the life-lines that supply oil to the West, so often raised in the past as a remote specter, has once again become an issue.

The seizure of the western-owned Iraq Petroleum Company (IPC) by the government of Iraq may not be of great importance by itself. But if it shows to other Middle East governments that nationalization works, as the Kremlin has been telling them it does, the seizure of the IPC could change the balance of world power as effectively as some of the more spectacular achievements of summitry.

The encouragement given by the Soviet Union to Iraq is not in doubt. The question is whether the Russians, who have their own lupe of fields, can help the Arabs get rid of their own oil. It used to be said that "the Arabs cannot drink it," and that they therefore had to accept the arrangements dictated by Western oil companies. Nor can the Russians drink it. But their own need for oil is rising rapidly, and so is the cost of production in inaccessible Siberian regions.

By 1980 the Soviet Union, which is now increasing its output by about 30 million tons a year, may be about 100 million tons short. The Russians are not the only ones who have to look ahead. The United States, which has relied largely on its own oil in the past, may have to import half of it by 1980–85. Moscow Radio says pointedly that up to a third of this "will be carried from the Middle East to the United States—but the scale of the national liberation movement of the peoples of Asia and the Middle East is inflicting blows on the predatory plans of the American monopolists."

The implied threat has not been ignored in Washington. Already, the Navy is using it as an argument for a "new" role for the U.S. fleet. Adm. Elmo R. Zumwalt, chief of naval operations, has asked for more money this year than either the Air Force or the Army. He says that he needs it to build the ships to protect the 1,000 tankers that will be transporting oil to the United States by the mid-80s.

"The potential for coercion of the U.S., with or without allies, inherent in this situation, is ominous," Zumwalt says. Washington officials also argue for an increased U.S. presence in the Indian Ocean in order to be able to protect the flow of oil to Japan and other U.S. allies in Asia.

The Soviet press discusses the Middle East's stranglehold on the West in articles which point out that, without oil, economic life would come to a stop. Oil and oil products, it says, account for more than half of world trade in physical volume, and tankers already make up a third of the tonnage of world merchant shipping. Without oil, "all the arms accumulated by the motorized armies of NATO would be reduced to heaps of rusting metal."

What the Russians are saying to the Arabs is that those who control the supply of oil can also control the policies of the West. In urging the nationalization of the oil industries, the Russians are suggesting that the Arabs should use it as a weapon against the West for its support of Israel. They are also telling the Arabs that the West is not entitled to the huge profits it is making from Arab oil.

What is emerging more and more clearly is that the Russians would like a share in these profits. They see no reason why the West should have a monopoly of Middle Eastern oil. In a world in which the importance of nuclear and military power is going to be greatly reduced, as it is almost certain to be by the middle 80's, the balance of power is going to be measured in economic terms. The physical and the commercial control of the oil supplies will come to constitute the greatest source of power.

If the Kremlin can induce the Arabs to push the Western oil companies out of the Middle East, and to call in the Russians to redress the balance, it will have achieved more than it can do through military penetration. This is precisely what it is doing in Iraq, where it has already taken over some of the functions performed by Western companies. The nationalization of the IPC could be the thin end of the wedge.

EIGHTY-EIGHT FOURTH GRADERS PLEA FOR PEACE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MIKVA. Mr. Speaker, more and more people are expressing their deep concern about the President's continuing policy of escalating the level of American involvement in Southeast Asia, most recently by mining Haiphong Harbor.

The American people have turned against the war. They elected the President on his pledge to bring peace to the American and Vietnamese people. Yet Mr. Nixon continues to pursue a policy of war, not peace.

In an effort to express their opposition to the mining of Haiphong Harbor and their fear over the consequences of such actions, three 9-year-old children in my congressional district—Rebecca Singer, Naomi Tzor, and Linda Hiniker—organized a petition drive among their fellow fourth graders. Their petition reads as follows:

> We think Nixon should not mine Haiphong. If it is not stopped it might cause a world crisis.

Eighty-eight other children who share their convictions joined them in signing this petition.

Mr. Speaker, when a policy is so wrong that it brings fear to the hearts of our children, then that policy must be repudiated. I hope and pray that the President will listen to the words of our children, words informed by the purity of their hearts.

SERVICE, EMPLOYMENT, REDEVELOPMENT

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 1972

Mr. DE LA GARZA. Mr. Speaker, one of our greatest natural resources is the potential of the Nation's untrained manpower and womanpower.

Ever since I came to Congress in 1965, I have been working to develop this potential, particularly among the Spanish-speaking populations of approximately 11 million. I have worked with two outstanding Texas-based organizations, the American GI Forum and the League of United Latin American Organizations, on a program to make the fullest possible use of our manpower resources.

This program is designated as SER.

SER is both an acronym and a Spanish word of great significance. The acronym stands for service, employment, redevelopment. The meaning of the Spanish word is "to be"—and that precisely expresses the aspirations and hopes and ambitions of America's second largest minority. They want to be better.

Fortunately, at the time we embarked on this program, President Lyndon B. Johnson was in the White House. He had a great understanding of the problems of the Spanish-speaking population. As a very young school teacher he had come in close contact with the Mexican-American youngsters of Texas. As a Member of this House and as a U.S. Senator, he worked hard for their interests. As President of the United States, he gave his personal approval to efforts to upgrade the provisions in the Government of this important minority. He instructed the Federal departments and agencies to hire more people from this group and to give them training for better jobs. President Johnson gave his personal approval to SER.

In my own south Texas area where we have many first, second, and third generation citizens whose origins were in the neighboring country of Mexico, we are seeing the fine results of the programs that have been developed in recent years.

Operation SER is giving direct service to people who need it most. The training they receive is qualifying them for better jobs and for more meaningful lives as Americans. Significantly, these job placements, almost without exception, are in semiskilled, skilled, or highly skilled occupations. The people involved are getting the kinds of jobs they want and for which their training has qualified them. Those who head SER are able.

conscientious, capable leaders of their own.

Local employers in my area, and elsewhere in the United States, are extending magnificent support to the program. They understand the value of having highly motivated employees, people who do not shy away from work ethic which made this Nation great and which, sad to say, is now held up to scorn in some quarters.

Mr. Speaker, whatever manpower legislation may be enacted during this session of Congress should and must take full cognizant of the SER program and its basic premise that a person who wants help to better himself has a right to expect that help. SER has a place, and an important place, in any manpower training program. It is my privilege to commend it to the attention of this august body as an organization which needs our support. To be self sufficient is every American's right and we in this House can rightly help this important segment of our Nation to achieve that goal.

GRASS IS THE BACKBONE OF BEEF OPERATION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. HUNGATE. Mr. Speaker, to those who may think that making money in the cattle business simply involves buying cattle, waiting for them to grow and telling the buyers to bring a check, the following article on the skills and management involved in successful cattle operations will be of interest.

[From the Missouri Ruralist, May 13, 1972]

GRASS IS THE BACKBONE OF BEEF OPERATION

(By Larry Harper)

"Yearling country" is the term Bill Sidwell uses to describe grasslands in the Green Hills area of Schuyler County in extreme North Central Missouri.

Sidwell, who now serves as president of the Missouri Cattlemen's Association, has fitted his beef operation to the environment. He runs yearlings, but not in the traditional sense. His beef herd consists of young heifers grown out and bred for sale as replacement stock.

In Sidwell's area, around Queen City, the land varies from gently rolling prairie to steep brush-covered hills. Winter temperatures and snowfall often are the most severe recorded in the state. These two factors combined make yearling cattle a more practical enterprise. Cattle can be grazed in the hills during warm months, gathered and brought closer to home for winter feeding. With a yearling operation there is no problem with calving in the brush or moving young calves in hot weather. Yearlings, including replacement heifers, can be fed in closer quarters during extremely cold and wet months.

The decision to specialize in heifer replacements is perhaps a refinement of the "thinking" Sidwell has had since he began ranching after World War II. He always has been specialized. While most producers in his area had diversified farms Sidwell stayed with cattle. Before switching to a heifer operation four years ago he had a cow herd. For several years he managed a large cow herd for the Oppenheimer Corporation, plus some of his own. His heifers now are grown out on the 1,500-acre home ranch, which is mostly open land, plus about 4,000 acres of rough hill land which is leased.

While specializing in heifers, Sidwell has some built-in flexibility. He has three ways to go with heifers. Depending on market conditions or other factors, the heifers can be sold in August as feeder cattle. By December they will be ready for the bred heifer market. A third alternative is holding the heifers and calving them out.

Young heifers weighing around 500 pounds are bought during the fall and winter. Sidwell buys the stock himself, and "buys the best calves that walk in the ring." Most of the calves comes from the Nebraska Sandhills, and all are Horned Herefords.

When the heifers arrive at the Sidwell ranch they are branded, dehorned, vaccinated for lepto, blackleg and wormed.

During the winter they receive a ration of whole corn and supplement that keeps them gaining at 1½ to 2 pounds a day. By spring they are in the "right" condition to go on grass which Sidwell says is the "backbone" of his operation. He aims for the cheapest gains without getting the heifers too fat. For this reason cattle are not fed on grass because they tend to stand around the feed bunks instead of utilizing the forage.

By the first of May the heifers go into the hill pastures where they run with Angus bulls during the summer. Sidwell uses yearling and two-year-old Angus bulls because they are the right size and weight for breeding heifers. And he watches his bull power closely. Yearling bulls are used at the rate of 18 heifers per bull, while two-year-old bulls may run with 22 to 24 heifers.

It is in this area of management that Sidwell believes many ranchers run into problems. They don't have enough bull power. He says most farmers carry a spare tire for their car, but won't invest in a spare bull. Even for small operations he suggests keeping a young bull for emergencies.

Another reason Sidwell leans toward heifers is plain economics. He can carry three heifers to one cow-calf pair. Because grass is his "backbone" he allows five acres per animal. With a heifer operation, he doesn't want to run short of grass during July and August when heifers are in the peak breeding season.

These summer months also call for careful attention to facefly control. Cattle are sprayed before they go on summer pasture, and those that can be gathered in a "trap" are sprayed once during the summer. All cattle are sprayed again after the fall gathering. Also, cattle have access to high phosphorous mineral with Vitamin A, and backrubbers are scattered around the pastures.

Presently Sidwell is growing out 700 heifers. He has found a ready market for bred heifers, especially among Iowa farmers looking for cattle as a supplemental enterprise.

Bill Sidwell of Queen City, in Schuyler County in my congressional district, the president of the Missouri Cattlemen's Association, has considerable experience in this field, and is a leader in seeing that America has a sufficient supply of good beef.

BOOK ON BLACK PROBLEMS IN INDUSTRY HAILED

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. FAUNTROY. Mr. Speaker, a new book has come to my attention which gives practical and constructive insights into healing the racial split that separates Americans from each other. This book, entitled "Blacks in the Industrial World, Issues for the Manager," co-authored by Theodore V. Purcell and Gerald F. Cavanagh, examines one of our major social problems, the employment situation for blacks at all levels of industry.

The essential idea behind this valuable work is the concept of corporate social responsibility. Business managers are being asked to hire black workers, not for the sake of more efficient business operations—although that may be the ultimate result—but as a deliberate effort to change the forces that are dividing the country along racial lines. This new concern has led to the identity crisis of the corporation and a new rhetoric of "corporate social responsibility." The book attempts to advance the understanding of corporate social responsibility not so much by theorizing as by exploring the application of this responsibility to minority manpower policies and practices.

"Blacks in the Industrial World" is most interesting and informative reading as well as an important commentary on the hopes and problems of the black blue-collar worker.

WOBURN STUDENTS SUGGEST CONSTITUTIONAL AMENDMENT

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MACDONALD of Massachusetts. Mr. Speaker, all of us get petitions and all of us receive correspondence from young people in our districts. However, last month I was sent a petition signed by 168 young people who are students at Joyce Junior High School in Woburn, Mass. This was a special piece of correspondence for it was obviously the result of much effort and hard work on the part of these students.

They were petitioning me as their elected representative to remedy what they felt to be an inequity in the United States Constitution. They referred to article II, section I, clause 5 which reads in part:

> No person except a natural born Citizen, or a Citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the Office of President. . . .

The concern which they voiced in their letter to me was that this provision prevents a naturalized citizen, who has all the other privileges of a natural born citizen, from running for President.

A check of the judicial and legislative history of this provision shows that it has been construed strictly to mean literally what it says and that it does seem to preclude a naturalized citizen from holding the Office of President of the United States.

I would point out to my colleagues that no similar prohibition exists with regard to the offices of Representative or Senator. Thus, naturalized citizens, being barred from the Office of President, are declared to be less than natural or native born citizens, and are denied the privilege of serving their adopted country in the highest office it holds open to native born citizens.

To demonstrate the extent of this

injustice, it is helpful to look at the number of naturalized citizens who live in the United States. While the 1970 census statistics are not yet final, the Immigration and Naturalization Office of the Justice Department has supplied me with some of the figures.

Since 1907 there have been over 8.8 million persons who have become naturalized citizens. Of these, nearly two million were naturalized within the past decade. In the last 2 years alone, 219,000 persons have been naturalized.

I feel that the students of Joyce Junior High School, in their studies of the Constitution, have uncovered a real inequity, and I hope that it can be changed. We should not allow artificial barriers to make naturalized citizenship in any way second-class citizenship. And we should not prevent a naturalized American from holding the Office of President and serving his country if he is the choice of the majority of citizens in the United States.

Consequently, I am today introducing a resolution which calls for an amendment to the Constitution and which would allow an individual who has become a naturalized citizen to be eligible for the Office of President if he has been both a citizen of and resident in the United States for 12 years.

I hope that the Congress and the necessary three-fourths of the States will take action on this measure, and I thank the students at Joyce Junior High School for their concern and for helping to bring this matter to the attention of the Congress.

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to provide that a citizen shall not be ineligible to the Office of the President by reason of not being native born if he has been a United States' citizen for at least twelve years and a resident within the United States for fourteen years.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by Congress:

"Article —

"A citizen of the United States shall not be ineligible to the Office of President by reason of not being native born if he has been a United States' citizen for at least twelve years on the date of election for such Office and if he has been fourteen years a resident within the United States on such date."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SECRETARY RICHARDSON'S REMARKS ON THE HIGHER EDUCATION CONFERENCE REPORT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. DELLENBACK. Mr. Speaker, as of this time the White House has not commented publicly on the conference report to S. 659, the Education Amendments of 1972. I personally feel that the President can take credit for many of the substantive provisions in this bill. President Nixon proposed some of the provisions and the administration has endorsed several others. Last Friday the Secretary of Health, Education, and Welfare, Elliot Richardson, spoke for the independent colleges of southern California in Los Angeles. He spoke in part as follows:

> As I speak to you today, the Congress is in the final stages of deliberating major new legislation for higher education that would have an historic impact on the roles our colleges and universities will play in the last critical years of the 20th Century.
>
> Passage of this legislation would provide an affirmative answer to one vital question: Can the Federal government contribute significantly to helping our institutions of higher learning become more effective and more responsive, without at the same time imposing unwarranted Federal control over the higher education process?
>
> The bill passed by the Senate and now before the House is—and let there be no doubt about it—a major achievement. It is legislation which, in the finest traditions of American politics, members of both parties worked very hard to produce. Anyone involved in the two-year effort it took to get this legislation to its present stage learned something about the flexibility, the tolerance, the root strength of our legislative process.

The Secretary did raise some personal reservations about the busing amendments, explaining his feeling that the conference report falls short of the goals of the President's proposed Equal Educational Opportunities Act

Of course, Mr. Speaker, the conference committee, of which I was a member, did not have before it the provisions of the President's most recent proposals on busing and, therefore, could not include them in the conference report.

But the Secretary continued in his speech to comment positively about the educational provisions of the conference report. The following is a further excerpt from his speech:

> But, these reservations aside, I believe the legislation is truly a landmark in the history of higher education—and this Administration would welcome ultimate enactment of the higher education provisions. We must not fail to take this first, necessary step toward a new Federal role in aiding American higher education to prepare for a new age.
>
> The bill embodies the heart of President Nixon's higher education initiatives, including his proposals for aiding students and institutions; his call for a National Institute of Education; his request for authority to fund innovation and reform in post-secondary education; his plans to create a secondary market for student loan paper, and to provide mortgage insurance for private college construction; and the President's proposed ban on discrimination against women in higher education.
>
> The bill, in essence, would broaden access to higher education for every young man and woman in this nation; it would establish a workable framework for encouraging institutional self-study and reform; and it would, for the first time in history, provide institutional support to our colleges and universities.
>
> Passage of this legislation would mean Congressional acceptance of the principle, enunciated by President Nixon, that opportunities for higher education shall be extended to all young people regardless of their financial position. As the President said, in his 1970 Higher Education Message to the Congress:
>
> "No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal; I propose that we achieve it now."
>
> To meet that goal, the bill would authorize a new basic educational opportunity grant program providing substantially increased benefits to students from families with annual incomes of up to $12,000. This new aid would be in addition to all existing student aid programs in effect providing a new minimum floor of benefits to students whose families cannot afford to send them to college.
>
> For the first time, a financially disadvantaged student would be able to determine clearly what kind and how much aid would be available. The new grant would be equal to $1,400 a year, minus what his family reasonably could be expected to contribute—and would relate to the on-going grants, loan and work-study programs already on the books.
>
> Obviously, this has many implications for private institutions. Such a student aid concept would improve opportunities for students to attend colleges of their choice—and thus widen access to a diversity of educational offerings.
>
> The bill also would create a secondary market for student loans, thereby substantially increasing the availability of low-interest, guaranteed funds for students entering college. This program would particularly ease the burdens of middle-income students enrolled in the private colleges.
>
> State legislatures and higher education boards and councils will play an important role in the application of this new legislation which, in essence, will work as major incentives to help higher education become self-sufficient. The bill contains a new program of Federal incentive grants to encourage the States to put more money into State scholarship programs—programs like those your organization has so strongly supported—and programs which have traditionally provided a means for students to attend the private college of their choice.
>
> In addition, the bill would provide a new program of Federal insurance for private college expansion to help these institutions prepare for anticipated enrollment increases. This provision should have the effect of significantly lowering interest rates on construction loans, and make these loans much easier to maintain.
>
> The institutional aid provisions of the legislation comply with four guidelines set forth by the Administration. First, additional aid would be related to the effort institutions themselves are making to fulfill

recognized national goals—such as equalizing opportunity, stimulating reform and innovation, and sponsoring research.

Second, additional aid would most benefit those institutions and categories of institutions experiencing the greatest financial distress.

Third, additional aid would *not* produce major reallocations of responsibility among the supporters of higher education—the Federal government, other levels of government, and private donors.

And fourth, the additional aid would *not* impose upon institutions a uniform Federal bias as to how higher education should be provided. It would not, in short, impose unwarranted Federal controls over the higher education process.

The concept of the Federal government granting unearmarked funds to institutions means simply this: If the government is to encourage more students to go to college by expanding its aid to students, it must help these institutions meet the additional costs related to greater enrollment—and help institutions meet the costs of additional special programs geared to meet the needs of students coming in from disadvantaged backgrounds.

In a broader sense, direct institutional aid would help institutions of higher learning become more responsive to the existing and developing needs of the public it serves.

Related to this latter goal is the emphasis the bill places on education research as well as reform and innovation in higher education.

It would, for example, create a National Institute of Education, to be modeled along lines of the National Institutes of Health, the world's pre-eminent biomedical research center.

The purpose of the NIE, as set forth by President Nixon, "would be to begin the serious, systematic search for new knowledge needed to make educational opportunity truly equal."

Operating across the entire spectrum of our educational system, from kindergarten through graduate school, the Institute would concern itself with providing a research base for restructuring and improving the system for greater effectiveness: It would serve as a vital resource in the search for new ways to increase access to education; to broaden the age range of learning; to increse the relevance of learning; to design learning programs tailored to the specific needs of individuals; and to increase the range of resources available for learning.

The Administration's emphasis on reform and innovation also is carried out by language in the legislation authorizing the HEW Secretary to make grants to improve postsecondary education. This language would provide the Department with essentially the same authority to promote reform and innovation as the Administration had proposed for a National Foundation for Higher Education. And since private colleges traditionally have been the leaders in promoting higher education reform, I feel certain they would be major beneficiaries of this new program.

In large measure, this legislation attests to this Administration's belief that the best way to assure that higher education will respond to the developing needs of the public is to provide the means directly to higher education institutions themselves.

As I reflect on this legislation—and on its potential impact on higher education—it seems to me our feelings, in the event it is passed, should be not unlike those of a senior attending his college commencement.

The first thing to be done is to celebrate the achievement of what already has been accomplished. And graduating a bill from this Congress—let alone *this* bill—would indeed be cause for celebration.

MIRACLES COST MONEY—POWER IS A MIRACLE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. HALL. Mr. Speaker, serious problems face this Nation with the increasing demand for electrical power. All across the country more and more homes and businesses depend on the energy generated by electrical powerplants to run the innumerable machines and appliances now regarded as necessities by industry and consumer alike. However, the miracle of electricity involves costs.

Joseph W. Rittenhouse, group vice president for electrical products of the Joslyn Manufacturing and Supply Co., is a competent and forceful spokesman for the power industry. My lifelong friend, Mr. Rittenhouse recently spoke before an engineering foundation conference and outlined the costs to the Nation for increased power production to meet the expanding use of electricity. Rittenhouse believes that the costs to the United States in producing more electrical power may involve more pollution and more expenditures. In order to better inform the public and the Congress of the possible costs to the Nation of increased power production, I insert the following speech on this important subject in the RECORD:

MIRACLES COST MONEY—POWER IS A MIRACLE

(By Joseph W. Rittenhouse)

I'm sorry that I wasn't around when the first commercial installation of a power generator was accomplished nearly 90 years ago.

I wish I had been. I would have witnessed the birth of a miracle, a miracle that has spawned the greatest society in all of history, the American Way of Life.

Wouldn't you think that we would treat a 90 year old miracle with some respect? Wouldn't you think that we would recognize with appropriate accolades the amazing accomplishments of this industry?

At first I think we did, but the blush was barely off the first kilowatt hour before we began to demand more. The industry had to work like a Trojan to keep up with the demands. And the demands were directly related to the creature comforts of our people. By 1968, their residential needs had reached the fantastic levels shown in Table I:

TABLE I: *Residential electrical appliances found in American homes—1968*

Type of appliance:	*Percent of homes containing appliances*
Refrigerators	99.7
Radios	99.5
Black and White Television	98.1
Washing Machines	94.3
Vacuum Cleaners	92.1
Coffeemakers	79.6
Electric Ranges	47.0
Electric Blankets	42.3
Room Air Conditioners	36.7
Clothes Dryers	34.6
Freezers	27.2
Color Television	26.2
Water Heaters	26.1
Dishwashers	18.1
Food Waste Disposers	18.0

As a future bench mark for comparison with 1968 it has been estimated that by 1980, 85% of all residences will be fully air conditioned. This will not come about because some nasty, conniving, scheming capitalistic, profit monger will cram it down the throats of a reluctant populace. It will come in direct response to the demands of you the people.

Epitomizing the insatiability of our thirst for the good life is the fact that mankind has consumed more energy in the past 30 years than in all of history before 1940. In the next 30 years, he will use far more than between 1940 and 1970.

More relevant to today's meeting is the fact that with only 6% of the world's population, we in the United States consume 32% of the total world's energy production.

It is a direct result of the unrelenting demands of a power-hungry society that our industry has swelled from a single generator 89 years ago to what may well be our largest producer of jobs, payer of taxes, investor of capital and server of the nation. Table II reveals a few of the facts for 1969 and 1970.

Table II: Electric utility contributions to our economy

1969

Investor owned utilities payroll, $2.5 billion.

Investor owned utilities employees, 372,500.

Investor owned utilities investment in plant and equipment, $94 billion.

Total utility industry number of generating plants, 3,490.

1970

Investor owned utility annual investments in plant (this is 12.5% of total for all of American industry) $10 billion.

Investor owned utility tax bill (this is 19¢ out of each revenue dollar), $3.51 billion.

Total energy delivered, 1.5 trillion KWH.

The raw statistics are, of themselves, most impressive. They assume an even more magnificent dimension when it is added that a kilowatt hour which cost about 2.09¢ in 1970 would have cost 11.2¢ in 1906 when Edison was shocking the world with the first trickle of the miracle that was to follow.

This accomplishment of more energy for less cost may well be history's most outstanding bootstrap operation; a miracle of self-improvement through technological advance. In no country in the world has the service of the electric utility matched the service in these United States.

With residential usage of electricity expected to more than quadruple between 1960 and 1985, and with industrial usage expected to double within the next decade, it has been projected that about $350 billion will be required to finance new plants and equipment between now and 1990. Approximately one million megawatts of new capacity must be installed.

While these figures may seem astronomical, they are the price of progress, and unless you want to advocate retrogression through stagnation somebody is going to have to pay.

Contrary to the apparent view of many "do-gooders", there is no bottomless pit of diamonds and rubies down in Washington into which we can repeatedly dip to finance every crackpot idea that might glean a few votes. The American Way has always been, and God grant that it shall always be, that real progress is financed from return on investment, and the beneficiary pays.

The user of the electricity is the beneficiary; so in the greatest American tradition, either he must pay or the benefits must cease or never become available.

With existing technology there is no way to meet the growing demands of an electric energy hungry society without some pollution, and the irresponsible headline seeker who screams that anyone who pollutes must pay for pollution control would be well advised to consider carefully his logic.

He frequently is the one who finds a special enchantment in feeding at the federal trough of sponsored research. He may be one whose perpetual search for the federal dole has blinded him to the implications of the question: "Is the polluter the one who flips the light switch, or is he the one who supplies the electricity that makes the light switch work?"

There is no way of getting around it. In the final analysis, the culprit is Mr. John Q. Public, yet he is a most contradictory animal.

If we turn on his lights he screams about our stack plumes; if we turn them off, he belches fury at our lack of reliability.

It is ironic that his demands for comfort, convenience and the good life have simultaneously led to the giant that is American industry and all of the pollution thereunto appertaining. It does not seem incongruous, then, that it is he who must pay whatever the cost attached to both.

It is little short of miraculous that the electric power industry has carried its fantastic growth burden with so little inconvenience to you the consumer. Yet with all the ruckus over blackouts, brownouts, and ecology, it has been made to seem that the lights rarely come on when the householder flips a switch, or that if they do come on the resulting light is lost in a flood of scalding water saturated with dead fish and fly ash.

If you are interested in the facts, it would be most revealing for each of you to do a statistical analysis of the number of times that your household calls for electricity and fails to get it. I'll wager that the percentage of failures would defy the accuracy of all but the most capable calculators.

These comments on reliability are made with complete knowledge, from personal experience, of the implications of both a 15% and a 100% reduction of voltage. I have encountered them on both our coasts and in the midwest and I would not for an instant want to be interpreted as condoning either.

I simply insist that by comparison with all of the other systems that human beings are hooked on, I doubt that any can match the superb percent-defective performance of the electric power industry, and I think it's high time somebody challenged the voluminous contrary insinuations of the recent past.

It is astounding that the public which has been served so well has been so thoroughly aroused by the screams of the headline seekers and the vote hunters. The present furor over pollution would defy the imagination if our national history were not such a series of tempestuous situations.

One of the strangest of enigmas is the spectacle of perhaps our greatest industry striving desperately to disguise itself: making substations look like houses, transmission towers like modern sculptures, insulators and transformers like patches of sky and generating stations like almost anything that they are not. All this masquerading totally ignores the pragmatism that just as yesterday's beauty is today's congestion; so will today's be tomorrow's.

Nevertheless, we go on and on dissipating, in appeasement of the vote seeker and headline hunter, energy which unequivocally could otherwise hasten such real contributions as fast breeder reactors.

We have already spent a billion dollars for precipitators and another two billion is planned. We're working toward removing 5.6 million tons per year of fly ash, and 20 million tons per year of sulphur oxides from the air, and I have yet to be assured that we have unanimity on what is good or bad in either area.

Whatever the standards become, though, it is interesting that the U.S. Public Health Servce tells us that our industry can't hold a candle to John Q. Public when it comes to air pollution.

John, by his use of the motor vehicle causes about 60.6% of the problem; our total industry contributes around 14.1% and the rest of industry all together contributes about 16.7%.

By my reckoning, John's demands have put more than 100 million cars, taxies, buses and trucks on the road today, along with 2 million motorcycles, 30,000 railroad diesel engines, 120,000 aircraft and nearly 5 million farm tractors. This noisy congregation makes up the greatest portion of the 72 million tons of carbon monoxide which the U.S. Public Health Service rates as our principal air pollutant slightly more than half of the total pollutants emitted into the air each year.

Which of you will volunteer to walk or take a bicycle to fight pollution?

There is ample evidence to support a contention that our industry has always done and plans to do far and away more than its fair share of the work of cleaning up the havoc that people have wrought in this country. It is imperative though that it have more help than it has heretofore had in evaluating and defining acceptable pollution, and surely no self-respecting engineer will insist on zero pollution from our power plants as the only acceptable level.

Do the fish like the water hot or don't they? If they do, how hot is hot to a fish? Do our power plants make the water too hot, or don't they? There are areas where there are as many answers to such questions as there are regulatory entities having local jurisdiction. Yet in spite of such ambiguities the next five years will see some 30 billion dollars spent on water pollution control. That's not far from the size of our total federal budget in the 1940's.

The heritage of the electric utility industry is rich in the lore of the success of capitalism. From a smattering of tiny splinters remotely scattered throughout this vast land, it has risen like a gigantic monument to the creativity of man in the free enterprise system. Where it goes from here hinges greatly on what we allow our legislators to do to shackle it and on how we react to the do-gooders who would cripple it in the blindness of their intolerance for the success of a capitalistic institution.

Tragic will be the day if a Naderian type influence bent on protecting the "stupid" buyer so fills the kilowatt hour with regulatory seat belts and air bags that there is no longer room in the seat for the rider.

In some way we must free ourselves from the phobia that the universal ignorance of our people demands that each package on the grocery shelf be the same size, color, and price per pound. We must accept that Washington cannot protect each of us from everything. We do have common sense and all corporations are not out to cheat us.

Until we come back to the basic principles upon which this great nation was founded there will always be fertile soil on which the manipulators can drop their seeds of distrust. The big lie supported by inference and innuendo will continue to inflame the populace to rally to the polls for the slick-tongued orator, and rule by passion will replace the rule of reason that has been so beneficial to the endurance of our society.

Relative to the theme of this conference I believe our industry is reliable. About 99.98% would be my estimate of the overall process average.

Of course, we have some areas in which we must improve; a prolonged succession of northeast blackouts would indeed be intolerable. I doubt though that we need the help of a sanctimonious press to alert us to the mandatory necessity for excising such a performance from our normal regimen.

We are not helpless idiots!

We who operate businesses based on the principles of profit and loss know far better than any specious journalist or idle bystander that people will not buy what they cannot depend upon. We therefore have a far greater stake in putting our house in order than does any harbinger of doom whose future hinges on the size of the headlines he can generate.

With respect to regulation, I have little doubt as to our most dominant future need. Unfortunately, I cannot evoke a wildly enthusiastic optimism relative to the ease of satisfying that need.

We must find some way to enact legislation which is based on the long range best interest of the nation rather than on what will at the moment have the greatest transient appeal to the voters.

The spectacle of automobiles being designed by our legislators may seem far fetched and irrelevant to today's meeting. It certainly cannot be denied though that their legislation set the stage for all of the paternalistic trash which is now going into automobiles under the guise of protecting the public from itself.

We must somehow learn that we cannot pass enough laws, or if we could we couldn't enforce them, to protect every idiot from every potentiality.

I have little question of our ability to find conscientious and dedicated people to serve on our regulatory bodies, interpret with great wisdom the laws that are given to them, and judge carefully the facts that are presented to them. I wish I had equal confidence in our ability to guarantee wise legislation.

In the realm of research I have some optimism that a new era may be approaching. I was party to the first and second "Grinter" reports and I suffered many of the agonies of the more recent "Goals Study". I have an intimate appreciation of the experimentation that perpetually permeates the campus.

I believe it is from an enlightened vantage point that I see increasing evidence that the market for products of curricula of the past decade is not over taxing the college productive capacity. I cautiously express the hope that academicians will interpret this as a signal requesting increased pragmatism on the college campus.

Perhaps we have been so concerned with writing the proposal and getting the research contract that we have overlooked a basic principle: no matter how thick the volume, no matter how elegant its partial differential equations, no matter how lofty its title and no matter how prestigious its audience, a research report is worth just exactly what it can generate in net, after taxes, income.

It may rest on the loftiest shelves of the most elegant libraries in all the world, but until somebody removes it from its shelf and finds a way to convert it to profit it is pure waste.

Last year a publication of the Division of Engineering of the National Science Foundation listed 21 million dollars worth of grants and contracts awarded in fiscal 1970. A scanning of this list is a most revealing exercise. It reveals a $186,000 grant for a work entitled "Heterogeneous Catalysis by Transition Metals", a $125,000 grant for studying "Thermodynamic and Transport Properties of Non-Polar Compounds and Their Mixtures", a $300,000 grant for "Plasma Dynamics", a $147,000 grant for studying "Neutron Multiplying and Moderating Systems", a $185,000 grant for studying "Large Continental Droughts", a $156,000 grant for "Moire and Holographic Techniques for Experimental Stress Analysis", a $160,000 grant for "Engineering Applications of Stochastics", a $146,000 grant for "Coherent System Research", and so on and on and on to a grand total of $21,000,000.

I am far from competent to judge the value of all these programs. In fact, I'm not even sure that I pronounced all the words correctly. With great authority, though, I can attest that $21,000,000 is an awesome amount of money. I hope that at least a piece of it will shed some light on how to get rid of tin cans and beer bottles.

Research is an essential requisite to the healthy growth of a dynamic society, and I vigorously recommend that we do every penny's worth of it that we can afford. I hope though that we are not entrusting too many dollars to hands with too little of the hard experience of profit and loss.

Not for an instant would I challenge the fascination of "Limit Analysis of Cylindrical Shells with Mixed Boundary Conditions", even at a price of $16,000, but, gentlemen, we don't even know how, economically, to get rid of the pickle liquor from our steel mills and galvanizing plants.

Senator Jennings Randolph (D-W. Va.) has expressed our industry's problem as follows:

"In the next 20 years, we must triple our national power capacity to meet projected population and industrial demands. This may require 250 new power plant sites with an estimated capital need of as much as $350 billion. Such an expansion will require approximately eight million acres of land and may require over half a million miles of transmission lines."

What the senator does not say is that this growth will be precipitated by the demands of a population that will reach about 265 million by 1990. We must find some way to do a better job of educating that population than we have done with previous ones.

I'm afraid that the average man, John Q. Public, is totally ignorant of the relationship between the stack plume and flipping the light switch. He thinks the electricity comes out of the wall. He doesn't understand that every time he turns on his air conditioner, each time he toasts a piece of bread, or irons a shirt, someplace some fuel must be burned.

Perhaps we should print in a prominent place on our routine electric bills how many equivalent pounds of coal were burned in order to supply the customers' electricity.

In summary, the challenge of the 70's is well defined. If we meet it we will have performed another miracle. Fortunately, we are blessed in our effort by a power industry which, contrary to a few reporters, is not some nebulous ogre exhaling noxious fumes and spouting fire and corruption; it is composed of the same concerned citizens that make up the rest of society. Its interest in the future of man and his planet is heightened by the services that it renders.

Given legislators who will legislate objectively and researchers who will be guided by the pragmatism of profit making business the miracle will occur.

The miracle will cost a lot of money, but with wise legislation and a successful job of educating the public, the beneficiaries will be happy to pay.

COST OVERRUN IN FORWARD AIR DEFENSE SYSTEM

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ASPIN. Mr. Speaker, the General Accounting Office has uncovered $377.6 million cost overrun in our forward air defense system. The portions of the GAO study which are unclassified provide a detailed examination of the problem.

The study follows:

CHAPARRAL/VULCAN AIR DEFENSE SYSTEM

SYSTEM DESCRIPTION AND STATUS

The Chaparral/Vulcan Air Defense System (CVADS) consists of the Chaparral missile, the Vulcan gun and the Forward Area Alerting Radar (FAAR). The Chaparral is a self-propelled, self-contained missile launcher and control system adapted to a modified, tracker cargo carrier. The Vulcan is a 20-millimeter, six-barrel, Gatling-type gun and a fire control system. The FAAR is a light weight, mobile aircraft detection and alerting radar system. (Unclassified.)

COMING EVENTS

The Vulcan gun is scheduled for Standard A classification (acceptable for Army use) during the first quarter of calendar year 1972. (Unclassified.)

The system has experienced cost growth of $690.2 million from a planning estimate of $58.2 million to a current estimate of $748.4 million. The latter amount includes the current program acquisition cost and additional procurement cost of $660.3 million and $88.1 million respectively. Department of Defense officials have attributed this growth primarily to a change in program concept from an interim limited deployment system to a worldwide system which, among other things, substantially increased the quantities to be procured. Other reasons for the cost growth include environmental qualification of components and assemblies, redesign, modification, support changes, estimating changes, engineering changes, schedule changes and inflation. Funds appropriated for research, development, test and evaluation, (RDT&E), and for procurement as of June 30, 1971, amount to $579.2 million. (Unclassified.)

CONTRACT DATA

Four contracts were identified as applicable to the Chaparral/Vulcan program. For the four contracts, there was a total of 45 definitized changes, costing $12.4 million. In addition, there was a total of 7 undefinitized changes costing $7.6 million. Contractor progress reporting systems for the Chaparral/Vulcan had not been validated to the requirements of DOD Instruction 7000.2. (Unclassified.)

RELATIONSHIP TO OTHER SYSTEMS

The CVADS is part of a family of Army air defense systems including the Hercules and Hawk missiles which have already been deployed. The CVADS was needed because the Hercules and Hawk for tactical reasons are located back from the forward edge of battle areas and also have low-level limitations imposed by the curvature of the earth. (Unclassified.)

See Appendix I for photographs of the CVADS and the relative areas of coverage provided by various air defense systems. (Unclassified.)

SELECTED ACQUISITION REPORTING

The CVADS is not included in the SAR system because it was in the final stages of the acquisition process when the SAR systems was initiated. (Unclassified.)

AGENCY REVIEW

A draft of this staff study was reviewed by Army officials associated with the management of this program and comments were coordinated at the Headquarters level. The Army's comments are incorporated as appropriate. As far as we know there are no residual differences in fact. (Unclassified.)

CHAPTER 1. INTRODUCTION

The General Accounting Office, as part of its continuing evaluation of Department of Defense weapon system acquisition procedures, has reviewed the CVADS to evaluate the System Status Report issued as of June 30, 1971, and actions that have been taken since our previous review. (Unclassified.)

System history

In November 1964 the Secretary of Defense approved development of the CVADS (the Vulcan gun was selected in December 1965 based on tests of several guns) to provide, in combinations with the Hawk missile system, an interim capability for defending against aircraft in forward battle areas, pending availability of a more optimum air defense system. The CVADS evolved because preceding development programs had failed to provide an air defense system for forward battle areas—for which the need was recognized by 1948—and the more optimum Mauler system was under development and not available to meet the immediate requirements. (Unclassified.)

The CVADS concept was based on the assumptions that (1) Hawk units would be located to provide all-weather coverage for the area to be defended, (2) Vulcan would be located to provide point protection for front line infantry and high priority targets, and Chaparral would be located away from the front line but sufficiently forward to take advantage of its tail-chase capability with particular attention to areas that cannot be covered by the Hawk because of terrain radar masking. (Unclassified.)

In 1965, replacement of CVADS with a more optimum system was planned for accomplishment in 1975. The Army now estimates that replacement will not be accomplished until the mid-1980's, because the replacement system has not reached concept formulation. (Unclassified.)

CHAPTER 2. WEAPON SYSTEM STATUS

We have reviewed the first System Status Report on the CVADS which was issued by the Department of the Army as of June 30, 1971. Our objectives were to (1) verify historical data to source documents on a selected basis, and (2) ascertain the basic reasons for significant variances between the planning estimate, development estimate, and current estimates of cost, schedule and performance. (Unclassified.)

Each element of the System Status Report is discussed separately and is subdivided by the three main components of the CVADS—Chaparral, Vulcan, and FAAR. (Unclassified.)

System cost experience

The Chaparral/Vulcan System Status Report showed program acquisition cost and procurement quantities for the planning, development, and current estimates. The current estimate showed additional procurement cost which includes Chaparral modifications only. The cost information is divided into the planning, development, and current estimates which are discussed separately. (Unclassified.)

Planning estimate

The planning estimate shows program acquisition cost of $58.2 million. These cost figures were taken from the Department of the Army study—Program for Air Defense—Field Army, dated September 30, 1964. We found no discrepancies in the cost and procurement quantity data shown for the planning estimate. (Unclassified.)

Development estimate

The program acquisition cost shown on the development estimate was $438.4 million. The U.S. Army Combat Development Command Tactical Mid-Range Air Defense Program Study dated August 1965 and Summary dated September 1965 were used to support the development estimate. We found one minor discrepancy in the cost and procurement quantity data shown for the development estimate. However, this was explained by Army officials and did not change the total cost for the development estimate. (Unclassified.)

Current estimate

The current estimate of Chaparral/Vulcan program acquisition cost and additional procurement cost is $660.3 million and $80.8 million respectively. The additional procurement cost of $80.8 million was verified to the Five Year Defense Program Procurement Annex dated June 25, 1971. This figure included only Chaparral modifications that had been approved for programing purposes by the Department of the Army. Department of Defense Instruction 7000.3—Selected Acquisition Reports—states that additional procurement cost should include, among other items, PEMA replenishment spares. CVADS Repair Parts Provisioning Schedule included replenishment spares of $7.325 million, but this was not included in the additional procurement costs as shown in the Status Report. We believe that replenishment spares should have been included in the additional procurement cost and the total shown as $88.1 million. (Unclassified.)

Vulcan

There were no significant differences between the data shown in the System Status Report and the source documents used by the Project Office for the three Vulcan estimates. Slippages in the milestones between the planning, development, and current estimates are discussed below. (Unclassified.)

By the time the development estimate milestone schedule was published, two of the five selected milestones had slipped significantly: completion of a test program (19 months delay) and equipping the first unit with the Vulcan gun (7 months delay). These slippages were due to the delay in selecting the Vulcan and the change in project concept. (Unclassified.)

Development Estimate to Current Estimate

In the current estimate, three milestones for the self-propelled Vulcan slipped, the estimated date for Standard A classification and the two which had slipped from the planning estimate. (Unclassified.)

Milestones slipped an additional 10 months to August 1968 for equipping the first unit and 11 additional months to May 1969 for completing the testing program (less environmental testing). On December 15, 1966, an Army Materiel Command Official stated in a letter to the Department of the Army that the original program called for bolting together existing components followed by limited testing and a concurrent industrial program. The objective was to provide early fielding of some air defense battalions as a short-lived interim air defense system. Approval of the TAMIRAD and a qualitative materiel requirement appreciably expanded the program, service life, environmental requirements, and refinements of the weapon. (Unclassified.)

A Department of the Army review of the status of the system in December 1966 indicated that the testing program had to be rescheduled due to the late availability of prototype, missiles, and ammunition. The December 15, 1966, letter also requested a delay of 1 year in the activation schedule. (Unclassified.)

Chaparral

There were no significant differences between the data shown on the Systems Status Report and the source documents used by the Project Office for the three estimates. Slippages in the milestones between the planning, development and current estimates are discussed below. (Unclassified.)

Planning estimate to development estimate

Development began on the CHAPARRAL fire unit in January 1965. However, this phase culminated in the delivery of one prototype fire unit which was technically unacceptable. A second development contract was awarded in January 1966 which is considered the beginning of full-scale development. (Unclassified.)

Faar

In tracing the milestones included in the System Status Report to the source documents used by the Project Office, several discrepancies were found, particularly in the current estimate. Project Office officials said that they had shown the dates that the testing program and production resumed rather than the original dates. Testing and production had been halted due to technical problems encountered. (Unclassified.)

Planning estimate to development estimate

Two milestones slipped significantly from the planning estimate. A development contract for prototype was to be awarded in July 1965 and a testing program was to be completed in April 1967. However, the development estimate showed delays of 10 months and 14 months, respectively in these milestones. (Unclassified.)

These delays were attributed to the Department of the Army's desire to issue bids on a world-wide basis for the development contract. The administrative process delayed the award of a contract until May 1966 which caused the development estimate milestone for the test program to slip until June 1968. (Unclassified.)

However, an in-process-review in April 1968 showed that some qualitative materiel requirements would not be met and that several requirements had not been tested or demonstrated. Even though these problems were recognized, the Army Materiel Command directed that a production contract be awarded by November 1968 because of an urgent need for the FAAR. (Unclassified.)

The testing program which began in early 1968 was halted in early 1969 because of major system deficiencies, but was resumed in January 1971. Also, a production stop-order was issued in July 1969 and production did not resume until April 1971. (Unclassified.)

The development problems of the FAAR component was the basic reason for the slippage in all FAAR milestones between the development and current estimates. (Unclassified.)

CHAPTER 3. MANAGEMENT ACTIONS TO IMPROVE THE CHAPARRAL/VULCAN SYSTEM

We made a review to determine what management improvements had been taken to upgrade the acquisition process, and to evaluate the degree of application of acquisition criteria as it applies to the CVADS. Our efforts included a follow-up on problems identified through previous work as well as other technical and management problems which arose in the interim. (Unclassified.)

Technical Status

We reported in our staff study of March 1971 that the CHAPARRAL and VULCAN were produced and deployed without the FAAR and with significant deficiencies and shortcomings that required improvement. The Army approved limited production of the CHAPARRAL, VULCAN, and FAAR, on the basis of urgency before completing all tests necessary for determining that the components would satisfy requirements for an interim air defense system. The Army intended to field the system with known limitations in the scheduled time and to engineer the necessary improvements as retrofit kits or other changes which could be made in the field. (Unclassified.)

There were some serious questions raised as to the sufficiency of testing completed at that time, which was for the purpose of determining the adequacy of corrections that had been made. Therefore, the Army was in the position of stopping production until the tests were completed, at a cost which they estimate at $3.2 million, or resuming production on the basis of the information they then had with the risk that subsequent tests might prove the equipment was inadequate. The Army chose the latter route, and production resumed on April 4, 1971. The Army believes that the test results support their decision. These test reports are summarized below and leave some serious doubt in our mind as to the adequacy of the FAAR at this time. (Unclassified.)

Engineering Tests (ET) were conducted during the period January through September 1971. Three deficiencies were reported as a result of these tests. The Test and Evaluation Command reevaluated and consolidated the engineering tests and service tests, and concluded that six deficiencies remained. (Unclassified.)

Production was restarted under conditions of some known risk which the Army believed was acceptable under the circumstances, and which they believe has subsequently proved justified. However, we believe that the results of the most recent tests leave serious doubt as to the suitability of the FAAR. (Unclassified.)

SILENT PRAYER IN PUBLIC SCHOOLS

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ST GERMAIN. Mr. Speaker, it is my privilege to speak in behalf of House Joint Resolution 981, and to urge that this House give favorable consideration to it. I hardly need emphasize the fact that growing numbers of our people are concerned—and deeply concerned—at the erosion of moral and religious values which have been the mainstay of our heritage throughout our national history. These are troubled times through which we are moving, times in which the values and ideals of our Judaeo-Christian tradition are subject to severe challenge. Because of this, millions of Americans have supported various proposals to restore public prayer to our schools.

Unfortunately, these proposals, conceived with the noblest intent, have only served to rouse controversy regarding the legal, practical, and religious aspects of the whole question of authorized prayer in public schools.

The immense difficulty of formulating a "neutral" or undenominational prayer acceptable to all, the problem of reconciling our tradition of religious freedom with any officially prescribed devotional rite—these, and similar dilemmas, have led many to consider alternative possibilities which might commend themselves generally to all Americans by respecting the objections of those who in good conscience cannot support any form of State-authorized prayer.

House Joint Resolution 981, which would recognize and safeguard the practice of silent prayer in our public schools, is more than a compromise between contending views. Rather, it represents an ideal which is based firmly upon the fact of our religious pluralism and the diverse paths by which men seek communion with God. Silent prayer would mark official homage to the Divine Power who sustains both life and liberty, while respecting both the conscience of individual believers of every faith and creed as well as of those whose religious beliefs may be deeply personal and perhaps unorthodox. It provides for not the "lowest common denominator" characteristic of so-called nonsectarian prayer, but rather the highest common factor—the inner encounter and dialog of the soul with God, the fundamental reality of all high religion.

Even the nonbeliever may find in a moment of common silence that opportunity for meditation and reflection which is essential to a meaningful life. Believers may rejoice in the opportunity to pray the prayers of their respective tradition without hindrance and without offense against the conscience of others. Moreover, House Joint Resolution 981 avoids that entanglement of State and prayer which so often in history has been unhappy in its consequences for freedom of worship and conscience.

Finally, silent prayer is very much in the spirit of the Bible, sacred to Jews and Christians alike.

A time of silent prayer at the beginning of the day can be a meaningful affirmation of the presence and providence of God within the life of every child and in the life of our Nation.

PUBLIC OPINION POLL RESULTS

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. HUTCHINSON. Mr. Speaker, since 1965 I have sent an annual questionnaire to all postal patrons in the Fourth Congressional District in Michigan asking for opinions on leading issues. The 1972 questionnaire was mailed in May and I have just received the tabulated results. More than 12,000 of the questionnaires were returned to my office. Because the form afforded space for husbands, wives, and 18- to 21-year-olds to respond, I received opinions from nearly 24,000 of my constituents. As in past years, the results were tabulated by an independent concern in the Washington area. Complete results of the survey follow:

1972 SURVEY RESULTS

[In percent]

	Yes	No	No opinion
1. Do you approve of President Nixon's efforts to improve relations with mainland China?	79.19	17.60	3.21
2. Do you feel we should expand agricultural and nonstrategic trade with the Communist nations?	60.09	34.74	5.17
3. Would you favor the "value added" tax, in effect a national sales tax, as a method to reduce property taxes?	35.20	56.29	8.51
4. Do you feel busing is a legitimate means to achieve racial balance in the public schools?	8.58	88.61	2.81
5. Do you think enough emphasis is now being placed on environmental protection by the Federal Government?	33.39	60.90	5.70
6. Do you approve of the President's efforts to end the war in Vietnam?	68.48	26.42	5.07
7. Do you favor amnesty for Vietnam draft evaders?			5.36
(a) Now	7.70		
(b) After alternate service	30.44		
(c) After the fighting stops	4.36		
(d) Never	52.14		
8. Do you support a national health insurance program?			24.94
(a) Operated by the Government, providing care for all U.S. residents and financed by payroll and income taxes	23.87		
(b) That would require all employers to provide private health insurance financed by contributions of both the employer and employee	51.16		
9. How do you feel about the way wage-price controls are working?			9.27
(a) Satisfied	23.66		
(b) Dissatisfied	67.06		

CONGRESSMAN RAILSBACK SUPPORTS COMMUNITY CORRECTIONS CENTERS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, over the last few years, my State of Illinois has been engaged in a comprehensive program of corrections reform under the dynamic leadership of Gov. Richard Ogilvie and Department of Corrections Director Peter Bensinger, and with the bipartisan support of the General Assembly. Most recently the Department of Corrections has been taking testimony around the State on the proposed next phase of the program—the establishment of several small, community based correctional facilities.

One of the most eloquent and persuasive statements in support of this concept was submitted by my good friend and colleague, Congressman TOM RAILSBACK, who has been investigating correctional systems first hand in connection with his responsibilities on the House Judiciary Committee. To quote from his statement:

> The consequence of large, often overcrowded facilities is that we practice custody, not corrections, and are preoccupied with security rather than treatment. What is needed is individualized treatment in smaller facilities which are structured with rehabilitation in mind.

At this point in the RECORD I include the full text of Congressman RAILSBACK'S testimony, and commend it to the reading of my colleagues:

STATEMENT OF HON. TOM RAILSBACK, 19TH DISTRICT, ILLINOIS, BEFORE THE COMMUNITY CORRECTIONS CENTERS PUBLIC HEARING BOARD, ILLINOIS DEPARTMENT OF CORRECTIONS

Director Bensinger, Members of the Board, and residents of the Quad Cities area: I am pleased to submit the following statement, commenting on proposals by the Illinois State Department of Corrections to develop a system of smaller, regional prisons to be located in metropolitan communities. I sincerely regret that legislative matters pending in Washington prevent my personal appearance before this distinguished panel.

I would like to begin by commending the State Department of Corrections for holding its series of public hearings on community based correctional facilities. It reflects a significant understanding of the role the public must have if our prison system is to be an effective means for reducing crime. It is also another indication of the fine work being done in Illinois corrections under the dynamic leadership of Peter Bensinger—modern thinking and management coupled with decisive action in improving manpower, facilities, and programs.

I appear before this Board with views that are based on personal study. During the past year, my subcommittee of the House Judiciary Committee has been investigating correctional systems and is presently considering a series of bills which could have a significant impact on the Federal prison system. In the course of our study, we have visited the prison systems of Illinois, California, Massachusetts, Pennsylvania, Wisconsin, and the District of Columbia, and have spoken to numerous correctional and police officials, inmates, lawyers, and other individuals with experience in the area of corrections. I would like to explain why I believe the proposal for community based correctional facilities deserves the support of the public.

Traditionally, the incarceration of offenders in correctional institutions has been based on the presumptions that confinement as one form of punishment acts as a deterrent and that these institutions, by whatever methods—punishment, penitence, education, therapy—are thought to have a rehabilitative effect leading to social and occupational improvement. These presumptions are open to some serious questions. There is increasing evidence that lengthy imprisonment does not deter crime or recidivism. In fact, reducing incarceration time has been found to result in no significant increase in recidivism, and oftentimes has been associated with a decrease in future offending.

It is also becoming increasingly clear that overcrowded and isolated total confinement institutions are ill-suited to accomplish the objective of rehabilitation. Recidivism rates are the clearest proof of the failure of the present facilities. Corrections rarely correct. In fact, I am convinced that often times the impact of the institution upon the individual may be more destructive than rehabilitative. Life at many institutions is at best barren and futile and at worst incredibly brutal and degrading. The conditions in which offenders are incarcerated are often the poorest possible preparation for their successful re-entry into society. There is overwhelming agreement among lawyers, judges, correctional officials, and government authorities as to the failure of the system and its own contribution to the growing crime rate.

In part this failure stems from the inadequate, obsolete and decrepit physical structures in which many prisoners are housed. The design of such facilities is inconsistent with the stated purposes of corrections. It is impossible to mass produce law-abiding citizens out of criminal raw material, and nothing but mass production is possible in one thousand to two thousand inmate penitentiaries. The consequence of large, often overcrowded facilities is that we practice custody, not corrections, and are preoccupied with security rather than treatment. What is needed is individualized treatment in smaller facilities which are structured with rehabilitation in mind. Such facilities are less costly to build and require fewer personnel in terms of custody supervision.

The failure is also due in part to the segregation of the institution from the community. In my opinion, the nation's penologists are correct in urging that correctional facilities be located in or near metropolitan areas.

It is naive to believe that once the offender is out of sight behind a high wall many miles away that we have solved any problems. Nineteen out of every twenty offenders incarcerated eventually are released to return to society. The very moment the offender returns he is as much a part of the community as any other person and if his experience in the prison system has not been of a nature that will contribute to his success in this community, the system has clearly failed, and society's interest has not been served after all.

If this line of reasoning is to be accepted, the goal of the correctional system should be the preparation for resumption of normal social and occupational activity. As the President's Commission on Law Enforcement and Administration stated:

"The task of corrections therefore includes building or rebuilding solid ties between offender and community, integrating or reintegrating the offender into community life—restoring family ties, obtaining employment and education, securing in the larger sense a place for the offender in the routine functioning of society."

One of the most promising alternatives to the traditional expensive and overcrowded prisons is the type of community based facility under consideration by this board which stresses the goals of reintegration, resocialization and rehabilitation.

The arguments favoring this proposal are persuasive:

1. Since incarceration provides only short-term protection at best, ultimate community protection is conditioned upon change on the part of the offender, which in turn is contingent upon his complete and successful reintegration into that community. It is only in the community that the offender can build the ties to job, family, and neighborhood and acquire the skills, habits, education, and independence that will make him law-abiding on his own initiative.

2. The process of reintegration will not result in the detrimental effects of the overcrowded and isolated institution on the personality. It will in fact maximize the building of sound social ties between the offender, his family and his community and permit the offender to demonstrate his ability and trustworthiness, to gain community acceptance and become a contributing member of society.

3. It is economically advantageous—both in capital expenditures and reducing the high cost of crime—to place facilities in metropolitan communities, because the resources of the community are available for utilization in the rehabilitative effort. A facility situated in a metropolitan area is able to draw upon the medical, social work, psychiatric, educational, and employment resources of that community and can involve community residents and family members in the corrections process.

Critical factors in the development of a public acceptance of community based correctional facilities will be citizen understanding and involvement. The public needs to know that present concepts of institutionalization are not working and in fact often times have the counter effect of contributing to increased crime. The community must be aware and have confidence that the community based facility offers a better way to serve the dual purpose of protecting society and rehabilitating the offender. I am convinced that it does and hope that these hearings will serve to communicate this message to the general public.

RESULTS OF QUESTIONNAIRE PUBLISHED IN NEWSLETTER

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. HEINZ. Mr. Speaker, I recently mailed my first questionnaire to the 18th District of Pennsylvania which I represent. Over 35,000 of my constituents took the time to respond to this questionnaire.

The tabulation of these responses has now been completed and published in a newsletter to constituents. In the hopes that this information might be as beneficial to my colleagues as I am sure it will be to me, my June newsletter is herewith reprinted:

DEAR FRIEND: I want to thank the more than 35,000 constituents who took the time to respond to my first questionnaire. My staff, aided by volunteers, have computed the results which appear below. Many of you extended your answers into intelligent and helpful letters which analyzed major problems facing all of us today. Having this information helps me to serve you better.

YOUR ANSWERS TO THE QUESTIONS

(Answers in percent)

1. Would you support a "value added" (national sales) tax if the revenue would cut property taxes dollar for dollar? Yes 61; No 39.

2. In principle, do you favor some form of national health insurance? Yes 62; No 38.

3. Are you willing to spend as much as $20 billion, as proposed, to improve the quality of the nation's water? Yes 59; No 41.

4. Do you favor limiting imports even if it results in higher prices for some American-made goods? Yes 45; No 55.

5. Do you favor my proposal to extend Medicare coverage to include federal payment for most of the cost of prescription drugs? Yes 57; No 43.

6. The defense budget for the coming year is $79 billion. Which of the following would you prefer:

Increase	8
Leave the same	18
Cut 2 percent	9
Cut 5 percent	14
Cut more than 5 percent	51

7. Do you feel aid to higher education ($6 billion this year) should be:

Increased	28
Stay the same	38
Reduced	19
Eliminated	15

8. Which policy should we follow in Vietnam:

Escalate	2
Continue to withdraw	19
Get out on return of POW's	57
Pull out now	22

9. A 5% increase in Social Security benefits plus automatic cost of living increases is under consideration. Which do you prefer:

The above	47
Greater than above	29
No increase in benefits	24

10. Your rating of President Nixon's performance in the following areas:

[In percent]

	Inflation	Jobs	Vietnam	Crime	Environment	Foreign policy	Spending	Drugs
Excellent	2	3	7	2	6	11	2	3
Good	6	7	12	12	10	21	16	16
Fair	52	59	49	42	60	62	42	42
Poor	40	31	32	34	24	6	34	39

In brief, the questionnaire responses show that most of my constituents are suspicious of any new tax, regardless of what's promised along with it. You show a real concern about improving the quality of life, through your approval of continuing aid to higher education, cleaning up our water, and your support of a national health insurance plan. You are also obviously concerned about your tax bill and inflation, as shown by your "vote" to cut defense spending and your reluctance to increase Social Security benefits. An overwhelming majority (79%) of you want to see our involvement in Vietnam ended, either contingent on the release of our POW's or without conditions. Again, many thanks for your responses.

SPECIAL REPORT ON HEARINGS IN OUR DISTRICT

Because I am concerned about the problems facing Allegheny County's more than 175,000 citizens over 65 years of age, and because I particularly wanted to listen to the ideas of the aging and those who work with them, I requested Congressional hearings in Allegheny County. For two days, April 14 and 15, the Special Studies Subcommittee of the House Government Operations Committee, on which I serve, took testimony from local citizens at high schools in Avalon and Natrona Heights.

The hearings were the first held by a House Committee in our area in recent memory, and I am pleased to tell you that they produced important information which will guide me in working for passage of legislation in the areas where the aging want help. I, along with subcommittee chairman Rep. William J. Randall (D.-Mo.) and top staff aides heard testimony from representatives of the Allegheny County Labor Council, Visiting Nurses Association, Public Housing Authority, Southwest Pennsylvania Regional Planning Commission, religious leaders, senior citizens themselves, and others.

Our findings revealed four major areas of exceptional concern among the aging:

Housing is expensive, the average rental unit in Allegheny County costs $85 a month. Since the average aged income is $154, that doesn't leave much for senior citizens to lead lives of independence and dignity. The situation becomes even more burdensome when the retiree struggles to maintain his own home in the face of steadily-rising property taxes and other costs that eat into a fixed income.

Medical care is often not conveniently available to the aging, and in many cases, our elderly cannot afford the drugs they need or the cost of a nursing home. I have already introduced legislation to provide prescription drugs, at nominal cost, under Medicare.

Social Security benefit increases are needed immediately so that our aging can be self-sufficient and meet increased costs. Many of you, in responding to my questionnaire, indicated you opposed increasing such benefits, probably because you feared a tax rise. Our investigations show that because of a surplus in the Social Security fund, these benefits can be raised without raising taxes. A 5 percent increase has already passed the House but has been stalled too long by the Senate. I will support an even larger increase.

Senior citizen recreation and rehabilitation centers are badly needed. I tried to stimulate these through my bill, H.R. 13220, which provides financial aid for construction of such centers to give our older citizens a place for companionship, relaxation, and activities they enjoy.

TAX RELIEF AND REVENUE SHARING

As I write, we are about to consider the State and Local Fiscal Assistance Act of 1972 which will provide Pennsylvania and individual communities within the Commonwealth with $300.9 million during its first fiscal year of operation. Local government units in Allegheny County will get $32.2 million, disbursed under a formula which will return between $7 and $10 for each man, woman and child. For example, Bellevue will get some $177,152; Carnegie, $173,329, and Tarentum, $124,752.

Hopefully, this return of revenue to local governments will relieve them of some of the cost of providing such necessary services as police, sewers, water and transportation. I strongly favor federal revenue sharing because it can permit reduction of your local property taxes. To make this happen, you must insist that your local government economize effectively so that any savings realized actually result in a reduction of your millage. Also, we must work to insure Senate passage of the bill.

RECENT LEGISLATIVE ACTIONS IN YOUR INTEREST

I have taken the following actions in Congress to better serve you:

Supported the House-passed bill to increase the minimum wage over the next few years.

Voted to strengthen and pass the Federal Water Pollution Control Act of 1972.

Introduced a bill to provide for federal demonstration projects to help local communities answer the question of potholes and highway maintenance.

Introduced legislation to prevent the sale of personal mailing lists to commercial concerns for the purpose of solicitation and mailing of pornographic materials.

CRACKS IN HUD SECRET POLICIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MOORHEAD. Mr. Speaker, hearings on the operation of the Freedom of Information Act begun by the House Foreign Operations and Government Information Subcommittee in early March, have produced a number of highly significant breakthroughs in broadening information policies by the executive branch to more nearly comply with the spirit of the act.

Among the changes are those forced on a reluctant bureaucracy within the Department of Housing and Urban Development by Federal courts in successful cases involving the Freedom of Information Act filed by the Nashville Tennessean and the Philadelphia Inquirer.

Mr. Speaker, I would like to call attention to an excellent article by the distinguished journalist, Mr. Clark Mollenhoff, bureau chief of the Des Moines Register of June 4 in which he describes the court rulings and their effect in helping to force Federal agencies such as HUD to comply with the information law.

The article follows:

[From the Des Moines Register, June 4, 1972]

CRACKS IN HUD SECRET POLICIES

(By Clark Mollenhoff)

WASHINGTON, D.C.—George Romney's broad secrecy policies at the Department of Housing and Urban Development (HUD) have been largely nullified by three federal court decisions.

Romney, the former Michigan governor who is now the HUD secretary, had given his personal endorsement of secrecy policies.

Romney didn't initiate the policies, which blocked disclosure of audit reports paid for with tax money and the names of "fee appraisers" employed by the Federal Housing Administration (FHA). Romney did, however, sign a letter on Nov. 11, 1971, in which he said he would take personal blame for any questionable appraisals and wouldn't allow disclosure of names of fee appraisers who made valuations of individual pieces of property.

THREE RULINGS

In all, three recent court rulings have forced HUD to revise drastically its secrecy policies. The general counsel for HUD has gone before a House government operations subcommittee and laid out in some details the changes in regulations that are being put into effect to end what is now ruled as illegal secrecy.

The court rulings will not be appealed, Romney said. Those rulings involved housing projects in Tennessee and eastern Pennsylvania.

New housing scandals seem to be emerging across the country with public disclosures in Detroit, New York City, Brooklyn, Camden, N.J., St. Louis, Chicago, and Washington, D.C.

The secrecy decisions of the federal courts and the record of the House subcommittee hearing on the same subject stand as lessons for all heads of governmental departments and agencies on the problems of excessive secrecy.

It was not as if Romney wasn't warned about the dangers of unwarranted secrecy. In July, 1971, a Tennessee newspaper filed court action under the Freedom of Information Act seeking the name of the FHA "fee appraiser" who had appraised a home that was sold to a blind couple for $10,850. Two separate independent appraisers had set the value of the home at $4,000 and $4,500.

THE TACTICS

The federal court trial demonstrated the extent of obstructionist tactics of FHA and HUD in barring the Nashville Tennessean newspaper investigators and the homeowners from the name of the appraisers.

U.S. District Judge L. Clure Morton ruled that the appraisal report was a "public record" under the Freedom of Information Act, but that "no possible purpose would be served by releasing the identity of the appraiser and, based upon equitable consideration, the court decrees that the identity of the appraiser be withheld."

On May 5, 1972, the Sixth Circuit Court of Appeals said:

"The appraisal in this case is an analysis of facts involving a professional opinion. The name of the author is a relevant and necessary part of that opinion. One of the reasons for the First Amendment (freedom of the press), as well as the Freedom of Information Act, is to promote honesty of government by seeing to it that public business functions under the hard light of full public scrutiny. The very name of an appraiser could be sufficient to establish a motivation sufficient to trigger an investigation."

Romney, in his Nov. 11, 1971, letter, had said he was willing to take the blame for everything found wrong in the appraisals of HUD on theory that "appraisals . . . prepared in the first instance by individuals, were adopted by HUD and became action of HUD.

"Therefore, if any appraisals are wrong, it is appropriate to criticize HUD and HUD's executives, including me. But, it is neither relevant nor appropriate to criticize the individuals who made them," Romney wrote . . . "The press does not need to know those names in order to criticize HUD's actions."

"POISONOUS PRECEDENT"

Representative John Moss (Dem., Calif.), one of the authors of The Freedom of Information Act, charged Romney with adopting and spreading "a poisonous secrecy precedent."

Major federal housing scandals were uncovered in the Philadelphia area despite the obstructions of the HUD policies. Two U.S. district courts in that area slapped down HUD by quoting from a Supreme Court decision written by Chief Justice Charles E. Hughes that is probably more applicable to the operations of a $200 billion-a-year government today than when it was written in 1931:

"The administration of government has become more complex, the opportunities for malfeasance and corruption have multiplied. Crime has grown to most serious proportions, and the danger of its protection by unfaithful officials and of the impairment of the fundamental security of life and property by criminal alliances and officials' neglect, emphasizes the primary need of a vigilant and courageous press, especially in great cities."

What should be clear to Romney and other high government officials at this stage of that housing programs and other federal and local programs designed to aid the poor can be subject to parasitic money grabs by speculators.

Illegal schemes are one of the constant hazards to social programs. The corruption not only robs the poor and the blind, as well as the federal taxpayers, but causes the public to have an attitude that can jeopardize entire programs.

THE REAL LESSON

As HUD's recent experience shows, the department heads can't keep the programs clean from Washington, although they may be run by experienced men with the best intentions.

That is the real lesson of Secretary Romney's experience with secrecy at HUD and the corruption it has hidden in cities from coast to coast.

TWO TALES FROM THE SAME CITY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. JACOBS. Mr. Speaker, what follows are two tales from the same city.

Indianapolis Star editorial, October 15, 1955:

J. Bracken Lee has announced that he will not pay his income taxes. . . . Perhaps he merely wants to stir up protests among Americans against being the milch cows for people in scores of nations most of us have never heard of. If that is his purpose, we're all for him.

Indianapolis Star editorial, May 28, 1972:

The decision of Jane Hart, wife of Senator PHILIP A. HART (D-Mich), to quit paying her income tax as a protest against the war in Vietnam is an excellent example of what has been described as the "liberal death-wish."

The editorials follow:

Challenging Federal Colossus

The only way an American citizen can find out whether a law he opposes is constitutional is to break it. Then he can try to have it tested in the courts—if the government does not stall him off so long that he goes broke before he gets the job done. Vivan Kellums broke the withholding tax law deliberately in order to try to force a test of that law. She did not get a clear determination on the constitutional issues involved, but neither did she lose her case. So that question involving "involuntary servitude" prohibited in the Bill of Rights is still largely unsettled.

Mrs. Manuel Miller of Bethel, Vt., also broke a law—the draft law—in order to get a test of its constitutionality. The government first sent her off to an insane asylum in order to sidetrack the case, but that did not work. She has since been indicted and tried in the lower court and convicted. She is appealing to higher courts hoping to get a ruling also on the applicability of the prohibition of "involuntary servitude" to conscription.

A group of women in Texas refused to collect their social security taxes from their domestic help on the grounds that they were not tax collectors and that the social security system was unconstitutional. They lost when the court decided that social security taxes were just like income taxes and therefore legal. They did make a point, however, which was that social security is not insurance as has been claimed, but a simple tax-supported dole.

Now the governor of Utah has decided to break another law to test its legality. J. Bracken Lee has announced that he will not pay his income taxes. He claims that the Federal government has no constitutional right to use his tax money to support people living in foreign countries, or their governments. If Mr. Lee loses, he will have to pay his taxes with 6 per cent interest. If he wins, the American taxpayer can expect lower taxes, fewer deficits and less government spending.

Perhaps Governor Lee's objective is simply to dramatize the huge amounts of taxpayers' money being sent abroad for economic or military support.

Perhaps his main purpose is to mobilize public opinion against foreign aid. Perhaps he merely wants to stir up protests among Americans against being the milch cows for people in scores of nations most of us have never heard of. If that is his purpose, we're all for him. If he succeeds in getting a clear court ruling that foreign economic aid is unconstitutional, we're all for him, too.

We hope that in this case the government will not stall around, indulge in technicalities and try to wear Mr. Lee out by diversionary tactics, as the government so often does in such cases. It is difficult enough to find ways to protest the power, the arbitrariness, the unconstitutional actions of the huge government that now bestrides the land. The law is our only recourse most of the time. Let's hope the law gets a chance to work this time.

Liberal Death-Wish

The decision of Jane Hart, wife of Senator Phillip A. Hart (D-Mich.), to quit paying her income tax as a protest against the war in Vietnam is an execllent example of what has been described as the "liberal death-wish."

The first reaction of anyone who does not not share Mrs. Hart's dovish outlook on the war is likely to be:

"Very well. That is a game that more than one can play. I'll quit paying my taxes to protest welfare chiseling, bureaucrats, grants to revolutionary and crackpot intellectuals, abuse of antipoverty programs, half-baked decisions by left-leaning members of the Federal judiciary, funds for phony commissions that reach foregone conclusions, supporting the double-crossers in the United Nations and inflated salaries for ultra-liberal lawmakers who kowtow every time a Communist commissar sneezes."

In other words, as a senator's wife, Mrs. Hart has not set the best of examples for the citizenry. She has put herself above the law, which is getting to be the rage, too much so, in an era of bombings, assassinations, mob violence and the like.

She has refused to abide by the decision of the government elected by the majority and in so refusing has tossed a monkey-wrench into the machinery of what old-fashioned liberals used to reverse as "the democratic process."

But that is not the most far-reaching import of her decision. She has acted according to a line of logic which, if it were followed by all taxpayers and carried to its ultimate, would bring about her destruction.

The loss of Mrs. Hart's approximately $25,000 a year in Federal income tax would have little effect on the war only because it is an isolated protest, a drop in the bucket. But suppose it were otherwise.

Suppose most American taxpayers quit paying taxes to support a war of resistance against Communist aggression. Suppose, as a result, the American military-industrial complex, that Hades in the liberal cosmos, did collapse.

And suppose it would follow, as it inevitably would, that Communist power moved into the vacuum and occupied the defenseless United States.

What would become of Mrs. Hart? She is a member of the bourgeoisie. Communists liquidate the bourgeoisie. Does she think they would make an exception in her case? She seems to think so. Many liberals seem to think so. They are willing to stake lives—usually other people's—on this delusion whose falsity is written in the blood of millions.

But most Americans are not like Mrs. Hart. Most are willing to go on paying the cost of defending the perimeter of freedom, including, luckily for the senator's wife, hers.

SECRETARY LAIRD ADDRESSES U.S. NAVAL ACADEMY CLASS OF 1972

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MINSHALL. Mr. Speaker, yesterday I had the privilege of attending the very impressive graduation ceremonies at the U.S. Naval Academy at Annapolis.

It was a memorable occasion, made doubly so for me by the fact that the honor man, Brian Christian Haagensen of Fairview Park, Ohio, was one of my appointees, and by the fact that the principal address was given by my very good friend and former colleague, the distinguished Secretary of Defense, Melvin R. Laird. I am very proud of these two exemplary Americans and of the two other young men I appointed who also received their commissions yesterday, Ens. Ralph R. Michalske, Rocky River, Ohio, and Ens. Thomas C. Goudy, formerly of Chagrin Falls, Ohio, and now of Oconomowoc, Wis.

I would like to share with all my colleagues in Congress Secretary Laird's thought-filled and inspiring address, as well as an article from the Plain Dealer telling of Ensign Haagensen's achievements at this point:

Address by Hon. Melvin R. Laird

It is an honor for me both as a former Lieutenant, junior grade, and as Secretary of Defense to speak to you graduates of the U.S. Naval Academy Class of 1972.

You receive your commissions today in an international security environment that none of you could have foreseen when you entered Annapolis as plebes in 1968.

What has occurred in the intervening years is that President Nixon, our Commander-in-Chief, acting from a position of strength, has brought us to a point where it is possible for us to do more than merely chart a new course. We are also in the process of drafting some new and exciting charts in foreign and national security affairs.

Implementation of the Nixon Doctrine began and the President's trips to Peking and Moscow concluded the first steps in laying a solid foundation for profound changes in the conduct of our foreign and national security policies.

Your graduation is marked by change. Your Superintendent, Vice Admiral James Calvert, leaves Annapolis for an important command at sea. Vice Admiral William P. Mack, is here from brilliant service as Commander of the Seventh Fleet in the Pacific to succeed him.

And today, some of you are going to make another profound change—from bachelors into bridegrooms, and I want all of you to make it to the church on time. That is why I am going to change things by not just promising, as most graduation speakers do, that I will be brief. I intend to deliver on that promise.

You become commissioned officers at a time of profound change and a time of rising hope for a better future for mankind. The winds of peace are stirring. They hold out the hope that better ways than fighting will be found to resolve—or to live with—differences among nations.

This year, for the first time in history, an American President has journeyed to Peking and to Moscow. He has returned from potentially hostile countries with understandings and agreements that reduce tension in the world and heighten the prospects that our future relations with these countries will be peaceful. He has gone behind the Iron Curtain and entered the countries of Eastern Europe to be welcomed as a friend and recognized as a pilgrim for peace.

At Moscow, President Nixon concluded a number of historic agreements with the leaders of the Soviet Union, some providing for cooperative action by the two nations in fields in which mankind's common interest is very strong. Expansion of the frontiers of knowledge and the conquest of dread diseases are examples.

Other agreements reached in Moscow deal directly with some of the causes and symptoms of tension among nations, such as the reduction of incidents at sea. The man chiefly responsible for this accomplishment is Secretary of the Navy, John Warner, who demonstrated the highest order of skill, persistence, and diplomacy in the extended negotiations which resulted in the signing of the accord last week in the Kremlin.

The agreements which deservedly have received most attention are those dealing with limitations on anti-ballistic missiles and on offensive land and sea-based missile systems. These accords, fixing quantitative limits on the missile systems to which they apply, are the result of three years of difficult negotiations. Another man with strong Navy ties played an important role in these negotiations—former Secretary of the Navy, Paul H. Nitze.

It is highly important that the American people have a clear understanding of how these agreements came about. These encouraging first steps to restrain the growth of strategic weapons systems have been agreed on because our country maintained its military strength and because our President was firm and resolute in three years of negotiations.

The way to achieve lasting peace is through hard, tough, meaningful negotiations. The way to negotiate successfully is to maintain adequate strength as the foundation for negotiations.

As a consequence of maintaining our strength and of hard bargaining, we have succeeded in reaching an agreement that applies the brakes to the momentum of the ongoing Soviet missile buildup.

The President, the Joint Chiefs, and I fully recognize that these agreements cannot protect us against grave risk if we fail to maintain the quality and the realism of our deterrent strength in the years ahead.

If we are to continue to make progress in negotiation to reduce threats to peace, we must remain strong. Only a strong nation can negotiate with confidence and with a minimum of risk.

When you graduate today and receive your commissions you become an active part of that strength—and, I might add, a part of the single most important factor, the military men and women who serve our country in uniform.

More than any other nations, the United States and the Soviet Union have the power to turn the world away from war and toward peace. We have reason to hope that both nations are conscious of the great responsibility they bear and of their common interest in promoting peace in the world.

This is not to say that all of our interests converge. It is not to say that we will cease to be adversaries. I believe great nations can be peaceful adversaries and competitors. They need not be belligerent antagonists.

There are profound differences and disagreements between us and the Soviet Union which cannot simply be ascribed to historical accidents on misunderstandings. They are rooted in different conceptions of the rights and responsibilities of men and of governments. They are rooted in different approaches in dealing with other nations. They manifest themselves in conflicting interests in different regions of the world.

We cannot eliminate overnight these profound differences. It we continue to recognize these strategic and political realities as the starting point for our efforts toward peace, we enhance the chances to achieve peace and decrease the risks to our own basic interests.

When you leave you will become important members of our total force devoted to bringing about and keeping peace. It's not an easy path you have chosen but I think you will find that it's exciting and stimulating. And, of course, the opportunity is there for you to make your mark in the changing international security area.

You of the 1972 graduating class at Annapolis will have the opportunity to take a responsible part in the exciting work of keeping peace in a world which will never be free from tension, threat, and turmoil. Your profession as part of the Nixon Doctrine peacetime deterrent forces is one in which you will find strong challenge and deep satisfaction. You will be working toward the fulfillment of the greatest need and the highest aspiration of people everywhere—a generation of peace.

As you leave Annapolis today, may God go with you, your proud families and friends.

FAIRVIEW PARK MAN RANKS NO. 1 IN NAVAL ACADEMY'S CLASS OF '72

(By Roy W. Adams)

The top academic student in this year's graduating class of the U.S. Naval Academy, Annapolis, Md., is Brian Christian Haagensen of Fairview Park.

Midshipman Haagensen, 21, son of Mr. and Mrs. Ronald S. Haagensen, 4570 W. 212th Street, next Wednesday will be "Honor Man" for the class of 1972. He will be first in his class of 925.

On June 10 he will wed his high school sweetheart, Valerie Jean Swank, daughter of Mr. and Mrs. Wilbur F. Swank, 4109 W. 219th Street, Fairview Park.

When told he had achieved top academic honors, Haagensen, now at home, said, "I can't believe it."

He plans a career in nuclear submarines.

Haagensen was born in Lakewood, Aug. 4, 1950. His father, an engineering officer aboard aircraft carriers and other warships of the Royal Navy in World War II, came here from England after the war.

Today the elder Haagensen is the principal surveyor on the Great Lakes for London-based Lloyd's Register of Shipping.

Brian is the oldest of four Haagensen children. He was graduated from Fairview Park High School in 1968. He became an Eagle Scout, was a member of the National Honor Society and student council and lettered in varsity tennis for three years.

U.S. Rep. William E. Minshall, R-23, appointed him to Annapolis for entry in June 1968.

In physics Haagensen achieved a perfect grade, 4.0, every semester except his first. That was a 3.8.

After his marriage and a short leave Haagensen will report to the Navy's postgraduate school at Monterey, Calif., where he will work for a master's degree in nuclear physics.

That will be followed by a six-month course at the Navy's Nuclear Power School at Mare Island Navy Base, Calif., six months at a Navy nuclear submarine prototype school and then the start of his duties at sea.

SCHOOLBUS SAFETY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ASPIN. Mr. Speaker, the Kenosha News, one of the fine daily newspapers in my district, reported on June 5 a near-fatal schoolbus accident that occurred in Glenview, Ill., a city not far from my congressional district.

This incredible accident, in which the wheel of the schoolbus simply fell off, is the latest compelling example of why new schoolbus safety legislation is so desperately needed.

As you know, 79 Members of the House have joined me in cosponsoring the Schoolbus Safety Act of 1972 (H.R. 13999). I hope that it will not take many more of these terrifying schoolbus accidents before Congress passes this legislation.

I urge my colleagues to carefully read this important article in the Kenosha News, which follows:

SCHOOLBUS CRASHES

Thirty-five school children escaped injury Friday afternoon when a Glenview, Ill., schoolbus lost a wheel as it approached the west frontage road at I-94 while eastbound on Hy. 20.

Racine deputies reported that the wheel rolled onto the rear of a car driven by James M. Aleshire, Janesville, who had stopped for a stop sign at the frontage road.

The bus driver reported that the front wheels wobbled as he approached I-94, and when he applied the brakes, the wheel assembly came off. The bus narrowly missed a tanker truck before going into a ditch.

A cotter pin missing from the wheel assembly apparently caused the accident as the bus returned from a school trip, according to deputies.

PENDING WELFARE LEGISLATION COMPLETELY INADEQUATE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. STOKES. Mr. Speaker, on June 6, 1972 an important article appeared in the Washington Post. It concerned the pending welfare legislation, was entitled "A Crucial Stage for Welfare Legislation," and was written by Mr. Nick Kotz.

To refresh some memories, Mr. Kotz was the gentleman who stirred America's conscience, temporarily, over the problem of hunger in this country. His Let Them Eat Promises was a searing examination of the Federal Government's successful attempts to ignore those who cannot even afford to eat.

Nick Kotz has done it again. His article focused upon the so-called liberals who are about the betray millions of poor Americans in the name of welfare reform.

Mr. Kotz approached the betrayal via an 8-step drama which ended with ratification of welfare reform legislation. The curtain comes down on this scene:

> About 15 million, mostly powerless poor people will suddenly discover that they have less money and no food stamps with which to feed their children.

I call special attention to Mr. Kotz' delineation of three simple truths about welfare recipients, truths which "do not register on the minds of people who want to believe something else":

> 1. There are no more welfare chiselers than there are income tax chiselers.
>
> 2. No one is getting rich on welfare. The average family on welfare today is receiving far less than what the government calls a poverty-level income.
>
> 3. The welfare deadbeats are few unless one counts in their number 8 million dependent children, 4 million disabled and elderly, and more than two million mothers of dependent children. There are fewer than 200,000 ablebodied men among more than 14 million welfare recipients.

I urge my colleagues to read Mr. Kotz' excellent article, and to reject any welfare reform legislation which ignores the needs of the 25 million poor and 15 million hungry American citizens.

Mr. Kotz' article follows:

A CRUCIAL STAGE FOR WELFARE LEGISLATION

(By Nick Kotz)

As the political rhetoric heats up in a presidential election year, candidates once again are promising they will stamp out welfare loafers who are living it up at taxpayers' expense, Governor Wallace would put an end to the welfare bonanza created by liberal "pointy heads." Senator Humphrey, even though he has co-sponsored a generous welfare bill, has adopted a campaign tone hostile to welfare recipients. President Nixon has been asserting that emptying bedpans at $1.20 an hour is just as rewarding a job as being President.

It is in this atmosphere that Congress reaches a crucial stage in its three-year consideration of so-called "welfare reform'" legislation. At this time, it is awfully hard to find anyone who is speaking for and to the human needs of those 12 million children, old people, and disabled who comprise more than 85 per cent of the welfare "deadbeats." Their case deserves to be stated in a country that still prides itself with concern over the helpless, the powerless, and the child.

Ironically some of the welfare poor are just as worried today about protection from their "friends" (liberals in Congress and newspapers like The Washington Post and the New York Times) as they are sickened by their enemies. They thoroughly understand the intentions and motivations of Senator Russell Long (D-La.), the Finance Committee chairman, who is openly preoccupied with the present shortage of women willing to wash his shirts for poverty wages. Long and a majority of his committee and the House Ways and Means Committee traditionally have approached welfare with a keen interest in maintaining a cheap, helpless labor supply in the South and elsewhere.

But members of the National Welfare Rights Organization composed of poor people who must exist on welfare, and their allies in the National Council of Churches, are far more perplexed, but no less worried about the liberal legislative strategists who keep pushing this year's welfare reform bill toward the White House.

Advocates for the welfare poor, such as NWRO and the Council of Churches are convinced that Congress is now virtually locked into a legislative course that almost certainly will leave present welfare recipients worse off than they are today. Yet this legislative drive is being kept alive by liberals flying under the banner of welfare reform and an interest in helping the poor, but unmindful of the likely outcome.

This is the legislative scenario that is envisioned by these spokesmen for the welfare poor:

1. The House has already passed a Nixon administration welfare bill, which could result in a loss of legal rights and benefits for 90 per cent of the recipients now on welfare. The poor in only four or five states might end up better off. Food stamp aid, now amounting to $2½ billion annually to 12 million poor, would be eliminated. Numerous hard-won legal rights are stripped from the poor. A family of four would be guaranteed only $2,400 a year, which is about one-third of what the Labor Department says it takes to live on a low-level budget in a typical American city. The reform in the bills is that the working poor will get benefits for the first time.

2. The Senate Finance Committee will report out a bill, that will make even the most regressive features of the administration's House-passed bill look generous by comparison. If that bill contains subtle measures to control the poor, the Long bill openly punishes welfare children and their mothers.

3. The White House will then negotiate a compromise bill with a single senator, Abraham Ribicoff (D.-Conn.). The White House needs Ribicoff and liberal Democrats because the administration can't find a half dozen Republicans to support its own House-passed bill. Ribicoff needs help from the White House because his own proposal, which helps rather than punishes the poor, also probably cannot pass the Senate.

So the President and Ribicoff strike a compromise restoring a few of the local rights which other proposals snatch from the poor, and offering at least a better guarantee that millions of poor people won't have their already inadequate benefits cut still further. (To Ribicoff's credit, he is the one liberal senator to have designed and worked hard on a practical, generous welfare plan.)

4. The Senate, depending on how many liberals have deserted the floor for presidential and other campaigning, will probably approve some form of Nixon-Ribicoff compromise. The quality of the compromise will depend on the mood of the White House, which has swung to a punitive attitude on welfare, and of Senator Ribicoff, whose volatile views about the poor have varied from punitive to humane understanding.

At best, the Senate will pass a bill that improves somewhat on the House version and guarantees that current welfare and food stamp recipients aren't left worse off than before. Such a guarantee would require ironclad provisions that state benefits above the minimum are maintained, that food stamps are retained or replaced dollar-for-dollar with cash, and that welfare recipients are not denied their civil liberties and legal rights.

5. A Senate-House conference committee will then convene to consider the different House and Senate versions of welfare reform. The committee will probably consist of the senior members of Long's Finance Committee and Rep. Wilbur Mills' Ways and Means Committee. Based on past voting records, there is not among these senior men a single one who will support decent living standards for the welfare poor.

The conference committee will reach a compromise. If the Senate conferees make any pretense of supporting the Senate-passed bill (which they violently opposed), then the compromise probably will be no worse than opening the way for 80 percent of the poor to suffer reduced benefits.

6. The conference bill will be reported back to the House and Senate floors, just as Congress is about to adjourn and political demagoging of welfare has reached election year fever pitch.

The House will approve the conference report overwhelmingly, over the protest of the Black Caucus and a few dozen others.

The Senate also will pass the bill by a wide margin after first hearing the belated protests of a few liberal senators that the bill should be defeated because it takes bread out of the mouths of already undernourished children.

It will be a good vote for most members of Congress. It will be considered a good political vote not only against welfare loafers but for social security increases. (Social security and welfare are considered in a single package.) Few congressmen would consider endangering a social security hike in an election year.

7. President Nixon will sign the bill, announcing his greatest legislative achievement—which will put an end to the welfare mess.

8. About 15 million, mostly powerless poor people will suddenly discover that they have less money and no food stamps with which to feed their children. Senator George McGovern and others who fought for the last six years to end hunger in America will sadly discover that the hungry are right back where they started, without the principal food program that was starting to help them.

The legislative scenario described here doesn't have to be acted out. It can be short-circuited in several ways.

A Senate majority of liberals and moderates could conceivably exercise a collective profile in courage. But this would require action now. These senators would have to pledge, starting this week, that they will kill any legislation that hurts poor people. Ribicoff hasn't made that pledge. They will have to decide that the fate of millions of poor Americans should not be decided in private negotiations between a single Democratic senator and the White House, nor by two ultra-conservative finance committees whose members have hard hearts when it comes to poor people. These senators will have to forswear the political luxury of casting one vote for poor people, and then resignedly voting for a final bill that punishes the poor.

These senators will have to decide, as have NWRO and the National Council of Churches, that there is a price that is too high to pay for a few elements of structural reform.

The price is too high when it includes increased suffering for innocent children. The price is too high when it strips poor Americans of the rights they have won the last 10 years in the U.S. Supreme Court. The price for establishing the principle of aid to the working poor is too high when it includes increased misery for 15 million already miserable people.

The welfare bill also could be killed by a coalition of senators who refuse to hurt the present welfare poor, and conservatives who disapprove of aid to the working poor.

Noticeably absent from the entire debate are a few facts about welfare.

1. There are no more welfare cheaters than there are income tax chiselers.

2. No one is getting rich on welfare. The average family on welfare today is receiving far less than what the government calls a poverty-level income.

3. The welfare deadbeats are few unless one counts in their number 8 million dependent children, 4 million disabled and elderly, and more than two million mothers of dependent children. There are fewer than 200,000 ablebodied men among more than 14 million welfare recipients.

Many of the women are needed at home to care for small children. Many do work—at poverty wages. Many more want to work but can't find jobs that would pay them enough to support their families. Many can't find jobs at all. Many are not qualified for jobs.

But these kinds of facts do not register on the minds of people who want to believe something else. The welfare recipient becomes a convenient scapegoat for a troubled society.

So the genuine representatives of poor people watch with dismay while their self-appointed liberal champions keep the welfare legislation rolling, without attention to legislative realities that could end disastrously for the poor. The poor still look for the champions who will say "no" to legislation that could mean less food for 8 million children and millions of elderly who already can't afford an adequate diet.

MOORHEAD ANNOUNCES HEARINGS ON LEGISLATION TO CURB SALE OF MAILING LISTS BY GOVERNMENT AGENCIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MOORHEAD. Mr. Speaker, the Foreign Operations and Government Information Subcommittee will hold hearings next week on a number of bills that would amend the Freedom of Information Act (5 U.S.C. 552) to limit the sale of mailing lists by Federal agencies for commercial purposes. There are several dozen cosponsors of such legislation, including H.R. 327, H.R. 7564, H.R. 8903, H.R. 9738, and H.R. 10020.

Members and others interested in testifying on this legislation or submitting statements for the hearing record should contact the subcommittee office—225-3741. We have set aside Tuesday, June 13, for Members' testimony. Executive department witnesses and others will be heard on June 16. Written statements for inclusion in the record should be sent to room B-371B, Rayburn House Office Building.

ELDERLY CITIZENS' DAY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mrs. GRASSO. Mr. Speaker, June 9 is Elderly Citizens' Day—a time to pay tribute to those people whose industry and energy have built our Nation.

Every American should have the opportunity to face his later years in tranquillity and peace. Unfortunately, for many of our older Americans, later years are filled with anguish and suffering.

Many of our elderly citizens are faced with a problem which, essentially, stems from a rising cost of living and a fixed income. Inflation and inadequate benefits savagely rob older people of their buying power and turn hard earned dollars into shrunken dimes. The costs of food, medicine, and other vital necessities remain relative to other goods. These items become luxuries for citizens who receive small pension or benefit checks.

I believe that many of these problems can be overcome through modifications of our present social security system. Since entering the Congress I have consistently supported legislation which would provide for additional social security benefits and facilitate the payment of existing benefits. I worked hard for the passage of legislation establishing a nutritional program for the elderly which in March of this year was enacted into law. Legislation providing for a 20-percent across-the-board increase in social security benefits has my complete support. Nevertheless, gaps remain in the present system of providing social security benefits. Today I am introducing three bills to correct some present inadequacies in the social security and medicare programs.

One bill provides a minimum monthly social security benefit at age 72 to all uninsured individuals. This is an important piece of legislation. Most important, it would provide minimum benefits to the many people who have contributed to the economy in some way, but do not qualify for social security benefits under the present system.

The second bill would permit the computation of benefits payable to a married couple—or the survivor—on the basis of their combined earnings. Under the present law, it is possible for the wife to contribute part of her salary in social security taxes and yet receive no additional benefits upon retirement. This legislation would rectify this discriminatory situation.

The third bill doubles the number of lifetime reserve days for inpatient hospital benefits under medicare from 60 to 120. Because of their age, elderly Americans are faced with increasing medical costs. Serious illnesses may drain their medicare benefits and still leave them with a continued need for hospitalization.

The three bills I have introduced today will not eliminate the poverty facing so many of our 20.5 million elderly citizens. However, if enacted, they represent an important step—along with social security benefit increases and the new elderly nutrition program I helped draft—toward providing a better life for older Americans.

TRIBUTE TO WILLIAM BLACKIE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. MICHEL. Mr. Speaker, 1 week ago today one of the most remarkable careers in the history of the American industrial community came to an end with the retirement of Mr. William Blackie, chairman of the board of Caterpillar Tractor Co. which has its world headquarters in my hometown of Peoria, Ill.

While I would not want to embarrass my friend by referring to him as a "giant of industry," I must say that the policies which he conceived and administered so skillfully during his 10 years as president and then chairman of the board and chief executive officer have had a gigantic impact, not only in the Peoria area where employment rose by 7,000 from 1962 to 1971 but also in other parts of the world where an additional 21,500 jobs were created by the construction and acquisition of 11 new Caterpillar factories.

As Mr. Bill Franklin, the new Caterpillar board chairman says:

> Mr. Blackie's genius is in organization.

But I also have no doubt that his frugal Scottish background has stood him in good stead during his career. I can say without fear of contradiction that we could use those qualities here in the Congress especially when we consider the funding of all these Government programs which are running into billions of dollars.

BLACKIE'S LEGACY: 28,500 NEW JOBS AROUND WORLD

(By Tom Pugh)

This Wednesday Caterpillar Chairman William Blackie will take a last, quick inventory of his undecorated office in the company's seventh-floor executive suite and retire to a director's office on the sixth floor.

The walls of the 66-year-old Scots-American's office have always been bare—even though it is now five years since Caterpillar's new headquarters opened in downtown Peoria.

Why did Blackie, who has personally transformed the public corridors of the seventh floor into a striking gallery of world art, put not a thing on his own walls?

"We just haven't got around to it," is his answer.

Blackie did, however, "get around to" a number of other things in the decade he has spent as president and now chairman of the board and chief executive officer of Caterpillar.

While he denies personal credit—when he says "we" he really seems to mean Caterpillar people and not himself—for anything much beyond buying most of those paintings on the seventh floor, it is easy to see the important thing he has done.

That monumental building in downtown Peoria with all those foreign flags fluttering in front represents Blackie's legacy—28,500 new Caterpillar jobs around the world.

It was his organizational "genius"—that word keeps recurring when people talk about him—which transformed Caterpillar from a huge factory strangling East Peoria with traffic into a unique successful multi-national manufacturer.

That Blackie did it—putting into operation 11 foreign factories which now employ 12,000 people—while Peoria area employment was boosted by 7,000 people and employment in other parts of Illinois and America rose by another 13,000 people is amazing.

Almost nobody thought that would have been possible ten years ago when Blackie and his boss, now retired Chairman Harmon S. Eberhard, insisted that Caterpillar had to "undertake production in foreign markets" in order to compete.

That they succeeded cannot be questioned. Sales grew from $743 million to $2.175 billion. Profit went from $55.8 million to $128.3 million—and last year was not even as good as the two previous years.

The more important measure here in Central Illinois, however, is shown in this list of year-end Caterpillar employment figures in the Peoria area:

1962	19, 240
1963	21, 191
1964	23, 893
1965	24, 993
1966	26, 401
1967	26, 369
1968	26, 422
1969	27, 597
1970	26, 829
1971	26, 713

The vital thing in those figures is the employment stability Blackie produced here. Steady jobs.

While this month's Fortune magazine warns of competitive trouble ahead for Caterpillar and concludes "life may be a lot less serene in Peoria," Peorians who recall the three massive layoffs in the the 50s—6,000 in 1952, 7,000 in 1956, and 5,000 in 1959—have had reason to be serene in Blackie's decade.

Over those ten years, Caterpillar also lifted much of the crush of its concentration in East Peoria by building new facilities in Mossville, Morton, Mapleton and Peoria. In so doing, the company became a bigger taxpayer in Peoria county ($2.4 million last year) than it was in Tazewell county ($2.3 million).

How did Blackie do it? For one thing he does "get around." He personally helped choose the sites for Caterpillar's plants in his native Glasgow; in Newcastle and Leicester, England; in Sao Paulo, Brazil; in Grenoble, France; in Gosselies, Belgium; in Melbourne, Australia; and in Tokyo.

But the people who know him say it is not so much where he travels but how he does it.

They say Blackie never stops moving and never thinks much about himself.

"Watch him play tennis," former Caterpillar chairman Louis Neumiller said. "He's never down. He wants to win right up to the last ball that's in play."

"I've never seen him walk except at double quick time—and he's always going somewhere. There's nothing aimless about Bill."

I asked Mrs. Helen Williams, Blackie's secretary for 24 years, to dig out of a storeroom all of the plaques and certificates which Blackie had received over the years and did not hang on his office walls. She came across a sterling silver one from Tiffany's which was engraved:

"DUN'S to William Blackie, Chairman, Caterpillar Tractor Company: 'One of America's Ten Best Managed Companies.'"

"Mr. Blackie waited for this one to come," she said. "He wanted to hang it up downstairs where everybody could be proud of it. But when it came in, it had his name on it—not just Caterpillar's—so he just had me file it in the morgue."

William Franklin, who will succeed Blackie as chairman Thursday and who like Blackie is a certified public accountant, says Blackie's genius is in organization. (Blackie, incidently, says Franklin's genius is in finance.)

"Bill was the architect of the company. He evolved its organization over the years and it took final form a number of years ago," Franklin said. "Its biggest characteristic is the fact that we have staff vice-presidents in charge of functions who have responsibility worldwide. We don't have an international and a domestic division as most other firms do."

Blackie says that "organization is only a tool for a purpose. It's a good tool if it works. If it doesn't work, it should be changed."

One Caterpillar executive perhaps made it plain what Blackie meant when he said the company has a chart of organization but everybody put it away in a drawer and forgot it. We don't much hold to "going through channels.'"

Blackie says the company structure is "purposely loose" but that it aims "as far as possible to have decisions made at the lowest possible level—with ideas and recommendations flowing both ways."

Perhaps most important is Blackie's idea of how a boss ought to fuction. "Authority is a tool not a title" to him and he will have some words to say on the subject when he speaks at the Monmouth College commencement next Saturday.

Generally, Blackie stresses that top leadership and decision-development must be carried out by more than one person, although final responsibility still has to be pinned on somebody.

The four men who share the executive wing with Blackie—Franklin and Executive Vice Presidents L. L. Morgan, W. L. Naumann and V.V. Grant—seem to perform with complete independence but somehow (in a way that probably only they understand) they function as extensions of Blackie himself.

It is interesting that Neumiller, who retired ten years ago, looks back upon Blackie, who was his executive vice president, as the man who "decided" to put the new company headquarters in Peoria rather than in Mossville.

Both Neumiller and Franklin say Blackie is the man who got Caterpillar to make its manufacturing investments abroad in the face of a lot of arguments to the contrary.

Why did Blackie think his overseas manufacturing scheme would work? Part of the reason has to lie in his near-religious faith in the new "multi-national corporations" which are adding worldwide manufacturing plants to their earlier-established international sales systems.

In a speech Blackie once called the multinational corporation "the most constructive agency for the propagation of material good ever known." He can make a convincing argument that he was not exaggerating a bit.

Beginning with the premise that incorporated firms everywhere are chartered "not to make profits but to produce goods and services," Blackie contends that successful corporations serve more people more efficiently than any other agency he knows about and that a corporation which goes beyond national boundaries in all of its endeavors is bound to end up serving more people.

This thesis inevitably conflicts with Communist or socialist thinking on the same subject, and Blackie makes this conclusive accounting:

"By comparison with the success of our system, theirs is a poor second."

Does he think the Communist nations are beginning to realize this?

"Yes, I think so. I know that for nearly ten years now, Russia and the socialist nations of eastern Europe have been modifying their economic systems to incorporate more of the principles of free capitalist enterprise.

"They are introducing interest as a factor in determining where capital should be employed. They are determining profit as a measure of comparative performance. They are paying incentives to those who are more productive than others."

"The one basic tenet which they adhere to is state ownership of the means of production, transportation, and finance.

And on that basic tenet, Blackie reminds us that most of the nations which Americans consider to be free agree to some extent with the socialist thinking. "I think we are perhaps the only country in the world today that doesn't already own its major railroads and utilities," Blackie said. "Virtually everywhere else they are generally owned by either national or local governments."

While Blackie will talk at length about the value of multi-national corporations generally—keep in mind that all of them are not American firms—he prefers to talk specifically about his own corporation.

"Caterpillar is not a conglomerate (a bunch of unrelated companies stuck together under one management) because we don't want to be a conglomerate," he said.

"We don't wish to be one because we don't want undue dilution of our main objective—and that's to be tops in our own field."

Caterpillar is already there and everybody knows it. The vice president of a competing manufacturer put it this way recently:

"Caterpillar has always been No. 1, but today there isn't even any No. 2 or No. 3 or No. 4."

Blackie smiled upon hearing that and tried to respond to my question as to who really was No. 2.

"In crawler tractors, it would be Komatsu in Japan," Blackie said. 'In rubber-tired tractors and equipment it would now probably be TEREX. In front-end loaders—on tracks and wheels—I'm not sure. Maybe International Harvester."

At that point Blackie gave up and said that somebody else once said that "Caterpillar doesn't fit in an industry—it is one."

Then he leaned back and said, "You know, things can work in this company that won't work in other companies because of the kind of people we have."

Asked if he really believed that, he shot back, "Absolutely!" Then he said he based his belief on what other corporate executives have told him about the people who worked for them and what they told him about the people who work for him.

Blackie has worked hard over the years seeing to it that the kind of people Caterpillar has are taught how to do the jobs they do. About a generation ago when he was a vice president he wrote a booklet (without a byline) entitled "Building an Effective Work Force." Among other things he wrote:

"The major test of industrial worth must, of course, always be individual performance . . . It can never be a supervisor's 'alibi' that his failure to accomplish his task is attributable to subordinates who fail . . ."

By his own measurement or anybody else's, William Blackie's "industrial worth" has met the test.

Last month Caterpillar's profits, in total amount and per share of stock reached an all-time record for any month in the company's history; and this month the price of its stock hit an all-time high on the New York Stock Exchange.

As Blackie said: "For a time to bow out, it's not all bad."

A COUPLE OF GRIPES

Employes in Caterpillar's downtown headquarters, although they are the best-paid people in town, have two gripes.

They don't like a rule which puts the automatic coffee machines throughout the building off-limits for a couple hours a day, and they kid about the odds of being killed on the escalators, which move almost as fast as Bill Blackie does.

The coffee rule, which says stay away from the machines before 9 a.m. and between 1 and 2 p.m., was put out in a memo from company Persident William Franklin shortly after the new building opened, but some wags say it was really Blackie who was bugged by the sight of a non-productive gang-up around the machines every morning and afternoon.

The escalator speed, however, is completely blamed on Blackie. Everybody believes that speeding them up is just the thing he would do.

Actually, according to Franklin, the escalators run faster than Carson's or Bergner's because the stores slow theirs down so customers can look at the merchandise.

As to whether the coffee rule is really his or Blackie's, Franklin will only say, "it's a company rule."

On Thursday Franklin will be running the company.

GOING HOME

William Blackie and his wife, Florence, will go back to their native Scotland, which he left in 1930, after he retires—but just for a vacation.

After business meetings in the United Kingdom, they plan to get together in Scotland with their son, the Rev. Bruce L. Blackie of First Presbyterian Chuhch in Akron, his wife and the three grandchildren, Heather, 9, Holly, 7, and Heidi, 3.

Blackie has for a long time played tennis at the Country Club of Peoria virtually every summer weekend and in recent years during the winter a couple times a week at the Central Illinois Racquet Club. In the past, he usually golfed with his wife. Now he'll have more time to play with the men. Last week he started looking over his fishing tackle. And he probably will work more in his yard on High Point Drive.

He is thinking a little about doing some writing—something he has done a lot of during his years at Caterpillar. He plans to help the American Red Cross raise some money and to work with the Smithsonian Institution in an effort to bring its treasures to more of the people, perhaps by having a traveling exhibition come to Peoria.

But mostly he will probably keep going downtown to his sixth floor director's office, trying to help Caterpillar without getting in the way of Chairman Bill Franklin.

THE SACB AND THE NEW INTERNAL SECURITY PROGRAM

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. ASHBROOK. Mr. Speaker, next week, I understand, an attempt will be made in the Senate to eliminate the appropriation for the coming fiscal year of the Subversive Activities Control Board, SACB, which, under legislation overwhelmingly passed by the House on May 30, would serve as the heart of a new internal security program, painstakingly devised through the joint efforts of the executive branch and the House over a period of several years. The new program, which would combine and continue as one program, two long successful existing programs, permit actions against the Communist Party U.S.A.; Maoist, Trotskyite and domestic brands of communism, groups attempting to deprive others of their constitutional rights by unlawful means; and organizations which violate laws pertaining to treason, rebellion, insurrection, riots or civil disorders, sedition, conspiracy, among others. By means of the program the American public would be alerted to the nature of such organizations and the Federal Government would be assisted in its hiring or retention of people unsuitable for Federal employment.

The older of the two existing programs dates back to 1943 when President Roosevelt issued an Executive order under which Attorney General Francis Biddle cited almost 50 groups as subversive. The Executive order was based on the President's recognition that totalitarians of various kinds—Communist, Nazi, and Fascist—whose aim was the destruction of our constitutional form of government were seeking or had obtained Government employment to assist in achieving their aims.

It also was based on the President's determination that such persons were unfit for employment and, if and when uncovered, should be eliminated from the Federal service. This was the beginning of the Attorney General's list as it is known today and was advisory to Government officials who had to resolve problems relating to loyalty of Federal employees. President Truman in 1947 issued Executive Order 9835 which expanded the program and in 1953 President Eisenhower revised the program with Executive Order 10450 which, among other things, retained President Truman's requirement for an advisory listing of totalitarian, Fascist, Communist, subversive, et cetera, groups and directed that sympathetic associations with them be one of the factors considered in determining an employee's or applicant's fitness for Federal service. Executive Order 10450 was continued under Presidents Kennedy, Johnson, and under President Nixon until he issued Executive Order 11605 on July 2, 1971, amending the previous order.

The second existing program in the area of internal security came into being with the Subversive Activities Control Act of 1950 which established the SACB. This act was enacted after years of hearings and much deliberation, to expose the Communist Party USA with its members, as a Communist-action organization controlled by the Soviet Union or the world Communist movement and dedicated to the subversion and overthrow of the United States. The act also provided for the exposure of the "fronts" of the party; that is, organizations not ostensibly connected with the party but controlled or dominated by the party.

Both programs developed shortcomings which have been corrected by President Nixon's Executive Order 11605 and H.R. 9669 which passed the House on May 30.

In the case of the Attorney General's list, the designation of organizations by the Attorney General was a non-adversary closed administrative procedure. In the early 1950's a series of judicial decisions indicated the need for open adversary proceedings with the trappings of due process. As the executive branch lacks the authority to confer such powers as that of subpena and a right to judicial appeal, there have been no designations since 1955 and the list is sorely in need of updating. Nevertheless, in extensive hearings before the House Internal Security Committee, all of the Government witnesses who testified before the committee stated, in effect, that the program had been and is effective and that only the list of organizations needs modernizing. Therefore, groups such as the Black Panthers, Students for a Democratic Society, or the Progressive Labor Party, all organizations of an extremist and radical nature, have never been added to the Attorney General's list because of their recent vintage. To further complicate matters, the SACB, because it handles only organizations which are Soviet oriented, cannot review the three above-cited organizations, all of which are outside the SACB's jurisdiction.

To improve the situation, President Nixon promulgated Executive Order 11605 which transferred to the SACB the function of designating organizations which had previously been that of the Attorney General. The Attorney General's much broader jurisdiction would enable the SACB to handle the three cases cited above. In addition, as the SACB is a quasi-judicial body, with the right of cross-examination and examination of evidence afforded those involved, the objection to the Attorney General's list concerning open adversary hearings is eliminated. Executive Order 11605 requires, for the first time, that only "knowing" association with any of the six classifications of groups on the list be considered in weighing a person's security status. It thus provides greater protection for the individual. Also, the order defines precisely what is meant by the six types of organizations that may be placed on the list. President Roosevelt's order had merely referred to "subversive" activities without definition whereas the Truman order used the classifications of "Communist," "Fascist," "totalitarian," and "subversive" without defining these terms precisely.

Finally, rounding out the program is the administration's bill, H.R. 9669, which passed the House on May 30 by a lopsided vote of 226 to 105. This proposal would first change the name of the SACB to the Federal Internal Security Board. Next, in response to the contention of some that the President lacks authority to assign additional duties to the Board, this bill would expressly authorize the President to delegate such duties to the Board. Lastly, the bill makes applicable to such designation hearings, the due process procedures that have been provided for proceedings under the Subversive Activities Control Act.

As mentioned above, much time and effort has been expended in formulating this new internal security program. I understand the need for an additional Executive order was first considered in the Johnson administration, was revised and refined under the present administration and finally promulgated on July 2, 1971. The House Internal Security Committee began its extensive hearings on the administration of the Subversive Activities Control Act of 1950 and the Federal civilian employee loyalty-security program on September 30, 1970. Later additional hearings were held by the committee on various legislative proposals with H.R. 9669 receiving committee approval, resulting in House passage on May 30.

In view of the great effort expended in formulating this new internal security program and the key role delegated to the SACB, it would seem that the move to eliminate the SACB appropriation would be imprudent, if not dangerous. The above information conveys briefly the vast effort and experience which have gone into the internal security program dating back to the President Roosevelt order of 1943. The ingredients of the present program have been devised and tested over a long period of time and with the involvement of all three branches, the Executive, Congress and the courts.

To illustrate who would gain from the elimination of the SACB, two recent items from the Daily World, the Communist Party organ, should be perused. The first from the May 31 issue reports on the passage of H.R. 9669 and conveys the concern with which the Communist Party views this legislation. The second item, from the Daily World of June 6, tells about the upcoming Senate attempt to eliminate the SACB. Incidentally, in another article in the Daily World's May 31 issue there appears this excerpt which is cited as a goal of the CPUSA:

> Abolish the FBI and end political frame-ups, eavesdropping and wiretapping. Abolish the Subversive Control Board, the House and Senate Internal Security Committees and repeal all repressive laws. End police brutality. Disarm all police. Forbid use of police, National Guard or the Army to suppress labor and peoples' struggles.

I insert at this point the two items mentioned above:

CONGRESS MEMBERS FIGHT WITCHHUNT BILL

(By Tim Wheeler)

WASHINGTON, May 30.—A group of Congressmen, including Rep. Bella Abzug (D-

N.Y.) and Ronald Dellums (D-Calif.), fought today to block passage of a bill which would vastly expand the witchhunt powers of the Subversive Activities Control Board. They urged, instead, the abolition of the board which has had "nothing to do" since the Supreme Court struck down key sections of the McCarran Act.

During two hours of debate, anti-SACB Congressmen urged defeat of HR 9669 which would give the SACB a new name—the Federal Internal Security Board—and would amend the Walter-McCarran "Subversive Activities Control Act of 1950."

The expansion of the SACB powers was approved late today by 226 to 105.

The amendments would authorize the President to delegate to the board authority to conduct witchhunt hearings for the purpose of barring "subversives" from Civil Service jobs on "loyalty and security grounds."

The amendment also gives the SACB authority to "conduct hearings and make findings as to the character of organizations" for the purpose of updating the notorious Attorney General's list of "subversive" organizations.

NIXON PRODUCT

Rep. Richard Ichord (D-Missouri), chairman of the House Internal Security Committee, told the House members that the bill is a Nixon Administration product, written by the Justice Department and introduced for President Nixon by ultra-rightist John Ashbrook (R–Ohio).

Ichord said the bill is designed to eliminate Constitutional objections to the Walter McCarran Act raised by the U.S. Supreme Court in the cases of Eugent Robel and Herbert Aptheker.

Robel, a Seattle shipyard worker won his Supreme Court Appeal against attempts by the Federal government to have him fired for his militant trade-union activities.

Aptheker, the renowned Marxist historian, similarly defeated efforts by the Federal government to deprive him of his passport.

The court ruled that the McCarran Act was too "sweeping" and was "excessively vague."

FORCE TESTIMONY

The legislation would reaffirm the SACB's powers of subpena and would assure "the assistance of Federal courts to enforce that power."

It would thwart fifth Amendment rights by empowering the SACB to force a citizen to bear witness against himself while offering so-called "immunity for testimony compelled over self-incrimination claims."

The bill also provides for "penal sanctions for acts of misbehavior in the presence of the board."

BIG PAYROLL FOR IDLENESS

Ichord said the measure is necessary in order to give the SACB something to do.

Since the Supreme Court struck down sections of the McCarran Act, the nine members of the SACB have been drawing their $36,000 per year salaries while doing little more than occupy their plush office a few blocks from the White House.

Mrs. Donna Allen, Washington representative of the National Committee Against Repressive Legislation, was in the public galleries during the debate today. She told the Daily World that the HISC rushed HR 9669 to the floor in an attempt to catch the opposition off guard.

Many Representatives are still absent following the Memorial Day holiday, including Rep. Robert Drinan (D-Mass), a member of the House committee, who voted against the measure in the committee.

Drinan is on a visit to Israel.

Fight on Witchhunt Agency Due This Week

Washington, June 5.—Mrs. Donna Allen, Washington representative of the National Committee Against Repressive Legislation, told the Daily News today that a measure will be introduced in the Senate this week to cut off all funds for the witchhunting Subversive Activities Control Board.

A "Dear Colleague" letter, she said, has been sent to all U.S. Senators by Senators Sam Ervin (D-NC), William Proxmire (D-Wis) and Allen Ellender (D-La) urging them to vote for an amendment they will introduce eliminating all funds for the SACB.

Tuesday, the House approved a measure, HR 9669, expanding the powers of the SACB. The measure has been sent to the Senate Judiciary Committee. She said this makes all the more urgent support for the efforts of the senators to cut off funds for the committee.

Additionally, Sen. Ervin has attached to the appropriation bill which contains the funds for the SACB a rider which stipulates that none of the funds appropriated to SACB may be used for implementing Pres. Nixon's executive order of last year expanding the SACB's powers.

Mrs. Allen described this measure as a "fall-back" position for the senators if they are defeated in their efforts to eliminate funds for the SACB altogether.

If the Senate passes measures to abolish or curb SACB, then a House-Senate Conference Committee will be convened to resolve the differences between the two bodies on the fate of SACB.

This makes it important, Mrs. Allen said, for the Senate conferees to be "instructed" to abide by the vote in the Senate against SACB and not yield to pressures to compromise on the measure.

HOUSE OF REPRESENTATIVES—*Monday, June 12, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is spirit: and they that worship Him must worship Him in spirit and in truth.—John 4: 24.

O God and Father of us all, we wait upon Thee for the uplift of Thy spirit which clarifies our minds, strengthens our hearts, and leads us in the ways of truth and love. Quicken within us every noble impulse that we may walk uprightly with hearts free from malice and filled with good will.

Bless our country with Thy favor and guide our people in the paths of peace. Be with all who serve under the banner of our Government, particularly our Armed Forces, and prisoners of war. Strengthen them in times of temptation and give comfort to those who mourn the victims of violence.

Give us faith to see beyond the troubles of this day the working of Thy providence in the affairs of men and may we ever strive to walk in Thy way.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The **SPEAKER.** The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on June 6, 1972, the President approved and signed bills of the House of the following titles:

H.R. 1915. An act to provide for the conveyance of certain real property of the United States;

H.R. 13150. An act to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes; and

H.R. 13361. An act to amend section 316 (c) of the Agricultural Adjustment Act of 1938, as amended.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11417) entitled "An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 722. An act to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wisconsin.

S. 2987. An act to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, N.Y., out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States Dwight D. Eisenhower.

AMERICA'S SHAME IN VIETNAM

(Mr. DOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DOW. Mr. Speaker, I am severely disturbed by an article in the New York Times of June 10, 1972 which is headed, "Military Waging War as They Want." This shows very clearly that the generals and the admirals in charge of the air war in Indochina have the fullest freedom to range up and down Vietnam and elsewhere, pounding the Vietnamese "into the Stone Age," as one general once put it.

Evidently, our air forces are doing the same thing in Laos, with even less accountability to the American public. A former education adviser in Laos, Mr. Fred Branfman calls our action there, "America's Secret War" and tells how the beautiful Plain of Jars in Laos has been systematically destroyed by automated warfare.

Does the balance of peace among the superpowers mean that men, women, and children in a small nation which happens to be in the path of some superpower, must endure the scourge of napalm and white phosphorus at the whim of pushbutton generals?

I regret the hypocrisy uttered regularly by the highest figures in our Government that the cruel war we are waging in Indochina is the way to peace for future generations.

If I were a member of the military called on to serve as an instrumentality of the present American war machine, I would find my patriotism seriously challenged by my conscience.

ONE WAY TO CURE AIRLINE PIRACY

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, there is a disturbing increase in armed extortion through airplane piracy. It is obvious that not enough is being done to stop this reprehensible practice. Both airlines and Government point a finger at each other for failing to take adequate steps to stop hijacking and extortion. Very probably both are right. The airline owners and operators contend that crime prevention and criminal apprehensions are functions of government. Yet, the governmental agencies tell me the airlines are reluctant to cooperate in the measures necessary for proper preventive and control measures. The situation is worsened by the fact that only 23 countries have ratified an agreement signed by 71 nations at the Hague Convention on Air Piracy in October 1971. In other words, over three-fourths of the nations of the world have been unwilling to agree to extradite or punish hijackers.

We need, of course, an antipiracy law modeled after the Lindbergh law. There should be a law making it illegal to pay ransom to armed criminals. There should be rewards for those who prevent piracy or who subdue or apprehend hijackers. Unless there is an armed Federal agent aboard, there should be at least one member of each aircraft crew who is deputized, armed, and trained to deal with hijackers.

From the standpoint of new laws, neither the Congress nor the Government has shown sufficient interest in overcoming the problem of hijacking. We in Government, the airlines, and the American people simply tolerate the practice and it is growing worse.

Today, I am introducing a bill which will probably fare as have all others dealing with this subject. Perhaps, however, it will help to needle those who could do more about the problem. It is a bill to provide that payments made by airlines to aircraft hijackers should not be deductible for tax purposes. At present, I am advised by Internal Revenue Service that such payments can be deducted as losses or a business expense. They have nothing to lose. At least, let us close this one loophole.

FLOOD AND DISASTER AT RAPID CITY, S. DAK.

(Mr. DENHOLM asked and was given permission to address the House for 1 minute and to extend and revise his remarks.)

Mr. DENHOLM. Mr. Speaker, tears, terror, tragedy, and thanks followed the devastating walls of water that boiled out of the canyon and into the city of the valley as sleeping residents sensed the horror of flood waters in the night time.

The death toll in the most deadly flood of the Nation in 44 years has passed 200 and 500 or more are still missing in and near Rapid City at the foot of the eastern slopes of the Black Hills in South Dakota.

It began in the darkness of night when a wave crashed through an earthen dam at rain-swollen Canyon Lake on the western edge of the city.

The roaring waters swept cars through the city, crushed trees, and demolished homes.

Terror stricken survivors peered through tears at death—debris everywhere. The serenity and tranquillity in the shadow of the beautiful Black Hills was no more—and in the dawn of the 10th day of June there was a stillness and stench of death and disaster where but hours before children played and tourists tarried. The crunch of disaster laid naked in the valley as the crest of the roaring waters disappeared. Survivors in prayer and in shock gave thanks. Many with no more than life alone survived—and hundreds remain missing in the wake of the tragedy that gutted the valleys of the city as the floods rolled on.

There is little now left in the aftermath of the pathways of those roaring waters except grateful hearts among all in sorrow for the help of all in rescue of loved ones that are no more.

I commend Donald V. Barnett, mayor, the Honorable Richard F. Kneip, Governor, and the President of the United States, for the exceptional manner and dispatch of duty in the protection of lives and property against the devastation of disaster.

I respectfully request the reasonable consideration of all Members of the House for whatever emergency and essential relief may be necessary to comfort the homeless and to restore the tragic losses sustained by the people and victims of the flood at Rapid City, S. Dak. Thank you very much.

TRIBUTE TO THE LATE JOHN PAUL VANN

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I am sure many of my colleagues will join with me in mourning the death of John Paul Vann. At the time of his tragic accident, John Vann was our senior adviser to the South Vietnamese in the central highlands.

I met John 5 years ago when I made my first inspection trip to South Vietnam. He impressed me greatly with his knowledge of the war. And his estimate of the situation has been proven correct over and over. I visited with him several times over the last few years and it was always evident that he never lost his enthusiasm for the South Vietnamese people and his belief that Vietnamization and pacification would be successful.

John Vann was a very outspoken man. Furthermore he was fearless in fulfilling his responsibilities as an American adviser. The American people have lost a splendid warrior and a defender of freedom with the death of John Paul Vann.

CONGRESS SHOULD REFLECT ON SOURCE OF PRESSURE ON REVENUE SHARING

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, now that revenue sharing has been postponed again, and perhaps will not be considered this week, I think it is time for the House to calmly reflect upon the source of all of the pressure and lobbying that we have been getting on this subject. I know that lobbying is part of the democratic process, and I do not object to it, but perhaps it may be time for the Congress to look at the source of this and say, is this a legitimate kind of lobbying?

I am referring to the lobbying that is going on by the National Association of County Officers, and the U.S. Conference of Mayors, and the National League of Cities, the Governors' Conference, and the Council of State Governments, and the International County Management Associations. These are all people who by and large, I think, Mr. Speaker, are using tax funds to lobby us to get more money so that there will be just more and more to spend.

I think it is time that we looked at the source of the pressure that is coming on the revenue sharing program. Perhaps it is time for an appropriate committee of the Congress to take a look into this type of lobbying.

Mr. Speaker, at this point in the RECORD, I want to include an editorial from the June 2 issue of the County News, which apparently is published by the National Association of County Officers.

This editorial describes the nature of the lobbying campaign that has been launched against Congress in behalf of revenue sharing and names those tax-supported organizations that are propagandizing us.

Mr. Speaker, I think it is time that this kind of waste of taxpayers' money is exposed and within the next few days I intend to introduce a resolution requesting an investigation into the tax-supported activities of these associations.

WRITE ON

In the next two weeks the House of Representatives will act on General Revenue Sharing. If the measure survives this test, it starts the legislative process on the Senate side. There will be hearings before the Senate Finance Committee; and finally the vote on the Senate floor.

Now is the time to be heard. Now is the time for every county commission, every city council, and every state legislature to memorialize their representatives and senators and urge the prompt passage of this desperately needed legislation.

We fear that maybe as a National Association we have "come to the well too often" in our request for the members to contact their congressmen. The battle has lasted much longer than any of us dreamed it would, having been going on now for more than 2½ years.

This has discouraged many state and local officials in the past. Now that prospects are so much brighter we are getting a strong response.

We were at a meeting yesterday with Rep. Wilbur Mills (D.-Ark.) Chairman of the House Ways and Means Committee who will be the floor strategist for the legislation. He reported very heavy volumes of county, city and state officials communicating directly with him or directly with their representatives.

The message to our Representatives should be very simple. We want our Representatives to follow the lead of Chairman Wilbur Mills as he steers this legislation through the complexity of parliamentary maneuvers. He is wholeheartedly in favor of this legislation. He'll fight like a tiger to get it passed.

On the Senate side, Sen. Russell B. Long (D.-La.), Chairman of the Senate Finance Committee, is very much in favor of this legislation. There are, however, 99 other senators. It is important to constantly remind these Senators that we need the legislation.

We have two immediate problems. The first setback we may get in the House of Representatives. This is a move to have the present bill amended to provide for annual appropriations. This could be very damaging indeed. We know that the House Appropriations Committee is hostile to this legislation. To have to go through this complex legislative process each year would destroy the whole idea behind a predictable amount of money coming into the cities, counties and states. We need a five year appropriations as provided in the present bill as approved by the House Ways and Means Committee.

The second point of controversy is the question of retroactivity. The House bill provides that payments to states and localities would be retroactive to January 1, 1972. There is some sentiment (in view of the large federal deficit) to make the effective date July 1, 1972 or even January 1, 1973. This again could be extremely damaging to many of our hard pressed cities, counties and states.

The message then is write, telephone, visit, whatever you have to do to make your United States Representative and United States Senators understand the plight of your community and the need for prompt passage of this legislation.

Similar campaigns are also underway now in our sister organizations, the U.S. Conference of Mayors, the National League of Cities, the Governors Conference, and Council of State Governments and the International County Management Association.

Now's the time to dig in and fight.

SCHEDULING OF PROPOSED REVENUE SHARING LEGISLATION

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, if I may have the attention of the gentleman from Florida (Mr. GIBBONS), I want to commend him for his remarks to the House.

Can it be possible that we are embarking upon an off-again on-again gone-again treatment with respect to so-called revenue sharing?

Mr. GIBBONS. I do not know what we are involved in. I would say the longer it is delayed, the better off the country is, and if it is never enacted, the country will be a great deal better off.

Mr. GROSS. I am sure of that, but I think the House ought to have some notice, if we are not going to take up that bill. I think we should be notified promptly and given the reason why it is not being taken up. I wonder if we are getting into a situation in the House where we may be in violation of the Federal Corrupt Practices Act in scheduling legislation, when out of a clear blue sky, we find we are not going to be able to take up the legislation on the program for some unknown reason.

Mr. GIBBONS. I do not know what the reason is, I will say to the gentleman from Iowa, but all I can say is if we never take it up, we will be a great deal better off.

ANNUAL REPORTS OF THE FIVE RIVER BASIN COMMISSIONS ESTABLISHED UNDER WATER RESOURCES PLANNING ACT OF 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-310)

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to transmit herewith the annual reports of the five river basin commissions established under the Water Resources Planning Act of 1965. These reports are from commissions that have been set up in the Pacific Northwest River Basins, the Souris-Red-Rainy River Basins, the Great Lakes Basin, the New England River Basins, and the Ohio River Basin and reflect the accomplishments of each commission during Fiscal Year 1971.

The primary responsibility of each commission is to develop plans for the best use of its water and related land resources, and to recommend priorities for implementing its plans. These commissions, though comprised of State and Federal members, are established at the initiation of the Governors of the States involved within the commission areas. They are unique in that they are neither wholly Federal nor State, but rather jointly financed partnerships working to develop the resources of their respective regions.

The commissions provide an opportunity for all interested persons, especially the residents of the river basins, to contribute to water resource planning. This has become particularly important in recent years because the wise use of our natural heritage is a critical public concern.

The substantial number of programs which these commissions have already begun will help to meet both existing and emerging problems of water and land use within their regions. They are also making studies that will promote effective solutions, with full recognition of the need both to preserve and to enhance the environment.

RICHARD NIXON.

THE WHITE HOUSE, *June 12, 1972.*

CHANGE OF LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to announce to the House that the so-called revenue sharing bill will not be considered this week, but it will be considered on Wednesday and Thursday of next week.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman state why it will not be considered this week? Some of us have made plans for the week following.

Mr. BOGGS. The gentleman knows program matters are always subject to change. The chairman of the committee desires to postpone consideration of the bill until next week.

Mr. GROSS. There must be a reason for these changes.

Mr. BOGGS. There are always reasons. There were reasons why we could not take it up this week.

(Mr. SHOUP asked and was given permission to address the House for 1 minute.)

Mr. SHOUP. Mr. Speaker, I should like to request further information from the majority leader on the program.

What will be our business, in place of the revenue sharing measure?

Mr. BOGGS. We will have one of the appropriation bills, the Interior bill, up tomorrow.

Mr. SHOUP. Followed by the Labor-HEW bill?

Mr. BOGGS. Exactly.

Mr. SHOUP. I thank the gentleman.

PROVIDING FOR CONSIDERATION OF H.R. 10792, INCREASING THE SMALL BUSINESS ADMINISTRATION LOAN CEILING

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1010 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1010

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10792) to amend the Small Business Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking and Currency now printed in the bill as an original bill for the purpose of amendment, and all points of order against said substitute are hereby waived for failure to comply with the provisions of clause 7, rule XVI, At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 10792, the Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 3166, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 10792 as passed by the House.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1010 provides an open rule with 1 hour of general debate for consideration of H.R. 10792, the purpose of which is to increase the outstanding loan ceiling of the Small Business Administration. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment and points of order are waived for failure to comply with the provisions of clause 7 of rule XVI because section 2 of the committee amendment would not be germane. After passage of H.R. 10792, the Committee on Banking and Currency shall be discharged from further consideration of S. 3166 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

H.R. 10792 does not provide or appropriate any funds for the Small Business Administration. It merely increases the outstanding loan ceilings in order to allow the agency to continue its operations.

At the present time, the ceiling on loans in all SBA loan programs, except disaster loans which are not subject to ceiling, is $3.1 billion. As amended, the bill increases this ceiling to $4.3 billion, which will enable the agency to operate through the end of fiscal year 1973.

In addition, there are subceilings in specific loan categories. The amount of loans which can be outstanding in the Small Business Investment Company, program is increased from $450 million to $500 million. The amount of loans which can be outstanding in the economic opportunity loan program is increased from $300 million to $350 million and the maximum amount of each such loan is increased from $25,000 to $50,000.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 10792 may be considered.

Mr. HALL. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's statement. I am not at all convinced, as far as that portion of the bill that this rule would make in order is concerned, that with a 50-percent failure rate we ought to double the amount of the loan capital allowable under the Office of Economic Opportunity; but I rise—and I appreciate the gentleman yielding—to discuss the waiver of points of order, because of clause 7 of rule XVI.

The gentleman explained it in detail. It is a matter of germaneness or substantiveness of additions to another subject, and such amendments not being divisible; but will the gentleman, before we accept this by unanimous consent or by vote, tell us who asked for this waiver of points of order? Was it the Committee on Rules that engendered it, the Parliamentarian, or the chairman of the committee?

Mr. MADDEN. In answer to the gentleman from Missouri I will say that the chairman of the Committee on Banking and Currency asked for it.

Mr. HALL. That just amazes me, Mr. Speaker. I remember arm waving and great oratorical effort and even shouting, less than 2 weeks ago about waivers of points of order taking away the rights of individually elected Members from the various districts across the length and breadth of this land, and about the question of appropriations under the parent Committee on Ways and Means. Although I will yield to no one in opposition to giving or returning something which we do not have to those from whom we take it away, I cannot imagine how the self-same and self-styled rugged individualists who I thought had joined "our party" as being against waivers of points of order, would ask for it in a simple bill like this. The record will show that at the time I welcomed them to the club.

Certainly, at a time like this with natural and manmade disasters throughout the Nation, one could not be opposed to the main purport of this bill. But, to waive points of order in order to get something through after decrying and denigrating others who would do the same thing is just not understandable to me.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Texas.

Mr. PATMAN. The gentleman, obviously, is referring to me and I desire to make comment about his remarks.

Mr. HALL. The gentleman from Texas has reached his own conclusion, because I did not refer to the gentleman.

Mr. PATMAN. I can accept it. One can read the gentleman's mind pretty well any way. But, I notice he is charging me with inconsistency. It is not inconsistent at all. I always have been against closed rules and I am against closed rules now. If this is inconsistent, I am following out what has been pretty well laid down as a pattern of inconsistency for a long period of time.

Of course, the gentleman states he is not going to run any more, and that would end the rule of inconsistency. He has been an official objector to object to bills which were not brought up in the regular way. But I notice that there are a lot of bills that he lets go through and to which he has not objected.

I know of bills that have gone through under unanimous consent changing the tax laws, and the gentleman from Missouri did not object to them. These bills did a great disservice to the people of the Nation and to the taxpayers in particular. However, they were brought in here under conditions of just a simple unanimous consent—in other words, asked unanimous consent that the bill be considered, and the chairman of the committee would get up and say that all 25 of the committee members from the Ways and Means Committee—15 Democrats and 10 Republicans—have agreed to this particular bill; they said they have looked into it; they think it is good; they think it is fine; they think it should be passed—all 25 members agreed to do it, but they have no reports, they had no hearings on the bill, and there is no way for anyone else to find out whether it should be passed or not. They should certainly have some witness or person who could speak with some knowledge and information and officially, with expertise. The Members of the House should have access to hearings and should know how much these bills will cost the Government or the taxpayers in lost tax revenues.

Therefore, I think the gentleman has remained very inconsistent in his attitude of letting bills go through that would just absolutely ruin the Treasury. There are 77 bills of this nature in recent years, just like I said recently, and if you will get a report from the Treasury on how much those bills have cost, the gentleman will be amazed.

Let it be understood, however, that I am not criticizing the gentleman for objecting to anything. I appreciate the fact that he does. I appreciate the fact that the gentleman from Iowa is always on the alert and looking for irregularities and objecting to them. I think both of the gentlemen ought to be commended for it.

But on these bills that affect the revenue so much, I think there should be great caution used on measures which are sought, if there is no regular hearing, and when we have not been satisfied that the bill is all right and that it will not cost anything—or whatever it will cost, to indicate that amount.

So Members will have some knowledge and information to go on.

But to just let them pass, like the 77 I just mentioned—and you are going to see some of them pretty soon—those 77 bills will cost this country many millions of dollars. It is a continuing amount and everyone of us is guilty because we let them go through here and everyone of them could have been stopped with one single objection. The gentleman from Missouri could have stopped the whole package, one at a time. The gentleman from Texas could have done the same thing. But we have not been on our toes and we have not done the job. Every Member is very busy on matters directly affecting him, or the business before the committees he is on, or for other reasons.

Therefore, I would again say it has cost us, and we should realize we are falling down in the performance of our duty.

We are not doing our duty in a responsible and meaningful and effective way. From now on we should resolve that that be done.

I appreciate the fact that the gentleman from Missouri called our attention to this. But in this particular case the waiver of the point of order is insignificant, as I shall point out later.

So I think instead of spending our time in useless and meaningless points of order, we should go ahead and do something like stopping those bills that cost the Treasury billions of dollars and letting them go through here without a single objection from anybody.

So I say, in my opinion the gentleman's point is not well taken and that the gentleman from Missouri remains consistently inconsistent.

TAX LEGISLATION—SHOULD BE CONSIDERED UNDER A REGULAR RULE WITH EXPERT WITNESSES, HEARINGS AND A COMMITTEE REPORT INDICATING TAX LOSSES OR REVENUES

Mr. PATMAN. Mr. Speaker, during the consideration of House Resolution 1010, the rule making it in order to consider a bill to amend the Small Business Act, H.R. 10792, I was engaged in a colloquy with my distinguished colleague from Missouri, Hon. Durwood Hall. My good friend was concerned with the waiving of points of order pertaining to a Committee amendment to the bill. However, I believe that Mr. Hall is confusing the waiving of points of order to the committee amendment with much more serious attempts to circumvent a free and open discussion that is presented by certain other committees who fail to hold hearings and submit proper reports on important legislation. I assure by friend that this was not the intention of the Committee on Banking and Currency today. Hearings were held on this bill and all interested parties were given an opportunity to be heard. An open rule was requested with the intention of giving the House an opportunity to work its will. The procedure presented by the Rules Committee was not an attempt to stifle debate but an effort to bring about the expeditious consideration of this most important bill.

Mr. Speaker, I believe my continuing efforts to object to legislation which fails to give the House an opportunity for full discussion, that is, public hearings, detailed reports and open debate is well-known to my colleagues. As recently as February 28 of this year I objected to a number of bills which were brought up by the Ways and Means Committee. The reasons for my objections were that even though some of them had wide-ranging policy implications, many causing a substantial loss of revenue, there was no record of public hearings for any of the 22 bills which were scheduled for consideration that day.

Some of these bills had policy implications which were of great concern to the Banking and Currency Committee. One bill, H.R. 11197, which was not on the calendar that day but had been reported unanimously by the Ways and Means Committee without public hearings, would have reduced the minimum payout for charitable purposes required of private foundations. Studies indicate that charities would have lost at least $300 million annually had this bill become law.

Another bill, H.R. 7025, would have encouraged the maintenance of common trust funds among banks affiliated in a holding company, obviously enhancing bank holding companies and encouraging more banks to enter into such affiliations. The committee's reports on each of these and the other bills carried a notation that the measures are either approved by the Treasury Department or that the Treasury Department has no objection.

Mr. Speaker, because of my concern over such procedures, I wrote Secretary of the Treasury, John Connally, on March 8 expressing this concern and requesting that the Banking and Currency Committee be given as much notice as possible when Treasury announces a position on these bills which involve broad policy questions in banking and other financial fields. Since I have not yet received a reply to this letter due to the resignation of the Secretary, I am writing again to the newly confirmed Secretary of the Treasury, Mr. George Shultz, requesting the same courtesy.

I am also writing Senator Russell Long, chairman of the Joint Committee on Internal Revenue Taxation, to see if he can assist us in this matter.

Since so many of these bills have a direct or indirect effect on the country's revenues, I also wrote Secretary Connally on March 10 of this year requesting that the Treasury Department furnish the estimated gain or loss on each of 50 bills which passed the Congress under the same procedures—without hearings—during the 91st Congress. A reply has not yet been received for this letter, and I am writing Secretary Shultz for this information.

Congress of the United States,
House of Representatives,
Washington, D.C., March 8, 1972.

Hon. John Connally,
Secretary of the Treasury,
Washington, D.C.

Dear Mr. Secretary: As you know, there has been discussion in the House of Representatives in recent days concerning tax legislation which is reported from the Ways and Means Committee without hearings and for which unanimous consent is sought for passage on the Floor. The reports accompanying much of this legislation, which has gone through in recent years, bear the notation that the measures are either approved by the Treasury Department or that the Treasury Department has no objection to passage.

One of the bills reported unanimously from the Ways and Means Committee on January 27 deals with the question of privately-owned foundations and their treatment under the 1969 Tax Reform Act. As you know, I have spent many years conducting investigations and studies of these foundations and I was gratified that we were able to include a provision dealing with these institutions in the 1969 Act.

Now I discover that H.R. 11197—sponsored by Representative Herman T. Schneebeli of Pennsylvania—would dismantle part of this section of the Reform Act. The report which accompanied this legislation bears this statement:

"The bill has been reported unanimously by your Committee, and the Treasury Department supports its enactment."

Mr. Secretary, I realize that such a recommendaton would have properly come forth from the Internal Revenue Service and not directly from your office, however, as Secretary of the Treasury I hope that you will make it your responsibility to determine the rationale behind this recommendation to destroy part of the Tax Reform Act as it relates to foundations. I would appreciate a full report on the position of your department concerning this legislation.

Apparently, this recommendation, bearing the imprint of the Treasury Department, was sent to Capitol Hill without public notice. The jurisdiction over foundations has recently been shifted from the Subcommittee which I headed in the Small Business Committee to the Banking and Currency Committee. Since this Committee now has the jurisdiction in this area, I would appreciate being informed in advance of any changes in the Treasury's position, particularly when the matter is as fundamental as H.R. 11197.

H.R. 11197 does not deal directly with tax matters, but rather with the pay-out required of foundations for charitable purposes. Estimates which my staff has made would indicate that charities would lose at least $300 million should the provisions of H.R. 11197 be adopted by the Congress. The Tax Reform Act requires private foundations to contribute to charity all of their annual net income, excluding capital gains, or 6 per cent of the value of the foundation's investment assets, whichever is greater. The act contains a transitional provision for foundations organized before May 27, 1969. The mandatory contribution percentage would be 4½% for the current taxable year (1972); 5% for 1973; 5½% for 1974 and 6% for 1975 and thereafter.

In contrast, H.R. 11197—the Schneebeli Bill—would reduce the final percentage of pay-out from 6% to 5% and extend the transitional period so that private foundations organized before May 26, 1969 would contribute 3½% of their investment assets in 1972 and 1973; 4% in 1974 and 1975; 4½% in 1976 and 1977, and 5% in 1978.

The following table demonstrates the vast difference between existing law and the weakening proposals of H.R. 11197:

[In percent]

	1972	1973	1974	1975	1976	1977	1978
Existing law	4.5	5.0	5.5	6	6.0	6.0	6
H.R. 11197	3.5	3.5	4.0	4	4.5	4.5	5

A quick glance makes it very clear that charities would suffer great losses in donations each year under the Schneebeli bill and that the foundations would be able to retain higher percentages of their assets. Under existing law, those foundations with low-yielding investments must sell off part of their assets to meet the minimum charitable contribution requirements. The provisions of this law no longer encourage the foundations to put their money in low-yield, in-house investments—investments which often have been designed to enhance and continue control of major corporations.

The W. K. Kellogg Foundation Trust of Battle Creek, Michigan, is a good example. According to a report issued by the Domestic Finance Subcommittee of the Banking and Currency Committee on July 15, 1971, the rate of return on the assets of this foundation was 3.6%. The report said that the Kellogg Foundation owned 50% of the Kellogg Company and that this stock had a market value of slightly less than $389 million. The total assets of this foundation were listed at about $436 million. It is obvious from this that virtually all of the assets are tied up in the Kellogg Company.

The Pew Memorial Trust of Pennsylvania owns 21% of the stock of Sun Oil Company with a market value of $431 million. This investment, according to the report of the Subcommittee, had a yield of 1.3% to the foundation. This same foundation was listed as owning 100% of the stock of the Minerals Development Company worth nearly $109 million. This investment brought the foundation a return of .9%. Overall, the Pew return of 1.2% on its investments. The total assets of this foundation were listed by the Subcommittee as $541,342,369. Its investments in Sun Oil Company and the Minerals Development Company totalled just under $540 million. So virtually every dime of the assets of this foundation are tied up in two corporations and, in both instances, the yields on the investments are very low.

It is obvious that these two foundations would benefit from a weaker provision on pay-outs to charity. Undoubtedly, there are other similar situations and I sincerely hope that the Treasury Department is not behind any effort to weaken the provisions of the Tax Reform Act as it relates to foundations. In fact, Mr. Secretary, the provisions adopted in 1969 were a compromise and less than I proposed in my testimony. To further weaken an already watered-down section of the Tax Reform Act would be disastrous in my opinion.

Again, Mr. Secretary, I would appreciate forewarning of any changes in the Treasury Department's approach to foundations. I would like to make the same request on tax issues which affect financial institutions under the jurisdiction of the Banking and Currency Committee. As you know, many of these tax bills involve broad policy questions in banking and other financial fields and these issues often have an important impact on substantive legislation before the Banking and Currency Committee. We would like as much notice as possible in advance of the Treasury's announcement of new positions on these questions.

With very best regards, I am

Sincerely,

WRIGHT PATMAN.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., March 10, 1972.

Hon. JOHN B. CONNALLY,
Secretary, Department of the Treasury,
Washington, D.C.

DEAR JOHN: A large number of bills are passed during each Congress which have a direct or indirect effect upon the country's revenues. It is my understanding that the Treasury Department is usually invited to comment on these bills before they are considered by Congress.

Enclosed is a list of fifty of these bills which were considered in the 91st Congress. A copy of the public law is enclosed for each of the 43 bills which became law. A copy of the Committee report is enclosed for those bills which did not become law. Please furnish me with what the Treasury Department estimated the gain or loss either directly or indirectly on each of these bills would be.

Your prompt attention to this request will be appreciated.

Thanking you for your cooperation, I am

Sincerely,

WRIGHT PATMAN, *Chairman.*

WAYS AND MEANS COMMITTEE BILLS—91ST CONGRESS

H.R. 322—Wagering Tax Amendments of 1970.

H.R. 2718—Extension of Temporary Duty Suspension on Certain Classifications of Yarn of Silk (P.L. 91-28).

H.R. 4229—Extension of Temporary Duty Suspension on Heptanoic Acid (P.L. 91-36).

H.R. 4239—Elimination of Multiple Customs Duties on Horses Temporarily Exported for Use in Racing (P.L. 91-570).

H.R. 4605—Articles Intended for Preventing Conception (P.L. 91-662).

H.R. 5833—Temporary Suspension of Duty on Certain Copying Shoe Lathes (P.L. 91-56).

H.R. 6049—Temporary Suspension of Duty on Certain Manganese Ores (P.L. 91-613).

H.R. 6562—Certain Provisions of the Internal Revenue Code of 1954 Relating to Beer (P.L. 91-673).

H.R. 6742—Certain Regulated Investment Companies.

H.R. 7311—Duty on Parts of Stethoscopes (P.L. 91-655).

H.R. 7626—Tariff Classification of Certain Sugars, Sirups, and Molasses (P.L. 91-674).

H.R. 8512—Suspension of Duty on L-Dopa P.L. (91-309).

H.R. 8644—Elimination of Duty on Crude Chicory Roots (P.L. 91-41).

H.R. 8654—Tax Treatment of Individuals Serving on U.S.S. *"Pueblo"* (P.L. 91-235).

H.R. 9183—Duty Free Entry of Articles Reimported for Failure To Meet Sample or Specifications (P.L. 91-615).

H.R. 10015—Extension of Temporary Duty Suspension on Electrodes for Use in Producing Aluminum (P.L. 91-26).

H.R. 10016—Temporary Suspension of Duties on Metal Scrap (P.L. 91-221).

H.R. 10107—Extension of Temporary Duty Suspension on Certain Istle (P.L. 91-65).

H.R. 10875—Eliminaton of Duty on Upholstery Regulators and Upholsterers' Regulating Needles and Pins.

H.R. 13079—Act Temporarily Continuing Interest Equalization Tax (P.L. 91-50).

H.R. 14020—Amendment of the Second Liberty Bond Act To Increase the Maximum Interest Rate Permitted on U.S. Savings Bonds (P.L. 91-130).

H.R. 14720—Suspension of Duties on Manganese Ore (P.L. 91-306).

H.R. 14956—Continuation of Duty-Free Status of Certain Dyeing and Tanning Materials (P.L. 91-388).

H.R. 15071—Duty-Free Status of Certain Gifts from Servicemen in Combat Zones (P.L. 91-180).

H.R. 16199—Working Capital Fund, Department of the Treasury (P.L. 91-614).

H.R. 16506—Cemetery Corporations (P.L. 91-618).

H.R. 16745—Elimination of Duty on Repairs Made Abroad to American Shrimp Vessels (P.L. 91-654).

H.R. 16940—Suspension of Duty on Certain Electrodes (P.L. 91-635).

H.R. 17241—Suspension of Duties on Certain Forms of Copper (P.L. 91-298).

H.R. 17473—Manufacturers Claims for Floor Stocks Refunds (P.L. 91-642).

H.R. 17658—Floor Stock Refunds for Cement Mixers (P.L. 91-678).

H.R. 17917—Transition Rule for Moving Expenses (P.L. 91-691).

H.R. 17984—Amending Section 905 of the Tax Reform Act of 1969 (P.L. 91-675).

H.R. 17988—Application of Investment Credit Recapture Rule to Leased Aircraft (P.L. 91-676).

H.R. 18251—Refunds in the Case of Certain Uses of Tread Rubber.

H.R. 18693—Certain Cuban Expropriation Losses (P.L. 91-677).

H.R. 19242—Capitalization of Costs of Planting Almond Groves (P.L. 91-680).

H.R. 19369—Section 165(g) of the 1954 Code (P.L. 91-687).

H.R. 19391—Protest of Customs Decisions by Transferees of Warehouse Merchandise (P.L. 91-685).

H.R. 19470—Reasonable Approval of Rural Hospitals for Medicare Purposes (P.L. 91-690).

H.R. 19526—Elimination of Duty on Certain Natural Rubber.

H.R. 19562—Tax Treatment of Certain Statutory Mergers (P.L. 91-693).

H.R. 19566—Interest Rates under the Renegotiation Act of 1951.

H.R. 19627—Certain Passive Income of Subchapter S Corporations (P.L. 91-683).

H.R. 19670—Suspension of Duty on Certain Bicycle Parts (P.L. 91-689).

H.R. 19686—Tax Treatment of Certain Transfers of Property to Foreign Corporations (P.L. 91-681).

H.R. 19774—Joint Income Tax Liability of Innocent Spouses (P.L. 91-679).

H.R. 19790—Income Tax Treatment of Certain Sales by a Corporation of Real Property Held More Than 25 Years (P.L. 91-686).

H.R. 19881—Computation of Policyholders' Share of Investment Yield on Life Insurance Company Tax Returns (P.L. 91-688).

H.R. 10517—Distilled Spirits.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Is this in regard to the answer?

Mr. HALL. It has to do with the closed rule.

I submit, Mr. Speaker, that we did not get an answer. The gentleman yielded for an answer and only got the old Texas refrain, which we have heard so often, and I say, "Welcome to our club." Obviously, in deference to anyone who would read the RECORD about this paragon of virtue who believes in no obstructionism, and that "objection" to unanimous consent requests and "Calendars" should only be used in order to expedite the business of the House, while protecting it from folly, the record is clear as to who has voted for or against "closed rules" or "waivers of points of order." I appreciate the gentleman's yielding. It obviously might be entitled "The Old Refrain From Texas," and it all depends on "whose ox is being gored."

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I am in accord with the statement made by the gentleman from Indiana on House Resolution 1010 and associate myself with his remarks—with one exception, I believe.

Section 2 was brought to the attention of the Rules Committee by the Parliamentarian because it was not in the original bill and the bill reported out as a substitute would have to be made in order. So section 2 would not be germane to the substitute bill because there is no such language or provision in the original bill.

After it was brought to our attention before the Committee on Rules, we told the gentleman from Texas (Mr. PATMAN) about it, and he then said, "OK, if that is what you have to do, go ahead and do it." So we did it.

One thing that does confuse me a little bit, or it may be my own misunderstanding of this, is the disaster money. On Friday, I tried to find out about the disaster money. I remember years ago when we raised the amount for the Small Business Administration loans, we insisted on language that such money for that fund be in another fund because it had been used for conventional loans. We had disasters in Alaska and, I believe, in Louisiana and Texas, and I think in Oklahoma and Nebraska and some of those places. It seems that sufficient money was not available.

Last year there was damage from the serious earthquake in California. My understanding is that they are out of money for these loans and many people who suffered damage and are entitled to help, are not now getting it.

Over the weekend we had a very serious situation in South Dakota. I do not know whether we have any disaster money available, but I would certainly hope that the committee which has such matters within its jurisdiction—I do not know whether it is the Public Works Committee or whether it comes under a perpetual authorization, the Appropriations Committee, or what—but I would certainly hope, Mr. Speaker, that there is money in that fund so that these serious disasters can be taken care of. Certainly those people in Rapid City, S. Dak., are entitled to help at this time.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Texas.

Mr. PATMAN. I will say to the gentleman that I am glad he brought up that question. I know that the disaster in South Dakota should have immediate attention. Under a bill which was sponsored by our committee and was passed by the House, we took the ceiling off disaster loans some time ago, and right now the Appropriations Committee could come in here and ask for a direct appropriation under that law. It has already been taken care of. There is no reason why any other committee should have to meet and authorize such an appropriation. The Appropriations Committee can make the direct appropriation right now.

Furthermore, I will state to the gentleman from California—and I am glad he raised this point because there are other cases that come up and he has always been alert in interrogating members of our committee about the situation because he was disturbed in view of the fact that it affected California in such a devastating way—but now the truth is, I will state to the gentleman from California, that there is about $70 million right now with the SBA, that the SBA has, and that they can use right now for the disaster in South Dakota. They do not have to wait for the Appropriations Committee to use that much. But, obviously, more money than that will be needed, and we might just as well make arrangements to present an appropriation bill to the House and pass it quickly. It can be done today. It could be done in 30 minutes if the Appropriations Committee wanted to do it.

So our committee has not been unaware of this situation, and we have certainly taken care of it.

Mr. SMITH of California. Mr. Speaker, I want the gentleman to know that I was not criticizing his committee. I also want it perfectly clear that I am not in any way criticizing Mr. Kleppe, the Administrator of the SBA, because I think he has been the best Administrator we have had in many years.

Mr. PATMAN. I share the gentleman's views.

Mr. SMITH of California. I called this to your attention in the Rules Committee hearing, at which time the information so knowledgeably given to me here today was not in the gentleman's possession.

I am happy the gentleman from Texas has brought it to our attention today. I hope we will get money for these disasters. The people need help. I urge adoption of the rule.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 12846, ARMED FORCES DRUG TREATMENT PROGRAM

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 995 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 995

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12846) to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the armed forces, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 995 provides an open rule with 1 hour of general debate for consideration of H.R. 12846, the purpose of which is to authorize a program of treatment and rehabilitation for drug dependents in the armed services, including the Coast Guard.

Each member of the armed services on active duty would be required to take an examination to determine drug dependency. Treatment and rehabilitation would be required up to 30 days after expiration of service and services therefor would be provided.

Pay would not be forfeited for the period of undergoing treatment and persons being treated would not be counted toward service ceiling personnel strength if they are retained on active duty beyond the end of their term of service or date of separation for the purpose of receiving treatment.

Members of the armed services would be exempt from disciplinary action or other than honorable discharge solely on the basis of drug addiction.

The estimated cost of the program, which is included in the overall defense program, is, for fiscal year 1972, $67.4 million; for fiscal year 1973 through fiscal year 1976, it is $90.5 million each year.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 12846 may be considered.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Indiana has explained, House Resolution 995 provides for an open rule and 1 hour of debate on H.R. 12846, a bill to authorize a treatment and rehabilitation program for drug-dependent members of the Armed Forces, and for other purposes.

The gentleman from Indiana has adequately explained the bill. It came out of the Armed Services Committee unanimously and cleared the Rules Committee unanimously.

Mr. Speaker, I support the rule and reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CEDERBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 303, nays 0, not voting 129, as follows:

[Roll No. 196]

YEAS—303

Abourezk
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Boggs
Boland
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carney
Carter
Cederberg
Clancy
Clausen, Don H.
Cleveland
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey

Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
Kemp
King
Koch
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClure
McCollister
McCulloch
McFall
McKay
Madden
Mahon
Mann
Martin
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Montgomery
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Konski
O'Neill
Patman
Patten
Pelly
Pettis
Peyser
Pike
Pirnie
Poage
Poff
Preyer, N.C.
Price, Ill.
Quie
Railsback
Randall
Rees
Reuss
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steed
Steele
Stephens
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
White
Whitehurst
Widnall
Wiggins
Williams
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach
Springer
Staggers
Stanton, James V.
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stuckey
Thompson, Ga.
Thompson, N.J.
Vander Jagt
Whalen
Whalley
Whitten
Wilson, Bob
Wilson, Charles H.
Wright
Young, Fla.
Young, Tex.

NAYS—0

NOT VOTING—129

Abbitt
Abernethy
Abzug
Alexander
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Archer
Badillo
Bell
Bingham
Blackburn
Blanton
Blatnik
Bolling
Brasco
Broyhill, N.C.
Burleson, Tex.
Caffery
Carey, N.Y.
Casey, Tex.
Celler
Chamberlain
Chappell
Chisholm
Clark
Clawson, Del
Clay
Collier
Collins, Ill.
Collins, Tex.
Conyers
Crane
Daniels, N.J.
Davis, S.C.
Delaney
Diggs
Dingell
Dowdy
Dwyer
Eckhardt
Edmondson
Eshleman
Fish
Flowers
Flynt
Fraser
Frey
Gallagher
Gettys
Goldwater
Halpern
Hanna
Harsha
Heckler, Mass.
Helstoski
Hillis
Hosmer
Howard
Hutchinson
Jones, Tenn.
Keating
Kluczynski
Kyros
Long, La.
McClory
McCloskey
McCormack
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
McMillan
Macdonald, Mass.
Mailliard
Mallary
Mathis, Ga.
Mayne
Melcher
Michel
Miller, Calif.
Minshall
Monagan
Moorhead
Nelsen
O'Hara
Passman
Pepper
Perkins
Pickle
Podell
Powell
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Rangel
Rarick
Reid
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rooney, N.Y.
Runnels
Ruth
St Germain
Scheuer

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Macdonald of Massachusetts with Mrs. Heckler of Massachusetts.

Mr. Kluczynski with Mr. Crane.

Mr. Pepper with Mr. Young of Florida.

Mr. Rooney of New York with Mr. Fish.

Mr. Edmondson with Mr. Steiger of Arizona.

Mr. Clark with Mr. Eshleman.

Mr. Caffery with Mr. Ruth.

Mr. Hanna with Mr. Del Clawson.

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. Young of Texas with Mr. Price of Texas.

Mrs. Chisholm with Mr. Fraser.

Mr. Scheuer with Mr. Stokes.

Mr. Pucinski with Mr. Diggs.

Mr. Staggers with Mr. Mallary.

Mr. Wright with Mr. Springer.

Mr. Annunzio with Mr. Collier.

Mr. Collins of Illinois with Mr. Badillo.

Mr. Delaney with Mr. Rhodes.

Mr. Flowers with Mr. Thompson of Georgia.

Mr. Podell with Mr. Halpern.

Mr. Reid with Mr. Whalen.

Mr. Monagan with Mr. McKinney.

Mr. Melcher with Mr. Bell.

Mr. Howard with Mr. Chamberlain.

Mr. Celler with Mr. McEwen.

Mr. Conyers with Mrs. Abzug.

Mr. Helstoski with Mr. Clay.

Mr. Rangel with Mr. Eckhardt.

Mr. McCormack with Mr. Hutchinson.

Mr. O'Hara with Mr. Harsha.

Mr. St Germain with Mr. Steiger of Wisconsin.

Mr. Dingell with Mr. Riegle.

Mr. Chappell with Mr. Frey.

Mr. Burleson of Texas with Mr. Collins of Texas.

Mr. Brasco with Mr. Robison of New York.

Mr. Stratton with Mr. McCloskey.

Mr. Blanton with Mr. Andrews of North Dakota.

Mr. Whitten with Mr. Goldwater.

Mr. Charles H. Wilson with Mr. Bob Wilson.

Mr. Runnels with Mr. Vander Jagt.

Mr. Jones of Tennessee with Mr. Quillen.

Mr. Miller of California with Mr. Mailliard.

Mr. Moorhead with Mr. McDade.

Mr. Passman with Mr. Blackburn.

Mr. Pickle with Mr. Archer.

Mr. Perkins with Mr. Minshall.

Mr. Gettys with Mr. Broyhill of North Carolina.

Mr. James V. Stanton with Mr. Hosmer.

Mr. Stuckey with Mr. Michel.

Mr. McMillan with Mr. Robinson of Virginia.

Mr. Bingham with Mr. McClory.

Mr. Anderson of Tennessee with Mr. Keating.

Mr. Carey of New York with Mr. McKevitt.

Mr. Long of Louisiana with Mr. Hillis.

Mr. Blatnik with Mr. McDonald of Michigan.

Mr. Mathis of Georgia with Mr. Mayne.

Mr. Pryor of Arkansas with Mr. Nelsen.

Mr. Casey of Texas with Mr. Powell.

Mr. Rarick with Mr. Whalley.

Mr. Abbitt with Mr. Flynt.

Mr. Abernethy with Mr. Davis of South Carolina.

Mr. Daniels of New Jersey with Mr. Kyros.

Mr. Purcell with Mr. Gallagher.

Mr. Alexander with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INCREASING THE SMALL BUSINESS ADMINISTRATION LOAN CEILING

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10792) to amend the Small Business Act.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10792, with Mr. HENDERSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before going into the merits of H.R. 10792, let us make it clear that this bill does not provide nor appropriate any funds for the Small Business Administration. It merely allows the agency to spend funds that are obtained through the appropriation process or through the loan repayments.

Mention was made this morning about the terrible devastation that occurred in Rapid City, S. Dak. That certainly is a major tragedy. We are all in sympathy with those who have suffered so much, and I know the Congress will stand ready and willing to help in any way we can do so.

It happens we have already passed a bill taking the ceiling off the disaster loans. Therefore, there is no necessity to come before the Banking Committee and ask for an authorization of funds in order that the Appropriations Committee may appropriate funds. As it is now, the Appropriations Committee can come to the House and ask for a certain amount to be set aside and appropriated immediately for this disaster, and if the House appropriates that, and it goes to the Senate, and the Senate appropriates it, and it goes to the President, and he signs it, the money is immediately available and can be used for that purpose.

In addition to taking off the lid on the ceiling for disaster loans—and taking off the lid does not apply to anything else except disaster loans—the Small Business Administration has about $70 million now that could be made immediately available to use to help the people who have suffered from disasters. So the situation at hand is in good condition, but we will have to have more money, and I am sure those who are close to the disaster and looking at the interests of the people there will bring in proposals that will enable the Congress to work its will and make plenty of money available for this disaster.

Mr. ABOUREZK. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from South Dakota.

Mr. ABOUREZK. Mr. Chairman, I missed the first part of the gentleman's talk, but did the gentleman say there was $70 million available for disaster loans?

Mr. PATMAN. Yes, it is available now.

Mr. ABOUREZK. They were found over the weekend?

Mr. PATMAN. They are in the funds the agency has. This money, in view of the fact that there is no ceiling limitation on this money, can be used for that purpose.

Mr. ABOUREZK. I see. Has the SBA notified the chairman?

Mr. PATMAN. I have not been in contact with the Administrator, Mr. Kleppe—from North Dakota, incidentally—but I have been in touch with the people who have to do with this in the agency, and I am informed they have at least $70 million, approximately, immediately available and they could start right now to use the funds.

Mr. ABOUREZK. I thank the gentleman.

Mr. PATMAN. Mr. Chairman, at the present time the Small Business Administration can have outstanding in all of its loan programs, except disaster loans which are not subject to ceiling, $3.1 billion. It is estimated that by the end of this month SBA will reach that figure. Therefore, your committee has increased the amount to $4.3 billion, an increase sufficient to carry the agency through the end of the next fiscal year. In addition to an overall ceiling on SBA loans, there are subceilings which limit the amount of funds that can be outstanding in specific loan categories. This H.R. 10792 would increase from $450 million to $500 million the amount of loans that can be outstanding in the Small Business Investment Co. program and from $300 million to $350 million loans that can be outstanding in the Economic Opportunity loan program. It also raises the maxmium amount of each Economic Opportunity loan from $25,000 to $50,000.

SBA had asked the committee to provide for a 2-year ceiling extension. But your committee felt that it would be better to limit the increases to 1 year so that Congress would have an opportunity to take a look at the programs again next year.

HISTORY OF SBA CEILING INCREASES

When the Small Business Administration was formed in the early 1950's, it had separate loan ceilings for each category of loans without an overall ceiling. In 1965 an overall ceiling was set, including disaster loans. In May of 1966 legislation was enacted—Public Law 89–409—that set up two separate revolving funds—one for disaster loans and one for all other SBA loans. There is no limitation on the amount of funds that may be outstanding in the disaster loan pool. Since the enactment of that legislation, the following shows the increases granted to the business loan and investment fund ceiling:

May 1966—Fund started at $1.4 billion.

October 1967—Fund increased from $1.4 billion to $1.9 billion.

December 1970—Fund increased from $1.9 billion to $2.2 billion.

May 1971—Fund increased from $2.2 billion to $3.1 billion.

June 1971—Legislation to increase from $3.1 billion to $4.3 billion.

In H.R. 10792 as originally introduced, there was a provision that would have increased the ceiling on State and local development company loans from $500 million to $700 million. This increase would have been for a 2-year period. SBA officials informed the committee that the $500 million ceiling would be adequate through the end of the next fiscal year and, therefore, the present bill does not contain any provision for increasing State and local development company loan ceilings.

Your committee also considered a proposal that would have raised from $350,000 to $500,000 the highest amount of an individual regular business loan that could be made. Administrator Kleppe rejected such a proposal and in answer to a question posed by a member of the subcommittee Mr. Kleppe said in regard to the increase:

> I have a hard time believing that anybody who is in business that can borrow over $350,000 is really in small business.

He added later that:

> If such a provision were in the bill, I would just say to you that as long as I'm down there, if this provision is included I probably would be prone to institute administrative measures to closely scrutinize loans that run that high.

Mr. Kleppe did support the increase in the economic opportunity loan ceiling from $25,000 to $50,000. He said:

> I see more merit in raising that from $25,000 to $50,000 because we have had experience with EOL applicants for whom $25,000 was an injustice because it might undercapitalize them, whereas another $10,000 or $15,000 might have given them a better chance.

Let me take just a moment to discuss the reason why this provision is in the bill and might be subject to a point of order. Even though the economic opportunity loans were established under the Economic Opportunity Act, the distribution, regulation, and supervision of these loans falls within the Small Business Administration. Since the Banking and Currency Committee has legislative jurisdiction and oversight over the Small Business Administration, it is extremely fitting and proper that the Banking and Currency Committee should consider legislation affecting economic opportunity loans, especially when we are also raising the maximum ceiling on loans that can be outstanding under the economic opportunity loan program.

Before concluding, let me turn to the subject of disaster loans, which has come in for a great deal of attention lately, particularly in the State of California. It is my understanding that there are a number of people in California who have applied for disaster loans as a result of the tragic earthquake but who have not been able to obtain these loans.

As I pointed out earlier, in 1966 legislation was enacted that removed the ceiling on the amount of loans that could be outstanding in the disaster loan program. That means that the agency is not restricted except by appropriation in the amount of money that it can spend on disaster loans. In fact, last year the agency made more than 96,000 disaster loans totaling more than $384 million.

One of the problems in connection with disaster loans is that the agency cannot adequately forecast its needs for such funds. For instance, while it made more than 96,000 disaster loans in 1971, it made only some 31,000 in 1970, or less than one-third as many as last year. In the event that the agency runs out of disaster funds, the agency should apply for a supplemental appropriation to handle the situation. It is my understanding that there has been one supplemental appropriation granted for the California disaster but that, when these funds ran out, no additional supplemental appropriation has been requested by the Administration.

What all this means is that nothing can be done in this legislation today to provide money for disaster victims in California or, for that matter, in any other area. If there is a need for further disaster funds, the Administration should request a supplemental appropriation. One final note on the disaster loan program—much has been said about the $2,500 forgiveness feature in the disaster loan program. There have been many charges made that some disaster victims had borrowed money for repair or replacement of property that was not damaged in the disaster and then used the $2,500 forgiveness feature to avoid paying back the loan.

I want to make it clear that the forgiveness feature was not placed in the law by the Banking and Currency Committee. However, when Administrator Kleppe appeared before the committee last month, he recommended that that section of the law, which comes under the jurisdiction of another committee, should be repealed.

In closing, let me remind Members that unless we enact this legislation immediately, there is every indication that at the end of this month the Small Business Administration will have to cease its lending and guaranteeing activities, which means that the immediate future of thousands of small businessmen across America is in the hands of this body today.

SMALL BUSINESS ADMINISTRATION LOAN AND GUARANTY ACTIVITY FOR 1970–71

Program	Total loan approvals			
	1971		1970	
	Number	Amount (thousands)	Number	Amount (thousands)
Business (7a):				
Direct	686	$25,617	36	$3,688
Participation	1,233	71,926	1,898	103,860
Guaranty	14,321	988,796	8,630	580,535
Total	16,240	1,085,338	10,564	688,083
Economic opportunity:				
Direct	5,159	66,136	4,266	56,749
Participation	50	755	92	1,521
Guaranty	1,869	27,340	1,699	24,194
Total	7,078	94,231	6,057	82,464
Displaced business:				
Direct	310	$34,631	321	$33,091
Participation	68	9,767	45	4,672
Guaranty	4	71	2	25
Total	382	44,470	368	37,788
Local Development Co.:				
Direct	378	36,000	297	33,737
Participation	66	8,401	20	3,850
Guaranty	142	22,629	119	18,438
Total	586	67,029	436	56,024
Total	24,286	1,291,068	17,425	864,358
Disaster	96,072	384,418	31,754	220,497
Total, all loans	120,358	1,675,486	49,179	1,084,855

Note: Total loan portfolio at Dec. 31, 1970: 126,073—$2,464,000,000. Total loan portfolio at Dec. 31, 1971: 210,292—$2,787,000,000.

Source: SBA Annual Report 1971.

COMPARISON OF H.R. 10792, S. 3166 (AS PASSED BY THE SENATE) AND BILL AS RECOMMENDED BY COMMITTEE

	Present ceiling	H.R. 10792 as introduced	Senate-passed version	Bill as recommended by committee
Overall ceiling (all programs except disaster loans)	$3,100,000,000	$5,800,000,000	$4,100,000,000	$4,300,000,000.
SBIC's	450,000,000	650,000,000	$500,000,000	$500,000,000.
State and local development companies	500,000,000	700,000,000	No increase (estimate that present ceiling is adequate for one additional year).	No increase.
Economic opportunity loans	300,000,000	450,000,000	$350,000,000	$350,000,000.
7(a) Regular business loans	[1] 350,000	(2)	Increase to $500,000 per loan	(2).
Economic opportunity loans	[1] 25,000	(2)	Increase to $50,000 per loan	Increase to $50,000 per loan.

[1] Per loan.

[2] No provision.

And, may I state, before I conclude, that this bill was referred to the Subcommittee on Small Business of the Committee on Banking and Currency of which Mr. ROBERT STEPHENS of Georgia is chairman. He held hearings and did a good job in reporting this bill and I commend him for the fine work he has done.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. PATMAN. Mr. Chairman, I yield myself 1 additional minute.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. In connection with the raising of the limit on equal opportunity loans, did the committee have hearings on that provision of the bill?

Mr. PATMAN. Yes. The testimony included that. We have had hearings on small business matters on numerous occasions.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, what information was developed with respect to the default rate on these loans?

Mr. PATMAN. Well, the default rate on some of the loans is rather high. However, that is understandable. The default rate on the normal, ordinary loans is very low—about 2 percent, but, generally, it is satisfactory.

Mr. GROSS. Well, it is much higher than that, is it not, on a total basis?

Mr. PATMAN. Yes. On special-type loans it is as high as 20 percent, but no one is complaining about it because it has helped the small businessmen, it has helped their communities and helped small businessmen to stay in business.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. PATMAN. Mr. Chairman, I yield myself 3 additional minutes.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, all of us are familiar with our American heritage of the courageous, westward-moving pioneers that built this country from the Atlantic to the Pacific and made it great. Following on the heels of these brave settlers was a different kind of pioneer, the ancestor of today's small businessman. The trading posts and cabins of America's first small entrepreneurs developed into the commercial centers of this Nation.

Today, there are 8 million small businesses in the United States. They provide jobs for 35 million Americans, 44 percent of our total work force. Last year they produced $385 billion in goods and services, 37 percent of our gross national product.

Currently we are considering legislation, H.R. 10792, that would increase the amount of financing to small firms that the U.S. Small Business Administration may have outstanding at any one time. Since its inception in 1953, this dynamic Agency has worked diligently as the main advocate of small business in the halls of Government. To small firms, SBA has provided well-deserved assistance in six major areas: financial, procurement, investment, management, minority enterprise, and disaster recovery.

Each of us knows many small businessmen in our districts. We are aware of the vitality they continually inject into our local economies. I'm sure that many of us started our own careers as small businessmen.

In recent years, America's small businessman has been faced with increasing pressures and problems. A tax system that favors large concerns, costs, competition, and the growing number of safety and environmental laws are discouraging him and compounding his troubles. When you consider the constant difficulty of obtaining adequate financing, you should understand why I believe passage of H.R. 10792 is critical to the future of our national economy.

SBA is small business' main funding source in the public sector. In 1971 alone, this small Agency stimulated $1.3 billion in loans to small firms. This was largely done through SBA's loan guaranty program. The Agency has achieved a significant increase in its lending programs, but it is approaching its congressionally designated limit of simultaneous outstanding obligations.

Immediate affirmation of H.R. 10792 will insure the continuation of SBA's lending achievements. More importantly, our constituent small businessmen will be able to obtain the financing they need for growth and expansion.

Free enterprise built the United States and made it a strong and wealthy nation. Small business was the genesis and is now the essence of American free enterprise.

I strongly urge my colleagues to join me in prompt enactment of H.R. 10792.

Mr. WIDNALL. Mr. Chairman, I now yield myself such time as I may consume.

Mr. Chairman, the bill brought to the House today by the Committee on Banking and Currency is one which I sponsored along with Chairman PATMAN, Mr. STEPHENS, chairman of the Subcommittee on Small Business, and Mr. J. WILLIAM STANTON, the ranking minority member of that subcommittee.

The bill received full and complete consideration, and I feel that the version reported to the House reflects the wisdom of the members of the full committee as well as those of the subcommittee. With regard to the specific provisions of the reported bill, I would commend to my colleagues the committee report. I do not wish to belabor the point, but I would like to review briefly the significance of each of the four increases in SBA's authority which would be effected by this legislation.

The SBA's overall ceiling on outstanding commitments, including direct, immediate participation, and guaranteed loans is presently fixed at $3.1 billion. Administrator Kleppe estimates that this inclusive limit will be reached by the end of this month, based upon recent experience in SBA activities. The proposed increase to $4.3 billion is designed to carry the SBA for approximately 1 year, that is, to the end of fiscal 1973.

Within that overall ceiling, two subceilings would be raised by the bill as reported by the committee. Small Business Investment Company outstanding loans would be allowed to increase from $450 million to $500 million, an amount calculated to provide enough authority for one additional year's operations. I would point out that no increases are proposed in ceilings on State and local development company loans, as SBA operations do not indicate such a need during the next year.

Economic opportunity loans would be allowed to increase from $300 million to $350 million in the aggregate, also providing 1 year's additional loans, given present conditions. Within this sub-ceiling, the limit on individual loans would be increased from $25,000 to $50,000. This last modification is particularly necessary, according to Mr. Kleppe, in order to meet the practical needs of small businessmen trying to get started under the economic opportunity loan program.

Essentially, there is no question as to the amounts involved—the increases proposed in H.R. 10792 would allow the Small Business Administration to continue its assistance to the small business community for 1 more year. Last year, the SBA was responsible for lending $1.3 billion to small businessmen throughout the country, primarily through the Agency's bank guaranty loan program. This constitutes one of the major sources of financing for the small businessman.

According to SBA statistics, there are over 8 million small businesses in the country today, and these firms provide over 35 million jobs. In fact, 44 percent of the Nation's workforce is employed by small businesses. Small businesses provide some $385 billion worth of goods and services annually and contribute 37 percent of our gross national product.

At the same time, the small business community is in a vulnerable position today. Overhead, taxes, environmental concerns, and Federal regulations are all increasing, making it more difficult for small businesses to survive. SBA through its financing programs is attempting to see that inadequate financing does not add to these burdens.

The provisions of this bill will help insure the continued contribution of small business to the Nation's economy. Administrator Kleppe and the SBA have proven that SBA lending programs can provide small businesses with adequate financing. The interest in the program and the significant participation by the private sector prove that there is a greater need than ever for the expansion of this program.

The record of testimony before the subcommittee by Administrator Kleppe, as well as representatives of small business and SBIC associations, shows that all levels within the small business community are prepared to work in concert to continue the successes of these SBA programs.

Again, I would note that there is substantial agreement within the committee, as the favorable vote on final passage of 21 to 1 indicates.

I can recommend H.R. 10792 for your favorable consideration without reservation.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Chairman, as the chairman of the Small Business Subcommittee of the House Banking and Currency Committee, I would like to take a few minutes to discuss the provisions of H.R. 10792, a bill which I strongly support.

As Chairman PATMAN has pointed out, this bill does not appropriate any additional funds for the Small Business Administration but merely complies with the technical aspect of the law which places certain restrictions on SBA lending programs.

The Small Business Act provides that all loan programs administered by the Agency other than the disaster loan program shall be subject to certain ceilings—that is, that the Agency may only have a certain dollar amount of loans outstanding at any one time. When that ceiling is reached, the Agency must discontinue its lending or guaranteeing operations until the ceiling is either raised or there are sufficient repayments in a revolving fund to reduce the amount of outstanding loans.

Members of the House will recall that last year, because of an unexpected loan demand, we were forced to raise the ceiling on an emergency basis from $2.2 billion to $3.1 billion. At that time the committee instructed the Small Business Administration to let the committee know well in advance when it expected to reach its new ceiling and to submit appropriate legislation. H.R. 10792 as introduced by Chairman PATMAN and me, Mr. WIDNALL, and Mr. J. WILLIAM STANTON, would have increased the present ceiling from $3.1 billion to $5.8 billion. This would have provided the Agency with enough lending and guaranteeing authority to operate through the end of fiscal year 1974. In addition to its overall lending ceiling, SBA also has various subceilings which are placed on individual programs. H.R. 10792 as introduced would have raised the ceiling on Small Business Investment Co. loans that could be outstanding from $450 million to $650 million. The State and local development company loan ceiling would have been increased from $500 million to $700 million, and economic opportunity loan ceiling would have been increased from $300 million to $450 million. It should be pointed out that all of these increases represent enough leeway to allow the agency to operate for a 2-year period.

However, after listening to the witnesses, the subcommittee felt that a 1-year increase in the SBA ceilings would be adequate for the agency and would provide the committee with a chance to review the ceilings once again next year, thus providing an automatic oversight function. In addition, the 1-year increases come closest to duplicating the legislation that has already been passed in the other body and thus may forestall the possibility of going to conference. I must point out at this point that we do have only a very short time before the ceiling authorization expires, and that is why we are taking this bill up today. With the 1-year figure in mind, the full committee increased the overall ceiling from $3.1 billion to $4.3 billion. It raised the SBIC ceiling from $450 million to $500 million and the economic opportunity loan ceiling from $300 million to $350 million. It did not increase the ceiling on State and local development company loans since the present limitation is estimated to be adequate enough to provide for 1 additional year.

In addition, the committee increased from $25,000 to $50,000 the maximum amount of an individual loan or guarantee that can be made under an economic opportunity loan. The committee feels, as does Administrator Kleppe, that the $50,000 figure is more realistic than the present limitation. The committee also considered but rejected without a vote a proposal to increase the maximum amount of assistance to a small businessman from $350,000 to $500,000. Since SBA by administrative decision has limited the amount of a direct loan that it will make to $100,000 and most small businessmen find it difficult to find outside money in amounts as great as $350,000 to which SBA could apply a guarantee, the committee did not feel that there was any need at this time to increase the maximum loan limit to $500,000. This was the same view expressed by Administrator Kleppe and by many of the witnesses before the subcommittee.

I feel that we ought to approve this legislation, and I hope that we will do so shortly.

Mr. WIDNALL. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. J. WILLIAM STANTON. Mr. Chairman, I rise in strong support of H.R. 10792. This legislation has had considerable hearings not only before our full committee but before our subcommittee. In that regard I certainly want to pay my respects and compliments to the chairman of the subcommittee, the gentleman from Georgia (Mr. STEPHENS) who first brought this to the attention of the subcommittee, and thank publicly for the adequate and full hearings we have had on this legislation.

Mr. Chairman, this legislation, as the previous speakers have said, is really vital to the continuing operation of the Small Business Administration. It assures their operation through fiscal year 1973. It faces up to the growing needs of the small businessmen in our country.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. J. WILLIAM STANTON. I am happy to yield to the gentleman from Georgia, the chairman of the subcommittee.

Mr. STEPHENS. I thank the gentleman for his kind words. I do wish to point out to the House that this bill has come out in accord with the views of Mr. J. WILLIAM STANTON, who is the ranking minority member of the subcommittee. The fact that we have it in its present form is due to his cooperation and his amendment to the original bill, which is a good amendment.

Mr. J. WILLIAM STANTON. I thank the gentleman.

Mr. Chairman, we have before us H.R. 10792, which will permit the Small Business Administration further to help the small businessmen of our Nation. The bill is critical to the well-being of America's small business community. I believe it merits our serious consideration and our quick action.

Last year, under the dynamic leadership of Administrator Thomas S. Kleppe, SBA stimulated $1.3 billion in loans to small businesses. The majority of these loans were obtained from banking institutions through the SBA loan guaranty program.

We are all familiar with the difficulties of starting and running a small business in our complex economy. Small businesses are an important element in every one of our districts. They are at the very heart of the American economic system. They account for 95 percent of all businesses in America; they employ 44 percent of the work force; they contribute 37 percent of the gross national product.

However, at this time, the lack of available financing, new legislation for safety and environmental controls, and mounds of paperwork are compounding the generally difficult job the small businessman faces. Even though Administrator Kleppe has been able to obtain significant bank participation, the need for loans to small businesses is so great that SBA is rapidly closing in on the limit imposed by Congress on the obligations SBA may have outstanding to small firms at one time.

Passage of H.R. 10792 is vital in order to enable SBA to continue and improve the job it has done in assisting the small business community. I would emphasize that there is no additional cost involved in this legislation. It truly provides for an investment in the future of our economy.

I urge prompt passage of this bill, to assure the continuation of SBA's valuable activities for the coming year.

Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I want to express my appreciation to my colleague, the gentleman from Georgia (Mr. STEPHENS), the chairman of the Subcommittee on Small Business of the Committee on Banking and Currency for bringing this fine piece of legislation to the floor.

There are now more than 8 million small businesses in this country. An unprecedented 287,000 new companies were incorporated in the last year alone. Nineteen out of every 20 firms in this country are considered to be small businesses, but their contribution is large indeed. They provide more than 35 million jobs, and generate more than $370 billion of the gross national product.

From the very earliest days of this country it has been small business which has continuously provided us with initiative, innovation, and economic growth. The result has been vast economic strength, and a competitive atmosphere where each individual can reach heights limited only by his own ambition and determination.

The growth of our economy has created the highest standards of living in the history of the world and we see the promise of a future with almost limitless opportunities.

Nineteen years ago the Congress of the United States acted to insure the continued growth and prosperity of our small business community within this country. The Small Business Administration was established to guarantee the future of the free enterprise system which is central to our American ideal of open competition in the marketplace. By helping the small businessman to maintain free competition the Congress knew that they would also be strengthening the overall economy of this Nation.

Most of you here today know that the SBA offers a wide range of services to the small business community, and I am sure that a number of you have actively participated in one or more of the available programs.

In an effort to reach the broadest possible number of independent small businessmen there are very few restrictions on eligibility for participation in the SBA programs. In fact, the only categorical restrictions are gambling or speculative firms, newspapers, and radio and television stations.

Under the economic opportunity loan program the SBA can make it possible for the disadvantaged who have the capability and the desire to own their own businesses to become a part of the economic life of our Nation. Both prospective and established small businessmen may receive assistance under this program. Management assistance is available at any time and financial assistance is offered to a maximum of $25,000 for up to 15 years. H.R. 10792 increases the ceiling of economic opportunity loans to $50,000 so they can be adequately capitalized.

The SBA also helps the small businessman in the acquisition of land, construction, conversion or expansion of buildings, and the purchase of machinery and equipment, through loans to State and local development companies.

In the case of disasters, such as the one in Rapid City, S. Dak., the agency makes loans at low interest available to the victims. One program was established to repair the physical damage, a second is to overcome economic injury. Disaster loans can be made in participation with banks or entirely by the agency, and can be for as long as 30 years. Whenever natural disaster strikes, the SBA moves in quickly to help victims restore or replace their property. The agency makes loans to individuals, business concerns of any size, and to nonprofit organizations so they can repair or replace damaged structures, lost or damaged furnishings business machinery, equipment, and inventory.

Many small businessmen would like to become a supplier to the Government, but are confused by the complexities involved. Generally, bidders' lists of suppliers of items or services are the basis for Government purchases. The only usual exceptions to this method are new or sophisticated products, such as some research and development projects or other special projects.

The small business that wants to sell to the Government should make sure that its name is on all appropriate bidders' lists. Before this can be done, however, the company must know which agencies will normally purchase the product it sells. This is where the SBA can be of great help. The agency maintains lists of prospective military and civilian customers, and there is continual contact between Government procurement agents and the SBA in an effort to find small business suppliers for governmental needs.

Mr. Chairman, it is for all these reasons that I urge my colleagues to vote for H.R. 10792, which continues and increases the SBA loan ceiling at no cost to the taxpayer.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Texas.

Mr. PATMAN. I thank the gentleman for yielding.

The gentleman mentioned gambling loans.

In the form in which it was finally passed, does it make illegal these lotteries that are organized in some of the States now for the purpose of raising money for schools, and other good purposes like that?

Mr. WILLIAMS. Actually, what I said was the only categorical restrictions on the SBA for making loans to anyone are on gambling, speculative firms, et cetera. The lotteries which the gentleman is talking about, presently being conducted by States such as New York, New Jersey, and Pennsylvania, are conducted by the States themselves, which have no loans from the SBA. I cannot imagine the SBA under any condition making a loan to a State.

Mr. PATMAN. Mr. Chairman, will the gentleman yield further?

Mr. WILLIAMS. I yield further.

Mr. PATMAN. I know that with respect to the Reconstruction Finance Corporation, under the leadership of the Honorable Jesse Jones, they never would permit newspapers or any means of dissemination of knowledge or information to have loans made to them for that purpose, nor would they permit them for the sale of alcoholic beverages or for gambling. I assume that most of those provisions are in the existing Small Business Administration law.

Mr. WILLIAMS. They are in the existing legislation; that is correct. Newspapers, radio and television stations are definitely covered.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PATMAN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Georgia.

Mr. STEPHENS. I want to thank the gentleman for his cooperative work on our subcommittee, and to compliment him on the knowledge of the SBA work we are doing. I look forward to working with the gentleman through many years.

Mr. WILLIAMS. I thank the gentleman.

Mr. PATMAN. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. CURLIN).

Mr. CURLIN. Mr. Chairman, the problems of the 8 million small businesses in America are increasing. Environmental and safety concern, taxes, paperwork, and Government regulations are threatening the existence of many small firms. Add to this the difficulty of the small businessman obtaining adequate financing and you have a picture of the dilemma of small business in America today.

The U.S. Small Business Administration has been able to help. In 1971, SBA assisted small business with a record total of 24,286 loans for $1.3 billion. SBA was able to do this by obtaining greater private sector participation than ever.

The Small Business Administration is to be commended for this outstanding performance. The progress it has made, however, is in danger. SBA is rapidly approaching the limit Congress has set on SBA's outstanding obligations.

We have before us today a bill that would allow SBA to continue the growth of its loan programs to small business concerns.

I urge my colleagues to join me in the speedy enactment of H.R. 10792.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 10792 which authorizes an increase in the outstanding loan ceiling of the Small Business Administration. Specifically, the bill raises the present overall loan ceiling from $3.1 billion to $4.3 billion, which is expected to carry the SBA through fiscal 1973. The ceiling on outstanding Small Business Investment Company loans is raised from $450 million to $500 million, and for economic opportunity loans from $300 million to $350 million. In addition, the ceiling on individual loans has been raised from $25,000 to $50,000.

Mr. Chairman, this measure is a rather routine and noncontroversial matter, having been reported from the Banking and Currency Committee by a vote of 21 to 1. It has the support of the Administration, and does not authorize the appropriation of any new funds to the SBA. The Administration's position was presented by our former colleague, now SBA Administrator, Tom Kleppe, whom I think most will agree has been doing an outstanding job with the Small Business Administration.

Mr. Chairman, before I relinquish my time, I wish to call the attention of my colleagues to a related matter which I raised with the chairman of the Banking and Currency Committee (Mr. PATMAN) when he appeared before the Rules Committee on this bill. At that time, I asked the chairman whether any action was contemplated in this session on the Administration's proposed Minority Enterprise Small Business Investment Act of 1972, a bill which would restructure SBA financing of Minority Enterprise Small Business Investment Companies—MESBIC's—so that they can operate on a fiscally sound basis.

You will recall that in 1969, the Office of Minority Business Enterprise—OMBE—joined with the SBA in launching a national network of MESBIC's with SBA licensing and regulation. A MESBIC is a specialized SBIC in that it limits its investment to minority enterprises, is supported by financially sturdy institutional sponsors, and is underwritten in large part by its sponsors. Today there are 47 MESBIC's operating throughout the country with private funds totaling in excess of $14 million. Since every private dollar investment has the potential of freeing $15 for investment in minority enterprises, some $210 million is currently available through this program at relatively low cost to the Government.

Nevertheless, as the President pointed out in his "Minority Enterprise" message to the Congress on March 20 of this year, MESBIC "labors under burdens which endanger further development." The administration's proposed Minority Enterprise Small Business Investment Act is designed to lift those burdens and thereby make further development of MESBIC possible. It would do so by making it possible for a MESBIC to organize as a nonprofit corporation, thus facilitating foundation investments and tax-deductible gifts. The legislation would also reduce the level of private capital required to qualify for $3 to $1 assistance from SBA, from $1 million to $500,000; it would provide increased equity to MESBIC's in the form of preferred stock to be purchased by SBA in place of part of the debt instrument's purchased by SBA from MESBIC's under current law; and it would lower the interest rate on SBA loans to MESBIC's to three points below the normal rate set by the Treasury during the first 5 years of the loan.

Mr. Chairman, I think this legislation, which would greatly expand minority business opportunities, deserves the serious consideration of this Congress, and I was therefore pleased in the Rules Committee when Chairman PATMAN assured me that hearings on this bill would be held in this session.

Mr. FRENZEL. Mr. Chairman, until the last few years, the impression of the Small Business Administration among small businessmen was dismal. Endless redtape, loan officers with 19th century ideas about lending, and the expectation of the whole process culminating in a negative response was a typical impression. The banking community's attitude was no better, and many loans were flatly turned down rather than bear the agony of SBA loan guarantee procedures and reporting requirements.

Under the direction of Administrator Thomas Kleppe, the opinion is rapidly changing. The SBA has significantly improved its application procedures, and has become friend rather than foe of the small business community. A further indication of the SBA's changing attitude is the recently adopted position as ombudsman for the small businessman when dealing with the Federal Government. Small businesses have desperately needed a Federal agency to provide both the loan funds and the new assistance which the SBA now offers.

I am sure that most of the Members agree as to the worthiness of a loan program to aid the small businessman. Most of us have fielded complaints regarding the procedures, or the decisions of the SBA. But we can also point to several examples of businesses which either started, or were kept alive with SBA assistance, when no other help was available.

The recent accomplishments under Tom Kleppe have been impressive, and I urge the passage of H.R. 10792.

In my judgment the committee erred in extending the loan limit for 1 rather than 2 years. Congressional review of this program is important, but with a constant and predictable rate of growth, a 1-year extension seems unnecessarily short.

Mr. ADDABBO. Mr. Chairman, I want to take this opportunity to heartily endorse and strongly urge the adoption of H.R. 10792.

This is an extremely worthy bill.

The adoption of these amendments to both the Small Business Act and the Economic Opportunity Act of 1964, will, necessarily, increase the authorization ceilings as provided in the funds established in the Treasury to support the Small Business Administration programs which are both valuable and necessary, and, at the same time, increase the loan limits to economic opportunity loans from $25,000 to $50,000.

The provision of section 2 of this bill which increases the amount of loans that may be made to one small business under the economic opportunity loan program, as it is serviced by the Small Business Administration, is both necessary and urgent to provide a viable program.

I strongly favor this action for many valid and vital reasons.

The Banking and Currency Committee of the House of Representatives should be congratulated for the expeditious handling of a bill which will enhance the economy of the small business community of our country. The economy of the small business community is the backbone of the American economy.

The limiting feature of the authorization of only increasing the ceiling estimated to carry the agency through fiscal year 1973, or a 1-year increase in the ceilings, provides Congress for an automatic review of the agency's operations.

This limiting feature will enable this Congress to make certain that the agency is meeting its commitment to the small business community.

As chairman of the Subcommittee on Minority Enterprise Business of the House Committee on Small Business, I am extremely pleased with the amendments in this bill, and, particularly, the amendment to section 402(a) of the Economic Opportunity Act of 1964.

During recent hearings held by my subcommittee, the raising of the loan limit from $25,000 to $50,000 was strongly urged by Government and industry witnesses. The members of the committee in their questioning and colloquy with witnesses strongly urged and endorsed the adoption of an increase to the loan limit on these types of loans. The low figure prior to this amendment proved to be unsatisfactory, insufficient, and uneconomical.

It is because of the vital importance to the small business community and the immeasurable assistance these amendments will offer to the small business arena, that I firmly urge the Members of the House to adopt H.R. 10792.

Mr. ANNUNZIO. Mr. Chairman, I wish to call the attention of my colleagues in the House to a matter of critical importance to the small businessmen of this Nation. It is a matter which I believe deserves our very serious consideration and our action.

We have before us a bill, H.R. 10792, to increase the amount of financing the U.S. Small Business Administration may have outstanding at any one time to small business concerns.

All of us know personally small businessmen and women in our districts and know of the contribution their firms make to the strength and vitality of our local economies.

Nationally there are approximately 8 million small firms and they provide jobs for 35 million Americans, 44 percent of our total work force.

Last year, they produced $385 billion of goods and services, 37 percent of our gross national product.

The pressures of costs, competition, a tax system that favors large firms, a burgeoning of Federal standards and controls for safety and environmental purposes, all are compounding small firms' problems.

Add to this the constant pressure of the lack of availability of adequate financing and you can readily see why I say that the matter of acting on H.R. 10792 is critical.

The SBA is a major source of funding for small concerns and in the last calendar year stimulated $1.3 billion in loans to small firms largely through its loan guaranty program. As a result of the significant increase in SBA lending programs, the SBA is nearing the limit that Congress has imposed on the obligations that the SBA may have outstanding to small firms.

Prompt action on H.R. 10792 will assure that the momentum SBA has achieved in lending activities can continue and small firms in our local communities will be able to obtain the funds needed for growth and expansion which in turn contributes to increased business activity and employment.

I urge that my colleagues join me in prompt enactment of H.R. 10792.

Mr. DELLENBACK. Mr. Chairman, I rise in strong support of H.R. 10792.

The SBA program has proven of great value—both in various specific instances in my congressional district in Oregon and in general throughout the Nation.

The present Administrator of the SBA—our former colleague, Tom Kleppe—is in my opinion both an exceptionally fine and able man and also the best Administrator that this program has had. In his relatively short term in office he has made tremendous strides in improving the administration of this vital productive agency. I hope he will consent to remain in office for a long time.

The increases asked for are reasonable. The bill should be approved, and I urge my colleagues to join me in voting "aye."

Mrs. HECKLER of Massachusetts. Mr. Chairman, in an age of "doing your own thing" as an antidote to assembly lines, institutional anonymity, and the general treadmill, small business ownership best fills the bill.

It is not only doing your own thing with a vengeance, it is also an act of faith in the American free enterprise system and an individual act of courage. Successful establishment and maintenance of a small business may be one of the last frontiers to challenge the average man.

This Nation has been built on small business as the producer of goods and services, jobs and income. It has always been and is now more than ever a way for minority Americans to enter the country's economic mainstream and carve for themselves "a piece of the action."

Small business, Mr. Chairman, is in the national interest.

Therefore, as an advocate of any effort to assist and encourage small business, I strongly support H.R. 10792 which increases the funds that may be made available in small business loans.

By raising the overall loan ceiling and the maximum amount on individual loans, the bill will simply serve to strengthen the ability of this Government to extend help to those courageous and hopeful enough to cross this last frontier.

As a member of the committee, I am proud to urge the passage of this bill.

Mr. J. WILLIAM STANTON. Mr. Chairman, we have no further requests for time.

Mr. PATMAN. Mr. Chairman, we have no further requests for time. I ask that the Clerk read.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$5,800,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$650,000,000";

(3) by striking out "$500,000,000" and inserting in lieu thereof "$700,000,000"; and

(4) by striking out "$300,000,000" and inserting in lieu thereof "$450,000,000".

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert the following:

That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$4,300,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$300,000,000" and inserting in lieu thereof "$35C,000,000".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment, page 2, after line 10, insert the following:

SEC. 2. Section 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a)) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10792) to amend the Small Business Act, pursuant to House Resolution 1010, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WIDNALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 320, nays 0, not voting 112, as follows:

[Roll No. 197]

YEAS—320

Abourezk
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blatnik
Boggs
Boland
Bow
Brademas

Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carney
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Collier
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kemp
King
Koch
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClure
McCollister
McCulloch
McFall
McKay
Macdonald, Mass.
Madden
Mahon
Mann
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Montgomery
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pettis
Peyser
Pike
Pirnie
Poage
Poff
Preyer, N.C.
Price, Ill.
Purcell
Railsback
Randall
Rees
Reuss
Rhodes
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Stephens
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—112

Abbitt
Abernethy
Abzug
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Badillo
Bell
Bingham
Blackburn
Blanton
Bolling
Brasco
Brooks
Broyhill, N.C.
Burleson, Tex.
Caffery
Carey, N.Y.
Casey, Tex.
Celler
Chappell
Chisholm
Clark
Clawson, Del
Clay
Collins, Ill.
Collins, Tex.
Conyers
Daniels, N.J.
Davis, S.C.
Delaney
Diggs
Dingell
Dorn
Dowdy
Dwyer
Eckhardt
Edmondson
Eshleman
Fish
Flynt
Frey
Gallagher
Gettys
Goldwater
Halpern
Hanna
Harsha
Hébert
Helstoski
Hillis
Hosmer
Howard
Hutchinson
Keating
Kluczynski
Kyros
Long, La.
McClory
McCloskey
McCormack
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
McMillan
Mailliard
Mallary
Mathis, Ga.
Melcher
Michel
Miller, Calif.
Minshall
Monagan
Moorhead
O'Hara
Pepper
Perkins
Pickle
Podell
Powell
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Rangel
Rarick
Reid
Riegle
Robison, N.Y.
Rooney, N.Y.
St Germain
Scheuer
Springer
Stanton, James V.
Steiger, Wis.
Stokes
Stratton
Stuckey
Thompson, Ga.
Thompson, N.J.
Whalen
Whalley
Wilson, Bob
Wilson, Charles H.
Wright
Young, Tex.

So the bill was passed.

The Clerk announced the following pairs:

Mr. St Germain with Mr. Quie.

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. Rooney of New York with Mr. Robison of New York.

Mr. Delaney with Mr. Fish.

Mr. Burleson of Texas with Mr. Price of Texas.

Mr. Brasco with Mr. Halpern.

Mr. Kluczynski with Mr. McClory.

Mr. Wright with Mr. Springer.

Mr. Edmondson with Mr. Mallary.

Mr. Hébert with Mr. Hosmer.

Mr. Abbitt with Mr. Thompson of Georgia.

Mr. Annunzio with Mr. Michel.

Mrs. Chisholm with Mr. Pucinski.

Mr. Diggs with Mr. Scheuer.

Mr. O'Hara with Mr. Rangel.

Mr. Conyers with Mrs. Abzug.

Mr. Melcher with Mr. Andrews of North Dakota.

Mr. Long of Louisiana with Mr. Whalley.

Mr. Young of Texas with Mr. Collins of Texas.

Mr. Pickle with Mr. Archer.

Mr. Podell with Mr. Riegle.

Mr. Reid with Mr. Bell.

Mr. Flynt with Mr. Blackburn.

Mr. Dingell with Mr. McDonald of Michigan.

Mr. Bingham with Mr. Clay.

Mr. Collins of Illinois with Mr. Helstoski.

Mr. Badillo with Mr. Stokes.

Mr. Daniels of New Jersey with Mr. Whalen.

Mr. Clark with Mr. Eshleman.

Mr. Celler with Mr. McEwen.

Mr. Pepper with Mr. Frey.

Mr. Charles H. Wilson with Mr. Bob Wilson.

Mr. Miller of California with Mr. Mailliard.

Mr. Chappell with Mr. Keating.

Mr. Carey of New York with Mr. Harsha.

Mr. Moorhead with Mr. Minshall.

Mr. Stratton with Mr. Del Clawson.

Mr. Perkins with Mr. Powell.

Mr. Monagan with Mr. McKinney.

Mr. McCormack with Mr. McKevitt.

Mr. Howard with Mr. McDade.

Mr. Alexander with Mr. Broyhill of North Carolina.

Mr. James V. Stanton with Mr. Steiger of Wisconsin.

Mr. Hanna with Mr. Goldwater.

Mr. Anderson of Tennessee with Mr. Quillen.

Mr. Kyros with Mr. McCloskey.

Mr. Blanton with Mr. Hutchinson.

Mr. Dorn with Mr. Hillis.

Mr. Abernethy with Mr. McMillan.

Mr. Mathis of Georgia with Mr. Pryor of Arkansas.

Mr. Gettys with Mr. Rarick.

Mr. Eckhard with Mr. Stuckey.

Mrs. Andrews of Alabama with Mr. Casey of Texas.

Mr. Brooks with Mr. Davis of South Carolina.

Mr. Caffrey with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1010, the Committee on Banking and Currency is discharged from the further consideration of the bill (S. 3166) to amend the Small Business Act.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PATMAN moves to strike out all after the enacting clause of the bill S. 3166 and insert in lieu thereof the provisions of H.R. 10792, as passed, as follows:

That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$4,300,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$300,000,000" and inserting in lieu thereof "$350,000,000".

SEC. 2. Section 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a)) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 10792) was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I take this time to inform the Members of the House that the program for tomorrow will be the appropriation for the Department of the Interior, and on Wednesday, aside from the observance of Flag Day, the appropriation for the Department of Health, Education, and Welfare. That latter bill could go over to Thursday.

ARMED FORCES DRUG TREATMENT PROGRAM

Mr. HAGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12846) to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Georgia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12846, with Mr. HENDERSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Georgia (Mr. HAGAN) will be recognized for 30 minutes, and the gentleman from Missouri (Mr. HALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. HAGAN).

Mr. HAGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a distinct pleasure for me, as chairman of the Special House Armed Services Subcommittee on Drug Abuse in the armed services, to rise in support of H.R. 12846, a bill to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces.

On March 21, an act to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse was enacted into law.

My colleagues will recall that legislation in its original form as H.R. 12089 and S. 2097.

The measure before you today represents the basic statutory authority requested by the Secretary of Defense and recommended by our committee to form the basis for the overall drug treatment and rehabilitation programs in the military.

Thus, it would clarify and strengthen the authority of the Secretary of Defense and the Secretary of Transportation for the Coast Guard, to implement drug treatment and rehabilitation programs.

In effect, this is the military aspect of the overall national action directed at drug abuse, and therefore it reaches you separately as an amendment to title 10, United States Code.

We have been looking into this serious problem continuously since August of 1970. At that time, a Special Subcommittee on Alleged Drug Abuse in the armed services conducted an extensive probe of the drug problem among our military members and held hearings in the United States and Southeast Asia.

This action was taken in the face of numerous reports that the military drug problem was assuming the same serious proportions as the drug problem in civilian society. The hearings, consisting of some 1,051 pages, were printed and a detailed report was published on April 23, 1971, including some 65 findings, conclusions, and recommendations.

The special subcommittee was reappointed by the chairman on July 27, 1971, to examine legislation designed to augment the service efforts to cope with drug abuse.

The subcommittee opened its hearings with a consideration of H.R. 9503, a bill to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces.

After conducting 12 hearings involving some 26 witnesses, and visits to military installations by individual members, a clean bill was introduced as H.R. 12846, the bill which is before you today.

Mr. Chairman, during the course of our deliberations on that measure, in addition to H.R. 9503, we examined the principal features of some 50 similar bills introduced by some 190 Members of the House of Representatives.

As we all know, the drug abuse problem in the civilian sector, as well as in the military, has caused considerable public debate and many recommended solutions have come from concerned citizens from all levels of society and a variety of political persuasions. Inevitably, the committee was exposed to many of those recommendations.

In our deliberations, including expert guidance and counsel from our member who is a medical doctor, it is our committee's considered judgment that the bill now before you is the proper vehicle for the military attack on drug abuse.

Following are the principal provisions:

The Secretary of Defense may require every member of the Armed Forces on active duty to be examined to determine whether he is drug dependent;

The Armed Forces shall provide treatment and rehabilitation services to members who are determined by the military to be drug dependent and such treatment and rehabilitation services can be provided without his consent;

There is authorization for the Secretary of Defense—or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service of the Navy—to make agreements with the heads of other agencies to provide such treatment and rehabilitation services, thereby expanding the facilities available to the Armed Forces;

The Secretary of Defense may retain a drug dependent member on active duty without his consent for a period of not more than 30 days beyond the end of his term of service or date of separation for the purpose of such treatment and rehabilitation services.

The purpose of authorizing the retention of such persons for a 30-day period is to insure that the members are detoxified and provided treatment and initial rehabilitation services designed to assist in eliminating their psychic dependency on drugs;

The Secretary of Defense is required to prescribe policies encouraging members who are drug dependent to identify themselves as such and to seek treatment and rehabilitation services voluntarily;

A member may not be subject to disciplinary action under the Uniform Code of Military Justice or be discharged under other than honorable conditions solely on the basis that he has been examined and determined to be drug dependent or has volunteered for treatment and rehabilitation services. However, such a member shall otherwise remain subject to the laws and regulations governing the conduct of members of the Armed Forces;

The Secretary of Defense in his discretion may provide that time spent in treatment need not be counted as time lost under the provisions of title 10, United States Code. Likewise, the Secretary is authorized to exempt such a member from forfeiture of pay for that lost time; and

Finally, there is a provision which would allow persons on extended service and undergoing drug treatment not to be counted in the computation of military strengths under statutory limitations.

Mr. Chairman, we are encouraged by the progress already made by the services in moving ahead against drug abuse. The beginnings were slow and agonizing and many miscalculations and mistakes were made. It was in this milieu that many far-reaching measures which reflected this condition were introduced into the Congress in an earnest attempt to reverse the process and to aid those troubled with drug problems.

Earlier, there was much misunderstanding in the military about drug abuse and what should be done about it—yes, there was some willingness in the services—and in high places there, to kick the problem under the rug and make believe it did not exist.

I am completely confident those illusions and delusions are well behind us and long gone. But, a large task remains now to help those with the drug dependency problem, and to continue to educate others against becoming involved.

As I mentioned, there are good signs that programs are taking hold. The scientific urine testing program is giving us more reliable figures over a much broader spectrum of our forces. Indeed, recent results of those tests indicate that our original estimate of drug use may have been too high.

But, on the more sober side, we realize also that there is much to be done in caring for those who show continuing positive results and are affected with drug dependency.

A good, fresh start has been made in the service education programs. They are developing cadres of specially trained people to conduct these programs—people who have acquired their skills through inservice training—some at the college level—and some through their own personal exposure to drug abuse.

In that connection, I was pleased to read in the press recently that a West Coast university is giving graduate and undergraduate credit for a drug education course sponsored by Army Headquarters.

Mr. Chairman, I realize this subject

of drug abuse is charged with understandable emotion and has captured the imagination of citizens in all walks of life up and down and across this Nation.

We have attempted to approach this bill with an understanding of those sentiments but also with a consideration of all the practical factors as well.

With the start that the services have made, I respectfully repeat, Mr. Chairman, that this measure is the proper vehicle for us to get on with an enhanced attack on drug abuse in the military.

This bill is essentially what the professionals say they need—from the top military doctor to many of those working with the problem in the individual services.

The House Armed Services Committee reported the bill to this Floor unanimously with only a minor amendment. Thus, we recommend strongly its passage today so the DOD may move forward in its drug program with enhanced vigor at the earliest possible date.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. HAGAN. I yield to the gentleman from Texas.

Mr. KAZEN. Is the committee satisfied that under the provisions of the bill the mere fact that a member of the armed services may be addicted to drugs, that he will not be discharged solely for that reason?

Mr. HAGAN. Yes, we are under the amnesty program.

Mr. KAZEN. He may be discharged for peddling or doing whatever other illegal thing he may do with narcotics, and properly so, but I am worried about the man who does turn himself in and says, "Look, I am addicted," or after examination he is found to be addicted, that he might then be either court-martialed or discharged otherwise.

Mr. HAGAN. Not at all. If he turns himself in voluntarily under the amnesty program, he will be taken care of without that fear.

Mr. KAZEN. The committee is satisfied on that point?

Mr. HAGAN. That is correct.

Mr. KAZEN. I thank the gentleman.

Mr. HAGAN. I thank the gentleman from Texas.

Mr. HALL. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from New Jersey (Mr. HUNT), a member of the subcommittee.

Mr. HUNT. Mr. Chairman, I rise in support of H.R. 12846. I am convinced that this measure will do much to enhance the ongoing military programs which have made such a good start in attacking the plague of drug abuse. I only wish it was possible to be as encouraged about our attack on the problem in the civilian communities across this land.

I am particularly impressed with the scientific drug detection program which has been in effect for about a year now.

Our earlier study of the extent of the drug abuse in the military resulted in varied—and often very frustrating—conclusions because the results depended almost solely on the subjective numbers game.

That is, when one goes among the known drug users, some of whom are addicts, and asks questions, he is likely to get answers which may vary from denial of the fact he is taking a drug, which throws statistics off, to a vast overstatement of how many other people are behaving the same way he is.

Indeed, in arriving at our own estimate in January 1971 that upward to 10 percent of the men in Vietnam could be using heroin, we were undoubtedly the victim of exaggerated onsite reports, and our recent observations support that conclusion.

For the first time, commencing in June 1971, a program for scientific testing of urine samples for morphine content was established in Vietnam and provided more reliable figures and more modest appraisals of the degree of drug use in that country. Initially, the only members tested were those rotating to the United States. At the present time, the screening has been enlarged to include also those going on leave, rest and recreation, and those arriving incountry. Also, random, in-house screening was established to reach each member three times during a tour of duty. Most recently, the entire program was commenced worldwide, but on a step-by-step basis as machinery, technicians, and laboratory facilities become available.

In October 1971 approximately 5 percent of the servicemen being sent home from Vietnam showed a positive on the original test. With the two additional tests, the percentage was reduced to 3.7 percent. In January 1972 the latter figure shrunk to 2.3 percent, utilizing better machinery and technicians and a vastly superior processing program to prevent errors.

The figures from March are most impressive. Some 27,500 men returning home were tested and 360, or 1.3 percent were tested clinically positive for drug abuse.

And the totals since June 1971 show that 258,256 men were tested and 7,696, or 3 percent, showed clinically positive for drug abuse. Finally an unannounced test in March among some 30,000 men showed 4.7 percent as testing clinically positive. So, even the surprise tests show a figure remarkably below our earlier estimates which were based solely on questioning people.

I am encouraged by the results and feel strongly that the statutory support this bill supplies will go far to enhance the credibility of every facet of the programs now in effect. I urge your enthusiastic support of this bill.

Mr. HAGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. Mr. Chairman, I rise to join my colleagues in committee in support of H.R. 12846 to authorize by law a treatment and rehabilitation program for drug abuse in the services. I was most impressed with the testimony from those in the medical profession who urged upon us the adoption of the terms of this legislation. So, too, those who have been working with the problem in the military were impressive with their views that the exemption, or so-called amnesty features were a necessary and vital adjunct to the legislation.

The wrongful possession and use of drugs is a violation of law under the Uniform Code of Military Justice. Thus, many of the drug abuse bills considered involved some form of exemption or amnesty from punitive or administrative disciplinary action arising from drug possession and use.

We have seen the development of this type provision through experimentation, optional administrative authority, and now through generally standard procedure throughout the services. In essence, what the subcommittee is recommending for legislative action is a provision for a program exempting a military member from punitive action as the result of drug dependency uncovered through examination or because he volunteered for treatment.

Also, any discharge would be under honorable conditions. As a part of the same package, the bill makes it possible for the member not to lose time or pay as otherwise required by statute when the cause of the lost time is due to drug ingestion.

If the service member is in need of care, the Army has 33 treatment centers across the United States where the patients may be sent. In addition, the Army maintains five treatment centers in Vietnam for those who test positive and have some time to go on their tour of duty incountry.

The Navy and Marine Corps utilize facilities newly designated for the purpose at Miramar, Calif., and Jacksonville, Fla. The Air Force has its multiphase center at Lackland Air Force Base devoted to the treatment and rehabilitation of personnel with drug abuse problems. These facilities interface the handling of all their inservice cases whether they originate in Vietnam, Fort Bragg, Camp Pendleton, or whatever.

The Veterans' Administration told us that the VA working with the Department of Defense can make a significant contribution to the solution of the military drug problem, particularly since the VA claims to have been in the forefront in this highly specialized medical treatment and rehabilitation area.

The VA also informed us that they have been taking care of veterans with a drug abuse problem for years. At the time of the hearings, 32 centers had been opened for drug treatment with an annual capacity of 6,000 patients.

Mr. Chairman, I mention these matters to show that good starts have been made in the military and this bill will give the Department of Defense the statutory lift necessary to strengthen and further promote these programs now in being.

Mr. HALL. Mr. Chairman, I have no further requests for time, except my own, and would prefer that the majority yield time.

Mr. HAGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. I thank the gentleman.

Mr. Chairman, first I want to compliment the chairman of the committee for the diligence and persistence with which he has followed the nefarious drug conditions in this country.

This committee was created at a time when the use of drugs was on the rise.

Chairman Mendel Rivers, constituted this subcommittee, and it did go to Southeast Asia to study the problem. It was my privilege to join the subcommittee on this study. Later I had the opportunity to study the drug problem in Europe.

It is apparent that the Army, at the time the committee was constituted, did take the bull by the horns, more or less, and developed a program which has succeeded in great measure. In its initial stages the programs carried various names, including the amnesty program.

The committee has looked into the problem of the matter of forcing military personnel to be treated, and to retain them in the military for rehabilitation. It was finally decided it would be wise to develop this treatment in the way the bill provides, a retention for 30 days. I personally would like to have some provision for treatment and control over the military personnel after discharge, but our committee did not have this jurisdiction. We did not have jurisdiction to go beyond the time the man was in the military service. We did everything I feel we could at the time.

I hope the Members of the House will favorably consider and pass this bill. It is a much needed bill. It does give the facility for the military forces to directly approach the problem which I hope is now on the wane.

Thank you very much.

Mr. HAGAN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. I thank the gentleman for yielding, I, too, want to compliment the gentleman on the diligent manner in which he has pursued the drug question in the military forces.

I rise also in support of H.R. 12846 for I am sure that this measure will do much to strengthen the ongoing military drug abuse prevention and treatment programs.

Last year I had the privilege of joining with the subcommittee and spending over 2 weeks in Southeast Asia—and particularly in South Vietnam—investigating the drug abuse problem. At that time we were most concerned over the extent of drug abuse in Southeast Asia and returned home with a rather sober report on the task that was ahead of the Department of Defense in coping with this problem.

Again I visited South Vietnam in January of this year and was pleased to note the improvement that had resulted, obviously from the various programs now in effect. I have particular reference to the so-called amnesty program, the scientific drug detection program and particularly the education programs that appear to be effective. This year I left much encouraged and with the distinct impression that drug use was no longer the "in" thing to do. I observed also that soldiers were no longer reluctant to notify authorities when they came upon a drug problem and I learned that many of the investigations were indeed initiated by the men themselves to assist in blotting out illicit drug use in the military.

Mr. Chairman, after 2 years of active participation in committee investigations on this subject, I am convinced that the bill before us today is the most appropriate and effective vehicle for waging a continuing war on the drug problem in the armed services and I urge my colleagues to give this measure their unanimous support.

Mr. HAGAN. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Chairman, we will now be discussing one of the most important pieces of legislation to come before this body concerning America's servicemen. I refer, of course, to those tens of thousands of youths in our Nation's Armed Forces who have fallen prey to the drug pushers of the world.

The most severe aspect of the problem has been in Vietnam, where a combination of 2½ million rotating troops confronted with fear, anxiety, boredom, and uncertainty, and a supply of every known drug produced by nature and man's chemical genius was readily available in great quantities for a pittance.

And while our most explosive and visible problem has been Vietnam, the disease of drug addiction spread throughout military bases in the United States, through our far-flung outposts spread round the world, and even on our ships at sea.

But the bulk of these men are not the criminal addicts that we knew in the past.

The public has reacted sympathetically to them and the Congress should do likewise.

They deserve enmity from no one.

I speak today on behalf of the 20,000-plus drug abusing servicemen who will be dealt with this year. If we utilize the treatment approach contained in H.R. 12846, we will, I am certain, fall far short of our goal of returning our addicted troops to civilian life able to function normally.

I do not intend to call for the elimination of the bill reported by the Armed Services Committee. I simply ask that we expand through the amendments I will offer, the program promised by its title, "a bill to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces," so that we may, with a higher degree of efficiency, retrieve our drug abusing GI's, sailors, and airmen.

I urge that the members of the committee who worked so diligently on this legislation deny no serviceman the opportunity for regaining his health because of any feelings of pride of authorship.

The shortcomings in our current approach to the military drug problem have been pointed out not only by myself, but the very people who operate the present system.

In brief, H.R. 12846 falls far short on many counts despite many of the things we have learned about military drug addicts over the past 10 months.

They include such concepts as quarantine.

Dr. Jerome Jaffe, the Director of the White House Special Action Office for Drug Abuse Prevention, now admits that addicts must be isolated for a period of time to prevent the spread of addiction and to facilitate their treatment. Quarantine—we now know—must be necessary for certain types of addicts. We cannot allow them to roam freely in the community infecting others, usually young people. The officials of Odyssey House, a major drug treatment facility in New York told me of a case where one Vietnam GI addict initiated 50 teenage boys and girls into the heroin habit. We cannot let these latter day "Typhoid Marys" loose on the streets to spread their infection until we have cured their physical and psychological cravings for the extract of the poppy.

H.R. 12846 will not handle this aspect of the drug problem.

VOLUNTARY VERSUS COMPULSORY TREATMENT

Experts in the field of drug addict rehabilitation agree that the mere offering of drug treatment or the simple referral to treatment of an addict borders on the absurd. The addict is in no condition physically or mentally to carry through on this kind of proposition. There must be an element of coercion or compulsion—at least in the initial phase—of any treatment program. Dr. Jaffe's own figures show that out of the first 4,440 GI's referred to the VA for voluntary treatment in July, August, and September of 1971, only 23 took advantage of it. And while recent figures show larger numbers of addicts going to the VA for help it can be attributed to drug related problems such as hepatitis, to the fact that 15 percent are repeaters and 25 percent were on active duty. And methadone maintenance—giving them more dope—is still the major treatment modality given to veterans.

H.R. 12846 is based on the voluntary treatment concept and its only reference to compulsory treatment is without adequate foundation, explanation, or implementation in the bill. Section (b) of paragraph 1062 of H.R. 12846 reads:

> The Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) may prescribe regulations authorizing treatment and rehabilitation services to be provided to a drug dependent member of the Armed Forces without his consent.

I feel this is far too great an authority to give to the Secretary without proper delineation by the Congress.

In any event, the thrust of all of the treatment will be conducted by the military, in the military, or in a military setting.

I call to the attention of Members two reports contracted for by the Department of Defense from the Human Resources Research Organization entitled, "Analyses of Selected Drug-Related Topics: Findings From Interviews at Four Armed Service Locations," and "Preliminary Findings From the 1971 DOD Survey of Drug Use." The Department of Defense's own report states of the concept of voluntary treatment for true drug addicts, that hard core drug users were not willing to volunteer for drug treatment or rehabilitation in the service. The report also concluded:

> Men who both used drugs and admitted to a need for help with their drug problem preferred civilian drug counselors/confidants, in contrast to military personnel.

The HUMRRO report concluded that voluntary programs or programs involving military personnel as counselors were contrary to the preferences of those drug users most in need of assistance.

LENGTH OF TREATMENT

As presently in operation, military "in bed" drug treatment programs both in the services—and subsequent to discharge in the VA—are limited in time usually at the 30-day level. This is the most objectionable part of the current treatment of military addicts. The fact that this is only a fraction of the time needed to adequately handle a heroin addict is recognized by everyone even remotely connected with these programs. The recent ruling of the VA reducing hospitalization to a 30-day period has resulted, for example, in the District of Columbia, in a complete demoralization of not only the patients but the treatment staff in the hospital.

The administration bill also calls for a 30-day extension beyond normal service periods to allow for treatment for addiction. And while I am not calling for the deletion of this provision, I point out to members that the Humrro report states:

> The DOD has recently requested authority from Congress to extend the length of service of drugs users, either on a voluntary or an involuntary basis, in order to make Veterans' Administration rehabilitation treatment available. If the results of the present study generalize to the population of men with drug problems, a program of voluntary extension seems likely to have only limited success, and the cooperation in rehabilitation of men extended on an involuntary basis could be minimal.

Of those drug using troops interviewed in answer to the question concerning an extension of military service for treatment, 71 percent of the opiate users and 59 percent of the abusers of psychedelic drugs responded negatively to such a proposition.

The administration bill emphasizes the use of VA treatment facilities. Rather than using military connected treatment program, the Humrro report stated:

> Men in need of help with a drug problem tended to prefer to talk about their drug problems with civilian instead of service representatives. They were particularly partial to civilian physicians or civilian friends as counselors. There was a significant lack of preference on the part of addicts in the report for talking to military doctors or chaplains.

Of great consequence to the legislation before us, it would take a total revamping of the VA drug program to adequately handle the military addiction problem based on current indications.

As of last week there was a 21 percent backlog of addicted veterans in the outpatient drug program of the Veterans' Administration waiting to enter already full VA hospital beds.

And the number who wait is increasing by the month.

Senior VA planners admit that the VA's drug treatment program cannot accommodate the more than 20,000 servicemen, both active duty and veterans, that they expect to receive this year with "the kind of care we want to provide."

Additionally, because of budgetary considerations, the Veterans' Administration has cut back its drug treatment expansion program by 25 percent.

Let us look at the record of the Veterans' Administration in my own city of New York which contains over half of the addicts, GI or otherwise, in the United States.

I have spent a great deal of time going over the history of efforts to obtain VA treatment for New York's addict veterans. There were the usual horror stories—one deathly sick addict turned up at the addiction services agency on a Friday afternoon last month and the staff made an emergency call to the VA drug facility. They were told the following Tuesday was intake day—bring him in then.

Or the numerous times a judge is forced to put a decorated Vietnam veteran in the Tombs because the VA doesn't accept patients after 4:30 p.m.

But this is just the tip of the iceberg. The real problem lies in the fact that there may be as many as 30 to 40,000 veterans not in treatment in New York City. Yet, in a letter to me dated May 12, 1972, Veteran Program Coordinator Roger Hurley told me the three Veterans' Administration hospitals in New York had in treatment a total of only 444 veterans for addiction as of 2 weeks ago. the VA in New York City offers only methadone maintenance. This is clearly not appropriate for many young veterans who have had a habit of only a short duration. nor is it appropriate for many veterans who desire a drug free program of rehabilitation.

And this situation with the veterans hospitals is not unique to New York City. I have had recent conversations with persons interested in the disintegration of the VA drug program in Washington, D.C., which was supposed to be a model for the Nation. I saw a one-half hour video tape of the veterans in the District of Columbia program who were told in April that a new VA policy limited their inpatient treatment to 30 days. Not only were the patients demolished, the treatment staff reacted vehemently. Some resigned. The patients have since left to fend for themselves. Many are back on drugs.

Perhaps this is in keeping with Dr. Jaffe's public pronouncement to the addiction services agency in New York that veterans would receive absolutely no priority relative to the civilian population in terms of drug treatment.

I personally oppose this position.

They are not criminal addicts.

They are men who served their country—most of them honorably and many with distinction.

Most might not have become addicted were it not for the unique qualities of the Vietnam war.

I think they deserve better than a quick window-dressing treatment of 30 days by people not trained or equipped to handle addicts and/or a discharge into society—cut loose from whatever hold we might have on them—with absolutely no priority.

Mr. Chairman, as I said at the beginning, I do not want to eliminate H.R. 12846, I want to augment it to guarantee a successful solution to the problem of the addicted serviceman.

I propose to offer amendments to accomplish this.

My amendments will provide quarantine where necessary to prevent the infection of thousands of America's youth by servicemen returning home with the disease of drug addiction.

My amendments will provide the mechanism for compulsory treatment where necessary through a system of civil commitment to the type of civilian oriented program that the Defense Department's own research indicates is warranted.

In this context, I refer to a June 8, 1972, letter to me supporting my position from Dr. Judianne Densen-Gerber, the executive director of New York's Odyssey House Drug Treatment Center. She said:

> The whole concept of civil commitment is based upon the need for external controls in those individuals who have no internal controls. This is one of the fundamental issues of addiction and continues to be a major factor in the successful treatment of our residents.

My amendment provides for realistic treatment periods ranging from 6 to 42 months. In reference to the Defense Department's position on this issue, Dr. Densen-Gerber said:

> We find the concept of treatment in thirty days totally unrealistic in view of the very nature of addiction. Drug abuse over any consistent length of time is not "environmental" but rather indicative of some underlying psychological difficulty. Such difficulties are not treated in thirty days. They require the expertise of psychiatrists, psychologists, physicians, social workers, and para-professionals to engage the addict in a long-term process that will eventually return him to society as a fully-functioning individual.

My amendment will provide for adequate after-care, also with compulsion where necessary.

It would offer treatment by people trained in the field of narcotic addiction by putting the servicemen under the already existing Federal narcotic addict rehabilitation program.

Unlike the VA which provides, in the main, methadone maintenance, my amendment would provide psychiatric and social service counseling, day care, half way houses, methadone maintenance to abstinence, ambulatory therapeutic processing, residential therapeutic communities and methadone maintenance.

Lastly, one of the major obstacles to the rehabilitation of veteran addicts has been the dishonorable and other than honorable discharges given to drug using servicemen in the past. I have visited drug treatment centers throughout the Nation and found that many veteran addicts who are in a position to move out into the community in a useful position suffer severe setbacks because they cannot obtain employment as a result of bad conduct discharges.

One of my amendments would resolve this inequity by calling for a review of such discharges with a view toward eliminating them as an obstacle to ultimate rehabilitation.

Mr. Chairman, I plan to offer three amendments, and I plan to go into them in greater detail as each is brought up.

I include the letters of May 12 and

June 8, 1972, referred to in my statement to be printed at this point in the Record.

The City of New York,
Addiction Services Agency,
New York, N.Y., May 12, 1972.

Hon. John Murphy,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Murphy: As I indicated to you in our conversation, I am greatly distressed at the unwillingness of the Veterans Administration to assume responsibility for men wounded in the service of their country—namely, addicted Vietnam era veterans.

There are approximately 300,000 Vietnam era veterans currently residing in New York City. This figure is expanded by 2,500 men per month who are discharged to the New York City area.

The Addiction Services Agency estimates that of the Vietnam era veterans in New York City there are 10,000 men who are addicted or abusing drugs not in treatment. I would estimate that this figure may be as high as 30,000 or 40,000 veterans not in treatment currently living in New York City.

Presently, local programs in New York City treat in excess of 3500 veterans in drug free programs as well as methadone maintenance. Additionally there are an estimated 2,000 veterans on the waiting list for the New York City methadone maintenance program. To this date the VA response to the crisis of addiction among veterans in New York City has been completely insufficient. In the three VA hospitals here 444 men are involved in long term treatment for addiction which does not include those personnel who are currently being detoxified. That is, local programs in New York City have over eight times the population of veterans in long term treatment than the VA does and on the basis of figures from the VA, January 1, 1972, the City and State of New York have more veterans in long term treatment than the VA does for the whole nation.

In New York City the VA has three relatively isolated hospitals and no community based facilities. They have a negligible program of outreach. To this date, May 12th, no New York City VA hospitals have a completely ambulatory methadone maintenance program—the kind of program run by the City of New York which treats 2,700 veterans. The New York City VA has no therapeutic communities which is one of the major modalities of addiction treatment and which in many ways is particularly suited to the needs of Vietnam era veterans.

We at the Addiction Services Agency have attempted over the last year to work with the VA on both the local and national level to expand the availability of help for addicted veterans. The results have been negligible. We developed a Plan to Rehabilitate Addicted Veterans in New York City, forwarded it to senior Federal officials in all relevant agencies six months ago and there has not even been a technical discussion of the merits of the plan. We sent a copy to your office at that time and I enclose an additional one for your consideration.

Recently there has been some evidence that the VA will initiate ambulatory methadone maintenance programs in New York City. We applaud this first, small step towards a comprehensive effort needed in this crisis situation. ASA is prepared to do everything possible to make the VA efforts successful.

I must add, however, that the VA must make available drug free programs as well as methadone maintenance and that a whole series of other efforts should be initiated, as outlined in our plan, if we are going to be successful in helping the largest number of veterans in need.

Yours truly,
Rodger L. Hurley,
Coordinator, Veterans Programs.

Odyssey House,
New York City, N.Y., June 8, 1972.

Congressman John Murphy,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Murphy: I am delighted that you are taking the lead in bringing to the public's attention the crisis concerning addicted servicemen. The New York Times article of June 7 on this subject raises important issues about which I would like to comment personally.

As you know, Odyssey House has been working on the problem of military addiction since December of 1970. At that time we presented a proposal to the Department of Defense for the treatment of 1,000 addicted servicemen. The proposal was based upon our experience in the field since 1966. From this experience, we have developed a highly sophisticated treatment modality, much of which is incompatible with the so-called "new programs" described in the Times article.

The program presently supported by the Department of Defense is an excellent example. We find the concept of treatment in thirty days totally unrealistic in view of the very nature of addiction. Drug abuse over any consistent length of time is not "environmental," but rather indicative of some underlying psychological difficulty. Such difficulties are not treated in thirty days. They require the expertise of psychiatrists, psychologists, physicians, social workers, and para-professionals to engage the addict in a long-term process that will eventually return him to a society as a fully-functioning individual.

My staff and I have recently considered the possibility of a short-term, six month treatment program for servicemen, but have yet to receive a response from the Department of Defense. Unfortunately, too few of our nation's leaders understand the reasons for investing time and money in such an extensive treatment process. Explanation is difficult because figures are often misrepresented There is, of course, a great difference in cost between methadone maintenance and a drug-free therapeutic community. But long-term methadone maintenance over ten years at $1,200 a year already doubles the cost of a one-year rehabilitation process whose goal is an individual who will remain drug-free for a lifetime. The therapeutic community concept is also less expensive than hospitalization or prison because everyone works. Hospital programs often find their costs approaching $100 per patient per day because the patients sit around all day watching television, while paid employees clean and cook. At Oddyssey House daily resident costs are $18 per day, which includes food, clothing, medical and psychiatric care, schooling or vocational training, and counseling. Unless we use this information to institute a more viable program of rehabilitation, we will see 50,000 addicted servicemen returning to this country only to proselytize and infect, in turn, hundreds of thousands of our youth across the nation. As the article I sent you shows, it only takes one serviceman to turn on fifty children within his first year home. It staggers the imagination as to what the effect will be when all our servicemen come home.

During our first few years in working with addicts, we strongly believed, as many do now, that the desire for treatment had to come from the addict himself. *This is not true.* We have discovered that our greatest successes occur with those patients who are referred to us by the courts. We have learned that when too many choices are available to the addict he will take the line of least resistance. That might include pleading guilty in order to receive a light sentence (or perhaps no sentence at all), enrolling in a methadone program or going through a 21-day detoxification program. The last, by the way, is famous in the addict world as an easy, inexpensive and painless way to reduce a sizeable habit to one which, after three weeks, can be more easily supported.

There simply are too many choices available to the addict. We must begin to limit these choices by providing only two alternatives—either rehabilitation or incarceration. The whole concept of civil commitment is based upon the need for external controls in those individuals who have no internal controls. This is one of the fundamental issues of addiction and continues to be a major factor in the successful treatment of our residents.

I am disturbed that we continually cater to the *wants* of a group whose disease is so potentially devastating to this nation. We should rather concentrate on their needs which, at this time, are a series of very firm mandates. Lack of understanding is no excuse for providing ineffective rehabilitation programs. There is certainly enough information, both statistical and scientific, on the nature of addiction to boggle the mind of any interested inquirer for many, many years. But rather than becoming entrenched in all the scientific studies and papers, we should look at the problem before us and realize that we have no choices. Therefore, the addict can have no choices.

What I am suggesting is that we concern ourselves less with the rights of drug abusers and more with isolating and treating a serious problem. To spend so much time arguing the pros and cons of dishonorable discharge, or parietal privileges, or mandatory universal urinalysis is a sad waste if all around us our nation is becoming narcotized.

On the basis of the study by the Human Resources Research Organization alone, I urge that the Department of Defense admit that a serious problem exists and begin to contract to private rehabilitation centers so that our servicemen can be treated and eventually returned to society. I wholeheartedly support your efforts and look forward to working with you further on this project.

Sincerely,
Judianne Densen-Gerber, J.D., M.D.,
Executive Director.

Mr. HUNT. Mr. Chairman, will the gentleman yield for the purpose of answering a few questions?

Mr. MURPHY of New York. I would be happy to yield to the gentleman from New Jersey in order to respond to the gentleman's questions.

Mr. HUNT. I would like to ask the gentleman a few questions with regard to his statement you mentioned the GI addict affecting 50 teenagers.

How does the act affect anybody—this is not contagious?

Mr. MURPHY of New York. By pushing drugs at a high school—this individual addicted 50 high school boys and girls within a few months in Menlo Park, Calif.

Mr. HUNT. The city of New York, as I understand it, for many, many years has been the main cesspool of drug addiction in these United States.

If the program the gentleman has referred to would be so successful, why have you not brought this into the city of New York where we have so much difficulty, especially around Times Square from 42d Street to 47th Street. There they addict more than 50 every day.

Mr. MURPHY of New York. I can answer my colleague this way.

One-half of the known addicts in the United States are in New York City.

Mr. HUNT. Right.

Mr. MURPHY of New York. There are somewhere between 300,000 and 350,000 of these addicts in New York and many of them come from New Jersey, Iowa, Missouri, and Pennsylvania. They come in and I have the statistics to prove it. These addicts come into New York for a number of reasons.

The No. 1 reason is that New York happens to be one of the drug capitals of the world. It has high-quality heroin and the availability of the heroin there is so great they come to New York to get it and use it.

Mr. Chairman, we do have a great deal of expertise in the treatment of addicts.

At the present time we have 3,500 veterans in the Addiction Services Agency undergoing treatment.

Mr. HUNT. I will say to the gentleman that the people who are in New York are not addicts from other States. They go from other States to the city of New York for the purpose of obtaining illegal drugs. You are so right. In 1955 New York State showed a registration of 37,210 known addicts in the State of New York.

That is in 1955 and we are now in 1972—17 years later. If your plan is so good, why is it something that is not done in the State of New York to implement this program?

Mr. HAGAN. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. Mr. Chairman, the gentleman from New York is not exactly consistent on this matter of compulsion.

I would like to quote from the CONGRESSIONAL RECORD of June 30, 1971, from a statement inserted by the gentleman from New York. He says:

> Under the old law we provided that a related individual could sign a petition and civilly commit a person who is addicted. A father could turn in his son. A wife could turn in her husband, and so forth. Experience under title III of NARA has shown that this provision has not met the expectations of its advocates. If an addict is not motivated to treatment it is difficult to force him into a treatment program, especially if he is committed or has not been arrested for any crime.
>
> Officials at NIMH who run the NARA program have told the National Institute of Mental Health of case after case of failure with this type of commitment because the addict was intractable and simply did not want treatment. . . .

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. HICKS of Washington. I yield to the gentleman.

Mr. MURPHY of New York. The gentleman brings up a very, very serious point—and a point that needs consideration by the Committee on the Judiciary.

I used the very arguments that you stated on the floor in relation to this bill when I asked the Judiciary Committee to take the Narcotics Addict Rehabilitation Act and do away with the third-party commitment.

Mr. HICKS of Washington. The gentleman understands that these are his remarks.

Mr. MURPHY of New York. I understand those are my remarks, but what I want to do is put it in the proper perspective in relation to the Narcotic Addict Rehabilitation Act. For the gentleman's information, I was talking about title III, civil commitment of persons not charged with any criminal offense by a relative or spouse.

Mr. HICKS of Washington. That is exactly what you are talking about in your amendment; is it not?

Mr. MURPHY of New York. Of course not. The military service is to be the party that executes the commitment. This is a far cry from a husband, a father, or a brother committing a close relative. We found a great resentment by the addict against the individual who made that kind of personal commitment which hindered his treatment. But where the courts made the commitment we had much better results. And where the service will make the commitment, we will not have that personal resentment. I have documents and figures to show where NARA has been a flaming success, including those with felony convictions, involving persons who were committed under compulsion.

Mr. HICKS of Washington. I understand that an argument could be made that way. The gentleman did not make his argument that way, nor did he make it again when he inserted the same remarks in the RECORD on May 1, 1972, but was talking strictly about commitment and not the man coming in voluntarily. Dr. Lee of the Veterans' Administration made the same argument before our committee that the gentleman did, that unless the man comes in voluntarily, unless he understands what he is doing and is not forced into it, their experience is the same as you have mentioned in here, that the treatment is no good. It is the involuntary part of the thing that makes it invalid and not the fact that the third party has done it.

Mr. MURPHY of New York. That is not true. In the Bureau of Prisons study, to which I refer, of the 414 addicts who were committed under NARA, and then released to aftercare, 72 percent had abstained from drugs with 28 percent abscending or relapsing. But that was a high degree of success in that Bureau of Prisons study for the most difficult kind of addict who was forced into treatment. If I could have completed my statement in the general debate period, I think I would have clarified the argument for using this NARA approach and having the individual under some sort of compulsion.

I am not talking about using this program on every GI drug user. I am talking about the truly addicted individual, the individual who is so physically and psychologically habituated, he cannot control himself.

I refer again to the Odyssey House experience as explained by Dr. Densen-Gerber who wrote:

> During our first fews years in working with addicts, we strongly believed, as many do now, that the desire for treatment had to come from the addict himself. That is not true. We have discovered that our greatest successes occur with those patients who are referred to us by the courts.

Mr. HICKS of Washington. May I call the gentleman's attention to his remarks in which he said that 7 percent were committed by police officers and probation officers, and that—

> The head of the entire California Narcotic Addiction Program explained that the addicts experience great resentment in having been "kidnapped" and are much more intransigent and difficult to treat than those people who turn themselves in.

For that reason I think we should go along with the committee bill. It is the voluntariness that is going to make the treatment successful.

Mr. HAGAN. Mr. Chairman, I yield to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, inasmuch as the gentleman from New York (Mr. MURPHY) mentioned the hearings that were held before the Judiciary Committee, I would like to point out that, yes, Subcommittee No. 4 has held many hours of hearings on this particular subject, on amendments to NARA, and have, I think, quite generally come to the same conclusion that the gentleman from Washington (Mr. HICKS) came to. And I might say that practically all the testimony was to the effect that voluntary programs are the only way we are ever going to get anywhere.

The problem in this country today is that we have thousands upon thousands of heroin addicts who are seeking treatment, but the facilities are not available. In the city of New York a few months ago when I checked you had to wait 6 months if you were a narcotic addict to get on their waiting list, and then you were just on the waiting list.

Mr. MURPHY of New York. That is true where you are a junkie coming off the street. But if you are a serviceman, going to one of these voluntary programs or one of the other programs, they take you right in with no wait, because this House is voting $90 million for those programs. I have a list of $37 million that the HEW has already put in this program. The serviceman will go into this program. It is not a question of his waiting 6 or 8 months. Our program is something less than a flaming success in getting to the problem. We have gotten only to the addict.

If you know and have had experience with dope fiends, people hooked on heroin, you know they are not voluntarily going in, and there is no reason to permit dope addicts going out into the civilian stream and infecting the community.

Mr. HALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is obvious from the colloquy that has gone before that these questions need to be put in perspective and that the Committee of the Whole on the State of the Union needs information—not scareheads; needs true results; and needs the professional opinion of those who have worked for years on this tremendous and vexing problem. Statements have been made of "military personnel by the tens of thousands who have become addicted." Some of us who have treated narcotic addictions since we were interns in Government hospitals, to say nothing of working with the Commissioner of Narcotics during World War II and Korea, know the problems that are involved, and, of course, we know that the military derives from the militia and the civilian ranks of the United States.

However, just for the record, of all troops leaving Vietnam from June 1971 to January 15, 1972—6 months and 15 days—198,348, for example, were tested from all services. Only 6,720 were found positive. There are false positives among these groups.

Further, Mr. Chairman, reference has been made to the HUMRRO—that is, the Human Relations Research Organization—and its indication that the Department of Defense's voluntary treatment programs are ineffective or that the request for authority for a short-term extension of personnel whose term of service has expired should be denied. The HUMRRO report was conducted in late 1971, shortly after the Defense Department initiated its treatment and rehabilitation programs. The purpose of the study was to provide information upon which the Department can make improvements in its drug abuse program. I stipulate that it has done just that.

I believe it is necessary to place in perspective the statistics relating to accuracy of the civilian contract laboratories, and to do this we should go back to June 1971 when the Department of Defense first began its treatment analysis screening program for members of the Armed Forces returning from Vietnam. Never before had there been an attempt to screen large numbers of personnel for drug usage. The Department of Defense decided on this innovative approach to meet a serious drug problem, recognized among our service personnel in a theater of operations, or, indeed, in a combat zone. Some of the equipment they had used in this screening process had just been developed and had never been tested in field use prior to this time.

On a crash basis, the Department of Defense personnel, establishing laboratory facilities, began to test all military personnel departing Vietnam for rest and recuperation or returning home. By the Department's own admission there had been difficulties in accuracy during the first month of these tests, but quality controls procedures had been so well organized, these difficulties were quickly ironed out and testing continued with an extremely high degree of accuracy.

So in considering this bill today, which is the second giant step up to date, by the Department of Defense, that is the armed services attack on this problem, I rise in support of all of our committee goals, our subcommittee chairman, and what he has so skillfully said in support of his revised and clean bill as presented here. I favor it.

I do not favor those who would grab headlines or the harbingers of doom or the self-appointed people who override the jurisdiction of this committee that has worked so long and so hard, and now has issued this second report.

It should be known that after a difficult start with a most difficult problem, the Department of Defense has responded well to the challenge of the inservice drug problem; and it has done this, commendably, through proper in-house channels; that is it has done it within the military. Our subcommittee chairman, the gentleman from Georgia (Mr. HAGAN) mentioned that progress, in education, in training, professional quality, and quantity medical care, rehabilitation—and of significant importance—through an effective, on-going scientific drug detection program, part of the professional work, has wrought good results.

I would reemphasize the comments made by my colleague concerning the role of the military services in the drug treatment and rehabilitation program. The preponderance of the evidence that I have heard—and I have attended all of the meetings of the subcommittee and of the committee—indicates that all possible quality care should be accorded the members of the armed services bothered with drug problems. Those of us who have treated them for years know the three stages of drug abuse full well; of testing and experimentation, of physical addiction, and of utter dependency. We should be terrifically exercised that they receive the maximum benefit of hospital care and treatment and detoxification within their own services and returned to their principal duties depending on how effective they can be on the line of military combat.

Now, here lies the big difference—the difference in the mission of the armed services and the difference in the mission of civilian organizations to treat, detoxify and finally effect a cure on those who have experimented, those who have become addicted, or those who have become dependent.

Where extended care is necessary, the member of the armed services should be retired or relieved from active duty and transferred to a Veterans' Administration or similar facility for treatment and rehabilitation, in the same fashion as we would transfer a seriously wounded soldier, or a mentally ill patient, after maximum quality care has been furnished by the Services.

This House, Mr. Chairman, passed upon Public Law 29-255, which set up the service care has been rendered, and it has increased greatly in the past year.

This House, Mr. Chairman, passed upon Public Law 29-255, which set up the President's Special Action Office for Drug Abuse Prevention. As I understand it, that Office will be directly responsible for seeing to it that adequate facilities become available in the civilian community to treat veterans, among others, in the civilian sector.

So far as in-service maximum care and benefits are concerned, we were particularly impressed to hear from the senior military physician, the Assistant Secretary of Defense for Health and Environment, that the problem is being reversed in Vietnam, and that our people there are becoming to an increasing extent "anti-drug." It is not the "in" thing to experiment anymore.

These are encouraging signs of a positive reaction to the service programs which are devoted to the drug problem, from amnesty to final treatment, and I am proud of those results.

Certainly this bill that we have before us today is a good way to go, to which all the professionals in the military programs agree. But with the existing efforts and the provisions of this bill, I firmly believe we can entrust the overall program to the services. Indeed, we have heard recently that the President's Special Action Office is pleased with the progress in the Defense Department and may apply what has been learned there in drug programs to the awesome tasks that lie ahead in the civilian sector—yes, even in the area of greater New York.

Mr. Chairman, I believe strongly that this bill will give the Department of Defense that strength necessary to press forward with its efforts and we trust to provide a good foundation for collateral efforts in our civilian programs across the land.

Now, I recognize the large number of separate measures that have been introduced by my colleagues in this Chamber with a variety of remedies that I know have been put forward honestly and with intent to do something about the awesome problem that was reportedly infecting all of the military services a year ago. Much of this action was taken at a time when the problem was new—new to the services and new to the Congress and new to the committee and new to the Nation. There were false starts. There was exaggeration. And there was minimizing.

There was exaggeration of the extent of the problem by some who officially or unofficially visited and reported on the drug situation in Vietnam.

On the other hand, some in the military tended to minimize the impact of drug abuse, which further frustrated efforts to establish the facts. At any rate, you know now as well as we members of the committee do, that through scientific testing programs we are arriving at the degree of positive drug identification far below some of the early estimates based upon polls and sheer speculation. Through all of this, key command and dedicated leadership in the services have been working diligently, as we heard today, and as we heard from the chairman of the subcommittee, and as you can read in the report. We need not turn the primary military medical missions into a vast drug rehabilitation program. That is one job that the Veterans' Administration has. We need not attempt to force treatment over an extended period of time through military regulations or perverted conscription.

This body has already seen enough of the Military Services Training Act and individual replacements being used instead of Ready Reserves and Guard units. This body already acted on that facet of drug treatment and rehabilitation in creating the President's Special Action Office and in passing unanimously the bill out of the Veterans' Affairs Committee, H.R. 9265 pertaining to that portion of the treatment which belongs to them.

Again, let me emphasize, Mr. Chairman, not only as a colleague of yours, but as a member of the medical profession, I can assure you that all the fine professional evidence we examined was most convincing in support of this measure, and I urge its passage.

Mr. HAGAN. Mr. Chairman, will the gentleman yield 2 minutes to me?

Mr. HALL. I will be glad to yield 2

minutes to the chairman of the subcommittee.

Mr. HAGAN. Mr. Chairman, I just want to say to this House, as we wind up this bill on drug abuse, that never in my 12 years in the Congress have I worked with a more dedicated, able, hard-working group of men than I have on this Special Committee on Drug Abuse in the Military. I want to thank the gentleman from Missouri (Mr. HALL), for the fine work, as our doctor member of the committee, that he has done. I appreciate his remarks here this afternoon.

At this time I want to pay tribute to our members, Messrs. HICKS, WHITE, NICHOLS, HALL, HUNT, YOUNG and our counsel, Mr. HOGAN. No men could have had a harder working group of men with them on any subcommittee than we have had on this committee. I thank you very much.

Mr. HALL. Mr. Chairman, if I had known what the chairman was going to say I would not have yielded him so much time. On behalf of the entire committee and staff I express sincere appreciation to the chairman.

I now yield to the gentleman from Connecticut (Mr. STEELE) 2 minutes.

Mr. STEELE. Mr. Chairman, I rise in support of H.R. 12846, which authorizes an identification, treatment, rehabilitation, and prevention program for drug dependent members of the Armed Forces.

This legislation provides legislative authority for the major drug identification, treatment, rehabilitation, and prevention program launched by the Armed Forces in June of 1971.

Of the first 86,000 servicemen given urinalysis tests in Vietnam, 5.15 percent were shown to have used opiates, within 24 to 72 hours of being tested. In addition, Dr. Jerome Jaffe, the Director of the new Special Action Office of Drug Abuse Prevention, estimated that another 10 percent of the 86,000 men tested used heroin intermittently, thus confirming the seriousness of the drug epidemic in Vietnam at that time.

Since June 1971, the VA has opened 32 new drug treatment centers and the Armed Forces and the VA together have provided basic drug treatment and rehabilitation services to over 30,000 men.

Urinalysis testing and the provision of basic treatment to every identified drug abuser have combined with the continued troop withdrawal from Vietnam, tighter military security against drug pushers, and improved education programs to significantly reduce the hard drug problem within the military.

Mr. Chairman, the armed services have made major progress against the drug problem within the military through an innovative, crash program. The civilian community has much to learn from the military, especially in the area of identification and commitment providing treatment and rehabilitation services to all identified drug abusers.

A major remaining weakness in the existing military drug program is the lack of adequate linkage between in-service and civilian drug treatment and rehabilitation programs. I continue to believe involuntary commitment is a partial answer to this problem for certain categories of drug abusers. However, with or without involuntary commitment, it is essential that a sharply increased effort be made to insure that military drug abusers in need of further help are effectively referred to and enrolled in VA or other civilian drug treatment and rehabilitation programs for continuing care after discharge.

I have discussed this problem at length with the Defense Department and believe the Department of Defense is attempting to take corrective action. I believe it is essential that the subcommittee give the most careful continuing scrutiny and surveillance to the Defense Department's efforts to solve this problem.

Mr. MURPHY of Illinois. Mr. Chairman, I rise now to offer my support to H.R. 12846, the Armed Forces Drug Dependency Treatment and Rehabilitation Act of 1972. While I applaud the committee's thoroughness and timeliness, I take issue with committee members who charge that the first reported estimates of drug addiction among American servicemen were grossly exaggerated.

Dr. Jaffe admitted that the results of the first urinalysis tests administered to returning GI's showed that 5 percent of those tested were hard drug users. He further noted that at least an additional 10 percent were occasional users of drugs.

I regret that certain committee members fool themselves and attempt to fool others by playing the percentage game with figures. Further, I suggest that the Special Subcommittee on Alleged Drug Abuse change its title to the Special Subcommittee on Drug Abuse, for no one in his right mind can deny that drug abuse exists today in the armed services.

We must be sure that no alternatives are overlooked in our search to help the men who are addicted. Last year more than 12,000 addicts were helped under the terms of the 1966 Narcotics Rehabilitation Act and the average treatment of these patients was 8 months. We cannot overlook our responsibility to these men and we cannot allow half-hearted attempts to sentence these men to a life of drug addiction. We must not be afraid to recognize the seriousness of the problem and to act boldly.

The heroin addict is somewhat like an alcoholic in that they are both suffering from a disease. We should recognize that fact and act accordingly. We should provide the necessary facilities to help addicts beat the habit and rejoin society as useful and productive citizens.

I trust the committee will continue to monitor the programs initiated by this legislation and that the Defense Department will continue to acknowledge the problem of drug addiction in the services and work closely with the Congress to promote new approaches for the rehabilitation of addicts.

Again, I commend the committee for its work, but am appalled by certain committee members who use the term "scarehead" to refer to House Members who first brought this problem of drug addiction to the attention of the American people. The sooner they realize the problems of Vietnam are different from those we faced in World War II and Korea, the sooner we can begin to work together toward viable solutions to these problems.

Mr. EDWARDS of California. Mr. Chairman, I rise to express my strong opposition to the amendment that will be offered by the gentleman from New York (Mr. MURPHY).

As chairman of the subcommittee of the House Judiciary Committee that currently has jurisdiction over the Narcotics Addict Rehabilitation Act, I am strongly convinced that the amendment is totally inconsistent with both the proper medical principles for the treatment of narcotics addicts and with basic concepts for civil liberties. In that regard, I would like to emphasize that the amendment is not only opposed by the administration, but is also strongly opposed by the American Civil Liberties Union.

Extensive hearings held by my subcommittee, as well as comprehensive investigations of drug treatment programs conducted by the General Accounting Office, have, I believe, conclusively demonstrated that the extension of civil commitment is not the answer to the treatment needs of addicted veterans. In fact, the evidence indicates that civil commitment is a failure and should be restricted rather than expanded.

Civil commitment has led to the inefficient use of resources because of its dismally poor record of success in the treatment of narcotics addiction. Civil commitment, of course, is not itself a method of treatment. It is only a process intended to provide motivation for those addicts who would otherwise not enter into or remain in a treatment program. The large question is whether motivation can be externally imposed. Most of the expert testimony my subcommittee received answered that question with a resounding "No."

Mr. Chairman, the amendment is based on the false assumption that addicted veterans do not want treatment. The long waiting list for voluntary treatment programs indicates a great unmet desire on the part of addicts for treatment. We have received much testimony that throughout the country voluntary programs have become so popular that as soon as a new multimodality clinic opens, a new waiting list is created from addicts who voluntarily seek treatment. At the present time there is neither sufficient staff nor funding to meet the demand for voluntary treatment programs. It is, therefore, a mistake, in my opinion, to expend further Federal resources on civil commitment programs, as the amendment would do, when voluntary programs do not have sufficient space to meet the existing demand.

The civil liberties questions raised in regard to civil commitment dovetail with the questions raised by treatment professionals about the efficiency of civil commitment as a means of forcing an unwilling addict into a treatment program.

Civil commitment is constitutionally valid only if the commitment results in effective treatment for the condition which justifies the commitment. If confinement in an institution through civil commitment does not result in effective treatment, the addict's position becomes indistinguishable from that which was held unconstitutional as cruel and unusual punishment in *Robinson* v. *California*, 370 U.S. 660 (1962). Unless the addict is being treated, he is merely being kept under confinement—he is being punished, and, therefore, his civil commitment has no constitutional validity.

Mr. Chairman, I believe the proposed amendment arises from legitimate frustration with the failure of the Department of Defense and the Veterans' Administration to adequately provide for the treatment of the addicted veteran. But it is wrong to meet this problem by proposing a massive new civil commitment effort which will compel the addicted veteran to be treated, even against his will. We should closely examine the wisdom of extending the Federal Government's power of compulsory confinement over addicted veterans who have committed no Federal crime.

Mr. Chairman, we should reject the amendment because it will not work. Civil commitment has not worked in the past and there is no reason to believe it will provide the means of achieving effective treatment for the addicted veteran. Compulsory treatment through civil commitment has the appearance of an easy answer to the national crisis of the addicted veteran. We should go slowly, however, lest in our zeal to help the addicted veteran we repeat the mistakes of the past and create a legal framework which will be as counterproductive to effective treatment as was incarceration under the old narcotics criminal statutes.

Mr. DERWINSKI. Mr. Chairman, I am especially interested in H.R. 12846 since I am a cosponor of H.R. 9230, which was introduced on June 17, 1971.

We must provide programs for military addicts which will give them a chance for recovery; therefore, I am supporting the three amendments being offered today which are consistent with the bill I previously cosponsored.

Mr. PODELL. Mr. Chairman, I want to express my support of the amendments offered by my distinguished colleague (Mr. MURPHY) to H.R. 12846, a bill to establish a program for drug dependent members of the Armed Forces.

Unfortunately, H.R. 12846, the administration's bill, would just reinforce the inadequate and outdated narcotics rehabilitation procedures currently used by the military. These procedures have failed us in the past and will fail us in the future.

On the other hand, the amendments would work because they follow the course of enlightened rehabilitation programs that I have fought for and we have enacted for civilian addicts. Passage of these amendments would begin a military equivalent of the narcotics addict rehabilitation programs. By so doing, we would treat the 19-year-old drug addict who for some reason did not serve in our Armed Forces.

Indeed, the administration bill is deficient in several respects.

The Nixon bill provides only a very short time for treatment. It treats only those few addicts who volunteer for treatment. It provides treatment to military addicts, but still forces them to take part in military operations. It continues the lifetime criminal stigma that many veterans have had—namely a dishonorable discharge.

Mr. MURPHY's amendments would treat hard core military drug addicts under the civilian Narcotics Addict Rehabilitation Act—NARA—and let the military handle those men who just experiment with drugs. The military addicts would be given a physical disability discharge—not a dishonorable discharge. Both current and past addicts would be recognized as having medical, not criminal, problems.

The shortsightedness and voluntariness of the Nixon program would be replaced by long term, compulsory treatment.

Finally, the military justice system would be brought into line with civilian law. The military addict would not be punished more severely than the civilian addict.

Mr. Chairman, as a result of the tragic activities in Indochina, 5 million young men—many inductees—have been exposed not only to the horrors of war, but to an unlimited supply of drugs. Many of these men became addicts. As part of our withdrawal from Indochina, we should make sure that these casualties of the war are properly treated and rehabilitated.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise today in support of my distinguished colleague JOHN MURPHY's amendment package to H.R. 12846, a bill to establish a drug abuse treatment program for servicemen.

The Murphy amendments have three main objectives; first, to provide a physical disability discharge and mandatory civil committment under the Narcotic Addict Rehabilitation Act; second, to allow review and revision of past dishonorable discharges based on the use or possession of narcotics; and, third, to bring military penalties for drug-related criminal offenses in line with civilian penalties.

At this time, Mr. Chairman, I would also like to commend my colleagues and friend, Hon. MORGAN MURPHY of Illinois for his deep concern for the veteran drug addict. In 1971 MORGAN MURPHY introduced several bills, chiefly H.R. 9060, to institute rehabilitation assistance on both the VA level and the civil level for the addicted veteran. Legislation similar to H.R. 9060 is incorporated in the amendments before the House today.

Mr. Chairman, drug addiction is a symptom. It is a symptom of a serious psychological disability—a mental disease. It is a means of escape. It is a latent or sometimes overt attempt to commit suicide.

There are no quick cures for the drug addict. And, certainly, there are no quick cures for our national drug problems. We, as legislators, must provide programs for addicts that best fit the disease. Voluntary programs simply do not work. We have seen ample evidence of this. It is part of the addict's disease to reject treatment. He is our responsibility, particularly if he is a member of the Armed Forces. We must be sure that he receives treatment, if for no other reason than to curtail the spread of drug addiction in the United States.

We must also make the punishment fit the "crime." I repeat, drug addiction is a disease. By dishonorably discharging the veteran for his addiction we do nothing but put him out on the street. In a sense, we deliver him to the civilian drug culture.

We have a rare opportunity with the veteran addict. It is a relatively simple procedure to discover his addiction and to commit him for treatment. If we do not realize our full responsibility to addicted veterans we are committing a crime no less lethal than his own.

Mr. Chairman, the Murphy amendments are vital to the success of this veteran drug abuse legislation. I strongly urge all of my distinguished colleagues to support these amendments.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 12846, a bill to authorize treatment and rehabilitation programs for drug addicted members of the Armed Forces. This legislation amends title 10 of the U.S. Code to provide the authorization needed by the Department of Defense to establish new programs to control addicts.

This legislation is of particular interest to me because of my past efforts to strengthen programs in this area. As a Member of the Defense Appropriations Subcommittee I have been concerned with the growing problem of drug addicts among servicemen. On June 29, 1971, I chaired hearings on the subject of drug addiction among returning Vietnam veterans and heard testimony from various veterans groups, including the United Veterans, the Disabled American Veterans, the Catholic War Veterans, the Jewish War Veterans, the Veterans of Foreign Wars and the American Legion and from Government officials. (See note.) During these hearings and in preparation for them, I worked closely with Queens County District Attorney Thomas Mackell who have been a leader in efforts to expand new and local programs for addicts. District Attorney Mackell has proposed use of surplus naval vessels for veterans drug treatment centers and I have supported his proposal.

The authority given to the Department of Defense under H.R. 12846 include authority to establish testing programs for drug dependency. In addition, the legislation authorizes the Department to require treatment of drug-dependent servicemen up to 30 days beyond their termination of service. Most important, the legislation exempts those drug-dependent servicemen from dishonorable discharge.

I also plan to support an amendment to be offered to H.R. 12846 by my colleague from New York, Mr. JOHN MURPHY, which would expand this past provision to allow review of previous dishonorable discharges based on the use of narcotics. I believe this legislation is an important part of our national commitment to curb drug abuse and I urge my colleagues in the House to vote for H.R. 12846.

Mr. FRENZEL. Mr. Chairman, I rise in support of H.R. 12846. The thrust of

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NOTE.—Figures made available by the Veterans' Administration indicate that 907 drug patients have been treated, with an additional 101 others undergoing inpatient care.

this bill is to strengthen drug-oriented discovery and rehabilitation programs within our armed services. This is a laudable effort and one which I fully support.

However, I believe that a review of military drug codes would result in a significant improvement in our policies toward drug abuse. The military code presently does not cover a number of the substances, including LSD, frequently used and abused by our servicemen. The code differs significantly from the civilian penalties which this Congress approved in 1970. I believe that the penalty system should be made compatible with the civilian regulations contained in the Comprehensive Drug Abuse Prevention and Control Acts.

Mr. MONAGAN. Mr. Chairman, it was over a year ago that the problem of drug abuse in the military first came to light, and triggered an outburst of concern by the Nation for GI addicts and for the communities to which they would return after discharge. Citizens and legislators alike declared the problem to be "urgent," and proposed various treatment programs to deal with the new and deadly enemy, narcotics. The press wrote weeks of front page stories, television produced special reports, and letters poured in asking for immediate action.

Ironically, now when a military drug treatment has finally come to the House floor, this sense of urgency has disappeared. The general population have moved on to other problems, and are no longer interested in GI drug statistics. The media have also dropped the subject, and provide only minimal, or sometimes no coverage of the latest developments in this area. The House itself has postponed action on this legislation for many weeks to take up more "important" legislation. The plain fact is that the great immediacy of the drug crisis, which all once shared, no longer exists in the Nation's consciousness.

Unfortunately, the problem of drug abuse in the Armed Forces still exists. It exists in the persons of the thousands of GI's who have already been discharged into civilian society without proper treatment; it exists with the GI drug users still in the service but who will not be rehabilitated before discharge, and it exists in those veterans who previously received less-than-honorable discharges for drug abuse.

I would not deny that the armed services have made considerable progress in the war against drug abuse. Initially the military would not even admit that a drug problem existed. Today, the services have extensive urine screening procedures, improved treatment programs, and a new attitude toward the drug user, and they deserve our commendation for these steps.

At the same time, nagging questions remain unanswered. For example, the urinalysis test, which is the military's sole criterion of success, has often been challenged by expert civilian toxologists on its validity as a means of drug detection. Similarly, while the number of clinically confirmed positives on announced urinalysis tests has dropped steadily, the number of positives for unannounced tests has moved consistently higher. What these statistics suggest is that GI drug users having "dried out" to pass the urinalysis screening, are returned to civilian life as potential civilian users. How many of these soldiers actually surface on the other side as addicts is impossible to say. Nevertheless, the number who slip by without proper treatment could be significant. One can legitimately raise the question of whether the heroin epidemic has actually been turned around in Vietnam, or is merely being transferred to the civilian sector.

The fate of GI drug users who are detected, or who turn themselves in under the amnesty program, also relates to this question. Under present policy, the GI receives up to 30 days of treatment prior to his discharge, and he is then "put in touch" with a civilian program for treatment on a voluntary basis. For those GI's who are not heavily dependent on narcotics, and who are lucky, this brief period of treatment will be enough. Back in a normal environment, with family, and away from Vietnam, these men might never look for another fix.

For the more frequent user, however, the story can and often does end quite differently. For this man, a once-over-lightly treatment program will cure neither his physical nor psychological dependence on heroin, but will serve only as a drying out period. This GI will receive a discharge which makes him eligible for Veterans' Administration or other civilian treatment. However, he cannot now be required to enter these programs. He must enter treatment voluntarily.

Both commonsense and experience tell us that this approach is unrealistic. The hard-core addict does not look for the first Veterans' Administration hospital; he looks for a fix. He does not seek a doctor, but a pusher. During 1971, the number of administrative discharges solely for drug abuse totaled around 9,500, and was an increase in every branch of the service over the previous year. Again the inference is that the military may not actually have reversed the drug epidemic, but may merely have transferred the burden of drug abuse to the civilian sector.

One need only look at the experience which the Army itself has had with the voluntary approach to realize its inherent deficiencies. When the drug problem first came to light, the Army made help available to drug users on a voluntary basis. However, of the 4,440 soldiers found using hard drugs between July 1 and September 10 of last year, only 23 volunteered even for short treatment. Because of this failure, Dr. Jerome H. Jaffe, Director of the Special Action Office of Drug Abuse Prevention, was forced to announce in late September that the Army would now require narcotics users to take mandatory treatment prior to discharge.

Because H.R. 12846, the bill before us today, also relies on the concept of voluntarism, it will merely perpetuate the inadequacies of the present approach. Unless any law is stronger and includes some form of compulsory treatment, I will be unable to support the committee bill.

H.R. 12846 does give the Armed Forces the authority to retain GI drug users for 30 days of mandatory treatment beyond their scheduled discharge. Once again, however, this is an unreasonably short time for effective treatment. Those addicts who represent the greatest potential burden to society will not be cured in this short period. They will be released with no legal control over them.

The answer to this problem is, of course, compulsory treatment. On May 10 of last year, I introduced a program of compulsory treatment, which I believe would be far superior to the approach of H.R. 12846.

In brief, my bill, H.R. 8216, would:

First. Establish a Drug Abuse Control Corps within each branch of the armed services to offer drug education and rehabilitation.

Second. Prohibit any person from being tried for a narcotics offense if he voluntarily agreed to undergo treatment recommended by the Drug Corps.

Third. Prevent the discharge of addicted servicemen until judged "free of habitual dependence" by competent medical authorities.

By placing full responsibility for treatment of drug abuse on the military services themselves, this proposal would terminate the current policy of sending addicts back into society to become a greater burden upon themselves and their fellow citizens. Servicemen would be treated in the service itself, where addiction is more easily identifiable, and where the addict can be kept under legal control. The heavy user would not be allowed to take home an expensive habit, to be caught in the unending cycle of drug and crime. He would be treated mandatorily, through a retention which in itself might prove to be sufficient inducement for self-rehabilitation. I recommend that the House adopt this, or some other form of compulsory treatment.

One other area which H.R. 12846 neglects is that of past less-than-honorable discharges given for drug abuse. Since the military drug problem first came to light, the Armed Forces have slowly come to the attitude that drug abuse is to a great degree an illness rather than a crime. Accordingly, the services no longer give undesirable and dishonorable discharges for drug abuse. However, before this policy was instituted, thousands of GI drug users were separated under less-than-honorable conditions. Today, they suffer the consequences, and will continue to suffer unless their discharges are reviewed and updated in line with today's more progressive attitudes.

It was to remedy this situation that last July I introduced legislation establishing a Military Drug Abuse Review Board to review and possibly upgrade all less-than-honorable discharges received for drug-related reasons. Since that time, Secretary of Defense Melvin Laird, has issued two directives which in effect carry out the purposes of my legislation. Under these directives the Department of Defense now permits appeals of all less-than-honorable discharges for drug use and possession. These appeals will be reviewed through the established review procedures, and will permit upgrading of discharge status where warranted.

In carrying out the provisions of my

discharge review legislation, these directives represent a vital corrective step forward for those men who are now suffering under a discharge policy which has long since been discarded. I commend DOD for these actions which will allow many men to again lead normal lives.

At the same time, I would suggest that review of these cases by DOD be automatic rather than on the basis of an appeal by each individual serviceman who is affected by the new orders. Many of those affected will learn of the new directive through the news media or from veterans organizations. However, others will not hear of the new directive, and will continue to go through life with the stigma of a dishonorable drug discharge, unaware that they can now appeal the ruling.

This problem can be overcome through an automatic review of all discharges which fall under this new order, regardless of whether the veteran himself applies. Because the committee bill is silent on this subject, I am hopeful that the House will amend the bill to require these reviews. Only in this way shall we assure that all those eligible under the new order get a fair review and upgrading.

Mr. RANGEL. Mr. Speaker, it is not a moment too soon that Congress is now responding with needed legislation to treat the continuing drug problem in the Armed Forces. When I speak of the military drug problem, I refer not to the hashish problem in Germany, but the far more dangerous heroin epidemic not only in Vietnam, but also Thailand, the Philippines, and Okinawa.

As you may be aware, between 700 and 1,000 metric tons of illicit opium—over one-half of all illicit opium produced in the world today—is produced each year in Southeast Asia. The overwhelming bulk of this opium poppy is cultivated in the Golden Triangle, the border regions where Thailand, Burma, and Laos meet. Burma alone harvests over 400 metric tons annually. Although heroin is plentiful in Saigon, the opium poppy from which it is derived, is not grown in South Vietnam. Heroin, and morphine base, is instead regularly smuggled in from Laos and Thailand. Among our soldiers is is a common practice to mix a quarter gram of this 96 percent pure heroin with the tobacco from a regular cigarette and to smoke it as a so-called "skag joint," passing it around the way a marijuana joint is passed around in the United States.

Just how many of our soldiers are drug dependent is not really known. One earlier congressional study estimated that between 10 and 15 percent of all our troops in South Vietnam were addicted to heroin. The House Armed Services Committee, reflecting the efforts of the Pentagon to deflate the scope and depth of the problem, suggests that the January 1972 tests showing only 2.3 percent of the soldiers as drug dependent, is more accurate. This figure is probably too low. It is common knowledge that about 30 to 60 days before our men are ready to come home, they get off drugs so they can pass the tests and not be delayed. Then, too, often it is known ahead of time when a check is coming up. Thus, when there was no advance warning, the Pentagon has admitted that some 5.2 percent of those tested showed positive on the urine test. But regardless of whether it is 5 percent or 15 percent, the fact remains that suitable treatment and rehabilitation programs are desperately needed in the military.

Suitable programs are already underway for treating the less serious active-duty drug abuser, but the serious psychologically disturbed abuser is still given band-aid type treatment with no meaningful effect or is summarily transferred or discharged. The military refuses to address itself to the real problem and that is that our men feel that we have fought for 10 years in Vietnam and sacrificed over 50,000 men when the average South Vietnamese villager only wants a water buffalo and some rice paddies. The ordinary peasant does not care whether he gets it from us or from the Communists. Our men, then, lack a sense of value concerning the worth of the job they are called upon to perform. Frequently, they are also just plain bored. Drugs make job dissatisfaction go away and make the time pass more quickly. Of course, it is not realistic to expect that Congress by a stroke of the pen can legislate away the problem.

Today's legislation makes some attempt at least to cope with the problem. Briefly, the Armed Forces Drug Dependency Treatment and Rehabilitation Act of 1972 requires each member of the Armed Forces on active duty to take a urine test for determining drug dependency.

Under section 1062(a)(2), it leaves with the Secretary of Defense the responsibility of prescribing policies for each branch of the Armed Forces to encourage drug dependent soldiers to voluntarily come forth and seek treatment. Section 1062(b) requires persons to undergo treatment and care if they are found to be drug dependent. If the drug dependency is found to exist by a test given near the time of separation, section 1062(b) gives the military the authority to hold the man 30 days beyond his term of service for the purpose of treatment. Sections 1063(b) and 1063 (c) provide that time spent while undergoing treatment would not generally be counted as time lost and that pay for that period would not ordinarily be forfeited. Finally, under section 1063(a), the bill exempts from disciplinary action or discharge except under honorable conditions any soldier who turns himself in or is found to be drug dependent by the urine test.

Actually, this legislation codifies what the Pentagon has already started doing. The Pentagon's efforts have largely come as a result of public prodding after the news media exposed the extent of drug dependency among our Vietnam veterans and after two task forces, earlier convened, were not able to make much headway.

While this legislation is good, it is not enough. There are several vital omissions. I am hopeful that the Armed Services Committee in the Senate will consider the following provisions which were contained in my bill, H.R. 10868, but which the House Committee failed to include:

SECTION 1065. CONFIDENTIALITY OF CERTAIN INFORMATION.

No member of the armed forces on active duty who is drug dependent may be subjected to disciplinary or other punitive action under chapter 47 of this title as a result of information given by him in seeking or receiving treatment and rehabilitation services under section 1062 of this title and no such information divulged by him in medical confidence may be admitted into evidence against him, without his consent, in any disciplinary or punitive proceeding under such chapter. Absolute medical confidentiality shall be preserved with respect to such information unless medical authority determines that the member is a danger to himself or to others. When a specialized job classification or the pay advantages directly related to such classification have been withdrawn from a member who has sought assistance for his drug dependence because medical authority has determined that in the performance of the responsibilities of the job the member will constitute a danger to himself or to others, such classification and pay shall be reinstated within the earliest possible time, in light of the member's job responsibility and his treatment and rehabilitation progress. Any member of the armed forces who is drug dependent and seeks treatment and rehabilitation services for that dependence shall be afforded every opportunity to be restored to useful military service.

The purpose of this provision is to fill the gap left by section 1062(a)(2) of the committee bill which merely leaves the matter to the discretion of the Secretary of Defense.

Under current military practice, there is no guarantee that doctor-patient communications be privileged. The Pentagon's official position is that it is far more important that they have a complete idea of the mental and physical condition of the soldiers than to encourage drug users to seek treatment. As a result, the fear of prosecution on the basis of information the drug user divulges to the doctor has not really been overcome by the guarantee of amnesty established in current military programs, nor is it likely to be overcome by the assurances under section 1063(a) or section 1062(a)(2) of the bill.

My provision, had it been adopted by the House Committee, would have relieved the drug dependent member of the Armed Forces of his fear of prosecution and yet at the same time would not have prevented the information he divulges from being used to temporarily suspend him from a status such as flying status where he would be a danger to himself or to others.

Today's legislation is also inadequate because, while it deals with those drug users who voluntarily seek help, it omits any consideration of offenders who are caught but who need the same rehabilitation.

It is unfortunate that the House Armed Services Committee failed to include in its bill the following provision:

SECTION 1066. SUSPENSION OF CERTAIN COURT MARTIAL PROCEEDINGS.

(a) The Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) shall establish a program under which any member of the armed forces on active duty who has been charged with the commission of any offense under chapter 47 of this title involving the use or possession of a controlled substance shall be accepted for treatment and rehabilitation under section 1062 of this title.

(b) In the case of any member who is accepted for such treatment and rehabilitation, the prosecution of such member for any offense referred to in subsection (a) of this section shall be suspended upon his being so accepted and for so long as he complies with the conditions of such treatment and rehabilitation. Upon the certification of medical authority that (1) such member has completed his treatment and rehabilitation under section 1062 of this title, or (2) such member is satisfactorily participating in such treatment and rehabilitation at the end of his term of service or immediately before his separation, all charges with respect to any such offense against him shall be dismissed. If any member to whom this section applies fails to comply satisfactorily with the conditions of treatment and rehabilitation prescribed for him, he shall be released from such treatment and rehabilitation and the prosecution of any charge against him shall be resumed.

(c) The Secretary of Defense shall take such action as may be necessary to insure that the provisions of this section, and any regulations prescribed to carry out any such provisions, are uniformly applied, and strictly complied with, throughout the armed forces.

My provision would have, then, postponed the trial or disciplinary proceeding, suspended the sentence, or authorized other devices commonly used in civilian courts as alternatives or in lieu of prosecution of drug users.

I suggest that these are the minimum additions which must be made to make the legislation a valuable and necessary first step in meeting the urgency, the magnitude, and the pervasiveness of the drug epidemic among our men in uniform.

Mr. HALL. Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Armed Forces Drug Dependency Treatment and Rehabilitation Act of 1972".

SEC. 2. Title 10, United States Code, is amended as follows:

(1) The chapter analysis of subtitle A and the chapter analysis of part II of subtitle A are each amended by inserting the following new item:

"54. Drug Dependency Treatment and Rehabilitation Program.......... 1061".

(2) Part II of subtitle A is amended by adding the following new chapter after 53:

"Chapter 54.—DRUG DEPENDENCY TREATMENT AND REHABILITATION PROGRAM

"Sec.
"1061. Definitions.
"1062. Identification and treatment of drug dependent members.
"1063. Exemption from disciplinary and other legal consequences.
"1064. Strength accounting for drug dependent members.

"§ 1061. Definitions

"For purposes of this chapter, 'drug dependent' means a state of physical or psychic dependency, or both, arising from the use of a controlled substance (as defined in section 802(6) of title 21).

"§ 1062. Identification and treatment of drug dependent members

"(a) The Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy)—

"(1) may prescribe regulations requiring each member of the Armed Forces on active duty to be examined to determine whether that member is drug dependent; and

"(2) shall prescribe policies encouraging members who are drug dependent to identify themselves as such and to seek treatment and rehabilitation services voluntarily.

Treatment and rehabilitation services may include assignment to and treatment in a hospital or other facility equipped for the accommodation of drug dependent persons; inpatient and outpatient health services; educational, social, psychological, and vocational services; corrective and preventive guidance and training; and other rehabilitative services. Subject to subsection (b), the armed forces may provide treatment and rehabilitataion services to members who are determined by medical authority to be drug dependent. Such treatment and rehabilitation services may be administered either by the Department of Defense, or by one or more of the following: the Department of Health, Education, and Welfare; the Veterans' Administration; or other responsible agencies; under such agreements as the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) and the heads of those agencies may make.

"(b) The Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) may prescribe regulations authorizing treatment and rehabilitation services to be provided to a drug dependent member of the armed forces without his consent. Notwithstanding any other law, the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) may retain a drug dependent member on active duty without his consent, for a period of not more than thirty days beyond the end of his term of service or date of separation for the purpose of such treatment and rehabilitation services.

"§ 1063. Exemption from disciplinary and other legal consequences

"(a) A member of the armed forces is not subject to disciplinary action under chapter 47 of this title (Uniform Code of Military Justice) or discharge under other than honorable conditions, solely on the basis that he has been examined and determined to be drug dependent or has volunteered for treatment and rehabilitation services under section 1062 of this title. Such a member, however, shall remain subject to the laws and regulations governing the conduct of members of the armed forces.

"(b) Whether time spent by a member of the armed forces undergoing treatment and rehabilitation services for drug dependency under section 1062 of this title should be counted as time lost under section 972 of this title shall be determined under uniform regulations prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy).

"(c) Whether section 802 of title 37 concerning forfeiture of pay should be applied to a member of the armed forces undergoing treatment and rehabilitation services for drug dependency under section 1062 of this title shall be determined under uniform regulations prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy).

"§ 1064. Strength accounting for drug dependent members

"Under regulations prescribed by the Secretary of Defense (or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy), a member of the armed forces on active duty who is receiving treatment and rehabilitation services as a drug-dependent person under section 1062 of this title shall be excluded in computing the authorized strength of his armed force.

Mr. HAGAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, line 13, after the word "is" add "retained on active duty beyond the end of his term of service or the date of separation for the purpose of"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 5, after the word "under" add "subsection (b) of."

The committee amendment was agreed to.

AMENDMENTS OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I have an amendment at the Clerk's desk together with conforming amendment.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. Murphy of New York on page 4, between lines 5 and 6, insert the following:

"§ 1063. Disability separation for drug dependent members; civil commitment

"(a) As used in this section—

"(1) The term 'hospital of the Public Health Service' means any hospital or other facility of the Public Health Service especially equipped for the accommodation of drug dependent persons, and any other appropriate public or private hospital or other facility available to the Secretary of Health, Education, and Welfare for the care and treatment of drug dependent persons. The Secretary of Health, Education, and Welfare is authorized to contract with the Administrator of Veterans' Affairs, under such terms as may be mutually agreeable, to make Veterans' Administration facilities available for the treatment of persons committed under this section.

"(2) The term 'treatment' includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the drug dependent person by correcting his antisocial tendencies and ending his dependence on any controlled substance (as defined in section 802(6) of title 21) and his susceptibility to dependence on any such substance.

"(b) If the Secretary concerned determines that a member of the armed forces on active duty is unfit to perform the duties of his office, grade, rank, or rating because he is drug dependent, the Secretary is authorized to retire, discharge, or separate, as appropriate, such member from active military service on the basis of physical disability.

"(c) Not less than 30 days prior to the date on which any member is to be retired, discharged, or separated from active military service pursuant to subsection (a) of this section, the Secretary concerned shall file a petition with the United States attorney for the district in which such member will be separated from active military service, or with the United States attorney for the district within which the permanent home of record of such member is located, requesting that such member be admitted to a hospital of the Public Health Service for treatment of his drug dependence. The Secretary shall not file a petition with respect to any member if the Secretary determines that such member has voluntarily filed, or will file, within the 30-day period before his expected date of separation from active military service, a petition with the appropriate United States attorney requesting that the member be admitted to a hospital of the Public Health Service for treatment of his drug dependence. Any petition filed by the Secretary concerned or a member under this section shall set forth the name and address of the member with respect to whom the petition is filed, the scheduled date of his separation from active military service, and the facts or other data on which the Secretary bases the separation of such member from active military service by reason of drug dependence.

"(d) The provisions of sections 302(b) and 302(c), sections 303 through 316, and title IV, of the Narcotic Addict Rehabilitation Act of 1966, shall apply in the case of any person with respect to whom a petition is filed under subsection (c) of this section in the same manner and to the same extent as if such petition had been filed by a narcotic addict or a related individual under section 302(a) of such Act, except that the term 'narcotic addict' as used in such provisions of such Act shall for purposes of consideration of, and commitment and treatment pursuant to, petitions filed under subsection (c) of this section be deemed to mean a person who is drug dependent within the meaning of section 1061 of this title.

"(e) If the Secretary concerned determines, on the basis of medical and other relevant information available to him, that any member of the armed forces on active duty who—

"(1) is drug dependent; and

"(2) either—

"(A) has been charged with,

"(B) is being tried for, or

"(C) is serving a sentence imposed for, the commission of any offense under the Uniform Code of Military Justice involving his personal use or possession of any controlled substance,

would benefit more from treatment pursuant to subsection (d) of this section than from imprisonment; the Secretary may suspend all criminal proceedings against such member or his term of imprisonment, as the case may be, and take appropriate action to discharge and commit such member under such subsection (d) for treatment. No discharge for disability may be finalized under subsection (a) of this section, however, before and unless such member is accepted for such commitment and treatment. In any case in which a former member successfully completes a program of treatment pursuant to subsection (d) of this section, the Secretary shall take such action as may be appropriate to expunge from all official military records all data relating to his arrest, charge, trial, conviction, sentencing, and imprisonment with respect to such offense.

"(f) Notwithstanding any other provision of law, the retirement, discharge, or separation of a member pursuant to subsection (a) of this section shall not be held to be a basis for any benefit or compensation under chapter 61 of this title or under chapter 11, 13, or 15 of title 38.

And on page 1, between lines 4 and 5, strike out

"1063. Exemption from disciplinary and other legal consequences.
"1064. Strength accounting for drug dependent members."

and insert the following:

"1063. Disability separation for drug dependent members; civil commitment.
"1064. Exemption from disciplinary and other legal consequences.
"1065. Strength accounting for drug dependent members."

And on page 4, line 6, strike out "§ 1063." and inserting "§ 2064.".

And on page 5, line 8, strike out "§ 1064." and insert "§ 1065.".

Mr. MURPHY of New York (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendments be dispensed with, since it is merely a recitation of conforming amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WIGGINS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from California (Mr. WIGGINS) reserves a point of order.

The gentleman from New York (Mr. MURPHY) is recognized in support of his amendment.

Mr. MURPHY of New York. Mr. Chairman, unfortunately during the colloquy I did not have the time to read a statement by one of the really successful drug rehabilitation programs that is located in my city, and I am quoting from a letter sent to me by Dr. Judianne Densen-Gerber. To bring emphasis to the amendment that I have offered, I wish to point out that, in reference to working with drug addicts, she said:

> During our first years in working with addicts, we strongly believed, as many do now, that the desire for treatment had to come from the addict himself, this is not true. We have discovered our greatest successes occur with those patients who are referred to us by the courts. We have learned that when too many choices are available to the addict, he will take the line of least resistance. That might include pleading guilty in order to receive a light sentence (or perhaps no sentence at all) enrolling in a methadone program, or going through a 21-day detoxification program.
>
> The last, by the way, is famous in the addict world as an easy, inexpensive and painless way to reduce a sizable habit, to one which, after three weeks, can be more easily supported.

This amendment, gentlemen, is directed at the hard-core heroin addict and is not concerned with the entire range of drug-addicted servicemen.

In the debate we had great eulogy poured on the military services for their approach to work in the drug rehabilitation field. I visited 13 military bases in the United States. I visited Dix House, which is the half-way house at Fort Dix. I visited Fort Meade's half-way house and Fort Bragg's half-way house, and the Navy-wide center at Miramar, San Diego. I visited the Air Force-wide center at Lackland Air Force Base in Texas. We found the full range of military addicts in those programs, but none of these programs addressed themselves to the treatment of the hard-core addict, to which my amendment addresses itself. We found this type of addict—the hard-core addict—in the Dix half-way house, in the Fort Meade half-way house, and in the other military programs we inspected. This type of addict became interested in going into the treatment for many reasons—because the CID was on his trail, because he was pushing, because he wanted to "deadbeat" his military duty, or just because he was an addict and he wanted to get away from things and actually get some help.

In every one of those houses we found a free flow of narcotics. That is one of the main problems of the service approach to treating a heroin addict.

The services cannot treat heroin addicts. The commander of the First Army said to me that the heroin addict is a "cancer that must be removed from the military services," and I say the military has no place in the rehabilitation of a drug addict. Get him out of the service, but do not just throw him on the streets of my city or your city or your town or community. Put him in a program, trigger him into a program, where he can receive proper treatment. My amendment offers the triggering mechanism that will put him into an effective program.

The GI addict today will not go voluntarily to the Veterans' Administration. We have 447 veterans at our three VA Hospitals in New York City under treatment today. Why only 447 veterans out of an estimated 40,000? Because they will not go to the VA. When I asked a Vietnam veteran, a Silver Star winner, why he would not go to the VA, he told me:

> The VA is not responsive to me. The VA is a bureaucracy. The VA is made up of middle-aged men. They are all over 50 years of age, and when we go in to get some help, they are not able to help us.

You will find black servicemen going into the VA for treatment. They do not believe them.

In my earlier remarks I said the addict is more likely to respond to a civilian program, but he will not go into a program which has a military structure such as the VA or the other military programs. The First Army Commander said to me, "We do not have the military psychiatrists to deal with this problem, and yet the service still gives it to me."

I finally got one general's attention when I brought an addict into his office myself and I said, "Tell your story."

This young draftee had his hand broken by a sergeant because he was an addict and he had repeatedly gone AWOL from the service. I took him into the general's office, and when he heard his story the general almost had tears in his eyes. I said, "General, I am giving him to you to rehabilitate."

I said to the young man, "Tell the general how much Government property you stole keeping your addiction alive." He told the general who was duly flabbergasted.

Mr. Chairman, we found at Fort Bragg, N.C., that a half million dollars worth of military property was stolen in the first 6 months of last year. The CID was so good it often got the property back before the military even knew it had been taken.

There is no place in the military for the addict. That same young man who told his story to the general at Fort Dix was offered everything the military had at its disposal for his treatment. Upon my request they put him in the hospital for detoxification. They then sent him to Dix House for treatment. But he was a.w.o.l. before they knew it and every time he was brought back he went a.w.o.l. again.

Finally, the third time he came to my office for help, I sent him to a civilian program in the Bronx where he was finally rehabilitated. And then we had to face the problem of his discharge.

I said to the general, "How will you handle his discharge?" The general did not know. The service did not know. This young man was rehabilitated in a civilian program he went into because I put him into it. I said to him, "You are going in or you are going back into the service." And he went and he conquered his problem.

This is a form of third party commitment. I think the military has a responsibility to the civilian community of America not to put an addicted heroin user back on the streets to push drugs in that community.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California insist on his point of order?

Mr. WIGGINS. I do, Mr. Chairman.

Mr. Chairman, I make a point of order against the pending amendment on the ground that it deals with a subject matter which is not within the jurisdiction of the Committee on Armed Services in two particulars.

The bill under consideration, Mr. Chairman, amends title 10 of the United States Code, and provides for a comprehensive scheme of treatment and rehabilitation of those on active duty in the armed services. It is confined to those on active duty in the armed services. The amendment now pending, Mr. Chairman, on the contrary, provides for the involuntary commitment of people who have been discharged from the armed services. It is true that the petition must be filed within 30 days of separation, but if the petition be granted, then that individual as a civilian is subjected to up to 42 months of involuntary commitment in a Public Health Service hospital. Legislation in this field, Mr. Chairman, as it deals with veterans, should properly be before the Committee on Veterans' Affairs.

A second ground of nongermaneness, Mr. Chairman, is that the amendment of the gentleman from New York amends by necessary implication the Narcotic Addict Rehabilitation Act which is a subject properly before the Committee on the Judiciary. That act provides that petitions may be filed either by an individual for himself or by certain related individuals. This amendment, however, provides that a new class of petitioner be authorized, namely the Secretary of Defense. That is an important and significant departure from the act and constitutes an amendment by necessary implication of a piece of legislation not properly before the Committee on Armed Services.

Mr. Chairman, I urge that the point of order be sustained.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. MURPHY of New York. I do, Mr. Chairman.

A point of order has been raised on the germaneness of my amendment No. 1 to H.R. 12846. I object strongly to this procedure for many reasons.

H.R. 12846 promises to authorize a treatment and rehabilitation program for drug-dependent members of the Armed Forces. Through careful research and documentation, submitted to the Armed Services Committee and the Judiciary Committee, I have shown that the program as outlined by the administration will not meet the goals set forth in the legislative intent of the bill.

For those who have been involved with the treatment of drug addicts and drug-dependent persons, it is a hard fact that there is more to rehabilitation than a skimpy 30 days in a hospital and a tablespoon of methadone a day. For a seriously addicted GI, treatment and rehabilitation sometimes involves confinement and certainly involves the expertise of psychitarists, psychologists, physicians, social workers' and others over a period that exceeds 30, 60, or even 90 days. It takes 15 months—on the average—for a hard-core addict to even be released into society. A comprehensive program of treatment certainly requires supervised aftercare in the community and should include educational, social, psychological and vocational services, and corrective and preventive guidance and training. The administration bill does not provide this kind of service although they promise to "rehabilitate" the addict.

My amendment does all of these things.

I offer this amendment as an expansion of the administration's program.

No one should argue that drug addiction is a physical disability. This concept is not new to the U.S. Congress. In 1961 the U.S. Supreme Court came to that conclusion in the case of Robinson against California when it decided that it was "cruel and unusual punishment" in the sense of the eighth amendment to treat as a criminal a person who is a drug addict. In 1966 when Congress passed the Narcotic Addict Rehabilitation Act, we put into law the concept of the drug addict as a person who is sick and who is in need of treatment rather than criminal incarceration. My point in mentioning this is that the Congress has for 6 years treated the drug addict as a sick person. The courts have come to that conclusion, and it is time that the military came to the same conclusion, offering the addict the care and treatment he deserves. Through the mechanism of defining the drug addicted serviceman as physically disabled we are able to provide him the care he needs through the already established network of Federal programs that can be made available to him.

Through this mechanism we can remove the lifelong stain on his record, which now prevents him from obtaining meaningful employment and acceptance in his community.

I do not think that these ideas deviate from the concepts set forth in the administration bill. That bill goes in the same direction. Section 1063(a) of the administration bill takes that same approach when it says that a member of the Armed Forces is not subject to disciplinary action or discharge under other than honorable conditions, solely on the basis that he is determined to be drug dependent. I believe that this terminology is correct and in keeping with the overall objectives of both the bill as reported and my amendment.

Section (e) of my amendment No. 1 is an extension of the overall attempt by this legislation to offer humane, realistic and successful rehabilitation to drug dependent servicemen. This section is not mandatory. It offers an alternative that leaves the way open to the Secretary of the service concerned to device that if a young man who has committed a drug offense would benefit more from treatment than incarceration, it is there for him to offer it. Certainly in some cases our society would benefit from this type of an approach. And in the final analysis, the purpose of this bill is to offer treatment and rehabilitation for drug dependent members of the Armed Forces.

Finally, I reiterate—I am not taking anything away from the administration bill. I am offering a change to make this piece of legislation more workable. And I am offering the chance to bring into being what the administration bill offers, but cannot deliver in its present configuration.

Furthermore, I had asked that the bill be taken off suspension for the purpose of offering these amendments. My testimony before the Rules Committee when they granted a 1-hour rule for consideration of the bill here today had the intent of these amendments in that testimony.

For those reasons, I believe that the amendment is germane.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard on the point of order?

Mr. HALL. Mr. Chairman, I should like to be heard on the point of order.

Mr. Chairman, I would support the point of order under rule XVI, section 796, which states in part under (b):

> A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject.

And continues elsewhere:

> Thus, the following are not germane: . . . to a bill modifying an existing law as to one specific particular, an amendment relating to the terms of the law other than those dealt with by the bill . . .

I submit, Mr. Chairman, that this amendment by our friend from New York also violates rule XI, section 722, not only insofar as it violates the jurisdiction of committees of the Congress and adds additional duties thereunto but also with respect to overlapping jurisdiction of at least four and possibly five of the Cabinet departments downtown; particularly the jurisdiction not only of the Committee on Veterans' Affairs in the House and in the other body, but also of the Veterans' Administration itself; and it prescribes new duties on the Secretary of the Department of Health, Education, and Welfare; on the Surgeon General of the United States of the U.S. Public Health Service, including the commissioned corps; on the Department of Justice; on the White House; and NARA or the Narcotics Addict Relief Agency therein.

On page 7863 of the hearings there is an interesting colloquy to which anyone may refer in support of the jurisdiction of the Committee on Veterans' Affairs.

I hope that the Chair will sustain the point of order because of the simple intent of this bill as the second stride in inservice care of those who are experimenters, addicts, or "hooked" on narcotics as well as the experimental drugs.

The CHAIRMAN (Mr. Henderson). The Chair is prepared to rule.

The gentleman from California makes the point of order that the amendment offered by the gentleman from New York (Mr. Murphy) is not germane to the bill H.R. 12846. H.R. 12846 would authorize the Secretary of Defense, or the Secretary of Transportation in the case of the Coast Guard, to: First, require each member of the Armed Forces on active duty to be examined for drug dependency; second, provide treatment and rehabilitation services either in a military facility or in another facility run by a Federal agency such as the Public Health Service or Veterans' Administration, upon referral of those members on active duty; and third, require active duty members to undergo treatment for drug dependency, including 30 days beyond term of service.

The amendment offered by the gentleman from New York would provide, in addition to the treatment program in the committee bill, an alternative program under which the Secretary would be authorized to discharge or separate, drug dependent members from the service, and then to petition the appropriate U.S. attorney to seek admission of such discharged member in a Public Health Service hospital. The provisions of the Narcotic Addict Rehabilitation Act regarding involuntary commitment of narcotic addicts would apply to such discharged members. The facilities for the treatment of such committed persons are the same facilities as those referred to under the referral procedure in the committee bill.

On December 15, 1937, Chairman McCormack ruled that to a proposition to accomplish a certain result by one method—through the use of a governmental agency—an amendment proposing to accomplish that result by another closely related—through the use of another governmental agency—was germane (Record, page 1572–89).

The Chair feels that in the instant case, the purpose of both the committee bill and the amendment is the same, namely, to provide a program of treatment for drug dependent persons in the Armed Forces. The committee bill suggests two basic methods for accomplishing that purpose, either treatment in a military facility or referral to another Federal facility. The amendment, while providing a separate commitment procedure for placing drug dependent persons in a Federal facility, nevertheless would require the use of the same facilities suggested in the committee bill, and would provide a third method of treatment to the two approaches carried in the committee bill.

For these reasons, the Chair holds that the amendment is germane and overrules the point of order.

Mr. HICKS of Washington. Mr. Chairman, I rise in opposition to the amendment for the same reason that occurred a moment ago in the general debate.

At the time that H.R. 9305, which subsequently became the bill that we have before us today, was brought before the committee, it was a part of a package. You may recall that the President gave his message on July 17, 1971, regarding drug abuse, and H.R. 9264, the bill creating the Special Action Office for Drug Abuse, was immediately brought to the Committee on Interstate and Foreign Commerce. At the same time the bill we are considering here today was also taken to the Defense Department. The Committee on Veterans' Affairs considered and passed H.R. 9265, the Serviceman's, Veterans', and Ex-Serviceman's Rehabilitation and Drug Treatment Act, and the same now languishes in the other body. All of them taken together have been made a part of the system of treating the veterans or the servicemen for drug abuse. The gentleman from New York (Mr. Murphy) has certainly made a diligent study, and I have checked many of the things he has done in this field. He is to be admired and commended. Nonetheless I feel he is in error in forcing or attempting to push his amendment to force involuntary treatment. That is thought so by most of our officials. Dr. Jaffe heads the Special Drug Abuse office. He has a letter on this matter which you may find in the hearings saying that the involuntary commitment method should not be used.

Dr. Wilbur, the Assistant Secretary of Defense for Health and Welfare, also sent this letter dated June 7, 1972, to our subcommittee chairman which says in part:

> Notwithstanding our deferral to the Director of the Special Action Office in this matter, we would expect that civil commitment procedures would have an effect on our Department of Defense programs for treating drug abusers. The majority of our drug abusers are identified in one of two ways. They either turn themselves in for assistance or they are detected through our urinalysis screening program. The individuals whom we identify vary from the experimenter to the casual user to the frequent user. Rarely do we find a serviceman who has reached the stage of acute addiction that is frequently encountered in the civilian sector. Our entire program is based upon early identification. If our service members believed that identification as a drug abuser could lead to long-term civilian commitment after separation, we could expect few to voluntarily identify themselves and we could also expect that most drug abusers would go to great lengths to avoid detection through our urinalysis screening program.

And, he goes on for a couple of more sentences.

Mr. MURPHY of New York. Mr. Chairman, would the gentleman yield to me at that point?

Mr. HICKS of Washington. I shall yield to the gentleman when I have completed my statement.

Dr. Lyndon E. Lee, Jr., Assistant Chief Medical Director for Professional Services and Director of Medicine and Surgery of the Veterans' Administration, in the colloquy with the gentleman from Texas (Mr. White) in the committee hearings stated as follows:

> You are implying, sir, what we should do is force that man to remain in the hospital for therapy. Prior to the time you came in, we indicated that our experience over the years has proved this to be an inadequate and unsuccessful means of treating people. They need a voluntary approach, rather than an involuntary servitude, as you stated here.

Further, Dr. Lee, in response to another question stated as follows:

> Those who would submit themselves to treatment voluntarily, we would have some hope for. Those who are there under one or another type of restriction, either military or civilian commitment, I think are in large measure, as has been proven before, a lost cause before we start under that circumstance.

The gentleman from New York in the material that he inserted in the Congressional Record both on June 30, 1971, and in May of this year quotes figures from the State of California where it says that only 4 percent of the addicts were turned in by relatives while 7 percent were committed by probation or police officers. While California has experienced little success with the commitments made by relatives, it has experienced even less success with those turned in by police or probation officers. In the latter instance addicts experience great resentment in having been "kidnapped" and are much more intransigent and difficult to treat than those people who turn themselves in.

Therefore, Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(By unanimous consent, (at the request of Mr. Murphy of New York) Mr. Hicks of Washington was allowed to proceed for 2 additional minutes.)

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. HICKS of Washington. I yield to the gentleman from New York.

Mr. MURPHY of New York. How does the bill which the gentleman is supporting handle this case? For example, the man is in the military service and he is shooting heroin in order to get out. He becomes addicted in order to get out of the service. What do you do with him?

Mr. HICKS of Washington. The bill, as is provided, and as the gentleman from New York knows, provides that the military can do one of several things. However, one of the things they can do if they feel that a man is shooting just to get out of the service, they can treat him as a criminal or they can treat him with help. I assume what we are going to do from now on is to treat him with help.

Mr. MURPHY of New York. What kind of help is he going to be treated with? Is he going to be put out in 30 days and told to go into a voluntary program?

Mr. HICKS of Washington. As Dr. Lee says, they will keep him for 30 days and try to dry him out, and if the man can be persuaded that it is in his best interest and if the service becomes convinced that he is responding to treatment, the man can stay on. If they do not become so convinced, the man will not stay in the military service. The same thing will occur as occurs in civilian life and the sort of thing that is happening in New York, and the sort of thing which the gentleman from New Jersey (Mr. HUNT) talked about where they are not having success.

Mr. MURPHY of New York. This bill is going to create the "needle draft dodger." In other words he is going to get out of service because he is "shooting up." We had better put some muscle into this bill and the amendment which I have proposed would isolate not only that voluntary "shooter upper" but it would also isolate the heroin addict and he would have to go into a rehabilitation program as a result of the adoption of this amendment, and it will stop this type of draft dodging.

Mr. HICKS of Washington. Why did the doctors oppose the amendment?

Dr. Jaffe, Director of the Special Action Office for Drug Abuse Prevention;

Dr. Wilbur, Assistant Secretary of Defense—Health and Environment;

Dr. Lee, Assistant Chief Medical Director of the Veterans' Administration.

All these men with their years of expertise opposed involuntary commitment beyond 30 days.

The gentleman's amendment should be rejected.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. HUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in listening to the discussion between the two gentlemen who have just preceded me, I might point out to the gentleman from New York that the Uniform Code of Military Justice will handle those persons who do this sort of thing willfully in an effort to escape military service.

Mr. MURPHY of New York. Mr. Chairman, would the gentleman yield for a question?

Mr. HUNT. I shall yield to the gentleman when I have completed my statement.

As I understand it, the gentleman from New York is telling the members of the committee that he would propose an amendment to this bill. The amendment, as I understand it, is not an amendment at all, but a new bill, an entirely new bill, that should have been introduced as such and not as an amendment for the voluntary or involuntary commitment of a military member, similar to that provided in NARA.

If I read the CONGRESSIONAL RECORD correctly, the same gentleman from New York told us that the involuntary commitment and drug treatment programs are really a failure and that he would propose certain amendments to existing law that would do away with involuntary commitment.

That is a matter of record in the CONGRESSIONAL RECORD.

Indeed, the gentleman quoted certain individuals, supposed experts in the area, who universally condemn involuntary commitment.

We are talking of voluntary commitment, as the gentleman knows. H.R. 9265, the Veterans' Administration bill, also covers that matter. It has already passed this House. Unfortunately for us it and many other vital issues languish over there in the other body.

I spent most of my adult life in the field of narcotics detection and prevention. I know a little bit about narcotics—and not from what I read in books—and not from the sob sisters—but from actual experience.

It has been my experience that men and women who seek drugs and who become involved in drug addiction are persons who, at the most adverse times—when small things begin to bother them and when they become too weak to cope with what they have on hand or when something disturbs them or when they seek enjoyment, or for other factors—resort to the use of drugs as a means of escape.

Drugs come in several categories: The nonaddictive or non-habit-forming drug or the addictive type of drug.

In my entire career—and I handled a narcotics squad in the southern part of the State of New Jersey for the State police for a number of years and worked very closely with the Bureau of Narcotics and Dangerous Drugs—we conducted many raids. I have talked with more drug addicts than anybody in this House. I have never yet found one addict who addicted himself to heroin because he wanted to escape from the military service. I doubt that such a situation as this will ever occur.

Another thing that disturbs me about the gentleman's amendment is that the benefits that this man can get might be the same as those a man who lost a leg in the service might receive. He might be geting some benefits from his self-induced habit.

The amendment in my estimation should be defeated today because it encroaches upon a good bill that we have worked very hard for. It overlaps into the jurisdiction of several departments and imposes an intolerable burden on the Veterans' Administration.

I am quite sure that the members have worked on this committee so very diligently and, as was pointed out by the chairman, the gentleman from Georgia (Mr. HAGAN), know quite a little bit about what they are talking about insofar as the armed services are concerned.

I do not know of any way that the Army can commit a man to an institution for treatment after he has been discharged from the service. If there is a way, will someone kindly tell me? We have before us today a bill that simply prolongs the existing service commitment only 30 days for the purpose of detoxification—and the gentleman from New York by his own admission knows that 25 days is the required time for detoxification. Anybody who is in the narcotics field knows that detoxification is not always the answer, but it can get them back to a normal state. If they have still a need for heroin, if they cannot keep away from heroin, which is the most highly addictive drug the world has ever seen, none can do it for them.

I do not care what you say—if you put a man in incarceration and keep him there and say, "We are going to keep you here until you are cured of the drugs." This is a ridiculous assertion and will never bear fruit.

(By unanimous consent, at the request of Mr. MURPHY of New York, Mr. HUNT was granted 1 additional minute.)

Mr. MURPHY of New York. I would like to refer to the statement which the gentleman made concerning one of these addicted veterans receiving any remuneration from the services. From this statement and in fact everything he has just said, I can only assume he did not read the amendment and is unfamiliar with the history of NARA and all of the studies and documents I have referred to in support of my amendment.

Paragraph (f) of this amendment states, and I quote:

> Notwithstanding any other provision of law, the retirement, discharge or separation of a member pursuant to subsection (a) of this section shall not be held to be a basis for any benefit or compensation under chapter 61 of this title or under chapter 11, 13, or 15 of title 38.

So we do not give him any monetary benefit if he is a GI addict. What we do offer is treatment for his addiction and a chance to be returned to society the same way the Government found him, drug free. But I would like to say this about detoxification because the gentleman did not bring it up.

It takes 21 days.

Mr. HUNT. Twenty-five days, sir.

Mr. MURPHY of New York. Twenty-one days or 25 days—in that area. In these days many addicts will say, "Thanks for detoxifying me because now I can go back to a cheaper habit and get the same high for less money."

Mr. HUNT. You are so right. Whether he is committed voluntarily or involuntarily, when a man of that type does not stay off, he is going to wind up in a pine box.

Mr. WHITE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. WHITE. Mr. Chairman, I am a member of this subcommittee. It worried me throughout our discourse that we did not have some hold on these men after they were discharged. It is apparent that the Army does not have the facilities to do this job of treating the addict other than the holding of them for 30 days in order to detoxify them. I personally feel it is important to place these men who are discharged in some civilian community, institution or facility in order to give them further treatment. Otherwise they are going out on the street and they are going to rob and commit other crimes in order to support their habit.

Therefore, Mr. Chairman, I will support the amendment in order to hold those men in the hope that we can remove them from this habit and restore them to productive life.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Iowa.

Mr. GROSS. How long do you propose to hold them?

Mr. WHITE. I think that would be up to the doctors who are examining these men or following the course of their treatment and recovery.

Mr. GROSS. And where would you hold them? In Veterans' Hospitals?

Mr. WHITE. I suppose. I think this does provide——

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from New York.

Mr. MURPHY of New York. I think the gentleman is exactly correct. These persons, after a hearing, after all of their rights are protected, would be referred to a treatment center, depending upon the type of drug addiction or dependency they had, because they fall into different categories. They then would go in, and in the period of time they are in this treatment program, the psychiatrists involved would evaluate them. If after 4 months in the opinion of the psychiatrists they can be discharged, or if they believe in 6 months they can be discharged, they can then be discharged. If they need longer therapy, they are kept in longer, but this gets to the problem that the gentleman from New Jersey brought up. You can rehabilitate an addict but it may take time, and the time varies depending upon the addict.

Just this morning I had a man who spent 14 months in Vietnam call on me. He had been decorated and had been wounded on the battlefield. He was in my office a.w.o.l. again because he is an addict. What do I do with him? Let us do something to help that veteran.

Mr. GROSS. How did he become an addict? Who made him an addict?

Mr. WHITE. Let me say this in my available time. The fact is this man is sick. Like any other sick person, he needs treatment. If you discharge him after 30 days, he will go out on the streets and commit crime. I think we owe it to these people to restore them back to citizenship.

Mr. GROSS. Is this the only illness of which that can be said?

Mr. WHITE. This is the kind of illness that leads to crime.

Mr. GROSS. What is that?

Mr. WHITE. This is a craving type of illness that leads to crime.

Mr. GROSS. Let me ask another question. What is all this indefinite, undetermined program going to cost the taxpayers of this country? When you start the operation of a program of this kind, you are talking about a great deal of money.

Mr. WHITE. It will cost the taxpayers a great deal less than it would otherwise for the damage to individual citizens who are robbed and whose property is destroyed and damaged, and even the murder of some.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from New York.

Mr. MURPHY of New York. Thirty-seven million dollars is being spent in these programs right now.

Mr. GROSS. How much more do you want to increase it?

Mr. MURPHY of New York. Here is a list. The University of Missouri is getting $745,662 in this program where we are taking addicts and rehabilitating them. I think I could properly pull out a reference to the University of Iowa, where there are Government-related programs. There are programs in Georgia. I can find many programs in California, as the gentleman knows. I have Illinois all over the place. I have Connecticut. Here is the Missouri Office of Mental Health, another $277,000. These are the programs that they should be triggered into, and not in the VA, where they will not go voluntarily.

As I said, 23 out of 4,400 in 3 months went voluntarily to the VA.

Do not put these heroin addicts on the streets when they come from the military service, whether they obtained their heroin addiction in the service or whether it predated that service. I am talking only about a portion of the military drug abusers. The rest of the people can take care of a significant number, but do not put an addict back on the streets of our towns.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. YOUNG of Florida. Mr. Chairman, I have the privilege of having served as a member of the Special Subcommittee on Drug Abuse in the Military, and as a member I have had an opportunity to visit with and listen to a number of people concerned about this problem.

I would like to compliment the gentleman from New York for I know there is sincerity in his effort, but I question the validity and the effect of his effort.

As I see it, the thrust of the amendment is to provide for involuntary commitment of military members who are drug dependent using the Narcotic Addict Rehabilitation Act of 1966 as a vehicle.

During the course of almost 2 years of committee inquiry into the military drug problem, we have made various inquiries and heard a great deal of testimony concerning commitment for treatment. Almost universally—and particularly from qualified professional physicians—we have been told that unless the person wants to be rehabilitated, the task is next to impossible. Such is the opinion, for instance, of the Assistant Secretary of Defense for Health and Environment, Dr. Wilbur—a medical doctor; such is the opinion of Dr. Jerome Jaffe, chief of the President's Action Office—a highly qualified medical doctor with much experience in the treatment of drug problems. Similar opinions come from Dr. Lee of the Veterans' Administration, and many others.

Mr. Chairman, I hope our colleagues will pay close attention to the following quotations:

> If an addict is not motivated to treatment it is difficult to force him into a treatment program, especially—

Now hear this—

> if he is committed or has not been arrested for any crime.

Another quotation, Mr. Chairman, is:

> Civil commitments by a relative or a third party constitute "the most difficult cases to handle in treatment." . . . because they are put in against their will. . . .

Then we have this quotation:

> Total experience in the United States with civil commitment by a relative or third party has not been successful. . . .

Mr. Chairman, the interesting feature of the latter quotations I have just stated is that they come from Representative JOHN MURPHY, of New York, published in the CONGRESSIONAL RECORD on May 1, 1972. In fact, the gentleman from New York felt so strongly about it that this is a repetition of the same material which appeared in the CONGRESSIONAL RECORD on June 30, 1971.

Mr. Chairman, this amendment is before the House today sponsored by a Member who tells us that involuntary commitment under NARA is unsuccessful, but nevertheless we should foist it upon the Department of Defense.

The long and the short of it all, in my opinion, Mr. Chairman, is that we must listen to the professionals in deciding what legislation is best for the members of our military. With all due respect, I believe the Members will agree there is no room in this program for the prescriptions of amateur physicians or psychiatrists.

I urge upon this committee the rejection of the amendment and passage of the committee bill as introduced.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, the remarks the gentleman referred to were my remarks before the Judiciary Committee where we dealt with third party commitment by relatives or close friends in a civilian setting. We have found there was tremendous resentment on the part of the addict for those close relatives or friends who committed them which hinders efforts at treatment. Where the commitment is by an authority such as the court or a State agency, there is a detached commitment, the resentment is not there, and the hinderance to treatment is absent. That was the type of involuntary commitment we were talking about in that context. It is not related to the point of the amendment here today.

Mr. YOUNG of Florida. Mr. Chairman, I would say to the gentleman in the case of the addict who is committed, whether he is committed by a third party or by a court, or whether by the military, in his mind he has been involuntarily committed, and I believe the gentleman's earlier statements are true, that it is anything but helpful and beneficial to his rehabilitation.

Mr. MURPHY of New York. Where the court commits him, he is going to go either to the penal institution or to the drug rehabilitation program.

Mr. YOUNG of Florida. I understand that, but I am saying in his mind he has been committed against his will. I do not think the addict pays too much attention to why he was committed against his will, or who was responsible for it. He is in there against his will, and that is creating the situation the gentleman mentioned.

Mr. MURPHY of New York. There is simply no comparison between a wife committing her husband and the Secretary of the Army binding over an addicted soldier to the Departments of Justice and Health, Education, and Welfare after days of physical and psychological study. To say that the addict pays no attention to who committed him or why, is not within the framework of today's knowledge of the affliction of drug addiction.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(On request of Mr. MURPHY of New York, and by unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 2 additional minutes.)

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I am glad to yield to the gentleman from New York.

Mr. MURPHY of New York. Go to Lexington, Ky., or to Fort Worth. Fort Worth was really a drug rehabilitation center. Come up to the incarceration factories we have in New York and New Jersey. Go into those factories and find out who the addicts are. Fifty percent of them are veterans.

How did they get there? They went out and committed crimes to get there. They did not go there on a civil commitment provision. They went in because the courts put them there.

That is what is involved when I say we should do something today, and if we do not take care of the veterans we will throw them out on the streets where they will be picked up for the commission of crimes and their lives further ruined. We have an obligation to do something about those "hooked" GI heroin addicts who are being put back on the streets.

Mr. YOUNG of Florida. I suggest there is nothing in this bill, or in favor of the amendment or in opposition to the amendment, which would throw veterans out on the street against their will.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New Jersey.

Mr. HUNT. In response to the remarks about Lexington, Lexington was a voluntary commission hospital. The people were not committed to Lexington behind bars.

In New Jersey, we have many places where people are being rehabilitated. An examination of the records in New Jersey will not indicate the fact that these men contracted the drug habit while in the armed services.

We have many cases of addicts in the United States starting at age 12. I am quite sure that nobody ever entered the armed services at age 12.

We have so many today who are being treated, in that teenage problem of drug abuse.

If the gentleman can show me boys and girls, young ladies of 14 or 15 or 16 years of age, who could have contracted a drug abuse problem in the armed services, then I will agree with the gentleman from New York.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. WIGGINS. I wish to associate myself with the remarks of the gentleman in the well. His points are all well taken. This amendment should be defeated, Mr. Chairman.

Mr. Chairman, I oppose the amendment offered by the gentleman from New York (Mr. MURPHY) on several grounds.

Using a "back door" approach, this proposal would make fundamental changes in the operation of title III of the Narcotic Addict Rehabilitation Act of 1966, involving significant modification of the underlying philosophy of that act, which is the principal Federal statute in the area of rehabilitation of narcotic addicts.

For the first time, someone other than the patient himself or a close family member would be authorized to initiate civil commitment proceedings under title III, thus redirecting the thrust of that title from a voluntary treatment program to an involuntary one. Also for the first time, the scope of title III would be expanded from treatment of narcotic addicts only, to treatment of persons with any type of drug dependence problem.

Neither of these steps should be taken without a thorough inquiry into its likely consequences, in terms of the actual benefit or detriment to the patients who are supposedly to be rehabilitated.

Subcommittee No. 4 of the Committee on the Judiciary began just such a study last June concerning the effectiveness of various methods of treating narcotic addiction and other drug dependence problems, whether or not the patient happens to be a serviceman. The testimony which we have received from many acknowledged experts in the field of drug abuse treatment, from both in and out of the Government, casts considerable doubt on the actual utility of involuntary civil commitment as a treatment modality for most addicts or drug dependent persons.

This amendment, then, may very well have the unintended effect of pushing the Federal effort to rehabilitate drug-dependent servicemen in precisely the wrong direction, notwithstanding the sincerity and commendable motivations of its proponents.

It should be noted that Dr. Jerome H. Jaffe, Director of the President's Special Action Office for Drug Abuse Prevention, has conveyed to our subcommittee his own opposition to the proposed amendment.

Mr. Chairman, while these matters are still undergoing rigorous scrutiny by our subcommittee, including consideration of all relevant factors applicable to servicemen and nonservicemen alike, the House should not act precipitously and prematurely by chartering the particular course set forth in this amendment for the rehabilitation of addicted and drug-dependent servicemen.

I urge my colleagues to vote the amendment down.

Mr. TEAGUE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there have been some remarks made which I certainly do not intend to let pass, which imply that nothing is being done in the veterans hospitals in the drug field.

We have 36 centers in our VA hospitals. This Congress put in, I believe, $14 million or $16 million to implement those centers.

The President called a group in privately and pointed out there were nine different agencies working on drugs.

Up here in the Congress there are four or five committees working on drugs.

Mr. Jaffe, the so-called czar of the drug program, has been a part of placing a stop, a wet blanket, on the veterans program. We are not entirely satisfied with the veterans program, but that is not the fault of the Veterans' Administration.

It is a voluntary program. There are some ways of involuntary commitment. But if there could be a better place to work in treating veterans than in the VA hospitals, I do not know where it could be, and there is plenty going on in the VA hospitals today.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from New York.

Mr. MURPHY of New York. I wanted to bring this up, Mr. Chairman, because I know of your intense interest in veterans and in the Veterans' Administration and the whole range of programs which have been set up for the veterans. I envision the use of the VA in my amendment when there are good programs available. But let me point out a few things. After spending a lot of time in going over the history of the efforts to obtain VA treatment for the New York addicts, there were the usual horror stories. There was one deathly sick addict who turned up at the Addict Services Agency on a Friday afternoon, and the staff made an emergency call to the VA drug facility. They were told that the following Tuesday was intake day, to bring him in then. In New York judges are many times forced to put a decorated veteran in the Tombs because the VA does not accept patients after 4:30 p.m.

I went to the VA in Baltimore, to go over the program there. The director of the hospital asked me not to come to the hospital. I asked "Why?" and he said, "Because we are not ready to show you anything. We are in no shape to do anything."

But in the Baltimore VA outpatient program, the "Jaffe program," what do we have? It is methadone. And I agree with my distinguished colleague that Dr. Jaffe has given our addicted servicemen a low priority.

I talked with a veteran who has been on methadone for 2½ years. He said to me, "Congressman, where do I go from here?" He does not go anywhere from methadone.

My amendment offers programs that the administration bill does not have access to, which can treat and rehabilitate the veterans. We had, as I pointed out, 447 veterans in the VA program in New York.

Yet we have an estimated 40,000 "hooked" veteran GI addicts in New York. The VA cannot take them. They will not voluntarily go to the VA.

That is why the approach in my amendment is necessary.

Mr. TEAGUE of Texas. Mr. Chairman, the gentleman from New York without question has done much work on this bill traveling the whole country. I have done it too. In the last few months I have been to the hospital in Walla Walla, Wash., to the hospital in Salt Lake City, Utah, Denver, Colo., and Texas. I think our program is working fairly well, and it gets back to the point of involuntary versus voluntary. In 90 percent of the cases it is a voluntary program, but I certainly do not want the House to get the impression that nothing has happened in this bill because there is a lot happening.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman.

Mr. MURPHY of New York. I do not mean to imply that the Veterans' Administration is not doing everything it can, given the way it is structured, to do something for veteran addicts. My concern is that the voluntary aspect of the administration approach dooms it. You are not going to cure a heroin addict who has been put out of the service and simply referred to the Veterans' Administration. He just will not go there. And I do not think Congress should pass legislation throwing him out into society.

Mr. HALL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York. I think it has become increasingly obvious that the committee itself has traveled indeed around the world, and visited posts, camps, and stations in all branches of the military service—to say naught of extended hearings—in arriving at this bill, which is the second of its reports in over 3 years. I do not believe in unsubmitted amendments by self-appointed instant or declared experts. The present results in the services indicate significant progress is being made in the drug abuse prevention and treatment field and, indeed, the rehabilitation field. The Army now has 33 treatment centers across the United States where patients may be sent. In addition to that, the Navy and Marine Corps have facilities and the Air Force at Lackland Air Force Base has facilities. In addition to what the distinguished gentleman from Texas (Mr. TEAGUE) said, the Veterans' Administration has been in the forefront of this highly publicized medical treatment and rehabilitation area. At the time of the subcommittee hearings 32 centers were open for drug treatment with an annual capacity of over 6,000 patients. Maybe it is not enough to take care of the situation of hard core addicts in New York or the greater metropolitan area of megalopolis here on the northeast coast, but I submit that they did not all derive from the military service. Quite the reverse. I know of no taxpayers' obligation to commit these people on an involuntary and probably an unconstitutional basis, and adding on conscriptions for additional service. We have had many red herrings run across the table here. We have had the question of disability separation brought up. The heroin addict who might shoot his main line in order to be discharged. We have people who shoot themselves in the calf or the foot so they can get disability discharges. There is an existing adequate military code of conduct and a code of military justice for handling these kinds of cases, and these will derive as a function of command.

As I said in my statement in general debate, the command is taking care of this situation, and indeed the noncommissioned officers and men in the squad room are doing the same.

Mr. Chairman, the major thrust of this bill is to make it possible for the military to assure the civilian population, no man who is actively using drugs within a 30-day period will be sent back to civilian life to become a burden on the civilian community. This is the second giant stride in that direction. Of course, 30 days is an arbitrary period of time. In 3 weeks they begin to approach some degree of saying that the man has an option. It is his rationale, and thinking. By the time you get to 4 weeks, or 30 days, you have the general feeling at least the people who have returned to civilian life have an option as to whether or not they want to continue drug use, or lead a more sociably acceptable life. We do not intend to discharge until they are detoxified and wrung out. The committee assured itself of the maximum benefit of inservice hospital quality care in this regard.

DISABILITY SEPARATION

Was considered and just do not believe we go so far as to provide for disability separation for a self-induced condition. Now, if a concurrent psychiatric problem exists, then under present law, the person may be eligible for consideration for disability separation by reason of any neuropsychotic condition contained in the rating schedules. There are many, many other worthy cases that should be considered also if drugs are to create an exception to the rules relative to line of duty—misconduct considerations where discharge for physical disability is concerned.

DO NOT DISCHARGE UNTIL "CURED"

Whatever the illness or other physical problem, there comes a time when the maximum available inservice care is reached, and then the prudent course is to transfer to V.A. or other similar facility. This is what is done with all military members who may have a requirement for long time treatment, and one who is drug dependent should be no exception. In effect we are saying that we should give this man the same opportunity as the seriously wounded soldier, the paraplegic or the mentally disturbed: Maximum inservice medical care then transfer to the veterans administration or similar agency for prolonged care.

I believe that the Defense Department's record of significant accomplishment in a short time period is a testimony to their willingness to carry out the concepts embodied in the President's overall program. At the present time, we have the full cooperation of the military. What we now need is the support of the Congress to obtain the full legislative authority of H.R. 9503—H.R. 12846—and H.R. 9264.

When I asked Dr. Lyndon B. Lee, Jr., the assistant chief medical director for professional services, Department of Medicine, and Surgery, Veterans' Administration during our hearings if he was confident that with H.R. 12846 and H.R. 9264, we will have all the mechanism we need to insure needed treatment to the individual, including holding for the requisite number of days for continued rehabilitation and adjustment, he responded as follows:

> I am paid to be a rational skeptic, so my answer is "yes," with reservations. I think we need these bills, and that is the thrust of our testimony, in order to do what we now know is best, or think is best for these people, while we very carefully evaluate what we are doing to see whether the answer to your question is we need additional latitude, support, or other things.
>
> But as we look at the circumstances now, we are confident that these will give us what we think we need now.
>
> You, Dr. Hall, are well aware, I am sure, but perhaps it is necessary to remind some of the others that addiction is made up of at least three different components. One is a simple habit of taking something periodically, and that is not addiction. The second item is tolerance to whatever it is the man is habitually taking, and some few—none of us here—have on occasion taken a drink of alcohol. When we did it first, it had quite an effect, and then our tolerance developed, and now it takes two or three to get the same effect, and that is habituation, with tolerance, and of course neither of these constitute addiction.
>
> It takes a third aspect, and that is so-called dependence, physiologic need in the body for a particular substance. Addiction, then is made up of habituation, tolerance, and dependence.
>
> Now, we are in the position in the detoxification period of decreasing so-called dependence, and bringing these men down to where habits and tolerance still exist, but at least it is manageable in a further psychotherapeutic approach to the man, and if the military can detoxify these men, which takes approximately 7 days—maybe a little more—perhaps a little less, depending on the degree of their habit and the techniques by which you do it, then we can carry on in the psychosocial rehabilitation. That takes a long time, and that is the major thrust and the major need, sir.

This represents only a small portion of the preponderance of testimony by experts before our subcommittee that supported our bill.

Our subcommittee carefully considered a longer period of time—to include up to 60 days—but after careful consultation with the executive branch decided on the 30-day period. There is, of course, a real constitutional question of involuntary servitude or impress into service.

The proposed amendment would appear to require a service member to be involuntarily committed in the civilian sector for treatment and rehabilitation.

I think it is most important, Mr. Chairman, that we do what is necessary to remind others that addiction is made up of at least three different components; that is, of the experimenters, of the addiction, and then of dependency. This is not greatly different from the alcohol abuse problem. But we must also point out that the House has passed H.R. 9265, that we have passed a general narcotics act, and we have provided for civil commitment of any veteran or ex-serviceman under the jurisdiction of the Administrator of the Veterans' Administration. These proceedings would be available in the inservice Narcotic Addiction Rehabilitation Act of 1966.

In summary, Mr. Chairman, we should get on with the business of the committee and pass H.R. 12846, without amendment, because it is the vehicle for improving the present military programs addressed to the addict problem.

Mr. METCALFE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the pending amendment.

I think we had better be a little more calm in our deliberations about this terrible problem of drug addiction.

I do not want to get into a debate as to what bills we have passed and what programs we have in existence today, because I would, by the same token, ask for the results of those programs and to ask a question—do we have fewer addicts today than we had a year ago, 2 years ago, or 5 years ago?

I think we all know what the answer would be. But, rather, I think it is incumbent upon us as Members of this highly deliberative body to work in every area that we can in order to bring about the elimination and, certainly, the reduction of drug addiction.

We talk about 30 days as an arbitrary figure but 30 days does not register in a positive tone in my voice because I am looking at the veteran, and I am addressing myself to the veterans because if it is so prevalent among veterans when they return they then create a climate and market for the youngster to follow. This is a grave problem.

However, what I feel strongly about is that we have taken our fine young men out of our society. They have been willing to be drafted or they have volunteered and submitted themselves to the armed services, but in the process we, the public and, perhaps, the Congress and, certainly, the Armed Forces are the guilty ones for being so negligent as to make it possible for these veterans to acquire this drug, and created the conditions, namely, the war, that caused him to want to use drugs.

I think we owe it to that veteran, to that young man that we took out of society, to return him to the same society that he came from in the same manner, not as a drug addict, not as a potential criminal, not as a person who is hooked for life, and not as a person who will be endangering the lives of others as well as his own.

I think these are the important things that we must recognize—that we have been derelict in our handling of the problem, that we have submitted these men, under trying circumstances as members of the Armed Forces, and, therefore, that we ought to keep the control and supervision of these men and do all that we can for them until they are free of the addiction.

Mr. Chairman, as I know addicts, no one voluntarily goes into a rehabilitation program. If so, the percentage is very small. It is those of us who have the strength to encourage them who must set up guidelines and protective devices so they can rid themselves of this dread disease. I see no other way.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. METCALFE. I yield to the gentleman.

Mr. MURPHY of New York. In response to the gentleman from Missouri, my staff 2 weeks ago spoke to a commander of one of the most highly touted military drug programs on the west coast, the Navy-Marine program at Miramar, San Diego, Calif. He described how these hard-core addicts "ruined his program."

Although he was highly enthusiastic over the success of the program with the experimenters, he said, "what are we going to do with these hardcore so and so's—should we leave them in the program to infect the others (and potentially destroy what little success we do have) or should we just get rid of them?"

He was asked, "Would you return these untreatable hard core addicts back to duty since you have no success with them?" He replied. "certainly not, we work with them for 30 days as best we can and then discharge them. We give them a reference to a VA hospital or local treament center." He was asked, "based on your experience with this type of addict, do you believe they seek help after being discharged?" He answered, "probably not for a year or so—if ever."

That is an analysis of the inservice treatment program from a man who runs the Navy-Marine Rehabilitation Center in California.

Mr. METCALFE. Mr. Chairman, I know that my colleagues here in the House of Representatives know the tragedy of drug addiction, whether its victims are civilians or military personnel.

There are, however, a few points about drug addiction which I feel could appropriately be enumerated at this time, since we are now engaged in a debate on the Armed Forces Drug Dependency Treatment and Rehabilitation Act of 1972, providing for 30 days of treatment for military addicts, followed by a voluntary program run by the Veterans' Administration.

The first point that I would like to make is that it is totally unrealistic to assume that an addict can properly be treated and cured of his addiction in 30 days. Most experts in the area of drug rehabilitation agree that no program for drug rehabilitation is complete unless it contains some psychiatric and social service counseling—services which certainly cannot be effectively carried out in a short 30-day period.

The second point to be made is the complete inability of the so-called hardcore addict to be rational enough to submit to a voluntary drug rehabilitation program. What must be clearly pointed out is that the addicted person is both emotionally and physically ill; his one objective is to satisfy his craving for the drug to which he is addicted. Once that has happened, he is generally content to merely to sit back and enjoy his satisfaction. We must realize that drug addiction is a powerful deterrent to rationality.

The lack of rationality by persons addicted to, or under the influence of narcotics, also makes it unrealistic to assume that he can carry out his duties as a military personnel, even while he is being treated.

For these reasons I, therefore, support the Murphy amendments which will first, provide a physical disability discharge to addicted servicemen; second, allow review and revision of past dishonorable discharges based on the use of possession of narcotics; and third, bring military penalties for drug-related criminal offenses in line with civilian penalties.

I feel very strongly that these amendments must be passed in order to make H.R. 12846 an effective piece of legislation.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. MURPHY).

The amendments were rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill, (H.R. 12846) to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces, and for other purposes, pursuant to House Resolution 995, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HAGAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 322, nays 1, not voting 109, as follows:

[Roll No. 198]

YEAS—322

Abourezk
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Bevill
Biaggi
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carney
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Colmer
Conable
Conover
Conte
Corman
Cotter
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClure
McCollister
McCulloch
McDade
McFall
McKay
Macdonald, Mass.
Madden
Mahon
Mann
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Montgomery
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pettis
Peyser
Pike
Pirnie
Poage
Poff
Preyer, N.C.
Price, Ill.
Purcell
Randall
Rees
Reid
Reuss
Rhodes
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NAYS—1

Monagan

NOT VOTING—109

Abbitt
Abernethy
Abzug
Alexander
Anderson, Tenn.
Andrews, N. Dak.
Archer
Badillo
Bell
Betts
Biester
Bingham
Blackburn
Blanton
Brasco
Brooks
Burleson, Tex.
Caffery
Casey, Tex.
Celler
Chisholm
Clark
Clawson, Del
Clay
Collins, Ill.
Collins, Tex.
Conyers
Coughlin
Davis, S.C.
de la Garza
Delaney
Diggs
Dingell
Dowdy
Dwyer
Eckhardt
Edmondson
Eshleman
Evins, Tenn.
Fish
Flynt
Frey
Gallagher
Gettys
Goldwater
Halpern
Hanna
Hansen, Idaho
Harsha
Hawkins
Helstoski
Hillis
Hosmer
Howard
Hutchinson
Keating
Kee
Kyros
Leggett
Long, La.
McClory
McCloskey
McCormack
McDonald, Mich.
McEwen
McKevitt
McKinney
McMillan
Mailliard
Mallary
Mathis, Ga.
Melcher
Michel
Miller, Calif.
Moorhead
O'Hara
Pepper
Perkins
Pickle
Podell
Powell
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Rangel
Rarick
Riegle
Robison, N.Y.
Rooney, N.Y.
St Germain
Sandman
Scheuer
Springer
Stanton, James V.
Steiger, Wis.
Stokes
Stuckey
Thompson, Ga.
Thompson, N.J.
Thone
Whalen
Whalley
Wilson, Bob
Wilson, Charles H.
Wright
Young, Tex.

So the bill was passed.

The Clerk announced the following pairs:

Mr. St Germain with Mr. Quie.

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. Rooney of New York with Mr. Robison of New York.

Mr. Delaney with Mr. Fish.

Mr. Burleson of Texas with Mr. Price of Texas.

Mr. Brasco with Mr. Halpern.

Mr. de la Garza with Mr. McClory.

Mr. Wright with Mr. Springer.

Mr. Edmondson with Mr. Mallary.

Mr. Evins of Tennessee with Mr. Hosmer.

Mr. Abbitt with Mr. Thompson of Georgia.

Mr. Kee with Mr. Michel.

Mrs. Chisholm with Mr. Pucinski.

Mr. Diggs with Mr. Scheuer.

Mr. O'Hara with Mr. Rangel.

Mr. Conyers with Mrs. Abzug.

Mr. Melcher with Mr. Andrews of North Dakota.

Mr. Long of Louisiana with Mr. Whalley.

Mr. Young of Texas with Mr. Collins of Texas.

Mr. Pickle with Mr. Archer.

Mr. Podell with Mr. Riegle.

Mr. Coughlin with Mr. Bell.

Mr. Flynt with Mr. Blackburn.

Mr. Dingell with Mr. McDonald of Michigan.

Mr. Bingham with Mr. Clay.

Mr. Collins of Illinois with Mr. Helstoski.

Mr. Badillo with Mr. Stokes.

Mr. Thone with Mr. Whalen.

Mr. Clark with Mr. Eshleman.

Mr. Celler with Mr. McEwen.

Mr. Pepper with Mr. Frey.

Mr. Charles H. Wilson with Mr. Bob Wilson.

Mr. Miller of California with Mr. Mailliard.

Mr. Sandman with Mr. Keating.

Mr. Moorhead with Mr. Harsha.

Mr. Leggett with Mr. Mr. Del Clawson.

Mr. Perkins with Mr. Powell.

Mr. Betts with Mr. McKinney.

Mr. McCormack with Mr. McKevitt.

Mr. Howard with Mr. Biester.

Mr. Alexander with Mr. Hansen of Idaho.

Mr. James V. Stanton with Mr. Steiger of Wisconsin.

Mr. Hanna with Mr. Goldwater.

Mr. Anderson of Tennessee with Mr. Quillen.

Mr. Hawkins with Mr. McCloskey.

Mr. Blanton with Mr. Hutchinson.

Mr. Railsback with Mr. Hillis.

Mr. Abernethy with Mr. McMillan.

Mr. Mathis with Mr. Pryor of Arkansas.

Mr. Gettys with Mr. Rarick.

Mr. Eckhardt with Mr. Stuckey.

Mr. Kyros with Mr. Casey.

Mr. Brooks with Mr. Davis of South Carolina.

Mr. Caffrey with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 9580, DISTRICT OF COLUMBIA INTERSTATE AGREEMENTS

Mr. CABELL submitted the following conference report and statement on the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles:

CONFERENCE REPORT (H. REPT. NO. 92–1123)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the Commissioner of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, which shall stipulate that any person—

(1) who operates in the District of Columbia and in the State which is a party to the agreement a single unit motor vehicle which has three or more axles and which is designed to unload itself;

(2) who has registered that motor vehicle in the District of Columbia or in that State; and

(3) who but for the agreement is required to pay the fee for an annual hauling permit prescribed by the fifth paragraph under the heading "General Expenses" in the first section of the Act of July 11, 1919 (D.C. Code, sec. 5–316), and a similar fee imposed on the motor vehicle by that State;

shall not be required to pay a fee described in paragraph (3) which is imposed by a jurisdiction other than the jurisdiction in which the motor vehicle is registered. If the Commissioner enters into an interstate agreement under this Act, he may adjust the annual hauling permit fees of the District of Columbia referred to in paragraph (3) so that the total amount of fees (including registration and inspection fees) required for the operation in the District of Columbia and in each State which is a party to such agreement of the vehicles referred to in paragraph (1) shall be uniform.

Sec. 2. The Commissioner of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, pursuant to which the parties to such agreement may assist each other in the enforcements of its laws relating to traffic (including parking violations).

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

John L. McMillan,
Earle Cabell,
W. S. (Bill) Stuckey, Jr.,
Ancher Nelsen,
Joel T. Broyhill,
Managers on the Part of the House.
Thomas F. Eagleton,
Daniel Inouye,
Charles McC. Mathias, Jr.,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The text of both the House bill and the Senate amendment was identical except with respect to two provisions. The House bill and the Senate amendment authorized the Commissioner of the District of Columbia to enter into an interstate agreement with the Commonwealth of Virginia and the State of Maryland relating to the operation of a single unit motor vehicle, having three or more axles, and designed to unload itself. The Senate amendment required the Commissioner to obtain the approval of the District of Columbia Council. The House bill did not require such approval. The Conference substitute eliminates the requirement of such approval.

The Senate amendment contained a provision which authorized the Commissioner of the District of Columbia, with the approval of the District of Columbia Council, to enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or both, pursuant to which the parties to such agreement may assist each other in the enforcement of its laws relating to traffic (including parking violations). The House bill contained no such provision. The Conference substitute contains the language of the Senate provision other than the requirement of approval by the District of Columbia Council.

The conferees wish to emphasize that the authority given to the Commissioner of the District of Columbia to enter into interstate agreements under the Conference substitute is discretionary. The word "may" was used advisedly so as to indicate that it is solely in the discretion of the Commissioner to decide whether he enters into the interstate agreements.

It is the belief of the conferees that the Commissioner should enter into the interstate agreement relating to the operation of a single unit motor vehicle, having three or more axles, and designed to unload itself only if, at the same time, he enters into the interstate agreement authorized by the Conference substitute relating to the provision of mutual assistance in the enforcement of laws relating to traffic (including parking violations). In the opinion of the conferees, if such action is taken, it should result in a net revenue gain to the District of Columbia rather than a revenue loss.

The conferees accepted, as a conforming amendment, the Senate amendment to the title of the House bill.

John L. McMillian,
Earle Cabell,
W. S. (Bill) Stuckey, Jr.,
Ancher Nelsen,
Joel T. Broyhill,
Managers on the Part of the House.
Thomas F. Eagleton,
Daniel Inouye,
Charles McC. Mathias, Jr.,
Managers on the Part of the Senate.

THE TRAGIC DEATH OF JOHN MARTIN EDMONDSON, SON OF HON. ED EDMONDSON

Mr. ALBERT. Mr. Speaker, I cannot begin to tell my colleagues how shocked and saddened I was at the news of the tragic death, in a motorcycle accident, this past Friday, of John Martin Edmondson, son of our distinguished colleague and friend, Ed Edmondson.

Tad, as he was affectionately known to his many friends and those of us in the Oklahoma Congressional Delegation who watched him grow to manhood, had graduated from Northeastern Oklahoma State College, Tahlequah, Okla., just last year and was to be married on June 23. After graduation, he worked with the Oklahoma State Department of Institutions, Social and Rehabilitative Services helping disadvantaged children. His death is the second personal loss for the Edmondson family in recent months. His uncle, former Oklahoma Governor and U.S. Senator J. Howard Edmondson, died unexpectedly last November.

Tad will be dearly missed by those of us who knew and loved him, and Mrs. Albert and I join in extending deepest sympathies to Ed, his wife June, and their children, Jim, Drew, June, and Brian. They have lost a wonderful son and brother. It does not seem real that such a fine young man should have been snatched away so early in life.

Because of Tad's interest in children, I think it is very appropriate that the family has asked that in lieu of flowers, contributions to his memory be made to the Children's benefit fund, care of John Hannah, First National Bank, Muskogee, Okla. 74401.

Mr. STEED. Mr. Speaker, I want to join in expressing the most heartfelt sympathy to our friend Congressman Ed Edmondson and his family in the tragic loss they have sustained.

John Martin "Tad" Edmondson, the 22-year-old son of the Congressman and Mrs. Edmondson, lost his life Friday in a motorcycle accident near Muskogee, Okla.

"Tad" Edmondson was a young man of great promise and public spirit whom many of us have known for his entire life. Only recently he had graduated from Northeastern State College in Oklahoma, and he had been actively taking part in his father's campaign for the Senate. His fiance, Miss Verna Elizabeth Winburn of Muskogee, was seriously injured in the same accident.

A tragedy of this kind is beyond understanding. Our thoughts and prayers are with Ed and June Edmondson and their four surviving children.

Mr. JARMAN. Mr. Speaker, I join in expressing deepest sympathy to our friend and colleague Ed Edmondson and his family. We are all saddened by the death of his son Tad.

Tad was a fine young man with the promise of a bright future. His death is a tragic loss to all who knew him. Our thoughts and prayers are with June and Ed and the Edmondson family.

Mr. CAMP. Mr. Speaker, our hearts are with our colleague, Mr. Edmondson, today as he attends the funeral and burial of his son, John Martin Edmondson.

Many of us here had the pleasure of knowing John Edmondson. Most of us knew him by his nickname, Tad. He was 22 years old and just beginning a promising and productive life when a tragic accident ended his life early Friday morning.

Tad was a graduate of Muskogee High School and Northeastern State College at Tahlequah, Okla. He had worked helping people as an employee of the Oklahoma State Department of Welfare and, upon his death was working full time in his father's campaign for the U.S. Senate.

Tad was engaged to Verna Winburn, a Muskogee elementary schoolteacher who was also a graduate of Northeastern State College. Invitations had already been mailed out for a garden wedding on June 23.

Mr. Speaker, this Nation has lost a fine young man and Mr. Edmondson has lost a loving son. Let us pray for Ed and June and their family and wish them strength to bear this sorrow.

Mr. MATSUNAGA. Mr. Speaker, it has been said by sages of yore that a man never knoweth real pain until he has lost his son. It has also been said that any loss is greatest felt when it cometh at a time wholly unexpected. Being struck by a combination of these truths, our dear friend Ed and Mrs. Edmondson must be numb with inner pain upon the accidential loss of their son John.

While I realize that no words or acts of any mortal being can possibly assuage the grief with which they must be overcome, I wish to join my colleagues in expressing my heartfelt condolences to my distinguished friend from Oklahoma, Ed Edmondson, and his bereaved family. I pray that the Good Lord may grant unto them some acceptable meaning to their tragic loss, so that they may look with new hope into the future.

GENERAL LEAVE

Mr. STEED. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks at this point in the Record on this tragic happening.

The SPEAKER. Is there objection to

the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE

Mr. HALL. Mr. Speaker, on behalf of the chairman of the committee, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill—H.R. 12846—just passed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MALDISTRIBUTION OF FEDERAL SCHOOL FUNDS BY THE INDIANA STATE ADMINISTRATION

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, I noticed that the so-called revenue sharing plan legislation, sponsored by the administration, and reported out of the House Rules Committee 2 weeks ago, has again been removed from the House agenda for this week. This makes the second postponement of this highly controversial legislation.

One of the unfortunate features of the revenue sharing experiment is that Federal tax dollars will be allocated to the States to be distributed under the control and jurisdiction of the Governors.

No doubt other States have undergone the same regrettable experience that exists in Indiana where a most highly congested part of the State—the Calumet industrial region—located 160 miles from the State capital has in the past, in similar distribution tax programs, been the neglected "orphan boy."

Often the areas in the most need for the distribution of tax dollars on various Federal and State programs are the recipients of the least. No doubt the same neglect and weakness of these programs will exist under the revenue sharing as exists under other programs and particularly the distribution of school funds.

Nick Angel, treasurer of Lake County, Ind., in the highly industrial area of Indiana and one of the leaders in expansion of college school facilities, makes a similar complaint on the neglect by the State government of colleges and schools now being centered on branch colleges in industrial Lake County in northwest Indiana.

Mr. Speaker, I ask unanimous consent to include with my remarks the following letter I received from Nick Angel, Lake County Treasurer, setting out the maldistribution of school funds in Indiana.

Treasurer Lake County,
Crown Point, Ind., May 25, 1972.

The Honorable Ray J. Madden,
House of Representatives,
Washington, D.C.

Dear Ray: Once again, while our colleagues in Indianapolis continue to play favorites with the disbursement of federal grants, needed programs in Lake County and Northwest Indiana face extinction from inadequate and discriminatory funding. The six colleges in our area have, for the past several years, sought the ways and means of extending their resources to meet the growing needs of our area. Due to funding limitations from the General Assembly and selfish competition from the downstate campuses, it was difficult for our campuses to move meaningfully into the areas of Community Service and Continuing Education. Finally in 1970, with the help of Title I grant under the Higher Education Act of 1965, the campuses of Purdue University Calumet, Purdue University Westville, Indiana University Northwest, St. Joseph's Calumet College, St. Joseph's College, and Valparaiso University formed an association for community service called the Northwest Consortium.

As you know, the purpose of this grant program is to provide a vehicle for the university faculty expertise to move out of the "ivory tower" and help in finding solutions to pressing community problems. The Northwest Consortium, since its inception two years ago, has more than fulfilled the mandates of Congress implicit in this legislation.

The Consortium, having been funded for the past two years, and after having put a great deal of effort into developing an ongoing program, found its funds unexpectedly discontinued this year.

A Title I Advisory Committee was appointed by the Indiana Higher Education Commission to review proposals and to select those worthy of funding. This committee included five representatives from Indiana colleges including Ball State, Indiana University, Bloomington, Evansville College, Purdue Lafayette and Indiana State, and two public representatives from Indianapolis. Strangely, all the money went to institutions with representation on the committee, with the exception of Vincennes which received a small grant, and I believe possible conflict of interest should be investigated.

I have enclosed some documentation of the program and accomplishments of the Consortium. I would appreciate your guidance in seeking ways to continue this sorely needed and worthwhile project.

What I am trying to say is that Federal Funds administered by self-serving State agencies do not find their way to where the need and the urban problems are the greatest.

Sincerely yours,

Nick Angel,
Treasurer of Lake County.

THE RAPID CITY, S. DAK., FLOOD

(Mr. ABOUREZK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABOUREZK. Mr. Speaker and Members of the House, I returned last night from 2 days in Rapid City, S. Dak., which is my home, observing the flood disaster there.

I have lived in South Dakota all of my life and have never seen a disaster of that magnitude, including a flood I witnessed in Japan while I was serving in the Navy there during the Korean war period.

There are about 1,500 people unaccounted for at the present time. Well over 200 bodies have been found. Friends and relatives have been searching the bodies that have been found. So many are unable to find who they are looking for that I fear the death toll will rise well above 500.

The damage to private and public property in the Rapid City area has been so extensive that I believe the estimated figures of $100 million in damage is far too low and may well run as high as $200 million.

When I arrived in Rapid City Saturday morning the situation was one of almost total confusion, numbness, and shock. However, the magnificent efforts of the city officials, National Guard, Air Force personnel and civil defense volunteers brought a degree of organization to the disaster that has resulted in a well organized search, rescue, and relief effort. The people of the Black Hills area have demonstrated their resilience, their toughness of character, and their willingness to remain united in the face of a horrible tragedy.

I saw with my own eyes people digging out their own homes without tears and without panic, people who had seen their own children, friends and neighbors swept away by the water. Some of those bodies have appeared on the list of confirmed dead.

The stories of heroism and tragedy add to the shock, such as the National Guardsman who managed to hold on to the arm of a 12-year-old girl with one hand and his truck with the other until the force of the water swept both of them away to their death or of the policeman who single-handedly made his way to a nursing home to successfully evacuate some 75 elderly people who would have been helpless in the face of the water only a few minutes later. Three of those elderly did lose their lives. And the horrifying screams of a woman, a tourist, who was evacuated to Mount Rushmore, but who had lost all of her children in the flood waters.

But the recovery operation is continuing in spite of the trauma and it is for that reason that I am making this report to my colleagues. Water purification is not working, no sanitation facilities. The people of the Rapid City area desperately need the help of the U.S. Congress and as soon as I am able to determine where the gaps in Federal assistance are, I intend to ask this Congress for that help. The Office of Emergency Preparedness has authority and funding to rebuild public facilities. But the existing loan programs I believe are insufficient. Providing a loan to someone whose business, job an dhome is totally wiped out is simply not enough. The multiplier effect of unpaid mortgages on homes that no longer exist as it is applied to banks and savings and loan institutions make economic disaster almost a certainty for the entire area. Add to that the loss of business in general and, of course, what is worse, the loss of one's family and friends and there can be no question but that the Congress should assist those innocent people who must go on living now that the immediate tragedy is past.

PERSONAL ANNOUNCEMENT

The SPEAKER pro tempore (Mr. Matsunaga). Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 5 minutes.

Mr. VEYSEY. Mr. Speaker, on May 22 I was in New York City attending a United Nations seminar and missed two rollcall votes.

On rollcall No. 166 on H.R. 6788, to establish mining and mineral research centers, I would have voted "yea." On rollcall No. 167 on H.R. 11627, to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, I would have voted "yea."

On May 30 I was in my district on official business and missed rollcall No. 173 on H.R. 9669, to amend the Subversive Activities Control Act of 1950. Had I been present I would have voted "yea."

On June 1, rollcall No. 182 on H.R. 13018, the Public Broadcasting Act of 1972, I would have voted "nay." On rollcalls No. 181 and 180, on an amendment to H.R. 13018 that sought to prohibit the authorization of any funds after fiscal year 1973 until GAO audits funds through fiscal year 1972, I would have voted "yea." On rollcall No. 179, on an amendment to H.R. 13018 that would prohibit the corporation from conducting voter polls or public opinion surveys pertaining to Federal, State, or local elections, I would have voted "yea." On rollcall No. 177, on an amendment to H.R. 13018 that would prohibit the corporation from making grants and entering into contracts with any corporation or institution who pays their officers, employees, or performers over $42,500 per year, I would have voted "yea." On an amendment to H.R. 13018 that sought to reduce the authorization to $40 million for fiscal year 1973 and delete the authorization for fiscal year 1974, rollcall No. 178, I would have voted "yea."

Also on June 1 on rollcall No. 183 on H. Res. 965, authorizing the Speaker to appoint delegates and alternates to attend the International Labor Organization Conference in Geneva, I would have voted "yea."

POLICE MANPOWER ACT OF 1972 INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 60 minutes.

Mr. ASPIN. Mr. Speaker, today I am introducing the Police Manpower Act of 1972, a proposal which creates a totally new role for the Federal Government in the fight against crime. Crime continues to be a problem of staggering proportions because we have failed to realize that there must be a balanced effort in all areas of the criminal justice system. We have concentrated on the long-range objectives of eliminating the disorders and inequities which breed crime, while much of our short-range effort has resulted in little more than the squandering of large amounts of money on unnecessarily sophisticated machinery and gimmickry. The evidence, however, is overwhelming that the Federal Government should be spending its funds on increasing the number of policemen in high-crime areas, for the single most important short-range factor is the police officer, and the best and most basic way of doing something about the crime problem is to put more policemen on the beat.

The bill I am introducing today is designed to do that. It would authorize $2 billion per year for 6 years to provide assistance to local law enforcement agencies to underwrite the costs of recruitment, training, and salary for a total of 140,000 additional police officers, a figure which would represent a national increase of about 40 percent in police manpower levels.

Briefly, the bill calls for a program in which individual communities would be offered, in order of severity of crime problems, a federally financed analysis of the local crime problems and law enforcement needs. The Law Enforcement Assistance Administration of the Justice Department shall award Federal funds in accordance with, and contingent upon adherence to, the findings and recommendations of these studies. The objective shall be the optimization of the employment of existing local law enforcement resources, with the provision of Federal assistance to meet local deficiencies. Such an approach is the best way to significantly reduce crime in the shortest period of time, ensuring the maximum return on both local and Federal crime-fighting expenditures. A more detailed presentation of this proposal follows:

DETAILED EXPLANATION OF THE POLICE MANPOWER ACT

Crime is one of our Nation's fastest growing industries. Between 1960 and 1970 the U.S. population increased by 13 percent. Crime, as defined by the Federal Bureau of Investigation, soared by 176 percent. In economic terms, the magnitude of the problem is indicated by a recent estimate that the cost of the crime burden now exceeds 5 percent of the gross national product. The total annual cost of crime—both losses due to criminal activity and the costs of fighting crime—now matches the combined 1970 sales of our three largest corporations, General Motors, Standard Oil of New Jersey, and Ford Motor Co. The annual cost of crime exceeds the combined Federal per capita expenditures for fiscal year 1972 for all of the following functions and purposes: housing, and urban development, education, health, agriculture, and rural development, and natural resources and environment.

But such figures and comparisons provide a very crude yardstick at best. We can tabulate the business and property losses, the medical and insurance expenses, and we can estimate such tangible costs for the crime that goes undetected and unreported, but we cannot measure the very significant intangible costs of criminal activity. We cannot measure the costs of suffering, fear, and the loss of faith in our social and governmental systems. Yet these costs are very real.

I am introducing today the Police Manpower Act of 1972. The purpose of this legislation is to dramatically increase the number of police officers throughout the country as quickly and nonbureaucratically as possible. The legislation would provide $2 billion to pay, train, and equip an additional 140,000 policemen, a number which represents a national increase of approximately 40 percent in police manpower levels. The program established by this bill would be administered by the Law Enforcement Assistance Administration of the Justice Department. Briefly, the procedure would be as follows: Starting with those cities with the highest crime rate, LEAA will ask all communities with a population of at least 10,000 whether they wish to qualify for funding, under this program. Upon local acceptance the LEAA would arrange for a team of consultants to perform a complete and exhaustive analysis of the crime, the law enforcement efforts, and related factors within the particular community. To be determined by such investigation would not only be those areas in which there exists deficiencies to be alleviated by Federal assistance, but also recommendations for the optimization of the employment of existing local resources.

The completed studies would be reviewed by the LEAA and Federal funds provided in accordance with, and contingent upon adherence by the community and its law enforcement agency to, the recommendations and findings of the analyses. For example Federal funds could be tied to the rearrangement of existing local law enforcement resources such as the consolidation of local programs, the redeployment of patrols in accordance with crime patterns, the adoption of more efficient administrative procedures, or any other measures which would maximize the return on both the local and Federal expenditures. No local funding of the studies and programs will be required; however, beyond compliance with the recommendations of the studies, participating communities will be required to maintain both their levels of contribution toward law enforcement and their standards of operation. This program is to be a supplement to, rather than a replacement for, local crime fighting efforts. The initial authorization for the program will be 6 years during which the LEAA wil continue to maintain close liaison with the involved communities to provide continuing assistance in implementation and coordination, and to permit reevaluation as needed.

Obviously, the success of this program is to a large degree predicated on the quality of the studies to be performed. Great care has been taken in the provisions of this legislation to insure that the resulting reports shall be of high caliber. The areas and factors to be considered and evaluated have been carefully spelled out to provide the LEAA with a detailed format for its teams of analysts in order to yield a thorough and accurate picture of the problems and needs of the communities studied.

From the bill, the organization and details of these studies are as follows:

First, the planning studies shall consist of:

Identification of deficiencies and proposal of solutions including recommendations for optimization of allocation of existing resources;

Determination of the extent of assistance required; and

Development of a time and budgetary schedule for the needed implementation.

Second, the methodology of the planning study shall include the following:

Extensive interviews and discussions with members of the law enforcement agency, and consultation outside of the agency with citizen groups, community government personnel, and other governmental agencies, to include those State, regional, and local agencies affected by and contributing to law enforcement within the community;

Inspection of facilities and equipment;

Review of recorded data and documents; and

Actual field observation of the agency.

Third, the following analytical method shall be utilized:

Examination of present practices;

Examination of past practices where applicable to existing operation and administrative situations;

Consideration of outstanding contemporary practices conducted elsewhere;

Consideration of alternatives and constraints; and

Development of specific implementation programs, to include rankings by priority.

Fourth, the planning study shall include the following:

Examination of crime and police problems in the community, police manpower and material resources, and community attitudes and resources, including contribution and inputs by agencies of the State and other units of general local government where applicable;

Evaluation of the existing organizational structure;

In-depth review of existing administrative and managerial procedures, including planning operations, direction, and supervision, internal inspections and control techniques and devices, fiscal management operations, and community relations;

Analysis and evaluation of allocation and distribution of line, staff, and administrative personnel by time, function, and area;

Examination of existing personnel management systems and procedures including recruiting and selection practices, promotion procedures, performance training and education activities, evaluation practices, training and education activities, salary structures, working conditions, employee relations, and disciplinary procedures;

Examination of existing operational procedures including analysis and evalulation of patrol, traffic, investigative, and vice control operations;

Analysis and evaluation of the agency's technical communications system, to include radio, telephone, teletype, and complaint recording and dispatching;

Analysis and evaluation of records management activities including investigative, identification, arrest and administrative records-keeping practices, report processing, and information retrieval and storage;

Analysis of service functions including custody of persons and property, building space utilization, and adequacy and maintenance of equipment;

Any other matters relating to the efficient administration of law enforcement within the jurisdiction;

Analysis of adequacy of the local funding of law enforcement; and

Analysis of local manpower resources and the projected effects of this program.

This format is modeled after that employed by the International Association of Chiefs of Police, a public service organization which has often conducted detailed studies of crime problems and law-enforcement needs for individual cities, and whose studies enjoy wide respect for their comprehensiveness and quality.

This program would be administered by the LEAA of the Justice Department; it would, however, be distinct from that agency's other programs and projects and would have, under the provisions of my bill, a supervisory/appellate council consisting of representatives from various public interest groups. The functions of this Police Manpower Assistance Council would be to certify the consultants who are to perform the studies, and to exercise general oversight, as well as to arbitrate and resolve any disagreements which may arise between the participating communities and the LEAA.

No one will disagree that crime is a problem of staggering proportions. The need for relief is of the utmost urgency. The American people are afraid and angry. In November of 1970 a Harris survey reported that:

> The number of Americans who are apprehensive over rising crime rates in their own home areas has increased in three years from 46 to 62 percent. By a lopsided 82 to 12 percent margin most people in the country do not believe that the law enforcement system really discourages crime.

Thus we see an erosion of faith in the mechanism which is supposed to protect our citizens; this faith is a critical element in the success of any effort to combat criminal activity. A 1970 study of crime in Oakland, Calif., argued;

> It can be authoritatively stated that the amount of reported crime is strongly influenced by the citizen's trust in the effectiveness of the local police agency.

Another Harris survey in July 1971, indicated that 55 percent of the people were more worried about violence and safety than they had been in the previous year. Unless we take quick and effective action to restore the credibility of our law-enforcement system we shall face the growing crisis of a public alienated from the very criminal justice system which is supposed to provide protection and safety, a public which feels increasingly pressured to engage in potentially disastrous efforts of private protection through personal firearms and vigilante activity.

In May of 1970 a Gallup poll determined that Americans view crime as the No. 1 domestic issue, ahead of pollution, unemployment, and poverty. When Life magazine polled its readers in January of this year on the problem of crime, it received 43,000 responses, the summary of which should shock as well as enlighten—78 percent sometimes feel unsafe in their own homes; 80 percent in big cities are afraid in the streets at night; 43 percent of families were crime victims last year; 41 percent say their police protection is inadequate; and 70 percent indicated that they would pay higher taxes for better protection.

But it is not necessary to increase taxes to fund this $2 billion police manpower proposal. Through tax reform or by eliminating waste in other Government programs, such as defense spending, we could easily pay for this vital program. The need and demand for decisive action cannot be denied; there is a clear public mandate, a responsibility which must be met.

There may be some who would challenge the logic of combating criminal activity through increases in police manpower. But it is not difficult to demonstrate that if existing resources are optimally employed, an increase in the number of officers will reduce criminal activity and provide significantly better protection for citizens. Properly administered, this legislation will provide safeguards against wasteful expenditures. In fact, it is quite possible that the problems in some communities can be met primarily through a redistribution of existing law enforcement resources without the need for large Federal supplements.

Often, one hears talk of two general approaches to the problem of crime reduction; the first emphasizes prevention of crime through the correction of the social and economic disorders believed to be the underlying factors in criminal activity, the second stresses control through a larger and more efficient criminal justice system. Unfortunately, these broad strategies are often confused as diametrically opposing alternatives. Rational examination of the problem reveals that these strategies must be taken together as complementary components of any successful effort to reduce crime. To call for increased police manpower is not to contradict the theories and evidence supporting the argument for greater efforts to reduce the disorders and inequities which breed crime. But it must be realized that such effort are of necessity long-term in scope, for these underlying causes of crime cannot be eliminated overnight. It is obvious therefore that short-run strategies must be developed and supported. We cannot ask our citizens to passively endure the rising crime burden while we wait for the achievement of our long term objectives.

The rationale of the bill I am introducing today rests on the presumption that the most important factor in the short-run battle against crime is police manpower. When we turn to examination of individual communities we find that there is strong evidence that increased police manpower will lead to a significant reduction in crime.

New York City, for example, has performed numerous experiments to determine the nature of the relationship between police presence and the level of criminal activity. A pioneer effort in 1954 in their 25th Precinct saw a 55.6 percent decrease in felonies. This was accomplished in an area with an extremely high-crime rate by an approximate tripling of police patrol presence. A more recent effort reported by the New York Times in November of last year saw "a drop in reported street crime such as robbery and auto theft" resulting from a "40 percent increase in the number of patrolmen assigned experimentally to a Westside Manhattan precinct—the 20th."

Oakland, Calif., reversed a long trend of annual increases of better than 10 percent in their crime index and posted a 6 percent decrease for 1970 through increased police manpower. Police Chief C. R. Gain stated that:

> A definite correlation between police manpower levels and crime has been observed in Oakland.

In Sacramento, the rate of increase in serious crimes fell from 21 to 3 percent over a year—1970–71—in which there was a 10-percent increase in police manpower. Chief William J. Kinney reported that:

> This added manpower appears to have had an effect on both the crime rate and on felony arrests.

In Alexandria, Va., an experiment was performed in February of 1969 to determine the effects of police presence on the frequency of serious crime. The results, provided by Capt. Carl Dutzman, showed a citywide decrease in serious crimes of 8 percent, with burglaries down 13 percent, and robberies decreasing an impressive 57 percent. The cost of this program was approximately 700 manhours, or $2,755. The report concludes that:

> The only factor to which the changes could be attributed was that of additional manpower deployed in high crime areas during those times when certain offenses were most likely to occur.

In April of 1971 the New York Times reported that:

> A survey of cities where serious crimes declined last year shows that the reduction generally was achieved through a substantial increase in the police force and through new social and anticrime efforts.

The Department of Justice has recently released a summary of crime trends for cities over 100,000 in population. The LEAA data reveals that the 20 largest cities posting significant decreases in crime—.3 to 13.5 percent, average 6.5 percent—in 1970 and 1971, increased the number of police protection employees in 1970 over 1969 by an average of 7.4 percent. The six cities showing 1971 over 1970 crime decreases of greater than 10.0 percent—range 10.3 to 13.5 percent, average 11.8 percent—increased their police protection employees by an average of 10.1 percent. The police departments of a sampling of those cities posting decreases were contacted to verify the above computations. The results were substantiated, and the police chiefs unanimously stated that all of them had employed efforts to increase the level of police patrol presence as a central element of their crime fighting strategy.

To the surveys and statistics should be added the professional opinions of those who must deal with crime on a day-to-day basis. My staff made inquiries of the police chiefs and commissioners of a representative sampling of our major metropolitan areas, soliciting their comments and ideas on the general problem of law enforcement and the specific issue of police manpower. Their uniform response was that their most critical need was for resources to increase their police patrol activities.

For instance, Raymond L. Hoobler, chief of police for the city of San Diego, replied:

> We are presently studying the possibility of a direct correlation of police manpower and the crime rate. Preliminary indications are that the increased presence of patrolmen has a deterrent effect on certain "preventable" crimes; that is, residential and commercial burglaries, and crimes against persons in public places. The calls for police services are increasing at a higher rate than the population and the numbers of police officers are not keeping pace with the population. It is becoming increasingly difficult for the local tax base to provide needed public services including law enforcement and justice administration.

Bernard L. Garmire, chief of police for the city of Miami, stated:

> There are few, if any, municipal police departments in this country that have sufficient personnel. Many departments enjoyed a degree of temporary success in coping with the crime situation by implementing impact programs; programs designed to reduce certain kinds of crime at certain times. Unfortunately because of lack of manpower, these cannot be sustained for any length of time and their long range effect may be worse than had there been no such effort.

Our Nation's Capital merits special attention. Washington has long suffered under the reputation of having a particularly bad crime problem, but the last few years have provided significant evidence that this trend has been reversed. FBI statistics show that Washington enjoyed a 13.3-percent decrease in crimes in 1971 over 1970, and a 18.5-percent decrease over 1969. Since late 1969 the monthly average of crime index offenses has fallen from almost 6,000 to slightly over 4,000. During this same time period the number of police officers has risen from under 4,000 to approximately 5,000, a 25-percent increase. While pointing out that there were numerous factors involved in this decrease in criminal activity, Chief Jerry Wilson stated that:

> There is, undoubtedly a correlation between police strength and the incidence of crime—crime did decline once the police strength increased above a certain plateau.

If no one is to attack crime through the variable of police manpower, one must first derive a reasonable and workable framework for the distribution of resources. One of the most important aspects of the proposed program is its capability of delivering these resources, Federal assistance, to those areas in greatest need, with a minimum of redtape. In the past, Federal funds for local law enforcement have been allotted on the basis of crime indices or by a simple per capita approach. Both methods can result in a potentially disastrous waste of resources. The former provides no guarantee that the funds will be applied optimally for the programs most needed, and the latter simply scatters the money in a shotgun manner with no guarantee that it will be applied in the areas most in need. Similarly, the bloc grant approach, regardless of its formula basis, has demonstrated that it provides no assurance that the Federal assistance will reach those areas with the greatest crime problems, nor that the types of assistance transmitted will be compatible with the particular needs and existing systems of these communities.

Indeed, the bloc grant has yielded a serious disadvantage unforeseen by the architects of the LEAA. As pointed out by the Advisory Commission on Intergovernmental Relations, the bloc grant:

> Has created tensions between federal officials and state planners over the appropriate amount of federal authority in administration of—such a—program. Although the goals of the bloc grants include simplification of intergovernmental relations and reduction of federal dominance, the law enforcement program is complex because each of the major participants strive to gain or maintain control over the allocation of funds.

Such tensions are not confined to the Federal-State arena. As B. Douglas Harman of the American University argues:

> One of the most important political dimensions of this bloc grant program is the cross pressures generated by State and local public interest groups.

Obviously, all of these proliferating interest groups and agencies share the common objective of providing greater citizen protection, but the end result has been a formidable labyrinth of superfluous bodies thwarting the flow of requests and funds, and greatly dulling the impact of the general program. We cannot ask the public to be patient with its burden while such factions squabble over jealously guarded prerogatives.

The structure of the proposed system in the bill I am introducing today, through its exhaustive studies of the individual communities, would insure that assistance would be focused on the areas of greatest need and that such assistance would be tailored to the particular requirements of the communities involved. And, most importantly, it would insure that such assistance would be provided with a minimum of delay.

The program is also designed to avoid another pitfall which has plagued past efforts by Federal agencies to aid local law enforcement; namely, the attempts to "formulize" the process of manpower determination. The classic approaches to manpower determination are comparisons of police per population ratios, and comparisons of crime rates. Both methods have serious disadvantages. In a paper prepared for the Department of Justice, John E. Agnell of Michigan State University points out that determination of required police manpower levels by comparison of police per population ratios: First, ignores community differences such as social and economic conditions, geographic and population characteristics, culture and customs of the people, and the characteristics of the courts and other agencies involved in the processes of criminal justice; second, assumes equal competency on the part of the officers of the departments being compared; third, assumes equal organizational and administrative efforts; and fourth, accepts the implication that the average ratio, or the ratio of another city, is sufficient for the department under consideration. On the other hand, Mr. Angell continues, to base manpower determination on comparison of crime rates is to: First, overlook other aspects of police duties, such as service functions; second, overlook the fact that crime statistics can be manipulated even without the user being dishonest or in violation of procedures; and third, taken as a single variable, manpower cannot be said to have a constant, predictable rate of return in terms of effect on crime.

The report concludes that, before any efforts are made to determine the need for additional manpower, those making policy decisions must reassure themselves that men, money, and material are presently being used in a manner that makes the maximum contribution to the attainment of the objectives of the law enforcement agencies. Only after this is established can the leadership make a realistic, objective assessment of the proper amount of manpower required.

By carefully investigating not only the deficiencies but the employment of existing resources as well, with a view toward the optimization of such, my proposed program will avoid the problems outlined above.

The second point is related to the first. Under my bill the lines of communication between the LEAA and the local communities would be significantly improved. Having responded to the initiative by the LEAA, the community would remain in constant and direct communication with that agency through a team of consultants. Past programs have had their impact dulled by their organization, which called for communication through intermediate levels of bureaucracy. It is not disputed that such an arrangement has some coordinative advantages, but it has also yielded very significant disadvantages in terms of delay and distortion, through modification, both of requests and funds as they work their way up and down the bureaucratic hierarchy.

It should be pointed out that such criticism does not represent a denigration of the objectives and basic philosophy of the LEAA. The Federal Government can and must play an active and vital role in the campaign against crime. What I am challenging is the wisdom and efficacy of the LEAA mechanism as it has evolved over the last several years. No other Government agency has grown so rapidly in terms of appropriated funds. If such measures serve as an adequate barometer of congressional concern, no one can doubt the sincerity of our commitment to the fight against crime. Yet the return on this investment has been appallingly meager. The level of criminal activity continues to rise, matched only by the rising public indignation at our failure to provide relief.

LEAA appropriations have risen from $60 million in its first year to over $675 million for the current fiscal year. Yet a recent investigation by the Legal and Monetary Affairs Subcommittee has shown that the LEAA has "had no visible impact on the incidence of crime in the United States," and found that the agency's programs "have been characterized by inefficiency, waste, maladministration, and, in some cases, corruption." The central issue is the apparent inability of the current system to deliver appropriated funds to the local crime fighting agencies, and to use those funds for the purposes specified within the programs. "Considerably less than 25 percent of the action grant funds dispursed to subgrantees has been spent to fight crime." Speaking on this problem last November, our distinguished colleague, JAMES V. STANTON of Ohio, stated:

> The LEAA program has not worked . . . The pipeline for Federal assistance funds is so clogged with redtape that much of the money is stuck there, and in fact has been stuck in the pipeline for a year or two or even more. If money leaving Washington is intercepted at the State capitals, becoming unspeakably tardy in reaching the cities where most of the crimes are being committed, then what good is the money? . . . Much of the money is not being channeled, even when it finally does reach the end of the pipeline, to the areas most afflicted by crime. The fact is that the Law Enforcement Assistance Administration—a new bureaucratic structure that was needed—has in turn spawned hundreds of new intrastate "regional" bureaucracies that definitely are not needed—a whole new layer of government interposed in many States between crime-ridden metropolitan areas and the State governments that have the responsibility for pushing Federal funds into the cities.

A streamlining of communication would not contradict past philosophy, for the Comptroller General has ruled that:

> There is ample authority in the Safe Streets Act for the LEAA to dispatch discretionary funds directly to the cities.

This discussion should not be construed to mean that regional and State agencies should have no role in the local effort to fight crime. On the contrary, such agencies provide considerable inputs to local law enforcement, and such factors must be considered in the evaluation of the local problems and requirements. The proposed program would simply insure that the communities would receive assistance in the form needed as quickly as possible.

The final point is of a slightly different nature. An average increase of 40 percent in police manpower levels represents an increase in demand which will have profound effects on the market for police officers. Simple economics tell us that such a change in demand could bring either a reduction in quality or an increase in price. This legislation contains provisions to safeguard against possible erosion of the standards of police appointments. One would expect then that the impact will be felt through a generally rising level of police salaries. In July 1970 Time reported that the average patrolman's maximum weekly pay is only about $149. Beyond the very credible arguments that the current wage levels for these public servants are insufficient remuneration for the services provided and the hardships endured, one should recognize that very real public benefits will result from higher police salaries. Such increases will yield both an improvement in police morale, and an increase in the general respect for the profession of law enforcement, factors which will facilitate the recruitment of qualified officers. Such effects can only have a beneficial impact on the problem of crime reduction.

If one is unmoved by the current price tag of $50 billion for criminal activity, let me remind him that there is ample evidence that this figure will continue to grow at a staggering rate. The final report of the National Commission on the Causes and Prevention of Violence reported that of the 9 million serious crimes recorded by the FBI in 1968, only 12 percent resulted in the apprehension of a suspect, and a mere 6 percent resulted in conviction. If one takes the very conservative estimate that recorded crime represents only one-half of the total level of criminal activity, the arrest and conviction rates shrink to more frightening lows. Why is crime such a large and growing industry? Simply because it pays, and pays very well. As economist Gary Becker points out, the criminal by and large is not a moral deviate; he is an individual who rationally weighs the costs and benefits of his activity, and we have done very little to dissuade him. To fight crime we must raise the price of such activity. This, of course, means a concerted effort in all areas of the criminal justice system. But what good are tougher laws, more efficient courts, and better corrections if the rate of apprehension stands at 12 percent or less?

The front line in our fight against crime is the patrolman on his beat. Time and again it has been shown that these men are the crucial factor not only in the successful apprehension of criminals, but in the area of prevention, of discouraging would-be criminals from undertaking such action. In a report for the Brookings Institute, Charles B. Saunders observed that:

> The number of police have, in fact, grown steadily in recent years, but only as fast as the general population. Over the past decade, the ratio has remained at 1.7 officers for every 1,000 persons. However, the continued growth of urban populations, mounting crime rates, and social unrest will require an increase in the ratio of police to citizens.

Commenting on the rising governmental interest in law enforcement, he continues:

> Because the crime control act of 1968 reflected the traditional faith in equipment and technology as the means to affect crime statistics, it could create unrealistic expectations and actually divert attention from the central problem of police personnel. On the other hand, federal initiative to improve police manpower . . . could usher in a new era for law enforcement. It will not be easy to face up to the personnel deficiencies . . . but the time is at hand for the national administration to do so if it is to deal responsibly with the mounting public concern over law and order.

Concern over crime is, of course, not new. We have heard the rhetoric and the slogans such as "the war on crime." But no amount of "get tough" rhetoric and carefully manipulated statistics can hide the fact that "the war on crime" is not being won. We can take little comfort in the fact that last year serious crime increased by only 6 percent. And glowing reports of "cautious optimism" do not camouflage the frustration and fear which continues to mount for our private citizens.

The President said in a message a year ago last March that:

> **I think it is clear that LEAA has assumed a vital and effective role—but I believe it can and must be made more effective.**

While we may challenge the President on the actual effectiveness of the current program, we all agree that more must be done. And we, as Members of Congress, can wait no longer for leadership on this problem. We must take the initiative, for crime cannot be fought with patience and rhetoric.

We should not look upon the policeman as a panacea for our social ills. But he is an effective weapon in the fight against crime, and the need is definitely there. One may question the size of the proposed commitment; $2 billion per year is a very large sum of money. It would represent a rough 25-percent increase in total public expenditures to fight crime. But in light of the current $50 billion total cost of the crime burden, the proposed sum is modest. If the program succesfully restores the credibility of our criminal justice system and the faith of our citizens in their government, it is a bargain.

The legislation I am introducing today is designed to accurately determine the needs and requirements of our individual communities, and to provide relief in the quickest and most efficient manner. This legislation represents a tremendous step forward in clearing away the obstructions which have hampered past efforts and focuses our attention on one of the most important factors in the fight against crime.

We all look forward to the day when the principles of equality and justice have become fact and when our society has been purged of the ills and inequities which breed crime. More policemen will not, of themselves, eliminate these problems, but they will serve to break the vicious circle in which crime and social ills reinforce one another, moving upward in a costly spiral.

A STABILIZATION TRUST FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, 5 years ago, I proposed for the first time in our country, that we create in this country a new device to control inflation and deal with recession. I called this device the National Economic Stabilization Trust. Just a few days ago, the Chairman of the Federal Reserve Board advanced an idea that was strikingly similar to my proposal.

I suggested that a special trust fund be created which would be used solely for the purpose of economic stabilization. It would be readily available to dampen the fires of inflation and it would also be available to shore up the economy in the event of recession. It would be a device which might enable us to have full employment without inflation, and which should enable us to avoid recession as well. I simply do not believe that throwing millions of people out of work, or imposing economic controls, is the only way to fight inflation. Nor do I believe that combating inflation can be done only through tax gimmicks or ad hoc spending plans.

I think that we need a new economic tool—the national economic stabilization trust.

My proposal is simple, understandable, and practical.

The idea is to have a standby taxing authority. In times when the economic indices indicate the threat of inflation, the taxing authority would be activated. The amounts collected through this tax would be credited against the accounts of taxpayers, and they would receive a fair rate of interest on these deposits. It is a forced savings plan, which would be activated only when the economy shows danger of overheating. When the danger has passed, the Treasury would be authorized to return the deposits to the taxpayers together with the earned interest that has accumulated. These returns could be arranged so that no sudden surge of money became available, and thus avoid the threat of new inflationary pressures. Alternatively, if recession threatened, the Treasury could release all or a substantial part of the trust so that the economy would receive a powerful stimulus.

My plan would not only soak up excess demand, as would any anti-inflation tax, but it would also be a powerful deterrent to the development of the so-called inflationary psychology. The plan would set forth in law the triggering points—either inflationary or recessionary signals—which would either activate the tax or release the trust funds. Finally, people would get their money back in any case; the Treasury would hold no contribution beyond a predetermined number of years.

It is time to look at this idea seriously.

Chairman Burns is correctly concerned that the sudden release next year of the immense amounts of overwithheld income tax, at a time when he expects the economy to be expanding rapidly anyway, will create an enormous surge of inflationary pressure. He believes that to combat this the Treasury ought to offer special, high interest bonds to taxpayers who are due refunds, in the hope that people will elect to make this investment rather than take their money and spend it.

At this point, his idea may be the only tool available. However, I think that it is much more practical to establish a fiscal tool that would be made specifically for the purpose of creating economic stabilization. There is no need to resort to ad hoc tax or spend schemes, which in any case might be activated too late to do any good. There is a need to develop a coordinate fiscal and monetary system so that economic strategies can be freely developed and implemented at the optimum time.

My plan would allow economic policy to be conducted on a continuous, coordinated basis, with both fiscal and monetary tools readily at hand. People would know what the danger signals are, and would know what policies will be used to meet economic dangers. There would be less reason to expect inflation and less reason to fear recession.

I commend Chairman Burns for his foresight and concern. I earnestly suggest that his thoughts be examined, and that my proposal be considered as a readily acceptable, fully workable, and much needed plan to develop the kind of economic stabilization program that we really need—a program that does not depend on tax and spend gimmicks, does not require resort to stifling, unfair controls, and does not leave the whole economic strategy to chance. My plan fulfills a badly needed national requirement. Now, after years of frustration and failure, I believe it is time to give it a chance.

I first proposed this in a letter, detailed and setting forth the basic structure of my suggestion in 1967 after President Lyndon Johnson had recommended tax legislation to the Congress. But Chairman WILBUR MILLS and his committee were adamant in not even being willing to have hearings on this Presidential tax recommendation. I felt then that this was almost irresponsible on the part of Congress and that we had the responsibility of acting. I then wrote the chairman and every member of the committee. But, unfortunately, I met the same fate as the President.

No serious consideration was ever given to any but the eventual mess the committee and Congress finally approved in 1968—the celebrated surtax. The rest is history.

My plan, I am convinced, was needed and was workable in 1967—and it is needed and workable today. I hope some serious consideration is given—though, frankly, this is an election year and I know what this means.

ANNOUNCEMENT OF HEARINGS BY SUBCOMMITTEE ON BANK SUPERVISION AND INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

Mr. ST GERMAIN. Mr. Speaker, I would like to announce today that on June 19, 20, and, if necessary, the 21st, the Bank Supervision and Insurance Subcommittee of the Committee on Banking and Currency will hold hearings on proposed legislation. It is my hope that the subcommittee can begin markup on the legislation immediately upon the conclusion of the hearings.

If any Member is interested in either providing a statement to the subcommittee concerning his or her position on the legislation, or testifying during our hearings, it would be appreciated if you would make your interest known at your earliest convenience.

At this time, the proposed legislation is in the form of committee prints, the text of the legislation is a section-by-section explanation of the provisions of the legislation.

H.R. ——

A bill to provide for State taxation of insured banks, to provide full deposit insurance for public units, to amend title IV of the National Housing Act concerning the ninety-day decision period with respect to acquisitions in connection with savings and loan holding companies, and to amend title IV of the National Housing Act with respect to third party loans made by subsidiary insured institutions of savings and loan holding companies

Be it enacted by the Senate and House of Representatives of the United Staates of America in Congress assembled,

TITLE I—STATE TAXATION OF INSURED BANKS

SHORT TITLE

SEC. 101. This title may be cited as the "State Taxation of Insured Banks Act".

DECLARATION OF POLICY

SEC. 102. Recognizing that the several States should be allowed the greatest degree of autonomy in formulating their tax policies, the Congress finds that the national goals of fostering an efficient banking system and the free flow of commerce among the States will be furthered by clarifying the principles governing State taxation of federally insured commercial banks. While protection should be provided against taxes on intangibles or other taxation that would discriminate unfairly against such banks generally or against out-of-State banks, national banks should be subject to taxation on the same basis as those that are State chartered. Application of taxes measured by income or receipts, or other "doing business" taxes, in States outside the home State should be deferred until such time as uniform and equitable methods may be developed for determining jurisdiction to tax and for dividing the tax base among States.

AUTHORITY FOR STATES TO TAX NATIONAL BANKS

SEC. 103. For the purposes of any tax law enacted under authority of the United States or any State, a national bank shall be treated as a bank organized and existing under the laws of the State or other jurisdiction within which its principal office is located.

TAXATION BY STATE WHERE PRINCIPAL OFFICE IS LOCATED

SEC. 104. A state or political subdivision thereof may impose on any insured commercial bank having its principal office within the State any tax that is imposed generally on a nondiscriminatory basis throughout the jurisdiction of the taxing authority, except that no tax may be imposed on intangible personal property owned by any such bank. The prohibition against taxation of intangible property shall not apply to taxation of the beneficial owner of property held by such a bank in a fiduciary capacity. Interest on obligations of the United States may be included in determining the income of any such bank for purposes of taxation authorized by this section.

TAXATION BY OTHER STATES

SEC. 105. The legislature of a State may impose, and may authorize any political subdivision thereof to impose, the following taxes on any insured commercial bank not having its principal office within such State, if such taxes are imposed generally throughout such jurisdiction on a nondiscriminatory basis:

(1) sales taxes and use taxes complementary thereto upon purchases, sales, and use within such jurisdiction.

(2) taxes on real property or on the occupancy of real property located within such jurisdiction.

(3) taxes (including documentary stamp taxes) on the execution, delivery, or recordation of documents within such jurisdiction.

(4) taxes on tangible personal property located within such jurisdiction.

(5) license, registration, transfer, excise, or other fees or taxes imposed on the ownership, use, or transfer of tangible personal property located within such jurisdiction.

(6) payroll taxes based on persons employed in such jurisdiction.

DEFINITIONS

SEC. 106. For the purposes of this title—

(1) The term "insured commercial bank" means any bank the deposits in which are insured under the Federal Deposit Insurance Act other than a savings bank or mutual savings bank as defined in that Act.

(2) The term "intangible personal property" includes any mortgage, bond, note, share of stock, warrant, currency, coin, check, credit card, credit card account, deposit, contract, account receivable, judgment, or other evidence of a claim on another.

(3) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

REPEALER

SEC. 107. Section 5219 of the Revised Statutes (12 U.S.C. 548) is repealed.

TITLE II—FULL DEPOSIT INSURANCE FOR PUBLIC UNITS

FULL DEPOSIT INSURANCE FOR PUBLIC UNITS

SEC. 201. (a) The Federal Deposit Insurance Act is amended—

(1) in subsection (m) of section 3 (12 U.S.C. 1813(m)), by inserting immediately after "depositor" in the first sentence the following: "(other than a depositor referred to in the third sentence of this subsection)";

(2) in subsection (i) of section 7 (12 U.S.C. 1817(i)), by striking out "Trust" and inserting in lieu thereof the following: "Except with respect to trust funds which are owned by a depositor referred to in paragraph (2) of section 11(a) of this Act, trust"; and

(3) in subsection (a) of section 11 (12 U.S.C. 1821(a)), by inserting "(1)" immediately after "(a)", by striking out "The" in the last sentence and inserting in lieu thereof the following: "Except as provided in paragraph (2), the", and by inserting at the end of such subsection the following:

"(2) (A) Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of deposit insurance available for the account of any one depositor, in the case of a depositor who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in an insured bank;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured bank in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in an insured bank in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, of the Virgin Islands, of American Samoa, or of Guam, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured bank in the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam, respectively;

his deposit shall be insured for the full aggregate amount of such deposit.

"(B) The Corporation may limit the aggregate amount of funds that may be deposited in any insured bank by any depositor referred to in subparagraph (A) of this paragraph on the basis of the size of any such bank in terms of its assets."

(b) Title IV of the National Housing Act is amended—

(1) in section 401(b) (12 U.S.C. 1724(b)), by striking out "Funds" in the third sentence and inserting in lieu thereof the following: "Except in the case of an insured members referred to in the preceding sentence, funds";

(2) in section 405(a) (12 U.S.C. 1728(a)), by inserting after "except that no member or investor" the following: "(other than a member or investor referred to in subsection (d))" and

(3) by adding at the end of section 405 (12 U.S.C. 1728), the following new subsection:

"(d) (1) Notwithstanding any limitation in this subchapter or in any other provisions of law relating to the amount of deposit insurance available for any one account, in the case of an insured member who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in an insured institution;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured institution in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in an insured institution in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, or of the Virgin Islands, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured institution in the Commonwealth of Puerto Rico or the Virgin Islands, respectively;

the account of such insured member shall be insured for the full aggregate amount of such account.

"(2) The Corporation may limit the aggregate amount of funds that may be invested in any insured institution by any insured member referred to in paragraph (1) of this subsection on the basis of the size of any such institution in terms of its assets."

(c) Subsection (c) of section 207 of the Federal Credit Union Act (12 U.S.C. 1787) is amended by—

(1) inserting "(1) after "(e)",

(2) striking out "For the purposes of this subsection," and inserting in lieu thereof the following "Subject to the provisions of paragraph (2), for the purposes of this subsection,", and

(3) adding at the end thereof the following:

"(2) (A) Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of insurance available for the account of any one depositor or member, in the case of a depositor or member who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in a credit union insured in accordance with this title;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in a credit union insured in accordance with this title in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in a credit union insured in accordance with this title in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, of the Panama Canal Zone, or of any territory or possession of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and

lawfully investing the same in a credit union insured in accordance with this title in the Commonwealth of Puerto Rico, the Panama Canal Zone, or any such territory or possession, respectively;
his account shall be insured for the full aggregate amount of such account.

"(B) The Administrator may limit the aggregate amount of funds that may be invested or deposited in any credit union insured in accordance with this title by any depositor or member referred to in subparagraph (A) on the basis of the size of any such credit union in terms of its assets."

TITLE III—NINETY-ONE-DAY DECISION PERIOD WITH RESPECT TO ACQUISITIONS IN CONNECTION WITH SAVINGS AND LOAN HOLDING COMPANIES

ACQUISITIONS

Sec. 301. (a) Section 408(e)(1)(B) of title IV of the National Housing Act (12 U.S.C. 1730a(e)(1)(B)) is amended by adding at the end thereof the following new sentence: "In the event of the failure of the Corporation to act on any such application for approval within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted."

(b) Section 408(e)(2) of title IV of the National Housing Act (12 U.S.C. 1730a(e)(2)) is amended by inserting immediately after the second sentence thereof the following new sentence: "In the event of the failure of the Corporation to act on any such application for approval within the ninety-one-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted."

TITLE IV—THIRD PARTY LOANS

THIRD PARTY LOANS

Sec. 401. Section 408(d)(4) of title IV of the National Housing Act (12 U.S.C. 1730a (d)(4)) is amended—

(1) in the proviso thereof by striking out "a wholly owned" and inserting in lieu thereof "an", and by inserting "wholly owned by such insured institution or by such insured institution and any other insured institutions" immediately after "affiliate service corporation"; and

(2) by striking out "would not be a means of facilitating the sale of (1) property purchased from any savings and loan holding company or any affiliate thereof other than such service corporation, or (2) property heretofore owned, legally or beneficially, by any savings and loan holding company or affiliate thereof" and inserting in lieu thereof the following: "if such property on the security of which such loan, discount, or extension of credit is made has not been at any time owned, legally or beneficially, by the savings and loan holding company which controls such insured institution or by any affiliate of such holding company (other than such service corporation)".

H.R. 15437

A bill to provide that no financial institution which has deposits insured by the United States may refuse to honor certain checks drawn upon any unit of Federal, State, or local government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no insured bank, insured institution, or insured credit union shall—

(1) refuse to honor any check drawn upon the Treasury of the United States, or upon any State, any political subdivision of any State, or the District of Columbia, upon presentation of such check by the payee, together with adequate identification, on the ground that such payee does not maintain an account with such bank, institution, or credit union; or

(2) make any charge to such payee for the honoring of such check.

Sec. 2. The Secretary of the Treasury shall prescribe regulations necessary or appropriate to effectuate this Act.

Sec. 3. For the purposes of this Act, the term—

(1) "insured bank" shall have the same meaning as is applied to such term in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)).

(2) "insured institution" shall have the same meaning as is applied to such term in section 401(a) of the National Housing Act (12 U.S.C. 1724(a)).

(3) "insured credit union" shall refer to any credit union which is insured under title II of the Federal Credit Union Act (12 U.S.C. 1751 and following).

Sec. 4. The provisions of this Act shall take effect on the thirtieth day after the date of its enactment.

Section-by-Section Explanation

Following is an explanation of the matters on which the Subcommittee on Bank Supervision and Insurance will hold hearings:

TITLE I—STATE TAXATION OF INSURED BANKS

This provision clarifies the principles relating to State taxation of Federally insured banks.

The proposed legislation provides that national banks should be taxed on the same basis as State-chartered banks, except that protection is provided against (1) taxes on intangible personal property (i.e. mortgages, bonds, notes, stock, currency, checks, deposits, accounts receivable, etc.), (2) taxes that would discriminate unfairly against insured commercial banks generally or against out-of-State insured commercial banks, and (3) taxes on out-of-State insured commercial banks measured by income or receipts, or other "doing business" taxes. The legislation provides in detail for the kinds of taxes that can be applied to out-of-State insured commercial banks.

TITLE II—FULL DEPOSIT INSURANCE FOR PUBLIC UNITS

Federal law provides up to $20,000 insurance for each deposit maintained in Federally insured banks, savings and loan institutions, and credit unions. This provision would provide full insurance (i.e. up to the full amount of the deposit even though in excess of $20,000) where the depositor is the United States, a State, or a political subdivision of a State.

In each case, however, the provision would permit administrative limitation on the aggregate amount of funds that may be deposited by any one depositor in any such financial institution.

TITLE III—NINETY-ONE DAY DECISIONS PERIOD WITH RESPECT TO ACQUISITIONS IN CONNECTION WITH SAVINGS AND LOAN HOLDING COMPANIES

Existing law relating to savings and loan holding companies provides that, in certain circumstances, before a savings and loan holding company, or any other company can acquire an insured savings and loan institution or another holding company, it must first obtain approval from the Federal Home Loan Bank Board. Moreover, the law provides that the Board should make its decision on any such acquisition within 90 days.

This proposed title would provide that Board approval for any such acquisition will be deemed to have been granted in any case where the Board fails to act on the application within the 90-day period.

TITLE IV—THIRD PARTY LOANS

Existing provisions of law relating to savings and loan holding companies permit a subsidiary insured savings and loan institution to make a loan, under certain limited circumstances, to a third party on the security of property which has been acquired by such third party from the institution's service corporation. Such loan is permitted, however, only if, in addition to other limitations, the property has not been purchased by the service corporation from one of its affiliates or otherwise purchased or acquired from any outside savings and loan holding company or affiliate thereof.

This title would amend the law to permit the financing of property which has been purchased by the service corporation from an outside savings and loan holding company or affiliate thereof. However, it would not permit financing in the case of property which has been in any way acquired (i.e. purchase or donated) by the service corporation from one of its affiliates.

Bill To Require Insured Financial Institutions To Honor Checks Drawn Upon Federal, State, and Local Governments

This legislation would provide that no insured bank, insured savings and loan institution, or insured credit union shall refuse to honor any Federal, State or local government check on the ground that the payee does not maintain an account with such bank, if the payee can present proper identification. In addition, the legislation would prohibit the charging of a fee for cashing any such check. Finally, the legislation requires the Secretary of the Treasury to prescribe regulations to carry out the purpose of the Act.

LAWSUIT ASSISTANCE TO POLICE OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. William D. Ford) is recognized for 10 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, it has recently come to my attention that law enforcement agencies are becoming increasingly concerned over the growing number of lawsuits filed against police officers for actions occurring while performing their official duties. It is my understanding that in many instances officers have been forced to rely upon their own resources in defending suits of this nature, and in many cases the proceedings have turned out to be nothing more than "nuisance" suits.

As a legislator both in the Michigan State Senate and here in the U.S. Congress I have always vigorously supported legislation designed to assist law enforcement officers in performing their difficult and often dangerous jobs more effectively. I have been observing these recent developments with growing concern, and have arrived at the conclusion that some type of aid must be made available to police officers who are forced to rely on their own resources to defend frivolous lawsuits.

For this reason, Mr. Speaker, today I am introducing legislation which authorizes the Attorney General of the United States to make grants to any law enforcement official who is a defendant in any civil action which arises out of the officer's performance of his official duties, to reimburse the officer for the reasonable costs of defending himself if he prevails in the civil action.

Mr. Speaker, I am joined in offering this legislation by my distinguished colleagues from Michigan, Mr. Dingell, Mr. Nedzi, and Mr. O'Hara. At this point

I would like to insert the text of this bill into the RECORD:

H.R. 15427

A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized to make grants to each law enforcement officer who is a defendant in any civil action, arising out of the performance by such officer of his official duties, if such law enforcement officer should prevail in that civil action, to reimburse such officer for the reasonable costs of investigation and legal fees incident to such civil action.

SEC. 2. As used in this Act, the term "law enforcement officer" includes attorneys general, prosecuting attorneys, chiefs of police, sheriffs, constables, and their subordinates.

SALUTE TO EDUCATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, in most of our Nation, the school year has ended. Recognition that public education is perhaps one of America's greatest legacies to her young citizens, and indeed to her own future, of course should not and does not end with the summer recess of classes. If anything, the recess and this month's salute to education program being sponsored by the National Education Association offer us the opportunity to reflect on what has been accomplished in the pursuit of learning in 1971–72.

This past school year, the number of students in America's public school systems rose almost 341,000 from 1970–71 levels to a combined elementary-secondary total of just over 48.2 million. Meeting this student increase was the jump in the number of classroom teachers, particularly in our secondary institutions where instructors' ranks swelled by an additional 19,000 from the year before. Also showing a marked increase was the number of men entering teaching at the public elementary and secondary levels.

Total expenditures for public secondary and elementary education rose by slightly more than $3 billion in 1971–72. True, part of this increase is accounted for by the rising costs of education, the higher average salaries deserved by and paid to teachers—such salary increase for instructional staffs averaged only 4.6 percent—and the often inflationary financial pressures from other sources bearing upon school budgets. Part of the increase, however, also stems from real improvements in education techniques, expansion in educational facilities and staffs, and adoption of programs stressing the greater development of our youth, particularly those from educationally deprived backgrounds.

Yes, I believe promising strides are being taken in the field of American public education, and I take this opportunity to both salute and exhort those contributing to the progressive education effort: Take pride in the past for those great things you have accomplished; take foresight and forbearance into the future for your even greater accomplishments to come.

PROUD OF OUTSTANDING RECORD

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the biography carried in the Congressional Directory about our distinguished colleague from Florida, the Honorable JAMES A. HALEY, is the shortest of any among the 12 Members of the House from our State. It shows that he was first elected to Congress in 1952 and that he has been consistently reeelected since that time. It does not reveal the fact that his election as a Democrat always has demonstrated the great confidence of his constituents in his work despite the fact that he lives in a district with strongly Republican registration. JIM HALEY'S constituents know the value of his serivces and this they wisely place above party label. His friends in the House know the importance of his work also. Congressman HALEY is recognized and appreciated on both sides of the aisle for his ability, and his sage counsel is sought by the leadership as well as the rank and file of the House Members.

We who are Members of the House have the opportunity to observe his work in the House. We know that he is a very busy man and a very effective Member of the House. Possibly there are few elsewhere who realize that as chairman of the Indian Affairs Subcommittee for almost 18 years, JIM HALEY has been one of the most active legislators in the House of Representatives. In the 92d Congress alone his subcommittee has been responsible for almost one-half of the total number of bills to be reported out of the Interior and Insular Affairs Committee. And, while most of our subcommittees have had on the average of two to three of their bills enacted during this Congress, JIM HALEY'S subcommittee has already had 14 of its bills signed into law.

My good friend and House colleague, who has represented Florida's 7th District since it was created in 1953, followed former Congressman J. Hardin Peterson from Lakeland in taking on the assignment from our delegation to the House Interior Committee. His work in that assignment over the years has gained national recognition and has provided significant benefits to his fine district and to Florida. He is one of the most highly respected Members of the House and I am indeed pleased to serve in Congress with this very distinguished Floridan. The Florida delegation and the people of our State are proud of his outstanding record.

RURAL JOB DEVELOPMENT ACT

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, a needed and important measure which has not yet received congressional action is the Rural Job Development Act. One hundred and fifty-three Members of the House have cosponsored this bill. It is disappointing to recount the fact that it is still pending before the House Ways and Means Committee with no hearings scheduled. I am confident that the House wants action on this measure and I sincerely hope it will be possible for this to be obtained during the present session.

Recently, an excellent statement was made on this and other features of significance to the small town and rural America. It is the testimony of James A. Gavin, legislative director of the National Federation of Independent Business. It was delivered on May 2, 1972, before the House Select Committee on Small Business. It tells also of the outstanding work of the National Federation of Independent Business with 310,000 member firms across the country. It is well worth the consideration of the membership and I submit a condensed version for reprinting in the CONGRESSIONAL RECORD:

TESTIMONY OF JAMES A. GAVIN

THE RURAL CRISIS: ITS IMPACT ON SMALL BUSINESS

The economic pressures created by rural outmigration, a shrinking tax base, growing poverty and the decline of the family farm pose a serious threat to the viability of rural and small town independent business. They have created a customer drain, causing many small firms to close their doors forever. It is no quirk of fate that nearly 73% of all the business failures in the United States during 1970 occurred outside the nation's metropolitan areas.

This situation is dramatized by an NFIB member from rural Texas, who writes:

"Our area where we now live is in need of some kind of industry. I know for a fact from talking to the great majority of business people here that they are willing to work and cooperate in every possible way to bring any kind of industry into the area. . . . This rural area town needs this badly, if something is not done soon, in the next decade, I'm afraid it will not be able to survive."

In every section of the country concerned businessmen, like those in this small Texas town, are trying desperately to find a solution to the same problem. As more and more people leave the land, the economic base shrinks, forcing local businesses to tighten their belts. Margins are cut and payrolls reduced, adding the final link to the vicious cycle of decline.

Businessmen realize that their communities must change their economic base to survive, but this is easier said than done, because the same factors that caused the problem make it even more difficult to solve. Executives of corporations sometimes practice philanthropy, but they are extremely reluctant to locate new plants in depressed rural areas. Lack of transportation, an inadequate supply of trained labor and many other disabilities simply make such a move *poor business.*

SOLUTIONS: THE NEGATIVE APPROACH

The National Federation of Independent Business is, and has been for some time, deeply concerned about the plight of rural America. Over the years we have invested a good deal of time, money and effort in the search for a viable solution to this dilemma, yet, even during periods of complete frustration, we never gave up hope in the ultimate success of our cause. Because of this, we find the recent negative approach espoused by the

Commission on Population Growth and the American Future totally unacceptable.

The Commission's recommendation, contained in Part III of its Report, *Population and the American Future,* is as follows:

"In chronically depressed areas, it may sometimes be true that the prudent course is to make the process of decline more orderly and less costly—for those who decide to remain in such areas as well as for those who leave. . . . In that event, the purpose of the future investment in such area should be to make the decline easier to bear rather than to reverse it."

Although the Commission's Report qualifies this position by establishing the feasibility of economic development as a criterion, it is defeatist in attitude and extremely depressing. It makes several suggestions aimed at improving the lot of those who are forced to move to find work, which is good, but, in the same breadth, it accepts rural outmigration as an unalterable fact, which means that it has found no solution for the problem. Instead, it is content to offer halfway measures to ease the impact of dislocation, a stand that does nothing to head off the growing crisis.

Only once, when it states that, "a superior approach may be to create new jobs nearer to or within the declining rural areas," does the Report come anywhere near recognizing the heart of the problem. But, then it turns right around and suggests that this expanded employment should be **concentrated,** "in urban places located within or near declining areas," and that these centers should have, "a demonstrated potential for future growth," a policy which it admits, "could inadvertently produce overurbanization." "Overurbanization" is already a serious problem in the United States, so why even suggest a policy that could eventually make it insolvable?

In the Federation's estimation the Report of The Commission on Population Growth and the American Future leaves a great deal to be desired in its analysis of the rural crisis. Not only does it fail to address itself to the proper questions, but its suggestions are negative in nature and, in many instances, self-defeating. In addition, it offers absolutely no hope at all to those rural inhabitants who wish to remain on the land where they were born and raised.

POSITIVE APPROACHES

During the last few sessions of Congress, many members of both the House and the Senate have introduced bills aimed at correcting the problems of rural America. All of these proposals, from rural revenue sharing to a rural development bank, are positive in their approach and, as such, are commendable. But, all of these, without exception, simply don't go far enough. They deal with the visible symptoms of the disease, rather than with the disease itself.

A good example of this is the recently passed Rural Development Act. Its primary goal is to reduce the impact of inadequate community and social services in declining rural areas by increased funding of tested Federal programs. While this is needed to ease the hardship of rural living, it does little to attack the cause of these inequities—an insufficient and continually shrinking tax base.

The only way to accomplish this is to first, halt, and then, reverse the flow of outmigration. While this will not be an easy task, it is not impossible, and it behooves us to realize that we cannot expect an overnight change in a situation that we have allowed to develop uncontested for more than a century.

The economic base of rural America must be altered and strengthened, and we must actively seek the balanced development that is needed to make this a reality. As a first step in this direction, we must dedicate the nation's resources to the creation of steady, well-paying, jobs in our nonmetropolitan areas.

Jobs are the key. Without them, millions of young, rural Americans will be forced to move to our cities to find satisfactory employment. If we do not provide them with jobs, we will not have to worry about improving rural housing, sewerage, transportation, education and medical care, because, eventually, there will be very few residents left to take advantage of these benefits.

The creation of employment opportunities in these economically depressed areas is a difficult challenge, simply because knowledgeable businessmen are extremely reluctant to take the enormous risks involved in this type of a venture. In other words, they have to have some reasonable assurance that their efforts will stand at least a 50-50 chance of success.

Yet, even though they are presently faced with many trying obstacles, established firms are seriously considering moving to rural locations. A prime example of this trend is an electronics firm from New Jersey, employing 225 persons.

The impact of a company this size relocating in a rural town would probably mean the difference between continued decline and survival. It would create 391 new jobs, 252 new households and enough business for nine new retail establishments. Population would increase by 666, personal income by $1,341,000, bank deposits by $607,000 and retail sales by $810,000. In addition, the community's economic base and tax structure would be significantly changed, enabling it to provide more services for its residents.

The means for achieving this goal, the Rural Job Incentive or Development Act (H.R. 5190 and H.R. 5063, respectively), has been before Congress for a number of years. Its chief sponsors are Congressman Keith G. Sebelius, of Kansas, and the esteemed Chairman of this Committee, Congressman Joe L. Evins, of Tennessee.

Basically, this legislation attempts to give a new enterprise locating in rural America a reasonable chance for success. It balances the heavy risks involved in this decision with tax incentives designed to assist it through those first few critical years—a period that usually makes or breaks a new business. The logic behind its approach is based on a proven principle—that tax policy does, in fact, influence the course of business investment. With this in mind, it seem to provide a judicious blend of private initiative and public responsibility.

This approach also has the added attraction of being negligible in cost. It requires no new massive outlays of Federal tax dollars. Instead, the available evidence strongly indicates that these new businesses, along with the jobs they would create, will provide the United States Treasury with a net revenue gain. Granted, those firms that are eligible will take advantage of these tax incentives, but this should not place a drain on the Treasury, because they are now nonexistent. The Treasury cannot lose what it never had.

The bill, as now written, also provides safeguards for urban jobs. It clearly states that no company can qualify for these tax incentives if it diminishes operation or employment in an existing location by opening a branch or building a new facility in rural America.

Although this worthwhile legislation has been before the Congress for several sessions, it has just recently received the attention it merits. Almost a year ago the Federation with great success, mounted a campaign aimed at increasing Congressional awareness of the bill. To date, it has attracted the support of 198 Members of the House and 58 Senators, but, unfortunately, the Committee on Ways and Means has not held hearings as yet. We hope they will be able to do so in the near future.

NFIB, its member firms, and the small business community have long supported and shown a strong preference for the tax incentive approach to rural development, and a recent survey of the Federation's Advisory Council enforces this stand. The tabulation shows that 95% of the respondents support this legislation. In addition, 96% of them state that they would not object to the new competition created by the bill as long as new jobs came into their area. The questionnaire also explains that additional employment would probably mean higher taxes to pay for expanded community services, and, somewhat surprisingly, almost 81% answered that they felt this would be acceptable.

Mr. Chairman, we submit that America's rural businessmen are deeply concerned with the economic plight of their communities—concerned enough to willingly shoulder their share of the cost of revitalizing them. But they cannot do it alone, so we strongly urge you to recommend to your colleagues immediate consideration and passage of the Evins-Sebelius bill.

POLISH-AMERICAN CONGRESS OBSERVANCE OF MAY 3, 1791, FREEDOM CONSTITUTION

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, on April 30 of this year in East Chicago, Ind., the Indiana Division of the Polish-American Congress sponsored a religious memorial observance of the 1791 Polish Constitution anniversary.

I was present at this massive gathering of Polish citizens and their friends which was addressed by Mr. Aloysius A. Mazewski, president of the Polish-American Congress and Polish National Alliance. I incorporate with my remarks the message delivered by President Mazewski on this memorable occasion:

SPEECH OF ALOYSIUS A. MAZEWSKI, PRESIDENT, POLISH AMERICAN CONGRESS AND POLISH NATIONAL ALLIANCE

I feel it would be redundant to describe to you events and persons that made the May 3rd, 1791 Constitution of the old Royal Republic of Poland possible. As an intelligent audience, you know the Polish history, and you have heard and appraised its highlights on many other occasions in the past.

Suffice it to remind us at this time, that cumulative effect of the work of the Great Diet of Four Year Duration, or "Wielki Sejm Czteroletni", and its leaders headed by the Speaker of the Diet, Malachowski, electrified the entire continent of Europe, and its call for social justice, civic wisdom and responsibility, reverberated in America.

The May 3rd Constitution of Poland was the first legislation of this progressive and far reaching kind in Europe. It has been warmly received and highly praised in the French and British Parliaments, and strongly appealed to our own Thomas Paine, the prototype of American citizen and patriot.

May 3rd Constitution was a great act of legislative, judicial and administrative reforms of Poland, which at that time teetered on the brink of chaos and moral decay.

By instituting urgently needed reforms, by giving the nation new sense of direction, by wakening the sense of responsibility that was forgotten during the Saxon misrule, the May 3rd Constitution gave Poland a new lease on life, a lease so enduring that after one century of partition and persecution, Poland emerged from world war one ruins as unified nation fully aware of its destiny.

This renovation of national spirit, the reawakening of the sense of responsibility toward the state, the seeding of democratic ideals and principles for future development—are the hallmark of the May 3rd Constitution.

And we are justly proud of this noble legacy.

It is, however, not sufficient for our historical values and directions. to merely commemorate the event that gave Poland the May 3rd Constitution.

We pay homage to the authors of this great and noble document by praising the nobility of their pursuits and purposes, their sense of justice, their deep and abiding feeling for Poland's destiny.

And, noble, as these sentiments are, they are not, in themselves, a sufficient homage to those great men. I do not think they expected our praise. But I firmly believe that they expected the generations of Poles that followed them to be faithful, even onto the death, to the ideals they incorporated in the May 3rd Constitution.

It is proper and fitting that we revere their names.

But to pay really meaningful and substantive tribute to their greatness, we must apply the enduring relevancy of their work to the problems and challenges of our times.

In this context and this frame of reference, the May 3rd Constitution has a deep meaning and vital message not only to Poles. It has a universal appeal to all men who know the meaning and value of freedom and dignity of man.

It has an extraordinary relevancy to the problems and crisis of the United States of today.

It has a great lesson for the present generations of Americans.

And having these attributes, the May 3rd Constitution is truly a universal document in the annals of mankind.

It is one of the great contributions Poland made to the inception, growth and development of political and civic precepts of the Western man.

What, then is the May 3rd Constitution relevancy to our contemporary America?

Appraising it from the distance of almost two hundred years, and from the American point of view, we discover one inescapable fact, unique in the history of man.

Namely—that the May 3rd Constitution was a revolutionary document, but it embodies a revolution in reverse.

All other revolutions in the history of man were revolutions against individual tyrannies of kings and magnates, against brutal injustices, against dehumanization of the common man.

Poland's revolution was of an entirely different type.

The 18th Century Poland was the most liberal state in Europe.

While, for instance, in England at that time only about four percent of the population enjoyed enfranchisement, in Poland more than twelve percent of the population had the right to legislate at Sejmiki, at the Sejm, and the right to elect the King.

In addition to that, the spirit of tolerance was prevalent.

As a matter of fact, Poland was enjoying too much freedom for the political atmosphere and customs of the past centuries.

Thus, May 3rd Constitution, putting restrictions on freedom grown wild and irresponsible, was a revolution in reverse.

It was a revolution against too much permissiveness, too much irresponsibility in civic matters, too much demand upon the state without commensurate contributions to the welfare and viability of the state.

A situation similar to that which afflicted the 18th Century Poland, is prevailing in the United States today. It has modern trappings, but essentially does not differ from the freedom gone wild, the permissiveness, the disregard for public good that brought Poland, once the most powerful state in Europe, to the brink of dissolution and anarchy.

The ill-fated Polish Liberum Veto, the political irresponsibility of the gentry, its frivolous statements that Poland stands on misrule—"Polska nierzadem stoi",—all these national afflictions and sin find their equivalent in our America of today.

Excessive permissiveness is bring chaos to our moral precepts and rules. Irresponsibility toward the state is evident in anti-war demonstrations, in draft card burning, in insecurity on our streets, in devaluation of American spirit in our universities and colleges where teaching and scientific discipline is being replaced by the absurdity of students' demands and the meek accession to these demands by the faculty.

The vast cultural wasteland named television is distracting our mental and intellectual from real problems to showing of presentations more fitted for circuses than for enlightened public.

Hedonism, the fanatical pursuits of personal pleasures and satisfactions has its reflection in the pre-May 3rd Poland, where such platitudes as "az króla Sassa, jedz, pij i popuszczaj pasa" were the gist of social sensibilities.

Poland paid dearly for these mistakes. The renascence of the May 3rd Constitution came too late to save the 18th century generations of Poles.

Poland paid for these sins with blood and sweat, sacrifices, heroism and exiles of her best sons.

And those who died during the Kosciuszko Resurrection, during the Napoleonic wars, during the November January uprisings in two world wars,—they made both the expiation and the down payment for the future of Poland. That future in freedom, justice and self determination is not yet in sight for our generations of Poles.

But the knowledge of the May 3rd Constitution, and its message emblazoned in the hearts of whole generations of Poles, not only sustain us in these times of trials and tributions, but instill in our hearts unshakeable conviction that some day Poland will take its rightful place among the free and independent nations of the world.

And what is the message of May 3rd Constitution to us, as Poles living in the United States and as Americans of Polish origin and ancestry?

Directly to us, the May 3rd Constitution speaks that the fullness of life lies primarily in patriotic living.

To understand our land and the needs and aspirations of our people;

To participate in the solution of crisis and responses to challenges;

To observe the law of the land as the safeguard of peace, security and viable society;

And to instill in the hearts and minds of our children both the love for our land and respect for its institutions of freedom, together with a deeply ingrained sense of social and national responsibilities,—

These are the duties and obligations which the meaning of May 3rd Constitution places upon us.

And when we leave this place and this program with renewed determination and commitment to a more patriotic living, then our observance will be blessed, indeed.

And the May 3rd Constitution Observance each year will enrich the substance of our lives as Poles and Americans of Polish heritage.

PROPOSED REGULATION OF RADIO AND TELEVISION NETWORKS

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I introduce for appropriate reference a bill to regulate our radio and television networks. I will say at once that my real concern is the state of American television, which I *think has* fallen far short of its responsibility to serve the public interest as most of us here conceive it. For the sake of completeness, however, the bill has been extended to cover radio broadcasting as well.

In introducing a bill for the regulation of the networks, I am fully aware that, in the last analysis, it is those who have been licensed by the Federal Communications Commission to operate the Nation's television stations who must bear the ultimate responsibility for the violence and triviality that today dominate American television. Under the Communications Act of 1934, each licensee is charged with the duty of determining what programs he will present, and each must be held to account if the programs he selects are tasteless and debase the values and attitudes of the millions of young people who watch television daily.

At the same time we all know that it is the three major networks—CBS, NBC, and ABC—that now provide the American viewing public with most of its television programing during the evening hours, which is the time when most Americans are watching their home screens. The networks have come to dominate programing simply by virtue of economics. The creation and production of programs has become so expensive that most commercial television stations look to one or another of them. The networks provide the link between the individual stations scattered throughout the Nation and the advertisers who are seeking a large national audience. If the networks did not exist, we would have to invent them, at least in our system of advertiser-supported television.

And what have the networks given the American viewer? A steady diet of violence, brutality, and sadism—to the detriment of America's youth.

I have spoken out against TV violence many times. I have introduced resolutions deploring the crime and brutality viewed by millions of children. And I have introduced bills calling on the Federal Communications Commission to put a halt to television's headlong plunge into gore. On Tuesday, March 21, I testified before the Senate Communications Subcommittee on television violence and its effects on the youth of our country. The Surgeon General followed me to the stand and confirmed what those of us in Congress knew from previous scientific research, that TV violence is harmful to children and has caused aggressive antisocial behavior on the part of large numbers of American youth. The Surgeon General announced that it is time for immediate action and that the Government should do everything in its power to make TV broadcasters stop the daily diet of crime, violence, and brutality which is fed to TV viewers including millions upon millions of children and teenagers. But he felt he was not competent to decide how to accomplish this—he deferred to the Congress.

While this was a welcome statement by the Surgeon General, it fell far short of what is needed to stop the purveyors of TV violence. Past experience has shown that it will be a long time—perhaps never—before the TV broadcasters eliminate violence from TV. That is, unless there is a vigorous move by the Government to force them to stop. But the members of the Senate Communications Committee themselves professed frustration when it came to recommending a solution to TV violence because of first amendment considerations.

So we are faced with the same dilemma as previous Congresses. The only difference is that we now have abundant scientific evidence that violence-saturated TV causes violent juvenile behavior.

But the Surgeon General—the chief health officer of the United States—has no concrete "next step" to offer other than to try to "persuade" the networks to do better.

The powerful Senate Communications Committee has no concrete plan—legislative or otherwise—to reduce TV mayhem, other than to make a plea to the TV networks to do something.

And while all this was going on, the very TV officers who piously and sometimes tentatively offered to "do better" were locking in their schedules for next fall that are saturated with crime shows.

As I pointed out to the Senate committee, previous attempts at eliminating TV violence by relying on the "good faith" of the TV industry by several House and Senate committees, the Federal Communications Commission, and the President's Commission on Violence have been marked by failure. Failure because these groups all deplored violence on television; with varying degrees of sophistication they pointed to TV violence as a negative influence on human behavior; and, they were lulled into inaction with promises from the TV industry that there would be a diminishment of violence if the industry were allowed to "clean up its own house."

And, as of May 1972, the net result of all of this has been a lamentable cipher.

Over and above the question of whether TV violence is harmful, the networks have, for the past 18 years, assiduously violated their own codes of ethics and standards of broadcasting. In the face of an 18-year history of failure at self control, I feel it is safe to conclude that we cannot depend on the TV industry to clean its own house of TV violence.

They obviously will not.

The networks are infatuated with violence for two reasons.

The portrayal of violence is one of the easiest ways to attract an audience and most important of all, it sells soap.

And as long as we in Congress give them the option of "doing better" or making money, I am afraid they will choose the latter course.

So I have decided to introduce legislation to give the FCC the authority to regulate the networks in the area of prime time programing. The recent antitrust suits by the Justice Department would divest the networks of their production of these shows altogether.

I am against such drastic action.

As I pointed out, given our system, the networks, and only the networks, have the capability to product quality television on a sustained basis. We need them. My bill would not take this function away from them—it would only make them produce programs more in the public interest.

The reason the networks became involved in the production and control of programs in the first place was in part due to the independent production companies, who, free from network control, gave America the quiz scandals and the constant complaint of mediocrity epitomized by the phrase, "the vast wasteland."

The Justice Department action would give prime time programing back to the people who gave us Charles Van Dooren and the three stooges. My approach would give the Government the needed authority to motivate the TV corporate officers to operate in the public interest and give the American people the quality programing they deserve and which the networks are capable of producing.

Mr. Speaker, since I began to work on this bill to eliminate TV violence we have witnessed another calamitous political assassination attempt. Had I arisen in this body 10 years ago and predicted such an event because of the permeation of TV violence and the impact of that media on our TV generation I would have found little support.

Today, in the wake of the Wallace shooting editorials and newspaper accounts across the land have pointed to the stunning impact on the minds of young and impressionable people of repetitive television violence.

The Washington Star, in a major Sunday editorial, said:

> We do not at this time favor any form of censorship to control the level of violence on television. But the networks must recognize that they have a social responsibility to monitor this aspect of their product. If enough people complain—and switch to another channel—when the gore flows too frequently, explicitly and deeply, the networks will get the massage.

While this is one example of the recognition being given to the destructive effects of TV violence on our society, the solution of simply "switching to another channel" will not solve the problem—because the other channel usually contains just as much violence.

And while I, too, am against censorship I do feel that there is a mechanism by which we can reduce the level of network TV violence utilizing the concept of program balance as now applied to broadcast licensees by the FCC. If a broadcaster's performance does not meet his promise of programing in the public interest on application to the FCC, his license is subject to revocation. Under my bill, if the networks do not meet their promises of balanced programing, they are subject to heavy penalties.

If TV violence is harmful to America's emotional health, as now appears to be the case, then certainly the broadcasting of excessive violence is contrary to the public good. And if a television broadcast license is issued with the concept of serving the public interest, then the broadcasting of excessive violence is counter to the rules and regulations under which a broadcaster maintains his license to operate.

There is no reason why these same rules and regulations should not apply to the television networks.

They are responsible for what the vast majority of Americans see every night and every day.

They are responsible for the constant flow of violence that is fed to our viewing population.

They are responsible, in part, for the violence that permeates the American culture.

They should, therefore, be held responsible for their actions and that is what I propose in my bill.

The networks will respond to what I have just said by pointing to their rating services and by saying that they are only giving the American public what it wants. I leave any quarrel there may be with the statistical sampling techniques of these rating services to the statisticians, but it seems to me that ratings are a very limited guide to what the public wants. First, they are purely quantitative. They tell you only the number of people tuned in to a particular program. They do not tell you whether viewers liked or disliked the programs they watched, or were enthralled or disgusted by them. They do not tell you whether the program was even watched or was simply background, say, to a game of bridge. Second, they can only measure against a given supply. If at a given hour all three networks are providing action-adventure programs, the meaningless or ratings as a clue to what the public really wants becomes obvious. I do not think it necessarily follows from the fact that these programs are what the public wants. The rapid growth and prominence of such groups as "Action for Children's Television"—ACT—who have campaigned to eliminate violence from children's TV programing is evidence that the opposite may be true.

But even if ratings are a fair indication of the demand of the American public in television programing, can this justify the excesses to which the networks have resorted? Can this justify all the television beatings, whippings, and murders that have assaulted our senses over the past 10 or 15 years? The answer is obvious—it cannot. I am drawn inexorably to the conclusion that the leaders of our networks have shut out imagination, variety, and creativity in television, and have given us action-adventure programs of a stultifying vulgarity instead, only out of a hunger for high ratings.

The Government obviously cannot dictate to the networks and to those who are licensed to operate broadcast stations what they shall show or what they may not show. Any such dictation would be anathema to our fundamental principle of freedom of speech. Must we then resign ourselves to these excesses? Or is there a valid legislative way to help bring about better television programing? I myself think there is a valid way—and that is to make it possible for new program sources to become viable and to compete for the broadcast time of stations. But to obtain this sort of competition, there must be regulation of the television networks. And it with this approach in mind that I am submitting to the House a bill that would authorize the Federal Communications Commission to impose rules and regulations on the networks.

In capsule form, the bill seeks to improve television programing by enabling the FCC to foster competition among program sources and the growth of new program suppliers, and to strike at practices which restrict the general availability of programs. I want to emphasize that the bill is no more than a grant of authority to the FCC; it does not itself spell out the limitations that should be imposed upon the networks. I think we must leave it to the FCC to determine how far it shall exercise its powers under the bill. The FCC has the familiarity with the broadcasting industry and the expertise that is necessary for detailed regulation, and it has the administrative flexibility that the legislative process lacks to change rules and regulations with changing circumstances.

I am aware that the chain broadcasting rules issued by the FCC by directly binding the station licensees, indirectly bind the networks. I am also aware that a U.S. court of appeals has held that the FCC's 1970 rules on networks syndication practices and the networks' financial interest in TV programs were valid even though these rules regulated certain network activities directly. It has been argued from all this that the FCC already has sufficient power to regulate the networks. To my mind the argument is specious. For the FCC can never be sure, until a new rule is tested in the courts how far its power to regulate the networks really extends. Moreover, no scheme of regulation is meaningful without enforcement powers, and at the present time the FCC has no power to issue cease-and-desist orders or to apply the administrative fine provisions of the Communications Act against the networks. Finally, as between the networks and independent program sources, it is the networks which have the stronger economic power, and there is no way to curb this power short of taking the networks to the courts.

The Department of Justice has now done just this under the antitrust laws of the United States. I do not want to comment on the case except to say that it does not obviate my bill. For one thing, it may take years to bring the suit to a conclusion, and we do not know with what result. For another, we must recognize that in the nature of things an antitrust suit is negative in spirit. I said earlier that if the networks did not exist, we would probably have to invent them. But if we need the networks, we need them to do a better job. In the end, what it comes down to is that we must strike a balance between incentive and obligation, between reward and duty. And I think that striking such a balance—which will require the delicate restructuring of the relationships between the networks and all the other elements of the televsion industry—can best be carried out through the administrative process.

The bill I am introducing today would widen the range of programs available to station licensees in a number of ways, some of which are already familiar to us from the rules that have already been imposed by the FCC to limit the number of program hours which a network may provide an individual station each day or week—thereby making station time available to other, and hopefully new, program suppliers; to limit the financial or other beneficial interest of the networks in the programs they supply to station licensees; to deal with network practices which restrict the autonomy of the individual station and thereby limit its ability to operate in the public interest; and to deal with practices which have the effect of limiting the general availability of programs in any given area of the Nation. I think all these things will stimulate a beneficial competition among those who supply, or aspire to supply, television programs.

I have heard some critics of American television say that competition is the present source of our television evils—that when ABC entered the picture as a third network, it fed the American public a steady diet of action-adventure programs in order to attract large audiences; and that ABC's resulting success forced NBC and CBS to resort to the same low level of programing.

For myself, I think these critics are wrong when they condemn the principle of competition on the basis of the consequences that flowed from the establishment of ABC. In the end, the view we take on the question of having the widest possible competition among program sources must reflect the view we take of the American mass audience. True competition among program sources will mean that diverse types of programs will be offered, and diversity can only mean improvement in tastes and standards. We can only reject this diversity, and the possibility of improvement that it offers, if we take the view that the American mass audience is irremediably debased in its tastes and standards, that it is incapable of enjoying anything except the cheapest melodrama and the most vicious forms of brutality. But it seems to be the view of the networks, to judge by their regular schedules of the last 10 years.

While I have many hard things to say about the networks, I do not wish to imply that station licensees are all blameless. On the contrary, I am convinced that some of them flout, and without a twinge, the duty to act in the public interest that is part and parcel of every license. The bill I am introducing, by enabling more program sources to compete for station time, will provide station licensees with a fresh opportunity to choose among better and more diversified programs than are now available. If they do not, they can and should be held accountable when they seek renewal of their licenses.

Before I close, I want to reemphasize that this bill for the regulation of the networks will give the FCC no control over the content of network programs. I think the bill will permit the FCC to bring about a better balance in the program offerings of station licensees. But this is not interference with free speech; it is simply an extension of the authority the FCC has now to consider the program balance being promised when the FCC chooses between competing applicants for a station license, or to compare a station's promises and performance when the FCC passes upon an application for the renewal of a station license. On the subject of program content, the Communications Act states that the FCC shall issue no regulation which interferes with the right of free speech. That mandate—and the mandate of the first amendment—will govern the FCC in the issuance of regulations under the bill I am proposing.

Mr. Speaker, I believe strongly that the time has come for the Congress to reaffirm that the FCC must strike at network practices that restrict competition among program sources and that interfere with the duty or ability of station licensees to fulfill their statutory duty to operate in the public interest. Positive legislation of the sort I am proposing will provide this reaffirmation.

Mr. Speaker, I include a copy of the bill summary and the text of the bill at the conclusion of my remarks:

H.R. —

A bill to amend the Communications Act of 1934 in order to provide for the regulation of networks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Communciations Act of 1934 is amended by inserting at the end thereof the following:

"(gg) 'Network' means any person engaged in the business of supplying more than ten hours of programing per week to five or more stations by means of the interconnection facilities of a carrier.

Sec. 2. Part I of title III of the Communications Act of 1934 is amended by inserting at the end thereof the following:

"RULES AND REGULATIONS FOR NETWORKS

"SEC. 331. (a) The Commission shall from time to time, as in its judgment the public interest, convenience, and necessity may require, issue such rules and regulations with respect to networks as the Commission may determine to be necessary or appropriate to prevent or prohibit policies, practices, and activities of such networks which may have the effect of substantially lessening competition with respect to the supplying of programs to broadcast stations, or to assure that policies, practices, and activities of such networks shall not adversely affect the duty or ability of broadcast licensees to operate their stations in the public interest, convenience, and necessity. In the exercise of the foregoing and of its authority to issue rules and regulations with respect to station licensees the Commission shall have the specific authority to—

* * * * *

broadcast, and the geographical area, if any, within which the network may agree or undertake not to make said program available for broadcast by any other licensee; (C) the extent to which the licensee shall reserve the right to reject any program offered by the network for broadcast, or to cancel any program of the network after acceptance for broadcast; (D) the extent, if any, to which the network may base the compensation to be paid to the licensee for the broadcast of a program or the broadcast or acceptance for broadcast by the licensee of any additional program or programs which are supplied or are to be supplied by said networks; (E) the extent, if any, to which the network may, directly or indirectly, limit the rates or other consideration charged by the licensee to any person placing advertising or other matter with the licensee through a source other than said networks; and (F) the extent, if any, to which the network may, directly or indirectly, limit the subject matter or content of any program or advertising to be broadcast by the licensee which is not supplied by said network;

"(2) specify the extent to which a network shall make a program available for purchase by a licensee or licensees in competition with a licensee to which said program has previously been offered by the network, where the latter licensee (A) has not exercised any right of first refusal of said program that may be granted by the Commission pursuant to paragraph 1(B) of this section within such time as may be prescribed by the Commission pursuant to said paragraph, or (B) has rejected said program, or (C) has canceled said program after acceptance for broadcast;

"(3) specify the extent, if any, to which a network may have an agreement, contract, arrangement, or understanding, express or implied, with a licensee which prevents or hinders the licensee from scheduling programs for any time period before the network notifies the licensee of the network's intention with respect to supplying programs for said time period, or which requires the licensee to make available to the network time already scheduled for another program when the network notifies the licensee of the network's intention to supply programs for said time period;

"(4) specify the extent, if any, to which a network may, directly or indirectly, have a financial or other beneficial interest in any program which the network supplies to a licensee for broadcast;

"(5) specify the maximum cumulative duration, by day or week, of the programs which a network may supply to a licensee for broadcast during each segment of the broadcast day, as determined by the Commission, with the allowance (A) that the licensee may, under rules and regulations prescribed by the Commission, be enabled to broadcast on a continuous basis programs of the network which cover or present news events, political events, or sporting events, and (B) that the licensee may be enabled to broadcast special programs of the network where the Commission determines, upon application to it for such determination, that broadcast would be in the public interest.

"(6) specify the number of broadcast stations of which a network may be the licensee, or in which a network may, directly or indirectly, have a financial or other beneficial interest; and

"(7) specify the extent, if any, to which a network may represent a licensee in the sale of broadcast time for or in connection with any program not supplied by the network.

"(b) The Commission may classify each network with due consideration to (1) the type of broadcast service involved, whether AM, FM, television, or other, (2) the number and type or types of programs supplied, (3) the number of licensees to whom programs are supplied, and (4) the size and character of the area served by the licensees to which programs are supplied; and the Commission may prescribe pursuant to subsection (a) differing rules and regulations for each class of network.

"ENFORCEMENT PROVISIONS

"SEC. 332. (a) Where any network has violated or failed to observe any of the provisions of this Act or of any rule or regulation of the Commission authorized by this Act, the Commission may issue to any such network an affirmative order, or an order to cease and desist, to compel compliance by such network with this Act or with any rule or regulation issued thereunder.

"(b) Before issuing an affirmative order or a cease and desist order pursuant to subsection (a), the Commission shall serve upon the network involved an order to show cause why an affirmative order or a cease and desist order should not be issued. Any such order to show cause shall contain a statement of the matters with respect to which the Commission is inquiring and shall call upon said network to appear before the Commission at a time and place stated in the order, but in no event less than thirty days after the receipt of such order, and give evidence upon the matters specified therein. If after a hearing, or a waiver thereof, the Commission determines that an affirmative order or a cease and desist order should issue, it shall issue such order, which shall include a statement of the findings of the Commission and the grounds and reasons therefor and specify the effective date of the order, and shall cause the same to be served on said network.

"(c) In any case where a hearing is conducted pursuant to the provisions of this section, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission."

Sec. 3. Subsection (b) of section 402 of the Communications Act of 1934 is amended by inserting at the end thereof the following:

"(9) By any network upon whom an affirmative order or an order to cease and desist has been served under section 332 of this Act."

Sec. 4. Section 503 of the Communications Act of 1934 is amended by inserting at the end thereof the following:

"(c)(1) Any network which (A) willfully or repeatedly fails to observe any of the provisions of this Act or of any rule or regulation of the Commission prescribed under authority of this Act, or (B) fails to observe any final affirmative or cease and desist order issued by the Commission pursuant to section 332 of this Act, shall forfeit to the United States a sum not to exceed $10,000. Each day during which such violation occurs shall constitute a separate offense. Such forfeiture shall be in addition to any other penalty provided by this Act.

"(2) No forfeiture liability under paragraph (1) of this subsection (c) shall attach unless a written notice of apparent liability shall have been issued by the Commission and such notice has been received by the network involved or the Commission shall have sent such notice by registered or certified mail to the last known address of said network. A network so notified shall be granted an opportunity to show in writing, within such reasonable period as the Commission shall by regulations prescribe, why it should not be held liable. A notice issued under this paragraph shall not be valid unless it sets forth the date, facts, and nature of the act or omission with which the network is charged and specifically identifies the particular provision or provisions of the law, rule, or regulation or the affirmative or cease and desist order involved.

"(3) No forfeiture liability under paragraph (1) of this subsection (c) shall attach for any violation occurring more than one year prior to the date of issuance of the notice of apparent liability, and in no event shall the total forfeiture under this subsection (c) for the same act or omission occurring on successive days exceed $500,000."

SEC. 5. Sec. 504(b) of the Communications Act of 1934 is amended by striking out the words "sections 503(b) and 507" and inserting in lieu thereof the words "sections 503(b), 503(c), and 507."

SUMMARY OF THE MURPHY BILL FOR THE FCC REGULATION OF NETWORKS

The bill amends the Communications Act of 1934 to authorize the Federal Communications Commission to regulate the networks.

Sec. 1 of the bill amends the Communications Act by inserting a new definition—that for "network" (until now never defined by the Act). A "network" is defined as any person engaged in the business of supplying more than ten hours of programming per week to five or more stations by means of the interconnection facilities of a carrier.

Sec. 2 of the bill adds a new sec. 331 to the Communications Act. Subsection (a) of sec. 331 begins with a general grant of power to the FCC to issue rules and regulations with respect to networks to prevent or prohibit network policies, practices, and activities which may have the effect of substantially lessening competition in the supplying of programs to stations, or to assure that network policies, practices, and activities will not adversely affect the duty or ability of licensees to operate their stations in the public interest, convenience, and necessity. Sec. 331 (a) then goes on to enumerate certain specific powers that the FCC shall have with respect to both networks and licensees:

(1) The FCC shall have the authority to specify for all agreements between a network and a licensee (A) the maximum duration of the agreement; (B) the extent to which the network may grant the licensee a right of first refusal of network programs; and, where the granting of any such right is allowed, the maximum time for licensee acceptance of network programs, and the extent of the geographical area within which the network may agree not to make its programs available to another licensee; (C) the extent of the licensee's right to reject or cancel a network program after acceptance; (D) the extent to which the network may base the licensee's compensation for a program on the broadcast of additional network programs by the licensee; (E) the extent to which the network may control the rates charged by the licensee for non-network programs or advertising; and (F) the extent to which the network may control the subject matter or content of any non-network program or advertising.

(2) The FCC shall have the authority to specify the extent to which a network shall make a program available to licensees in competition with a licensee to whom the program has previously been offered, where the latter licensee has not exercised a right of first refusal, if allowed, has rejected the program, or has canceled the program after acceptance for broadcast.

(3) The FCC shall have the authority to specify the extent to which a licensee may option the broadcast time of its station to a network.

(4) The FCC shall have the authority to specify the extent to which a network may have a financial or other beneficial interest in the programs supplied to licensees by the network.

(5) The FCC shall have the authority to specify the maximum weekly duration of the programs that a network may furnish to a licensee during each segment of the broadcast day, with due allowance (A) that the licensee may, under FCC regulations, be enabled to broadcast on a continuous basis network programs on news events, political events, or sporting events, and (B) that the licensee may be enabled to broadcast special network programs where the Commission, upon application to it, determines that broadcast would be in the public interest.

(6) The FCC shall have the authority to specify the number of stations of which a network may be the licensee, or in which it may have a financial or other beneficial interest.

(7) The FCC shall have the power to specify the extent to which a network may represent a station in the sale of broadcast time for non-network programs.

Subsection (b) of sec. 331 authorizes the FCC to classify each network, with due consideration to (1) the type of broadcast service involved, (2) the number and types of programs supplied, (3) the number of licensees served, and (4) the size and character of the area served by the licensees to which programs are supplied. The FCC may prescribe differing rules and regulations under subsection (a) for each class of network.

The last part of sec. 2 of the bill adds a new sec. 332 to the Communications Act. Sec. 332 authorizes the FCC to issue affirmative or cease and desist orders to compel networks to comply with the Act or with regulations issued thereunder. Cease and desist order provisions for licensees are already set forth in sec. 312 of the Act.

Sec. 3 of the bill amends sec. 402 of the Communications Act by adding a new paragraph to permit judicial appeals by networks from affirmative or cease and desist orders issued by the FCC under the proposed sec. 332.

Sec. 4 of the bill adds a new subsection (c) to sec. 503 of the Communications Act. Subsection (c) permits the FCC to impose administrative fines on networks (1) which willfully or repeatedly fail to observe the provisions of the Act or of regulations issued thereunder, or (2) which fail to observe final affirmative or cease and desist orders issued by the FCC under the proposed sec. 332. The amount of the fine is not to exceed $10,000 for each day of violation, with the total cumulative amount not to exceed $500,000. Administrative fine provisions for licensees are already set forth in sec. 503(b) of the Communications Act.

Sec. 5 of the bill amends sec. 504(b) of the Communications Act, which deals with the remission or mitigation of administrative fines, or include administrative fines levied under the proposed sec. 503(c).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Pepper (at the request of Mr. Boggs) for today on account of official business.

Mr. Thompson of New Jersey (at the request of Mr. O'Neill) for today through June 26 on account of official business.

Mr. Eshleman (at the request of Mr. Gerald R. Ford) for today and the balance of the week on account of continued recuperation.

Mr. McKevitt (at the request of Mr. Gerald R. Ford) for today and tomorrow on account of official business.

Mr. Dingell for June 12 through June 20, 1972, on account of official business.

Mr. Alexander (at the request of Mr. Boggs) for today, Monday, June 12 and Tuesday, June 13, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Shoup) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Brown of Ohio, for 30 minutes, on June 15.

Mr. Veysey, for 5 minutes, today.

(The following Members (at the request of Mr. Denholm) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Aspin, for 60 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Begich, for 5 minutes, today.

Mr. St Germain, for 10 minutes, today.

Mr. William D. Ford, for 10 minutes, today.

Mr. Fulton, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Albert (at the request of Mr. Steed), to extend his remarks immediately preceding Mr. Steed's remarks on the death of John Martin Edmondson.

Mr. Jarman, Mr. Belcher, and Mr. Camp (at the request of Mr. Steed), to extend their remarks on the same subject.

Mr. Murphy of New York to revise and extend his remarks during debate on H.R. 12846 and to include extraneous matter.

Mr. Murphy of New York to extend his remarks in the body of the Record notwithstanding an estimated cost of $525.

(The following Members (at the request of Mr. Shoup) and to include extraneous matter:)

Mr. Findley.
Mr. Hastings.
Mr. Schwengel.
Mr. Burke of Florida in two instances.
Mr. Derwinski in three instances.
Mr. Broyhill of Virginia.
Mr. Wyman in two instances.
Mr. Teague of California.
Mr. Anderson of Illinois.
Mr. Wylie.
Mr. Gude.
Mr. Hansen.
Mr. Broomfield in two instances.
Mr. Schmitz in two instances.
Mr. Keith in three instances.
Mr. Price of Texas.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. Kastenmeier in two instances.
Mr. Wolff in four instances.
Mr. Symington.
Mr. Alexander in six instances.
Mr. Evins of Tennessee.
Mr. Gonzalez in three instances.
Mr. Rarick in six instances.
Mr. Hagan in three instances.
Mr. Rogers in five instances.
Mr. Murphy of New York in three instances.
Mr. Pucinski in six instances.
Mr. Fountain in three instances.
Mr. Begich in two instances.
Mr. Rees in three instances.
Mr. Thompson of New Jersey in two instances.
Mr. Harrington in three instances.
Mr. Edwards of California.
Mr. Rangel in three instances.
Mr. Fulton.
Mr. Boggs in two instances
Mr. O'Neill in three instances.
Mr. Waldie in six instances.
Mr. Metcalfe in two instances.
Mr. Eilberg in 10 instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 722. An act to declare that certain federally owned lands shall be held by the United States in trust for the Stockbridge Munsee Indian Community, Wisconsin; to the Committee of Interior and Insular Affairs; and

S. 2987. An act to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, N.Y., out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower; to the Committee on Appropriations.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 659. An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related Acts, and for other purposes.

S. 3607. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 13, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2072. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a quarterly report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the period ended March 31, 1972, pursuant to section 720 of the Department of Defense Appropriation Act, 1972; to the Committee on Appropriations.

2073. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification has been made of the lands in the East Greenacres unit, Prairie Division, Rathdrum Prairie project, Idaho, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to Public Law 83–172; to the Committee on Appropriations.

2074. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a revised report on the total amount of assistance-related expenditures for Laos for the first two quarters of fiscal year 1972 and the expenditure figures for the third quarter, pursuant to section 505(f) of Public Law 92–156; to the Committee on Armed Services.

2075. A letter from the Assistant Secretaries of the Interior for Rural Development and Conservation and Public Land Management, transmitting a proposed combined Bureau of Land Management and Forest Service plan for the development, operation, and management of that segment of the Rogue River under the administration of the BLS and FS in Oregon which is part of the national wild and scenic river system; to the Committee on Interior and Insular Affairs.

2076. A letter from the Chairman National Transportation Safety Board, Department of Transportation, transmitting the 1971 annual report of the Board, pursuant to 49 U.S.C. 1654(g); to the Commitee on Interstate and Foreign Commerce.

2077. A letter from the Acting Administrator of General Services, transmitting prospectuses for various Federal office buildings, pursuant to 73 Stat. 480; to the Committee on Public Works.

Received From the Comptroller General

2078. A letter from the Comptroller General of the United States, transmitting a report on efforts by the United States to obtain agreement on the value of improvements on properties returned to the Federal Republic of Germany; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15048. A bill to amend the Merchant Marine Act of 1970 (Rept. No 92–1122). Referred to the Committee of the Whole House on the State of the Union.

Mr. CABELL: Committee of conference. Conference report on H.R. 9580 (Rept. No. 92–1123). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DENNIS: Committee on the Judiciary. H.R. 10713. A bill for the relief of Wilma Juguilon Koch; with amendments (Rept. No. 92–1120). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 9256. A bill for the relief of Kyong Ok Goodwin (Nee Won); with an amendment (Rept. No. 92–1121). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ANDREWS of Alabama (for herself and Mr. Nichols):

H.R. 15419. A bill to provide for the establishment of the Tuskegee Institute National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BIESTER:

H.R. 15420. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 15421. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 15422. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

H.R. 15423. A bill to amend section 203 (e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mr. CONTE (for himself and Mrs. Heckler of Massachusetts):

H.R. 15424. A bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 15425. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 15426. A bill to amend the Federal Aid Highway Act, 23 U.S.C. 110 and 138 to clarify the law relating to what constitutes a formal contract between the Secretary of Transportation and a State highway department and stating further circumstances by which a State highway department will be permitted to refuse said aid; to the Committee on Public Works.

By Mr. WILLIAM D. FORD (for himself, Mr. Dingell, Mr. Nedzi, and Mr. O'Hara):

H.R. 15427. A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties; to the Committee on the Judiciary.

By Mr. HARVEY:

H.R. 15428. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

By Mr. HATHAWAY (for himself and Mr. Kyros):

H.R. 15429. A bill for the relief of the Passamaquoddy Indian Tribe in the State of Maine; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 15430. A bill to amend chapter 44 of title 18 of the United States Code to provide for the systematic registration of handguns; to the Committee on the Judiciary.

By Mr. McCLURE:

H.R. 15431. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee in Interstate and Foreign Commerce.

By Mr. MOSS (by request):

H.R. 15432. A bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 15433. A bill to amend section 103 of the Flood Control Act of August 13, 1968 (Public Law 90–483) to provide for beach erosion control and hurricane protection, Bal Harbour Village, Dade County, Fla.; to the Committee on Public Works.

By Mr. ROE:

H.R. 15434. A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 15435. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

H.R. 15436. A bill to extend the emergency unemployment compensation program for an additional 6 months, and for other purposes; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 15437. A bill to provide that no financial institution which has deposits insured by the United States may refuse to honor certain checks drawn upon any unit of Federal, State, or local government; to the Committee on Banking and Currency.

By Mr. STEIGER of Arizona:

H.R. 15438. A bill to authorize the Secretary of the Interior to purchase property located within the San Carlos mineral strip; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas (for himself, Mr. Teague of California, Mr. Dorn, Mr. Roberts, Mr. Montgomery, Mr. Hammerschmidt, Mr. Saylor, Mr. Scott, Mr. Baring, Mr. Carney, Mr. Danielson, Mr. Dulski, Mr. Edwards of California, Mrs. Grasso, Mr. Haley, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hillis, Mr. Pucinski, Mr. Ruth, Mr. Satterfield, Mr. Winn, Mr. Wylie, and Mr. Zwach):

H.R. 15439. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Florida:

H.R. 15440. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. ASPIN:

H.R. 15441. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable units of general local government to increase the numbers of police; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 15442. A bill to continue for a temporary period the existing suspension of duty on certain istle; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Mills of Arkansas, Mrs. Heckler of Massachusetts, Mr. Rodino, Mr. Hathaway, Mr. Daniels of New Jersey, Mr. Minish, Mr. Conte, Mr. Biaggi, Mr. Rosenthal, Mr. Adams, Mr. Hicks of Washington, Mr. Byrne of Pennsylvania, Mr. Blatnik, Mr. Carey of New York, Mrs. Grasso, Mr. Corman, Mr. Karth, Mrs. Griffiths, Mr. William D. Ford, Mr. McFall, Mr. Giaimo, Mr. Donohue, and Mr. Moss):

H.R. 15443. A bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Murphy of New York, Mrs. Hicks of Massachusetts, Mr. Danielson, Mr. Burton, Mr. Harrington, Mr. Drinan, Mr. Waldie, Mr. Mikva, Mr. Boland, Mr. O'Neill, Mr. St Germain, and Mr. Tiernan):

H.R. 15444. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Mills of Arkansas, Mr. Rodino, Mrs. Heckler of Massachusetts, Mr. Hathaway, Mr. Daniels of New Jersey, Mr. Conte, Mr. Minish, Mr. Biaggi, Mr. Rosenthal, Mr. Adams, Mr. Hicks of Washington, Mr. Byrnes of Pennsylvania, Mr. Blatnik, Mr. Carey of New York, Mrs. Grasso, Mr. Corman, Mr. Karth, Mrs. Griffiths, Mr. William D. Ford, Mr. McFall, Mr. Giaimo, Mr. Donohue, Mr. Moss, and Mr. Fraser):

H.R. 15445. A bill to provide for a 6-month extension of the emergency unemployment compensation programs; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Murphy of New York, Mrs. Hicks of Massachusetts, Mr. Danielson, Mr. Burton, Mr. Harrington, Mr. Drinan, Mr. Waldie, Mr. Mikva, Mr. Boland, Mr. O'Neill, Mr. St Germain, and Mr. Tiernan):

H.R. 15446. A bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.R. 15447. A bill to improve the quality of child development programs by attracting and training personnel for those programs; to the Committee on Education and Labor.

By Mr. MILLS of Arkansas (for himself, and Mr. Schneebeli):

H.R. 15448. A bill to amend section 101(1)(3) of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 15449. A bill to amend the Internal Revenue Code of 1954 to provide that payments made by airlines to aircraft hijackers shall not be deductible; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.J. Res. 1225. Joint resolution to provide for the termination of hostilities in Indochina, subject to the release of all American prisoners of war and the safe withdrawal of the remaining U.S. forces from Indochina, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WALDIE:

H.J. Res. 1226. Joint resolution providing for the designation of the second week of June 1972 as "Plumbing and Piping Industry Week"; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H. Con. Res. 631. Concurrent resolution expressing the sense of the Congress with respect to the establishment of peace in Indochina; to the Committee on Foreign Affairs.

By Mr. WINN:

H. Con. Res. 632. Concurrent resolution expressing the sense of the Congress that an Asian peace conference should be established under the auspices of the United Nations; to the Committee on Foreign Affairs.

By Mr. BROOMFIELD:

H. Res. 1014. Resolution calling upon Radio Free Europe to initiate radio broadcasts to the people of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. KYROS (for himself, Mr. Begich, Mr. Boland, Mr. Burke of Massachusetts, Mr. Conte, Mr. Daniel of Virginia, Mr. Donohue, Mr. Drinan, Mr. Eilberg, Mr. Harrington, Mr. Hathaway, Mrs. Heckler of Massachuestts, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. O'Neill, Mr. St Germain, Mr. Sandman, and Mr. Wyman):

H. Res. 1015. Resolution urging the President to impose export controls on cattle hides; to the Committee on Banking and Currency.

MEMORIALS

Under clause 4 of rule XXII,

398. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the massacre at Lod Airport, Israel, which was referred to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 15450. A bill for the relief of Chiu Wong (aka Roberto Sing); to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 15451. A bill for the relief of Romano Lohar; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 15452. A bill for the relief of Dedrick A. Maanum; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 15453. A bill to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association; to the Committee on the District of Columbia.

By Mr. MILLS of Arkansas:

H.R. 15454. A bill for the relief of Joseph P. Connolly, master sergeant, U.S. Air Force Reserve (retired); to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 15455. A bill for the relief of Donald C. Talkington; to the Committee on the Judiciary.

SENATE—*Monday, June 12, 1972*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. Ellender).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Gracious Father, who hast brought us to this time and place, give us a true purpose for the new world men dream about. Give us a renewed hope for the moral and spiritual renewal of the world Thou hast created. We ask not to be delivered from responsibility but to labor more responsibly and with higher wisdom for justice and peace everywhere. And for this purpose anoint Thy servants here with a full measure of Thy grace.

O Lord, look upon this good land which Thou hast given us for our heritage. Relieve and comfort those who suffer from floods or disasters of nature, and bring us all closer to one another in compassion and sympathy. May our human striving lead us to the shrine of Thine eternal love and the plan Thou hast for Thy coming kingdom.

We pray in the Redeemer's name. Amen.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 8, 1972, the following reports of a committee were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with amendments:

S. 1861. A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes (Rept. No. 92–842).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, without recommendation:

H.R. 7130. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes (Rept. No. 92–843).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 8, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate

proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nomination of Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uganda.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed; and, without objection, the President will be immediately notified of the confirmation of this nomination.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

UNITED NATIONS FUND FOR THE ENVIRONMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Concurrent Resolution 82, Calendar No. 803.

The PRESIDENT pro tempore. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

(S. Con. Res. 82) to express the sense of the Congress that the U.S. Government urge the establishment of a United Nations Voluntary Fund for the Environment to which the United States would contribute its fair share.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations with amendments, on page 2, line 5, after the word "Environment", strike out "to consist of a first year budget of" and insert "in"; in line 6, after the word "of", where it appears the second time, insert "$100,000,000"; in the same line, after the amendment just above stated, strike out "$50,000,000 and to increase the annual budget for the Fund by the same amount each year for the next two years,"; in line 9, after the word "to", strike out "pay its" and insert "contribute such"; in line 10, after the word "of", insert "that amount as is generally comparable to United States participation in the United Nations and its Specialized Agencies and Organs."; and, in line 12, after the amendment just above stated, strike out "such annual budget."; so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That the United States delegation to the United Nations Conference on the Human Environment, June 5–16, 1972, should urge the establishment of a United Nations Voluntary Fund for the Environment in the amount of $100,000,000, and the United States Government should agree to contribute such fair share of that amount as is generally comparable to United States participation in the United Nations and its Specialized Agencies and Organs.

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, with its preamble reads as follows:

S. CON. RES. 82

Whereas the peoples of the world have from time immemorial sought to improve their general well-being to the common detriment of the environment;

Whereas this degradation of the environment has resulted in deteriorating air and water and depleted natural resources;

Whereas the lack of collective action on the behalf of the environment has resulted in a challenge to all nations for human survival;

Whereas nations of the world have accepted that challenge and agreed to meet in Stockholm, Sweden, June 5–16, 1972, for the first United Nations Conference on the Human Environment;

Whereas the success of this historic conference will be determined primarily by the institutions agreed upon to deal effectively with the problems of the environment which transcend national jurisdictions;

Whereas an international environmental institution within the United Nations, created to deal with all problems of the international environment, will require adequate funding for its first year and additional funding for subsequent years; and

Whereas the United States share of such a fund should reflect this Nation's commitment to global environmental quality as a leading consumer of resources: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States delegation to the United Nations Conference on the Human Environment, June 5–16, 1972, should urge the establishment of a United Nations Voluntary Fund for the Environment in the amount of $100,000,000, and the United States Government should agree to contribute such fair share of that amount as is generally comparable to United States participation in the United Nations and its Specialized Agencies and Organs.

THREE COMMENCEMENT ADDRESSES—1972

Mr. MANSFIELD. Mr. President, during the past 2 weeks, I have been privileged to address the graduating class at Rocky Mountain College, Billings, Mont.; Foxcroft School, Middleburg, Va.; and Montana State University, Brozeman, Mont.

In these addresses, I have tried to relate my thoughts and feelings in the field of foreign policy with what I hoped were the thoughts and feelings of these young men and women going out into the world. As an overall group, they will have much to say, to do and, perhaps, to re-do and reenact. Whether or not I have succeeded in expressing my views to them in such a manner as to give them something to think about today and tomorrow remains to be seen.

May I say that I was impressed with all three student bodies. I have great faith and confidence in this new generation. They can be expected, at least in part, to undo the errors and the mistakes of the past, even as they may make some of their own, as they build upon the realities of today and deal with the problems of tomorrow.

Mr. President, I ask unanimous consent to have printed in the RECORD the commencement address at Rocky Mountain College, Billings, Mont., on May 29, 1972, entitled "China: A New Relationship"; the commencement address at the Foxcroft School, Middleburg, Va., June 9, 1972, entitled "China: Myths and Realities"; and the commencement address given at the Montana State University, in Bozeman, Mont., on June 10, 1972, entitled "Toward a Foreign Policy of Mutuality."

There being no objection, the commencement addresses were ordered to be printed in the RECORD, as follows:

CHINA: A NEW RELATIONSHIP

I would like to share with you on this day which is of great importance to you some thoughts of world affairs. One aspect of this subject, in particular, begs for your understanding and attention. That is the relationship between the United States and China. It is uppermost in my mind, at this time, because I have only this month returned from a journey to Peking. The impressions of the visit to that capital and several other Chinese cities are still very vivid. So, too, are my discussions with leaders of the People's Republic.

This is a notable year in U.S.-China relations. The first significant steps in 25 years have been taken towards a general revision of dealings with China. The initiative was long overdue and, hence the backlog of unfinished business is very heavy.

Almost a quarter of a century ago, we cut ourselves off, as a matter of deliberate policy, from all normal relations with the largest nation on earth. We did so by misreading or distorting, in an official sense, the implications of the Chinese revolution which brought a new government to Peking in 1949. Thereafter, we acted on the legal pretense that the People's Republic of China did not exist. Even as we pretended it was not there, we invested heavily in an elaborate system of costly constraints to curtail that government.

The price of this detachment from reality was not trivial. Quite apart from billions spent for counterpoises to China throughout Asia, our present involvement in Viet Nam can be considered, in large measure, to be part of the price of this constraint. So, too, was our earlier involvement in Korea.

These and other military actions were undertaken in the name of a policy called "containment" which was based on a set of assumptions about the nature of events in China, as we guessed or persuaded ourselves to believe them to be. These assumptions were made in a vacuum because of our isolation from the Chinese mainland. Not surprisingly, many of them turned out to be highly inaccurate.

The tragic cost of the miscalculations can be stated in terms of the lives lost, the bodies maimed and the resources squandered all around the rimlands of Asia, particularly in Korea and Indochina. To be sure, we cannot estimate what the alternative costs might have been had we acted on more accurate assumptions, or had we taken no action at all. Simply on the basis of what did happen, however, history may well record these miscalculations regarding China, as among the most costly of all time.

I might say, parenthetically, that we are at a crucial point, at the present time, in determining whether we will persist in this mistaken course. I refer to events in Viet Nam during the past few weeks. The new U.S. air and sea actions are vestigial responses which arise from the old, not the new China policy which was signaled by the

President's visit to Peking. Whatever the success of these new war measures, they will not alter in any way the overwhelming need of this nation to disengage completely from the Indochina conflict. We need to do so, not to satisfy Hanoi or Peking or Moscow, but in order to serve our own national interests. If we have learned anything to date from this conflict, it is that we have no national stake in that conflict except an end to further casualties and the return of the prisoners of war and the missing in action. The course of action best calculated to serve these national needs remains to negotiate the best political solution without further recourse to arms and to get out of Indochina, lock, stock and barrel.

But, to return to the central theme of my remarks, it is revealing to ask ourselves how we became involved in Viet Nam in the first place. How did we permit ourselves to make such faulty commitments with such disastrous consequences? We get some clues, I think, when we review the spectrum of our relationship with China over the last two centuries.

More than with other nations, our relationship with China has been subject to the ebb and flow of popular myth. We have tended to oscillate from the one oversimplified view of China to another. For almost two centuries, China has been viewed, alternately, as benign or virulent, friendly or hostile, wise or foolish.

Like the "yin" and "yang" of Chinese cosmology which holds that life is the product of a dualism of opposites, our image of China has gone from one extreme to the other. On the one hand, there has been the image of the China of wisdom, intelligence, industry, piety, stoicism and strength. That is the benign China of Marco Polo and Pearl S. Buck; it is the China of the Charlie Chan movies and of the stories of heroic resistance to Japan in the 1930's.

On the other hand, there has been the image of the China of cruelty, barbarism, violence, and faceless hordes. This is the China of drum-head trials, opium dens, bandits, summary executions, Fu Manchu, and the Boxer Rebellion.

In the late 18th century, we looked up to China as an ancient civilizaton—superior in many aspects of technology, culture, and social order and surrounded by an air of splendid and imperial mystery. In that period, the China trade was sought eagerly by the Clipper ships and Chinese produce was highly valued notably along the Eastern Seaboard and in Europe.

Respect turned to contempt, however, with China's quick defeat in the Opium War of 1840. There followed acts of humiliation of China such as our participation in extraterritorial treaty rights and the Chinese Exclusion Act of the last half of the 19th century.

In the early 20th century, attitudes shifted again to benevolence. American missionaries of many faiths made China a favored field for proselytizing and education. In this period, the Chinese became, for this nation, a guided, guarded, and adored people.

Chinese resistance to the Japanese invasion in 1937 produced another shift from benevolence to admiration. At the end of the Second World War, admiration was displaced by disappointment and frustration, as the wartime truce between Nationalist and Communist forces collapsed in internal strife. This nation became profoundly disenchanted with China, a disenchantment which was replaced abruptly in 1949 by hostility. U.S. Secretaries of State turned their backs on Chinese leaders and spoke of the menace of "Chinese hordes" as predecessors had spoken with similar revulsion of the "yellow peril."

The hostility was largely a reaction, of course, to the coming to power of a Communist regime on the Chinese mainland. We were not only dismayed by this development, we saw it almost as a national affront. Peking was viewed as a treacherous extension of the Soviet steamroller which had reduced Eastern and Central Europe to subservience at the end of World War II. China became in our eyes the Eastern puppet of world communism, to be manipulated by strings pulled in Moscow.

After Chinese forces intervened in the war in Korea where, incidentally, Mao Tse-tung lost his eldest son, U.S. policy was cast anew on the premise that the government on the Chinese mainland was an aggressor. It was seen as ready to use force to impose international Communism anywhere in Asia. Conversely, it was assumed that if the endorsement of the free nations were withheld, this regime which was said to be "alien" to the Chinese people would wither and collapse.

On this premise, it was rationalized that recognition must not be extended to Peking. Instead, the official American view was that the Chinese National Government, which had retreated to the island of Taiwan, continued to speak for all of China. We cut off trade with the Chinese mainland and did whatever could be done to encourage other countries to follow suit. In a similar fashion, a diplomatic campaign was conducted year after year against the seating of the Chinese People's Republic in the United Nations.

We drew an arc of military alliances on the seaward side of China and undergirded them with the deployment of massive U.S. military power in bases throughout the Western Pacific. Tens of billions of dollars were expended in this process. Much of this immense outpouring of effort and money seems incredible now in the light of the President's recent visits to Peking and to Moscow. Yet, it has continued for 20 years and, of course, is still going on, notably, in Indochina.

As has been suggested, this last quarter century of China policy has been characterized by delusion and miscalculation. We assumed, for example, that the Chinese Communists would be unable to govern. We assumed that the Peking government would be an extension of Soviet Communism and a willing accomplice to Soviet purpose and design. And we assumed that the Chinese government would be bent on territorial aggrandizement.

All of these assumptions have proved to be erroneous. In the first place, of the numerous divisions which have arisen within the Communist world, the differences between Moscow and Peking have been the most significant. They so remain today although the rasping edges of the conflict appear somewhat tempered by the periodic flare-ups of the war in Viet Nam.

At the same time, the government of the People's Republic has not only survived, it has provided the Chinese people with effective leadership. Chinese society has achieved a considerable degree of economic, scientific and social progress. A modern technology has been developed which is sophisticated enough to turn out products ranging from needles and hand-tools to thermonuclear devices, earth satellites and the rockets to place them in orbit. A powerful national momentum has been generated which is proving sufficient to supply an enormous population with the wherewithal of decent survival and an improving livelihood.

Notwithstanding assumptions to the contrary, the Chinese government has not shown any great eagerness to use its own armed forces to spread its control abroad. Where Chinese armies have been employed they have been used to assert traditional territorial claims, or in expression of concern for the safety of China's borders. China has not become enmeshed in foreign military adventures. In Viet Nam, for example, the Chinese military involvement has been peripheral. There is Chinese equipment in South Viet Nam but there are no Chinese battalions. In North Viet Nam reports have indicated the presence, from time to time, not of Chinese combat units, but of labor troops engaged in repairing bomb damage to roads, railroads, bridges and the like.

Chinese actions in Tibet, and along the Himalayan frontier with India, are often cited as examples of militant Communist aggression. Nevertheless, for centuries, Tibet has been universally regarded as falling within China's over-all boundaries. If the Peking government claims that Tibet belongs to China, so, too, does the Chinese National Government on Taiwan. India also acknowledges such to be the case and American policy has never officially recognized Tibet as other than Chinese territory.

Even in Korea, the direct Chinese military involvement did not begin until United Nations forces approached China's borders. In any event, the last Chinese batallions left North Korea years ago.

Looking ahead, it would seem to me that Chinese energies and resources are going to be so preempted by internal needs over the next two decades that there is little likelihood that China could post a serious military danger to the United States even if that were the inclination.

The evidence, in short, is ample to dispel some of the most alarming assumptions on which our past policies have been based. Of course, there is an immense potential danger in China. There is also an immense potential danger in every other powerful nation in a world which has not yet learned how to maintain civilized survival in a nuclear age except on the razor's edge. Insofar as China is concerned, the fundamental question for us is not so much whether it is a danger, but whether our policies will act to alleviate or to exacerbate the danger.

In my judgment, these policies can alleviate the danger only to the extent that they are based on premises that correspond more nearly to realities than has been the case in the past. It will serve no useful purpose to flail at windmills. Now that we have, in 1972, at last penetrated the shroud of obscurity surrounding China, there is reason to hope that our judgments and actions regarding China and Asia, henceforth, will be better informed.

In this new phase of our relations with China, we must beware, of course, that the old pendulum of myth does not now swing to the other extreme, thereby creating a new image of China which is as unreal as the old. We must guard against becoming too enamoured of the splendors of a newly revived amity. Banquets and toasts and shark's fin soup do not of themselves assure a new order of world affairs.

To keep the pendulum in equilibrium in our current approach to China, it would be well to heed a rule laid down by Lord Palmerston, the prime Minister of Great Britain in the 1860's, who declared:

"We have no eternal allies, and we have no perpetual enemies. . . ."

Our experiences in postwar World War II relations with Germany and Japan underscore this observation.

We have not always been very astute about defining where our real interests lie. We have often tended to confuse them with fleeting and transitory images of friendliness or animosity. This is all too true in the case of China where, for 25 years, we have been obsessed with the assumed threat of a perpetual enemy. In fact, we might well have avoided the untold misery and loss of life and resources of the peripheral war in Indochina, had we forgone the *poses of power* and, instead, taken a harder view of our national interests.

While we cannot identify national interests with exactitude, we do have it within our means to determine much more clearly where it is that they do *not* lie. The President has shown the way in this connection. Even before his visit to Peking, he had laid the groundwork for reestablishing more normal contact with the People's Republic of China by the removal of discriminatory restrictions on travel of Americans to the Chinese mainland and by ending the embargo on trade with China. The embargo had been imposed during the Korean War and was of a design so tight as to exclude even chop-sticks. The fact is, however, that for two decades, it had had no economic impact in China and had served only to injure our own traders. By ending the boycott on the eve of his visit to China, the President removed what was, at most, an irritant to China but which would have hampered his efforts to bring about the beginnings of a reconciliation.

As it was, President Nixon was able to lay the groundwork for the growth of contact between the two nations. The chances are good that the months and years ahead will see a gradual increase in exchanges between China and the United States in medicine and health, science, journalism, athletics, the arts and other pursuits.

An increase in trade is also to be anticipated. The Chinese are in an excellent position to move forward in this connection. It has been their practice to keep imports and exports, worldwide, in rough balance. They have neither external nor internal debt. They have ample exchange reserves. Their international reputation for integrity and reliability in commercial transactions is already very good. A great range of Chinese products is available for sale in the world markets and the Chinese also have a substantial shopping list for imports which will help to speed their own development and strengthen their economic self-reliance.

Exchanges can take place, in my judgment, even though the issue of Taiwan's remains finally, to be resolved. President Nixon has acknowledged as valid, Peking's claim that the island is part of China. That claim, incidentally, is sustained by the Chinese government on Taiwan. With the assurance that the United States will not pursue a two-China policy, Peking is prepared to go ahead in reestablishing contact with this nation while exploring in its own fashion the road to reunification of the island with the mainland.

Beyond exchanges between China and the United States, there loom larger questions of peace and security in the Western Pacific. Even as we meet here today, we await the consequences of the latest escalation of the U.S. involvement in Viet Nam as well as the full import of the President's discussions in Moscow. One can only hope that we have seen the last resort to retaliation in Indochina, the final burst of this wasting conflict and that progress can now be expected toward a genuine political settlement.

In all candor, the record of this tragic war provides little grounds for optimism in this respect. The invasion of Cambodia did not produce peace. Nor did the invasion of Laos. Nor did the earlier bombing enterprises over North Viet Nam.

Peace was the promise attached, in turn, to each of these escalations of the U.S. involvement. Each, in turn, led *not* to the promised peace but to more killed and maimed, more prisoners of war, more missing in action, more and more billions in expenditures to produce more and more devastation throughout Indochina.

The end of this war has yet to come and it is not clear yet when it will come. We would do well, nevertheless, to begin to examine the possibilities of a new security system, based on the realities of the 70's. These realities urge us to seek, in my judgment, an equilibrium of this nation's interests with those of China, Japan, the Soviet Union and the smaller nations of the Western Pacific. All have a stake in the peace of the region.

The restoration of contact with China furthers the possibility that at some time tripartite discussions might be held between China, Japan, and the United States, if not quadripartite talks, which would also include the Soviet Union. A development of this kind could do much to allay unfounded mutual fears and to begin to come to grips with the question of adjustment of valid national interests. It could provide insights into such vital questions as the intentions of the various powers in the Western Pacific and how they relate to one another, the economic needs of the Asian nations, and the prospects for curbing nuclear conflict. Most important, such discussions might provide a vehicle for general stabilization of the Indochina peninsula and Southeast Asia in the post-war era.

Adjustments of this kind require fresh perspectives. We need to see the situation as it is today, not as it appeared 20 years ago in the cataclysmic upheaval of the Chinese revolution. We need to see the situation not through the fog of an old and stagnant hostility but in the light of the enduring interests of the United States in the Western Pacific which are no less than a peace of equality and mutuality which will permit a flowering of relations with all Asian nations. Nor, may I add, are they any more.

I see great relevance in young men and women thinking deeply of the issues which divide China and the United States to determine how they can be recast in new and uncluttered molds. Unlike my generation, you have already learned much about Asia. You have a greater awareness of its importance to this nation and to the world. Furthermore, you have not had the experience of national trauma in moving abruptly from an era marked by an almost fawning benevolence toward China to one of thorough disenchantment. You were spared the fierce hostilities which rent this nation internally, as a sense of warmth, sympathy, and security regarding China gave way to feelings of revulsion, hatred and insecurity.

You young Americans and your counterparts in China will live your adult years in an era in which much of the world's history will be written in the Pacific. What you do, how you relate to one another—Chinese and Americans—will have much to do with whether or not that history is written in terms of peace and civilized human survival.

I have seen China off and on since I served there in the Marines in the 1920's. I have seen you, your parents and your grandparents much closer up and for a much longer period of time.

I am confident about a future that belongs to your generation, both in China and in this country of ours. This Republic is worthy of your best efforts not only in terms of developing Chinese and U.S. relations, but with regard to the entire world. You can do no more than try to achieve mutual understanding and a peace with all peoples. You can and should do no less.

China: Myths and Realities

Whenever I talk with people of your age, I am struck by your candor and honesty. You raise questions as to the values of our society, the integrity of our public affairs and the wisdom with which government is being run. This is as it should be. Only through constant reexamination will our policies and our system be shaped to meet the ever-changing needs of the nation.

There is a human tendency to cling to the ways of the past. It is desirable in that it gives continuity to our national life. If carried too far, however, it can be a straight-jacket. Persons in public life, perhaps, tend to be very susceptible to this tendency. Hence, the mistakes or irrelevancies of the past may be over-reflected in current policies. Until very recently, for example, your government's position on China seems to have been based largely on inadequate or erroneous assumptions of what was going on inside that nation of 800 million. Now that the President has visited Peking, the fictions about China are falling away. We are beginning, at last, to see what really confronts us in the great nation on the other side of the globe.

I would like to talk to you, therefore, about myths and realities regarding China. I do so because what happens in our relations with that nation will have profound meaning to you throughout your adult lives. A few weeks ago, I had the experience of spending 16 days traveling in China. It was not my first visit but it was in 1946 that I had last been there. So for a quarter of a century, that vast land has been to me as it has been to almost all Americans, as remote as the moon. In fact, since the space program began, we have spent more time and energy—and much more of the federal treasury—thousands of times more—in attempting to fathom the moon's secrets than in trying to learn the truth about China.

Since 1949, our concepts of China have been compounded of ignorance, half truth and untruth. This concoction produced a U.S. policy which was designed on the basis of a China seen as a malignant dragon breathing fire and lashing out aggressively at the world.

Before most of you who are graduating were born, your government had already begun to erect a Great Wall of isolation against this presumed menace. A ring of military treaties was established in Asia to choke off what were thought to be China's imperial ambitions. To nail these treaties into place, moreover, U.S. bases were established all over that region. U.S. troops were sent to man the bases. Tens of billions of dollars in military aid were distributed among foreign governments who did not have to do much more to obtain such aid than to give us assurances of their hostility to Communism.

While we were seeing China as a reckless, belligerent and powerful ally of Communist Russia, China was struggling to build on the ruins of World War II and a great revolution, a political and economic system which would serve the needs of the Chinese people. If we sought to contain China, in turn, the Chinese sought to keep us from interfering in their affairs. The Chinese view of U.S. policy in those days was that it was a logical extension of the over-all Western effort to dominate and exploit their country which had persisted for 150 years. They saw us as implacable enemies.

If the Chinese did not read our intentions correctly, we did not read theirs any more accurately. The fact is that China did not engage in aggressive seizures of neighboring nations. Whatever territorial changes they have sought, with the Soviet Union, Burma and India, had also previously been those pursued by predecessor Chinese governments, notably the government of Chiang Kai-shek on Taiwan.

In retrospect, U.S. policy with regard to China since 1949 has been ill-informed and misguided. I say that not as a Monday morning quarter-back. All of us who lived through those years share, to some degree, the writing of this unfortunate chapter in U.S.-Chinese relations. The fact is that we let our fears get the best of us. In looking at China for the past two decades, we saw much that was not there.

It is still difficult even now to form impressions of China free of these past distortions. Nevertheless, the distortions can be tempered by perspective in the sense that a bottle can be judged as half full or as half empty. If China is measured by some of our common yardsticks, whether they be highway mileage, the number of cars, television sets, kitchen gadgets, political parties, or newspaper editors—the bottle will be seen as half empty. If China is viewed in the light of its own past, the bottle is half full and rapidly filling.

That is the way the Chinese people look at their situation. They are not comparing their way of life with ours or with India's or even Taiwan's. They are looking inward at where they were yesterday, where they are today and where they will be tomorrow. It is no wonder, then, that there are many signs of popular acceptance of the new China and very little to indicate popular discontent. The fact is that the contrast of the new China with the old is nothing short of extraordinary.

If the new China is a closely controlled society, it is also true that political freedom was not a preeminant characteristic of the old China. Yet, there are sharp contrasts between the old and the new. Unlike the past, the current political controls have resulted in a China free of the ever-present threat of famine, pestilence, flood and other calamities. It is also a China largely free of exploitation, free of political corruption and free of indifferent government.

By comparison with the past, there is every visible indication that the Chinese people, today, live in a well-fed, adequately clothed and housed, and reasonably healthy society. The cities are clean, orderly and safe. The shops are well stocked with food, clothing and modest consumer items. Crime, begging, drug addiction, alcoholism, delinquency are conspicuous in their absence.

Personal integrity is scrupulous to an extreme. In Canton, for example, I saw a display case for lost and found articles in the lobby of the People's Hotel. It contained, among other things, a half-empty package of cigarettes and a pencil!

Today's China is an effectively organized, hard-working, early-to-bed, early-to-rise society. In both urban and rural areas, the people appear to be well motivated and cooperative. Women and men work side by side for equal pay. There is no visible distinction of rank on the farms, in the factories, in the armed services or government offices. A casual sense of freedom and mutual tolerance pervades personal relationships. There is an air of easy egalitarianism. There is now bowing down or kowtowing, not even to the highest officials.

The accent in China is on today and tomorrow, but a new interest is also evidenced in China's rich past. Everywhere there are striking restorations of cultural shrines even as the search continues for more of the ancient heritage. Excavations of the historic sites are underway throughout China and the archeological finds, to date, have been very impressive.

Conservation of natural resources has also received great emphasis. So many trees have been planted in and around Peking, for example, that the local weather has been altered for the better, Throughout China a new productivity is being developed by the reclamation of wastelands and by massive water control projects.

Only a few years ago, no medical care to speak of was available to the great preponderance of China's people. Now, along with regular physicians, so-called "barefoot" doctors who, in the tens of thousands, constitute a kind of basic civilian medical corps, are active in every region of China. The help which they give is often based on a limited medical knowledge but it is sustained by an unlimited enthusiasm to serve the sick.

Along with modern medicine, the Chinese are also using traditional herb treatment and accupuncture techniques. The latter is a Chinese healing practice which is over three thousand years old. It has been revived as a highly effective anathesia in surgery and is also being put to widespread experimental use as a treatment for many ailments.

Intestinal and other epidemic diseases—the terrors of old China—have been drastically reduced or eliminated. The heavy accent which has been placed on personal cleanliness and order has been a major factor in this achievement. In addition, there have been repeated mobilizations of the population in mass campaigns to eradicate disease-carrying snails, flies and mosquites. Not only in health but in every aspect of society there is evidence of a China being rebuilt. The Chinese people have swept away much of the inequity, the ineffectiveness and the despair of the past.

Notwithstanding reports to the contrary, the family remains as the basic social unit of China. It is a unit, however, which is no longer permitted to function on the sole basis of family interests, indifferent to the fate of the community and the nation. In short, the Chinese are fashioning a modern society, with a way of life which is rooted in the past but meets the needs of the present, and seems to offer hope for the future.

While these vast changes have been taking place in China, we have gone on fighting a war in Indochina. Our involvement in that war is derived in large part from the policies towards China which were adopted in 1949. As a former President put it some years ago: "Over this war (in Indochina), and all Asia is another reality: The deepening shadow of Communist China." To say it another way, we had engaged ourselves in Indochina, in major part, to block an aggressive China. For all practical purposes, President Nixon no longer sees the situation that way. On his visit he found a China not turned outward for aggressive ends but a China intent on solving its many internal problems. He initiated further contact on the basis of this finding.

The fact is that the Chinese, themselves, reject the status of "super-power" and insist that their system does not permit them to impose their views on others by force. Their armed forces are maintained inside China's borders and there are no appeals for military crusades abroad. They have no military outposts or bases in Korea, Southeast Asia or anywhere else on the Asian continent.

In a book written after a recent visit to China, Ross Terrill summed up the Chinese view of the world in these words:

"Here is a superior people . . . but whose sense of their superiority is rooted in contentment with their own mountains and rivers—not an active sense of superiority which pants to convert the world to its excellence. A passive sense of superiority, which basks, inward-turned, within its own possessed excellence."

There is little reason to expect a radical change in the basic direction of China's present course. Mao Tse-tung has already become a living legend in China and his writings are likely to illuminate the path of China's social, political, and economic development for the foreseeable future. What is to be anticipated, I believe is more rapid progress in building China's economy, with continued emphasis on production. China's resources are so diverse, its population so vast, and its needs so great that the emphasis could continue to be placed on internal development for many years to come.

I would anticipate that there will be an expansion of contacts between China and the rest of the world, including the United States. So far as I can see, the steps taken thus far by the President and the Chinese Premier to normalize relations are irreversible provided, I repeat, *provided* that this nation's course out of Viet Nam is also irreversible. Without peace in Indochina, there is little likelihood of a significant expansion of peaceful contact with China.

As for future relations between the Chinese and ourselves, I believe that we can dissolve the fears of the past by an honest exchange of viewpoints, mutual consideration, and decent restraints in dealing with one another. The differences which exist and will continue to exist need not lead to conflict. On the contrary, they can be adjusted to mutual gain.

We are a young national culture relative to China, hundreds of years compared with thousands of years. There is much to be learned and gained on both sides, in agriculture, industry, pollution control, health, education and many other fields.

There are human values to be examined and weighed. The mutual educative process has begun anew. The process must be maintained on the basis of equality of treatment and respect. The days of the one-sided relationship which once existed with *China*—of teacher-pupil, master-servant, benefactor and dependent, and so on back into the 19th Century's "enlightened and heathen," are gone and it is hard to see who in contemporary China or in this nation will mourn their passing.

Chou En-lai noted that it had taken "100 years since the Opium Wars for the Chinese people to stand up." Today, they are standing up. Self-reliance is their watchword and on that basis they are building a new China. In the years ahead, you will also be building, as each generation does, a new nation here in the United States. I would hope that it will remain rooted in the soil of the past even as it is redesigned for living in the present and to provide hope and confidence for the future.

I regret to say that the legacy which has been left to you with regard to our relations with China contains a high percentage of distortion which, in turn, has helped to distort relations with other parts of the globe. It is no accident, for example, that we have spent and are continuing to spend the lives of tens of thousands of Americans in Indochina and tens of billions of dollars in that tragic conflict. These sacrifices are a part of the price of two decades of distortion in China policy and the sooner we face up to this underlying cause of the Indochina war the better.

You, who are not saddled with the myths of the past, can play a large role in clearing away this debris. On the heels of the President's initiative, the reality of China is beginning to trickle into the consciousness of government. The enlightenment of your generation can speed that process. I am confident that you will not be fettered with the fears of the past, that you will look at the world around you with fresh clarity and find the courage to think your own thoughts. To think your own thoughts is the well-spring of freedom. May you draw deeply on it to help shape a better relationship between this nation and China and with all nations.

Towards a Foreign Policy of Mutuality

I come here today to convey a word of optimism regarding the nation's foreign relations. Optimism in this connection is long overdue; still, I hope my reference to it at this time is not premature. Whatever the case, my expectation is that history may well record 1972 as the year in which a corner was turned for peace. There are indications that the world is headed back towards constructive human purpose in its major international relationships. A water-shed appears to have been reached after a quarter century of dangerous dallying in the murky detours of the Cold War.

Insofar as the government of this nation is concerned, except in the case of Indochina, I believe the President is responding in a new fashion to international circumstances. He is projecting not as adversary but as conciliator. In so doing, he is paying heed to the legitimate claims of a public sentiment grown impatient with the words of peace, sung to the cadence of war.

So, I address a word of hope especially to you men and women of this graduating class. Your generation can take a great deal of credit for bringing about this change. Your manifest disenchantment with the foreign policies of the past and with the tragic travesty in the name of peace in Indochina has been impressed on Washington. You have underscored the point that government is itself governed, in the final analysis, by the depth and degree of public support which can be commanded for its policies.

You have helped to inject balance into official channels and, hopefully, to assure that government will not soon again indulge in meaningless adventures abroad, largely at the expense of young life. If we are, in fact, going through the last Viet Nam, if we are, in fact, getting out at last, as I devoutly hope, you have done your share to that end.

To be sure, the millenium has not yet arrived. Doomsday missiles in the United States point at doomsday missiles several thousand miles and a few minutes away. We still have vast garrisons on the mainland of Southeast Asia. Planes are still engaged in raining terror out of the Indochina skies. Ships sow the instruments of destruction in the waters south of China. Indeed, the Secretary of Defense has just told us that the spread of conflict, by sea and air, once again into North Viet Nam—this latest episode in the continuing agony of the Indochina War, will cost the people of the nation an additional $5 billion this year, not to speak of more lives, more prisoners-of-war, and more missing in action.

Nor should we overlook, in any note of optimism, the social and economic overload which arises at home from these and other wasting demands abroad; the capacities of the nation are great but they are not unlimited. The strain of serving, for a quarter-of-a-century as the world's leading policeman, banker, pioneer in space and what-not shows in the prices that are paid in every store in the nation. It shows, too, in the neglect of the environment, in the decay of cities and in the rise of crime, drug addiction and other barometers of social breakdown within our society.

Before we can speak of any real light at the end of the tunnel, we must face up to the immediate problems of the transition from the exertions of war to the work of peace. That the adjustments can be difficult and painful has been brought home to us by the President's announcement that the ABM site at Malmstrom will become inoperative under the terms of the Nixon-Brezhnev treaty. In this case, as in many others, we must find—the federal government has an obligation to assist in finding—constructive alternatives.

These qualifications aside, however, the fact is that the world has come a long distance towards sanity and order in the short space of a few months. That is why, in my judgment, the class of 1972 can look with some confidence to the future. There *is* a chance that the evil genies which have plagued us for a quarter century can be put back securely in the bottle.

Consider what has been achieved by the diplomacy of the past year. What comes to mind most vividly, of course, is the President's just completed journey to Moscow. The accords which were concluded there were highly significant in themselves. Yet, the most important result of the Moscow summit may be found not in specific achievements. Rather, it may emerge from the changes of national attitude on both sides which were reflected in the meetings.

The results of the Nixon-Brezhnev talks indicated a clear acceptance of mutual self-interest as the basis for the future relationship between the Soviet Union and the United States. We have not always been very prompt in the past to recognize national self-interest as a basis for a policy of peace. To be sure, we have sometimes *over*-assumed a national interest, as in Viet Nam and on that basis, spent the lives of tens of thousands of Americans and permitted over $130 billion dollars to be sucked up by the destructive sponge of that conflict. Now, after years of this deadly wastage we have at last discovered that our only valid national concern is to get back the prisoners of war and the recoverable missing in action. We have come at last to realize that our *only* national interest is to get out of the Indochina involvement, lock, stock and barrel.

If on some occasions we have over-assumed national interests, on others, we have ignored them almost as though they were not fitting to a great power. So, we have hesitated to define our bona fide concerns and pursued, instead, the will o' the wisp of ideological conflict. We have done so on the basis of such slogans as "Make the World Safe for Democracy," and most recently the "Battle for the Minds of Men" or the "Containment of Communism." The pursuit of ideological struggle has not led us to any victories. Rather, it has projected us into a hodge-podge of foreign aid, military alliances and into overseas propaganda and other dubious manipulative operations. The warm human concern of Americans for other peoples has been distorted by ideological warfare and we have plunged, without warrant, into the internal political and social affairs of other nations everywhere in the world. For two decades this costly exercise has become a way of life for hundreds of thousands of Americans, some of whom have scarcely set foot in the United States for many years. If there is a new light of hope, it is in large part because this random flailing appears to be coming to an end. In place of the cacophony of the Cold War, the recent Moscow conference spoke softly of "Basic Principles of Mutual Relations between the United States and the U.S.S.R." In these principles, the two nations recognized that there is no feasible answer in a nuclear age to the prospect of mutual annihilation other than mutual collaboration.

The two powers have begun, now, to move toward what President Nixon has called a position of "mutually agreed restraint" in armaments. To that end, a treaty has been negotiated by President Nixon to limit offensive and defensive strategic nuclear weapons on both sides. As I have already indicated, this treaty has a special meaning for Montana because it is expected that Malmstrom will not be developed now as an ABM site. In the circumstances, what I told the Senate in opposing the ABM program three years ago bears repeating today. On April 1, 1969, I said: "If this proposed ABM missile system . . . is right for the nation, it will be right for Montana. If it is wrong for the nation, however, the location of one site at Malmstrom cannot make it right.

"What economic benefit to a Montana community will equal the additional tax burdens and the new inflation which will weigh on all the people of Montana . . .? If the system becomes an insatiable maw for the consumption of public resources, who will pay for the neglect of other urgent needs, if not all the people of the nation including Montanans?"

That was my position on the ABM three years ago. It remains my position. I will support the President in regard to the Nixon-Brezhnev Treaty because I think it is a step on the road to peace—a goal devoutly hoped for by all mankind.

The diplomacy by which the treaty was negotiated is similar to that which led the President to take the first steps in breaking down the barriers of isolation and separation with the People's Republic of China. To digress for a moment for a personal note, let me say that on March 29, 1968, I gave the first lecture sponsored by the Mike and Maureen Mansfield Foundation at the University. The subject was "China: Retrospect and Prospect." My remarks, four years ago, contained this statement:

"It ought to be made unequivocal that we are prepared at all times to meet with Chinese representatives—formally or informally—in order to consider differences between China and the United States over Viet Nam or any other question of common concern."

The President's visit to Peking early this year which was followed by the journey of the Senate Minority Leader and myself a few weeks ago, has now made unequivocal the readiness of this nation to meet with China to the end that difficulties may be dissolved and civil contact restored between the two peoples. Four years is a long time. It is a long delay—but it is a beginning. The Great Wall of separation has commenced to crumble and the way to a stable peace in Asia is opening at last.

What the President has done with regard to the Chinese People's Republic is to remove a self-imposed straight-jacket on the foreign policies of the nation. Following World War II, for example, rather than face the great upheaval which had taken place in China, we chose not to recognize but to quarantine it. We cut ourselves off from contact with these monumental changes, thinking all the while that by so doing we somehow could exercise political control over them. In retrospect, it is clear that we had little or no effect over the course of events.

The fact is that there was a viable and independent government in control in China for many years before we chose to acknowledge that such was the case. It availed us nothing to ignore and isolate ourselves from that government. Yet, we continued to do so long after this policy had lost the last shred of a rationale.

Now that myths have begun to be replaced by realities, we can proceed to explore with the People's Republic of China, as the President has started to do with the Soviet Union, the possibilities of mutual accommodation. The change comes very late. Already, as I have indicated, the economy of the nation reveals the stresses imposed by unrealistic and excessively costly foreign-defense policies. Last year, for example, it was necessary to devalue the dollar, to raise import duties and to impose domestic controls to prevent a catastrophic breakdown in the nation's financial grid. The process of adjustment had been delayed too long to make a graceful and painless transition and it will be prudent to anticipate still other shocks in the future.

Nevertheless, we are now moving in the direction of mutuality, of a sharing of responsibilities and leadership with other nations. In part, this process depends on negotiations. In part, however, it is possible to take unilateral actions. It is not always necessary to await the pleasure of others in order to lighten our self-imposed burdens. I have, for example, not hesitated to urge unilateral action at various times with regard to Viet Nam in an effort to bring the involvement to a more rapid conclusion. I have done so because the ending of this mistaken and tragic adventure is our problem and our problem alone. Every day that the involvement persists adds to the burdens of the people of this nation, to the list of dead and wounded and to the devastation of the hapless people of Indochina. Others may have an interest in our withdrawal from this conflict. But none has a more vital interest than this nation in getting out without delay.

I have also urged unilateral action to bring about a substantial reduction of U.S. forces in Europe. There is no rhyme or reason, in my judgment, to keep more than half-million U.S. military personnel and dependents in Western Europe a quarter of a century after World War II at the expense of the people of the United States. Whatever purposes of foreign policy the U.S. garrison in Europe may still serve, the same purposes can be met by a far smaller contingent. As it is now, this enormous deployment is a drain on U.S. revenues; it is fuel for inflation in the United States and it is a major source of the weakness of the dollar in relation to the currencies of other nations.

I have stressed this issue time and again against the resistance of the Executive Branch under the Administrations of three Presidents. Insofar as I am concerned, it will continue to be stressed, notwithstanding the Moscow agreements which call for negotiation of mutual and balanced reductions of forces in Europe. The fact is that the Soviet Union does not pay for this antiquated and largely irrelevant U.S. deployment. The Europeans do not pay for it. The people of this nation pay the cost in their taxes. I see no particular virtue in prolonged negotiations with the Russians to bring about a reduction of U.S. forces which should have been done years ago in our own interest. I am appalled to think of the billions which have already been wasted in this long waiting game.

There was a time within the clear remembrance of many of us here today, when the rhetoric of Cold War was part and parcel of policy. That was a time when there did not appear to be any mutuality of interests between East and West and when it would have been futile to urge unilateral steps to reduce tensions. Those were the days when each nation was what George Washington so correctly described as the "slave of its own animosity."

The essential fact in precipitating the Cold War was that two powerful new forces—ideology and technology—came together at the close of World War II. This fusion vastly complicated the whole interplay of international affairs. The technological problem was awesome in its simplicity. With the great flood of scientific and engineering advances, governments came into possession of the power of instant and worldwide destruction. In consequence, the processes of statecraft were compressed in time and altered radically in conduct.

In this country there was a Constitutional fall-out from these technological developments. The power of the Executive Branch in foreign affairs increased drastically even as the power of the national legislature, the Congress and especially the Senate, shrank in proportion. In crises, so it was reasoned, there would not be time to make political decisions, much less debate the issues. At the same time, the new technology of war, by its scope and complexity, became more than ever a partner of government, with a vested interest in its own perpetuity and a high potential for distorting public decisions about war and peace.

The other aspect of the Cold War—the ideological problem—arose from the fact that two of the victors in World War II—the Soviet Union and the People's Republic of China—were revolutionary states committed to a system of social and economic organization which was anathema to this nation. The conspiratorial aspect of Communism posed a particularly painful problem for the United States, breeding suspicion, distrust and division in government. It became difficult to separate valid threats to national security from the bombast of the power-seekers. Enlightened public debate became constrained and as a result public policy was not always subjected as fully as it should have been to the purgative of critical challenge. So the political paroxysms of the '50's led to the rigid policies of the '60's.

History may well record that we pursued the correct foreign policies into the early 1960's; that we bought time, through containment and counterforce, to permit the gradual moderation of Communist power, thereby reducing the Marxist states to the political dimensions of other nations. However that may be, it has been apparent for some time that we persisted in these policies too long. We were blind to changes elsewhere and to the possibilities of adjusting to mutual interest. In the end, we came to the disaster of Viet Nam. It is part of the price which has been exacted for the obstinate pursuit of the obsolete in foreign policy.

How can it be prevented from happening again? Quite possibly the world will not soon see a repetition of the particular confluence of historical forces—ideology and technology—which produced the rigidities of the Cold War. Possibly, the awareness of our own electorate may now be such that prolonged periods of national self-delusion will no longer be countenanced. Perhaps, more effective techniques will be found in the art of government which will act to limber the dead weight of massive bureaucracy and so bring about a greater responsiveness to changing circumstances both at home and aboard. Perhaps, the addition of the under-21-voters to the electorate which I consider the highlight of my career—will revitalize the entire political process. In any event, it is doubtful that your generation—seared as it has been by the folly and outrage of Viet Nam—will long suffer in silence a foreign policy which is based on the outdated.

In the final analysis it comes down to the degree to which an enlightened and vigorous electorate will probe and test and call to account the policies of its own government. President Brewster of Yale has put it in these words:

"Exposure, questioning, reappraisal are often painful, even agonizing; their price is nothing, however, compared to the resentment aroused by a feeling of manipulated ignorance."

Your generation has some reason to feel, I'm sure, that it has paid the high price of "manipulated ignorance." At least you have the advantage of knowing clearly what your generation must avoid. I am confident that you can and will not only skirt the pitfalls of the past, but being thus spared the old burdens, you will be free to explore the vast possibilities of mutual accommodation with all peoples in a world which is now beginning to be liberated from its obsolete fears.

You can do no more. You should do no less.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from California (Mr. TUNNEY) is now recognized for not to exceed 15 minutes.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARTKE). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be recognized as in the morning hour, pending arrival of the distinguished Senator from California (Mr. TUNNEY).

Mr. ROBERT C. BYRD. Mr. President, permit me to ask that the time for the quorum call, just had, be taken out of my time under the order, and I shall yield to the distinguished majority leader such time as he may require from my time under the order.

The PRESIDING OFFICER. Without objection, it is so ordered and the Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I appreciate the usual courtesy and graciousness of the distinguished deputy majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD).

THE SECURITY ASSISTANCE PROGRAM

Mr. MANSFIELD. Mr. President, over the weekend, I received a letter from the President of the United States. As long as there has been some reference to it in the press, I think it should be read in open session at this time.

It is my understanding that the same letter was addressed to the distinguished minority leader, the senior Senator from Pennsylvania (Mr. SCOTT).

The letter is dated June 9, 1972, and it reads:

> DEAR MIKE: In my special report to the joint session of the Congress on June 1, the evening of my return from the summit discussions in Moscow, I said that the door to the agreements that we reached there had been opened because the United States had maintained the strength it needed to protect its interests. A vital and indispensable element of that strength has been our continuing security assistance program.
>
> The Foreign Assistance Authorization bill for fiscal year 1973, a significant portion of which is devoted to security assistance, is of direct and fundamental importance to the continued maintenance of our strength and the protection of our interests. As you know, the Senate will soon begin consideration of this bill, S. 3390.

Mr. President, S. 3390 is the unfinished business of the Senate and will be taken up shortly.

> At Guam in 1969, I made clear that the United States would look increasingly to its friends and allies to play a greater role in providing for their own defense. Since that time we have moved forward steadily toward that objective with full recognition that our own security depends importantly upon the independence, the progress and the stability of our friends. But if we are to reach that goal, we must help others to develop the ability to defend themselves. My Foreign Assistance program requests for fiscal year 1973 are based on these imperatives.
>
> The severe cuts in my fiscal year 1972 requests, and the restrictive amendments which were imposed, significantly limited our ability to move toward the basic objectives of the program—the maintenance of the strength necessary to secure a lasting peace.
>
> When I forwarded my fiscal year 1973 requests on March 10, 1972, I reported that the foreign assistance appropriations for fiscal year 1972 were below the minimum level required to attain our foreign policy and national security goals. Such reductions and restrictions, if imposed by the Congress again in 1973, will call into serious question the firmness of our commitments abroad. Such Congressional action could have a destabilizing effect at a time when confidence in our support and perseverance will be critically needed.
>
> In recent months we have taken bold and decisive steps in our continuing search for peace. I believe that through these efforts we have done much to enhance America's security and that of the entire world, primarily by diminishing the likelihood of direct

confrontation with the Soviet Union and the Peoples Republic of China. Though we are making every effort to expand on these initial and significant steps, the process of building the structure of lasting peace will be long and arduous.

I share with you the desire to withdraw our remaining forces from Indochina in a timely and honorable manner. But Congressional amendments which can be misconstrued by our adversaries to be hostile to my peace proposals of May 8 do not serve this objective. As I have reported to you and to the people of the United States, we are continuing to pursue every possible avenue toward peace in Southeast Asia. I have made clear to the North Vietnamese that we are fully prepared to participate in meaningful negotiations to achieve a settlement and I am hopeful that they will be convinced that such negotiations are in the best interests of all parties.

I am firmly convinced that the amendment of our purposes—in Vietnam and elsewhere—will be far more likely if this bill is passed in substantially the form in which I submitted it. As brought to the floor, however, the bill is incompatible with these objectives.

I have always appreciated the assistance you have given me in formulating programs to ensure this nation's welfare and security. We seek the same ends—the maintenance of our strength and will, a lessening of tensions and an amelioration of the plight of the less privileged. I am confident that I can count on your firm support in further pursuit of the goals.

Sincerely,

RICHARD NIXON.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains to me

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia was to be recognized for a period of not to exceed 15 minutes. Nine minutes of that time has been yielded to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Presiding Officer. I ask unanimous consent that the remaining 6 minutes of my time be allotted to the Senator from California.

The PRESIDING OFFICER. Without objection, it is to ordered.

Mr. TUNNEY. Mr. President, I thank the able and distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from California previously had an order for 15 minutes. The Senator from California now has 21 minutes.

THE BANK SECRECY ACT

Mr. TUNNEY. Mr. President, on October 26, 1970, Public Law 91–508 was approved by the President. A portion of that law, which has been referred to euphemistically by some as the "Bank Secrecy Act," requires the maintenance of certain bank records and the creation and rendering of certain reports where such reports or records have a "high degree of usefulness in criminal, tax or regulatory investigations or proceedings." Except for articulating the "high degree of usefulness" standard as the one to be applied, the Congress gave the Secretary of the Treasury extremely wide latitude in his power to promulgate regulations implementing the law. I am fearful, Mr. President, that the Congress may have made a great mistake in delegating such sweeping powers.

On April 5 of this year, the regulations were promulgated in final form and are scheduled to take effect July 1, 1972. In my view, these regulations as written, appear to be so sweeping that the privacy of millions of Americans may be subject to invasion.

The Senate report on the bill said that the purpose of the law was to reduce the incidence of white-collar crime and was particularly directed to obtaining more information on the use of secret foreign bank accounts by U.S. citizens or residents. The law, says the report, was also to facilitate the enforcement of the U.S. security laws, trading-in-gold laws and tax laws.

Although some of the regulations accomplish this task, others seem to have little to do with stopping crime.

One of the regulations in particular disturbs me. It requires banks to keep for 5 years copies of both sides of every check, money order, and draft, payable by the bank. There are certain exceptions not pertinent to most ordinary people, such as payroll checks, insurance claims, medical benefits, checking accounts which average over 100 checks per month and the like. But there is no limitation as to a maximum or a minimum amount of money involved in a transaction the records of which are to be maintained.

I fail to comprehend how a person's $5 per month newspaper subscription, milk bill, liquor purchases, subscriptions to journals, or financial contributions to organizations will be useful in any degree to a criminal tax or regulatory investigation or proceeding much less to a high degree of usefulness. This regulation might, however, pave the way for massively indiscriminate fishing expeditions of incredible dimensions.

The Senate report says "the legislation in no way authorizes unlimited fishing expeditions into bank records on the part of law enforcement officials" and that access to such records would "be only pursuant to subpena or other lawful process as is presently the case." However, there have been reported instances where branch banks, apparently in an effort to maintain good relations with Federal agencies such as the FBI, willingly turn over bank information to such agencies without the benefit of a subpena or court order and without notice to the bank customer whose account is to be scrutinized.

I was made aware of this alarming fact in April this year by an article in the Marin County Independent Journal. It told a frightening tale of a Californian, a financial supporter of "radical" causes—which it is his constitutional right to be so long as no laws are violated—who found out that his monthly bank statement was being scrutinized by the FBI before it was mailed to him. It was brought to his attention one month when he opened his envelope and found an interdepartmental memo wrapped around his checks. The memo said, "this memo is to authorize you to read checks to the FBI before sending this statement to the customer."

In his "Washington Merry-Go-Round" column dated May 12, 1972, in the Washington Post, Jack Anderson published a story on the monitoring of movie actress Jane Fonda's bank account without a subpena or court order. According to Anderson, the FBI file on Miss Fonda took cognizance of the law only by noting that the information already obtained by the Bureau should not be made public until after a subpena directed to the bank was issued and served upon the bank.

I am alarmed by the fact that this sort of Government snooping goes on without the benefit of a subpena or court order.

The sweep of these regulations only exacerbates the situation because much more information will be made available to the Government for purposes other than "criminal, tax, or regulatory" cases.

In our world of today, a person's personal, political and business life may be scrutinized in detail by examining his bank account. Most Americans do not wish their every expenditure known or scrutinized. Most Americans have nothing to hide, but they resent this looking over their shoulder, this surveillance ostensibly to assure that they are not criminals, or tax evaders.

For people who may financially support politically unpopular causes or organizations or subscribe to unpopular publications, the apprehension that their affairs may not remain private cannot help but have a chilling effect on their constitutional right freely to associate.

It seems to me that Americans simply are not protected from unlimited fishing expeditions if banks comply with Federal agency requests in the absence of notice to the affected person and if no subpena or court process is undergone prior to obtaining those records. If there are to be any safeguards to protect America's banking privacy. The treasury regulations do not say so.

Mr. President, I am puzzled by another of the new regulations. That one requires the filing of a report by a financial institution whenever a person deposits, withdraws, exchanges or transfers more than $10,000.

There is a very interesting loophole in this regulations, namely, that no report is required of those persons who maintain accounts with balances which the bank determines do not exceed amounts "commensurate with the customary conduct of the business—or profession of the customer concerned."

Although this regulation is presumably to assist in the investigation of suspected criminals, with this loophole, a big-time criminal who regularly has large banking transactions will sail through this regulation like a gust of wind.

The reports on persons whose banking transactions in excess of $10,000 will be available for scrutiny by agencies other than the Treasury Department.

The regulations provide that any other Federal agency or department may obtain such information upon request when it relates to some criminal tax or regulatory investigation or proceeding. It would appear that under this arrangement, any Federal agency may begin its "investigation" by fishing through all those reports to see if something "suspicious" is found. There is nothing in the regulations which safeguard the reports from further dissemination once it is in the hands of any other Federal agency or department. Who knows where the information may wind up.

Mr. President, because of the importance of these matters, on June 7, 1972, I sent a letter to the Secretary of the Treasury asking some questions with regard to current practices and the new regulations.

I hope that other Senators will join with me in carefully scrutinizing this recent Treasury effort prior to its effective date.

I ask unanimous consent to have a copy of that letter printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., June 7, 1972.

Hon. JOHN B. CONNALLY, Jr.,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: Since the promulgation on April 5, 1972, of the Regulations on Financial Record Keeping and Reporting of Currency in Foreign Transactions, which are presumably designed to implement Public Law 91-508 and are scheduled to become effective July 1, 1972, I have been besieged by complaints from Caifornia citizens who feel that their right to confidential and private banking affairs has been seriously breached by the Department of the Treasury.

Although I support the stated purpose of the statute to require the maintainence and creation of records which are highly useful in criminal, tax or regulatory investigations or proceedings, I am very fearful that the new regulations are overbroad and may have the concomitant effect of invidiously invading the privacy of millions of Americans. This effect might be avoidable if the regulations were more narrowly drawn. I am deeply concerned with both the regulations as written as well as current practices in connection with federal access to bank information. It is for those reasons that I write you today.

Within a week following the promulgation of those regulations, an article appeared in the *Marin County Independent Journal* outlining a story of the FBI's being allowed access to bank records of a Californian without a court order and without notice to the person whose account was being scrutinized. I enclose a copy of that article herein.

I have outlined below some very specific questions with regard to current practices and the new regulations to which I should greatly appreciate some detailed responses in the order the questions are raised. I should also appreciate your including in your response the steps you intend to take to safeguard the privacy of our citizens from being grossly violated by what appears to be "big brother" government tactics described in that article.

1. (a) The statute authorizes retention and reports of records which are found to have *"a high degree of usefulness* in criminal, tax or regulatory investigations or proceedings." (Emphasis added.) By what criteria did you determine that this test was met in drawing up regulations section 103.34(b) (2), (3), (4), (10), and why did you not distinguish between the amount or size of the transactions involved? Please respond with particularity to each subsection I have mentioned.

(b) What are the reasons for the exemptions in section 103.34(b)(3), and how do the exemptions fulfill the above-stated test?

2. (a) Will reports required under title II Chapter 2 be accepted by the Secretary if both the domestic institutions and at least one party to the transaction have not signed it?

(b) How many parties to the transaction will be required to sign a report? Will the parties and the banks be permitted or required to submit separate reports?

(c) What requirements exist or are contemplated for notifying bank customers of the submission of such reports to the Secretary about his or her account.

(d) If no notification is contemplated or required, (1) what is the reason for such non-notification and, (2) what protection does a bank customer have against errors contained in such reports?

3. With reference to regulation section 103.43:

(a) What do you mean by the words "proceeding" and "investigation"?

(b) What is your understanding of the term "fishing expedition", and how do you distinguish an "investigation" of a person from a "fishing expedition" in connection with such a person?

(c) Do you contemplate notifying any person as to whom a report is requested by a federal agency at the time such a request is complied with? (1) If so, what procedures will be followed? (2) If not, what are your reasons for not doing so?

(d) What limits if any, will be placed upon the varying types of information made available to other federal agencies?

(e) What limits, if any, will be placed upon the use made by other agencies of such information?

(f) What limits, if any, will be placed upon subsequent dissemination of such information by such agencies?

(g) Is it contemplated that any non-federal agency or organization will have access to such information? (1) If so, under what circumstances? (2) What safeguards have been established or are contemplated to guarantee against non-dissemination?

(h) Under what circumstances, if any, will the existence of the reports themselves be disclosed to other federal agencies in the absence of a specific request? (1) If no such disclosure is contemplated, how is it to be expected that any other federal agency will be aware of the fact that there is information to be requested?

4. With reference to regulation section 103.34:

(a) What is the reason it does not apply to transactions in connection with bank accounts established prior to June 30, 1972, thereby rendering all future transactions immune from regulation with respect to existing bank accounts?

(b) (1) What procedure does the Treasury Department use to obtain access to records currently maintained by financial institutions?

(2) Is the Department contemplating any different procedure for obtaining any information required to be maintained under Section 103.34? If so, how will it differ and for what reason?

(3) What is the present procedure for the issuance of subpoenas by the FBI, the IRS, or any other federal department wishing to obtain copies of records presently maintained by financial institutions?

a. Can IRS agents issue their own subpoenas without undergoing a court procedure? Can FBI agents do so?

b. Does there exist or is there contemplated a practice of going before a judge or undergoing a court procedure prior to the issuance of subpoenas?

(4) Are you aware of any practice on the part of any federal department or agency of requesting information from banks on specific accounts without use of a subpoena? If so, please give all pertinent details of such practice.

(5) Is there any provision for notice to an affected person whose records are to be scrutinized pursuant to subpoena or otherwise by the Treasury Department or any other federal department or agency under current or prospective procedures?

(6) What is your understanding of bank practices in connection with notifying bank customers prior to divulging any bank information or records to any federal department or agency?

5. With reference to regulation section 103.45:

(a) Does the Secretary contemplate publishing in advance in the Federal Register any proposed exceptions, exemptions, or modifications prior to implementation of same?

(b) What sort of "particular persons" or "classes of persons" are contemplated by the regulation?

(c) Will requests for such singling out made by other federal agencies be honored as a matter of course, or will a procedure be devised for honoring such requests? Please describe the mechanics of any such procedure.

6. With respect to regulation section 103.22 (b) (3), will not a hypothetical criminal who has been conducting large scale banking regularly in the past be able to continue his illegal activities undetected through this exemption?

7. How will prospective and current customers of all affected financial institutions be notified of the impact of the regulations prior to their implementation?

8. Finally, would you be kind enough to provide me with a copy of all forms you have prepared for use in implementing the regulations?

Thank you very much for your prompt consideration of the questions raised herein.

Very truly yours,
JOHN V. TUNNEY,
U.S. Senator.

FBI PROBES ACCOUNTS IN SAN ANSELMO BANK

Revelation that the checking account of a Corte Madera man was exposed by his bank to scrutiny by the Federal Bureau of Investigation today brought announcement that starting July 1, all banks will be doing the same thing to clients.

Richard Stark, 29, an artist and patron of radical causes discovered recently that his checking account at the San Anselmo branch of the Wells Fargo Bank had been reviewed by FBI agents.

He opened the envelope with his monthly statement and found an inter-department memo wrapped around his checks. The memo, which bank officials said was included in the envelope by mistake read: "This memo is to authorize you to read checks to the FBI before sending the statement to the customer."

Lawrence Hoge, a spokesman for Wells Fargo Bank, explained, "Sometimes if a guy flashes a badge, they'll come right through here. No employee is going to run to those thick memos to see if they can talk with him."

The bank spokesman said that as of July 1, all bank transactions exceeding $10,000 will be recorded on microfilm and forwarded to the Internal Revenue Service, in compliance with recently issued Treasury Department regulations.

"I presume these records will be made available to the FBI," Hoge said.

The Treasury Department regulations were received at Wells Fargo Bank last week, according to Hoge, confirming a report published in the Independent-Journal on March 1 that checking account surveillance was underway.

Stark, who lives at 122 Willow Avenue, Corte Madera, is the beneficiary of a trust fund set up years ago by his mother. He has conferred with his lawyer about a possible lawsuit against Wells Fargo bank for breach of contract and invasion of privacy.

When Stark first discovered the misplaced memo, he was glad to find out, said his room-mate, Richard Schwartz: "He was overjoyed. A lot of people, who aren't aware that the FBI does things like this, can now be aware it."

Stark has been funding radical organizations and causes since 1964. Most recently, he sponsored the White Panther Party in Marin County and gave his home as its headquarters.

As a result, it came as no great surprise to him to learn that he was being watched.

In reaction to the disclosure, Wells Fargo Bank has circulated a staff memo to all its branches reminding its employees not to release financial information to government agents until July 1 unless there is a court order.

The bank has also notified the FBI, according to Orion A. Hill, chief auditor, that it will not monitor accounts in the future without a subpoena or a valid written order.

(The remarks of Mr. TUNNEY on the submission of Senate Resolutions 15, 16, and 17, dealing with the situation in Burundi are printed in the RECORD under Submission of Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, which will not exceed 30 minutes, with statements therein limited to 3 minutes.

MRS. CONSUELO NORTHROP BAILEY, OF SOUTH BURLINGTON, VT.

Mr. STAFFORD. Mr. President, during this present period of highly organized and highly publicized efforts by the women of America to achieve true equality, it is easy to overlook the fact that our Nation's history has been highlighted by the accomplishments of many remarkable women.

One such woman is a Vermonter, Mrs. Consuelo Northrop Bailey, of South Burlington. Mrs. Bailey has achieved success in many careers: as a wife, a teacher, a lawyer, and in politics and public service.

A former State prosecutor, Speaker of the Vermont House of Representatives, and Lieutenant Governor of Vermont, Mrs. Bailey continues to serve with distinction as Vermont's Republican National Committeewoman and as an official of the Republican National Committee.

In this Chamber of political achievement, may I point out just two of her many accomplishments in the field of politics, as evidence of her remarkable talents. She is widely acknowledged as the most successful fundraiser of the Vermont Republican Party, and she ran 22 times for political office without a single defeat.

A newspaper article dealing with the achievements of Mrs. Bailey was published recently in the Springfield, Vt., Times-Reporter.

I believe this article is of interest to Members of this body and to all Americans, particularly to those concerned with the talents of the women of this Nation. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRST WOMAN LIEUTENANT GOVERNOR: CONSUELO WAS LIBERATED BEFORE THE SUBJECT CAME UP

(By Cora Cheney)

SOUTH BURLINGTON.—When the subject of liberated women arises, Vermont's Consuelo Northrup Bailey comes to mind.

Long before the term "Women's Lib" was coined, an intrepid young girl from Fairfield, decided that she would become a lawyer and a politician.

And she did, eventually becoming the nation's only woman lieutenant governor.

Consuelo Northrup was born in Fairfield in 1899 into an old family. Her father's people had come to Vermont from Connecticut in 1790. After finishing at St. Albans High School in 1917 she graduated, a Phi Beta Kappa, from UVM with a Ph. B. the year the women were first allowed to vote.

ARGUMENTATIVE

She was a talkative little girl, brash and argumentive. She learned to read very early, she can't recall just when or how, but at any rate she could spell a few words long before she started to school.

One day she visited the local school with a cousin on the day of a spelling match. Little preschooler Consuelo, to the wretched embarrassment of the cousin, insisted on joining the contestants and shouting out the words she could spell.

"The teacher was very patient with me," smiles Mrs. Bailey, thinking back nearly 70 years. Probably the teacher recognized some of the qualities that were to take Consuelo to national and international fame.

Now working on her autobiography in her luxurious South Burlington home overlooking Lake Champlain she looks much younger than the record shows. That record, telling her steps from one public success to another does not give a clue to her lively sense of humor, her flair for decorating (she loves her Chinese rugs), her interest in art and music, and her passion for collecting charming antiques and family treasures that strike one on entering her house and prescence.

CAGE OF MICE

A cage of mice in the living room—"I'm keeping them for my minister's daughter"—and her old farm dog named Rover indicate yet another side of her character.

Her life reads like a specialized political history of early to mid twentieth century Vermont.

She likes to tell that she was born, the middle child of three girls, the day that Admiral George Dewey came back to Vermont after the Spanish American War. Ed C. Smith was governor, and he and Dewey captured all the headlines when they visited Shelburne for a well publicized gala.

The men on the cracker barrels at Farfield's general store talked about the famous Dewey and noted in passing that there was "another girl up to Northrups", and it was generally agreed that it was a pity that it was not a boy. Now Dewey's and Consuelo's portraits hang not far apart in the State House.

DAIRY FARMER

Consuelo (her name came for out of nowhere and was given her by her mother) was close to her father in her childhood. Her father, a prosperous dairy farmer, had studied law at Columbia.

Although he never became a lawyer, he was a member of the Legislature. Her father called her "Bob", and one day when she was nine, and probably arguing, he said to her mother, "Bob really ought to be a lawyer."

The idea stuck with her so that when she finished college she taught a year and saved her monthly for law schooling. She earned $1000 and saved $700 of it.

She tells the story of the first day of her school teaching when the occasion should have been cheerful and positive: the school principal opened the day by having the children sing "When You and I were Young, Maggie", complete with all the verses about being old and gray, Maggie. She had to work hard not to break out laughing as the children dragged on with the dreary song. She thinks schools have improved immeasurably.

LAW SCHOOL

She had no trouble being admitted to the Boston University Law School. In fact, she got a $75 scholarship, quite a boon in those days. It took three years to complete the course, and the 15 women in the school were treated as equals with the men.

Mrs. Bailey has a penchant for dates and details. She drops them off without a moment of hesitation. This must have served her well in her case studies.

After graduation in 1925 she studied in the office of Alfred L. Sherman in Burlington to fulfill the requirements for admission to the Vermont Bar. Almost immediately she was appointed a City Grand Juror, and in 1926 she became the first woman to be States Attorney in Chittendon County and Vermont.

There was some opposition and grumbling about this. One reluctant supporter "Thought she'd be all right. At least she hadn't bobbed her hair." Another complained that she was too young and that was no place for a woman, but she got the job.

STATE'S ATTORNEY

During her years as State's Attorney she became the first Vermont women to prosecute a murder.

Strong, energetic, and determined she went after suspected criminals, especially bootleggers, with a vengeance.

Once she walked miles through a blizzard on Lake Champlain poking sticks in muskrat traps investigating a case while the defense attorney, a young man stuck close to his office stove saying it was unfit weather.

Following her father's footsteps into the Legislature she successfully ran for the Vermont Senate in 1930. Following this term she went to Washington in the early 30's to be Administrative Assistant to E. W. Gibson in the U.S. Senate.

REPUBLICAN

From the start she felt a keen interest in Republican Party affairs. In 1936 she became the Vermont Republican National Committee woman and has held the office since that date.

She pulled the astonishing and unparalleled feat of raising $100,000 for the Republican Party in a series of 13 dinners. In point of service she is the oldest member of the National Committee.

In 1940 Consuelo Northrup married Henry Bailey a Burlington lawyer. They went into practice together but shortly afterward with the beginning of World War II Mr. Bailey, a reserve Captain in the Army JAG Corps, was called into active duty. A physical examination showed that he was ill so he did not serve further. He died in 1961. During his years of illness he was an encouraging and loyal supporter of his wife who continued to move from one honor to another.

In 1952 Mrs. Bailey decided to run for the House of Representatives. How did she campaign?

THOUSANDS DOORBELLS

"Why I rang 1000 doorbells in the town of South Burlington. Successful politics means a meeting of minds and facts. To get elected you have to let the people know you, and to be a good representative you have to know the people."

In the House she sat in Seat 46, now at the Vermont Historical Society, used by her father in 1900. In 1953 her sister Fredricka

(Mrs. Winiston Sargent) sat in the same seat when Consuelo was Speaker of the House.

In 1953 Vermont led the nation in the number and proportion of women in the Legislature with a delegation of 52 women. Consuelo Bailey ran for the Speaker of the House and won, having the support of most of the women. This was widely noted in the national press including a Life Magazine article on Vermont's stalwart women.

"I think I was elected as a person, not just railroaded through because I was a woman. I never had any feeling of being treated better or worse because I was a woman. There were always flowers for me on the Speaker's table. Somebody, different people, put them there each day, and there was never a day without them. I love flowers. But the first day I brought the gavel down for order I brought it down so hard that there was never a doubt that I meant business," said Mrs. Bailey.

GREAT SPEAKER

"She was a great speaker," said veterans of the House at that period. Mrs. Mildred Hayden of Berlin served under her as did Mrs. Gertrude Mallary of Fairlee, both of whom praised her performance. The taste of success was sweet in her mouth. Mrs. Bailey liked that gavel, and she liked firsts. Why not be the first woman lieutenant governor? She could wield the gavel in the Senate. In 1954 she ran for the office.

"I visited 244 towns. I made hundreds of speeches. I met people wherever I could find them," she said.

During this period the late Miss Edna Winship was Town Representative for Windham. While barnstorming Southern Vermont Consuelo Bailey stopped to spend a night with her friend Edna. A church service was scheduled at the beautiful Congregational Church there on the hill in Windham.

"Connie," said Edna, "you ought to go to Church and shake a few hands. I can't come this time, but you go and make yourself at home."

"So I thought I had better not miss the chance," said Mrs. Bailey. "I slipped in a little late and sat in a back pew. The minister to my surprise recognized me, and he paused to announce that there was a famous visitor in the congregation. Of course this was great for me, and after church I shook all the hands and someone whispered to me that I should go to the service down in Jamaica which would begin in a few minutes.

"So I drove off to Jamaica just in time to slip in the back pew again. And behold, it was the same minister. Once again he introduced the famous visitor and I looked at how many hands there were to shake. About that time the preacher's wife tapped me on the shoulder and whispered. He's going to preach the same sermon. Don't you want to leave?

SAME SERMON

"But no, the good politician has to suffer, even through the same sermon twice, and I wanted to meet those people. When I got back to Edna's house for dinner the thought suddenly hit me: why not stay for the evening service too? Both of us had a good laugh over that but there was no evening service."

As Lt. Gov., Consuelo Bailey reached the highest political office ever held by a woman in Vermont. She conducted the Senate with dignity and brilliance. No other woman in history has been lieutenant governor.

Today she still practices law and is still the National Republican Committeewoman, primed for the trip to Miami in August. She is just back from Paris where she represented President Nixon at the UNESCO conference on the preservation of historic, cultural and national sites in the world. In 1970 she was the US delegate to the UN Status of Women Conference in Switzerland.

Her telephone rings incessantly, but somehow she is finding time to write her memoirs and to play the organ and enjoy her antiques, especially her splendid collection of Bennington parian ware.

Eleanor Roosevelt paid tribute to Consuelo in her book Ladies of Courage. Her study wall shows autographed pictures of several Presidents. Her honors continue to grow. She ran 22 times for office and was never defeated. She was awarded an honorary degree from UVM.

Consuelo Bailey smiles when asked about Women's Lib.

"Women have to learn to deserve the respect of all people, not just men. You don't need to legislate equality. I never found a door closed to me for being a woman."

Over her study door is a small painted motto: "I'm not denying that women are foolish, but God Almighty made them to match men."

He must have been thinking of Consuelo.

The PRESIDING OFFICER. Is there further morning business?

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON VALUE OF PROPERTY, SUPPLIES, AND COMMODITIES PROVIDED BY THE BERLIN MAGISTRAT

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the value of property, supplies, and commodities provided by the Berlin Magistrat, for the quarter ended March 31, 1972; to the Committee on Appropriations.

REPORT ON REVISED ESTIMATES OF LAOS EXPENDITURES

A letter from the Assistant Secretary for Congressional Relations, transmitting, pursuant to law, a report on revised estimates of Laos Expenditures (with an accompanying report); to the Committee on Armed Services.

REPORT ON NATIONAL TRANSPORTATION SAFETY BOARD

A letter from the Chairman, National Transportation Safety Board, Department of Transportation, transmitting, pursuant to law, a report of that Board, for the year 1971 (with an accompanying report); to the Committee on Commerce.

REPORT ON EFFORTS BY THE UNITED STATES TO OBTAIN AGREEMENT ON THE VALUE OF IMPROVEMENTS ON PROPERTIES RETURNED TO THE FEDERAL REPUBLIC OF GERMANY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a confidential report on Efforts by the United States to obtain Agreement on the Value of Improvements on Properties Returned to the Federal Republic of Germany (with an accompanying report); to the Committee on Government Operations.

PROPOSED COMBINED BUREAU OF LAND MANAGEMENT AND FOREST SERVICE PLAN

A letter from the Assistant Secretary, Rural Development and Conservation, and the Assistant Secretary, Public Land Management, transmitting a proposed combined Bureau of Land Management and Forest Service plan (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON SOIL SURVEYS AND LAND CLASSIFICATION OF CERTAIN LANDS

A letter from the Assistant Secretary of the Interior, certifying, pursuant to law, that an adequate soil survey and land classification has been made of the lands in the East Greenacres Unit, Prairie Division, Rathdrum Prairie Project, Idaho (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROSPECTUSES FOR CONSTRUCTION OF CERTAIN FEDERAL BUILDINGS

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, prospectuses for the construction of certain Federal buildings (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"ASSEMBLY JOINT RESOLUTION NO. 16

"Relative to furtherance of family planning research and services

"Whereas, The health and well-being of the residents of the State of California and of the United States are of vital importance to this Legislature; and

"Whereas, The adoption of public policies to voluntarily reduce the birth rate in a manner consistent with human rights, human dignity, and individual conscience is the most moral and democratic way to insure that population stabilization is not forced upon us by higher death rates, social catastrophies, or legislated fertility control; and

"Whereas, The Legislature of the State of California has recognized the need for comprehensive, realistic, confidential and well-publicized birth prevention programs; and

"Whereas, In recognition of the fact that the State of California and the government of the United States should play a leading role in the fight for human rights and population stabilization; now, therefore, be it

"Resolved, by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to give immediate and favorable attention to the funding, implementation and continuation of U.S. Public Law 91-572 entitled 'The Family Planning Services and Population Research Act of 1970' which is an act 'to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the federal government, and for other purposes'; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, to the President pro Tem of the Senate, and to each Senator and Representative from California in the Congress of the United States."

Resolutions of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND CERTAIN OTHER PUBLIC OFFICIALS TO PUBLICLY CONDEMN AND TO TAKE CERTAIN OTHER ACTIONS RELATIVE TO THE MASSACRE AT LOD AIRPORT, ISRAEL

"Whereas, The Massachusetts House of Representatives is shocked and saddened by the massacre of at least 26 persons and the wounding of 70 yesterday at Israel's International Airport. Commissioned by one of several Palestinian terrorist groups advocating the mass murder of Israel men, women and children, the Lod Airport Massacre stands as the most deplorable episode in the long series of atrocities perpetrated by these groups; and

"Whereas, The complicity of Arab governments in these atrocities is equally reprehensible. They long have supported, both politically and financially, acts of terrorism against the people of Israel. They retreat to a smug silence only when the result of such acts is sufficiently horrible to arouse outrage and sorrow around the world; therefore be it

"*Resolved*, That the Massachusetts House of Representatives calls upon President Richard M. Nixon, U.S. Secretary of State William Rogers and the United Nations Secretary-General Kurt Waldheim to take the following steps:

"(1) To express publicly their shock at the Lod Airport Massacre and their sympathy to the families of the victims.

"(2) To condemn all acts of terrorism.

"(3) To privately and publicly urge each Arab government to abandon its support to Palestinian terrorist groups.

"(4) To demand that Arab leaders denounce the Massacre and all previous incidents of violence directed at the Israel population; and be it further

"*Resolved*, That engrossed copies of these resolutions be forwarded by the Secretary of Commonwealth to President Richard M. Nixon, U.S. Secretary of State William Rogers, Secretary-General of the United Nations Kurt Waldheim, the presiding officer of each branch of Congress and to each member thereof from the Commonwealth."

A resolution adopted by the West Allis-West Milwaukee Democratic Unit, West Allis, Wisconsin, inquiring into the facts relating to the Indo-China conflict; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations, with amendments:

H.R. 15259. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92-844).

By Mr. HARTKE, from the Committee on Veterans' Affairs, with an amendment:

S. 3338. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes (Rept. No. 92-845).

By Mr. ROBERT C. BYRD, for Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 473. A bill to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States (Rept. No. 92-850).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 3080. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes (Rept. No. 92-852).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, without amendment:

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes (Rept. No. 92-849).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, with amendments:

S. 3104. A bill to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports (Rept. No. 92-848).

By Mr. CHILES, for Mr. MCGOVERN, from the Committee on Agriculture and Forestry, without amendment:

S. Res. 232. Resolution expressing the sense of the Senate that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program (Rept. No. 92-847).

By Mr. SPARKMAN, from the Committee on Foreign Relations, without amendment:

S. 3645. A bill to further amend the United States Information and Educational Exchange Act of 1948 (Rept. No. 92-851).

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 3001. A bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes (Rept. No. 92-853) (together with minority views).

Mr. SPARKMAN. Mr. President, from the Committee on Banking, Housing and Urban Affairs, I report favorably, with an amendment, the bill (S. 3001) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowings from the public, and for other purposes, and I submit a report thereon. I ask unanimous consent that the report be printed, together with minority views.

The PRESIDING OFFICER. (Mr. STAFFORD). Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 9, 1972, he presented to the President of the United States the enrolled bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

ORDER FOR STAR PRINT OF S. 3688

Mr. STAFFORD. Mr. President, on June 8, the Senator from Colorado (Mr. ALLOTT) stated that he was introducing S. 3688, a bill to donate to certain Indian tribes certain submarginal lands, and to make such lands parts of the reservations involved, on behalf of himself and Senators JORDAN of Idaho, FANNIN, HANSEN, HATFIELD, BELLMON, and BUCKLEY.

Subsequently the Senator from Montana (Mr. METCALF) requested that he be added as a cosponsor. The printed bill has omitted the names of some of the original sponsors.

On behalf of the Senator from Colorado (Mr. ALLOTT), I ask unanimous consent that there be a star print of S. 3688 in order to show all of the original sponsors who have just been named.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ALLEN:

S. 3693. A bill for the relief of Ingrid Fernandez O'Campo. Referred to the Committee on the Judiciary.

By Mr. GURNEY:

S. 3694. A bill for relief of Alfonso Stefano Fiorilli, his wife, Maria Giordana Fiorilli, and their children, Michele Fiorilli and Donatella Fiorilli. Referred to the Committee on the Judiciary.

By Mr. MUSKIE (for himself and Mrs. SMITH):

S. 3695. A bill for the relief of the Passamaquoddy Indian Tribe in the State of Maine. Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 3696. A bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine. Referred to the Committee on Labor and Public Welfare.

By Mr. BROOKE:

S. 3697. A bill to provide for the assignment of unused laboratory space and facilities to unemployed scientists. Referred to the Committee on Labor and Public Welfare.

By Mr. PEARSON:

S. 3698. A bill to foster commercial intercourse with foreign nations by promoting the development of an export trade among small businesses not now engaged extensively in exporting. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MUSKIE (for himself and Mrs. SMITH):

S. 3695. A bill for the relief of the Passamaquoddy Indian Tribe in the State of Maine. Referred to the Committee on the Judiciary.

Mr. MUSKIE. Mr. President, I introduce, for appropriate reference, with Senator SMITH, a private bill to insure that no statute of limitations found in section 2415 of title 28, United States Code, shall prohibit the United States from initiating an action on behalf of the Passamaquoddy Indian Tribe, within 10 years after July 18, 1966.

At the present time, the Departments of Interior and Justice have under consideration a lawsuit on behalf of the Passamaquoddy Tribe against the State of Maine. The Passamaquoddy have made some very serious allegations concerning the mishandling of their lands and funds held in trust for them. These allegations deserve a full hearing by our courts. However, the Departments of Interior and Justice have not yet acted on the Passamaquoddy request that the United States represent them in seeking appropriate relief, and, because the relevant statute of limitations in 28 U.S.C. section 2415 runs out on July 18, 1972, the time left for making such a decision is growing short. I believe that it would be most unfortunate if a negative decision by the Department of Justice and Interior at the 12th hour would deprive the Passamaquoddy of an opportunity to have their claim, now fully developed, heard in court. Gov. Kenneth M. Curtis of Maine agrees with this position.

I must add that the private bill which Senator SMITH and I introduce today would be unnecessary if Congress were to act promptly on S. 3377, a bill now before the Committee on Interior and Insular Affairs. This legislation would provide a general extension of the statute of limitations found in 28 U.S.C. 2415 with respect to the commencement of an action by the United States on behalf of an Indian tribe for trespass on trust or restricted Indian lands. As Senator FANNIN pointed out when he introduced this legislation on March 20, 1972, the passage of the statute of limitations legislation in 1966 was accompanied by scant recognition of its impact on Indian claims which the United States would litigate on their behalf. Senator FANNIN noted that the legislation was handled in the Judiciary Committee and escaped notice by those concerned about Indian legal rights, primarily because the titles of the legislation gave no indication that any claims other than those of the United States were involved. It was not until as late as December of 1971 that many Indian tribes recognized that the 6-year statute of limitations found in 28 U.S.C. 2415 applied to the power of the United States to sue on behalf of the Indian tribes as their trustee. As a result, many potentially legitimate claims for the misuse of Indian lands will be barred if the statute of limitations is not extended. The Penobscot Tribe of Maine is one of those tribes that is just beginning to develop its claims, and it would be most unfortunate if their opportunity to pursue this development was barred by the statute of limitations.

I, therefore, hope that this private legislation which Senator SMITH and I introduce today will be rendered unnecessary by passage of S. 3377, extending the statute of limitations generally. However, if this does not happen, I believe it would be particularly unjust if the Passamaquoddy claim, now fully developed and pending before the Department of Interior since February of this year, does not have an opportunity to be fully aired in court. This private bill represents an effort to avoid that injustice.

By Mr. SCHWEIKER:

S. 3696. A bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine. Referred to the Committee on Labor and Public Welfare.

NUTRITIONAL MEDICAL EDUCATION ACT OF 1972

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine.

The Nutritional Medical Education Act of 1972 will provide Federal grants from the Department of Health, Education, and Welfare to schools of medicine to permit them to plan, develop, and implement programs of nutrition education within their curriculum.

As a member of the Senate Select Committee on Nutrition and Human Needs, I have become very much aware of the urgent need for more and better practical education in nutrition for our doctors. Although medical schools do have courses in biochemistry, physiology, and pharmacology which deal with various aspects of nutrition, most medical schools do not have courses in nutrition which deal with the basic relationship between good nutrition and good health.

It is important to point out that problems of inadequate nutrition are not confined simply to poor people in our society. Testimony before the Select Committee on Nutrition and Human Needs on many occasions has indicated that people at the middle- and upper-income levels often also suffer from poor nutrition. The primary reasons appear to be lack of knowledge about proper nutrition, and lack of interest in it. The advice of family doctors carries a great deal of weight with most people, but unfortunately many doctors simply do not receive sufficient training in nutrition while they are at medical school to enable them to give sound advice on nutrition.

It is entirely clear that many diseases are related either directly or indirectly to nutritional factors. In a followup report to the White House Conference on Food, Nutrition, and Health, the panel on Advanaced Academic Teaching of Nutrition pointed out that—

> Atherosclerosis (including coronary heart disease), obesity, diabetes mellitus, hypertension, and osteoporosis are representative of many disorders in which nutritional factors are either of principal or contributory importance. In addition, new trends in food processing and environmental concerns require a great expansion of research in the area of trace minerals, "secondary vitamins," pollutants, and involuntary and voluntary food additives. Much of the research directed toward these problems must be conducted by individuals who have received (or should receive) advanced academic training in nutrition.

I think it is also important to point out that sound nutritional practices are vital to the maintenance of health and prevention of medical disorders. In other words, it is vitally important that doctors have enough knowledge of the relationship between nutrition and health to prevent medical problems from occurring. As ranking minority member of the Health Subcommittee of the Senate Labor and Public Welfare Committee, I am very conscious of the need for more emphasis on the maintenance of good health, as opposed to the curing of medical problems after they have already become serious.

Beyond that, however, many doctors today have not been given sufficient knowledge of nutrition to deal with the nutritional aspects of diseases patients already have. In that regard, the White House Panel said:

> The effectiveness of physicians in providing optimal care for the many patients who have diseases with an important nutritional component is dependent in considerable part on the kind of nutrition teaching offered them at medical school and thereafter. At the present time, nutrition teaching in medical schools and in teaching hospitals is woefully inadequate.

When should nutrition be taught? I believe the fundamentals of nutrition should be taught early in the medical school educational program, with followup courses later which are more detailed and sophisticated.

Interestingly, a study by one medical school indicated that in general, the physicians questioned were more knowledgeable of the theoretical aspects of nutrition than of the applied aspects. The study indicated that younger doctors do not know as much about nutrition as they should and that they want to know more. In contrast, many older doctors did not know much about nutrition, but did not particularly feel the need for more education in this area.

Food faddism and "folk medicine" are becoming more and more popular today. Many people are turning away from physicians to obtain information about nutrition. I believe part of the problem is that many doctors simply are not in the position of being able to provide their patients with the kind of nutrition ininformation patients need and desire for the maintenance of good health. We urgently need more scientific information about nutrition and health. We need more and better nutrition research. We will not get it unless our medical schools are able to provide the kind of training needed.

Only a few medical schools have separate divisions or departments of nutrition. Special courses in nutrition are rare, particularly in applied nutrition as opposed to the biochemical aspects of nutrition. There is a significant shortage of trained people in this field, and grants to stimulate the teaching of nutrition education in medical schools will help to develop an adequate supply of competent people.

The White House Conference Panel on Advanced Academic Teaching of Nutrition made the following recommendation:

> In each of the professional schools in a university such as medicine, dentistry and dental hygiene, nursing, public health, food science and technology, or applied health sciences, an individual or committee should be assigned responsibility for the surveillance of nutrition teaching in that school.
>
> In some professional schools, it will be desirable to teach nutrition in a designated course dealing with basic scientific principles of nutrition and their application to human health. In many schools, nutrition teaching will be incorporated in courses such as biochemistry, physiology and certain clinical specialties. Regardless of the plan of instruction, basic nutrition should be part of the required or core curriculum.
>
> In schools where trained nutrition personnel are not available because of financial restrictions, grants should be established to support nutrition for teaching in the categories listed above.

The legislation I am introducing will make a significant start toward meeting that goal. The Nutritional Medical Education Act of 1972 will provide $5 million for each of the next 5 fiscal years for grants by the Secretary of HEW to public or nonprofit private schools of medicine to plan, develop, and implement a program of nutrition education within their curriculum. These grants should be structured by HEW to assure that properly trained staff members are available.

The purpose of this program is to provide a single focus on applied nutrition education in our medical schools.

The Comprehensive Health Manpower Training Act of 1971 provides general authority for grants for training and research in nutrition. My bill, however, would set up a special grant program to fund the teaching of nutrition in medical schools.

Mr. President, I believe this program will save the American public many times what it will cost. This is really a program of preventive medicine. Our people need to know more about nutrition, and they should be able to rely on their doctors to give them sound advice. Most doctors and medical schools recognize the need for more training in applied nutrition. This legislation will help our doctors keep our people healthy, and I hope the Senate will act swiftly on it.

Mr. President, I ask unanimous consent that the text of the Nutritional Medical Educational Act of 1972 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Nutritional Medical Education Act of 1972.

SEC. 2. Section 769B of the Public Health Service Act is amended by redesignating such section as "769C" and by inserting after section 769A the following new section:

"GRANTS FOR NUTRITION EDUCATION

"SEC. 769B. There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and each of the next succeeding 4 years, for grants by the Secretary to public or non-profit private schools of medicine to plan, develop, and implement a program of nutrition education within their curriculum."

SEC. 3. (a) Subsection (a) of section 769C, as amended by this Act, is further amended by striking "and" in the first sentence, and inserting after "769A" ", and 769B".

(b) Subsection (c) of such section is amended by striking "or" in the first sentence and inserting after "769A" ", or 769".

By Mr. BROOKE:

S. 3697. A bill to provide for the assignment of unused laboratory space and facilities to unemployed scientists. Referred to the Committee on Labor and Public Welfare.

SCIENTIFIC MANPOWER ACT

Mr. BROOKE. Mr. President, I have introduced today legislation to provide many unemployed scientists the opportunity to work in unused laboratory facilities.

Under this legislation, an Officer of Scientific Manpower would be established in the Department of Labor. This office would maintain a file of all unfilled and available laboratory space. The Office would also supervise the establishment of listings of each scientist who is unemployed or in involuntary early retirement, and who meets all of the membership requirements for the professional society representing his specialty.

The Director of the Office would be authorized to assign a scientist to a participating laboratory, subject to acceptance of his research project by the agency in charge of that laboratory. The scientist would be paid a maximum stipend of $700 per month, determined on the basis of his needs and experience.

The legislation is designed to permit flexibility in research programs, in order to encourage applicants to work on their own projects to the maximum extent possible. The program would also allow scientists participating in the program an adequate opportunity to continue to seek permanent employment.

The unusually high rate of unemployment in the scientific and research communities has created a double problem: Unemployment is one side of the coin; the loss of valuable knowledge is the other. This bill represents a sound approach to continuing important research projects and providing satisfying employment.

I urge the Senate to give this proposal its prompt attention.

By Mr. PEARSON:

S. 3698. A bill to foster commercial intercourse with foreign nations by promoting the development of an export trade among small businesses not now engaged extensively in exporting. Referred to the Committee on Foreign Relations.

Mr. PEARSON. Mr. President, it is most discouraging to note that our balance of payments position continues to deteriorate. Our balance-of-payments deficit in 1971 amounted to over $9 billion. Last quarter, we registered the single greatest quarterly trade deficit in our history. Last year, Germany surpassed the United States as the leading exporter of manufactures. Even with continued strong agricultural exports, we have had to devaluate our dollar in response to balance-of-payments pressures—and still the picture has not improved substantially.

I believe, Mr. President, that we must seek positive solutions to our balance-of-payments problems and seek them promptly. We cannot fall back on the ancient practices of tariffs and protectionism. We must search for programs which will enable American firms to gain a greater share of the world markets so that we can overcome our balance-of-payments difficulties with expanded trade, not tariffs.

The legislation I introduce today provides a way to increase our exports by involving small and medium sized American firms in the competition for overseas markets. It would help such companies in every State of the Union to organize themselves for international trade. And it would do so at little cost to the American taxpayer.

Mr. President, at this time, only 4 percent of American companies export their products. These 4 percent tend to be the corporate giants, the great multinational corporations who often sell primarily to their own foreign subsidiaries. The remaining 96 percent of American firms—large, medium, and small—battle each other and foreign competitors for domestic sales, but continue to operate, for all practical purposes, in total isolation from potentially lucrative markets in the developed and developing nations.

The objective of the legislation I introduce today is to bring together small and medium sized companies for the purpose of undertaking export operations. To help them help themselves. To identify new products for export, create new jobs, and improve our balance-of-payments position in the bargain.

This bill would provide the incentive for smaller firms to overcome the initial obstacles for entry into international markets. It rests on the principle that a wider distribution of foreign trade among American firms will benefit not only the companies and their employees, but also the communities in which their production facilities are located and the Nation itself.

From statistics provided by the Census Bureau, we can estimate that as many as 200,000 new employment opportunities would be created in this country if new export sales brought only a 5-percent increase in the receipts of existing small and medium sized companies. Because of their size, these firms include minority-owned enterprises located in inner cities and a large number of enterprises in rural America. The new job opportunities created in connection with production for export by these firms would serve directly the cause of achieving balanced economic growth in our Nation.

Small- and medium-sized American companies face a number of problems in seeking foreign markets. They must overcome barriers of language, currency, export regulations, financing, import regulations, shipping requirements, foreign commercial traditions, lack of marketing data, and many others. The list is long. Probably the most formidable barrier arises from their size alone. With small personal resources and limited capital, these companies find it extremely difficult to "go it alone" in the export market.

This bill provides a means for them to assist each other in their efforts to secure a share of foreign sales, and to benefit from Federal tax and other incentives designed to stimulate exports, on an equal basis with the large multinational corporations.

To date, Federal assistance to American exporters has been aimed primarily at large firms whose sales constitute the bulk of American exports. This policy has resulted not only from the presumption that large companies can do the most for export expansion, but also from the simple fact that these major corporations are already equipped to take advantage of this assistance.

At this time, with continuing unfavorable trade balances, it is clear that our efforts have not been adequate. We must expand our export assistance into new areas if we are to close the balance-of-payments deficits, restore the dollar to a position of strength, and create new jobs for American workers.

It is also clear that large numbers of smaller corporations are taking an interest in exports. State economic development agencies, including the one in my own State of Kansas, have begun to explore new export markets for commodities and manufactured items produced by small independent firms in their States.

A recent survey of small company heads showed 70 percent responded "yes" when asked if they are interested in further exploring their export potential.

The same survey—and the staff investigations which went into preparation of this bill—also reveal that small company officials feel their lack of adequate information about exporting is the single most difficult problem inhibiting steps toward foreign markets.

We should understand that the export problems of small businesses do not result primarily from a lack of capital. Rather, they relate to the difficulties of "breaking the ice" of international marketing. As we seek to overcome this problem for smaller American firms, government can play a critical role. We must create a program in which private enterprise is not smothered by a friendly, but unwieldly, Federal bureaucracy. Rather, we must create a program which will draw out the best resources of private enterprise itself.

These requirements suggest the structure of the legislation I introduce today. I offer it in the knowledge that it is only one phase of a multifaceted effort to restore this Nation to its proper position in international trade. But I also offer it with the conviction that it is a highly necessary and useful contribution to building a strong and productive economy for the future.

This bill would establish an independent agency, the U.S. Joint Export Agency. It would be a small agency, for it is only a leader, a catalyst in a task that is essentially a matter for private enterprise.

It is independent so that the officials of small corporations it brings together for export cooperation will not be overwhelmed and tangled up in vast bureaucracies. And it is staffed with a small group of experts experienced in their fields so that businessmen can obtain knowledgeable assistance in solving complex export problems without an endless round of consultations and studies.

The agency has a range of functions, as explained in detail below, but primary among them is that of helping small companies initiate cooperation for export. In this regard, it is useful to take a brief look at the European experience where foreign trade is a way of life. A review of European trade associations shows the importance of overcoming inertia to begin export cooperation. Isolated from overseas commerce—yet faced with rising import competition in many cases—the management of small firms are often reluctant to approach their colleagues in other firms with proposals for joint export cooperation. Independent and proud of their own product, these small businessmen may feel they will suffer loss of prestige if they take the initiative and call for export cooperation.

Here in the United States this problem of inertia is exacerbated by our preoccupation with our own huge domestic market. To overcome it, a catalytic agent is required to bring small and medium sized companies together to begin export cooperation.

The primary task of the USJEA is to foster the formation and development of private joint export organizations made up of small or medium sized businesses not actively engaged in substantial export sales, but which have a potential for developing export operations. Such an organization would be comprised of at least five but not more than 20 small- to medium-sized American companies whose complementary products and services lend themselves to cooperation in export marketing. The USJEA would contact firms who could benefit from membership in such a cooperative marketing arrangement, and assist each organization to identify products and markets for export.

To limit the size of the firms eligible for membership, a ceiling of $60 million in average annual sales—based on last 5 years—has been established. This limit was arrived at after a survey of firms with greatest export potential and in the conviction that larger firms have the financial and other capabilities to develop their own export markets.

Each of these joint export groups, as proposed in this bill, would be organized as a Domestic International Sales Corporation under provisions of the Internal Revenue Code. In addition to the export tax advantages accruing to a DISC, the group would hire adequate staff and management personnel to provide its members with international trade services including the identification of products for export, identification of foreign markets, promotion of members' goods and services in foreign markets, and assistance to members in the technical aspects of exporting, including licenses, financing and export guarantees. For its principal source of guidance and information in the early stages—perhaps the first 2 years—the group would rely on the guidance of the USJEA.

A principal function of the joint export group would be to establish broad product lines among companies which offer related goods or services. These product lines would take shape according to the demands of export markets. By joining an export group, member companies could take the first step into overseas markets on a sound basis, without prejudice to their on-going operation in the domestic market. But because the cooperation exists only for export purposes, and would extend only to export operations, it does not conflict with the spirit or the letter of antitrust legislation in this country.

These joint export groups would be funded primarily with private capital. But Federal support would be available in the form of technical assistance matching grants and loans repayable with interest as determined by the USJEA. This Federal financial assistance is provided to assist in overcoming the difficulties of start-up during an expected period of initial losses. It could be used to provide services required to train and orient management in subjects directly related to overseas marketing of their companies' products.

The grant assistance would only be available after those companies desiring to become members of a joint export group have established an escrow account into which each has paid not less than $500. The amount of a grant could not exceed the total amount of the common escrow account, or $25,000, whichever is less.

Loans for any joint export group would not exceed the total amount of capital paid in by its members for the employment of personnel to staff the group's operations and represent member companies abroad. In short, these would be loans on a matching basis not to exceed 50 percent.

In addition, member companies of joint export groups would be allowed under the bill to deduct as a regular business expense their pro rata share of net operating loss incurred by the group itself. This share, of course, could not exceed the member's stock in and indebtedness to the association.

This is a special incentive for small- and medium-sized firms, one which is not available under the DISC to larger corporations. It is intended to assist the small businessman who wants to export but cannot afford the initial losses associated with becoming established in a foreign market. Because the benefits of DISC only accrue after goods or services begin to move through export channels, this added benefit as an incentive to the smaller firm is necessary.

The appropriations for this new Agency, from which loan and grant funds would come, would not in any year exceed 25 percent the amount of the net earnings of the Export Import Bank during the previous year. In fiscal 1971 terms, this upper limit would be $29 million. In a sense, then, we would be using profit levels from our export credit institution to guide the amount we as a nation can afford to devote to the promotion of exports from the small business sector of our economy. This makes sound business sense.

Mr. President, the time is long past when we can stand by wringing our hands over the mounting balance-of-payments problems in our country. We must make concerted efforts on every front to improve our trade position and to reach our full export potential as a nation. I believe this legislation provides a positive method of promoting exports of American firms which have not reached their full export potential. This is a sound investment for the workers and for their communities and for the country.

I urge prompt consideration of this legislation.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 5

At the request of Mr. Mondale, the Senator from Vermont (Mr. Stafford) was added as a cosponsor of S. 5, the Full Opportunity and National Goals and Priorities Act.

S. 32

At the request of Mr. Kennedy, the Senator from Montana (Mr. Mansfield) was added as a cosponsor of S. 32, the Conversion Research, Education, and Assistance Act.

S. 936

At the request of Mr. Robert C. Byrd, the Senator from Oklahoma (Mr. Har-

RIS) was added as a cosponsor of S. 936, a bill to provide prescription drugs to the elderly under medicare.

S. 3063

At the request of Mr. ROBERT C. BYRD for Mr. MUSKIE, the Senator from Wisconsin (Mr. NELSON), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 3063, a bill to amend the Internal Revenue Code to permit tax-exempt organizations to engage in communications with legislative bodies.

S. 3442

At the request of Mr. KENNEDY, the Senator from Georgia (Mr. GAMBRELL) and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 3442, the Communicable Disease Control Amendments of 1972.

S. 3475

At the request of Mr. ERVIN, the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. CRANSTON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from North Carolina (Mr. JORDAN), were added as cosponsors of S. 3475, a bill to help preserve the separation of powers and to further the constitutional prerogatives of Congress by providing for congressional review of executive agreements.

S. 3495

At the request of Mr. DOLE, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 3495, a bill to provide reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income.

S. 3511

At the request of Mr. KENNEDY, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 3511, the National Science Foundation Authorization Act of 1973.

S. 3528

At the request of Mr. STEVENSON, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 3528, the Federal Handgun Registration and Licensing Act of 1972.

S. 3538 and S. 3539

At the request of Mr. BAYH the Senator from Texas (Mr. TOWER), was added as a cosponsor of S. 3538, a bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced; and, S. 3539, a bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II.

SENATE JOINT RESOLUTION 236

At the request of Mr. HRUSKA, the Senator from Colorado (Mr. ALLOTT) and the Senator from Maryland (Mr. BEALL) were added as cosponsors of Senate Joint Resolution 236, a joint resolution to authorize and request the President to proclaim the week beginning October 15, 1972, as "National Drug Abuse Prevention Week."

SENATE RESOLUTION 315, SENATE RESOLUTION 316, SENATE RESOLUTION 317—SUBMISSION OF RESOLUTIONS REGARDING THE SITUATION IN BURUNDI

(Referred to the Committee on Foreign Relations.)

THE TRAGEDY IN BURUNDI

Mr. TUNNEY. Mr. President, I have been appalled over the past several weeks by the situation that exists in Burundi. I have noticed that very little public comment has been made in the United States about a very desperate situation which some might equate to genocide that is taking place in that small country. I feel strongly that the facts should be brought to the attention of the Senate.

Mr. President, for the past 6 weeks, the small land-locked country of Burundi, which is relatively hidden in the center of the massive African Continent, has added a new dimension of horror to the short history of independent Africa.

It has been reported that over 100,000 people have been killed in Burundi within the past 60 days; that an entire population of educated people has been ruthlessly slaughtered; that the murder in Burundi has been systematic, pervasive, and terrifying; and that next to Burundi, the terror that once plagued the Congo pales by comparison.

Today's confrontation between the ruling minority tribe, the Tutsis or Watutsis, and the ruled majority tribe, the Hutus or Bahutus, arises out of centuries of conflict between them, conflict which was aggravated by many decades of colonial rule. It is important to set forth some of that history. Burundi, previously a part of German East Africa, became after World War I a portion of trust territory administered by Belgium, and achieved independence 10 years ago, in 1962.

The Tutsis comprise less than 15 percent of the 3.5 million people of Burundi. They have ruled the country and its predominantly Hutu peoples in a feudal manner for hundreds of years. A successful revolt by the Hutus against the Tutsis which occurred in 1962 in Burundi's northern neighbor, Rwanda, resulted in the tragic massacre of the Tutsis and further inflamed the conflict in Burundi. Many Tutsis have feared full revolt by the Hutus against the chance—treat them as viciously in Burundi as they were treated in Rwanda.

Those fears have been aggravated by attempted Hutu coups in 1965 and again in 1969. Neither of the coups attempts even approached a successful seizure of power, but the Tutsis ruthlessly suppressed them both.

On April 29, 1972, another coup was attempted—and this time the Tutsis apparently feared that power might be wrested from their control. Thousands of Hutus appear to have been involved in the latest coup attempt, including some who were living in neighboring countries. Apparently, thousands of Tutsis were murdered.

The Tutsis feared a repeat of the tragedy in Rwanda. Extremist Tutsis struggled with moderate Tutsis in an effort to determine the appropriate response to the 1972 coup attempt.

The extremists prevailed. Not only did the Tutsis succeed in controlling the attempted coup. They also proceeded to embark upon a vicious, cruel, and bloody reign of terror.

According to independent reports emanating from Central Africa, the Tutsis began systematically "wiping out" the intellectual class of the Hutus. Burundian refugees fleeing to Zaire report that the massacres are continuing in many parts of the country and that "an Hutu who can write his name is considered an intellectual and a threat to the government."

According to authoritative sources in Zaire, some 120,000 people have been killed in the Burundi conflict. This directly contradicts Burundi Government claims that some 50,000 Tutsis and non-Tutsis have been killed by foreign-trained rebels who have launched the massacres in the name of the Hutus.

The ghosts of Biafra have been brought to life again, with the nonsensical killing of tens of thousands of people. It appears that within the past 60 days, the intellectual elite of an entire people has been systematically slaughtered; a generation of leadership has been eliminated in this bloodbath. No longer are the events in Burundi part of an internal political power struggle.

Even if the struggle in Burundi is essentially a "domestic" matter, one which the Burundi Government might claim falls within the protection of the United Nations famous article 2, section 7, the international community cannot escape its moral responsibility to act.

Regardless of the merits of the strife, regardless of the issues raised either by the Tutsis or the Hutus, murder must be condemned and stopped.

Slaughter—of innocent persons by anyone—violates the Universal Declaration of Human Rights, threatens to involve countries beyond the site of the slaughter, and might become a situation "likely to endanger the maintenance of international peace and security" within chapters I and VII of the U.N. Charter. Slaughter means death, terror, suffering, and refugees. It has no justification. It must be resisted.

The humanitarian spirit in all men must cry out against such wanton disregard for human life. That cry is clearly evidenced by the Pope's denunciation a week ago of this "organized massacre of innocent people" in Burundi.

The United States also must act. Accordingly, I am suggesting today a four part program.

First, because of our desperate need to know the details of the slaughter in Burundi, I propose that the Senate's Subcommittee on Refugees attempt to ascertain: First, the extent of the killing; second, whether it is continuing; third, the number and location of refugees; and, fourth, what assistance the United States can provide, through multilateral or international organizations.

Second, because the problem in Burundi is essentially an African problem, the United States should, first, request a report from the Organization of African

Unity as to the nature and extent of the strife in Burundi; and, second, offer to assist the OAU in meeting the urgent needs of the people in Burundi.

Third, because the United Nations High Commissioner for Refugees has already been informed that Burundi refugees are in Zaire, and because refugees might also be in Tanzania and Rwanda, our Government should request the U.N. Secretary-General to instruct the High Commissioner for Refugees to conduct a thorough investigation of problems facing refugees as a result of the Burundi matter.

Fourth, because the suffering is primarily within the country of Burundi itself, the U.S. Government should request the Secretary-General of the United Nations to conduct a separate and thorough inquiry of the tragedy and report back to the United Nations as to how individual nations, such as the United States, might assist the United Nations in providing assistance to the people of Burundi.

I am submitting three resolutions today which would incorporate my final three suggestions, calling upon the OAU, the U.N. High Commissioner for Refugees, and the U.N. Secretary-General to act and offering appropriate American assistance.

Mr. President, the U.S. Government and Senate have a moral obligation to do all that it can to resist killing. I do not suggest that we intervene in an African dispute. I do not suggest that we interpose ourselves in this continent, which is fully capable of governing itself. But, regardless of the parties involved or the location of the dispute, murder is murder.

I am pleased that our Government was the first to respond with humanitarian assistance. Even in crisis on other continents, the American response should be generous and immediate. The American Government and the American people can neither be unmoved nor unconcerned about terror and death. The slaughter of an entire generation of the educated part of any population deserves more attention than several columns in our Nation's newspapers.

I fear, Mr. President, that the American people are being conditioned by international events to accept human suffering. I fear that the tragedies which occur daily in Indochina tend to have the effect of dulling our consciences, hardening our sensitivities, and distorting our perspectives. We have the inclination at times to close our eyes or turn our faces when confronted with pain; to wish away misery; to immunize ourselves somehow to death and terror.

Nothing could be more dangerous. Nothing could more directly threaten our values, our spirit, our sense of dignity than this semiconscious denial of human pain. We cannot afford, Mr. President, to allow our national conscience to be dulled or our sensitivities to be muted. Where there is suffering and slaughter—whether in Africa or in Asia, in Washington, or in Watts—the spirit of this Nation demands that we protest and that we respond, to alleviate the tragedy.

We should not intervene unilaterally in the affairs of another nation. But we should make our resources available to assist any human beings who are confronted with disaster. We should use our moral suasion to bring about an end to the slaughter.

That type of assistance, administered and distributed through international or multilateral institutions, deserves the support and commitment of us all.

I, therefore, urge my colleagues to support the three resolutions and the four programs I have proposed in an effort to expose the tragedy and to provide some helpful assistance in its wake.

Mr. President, a variety of news stories have mentioned to a greater or lesser degree the crisis in Burundi. None of them describes the tragedy better than yesterday's front page stories in the New York Times and the Washington Post. Accordingly, I would ask the unanimous consent of my colleagues that those stories be inserted in the Record at the conclusion of my remarks. I also ask unanimous consent that the three resolutions I have introduced be inserted in the Record at this point.

There being no objection, the resolutions and articles were ordered to be printed in the Record, as follows:

SENATE RESOLUTION 315

Resolved, That it is the sense of the Senate that the United States Government should request the Secretary General of the United Nations to instruct the High Commissioner for Refugees to conduct a thorough investigation of the civil strife which has occurred in Burundi since April, 1972.

SENATE RESOLUTION 316

Resolved, That it is the sense of the Senate that the United States Government should (1) request an investigation by, and report from, the Organization of African Unity on the nature and extent of the civil strife which has occurred in Burundi since April, 1972, and (2) offer to assist the Organization of African Unity in meeting the urgent needs of the people in Burundi resulting from such civil strife.

SENATE RESOLUTION 317

Resolved, That it is the sense of the Senate that the United States Government should request the Secretary General of the United Nations to conduct a thorough investigation of the civil strife which has occurred in Burundi since April, 1972.

[From the Washington Post, June 11, 1972]

DOUBLE GENOCIDE TEARS BURUNDI APART: WITNESSES TELL OF ORGY OF KILLING AFTER ABORTIVE HUTU COUP

(NOTE: *The following dispatch, based on reporting inside Burundi, was filed from Kinshasa, capital of neighboring Zaire (formerly the Belgian Congo.*)

(By Jonathan C. Randal)

BUJUMBURA, BURUNDI, June 9.—Terrified by yet another bloody uprising against their 500-year-old domination, the minority Tutsi rulers of Burundi are systematically killing the elite of their former Hutu serfs in what can only be termed genocide.

Official Burundi government and impartial estimates alike claim that as many as 100,000 people have been killed in the six weeks since Hutu exiles invaded this poor Maryland-sized mountain nation located in Central Africa between Tanzania and Zaire, the former Belgian Congo.

But such are the difficulties in collecting reliable information in Burundi that the death toll may be considerably higher in the combination Hutu uprising and Tutsi repression in reaction.

By all accounts, the orgy of killing was set off by the invaders' determination to murder all the Tutsis who makeup 15 per cent of Burundi's estimated 3.5 million inhabitants. Their plan reportedly then called for the establishment of purely Hutu regime.

The continuing repression is seemingly dictated by the Tutsis' equal determination to cow Hutu peasants into submission and wipe out the educated Hutu elite in order to ensure Tutsi domination for the forseeable future.

What has been called an attempt at "double genocide" has few parallels in the post-independence annals of Africa. Even such African tragedies as the Congo turmoil of the early and mid-60s, the Biafran rebellion and the recently concluded Sudanese civil war do not match what has happened here.

Outwardly impervious to international criticism, including from the Belgian government and Pope Paul VI, Burundi President Michel Micombero shows little inclination or ability to stop the killing.

Western embassies are reluctant to talk for fear of jeopardizing the security of their nationals. (There are some 6,000 foreigners in Burundi, half of them Belgians.) Only occasional passes have been issued to diplomats for travel outside the capital since the violence began.

To date the Organization of African Unity, the continent's regional grouping, has refused to investigate the Burundi situation, apparently on the ground that such action would violate its charter forbidding interference in a member state's internal affairs.

At this point, such a move might prove to be too late anyway. The repression has reached down through the ranks of the educated Hutu elite to such an extent that only a thousand or so secondary school students still survive.

In an informal conversation with visiting reporters, President Micombero alluded to the lasting effects of the civil war by quoting—if only to disagree with—an unidentified missionary who told him "80 years of evangelization has been washed down the drain."

Similarly, a longtime foreign resident lamented that the violence had "cancelled out everything that have been accomplished" since Burundi gained its independence in 1962 after some 80 years of first German and then Belgian colonial tutelage. Now, he added, "We have to start from square one."

Such is the Burundi genius for intrigue that some diplomatic observers are convinced that the government, which has conceded prior knowledge of the Hutu invasion, allowed the rebels to make their move from bases in Tanzania April 29 in the hope that they would be crushed and that the invasion would justify subsequent repression.

ATTACK NO SURPRISE

Officials from the 31-year-old president on down have admitted that the approximate date of the attack was known in advance. The president, who sports an elegant mutton-chop beard, dissolved his government just hours before the attack, and his decision to do so has been interpreted less charitably than his own explanation that he was guided by "divine providence."

The morning preceding the invasion, Congolese in Burundi living along the rich plain bordering Lake Tanganyika, between Burundi and Zaire, took to their boats and headed for safety on the Zaire side.

[Burundi ambassador to the United Nations Nsanze Terence, at a press conference in New York June 1, said that an attacking force of some 8,000 crossed Lake Tanganyika and entered Burundi. He said that 3,000 Burundese constituting their "fifth column" joined with the invading force inside the country.]

Once the attack began on the evening of April 29, the rebels surpassed in violence even the followers of the late Pierre Mulele, the Peking-trained Congolese rebel who led the successful rebellion in Kwilu Province in 1964 and whose tactics inspired the Hutu uprising here.

High on Indian hemp, protected by witch doctors' tattoos, anywhere from 3,000 to 25,000 rebels moved out of their bases in the dense forests on the Tanzanian border and went on a rampage. They chanted "Mai, Mai Mulele," the magic Swahili words for the famous Mulele water which was supposed to dissolve the government troops' bullets.

REBELS JUMP GUN

The attacks centered on the south northeast and Bujumbura, a city of 70,000. The rebels jumped the gun in the capital by refusing to pay for gasoline for Molotov cocktails at a downtown filling station, chopping off the attendants' fingers and thus raising the alarm two hours before operations were to begin.

In the northeast, the attackers were quickly repulsed. But in the southern province of Buriri, they struck with great effectiveness, seeking out their victims with lists of names and addresses. Tracts found on captured rebels harangued them to kill Tutsi men, women and children and even disembowel pregnant Tutsi women to ensure that no Tutsi foetus would survive.

A French journalist who interviewed the widow of a Tutsi gendarmerie captain was told that her three children were beheaded by machetes before her eyes, her husband disemboweled and the children's heads stuffed in his stomach while she was repeatedly raped and left for dead.

Micombero recounted that captured documents spoke of plans for a rebel victory parade in Bujumbura on May 19 during which he, as the last surviving Tutsi, was to be killed.

SECRET HUTU SOCIETY

Although the government so far has failed to produce the documentary evidence, no responsible observer, Burundi or foreign, seriously doubts the government case linking the invasion to a secret Hutu society said to have been formed in 1970 to provide funds to train the rebels.

Monthly contributions varied between 100 Burundi francs (about $2) for a poor Hutu to $400 for a rich businessman. The government contends—once again without producing evidence—that thousands of names were on the society's lists, including many prominent Hutus in government and private life.

Bernard Bududira, Tutsi vicar general of the Roman Catholic diocese of Buriri in the south, quoted an eyewitness who saw Alois Barakikanna, a Hutu graduate of the University of Arizona and vice director of the government's Economics Ministry, at the lakeside mission of Minago exhorting the rebels to continue their devastation.

According to other testimony, other Hutu leaders were in the vanguard of the southern attack, although, unlike their troops, they were not drugged. Some of the rebel military leaders wore blood-daubed enamel dishpans as helmets.

Although Micombero accussed Gaston Soumialot and Martin Kasongo of being in Burundi during the attack, no one else has corroborated the presence of these two former leaders of the 1964 Simba uprising in the Eastern Congo. All the rebels captured spoke the Burundi language, Kirundi, indicating that foreign intervention was probably limited to adapting techniques perfected in the Congo.

A major variation on the Simba rebellion, however, was the strict order given to avoid harming whites.

DEVASTATION EXTENSIVE

The extent of the devastation wrought by the Hutu rebels was brought home by a helicopter flight low over the rich Lake Tanganyika plain and through the green hills where most Burundese live.

Starting at Bugarama Lake, 25 miles south of the capital, and extending to Nyanza Lake near the Tanzanian border to the south, there is an almost uninterrupted record of violence: burned-out cars, huts and buildings in the town of Rumonge; some 30 mutilated bodies, bloated and bleached, in the reeds near the lake shore. They are jealously guarded by crocodiles and a hippopotamus family.

But more telling still was the almost total lack of people seen from the helicopter in this, one of Africa's most densely populated countries.

According to a missionary report, 2,782 homes were burned down in the southern attack, which lasted three days before government forces, reinforced by a company of airlifted Zaire troops turned the tide.

Although most of the rebels retreated back across the Tanzanian border, President Micombero disclosed the existence of a rebel "People's Republic" of Martyazo, which held sway in the southern hills for two weeks before it was crushed by the army and gendarmerie.

But if there is little real argument with the government's explanations about the initial attack, the same cannot be said for its claims about casualties, the continuing repression or the mysterious death of former King Ntare V in Kitega in central Burundi.

In his formal chat, Micombero recounted the demise of the king, who rashly returned to Burundi at the end of March after accepting the president's assurance that he would be protected.

Terming the ex-king a "fool" to have thought that his return would provoke an uprising in favor of the monarchy, Micombero explained how he had honored the letter of his promise to protect the king by placing him under house arrest in the royal palace in Kitega.

Micombero spiked rumors that Ntare had been killed in fighting between the army and rebels seeking to free and use him as a symbol of their revolt. "The king was not assassinated," the president said, "but judged and executed immediately on the night of April 29."

Angered by the importance the Western press has given the aftermath of the attack, Micombero said: "You people insist on the repression without insisting on its causes."

In his eyes, the attack, but not the repression, constituted genocide, which "no government which is civilized could caution."

Indeed, "It was worse than genocide," Micombero said, because the Hutu attackers killed not only Tutsi men, women and children but also some Hutus who refused to join their ranks.

PURSUING GUILTY

He maintained that only those who are guilty are being punished and compared his relentless pursuit of the Hutus to the continuing hunt for Nazis implicated in exterminating European Jews in World War II.

"They're still tracking down those responsible for the Jewish genocide then, and that's more than 20 years ago," he said.

Evasive about the exact death toll, Micombero nonetheless estimated that between 50,000 and 100,000 Burundese had lost their lives. But he insisted that more Burundese were killed in the initial attack than in the subsequent repression.

Since in the past he has said 50,000 Tutsis alone had died in the first rebel push, his estimation was interpreted as the first official admission that large numbers of Hutu were victims of the repression.

Reliable reports from missionaries, the surest sources of information in this country, conservatively estimate that no more than 1,700 Tutsis—and far fewer loyal Hutus—were killed in the south in the initial rebel onslaught and that no more than 4,000 lost their lives in the entire country.

In the repression, Hutu casualties in the south alone were said to range from 20,000 to 40,000 dead.

Between 3,000 and 4,000 Hutis have been killed so far in the repression in Bujumbura, an equal number in Kitega and some 15,000 to 20,000 in all the rest of the country, except the north where little information has been available.

HUTU CASUALTIES

Other reliable sources put Hutu casualties as high as 10,000 in Bjumbura alone.

In the capital, authorities no longer drive trucks with Hutu cadavers through the center of town in broad daylight. But every night trucks carrying the dead are seen either along the lakeside road or along Patrice Lumumba Avenue on their way to a giant bulldozed burial ground near the airport.

With relatively few exceptions, only adolescent male or adult Hutu men have reportedly been killed in the repression. However, Hutu women with skills in teaching or nursing have been killed.

For example, five Hutu women teachers were bayonetted to death by the army at the Buriri mission.

As one source put it, "The army and gendarmerie haven't wasted many bullets."

In the early weeks of the repression, personal vengeance played a role in the arbitrary denunciation, arrest and death of many Hutus, although the army has shot several soldiers and volunteers who were guilty of such excessive zeal.

ARBITRARY ARRESTS

Now, at least in theory, three citizens must denounce a suspect before he is arrested. But this procedure is not always honored.

The other morning in the center of Bujumbura, a foreign journalist watched three gendarmes jump out of a jeep and bundle three well-dressed men off to an undisclosed destination.

In the south, army atrocities have been reported at at least one mission which was being used as a feeding and pacification center for Hutus lured out of the forests by government promises that calm had been restored. A helicopter mounted with machine guns flew over the assembled Hutus at the Hutumba mission in the south and opened fire, killing about 100 of them.

The United Nations has formally protested against the use of requisitioned UNICEF cars in Bujumbura by the police and against the unauthorized use of a United Nations fishery research vessel which has been armed and used to attack suspected rebel strongholds along the lake shore.

The effects of the repression at Bujumbura University are such that 170 of the 360 Burundese students failed to apply for scholarships for the next school year. Since few Burundese are rich enough to attend without a scholarship, the conclusion is that 170 Hutu students have been killed, arrested or forced into hiding.

Much of the killing at the university and in secondary schools has been carried out by the students themselves. Policemen arrived in some schools with lists, summoned the Hutus outside, and pushed them into trucks where they were bayonetted to death.

At the capital's technical secondary school, a professor recounted that on the night of May 19, the Hutu students suddenly put out the lights and tried to escape. Their Tutsi colleagues killed half of them, but strangely enough some of the 100 or so Hutu students are still in school. "And you would never know anything had happened," the professor added.

The great fear of the foreign community is that the remaining Hutu secondary school students in Bujumbura and elsewhere in the country will "disappear," once the foreign teachers go on their annual summer holidays abroad.

At one point last year, the army numbered some 3,500 men. But it is now reported well below strength, not because of casualties suffered in fighting the rebels but rather because its Hutu officers, noncommissioned officers and men have been either purged or killed.

The Christian churches have also paid their tribute to the violence. Missionary sources report that 12 Hutu Protestant pastors and 14 Hutu Catholic priests have been killed so far in the repression.

What lessons the recent events here will hold for the future are impossible to tell. No one takes seriously the threat of an immediate Hutu revolt.

"All the Hutus who lifted their heads have had them severed," said one foreigner.

Reconciliation seems far off. In the immediate future, foreigners here hope that there will be no prolonged rebel insurgency. But eventually, it is believed the Hutus will rise and try once again to oust the Tutsis, probably in less than 10 years.

Burundi: Land of Tribal Passions

Burundi and neighboring Rwanda to the north were both formerly Belgian-administered trust territories. The two countries became independent in July, 1962.

With populations of about 3.5 million each, the two countries are ethnically divided between a Tutsi minority and a Hutu majority. The Tutsi, 15 per cent of the population in Burundi and 9 per cent in Rwanda, are a proud, tall, aristocratic pastoral people who had ruled the poorer, farming Hutus for centuries prior to independence.

In 1959, Belgians and influential Roman Catholic missionaries encouraged a successful if bloody Hutu revolt against the ruling Tutsis in Rwanda. At least 20,000 Tutsis were slaughtered, and some 200,000 others fled the country, many to Burundi.

Following the revolt in Rwanda, the Tutsis in Burundi tightened their control over the Hutus but also sought to establish closer ties. Numerous intermarriages encouraged hopes that a single unified nation would gradually emerge.

Since independence, scarcely a year has passed in Burundi without either an attempted coup, trials followed by hangings or a revolt. But this political turmoil largely involved feuding factions within the Tutsi minority.

In 1966, King Mwambutsa IV of Burundi was forced off his throne by his son, Ntare V, with the help of then Capt. Michel Micombero. Three months later, Micombero in turn deposed Ntare and proclaimed a republic with himself as president.

On April 29 of this year, Hutu rebels, some coming from camps in Tanzania and others apparently from across Lake Tanganyika in Zaire (the Congo), invaded the country. They were joined by Hutu tribesmen within the country, and together they attempted to oust the Tutsi-dominated Micombero government. The coup failed and the Tutsis began a bloody repression in reaction.

[From the New York Times, June 11, 1972]

Slaughter in Burundi: How Ethnic Conflict Erupted

(By Marvine Howe)

Bujumbura, Burundi, June 9.—This nation is just beginning to realize the extent of the slaughter that has taken place here over the last six weeks in struggles between the country's two major ethnic groups.

The complete story of an attempted coup at the end of April, and the counteroffensive that followed, cannot be told since only official sources can be quoted and they are clearly biased. Other sources, as well as foreigners, are still generally terrorized and reluctant to jeopardize lives of friends or risk expulsion. However, a six-day visit to Burundi has produced a plausible account of the catastrophe out of a web of rumors, lies and contradictions.

Clear statistics on the extent of the massacres are hard to come by. Information is limited because movement has been severely curtailed by official barricades and curfews. Foreigners must have travel permits and these are very difficult to obtain. Above all, most people are terrorized and reluctant to talk.

Nevertheless, authoritative sources on the scene estimate that about 2,000 people were killed in the initial rebellion, mostly members of the ruling Tutsi tribe, a numerical minority. The reprisals are said to have cost the lives of 2,000 more Tutsis and about 100,000 members of the Hutu, the majority tribe, mainly in the Bururi Province and the area of Bujumbura.

The President of Burundi, Lieut. Col. Michel Micombero, acknowledges that 50,000 to 100,000 people have been killed in the last six weeks, while many foreign residents estimate the number of victims at closer to 150,000.

The basic struggle involves an attempt by the Hutu majority to overthrow the ruling Tutsi aristocracy, as the Hutus in neighboring Rwanda in 1959. Here the attempted coup has failed, at a terrible price, particularly among the Hutus.

"We have won a reprieve but the final showdown is irreversible," a member of the Tutsi minority said. The dominant Tutsi account for only 15 per cent of the 3.5 million inhabitants of this country, which is about 10,750 square miles in area, roughly equivalent to the state of Maryland.

Colonel Micombero still speaks of his "program of national unity," but most people believe that the progress that had been made toward integration has now largely been erased by the violence.

PROVINCE DEVASTATED

Bururi Province in the south, where the main part of the Hutu rebellion took place, is now a scene of devastation. The population has almost disappeared from a once densely inhabited area in a 40-mile stretch along Lake Tanganyika.

Some people, estimated to number 10,000 have fled to neighboring Tanzania, and 15,000 have escaped across the lake to Zaire, the former Republic of the Congo, leaving 175,000 unaccounted for. Many of these people are known to have taken refuge in the bush and marshes but many more are believed to be dead.

Only recently a small trickle of human life has begun to return to Rumonge, the lakeside fishing center of Bururi, the inland farming center, and some of the hill towns. In the Bururi region alone, 2,000 grassroof huts have been burned. Some 5,000 women and children have taken refuge in the Bururi missions.

The reprisals, on the other hand, have taken a heavy toll not only in the south but in Bujumbura and towns throughout the country. The Hutu elite has been decimated in the government administration, in the commercial world, in the church and in schools down to the secondary school level.

LOCAL OFFICIALS CRITICIZED

There have been excesses and atrocities during both the rebellion and the subsequent repression, according to foreign testimony. The burden of private criticism, however, has been directed against the local authorities for neglecting to curb reprisals.

"It is natural to demand greater moral restraint from the established authority than from drugged rebels," a churchman declared.

Foreign diplomats and other residents have generally followed the events in impotent silence, fearing that any intervention would bring grave repercussions for the foreign community of Burundi. The 6,000 or so missionaries, technicians, school teachers and businessmen and their families are considered hostages.

Until now, foreigners have not been the target of either the rebels or the repressors. The only foreigner to be killed was a Belgian technician who lost his life by accident when he went out to the street to observe the first assault at Bujumbura.

The explosion of ethnic antagonism is regarded by many missionaries as evidence of a failure of the Western church, both Roman Catholic and Protestant.

"The church has been humiliated and must start again from zero," a priest said. "Both those who provoked the rebellion and those who carried out the repression were Christians," he noted.

Representatives of seven missionary institutions broke their silence on May 20, with a strong letter to their superiors, and aimed at the Burundi Government, condemning persons responsible for the rebellion as well as the "systematic repression" of the Hutus.

The letter also protested against arbitrary arrests and the ban on priests' visits to the prisons. The only response to the letter seems to have been increased difficulties for missionaries who seek to obtain travel permits.

At the end of last month, a group of diplomats, led by the papal nuncio, applauded the president for starting his pacification program and pledged support for "all victims" of the violence. Even this action brought no direct response.

PROTEST BY PRIESTS

Troubled by the continued repression and the official silence around it, three Italian priests and one Spanish priest in the north spoke severely about arbitrary punishment. They were promptly called to Bujumbura for interrogation by the police. Accused of political activity, the four young priests have been put under surveillance.

These protests, however timid and belated, coupled with strong criticism in the international press, seem to have spurred the authorities to move to halt the repression. "Or maybe it's merely that there are no more Hutus who can lift their heads," a churchman observed.

The Burundi Government has publicly blamed "foreign influences for the ethnic war," but has not specifically attacked any country. Diplomatic speculation about this accusation run from China and North Korea to the Vatican and the United States Central Intelligence Agency.

President Micombero cleared Belgium, which until 1962 exercised a colonial mandate here, of the charges. However, the colonel did accuse Belgian Christian trade unions and former trusteeship administrators "of sowing division among us." There were no Hutus or Tutsis, but a united people, before the colonial period, he said.

Burundi's ethnic troubles are considered to have been inevitable by scholars who have followed the evolution of this area of Central Africa. The problem can be attributed above all to a rapid breaking up of the feudal structures.

More than three centuries ago, the tall handsome Tutsis came with their flocks from the high plateaus in East Africa to settle on the gentle hills of what are now Rwanda and Burundi. The local kings accepted them as colonizers and married the Tutsi women, establishing a royal line of mixed Tutsi and Hutu blood. A feudal hierarchy was established with the Tutsis as lords and the Hutus their serfs.

FOREIGNERS BRING CHANGES

This feudal harmony was disturbed by the arrival of European colonizers and by the teachings of the Catholic Church. The area became part of German East Africa in 1899 and after World War I was ruled by the Belgians for 40 years under a League of Nations mandate, followed by United Nations trusteeship. The outside forces brought basic education and new ideas to the Hutus, such as the injustice of slavery.

In neighboring Rwanda, the Hutus carried out their revolution in the presence of the Belgian administration—and probably with some Belgian complicity. The king there was overthrown in 1959 and the Hutus won control of the Government through elections held under sponsorship of the United Nations.

Some 20,000 Tutsis were killed in the revolt and 300,000 were forced into exile—about 100,000 of them to Burundi.

The Belgians, who granted both territories independence in 1962, generally felt that the transition could be smoother in Burundi, where there were many Hutu-Tutsi marriages and a Hutu middle class was gradually emerging.

Two Hutu risings, in 1965 and 1969, however, were evidence of a growing dissatisfaction within the majority and ambition for more than token responsibilities.

The attempted coup of April 29 this year, to all appearances, follows in the same line of rebellions but was organized on a much broader and more violent scale. It was also complicated by the involvement of some monarchist Tutsis as well as opposition elements in Zaire. But independent sources generally agree that essentially this was another attempt by the Hutus to assume what they consider their rightful place as the majority in Burundi.

The fullest account of the initial attack was given this week by President Micombero in an informal interview by a small group of newsmen. The 31-year-old leader, who ousted young King Ntare V in 1965 to proclaim a republic, discussed for the first time the role of the former King in the recent events.

Ntare was duped by the Hutu plotters, according to President Micombero who said the former King's name had been used to get as wide backing as possible for the uprising. Ntare returned to Burundi after "they convinced him that my regime was very unpopular and that it was now or never to make a comeback," Colonel Micombero said.

The President acknowledged that he had given assurances that the former King would be protected on his return. But he stressed that since Ntare was "trying to trap me," he could not be allowed to move about freely and had been put under house arrest.

After the former King's return, preparations for the plot were intensified, the President said. The army was put on alert two weeks before the rising occurred.

Colonel Micombero declined to link the dissolution of his Government on the morning of April 29 with the attack that came that evening. The timing, he said, was a matter of "providence."

Monarchists and rebels acted together on the night of the rebellion, the President said. He disclosed for the first time that the former King was immediately tried and executed on the night of the attack. Earlier, official reports said that Ntare had been killed in the fighting when his supporters tried to free him.

The initial rising, according to the first official account broadcast over the Burundi radio on May 29, took place on the night of April 29 between 7 and 8:30 P.M. Some 10,000 utus and a number of "Muleleists," followers of the late Congolese revolutionary leader Pierre Mulele, carried out nearly simultaneous attacks in four areas of the country. In most of the places, military balls had been organized by Hutu officers involved in the plot.

The rebels were said to have come mainly from a training base in the words of northern Tanzania. They were reportedly armed with poisoned machetes, clubs, a few automatic weapons and gasoline bombs.

At Bujumbura, fewer than 100 persons took part in the attack, which was aimed principally at the radio station, near the military camp.

An argument at a service station over payment for the fuel for the gasoline bombs is said to have alerted the army camp. Two officers who came out to investigate the incident were killed before the rebels were dispersed. Another group of rebels clashed with troops in front of the cathedral and a third band attacked private vehicles at an intersection near the military camp, burning a dozen cars and killing about a dozen persons.

The main attack took place in the south in an area along the main highway between Rumonge and Nyanza-Lac. It was said that 4,600 rebels took part in a systematic slaughter of Tutsis in the region. Local Hutus were ordered to join in the hunt and shared the Tutsis' fate if they refused.

Another group of 3,000 rebels attacked in the Bururi region, and homeland of the President and most of the present Tutsi rulers. Nearly every army officer is said to have lost some member of his family in the attack. President Micombero said his brother-in-law had been slain.

Forty of the chief administrators were also killed, including the district commissioner, the attorney general and his assistants, doctors and accountants, as well as many of their wives and children.

At the same time, about 100 attackers from Tanzania assaulted the military post of Cankuzo in the east, where a large number of Tutsi refugees from Rwanda had settled. However, this band was rapidly "cut into pieces" by the defending forces, the Bujumbura radio said.

A fourth attack was said to have taken place at Kitega, where the former King was being held. However, although the town was beseiged by rebels according to the official report: residents of Kitega said they had heard no fighting.

Eyewitnesses at Bururi confirmed official reports that the assailants were mainly Hutus, using Mulelist tactics. They were said to have smoked hashish, to have worn white saucepans stained with blood as helmets, and to have had their bodies tatooed with magic signs as immunity against attack.

The rebels, fired with drugs, were said to have killed all the Tutsis they could find, generally cutting them to pieces with their machetes.

Normally Burundi people are not drug users, but witchdoctors played an important role in this attack, according to Colonel Micombero. He said that the Mulelist trainers would shoot blank bullets at a man to show his immunity and then shoot a dog or cat with real bullets to show that the animal had died because it did not cry out the words that conferred protection.

"We have tangible proof that Mulelists from Zaire participated in the rising," President Micombero said. He charged that the Zairian oppositionists wanted to use Burundi as a base to attack the regime of President Mobutu Sese Seko. He asserted that Martin Kasongo, a well-known Mulelist, had taken part in the Burundi rising, had stolen four million francs at Nyanza-Lac and had disappeared.

"I want his head," said Colonel Micombero, declaring that Mr. Kasogo deserved the death sentence for having organized the massacre.

Asked how long the repression would last, the President snapped: "They're still tracking down the persons reponsible for the genocide of Jews in World War II and that's more than 20 years ago. You can easily understand that we are still taking action against criminals six weeks after the genocide here."

The initial slaughter took place in a period of 24 hours, but isolated attacks lasted for two weeks. At Martyazo, in the Bururi region, the rebels set up a "people's republic" and remained entrenched for nearly two weeks before they were routed out, the President said.

The army, gendarmes and youth brigades rapidly put the rebellion down in most areas of the south, according to available information. However, some 100 rebels are believed to be still hiding in the bush, coming out at night to steal food.

The repression that followed the attack has been extreme, according to all independent sources. The authorities announced that they had uncovered a secret "organization for genocide and coup d'tat" and said they had proof that the aggressors not only wanted "to overthrow the republican institutions but also had a highly detailed organized plan for the systematic extermination of the whole Tutsi race."

The President said that "thousands" of Hutu names were on the lists of persons paying dues to the rebel organization.

Large-scale arrests started with the four Hutu members of the Government. Pascal Bubiriza, Minister of Telecommunications, was said to have confessed that the massacre were aimed at the Tutsis.

On May 7, it was announced that "a good number" of Hutus had been found guilty of taking part in the plot and had been executed.

The Revolutionary Youth brigades took the lead in what is widely described as arbitrary arrests and killings. These were aggravated by personal being denounced as plotters because of disputes over land or a cow.

"It was barbaric, unbelievably inhuman," said a foreign resident who had seen a man clubbed to death in front of the Bujumbura post office by a gang of Revolutionary Youths.

"They picked up almost all the Hutu intellectuals above secondary level," a Tutsi professor said.

The university was severely affected. Students were seen assaulting Hutus in the university grounds, beating them to death with rocks and clubs. In the beginning, soldiers came into the lecture halls, called Hutus out by name, threw them into trucks and took them away. Most of the those have never returned.

In the first week of repression at Dujumbura, witnesses said Hutus were piled up in trucks and taken off for burial at a mass grave at the airport. "I used to see the trucks almost every evening at around 9, after the curfew, going down Avenue Lumumba in front of the cathedral and sometimes I could hear people screaming inside," one resident said.

The churches have been particularly hard hit. Twelve Hutu priests are said to have been killed and thousands of Protestant pastors, school directors and teachers. In the Bujumbura hospitals, six doctors, and eight nurses were arrested and are believed to be dead.

In its "truth broadcasts," the Burundi radio has said almost nothing about the repression that has followed the rebellion. The rebels were given "the punishment they deserved" and "only the guilty Hutus" were arrested, it has said. "One cannot even speak of repression but legitimate defense because our country is at war," the state radio emphasized.

Most independent observers are inclined to accept the official position that there was a Hutu plot. However, the origin of the name lists, the evidence of guilt and the severity of the punishment are widely questioned.

It is also increasingly asked why the authorities did not act to prevent the initial outbreak, since there had been reports of unusual movements in the south six weeks before the rising. Some church sources wonder whether the attack was allowed to happen so as to provide justification for broad repression.

The slaughter has been a serious blow to the economy. In the south, the missions are trying to get refugees out of the bush to harvest the cotton, bananas and coffee, but it seems that much of the crops will be lost.

Foreign observers generally question whether reconciliation can ever be possible after so much killing. In the city areas here where Hutus and Tutsis live side by side, the two tribes are terrified of each other, and word has spread that all Tutsi families should get rid of Hutu houseboys for fear of poison or some other form of retaliation.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1219

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1220

(Ordered to be printed and to lie on the table.)

Mr. SAXBE submitted an amendment intended to be proposed by him to the bill (S. 3390), supra.

AMENDMENT NO. 1222

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, on behalf of myself and the distinguished Senator from Kentucky (Mr. COOPER), I am submitting an amendment to S. 3390, the Foreign Assistance Act of 1961, to increase the amount of American assistance to Bangladesh by $50 million—to bring the total to $100 million, the amount proposed by the Agency for International Development.

The unprecedented tragedy that swept the land and people of Bangladesh last year has rightly brought an unprecedented humanitarian response from the American people and Congress. Despite the slowness of our Government to react, the American people and the Congress have seen the birth of Bangladesh as a saga of human courage and tragedy rarely witnessed in modern times—a saga deserving of our concern and our help. Last year millions of Bengalis perished in the violence of the Pakistan Army's repression, while millions more sought refuge in India, and countless thousands died of disease and malnutrition in the refugee camps. Today, because of this violence and dislocation, more millions face severe food shortages and homeless nights.

Never has there been so massive a shift in population, in as short a span of time, as the flow of nearly 10 million refugees into India last year, and their spontaneous return this year to a free and independent Bangladesh. It is, and will likely remain, one of the greatest human migrations of the 20th century.

Last year the Congress voted $200 million to help return and rehabilitate these refugees who fled famine and war, and to help rebuild their lives and lands devastated by both manmade and natural disasters. This year, we must continue this help.

I fully appreciate the Foreign Relations Committee report and why it did not recommend the full $100 million authorization for refugee relief assistance in Bangladesh, as requested by the administration. At the time of the report there was no public announcement as to how the administration planned to use the additional funds. In addition, the committee expressed its concern that the United States might get itself into the position of assuming the primary responsibility for the relief program in Bangladesh.

The committee's concerns are legitimate, and I commend its insistence upon proof from the administration of the capacity to program the funds in accordance with sound management standards and consideration for the contribution of other donor nations. However, as chairman of the Subcommittee on Refugees—from my own close observation of this problem, both here and during my visit to Dacca in February of this year—I believe that the full $100 million is not only justified but is absolutely essential to permit the United States to continue to play the leadership role on which the entire international humanitarian effort depends.

Although the administration refused to recognize Bangladesh and was unconscionably lethargic in providing the emergency assistance which was needed last January and February, nonetheless AID has now signed a $90 million agreement with the Government of Bangladesh. The agreement brings the total amount obligated out of the $200 million, to $168 million. Additional requests from the Bangladesh Government and from American voluntary agencies working in Bangladesh amount to an additional $65 million and will be programed this month.

Important among these voluntary agency programs are the special efforts of Catholic relief services and church world service, the housing programs of CARE, the special training programs being undertaken by the international rescue committee, and many other outstanding programs of American and other international voluntary organizations. These programs deserve our support because they are effective, and because the people and government of Bangladesh have welcomed the return of voluntary agencies which have a long history of useful work, and who have responded so generously on their own to the humanitarian needs of the Bengali people.

Mr. President, the recent $90 million bilateral agreement with Bangladesh represents an important achievement for which I commend AID. Members of the Refugee Subcommittee staff who have studied AID's plans, report that this bilateral agreement reflects carefully thought out projects, mutually agreed upon by both Governments. Moreover, as I look down the list of projects that American funds will support—a list of some of them I will introduce at the conclusion of my remarks—I am convinced that we are providing the kind of assistance Bangladesh requires at this time. During my visit to the area, I was impressed by the courage and resilience of the people of Bangladesh. Despite the suffering and disruption to which they have been subjected over the past year, most are now energetically at work rebuilding their lives and country. In fact, because of their industry and courage, preliminary reports suggest that agricultural production in Bangladesh may be greater than might have been expected.

What the people of Bangladesh need today and over the next few months is the wherewithal to rehabilitate their own country.

They need materials to repair coastal embankments badly damaged during the 1970 cyclone and in the war.

They need engineering services and parts to repair damaged electric powerplants and transmission lines.

They need materials to rebuild roads and bridges.

They need the resources to rebuild schools and to buy textbooks.

And they need assistance to reconstruct houses, water supply and sewage systems.

The people of Bangladesh will provide the most important resource of all—their manpower. But what they ask of us is to help provide the material resources to help them put it to work.

Although, as the committee report suggests, more Public Law 480 commodities will undoubtedly be required in fiscal year 1973, the need for food will be eclipsed by the need for other materials as Bangladesh moves from the relief stage, to the rehabilitation stage. Our relief assistance this year, along with that or other donor nations, will help Bangladesh become a strong member of the family of developing nations rather than an orphan forever dependent on other nations for survival.

Finally, Mr. President, in an authorization bill otherwise devoted almost exclusively to security assistance, I urge the Senate not to cut corners on our humanitarian responsibility—to support this amendment to authorize the full $100 million request for relief and rehabilitation assistance for Bangladesh.

I ask unanimous consent that a list prepared by AID of some of the uses of American relief funds in Bangladesh, as well as a discussion of current needs, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Proposed uses of the $90 million AID rehabilitation grant

Commodity imports:	*Millions*
Cotton (100,000 bales)	$15.6
Tallow (20,000 tons)	4.8
Fertilizer—Urea (80,000 tons)	10.0
Fertilizer—TSP (35,000 tons)	4.0
	34.4
PROJECTS	
Coastal embankments	16.0

This activity encompasses the completion of Phase I of the Coastal Embankments project including repair of facilities damaged in the 1970 cyclone and the war. The grant will finance consultant services, equipment and materials (floating craft, vehicles, cement, steel road) and local costs. This project will have a significant relief effect by employing 160,000 laborers.

Groundwater survey	.5

This high-priority project will finance one full year's cost of USGS staff services, equipment (drill rig, vehicles, scientific equipment, etc.) and local costs required to accelerate tubewell irrigation and rapidly expand agricultural production.

Power rehabilitation 17.0

a. Siddhirganj Thermal Power Section—This AID-financed power plant was damaged during the war and, because of the war, is long overdue for its first annual inspection and overhaul. We will finance engineering services, spare parts, local costs, and additional training in plant maintenance, if required.

b. Two Transmission Lines (Comilla—Noahkali Feni—Almost all project equipment is on hand and only one construction season is required to complete the lines. The government has assigned a high priority to bring power to the areas involved as a stimulus to development. The project will finance the cost of engineering services, replacement of lost items of equipment and local costs to complete construction of the transmission.

c. Rehabilitation of Transmission and Distribution Systems—Considerable damage was done to the power system during the war and further deterioration because of a lack of maintenance. Under this activity repairs will be made, jerry-rigged arrangements replaced and normal maintenance operations reactivated. At least one major repair job, a large sub-station near Dacca, will be undertaken. We will finance the equipment required for immediate work as well as for the rebuilding of normal stocks, engineering and procurement assistance and local construction costs.

Mongla-Ghasiakhali Canal $3.0

This project, which will shorten inland water routes significantly, can be completed in two years with minimal expatriate supervision. The largest cost item will be for dredging the canal.

Education 6.4

a. Textbooks and reference books will be provided for the six universities in Bangladesh. Local printing costs of primary, secondary and college textbooks will also be underwritten.

b. School Reconstruction—The government is now reviewing the need for and cost of rebuilding of schools damaged in the war.

Roads and bridges 12.7

a. Dacca-Aricha Road—With the exception of two major bridges, all project components can be finished in one to two years. The project will fund the cost of engineering consultants and construction firms for this work. The contractors are also expected to undertake other work on the highway system.

b. Other roads and bridges—Under this activity imported construction materials and the local costs for bridge and road rebuilding being done by local contractors and the roads and highway department's own forces will be financed.

OTHER PROGRAMS UNDER REVIEW FOR FUTURE BILATERAL GRANTS

Rural housing (imports of cement and roofing).

Low-lift pumps and spare parts.

Construction of tugs and barges in Bangladesh public and private shipyards.

Rebuilding and resupplying rural health centers.

Construction and equipping repair shops for trucks.

Rehabilitation and expansion of the river dredging fleet.

Repair and emergency extension of town water supply and sewage systems.

Industrial credit through intermediate credit institutions.

Rehabilitation of natural gas facilities for industrial uses.

Additional short-staple cotton (if available).

Additional fertilizer for CY 1973 crops.

Granular pesticides.

AMENDMENT NO. 1223

(Ordered to be printed and to lie on the table.)

Mr. SPARKMAN, for himself, Mr. TOWER, and Mr. MUSKIE, submitted an amendment intended to be proposed by them jointly to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 999

At the request of Mr. CHURCH, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of Amendment No. 999, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the Medicare, Medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State Public Assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

ANNOUNCEMENT OF HEARINGS ON LAND-GRANT COLLEGES

Mr. STEVENSON. Mr. President, as chairman of the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare, I announce hearings on the role of land-grant colleges in meeting the needs of farmworkers and others in rural America. The hearings will be held in Washington on June 19 and 20.

For the past year, the subcommittee has been analyzing the vast change that has taken place in rural America, a change marked by the displacement of farmworkers by new technology, the replacement of the independent farmer by giant corporations and conglomerates, and the continued outmigration from rural to urban America. One of the questions the subcommittee has been considering is whether the U.S. Department of Agriculture is living up to its self-declared "moral and legal responsibility to farmers and farmworkers," or whether its programs have contributed to the impoverishment of farmworkers and their families and the displacement of farmers.

Our hearings in Washington and California have so far shown that public policies—farm subsidies, tax breaks, wage laws, and land reclamation programs—often work to the special advantage of giant corporate and conglomerate farms.

Many witnesses have charged that the policies and activities of federally assisted land-grant colleges have also served to subsidize big business in its takeover of much of rural America.

Most recently, a report by the agribusiness accountability project, "Hard Tomatoes, Hard Times," made a number of specific charges which the subcommittee will examine during the hearings.

We are especially interested in determining:

First. To what extent has the land-grant college system assumed responsibility and developed programs to assist farmworkers and farmers and others in rural America who have been displaced or affected by the development of new agriculture technology?

Second. What are the land-grant colleges doing to assist the farmworker and family farmer adjust to changing conditions in rural America and maintain their economic viability? Are we satisfied that existing efforts are adequate? If not, what additional steps can be taken to assure that land-grant colleges are responding to all the people of rural America?

Third. What is the appropriate future role of the colleges of 1980, the so-called black land grant colleges?

Fourth. Who are the current beneficiaries of the research and other efforts of the land grant colleges, and is the current allocation of institutional resources and distribution of benefits equitable?

Fifth. What mechanisms are needed, if any, to make the land grant college system accountable to the public interest? Are changes needed in the composition of advisory committees at either the national level or on individual campuses? Is it desirable to have more public disclosure regarding research projects, administrative operations, foundation activities, fiscal policies, patent and licensing practices, industry contributions, and potential faculty conflicts of interest?

Secretary of Agriculture Earl Butz, officials and faculty of land-grant colleges, and representatives of farmworkers, farmers, and consumer interests and others have been invited to testify.

Persons desiring more information about the hearings may call Mr. Boren Chartkov, Counsel to the subcommittee at (202) 225-4538, or write him at room 201-Annex, U.S. Senate, Washington, D.C. 20510.

NOTICE OF HEARINGS ON REFORM OF THE PRESIDENTIAL PRIMARY SYSTEM

Mr. BAYH. Mr. President, for some time now the Subcommittee on Constitutional Amendments has been deeply involved in the study of various proposals to reform the process by which we choose our President and Vice President. The subcommittee is now about to start another series of hearings on this issue; this time we will be dealing with various aspects of the nomination process, with most of our attention to be devoted to the presidential primaries.

The subcommittee's hearings will focus on three proposed constitutional amendments now pending before the subcommittee—Senate Joint Resolution 97, introduced by Senator HATFIELD, Senate Joint Resolution 214, introduced by Senator SMITH, and Senate Joint Resolution 215, introduced by Senator MANSFIELD. Each of these measures proposes the adoption of a single nationwide primary in place of the present State-by-State system of primaries and conventions.

We expect to have testimony from Senators, Congressmen, political scientists, and other experts in this field. Because we firmly believe that the Constitution should never be amended unless we are sure that the proposed change is absolutely necessary and the best possible remedy, we will also be interested in hearing about other proposals—whether they are other constitutional amendments, Federal legislation, or model statutes for the States to enact—which our witnesses think relevant to this inquiry.

The hearings will be held on June 21, 1972, at 10:30 a.m. in room 1114, New Senate Office Building; on June 22 at 10 a.m. in room 6226, New Senate Office Building; and on June 29 at 10 a.m. in room 318, Old Senate Office Building.

Any person who wishes to submit a written statement for the record, or who has further questions about these hearings, should contact Peter W. Coogan, assistant chief counsel of the subcommittee at 225-3018, or at room 300, Old Senate Office Building, Washington, D.C. 20510.

ADDITIONAL STATEMENTS

ESSAYS ON RURAL ELECTRIFICATION

Mr. CURTIS. Mr. President, the Nebraska Rural Electric Association has sponsored a youth tour to Washington for a number of years. The group is made up of those boys and girls who have been the winners of essay contests sponsored by their individual Nebraska rural power systems in cooperation with the Nebraska Rural Electric Association.

I ask unanimous consent that four of these winning essays be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

What Rural Electrification Means to Me and My Community

(By Ron Berggern)

A mirage of lights glowing in the night; an irrigation pump pumping at the press of a button; and automatic washer tumbling the clothes while dinner cooks on a shiny range. Here is electricity at work in my rural community. Here too, is a modern miracle at work. Sparked by an endless flow of invisible electrical current, a rural revolution has created a new life of production and convenience.

Electricity is a form of energy. We know what it is by what it does. It gives us light, heat, and power. While the time required for these developments has been short, the effort and investments have been great.

Nebraska has a unique public power arrangement. All electrical facilities—from giant generators to meters—are owned by the people. Every power user is automatically a stockholder in this vast enterprise, and every voter has a voice in its management. Backing it are elected farmers who serve as directors of the Nebraska Public Power District.

With an increasing use of computers in the system, it enables the District to further broaden its computer programming to cover the District needs. The nuclear reactor and computer add to the complexity of the system, and this leads to higher levels of performance and the upgrading of employees.

The Rural Electrification Administration (REA), as well as much of the public power plan in Nebraska, was due to the work of Senator George Norris from Nebraska. In 1950, about 78% of Nebraska farms had electricity as opposed to only 5.8% in 1929. The whole process of rural electrification in Nebraska started in 1936.

In the home there are numerous uses of electricity. Electric irons, dishwashers, washing machines, driers, vacuum cleaners, and lawn mowers save hours of labor. Mothers prepare meals quickly and easily with electric stoves, ovens, toasters, grills, and blenders. Refrigerators and freezers keep food fresh while fans and air conditioners cool homes in summer. Electric heat, which can provide thermostatic comfort to each room, also helps balance the peak summertime energy load caused by irrigation and air conditioners.

Today's industry could not exist without electricity. The electric motor is the basic source of motion for the many machines on our farms, in our homes and in our businesses. Flip a switch and the smoothly running electric motor goes to work immediately. It can operate for hours, days, and years without the filling of fuel tanks, cleaning of valves, grease jobs, and the usual maintenance problems that gasoline engines require. There is no smoke or smelly exhaust, and it runs so quietly that you are hardly aware of it.

On our farms, electricity lights homes and barns. Electric pumps supply water from wells. Electric milking machines are used by dairy farmers. Livestock farmers use electric fences and heaters. Electric timers are used for grain dryers, fans and automated feeding operations. The use of electricity continues to increase, due to further acceptance of many labor-saving devices.

An increasing population and ever expanding standard of living have produced an industrial growth exceeding all expectations. Industry can be located in this area because we have available a source of low-cost electricity. We are in the midst of an electric "highway" for importing and exporting blocks of electricity due to generator plants and transmission lines.

Rural Power and Ecology

(By Debra Miller)

Ecology, which has been described as "the most intelligent use of our natural resources", is an integral part of our rural electric system. Electricity makes it possible to use our resources in a multitude of ways that would be impossible without it.

To illustrate this, let us look at the example of irrigation, which depends heavily upon electricity. Without the miracle of irrigation, our dry Nebraska soil would bear only a fraction of its current harvest. In fact, this constructive use of our natural resources is perhaps the most important to those of us living in rural areas.

Irrigation, bringing vegetation to fields that were once allowed to lie fallow and unprotected because of lack of water, is also helpful in curtailing much erosion of valuable soil. That the erosion of soil is an important ecological problem tc be considered, may easily be proved by looking back to the Dust Bowl years, in the '30s. The isolation and hardships suffered by farmers during that dreadful period in history may have prompted President Roosevelt to create REA in 1935. It is valuable to note that the Rural Electrification Act, continuing the REA, was sponsored by two statesmen from the erosion-stricken Great Plains, Senator George Norris of Nebraska, and Representative Sam Rayburn of Texas.

As an aid to a more healthful atmosphere, electricity has many advantages. Since it is an extremely clean source of power, there is no air pollution, as with the previous wood and coal burning devices. Living in an area as we do, with only a low grade of coal available, and not an excess of trees, the dependence upon these inefficient fuels as sources of power not only caused a polluting influence with its annoying smoke, but was a drain upon our natural resources, as well. Today, living in a world of safe, clean, automatic electric living, it is difficult to imagine rural communities as they must have been before electricity came.

Today the generation of electricity is often in the news. The demand for electricity has become a matter of grave ecological concern. Sometimes the articles are about some of the problems of generating electricity, such as thermal pollution. Yet even now, research is being done to determine ways of leashing the heat produced, using it in a constructive way.

One very interesting idea that seems to have special interest for those in rural areas is the plan which would utilize solid animal wastes by using it as a fuel to generate power. This plan has been used in some European cities, for example, Paris, Rotterdam and Dusseldorf, where it gained approval because it used the disposal of wastes for a useful purpose, and also because it substituted wastes for the high-sulfur coal which polluted the atmosphere. Closer to us, in Chicago solid animal wastes from the stockyards (in themselves an ecological menace), have been used to generate power.

There are many ecological problems concerning the rural need for power—most of these are being carefully researched in an attempt to turn the disadvantages into advantages. Even with these faults, however, the ecological benefits that rural electrification have given us many times outweigh any disadvantages that might occur.

Electric power, in addition to the multitude of everyday uses that we are accustomed to, also aids us in our fight for ecology, in which we endeavor to use our natural resources in the most intelligent way possible.

Rural Electrification and the Value of Electricity in the Home and on the Farm

(By Roxanne Wicke)

Who appreciates the value of time more than a farmer and his family? Rural electrification enables this self-employed person to effectively utilize his precious time. From the home and surrounding buildings to the far-flung fields and pastures, rural electrification conserves the energy and time a farmer so desperately needs.

Before 1935, the life of farming was strenuous and depressing. The washboard and plowshare consumed so much time that people were already migrating to cities in search of an easier life. When Franklin Delano Roosevelt signed the Executive Order creating the Rural Electification Administration (REA) the clock of electrical progress began to tick. Since then cooperatives, the REA, and the National Rural Electrification Cooperative Association (NRECA)) have been organized. These provide the farmer with devices and methods which smooth the ruts of his life.

Daily farm life begins in the home. The electric water pump and hot water heater furnish a refreshing shower. The olive green electric stove, refrigerator, freezer and the varied appliances help the wife prepare a quick, but delicious and nutritious meal. Throughout the day the services of a dishwasher, vacuum cleaner and chromium washer and dryer free her for other family and social duties. Television sets, radios, and phonographs provide instant entertainment. Not to be forgotten are the modified electric heating and air-conditioning system and the elaborate wiring furnishing clean air and bountiful light.

Around and within the surrounding buildings electricity is widely used in many variations in eliminating the darkness, odors and uncleanliness of a farm. Barns are equipped with automatic milking machines to accomplish this task sanitarily and quickly. Barn lights are helpful in bringing forth new lambs, calves and piglets. Security lamps provide the welcome sight of instant and continuous light. The brooder house is furnished with heat lamps while the shop and garage have electric drills, saws and other carpentry tools. Also automated by electricity are silos, grain elevators and other methods of feeding.

In the hidden recesses of a verdant pasture, a pump jack, unlike the wind, provides a faithful flow of clear, cool and sparking water. Surrounding the pasture is a fence invigorated by an electric fence charger, which has a two-fold purpose. The straying of stock is prevented and also the prowling of predatory animals is hindered.

The fields of golden, rustling grain and other crops also benefit from rural electrification. Irrigation wells run by electricity produce doubled, or even tripled, outputs. Irrigation is beneficial not only in eliminating the worry of drought, but also in utilizing formerly barren land which now increases the income for the grower of crops and furnishes mankind with needed food.

These examples of electricity on the farm are only a few of the numerous time-saving aids. Many more are forthcoming from the development room of Willie Wirehand and other corporate researchers.

The benefits of rural electrification not only exist on the farm but also extend to the community, state, nation and world. The community is served by the offering of jobs, opportunities for leadership, and sponsorship of clubs and projects. Money saved from low rates is spent and invested and thus the state's and county's economies are stabilized. Also apparent throughout the United States are the numerous lakes created by dams needed for generation of electricity. These picturesque bodies of water offer fishing, boating, ice skating, swimming, or just sunbathing. Individuals benefit from reading the supply of literature. Thrillingly, the unique formation of the cooperatives preserves the democratic way of life for all mankind.

Thus, since 1935, rural electrification has made possible the innovation of machines and methods which save time for the farmer and his family. This conservation of time is applied in the home and surrounding buildings and in the pastures and fields. The cooperatives, REA, and NRECA also furnish benefits for the farmer and his world. This welcome time and these benefits demonstrate that rural electrification is essential in giving the farmer a life of fruitful work and contentment.

Rural Electrification and the Value of Electricity in the Home and on the Farm

(By Russell Gohl)

"Go Big Red", Nebraskans have cheered their football team on to be No. 1. Electricity has also become No. 1 in rural homes and farms. Each yard gained on the football field, the fumbles, the intercepted passes, and the tireless work of coaches make it possible to win each game to become No. 1 in the nation.

It was largely due to the hard work of George W. Norris and Sam Rayburn, who introduced the REA bill in the Senate and House of Representatives, that Congress passed the bill which was signed by President Franklin D. Roosevelt, May 20, 1936. Since this time the "team" has been making yardage. It has had fumbles, interceptions, and troubles, but has won each game to become first in almost every home and farm.

The many hours of planning and hard work, the cheering on of many people has brought an impact upon rural America far beyond the dreams of its early pioneers. It changed everything it touched from the time the first light was turned on. Those huge poles and miles of wire linked rural America with modern civilization.

Motor, electric tools, fans, welders, coolers, automatic feeders and waterers and the many other automated systems have made production of livestock not only easier but more profitable. Electrically equipped shops have saved many a farmer a trip to town to make a minor repair to machinery which would have normally taken several hours off his day's work. Also crop irrigation with electrically pumped water can make the difference between success and failure for many large-scale farm operations.

While electricity was becoming No. 1 in the farm yard it was also making a big play in the rural home too. With the coming of electricity, the farmer's wife switched to electric equipment and appliances as fast as family finances would permit. Today modern rural homes have every convenience of city homes. Such as, automatic washers and dryers, electric ranges, air conditioning, and electric heat.

For the generation that is growing up today, rural electrification will be an exciting challenge. Unlike their forbears, these young people will not be plodding through the mud to a one-room schoolhouse to learn how to get "lights in their homes." Instead, they will look to scientists in industry, Government and the agricultural colleges to find new and better ways of employing electric power in their homes, on their farms and in their rural businesses.

The rural America is a wonderful way of life, and although each yard gained and each game played takes constant planning, electricity will always be No. 1 for rural America.

RETIREE COUPLE BUDGET: FRESH EVIDENCE FOR SOCIAL SECURITY RISE

Mr. CHURCH. Mr. President, recently the Bureau of Labor Statistics updated to autumn 1971 its three budgets for retired couples living in urban areas.

The new budgets range from $3,319 a year at a lower level to $7,443 at a higher level. And the intermediate budget amounts to $4,776.

However, even these relatively modest budgets are well beyond the means of millions of older Americans.

More than 4.7 million fall below the poverty line. If the hidden poor are counted, their numbers swell to 6.3 million.

Equally significant, these updated budgets provide powerful and compelling evidence for major improvements in social security.

Today social security benefits for the typical retired couple amount to about $2,664, or only about 56 percent of the BLS intermediate budget.

And the proposed 5-percent increase in H.R. 1 is certainly not going to help much. In fact, it will not even keep pace with the rise in the cost-of-living since the effective date of the last social security boost.

Quite clearly, a more substantial increase is needed if our Nation is really serious about solving the deepening retirement income crisis effecting millions of older Americans.

For these reasons, I am sponsoring a 20-percent boost in social security benefits. A companion measure, H.R. 13320, has been introduced by Representative WILBUR MILLS, the chairman of the House Committee on Ways and Means.

For the typical retired worker, my proposal would increase monthly social security benefits from $133 to $162. For the average elderly couple, monthly payments would rise from $222 to $269.

On the other hand, H.R. 1 would raise benefits to $141 for the retired single worker and to $234 for the aged couple.

In terms of dollars and cents, a 20-percent increase would provide a single retired worker $250 a year more than under H.R. 1. And for an elderly couple, this would mean an additional $420 in badly needed income to pay for rising property taxes, food costs, medical care, and other expenditures.

Equally significant—and I want to stress this point—this proposal would in no way jeopardize the soundness of the social security trust funds.

Actuarial assumptions recommended by the prestigious 1971 Social Security Advisory Council indicate that it would be possible to finance this increase with a modest rise in the payroll tax and still maintain the overall integrity of the trust funds. In fact, the proposed tax rates under this measure will be lower over a longer period of time throughout this century than under H.R. 1.

As of this date, I am pleased to report that 60 Members of the Senate have joined me in sponsoring this proposal. Four others have also indicated that they will vote for this measure—making a total of 64 Members of the Senate who support a 20-percent increase.

Mr. President, I ask unanimous consent that the names of the cosponsors of my proposal—Amendment No. 999—be listed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Cosponsors of Amendment No. 999

Frank Church, Harrison A. Williams, Walter F. Mondale, Vance Hartke, Claiborne Pell, Thomas F. Eagleton, Edward M. Kennedy, John V. Tunney, Philip A. Hart, Harold E. Hughes, Hubert H. Humphrey, Mike Mansfield, George McGovern, Birch Bayh, Henry M. Jackson, Warren G. Magnuson, John Tower, Charles H. Percy, Howard H. Baker, B. Everett Jordan.

Frank E. Moss, Alan Cranston, Robert C. Byrd, Thomas J. McIntyre, Adlai E. Stevenson, Joseph M. Montoya, John O. Pastore, Fred R. Harris, Gale W. McGee, Howard W. Cannon, Mike Gravel, Lee Metcalf, Daniel K. Inouye, Ernest F. Hollings, Alan Bible, Edmund S. Muskie, David H. Gambrell, Quentin N. Burdick, Gordon Allott, James B. Allen.

Mark O. Hatfield, Edward W. Brooke, Gaylord Nelson, Clifford P. Case, Jennings Randolph, Bob Packwood, John Sparkman, John L. McClellan, Margaret Chase Smith, J. Caleb Boggs, Abraham Ribicoff, Jacob K. Javits, James O. Eastland, Richard S. Schweiker, Strom Thurmond, Charles Mathias, James B.

Pearson, William Proxmire, Lawton Chiles, Ted Stevens, Edward Gurney.

THE ADMINISTRATION'S URBAN GROWTH REPORT

Mr. STEVENSON. Mr. President, the President has recently submitted to Congress its first report on urban growth as mandated by title VII of the Housing and Urban Development Act of 1970. I do not think it unfair to say that the report has met mostly with unfavorable reviews.

Much of the criticism appears justifiable. I am particularly concerned that the report ignores the clearly expressed will of Congress. Title VII declares that there shall be a national urban growth policy and directs the President to make recommendations in his urban growth report for programs and policies to develop and carry out such a policy. Instead, the report questions the adviseability of a comprehensive national urban growth policy and presents recommendations which are no more than a listing of President Nixon's legislative program for the previous year: general and special revenue sharing, Government reorganization, welfare reform, and so forth. Surely this listing does not constitute a coordinated national urban growth policy.

The American Institute of Planners, an organization which has long recognized the importance of structuring a coherent growth policy for our urban areas, has taken a position on the administration's report based on a thoughtful critique. I ask unanimous consent that the critique be printed in the Record.

There being no objection, the critique was ordered to be printed in the Record, as follows:

POSITION STATEMENT

The Board of Governors of the American Institute of Planners endorses the concept mandated by Congress of accountability by the Executive Branch for the continuing formulation and implementation of urban growth policies. Reports issued by the Executive Branch must show evidence of positive leadership in the defining of unified comprehensive policy.

Unfortunately, the President's first official response to the Congressional mandate, his *Report on National Growth 1972*, rejects a concern with the urban dimension in favor of excessive concern for rural growth; rejects a philosophy of planning in favor of an executive approach; and, in the opinion of this Board, fails to be responsive to the Congressional mandate.

Report on National Growth 1972 is no more than a survey of problems and a commitment to two obvious goals of growth policy: first, to the idea of "balance" between the nation's urban and rural environments; and second, to the idea of "orderly" correction of existing problems. The *Report*, however, fails to examine the implications of the giving up of federal categorical programs in favor of state-local priorities and procedures, fails to explain how affirmative federal policies will be made to work, fails to state what resources will be made available and whether such resources will be adequate for the stated purposes, and fails to establish mechanisms by which the citizens of the United States can become involved in the process.

The *Report* shows the Administration's confusing approach to the process within the Executive Branch. As one example, it seems to us that land use controls under recent and proposed federal legislation should be included in the group of activities recommended for the proposed Department of Community Development rather than put under a Department of Natural Resources. Moreover, we are concerned that the resources for any federal program be matched with the locus of authority, as is manifestly not the case with the maintenance of the Highway Trust Fund beyond the reach of the proposed Department of Community Development.

The *Report* contains a number of contradictory assertions and assumptions about the federal role vis-a-vis the states and the private sector, an example being the Administration's abandonment of responsibility by advocating revenue sharing without sanctions, combined with its willingness to abandon existing programs addressing themselves to city and urban problems in favor of a vague hope that the states will turn to planning at the metropolitan level. We believe the federal government has a responsibility to implement its policies in a direct rather than an indirect fashion in accordance with the recommendations below.

Lastly, we view with great concern the Report's summary of Administration attitudes concerning the process of planning in a democratic society. We criticize especially its claim that not "even a single coordinated set of policies can remedy or even significantly ameliorate all of our ills" and its drastic misuse of the term "planning" as an activity only to be supported within the office of an elected official, as part of the administrative and budgetary process. We do believe that a set of coordinated policies is both feasible and necessary and can be produced with due regard for the democratic process.

In light of the foregoing, and taking into account the considerations presented in the critique of the President's Report (also published here) the Board of Governors of the American Institute of Planners:

1. Urges that National Growth Policy (or National Urban Growth Policy as mandated by Congress) address, purposefully and in a coordinated manner, the following basic and interrelated issues:

(a) settlement patterns, including the quality and efficiency of settlement;

(b) human opportunity and welfare;

(c) capacity and fiscal vitality of government;

(d) quality of environment and management of natural resources.

2. Affirms that equity in the formulation and application of National Growth Policy requires the participation of all segments of society in that effort and the allocation of adequate resources consistent with policy direction and priorities, both of which are necessary to assure access in the definition of policy and effective utilization of resources in the disposition of the issues involved.

3. Reaffirms that planning can and should make an essential contribution to defining appropriate roles for all levels of government and private institutions in the formulation and implementation of unified policies that will reflect and respond to the considerations enumerated above with full respect for diversity and pluralism.

The Board of Governors further recognizes and deplores a condition when no policy becomes the policy and fosters the fragmented deliberations now proceeding, prolonging the long history of unrelated or conflicting programs, projects and actions which have led to the present national condition. Congress has mandated a National Growth Policy to deal with this condition. The expression of the recommendations herewith adopted are vital to the successful fulfillment of that mandate.

Following is a detailed critique of the Report on Urban Growth 1972 prepared for the Task Force by its member Alan Rabinowitz and submitted to the AIP Board as a support document to the above policy statement. This critique attempts to provide the AIP membership with an evaluation of how the simplistic statements in the Report fit into the context of urban growth policy as it might and should be defined. This critique is not adopted Board policy, and additional comments on the report are welcome. Copies of Report on National Growth 1972 are available from the Government Printing Office, Washington, D.C. 20402, for 45¢ each. Ask for publication number 1770–0156.

NATURE OF THE PRESIDENT'S REPORT

For many years, thoughtful analysts of the nation's urban programs have been documenting the extent to which various federal activities either complemented or vitiated the efforts of other parts of the federal establishment and of public and private agencies involved in planning and implementation at the local level. In recent years, the demand for cohesion in policy-making at the federal level has increased, and both the executive and legislative branches have broadened the scope of their efforts to obtain comprehensive, balanced, policies concerning housing, land use, transportation, economic development, pollution control and other components of urban and rural life. Much of the intellectual leadership for this movement has come from the U.S. Advisory Commission for Intergovernmental Relations and related committees in the Congress.

In the Urban Growth and New Community Act of 1970, Congress declared it in the national interest to: . . . provide for the development of a national urban growth policy and to encourage the rational, orderly, efficient, and economic growth, development, and redevelopment of our States, metropolitan areas, cities, counties, towns and communities in predominantly rural areas which demonstrate a special potential for accelerated growth; to encourage the prudent use or conservation of our natural resources; to encourage and support development which will assure our communities of adequate tax bases, community services, job opportunities of adequate tax bases, community services, job opportunities, and well-balanced neighborhoods in socially, economically, and physically attractive environments.

The President was instructed to use the powers of his office to collect, analyze, and evaluate information about urban problems and programs and make a biennial report, with recommendations, to the Congress, with the first such report due in February 1972.

THE ADMINISTRATION'S RESPONSE

Accordingly, The Domestic Council produced for the President for transmission to Congress the *Report on National Growth 1972*, a 74-page pamphlet that is an explicit and systematic avoidance of the Congressional mandate for evaluation of new and existing policies.

The introduction indicates the key sentiments that control the Nixon Administration's thinking. Congress' mandate for a report on national *urban* growth policy is rejected as "too narrow," and the focus is shifted away from "the urban crisis" to the need for restoring balance between the nation's rural and urban populations, primarily in the context of the Department of Housing and Urban Development. In addition, after finding that "the longstanding issues concerning the growth of our nation are much too complex to be resolved in any dogmatic fashion," the President defines his responsibility to "assist in the development of" rather than "enunciate" a master plan or a single comprehensive national growth policy and declares that—

"No single policy, nor even a single coordinated set of policies, can remedy or even significantly ameliorate all of our ills.

As our problems are many and varied and changing, so our solutions must be multiple and diversified and flexible."

The structure of the *Report* itself then follows the chapter headings provided by Congress. In the next section, these chapters are analyzed in that same order.

A CRITIQUE OF THE SUBSTANTIVE IDEAS

Chapter 1—Population growth and distribution

To "understand the forces that are shaping the communities in which we live and work," the *Report* devotes its first chapter to a standard description of population trends from 1790 to 1970.

The text covers demographic trends, immigration, the westward movement, the migration of blacks from the South, the impact of technology on agriculture and the migration from rural to urban areas, the growth of metropolitan areas, and the changing racial and economic composition of central city and suburban populations.

No attempt is made to analyze the impact of such forces as the relation between higher personal incomes and changing family characteristics, the impact of the automobile and other technologies on the location of industry and housing, the role of the Federal Housing Administration in suburbanization, or the nature of other national policies that might have shaped these population trends. The Domestic Council, however, does conclude that "for some time our urban areas have been spreading out faster than population growth alone would justify."

Chapter 2—The challenge of balanced and orderly growth

To "articulate some of the challenges that must be confronted as the Nation responds to the challenges of growth," the *Report* notes that growth has been characterized by rapid economic expansion and greater mobility for automobile owners but has been accompanied by some problems. The Administration looks for policies to insure that future growth is both "orderly," meaning correction of existing problems, and "balanced" between rural and urban growth.

The problems seen associated with past growth include the depopulation of rural areas and small towns, the hard times befalling central cities, the concentration of the poor and the black in the inner city, environmental damage and traffic congestion, and the rising cost of land in housing.

The challenge specified in the *Report* is limited to a federal responsibility to assure balanced and orderly growth, and the reader is left to supply his own reasons therefor, for the *Report* does not discuss the Administration's objectives in terms of welfare economics, economic efficiency, the distribution of wealth, or social equity.

The Domestic Council does, however, advance some further ideas concerning the obstacles in formulating a single comprehensive strategy to deal with the forces of growth, citing an unpublished study about the difficulty of getting agreement about the causes, externalities, and interdependence of problems. Two aspects of our national culture are basic in their thinking: first, a high value set upon freedom in the private sector and democratic choice in the public; and, second, an appreciation of the sharing of powers with the states in the governing of a country of vast size and diversity. The Domestic Council does not feel it is feasible for the highest level of government to design policies for development that can operate successfully in all parts of the nation. It does believe, however, that a useful distinction can be made between national responsibility for such items as fiscal and monetary policy and the solution of water and pollution problems and local responsibility for such problems as street lighting.

Chapter 3—Recent State and local actions to influence growth

To "identify major actions of the federal government undertaken to deal with the problems of growth," the *Report* describes in considerable detail a familiar list of state-level activities: establishing the nature and financing of local governments, creating departments of urban affairs, housing finance agencies and urban development corporations, beginning to be concerned with environmental and land use controls, encouraging new communities and other housing programs, creating planning and development districts, and reviewing the organization and financing of local governments, transportation agencies, and education departments.

The federal role envisaged by the Domestic Council is described in a number of ways. The assertion is made that "the nature of growth in America in the years ahead will depend primarily upon the scope and nature of actions taken by state and local governments and upon the countless decisions made by tens of thousands of individuals and business enterprises, large and small;" and rarely is it suggested that a national growth policy should tell the states what to do. The use of federal grants as both carrots and sticks is barely mentioned, except in reference to the implementation of the requirements of Circular A–95 under the Intergovernmental Cooperation Act of 1968.

While the *Report* sees state policies as "the basic building blocks of national policy," there is no suggestion of how the federal government might deal with a state that did not wish to be a building block and did not address itself to the problems of its local governments. A somewhat more direct federal role is seen in connection with problems involving the cooperation of several states, but such agencies as Appalachian and river basin commissions are seen primarily as "devices for rationalizing federal investments in a region rather than full-scale federal-state cooperative ventures." One may infer that the introduction of revenue sharing would diminish further the federal role deemed appropriate by the present Administration.

Chapter 4—Administration actions to deal with the challengees of growth

This chapter is a short review of past involvements, covering the New Deal days, the passage of housing and full-employment legislation, and, under President Eisenhower, the beginnings of the urban renewal and interstate highway programs, and of current initiatives by the Nixon Administration. In the catalogue of recent activities are found the attempts to reorganize and decentralize the federal establishment and to improve interagency cooperation (especially in transportation planning), to develop programs related to rural areas, mass transportation, environmental protection, housing and new communities, to install "planned variation" procedures in the Model Cities program and "annual arrangements" in the housing programs, and to encourage widespread reform of the property tax and systems of school finance.

The Report declares that "the need to make federal programs more responsive to the people and their locally elected officials, both in terms of the goals they seek to achieve and the way they deliver federal assistance," is "an extremely important feature of the President's policy toward growth." There is, however, no discussion of how the enumerated activities by the Administration relate to the Administration's decisions in fiscal and monetary policy and to programs in other departments of the federal establishment, nor is there any evaluation as requested by Congress of the effectiveness of federal efforts to carry out the national urban growth policy.

Chapter 5—Administration recommendations to the Congress

The *Report* ends with a call for speedy passage of Administration legislative proposals for government reorganization, revenue sharing, expanded rural credits, planning and management assistance, a national land use policy, a powerplant siting act, a tax policy to conserve coastal wetlands and historic buildings and welfare reforms.

The Domestic Council begins this chapter by minimizing the influence that the federal government can have on local governmental and private decisions and by expressing its determination to get rid of "planner's blight," the consequence of a plethora of federal categorical programs. Where the Administration might have concluded that the solution might lie in better formulation and consolidation of categorical programs in wiser administration of them at higher levels of interagency cooperation, and in better planning at the state-local level, it has chosen instead to ask for a limited form of governmental reorganization and for a giving up of responsibility through revenue sharing.

Planners should note that the proposed Department of Community Development will merge the Department of Housing and Urban Development with Agriculture's Farmers Home Administration and Rural Electrification Administration, Commerce's Economic Development Administration, Transportation's Federal Highway Program and Urban Mass Transportation Program, and OEO's Community Action Program. Unfortunately, the proposal for special revenue sharing in the transportation field does not include the monies in the Highway Trust Fund.

Reliance upon passage of federal revenue sharing is a key aspect of the Administration's program, allowing the Domestic Council to pass on to the states the full responsibility of spending the proceeds, to avoid addressing the questions of the adequacy of state tax efforts and the equitable distribution of funds among state and local agencies and to sidestep the issue of the adequacy of budgeted federal funds to compensate for neglect of domestic needs over the past few years of inflation and high military outlays.

The legislative package proposed by the Administration contains some curious inconsistencies. One example is the request for a new categorical program for rural credit to be administered by the Department of Agriculture while urban categorical programs are being phased out. Another example is the intention to employ sanctions on states under the national land use policy (concerning shorelands, scenic and historic districts, airports, highway interchanges, and parks) while specifically refraining from sanctions in the fields of community development, governmental reorganization, and education. Still another is the Administration's willingness to impose a long-range planning requirement on the nation's electric utilities (concerning powerpaint sitings) but not on other private corporations instinct with a public interest.

The Administration's concern for the planning and management function at the state and local level extends to information processors and budgeteers for certain types of elected officials but does not seem to extend to the needs of either legislators and their committees or planning agencies working directly with citizens and businessmen on the many forms of community planning.

QUESTIONS FOR FUTURE REPORTS

Policies for Resource Allocation

One of the major deficiencies of this first report is not only its avoidance of the idea of a national urban growth policy in favor of a more general concept of urban-rural balance, but its ommission of an evaluation of those policies now being administered at the federal level. At issue is any Administration's willingness to analyze the nature and scope of federal allocations of its resources. Certain questions need to be asked in the next report along these lines; a few examples follow:

(a) How does fiscal policy fit into the national urban growth policy? Should tax credits be used instead of revenue sharing? Would a negative income tax be better than housing supplements?

(b) What are the costs and benefits from programs for urban and rural development. How should the federal government (Congress and the executive) decide to spend a dollar in rural areas instead of a dollar in urban areas? Is a dollar for highway building more or less justified than a dollar for housing?

(c) How does monetary policy fit in? Should federal funds for the state-local sector be cut back in times of inflation and increased in times of recession?

(d) Are the nation's resources being properly allocated between the public and private sectors? Should the nation increase the share of the national income going into education, manpower development, social welfare, community development, and environmental programs? Should federal resources be used to compensate for lack of responsibility on the part of private firms, state and local govments, and individual citizens?

(e) What timetables should be built into a national urban growth policy?

PUTTING THE FEDERAL HOUSE IN ORDER

Another set of questions need to be framed and answered in future reports. All of them have to do with the way in which the mechanisms for planning, programming, and budgeting are performed within the federal establishment and among federal agencies and other public and private agencies.

(a) To what extent are Congress and the Administration working together in the context of a national urban growth policy?

(b) What are current problems in obtaining cooperation between federal agencies at both departmental and regional levels and in reconciling decisions of regulatory bodies (such as the Interstate Commerce Commission) with the departmental programs affecting national urban growth (including, for example, distribution of contracts by the Department of Defense)?

(c) What are the problems in using the Office of Management and Budget, the Domestic Council, and the other Executive Office bodies (such as the Council on Environmental Quality) as moderators of national comprehensive policies? What are their relations with such useful agencies as the U.S. Advisory Commission on Intergovernmental Relations?

(d) What are the current problems in administering federal programs, for example, of assuring that housing funds produce good housing rather than speculative profits and unsound structures?

CONFRONTING THE INTERGOVERNMENTAL ISSUES

Given the nature of the partnership between the federal government and the states, who bear the Constitutional responsibility for establishing local governments, a national urban growth policy requires that certain federal funds be disbursed by the States. A wise man will inquire about the stewardship of his partners, and it is incumbent upon the federal government to evaluate each state's progress in supporting the objectives of national policy. The next National Urban Growth Report, therefore, should contain an evaluation, state by state, of the extent to which funds have been made available to local communities, the extent of reorganization of state fiscal and administrative systems, and the extent to which state and local agencies are planning together for the amelioration of social-economic-and-physical problems in both metropolitan and rural areas. An important part of the evaluation should be a consideration of the relative merit of categorical and revenue-sharing programs.

THE ROLE OF PLANNING IN THE REPORT

The words "planning" and "planners" are given a rather special meaning in National Growth Policy 1972, as the examples below indicate:

The Administration will not rely upon "some master plan for directing the multitude of public and private decisions," but "our plans for national growth must rather seek to help individual Americans develop their unique potentials and achieve their personal goals." However, some states provide planning and technical assistance to local units of government; the New York State Urban Development Corporation is authorized to initiate the planning and construction of needed public facilities; California recently adopted the preliminary plan of the Tahoe regional planning agency; the American Law Institute is preparing a model land development code that would involve State agencies in planning and controlling the use of land; California has provided for planning and land assembly by redevelopment agencies in support of new communities; states have been estabishing planning and development districts whose principal responsibilities are comprehensive and functional planning, coordination of planning done by units of local government and other organizations within the area, technical assistance to local governments in planning and administration, and review and coordination of certain federally assisted projects; the Appalachian Regional Commission is involved in "a comprehensive developmental planning process rising up from the grassroots," the Metropolitan Council of Minneapolis-St. Paul performs planning and other coordination service functions; the "A-95" review process covers federal grants for highway and airport planning, among other programs, and is designed to assure that major federal programs in a given jurisdiction are consistent with and will not disrupt well-considered development plans for the area; the National Resources Board and its two successors represented a unique attempt at national planning before the effort was terminated in 1943; the "planned variation" approach will broaden the citywide Model Cities program into a truly comprehensive method for the city's chief executive to use in approaching the community development problems of the city; the "annual arrangements" approach seeks to demonstrate that, given a realistic forecast of Federal funding, communities will plan for community development in an effective manner; "'planner's blight,' often a feature of urban renewal, provides a good example of the kind of unanticipated and undesirable consequences that can result from well-intentioned federal [categorical] programs;" Urban Community Development revenue sharing would enable communities to plan and implement longer term programs dealing with growth and development; one important element in the proper planning of new urban development is the protection of natural and historic values; and:

Planning and Management Assistance: Money is not the only resource needed to meet the challenges of growth. Effective governmental institutions staffed with capable officials are needed to put this money to effective use. The President, therefore, has proposed a new planning and management program designed to help state and local elected officials manage their resources to achieve local—as well as certain national—objectives. This program significanty complements all the revenue sharing initiatives of this Administration. Planning and management assistance would strengthen the ability of state and local governments to make decisions and to implement those decisions successfully. It would also provide new opportunities for elected chief executives at all levels of government to improve management and evaluation techniques. And it would enable states to coordinate all aspects of urban and rural development.

The planning and management proposal would offer financial assistance, without any matching requirement, to governors, mayors, and country executives to aid them in further developing their executive management capabilities. Examples of the activities that would be assisted include the development of better budgetary procedures, administrative reorganization programs, modern information systems, improved personnel recruiting techniques, and other activities that will help state and local officials better handle their executive responsibilities.

While the members of AIP assume that planners are involved with policy determination and direct participation in dealing with the economic, fiscal, political, social, physical, environmental, and administrative issues at all levels of the public and private sectors, the scope of planning in the President's *Report* is more limited. Planning appears there as a managerial function encouraged by the federal government primarily for state and region agencies, as a method of carrying out projects such as airports, and as an activity that suffers if there are too many variables (as in "planner's blight").

The field of "planning" is sure to suffer from this interpretation, and vigorous efforts by those who prefer a broader context will be required to provide support for contemporary planners. Without such support, how will planners be able to work on problems of community participation and community organization, on problems requiring research and analysis of social, economic, and environmental conditions, on the questions of powers and resources involving decentralization of public functions simultaneously with rationalization of public services on an areawide basis, on the problem of bringing an understanding of local problems into state legislatures and agencies and of state problems into Congress and the federal agencies, and on the problem of improving instruction on urban affairs in colleges and universities?

In short, America's planners must be part of the Administration's planning and management scene, encouraging proper use of information systems and computer models as tools of administration, but diligent in their efforts to make government at all levels (local, state, and federal) and all branches (legislative, judicial, as well as executive) sensitive to the subtle combination of political, psychological and technological forces that make planning an art as well as one of the policy sciences.

CANCELED CAREERS FOR OLDER FEDERAL EMPLOYEES

Mr. CHURCH. Mr. President, one of our most serious problems today is the unacceptably high level of unemployment.

Approximately 5 million Americans have lost their jobs. Millions more are underemployed. There is also a substantial amount of hidden unemployment, particularly among older workers who have "dropped out" of the work force after prolonged periods of fruitless searching for a job.

Yet, the Federal Government, which ought to be a model employer, may actually be contributing to our painful unemployment problem.

The number of involuntary early retirements has soared during the past 3 years. Early retirements for fiscal 1971 were 2½ times as great as in 1970 and six times the level in 1969. For the current fiscal year, these revealing statistics are similar to the monthly averages for 1971.

These disturbing findings were recently presented to the Committee on Aging in an exploratory report prepared by Elizabeth M. Heidbreder, an economist for the National Council on the Aging.

This report provides striking evidence of the injustice and harsh economic impact of the present involuntary retirement policies on middle-aged and older Federal employees.

Many now find themselves in impossible situations. They are usually the first to be fired, but the last to be hired. Their Federal pensions are often insufficient to meet their financial responsibilities.

A few days ago the three daily newspapers in the District of Columbia gave extensive coverage to this report and the impact of a canceled career for an older Federal employee and his family.

Mr. President, I commend these articles—by John Cramer of the Washington Daily News, Joseph Young of the Evening Star, and Mike Causey of the Washington Post—to the Members of the Senate, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD. as follows:

[From the Washington Daily News, May 26, 1972]

REPORT FLAYS PRESSURE TO RETIRE EARLY

(By John Cramer)

A new report to the Senate's Special Committee on Aging charges that government lay-off policies produce large injustices and "cancelled careers" for many older federal employes.

It especially criticizes:

Government policy of encouraging—and pressuring—middle-age workers to retire early.

Questionable administration of reduction-in-force rules, with Civil Service Commission acquiescence, to nullify the protections supposedly provided by veterans preference and seniority—and thereby give agencies freedom to handpick older workers for layoff.

The report, prepared by an economist for the National Council on the Aging, is certain to spur the growing clamor against the way CSC administers the rules.

It prompted Committee Chairman Frank Church, D-Ida. and Sens. Jennings Randolph, D-W. Va., and Walter F. Mondale, D.-Minn., to say in a preface:

"Even tho early retirement and second careers may often be desirable, employes should be free to decide if they wish to retire early.

"Unfortunately, there is very disturbing evidence to suggest that the federal government—which it seems clear, ought to be a model employer—may be a leading offender in applying pressure tactics to coerce older employes to retire early.

"We are mindful that a system which provides overly protected job tenure can lead to one extreme: bureaucratic entrenchment. This, of course, is not only inefficient but also unresponsive to the needs of its citizens.

"But if management in government is allowed to take arbitrary actions which, in effect, cause 'cancelled careers,' it may pose a serious threat to well-trained and conscientious employes—and to the entire civil service system.

"Such capricious action can only cause our nation to lose some of our most experienced, dedicated and knowledgeable personnel in government. Even more fundamental, it can only serve to undermine the deep and personal commitment which many career civil servants have towards their jobs."

'SCAPEGOAT CLASS'

Older workers, the Senators said, rapidly are becoming a "scapegoat class" in the federal service.

By law, employes personally caught in layoffs are entitled to retire on immediate annuities (reduced 2 per cent for each year they're under 55) if they have 20 years of service and are at least 50, or if they have 25 years regardless of age.

By regulation, almost certainly illegal, CSC has given agencies in layoff situations the right to "request"—but not require—the retirement of those who meet these age-service standards.

By widely acepted custom, the "requests" become a form of pressure to retire.

RETIREMENTS SOAR

The report said this caused 1971 early retirements to soar 250 per cent over 1970 and 600 per cent over 1969. And for most of the early retirees, it said, annuity income was less than half of salary—as against a maximum of 80 per cent for those permitted to work full careers.

It said:

"The effect on middle-aged employes who must decide before a RIF whether or not to retire early is to present them with an important career decision before knowing what will happen in the impending RIF and often before they have time to seriously consider retirement.

"While some may welcome the opportunity to retire early, others may find it difficult to start a second career or to live on a reduced income."

But even if they resist early retirement, the report said, older workers find themselves vulnerable to layoff because of CSC's interpretation of layoff rules.

DUCKING THE LAW

By law, employes doing like work are supposed to be assigned to the same competitive level—and, within any level, veterans and senior non-veterans are supposed to be the last to be laid off.

Agencies get around this by declaring like jobs unlike . . . doing their damndest to put each employee in a level all by himself.

The Space Agency, as reported here before, recently achieved the absolute ultimate: At Kennedy Space Center, it assigned 46 GS-6 secretaries to 46 individual levels, thereby rendering seniority and preference 100 per cent meaningless.

The report recommended:

"The General Accounting Office or a similar independent agency should evaluate the present regulations and practices concerning competitive areas in RIFs in order to determine if employe rights are being infringed upon."

[From the Washington Star, May 26, 1972]

THE FEDERAL SPOTLIGHT: INVOLUNTARY RETIREMENT

(By Joseph Young)

The number of "involuntary" early retirements among federal employes has increased sixfold since 1969, according to a report issued by the Senate Special Committee on Aging.

The report declared that not only employes over 60, but many in their fifties and even late forties are being pressured by their agencies to retire as a result of Nixon administration policies to cut jobs and grades. This often results in cutting their income by more than half at a time when their financial responsibilities are the greatest.

It also said that employes in government over age 45 or even 35 are often denied the opportunity of training and thus are placed at a disadvantage with younger employes in competing for better positions.

"Involuntary" retirement in government were 2½ times greater in 1971 than in 1970, and six times that of the total in 1969. So far, figures for 1972 are similar to the 1971 monthly averages.

The increases occurred as a result of Civil Service Commission rules which allow agencies facing a reduction-in-force to request voluntary resignation of eligible employes before the cutbacks take place. Under this type of arrangement, employes may retire at age 50 with 20 years service or at any age with 25 years service.

The report was prepared for the Senate committee by Elizabeth J. Heidbreder, economist and research associate with the Institute of Industrial Gerontology, National Council on the Aging.

The report recommended immediate steps to forestall continued emphasis on early retirement as a primary tool to reduce the federal work force, including having appropriate congressional committees investigate the power given agencies by the CSC to use the "involuntary" retirement provisions to pressure workers to retire.

It also called for a General Accounting Office study to see if employes' rights are being infringed upon in such cases and also a study on the impact of such retirements on the federal service.

In addition, the report proposed that the provision of the Middle-Aged and Older Workers Employment Act which offers special services to persons caught in mass layoffs be extended to federal workers. Also, federally assisted training programs should be extended to training programs within the federal civil service, the report stated.

Accompanying the report was a statement by Sens. Frank Church, D-Idaho, the committee chairman; Jennings Randolph, D-W. Va., chairman of the subcommittee on employment and retirement income; and Walter Mondale, D-Minn., chairman of the subcommittee on retirement and the individual.

Their statement said the committee has sought in the past to encourage the federal government to serve as a model employer. "But now, fundamental questions are being raised about its determination to act as a model employer, especially when pressures to economize continue to intensify. . . . Perhaps even more fundamental, existing federal employment and retirement practices may lead to the creation of a 'scapegoat class' in the civil service."

The senators said "such capricious actions can only cause our nation to lose some of our most experienced, dedicated and knowledgeable personnel in government."

[From the Washington Post, May 26, 1972]

THE FEDERAL DIARY: BIAS AGAINST OVER-40 WORKERS NOTED

(By Mike Causey)

The government discriminates against older people in hiring, training, promotion and even firing and the federal definition of "old" people apparently is getting younger all the time.

Those are the conclusions of the Senate's Special Committee on Aging whose members say they are shocked at the adverse impact recent federal economy moves have had on the 40 plus set. The Committee is chaired by Sen. Frank Church (D-Idaho), where youthful appearance is offset only by his dependence on bifocals.

A special report due today, called "Cancelled Careers," discusses the growing trend of federal agencies to depend on older workers to retire before they are ready as a way of reducing average grade levels and save jobs for younger people in the system.

Backbone of the report is a special study on recent federal layoff policies as they apply to middle-aged workers. It was prepared by Elizabeth M. Heidbreder, an economist with the National Council on the Aging.

She says that widespread reports of pressure on older workers indicate that although the government "has a policy of nondiscrimination toward older workers, and enforces the Aging Discrimination Act which covers private industry, it may be guilty of letting the aged factor by itself influence personnel decisions when employee cuts must be made."

What she and the Committee are talking about are letters of encouragement" from federal agencies telling employees they should retire for the good of the service, and the stepped up use of involuntary retirements. Under that system, the government can push a worker out before normal age and service time for retirement are met and the worker's pension is then reduced because he or she quit early.

The Senate report mentions practices in a dozen agencies, but singles out the Defense Department for setting "minimum age" requirements for attendance at blue-ribbon training sessions that usually lead to promotions.

It says that the National War College, Army War College and Industrial College of the Armed Forces limit students to age 45; and Princeton's mid-career federal program to age 40, "however, an applicant at GS 15 in his early 40s may be considered, in unusual circumstances."

Some top Defense training programs, the report says, are limited to students with top ages of 37, and it concludes that since Defense represents over half the civilian government, such age discrimination is "probably fairly typical" of other federal training programs.

The Committee proposed that government agencies reexamine their official and unofficial policies toward older workers during layoff and cutback situations, and that Congress and the General Accounting Office make continual reviews of agency practices.

CADET COLONEL FREDERICK H. OELSCHIG, SAVANNAH, GA., MOST OUTSTANDING ARMY ROTC CADET IN NATION

Mr. TALMADGE. Mr. President, I am pleased to invite the attention of the Senate to the fact that Cadet Colonel Frederick H. Oelschig of Savannah, Ga., has been selected the most outstanding Army ROTC cadet in the Nation.

Selection of the most outstanding cadet is made on the basis of leadership potential, advanced camp performance, ROTC grade and participation in ROTC activities and sports, qualities of discipline, courtesy, personality, and character, and excellence in academic grades.

Mr. Oelschig excels in each of these areas. He is currently cadet colonel and brigade commander at the University of Georgia. A senior agriculture major with a 4.0 average out of a possible 4.0, Cadet Colonel Oelschig is first in his class of 800 students. He has received many honors, including the American Legion Scholastic Excellence Award, Sons of the American Revolution Award, and is a member of Blue Key honorary society. Other activities include the Horticultural Club at the University of Georgia, as well as being president of the Southern Region Branch of the American Society for Horticultural Science. He also has received six different scholarships, which attests to his outstanding scholarship leadership.

I had the privilege of having lunch with this outstanding young man when he was recently in Washington. At that time, the Department of the Army Commendation was presented to him by General Westmoreland in a special ceremony at the Pentagon.

The State of Georgia is indeed proud of Cadet Colonel Oelschig's achievements, and honored at the credit he has brought to himself, his family, his State, and his country. This is indeed one of the highest honors a young man can receive in this country and we laud him for his spirit and determination.

THE IMPERFECT CIRCLE OF NIXON-KISSINGER

Mr. CHURCH. Mr. President, while Nixon-Kissinger diplomacy toward China and Russia deserves plaudits, the most serious and damaging diplomatic problem facing the United States remains unsolved—ending America's part in the Indochina war.

Anthony Lewis, of the New York Times, recently visited Hanoi to see the war from that angle, and came back to write:

> That the North Vietnamese will accept total destruction of the works of man in this country if that is the price of the war.

But the United States appears to believe we can bomb the North Vietnamese into submission. Mr. Lewis warns:

> If American bombers turn Hanoi into rubble, as they can, Americans will be the victims as well; their children will have to live with it. And that suggests that the whole Kissinger vision may be wrong: Vietnam is not a bump on an otherwise perfect circle. It is the issue on which the United States will be judged, by the world and by itself.

I ask unanimous consent that Mr. Anthony Lewis' article of June 5, entitled "The Imperfect Circle," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE IMPERFECT CIRCLE

(By Anthony Lewis)

LONDON, June 4.—The success of the Moscow summit is a particular triumph for Henry Kissinger's world view. He has argued that great powers can balance their mutual interests on a planetary scale, transcending local or ideological differences. In Moscow, as in Peking, President Nixon boldly followed that approach.

The question that remains is how the global vision can solve the little local difficulty of Vietnam. Mr. Kissinger would doubtless accept that it is not begrudging the triumph of Moscow for those concerned about Vietnam to ask.

In the Kissinger view, American policy—Presidential policy—should be a circle in which all elements fit together. Bangladesh, the Middle East: Everything must be related to the effort to create a structure of great power accommodation. In those terms Vietnam is an annoyance. It is "one small country," as Mr. Kissinger recently called North Vietnam in evident frustration, that will not fit the pattern. It is a bump on an otherwise perfect circle.

American policy is to squeeze that bump, to make it conform. The evident fear is that to compromise our political objectives in South Vietnam in any meaningful way would weaken our power and credibility everywhere: would threaten the entire circle.

That is the theory underlying the tremendous increase in American firepower applied to Vietnam in the last two months: The intensified bombing of the North, the new shelling from ships offshore, the approval of new strategic targets, the mining of harbors. And the prospect is for more escalation: more B-52's, more ships, a new air base in Thailand.

One who has just been in North Vietnam would never underestimate the destructive force of those bombs and shells. American bombing has clearly wounded the transportation system and made life more difficult It has also destroyed many civilian facilities—schools and homes and hospitals—and taken many lives.

The utilitarian question is whether the destruction will work politically: Will it make the North Vietnamese negotiate on American terms in Paris, as Mr. Kissinger has long hoped?

When I tried to explore that question in Hanoi, several persons referred to the testament of Ho Chi Minh, written a few months before his death in 1969. It includes a two-line verse;

Our mountains will always be,
  our rivers will always be,
  our people will always be;
The American invaders defeated,
  we will rebuild our land ten
  times more beautiful.

The implication is that the North Vietnamese will accept total destruction of the works of man in their country if that is the price of the war. It is a difficult thought to believe in its fanaticism, but there it is.

If in fact the present level of American air and naval activity does not make them come to terms, what follows? In Hanoi, many foreigners thought the logic of American policy was to go on up the path of escalation, hoping that each step would at last bring political results. Some thought the next logical step would be the destruction of Hanoi.

There is no real sign now of any internal check to such a policy. Protest in America is at a low level. People are weary, without hope. Congress is ineffectual. Few seem to care how many Vietnamese are killed in order to make the circle perfect.

But history will care. If American bombers turn Hanoi into rubble, as they can, Americans will be the victims as well; their children will have to live with it. And that suggests that the whole Kissinger vision may be wrong: Vietman is not a bump on an otherwise perfect circle. It is the issue on which the United States will be judged, by the world and by itself.

To apply some force to preserve an indigenous independence in South Vietnam would be one thing. To use staggering destructive power for the sake of preserving Nguyen Van Thieu in office is another. As André Fontaine said recently in Le Monde, it is an obsession, the self-destroying pursuit of a white whale.

In all this Henry Kissinger has a particular responsibility. Not only because of his position—the power remains the President's—but because of his life and ideas.

He saw for himself the terrible results of an ideology of force. He taught hundreds of students the necessity for analysis, for detachment, in weighing values and making political choices. To forget all that now, to provide the intellectual rationale for the obsessive pursuit of an abstraction, would indeed be *la trahison des professeurs*. Henry Kissinger must know better.

JOBFARE FOR H.R. 1

Mr. HARTKE. Mr. President, Pierre Rinfret, the noted economist, recently commented on my Full Employment Act of 1972. Although a bit charry of public sector employment, Rinfret praises this effort to update the existing Full Employment Act and to eliminate long term unemployment in the United States.

Since I introduced by bill in February of this year, the level of unemployment has refused to recede. This administration has relied on rhetoric rather than hard policy to meet the rising tide of economic disaster. The first ray of light from the administration came last month when Andrew Brimmer, a member of the Board of Governors of the Federal Reserve Bank, announced that his economic studies showed that public service employment had a greater impact on the level of unemployment than any other single economic policy.

Nor has the administration shown any imagination in dealing with our national welfare crisis. I have long advocated guaranteed jobs in place of guaranteed welfare. The Committee on Finance has recently taken a hesitant step in this direction. Although definitely a move in the right direction, this workfare scheme provides only for temporary public service employment at a wage rate of $1.20 an hour. What I want and what this country needs is a job for every able-bodied citizen that wants one, at a wage that will provide a decent living. This is the American dream. It should be the American reality.

To offer the Finance Committee and all Senators an alternative to workfare, I have submitted an amendment to H.R. 1 that incorporates all the provisions of my Full Employment Act.

Because of its bearing on a matter central to the national welfare, I ask unanimous consent that Mr. Rinfret's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Full Employment Act of 1972

(By Pierre André Rinfret)

In 1946, the United States passed an economic milestone. It passed a law called the Employment Act of 1946. For the first time in the history of the United States, we dedicated ourselves to creating full employment, maintaining maximum economic prosperity, and achieving economic growth. All, of course, trying to do it without inflation. This law has been a landmark, and it is fair to say that over the 25 years that have occurred since 1946, the American economy basically has had full employment. That law changed the course of the United States.

Senator Vance Hartke from Indiana has now proposed a new law. The new law is called the Full Employment Act of 1972. Senator Vance Hartke says that if the private sector cannot generate employment, then the Government should be the employer of last resort.

I don't happen to agree with that position, but that's not the point I want to make. I think Senator Vance Hartke has done us a public service in reminding us that our Employment Act of 1946 is out-of-date. We need a new Employment Act. We need to realize certain basic facts:

1. That just because there's full employment in the United States doesn't mean that the blacks are at work.

2. Just because we have full employment, it doesn't mean we have full employment in all States.

3. We can have full employment and still have major occupations with substantial unemployment.

Senator Vance Hartke's idea is up-to-date. He wants to modernize the law, he wants to, in fact, create a new version of the Full Employment Act. And I applaud it. I hope that the Congress this year, in an election year, will see fit not only to consider this law but to have hearings on the need for modernizing our concepts of full employment.

COST OF CLEANUP

Mr. CHURCH. Mr. President, at this moment, the United Nations Conference on the Human Environment is meeting in Stockholm, Sweden. The gathering of representatives of more than 100 nations is itself a welcome portent that there is growing concern about environmental conditions on the spaceship earth.

Not that the battles have been won. Here at home there are unreconstructed holdouts who remain unpersuaded as to the menace of environmental deterioration. In effect, they seem to be saying that there is no hazard, or no substantive one, and, even if there is, we cannot afford to act because of the economic cost. Fortunately, most of us believe we cannot afford not to act.

In this connection, the New York Times correspondent, Gladwin Hill, wrote an interpretative column discussing the cost of environmental cleanup. In it, Mr. Hill undertakes to explode the myth that "current pollution-abatement regulations are crippling substantial segments of American industry." Indeed, Mr. Hill quotes two economists who suggest that actually pollution is unprofitable in the long run.

Mr. President, this is a constructive, informative article. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cost of Cleanup: Or, a Myth of Factory Closings Is Exploded

(By Gladwin Hill)

Los Angeles—A prominent industrialist told a large Western college audience a few weeks ago: "U.S. Department of Commerce figures show that 219 plants last year were forced to shut down primarily because of environmental pressures."

His words, which were untrue, were part of a rising clamor that one Federal official remarked had been taking on the proportions of "a national myth": the idea that current pollution-abatement regulations are crippling substantial segments of American industry.

Another industrialist said recently that environmental controls "need to be placed back in perspective before the country is faced with economic ruin."

Headlines such as "Pollution Laws Closing Plants by the Hundreds" and "A Drive to Find Jobs for Victims of the Pollution War" have appeared in both business and lay periodicals. A Department of Commerce publication said recently, "More plant closings are being reported daily from countless small communities throughout the nation."

However, a nationwide check by The New York Times, corroborated by Government reports, provides little substantiation for such assertions and apprehensions.

To the contrary, the survey yielded indications—supported by a number of officials, economists and other observers—that the costs of pollution control, while they may be causing dislocations in a few specialized situations, could also be a constructive element in terms of plant modernization and increased efficiency.

Highlights of the findings were the following:

Among the more than 10,000 business enterprises in the United States that fail every year, in only a few cases have pollution-control requirements been a major factor.

Plant closings in which pollution-control costs did figure almost invariably involved marginal facilities, some of them a century or more old.

Repeatedly pollution regulations have been blamed for industrial shutdowns when the basic reasons were otherwise.

Unemployment caused by such shutdowns, according to the latest Federal data, has aggregated fewer than 1,500 jobs.

Recent studies made by independent consulting organizations for Federal agencies indicate that the cost impact of present pollution-control standards in the years immediately ahead will be small on both industry and the economy as a whole.

Nearly all the states now have water-quality regulations approved by the Federal Government. The Federal Environmental Protection Agency has promulgated general air-quality standards relating to the major air pollutants. In addition, the states have just submitted to the Federal Government "implementation plans" for regulating their particular pollution sources.

The Council on Environmental Quality in its last annual report projected the total national outlay to meet existing air, water and solid-waste pollution-control standards at $105-billion for the period 1970-75. Of this total, industry's share as distinct from governmental and private expenditures, was placed at $28-billion, an annual average of less than $4.7-billion.

Annual sales of all American industrial concerns total about $750-billion, and 127 companies have sales of more than $1-billion each.

Industry's outlay in 1970 of $2.5-billion for new pollution-control facilities, the council said, was only 3.1 per cent of its over-all expenditures for new plants and equipment.

"The cumulative expenditures over the six-year period," the council's chairman, Russell E. Train, has said, "are expected to be less than 1 per cent of gross national product (the nation's total output of goods and services in one year). Industry air and water pollution-control expenditures will generally be less than 1 per cent of the value of shipments."

Nevertheless, the thrust of many expressions from industrial and financial quarters has been that existing regulations impose inordinate economic burdens.

The Chamber of Commerce of the United States, a business group, last September said of pollution-control costs: "All existing firms will be adversely affected, but in some cases the economic impact will be severe."

C. Howard Hardesty, vice president of the Continental Oil Company, said the nation's pollution-control bills were going to be "staggering."

Maurice H. Stans, recently Secretary of Commerce and industry's foremost exponent of the "go slow" attitude on pollution control, said abatement costs might "throw thousands of people out of work" and cause "whole communities to be run through the economic wringer."

Lewis F. Foy, president of the Bethlehem Steel Corporation, said 18 months ago: "We have just about reached the end of the line as far as spending large sums for pollution control is concerned."

And the National Industrial Pollution Control Council said early in 1971: "Increasing public concern with the pollution consequences of our society has inspired responses at some levels of government which are incompatible with the economic health of our society."

Contradictory views have been equally emphatic.

"The environment pretext," said Ralph Nader, the consumer advocate, "promises to become a convenient scapegoat for some of the 10,000 businesses that go under each year at the hands of the marketplace or predatory corporate practices."

And I. W. Abel, president of the United Steelworkers of America, said last August:

"We are increasingly being confronted by claims from industry that the demands made on it by citizens and government will not control pollution but rather will bring complete stoppage of plant operations.

"This is a throwback to the antiquated escape route of 'smoke means jobs.' It is environmental blackmail of the worst sort. Many obsolete plants use environment control as a convenient public-relations tool to justify a production decision to terminate operation and rationalize facilities."

Leonard Woodcock, president of the United Auto Workers calld it "corporate irresponsibility" before a Senate hearing.

The latest Federal survey on the pollution-control impact came out in March under a newly established "early warning" system. In this the Environmental Protection Agency advises the Department of Labor every three months of situations where pollution requirements may have adverse economic effects. The survey deals only with operations with more than 25 workers.

This initial report, which went back to 1970, said that throughout the country only eight plant closings had been observed "where environmental regulations were a factor."

(A spokesman for the Department of Commerce said it had never issued any such figures as the "219 forced shutdowns" cited by the anonymous industrialist. A departmental inquiry indicated the speaker had gotten the number from a Washington business-news syndicate that had misconstrued figures from a Federal study that did not relate to actual plant closings.)

The eight closed establishments listed in the Federal survey were a woolen mill in South Grafton, Mass.; a chemical plant at Saltville, Va.; a vegetable oil concern in Durant, Okla.; smelters in Superior, Ariz.; a pulp mill at Coos Bay, Oreg., and lumber mill a Philomath, Oreg.

Thirty-eight more "threatened" closings or production curtailments were reported, but in only 18 cases did Federal investigators assess these eventualities as "highly probable."

Of the 38 plants, 13 were in the pulp and paper industry, seven were in the metals industry, six were sugar mills and the rest scattered among various fields. The plants were in 16 states.

A canvass by The New York Times of 20 states, from Maine to Hawaii, produced a scattering of additional cases of actual or threatened plant closings. But generally there was no evidence of any great impact.

In each state, officials and industrial associations were asked to specify any plant shutdowns in which pollution-control costs were a major factor. Few such instances could be cited and, in most of these, pollution abatement proved on inquiry to be a second factor.

The New York Department of Environmental Conservation, for instance, noted four plants that had closed with pollution-control costs cited but said that in each case other economic factors appeared to be the real determinant.

In New Jersey, the State Department of Environmental Protection reported that three small chemical plants had shut down in 1970 after receiving orders to stop polluting the Raritan River, but officials said the abatement cost was not a clear-cut determinant

In Montana, where there has been much controversy over smelter fume-emission standards, the chairman of the State Board of Health, Mrs. John C. Sheehy, said, "Pollution controls have not cost a single job."

These and many similar reports conformed with the findings of a detailed study of the prospective impact of pollution controls on 14 major industries between 1972 and 1976 recently made for the Council on Environmental Quality, the Environmental Protection Agency and the Department of Commerce by 11 independent consulting firms.

Of 12,000 plants in the 14 industries, the study report said, about 800 would close "in the normal course of business" between 1972 and 1976 anyway. Pollution abatement requirements, it was estimated, might cause an additional 200 to 300 to close, but many of these would be economically weak units that would probably close anyway in a few more years.

These possible environmental closings, it was said, might involve a theoretical loss of 50,000 to 125,000 jobs—1 to 4 per cent of the employment in the industries involved.

Mr. Train and others have also noted that national pollution-abatement cost projections are seldom balanced against the existing costs of pollution itself—at least $16-billion a year for air pollution, by Federal estimate, and $13-billion a year for water pollution.

Other factors that tend to make industrial pollution-control cost figures larger are:

Such outlays are not an all-at-once expense, but can be spread over 20 years or more—the lifetime of the facilities—even though their depreciation can be compressed for income-tax advantages to as little as five years.

In many cases pollution-control-equipment expenditures are accorded other Federal and state tax advantages. Facilities can often be financed through tax-exempt bond issues sponsored by public agencies, affording industries lower financing rates than on ordinary construction.

Joseph Kivel, an officer of the E.P.A.'s planning and evaluation division, said: "I think almost all the plants affected by pollution-control regulations so far are marginal. They're not making much money or they aren't making any. I don't think any industry that is healthy will be closed down as a result of pollution legislation."

The idea that pollution control is unduly costly to industry was challenged recently by two economists—Joseph H. Bragdon, Jr. of H. C. Wainwright & Co. and John A. Marlin of the City University of New York—who studied the financial records from 1965 to 1970 of 17 pulp and paper companies covered in a recent pollution analysis by the Council on Economic Priorities.

"The evidence," they said, "suggests not only that this hypothesis [of undue expense] is entirely untenable but also that the reverse—pollution is unprofitable—is the case in the long run. The earnings performers during the 1965–70 period seem to include a disproportionate number of companies with strong records in the areas of pollution control." They suggested these concerns had good management that was conducive to both low pollution and high profits.

"In some cases," William D. Ruckelshaus, head of the Environmental Protection Agency, said recently, "it happens that by prodding industry to clean up we're encouraging modernization and development of more efficient plant facilities, which is a net benefit to our general economy."

HYPOCRISY OF FORCED SCHOOL BUSING TO ACHIEVE RACIAL BALANCE

Mr. TALMADGE. Mr. President, I have spoken many times on the floor of the Senate about the hypocrisy which surrounds the issue of forced school busing to achieve a racial balance. To some, it might seem to be an unnecessary repetition to do so again. But a strange story appeared Sunday, on the front page of no less liberal a newspaper than the Washington Post, and I invite the attention of Senators to it.

Some 3 weeks ago, David J. Armor, an associate professor of sociology at Harvard University, made public a 64-page study which showed that desegregation by busing does not benefit black *children*.

These results fly in the face of what our liberal probusing friends have been telling us for years. But I do not want to discuss the study today, although its importance in this area is clear. What I do want to discuss is the reaction to the study in liberal circles.

We all know that the liberal is a tolerant man. His hallmark is the fact that he willingly listens to all sides of an issue and, after carefully weighing the merits of the arguments, he comes to a decision in a rational, unemotional way. Above all, the true liberal will absolutely not tolerate the suppression of an idea.

But strange things are happening, as reflected by this story in the Post. The article says:

> Several professors have praised the report privately, but refuse to be quoted by name. "Only a damn fool would talk," one said; "I don't want to pay the price."

Mr. President, this sounds like a line spoken out of "The Godfather," and not words heard in a free country. When we consider the sorry respect of a college professor who refuses to be named in a newsstory, because of possible repercussions, we could hardly be talking about Harvard University—the shrine of all liberal thought. Such things happen only in totalitarian countries.

But let us read on. Armor's office was broken into over Memorial Day weekend, and all the research records used in the study were stolen. I was always led to believe that the liberal way to resolve issues is through the enlightened exchange of ideas. But here is a plain, unvarnished case of destroying an idea which does not happen to agree with your own. The liberal thinkers who walked Harvard's lawns in past years must be turning over in their graves.

An unidentified leader of a busing project in Boston accused the Boston Globe of an act of, "pure racism" for even publishing the story. A colleague of Armor's Thomas Pettigrew, said that Armor had done "incomparable harm by making the report public."

Mr. President, what has happened to the right of the public to know, which was much discussed during the Daniel Ellsberg case?

There, Pulitzer Prizes were awarded, and ringing speeches were made applauding the vindication of this right, which is so sacred to all Americans.

But apparently, the public's right to know extends only to matters like military secrets. The public, apparently, is not ready to be told the truth about forced busing. These truths must be reserved for those who know, better than the public, what is good for the public.

Well, I have news for these hypocrites. The public is learning the truth about forced school busing. The large votes rolled up by Gov. George C. Wallace show that. And the politicians are getting the message. Compare the campaign speeches given on this issue 4 years ago with those being given today.

The only people who cannot see the truth are these ivory tower sociologists who are so far from reality that they just float along in a dream world. They have created the remedy of forced busing, and they simply cannot bear the thought that it might be wrong. So when contradictory facts are published, they cry out like hysterical children, saying that these facts should be suppressed.

If these people were truly interested in helping black Americans, they would welcome any information which might shed some light on what would be the best way to attain equality of educational opportunity for every American. But here we have information which threatens the moral superiority which has always been theirs, because they were "right." So they cry out against its publication.

Mr. President, I hope that these are the last wails we will hear from these people who have used the southern school children for so long as laboratory specimens. In their shrill outburst against the publication of this study, they have revealed their true colors, and I dismiss them with contempt.

We do have a problem, Mr. President. We are working on it, and we are making progress. Rational men, who are seeking a workable solution, are the answer. Ivory tower social planners, who are obsessed only with being proved right, are not.

In closing, I might say that the conduct I have described is typical of militant liberalism that has taken hold in our country in recent years.

We have seen it in mobs and demonstrations in the Nation's Capital and all across the country. We have seen it on college campuses. We have seen it result in violence and destruction, and even in the tragic loss of life.

According to this doctrine, if there is an idea with which one does not agree, he sets out to destroy it. If there is a speaker who says something you do not like, you shout him down or shut him up. But if you subscribe to militant liberalism, you never admit that there might be some merit to ideas other than your own.

Militant liberals are quick to pin a label of prejudice on people who disagree with them.

I submit that any attempt to stifle the free flow of ideas and opinions is the worst kind of prejudice. It is an evil that Americans can do without in these most difficult times.

LAIRD'S ARMS OFFENSIVE

Mr. CHURCH. Mr. President, Secretary Laird has sprung his spring offensive to counter any moves in Congress to lower military spending. According to Mr. Laird, we need more armament, not less, after the Moscow arms accords to limit nuclear weaponry; more armament, not less, as the President withdraws more of our troops from Vietnam.

Columnist Joseph Kraft sees the Secretary's offensive for new funds as the Pentagon's price for granting "President Nixon's keen desire to win military backing for the arms control treaty, and right wing backing for his reelection."

Mr. Kraft writes that the President believes he lost his bid for the governorship of California in 1962 "because the right wing of the Republican Party sat on its hands." Therefore, Nixon "is now going all out on military spending, even when it is made less necessary by the arms accord, in order to assure that the right wing stays with him in the election this fall."

I ask unanimous consent that Joseph Kraft's column of June 11 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAIRD'S ARMS OFFENSIVE

(By Joseph Kraft)

Simpletons figured the new arms control treaty with Russia would permit a decrease in military spending. But of course that's not the way it works at all.

Secretary of Defense Melvin Laird has indicated there will have to be a considerable increase in defense appropriations for this year. And despite a certain effort by the White House to divorce itself, it is clear that the secretary is only acting on President Nixon's keen desire to win military backing for the arms control treaty, and right-wing backing for his reelection.

Laird made known his intention to seek an increase in military spending at a press conference held after an appearance before the House Armed Services Committee. In his press statement, Laird said the Pentagon would need an additional $3 billion to $5 billion to cover expenses of the Vietnam war.

He also said that in the aftermath of the arms control treaty there was more urgent pressure to go ahead with the new Trident submarine, budgeted at about $1 billion for fiscal 1973, and the new B–1 bomber, for which he is asking $445 million this year. On top of that he talked about getting additional funds to develop a new long-range missile to be fired from submarines, and to speed up a program for making B–52 bombers less vulnerable to enemy attack.

Some officials at the White House gave the clear impression that Laird was acting on his own. They even expressed some wonder about what he was up to.

Well, the facts are about like this: The Pentagon now has up for consideration by the armed services committees of the Congress a budget request for $83.2 billion. There has been a good deal of sentiment in the Congress for trimming that figure. Part of the sentiment comes from disgust with the Vietnam war and part from the feeling that the recent treaty with the Russians should mean the end of the arms race.

Laird's move last week was a counteroffensive on the military spending issue. He picked a moment when the war was going relatively well. He claimed the extra $3 billion to $5 billion is necessary to pay for gas and bombs connected with the new air and naval operations the President has had in effect for the past month.

He rolled the programs for new submarines and bombers and missiles into the same package. That makes it very hard for the Congress to do any serious cutting. It will look as though arms are being denied to American soldiers in the midst of a military mission that is going pretty well.

But why is the administration so keen on advertising extra military spending at this point? Why not wait, as the Johnson administration used to, until the end of the year and smuggle the additional appropriations through as a supplemental request?

The answer has to do with winning the support of the Joint Chiefs for the arms control treaty. It is now clear that the President and Laird have virtually promised the Chiefs that in exchange for their support of the Moscow agreement, the military can have carte blanche on the offensive weapons not covered in the agreement—namely, the new submarine and the new bomber.

In keeping with that accord, Laird is now visibly knocking himself out to get full funding of the submarines and the bombers. As a gauge of his super support for the military, he is even asking for a little more in the way of a new missile.

The desire for support from the military chiefs is understandable. President Kennedy made concessions to win their backing for the 1963 agreement limiting bomb testing.

But Mr. Nixon clearly did not have to pay nearly so high a price. He surely could have had the support of some of the Chiefs without going so hard on the submarines and the bombers. Indeed, given his own strong anti-Communist record, and the truly good quality of the treaty, he could have won a very substantial majority in the Senate even without the backing of the military chiefs.

What Mr. Nixon has in mind is his defeat in the race for governor of California back in 1962. He believes he lost that race because the right wing of the Republican Party sat on its hands. He is now going all out on military spending, even when it is made clearly unnecessary by a supreme arms accord, in order to assure that the right wing stays with him in the election this fall.

JOHN PAUL VANN

Mr. McGEE. Mr. President, the news this weekend that John Paul Vann had been killed in a helicopter crash in Vietnam came as a shock to those of us who were fortunate to know him and to gain an appreciation of his many valuable capabilities.

Yesterday's—Sunday, June 11—Washington Post contains an editorial which succinctly portrays John Vann's significant contributions in a war none of us wanted, but were nevertheless forced to accept.

John Paul Vann's death is a great loss to this country.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOHN PAUL VANN

John Paul Vann believed passionately in the Vietnam war long after others—who had once shared his passion—had given up on it. He believed it could be won for, and ultimately by, the Vietnamese in the sense that they could have acquired, some years and many thousands of casualties ago, a capacity to defend themselves if properly led and wisely trained and advised and inspired. And he may well have been right. We will never know for sure because his particular concepts, which always sounded so sensible and logical when he expounded them, were never adopted at the time that he was putting them forth. The military establishment, which he loved because it was his career, and which first feared him and mistrusted him and eventually drove him to resign his commission, was so slow to listen and even slower to learn.

That is the tragedy of his life, which ended—some would say predictably—in a helicopter crash last week. The triumph was that he never stopped trying and that he lived long enough to see a large part of his program, his tactics and his sense of the proper American role in the war actually put into effect, however, late in the day. When John Vann was a lieutenant colonel, before his resignation in 1963, they were not listening, and they still weren't listening in late 1967 when General Westmoreland had his forces lunging around the countryside searching and destroying, taking the war to the enemy, taking the play away from the South Vietnamese and absorbing heavy casualties in an effort to "attrit" the enemy, to kill North Vietnamese and Vietcong in such numbers that they would quit. John Vann believed profoundly that this could not work, that the enemy should be forced to attack our side rather than the other way around, that Hanoi would never run out of manpower, that the South Vietnamese would never learn to defend themselves if we did it for them, that firepower by itself was not enough, that killing civilians was almost indefensible, that air power wouldn't be decisive either, that carrying the war to the sanctuaries outside Vietnam would only invite the enemy to find new sanctuaries. Then came Tet and a new administration and slowly, painfully, a considerable part of what John Paul Vann believed in was adopted, not so much by choice as by necessity because the American public would not continue with the war effort the way it was.

John Vann died believing that we are now on the right track, not in every respect but in the important respects and whether he was right about that is less important than the fact that he had the courage and the determination, against the most forbidding odds, to risk his life on a daily basis for his beliefs. There are many who believe he was the ablest and most effective American ever to serve in Vietnam, and while that may be an extravagant statement, he was a great soldier who, ironically, may have rendered his greatest service to the Army he loved after leaving it.

It was not necessary always to have agreed with John Vann's belief in the Vietnam struggle to know that he was in Indo China doing what he could to bring rationality to our war effort and to minimize the awful cost of the war to the Vietnamese themselves, and to know, too, that his loss is a heavy blow.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, the continuing failures of our foreign trade and investment policies are all around us. Unemployment remains at a disturbingly high rate of 5.9 percent; inflation continues unabated; and our trade is now running at an anual rate of around $6 billion. What was once the greatest trading nation in the world is now caught in a quagmire of muddled thinking and foolish policies. But the reality principle may finally be coming home to the administration. I was much encouraged by some recent remarks of Mr. William D. Eberle, the President's Special Representative for Trade Negotiations.

For the first time in several years, an administration figure in the area of foreign trade has spoken of the importance of achieving full employment in the United States; of drastic labor market entry problems posed for millions of young Americans; and of the devastating loss of pensions that comes with closing factories and a faltering economy. Mr. Eberle went on to speak of the trade impact of the heavy defense burden this Nation carries and the need for a way to keep environmental costs from being a burden on world trade.

Mr. President, because Mr. Eberle's speech before the Steuben-Schurz-Gesellschaft in Dusseldorf, Germany, may portend a new awakening of thought in the current administration, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

INFLATION, SOCIAL POLICIES, AND THE COMING TRADE NEGOTIATIONS

I strongly suspect that the questions uppermost in your minds today are questions I cannot answer. You probably want to know what the role of the dollar will be as a reserve currency in the future. You probably want to know if and when some sort of convertibility between the dollar and other reserve assets will be restored.

Now that the Bretton Woods system is part of history, you want to know when a suitable substitute will be devised to lessen the uncertainty you now face in concluding an export contract today at a price that will be paid a year or more from now.

I cannot answer those questions. There is no simple answer. Secretary Connally, in his characteristically straight-forward manner, stated the position of the United States last month in New York when he said:

"We have not yet put forward an 'American Plan' for the future shape of the international monetary structure. We shall not do so until we have fully wrestled with the complexities of this most complicated subject. Nor do we intend to make our decisions until such time as our internal discussions and debates are fully complete and our thinking can be tested against the thinking of others . . .

"Reform of the world's trade and payments structure," Secretary Connally went on to say, "will not be achieved quickly or easily. Behind the facade of technicalities, basic issues of national policy must be faced and basic differences must be reconciled. We need to fit the reform in a longer vision of a world economic and trading order."

Because the international monetary system provides the lubricant necessary to permit the engine of world trade to run smoothly and to carry an even bigger load, I am as anxious for progress as you are. But what Secretary Connally says should be plain to all by now: we are not faced with the need for a series of patchwork remedies, each one of which can be taken up by itself. We are confronted with the need to fashion a new world economic and trading order to replace one that was passing into history even before the famous Nixon shocks of last August 15.

Bretton Woods created what one American economist has called a "stability of expectations". The system served the world very well for more than a decade. Resting as it did on the assumption that the parity of the dollar would never change and that the exchange rates of other currencies would remain fixed, despite occasional changes, the system provided the world with the liquidity to support a vast expansion in trade and investment. The major source of liquidity was the U.S. economy, where the money supply could be allowed to grow without undue concern for balance of payments constraints.

It is possible that to be a bit nostalgic about the Bretton Woods world, now that it has passed. But it is useful to recall that some of the most bitter criticisms came from Europe. They called the American deficit "the deficit without tears," or, as General de Gaulle put it, "an exorbitant privilege" that allegedly permitted the United States to buy up large tracts of the European industrial countryside with cheap dollars, printed to cover its deficits.

Thus not everybody was happy with some of the underlying incentives that the Bretton Woods system created. But I'll wager most would like that stability of expectations back now that there is uncertainty about what will be created to take the place of the old.

I am happy to say that the need for negotiating new arrangements has been mutually recognized. This past winter the European Community governments, the United States and Japan agreed to launch in 1973 a sustained, multilateral negotiating program to create the new world economic and trading order of which Secretary Connally spoke. This year, 1972, is to be the year of preparation. It is my privilege to represent President Nixon in this period of preparation insofar as trade matters are concerned. It is a difficult job, for there is as yet no agreed, clear-cut goal, nor even an agreed procedure of consultations for concerting our efforts and designing a common goal. The government trade representatives, who have been meeting together off-and-on bilaterally at OECD, GATT, and elsewhere, are like a mountain-climbing party at the foot of a very steep mountain whose summit is still shrouded in clouds. We are at the stage of asking ourselves if we really have the will to climb together.

There is even an uncomfortable discrepancy in the perception that each of us has of the other's role. Since the EEC is now the world's largest trading entity and soon to become even larger, we Americans expect the EEC to act as a bloc with a high degree of political cohesion. We tend to mistake the Treaty of Rome for a European constitution, rather than simply a preliminary to what may become some day articles of confederation. (In our own history, of course, the process was reversed; the American states started out with articles of confederation and only later adopted a constitution.)

Our perception of Japan's role is similarly flawed. We impute a new political role suitable to Japan's impressive economic power, failing to appreciate sometimes that Japan is going through a painful period of political adjustment as the politicians who came to power in the years of defeat and occupation are replaced with a post-war generation, brought up in rapidly increasing prosperity, but also in rapidly changing domestic and international priorities.

But if we have to learn, so do our European and Japanese colleagues, I think. Japan and the EEC together still perceive themslves in much weaker terms, both economically and politically, than is the reality. They tend to feel they are still locked in uncomfortable intimacy with an American elephant. They have accepted much too long the post-war image of American economic predominance—and they have relied too long—on the post-war political consensus that dominated American foreign policy until the beginning of the 1960's when that concensus broke down in a divisive war and a decade of troubles at home.

The way to correct our flawed perceptions, I think, is not to rake over the coals of the past nor to protest self-righteously our separate resolves to serve the common good and world peace, but rather to talk frankly about some of the problems we share in common. The problems that divide us are, in fact, nothing in comparison to the problems we share in common. I will mention three today: first, the problem of managing inflation; second, the problem of accommodating the new social demands of our peoples; and finally, the problem of getting a mandate from our peoples that will permit us to start the hard climb together towards a new world economic and trading order.

If we can agree that we share these three problems in common, then maybe our perceptions of each other's role will be less flawed, and we will be able to devise a common strategy and a common set of tactics. It will not surprise you, I'm sure, that I have chosen three problems, all of which would be less difficult if trade among us, and the rest of the world, is allowed to grow with as few obstacles in the way as possible.

When it comes to managing inflation, I say Europe, Japan and the United States are all in the same boat. We all recognize inflation as the major domestic economic malady we face, but none of the classical patent medicines for treating it is fully effective any more. The frequency with which modern economies are said to be afflicted with "stagnation" attests to the inadequacy of conventional remedies. On this we can all agree. The inflationary pressures in our societies reflect the expectations our people have about the future. I am struck by the fact that in all our countries those expectations are more or less alike.

In all our countries today prolonged periods of historically high rates of economic growth have led to a very palpable "revolution of rising expectations" among our peoples. In every country the price system is signalling impatience, not only for the better material life for individuals that growth has come to promise, almost as a basic human right, but also for a more just and satisfactory distribution of the fruits of economic growth, whether to lift up the poorest families in society or to improve the quality of our environment. Finally, and often overlooked, the "revolution of rising expectations" also contains the expectation of prompt and adequate compensation for those in society who are forced to change their habits and attitudes towards life and work as a result of technological absolescence or of the increasing specialization and subdivision of labor that growth brings with it.

If inflation is not managed, it breeds not just doubt, but cynicism about the ability of duly-elected authorities to make good on some of the many promises of growth. And as doubt and cynicism grow with inflation, more and more groups in society organize to take the law into their own hands to make sure they get what they want whatever the cost to the others. I say this is the major domestic political problem in all of our countries, and who knows better than you here in Germany?

In Europe you have been experimenting with various forms of incomes policies for many years, primarily in a search for better ways to manage inflation. We are doing the same thing in the United States now, though the debate in public is perhaps less sophisticated than it is here. What you have learned, and what we are learning, is that there is no one simple anti-inflationary mechanism or incomes policy that will ever work for very long. Just as our economies are dynamic, so our political approaches to managing inflation must be dynamic too.

Our separate approaches to the common problem of managing inflation will shift and change with the times. I do suggest, however, that there is one common element we all can and should accept: that is that the flow of imports provides us with one of the few, continuing checks on inflation. As a check on our own costs and price systems, there simply is no substitute for the continuing discipline of competition through trade.

Can we not agree, then, for a start, that in our common concern with managing inflation in our separate ways, we must accept the discipline of imports as a necessity? If we could do that, we might be breaking some new ground.

Could we perhaps expand this area of agreement a bit by bringing into it recognition of the fact that men and women displaced in the process of growth are bound in these times of inflationary pressures to demand prompt and adequate compensation? And is this not a cost each nation should bear for itself, not ask others to bear for it?

Could we go one step further and apply the principle of each nation bearing the costs of all its social policies itself, rather than trying to export the costs of those policies through various restrictions and subsidies involving foreign trade? I have in mind here policies designed to alter the relative economic position of an industry or region to improve the quality of the environment and agricultural policies, as well as other policy for assisting adjustment.

Again, I don't want to get embroiled in technical debates. I recognize the vast array of technical difficulties on the terrain of negotiations before us, but before we can start to climb our mountain together we have to have an agreed set of goals. I have suggested the goal of accepting the flow of imports as necessary accomplices to any anti-inflation policy. I now suggest we accept the general principle that the costs of our separate social policies should be borne by the governments instituting those policies, except perhaps where international agreements can be framed to permit some sharing of costs.

A glaring example of where this principle is not being honored now is, I think the EEC's Common Agricultural policy. That Europeans should tax their consumers to subsidize their farmers is something no American could object to on principle. But that Europeans should create a common mechanism to tax and regulate agricultural imports and to subsidize and manipulate agricultural exports as a means of exporting some of the costs of their social policies in this field is something else again.

You are today exporting the costs of your domestic agricultural policies, on to all the other nations of the world, so that farmers in other countries have to bear costs of aiding your farmers. This is something we in the United States must continually oppose.

It is true that there will be no useful international cooperation if one nation seeks to impose its ideas of proper social policies on another, and agricultural policy in Europe as in the United States is deeply rooted in social, as well as economic, considerations. But it is futile, if not dangerous, in my opinion to envision a new world economic and trading order where countries are expected to agree to take in the costs of each other's social policies, the way my wife might take in the neighbor's laundry. Certainly there will be exceptions where small countries have special problems. Certainly there will be many exceptions for the poor countries of the world who somehow must be integrated into the world economy if half the human race is to have any expectation of engineering an escape from their poverty. But nations with the economic power of Japan or the United States or the countries of the EEC should be willing to absorb themselves the cost of their social policies. It is a principle on which we all should be able to agree, for like managing inflation, it is a problem—or rather a set of problems—we all share in common.

How can we make out of these two principles material for a mandate to negotiate, agreed to by our respective governments and parliaments? This is, perhaps, the most difficult question of all.

Many Europeans tend to think that it is only in America, where there is a formal division of powers between the executive and legislature, that there is a problem of getting a mandate to negotiate. There certainly is a problem. I, for one, believe that in the United States we must find a way to mount negotiating efforts which involve both the Congress and the Executive for the coming period of negotiation.

But may I ask you who is to speak for Europe and what authority will they have? Will they be politically competent representatives or will they be technicians? Will the technicians be supported, or disowned by the national governments?

If we are going to work in concert, effectively the negotiations will have to be made up of politically competent teams from Europe, Japan and the United States—men and women capable of negotiating the difficult political as well as economic issues we must cope with. It is time we started to think out loud about this problem. Can we, for instance, fashion a single mandate or comparable mandate, with broad authority so that each of our political bodies is permitted to move in a common direction?

Is not now the time for our governments to start talking about the basis for such a common Congressional authority and a European Community Council mandate. Such a mandate could serve as the diplomatic equivalent of a jet-assisted take-off.

The Kennedy Round of tariff negotiations was much simpler to deal with in this regard. It is not just that tariffs may not be the all-important subject in the coming negotiations that they were in the past.

It is not just that discussions of non-tariff barriers and agricultural policy inevitably involve domestic social and economic policies as much as, if not more than, external economic policies. We need a more politically responsive negotiating team and a more politically responsive negotiating mandate now, both because we will be talking about a much greater volume of trade than was discussed in the Kennedy Round, and because the whole exercise depends for its success on fashioning in advance a set of agreed, political goals.

And those goals will not, as they have in the past, rest primarily on a perception of a common external threat, but rather on a perception of some common domestic problems and of the stability of expectations in the world economic and trading system that is needed to live constructively with those problems. How new it is to envision an international negotiation based primarily on a sense of common domestic purpose, rather than on a sense of common defense against an external threat! Yet this is in large measure the task before us. The cloud will only disappear from the summit of that mountain we face and reveal to us a common objective if we can agree in advance that the problems we share in common at home are really more important than the problems that divide us in our foreign policies.

I have only suggested two problems: the problem of managing inflation and the problem of implementing the social policies our people are demanding without beggaring our international neighbors in the process. I have suggested two principles: that we all accept the flow of imports as necessary accomplices to any anti-inflation policy and that we agree to absorb the costs ourselves of our social policies and not try to export those costs on to others. These are some personal ideas that have come to me in my first six months in this job. There are no doubt more and better ones that can be used to get from our peoples the mandate to negotiate that we must have by next year.

But the time has come, I think in Europe, in Japan and in the United States, to take discussion of our preparations out of the closets where our respective technicians are at work and invite business, labor and consumers in our countries to participate in formulating the new principles on which any new mandate to negotiate must rest.

I started this talk on a note of uncertainty, the uncertainty I know you all feel as a result of the end of the Bretton Woods system. We are going to have to live with much more uncertainty in the years ahead, just as we are going to have to live with a degree of impatience, reflected in inflationary pressure, as a result of the expectations of our peoples.

But uncertainty needn't lead to anxiety. That will only happen if we fail to work together and try to achieve our national end without regard to the implications for the international system. In fact, uncertainty can be a powerful incentive to develop a collective political imagination—one which makes out of the problems we share in common an adventure that puts into the shadow the problems that divide us. We can, if we want, begin the kind of constructive dialogue that will keep our peoples so busy realizing some of their expectations that they won't have time to get cynical about our ability to make that kind of busy-ness possible.

I leave these questions and these thoughts with you in the earnest hope that you will debate them among yourselves, and come up with some better ideas, so that we may develop through international exchange of ideas the outlines of a better world economic system. Remember: you have an assignment in the coming negotiations just as surely as I do, because if we are to have a mandate to negotiate, it must have broad-based and enthusiastic support.

CHINA'S DIPLOMATIC THRUST INTO AFRICA

Mr. McGEE. Mr. President, the Washington Post of Sunday, June 11, contains an article devoted to an analysis of China's new diplomatic thrust into Africa.

The article, written by Jim Hoagland, comes at a particularly critical moment in our relations with black African nations. It comes at a moment when the U.S. Senate has once again refused to reverse action taken last fall which allowed this country to violate United Nations sanctions against Rhodesia. It comes at a moment when our image among the black African nations is suffering, because of our seemingly insensitivity to the aspirations of these nations.

Africa represents the world's third largest continent; yet, this Nation has chosen to relegate Africa to a low priority status. This is evidenced by our apparent attitude that our interests in black Africa go no further than the commercial exploitation of that continent.

Sooner or later the United States is going to have to pay for the attitude of indifference which marks our relations with black African nations. When that time comes, we will be in for a rude awakening.

I believe Jim Hoagland's article to be highly informative as to the Chinese role in Africa. It would behoove all of us in this body, and in the White House, as well, to give close scrutiny to the article.

We can no longer afford to be double-dealing in our relations with black Africa. Should a drastic change occur in our relations on that continent, the United States will have only herself to blame should the events go against us.

I ask unanimous consent that Mr. Hoagland's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CHINESE THRUST INTO AFRICA

(By Jim Hoagland)

ADDIS ABABA.—China's new diplomatic thrust into Africa, which has intensified since its admission to the United Nations, is being interpreted by many on this continent as the first important step in Peking's predicted drive for the leadership of the Third World.

What Peking intends to do with such leadership is the subject of sharp debate among the governments of the region, which now appears to be China's primary diplomatic target area. The rapidly increasing economic and military aid flowing from Peking to tropical Africa provokes both strong suspicion and grateful enthusiasm from Africa.

The suspicion is seen in Mozambique, where African guerrillas trained and armed by the Chinese are fighting to end Portuguese colonial rule.

Portugal's psychological warfare department has plastered the country with posters that show a Chinese figure in pointed red hat greedily encircling Africa with its arms. Bloodstained fingers grasp for the colonies of Mozambique and Angola. Other posters play on the idea that China wants to control Africa and dump its surplus population there.

North of Mozambique, the 13,000 Chinese engineers and laborers who give rise to that Portuguese propaganda theme are busily building bridges and laying rails for 1,100-mile railway that will link Tanzania and Zambia.

Julius K. Nyerere, Tanzania's president, expresses Africa's enthusiasm for the Chinese, who are advancing more than $400 million for the railway's construction. The project will help transform his poverty-striken country and will help black Africa in the economic struggle against the white powers of the south, Nyerere says.

Nyerere evidently feels that Chinese aid for Africa comes with few if any strings attached, in contrast to similar Western help. He has replaced British and Canadian military advisers with Chinese, who now total about 250. Economically, Tanzania's total annual trade with Peking has climbed from $1,400 in 1960 to $55 million today.

But African reaction to the new Chinese diplomatic offensive does not fall along completely predictable political lines. Here in Ethiopia, long considered one of America's two or three most reliable allies in Africa, officials are frantically seeking projects to absorb $80 million of interest-free loans offered by China last year.

"Some countries would be happy to pay twice as much money for half the influence the United States has obtained here," an Ethiopian official pointedly boasted. He has recently hung a large portrait of Mao Tse-tung in his office to replace one of John F. Kennedy.

The United States has spent more than $400 million on military and economic aid for Ethiopia over the past two decades.

Other pro-Western African governments continue to refuse Chinese aid and diplomatic contacts. President Felix Houphouet-Boigny of the Ivory Coast calls Chinese penetration the greater danger facing Africa.

This sentiment is echoed by South Africa's prime minister, John Vorster, who says the Chinese may someday ride down the Tanzam Railway to attack white rule in the south.

A LONGER VIEW

These varied reactions reflect a central theme of China's post-Cultural Revolution approach to Africa: It has become more diverse and sophisticated, as Peking seems to be taking a longer view of the prospects for revolutionary change in Africa.

Throughout Africa, China is showing a new willingness to work with conservative governments that a few years ago were accusing Peking of supporting moves to overthrow them.

The biggest portion of Chinese aid commitments to Africa, which are believed to have totaled more than $700 million since 1960, is tied to one massive project, the Tanzam Railway. But recent Chinese offers to Africa are spread across a wide spectrum. In addition to the large Ethiopian loan, they include:

Building a 1,000-mile-long road across Somalia, where Soviet influence has been paramount since a 1969 coup.

Providing $20 million worth of new port facilities for Mauritania. This and other projects may boost the total of Chinese technicians in that sparsely populated West African country to more than 1,000.

A pair of $40 million loans to the Sudan despite last July's bloody anti-Communist purge there. The Sudan had also been a major Soviet aid client. One Chinese-aided project there is to be exploration for minerals

Sending through the Chinese Red Cross large relief donations for cholera victims in Chad, although China had no formal relations with the pro-French government in Fort Lamy, and for drought victims in Kenya, with which Peking has had strained relations since 1966.

In all, China is thought to have 18,000 to 20,000 technicians, laborers, soldiers and diplomats stationed in sub-Sahara Africa.

"THE EASIEST COURSE"

The United States, Japan and India have all recently paid implicit tribute to the developing Chinese drive in Africa by assigning senior diplomats who have made their careers in China-watching to embassies in Dar-es-Salaam, the Tanzanian capital and focal point of China's presence in Africa.

The Soviet Union—which China apparently considers its most dangerous rival in long-term competition for influence in Africa—is assumed to have also assigned China specialists to African posts, Western diplomats say.

Some diplomats in East Africa interpret the Chinese quest for influence there as a logical product of Peking's revolutionary theory.

"In Maoist thought, Africa is a key area for the struggle of the 'world countryside,'" said a British diplomat, referring to the doctrine that the poor countries of Africa, Asia and Latin America will eventually subdue the industrialized nations of Europe and North America.

A senior American analyst, partly in agreement with that view, said: "The Chinese are concentrating on Africa first because it represents the easiest course for them. Their aid can come in the form of semi-skilled and skilled labor, rather than large capital investment. They can usefully transfer simple technology into Africa's small economies. And militarily, the guerrilla tactics they can teach are probably more valuable now to the Africans than donations of highly sophisticated weapons."

The help of African votes in gaining a United Nations seat for Peking on its own terms has also undoubtedly been an attraction. The African continent provided 26 votes for Peking's admission. China now has diplomatic links with 21 African countries, a figure that may rise now that Taiwan has little to gain by continuing the small but effective technical aid programs that helped hold countries like Senegal and Sierra Leone in its camp.

Unlike Taiwan, which sought until the end to maintain its legitimacy within the United Nations by playing its role as a member of the big-power club, Peking is seeking to identify itself with the have-not nations, a posture that is likely in the long run to have more appeal to Africa.

THE RACIAL ISSUE

A still uncertain factor in China's campaign is its identification as a nonwhite power in the racial struggle in southern Africa. It is still far from clear that China is calculating its interests in terms of race war against the white South Africans, Portuguese and Rhodesians. Some China-watchers dispute the idea that the Chinese would identify racially with Africa. Peking is, however, the only power to have clearly established itself in recent years as a reliable patron of black forces in southern Africa.

This may stem at least partly from the parallel that Chinese theoreticians have drawn between their own revolutionary experience and conditions in Africa. Those parallels have contributed not only to Chinese interest in Africa, but also to the early miscalculations that marked Peking's often-clumsy diplomacy in Africa in the past decade.

At the beginning of the 1960s, Chinese statements on Africa's march to independence stressed the common background of poor peasant masses, the colonial past and what was seen as the inevitable fall of foreign-supported local governments put in place by colonial powers.

In his 1964 visit, one of three he has made to Africa, Premier Chou En-lai echoed this analysis by proclaiming that revolutionary prospects were excellent in Africa—a view that was immediately and intensely resented by many African governments, which felt that Chou was calling for their overthrow.

The turmoil of the Cultural Revolution may have offered Peking a convenient moment to overhaul its faltering diplomatic campaign in Africa, some analysts feel. After concentrating most of its activity in that period on Tanzania and Congo-Brazzaville, two states committed to building socialist societies, Peking openly began to widen its circle of influence in sub-Sahara Africa in 1969.

"Perhaps as we did the Chinese discovered that Africa is more complex than it looked at the beginning of the last decade," an American diplomat in central Africa said. "The national African governments proved to be much sturdier than expected. Now the Chinese are trying to build a real third bloc by working with governments rather than overthrowing them, at least right away."

Chinese economic aid is attractive because the loans routinely carry little or no interest and 20-to-30-year repayment periods, with lengthy delays granted in beginning repayment. American and Soviet loans carry interest ranging from 2.5 to 6 percent with shorter repayment periods.

Ethiopia has used only about $25 million of $100 million the Soviet Union offered in economic credits in 1960, partly because of Russian refusal to lower the interest rates.

THE SIMPLE LIFE

The Chinese have won praise from other African countries for their ability to live simply while completing aid projects, and for leaving promptly when they have finished.

"Local workers comment that as far as they know they have never seen a Chinese who leaves work immediately after the end of his shift," Tanzania's government press service reported recently in describing work on the Tanzam rail line. "They are said to continue into 'the second man's job' until they are sent away!"

"The Chinese technicians do not need big cars, air conditioners and huge salaries to come to our country and help us," a Tanzanian official said even more pointedly. "They set a good example for our own workers with their dedication and simple living."

According to a number of reports from different sources in Dar-es-Salaam, the 13,000 Chinese workers of the rail line keep pretty much to themselves in their own separate camps after the workday is finished.

Most are thought to be either members or veterans of the Chinese People's Liberation Army railway corps and engineering corps. Each camp has men assigned to conduct political training, but there have been no reports of significant attempts to indoctrinate the 35,000 Tanzanians working with the Chinese on the railway.

Tanzanian officials often say that the Chinese surprised them by completing their first important aid project, the $10 million Friendship Textile Mill in Dar-es-Salaam, and "packing up to leave right away. We had to beg them to stay around and show us how to run it. They were very eager not to give the impression of staying a minute longer than necessary," one official said.

The Chinese do make some of the same kinds of mistakes in aid projects as their Western counterparts. The first Chinese manager of the Friendship Textile Mill ran off 5 million yards of "light cotton patterns that would have sold well in Burma, I guess," said a government official. "But we couldn't do anything with them here. It was an economic disaster." The mill lost $500,000 that year.

Textile mills, match factories and other plants that turn out low-cost goods that African countries have been forced to import in the past are favorite aid projects for the Chinese.

ARMS AND TRADE

Military aid has been channeled to three countries that support guerrilla movements opposing the white governments, and to the Indian Ocean island of Zanzibar.

Guinea, which supports anti-Portuguese guerrillas, also receives Chinese help. And Sudanese officials have recently disclosed to Arab newspapers that China has given the Sudan eight Mig-17s and a brigade of tanks. A senior Sudanese defense official quoted by the Beirut newspaper Al Hawadith said the Chinese had immediately supplied complete sets of spare parts for the weapons, in contrast to the Russians, who had used spare parts as "a pressuring tool" against the government.

China's increased activity has brought rising trade with Africa. Tanzania and Zambia have agreed to a complex scheme for repaying the local costs on the Tanzam Railway, which is not only China's largest single foreign aid project, but also the largest such effort in modern African history.

Chinese goods are being imported by Tanzania and Zambia, which have traditionally been British markets, and sold for a profit, which is used to reimburse the Chinese for local costs. This is a major factor in the large jump in trade among the three countries, and it may be a forerunner of Chinese agreements with other nations.

But a leading Western expert on Chinese foreign policy says that China's economic interest in Africa is comparatively minor.

"What can China sell to Africa? Textiles, ballpoint pens, tires? In short, just the things the Africans are beginning to produce themselves. And Peking's own industries are not particularly geared to use the minerals tropical Africa produces.

"China's interest in Africa is overwhelmingly political, not economic or strategic in any conventional sense. Africa will add to the rising force of the poor as the world is increasingly polarized, in the Chinese view. Their goals remain the same, they have just projected them over a longer period of time."

THE COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT AMENDMENTS OF 1972

Mr. MONDALE. Mr. President, I am much pleased to cosponsor S. 3644, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1972, which the distinguished Senator from Iowa (Mr. HUGHES) recently introduced.

Since its creation in the spring of 1969, it has been my honor and privilege to serve side by side with Senator HUGHES on the Subcommittee on Alcoholism and Narcotics, which he chairs.

Senator HUGHES has a unique and lifetime concern with the problem of alcoholism in our society. He brought to his job as chairman of the subcommittee the unwavering energy, dedication, persistence, imagination and initiative which, combined with his great knowledge and experience in the field of alcoholism, awakened the conscience not only of the U.S. Congress, but of the entire Nation.

I participated with Senator HUGHES in his 2 years of intensive investigation and hearings on the problems of alcoholism. Those hearings resulted in the introduction of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, which I also cosponsored. Its passage gave the Department of Health, Education, and Welfare, for the first time, the tools and resources needed to begin an attack on this major health problem.

In its recent report to the Congress entitled "Alcohol and Health"—a report mandated by the act—the Department of Health, Education, and Welfare reported that—

> Alcohol is the most abused drug in the United States . . .
>
> An estimated 7 percent of the adult population in the United States manifest the behaviors of alcohol abuse and alcoholism . . . about 9 million men and women are alcohol abusers and alcoholic individuals . . .
>
> Alcohol plays a major role in half the highway fatalities in the United States and cost 28,000 lives in one recent year.
>
> Alcohol abuse and alcoholism drain the economy of an estimated $15 billion a year.
>
> Alcoholism is not a crime. It is an illness or disease which requires rehabilitation through a broad range of health and social services tailored to persons at different stages of alcohol abuse and alcoholism.

While the landmark legislation in 1970 provided new hope to the millions of Americans who suffer from this disease, it was only a beginning. The programs and moneys authorized by the 1970 act extended for only 3 years. The authorizations for those years were purposefully kept low, and the appropriations have been even lower, so that the National Institute on Alcohol Abuse and Alcoholism could start slowly and prepare itself to wisely adminster the amounts necessary to control this disease.

The time has come to extend and increase the authorities under this act. That is what the amendments contained in S. 3644 are designed to do.

The amendments would:

First. Extend the authority of the Act for an additional 3 years and authorize $480 million in formula grants and $420 million in project grants over the 3-year period.

Second. Provide for additional personnel for the National Institute on Alcohol Abuse and Alcoholism.

Third. Require that all hospitals receiving Federal funds treat alcoholics on a nonprejudicial basis.

Fourth. Transfer the alcoholism project grant authorities administered by the National Institute on Alcohol Abuse and Alcoholism from the Community Mental Health Centers Act to Public Law 91–616—the Alcoholism Act.

Fifth. Identify the National Institute on Alcohol Abuse and Alcoholism as "in the Department of Health, Education, and Welfare" rather than "in the National Institute of Mental Health" in order to give the Secretary the flexibility needed to give the Institute more visibility should that become desirable.

Mr. President, it is with great satisfaction that I once more join with the distinguished Senator from Iowa in his effort to bring necessary Federal attention to this long-neglected disease.

GARY CITY COUNCIL VOTES FOR PEACE

Mr. HARTKE. Mr. President, the American people's demand for an end to the war in Indochina can sometimes be temporarily deflected, but it cannot be stilled. While the administration moves from one public relations extravaganza to another, hoping against hope that it can buy enough time to get through November without being called to account for its failure to bring peace, the public's impatience is translated increasingly into despair over the lack of responsiveness of our institutions.

President Nixon continues to talk as if what is most deeply at issue in Indochina is America's honor. But the people have long since seen through that subterfuge. They recognize that what is really at stake for the Nixon administration is political profit, and what is really at stake for the Nation is an end to a nightmare.

Nowhere has this understanding been put more clearly or more forcefully than in a resolution passed by the council of the city of Gary, Ind., shortly before the latest Nixon escalation. Recent events have only added greater urgency to the resolution's demand.

I ask unanimous consent that the resolution and a letter of commendation from the very distinguished mayor of Gary, the Honorable Richard Gordon Hatcher, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION No. 1201

Resolution of the Council of the City of Gary, Indiana to the Congress of the United States asking for an immediate end to American military involvement in Southeast Asia

Whereas: Two years ago, on April 7, 1970, the Council of the City of Gary, deeply concerned about what was happening to this country and its people by the prolongation of the war in Indo-China, in a petition to the President of the United States, called for an immediate withdrawal of all United States forces and material from Southeast Asia, and was thereby the first such elective body in a major American city to take such action; and

Whereas: As a result of the national protest of which that action was a part, a withdrawal of American ground troops is proceeding, but regrettably no pledge has yet been made that all are to be withdrawn—on the contrary young Americans are still being drafted as replacements—; and regrettably, under a policy of "Let Asians Fight Asians" or "Yellow the Bodies," American air support is being given for new and terrible onslaughts, in computerized warfare; and

Whereas: The war is not only being carried on in South Vietnam, but since 1970, has been extended to Laos and Cambodia, with Thailand being used as a base for American bombing missions; and in recent weeks, *the bombing of North Vietnam, halted in* response to worldwide protest, has been resumed at unprecedented levels; and

Whereas: No proposals have yet been put forward by the United States government that we would end our backing for those forces that are standing in the way of the freedom and independence of the Indo-Chinese people; and

Whereas: American intervention has brought, and is still bringing great suffering to the people of those stricken countries:[1]

In South Vietnam, a million young soldiers killed, injured or maimed; a million civilians dead; and a third of the population homeless; and

In Cambodia, a million people driven from their homes; and

In Laos, as is only now becoming known to the American people, bombing on a scale never before experienced, with casualties the highest per capita ever suffered; and

Whereas: To that terrible toll must be added our own casualties—53,000 young men dead; a quarter of a million wounded or maimed; and uncountable numbers broken in health, mind, and spirit; and

Whereas: In pursuit of an ever more elusive military victory there, the American people (not without protest) funded and accepted as instruments of national policy:

(1) Waiver of a declaration of war by Congress.

(2) The calculated and planned use of political assassination.

(3) The use of bombing to destroy civilian populations.

(4) The establishment of "free fire zones" in which any living creature can be exterminated without restriction, resulting in massacres such as took place at My Lai.

(5) The use of defoliation and starvation as instruments of war.

(6) The forced emigration of rural peasants to cities by means of saturation bombing and evacuation at gunpoint.[2]

The price being paid for acquiescence in these crimes against humanity is everywhere evident in the dissension that is tearing this country apart, and nowhere is the revulsion more evident than in the refusal of so many young men to serve in the armed forces, at the price of their imprisonment or exile; and

Whereas: Prolongation of this immoral and illegal war has brought the country to near bankruptcy: It has cost the nation $123 billion since 1965, and that figure does not include the indirect costs, such as war-generated inflation: Vietnam veteran's benefits; rehabilitation of drug-addicted troops; nor does it include the further cost that must be paid as interest on the burgeoning national debt, which is about 80 per cent war-created[3] and

Whereas: Continuance of this costly intervention is placing an intolerable tax burden on the people, at the same time money is not available in adequate amounts for the most elementary of public services, as we in Gary well know—schools, health and welfare programs; housing; mass transportation, etc.; nor will money be available as long as "64 cents out of every Federal tax dollar (not including Social Security and other trust funds) goes for military and military-related spending, leaving only 16 cents for health and welfare,"[4] and

Whereas: *The Congress of the United States alone, under the Constitution, has the power to declare and wage war, and therefore must accept responsibility for its continuance,*

Be it therefore resolved: That the Council of the City of Gary, *fully cognizant of the seriousness of this action at this time, nevertheless* implores the Congress, through its members from this area, to demand an immediate end to the bombing of North Vietnam, and an immediate end to American air and other logistic support for carrying on the war in South Vietnam, Cambodia and Laos, and

Be it further resolved: That Congress demand an immediate end to all other United States military intervention anywhere in Southeast Asia, and that a definite date for such a complete withdrawal be proclaimed; and

Be it further resolved: That copies of this Resolution be sent immediately not only to the appropriate members of Congress, but also to the President, the Secretary of State and the Secretary of Defense; and likewise to the Governor of Indiana and to the State Legislature; and

Be it further resolved: That copies of this Resolution be sent to the Conference of Mayors, with the expressed hope that similar action by other municipal bodies will be encouraged as the most direct means now available to bring the people's demand for an immediate end to the war to the Congress; and finally

Be it still further resolved: That the Council of the City of Gary calls upon all citizens, as individuals and through their organizations, to join this protest.

Adopted by the Common Council of the City of Gary, Indiana, this 18th day of April, 1972.

CLEO WESSON,
Presiding Officer.

STATEMENT OF MAYOR RICHARD GORDON HATCHER

I commend the efforts of councilman Allison and the Women's International League for Peace and Freedom for bringing the issue of the war in Southeast Asia to our council for deliberation. I think it is of the utmost importance that we keep up an unrelenting barrage of letters, resolutions and peace actions so that the President and the Congress will have no doubt as to our commitment to a speedy peace.

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[1] These statistics are from Indo-China: 1971, a White Paper published by the American Friends Service Committee.

[2] Likewise from the American Friends Service Committee's White Paper.

[3] These figures are from a study of the costs of the war by Senator Mark Hatfield (R.-Ore.), 1971.

[4] Senator Hatfield's study.

It is especially urgent that we register opposition to our Government's murderous foreign policy now when, contrary to recent assertions that "the war is winding down," it is very obviously doing just the opposite. The cost of this war in human life is appalling. The cost in human suffering is immeasurable.

Some of the costs, however, can be measured. They show how the war effort is impoverishing our society. They indicate the insanity of our priorities when we choose to spend our national treasure for arms and then claim we are too poor to spend for the health, housing and education of our people.

Today, 61% of your tax dollar goes to cover the costs of war, and only 17 percent for human resources. Seventeen army machine guns cost $9,000—the same $9,000 which we could spend for an elementary teacher's annual salary—if we get out of Southeast Asia. One B–1 bomber costs $25 million—we could spend that $25 million to construct 15 hospitals with 50 beds each—if we get out of Southeast Asia. One aircraft carrier costs one billion dollars. That one billion would build 67,000 low cost housing units—if we get out of Southeast Asia.

This resolution, if it is passed here tonight, cannot help but have positive impact on those congressional and national forces striving to end our involvement in Southeast Asia. Perhaps its greatest significance, however, will be the impetus it gives members of the U.S. Conference of Mayors to initiate similar measures in their cities.

We must end this bitter chapter in our country's history. There can no longer be any doubt that every day we delay carries us further into the morass. I fully support your resolution, and urge all the citizens of Gary to likewise support it by letters, calls and telegrams to President Nixon, our Senators and Congressmen, expressing their anger at the current escalation and their urgent wish for peace.

RAIL COMMUTER SERVICE FOR THE WASHINGTON AREA

Mr. ALLOTT. Mr. President, a recent statement by Jeffrey G. Mora, transportation projects manager of Urban Mass Transportation Administration, U.S. Department of Transportation, touches on some very excellent points regarding rail commuter service for the Washington area.

I have long felt that while the core subway system in Washington is definitely needed, there is a definite need for rail commuter service to and from certain Washington suburbs.

The Washington Metropolitan Area Transportation Authority—WMATA—has long registered suggestions that existing rail lines be used as a part of an overall transportation method. As Mr. Mora concludes however, "the subject has been studied enough; it is time for action." I support his call for the activation of a National Capital Commuter Rail Authority and I note with interest that my 2 colleagues from Maryland, Senators MATHIAS and BEALL, are taking an active interest in commuter rail service for Washington.

The distinguished junior Senator from Nebraska, Mr. CURTIS, and I have been urging that this kind of approach be taken for the past 5 years.

Mr. President, Mr. Mora is one of the most respected and studious transportation technicians in the Office of Research Development and Demonstrations at UMTA; because his paper deserves the thoughtful attention of all Senators I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE IMPACT OF A COMMUTER RAIL SYSTEM ON DOWNTOWN WASHINGTON, D.C.

(By Jeffrey G. Mora)

Ladies and Gentlemen: An adequate discussion of the impact of commuter rail service on downtown Washington would take far more time than we can spend at a session like this. Therefore, I can only talk briefly about several important areas. These areas include: First, a brief review of several studies on commuter rail service in the Washington area; second, the existing commuter service, and finally the future and how the existing service might be restructured and expanded. Let me also add that the views I am expressing are mine and not those of the Department of Transportation. I would like to emphasize that unless something is done soon, the limited existing commuter rail service will disappear and we won't have to worry about its impact on downtown D.C.!

Let me review some earlier reports on the subject of commuter rail in Washington. A series of reports was prepared by Louis T. Klauder and Associates in 1962 for the National Capital Transportation Agency, predecessor to the Washington Metropolitan Area Transit Authority, WMATA. These reports set forth five alternative plans for establishing commuter rail service between Rockville, Laurel and Washington on the Baltimore and Ohio; Bowie and Washington on the Penn-Central; Franconia and Washington on the Richmond, Fredericksburg and Potomac Railroad, and Fairfax and Washington on the Southern Railroad. A second Klauder Report in 1962 reduced alternatives to two: one, a revised commuter rail plan, and the other a combination commuter rail-rapid transit plan.

Late in 1962 NCTA submitted the two option plan to the President. In relation to commuter rail service NCTA would have contracted with the railroads involved and the Washington Terminal Company. Public subsidy would have supported expected deficits. This proposal resembles similar commuter rail operations in Boston, Philadelphia and New York.

In 1963 NCTA submitted its transportation plans to Congress, but the commuter rail alternatives slipped to minor importance with only a Penn-Central service between Washington and Bowie recommended.

The Washington Metropolitan Area Transit Authority, WMATA, which by 1967 had replaced NCTA, presented its final plan to Congress in 1967 with but one alternative to utilize rail commuter service. However, revenue/cost figures strongly favored automated rapid transit trains rather than the previously proposed contracts-with-the-railroads approach. WMATA then quietly shelved any real interest in commuter rail service as part of its involvement in solving Washington's transportation problems.

Once again, in 1969 WMATA took a brief look at commuter rail service in a staff study. The study concluded that the most advantageous commuter rail system from WMATA's viewpoint would be one which complemented the rapid transit system, then in the planning stages. The four proposed routes included first, Quantico to Alexandria, Virginia on the RF&P with a transfer to the Metro system at King Street; second, Manassas, to King Street via the Southern RR; third, Brunswick, Maryland to Silver Spring on the B&O, and fourth, Baltimore to Washington on the Penn-Central. The plan recommended terminating B&O and RF&P railroad service at the outer ends of METRO where transfer would be made to the rapid transit system. As METRO expanded outward, the commuter rail service would be cut back. For example, B&O service would be cut back from Silver Spring to Rockville. Service duplicating METRO would be strictly avoided. The study took no position on who should fund or operate the service.

There were two rationale's for not providing through service via Union Station linking Virginia with Maryland: (1) Avoidance of terminal charges for each car entering the station, and (2) ensuring that ridership within the DC boundaries be served by METRO and not by a commuter rail system.

WMATA takes a somewhat similar position today in that it would probably oppose any plan that appears competitive in terms of service area or would jeopardize its funding from suburban Washington jurisdictions.

The Senate Public Works Committee contracted with the joint venture consultants of Day and Zimmerman and Louis C. Kingscott and Associates to prepare a comprehensive plan for commuter rail service in the Washington area. An abridged version of the full study was published in 1968 titled *Metropolitan Area Pilot Transportation Study*. The study focused on better utilization of existing railroad rights-of-way as a viable alternative to additional road and highway construction. The study recommended that commuter rail service be instituted on a through-routing basis between Germantown, Maryland and Manassas, Virginia and between Baltimore and Quantico, Virginia. The trains would provide access to downtown D.C. through stops at Union Station and one or two new stations between the 14th Street Bridge and South Capitol Street to serve the rapidly growing Southwest Mall area. A feeder bus network utilizing a combination of existing and new bus service would be established to interface with rail service at the stations. The system would be financed through a combination of Federal and local government funds and farebox revenues on the basis of—

(a) Federal moneys provided for all capital investment except station facilities which would be the responsibility of the appropriate local jurisdiction (or jurisdictions) serviced.

(b) The net of operating expenses over passenger revenues to be subsidized in participation shares of one-third from the Federal Government, the balance to be shared by local governments in Maryland and Virginia proportionate to the seatmiles of service provided.

Operating and administrative control would be placed in a special commuter rail division of WMATA. The consultants estimated an annual operating deficit of between $3.5 million and $4.0 million dollars with 8,000 daily round trips on weekdays only.

Finally, we have the *Washington Metropolitan Area Rail Commuter Feasibility Study* prepared by Carl R. Englund, Jr. for the Department of Transportation's Urban Mass Transportation Administration. The Englund Study released in 1971, was designed to update the 1968 Senate Public Works Committee report in which Mr. Englund was a participant. It is important to review the salient points in the Englund Report. The Englund Study modified the Senate document in several ways. The basic element of through-routing trains between Northern Virginia and Maryland was maintained. However, service on the Southern Railroad was found not feasible for economic and operational reasons. For example, Southern's service would compete with the Shirley Highway Express buses which tap a similar market area, and railroad station locations are not well suited for ease of road access or parking potential. The basic system outlined by Englund includes the existing Penn-Central Baltimore-Washington service supplemented by future electrification of the tunnel under First Street so that trains could operate through Southwest Washington to the Crystal City area. The B&O service would be interlined or through-routed from Gaithersburg, Maryland to Quantico, Virginia on the Richmond, Fredericksburg and Potomac Railroad. He also recommended that one round trip be operated West of Gaithersburg to Martinsburg, West Virginia approximately 73 miles from D.C. Englund estimates, quite conservatively, that 12–14,000 weekday trips would be handled on the whole system during the first year. The first year operational deficit is estimated to be $500,000, decreasing to approximately $300,000 over a three year period as ridership increased. Recommendations for management of the commuter service included, Metropolitan Washington Council of Government (COG), a special authority created by Congress or WMATA.

Englund specifically stated that the rail commuter operation should not attempt to handle transit-type ridership from close-in areas to the CBD. The service would be designed to expedite trips to and from communities outside the current bus dominated zones. The rail service is designed to act as a long-haul feeder to the METRO for local distribution. How can this system succeed? Success is predicated on high equipment and crew utilization, elimination of some currently little-used stops, and renegotiated Washington Union Terminal charges. In comparison with the Senate Public Works Committee Report the deficit for the Englund proposal is 75% less and the ridership 100% greater than the 1968 report estimated. It should be noted that the rail mileage recommended by Englund is less because service is not provided on the Southern Railroad or B&O Baltimore Branch. I have only highlighted the Englund report and recommend that you read it, if you have not already done so.

Now, let's talk about the existing commuter service, its impact on D.C. and what might happen in the future. Not many persons in the Washington Metropolitan area know about the existing commuter rail service except the approximately 1300 persons who use it daily, but the Penn-Central and Baltimore and Ohio Railroads operate limited weekday only commuter service into Washington Union Station. Penn-Central operates 2 round trips daily that make local stops between Baltimore and Washington. The stations, for the most part, are unmarked except for a crude ground level slab or gravel serving as a platform. The cars used were built as steam locomotive hauled coaches between 1910 and 1920. They were electrified in the 1930's, and are not air-conditioned.

The B&O operates services on two lines into Washington. Three round-trips operate on the Baltimore-Washington line via Laurel. Not included is one reverse commutation train that runs to Baltimore in the morning and in to D.C. in the evening. There are two round trips operated on the line from Brunswick, Maryland to D.C. via Germantown, Gaithersburg, Rockville and Silver Spring. An additional round trip operates from Martinsburg, West Virginia to D.C. and back.

The combined ridership of approximately 1300 one-way riders amounts to about ½% of the total journey-to-work movement to the District, and some 1.3% of mass transit patronage. Approximately 60% of rush hour travel is accomplished by private automobile with public transportation providing the balance. There are several deterrents to expanding or even maximizing the limited existing commuter rail service. First, the less than desirable location of Washington Union Station coupled with a poor distribution system to work locations; second, lack of rail service to many large or growing suburban residential areas; third, lack of additional rail equipment that could be added to existing trains, and finally a "Catch 22" situation—The railroads are not eager to add more cars even if they were available to accommodate present extreme overcrowding on certain trains because of an approximately $40 per car charge levied on each car entering *and* leaving Washington Union Station. This charge is assessed to pay the high station operating expenses. Thus, adding one car at $80 a day adds 45c to the cost of each seat sold, without the addition of increased railroad crew costs. Adding more cars, assuming they were available, would possibly solve the standee problem, but would drive the current deficits even higher, an untenable position for the railroads.

Lack of a comprehensive rail commuter system has contributed to a highly dispersed pattern of land use, particularly residential, in the Metropolitan area. This dispersed pattern is sharply contrasted to the development corridors that have grown along railroad rights-of-way in Chicago, New York and Philadelphia where extensive commuter service has been provided for many years. The typical Washington scatter pattern inhibits somewhat the requirement for a sizable volume of riders having relatively common origins and destinations. Nevertheless, I believe that a commuter rail system providing for a minimum of 12–14,000 trips daily at a modest deficit with potential for expansion at minimal capital investment would more than justify its existence.

The major capital investment has already been made in the railroad rights-of-way and fixed facilities. The Englund plan requires $15 to $20 million to provide 142 route miles of commuter rail service. This $15–$20 million would buy 1800 additional parking spaces, minimal new station facilities consisting principally of modern protected shelters with infra-red lights for winter heating, minor changes necessary to the railroad's physical plant, 7 new diesel locomotives and 48 air-conditioned coaches some equipped with cabs for push-pull operation. The same $15 to $20 million would build perhaps one mile of rapid transit subway or urban highway!

Now, the most obvious question is why isn't anything happening? Why don't we have an expanded commuter rail system in the Washington area? The problems or the reasons are not technological, but are institutional in nature. Washington is a particularly difficult area to accomplish projects encompassing more than one political jurisdiction. In the case of commuter rail there are several public agencies that could conceivably take-over and operate such a service. WMATA is the first that comes to mind. However, WMATA is not particularly interested in any projects which might detract from building a subway. Moreover, its jurisdiction does not extend as far as Baltimore, Gaithersburg, or Quantico. Nor does WMATA have the legal authority to operate anything, even the subway system. It was chartered only to build the system. WMATA's enabling legislation would have to be amended to include operating a commuter rail system beyond its present boundaries. WMATA probably would be eligible to receive a two-thirds capital assistance grant from the Urban Mass Transportation Administration to help fund costs of new commuter cars, and other physical changes necessary to implement service. The Washington Metropolitan Area Council of Governments is also an eligible public body to receive Federal assistance. However, COG is primarily a planning agency, and would have to augment its staff considerably in order to acquire capability to operate a transit system.

Another approach to an operating agency with regional jurisdiction is for Congress to create one. Activation of a National Capital Commuter Rail Authority would go a long way toward solving the major barrier toward implementing the Englund plan. This new agency would probably be eligible to receive Federal capital assistance, would administer and operate or contract with the railroads to operate the service, and would receive subsidy payments from Virginia, Maryland and D.C. offset deficits. However, before legislation could be brought to the floor of Congress an interstate compact between Maryland, Virginia, and the District of Columbia would have to be worked out, a rather unlikely or at least time-consuming prospect. I should also add that creation of this agency is merely a first step. Other major obstacles remain to be overcome, specifically negotiations regarding Union Station terminal charges, railroad work rules, etc.

Probably the most feasible method of taking the first step is for the states involved to takeover, contract for, or subsidize the existing service. Maryland is the logical state to make the first move in view of the fact that 90% of the existing service is between Maryland points and the District. Perhaps after Maryland has assumed responsibility for service North of the District, agreement can be reached with the State of Virginia in order to implement through service South of D.C. into the Northern Virginia suburbs. The first step is of course the hardest to take. Unquestionably it is only a matter of time if nothing is done before the Railroads apply to the ICC to discontinue the existing service.

I will conclude with a brief discussion on the specific topic of today's meeting: the impact of commuter rail service on downtown Washington. What are the origin zones of suburban commuters? The majority of eixsting and potential rail commuters from outside the District borders live within 7 to 15 miles radius of their place of employment. Prior studies made in Boston, Philadelphia and Chicago determined that for distances of approximately 15 miles from the CBD, the commuter rail market is confined to relatively narrow corridors. Within these corridors, the envelope of attraction is limited to approximately two miles distance from the rail line. However, it was also found that rail prone commuters will drive relatively long distances to reach a rail line than will deliver them close to place of work. Rail use for commutation tapered off almost completely for trips destined to points more than ten minutes away from the terminal point, either by walking or by transit.

There are four deterents to maximizing current rail commutation: (1) the poor location of Union Station relative to major employment centers, (a) lack of adequate feeder bus service to and from Union Station, (3) lack of additional railroad commuter cars, and (4) the long amount of time it takes for existing buses serving Union Station to reach downtown Washington. However, assuming a revitalized and restructured commuter system is established the latter problems can be resolved in order to correct the deficient Union Station location. The Washington Metro's first revenue service line will serve Union Station downtown Washington and the growing Connecticut Avenue area via Judiciary Square, Gallery Place (7th and G Streets), 12th and G Streets, Farragut Square and DuPont Circle.

Therefore, a perfect distributor system to Washington's CBD and adjacent employment centers will exist in 1974 if all goes according to schedule. One of the most significant work population centers located in a relatively small area, Southwest Mall, is not now directly served by bus service in the peak rush hours. Southwest workers arriving at Union Station must use taxis or two buses.

This situation is all the more ludicrous because the D.C. Transit M–1 Union Station/State Department bus which links Southwest with the Station currently operates in non-rush hours only! It is also one of D.C. Transit's best kept secrets since it has not been publicized for a considerable period of time. Should commuter rail service be extended through the First Street tunnel into Southwest, shuttle bus service could operate from the Southwest Station to various buildings in that area. Assuming the Englund commuter plan is implemented, or even a modified version of it, there is no reason why a large and growing ridership won't be attracted to modern, efficient, virtually pollution-free mass transportation. Ease of access to downtown D.C. at reasonable cost will immeasurably benefit that area.

In summary, commuter rail service is complementary to Metro, not competitive to it; many rail commuters will undoubtedly use Metro for short distances as a distributor to place of work. Commuter rail service is consistent with the metropolitan goal of reducing the increasingly burdensome fraction factor in the journey-to-work. It makes sense because the capital investment needed to serve 15,000 to 20,000 person trips daily is infinitesmal in relation to the cost of more highways. Commuter rail service will make downtown Washington an even more pleasant place in which to work and shop. Implementation of commuter rail service may stimulate the development and redevelopment of the area surrounding Union Station. It could possibly assist in reshaping current suburban land-use patterns on a more rational basis. In short, the subject has been studied enough; it is time for action.

MISS ANN S. RAMSEY CHOSEN AS ONE OF WHITE HOUSE FELLOWS

Mrs. SMITH. Mr. President, as one of the original members of the Commission on White House Fellows, I am very grateful that Miss Ann S. Ramsay, daughter of Mr. and Mrs. Donald A. Ramsay, Portland, Maine, has been chosen as one of the 17 1972–73 White House Fellows.

She was chosen from a field of 1,509 candidates.

I am proud of her for more than one reason. As I am the only woman in the Senate, she is the only woman in the 1972–73 group. As I am a nondegree holder—earned degree—she is the first nondegree holder to receive the fellowship.

However, Miss Ramsay was graduated from Deering High School in Portland, Maine in 1961 and attended Skidmore College, the University of Vermont, and Hunter College for a total period of 5 years. Her field of specialty is mental health in which she is an outstanding leader.

I salute Ann Ramsay of whom Maine is very proud in this great achievement of hers.

THE VALUE OF A HIGH SCHOOL EDUCATION

Mr. MONDALE. Mr. President, this month, as commencement ceremonies are conducted throughout the Nation, it is especially appropriate to reflect on the value of an American high school education to those who receive it.

We should reflect as well on the very great cost of failure to graduate—both to those who fail and to society as a whole. And more than a million students will fail to graduate with their class this spring.

I invite the attention of Senators to a recent editorial entitled "High School Days Golden for Many," published in the Duluth, Minn., Herald of May 16. The editorial's thoughtful comments concerning the report "The Costs to the Nation of Inadequate Education," recently issued by the Select Committee on Equal Educational Opportunity, on which I serve as chairman, should be of interest to all those concerned with public education in this country. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

High School Days Golden for Many

Sen. Mondale, D-Minn., chairman of a Select Committee on Equal Educational Opportunity, performs a timely service. He calls attention to a report, released by his committee, on the money lost to Americans and their government through noncompletion of high school.

Prof. Henry Levin of Stanford University has made calculations on the basis of 3.18 million American men who did not graduate from high school. They are in the 25-34 age group. This lack of education will cost them $237 billion in lost income. That means a $75 billion tax loss for our various layers of government.

Like other shocking sums, these statistics seem like conservative estimates. Accompanying estimates of added welfare costs and costs for crimes committed by the undereducated seem more "iffy." A conjecture at the cost of providing high school opportunity is also hard to follow. We all know some who would have cost the community almost nothing if they had used existing facilities and space which was there.

But the main point is beyond dispute: Time in high school will bring good returns for almost everyone, even though these must be shared with the alert and hungry governments which surround us.

It might be worth while to commission Prof. Levin to add a hypothetical supplement. What have we lost, in earnings and tax-paying power alone, by the decline of many high school standards in this century? In some departments those early high schools compared with many college departments of today. A dilution of requirements and a more genial atmosphere probably kept a higher proportion of students in school, but it surely alienated some and turned others away from habits of serious study.

Educational inflation can affect courses and grades and erode a diploma's value. The parallel with money inflation does not end there. If people were better taught, and remembered their lessons, there would be more resistance to both kinds of inflation. Also, there was a kind of sturdiness in surviving the grim examinations of an old-time high school that few Americans now alive ever had the chance to acquire.

BILL BOWERMAN: 1972 OLYMPIC TRACK AND FIELD COACH

Mr. HATFIELD. Mr. President, I have commented before in the Senate about the choice by the U.S. Olympic Committee of a good friend of mine, Mr. Bill Bowerman, to serve as the coach of the U.S. track and field team next fall in Munich. I doubt whether one could find an Oregonian with anything but lavish praise for the choice of a coach. Bill Bowerman's fans throughout our State are legion, and his successes over the years in developing fine young men, who happen to be track athletes, stands by itself. I have known many of the world-class athletes who have attended the University of Oregon and have fallen under the "Bowerman spell," and they are outstanding young men in all facets of their lives, as well as being superior athletes.

Recently, the Portland Oregonian, on June 4, 1972, published a long story on Bill Bowerman, written by Leo Davis, who I believe covers track and field for the Oregonian.

The article touches on facets of Bill's personality that I am well aware of. If there ever was a redtape hater, it is Bill Bowerman. If there ever was a coach to ignore a potential athlete's past press clippings and look instead at his character, it is Bill Bowerman.

I ask unanimous consent that the article, written by Leo Davis, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

He's Not Just Plain Bill

(By Leo Davis)

Examined in context, William J. Bowerman was the only logical choice to shepherd our Olympians in Munich.

Long before the brass hats came to terms with conscience and voted accordingly, the University of Oregon coach had won his colleagues' respect and admiration for 30 years of service that produced NCAA champions, Olympic medalists and world record holders.

Election was inevitable. So was his reaction.

"To be named head of an Olympic track and field team is the greatest honor a coach can receive," pronounced Bowerman. And permitted himself to be dragged, figuratively, to his date with destiny.

Since Bill subscribes without reservation to the sentiment expressed in that acceptance, it is natural to assume his appointment was a calculated reward for a job well done. A consumation of the marriage between talent and goal-pace philosophy.

Not so, he protested. "It was never my intention to become an Olympic coach. I've already accomplished a good deal more than I ever thought I would. I like to work with athletes but I hate red tape and I didn't give a damn about the position."

Bill was persuaded to campaign for the job by a "couple of guys who said I owed it to the people of Oregon."

Record supports his nomination but not his reluctance. To come to grips with that un-Bowermanlike failing, look beyond the record.

The Oregon coach needs Munich like Munich needs another brewery, he has left little undone. But in the doing he created a complex character difficult to portray, harder to predict.

He has been damned as a tyrant and applauded as a genius. He might be neither, he could be both.

Bowerman has coached more sub-four milers than any man in history. Detractors insist his proteges run from not for him.

He pioneered better shoes, lighter uniforms, faster tracks and been accused of gimmickry.

He has written books, lectured abroad, fought bitterly at home against power monopolies. And been censured for ego trips.

Which Bowerman is Munich bent? The one who planted a charge of low grade dynamite at his mailbox to discourage a bullying truck driver? Major Bowerman of the 10th Mountain Ski Troops who cut through Army red tape with a bullet? Or Bill Bowerman who shops through the valley for a used house trailer so his asthmatic miler can stay a step ahead of the pollen count?

When a capricious truck driver persisted in knocking down his mailbox, Bill planted explosives to protest the invasion of privacy. And when his mules got away in Italy and the platoon brought back one too many, Bill balanced the Army's books as befits a man who hates anything in triplicate except four-minute milers.

Name droppers get short shrift from William J., but he has unlimited time and energy for worthwhile causes. It has Bowerman, in 1968 at South Lake Tahoe, who gave the fight against sickle cell anemia some early impetus. It is Bowerman who takes time from his 26-hour days to help wage war against asthma.

At the pinnacle now, after 30 years, he says, "don't ever call me coach." Yet that's all he ever really wanted to be.

After graduation (Oregon, class of 1935), Bill moved to Portland and accepted a teaching job at Franklin High. It was, he said, said, intended as a stopgap. Medicine was his goal and he meant to finance the study by teaching a couple of years. "I was too dumb and too proud to accept help from my Dad."

He wasn't too proud to serve without pay as assistant track coach, though, nor too dumb to recognize opportunity when Medford made him an offer. He accepted and the world lost a fine doctor.

In nine seasons at Medford Bowerman's football teams had a 64–8–3 record and won three state championships. "I think I was a good football coach. In fact Oregon asked me to apply when it hired Jim Aiken but I never had any intention of making that my profession."

Track and field caught his fancy. Under him, Medford won three state titles and Colonel Bill Hayward, then at Oregon, loaned a persuasive voice to influence the final decision.

The Bowerman philosophy is now 30 years in the making and still undergoing constant change. Track and field men spend most of their competitive lives alone. They are thinkers as well as doers; they know themselves. And Bill Bowerman has borrowed freely of that knowledge.

Pete Mundle taught him an early lesson. "Pete wasn't much of a runner," Bill said. "In fact I told him that since he was a pretty good golfer he should concentrate there.

"But Pete was determined to run the mile for Oregon. He took a bunch of material I'd collected on running, condensed it into a paper and in the process made himself a miler. He set the Oregon record (since broken) and learned a lesson."

Bowerman, on a state department tour in 1956, borrowed from an indigent but industrious Pakastani and brought back a technique which he implemented to improve his hurdlers.

Tired of waiting for somebody to produce a better track shoe, he attacked the problem himself. "What I wanted was better fit, lightness and durability' At that time the American shoe weighed eight to ten ounces—figure out how much poundage that is in a mile race.

"So I went to a shoemaker and asked how do I make a shoe? He said 'you can't.' But if I could how would I start? He told me to get a last and I did."

Buck Knight wore the first Bowerman shoes. "Otis Davis borrowed them one day and liked them so much he wouldn't give them back. Otis wore my shoes when he won the gold medal and set a world record for 400 meters in the 1960 Olympics in Rome."

Bill Dellinger, now Bowerman's assistant at Oregon, was wearing them in Tokyo when he won a bronze in the 5,000 meters and Bill's proteges, Jim Grelle and Dave Edstrom, were similarly shod in their Olympic bids.

Ducks still wear them. Current models weigh maybe four ounces, still short of Bill's ideal, but serviceable. He's working on a spikeless shoe at the moment and it shows promise. "They're fine for long races but have a tendency to slip in the sprints."

Also in the works is a football shoe for use on artificial surfaces. Bowerman is reluctant to talk, says only he ran into a snag when "I ruined my wife's waffle iron and had to move the laboratory to the garage."

It was Bowerman who recycled old tires to experiment with rubber runways and it was Bowerman who tried his hand at tailoring because track and field uniforms didn't suit him.

Past Olympians, in his words, have "looked good but the uniform isn't worth a damn for competition." This year the United States Olympic Committee may follow a trail Bill blazed years ago and put the team in something serviceable as well as spectacular.

For lay purposes Bowerman outlines his coaching theories in terms of goal pace. "If I want a man to reach the moon he must shoot for it." With goal in mind he charts a pace, based on potential. "I don't tell him to run this fast or win that race, I just ask him to deliver on his promise."

Once the trials in Eugene are concluded and the United States team chosen, everybody will share a common goal pace and for all practical purposes William J. Bowerman will cease to coach. The team he takes to Munich will have proven itself in the toughest kind of competition imaginable and his role will be more a counselor.

He harbors no illusions about his part. "When a man is this far along in his development there is no reason to force coaching on him. We aren't about to change something someone has found successful."

Nor does Bowerman entertain any illusions about his responsibility. "Our job is to expedite. Our position will be to look after the athletes."

At that point he begins to have reservations about the "greatest honor a coach can receive." At South Lake Tahoe in 1968 where he supervised high altitude testing and training, Bill ran the full gamut of red tape. He wound up a keeper of the peace, a trouble shooter, a buffer. He has as much patience with that role as he had with the truck driver and the extra mule.

Some observers foresee an American disaster in Munich, citing the results of the 1971 European championships as evidence the world has caught and maybe overtaken the United States. Bowerman would be last to deny the challenge. He says "it will be a dog fight." Says the United States will send its best team ever and faces its toughest fight ever.

He does not, however, anticipate disaster. "I've coached for 30 years and regardless of the team, if the spirit is there and the communication good there's almost no way this team can fail."

Communication will be good, depend on it. Bill weathered boycott threats and minor mutinies at Tahoe. He has a way of making himself understood.

Gone is Bowerman's reluctance. He complains about red tape, resents the intrusion of countless details, is pressed for time to do his jogging. But the XXth Olympiad is a worthy challenge and his commitment is without reservation.

Depending on their knowledge, people will interpret his appointment as a triumph of talent, or honesty is the best policy, or of where there's a will there's a way. Or occasionally as dumb luck.

But it's best said by paraphrasing an English statesman.

"A man has no permanent friends and no permanent enemies, just permanent interests."

Reluctance was no match for Bill's permanent interests.

SALT TREATY SHOULD BE OPPOSED UNLESS IT REDUCES MILITARY SPENDING

Mr. PROXMIRE. Mr. President, the Strategic Arms Limitation Treaty entered into between the United States and the Soviet Union is obviously of great significance. I welcome this agreement as a harbinger of better relations between the Russians and ourselves. More importantly, the treaty can have far-reaching effects and, if it is ratified by the Senate and implemented on both sides, could be a real step toward world peace.

But there are many questions to be answered about this agreement and the recent statements by the Secretary of Defense with regard to the Pentagon's plans for new weapons systems and qualitative improvements on existing weapons have caused me great concern.

I am not prepared to support the Moscow treaty until I know how much it will cost the taxpayer.

I will withhold my support of the arms limitation agreement until the administration discloses the full impact it will have on future defense spending.

For SALT to be worth its salt, it should produce the results that proponents have always claimed for mutual arms limitation agreements.

The Nixon administration ought to be able to demonstrate that the Moscow agreement will slow down the arms race and reduce the heavy burden of defense spending.

Statements by Defense Secretary Laird and other Pentagon spokesmen have so far shown that there will be little, if any, immediate savings from SALT and that defense spending might go up while the agreement is in effect.

The Pentagon's estimates of the impact of SALT on defense needs are illogical and unreasonable.

The Moscow treaty should not be seen as an excuse to abandon rational defense planning or as a club to force congressional approval for new and accelerated weapons programs.

Since the treaty was signed, we have been told that the two ABM sites agreed upon in the summit talks will cost more than the 12-site program originally planned, that large sums will be requested to develop a successor to the current ABM program, that the acceleration of the Trident submarine and the B–1 bomber will go forward, that part of the money saved by cutting back on the ABM will be used to work on a new submarine-based missile, and that the costs of the Vietnam war may rise by $5 billion because of the increased activities there.

The funds for the new requests, on top of an already swollen defense budget, can only be obtained by cutting back on vital domestic programs, increasing taxes, or running up a larger deficit.

The administration may be guilty of a major miscalculation if it believes Congress and the public will buy SALT "at any price."

The President cannot have it both ways. He cannot present himself as a "peace" man from the White House while his Defense Secretary pushes war spending on Capitol Hill.

Defense spending ought to be reduced as a result of the Moscow treaty and the savings passed on to the taxpayer.

One of the best analyses I have seen so far of the effects that SALT can have on future defense spending is contained in an article by Alton H. Quanbeck and Barry M. Blechman that appeared in the Washington Post June 4, 1972.

In addition to showing the projected strategic balance in mid-1977, at the expiration of the new 5-year agreement on offensive weapons, the authors have constructed a most useful table showing the potential savings that could result if the spirit of the Moscow treaty is lived up to. The article suggests a net potential annual savings of $4.3 billion as a result of SALT. These savings could occur if we do not deploy an ABM system for Washington, D.C., if the development of Trident is slowed down, and if we limit our air defense system to a surveillance role.

Mr. President, I ask unanimous consent that the article entitled "The Arms Accords: Everyone Gains" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ARMS ACCORDS: EVERYONE GAINS

(By Alton H. Quanbeck and Barry M. Blechman)

The strategic arms limitation agreements signed in Moscow a week ago are landmark accords, symbolizing a marked reduction of U.S.-Soviet rivalry in strategic armaments and formalizing the mutual acceptance of overall nuclear parity. While the specific limits on weapons systems incorporated in the agreements are important in their own right and will result in greater security and substantial economies for both nations, the significance of the agreements, as stated by Henry Kissinger, "transcends the importance of individual restrictions." Most importantly, by explicitly agreeing to forego nationwide population defenses, the signatories have removed the greatest threat to each other's deterrent. In themselves, therefore, these accords are major steps toward stabilizing the strategic relationship.

Two agreements have been concluded: One, a formal treaty of unlimited duration, limits the development of anti-ballistic missile systems (ABM); the second, a five-year executive agreement, limits offensive missiles.

It is unfortunate that in the domestic debate over the advisability of these agreements, the overall sufficiency of U.S. strategic forces and our technological superiority will be largely ignored. The fact is that we have sufficient forces to deter potential enemies, singly or in combination. The large number of U.S. nuclear weapons carried by diverse delivery systems assures that even in retaliation to a preemptive first strike, enough weapons would survive to destroy the attacker's population and industrial base. Our technology lead insures that this will be the case for the indefinite future.

Critics of the agreement will argue, based on simple comparisons of numbers of launchers, that the United States is frozen into a position of inferiority. In fact, however, the United States is better off, by any measure, with the agreements than without them.

The table appearing on page B4 projects the strategic balance for mid-1977, both with and without an agreement. If the momentum of the Soviet missile building program had not been stopped, the U.S.S.R. by that time would have almost twice as many missiles as would the United States. To counter this buildup, the United States could have chosen to launch a new building program of its own, at great expense and with no assurance of greater security. The Moscow accords offer a much more favorable outcome.

Although the Soviets will still have 2,300 launchers compared to 1,700 for the United States, the ongoing U.S. MIRV program will ensure a substantial margin of missile-deliverable warheads in favor of the United States. Number of warheads together with equivalent megatons (EMT, an index of nuclear weapon destructive potential) provide much better measures of deterrent capability than number of missiles alone. The restraints provided by the agreements on projected Soviet capabilities are particularly apparent in the projected EMT index.

There is no possibility that the Soviets can reverse the U.S. advantage in number of warheads over the course of this decade. Although the Moscow agreements do not prevent the Soviets from replacing their present warheads with MIRVs, both their submarine-launched missiles and SS–11 land-based missiles are too small for effective conversions. Any Soviet MIRV program is likely to be restricted to the approximately 300 large SS–9 missiles, the unidentified missile for some new silos under construction, or a follow-on to current sea-based systems. In any case, U.S. defense officials indicate the U.S.S.R. is unlikely to achieve the requisite technology before 1980, long after the duration of the present agreements.

Furthermore, the United States has a larger more modern and more survivable bomber force than do the Soviets. These forces are not limited by the Moscow agreements. Soviet strategic bombers, which entered service in 1956, are comparable to aircraft that were phased out by the United States many years ago. In addition, the late model U.S. B–52 strategic bombers are now being equipped with up to 20 short-range attack missiles (SRAM). The Soviets have not demonstrated any comparable capability.

MOSCOW'S TRADEOFF

In a more general context, the agreements provide substantial benefits for both countries.

From the Soviet perspective, the accords establish the U.S.S.R. as a great power second to none, and the strategic equal of the United States. The agreements and other documents issued during the summit represent formal recognition of this status by the United States, and our acceptance of nuclear parity. Such recognition has long been an important objective in Soviet foreign policy.

Second, the agreement terminates the U.S. deployment of the Safeguard ABM, a system which the Soviets may see as potentially negating the advantages of their offensive missile buildup. Third, the agreements give the Soviets numerical superiority in both land and sea-based offensive missile launchers, an advantage which they may believe will yield political dividends.

To obtain these advantages the U.S.S.R. has made considerable concessions. The Soviets had to accept the United States technological lead; our advantage in warheads, for example, will continue to grow. It has not been able to restrict our great advantage in strategic bombers, nor limit our deployment of forward-based systems (land- and sea-based tactical aircraft capable of carrying nuclear weapons to the Soviet Union due to their deployment in Europe and elsewhere). The latter, especially, provided considerable delay in the negotiations, reflecting its importance to the U.S.S.R.

The advantages of the agreements from the United States' perspective stem from two sources. First, they will result in considerable dollar savings. Much more importantly, however, the agreements effectively constrain the momentum of the strategic arms buildup which has been underway in the Soviet Union since 1965. Since that year, the U.S.S.R. has deployed more than 1,200 ICBMs and 25 modern strategic submarines (Yankee class). An additional 17–18 Yankee subs are under construction.

The buildup had reached such alarming proportions that some were beginning to fear the Soviets' quantitative superiority would overwhelm the United States' technological advantages and gain for Moscow substantial political, if not military, advantages. Even though the agreements permit the Soviets to deploy up to 62 missile-firing submarines, they terminate this buildup below potential uncontrolled levels, and are a more effective counter than similar deployments by this nation. This is particularly true since new U.S. strategic systems such as Trident and B–1 would not be deployed before the late 1970s, even under the accelerated schedules announced by the administration this past winter.

More importantly, both nations benefit by the change in attitudes reflected in the agreement. The superpowers have clearly indicated their determination to reduce the risk of nuclear war and, as stated in the joint communique issued at the end of the President's visit, "to contribute to the relaxation of international tension and the strengthening of confidence between states."

NEW OPTIONS FOR U.S.

The Moscow accords directly curtail the Safeguard system to two sites, one at a Minuteman site (now under construction at Grand Forks AFB, N.D.), the other around Washington. Beyond that, the achievement of these agreements should cause reconsideration of some of the major strategic programs presently planned.

On the one hand, we will want to continue certain programs in order to hedge against the unexpected and to modernize or replace existing systems. The Minuteman II and Poseidon MIRV programs are likely to fall into this group. Additionally, there probably will be increased spending on basic research for strategic systems as well as for increased strategic reconnaissance.

On the other hand, because of new explicit constraints on Soviet deployments and because of our improved understanding of Soviet intentions, it may be desirable to modify or redirect other major programs. Some possibilities are:

Since it is no longer necessary to accelerate the development of Trident (a new submarine system incorporating a long-range missile) as a bargaining chip, or to match the Soviets in seabased missiles, should the program revert to its earlier slower schedule? Furthermore, should we reconsider the characteristics of the new submarines?

Is it necessary or desirable to plan to defend Washington with ABMs, even though it is permitted under the agreement? The survivability of our national leadership now depends on airborne command posts together with an extensive and redundant communications net.

Since both sides now have agreed to forego nationwide defenses of their population against missiles, there is little point in trying to protect cities against Soviet bombers. Should we reduce our objectives for air defenses to a surveillance role against unauthorized penetration of U.S. air space and defense against light attack?

While answers to these questions are only partly dependent upon the agreements, a new element has been introduced into the strategic calculation which requires careful evaluation. Potential savings realizable from these measures are estimated in the table below, expressed in terms of average annual savings from fiscal 1973 to fiscal 1979, in billions of fiscal 1973 dollars:

	Savings
Direct result:	
Limit ABM deployment to two sites	$1.4
Other possible actions:	
Do not deploy ABM defense for D.C	.2
Slow down Trident development	1.0
Limit air defense to surveillance role	2.2
Gross potential annual savings	4.8
Incremental Spending for Additional Surveillance and Research	.5
Net potential annual savings	4.3

AGENDA FOR SALT II

Negotiations on further arms limitations are likely to be prolonged and difficult. The prominent issues remaining are complicated and involve forces and concepts that are hard to define and isolate.

Topics likely to be discussed at future SALT meetings include possible limits on forward-based systems, bombers, land-mobile ICBMs, air defenses, anti-submarine warfare forces, and intermediate range missiles. Additionally, one would expect that the two sides will eventually discuss mutual force reductions in strategic systems already limited.

One of the problems most likely to be resolved in the follow-on negotiations concerns the mutual vulnerability of both sides' land-based missiles. Conceivably, improvements in missile accuracy and warhead proliferation could still lead to the attainment of a counterforce capability against the land-based component in either the U.S. or Soviet strategic force. Such a development could be destabilizing.

Two forms of limitations would ameliorate these problems: reductions in the number of deployed warheads, and mutual agreement to shift land-based missiles to sea, or simply to phase them out altogether. In this sense, the provision in the present agreement permitting the shift of older land-based missiles to sea is an important precedent.

While these subjects are made difficult by problems of definition, verification and the interrelationship of strategic and general purpose forces the atmosphere of cooperation engendered by the Moscow agreements and the summit in general should help ease these difficulties. In any case, independent of any future agreements, the measures agreed upon in Moscow are major steps in assuring the security of this nation.

The following table estimates the projected strategic balance in mid-1977, at the expiration of the new 5-year agreement on offensive weapons, based on administration statements about present U.S. planning and on observed deployment rates for Soviet systems:

	Without Moscow agreement		Under Moscow agreement	
	U.S.S.R.	U.S.	U.S.S.R.	U.S.
Land-based missiles	1,900	1,054	1,330	1,000
Sea-based missiles	1,200	656	950	710
Heavy bombers	140	500	140	500
Deployed strategic warheads	3,400	11,000	2,600	11,000
Equivalent megatonnage	5,500	4,550	4,000	4,450

Note: Weapons characteristics based on the International Institute for Strategic Studies' "The Military Balance, 1971–72."

THE DECLINING SUPPLY OF U.S. MINERAL RESOURCES

Mr. ALLOTT. Mr. President, at the recent meeting of the American Iron & Steel Institute, a presentation was made which vividly illustrates our declining supply of mineral resources. In this speech, Mr. E. F. Andrews, vice president of Allegheny Ludlum Industries emphasizes the need for a comprehensive national mineral resources policy, stressing Government cooperation with mining and basic production industries. His views deserve the consideration of the Senate. For that reason I ask unanimous consent that Mr. Andrews' presentation be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AMERICA—FROM HAVE TO HAVE NOT

(By E. F. Andrews, Chairman, Committee on Critical Materials Supply, Vice President, Purchases, Allegheny Ludlum Industries, Inc.)

When our forefathers established this Republic 200 years ago, the word undoubtedly went throughout the world that the "land of plenty" had been found. For many years, this, in fact, was true. We took a land where one million Indians were virtually starving to death and created a situation where 200 million people have as a major problem the storing of their surpluses. It is the first nation in history with more people dying from obesity than from starvation, the first nation with more school teachers than farmers, the nation with the largest percentage of the world's goods, with an economy three times larger than all the countries of South America added together. And, except for a brief period during World War I, we were a net exporter of minerals. America—the land of plenty.

However, during World War II and the Korean conflict, this country began to get its first taste of material shortages. As we entered the decade of the '60's, this industry could foresee developing material problems and established the Critical Materials Supply Committee of the Institute, with the express purpose of forecasting raw material supply problems and, insofar as possible, avoiding them.

Historically, the manufacture of iron and steel has required the mining, transporting, storing, and consuming of raw materials in volumes triple that of the molten metals derived. Since steel is not a single homogenous substance, the long-term supply of needed raw materials and the problems relating to their availability are matters of considerable importance to this industry.

During the 1960's, in spite of the fact that we were *not* prosecuting a war of the magnitude of World War II, a very large number of the items essential to the making of our products were, at some time or another during the decade, in short supply. Among these were molybdenum, vanadium fluorspar, nickel, chrome, copper, coal, tin, zinc. The causes of these shortages stem from defense needs, labor problems, international actions, changes in technology, and environmental quality control programs (use of metallurgical coal by utilities).

As we enter the '70's, a period of relative ease is being enjoyed. Unfortunately, this period of ease is primarily caused by a general world-wide economic slowdown. However, a very quick review of the immediate situation is in order.

Your Critical Materials Supply Committee members report that, except for three items, there is no immediate problem insofar as availability is concerned. Three items are worthy of note.

The first is nickel. This item remained a critical material throughout a very large part of the last decade. Due primarily to an economic slowdown in our industry, producer and consumer inventories are as large as they have ever been in history and a substantial share of established productive capacity is shut down. However, a large share of the world's productive capacity will have labor contracts expiring at midyear. Thus, while no problem is anticipated, protective inventory policy is advised.

The second item worth note is zinc. In the past three years, the domestic zinc industry has closed productive capacities for slab zinc amounting to 400,000 tons/year. When and if the Great Falls, Montana, facility closes in July of this year, domestic capacities will be reduced to 730,000 N.T./year. Production cost increases, cost of pollution control equipment, and labor problems are blamed. The domestic demand for slab zinc is estimated to be about 1,300,000 N.T. Thus, a shortage of about 570,000 N.T./year is possible.

During the period from late February through March, a nearby shortage developed because of the confusion created among the domestic producers by the Canadian producers raising the price of prime western zinc by 1 cent per pound to 18 cents per pound. The domestic producers were under Phase II of the President's Economic Program. One producer filed its request with the Commission late in January and received permission to raise prices by 1 cent per pound March 15, 1972. In the meantime, domestic producers were requesting that the Price Commission declare zinc as an international commodity which action would have exempted zinc from Price Commission control. The Cost of Living Council ruled against this request which then meant the other major producer had to file for Price Commission approval.

Until approvals to raise prices were received, zinc was held off of the market by several domestic producers because they could not legally sell their product at the Metals Week average, which is standard practice. This action developed a nearby shortage of zinc. Hopefully, this manufactured shortage will be small when taken into consideration with total 1972 activities.

Although the domestic shortage on a yearly basis will be 570,000 N.T., it is expected that it will be made up in part by metal from

Japan, Canada, and the balance of the Free World, wherein production collectively is estimated to exceed consumption by 462,000 N.T./year. In addition, Congress has just recently freed an additional 515,000 N.T. of zinc from the stockpile. Although much of this metal will have to be upgraded, the stockpile metal, together with the available foreign metal should be sufficient to meet our needs through 1974 based on the following assumptions:

1. 4% yearly increase in demand.
2. No further deterioration in domestic capacity from July, 1972.
3. The estimated Free World excess metal can continue to come into the United States.

Obviously, the above forecast sounds reasonably good; but it is based on the best of everything happening, including the building of new foreign smelters which, reports indicate, are being currently planned. At this moment, zinc is a semi-critical metal and could easily move into the critical stage. Therefore, it will bear constant watching by all concerned.

Also, we would be remiss if we did not take a moment to mention the general critical problem of energy.

There has been no shortage of speeches, testimony, opinions, statements and debate about the energy crisis. But there remains a very real shortage of energy supplies and a lack of concerted effort to provide direction for avoiding crisis. There is doubt the American public is really aware of the problem, and we still have not formulated a national energy policy which is aimed toward workable solutions. There are many government departments and agencies involved with energy policy, often working at cross purposes in the interests of consumers, industry groups or conservationists.

The problem of inadequate energy supplies will be with us for many years. Nuclear power probably cannot make a significant contribution until the 1980's when breeder reactors are expected to come into use. It appears that, during the next ten years, the traditional fossil fuels—oil, natural gas, and coal will carry the burden of providing our energy needs.

A serious shortage of natural gas already exists with widespread curtailments in service to industrial consumers in the immediate future. The utilization of coal is being limited by ecological considerations. Commercial coal gasification operation is probably ten years away; is expensive; and can make only a modest contribution to demand. Large additional supplies of oil will be required to fill the expanding needs.

To obtain these increased supplies of fuels, it will be necessary to go offshore. It is anticipated that one-half of our oil requirements will be imported by the mid-1980's and will be supplemented by high-cost, imported liquid natural gas. This solution raises obvious problems, such as dependence on possibly unreliable foreign sources, shortages in ocean transportation, and balance of payments.

Continuing pressures to protect the environment have delayed many proposed programs. For example, Alaskan gas and oil cannot be expected to reach the lower 48 states before 1975, and this may be optimistic. The nation is faced with possible brown outs this summer, in part due to conservationist groups and government regulations delaying nuclear plants from coming on stream as well as holding up construction permits on proposed new plants.

It is to be regretted that environmental overreacting has resulted in the establishment by various government agencies of regulations that, in many instances, cannot be met based on present technical knowledge. This is resulting in the massive shifting of utility fuel from coal, of which we have abundant reserves, to foreign oil and gas at higher cost.

It is urgent in the energy crisis that we start making decisions. It is imperative that our government establish a national energy policy that will incorporate, but not be limited to, the following:

(a) Provide additional financing for research and development of a liquid metal fast breeder reactor.

(b) Provide expanded programs to convert coal into a clean gaseous fuel and provide financial support for projects to develop an economical means, if possible, of recovering sulphur oxide from stack gases.

(c) Accelerate oil and gas lease sales on the outer continental shelf.

(d) Set up a leasing program and financial support for the recovery of oil from our vast oil shale resources.

(e) Develop long-range planning of electric power plant sites and establish acceptable locations for transmission of gas and oil line routes.

As you can see, with the exception of energy, our immediate situation is relatively good; and it is during times of relative ease that it is wise to address ourselves to the long-term problems. Here, the picture is not nearly as rosy.

For the recent White House Conference on the Future of Business, the Industrial Conference Board was asked to provide an economic forecast for the next eighteen years. If we can assume that this forecast is reasonably accurate, insofar as the growth in the economy is concerned, it presents to this industry some major supply problems. The uncertainties are influenced by such things as new resource discoveries; new technology; changes in the costs and prices of things people buy; shifts in needs, in tastes, in life styles. In spite of this, the requirements of a growing economy for raw materials can be portrayed in their overall dimension with tolerable limits of accuracy.

Metals present the greatest problems of future adequacy, for domestic ore reserves of the major metals are much smaller in relation to growth and anticipated domestic demand than is the case for fuels. The Department of Commerce notes that the demand for imported mineral raw materials will continue at an increasing rate. These rising imports and their impact on the balance of trade and the balance of payments is evident.

But our growing dependency upon imported raw materials is of immediate and primary concern to this industry. The United States is 100% dependent upon foreign sources for its chromite, columbium, mica, rutile, and tin—all essential, strategic materials. We are dependent upon foreign nations for 99% of our manganese; 98% of our platinum; 94% of our antimony; 93% of our cobalt; 91% of our bauxite; 87% of our nickel; 83% of our asbestos; 78% of our fluorspar; 58% of our zinc; 53% of our cadmium; 51% of our beryllium; 38% of our lead; 38% of our mercury; and 35% of our iron ore.

All of the above are essential items. According to the Department of Commerce, the United States may be dependent on foreign sources for up to 50% of its total mineral requirements. In 1970, we imported $9 billion in minerals and exported $5 billion. If the trend of the past 20 years continues, we will require mineral imports of $60 billion by the year 2000. The trend toward our future dependence upon foreign sources is certainly cause for immediate concern.

Thus, the primary objective of this paper is to emphasize that the United States is no longer a surplus nation with regard to critical material supplies. This calls for a reordering of our priorities in this industry and in our government. In general, we believe that the material policies of the government in the past have been too heavily influenced by political and social considerations and should be altered in order to give equal recognition to economic factors.

The cold facts are that the resource base of the United States has been, and is, declining. There are only a few ways to improve it. New resources could possibly be discovered; or new processes and techniques could be developed, permitting reduction in the need for primary materials. Presently under heavy study is an increase in the recycling of materials. Finally, there could be development of substitute materials. As you can see, all of these offer rather limited "sure fire" total answers to our problem. Let us examine five basic areas of concern.

INTERNATIONAL

It is recommended that an in-depth review of our national posture should be made to make certain that, as mentioned before, the economic considerations are weighted at least equally with political and social considerations when dealing with the developing nations, which contain great stores of raw materials. Certainly, the recent events involving chrome from Rhodesia, nickel from Cuba, tungsten from China, tin from Bolivia, cobalt from the Congo, and iron ore and copper from Chile are causes for re-examination.

International law lacks effective application in many such instances. The Court of International Justice does not take jurisdiction over disputes between governments and business corporations. Must the operation of American multinational enterprises continue to be restricted by the conflicts of national laws and the absence of international laws, or can we introduce parallel legislation into the national laws of groups of countries supporting the creation of a common code?

In other words, can the growing needs for multinationalism, so necessary for the private enterprise system and its material supply problems, be reconciled with the forces of nationalism in newly developing nations? The seriousness of our problem of future supply is compounded by the fact that demand for minerals is rising at a faster rate in many of these countries than in the United States. As a result, nations of the world are beginning to compete seriously for a rising share of a lessening world supply; and less developed countries are more aggressively promoting their own industrialization and are, therefore, increasingly more sensitive to "exploitation." It is true that many of these countries lack the technology to discover, extract, and market their resources; but they also mistrust and fear the business corporations that have such capital and management skills. Business and government must join hands immediately to solve this problem.

A review and study should be made with respect to our national posture on international cartels or agreements, such as the international tin agreement which impinges on world supplies. In this connection, it should be noted that the United States has lent considerable support to the Tin Agreement, even though not a participating member of the Agreement. Through its policy of withholding sales of surplus stockpile tin to domestic consumers, our Government has indirectly, but effectively, made us a virtual participant in the Agreement. Once a decision has been made, based on sound economic reasons, that it is to our best national interest not to join in an agreement, no agency of Government should have the unilateral power to impose that agreement on industry by such indirect methods, particularly on an item for which we are totally dependent on offshore sources.

Further on the international front, we feel that a complete review should be made to examine the degree of our growing dependency for our raw materials on "unfriendly" nations. The Russians have been gaining an increasing share of our market in chrome and nickel. Now that the bamboo curtain has been penetrated, we are reminded that China is the large supplier of tungsten. Even though these materials may enter our markets in increasing quantities, one cannot help but be apprehensive about the increasing dependency upon these sources and its effect should some future international crises develop. And yet, Government actions in the last few years seem to be almost designed to push us in the direction of unfriendly sources.

GOVERNMENT AND BUSINESS RELATIONS

It seems to us that a foremost question that arises within most nations has to be the matter of relationship between government and business. The affiliation appears in various forms, ranging from nationally owned corporations in many European countries to the intertwined system in Japan, sometimes referred to as Japan, Inc. Whether it is necessary to move toward more formal arrangements, or whether merely holding hands at arms length is sufficient, needs serious restudy.

Recognition by government of industry's resource problems is essential. The Japanese Ministry of International Trade and Industry has just issued a white paper entitled, "The Outlook on Japan's Resource Problems." This paper states that their problem of obtaining a stable and adequate supply of raw materials of desirable quality, competitive with world conditions, is one of the most important issues facing Japan's economic development in the next decade and, thus becomes of the highest priority to the Japanese government. At a time when conditions cry out for more and more government concern about the health of business, we seem to be getting less and less. We do look forward with great hope to the National Materials Policy Commission's report, but are mindful that a report and action on a report are two different things. (We should note here that subsequent to the filing of this paper, this Commission's interim report has been released. It is a good start at setting forth the shortages that fact us and adds weight and urgency to what is said here.)

The Federal government has supported certain research and development programs in extractive metallurgy, use of secondary materials, etc., but Federal efforts must expand in scope. Consideration must be given to joint or cooperative programs to develop processes for utilizing off-grade or poor-grade minerals. This country *does* have some low-grade, unused chrome, vanadium, tungsten, manganese, and fluorspar. Making these economically feasible is an expensive but perhaps necessary venture. We should not confine such programs to our own country, but we should review the possibility of government and industry supporting each other throughout the world—as our international competitors are doing so successfully.

Should not the American government and industry move together as the Japanese government and industry recently did with regard to Turkish chromium? Here is a case where government and industry, acting in unison, developed a special assistance agreement, including financial and technical assistance to Turkey for establishing a ferrochrome alloy plant. In return, Japan will receive, among other things, one million tons of chrome ore. The United States has been for many years Turkey's principal customer for this product. We have been assured that we will continue to receive some material. Perhaps, in this instance, we have been protected. We may not fare so well the next time, particularly if it becomes necessary to deal with less sophisticated governments.

Closer communication between industry and government is needed on legislative measures which may adversely affect the production of raw materials so urgently needed. Recent legislation on safety laws, ecology requirements, depletion allowance and beautification, some though highly desirable, has haa, and is having, a serious impact and is retarding our efforts to improve our resource base. Too rapid or improper application of these measures will be counterproductive to our long-range interest. It is essential that our national goals on ecology, for example, be properly balanced against our national economic well-being.

We certainly agree with the recent statement by Assistant Secretary of Commerce, Harold Scott, when he said, "The economic cost to the minerals industry of maintaining and expanding production while giving full attention to environmental protection will, of course, affect our efforts to assure adequate supplies of minerals and energy. Some substantial mineral resources will remain unexploited unless we find environmental solutions at reasonable economic cost. In like manner, on the currently operating mineral processing operations, the impact will be huge if companies attempt to meet every stringent standard quickly; but given a proper length of time to install appropriate controls and given emission standards consistent with regional standards, the cost can be cut sharply and the efficiency improved. In the environmental area, in most cases we would do well to act only after we understand the economic impact of costs and alternatives of the proposed actions, appropriate the time needed to carry out such actions, and develop feasible long-range plans. We should determine how necssary actions are best financed and see that similar situations are treated similarly."

Also, it may become necessary to revise the whole body of legislation governing American business so as to enable private enterprise to operate more effectively while assuring pursuit of conomic matters in the public interest. It is particularly obvious that American business is at considerable disadvantage with foreign corporations that do not labor under the same types of restrictive policies and laws.

The laws, regulations, antitrust restrictions, and other governmental practices that choke off our resource base and render American firms uncompetitive cry out for review.

STOCKPILE POLICY

Any paper dealing with critical materials supply would be remiss if it did not speak of our national stockpile policies. Very honest questions as to the rate of disposal and who is eligible to receive stockpile materials immediately come to mind. As long as domestic production run behind domestic consumption in the material under consideration, it is our feeling that the rate of disposal should be no greater than the shortfall between domestic production and domestic consumption and that sales should be limited to domestic firms that are customarily involved in the distribution and consumption of such material. To be in the position of selling to traders for international markets those items that we must reach to foreign lands to replace cannot be in the best interest of this country.

In like manner, pricing policies of stockpile materials deserve comment. Should the stockpile be used to bring economic gain to the government by running a bidding match, substantially increasing the costs to domestic industries, or should pricing policy take into consideration stabilizing prices and curtailing inflation?

The law provides that the stockpile is essentially for the purpose of security and/or defense. Have we not reached the point where, as other industrial nations, we must now admit the fact that the government's stockpile does have a place and can serve economic purposes as well as strategic and defense? Examine the activities in and out of the stockpile over the past decade. Economic and political considerations were, in fact, served, although done so in the guise of defense needs. Has not the time come for us to acknowledge this fact, work with the Government to establish appropriate policies, and fix guidelines so that we can take some of the economic whiplash out of material shortages when necessary, as our competitor nations now do?

IMPORT–EXPORT POLICIES

Since a large share of the critical materials are imported, a word about tariffs is appropriate. Through the Trade Agreements Program, or by specific Congressional action, our tariffs on raw materials have become progressively lower, and a long list of items now enters this country virtually unimpeded. At the same time, certain other raw materials which are produced in this country continue to have tariff protections so as to preserve the industrial capability of this country and for national security reasons.

We are fully aware that, here again, choosing between two desirable alternatives is necessary. We feel that duties should be removed on items for which this country depends upon foreign sources and for which there is little or no hope of increasing domestic supply through expanded capacity technological development, or discovery of new resources. Where the figures show that we are to remain an increasingly negative nation, to impose trade barriers is against our national interest. Of course, if there is evidence that by some protection we can stimulate exploration at home with an honest hope of increased supplies at competitive costs, then this must take priority.

With regard to export policy, a very real question can be asked. Should the United States permit the unlimited export of elements in which it has virtually zero production without conversion to a higher value when it must reach outside its borders to replace such materials? We are the only industrial nation that permits such a thing to happen. Selected materials for which past production in this country has been in excess of past apparent requirements also need examination. For example, is it in the best national interest to expand foreign markets for bituminous coal when most studies indicate that the United States will have to rely heavily on coal to meet our growing energy demand?

However, my purpose today is not to philosophize on export policy, but rather to make a specific recommendation toward implementing what we believe was the intent of Congress in enacting Public Law 91–84, "The Export Administration Act of 1969."

Section 3, Paragraph (2) of the Act says in part:

"It is the policy of the United States to use export controls (A) to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand. . . ."

Whereas, the intent of Congress seems clear, many interpretations have arisen regarding the degree of authority given to the Secretary of Commerce to implement the intent. Past experience of the Steel Industry in seeking limitations on exports of critical steelmaking materials under the 1969 Act indicates that the Department of Commerce believes it can take no action until after abnormally high exports have occurred over a substantial period of time, and it has a full measure of statistical evidence that the exports in question are causing short-supply and inflationary conditions in the domestic economy.

A procedure so inflexible as this has caused serious problems and hardships to the domestic industry being injured, and, in fact, has negated the protection which the law is supposed to provide. The time period between placement of the export order, actual exportation of the material, gathering of export statistics, gathering of domestic statistics, analysis of the degree of injury caused by the export, and deciding to establish or not establish controls may extend over many quarters or even years. The domestic user of the material suffers serious damage, irrespective of whether or not controls are finally put into effect.

Two relatively recent case histories will help to illustrate the inadequacy of the present procedure for establishing controls. The first one involves the exportation of stainless steep scrap, an important source of chrome and nickel in the manufacture of stainless steel. Exports rose from 45,000 net tons in 1966 to 138,000 net tons in 1967 and 130,000 net tons in 1968. The abnormal foreign demand reduced dealer inventories in this country to minimal levels and caused the domestic price of stainless steel scrap to rise from $250 a ton at the end of 1966 to $325 a ton in late 1967, and over $500 a ton by mid-1969. The added cost to the industry has been estimated at $100 million.

The second example relates to exports of ferrous scrap from an annual average of 6.7 million net tons in 1966–1968 period to 9.1 million net tons in 1969 and 10.3 million net tons in 1970. The abnormal foreign demand in this period brought about a short-supply condition in this country which raised the average price of scrap purchased by the Steel Industry from $27.68 in January, 1969, to $37.36 in January, 1970, and to an average of $41.19 a gross ton for the year 1970. The inflation in domestic scrap prices during the two years of high exports added $250 million to steelmaking costs, excluding additional millions of dollars spent in substituting lower grades of scrap for higher grades in short supply.

We believe that preliminary actions can be taken to limit abnormally high exports which will have a disruptive effect on the domestic economy prior to the final availability of hard, statistical evidence. For example, the Japan Ministry of Trade, the European Economic Community, and others generally announce their intentions of increasing their purchases of materials from this country. Trade sources in this country often make similar announcements. The probable impact of the heavier foreign requirements on the domestic demand-supply situation can, therefore, be measured well in advance.

We therefore recommend that the proposed new legislation be expanded to specifically authorize the Secretary of Commerce to take early prospective action to regulate exports of a given material in those instances where there is ample evidence to indicate:

(1) that an abnormal foreign demand for the material already exists or will soon occur, and

(2) that such foreign demand will bring about a level of U.S. exports which will be sufficiently high to cause an excessive drain of scarce materials from the U.S. economy or produce a serious inflationary impact.

In other words, surely there must be a way of locking the door before the horse gets out.

SECONDARY MATERIALS POLICY

While we have been taking the government to task for permitting excessive exporting of critical materials, this industry is not without some responsibility. The Scrap Industry has accused us in past years of refusing to purchase material when it was at very low cost and in plentiful supply due to low operating rates in our industry. It is only natural that, as materials backed up in substantial quantities in processors' yards, they turned to the inviting foreign markets. A restudy and reordering of our industry's investment policies may be needed. In this way, perhaps we can make a contribution to the reduction in the rate of outflow of critical materials and in a lessening in the economic swings, price-wise, on such materials.

While we are dealing with the subject of scrap and waste, we cannot ignore the wide attention given to recycling. The importance of recycling is such that it does warrant strong consideration for providing for financial, tax, and regulatory incentives to increase the use of such materials resources. We will know that new scrap is recycled quite efficiently. The vast reservoir, however, of obsolete material is far less utilized. To the extent that we can expand our capacity to recycle material, our dependence upon foreign sources will, of course, lessen. Many of the corporations represented in this room have made, and are making, substantial contributions in this direction. However, all is not sweetness and light. As we struggle to compete in the world market place, we know that we must offer the consumers of our products higher quality material, meeting tougher specs, at lower costs. This, of course, means higher quality *raw material* going into the heat, faster processing lines, higher yields, and less residual buildup in our revert. One can easily see that this demand is at the opposite end of the pole which encourages us to use lesser quality material available in the obsolete or recycled market.

The Scrap Industry has recognized this gap and has forthrightly informed its members that they must provide a greater technological service to their customers, expend their economic research, improve their price stability, improve the collecting, assembling and transporting of the material they offer. While we agree that the interrelationship will require a concerted and cooperative effort on the part of our industry, the government, and the scrap processing industry in order to solve this problem, the fact remains, consumers will and must make their decisions on economic opreating practices and quality considerations if we are to stay in business.

And finally, a complete study must be made to improve the quality and promptness of raw material data. Improved information on projected requirements, productive capacity, prices, availability, etc., is essentail. Early warning systems are needed so that we can signal shortages and problem areas far in advance of their occurring and take proper corrective steps.

For raw materials, the broad objective for the next decade will be to obtain reasonable supplies efficiently and at low cost. The direction must be toward cheaper, more plentiful, more reliable, more available raw materials. The struggle between American companies and foreign competitors, with strong support of their governments, for a share of the world's dwindling supplies could be the most critical problem facing this country in the next decade.

We must move quickly and wisely or be shut out from vital mineral resources essential to our very economic existence. This issue must be faced at a time when quality environment, for example, will be receiving increasing priority. Obtaining adequate supply of low-cost raw materials will present industry and government with the difficult problem of finding new and viable trade-offs between economic health, jobs for our people, and protecting the environment. Sometimes, the trade-off between social, political, and economic considerations will be agonizing; but if we are to survive as a competitive nation in the world market place, government, labor, and industry had better join hands and realistically face and answer the critical materials supply problems that lie ahead.

The rules, the policies, and the thinking that served us well as a "have" nation will not serve us as a "have not" nation.

THE MISLEADING INDICATORS: ECONOMIC PROSPERITY NOT AT ALL CLEAR

Mr. PROXMIRE. Mr. President, during the past 2 weeks several of our leading newspapers and magazines have carried prominent stories hailing the strength of the Commerce Department's index of leading economic indicators. This index, which is supposed to foretell future movements in the economy, has now been rising steadily and rapidly for 18 months. If this index were indeed a reliable portent of things to come, would we not by now have witnessed a significant drop in the unemployment rate? As we all know, there has been no drop in unemployment. The unemployment rate remains stuck at the same deadly 6-percent level.

FORMULA TOO MECHANICAL

The fact is that, for all the attention it gets, the index of leading indicators is not a reliable forecasting tool. The individual components are indeed vitally useful pieces of information for the economic analyst, but averaged together in a mechanical fashion, they lose most of their utility. Our economy is far too complex to be reduced to any single mechanical formula.

From early 1971 to early 1972 the index of leading indicators rose 13 percent. Does this mean that the recovery is now strengthening and that unemployment will fall rapidly in the months ahead? We all hope so, but before we get carried away with euphoria, let me point out some history. From early 1961 to early 1962, the leading indicators rose 14 percent. What happened during the next 12 months? Unemployment actually rose from 5.6 percent in the first quarter of 1962 to 5.8 percent in the first quarter of 1963. It was not until additional fiscal stimulus was applied in 1964 that the recovery became strong enough to produce further reductions in unemployment. The leading indicators were, in fact, misleading in 1961.

We can all agree that the economy is recovering today. Real output is rising, not falling. It is rising slightly more rapidly than our long-term potential growth rate. The significant question is whether output growth is sufficient to outpace the growth of the labor force and of productivity, so as to bring down unemployment. While we all hope that the answer to this question is yes, we cannot learn the answer, one way or the other, from the leading indicators.

WEAKNESS OF LEADING INDICATORS

Let me mention two of the specific weaknesses of the index of leading indicators:

First, important components of the index are entered only with a substantial time lag. Official estimates of corporate profits, for example, are available only quarterly, and then only long after the quarter is over. They are virtually the last major item to be entered into the national income accounts each quarter. Preliminary estimates of first quarter corporate profits were not entered into the index of leading indicators until late May—long after most of us had become aware that profits would show a spectacular rise in the first quarter.

I questioned Commissioner Moore of the Bureau of Labor Statistics about this at a hearing Friday June 2. Commissioner Moore is a leading business cycle analyst. I asked him about the value of this long-delayed data on corporate profits as a leading indicator. He replied, "It is not as good a leading indicator as if we had it more promptly." Yet it goes into this index.

Another example: The discouraging decline in the average work week last month was shown in the BLS employment release Friday, June 2, but it would not show up in the leading indicators until the end of this month. What competent economist would wait an unnecessary 3 weeks to incorporate this valuable statistic into his analysis.

A second difficulty with the leading indicators is that at least three of them are directly affected by the price-wage control program. These three are: sensitive commodity prices, the ratio of price to unit labor cost in manufacturing, and corporate profits.

I asked Commissioner Moore on Friday, June 2, whether the control program might not distort the index of leading indicators. This is what he replied regarding the index of commodity prices:

> Its recent behavior, I must say, does not suggest that it is very firmly under control. It has been rising at a very rapid rate.

IS INFLATION A GOOD OMEN?

I certainly agree with Commissioner Moore that commodity prices are not very firmly under control. They have risen at a 36-percent rate over the past 4 months. But how can we crow about this and call it good news at a time when inflation continues to be such a serious problem? When I pressed Commissioner Moore further by asking whether the control program does not make it hard to know whether or not the leading indicators are telling us something useful, he replied:

> I think that is certainly true. You have to interpret all of these data with a view to what is happening both within the economy and outside the economy and make the best judgment one can about it.

Again, I agree with Commissioner Moore. We must gather all the available information and make the best judgments we can. Mechanically contrived indexes are not substitutes for good judgment. We must ask hard questions. Not just "Is the economy recovering," but "Is the economy recovering rapidly enough to significantly and quickly reduce unemployment?" So far, the answer seems to be that it is not. Effective new policies to provide additional jobs continue to be needed, and needed urgently.

BURUNDI MASSACRE

Mr. KENNEDY. Mr. President, reports from East Africa tell of a heavy toll paid by civilians as a result of an attempted coup d'etat in the small nation of Burundi late last April. In recent days journalists and others have pieced together a story of bloody civil strife between two tribal groups in Burundi over the last 6 weeks. It is a story of massacre, the execution of leadership elements on both sides, and the suffering and dying of tens of thousands of civilians. It is a story of thousands of refugees in need—within Burundi and across the borders in Zaire and Tanzania and Rwanda.

I do not rise today to blame or condemn, or to offer any magic solution for meeting the political and humanitarian problems in Burundi. But, as chairman of the Judiciary Subcommittee on Refugees, I do rise to express a deep personal concern over the plight of the people caught in the latest link in a chain of war-ravaged populations stretching around the world in recent years.

I fully appreciate the immense difficulties in the Burundi issue. Like so many other problems in the world, the Burundi issue is a complex matter for diplomats and humanitarians alike. Inevitably, it has been labeled an internal affair of Burundi. But when people are being slaughtered at a rate of nearly 3,000 per day, should not there also be some international concern? Should not governments condemn the killing? Should not more concerted efforts be made by regional organizations or the United Nations to offer their good offices to end the strife and human suffering?

Reports suggest that the civil war has ended in Burundi. Reports also suggest that in its aftermath thousands of people are injured and homeless. The full extent of humanitarian need is unknown at this time. But I can report that the United Nations High Commissioner for Refugees—UNHCR—has representatives in the area, and is prepared to undertake a relief effort among the refugees in cooperation with the International Committee of the Red Cross and other bodies. I understand that at least two of the countries that have received Burundi refugees have appealed for aid. I am hopeful these requests for aid will be expedited by the UNHCR, and that if additional funds are needed to carry out a relief effort in the area, the international community will generously respond. I am also hopeful that the Burundi Government will cooperate with and facilitate this international humanitarian effort.

Mr. President, I ask unanimous consent to include at this point in the Record several news stories relating to recent events in Burundi.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, June 10, 1972]

THE QUESTION OF BURUNDI

In the small east African country of Burundi, a great number of people have been killed, mostly by machete and spear, in what was partly a power struggle between factions of the ruling Tutsi minority and partly a rebellion or civil war involving Tutsis and the Hutu majority. The government acknowledging this week that tribal warfare had cost some 50,000 lives, stated that "peace has been restored."

Not the least sobering aspect of this human tragedy is the international community's indifference. To be sure, Burundi is tiny and remote; a former Belgian colony, it is little known to Americans and little covered by the English-language press. As usual, the Organization of African Unity, many of whose members are vulnerable to like tribal frictions, passed the massacre off as Burundi's internal affair and looked the other way. Nor was there any claim made of Russian or American involvement to catch the world's eye.

Burundi's agonies are, as far as is known, of its own making and its own suffering. But this does not dispose of the question. In the international community at large, the attitude seems to be similar to the attitude which once marked local officials' performance in American ghettos: disputes involving only blacks can be ignored. Among American blacks, especially those interested in Africa, the attitude is that the African black states' internal conflicts, however bloody, are their own affair; anyway, who's ever heard of Burundi. About the only misfortunes of Africans that concern American blacks are those which can be laid to white minority governments in Portugal's colonies and in Rhodesia and South Africa, places where the normal prerogatives of national sovereignty are expected to yield to the imperatives of black liberation. This is so even though in terms of sheer "body count," the numbers of Africans killed and uprooted by non-white hands—in Burundi, Sudan and Nigeria, for example—are larger than the numbers similarly persecuted by Africa's white regimes.

A decade ago, optimists hoped the United Nations would undertake to nurse new-born nations in Africa and elsewhere towards stability and economic self-sufficiency. The Congo crisis, and much else, ended such hopes. Now, in the name of national sovereignty and black power, thousands of Africans perish and no one does anything to stop it. Does white precedent require blanket sanction for black barbarism? Could not the United Nations draw a deep breath and resolve that whenever reports were made of large-scale political violence, a commission would be sent at least to see what's going on?

[From the Washington Post, June 11, 1972]

DOUBLE GENOCIDE TEARS BURUNDI APART: WITNESSES TELL OF ORGY OF KILLING AFTER ABORTIVE HUTU COUP

(By Jonathan C. Randal)

The following dispatch, based on reporting inside Burundi, was filed from Kinshasa, capital of neighboring Zaire (formerly the Belgian Congo).

BUJUMBURA, BURUNDI, June 9.—Terrified by yet another bloody uprising against their 500-year-old domination, the minority Tutsi rulers of Burundi are systematically killing the elite of their former Hutu serfs in what can only be termed genocide.

Official Burundi government and impartial estimates alike claim that as many as 100,000 people have been killed in the six weeks since

Hutu exiles invaded this poor Maryland-sized mountain nation located in Central Africa between Tanzania and Zaire, the former Belgian Congo.

But such are the difficulties in collecting reliable information in Burundi that the death toll may be considerably higher in the combination Hutu uprising and Tutsi repression in reaction.

By all accounts, the orgy of killing was set off by the invaders' determination to murder all the Tutsis who make up 15 per cent of Burundi's estimated 3.5 million inhabitants. Their plan reportedly then called for the establishment of a purely Hutu regime.

The continuing repression is seemingly dictated by the Tutsis' equal determination to cow Hutu peasants into submission and wipe out the educated Hutu elite in order to ensure Tutsi domination for the forseeable future.

What has been called an attempt at "double genocide" has few parallels in the post-independence annals of Africa. Even such African tragedies as the Congo turmoil of the early and mid-60s, the Biafran rebellion and the recently concluded Sudanese civil war do not match what has happened here.

Outwardly impervious to international criticism, including from the Belgian government and Pope Paul VI, Burundi President Michel Micombero shows little inclination or ability to stop the killing.

Western embassies are reluctant to talk for fear of jeopardizing the security of their nationals. (There are some 6,000 foreigners in Burundi, half of them Belgians.) Only occasional passes have been issued to diplomats for travel outside the capital since the violence began.

To date the Organization of African Unity, the continent's regional grouping, has refused to investigate the Burundi situation, apparently on the ground that such action would violate its charter forbidding interference in a member state's internal affairs.

At this point, such a move might prove to be too late anyway. The repression has reached down through the ranks of the educated Hutu elite to such an extent that only a thousand or so secondary school students still survive.

In an informal conversation with visiting reporters, President Micombero alluded to the lasting effects of the civil war by quoting—if only to disagree with—an unidentified missionary who told him "80 years of evangelization has been washed down the drain."

Similarly, a longtime foreign resident lamented that the violence had "cancelled out everything that has been accomplished" since Burundi gained its independence in 1962 after some 80 years of first German and then Belgian colonial tutelage. Now, he added, "We have to start from square one."

Such is the Burundi genius for intrigue that some diplomatic observers are convinced that the government, which has conceded prior knowledge of the Hutu invasion, allowed the rebels to make their move from bases in Tanzania April 29 in the hope that they would be crushed and that the invasion would justify subsequent repression.

ATTACK NO SURPRISE

Officials from the 31-year-old president on down have admitted that the approximate date of the attack was known in advance. The president, who sports an elegant muttonchop beard, dissolved his government just hours before the attack, and his decision to do so has been interpreted less charitably than his own explanation that he was guided by "divine providence."

The morning preceding the invasion, Congolese in Burundi living along the rich plain bordering Lake Tanganyika, between Burundi and Zaire, took to their boats and headed for safety on the Zaire side.

[Burundi ambassador to the United Nations Nsanze Terence, at a press conference in New York June 1, said that an attacking force of some 8,000 crossed Lake Tanganyika and entered Burundi. He said that 3,000 Burundese constituting their "fifth column" joined with the invading force inside the country.]

Once the attack began on the evening of April 29, the rebels surpassed in violence even the followers of the late Pierre Mulele, the Peking-trained Congolese rebel who led the successful rebellion in Kwilu Province in 1964 and whose tactics inspired the Hutu uprising here.

High on Indian hemp, protected by witch doctors' tatoos, anywhere from 3,000 to 25,000 rebels moved out of their bases in the dense forests on the Tanzanian border and went on a rampage. They chanted "Mai, Mai Mulele," the magic Swahili words for the famous Mulele water which was supposed to dissolve the government troops' bullets.

REBELS JUMP GUN

The attacks centered on the south northeast and Bujumbura, a city of 70,000. The rebels jumped the gun in the capital by refusing to pay for gasoline for Molotov cocktails at a downtown filling station, chopping off the attendants' fingers and thus raising the alarm two hours before operations were to begin.

In the northeast, the attackers were quickly repulsed. But in the southern province of Buriri, they struck with great effectiveness, seeking out their victims with lists of names and addresses. Tracts found on captured rebels harangued them to kill Tutsi men, women and children and even disembowel pregnant Tutsi women to ensure that no Tutsi foetus would survive.

A French journalist who interviewed the widow of a Tutsi gendarmerie captain was told that her three children were beheaded by machetes before her eyes, her husband disembowled and the childrens' heads stuffed in his stomach while she was repeatedly raped and left for dead.

Micombero recounted that captured documents spoke of plans for a rebel victory parade in Bujumbura on May 19 during which he, as the last surviving Tutsi, was to be killed.

SECRET HUTU SOCIETY

Although the government so far has failed to produce the documentary evidence, no responsible observer, Burundi or foreign seriously doubts the government case linking the invasion to a secret Hutu society said to have been formed in 1970 to provide funds to train the rebels.

Monthly contributions varied between 100 Burundi francs (about $2) for a poor Hutu to $400 for a rich businessman. The government contends—once again without producing evidence—that thousands of names were on the society's lists, including many prominent Hutus in government and private life

Bernard Bududira, Tutsi vicar general of the Roman Catholic diocese of Buriri in the south, quoted an eyewitness who saw Alois Barakikana, a Hutu graduate of the University of Arizona and vice director of the government's Economics Ministry, at the lakeside mission at Minago exhorting the rebels to continue their devastation.

According to other testimony, other Hutu leaders were in the vanguard of the southern attack, although, unlike their troops, they were not drugged. Some of the rebel military leaders wore blood-daubed enamel dishpans as helmets.

Although Micombero accused Gaston Soumialot and Martin Kasongo of being in Burundi during the attack, no one else has corroborated the presence of these two former leaders of the 1964 Simba uprising in the Eastern Congo. All the rebels captured spoke the Burundi language, Kirundi, indicating that foreign intervention was probably limited to adapting techniques perfected in the Congo.

A major variation on the Simba rebellion, however, was the strict order given to avoid harming whites.

DEVASTATION EXTENSIVE

The extent of the devastation wrought by the Hutu rebels was brought home by a helicopter flight low over the rich Lake Tanganyika plain and through the green hills where most Burundese live.

Starting at Bugarama Lake, 25 miles south of the capital, and extending to Nyanza Lake near the Tanzanian border to the south, there is an almost uninterrupted record of violence: burned-out cars, huts and buildings in the town of Rumonge; some 30 mutilated bodies, bloated and bleached, in the reeds near the lake shore. They are jealously guarded by crocodiles and a hippopotamus family.

But more telling still was the almost total lack of people seen from the helicopter in this, one of Africa's most densely populated countries.

According to a missionary report, 2,782 homes were burned down in the southern attack, which lasted three days before government forces, reinforced by a company of airlifted Zaire troops turned the tide.

Although most of the rebels retreated back across the Tanzanian border, President Micombero disclosed the existence of a rebel "People's Republic" of Martyazo, which held sway in the southern hills for two weeks before it was crushed by the army and gendarmerie.

But if there is little real argument with the government's explanations about the initial attack, the same cannot be said for its claims about casualties, the continuing repression or the mysterious death of former King Ntare V in Kitega in central Burundi.

In his formal chat, Micombero recounted the demise of the king, who rashly returned to Burundi at the end of March after accepting the president's assurance that he would be protected.

Terming the ex-king a "fool" to have though that his return would provoke an uprising in favor of the monarchy, Micombero explained how he had honored the letter of his promise to protect the king by placing him under house arrest in the royal palace in Kitega.

Micombero spiked rumors that Ntare had been killed in fighting between the army and rebels seeking to free and use him as a symbol of their revolt. "The king was not assassinated," the president said, "but judged and executed immediately on the night of April 29."

Angered by the importance the Western press has given the aftermath of the attack, Micombero said: "You people insist on the repression without insisting on its causes."

In his eyes, the attack, but not the repression, constituted genocide, which "no government which is civilized could caution."

Indeed, "It was worse than genocide," Micombero said, because the Hutu attackers killed not only Tutsi men, women and children but also some Hutus who refused to join their ranks.

PURSUING GUILTY

He maintained that only those who are guilty are being punished and compared his relentless pursuit of the Hutus to the continuing hunt for Nazis implicated in exterminating European Jews in World War II.

"They're still tracking down those responsible for the Jewish genocide then, and that's more than 20 years ago," he said.

Evasive about the exact death toll, Micombero nonetheless estimated that between 50,000 and 100,000 Burundese had lost their lives. But he insisted that more Burundese were killed in the initial attack than in the subsequent repression.

Since in the past he has said 50,000 Tutsis alone had died in the first rebel push, his estimation was interpreted as the first official admission that large numbers of Hutu were victims of the repression.

Reliable reports from missionaries, the surest sources of information in this country, conservatively estimate that no more than 1,700 Tutsis—and far fewer loyal Hutus—were killed in the south in the initial rebel onslaught, and that no more than 4,000 lost their lives in the entire country.

In the repression, Hutu casualties in the south alone were said to range from 20,000 to 40,000 dead.

Between 3,000 and 4,000 Hutis have been killed so far in the repression in Bujumbura, an equal number in Kitega and some 15,000 to 20,000 in all the rest of the country, except the north where little information has been available.

HUTU CASUALTIES

Other reliable sources put Hutu casualties as high as 10,000 in Bjumbura alone.

In the capital, authorities no longer drive trucks with Hutu cadavers through the center of town in broad daylight. But every night trucks carrying the dead are seen either along the lakeside road or along Patrice Lumumuba Avenue on their way to a giant bulldozed burial ground near the airport.

With relatively few exceptions, only adolescent male or adult Hutu men have reportedly been killed in the repression. However, Hutu women with skills in teaching or nursing have been killed.

For example, five Hutu women teachers were bayonetted to death by the army at the Buriri mission.

As one source put it, "The army and gendarmerie haven't wasted many bullets."

In the early weeks of the repression, personal vengeance played a role in the arbitrary denunciation, arrest and death of many Hutus, although the army has shot several soldiers and volunteers who were guilty of such excessive zeal.

ARBITRARY ARRESTS

Now, at least in theory, three citizens must denounce a suspect before he is arrested. But this procedure is not always honored.

The other morning in the center of Bujumbura, a foreign journalist watched three gendarmes jump out of a jeep and bundle three well-dressed men off to an undisclosed destination.

In the south, army atrocities have been reported at at least one mission which was being used as a feeding and pacification center for Hutus lured out of the forests by government promises that calm had been restored. A helicopter mounted with machine guns flew over the assembled Hutus at the Mutumba mission in the south and opened fire, killing about 100 of them.

The United Nations has formally protested against the use of requisitioned UNICEF cars in Bujumbura by the police and against the unauthorized use of a United Nations fishery research vessel which has been armed and used to attack suspected rebel strongholds along the lake shore.

The effects of the repression at Bujumbura University are such that 170 of the 360 Burundese students failed to apply for scholarships for the next school year. Since few Burundese are rich enough to attend without a scholarship, the conclusion is that 170 Hutu students have been killed, arrested or forced into hiding.

Much of the killing at the university and in secondary schools has been carried out by the students themselves. Policemen arrived in some schools with lists, summoned the Hutus outside, and pushed them into trucks where they were bayonetted to death.

At the capital's technical secondary school, a professor recounted that on the night of May 19, the Hutu students suddenly put out the lights and tried to escape. Their Tutsi colleagues killed half of them, but strangely enough some of the 100 or so Hutu students are still in school. "And you would never know anything had happened," the professor added.

The great fear of the foreign community is that the remaining Hutu secondary school students in Bujumbura and elsewhere in the country will "disappear," once the foreign teachers go on their annual summer holidays abroad.

At one point last year, the army numbered some 3,500 men. But it is now reported well below strength, not because of casualties suffered in fighting the rebels but rather because its Hutu officers, noncommissioned officers and men have been either purged or killed.

The Christian churches have also paid their tribute to the violence. Missionary sources report that 12 Hutu Protestant pastors and 14 Hutu Catholic priests have been killed so far in the repression.

What lessons the recent events here will hold for the future are impossible to tell. No one takes seriously the threat of an immediate Hutu revolt.

"All the Hutus who lifted their heads have had them severed," said one foreigner.

Reconciliation seems far off. In the immediate future, foreigners here hope that there will be no prolonged rebel insurgency. But eventually, it is believed the Hutus will rise and try once again to oust the Tutsis, probably in less than 10 years.

BURUNDI: LAND OF TRIBAL PASSIONS

Burundi and neighboring Rwanda to the north were both formerly Belgian-administered trust territories. The two countries became independent in July, 1962.

With populations of about 3.5 million each, the two countries are ethnically divided between a Tutsi minority and a Hutu majority. The Tutsis, 15 per cent of the population in Burundi and 9 per cent in Rwanda, are a proud, tall, aristocratic pastoral people who had ruled the poorer, farming Hutus for centuries prior to independence.

In 1959, Belgians and influential Roman Catholic missionaries encouraged a successful if bloody Hutu revolt against the ruling Tutsis in Rwanda. At least 20,000 Tutsis were slaughtered, and some 200,000 others fled the country, many to Burundi.

Following the revolt in Rwanda, the Tutsis in Burundi tightened their control over the Hutus but also sought to establish closer ties. Numerous intermarriages encouraged hopes that a single unified nation would gradually emerge.

Since independence, scarcely a year has passed in Burundi without either an attempted coup, trials followed by hangings or a revolt. But this political turmoil largely involved feuding factions within the Tutsi minority.

In 1966, King Mwambutsa IV of Burundi was forced off his throne by his son, Ntare V, with the help of then Capt. Michel Micombero. Three months later, Micombero, in turn, deposed Ntare and proclaimed a republic with himself as president.

On April 29 of this year, Hutu rebels, some coming from camps in Tanzania and others apparently from across Lake Tanganyika in Zaire (the Congo), invaded the country. They were joined by Hutu tribesmen within the country, and together they attempted to oust the Tutsi-dominated Micombero government. The coup failed and the Tutsis began a bloody repression in reaction.

[From the New York Times, June 11, 1972]

SLAUGHTER IN BURUNDI: HOW ETHNIC CONFLICT ERUPTED

(By Marvine Howe)

BUJUMBURA, BURUNDI, June 9.—This nation is just beginning to realize the extent of the slaughter that has taken place here over the last six weeks in struggles between the country's two major ethnic groups.

The complete story of an attempted coup at the end of April, and the counteroffensive that followed, cannot be told since only official sources can be quoted and they are clearly biased. Other sources, as well as foreigners, are still generally terrorized and reluctant to jeopardize lives of friends or risk expulsion. However, a six-day visit to Burundi has produced a plausible account of the catastrophe out of a web of rumors, lies and contradictions.

Clear statistics on the extent of the massacres are hard to come by. Information is limited because movement has been severely curtailed by official barricades and curfews. Foreigners must have travel permits and these are very difficult to obtain. Above all, most people are terrorized and reluctant to talk.

Nevertheless, authoritative sources on the scene estimate that about 2,000 people were killed in the initial rebellion, mostly members of the ruling Tutsi tribe, a numerical minority. The reprisals are said to have cost the lives of 2,000 more Tutsis and about 100,000 members of the Hutu, the majority tribe, mainly in the Bururi Province and the area of Bujumbura.

The President of Burundi, Lieut. Col. Michel Micombero, acknowledges that 50,000 to 100,000 people have been killed in the last six weeks, while many foreign residents, estimate the number of victims at closer to 150,000.

The basic struggle involves an attempt by the Hutu majority to overthrow the ruling Tutsi aristocracy, as the Hutus in neighboring Rwanda in 1959. Here the attempted coup has failed, at a terrible price, particularly among the Hutus.

"We have won a reprieve but the final showdown is irreversible," a member of the Tutsi minority said. The dominant Tutsi account for only 15 per cent of the 3.5 million inhabitants of this country, which is about 10,750 square miles in area, roughly equivalent to the state of Maryland.

Colonel Micombero still speaks of his "program of national unity," but most people believe that the progress that had been made toward integration has now largely been erased by the violence.

PROVIDENCE DEVASTATED

Bururi Province in the south, where the main part of the Hutu rebellion took place, is now a scene of devastation. The population has almost disappeared from a once densely inhabited area in a 40-mile stretch along Lake Tanganyika.

Some people, estimated to number 10,000 have fled to neighboring Tanzania, and 15,000 have escaped across the lake to Zaire, the former Republic of the Congo, leaving 175,000 unaccounted for. Many of these people are known to have taken refuge in the bush and marshes but many more are believed to be dead.

Only recently a small trickle of human life has begun to return to Rumonge, the lakeside fishing center of Bururi, the inland farming center, and some of the hill towns.

In the Bururi region alone, 2,000 grassroof huts have been burned. Some 5,000 women and children have taken refuge in the Bururi missions.

The reprisals, on the other hand, have taken a heavy toll not only in the south but in Bujumbura and towns throughout the country. The Hutu elite has been decimated in the government administration, in the commercial world, in the church nad in schools down to the secondary school level.

LOCAL OFFICIALS CRITICIZED

There have been excesses and atrocities during both the rebellion and the subsequent repression, according to foreign testimony. The burden of private criticism, however, has been directed against the local authorities for neglecting to curb reprisals.

"It is natural to demand greater moral restraint from the established authority than from drugged rebels," a churchman declared.

Foreign diplomats and other residents have generally followed the events in impotent silence, fearing that any intervention would bring grave repercussions for the foreign community of Burundi. The 6,000 or so missionaries, technicians, school teachers and businessmen and their families are considered hostages.

Until now, foreigners have not been the target of either the rebels or the repressors. The only foreigner to be killed was a Belgian technician who lost his life by accident when he went out to the street to observe the first assault at Bujumbura.

The explosion of ethnic antagonism is regarded by many missionaries as evidence of a failure of the Western church, both Roman Catholic and Protestant.

"The church has been humiliated and must start again from zero," a priest said. "Both those who provoked the rebellion and those who carried out the repression were Christians," he noted.

Representatives of seven missionary institutions broke their silence on May 20, with a strong letter to their superiors, and aimed at the Burundi Government, condemning persons responsible for the rebellion as well as the "systematic repression" of the Hutus.

The letter also protested against arbitrary arrests and the ban on priests' visits to the prisons. The only response to the letter seems to have been increased difficulties for missionaries who seek to obtain travel permits.

At the end of last month, a group of diplomats, led by the papal nuncio, applauded the president for starting his pacification program and pledged support for "all victims" of the violence. Even this action brought no direct reponse.

PROTEST BY PRIESTS

Troubled by the continued repression and the official silence around it, three Italian priests and one Spanish priest in the north spoke severely about arbitrary punishment. They were promptly called to Bujumbura for interrogation by the police. Accused of political activity, the four young priests have been put under surveillance.

These protests, however timid and belated, coupled with strong criticism in the international press, seem to have spurred the authorities to move to halt the repression. "Or maybe it's merely that there are no more Hutus who can lift their heads," a churchman observed.

The Burundi Government has publicly blamed "foreign influences for the ethnic war," but has not specifically attacked any country. Diplomatic speculation about this accusation run from China and North Korea to the Vatican and the United States Central Intelligence Agency.

President Micombero cleared Belgium, which until 1962 exercised a colonial mandate here, of the charges. However, the colonel did accuse Belgian Christian trade unions and former trusteeship administrators "of sowing division among us." There were no Hutus or Tutsis, but a united people, before the colonial period, he said.

Burundi's ethnic troubles are considered to have been inevitable by scholars who have followed the evolution of this area of Central Africa. The problem can be attributed above all to a rapid breaking up of the federal structures.

More than three centuries ago, the tall handsome Tutsis came with their flocks from the high plateaus in East Africa to settle on the gentle hills of what are now Rwanda and Burundi. The local kings accepted them as colonizers and married the Tutsi women, establishing a royal line of mixed Tutsi and Hutu blood. A feudal hierarchy was established with the Tutsis as lords and the Hutus their serfs.

FOREIGNERS BRING CHANGES

This feudal harmony was disturbed by the arrival of European colonizers and by the teachings of the Catholic Church. The area became part of German East Africa in 1899 and after World War I was ruled by the Belgians for 40 years under a League of Nations mandate, followed by the United Nations trusteeship. The outside forces brought basic education and new ideas to the Hutus, such as the injustice of slavery.

In neighboring Rwanda, the Hutus carried out their revolution in the presence of the Belgian administration—and probably with some Belgian complicity. The king there was overthrown in 1959 and the Hutus won control of the Government through elections held under sponsorship of the United Nations.

Some 20,000 Tutsis were killed in the revolt and 300,000 were forced into exile—about 100,000 of them to Burundi.

The Belgians, who granted both territories independence in 1962, generally felt that the transition could be smoother in Burundi, where there were many Hutu-Tutsi marriages and a Hutu middle class was gradually emerging.

Two Hutu risings, in 1965 and 1969, however, were evidence of a growing dissatisfaction within the majority and ambition for more than token responsibilities.

The attempted coup of April 29 this year, to all appearances, follows the same line of rebellions but was organized on a much broader and more violent scale. It was also complicated by the involvement of some monarchist Tutsis as well as opposition elements in Zaire. But independent sources generally agree that essentially this was another attempt by the Hutus to assume what they consider their rightful place as the majority in Burundi.

The fullest account of the initial attack was given this week by President Micombero in an informal interview by a small group of newsmen. The 31-year-old leader, who ousted young King Ntare V in 1965 to proclaim a republic, discussed for the first time the role of the former King in the recent events.

Ntare was duped by the Hutu plotters, according to President Micombero who said the former King's name had been used to get as wide backing as possible for the uprising. Ntare returned to Burundi after "they convinced him that my regime was very unpopular and that it was now or never to make a comeback," Colonel Micombero said.

The President acknowledged that he had given assurances that the former King would be protected on his return. But he stressed that since Ntare was "trying to trap me," he could not be allowed to move about freely and had been put under house arrest.

After the former King's return, preparations for the plot were intensified, the President said. The army was put on alert two weeks before the rising occurred.

Colonel Micombero declined to link the dissolution of his Government on the morning of April 29 with the attack that came that evening. The timing, he said, was a matter of "providence."

Monarchists and rebels acted together on the night of the rebellion, the President said. He disclosed for the first time that the former King was immediately tried and executed on the night of the attack. Earlier, official reports said that Ntare had been killed in the fighting when his supporters tried to free him.

The initial rising, according to the first official account broadcast over the Burundi radio on May 29, took place on the night of April 29 between 7 and 8:30 P.M. Some 10,000 Hutus and a number of "Mulelelists," followers of the late Congolese revolutionary leader Pierre Mulele, carried out nearly simultaneous attacks in four areas of the country. In most of the places, military balls had been organized by Hutu officers involved in the plot.

The rebels were said to have come mainly from a training base in the woods of northern Tanzania. They were reportedly armed with poisoned machetes, clubs, a few automatic weapons and gasoline bombs.

At Bujumbura, fewer than 100 persons took part in the attack, which was aimed principally at the radio station, near the military camp.

An argument at a service station over payment for the fuel for the gasoline bombs is said to have altered the army camp. Two officers who came out to investigate the incident were killed before the rebels were dispersed. Another group of rebels clashed with troops in front of the cathedral and a third band attacked private vehicles at an intersection near the military camp, burning a dozen cars and killing about a dozen persons.

The main attack took place in the south in an area along the main highway between Rumonge and Nyanza-Lac. It was said that 4,600 rebels took part in a systematic slaughter of Tutsis in the region. Local Hutus were ordered to join in the hunt and shared the Tutsis' fate if they refused.

Another group of 3,000 rebels attacked in the Bururi region, the homeland of the President and most of the present Tutsi rulers. Nearly every army officer is said to have lost some member of his family in the attack. President Micombero said his brother-in-law had been slain.

Forty of the chief administrators were also killed, including the district commissioner, the attorney general and his assistants, doctors and accountants, as well as many of their wives and children.

At the same time, about 100 attackers from Tanzania assaulted the military post of Cankuzo in the east, where a large number of Tutsi refugees from Rwanda had settled. However, this band was rapidly "cut into pieces" by the defending forces, the Bujumbura radio said.

A fourth attack was said to have taken place at Kitega, where the former King was being held. However, although the town was beseiged by rebels according to the official report: residents of Kitega said they had heard no fighting.

Eyewitnesses at Bururi confirmed official reports that the assailants were mainly Hutus, using Muleist tactics. They were said to have smoked hashish, to have worn white saucepans stained with blood as helmets, and to have had their bodies tatooed with magic signs as immunity against attack.

The rebels, fired with drugs, were said to have killed all the Tutsis they could find, generally cutting them to pieces with their machetes.

Normally Burundi people are not drug users, but witch-doctors played an important role in this attack, according to Colonel Micombero. He said that the Muleist trainers would shoot blank bullets at a man to show his immunity and then shoot a dog or cat with real bullets to show that the animal had died because it did not cry out the words that conferred protection.

"We have tangible proof that Muleists from Zaire participated in the rising," President Micombero said. He charged that the Zairian oppositionists wanted to use Burundi as a base to attack the regime of President Mobutu Sese Seko. He asserted that Martin Kasongo, a well-known Mulelist, had taken part in the Burundi rising, had stolen four million francs at Nyanza-Lac and had disappeared.

"I want his head," said Colonel Micombero, declaring that Mr. Kasogo deserved the death sentence for having organized the massacre.

Asked how long the repression would last, the President snapped: "They're still tracking down the persons responsible for the genocide of Jews in World War II and that's more than 20 years ago. You can easily understand that we are still taking action against criminals six weeks after the genocide here."

The initial slaughter took place in a period of 24 hours, but isolated attacks lasted for two weeks. At Martyazo, in the Bururi region, the rebels set up a "people's republic" and remained entrenched for nearly two weeks before they were routed out, the President said.

The army, gendarmes and youth brigades rapidly put the rebellion down in most areas of the south, according to available information. However, some 100 rebels are believed to be still hiding in the bush, coming out at night to steal food.

The repression that followed the attack has been extreme, according to all independent sources. The authorities announced that they had uncovered a secret "organization for genocide and coup d'etat" and said they had proof that the aggressors not only wanted "to overthrow the republican institutions but also had a highly detailed organized plan for the systematic extermination of the whole Tutsi race."

The President said that "thousands" of Hutu names were on the lists of persons paying dues to the rebel organization.

Large-scale arrests started with the four Hutu members of the Government. Pascal Bubiriza, Minister of Telecommunications, was said to have confessed that the massacre were aimed at the Tutsis.

On May 7, it was announced that "a good number" of Hutus had been found guilty of taking part in the plot and had been executed.

The Revolutionary Youth brigades took the lead in what is widely described as arbitrary arrests and killings. These were aggravated by personal acts of revenge with people being denounced as plotters because of disputes over land or a cow.

"It was barbaric, unbelievably inhuman," said a foreign resident who had seen a man clubbed to death in front of the Bujumbura post office by a gang of Revolutionary Youth.

"They picked up almost all the Hutu intellectuals above secondary level," a Tutsi professor said.

The university was severely affected. Students were seen assaulting Hutus in the university grounds, beating them to death with rocks and clubs. In the beginning, soldiers came into the lecture halls, called Hutus out by name, threw them into trucks and took them away. Most of those have never returned.

In the first week of repression at Dujumbura, witnesses said Hutus were piled up in trucks and taken off for burial at a mass grave at the airport. "I used to see the trucks almost every evening at around 9, after the curfew, going down Avenue Lumumba in front of the cathedral and sometimes I could hear people screaming inside," one resident said.

The churches have been particularly hard hit. Twelve Hutu priests are said to have been killed and thousands of Protestant pastors, school directors and teachers. In the Bujumbura hospitals, six doctors and eight nurses were arrested and are believed to be dead.

In its "truth broadcasts," the Burundi radio has said almost nothing about the repression that has followed the rebellion. The rebels were given "the punishment they deserved" and "only the guilty Hutus" were arrested, it was said. "One cannot even speak of repression but legitimate defense because our country is at war," the state radio emphasized.

Most independent observers are inclined to accept the official position that there was a Hutu plot. However the origin of the name lists, the evidence of guilt and the severity of the punishment are widely questioned.

It is also increasingly asked why the authorities did not act to prevent the initial outbreak, since there had been reports of unusual movements in the south six weeks before the rising. Some church sources wonder whether the attack was allowed to happen so as to provide justification for broad repression.

The slaughter has been a serious blow to the economy. In the south, the missions are trying to get refugees out of the bush to harvest the cotton, bananas and coffee, but it seems that much of the crops will be lost.

Foreign observers generally question whether reconciliation can ever be possible after so much killing. In the city area here where Hutus and Tutsis live side by side, the two tribes are terrified of each other, and word has spread that all Tutsi families should get rid of Hutu houseboys for fear of poison or some other form of retaliation.

[From The Christian Science Monitor, June 12, 1972]

A Tragic Tribal Divide

The world has been extraordinarily slow in waking up to the tragedy that has hit the small central African state of Burundi, where tens of thousands of people have died in an intertribal massacre. The Burundi Government itself puts the death toll at 50,000. Other sources say it is over 100,000.

Tribally, Burundi is divided between the ruling Tutsis, who represent only 15 percent of the country's 3,500,000 population, and the Hutus, who account for the other 85 percent. Traditionally the Hutus have been the subservient group despite their vast numercial superiority.

The Burundi upheaval involved an uprising by part of the Hutus against their Tutsi overlords, and thousands of Tutsis were massacred. Then came massive reprisals by the Tutsis. In this counteraction the Hutu educated class—the civil servants, teachers, and other trained personnel—is said to have been virtually eliminated.

President Micombero of Burundi now says that the conflict is over, but other sources report that sporadic fighting is still going on in the southern part of the country near the Tanzanian border.

The Hutu revolt began at the end of April, but it is only now that we are beginning to learn the full extent of the massacre. Could the outside world have done anything to stop it? Officially it was an internal conflict, as were the Nigerian and Sudanese civil wars. This left outside powers and the United Nations little leverage. The most likely channel of intervention would have been the Organization of African Unity, whose headquarters are in Addis Ababa. But little if anything appears to have been done by that source.

Some West European countries, and particularly Belgium, which give Burundi financial and technical aid, tried to bring pressure to bear on President Micombero to call off the reprisals. It is difficult to say whether this has had any effect. (Burundi is a former German colony and Belgium took over its administration after World War I under a League of Nations mandate. There are 4,000 Belgians in the country now, including some military personnel helping train the Burundi Army, but the tribal war has not involved the Europeans in any way.)

Belgium threatened to "review" its aid program unless the reprisals stopped. But the Belgian Government is unlikely to cut off its aid altogether. Burundi now will need help more than ever to heal its wounds.

Burundi is one of the poorest countries in Africa, but one of the most densely populated. Some sources say the loss of trained personnel in the past month's mad slaughter will set it back 10 to 15 years.

The long-term solution must be the elimination of Burundi's tribal divide and of the deep hatreds it has engendered. Unfortunately the tragedy of recent weeks has served only to deepen that divide.

OFFICE OF EDUCATION PASSES THE BUCK AT TAXPAYER'S EXPENSE

Mr. PROXMIRE. Mr. President, section 503b of the Higher Education Act of 1965 requires that—

> The Commissioner of Education shall prepare and publish annually a report on the education professions, in which he shall present in detail his views on the state of the education professions and the trends which he discerns. . . . The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title . . .

Yet Commerce Business Daily for April 19, 1972, carried an invitation for—

> Proposals from individuals or organizations for professional assistance to the Commissioner in preparation of the Commissioner's Fourth Annual Report called for under section 503b. . . . The successful recipient of this contract will (1) review the educational personnel program activities of the U.S. Office of Education, (2) develop a detailed outline of the report, (3) assess the level of statistical support for the program, and (4) prepare first drafts of chapters and "annexes" and prepare a draft of the full report.

The Office of Education pays $96,142,000 to 114,338 persons, yet apparently finds it necessary for outsiders to prepare this report. This is a deplorable waste of Federal funds. I question the usefulness of a report which is not prepared by those who administer the Higher Education Act, but rather by outside consultants.

Mr. President, I ask unanimous consent that an editorial commentary on this absurd situation be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

It Is Your Business

(By John Lewis)

Through the kindness of your hearts, each April 15th or thereabouts, money comes pouring into the coffers of your great and good government. Many are the demands on these funds. Every department, bureau, agency, commission, etc., has worked diligently for the preceding year to formulate a budget to put these monies to their beneficial use beginning with the new fiscal year—commencing each July 1.

Old programs seldom die, and always new programs are begun. The financial outpourings of the American taxpayer are returned to him in the form of more reports, more studies, more deeply entrenched bureaucrats, and at last but not least, a new revised tax form for the next year.

However, before many of the abovementioned dividends from your taxes are brought to the surface, contracts often must be let to provide you with these services of government. To do this, the Department of Commerce gathers requests for bids and publishes a daily list of procurement invitations in their "Commerce Business Daily"—available from the Government Printing Office at $25 per year. This notifies all who are interested that certain items, types of specialized work, services, etc., are required by some segment of your federal government. The rational individual would surmise that if the government is extending procurement invitations it has neither the personnel, the capacity, nor the capability to do the job itself. Don't be fooled by logic and reason. Such isn't the case.

On page 3 of issue No. PSA–5553, April 19, 1972 of "Commerce Business Daily," there appeared the following invitation:

"Drafting of the Commissioner of Education's Fourth Annual Report on the Education Professions. The U.S. Office of Education will solicit proposals from individuals or organizations for professional assistance to the Commissioner in preparation of the Commissioner's Fourth Annual Report called for under section 503b of the Education Professions Development Act of 1967."

The successful recipient of this contract will (1) review the educational personnel program activities of the U.S. Office of Education, (2) develop a detailed outline of the report, (3) assess the level of statistical support for the program, and (4) prepare first drafts of chapters and "annexes" and prepare a draft of the full report.

According to the report of the Joint Committee on Reduction of Federal Expenditures of January this year, there were 114,338 persons employed in the Department of Health, Education and Welfare. They are paid a total of $96,142,000. The U.S. Office of Education, which is a part of the Department, had 3,180 full and part time employees in February 1972.

On the surface it seems quite reasonable that within 114,338 total employees in the Department including the 3,180 people in the Office of Education, and the Commissioner himself, there should be someone qualified in his day-to-day work to write the Commissioner's report for him. For $96,142,000 one would think so.

This is just one more example of dissipation of the taxpayer's monies. All the more reason to keep in touch with your Representative and Senator to have him, along with you, keep a close eye on what government does with your money. It's your business!

JUSTICE HARLAN: "THE FULL MEASURE OF THE MAN"

Mr. HATFIELD. Mr. President, all of us in this body are familiar with the immense legal knowledge embodied in the late U.S. Supreme Court Justice John Marshall Harlan. In this month's American Bar Association Journal, one of his former law clerks, Nathan Lewin, discusses the human aspects of Justice Harlan's life. In introducing the article, the ABA Journal editors note that the law was but one measure of the man, saying "What truly set him apart was his character, his spirit, and his human decency."

Justice Harlan's opinions will stand as a record of his superior legal mind. I ask unanimous consent that this fine article by Mr. Lewin appear at this point in the RECORD, so we might be remembering that his contributions went beyond his legal writings.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUSTICE HARLAN: "THE FULL MEASURE OF THE MAN"

(By Nathan Lewin)

(NOTE.—Justice Harlan's remarkable legal career, which led him to the front rank of the New York Bar and ultimately to the United States Supreme Court, was but one measure of the man. What truly set him apart was his character, his spirit and his human decency. That he was blessed with an extraordinary intellect used for the benefit of humanity may overshadow his greater legacy—that he was a "patrician of the spirit".)

It came as no surprise to those who had known Justice John Marshall Harlan in the full vigor of life to learn that in his last few months, while he lingered in severe pain in a Washington hospital bed, he was most cheered when visiting colleagues from the Supreme Court described pending business or his former law clerks spun out—in what to others seemed tedious detail—the minutae of cases in which they were involved or legal problems with which they were grappling as professors of law. For John Harlan was, to his very last breath, totally enraptured by the law and its processes. And so long as his mind was clear—which it remained almost to the very end—it lost none of the zest it always had for legal intricacies and for lawyers' subtle points.

Nor did it surprise those who had known him in health to hear that even in crippling illness he was more concerned with others than with himself. He despised imposing on those who came to call the anguish of seeing him in pain, and he wanted to hear only of the good that visitors could report about themselves, their families and their professional lives. While John Harlan had every earned right to more than the average citizen's share of vanity, he was, in fact, the humblest and gentlest of souls. With ceaseless patience and enduring good humor, he suffered the foolish and the petty. His abiding faith was in reason and in its capacity to withstand temporary turbulence and emerge whole in the quiet that followed.

Although his career as a judge and as a private and government lawyer often placed him in the eye of the storm, Justice Harlan was essentially a calm and reflective man. In this, he was quite different from Felix Frankfurter, his closest colleague on the Court, who has been described as Harlan's mentor. Their *modi operandi* as Justices were totally different.

Justice Frankfurter was an active proselytizer and overwhelmed uncertain brethren by force of his personality. He seized every face-to-face opportunity to persuade, cajole, wheedle, provoke and bewitch the other Justices in order to win them to his side. Justice Harlan did not enjoy this kind of bustle, nor did he politick the way Frankfurter did. His forte was the carefully reasoned memordandum, circulated "to the conference", aimed at winning over those who were ready to reflect calmly on legal issues and digest carefully what he had to say.

HARLAN MAINTAINED HIS MEASURED, DELIBERATE STANCE

Even on the bench—where Frankfurter was a performer during oral argument and during the Court's announcement of opinions—Harlan maintained his measured and deliberate stance. He confided to his law clerks that he was reluctant to ask questions in notorious cases because that would prompt unseemly newspaper speculation as to how he might vote. His questions during argument were never pedagogical or argumentative. They would probe an advocate's legal argument, but not solely—or even partially—to test his mettle or to score a point. He might, to be sure, rescue a floundering attorney who was unable to keep on track, but Justice Harlan never succumbed to the temptation, which Frankfurter refined to an art, to use the lawyer as a backboard for barbs aimed at the other Justices.

Nor were his oral announcements viewed as opportunities for ripostes of this kind. In the last decade of his career on the Court, Justice Harlan's oral deliveries of opinions were *tours de force*. Because of a degenerative eye condition, he was, by then, able to read only by pressing his face directly onto the printed page and using an extremely high-powered lens on one eye. Yet he recited decisions, without the slightest aid to memory, in more detail and with clearer comprehension of the issues than his brethren were able to command with written opinions and notes before them.

LAST OPINION SUPPORTED HIS DEEP CONVICTIONS

In a sense it is fitting, therefore, that Justice Harlan's last opinion was his dissent filed on June 30 last year in the *Pentagon Papers Cases*, 403 U.S. 713, which would have upheld the Government's right to prevent publication of the notorious study of a notorious war. One can quarrel with his result, but the reasons he stated were vintage Harlan and truly embodied his views of courts, their place in our system and the conditions under which they must operate. His lament that the Court was deciding the case "under the pressure engendered by the torrent of publicity that has attended these litigations from their inceptions," his description of the history of the lawsuits as a "frenzied train of events" and his uncharacteristically sharp charge that the Court was "irresponsibly feverish in dealing with these cases" were no false facades to justify a pro-Government bias. They were, rather, expressions of Justice Harlan's deepest convictions regarding the Supreme Court and the judicial process. And it was typical of the judge and the man that his opinion—alone of the nine separate statements filed in the cases—ticked off the central legal and factual issues, most of which the Court had ignored, even though some, such as the standing of the United States to bring the suits, might defeat the Government's position.

It is a striking tribute to Justice Harlan that when his terminal illness forced him to retire at about the same time that Justice Hugo Black's health compelled Black to leave the Court, equal anguish was expressed by the liberal segment of the Bar over Harlan's departure as over Black's. To be sure, Justice Black's votes in his last years were no longer predictably liberal, and many may have feared (with reason, as matters turned out) that whoever would replace Justice Harlan would be more conservative than he. But above and beyond these pragmatic evaluations, one could sense that activists as well as advocates of judicial restraint recognized in Justice Harlan the intellectual integrity, the moral rectitude and the devotion to judicial independence that are the last and best hope for individual liberties.

No biography of Justice Harlan, no matter how brief, fails to mention his grandfather, who was on the Supreme Court from 1877 to 1911, and whose dissent from the separate-but-equal ruling in *Plessy* v. *Ferguson*, 163 U.S. 537 (1896), left him with a somewhat undeserved modern reputation for progressivism. The grandson was respectful of his grandfather and of the family tradition; relics such as the senior Harlan's watch and chair were in evidence. But with the usual twinkle in his eye, he would concede that his grandfather was given to overstatement and to ponderous Olympian opinions. And he chuckled over the Japanese dignitary who visited the chambers and, on being told by the Justice who the gentleman was whose large photograph adorned the wall, responded respectfully, "I did not realize, Justice Harlan, that the post was hereditary."

Justice David Brewer, who sat on the Supreme Court with the senior Harlan for twenty years, said of his colleague that he "goes to bed every night with one hand on the Constitution and the other on the Bible, and so sleeps the sweet sleep of justice and righteousness". The grandson was not given to such certitude, and neither the words of the Constitution nor the letter of Holy Scripture made his sleep less troubled. Skepticism and open-mindedness were his characteristics, and they fit in well with his philosophy of the judiciary and with his own innate modesty. In this, he stood in sharp contrast to Justice Black, to whom right was right and wrong was wrong, and the Constitution could be counted on to mark the difference.

Yet, in the twilight of their careers, Justices Harlan and Black grew so fond of one another and so respectful of each other's views that both were saved excessive grief by their almost simultaneous illnesses and departures from the Court. For in the last years Justice Harlan was given to telling his former law clerks at the annual reunion held each spring that Justice Black was, in his view, the most important of the Court's members and that he gratefully saw no reason to think Justice Black would not go on forever.

It probably was the association with Emory Buckner, whom he really viewed as his mentor, and with Felix Frankfurter that accounted for Justice Harlan's lifelong attachment to the Harvard Law School. In fact, he received only one year's worth of formal legal training in the United States, and that from the New York Law School. When he arrived at the office of Root, Clark, Buckner & Howland in New York in 1923 straight from three years at Oxford, where he had initially come as a Rhodes Scholar and stayed two extra years to study law, Buckner, the guiding partner in the firm, sent him off to law school in the afternoons. Less than a year after his legal education was completed, John Harlan followed Emory Buckner into public service. In March, 1925, Buckner became United States Attorney for the Southern District of New York and took his bright young associate on as an assistant.

EARL CARROLL TRIAL HIGHLIGHTS HARLAN'S CAREER

The highlight of a two-year career, during most of which Harlan was chief of the Prohibition section of the United States attorney's office, was the trial of Earl Carroll, producer of *Earl Carroll's Vanities*, for perjury. Newspapers had reported that Carroll had thrown a party at his theater during which a nude girl had taken a champagne bath. Carroll denied under oath before a federal grand jury that there was champagne in the tub; he claimed it was ginger ale. His publicized trial on a six-count perjury indictment was conducted largely by Harlan, who won a conviction that was affirmed on appeal.

One of the stories associated with the trial that the Justice enjoyed telling proved to him that jurors were totally unpredictable. One man sitting in the front row of the jury box, he said, looked to him shortly after the trial began like a determined opponent of Prohibition. As the trial progressed (with the justice would note, a new array of fetching *Vanities* girls gracing the front row of the spectator section each day), the prosecution team became increasingly convinced that the juror would never vote for conviction in a liquor case. So they resigned themselves to a hung jury. After the surprising verdict came in, Harlan made it his business to seek out the juror and test his impression. "I'd never convict anyone of violating any damfool Prohibition law", the juror said. "But when a guy goes out and lies about it under oath, well, now, that's something else again."

In April of 1927, after having prosecuted two trials of former Attorney General Harry Daugherty, Buckner returned to private practice and took Harlan with him. The future Justice was then under thirty, and he was told that he looked too young for some of his important responsibilities. A news report of the Earl Carroll trial describes him as "faintly stooped"—a habit he later said he fell into to overcome his youthful appearance.

HARLAN EARNED RESPECT OF BUCKNER EARLY

While working for Buckner in the United States attorney's office and later, Harlan turned his hand as well to appellate matters. One of his products was a 150-page brief in a case which premises had been padlocked by Prohibition agents. When Buckner rose to argue in the Second Circuit, Judge Learned Hand scowled at him and announced that he would not read the brief because it was too long. Buckner responded that it would be the court's loss, because the brief was a good one. "My assistant wrote it, and I put my name on it." Hand's response was to growl and hurl the massive document onto counsel table. Harlan recalled, however, that Hand told him after the case was decided that Buckner was right; it had been a good brief.

In late 1927 Buckner was asked by Governor Smith of New York to investigate graft charges against Maurice E. Connolly, Borough President of Queens. Buckner appointed John Harlan to head a staff of five, which included—among other future luminaries—J. Edward Lumbard (later to become United States attorney and Chief Judge of the Court of Appeals for the Second Circuit). In Judge Lumbard's words, "John Harlan's thorough and imaginative conduct of the investigation disclosed Connolly's approval of contracts at grossly exorbitant prices." Connolly was indicted. Buckner acted as special prosecutor (against Max Steuer for the defense) and erected a four-by thirty-foot sign in the courtroom on which the contract prices were chalked as they were testified to. He won a conviction, and John Harlan wrote the brief that preserved the conviction on appeal.

In the decade that followed, Harlan advanced rapidly to a position of leadership at the New York Bar. Because of Buckner's ill health, Harlan (assisted by future Chief Judge Henry J. Friendly, another bright young recruit to the firm) took over the defense of the $40 million estate of Ella von Echtzel Wendel, a recluse whose death spontaneously generated more than 2,000 self-declared relatives who sought a share of her fortune. The charities that had retained Root Clark to protect the estate against false scavengers were well-served; a contemporary report of the final proceedings in which the most accomplished of the claimants testified and was cross-examined by Harlan says simply that the young attorney "tore the claim to shreds".

John Wood, himself a leader of the New York Bar who joined Root Clark in 1929 and advanced to the status of name partner, recently noted that "by the early 1930's Harlan was in fact the leading trial lawyer in the firm and one to whom all of us working on litigation looked for inspiration and direction. This position he filled, with an interruption for military service during World War II, until his appointment to the Second Circuit in 1954." Judge Lumbard recalls that Harlan "was recognized as one of the leaders of the trial bar by the time he was forty."

The range of his litigation practice was formidable. It spread from the bizarre Wendel litigation to complex questions of railroad accounting and corporate dividend policy to Supreme Court advocacy on the appealability of interlocutory orders and even to a defense of Bertrand Russell, whom critics at the time of Harlan's confirmation hearing for the Supreme Court called a "well-known leftist". The Russell litigation was an unsuccessful effort by Harlan, representing members of the New York City Board of Higher Education, to overturn a lower court order which had required the board to cancel Russell's contract to teach at City College.

ANTITRUST LITIGATION BECAME HIS SPECIALTY

Major antitrust litigation became his specialty. He represented the du Ponts, among others, in antitrust proceedings brought by the Government and was heartened to see in the prosecution of those cases the same rectitude that he had admired in Buckner and would always practice himself while in public service. One incident he often recalled was an early meeting he had with the attorney representing the Department of Justice in the du Pont-General Motors case. The suit was filed in Chicago, and the huge team, which included many of the country's leading law firms, descended on the city and, with supporting personnel, took between two and three floors of a leading hotel. After the first day of the proceedings, Harlan wanted to discuss some housekeeping matters with the lawyer who, singlehandedly, was representing the Government's interests against the phalanx of leaders of the Bar.

He was informed that Government counsel was in the same hotel, and he made his way to the room. "There he was", Harlan recounted, "in a little basement room of the hotel, with every inch of space on the beds, chairs, tables and floors covered with mounds of documents. I asked him whether he was comfortable, and he said yes. I asked whether he mightn't prefer a larger room, and he said he couldn't on his government *per diem*. I felt sorry for him because he barely had room to sleep, and I offered to let him use some of our space, or any other facilities. But", Justice Harlan later reported admiringly, "he politely but flatly refused."

A public figure's real self is disclosed by the company he keeps on his office walls. Many succumb to the temptation to display photographs of themselves beside a President or other distinguished personality, or plaques received from national organizations. Justice Harlan would have none of that. Over the fireplace in his office, surrounded by other family pictures, was a large photograph of the lanky Justice looking way down with a judicial grin at his grandchildren crawling on the floor at his feet. Behind his desk was a double row of photographs of his law clerks, each with its own banal inscription inadequately reflecting how all the clerks felt toward the man. On the wall facing him was an old photograph of Emory Buckner, a formal Second Circuit photograph (of later vintage than when he was on that court) and the succession of formal Supreme Court photographs since he had joined the Court.

The least comprehensible of all, however, were shots of bombers releasing their payload over some unrecognizable territory. They were mementos of his World War II experience when he accepted a colonel's commission to study operational problems involved in daylight bombing raids on Germany. In keeping with the lessons he had learned from Buckner and from his own career as a lawyer, he insisted on firsthand familiarity with the problems and went along on a hazardous mission, where he sat as a tail gunner and he reported, almost shot down one of our own planes.

The seat on the Second Circuit to which Harlan was appointed by President Eisenhower in January, 1954, was that of Augustus Hand. While Learned Hand was more renowned than his cousin and surely showed more flair in his opinions, the Second Circuit Bar had come to respect Gus Hand's judgment at least as much as Learned's. District judges in the Southern District of New York, it was said, adhered to the motto, "Quote Learned, but follow Gus." It was fitting that Harlan succeeded to this seat, because the same could be said of the roles Justices Frankfurter and Harlan occupied on the Supreme Court—Frankfurter was the more quotable, but lower court judges viewed Harlan as sounder.

A Learned Hand story illustrates the point. Judge Calvert Magruder of the First Circuit occasionally visited in New York and sat with the Second Circuit after he retired as an active judge. One admiralty case he heard in New York produced a characteristically short opinion by him for a unanimous panel affirming the dismissal of a seaman's complaint. The Supreme Court, about a year later, reversed the Second Circuit. Magruder, in one of his visits to New York about the time of the reversal, reported to the aging but witty "Old Chief" that he had just been upended by the Supreme Court. Hand replied with one of his customarily candid and unflattering characterizations of the Court. "What's more," Magruder continued, "Felix dissented and would have affirmed my opinion." "Well, that's pretty good authority on your side," Hand responded, "but who wrote for the majority?" Magruder answered that Harlan had. "Then you were wrong", Hand replied, ending the discussion.

APPOINTMENT TO THE BENCH AFFECTED LIFE STYLE

With his appointment to the bench, Harlan's life took on a certain austere quality. He viewed the obligations of a federal judge to avoid embroilment in anything other than judicial issues coming before him as seriously as had Justice Brandeis. He began returning gifts that were sent to him for the holidays and refused to vote in any elections. And with the withdrawal from the bustle of an active law practice came a closing of the circle of friends and associates. His work as a judge occupied him fully, and those with whom he worked—his brethren on the court of appeals and, later, on the Supreme Court and the law clerks on whom he relied—became a second family to him.

Harlan's appointment to the Supreme Court to replace Justice Jackson in November of 1954 was applauded by the press, with one magazine reporting enthusiastically that its reporter had "never seen a man fitter to be on the Supreme Court". Confirmation hearings dragged on, however, because Southern Senators feared how the grandson of the *Plessy* v. *Ferguson* dissenter might vote in school desegregation matters. Wild allegations were made by right-wing organizations as to his participation in the Bertrand Russell litigation and alleged membership in left-wing international organizations. Through it all, Justice Harlan kept his cool and, unlike later nominees, refused on principle to discuss any views that might ultimately touch on litigation before the Court.

He was finally confirmed and took his seat in March, 1955. Substantive evaluation of his decisions over the following period of more than sixteen years is not within the limited writ of this article, but one proposition as to which there can only be total agreement is that craftsmanship marked all his work. Those who were fortunate enough to be chosen as his clerks learned soon that in the Harlan chambers argumentativeness was encouraged, imagination was stimulated, humor was appreciated—but sloppiness was never tolerated.

CONCRETENESS, SPECIFICITY CHARACTERIZED HIS STYLE

Justice Harlan's style within the Court was always one of concreteness and specificity. If he could not agree with what had been written in a draft majority opinion or dissent circulated for concurrences, he would compose his own statement and send it around as a separate opinion. Often the author of the original draft would modify his opinion, and Harlan might then withdraw his separate statement and join the proposed majority or dissent. (This was, in fact, how the original school prayer decision, *Engel* v. *Vitale*, 370 U.S. 421 (1962), came to be narrowly drawn and to have the famous footnote distinguishing "patriotic or ceremonial occasions" expressing faith in a Supreme Being from "the unquestioned religious exercise" of an official prayer). If no change were made, Justice Harlan felt it his duty to state his own reasons for reaching his result. It did not take long, therefore, for him to become among the most prolific of the Court's opinion writers. In his second, third and fourth full terms on the Court he ranked second, first and second, respectively, in the total number of opinions written.

His style was lucid and always understandable to lawyers. He was never given to question begging or evasion of "gut issues", although one early law clerk's anecdote demonstrates that, even as a judge, he could not entirely cast away the advocate's cunning. The clerk reports that a draft opinion worked over by the Justice in a significant case closed one section of its discussion with the conclusion that rejection of the petitioner's position "was clear". The law clerk protested, insisting, for reasons he elaborated at length, that it was not clear at all. Maybe so, said the Justice, nodding sagely. Down went his pencil to the paper, slashing in the word "manifestly" to modify "clear".

Working for Justice Harlan was a delight, and there is no law clerk of the approximately forty he had who felt differently. He ran his chambers like a first-class law firm, and his clerks were, like Emory Buckner's "Boy Scouts", junior partners in the adventure. The Justice was gracious, but never stuffy; courteous, but never stiff. He was demanding and serious in the Court's business but always ready to laugh and even, at times, to join in the law clerks' foolish pranks. He insisted on discretion from his clerks but reported fully and frankly to them what had happened in the Friday conferences attended only by the Justices.

Justice Harlan's work habits were hit hard by the eye ailment he began to suffer in 1963. To the very end, he insisted on writing opinions by hand; efforts to use recorders and dictating machines were abandoned after several unsuccessful tries. He could no longer read petitions and briefs, however, and the clerks would read these documents, as well as circulated opinions, to him. But he hated to appear handicapped, and it took a while before he was ready to use his heavy lens and try to read a document while on the bench in public sessions.

His products never slackened, and a historian of the Court who judges it purely by the opinions of the Justices twenty years from now will be unable to tell that Harlan, J., was almost totally blind in the last six years of his tenure on the Court. They were years of change, in which many of precedents he thought important were being overturned. During all this time, notwithstanding his own illness and his wife's, he conducted business as usual and did what he could to keep the Court (if one may borrow one of his favorite phrases) "on an even keel".

When John Harlan died, Justice Potter Stewart, who was of those remaining on the Court probably the closest to him, issued a short statement which eloquently captured the man. After noting Justice Harlan's "intellect, learning and diligence", he said, "to remember him simply as a fine legal scholar is to miss the full measure of the man. What truly set him apart was his character, not his scholarship. His generous and gallant spirit, his selfless courage, his freedom from all guile, his total decency. . . . He was a human being of great worth."

Justice Harlan came of noble lineage, and he measured up to his ancestry. He was blessed with extraordinary intellect, and he utilized that blessing for the benefit of humanity. But what was more important to him and those who knew him—but will, unfortunately, be lost to history—is that he was a patrician of the spirit.

THE GENOCIDE CONVENTION AND THE CONSTITUTION

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention have objected to the fact that the treaty and its implementing legislation would make genocide a Federal offense. In the absence of a treaty, they argue, Congress would have no power to outlaw genocide. Thus, it is said, if a Federal law against genocide is passed in fulfillment of a treaty, the treaty has enlarged Federal power and at least strained the spirit of the Constitution.

This argument is misleading. Many authorities in constitutional law have pointed out that a Federal law against genocide would be similar to recent civil rights legislation upheld under the commerce clause and the 14th amendment. Even without reference to those provisions, however, article I, section 8 of the Constitution quite clearly permits a Federal law against genocide—with or without a treaty.

The 10th clause of article I, section 8 gives Congress authority:

> To define and punish Piracies and Felonies committed on the high seas, and Offenses against the Law of Nations;

Since genocide has been outlawed by 75 nations, it is obviously in some sense an "offense against the law of nations." And since Congress also has the power to "define" these offenses, a law against genocide seems an eminently reasonable exercise of congressional authority. But to assure that this power of "definition" is not being stretched by the Genocide Convention, we need only examine the explanation of the purpose of this section of the Constitution provided by James Madison in the Federalist, No. 42. Madison notes that this provision was missing from the articles of Confederation:

> The power to define and punish piracies and felonies committed on the high seas and offenses against the law of nations belongs with equal propriety to the general government, and is a still greater improvement on the Articles of Confederation. These articles contain no provision for the case of offenses against the law of nations; and consequently leave it in the power of any indiscreet member to embroil the Confederacy with foreign nations.

Thus the purpose of this provision is to give Congress authority to outlaw acts which would threaten our Nation's peaceful relations with foreign countries. Surely acts of piracy committed by Americans have no more adverse effect on our foreign relations than would acts of genocide committed by Americans. Genocide is an act with serious international consequences; such acts are properly outlawed not only by international treaties, but also by a Federal Government with responsibility for our Nation's foreign policy.

Mr. President, there can be no doubt that the Genocide Convention and implementing legislation are well within the constitutional powers of the Federal Government. This is not just a happy accident; the Genocide Convention is directed against "offenses against the law of nations" which threaten peace—and the framers of the Constitution intended precisely that Congress have authority to outlaw those offenses. I ask the Senate to proceed without delay to ratify the Genocide Convention.

MILITARY JUSTICE REFORM

Mr. BAYH. Mr. President, for some time now I have been acutely aware of the desperate need to reform our system of military justice. Nearly 9 years ago I introduced a comprehensive reform bill—the Military Justice Act of 1971—in the hopes of spurring this much-needed reform, and finally eliminating the problem of command influence which plagues our military courts. Unfortunately, the Committee on Armed Services has yet to hold hearings on this or any of the other military justice reform bills which have been introduced. I am hopeful, however, that in the near future they will be able to find the time to deal with this most important subject. We simply cannot afford to accord to our military men a second-class system of military justice.

I would like to share with the Senate just one example of the many articles I have seen recently which call for the type of military justice reform which I have proposed. This article, "Let's Improve Military Justice" appeared in the May 1972 issue of the American Bar Association Journal. I think that this fine article, which calls for the elimination of command influence and the increased independence of military judges, deserves the full attention of every Senator. Therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

LET US IMPROVE MILITARY JUSTICE

Vietnam unquestionably is responsible in large measure for the current interest in the interest in the administration of justice in the Armed Forces. Although much of the attention given to military justice has focused on the trials of Lieutenant Calley, Captain Medina and Colonel Henderson, as well as the curious cases of the "Green Berets", Lieutenant Howe, Captain Levy, and Lieutenant Colonel Herbert, considerable interest also has been generated as to the system of military justice itself. With the possibility of an all volunteer force within the near future, lawyers should seriously reexamine the administration of justice in the military services and actively support needed changes.

To some, military justice is in a deplorable state and in need of drastic revision, while to others it is "roughly as fair as the criminal justice dispensed in most states" and without need of radical change. Although a sizable portion of the career military and the public regards the Department of Defense and the courts as to permissive with respect to servicemen's rights, almost everyone appears to have rejected the once popular notion the the Bill of Rights has no application to servicemen.

Regrettably for the legal profession as well as the military, the Armed Forces have not committed themselves fully to the concept of an adversary system. The Military Justice Act of 1968 and policies instituted within the services have served to insulate the military judiciary from command influence, and the Air Force and the Army have instituted on an experimental basis the utilization of "trail command", which in effect put judges and defense counsel in a chain of command separate from that of the convening authority, but in my judgment these largely internal changes do not go far enough. Further legislation is necessary.

The current system of military justice based on the Uniform Code of Military Justice is chiefly the product of the late Professor Morgan's thinking. The code does contain express provisions designed to ensure impartiality and to eliminate command influence, but it is the practical operation of the system that prevents a commitment to an adversary system.

Within the services, career lawyers (unlike physicians, optometrists and dentists) are almost completely dependent on local commanders for their efficiency reports. These reports are in turn reviewed and promotions made not upon the determination of fellow lawyers but upon the determination of promotion boards weighted heavily in favor of the nonlegal branches. As a result, officers with little or no legal education determine the success of a lawyer's career in the service, The code also allows the local commander, or convening authority, as he is referred to in this respect, to determine what charges are brought to trial and the severity or type of court martial to which the case is referred, and to select the personnel to comprise the court, that is, the jury. All this necessarily has a chilling effect on the adversary system and permits both career lawyers and commanders in the Armed Forces to operate the system without the degree of fairness and impartiality most lawyers would feel is essential for the successful administration of justice.

The system understandably is viewed with skepticism by servicemen in general as well as the civilian Bar. Lawyers who have served temporarily in the military in a legal capacity generally are surprised to find that the Uniform Code functions as well as it does. In a large measure this is because the commanders and their staff judge advocates act in good faith and with intelligence. It is the controversial case, a case in which the commander's judgment is questioned or in which the values of the military are questioned, that exposes the inherent weaknesses of the code. In the controversial case the local commander, who is both commander and convening authority, rightfully gives precedence to what he believes is in the best interest of his command. It is not humanly possible for a good commander in this situation, no matter how laudable his intentions, to be faithful to his command and also to serve in an impartial capacity in administering justice. Forcing the local commander and hence his staff judge advocate, who values his relationship with the commander, to have divided loyalties is unfair both to the commander and the accused.

I believe that a better system could be devised from both the standpoint both of an effective military organization as well as the preservation of the necessary degree of impartiality. As a minimum, the Uniform Code should be revised as follows:

1. Elimination of the two-thirds vote requirement for conviction and sentence in favor of the widely accepted unanimous requirement.

2. Military judges should be given complete authority in all noncapital cases to determine the sentence imposed, and their sentencing powers should be enlarged to permit the granting of probation.

3. The power to authorize searches and issue arrest warrants, except where a military necessity or emergency demands otherwise, should be given solely to military judges.

4. Military judges should receive special pay and retirement provisions so as to ensure that they are of a high caliber and are not forced to retire in their late forties and early fifties.

5. Defense counsel should be assigned by military judges much as lawyers are now assigned under the provisions of the Criminal Justice Act in the federal courts. Defense counsel should in no respect be under the control of promotion authority of local commanders and should be authorized at all times without prior approval to seek any collateral relief available to their client in the federal courts.

6. Random selection of court members, *i.e.,* jury selection, should be instituted with no requirement as to rank for eligibility for the array.

7. Local staff judge advocates should be the direct equivalent of district attorneys. Local commanders, on the advice of their staff judge advocate, should exercise no other function in the administration of justice than determining what charges are brought to trial after an investigation has been completed.

8. The present intermediate appelate courts, known as courts of military review and entirely composed of military personnel, should be abolished. The Court of Military Appeals should be enlarged and have authorization to sit in panels of three members.

9. Lawyers who serve in a legal capacity in the Armed Forces should be afforded treatment similar to that now afforded members of the metdical branches. All lawyers in the legal branches should be given credit for promotion and pay purposes for their years attending the law school. Separate and accelerated promotion lists and boards should be authorized.

These proposals have merit regardless of the future success in implementing the all volunteer concept of military service. In fact, without these improvements, it is hard to imagine that the Armed Forces will have significant success in attracting the caliber or number of servicemen the military feels is necessary for an effective organization. Lawyers should support legislation to accomplish them. After all, there are many arguments in favor of the adversary system that apply with equal force in the military and civilian environments.

THE MIAMI CONVENTION AND AMERICA'S HISPANOS

Mr. MONTOYA. Mr. President, for decade after decade the minorities in America's melting pot were allowed minimal participation in our national political process. Lipservice was paid them by national political leaders, without their realizing the actual substance of significant participation. Token participation was always available to mollify a given group at a given time. More than this, however, was begrudged and denied. Here is a fact of American history.

Now this is changing with a vengeance. The "melting pot" concept has been held out to them as an ideal, and as they grasped for it, it has been yanked away in reality. This is especially true of our millions of Spanish-speaking Americans. Now they are affirming their existence within the American framework of reference. This complements rather than hurts our American dream.

Today such groups are surging forward in the political arena, reveling in their uniqueness, seeking from political parties recognition in a formal sense of their power and maturity. Only the Democratic Party is prepared to grant full political participation to all such groups.

The Republican Party, still wedded to a concept of tokenism, selects but few members from each group willing to parrot the party line, and frantically shoves them forward to conceal the reality of the narrowness of the Republican Party's popular base. While they welcome the rich and privileged WASP, they only open their door a crack to ethnic minorities. The very political ethic of this administration and the Republican Party could not allow full minority participation for fear of upsetting an existing imbalance in favor of special interests. Opportunity for the dispossessed means less for the powerful few. So it is only to the Democrats that such minorities may turn with any hope of a hearing and opportunity.

The Democratic Party has made a commitment to the Black Congressional Caucus that black delegates to our national convention in Miami would number 20 percent of all delegates. Here is indisputable evidence that we are prepared to back up rhetoric with performance.

Now it is the turn of Spanish-speaking Americans to step forth, announce their own arrival at full political maturity and claim their rightful share of place at our national gathering in Miami.

Hispano-Americans of Mexican, Puerto Rican, Cuban, and Dominican descent have truly been the silent people, excluded on every level from full participation in American life. Such status is today completely unacceptable to the approximately 12 to 15 million Americans of Latin background. They deserve a voice in selecting persons who will carry the standard of the Democratic Party and who will lead our Nation in turbulent times to come.

I believe a similar guarantee can and should be made to Hispano-Americans of our Nation by the Democratic Party. Such a commitment is especially vital at this time, for the President is putting on a Hispano road show rivaling the Wizard of Oz in puffery and meaninglessness.

From the wings troop forward a group of high-visibility Hispano appointees; people who do not reflect the makeup of our community. They are token appointees, acting as icing on a cake made of paper mache. Across broad levels of American economic and political life, this administration has closed rather than opened doors to the mass of our people. All the more reason for a true commitment now by the Democratic Party to Hispano Americans.

Such a sign of recognition by the Democratic Party can and should serve as a clearly visible, unmistakable sign to our people that full participation by Hispanos is welcomed and sought by the Democratic Party.

It is a step forward in the further opening of our American democratic political process. It is a tangible advance in the struggle to broaden the base of popular political participation by our people. Such an expansion can only serve the cause of popular government and democracy. Such a series of internal reforms in the long run will continue to establish the primacy of the Democratic Party's claim to be the only party of the people in this land.

Mr. President, last week a delegation of Spanish-speaking Americans who serve as Democratic Members of the 92d Congress visited with Mr. Larry O'Brien to discuss such recognition by the Democratic Party of the Nation's Hispanos. We stressed to Chairman O'Brien the fact that America's Hispanos vote overwhelmingly in favor of the Democratic Party. We sought his aid in insuring that they received proper recognition at the Miami convention.

Mr. O'Brien, true to his heritage and position, lent us a sympathetic and compassionate ear. While his recommendations are not binding upon the party at Miami, we all know how much respect and credibility he possesses with the Democratic Party's leadership. He assured us that he would make a series of recommendations to insure such recognition. Here are the agreed-upon recommendations:

First. Receive a commitment of at least 10 percent Spanish-speaking delegates at the convention;

Second. Receive a commitment of proportionate representation of Spanish-speaking persons on the three standing committees—rules, credentials, and platform;

Third. Receive a commitment of the use of Spanish-speaking convention personnel at all levels—arrangements, support services, reception, parliamentarians and legal staffs, press, et cetera;

Fourth. The use of Spanish-speaking publications for advertisements and full accreditation for Spanish-speaking media;

Fifth. A prominence of minorities, including Spanish speaking, on the convention platform;

Sixth. Full Spanish-speaking representation at regional platform hearings;

Seventh. The past and future role of the Spanish speaking in the DNC Policy Council;

Eighth. Spanish-speaking representation in the final writing and editing of the platform document on all issues;

Ninth. A commitment from the DNC that provisions will be made for low-cost housing, transportation and food for delegates unable to pay the astronomical Miami Beach prices;

Tenth. An explanation of the steps to be taken to include the Spanish speaking on the DNC's executive committee;

Eleventh. An explanation of the steps to be taken to assure that the Spanish speaking and other minorities will be properly represented in the "draft proposal of a new charter for the Democratic Party" in the O'Hara-Fraser reforms;

Twelfth. The role of the Spanish speaking in the permanent staffing of the DNC.

Mr. President, I believe that the overwhelming majority of these recommendations will receive sympathetic, positive attention by the Democratic Party and its convention. There is no doubt in my mind that a successful effort will be made to open the infrastructure of our party to this, the second largest minority group in the Nation. We can do no less. Certainly, significant gains are to be expected.

THE SOVIET FLEET IS NO MATCH FOR THE U.S. FLEET—REPLY TO ADMIRAL ZUMWALT'S LETTER OF JUNE 2, 1972

Mr. PROXMIRE. Mr. President, on May 19, I wrote the Chief of Naval Operations, Adm. Elmo R. Zumwalt, asserting that the Department of Defense has been systematically distorting the size and threat of the Soviet navy. I requested that he address himself to a number of points I made in that letter by Wednesday the 24th in order that I could include it in a speech I gave in the Senate on May 25.

The admiral answered but said he did not have enough time to reply—even though he had many more days and man hours than it required of my staff to work on the letter and my speech. On May 25 I gave the speech and a full breakdown comparing United States and U.S.S.R. as well as allied naval forces.

Finally, on June 2, we received a substantive reply from Admiral Zumwalt, the Chief of Naval Operations.

Looking over his letter, I am struck by several points.

First, even though the admiral claims that my information is conceptually flawed, he agrees with me on a wide range of points.

Second, there is an equally large incidence of specific points he does not address or dispute thereby suggesting that my previous analysis was accurate.

Third, I find a certain number of his arguments misleading in that they give only partial answers.

Fourth, I want to recognize that some aspects of the admiral's discussion are well made and I will take them into consideration.

Before I begin a point-by-point comparison of his material, let me restate that my conclusions remain firm. Based solely on U.S. Navy data, including the recent exchange of correspondence, it remains clear that the U.S. Fleet is far more powerful in almost every aspect than the Soviet Fleet and that of all its allies. What is so hard to understand is why our Navy and our Defense Department keep downgrading the U.S. Navy and U.S. military strength when we are clearly No. 1 and will remain so.

Our Navy is bigger, better, more powerful, more sophisticated, and far better trained than the Soviet Navy. Why do not our admirals start to stand up for the United States?

Now for the details.

THE ADMIRAL'S SELECTIVE PERCEPTION

Admiral Zumwalt claims that my information and that of the Defense Monitor from the newly formed Center for Defense Information, is "biased and conceptually flawed." He cites my acknowledged decision to speak only of major combatants as a case in point. I deliberately left out small gunboats of less than 1,000 tons from the calculations of force strength for both the United States and the U.S.S.R. I did that for an obvious reason. By including the 970 small Soviet patrol boats, which admittedly can operate only in low sea states and protected bodies of water, the total numbers in an overall comparison become distorted. It is like comparing 1,000 ants to a dozen hungry anteaters. Number do not mean everything.

The use of such inflated figures in the past, counting every minor Soviet patrol boat as equivalent to a U.S. destroyer, is one of the biggest reasons why there has been such a distortion of the size and power of the Soviet fleet.

Furthermore, the admiral commits the very error he warns against. He does not include either the 130 major U.S. Coast Guard vessels or the countless hundreds of similar ships in navies allied with the United States around the world. What is this if not selective perception? The large number of small Soviet ships reflects the fact that she has a large land mass, a defensive posture, and a heavy commitment to minesweeping operations.

The admiral also mentions Soviet land-based naval aircraft, some of which are equipped with anti-ship missiles. This is a good point, one that was not in my previous speech because basically I was comparing ships. But even so, it is not adequate to compare these 900 Soviet planes with the 292 P3 ASW aircraft of the United States. One must also consider the 8,500 sea-based aircraft at our disposal. In this light, the 900 Soviet aircraft do not look quite so threatening, especially since their land-based air coverage is not as mobile as our sea-based planes. They have a limited geographic coverage.

In his criticism of the Defense Monitor, the CNO states that a certain chart is misleading because it does not differentiate between vessels under construction and those deployed. I sense that the admiral is stretching our credibility here. That chart as well as all others in the Defense Monitor are clearly marked with the status of the vessel, operational or under construction, so noted as well as tonnage, class, and date of operation. There was no comparison of future force strengths. If there are more Soviet ships under construction, then their types and numbers should be made public.

In certain instances, Admiral Zumwalt updates my data which was taken, by the way, from testimony of Admiral Rickover which I clearly stated in my speech was as of February 1972. Thus, the Soviets now have 28 rather than 25 cruisers. When it comes to comparing these with U.S. cruisers, however, the admiral makes some distinctly misleading statements. He claims that all U.S. cruisers are as old as the four Soviet cruisers being retired. He fails to state that all but one of the U.S. cruisers has been extensively modernized and are now equipped with missiles.

When speaking of the two Soviet helicopter carriers, the *Moskva* and *Leningrad*, Admiral Zumwalt points out that these are not cruisers. True, they are not cruisers, but they have cruiser type hulls not unsimilar in concept to the first U.S. fleet aircraft carrier, the *Lexington* in 1927. In no way can they be compared to modern U.S. attack aircraft carriers.

IRONIC CRITICISMS

Returning for a moment to the charge of flawed analysis, I note the admiral's ironic criticism of my ship by ship comparison. But our Navy does this day in and day out. If the admiral really believes this, then the U.S. Navy should stop releasing total force level figures to the media which include so many small Soviet ships that the overall significance of any comparison becomes meaningless. The admiral states:

> This simplistic and outmoded approach to the complex process of "net assessment" was abandoned as inadequate by competent specialists in the field many years ago.

This ironic admission of inadequacy points to the Navy itself. Why do they keep doing it? And if the Navy is doing "net assessment" then this should be supplied to Congress instead of the simple approach the admiral himself criticizes.

When the admiral speaks of building programs, I find clear areas of disagreement. He states that the U.S.S.R. has built 89 missile configured surface ships and nuclear submarines between 1967 and 1971 while the United States produced 42. That is accurate. But it is a very selective figure for a very short period of time. It certainly does not prove that the Soviet Navy is building faster than we are. It is, in fact, misleading.

My figures show that since 1960 the United States has built 304 ships of over 1,000 tons in size to the Soviets' 203. Furthermore I stand by my construction data which show that Soviet naval programs did not receive their primary impetus from the 1962 Cuban missile crisis but from military and political decisions taken before that time.

AREAS OF SUBSTANTIAL AGREEMENT

But what is clear is that the admiral has, in fact, agreed with a substantial part of my analysis. Let me provide some examples of where we share the same conclusions. Here are some of the things we both say:

First. The U.S. Navy has a unique superiority in aircraft carriers.

Second. The primary role of the U.S. Navy is offensive as opposed to the primary defensive role of the Soviet Navy.

Third. Many Soviet ships have less endurance and sea capability than U.S. ships.

Fourth. The air power of the U.S. fleet is overpowering.

Fifth. The Soviet Navy suffers from geographic operating constraints.

Sixth. We both agree that what the United States needs is an "adequate naval capability." I certainly agree that we need a good strong Navy, a Navy which is No. 1.

Seventh. The Soviets do not have any aircraft carriers and only a modest amphibious force.

Eighth. The U.S. Navy has nuclear powered combat ships while the Soviets do not.

Ninth. The United States has a significant lead in helicopter carriers.

Tenth. Soviet cruisers are smaller than their Western counterparts.

Eleventh. The United States is continuing to build a mix of large and small destroyers and destroyer escorts and will equip many of our ships with the Harpoon surface-to-surface missile.

Twelfth. Our most recent nuclear attack submarines are superior to their Soviet counterparts.

Thirteenth. Allied forces must be considered in any force comparisons.

Fourteenth. The U.S. submarine fleet, though smaller than the U.S.S.R., has specific qualitative advantages.

Fifteenth. That the U.S. Navy has far more aircraft than has Soviet naval aviation—8,500 to 1,100.

POINTS NOT ADDRESSED

What is even more amazing is that Admiral Zumwalt does not even address himself to a number of vital points in my speech. In general these are specific areas where the United States has a commanding lead over the Soviet Union. But in the entire 27 pages he sent in reply, he failed even to talk about or dispute or argue about many of these matters. Let me point out the most obvious ones. Here is what he left out:

First. That the United States has a lead in major combatants.

Second. That 10 Soviet cruisers are actually smaller than U.S. nuclear destroyers.

Third. That the United States enjoys a commanding numerical lead in destroyers and patrol escorts—PE's.

Fourth. That U.S. building programs in destroyers, PE's, and attack submarines will keep us in the lead for the foreseeable future.

Fifth. That U.S. submarines are entirely more sophisticated in speed, quietness, and operating techniques than the Soviets.

Sixth. That due to the U.S. MIRV program, our sea-based strategic capability is imposing.

Seventh. That major NATO combatants number 767 compared to 583 for the Warsaw Pact.

Eighth. That in the Mediterranean either the French or Italian Fleet is numerically, at last, the equal of the Soviet Mediterranean Fleet.

Ninth. That we must also consider the four British Polaris ballistic missile submarines with 16 tubes and the A–3 triple warhead and the single French ballistic missile submarine with 16 tubes in comparing strengths.

Tenth. That the United States has an overwhelming advantage in overseas bases.

Eleventh. That U.S. Navy surveillance and communications systems are far more sophisticated than anything the Soviets have.

Twelfth. That we have a significant lead in the critical area of strategic and tactical antisubmarine warfare—ASW.

Thirteenth. That the Soviet Fleet is no match for the U.S. Navy which is a worldwide balanced open ocean force with advanced bases, sea knowledge, staying power, and air coverage.

THE QUESTION OF MISSIONS

It is quite apparent both from my original speech and the Zumwalt reply that the two navies are dramatically different. In large measure, this is due to varying missions and responsibilities. Thus, as Admiral Zumwalt correctly points out, it is difficult to compare the fleets on a ship-by-ship basis. But when our Navy uses such statistics to justify new U.S. Navy spending programs, it is not only time to examine the specific facts involved, but to rethink basic missions.

Our aircraft carrier force is designed to project U.S. power overseas. What does this mean? The answer should be obvious. The United States now has six or seven aircraft carrires stationed off Vietnam. This is how we project U.S. power overseas. We could use this power in the same way in Central America, South America, Africa, or elsewhere is the Far East. Is this why we need a new billion dollar aircraft carrier, the CVN–70? If it is, we need to reconsider seriously our national goals and our role in a world filled with day-to-day crises and long term problems of population, pollution and food.

The cold facts are that the U.S. Navy has enough building programs already underway to fulfill any reasonable mission in today's or tomorrow's world. We do not need a massive new building program. Nor should we be pushed into buying expensive ships because the Soviet Union is selectively modernizing its fleet.

Fear is a powerful weapon. Let us not use it against our own people.

Mr. President I ask unanimous consent that my speech of May 25, my letter of May 19, Admiral Zumwalt's May 23 acknowledgement, Admiral Zumwalt's reply, my May 26 letter, and Admiral Zumwalt's detailed reply of June 2, 1972, to my speech plus his accompanying analysis be placed in the Record at the end of my remarks.

Let me also state that after I had prepared this statement and a release—which I had originally intended to give on Friday, June 9, 1972—Admiral Zumwalt sent me a further 12-page statement.

There being no objection, the items were ordered to be printed in the Record, as follows:

The U.S. Navy's Emphatic Superiorty Over the Soviet Navy

Mr. Proxmire. Mr. President, all too often when it comes to the complex questions of national security there are insufficient facts available to make sound judgments. Sometimes this is due to our system of classification. Sometimes it is because the issues are terribly sophisticated and technical in nature. And sometimes it is simply a case of being supplied with partial or incomplete data.

The size of the Soviet Navy is just such a case.

We have heard that the Soviet Navy is growing dramatically, challenging the United States in every ocean, and that unless we meet this challenge by abruptly increasing expenditures on our own Navy, we will no longer be able to defend the Nation's interests.

Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, has recently told the Senate Armed Services Committee:

The continuing growth of Soviet naval capabilities relative to our own is a matter of increasing concern to the Joint Chiefs of Staff. The Soviet Navy has already acquired a global reach. Their ships are now operating on a sustained basis in the Atlantic, Pacific, and Indian Oceans, the Mediterranean and increasingly in the Caribbean. Unless we accelerate the modernization of our fleet, the Soviets will increasingly challenge our control of the seas in those maritime regions essential to the success of our forward defense strategy, as well as in ocean areas closer to our shores.

Inevitably, comparisons are drawn between the United States and U.S.S.R. naval forces. This is a very difficult business. If comparisons are to be accurate, they must range along a number of lines, not only in numbers, but tonnage, sophistication, and effectiveness. But this has not been done. We have had too many half-truths. The Pentagon has artificially made it appear that the Soviet Navy is a massive, modern force that directly threatens the United States. Now what are the facts? Who has the naval power? The answer, the United States leads the Soviet Union in almost every major naval category and current building programs will keep us on top.

My information shows that a number of significant variables have been overlooked thereby giving the impression that the Soviet and Warsaw Pact nations are enormously more powerful than they are in fact.

Let us look at some of these comparisons, based on Navy data as of February 1972.

TOTAL NUMBERS AND CAPABILITIES

In terms of overall numbers of ships, we should talk about major combatants or ships of about 1,000 tons or over. This leaves out small vessels used in coastal areas that might distort the total numbers. The United States has 246 surface major combatants compared to 222 for the U.S.S.R.

The capabilities of the U.S. fleet, however, are far superior. For example:

The United States has four nuclear powered surface ships and is building seven more. The Soviets have none.

The United States has 14 attack aircraft carriers with up to 95 aircraft each and nuclear weapons. The Soviets have none.

The United States has two antisubmarine carriers. The Soviets have none.

The United States has seven amphibious assault helicopter carriers and is building five more up to 35,000 tons. The Soviets have two cruisers of 15,000 tons with helicopter pads for this category. The Soviets have a large ship under construction in the Black Sea that has not yet been identified. It could be a merchant ship or possibly an aircraft carrier.

The United States intends to add a fourth nuclear carrier, the CVN–70, and a fleet of eight follow-on small carriers called Sea Control ships.

In short, our superiority in aircraft carriers, seabased air operations, and nuclear surface ships is absolute.

CRUISERS

There is considerable confusion about modern day definitions of cruisers. The United States is not building any more traditional cruisers. Instead, we are producing various destroyers, some of which are larger than traditional World War II cruisers. The Soviets, on the other hand, are emphasizing cruisers, but these turn out to be smaller than some U.S. destroyers.

Nevertheless, the Soviet Union has 25 cruisers, but 14 of them are without missile capability. Four of the 25 cruisers are so old that they probably are being deactivated. Ten others are actually smaller—4,800 to 6,000 tons—than the U.S. nuclear destroyers—7,600 to 9,000 tons. The U.S.S.R. also has three converted and three new cruisers of 12,000 to 15,000 tons under construction.

The United States has eight conventional cruisers and one nuclear cruiser. All but one of the U.S. cruisers carry missiles. In addition, the United States is planning to build a number of 10,000–ton cruiser-size, surface-effects ships.

DESTROYERS

In terms of destroyers, the United States has 65 missile-equipped destroyers to the Soviet's 40. Two U.S. destroyers are nuclear and five more under construction. No Soviet destroyers have nuclear propulsion. The Soviets have about 155 older nonmissile destroyers and they are building a new sophisticated class called the *Krivak,* two of which are already operational. The United States has some 115 additional nonmissile destroyers and is building 16 modern DD963—*Spruance*—class vessels and 14 *Knox* class destroyer escorts. The first procurement request for 50 3,400-ton patrol frigates—PE's—is in this year's U.S. budget. The PE's will be larger than most Soviet destroyers. By mid to late 1970's, the United States will have an advanced surface-to-surface missile called the Harpoon onboard all our major combatants and some of the patrol boats How about submarines?

SUBMARINES—ATTACK AND CRUISE MISSILE

During World War II, Stalin decided to build 1,200 submarines. This plan was never carried out. However, the submarine remains the major offensive weapon of the Soviet fleet. They currently have 343 submarines, a number that is decreasing yearly as the World War II vintage submarine becomes obsolete. Of the 343, 190 are old diesel attack submarines of limited operational capabilities and are being retired. They also have 65 nuclear attack submarines of which 40 are cruise missile equipped and they have 28 older diesel attack submarines equipped with cruise missiles.

The United States has at least 56 nuclear attack submarines, none with cruise missiles, and 41 older diesel attack submarines without missiles which are being retired. We are building 21 new SSN–688 class and SSN–637 class nuclear attack submarines. The SSN–688 will be the most modern, sophisticated attack submarine in the world. Plans are even being made to produce a follow-on to the SSN–688 which will have a long-range cruise missile capability.

Overall, the Soviet Union retains numerical superiority in submarines, but the speed, quietness, sophistication, and operational techniques of U.S. attack submarines are entirely higher quality. U.S. submarines get much better tactical training and have better equipment.

STRATEGIC SUBMARINES

The figures for ballistic missile submarines show a disparity in strength favoring the United States. U.S. seabased strategic capability is imposing. We have 41 ballistic missile submarines with missile ranges up to 2,500 nautical miles. The Poseidon version carries 16 missiles with about 10 multiple independently targeted reentry vehicles—MIRV's—each. By fiscal year 1975 we will have 31 Poseidon boats with 4,960 reentry vehicles plus 10 older Polaris boats of 16 launchers, each with three multiple reentry vehicles—MRV's.

The Soviets have about 25 Y-class ballistic missile submarines and 17 more under construction, but their missile range is 1,200 nautical miles less than Poseidon, they have neither MRV's nor MIRV's, they have less accuracy, their boats are noiser and thus are more susceptible to ASW techniques. They do not have as long on-station time as U.S. boats, and they suffer from restricted geographic operating conditions. Older versions, the Hotel and Golf classes are smaller, with even more restricted missile range and operating conditions. Of the entire operational Soviet ballistic missile fleet of 60—roughly 25 Y, 25 Golf, 10 Hotel classes—only 8 to 10 of their ships or 16 percent are on station at any one time. The United States has 32 operational Polaris/Poseidon boats with about 16 or 50 percent on station. A new long-range naval missile, the SS–NX–8 has been tested by the Soviets and may be retrofitted into their Y-class submarine or alternately, placed aboard a new class of submarines.

ALLIED FORCES

A simple point-by-point comparison between United States and U.S.S.R. navies is a seriously incomplete picture, however. Allied combatants ships must also be included. Major NATO combatants number 757 compared to 583 for the Warsaw Pact. This case is aptly demonstrated in the Mediterranean. The total average number of Warsaw Pact and their allied—Egypt, Yugoslavia, Albania—major combatants in the Mediterranean ranges from 43 to 54. The counterpart NATO and our allied forces—one-half French fleet, Spain, Israel—total is 164 or almost four times as many.

In fact, either the French or Italian Mediterranean forces is numerically, at least, the equal of the Soviet Mediterranean fleet.

We must not overlook the British and French strategic forces. The British have four Polaris ballistic missile submarines which carry the A–3 triple MRV. The French have one ballistic missile submarine with 16 tubes and have four more under construction.

ADDITIONAL ADVANTAGES

Let me mention a few other areas in which the U.S. Navy has a decided advantage. We do not operate under the restricted geographic conditions that hamper the Soviet fleet. They must face iced-in ports and narrow transit waters where they can be detected and even bottled in during wartime. We have numerous overseas bases for replenishment, crew liberty, and repairs. Advanced bases also provide for quick reaction time.

The U.S. Navy surveillance and communications systems are far more sophisticated than anything the Soviets have.

We also have a significant lead in the strategically important area of anti-submarines warfare—ASW. The U.S. Navy confidently states that no U.S. Polaris-type submarines are being detected or followed by Soviet submarines. On the other hand, U.S. listening devices and attack submarines do detect, identify, and track Soviet submarines. No one questions our superiority in this field. U.S. capability in tactical ASW is likewise far superior and this moderates, to some degree, the heavy Soviet emphasis on submarines. The 5nm ASROC and 35nm SUBROC, for example, are ASW innovations used exclusively by the United States.

So far I have pinpointed a number of distinctions between the United States and U.S.S.R. fleets. I think it is apparent that our conventional and nuclear surface fleet is far more powerful, in almost every category, than their Soviet counterparts. I have also shown that in terms of some types of submarines, and possibly surface-to-surface missiles, Soviets lead at present.

MODERNIZATION AND CONSTRUCTION

But what about modernization and construction rates? Are not the Soviets gaining on us rapidly?

The answer: "No." It is true that since the Soviets have decided to modernize some of their fleet and replace older vessels and then show these ships in some new areas of the world, they have attracted a lot of attention. It must be noted, however, that they have had limited open ocean experience, nothing comparable to the U.S. fleet. The decision to enter new waters was political, not the result of an increasing number of ships. The Soviet fleet still is defensive in character as opposed to the primary offensive capability of the U.S. Fleet. They have held only one major worldwide ocean exercise, OKEAN, in April of 1970. Since then they have only modestly increased their training exercises in foreign waters.

Now for the facts on modernization. Between 1960 and 1969, and according to the U.S. Navy's own data, the U.S. shipbuilding program has exceeded the Soviet's in every type of ship except the surface-to-surface missile ship. During that period we completed:

Five attack carriers—the Soviets none;

Six helicopter carriers—the Soviets two;

No surface-to-surface missile ships—the Soviets 14;

Fifty-five surface-to-air missile ships—the Soviets 15; and

Eighteen antisubmarine warfare ships—the Soviets none.

The U.S.S.R. has expanded shipyard capacity particularly for Y-class submarines, to accommodate their modernization program but there was Soviet naval buildup as a result of the Cuban missile crisis of 1962.

The Soviets have some good weapons, particularly their anti-ship cruise missiles which directly threaten our aircraft carriers. And they have been modernizing their fleet selectively including the use of more efficient gas turbines. But there has been no crash program. There has not even been a buildup in numbers. They do not belong in the same category with the U.S. Navy, a worldwide balanced open ocean force with advanced bases, sea knowledge, staying power, and air coverage.

WELL-KNOWN TECHNIQUE

The Pentagon's buildup of the Soviet Navy is a strange but well-known technique. Clearly, if the Soviet Navy is suddenly that much of a threat, our own Navy has not been wisely using its funds, even though they get more money from Congress than the other two services.

It is more likely that the Pentagon is again crying "wolf" in the hope of stampeding Congress into buying the new billion dollar aircraft carrier, the CVN–70, and the multi-billion-dollar Underseas Long-range missile System—ULMS. The Navy has conducted a skillful and extensive lobbying campaign in Congress but we must not be swayed by their incomplete data.

This kind of exaggeration drives the defense budget up every year. But even worse, it is a misstatement of the facts. We are No. 1 militarily, and we should not be afraid to say so.

FACTS IN LETTER UNANSWERED

I have written Admiral Zumwalt, the Chief of Naval Operations, challenging the Pentagon to give the full story about the Soviet Navy—a net assessment as this administration prefers to call it.

The admiral has replied but he has not offered a rebuttal to any of the facts. The point is that while he has written that he disagrees he offered not one single specific fact in rebuttal—not one.

Thus, while he states that he believes that many of the assessments in my letter are incorrect, he offers only to "brief me."

I am writing back and insisting that he reply to my facts in writing. I was briefed by Admiral Zumwalt on the F–14. First of all, he brought a flotilla of admirals, captains, and commanders to my office. There was so much gold braid that I calculated that almost half the funds for Navy pay and allowances must go to these gentlemen.

GOLD-BRAIDED BRIEFINGS

Then he gave me a "selected" briefing. He justified that biggest lemon of all lemons, the F–14 fighter plane, which will cost at least $16 million a copy. The way he did it was to take some relatively unimportant factors to try to show that it was superior to the F–4 in those single facets.

It reminded me of the way baseball records are kept. They now talk about the record for left-handed catchers who hit singles in the fourth inning of the fifth game of a seven-game World Series against a rookie left-hander.

It was that kind of "selected" information the briefing used to justify the F–14.

I am, therefore, refusing a briefing which, if like the last one, never would produce any solid answers and which was largely a gold-braided snow job.

I am insisting that the admiral answer me in writing and put it down on paper where we can see it, analyze it, and not be overwhelmed by uniforms and charts.

The main thrust of my remarks should now be clear. Why should we sharply increase the spending for our Navy when we are so emphatically superior to the Soviets in so many ways? The facts dictate otherwise. Let us be prudent in our fiscal judgments and not overreact to inflated threats.

I ask unanimous consent that the exchange of correspondence with Admiral Zumwalt be placed in the RECORD at this point. I also ask that the May issue of the Defense Monitor, which contains a breakdown of United States-Soviet naval forces be inserted in the RECORD. The Defense Monitor is published by the newly formed Center for Defense Information, headed by Rear Adm. Gene R. LaRocque, U.S. Navy, retired who, I think, is going to make a tremendously useful contribution to our understanding of the real facts on defense.

U.S. SENATE,
Washington, D.C., May 19, 1972.

Adm. ELMO R. ZUMWALT,
Chief of Naval Operations,
The Pentagon,
Washington, D.C.

DEAR ADMIRAL ZUMWALT. I do not believe that the Department of Defense has presented Congress and the public with a full and complete comparison of the naval programs of the NATO countries and the Warsaw Pact. My research shows that a number of significant variables have been overlooked, thereby giving the impression that the Warsaw Pact nations are enormously more powerful than they are in fact.

I intend to make a full presentation to the Senate on this subject May 25th, demonstrating that the present balance of naval forces is dramatically weighted on the side of the U.S. and NATO countries. I invite you to comment on the following points which I will make, and I will submit your reply to the Senate at the same time so that comparison can be drawn. It is imperative that you respond no later than noon Wednesday, May 24th.

Our conventional and nuclear surface fleet is far more powerful, in almost every category, than their Soviet counterparts. Even though we have 246 major surface combatments and the Soviets have 222, the capabilities of the U.S. vessels are far superior.

For example, the U.S. has four nuclear powered surface ships and is building seven more. The Soviets have none. The U.S. has 14 attack aircraft carriers with up to 90 aircraft each. The Soviets have none. The U.S. has two anti-submarine carriers. The Soviets have none. The U.S. has seven helicopter carriers and is building five more up to 35,000 tons. The Soviets have two converted cruisers of 15,000 tons with helicopter pads. A large new Soviet ship under construction in the Black Sea has not yet been identified. It could be a merchant ship or possibly an aircraft carrier.

A numerical comparison of cruisers points up further misleading statements. The Soviets have 25 to our 9 but only one large Soviet cruiser has any missile capability while all but one of the U.S. cruisers carries missiles. Four of these Soviet cruisers are so old that they probably are being deactivated. Ten Soviet cruisers are smaller in size than many U.S. destroyers.

Considering destroyers, Soviet ships are less numerous (65 to 40) and much smaller in size.

The figures for submarines also show a disparity in strength favoring the United States. U.S. ballistic missile capability is imposing. We have 41 ballistic missile submarines with missile ranges up to 2500 n.m. The Poseidon version carries 16 launchers with about ten Multiple Independently-targeted Reentry Vehicles (MIRVS) each. By 1975 we will have 31 Poseidon boats with 4,960 reentry vehicles plus ten older Polaris boats equipped with triplet multiple reentry vehicles (MRVS). The Soviets have about 25 Y-class ballistic submarines and 17 more under construction, but their missile range is 1200 n.m. less than Poseidon, they have neither MRVs or MIRVs, they have less accuracy, their boats are noisier and thus susceptible to ASW techniques, they do not have as long on-station time as U.S. boats, and they suffer from restricted geographic operating conditions. Older versions of Soviet submarines, the Hotel II and the Golf II classes are smaller with even more restricted missile ranges and operating conditions.

It must be noted that the Soviets do possess some 68 cruise missile submarines which present a threat to U.S. surface craft. They also have a large but quickly obsolescing number (190) of diesel attack submarines of greatly limited capabilities. The U.S. has 56 nuclear attack submarines, more than twice the Soviet's 25. Furthermore, U.S. models are of across-the-board better quality and we are building a more modern submarine class (SSN–688) at a fast pace.

In view of these specific facts, the United States has a clear naval advantage over the Soviet Union in tonnage, conventional fire power, bases, modernization and nuclear warheads. If you dispute this apparent advantage in any respect, please give me your detailed rebuttal.

A simple point-by-point comparison between U.S. and Soviet navies is a seriously incomplete picture however. Allied combatant ships must also be included. Major NATO combatants number 767 compared to 583 for the Warsaw Pact. The case is aptly demonstrated in the Mediterranean. The total average number of Warsaw Pact and Allied major combatants in the Mediterranean ranges from about 43 to 54. The counterpart NATO and Allied forces total is 164 or almost four times as many. In fact, the French and Italian Mediterranean forces are at least, individually, the equal of the Soviet Mediterranean fleet!

Just as present comparisons greatly favor NATO forces, long-term projections also show that this dominance is likely to prevail. The U.S. has 63 major new combatants authorized and under construction ranging from nuclear aircraft carriers to the ill-fated DE–1052 Knox class escorts. This is not to mention the $1 billion new nuclear aircraft carrier or $942 million as a down payment on a $11.9 billion ULMS fleet the Department of Defense is requesting in the Fiscal Year 1973 budget.

I am enclosing a table prepared by the Center for Defense Information on which I base some of my conclusions.

Please give whatever evidence you have to contradict this table and the conclusion that the present U.S. Navy building programs are more than enough to keep the U.S. far ahead of the Soviets Union in significant categories of naval warfare for the foreseeable future.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

CHIEF OF NAVAL OPERATIONS,
Washington, D.C., May 23, 1972.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of May 19, 1972 giving me the opportunity to comment on the points you propose to make in your presentation to the Senate on May 25th.

I am sure you recognize that I am in substantial disagreement with many of the statements in your letter. The Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Director of the Central Intelligence Agency, the Secretary of the Navy, other Navy witnesses and I have presented all the facts we know concerning the relative naval posture of the United States and our allies and potential adversaries to the Senate Armed Services and Appropriations Committees in executive session. This testimony is in the process of security review and the unclassified portions will be published by the cognizant committees in conjunction with their reporting out the military procurement authorizations and appropriations bills.

I regret that the time available from receipt of your letter to the deadline you have set for receipt of my reply is not sufficient for me to address adequately the issues you have raised. Further, since the President is at this moment in Moscow engaging in a series of extremely serious discussions on a number of sensitive subjects, it would be inappropriate for me at this time to engage in correspondence concerning the issues raised in your letter.

Let me assure you that I am perfectly willing to discuss the issues with you after the President returns. In order to do so, it will be necessary to assemble in one presentation the pertinent facts. Therefore, I will be happy to discuss these issues with you and answer any questions you may have.

Since I believe that many of the assessments in your letter of May 19 are incorrect, I would suggest that you avail yourself of this briefing before making the presentation to the Senate. Should you decide, however, to proceed with your presentation without this briefing, I would appreciate your including this reply with your presentation to the Senate.

E. R. ZUMWALT, Jr.,
Admiral, U.S. Navy.

[From the Defense Monitor, May 1972]

THE SOVIET NAVAL THREAT: REALITY AND ILLUSION

Admiral Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, has told Congress that "a major shift in the naval balance between the United States and the Soviet Union" is taking place.

"Unless we accelerate the modernization of our fleet," he told the Senate Armed Services Committee on February 15, 1972, "the Soviets will increasingly challenge our control of the seas in those maritime regions essential to the success of our forward defense strategy, as well as in ocean areas closer to our shores."

On the basis of these arguments, the Defense Department has asked Congress for $9.7 billion in new Navy procurement funds for fiscal 1973, about $1 billion more than in 1972, which was in turn about $1 billion more than in 1971. These funds are part of a Navy "modernization" program: 42 major combat ships and 21 submarines now under construction or authorized by Congress and more than 60 major surface ships and a new fleet of ballistic missile submarines contemplated (see tables 4 and 5).

The Center for Defense Information has made its own study of the naval balance and has reached the following conclusions:

The balance is heavily in favor of the United States.

The Soviet Union is doing little which would significantly change the balance in the next few years.

There is little evidence to support the request for a large increase in money for ships designed to protect US power overseas and to greatly expand US strategic weapons capability.

A LOOK AT THE BALANCE

Defense Department testimony to Congress on the Soviet naval threat stresses such trends as an increase in the number of Soviet major combat surface ships in the last five years (from 185 to 215, including two new helicopter carriers, seven new missile cruisers, 18 new missile destroyers and 36 new escorts). It stresses Russia's numerical advantage in submarines (about 343 Soviet to 138 US), new Soviet anti-ship missiles, and increases in Soviet naval operations in the world's oceans.

But these presentations fail to give a fair picture of the relative strengths of these two navies. The diagrams and data on the following pages give a fair picture. They show that:

1. The Soviet Union has no nuclear-powered combat surface ships and is not reported to be building any. The United States has four and is building seven more.

2. The United States has 14 attack aircraft carriers which carry from 40 to 90 jet aircraft each, used for striking land or sea targets. Two nuclear carriers are under construction. The Soviet Union has no attack carriers and no sea-based fixed-wing aircraft. The Defense Department has asked for funds in 1973 to start building the power plant for a fourth nuclear attack carrier. It also has asked for funds to design a new fleet of at least eight smaller follow-on carriers to be called Sea Control Ships.

3. The United States has two anti-submarine carriers which carry helicopters and fixed-wing anti-submarine aircraft. The Soviets have two anti-submarine carriers which are actually cruisers with large helicopter landing decks. One 35,000-ton ship is under construction in the Soviet Union which may be a carrier or some other type of ship.

4. The United States has seven "assault" helicopter carriers designed to move marines ashore. Five more, twice the size of the existing ones, are under construction. The Soviet Union has no comparable ships.

5. The United States has nine cruisers. The Soviets have 25. But four of the Soviet cruisers are pre-World War Two and are probably being retired. Ten of the Soviet cruisers are smaller than many US destroyers. The US Navy wants to build two 2200-ton prototypes of what would eventually be a cruiser-size hovercraft called a "surface effects ship."

6. Soviet missile-firing destroyers are fewer and smaller than their US counterparts. Congress has already authorized 30 new destroyers (DD963 Spruance Class), which are larger than any destroyers of the Soviet Union. The US Navy is asking for funds for 50 new "patrol frigates" which will be larger than most Soviet destroyers. By the late 1970s all US destroyers and patrol frigates are to be equipped with the new Harpoon surface-to-surface missile.

7. The present US fleet of 41 strategic ballistic missile submarines has 2800 separately

targetable warheads.[1] Russia's ballistic missile submarines have about 500 warheads (see Table 1). Also, a greater percentage of the US ballistic missile submarines are on station at a given time than is the case with the Soviet submarines. By 1976, the number of separately targetable US submarine-launched warheads will increase to almost 7000. This figure does not reflect the proposed new ULMS ballistic missile submarine system which will be the subject of a subsequent edition of *The Defense Monitor*.

8. The Soviets have a fleet of 68 submarines armed with anti-shipping "cruise" missiles. The United States decided in the 1950s not to develop a capability in this area and abandoned its Regulus missile program. Recently, the Pentagon decided to go ahead with development of a new cruise missile for a new attack submarine.

9. The US has more than twice the number of nuclear-powered attack submarines as the Soviet Union. The Russians have 190 diesel attack submarines as compared to 41 for the US, but these are being phased out of both navies. The total number of Soviet attack submarines has decreased from 430 in 1960 to 283 in 1972, and Admiral Moorer states that he expects this number will continue to decline as newer submarines are introduced at a slower rate than older units are withdrawn. The US is building a new class of nuclear attack submarines (SSN 688 Los Angeles Class).

CONSTRUCTION

Admiral Moorer told Congress: "The rate of modernization in the Soviet surface fleet is expected to accelerate during the next few years."

The Russians are building mainly light cruisers and destroyers. These include Kesta II cruisers, and Krivak and Kashin destroyers. Recently these have been built at a rate of about one per year in each class. Defense Department reports have suggested another "possible" cruiser construction program and a "possible" carrier.

But in view of the U.S. construction program already in progress, Soviet "acceleration" would have to be enormous to make a significant difference in the overall balance.

REGIONAL BALANCES

When talking about a shifting balance, Defense Department witnesses limit themselves to comparing the US and Soviet navies. Yet, many NATO allies have modern effective navies that must be taken into account. When NATO and Warsaw Pact forces are compared the balance clearly favors NATO (see Table 2).

The balance is even more striking when naval forces in the Mediterranean, for example, are examined alone (see Table 3). (Not shown in the table are the more than 50 small patrol boats armed with anti-ship missiles which the Soviet Union has given many of her allies in the area. These boats normally operate relatively near shore.)

OTHER FACTORS

The map on page seven shows that Soviet fleets suffer geographic and climatic handicaps—limitations not faced by the US Navy. Some fleets are partially iced-in during winter. Others can be bottled up in home waters because of narrow passages through which they must travel. These "choke points" also facilitate NATO's monitoring of Soviet fleet movements.

In discussing the US–USSR naval balance, Defense Department witnesses neglect to consider the US Coast Guard—a force which possesses over 50 ocean-going cutters of naval destroyer size, armed with guns and anti-submarine weapons.

CONCLUSIONS

The overall balance favors the United States. The Soviet Union is not likely to change this status in the near future.

The naval "balance" argument does not, therefore, justify, by itself, the kind of naval buildup which the Defense Department has under way now or plans in the future. However, Defense Department testimony makes clear that the Navy has other purposes in mind. Admiral Elmo R. Zumwalt Jr., Chief of Naval Operations, told Congress that the Navy's four "capabilities" are:

"Assured second strike" (This refers to the Polaris-Poseidon fleet retaliating with strategic missiles after a Soviet nuclear attack on the United States.)

"Control of sealines and areas"

"Projection of power ashore"

"Overseas presence"

The first "capability" is defensive. In view of the overwhelming second strike capability which the U.S. possesses, the new ULMS program is not needed at this time. The American public deserves a much clearer definition of the other Navy "capabilites": What kind and degree of "control of the seas" has the U.S. decided to pursue? Under what conditions and in what areas of the world will it "project power ashore"? What portion of the present Navy and what portion of the "modernization" program is designed for overseas presence? These are questions which must be publicly asked and answered before additional programs are approved by Congress.

"Every addition to defense expenditure does not automatically increase military security. Because security is based upon moral and economic, as well as purely military strength, a point can be reached at which additional funds for arms, far from bolstering security, weaken it."—President Eisenhower.

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[1] To put in context with overall U.S. strategic capability, Secretary Laird gave these comparative figures for nuclear weapons for mid 1972:

Total offensive strategic nuclear weapons (warheads):

U.S ______ 5,700

U.S.S.R ______ 2,500

TABLE 1.—CURRENT BALLISTIC MISSILE SUBMARINE COMPARISON

Type	Number of submarines	Missile type	Missile range	Number of launchers per submarine	Total number of launchers	Number of independent warheads per submarine	Total number of warheads
U.S.[1]:							
Poseidon	12	Poseidon	2,500 nautical miles	16	192	192	2,304
Polaris	21	A-3	2,500 nautical miles	16	336	16	336
Polaris	8	A-2	1,500 nautical miles	16	128	16	128
Total	41				656		2,768
U.S.S.R.[2]:							
Yankee	26	SS-N-6 (Sawfly)	1,300 nautical miles	16	416	16	416
Hotel II	9	SS-N-5 (Serb)	650 nautical miles	3	27	3	27
Golf II	25	SS-N-5 (Sefrb)	650 nautical miles	3	75	3	75
Total	60				518		518

Figures as of June 1972.

[2] Figures of February 1972.

TABLE 2.—MAJOR NAVAL COMBATANT COMPARISON

[Figures as of February 1972]

NATO

	Total	United States	United Kingdom	France	Canada	Denmark	Netherlands	Italy	Norway	Portugal	Greece	Turkey	West Germany
Attack and ASW carriers	20	16	2	2	0	0	0	0	0	0	0	0	0
Helicopter carriers	12	7	3	2	0	0	0	0	0	0	0	0	0
Cruisers	16	9	3	2	0	0	2	0	0	0	0	0	0
Destroyers and escorts	460	214	76	48	20	2	18	24	5	11	12	10	20
Submarines	259	138	34	20	4	6	5	10	15	4	2	10	11
Total	767	384	118	74	24	8	25	34	20	15	14	20	31

WARSAW PACT

	Totals	U.S.S.R.	Bulgaria	Czechoslovakia	East Germany	Hungary	Poland	Rumania
Attack and ASW carriers	0	0	0	0	0	0	0	0
Helicopter carriers	2	2	0	0	0	0	0	0
Cruisers	25	25	0	0	0	0	0	0
Destroyers and escorts	206	195	2	4	3	0	2	0
Submarines	350	343	2	0	0	0	5	0
Total	583	565	4	4	3	0	7	0

TABLE 3.—MAJOR NAVAL COMBATANTS IN MEDITERRANEAN AREA

	NATO and U.S. allies					Warsaw Pact and U.S.S.R. allies					
	Total	NATO [1]	Spain [2]	Israel	Morocco	Total	Warsaw Pact (U.S.S.R.) [3]	Egypt	Yugoslavia [4]	Albania [4]	Others [5]
Attack and ASW carriers	5	4	1	0	0	0–0	0–0	0	0	0	0
Helicopter carriers	3	3	0	0	0	0–1	0–1	0	0	0	0
Cruisers	3	2	1	0	0	2–4	2–4	0	0	0	0
Destroyers and escorts	106	86	17	2	1	14–17	5–8	7	2	0	0
Attack Submarines	47	41	3	3	0	27–32	7–12	12	5	3	0
Total	164	136	22	5	1	43–54	14–25	19	7	3	0

[1] NATO includes U.S. 6th Fleet; United Kingdom forces normally in the area; one-half of the French Navy; and the naval forces of Italy, Greece, and Turkey.

[2] One-half of the Spanish Navy.

[3] U.S.S.R. totals are normal and highest observed.

[4] Yugoslavia and Albania are included though the political situation with the U.S.S.R. may be strained at the moment.

[5] Others include Syria, Libya, Algeria, Tunisia, and Lebanon.

TABLE 4.—*Summary of major US Combatant ships authorized or presently under construction.*

2—Nuclear Attack Carriers.

5—Large Amphibious Helicopter Assault Carriers.

5—Large Nuclear Guided Missile Destroyer Leaders.

16—Large All-Purpose Destroyers (DD963 Spruance Class).

14—Large Escorts (DE 1052 Knox Class).

12—Large Nuclear Attack Submarines (SSN688 Los Angeles Class).

9—Medium Nuclear Attack Submarines (SSN637 Sturgeon Class).

TABLE 5.—*Summary of major US combatant ships, fiscal year 1973 requested.*

$299 million for long lead items for one additional nuclear attack carrier (CVN-70). (Eventual total program will cost an estimated $951 million.)

$10 million for contract design for a "first buy" of eight new follow-on carriers called Sea Control Ships (SCS). (Eventual total program will cost an estimated $1 billion.)

$50 million for two 2200-ton prototypes of a new major surface combatant called Surface Effect Ship (SES), which will be a large hovercraft. (Eventual total program cost is not available.)

$945 million for advanced development of a new strategic-missile nuclear submarine called Undersea Long-Range Missile System (ULMS). (Eventual total program will cost an estimated $11.2 billion as "presently constituted.")

$612 million for procurement of seven additional all-purpose destroyers of the DD963 Spruance Class. (Eventual total program will cost an estimated $2.7 billion.)

$192 million for the lead ship of a new fifty ship class called Patrol Frigate (PF). (Eventual total program cost is estimated at $2.4 billion.)

$1.05 billion for procurement of six additional nuclear attack submarines of the SSN688 Los Angeles Class. (Eventual total program will cost an estimated $6.8 billion.)

(All total program cost estimates are based on Department of Defense figures.)

	United States	U.S.S.R.
Surface:		
Aircraft carriers	16	0
Helicopter carriers)	7	2
Cruisers (with missiles)	8	11
Cruisers (without missiles)	1	14
Destroyers and escorts (with missiles)	65	40
Destroyers and escorts (without missiles)	149	155
Surface total	246	222
Submarines:		
Nuclear submarines (with ballistic missiles)	41	[1] 35
Diesel submarines (with ballistic missiles)	0	25
Nuclear attack submarines (with cruise missiles)	0	[1] 40
Diesel attack submarines (with cruise missiles)	0	28
Nuclear attack submarines (without missiles)	56	25
Diesel attack submarines (without missiles)	41	190
Submarine total	138	343
Major naval combatant total	384	565

[1] Estimated.

THE CENTER FOR DEFENSE INFORMATION

The enormous size and complexity of the military effort in this country has outrun the institutions established for citizen understanding and control of public policy. An informed public opinion on national defense and foreign commitments is lacking in our society.

For these reasons the Center for Defense Information has been established. The Fund for Peace has encouraged and made possible the initiation of this Center. Further funding will be provided by private foundations and interested individuals. The Center will be under absolutely no financial or other obligation to any government, military, industrial or individual special interest.

The Center will concentrate exclusively on analyzing and circulating public information on matters of national defense and overseas commitments, as well as scrutinizing our national defense program on a day-to-day basis. Its appraisals will challenge existing assumptions about national defense and provide the basis for rational alternative policies and budgets to be measured against those of the Department of Defense.

The Center will disseminate its research and information to the broadest public possible through position papers; a journal, *The Defense Monitor,* of which this is the first edition; and material designed for the news and other media. In addition, the Center will respond to requests for information on defense matters. Future editions of *The Defense Monitor* will include analysis of the defense budget, ULMS (Underwater Long-range Missile System), the B–1 Bomber, technological superiority, the proposed attack carrier, U.S. forces overseas and military commitments to foreign nations, as well as other topics of vital national and military concern.

The Center and its rapidly developing inventory of information will be a reliable and non-partisan resource for all individuals and groups, insisting upon a military that will genuinely defend and strengthen American society, not weaken it by overcommitments and waste of resources.

MAY 26, 1972.

Adm. ELMO R. ZUMWALT,
Chief of Naval Operations, The Pentagon,
Washington, D.C.

DEAR ADMIRAL ZUMWALT: I appreciate having your "reply" to my letter which I have placed in the CONGRESSIONAL RECORD. But I note that while you disagree with me you do not cite a single "fact" in support of your position.

I noted your complaint about not having sufficient time to answer my letter. May I say that working with me on my material were two aides, each devoting only part time to this matter. And they organized the material in far less than five days in which I asked you to reply to my letter. With the entire Navy Department at your disposal and with the massive work that has already gone into your and other Navy testimony, I see no reason why you could not have given a detailed reply to my statements in the five-day period.

You offer to "brief" me, but for reasons I mentioned in my speech, what I want is your answer in writing so that we can see the facts, analyze them, and not be overwhelmed by uniforms and charts.

Would you therefore reply to my Senate speech, which is based on public data as of February 1972, and answer these questions?

Is it not true that our superiority in aircraft carriers, seabased air operations, and nuclear surface ships is virtually absolute? If not, what specific facts deny that?

Are any of the facts in my statement concerning cruisers and destroyers incorrect in any substantial way? Is it not true that many of our destroyers are in fact bigger than some Soviet cruisers, and that the 3,400 ton patrol frigates will be larger than some Soviet destroyers?

Are not my facts with respect to Soviet attack and strategic submarines correct?

Is it not correct that while the Soviets retain some numerical superiority in diesel attack submarines, that the speed, quietness, sophistication, and operation techniques of the U.S. attack submarines are of entirely higher quality than the Soviet's?

Does the U.S. not have a 2 to 1 lead in nuclear attack subs?

Is it not true that while both we and the Soviets have about the same number of strategic ballistic missile submarines, that the disparity in overall strength favoring the U.S. is imposing?

Is it not true that the Soviet SLBM's have a missile range of at least 1,200 nautical miles less than ours, that they have neither MRV's or MIRV's, that their missiles are less accurate, and that their boats are noisier and far more susceptible to ASW techniques? Is it not true that they do not have as long on-station time and suffer from limited geographic operating conditions including iced-in ports and bottleneck transit points?

Is it not true that major NATO combatants number 767 compared to 583 for the Warsaw Pact?

Is it not true that either the French or Italian Mediterranean force is numerically at least the equal of the Soviet Mediterranean fleet?

Is it not also true that we have a decided advantage over the Soviet fleet because of its restricted geographic limitation, our advanced overseas bases, our far superior surveillance and communications system and superiority in our ASW techniques?

Do you deny the facts I inserted in the Record on the shipbuilding programs between 1960 and 1969 which show that we have exceeded the Soviets in every type of ship except surface to surface missile ships?

Is it not true that our conventional and nuclear surface fleet is far more powerful, in almost every category, than their Soviet counterparts?

Is it not true that the Soviet fleet does not belong in the same category with the U.S. Navy which is a world-wide balanced open-ocean force with advanced bases, sea knowledge, staying power, and air coverage?

Is it not true that our Navy is Number One? Is it not true that under present plans and programs we will continue to be Number One for the forseeable future?

I am enclosing the text of my Senate speech so that you can reply to the additional details contained there.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senate.

CHIEF OF NAVAL OPERATIONS,
June 2, 1972.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: As you know, the diplomatic situation made it inappropriate for me to respond fully on 23 May to your letter questioning official assessments of relative U.S.-Soviet naval capabilities. Now that the President has returned, I welcome the opportunity to do so, because this subject is central to our plans for meeting the Navy's assigned responsibilities.

As you requested, I have had a detailed reply prepared to the points you have raised. In addition, my staff has prepared, in both conceptual and tubular form, a comparison of the navies of the United States and the Soviet Union. Both statements are enclosed. They present a far more complete and correct comparison and inventory of the two navies than does Table Seven of the May, 1972, *Defense Monitor* which you sent me, indicating that it provided the basis for some of your conclusions, and which you specifically asked me to respond to. This table does not appear in the copy of the *Defense Monitor* which you inserted in the *Congressional Record* with your remarks.

The Navy and other agencies are continuously collecting and refining information and examining its implications for the relative capabilities of the U.S. and the Soviet Union. We strive constantly to improve the methods by which these complex and difficult assessments are made. That is why I was dismayed at the dubious quality of the analytical work on which some of your condemnation of the Defense Department was apparently based.

DEFECTS IN ANALYSIS

Simply put, the analysis given you by the Center for Defense Information is biased and conceptually flawed.

First, the data has been qualified or selected in such a way as to be misleading. Important elements of Soviet naval capability are ignored or improperly compared. Some of these are so well known by every competent analyst who is concerned with the subject that exclusion of them raises serious questions about the competence of the work as a whole.

Second, I believe that this research is tainted by so basic a conceptual flaw that, even if the study had been competently and accurately carried out and contained no serious bias, intentional or otherwise, it would not support the firm conclusions you have drawn.

BIAS

My first concern deals with several biases in the research provided you. Elements important to a fair comparison are simply omitted. For instance, the large segment of Soviet naval capability that consists of smaller combatants was disregarded. These units play an important role in Soviet naval planning and have significant combat capabilities in such enclosed seas as the Mediterranean, the Persian Gulf, and the Caribbean.

The Soviets have 970 of these vessels; 150 of them are equipped with anti-ship missiles similar to the ones that sank the Israeli destroyer EILAT in 1967.

The Soviets have:

150 missile patrol boats (Osa, Komar, and Nanuchka), armed with surface-to-surface cruise missiles
250 fast patrol boats
250 coastal escorts and submarine chasers
195 fleet minesweepers
125 coastal minesweepers

In contrast to these 970 vessels, the U.S. has 31 ocean minesweepers and 16 patrol gunboats in a similar category; two of the patrol gunboats have undergone trials with missiles.

The Soviets have some 900 land-based naval aircraft, over 300 of which are equipped with long-range, sophisticated, anti-ship missiles. The only comparable U.S. airplanes are our 292 P3 ASW aircraft. Our aircraft, however, do not have a long-range anti-ship missile capability. In addition, a significant portion of the Soviets' counterpart to our Strategic Air Command, their Long Range Aviation—strategic aircraft, armed with cruise missiles—is now assigned against our Navy. This reassignment of mission has been made possible by the growth of the Soviet land and sea-based strategic missile forces. Again no mention of these capabilities is made in your statement.

In addition to these omissions, the numerical comparisons you provided are biased. Table Seven of the May 1972 *Defense Monitor,* which you enclosed in your letter as the basis for some of your conclusions for instance, overstates U.S. forces by including 127 ships that are under construction or have been requested for the future. For the Soviets, however, it lists only two ships under construction. In actuality, we know that the Soviets have been building ships at a faster rate than the U.S. and that, over the past decade, have increased their shipbuilding capacity enormously.

The statistics you have cited, therefore, compare a whole U.S. Navy that we would like to have in the 1980's, some of it not even yet approved by the Congress, with a portion of the Soviet fleet of today.

The Soviets have 28, not 25, cruisers, 14 of which—one "large" and 13 smaller—are missile equipped. Moreover, the smaller cruisers have impressive armament, including both surface-to-surface missiles (not one of our ships has any) and surface-to-air missiles, as well as anti-submarine weapons and guns. There are about 100 missile rails on these 13 ships.

You declare that four Russian cruisers are so old that they are "probably" being deactivated. You do not add that all of the U.S. cruisers, except for LONG BEACH, are of the same vintage as these four "old" Soviet ships.

Another error of detail deserves mention at this point: The Soviets' helicopter carriers are not the cruisers you term them. They represent an important new capability, designed and built from the keel up, as new, highly specialized ships, with excellent anti-submarine sensors and a long-range anti-submarine rocket system.

I would note here that you have cited our unique superiority in aircraft carriers over the Soviet fleet. In the total calculation of general purpose naval forces, it is, in fact, the only clear margin of superiority we now have. It is for this reason that I have stated a strong case, supported by the Secretary of Defense and the President, for inclusion of CVN–70 in this year's budget. Our oldest attack carriers, built in the mid-40's, are fast approaching the end of their service life. It is essential that we maintain a modern and effective carrier force if we are to sustain this vital margin of superiority.

FUNDAMENTAL FLAW

Your statement points out that comparisons of forces, to be valid, must include "not only numbers, but tonnage, sophisication, and effectiveness." I would add that these simplistic force comparisons do not begin to come to grips with an overall assessment of capabilities to implement either national security or military strategy. The total force concept is designed to do this. However, since you opened our exchange with a comparison of specific forces—navies—I will discuss the subject of the two navies, and a comparison of these forces. Let me point out, though, that any comparison, to be valid, must first determine *what it is the individual forces are intended to do.* This crucial element is missing entirely from the study you have cited.

Both navies are designed, in part, for nuclear deterrence. To that extent, our tasks are similar. Beyond that point, however, U.S. Naval forces are designed to support distant U.S. forces overseas, and, under the Nixon Doctrine, when required, the indigenous armies of our allies, necessitating forward defense, sea control, and the ability to project power ashore. Accordingly, the U.S. Navy has substantial components of tactical air and Marine forces, whose primary missions, while essential to our defense posture, are not directed solely at deterrence of the Soviet Navy through a direct capability to defeat that navy. We have, in addition, a logistic defense requirement of vast proportions.

The Soviet Navy, by contrast, as a Navy in support of a nation whose vital interests are those of a land power, is designed largely to prevent the U.S. Navy from carrying out its missions. At the same time, we see increasing evidence of the growing use of the Soviet Navy to further the political designs of the USSR. The Soviet Naval units have been optimized in design for strong initial striking power, with relatively limited reload and endurance and hence less tonnage per unit and little need for nuclear propulsion. Except for their submarine force, the Soviets' naval forces are expected to operate closer to home, to be brought to bear against our Eurasian allies, and hence to require less endurance than our forces.

These differences in mission must be taken into account when the two navies are compared.

The relative adequacy of the two navies has been strongly affected by geography, as you point out. For many years we designed our forces to be able to contain the Soviet Navy, if required to do so, by exploiting the geographic barriers that constrict its access to the open sea. But we can no longer count on this strategy. The extended and rising levels of distant, continuing deployments by Soviet forces have nullified it.

Other effects of relative geography, which your statement does not mention, operate to make our task far more difficult than theirs. For instance, geography permits the Soviets to use land-based aircraft; we are forced to rely on sea-based air. Geography forces us to use the seas to communicate with our allies; the Soviets can reach almost all of their allies by land.

Finally, the same geography that used to bottle up the Soviets now imposes on our sea-based offensive forces a need for strategic missiles of longer range. The Soviets, by contrast, with two major oceans washing the shores of the U.S., are enabled by geography to make much better use of shorter range SLBM's than we are.

In summary, as these few examples show, direct comparison of force levels or unit-tonnage can lead to clearly erroneous conclusions regarding the relative capabilities of the two sides. This simplistic and outmoded approach to the complex process of "net assessment" was abandoned as inadequate by competent specialists in the field many years ago.

TRENDS

For these reasons, I do not believe that the analyses that have been provided you are adequate grounds for concluding that the U.S. is "far superior" to the Soviets in naval strength. On the contrary, the examples I have cited reflect general trends that are running against the U.S., trends that are of deep concern to me. Some of the evidence of these trends appeared in the unclassified version of my testimony before Congress, several months ago. In fact, similar concern has been expressed by Department of Defense spokesmen for a number of years.

The ships of the U.S. Navy are 16 years old, on the average; in the Soviet Navy, the average age of ships is 9 years.

The Soviets operate only 4 major surface ships built before 1952; we are operating 132.

The greater obsolescence of our Navy is a direct consequence of construction rates in the two countries. The Soviets built 89 missile configured surface ships and nuclear submarines between 1967 and 1971; the U.S. produced 42.

CONCLUSIONS

The most important conclusions which can be drawn from a comparison of force levels and mix are: (1) that the two navies are structured differently—as attested to by type comparisons—which is indicative of their differing missions; and (2) that the Soviets pose a serious challenge to our previous superiority at sea.

In his unclassified testimony before the Congress this year, the Chairman of the Joint Chiefs of Staff stated the problem as follows:

"The Soviets still cannot match our capabilities to project sea power and control the sea lines of communication. However, they already have a formidable capacity, particularly in their large and varied antiship missile forces, to attack our sea power projection forces and to sever our sea lines of communication.

The problems we face with the continuing growth in Soviet naval capabilities relative to our own is a matter of increasing concern to the Joint Chiefs of Staff. The Soviet Navy has already acquired a global reach. Their ships are now operating on a sustained basis in the Atlantic, Pacific, and Indian Ocean, the Mediterranean, and increasingly in the Caribbean. Unless we accelerate the modernization of our fleet, the Soviets will increasingly challenge our control of the seas in those maritime regions essential to the success of our forward defense strategy, as well as in ocean areas closer to our shores."

In my unclassified testimony before the Congress, I came to the logical conclusion following Admiral Moorer's statement on the Soviet capacity to attack our sea power projection forces and to sever our sea lines of communication, and said, "We are in a period in our history in which we face grave risks from circumstances over which we may have little control. Our Navy can be a decisive factor in such circumstances. As an island nation, we cannot rationally engage in commerce, honor treaties or deploy forces overseas without the protection of a strong Navy. Without adequate naval capability we cannot deter conventional war, let alone win it."

I hope you find this assessment helpful. I am, of course, ready to provide you with any additional information you may require, either in person or in writing. In the meantime, I trust you will feel free to include this letter and its enclosures, as a whole, in the record.

Sincerely,

E. R. Zumwalt, Jr.,
Admiral, U.S. Navy.

P.S. I am also enclosing a copy of a speech by Admiral Rivero on the occasion of the change of command of Commander Allied Forces. Southern Europe on 31 May 1972. Please note the deep concern over the growing Soviet naval threat expressed by one of our elder statesmen with extensive first-hand knowledge of the situation.

Your letter of May 26th arrived just before I left for Naples. After I had prepared their response to your letter of May 19th I will reply to your latest specific questions in a few days.

Comparing the U.S. and Soviet Navies

Comparison of the U.S. and Soviet navies requires an understanding of their different missions.

MISSIONS

The United States has traditionally been a maritime nation, dependent on the sea for its livelihood. In contrast, the Soviet Union, despite its historical aspirations to maritime preeminence, has traditionally been a Continental land power.

The United States requires extensive sea lines of communication for peacetime trade and to be able to support allied and U.S. forces overseas. Our European and Asian allies are separated from us by vast expanses of ocean. Our interests are world-wide in scope. Our fleet has been developed to support these interests to assure free use of the seas. Our naval forces have been charged with a strategic second strike mission, with protecting our vital sea lines of communications, with projecting power, through sea-based air and amphibious forces, wherever necessary in support of U.S. and allied forces and with maintaining an American presence in distant areas.

As a result of assiduous efforts over a half century, on the other hand, the Soviet Union is self-sufficient economically. The United States clearly is not. Soviet economic lines of communication are largely confined to land routes and to coastal shipping. The USSR's principal allies are contiguous to its borders. The evolution of the Soviet Navy has reflected these factors. The Soviet Navy shares with its U.S. counterpart a strategic attack mission and the task of maintaining a naval presence commensurate with the Soviet Union's great-power status. But direct comparisons end with these missions. The Soviet Navy's other missions are not to guard sea lines of communication nor, curently, to project power ashore, but to keep Western forces from doing so—i.e., to prevent, in wartime, the functioning of the free world maritime alliances, economically and militarily.

They are tasked with countering Western naval forces and with disrupting our sea lines of communication.

Because the two navies differ in mission, they differ in composition. There are disparities in force structure, hardware, and operations. Because of the requirement in support of U.S. interests to be able to project power, the U.S. Navy relies on carriers, carrier-based attack and fighter aircraft, and amphibious ships.

Because of the need to protect all shipping, we have built surface ships including carriers, attack submarines, and aircraft with an antisubmarine warfare and antiaircraft capability. Further, since our forces must operate worldwide, we need large service forces to sustain them, with their own requirements for escorts.

Since the Soviet Navy, in its present stage of evaluation, does not have the same missions, it does not require the same forces. Consequently, the Soviet Navy does not yet have aircraft carriers, has only a modest amphibious force, and is only beginning to develop a sizeable at-sea logistic capability. Instead, the Soviets have built up a variety of general purpose forces, designed to keep us from carrying out our missions.

The Soviets have the world's largest submarine force. They have long range reconnaissance aircraft, medium bombers equipped with anti-ship missiles, and multipurpose surface ships with anti-ship cruise missiles.

Thus, a direct comparison of the two fleets, unless heavily footnoted, cannot mean very much. Nor is a direct comparison of platforms useful. With very few exceptions, U.S. ships are not designed to fight Soviet ships of similar classes. Therefore, it is of little value to contrast the characteristics of, say, a Soviet Kresta-class cruiser with a U.S. missile cruiser, or a Kashin-class frigate with the DD 963. What is important is how well the platform, or the fleet, can carry out its assigned tasks. A recent quotation from the Soviet Chief of Naval Operations, Admiral S. G. Gorshkov, indicates that he has come to a similar conclusion:

"The qualitative transformation which has taken place in naval forces has also changed the approach to evaluating the relative might of navies and their combat grouping: We have had to cease comparing the number of warships of one type or another, and their total displacement (or the number of guns in salvo or the weight of this salvo) and turn to a more complex, but also more correct appraisal of the striking and defensive power of ships based on a mathematical analysis of their capabilities and qualitative characteristics".

SOVIET NAVAL EVOLUTION

The Cuban missile crisis was very definitely a turning point in the development of the Soviet Navy. However, to appropriately understand the significant growth trends requires consideration of qualitative and capability factors as the process is too complicated to be reflected in a purely numerical comparison. For example, we consider 1947 to 1957 as the quantitative buildup period for the Soviet Navy. This program, in less than a decade, delivered about 20 cruisers, over 100 destroyers, over 1,000 coastal patrol ships, hundreds of minesweepers and nearly 350 submarines. But the force that resulted was only capable of World War II type operations, short-range defense of the maritime approaches to the USSR, and interdiction of merchant shipping in the northeast Atlantic and Western Pacific.

Thus, the Cuban missile crisis of 1962 found a Soviet Navy with very limited capabilities to conduct distant operations. Moscow's basic concern—military operations on the Eurasian landmass—had guided conventional weapons procurement and force deployments. The Soviet Navy was large but ill-equipped for distant operations: it lacked experience, the armament of Soviet ships offered little protection against aircraft, and logistic support ships were not available. Tactical air and naval infantry units were also equipped and trained for continental warfare: tactical aircraft were short-ranged, and the naval infantry was structured for shore-to-shore operations in support of the army.

Lift capabilities to transport forces to distant areas by air or sea were negligible. Amphibious assault shipping was suitable only for shore-to-shore operations in calm seas. The Soviet merchant fleet was small, totalling only 600 ships; only a few were suited for the needs of a military sealift, as the Soviet program for procurring large hatch ships was just beginning in the early 1960s.

Since the Cuban missile crisis, Soviet forces and capabilities for distant operations have grown significantly, primarily through the introduction of a wide variety of antiship and antiair missile systems and Soviet achievements in nuclear propulsion techniques. New multipurpose naval ships, better suited to distant operations, have entered the Soviet Navy. Naval Infantry and amphibious shipping have doubled in size; the Soviet Merchant Marine has tripled its tonnage, and now includes nearly 400 ships suited to the needs of military sealift.

This growth has been magnified as a result of a Soviet policy of more forward deployments of its naval forces. In the last decade Soviet naval ship days outside of the areas close to the USSR have grown tenfold, and port calls by Soviet naval ships in foreign ports have grown a hundredfold. This has included the gaining of access to port and/or airfield facilities in many strategic areas; i.e., the Mediterranean, Caribbean, Southeast Atlantic and Indian Ocean. In addition, the Soviets are making overtures to several nations and access to those facilities would provide additional valuable links.

The following table compares Soviet open-ocean unit construction for the five year period before the Cuban missile crisis (1958–62) with the last five years (1967–71), the period that witnessed the fruit of the Soviet decision to accelerate naval expansion after the 1962 missile crisis.

SOVIET NAVAL CONSTRUCTION

	1958–62	1967–71
Helicopter ships	0	2
SAM missile ships	0	18
SSM/SAM missile ships	1	10
Nuclear powered attack submarines	10	17
Nuclear powered cruise missile submarines	7	12
Nuclear powered ballistic missile submarines	9	30
Total	27	89

Even these figures, however, must be qualified, as the 89 ships and submarines built during the last five years are considered second generation and far superior to the 27 built in the pre-Cuban period. To further complicate a purely numerical comparison, all of the time-consuming efforts, i.e., shipyard modernization, redesign, retooling etc., are now well along and the leaderships of a considerable number of new classes have entered the operational inventory. However, series production for the majority of these new classes is just now getting underway. Thus, we now have only the first few units of many new classes in the order-of-battle and production rates are now expected to accelerate. This is based not only on the commencement of series production, but the fact that the Soviets are expanding construction capabilities at a large number of their shipyards—in some cases doubling construction facilities.

The important point is that this spurt of growth is not just an overall numerical growth but a growth in capabilities based on a combination of qualitative and numerical factors. This process has converted a navy designed to dominate the water contiguous to the Eurasian landmass into a true Blue Water Navy; one capable of projecting Soviet influence into distant areas and of challenging the U.S. Navy anywhere on the high seas.

DISCUSSION OF FORCES

(1) *Conventional versus nuclear power.* While it is true that the U.S. Navy has nuclear-powered combat ships and the Soviets do not, the reason is that the U.S. must operate surface combatants for protracted periods in distant areas—the Soviets need not. This is one of the reasons why we are building more nuclear-powered surface ships—to reduce the reaction time needed to get to combat zones at great distances and to increase our capability to sustain combat when we get there.

While packing a great deal of firepower into relatively small hulls, the Soviets have pioneered in development of new propulsion techniques. For example, their 4,500 ton KASHIN-class guided missile frigate is the world's largest naval ship that is powered by gas turbines. Moreover, as Soviet surface forces deploy to distant areas for protracted periods, we foresee the day when they will introduce nuclear powered surface ships. They already have nuclear powered ice breakers; and a new class in the planning phase. With research development, and operational testing completed, introduction of nuclear power into the surface fleet will be a relatively easy matter.

(2) *Aircraft carriers.* As pointed out earlier, the missions of the two navies differ. The U.S. requires carriers to protect the sea lines of communication to our allies and to project power ashore when they require our support. During the past few years, we have sharply decreased our carrier force levels. Building programs for carriers beyond CVN–70 are not yet firm. We hope that the Sea Control Ship Program will be approved. This will provide a ship with some capability to operate aircraft in support of the sea lines of communication. The Soviets have not until now, found it necessary to take tactical aircraft to sea. They have relied entirely on submarines and land-based jet bombers equipped with air-to-surface missiles. Because their Navy's mission has been to attack our surface ships rather than to project power ashore, the Soviets are able politically to acquire increasing access to airfields in other nations and thus, without aircraft carriers, have the ability to disrupt U.S. sealines of communication across both the Atlantic and Pacific Oceans. Nevertheless, we now have evidence that the Soviet Navy, in light of its newly assigned mission of projecting Soviet influence into distant areas, is reevaluating its requirements and is planning to take tactical aircraft to sea. We project that the Soviet's first carrier will, in fact, appear within the next few years—a small carrier by current U.S. standards, possibly carrying vertical take off and landing aircraft, but, like an ESSEX class carrier, an important first step.

(3) *Helicopter Carriers.* The U.S. Navy has traditionally been assigned the mission of deploying, and landing against opposition if necessary Marine and Army ground forces in areas distant from the United States. The evolution of amphibious assault forces has resulted in the concept of vertical envelopment, which employs shipbased helicopters. Our LPH and LHA amphibious assault ships give us this capability. The Soviet Navy, however, does not require vertical envelopment capability. The primary mission of the Soviet Naval Infantry (the counterpart to the U.S. Marine Corps) is to support land campaigns probably along the flanks of the Eurasian landmass, or possibly to assist in seizing the Scandinavian peninsula, driving a wedge across the Baltic Sea to separate the northern and central tiers of Europe, and to seize the Turkish Straits in the event of war in Europe.

The Soviets have introduced two MOSKVA-class guided missile helicopter carriers, ships of 20,000-ton displacement, designed and built from keel up as antisubmarine warfare task force command ships. They carry surface-to-air missiles, antisubmarine rockets, torpedoes, about 20 specially designed ASW helicopters, a new generation of ASW sensors, and an entirely new and sophisticated electronic suit. These ships are somewhat analagous to the two ASW Support Carriers (CVS) in the U.S. fleet. We also plan to operate ASW helicopters and fixedwing aircraft from our larger carriers (CV) for strike and Sea Control operations in a multi-threat environment.

(4) *Cruisers.* The Soviet Navy has the most modern and capable cruiser force in the world. There are 28 cruisers in the inventory, of which 13 are equipped with both surface-to-surface and surface-to-air missiles and one with surface-to-air missiles only; eight of the nine U.S. cruisers have air defense missile systems and rely on conventional guns or accompanying aircraft for defense against Soviet surface ships. Here, too, the Soviets are not content. Having developed the KYNDA, KRESTA-I and KRESTA-II multi-purpose guided missile cruisers, they are developing another new class in the Black Sea; this ship, we estimate, will be larger and even more powerfully armed than its predecessors. The Soviet cruiser force is the newest in the world. Of their 28 active cruisers, only four were completed before 1950, and these are reserved for training or heavy shore bombardment. Eight of the nine U.S. cruisers are of World War II vintage. It is true that Soviet cruisers are smaller than their Western counterparts, but they are generally classified as cruisers under a multi-factor formula that includes firepower, rather than tonnage alone.

(5) *Destroyers and Destroyer Escorts.* The Soviets have 193 ships in this category. Some 81 are destroyers and 112 are destroyer escorts. There are 41 missile equipped destroyers. Of these 41, about one-third carry surface-to-surface anti-ship missiles, for which there is no U.S. counterpart. These units, like Soviet cruisers, are smaller than their Western counterparts, but the newer classes are faster, more seaworthy, and have greater firepower than U.S. destroyers. The newest class—the KRIVAK—has been described by a NATO naval officer as "ton-for-ton the most powerful warship ever built". Displacing approximately 3,500 tons the KRIVAK is equipped with a surface-to-surface missile launcher that carries four missiles, as well as two retractable surface-to-air missile launchers, conventional guns, ASW

rockets, torpedoes, mine rails, and new generation sensors and electronics. This multipurpose destroyer is now under series production; we expect the Soviets to build many.

The United States has 215 destroyer and destroyer escorts. Of these, 62 are equipped with surface-to-air missile systems. None yet carry a surface-to-surface missile comparable to the Soviet SSMD. The U.S. Navy has built and will continue to build a mix of large and small ships in these categories. The large ship programs—nuclear powered ships and the DD–963 program—are designed to provide ships with the capability to run with the carriers and to protect them in the very severe environment created by the Soviet missile and submarine threat. The smaller ship program—DE–1052 and the PF—are designed for less demanding roles. The Harpoon program now underway is designed to give our surface ships a specially designed surface-to-surface missile system.

(6) *Ballistic missile submarines*. The U.S. presently enjoys a margin of advantage in submarine launched ballistic missiles (SLBMs), but this lead is rapidly diminishing. In addition to the accelerated construction of Y-class nuclear powered ballistic missile submarines (SSBNs), which carry the 1300 mile SS–N–6, the Soviets are actively testing an extended range SLBM (about twice the range of the SS–N–6). We believe that a construction program of a follow-on class to the Y-class SSBN to carry the new extended-range SLBM, is a logical and likely development. Thus, what may be described as the Soviet "ULMS (or TRIDENT)" is more than mere concept; in the near future it could enter their operational inventory. The recently signed SALT agreement permits the Soviets to have 950 ballistic missile launchers on 62 modern submarines, compared to 710 launchers on 44 submarines for the U.S.

It must be borne in mind that the U.S. is geographically smaller than the Soviet Union; a 3000 mile SLBM will allow Soviet SSBNs to target all of the United States while remaining some 1500 miles at sea. We do not have similar coverage of Soviet territory.

(7) *Attack Submarines*. Having optimized against the U.S. fleet, the Soviets now possess an attack submarine force which surpasses ours in many respects. They have about 290 anti-shipping submarines; 65 of these are nuclear powered and the remainder are diesel craft of post-1951 vintage. Of the 290 submarines, 65 are equipped with advanced anti-shipping cruise missiles, which introduce an entirely new aspect to submarine warfare at a time when the latest U.S. submarine continues to carry torpedoes as its primary anti-ship weapon system. Considering on-station time and geographical limitations, there is no evidence that Soviet submarine patrols are of short duration or that Soviet submarines or crews suffer from extended deployments. Geography works against only those units which remain in port after hostilities break out; these disadvantages are compensated for by a high state of readiness, which permits "surge" deployment in periods of greater tension. In this regard, both the Northern Fleet and the Pacific Fleet, where the vast majority of Soviet submarines are home-ported, have year-around, unimpeded, ice free transit lanes to the North Atlantic and Pacific Oceans.

The U.S. attack submarine force consists of 55 nuclear-powered and 41 diesel-electric ships. None are armed with cruise missile. Qualitatively, we believe our late-model nuclear attack submarines are today superior to their Soviet counterparts, athough the aggressive Soviet submarine construction program threatens to nullify this advantage.

(8) *Allies*: The proposition has been put forward that a point by point comparison between the navies of the U.S. and USSR yields a seriously incomplete picture—that the combined navies of all our allies should be counted in the balance against the navy of the Soviet Union, the only maritime power in the Warsaw Pact. As has been pointed out, the concept of counting navies to evaluate the naval balance is erroneous. On the other hand, it is true that a proper evaluation of opposing naval capabilities must consider the contribution of allies on both sides. But, this is possible only in situations where their allies can be expected to participate. The historical fact is that the U.S. has some interests that are not shared by our allies. The U.S. and the Soviet may oppose each other in situations in which the allies of neither are involved.

COMPARISON

With these facts in mind, we can make some observations about the effectiveness of the two largest navies in the world.

Both are capable, professional forces, the Soviet Navy has more major surface combatant ships and submarines than the U.S.—about 568 to our 378. Our forces normally operate in large task organizations, our ships supporting each other to fulfill the overall mission. Soviet surface combatants usually operate in small groups, often integrated with submarines and aircraft equipped with anti-ship missiles.

The Soviet submarine force is some 2½ times as large as ours, but the U.S. underseas fleet, has specific qualitative advantages.

The U.S. Navy has far more aircraft than has Soviet Naval Aviation—8,500 to 1,100. Here again, a purely numerical comparison is meaningless because of differing missions. Our carrier-based aircraft are intended primarily to attack targets ashore in defense of U.S. or allied forces and to protect our fleet; the primary mission of the Soviet aircraft is to attack Western navy forces. Therefore our naval air arm has small, versatile, attack aircraft for delivering both conventional and nuclear weapons, and fast, maneuverable fighters for fleet defense. The Soviets have no naval fighters and have instead concentrated on medium and heavy bombers with superior range capabilities and stand-off missiles for use against ships. .

The Soviet Fleet, on the average, is far newer than ours. The average age of the Soviet Fleet is 9 years; ours is 16. More important, the Soviet Navy has only 4 major ships that are more than 20 years old; we have 132. Age is not necessarily the measure of fighting ability, but these figures do serve to underscore one important point: the Soviets are striving hard to modernize their fleet in an era when the United States is struggling to overcome the obsolescence of many of its principal ships.

As for overall effectiveness: Both fleets are capable. Neither can be confident about the outcome of a large-scale engagement at sea. Just a few years ago, the U.S. Navy could have been highly confident of the outcome. The Soviets have been good at exploiting some of our weak points; we hope that we have identified some of their shortcomings and are turning them to our advantage. The Soviets have a formidable anti-ship missile capability—a capability against which we have been hardpressed to provide defense. We have seen the need for such missiles and missile defenses and are working on them. We are already ahead in anti-submarine warfare, though—numerically, at least the threat we face is greater.

In the past five years alone, about ten new and advanced classes of major surface combatants and submarines have entered the Soviet's operational inventory.

Since the sinking of the Israeli destroyer *Eilat* in late 1967, we have been striving toward attainment of an effective counter to the Soviet SS–N–2 (STYX) and other anti-ship missiles. The Soviets, however, have continued their accelerated research and development program and have moved even further ahead by introducing five entirely new and different cruise missile systems into their fleet.

The table, attached, compares the two navies numerically, as of 1 April 1972, without projections for either side.

CONCLUSION

The most important conclusions that can be drawn from a comparison of force levels and mix are: (1) that the two navies are structured differently—as attested to by type comparisons—which is indicative of their differing missions; and (2) the increased commitment the Soviets have displayed by having become one of the world's two most powerful maritime nations poses a serious challenge to our previous superiority, and (3) unless we continue a dedicated and determined naval modernization program, expanding Soviet naval capabilities could in the not too distant future, put the Soviet Union in a position to disrupt our use of the seas in pursuing our national interests at home and abroad.

COMPARISON OF U.S. AND U.S.S.R. NAVAL COMBATANTS

[Active April 1972]

	U.S.				U.S.S.R.		
Class	Number of active units	Tonnage	Operational date	Class	Number of active units	Tonnage	Operational date
NUCLEAR AIRCRAFT CARRIERS							
Enterprise	1	89,600	1961	None.			
Total	1						

CONVENTIONAL AIRCRAFT CARRIERS

[Active April 1972]

U.S.				U.S.S.R.			
Class	Number of active units	Tonnage	Operational date	Class	Number of active units	Tonnage	Operational date
Kitty Hawk	4	80,800	1961	None.			
Forrestal	4	78,000	1955				
Midway	3	64,000	1945				
Hancock	2	44,700	1944				
Intrepid	2	42,000	1943				
Yorktown	1	40,600	1943				
Total	16						
HELICOPTER CARRIERS							
Iwo Jima	7	18,000	1961	Moskva	2	20,000	1967
Total	7				2		
NUCLEAR CRUISERS							
Long Beach	1	17,331	1961	None.			
Total	1						
CONVENTIONAL GUN CRUISERS							
Salem	1	20,950	1949	Sverdlov		19,200	1951
				Chapayev		15,000	1941
				Kirov		11,500	1938
Total	1			Total	14		
GUIDED MISSILE CRUISERS (SURFACE-TO-AIR)							
Albany	3	19,000	1945	Sverdlov		19,200	1951
Galveston	2	15,200	1944				
Providence	2	15,192	1944				
Total	7			Total	1		
GUIDED MISSILE CRUISERS (SURFACE-TO-SURFACE AND SURFACE-TO-AIR)							
None.				Kresta I		6,500	1967
				Kresta II		7,500	1969
				Kynda		6,000	1962
				Undesig		Unknown	Unknown
				Total	13		
NUCLEAR DESTROYERS (SURFACE-TO-AIR)							
Truxton	1	8,659	1967	None.			
Bainbridge	1	8,590	1962				
Total	2						
GUIDED MISSILE DESTROYERS (SURFACE-TO-AIR)							
Adams	23	4,480	1960	Kashin		5,200	1962
Decatur	4	4,088	1956	Kanin		4,600	1967
Mitscher	2	5,281	1953	Kotlin		3,900	1969
Farragut	9	5,800	1960				
Leahy	7	7,903	1962				
Belknap	9	7,940	1964				
Total	54			Total	30		
GUIDED MISSILE DESTROYERS (SURFACE-TO-SURFACE) (SURFACE-TO-AIR)							
None.				Krupnyy		4,600	1958
				KPLdin		4,000	1957
				Krivak		3,500	1971
				Total	11		
CONVENTIONAL DESTROYERS							
Fram I and II	80	3,203–3,520	1944	Kotlin		3,800	1954
Sherman	14	4,090–4,200	1955	Tallinn		4,300	1953
				Skoryy		3,500	1949
Total	94			Total	40		
GUIDED MISSILE DESTROYER ESCORTS (SURFACE-TO-AIR)							
Brooke	6	3,476	1966	None.			
Total	6						

CONVENTIONAL DESTROYER ESCORTS

U.S.				U.S.S.R.			
Class	Number of active units	Tonnage	Operational date	Class	Number of active units	Tonnage	Operational date
Dealey	3	1,940	1954	Riga		1,600	1952
Courtney	6	1,892	1956	Kola		1,900	1951
Jones	4	1,873	1959	Mirka		1,100	1964
Bronstein	2	2,629	1963	Petya–I		1,150	1960
Garcia	10	3,403	1964	Petya–II		1,150	1960
Knox	31	4,100	1969				
Savage (Der)	3	1,740	1943				
Total	59			Total	112		

BALLISTIC MISSILE SUBMARINES (NUCLEAR)

Washington	5	6,019	1959	Yankee		7,300	1969
Ethan Allen	5	6,955	1961	Hotel		3,500	1960
Lafayette	9	7,250	1963				
Madison	10	7,300	1964				
Franklin	12	7,320	1965				
Total	41			Total about	35		

BALLISTIC MISSILE SUBMARINES (DIESEL)

None.				Golf		2,700	1958
				Zulu		2,000	1956
				Total	20		

CRUISE MISSILE SUBMARINES (DIESEL)

None.				Juliett		2,800	1962
				Whiskey		1,300	1956
				Total	28		

MISSILE PATROL BOATS (SURFACE-TO-SURFACE)

None.				Osa		100	1959
				Komar		100	1960
				Nanuchka		700	1971
				Total	150		

MOTOR TORPEDO/GUN BOATS

Asheville	16	240	1966	Various		80–150	1951–1963
Total	16			Total	250		

SUBMARINE CHASERS

None.				Various		250	1945–1971
				Total	250		

FLEET MINESWEEPS

Agile	1	755	1956	Various		600	1948–1965
Agressive	26	775	1954				
Acme	2	750	1957				
Ability	2	934	1958				
Total	31			Total	195		

COASTAL MINESWEEPS

None.				Various		250	1946–1956
				Total	125		

CRUISE MISSILE SUBMARINES (NUCLEAR)

None.				Echo		4,500	1962
				Charlie		4,800	1969
				Total (about)	37		

TORPEDO ATTACK SUBMARINES (NUCLEAR)

Nautilus	1	3,764	1955	November		3,500	1958
Seawolf	1	3,765	1957	Victor		4,000	1960
Skate	4	2,570	1957	Undesignated		Unknown	Unknown
Skipjack	5	3,075	1959				
Halibut	1	3,840	1960				
Permit	13	3,700	1962				
Tullibee	1	2,317	1960				
Sturgeon	28	3,640	1967				
Narwhal	1	4,450	1969				
Total	55			Total (about)	28		

TORPEDO ATTACK SUBMARINES (DIESEL)

[Active April 1972]

U.S.				U.S.S.R.			
Class	Number of active units	Tonnage	Operational date	Class	Number of active units	Tonnage	Operational date
Tang	12	2,108	1951	Foxtrot		1,700	1956
Blackfin	2	1,816	1944	Zulu		1,900	1951
Extemedor	9	2,058	1943	Bravo		Unknown	1969
Dogfish	9	2,093	1945	Whiskey		1,100	1956
Clamagore	9	2,074	1945	Quebec		650	1954
				Romeo		1,100	1958
Total	41			Total	197		

TEXT OF ADDRESS GIVEN BY ADMIRAL HORACIO RIVERO, USN, ON THE OCCASION OF THE CHANGE OF COMMAND OF COMMANDER-IN-CHIEF—ALLIED FORCES SOUTHERN EUROPE, AND HIS RETIREMENT ON 31 MAY 72

Mr. Minister, General Goodpaster, Admiral Zumwalt, Your Excellencies, distinguished guests, officers and other ratings of Allied Forces Southern Europe, first let me acknowledge with deep appreciation the very kind remarks of Minister Salizzoni, General Goodpaster, and Admiral Zumwalt, and the great honor bestowed upon me by the Government of the United States. I am greatly moved by the presence here of so many with whom I have worked closely: leaders of government, professional military colleagues of all services, members of the diplomatic service, and so many good friends who honor me and my successor by coming to these ceremonies. Some of you have come from very far, and I doubly appreciate this generous gesture of friendship and esteem. I have been privileged to serve as commander, Allied Forces Southern Europe for four and a quarter years, years that have seen the unfolding of momentous events in this area which throughout history has been at the center of the world events. I have seen the omnious growth of the Soviets' power and influence in this Mediterranean basin as they have taken advantage of every opportunity to improve their strategic and tactical positions in relation to the west. Our peaceful peoples look with apprehension at the presence of the powerful Soviet Mediterranean fleet, with a sizeable submarine component whose only valid wartime mission would be to attack our naval forces and to disrupt those sea lines of communication which are so very vital to the survival of our three peninsular countries in the allinace. They view with concern the constant increase in Soviet military expenditures, the feverish pace of their armaments programs, the pressures they apply to neutral and non-committed countries on the periphery of the alliance. It is clear that the Soviets have one aim, and that aim is to achieve such an overwhelming degree of superiority in all aspects of military strength that our countries could be intimidated and could be forced to submit to their political demands.

I hope that the peoples of all our NATO countries, heeding the lessons of their history, will continue to recognize the dangers and will make the necessary sacrifices to improve our defenses, and to present a solid front to any aggression in accordance with the principle of collective security which underlies the NATO alliance. It has been highly satisfying to me to observe the substantial progress that has been made improving our defensive posture in the southern region during the past four years, not only in the equipment of our forces, but also in their training as members of a fully integrated NATO team.

Even more importantly it has been gratifying to see the growth of that genuine solidarity which is the hallmark of the most effective and durable peacetime alliance the world has ever seen. But our material improvements, substantial as they have been, have not matched the efforts made by the potential aggressors, and our forces still suffer from serious material deficiencies which continue to place them at serious disadvantage in event of attack. I ask the leaders of our southern region countries not to slacken in their defense efforts and I enjoin the more prosperous members of the alliance to continue to extend needed help to those of our developing countries such as Greece and Turkey whose economies are strained by the magnificent efforts they are making to provide for their own defense within the limits of their resources.

Western Europe, for the first time in its history, has been blessed by a generation of peace, a peace that has made possible an unprecedented era of economic growth and prosperity. This attests to the success of the NATO alliance. Yet this success, and this extended period of tranquillity have brought with them a disturbing euphoria which threatens to undermine the very foundations of this mighty edifice that was built by over twenty years of sacrifices.

We have had a quarter century of peace in western Europe. A new generation has grown up who have been blessed by the absence of the sound of guns, who have been privileged to grow up in an atmosphere of relative internal tranquillity and international peace, who have enjoyed the blessings of ever increasing material prosperity. This younger generation will soon take in their hands the destinies of our countries, and their actions will determine that fate of generations yet unborn. I appeal to this younger generation to heed the lessons of history, to reflect on the events of the past twenty-five years, to look on the other side of the Iron Curtain and see what can happen when brute force and a godless, ruthless and unprincipled ideology is allowed to hold sway over freedom-loving people, because these people lacked either the will or the means to provide for their defense. Let them ponder over the fate of the once independent Baltic States, of the courageous people of Poland, of Hungary and of Czechoslovakia.

I have great faith in our youth. The flower of this youth mans our defensive ramparts on land, at sea, and in the air. They are the future, but they bear a heavy responsibility to the many generations before them that have sacrificed their blood in the cause of peace and liberty. Let them remember that the price of liberty is eternal vigilance.

I bequeath to my successor, not only the honor of commanding the NATO forces of southern Europe, but also the burden of improving on the efforts of the past to the end that the peoples of this region may continue to be sheltered from the fury of war. The southern region is fortunate indeed to see installed as its new commander a distinguished officer whose qualifications for this challenging assignment are unexcelled. I know of no officer more worthy to assume the heavy responsibilities of the NATO defense of Italy, Greece and Turkey than Admiral Richard G. Colbert. I turn over to him a command and a staff of which I am supremely proud and for whose dedication and support I will be forever grateful. I am confident that he will receive the same devoted loyalty and cooperation that were my great privilege to have during my tenure. And I know that he and Mrs. Colbert will cherish, as Mrs. Rivero and I do, the warmth, the hospitality, and the sincere friendship extended to us not only in Naples, our true home for over four years, but also by the wonderful people of the rest of Italy, of Greece and of Turkey. This is my last day on active duty, the end of a career that has been both challenging and satisfying. I am humbly grateful that it has been my good fortune to serve in my last duty this great alliance and the peoples of Italy, Greece and Turkey. And now, as I lay aside my sword, I want to pay tribute to my wife, whose love, understanding, loyalty and devotion encouraged and sustained me throughout the years. Whatever I have accomplished in my career I owe to her.

Thank you again for being here, all of you who came from near and far, and thank you especially, our Neapolitan friends who took us to your hearts and made us feel as yours.

ADMIRAL ZUMWALT'S FURTHER REPLY—COMMENTS ON HIS LETTER OF JUNE 8, 1972

Mr. PROXMIRE. Mr. President, on June 8 I received a reply from Adm. R. Zumwalt regarding my letter to him of May 26. In that letter, I asked a number of specific questions comparing United States and Soviet naval forces that were left unanswered by our previous correspondence. I ask unanimous consent that a copy of my letter of May 26, 1972, be printed at this point in the RECORD.

Before dealing with his reply, I have several general observations.

THE RUSSIANS ARE COMING

Admiral Zumwalt goes to great lengths to keep from saying that the U.S. Navy is No. 1 in the world. It is a strange, even melancholy, attitude. There once was a day when a U.S. military officer was proud of his service and his Nation. It was a source of pride to say that we were on top. Now all we hear is "The Russians are coming, the Russians are coming."

Let us reflect a minute about why a senior naval officer would systematically make it appear that the U.S. Navy is a second-class power. What psychology is involved here? What forces a man to build up the potential enemy while decrying our own position?

One might think it would be a little embarrassing. After all, if the admiral's facts are accurate, and the Soviets are running us out of the Pacific, Atlantic, Mediterranean, Indian Ocean, and the Caribbean, if they are outbuilding us yearly, if they have surface-to-surface weapons superior to anything we have, if their ships have more firepower, if we do not have an advantage in our sea-based deterrent or any other aspect of our fleet except aircraft carriers—if all these things are true—then the U.S. Navy is guilty of the greatest squandering of funds in the history of the world.

WHERE DID $188 BILLION GO?

The last 10 years, U.S. Navy has spent $188 billion. Where has the money gone? Has it evaporated into thin air?

The Brookings Institution has recently stated:

> Contrary to popular impressions, there has not been a major recent expansion in the size of the Soviet navy, although its quality has improved. Since 1958, . . . manpower in the Soviet navy has been cut by more than ⅓, Naval Aviation by ⅔, and the attack submarine fleet has been considerably reduced.

We have been told that the Soviets have either gained on us or surpassed us in all the categories Admiral Zumwalt mentions and that they have done this while reducing their forces by the percentages I just cited. Either the Soviets are the world's most efficient, most technologically advanced nation or, the U.S. Navy has dramatically wasted its funds.

The admiral cannot have it both ways. He cannot argue that the Soviets, with a smaller economy and a smaller naval budget are outproducing the U.S. Navy without the admission that our Navy has not been doing its job.

What is really going on? There is an answer to why these inflated threat figures have shown up on the pages of national magazines and leading newspapers. It has a lot to do with timing and money.

Simply put, the more the U.S. Navy inflates the Soviet threat, the more money they can squeeze from Congress. Admiral Zumwalt has carried on an extensive lobbying campaign in the Halls of Congress, seeking to add to a Navy budget already much larger than either of its sister services. The fact that it comes at this time of the year is no accident for it is now that the military budget is under review in the Armed Services and Appropriations Committees.

BIG NAVY PUSH

Having explored some of the underlying reasons related to the big Navy push for increased appropriations, let me now comment on the specifics of Admiral Zumwalt's most recent reply.

Regarding the 2-to-1 lead in nuclear attack submarines, I chose to place Soviet nuclear cruise missile attack submarines in a separate, distinct category to emphasize that the United States did not have any such weapon. I understand that we once had such a program but gave it up and now we are going back to it. The combined totals, however, for both United States and U.S.S.R. attack submarines are clearly stated in my May 25 Senate speech and I notice that the admiral has substantially agreed with these figures. If the admiral had read that speech he must have noticed that I singled out the Soviet cruise missile capability in all my figures and also that I mentioned that these same cruise missiles make purchase of the CVN–70 most unwise. The most that can be said is that he and I differ by one ship in the figures we have used.

In reference to shipbuilding between 1960 and 1969, I stand by my figures in the May 25 speech which demonstrated that the United States leads in every major surface building program except surface-to-surface missile ships.

ADMIRAL ZUMWALT AGREES WITH PROXMIRE ANALYSES

We now come to a series of questions where Admiral Zumwalt actually agrees with my position. For example:

That Soviet submarine on station time "is less—than ours—due to longer transits." He qualifies this statement by saying that their situation will improve if they ever acquire overseas bases. This lack of bases was another of my major points.

That the U.S. Navy has superior surveillance, communications, and ASW techniques. If the admiral in any way can document where the Soviets lead in these areas, I request him to do so.

That "United States ASW capabilities are the best in the world."

That "the total Italian Navy is numerically larger—than the average Soviet Mediterranean force" I specifically said numerically because we have heard so often how large the Soviet Fleet is in the Mediterranean. Admiral Zumwalt notes Soviet superiority in combat capability over the Italians, however, he errs in saying that the Italians have no surface-to-surface missile capability. The Italians have two operational systems, the Sea Killer I and II.

That the Soviet submarine "sensors are not considered as sophisticated as ours."

That "qualitatively, we believe that our late model nuclear attack submarines are today superior to their Soviet counterparts."

That the Soviet SS–N–6 has a more limited range than Poseiden and "is somewhat less accurate than ours."

That the Soviets have neither MRV's or MIRV's and that the United States will retain a lead in nuclear warheads at sea.

I note that in other areas, Admiral Zumwalt disagrees with some of the data I have presented. I have taken his comments into consideration and find that some of them have merit. In fact, I want to thank Admiral Zumwalt for taking the time to give me as complete a reply as he did, even though as I have mentioned, some questions remained unanswered. There is a useful service in airing both sides to these difficult questions.

Again and again in the data coming from the Navy Department we hear that the Soviet navy is increasing in size, while ours is being reduced. Admiral Zumwalt made exactly this point in his last letter. That simply is not true. Both navies are decreasing in size. Both navies are modernizing. Both Navies are different in composition and mission. But the two navies are not equal. The mix of U.S. naval forces is such that it will allow for far more flexibility and levels of reaction than the Soviet Fleet. We are far stronger.

All I ask for is a balanced point of view.

I ask unanimous consent that Admiral Zumwalt's letter of June 8, 1972, which is in reply to my letter of May 26 and my speech of May 25, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Chief of Naval Operations,
June 8, 1972.

Dear Senator Proxmire: I am pleased to be able to respond fully to your letter of 26 May. My views on many of the questions you raise were contained in my 2 June letter response on the subject of your remarks on the Senate floor 25 May. Nevertheless, at the risk of some necessary duplication I will attempt to provide herein a complete response to your inquiries.

As previously noted, the fundamental shortcoming of the information that has been supplied you and which appears in your letters to me is that it is conceptually flawed. In assessing the relative capabilities of the two navies, simple comparisons of force levels—ship-type by ship-type—are inadequate unless they are evaluated within the larger context of the missions the ships are designed to perform and the opposition they must overcome.

Moreover, the material that was provided to you was very selective and, hence, suggested an unbalanced set of questions. By way of example, one could use the same approach and produce a set of questions which convey an entirely different impression:

Is it not true that the Soviet Navy's superiority in anti-ship missiles is virtually absolute?

Is it not true that the Soviet Navy has an absolute advantage in cruise-missile launching submarines?

Is it not true that the Soviet Union has an absolute advantage in long-range land-based anti-shipping missile-armed aircraft?

Is it not true that the Soviet Union has three times as many submarines designed to attack surface ships as the U.S.?

Is it not true that the Soviet Union possesses in a single facility a submarine construction capacity that exceeds the entire submarine building capacity of this country?

As you no doubt know this format for investigating these serious and complex matters is not efficient, revealing, or relevant.

The questions you raise fall into 4 groups: (1) those which publicly available information shows to be factually inaccurate; (2) those which are affected by the recent SALT agreement; (3) those which are in reality appropriate starting points for analysis rather than useful conclusions; and (4) those which represent general assessments of the relative capabilities of the two navies. I will address them under these hearings.

FACTUAL INACCURACIES

Question: Does the U.S. not have a 2 to 1 lead in nuclear attack submarines?

Response: No. The total number of nuclear attack submarines possessed by the Soviets is 65; the U.S. has 55. Of the Soviets' total 37 are also armed with antiship cruise missiles. In addition, the Soviets have 225 *conventional* attack submarines—28 of which are equipped with anti-ship missiles—to our 41 armed only with torpedoes, a 5 to 1 Soviet advantage. I do not understand why the data provided to you eliminated Soviet cruise missile-armed nuclear attack submarines from the comparison. It could not be because they cannot attack surface ships, they can; nor because they are not intended to do so, they are; nor even because they don't carry torpedoes as well as missiles, they do. In fact, they are more capable of attacking surface ships than torpedo-only submarines.

Question: Do you deny the facts I inserted in the actual Record on the shipbuilding programs between 1960 and 1969 which show that we have exceeded the Soviets in every type of ship except surface-to-surface missile ships?

Response: Yes, I deny your alleged facts. The facts show that the Soviets have outbuilt us. The table enclosed with this letter summarizes information provided to the Subcommittee on Seapower of the House Armed Services Committee in 1969. Inspection of the table does not support your statement. The table shows that the Soviets have outbuilt us in 6 of the 7 categories normally used to categorize naval vessels. What the table also shows is the striking difference in the navies which derives from the differing missions and purposes. For example, they have built cruise missile armed submarines and surface ships designed to combat our fleet. We have built carriers in order to be able to control the sea lines of communication as well as to project tactical air power overseas from flexible, mobile, air bases in support of U.S. and other forces of the free world maritime alliance.

Question: Is it not true that they (Soviet strategic submarines) do not have as long on-station time (as the U.S.) and suffer from limited geographic operating conditions including iced ports and bottleneck transits?

Response: There is no evidence that Soviet submarine patrols are of short duration or that either Soviet submarines or crews suffer during extended deployments. To the contrary, patrols in excess of 60 days have been observed and the Soviets maintain ballistic missile submarines continuously on station off both the east and west coasts of the United States. The on-station time of their submarines is less due to longer transits; however transits will be shorter, and on-station time longer, if they should acquire bases or facilities overseas. Deployability of Soviet SSBs or SSBNs is not limited by ice conditions during any time of the year. A principal source of our concern regarding the Soviet Navy, in both its strategic and general purpose force components, is that it is now, through peacetime overseas deployments, nullifying our earlier strategies of exploiting geographic bottlenecks to contain it.

Question: Is it not true that we have a decided advantage over the Soviet fleet because of its restricted geographical limitation, our advanced overseas bases, our far superior surveillance and communication systems and our superiority in ASW techniques?

Response: The advantage to us of Soviet geographic restrictions has largely been dissipated because of greatly increased Soviet current deployments. Concomitantly these deployments pose an increasing challenge to our access to the seas; access which is essential in view of our position as an essentially island nation and one at the center of a maritime alliance. It should also be remembered that the geographic configuration and position of our nation, stretching 3000 miles and washed by the Atlantic and Pacific oceans, provides a strategic advantage for the Soviet sea-based missile system. We do not enjoy a similar advantage since the vital areas of the vast Soviet homeland are buffered by land mass virtually on all sides.

These geographic differences have resulted in the different force structures, different missions, and different tactical and strategic options that have been the subject of our exchange of views. It has also resulted in our need for advanced overseas bases, and for superior surveillance, communications and ASW techniques. Regrettably Soviet surveillance and communication systems are in many respects superior to ours.

U.S. ASW capabilities are the best in the world. The point is that they must remain so since the Soviets have a much larger and increasingly more sophisticated submarine force, and we have an essential requirement to defend our sea lines of communication from this force.

Question: Is it not true that either the French or Italian Mediterranean force is numerically at least the equal of the Soviet Mediterranean fleet?

Response: Simple numerical comparisons of forces do not indicate relative naval capabilities. Using simple numerical comparison, we cannot estimate whether the French or Italian navies would prevail in an actual conflict.

Table 3 accompanying your remarks of 25 May indicates that the USSR deploys the following force levels into the Mediterranean.

	Average	Highest observed
Helicopter carriers	0	1
Cruisers	2	4
Destroyers and escorts	5	8
Attack submarines	7	12

More accurate figures for table 3 are:

	Average	Highest observed
Helicopter carriers	0	2
Cruisers	2	6
Destroyers and escorts	5	17
Attack submarines (including 2–3 nuclear powered)	9	22

The total Italian Navy is numerically larger (22 major surface combatants including ships in overhaul) than the average Soviet Mediterranean force, but it is not a match in combat capability for even the routine Soviet Mediterranean force. It is deficient in submarines (10 conventional units and it has no sea-based air or surface-to-surface missile capability. The French navy's standard force, stationed in the Mediterranean is composed of one light aircraft carrier with no attack air capability, 18 destroyers, and 10 conventional submarines. These forces are not designed to deal with the Soviet Mediterranean fleet on their own.

Question: Is it not correct that while the Soviets retain some numerical superiority in diesel attack submarines, that the speed, quietness, sophistication and operation techniques of the U.S. attack submarines are of entirely higher quality than the Soviets?

Response: The Soviets have more than "some numerical superiority," they continue to retain a *very marked* numerical superiority in diesel attack submarines, some 225 to our 41, a 5 to 1 superiority. Moreover, theirs are newer than ours; most of ours were built during World War II. In addition, the Soviets have been unique in the development of submarine-launched antiship cruise missiles and a series of complementing systems are now deployed aboard a number of different classes. They have introduced a submerged-launch capability which greatly complicates our antisubmarine effort and adds a new dimension to submarine warfare. The new Soviet nuclear submarines are relatively quieter than their predecessors. Their sensors are not considered as sophisticated as ours. Qualitatively, we believe that our late-model nuclear attack submarines are today superior to their Soviet counterparts. In recent years, the Soviets have developed six new classes of submarines. Not only is the quantity of design effort being expended remarkable, but so too is the quality of what they are doing. Their new design efforts demonstrated the need for a high speed U.S. nuclear attack submarine to offset the gains by the Soviets in this area.

ISSUES AFFECTED BY THE SALT AGREEMENT

Question: Is it not true that while both we and the Soviets have about the same number of strategic ballistic missile submarines, that the disparity in overall strength favoring the U.S. is imposing?

Response: While it is true that the Soviets now have operational, and under construction, about as many ballistic missile nuclear powered submarines as we have Polaris/Poseidon submarines, they have in addition approximately 30 older submarines carrying on the order of 100 strategic ballistic missiles. Moreover, they are permitted by the SALT agreements to have, eventually, 950 ballistic missile launchers on 62 modern submarines as compared to the 44 modern ballistic missile submarines and the 710 missiles allocated to the United States. Under the completed Poseidon program, the U.S. is expected to maintain more nuclear warheads at sea than the Soviets.

Question: Is it not true that the Soviet SLBM's have a missile range of at least 1,200 nautical miles less than ours, that they have neither MRV's or MIRV's, that their missiles are less accurate, and that their boats are noisier and far more susceptible to ASW techniques?

Response: Geography gives the Soviets an advantage in relation to SLBM ranges in that major segments of the U.S. command and control structure, the National Command Authority, and most of our urban-industrial complex are within a few hundred miles of the sea. This is not true of the Soviet Union. The primary SLBM now employed by the Soviets is the SS–N–6 with a range of 1300 nautical miles. Although it is believed that this missile is somewhat less accurate than ours, it is clearly within necessary accuracy parameters. The Soviets, however, have been actively testing an extended range SLBM with a range in excess of 3,000 nautical miles. This missile coupled with their modern nuclear submarines gives them a marked increase in future operating flexibility. We do not believe that they have MRV's or MIRV's at sea at this time.

ASW techniques would not necessarily be effective against Soviet ballistic missile submarines on station within range of continental U.S. targets since the submarines could launch all their missiles prior to being destroyed by U.S. forces.

ISSUES WHICH ARE STARTING POINTS FOR ANALYSIS

Question: Is it not true that our superiority in aircraft carriers, sea-based air operations, and nuclear surface ships is virtually absolute?

Response: If by virtually absolute superiority you mean that at this time we have aircraft carriers and the Soviets do not, you are correct. If you mean that consequently we have sea based air operations and the Soviets do not, you are correct. If you mean that we have nuclear powered surface warships and they do not, you are correct. If, however, you mean to imply that the Soviet Navy does not pose a serious challenge to the interests of the United States you are incorrect. I have previously referred in my letter of 2 June to the differing missions of the two navies. We have attempted to optimize our forces and systems to fulfill our missions.

The Soviet Navy has a principal role in the thwarting of those interests and has optimized accordingly. It is not germane to argue that we have no cause for concern since they don't have what we have. They do have the forces to significantly counter what we have and what we are tasked to do. And since we cannot survive as a viable nation, nor can our allies, without the ability to use the seas, whereas the Soviets can, their significant capability to counter our Navy ought to be of serious concern.

Question: Are any of the facts in my statement concerning cruisers and destroyers incorrect in any substantial way? Is it not true that many of our destroyers are in fact bigger than some Soviet cruisers, and that our 3400-ton patrol frigates will be larger than some Soviet destroyers?

Response: The Soviets have three times as many cruisers as the U.S. (28 to 9) and about the same number of destroyers of all types (U.S. 215 and USSR 193). Four of the Soviet cruisers are quite old as you point out, but all U.S. cruisers except Long Beach are of equally ancient vintage, which you did not point out. With regard to the size and nomenclature of naval ships, they reflect the missions they are designed to perform. Gross tonnage alone is an incomplete measure of combat capability. The primary reason our ships are larger than some Soviet ships with the same nomenclature is that our ships are designed to have the endurance and range necessary to carry out their assigned missions (in support of our essentially island nation and its overseas sources of supply, and its allies) which involve relatively greater distances. The modern Soviet cruiser acquired its nomenclature—in both the U.S. and abroad—in recognition of its high firepower, light armor, and high speed. Soviet ship designers have traditionally traded range and staying power for high initial striking power to give the Soviet land power a significant capability to sever our sea lines of communication closer to the Eurasian Continent where our principal allies and sources of supply are located.

Question: Are not my facts with respect to Soviet attack and strategic submarines correct?

Response: The facts lead to the conclusion, that the Soviet Union has the largest submarine force in the world. I have commented on many of your facts about submarines elsewhere in this letter. The Soviets now operate 197 diesel torpedo attack submarines, about ⅓ of these were built during the 1960's and would not be "old diesel attack submarines of limited operational capabilities" as you assert. You imply they are World War II submarines. In fact, the Soviets have not operated World War II submarines in at least the last 5 years. Most U.S. diesel submarines were built during World War II. The table provided in my earlier letter provides our estimate of Soviet submarine numbers. My earlier testimony to the Congress points out that the total Soviet submarine inventory has declined as they have substituted more capable nuclear submarines for their conventional submarines. Your statement describes our highly publicized building programs and plans. It fails to mention their much larger submarine building capacity or the new submarine classes they have developed and deployed during the past few years.

Question: Is it not true that major NATO combatants number 767 compared to 583 for the Warsaw Pact?

Response: A simple and selective numerical comparison of this sort reflects the two shortcomings mentioned with regard to the U.S.-USSR comparisons. It ignores the differences in mission. Moreover, it ignores important elements of the total forces; for example, it ignores about 1800 Soviet and Warsaw Pact small combatants. NATO has less than 600 ships in this category. These small craft would play an important role in conflicts around the periphery of Europe, where they would be used to assist in cutting our sea lines of communication to our principal sources of supply and to our allies.

Table 2 of your remarks of 25 May indicates:

Total ships:

NATO	767
Warsaw Pact	583
United States	384
U.S.S.R.	565

If total numbers of ships were an adequate measure of relative combat capability, we ought to be even more concerned about the 565 to 384 advantage which the U.S.S.R. possesses over the U.S., according to table 2, above, since there are many contingencies wherein we would not have major allies to assist us against the Soviets. Aggregative ship counts, however, are not an adequate measure. The more fundamental point is that the U.S. Navy should be prepared to deal with the Soviet Navy in conflict situations where the allies of neither are involved. The size and composition of our Navy have been determined by the missions which have been assigned to it in support of our national policies. For some, but not all policies, this involves integrated planning with our allies.

GENERAL ASSESSMENTS

The three questions with which you close your letter deal with general assessments of the relative capabilities of the two navies.

Question: Is it not true that our conventional and nuclear surface fleet is far more powerful, in almost every category, than their Soviet counterpart?

Response: No, it is not true. The fact that this and the two following questions have been asked in the manner they have, indicates the weakness of the purported study you have used as your basis for comparisons. My letter of 2 June and the subsequent points advanced earlier in this letter have pointed out these weaknesses. In short, you have chosen to rely upon outdated "gun for gun and ship tonnage for ship tonnage" methods rather than recognizing that the proper basis for comparison takes into consideration the fundamental question of what each navy is designed to accomplish. We can no more compare the U.S. and Soviet navies ship-to-ship or inventory-to-inventory than we can compare the U.S. and Soviet economies without considering their structural difference.

Question: Is it not true that the Soviet fleet does not belong in the same category with the U.S. Navy which is a worldwide balanced open-ocean force with advanced bases, sea knowledge, staying power, and air coverage?

Response: Again your question, and the purported study which raises it, misses the point. The question as asked is, or course, rhetorical, but the answer is not. As a force designed to deny us control of our vital sea lines of communications, the Soviet Navy is a powerful, viable one increasing in size and capability at the very time when, because of cuts that have been made below the President's defense budgets, we are reducing ours.

Question: Is it not true that our Navy is Number One? Is it not true that under present plans and programs we will continue to be Number One for the foreseeable future?

Response: An examination of the record will show that I have not asserted that *total* Soviet naval inventories have been growing in number. Rather, I have asserted that the essential composition and employment policies of the Soviet Navy have been changing in ways which make it a significantly more capable and challenging force. I cited the growth of its nuclear submarine forces and its cruise-missile capabilities from air, surface, and subsurface platforms as the central features of this change in capabilities. Its long-range, steady-state deployments have imposed the requirement for new strategies and programs on our Navy. It is my considered judgment that the *trends* in the net capabilities of the two navies have been running rapidly against the U.S. The President's budget is, as Mr. Laird has pointed out, the baseline from which to build.

If I were sure that we would be permitted to move forward with our plans and programs, as your question suggests, there would be no doubt in my mind that we would be able to have superiority at sea against the Soviet Navy. However, the entire thrust of your correspondence and the purported study your questions are based upon, clearly provides no justification for such an optimistic supposition.

Sincerely,

E. R. Zumwalt,
Admiral, U.S. Navy.

U.S. AND U.S.S.R. SHIP AND SUBMARINE DELIVERIES 1960–69 [1]

	Jan. 1, 1969 [1]	
	U.S.	U.S.S.R.
Major combatants	77	102
Attack aircraft carrier, nuclear	1	0
Attack aircraft carrier	4	0
Guided missile:		
Helicopter ship	0	1
Cruiser, nuclear	1	0
Cruiser (mixed battery)	0	8
Frigate, nuclear	2	0
Frigate	27	15
Destroyer	23	3
Destroyer (surface-to-surface)	0	10
Destroyers	0	0
Guided missile escort ship	6	0
Escort ship [2]	13	65
Minor combatants	9	475
Patrol gunboat	7	0
Patrol craft/submarine chaser	0	175
Guided missile patrol craft/large guided missile patrol craft	0	150
Mine warfare	2	150
Amphibious ships, total	16	40
Auxiliary ships, total	17	140
Nuclear attack submarines	30	50
Submarine, nuclear	30	20
Guided missile submarine nuclear	0	30
Conventional attack submarines	0	75
Submarine	0	60
Guided missile submarine	0	15
Ballistic missile submarines	40	35
Fleet ballistic missile submarines, nuclear	40	15
Fleet ballistic missile submarine	0	20
Total	189	917

[1] Status of naval ships; report by the Seapower Subcommittee of the House Committee on Armed Services, 91st Cong., 1st Sess.; Mar. 19, 1969, pp. 416–418. Soviet deliveries have been derived by adding inventories in the age categories 0–4 years and 5–9 years in the cited table. Actual Soviet deliveries in some categories may have been larger than indicated since Soviet inventories have been reduced as a result of retirements and transfers to other nations. U.S. data has been revised to correct errors in the printed table appearing in the cited record.

[2] Includes Soviet patrol escort ships which are employed in roles comparable to U.S. destroyer escorts.

S. 3442—THE COMMUNICABLE DISEASE CONTROL AMENDMENTS ACT OF 1972

Mr. CRANSTON. Mr. President, S. 3442 was passed by the Senate last week, and as the Senator from Massachusetts (Mr. KENNEDY), the distinguished chairman of the Subcommittee on Health of the Labor and Public Welfare Committee, stated at that time, I have some comments I would like to make on this bill at this time.

Mr. President, S. 3442, the proposed "Communicable Disease Control Amendments Act of 1972," will enable the Nation to maintain a concentrated and continuing effort against the far-reaching consequences of communicable disease. These diseases include tuberculosis, rubella, venereal disease, measles, polio, Rh disease, diphtheria, tetanus, and whooping cough, among others. While we have made tremendous advances in our ability to conquer these diseases, we have also tended to sit back and rest on our laurels, thinking that the ability to conquer them alone will be sufficient to stop the diseases from appearing or spreading. Unfortunately, these are very stubborn diseases. If we should stop our preventive measures we would again be faced with the strong possibility of epidemics such as we faced in previous decades.

To prevent this occurrence, S. 3442 will authorize the funding of programs specifically geared to support States and local communities in fighting these diseases, and will authorize grants and contracts for special programs to educate and inform the public of the nature and the consequences of communicable diseases. Only by continuing vigilance on the part of our local health authorities can we be assured of success in controlling these diseases. The provisions of title I of S. 3442 will provide those local authorities with the means to protect the communities from the serious and tragic consequences of these diseases.

VENEREAL DISEASE PREVENTION AND CONTROL

A communicable disease which has reached a dangerous potential recently is venereal disease. Because of the very serious statistics on the incidence of venereal diseases, the bill incorporates in title II a comprehensive program aimed at fighting them. Title II includes the National Venereal Disease Prevention and Control Act, which had been sponsored principally as a separate bill, by Senator WILLIAMS, Senator JAVITS, Senator KENNEDY, Senator DOMINICK, and myself.

Mr. President, the Nation faces a very serious crisis today in the increasing incidence of venereal disease. The rate of increase is so great that the American Social Health Association has labeled it a pandemic—which is a disease affecting an exceptionally high proportion of the population over a wide geographic area. There was a 15.6-percent increase in reported cases of primary and secondary syphilis during fiscal year 1971, and this has been followed by a further increase of 6.1 percent during the first half of fiscal year 1972.

The increase in reported cases of gonorrhea is even more staggering. This disease is the most frequently reported of all communicable diseases; the number reported in fiscal year 1971 was 624,371, almost a 9-percent increase over the previous year. The incidence of this disease has continued to expand in the current year with reported cases showing a further increase of 8.9 percent over the previous year.

In my State of California the epidemic has already reached tragic proportions.

In 1970, for the first time in California's history, reported cases of syphilis and gonorrhea exceeded 100,000 in a single year; the incidence increased again in 1971 when 110,114 cases were reported. This is part of a continuing upward spiral, for the number of reported cases of gonorrhea in California has increased 132 percent over the past 6 years. California today is 13th in the Nation in rates of syphilis and third in the Nation in rates of gonorrhea. As a result, one in every five high school students there will contract a venereal disease before graduation.

A chart prepared by the Center for Disease Control indicates the rapidly growing numbers of reported cases nationwide since 1967 with comparable figures for California I regret that a look at these statistics indicates that California has almost 13 percent of the cases of syphilis in the Nation, and over 15 percent of the cases of gonorrhea.

I ask unanimous consent, Mr. President, that the table be set forth at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

VENEREAL DISEASE CASES AND CASE RATES, PER 100,000 POPULATION

	Syphilis				Gonorrhea	
	All stages		Primary and secondary			
	Cases	Rates	Cases	Rates	Cases	Rates
United States:						
1967	103,546	53.2	21,090	10.8	375,606	193.0
1968	98,195	49.9	20,182	10.3	431,380	219.2
1969	96,679	48.1	18,679	9.3	494,227	245.9
1970	87,934	43.8	20,186	10.0	573,200	285.2
1971	94,383	46.5	23,336	11.5	624,371	307.5
California:						
1967	11,557	62.4	1,666	9.0	49,547	267.4
1968	10,515	56.0	1,543	8.2	63,783	339.4
1969	9,835	52.2	1,654	8.8	77,372	410.7
1970	10,298	54.0	2,009	10.5	95,334	500.3
1971	12,264	62.7	2,751	14.1	97,850	500.3

Mr. CRANSTON. Mr. President, if the trend revealed in this table continues, venereal disease will infect more Californians yearly than virtually all other communicable diseases combined. At present, only the common cold has a higher incidence of infection.

Cases of venereal disease are for the most part concentrated in large cities. A chart based on statistics compiled by the American Social Health Association shows the rate of cases per 100,000 population in some of the major cities of California. While the national average is a distressing 10 per 100,000 for syphilis and 285.2 for gonorrhea, the rate of disease in some of our California cities is far greater.

I ask unanimous consent that the table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

REPORTED VENEREAL DISEASE CASE RATES FOR CALIFORNIA CITIES, 1970

[Per 100,000]

City	Syphilis	Gonorrhea
San Mateo, Calif	2.3	265.1
San Bernadino	2.9	231.1
San Jose	3.0	280.0
Martinez	3.9	448.1
Long Beach	4.4	552.0
Riverside	4.4	201.6
Sacramento	5.7	459.1
Stockton	5.9	377.4
Ventura	5.9	111.3
San Diego	6.0	240.7
Visalia	6.1	130.4
Santa Ana	6.2	287.7
Vallejo	6.3	258.0
Bakersfield	7.9	323.0
Oakland	9.1	533.7
Santa Barbara	9.8	216.1
Fresno	10.6	302.9
Pasadena	11.9	1015.1
Los Angeles	14.3	589.0
Salinas	14.5	268.7
Berkeley	18.1	1490.5
San Francisco	56.5	2499.1

Mr. CRANSTON. Mr. President, still far more horrible than these statistics is the fact that they represent only the reported cases of venereal disease. It is estimated that four cases are treated for every case reported to public health authorities; and this figure covers only those individuals who recognize the symptoms of the disease and seek treatment.

It has been estimated that as many as 4 million individuals contracted venereal disease last year and that one-half a million have cases of syphilis which have never been diagnosed.

One aspect of this epidemic that is particularly tragic is that the victims for the most part are young adults and teenagers. More than half the reported cases represent individuals under 25 years of age. The incidence of the disease knows no social or economic bounds; it is all pervasive striking families of all economic and social groups indiscriminately.

The Venereal Disease Task Force of the California State Board of Public Health reports that if not found and treated, one in 25 persons infected with syphilis will become crippled or incapacitated; one in 200 will become blind; one in 13 will develop syphilitic heart disease; and one in 44 will develop paresis or syphilitic insanity. The personal toll in human suffering from gonorrhea includes urethritis, prostatitis, pelvic inflammatory disease, sterility, eye infections of new born children and at times even death. This is the personal tragedy.

The other side of the story is the effect it has on the taxpaying public. To the taxpayer it means millions and millions of tax dollars spent each year just to treat the latent cases of this disease. Millions more dollars are required to provide hospital and institutional care for those incapacitated by the disease. Yet lack of effective treatment now will only cause us to have to spend even more in the future to resolve a problem that we failed to cope with today.

To date, the cost to the taxpayer within the last two decades alone for syphilitic induced paralysis in tax-supported institutions has been more than a billion dollars nationally and $100 million in California. The California taxpayer must contribute close to $2½ million to care for the syphilitic blind. In addition, a conservative estimate for the treatment costs of acute gonorrhea in California is between $5 and $7 million annually, and these treatment costs are expected to triple by 1978. Finally, 1 year costs for the treatment of VD by public agencies is $11 million.

MEANS OF AVERTING THE CONTINUING INCREASE IN THE VD RATE

There are four major aspects of a program to control venereal disease. These are prevention, education, treatment, and research.

PREVENTION

At the basis of any preventive system is the effectiveness of the casefinding mechanism. The spread of the disease is caused to a large extent by those who are totally unaware that they are infected. Casefinding can be greatly simplified by the cooperation of the patient in notifying those whom he may have infected or been infected by.

EDUCATION

Closely related to prevention as a means of controlling VD is a strong educational program. This program should be aimed at those who are already infected, so they can recognize the symptoms and the necessity of seeking prompt medical treatment to prevent serious medical complications personally and to prevent the spread of the disease to others.

It should also be aimed at youth generally who represent too great a proportion of those suffering from venereal disease today. Only 30 to 40 percent of the school systems in the United States are estimated to have some venereal disease education. Much needs to be done in terms of educating teachers on how to present the material effectively as well as in developing means of self instruction for the students.

The need for public health-oriented education in venereal disease is not limited to the public; it is also needed by the medical community. New knowledge of the diagnosis and treatment methods of venereal diseases needs to be brought to the attention of the physicians. Paraprofessionals need to be trained in diagnostic and counseling procedures.

TREATMENT

Modern medicine has triumphed in finding effective treatment for venereal diseases. Syphilis can be successfully treated with penicillin and other antibiotics if treatment is begun in the early stages of the disease. Gonorrhea, however, has become more and more resistant to penicillin, raising the specter of an uncontrollable epidemic unless more effective preventive measures are taken and a new treatment developed.

One of the problems involved in effective treatment is the inaccessibility of appropriate medical care. The California Venereal Disease Task Force in its 1971 report stressed the importance of accessible VD treatment programs. The task force recommended that every county in California provide convenient treatment clinics for venereal disease and suggested they could be operated either by the local health department, by private physicians, or by the State health department, and that services be provided at no cost to the patient. It further recommended a strong orientation toward patient convenience with the facilities open to all and at hours when the patient population can most easily get to the clinic. Many clinics are closed in the evenings or on weekends when it would be most convenient for the individuals most susceptible to venereal disease to seek medical treatment. The task force recommended all-day and all-night clinics in major metropolitan areas, and further recommended that every effort be made to streamline clinic procedures to provide the population with a quick, practical method of examination to avoid discouragingly long periods of waiting for medical attention.

The very effective programs of California's free clinics in reaching out to young people and in gaining their trust was cited by the task force along with a recommendation that local health departments cooperate with these free clinics in providing them with appropriate guidance, training, and equipment to carry out venereal disease programs.

RESEARCH

Although venereal disease can be controlled through prevention, education, and treatment, much of the success of utilizing these three approaches is lessened by the difficulties of finding every infected individual, by the increasing resistance of gonorrhea to penicillin, and by the lack of a convenient preventive approach. Diagnostic tests need to be improved. One particularly difficult problem with gonorrhea is that it is asymptomatic in the female, defying self-diagnosis as well as professional diagnosis. Blood tests are imprecise at times in the case of syphilis. Thus, there is need for new medical techniques and developments to detect and treat venereal diseases. With the proportions of the incidence of venereal disease, research and available funds must be devoted to the development of a vaccine.

Venereal disease cannot be eradicated through medical efforts alone, however. It will take the full social, governmental, and educational resources of the Nation.

NEED FOR NATIONAL VD EFFORT

In the decade of the 1950's, the Nation established an effective program to fight venereal disease. However, we were deluded by our success. Because the incidence of disease dropped substantially we diverted our resources and our attention to other matters. The result was a loss of the gains we had made and a restoration in the 1960's of the incidence rates experienced in the 1940's. A concerted effort was made again to stop this tide, and we had a measure of success until the level of financial support stabilized in the mid-1960's without taking into account rising costs caused by inflation. The result has been the tragic figures I cited earlier.

Thus, past experience has shown that we cannot, we dare not, turn our backs on this serious health issue. We must again establish a strong campaign and commit ourselves to maintaining it—with increases to cover inflation in costs—at the level needed to be effective.

I believe the bill we are reporting will give us the tools to do this. For that reason, I was pleased to join with the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS), chairman and ranking minority member, respectively, of the Committee on Labor and Public Welfare, as well as with the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Pennsylvania (Mr. SCHWEIKER), the chairman and the ranking minority member, respectively, of the Subcommittee on Health as well as with other members of that committee in introducing S. 3187, the proposed National Venereal Disease Prevention and Control Act, which is now incorporated in title II of S. 3442.

This title of the bill would provide several important steps toward the effective control and treatment of venereal disease. First, it will provide an authorization of appropriations of $15 million annually for research, demonstration, or training programs in venereal disease prevention and control. To establish these programs technical assistance and grants would be made available to universities, hospitals, and other public or private nonprofit entities, such as free clinics.

Second, the bill would provide for the establishment of comprehensive State venereal disease diagnosis and treatment programs, for which formula grants in the amount of $30 million annually would be authorized. I am delighted that the committee accepted my amendment to raise the authorization from $25 to $30 million each year. This allocation, with a minimum of $75,000 per State, would be based upon the incidence of venereal disease in the State and its population; each State would be required to submit a plan for the establishment and maintenance of adequate public health programs to counter venereal disease.

Third, it would provide project grants of $30 million annually, to States and political subdivisions for venereal disease prevention and control programs which must include disease-surveillance activities, including reporting, screening case finding and followup activities; and professional and public venereal disease education activities.

An issue to which I and other members of the committee gave a great deal of attention is that of preserving the confidentiality of patient records. Clinics are faced with the very difficult alternative, in effectively eradicating venereal disease, of discouraging infected patients from seeking treatment if they rigorously follow local regulations and report each individual by name to the local health authorities, or of encouraging these individuals and their friends to seek treatment with the assurance that their names will not be placed on a ledger book and their right to privacy will be respected, although this generally means failing to comply with many State public health laws.

We determined that the rights of the individual to confidential treatment were paramount and adopted language which would protect this right. The bill provides that, State laws to the contrary notwithstanding, any information obtained by personnel of a treatment facility shall be held confidential and shall not be divulged without the individual patient's consent except as may be necessary to provide him service. The bill specifies, however, the information may be disclosed in summary, statistical, or other form for clinical and research purposes in a way which does not identify individual patients, either directly or indirectly.

I believe the provisions of this bill will enable our State and local health authorities, in coordination with the medical community and an educated citizenry, to organize an effective campaign to eradicate these destructive diseases. Our failure to act in past years has resulted each time in a sharp upturn in the incidence of these diseases. We must not make the same mistake again. The introduction of the proposed National Venereal Disease Prevention and Control Act in both Houses of Congress with strong bipartisan support, and now the adoption of the provisions of that bill in the Senate is an indication of the determination of the legislative branch of Government to halt the incidence of venereal disease now and prevent its reoccurrence in the future.

ADMINISTRATION REQUESTS

At the time the committee was considering S. 3442, the administration presented a legislative request for increased authorities for appropriations for both section 314(e) of the Public Health Service Act special project grants for comprehensive health services and for section 1001(c) project grants and contracts for family planning services. The committee acquiesced in the administration's request in each case and included increased authorizations in this bill.

The authorized appropriations for 314(e) grants was increased to the level requested by the administration—$179 million—with the caveat that these funds should not be utilized for communicable disease control or vaccination assistance programs except where such programs are a subpart of other activities primarily concerned with the provision of health services for other purposes. For the past several years, Congress has authorized specific amounts for these purposes under the authorities of section 317 of the Public Health Services Act. However, the administration has refused to utilize these funds and instead has utilized the 314(e) authorities—at a minimal level—for control of communicable diseases. The result has been a serious underfunding of communicable disease programs and a reduction in the level of support of other important health programs having national significance.

PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

In response to the administration's request for increased appropriations authorizations of $21.5 million for project grants and contracts for family planning services, the committee adopted my amendment to increase authorities for this purpose by $37.5 million, from the currently authorized level of $90 million to $127,300,000 for fiscal year 1973.

The Special Subcommittee on Human Resources, which I am privileged to chair, held a full day of hearings—April 17, 1972—on the administration's suggested increase and received testimony from the administration, from representatives of organizations coordinating family planning service programs on a nationwide basis as well as directors of programs in specific communities in Illinois and Ohio. These hearings demonstrated that the administration's suggested $21.5 million increase for PHS Act title X authority project grants was offset almost entirely by an $18 million reduction below fiscal year 1972 spending for Social Security Act title V—maternal child health project—grants—minus $9 million—and OEO family planning projects—minus $9 million. Information provided at those hearings presented convincing documentation of the need for and HEW's ability to utilize effectively the amount included in the committee bill.

The committee determined that the administration request for an increase of $21.5 million to a total authorization of $111.5 million was insufficient to keep the Federal programs on target to meet the announced Federal goal of providing family planning services by 1975 to the approximately 6.5 million women wanting them but not able to afford them. In order to reach this goal—established in the Department of Health, Education, and Welfare's 5-year plan for family planning services and population research—submitted on October 12, 1971—it is estimated that the number of women reached must increase each year by approximately 800,000. Specifically, the administration's requested increase would have authorized sufficient funds to provide services to only an additional 500,000 women rather than the 763,000 projected in the 5-year plan.

The $127,300,000 authorization which the committee has adopted instead will enable the administration to reach this goal. The Department of Health, Education, and Welfare estimates the Federal share of providing family planning services to each individual at approximately $60. The additional $15.8 million added to the administration's request by the committee bill will enable family planning service programs to provide services to an additional 263,000 women.

CONCLUSION

Mr. President, I believe the provisions of S. 3442 are vitally important to providing the means of protecting the American public from the threat of communicable diseases and particularly venereal diseases. I was gratified to join with Senator WILLIAMS, and Senator JAVITS, the chairman and the ranking minority member of the committee, as well as with Senator KENNEDY and Senator SCHWEIKER, the chairman and the ranking minority member of the Subcommittee on Health, all of whom provided significant leadership in development of the bill in committee, and with Senators DOMINICK, EAGLETON, HUGHES, MONDALE, PELL, RANDOLPH, and STEVENSON in sponsoring this legislation and perfecting it in committee.

I urge the full support of the Senate for this badly needed legislation.

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. ROBERT C. BYRD. I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Under a subsequent order the Senate will convene at 10:30 a.m. tomorrow.)

ORDER FOR CONSIDERATION OF THE UNFINISHED BUSINESS FOLLOWING MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that tomorrow, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. HARTKE). **Pursuant to the previous order, the Chair lays before the Senate the**

unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORTS ON RIVER BASIN COMMISSIONS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying reports, was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

I am pleased to transmit herewith the annual reports of the five river basin commissions established under the Water Resources Planning Act of 1965. These reports are from commissions that have been set up in the Pacific Northwest River Basins, the Souris-Red-Rainy River Basins, the Great Lakes Basin, the New England River Basins, and the Ohio River Basin and reflect the accomplishments of each commission during Fiscal Year 1971.

The primary responsibility of each commission is to develop plans for the best use of its water and related land resources, and to recommend priorities for implementing its plans. These commissions, though comprised of State and Federal members, are established at the initiation of the Governors of the States involved within the commission areas. They are unique in that they are neither wholly Federal nor State, but rather jointly financed partnerships working to develop the resources of their respective regions.

The commissions provide an opportunity for all interested persons, especially the residents of the river basins, to contribute to water resource planning. This has become particularly important in recent years because the wise use of our natural heritage is a critical public concern.

The substantial number of programs which these commissions have already begun will help to meet both existing and emerging problems of water and land use within their regions. They are also making studies that will promote effective solutions, with full recognition of the need both to preserve and to enhance the environment.

RICHARD NIXON.

THE WHITE HOUSE, *June 12, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the PRESIDING OFFICER (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 14149) to authorize appropriations for the Peace Corps, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has affixed his signature to the following enrolled bills:

S. 659. An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Post-secondary Education and a National Institute of Education), the Elementary and Secondary Education of 1965, Public Law 874, Eighty-first Congress, and related Acts, and for other purposes;

S. 3607. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces.

The enrolled bills were subsequently signed by the President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 14149) to authorize appropriations for the Peace Corps, and for other purposes, was read twice by its title and referred to the Committee on Foreign Relations.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. SPARKMAN. Mr. President, the basic purpose of S. 3390 is to authorize the appropriation of $1.65 billion for some military assistance and related programs for the 1973 fiscal year. It would also authorize additional economic assistance to Bangladesh. General economic assistance programs were authorized for 2 years in the Foreign Assistance Act of 1971. The specific amounts recommended by the committee for the various programs in this bill are as follows:

First. Grant military assistance, $600 million.

Second. Foreign military credit sales, $400 million, $300 million of the $550 million credit ceiling approved is earmarked for Israel.

Third. Supporting assistance, $650 million, of which $50 million is earmarked for Israel.

Fourth. Assistance to Bangladesh, $50 million.

The total recommended by the committee is a reduction of $551 million in the Executive branch request of $2.251 billion.

I wish to make it clear, however, that the $1.65 billion in military assistance in this bill is only about one-third of the total military assistance package proposed for the next fiscal year. It does not include, for example, over $2 billion in military aid for South Vietnam, Laos, and the Korean forces in Vietnam; ship loans of $39.6 million; $450 million in excess military equipment at acquisition cost; or most of the costs of supporting the 47 U.S. military missions abroad. When Government cash sales and commerical sales are included, the estimated total flow of arms and supplies abroad in the coming fiscal year adds up to $7.6 billion, more than four and one-half times the appropriations to be authorized by this bill.

Mr. President, I will not take the Senate's time to describe in detail the various military programs to be authorized by this bill since they are covered fully in the committee report. However, I ask unanimous consent to have printed in the RECORD following my remarks several tables giving country-by-country data on these and other elements in the foreign assistance program.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPARKMAN. In addition to the authorizations I have listed, the bill contains a number of significant substantive provisions. Let me summarize them briefly:

First. It prohibits use of funds for maintenance of U.S. forces in South Vietnam after August 31, 1972, without condition, and participation of U.S. forces in hostilities in or over Indochina after reaching an agreement for a cease-fire, release of American prisoners of war, and an accounting for Americans missing in action.

Second. It requires that certain future agreements relating to overseas military installations or the storage of nuclear weapons abroad be submitted to the Senate for its advice and consent.

Third. It prohibits obligation or expenditure of funds to carry out military base agreements with Portugal and Bahrain until the agreements have been submitted to the Senate in treaty form.

Fourth. It imposes a $275 million ceiling for fiscal year 1973 on U.S. obligations in, for, or on behalf of Cambodia, excluding the cost of U.S. air operations and South Vietnamese operations in Cambodia.

Fifth. It returns funding of military aid to Laos and South Vietnam to the regular foreign military assistance program beginning in fiscal year 1974.

Sixth. It requires specific authorization for the financing of foreign forces operating in Laos, Thailand, or North Vietnam.

Seventh. It prohibits U.S. Government military assistance or sales to the nations of South Asia.

Eighth. It prohibits transfer of Agency for International Development development assistance or disaster relief funds for use for military or supporting assistance purposes.

Ninth. It prohibits transfers of foreign assistance funds to other agencies except as reimbursement for services rendered.

Mr. President, the committee gave strong endorsement to the section of this bill designed to end our involvement in the war and secure the release of the prisoners which was initiated by the distinguished majority leader. Last year the Senate went on record three times in favor of complete withdrawal of all U.S. forces from Indochina within a time certain, conditioned only on the release of American prisoners of war. It approved the Mansfield amendment as an amendment to the Draft Extension Act by a vote of 61 to 28, as an amendment to the Defense Authorization Act by a vote of 57 to 38, and as a provision in the foreign assistance bill. The House of Representatives was never permitted to have a straight up-or-down vote last year on the proposal.

This new provision, if enacted, for the first time provides a legislative mandate that without preconditions assures the total extrication of all U.S. military forces from South Vietnam by August 31, 1972. The participation of U.S. forces in the air and naval action in Indochina could continue from outside South Vietnam until agreement had been reached between the United States and enemy forces for a cease-fire, which would be followed by release of U.S. prisoners and an accounting for the U.S. missing that are known to the enemy. The cease-fire would involve only United States and enemy forces; it would not be subject to veto by the South Vietnamese. The Mansfield amendment, for the first time, treats as separate questions the withdrawal of U.S. ground forces from South Vietnam and the participation of U.S. forces in air and naval warfare.

As of May 20, 1972, the war in Indochina has cost our Nation 55,934 dead, 303,031 wounded, and incalculable sums of tax dollars. But the costs of the war cannot be measured in blood and money alone. They represent only a small measurable part of the overall cost. There is no way to calculate in mathematical terms the damage this war has caused to our society, our democratic institutions, our sense of values as human beings, or the tragic consequences for the people of Indochina whose land has been the cockpit of conflict for over a quarter century.

Perhaps the war will continue indefinitely after U.S. forces leave. No one can foresee the final military or political outcome in the area. But a substantial number of the members of the committee are convinced that the continued presence of our forces works to prevent the operation of natural political factors that might result in a settlement between the parties and assures the continued imprisonment of captured Americans. There is much evidence that the overwhelming sentiment of the American people is for total withdrawal as soon as possible. The committee believes that enactment of the Mansfield amendment will end the stalemate, effect the return of our fighting men, the return of our prisoners, and, hopefully, set the stage for the rebuilding process that is needed for the American spirit.

I wish to describe briefly two other significant provisions in this bill which were initiated by the Senator from New Jersey (Mr. CASE). Section 13 provides that 30 days after enactment no funds shall be obligated or expended to carry out the agreements with Portugal and Bahrain, relating to United States base rights in the Azores and Bahrain respectively, until the agreements have been submitted to the Senate as a treaty for its advice and consent.

Although I have reservations personally about this provision, a majority of the members of the Committee on Foreign Relations believes that the two executive agreements raise important foreign policy questions and should be subject to the advice and consent of the Senate.

The second provision relating to executive agreements, also initiated by Senator CASE, would prohibit the obligation or expenditure of funds to carry out any agreement, entered into after this bill becomes law, between the United States and a foreign government which:

First, provides for the establishment of a military installation in that country at which U.S. combat units are to be assigned to duty;

Second, revises or extends any such agreement; or

Third, provides for the storage of nuclear weapons or the renewal of existing agreements relating to storage of nuclear weapons, unless the Senate has given its advice and consent to the agreement involved. This provision is intended to apply generally the principle involved in section 13, which relates only to the Azores and Bahrain agreements.

Both of these areas involve highly sensitive foreign policy questions which can entangle our country in obligations and commitments that ultimately lead to war. During 1969 and 1970 the Subcommittee on U.S. Security Agreements and Commitments Abroad, chaired by Senator SYMINGTON, made an exhaustive study of the foreign policy implications of U.S. military installations abroad. The report of that subcommittee stressed the sensitive nature of the bases problem. It said:

> Overseas bases, the presence of elements of United States Armed Forces, joint planning, joint exercises, or extensive military assistance programs represent to host governments more valid assurances of United States commitment than any treaty or agreement. Furthermore, any or all of the above instances of United States military presence all but guarantee some involvement by the United States in the internal affairs of the host government.

As to the storage of nuclear weapons abroad, the subcommittee reached these conclusions:

> The stationing of nuclear weapons in foreign countries represents a special kind of commitment between the United States and the host country.
>
> . . . we should recognize the political implications involved in placing nuclear weapons in other countries, along with the need for continuous re-examination of such a policy.

The provision approved by the committee is prospective only. It does not effect current agreements relating to foreign bases or the storage of nuclear weapons. However, it will require submission to the Senate of any agreements to renew or revise existing agreements.

Congress cannot compel the executive branch to submit base rights, nuclear storage or other such agreements with foreign governments as treaties. But Congress does not have to provide the money to carry them out. This provision, a proper exercise of Congress' power of the purse, will help to restore the Senate's constitutional role in the making of foreign policy.

Mr. President, every foreign aid bill is controversial. This one is no exception. The committee has reduced the amounts requested by the administration to a more realistic level and has added significant policy provisions. These two actions resulted in a bill which was recommended to the Senate by the committee members by a vote of 11 to 3. This large majority of the committee members believes that the programs to be authorized in this bill and the policy changes recommended, are in the national interest.

I hope that the Senate will make some changes that I shall join in presenting and in supporting and that such an improved bill will be approved.

EXHIBIT 1

TABLE I.—*Military and related assistance and arms sales, fiscal year 1973—executive branch estimates*

	Amount
Military assistance grants	$819,700,000
Foreign military credit sales	629,000,000
Excess defense articles	[1] 245,000,000
Ship loans	39,600,000
Security supporting assistance	879,418,000
Foreign military cash sales (DOD)	2,200,000,000
Commercial sales	722,598,000
Military assistance, DOD funded	2,055,000,000
Total military and related assistance and sales	7,610,316,000

[1] Valued at one-third acquisition cost.

TABLE II.—SECURITY ASSISTANCE—SUMMARY OF PROGRAMS, BY AREA AND COUNTRY, FOR FISCAL YEAR 1973

[In thousands of dollars]

	Total	Grant military assistance	Foreign military credit sales	Security supporting assistance	Contingency fund and other
East Asia and Pacific:					
Cambodia	299, 985	224, 985		75, 000	
China	69, 968	14, 968	55, 000		
Indonesia	29, 933	29, 933			
Korea	259, 982	234, 982	25, 000		
Laos	49, 800			49, 800	
Malaysia	181	[1] 181			
Philippines	21, 968	21, 968			
Thailand	85, 554	59, 954		25, 600	
Vietnam	585, 000			585, 000	
Regional	21, 275	375	12, 500	8, 400	
Total, East Asia	1, 423, 646	587, 346	92, 500	743, 800	
Near East and South Asia:					
Afghanistan	215	[2] 215			
Ceylon	15	[2] 15			
Greece	72, 966	14, 966	58, 000		
India	234	[2] 234			
Iran	492	[1] 492			
Israel	(3)		(3)	50, 000	
Jordan	(3)	(3)	(3)	40, 000	
Lebanon	(3)	(3)	(3)		
Nepal	29	[1] 29			
Pakistan	243	[2] 243			
Saudi Arabia	(3)	(3)	(3)		
Turkey	114, 963	99, 963	15, 000		
Regional	99	99			
Total, Near East and South Asia	694, 960	161, 960	443, 000	90, 000	
Africa:					
Ethiopia	12, 799	12, 799			
Ghana	55	[2] 55			
Liberia	517	517			
Mali	50	[2] 50			
Morocco	(3)	(3)	(3)		
Senegal	25	[2] 25			
Tunisia	(3)	(3)			
Zaire	3, 955	[1] 455	3, 500		
Regional	93	93			
Total, Africa	37, 483	18, 983	18, 500		
Latin America:					
Argentina	15, 550	[1] 550	15, 000		
Bolivia	8, 873	4, 873	4, 000		
Brazil	15, 988	[1] 988	15, 000		
Chile	6, 114	1, 114	5, 000		
Colombia	10, 778	[1] 778	10, 000		
Dominican Republic	1, 435	1, 435			
Ecuador	1, 000	1, 000			
El Salvador	805	805			
Guatemala	3, 736	1, 736	2, 000		
Honduras	734	734			
Mexico	2, 087	[1] 87	2, 000		
Nicaragua	1, 045	1, 045			
Panama	527	527			
Paraguay	791	791			
Peru	5, 820	[1] 820	5, 000		
Uruguay	3, 460	1, 460	2, 000		
Venezuela	15, 870	870	15, 000		
Regional	687	687			
Total, Latin America	95, 300	20, 300	75, 000		
Europe:					
Austria	24	[2] 24			
Malta	9, 500			9, 500	
Portugal	991	991			
Spain	12, 987	9, 987		3, 000	
Regional	109	109			
Total, Europe	23, 611	11, 111		12, 500	
Nonregional costs:					
Administrative expenses	24, 775	20, 000			4, 775
Contingency requirements	30, 300				30, 300
U.N. forces, Cyprus (UNFICYP)	4, 800			4, 800	
Other	23, 400			23, 400	
Total, nonregional	83, 275	20, 000		28, 200	35, 075
Total obligational authority	2, 358, 275	819, 700	629, 000	874, 500	35, 075
Less:					
Recoupments/recoveries	−60, 132	−30, 000		−29, 832	−300
Reimbursements	−6, 545	−4, 700		−1, 845	
Transfers	−3, 832	−5, 000		1, 177	
Net private credit	−102, 000		−102, 000		
Net obligational authority	2, 185, 775	780, 000	527, 000	844, 000	34, 775

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[1] U.S. and overseas training only.
[2] U.S. training only.
[3] Classified

TABLE III.—MILITARY GRANT ASSISTANCE

[In thousands of dollars]

Countries	Grant aid program		
	Fiscal year 1971	Estimated, fiscal year 1972	Proposed, fiscal year 1973
East Asia and Pacific:			
Burma	50		
Cambodia	182, 967	179, 719	209, 541
China	20, 012	10, 931	7, 642
Indonesia	16, 822	18, 000	28, 745
Korea	288, 233	150, 000	215, 710
Malaysia	228	134	[1] 181
Philippines	16, 999	14, 043	20, 780
Thailand			59, 954
Regional program	92	79	375
Regional total	525, 403	372, 906	542, 928
Near East and South Asia:			
Afghanistan	204	250	215
Ceylon	3, 000		[2] 15
Greece	19, 999	9, 883	9, 554
India	167	300	[2] 234
Iran	2, 310	935	[1] 492
Israel			
Jordan	30, 164	(3)	(3)
Lebanon	5, 071	(3)	(2 3)
Nepal	12	26	[2] 29
Pakistan	174	85	[2] 243
Saudi Arabia	672	510	(1 3)
Turkey	99, 616	60, 000	88, 611
Regional program	19	19	99
Regional total	161, 408	110, 228	142, 952
Europe:			
Austria		13	[2] 24
Portugal	1, 035	1, 010	905
Spain	25, 001	11, 190	9, 261
Regional program	99	171	109
Regional total	26, 135	12, 384	10, 299
Africa:			
Ethiopia	12, 031	9, 000	12, 139
Ghana	53	48	[2] 55
Liberia	513	316	499
Mali	1	52	[2] 50
Morocco	804	(3)	(1 3)
Nigeria	213	107	
Senegal		25	[2] 25
Tunisia	4, 481	(3)	(3)
Zaire	429	457	[1] 455
Regional program	48	100	93
Regional total	18, 573	12, 807	17, 975
Latin America:			
Argentina	532	798	[1] 550
Bolivia	1, 774	3, 352	4, 873
Brazil	929	895	[1] 988
Chile	754	856	1, 114
Colombia	924	738	[1] 778
Dominican Republic	1, 258	828	1, 435
Ecuador	441	527	1, 000
El Salvador	413	302	805
Guatemala	2, 613	1, 449	1, 736
Honduras	579	550	734
Mexico	90	117	[1] 87
Nicaragua	887	761	1, 045
Panama	541	462	527
Paraguay	951	834	791
Peru	558	879	[1] 820
Uruguay	1, 186	767	1, 460
Venezuela	986	722	[1] 870
Regional program	295	231	687
Regional total	15, 711	15, 068	20, 300
General costs	22, 382	21, 607	85, 246
Excess defense articles reserve	18, 400		
Worldwide total (TOA)	788, 012	545, 000	819, 700

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[1] United States and overseas training only.
[2] United States training only.
[3] Classified.

TABLE IV.—FOREIGN MILITARY CREDIT SALES PROGRAM

[In thousands of dollars]

Countries	FMS credit sales: Fiscal year 1971	FMS credit sales: Estimated, fiscal year 1972	FMS credit sales: Proposed, fiscal year 1973
East Asia and Pacific:			
China	41,000	45,000	55,000
Korea	15,000	15,000	25,000
Malaysia	2,200		
Regional program		8,000	12,500
Regional total	58,200	58,000	92,500
Near East and South Asia:			
Greece	18,000	45,000	55,000
Israel	(1)	(1)	(1)
Jordan	(1)	(1)	(1)
Lebanon		(1)	(1)
Saud Arabia	(1)	(1)	(1)
Turkey		15,000	15,000
Regional program			3,000
Regional total	606,200	402,000	443,000
Africa:			
Morocco	(1)	(1)	(1)
Zaire	13,200	2,000	3,500
Regional total	28,200	17,000	18,500
Latin America:			
Argentina	16,000	15,000	15,000
Bolivia			4,000
Brazil	9,400	20,000	15,000
Chile	5,000	5,000	5,000
Colombia	5,000	6,000	10,000
Guatemala	4,000		2,000
Mexico			2,000
Peru			5,000
Uruguay	4,000	2,000	2,000
Venezuela	7,400	10,000	15,000
Regional program		5,000	
Regional total	50,800	63,000	75,000
General costs			
Excess defense articles reserve			
Worldwide total (TOA)	743,400	550,000	629,000

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[1] Classified.

TABLE V.—SECURITY SUPPORTING ASSISTANCE—SUMMARY OF PROGRAMS BY AREA AND COUNTRY, FISCAL YEARS 1971, 1972, AND 1973

[In thousands of dollars]

	Fiscal year 1971 actual supporting assistance	Fiscal year 1972 estimated supporting assistance	Fiscal year 1973 proposed supporting assistance
Summary, all programs	572,971	483,100	874,500
Asia, total	510,318	564,400	833,800
Cambodia	70,000	37,100	75,000
Israel		50,000	50,000
Jordan	5,000	30,000	40,000
Laos	41,450	47,000	49,800
Thailand	16,996	15,000	25,600
Vietnam [1]	376,656	385,000	585,000
East Asia regional programs	216	300	8,400
Africa, total	18,383	3,700	
Nigeria	18,163	3,400	
Southern Africa regional	220	300	
Europe, total			12,500
Malta			9,500
Spain			3,000
Latin America, total	2,827		
Guatemala	45		
Haiti	2,782		
Nonregional programs	41,443	15,000	28,200
U.N. force in Cyprus	4,800	2,400	4,800
U.N. relief and Works Agency	13,300		
Program support and interregional activities	23,343	12,600	23,400

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[1] Excludes administrative and program support costs resulting from the expanded Vietnam program.

TABLE VI.—EXCESS DEFENSE ARTICLES PROGRAM

(Dollars in thousands) [1]

Country/region	Actual fiscal year 1971	Undelivered balance, 1971	Estimate, fiscal year 1972	Estimate fiscal year June 30, 1973
East Asia and Pacific:				
Burma		$13		
Cambodia	$7,075	3,941	$15,000	$15,500
China	21,454	14,039	44,500	46,500
Indonesia	987	689	3,500	4,500
Korea	16,375	7,232	30,000	33,600
Laos			2,500	2,000
Philippines	394	208	3,000	3,000
Thailand			4,500	4,500
Vietnam	NA	NA	NA	53,400
Total, East Asia and Pacific	46,285	26,122	103,000	163,000
Near East and South Asia:				
Greece	20,557	14,727	25,500	25,500
Iran				
Jordan	(2)	(2)	(2)	(2)
Saudi Arabia	(2)			
Turkey	38,514	23,216	40,000	40,000
Total, Near East and South Asia	59,379	37,946	68,000	68,000
Europe:				
Portugal			2,000	2,000
Spain	125	2,206	6,000	6,000
Total, Europe	125	2,206	8,000	8,000
Africa:				
Ethiopia	355	258	1,000	1,000
Liberia	40	38	500	500
Tunisia	1,052	1,175	(2)	(2)
Zaire	8			
Total, Africa	1,455	1,471	3,500	3,500
Latin America:				
Boliva	196	69	800	500
Chile				200
Colombia	256	35		100
Dominican Republic	34	4	100	100
Ecuador	52	51		300
El Salvador	32			100
Guatemala	232	144	300	200
Honduras	112	56		100
Nicaragua	154	107	100	100
Panama			200	100
Paraguay	905	762	300	200
Uruguay	518	310	700	500
Total, Latin America	2,491	1,538	2,500	2,500
DOD undistributed	8,665	8,665		
Worldwide total	118,400	77,948	185,000	245,000

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[1] In legal value, i.e., ⅓ acquisition value.

[2] Classified.

TABLE VII.—MILITARY SALES DATA, FMS-DEVELOPED VERSUS LESS DEVELOPED COUNTRIES

[In thousands of dollars]

Distribution	Fiscal year— 1967	1968	1969	1970	1971	1967 through 1971	Fiscal year, estimated— 1972	1973
Developed countries:[1]								
FMS cash	707,554	572,657	1,000,685	668,787	1,003,202	3,952,885	2,023,700	1,845,000
FMS credit	246,400	130,021	104,260		13,211	493,892	22,000	45,000
DOD direct	46,742	37,000	75,000			158,742		
DOD guarantee	199,658	93,021	29,260		13,211	335,150		
Total	953,954	702,678	1,104,945	668,787	1,016,413	4,446,777	2,045,700	1,890,000
Less developed countries:								
FMS cash	70,692	169,575	104,497	133,641	307,777	786,182	238,400	336,800
FMS credit	76,843	133,312	176,900	70,000	730,201	1,187,256	528,000	584,000
DOD direct	41,445	67,307	150,900	70,000	687,833	1,017,485		
DOD guarantee	35,398	66,005	26,000		42,368	169,771		
Total	147,535	302,887	281,397	203,641	1,037,978	1,973,438	766,400	920,800
International organizations:								
FMS cash	30,107	19,931	23,033	41,501	18,460	133,032	17,900	18,200
FMS credit, DOD direct		52				52		
Total	30,107	19,983	23,033	41,501	18,460	133,084	17,900	18,200
Worldwide:								
FMS cash	808,353	762,163	1,128,215	843,929	1,329,439	4,872,099	2,280,000	2,200,000
FMS credit	323,243	263,385	281,160	70,000	743,412	1,681,200	550,000	629,000
DOD direct	88,187	104,359	225,900	70,000	687,833	1,176,279		
DOD guarantee	235,056	159,026	55,260		55,579	504,921		
Total	1,131,596	1,025,548	1,409,375	913,929	2,072,851	6,553,299	2,830,000	2,829,000

[1] As listed by Executive order for interest equalization tax purposes.

TABLE VIII.—MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM REGIONAL SUMMARY

[In thousands of dollars]

	Security programs							
	Military assistance grants	Foreign military credit sales	Excess defense articles[1]	Military service funded	Ship loans[1]	Total military	AID supporting assistance	Total security
Summary, all programs	819,700	629,000	245,000	2,055,000	39,600	3,798,300	879,418	4,667,718
LA	2,300	75,000	2,500		900	98,700		98,700
AFR	17,975	18,500	3,500			39,975		39,975
EUR	10,299		8,000		18,200	36,499	12,500	48,999
NESA	142,952	443,000	68,000		11,000	664,952	90,000	754,952
EA and PAC	542,928	92,500	163,000	2,055,000	9,500	2,862,928	743,800	3,606,728
Other	85,246					85,246	28,200	113,446
Administrative and other expenses, State							4,918	4,918

	Developed and humanitarian economic programs								
	Agency for International Development								
	Develop-ment/humani-tarian assistance[2]	Contingency fund and international narcotics control[3]	AID development and humani-tarian total	Peace Corps	Public Law 480	Interna-tional financial institu-tions[4]	Total economic	Total military and economic, fiscal year— 1973	1972
Summary, all programs	1,598,976	72,800	1,671,776	72,200	1,099,789	920,000	3,763,765	8,431,483	7,439,099
LA	389,416		389,416	18,913	106,559		514,888	613,588	528,870
AFR	173,209		173,209	23,149	134,310		330,668	370,643	352,838
EUR				10	850		860	49,859	78,247
NESA	347,204	15,000	362,204	7,400	390,976		760,580	1,515,532	1,292,250
EA and PAC	188,857	2,200	191,057	12,352	445,494		648,903	4,255,631	4,036,862
Other	[2] 500,290	55,600	555,890	10,376	21,600	920,000	1,507,866	1,621,312	1,145,470
Administrative and other expenses, State								4,918	4,462

Footnotes on page S 9206.

MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM BY COUNTRY

[In thousands of dollars]

	Security programs							
		Military programs						
	Military assistance grants	Foreign military credit sales	Excess defense articles	Military service funded	Ship loans[1]	Total military	AID supporting assistance	Total security
Latin America	20,300	75,000	2,500		900	98,700		98,700
Argentina	550	15,000				15,550		15,550
Bolivia	4,873	4,000	500			9,373		9,373
Brazil	988	15,000				15,988		15,988

MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM BY COUNTRY

[In thousands of dollars]

	Security programs							
			Military programs					
	Military assistance grants	Foreign military credit sales	Excess defense articles	Military service funded	Ship loans [1]	Total military	AID supporting assistance	Total security
Chile	1,114	5,000	200		900	7,214		7,214
Colombia	778	10,000	100			10,878		10,878
Costa Rica								
Dominican Republic	1,435		100			1,535		1,535
Ecuador	1,000		300			1,300		1,300
El Salvador	805		100			905		905
Guatemala	1,736	2,000	200			3,936		3,936
Guyana								
Haiti								
Honduras	734		100			834		834
Inter-American programs								
Jamaica								
Mexico	87	2,000				2,087		2,087
Nicaragua	1,045		100			1,145		1,145
Panama	527		100			627		627
Paraguay	791		200			991		991
Peru	820	5,000				5,820		5,820
ROCAP								
Trinidad and Tobago								
Uruguay	1,460	2,000	500			3,960		3,960
Venezuela	870	15,000				15,870		15,870
Caribbean regional								
Economic regional programs								
Regional military costs	687					687		687
Near East and South Asia	142,952	443,000	68,000		11,000	664,952	90,000	754,952
Afghanistan	215					215		215
Ceylon	15					15		15
Cyprus								
Greece	9,554	55,000	25,500		5,900	95,954		95,954
India	234					234		232
Iran	492					492		490
Israel		(5)					50,000	50,000
Jordan	(5)	(5)	(5)				40,000	40,000
Lebanon	(5)	(5)						
Nepal	29					29		29
Pakistan	243					243		243
Saudi Arabia	(5)	(5)						
Southern Yemen								
Syria								
Turkey	88,611	15,000	40,000		5,100	148,711		148,711
Yemen								
Economic regional programs/CENTO								
Regional military costs [7]	43,559	373,000	2,500			419,059		419,059
Unallocated								

Footnotes at end of table.

	Economic programs							
	Agency for International Development			Other programs				
	Development/ humanitarian assistance	International narcotics control	Total	Peace Corps	Public Law 480	Total economic	Total military and economic fiscal year 1973	Total military and economic fiscal year 1972
Latin America	389,416		389,416	18,913	106,559	514,888	613,588	528,970
Argentina							15,550	16,047
Bolivia	18,214		18,214		9,700	27,914	37,287	50,051
Brazil	8,300		8,300	2,625	21,870	32,795	48,783	38,073
Chile	850		850	418	4,860	6,128	13,342	13,384
Colombia	78,600		78,600	1,898	21,730	102,228	113,106	122,061
Costa Rica	1,060		1,060	765	1,026	2,851	2,851	3,336
Dominican Republic	11,600		11,600	500	17,705	29,805	31,340	27,115
Ecuador	14,543		14,543	1,135	4,889	20,567	21,867	11,364
El Salvador	14,150		14,150	483	900	15,533	16,438	10,869
Guatemala	24,350		24,350	765	2,637	27,752	31,688	18,607
Guyana	10,100		10,100		1,780	11,880	11,880	14,072
Haiti	6,000		6,000		1,251	7,251	7,251	4,211
Honduras	18,242		18,242	964	972	20,178	21,012	7,689
Inter-American programs	16,880		16,880			16,880	16,880	14,691
Jamaica	10,849		10,849	838	450	12,137	12,137	6,202
Mexico							2,087	750
Nicaragua	7,500		7,500	516	328	8,344	9,489	14,070
Panama	22,295		22,295		1,080	23,375	24,002	17,581
Paraguay	7,094		7,094	418	2,712	10,224	11,215	11,645
Peru	13,747		13,747	1,766	8,460	23,973	29,793	38,315
ROCAP	27,700		27,700	203	153	28,056	28,056	13,417
Trinidad and Tobago					90	90	90	90
Uruguay	24,500		24,500	92	3,540	28,132	32,092	5,387
Venezuela	500		500	1,580		2,080	17,950	18,198
Caribbean regional	20,350		20,350	1,012	426	21,788	21,788	11,342
Economic regional programs	31,992		31,992	2,934		34,927	34,927	35,002
Regional military costs							687	5,231
Near East and South Asia	347,204	15,000	362,204	7,400	390,976	760,580	1,515,532	1,292,250

MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM BY COUNTRY—Continued

[In thousands of dollars]

	Economic programs							
	Agency for International Development			Other programs				
	Development/ humanitarian assistance	International narcotics control	Total	Peace Corps	Public Law 480	Total economic	Total military and economic fiscal year 1973	Total military and economic fiscal year 1972
Afghanistan	6,720		6,720	1,499	24,100	32,319	32,534	58,293
Ceylon					14,157	14,157	14,172	20,130
Cyprus					3,960	3,960	3,960	3,960
Greece							95,954	81,350
India	99,590		99,590	3,211	172,330	275,131	275,365	197,220
Iran				1,300	1,044	2,344	2,836	7,325
Israel					45,342	45,342	95,342	105,342
Jordan	1,200		1,200		3,042	4,242	44,242	48,592
Lebanon					5,305	5,305	5,305	14,505
Nepal	1,883		1,883	1,191	630	3,704	3,733	4,208
Pakistan	79,800		79,800		105,358	185,158	185,401	160,615
Saudi Arabia								
Southern Yemen					90	90	90	90
Syria					216	216	216	216
Turkey	43,000	15,000	58,000		13,014	71,014	219,725	199,440
Yemen					1,026	1,026	1,026	1,026
Economic regional programs/CENTO	5,011		5,011	199	1,362	6,572	6,572	6,689
Regional military costs [7]							419,059	383,249
Unallocated	110,000		110,000			100,000	110,000	

	Security programs							
		Military programs						
	Military assistance grants	Foreign military credit sales	Excess defense articles [1]	Military service funded	Ship loans [1]	Total military	AID supporting assistance	Total security
East Asia and Pacific	542,928	92,500	163,000	2,055,000	9,500	2,862,928	743,800	3,606,728
Burma								
Cambodia	209,541		15,500			225,041	75,000	300,041
China (Taiwan)	7,642	55,000	46,500			109,142		109,142
Hong Kong								
Indonesia	28,745		4,500			33,245		33,245
Korea	215,710	25,000	33,600	133,500	5,700	413,510		413,510
Laos			2,000	360,000		362,000	49,800	411,800
Malaysia	181					181		181
Philippines	20,780		3,000		3,800	27,580		27,580
Singapore								
Thailand	59,954		4,500			64,454	25,600	90,054
Vietnam			53,400	1,561,500		1,614,900	585,000	2,199,900
Western Samoa								
Economic regional programs							8,400	8,400
Regional military costs	375	12,500				12,875		12,875
Africa	17,975	18,500	3,500			39,975		39,975
Botswana								
Burundi								
Cameroon								
Central African Republic								
Chad								
Congo (Brazzaville)								
Dahomey								
Ethiopia	12,139		1,000			13,139		13,139
Gabon								
Gambia								
Ghana	55					55		55
Guinea								
Ivory Coast								
Kenya								
Leosotho								
Liberia	499		500			999		999
Malagasy								
Malawi								
Mali	50					50		50
Mauritania								
Mauritius								
Morocco	(5)	(5)						
Niger								
Nigeria								
Rwanda								
Senegal	25					25		25
Seychelles								
Sierra Leone								
Somali Republic								
Sudan								
Swaziland								
Tanzania								
Togo								
Tunisia	(5)		(5)					
Uganda								
Upper Volta								
Zaire	455	3,500				3,955		3,955
Zambia								
Economic regional programs:								
Central West Africa								
East Africa								
Southern Africa								
Africa regional								
Regional military costs [7]	4,752	15,000	2,000			21,752		21,752
Self-help projects								
Europe	10,299		8,000		18,200	36,499	12,500	48,999

MILITARY AND ECONOMIC ASSISTANCE DATA, FISCAL YEAR 1973 PROGRAM BY COUNTRY—Continued

[In thousands of dollars]

	Security programs							
	Military programs							
	Military assistance grants	Foreign military credit sales	Excess defense articles[1]	Military service funded	Ship loans[1]	Total military	AID supporting assistance	Total security
Austria	24					24		24
Iceland								
Italy					2,600	2,600		2,600
Malta							9,500	9,500
Portugal	995		2,000			2,905		2,905
Spain	9,261		6,000		15,600	30,861	3,000	33,861
United Kingdom								
Regional military costs	109					109		109

	Economic programs							
	Agency for International Development			Other programs				
	Development/ humanitarian assistance	International narcotics control	Total	Peace Corps	Public Law 480	Total economic	Total military and economic fiscal year 1973	Total military and economic fiscal year 1972
East Asia and Pacific	188,857	2,200	191,057	12,352	445,494	648,903	4,255,631	4,036,862
Burma					621	621	621	621
Cambodia					30,018	30,018	330,059	246,437
China (Taiwan)							109,142	100,762
Hong Kong					126	126	126	126
Indonesia	123,200		123,200		87,920	211,120	244,365	239,967
Korea	28,600		28,600	2,194	142,500	173,294	586,804	585,369
Laos	870	700	1,570		3,429	4,999	416,799	294,996
Malaysia				2,908	958	3,866	4,047	4,214
Philippines	20,565		20,565	1,971	33,800	56,336	83,916	83,629
Singapore					45	45	45	670
Thailand	2,145	1,000	3,145	1,568	15,657	20,370	110,424	105,599
Vietnam	346	500	846		130,420	131,266	2,331.166	2,352,412
Western Samoa				525		525	525	449
Economic regional programs	13,131		13,131	3,186		16,317	24,717	13,532
Regional military costs							12,875	8,079
Africa	173,209		173,209	23,149	134,310	330,668	370,643	352,838
Botswana	(6)		(6)	692	9,450	10,142	10,142	10,042
Burundi	(6)		(6)		920	920	920	920
Cameroon	(6)		(6)	700	380	1,080	1,080	979
Central African Republic	(6)		(6)		210	210	210	210
Chad	(6)		(6)	481	110	591	591	522
Congo (Brazzaville)					1,800	1,800	1,800	1,800
Dahomey	(6)		(6)	449	390	839	839	775
Ethiopia	16,550		16,550	1,304	1,134	18,988	32,127	32,099
Gabon	(6)		(6)					
Gambia	(6)		(6)	383	980	1,363	1,363	1,307
Ghana	32,370		32,370	2,345	13,260	47,975	48,030	30,896
Guinea	(6)		(6)		4,970	4,970	4,970	4,984
Ivory Coast	(6)		(6)	826	1,350	2,176	2,176	2,057
Kenya	2,835		2,835	2,351	810	5,996	5,996	5,343
Leosotho	(6)		(6)	299	1,773	2,072	2,072	1,606
Liberia	3,709		3,709	2,444	2,390	3,543	9,542	10,408
Malagasy	(6)		(6)		510	510	510	510
Malawi	(6)		(6)	475	180	655	655	656
Mali	(6)		(6)	240	1,580	1,820	1,870	2,418
Mauritania	(6)		(6)		1,170	1,170	1,170	1,170
Mauritius	(6)		(6)	155	1,305	1,460	1,460	1,602
Morocco	17,055		17,055	1,056	42,000	60,111	60,111	49,299
Niger	(6)		(6)	629	1,575	2,204	2,204	2,119
Nigeria	23,870		23,870		630	24,500	24,500	25,797
Rwanda	(6)		(6)		360	360	360	360
Senegal	(6)		(6)	721	1,683	2,404	2,429	2,910
Seychelles	(6)		(6)		60	60	60	60
Sierra Leone	(6)		(6)	1,683	1,740	3,423	3,423	3,281
Somali Republic					450	450	450	450
Sudan					180	180	180	45
Swaziland	(6)		(6)	479		479	479	410
Tanzania	6,400		6,400		1,370	7,700	7,770	3,270
Togo	(6)		(6)	704	550	1,254	1,254	1,153
Tunisia	3,150		3,150	723	32,140	36,013	36,013	46,969
Uganda	2,530		2,530	441	180	31,51	3,151	5,913
Upper Volta	(6)		(6)	508	3,200	3,708	3,708	3,635
Zaire	6,950		6,950	1,012	3,200	11,162	15,117	7,903
Zambia	(6)		(6)		320	320	320	320
Economic regional programs:								
Central West Africa	24,085		24,085			24,085	24,085	29,900
East Africa	1,600		1,600			1,600	1,600	5,805
Southern Africa	8,200		8,200			8,200	8,200	14,435
Africa regional	21,855		21,855	2,049		23,904	23,604	16,998
Regional military costs[7]							21,752	19,802
Self-help projects	2,050		2,050			2,050	2,050	1,700
Europe				10	850	860	49,859	78,247
Austria							24	13
Iceland					650	650	650	800
Italy							2,600	
Malta				10	200	210	9,710	9,709
Portugal							2,905	35,177
Spain							33,861	32,374
United Kingdom								3
Regional military costs							109	171

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[1] In legal value—at ⅓ average class acquisition costs.

[2] Includes AID administrative expenses.

[3] Includes contingency fund and international narcotics control funds.

[4] Includes International Development Association, Inter-American Development Bank and Asian Development Bank.

[5] Classified.

[6] Self-Help funds only.

[7] Includes classified countries.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. FULBRIGHT. In terms of the amount, how does this bill compare with last year's?

Mr. SPARKMAN. I have the figures here.

Mr. FULBRIGHT. This bill provides more than what was appropriated last year for security assistance; does it not?

Mr. SPARKMAN. Yes. Last year there was appropriated $1.480 billion. This bill carries an amount of $1.650 billion.

Mr. FULBRIGHT. The only point I wished to make is that while the authorized amount is below the request of the administration, it is substantially more than what was appropriated last year.

Mr. SPARKMAN. Yes. Last year a total of $1.680 billion was appropriated for the programs carried in this bill. The amount provided in this bill is $1.7 billion.

These figures include relief money to Bangladesh. But for security assistance programs only last year we had $1.480 billion appropriated. This year it is $1.650 billion. So the amount this year is $170 million more for these programs.

Mr. FULBRIGHT. The only point I wished to emphasize was that while it appears that this bill provides an amount substantially below the amount requested, it is substantially above the amount actually appropriated for the same purpose last year.

Mr. SPARKMAN. That is true. Of course, the Senator knows that so often the appropriation is less than the authorization. I do not have the authorization figure, but I am sure the Senator knows that the appropriation again could be below the authorization.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. SPARKMAN. I yield.

Mr. SYMINGTON. The Senator would agree, would he not, that hundreds of millions of dollars for foreign aid are not included in this bill?

Mr. SPARKMAN. Yes. That was pointed out.

Mr. SYMINGTON. For example, Laos.

Mr. SPARKMAN. Yes. I gave the figures on those different amounts in my statement.

Mr. SYMINGTON. I thank the Senator.

Mr. SPARKMAN. Mr. President, as I said, every foreign aid bill is controversial. This one is no exception. The committee has reduced the amounts requested by the administration to a more realistic level and has added significant policy provisions. These two actions resulted in a bill which was recommended to the Senate by the committee members by a vote of 11 to 3. This large majority of the committee members believes that the programs to be authorized in this bill and the policy changes recommended are in the national interest.

I hope the Senate will approve the bill. It says in the statement I have that I should say I hope that the Senate will approve of the committee's recommendations. As a matter of fact, as I stated a few minutes ago, I do have reservations with reference to some of the matters in the bill. In fact, some of them I would not have voted for had I been present. I was not present when the bill was marked up, and it will be my purpose to support some amendments making modifications to the bill as approved by the committee. I explained this to the chairman when he asked me if I would manage the bill. I told him that I had objections to parts of the bill and that I would support amendments to make modifications.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a comment?

Mr. SPARKMAN. I yield.

Mr. FULBRIGHT. I appreciate very much that the distinguished Senator from Alabama consented to manage the bill. He says he has reservations to part of it. I have a lot more reservations about this bill than does the Senator from Alabama. Therefore, it was a great favor to me, and I think to the bill, for the Senator from Alabama to manage the bill. This is an area in which I think we have spent entirely too much money. Therefore, I am very unsympathetic to the bill. I felt it would be much better for the bill and for the committee if the next ranking member of the committee were to handle it. I appreciate his agreeing to take on this burden.

The Senator has said he has some reservations about some items. I am sure one involves the Export-Import Bank, relating to an amendment offered by the Senator from New Jersey (Mr. CASE). I can understand how the Senator from Alabama, who is chairman of the Committee on Banking, Housing and Urban Affairs, feels about this because he has a special legislative responsibility for the Export-Import Bank. Just as a matter of clarification—and I supported that item in the committee—I do not believe it is intended as a restriction on the Export-Import Bank as such. The thrust of the Case amendment on the Azores and Bahrain is to require that 30 days after enactment no funds shall be obligated or expended to carry out the agreements with Portugal and Bahrain concerning these bases until the agreements have been submitted to the Senate as treaties for its advice and consent. The executive agreements as they now stand involve substantial amounts, both grants and concessional loans—and an Export-Import Bank loan is a concessional loan. It is below what the market price is. I am quite sure I could support the Export-Import Bank loans as such. The only question is, should these matters be approved by the Senate? The committee was not saying these loans should not be made; I am not making that kind of judgment. They were saying if we were going to make this kind of agreement, either with Bahrain or with Portugal, that they should be submitted to the Senate for its advice and consent. That was all, or at least that was all I had in mind as one Member of the Senate.

Putting the merits of the agreement aside, I think that the agreement itself, which has long-term implications involving either a great deal of money or the stationing of troops, sailors, or military people, should be subject to the advice and consent of the Senate. I just wanted to make my position clear on that. In other words, our committee, and I as chairman, are not seeking to infringe on the jurisdiction of the Committee on Banking, Housing, and Urban Affairs over the affairs of the Export-Import Bank. The bank's involvement was only incidental in the committee's consideration of the Case amendment. I do not want to challenge the jurisdiction of the banking committee over the Export-Import Bank. But it seems to me we are all, as Senators, regardless of our committee jurisdictions, interested in the fundamental issue raised by the Case amendment. Again, I appreciate the efforts of the Senator from Alabama in connection with this bill.

Mr. SPARKMAN. I am glad that the Senator has made that statement. As he knows, I did have some reluctance in managing the bill because of some things in it to which I do object. That Senator knows I wrote him a letter, as chairman of the Committee on Banking, Housing and Urban Affairs, objecting to the effect of this particular amendment on the Export-Import Bank.

The Export-Import Bank, of course, makes loans to assist American exporters and American business people to do business overseas wherever it may be. It does have the effect of helping us in our balance of payments, and I may say, too, I felt rather strongly that since we had enacted general legislation providing for the operations of the Export-Import Bank, and since there was nothing involved in dealing with Portugal that could not be used in any foreign country in which it could operate, that while I realize it does have foreign policy implications, so does an operation in any country. Therefore, I felt that this was a matter that should have been left to the consideration of our committee, rather than the Committee on Foreign Relations.

Mr. FULBRIGHT. With all deference——

Mr. SPARKMAN. And I wrote the chairman a letter to that effect.

Mr. FULBRIGHT. The Senator did, and I appreciate that. But in addition to this loan—and it is not just an ordinary loan to help American exporters—there is involved a military base that we have occupied for many years, since World War II. I have been there. It has a wonderful officers' club and a beautiful climate, and it is a lovely place. My only thought is, can we afford the continued support of these types of bases?

In addition to the loan of the Export-Import Bank there are a series of grants, about $10 million, I believe, all of which is a consideration to Portugal for giving us the base.

It means we will keep 2,000 or 3,000 or 4,000 officials and their families there, with the cost an additional drain upon our Government's resources. This was the aspect I was interested in, and not in the Export-Import Bank as such.

If Portugal, like any other country, can appeal to the Export-Import Bank to get this kind of loan, I would have nothing to say about it, but I do not think Portugal could get such a loan from the Export-Import Bank just on commercial grounds. It amounts to $400 million, as I understand the agreement. The Bank has turned down a lot of these loans on political grounds, as I believe in the case of Chile.

Mr. SPARKMAN. Let me talk about the case of Chile for a moment. As the Senator knows, that was a situation that was studied very carefully. They did not turn it down on the basis of the political climate in Chile; they turned it down because Chile had actually expropriated American businesses which, at that time, had not been compensated for their losses. Under the law, the Export-Import Bank is charged with the responsibility of making certain—as certain as they can, reasonably certain—that the loans will be repaid. As I recall, and I gather this only from newspaper accounts that came out at the time, the decision was based upon the fact that they could not consider with certainty that any loans made there would be repaid, and that was the reason for the refusal.

Let me say this: It is true that I pointed out to the chairman the matter of the Export-Import Bank, but I did that purely on the basis of what I considered an invasion—I do not know whether I should use that harsh a term or not—or the taking over, to some extent, of jurisdiction of a matter that is wholly within the jurisdiction of the Committee on Banking, Housing and Urban Affairs—that is, the Export-Import Bank. Goodness knows, I am sure the Export-Import Bank makes loans for the purpose of aiding American businessmen to export or to do contract work for countries other than Portugal.

I did not intend to discuss this now, but later on, I understand, and in fact I am sure, there will be an amendment offered to strike that entire section from the bill, and at that time undoubtedly there will be a full discussion of all these matters.

Mr. FULBRIGHT. Yes. I must apologize to the Senator; I did not mean to go into all of the various apects of the issue. I just wanted to make it clear that I, for one, did not intend, and I do not think the committee intended, to invade the jurisdiction of another committee, because it was the foreign policy aspects, especially the continued maintenance and occupation of military bases on foreign soil, that inspired the committee to recommend the case amendment to the Senate. The Senators will have to agree that those matters are not within the Committee on Banking, Housing, and Urban Affairs.

Mr. SPARKMAN. No, I have not contended that.

Mr. FULBRIGHT. Yet the Senator has objected.

Mr. SPARKMAN. The only thing I mentioned was the Export-Import Bank.

Mr. FULBRIGHT. I would hope, if the Senator is going to offer the amendment, that it would be confined solely, then, to the Export-Import Bank.

Mr. SPARKMAN. No, I did not say that it would be the only item deleted.

Mr. FULBRIGHT. The rest of it will be subject to the case limit, if that is all that bothers the Senator.

Mr. SPARKMAN. No, I say the only thing I had taken up by letter with the chairman was this one thing.

No, as a matter of fact, I think section 13 is unwise as a part of this measure, and it would be my purpose to support an amendment, and in fact I assume to join in sponsoring it, that would seek to strike the entire section.

Mr. FULBRIGHT. The Senator is not saying it is just the Export-Import Bank?

Mr. SPARKMAN. No, not at all.

Mr. FULBRIGHT. Is he also opposed to it on other grounds?

Mr. SPARKMAN. I am. I am merely saying the only part I took up with the chairman by letter was the Export-Import Bank, because I felt that was an invasion of the jurisdiction of our committee.

Mr. FULBRIGHT. I appreciate that. I did not mean to bother the Senator. I only wish to say one word about Chile. About the same time that they turned down the request at the Export-Import Bank, they sold Chile, as I recall it, about $5 million worth of military equipment.

Mr. SPARKMAN. I do not believe the Export-Import Bank did.

Mr. FULBRIGHT. No; the Defense Department did.

Mr. SPARKMAN. I was speaking of the responsibility of the Export-Import Bank.

Mr. FULBRIGHT. At the time, they did not say outright, "We will not give it to you." They just declined to move and delayed the decision on the Export-Import Bank. At that time the settlement of the American costs was still up in the air. That matter is still pending and has not been determined.

Mr. SPARKMAN. I hope it will be worked out.

I am not antagonistic to doing business with any of those countries. As a matter of fact, I think the chairman knows that I made the point in committee that we ought to be greatly interested at all times in helping particularly the Latin American countries.

Mr. FULBRIGHT. Yes.

Mr. SPARKMAN. With the exception of Canada, I believe they are our best trading partners.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. SPARKMAN. I yield to the Senator from Missouri.

Mr. SYMINGTON. The Senator kindly let me know about his opposition to these two treaty specifications in the Case amendment. I think he mentioned there were some other amendments he also planned to offer.

Mr. SPARKMAN. No, not that I planned to offer. I said that I would join in sponsoring an amendment to strike section 13 from the bill.

Mr. SYMINGTON. Then that is the only one?

Mr. SPARKMAN. That is the only one I have in mind to join in sponsoring. I would not say that there would not be others I would support. I do not know. I am not aware of what amendments might be offered.

I did say to the chairman, when he asked me if I would handle the bill for the committee, that I was reluctant to do so; and I told him that I do have objections to parts of it. He told me, as he said here, that he had more objections to the bill than I had. I certainly believe that we all have a duty to see that legislation that the majority of the committee votes out is presented fairly and objectively to the Members of the Senate, in order that they can make up their minds.

Mr. SYMINGTON. I thought the Senator said there would be further amendments.

Mr. SPARKMAN. I said I had reservations.

Mr. SYMINGTON. Does the able Senator plan to offer further amendments?

Mr. SPARKMAN. So far as I know now, that will be the only amendment that I will join in sponsoring. If there should be a separate amendment relating to the Export-Import Bank—and I would not think there would be, certainly not if the amendment to strike section 13 prevails, because that is where the Export-Import Bank is affected—I would support that amendment.

Mr. SYMINGTON. I know of no such planned amendment.

One further question: Does the able Senator think there will be voting on any amendments today?

Mr. SPARKMAN. I refer that question to the majority leader.

Mr. MANSFIELD. Mr. President, if the Senator will yield, so far as the Senator from Montana is concerned, he would hope that there would be votes on amendments today. I would hope that there would be a time limitation on any or all amendments. But, in all frankness, with three votes coming up on treaties, I am not at all certain that there will be votes today; and very likely we ought to devote the first day to as much debate as possible.

Mr. SYMINGTON. I thank the Senator.

Mr. SPARKMAN. So far as I am concerned—I believe the Senator knows this—I never take much time in handling a bill, any more than I think may be necessary. I believe in a fair presentation of all matters, but I believe we ought to act as expeditiously as we can. I would have no objection to voting on any of the amendments at any time they may be offered. I do not control that. Time has not been fixed. As a matter of fact, I thought it would be better to have some general discussion before we tried to work that out.

Mr. SYMINGTON. I am trying to adjust my schedule, because we are marking up bills in other committees.

Mr. SPARKMAN. I refer those matters to the majority leader. If I can assist, I believe the able Senator knows that I will.

Mr. SYMINGTON. I thank the Senator for his courtesy.

Mr. SPARKMAN. Mr. President, if, when, and as these amendments are presented, I hope to discuss them more and to explain my position. I do find it a little embarrassing to be presenting a bill with which I do not agree in large part.

But, as I have said, the will of the majority of the committee is entitled to be presented to the Senate.

I suppose that if I had been present when the bill was reported, I would have voted to report it to the Senate floor, even though it contained provisions with which I did not agree. It is almost impossible to find a bill with which one agrees a hundred percent. At its best, legislation is always a compromise.

I believe that there are important features of this bill that ought to be considered and ought to be acted on. That is the reason why I agreed, upon the urgent request of the chairman, to undertake the management of the bill on the floor of the Senate.

Mr. AIKEN. Mr. President, I think the Senator from Alabama has made a very able presentation of the bill.

As it is now, the bill before the Senate for action contains a great many changes which I am sure the administration would not like to have in a bill which would pass both Houses and be sent to the President. I am quite sure that the administration would disapprove of the nine special provisions which are included in this bill and probably would disapprove of all the reductions in the amounts of the appropriations.

I disagreed with many of the amendments which were put in this bill in the committee room; but I felt, as I think most of the committee did, that time was of the essence. We are getting on toward the end of our fiscal year. We are going to have two big occasions going on down in Miami this summer, provided the first one gets through in time to have the second one take place. I do not know about that, because I am not used to that kind of entertainment. But time is of the essence, and we want to get the decision of Congress as soon as we can.

So when a proposal was made for an amendment, instead of wrangling for hours about that proposal—and if it appeared that there might be a 7-to-6 vote or a 9-to-4 vote, or something of that kind in the committee—we simply said, "The Senate itself has to pass on this. Whatever we do here, someone will move to change it on the floor. So why not save time and send it to the Senate floor to be acted upon?" That is what we have done with many of the amendments attached to this bill. I insist that it has saved a great deal of time for Congress.

For example, we had this bill last week on which we had three executive sessions set for Wednesday, Thursday, and Friday. We completed the bill on Wednesday and saved 2 days' time.

I might say that we are becoming very time conscious in this committee. We know that a great many amendments—possibly 12 or 15 amendments—will be offered to the pending legislation. I know—and I think the other members of the committee who are in the Chamber know—that the policy of the Committee on Foreign Relations now, which had been interpreted in some quarters as representing disagreement or hostility, really represents cooperation in trying to save time in enacting legislation. Certainly, there is no real hostility within the committee that I have seen. I think our chairman has done an excellent job. I felt that I had to disagree with him once in a while. But, on the whole, the country owes him a great deal for the work which he has done as chairman of the committee, just as the country owes a great deal to Senators MANSFIELD, SPARKMAN, and the other members of the committee.

We have this legislation before us. It could have been delayed for 2 or 3 weeks more. It was not. Out of it I have faith to believe a good bill will come, a bill that will go to the President that certainly will not contain all the provisions he would like. I do not think it will, anyway, but then it will not have all the provisions in it that the chairman of the committee would like, or that I would like to see in it—I am pretty sure of that.

Furthermore, it will go to conference with the House, and when it comes out of the conference, it will not be exactly what the House would have liked or what the Senate would have liked; but it will be a good consensus of opinions as to what we should include in the bill. That will be due to our making proper use of the legislative processes. I think this is a splendid example, regardless of how pleased or displeased that any of us individually may be with it, that when it finally goes down to the White House it will represent a good example of how the legislative processes can be used and should be used.

Mr. President, I have nothing more to say now, and I believe that I will not have much more to say later.

Mr. SPARKMAN. Mr. President, I should like to make a few remarks based largely on what the distinguished Senator from Vermont has just said.

I have been a member of the Committee on Foreign Relations since January of 1951. I have been very proud to be a member of that committee. I have enjoyed its work. I have felt rather strongly about some of the things that have been said about the committee's being torn apart, the bitterness, the strife, and so forth.

I am very glad that the able Senator from Vermont has made the remarks he has.

The Committee on Foreign Relations works together harmoniously. We may differ and we do differ from time to time with some of the provisions, suggestions, and so forth which are offered by members of the committee. But, that is what a committee is for, to sift out all of the ideas and suggestions, so that we may come as nearly to a consensus of the views expressed by the majority and the minority as possible. Nevertheless, it represents what the majority of the committee believe should be reported to the floor of the Senate. I should think it would be rather seldom that every provision in a bill would please every member of the committee.

I was not at the meeting when this bill was voted out. I do not know how the chairman voted. I am just informed that he voted against reporting it. Nevertheless, I am sure there were members that did vote to report the bill out who held reservations, just as the Senator from Vermont did. But, I know many times that we will be divided on a bill, or will have a difficult time to get the correct wording of a bill so that it will express all the opinions we want to express. Many times members will say, "Well, we have done the best we can here and we believe that this should be presented to the Senate as a whole and let them express themselves on it."

That is the way the regular legislative process works. That is the way it should be.

Mr. AIKEN. That is correct.

Mr. SPARKMAN. That is true with reference to this bill.

Mr. AIKEN. I was simply trying to make clear that there is no wrangling going on in the committee——

Mr. SPARKMAN. That is right.

Mr. AIKEN. Nor is there any hostility within the committee. We are not trying to downgrade the chairman when we differ with him on something he proposes. We are merely trying to get legislation enacted as it should be enacted when we send a bill to the Senate for action, and then to the conference committee for further action, instead of taking day after day to wrangle over it in the committee itself. It is just good commonsense. It has already proved to be a timesaver in our legislative work.

I am satisfied with the operation of the committee, even though I have been in the minority sometimes. We have not had too many record votes, in fact. In many a proposal made, we have simply said, "Let us get this matter to the floor of the Senate right away on a voice vote, where it will have to go anyway."

If there is a narrow vote in the committee, we can be dead sure that the Senate will go all through it again on the floor and, possibly, if the Senate approves what the majority of the committee wanted, then we will take it to the conference committee and meet with the House. I think, under the leadership of the chairman, we have done good legislating this year, even though I may not approve or agree with everything that is proposed.

Mr. SPARKMAN. May I ask the distinguished Senator: Is it not true, as he pointed out, that we do not have any wrangling, as many press reports would have the people believe——

Mr. AIKEN. No.

Mr. SPARKMAN. We do not tear at each other——

Mr. AIKEN. Not at all.

Mr. SPARKMAN. May I ask the Senator: Is it not also true, and has it not been his experience, as I feel it has been mine and I daresay that of the distinguished majority leader as well, that our committee has acted on as nearly a nonpartisan basis as any committee could.

Mr. AIKEN. That is right. It has.

Mr. SPARKMAN. I cannot recall, offhand, any measure that ever came up in the committee and was acted on in purely partisan fashion.

Mr. AIKEN. I might say that the Republican executive branch of Government owes a vote of appreciation to the senior Democratic Senator from Alabama for the manner in which he has dealt so objectively and fairly with proposals which have come before us. I know that he does not agree with all the things that come up from the White House. When he thinks a proposal is for the good of the country, he supports that proposal, but if he thinks it is not for the good of the country, then he opposes it. That is as it should be.

Mr. SPARKMAN. I appreciate what the Senator has just said.

Mr. AIKEN. I might also say that——

Mr. SPARKMAN. I try to act that way. By the way, I happened to think: Are all Senators getting a copy of the computerized study which has just been made by the University of South Dakota?

Mr. AIKEN. Yes.

Mr. SPARKMAN. I find that very interesting. I was interested in comparing my voting record. I notice one line there on "Nixon"—I do not know how they measure it, but I presume it is based on measures which the President presents—and I notice that I have a 75-percent record of voting with him, based on that study.

I have teased some of my Republican friends, sometimes, by telling them that I have supported President Nixon much more than some of them have. I have not measured all of these items in the study, but I do find that rather interesting because, just as the Senator said, I always try to pick out and make sure in my own mind what is good for the Nation and also for Alabama, and vote that way.

Mr. AIKEN. I do not believe that the Senator from Alabama votes out of admiration for the President every time, but when he thinks it is in the interest of our country.

Mr. SPARKMAN. I do not consider that. I did not consider that when we had a Democratic President. Of course, I have always said that I believe I resolved my doubts in favor of the administration.

THE MANSFIELD AMENDMENT TO END AMERICAN MILITARY INVOLVEMENT IN INDOCHINA

Mr. MANSFIELD. Mr. President, the Foreign Relations Committee has approved an amendment which I offered to the pending legislation that is designed to speed the end of American military involvement in Indochina. This is the same amendment I originally offered to S. 3526, the foreign relations authorization bill when it was on the floor. As I stated when I introduced that amendment:

> It will place no conditions on the continuation of the removal of U.S. ground forces from South Vietnam; in fact, it will require their total extrication by August 31, 1972. It will separately require an agreement for the return of all POWs and recoverable MIAs and a cease-fire only—and I repeat the word "only"—between U.S. forces and those arrayed against our forces—that is, the National Liberation Front and its allies, as a condition for the complete withdrawal of U.S. forces from the hostilities in and over Indochina.

Section 12 of the present bill contains the amendment. When it was offered earlier this month, I stated then that it was intended to underscore what is the apparent policy of the administration; namely, the total extrication of all U.S. troops from South Vietnam. To meet that objective, this provision, as it appears in the bill now before the Senate, would require the absolute removal of all American military personnel from South Vietnam by August 31, 1972. There are no preconditions. There are no ifs, ands, or buts. Every last serviceman on the ground in Vietnam will be out by August 31, whether he plays a combat or a supporting role.

The second section of section 12 is a separate and distinct proposition. When enacted, it will require the termination of all American participation in the hostilities in, over and around Indochina subject only to the following conditions which follow in sequence and are a part of the whole:

First. That a cease-fire be agreed upon between the United States and the National Liberation Front and those allied with them;

Second. That the release of American POW's has been provided for by agreement; and

Third. That provision has also been made for the release of recoverable American MIA's.

What is envisioned by this second subsection is the complete cessation of American participation and involvement in hostilities in the air and on the sea, as well as on the land and, not only in South Vietnam, but in all the countries of Indochina.

It is most important that these conditions upon which rests the total termination of our involvement be understood in the order in which they are set forth. A cease-fire, a release of American POW's, an accounting for the MIA's—these are the elements. It is for a definite purpose that they appear in this sequence. The cease-fire between the United States alone and the NLF and those allied with them must first be agreed upon as the umbrella under which the POW and MIA issues will be resolved.

The most significant aspect, to repeat, is to reach first the agreement for the cease-fire—a cease-fire negotiated by the United States and the NLF and its allies without veto power granted to any other source or government. Once this most essential step is taken and a cease-fire is agreed to, efforts to meet the remaining conditions can be undertaken immediately. It is that first step—the agreement or the umbrella, so to speak—that is the most critical step. With it will come the beginning of the end, the close of a chapter that should not have been opened in the first place.

Mr. President, in the committee there was some difference in interpretation concerning the intent of the second part of the amendment. I hope that this statement will clear up any uncertainty. While the last of our forces on the ground in South Vietnam are being withdrawn under the requirement of subsection (a), negotiations would proceed between the United States and the National Liberation Front and its allies for an agreement for a cease-fire, which would end the hostilities insofar as our forces were involved and provide for the release of American prisoners and an accounting for those missing in action.

No one can predict when a political settlement can be reached between the peoples of Indochina or the killing of brother by brother brought to an end. There has been a cease-fire in Korea for 19 years—and a state of hostilities still exists. But we got the American prisoners back after a cease-fire was agreed to. We cannot expect to get the prisoners back until our part in the killing stops. To suggest otherwise is callously unfair to these men and their relatives. My amendment couples the two problems in such a way that the release of the prisoners will be related to the agreement for a cease-fire.

Mr. President, I offer this in explanation of the amendment. Before voting, the Senate should be fully apprised of the intent of this provision insofar as an agreement for a cease-fire is involved and its effect upon the return of the POW's and the accounting for the MIA's. It is on the basis of the verified cease-fire agreement and the followup POW and MIA arrangements that it is hoped we will be able to lay to rest once and for all this Nation's direct involvement in any capacity in the hostilities in Indochina.

Mr. President, American military participation in this war has gone on officially for 11 years now. And it has cost us up to May 27, 1972, 55,954 dead Americans. It has cost us 303,066 wounded Americans. It has cost us overall in total casualties 359,020 Americans. The toll for the unfortunate people of Indochina, North and South, is incalculable.

The public wants, not more speeches, but the termination of the involvement in this travesty. Insofar as it rests with the Senate to contribute constitutionally to that end, the amendment in my opinion points the way to action.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STEVENSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 12, 1972, he presented to the President of the United States the following enrolled bills:

S. 659. An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Provision for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related Acts, and for other purposes; and

S. 3607. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

RECESS TO 2:15 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. today.

The PRESIDING OFFICER (Mr. Stevenson). Without objection, it is so ordered.

Thereupon, at 1:22 p.m., the Senate took a recess until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Stafford).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Stafford). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION—THE INTERNATIONAL PLANT PROTECTION CONVENTION

The PRESIDING OFFICER. The hour of 2:30 having arrived, the Senate, under previous order, will go into executive session to vote on the treaties Nos. 20, 21, and 22 on the Executive Calendar. The resolutions of ratification having already been reported, the question is: Will the Senate advise and consent to the resolution of ratification on Calendar No. 20, Executive D, 84th Congress, second session. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell), and the Senator from New Jersey (Mr. Williams) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey), the Senator from Georgia (Mr. Gambrell), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New York (Mr. Buckley), and the Senator from Idaho (Mr. Jordan) are absent on official business.

The Senator from Kentucky (Mr. Cook) is absent by leave of the Senate on official business.

The Senator from Oklahoma (Mr. Bellmon) is absent to attend the funeral of a friend.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Colorado (Mr. Dominick), the Senator from Michigan (Mr. Griffin), the Senator from Wyoming (Mr. Hansen), the Senator from New York (Mr. Javits), the Senator from Ohio (Mr. Taft), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

If present and voting, the Senator from Ohio (Mr. Taft) and the Senator from Texas (Mr. Tower) would each vote "yea."

The yeas and nays resulted—yeas 74, nays 0, as follows:

[No. 201 Ex.]

YEAS—74

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gurney
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Young

NAYS—0

NOT VOTING—26

Baker
Bellmon
Buckley
Cook
Dominick
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Hansen
Harris
Hart
Humphrey
Javits
Jordan, Idaho
McClellan
McGovern
Moss
Mundt
Pell
Ribicoff
Taft
Tower
Weicker
Williams

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, after discussing the matter with the manager of the bill, the ranking Republican member of the committee, and the leadership on the other side, I ask unanimous consent that each of the next two votes be concluded in a 10-minute period, rather than the usual 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENTION TO PREVENT AND PUNISH ACTS OF TERRORISM

The PRESIDING OFFICER. The resolution of ratification on Executive D (92d Congress, 1st Session), a convention to prevent and punish acts of terrorism, having already been reported, the question is, Will the Senate advise and consent to the resolution of ratification?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), and the Senator from Connecticut (Mr. Ribicoff), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell), and the Senator from New Jersey (Mr. Williams) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), the Senator from Minnesota (Mr. Humphrey), the Senator from Rhode Island (Mr. Pell), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New York (Mr. Buckley), and the Senator from Idaho (Mr. Jordan) are absent on official business.

The Senator from Kentucky (Mr. Cook) is absent by leave of the Senate on official business.

The Senator from Oklahoma (Mr. Bellmon) is absent to attend the funeral of a friend.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Colorado (Mr. Dominick), the Senator from Michigan (Mr. Griffin), the Senator from Wyoming (Mr. Hansen), the Senator from New York (Mr. Javits), the Senator from Ohio (Mr. Taft), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

If present and voting, the Senator from Ohio (Mr. Taft) and the Senator from Texas (Mr. Tower) would each vote "yea."

The yeas and nays resulted—yeas 74, nays 0, as follows:

[No. 202 Ex.]

YEAS—74

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gurney
Hartke
Hatfield
Hollings
Hruska
Hughes
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Young

NAYS—0

NOT VOTING—26

Baker
Bellmon
Buckley
Cook
Dominick
Gambrell
Goldwater
Gravel
Griffin

Hansen
Harris
Hart
Humphrey
Inouye
Javits
Jordan, Idaho
McClellan
McGovern
Moss
Mundt
Pell
Ribicoff
Taft
Tower
Weicker
Williams

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

TREATY WITH HONDURAS ON THE SWAN ISLANDS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on Executive H, 2d session, 92d Congress, the treaty with Honduras on the Swan Islands.

The question is, Will the Senate advise and consent to the resolution of ratification? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Georgia (Mr. GAMBRELL), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY), and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from Kentucky (Mr. COOK) is absent by leave of the Senate on official business.

The Senator from Oklahoma (Mr. BELLMON) is absent to attend the funeral of a friend.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 74, nays 0, as follows:

[No. 203 Ex.]

YEAS—74

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gurney
Hartke
Hatfield
Hollings
Hruska
Hughes
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Young

NAYS—0

NOT VOTING—26

Baker
Bellmon
Buckley
Cook
Dominick
Gambrell
Goldwater
Gravel
Griffin
Hansen
Harris
Hart
Humphrey
Inouye
Javits
Jordan, Idaho
McClellan
McGovern
Moss
Mundt
Pell
Ribicoff
Taft
Tower
Weicker
Williams

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from Montana will state it.

Mr. MANSFIELD. Has an order been entered into for the convening of the Senate tomorrow?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. I thank the Presiding Officer.

ORDER FOR CONVENING OF THE SENATE ON WEDNESDAY, THURSDAY, AND FRIDAY OF THIS WEEK AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate meets on Wednesday, Thursday and Friday of this week, it convene at 10 a.m.

NOTICE OF LONG AND POSSIBLY SATURDAY SESSIONS

Mr. MANSFIELD. Mr. President, the Senate should bear in mind that only a little over 2 weeks are left before the Democratic National Convention and that the Senate has a lot of appropriation bills still to consider.

There is a possibility—a possibility, I reiterate—that beginning this week, we may start to meet on Saturdays.

Thus, I believe the Senate should be on notice that we intend to come in early and stay fairly late, and operate on a two-track schedule beginning tomorrow, with possibly meeting on Saturdays depending on the situation which exists as the week comes to a close.

SENATE RESOLUTION 318—RELATING TO A SUBPENA DUCES TECUM DIRECTED TO THE FINANCIAL CLERK OR HIS AGENT

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

S. Res. 318, relating to a subpena duces tecum directed to the Financial Clerk or his agent.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, this resolution is in its usual form as presented in a case of this sort.

The resolution was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 318

Resolution relating to a subpoena duces tecum directed to the Financial Clerk or his agent

Whereas a subpoena duces tecum issued on application of the United States of America addressed to the Financial Clerk or his agent, United States Senate Disbursing Office, and served upon the Financial Clerk, directs him to appear in the city of the District of Columbia, before the Criminal Branch of the Superior Court of the District of Columbia on the nineteenth day of June 1972, at 9:00 o'clock ante meridian, and to bring with him certain records in the possession and under the control of the Senate: Now, therefore, be it

Resolved, That by the privilege of the Senate no evidence of a documentary character under the control and in the possession of the Senate can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the Senate is needed for use in any court of justice, before any judge, legal officer, or grand jury, for the promotion of justice, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate; be it further

Resolved, That William A. Ridgely, Financial Clerk of the Senate, or his designee, be authorized to appear at the place and before the court named in the subpoena duces tecum before mentioned, but shall not take with him any papers or documents on file in his office or under his control or in the possession of the Financial Clerk of the Senate; be it further

Resolved, That when said court determines upon the materiality and the relevancy of the records called for in the subpoena duces tecum to the proceeding before the court, the said court, through any of its officers or agents, shall have full permission to attend with all proper parties to the proceeding at a place under the orders and control of the Senate, to take at such place copies of such records in possession or control of said Financial Clerk as the court has found to be material and relevant, and to take at such place such evidence of witnesses in respect to such reords as the courts or other proper officer thereof shall desire, except that (1) the possession of such records by the said Financial Clerk shall not be disturbed and such records shall not be removed from their file or custody under said Financial Clerk, and (2) no minutes or transcripts of any executive ssesion or any evidence of witnesses with rsepect thereto may be disclosed or copied; be it further

Resolved, That subject to the limitations hereinbefore stated, said Financial Clerk is authorized to supply certified copies of such records as the court has found to be material and relevant to the proceeding before the court; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpoena aforementioned.

DISTRICT OF COLUMBIA INTERSTATE AGREEMENTS—CONFERENCE REPORT

Mr. EAGLETON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. (Mr. STAFFORD). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, as follows:

CONFERENCE REPORT (S. REPT. NO. 92–846)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9580) to authorize the Commisioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the Commissioner of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, which shall stipulate that any person—

(1) who operates in the District of Columbia and in the State which is a party to the agreement a single unit motor vehicle which has three or more axles and which is designed to unload itself;

(2) who has registered that motor vehicle in the District of Columbia or in that State; and

(3) who but for the agreement is required to pay the fee for an annual hauling permit prescribed by the fifth paragraph under the heading "General Expenses" in the first section of the Act of July 11, 1919 (D.C. Code, sec. 5–316), and a similar fee imposed on the motor vehicle by that State;

shall not be required to pay a fee described in paragraph (3) which is imposed by a jurisdiction other than the jurisdiction in which the motor vehicle is registered. If the Commissioner enters into an interstate agreement under this Act, he may adjust the annual hauling permit fees of the District of Columbia referred to in paragraph (3) so that the total amount of fees (including registration and inspection fees) required for the operation in the District of Columbia and in each State which is a party to such agreement of the vehicles referred to in paragraph (1) shall be uniform.

SEC. 2. The Commissioner of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, pursuant to which the parties to such agreement may assist each other in the enforcement of its laws relating to traffic (including parking violations).

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

THOMAS F. EAGLETON,
DANIEL K. INOUYE,
CHARLES MCC. MATHIAS, Jr.,
Managers on the Part of the Senate.

JOHN L. MCMILLAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, Jr.
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The text of both the House bill and the Senate amendment was identical except with respect to two provisions. The House bill and the Senate amendment authorized the Commissioner of the District of Columbia to enter into an interstate agreement with the Commonwealth of Virginia and the State of Maryland relating to the operation of a single unit motor vehicle, having three or more axles, and designed to unload itself. The Senate amendment required the Commissioner to obtain the approval of the District of Columbia Council. The House bill did not require such approval. The Conference substitute eliminates the requirement of such approval.

The Senate amendment contained a provision which authorized the Commissioner of the District of Columbia, with the approval of the District of Columbia Council, to enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or both, pursuant to which the parties to such agreement may assist each other in the enforcement of its laws relating to traffic (including parking violations). The House bill contained no such provision. The Conference substitute contains the language of the Senate provision other than the requirement of approval by the District of Columbia Council.

The conferees wish to emphasize that the authority given to the Commissioner of the District of Columbia to enter into interstate agreements under the Conference substitute is discretionary. The word "may" was used advisedly so as to indicate that it is solely in the discretion of the Commissioner to decide whether he enters into the interstate agreements.

It is the belief of the conferees that the Commissioner should enter into the interstate agreement relating to the operation of a single unit motor vehicle, having three or more axles, and designed to unload itself only if, at the same time, he enters into the interstate agreement authorized by the Conference substitute relating to the provision of mutual assistance in the enforcement of laws relating to traffic (including parking violations). In the opinion of the conferees, if such action is taken, it should result in a revenue gain to the District of Columbia rather than a net revenue loss.

The conferees accepted, as a conforming amendment, the Senate amendment to the title of the House bill.

THOMAS F. EAGLETON,
DANIEL K. INOUYE,
CHARLES MCC. MATHIAS, Jr.,
Managers on the Part of the Senate.

JOHN L. MCMILLAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, Jr.,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

Mr. EAGLETON. Mr. President, I am pleased to yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I thank the distinguished Senator from Missouri, the chairman of the District of Columbia Committee, for yielding to me for just a very brief comment on the conference report.

One of the greatest burdens on the life of the average citizen today is the political boundaries which divide great metropolitan areas and which obstruct desirable reforms in the ordinary ways of doing business—sometimes to the extent that it is impossible even to find cooperative means of allowing people in their daily pursuits to trade across these political boundaries.

I think by this act we are achieving a useful purpose. We are making it possible to keep up to date. We are making it possible to be more efficient and more economical in our operations. We are making it possible to deal with metropolitan areas as large communities.

The conference report is really aimed at doing just that in the Washington metropolitan area, authorizing a joining together for certain purposes of the communities of Virginia, Maryland, and the District of Columbia—separate political entities which in metropolitan Washington actually form one area socially, economically and commercially, and one community.

I am happy to support the conference report, and I am pleased that the chairman of the committee brought the conference report to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report. (Putting the question.)

The conference report was agreed to.

QUORUM CALL

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1221

Mr. STENNIS. Mr. President, I send to the desk an amendment to the pending measure and ask that it be read.

THE PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 6, it is proposed to delete lines 24 and 25.
>
> On page 7, it is proposed to delete lines 1 through 9.

The language proposed to be stricken is as follows:

> (3) In section 513, relating to military assistance authorizations for Thailand—
>
> (A) insert in the section caption immediately after "Thailand", a comma and the following: "Laos, and South Vietnam"; and
>
> (B) add at the end thereof the following new sentence: "After June 30, 1973, no military assistance shall be furnished by the United States to Laos or South Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act."

Mr. STENNIS. Mr. President, I now call up my amendment for formal consideration; but first, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Is there any time limitation on amendments?

The PRESIDING OFFICER. There is no pending time limitation.

Mr. STENNIS. Mr. President, for the time being, I shall content myself, without going into a formal discussion of the amendment with so few Senators present, by stating the purpose of the amendment. I shall give a broad outline of the nature of my amendment, what it proposes, and what will be the situation if it is adopted.

The amendment relates to the military assistance bill, which we have had before us for many years as a matter of policy, in which we appropriated funds for military assistance to the various friendly nations of the world. That measure had been handled as a policy matter by the Committee on Foreign Relations.

However, in 1966, when the war in Vietnam took on such large proportions, it got to the point where the amount of money we were spending in support of the army of South Vietnam and in support of the South Korean Army that was in South Vietnam, and for related matters in Laos and Cambodia, became so great that it was no longer military aid in the sense that that term is used, but really became aid for allies in the war in which we were then becoming the principal participant. Under those circumstances, it was agreed between the Committee on Foreign Relations and the Committee on Armed Services that there would be a transfer of jurisdiction to the Committee on Armed Services, to use a simple word, in the handling of funds for Indochina.

I remember that former Secretary of Defense McNamara testified that the matter was so involved because of the day-to-day and month-to-month changes in the war situation that the handling of funds could not be delineated or taken care of under the system we were using for spending in the military assistance program. He said he needed something that was more geared to war, which is what we were engaged in.

So it was determined then that we would authorize so much of the money each year to be spent for the nonmilitary operations of the South Vietnamese Army, the Korean Army in South Vietnam, and of other countries, but that we would permit a certain amount of the money that would be appropriated for military forces in that area to be spent on our allied forces in that area. So that is the way it has been handled ever since.

When I became chairman of the Armed Services Committee in 1969, the authorization request was $2.5 billion for that purpose. We went into that and reduced it, as I recall, to $2.25 billion. We have been going into it each year, including the current budget we are considering. We have it all out on the table, and we started a mockup of it. Then they came with this request for more money. So we have had to stop that part of the mockup and take up this additional request.

The bill would provide that after fiscal 1973 this jurisdiction would transfer back to the Foreign Relations Committee. I have no objection to its going back to the Foreign Relations Committee. In fact, it is a headache for us, and will be for anyone, as long as this war is going on. I think, in the name of commonsense and logic, we will have to use the present system, as I see it, until this war can be terminated in some way.

So my amendment merely strikes this provision in the proposed bill and will let the arrangement I have just described continue as it is now until there is a settlement or an end or a disposition of the present situation in that part of the world, which we hope will be soon.

I think that explains the amendment's primary purpose.

I am willing to make an agreement now for controlled time on this amendment. I think the issue is highly important, but I think it is fairly simple to understand. The facts are not complicated—not very much, anyway—and I would agree to a limitation of time, if the leader wants to propose it, to an hour on each side.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, if I may respond to the distinguished Senator, I have discussed this matter with him and with the Republican leader and with other Senators, and I therefore propose that there be a time limitation on the amendment offered by Mr. STENNIS, the time to begin running tomorrow at 10:30 a.m., lasting for 2 hours, to be equally divided between the distinguished Senator from Mississippi (Mr. STENNIS) and the distinguished Senator from Arkansas (Mr. FULBRIGHT), and that the vote on the amendment occur at 12:30 p.m. tomorrow.

Mr. STENNIS. Mr. President, if the Senator will yield for a question, I understood the tentative time agreeable was that the debate would start at 12:45 or 12:30, and 2 hours would run it until 2:30, and we would have a rollcall vote then.

Mr. ROBERT C. BYRD. The Senator is correct, and I would have discussed the proposed time change with him had I had an opportunity to do so, but inasmuch as he had the floor, and he mentioned the possibility of a time agreement, I thought I would suggest this in view of the fact that it would allow us to have the vote at 12:30 rather than at 2:45. But if the Senator would prefer for the vote to come at the latter time, we will shift the time accordingly.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I revise my unanimous-consent request to read as follows: that the time on the amendment begin running tomorrow at 11 o'clock a.m. and run until 12:30 p.m., to be equally divided between the distinguished Senator from Mississippi (Mr. STENNIS) and the distinguished Senator from Arkansas (Mr. FULBRIGHT); that beginning at 2 o'clock p.m. tomorrow, the time again be controlled on the amendment, divided between the distinguished Senator from Mississippi (Mr. STENNIS) and the distinguished Senator from Arkansas (Mr. FULBRIGHT); and that a vote occur on the amendment at 2:45 p.m. tomorrow.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object—that is entirely agreeable to the Senator from Mississippi. I hope we can have a good attendance here so Senators can get the facts. I thank the Senator for his leadership in arranging at this time for this planned-for vote.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, the request is agreed to.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Mississippi.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask that the well be cleared.

The PRESIDING OFFICER. The well will be cleared.

TIME LIMITATION ON CONSIDERATION OF DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 15259, the bill making appropriations for the District of Columbia, is called up and made the pending business, there be a time limitation thereon of 2 hours, the time to be equally divided between the distinguished Senator from Hawaii (Mr. INOUYE) and the distinguished Senator from Oregon (Mr. HATFIELD); that time on any amendment, debatable motion, or appeal in relation thereto be limited to 30 minutes, the time to be equally divided between the mover of such and the distinguished manager of the bill, the Senator from Hawaii (Mr. INOUYE), unless the manager of the bill supports such, in which case, time in opposition thereto be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, provided further that Senators in control of the time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION ON VOTES ON THREE TREATIES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on each of the three votes with respect to the treaties tomorrow, there be a time limitation of 10 minutes for each rollcall vote, with the warning bell to be sounded midway.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE HUD APPROPRIATION BILL ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Wednesday, June 14, 1972, at 3 p.m. the unfinished business be laid aside temporarily and that the Senate proceed to the consideration of H.R. 15093, making appropriations for the Department of Housing and Urban Development, and that the unfinished business remain in a temporarily laid-aside status until H.R. 15093 is disposed of, or until the close of business on Wednesday, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF H.R. 9092 AND STATE-JUSTICE APPROPRIATION BILL ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, June 15, 1972, at 3 p.m., the unfinished business be laid aside temporarily and that the Senate proceed to the consideration of H.R. 9092, to provide an equitable system for fixing and adjusting rates of pay for prevailing rate employees of the Government, and that upon disposition of H.R. 9092, the Senate proceed to the consideration of H.R. 14989, making appropriations for the Departments of State, Justice, Commerce, the Judiciary and related agencies, and that the unfinished business remain in a temporarily laid-aside status until disposition of H.R. 9092 and H.R. 14989, or until the close of business on Thursday, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF RESOLUTION DEALING WITH QUESTIONS RELATED TO SECRET DOCUMENTS ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at 1 p.m. on Friday next, June 16, 1972, if the unfinished business has not been acted on by that time, it be temporarily laid aside and that the Senate proceed to the consideration of Senate Resolution 299, to establish a select committee to study questions related to secret and confidential Government documents, and that the unfinished business remain in a temporarily laid-aside status until the final disposition of Senate Resolution 299, or the close of business on Friday next, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF DISTRICT OF COLUMBIA APPROPRIATIONS BILL WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, upon the disposition of H.R. 15093, the unfinished business remain in a temporarily laid-aside status; that the Senate proceed at that time to the consideration of H.R. 15259, a bill making appropriations for the District of Columbia; and that the unfinished business remain in a temporarily laid-aside status until the appropriations bill for the District of Columbia is disposed of or until the close of business on Wednesday, which is earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Without objection, it is so ordered.

(At this point Mr. STAFFORD took the chair as Presiding Officer.)

ORDER FOR ADJOURNMENT TO 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRIS, FOR ROUTINE BUSINESS, AND FOR THE UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized under the standing order on tomorrow, the distinguished Senator from Oklahoma (Mr. HARRIS) be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business not to extend beyond 11 a.m. with statements limited therein to 3 minutes, at the conclusion of which the Presiding Officer lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 10:30 a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Oklahoma will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with statements limited therein to 3 minutes.

At 11 a.m. the Chair will lay before the Senate the unfinished business, S. 3390. The pending question at that time will be on agreement to the amendment of the distinguished Senator from Mississippi (Mr. STENNIS), amendment No. 1221. There is a time limitation on that amendment. Debate will continue thereon until 12:30 p.m.

At 2 p.m. tomorrow, the controlled time on that amendment will be resumed, with a yea-and-nay vote to occur on the amendment at 2:45 p.m.

Beginning at 3 p.m. tomorrow, the Senate will go into executive session and the Senate will proceed to vote on the following treaties:

Executive A (92d Congress, second session), a Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, Executive Calendar No. 23.

Executive F (92d Congress, second session), a Treaty of Extradition with Argentina, Executive Calendar No. 24.

Executive E (92d Congress, second session), a Partial Revision of the Radio Regulations Relating to Space Telecommunications, Executive Calendar No. 25.

The rollcall votes on each of the three treaties will be limited to 10 minutes. As I have already indicated, there will, therefore, be four back-to-back rollcall votes beginning at 2:45.

Mr. President, may we have the well cleared while the program for tomorrow is being given?

The PRESIDING OFFICER. The well will be cleared.

The Senator may proceed.

Mr. ROBERT C. BYRD. To repeat, Mr. President, there will be four rollcall votes tomorrow, back-to-back, beginning at 2:45 p.m.

Following the four rollcall votes, the Senate will resume consideration of the unfinished business, and it is expected that amendments will be called up on which there will be rollcall votes.

Therefore, tomorrow there will be not only at least four yea and nay votes, but also it is quite possible the Senate will be in session until a reasonably late hour and there may be additional rollcall votes on amendments tomorrow after 3:30 p.m.

On Wednesday, following a period for the transaction of routine morning business the Senate will resume its consideration of amendments to the unfinished business, S. 3390. At the hour of 3 p.m., the Senate will proceed to operate on a second track, with the bill making appropriations for the Department of Housing and Urban Development, H.R. 15093, being called up and made the pending business. Undoubtedly there will be rollcall votes on that bill.

After that bill has been disposed of on Wednesday, the Senate will proceed to consider the bill making appropriations for the District of Columbia, H.R. 15259. Undoubtedly there will be at least one rollcall vote on the final passage of that bill on Wednesday afternoon, the Senate staying in until a reasonably late hour.

Then, on Thursday the Senate will resume consideration of the unfinished business. At the hour of 3 p.m., Thursday the Senate will lay aside the unfinished business and proceed to a second track, with H.R. 9092, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, as the business before the Senate.

After that bill has been disposed of on Thursday, the Senate will proceed to the consideration of H.R. 14989, an act making appropriations for the Departments of State, Justice, and Commerce. There will be a rollcall vote—or rollcall votes—on that bill during Thursday afternoon. The Senate will likely be in late in order to complete the bill.

On Friday, the Senate will resume its consideration of the unfinished business, S. 3390. At 1 p.m. on Friday, the Senate will proceed to consider—in terms of the second track—Senate Resolution 299, a resolution to establish a select committee to study questions related to secret and confidential Government documents.

Senators are reminded that the Senate will begin operating on a two-track system on Wednesday of this week. The Senate will be in session until a reasonbly late hour tomorrow, and certainly on Wednesday and on Thursday and Friday. There will be rollcall votes tomorrow, Wednesday, and Thursday, and, in all probability, on Friday.

The majority leader has indicated earlier today, and I repeat now, that Senators may be alerted to the possibility of a session on Saturday of this week.

I might add the postscript that the possibility for Saturday sessions will increase as we move toward that date of June 30. At the close of business on June 30, the Senate will adjourn through the Fourth of July holiday and the Democratic Convention.

Much remains to be done. Several bills are on the Calendar and more will be added daily. In order to transact as much business as can be transacted prior to the close of business on June 30, the Senate will have to be in session for long days and possibly on Saturdays. Senators may wish to arrange their schedules accordingly while there is yet time.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and at 4:26 p.m. the Senate adjourned until tomorrow, Tuesday, June 13, 1972, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 12, 1972:

DEPARTMENT OF JUSTICE

Thomas E. Kauper, of Michigan, to be an Assistant Attorney General, vice Richard W. McLaren, resigned.

A William Olson, Jr., of California, to be an Assistant Attorney General, vice Robert C. Mardian, resigned.

Harlington Wood, Jr., of Illinois, to be an Assistant Attorney General, vice Louis Patrick Gray III, resigned.

IN THE COAST GUARD

The following-named Reserve officers to be permanent commissioned officers in the regular Coast Guard in the grades indicated:

Lieutenant commander

George F. Martin

Lieutenant

Gordon T. Kampert
Terry D. Beacham
Thomas O. Preston
George T. Jones
Robert F. Powers
Vernon K. Carlson

The following-licensed officer of the U.S. merchant marine to be a permanent commissioned officer in the regular Coast Guard in the grade of lieutenant (junior grade):

Thomas H. Walsh

The following-named officer to be a permanent commissioned warrant officer in the Coast Guard in the grade of chief warrant officer, W2, having been found fit for duty while on the temporary disability retired list:

Paul J. Balzer

U.S. AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10 of the United States Code:

To Be Brigadier General

Col. Robert S. Corbett, Sr., [redacted] FG, South Carolina Air National Guard.

Col. Cleveland J. Perkins, Jr., [redacted] FG, Georgia Air National Guard.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

Lieutenant colonel to colonel

LINE OF THE AIR FORCE

Abbott, John R., [redacted].
Abrams, Carl R., [redacted].
Acker, Jack E., [redacted].
Adcock, Walter M., [redacted].
Agnew, Malcolm J., [redacted].
Ainslie, Robert E., [redacted].
Albers, Edgar H., Jr., [redacted].
Albert, John G., [redacted].
Alderson, Jerry D., Jr., [redacted].
Alexander, Thomas D., [redacted].
Allshouse, Herman D., [redacted].
Altemose, Lawrence J., [redacted].
Andersen, Arne, [redacted].
Andersen, Howard J., [redacted].
Anderson, Charles R., [redacted].
Anderson, Charles W., Jr., [redacted].
Anderson, Earl W., [redacted].
Anderson, James C., [redacted].
Anderson, William C., [redacted].
Arantz, Carl F., Jr., [redacted].
Archer, Earl J., Jr., [redacted].
Armstrong, John W., [redacted].
Arneson, Milton A., [redacted].
Arnold, David L., [redacted].
Arnold, Tom M., Jr., [redacted].
Asire, Donald H., [redacted].
Atkinson, James W., [redacted].
Atkinson, Richard H., [redacted].
Axelsen, Max M., [redacted].
Babcock, Dan E., [redacted].
Back, Doyle R., [redacted].
Backes, Ralph G., [redacted].
Bahr, Lester M., [redacted].
Bailey, Frank D., [redacted].

Baker, Alfred C., Jr., [redacted].
Banister, Arthur W., [redacted].
Barnes, Frank G., [redacted].
Barnes, Willard A., [redacted].
Barnett, Charles W., [redacted].
Barrett, Francis E., [redacted].
Barrow, Sterling E., [redacted].
Becker, Marion C., [redacted].
Beebe, Frederick A., [redacted].
Benagh, Thomas M., [redacted].
Bennett, Mortimer F., [redacted].
Bennett, George F., [redacted].
Berg, Robert L., [redacted].
Berg, Robert S., [redacted].
Berge, Truman K., [redacted].
Bergerot, Paul A., [redacted].
Berner, Benjamin P., [redacted].
Besam, William J., [redacted].
Billington, Robert J., [redacted].
Billups, Rufus L., [redacted].
Binder, Edwin M., [redacted].
Blackwell, Ralph C., [redacted].
Blake, Thomas F., Jr., [redacted].
Blankinship, William J., [redacted].
Blauw, Robert E., [redacted].
Bocquin, Victor E., [redacted].
Bodager, Bill W., [redacted].
Bonner, M. M., [redacted].
Bonney, Charles A., Jr., [redacted].
Bottom, Richard D., [redacted].
Bowen, Myron A., [redacted].
Bowman, Richard C., [redacted].
Brady, Eugene L., [redacted].
Branan, William C., [redacted].
Briggs, Charles C., Jr., [redacted].
Brockett, David H., [redacted].
Brooke, John E., [redacted].
Brooksher, Dan A., [redacted].
Brower, James M., [redacted].
Brown, Richard S., [redacted].
Brown, Robert S., Jr., [redacted].
Brown, William, [redacted].
Brundage, Lew D., [redacted].
Brunette, William T., [redacted].
Brunhart, Roy C., [redacted].
Buck, Vincent K., Jr., [redacted].
Burns, Richard F., [redacted].
Burns, Robert, [redacted].
Bush, William J., [redacted].
Bushong, Richard B., [redacted].
Butcher, James T., [redacted].
Butler, Barry R., [redacted].
Buzbee, Jack A., [redacted].
Calafato, Eugene F., [redacted].
Cameron, William G., [redacted].
Campbell, Edward J., [redacted].
Canham, Harry G., [redacted].
Carnell, Ben H., [redacted].
Carr, Charles C., [redacted].
Carroll, Norman F., [redacted].
Carter, Wallace H., [redacted].
Cash, Melvin G., [redacted].
Castanedo, Wesley J., Jr., [redacted].
Catlin, Howard R., [redacted].
Cecil, Charles P., Jr., [redacted].
Chadeayne, Robert F., [redacted].
Chambers, William H., Jr., [redacted].
Chaney, R. L., [redacted].
Chealander, Jerry L., [redacted].
Chenault, William I., [redacted].
Cheney, Laverne L., [redacted].
Cleveland, Charles G., [redacted].
Cline, Wilmer F., [redacted].
Cobb, Tommy, [redacted].
Coffee, Harold B., [redacted].
Coleman, David B., Jr., [redacted].
Coleman, William T., Jr., [redacted].
Collens, John W., III., [redacted].
Conner, Jerry E., [redacted].
Contestable, Frank W., [redacted].
Cook, William L., [redacted].
Cook, William, Jr., [redacted].
Cordingly, William E., [redacted].
Corgill, James N., Jr., [redacted].
Cornette, Earl M., [redacted].
Cotters, John F., [redacted].
Cottle, Joe I., [redacted].
Couture, Albert R., [redacted].
Cox, Frank E., [redacted].
Cox, Hannibal M., Jr., [redacted].
Craigwell, Ernest, Jr., [redacted].
Crane, Jean M., [redacted].
Crawford, Thom M., Jr., [redacted].
Creech, Wilbur L., [redacted].
Cristiani, Augustine B., [redacted].
Cronin, John H., Jr., [redacted].
Crouch, Robert K., [redacted].
Culen, Frank A., [redacted].
Cvitanovich, Anthony, [redacted].
Dahl, Perry J., [redacted].
Daniel, Walter F., [redacted].
Davis, Donald M., [redacted].
Davis, Forrest L., [redacted].
Davis, Homer A., Jr., [redacted].
Davis, James R., [redacted].
Davis, Sidney L., [redacted].
Davis, William E., [redacted].
Demuro, Theodore F., [redacted].
Delaney, Harry C. Jr., [redacted].
Detling, Harold C., [redacted].
Detour, Jack L., [redacted].
Dettmer, Franz H., [redacted].
Dickson, Enos J., [redacted].
Dillard, William N., [redacted].
Dinwiddie, James F., [redacted].
Disanto, Alexander J., [redacted].
Dixey, Joseph R., [redacted].
Dodds, Joseph B., [redacted].
Dodgen, Clyde L., [redacted].
Doerty, Walter L. Jr., [redacted].
Dollard, John T. Jr., [redacted].
Dooley, George W. Jr., [redacted].
Dougherty, Charles R., [redacted].
Douglas, Jackie R., [redacted].
Dowling, John M., [redacted].
Drake, Norman S., [redacted].
Dugan, Obadiah A., [redacted].
Dunagan, Lewis H., [redacted].
Dunn, Henry J. Jr., [redacted].
Dunn, John C., [redacted].
Dupras, Robert W., [redacted].
Eaton, Norman D., [redacted].
Edwards, Thomas P. Jr., [redacted].
Eisemann, Ewald F. W., [redacted].
Elder, Wayne T., [redacted].
Ellis, Atlee R., [redacted].
Emery, Morley L., [redacted].
Ennis, Robert B., [redacted].
Erich, Theodore E., [redacted].
Essing, Earl B., [redacted].
Estes, Charles E. Jr., [redacted].
Evans, Donald L., [redacted].
Evans, Frank T., [redacted].
Eydenberg, Monte Jr., [redacted].
Falls, Johnie W., [redacted].
Farlow, Allan W., [redacted].
Farmer, Howard L. Jr., [redacted].
Faughn, John H., [redacted].
Faulk, John D., [redacted].
Fay, John H., [redacted].
Feltham, Kenneth W. F., [redacted].
Feuerriegel, Karl T., [redacted].
Fiden, Thomas J., [redacted].
Finlay, John S. III, [redacted].
Finnegan, Robert J., [redacted].
Finney, Arthur T., [redacted].
Fippen, John W., [redacted].
Fischer, Harold E., [redacted].
Flannery, Darrell N., [redacted].
Flood, Donald L., [redacted].
Ford, Donald F., [redacted].
Ford, Thomas S., [redacted].
Foss, Warren, [redacted].
Franklin, Bobby G., [redacted].
Frederick, Calvin L., [redacted].
Friedrich, Paul S., Jr., [redacted].
Furlong, Raymond B., [redacted].
Gallagher, Kenneth H., [redacted].
Gardina, Verne D., [redacted].
Gatewood, Jack E., [redacted].
Gearhart, James J., [redacted].
George, William G., [redacted].
Gibbs, James C., [redacted].
Gibson, Boyd E., [redacted].
Gillard, James H., [redacted].
Gillette, Jack W., [redacted].
Ginn, William H., Jr., [redacted].
Girard, William C., [redacted].
Goodwin, Jack E., [redacted].
Graham, Harry O., [redacted].
Grande, Walter, [redacted].
Grant, Carl W., [redacted].
Greenleaf, Abbott C., [redacted].
Griffin, Laverne H., [redacted].
Griffith, Robert B., [redacted].
Groves, Everett G., [redacted].
Guthrie, Joseph A., Jr., [redacted].
Guyton, Daniel, [redacted].
Guzak, Frank S., [redacted].
Hagauer, Richard W., [redacted].
Hagen, Carl J., [redacted].
Halliwell, George R., [redacted].
Hamilton, Robert L., [redacted].
Hamlin, Ross E., [redacted].
Harden, Ernest R., III, [redacted].
Harrawood, Donald E., [redacted].
Harrington, John H., Jr., [redacted].
Harris, Arthur F., [redacted].
Harris, John C., [redacted].
Harris, Louis M., [redacted].
Harston, David G., [redacted].
Hart, Harlow D., Sr., [redacted].
Hartinger, James V., [redacted].
Hartung, Don M., [redacted].
Hauer, Thomas L., [redacted].
Haught, James S., [redacted].
Haupt, Raymond L., [redacted].
Heany, Harold M., [redacted].
Heard, Robert J., Jr., [redacted].
Hebert, William F., [redacted].
Hegerle, Matthew J., [redacted].
Hendrix, George D., [redacted].
Henry, Joseph R., [redacted].
Henry, Richard C., [redacted].
Herr, Leonard C., [redacted].
Hezlep, William H., Jr., [redacted].
Hilding, Edward, [redacted].
Hinds, John W., [redacted].
Hoag, Earl A., [redacted].
Hobbs, Donald W., [redacted].
Hodges, Walter G., [redacted].
Hoffman, Robert W., [redacted].
Holcombe, Bondy H., [redacted].
Holt, Carl H., [redacted].
Hoopes, Rex M., [redacted].
Hoover, Jack D., [redacted].
Horning, Robert M., [redacted].
Howe, John P., [redacted].
Howell, Phillip R., [redacted].
Howerton, Glenn F., [redacted].
Hudson, Will M., [redacted].
Hunter, Jack W., [redacted].
Hustad, Eugene E., [redacted].
Huxley, William J., [redacted].
Hyre, Charles C., Jr., [redacted].
Ironmonger, John G., [redacted].
Jamison, Lewis M., [redacted].
Jeff, John L., [redacted].
Jeffreys, Alfred R., [redacted].
Jenista, Charles O., Jr., [redacted].
Jenne, Theron L., [redacted].
Johnson, Edward R., [redacted].
Johnson, George H., [redacted].
Johnson, Norman J., [redacted].
Johnson, Robert E., Jr., [redacted].
Jones, Thomas J., [redacted].
Jones, Whitcomb O., [redacted].
Joseph, Charles W., Jr., [redacted].
Joska, James S., [redacted].
Kachel, Stanley A., [redacted].
Kaler, Charles S., [redacted].
Kasdan, Neil, [redacted].
Katz, Norman F., [redacted].
Kavanaugh, Dudley G., [redacted].
Kees, Elwood A., Jr., [redacted].
Kellam, Dale L., [redacted].
Keller, Richard M., [redacted].
Kellogg, Burton M., [redacted].
Kelly, John L., II, [redacted].
Keltz, Bruce G., [redacted].
Kenny, Edward W., Jr., [redacted].
Kevan, William E., [redacted].
Killion, Thomas J., Jr., [redacted].
Killpack, Larry M., [redacted].
Kingdon, Reubin L., Jr., [redacted].
Klein, Donald D., [redacted].
Kleinman, Robert B., [redacted].
Knowles, William S., [redacted].
Knudson, Charles B., [redacted].
Koch, Olin F., [redacted].
Kratt, Jacob, Jr., [redacted].
Kuehn, Robert J., [redacted].
Kuritzky, Clarence S., [redacted].

Labeau, Howard L., Jr., [redacted].
Ladou, Edward M., [redacted].
Lambert, William R., [redacted].
Lamont, Maximilian, [redacted].
Landess, Malcolm L., [redacted].
Landis, William H., [redacted].
Lang, Alfred E., Jr., [redacted].
Langdon, Leonard C., Jr., [redacted].
Larson, Gordon A., [redacted].
Lewis, Clarence W., Jr., [redacted].
Liddicoet, William B., [redacted].
Lillethun, James R., [redacted].
Linkous, Russell E., [redacted].
Little, Richard E., [redacted].
Livernash, Joseph H., Jr., [redacted].
Long, William E., [redacted].
Lowry, Joseph R., [redacted].
Lynch, Donald T., [redacted].
Magnotti, Ralph A., [redacted].
Marden, Robert W., [redacted].
Marsh, Otto L., [redacted].
Marsh, Robert T., [redacted].
Martin, Abner B., [redacted].
Martin, Dexter E., [redacted].
Martinich, Louis, Jr., [redacted].
Marzullo, Raymond J., [redacted].
Mash, John D., [redacted].
Mason, Robert C., [redacted].
Mason, Thomas M., [redacted].
Matecko, George, [redacted].
Matthews, Fred R., [redacted].
Maurer, Calvin R., [redacted].
McAdory, Louis M., [redacted].
McClung, Elbert L., [redacted].
McClure, Joseh A., [redacted].
McClure, Richard M., [redacted].
McClurkin, Sampel P., [redacted].
McCluskey, Robert D., [redacted].
McCormick, Robert S., [redacted].
McCrary, Leon W., [redacted].
McCullough, James R., [redacted].
McDonald, Edward M., [redacted].
McDonald, Ned D., Jr., [redacted].
McEwen, Milton E., [redacted].
McGoogan, Leon, [redacted].
McGrath, James H., [redacted].
McKay, Gerald L., [redacted].
McKee, Thomas M., Jr., [redacted].
McMullen, Philip C., [redacted].
Davis, Forrest L., [redacted].
McVay, William D., [redacted].
McVicar, Daniel J., [redacted].
Meahl, Starling, Jr., [redacted].
Mercer, Harold E., [redacted].
Mercer, Roger N., [redacted].
Merritt, Walter A., [redacted].
Messerli, Charles E., [redacted].
Metzker, Donald J., [redacted].
Meurlin, Neil F., [redacted].
Miles, Kenneth P., [redacted].
Miles, William J., [redacted].
Miller, Donald E., [redacted].
Miller, John T., [redacted].
Miller, Noble A., [redacted].
Mims, Forrest M., Jr., [redacted].
Minor, William T., [redacted].
Minter, Billy M., [redacted].
Mitchell, Hugh, Jr., [redacted].
Mudica, Edward S., [redacted].
Monge, Raymond A., [redacted].
Montgomery, Clarence L., Jr., [redacted].
Montgomery, Jack E., [redacted].
Montrose, James H., [redacted].
Monts, Rufus M., III, [redacted].
Moore, Edward D., [redacted].
Moore, Hilleary D., [redacted].
Moore, Stephen E., [redacted].
Morris, Herbert R., Jr., [redacted].
Moss, Raymond, [redacted].
Muirhead, Cecil N., Jr., [redacted].
Mullen, Maurice L., [redacted].
Mulligan, James L., [redacted].
Mullins, James P., [redacted].
Murray, John R., [redacted].
Myers, Edward J., [redacted].
Myller, Allen L., [redacted].
Nash, Merle W., [redacted].
Neal, Gordon G., [redacted].
Neale, James M., [redacted].
Nelson, William R., [redacted].
Nichols, Charles B., [redacted].
Nolan, John D., [redacted].
Nolen, Cregg P., Jr., [redacted].
Norby, Wayne A., [redacted].
Norris, Harold S., [redacted].
Norris, William C., [redacted].
O'Brien, Russell C., [redacted].
O'Leary, Richard J., [redacted].
Oliver, Charles W., [redacted].
Olshefski, Joseph F., [redacted].
O'Neal, Howard F., [redacted].
Orr, Lemuel R., [redacted].
Owens, Harold B., [redacted].
Pafe, Basil, [redacted].
Paladino. John L., [redacted].
Palmer, Samuel S., [redacted].
Paluch, Walter P., Jr., [redacted].
Parker, Armand J., [redacted].
Parker, Charles W., [redacted].
Parrish, C. T., [redacted].
Parrish, Davis P., [redacted].
Partin, Benton K., [redacted].
Peel, Herschel D., [redacted].
Perselay, Gerald, [redacted].
Petefish, Wilson M., [redacted].
Peterburs, Joseph A., [redacted].
Peterson, Carl D., [redacted].
Peterson, Robert D., [redacted].
Peyrot, Mario E., [redacted].
Pfeiffer, Robert M., [redacted].
Phillips, William J., [redacted].
Pickavance, William W., [redacted].
Pickett, Donald E., [redacted].
Pine, Walter W., [redacted].
Pleasant, Bernice E., [redacted].
Poehlein, Robert L., [redacted].
Pool, Lawrence W., [redacted].
Poor, Allen J., [redacted].
Poore, James E., [redacted].
Porter, Leroy C., Jr., [redacted].
Puspisil, Joseph L., [redacted].
Preciado, Robert A., [redacted].
Price, J. Alan, [redacted].
Price, Joseph L., Jr., [redacted].
Pride, Fleetwood, Jr., [redacted].
Pugh, Robert F., Jr., [redacted].
Pugh, Wilbur R., [redacted].
Pursley, Robert E., [redacted].
Quinn, William J., [redacted].
Robey, Duncan W., Jr., [redacted].
Ramsey, William H., [redacted].
Randle, Allan C., [redacted].
Rauscher, Merle R., [redacted].
Rawers, James W., [redacted].
Redding, Harry W., [redacted].
Reed, Harley L., [redacted].
Reed, John C., [redacted].
Reeder, Herbert B., [redacted].
Reeder, Richard C., [redacted].
Reeves, Donald A., [redacted].
Reid, Robert R., Jr., [redacted].
Renfro, Walter R., [redacted].
Rettig, William O., [redacted].
Rew, Thomas F., [redacted].
Reynolds, Doyle F., [redacted].
Rice, William H., Jr., [redacted].
Rice, William C., [redacted].
Roberts, Guy L., Jr., [redacted].
Roberts, Harley P., [redacted].
Roberts, Stanley L., [redacted].
Roberts, William H., [redacted].
Robinson, George A., [redacted].
Robison, William C., [redacted].
Roche, William L., [redacted].
Rochester, Virgil M., [redacted].
Rodenbach, William T., [redacted].
Roehling, Arthur J., [redacted].
Rosanbalm, John W., [redacted].
Routt, Clyde B., [redacted].
Rowe, Berry W., [redacted].
Rubenstein, Morris B., [redacted].
Ruddock, William O., [redacted].
Rumney, Richard G., [redacted].
Rutherford, William W., [redacted].
Saavedra, Joaquin A., [redacted].
Sadler, Thomas M., [redacted].
Salmeier, Dean E., [redacted].
Sawyer, Julian D., [redacted].
Sayre, Robert H., [redacted].
Scharmen, Merrill E., [redacted].
Schlosser, William L., [redacted].
Schmitt, Edward J., [redacted].
Schmitt, John G., [redacted].
Schneider, Carl G., [redacted].
Schoeneman, Richard H., [redacted].
Scholtz, John C., Jr., [redacted].
Schoning, William M., [redacted].
Schurr, Harry W., [redacted].
Schutt, Carlton E., [redacted].
Scurlock, Robert, [redacted].
Senio, Walter P., [redacted].
Serangeli, Giuseppe, [redacted].
Sharp, Homer W., [redacted].
Shaulis, Elwood M., [redacted].
Shepherd, William F., Jr., [redacted].
Sherrill, Guy J., [redacted].
Siglin, Paul F., [redacted].
Simpson, Edgar H., [redacted].
Simpson, Henry E., Jr., [redacted].
Slizeski, Robert S., [redacted].
Smith, Bobbie L., [redacted].
Smith, Edmund G., [redacted].
Smith, Eugene G., [redacted].
Smith, Harding E., Sr., [redacted].
Smith, Henry R., [redacted].
Smith, John R., [redacted].
Smith, John R., [redacted].
Smith, Russell H., [redacted].
Smith, William F., III, [redacted].
Smith, William R., [redacted].
Smittle, Ray T., Jr., [redacted].
Spalding, John H., [redacted].
Sperry, Edward G., [redacted].
Spillers, Willum H., Jr., [redacted].
Spragins, Stewart V., [redacted].
Stanley, Ellis E., [redacted].
Stanley, Russell A., [redacted].
Stansberry, James W., [redacted].
Stark, John T., Jr., [redacted].
Stefanik, Robert A., [redacted].
Steger, Michael J., [redacted].
Steiner, Harold A., [redacted].
Stephens, Edward W., [redacted].
Stokes, Quentin C., [redacted].
Stone, Robert J., [redacted].
Strong, Curtis T., Jr., [redacted].
Strube, Delbert H., [redacted].
Sullivan, Marvin B., [redacted].
Sumner, Thomas M., [redacted].
Sunderman, James F., [redacted].
Svendsen, Leroy W., Jr., [redacted].
Swindle, Norris R., [redacted].
Sylvester, George H., [redacted].
Taylor, Chester D., Jr., [redacted].
Taylor, Harry W., Jr., [redacted].
Taylor, Julius H., [redacted].
Taylor, Robert W., [redacted].
Terrell, William B., Jr., [redacted].
Tetrick, Jacques K., [redacted].
Thomas, Clyde M., [redacted].
Timmermans, Anthony J. G., Jr., [redacted].
Titus, Robert F., [redacted].
Totten, Jess R., [redacted].
Touby, Robert H., [redacted].
Treyz, Fred A., [redacted].
Tuck, George R., [redacted].
Turner, Arthur R., [redacted].
Turner, Claude H., Jr., [redacted].
Turner, William S., [redacted].
Tye, Joe B., Jr., [redacted].
Vanbrussel, Peter B., Jr., [redacted].
Vandelune, Gerrit R., [redacted].
Vanderkarr, Donald I., [redacted].
Vandervoort, John M., Jr., [redacted].
Vannoppen, Vern F., [redacted].
Vanreenen, Neil D., [redacted].
Viall, Harold S., [redacted].
Vonwiedenfield, Paul W., [redacted].
Vrastil, Robert C., [redacted].
Wade, Charles H., Jr., [redacted].
Wakefield, Victor R., [redacted].
Walker, Charles E., [redacted].
Walker, Henry L., [redacted].
Wall, Orlando A., [redacted].
Wallace, Jay R., [redacted].
Wallace, John T., [redacted].
Walter, Alonzo J., Jr., [redacted].
Walter, John A., III, [redacted].
Ward, Morris J., [redacted].
Wason, Charles P., [redacted].
Waters, Jack W., [redacted].
Weart, Douglas S., [redacted].

Weber, Louis W., [redacted].
Weedman, Freeman J., [redacted].
Weimer, Franklin E., [redacted].
Weinberg, Sidney, [redacted].
Wentsch, George M., [redacted].
Werner, Paul D., [redacted].
Westfall, Fredrick R., [redacted].
Wheat, James W., [redacted].
White, Donald S., [redacted].
White, Ralph W., [redacted].
Whitlock, Thomas W., [redacted].
Williams, Richard L., [redacted].
Wilson, Charles L., [redacted].
Wilson, Talmadge A., [redacted].
Wise, John Q., [redacted].
Woford, Charles B., [redacted].
Wolter, John E., [redacted].
Wood, Robert S., [redacted].
Woods, Donald R., [redacted].
Word, Charles E., [redacted].
Workinger, William C. Jr., [redacted].
Worrell, William C., [redacted].
Wynne, Hugh, [redacted].
Young, Braxton L., [redacted].
Zimmer, Arnold E., [redacted].

CHAPLAINS

Denehy, John F., [redacted].
Drone, Raphael E., [redacted].
Haney, Paul S., [redacted].
Holler, Adlai C. Jr., [redacted].
Israel, Kenneth R., [redacted].
Johnson, Mervin R., [redacted].
King, William J., [redacted].
Monsen, Ralph R., [redacted].
Powell, Omer T., [redacted].

DENTAL CORPS

Brest, Harold C., [redacted].
Fleming, Lamoyne H., [redacted].
Gusselin, Carlton F., [redacted].
Greenwood, Vern R., [redacted].
Loper, Clifford E., [redacted].
Muns, Herman R., [redacted].
Rhoades, John C., [redacted].

MEDICAL CORPS

Amdall, Robert O., [redacted].
Antonelli, John H., [redacted].
Dean, Robert M., [redacted].
Haerle, Henry S., [redacted].
Haycraft, Rexford G., [redacted].
Holt, Clinton L., [redacted].
Houle, Dudley B., [redacted].
Kent, James R., [redacted].
Livermore, David I., [redacted].
McGuire, Terence F., [redacted].
McIver, Robert G., [redacted].
Michels, Max I., [redacted].
Morrissey, Robert W., [redacted].
Ohern, Thomas M., [redacted].
Smith, Robert E., [redacted].
Sparks, John C., [redacted].
Stagg, Paul A., [redacted].
Taylor, Ellis R., [redacted].
Vandenbos, Kermit Q., [redacted].
Williams, Marion J., [redacted].

NURSE CORPS

Garrecht, Claire M., [redacted].
Goddard, Mary A., [redacted].
Masten Billye, [redacted].

MEDICAL SERVICE CORPS

Frentress, Marvin I., [redacted].
McHugh, Walter P., [redacted].

VETERINARY CORPS

Collins, Warren E., [redacted].
Shuler, James M., [redacted].

BIOMEDICAL SCIENCES CORPS

Kislin, Benjamin, [redacted].
Moore, Carl B., [redacted].

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, Title 10, United States Code, to perform the duties indicated, with dates of rank to be determined by the Secretary of the Air Force:

TO BE MAJOR (MEDICAL)

Chong Vernon, [redacted].

TO BE CAPTAIN (DENTAL)

Abrahamsen, Thomas C., [redacted].
Gound, Tom G., [redacted].

TO BE FIRST LIEUTENANT (DENTAL)

Korkosz, John A., [redacted].

The following Air Force officer for reappointment to the active list of the Regular Air Force, in the grade indicated, from sections 1210 and 1211, Title 10, United States Code:

LINE OF THE AIR FORCE

To be lieutenant colonel

Kleinhelter, Robert W., [redacted].

IN THE ARMY

The following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, section 3284 and 3305:

MEDICAL CORPS

To be colonel

Sherwood, Robert W. [redacted].

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, section 3284 and 3299:

MEDICAL SERVICE CORPS

To be lieutenant colonel

Ferguson, Lindsay E., [redacted].

ARMY PROMOTION LIST

To be major

Blatter, Erwin W., II, [redacted].
Bradley, Lee M., [redacted].
Charpentier, Charles M., [redacted].
Clifford, Peter L., [redacted].
Hensley, James R., [redacted].
Merrill, Bruce W., [redacted].
Miller, William R., [redacted].
Nelson, Maynard L., [redacted].
Pearsall, Max G., [redacted].
Peterson, Henry, [redacted].
Roark, Billy R., [redacted].
Washington, Bernard, [redacted].
Waterman, William R., [redacted].

MEDICAL CORPS

To be major

Turnbull, Gottlieb, [redacted].

DENTAL CORPS

To be major

Christman, Peter D., [redacted].
High, Roy S., [redacted].
Tsaknis, Peter J., [redacted].

MEDICAL SERVICE CORPS

To be major

Kane, Thomas M., Jr., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be major

Bigley, Angela R., [redacted].
Mount, Dorothy M., [redacted].

ARMY PROMOTION LIST

To be captain

Acton, Michael R., [redacted].
Adams, Bertram E., Jr., [redacted].
Adams, Melville W., [redacted].
Agnew, Eugene W., Jr., [redacted].
Akers, Frank H., Jr., [redacted].
Akos, William J., [redacted].
Albright, Robert H., [redacted].
Aleva, Robert J., [redacted].
Alexander, Duane R., [redacted].
Alexander, George M., [redacted].
Alexander, James P., [redacted].
Alicut, Gregory L., [redacted].
Allen, Cary D., [redacted].
Allen, Jon J., [redacted].
Allen, Richard D., [redacted].
Allison, Robert C., [redacted].
Almojufia, Thomas N., [redacted].
Amatulli, Richard P., [redacted].
Amick, David B., [redacted].
Anderson, Ben L., Jr., [redacted].
Anderson, Dale R., [redacted].
Anderson, David M., [redacted].
Anderson, Edward G., [redacted].
Anderson, John D., [redacted].
Anderson, Kenneth R., [redacted].
Anderson, Leslie H., [redacted].
Anderson, Louie H., [redacted].
Anderson, Melvyn L., [redacted].
Andrews, Edward L., [redacted].
Andrie, John C., [redacted].
Angel, Philip N., [redacted].
Angeli, Raymond S., [redacted].
Antoine, Lawrence V., [redacted].
Anzalone, Russell J., [redacted].
Aquino, Paschal A., [redacted].
Arko, Anthony, [redacted].
Armijo, Gabriel C., [redacted].
Armstrong, Curtis L., [redacted].
Arrants, William M., [redacted].
Arrowood, John R., [redacted].
Arthur, David W., [redacted].
Ashbaugh, Brian W., [redacted].
Ashby, Richard E., [redacted].
Ashjian, John P., [redacted].
Asiello, Robert M., [redacted].
Atchison, Jere L., Jr., [redacted].
Atkins, Edsel R., [redacted].
Atkinson, James R., [redacted].
Audibert, Reginald, [redacted].
Augsburger, Grayson, [redacted].
Aux, George W., Jr., [redacted].
Avant, Jack B., [redacted].
Azuma, Eric K., [redacted].
Backlin, Charles R., [redacted].
Baer, Barry S., [redacted].
Baer, Fred H., [redacted].
Bailey, Bobby H., [redacted].
Bailey, Charles M., [redacted].
Baird, Thomas F., [redacted].
Baker, Hugh M., Jr., [redacted].
Baker, James L., [redacted].
Baker, Robert M., [redacted].
Bambini, Adrian P., [redacted].
Barbee, William R., [redacted].
Barber, Louis P., Jr., [redacted].
Barefoot, Allen, Jr., [redacted].
Barnaby, Richard J., [redacted].
Barnes, Darvin E., [redacted].
Barnes, Fred W., [redacted].
Barnes, James H., [redacted].
Barrington, John E., [redacted].
Barry, Russell W., [redacted].
Barry, William A., [redacted].
Barry, William F., [redacted].
Battcher, John A., [redacted].
Bauer, Stephen M., [redacted].
Bausch, James M., [redacted].
Bayer, William C., [redacted].
Beach, John W., [redacted].
Beard, Otis R., [redacted].
Behnke, Arthur R., [redacted].
Behnke, Douglas J., [redacted].
Belch, Peter P., [redacted].
Bell, Hubert J., Jr., [redacted].
Belz, George D., [redacted].
Benefield, Johnie H., [redacted].
Bengtson, Richard L., [redacted].
Benham, Philip O., Jr., [redacted].
Benoit, Edmond J., [redacted].
Bergeron, Alfred J., [redacted].
Bergman, William K., [redacted].
Bergson, Paul C., [redacted].
Berkey, Richard O., [redacted].
Berkman, Davis S., [redacted].
Bernard, Joseph P., [redacted].
Berry, Gerald J., [redacted].
Berry, Page E., [redacted].
Berry, Steven D., [redacted].
Bertagnolli, Joseph, [redacted].
Besecker, Franklin, [redacted].
Bhalia, Arun K., [redacted].
Bifgen, William K., [redacted].
Bijold, Gerald P., [redacted].
Billings, Darryl R., [redacted].
Blades, Jon W., III, [redacted].
Blaine, Jerome M., Jr., [redacted].
Blanchard, Randall, [redacted].

Blanchard, Sherman, [redacted].
Blanchette, Joel G., [redacted].
Blaylock, Norman R., [redacted].
Bloyd, John R., [redacted].
Bludau, Colin E., [redacted].
Blue, Thomas J., [redacted].
Blumenfeld, Charles, [redacted].
Bock, William P., [redacted].
Bodelson, Patrick J., [redacted].
Bohuslar, John W., [redacted].
Bolick, Miles A., Jr., [redacted].
Bolt, Andrew W., [redacted].
Bonifas, Arthur G., [redacted].
Bonn, Larry L., [redacted].
Borek, Theodore B., [redacted].
Bounds, Gary L., [redacted].
Bowders, Frank W., [redacted].
Bowdoin, Charles D., [redacted].
Bowers, John E., [redacted].
Bowser, Larry H., [redacted].
Boyd, John H., III, [redacted].
Boyd, Michael F., [redacted].
Boyer, Harry R., [redacted].
Boyer, Robert F., [redacted].
Brackett, Thomas R., [redacted].
Braze, David J., [redacted].
Brede, Lawrence, Jr., [redacted].
Breeden, Kenneth R., [redacted].
Breman, Stephen L., [redacted].
Brennan, Michael W., [redacted].
Brennan, Thomas J., [redacted].
Brickman, James F., [redacted].
Bridges, Franklin G., [redacted].
Brinker, Walter E., [redacted].
Brisbine, Glen E., [redacted].
Brittingham, Michael, [redacted].
Britton, James, [redacted].
Broadhurst, Carl R., [redacted].
Brock, Thomas S., [redacted].
Brodie, Michael A., [redacted].
Broscha, Donald E., [redacted].
Brown, Clark C., [redacted].
Brown, Danny L., [redacted].
Brown, Donald F., [redacted].
Brown, Floyd L., [redacted].
Brown, Jerry A., [redacted].
Brown, Joseph E., [redacted].
Brown, Michael J., [redacted].
Brown, Michael J., Jr., [redacted].
Brown, Phillip L., [redacted].
Brown, Robert J., [redacted].
Brown, Robert M., Jr., [redacted].
Brown, Wayne K., Jr., [redacted].
Bruegger, Robert D., [redacted].
Brundage, Richard W., [redacted].
Brunnhoefer, Gilbert, [redacted].
Bryan, Peter K., [redacted].
Bryant, John T., III, [redacted].
Bryson, Gene K., [redacted].
Buchan, James C., [redacted].
Buckley, Daniel J., [redacted].
Buczacki, John B., [redacted].
Budzyna, Fred K., [redacted].
Buftti, Anthony J., [redacted].
Bumanglag, Carlos J., [redacted].
Bundons, Albert R., [redacted].
Burbidge, John M., [redacted].
Burch, William C., [redacted].
Burdge, Lloyd H., [redacted].
Burres, Stephen W., [redacted].
Burton, Hugh A., [redacted].
Busch, Brian J., Jr., [redacted].
Busch, Robert J., [redacted].
Bush, Charles D., [redacted].
Butler, John C., [redacted].
Butler, Penneth L., [redacted].
Cabanillas, Claude, [redacted].
Cain, Joel M., [redacted].
Caine, Bruce T., [redacted].
Calek, Joseph R., [redacted].
Callahan, Francis R., [redacted].
Calloway, Charles T., [redacted].
Cameron, Tom O., [redacted].
Camia, Dante A., [redacted].
Campbell, Donald, [redacted].
Campbell, John D., [redacted].
Campbell, Robert T., [redacted].
Campbell, Robert W., [redacted].
Campbell, Vernon A., [redacted].
Canar, Robert G., [redacted].
Canavan, Gene R., [redacted].
Canning, William R., [redacted].
Canon, Charles M., [redacted].
Cantu, Herman R., Jr., [redacted].
Cape, James W., [redacted].
Caples, Vernard L., [redacted].
Capozzi, Roy M., [redacted].
Capps, James H., [redacted].
Cardona, Lannie D., [redacted].
Carlson, Kenneth G., [redacted].
Carlton, Darrel H., [redacted].
Carlton, John W., [redacted].
Carpenter, Ronald B., [redacted].
Carr, Jerry T., [redacted].
Carrow, John C., [redacted].
Carson, Charles R., [redacted].
Carter, Cleo, Jr., [redacted].
Carter, Hubert C., [redacted].
Carter, James C., [redacted].
Carter, Willard T., [redacted].
Carter, William D., [redacted].
Caryl, Michael R., [redacted].
Carzoli, Richard L., [redacted].
Casalengo, Roger W., [redacted].
Cascioli, Robert J., [redacted].
Cassady, George E., [redacted].
Catalano, Thomas S., [redacted].
Catron, Donald J., [redacted].
Cattron, Edward P., [redacted].
Cavanaugh, Michael, [redacted].
Cecere, Peter M., [redacted].
Cecil, Gerald T., [redacted].
Cermenaro, James A., [redacted].
Chafens, Roger L., [redacted].
Chambers, James V., [redacted].
Champi, Samuel F., Jr., [redacted].
Chapman, Abner B., [redacted].
Chapman, William J., [redacted].
Chappelle, John C., [redacted].
Cheatham, Calvin W., [redacted].
Cheatham, James H., [redacted].
Chernesky, George M., [redacted].
Chidichimo, Salvatore, [redacted].
Childress, William, [redacted].
Childs, Ernest, [redacted].
Childs, Norman, [redacted].
Christo, Dennis V., [redacted].
Ciarlo, Fred H., [redacted].
Clapper, John W., Jr., [redacted].
Clare, Joseph F., [redacted].
Clark, Alfred T., [redacted].
Clark, Alton A., [redacted].
Clark, David W., [redacted].
Clark, Douglas M., [redacted].
Clark, Michael R., [redacted].
Clark, Patrick W., [redacted].
Clark, Wesley K., [redacted].
Clarke, John E., III., [redacted].
Clegg, Douglas W., [redacted].
Clegg, Ronald W., [redacted].
Clements, Miles T., [redacted].
Clemmer, Donald E., [redacted].
Cylde, Gerard A., [redacted].
Coates, Charles F., [redacted].
Cobb, Douglas H., [redacted].
Cochrane, Charles B., [redacted].
Cocks, Alan R., [redacted].
Coen, Kendall B., [redacted].
Coffey, Robert S., [redacted].
Coffman, Jimmy N., [redacted].
Coggins, Gary M., [redacted].
Cole, Carlos E., [redacted].
Cole, Gary B., [redacted].
Cole, William P., [redacted].
Coleman, James P., [redacted].
Colgan, Eugene D., [redacted].
Collier, Ronald O., [redacted].
Collins, Carl L., Jr., [redacted].
Collins, James P., [redacted].
Collins, Roger W., [redacted].
Collmeyer, Michael, [redacted].
Conderman, John D., [redacted].
Condon, John L., Jr., [redacted].
Conklin, Gary P., [redacted].
Conley, John E., [redacted].
Connally, Sharon C., [redacted].
Connell, James P., [redacted].
Conner, Albert Z., Jr., [redacted].
Connolly, John F., [redacted].
Conoboy, Richard J., [redacted].
Conrad, Thomas F., [redacted].
Conroy, Thomas F., [redacted].
Cook, Joseph L., [redacted].
Coolidge, John G., [redacted].
Cooney, Norman R., [redacted].
Cooper, William E., [redacted].
Coradini, William J., [redacted].
Corbin, James E., [redacted].
Corcoran, James W., [redacted].
Cork, Stephen D., [redacted].
Cornick, Thomas H., [redacted].
Corprew, Robert A., [redacted].
Correia, William H., [redacted].
Cote, William D., [redacted].
Cotsonas, Peter M., [redacted].
Cotting, Peter L., [redacted].
Coupe, Dennis F., [redacted].
Cowing, John S., [redacted].
Cox, George R., [redacted].
Cox, Ronald H., [redacted].
Coyle, Raymond A., [redacted].
Crabtree, Jack D., Jr., [redacted].
Craig, Kervin A., [redacted].
Craig, Terry L., [redacted].
Crane, Matthew J., [redacted].
Cravens, James J., Jr., [redacted].
Crawford, Danny L., [redacted].
Crawford, David H., [redacted].
Creel, Joe C., [redacted].
Cretella, Joseph G., [redacted].
Crimmins, Walter J., [redacted].
Crisanti, Lawrence, [redacted].
Criss, Marshall W., [redacted].
Crittsinger, Clifford, [redacted].
Crocker, George A., [redacted].
Crook, Dennis B., [redacted].
Crosby, Robert W., [redacted].
Cross, Reese W., Jr., [redacted].
Crowell, David V., [redacted].
Cruikshank, Ralph H., [redacted].
Cudd, Dennis E., [redacted].
Culbreth, Larry M., [redacted].
Cullem, James M., [redacted].
Cullen, Peter, [redacted].
Cunkelman, George T., [redacted].
Cunningham, John M., [redacted].
Curington, Calvin F., [redacted].
Cushing, John R., [redacted].
Dacus, David M., [redacted].
Dalbey, Eugene B., [redacted].
Dalfonzo, Joseph A., [redacted].
Daly, Lawrence T., [redacted].
Daly, Timothy E., [redacted].
Damron, Ronald K., [redacted].
Danek, Thomas E., [redacted].
Danese, Richard, [redacted].
Darden, Merger G., [redacted].
Darnell, Ronald H., [redacted].
Darone, Ronald D., [redacted].
Davis, Douglas V., [redacted].
Davis, Homer L., III, [redacted].
Davis, Merrill W., [redacted].
Davis, Montague E., [redacted].
Davis, Richard N., [redacted].
Davis, Thaddeus J., [redacted].
Dawson, Lester P., [redacted].
Dawson, Robert G., [redacted].
Day, Lawrence W., Jr., [redacted].
Dean, Alvin B. III, [redacted].
Dean, Byron K., [redacted].
Dean, Wilbert M., [redacted].
Deberry, Thomas P., [redacted].
Debaise, James P., [redacted].
Defrain, Dennis A., [redacted].
Dehaven, Thomas R., [redacted].
Dehncke, Rae W., [redacted].
Dejong, Robert V., [redacted].
Delaney, John J., [redacted].
Delgado, Richard, [redacted].
Delp, Larry E., [redacted].
Demeo, Lawrence J. J., [redacted].
Deming, Michael D., [redacted].
Dempsey, Daniel J., [redacted].
Dennis, Kirby E., [redacted].
Denniston, Leroy W., [redacted].
Denson, Herbert A., [redacted].
Dent, Norman M., [redacted].
Deponai, John M., [redacted].
Detreville, John R., [redacted].
Devaughn, Kermit L [redacted].
Devlin, Donald Jr., [redacted].

Devoe, Smith A. Jr., [redacted].
Dickens, James A., [redacted].
Dickson, Richard G., [redacted].
Difiore, Matthew F., [redacted].
Divita, Joseph M., [redacted].
Dixon, Gerald E., [redacted].
Dixon, James H., [redacted].
Doby, Neal S., [redacted].
Dock, William F., [redacted].
Dockery, Patrick H., [redacted].
Donnithorne, Larry, [redacted].
Dorsey, Mercer M., Jr., [redacted].
Dort, Dean R., [redacted].
Dortch, William R. [redacted].
Doty, Richard D., [redacted].
Dougherty, Russell, [redacted].
Dowling, Ted K., [redacted].
Downey, Carrol W., [redacted].
Downie, Terry C., [redacted].
Doyle, James B., [redacted].
Doyle, James T., [redacted].
Dragoo, Robert E., [redacted].
Drake, Van T., [redacted].
Drayton, Marion G., [redacted].
Drewes, Carl F., Jr., [redacted].
Driscoll, Eugene J., [redacted].
Droke, Willard B., [redacted].
Dubia, John A., [redacted].
Dubuc, Norman T., Jr., [redacted].
Duderstadt, Eugene, [redacted].
Duedall, Robert L., [redacted].
Duffie, Robert D., [redacted].
Duggleby, Robert W., [redacted].
Dunavan, Robert C., [redacted].
Duncan, Franklin E., [redacted].
Dunham, Fredrick R., [redacted].
Dunn, Carroll H., Jr., [redacted].
Dunning, Jeffrey P., [redacted].
Durbin, Terrence E., [redacted].
Dyson, Gordon H., [redacted].
Earp, Edwin L., [redacted].
Easley, Ronald E., [redacted].
Eason, Lewis C., [redacted].
Eaton, Bruce R., [redacted].
Eaton, Chester B., Jr., [redacted].
Eberle, John C., [redacted].
Eckert, John H., [redacted].
Edmonds, Bobby A., [redacted].
Edwards, Jerome G., [redacted].
Ehart, Stephen H., [redacted].
Eichenberger, David, [redacted].
Eisenberg, Stephen, [redacted].
Eklund, Richard A., [redacted].
Ekstrom, Paul J., [redacted].
Elder, Robin L., [redacted].
Eller, Thomas H., Jr., [redacted].
Ellis, John D., Jr., [redacted].
Ely, Cameron A., [redacted].
Emerick, Robert G., [redacted].
Emerson, Samuel C., [redacted].
Emory, Sherwood L., [redacted].
Eng, Harry F., [redacted].
Engen, Gary O., [redacted].
English, Ronald W., [redacted].
Epps, Jones N., Jr., [redacted].
Epps, Thomas W., [redacted].
Ericksen, Scott R., [redacted].
Ernst, Frederick G., [redacted].
Esmay, Jerry D., [redacted].
Essig, Frederick H., [redacted].
Etheridge, John T., [redacted].
Eubanks, Bobbie R., [redacted].
Evans, Gordon E., [redacted].
Evans, Mickey S., [redacted].
Eversman, James F., [redacted].
Ewart, Thomas W., [redacted].
Ewing, Vernon C., [redacted].
Faber, Morris R., [redacted].
Fairchild, Robert S., [redacted].
Fairhead, Michael P., [redacted].
Farewell, Thomas E., [redacted].
Farrell, Henry R., [redacted].
Farris, William S., [redacted].
Farrow, Russell K., [redacted].
Farthing, Clifford, [redacted].
Faust, Edmond L., III, [redacted].
Fazen, Robert P., [redacted].
Featherstone, Charles. [redacted].
Felch, John E., Jr., [redacted].
Fellenz, Michael P., [redacted].
Fender, Charles K., [redacted].
Ferguson, Richard E., [redacted].
Ferguson, Walter N., [redacted].
Ferguson, William E., [redacted].
Fergusson, Thomas G., [redacted].
Ferrard, Jerrold S., [redacted].
Ferrea, Albert J., [redacted].
Feurer, Michael H., [redacted].
Fields, Clifford L., [redacted].
Fields, Thomas J., Jr., [redacted].
Fields, Timothy G., [redacted].
Figgins, Charles E., [redacted].
Filipiak, Robert P., [redacted].
Filson, James C., [redacted].
Filson, James W., [redacted].
Findlater, John W., [redacted].
Finley, Earl W., [redacted].
Finn, Brian C., [redacted].
Fisher, James F., [redacted].
Fisher, William P., [redacted].
Fitzgerald, Jerry E., [redacted].
Fitzgerald, Kirk S., [redacted].
Fitzgerald, Thomas, [redacted].
Fitzpatrick, Joseph, [redacted].
Fix, Donald J., [redacted].
Fleig, Franz W., [redacted].
Fleming, Allan F., Jr., [redacted].
Fleming, John J., [redacted].
Flowers, James H., [redacted].
Forbes, Gary L., Sr., [redacted].
Ford, Dean C., [redacted].
Foreman, Richard N., [redacted].
Forester, Jesse P., [redacted].
Formby, Ronnie R., [redacted].
Foster, Douglas E., [redacted].
Foster, Frank C., Jr., [redacted].
Foster, Michael R., [redacted].
Fouche, David F., [redacted].
Fournaris, Evan N., [redacted].
Fox, Richard W., [redacted].
Francisco, William, [redacted].
Franklin, Jerry L., [redacted].
Frazier, Billy W., [redacted].
Frettas, William F., [redacted].
French, John D., [redacted].
French, Terry R., [redacted].
Frey, Douglas J., [redacted].
Fry, Jerry R., [redacted].
Fry, Michael D., [redacted].
Fuller, John D., [redacted].
Fuller, Michael B., [redacted].
Fullerton, Leroy R., [redacted].
Fulmer, Lemos L., Jr., [redacted].
Fulton, John S., [redacted].
Gabel, Kolman A., [redacted].
Gagne, John P., [redacted].
Gagnon, Robert L., [redacted].
Gallagher, Stephan M., [redacted].
Galligan, Francis B., [redacted].
Gang, William G., [redacted].
Gardner, James R., [redacted].
Gartenberg, Joel M., [redacted].
Gatesy, John T., [redacted].
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Geer, George W., [redacted].
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Gentzke, Frank S., [redacted].
Gerrie, Andrew A., [redacted].
Gesick, Edward J., Jr., [redacted].
Gesker, Joseph M., Jr., [redacted].
Getz, John E., [redacted].
Gibson, Claud L., [redacted].
Gibson, Donald A., [redacted].
Gibson, Emmitt E., [redacted].
Gibson, Ronald H., [redacted].
Giddings, Warren P., [redacted].
Gilbertson, Clark D., [redacted].
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Gildersleeve, James, [redacted].
Giles, Tommy H., III, [redacted].
Gill, Paul C., [redacted].
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Gillikin, Bruce D., [redacted].
Gimbert, Jack H. [redacted].
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Giordono, Matthew J., [redacted].
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Gladfelter, Richard, [redacted].
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Golden, John C., III, [redacted].
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Goodhart, Raymond R., [redacted].
Goodman, Michael J., [redacted].
Gordon, Maurice K., [redacted].
Gorka, Paul A., [redacted].
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Graham, Benjamin W., [redacted].
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Grandison, Wilfred, [redacted].
Grandstaff, Terrance, [redacted].
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Grant, Wallace C., [redacted].
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Keravuori, Jouni, [redacted].
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Kerr, Laurence M., [redacted].
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Kiilehua, Cecil W., [redacted].
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Kone, Wilson V., [redacted].
Konkle, Thomas E., [redacted].
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Krout, Homer L., III, [redacted].
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Kuntzman, John C., [redacted].
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Laclare Edward J., [redacted].
Lafrance, Robert H., [redacted].
Lahr, Wayne J., [redacted].
Laipple, Douglas K., [redacted].
Lalicker, Elmer L., [redacted].
Lam, Gordon R., [redacted].
Lambeth, Carl L., [redacted].
Lanasa, Francis M., [redacted].
Lance, Harold V., [redacted].
Land, Henry P., Jr., [redacted].
Lander, Joseph N., [redacted].
Langendorf, Henry S., [redacted].
Lanier, James R., [redacted].
Lanpher, Patrick C., [redacted].
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Larned, Daniel R., [redacted].
Laroche, John J., Jr., [redacted].
Larsen, Morrie E., [redacted].
Larson, David L., [redacted].
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Lee, Charles S., [redacted].
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Leech, Lloyd L., III, [redacted].

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Leinen, Robert D., [redacted].
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Lewis, John D., [redacted].
Libby, John W., [redacted].
Liggett, Lawrence G., [redacted].
Lightfoot, Michael, [redacted].
Lightner, George M., [redacted].
Ligon, Peyton F., III, [redacted].
Lincoln, Arthur F., [redacted].
Linder, David L., [redacted].
Lindler, Curtiss M., [redacted].
Lindsay, Jock C., [redacted].
Lipscomb, Lewis M., [redacted].
Liss, Melvin O., [redacted].
Littlefield, Neil P., [redacted].
Livecchi, Samuel G., [redacted].
Lloyd, Howard M., Jr., [redacted].
Lockett, Carl L., [redacted].
Lockwood, Robert S., [redacted].
Loftheim, Jon W., [redacted].
Logan, Robert B., [redacted].
Lomonaco, Lawrence, [redacted].
Long, Marion G., Jr., [redacted].
Long, Robert K., [redacted].
Longgrear, Paul R., [redacted].
Loop, Curtis A., [redacted].
Loveall, William E., [redacted].
Loveland, Daniel J., [redacted].
Lovisone, Richard, [redacted].
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Loy, Robert A., [redacted].
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Lundeen, Randall R., [redacted].
Luymes, Alan H., [redacted].
Lyons, John W., [redacted].
Lyssy, Walter J., [redacted].
Lytle, David K., [redacted].
Macaluso, Mario A., [redacted].
MacDonald Glenn W., [redacted].
MacKenzie, Stuart A., [redacted].
MacKey, George D., [redacted].
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Maini, Paul B., [redacted].
Major, John L., Jr., [redacted].
Makowski, Eugene E., [redacted].
Malcolm, Jerry D., [redacted].
Mancini, Thomas M., [redacted].
Manley, Mark J., [redacted].
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Mann, Morris M., III, [redacted].
Mann, Thomas R., [redacted].
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Mashburn J. Harold, [redacted].
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Maurice, Timothy P., [redacted].
Mayew, Walter L., [redacted].
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McArthur, Colin L., [redacted].
McCaa, Burwell B., Jr., [redacted].
McCall, Monty W., [redacted].
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Muse, Frank R., [redacted].
Musiol, Joseph J., [redacted].
Muzzy, John K., [redacted].
Myers, Byron D., [redacted].
Naish, Lyle T., [redacted].
Nason, Alan B., [redacted].
Nass. Fred L., [redacted].
Neary, Patrick H., [redacted].
Neil, Robert S., [redacted].
Nelson, Charles S., [redacted].
Nelson, Phillip A., [redacted].
Nelson, Richard C., [redacted].
Nemec, Henry A., [redacted].
Nemetz, Donald A., [redacted].
Nesmith, Vardell E., [redacted].
Ness, Robert L., Jr., [redacted].
Nettling, John T., [redacted].
Neumann, Hans J., [redacted].
Newell, Clayton R., [redacted].
Newell, John L., [redacted].
Newell, William J., [redacted].
Newton, Edward C., IV, [redacted].
Nibbelink, James C., [redacted].
Nicholas, Thomas J., [redacted].
Nichols, Charlie V., [redacted].
Nichols, Dale L., [redacted].
Nichols, Rex A., [redacted].
Nickerson, Robert F., [redacted].
Nifmann, Patrick J., [redacted].
Nilsen, Roy M., [redacted].
Noel, Lloyd A., [redacted].
Nolan, John P., [redacted].
Normand, Anthony H., [redacted].
Norris, Jack K., [redacted].
Norris, James R., [redacted].
Norris, Michael R., [redacted].
Norton, George E., [redacted].
Nottingham, Donald, [redacted].
Novotney, Laurence, [redacted].
Nuccitelli, Robert, [redacted].
Oakley, Frank B., [redacted].
O'Brien, Alfred F., [redacted].
O'Brien, Andrew J., Jr., [redacted].
O'Connell, Courtenay, [redacted].
O'Connell, John J., Jr., [redacted].
O'Connell, Paul V., [redacted].
O'Connor, William G., [redacted].
Offer, Stuart J., [redacted].

Ogle, James T., [redacted].
Ogles, Albert G., Jr., [redacted].
Ogles, Thomas M., Jr., [redacted].
Ogley, Gary A., [redacted].
O'Hara, David B., [redacted].
Oi, John, [redacted].
Okeefe, John J., [redacted].
Okimoto, Alexander, [redacted].
Oldham, Michael J., [redacted].
Oleary, Bartholomew, [redacted].
Oliver, Edward L., [redacted].
Olson, David V., [redacted].
O'Malley, Thomas A., [redacted].
O'Neill, Timothy R., [redacted].
Ophus, James B., [redacted].
Ordway, Richard C., [redacted].
Orenstein, Leo R., [redacted].
Orlowski, Thomas J., [redacted].
O'Rourke, William H., [redacted].
Oshel, Michael E., [redacted].
Oslin, Robert W., [redacted].
Otis, John A., [redacted].
Otis, Norman K., [redacted].
Otto, Thomas W., Jr., [redacted].
Oursler, Robert C., [redacted].
Owen, David W., [redacted].
Owen, Robert V., Sr., [redacted].
Owens, James E., Jr., [redacted].
Owens, Jerry C., [redacted].
Owens, John M., III, [redacted].
Oxford, Cecil H., Jr., [redacted].
Pack, Richard A., [redacted].
Paczak, Thomas M., [redacted].
Paduano, Ralph J., [redacted].
Pailes, Jan V., [redacted].
Palmer, James E., [redacted].
Palmer, John A., [redacted].
Pantalion, Charles, [redacted].
Paramore, Ronald L., [redacted].
Pardew, James W., Jr., [redacted].
Parent, David S., [redacted].
Parker, Douglas C., [redacted].
Parker, James D., [redacted].
Parker, Joseph S., [redacted].
Parr, Arthur J., Jr., [redacted].
Parrish, Robert D., [redacted].
Parry, John D., [redacted].
Parsons, William X., [redacted].
Paschall, Charles H., [redacted].
Patterson, Robert G., [redacted].
Paylor, John W., [redacted].
Payne, Mack W., [redacted].
Payne, Thomas H., [redacted].
Pearson, Billy H., [redacted].
Pearson, Le Dell, [redacted].
Peat, Richard T., [redacted].
Peck, Daniel J., [redacted].
Pedersen, Milton D., [redacted].
Peery, George G., III, [redacted].
Pelt, James E., [redacted].
Penning, Michael N., [redacted].
Perez, Mario G., [redacted].
Perkins, Dennis L., [redacted].
Perkins, Rudy C., [redacted].
Perry, Eddie L., [redacted].
Perry, Judson E., [redacted].
Peters, Garry C., [redacted].
Petersberger, John, [redacted].
Peterson, Jon M., [redacted].
Petrilli, Frank J., [redacted].
Pevenstein, Jack E., [redacted].
Pevey, Tommy P., [redacted].
Pfeffer, Albert J., [redacted].
Pfeifle, William G., [redacted].
Pfrimmer, Robert J., [redacted].
Phillips, Phil G., Jr., [redacted].
Phillips, Stenphen N., [redacted].
Pier, William S., [redacted].
Pike, A. Nolan Lii, [redacted].
Piker, Charles E., [redacted].
Pilcher, David W., [redacted].
Pilkington, Edgar L., [redacted].
Pinkus, David R., [redacted].
Pittman, Robert C., [redacted].
Pitts, James H., [redacted].
Pitzer, James R., [redacted].
Pixton, Christopher, [redacted].
Plfasant, Justin K., [redacted].
Plumlee, Gordon K., [redacted].
Poage, Wayne L., [redacted].
Poe, William H., [redacted].
Pomager, Richard A., [redacted].
Pond, Richard G., Jr., [redacted].
Poole, George G., [redacted].
Poore, Randolph T., [redacted].
Porter, Charles W., [redacted].
Porter, William R., [redacted].
Potter, Leland W., Jr., [redacted].
Potter, Mark W., [redacted].
Powers, George F., Jr., [redacted].
Powers, George W., [redacted].
Prather, William W., [redacted].
Pratt, Frank G., Jr., [redacted].
Predmore, Keith E., [redacted].
Price, Dale R., [redacted].
Proctor, James H., Jr., [redacted].
Proctor, Stephen M., [redacted].
Proffitt, Robert W., [redacted].
Pryor, Charles A., Jr., [redacted].
Pummill, David L., [redacted].
Purcell, John Jr., [redacted].
Purcell, Lawrence L., [redacted].
Queen, John F., [redacted].
Quekemeyer, Henry B., [redacted].
Quick, Burnet R., [redacted].
Quinn, Dennis J., [redacted].
Quisenberry, James, [redacted].
Raab, Carl F. IV, [redacted].
Radosevich, Wilbert, [redacted].
Ragus, Leonard A., [redacted].
Randall, Amos, [redacted].
Rantala, John W., Jr., [redacted].
Ratchye, James C., [redacted].
Ratcliffe, Philander, [redacted].
Rathje, David F., [redacted].
Ratts, Michael D., [redacted].
Rawlerson, Franklin, [redacted].
Rawls, Jimmie D., [redacted].
Ray, James D., Jr., [redacted].
Raymont, Richard J., [redacted].
Read, Robert J., [redacted].
Reading, David K., [redacted].
Reagan, John E., [redacted].
Reed, Charles L., [redacted].
Reed, Nathan K., [redacted].
Reed, Rodney, P., [redacted].
Rees, Raymond F., [redacted].
Reid, Theodore, W., [redacted].
Reid, Walter H., [redacted].
Reilly, Bernard J., [redacted].
Reinkober, Thomas E., [redacted].
Remson, Arthur S., [redacted].
Rennagel, William C., [redacted].
Rhymers, Kurt L., [redacted].
Ricca, John J., [redacted].
Rice, John M., [redacted].
Rice, Ray E., [redacted].
Rice, Richard, [redacted].
Rich, Jimmie H., [redacted].
Richards, Wynn G., [redacted].
Richardson, John W., [redacted].
Richardson, Sterling, [redacted].
Rickert, John E., [redacted].
Rickman, Travis R., [redacted].
Riggins, Hiram T., Jr., [redacted].
Riggins, Rubin J., [redacted].
Riley, John E., Jr., [redacted].
Riley, Philip D., [redacted].
Rimer, James R., Jr., [redacted].
Rinehart, Stephen C., [redacted].
Ring, Dennis A., [redacted].
Ritch, John B., [redacted].
Ritter, John B., [redacted].
Riviello, Robert N., [redacted].
Rizzo, Samuel A., [redacted].
Robb, Douglas W., [redacted].
Robb, John E., [redacted].
Robblee, Paul A., Jr., [redacted].
Roberson, Bernard E., [redacted].
Roberson, Hugh B., [redacted].
Roberts, James A., [redacted].
Roberts, Jerry G., [redacted].
Roberts, Rodolfo, [redacted].
Robertson, William, [redacted].
Robeson, William M., [redacted].
Robie, Richard D., [redacted].
Robinson, David M., [redacted].
Robinson, Kenneth W., [redacted].
Robison, Cecil M., Jr., [redacted].
Rodier, Michael W., [redacted].
Rodrigues, Robert S., [redacted].
Rogers, Charles R., [redacted].
Rogerson, William A., [redacted].
Roggenkamp, Paul H., [redacted].
Rohde, Paul A., Jr., [redacted].
Romand, Michael A., [redacted].
Romans, Rodger D., [redacted].
Romine, Philo M., [redacted].
Roming, Peter P., [redacted].
Ronay, James C., [redacted].
Rondiak, Peter F., [redacted].
Rooney, John M., [redacted].
Root, Paul M., [redacted].
Roper, James R., [redacted].
Roper, Robert W., Jr., [redacted].
Rose, Donald E., Jr., [redacted].
Rose, Richard J., [redacted].
Roseborough, Morgan, [redacted].
Rosecrans, Rihcard, [redacted].
Rosser, Henry E., [redacted].
Rossow, Allen F., [redacted].
Rosten, Clyde D., [redacted].
Rourke, Robert U., Jr., [redacted].
Ruderman, Gill H., [redacted].
Ruf, William K., [redacted].
Rush, Bobby G., [redacted].
Russell, Richard D., [redacted].
Rutherford, Wilson, [redacted].
Rutledge, John H., [redacted].
Ryland, Charles M., [redacted].
Sack, Lawrence A., [redacted].
Salt, Terrence C., [redacted].
Salter, Stephan M., [redacted].
Sanderson, David E., [redacted].
Sandin, Ramon A., Jr., [redacted].
Sands, Gerald A., [redacted].
Sandstrom, Kenneth, [redacted].
Sanford, Gaylord B., [redacted].
Sanford, Steven D., [redacted].
Sas, Martin S., [redacted].
Sasfy, Stephen M., [redacted].
Sauls, Heyward C., [redacted].
Saunders, Mark B., [redacted].
Sawyer, Philip A., [redacted].
Scales, Robert H., Jr., [redacted].
Schatley, Glen H., [redacted].
Schantz, John C., [redacted].
Schlottman, James C., [redacted].
Schmitt, Joseph A., [redacted].
Schmus, Richard J., [redacted].
Schneider, Gerald L., [redacted].
Schopp, John H., [redacted].
Schrader, Gregg M., [redacted].
Schremp, Bruce H., [redacted].
Schrimsher, Geoffrey, [redacted].
Schroeder, Thomas M., [redacted].
Schroff, William F., [redacted].
Schuck, William J., [redacted].
Schulcz, Arthur A., [redacted].
Schulz, Robert H., Jr., [redacted].
Schwebach, James J., [redacted].
Schweppe, Howard B., [redacted].
Schwoerke, Roland J., [redacted].
Scureman, Mark, A., [redacted].
Seawell, John P., [redacted].
Sefrin, Paul R., [redacted].
Seger, Robert E., [redacted].
Seigle, Robert N., [redacted].
Seigrist, Charles F., [redacted].
Selsor, James L., [redacted].
Sendak, Theodore T., [redacted].
Sette, Domenic R., [redacted].
Sever, Kenneth C., [redacted].
Severino, Angelo A., [redacted].
Seymour, John A., Jr., [redacted].
Shaffer, Gavin D., Jr., [redacted].
Shamblen, James F., [redacted].
Shannon, Edward J., [redacted].
Shannon, James M., [redacted].
Sharp, Gregory L., [redacted].
Sharp, Marvin W., [redacted].
Shaver, William G., [redacted].
Shaw, Clarence R., Jr., [redacted].
Shea, William E., [redacted].
Sheer, Tracy B., [redacted].
Sheffey, John F., [redacted].
Sheldon, Donald J., [redacted].
Sheldon, Douglas, [redacted].
Sheldon, Frederick, [redacted].
Shepard, James G., [redacted].

Shepard, Stephen E., [redacted].
Shepherd, Arthur R., [redacted].
Shepps, Robert J., [redacted].
Sherrard, Roger D., [redacted].
Sherry, James F., [redacted].
Shiffer, Jon M., [redacted].
Shipley, Bruce G., [redacted].
Shipman, Ted L., [redacted].
Shipp, Charles A., [redacted].
Shook, John R., [redacted].
Shriner, Robert M., [redacted].
Shutty, Bernard J., [redacted].
Sickinger, Thomas L., [redacted].
Silcox, Franklin H., [redacted].
Siler, Kenneth K., [redacted].
Silva, Thomas F., [redacted].
Simmons, Sammie D., [redacted].
Simon, Henry F., [redacted].
Simpson, Edwin W., [redacted].
Simpson, Kenneth W., [redacted].
Simpson, Larry D., [redacted].
Sims, Benjamin A., [redacted].
Sims, Douglas A., [redacted].
Sims, Joe A., Jr., [redacted].
Sisti, Francis J., [redacted].
Skelley, Richard B., [redacted].
Skirvin, Glen D., Jr., [redacted].
Sloane, Medwyn D., [redacted].
Smeeks, Frank C., Jr., [redacted].
Smidt, Orville B., [redacted].
Smith, Carl T., [redacted].
Smith, Daniel M., [redacted].
Smith, Edgar A. P., Jr., [redacted].
Smith, Edgar L., III, [redacted].
Smith, Edward B., [redacted].
Smith, Elvin T., Jr., [redacted].
Smith, Jeffrey H., [redacted].
Smith, John A., [redacted].
Smith, John E., III, [redacted].
Smith, John T., Jr., [redacted].
Smith, John W., [redacted].
Smith, John W., [redacted].
Smith, Larry G., [redacted].
Smith, Lawrence M., [redacted].
Smith, Mason E., [redacted].
Smith, Michael R., [redacted].
Smith, Raymond M., [redacted].
Smith, Richard W., [redacted].
Smith, Ronald G., [redacted].
Smith, Thomas G., Sr. [redacted].
Smith, Walter A., III, [redacted].
Smith, Walter C., [redacted].
Snyder, Karl S., [redacted].
Sodnicar, Frank M., [redacted].
Sonstelif, Richard, [redacted].
Sorensen, James R., [redacted].
Souvenir, Stanley J., [redacted].
Sovie, Donald E., [redacted].
Spanos, William, [redacted].
Sparks, William T., [redacted].
Speer, Wilbur R., [redacted].
Spinetto, John D., [redacted].
Spinks, Thomas M., [redacted].
Squillace, Ralph C., [redacted].
Staber, Daniel E., Jr., [redacted].
Staiti, Peter F., [redacted].
Stanford, Larry R., [redacted].
Stankovich, Robert, [redacted].
Stark, Michael E., [redacted].
Steel, Jon L., [redacted].
Steelman, Robert C., [redacted].
Stefanowicz, Raymond S., [redacted].
Steffensen, Lynn A., [redacted].
Stein, Harry A., [redacted].
Steiner, Charles R., [redacted].
Stenstrom, Ronald L., [redacted].
Stepaniak, Frederick, [redacted].
Stephens, Charles E., [redacted].
Stephens, Jack R., [redacted].
Sterling, Douglas F., [redacted].
Steuer, Charles E., [redacted].
Steve, Joseph A., Jr., [redacted].
Stevens, Winfred A., [redacted].
Steverson, James R., [redacted].
Steward, Edward C., [redacted].
Stewart, Gary M., [redacted].
Stewart, Thomas J., [redacted].
St Germain, Henry J. [redacted].
St. John, Richard L. [redacted].
Stobie, John P., [redacted].
Stocker, Ronald W., [redacted].
Stockhaus, John A., [redacted].
Stone, Edwin S., III., [redacted].
Storrs, Rodric A., [redacted].
Stout, Carl F., [redacted].
Stowell, Walter O., [redacted].
Stowers, Charles T., [redacted].
Stracensky, Gary C., [redacted].
Strange, Theodore R., [redacted].
Strapac, John J., [redacted].
Strassburg, Thomas, [redacted].
Stream, Joel, [redacted].
Strokin, Victor J., [redacted].
Stull, Terry G., [redacted].
Sullivan, Daniel W., [redacted].
Sullivan, Leon W., Jr., [redacted].
Sullivan, Robert B., [redacted].
Sullivan, Thomas J., [redacted].
Sullivan, William C., [redacted].
Suminski, Leonard T., [redacted].
Summerford, Ted W., [redacted].
Swain, Richard M., [redacted].
Swain, Thomas E., [redacted].
Sweeney, Thomas W., [redacted].
Swenson, Peter C., [redacted].
Szlachetka, Marion, [redacted].
Szuszka, Kenneth J., [redacted].
Taksar, Ronald J., [redacted].
Tanijo, Wilfred M., [redacted].
Tarowsky, Edward G., [redacted].
Tarpley, Thomas J., [redacted].
Tausch, Egon R., [redacted].
Tauscher, Elwood R., [redacted].
Taylor, Harry O., [redacted].
Taylor, John C., [redacted].
Taylor, Michael E., [redacted].
Taylor, Richard H., [redacted].
Taylor, Wayne A., [redacted].
Templer, Thomas W., [redacted].
Tenis, Andrew, [redacted].
Tepper, Elliott L., [redacted].
Terrell, Richard D., [redacted].
Tessier, Robert J., [redacted].
Thatcher, Leslie D., [redacted].
Theriault, Raymond, [redacted].
Theroux, Thomas, R., [redacted].
Therrell, Brock M., [redacted].
Thiel, Roger A., [redacted].
Thimblin, Michael D., [redacted].
Thoden, Richard W., [redacted].
Thomas, Charles L., [redacted].
Thomas, Cleveland J., [redacted].
Thomas, Clifford M., [redacted].
Thomas, Evert S., III, [redacted].
Thomas, James A., III, [redacted].
Thomas, Maurice A., [redacted].
Thomas, Michael A., [redacted].
Thomason, Joel F., Jr., [redacted].
Thompson, Berry H., [redacted].
Thompson, Conley C., [redacted].
Thompson, Grover F., [redacted].
Thompson, James E., [redacted].
Thompson, Robert M., [redacted].
Thompson, Robert R., [redacted].
Thompson, Roger G., [redacted].
Thomson, Don D., [redacted].
Thomson, James L., [redacted].
Thornblom, Douglas, [redacted].
Thornhill, Frank W., [redacted].
Thornton, Harold E., [redacted].
Throckmorton, Edward, [redacted].
Tillman, George R., [redacted].
Tillson, John C., [redacted].
Timm, Timothy G., [redacted].
Timmes, Thomas A., [redacted].
Todd, David M., [redacted].
Tomoyasu, Wayne R., [redacted].
Tonn, George W., [redacted].
Toohey, James P., [redacted].
Torbert, Ronald D., [redacted].
Tracy, Stephen A., [redacted].
Traubel, William E., [redacted].
Trfadwell, David O., [redacted].
Trimble, Joseph F., [redacted].
Trout, Marvin D., [redacted].
Tualla, Larry G., [redacted].
Tucker, David G., [redacted].
Tucker, Larry W., [redacted].
Tucker, Thomas A., [redacted].
Tupa, George L., [redacted].
Turbish, James W., [redacted].
Turi, Robert T., [redacted].
Turnbull, James W., [redacted].
Turner, Courtney K., [redacted].
Turner, Gary D., [redacted].
Turner, Robert H., [redacted].
Tutton, James R., Jr., [redacted].
Upchurch, Robert H., [redacted].
Utter, George B., III, [redacted].
Vail, Richard H., [redacted].
Vance, Richard L., [redacted].
Vanhelsand, Marshall, [redacted].
Vanprodyen, Jan A., [redacted].
Vansickle, James E., [redacted].
Vaughn, Charles G., [redacted].
Vedrani, Ronald W., [redacted].
Vivian, James S., [redacted].
Voda, John J., Jr., [redacted].
Vollman, Dennis F., [redacted].
Vose, Leonard C., [redacted].
Wade, Michael R., [redacted].
Wagner, Anthony L., [redacted].
Waldo, Daniel W., [redacted].
Walker, Conley E., [redacted].
Walker, Darrell W., [redacted].
Walker, Marshall K., [redacted].
Wallace, Norman W., [redacted].
Wallhausen, Ernest, [redacted].
Walls, Richard D., [redacted].
Wallschlaeger, Charles, [redacted].
Walsh, James D., Jr., [redacted].
Walsh, Richard M., [redacted].
Walsh, Robert J., [redacted].
Walthers, Alan E., [redacted].
Walton, Benny B., [redacted].
Walton, Williard, Jr., [redacted].
Waltz, John B., III, [redacted].
Warren, Dennis J., [redacted].
Warren, Larry D., [redacted].
Washburn, Dennis A., [redacted].
Watkins, John M., Jr., [redacted].
Watkins, Peter F., Jr., [redacted].
Watson, Sherman E., [redacted].
Waylonis, Kenneth A., [redacted].
Webster, George K., [redacted].
Webster, Patrick D., [redacted].
Weddle, Paul C., [redacted].
Weinberg, Paul, [redacted].
Weis, Gerhard W., [redacted].
Weise, David G., [redacted].
Weich, Albert C., [redacted].
Weich, Douglas M., [redacted].
Weich, Emmett A., [redacted].
Weils, Geoffrey F., [redacted].
Welsh, Leo F., Jr., [redacted].
Whelihan, William L., [redacted].
Whelthan, William P., [redacted].
Whiddon, Lester V., [redacted].
Whisker, Dennis W., [redacted].
Whitaker, Gary D., [redacted].
White, Frank L., Jr., [redacted].
White, James L., [redacted].
White, Richard A., Jr., [redacted].
White, Ronnie R., [redacted].
Whiteacre, Kenneth, [redacted].
Whiteman, Steven H., [redacted].
Whitton, Robert W., [redacted].
Wight, William J., [redacted].
Wild, John W., [redacted].
Wilkinson, Robert A., [redacted].
Willette, Larry J., [redacted].
Willhoite, Howard, [redacted].
Williams, Charles J., [redacted].
Williams, David E., [redacted].
Williams, Duane E., [redacted].
Williams, Edwin A., [redacted].
Williams, James L., [redacted].
Williams, James W., [redacted].
Williams, Lewis R., [redacted].
Williams, Marion G., [redacted].
Williams, Robert B., [redacted].
Williams, Roger L., [redacted].
Williams, Stephen A., [redacted].
Williams, Wayne L., [redacted].
Williams, Welborn J., [redacted].
Williamson, Cline H., [redacted].
Williamson, Donald, [redacted].
Williamson, Rex P., [redacted].
Willison, Gary S., [redacted].
Willmann, Lawrence, [redacted].
Wilmeth, James L., [redacted].

Wilson, Bruce M., [redacted].
Wilson, Charles R., [redacted].
Wilson, Daniel E., [redacted].
Wilson, Gerald R., Jr., [redacted].
Wilson, Haldon D., Jr., [redacted].
Wilson, Harvey L., [redacted].
Wilson, John W., Jr., [redacted].
Wilson, Woodrow O. J., [redacted].
Winger, John H., [redacted].
Winterling, Grayson, [redacted].
Wisdom, Jerry L., [redacted].
Wise, James C., [redacted].
Wise, Lawrence F., Jr., [redacted].
Wisneski, Larry E., [redacted].
Wissinger, Dennis O., [redacted].
Witczak, Chester W., [redacted].
Wolfe, Jack W., [redacted].
Wolfe, James B., [redacted].
Wolfe, Walter M., Jr., [redacted].
Woltersdorf, John W., [redacted].
Wood, Piers M., [redacted].
Woods, John G., [redacted].
Woodward, Richard D., [redacted].
Wotkyns, Anthony L., [redacted].
Wright, Adrian R., [redacted].
Wright, Cooper L., [redacted].
Wright, Donald A., [redacted].
Wright, Edgar, [redacted].
Wright, James E., Jr., [redacted].
Wright, Robert D., [redacted].
Wright, Walter G., [redacted].
Wrightson, Samuel H., [redacted].
Wyite, Alexander C., [redacted].
Yacovelli, Phillip, [redacted].
Yanchar, Joseph J., [redacted].
Yates, Theodore W., [redacted].
Yenrick, Philip C., [redacted].
Youmans, Tommy B., [redacted].
Young, Earl W., Jr., [redacted].
Young, Roger A., [redacted].
Young, Thomas J., Jr., [redacted].
Yudesis, Benjamin M., [redacted].
Zakaluk, Stephen C., [redacted].
Zamory, David A., [redacted].
Zeiler, Richard H., [redacted].
Zifrdt, John G., Jr., [redacted].
Zink, Gale R., Jr., [redacted].

CHAPLAIN CORPS

To be captain

Herbster, Kenneth J., [redacted].
Williams, James A., [redacted].

WOMEN'S ARMY CORPS

To be captain

Carney, Marilyn M., [redacted].
Davis, Rosemary L., [redacted].
Devlin, Barbara, [redacted].
Evankovich, Genevieve, [redacted].
Jurgevich, Nancy, J., [redacted].
Malone, Wiletta, [redacted].
Seidemann, Constance, [redacted].
Smith, Mary J., [redacted].
Stripling, Marla J., [redacted].

MEDICAL CORPS

To be captain

Berliner, Daniel S., [redacted].
Carpenter, John L., [redacted].
Cavanaugh, Daniel G., [redacted].
Dalton, Bruce A., [redacted].
Davis, Geoffrey V., [redacted].
Doelle, John C., [redacted].
Hartong, John M., [redacted].
Head, Harold D., [redacted].
Kramer, Kenyon K., [redacted].
Krfutzmann, Robert, [redacted].
Krupa, Lawrence T., [redacted].
Watson, Richard A., [redacted].
Wessels, James V., [redacted].

DENTAL CORPS

To be captain

Ahiers, Robert C., [redacted].
Allen, Michael D., [redacted].
Ficara, Anthony J., [redacted].
Kuen, John B., [redacted].
Todd, Maylon J., [redacted].

VETERINARY CORPS

To be captain

Alishouse, Harvel F., [redacted].
Balk, Melvin W., [redacted].
Carlisle, Eddie L., [redacted].
Deen, Wallace A., [redacted].
Marrs, Glen E., Jr., [redacted].
McKinley, Edmund R., [redacted].
Raflo, Charles P., [redacted].
Ridder, William E., [redacted].
Scharding, John H., [redacted].
Vogel, Lyle P., [redacted].
Wood, Larry D., [redacted].

MEDICAL SERVICE CORPS

To be captain

Anderson, Kenneth W., [redacted].
Anderson, Robert M., [redacted].
Arnt, Stpehen W., [redacted].
Radgett, Arthur L., [redacted].
Bailey, Ray H., [redacted].
Barker, Franklin T., [redacted].
Bell, William H., Jr., [redacted].
Blackwell, Russell, [redacted].
Bodenbender, David, [redacted].
Bogue, Ronald A., [redacted].
Borzotra, Winslow F., [redacted].
Boyd, Willie H., [redacted].
Brown, Bruce J., [redacted].
Bunch, James S., [redacted].
Byrne, Terrence R., [redacted].
Caskey, William A., [redacted].
Catanzaro, Thomas E., [redacted].
Chappell, George B., [redacted].
Charlton, William T., [redacted].
Christman, Laurence, [redacted].
Church, Zaidos N., [redacted].
Cigal, Paul A., [redacted].
Clark, Philip E., Jr., [redacted].
Clegg, Thomas A., [redacted].
Coldren, Lawrence E., [redacted].
Collins, Michael H., [redacted].
Collopy, Eugene A., [redacted].
Cooper, Clarence C., [redacted].
Coventry, John A., [redacted].
Damato, James J., [redacted].
Davis, Richard C., Jr., [redacted].
Deponville, Robert, [redacted].
Dohany, Alexander L., [redacted].
Doty, Richard D., [redacted].
Ferinde, John, [redacted].
Foust, Jerome V., [redacted].
Fraser, Robert E., [redacted].
Galenes, Alexander, [redacted].
Gilkey, John H., [redacted].
Goodman, Roy B., [redacted].
Grigg, Donald E., [redacted].
Hamilton, John, [redacted].
Hammond, Sterling D., [redacted].
Harding, Richard A., [redacted].
Harvey, William L., [redacted].
Hinton, Samuel M., [redacted].
Hohmann, James G., [redacted].
Holberton, Roger E., [redacted].
Hooker, Scottie T., [redacted].
Horrell, Ronald L., [redacted].
Howard, John R., [redacted].
Howell, James L., [redacted].
Hoxie, Ferman C., [redacted].
Hunt, William C., [redacted].
Inazu, William M., [redacted].
Jacobs, Gerald D., [redacted].
James, Charles H., [redacted].
Jenna, Russell W., Jr., [redacted].
Johnson, Barry J., [redacted].
Jones, Thomas C., [redacted].
Jordan, Charles F., [redacted].
Juchau, Simmeon V., [redacted].
Keel, Hugh N., III., [redacted].
Kinane, Thomas J., [redacted].
Krupka, Thaddeus A., [redacted].
Lackey, George R., [redacted].
Langhorne, Webster, [redacted].
Lea, Mebane T., Jr., [redacted].
Leplanc, Robby J., [redacted].
Lenz, Ernest J., [redacted].
Lull, Robert W., [redacted].
Lyon, Wendell K., [redacted].
Lyons, Joseph F., [redacted].
Madkins, Lawrence H., [redacted].
Makarevich, Robert, [redacted].
Maloney, Alfred S., [redacted].
Manning, Randolph, [redacted].
Manoil, Robert, [redacted].
Markey, Keith L., [redacted].
Markle, Brian C., [redacted].
McAdams, Spurgeon A., [redacted].
McAleer, Charles F., [redacted].
McMasters, Bernard, [redacted].
Miles, Ronald D., [redacted].
Miller, Allan R., [redacted].
Mohn, John R., [redacted].
Moody, Hershell, L., [redacted].
Moon, James F., [redacted].
Moore, Robert T., [redacted].
Morris, Arnold E., [redacted].
Morrison, James L., [redacted].
Mote, Edgar F., [redacted].
Nebill, John L., [redacted].
Obrien, Robert M., [redacted].
Odum, David J., [redacted].
Ostrander, James H., [redacted].
Owen, John T., [redacted].
Palmer, Jesse E., [redacted].
Paxton, Robert C., [redacted].
Peake, James B., [redacted].
Peters, Curtis A., [redacted].
Piskun, Walter S., [redacted].
Plank, Gordon H., [redacted].
Quinn Frank X., [redacted].
Rawlings, James S., [redacted].
Redden, Jimmy D., [redacted].
Redmond, John III, [redacted].
Reed, Podge M. Jr., [redacted].
Reid, Willis A. Jr., [redacted].
Ross, Edwin S. VI, [redacted].
Salander, James M., [redacted].
Salko, Joseph E., [redacted].
Sawallesh, Robert F., [redacted].
Schmierer, Alan F., [redacted].
Schneider, Richard, [redacted].
Scott, James A., [redacted].
Sierra, Albert J., Jr., [redacted].
Slifer, William E., [redacted].
Smith, Clarence W., Jr., [redacted].
Smithee, Robert W., [redacted].
Sorensen, Wayne B., [redacted].
Stalker, William H., [redacted].
Steenken, Wehland G., [redacted].
Stephens, Robert B., [redacted].
Thomas, Buddy G., [redacted].
Tonniges, Gary L., [redacted].
Turk, John D., [redacted].
Turman, Robert R., [redacted].
Tysor, Kenneth E., [redacted].
Usry, Robert T., [redacted].
Valdes, Victor M., [redacted].
Vatne, Clarence G., [redacted].
Vaughn, David E., [redacted].
Washington, Curtis, [redacted].
Wheeler, Leigh F., Jr., [redacted].
Willis, Herman F., Jr., [redacted].
Wilson, Edward B., [redacted].
Wilson, Lynnford S., [redacted].
Wilson, Torrence M., [redacted].
Wisdom, Harry A., Jr., [redacted].
Workman, Dale H., [redacted].

ARMY NURSE CORPS

To be captain

Accardo, Wilbert J., [redacted].
Allanach, Bruce C., [redacted].
Anundson, William D., [redacted].
Arndt, Georgene E., [redacted].
Ashley, Nancy R., [redacted].
Barsh, John E., [redacted].
Baysinger, Douglas, [redacted].
Bryan, Gareth D., [redacted].
Clark, Dorothy J., [redacted].
Cochran, Ronald L., [redacted].
Copenhaver, Dianne, [redacted].
Duke, Terrance M., [redacted].
Ellis, Wayne E., [redacted].
Eubanks, Lonnie H., Jr., [redacted].
Firman, Terrence G., [redacted].
Fox, Judith L., [redacted].
Grenon, David K., [redacted].
Guida, Robert A., [redacted].
Gurney, Peter L., [redacted].
Hopkins, Roger N., [redacted].
Howard, Duane L., [redacted].
Hudock, John M., Jr., [redacted].
Huntington, Theodore, [redacted].
Hutchinson, Judith, [redacted].
Jones, James E., Jr., [redacted].
Jones, Mary M., [redacted].
King, Kenneth E., [redacted].
Knepper, Glenn B., [redacted].
Kosik, Janet A., [redacted].
Lackovich, Sophie M., [redacted].

Leavell, Ronald E., [redacted].
Lebel, Leo A., [redacted].
Leonard, Lawrence C., [redacted].
Leonard, John F., [redacted].
Long, Jerry D., [redacted].
Maloney, Joseph P., [redacted].
McElwee, Thomas P., Jr., [redacted].
McEntire, Jackie J., [redacted].
Misener, Terry R., [redacted].
Murrin, Barbara J., [redacted].
O'Connor, Stephen, J., [redacted].
Olson, Thomas J., [redacted].
Pang, Sandra J., [redacted].
Patnode, Louis G., [redacted].
Queen, Henry J., Jr., [redacted].
Riedman, John A., [redacted].
Sanford, Dan M., [redacted].
Sapolis, Richard J., [redacted].
Schanding, Donald W., [redacted].
Showman, Lonnie J., [redacted].
Slotter, Sandra L., [redacted].
Stamper, Roy R., [redacted].
Vartigian, Helen A., [redacted].
Wagner, Jimmie R., [redacted].
Wimett, Joan J., [redacted].
Wimett, William J., [redacted].
Woldt, Gerald D., [redacted].
Zeiner, Sharon A., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be captain

Bajema Sheldon L., [redacted].
Clausen, Juanita, [redacted].
Cronin, Martha A., [redacted].
Ellsworth, Paul D., [redacted].
Harper, John A., [redacted].
Havlick, David A., [redacted].
Hughes, Everett A., [redacted].
Ingeman, Peter L., [redacted].
Kersey, Douglas A., [redacted].
Maize, Roy S., II, [redacted].
Olszewski, Valerie, [redacted].
Palm, Leah, [redacted].
Sater, Derrol H., [redacted].
Sweeney, Bonnie E., [redacted].

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be major

Aamodt, Ludvig J., [redacted].
Abbuhl, Willmott, [redacted].
Abel, Kenneth B., [redacted].
Abernathy, Eugene B., [redacted].
Abrahamson, James L., [redacted].
Adams, Charles M., III, [redacted].
Adams, Hugh W. H., [redacted].
Adams, James W. R., [redacted].
Adams, Melvin M., [redacted].
Adamson, Henry K., III, [redacted].
Adkins, Thomas J., Jr., [redacted].
Aidie, Thomas H., [redacted].
Akers, Jimmy D., [redacted].
Akin, Robert B., [redacted].
Aleksiunas, Robert, [redacted].
Alexander, Richard, [redacted].
Alhouse, Robert D., [redacted].
Allanson, Will B., [redacted].
Allen, Jerry P., [redacted].
Allen, Richard H., [redacted].
Allen, Sydna B., Jr., [redacted].
Allen, Teddy G., [redacted].
Alley, Frank M., Jr., [redacted].
Allison, James K., [redacted].
Allred, Raymond S., [redacted].
Alt, Richard M., [redacted].
Altom, Gilbert J., [redacted].
Amend, William B., [redacted].
Amlong, William E., [redacted].
Ammons, David C., [redacted].
Amos, John O., [redacted].
Andre, David H., [redacted].
Andrew, John K., [redacted].
Andrews, John D., [redacted].
Angolia, John R., [redacted].
Appel, Cyril W., [redacted].
Appleton, Forrest W., [redacted].
Apruzzese, Vincent, [redacted].
Arndt, Terrence L., [redacted].
Arrisgado, Maurice, [redacted].
Arwood, Thomas B., [redacted].
Atkeson, Thomas L., [redacted].
Atwood, John B., [redacted].
Ault, John W., Jr., [redacted].
Auyong Stephen K., [redacted].
Bacon, Donald D., [redacted].
Badger, William W., [redacted].
Baer, William V., Jr., [redacted].
Bagdonas, Edward, [redacted].
Bahniuk, Edward M., [redacted].
Bair, Arthur H., Jr., [redacted].
Baker, David G., [redacted].
Baker, Robert W., [redacted].
Balaguer, Melchor C., [redacted].
Balberde, Alexander, [redacted].
Baldwin, Ronald C., [redacted].
Baldwin, Roy G., [redacted].
Balkovetz, Fred W., [redacted].
Banks, John W., Jr., [redacted].
Banning, Robert D., [redacted].
Barbe, Charles D., [redacted].
Barkett, John S., [redacted].
Barkley, William A., [redacted].
Barksdale, Lewis B., [redacted].
Barmore, Frederick, [redacted].
Barnes, Jimmie E., [redacted].
Barnes, William R., [redacted].
Barnwell, Isaiah E., [redacted].
Barnwell, Marion L., [redacted].
Barratt, Richard H., [redacted].
Barrett, Peter J., [redacted].
Barrett, Richard J., [redacted].
Barrett, Thomas E., [redacted].
Barrett, William M., [redacted].
Barrington, David O., [redacted].
Barros, John J., [redacted].
Barrow, John P., [redacted].
Barrus, Rollin L., [redacted].
Barton, Charles D., [redacted].
Basha, Robert T., [redacted].
Basham, Harold R., [redacted].
Batcheler, George E., [redacted].
Baugh, Raymond C., [redacted].
Baxter, Thomas R., [redacted].
Beach, David R., [redacted].
Beachem, Paul J., [redacted].
Beard, Louin L., [redacted].
Beasley, John D., III, [redacted].
Beasley, Rodney S., [redacted].
Beaty, William E., [redacted].
Beaumont, Marion E., [redacted].
Beck, Buddy G., [redacted].
Beck, John A., [redacted].
Becker, Ronald C., [redacted].
Beckett, Jack A., [redacted].
Beckworth, Hancel A., [redacted].
Beech, Gary D., [redacted].
Behnke, James E., [redacted].
Beld, Thomas W., [redacted].
Belinsky, Howard M., [redacted].
Belisle, Aldorien E., [redacted].
Benagh, William E., Jr., [redacted].
Bennett, Eugene W., [redacted].
Bennett, Richard C., [redacted].
Bennett, Roger M., [redacted].
Benson, Frederick S., [redacted].
Bentley, Robert G., [redacted].
Berkley, Nathan R., [redacted].
Berman, Leo, [redacted].
Bernard, Richard A., [redacted].
Berta, Thomas L., [redacted].
Bertils, Bertel R., [redacted].
Besson, Frank S. III, [redacted].
Beurket, Raymond T., [redacted].
Beyer, Alfred H., [redacted].
Beyer, Harry C., [redacted].
Beyer, Lawrence F., [redacted].
Beyer, Robert J., [redacted].
Bias, William K., [redacted].
Bibbins, George L., [redacted].
Bice, Burton C., [redacted].
Bihn, Marvin A., [redacted].
Birrane, John H., [redacted].
Biscomb, Gordon L., [redacted].
Bishop, Edward L., [redacted].
Bishop, John C., [redacted].
Bishop, Robert L., [redacted].
Biskup, Robert L., [redacted].
Blakely, Clyde H., [redacted].
Blanchard, Robert D., [redacted].
Blankenship, Malcolm, [redacted].
Blasco, Andrew P., [redacted].
Bliss, Richard A., [redacted].
Boes, Richard W., [redacted].
Bogenrife, Richard, [redacted].
Bohman, Jack E., [redacted].
Boles, John L., [redacted].
Boles, Wayne T., [redacted].
Boliaris, Daniel F., [redacted].
Boller, Richard R., [redacted].
Bond, John A., [redacted].
Boothe, Robert S., [redacted].
Bopp, James E., [redacted].
Borgman, John D., [redacted].
Borgmann, Wayne A., [redacted].
Borlund, Thomas V., [redacted].
Borstorff, Allan R., [redacted].
Bosking, William H., [redacted].
Boss, Jerry L., [redacted].
Boston, Louis J., [redacted].
Boulware, Jefferson, [redacted].
Bourque, Archille, [redacted].
Bowdan, Melvin R., Jr., [redacted].
Bowers, Robert F., [redacted].
Bowser, William H., [redacted].
Boyd, James R., [redacted].
Boyd, Robert C., [redacted].
Boyd, Thomas G., [redacted].
Boyd, Thomas J., [redacted].
Boyd, William J., [redacted].
Boyle, Russell T., Jr., [redacted].
Boylston, Graves L., [redacted].
Boysen, John H., [redacted].
Bradin, James W., IV, [redacted].
Bradley, Holley D., [redacted].
Braithwaite, David, [redacted].
Branagan, Brian J., [redacted].
Brandt, Harold H., [redacted].
Brashear, Hollis N., [redacted].
Brasher, Thurman W., [redacted].
Brass, Ronald W., [redacted].
Bratisax, Roland J., [redacted].
Breedlove, Joe J., [redacted].
Breen, William W., [redacted].
Brehaut, Joseph W., [redacted].
Brem, Homer L., Jr., [redacted].
Brenner, Donald R., [redacted].
Bresette, Allen A., [redacted].
Breslin, Frederick, [redacted].
Brett, William J., [redacted].
Brewer, Robert R., [redacted].
Briggs, Harold L., Jr., [redacted].
Broadhurst, Donald, [redacted].
Broksieck, Don E., [redacted].
Broocke, Nathan I., [redacted].
Brooke, Arthur L., II, [redacted].
Brookshire, George, [redacted].
Brothwell, Richard, [redacted].
Brown, Donn W., [redacted].
Brown, Joseph E., [redacted].
Brown, Larry D., [redacted].
Brown, Patty E., [redacted].
Brown, Richard L., [redacted].
Brown, Roy E., [redacted].
Brown, Walter T., Jr., [redacted].
Brownfield, Boyd J., [redacted].
Browning, David B. J., [redacted].
Brugger, Karl A., [redacted].
Brunelle, Pierre V., [redacted].
Brunkow, Richard O., [redacted].
Bruschette, Jerome, [redacted].
Buchanan, William, [redacted].
Buckman, Leroy R., [redacted].
Buckner, James L., [redacted].
Buczek, Richard C., [redacted].
Buell, William C. V., [redacted].
Buffaloe, Laurence, [redacted].
Bullard, Monte R., [redacted].
Bunij, Edwin W., [redacted].
Buntyn, James R., Jr., [redacted].
Buono, Daniel P., [redacted].
Burba, Edwin H., Jr., [redacted].
Burchell, Larry E., [redacted].
Burdin, J. D., [redacted].
Burleson, Grady L., [redacted].
Burleson, Willard M., [redacted].
Burley, Earl B., [redacted].
Burns, Walter L., [redacted].
Burrell, Raymond E., [redacted].
Butts, Orville N., [redacted].

Butts, William T., [redacted].
Byars, Harold W., [redacted].
Byrd, Charles R., [redacted].
Byrd, Melvin L., [redacted].
Cain, Morton G., [redacted].
Cain, Moses A., [redacted].
Cain, William H., Jr., [redacted].
Calhoun, George H., [redacted].
Callahan, Joel T., [redacted].
Campbell, George C., [redacted].
Campbell, J. Frank, [redacted].
Campbell, James T., [redacted].
Campbell, Robert P., [redacted].
Campi, Francis V., [redacted].
Cannon, Edwin E., Jr., [redacted].
Cannon, Robert S., [redacted].
Cantrell, Ralph D., [redacted].
Capps, Eugene S., [redacted].
Carbone, Anthony J., [redacted].
Carey, Norman C., [redacted].
Carlisle, Robert M., [redacted].
Carmichael, Rex, Jr., [redacted].
Carmichael, Roderic, [redacted].
Carrier, David R., [redacted].
Carroll, Edward J., [redacted].
Carter, Bobby J., [redacted].
Casey, Andrew M., [redacted].
Catlett, Charles [redacted].
Catron, Robert J., [redacted].
Cavoli, Ivo J., [redacted].
Cephas, Earle F., [redacted].
Cercy, James C., [redacted].
Chalmers, Paul A., Jr., [redacted].
Chancellor, Robert, [redacted].
Chandler, Edward V., [redacted].
Chandler, Fitzhugh, [redacted].
Chapman, Thomas R., [redacted].
Chesher, Phillip B., [redacted].
Cianciolo, August M., [redacted].
Cini, Lyn G., [redacted].
Claiborn, Max R., [redacted].
Clark, Howard W., [redacted].
Clark, Richard A., [redacted].
Clarke, Robert L., [redacted].
Clary, William T., [redacted].
Clement, Joe M., [redacted].
Clifton, James A., [redacted].
Clough, William S., [redacted].
Cloy, Richard C., [redacted].
Coker, James R., [redacted].
Colby, Nathaniel F., [redacted].
Cole, John W., [redacted].
Cole, Leslie W., [redacted].
Coleman, Charlie W., [redacted].
Conlon, John F., [redacted].
Connell, Frank M., [redacted].
Connolly, John D., [redacted].
Conway, Rody M., [redacted].
Cook, Donald M., [redacted].
Cook, Robert W., [redacted].
Cooley, Russell E., III, [redacted].
Cooney, Terence P., [redacted].
Cooper, William H., III, [redacted].
Corby, John F., [redacted].
Corey, Robert J., [redacted].
Corliss, William D., [redacted].
Cornell, Marcus C., [redacted].
Corns, Johnnie H., [redacted].
Corr, James C., [redacted].
Cortelli, Richard J. [redacted].
Cote, Paul R., [redacted].
Cotrupi, Francis J., [redacted].
Cotts, David G., [redacted].
Council, Robert L., [redacted].
Courts, Philip E., [redacted].
Coury, David G., [redacted].
Covington, Dwight H., [redacted].
Covington, Henry H., [redacted].
Cox, Ronald D., [redacted].
Coyne, John F., Jr., [redacted].
Craig, Hal N., [redacted].
Craig, Jack A., Jr., [redacted].
Craig, Joe F., [redacted].
Craig, Sam W., Jr., [redacted].
Craighead, Clyde V., [redacted].
Cramer, Carl L., [redacted].
Cramer, Ronald P. [redacted].
Crane, Kenneth C., [redacted].
Craven, Ronald E., [redacted].
Creasy, Calvin H., [redacted].
Creighton, Francis, [redacted].
Cremer, John C., [redacted].
Cresci, Anthony B., [redacted].
Crofoot, George W., [redacted].
Crosby, Ben G., Jr., [redacted].
Crosby, Theodore F., [redacted].
Crouch, James E., [redacted].
Crowl, Ronald C., [redacted].
Crowley, Dennis J., [redacted].
Crowley, Ronald C., [redacted].
Cubert, Burleigh M., [redacted].
Culp, Don F., [redacted].
Cumming, Richard E., [redacted].
Curran, Francis P., [redacted].
Curran, Joseph S., Jr., [redacted].
Currin, David M., [redacted].
Custer, Leslie L., [redacted].
Cyr, Arthur R., Jr., [redacted].
Dacey, Robert J., [redacted].
Dahill, John B., [redacted].
Dahlinger, Richard, [redacted].
Daines, Guy E., [redacted].
Dalhausser, Robert, [redacted].
Daniel, Howard, Jr., [redacted].
Danley, James M., Jr., [redacted].
Darby, Barney D., Jr., [redacted].
Darden, Earl, [redacted].
Dast, William A., [redacted].
Davenport, Robert L., [redacted].
David, Ronald C., [redacted].
Davis, Alexander D., [redacted].
Davis, Bruce H., [redacted].
Davis, Carol D., [redacted].
Davis, Charley B., [redacted].
Davis, David H., II, [redacted].
Davis, Donald R., [redacted].
Davis, George C., [redacted].
Davis, Kenneth M., Jr., [redacted].
Davis, Robert E., [redacted].
Davis, Ronald W., [redacted].
Davis, Roy J., [redacted].
Davis, Thomas J., [redacted].
Dawkins, Peter M., [redacted].
Dawson, Lawrence C., [redacted].
Day, George E., [redacted].
Deasy, William T., [redacted].
Deatkine, Norvell B., [redacted].
Decesare, Armand G., [redacted].
Deely, John R., [redacted].
Deford, Maurice, [redacted].
Degrant, Robert L., [redacted].
Deibel, Charles L., [redacted].
Delbuono, John A., [redacted].
Delirat, Stanley J., [redacted].
Delrusso, Louis J., [redacted].
Dembinski, Mark L., [redacted].
Demetrovich, Frede, [redacted].
Demont, Robert W., [redacted].
Demorest, Edward H., [redacted].
Dendtler, Robert B., [redacted].
Denio, Jean H., [redacted].
Dennis, John A., [redacted].
Denzler, Ancil L., [redacted].
Depace, Anthony J., [redacted].
Derocher, Robert F., [redacted].
Devereaux, Alfred B., [redacted].
Dewey, Lawrence R., [redacted].
Dexter, Charles E., [redacted].
DeYoung, Thomas A., [redacted].
Dickerson, Jon R., [redacted].
Dickson, Carroll Z., [redacted].
Diehl, Thomas E., [redacted].
Dietrich, Regis P., Jr., [redacted].
DiGiacinto, Joseph, [redacted].
Dill, Clark D., [redacted].
Dillon, Alfred M., [redacted].
Dillon, Oliver W., [redacted].
Dishman, Benjamin E., [redacted].
Dishner, Wilbert J., [redacted].
Doehle, Douglas A., [redacted].
Doherty, Terence, [redacted].
Domal, Stanley J., [redacted].
Donaldson, Orlow D., [redacted].
Doran, William K., [redacted].
Dorris, Albert F., [redacted].
Dougherty, George J., [redacted].
Doukas, James W., [redacted].
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Downs, George M., Jr., [redacted].
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Dunn, Earl N., [redacted].
Dunne, Rory W., [redacted].
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Durham, Thomas F., III, [redacted].
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Dygert, George H., [redacted].
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Edmond, Holman, Jr., [redacted].
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Eldredge, Richard B., [redacted].
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Enright, Joseph F., Jr., [redacted].
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Essex, Peter E., [redacted].
Esworthy, Bert, [redacted].
Evans, Francis T., [redacted].
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Evans, Robert D., [redacted].
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Flitcraft, Stanley, [redacted].
Flowers, Robert G., Jr., [redacted].
Fluke, Eugene C., [redacted].
Foote, Brian G., [redacted].
Forbes, Maynard C., [redacted].
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Fudge, Eugene E., [redacted].
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Infante, Donald R., [redacted].
Inglett, Robert A., [redacted].
Ingram, Donald D., [redacted].
Inman, Terence B., [redacted].
Irons, Richard L. [redacted].
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Johnson Stanley R., [redacted].
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Lawrence, Ashton C., [redacted].
Lawson, Owen D., [redacted].
Leclere, Dick T., [redacted].
Ledbetter, Homer M., [redacted].
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Liepins, George, [redacted].
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Manderson, Ivor C., [redacted].
Manderville, Bernard, [redacted].
Manganaro, S. Joseph, [redacted].
Mann, Hal G., [redacted].
Manzo, Fred V., [redacted].
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Mercer, Richard R., [redacted].
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Neal, John O., Jr., [redacted].
Nelson, Turner L., [redacted].
Netzloff, Edwin A., [redacted].
Newberry, Milton S., [redacted].
Nichols, James M., Jr., [redacted].
Nielsen, Kenneth G., [redacted].
Nilsson, John A., [redacted].
Nishimoto, Masami, [redacted].
Noble, James E., [redacted].
Norman, Kennetth G., [redacted].
Norman, Steven R., [redacted].
Norris, Jimmy R., [redacted].
Norton, George T., [redacted].
Norton, Graham J., Jr., [redacted].
Norvell, Frank C., Jr., [redacted].
Novogratz, Robert M., [redacted].
Nowak, Leonard G., [redacted].
Nugent, Richard O., [redacted].
Nulk, Robert A., [redacted].
Nunn, Lee R., Jr., [redacted].
O'Brien, Francis D., [redacted].
O'Bryan, Michael F., [redacted].
O'Connor, Edward J., Jr., [redacted].
O'Connor, Hugh T., [redacted].
Odell, Ersal D., [redacted].
Odom, Fredwin M., [redacted].
O'Donohue, Paul J., [redacted].
O'Donovan, Thomas E., [redacted].
Offield, Nathan A., [redacted].
Ogden, Gregory T., [redacted].
Oliver, Eugene L., Jr., [redacted].
Oliver, John B., Jr., [redacted].
Oliver, Robert T., [redacted].
Olson, Frederick N., [redacted].
O'Meara, Andrew P., [redacted].
Ondecker, Lawrence, [redacted].
O'Neill, Kevin J., [redacted].
Oppenlander, Robert, [redacted].
Orndorff, John F., [redacted].
O'Roark, Dulaney L., [redacted].
O'Rourke, Thomas A., Jr., [redacted].
Orr, Paul F., [redacted].
Osteen, James L., [redacted].
Ostermeier, William, [redacted].
Ostrowidzki, Joseph, [redacted].
Ota, Harry S., [redacted].
Ott, John S., [redacted].
Owen, Benjamin P., [redacted].
Paar, Anthony R., [redacted].
Pace, Prewitt L., [redacted].
Pack, Tommy R., [redacted].
Paddock, Alfred H., Jr., [redacted].
Paquette, Roger K., [redacted].
Parchen, David H., [redacted].
Parker, Glynn E., [redacted].
Parker, Purvis L., [redacted].
Parker, Raymond L., [redacted].
Parker, Robert W., [redacted].
Parker, Wendell G., [redacted].
Parks, James D., Jr., [redacted].
Parman, Donald W., [redacted].
Parolini, George W., [redacted].
Paschall, Jim R., [redacted].
Passarella, Patrick, [redacted].
Pastrana-Silva, Luis, [redacted].
Patrick, Harold L., [redacted].
Patterson, Harvey G., [redacted].
Patterson, James L., [redacted].
Patterson, Joseph M., [redacted].
Pattison, John A., [redacted].
Patton, Garry L., [redacted].
Pawlik, Eugene A., Sr., [redacted].
Pearce, William L., [redacted].
Penrod, David J., [redacted].
Perkins, Jerry L., [redacted].
Perry, Charles C., [redacted].
Person, James L., [redacted].
Peterson, Humphrey, [redacted].
Peterson, Ronald N., [redacted].
Peyton, John H., [redacted].
Pfabe, Richard K., [redacted].
Pfister, Cloyd H., [redacted].
Phifer, Thomas K., [redacted].
Phillips, Don, [redacted].
Phillips, Harold E., [redacted].
Pierce, Dale W., [redacted].
Pierre, Russell, Jr., [redacted].
Pietsch, Robert C., [redacted].
Pihl, Donald S., [redacted].
Pike, James C., [redacted].
Pike, Verner N., [redacted].
Pinckney, Marion, [redacted].
Pishon, Nichols E., [redacted].
Pistone, Ronald A., [redacted].
Pitts, Walter E., Jr., [redacted].
Plasket, Richard L., [redacted].
Plassmeyer, Martin, [redacted].
Platt, Edgar C., [redacted].
Plummer, George W., [redacted].
Poach, James R., [redacted].
Poe, Thurel J., Jr., [redacted].
Pokorny, Anthony G., [redacted].
Pollard, Gordon K., [redacted].
Pollock, William C., [redacted].
Pompa, John R., [redacted].
Ponton, Hector R., [redacted].
Poole, Buddy J., [redacted].
Poole, William J., [redacted].
Porter, Kelly A. L., [redacted].
Posey, Dudley M., [redacted].
Posey, Frank D., [redacted].
Potts, William E., [redacted].
Powell, Jamo C., [redacted].
Powell, Roger G., [redacted].
Powers, Bryon L., [redacted].
Prahm, Byron F., [redacted].
Pretto, William H., [redacted].
Prisk, Courtney E., [redacted].
Pujol, Elwray, [redacted].
Putnam, Sidney F., [redacted].
Pyle, James E., [redacted].
Quattlebaum, Charle, [redacted].
Quinlan, Patrick J., [redacted].
Rackley, Robert L., [redacted].
Raffaele, Eugene J., [redacted].
Rafferty, Joseph V., [redacted].
Rahm, Richard R., Jr., [redacted].
Ramey, Harold M., [redacted].
Ramsey, Raymond R., Jr., [redacted].
Randall, Thomas G., [redacted].
Rapaport, Benjamin, [redacted].
Ratcliffffe, John P., [redacted].
Raunam, George J., [redacted].
Raupp, Edward R., [redacted].
Rawlings, Charles S., [redacted].
Ray, Harry D., Jr., [redacted].
Ray, Paul H., [redacted].
Rebholz, Edward S., [redacted].
Redding, Frank J., [redacted].
Reed, George B., [redacted].
Rees, Warren K., [redacted].
Regel, Thomas J., [redacted].
Reid, Loren D., [redacted].
Reinen, Robert H., [redacted].
Reinhard, Donald R., [redacted].
Reiser, Andre K., [redacted].
Reneau, Joseph S., [redacted].
Renfro, Ronald D., [redacted].
Resley, Patrick E., [redacted].
Rexrode, Kenneth E., [redacted].
Reynolds, Willie R., [redacted].
Rhen, Thomas A., [redacted].
Richard, Virgil A., [redacted].
Richards, Arthur E., [redacted].
Richardson, Celeste, [redacted].
Richardson, Odie B., [redacted].
Riggan, Raymond B., Jr., [redacted].
Riggs, Gary A., [redacted].
Rill, Joseph H., Jr., [redacted].
Riordan, Robert W., [redacted].
Rizzo, Peter J., [redacted].
Roberson, Clayton S., [redacted].
Roberts, Joel E., [redacted].
Roberts, Thomas D., [redacted].
Robinson, Charles A., [redacted].
Robinson, Edward C., [redacted].
Robinson, James C., Jr., [redacted].
Roche, William H., Jr., [redacted].
Rodriguez, Joe A., [redacted].
Roeming, Frederic E., [redacted].
Roesler, Gilbert E., [redacted].
Rogers, Frederick T., [redacted].
Rogers, James D., [redacted].
Rogers, James H., [redacted].
Rogers, Richard E., [redacted].
Rogers, Richard L., [redacted].
Root, Duane B., [redacted].
Roppo, Leo J., [redacted].
Rosamond, John B., [redacted].
Rose, Robert S., [redacted].
Ross, Lawrence C., [redacted].
Rothblum, Richard A., [redacted].
Rogeau, James L., [redacted].
Rounseville, Richard, [redacted].
Routt, Randell G., [redacted].
Rowe, James C., [redacted].
Rugenstein, Edgar H., [redacted].
Runke, Richard P., Jr., [redacted].
Rushton, Pierce A., Jr., [redacted].
Russell, Thomas B., [redacted].
Russillo, Michael P., [redacted].
Ryan, Robert H., [redacted].
Ryburn, Glenn O. Jr., [redacted].
Ryker, George C., [redacted].
Sadler, Richard C., [redacted].
Salley, Robert W., [redacted].
Salomon, Leon E., [redacted].
Sambol, Donald G., [redacted].
Sanaker, John M., [redacted].
Sanders, Charles R., [redacted].
Sanders, Clarence B., [redacted].
Sanders, Paul B., [redacted].
Sanders, Rabun C., Jr., [redacted].
Sanner, Herman R., [redacted].
Santos, Melecio Z., Jr., [redacted].
Santos, Melecio Z., [redacted].
Sargent, Terrence D., [redacted].
Satterwhite, James, [redacted].
Sauer, Jack L., [redacted].
Saul, Gordon E., [redacted].
Saunders, Otis H., [redacted].
Sauvageot, Jean A., [redacted].
Scanlan, William H., [redacted].
Schafer, Lawrence H., [redacted].
Scheiner, Herbert L., [redacted].
Schiano, Louis J., [redacted].
Schiermeier, John J., [redacted].
Schlapak, Benjamin, [redacted].
Schlieper, David P., [redacted].
Schloesser, Robert, [redacted].
Schlossberg, Arnold, [redacted].
Schmacker, Bruce E., [redacted].
Schmid, Karl F., [redacted].
Schmid, Thomas W., [redacted].
Schmidt, Peter B., [redacted].
Schneebeck, Gene A., [redacted].
Schooner, Murray J., [redacted].
Schor, Stephen H., [redacted].
Schott, Joseph D., [redacted].
Schow, Robert A., Jr., [redacted].
Schroder, Romayne E., [redacted].
Schroeder, Louis J., [redacted].
Schuette, Ronald W., [redacted].
Schuetze, Raymond A., [redacted].
Schwab, Don A., [redacted].
Schwartz, Paul R., [redacted].
Schwartz, William L., [redacted].
Scillian, Billie H., [redacted].
Scott, James M., [redacted].
Scott, John O., [redacted].
Scott, Walter J., [redacted].
Scott, William A., [redacted].
Scovel, Dennis A., [redacted].
Seaver, Charles W., [redacted].
Sechtman, Paul L., [redacted].
Seitz, John A., III, [redacted].
Seybold, Thomas K., [redacted].
Shackelford, William, [redacted].
Shaffer, Malcolm S., [redacted].
Shain, Robert G., [redacted].
Shanahan, Edward J., [redacted].
Sharp, John B., [redacted].
Sharp, Richard H., [redacted].
Shaw, Terrence L., [redacted].
Sheaffer, Phillip G., [redacted].
Shelton, Hal T., [redacted].
Shepard, George T., [redacted].
Sherard, Phillip G., [redacted].
Sherrell, Wilson J., [redacted].
Shilling, Jack C., [redacted].
Shouse, Delbert F., [redacted].
Shriver, Louis M., Jr., [redacted].
Shunk, Peter, [redacted].
Shunk, William A., [redacted].
Silva, Warren R., [redacted].

Simmons, Jerry W., [redacted].
Simpson, John D., [redacted].
Simpson, Robert M., [redacted].
Sims, John R., [redacted].
Sinclair, Bobby H., [redacted].
Singer, Lawrence A., [redacted].
Singleton, Richard, [redacted].
Sisson, Brooks H., [redacted].
Sisterman, Lawrence, [redacted].
Sitten, John R., Jr., [redacted].
Sivert, William D., Jr., [redacted].
Skidmore, John D., [redacted].
Skowronek, Richard, [redacted].
Slagle, James V., [redacted].
Slater, Paul A., [redacted].
Slifer, Richard D., [redacted].
Smart, Donald L., [redacted].
Smart, Lee D., [redacted].
Smith, Allen D., [redacted].
Smith, Billy V., [redacted].
Smith, Byrd, [redacted].
Smith, Charles E., [redacted].
Smith, David C., [redacted].
Smith, Duane N., [redacted].
Smith, Edward C., Jr., [redacted].
Smith, Glenn A., II, [redacted].
Smith, Harvey A., Jr., [redacted].
Smith, Jack C., [redacted].
Smith, Lee C., Jr., [redacted].
Smith, Robert A., [redacted].
Smith, Robert B., [redacted].
Smith, Robert D., [redacted].
Smith, Robert T., Jr., [redacted].
Smith, Sam G., [redacted].
Smith, Stanley L., Jr., [redacted].
Smith, Warren S., [redacted].
Smith, William G., [redacted].
Smitherman, Joe V., [redacted].
Snead, Robert S., [redacted].
Snell, Douglas H., [redacted].
Snell, Robert A., [redacted].
Snyder, Thomas E., [redacted].
Socks, Hugh J., Jr., [redacted].
Solomon, Irwin E., [redacted].
Solomon, William V., [redacted].
Sonnier, Robby J., [redacted].
Soriano, Feliciano, [redacted].
Sovine, Leroy K., [redacted].
Sowell, Mark S., Jr., [redacted].
Spanjers, Leonard J., [redacted].
Spearman, David L., [redacted].
Spears, Tom C., [redacted].
Spekhardt, Michael, [redacted].
Spence, James, [redacted].
Spera, Francis P., [redacted].
Spinner, Charles R., [redacted].
Springfield, Bruce, [redacted].
Sprowls, Leigh R., [redacted].
Squire, John H., [redacted].
Stadler, Gerald P., [redacted].
Stalker, Paul R., [redacted].
Stallings, Jimmie L., [redacted].
Stamant, Joseph F., [redacted].
Standridge, Lanny, [redacted].
Stanley, Charles M., [redacted].
Stanley, Frederick, [redacted].
Stansell, Ernest L., [redacted].
Starley, Vernon B., [redacted].
Stead, Robert W., [redacted].
Steakley, David L., [redacted].
Stebbins, Allen F., [redacted].
Stebbins, Ronald S., [redacted].
Steedly, Ronald E., [redacted].
Steele, Merrill F., Jr., [redacted].
Stein, Philip A., [redacted].
Steinhilper, Edgar, [redacted].
Stephens, Donald L., [redacted].
Stephens, Glen C., [redacted].
Stevens, Eulin L., [redacted].
Stewart, Alexander, [redacted].
Stewart, Robert G., [redacted].
Stiles, Howard J., [redacted].
Stivison, James R., [redacted].
St. John, John E., [redacted].
Stokke, Edward T., [redacted].
Storey, Thomas P., [redacted].
Stoy, Thomas A., [redacted].
Straeb, Robert G., [redacted].
Streeter, William F., [redacted].
Stroh, George C., [redacted].
Stromberg, Peter L., [redacted].
Stroud, Lamar A., Jr., [redacted].
Stuart, James E., [redacted].
Stults, Claude L., Jr., [redacted].
Sturdivant, Thurman, [redacted].
Subrown, James C., [redacted].
Sullenberger, Louis, [redacted].
Sundt, Richard S., [redacted].
Suszynski, Joseph F., [redacted].
Sutton, James C., [redacted].
Sutton, William M., [redacted].
Svendsen, Don F., [redacted].
Swain, Richard C., [redacted].
Swan, Sinclair D., [redacted].
Sweeney, Robert F., [redacted].
Swift, Frederick W., [redacted].
Swindells, John E., [redacted].
Swinson, Benjamin L., [redacted].
Szustak, Frank G., [redacted].
Takacs, Steve P., Jr., [redacted].
Talbolt, Ralph, IV, [redacted].
Talkington, Thomas, [redacted].
Tamer, Robert S., [redacted].
Tannenbaum, David L., [redacted].
Taurke, Erwin A., [redacted].
Taylor, Harry, Jr., [redacted].
Taylor, James R., [redacted].
Taylor, Paul W., [redacted].
Taylor, Ralph W., [redacted].
Taylor, William D., [redacted].
Teller, Albert A., [redacted].
Temple, William E., [redacted].
Tennant, Charles E., [redacted].
Tennis, Gayland L., [redacted].
Terry, Robert L., [redacted].
Terseck, Richard J., [redacted].
Theuer, Paul J., [redacted].
Thibodeau, Charles, [redacted].
Thiessen, Derek J., [redacted].
Thomas, Bruce A., [redacted].
Thomas, Charles R., [redacted].
Thomas, Golden L., [redacted].
Thomas, Joel F., [redacted].
Thomas, John F., [redacted].
Thomas, Kenneth E., [redacted].
Thomas, Marvin L., Jr., [redacted].
Thomas, Phillip J., [redacted].
Thomas, Ronald E., [redacted].
Thomas, William S., III, [redacted].
Thompson, Billie F., [redacted].
Thompson, James P., Jr., [redacted].
Thompson, John T., Jr., [redacted].
Thompson, Paul F., II, [redacted].
Thompson, Robert A., [redacted].
Thompson, Thomas M., [redacted].
Thompson, Vernon D., [redacted].
Thornton, Tommy W., [redacted].
Thudium, Christian, [redacted].
Tillar, Donaldson P., [redacted].
Tipka, John W., [redacted].
Tippin, Garold L., [redacted].
Tipton, Carl W., [redacted].
Tison, William C., [redacted].
Tobin, Ernest H., [redacted].
Todaro, Joseph E., [redacted].
Todd, Alan R., [redacted].
Tolcher, James A., [redacted].
Tomberlin, John R., [redacted].
Tomei, Giancarlo A., [redacted].
Tomiczek, Paul W., Jr., [redacted].
Tompson, John C., [redacted].
Toner, Richard M., [redacted].
Torretto, Richard J., [redacted].
Toskey, William M., [redacted].
Townley, Robert R., [redacted].
Tozier, Robert E., [redacted].
Treacy, John T., [redacted].
Tredinnick, Richard, [redacted].
Trevino, Francisco, [redacted].
Tritz, James W., [redacted].
Tucker, Everette L., [redacted].
Tucker, John D., [redacted].
Turgeon, Gareth M., [redacted].
Turner, Edwin H., [redacted].
Turner, Rex M., Jr., [redacted].
Turner, Robert A., [redacted].
Turpin, Robert P., [redacted].
Tyler, Erven S., [redacted].
Uhlrich, Theodore W., [redacted].
Ulzheimer, Robert, [redacted].
Unger, Curtis G., [redacted].
Urciuoli, George R., [redacted].
Valandry, David D., [redacted].
Valimont, Benjamin, [redacted].
Vandevender, Edward, [redacted].
Vanhooser, David P., [redacted].
Vanlandingham, Robert, [redacted].
Vanlobensels, James, [redacted].
Vansteenbergen, Albert, [redacted].
Vanzandt, Homer R., [redacted].
Varley, William L., [redacted].
Venden, Roger D., [redacted].
Venzke, Gene A., [redacted].
Vermette, Robert E., [redacted].
Vinett, Peter A., [redacted].
Vogel, Glenn A., [redacted].
Vogl, Raymond E., [redacted].
Volpe, Michael, [redacted].
Waddell, Robert R., [redacted].
Wagner, Edward H., [redacted].
Wagner, Robert C., [redacted].
Wainwright, Oliver, [redacted].
Wait, William M., [redacted].
Waite, Grimble J., [redacted].
Wakelin, John D., [redacted].
Walker, Clifford M., [redacted].
Walker, Emmett L., [redacted].
Wall, Kenneth L., [redacted].
Wall, William J., Jr., [redacted].
Wallace, Malcom K., [redacted].
Wallace, Richard C., [redacted].
Walsh, James E., Jr., [redacted].
Walsh, Richard J., [redacted].
Walters, Charles C., [redacted].
Walters, James P., [redacted].
Walton, Joseph A., [redacted].
Walton, Leroy, [redacted].
Walton, Ronald A., [redacted].
Walton, Warren J., [redacted].
Warmath, Julius G., [redacted].
Warren, Warren J., [redacted].
Warvi, Martin M., [redacted].
Wasson, James V., [redacted].
Watson, Charles W., [redacted].
Watson, Kermith G., [redacted].
Watts, Thurman, [redacted].
Weatherly, Emory D., [redacted].
Weaver, Carl A., Jr., [redacted].
Webb, Daniel J., [redacted].
Webb, Earl E., [redacted].
Webb, James R., [redacted].
Webb, Waldo R., [redacted].
Weber, Ralph P., [redacted].
Weber, William J., [redacted].
Weekley, Robert M., [redacted].
Weeks, Joseph P., [redacted].
Weeks, William J., Jr., [redacted].
Weiss, James J., [redacted].
Welch, Elliot J., [redacted].
Welch, Jack L., [redacted].
Welch, Richard D., Jr., [redacted].
Welker, John J., [redacted].
Wells, Theodore D., [redacted].
Welsh, Richard W., [redacted].
Wessel, James R., [redacted].
Westgard, William C., [redacted].
Wheeler, Albin G., [redacted].
Wheeler, Joseph W., Jr., [redacted].
Wheeler, Robert A., [redacted].
Wheeler, Rock C., Jr., [redacted].
White, Willington E., [redacted].
White, Zinerva, Jr., [redacted].
Whitehead, Dorsey M., [redacted].
Whiteside, Jerry E., [redacted].
Whitmarsh, Donald B., [redacted].
Whorton, Billy L., [redacted].
Wicker, Raymond K., [redacted].
Wickstrom, Charles, [redacted].
Wieduwilt, Leslie R., [redacted].
Wigner, Larry R., [redacted].
Wilbanks, Ronald H., [redacted].
Wiley, Larry N., [redacted].
Wilfong, John F., [redacted].
Wilhite, James A., [redacted].
Wilkerson, Edwin A., [redacted].
Wilkinson, Coleman, [redacted].
Wilkinson, Tary D., [redacted].
Williams, Billy D., [redacted].
Williams, Donald B., [redacted].
Williams, Donald R., [redacted].
Williams, Jimmie L., [redacted].
Williams, Joe E., [redacted].
Williams, Joshua O., [redacted].

Williams, Phillip J., [redacted].
Williams, Robert S., [redacted].
Williams, Russell L., [redacted].
Williams, Stuart H., [redacted].
Williamson, Alan R., [redacted].
Willis, Edward C., Jr., [redacted].
Willoughby, Kenneth, [redacted].
Wilmoth, Frederick, [redacted].
Wilson, Carroll R., [redacted].
Wilson, Douglas B., Jr., [redacted].
Wilson, Gifford D., [redacted].
Wilson, John S., [redacted].
Wilson, Martin L., [redacted].
Wilson, Sanford H., [redacted].
Windham, William J., [redacted].
Winebarger, Marion, [redacted].
Wingo, Franklin J., [redacted].
Winslow, Robert A., [redacted].
Winter, Maurice G., [redacted].
Wise, George W., [redacted].
Wise, Ronald T., [redacted].
Withington, Robert, [redacted].
Witter, Lee F., [redacted].
Wolfe, June E., Jr., [redacted].
Wolfe, Rodney D., [redacted].
Wollard, Clifford L., [redacted].
Womack, Daniel, Jr., [redacted].
Wood, John L., [redacted].
Wood, Leroy A., [redacted].
Wood, Robert D., [redacted].
Woodall, Jack D., [redacted].
Woodhouse, Donald L., [redacted].
Woodmansee, Harry T., [redacted].
Woods, Roy S., Jr., [redacted].
Worthington, Wayne, [redacted].
Wosicki, Walter J., [redacted].
Wright, Dean W., [redacted].
Wright, Willie F., [redacted].
Yateman, Sidney H., [redacted].
Yawn, Malcolm T., [redacted].
Yeats Philip L., [redacted].
Yelton, James M., Jr., [redacted].
Yelverton, Rush S., [redacted].
Yoder, Kenneth E., [redacted].
Yon, Frank E., [redacted].
Young, Leon A., [redacted].
Young, Richard B., [redacted].
Young, Troy R., [redacted].
Youree, James F., [redacted].
Zachary, James L., [redacted].
Zagalak, Stanley J., [redacted].
Zahn, Kenneth C., [redacted].
Zajac, Stephen G., [redacted].
Zaldo, William T., III, [redacted].
Zeltman, Ronald W., [redacted].
Zierak, Robert A., [redacted].
Zierdt, William H., III, [redacted].
Zimbrick, Duane E., [redacted].
Zukowski, Albin T., [redacted].
Zumbro, Harold D., [redacted].

CHAPLAIN CORPS

To be major

Alexander, George W., [redacted].
Alexander, Harold L., [redacted].
Allen, Eugene E., [redacted].
Baasen, Wesley, A. G., [redacted].
Banton, Huston J., II, [redacted].
Beckers, Robert G., [redacted].
Borson, Bernard K., [redacted].
Brough, Alfred E., [redacted].
Cooley, Virgil T., [redacted].
Courtney, Ocie I., Jr., [redacted].
Desantis, Michael M., [redacted].
Deveaux, John A., Jr., [redacted].
Esco, Hugh R., Jr., [redacted].
Flippen, Edward A., [redacted].
Foreman, William E., [redacted].
Hagood, Monroe J., [redacted].
Hansen, James E., [redacted].
Hoh, David W., [redacted].
Lembke, Paul W., [redacted].
Libby, Billy W., [redacted].
Linderman, James R., [redacted].
Moore, Bobby D., [redacted].
Ness, Leroy T., [redacted].
Peacock, William L., [redacted].
Pember, Marion D., [redacted].
Peterson, Wilbur G., [redacted].
Roque, Francis X., [redacted].
Saunders, Robert E., [redacted].
Scott, John C., [redacted].
Strawser, Ray A., [redacted].
Swim, Vernon G., [redacted].
Thompson, James G., [redacted].
Ude, Donald E., [redacted].
Vanderburgh, Daryl, [redacted].
Vanmeter, James W., Jr., [redacted].
Walker, Conrad N., [redacted].
Walker, Norman G., Jr., [redacted].
Webb, Arthur M., [redacted].
Wilk, Max W., [redacted].
Workman, Ralph C., [redacted].

WOMEN'S ARMY CORPS

To be major

Carroll, Sallie L., [redacted].
Gibson, Gwen, [redacted].
Heffren, Monica A., [redacted].
Jorge, Marlene M., [redacted].
Kelly, Jacquelin J., [redacted].
Merrill, Pauline D., [redacted].
Phillips, Charlotte, [redacted].
Pomeroy, Mae E., [redacted].

MEDICAL CORPS

To be major

Alexander, Byron B., [redacted].
Allison, Howard H., [redacted].
Barclay, William A., [redacted].
Barreca, Nicholas E., [redacted].
Beaver, Harry C., [redacted].
Bell, Randall W., [redacted].
Blumhardt, Ralph, [redacted].
Buck, Alfred S., [redacted].
Buck, Edward G., Jr., [redacted].
Callan, Thomas W., [redacted].
Cardell, Jose E., [redacted].
Carolan, Patrick J., [redacted].
Carter Gordon C., [redacted].
Cavanagh, Richard C., [redacted].
Clarke, John S., [redacted].
Dunker, Richard B., [redacted].
Eberhard, Edward J., [redacted].
Everett, Elwood D., [redacted].
Eversmann, William, [redacted].
Fauver, Howard E., Jr., [redacted].
Foy, Gerald W., [redacted].
Garciavergne, Manuel, [redacted].
Gardner, William R., [redacted].
Gernon, William H., [redacted].
Gibbons, Robert B., [redacted].
Gober, Lowman E., [redacted].
Grosshans, James T., [redacted].
Gryczko, Gerald A., [redacted].
Gum, Ronald A., [redacted].
Hammond, James B., [redacted].
Handley, George J., [redacted].
Harris, Hugh G., [redacted].
Hobson, Robert W., II, [redacted].
Hofeldt, Fred D., Jr., [redacted].
Hovey, Leslie M., [redacted].
Howard, Freeman, I, [redacted].
Humbert, Paul V., Jr., [redacted].
Hunter, John D., Jr., [redacted].
Johnson, Lawrence F., [redacted].
Kearney, John J., [redacted].
Knepshield, James H., [redacted].
Lehman, Richard H., [redacted].
Linares, Rafael, [redacted].
Linden, David A., [redacted].
Lindstrom, Eric E., [redacted].
Liptak, Richard A., [redacted].
Llewellyn, Craig H., [redacted].
McConnell, Michael, [redacted].
McDonald, Edward G., [redacted].
McDonald, Herbert L., [redacted].
Miura, Calvin M., [redacted].
Morgenstern, Larry, [redacted].
Nelson, James W., [redacted].
Noguera-Fuentes, Pablo J., [redacted].
Peck, Morgan S., [redacted].
Price, Herman L., [redacted].
Rock, Nicholas L., [redacted].
Sawhill, David L., [redacted].
Schneider, Robert L., [redacted].
Schuchmann, George, [redacted].
Schweers, Carl A., Jr., [redacted].
Shock, John P. Jr., [redacted].
Slaughter, John C., [redacted].
Smith, Donald R., [redacted].
Spicer, Melvin J., [redacted].
Stark, Fred R., [redacted].
Strum, Donald H., [redacted].
Taber, David O., [redacted].
Taylor, John F., [redacted].
Teneyck, James R., [redacted].
Thomas, Stephen R., [redacted].
Thomason, Phillip R., [redacted].
Treanor, John J., [redacted].
Vest, Charles R., [redacted].
Walker, Olyn M., [redacted].
Watring, Watson G., [redacted].
Williams, Charles E., [redacted].
Yelland, Graham, [redacted].
Zuck, Thomas F., [redacted].

DENTAL CORPS

To be major

Baggs, Gary A., [redacted].
Balserak, Robert J., [redacted].
Beasley, Joe D., III, [redacted].
Bent, Jerry P., [redacted].
Bernier, William E., [redacted].
Berringer, Ray D., [redacted].
Blaho, Daniel M., Jr., [redacted].
Blubaugh, Edward C., [redacted].
Boyce, William A., [redacted].
Braun, Edward S., [redacted].
Brown, George D., [redacted].
Cremer, Jerry L., [redacted].
Crutchfield, David, [redacted].
Cuperd, Hamil M., [redacted].
Edington, Ernest M., [redacted].
Eichel, Thomas F., [redacted].
Ellis, Herman B., [redacted].
Fagouri, Edward L., [redacted].
Goldberg, Stuart E., [redacted].
Hammer, Henry S., [redacted].
Hatch, Edward A., [redacted].
Henry, Samuel W., [redacted].
Holden, Richard C., [redacted].
Ishimura, Samuel M., [redacted].
Johnson, Timothy M., [redacted].
Kempf, Kenneth K., [redacted].
Kirchoff, Rodney M., [redacted].
Larr, Edwin T., Jr., [redacted].
Leahy, Robert E., [redacted].
Marshall, Keith J., [redacted].
Matich, Joseph A., [redacted].
McDonald, Frederick, [redacted].
Merten, Robert L., [redacted].
Moyer, John H., [redacted].
O'Connor, Randolph, [redacted].
Olive, Kenneth A., [redacted].
Pagan, William J., [redacted].
Provant, Delbert R., [redacted].
Roth, Neal A., [redacted].
Salvo, Joseph A., [redacted].
Schreck, Gerald G., [redacted].
Shultz, Rudane E., [redacted].
Temple, Thomas R., [redacted].
Tortorelli, Alfred, [redacted].
Welsh, Stephen L., Jr., [redacted].
Woody, Ronald D., [redacted].
Zulaski, John F., [redacted].

VETERINARY CORPS

To be major

Barck, John C., [redacted].
Bixby, Howard R., [redacted].
Carraway, Claude W., [redacted].
Depaoli, Alexander, [redacted].
Ebertz, Peter E., [redacted].
Freel, Marvin E., [redacted].
Godzik, Joseph R., [redacted].
Gustin, Philip N., [redacted].
Hilmas, Duane E., [redacted].
Huxsoll, David L., [redacted].
Johnsen, Dennis O., [redacted].
Keefe, Thomas J., [redacted].
Nix, Marvin S., Jr., [redacted].
Ottenberg, John C., [redacted].
Riddell, John R., [redacted].
Robinson, David M., [redacted].
Sims, William M., Jr., [redacted].
Stanton, Jack S., [redacted].
Stephenson, Edward, [redacted].
Vanzytvel, William, [redacted].
Via, Robert E., Jr., [redacted].
Vosdingh, Ralph A., [redacted].
Walker, Jerry S., [redacted].

MEDICAL SERVICE CORPS

To be major

Bardill, Donald R., [redacted].
Beck, Wilbur L., Jr., [redacted].
Beckley, Leander K., [redacted].
Bonner, Harry E., [redacted].
Boston, Lester E., Jr., [redacted].
Boyd, William M., Jr., [redacted].
Brady, Patrick H., [redacted].
Brewer, Jerry R., [redacted].
Brown, Perry W., [redacted].
Burton, Nelson L., [redacted].
Carter, William A., [redacted].
Cobbs, John R., [redacted].
Cohen, Meyer W., [redacted].
Corn, Poe R., [redacted].
Covell, Bruce W., Jr., [redacted].
Crow, Kenneth E., Sr., [redacted].
Cygan, Herbert E., [redacted].
Diffie, Dale P., [redacted].
Dix, Richard A., [redacted].
Dryden, David D., [redacted].
Duffy, Paul F., [redacted].
Dupuy, Lloyd C., [redacted].
Fain, Ronald A., [redacted].
Fechner, Ruben F., Jr., [redacted].
Gilchrist, Alexander, [redacted].
Giroux, Arthur R., [redacted].
Good, Roger S., [redacted].
Grodt, Robert G., [redacted].
Gutin, Howard D., [redacted].
Habeck, Edgar J., [redacted].
Hanson, Robert L., [redacted].
Harris, Leonard G., [redacted].
Hatfield, Earl P., [redacted].
Hayes, John D., [redacted].
Helgeson, James G., [redacted].
Heller, Kyle M., [redacted].
Helser, Carl W., [redacted].
Higgs, Richard H., [redacted].
Hill, William R., [redacted].
Hoke, Mark L., [redacted].
Hubbart, James A., [redacted].
Jackson, Thomas C., [redacted].
Jenkins, William N., [redacted].
Johnson, Harry D., [redacted].
Jones, John P., Jr., [redacted].
Keim, Walter H., [redacted].
Kelling, George H., [redacted].
Kennan, James S., [redacted].
Kielman, Roger W., [redacted].
Lamport, James E., [redacted].
Lander, Robert J., [redacted].
Lanier, Daniel, Jr., [redacted].
Lavalley, John W., [redacted].
Leach, William O., [redacted].
Madden, John T., Jr., [redacted].
McLeod, William R., [redacted].
Milske, Thomas R., [redacted].
Moore, Douglas E., [redacted].
Murphy, Robert J., [redacted].
Odonnell, Frank P., [redacted].
Osborne, Harold S., [redacted].
Paul, C. Peter, [redacted].
Payne, John C., [redacted].
Picha, Norbert O., [redacted].
Pittman, Thurman M., [redacted].
Proe, John D., [redacted].
Roberts, John E., [redacted].
Rockwell, John H., [redacted].
Roles, Robert H., [redacted].
Rumley, Richard E., [redacted].
Schiefer, Donald D., [redacted].
Short, Edward A., [redacted].
Simpson, Calbrieth, [redacted].
Sites, William G., [redacted].
Slyman, George L., [redacted].
Sobocinski, Philip, [redacted].
Summary, Robert J., [redacted].
Taylor, Edward J., Jr., [redacted].
Tuten, William R., III, [redacted].
Walker, Marvin E., [redacted].
Wilson, Jack R., II., [redacted].
Wilson, Robert G., [redacted].
Woods, William B., [redacted].
Wunder, William H., [redacted].

ARMY NURSE CORPS

To be major

Allen, Nina R., [redacted].
Baker, Gertrude E., [redacted].
Balkema, Sarah A., [redacted].
Berry, Dorothy M., [redacted].
Bradley, George P., [redacted].
Brown, John E., [redacted].
Campman, Keith L., [redacted].
Fore, Curtis W., [redacted].
Girvan, John B., [redacted].
Goldsmith, Marie L., [redacted].
Gonzales, Luis J., [redacted].
Gosling, Bernandine, [redacted].
Hawkins, Roberta W., [redacted].
Hill, Perry J., [redacted].
Hines, Eugene D., [redacted].
Huber, James O., [redacted].
Kamensky, Richard J., [redacted].
Kelley, Joan M., [redacted].
Martin, Melvin M., [redacted].
Matthews, Charles D., [redacted].
McLeod, Darlene K., [redacted].
Nakama, Shizuko, [redacted].
Pavlakovic, Dorothy, [redacted].
Petro, Andrew P., Jr., [redacted].
Rando, Joseph T., [redacted].
Rasmussen, Doris S., [redacted].
Rausch, Francis M., [redacted].
Reddy, Charles J., [redacted].
Scheerer, Marjorie, [redacted].
Segura, Maria, [redacted].
Seufert, Helen J., [redacted].
Sinclair, Janie A., [redacted].
Soltys, Anthony W., [redacted].
Vancamp, Maryanne, [redacted].
West, Nina, [redacted].
Whitmire, Betty A., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be major

Brady, Barbara R., [redacted].
Carmona, Louis S., [redacted].
Cover, Joseph D., [redacted].
Hamai, Fay S., [redacted].
Hummel, Robert A., [redacted].
Johnson, James E., [redacted].
Pavlis, Patricia M., [redacted].
Walker, Hilda L., [redacted].

CONFIRMATION

Executive nomination confirmed by the Senate June 12, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Thomas Patrick Melady, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uganda.

EXTENSIONS OF REMARKS

SALUTE TO EDUCATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WALDIE. Mr. Speaker, we are celebrating on June 21 a Salute to Education sponsored by the National Education Association, and as my contribution to that Salute, I wish to describe briefly the tremendous impact that several dedicated individuals in the teaching profession have had on my particular life. It would be difficult to mention all teachers during my career in public education that had a meaningful impact upon the direction my life has taken because there were many. As a matter of fact, I suppose there was no period of time in my life where more people contributed more in assisting me in selecting the course that my future life would take than was the period of public education that began for me in Antioch, Calif., continued through the elementary and secondary schools in Antioch, and after a brief interruption for service in World War II, resumed at Santa Rosa Junior College and then the University of California at Berkeley, and culminated in my receiving my L.L.B. degree at the University of California School of Law, Boalt Hall.

But, during that long period of time, I believe the most important impressions upon me as an individual were those contacts that I had with some deeply dedicated teachers in the elementary and secondary system in Antioch.

Among those were Betsy Lull, a high school teacher brought out of retirement to teach in the Antioch school system and whom I had for world history and Latin. I acquired a love of history from Miss Lull that has not diminished since that time.

Jack Danilovich, my high school coach, and his ultimate bride, Alice Walsh, my junior high school teacher, were two individuals that have had an enormous impact upon my attitudes toward life in general and who have, in addition, remained close personal friends offering me continuous direction and assistance in any of my endeavors.

Normally you would not expect a typing teacher to contribute much towards attitudes or philosophy, but that certainly was not the case with Marion Beede, my typing teacher in high school. Mrs. Beede did much to shape my views on a variety of attitudes toward life in general, both while I was in her class in high school as well as during the many years that have passed subsequent to those days.

Mrs. Arch Roberts was a third grade teacher of mine and inculcated in me, even at that early age, a respect for education and teachers that I possessed throughout the rest of my school days and that I possess even now as a result thereof.

Wayne Hawkins, the Dean of Boys at Antioch High School, and Mr. Swenson, my chemistry teacher, were two of the few male teachers in the public school system of those days, and their direction has meant much to me to this very day.

I do not mean to exclude by this brief list the very many other teachers and professors with whom I came in contact during my time pursuing an education, and who contributed so much to me, but there were so many that it would be awkward to attempt to list them all.

In short, Mr. Speaker, what I am attempting to say is that aside from my parents, no group of people had greater impact upon my life and the directions it has taken and will take in the future than those dedicated teachers who attempted with varying degrees of success to impart to me their values.

Our system of public education is indeed a valuable and important institution that has done much to hold this Nation together as one nation with common ideals and objectives and at the same time has recognized and is beginning to recognize even more clearly that diversity of backgrounds and cultures in no way diminishes the unity that we possess in America as one nation of diverse peoples.

What we are as a nation is largely attributable in terms of its positive aspects to what we as individuals learned about ourselves and our neighbors in the public education system. What we will be as a nation and what we can be as a nation will be largely dependent upon the successful continuation of that responsibility by the dedicated and committed teachers of this country who man the most important posts in the institution of public education.

WHERE "LIVIN" IS EASY

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. HAGAN. Mr. Speaker, the cost of living is on every one's mind these days. Some people have even looked into the places in this country where living costs are the lowest, hoping at the first opportunity to move to one of them.

Some interesting recent living cost figures were released after a study by the U.S. Department of Labor. The details of the study reveal the marked advantages of Southern living, amounting to annual savings of $425 to $2,500.

This saving is substantial enough to encourage people to think about the South when work opportunities appear, or retirement age rolls around.

The Savannah News of May 15, 1972, quoted an editorial from the Augusta Chronicle-Herald, entitled "Where Livin' is Easy," as follows:

Where "Livin" Is Easy

Readers who glanced at a recent wire news service story on the trends in average family living costs, may have been impressed only by the extent of the upward shift from spring 1970 to fall 1971.

Getting one's teeth into the details of the U.S. Department of Labor study, however, can provide far more food for thought. Those details demonstrate dramatically the marked advantages of Southern living. They offer tangible evidence, as well, of the flimsy nature of the labor bosses' drive to force the same wage-scale in a Georgia city as in ice-bound Minneapolis, and of professional welfarists' efforts to compel payment of the same number of dollars to the South Carolina rural welfare family with orchard and garden plots at hand, as to the family living in a New York City slum.

In studying 38 mainland American metropolitan areas, it was found that the typical medium level of a four-member family budget in Atlanta ranked 36th in size (the austere budget there ranking 35th, and the more opulent budget 37th). It was found also that in non-metropolitan areas, the averages in the South were well below the national averages, being for the low, middle and high standards as follows: $6,694, $6,267; $9,805; $9,180; $13,657; $12,742.

As for Southern cities comparable to Atlanta, the respective finding for the national metropolitan averages and Atlanta (in low, middle and high brackets for families of four) offer similar contrasts: $7,330, $6,681, $11,232, $9,813; $16,408; $13,883.

Certainly, the cost of living is up. In Atlanta during the time covered, it rose approximately 5.5 per cent. The fact is documented, however, that you live in the South on comparable standards, at anywhere from about $425 to about $2,500 less money.

This accounts, in part, for the present migration of population to many parts of the South.

MEMORIAL DAY TRIBUTE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WOLFF. Mr. Speaker, Jim McCarthy, Washington bureau manager for CBS radio, delivered on Memorial Day, May 29, a most thoughtful and moving address honoring the memory of those who helped make possible American freedom.

Mr. McCarthy's tribute to those who died in defense of freedom is worthy of the attention of every Member of the House.

I trust, Mr. Speaker, that they take here the opportunity to read it.

The tribute follows:

Memorial Day Tribute

This is Memorial Day, or Decoration Day as it was called for many years—and for those too young to know its history and origin, I'd like to tell its story.

Memorial Day started in the mid-1800's when wives and mothers of Southern servicemen who died in the War Between the States laid garlands of flowers across the graves of their husbands and sons in remembrance. Early in May of 1865, the adjutant general of the Grand Army of the Republic, an organization of Union veterans, had witnessed this ceremony in several of the Southern States, and recommended to the GAR's Commander-in-Chief, General John Logan, that their organization make arrangements to similarly decorate the graves of Union soldiers throughout the United States on a uniform date. General Logan approved the plan ordering all GAR posts to "strew flowers and otherwise decorate the graves of their departed comrades on May 30th" . . . an order generally obeyed, especially in the smaller communities.

Memorial Day was not a legal holiday in any of the states until veterans of New York state succeeded in persuading their legislators to pass an act in 1873, designating the thirtieth day of May, to be known as Decoration Day, as "one of the public holidays for all purposes whatsoever." Other states quickly followed New York; and in the course of time, the Congress established holidays should be three-day weekends, so Memorial Day falls on the 29th this year.

At the National Cemetaries in Gettysburg, Pennsylvania, and Arlington, Virginia, the ceremonies have come to be a celebration of national unity. Five presidents have spoken on the Gettysburg battlefield on Memorial Day since President Lincoln delivered his Gettysburg address November 19, 1863. The first was Rutherford B. Hayes; the last was Franklin Delano Roosevelt.

In his 1934 address at Gettysburg, President Franklin Delano Roosevelt used the words of our first president, George Washington, in his plea for national unity . . . "The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any other appelation derived from local discrimination" . . . and he closed with the words . . . "My brethren, if we know one another, we will love one another" . . . words appropos for this time and day.

This day, established to honor the memory of those who died in the Civil War, has come to be observed in memory of the dead from succeeding wars . . . the World Wars, Korea and now Vietnam. And as taps echo over the rolling hills of our national cemetaries on this Memorial Day, let us pause for a moment to pay tribute to those who have died that we might continue to live in freedom.

In my son's bedroom there hangs a motto dedicated to those we honor on Memorial Day. I'd like to share it with you. "If their deaths have provided anything beyond question, they assured us freedom. Other people don't have it in many parts of the world, but we do . . . and we have it only because we were willing to fight to preserve it. However, we have no God-given first mortgage on liberty. Whatever liberty we have ever had we had to fight to maintain . . . and there is no assurance that we won't be tested again. To those who gave their lives that we might live free from tyranny, we may only pledge that we will hand that freedom on to their posterity . . . a freedom for which they died and a freedom they placed trustingly in the hands of those of us who lived."

THE SPIRIT OF AMERICA: REMARKS OF HON. LESTER WOLFF

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. O'NEILL. Mr. Speaker, on Sunday, June 4, Congressman LESTER WOLFF addressed the Jewish members of the graduating class at the U.S. Military Academy at West Point, N.Y. His remarks are extremely poignant and directed to a subject of great current concern, the role of the professional military man in American society today. It was delivered in the Academy's chapel and was well received by over 100 cadets who were in attendance. I believe that it behooves all Members to read the remarks of my friend and colleague, the Honorable LESTER WOLFF of New York.

The address follows:

The Spirit of America

Let me begin by saying that I am honored to be here and to have been asked to share these few, but significant, moments with you in final preparation for a great event—your graduation.

I know of no other academic institution in America that symbolizes excellence more than West Point or none possessing a greater tradition.

I want to spend a few moments today talking with you about the "Spirit of America," and what that means to the defense of this Nation.

It was Pericles who said:

"If Athens shall appear great to you, consider then that her glories were purchased by valiant men who learned their duty."

It is a single honor to graduate from West Point and to join so great an array of alumni—Lee, Grant, Pershing, MacArthur, Patton, Eisenhower—whose careers crowned America with greatness and glory.

The world facing you is vastly different from the one faced by those celebrated graduates of yesterday who went from these plains high above the Hudson to serve their country, secure in the knowledge that there was no higher task they could undertake then to become a professional soldier. But today no West Point graduate can expect what was pro forma before—gratitude from America, Indeed, in some quarters you will confront the greatest contempt, representing as you do a professional military elite—the object now of so much scorn and abuse.

The road ahead of you is an uncertain one, filled with an extraordinary void as to what Americans want from the military as an institution or what it expects from those of you who will one day be chosen to lead the Army of the United States. This uncertainty is by no means confined to the military alone, but affects much of American society.

In this difficult and troubled time, Americans are asking questions that in a simpler past they took for granted. Our institutions are under attack and our values are being challenged. People want to know what has gone wrong with America? They wonder whether the burden of world leadership is worth our bearing any longer? Mistrust is everywhere and we doubt today what we once believed. Change is rampant, much of it unprecedented, and no institution is safe from its reach—most certainly not the military.

As a public figure I know something about change because I was first elected to Congress on the theme that change was needed and that time had passed my opponent by. He argued for the status quo, but that wasn't good enough, and he lost. But even I did not anticipate the measure of change that was coming or the swiftness of its arrival. But change is here and many of our institutions—and more than a few politicians—are badly shaken by it.

My purpose, however, is not to talk about change in the abstract, But rather to discuss its effect upon the military and more importantly—its effect upon you.

The great demand for military change has been occasioned by one principal, overriding concern—the war in Vietnam.

The low state of military morale in America has been brought about by this hopelessly protracted conflict wherein no clear, consistent definition of purpose has ever emerged.

Our reasons for being in Vietnam are as changing as the tides of American public opinion. It has been a war fought for political purposes, governed by political decisions, enforced by Presidents who were and are unsure why we are there or what it is we are fighting for. They have spoken of "peace with honor," but we have neither "peace" nor "honor." They have promised "light at the end of the tunnel," but there is only unending darkness. Everyone from Spiro Agnew to Bob Hope has said the "end is near," but a disbelieving American public has repeatedly found the opposite true.

But I did not come here today to this citadel of military excellence to catalogue once more the evils of the Vietnam war: To cite again what it has cost this country; to remind you of the divisions it has produced; to call attention to the cynicism it has spawned; nor have I come as one more Congressman to tell you that I told you so.

I am not here to castigate the military, to heap coals of fire upon your heads, to warn you of the dangerous consequences ahead because of the folly of Vietnam. Far be it for me or anyone else to hold the Army of the United States up to ridicule or to blame the American military for this Nation's failure in Southeast Asia. The failure of Vietnam may not be laid at the doorstep of the military, but rather the blame must be placed where it belongs—with those who bear the ultimate responsibility for deciding when and where and under what circumstances America goes to war. In short, we politicians are to blame.

It has become very camp to blame the military for the Vietnam quagmire, to accuse this general or that, to make the Joint Chiefs of Staff appear as some select group of fools.

How easy for the President, any President, to say, "My generals misled me." Generals were never meant to make policy, their duty is but to enforce those decisions made by the executive—for that is both the genius and glory of our system.

I am not suggesting that generals do not make mistakes, for they as a group are no less infallible than other men, but they cannot be accused of having lead us into Vietnam, for that decision was never theirs to make in the first place. We cannot blame Westmoreland because of Lyndon Johnson, nor Abrams because of Richard Nixon. No, the generals and their armies are not to blame.

There is another myth that needs putting down: To be anti-Vietnam does not mean that one is therefore anti-military or to believe Vietnam to be folly is not to believe the military foolish. No greater myth comes out of Vietnam than the myth of duplicity on the part of the military for getting us in or leading us on. How wrong then to say, "the military is to blame."

I will tell you when the tide of American public opinion turned against the war: It was when President Johnson said that "we are not trying to win a military victory." Americans said if we are not trying to win, then what are we fighting for?

When President Johnson made that statement the moral pretext of our involvement in Vietnam was forever stripped away. Americans understand fighting to win. But they neither understand or support policies that send our soldiers half a world away to fight and die for a cause that has already been decreed as not worth winning.

Here then is the moral bankruptcy of American policy in Vietnam: The Government of the United States conscripts young men to wage war, to confront the possibility of death, while being unwilling for political reasons to give a similar commitment.

What kind of people do our leaders think we are that we should support a policy that engages in such moral double-dealing while they wrap it in the flag and remind us of our duty to be patriotic.

Any time any nation finds that it must remind its citizens to be loyal, to hold up the flag, to be patriotic, it has already lost whatever right it had to expect such displays of patriotism. George Washington warned to "guard against the impostures of pretended patriotism." And one might add: To guard against those who call for patriotism to support immoral policies.

Was Lincoln forced to remind the Army of the Potomac to be patriotic? Was Churchill called upon to instruct British soldiers on their duty to England? Were pleas needed by Stalin to turn back Hitler at the gates of the Kremlin? Does Golda Meir find it necessary to admonish the Israeli Army of its responsibilities? Did MacArthur have to urge his men to retake the Philippines?

The answer to all of these questions is the same and you know it as well as I do. It is no! For the difference between America today and those other nations—both past and present—is singular in nature and yet overwhelming in its consequences—a clear definition of purpose.

The military in America needs to be reassured of the fundamental rightness of those objectives they are assigned to accomplish. No such fundamental rightness has ever been evident in Vietnam. All of us, every American and every American institution, has suffered grievously as a result of this failure to define our goal. We failed because we did not know what our purpose was in the beginning and we do not know today—so long after the fact. The military has been forced to bear much of the blame and out of this unjust assignment of responsibility has come the demands for change. Committing the Armed Forces of a democracy such as ours to limited wars that are essentially no-win by definition, but then demanding a military victory is a serious dichotomy of purpose contributing mightily to the virtual collapse of spirit within our Armed Forces.

This loss of spirit is a greater threat to America and freedom than all the combined might of all the potential foes in the world. It is this more than any other single thing the American military needs to regain, for the spirit of America to soar again is more important than for the latest advance weapon system to be funded by the Congress. Surely the men and women of our Armed Forces understand this and equally understand their own dependence upon it.

I said that I wanted to talk to you about change and its relationship to you and the Army. The change that I refer to is not the fear of change, but that which masks itself as change when in fact it is nothing less than a destructive force. That which seeks to undermine confidence in our Armed Forces and tries to create the impression that the military tiger must be leashed. The military has been blamed for failures that belong more readily with those who wish to escape responsibility for the disaster of Vietnam—and we understand why they wish to avoid responsibility.

But the Armed Forces of this Nation has been blamed too long for too much at the hands of too few. No national purpose is served by damning the military. The future of America cannot be safe if those who wear the colors of this Nation are made objects of ridicule and contempt.

The change that we welcome, the change that you must welcome, is that which builds a better America, that strengthens rather than weakens America. This change will not come through ridicule or contempt, it will not be realized by creating straw men or the false assignment of blame.

Your duty, the duty that Pericles spoke of, is that of a devoted public servant—in the best tradition of those great military figures who held themselves above ambition, either personally or parochially. The good of America must be paramount in your desires and the interest of this Nation must be placed above that of your service. You must seek only to serve your fellow citizens. To work for the commonweal. You know, finally, what your duty is—for there is where your glory lies. It is our responsibility, our charge, to define that duty for you—and I pledge to you that we shall.

I wish to conclude with these lines from William James and hope that you will not think him inappropriate to such an occasion:

"Democracy is still upon its trial, the civic genius of our people is its only bulwark, and neither laws nor monuments, neither battleships nor public libraries, nor great newspapers, nor booming stocks; neither mechanical inventions nor political adroitness, nor churches, nor universities can save us from degeneration if the inner mystery be lost. That mystery, at once our secret and our glory, consists in nothing but two common habits . . . one of them is the habit of trained and disciplined good temper towards the opposite party when it fairly wins its inning. The other is that of fierce and merciless resentment towards every man or set of men who breaks the public peace."

THE FOODMAKERS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. ROSENTHAL. Mr. Speaker, the next time the leaders of the food industry convene, do not be surprised if they pay only brief lipservice to nutrition and then turn their full attention to that overriding concern, profit.

Perhaps they will even toast their treasuries with a concoction of fumaric acid, sugar, monosodium phosphate, ascorbic acid, propylene glycol, artificial flavor and color, calcium carbonate, and dioctyl sodium sulfosuccinate. Sound strange? Like the formula of some mad Karloffian chemist? Perhaps you know it best by another name—Kool-Aid.

Profit is the name of the game in the $125-billion-a-year food industry. Not nutrition. And it is played with a combination of some 3,900 chemical additives, a majority of which are of little or no nutritional value to those who consume them—often unknowingly because of lax labeling laws—and some of which may even be very harmful.

The story is told in a pamphlet by two associates of the Center for Science in the Public Interest, Dr. Michael Jacobson and Rita Poretsky. It points up not only the need for full disclosure of ingredients, but also of the need for better nutritional information about the food we eat and thorough testing of all chemical additives. I am inserting their report in the RECORD at this point.

The report follows:

THE FOODMAKERS

(By Michael Jacobson and Rita Poretsky)

The American people are fed by a $125 billion a year food industry. The components of this industry range in size from the Mom n' Pop store on the corner to the billion dollar a year giants like Swift, General Foods, and ITT-Continental Baking.

The Foodmakers are run by men (few women) who are concerned primarily with profits, not nutrition. If nutritious foods happen to be profitable, fine; if non-nutritious foods are more profitable, these will be sold. General Foods has an official "nutrition policy" that begins: "General Foods recognizes its responsibility for the nutrient content of the food products it produces," but it manufactures and advertises such junk as Kool-Aid,[1] Jello-O,[2] and Cool Whip Swiggle.[3] The companies which provide us with our daily nutrients have the general policy that all their foods will be nutritious, except for those that aren't.

Foods these days are frequently developed by food scientists rather than grown by farmers. And it is these scientists who bear a good deal of responsibility for the nutritional catastrophes that line the supermarket shelves. Food scientists, after studying nutrition and biochemistry for several years at universities, trade their ideas to the Foodmakers in return for security and salary. Their independence and influence within the corporate framework is nil: if they are told by the marketing people to produce Swiggle, they produce Swiggle . . . or it's good-by. And if Swiggle does nothing for the dietary needs of the millions of Americans who are nutritionally and financially impoverished, too bad.

While food scientists share the blame for unwholesome or non-nutritious foods, they do not share greatly in the profits made on these foods. Many food executives make more money in one year than a scientist (let alone a production worker or secretary) will earn in his or her entire lifetime. Donald M. Kendall, for instance, the chairman PepsiCo (Pepsi Cola, Fritos, etc.) and a close friend of Richard Nixon, had a salary in 1971 of $199,200 plus a $99,700 bonus; in addition he raked in two million dollars in the past five years on stock option deals. How much Kendall collects from real estate, dividends, stock sales, etc., is anyone's guess.

Because foods like Kaboom and Cool n' Creamy do not serve a real need, Foodmakers must create a need in order to reap profits. This, of course, is done through advertising. The advertising drives up food costs, making food even more expensive for those who need it most. At a time when our cities are decaying, our environment disintegrating, and millions of people ill-housed and ill-fed, the Foodmakers spend an astonishing $2 billion a year on advertising—a large fraction on non-nutritious "fun" foods. Coca Cola and PepsiCo each spend $37 million a year to promote their cariogenic products; in 1971 General Foods spent $4 million to promote Jell-O. Compounding the problem is the fact that much of this advertising is directed at children, who are seen as easy prey by those whose line of business is "brand indoctrination." General Foods spent as much on advertising as the whole state of Nevada spent on all its public schools. General Mills' 1971 advertising budget was millions bigger than the budget of FDA's Bureau of Foods. (Amazingly, despite fat advertising budgets and market research, 9 out of 10 new products are flops; the costs of these failures are, of course, borne by the consumer.)

The nutritional quality of foods mentioned on the following pages cannot be summarized. Some foods are wholesome and nutritious; others are non-nutritive at best, health hazards at worst. Probably the worst foods are the soft drinks, with their sugar or saccharin, artificial coloring, brominated oils, acids, and total lack of vitamins, minerals, and protein. Some foods that are advertised as being highly nutritious—such as fortified breakfast cereals and some snack foods—are not wholesome. Many of them are essentially vitamin-coated, artificially-colored and flavored sugar pills, and ought to be avoided. Such foods, despite their nutrients, are conducive to tooth decay, obesity, heart disease, and cancer.

This, then, is a brief overview of America's Foodmakers.

Bon Appetit!

P.S.—What should you eat, you ask? Try fresh or frozen fruits, vegetables, fish, and meat; brown rice and whole wheat bread; cheese and skim milk. Note how little these healthy foods are advertised. Avoid anything with lots of sugar, artificial coloring, BHA or BHT, sodium nitrite. Soft drinks and processed meats are probably the two worst foods.

SUNDRY FACTS AND FIGURES

Total food industry sales: $125 billion per year.

Total health-organic-natural food sales: $100–400 million.

Total sales of pudding and gelatin desserts: $250 million per year.

Expected family income during an entire lifetime: $380,000.

America's annual dental bill: $5 billion.

FDA 1972 budget: total $103 million.

Bureau of Foods: $43.8 million.

Total number of food additives: 3,900.

Permissible levels of food contamination:

Up to one rodent pellet per pint of wheat.

Up to 100 insect fragments or 8 rodent hairs per ounce (actually 25 gms.) of curry powder.

Up to 10 fruit fly eggs or 2 larvae per 100 gms. (3 ounces) of tomato juice.

Annual soft drink sales: $6 billion.

Annual beer sales: $6.5 billion.

Food allotment in the nation's 2nd wealthiest county (Mont. Co., Md.) for welfare recipients: $0.16 per person per meal.

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[1] Kool-Aid ingredients: fumaric acid, sugar, mono-sodium phosphate, ascorbic acid, propylene glycol, artificial flavor and color, calcium carbonate, dioctyl sodium sulfosuccinate.

[2] Jell-O: sugar, gelatin, adipic acid, sodium citrate, fumaric acid, artificial flavor and color, natural flavor, BHA.

[3] Cool Whip Swiggle: water, hydrogenated oils, sugar, vanilla, sodium caseinate, dextrose, polysorbate 60, sorbitan monostearate, gar gum, artificial color and flavor.

VITAL DATA ON AMERICA'S MAJOR FOODMAKERS

Name of company	1971 ad budget [1]	Rank as advertiser [1]	Top executives [3]	Compensation [3]	Products
American Home Products	$95,972,200	4	W. Laporte, chairman	$290,000 [3] (2,680)	Chef Boy-Ar-Dee, Jiffy Pop popcorn, Gulden mustard, spaghetti dinners, ravioli, drugs, and household products.
			H. Blades, executive vice president	150,000 [3] (1,625)	
Borden, Inc.	10,801,400	90	A Marusi, chairman	192,000 [3] (3,496)	Dairy products, Cracker Jack, Campfire marshmallows, Wise potato chips, Cremora nondairy creamer, frozen meats and seafood, chemicals, cosmetics.
			W. Olmstead, vice president	112,400 [3] (1,687)	
			E. Sullivan, vice president	112,400 [3] (1,687)	
Campbell Soup Co	31,691,000	30			Soups, Franco-American spaghetti and macaroni, V–8 juice, Swanson frozen dinners, Pepperidge Farm bread.
Carnation Co	21,599,700	48	E. Stuart, chairman	85,000	Instant breakfasts, powdered and evaporated milk, coffee-mate, hot cocoa mix, fresh dairy products, canned meat combinations.
			H. Olson, president	173,699	
Coca Cola Co	37,134,600	21	J. Austin, chairman	250,000	Coca Cola, Fresca, Sprite, Tab, Fanta, Santiba coffee, tea, Minute Maid, Snow Crop, Hi–C.
			C. Duncan, executive vice president	161,720	
CPC Internat. Inc	17,842,600	63	H. Harder, chairman	200,000 [3] (1,236)	Products from corn refining, cornstarch, ready-to-eat meals, Hellmann's mayonnaise, Mazola corn oil, Skippy peanut butter, Rit fabric dyes, Niagara laundry starch, Nu-Soft fabric softener, Shinola shoe polish, chemicals, drugs.
			J. McKee, president	170,833 [3] (.232)	

Footnotes at end of article.

VITAL DATA ON AMERICA'S MAJOR FOODMAKERS—Continued

Name of company	1971 ad budget[1]	Rank as advertiser[1]	Top executives[2]	Compensation[2]	Products
Del Monte Corp.[4]	$9,599,100	98	Eames Landis Yerby	$138,162 85,800 103,458	Canned fruits and vegetables, dried prunes, raisins, snack foods frozen gourmet foods.
General Foods Corp	104,793,700	2	C. Cook, chairman A. Larkin, president	292,000 212,000	Post, Birds-Eye, Jello, Alpha-Bits, Post Toasties, Fortified Oat Flakes, Frosted Rice Krinkles, Tang, Kool-Aid, Awake, Orange Plus, Cool-Whip, Dream-Whip topping mix, Burger Chef restaurants, Pet Foods (Gravy Train, Gainesburgers, etc.).
General Mills, Inc	54,000,000	13	McFarland, president Summer, ex-vice president Kinney, ex-vice president	250,087 175,900 146,606	Total, Wheaties, Kaboom, Frankenberry, Count Chocula, Cheerios, Kix, Trix, Lucky Charms, luncheon meats, frozen convenience doughs, prepared baking mixes.
Heinz Co.[4]	12,640,000	81	Gookin, president Allen, senior vice president Bogdanovich, president	262,060 126,760 126,924	Soups, catsup, frozen potato products: Ore-Ida, Tater-Tots, Golden Fries, Golden Crinkles; baby foods, Starkist tuna, beans, pickles, Nine Lives Cat Food.
ITT Corp	27,702,600	35	Geneen, director Dunleavy Bennett	812,494 342,060 296,800	Continental Baking Co., Wonder bread, Hostess snacks, Morton frozen foods, Smithfield ham, Sheraton hotels, Hartford insurance etc.
Kellogg[4]	36,035,500	24	Roll, chairman Harley, executive vice president Leaver, vice chairman	227,767 128,083 123,098	Corn Flakes, Rice Krispies, Frosted Flakes, Raisin Bran, Sugar Smacks, Special K, Cocoa Krispies, Salada foods, puddings, pie fillings, etc.
Kraftco Co	41,511,900	16	G. Edwards, chairman W. Beers, president	318,616 251,462	Kraft cheese, Sealtest, Breyers, Breakstone, oils and shortenings, food bases, ind. chems. derived from fats.
McDonalds Corp.[4]	26,411,800	37	Kroc, chairman Turner	175,000 114,188	Drive-in restaurants.
Nabisco Inc	40,218,200	18	L. Bickmore, chairman R. Schaeberle, president	264,061 140,661	Lorna Doone, Oreo-Creme, Premium Saltines, Ritz, Nabisco, Shredded Wheat, Wheat and Rice Honeys, Chuckles.
Nestle	25,782,400	38			Milk products.
Norton-Simon[4]	30,269,990	33	Mahoney, chairman Burnside, director Gelsthorpe, director	287,500 175,500 165,000	Hunt's tomato sauce, Canada Dry, Wesson oil, Reddi-Whip, Snack Pak, Sloppy Joe sandwiches, Big John's Beans 'n Fixin's.
Pepsi Co. Inc	36,726,100	23	A. Pearson, president D. Kendall, chairman	258,900 298,900	Pepsi-Cola, Diet Pepsi, Teem, Patio, Mountain Dew, Fritos Ruffles, Chee-Tos, catsup, dips, Wilson sporting goods.
Pillsbury[4]	16,723,700	64	Keith, chairman Hanold, president McLamore	162,825 135,687 103,785	Baking mixes, Funny Face drink mix, poultry, restaurants, cookbooks.
Procter & Gamble[4]	197,832,800	1	Morgens, president Snow, vice president McElroy, chairman	486,495 278,974 309,640	Mainly a detergent and soap manufacturer (Tide, Ivory, Dash, Cheer, Crest, Gleam, Prell, Spic 'n Span), but also makes Crisco, Jif peanut butter, Duncan Hines baking mixes, Folger's coffee, and paper products Charmin, Pampers.
Quaker Oats[4]	22,522,600	43	Stuart, president D'Arcy, vice president Schell, vice president	288,011 203,358 181,413	Quaker Oats, Captain Crunch, Flako, Aunt Jemima, Ken-L-Ration, Puss 'n Boots, candies, toys, chemicals.
Ralston Purina Co	35,856,300	25	R. Dean, chairman W. Shapleigh, vice president	235,000 [3] (3,400) 123,000	Feeds for livestock and poultry, Wheat Chex, Rice Chex, Freakies, Instant Ralston, Purina Chow, Jack-in-Box restaurants, Chicken of the Sea, processed soybeans.
Royal Crown Cola	9,686,600	96	Durkee, president Crowley, vice president	123,704 86,125	Royal Crown Cola, Nehi, Diet-Rite, Gatorade.
Seven Up Co	14,789,000	72	Wells, president Ridgway, vice president	145,700 126,447	7-Up, Diet 7-Up, Like.
Squibb Co	11,404,100	87			Primarily drug manufacturing but also makes Beech-Nut babyfoods, Life-Savers, Tetley tea, Sweeta sweetener, and perfumes: My Sin, Arpege.
Standard Brands	16,016,400	69	H. Weigl, president O. Applegate, vice president	191,667 113,750	Chase and Sanborn coffee, Tender Leaf tea, Royal desserts, Planter nuts, Fleischmann's and Blue Bonnet margarine.
William Wrigley Co	22,525,000	42	Wrigley, president Harland, executive vice president	172,920 80,881	Wrigley Spearmint, Doublemint, Juicy Fruit chewing gum.

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[1] Advertising Age, Apr. 24, 1972; national advertising in radio, TV, magazines, newspapers, and billboards.

[2] Business Week, May 6, 1972 and proxy statements.

[3] Shares of stock. The number given does not include insurance policies, loans, stock options, free houses, promissory notes, free ocean cruises, or consulting fees.

[4] 1970 salary data.

On women—Is she really astute enough to recognize both products provide approximately the same number of calories per unit weight but that a larger proportion of calories come from fat in Brand X and that Brand Y provides slightly more protein? Of course not!

Hartley W. Howard, Technical Director, Borden Inc.

On women—The women of America, who are the major patrons of our supermarkets and grocery stores, are smart beyond words, are rarely if ever deceived, and are perhaps the keenest buyers that we have in this land of ours.

Exec. V. P. of Scott Paper Co., Senate FPLA hearing.

QUALITY OF DIETS, 1955–65

[In percent]

Year	Good	Fair	Poor
1955	60	25	15
1965	50	29	21

Source: U.S. Department of Agriculture food consumption surveys.

PRESIDENT VISITS POLAND

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. DULSKI. Mr. Speaker, the President concluded his recent visit to Europe with a stop at Warsaw, Poland, where he was received warmly both on the official and the civilian levels.

There is reason to hope that the visit indicates prospect of improved relations between the two countries.

As part of my remarks, I include an editorial from the Buffalo, N.Y., Evening News for June 3:

BOLSTERING U.S. TIES WITH POLAND

The American and Polish peoples have always felt a warm tie—based on the invisible bonds of kinship and fostered by periodic visits. Even during the chilly days of the cold war, in 1959, the people of Warsaw showed Vice President Nixon their interest in everything American with a reception exceeded in warmth only by his recent return visit as President.

This time, the welcome was warm at both the unofficial and official level. In spite of the lack of advance publicity, some 300,000 Poles lined the streets for Mr. Nixon and almost went out of control when Mr. Nixon left his car to shake hands—a practice, incidentally, that unnecessarily exposes the President on such foreign tours.

At the government level, Mr. Nixon reached accord with the Communist leaders on increased trade, a consular exchange, new air links, and tourism. The three top Polish leaders, like their counterparts in Moscow, accepted invitations to visit the U.S.

Unfortunately, the agreement on trade was less than complete. Last year, former Commerce Secretary Stans envisioned a big potential for industrial cooperation between the U.S. and Poland and favored the granting of Export-Import Bank credits to Warsaw. Such financing, which would have facilitated new export business from the Niagara Frontier, did not materialize, possibly because of the failure to negotiate similar terms earlier at the summit in Moscow. The problem can, however, be studied by the joint trade commission set up by the U.S. and Poland.

The two governments also hailed the new spirit of co-existence as expressed in the highly significant German-Polish treaty, the plans for a European security conference and the possibility of mutual troop cutbacks. The President's visit raises hopes that, within the limits of Poland's status as a Soviet satellite, the relationship between the two countries will be increasingly friendly and mutually beneficial.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

AN OUTSTANDING PUBLIC OFFICIAL

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BOGGS. Mr. Speaker, we in New Orleans are fortunate to have as our mayor an outstanding public official, totally committed to meeting the challenge of the urban crisis.

As mayor of our city and as a member of the legislative committee of the U.S. Conference of Mayors, Moon Landrieu is earning a national reputation as the kind of leader we must have in municipal government if we are to rescue our urban centers.

Mayor Landrieu testified last Friday in the Southeastern regional hearings of the Democratic National Platform Committee. His topic was the urban crisis and legislation now pending before the Congress to rush financial aid to State and local governments.

Mayor Landrieu's testimony sets forth the case for revenue sharing, and I am inserting it in the RECORD and calling it to the attention of my colleagues:

STATEMENT OF MAYOR MOON LANDRIEU

I come to you with a simple message: America cannot afford to abandon her cities. In the history of Western Civilization the one period when the cities were abandoned is called the Dark Ages. It could happen again. Our cities could die not from being incinerated in a nuclear holocaust or from being infiltrated by foreign ideologies. They could die from neglect and abandonment. Some of them are dying now.

The NLC and USCM, whose spokesman I am this morning, would like to see it made clear in the Democratic platform that the Democratic Party views the crisis of the cities as the number one issue of 1972.

The crisis of the cities is a crisis of authority and a crisis of resources.

To deal with the crisis of authority there will have to be a restructuring of the American federal system. City governments must become full partners with the State and National Governments.

The genius of our federal system has been its flexibility. Our only dogma has been that democratic government must be organized to meet the needs of the people.

The issues for us then is not whether our federal system will change, but how it will change and who will change it.

My fellow Democrats, you now have an unparalleled opportunity to help change that system by the way you frame the Democratic platform for the next 4 years.

So you will understand more about why that system needs changing, let me tell you a little about the kinds of problems I face as the mayor of New Orleans.

When I took office in 1970, my city, like every other major city in the country, was facing a serious financial crisis. Funds for bond retirement were so scarce that we could project a five year capital program of only $25 million. Inflation had so eaten away at our operating budget that we were faced with the closing down of the public libraries and recreational programs. A desperately needed program of additions to our levees for hurricane protection was going to be curtailed, not because we couldn't fund the whole project but because we could not come up with the ⅓ match for Federal funding. City government, the school board, the levee board, the sewerage and water board, and the domed stadium district were all faced by the probability of being unable to market their bonds because of a 6 percent interest limitation imposed by the State constitution.

The mayor of New Orleans could recognize problems of his city, but he was powerless to act. The city council knew the situation well, but it was powerless to change it. The people of New Orleans could see what was happening, but they were not empowered to decide what to do about it. In some cases, the State legislature could give us relief, but in most instances, solutions to these entirely local problems required the full process of State constitutional amendment: we needed a ⅔ affirmative vote of the State legislature and a majority vote in a State-wide referendum.

The need for constitutional reform and administrative reorganization have been recognized in my State. A new Democratic Governor and a hard driving new legislature are grappling with the tasks of restructuring State government and its relationships with the National Government and with cities.

In drafting your platform, I hope you will keep in mind the need to articulate a *national* commitment to making the disjointed federal system work as it should. The approach of the National League of Cities and the United States Conference of Mayors is to vest more authority and discretion in the hands of local elected officials, and to accept municipal government as a full partner in the federal system.

Necessary as it is to grant more authority to local officials, it is also imperative to give them the material resources to get the job done. Because we think the fiscal problems of our cities are so critically urgent, please bear with me now as I quote extensively from the section on fiscal support in our national platform statement which we are submitting to you today:

America's cities today are caught in a four-way vise: Costs are rising. Demands for services are rising. Debt is rising. Resources are dwindling.

On the cost side:

Total city expenditures rose $12 billion during the most recent five-year period for which figures are available.

Payroll alone accounts for nearly half of the increase in expense of running local government.

Rising costs are a problem for all cities, in all regions of the Nation. Between 1957 and 1970, municipal expenditures per capita rose 180 percent in Rochester, New York; 210 percent in Kansas City, Missouri; 225 percent in the Tampa-Saint Petersburg area of Florida; and 232 percent in the Seattle-Everett area of Washington.

Part of the reason for the rising cost of local government is the increasing demand for municipal services. According to Census Bureau figures cited by the Brookings Institution, between 1962 and 1970, per capita local government expenditures in 41 large cities (and their school districts) went up:

109 percent for education.

264 percent for public welfare.

101 percent for health and hospitals.

The Brookings report, Setting National Priorities—The 1973 Budget, points to "proliferation in the number and kinds of services provided by urban governments. For example, local programs for pollution control, consumer protection, drug rehabilitation, family planning, day care, and community colleges were almost nonexistent a decade ago. Many such innovations have been spurred by federal legislation . . . (such as) Model Cities . . . compensatory education . . . Medicare and Medicaid . . .

At the same time, providing the traditional municipal services costs ever-increasing amounts of money. Between 1966 and 1970, outlays by America's cities for:

Sanitation went up $319 million.

Parks and recreation went up $474 million.

Fire protection went up $551 million.

Police services went up $1,100 million.

To meet their needs, State and local governments have had to go into debt—and at a much faster rate than either the Federal government or the private sector. Between 1953 and 1970:

Federal government debt rose 33 percent.

Private sector debt rose 320 percent.

State and local government debt rose 367 percent.

Total city debt, now $44 billion, is rising at an increasing rate. Over the most recent five-year period for which figures are available, city debt rose $10.1 billion. More than a third of that sum—$3.8 billion—was incurred in the last of those five years.

Collectively, the largest cities and the smallest cities are going into debt in the greatest amounts:

Cities over 500,000 population accounted for a fourth of last year's overall city debt increase.

Cities under 50,000 population accounted for half of that increase.

To meet the rising costs of personnel, services, and borrowing, cities are taxing themselves in greater amounts. In 5 years, cities have increased their taxes, user charges, and utility rates by $6.7 billion.

But city governments still can't keep up with the demands within their own fiscal resources. As the Brookings report points out, "In a few older cities, such as Newark and Trenton, New Jersey, the aggregate value of taxable property has actually begun to decline."

Faced with a property and sales tax base that is not growing as fast as demand, or is actually contracting, local urban governments must turn to other sources to provide the human, physical, and environmental services required by their people—which are 70 percent of all the American people.

There has been a dramatic increase in Federal aid to State and local governments in the past decade. Some 656 major Federal programs providing aid for urban areas are now on the books, and several more are in the congressional pipeline. The dollar figures on Federal aid to State and local governments, while increasing at a dramatic rate, are misleading, however. Federal figures imply that U.S. aid to State and local governments as recently as 1970 totaled $24 billion. In fact, only one-third of that amount went to city governments. The rest went to individuals living in urban areas (in the form of Medicare, income security payments, etc.); support for schools, social services, and health care, which are managed primarily by counties rather than cities; and for use by the Departments of Defense, Agriculture and Transportation for programs that do not directly assist city governments.

What is really needed?

By far the most promising concept of fiscal support for local government is general revenue sharing. Legislation now under consideration in Congress would provide for the next five years an annual Federal sharing of $5.3 billion ($3.5 billion to general purpose local government and $1.8 billion to State government). Each unit of government's share would be based on its population and its need. All civil rights protections now required by other Federal grants would extend to revenue sharing.

As significant as general revenue sharing is in the development of Federal aid to local governments, both in amount and in concept, it does not constitute a total or permanent solution to the fiscal needs of cities. Indeed, it would provide only five to ten percent of a city's annual budget and amount to no more than the equivalent of one year's growth in locally-generated tax revenues.

Revenue sharing certainly deserves the full support of both major political parties and the American people as a whole. But the search for ways to help cities meet the profound needs of their citizens should not end there.

City governments are emphatically on record that general revenue sharing should not be a substitute for categorical grant programs. Indeed, the categorical programs need to be expanded as well as consolidated.

In our platform statement, we discuss certain Federal categorical programs—manpower, criminal justice, housing, community development, transportation, environmental protection, etc. (My colleague Nayor Henry Bishop will present our recommendations concerning many of these programs.) While the details of the particular programs vary, as do specific suggestions for improving their effectiveness and expanding their scope, certain common themes emerge. In reviewing Federal aid programs, we conclude that:

Funding must be significantly expanded.

Funding must be adequate for planning, construction, operation, and evaluation.

The flow-down of funds from the U.S. Treasury to City Hall must be even, sustained, dependable, and long-term.

In scope, projects must serve the geographic area and the population in need over a time sufficient to accomplish the desired results.

Programs must be subject to the approval and influence of local elected officials so the results will be responsive to local need.

Programs must be planned, coordinated, and managed with maximum flexibility so as to take full account of local, metropolitan, and state circumstances and relationships.

Programs must be balanced among the often conflicting considerations of the area covered, the function provided, and the beneficiary served.

Timing, insofar as possible, should dovetail with local budgetary and decision-making cycles.

Among the many vexing problems facing local governments are the failure of Congress to fully fund critical urban programs and the refusal of the President to spend some of the money that Congress had made available for them.

The Interstate Highway Program has been fully funded, thanks to the Highway Trust Fund. And over the last three years, Congress has appropriated 97 percent of the sum it authorized for the National Aeronautics and Space Administration (NASA) and 93 percent of the amount it authorized for military purposes. By contrast, over the same period, Congress actually appropriated only 75 percent of what it had authorized for urban renewal and a meager 46 percent of funds for poor school children under Title I of the Elementary and Secondary Education Act (ESEA).

Even after Congressional approval of some appropriations, both Democratic and Republican Presidents have chosen to impound some of those funds. Urban programs have been particularly hard hit by Presidential impoundments in recent years. This year the Administration impounded a total of $680 million that Congress had appropriated for rehabilitation loans and basic water and sewer grants for community development, as well as for public housing.

We recognize the legitimate right of the President to exercise emergency measures to control the Federal budget, but that does not justify thwarting the will of Congress expressed through both authorizations and appropriations.

In discussions of urban programs, much has been said about the need for "innovation" and "demonstration projects." We submit that the most needed innovation now is for Congress to fully fund, and the President to wholly spend, the money necessary to effect the already tested innovative programs that have proved out in demonstration projects. Such programs include, but are not limited to, urban renewal, Head Start, Title I of ESEA, Public Service Employment, and income maintenance.

Where will the money for meeting all the needs of all the cities come from?

Perhaps the answer lies in recent Federal personal and corporate income tax cuts. The cumulative impact of the Revenue Act of 1969 is a loss of $75.5 billion in 1970 to 1973, inclusive. Of that sum, corporate tax cuts will have cost the Treasury $9.4 billion, and personal income tax reductions will have cost $66.1 billion.

During that same three-year period, city tax increases will total at least $6.7 billion.

And so, we think it fair to ask: Which level of government should be prepared now to shoulder more of the burden of helping the cities to meet their critical fiscal needs?

Thank you, ladies and gentlemen, for your attention.

PRAYER FOR LITHUANIA

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. COLLIER. Mr. Speaker, Thursday will be the anniversary of the annexation of Lithuania by the Soviet Union, which took place on June 15, 1940. Almost a third of a century has not been sufficient to brainwash the people of that unhappy land into acceptance of the loss of their independence as a nation and their freedom as individuals.

Neither have 2 million Americans of Lithuanian stock accepted the obliteration of Lithuania from the map of Europe and its absorption by the Soviet Empire. Indeed, the United States of America has never recognized the seizure of Lithuania and its sister Baltic republics, Estonia and Latvia.

Vytautas Volertas, president of the National Executive Committee of the Lithuanian-American Community of the U.S.A., Inc., has proposed that Thursday, June 15, be observed as a national day of mourning and prayer for Americans of Lithuanian background. Mr. Volertas believes that this would be a most effective way of demonstrating the support of the United States for Lithuania's efforts to establish religious and political freedom.

Mr. Speaker, I heartily indorse the proposal that has been advanced by Mr. Volertas on behalf of the great organization for which he is an able and eloquent spokesman. All of us who believe in political freedom for all nations and freedom of worship for all men should unite in prayer on June 15. Let us send our petitions to the Almighty and ask that Lithuania and the other nations behind the Iron Curtain may soon be released from bondage and that its people and their fellow sufferers in other lands, be they Christian or Jews, Moslems or Buddhists, be permitted to worship God without further persecution.

MASSACRE AT LOD AIRPORT, ISRAEL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. HARRINGTON. Mr. Speaker, few individual incidents have horrified the civilized world as dramatically as the brutal murder of dozens of innocent people at Lod Airport in Israel. This inhuman act, perpetrated by political terrorists supported by so-called Arab Liberation groups, must be totally condemned by world opinion, and strong international action must be taken to root out and isolate those responsible. Nor should those governments which have hailed this criminal action escape censure. It is an error of the gravest moral and intellectual proportions for any government to condone this kind of activity, and we must do all we can to drive this message home.

At this point, as an illustration of the outrage that has been generated by this brutality, I insert in the RECORD a resolution on the subject adopted by the House of Representatives of the Commonwealth of Massachusetts:

RESOLUTIONS MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND CERTAIN OTHER PUBLIC OFFICIALS TO PUBLICLY CONDEMN AND TO TAKE CERTAIN OTHER ACTIONS RELATIVE TO THE MASSACRE AT LOD AIRPORT, ISRAEL

Whereas, The Massachusetts House of Representatives is shocked and saddened by the massacre of at least 26 persons and the wounding of 70 yesterday at Israel's International Airport. Commissioned by one of several Palestinian terrorist groups advocating the mass murder of Israel men, women and children, the Lod Airport Massacre stands as the most deplorable episode in the long series of atrocities perpetrated by these groups: and

Whereas, The complicity of Arab governments in these atrocities is equally reprehensible. They long have supported, both politically and financially, acts of terrorism against the people of Israel. They retreat to a smug silence only when the result of such acts is sufficiently horrible to arouse outrage and sorrow around the world; therefore be it

Resolved, That the Massachusetts House of Representatives calls upon President Richard M. Nixon, U.S. Secretary of State William Rogers and the United Nations Secretary-General Kurt Waldhaim to take the following steps:

(1) To express publicly their shock at the Lod Airport Massacre and their sympathy to the families of the victims.

(2) To condemn all acts of terrorism.

(3) To privately and publicly urge each Arab government to abandon its support of Palestinian terrorist groups.

(4) To demand that Arab leaders denounce the Massacre and all previous incidents of violence directed at the Israel population; and be it further

Resolved, That engrossed copies of these resolutions be forwarded by the Secretary of the Commonwealth to the President Richard M. Nixon, U.S. Secretary of State William Rogers, Secretary-General of the United Nations Kurt Waldheim, the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

BRAVE, YOUNG BOY LOST BATTLE WITH LEUKEMIA

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, 2 weeks ago a brave young boy in Fairfax, Va., lost a 3-year battle with leukemia. His tragic loss might have been prevented had we moved more quickly in our efforts to find a cure for this dread disease, and his story should serve as an inspiration to those now engaged in cancer research to redouble their efforts toward this end.

As I believe the story of Steve Cox's brief but full life should be known to all who are concerned about protecting our children from their second greatest killer, I insert an article concerning him from the Washington Daily News at this point in the RECORD:

"IF YOU ACCEPT LIVING, YOU ACCEPT DYING"

(By Louise Lague)

The room where Steve Cox lies dying is packed with souvenirs of 12 full years. There are Boy Scout awards, his clarinet and drums, science books and the calico cat that will only sleep on the bed when Steve is in it too, and not off at the hospital.

His mother stood in the doorway watching him sleep and said Steve had asked her if maybe it wasn't better to live really well for 12 years instead of passively for a long time.

Steve, the son of Mr. and Mrs. James Cox, 9610 Commonwealth Boulevard, Fairfax, has leukemia, a fatal cancer of the blood. It is apparently caused by a virus that can hit even the strongest children, but nobody knows much more about it than that. It is the second greatest killer of children up to age 15, right after accidents.

Steve found out about his disease three years ago when a baseball bruise failed to heal. The doctors tested him and told him something about red cells and white cells. Steve, who was already at junior high level in science, told his mother it must be leukemia, and it was.

Three weeks after the baseball accident, Steve fell ill and the doctors gave him five days to live. But he bounced back and played baseball for another year, visiting the outpatient clinic at Children's Hospital every month for treatment.

Six months after the diagnosis, Steve asked if he could look up leukemia in the encyclopedia. "We knew if he didn't do it at home, he'd do it at school," Mrs. Cox said. "So we let him. The last line said 'always fatal.'

"Steve said he should probably make a will so that his little sisters would get all his stuff, and I told him the state would probably take most of it in taxes anyway. We try to keep a good face and not be morbid."

The Coxes have been frank with Steve and his sisters, friends, and neighbors about the disease. "The girls were upset, but we told them that Steve would die, and they would die, and we would die. Everybody just spends a different amount of time on earth. If you accept living, you've got to accept dying."

In January, 1971, Steve started having relapses—periods of illness that would keep him in the hospital or at home from school for days at a time. Even so, in May, his fellow students at Laurel Ridge Elementary elected him president of the Student Cooperative Association, the student council.

The radiation treatments were making his hair fall out, and one night, Steve and his father went out and bought a short blond wig, just for the fun of it.

"He wore it to school and the kids loved it," said Mrs. Cox. "The next day half the boys at Laurel Ridge wanted wigs."

As Steve's health failed, his parents grew strong and adamant about the lack of research on cancer. They found a group called The Candlelighters, composed of parents of children dying of leukemia. It is both a lobbying group to get more funds for research and a therapeutic group where parents can talk realistically about a problem which arouses only pity in the parents of healthy children.

"At first," Mrs. Cox said, "I walked my legs off from office to office all over Capitol Hill. Some congressmen were sympathetic, but one threw us out of his office, saying people were in there begging for money all the time. Nobody seemed to care. More Americans die of cancer each year than were killed in both world wars, but nobody seemed to care."

Things are looking up now. Last Dec. 23, President Nixon signed a bill which allots $530 million to cancer research in 1972 as opposed to $180 million in 1970.

Also, the Russian-American health pact signed last week provides hope for children with leukemia. For a year now, it has been known that Russian doctors have isolated the virus that causes leukemia. If it were brought back here, it could be made into an anti-leukemia vaccine. The president's visit to Russia may provide that opportunity.

The Coxes have been in touch with John Nidecker, a Nixon aide who is interested in Steve's case, encouraging him to cut thru the possible red tape and get the virus back right away.

"If it comes in six months, it will be too late for an awful lot of children," said Mr. Cox. "And even if it comes next week, it will probably be too late for Steve."

Since the beginning of his relapses, Steve has been thru all the possible leukemia treatments known in America and is in worse shape right now than ever. He has stayed alive this long, Mrs. Cox said, because he is emotionally and physically strong and because "we never pretend we were going to give up. Even now, I just know a miracle will happen."

Still, Steve is the only one in the family who doesn't break down and cry now and then. One night last week as the family gathered to pray around his bed, Steve prayed: "God, I'd like to get well, but if I don't I'll understand."

"Of course," Mrs. Cox said, "we all started to cry at once. But Valerie—she's 11—she just swallowed hard and said 'Oh, Steve, we got your bed wet.' "

CRIME CHECK

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. REES. Mr. Speaker, when the people of the United States more actively support and aid our law enforcement agencies, there can be a major breakthrough in the fight against crime. The first duty of government, as Thomas Hobbes observed in the 17th century, is to provide that protection which is the root of freedom and security.

Because all Members of Congress support the fight against crime, I call to your attention a new television series entitled "Crime Check," produced by Film Finance, Inc., of Beverly Hills as a dramatic and effective weapon to reach and motivate the vast TV viewing audience and to play an important role in the renaissance of law and order in our streets, our homes, and our communities.

"Crime Check" will present a documented depiction of true unsolved crimes, presenting all the known facts, giving the concerned law enforcement agencies an opportunity to enlist the public at large in the effort to bring the perpetrators of these crimes to justice. The host of the program—to be a figure of national prominence—will invite anyone in the audience who has information concerning the depicted crime to dial "Crime Check's" toll-free number. If the information received aids in the prosecution and conviction of the perpetrators of the crime, the concerned citizen will receive a substantial reward.

I understand this series is being developed in cooperation with Metro-Goldwyn-Mayer Studios, as well as with legal and sociological authorities of recognized stature. To Mr. Derek Jones and all those associated with Film Finance, Inc., I wish every success.

TEMPLE SINAI RESOLUTION REGARDING INDOCHINA WAR

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WOLFF. Mr. Speaker, with the recent intensification of the war in Vietnam, more and more Americans are speaking out against the continued escalation of hostilities in Southeast Asia, and are calling for an end to American involvement.

Temple Sinai, in Roslyn Heights, N.Y., held a special congregational meeting to discuss the serious consequences Vietnam continues to have on the fabric of our society.

I commend the following resolution to my colleagues, which Temple Sinai adopted as an expression of their concern:

RESOLUTION OF TEMPLE SINAI OF ROSLYN

We believe that the United States has achieved its greatest stature in world history when it has led the causes of freedom, justice and peace. Such occasions have been frequent and have served to honor us.

We believe that the present course of our Government in conducting the War in Indo-China fails to serve the causes of freedom, justice and peace.

Deaths of Indo-Chinese people are no more acceptable to us than are deaths of Americans.

Although we recognize the many difficulties, and, despite the intransigence of the North Vietnamese, we believe that the interests of the United States and Indo-China, as well as the rest of the world, will be best served by our Government's immediate declaration that the United States will cease all military action and immediately withdraw all of its military forces from Indo-China.

We believe that the suggested action will best protect the American men now in Indo-China, speed the release of American prisoners of war and permit the people of Indo-China to pursue their lives as they see fit.

We believe that it will require great courage for our Government to do what we ask but it will earn the honor and gratitude of the entire world.

SPINAL CORD INJURY TREATMENT IN OUR VA HOSPITALS

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. TEAGUE of California. Mr. Speaker, treatment of those veterans who have suffered spinal cord injuries, either in service or in civilian life after military service, has improved tremendously in Veterans' Administration hospitals in recent years. Funding is at an all-time high and President Nixon and Congress have directed that special attention to this kind of care be given priority throughout the VA hospital system.

A story in a recent edition of the National Observer newspaper carried a number of references to the excellence of VA spinal cord injury treatment but, in the view of many who are familiar with the program, erred in a number of points and gave an adverse view of the treatment by the way the story was headlined and illustrated.

Administrator of Veterans' Affairs Donald E. Johnson has written to the publication seeking to clear up some of the items in the story. Mr. Johnson's letter is informative, both for the points it makes relating to the article and for his description of some of the efforts VA is making to progress in this important field of treatment. In the interest of providing full information, I am pleased to submit Administrator Johnson's letter for publication in the RECORD:

VETERANS' ADMINISTRATION,
Washington, D.C., May 18, 1972.

Mr. JOHN F. BRIDGE,
Managing Editor,
The National Observer,
Silver Spring, Md.

DEAR MR. BRIDGE: Although the excellence of spinal cord injury care in Veterans Administration hospitals is reflected in obscure paragraphs of August Gribbin's story in your May 20 issue, the story and layout are designed to convey the exact opposite impression.

With its screaming headline, "Neglected Heroes—Paralyzed Vets Blast VA Care," and its highlighting of questionable negatives, the story reaches only the most careful reader with such buried truths as:

"Hospitalized vets almost invariably praise VA doctors and hard working nurses and paramedical staff." Further down in the story is the description of the miraculous recovery of veteran Harry Purvis about which the writer concedes, "His recovery exemplifies the kind of rehabilitation the VA can and often does give veterans."

After the impact of a front page treatment replete with sensational heads, depressing sketches and editorial generalizations, The Observer itself brings into question the validity of all the many complaints the paper nonetheless printed. Under the sub-head "Just Moody Griping?," the article notes:

"The injured (patients) themselves explain that they go through periods of 'mourning' and bitterness at their anatomical losses. During those bleak moods, they say, they tend to abuse even the best (hospital) aides."

Doctors and spinal cord injury patients agree that the disabling and traumatic nature of spinal cord injuries do make these patients more complaint-prone. This is completely understandable, and in no manner diminishes VA's determination to resolve all justifiable complaints.

As to the many specific items and instances of complaint listed in the article, VA is checking these out at the individual spinal cord injury (SCI) centers, and will certainly take corrective action where the facts warrant.

Although all of the checking is not completed, we do have some information on the very first two patients and hospitals mentioned in the article. At West Roxbury, for example, the patient reported as complaining about the height of the water fountains was actually used as one of three wheelchair models by installing engineers to ensure that fountains placed in the SCI area were the right height. As to the request for a special handle for one door, this was installed some 10 years ago by hospital workmen, and the VA—not the patient—defrayed the minor cost.

The records indicate that the patient who complained of verbal intimidation by an aide at the Hines VA Hospital, has not been a patient at that hospital within the past three years, and there is no indication that the incident was reported prior to that time either at Hines or the hospital to which he was transferred.

In fact, preoccupation with the past seems to be a hallmark of much of the article. The reporter dredges up Senate hearings and a magazine article of two years ago, and VA took vehement issue at that time with many of the allegations aired via these two forums.

What is far more disturbing, however, is the fact that the reporter never bothered to tell your readers about these simple—and readily available—facts concerning the tremendous progress made in recent years in the VA spinal cord injury program.

(1) In the current fiscal year (1972), an *additional* 485 full-time employees and an *extra* $4.5-million have been set aside specifically for VA spinal cord injury services.

(2) For the fiscal year beginning next July 1, the President has asked Congress for still more money and employees. In his budget for the new fiscal year, the President is requesting 296 *more* full-time employees, and an additional $3.4 million.

(3) What these added resources mean is reflected in the ratio of staff employees to patients in the (SCI) centers.

In F.Y. 1969 the ratio was 1.11 employees to each one patient. The current fiscal year shows a 53-per cent gain . . . 1.7 employees for each patient. The President's request for F.Y. 1973 will bring the ratio to two employees for each patient . . . an 81-per cent gain over 1969.

(4) Since 1969, in excess of $20-million has been earmarked for expanding and modernization of SCI treatment space. This includes construction projects already accomplished, now underway or programmed for the near future.

(5) In November 1970, VA prevailed on the Civil Service Commission to upgrade the job standards for VA nursing assistants or aides on the basis of higher responsibility requirements. This, in turn, has permitted higher pay, and the recruitment and retention of better qualified and motivated employees for SCI and other VA hospital patients.

(6) Since 1969, the number of SCI treatment centers has been expanded by VA from 10 to 14 . . . and by the summer of 1974 VA will have 18 such centers.

(7) The special needs of SCI patients have been recognized in other innovative ways. For instance:

Social workers and psychologists have been assigned to assist SCI program planners at the VA in Washington in regard to these special needs. The entire Washington team works closely with paraplegic advisors who are VA employees or representatives of veterans organizations, including the Paralyzed Veterans of America.

Employees in SCI treatment centers are receiving psychosocial training to help them recognize the patient's emotional and social needs as well as his physical needs.

Two hospitals are developing pilot home care programs. The hospitals send medical teams on calls to the homes of discharged SCI patients to assist the patient and his family or home attendant in the rehabilitation process.

In addition to the considerably beefed up VA employee staffs, SCI patients share the compassionate and understanding assistance of volunteers from the community who serve in every VA hospital. Each month, nearly 112,000 of these devoted volunteers give their time and services to hospitalized veterans the Nation over, and each year they donate nearly 10 million hours of volunteer time.

Other VA benefits are available to SCI veterans outside the hospital setting. For instance, veterans who suffered their SCI while in military service are eligible for "wheelchair home" grants. These specially constructed homes tailored to the requirements of the service-connected disability are financed by VA grants up to 50 per cent of the home cost with a grant maximum of $12,500. The balance due on the home may be handled with VA assistance in the form of a G.I. loan.

If they can use them, SCI service-connected veterans are also eligible for VA payments up to $2,800 toward the purchase of a car. Special adaptive equipment for the cars is maintained or replaced by VA.

SCI veterans whose disabilities were incurred in military service are eligible, too, for VA disability compensation payments that can run as much as $1,120.00-per-month (for a single veteran with no dependents) when he is not hospitalized, or $784.00-per-month while he is a VA patient.

Veterans whose SCI disability was incurred in civilian life after they left military service may be eligible for VA pension payments. For a single veteran these monthly payments can amount to as much as $240.00, depending on outside income.

Of the 1,081 total SCI patients in VA hospitals as of the end of last month, 261 were service-connected for disabilities sustained in military service, and 820 were non-service-connected.

One last comment on the article, which notes that VA's medical expenditure for each hospitalized SCI patient amounts to nearly $21,000 a year. The story indicates the hospital discharge of these patients "is cheaper for the VA," and that "VA's budget clearly benefits."

This implication of economy at the expense of the veteran is just not true. SCI hospital discharges are aimed at one objective only—to further the patient's maximum rehabilitation and to restore him as nearly as possible to normal living. It should be obvious that the $21,000 hospital cost continues in the budget as new patients replace those who have been discharged.

I realize that I have written at length, but I do feel strongly that your readers are entitled to this added perspective on the Gribbin article.

Sincerely,

DONALD E. JOHNSON,
Administrator.

MELROSE CIVITAN CLUB "CITIZEN OF THE YEAR" AWARD WINNERS

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. FULTON. Mr. Speaker, this Wednesday I am going to have the privilege of welcoming to our Nation's Capital a group of very outstanding students from Metropolitan Nashville-Davidson County, Tenn.

They are the winners of the Citizen of the Year Award which is given each year by the Melrose Civitan Club of Nashville to 15 outstanding ninth graders chosen from our city's 29 junior high schools.

Mr. Speaker, this is a citizenship project. It is designed to promote and recognize good citizenship.

The program is directed specifically at these students at the junior high school level for two reasons. First, it is felt there is a great need for recognition at this age level and, second, it is believed that the recognition and award received by these young persons from the Melrose Civitan Club will provide emphasis and incentive for "good citizenship during the implementation of the program and will have a continuing or carryover effect for the students through their school life."

To earn a Citizen of the Year Award is no easy task. First, each junior high school's ninth graders vote to select five outstanding students. The ninth graders and the school principal select a finalist from the five outstanding students.

Each of the 29 finalists then must write a statement, "Good Citizenship Is."

Last month the Melrose Civitan Club Evaluation Committee interviewed each of the 29 finalists and chose the 15 students for the Citizen of the Year Award.

At each step from the initial voting by the classmates to final selection by the evaluation committee, each candidate was evaluated on loyalty to school, concern for others, service or contributions to school, service or contributions to community, participation in home, church, community activities, participation in school activities, leadership, and appreciation of heritage.

It is evident that requirements were strict and the standards high.

In addition to recognizing each of the winners in his own school, the Melrose Civitan Club will provide each a 5-day, all-expense-paid trip to Washington, D.C. They will arrive here this evening and begin their tour of our Nation's Capital tomorrow.

The winners making the trip this year as well as their chaperones and sponsors are:

Student and School

Kerry Bradley, McMurray Jr. High.
Virginia Lynn French, Goodlettsville High.
Karen Reyonolds, Hillwood High.
Jane White, Linton Jr. High.
Tammy Webb, Cumberland Jr. High.
Kathleen Cleary, St. Cecilia Academy.
Linda Bennett, Tenn. Preparatory School.
Vikki Vaughan, Rose Park.
Timothy Keough, Father Ryan.
Yvette Woodard, Ewing Park.
Keith Boswell, Apollo Jr. High.
Carole Smith, Cameron Jr. High.
Cynthia Lynn Massey, Goodpasture Christian School.
Rebecca Carter, DuPont Jr. High.
Gayle Briley, Highland Heights.
Mrs. Billie Ruth Frey, Goodlettesville High. (chaperone)
Miss Catherine Gardner, McMurray Jr. High (chaperone)
Dr. O. H. Rutherford, Jr., President Melrose Civitan Club.
Karen Rutherford, daughter of Dr. Rutherford.
Pat Kent, McMurray Jr. High.
Chris Kent, McMurray Jr. High.
Mr. and Mrs. Carl Parker, Civitan Club.
Leland Parker, son of Mr. and Mrs. Parker.
Mark Dillingham, nephew of Mr. and Mrs. Parker.
Kenneth Anderson, Civitan Project Chairman.

Mr. Speaker, I want to welcome these young men and women to Washington. They are a credit to their families, their schools, and to the youth of all America.

DEEPWATER PORT FACILITY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. EILBERG. Mr. Speaker, since colonial times Philadelphia has been one of the great seaports of the world.

The city is famous for its ability to handle large and unusual cargoes and it is also well known for its ability to adapt to the changing needs of shippers.

Another example of this ability to meet challenges is the proposal to build a deepwater port facility which will be able to handle the largest commercial ships afloat.

At this time I enter into the Record an outline of that proposal:

Deepwater Port Facility

The Corps of Engineers was told today that Philadelphia is strongly in favor of establishing a deepwater port facility in the Delaware Bay area.

Director of Commerce Harry R. Belinger outlined the city's position in a statement submitted to Col. Carroll D. Strider, District Engineer, at a public hearing held in the Free Library, 20th and Benjamin Franklin Parkway.

In his prepared statement, Belinger said the location of a deepwater facility 90 miles south of Philadelphia would induce the construction of new oil refining capacity throughout the Delaware Valley. He noted that Philadelphia already is the major East Coast port for bulk petroleum shipments.

The increasing size of oil tankers since 1956 and the future dependence upon imported fuel make the deepwater port a necessity, he added, noting that the United States is the world's only large industrial nation without a port capable of handling vessels of more than 150,000 tons dead weight.

Recent studies indicate that approximately 15 million tons of oil per day will have to be imported by 1985, of which about one-third will be needed in the Northeast.

"The importance of the Philadelphia port can best be visualized against its central location in an $80 billion market containing a population of about 60 million residents," Belinger said. "By 1985 the 1971 employment picture will more than double, as will wages." With a deepwater port in the Delaware Bay area, Philadelphia, as well as New Jersey and Delaware, can foresee major economic benefits.

Belinger said it was too early to determine the effects the deep-water facility in the Delaware Bay area would have on Philadelphia's water front activity.

"However," he added, "with modern container facilities at Packer and Tioga Terminals, Philadelphia will continue to make its contribution not only to the economy of our City, but to development of the Region and the Nation."

JOHN PAUL VANN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. SCHWENGEL. Mr. Speaker, last week the United States lost an outstanding American. The untimely death of John Paul Vann was tragic. Few men relished life as he did. Few men were as devoted to a cause or their work as was John Paul Vann.

When I led a team of volunteers to Vietnam in 1970, at non-Government expense, we were privileged to be able to spend a day with John Paul Vann, who at that time was in the Mekong Delta. He impressed us, as he did others, as the most outstanding individual we encountered in Vietnam. But he would have been outstanding anywhere.

John Paul Vann was a perceptive man. He grasped the nature of the war in Vietnam well in advance of others, particularly the Military Establishment. He recognized that an insurgency could not be overcome with guns alone.

His dynamic leadership will be sorely missed. People like John Paul Vann can never be replaced. But his life stands as an example and an inspiration to us all. It is my hope that John Paul has a successor who will pick up where he was cut off so that his contention and understanding of the real problem there will not be ignored. All of us in leadership must realize more than we do that political, social, and economic problems plague places like Vietnam with a gun or with an army.

Mr. Speaker, the Washington Post carried an editorial in tribute to John Paul Vann. That is fitting and proper. I invite my colleagues to read it:

John Paul Vann

John Paul Vann believed passionately in the Vietnam war long after others—who had once shared his passion—had given up on it. He believed it could be won for, and ultimately by, the Vietnamese in the sense that they could have acquired, some years and many thousands of casualties ago, a capacity to defend themselves if properly led and wisely trained and advised and inspired. And he may well have been right. We will never know for sure because his particular concepts, which always sounded so sensible and logical when he expounded them, were never adopted at the time that he was putting them forth. The military establishment, which he loved because it was his career, and which first feared him and mistrusted him and eventually drove him to resign his commission, was so slow to listen and even slower to learn.

That is the tragedy of his life, which

ended—some would say predictably—in a helicopter crash last week. The triumph was that he never stopped trying and that he lived long enough to see a large part of his program, his tactics and his sense of the proper American role in the war actually put into effect, however late in the day. When John Vann has a lieutenant colonel, before his resignation in 1963, they were not listening, and they still weren't listening in late 1967 when General Westmoreland had his forces lunging around the countryside searching and destroying, taking the war to the enemy, taking the play away from the South Vietnamese and absorbing heavy casualties in an effort to "attrit" the enemy, to kill North Vietnamese and Vietcong in such numbers that they would quit. John Vann believed profoundly that this could not work, that the enemy should be forced to attack our side rather than the other way around, that Hanoi would never run out of manpower, that the South Vietnamese would never learn to defend themselves if we did it for them, that firepower by itself was not enough, that killing civilians was almost indefensible, that air power wouldn't be decisive either, that carrying the war to the sanctuaries outside Vietnam would only invite the enemy to find new sanctuaries. Then came Tet and a new administration and slowly, painfully, a considerable part of what John Paul Vann believed in was adopted, not so much by choice as by necessity because the American public would not continue with the war effort the way it was.

John Vann died believing that we are now on the right track, not in every respect but in the important respects and whether he was right about that is less important than the fact that he had the courage and the determination, against the most forbidding odds, to risk his life on a daily basis for his beliefs, There are many who believe he was the ablest and most effective American ever to serve in Vietnam, and while that may be an extravagant statement, he was a great soldier who, ironically. may have rendered his greatest service to the Army he loved after leaving it.

It was not necessary always to have agreed with John Vann's belief in the Vietnam struggle to know that he was in Indo China doing what he could to bring rationality to our war effort and to minimize the awful cost of the war to the Vietnamese themselves, and to know, too, that his loss is a heavy blow.

CONGRESSMAN FINDLEY PRAISES PIKE COUNTY PORK PRODUCERS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. FINDLEY. Mr. Speaker, it is with great pride I call attention to a list of the Nation's top 400 hog counties, based on the 1969 farm census, that appears in the June issue of National Hog Farmer.

Pike County, Ill., my home county, has advanced to the No. 2 position, moving up from third place.

In 1969, Pike County farmers marketed 485,958 hogs and pigs. Pike County's population in the 1970 census is only 19,185. This means that over 25 hogs were marketed for every man, woman, and child in the county.

I would also like to congratulate our colleague, Congressman Thomas Railsback of Illinois' 19th Congressional District. Henry County, located within his district, holds the No. 1 position with a total of 554,834 hog sales in 1969.

Paraphrasing the immortal baseball pitcher, Satchel Page, I would like to warn Mr. Railsback and Henry County farmers. Do not look back; someone is gaining. The people of Pike County say, like the company that also found itself in second place, "We try harder."

Pittsfield, Ill., Pike County seat, and my hometown, truly deserves its title of "Hog Capital of the World."

And along with all pork lovers in the world, Pittsfield and Pike County residents proudly cheer—Hogs are Beautiful.

VON BRAUN WILL LEAVE NASA FOR JOB IN AEROSPACE INDUSTRY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Harold M. Schmeck, Jr., in the New York Times of May 27, 1972, provides a capsule summary of the numerous contributions of Dr. Wernher von Braun to our national space program. Few men in our history have so captured the imagination and support of the American public as Dr. Von Braun has for our national space effort. His name has and continues to be synonymous with excellence and achievement, setting the highest example for not only our Nation, but those dedicated people throughout the world who believe in accomplishing something worthwhile and who have the tenacity, skill, and dedication to accomplish it. I offer Mr. Schmeck's article as another small accolade to the many that he has and will receive:

VON BRAUN WILL LEAVE NASA FOR JOB IN AEROSPACE INDUSTRY

(By Harold M. Schmeck, Jr.)

Washington, May 26.—Dr. Wernher von Braun, one of the chief architects of man's first landing on the moon, is retiring from the National Aeronautics and Space Administration.

The German-born rocket expert, who has worked for the United States Government since the end of World War II, will leave the space agency July 1 to become corporate vice president for engineering and development of Fairchild Industries, a major aerospace company.

"Dr. von Braun's decision to retire from NASA is a source of great regret to all of us at the agency," said Dr. James C. Fletcher, NASA's administrator.

"For more than a quarter of a century, he has served the United States as the leader in space rocket development," Dr. Fletcher said in the announcement. "His efforts first put the United States in space with Explorer I. As director of the Marshall Space Flight Center for over 10 years, he directed the development of the world's most powerful rocket, the Saturn V—which has taken 10 American astronauts to the surface of the moon."

Two of those astronauts, Neil A. Armstrong, the first man to set foot on the moon, and Edwin E. Aldrin Jr., his companion on the historic Apollo 11 moon landing, Capt. Edgar D. Mitchell of Apollo 14 and Lieut. Col. James B. Irwin of Apollo 15, plan to retire July 1. The moon exploration program comes to an end, for the time being, in December when Apollo 17 is scheduled to complete the series.

Explorer 1, the first successful United States satellite was launched in January, 1958, by a rocket system developed under Dr. von Braun's direction. His group was given the job after the Soviet success with Sputnik in October, 1957.

Dr. von Braun's leading role in American space rocket development continued until early 1970, when he left the Marshall space Flight Center in Huntsville, Ala., to come to Washington as deputy associate administrator for planning at the space agency.

In announcing that move, Dr. Thomas O. Paine, who was then NASA's administrator, said Dr. von Braun "has an unmatched record of looking to the future to choose the most promising avenues of technical advance."

In a comment released today by the space agency, the 60-year-old Dr. von Braun said he was "leaving with the knowledge that NASA has enough well-thought out plans to keeping it moving ahead for many years to come, even though some of these may have to be deferred because of budget constraints."

"I would like to devote my time now to help implement some space projects I feel are of particular importance," he said. "I think I can do this best in private industry where the tools of progress are being made."

Dr. von Braun was one of the early and most persistent advocates of manned space flight. He was active in rocketry since 1930 and was one of the pioneers in that field in Germany.

In 1937, after five years as chief of a small rocket development station near Berlin, he became director of the Peenemunde rocket center, where German experts developed the V–2 missile that bombarded London during the closing months of World War II.

When the war ended, Dr. von Braun and about 100 other German rocket specialists surrendered to the Western powers. He and his group came to the United States in September 1945, under contract to the Army.

They are credited with major contributions to United States rocket development for the military and for NASA.

Said Dr. von Braun in the announcement of his retirement:

"I leave NASA with a deep feeling of gratitude for the wonderful and unique opportunities the agency has given me during the last 12 years."

THE WILBUR D. MILLS STORY

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. ALEXANDER. Mr. Speaker, the March 1972 issue of the Arkansas Lawyer, the official publication of the Arkansas Bar Association, paid tribute to the Honorable Wilbur D. Mills, chairman of the House Ways and Means Committee.

Joe Purcell, chairman of the Arkansas Democratic Party, wrote the cover story, "The Wilbur D. Mills Story." It is an excellent biographical synopsis of the chairman's distinguished career, and I would like to insert the article into the Record so that my colleagues might share it with me:

THE WILBUR D. MILLS STORY

(By Joe Purcell)

". . . The persuasiveness of a Franklin D. Roosevelt . . . the courage of a Harry Truman

. . . and the personality of an Alben Barkley." This is how Congressman James A. Burke (D-Mass.) describes the man he and many others would like to see President of the United States and the lawyer that the "Arkansas Lawyer" honors this month—Wilbur Daigh Mills.

It is a long way from Kensett, Arkansas (as it is from any city) to the nation's capitol and a position of influence in the halls of Congress where the power lines converge and the waves of influence originate. One hundred Senators and 435 Representatives make the journey successfully during each session of Congress. Wilbur Mills made it in almost record time, arriving as a freshman Congressman in Washington in 1939 at age 29.

Today after 33 years of hard work, a sense of timing, a brilliant memory and a thorough knowledge of fiscal affairs, Mills stands as the single most influential committee chairman on Capitol Hill. A man whom many call the second most powerful man in America.

A product of Grass-Roots America, Mills was born 62 years ago in the White County railroad intersection town of Kensett (pop. 1,444). He attended the public schools of Kensett and graduated from Searcy High School. He then enrolled in Hendrix College where he was the recipient of many honors.

The 1930 Hendrix Troubadour had this to say about Mills, "High above the common rabble Wilbur towers, undisturbed by life's ups and downs. Something fine within him prompts his gay outlook on life. His splendid grades are indicative of much 'gray matter'. Wilbur walks life's straight paths and is a boon companion for anyone who is 'down and out' . . ."

A classmate of Mills of Hendrix says, "He was always interested in government and frankly, from the very beginning, in the tax structures of the county, of the state and of the federal government. Things came fairly easily to him but he applied himself . . . his powers of concentration were just far beyond the ordinary."

Mills returned to Kensett during the depression in 1933 with a Harvard law degree. He went to work as a cashier in his father's bank while building his law practice. In 1934, he married the post-mistress of Kensett, his childhood sweetheart, Clarine (Polly) Billingsley. Since both were employed, their wedding trip was brief—one night in the Albert Pike Hotel in Little Rock and back to Kensett early the next morning to their jobs. They have two daughters, Mrs. Richard Yates and Mrs. Jack Dixon and four grandchildren.

Mills' father, a Kensett banker and businessman, was a White County rural political leader. Listening to the political talk of his father and friends, Mills became politically oriented and at an early age decided on a career in politics. His hero was the Second District's Congressman, the Honorable William A. Oldfield, a member of the Committee on Ways and Means.

According to Mills, "Congressman Oldfield lived in another county. He would come to town by train and visit my father. He would spend the night in Kensett at the hotel and would invite 20 to 25 men to have supper with him and he would tell them what went on in Washington. This was the only way they got to know him."

Just one year out of law school, newly married and aged 25, Mills in 1934 challenged and defeated the incumbent County and Probate Judge of White County, becoming the youngest County Judge in Arkansas history. A Mills campaigner in 1934 says, "He opposed a Judge who was very popular, who had been in office 16 years. Wilbur was just out of Harvard Law School but he had the small town political leaders with him. With their help, Mills was unbeatable."

His four years as White County Probate and County Judge were invaluable in acquainting Mills first hand with the problems and responsibilities of local government. This has been of great benefit throughout his political career.

His ambition to serve in the House of Representatives of the United States Congress, and on the Ways and Means Committee, never wavered and during his second term as County Judge, opportunity knocked. Second District Congressman, the Honorable John Miller, was elected to fill a United States Senate seat made vacant by the death of Senator Joe T. Robinson, the Democratic Party's nominee for Vice-President in 1928. Mills won the Democratic nomination for the Second District's congressional seat in the Democratic primaries of 1938 and was not opposed in the general election. He has served continuously in Congress since 1939 and is the top ranking member of the Arkansas delegation in continuous service. He has never been opposed in a general election and has had primary opposition only twice since 1938—in 1942 and in 1966.

Mills, as a freshman Congressman, was assigned to the House Banking and Currency Committee but in 1943, with the help of his friend Sam Rayburn, he moved to the prestigious Committee on Ways and Means. Ways and Means is the oldest of present House committees; established by the First Congress on July 24, 1780. A good many of its members, including James K. Polk, Millard Filmore, William McKinley and Andrew Jackson, achieved top ranking positions in American history.

The United States Constitution provides that all revenue bills must originate in the House. By House rules, all legislation concerning taxes, Social Security, tariffs and foreign trade, medicare, interest rates, the federal budget and in short, the means of revenue for maintaining the republic, is assigned to the Committee on Ways and Means.

Congress works through committees and only the Appropriations and Rules Committees are considered in the same league with Ways and Means. The three constitute the so-called "control committees" and are involved to some extent in almost everything that happens in Congress.

The popular congressional sport of committee switching does not carry over to Ways and Means. During the past 20 years, aside from death, retirement or defeat at the polls, only five Congressmen have left Ways and Means while 44 have been promoted to it.

Assignment to Ways and Means is particularly good for a Democrat, since in 1911 the Party made its members on Ways and Means its "Committee on Committees", with the power of assignment of Democrats to all the other twenty standing committees.

With the death of the previous committee chairman in 1958, Mills, having climbed the ladder of seniority, assumed the chairmanship of Ways and Means, becoming the youngest chairman in its history. As Chairman, he has been a strong advocate of the "consensus approach" to legislation. He judges the attitude of members of the Ways and Means Committee before marking up any bill and reports a bill only when his careful reading of the mood of the House assures him the bill will pass. Because most bills reported by Ways and Means are considered under a "closed rule" on the floor—not subject to amendment—Mills and his staff are meticulous in their preparation of committee legislation. In Mills' 14 years as Chairman, only three bills reported out of Ways and Means have been rejected by the House.

Walter Little, documentary clerk for Ways and Means and probably with Mills as much as any political associate, says that Mills' hobby is his work. Possessed with a detailed familiarity of federal tax laws, Mills frequently quotes, without notes, lengthy passages from statutes during debates and hearings.

One colleague remarked, "In all the years I have been in Washington I don't suppose I've seen Wilbur at more than a half dozen evening gatherings around town." When a new administration enters the White House, Mills' office quietly requests that they strike his name from the social invitation list. Mills has stated, "My father always impressed upon me that you couldn't do a day's work and stay out all night at parties."

Despite the rarity of social appearances, Mills is not a loner. To the contrary, he has a deep and compassionate interest in people, is very cordial and friendly. One of his colleagues remarked, "Wilbur is just wise. Washington's social life can be disastrous. The longer you stay here the more you realize you can't go out every night and be an effective legislator the next day."

Politically, Mills is a heavyweight—a Potomac political giant. His strength of character, wisdom, integrity, common sense and fair play have won the respect of his colleagues on both sides of the aisle. Former HEW Secretary, Robert H. Finch, speaking for President Nixon at Hendrix College on April 28, 1970, described Mills as "Easily one of the ten outstanding legislators in the history of the republic."

Twelve years ago, James Reston wrote "The first question for President Kennedy on the new year is not whether he can get along with Chairman Nikita Khrushchev but whether he can co-exist with Chairman Wilbur Mills."

Mills has served in the Congress under six administrations and as Chairman of Ways and Means under four. He has worked closely and effectively with all administrations, although upon occasions he has had to say "no", even to Presidents. Mills and President Kennedy were close friends and great admirers of each other. When Mills wanted President Kennedy to dedicate Greers Ferry Dam at Heber Springs, Kennedy not only obliged but told the crowd, "The only significant reason I'm here is because of your distinguished Congressman. If he had asked me to sing 'Down by the Old Mill Stream' I would have been delighted."

In 1971, a Draft Mills For President campaign was launched, directed by Congressman Burke. The movement spread rapidly in Washington and by midsummer more than 35 Congressmen, geographically representing all sections of the United States, had publicly endorsed Mills for President. Never before had a candidate (or non-candidate), except an incumbent, had such strong congressional support for the presidential nomination. Although Mills denied publicly that he was a candidate, he did say that if he received the nomination he would accept it, and would be the most active, the hardest working nominee the Democratic Party ever had.

On August 26, 1971, the largest appreciation rally ever extended to any individual of this state was held in Barton Colliseum honoring Congressman Mills. Attending the rally were industrialists, business leaders, bankers, leaders of organized labor and 34 United States Congressmen coming from as far away as Oregon, Michigan and Massachusetts. The Coliseum was filled to overflow capacity with more than 12,000 Mills supporters, and thousands more gathered outside, unable to get in. The closing of the gates 30 minutes before Mills party arrived created mammoth problems for the fire marshalls and the police who were holding back a swarming crowd. The situation forced state legislators, public officials, and many well known Arkansans, to crash the gates through back entrances. On the speakers' platform were Governor Bumpers, the other constitutional officers, the Congressional delegation, and many other out-of-state dignitaries.

Miss Mary Lou Burg, Vice-Chairman of the Democratic National Committee, described Mills as "A legend in his own life time."

Leonard Woodcock, President of the United Automobile Workers said, "Few men are more skilled in making this nation work than Wilbur Mills."

Representative Carl Albert (D-Okla.), Speaker of the House, said of Mills. "He is big enough, he is firm enough, he is intelligent enough to hold, with outstanding distinction, any public office in the United States of America."

When the program began at 7:30, approximately 10,000 persons were gathered outside the Coliseum gates unable to get in. As each speaker finished his part on the program he was escorted outside where he again delivered his remarks to the crowd there.

Although Mills consistently denied in 1971 that he was a candidate, during the late spring of 1971 he appeared in more than 15 states on a three-month speaking tour, and addressed joint sessions of eight state legislatures. During the summer of 1971 he appeared on three nationwide television programs, and in the fall continued his speaking tour, visiting the Western and New England States.

In the Fall of 1971 a National "Draft Mills for President Headquarters" was opened in Washington under the direction of Charles Ward, campaign coordinator. Ward states that the Draft Mills for President Campaign is mushrooming and that great progress is being made, especially in the grass roots area. The Arkansas Delegation to the 1972 Democratic National Convention is expected to place Mills' name in nomination for President of the United States.

On February 11, 1972, Mills advised the Secretaries of State of Wisconsin and Nebraska that he could not in good conscience sign the affidavits required to take his name off the primary ballots in those states because this would require him to say, "He is not now and does not intend to be a candidate for President." Mills' name, without his encouragement or endorsement, will appear in the New Hampshire primaries on March 7 as a write-in candidate.

Mills is recognized in Washington by persons in all branches of government as possessing the talents, the ability and the integrity to make America an effective and responsible President. Will he get the nomination? Time will tell!

But, with the persuasiveness of a Franklin D. Roosevelt . . . the courage of a Harry Truman . . . and the personality of an Alben Barkley, Congressman Wilbur Daigh Mills may well become in July 1972 the first Democratic nominee for the Office of President from the State of Arkansas.

SUPPORT ON HIGHER EDUCATION BILL

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 1972

Mr. THOMPSON of New Jersey. Mr. Speaker, during the debate on the higher education bill, S. 659, I remarked that I had received a call from Father Ryan, the executive vice president of St. Peter's College in New Jersey. My statement can be construed as indicating that Father Ryan was calling to express the support of St. Peter's College for the bill.

Father Ryan's call was on behalf of the Association of Independent Colleges and Universities in New Jersey of which he is president. He reported to me that the 16 member colleges of this association, which includes St. Peter's, had unanimously reaffirmed their support for S. 659.

Father Ryan was not speaking for St. Peter's College when he spoke to me on June 8. However, included in a memorandum of June 6 from Chairman Perkins of the Education and Labor Committee and the ranking minority member of the committee, Mr. Quie, was an excerpt from a letter of support for the bill from Father Yanitelli, the president of St. Peter's College. Thus St. Peter's College was among the supporters of the bill. I apologize for any embarrassment or misunderstanding that my remarks may have caused.

NEWSPAPER CARRIERS—PRIDE OF OUR YOUTH

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BURKE of Florida. Mr. Speaker, recently two of the outstanding newspapers in Florida, the Fort Lauderdale News and Sun-Sentinel held a contest for its carriers who received the greatest amount of new subscriptions for their papers. The contest was one of those typically-American methods for inspiring the competitive spirit in our youth and, it was a very exciting and noteworthy effort for those boys who tried their best to win one of the top prizes.

At this time when some of our youth have obviously "lost" their way and seem unable to cope with the demands which our society imposes, I am glad to see that the help our media is giving to the young people, not only to help them to find part-time jobs, but also to help them through that very important period in a boy's life just prior to his achieving adulthood.

I am sure that most of us can look back, as I can, to the time when; we delivered newspapers either in our hands, in baskets on our bicycles, or the small wagons we had; when our mothers got us up from bed earlier than we wished in the morning, and no doubt "went" with us in spirit, as we trodded in rain or sunshine from one home porch to another. I am sure you remember the first "payday" and what we earned for our efforts. How we suddenly felt matured and grown up and proud with the feeling of responsibility—because this was our first job.

Mr. Speaker, I remember my own paperboy route well, and also the sense of accomplishment that I felt each time the task of delivering was done. I can empathize with the parents of today's young whose children are experiencing a similar feeling but their efforts and that of their children will be more than worth the effort.

I include some of the letters which these parents wrote to the News & Sentinel circulation promotion manager, Mr. John J. Gorry, in the Record along with the material on the contest. I also heartily congratulate all the contestants—those who won, as well as those who tried their best and will, perhaps, win next time, but in any event no matter, win or lose, may God bless them all.

The material follows:

Ft. Lauderdale News.

Dear Mr. Gorry: Please express my thanks and appreciation to the News and everyone responsible for the wonderful opportunity given my son.

He has gained the confidence he needs to be independent, and after earning the Europe trip, he knows anything is possible if you work for it.

This has been a good year for him. He was inducted into the national honor society at school, and April 8, while in Europe he will be 18, suddenly a man. A man not by age alone, but due to the guidance from station managers, and the influence and opportunities offered by the News, he is truly a man in character and spirit.

I will be forever grateful.

Very truly yours,

Mrs. Helen Lahti.

Mr. John Gorry,
Circulation Manager, Fort Lauderdale News & Sentinel, Fort Lauderdale, Fla.

Dear Mr. Gorry: We are very pleased and thankful that you and your fellow workers have selected Shawn as a winner of the "Young Columbus" subscription contest. We know that he has spent many hours soliciting for new subscribers to the "News" besides his school studies and varsity sports participation. He has shown much persistence in all of the "Papers" circulation contests and has usually finished very high in all of them. If we seem to sound proud of his many accomplishments please don't feel that we are being overly so.

We also know that without the impetous and extra push that was provided by "Mike," Mr. Kelly and yourself the results would be different.

Shawn is a natural born fighter but needs to be prodded at times and shown the merits of good hard work. He is like any other boy his age and does have his shortcomings to say anything else would be to color the truth or "color the bush."

We as parents are indeed proud and once again wish to thank you all for affording our son this "once-in-a-life-time" opportunity.

We hope that his relations with the paper and as a representative of the other carriers for the "News" will reflect very favorably wherever he goes.

Thank you again from the bottoms of our hearts.

God's grace surely covers us all—we say this not because of a material gain but more because of a good and healthy family.

Sincerely,

Mr. and Mrs. Joseph P. O'Connor.

THE LAW AND ORDER POLITICIAN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WALDIE. Mr. Speaker, it has often struck me that those who argue longest and loudest about "law and order" and the need for increased public protection many times are the same persons who voice outrage when police and firemen engage in rightful protest in their efforts to gain proper wages and fringe benefits.

This would seem to be a rather paradoxical situation for such a person.

I have long held that public employees should have the rights to collective bargaining that other members of the working force of this Nation enjoy as long as the public safety is not endangered.

I would include the right to political activity as one of these rights.

Granted that political activity in uniform, or on duty, would seem to be contrary to good policy, the fact remains that public employees, including policemen, presently are being denied the tools to achieve wage and fringe benefit equity.

In the May issue of the San Francisco Police Officers' Notebook, Association President Jerry D'Arcy eloquently told of his views on this very issue.

I think that it is an important and meaningful article and I would like at this time to have it included in the RECORD.

The article follows:

PRESIDENT'S CORNER—THE LAW AND ORDER POLITICIAN

(By Jerry D'Arcy)

Last month I appeared before the Labor Relations Committee of the California State Assembly. We were there to testify on A.B. 206, a bill which would make it mandatory that all cities in California set up a system whereby Police Officers could bargain for wages, hours and working conditions with representatives of their City government. To us in San Francisco it would mean that many of the various working conditions that we have been trying to get for years through Charter Amendments would be subject to negotiations with local representatives in City Government. In other words a San Francisco Police Officer would finally reach the level of other employees and be granted the right to bargain collectively regardless of the provisions of the City Charter which has been holding us back for many years. The sponsor of this bill was Assemblyman John Burton (Democrat S.F.)

Two weeks later I was in Washington, D.C. lobbying as Vice President from the International Conference of Police Associations for a bill that was introduced by Congressman Mario Biaggi, (Democrat, N.Y.) which would provide for the following:

(1) The right of a Police Officer to engage in political activity during his off-duty time.

(2) Guarantee Police Officers the same civil rights enjoyed by all other citizens.

(3) Set up a grievance panel to hear the grievances of Police Officers who claim their Civil rights had been violated.

(4) Would deny L.E.A.A. funds to any community that did not conform to the provisions of this bill locally.

Now what is the point of telling you all this? What is so very strange about this is that legislators who have gone on record as supporting these beneficial bills, which incidentally, are benefits for the rank & file cop—not the Administration, are some of the most liberal legislators in Government.

Let me give you an example—

In Sacramento: one of the Assemblymen on the Committee who voted against A.B. 206 was a guy who wears a big American Flag pin in his lapel and a "support your local police" bumper sticker on his auto. This guy goes around crying about how much he supports law and order, and it is strange that all four law and order candidates on this Committee voted against a bill which would give the Cops on the street basic collective bargaining rights. These are the same men who would go into hysterics if they thought a Cop would even think of going on strike or consider it unprofessional for a Cop to consider a "job-action" of any kind in order to gain vital bread and butter issues.

Each and every one of the "liberals" on this Committee voted YES which enabled the bill to get out on to the floor for a vote.

Again while in Washington, D.C. representatives from the I.C.P.A. visited with Congressmen in order to get a recommendation from legislators on the Judiciary Committee to get H.R. 7332 on the floor for a vote. The Bill of Rights now has over 125 cosponsors and would have an excellent chance for passage if it could get out of committee, on the floor of the House. But again—who are the men bogging it down? For the most part, the great Law & Order Candidates—

In working for the passage of bills vital to the benefit of our Brothers in Law Enforcement it has become increasingly clear that we are continually being sold down the river by candidates who profess to support the banner of law and order.

It's about time we started taking note of the voting records of these legislators and let our Brothers, in their voting districts, know what they really stand for. This is the only way people, who are truly concerned about men who do the day to day job of law enforcement, can know who to support at election time.

The next time one of these "law and order" candidates stands up and takes credit for being a supporter of the Cop—the working Cop—that is; ask him how he voted or intends to vote on the issue of granting the same rights to the Police Officers as he does to the Administrators of Police Departments, and big business.

"ART IN THE COURTROOM SERIES": A FIRST FOR TENNESSEE

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. JONES of Tennessee. Mr. Speaker, the first one-man show in the "Art for the Courtroom Series" at Jackson, Tenn., opened June 1 at the Municipal Court Building on North Church Street. The month long exhibition, which is part of a continuing project, features the paintings and watercolors of Jackson artist Don Carmichael, who has just been named to "Who's Who in American Art," 1973 revised edition, and is a member of the visual arts advisory panel for the Tennessee Arts Commission.

According to Robert Michie, public information director for the city of Jackson, who originated the project, the idea of using the courtroom as an art gallery is unique.

Mr. Michie said:

> With this art series, Jackson becomes the first city in Tennessee, and possibly in the Nation, to use the otherwise bare walls of the courtroom for displaying art. The art series will be a good education program for a cross section of the public, exposing some who would never take time to go to an art exhibit.

The adaptation of courtroom into art gallery was accomplished by the installation of an inexpensive picture rail. Local government leaders who encouraged the project were Mayor Bob Conger and Municipal and Juvenile Court Judge Walter Baker Harris.

This initiative is another indication of the community spirit and civic pride which make the city of Jackson a model to the entire Nation.

HIGHER EDUCATION CONFERENCE REPORT

HON. RALPH H. METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. METCALFE. Mr. Speaker, during the past few weeks I have had to spend a great deal of my time in my own First Congressional District of Illinois, because of my commitment to the struggle being carried out in Chicago by the Concerned Citizens for Police Reforms, to eradicate police brutality, harassment, and insults to innocent minority citizens in the city of Chicago.

Of course police harassment in Chicago against innocent citizens just because they are black or brown is nothing new. Excessive police harassment to any citizen is completely unwarranted. What is new in Chicago now, is that I, and other members of both the black and brown, and other communities of Chicago, have engaged in an all-out, unified effort to put an end to the harassment now. I feel very strongly that this can only be brought about through a complete overhauling of the Chicago Police Department. I am committed to this change and I have decided to devote as much of my time as possible to our efforts in Chicago.

My present involvement in Chicago, however, caused me to be absent last week when the very important Higher Education Conference Report was debated and voted upon.

I know the financial needs of our universities and colleges. I have taught on the college level myself. Education has long been one of my priorities and I know that the educational needs of our young people are not being met.

Because of the importance that I place on the Higher Education Act and because I was absent on the day that it was voted upon, I would like to express to you my position on this bill.

As is generally conceded, nothing is ever all good or all bad. This at least, seems to be the case with the conference report. The basic good is primarily that the bill provided $18.5 billion for the extension of present higher education programs and the creation of new ones. However, it is essentially bad, at least in a philosophical sense, because it turns back the clock on school integration.

As I see it, the strongest argument made against the antibusing provisions of the conference report is the question of their constitutionality. The equal protection clause of the 14th amendment has been consistently upheld in school desegregation suits since Brown against Topeka. In that decision, the court held that it was inherently unequal if schools were separately maintained for both black and white students. Again in the case of Swann against the Charlotte-Mecklenburg Board of Education (1971), Nixon Supreme Court appointee, Chief Justice Burger, stated:

> We find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school.

In practice and in legal philosophy, busing has been established as a legitimate and practical means of desegregating the Nation's schools. The purpose of the antibusing provisions, as submitted by Nixon, is to prevent the Supreme Court and the lower courts for a time from enforcing, as they deem necessary, the constitutional right of blacks and other minorities to nonsegregated schools under the equal protection clause.

I am also opposed to this legislation because I believe the issues of school aid should not be combined with the desegregation problems. Indeed, they should be settled on their own merits and the issues should not be clouded by overlapping arguments.

It is for these reasons that I could not—would not, have voted in favor of the conference report had I been present. Important as the higher education provisions are, they cannot, in my opinion, justify suspension of the historic 1954 Brown decision.

ANNIVERSARY ON RUSSIAN INVASION OF THE BALTIC STATES

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BROOMFIELD. Mr. Speaker, yesterday marked the 32d anniversary of the invasion and subjugation of the free Republics of Estonia, Latvia, and Lithuania by the U.S.S.R. During the weeks and months which followed that fateful day in June of 1940 literally hundreds of thousands of these brave people were arrested and deported to slave camps in Siberia.

Today, I suggest that it is appropriate that we pause to remember the death and suffering of so many innocent people at the hands of a brutal dictatorship. History tells us of suffering, it relates the loss of liberty in the Baltic Nations but it fails to convey even in the smallest way the strength and the determination of these brave people to be free once again.

Mr. Speaker, there are many more eloquent than I who have told the story of the forceable occupation of Estonia, Latvia, and Lithuania. They have chronicled and have given witness to the slaughter and to the sorrow and pity of three nations which were robbed of their freedom. One such group is the Baltic Nations Committee of Detroit. In commemorating the anniversary of the Russian invasion of their homelands, they have served to remind all free people that our own freedom is in a sense only as strong and safe as the liberty of those who live under the heel of tyranny.

Mr. Speaker, I include in the RECORD, the resolution which this dedicated group recently passed on the occasion of the 32d anniversary of the invasion and incorporation of the Baltic States into the U.S.S.R. In the text which follows, I would like to call to particular attention of my colleagues the suggestion that Radio Free Europe broadcast cultural language programs to the people of the Baltic States. I feel strongly that this is a commendable and important idea. I, therefore, intend to introduce a resolution to bring about that very end and invite my colleagues to give this measure their consideration and support.

THE BALTIC NATIONS COMMITTEE OF DETROIT, INC.

We, the Americans of Estonian, Latvian and Lithuanian origin living in the metropolitan area of Greater Detroit, County of Wayne, in the State of Michigan gathered at Mercy College, 8200 West Outer Drive, Detroit, Michigan to commemorate the 32nd year of the forcible occupation of the Baltic Republics by the Soviet Union and the 31st anniversary of the mass deportations of hundreds of thousands of the Baltic people to slave labor camps in Russia, at a Commemorative Concert sponsored by the Baltic Nations Committee of Detroit, Inc., hereby firmly resolve to reaffirm our belief in the democratic principles of our government and pledge our unstinting support to our President and the Congress of the United States to attain lasting peace, freedom and justice throughout the world.

We further resolve to urge the Congress and the Administration to continue its position of maintaining that Soviet rule of the Baltic Republics is unlawful and at the same time demand that the Soviet Union practice what it preaches regarding colonialism by immediately withdrawing all Soviet troops, ruling apparatus and colonists from Estonia, Latvia and Lithuania and that our government insist that this liberation be the basic condition for any further treaty negotiations with the Soviet Union.

We appeal to the President, the Secretary of State and the Congress of the United States to promote in all diplomatic dealings with the Soviet Union as well as in the assembly of the United Nations and other international bodies, the restoration of the freedom and independence of Estonia, Latvia and Lithuania.

We request the Congress of the United States to appropriate funds for the initiation of cultural radio language broadcasts over Radio Free Europe to the peoples of Estonia, Latvia and Lithuania.

We, who are free, assure the Estonian, Latvian and Lithuanian people presently under the Soviet occupation of our unswerving determination to spare no efforts and sacrifices for the attainment of the sacred goal—total freedom and independence.

We also urge that this resolution be sent to the President of the United States, the Secretary of State, to the Senators and Congressmen representing Michigan in the United States Congress, to members of the Foreign Relations Committee in the United States Senate and the House of Representatives.

Unanimously accepted and adopted at Detroit, Michigan, this 11th day of June, in the year of our Lord, 1972.

RESULTS OF QUESTIONNAIRES IN 14TH CONGESSIONAL DISTRICT OF OHIO

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. SEIBERLING. Mr. Speaker, earlier this year I sent a questionnaire to every postal patron in the 14th District of Ohio asking for his or her opinion on important issues before the Congress. I received 10,000 completed questionnaires, representing the views of 17,500 individuals when husband and wife opinions are counted separately. This is a significant number of views and I thought that my questionnaire results should be brought to the attention of the House of Representatives.

I would especially like to note that 62 percent of the respondents favored a withdrawal of U.S. troops from Vietnam by June 1972, contingent upon the release of U.S. prisoners. Ending the war in Vietnam remains the national issue of most concern to the residents of the 14th Congressional District.

At this time, I include the complete results of my questionnaire in the RECORD:

RESULTS OF QUESTIONNAIRES

1. Do you think Congress is meeting the basic needs of the country such as housing, health care, jobs, and stable prices?

Total yes	11
Total no	81

Men, yes: 12; women, yes: 9.

2. Do you favor restricting the power of the President to carry on military actions against other countries without specific Congressional approval?

Total yes	70
Total no	26

3. Do you favor stricter federal laws to control pollution even if it means higher prices for some products or possibly shutting down some manufacturing plants.

Total yes	69
Total no	21

4. Do you favor a Federal law strictly controlling the sale and possession of handguns?

Total yes	65
Total no	30

Men, yes: 61; women, yes: 71.

5. Do you believe the Federal Government attempts to keep more information secret than it should?

Total yes	68
Total no	23

6. Would you favor giving the Congress, rather than the Executive Branch, the final say in deciding whether classified information should be kept secret?

Total yes	45
Total no	40

7. Do you favor increased use of the United Nations by the United States in solving international problems?

Total yes	68
Total no	24

8. Would you favor a Federal law prohibiting all stripmining of coal?

Total yes	48
Total no	33

Men, yes: 46; women, yes: 51.

9. Do you think the military—the Army, Navy, and Air Force—have too much power in determining U.S. policy and where our money is spent?

Total yes	66
Total no	23

10. How well do you think Phase II of the President's Wage and Price Control Program is working? (Check the statement that comes closest to your viewpoint):

Not very well	40
Fairly well, but there are still some serious problems	30
Too early to tell	15
We would be better off without it	9
Very well	2

11. To help us compete more effectively with foreign industry, which of the following do you approve? (Check the two you favor most.)

Increase productivity of U.S. industry	51
Hold down wages and prices with tougher controls	47
Reduce U.S. trade barriers if other foreign countries will do the same for U.S. products	37
Set tougher restrictions on imports even if it causes foreign governments to do the same thing to our exports	30

12. What policy do you favor on the Vietnam War? (Check only one.)

Announce that all U.S. servicemen will be withdrawn by June, 1972, provided that all U.S. prisoners of war are returned	62
Continue Nixon policy of gradual withdrawal (but no deadline)	20
Keep some American troops in Vietnam until we are sure that the South Vietnamese government can stand alone	6
Escalate as much as possible for a military victory	4
Undecided	6

Breakdown by sex: Withdrawal by June, '72. Men, 59; women, 65.

13. If it is necessary to raise additional revenue to support the basic needs of the country, which would you prefer:

Reform of the federal income tax system to eliminate special subsidies such as the oil depletion allowance	81
A national sales tax ("value added" tax) on everything you buy	7
An increase in the federal income tax rates	4

14. Which of the following statements is closest to your views on the need for a national health insurance program paid for by the Federal government. (Check one.)

A program should be established covering all medical expenses	39
A program should be established covering only major expenses	36
No program should be established	22

15. What is your position on the present level of military spending? (Check one.)

Too much	70
About right	13
Too little	6
Undecided	11

Breakdown by sex: Present level of military spending is too much. Men, 67; women, 73.

16. What do you think our nation's priorities should be? (Please check the three items that you believe are the most urgent.)

	Percent
1. End Vietnam war	40
2. Reduce unemployment	32
3. Control inflation	31
4. Control crime	26
5. Control pollution	25
6. Tax reform	17
7. Reduce military spending	16
8. Eliminate poverty and slums	15
9. Control drug abuse	15
10. Aid senior citizens	12
11. Reduce cost of health care	9
12. Halt nuclear arms race	9
13. Improve consumer protection	7
14. Explore outer space	2

(Note.—For questions 1 through 9, when total yes and total no are added to percentage of undecided and no response answers, the sum total is 100 percent for each question.

(For question 11, the difference between the sum and 200 percent represents the number of non-responses.)

(For question 16, the difference between the sum total and 300 percent indicates the number of non-responses.)

RAY McHUGH VISITS ZAIRE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. DERWINSKI. Mr. Speaker, the respected Washington bureau chief of the Copley Press, Ray McHugh, visited Zaire to take a good look at this huge, potentially great but still struggling nation on June 1. His articles were carried in the Aurora, Ill., Beacon News, and I believe they are of such widespread interest that I am putting them into the Record.

The articles follow:

Zaire

Change is a watchword in this city that used to be called Leopoldville in the country that used to be called the Congo.

Naked children still play along dusty roadsides on Kinshasa's outskirt, mothers carry their babies in colorful cloth papooses, clerks struggle with basic arithmetic, wooden hoes scratch the lush equatorial soil, straw skirts are still in vogue and crocodiles, lions and leopards still claim human victims in the interior, but these are part of a past that Zaire is leaving behind.

A hundred miles away on the narrow Atlantic coast oil rigs are probing for black gold. At Inga on the lower Zaire (Congo) River a hydroelectric dam is nearing completion that will dwarf Hoover and Grand Coulee. Model farms, factories, luxury hotels are beginning to dot the sun-drenched hilltops around Kinshasa. A $400 million international copper operation—the biggest in the world—is taking shape in the southern Shaba province that used to be known as Katanga. (Standard Oil of Indiana is the key company in the consortium.) A 2,000-kilometer electric power line, the longest in the world, is under construction to bring Inga's energy to the Shaba copper fields.

This country, the size of the United States east of the Mississippi River, has become a special kind of black African testing ground and showplace. In the sixties it represented the worst. In the seventies, President Mobutu hopes, it may represent the best. The orderly charm that France still visits on the ivory coast or the starched British influence still felt in Kenya is missing here. Nor is there any of the dulling mediocrity that Socialist-Communist experiments have brought to Tanzania and Guinea.

Given political stability by Mobutu after the strife-torn sixties, Zaire has set out in search of its own identity or "authenticity" as the President calls it.

If it succeeds, Zaire can be the keystone of American policy among fledgling sub-Sahara nations. Only English-speaking Nigeria to the north overshadows it in size and resources.

Since its birth in 1960, Zaire has been a focal point of U.S. attention in Africa. While world opinion stormed over the Congo civil war and the United Nations struggled with jungle savagery and the obvious ambitions of the Soviet Union and some west European nations, four American presidents persisted in efforts to help the country find itself. The United States provided the major financial support for U.N. operations despite often sparse popular support at home.

For a time it appeared that the Congo would fall into Moscow's lap. The late President Patrice Lumumba even made full-dress trips to the Kremlin. At another moment it appeared that European mercenaries would succeed in partitioning the old Belgian colony, setting up copper-rich Katanga as some kind of fief.

For a decade this huge land wallowed like a sick whale, unable to influence conditions inside its own borders, much less beyond.

For Washington the survival of Zaire is at once a reward and a challenge. In one respect there is a U.S. commitment here to black America whose leaders identified fiercely with the Congo-Zaire story.

President Nixon has successfully held back those who would capitalize on U.S. political successes to establish an American beachhead. Instead, an intelligent, experienced career ambassador from Minnesota, Sheldon Vance, has pursued a policy he calls "helpful patience."

The tall angular, good-natured Ambassador has toured Zaire repeatedly in the last three years, emphasizing American willingness to help, but carefully avoiding any suggestion of interference or dictate.

"Sometimes it has been a narrow line," Vance admitted in an interview in his air-conditioned Kinshasa office. "But I think Mobutu and his government are satisfied that we are honestly interested in their success and their independence."

American blacks who attended the recent first Congress of Mobutu's popular revolutionary movement (MPR) admitted their surprise.

"Our black militants have criticized Mobutu for being too orthodox, too 'establishment'," said one. "We should be proud that Washington has helped him get this far."

Ethel Payne, prominent columnist for a chain of black American newspapers, sees Zaire as a potential link between U.S. blacks and their African heritage.

Working with the World Bank and U.S. companies, Vance is now helping steer a public-private investment program designed to strengthen the Zairian economy.

In the past year:

A.I.D. has provided $10 million toward a $37 million transport repair program that is vital to revive Zairian agricultural exports.

A 50-man Peace Corps contingent made up of skilled workers—not students—has been committed to the transport program. (Fifty other Peace corpsmen work in other sectors.)

Gulf Oil has drilled four offshore wells in the Atlantic and is near a decision on full-scale production.

Mobil Oil has drilled on-shore wells in the same area.

Pan American World Airways has joined the Zaire government to build a 10-story luxury intercontinental hotel in Kinshasa that has become a commercial magnet despite prices that would make a New York or Paris visitor turn pale. Pan Am also provides technical assistance to operate the state airline Air Zaire.

Kaiser Aluminum is negotiated on a 1.5 million smelting plant that would be geared to Inga's cheap power. The talks have dragged on, but if concluded Kaiser will bring enriched bauxite from Jamaica to Inga for processing.

Goodyear Tire and Rubber Co. has begun tire production at a new plant that utilizes native rubber and promises to monopolize the market in this part of Africa.

General Motors has completed studies for an automobile assembly plant in Kinshasa.

Ford Motor Co. has received a contract for a similar project.

ITT has established a satellite communications system that has helped guide U.S. astronauts and which also puts Kinshasa within seconds of offices all over the world.

City Bank of New York has established a Kinshasa branch to help the country's financial operations.

"It's only a beginning," says Vance. "This country has enormous potential."

Projected American investment figures will begin to rival those of Belgium, the nation that for 75 years dictated every economic decision in this huge area and which still jealously guards its residual interests.

In 1969 the private U.S. investment in Zaire totaled less than $25 million. Today the commitment is approaching the half-billion-dollar mark. It may soon represent 50 per cent of the total foreign involvement.

"The change came in 1970 when President Nixon received Mobutu in Washington," Vance said. "The President went out of his way to point out Zairian investment potential. The White House even helped arrange meetings between Mobutu and U.S. executives. It was a master stroke."

What now?

By all yardsticks Mobutu can be president of Zaire as long as he likes. He's only 41. His course, he insists, is "neither left, nor right, but African."

If he succeeds, Zaire could become a classic vindication of U.S. policy in Africa.

President Nixon has surprising support in this black African capital for his "get tough" tactics against North Vietnam.

Local editors do not hesitate to point out the links between Hanoi and Moscow.

The leading government daily "Salongo" (work) says "the nerve of the war belongs to the Kremlin."

"The North Vietnamese are in a habit of getting everywhere but in their country (so) where is the aggressor?" It asks.

A second editorial warns Africans against Communist propaganda that creates "a world of distorting mirrors, a conditioned world that imposes upon us a certain way of seeing reality, so that we become so docile that one day we accept the indoctrination. . . ."

There are no illegitimate children in this Central African Nation.

President Mobutu says so.

In a state of the nation speech to the congress of his ruling popular revolutionary movement Mobutu attacked the "stigmatization" of children born out of wedlock as an unwanted import of European colonialists and missionaries.

Mobutu declared that all infants, regardless of their state of their parents, will be considered "Children of Zaire."

"No one will be without a father," he said.

With a noticeable nod to the powerful Catholic church, however, Mobutu added that Zaire would not return to polygamy. The custom, he said, is no longer practical in a country that is moving away from primitive village agriculture.

PRESIDENT MOBUTU

President Mobutu has reached a perilous crossroad in the African heartland that used to be known as the Congo.

Buoyed by seven years of success in leading one of the world's most important black nations onto the highway to peace and progress, Mobutu is now struggling with emotions that every black African leader must feel.

On one side is the tug of technology, engineering and science and the honest urged to build a modern nation, to bring 20 million Zairions into an organized 20th century society.

On the other is the xenophobic pull to establish the black African's place in a world that has denied him equal status for much of a thousand years.

On the first score Mobutu has made a remarkable beginning. He has stabilized a country that knew only war and privation during its first seven years of independence from Belgium. Even the casual visitor exclaims at Zaire's physical progress in the last year or two.

Mobutu's record on nationalization or national identification is still to be judged. He has embarked on a campaign to re-establish an "authentic" identity for his people who he claims were saddled with unwanted European traditions and standards during colonial rule. He promises that this will be accomplished without closing Zaire's doors to foreigners, foreign ideas, products and capital. But he has set in motion powerful African forces.

At the congress here of his popular revolutionary movement (MPR) his Africanization program won resounding endorsement not only from the 1,500 delegates of his own political party, but from seven visiting African chiefs of state, two vice presidents and a leader of the Angolan resistance.

The speeches all reflected a common African hunger for history, tradition and national pride. (In toasts, a Zairian pours a few drops of wine on the ground before drinking, a salute to his ancestors.)

Significantly, Zaire and all the other African states represented at the congress are one-party "democracies," ruled by military or political figures who seized power after chaotic experiments in multi-party government.

"I'm convinced that the 'strong-man' approach is the only that can work in these new African nations," said black Mayor Robert Blackwell of Highland Park, Mich., of the official U.S. delegates to the congress. "They simply can't afford the luxury of political debate. But it puts a helluva lot of pressure on the top man to resist corruption and temptation."

Two other black American delegates, State Sen. Colemen Young of Michigan and State Sen. Bob Dalton of Maryland, were less convinced.

"I see too many of the trappings of a dictatorship," complained Dalton, pointing to the constant glorification of Mobutu.

"I can't judge his administration," said Young, "but Mobutu's organized and that's the key to political success in any country."

The African trend to one-party rule is not without danger for men like Mobutu. Even as his congress met in this new planned "party city" 30 miles from Kinshasa, the African state of Malagsy was torn by strife. Confronted by angry students who demanded a switch from French language and culture to native forms, President Philibert Tsiranana turned over executive powers to an army general named Ramanantson.

Even a return to native forms holds dangers.

Reports from tiny Burundi to the east tell of a savage outbreak of a 400-year-old feud between the Watusi and Hulu tribes. Hundreds, perhaps thousands, of natives have been killed, according to press reports.

So far Mobutu has withstood fairly well the pressures and the critics.

When a group of university students demanded political reforms last year, *he swept* 2,000 of them into the army for two years. When 50 students at another school protested that they, too, were "guilty," Mobutu put them in uniform but ruled that they were "volunteers" and therefore would serve a full seven-year hitch.

He now appears to be riding a wave of genuine respect and popularity. No opposition is in sight. At the congress his MPR followers pleaded that he declare himself "president for life," Mobutu sidestepped the temptation, pointed out that his current term runs to 1978 and promised to stand for reelection "as long as I can serve."

A member of Mobutu's 15-man "politburo" or advisory council says the president is well aware that a life term would provoke questions and suspicion in the United States and Europe where some eyebrows are already arched over his personal living habits that include a sumptuous chateau near Geneva, Switzerland.

The West, the advisor adds, must learn to appreciate the African tradition of tribal and village chiefs who often are elected for life.

"There is comfort in the knowledge that chiefs, or father figures, will remain in power for life, particularly when they achieve such remarkable success as Mobutu," the advisor added.

Now 41, the orphan son of a farmer servant, Mobutu was a sergeant in Belgium's colonial army, turned journalist in 1958 and became an instant colonel with independence in 1960; a prime minister in 1965 and president in 1971.

With massive help from the United States and the United Nations, Zaire weathered the ordeal of civil war, European mercenaries, Soviet infiltration and vengeful tribal politics.

Men like Patrice Lumumba, Moishe Tshombe and President Kasavubu fell by the wayside, but Mobutu survived and grew.

In the seventies he is obviously determined that Zaire will take a leading place among nations. He has personally visited Washington, Paris, Bonn, Athens, Tokyo, Taipei and virtually all the black and Arab capitals of Africa. He has entertained Vice President Spiro Agnew, King Baudouin of Belgium, President Ceaucescu of Communist Romania and other world figures.

In a cadenced, unemotional "state of the nation" speech to his colorful MPR Congress, he insisted he will veer neither to the Communist or capitalist spheres of influence.

"These are foreign systems," he told the cheering delegates. "Ours is an African system."

Despite his rhetoric, he has shown a definite preference for western, particularly American, assistance. President Nixon played a key role in interesting private U.S. investors in Mobutu's "under-equipped" country. (He prefers that term to "underdeveloped" or "developing.")

American A.I.D. experts play a pivotal part in Mobutu's No. 1 priority project—the restoration of Zaire's war-wracked and neglected internal transportation system. Belgian-built roads, railways and river systems must be reestablished if Zaire's rich agriculture is to be revived.

Before 1960, agriculture and copper each represented half of the area's exports, by 1970, the ratio had fallen to 20–80 as the farm-to-market transport system collapsed.

The copper fields of Katanga, now called Shaba, remain Zaire's most important single resource, but the economic pattern is slowly changing.

Nationalist Chinese and American agriculture teams are demonstrating the region's dramatic potential. The Chinese are building poultry, livestock and rice programs that can become models for all Africa. Americans have introduced pineapple and other exportable fruit crops and hybrid grains that can thrive in the equatorial lowlands and the cooler highlands of the interior.

Pineapple fields outside N'sele along the Zaire River (formerly the Congo) have become a Hawaii-like showplace, complete with a modern cannery.

Taipen's Ambassador to Kinshasa was a central figure at the MPR Congress—evidence that Mobutu is not joining the African rush to recognize Peking.

"Mobutu has always emphasized his loyalty to friends," explained one American diplomat. "The Nationalist Chinese have made a major contribution here when President Nixon was in Peking in February, Mobutu was paying a state visit to Generalissimo Chiang Kai-shek in Taipeh."

Despite pockets of progress like N'sele, however, Zaire remains a nation with most of its "solango" or work ahead of it. Public services sputter in Kinshasa, still straining to bridge the chasm left by the Belgian withdrawal a dozen years ago. Villages a few miles distant appear almost untouched by progress. The installation of a one-inch water line and communal spigot is still a major accomplishment.

The enormity of Mobutu's task raises obvious questions about any detour towards African "authenticity." Anything that threatens to disperse national energies inevitably alarms some foreign investors.

The President's order changing the name of the country from the Democratic Republic of the Congo to Zaire, his insistence on the removal of all reminders of colonial rule, even the famous statues of explorer-journalist Henry Stanley and King Leopold, his demand that Zairians drop their Christian forenames in favor of tribal names, and his own emphasis on native life forms and styles has caused some to hesitate.

The Catholic church became alarmed when Mobutu ordered the elimination of Christian names. (He changed his own from Joseph Desire Mobutu to Mobutu Sees Seko. Roughly translated, it means "Brave Earth.")

The church-state differences were perhaps magnified when Cardinal Joseph-Albert Malula, Archbishop of Kinshasa, criticized Mobutu in a letter to priests. Mobutu retaliated by banning the Catholic weekly newspaper. The Cardinal left the country, presumably to avoid a personal confrontation with the President.

About one-third of Zaire's citizens are Catholic and the church is the most cohesive social element in the country. The stage was set for a test of wills. Vatican diplomats, however, interceded. They acknowledged precedents in many parts of the world that permit Catholics to be baptized with local names. In return Mobutu permitted Cardinal Malula's return.

The near-confrontation apparently served as a caution signal. Although Mobutu continues to stress "authenticity," he has not tried to dictate a return to African dress or language. He wore a western cut suit and spoke French in his appearances at the MPR Congress.

Language is a special concern to U.S. and European businessmen. The widespread use of French is one of Zaire's most important bridges to the West.

In states like Guinea and Tanzania where radical leftist leaders have tried to beat out every vestige of the European colonial past, the price has been stagnation and restless accommodations with Moscow and/or Peking.

Africanization, however, can be a powerful local issue. If Mobutu is able to balance its application with continued modernization, he could emerge as the leader of a substantial bloc of black nations. At the MPR Congress the chiefs of state from Togo, Mauretauia, Zambia, Gabon, Upper Volta, Chad, the Cameroon and Equatorial Guinea all appeared ready to follow his lead.

The Congress also offered Mobutu a chance to counter claims that he has been less than enthusiastic in opposing white rule in the Portuguese colonies, Rhodesia and South Africa.

Roberto Holden, self-described leader of one of Angola's exile revolutionary groups, shared the platform with African chiefs of state and praised Zaire's support. Mobutu, in turn, applauded President Kenneth Kaluanda of Zambia pledged black rule over Rhodesia and promised a bloc of allied "Z" nations in Central Africa—Zambia, Zaire and Zimbambwe (the African name for Rhodesia).

The impression persists, however, that ouster of white rule is not Mobutu's top concern. He again rejected any dialogue between Zaire and South Africa, but he pointedly offered to assist if any talks develop between South Africa's white leaders and its black population.

In sum, Mobutu's Congress was a political show of the first order. No American political convention or pro football halftime could rival the leopard skin hats on the delegates, the impressive array of diplomats from 48 countries, the bongo drums, native dancers in grass skirls, Israeli-trained paratroopers in blood red berets, moaning spirituals and gay chanting cheerleaders.

To paraphrase Stalin, in Zaire politics Mobutu-style is a kind of "opiate" to the people. So long as they're kept inside his MPR, they look like fun.

And what politician at any convention wouldn't be delighted to hear his followers chant:

"We gave him five years, he did well;
"We gave him seven more.
"Now we want him for 100 years.
"He put an end to the palavers.
"Mobutu, Mobutu, Mobutu!"

HEALTH APPROPRIATIONS

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. HASTINGS. Mr. Speaker, the matter of health appropriations has received a great amount of attention by the Appropriations Subcommittee on Labor-HEW in recent weeks. With the leadership of its chairman, DANIEL J. FLOOD, and the ranking minority member, ROBERT H. MICHEL, the subcommittee has given thorough consideration to many health spending proposals. Over 150 witnesses appeared before the subcommittee in its recent hearings.

The levels of health appropriations established by the subcommittee are responsive to the national goals and national need. As a member of the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce, I am most pleased to learn of the increased health appropriations.

The proposals of Mr. FLOOD and the subcommittee should receive close attention from every Member of the House. The subcommittee deserves our praise and thanks for its diligent efforts this year. I am glad to give mine.

DRS. ISABELLE AND EARL DIBLE

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. REES. Mr. Speaker, in 1970 the Times of India reported that a 7-week science workshop for more than 500,000 children of municipal schools in Bombay marked "one of the more remarkable crustbreaking achievements in recent years." The science worshop was conducted by two of my constituents, Dr. (Mrs.) Isabelle Dible and Dr. Earl Dible, consultants for the National Science Foundation.

I commend the efforts that have been made to encourage new interest in science and technology in India, and include the following editorials from the Times of India in the RECORD:

SEVEN-WEEK WORKSHOP IN SCIENCE FOR 500,000 CHILDREN

More than 500,000 children of municipal schools in Bombay will complete this weekend a seven-week workshop in general science.

The workshop is conducted by Dr. (Mrs.) Isabel Dible and Dr. Earl Dible, consultants for the National Science Foundation. The foundation is affiliated to the U.S. Agency for International Development and the programme is sponsored in co-operation with the National Council for Science Education in India.

Further, a revised science curriculum for schools has been prepared by officials of 22 Bombay schools and the new courses will be tried out this school year in several primary schools.

Further changes will be incorporated based on the trial period in the classrooms. Prior to this, staff in selected schools will receive intensive in-service training.

The revised curriculum will establish six themes—energy, matter, earth, universe, living things and personal health and safety.

SCIENCE WORKSHOP

There is no surer way to foster the spirit of science than directly exposing the very young to its methods and wonders. That is why the science workshop conducted in Bombay by two consultants of the U.S. National Science Foundation must be considered one of the more remarkable crust-breaking achievements of recent years. Thanks to this enterprise, a half million municipal school children will soon complete a seven-week workshop in general science. Equally heartening is the revised curriculum for schools prepared by a group of teachers. The new courses based on six themes—energy, matter, earth, the universe, living things, and personal health and safety—are to be tried out this year in many primary schools. Excellent; these are the first stirrings of a revolution. There have been a few tentative and sometimes successful attempts at creating a new interest in science and technology. Science fairs are organised in schools and colleges in which several scores of youths enthusiastically participate. But there are far too few science clubs in the country. A start can be made in this field by some energetic visionary undertaking to form clubs modelled on the famous Molecule Club of London, which invites large groups of school children and lets them find out things for themselves and also have fun.

WHO PUT "CLOUD" ON KLEINDIENST? BEN COLE SETS THE RECORD STRAIGHT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BRAY. Mr. Speaker, after the sound and fury over the President's nomination of Richard Kleindienst to the Attorney General abated, the U.S. Senate confirmed him by the sizable majority of 64 to 19, after having rejected, by 63 to 20, a move to send his nomination back to the Senate Committee on the Judiciary.

I suggest these votes show that the sound and fury belonged, very much so, in the category Shakespeare put them:

> A tale told by an idiot . . . signifying nothing.

Ben Cole, Washington correspondent for the Indianapolis Star, turned the harsh and glaring—and uncomfortable—light of truth and accuracy on the whole sordid performance that marked the opposition to Mr. Kleindienst's nomination. His column from the June 7, 1972, Indianapolis Star follows:

WHO PUT CLOUD ON KLEINDIENST?

Just pretend for a moment that Richard G. Kleindienst is a flaming Democratic liberal and his senatorial critics are right-wingers cast in the image of the late Joseph R. McCarthy.

There would be heart's blood running all over the place, and the editorial columns of the left-wing press would be brimming with acrimony.

Kleindienst, alas, is a moderately conservative Republican who ran Barry Goldwater's 1964 campaign and helped elect President Nixon four years later. He also offended liberals in another way—he directed the safe keeping of the nation's capital a year ago when it was overrun by peace kooks bent on destroying public and private property while attempting to stop the operation of the United States government.

And instead of latter day Joe McCarthys, the senators baying over his nomination to be attorney-general are three musketeers of liberalism—Senator John Tunney of California, Senator Birch Bayh of Indiana and Senator Edward M. Kennedy of Massachusetts.

Tunney, it turns out, recently used a little of his senatorial clout to keep his old buddy, singer Frank Sinatra, from being subpenaed before the Pepper Crime Committee. Representative Claude Pepper (D-Fla.) wants to ask Sinatra if it's true he is "fronting" for a Mafia don in the ownership of a Florida hotel and a Las Vegas casino.

Bayh, also, has employed a little of his prestige to help out friends. His intervention figured in a Potomac River land-fill scheme at Alexandria, Va., where promoters were eager to turn a buck by lousing up the ecology with the lawmaker's help.

And of course there is Teddy Kennedy, the chap from Chappaquiddick.

Their song is, "Send the Nomination Back to the Committee," and they drone it over and over, accompanying themselves by harping that the seven weeks of hearings in Kleindienst weren't enough to dispel a "cloud" over the nomination.

Evidently the "cloud", such as it was, disappeared sufficiently for an overwhelming majority of the Judiciary Committee to vote to reaffirm their previous recommendation that Kleindienst be confirmed.

The truth of the matter is that the "cloud" was manufactured by the pious threesome themselves as they smirkingly warped and twisted and contorted every shred of testimony they heard. Now they raise their eyes to Heaven and reiterate that it was Kleindienst, not they, who asked for those hearings.

Indeed, Kleindienst did request a chance to be heard on allegations made against him by Columnist Jack Anderson whose interpretation of a few disjointed facts produced the ITT controversy for which the liberals so dearly longed. Kleindienst expected, as he had a right to expect, to be given a respectful hearing and that the rules of fair play would apply despite the political nature of the proceedings.

Other witnesses were heard, too—Former Attorney-General John N. Mitchell, Former Assistant Attorney-General Richard W. McLaren and a whole parade of people whose answers were supposed to shed light in the situation. The President even allowed one of his aides, Peter Flanigan, to testify on points the senators insisted they needed to have "cleared up." But Flanigan's appearance failed to satisfy the trio, for they sought to range outside the limits of executive privilege set by the White House and this was the excuse for further expansion of the "cloud."

When Allen Drury wrote his great novel about the Senate, "Advise and Consent," he had in mind demonstrating that liberals employing the same tactics they found so reprehensible in Joe McCarthy would be equally censurable. Events have shown his point was well taken.

REPORT ON U.N. LAW OF THE SEA CONFERENCE—SECTION ONE

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. KEITH. Mr. Speaker, the forthcoming Law of the Sea Conference involves issues of immense significance to the future of the United States and the world.

These issues affect our national defense, our economy, and our relations with many nations. Their solution will have a profound effect upon the future of our fishing industry, our energy resources, and our environmental balance.

As a congressional adviser to the U.S. delegation to that Conference, I feel it is important that I report the progress of the Seabed Committee's deliberations to you, to the Congress, and through the Congress to the country.

First, if I may, let me present a bit of background. Over the past half-dozen years, an effort to review and enlarge upon existing concepts of the law of the sea has gained momentum in the international community. The roots of this effort are many and diverse, including:

Widespread dissatisfaction with the results of the 1958 and 1960 Geneva Conferences on the Law of the Sea;

Intensified commercial fishing throughout the world which has accelerated the decline of many important species of fish; and

Growing interest of developing nations in the sharing of the resources of the sea.

These trends were encouraged by a doctrine first enunciated by Ambassador Pardo of Malta in the now-famous "Malta Resolution." His philosophy was that the world's oceans should be treated as the common heritage of mankind, and his speech prompted the U.N. to establish several working groups to explore the implications of this concept.

These working groups reported favorably, and their reports led to the creation of the Committee on Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction.

During the past few years, the more traditional law of the sea concepts agreed upon during the 1958 to 1960 period have been seriously questioned. The contested concepts include the limits of coastal State jurisdiction over fisheries; conservation of fish resources; the breadth of territorial seas; and the so-called right of innocent passage through international straits.

All these questions and concerns led to the broadening of the seabed's committee's U.N. mandate to prepare for a law of the sea conference.

The committee's broadened jurisdiction was accompanied by a substantial expansion of the committee's membership, from 47 to 91 nations.

This enlarged Seabed Committee met in New York and Geneva in 1971. Its work, however, continued to center around the seabed regime, gaining momentum from the U.S. initiative of 1970 when the United States first draft convention was introduced as a working paper.

It was my privilege to attend a number of the sessions of the committee held in New York this past March. I was able to participate in many fruitful discussions with members of the U.S. delegation and advisers to the delegation from various segments of industry.

From this experience, I have, I believe, developed a much better appreciation of the United States' position in the many different aspects of our law of the sea posture.

In my view our position not only protects our own citizens whose well-being is so dependent upon the sea and its continued productivity, but, in my view, it also takes into account the legitimate interests of the developing nations of the world.

Our position with respect to fisheries, for example, as enunciated by Ambassador Don McKernan at this session, is one that deserves strong support.

Mr. McKernan proposes that jurisdiction over those coastal species dependent upon the relatively shallow waters of the Continental Shelf be delegated to the contiguous coastal state, and that foreign fishermen wishing to utilize these stocks contribute financially to the conservation efforts of the coastal nation having jurisdiction.

He likewise proposed that jurisdiction over anadromous species such as salmon be vested in the nation whose inland fresh waters provide the breeding grounds for these stocks.

The pelagic species, such as tuna, which spend their entire life in the high seas and migrate vast distances in international waters, do not lend themselves to conservation by any one nation. Therefore the United States has proposed that these species be the subject of internataional conservation measures.

The Seabed Committee, composed of 91 members of the United Nations, reflects a multiplicity of outlooks and concepts. Its progress has indeed been slow, as might well be expected when so many complex issues are presented to such a broad forum. While thinking with respect to the seabed regime has crystallized to a significant extent, I regret to report that up to now, agreement with respect to fisheries is barely perceptible.

Pressures are building in the American fishing industry to forgo the complex international negotiation route in favor of a simple, nationalistic declaration of a 200-mile limit. It is this understandable feeling of frustration which causes America's fishermen to support this 200-mile limit. They have seen one species after another "fished out" by foreign fishing fleets; they have seen other nations' vessels fishing in restricted areas without punishment, while they pay the penalty for doing the same thing. They have heard talk of international agreements for years and years—and have found that the only agreements made are too little and too late.

The American fisherman is angry—and he has a right to be. He has a right to expect now that the United States will assert itself in the upcoming Geneva Conference. He has a right to believe that the discussions which take place will be substantive. He has a right to feel that his vision will be understood and supported by our State Department and negotiators. He was not happy with what took place in New York last March.

We cannot afford to let opportunity go by again. The sea can be a barrier between nations or a bridge. The results of the Law of the Sea Conference will, in all likelihood, determine which it shall be in the decades ahead. These deliberations are too little known and understood within the United States. It is the responsibility of all of us who understand the importance of the law of the sea, as it is now evolving, to keep the Nation informed. When international agreement comes—as we hope and believe it eventually will—our people should be prepared to understand and welcome these innovation in the relationships among coastal states.

Mr. Speaker, as part of this effort, I would like to conclude my remarks by appending—in three installments—a statement by the Honorable John R. Stevenson, legal adviser to the U.N. Seabed Committee.

It reflects his views as they relate to the current position of the United States as we approach this final preparatory meeting in Geneva. The conference will be held from this coming July 17 to August 18.

His statement deserves the widest possible dissemination, and I commend it to the attention of all who share an interest in the sea and the wise utilization of its resources.

The first part of the statement covers the background on the crisis we face in the Law of the Sea; the second covers the current U.S. oceans policy; and the third covers the details concerning the preparations in the U.N. Seabed Committee for the 1973 Law of the Sea Conference. I will submit the second and third installments in Tuesday's and Wednesday's RECORD.

The first part of Mr. Stevenson's statement before the Subcommittee on International Organizations and movements of the Committee on Foreign Affairs, House of Representatives April 10, 1972, follows:

I welcome the opportunity to appear before this Committee today to discuss preparations for the Law of the Sea Conference.

BACKGROUND

Mr. Chairman, the nations of the world are now facing a crisis in the Law of the Sea. Basic principles that have governed the activities of men and nations on the seas for centuries are being challenged, and international procedures for adapting these principles to modern conditions are under severe strain. While we should not minimize the implications of this situation for specific uses of the seas, I believe there are also broader implications for the international community that should not be overlooked.

First, the Law of the Sea lies at the heart of modern international law as it emerged in the 17th century. Should it collapse under the weight of conflicting unilateral actions based almost exclusively on immediate national interests, the result will be a severe blow to the prospects for the rule of law not only in the oceans, but in the international community generally.

Second, the Law of the Sea governs the activities of States on, under, and over two-thirds of this planet. The importance of the oceans to the security and well-being of all mankind is increasing at an extraordinary rate. It is clear that as the magnitude of interests in the seas increases, the danger of conflict—and hence the need for law—increases as well.

The United States is a party to the four Conventions on the Law of the Sea adopted at the 1958 Conference on the Law of the Sea. While these Conventions represent a very significant codification of the Law of the Sea, there are several problems with them. The 1958 Conference, as well as a subsequent 1960 Conference specifically called for this purpose, were unable to resolve the question of the maximum breadth of the territorial sea and coastal State fisheries jurisdiction. Moreover, there was no agreement on a precise seaward limit for coastal State sovereign rights over seabed resources of the continental shelf. The issue of an international regime for the seabeds beyond this limit was considered premature at the time. The dangers of pollution were not yet fully appreciated.

At the same time, many technological changes have occurred. Offshore oil and gas production is becoming a very significant source of energy. Technology is being developed looking to extraction on a commercial basis of hard minerals from manganese modules on the deep ocean floor. Nuclear submarines and super tankers have become important users of the oceans. Sophisticated methods of fishing have developed that increase the danger of overfishing and economic dislocation. Scientific research in the oceans is growing in importance not only to our understanding of the oceans, but to our total understanding of our planet and its environment, including the weather.

During the period since 1958, coastal State claims over the oceans have proliferated. While the United States adheres to the traditional 3-mile limit for the territorial sea, a plurality of States now claim 12-miles. Some even claim more than 12-miles, and up to 200. Others have limited the substance of their claim to seabed resources and fisheries, but have also asserted such limited claims as far as 200 miles or more. Needless to say, should this trend continue unchecked, what would result is a partition of the oceans by coastal States. I should point out that a universal 200-mile limit would in itself embrace over 30% of the oceans—Soviet geographers calculate that it might be as much as 50%. This expansionist trend in maritime jurisdiction is also intensifying the nature of disputes regarding sovereignty over small islands and other land areas that would otherwise be of little significance, but that might be used to calculate extensive maritime jurisdiction.

For all these reasons, the 1973 Law of the Sea Conference acquires particular importance. The essential questions are whether we as a world community can adapt to technological change and act quickly enough to assure that such change benefits all of us, and whether we can outpace the trend in unilateral claims that will render negotiation far more difficult, if not impossible.

President Nixon clearly indicated our assessment of the seriousness of this situation at the start of his Statement on United States Oceans Policy of May 23, 1970:

"The nations of the world are now facing decisions of momentous importance to man's use of the oceans for decades ahead. At issue is whether the oceans will be used rationally and equitably and for the benefit of mankind or whether they will become an arena of unrestrained exploitation and conflicting jurisdictional claims in which even the most advantaged states will be losers."

The issue arises now—and with urgency—because nations have grown increasingly conscious of the wealth to be exploited from the seabeds and throughout the waters above, and because they are also becoming apprehensive about ecological hazards of unregulated use of the oceans and seabeds. The stark fact is that the law of the sea is inadequate to meet the needs of modern technology and the concerns of the international community. If it is not modernized multilaterally, unilateral action and international conflict are inevitable.

This is the time, then, for all nations to set about resolving the basic issues of the future regime for the oceans—and to resolve it in a way that redounds to the general benefit in the era of intensive exploitation that lies ahead. The United States as a major maritime power and a leader in ocean technology to unlock the riches of the ocean has a special responsibility to move this effort forward.

A MASSACHUSETTS HOUSE RESOLUTION RELATIVE TO THE MASSACRE AT LOD AIRPORT, ISRAEL

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. O'NEILL. Mr. Speaker, I am submitting for the RECORD today a resolution passed by the Massachusetts House of Representatives, memorializing the President of the United States and certain other public officials to publicly condemn and to take certain other actions relative to the massacre at Lod Airport, Israel.

This resolution expressing outrage and indignation at the heinous crimes committed on innocent travelers highlights the need for imposing sanctions on those governments who harbor international criminals.

I want to express my appreciation to the author of the resolution, Representative Jon Rotenberg, of Brookline, for introducing this timely measure. Representative Rotenberg has brought this deplorable incident to the fore, and I am sure that both those in the Commonwealth and those here in the Massachusetts delegation are deeply grateful.

The resolution follows:

RESOLUTIONS

Resolutions memorializing the President of the United States and certain other Public Officials to publicly Condemn and to take certain other actions relative to the Massacre at Lod Airport, Israel.

Whereas, The Massachusetts House of Representatives is shocked and saddened by the massacre of at least 26 persons and the wounding of 70 yesterday at Israel's International Airport. Commissioned by one of several Palestinian terrorist groups advocating the mass murder of Israel men, women and children, the Lod Airport Massacre stands as the most deplorable episode in the long series of atrocities perpetrated by these groups; and

Whereas, The complicity of Arab governments in these atrocities is equally reprehensible. They long have supported, both politically and financally, acts of terrorism against the people of Israel. They retreat to a smug silence only when the result of such acts is sufficiently horrible to arouse outrage and sorrow around the world; therefore be it

Resolved, That the Massachusetts House of Representatives calls upon President Richard M. Nixon, U.S. Secretary of State William Rogers and the United Nations Secretary-General Kurt Waldheim to take the following steps:

(1) To express publicly their shock at the Lod Airport Massacre and their sympathy to the families of the victims.

(2) To condemn all acts of terrorism.

(3) To privately and publicly urge each Arab government to abandon its support of Palestinian terrorist groups.

(4) To demand that Arab leaders denounce the Massacre and all previous incidents of violence directed at the Israel population; and be it further

Resolved, That engrossed copies of these resolutions be forwarded by the Secretary of the Commonwealth to President Richard M. Nixon, U.S. Secretary of State William Rogers, Secretary-General of the United Nations. Kurt Waldheim, and to all the members of Congress from this Commonwealth.

AMERICA, THE WARRIOR STATE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. KASTENMEIER. Mr. Speaker, I would like to direct the attention of my colleagues to a review by Ronald Steel of a recent book, "Roots of War," written by Richard Barnet.

As Mr. Steel, in the New York Times Book Review of June 11, points out, Dick Barnet has presented a provocative, yet cogent, analysis of the formulation and conduct of U.S. foreign policy during the past 30 years, and it is not pleasant history. There will be those, particularly in the foreign policy and Military Establishment who will take exception to Barnet's central thesis that the external business of the United States since 1940 has been war and the preparation of war. Yet, it is precisely this bureaucratic structure which has been responsible for the promotion of a militaristic definition of our national security which, in the process, has turned America into a warrior state. For others, however, who want to free America from the militarist control of national security and foreign policy, the "Roots of War" is essential reading.

Mr. Speaker, the review by Mr. Steel follows:

"ROOTS OF WAR"—By Richard J. Barnet

(By Ronald Steel)

For the past three decades one President after another has been telling us that we must make the world safe for America. F.D.R. preached the Four Freedoms, Harry Truman dropped the atomic bomb, Ike and Dulles set up a global system of bases, J.F.K. told us we were the "watchmen on the walls" of freedom, L.B.J. warned us that others wanted what we have, and Nixon seeks respect for his office by B–52 raids on small Asian states. Security through terror, peace through war, truth through lies: this has been the model for United States foreign policy for nearly two generations.

Richard Barnet argues in this provocative and disturbing study of the Thirty Years' War waged in the name of peace that instead of trying to make the world safe for Americans we should be looking for a way to make America safe for the world. It is not our enemies, he maintains, but we ourselves who are the greatest threat to world peace, pursuing what we insist is our national interest by "spreading death, terror, and destruction," and behaving in a way that America is "surpassed by none in the fear and hatred it has inspired around the world."

Since 1940, Barnet argues, the external business of the United States has been war and preparation for war. We have the world's most powerful military force, maintain some 400 major overseas installations, have waged two land wars in Korea and Vietnam, and have intervened either through the C.I.A. or with our own troops from Guatemala and Cuba to Lebanon and Laos. Until Vietnam we assumed that the feeding of a permanent war machine was the price we had to pay for living in a threatening world.

"We are the Number One nation," Lyndon Johnson said as he was devastating Vietnam, "and we are going to stay the Number One nation." But the price of being the world's Number One military interventionist is getting to be more than the country can support. Inflation is rampant, unemployment is persistent, the balance of payments is disastrous, the vaults at Fort Knox are emptying, and the public mood is turning from disenchantment to confusion and even to an ugly search for authoritarian order. The world is not going the way we want it to, and—judging from President Nixon's kiss-and-make-up visits to Peking and Moscow—maybe the menace is not so terrible as we were told it was all these years. If not, what is the purpose of murder in Indochina and the most gargantuan war machine the world has ever seen?

This is the question that many are beginning to ask, but few have approached it with the incisiveness and originality shown by Richard Barnet. Drawing on his experience in government and his work at the Institute for Policy Studies, which he founded in Washington 10 years ago with Marcus Raskin and has helped transform into a brains trust of the radical left, he has looked at foreign policy from the inside. Instead of asking how we responded to external threats, he tries to find out what it is about our society that led us to create situations that would justify the wars of intervention, why for three decades we have been organized for war.

Barnet is not the first to view foreign policy as an outgrowth of domestic policy. But the special value of his book lies in his examination of the domestic political, economic, and social forces that determine that amorphous thing we call the national interest. For the élite who have evolved our foreign policy, that national interest demands war, the threat of war and the preparation for war. "War is primarily the product of domestic social and economic institutions," Barnet insists, and those who control these institutions decide which threats are important enough to justify war.

In Barnet's scheme the roots of war are three-fold: the concentration of power in a national security bureaucracy that plays by rules of its own making and is largely self-perpetuating; the capitalist economy and the business creed that sustains it; and the vulnerability of the public to manipulation on national security issues. To sever the roots of war means more than just a change of leaders or of policy. It means sweeping institutional changes within the society: shrinking and controlling the bureaucracy, eschewing the growth mystique that feeds economic expansion and military interventions, and making the public aware of how it is directly affected by the decisions of the élite. Only in this way, he believes, can the United States "renounce militarism and war as primary instruments of policy and accommodate its fears and appetites to the postimperial world."

The centerpiece of Barnet's argument is his dissection of the national security bureaucracy, an organization that permits individuals to "get medals, promotions and honors by committing the same acts for the state for which they would be hanged or imprisoned in any other circumstance." These men are able to commit what he calls "bureaucratic homicide "because their official roles insulate them from personal responsibility for their actions. They direct the "Green Machine," as the G.I.s call the war juggernaut in Vietnam, and decide from their desks and push buttons which governments shall be overthrown and which nations destroyed. They do so in the name of the national interest, which they are solemnly pledged to uphold and defend.

These men are not monsters, nor do they see themselves operating as oppressors and aggressors. They are, Barnet holds, deeply moral men who are convinced that what they are doing is best for the nation and, by extension, best for the world. They are always saying so, and there is no reason to believe that they do not mean it, however much those they are subverting and bombing may disagree. These men are talented and intelligent, the "brightest and the best" by every standard American society holds dear. They have been to the right schools, hold the right jobs in finance, law and business, belong to the proper clubs and organizations, and succeed one another in all the important governmental posts—regardless of which political party is in power.

Barnet shows how between 1940 and 1967 all the first- and second-level posts in the national security bureaucracy were held by fewer than 400 individuals. Of the 91 people who held the very top jobs—the Secretaries of Defense and State, and of the three services, the chairman of the Atomic Energy Commission, and the director of the C.I.A.—70 have been businessmen, lawyers for business, and investment bankers. Not only do they all know one another, lunch together, and attend the same meetings at the Council on Foreign Relations, but they succeed one another in the same jobs.

This does not mean that there is a Wall Street-Ivy League conspiracy, or that the élite is closed to outsiders. Indeed, the Establishment is always open to talent, so long as bright newcomers share the government assumptions and rules of conduct. But the élite is cohesive, remarkably small, and vigorously self-perpetuating. As in any élite, the highest virtue is loyalty to the team, even when the ship is on a disaster course. Criticisms are made from within; linen is never washed in public. As we know, not a single high official of the Johnson Administration resigned in protest over the Vietnam war, even though many criticized it privately. The most damning indictment made by the élite against Daniel Ellsberg and Senator Gravel is not that they gave away Government secrets, but that they broke the unofficial rules of the club.

Barnet argues that this élite is dangerous because it is cut off from the mainstream of American society and from the aspirations of the world's dispossessed, because it is enamored of a technology that institutionalizes and depersonalizes violence. "The basic characteristics of our institutional structures," Barnet declares, "the rewards and incentives that operate on men when they become national security managers, and the elaborate private language and ideology that has been developed to absolve men from personal responsibility for bureaucratic homicide all reinforce each other. The actors in the Vietnam tragedy by and large did what they were trained to do, and, under happier circumstances, would have been praised for doing. In short, they were following the rules of governing an empire."

If the national security bureaucracy is the first root of war, the second is the creed of economic expansion. "Many of the nation's leading industrialists and bankers," Barnet maintains, "are convinced that the projection of American power and influence abroad is rooted in economic necessity, in the needs of an expanding economy for new markets and new resources unavailable at home." This leads them to support military and political interventions, and helps create an identity of interest between the national security bureaucracy and the business community.

However, this is not the same thing as saying that the military machine is the servant of big business. In fact, Barnet shows how the ambitions of the nation-state are increasingly at odds with the interests of the giant corporations which are organizing globally. In its quest for power the nation-state threatens economic stability, imperils the international monetary structure, and impedes the rationalization of the world economy. It has become an anachronistic institution, launching uneconomic wars, imperiling its own population, and getting in the way of the international development process that is the goal of the multinational corporation.

Barnet clearly is not an economic determinist and rejects the easy argument that capitalism is the cause of imperialism. He realizes that socialist states can be equally imperialistic, and even has qualified words of praise for the anti-chauvinist multinational corporations. This, however, leaves him without any clear alternative to the current system of unequal distribution and exploitation—other than the hopeful wish that we will turn away from our obsession with growth and thereby refrain from the more "egregious imperialist practices of the past." The sympathetic skeptic may well question whether such an act of self-abnegation will occur unless it is imposed from the outside.

Barnet's analysis of the third root of war—manipulation of public opinion by the national security bureaucracy—reinforces skepticism about the ability of the society to change along the lines he desires. Like most critics of foreign policy, Barnet is stronger on attack than on solution. While this doesn't detract from the importance of his critique, it leaves a good many unanswered questions. One wonders whether his cure—trimming the bureaucracy, curbing economic growth, arousing the public—is feasible, or even likely to work. Will a smaller, more responsive bureaucracy view the world differently? Is it possible to run a complex society without some form of "governing class," and has our national security bureaucracy behaved more irresponsibly than any likely alternative group? Is the "growth game" and dependence on foreign raw materials really a root of war? How much more agitated over foreign policy can we reasonably expect the public to be?

One of the problems is that nations with unlimited power tend to use whatever means are required to maintain that power. It is the job of government officials to pursue this goal and find eloquent phrases to rationalize actions they sincerely believe are just. They used to call it making the "world safe for democracy." Now they call it exercising our "world responsibilities," or more pretentiously, insuring the "rule of law." The quest for empire is likely to go on so long as others allow us to get away with the unilateral exercise of these self-assumed "responsibilities." The emergence of a four-power world and the decline of American power may be what will save us from ourselves.

Barnet has not answered all the questions, and it would be unfair to expect him to do so. What he has done is to pose with great insight some of the questions we should have been asking all along. He has once again, as in his earlier book, "Intervention and Revolution," shown himself to be one of our most perceptive younger political analysis. "Roots of War" is an eloquent, important, and timely study that breaks new ground. It clarifies the issues, stimulates the mind, and enriches the debate it is certain to trigger.

DR. JEAN MAYER SUPPORTS TRUTH IN FOOD LABELING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. ROSENTHAL. Mr. Speaker, the longer we delay in providing the American people the proper protection of a safe food supply, the more we risk illness and even death.

The case of 10-year-old Michael Grzybinski is a good example. Michael was allergic to peanuts, and from the age of 3 had learned to ask what the ingredients of candy or cake was before eating them. On April 17, 1972, he ate some ice cream which did not list the contents on the container. The ice cream had peanut butter in it, and Michael died within a few minutes.

This tragic, needless death could have been avoided if the manufacturer had simply listed the ingredients in his product. There is no justifiable reason why food producers and packers should conceal from the American people the knowledge of what is in the food they eat.

Millions of Americans have food allergies and other reasons which make knowing ingredients of what they eat an absolute necessity. The callous disregard of industry for their welfare is unpardonable.

But it is not just the allergic who care about what is in the food they eat. There is a growing concern throughout the Nation. Slowly, all too slowly, a few manufacturers are beginning to recognize this and label their products accordingly. But that is not enough. Voluntary industry action has been a flimsy excuse for no action at all. That is why I have introduced legislation, with more than 30 cosponsors, to require full disclosure of ingredients on food labels. That bill is H.R. 8670, the Truth in Food Labeling Act.

I am inserting in the RECORD at this point the tragic story of young Michael Grzybinski as reported in a recent column by the noted nutritionist, Dr. Jean Mayer of Harvard University. The column follows:

BETTER LABELING LAWS ARE NEEDED

(By Dr. Jean Mayer)

Over the years, some of us have insisted that the public has a right to know what they eat, and the only way to be sure of this—when it comes to processed food—is better labeling. This means labeling that informs you of the caloric content of common portions of processed foods, the proportion of your needs of protein, vitamins and minerals it provides, and exactly what ingredients it contains.

We think food manufacturers should no more be allowed to hide behind "the need to protect recipe secrets" than drug manufacturers are. In both cases, lack of information can be not only unhealthy, but even deadly.

For lack of such labeling, 10-year-old Michael Grzybinski died. That's right, died. If anyone thinks that I am exaggerating the urgency of improved labeling, read this letter I recently received from Dedham, Mass.

Dear Sir: On Monday, April 17, 1972, my 10-year-old son Michael, passed away from natural causes due to glottic edema and anaphylactic reaction due to ingested peanuts. This was caused by eating ice cream that had peanut butter whipped into it, made by a Boston ice cream company and called "Butterfinger."

My son had an allergy to peanuts all of his life and, even at the age of three years, would not eat candy bars or cakes unless someone told him what the ingredients were. As he got older, he would read the ingredients himself before eating.

On the day this accident happened, he was playing ball with some friends of his, who invited him to have some ice cream at their house. The friend asked him if the ice cream was okay to eat, as there was only a picture of a Butterfinger candy bar, and no ingredients on the plastic cover. So he said he guessed it was okay to eat since it did not say anything about containing peanuts.

Shortly later, he came home and the allergy reaction had already started. We sent across to the friends house to see what he had eaten, and were told of this ice cream. In a very few minutes my son was dead.

The reason I am writing this letter to your office . . . is my wife's and my hope that this tragedy does not happen again to other people who have this allergy, and that the container would be marked with the contents spelled out instead of only the picture of a candy bar.

We intend no legal action against this ice cream company, but only wish that they can see their way clear to change the container cover and indentify the contents.—Yours truly, Chester J. Grzybinski.

Michael's parents, with great courage, have allowed me to make this letter public in the hope that, as a result, other parents would not be faced with the tragedy that has struck them.

Meanwhile, what is happening to the proposals for universal ingredients labeling? Some industries oppose labeling vigorously—ostensibly because the public would "be confused." This might apply to full chemical names of certain ingredients, but hardly to the natural contents of ice cream, or soft drinks for example.

Government agencies have been curiously unwilling to enter the arena. The Food and Drug Administration and the U.S. Department of Agriculture argue that they haven't the legal power to require full ingredient labeling. The FDA at least agrees it would be useful to have such power, and has had a bill introduced into Congress.

But the bill is woefully weak. And the FDA has been unmoved by the challenge of a group of young lawyers banded together as LABEL, Inc , who claim that there's nothing in the law to prevent the FDA from taking action right now.

In desperation, a number of congressmen—chief among them Rep. Benjamin S. Rosenthal (D-N.Y.)—have introduced bills into the House and Senate. All of the bills have gone to the Interstate and Foreign Commerce Committee.

If any action is to result, vigorous pressure by aroused citizens is needed to get these bills out of committee—favorably. Only if the legislators know that the voters are deeply concerned, even angry, will we get the laws that will make us nutritionally better informed and, hopefully, guarantee there will be no more needless deaths of 10-year-olds.

THE 195TH ANNIVERSARY OF FLAG DAY

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BOGGS. Mr. Speaker, on Wednesday, June 14, we in the House of Representatives and our fellow citizens throughout our country will commemorate the 195th anniversary of Flag Day.

I have received an interesting and timely letter from my good friend, Comdr. Robert W. Collins, regarding Flag Day and the proper way to observe it. Commander Collins is a devoted student of the American flag, and he makes a compelling case for publishing a chart, depicting the history and development of Old Glory.

Because we are approaching Flag Day, 1972, and because we are nearing the bicentennial of our Nation, I am inserting Commander Collins' letter in the RECORD and calling it to the attention of my colleagues.

To the Members of the House from all the States of our Union:

14 June is Flag Day. On 14 June the House will mark the 195th anniversary of Flag Day. For many years the House has had proper observations commemorating the Resolution of the Continental Congress of 14 June 1777 which gave us our first national flag and ensign known as The Stars and Stripes.

Congress has enacted only two statutes regulating our national flag and ensign: the flag law of 8 January 1794 effective 1 May 1795 and our permanent flag law of 4 April 1818 effective 4 July 1818. It is still in effect and has given our Nation the design for all of our flags and ensigns since the 20-star flag and ensign of 4 July 1818 to our present flag and ensign of 50 stars and 13 stripes of 4 July 1960 to date.

At this time permit me to urge the Members of the House from all our States to direct their attention to the laws on the design of our flags and ensigns, the symbols of our great Nation. Herewith is a compilation of those laws which I call Our Flag Laws—A Chronology.

No illustrated chart of the flags and ensigns of the United States of America authorized by law is to be found anywhere. The time has come for such a chart. What this country needs is an illustrated chart portraying the authorized flags and ensigns of our great Nation. Our Bi-Centennial is near at hand. Accordingly, the premises considered, the Members of the House from all the States are urged to enact a Resolution authorizing and directing the Public Printer to produce a chart portraying the Grand Union Flag which General Washington hoisted over his headquarters at Cambridge, Massachusetts on 1 January 1776 and the 27 National Flags and Ensigns authorized by the Continental Congress and the Congress from 1794 to date.

Respectfully submitted,

ROBERT W. COLLINS,
Commander, U.S. Naval Reserve (Retired).

BASEBALL IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. BEGICH. Mr. Speaker, I would imagine that few of my colleagues realize that Alaska is one of the most enthusiastic baseball States in the country. In the past few years, the Anchorage Glacier Pilots have captured the national championship of the American Baseball Congress on two occasions, and the Fairbanks Goldpanners have been one of the most consistently fine teams nationally for years. In addition to this, the Little League program throughout Alaska is enthusiastically supported and participated in by great numbers of youngsters.

To call attention to this enthusiasm for baseball in Alaska and to show commitment to the participation of youth in this fine sport, Governor Egan has recently declared June 11th as the beginning of Little League Baseball League in Alaska. I am glad to have this opportunity to call this event and the enthusiasm for baseball in Alaska to the attention of my colleageus. The resolution follows:

PROCLAMATION

LITTLE LEAGUE BASEBALL WEEK

Little League Baseball is symbolic of America and the highest concepts of democracy, citizenship and teamwork. This great movement embraces more than two million boys under 12 years of age who are helped to become responsible Americans of the future.

Thousands of adult volunteers whose only motive is to cultivate a wholesome, beneficial climate of formative training give unstintingly of their time and energies to this end. The Little League Foundation has become an important keystone of the future and the cornerstone of permanency for this great movement in the broad area of our country's youth.

I, William A. Egan, Governor of Alaska, do hereby proclaim the week beginning June 11 as the period for observance of "Little League Baseball Week." in Alaska, and urge all Alaskans to recognize and give support to the program of Little League Baseball.

Dated this 30th day of May, 1972.

WILLIAM A. EGAN,
Governor.

OLIVER S. TWIST

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. EILBERG. Mr. Speaker, a distinguished son of Philadelphia, Oliver S. Twist, is to again be honored by a grateful community. On Thursday evening, June 15, 1972, the Oxford Circle Realty Board will hold a testimonial dinner in tribute to Mr. Twist, whose unique career spans a half century in the banking and real estate professions.

It is with pleasure that I call to the attention of my colleagues the notable achievements of this fine gentleman, whom I am privileged to call my friend, by including the following article from the June 8, 1972 edition of the Northeast and Feltonville Weekly, and other Philadelphia newspapers:

TWIST CITED FOR DEVOTED NE COMMUNITY SERVICE

A milestone in the history of the Greater Northeast Philadelphia-Lower Bucks County area will be observed this month (June) when Oliver S. Twist, President of Frankford Trust Company, marks his fiftieth year in the banking and real estate professions.

Widely recognized for his prominent role in the development and growth of the area, the veteran executive is also regarded as one of the community's foremost citizens.

Twist will be cited for his outstanding contributions to the community at a testimonial dinner sponsored by the Oxord Circle Realty Board on Thursday, June 15, at Valle's Steak House on Roosevelt Blvd.

In announcing the tribute dinner, Morris S. Smallow, President of the Oxford Circle Realty Board, stated:

"For fifty years, Oliver S. Twist has served his chosen profession and community with honor and distinction. His distinguished career has been marked by many achievements, all of which played a vital role in the growth and development of Greater Northeast Philadelphia. In grateful appreciation of and tribute to the man and his outstanding contributions to the community, the Oxford Circle Realty Board tenders this testimonial."

Serving as chairman for the event is Ray Richman, head of his own real estate firm, with Irvin Buck as co-chairman. J. Walter Eppehimer, vice presendent of Frankford Trust, is ticket chairman. The committee and honorary committee for the dinner is composed of leading realtors, bankers, businessmen and representatives of civil organizations in the Northeast-Lower Bucks area.

Oliver Twist was born in South Fork, Pa., but has been associated with the Greater Northeast community since, as a boy, his family moved to Philadelphia. He attended Frankford High School, where he immediately became an outstanding student and activities leader. In 1969, he received the school's Ninth Alumni Pioneer Achievement Award.

Following graduation in 1922, he was employed by Frankford Trust Company, rising rapidly through the ranks as Assistant Title Officer, Assistant Secretary, Secretary, Title Officer, and Vice President. He was elected President in 1967, climaxing a colorful career during which Frankford Trust Company has grown steadily and played a key role in the financial affairs of the Northeast.

In both business and community activities, Mr. Twist has earned the admiration and respect of people everywhere. His professional associations include posts with the Banking Board of the Commonwealth of Pennsylvania; Director, Home Unity Savings and Loan Association; Director, Commonwealth Land Title Insurance Company; and Director, Life Assurance Company of Pennsylvania, among many others.

His civic and philanthropic activities over the years include leadership roles with many of the area's foremost organizations. Among them are the Loyal Order of Moose, Shriner's Hospital, Cancer Society, Frankford Hospital, National Jewish Hospital, Police Athletic League, and Lighthouse of the Blind.

In recognition of these activities, he has been the recipient of many honors and awards from such groups as Greater Northeast Business Men, Bright Hope Baptist Church, Jewish War Veterans, American Legion, Half-Century Square Club, the State of Israel, and others.

Reservations for the June 15 testimonial dinner are being accepted by Mr. Eppehimer at JE 3-4400.

SPECIAL ACTION REPORT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. PRICE of Texas. Mr. Speaker, as part of my continuing effort to keep my constituents informed about the issues facing the Congress and my endeavors to represent them, I include in the RECORD at this time the contents of my "Special Action Report" which is being prepared for imminent distribution:

SPECIAL ACTION REPORT FROM CONGRESSMAN BOB PRICE

CONSERVATIVE VS. LIBERAL VOTING RECORDS PUBLISHED

The so-called "watchdogs" of the Senate and the House are the recognized associations and groups which give a rating to the voting record of each Member of Congress. These ratings are published for the public to see how their particular congressman performs. The following chart shows the most popular ratings with a foot-note of who publishes the ratings:

[In percent]

Congressman	N.A.B.	A.C.A.	A.D.A.	AFL-CIO C.O.P.E.
Archer	(1)	100	(1)	(1)
Brooks	18.2	12	33	83
Burleson	83.3	75	0	23
Cabell	60.0	57	11	24
Casey	58.3	64	11	33
Collins	90.9	92	0	8
de la Garza	37.5	30	28	66
Dowdy	63.6	84	0	13
Eckhardt	0.0	4	89	100
Fisher	80.0	80	11	11
Gonzalez	8.3	8	67	98
Kazen	25.0	20	17	84
Mahon	66.7	48	11	35
Patman	20.0	18	17	73
Pickle	72.7	37	11	62
Poage	63.6	49	6	43
Price	88.9	90	6	0
Purcell	50.0	42	11	47
Roberts	54.5	57	11	37
Teague	50.0	57	0	28
White	41.7	48	33	46
Wright	18.2	21	22	68
Young	18.2	20	17	69

[1] Indicates Member not in office at time of rating.

N.A.B.—National Associated Businessmen's Economy Voting Record 1969–1970; A.C.A. Americans for Constitutional Action—cumulative rating through 1971; A.D.A.—Americans for Democratic Action—Liberal Quotient 1969–70; C.O.P.E.—AFL-CIO Committee on Political Education—cumulative rating through 1970.

PRICE AMENDMENT WOULD FIRE ABSENTEE CONGRESSMEN

I have introduced a Constitutional Amendment which would require Members of Congress to be recorded on at least 70% of all roll call votes during a session of Congress or lose their jobs.

The American people have a right to expect that the men they elect to Congress are going to do their job—and that is to be present and voting an important legislation involving the spending of billions of taxpayers' dollars and affecting their constituents.

While there are certain times when a Member of Congress must be necessarily absent, and my bill provides for absences due to illness or official business, nevertheless, the attendance record of all too many Congressmen is shamefully bad. In fact, if many of these Members had the same rate of absenteeism in private industry as they do in Congress, they would be fired from their jobs. My own overall attendance record since coming to Congress stands at over 90% as indicated by chart at right, and it is my belief that every American citizen has a right to full time representation in the Congress of the United States.

Attendance records *

Congressman:	*Percent*
Archer	97.0
Brooks	79.2
Burleson	89.8
Cabell	80.6
Casey	86.9
Collins	88.5
de la Garza	82.8
Dowdy	73.2
Eckhardt	85.6
Fisher	82.4
Gonzalez	99.8
Kazen	96.8
Mahon	98.2
Patman	72.2
Pickle	85.0
Poage	83.6
Price	90.4
Purcell	68.8
Roberts	87.2
Teague	67.8
White	95.0
Wright	76.6
Young	86.8

* Attendance record percentages for Texas Congressional delegation based on composite of yearly attendance averages for recorded "yea" and "nay" votes for period 1967–71.

Source: Congressional Quarterly.

PRICE NAMED RANKING REPUBLICAN MEMBER OF SPACE SCIENCE AND APPLICATION SUBCOMMITTEE

The Subcommittee on Space Science and Applications is responsible for directing NASA unmanned space programs. The unmanned space programs are aimed at eliminating air and water pollution, reducing urban congestion, improving transportation systems, solving critical energy problems, and developing more efficient techniques for food production.

Having been appointed to this important Subcommittee, I intend to press for greater emphasis in fields where the American taxpayer will see an immediate return on his investment, especially in the four areas of agriculture, geology, oceanography, and hydrology. To manage the water resources of the earth more intelligently, we must have more information about the surface and subsurface flows of water. My other important Science and Astronautic Subcommittee assignments concern Manned Space Flight and International Cooperation in Science and Space.

TEST-FLIGHT EVALUATION OF SR-71 RECONNAISSANCE AIRCRAFT PREPARED FOR SECRETARY OF THE AIR FORCE

As one of two or three qualified jet pilots presently serving in the Congress, I recently accepted an invitation by the Secretary of the Air Force to test fly and evaluate the capabilities of the highly sophisticated SR-71 reconnaissance aircraft. Because of the large annual expenditure for defense purposes, I believe it is important for the Congress to have a first-hand look at where the money is going, and I am presently drafting a report based upon my test flight to be submitted to the House Armed Service Committee and the Secretary of the Air Force.

PRICE INTRODUCES BILL TO AMEND OCCUPATIONAL HEALTH AND SAFETY ACT OF 1970

Thanks to the many letters and comments from concerned area citizens, I have recently introduced legislation to relieve small business firms and farms from hardships and unnecessary problems brought about by the Occupational Safety and Health Act of 1970. Among its many provisions my bill will exempt from the law employers with fewer than 25 employees, both agricultural and nonagricultural, and will assist employers in numerous ways in familiarizing them with the requirements of the law and aiding them in meeting compliance requirements.

ADMINISTRATION OFFICIALS INCLUDE TWO PRICE PROPOSALS IN RURAL DEVELOPMENT PROGRAM

Recent House passage of the Rural Development Act of 1972 was a step in the right direction toward the encouragement of business and industrial development in rural areas. As a co-sponsor of this measure, I am pleased that two of my bills to increase the size of operating farm loans from $35,000 to $50,000 and convert from farm operating and farm ownership loans from an appropriated funding to an insured loan basis were incorporated into this significant piece of legislation.

WEST TEXANS EXCHANGE VIEWS

Frequent appearances before college and high school groups provide me with the opportunity to visit with students, to listen and learn from them, and to share views on the many important issues of today. It is my firm belief that good government is the responsibility of every citizen, and I welcome hearing from all constituents, young and old, concerning problems and issues affecting the Federal Government. In addition to my Washington office, I maintain two fixed District offices, a traveling assistant who calls on communities throughout the District, and schedule as many public "town hall meetings" as possible so that I can personally keep in close touch with the thinking and concerns of the citizens of Northwest Texas.

DISTRICT CORRESPONDENCE AT ALL-TIME HIGH

One of the primary functions of the staff in a congressional office is the handling and sorting of mail. Currently the rate of letters flowing into my office has reached an all-time high level. I don't want to discourage anyone from writing to me; I do want to apologize for what may seem like a long time in replying in some cases. By the time I have read a letter, had a staff member gather information when necessary, it sometimes takes several weeks to answer. Emergency correspondence that requires immediate attention is first separated from the stacks of mail by my staff. Such letters receive my personal attention and are given first priority. Recently we mailed a series of brief questionnaires into several areas and received over 25,000 responses—this is democracy in action.

NEW CONGRESSIONAL DISTRICT

New boundaries for congressional districts have been drawn and the 18th and the 13th Congressional Districts have been merged into a new 13th Congressional District. I will continue to represent the people in the 6 counties not included in the new district until January, 1973. The map gives a better picture of the new 13th district. I am looking forward to traveling throughout the entire 35 county area and to meeting you and obtaining the benefit of your views on the issues affecting your community, Texas, and the Nation; we all have much in common and by working together we can expect to accomplish much for our area of Texas.

LETTER FROM POW'S

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. HARRINGTON. Mr. Speaker, the case for a prompt and total withdrawal of all American land, sea, and air forces from combat in Indochina grows stronger every day. Last week Secretary Laird came to Congress to ask for increased funds for the proxy part of the war; it is clear now that the overall expenditure for the war this year will be billions more than we were told it would be a few months ago.

No one in or out of the administration is capable of presenting any rationale whatever for our continued involvement. The President and his spokesmen do little more than to propound the theory that errors should be prolonged; that having made a terrible mistake, we are somehow obligated to remake it and readmit it for the indefinite future.

This morning I received two letters: one from Prof. George Wald, a Nobel Prize winner who has devoted much of his time in recent years to expressing the brutal senselessness of our policy; and a second forwarded by him, from eight prisoners of war.

Professor Wald's personal endorsement of the validity of this letter entitles it to a good deal of weight. It makes clear what almost all of us outside the Pentagon and White House now realize—that the POW's are among the main victims of the President's stubborn insistence on pursuing a futile war.

I urge all Members of the House and Senate to read these letters, and to weigh their well-argued positions against the feeble justifications for continuing to lay waste to four countries in an alleged effort to save them.

The letters follow:

HARVARD UNIVERSITY,
Cambridge, Mass., June 8, 1972.

Hon. MICHAEL J. HARRINGTON,
House of Representatives,
Washington, D.C.

DEAR MR. HARRINGTON: The enclosed letter was recently received from eight U.S. Prisoners of War in Hanoi. We received it via the Committee of Liaison with Families of Servicemen Detained in North Vietnam, in New York.

It has, as you see, an important message for the people of our country and the Congress.

I have no doubt that this letter is authentic, since I interviewed two of these men, Wilbur and Hoffman, in Hanoi last February, and what they told me was much like what is said here.

Apart from the central message, two points are interesting: the POW's are in Hanoi, and when we bomb Hanoi we bomb them. The other point is a little more remote. It is that these bombings come for some strange reason on Sunday mornings. It is curious that though only about one tenth of the Vietnamese are Christians, mainly Roman Catholics, the government of North Vietnam observes Christmas as a national holiday. When I was in North Vietnam last February, I was taken to visit a hospital outside Thanh Hoa, bombed on Sunday morning, December 26, the morning after Christmas. As the letter here says, the first bombing of Hanoi and Haiphong was on a Sunday morning, April 16.

You have a few remaining weeks to take advantage of your power over the purse as members of Congress. The only way to bring these men home is to cut off funding of the war and of the present government of South Vietnam. Then, and only then, can families of POW's be reunited with their loved ones.

With all good wishes,

Sincerely,

GEORGE WALD.

TEXT OF LETTER FROM EIGHT U.S. PILOTS DETAINED IN NORTH VIETNAM

MAY, 1972.

To: The People of the United States and the Congress of the United States.

From: American pilots captured in North Vietnam.

Despite the bombing halt announcement of 1968 the President ordered the resumption and authorised the continuation of the bombing of North Vietnam and a variety of excuses to justify the raids. On Sunday morning April 16, 1972 the peace of Hanoi and Haiphong were shattered by American bombs. Many innocent people died a totally needless and senseless death.

We, the detained Americans in Hanoi cannot help but be struck by the futility of such actions. We have come to know the Vietnamese people and we know that no bombing or threat of death is going to still the spirit that lives in them. We believe that widespread bombing of North Vietnam serves only to turn world opinion more strongly against the U.S. and risk the death and capture of many more Americans, as well as endangering the lives of those already held captive.

No bombing of Hanoi and Haiphong will cause the PRG of South Vietnam or the Government of North Vietnam to come begging for peace for while they truly desire peace it will not be a peace short of freedom and independence. No bombing of North Vietnam serves to make the withdrawal of American forces any safer. It only make it more likely that they cannot be withdrawn at all, and serves only as an admission of the failure of Vietnamization policy.

We appeal to the American people to exercise your rights and responsibilities to demand an end to the war now. We appeal to the Congress to take firm positive action to go with the words already spoken against the war. The resumption of the Paris peace conference and serious negotiations based on the seven point proposal of the Provisional Revolutionary Government are obvious first steps. We require these steps and much more. Americans, the hope of the world is in your hands. Bring us home now.

Very Respectfully,

Walter E. Wilber, Commander US Navy, Captured June 1968; David Hoffman, Lt. Commander US Navy, Captured Dec. 1971, USS Coral Sea; Kenneth J. Fraser, Capt. US Navy, Captured Feb. 1972, Korat, Thailand; Lynn E. Guenther, Capt. US Air Force, Captured Dec. 1971, Nakoon Phanom, Thailand; Edison W. Miller, Lt. Col. Marine Corps, Captured Oct. 1967, Korat, Thailand; James D. Cutter, Capt. US Air Force, Captured Feb. 1972, Korat, Thailand; Edwin A. Hawley, Jr., Capt. US Air Force, Captured Feb. 1972, Udorn, Thailand; Norris A. Charles, Jr., Lt. jg, US Navy, Captured Dec. 1971, USS Coral Sea.

HOPE NEEDS EMPHASIS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. DERWINSKI. Mr. Speaker, a very searching and stimulating editorial in the Desplaines Valley News of June 8th by that publications veteran editor, Harry Sklenar, placed a very positive emphasis on the attitude which we should maintain toward the future.

This profound commentary should, I believe, receive widespread attention and, therefore, I insert it into the RECORD trusting it will receive the attention it merits:

HOPE NEEDS EMPHASIS

(By Harry Sklenar)

An evaluation of student literary efforts as expressed in their annual publication, "Showcase," for the past two years discloses a widespread attitude toward morbid topics, especially that of death.

As the writers are teen-agers and there is necessity in developing creative thought, this editorial is no more than a discussion of the attitude, rather than criticism of the writing itself.

Perhaps the news stories and national policy toward war have influenced youthful thought to such an extent that a majority seek expression in writing morbid themes.

However, the current involvement in Vietnam cannot be the total answer as the United States and its people have faced disaster or threats of one manner or another since the land was first settled. First, there was the Indian worry, then the Revolutionary War, then the Civil War, plus the Mexican War, the Spanish War, and the many South American Revolutions, plus the battles in Canada, Ireland, and Africa.

It can be surmised that concern with sudden death is a topic of concern to the teenager. However, past literary efforts of youth elsewhere reveal a spark of hope in the future.

New approaches require a certain amount of courage at the outset. Courage to do new things, think in new ways, entertain new ideas, some of which may be startling. The teen-ager requires confidence in the value of his goal, and has the inherent ability to plunge into unfamiliar territory when testing his ability to grasp new concepts or presenting new viewpoints.

There are infirm and incurable persons that have a great relish for living and hold no morbid fear of death. They find it rather satisfying to be alive. Each day is another adventure in accomplishment.

There are famed men that did their best work well after the age regarded as "senile." Take Michaelangelo, Goethe, Rembrandt, Victor Hugo, Titian, Emmanuel Kant, Rabelais, and Benjamin Franklin who proved that one should seize opportunities missed when they were youths.

It is not possible for anyone to place a limit on the age in which one can do their best work. Opportunity to change things occurs often. Rather than to accept the attitude that there is nothing one can do to switch attitudes of others, we should all look forward to the challenges of changes in concepts, for new and interesting things will be happening forever.

The idea of being panicky with the dismal thought of death while still young is one that should be left to pastors and those knowledgeable in religion. Even there, hope seems to be the attitude expressed, not that of despair and finality.

Our question then is this, is this sort of dismal attitude toward death something that youths everywhere possess at the high school level or only within our Argo High school area? If the attitude is only present within our high school district, perhaps some thought should be given to changing the attitude toward hope. Gloom surely is not an attitude to enter middle age. Life never quiets down. The attitude of gloom is merely a maladjustment to life.

The secret of hope lies not so much in "willing" as in "wanting." Why not switch the attitude of wanting hope rather than wasting energy on morbid topics.

It is necessary to develop the habit of controlling one's self and the life one lives instead of allowing one to be controlled and pushed around by outside forces. As life goes on, energy can and does increase. The solution is in a positive attitude of mind.

PLUMBING AND PIPING INDUSTRY WEEK

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WALDIE. Mr. Speaker, I should like to call to the attention of my colleagues my introduction of a resolution today which designates the second week of June as "Plumbing and Piping Industry Week."

We take for granted what the plumbing and piping industry provides to us in our daily lives, but actually it holds a major responsibility for the protection of public health and the advancement of living standards, and has contributed immeasurably to the quality of life in the United States.

Does the average person know that plumbing and piping are ancient professions that have provided sanitation and fresh water since man began to gather in communities? It seems to me that recognition should be given to America's leadership in building construction, public works, industrial development, chemical manufacturing, education, medical advancement, and national defense, all of which are greatly enhanced by the work of America's plumbing and mechanical contractors and their women's auxiliaries.

My resolution recognizes that the citizens of America and the world are aware of their reliance on the plumbing and piping profession for its skills and devotion to high principles and active participation in State and National programs for community betterment. What better way can there be to get this recognition than requesting the President to issue a proclamation designating the second week of June as "Plumbing and Piping Industry Week," and calling upon the people of the United States to observe such a week with appropriate ceremonies and activities?

I ask my colleagues to support my request.

MINORITIES ALSO OPPOSE BUSING

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. HAGAN. Mr. Speaker, an unusual citizens rally to oppose busing was held in Augusta, Ga., on Sunday, May 21. Two of the three speakers belong to minority groups, the blacks and the Chinese.

Clay Smothers, a former Dallas, Tex., black newsman, declared:

> We must stop racism and work together against this thing.

Instead of busing, Smothers said:

> The judge should have ordered quality education.

"Together, victory will be ours," said James Wong of Chinatown, San Francisco, Calif. Wong was instrumental in beginning "freedom schools" after Federal orders to bus children out of Chinatown were handed down. He said:

> We're a minority and we feel the minority is being used.

Mrs. Irene McCabe, who walked from Detroit to Washington to protest busing, said:

> We must have all sections—North, South, East, West—working together.

The busing issue is still one of the most acute problems in the Nation. It will not go away as long as the unwise orders from Federal judges that have been issued are hanging over the heads of the people like the sword of Damocles. The pressure from the people is for relief and their desires will be felt at the polls this fall.

The news account of the most recent Augusta rally was carried in the Augusta Chronicle on May 22, 1972, as follows:

> Antibusing Trio Urges United Effort
>
> (By Don Ferrell)
>
> Three national anti-busing leaders told a Citizens for Neighborhood Schools rally at Richmond Academy Sunday that the fight against forced school busing must be a united national effort to be effective.
>
> "Together, victory will be ours," said James Wong, of Chinatown in San Francisco, Calif.
>
> "We must have all sections—North, South, East and West—working together," said Pontiac Michigan's marching mother, Mrs. Irene McCabe.
>
> "We must stop racism and work together against this thing," said Clay Smothers, a former Dallas, Tex., Black newsman.
>
> During the rally, which was moved from the Richmond Academy stadium to the gymnasium because of a downpour, Mrs. McCabe urged Richmond Countians to stop paying property taxes, stage a one-day shutdown of everything in the county—with the exception of necessary services—and raise money through foundations who "give thousands to every militant group" in the country.
>
> C. Dan Cook, CNS chairman, said following the rally that the CNS will meet—possibly today—to consider the protest moves outlined by the Michigan mother.
>
> Smothers, a former Dallas radio station news director, renewed his attack on the NAACP.
>
> Smothers charged that the NAACP is getting involved in the school situation when they should be trying to help the black community.
>
> "Little black children are in the most crime-ridden section of our cities," the tall black man in the white suit said. "When is the NAACP going to start worrying about their homes instead of their schools?"
>
> Smothers further charged that a black Augusta businessman has been involved in the statutory rape of a 12-year-old black girl.
>
> "Let's see if the NAACP is going to spend some legal fees to see that this black man is prosecuted and put in jail," Smothers said.
>
> Turning back to the busing situation, Smothers said he does not believe that racially balanced schools guarantee quality education.
>
> Instead of busing, Smothers said, the "judge should have ordered quality education."
>
> In charging those at the rally to work for their beliefs, Smothers said, "don't you sit down because they call you a racist. I've been called white folks house nigger for my stand."
>
> Wong, who was instrumental in beginning "freedom schools" after federal orders to bus children out of Chinatown were handed down, said, "we're a minority and we feel the minority is being used."

RESOLUTION OPPOSING ESCALATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WOLFF. Mr. Speaker, the Greater Democratic Club of Roslyn, N.Y., in its meeting of May 31 adopted a resolution in opposition to the President's escalation of the war in Southeast Asia.

The members of the Roslyn Club specifically asked that the United States take whatever measures necessary to bring an end to the mining and bombing of North Vietnam.

I think, Mr. Speaker, that their resolution, representing as it does the considered opinion of many Americans, deserves to be widely read and the Record helps to serve that purpose.

The resolution follows:

> Resolution
>
> The mining of Haiphong and other North Vietnam harbors is an act which demeans the most powerful nation of the world. When considered alongside the increased Naval and Air personnel around Vietnam and the massive increase in the bombing of South Vietnam, we must conclude that the Nixon Administration has violated its own promise to end the war and has, in fact, escalated the conflict.
>
> The mining of the harbors in particular is an act which by any interpretation is in violation of International Law. We deplore the fact that the Nixon Administration has placed the United States in this "out law" position.
>
> We express our support for the position taken by Senator J. William Fulbright and the majortiy of the Senate Foreign Relations Committee.
>
> We call for an immediate end of the mining, an end to the bombing and a total with-

drawal of our land, Naval and Air forces from South East Asia.

We see this as the only way to achieve the return of our prisoners and to end the horror and tragedy in South East Asia.

A HARVARD STUDENT SUPPORTS PRESIDENT NIXON'S VIETNAM POLICY

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. WYLIE. Mr. Speaker, Mr. Bruce E. Johnson, a constituent of mine and a junior at Harvard University, has written a most interesting letter expressing his views concerning the conflict in Vietnam. It seemed to me that Bruce had given the matter considerable thought and that he makes some valid points which deserve public dissemination through the CONGRESSIONAL RECORD.

The letter follows:

HARVARD UNIVERSITY,
Cambridge, Mass., May 11, 1972.

Hon. CHALMERS WYLIE,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I am a resident of Columbus, Ohio and currently a junior at Harvard College. As you probably realize this campus is not exactly in lock step with political attitudes back home in Columbus. For nearly three full school years I have listened to the overwhelming majority of people I have met here condemn Richard Nixon's policies in South East Asia in unequivocal terms. I try to read the Washington Post or the New York Times daily, and they too are neither Nixon nor Viet Nam enthusiasts in the least.

As you can see I have listened to all that these people say. For the most part I believe in their sincerity and their dedication to what they believe is right.

But as I listened to them, somehow, somewhere, I have come to opposite conclusions about Viet Nam. Three years ago I supported President Nixon's policy of gradual withdrawal as a good way to extract ourselves from a war we should have tried to avoid. Now that it seems that the North Vietnamese are dedicated to winning the war militarily and spurning any sort of compromise, negotiated, settlement, it is time to rethink again our policies concerning Viet Nam. If this nation is committed to the cause of self-determination and freedom, which I believe has been shown in this case by our previous proposals for a negotiated political settlement, if this is our goal, then we cannot avoid this conflict now and we must—with all the force necessary short of nuclear weapons—stop the North Vietnamese invasion.

Arguments have been presented by many which are based on the assumption that the conflict was a civil war in the south. Certainly, the clear character of the conflict is now one of North Vietnam invading the South. But still some go on and argue that the war is still only a civil war since the Vietnamese are all one people and were once one nation. Those who say this must ask themselves how they would react to a North Korean invasion of South Korea, an East German invasion of West Germany, a mainland Chinese invasion of Taiwan. Through the course of history nations have been born, existed, and have vanished. National boundaries have changed and changed again. A nation is a nation not by any law of God but by mutual agreement among all men concerned—including foreign powers. South Viet Nam is undeniably a nation being attacked by another nation.

The next question to consider: Should the United States oppose the use of military force by one government in a dispute with the government of a neighboring state? The question answers itself does it not? World peace depends on the use of peaceful negotiations instead of military force in disagreements among nations. The United States must insist on this rule to maintain world order.

But yet another question remains: Should the United States do more than verbally protest the military conquest of one nation by another? Some argue that the military conquest of South Viet Nam will not irreparably damage our national interest and our role as the primary military power in the Western world. I believe this to be untrue. If North Viet Nam were to be successful in militarily conquering a neighboring country in the absence of firm American support, other South East Asian nations may not be directly invaded later but certainly they will be forced to come to terms diplomatically, militarily, and economically with the North Vietnamese, the Russians, or the Chinese. Europe is already doubting our ability to support her militarily, diplomatically, and economically. The nations of Western Europe will certainly check the United States off as unreliable in difficult moments, and she too will have to come to terms with the Soviet Union and her Eastern European allies. The United States must show the determination and strength to oppose successfully the North Vietnamese use of military force.

If the United States is not to be relied upon as a counter weight to the two other great superpowers, who shall take our place? Western Europe? I don't believe anyone seriously believes that within the foreseeable future Western Europe will be united to a sufficient degree to counterbalance the Soviet Union without significant American support. Japan? She is now a great power economically but Japan and the rest of the world show great reluctance to build that nation into a military power of sufficient strength to replace the United States in the Pacific.

There is no such thing as a power vacuum in world politics. If the United States does not show the will to continue being a great power in this moment of crisis then we may as well call the whole game off and retreat into our "Fortress America" just as we did in the 1930's.

It might be remarked that Harvard students were at that time one of the more vocal groups opposing American involvement in the European conflict. History proved the folly of their views then and I believe history will likewise show them to be wrong again.

People here are fond of speaking about being committed, about acting on your principles, about trying to influence the government to make the right decisions. So far I have been silent. Now I feel that I must speak out to those who are to make the decisions. I lend my voice to the support of President Nixon's decision to oppose the North Vietnamese invasion with all the force necessary short of nuclear weapons. I urge other Americans to support him also.

Sincerely,

BRUCE E. JOHNSON.

THOMAS STARR KING—"THE PREACHER WHO SAVED CALIFORNIA'S SOUL"

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. REES. Mr. Speaker, one of the two distinguished Californians who are honored by having their statues in the Capitol of the United States is Thomas Starr King. The Unitarian minister was perhaps the deciding factor in keeping California in the Union during the Civil War.

Recently, William Wingfield, California author, wrote an article, "Thomas Starr King—The Preacher Who Saved California's Soul," for Real West magazine. I would like to have the article printed in the CONGRESSIONAL RECORD.

The article follows:

THOMAS STARR KING—THE PREACHER WHO SAVED CALIFORNIA'S SOUL

(By William Wingfield)

When he first walked to the pulpit of the San Francisco Unitarian Church, the eyes of the congregation turned on the frail, delicate little man.

Many asked, "Could this slender, youthful young man with his beardless, boyish face be the celebrated preacher, Thomas Starr King?"

King laughed in reply, "Though I weigh only 120 pounds, when I am mad, I weigh a ton."

To be "mad" was going to be King's stock-in-trade during his years in California from 1860 to 1864. President Abraham Lincoln finally believed that it was the Rev. Thomas Starr King alone who kept California from seceding from the Union during the dark early days of the Civil War.

King's reputation had led the San Francisco church to rather wistfully ask him to become its minister. During his 11 years as minister of the Hollis Street Unitarian Church in Boston, he had increased its congregation to five times its original size and gotten it out of bankruptcy.

After hearing one of King's sermons, Ralph Waldo Emerson, considered the wisest man in America of his time, commented, "That is preaching!"

As a lecturer on scholarly subjects, King had traveled as far west as St. Louis.

Both Chicago and Brooklyn churches had sought him as their minister, but the popular Boston pastor rejected them, feeling that San Francisco out in the raw west offered the greatest challenge.

He was right. At that moment, California was heading into a crisis. The showdown between the free and slave states was at hand. The governor and most members of the California Legislature were sympathetic to the Confederacy. The only effective voice in California against slavery, Sen. David C. Broderick was killed in a duel only the year before.

Leadership of the forces of the Union was a vacuum that was only to be filled by Thomas Starr King.

The initial sense of disappointment by San Franciscans at his slender and boyish appearance quickly gave way to wonder and then to delight as his rich, golden voice poured forth.

Those present the first day recalled that sermon decades later. They said he literally had the audience in his hands. Not only was his reputation as an orator and preacher established that very first Sunday in San Francisco, but it soon spread statewide. Many worshippers even came from places as far away as Stockton and Sacramento.

Less than a month after King arrived in San Francisco, the Republican National Convention met in Chicago and nominated Abraham Lincoln as its candidate for President.

In the ensuing election, Lincoln carried California by a mere 711 votes, receiving only 28 per cent of the votes cast. The only reason Lincoln carried California was because the Democratic Party was split in two, with Sen. Stephen A. Douglas and Vice President John Cabell Breckinridge each claiming to be the Democratic nominee.

Following Lincoln's election, one by one, the stars in the American flag began to blink out. Even before Lincoln was inaugurated, the Southern states began dropping out of the Union. The crucial question was if California would join them, delivering its immense gold resources into Jefferson Davis' hands.

A majority of citizens of Los Angeles were known to have favored California seceding and joining the Confederacy. Indeed, on the Fourth of July in 1861, it was the Confederate Flag rather than the American Flag that flew over the Plaza in Los Angeles.

King wrote a friend in Boston about touring the Sacramento Valley "You see in glaring capitals 'Texas Saloon,' 'Mississippi Shoe Shop,' 'Alabama Emporium.' Very rarely do you see any Northern state thus signalized."

Congress was so convinced of a secessionist plot in California that it required easterners to secure passports before they could go to California. To justify Congress's fears, a secret paramilitary secessionist organization called the Knights Of The Golden Circle had a minimum of 16,000 members.

In February 1861, when Lincoln still had not yet been inaugurated, King fired his opening salvo toward saving California for the Union.

On Washington's Birthday, 1861, he spoke for 2½ hours to an auditorium holding over 1,000 people on how people should remember George Washington preserving the Union that Washington created.

Afterwards, King recalled, "Mrs. (John C.) Fremont was out and told me she hadn't been so stirred in years. A son of old Vanderbilt, a lieutenant in the army, stayed to be introduced and tell me his joy, I pitched into Secession, Concession and Calhoun, right and left, and made the Southerners applaud.

"I pledged California to a Northern Republic and to a 'flag that should have no treacherous threads of cotton in its warp,' and the audience came down in thunder. At the close it was announced that I would repeat it the next night, and they gave me three rounds of cheers."

On March 10, he spoke to the Masons on "Washington and the Union." King was a Mason himself, and the Masons were especially moved and delighted since George Washington is the Masons' chief hero.

His most powerful talk was "Webster and the Union." Sen. Daniel Webster had been his hero in Massachusetts, and he had conducted the memorial service at his church on Webster's death. His talk emphasized Webster's most moving phrase—"Liberty and Union, Now and Forever, One and Inseparable!" King insisted that Webster's call was more meaningful than when it was made.

King cried out, "Rebellion sins against the Mississippi; it sins against the coast line; it sins against the ballot box; it sins against oaths of allegiance; it sins against public and beneficent peace; and it sins, worse of all, against the cornerstone of American progress and history and hope—the worth of the laborer and the rights of man. It strikes for barbarism against civilization!"

He thundered against Jefferson Davis, "He is a representative to my soul and conscience of a force of evil. His cause is a pollution and a horror. His banner is a black flag. I could pray for him as one man, a brother man, in his private affectional and spiritual relations with heaven. But as president of the seceding states, head of the brigand forces, organic representative of the powers of destruction within our country—pray for him? As soon as for Anti-Christ! Never!"

Speaking up and down the state, he visited the rough and rugged mining camps, and said he never knew the exhilaration of public speaking until he faced a front row of men armed with Bowie knives and revolvers.

His friend Edward Everett Hale, who made a similar contribution to saving the Union through his moving story, "The Man Without A Country," declared, "Starr King was an orator no one could silence and no one could answer."

When he delivered his sermons at church, his pulpit was covered with the American Flag, and he compared the Rebels with the Fallen Angels and with Judas. He ended all of his sermons, "God bless the President of the United States and all who serve with him the cause of a common country."

His culmination came at a mass rally in San Francisco where 40,000 people turned out.

His appeals were so effective that a group of Americans living in Victoria, British Columbia, sent him $1,000 to carry on his work toward preserving the Union.

By now, his effectiveness was not lost on his enemies. They realized that he was beginning to turn the tide against them.

For example, in Sonora, one of the mining towns, the newspaper editor called King "a fair representative of the rabid, fanatical, Godless school of Boston political preachers. Their cry is now nigger, nigger, blood, blood!"

At a prayer meeting, a man got up in the midst of prayers and said that God had just summoned him to kill Thomas Starr King. Nothing daunted, King shrugged it off and said the man was only a harmless lunatic who probably really meant him no harm.

During the 1861 state elections, he threw himself into the gubernatorial campaign of his parishioner, Leland Stanford, the Republican nominee. Frequently Mrs. John C. Fremont and the budding author Bret Harte accompanied him and Stanford on speaking tours.

The result was an overwhelming election for Stanford, and a sigh of relief for King.

"The state is safe from Southern tampering," King wrote.

"What a privilege it is to be an American!" he exulted. "What a year to live in! Worth all other times ever known in our history or any other!"

The battle to save California for the Union won at last, King now turned to the needs and concerns of the soldiers themselves.

The Union Army had been thrown together so hastily in the time of crisis that it was ill provisioned and medical care didn't exist. There were few trained doctors or nurses or medical attendants. Much of the food was rotting because war profiteers saw an excellent opportunity to get rich by dumping spoiled food off onto the Army. There were not even sheets or blankets. Disease took a greater toll of soldiers' lives than Confederate bullets.

To remedy this tragedy, the Rev. H. W. Bellows of New York organized the U.S. Sanitary Commission, the forerunner of the American National Red Cross. Star King immediately pitched in to help.

Fitz-Hugh Ludlow, secretary and historian of the Sanitary Commission, later recorded, "Starr King was the Sanitary Commission in California."

In fact, he came near being the whole Sanitary Commission. Out of $4.8 million raised by the Commission in the entire United States during the war, $1.25 million was raised by King in California. King's contribution was over one-fourth of that raised in the entire country.

The $1,000 sent to him by the Americans in Victoria to help in his fight to save the Union was turned over to the Sanitary Commission. After he wrote the people in Vancouver to thank them and tell them what he had done, they turned around and sent him another $300 to be used for the Sanitary Commission.

King used their bank draft as an example and inducement for individuals and civic groups in San Francisco to chip in and do likewise. He was able to parlay the $300 into another $1,000.

On Jan. 10, 1864, San Francisco gave the fund $200,000.

His efforts were even more impressive because during those years, California was hit by a series of natural disasters. One of the worst floods in California history hit and converted the whole Sacramento-San Joaquin Valley into a vast lake as big as Lake Ontario. The following year, an immense drought wiped out the Valley's wheat crops.

As well as working for the Sanitary Commission, King now found himself raising funds for flood and drought relief. As a Mason, he was also active in fund raising for the Masonic Relief Board.

In addition, he found time to work for the rights and betterment of the Negroes and Chinese in San Francisco when these two were very despised minority groups.

Edward Everett Hale observed, "We know that here is a heart as large as the world, so that you can not make it understand that it should hold back from any service to be rendered to any human being."

Because of his success at patriotic and charitable services, a strong movement arose to run him for the U.S. Senate. However, King steadfastly refused to even be considered for the honor. He said he feared it might lead him into political compromises and impair his ability and liberty to speak forthrightly on subjects he felt strongly about.

He said, "I would swim to Australia before taking a political post."

What relaxation he had came from exploring the mountains. At the time, except for the mining districts, the mountains were largely unexplored.

He was one of the first 100 persons to visit Lake Tahoe, and said the blueness of the lake and the greenness of the pines surrounding it seemed to him in harmony with the deepest religion of The Bible.

Yosemite Valley and Yosemite's big trees were a special delight to him. He wrote the Boston Transcript that each time he saw one that amazed him by its size and height, he saw another beyond it that was even larger. The trees, he said, made him think what it would have been like if the Bunker Hill Monument had grown from a single seed of granite.

On entering Yosemite Valley, he exclaimed, "The Ninth Symphony (Beethoven's) is the Yosemite of music! Great is granite and the Yosemite is its prophet!"

He climbed above Nevada Falls and Vernal Falls, and was attracted by one magnificent dome or turret of granite that towered over the valley. It rose 13,600 feet. Today, it is named Mt. Starr King.

In letters to the Transcript about mining towns, he gave colorful descriptions that might have done credit to his friend, protege and parishioner, Bret Harte. He depicted both the color and the dreariness of the cabins, saloons, billiard halls, stage coaches, and the miners at work.

Back in New England, he had enjoyed climbing and exploring the White Hills of New Hampshire. He wrote a book about them, The White Hills—Their legend, Landscape and Poetry, which, when published in 1859, was far more popular than Henry David Thoreau's now classic Walden.

King hoped to write a similar book some day about the Sierras.

Throughout his many endeavors, his church still had first call. When he arrived in 1860, the church had a $30,000 debt. By Christmas, he had done such a good job of paying off the debt that the church members gave him a set of silver in appreciation.

Indeed, he had become such a successful minister in such a short time that the existing Unitarian church soon was much too small for its fast growing congregation.

He set about in October, 1862, to raise $80,000 toward construction of a new church. As one of the means, he gave lectures on the contemporary New England poets. He asked each of them to send a new poem to be read at the conclusion of the talk.

The cornerstone of the church was laid on Dec. 3, 1862.

John Greenleaf Whttier sent a special poem for the dedication services on Jan. 10, 1864.

King, himself, donated the organ.

When the new church was dedicated, King estimated that the income of his church was $25,000 per year, contrasted to $30,000 per year that Henry Ward Beecher raised in his famous Brooklyn church, and Beecher's church was twice as large as King's. King said that based on membership, his church was the number one church financially in America.

Any one of his labors would have been enough for one man, much less the outstanding success of all of them combined.

With a new and prosperous church, the Sanitary Commission on a solid and functioning basis, and Union victories at Gettysburg and Vicksburg sealing the doom of the South, he had every reason to sit back and relax.

He was now also financially secure personally. Still another of his parishioners, William C. Ralston, the great financier of the Comstock Lode, had given him solid advice on investments in Nevada silver mines.

He was due a sabbatical. He could now look forward to rest, travel, and writing his book on the Sierras.

Yet, as his congregation had deduced on the very first day, his health was never good. Only devotion to what he considered God's will and "being mad" kept him going as long as they did. Now the Herculean labors began to take their toll.

All along, there were indications he was driving himself too hard for his weak little body.

Indeed, in 1861, he collapsed after speaking to the thunderous applause of 3,000 persons at a major Republican rally with Leland Stanford.

When Bret Harte found him almost passed out on a sofa in the dressing room while the applause continued, Harte asked, "What a triumph! How did you manage to get through the long last sentence?"

King feebly responded, "I hardly know. I seemed quite unconscious of my surroundings. My imagination beheld the scenes, my mind worked out the sentences moments before I uttered them."

Frequently his friends urged him to ease up.

Yet, now that he had the chance and every right to take it easy, disaster struck.

On Feb. 28, 1864, he was hit by diphtheria soon complicated by pneumonia. For two days, he clung tenuously to life.

Then a second attack of pneumonia struck.

A doctor was summoned. The doctor told him that he now had only a half hour to live.

King glanced at the calendar.

"Today is the fourth of March," he sighed. "Sad news will go over the wires today."

Next, he dictated his will.

Then he turned to his wife, "Do not weep for me. I know it is all right. I wish I could make you feel so. I wish I could describe my feelings. It is strange. I see all the privileges and greatness of the future. It already looks grand, beautiful. Tell them that I went lovingly, trustfully, peacefully."

One by one across San Francisco the American flags dropped to half mast. The city hall and all the state and federal offices immediately closed. Soon the foreign consulates and foreign ships in San Francisco harbor joined in dropping their flags to half mast.

The State Legislature in Sacramento adjourned for three days in mourning after passing a resolution that "he had been a tower of strength to the cause of his country."

A military honor guard was posted at his casket. His body lay wrapped in the American flag in front of the altar of his church.

Mrs. Fremont placed violets on his chest.

As King lay in state, some 20,000 people came to pay tribute. Many broke into tears as they passed the coffin. Some kissed the flag that was his shroud.

In the bay at Fort Alcatraz, in Union Square in downtown San Francisco, and at other federal military installations, the cannons boomed in memorial tribute.

Bret Harte composed the eulogy, "Relieving Guard."

"A Star? There's nothing strange in that."
"No, nothing; but above the thicket
Somehow it seemed to me that God
Somewhere had just relieved a picket."

Such a mammoth outpouring of emotion and sorrow was not equaled on a national level until 99 years later with the murder of President John F. Kennedy.

Services were conducted by the Masons, with ministers of the Methodists and Presbyterian Churches joining in the rites.

His body was buried in the front lawn of the church he had just completed building.

It still lies in a crypt in front of the church today at the corner of Franklin and Starr King streets. In the early 1960's, the state designated Starr King's church and tomb to be a historical monument.

In 1913, the State Legislature voted Starr King and the great Catholic missionary Father Junipero Serra to be the state's two greatest heroes. It appropriated $10,000 to erect a bust in King's memory in the U.S. Capitol to stand with those of George Washington and Robert E. Lee for Virginia.

The statue was unveiled on March 1, 1931, by King's grandson, U.S. Navy Lt. Comdr. Thomas Starr King.

In addition to the giant granite mountain in Yosemite National Park, one of the great trees that he admired in Yosemite is also named for him. There is another mountain in the White Hills of New Hampshire also named Mt. Starr King.

California has many public schools and Masonic Lodges bearing his name. In Long Beach, there is even a Starr King Presbyterian Church.

The Unitarians have named their major seminary the Starr King School of Theology.

However, like his compatriot and admirer. Abraham Lincoln, his greatest monument is the dream he labored for, "One nation, under God, indivisible, with liberty and justice for all."

SENATE—*Tuesday, June 13, 1972*

The Senate met at 10:30 a.m. and was called to order by Hon. Gale W. McGee, a Senator from the State of Wyoming.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, whose mercies are new every morning, we raise to Thee our grateful praise.

For the glory of sunrise and sunset, for shelter and raiment and daily bread, for work to do and good colleagues with whom to do it, for the blessings of family life and good neighbors and friends, we give Thee thanks.

For joys that hearten and refresh us, for afflictions that bring new insights, for better understanding and compassion for trials whereby we are tested and for the power to triumph over disaster, we give Thee thanks.

Above all, we thank Thee for Thyself, O Thou whose faithfulness is unto all generations. For the love which endures despite our neglect and ingratitude, for Thy guiding hand upon us and Thy watchful care over us, we give Thee thanks.

Now accept the service which we offer here in Thy name that it may enhance the welfare of the Nation and advance Thy kingdom on earth.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., June 13, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Gale W. McGee, a Senator from the State of Wyoming, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. McGEE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of yesterday, Monday, June 12, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESCISSION OF ORDER TO RECOGNIZE SENATOR HARRIS TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the distinguished Senator from Oklahoma (Mr. Harris) today be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the two leaders under the standing order, the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Ohio desire to be heard under the standing order?

Mr. SAXBE. No, Mr. President.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements of individual Senators, and the business of the morning hour will not be extended beyond the hour of 11 o'clock.

ORDER FOR RECOGNITION OF SENATOR KENNEDY TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the votes on the three treaties scheduled for today and the Senate's return to the transaction of legislative business by the Senate, the distinguished Senator from Massachusetts (Mr. KENNEDY) be recognized for the purpose of offering an amendment to S. 3390, the unfinished business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Vermont is recognized.

(The remarks that Senator AIKEN made at this point on the introduction of S. 3699, dealing with the establishment of certain recreation areas within the national forest system, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

RESCISSION OF ORDER FOR CONSIDERATION ON FRIDAY OF SENATE RESOLUTION 299

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order providing for the consideration on Friday of Senate Resolution 299 at the hour of 1 o'clock be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972—TIME LIMITATION ON KENNEDY AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on the amendment to be offered today by the senior Senator from Massachusetts (Mr. KENNEDY) be limited to 1 hour, to be equally divided between the distinguished mover of the amendment (Mr. KENNEDY) and the distinguished manager of the bill (Mr. SPARKMAN), with time on any amendment to the amendment, debatable motion, or appeal to be limited to 10 minutes, equally divided between the mover of such and the manager of the bill (Mr. SPARKMAN).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TIME LIMITATION ON SAXBE AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately upon the disposition of the amendment by Mr. KENNEDY this afternoon, the Senate proceed to the consideration of amendment No. 1220, to be proposed by Mr. SAXBE; that there be a time limitation on the amendment of 1 hour, to be equally divided between the distinguished mover of the amendment (Mr. SAXBE) and the distinguished manager of the bill (Mr. SPARKMAN); that time on any amendment to the amendment, debatable motion, or appeal be limited to 10 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENT, ETC.

The ACTING PRESIDENT pro tempore (Mr. MCGEE) laid before the Senate the following letters, which were referred as indicated:

REPORT ON CLAIM

A report certified by the Chief Commissioner, United States Court of Claims, relating to Congressional Reference Case No. 3-69, filed June 9, 1972, Robert D. Bechtel and Lawanda Bechtel, his wife; H. Wayne Sprawls and Audrey Sprawls, his wife; and Wide River Farms, Inc., an Arizona Corporation against the United States; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with an amendment:

S. 2699. A bill to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the National Forest System, and for other purposes (Rept. No. 92-854);

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 3414. A bill for the relief of Alexandria Nicholson (Rept. No. 92-855).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with amendments:

S. 3105. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes (Rept. No. 92-856); and

H.R. 13089. An act to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes (Rept. No. 92-857).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. Res. 304. A resolution authorizing expenditures by the Special Committee on the Termination of the National Emergency (Rept. 92-858). Referred to the Committee on Rules and Administration.

AUTHORITY FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO PRINT THE REPORT OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. SPARKMAN. Mr. President, during the consideration of legislation to clarify the liability of national banks for certain taxes, the committee required in section 4 of Public Law 91-156 appendix December 24, 1969, that:

> The Board of Governors of the Federal Reserve System shall make a study to determine the probable impact on the banking systems and other economic effects of the changes in existing law to be made by section 2 of this act governing income taxes, intangible property taxes, so-called doing business taxes, and any other similar taxes which are or may be imposed on banks.

Parts I and II of the report from the Board of Governors was received in May 1971 and were subsequently printed as a committee print by our committee. Later in December 1971, part III was received from the Board of Governors and it was also printed as a committee print by the committee.

In December 1971, the President approved a Joint Resolution of the Congress postponing for 1 year or until January 1, 1973, the effective date for certain changes in laws relating to State and local authority to tax national banks. In the committee report, Senate Report 92-254, which accompanied the extending resolution, the committee required additional information from the Board of Governors of the Federal Reserve System concerning this entire matter. That additional report has now been submitted to the committee.

Mr. President, this subject matter has

caused a good deal of interest not only in the banking industry but also in State and local governments whose authority to tax national banks would be affected. The supply of our committee prints covering parts I, II, and III have been exhausted. Since we now have the additional report from the Board of Governors which we requested last December, I ask unanimous consent that the committee be allowed to reprint parts I, II, and III along with a new report from the Board of Governors of the Federal Reserve System as one volume.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Robert Lewis Sanson, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. AIKEN (for himself and Mr. TALMADGE):

S. 3699. A bill to establish a system of wild areas within the lands of the national forest system. Referred to the Committee on Agriculture and Forestry.

By Mr. RIBICOFF:

S. 3700. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents. Referred to the Committee on Finance.

By Mr. BAYH (for himself and Mr. RANDOLPH):

S. 3701. A bill to extend and improve the Federal Highway Safety Program, and for other purposes. Referred to the Committee on Public Works.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3702. A bill to expand the Boulder Canyon Project to provide for the construction of a highway crossing of the Colorado River immediately downstream from Hoover Dam. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIBLE:

S. 3703. A bill granting the consent and approval of Congress to the California-Nevada Interstate Compact. Referred to the Committee on the Judiciary.

By Mr. FULBRIGHT:

S.J. Res. 241. A joint resolution authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics. Referred to the Committee on Foreign Relations.

By Mr. MANSFIELD and Mr. SCOTT:

S.J. Res. 242. A joint resolution approving the acceptance by the President for the United States of the Interim Agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms. Referred to the Committee on Foreign Relations.

By Mr. MATHIAS:

S.J. Res. 243. A joint resolution relating to United States support of United Nations measures to provide and coordinate disaster relief. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AIKEN (for himself and Mr. TALMADGE):

S. 3699. A bill to establish a system of wild areas within the lands of the national forest system. Referred to the Committee on Agriculture and Forestry.

Mr. AIKEN. Mr. President, the distinguished senior Senator from Georgia (Mr. TALMADGE) and I are today introducing a bill to authorize the establishment of a system of primitive-type recreation areas in the Eastern United States within the national forest system.

I am especially gratified to have the senior Senator from Georgia, who is chairman of the Committee on Agriculture and Forestry, join in sponsoring the bill.

It is strictly nonpartisan.

The need for this legislation has been apparent for some time.

Citizens in heavily populated centers east of the Mississippi River need access to areas where they can enjoy the unique experience of solitude that only wilderness can provide.

At present, nearly all of the major wilderness areas, defined as areas unspoiled by man that are at least 5,000 acres in size, are in the West far from Eastern population centers.

But in the national forests of the East, there are numerous areas of lesser size that are reverting to primitive conditions following abandonment by man.

While these areas do not meet the strict criteria of the Wilderness Act of 1964, they do contain physical and scenic features that would enable outdoor-minded people to enjoy experiences which the wilderness provides.

In order for these areas to be protected, maintained, and managed for wilderness-type recreation it is desirable to identify and designate them formally in a wild areas system.

This is the purpose of the proposal offered today for consideration of the Senate.

This bill, which Senator TALMADGE and I are offering would—

First. Provide present and future generations with primitive recreation opportunities in a spacious, scenic, natural, and wild setting removed from the activities of man;

Second. Create a system of wild areas designated by Congress within national forests east of the 100th meridian to be administered by the Secretary of Agriculture as a part of the national forest system;

Third. Authorize public use consistent with the ability of the area to support such use;

Fourth. Limit developments to those necessary for the health, safety, and well-being of the visiting public;

Fifth. Limit use of motorized equipment to that necessary for administration, protection, health, and safety;

Sixth. Prohibit commercial harvesting of timber;

Seventh. Authorize Federal acquisition of private inholdings by donation, purchase, gift, exchange or condemnation;

Eighth. Withdraw federally owned lands from all forms of appropriation under the mining laws, except for existing valid claims;

Ninth. Permit hunting, fishing, and trapping in accordance with Federal and State laws;

Tenth. Authorize the Secretary of Agriculture to make such rules and regulations as he deems necessary to carry out the purposes of the act.

Mr. President, the bill Senator TALMADGE and I are introducing today is companion legislation to H.R. 14392, which was introduced in the House on April 17 by Mr. KYL of Iowa.

I am glad to note that the other body is giving this problem serious attention and I should also point out, as part of the record, that earlier this year the administration requested the establishment of additional wilderness areas in the Eastern United States.

In line with this request, the President directed that a study be made to determine potential wilderness areas in the East.

Mr. President, I ask unanimous consent that the attached report from the Forest Service on alternatives for preserving and managing our wild lands in the East be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ALTERNATIVES FOR PRESERVING AND MANAGING NATIONAL FOREST WILD LAND VALUES IN THE EAST

In his February 8, 1972, message on the environment, the President directed that the Secretaries of Agriculture and Interior accelerate the identification of areas in the eastern United States having Wilderness potential. In response to that direction, the Forest Service is inviting interested individuals and organizations to consider possible alternatives and offer advice which will answer this question: "How can the National Forest System in the East and South meet those needs of people which are answered in the West by National Forest Wilderness?"

The need for the kind of solitude and spiritual refreshment found in primitive, scenic surroundings is most acute in the populous southern and eastern States. Opportunities for meeting this need are very limited in this part of the country because the impact of civilization has drastically altered the original ecosystem of two centuries ago. While many affected areas have recovered some appearance of undisturbed nature, it is questionable whether these lands are comparable to those set aside as Wilderness in the West. In any event, opportunities for restoring and preserving primitive values east of the 100th meridian are not abundant, and they will diminish unless positive action is taken.

Public lands also are relatively limited in the East and South. The National Forests are the most extensive of these, and contain some of the best remaining opportunities for the preservation and management of wild land values. The Forest Service is striving to find the most workable alternative for realizing these opportunities.

Although the criteria of the Wilderness Act do not appear to fit eastern conditions because of the obvious evidence of past land use by man, some proposals have been made that the classification of wild lands could be achieved under the Wilderness Act.

Several other alternatives are available. Some were suggested even before the 1971 Forest Service invitation to the public for discussion of possible solutions. These alternatives can form the basis now for discussion and an ultimate decision.

One array of alternatives deals with action through legislation:

An amendment or supplement to the Wilderness Act to define a new category of wild lands in the South and East could achieve the purposes of new basic legislation and at the same time bring eastern units into the Wilderness System. Provisions for acquiring mineral rights and land could be made, but other amendments are possible once the subject is opened.

New basic legislation to establish a system of wild lands managed to restore their natural values is another possibility. It could authorize acquisition of lands and mineral rights to establish viable units for preservation. Time might be consumed in the legislative process, possibly delaying full protection.

Individual legislative actions to establish units meriting management to preserve primitive values could achieve the same result as new basic legislation. However, there is the possibility that these Acts could establish diverse management conditions and the legislative process could be lengthy.

Before the Wilderness Act became effective, the Forest Service established Wild and Wilderness Areas through administrative action. Several alternatives are still available through this procedure. All share the advantage of providing protection early because legislation is not required. On the other hand, they do not solve problems of land and mineral ownership. There is also a concern that administrative actions can be too easily reversed in the future.

Forest Service multiple use plan units can be established under existing authorities with the approval of Regional Foresters.

Classification by the Secretary of Agriculture or the Chief of the Forest Service would assure higher level consideration and public involvement at the national level.

Executive Order classification represents the highest level of administrative action. It has been an effective device in the case of many National Monuments which have been long and effectively protected under these Presidential directives.

Additional alternatives or modifications of those listed should be considered as they are identified.

The ultimate solution should be that which best meets the needs of the American people which recognizes all of the resource values of the National Forests and which best overcomes some basic obstacles, such as the following:

Ownership patterns are fragmented. Only about one-half of the land surface within the boundaries of the eastern National Forests is in Federal ownership.

Of lands where surface rights have been acquired, the Government holds only 50 percent of the mineral rights.

Most waterways and water surfaces are not owned or controlled by the Federal Government, even within the National Forests.

The Forest Service is seeking public involvement in considering the alternatives. Individuals and organizations are urged to assist in these considerations.

Mr. TALMADGE. Mr. President, I am pleased to join the distinguished Senator from Vermont to introduce the National Forest Wild Areas Act of 1972, a bill to establish natural and wild areas within the economic means and commuting distance of the population of the Eastern United States.

It is no secret that despite efforts by some communities to limit their growth, we are paving a wall-to-wall city from Maine to Norfolk, Va., and beyond, and another one around the southern rim of the Great Lakes from Minneapolis-St. Paul to New York City.

Our lives are seemingly governed by series of flat, green signs along an Interstate Highway System that moves us at a steadily slower pace from one urban sprawl to another, telling travelers the monotonous tale of how our Nation has compressed its people—without any planning at all—into a bone-hard catacomb of steel and asphalt that only leads people to want to escape.

It is an amazing commentary on the content of this modern civilization that it has become more perilous and tense for today's Americans to drive to work in the morning than it was for the pioneers to troop out in their covered wagons from St. Louis to settle the West.

Dimly we perceive that there is something all wrong with the way we have put our resources together. Now along that Interstate System a new kind of vehicle can be seen lumbering along. People call them campers, but they are really an escape device—the means by which hundreds of thousands of people are fleeing big city and suburban living for the sake of their sanity.

Each weekend the newspapers urge the residents of our eastern cities to buy "a little bit of heaven" in the countryside. And the people are buying—seeking a place to hide from the pressures of what we unfortunately have to call everyday living.

These little bits of heaven, which thousands of people are buying, are in a way an ominous sign. In aggregate they amount to a big chunk of heaven that is being withdrawn from the last remaining natural areas in the Eastern portion of our Nation.

Beautiful, forested areas are being divided into lots. Top soil and trees are often stripped from the earth to make way for get-away-from-it-all dream homes. Not all of this development is bad, but much of it is, making no provisions for maintaining the natural features of the land, and often making no provisions for sewage and pollution control.

Meanwhile, the suburbs continue to expand in a menacing proliferation of fancy-named subdivisions, shoving their bland, treeless parkways up to what was once lush wilderness.

Clearly it is time to take action to save the wild and natural areas remaining east of the Mississippi River for the generations of children—100 million of them—who will be with us in America in the 30 or 40 years to come.

Our highways may be filled with campers, and the developers may be pleased with their profitable land sales, but there are hundreds of thousands of our people who do not have the financial means to use these forms of escape.

More than half of the people in this country live in the Eastern portion of America, but only 2 percent of the land designated as wilderness area is in this part of the Nation.

Under the regulations established for the wilderness system, most natural Eastern areas do not qualify, because at one time or another they have been logged or cultivated or mined. But there are thousands of acres threatened by development, which have grown back to nearly their natural state, and they should be preserved for the careful use of the middle-class American who needs to take his family and get away from the tensions of urban living.

Just as we need to move a higher percentage of economic development and growth to our rural areas to balance up our population distribution, so also do we need to provide the opportunity for both rural and nonrural people to visit and commune with our land in its natural state.

If this Nation is to survive, I am convinced we need to spread out our population over our country through rural development, and to provide areas for the re-creation of mind, spirit, and body that comes by getting surcease from the crowded streets and teeming activity that accompanies modern life.

The establishment of wild areas such as those proposed in the bill we are introducing today will provide that release from modern strains by utilizing lands within our Eastern States that are well suited to the wilderness-type experience, and are neither needed nor desirable for other forms of rural commuity development. In fact, the provision of these proposed wild and natural areas within commuting distance of the millions of people living in the large cities of the East will itself have a beneficial effect upon the economic prosperity of our rural communities—raising business activity, local incomes, and the local tax base by more than the possible cost.

Conservation leaders have long recognized a need in the Eastern United States for primitive recreation opportunities in a specious, scenic, and wild setting, removed from activities and highly developed works of man.

The need for such primitive recreation opportunities in the East is so great because most of the people of the United States live in the East and most of the wilderness areas are in the Western States. We need to balance this situation if most of the residents of the Eastern States are to have an opportunity to benefit directly.

Many areas in the Eastern national forests—although not having the qualifications for inclusion in the National Wilderness Preservation System, have been or are being restored through nature's healing processes. Through further protection, these areas can offer the atmosphere, solitude, and recreation opportunities that approximates that of a true wilderness and is so urgently needed by the people of the East.

The bill Senator AIKEN and I are introducing today represents one means to provide for the establishment and protection of the needed Eastern wild areas. In fact, it would provide stronger, more complete protection than would the Wilderness Act in many ways. For instance, subject to existing valid claims, the areas would be withdrawn from possible mineral exploitation. The bill would provide condemnation authority to protect these Eastern areas from nonconforming, adverse interior development, and attendant access requirements. Significant as it is, the Wilderness Act of 1964 falls short in a few areas of providing absolute protection. Our bill would, for the wild areas of the East and South, correct these shortcomings and give land managers the adequate tools they need to carry out their task of preserving and restoring these priceless lands.

The National Forest Wild Areas Act will, as would several of the other alternatives in varying degrees, recognize the special qualities of some of the lands within the eastern national forests and will provide the special mangement measures to maintain, restore or protect such areas for present and future generations of Americans.

Mr. Joe Penfold, conservation director of the Izaak Walton League of America, recently wrote "Wilderness East—a Dilemma" for American Forests. I ask that this be inserted into the RECORD at this point in my remarks as a scholarly discussion of the philosophy of wild land preservation and its potential implementation in the East and South.

Senators will note that the bill we are introducing today provides for extensive and careful base touching with all interested groups, including the people who will use it, before a proposed wild area could be established. Not only would the Forest Service be required to hold public hearings on each proposed addition to the wild area system, but the bill also specifies careful and extensive prior notification concerning details of the proposal.

Our bill makes specific provision for detailed intergovernmental coordination—involving not only the Governors and State government but also the counties, towns, municipalities, and the relatively new multijurisdictional general purpose planning and development districts and environmental councils.

We do not consider the bill we are introducing as the final word in any sense. We want to hear what those most directly affected have to say. We also wish to hear the advice of experts in outdoor recreation, and land management, in rural development and in urban affairs.

Everyone in the Eastern and Southern United States will be affected by this proposal and by how it is implemented.

I want to hear what the people of Atlanta want done about this; and I want to hear what our rural counties and development districts and their residents think of the idea and their advice of how to put the proposal into operation with the greatest advantage to the rural community.

We have made many mistakes in settling this great land of ours and building our crowded cities. Some of these our parents and grandparents have already paid for with bankruptcies and heartaches. But the children of some of these people are still paying in drugs and crime and degradation.

Our bodies and minds were formed and nutured in a relatively simple rural environment. Today many of us are subjected to the traffic jams and noise, air, and water pollution and mental and emotional strains pressed upon us by an increasingly technological high-speed society. As a people we can take just so much of this without cracking up.

To relieve the pressure we need to make more room in the country—more room to live, work and play. And we need to provide relaxation and escape for those who cannot benefit from full-time rural living. We need to systematically provide land areas where people can get off by themselves, away from the pressures of civilization and its mechanics.

The sponsors of this bill feel it is designed to meet some of these needs.

But we need to find how many other people would be interested in utilizing these wild areas, if they are provided. Before passing the legislation we need to determine what kind of land management practices are compatible with the wilderness experience that people—city people as well as rural residents—desire and will use. We need to study carefully the availability of land in our various States for this wilderness-type use.

By extensive hearings and careful consideration by the committee on this proposal we can draft proposed legislation that will provide a positive impetus to both rural development and to a higher quality of life for both city and rural people.

Despite the many ravages of men, there are still vast areas east of the Mississippi River where cathedrals of trees protect the moist green ground cover from the rays of the summer sun. There are still unpolluted streams that trickle quietly past proud stands of hardwood that tenuously cling to life under the pressure of the Nation's growing demand for more lumber.

These sylvan settings must be maintained and protected for the millions of Americans in the eastern part of America who have not got the money for a down payment on their own little bit of heaven. They must be maintained to preserve a semblance of the ecological system that was here before our forefathers arrived. They must be protected and maintained as an investment in a greener, less hurried future for this land we all love so well.

I ask unanimous consent that an article written by Mr. J. W. Penfold, conservation director of the Izaak Walton League of America, be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILD AREAS

(By J. W. Penfold)

The Wilderness Act of 1964 provided the administrative-legislative mechanism by which Primitive Areas of the national forests can be brought within a system to be protected, preserved and managed as wilderness in perpetuity. The Act became law roughly a half century after the wilderness concept first took meaningful form in the minds of a handful of visionaries—the Arthur Carharts, the Aldo Leopolds. The concept became firmly rooted in 1924 by designation of the first Wilderness area, the Gila in New Mexico and shortly thereafter by action to set aside for special protection and management the roadless areas of the canoe waters along the Minnesota-Canadian boundary. During the 1930's under the stimulus of Robert Marshall, many more wild and wilderness areas were created by executive action of the Chief of the Forest Service and the Secretary of Agriculture respectively.

The Wilderness Act (which also provided for wilderness in the National Park and National Wildlife Refuge systems) came about for two principal reasons—to obtain the protection and permanence offered by positive Congressional action, rather than leaving wilderness preservation solely to administrative discretion and determination, and, to establish the high standards and criteria in which wilderness would be established and managed. A crucial point is that every effort made by conservationists in the half century leading to the Wilderness Act was premised on obtaining recognition and acceptance of wilderness as a natural ecosystem, untrammeled by man *in the past* and permitted to continue untrammeled and undisturbed by man's activities *in the future*. The Act established such standards and criteria, though, perhaps less strict than needed.

But, the Wilderness Act, as it applies to national forests, has other shortcomings—geographic and demographic. The great bulk of national forest primitive areas eligible for inclusion in the wilderness system are located in the western states, while the bulk of the American population lives east of the Mississippi. Curiously, in retrospect, this was used as a major argument against the Act by most of its principal opponents.

The Wilderness Act, in addition to blanketing into the system those areas already restudied and designated "primitive" by Executive action, provided for the detailed study of the remaining areas previously designated. If they are found to meet the standards and criteria of the Act, they are presented to Congress for specific inclusion in the system by legislation. A period of 10 years was provided during which the operation was to be completed. As of this writing, Congress has taken action on 7, another 8 are awaiting Congressional action, 9 are in the final reporting and recommendation stage, and 11 are in the study and field hearing pipeline.

The Wilderness Act also provided authority to the Forest Service and Department of Agriculture to nominate additional areas, not having been designated before but meeting the standards and criteria of wilderness as provided in the Act. The number and location of such "de facto" areas are uncertain. Some have been identified by the Forest Service and/or citizen wilderness groups and some have received preliminary reconnaissance study. One of these, the Scape Goat, awaits Congressional action. The Forest Service has been subject to extensive criticism from some quarters, however, for not moving more aggressively and quickly to study, recommend and get "de facto" areas into the wilderness designation pipeline. Understandably, the Forest Service (and other federal agencies involved in definitive studies under the Act) has necessarily given first priority to the primitive areas specified for study under the Act.

Meanwhile, citizen wilderness interests have also pushed hard for early inclusion in the wilderness system many other prime areas which retain a high degree of wilderness character and offer the atmosphere and recreation opportunities of a near wilderness environment. Such areas, many of which are located in eastern national forests, may bear to a greater or lesser extent the heavy imprint of man's activities—logged, farmed, roaded, developed—but have been abandoned and to a substantial degree have recovered or on the road to recovery, through natural processes. It is argued by some that such areas reversing to wilderness should be eligible for inclusion in the wilderness system. They argue that the criteria and standards of wilderness established by the Act are sufficiently flexible now to embrace such areas; or, that the Wilderness Act should be amended to provide such flexibility. Others, including the writer, feel just as strongly that lowering wilderness standards by amendment of the Act or by its more liberal interpretation, in the long run, can only threaten the integrity of all designated wilderness. Even if the line can be held rigorously against the invasion by commercial development—and pressures for such are unrelenting—there still remains the growing and nearly irresistible pressure of recreationists themselves who, with snowmobile, outboard, ATV and other gadgetry, or sheer numbers lean their weight against every wilderness boundary.

But, the wilderness preservation advocates are profoundly correct that there is need for more wilderness to meet the requirements of a growing population of outdoor minded citizens who have the right as well as the desire for the unique experience which only wilderness can provide. And, especially are such areas essential east of the Mississippi close to burgeoning metropolitan areas, where opportunities for classic wilderness are least.

The question to be answered and the dilemma to be resolved are thus found to be rather simply stated: how can wilderness value and experience be provided close to populations living in the midwest, east and south without lowering Wilderness Act criteria and standards. The Forest Service itself, tormented by the question and harassed by constant and sometimes hypercritical demands, took a major step. At the 12th Biennial Wilderness Conference staged by the Sierra Club and Wilderness Society, the Forest Service invited the forces for Wilderness to sit down with them to discuss the issues and find the answer. Implicit in the invitation was the thought, among other alternatives, that the mechanism for accomplishing the objective might be creation of another system. Such areas would possess to a substantial degree the prime characteristics of wilderness, in spite of man's past activities, from which they are recovering, but which do not measure up to the strict criteria and standards required by the Wilderness Act. For lack of a better name, we've called it a system of "wild" areas.

Follow-up discussions were initiated by wilderness interested organizations. A consensus has not yet developed, however alternative courses of action quickly became apparent:

1. Create a system of "Wild Areas" by statutory or executive designation.

2. Amend the Wilderness Act so that eastern areas that do not meet the present stiff requirements of the Wilderness Act can be included under that Act.

Have Congress reinterpret the Wilderness Act to the extent that reconstituted or recoverable wilderness can be included in the National Wilderness Preservation System.

There appears to be agreement, if alternative one is chosen, that the "wild" area system should be established by Act of Congress and individual areas be brought into the system by Act of Congress. This procedure would parallel that provided by the Wilderness Act for bringing areas into the Wilderness System. The regulations on management and use of "wild" areas would parallel those required for wilderness. Additionally, they should be withdrawn from all forms of appropriation under the mining laws and from disposition under leasing or disposition of mineral materials. Moreover, because of complex ownership patterns prevalent in eastern forests, acquisition of inholdings could be made by condemnation where necessary. In these two latter respects the "wild" area system would offer greater protection than does the Wilderness Act itself and the present 5,000 acre limitation need not be inhibiting.

Establishment of a system of "wild" areas would not mitigate against consideration of eastern areas for designation under the Wilderness Act. Areas which meet the criteria and standards of the Wilderness Act would continue to be eligible for wilderness designation. However, if they do not meet those stiff requirements because of man's past activities, but nonetheless offer high potentials for wilderness values and experience, they could be eligible for designation under the "wild" area system and their wilderness characteristics be preserved into the future.

Adoption of the "wild" area system approach would provide another category of federal areas at no additional administrative or management cost. It would parallel the Wilderness System. It would be consistent with the several category approach provided in the Wild and Scenic River Systems already established by Congress. It would assure the preservation of prime national forest areas in the east to provide wilderness recreation and other values for the millions of citizens residing far from our great western Wilderness areas. Moreover, it would accomplish this without threatening the integrity of the wilderness principle or wilderness system and without opening the Wilderness Act to weakening amendments by those interests which would gladly scuttle the whole wilderness concept.

Following the same Executive-Legislative procedures as provided in the Wilderness Act the public could be assured that actions taken under a "wild" system act would be consistent with overall national forest objectives and purposes as specified in the Multiple Use Act of 1960. Finally, there would be full opportunity for citizen input all along the line.

As it stands now, the need for action is apparent. All options for action are open. A working consensus on the best course of action to be followed could get this important job accomplished.

By Mr. RIBICOFF:

S. 3700. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents. Referred to the Committee on Finance.

TUITION TAX CREDITS FOR NONPUBLIC SCHOOLS

Mr. RIBICOFF. Mr. President, I am today introducing legislation allowing tax credits for tuition to nonpublic elementary and secondary schools. Emotional and legal controversy surrounds the question of aid to private or parochial schools and the fate of these schools is an issue which everyone concerned with the future of our entire education system must consider.

If the Nation's 21,800 nonpublic schools were thriving institutions, Government assistance would not be needed. But that is not the case.

The President's Panel on Nonpublic Education has reported that non-public-school enrollment has been declining at a rate of 6 percent per year. Roman Catholic schools have been the hardest hit, but they are not alone. In the past 2 years, independent school enrollment has dropped 11 percent, military schools 10 percent, and boarding schools 4 percent. At this rate one-fourth of the schools operating in 1970 will be closed by 1975.

If this trend continues we will experience a massive dislocation in our public school system. Over 10 percent of America's total elementary and secondary students attend nonpublic schools. Should these schools collapse, our public school system would have to absorb over 5 million more children. Most of the impact would be felt in urbanized areas already heavily burdened by the need to provide public service.

In the 20 largest cities, nearly two out of five schoolchildren are enrolled in nonpublic schools. The public school systems in New York City would have to expand to accommodate over 358,000 new students if private schools closed. In Chicago, 208,000 students would be added and in Philadelphia 146,000.

My own State of Connecticut faces a similar potential burden. Over 100,000 students, 14 percent of all students, now attend parochial and private schools. Twelve of these schools closed in 1971 and more may close this year. We all have a stake in this problem.

Some critics of aid to nonpublic schools argue that public assistance will weaken support of our public school system. They point out that less than half of the public school bond issues were ratified last year.

We cannot ignore, however, the enormous costs involved in transferring nonpublic students into the public schools. It has been estimated that collapse of our nonpublic schools would cost local taxpayers an additional $5 billion a year. Taxes would have to increase or more public schools close to meet this expense. The American public should not be forced to assume this additional tax burden unless it is absolutely necessary.

In addition, proposals for aiding nonpublic education at the levels generally discussed will not encourage expansion of the system, but will only serve to stem their decline. The difficulty arises in what form that aid should take.

In the past cities and States have been most ingenious in developing assistance programs. Few of them, however, have satisfied the constitutional prohibitions against the "establishment of religion." In 1971 the Supreme Court in Lemon against Kurzman, summarized the cumulative criteria it had developed. First, the program must have a secular purpose; second, its primary effect must not be the advancement or inhibition of religion; finally, it must not foster "an excessive governmental entanglement with religion."

I believe that tax credits meet these tests. First, the program's purpose is to lower the expense of education to the students' parents. No tax funds would be given to the school. Second, its effect is to enable parents to decide which type of education is best for their child. Finally, because the taxpayer, not the school, is subject to audit, there are no excessive governmental entanglements.

The formula I am proposing is similar to that used in S. 1111, my bill to provide tax credits for higher education expenses. A parent would be allowed a maximum credit of $475 for each student's tuition. The credit would be computed on the basis of 100 percent of the first $200 for tuition; 50 percent of the next $300; and 25 percent of the subsequent $500.

Unless some governmental aid is forthcoming, most of our nonpublic schools will eventually disappear. Those that survive will do so by requiring exorbitant tuitions which only the very wealthy can afford. The result will be that private and parochial schools, rather than being educational options open to all, will be sanctuaries for the rich.

My proposal would avoid these problems. By allowing middle- and lower-income families the ability to send their chilren to nonpublic schools, it will guarantee the continued existence of these schools plus a well balanced student body.

I ask unanimous consent that the text of S. 3700 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by redesignating section 42 as section 43, and by inserting after section 41 the following new section:

"SEC. 42.

TUITION PAID FOR ELEMENTARY OR SECONDARY EDUCATION

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount determined under subsection (b), for tuition paid by him to any qualified private non-profit elementary or secondary school during the taxable year for the elementary or secondary education of any dependent with respect to whom the taxpayer is allowed an exemption for the taxable year under section 151(e).

"(b) LIMITATIONS.—

"(1) AMOUNT PER DEPENDENT.—The credit allowable under subsection (a) with respect to any dependent shall be an amount equal to the sum of—

"(A) 100 percent of so much of such expenses as does not exceed $200,

"(B) 50 percent of so much of such expenses as exceeds $200 but does not exceed $500, and

"(C) 25 percent of so much of such expenses as exceeds $500 but does not exceed $1,000.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) TUITION.—The term 'tuition' means any amount required for the enrollment or attendance of a student at a qualified private nonprofit elementary or secondary school. Such term does not include any amount paid directly or indirectly for meals, lodging, transportation, extracurricular activities, supplies, equipment, clothing, or personal or family expenses. If the amount paid for tuition includes any amount (not separately stated) for an item described in the preceding sentence, the portion of the amount paid for tuition which is attributable to such item shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) QUALIFIED PRIVATE NONPROFIT ELEMENTARY OR SECONDARY SCHOOL.—The term 'private nonprofit elementary or secondary school' means an educational institution—

"(A) which is described in sections 501(c) (3) and 503(b)(2) and which is exempt from tax under section 501 (a),

"(B) which regularly offers education at the elementary or secondary level,

"(C) attendance at which by students who are subject to the compulsory education laws of the State satisfies the requirements of such laws, and

"(D) which does not discriminate, through its tuition or scholarship policies, or otherwise, in the admission of students, in the hiring of personnel, or in any other activity, on the basis or race, color, or national origin.

"(3) ELEMENTARY OR SECONDARY EDUCATION.—The term 'elementary or secondary education' does not include education at a level beyond the 12th grade.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of tax imposed on the taxpayer for the taxable year by this chapter, reduced by the sum of credits allowable under this subchapter (other than under this section and sections 31 and 39).

"(e) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"Sec. 42. Tuition paid for elementary or secondary education.

"'Sec. 43. Overpayment of Tax.".

SEC. 2. The amendments made by this Act shall apply to taxable years beginning after December 31, 1971.

By Mr. BAYH (for himself and Mr. Randolph):

S. 3701. A bill to extend and improve the Federal Highway Safety Program, and for other purposes. Referred to the Committee on Public Works.

THE HIGHWAY SAFETY ACT OF 1972

Mr. BAYH. Mr. President, I am pleased today to introduce for appropriate reference "The Highway Safety Act of 1972" on behalf of the distinguished chairman of the Public Works Committee (Mr. RANDOLPH) and myself. This bill and others pending before the Subcommittee on Roads, which I am privileged to serve as chairman, will be considered at highway safety hearings scheduled for Thursday, June 15.

In the words of Howard Pyle, president of the National Safety Council, automobile accidents "remain the largest violent threat to life in the United States." In 1970 there were 54,800 fatalities on our Nation's streets and highways, and 2,735,122 nonfatal injuries. Even more people died and were injured in 1971. Carnage on the highway is a reality, not a slogan Mr. President, and we have to do something about it.

Of course the States and the Federal Government have long been concerned about highway safety, and a considerable amount of progress has been made in this field. But much, more remains to be done. The bill I introduce today will help us reach our goal of safe and sane highways in five ways: first, by removing from the road drivers who are under the influence of alcohol or narcotic drugs; second, by improving our existing roads and bridges; third, by providing emergency medical care to victims of highway accidents; fourth, by authorizing sharply increased funding for Federal highway safety programs and grants to the States; and finally by providing a financial incentive for States to bring their safety programs into compliance with Federal standards. Let me discuss these aspects of the bill in more detail.

First, an attack on the intoxicated driver. The National Highway Traffic Safety Administration has stated that—

> The use of alcohol by drivers on the highways, particularly the continued, excessive use of alcohol by problem drinkers, is the single most important highway safety issue today.

And there is growing concern that the use of drugs by drivers also contributes significantly to accidents. The Highway Safety Act of 1972 deals with these problems. It encourages all the States to bring their safety programs into compliance with Federal standards on alcohol in relation to highway safety by requiring the Secretary of Transportation to cut off 10 percent of Federal-aid highway funds to States which do not meet those Federal standards by July 1, 1974. It directs the Secretary to prepare a new safety standard requiring the States to have laws against driving while under the influence of alcohol or drugs, to enforce these laws effectively, and to provide meaningful penalties for the violation of these laws and, where appropriate, medical treatment for violators. It provides for a special research program into the relationship between drug use and highway safety, and it directs the Secretary to prepare highway safety standards on this topic. As chairman of the Senate Juvenile Delinquency Subcommittee, I have seen firsthand the results of the use and abuse of drugs. Persons under their influence, even properly so, should not be on our highways.

Second, a program to improve the safety of our existing streets and highways. The bill establishes a special program to assist States in eliminating roadway dangers, including high accident locations and roadside obstacles. For this program, $200,000,000 a year is authorized. The bill also creates a new, special pavement marking program for all roads other than those on the Interstate System, with preference to be given to rural areas—where badly marked roads often produce terrible accidents. For this program $100,000,000 is authorized. Finally, a new authorization of $250,000,000 is included for the bridge replacement program.

Third, a way to provide emergency medical care to victims of highway accidents. This is a crucial new program. If "accidents will happen," then we must help those who are hurt, to prevent needless complications, even death. But too often today we do not. Arthur Freese in an article in the Saturday Review recently asserted that:

> Experts returning from Korea and Vietnam * * * have openly declared that, in case of injury, chances for survival would be better in the zone of combat than on the average city street.

Perhaps this is just a tribute to our servicemen overseas. But why should not the emergency medical care available to highway accident victims here in the United States be as good? The bill I introduce today provides funds to assist States in preparing comprehensive plans for the provision of emergency medical care, and, after approval of the plans, provides funds to help implement them. Whether it is more equipment, like ambulances or helicopters, or better training for personnel involved, this part of the bill will make Federal funds available where they are deeply needed.

Fourth, a sharp increase in highway safety funding. In addition to the authorizations I have already mentioned, the bill authorizes $270 million for Federal highway safety programs and grants to the States under existing law, more than twice the amount authorized at present. In addition, $175 million is authorized for highway safety research, again a substantial increase over existing levels. This is a lot of money, Mr. President, I know, but it is needed, and it can be used effectively. There are, after all, more than 50,000 lives at stake. I should also point out, Mr. President, that all of the money authorized by the bill will come from the highway trust fund. This is a change from existing law, and a desirable one: for what could possibly be more highway related than highway safety?

Fifth, and finally, the Highway Safety Act of 1972 creates two new incentive programs designed to encourage States to comply with Federal highway safety standards. This is a "carrot" rather than a "stick" approach. Under one new section, the Secretary will distribute $10 million to those States which have obtained above average results in the highway safety area. Under another section, the Secretary will distribute $10 million to those States which have made the most significant improvements in highway safety. The money will be used by the States to further their efforts in this field.

Mr. President, highway accidents cost the Nation over 50,000 lives and an estimated $14.3 billion in 1971. This extravagant waste of national treasure must be curbed. We must once again have safe streets—safe to drive on, safe to ride on, safe to walk by. That will be the goal of the Roads Subcommittee when we consider highway safety legislation.

I ask unanimous consent that the text of the bill, a summary of the Highway Safety Act of 1972, and the article to which I referred by Arthur Freese be printed in the RECORD.

There being no objection, the bill, summary, and article were ordered to be printed in the RECORD, as follows:

S. 3701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Highway Safety Act of 1972".

PENALTIES FOR DRIVING WHILE INTOXICATED

SEC. 2. Subsection (a) of section 402 of title 23 of the United States Code is amended by inserting after the fifth sentence the following: "Effective as soon as practicable after the date of enactment of the Highway Safety Act of 1972 such standards shall also include provisions requiring (1) laws prohibiting persons from operating motor vehicles while under the influence of intoxicating liquors or any narcotic or drug which impairs their ability to operate a motor vehicle properly and safely, (2) procedures for effective enforcement of such laws, (3) penalties for violation of such laws which provide a meaningful deterrent to their violation, and, where appropriate, adequate medical treatment for persons violating such laws who are in need of treatment.".

COMPLIANCE WITH ALCOHOL SAFETY STANDARD

SEC. 3. Subsection (c) of section 402 of title 23 of the United States Code is amended by inserting before the period at the end of the penultimate sentence thereof a comma and the following: "*Provided however,* That the provisions of this sentence shall not apply in the case of any State which has not prior to July 1, 1974, properly implemented the Secretary's Highway Safety Program Standard Numbered 8 (relating to alcohol in relation to highway safety) or any modification or addition to such standard prior to such date."

INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY STANDARDS

SEC. 4. (a) Subsection (c) of section 402 of title 23 of the United States Code is amended by adding immediately after the penultimate sentence thereof the following: "Whenever the Secretary suspends the application of the sixth sentence of this subsection, he shall report within ten days the reasons for such suspension and the period of such suspension to the Committees of the Senate and House of Representatives on Public Works, Commerce, and Interstate and Foreign Commerce, and shall publish such report in the Federal Register, and shall notify the State or States involved of such suspension, the reasons therfor and the period thereof, and warn them of the penalty involved.".

(b) Section 402 of title 23 of the United States Code is amended by adding a new subsection (i), as follows:

"(i) (1) The Secretary shall award, in addition to other grants pursuant to this section, $10,000,000 in grants in each fiscal year to States which he determines, in accordance with criteria which he shall establish and publish, to have attained above average results in carrying out and achieving the purposes of this chapter. Such grants shall be used by recipient States only to further the purposes of this chapter. The amount appropriated in each fiscal year for the purpose of carrying out this paragraph shall be apportioned among the States eligible for grants pursuant to this paragraph in the ratio which the total apportionments to each State pursuant to section 104(b) (1), (2), and (3) for such year bears to the total such apportionments to all such eligible States for such year.

"(2) The Secretary may also award, in addition to other grants pursuant to this section, $10,000,000 in grants in each fiscal year to States which he determines, in accordance with criteria which he shall establish and publish, to have made the most significant improvements in carrying out and achieving the purposes of this chapter. Such grants shall be used by recipient States only to further the purposes of this chapter. No States shall receive in excess of $500,000 in any fiscal year pursuant to the provisions of this paragraph."

ELIMINATION OF ROADWAY DANGERS

SEC. 5. (a) Chapter 4 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 405. Assistance for the Elimination of Roadway Dangers.

"(a) (1) Each State, in accordance with regulations to be issued by the Secretary, shall conduct a survey of all expressways, major streets and highways, and through streets to identify locations of significant danger to road users (including, but not limited to, identification of sections of roads which have high accident experience or high accident potential, and identification of roadside obstacles which may constitute a hazard to out-of-control vehicles), and assign priorities and establish and implement a schedule for elimination of such dangers.

"(2) The schedule for the elimination of such dangers referred to in subsection (a) (1) shall provide for the replacement to the extent appropriate of existing sign and light supports which are not designed to yield or break away upon impact; and yielding or break away sign and light supports shall be used, to the extent appropriate, on all new construction or reconstruction carried out pursuant to this section.

"(b) (1) Upon application, the Secretary shall approve a State's schedule for elimination of roadway dangers which is in compliance with his regulations, and shall make grants to the States for implementation of approved schedules. Such grants shall be for 70 per centum of the cost of implementing such approved schedule.

"(2) Commencing in 1974, the Secretary shall, in the report to Congress required to be submitted by section 202 of the Highway Safety Act of 1966 (80 Stat. 731; Public Law 89–564), include an analysis and evaluation of the progress made by the several States during the proceeding calendar year in eliminating highway dangers.

"(c) Funds appropriated to carry out the purposes of this section shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal Aid Highway Act of 1970. Sums apportioned to any State under this subsection shall continue to be available to that State for a period of two years after the close of the fiscal year for which such sums are authorized, and any amounts so apportioned remaining unexpended at the end of such period shall be reapportioned to the other States in accordance with the applicable provisions of law.".

(b) The analysis of Chapter 4 of title 23 of the United States Code, is amended by adding at the end thereof the following:

"405. Assistance for the elimination of roadway dangers.".

DRUG USE AND HIGHWAY SAFETY

SEC. 6. (a) Section 403 of title 23 of the United States Code is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof "this subsection", and by adding at the end thereof the following new subsection:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other government and private agencies as may be necessary, is authorized to carry out safety research on the relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles. As soon as practicable, the Secretary shall promulgate a highway safety program standard with respect to drug use in relation to highway safety. The research authorized by this subsection may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

EMERGENCY MEDICAL CARE FOR VICTIMS OF HIGHWAY ACCIDENTS

SEC. 7. (a) Chapter 4 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 406. Assistance for Emergency Medical Care for Vicitims of Highway Accidents.

"(a) The Secretary is authorized to make grants to the States to assist in developing comprehensive plans for providing improved emergency medical care for victims of highway accidents. Such grants shall cover 70 percentum of the cost of developing such plans, except that no State shall receive in excess of a total of $100,000 pursuant to this section.

"(b) The Secretary is authorized to approve State plans submitted to him and to make grants to the States for the implementation of approved plans for improved emergency medical care for victims of highway accidents. Such grants shall cover 70 per centum of the cost of implementing such approved plans to the extent such cost exceeds the average amount spent by the State on provision of emergency medical care to victims of highway accidents in the three years preceeding the enactment of this bill, as determined in accordance with regulations issued by the Secretary. Funds authorized to be appropriated for the purpose of carrying out the provisions of this section shall be apportioned to the States in the same manner as is provided in subsection (b) (2) of section 104 of this title.

"(c) The Secretary shall not approve such plan under this section which does not:

"(1) comply with Highway Safety Program Standard No. 11 (relating to emergency medical services); and

"(2) comply with regulations established by the Secretary with respect to (A) the availability of necessary equipment (including, but not limited to ambulances and, where appropriate, helicopters), (B) the training of medical, paramedical and other personnel, (C) the utilization to the maximum extent feasible of existing emergency medical care equipment which meets the standards and regulations the Secretary establishes, and (D) such other regulations as he deems necessary to assure that adequate medical care is available to victims of highway accidents throughout the State.".

(b) The analysis of Chapter 4 of title 23 of the United States Code is amended by adding at the end thereof the following:

"§ 406. Assistance for Emergency Medical Care for Victims of Highway Accidents.".

PAVEMENT MARKING PROGRAM

Sec. 8. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new sections:

"§ 145. Special Pavement Marking Program.

"(a) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement marking standards issued or approved by the Secretary.

"(b) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas and which are either on the Federal-aid secondary system or are not included in any Federal-aid system.

"(c) The federal share of projects approved under subsection (a) of this section shall be 70 per centum of the cost thereof and shall be paid from sums authorized to carry out this section. Funds authorized to be appropriated for the purpose of carrying out the provisions of this section shall be apportioned on the same basis as is provided in paragraph (2) of section 104(b) of this title. Sums apportioned to any State under this subsection shall continue to be available to that State for a period of two years after the close of the fiscal year for which such sums are authorized, and any amounts so apportioned remaining unexpended at the end of such period shall be reapportioned to the other States in accordance with the applicable provisions of law.

"(d) Each State shall report to the Secretary in January 1975, and in each January thereafter for three years following completion within that State of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished since commencement of the program. The report shall include an analysis and evaluation with respect to the number, rate, and severity of accidents at improved locations, and the cost-benefit ratio of such improvements to annual periods subsequent to completion of such improvements. The Secretary shall submit a report to Congress not later than June 30, 1975, and not later than June 30 of each year thereafter until completion of the special pavement-marking program authorized by this section, with respect to the effectiveness of the pavement-marking improvements accomplished by the several States under this section.".

AUTHORIZATIONS

Sec. 9. There is authorized to be appropriated—

(a) $240 million out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and each of the succeeding two fiscal years for carrying out section 402 of title 23 of the United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, of which $10,000,000 in each such year shall be for the purposes of section 402(1) (1), and $10,000,000 for section 402(1) (2).

(b) $50,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and each of the succeeding two fiscal years, for carrying out such section 402 by the Federal Highway Administration.

(c) $175,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and the succeeding fiscal year, for carrying out section 403 of such title (relating to highway safety research and development) by the National Highway Traffic Safety Administration, of which $25,000,000 in each such year shall be for subsection (b).

(d) $25,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and the succeeding fiscal year, for carrying out such section 403 by the Federal Highway Administration.

(e) $200,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and the succeeding fiscal year, for carrying out section 405 of title 23 of the United States Code (relating to elimination of roadway dangers).

(f) $5,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974 for carrying out section 406(a) of title 23 of the United States Code (relating to emergency medical care), to remain available until expended; $25,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1975, for carrying out section 406(b) of such title.

(g) $250,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and for the succeeding fiscal year, for carrying out section 144 of title 23 of the United States Code (relating to the special bridge replacement program).

(h) $100,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1974, and for the succeeding fiscal year, for carrying out section 145 of title 23 of the United States Code (relating to pavement markings).

SUMMARY OF THE HIGHWAY SAFETY ACT OF 1972

Section 1. Title. Provides that the Act may be cited as "The Highway Safety Act of 1972."

Section 2. Penalties for Driving While Intoxicated. Directs the Secretary of Transportation to develop highway safety standards which require the States to have laws against driving while under the influence of alcohol or drugs, to enforce these laws effectively, and to provide meaningful penalties for the violation of these laws and, where appropriate medical treatment for violators of these laws.

Section 3. Compliance With the Alcohol Safety Standard. Requires the Secretary to cut off ten percent of a State's Federal-Aid Highway money if that State is not in compliance with the Alcohol Safety Standard by July 1, 1974.

Section 4. Incentives For Compliance With Highway Safety Standards. Creates a new incentive program to encourage the States to comply with the Highway Safety Standards. The Secretary will award $10,000,000 a year to those States which he determines "have obtained above average results "in the highway safety area. He will award another $10,000,000 to those States which "have made the most significant improvements" in their efforts. The money will be used by the States in their highway safety programs. This section also requires the Secretary to report to the Congress whenever he decides not to withhold Federal-Aid Highway funds from States which are not in compliance with the Highway Safety Standards.

Section 5. Elimination of Roadway Dangers. Adds a new section to the Highway Safety Act which provides funds for States to eliminate dangerous locations and roadside obstacles on all roads. The States will inventory their roads, set priorities, and establish a schedule for elimination of such dangers. The Secretary, after approving the scehdules, will award the State 70 percent of the cost of the projects. Sign and light supports replaced or built pursuant to this section will, to the extent appropriate, be designed to yield or break away upon impact. ($200,000,000 is authorized for each of the next two fiscal years for this program.)

Section 6. Drug Use and Highway Safety. Authorizes the Secretary "to carry out safety research on the relationship between the consumption and use of drugs and their effect upon highway safety," and directs him as soon as practicable to issue highway safety standards relating to drug use and highway safety. ($25,000,000 is authorized for each of the next two fisacl years for this program.)

Section 7. Emergency Medical Care for Victims of Highway Accidents. Creates a new program to help the States provide emergency medical care to victims of highway accidents. The States are to develop comprehensive plans for such care, with the federal government paying 70 percent of the planning costs. After approval of the plans, the federal share of the new implementation costs will also be 70 percent. ($5 million is authorized for planning grants, and $25 million is authorized for the first year of implementation grants.)

Section 8. Pavement Marking Program. Creates a new, special pavement marking program for all roads, other than the Interstate system. Rural areas are to get preferences for funds under this section. The federal share of the pavement marking projects is 70 percent. ($100,000,000 is authorized for each of the next two fiscal years for this program.)

Section 9. Authorizations. All Highway Safety Programs will be funded entirely out of the Highway Trust Fund. In addition to the authorizations already mentioned, the bill provides: $270,000,000 for each of the next two fiscal years for carrying out federal highway safety programs; $175,000,000 for each of the next two fiscal years for carrying out federal highway safety research; $250,000,000 for each of the next two fiscal years for carrying out the bridge replacement program.

[From the Saturday Review, May 13, 1972]

TRAUMA: THE NEGLECTED EPIDEMIC

(By Arthur S. Freese)

A twenty-two-year-old motorist overturned his car thirty miles southeast of Atlanta this winter. Pulled from the wreckage by the ambulance attendants, he was loaded into their vehicle and rushed to a hospital. There the examining physician found the young man paralyzed from the waist down—due, the doctor said, to mishandling by the ambulance personnel. It seemed that no one had bothered to teach these attendants, employees of a local undertaker, how to handle accident victims with spinal injuries.

According to physicians who specialize in trauma (medically defined as accidental injury), this tragic episode is far from unique; such incidents probably occur somewhere in America every day. Experts returning from Korea and Vietnam, for example, have openly declared that, in case of injury, chances for survival would be better in the zone of combat than on the average city street.

Dr. John M. Howard, professor of surgery at Philadelphia's Hahnemann College of Medicine, recently described an incident that took place in his city: A man in his mid-twenties was the victim of an automobile accident. The police came promptly to the scene, but were trained neither to examine the victim nor to evaluate his injuries. They merely loaded the young man into an ambulance and rushed him to the nearest hospital.

X-rays revealed that the victim was suffering from a broken leg, which the doctors splinted. They then packed the young man back into the ambulance and sent him on to another hospital, as theirs was already overcrowded. At the second hospital doctors found that the blood supply to the broken leg was blocked off, and, twelve hours after the initial injury, they performed arterial surgery to restore blood flow. The attempt was unsuccessful. Gas gangrene had set in, and the doctors were forced to amputate the leg. Nevertheless, the young man died.

In discussing this tragedy, Dr. Howard sadly summarized the causes: "Every facet of the system was at fault. Inadequate hospital evaluation and inadequate early care—a preventable death because our capabilities had not been effectively mobilized."

The "system"—emergency medical care—actually has two phases. The first stretches from the time of the accident to the time the victim enters the hospital; the second spans the time the victim spends in the hospital emergency room (now called the Emergency Department or ED). Failures in both phases afflict trauma care all over the country.

The National Research Council of the National Academy of Sciences, in its classic little volume *Accidental Death and Disability*, describes trauma as "the neglected epidemic of modern society . . . the nation's most important environmental health problem . . . a public health problem second only to the ravages of ancient plagues or world wars." Actually, trauma is what happens to every one of us: the child injured in a bad spill; the elderly person who falls and breaks a hip; the victim of a knife or gunshot wound; the person who falls from a stool or several-story window; the victim of an auto accident; the person with a slight burn or one that leaves a good part of the body's skin destroyed. Trauma may require no more than careful bandaging, or it may require teams of surgeons working for a dozen hours on end. It also may put its victims beyond help in a matter of seconds.

The figures are enough to boggle the mind. According to the U.S. Public Health Service and the National Safety Council, each day trauma kills 310 Americans, injures 137,000, confines 32,000 to bed, leaves 1,100 with some degree of impairment, and costs our nation some $58-million. In 1971 trauma left 114,000 dead, more than 50 million injured (one out of every four Americans), and 500,000 permanently impaired—all at a cost of some $21-billion.

Trauma is a problem of evenings and nights, holidays and weekends, one that wipes out its victims' most productive years; it is the leading cause of death among Americans of both sexes, from ages one to forty-five. And tragically, much of its toll is unnecessary. Experts say that up to a third of the death and much of the disability could be prevented with adequate emergency medical care. Yet for many years the American College of Surgeons' Trauma Committee was virtually alone in its war on this epidemic. Only recently, thanks to a series of studies that reveal the shocking facts, has trauma treatment begun to attract attention.

In a study of highway fatalities in California, for example, Dr. Julian A. Waller found that four times as many deaths occurred in rural accidents as in urban, even though injuries in the former were "inherently more survivable." The figures, Waller says, evidence a failure of both the ambulance and hospital phases of rural emergency medical systems. University of Michigan surgeon Dr. Charles Frey headed a similar study of 159 highway fatalities in Michigan. He concluded that twenty-eight of these people (nearly one-fifth) would have been saved and, more significantly, restored to health as good as that before the accidents, had they received the proper emergency treatment. Another nine also might have survived. In other words, one-quarter of the victims would have lived with proper care. Frey attributed almost all the unnecessary deaths to inadequately trained ambulance personnel.

Dr. William T. Fitts, Jr., professor of surgery at the University of Pennsylvania and editor of the *Journal of Trauma*, studied all of the 950 trauma deaths reported in a single calendar year in Philadelphia and concluded that fifty-one (51 per cent) of these deaths were avoidable. The fatal mistakes he found were virtually all made by doctors in the hospital. They involved lack of proper patient care, wrong diagnosis, or both.

The situation has many people troubled. Physcians themselves display little confidence in their own system. Dr. Robert H. Kennedy, who for twelve years directed the Trauma Committee of the American College of Surgeons, recently admitted: "I don't feel that if I'm in an accident on a trip, I can be sure of just getting to the hospital alive."

Another well-known trauma surgeon, who recently carried out a survey of the emergency departments in one of our largest cities, commented, "There's not an emergency department in this city where I'd feel comfortable having a severely injured member of my family treated." And Howard Pyle, president of the National Safety Council, summing up the problem in Traffic Safety Magazine, remarked: "The state of emergency medical services in the nation today is, in a word, grim."

The Second World War was the watershed of emergency medical care. Before the war interns rode ambulances and staffed emergency rooms and, with the limited medical expertise then available, provided emergency care adequate to the times. But with the war came an explosion in medical know-how and technology, and also the beginning of specialization. The effect of all this was critical to emergency care. Captain John Waters, former chief of the U.S. Coast Guard Rescue and Research, points out: "The massive trend toward specialization resulted in doctors retreating into their hospitals and clinics, where they waited with sophisticated equipment and training for the dead and dying to be brought to them—hopefully in a viable condition." The burden of the first phase of trauma care, therefore, fell on the shoulders of the ambulance personnel—not doctors, but technicians.

Today's properly trained ambulance attendant, however, can perform far more life-saving procedures than the pre-World War II physician ever dreamed of. Dr. Henry C. Huntley, director of the U.S. Public Health Services, emphasizes that "We can save lives with adequately equipped ambulances and properly trained personnel. It may be 50,000 or 75,000, but a figure of 60,000 is in the right ball park."

Many stories about ambulance operations are shocking. They tell of ambulance services run by undertakers making little effort to save the living because funerals are more profitable; employees of these services arguing over dead bodies while the living injured go unattended; ambulances, in a race to the scene of an accident, colliding with each other; ambulance personnel maiming victims not only by carelessness and inadequacy, but, some say, sadistic handling. More than one physician has described the majority of our ambulance attendants as nothing more than "freight handlers."

Exaggerations? Perhaps. But the stories, unfortunately, are founded in hard facts. A recent University of Iowa study found that some 60 per cent of the state's ambulance services were run by undertakers. Only half required their attendants to have even simple first-aid training. Almost half administered no first aid in severe injuries, and nearly two-thirds carried no splints. Less than half bothered to clean their equipment after it was used.

The most recent U.S. Public Health figures on emergency services show that nearly half the nation's ambulances are operated by undertakers, a quarter by volunteers, and the rest by commercial agencies and fire or police departments. Hospitals run only 3 per cent. The setup, however, varies according to region: In the Northeast volunteers make up a large percentage; in the South undertakers provide the bulk of service; in the Midwest commercial companies are plentiful; in states west of the Mississippi hospital-owned ambulances are common.

The vehicles used as ambulances are indicative of the state of these services. Slightly over a third of the ambulances in the country are custom-designed, and less than one-tenth are rescue vehicles, and even among these only a very small percentage meet the criteria set by the National Academy of Sciences or carry the advised equipment. Hearses still make up nearly a quarter, station wagons another fourth, and panel trucks or vans comprise a tenth of the total.

Not exactly model vehicles. Ideally, an ambulance should be high enough to allow attendants to stand erect so they can work efficiently and wide enough to hold a litter on each side with working room in between. It should carry every needed type of splint, bandage, and backboard (for spinal injuries), an obstetrics kit, oxygen and ventilation units, drug and intravenous fluid outfits, a portable electrocardiograph (EKG), and a defibrillator to shock a stopped heart back into action. It also should carry equipment to broadcast an EKG to the hospital for instant diagnosis, a blood pressure measuring device, and a stethoscope. In short, an ambulance should be a mobile emergency room. Moreover, it should carry shovels, power jacks, fire axes, and hacksaws—whatever is needed for the safe extrication of victims from a wreck.

Another essential of good ambulance service is a two-way voice communication system so that the ambulance can converse with its dispatcher and its hospitals to obtain medical advice on the handling of an emergency. With vehicles so equipped, doctors in the hospital can give tentative diagnoses and advice for treatment, and also direct the ambulance to a specific hospital for specialized care—and away from those too crowded to handle the case. The chosen hospital can then be alerted so that it can prepare for the victims. Yet, vital as such communication is, Dr. Huntley finds that only half the ambulances now in service can communicate with their dispatchers, only one in seventeen with their hospital.

How many of our ambulances are adequate

for proper emergency treatment? At the National Symposium on Emergency Medical Services held last May in Philadelphia, Dr. Vernon E. Wilson, administrator of the U.S. Health Services and Mental Health Administration, noted: "Of the 25,000 ambulances used in the United States today for transporting medical emergencies, not more than 1,000 meet the recommended standards for design and equipment."

All of this equipment is virtually worthless, however, unless ambulances are staffed with what one trauma expert described as "a professional, a career man, trained, equipped, and licensed to render essential life support." Such an individual is now called an Emergency Medical Technician—Ambulance or EMT, but one can be found in only a few top ambulance services.

Most states do not have realistic requirements for training or licensing ambulance personnel. It's a sad commentary, for example, that while Pennsylvania requires barbers to attend barber college for 1,500 hours (50 of which must be anatomy and physiology) and manicurists to take 200 hours at a school of beauty culture, the state has *no requirements for ambulance personnel*. There are, of course, a few communities such as Jacksonville, Louisville, Baltimore, and Miami where ambulance personnel are properly trained. But the total is a mere handful.

The training of EMTs may soon reach the point of a two-year college program. But even now they are taught to check a victim's vital signs (heart rate, blood pressure, respiration), take a quick medical history, and observe and evaluate the victim's condition. In an emergency situation EMTs first establish and maintain an airway (after four minutes without air a victim will either die or be paralyzed for life) and administer cardiopulmonary resuscitation (CPR), mouth-to-mouth breathing, and closed chest massage. CPR has maintained innumerable Americans who, although clinically dead (without a pulse or respiration), were kept alive until medical action could restart the heart. Once the airway is restored, the EMT stops any bleeding, splints a broken back or neck, administers intravenous fluids, gives drugs, uses a stethoscope, takes an EKG, extricates a victim from a wreck, treats a bad burn, delivers a baby—you name it.

The value of properly organized and equipped ambulance services employing EMTs can actually be measured in lives; for example, more than 100 lives a year are said to be saved by the ambulance services of Jacksonville, Florida, in auto accidents alone. The Jacksonville Rescue Squad is often cited as the best in the country, and John Waters, now executive assistant to the mayor, is usually held responsible for its excellence. Waters, who in addition to his work with the Coast Guard has directed rescue for the Federal Highway Administration, notes: "In 1967, before we started our rescue service, we had 139 killed in roughly 15,000 auto accidents. In 1971 we had only 118 killed, despite a rise in these accidents to around 24,000."

There are a number of ways to bring good ambulance service to any community. Police and fire departments are especially successful at running these operations because they already have the communications, the availability, and often a good part of the knowhow. The model ambulance services of Jacksonville, Baltimore, and Louisville all use this approach. But volunteer companies also have done top-notch lifesaving jobs. Where these are not feasible solutions, experts suggest franchising private companies to operate as public utility monopolies supervised by the government. In sparsely settled areas ambulance services have been successfully based at hospitals with attendants doubling as hospital technicians when not out on runs.

A more glamorous approach to emergency service is the ambulance helicopter, which has attracted interest because of its spaceage appeal. But most individuals involved in emergency care don't consider "choppers" a viable solution to the present problems; they are simply too expensive to operate. The money would be better spent on improving ordinary ambulance service and personnel, and the hospital emergency departments. Waters, however, suggests utilizing the helicopters of the military, police, and Coast Guard for emergencies. The Jacksonville Rescue Squad, for example, has arranged to call upon helicopters stationed at a local air base in case of an emergency requiring air lift.

Another way to improve emergency care would be to standardize victim-hospital communications. In other words, the toll-free 911 emergency number should become national in scope. The 911 operator should have a direct connection to a central dispatcher who can recognize the medical problem, order the appropriate ambulance, and then direct the ambulance to the proper hospital. Like the EMT, the dispatcher should be a professional and should receive a salary commensurate with the training he has. There are only 125 communities in the United States that have the 911 system in operation. We have a long way to go.

For many experts the problem boils down to a matter of economics and the public's sense of values. As Waters sees it, "We typically pay $30 per capita for police protection in an urban area and $24 for fire—yet we won't pay $1.50 for good emergency medical care outside the hospital." He went on to say, "Thirty thousand trauma victims will needlessly die this year in their homes and on the streets, wasted due to lack of emergency medical care; Americans will die valuing their hair and fingernails more than their lives!"

But the trauma victim must survive more than just the immediate care on the scene and the ambulance ride; he must also face the hospital.

One of the biggest problems, for example, is where to take a trauma victim. Any nurse can clean and bandage a child's knee, but what about a serious burn or extensive injuries from an auto accident? This dilemma has led to a growing movement among experts in emergency medical care. Many now call for categorization, a system classifying hospitals and their EDs according to the severity of trauma they are equipped and staffed to handle. For example, Category I would include the best medical centers, capable of dealing with cases requiring highly intensive and specialized treatment. Category II would include the better general hospitals—those able to handle all but the most highly specialized trauma cases. But would have round-the-clock physicians in their EDs. Category III would be more limited: an ED staffed by a registered nurse with a physician on call within the hospital. The victim would be resuscitated and stabilized in the ED, then passed on up the line. And Category IV would be, in effect, a glorified first-aid station with a nurse on call in the hospital and a physician (perhaps in his own office) available within a few minutes. Except for very minor problems, EDs in this category would be able to give no more than temporary aid.

The disgraceful weaknesses of our present EDs stand out starkly against these proposed categories. According to Dr. Huntley's U.S. Public Health figures, only one out of seven hospitals have EDs that could be classified in Categories I, II, and III. Of our 7,000 hospitals, as many as 3,000 would not even qualify for Category IV. Less than half of our EDs have written policies and procedures ("Indefensible," Huntley says); only one out of six have twenty-four-hour coverage by physicians, and only half have routine staff training. Other surveys reveal equally deplorable conditions: Barely one in six hospitals had X-ray and laboratory facilities available round-the-clock; only one in seven hospital administrators felt their own EDs were adequate in space, traffic flow, or location.

One of the major difficulties in emergency departments is physician coverage. Traditionally the responsibility of the intern, the ED needs the best qualified and the most experienced professionals, not the least, if lives are to be saved. Although a variety of new approaches have been tried in recent years, most have proved inadequate.

Rotation of hospital staff doctors, for example, has failed because a psychiatrist or a dermatologist can not necessarily perform a tracheotomy, deal with a gunshot wound, or use a defibrillator. Attempts to hire doctors specifically for the ED proved no better: These doctors invariably were either new practitioners trying to get started (they would quit when their situations improved), retired physicians no longer able to practice, or doctors whose personal problems, such as alcoholism, prevented them from maintaining their own private practice.

Today, successful solutions seem to depend on the institutions involved. In major hospitals, teaching institutions, and medical centers, residents (often supervised by a staff doctor) are commonly found in the EDs, with backup specialists always available; smaller hospitals use physicians specializing in emergency medicine—doctors making a career of staffing the EDs.

But politics itself infects the business of saving lives. "One of the greatest follies I've seen in some of our metropolitan areas is this business of political boundaries," Waters complains. "A fire engine or ambulance will roll up to a city line with its lights and siren going, and then refuse to cross into the adjacent city or county to render help. When human lives are at stake we've got to forget the parochialism of political entities."

Most experts agree that the regionalization of emergency medical systems is a necessity. In terms of both money and manpower, the wasteful duplication of facilities—for example, hospitals across the street from each other that offer the same highly specialized facilities, such as a burn center—simply cannot be afforded. "The pattern of the future," says Waters, "is very clear; large cities with sophisticated communications, transportation facilities, and major hospitals must provide help to the surrounding rural areas. In Jacksonville we're working on a medical evacuation proposal encompassing a twenty-two-county area of northeast Florida and southeast Georgia. We promise to offer our sophisticated Fire Control Center as the emergency medical communications nerve center for the area. A call to the center can bring a military helicopter or a special intensive-care ambulance to effect a transfer—each with our trained medical technicians."

But even if the finest emergency-care systems could be augmented nationwide, trauma would still be a serious problem. For example, one out of every ten trauma patients entering a hospital dies within a few hours, and doctors often don't know why. After forty years in the battle for better emergency care, Dr. Kennedy admits, "We still don't know what happens in trauma, and you can't lick a problem until you know what the problem is." Why does the vigorous person succumb to injuries that an older, less athletic person survives? Why do some of the body organs break down or stress ulcers appear? Why do burn victims on their way to recovery succumb to kidney failure? Why does pneumonia occur? Nobody really knows.

Until a year or so ago, only seven institutions in the country were being funded by the Institute of General Medical Sciences for trauma research. At the head of one of these, the Trauma Research Center of New York City's Columbia Presbyterian Hospital, is Dr. John M. Kinney, professor of surgery. Says

Kinney, "We're just beginning to learn more about the function of vital organs—that you don't need certain tissues in your body to function on a minute-to-minute basis for survival."

The lack of research on trauma is particularly frustrating because success in its treatment could be total. Unlike the seriously ill person, whose body organs are hopelessly destroyed and who must lead a restricted life, the victim of trauma, if kept alive, usually will recover completely. As Kinney explains, "If you can get the patient past the life-threatening period, he will be up and around, a functioning member of society once more."

Federal money is needed for this research and for improvement in our emergency services. This will require, however, that the government agree to provide funds for a relatively unglamorous form of research.

As Pennsylvania's Secretary of Health Dr. J. Finton Speller said at a recent national symposium, "President Nixon's war on cancer is a gamble in two respects: Ultimate success rests on the hope that we will discover scientific principles now unknown; and there is no way of guessing how many lives may eventually be saved." But, as Speller goes on to say, "To declare war on unnecessary death in the ditch, in the ambulance, and in the emergency department is no gamble at all."

Indeed, the tragedy of our national emergency care programs is clearly pinpointed by Dr. Fitts: "In the treatment of accidental injury, the gap between what can be done and what is being done is wider than for any other disease." The story of another trauma victim clearly illustrates the immense potential that is now being wasted.

At 11:00 p.m. on March 29, 1969, a thirty-eight-year-old professor at MIT was in a two-car head-on collision on Route 2 in Arlington, just outside Boston. At the nearby community hospital, a doctor shook his head as he examined the badly broken body. There seemed little hope of saving the professor's life, and restoring him to anything approximating normality seemed too remote even to consider. Nevertheless, two hours later the victim was in the Massachusetts General Hospital emergency ward. His skull was fractured, as were bones in his right lower leg and left forearm; his nose and most facial bones were crushed; his left hip and shoulder were dislocated as well as broken; his chest had collapsed, he had three broken ribs, and as a result he was having trouble breathing; his right eye was beyond repair and his left one questionable. Later, with tubes in his windpipe and chest, he developing pneumonia, a heart infection, and a fever of 106 degrees. A ruptured spleen necessitated more emergency surgery; one eye was removed and, for a while, he lost the sight in the other. He continually slipped in and out of mental clarity. All told there were seven major operations along with a few dozen other complications.

But on July 22, just four months after his accident, the professor *walked* out of the hospital! At least thirteen specialists had been involved in his medical care, not counting nurses, therapists, and social workers. Six weeks after leaving the hospital, he returned to his MIT duties, and the following summer he was mountain climbing.

How can we reduce the terrible toll of trauma? Dr. Kennedy points out that "It's the public that's got to do it; you can't do it by law." Toward this goal an infant movement called the Community Council on Emergency Medical Services, comprising representatives from all phases of our emergency system, has begun agitating for improved emergency treatment.

In Dr. Fitts' words, "The tools are available. There are enough men and women for the job in the population, but they must be recruited and trained. Coordination, cooperation, and leadership are needed for the Seventies."

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3702. A bill to expand the Boulder Canyon project to provide for the construction of a highway crossing of the Colorado River immediately downstream from Hoover Dam. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of myself and my colleague, Senator CANNON, I introduce for proper reference a bill to expand the Boulder Canyon project to provide for the construction of a highway crossing of the Colorado River immediately downstream from Hoover Dam.

Since at least 1967, a serious traffic situation has existed at the crossing of the Colorado River in the vicinity of Hoover Dam on U.S. Highway 93–466, in both Nevada and Arizona. The excessive traffic over this narrow and dangerous facility resulted in a request by Senator CANNON and myself to request an alternative traffic crossing to relieve the existing congestion and hazards present in the continuation of the highway across the crest of Hoover Dam.

In December of 1970, the Bureau of Reclamation awarded a contract to make a study of improvements in the accommodations for visitors at Hoover Dam. The report submitted in April 1971, included consideration of the impact that construction of the proposed bridge might have on visitor attendance, traffic congestion, parking, and existing facilities at the dam. The recommendations, relative to the bypass bridge crossing the Colorado River below Hoover Dam, are "that plans for the planning, design, and execution of the highway bypass be started as soon as possible." It concludes saying that by 1975, without a bypass, through-traffic will have to be diverted or else traffic in, around, and through the project area will be unmanageable, with restrictions on visitation at the dam.

We urge early committee consideration of this very critical proposal.

By Mr. BIBLE:

S. 3703. A bill granting the consent and approval of Congress to the California-Nevada Interstate Compact. Referred to the Committee on the Judiciary.

Mr. BIBLE. Mr. President, I introduce for proper reference a bill to grant the consent and approval of Congress to the California-Nevada Interstate Compact.

This legislation is being introduced at the request of the Nevada members of the California-Nevada Interstate Compact Commission as set out in a letter signed by Mr. Roland D. Westergard, the chairman of the Nevada delegation.

On March 17, 1971, a similar bill was introduced in the House of Representatives by Congressman HAROLD JOHNSON of California, who represents that portion of California covered by the proposed water compact. Since that time, numerous meetings have been held between the administration and representatives of the States to try to resolve some of the differences that apparently existed between them.

Since little progress has been made in these negotiations, I have been requested to submit the proposal on the Senate side. In accordance with the request, I am submitting the bill today.

By Mr. FULBRIGHT:

S.J. Res. 241. A joint resolution authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, I send to the desk a joint resolution approving the interim agreement between the United States and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms, with an accompanying protocol, hereafter referred to as the Interim Agreement.

The letter from the Secretary of State to the President, which is included in the documents submitted today to the Senate, points out that the Interim Agreement can, by its terms, enter into force only upon the exchange of written notices of acceptance by both countries and only when and if the ABM Treaty is brought into force.

In view of the fact that the Committee on Foreign Relations will begin hearings in the near future on the treaty and this Interim Agreement, I thought it would be helpful to have a specific joint resolution referring to the Interim Agreement before the committee.

By Mr. MANSFIELD and Mr. SCOTT:

S.J. Res. 242. A joint resolution approving the acceptance by the President of the United States of the interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms. Referred to the Committee on Foreign Relations.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader (Mr. SCOTT) and myself, I send to the desk a joint resolution and ask that it be read and referred to the appropriate committee.

The PRESIDING OFFICER. The joint resolution will be read by the Clerk.

The legislative clerk read the joint resolution by title, as follows:

> A joint resolution approving the acceptance by the President of the interim agreement between the United States and the Union of Soviet Socialist Republics on certain measures with respect to a limitation of strategic offensive arms.

The PRESIDING OFFICER. Without objection, the joint resolution will be received and appropriately referred.

By Mr. MATHIAS:

S.J. Res. 243. A joint resolution relating to U.S. support of United Nations measures to provide and coordinate disaster relief. Referred to the Committee on Foreign Relations.

Mr. MATHIAS. Mr. President, in past years we have witnessed natural and other human disasters in many parts of the world. These misfortunates have brought unequalled misery and despair to millions of men, women, children and elderly people whose only offense was to be in the wrong place at the wrong time—in the path of cyclones and civil disturbances, of earthquakes and political upheaval. This country has a proud tradition of response to the appeals for aid and relief from the weak and defenseless. But as the tragedies in Peru, Turkey, and Yugoslavia have shown us in recent years, no single nation's resources and determination to help another are sufficient in times of major catastrophe.

Such problems are better dealt with by international mechanisms which distribute humanitarian burden-sharing among those who are best able to help. As we have seen in cases of Biafra and Bangladesh, although disaster may grow out of political conflicts, especially in secessionist movements in developing countries, the consequences for innocent people caught in the path of advancing armies and campaigns of guerilla warfare are almost always duplication of the disasters wrought by nature—hunger, famine, pestilence and urgent shortages of food and medical facilities. The same kinds of reconstruction and rehabilitation efforts are needed in tragedy's aftermath. But because of complex foreign policy considerations, individual nations are not always able to respond to human needs with the speed which a single sense of humanity would otherwise dictate. In such cases, as in cases of earthquakes, drought, cyclones, tidal waves, epidemics and hurricanes, there is an international alternative to bilateral relief efforts. The organizational potential exists awaiting only the standing agreements which will make it possible to move into such situations with the necessary speed.

I refer to the United Nations and its Office of Disaster Relief Coordination. This Office, established early this year, holds great potential for dealing with future natural and other disasters. Given the proper support from the member nations of the U.N., it could move quickly to prevent the human misery, mass starvation, malnutrition and death which we have seen on a previously unprecedented scale in recent years.

But if we truly want to improve and strengthen the U.N.'s potential for alleviating human misery and want, we will be much better served by constructive efforts such as those proposed in the legislation I introduce today than by petulant actions taken in the heat of anger and disappointment.

In January of this year, the Secretary-General of the United Nations appointed a distinguished international public servant, Mr. Faruk N. Berkol of Turkey, as the first United Nations Disaster Relief Coordinator. This position was authorized by the 26th General Assembly in response to the kinds of needs I have discussed earlier. His new office will be responsible for directing international relief efforts in cases of natural or other disaster, promoting the prevention and prediction of natural disasters, providing advice to governments on predisaster planning and disseminating information relevant to disaster relief.

This is a good beginning but the Office does not yet have the authority to deal with the most pressing problems which arise in the aftermath of disaster situations. It does not have the human or financial resources to conduct rehabilitation and reconstruction programs.

Today I submit a resolution that urges the President to express through our delegation at the U.N. a commitment to share in providing such material support for this disaster relief office. More importantly, the resolution urges for an unqualified American offer to provide a unit of 1,000 technical and noncombatant personnel from the Department of Defense to serve as a permanent standby unit subject to call by the U.N. This unit should serve as a symbol of America's faith in the United Nations and its principles.

This preparedness is crucial to the success of relief operations. I strongly believe that the American Government's capacity to act quickly and with a single voice in such situations requires a greater degree of organization within our own executive branch with established lines of authority and direction, than we have seen in the past.

It is a service neither to the recipients nor to the American taxpayer who pays for these worthy activities, that time and money be wasted while the bureaucracies of Federal agencies on the one hand and of national and international private and public relief agencies on the other dispute who is to provide what to whom. The fundamental value of this office at the U.N., provided that it receives the clout it requires, is that such wasteful delays would be a great deal less likely to occur. This new program merits U.S. support and participation. My resolution would help to advance that worthy objective.

Mr. President, my resolution would: First, establish within the Department of Defense a permanent unit of 1,000 technical and noncombatant personnel of the Department who shall answer any call for assistance issued by the U.N. Disaster Relief Coordinator and who shall be known as the First Brigade—Forces for International Relief on Standby; second, have the President instruct our United Nations delegation to offer further assistance to the U.N. Office of Disaster Relief in concert with other nations; and third, set forth a series of objectives which we believe this Office should seek to achieve, including: First, the prevention, prediction, and control of disasters; second, predisaster planning and preparedness, including stockpiling, training, and assistance from abroad; third, contingency plans for each country of the world or of geographic regions with a history of disasters of severe or frequent nature; fourth rehabilitation and reconstruction; fifth, international organizational arrangements necessary to effect appropriate relief; and sixth, financial arrangements necessary to effect such relief.

Mr. President, I submit the text of this joint resolution and ask unanimous consent that it be printed at the conclusion of my remarks along with the summary and conclusions of a comprehensive report of the Secretary-General of the United Nations, entitled, "Assistance in Cases of Natural Disaster."

This afternoon we will be asked to restore $50 million to the full authorization of $100 million for relief assistance to Bangladesh for the coming year. While I support this move, I think that in the future more and more of this aid should be channeled through international relief efforts such as that I have outlined here today.

There being no objection, the joint resolution and material were ordered to be printed in the RECORD, as follows:

S.J. RES. 243

Whereas, recent experience with disasters in Turkey, Peru, Yugoslavia, Nigeria and Bangladesh demonstrate an urgent need for coordinated international efforts in such cases; and

Whereas the United Nations recently established a permanent Office of Disaster Relief Coordination, to provide and coordinate disaster relief, which office can be an important instrument in maintaining international stability: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress urges the President to instruct the United States delegation to the United Nations to prepare and submit to the United Nations General Assembly an offer to furnish, in concert with other members of the General Assembly, support to the United Nations Office of Disaster Relief Coordination which was established to provide and coordinate disaster relief to any country or region of the world which has been affected by a disaster and solicits such relief.

(b) Such offer should include support to the Office so that the Office may achieve the following objectives—

(1) the prevention, prediction, and control of disasters;

(2) pre-disaster planning and preparedness, including stockpiling, training, and assistance from abroad;

(3) contingency plans for each country of the world or of geographic regions with a history of disasters of severe or frequent nature;

(4) rehabilitation and reconstruction;

(5) international organizational arrangements necessary to effect appropriate relief; and

(6) financial arrangements necessary to effect such relief.

SEC. 2. (a) In affirming the belief of the United States that providing and coordinating disaster relief through the United Nations Office of Disaster Relief Coordination is an essential element in any workable plan for world peace, there is established within the Department of Defense a permanent unit of 1,000 technical and noncombatant personnel of the Department. Such unit shall be known as the FIRST Brigade—Forces for International Relief on Standby. Upon a call of the United Nations Disaster Relief Coordinator, the FIRST Brigade or such members thereof as are called for by the Coordinator, shall be detailed to the Office unless the President determines that detailing the FIRST Brigade or members thereof, as the case may be, would endanger the security of the United States or determines that the disaster region is within an area of ongoing military conflict or civil disturbance. Members of the FIRST Brigade, while so detailed, shall be considered for all purposes as personnel of the United States Government.

(b) In submitting to the United Nations General Assembly the offer referred in the first section of this Act, the United States delegation to the United Nations should also communicate to the General Assembly that the United States has established the FIRST Brigade as evidence of its support of the Office and of its faith in the United Nations and its principles.

ASSISTANCE IN CASES OF NATURAL DISASTER—COMPREHENSIVE REPORT OF THE SECRETARY-GENERAL

International Bank for Reconstruction and Development (IBRD) and the International Monetary Fund (IMF) might be of particular value to those involved in such negotiations.

VII. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

100. An attempt has been made in this report to outline some of the ways in which international assistance in connexion with natural disasters might be strengthened. It has identified four main areas to which such increased assistance might be directed: prevention, control and prediction; planning and preparedness; the better organization of relief action when the emergency occurs; rehabilitation and reconstruction. While a Government should be able to count on the help of the international community, provided through Governments, the League of Red Cross Societies and other voluntary agencies or the United Nations organizations, in its preparations against or its efforts to meet such emergencies, the primary responsibility for protecting the life, health and property of people within its frontiers and for maintaining the essential public services rests with that Government. International assistance can only supplement, and will depend very largely for its effectiveness on, the efforts of the country itself through its Government or through such organizations as its national Red Cross society.

101. It is to be hoped that apart from particular defensive or preventive measures required to meet recurrent catastrophes, disaster-prone countries will take steps, where necessary, to:

(a) Establish a pre-disaster plan (or improve an existing plan) specifying, *inter alia*, the organizational arrangements in case of disaster (including areas of ultimate responsibility and chains of command), the available national resources and sources from which other emergency needs can be met;

(b) Strengthen the national Red Cross society or similar body;

(c) Train officials and others for action in disaster situations and to execute particular aspects of the plan, and strengthen the administrative infrastructure in general; establish stockpiles of non-perishable emergency supplies and, where possible, cash reserves as well as, in certain cases, stockpiles of food;

(d) Take legislative or other steps to facilitate the receipt of aid (covering import duties and restrictions, visas, overflight and landing rights and the like as well as special conditions in respect of relief units);

(e) Endeavour to improve national warning systems, where necessary, and arrangements for ensuring that the warnings reach the public;

(f) Ensure by legislation where relevant, that the minimum risk is run by people living (and housed) in disaster-prone areas;

(g) Consider including in their country programmes projects relating to the study, prevention or mitigation of natural disasters.

102. It is hoped that for their part the Governments of countries which expect to give aid will:

(a) Increase the volume and scope of the aid they are prepared to provide, including (i) special equipment and logistical support (vehicles, aircraft including helicopters, hovercraft and other vessels, specifying as far as possible the nature and extent of this aid, with details regarding their type, capacity, range, crews, maintenance and accessory equipment of the vehicles and aircraft); (ii) Relief units, with information concerning the equipment these expect to bring and the timing of their contribution;

(b) Assist, where possible, in establishing appropriate stockpiles (in co-operation with the Red Cross or otherwise);

(c) Take steps to arrange for the co-ordination of their assistance and that of national voluntary organizations and encourage co-ordination among the latter;

(d) Endeavour to co-ordinate their own contribution with that of other donor Governments;

(e) Co-operate with the United Nations permanent office, keeping it advised of the available resources, and informing it immediately of their deployment after a disaster.

103. The League of Red Cross Societies and other international voluntary organizations should be encouraged to develop their traditional activities, not least in

(a) Strengthening national Red Cross societies and similar bodies;

(b) Helping in the preparation or strengthening of national pre-disaster plans, the basic elements of which have been recommended in the Red Cross Disaster Relief Handbook of the League of Red Cross Societies;

(c) Assisting in the establishment of appropriate stockpiles at the subregional and national levels;

(d) Assisting in training programmes and seminars;

(e) Strengthening cooperation among themselves and with their Governments and contributing to the over-all coordination of assistance through close cooperation with the United Nations in the field (in particular between Red Cross delegates and resident representatives) and generally through constant and full exchange of information.

104. Individual United Nations organizations should continue to act promptly in the cases of disaster in accordance with their resources and constitutional obligations. Over the years, they have built up a considerable capacity for assisting Governments at such times, and for contributing to the control or mitigation of the effects of disasters. Among recent developments one may note with satisfaction that the UNICEF emergency reserve has just been increased; that UNDP is now able to speed its assistance to disaster-stricken countries as well as supporting project related to the study, prevention or mitigation of natural disasters; and that IBRD has likewise given greater assistance to countries in connexion with the long-term effects of disasters.

105. Many areas of activity will, on the other hand, require strengthening if the United Nations system (in cooperation with donor Governments, the League of Red Cross Societies and other voluntary agencies) is to play the larger role expected of it. In addition to information services and training programmes, these areas include:

(a) UNESCO activities in scientific research relating to natural phenomena (especially earthquakes, volcanic eruptions, avalanches and the like), including the extension of reconnaissance missions to flood and avalanche disasters;

(b) WMO activities in scientific research relating to natural phenomena (especially wind storms), in association with United Nations regional economic commissions, where geographically relevant, with a view to improving

(i) Preventive/protective measures;

(ii) Predictive and warning systems;

(c) United Nations activities in developing improved methods of building and planning to mitigate or prevent the disastrous effects of natural phenomena and in developing the United Nations communications network;

(d) WHO action in emergency situations and in pursuit of its basic long-term objectives, including activities both before and after the occurrence of a disaster, for the improvement of health infrastructure, in continued collaboration with other organizations in the United Nations system and with the League of Red Cross Societies;

(e) FAO/WFP provision for potential increase in resources to meet needs in years when a large number of emergencies occur;

(f) ITU interest in developing the availability of transmitters and equipment for use in emergencies;

(g) WMO interest in exploring the possibility of having mobile meteorological stations for use when existing facilities have been destroyed or disrupted by a disaster;

(h) ICAO research and rescue service, which might be applied in certain natural disaster situations; also arrangements for special overflying, refueling and landing rights.

106. To stimulate further action in the various areas in question and to help in ensuring that international assistance is as effective and well co-ordinated as possible, will call for a concerted effort among the organizations of the United Nations system. The role of the competent organs of the United Nations—including that of the Secretary-General himself—in ensuring co-ordination will be of particular importance. As regards the specific actions envisaged at the national level, the resident representatives of UNDP, aided by the technical expertise of the agency and UNICEF representatives, should play a major part in their respective countries of assignment, while the central responsibility will fall on the permanent office in the United Nations envisaged in General Assembly resolution 2717 (XXV). The nature and extent of the functions of that office have already been outlined in detail. Here it may suffice to say that:

(a) the office must maintain continuing contacts with the Governments of potential recipient and donor countries, as well as countries of transit; with the United Nations aid-giving agencies and programmes which will be expected to maintain close contact with the office and keep it advised of all relevant activities, as well as with the League of Red Cross Societies and other major voluntary agencies; and with the resident representatives, to whom it must be in a position to provide the support of experienced staff in time of emergency;

(b) it must be able to arrange assistance to disaster-prone countries in pre-disaster planning and disaster-preparedness arrangements;

(c) it must collect, digest, keep up to date and disseminate to those concerned the mass of detailed information concerning the affected country and its resources which is essential for the effective organization of assistance, as well as concerning available aid from within and outside the United Nations system;

(d) top level meetings should take place as necessary between the head of the office and the executive heads of relevant United Nations organizations, and furthermore the operation of the office as well as the programmes of individual United Nations organizations, should be kept under the constant review of the Administrative Committee on Co-ordination;

(e) while the office, at least at the outset, can be quite small, it would in the Secretary-General's view be better not to increase United Nations involvement in the area of assistance in connection with natural disasters if the funds necessary for the modest staffing and other costs required (including facilities for rapid communications) cannot be guaranteed. The risk must be avoided of raising hopes that cannot be fulfilled.

107. The important questions of the location and the over-all direction of the proposed office are left open pending expression of the views of Member States, particularly as regards the precise nature and extent of responsibilities Member States would wish the office to assume.

108. It is recommended that a modest financial provision be made by the United

Nations in respect of assistance requested by disaster-prone countries in pre-disaster planning and preparedness. Stress is also laid on the need for a substantial increase in the funds available to individual Governments, national Red Cross societies and the League of Red Cross Societies for immediate use in case of emergency. More generally, if the objectives of the General Assembly resolutions are to be adequately met, there will be need in the coming years for increased—and in some fields greatly increased—contributions from Governments, voluntary organizations and intergovernmental organizations.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3291

At the request of Mr. Packwood, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 3291, a bill to amend the Tariff Schedules of the United States with respect to the rate of duty on certain types and uses of fish nets and netting.

S. 3339

At the request of Mr. Saxbe for Mr. Schweiker, the Senator from New York (Mr. Javits) was added as a cosponsor of S. 3339, a bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project."

S. 3536

At the request of Mr. Taft, the Senator from Massachusetts (Mr. Brooke) was added as a cosponsor of S. 3536, a bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents.

S. 3616

At the request of Mr. McIntyre, the Senator from Wisconsin (Mr. Nelson) was added as a cosponsor of S. 3616, a bill to provide for the prompt resolution of certain disputes relating to Government contracts, and for other purposes.

SENATE RESOLUTION 319—SUBMISSION OF A RESOLUTION TO CREATE A SELECT COMMITTEE ON THE COORDINATION OF THE ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

(Referred to the Committee on the Judiciary.)

FBI OVERSIGHT COMMITTEE

Mr. HARRIS. Mr. President, I am submitting today with the junior Senator from Montana (Mr. Metcalf) a resolution to establish an FBI congressional oversight committee. According to the provisions of this bill, the majority leader of the Senate would select three Senators, no more than two from a single party, to serve on the oversight committee. Similarly, the Speaker of the House of Representatives would select three Congressmen. The members of the committee would select their chairman by secret ballot at the beginning of each session of Congress.

Now is an opportune time, in my opinion, for the Congress to adopt this legislation. For more than 50 years there has been no congressional investigation of the FBI's work. This is a clear failure on the part of Congress to perform its function. But, ironically in view of the controversy which surrounded Mr. Hoover, so long as he remained Director, both friends and critics of the FBI may have been somewhat less concerned about Congress' failure to act. With Mr. Hoover as the FBI's head, there was some certainty about the use to which the Bureau would put its massive power. There was, in short, a pattern of behavior, whether we agreed with it or not, which was predictable. There was some assurance that no administration would be able to any great extent to use the FBI's resources for narrow partisan purpose.

This may be the reason for Congress' lack of vigilance; nonetheless, the record is shameful. No committee of the Congress has probed the operations of the FBI since a brief investigation of the Palmer raids by the Senate Judiciary Committee in 1921. Since that date, the only congressional review has taken place during the annual requests for appropriations. But because of Mr. Hoover's unique position in American life, hearings on the FBI's activities have been completely perfunctory. FBI budget requests have been seldom questioned and never reduced. Rather they have increased year after year. In fiscal year 1971, for example, the Bureau operated on a budget of $335,000,000 and employed 8,482 agents. And it is worth stressing, Mr. President, that like the CIA, the FBI remains free from examination by the General Accounting Office.

Given this past record, today we are in the position of not really knowing what the scope of the FBI's work really is. In fact, only on two occasions has the veil which shrouds the FBI been lifted. In 1949, in the trial of Judith Coplon for espionage, the Government was forced to produce 28 Bureau reports dealing with national security matters. These took up approximately 800 typewritten pages of the record. Then, in 1971 a group calling itself the Citizens' Commission to Investigate the FBI, entered the Bureau's office in Media, Pa., and carried off all of a large proportion of its files, some 800 altogether. Some of these files subsequently were made available to newspapers and others.

The picture which emerged from these sources of information suggests that the FBI predictably considers its function primarily as constituting the first line of defense, and the major bulwark, against threats to the national security. But these documents also suggest that the concepts of "loyalty and subversive" activity, as developed by the Bureau, carry it very far in the direction of viewing all militant or racial dissent as a threat to the national security. These two sources of information—the Coplon reports and the Media documents—identify the following examples of FBI actions in the political arena: First. Because the actor Frederic March and his wife, Florence Eldridge, were reported to have participated in the activities of various organizations associated with the Henry Wallace movement, a dossier was prepared on their actions. Second. A music student was investigated because he visited the New Jersey headquarters of the Communist Party and talked with his mother there. Third. Another person came under surveillance because he "was connected with some pro-Israel organization which was sending representatives to various parts of the world." Fourth. The Media documents established that:

> The FBI ordered discreet preliminary inquiries . . . into all BSU's (Black Student Unions) and similar organizations organized to project the demands of black students, which are not presently under investigation.

Fifth. A watch was kept on other black organizations including CORE, SCLC, the Black Coalition, National Black Economic Conference, and a settlement house.

Other isolated cases of FBI actions in the political arena which have come to light include the following: First. In April 1971 Senator Edmund S. Muskie revealed that the Bureau had conducted a "widespread surveillance of antipollution rallies held on Earth Day, including one in which the Senator himself had been a speaker. Second. In 1958 the FBI informed agents in the FBI Bulletin that:

> All Americans should view with serious concern the announced intentions and threats by a political candidate, if elected, to take over and revamp the FBI to suit his own personal whims and desires.

This statement was believed to be directed against the candidacy of Senator Eugene McCarthy. Third. On another occasion George McGovern was running for the Senate against Senator Karl Mundt in South Dakota. The FBI made public a letter praising Senator Mundt's anti-Communist activities.

Many Americans would question the propriety of such clearly political actions as we have cited originating from the chief police organ of the Federal Government. Even more troubling, however, is the possibility that the enormous amount of sensitive information gathered by the FBI about the private lives of millions of individuals may find its way into the public domain and undermine the constitutional rights of American citizens.

In 1971, the FBI had an estimated 200 million fingerprint cards in its files, and nearly 6 million investigative files. The proportion of Bureau resources devoted to national security matters is not precisely known, but it has been estimated that the Bureau has 2,000 agents investigating political activities. Other evidence on this point comes from a breakdown of the documents stolen from the Media office. Of over 800 files taken, 40 percent involved political surveillance.

Although charges that the FBI under Hoover evolved into a "Gestapo" are far-fetched, there have been cases of this sensitive information being used for partisan purposes. In 1954 Attorney General Brownell read material from Bureau files in making an attack on the previous Democratic administration for continuing Harry Dexter White in Government service. President Truman followed a general policy of refusing to disclose Bureau files, but in some cases was guilty of allowing individual Congressmen to see them at the White House.

President Eisenhower adhered to the general policy of nondisclosure, but conceded that summaries and factual information about Bureau files had been turned over to congressional committees. Vice President Nixon, in October 1954, disclosed extensive material from Bureau files in an attack upon Representative Robert L. Condon of California.

Senator Joseph McCarthy's Permanent Subcommittee on Investigations obtained substantial amounts of material from Bureau sources, apparently by way of military intelligence. Likewise in the Senate debate over the confirmation of Charles E. Bohlen to be Ambassador to the Soviet Union, Senator Gillette described several items of information which had come from the Bureau by way of Secretary of State Dulles.

Perhaps the most alarming example of a leak of information was reported by the New York Times. In a September 7, 1971, report, the Times disclosed that a former major general by the name of Ralph H. Van Deman—one time head of Army Intelligence—and his wife maintained after Mr. Van Deman's retirement a private collection of files on 125,000 alleged "subversive" persons and organizations. Said the Times:

> The heart of the Van Deman files, according to military sources who have seen them, comprises confidential intelligence reports that General Van Deman obtained regularly from Army and Navy intelligence and from the Federal Bureau of Investigation.

I cite these examples not in order to condemn the FBI but to point to the danger of uncontrolled power. Given the total lack of interest by the Congress in the FBI's activities over the years, the astonishing fact is not that such abuses took place but that their extent is not greater than it is. Indeed, the parties guilty of releasing sensitive information in many of these cases is not an official of the FBI but a political figure with access to FBI files.

The question now, however, is whether the Bureau's record in the field of civil liberties will deteriorate or can be improved. A February 8, 1971, article in the Nation quotes a former FBI agent on this point:

> I have always been terrified of what might happen after (Hoover) leaves. There is enough data in those files to make them the damndest Gestapo outfit this country has ever seen.

We do not have to accept the alarmist tone of this view to understand that with the departure of Mr. Hoover—a man who ran the FBI with an iron hand—the Nation faces some special problems. There is an immediate need to establish orderly and established procedures for overseeing the important work which the FBI carries out. There is an urgent necessity to prevent any occupant of the White House, from whatever party, from abusing the enormous power which any man he appoints as FBI Director will gain. There is a clear requirement that the Congress play a more active role in protecting the constitutional rights of all Americans from abuse as the FBI carries out its studies in the field of counterespionage.

It is with these points in mind that I am submitting my proposal for an oversight committee. The committee which my bill would establish should, in my opinion, immediately undertake a thorough study of the FBI under the new conditions which will be created by the passing of Mr. Hoover. It might give consideration to such questions as the following: Limiting through legislation the term of office of the new Director. One need not be dogmatic about the actual length; the important point would be the principle. The New York Times in 1971 suggested a period of 4 or 5 years. The 1968 Omnibus Crime Control and Safe Streets Act originally had a clause, which was defeated, providing for a 15-year term.

Bureaucratic relationship between the Attorney General and the FBI Director. The late Robert Kennedy appears to have been the first Attorney General in years to visit FBI district offices and to issue an order to agents. This is unfortunate and steps should be taken to make the FBI an integral part of the Justice Department.

Legal authority for counterespionage of the FBI. When Mr. Hoover was promoted to Director in 1924, Attorney General Harlan Fisk Stone cut back the FBI's operations to strictly law enforcement activities. But in 1936 President Roosevelt called Mr. Hoover to the White House and directed him to "have investigation made of subversive activities in this country." This was the beginning of the rapid expansion of the FBI into the arena of counterespionage. Clearly with the passage of so many years, the responsibilities of the FBI in this field require full congressional investigation. This review might also study the statutory authority of the FBI to conduct work in criminal cases since there are now some 257 laws and Executive orders empowering the FBI to take action in various fields. There is need for a systematic investigation of all these laws and orders.

Periodic review and evaluation of Bureau operations by an independent body. This might take the form of a distinguished presidential commission. This would be in addition to the committee's own review. Both the committee and the commission definitely should study procedures for eliminating false and irrelevant information from the files on private citizens.

Mr. President, long ago Edmund Burke noted that the greater the powers, the more dangerous the abuse. So long as nations exist, espionage remains a probability and the development of counterespionage techniques is a necessity. But this reality does not relieve the Congress of its obligation to the citizens of this country to protect their constitutional rights.

Now is the time, not 10 months from now, for the Congress to assume its responsibilities. If the Congress does not act before the next election to establish an oversight committee, then any subsequent action of this nature will be seen as a personal rebuke to the future Director of the FBI. This fact will only make it more difficult for the Congress to take the steps required. The Congress should therefore do today what it should have done long ago.

Mr. President, I ask unanimous consent that the text of my resolution be printed at this point in the RECORD. I urge the support of my fellow Senators on this important piece of legislation.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 319

Whereas it is the responsibility of the Congress to exercise general oversight with respect to the activities of U.S. Government agencies; and

Whereas the Federal Bureau of Investigation is charged with the responsibility of protecting the internal security of the United States and collecting sensitive information pertaining to political crime, espionage and civil disorders; and

Whereas the Federal Bureau of Investigations in carrying out this duty, is also charged with the responsibility of protecting the Constitutional rights of American citizens; and

Whereas there has been no Congressional Investigation of the Federal Bureau of Investigation since the brief investigations of the Palmer raids by the Judiciary Committee in 1921; and

Whereas many of the activities of the Federal Bureau of Investigation are not suitable for public debate yet should be subject to impartial Congressional oversight: Therefore be it

Resolved, That there is hereby created, effective at the beginning of the Ninety-third Congress, a select committee to be known as the Select Committee on the Coordination of the activities of the Federal Bureau of Investigation to consist of three Senators and three Congressmen of whom the Senators shall be appointed by the Majority Leader of the Senate, and the Congressmen shall be appointed by the Speaker of the House of Representatives. No more than two of either House shall be from the same political party. The chairmanship of the select committee shall alternate at the beginning of each new session of the Congress between a member of the House and a member of the Senate. The select committee shall select the chairman at the beginning of each session by secret ballot.

SEC. 2. (a) It shall be the function of the select committee to oversee the coordination of all activities of the Federal Bureau of Investigation including its responsibilities pertaining to political crime, espionage and civil disorders. In carrying out its functions under this resolution, the select committee shall keep itself fully and currently informed of all such activities.

(b) The select committee shall meet at least once a month while the Congress is in session and at such other times as the select committee shall determine.

SEC. 3. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate and the House; (2) to hold hearings; (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Congress; (4) to employ personnel; (5) to subpoena witnesses and documents; (6) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel, information, and facilities of any such department or agency; (7) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Congress may procure such services and provide such assistance under section 202 (i) and (j), respectively, of the Legislative Reorganization Act of 1946; (8) to interview employees of the Federal, State and local governments and other individuals; and (9) to take depositions and other testimony.

(b) The select committee shall have a professional staff of at least three members appointed by agreement of the senior House and Senate member of the select committee from the majority party and the senior House and Senate member of the select committee from the minority party.

(c) Subpoenas may be issued by the select committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the select committee or any member thereof may administer oaths to witnesses.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the select committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 5. The select committee shall take special care to safeguard information affecting the Constitutional rights of U.S. citizens and the national security.

SEC. 6. The expenses of the select committee under this resolution, which shall not exceed $250,000 through February 28, 1973, shall be paid from the contingent fund of the Congress upon vouchers approved by the chairman of the select committee.

EXTENSION OF SERVICEMEN'S GROUP LIFE INSURANCE—AMENDMENT

AMENDMENT NO. 1224

(Ordered to be printed and referred to the committee on Veterans' Affairs.)

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (H.R. 14742) to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve up to age 60.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1225

(Ordered to be printed and to lie on the table.)

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1229

(Ordered to be printed and to lie on the table.)

Mr. STENNIS submitted an amendment intended to be proposed by him to the bill (S. 3390), supra.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENT

AMENDMENT NO. 1226

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE (for himself and Mr. ERVIN) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

LEAD-BASED PAINT POISONING PREVENTION ACT—AMENDMENT

AMENDMENT NO. 1227

(Ordered to be printed and to lie on the table.)

Mr. SCHWEIKER. Mr. President, I introduce an amendment to S. 3080, a bill to amend the Lead-Based Paint Poisoning Act, and for other purposes.

I have discussed this amendment with members of the Labor and Public Welfare Committee, which considered S. 3080 and on which I serve, and the chairman and members of the committee have indicated their support for my amendment. The amendment has also been brought to the attention of the Senate Banking, Housing, and Urban Affairs Committee, since it pertains to federally insured housing, and the chairman has indicated to me that he believes this amendment would be acceptable to his committee.

Lead-based paint for interior household use which contained very high percentages of lead compounds, at least 50 percent in several cases, was in fairly wide use during the years before 1950. As a consequence, much housing in existence today which was constructed prior to 1950 is likely to contain paint with these very high levels of lead compounds. My amendment would require the Secretary of Housing and Urban Development to establish procedures to minimize the hazards of lead-based paint poisoning when inspecting residential housing constructed prior to 1950 for which an application for mortgage insurance or housing assistance payments has been made.

Before approving such a mortgage or initiating a subsidized program, HUD is currently inspecting such property to determine compliance with code enforcement and the value of the property for mortgage purposes. Therefore, these procedures would not present an additional burden to HUD. The amendment would require the Secretary to establish procedures to eliminate the hazard when paint in housing constructed prior to 1950 is found to be cracking, scaling, peeling, or loose. This is the condition in which it can most easily be eaten by small children who are subject to the disease of pica, an appetite for nonfood items.

The amendment would also require the Secretary to give to the buyers of such housing assured written notification of the hazards of lead-based paint, as well as a description of the symptoms and treatment of lead-based paint poisoning together with information concerning the importance of the removal of such hazards and techniques currently available to do so.

I have long been concerned with the need to provide a solution and an end to the very serious problem of lead paint poisoning. We should use every means available, and my amendment would incorporate into an existing HUD procedure the means to warn the buyer of the hazard of lead-based paint and remove the immediate danger before he moves into the house.

S. 3080, the bill which we consider today to extend and expand the Lead-Based Paint Poisoning Prevention Act, would provide a major vehicle for ending for all time this tragic disease by providing additional resources to aid communities in detection and treatment of lead-based paint poisoning as well as assisting them in identifying problem areas where lead-based paint presents a high risk. My amendment to this bill will further increase the ability of the Federal Government to attack this tragic and totally preventable disease.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1227

At the end of the bill add the following:

SEC. 8. (a) Title III of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. seq.) is amended—

(1) by adding at the end thereof the following:

"FHA REQUIREMENTS

"SEC. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedures to minimize the hazards of lead-based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall provide for (1) appropriate measures to eliminate, wherever feasible, immediate hazards due to the presence of cracking, scaling, peeling, or loose paint which may contain lead and to which children may be exposed, and (2) assured notification to purchasers of such housing of the hazards of lead-based paint, of the symptoms and treatment of lead-based paint poisoning, and of the importance and availability of maintenance and removal techniques for minimizing or eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his discretion, that such housing presents hazards of lead-based paint."; and

(2) by inserting after "PROGRAM" in the caption of such title, a semicolon and the following: "FHA REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of 90 days following the date of enactment of this Act.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1228

(Ordered to be printed and referred to the Committee on Finance.)

Mr. NELSON. Mr. President, I am introducing today an amendment that would change the method of financing the special minimum benefit approved recently by the Finance Committee.

The committee's provision provides a special minimum of $10 per year for each year of covered employment in excess of 10 years. This benefit would be paid as an alternative to the regular benefit if a higher payment would result.

This provision would only benefit people with 18 or more years of employment; for a worker with 18 years of covered employment, the special minimum benefit would exceed the regular minimum—$80 as compared with the minimum benefit of $70.40 under present law—or $74 in H.R. 1 as passed by the House.

Under the committee's provision, a worker with 20 years of employment under social security would receive a minimum benefit of $100; one with 30 years would receive $200. The minimum benefits for people with various years of covered employment are as follows:

Years of covered employment	*Special minimum benefit*
17	[1] $74
18	80
19	90
20	100
21	110
22	120
23	130
24	140
25	150
26	160
27	170
28	180
29	190
30 or more	200

[1] The regular minimum benefit as provided by the House-passed version of H.R. 1. For years of employment less than 18, the regular minimum benefit would be higher than this special minimum.

Without question, the committee's provision serves an important social goal: to provide a recent retirement income for people who have worked for many years in covered jobs at low wages. Under the present system it is possible to work in covered employment for 30 years and still receive a retirement benefit that is well below the poverty level. The committee's amendment would change that.

But the committee's provision has one major shortcoming. It finances benefits out of the payroll tax that should properly be financed out of general revenues. This amendment would remedy the defect by financing the new minimum from the general fund.

Obviously, the new minimum would represent a sharp departure from the principle that benefits should be actuarially related to past contributions. No doubt, in this case, the departure serves a desirable social objective. But for this very reason, the new minimum should be paid for by all of society, not just by wage earners.

Shifting the financing of the new minimum benefit to general revenues is also desirable from the standpoint of our total tax system. On three separate occasions over the last 8 years, we have reduced one or the other of our two progressive taxes—the personal income tax and the corporate profits tax. Meanwhile, regressive taxes like the social security tax have been increasing dramatically. In the period 1961–72, it is estimated that the percentage of national income raised by the payroll tax rose from 3.9 percent to 6 percent.

The overall result is a tax system that places a greater burden on those who can least afford it, and a lesser burden on those who can.

It is estimated that the new minimum provision would cost $300 million and increase benefits for 1.3 million people in the first year—this assumes a 10-percent increase in social security benefits. If a larger increase is approved, the cost and the coverage of the new minimum benefit would be less—on a long-term basis, the cost would be $1.3 billion a year.

In future years, the annual cost would rise up to and above $1.3 billion, as the retired population comes to include a greater proportion of people who have been in covered employment for many years. Subsequently the cost would decline as benefit levels rise, and fewer and fewer people have benefits below $200. Eventually, the new minimum benefit would phase out.

Of course, this is not the first proposal to introduce general revenues into the Social Security System. The idea was recommended by the Committee on Economic Security, whose work led to the Social Security Act of 1935. This recommendation was reiterated by the Advisory Councils on Social Security of 1938 and 1948. The labor movement has for some time supported a plan to finance one-third of the system from general revenues.

But this proposal is much more modest. Only the additional cost of providing the new minimum benefit—of helping a specific group of long-term workers—would come from general revenues. And the drain on the Treasury would be temporary, ending when the new minimum benefit phases out over time.

Mr. President, I ask unanimous consent that two letters endorsing this amendment from Dean Wilbur Cohen of the Michigan University Graduate School of Education and from Mr. Andrew Biemiller of the AFL–CIO, along with the text of the amendment itself be printed in the RECORD at this point.

There being no objection, the amendment and letters were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1228

On page 134, between lines 15 and 16, insert the following new section:

GENERAL REVENUE FINANCING FOR SPECIAL MINIMUM PRIMARY INSURANCE AMOUNT

SEC. 144. In addition to any other sums authorized to be appropriated, for any fiscal year, to the Federal Old-Age and Survivors Insurance Trust Fund or to the Federal Disability Insurance Trust Fund, there is hereby authorized to be appropriated to each of such Funds, for each fiscal year, such sums as may be necessary to place each of such Funds in the same financial position at the end of such fiscal year as the financial position which such Fund would have been in at the end of such year, if section 103 of the Social Security Amendments of 1972 had not been enacted.

THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., May 23, 1972.

Hon. GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: This is in response to your request for my views on your amendment to H.R. 1 to provide that the cost of the special minimum benefit in the Old Age, Survivors and Disability Insurance Program (as approved by the Senate Finance Committee) should be financed out of general revenues.

I strongly support such an amendment.

In a very significant article published in June 1938, the then Actuary of the Metropolitan Life Insurance Company, Mr. Reinhard Hohaus, pointed out that a social insurance program aims at providing both equity and adequacy. The equity objective in the Federal Old Age, Survivors and Disability Insurance Program (OASDI), as I see it, attempts to relate benefits in some relation to previous earnings. The adequacy objective on the other hand attempts to provide benefits in some relation to social responsibilities and goals.

In my opinion, it is entirely consistent with sound social insurance objectives for the cost of benefits based on the equity principle to be financed out of contributions related to earnings while the cost of part or all of the benefits related to meeting a minimum level of adequacy be financed out of general revenues.

For those persons in business, industry, and commercial insurance who favor making a sharp distinction between the attributes of private insurance and social insurance, your amendment to finance the special minimum from general revenues, should meet with their philosophical support if they wish to reinforce the distinction.

I should like to point out that any across-the-board increase in social security benefits would serve to decrease the cost of the special minimum. I strongly favor at least a twenty-percent across-the-board increase at this time in addition to other improvements in the social security system.

Sincerely,

WILBUR J. COHEN, *Dean.*

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS,
Washington, D.C., June 8, 1972.

Hon. GAYLORD NELSON,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: It is our understanding that at this time the Committee on Finance has tentatively voted a substantial increase in minimum benefits to social security beneficiaries with long attachment to covered employment.

The AFL–CIO recognizes the very serious problem to persons with many years of attachment to employment covered by social security but who qualify for only a minimum benefit amount. We believe that, when benefits are increased at the minimum levels with the result that the benefits are no longer actuarially related to past earnings and contributions, it is desirable that they should be financed from general revenues rather than solely financed from the social security tax.

We urge support of your approach to finance the increase in minimum benefits.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1973—AMENDMENT

AMENDMENT NO. 1231

(Ordered to be printed and to lie on the table.)

Mr. JAVITS. Mr. President, tomorrow I shall move, in an amendment joined in by myself and the Senator from Massachusetts (Mr. KENNEDY), to increase the appropriation for section 236 supplements to mortgage interest from $150 million to $225 million.

As this measure came over from the

other body, it provided $25 million for this item, because the House of Representatives had taken no action on authorizing legislation. In the Senate, the Appropriations Committee has provided $150 million the budget amount. Since we have passed S. 3248, the housing bill, which authorized $225 million for this program, the amendment of Senator Kennedy and myself would raise the appropriation to that authorized amount.

For the purpose of permitting Senators to think about it overnight, let me say that there is no single program which would stimulate more housing in New York and other major core cities and metropolitan areas than section 236. For practical purposes, we can do hardly anything about middle-income housing and moderate-income housing except with adequate 236 funds. These are the scarcest funds of all, and as they are so stimulative in terms of adding to the housing stock, and are absolutely indispensable to so many projects, we really have to consider very seriously at least getting the authorized amount, rather than the budget estimate.

This is our priority; and I shall undertake, Mr. President, to demonstrate tomorrow that it is an absolutely indispensable priority if we really want to build housing and rehabilitate housing for the moderate- and middle-income groups. We certainly do, and this is the grease for the squeaky wheel as well as the wheel that is not turning.

So, Mr. President, I hope very much that Senators will seriously think about this amendment, which can properly be dubbed "the amendment of experience."

I ask unanimous consent that the text of the amendment be printed in the Record, and that the amendment be printed under the rule.

The **PRESIDING OFFICER.** The amendment will be received and printed, and will lie on the table, and, without objection, in accordance with the Senator's request, the amendment will be printed in the Record.

Amendment No. 1231

On page 2, line 26, deleted the figure $150,000,000 and substitute in lieu thereof the figure $225,000,000.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 999

At the request of Mr. Church, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of Amendment No. 999, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child-health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

STATUS OF COMPETITION AND ROLE OF SMALL BUSINESS IN GOVERNMENT PROCUREMENT OF DRUGS—NOTICE OF HEARING

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Select Committee on Small Business will resume its hearings on competitive problems, role of small business, the efficiency and economy of Federal agencies and departments in the procurement and use of drugs.

The hearings will be held on June 20 in room 4221 of the New Senate Office Building and on June 21 in room 318, Caucus Room, of the Old Senate Office Building starting at 10 a.m. each day.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years, from October 22, 1970, vice Sidney Freidberg.

Maurice H. Sigler, of Nebraska, to be a member of the Board of Parole for the term expiring September 30, 1978. Mr. Sigler is now serving in this position under an appointment which expires September 30, 1972.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, June 20, 1972, any representations of objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON HOUSING

Mr. SPARKMAN. Mr. President, on May 31, 1972, I announced that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs, would hold hearings on S. 3373, a bill to promote the utilization of improved technology in federally assisted housing projects and to increase productivity in order to meet our national housing goals, and S. 3654, a bill to delete the Davis-Bacon provision from the National Housing Act and the U.S. Housing Act of 1937 relating to FHA-insured housing and public housing programs.

These hearings have been postponed and will now be held on June 20, 21, 22, and 23 in room 5302, New Senate Office Building, commencing at 10 a.m. each morning.

ADDITIONAL STATEMENTS

CRITICISM OF CONGRESS

Mr. SAXBE. Mr. President, David S. Broder, one of the foremost political analysts in the United States, has written a most interesting criticism of the Congress of the United States in this morning's Washington Post. Mr. Broder is seen on many of the Sunday interview shows and has recently written a book entitled "The Party Is Over," which has received rave reviews.

In an article entitled "A Fallow Congress," David Broder scores the "meager catalog" of Congress, "compared to the needs of the country or the promises Democratic presidential contenders have been making on behalf of their party."

Broder continues by saying:

> In any fair accounting for the paralysis on the domestic front, the Democrats who control the Congress must take the lion's share of the blame.
>
> The truth is that while the Democrats have talked change in this campaign to the point that their likely nominee, McGovern, is accused by some of his fellow-partisans of being "too radical," the reality of the party's legislative record is one of pitifully little progress.
>
> Contrasted with the openings Mr. Nixon has made in the areas of foreign policy where he does not have to wait for Congress to come plodding along, there is real question as to which party can honestly claim to be the party of change.

Mr. President, I commend this article to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Fallow Congress

(By David S. Broder)

To return from the Democratic presidential primary trial to Washington and the Democratic-controlled Congress is to move from a world of glittering rhetoric to one of petty, paralyzed reality.

While George McGovern, Hubert Humphrey and the rest have been out on the road promising wondrous changes in the offing, their colleagues have been back here—doing what?

Well, the scorecard of major legislation passed by this second session of the 92nd Congress includes two laws that will affect people's lives directly and two other reform measures that may have considerable indirect effect.

LAST WEEK Congress sent the President a masive program of aid to higher education, with a provision included to slow school busing orders. Earlier, it added enforcement powers to the Equal Employment Opportunity Commission. Both those laws will be felt in people's lives.

There's also a public benefit in the stricter campaign financing law, which Congress finally pased last January, a carryover from the previous year, though not many voters will see the advantage in concrete terms. And there may be benefits down the road, if the Equal Rights Amendment for women, which Congress approved, is ratified by the states.

But that about exhausts the lists of significant legislation passed this year. It's a meager catalogue, compared to the needs of the country or the promises Democratic presidential contenders have been making on behalf of their party.

It may be that Richard M. Nixon will overlook this Democratic "credibility gap," but don't bet on it.

For three years, the President has had before the Congress serious proposals on revenue-sharing with states and cities, and reform of the welfare system. For two years, he has had equally significant proposals on reorganization of the federal executive branch and expansion of health insurance protection.

All of these are matters of urgent national priority. They have been acknowledged as matters of major concern by the Democratic presidential candidates, who—in all the areas except federal reorganization—have offered counter-proposals of their own going well beyond what the President has suggested.

Yet in all these areas, the Democrats will go into convention, less than a month from now, with a record of congressional inaction. To date, the Democratic Congress has neither given the President a final up-or-down vote on his own proposals in these four vital areas nor developed and passed alternative programs of its own.

If there is a justification for this abdication of political responsibility, it does not come readily to mind. And the Democratic convention orators and platform writers will have to be more devious than usual to divert the public's attention from the yawning chasm between their promises and their party's poor record of performance.

It is true, of course, that divided government—with responsibility for the executive branch in the hands of one party and legislative branch in control of the other—is an open invitation to paralysis and irresponsibility. But the Democrats cannot avoid blame by claiming negligence on the part of the President in meeting his domestic responsibilities.

The President has made serious proposals in all these areas. He has not threatened to veto the Democratic alternatives, for, indeed, no alternatives have come close to passage.

In any fair accounting for the paralysis on the domestic front, the Democrats who control the Congress must take the lion's share of the blame.

The truth is that while the Democrats have talked change in this campaign to the point that their likely nominee, McGovern, is accused by some of his fellow-partisans of being "too radical," the reality of the party's legislative record is one of pitifully little progress.

Contrasted with the openings Mr. Nixon has made in the areas of foreign policy where he does not have to wait for Congress to come plodding along, there is real question as to which party can honestly claim to be the party of change.

Where is the Democrats' domestic equivalent of the Nixon "Open Door" China policy? Where is there a law passed by the Democratic Congress in the past four years that rivals in significance the Strategic Arms Treaty Mr. Nixon negotiated in Moscow?

These are questions the voters will be asking, when the rhetoric of the presidential campaign is measured against the record.

MASS SLAUGHTER IN BURUNDI

Mr. McGEE. Mr. President, the Washington Post of June 11 contains an in-depth report on the alleged mass slaughter occurring in the tiny African nation of Burundi. The international community has been both shocked and saddened by these incidents which are receiving increasing attention in the media.

In February 1971, I headed an Appropriations Committee-sponsored study mission to Central and East Africa. The study mission visited Burundi and became the first U.S. Senators to visit that nation. My colleagues on the study mission were the Senator from Utah (Mr. Moss) and the Senator from Hawaii (Mr. Fong).

It was my observation at that time that the potential for massive violence in Burundi was very great and it would take a very little spark to touch off a conflagration.

In the study mission report to the Appropriations Committee, I observed:

> The delicate balance currently containing the contrary interests within the country is constantly up against the outside political pressures from contiguous areas where neighboring governments, for assorted reasons, seek to exploit both the geography and the politics of tiny Burundi. It is our assessment that the present stability in the country will require careful nurturing by its government and people.

It is a human tragedy that this delicate stability has not been maintained.

I ask unanimous consent that the Washington Post article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Double Genocide Tears Burundi Apart: Witnesses Tell of Orgy of Killing After Abortive Hutu Coup

(Note.—The following dispatch, based on reporting inside Burundi, was filed from Kinshasa, capital of neighboring Zaire (formerly of the Belgian Congo).)

(By Jonathan C. Randal)

Bujumbura, Burundi, June 9.—Terrified by yet another bloody uprising against their 500-year-old domination, the minority Tutsi rulers of Burundi are systematically killing the elite of their former Hutu serfs in what can only be termed genocide.

Official Burundi government and impartial estimates alike claim that as many as 100,000 people have been killed in the six weeks since Hutu exiles invaded this poor Maryland-sized mountain nation located in Central Africa between Tanzania and Zaire, the former Belgian Congo.

But such are the difficulties in collecting reliable information in Burundi that the death toll may be considerably higher in the combination Hutu uprising and Tutsi repression in reaction.

By all accounts, the orgy of killing was set off by the invaders' determination to murder all the Tutsis who make up 15 per cent of Burundi's estimated 3.5 million inhabitants. Their plan reportedly then called for the establishment of a purely Hutu regime.

The continuing repression is seemingly dictated by the Tutsis' equal determination to cow Hutu peasants into submission and wipe out the educated Hutu elite in order to ensure Tutsi domination for the foreseeable future.

What has been called an attempt at "double genocide" has few parallels in the post-independence annals of Africa. Even such African tragedies as the Congo turmoil of the early and mid-60s, the Biafran rebellion and the recently concluded Sudanese civil war do not match what has happened here.

Outwardly impervious to international criticism, including from the Belgian government and Pope Paul VI, Burundi President Michael Micombero shows little inclination or ability to stop the killing.

Western embassies are reluctant to talk for fear of jeopardizing the security of their nationals. (There are some 6,000 foreigners in Burundi, half of them Belgians.) Only occasional passes have been issued to diplomats for travel outside the capital since the violence began.

To date the Organization of African Unity, the continent's regional grouping, has refused to investigate the Burundi situation, apparently on the ground that such action would violate its charter forbidding interference in a member state's internal affairs.

At this point, such a move might prove to be too late anyway. The repression has reached down through the ranks of the educated Hutu elite to such an extent that only a thousand or so secondary school students still survive.

In an informal conversation with visiting reporters, President Micombero alluded to the lasting effects of the civil war by quoting—if only to disagree with—an unidentified missionary who told him "80 years of evangelization has been washed down the drain."

Similarly, a longtime foreign resident lamented that the violence had "cancelled out everything that has been accomplished" since Burundi gained its independence in 1962 after some 80 years of first German and then Belgian colonial tutelage. Now, he added, "We have to start from square one."

Such is the Burundi genius for intrigue that some diplomatic observers are convinced that the government, which has conceded prior knowledge of the Hutu invasion, allowed the rebels to make their move from bases in Tanzania April 29 in the hope that they would be crushed and that the invasion would justify subsequent repression.

ATTACK NO SURPRISE

Officials from the 31-year-old president on down have admitted that the approximate date of the attack was known in advance. The president, who sports an elegant muttonchop beard, dissolved his government just hours before the attack, and his decision to do so has been interpreted less charitably than his own explanation that he was guided by "divine providence."

The morning preceding the invasion, Congolese in Burundi living along the rich plain bordering Lake Tanganyika, between Burundi and Zaire, took to their boats and headed for safety on the Zaire side.

[Burundi ambassador to the United Nations Nsanze Terence, at a press conference in New York June 1, said that an attacking force of some 8,000 crossed Lake Tanganyika and entered Burundi. He said that 3,000 Burundese constituting their "fifth column" joined with the invading force inside the country.]

Once the attack began on the evening of April 29, the rebels surpassed in violence even the followers of the late Pierre Mulele, the Peking-trained Congolese rebel who led the successful rebellion in Kwilu Province in 1964 and whose tactics inspired the Hutu uprising here.

High on Indian hemp, protected by witch doctors' tatoos, anywhere from 3,000 to 25,000 rebels moved out of their bases in the dense forests on the Tanzanian border and went on a rampage. They chanted "Mai, Mai Mulele," the magic Swahili words for the famous Mulele water which was supposed to dissolve the government troops' bullets.

REBELS JUMP GUN

The attacks centered on the south, northeast and Bujumbura, a city of 70,000. The rebels jumped the gun in the capital by refusing to pay for gasoline for Molotov cocktails at a downtown filling station, chopping off the attendants' fingers and thus raising the alarm two hours before operations were to begin.

In the northeast, the attackers were quickly repulsed. But in the southern province of Buriri, they struck with great effectiveness, seeking out their victims with lists of names and addresses. Tracts found on captured rebels harangued them to kill Tutsi men, women and children and even disembowel pregnant Tutsi women to ensure that no Tutsi foetus would survive.

A French journalist who interviewed the widow of a Tutsi gendarmerie captain was told that her three children were beheaded by machetes before her eyes, her husband disemboweled and the childrens' heads stuffed in his stomach while she was repeatedly raped and left for dead.

Micombero recounted that captured documents spoke of plans for a rebel victory parade in Bujumbura on May 19 during which he, as the last surviving Tutsi, was to be killed.

SECRET HUTU SOCIETY

Although the government so far has failed to produce the documentary evidence, no responsible observer, Burundi or foreign, seriously doubts the government case linking the invasion to a secret Hutu society said to have been formed in 1970 to provide funds to train the rebels.

Monthly contributions varied between 100 Burundi francs (about $2) for a poor Hutu to $400 for a rich businessman. The government contends—once again without producing evidence—that thousands of names were on the society's lists, including many prominent Hutus in government and private life.

Bernard Bududira, Tutsi vicar general of the Roman Catholic diocese of Buriri in the south, quoted an eyewitness who saw Alois Barakikana, a Hutu graduate of the University of Arizona and vice director of the government's Economics Ministry, at the lakeside mission at Minago exhorting the rebels to continue their devastation.

According to other testimony, other Hutu leaders were in the vanguard of the southern attack, although, unlike their troops, they were not drugged. Some of the rebel military leaders wore blood-daubed enamel dishpans as helmets.

Although Micombero accused Gaston Soumialot and Martin Kasongo of being in Burundi during the attack, no one else has corroborated the presence of these two former leaders of the 1964 Simba uprising in the Eastern Congo. All the rebels captured spoke the Burundi language, Kirundi, indicating that foreign intervention was probably limited to adapting techniques perfected in the Congo.

A major variation on the Simba rebellion, however, was the strict order given to avoid harming whites.

DEVASTATION EXTENSIVE

The extent of the devastation wrought by the Hutu rebels was brought home by a helicopter flight low over the rich Lake Tanganyika plain and through the green hills where most Burundese live.

Starting at Bugarama Lake, 25 miles south of the capital, and extending to Nyanza Lake near the Tanzanian border to the south, there is an almost uninterrupted record of violence: burned-out cars, huts and buildings in the town of Rumonge; some 30 mutilated bodies, bloated and bleached, in the reeds near the lake shore. They are jealously guarded by crocodiles and a hippopotamus family.

But more telling still was the almost total lack of people seen from the helicopter in this, one of Africa's most densely populated countries.

According to a missionary report, 2,782 homes were burned down in the southern attack, which lasted three days before government forces, reinforced by a company of airlifted Zaire troops turned the tide.

Although most of the rebels retreated back across the Tanzanian border, President Micombero disclosed the existence of a rebel "People's Republic" of Martyazo, which held sway in the southern hills for two weeks before it was crushed by the army and gendarmerie.

But if there is little real argument with the government's explanations about the initial attack, the same cannot be said for its claims about casualties, the continuing repression or the mysterious death of former King Ntare V in Kitega in central Burundi.

In his formal chat, Micombero recounted the demise of the king, who rashly returned to Burundi at the end of March after accepting the president's assurance that he would be protected.

Terming the ex-king a "fool" to have thought that his return would provoke an uprising in favor of the monarchy, Micombero explained how he had honored the letter of his promise to protect the king by placing him under house arrest in the royal palace in Kitega.

Micombero spiked rumors that Ntare had been killed in fighting between the army and rebels seeking to free and use him as a symbol of their revolt. "The king was not assassinated," the president said, "but judged and executed immediately on the night of April 29."

Angered by the importance the Western press has given the aftermath of the attack, Micombero said: "You people insist on the repression without insisting on its causes."

In his eyes, the attack, but not the repression, constituted genocide, which "no government which is civilized could caution."

Indeed, "It was worse than genocide," Micombero said, because the Hutu attackers killed not only Tutsi men, women and children but also some Hutus who refused to join their ranks.

PURSUING GUILTY

He maintained that only those who are guilty are being punished and compared his relentless pursuit of the Hutus to the continuing hunt for Nazis implicated in exterminating European Jews in World War II.

"They're still tracking down those responsible for the Jewish genocide then, and that's more than 20 years ago," he said.

Evasive about the exact death toll, Micombero nonetheless estimated that between 50,000 and 100,000 Burundese had lost their lives. But he insisted that more Burundese were killed in the initial attack than in the subsequent repression.

Since in the past he has said 50,000 Tutsis alone had died in the first rebel push, his estimation was interpreted as the first official admission that large numbers of Hutu were victims of the repression.

Reliable reports from missionaries, the surest sources of information in this country conservatively estimate that no more than 1,700 Tutsis—and far fewer loyal Hutus—were killed in the south in the initial rebel onslaught and that no more than 4,000 lost their lives in the entire country.

In the repression, Hutu casualties in the south alone were said to range from 20,000 to 40,000 dead.

Between 3,000 and 4,000 Hutis have been killed so far in the repression in Bujumbura, an equal number in Kitega and some 15,000 to 20,000 in all the rest of the country, except the north where little information has been available.

HUTU CASUALTIES

Other reliable sources put Hutu casualties as high as 10,000 in Bjumbura alone.

In the capital, authorities no longer drive trucks with Hutu cadavers through the center of town in broad daylight. But every night trucks carrying the dead are seen either along the lakeside road or along Patrice Lumumba Avenue on their way to a giant bulldozed burial ground near the airport.

With relatively few exceptions, only adolescent male or adult Hutu men have reportedly been killed in the repression. However, Hutu women with skills in teaching or nursing have been killed.

For example, five Hutu women teachers were bayoneted to death by the army at the Buriri mission.

As one source put, "The army and gendarmerie haven't wasted many bullets."

In the early weeks of the repression, personal vengeance played a role in the arbitrary denunciation, arrest and death of many Hutus, although the army has shot several soldiers and volunteers who were guilty of such excessive zeal.

ARBITRARY ARRESTS

Now, at least in theory, three citizens must denounce a suspect before he is arrested. But this procedure is not always honored.

The other morning in the center of Bujumbura, a foreign journalist watched three gendarmes jump out of a jeep and bundle three well-dressed men off to an undisclosed destination.

In the south, army atrocities have been reported at at least one mission which was being used as a feeding and pacification center for Hutus lured out of the forests by government promises that calm had been restored. A helicopter mounted with machine guns flew over the assembled Hutus at the Mutumba mission in the south and opened fire, killing about 100 of them.

The United Nations has formally protested against the use of requisitioned UNICEF cars in Bujumbura by the police and against the unauthorized use of a United Nations fishery research vessel which has been armed and used to attack suspected rebel strongholds along the lake shore.

The effects of the repression at Bujumbura University are such that 170 of the 360 Burundese students failed to apply for scholarships for the next school year. Since few Burundese are rich enough to attend without a scholarship, the conclusion is that 170 Hutu students have been killed, arrested or forced into hiding.

Much of the killing at the university and in secondary schools has been carried out by the students themselves. Policemen arrived in some schools with lists, summoned the Hutus outside, and pushed them into trucks where they were bayonetted to death.

At the capital's technical secondary school a professor recounted that on the night of May 19, the Hutu students suddenly put out the lights and tried to escape. Their Tutsi colleagues killed half of them, but strangely enough some of the 100 or so Hutu students are still in school. "And you would never know anything had happened," the professor added.

The great fear of the foreign community is that the remaining Hutu secondary school students in Bujumbura and elsewhere in the country will "disappear," once the foreign teachers go on their annual summer holidays abroad.

At one point last year, the army numbered some 3,500 men. But it is now reported well below strength, not because of casualties suffered in fighting the rebels but rather because its Hutu officers, noncommissioned officers and men have been either purged or killed.

The Christian churches have also paid their tribute to the violence. Missionary sources report the 12 Hutu Protestant pastors and 14 Hutu Catholic priests have been killed so far in the repression.

What lessons the recent events here will hold for the future are impossible to tell. No one takes seriously the threat of an immediate Hutu revolt.

"All the Hutus who lifted their heads have had them severed," said one foreigner.

Reconciliation seems far off. In the immediate future, foreigners here hope that there will be no prolonged rebel insurgency. But eventually, it is believed the Hutus will rise and try once again to oust the Tutsis, probably in less than 10 years.

BURUNDI: LAND OF TRIBAL PASSIONS

Burundi and neighboring Rwanda to the north were both formerly Belgian-administered trust territories. The two countries became independent in July, 1962.

With populations of about 3.5 million each, the two countries are ethnically divided between a Tutsi minority and a Hutu majority. The Tutsis, 15 per cent of the population in

Burundi and 9 per cent in Rwanda are a proud, tall, aristocratic pastoral people who had ruled the poorer, farming Hutus for centuries prior to independence.

In 1959, Belgians and influential Roman Catholic missionaries encouraged a successful if bloody Hutu revolt against the ruling Tutsis in Rwanda. At least 20,000 Tutsis were slaughtered, and some 200,000 others fled the country, many to Burundi.

Following the revolt in Rwanda, the Tutsis in Burundi tightened their control over the Hutus but also sought to establish closer ties. Numerous intermarriages encouraged hopes that a single unified nation would gradually emerge.

Since independence, scarcely a year has passed in Burundi without either an attempted coup, trials followed by hangings or a revolt. But this political turmoil largely involved feuding factions within the Tutsi minority.

In 1966, King Mwambutsa IV of Burundi was forced off his throne by his son, Ntare V, with the help of then Capt. Michel Micombero. Three months later, Micombero, in turn, deposed Ntare and proclaimed a republic with himself as president.

On April 29 of this year, Hutu rebels, some coming from camps in Tanzania and others apparently from across Lake Tanganiyka in Zaire (the Congo), invaded the country. They were joined by Hutu tribesmen within the country, and together they attempted to oust the Tutsi-dominated Micombero government. The coup failed and the Tutsis began a bloody repression in reaction.

THE DECIMATION OF LAOS

Mr. CHURCH. Mr. President, the tiny kingdom of Laos is being destroyed in order that it might be saved. I ask unanimous consent that Joseph R. L. Sterne's dispatch from Vientiane be printed in the Record so that Senators may have an opportunity to read an exceptional first-hand report about "a hapless land caught in Indochina's web of violence."

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Baltimore Sun, June 12, 1971]

Laos: A Much Buffeted Buffer

(By Joseph R. L. Sterne)

Vientiane.—The doctrine of letting Asians fight Asians has developed a macabre twist in Laos, a hapless land caught in Indochina's web of violence. After more than two decades of war, opposing Lao forces are so tired and decimated that the ground fighting is being taken over more and more by other Asian troops.

This is especially true on the Communist side, where Pathet Lao forces totaling an estimated 30,000 fairly ineffective troops were outnumbered two to one last January by their tough North Vietnamese allies. The imbalance has leveled somewhat with the withdrawal of most of the 312th North Vietnamese division to home bases for the current offensive in South Vietnam. But the 316th division remains in the Plain of Jars and several battalions are on the offensive in the south near Pakse.

On the government side, an undisclosed number of Thai "volunteers" (estimates range from 6,000 to 15,000) have been brought in to help a worn but dogged army of 60,000 Royal regulars plus 30,000 of General Vang Pao's assorted irregulars. Loyalist reserves are so depleted that 13-year-old boys are being put into uniform, a measure the enemy has avoided, and the manpower pool is virtually nil.

These Thai "volunteers," who are paid perhaps ten times more than Lao soldiers, are financed by the United States. Washington also provides indispensable air cover support from bases just across the border in Thailand. Near Long Tieng, a government stronghold in the rugged "Skyline Ridge" north of Vientiane, mountain tops are dotted with the craters of American bombs dropped during heavy fighting from December to March.

As for the village of Long Tieng itself, it is a deserted cluster of dilapidated huts bobby-trapped by their occupants against looters. The villagers of Long Tieng are among the 250,000 people—about one tenth of the nation's population—who have been uprooted by current fighting and are living in camps while depending on food and seed provided by the American government. At a refugee center like Bon Xon, halfway from Vientiane to the Long Tieng outpost, charter planes in amazing variety swoop in and out bearing all manner of supplies.

The United States effort to maintain Laos costs approximately $350 milion per year, of which only $50 million is spent on economic and budget aid and the rest on military pay, supplies and ammunition. Although U.S. aid was tending to escalate until Senator Stuart Symington pushed through a congressional ceiling, the military situation in Laos has been steadily deteriorating, year by year.

The Communists now control 75 per cent of the country's 91,000 square miles. And while more than 80 per cent of the people have chosen to live in areas where the government still prevails, both American and Laos officials freely admit that North Vietnam could overrun everything if it were so inclined.

That Hanoi has chosen not to do so is a decision reflecting many factors. One is the fear of provoking China, which already has staked out northwest Laos as its own sphere of influence by the classic Peking tactic of building a road. Another is fear of annoying the Soviet Union, a signatory of the 1962 Geneva accords which supposedly were to provide Laos with a coalition government of rightists, neutralists and leftists.

Still another is the calculation that this would draw retaliation from Thailand at a time when North Vietnam has enough on its hands.

As a result, North Vietnam has limited itself to a takeover of the eastern part of Laos. On the north, one of its purposes evidently was to deny U.S. government-supported forces a base from which to counterattack against North Vietnam itself and to sustain pressure on Vientiane province. On the south, the high-priority goal has been to secure a wide area for development of the Ho Chi Minh trail system into South Vietnam.

Analysts are divided in assessing Hanoi's ultimate intentions. Some anticipate that if North Vietnam can impose a government to its liking in Saigon it will try to integrate all of Vietnam and then place Laos and Cambodia in tributory, status as part of a single Indochina federation or confederation. Others believe China would prefer several weak states in Indochina and will see to it (with U.S. help) that Laos and Cambodia remain at least nominally independent.

It is on the basis of this latter interpretation that some analysts conclude that when and if an Indochina settlement approaches, North Vietnam will make sure it controls the bulk of Lao territory. This would bolster the position of the Pathet Lao in negotiations.

It is most unlikely that the Pathet Lao would be willing to settle in the 'Seventies for the share of power meted to them a decade ago. But, Prince Souvanna Phouma, the wily neutralist premier once opposed and now supported by Washington, has been careful not to fill the seats in his Cabinet that had been allotted to the boycotting Pathet Lao. Instead, he has kept channels open to Prince Souphanouvong, his half brother and head of the Pathet Lao, in the hopes of creating what one diplomat describes as "the kind of Laos that is 'minimally acceptable' to the contesting elements." For his part, Prince Souphanouvong has abstained from proclaiming a rival government.

Out of the years of fighting it has become fairly clear that outside forces—North Vietnamese and Americans, Chinese and Thais—can pretty well operate on the territory of Laos as they choose. Not only has this brought misery and dislocation to thousands of peasants with no comprehension of these power rivalries but it has raised doubts whether the nation, a French-created artificiality, can endure.

There are, after all, more ethnic Lao in Thailand than in Laos, many of whom are now rebelling under Communist auspices against Thai power in Bangkok. And in Laos itself, about half that population is composed of non-Lao mountain tribesmen who long have been the main source of Pathet Lao strength.

Whether Laos is to remain as a much-buffeted buffer state or is to be carved or gobbled up by its neighbors is a question for the future. What is quite certain is that the decision will not be made in this indolent capital on the Mekong.

DRAFT RESISTERS

Mr. TAFT. Mr. President, as the debate continues as to the means for ending the war in Vietnam, we should not forget the problems associated with draft resisters who are now fugitives or in exile. It would be a mistake for us to forget these young men, and it would equally be a mistake for them to forget the obligation which they have to American society. My proposal has been that those interested should be allowed to earn amnesty by 3 years of low pay service.

On June 4, the Los Angeles Times published an article entitled "Proposals to Bring the Outcasts Home Without Punishment." The article was written by Steve Harvey, an opinion staff writer for the Los Angeles Times. In that same issue was published "A List of Amnesties in American history."

I ask unanimous consent that these items be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Proposals To Bring the Outcasts Home Without Punishment

(By Steve Harvey)

An estimated 70,000 young Americans have switched countries rather than fight in Indochina. Draft resisters and deserters, they have found sanctuary mostly in Canada but in other areas of the world as well.

Once, the outcasts would have been objects of revulsion at home. Ever since winning its independence on the battlefield, the United States has taken a special pride in its fighting man.

But the Indochina war has torn apart the nation as no conflict had before. In one poll, 65% of those quizzed termed the war immoral. Even President Nixon has stated that the U.S. involvement was a mistake.

While some view the exiles as traitors or cowards—and point to the more than 50,000 U.S. troops who have died in Indochina—others have come to see them as a unique variety of "prisoner of war." Unable in good conscience to participate in a war they feel unjust, they have made a separate peace.

And, at home, a movement has begun to

enable them to return home without being punished.

Sen. Robert Taft Jr. of Ohio gave the drive a large measure of legitimacy by introducing an amnesty bill late last year.

Taft proposed that draft resisters be pardoned if they agree, in return, to serve for three years in the armed forces or in some alternate form of public service. The offer would remain in effect one year from the date of the bill's passage.

"America is big enough and strong enough to give these young men a chance to come home and play a positive role in a life of their own country," said the former World War II naval officer. "It would be a serious mistake for us to foreclose this road to them forever."

Deserters, however, would be excluded, for Taft believes that to pardon them would greatly damage the fabric of the armed services.

In the House, Rep. Edward I. Koch (D–N.Y.) has introduced a proposal similar to Taft's except that it would require two years of service rather than three.

Neither measure has yet been acted upon.

Other developments have provided further evidence of a change in the public's attitude.

The nation's Roman Catholic bishops have issued a statement urging consideration of amnesty for "those who have been imprisoned as selective conscientious objectors, and giving those who have emigrated an opportunity to return to the country to show that they are sincere objectors." Other religious groups such as the United Presbyterians, the United Church of Christ and the American Baptist Convention also support some kind of amnesty.

Former Rep. Charles Porter (D.-Ore.) has founded an organization called Amnesty Now, which is proposing unconditional amnesty for draft resisters and deserters. Amnesty Now plans to press both political parties to insert its proposal into their planks at the conventions this year.

President Nixon has altered his stand on amnesty. In November, when he was asked whether he would consider granting amnesty, Mr. Nixon's reply was one word: "No." But two months later, he told an interviewer who asked the same question, "We always, under our system, provide amnesty . . . I for one would be very liberal with regard to amnesty."

However, the President added that before he could consider any proposal, America's fighting role in South Vietnam must end and all American prisoners of war must be released. (More than 1,600 men are listed by the Defense Department as captured or missing in action.)

Amnesty has also been a lively issue on the campaign trail. Sen. George McGovern (D.-S.D.) has called for a general amnesty (as has Sen. Edward M. Kennedy (D.-Mass.)). Former Sen. Eugene J. McCarthy first suggested the possibility during his 1968 presidential campaign.

Sen. Edmund S. Muskie (D.-Me.) believes amnesty must be delayed until "the war is over and the fighting is ended." Sen. Hubert H. Humphrey (D.-Minn.) has adopted a similar stance.

Taft has reported some unfavorable reaction to his bill, including a telegram from Florida offering to buy him a ticket to Canada. But the American public appears to be cautiously favorable to amnesty. A recent Gallup poll showed that 63% favored pardoning the exiles—if they agree to perform national service. But only 7% favored unconditional amnesty, while 22% were totally opposed to any form of amnesty and 7% were unsure.

An important—and sometimes forgotten—aspect of the whole question is the attitude of the exiles themselves.

Many have expressed opposition to any offer short of unconditional amnesty, taking the position that it is the government that should be seeking forgiveness, not them.

"I don't feel guilty about anything," 26-year-old John Toler of Chico, Calif., told an interviewer in Stockholm recently. "And so I don't see why I should have to accept a punishment as a condition."

"It's all a campaign issue," said George Meals, 26, of Atlanta, Ga. "It's not reality and it's not going to happen."

Toler and Meals are two of about 600 war resisters—mostly deserters—who have fled to Sweden. About 450 are still there.

Jack Colhoun, now living in Canada, recently published an open letter to Rep. Koch denouncing the alternative service aspect of both the Koch and Taft proposals.

"We left the States because we did not want to become criminals of the heart and now feel that a government which has the stain of Indochina on its conscience has no business passing judgment on our 'crimes' and meting out punishment no matter how seemingly tolerant and liberal it may be dressed up," Colhoun wrote.

A separate panel of resisters in Canada also issued a statement shortly after Taft's legislation was introduced, demanding "totally nonpunitive restoration of civil rights."

Sweden and Canada have been helpful to the war resisters. The Swedish government gives the American exiles free rent and about $27 a week in welfare until they get settled and find jobs. Free language lessons and grants to attend school are also available.

Canada, which encourages immigration, asks no question about a newcomer's draft status at home and offers counseling service for jobs. For the immigrant with some higher education, it is reasonably easy to attain the status of "landed immigrant"—entitling him to almost all the privileges of Canadian citizenship, including unemployment and health benefits.

The U.S. extradition agreements with the two countries do not cover offenses such as draft evasion or military desertion.

It is, of course, impossible to calculate how many exiled war resisters would return to the United States given the opportunity. But for now, amnesty . . . conditional or otherwise . . . does not seem near. In the meantime, an estimated 70,000 Americans can't go home again.

A List of Amnesties in American History

The amnesties in American history, including date, issued by, persons affected, and nature of action:

July 19, 1795, Washington, Whiskey Insurrectionists (several hundred). General pardon to all who agreed to thereafter obey the law.

May 21, 1800, Adams, Pennsylvania Insurrectionists. Prosecution of participants ended. Pardon not extended to those indicted or convicted.

October 15, 1807, Jefferson, Deserters given full pardon if they surrendered within 4 months.

Feb. 7, 1812, Oct. 8, 1812, June 14, 1814, Madison, Deserters—3 proclamations. Given full pardon if they surrendered within 4 months.

Feb. 6, 1815, Madison, Pirates who fought in War of 1812 pardoned of all previous acts of piracy for which any suits, indictments or prosecutions were initiated.

June 1, 1830, Jackson (War Department), Deserters, with provisions: (1) those in confinement returned to duty, (2) those at large under sentence of death discharged, never again to be enlisted.

Feb. 14, 1862, Lincoln (War Department), Political prisoners paroled.

July 17, 1862 (Confiscation Act), Congress, President authorized to extend pardon and amnesty to rebels.

March 10, 1863, Lincoln, Deserters restored to regiments without punishment, except forfeiture of pay during absence.

Dec. 8, 1863, Lincoln, Full pardon to all implicated in or participating in the "existing rebellion" with exceptions and subject to oath.

Feb. 26, 1864, Lincoln (War Department), Deserters' sentences mitigated, some restored to duty.

March 26, 1864, Lincoln, Certain rebels (clarification of Dec. 8, 1863 proclamation).

March 3, 1865, Congress, Desertion punished by forfeiture of citizenship; President to pardon all who return within 60 days.

March 11, 1865, Lincoln, Deserters who return to post in 60 days, as required by Congress.

May 29, 1865, Johnson, Certain rebels of Confederate States (qualified).

July 3, 1866, Johnson (War Department), Deserters returned to duty without punishment except forfeiture of pay.

Jan. 21, 1867, Congress, Section 13 of Confiscation Act (authority of President to grant pardon and amnesty) repealed.

Sept. 7, 1867, Johnson, Rebels—additional amnesty including all but certain officers of the Confederacy on condition of an oath.

July 4, 1868, Johnson, Full pardon to all participants in "the late rebellion" except those indicted for treason or felony.

Dec. 25, 1868, Johnson, All rebels of Confederate States (universal and unconditional).

May 23, 1872, Congress, General amnesty law reenfranchised many thousands of former rebels.

May 24, 1884, Congress, Lifted restrictions on former rebels to allow jury duty and civil office.

Jan. 4, 1893, Harrison, Mormons—liability for polygamy amnestied.

Sept. 25, 1894, Cleveland, Mormons—in accord with above.

March, 1896, Congress, Lifted restrictions on former rebels to allow appointment to military commissions.

June 6, 1898, Congress, Universal Amnesty Act removed all disabilities against all former rebels.

July 4, 1902, T. Roosevelt, Phillipine insurrectionists. Full pardon and amnesty to all who took an oath recognizing "the supreme authority of the United States of America in the Phillipine Islands."

June 14, 1917, Wilson, 5,000 persons under suspended sentence because of change in law (not war-related).

Aug. 21, 1917, Wilson, Clarification of June 14, 1917, proclamation.

March 5, 1924, Coolidge, more than 100 deserters—as to loss of citizenship for those deserting since WW I armistice.

Dec. 24, 1945, Truman, several thousand ex-convicts who had served in WW II for at least one year.

Dec. 23, 1947, Truman, 1,523 individual pardons for draft evasion in WW II based on recommendations of President's Amnesty Board.

Dec. 24, 1952, Truman, Ex-convicts who served in armed forces not less than 1 year after June 25, 1950.

Dec. 24, 1952, Truman, All persons convicted for having deserted between August 15, 1945, and June 25, 1950.

DEATH OF SAUL ALINSKY

Mr. FULBRIGHT. Mr. President, it was with sorrow that I read in the morning newspaper of the death of Saul Alinsky. I have known him for many years and considered him a good friend. He was one of the most energetic and imaginactive persons I have ever known. He devoted his life in seeking the improvement of the poor people of our country and he succeeded in many of his endeavors. He was a fine citizen and our people are deeply in his debt.

I ask unanimous consent that the article by Mr. David Boldt, published in the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAUL ALINSKY, 63, ORGANIZED THE POWERLESS IN AMERICA

(By David R. Boldt)

Saul Alinsky, 63, who spent a lifetime organizing the powerless to achieve power through the radical concept of what he called "pure democracy," died yesterday after an apparent heart attack in Carmel, Calif.

Mr. Alinsky's career was a succession of generalships over mass movements of the oppressed in America. It began with battling for dissident mine workers and continued in his native Chicago where he organized white slum-dwellers in the "Back-of-the-Yards" section.

He organized blacks in the ghettos of a dozen cities, including Chicago, Rochester, N.Y., Kansas City and Buffalo. In the end, he sought redress for an increasingly alienated—and powerless—American middle class, while also trying to teach his organizing methods to others.

If his assaults and threats goaded the conservative establishment to rage, he also preserved a distance from liberals "who walk out of the room when an argument becomes a fight," and drew fire from radicals who found him ideologically impure.

He once said of ideologies. "When you have one you suffer from the delusion that you know all the answers. I certainly don't." His chroniclers, including close confidants such as editor T. George Harris said that his ideology actually was that of the "founding fathers of the American nation."

Time magazine, in its profile of Mr. Alinsky, cited James Madison's warning in the "Federalist Papers" against allowing any class or faction to obtain too much power as perhaps the best statement of Alinskyism.

In explaining how he conceived his tactics, which included sending black pickets to the white suburban homes of slumlords, depositing dead rats and garbage on the steps of city hall, Mr. Alinsky sometimes seemed to have the difficulty that comes to anyone who obtains a great talent as a natural gift.

"All I know is what every good organizer knows," he once said in an interview for Harper's magazine, "You react to all the action with a reflex."

Mr. Alinsky began developing his reflexes in Chicago, where he was born the son of a Jewish tailor who had emigrated from Russia, and where he experienced many of the same frustrations that later embittered the city's blacks.

He attended the University of Chicago, where he studied archaeology, and during one summer worked with the dissident miners who were battling against John L. Lewis' United Mine Workers. Out of the battle, oddly, developed a long and close relationship between Mr. Alinsky and Mr. Lewis. Mr. Alinsky later wrote a biography of the union leader.

As a graduate student in criminology, Mr. Alinsky studied the organization of the Capone gang, and also began his own organizing efforts in the Back-of-the-Yards area. He brought about better economic conditions for the impoverished white immigrants who lived in the area by putting pressure on their employers—the meat packing companies—through boycotts and sitdowns.

After the Back-of-the-Yards effort made him widely known, Mr. Alinsky founded the Industrial Areas Foundation, which worked closely with the Catholic urban programs of Samuel Cardinal Stritch. Mr. Alinsky lectured young priests that they "would have to choose between becoming a bishop and being priests."

In the early 1960s, Mr. Alinsky's IAF organized blacks in a ghetto area of Chicago into the Woodlawn Organization, which used picketing and garbage deposits at city hall to make effective its demands for better housing and municipal services.

From there, he brought efforts to other cities. Constantly seeking ways that the poor could achieve real power beyond the power to outrage and inconvenience, Mr. Alinsky sought to use stockholder power to force Kodak to hire more blacks in Rochester He urged church and other groups that held blocs of the company's stock to demand changes in hiring policies.

Mr. Alinsky frankly admitted to a split personality. A vociferous and demanding radical in public, he was a quiet and charming conversationalist in private. He also confessed to sometimes being less sure of his righteousness than he sounded.

Since 1967. Mr. Alinsky had devoted himself mainly to teaching at the institute he founded in Chicago, and in keeping in touch with such proteges as Cesar Chavez, the organizer of the California farm workers, and Nicholas Von Hoffman, a columnist for the Washington Post, both of whom worked for Mr. Alinsky.

Mr. Alinsky's life was often touched by personal tragedy. His first wife drowned. His second wife, Jean, has been incapacitated by multiple sclerosis for many years, and lives in Carmel. Friends said that Mr. Alinsky was in Carmel to visit her. He had divorced her two years ago and remarried.

He is survived by his present wife, Irene, his mother, and by a son and daughter of his first marriage.

AMERICAN HEALTH CARE: PROBLEMS AND POTENTIAL

Mr. SAXBE. Mr. President, at a time when a current social debate has reached a peak and yet prior to the enactment of any major corrective legislation, I want to explore the problems and potential of our American health care system.

How can the wealthiest nation on earth permit a sizable segment of its society to go without any health care at all? Why is it that we can spend $70 or $80 billion in 1 year alone on health costs and still have literally millions of people who cannot find, or cannot afford, basic medical care?

Why? Because of the delivery system through which Americans receive their health care. The system itself is inadequate, not the components. Most attacks on our system of medical care have not been on the quality of individual care, but on the collective performance of the entire health care system.

Take the availability of care—the fact that certain people in certain places simply cannot find a doctor. Whether this is due to poor geographic distribution of medical personnel or the overspecialization of physicians is not the issue. The point is clear—some people in this country go without medical care, and that is intolerable.

Medical care is a basic right of the people—their right to life. It is wrong when a man's ability to obtain that medical care depends on his color or his ability to pay; on where he lives, or who he knows.

This problem of access is compounded by another—the escalating cost of health care. These costs have risen to such an extent that medical care has become a luxury, rather than a necessity. Some people, even with insurance, cannot afford to pay the exhorbitant medical bills of today—and thus, cannot afford the care they rightfully deserve as citizens of this wealthy Nation.

And then, we see the inefficiency and waste in our system. Highly trained physicians perform tasks that could be handled by physician assistants. Patients occupy expensive hospital beds for testing that could be done on an outpatient basis. Many hospitals have duplication of expensive equipment, and others have costly equipment which is rarely used. It is, therefore, not the quality of individual medical care, but the inefficient functioning of a total system that has brought on a crisis in health care.

This crisis must be met, and changes must be made. The public is unhappy with the status quo, and they are demanding that the inefficiencies and inequities be dealt with. I think the public is entitled to these changes, but they should be made gradually with caution and constant evaluation. Otherwise, we might launch broad new programs that would compound our problems, rather than correct them.

How do we change the system? Where do we begin? I think one place to begin is to develop some real cooperation and coordination among the various groups that make up the health care industry—the doctors, hospitals, and insurors. Our system has been a fragmented one, with all parts operating independently, carefully guarding their own special interests. I hope that we can reverse this trend and begin a new attitude—one of coordination and teamwork with the central aim of providing improved health care for everyone.

Once this stage is set, once the basic cooperation is present, then any number of innovative changes could be developed. In some areas, hospitals could merge or consolidate to avoid duplication of expensive equipment. In other areas, affiliation agreements among hospitals or medical centers might be feasible through which services could be shared at reduced costs. Doctors could organize in group settings and could use paramedical personnel to greater advantage. Prepaid group practices, with their characteristic emphasis on efficiency and economy, could be set up in areas lacking health services. Insurors could work with providers in devising methods for covering outpatient services. The list is endless.

The important thing is that change is essential; and if the health care industry refuses to initiate these necessary changes, then government is going to move in and occupy the field. When the private sector fails to provide, government is sure to act. I do not want socialized medicine. I do not want a federally owned and operated medical system.

Therefore, I believe the active participation on the part of the medical profession is vital. I believe that the ultimate solution lies in a true cooperative effort between the public and the private sector. Government can and must make an accommodation with the medical profession in order to make health care legislation work. And equally so, the profession must recognize that there are problems and must not resent or resist the efforts of government. All participants must realize that change is inevitable and should look to the good of the total system, not to the protection of private interests. Only in this way will we have a workable system, uniquely American, where quality health care can be made available to all.

A NEW COALITION

Mr. CHURCH. Mr. President, on Sunday, June 11, the Washington Post published a very good article by Neal Peirce on the new coalition emerging in American politics for change and reform.

Mr. Peirce makes a fundamental point in his analysis:

> Neither political party, and no leader, has been able to give effective expression to the hopes and fears of the American people.

But at the same time, he notes, the message of the presidential primaries to date is that "the ice has begun to break."

Mr. Peirce outlines the basis for a new coalition in American politics and points out that the candidate most identified with this trend is Senator GEORGE McGOVERN.

Mr. President, I commend Mr. Peirce's column to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BEHIND THE WINNER: A NEW COALITION?

(By Neal Peirce)

(NOTE.—The writer, author of "The Megastates of America: People, Politics and Power in the Ten Great States," is a contributing editor of the National Journal and presently a fellow of the Woodrow Wilson International Center for Scholars.)

Now that the 1972 presidential primary season is largely behind us, the time has come to take stock, to see what these elections mean for the country. My own conclusion is that the Democratic primary contests, from New Hampshire to California, mark a portentous turn in American politics.

For at least a decade, American politics—and that means American government—has been like a river clogged by a massive ice jam. The point is not original—seasoned analysts like David Broder have made it time and again—but it bears repeating: Neither political party, and no leader, has been able to give effective expression to the hopes and fears of the American people. Racial discord and lawlessness have stalked the land. We have had the unique experience of high unemployment fused with inflation. There has been a breakdown in our systems of education, of law enforcement, of transportation. The voters, looking to government for solutions, have seen instead political stalemate followed by inaction.

Thus American politics, as John Saloma and Frederick Sontag write in their book "Parties," "has been gripped by a sense of frustration and helplessness." At the same time, they note, there is "a mood of anticipation in the country, an expectancy, a restless searching, even a deep yearning for some issue, some leader, some catalyst that will effect a new synthesis, a new reality in political and governmental performance."

The message of the primaries in this: The ice has begun to break.

REJECTING THEMES OF THE PAST

First, we have seen an almost unprecedented willingness of the voters to reject the classic old political themes of votes for past favors and loyalty to safe, centrist candidates. Hubert Humphrey's record of legislative achievements failed to make him a frontrunner; Edmund Muskie's centrism failed to fire the voters' imagination. Instead, we saw heavy votes for two highly unconventional politicians, George Wallace and George McGovern. Some would say that the voters in the Democratic primaries have been disproportionately the activists and the angry—but the fact is that they have rarely, if ever, turned out in such numbers, and with such effectiveness, in earlier years.

Second, we are witnessing an early twilight to the era of the media-groomed candidate. Both Wallace and McGovern cut images that would make Madison Avenue shudder. McGovern, despite the cool, confident demeanor he has developed, is essentially a quiet, nonflamboyant man who might well win a prize as the "anti-media" candidate of 1972. But that would be by past standards; what the voters now seem to want in candidates is credibility, a willingness to take clear-cut and even highly controversial stands, to suggest that *real* change can take place in this country.

Third, the primaries have shown us startling weakness in the time-honored organs of the old politics—within the Democratic Party, for instance, the traditional bosses and their organizations, and the labor unions. In almost every test, their candidates have lost, or run much more poorly than anticipated. The reason is not that political organizations and labor unions are obsolete. It is that they have failed to catch the rebellious mood of the people, and have lost touch with their followers.

Fourth, there has been a remarkable transformation in the politics of youth, from protest and confrontation into a powerful weapon of a new politics. The demonstrations of the young have largely disappeared from the streets and campuses, only to resurface, in a quiet and highly effective form, in McGovern's phenomenally successful canvassing operations—and in the voting booths. Whether one agres with McGovern's policies or not, the channeling of youthful protest into the legitimate areas of elective politics is good news we could scarcely have hoped for four or even two years ago.

Is the outpouring of citizen action in politics, exemplified by youth, a temporary phenomenon, likely to fade away if McGovern loses the nomination or the election? I think not. The cork can't be put back in the bottle. The activists have seen what power they can wield; it is in their bloodstream and they are likely to be in the thick of campaigns throughout this decade, no matter who wins in November.

By opening their party to these new activists, who alo include large segments of women, minorites and intellectuals, consumer-advocates, environmentalists and anti-war agitators, the Democrats have taken a risk of great internal divisions (as the protechnics at next month's convention may well demonstrate). But they have brought dynamic elements into their party, a piece of political missionary work that the Republicans may one day have good reason to envy.

It is on the basis of the dramatic "opening up" of the Democratic Party, which had its roots in the reform mandate laid down by the 1968 Democratic convention, that we can move on to a corollary of immense importance; the outlines of a possible new political alliance, at this moment in the process of creation, that could update and even replace the Democratic coalition created under Franklin D. Roosevelt four decades ago.

Who might be included in a new coalition?

The newly enfranchised youth, of course. It has been popular to say that the young won't count for much because of their traditionally low turnout at the polls. Yet on the Democratic side of last Tuesday's California primary, the turnout of 18-to-24-year-olds (18 per cent) was not far from their share of the voting-age population (21 per cent). According to a CBS News survey, they went for McGovern over Humphrey, 70 to 20 per cent. Without them, McGovern might well have lost the primary. All surveys point to a heavy Democratic edge among the new voters across the country. If they register and turn out in substantial numbers next autumn, and the presidential election is as close as it was in 1968, they could easily tip the scales to the Democrats.

A second element of a new coalition would consist of liberal-minded suburbanites, who make up part of the most highly educated segment of the populace. These are people who feel economically secure enough to indulge their interests in "good government," reform and social welfare issues.

A third and less secure element would be a portion of the low- and middle-income voters, including many blue-collar workers, who chafe under high taxes, find government too unresponsive, and look to any leader who can offer them a change and a better deal—whether it be a Kennedy, a Wallace, or a McGovern. When voters in this group are preoccupied with a race-connected issue such as busing that seems personally threatening to them, they may stray from any new Democratic coalition; when not, they are prime candidates for it.

Last, as McGovern was able to demonstrate in California, a new coalition can include the blacks and Mexican Americans—generally speaking America's dispossessed. (The McGovern vote among blacks has advanced steadily in the primaries, from a nadir of 1 per cent in Florida to about 44 per cent, six points ahead of Humphrey, in California. McGovern also took about 60 per cent of the Chicano vote in California.)

A FLUID ALLIANCE

One can predict that such a coalition will have no staying power, that the interest of its constituent parts are simply too diverse. Without organized labor's enthusiastic support, any Democratic coalition will be hard pressed to win in a general election. Yet the McGovern movement is deeply threatening to big labor's heavy role in the Democratic hierarchy; some labor chiefs might prefer another four years of Nixon, during which they could reestablish their hold on the Democratic Party. As far as youth and the ticket-splitting suburbanites are concerned, they look much too independent to fit into any stable, lasting party organization or voting coalition.

Thus the new coalition may prove very fluid, appearing for some issues and candidates, disappearing for others. But since it is a coalition forming within the largest political party in the country, it is not to be taken lightly.

On an immediate basis, the new coalition cannot elect McGovern president unless his campaign can reach out more effectively than President Nixon's to appeal to the independent, moderate voters of the country. To begin with, McGovern will have to make overtures to the South. And he already faces the politically perilous task of modifying his stands to assuage the fears of millions of centrist, moderate voters—without alienating his ideologically committed volunteers in the process.

It must be remembered, too, that President

Nixon and the Republicans are also in the business of coalition building, appealing on the one hand to blue-collar America with stands like anti-busing and to sophisticated suburbanites with new and creative overtures to the Soviet Union and China. The Republicans believe they have an excellent target in McGovern's "radicalism."

But the Republicans' efforts to build a new majority faltered badly in the 1970 mid-term elections. The potential Republican majority has conflicts as serious as those facing the Democrats. An appeal to the conservative and blue-collar Catholics, for instance, can backfire and alienate the Republicans' traditional base among white-collar Protestants.

In November, moreover, the President will bear the burden—from a quarter century in the limelight of partisan politics—of virtually smbolizing the politics of stalemate and rhetoric that has frustrated the country. Fairly or not, McGovern seems fresh and direct by contrast.

In June, we cannot know if a new Democratic coalition of the type McGovern envisages can carry the day in November. But we do know that a new and powerful brand of citizen politics has been born. And for the first time since the 1930s, one senses at least the potential of a vital new grouping of American voters, one likely to significantly influence the remainder of the 1970s and the 1980s, even if it fails to win a majority in 1972.

THE MINIMUM WAGE LAW—A CRUEL HOAX

Mr. FANNIN. Mr. President, the minimum wage law is one of the cruelest hoaxes perpetrated on the poor of America.

By raising the minimum wage we simply will be cutting off employment opportunities for thousands of workers who hold marginal jobs. On the other end of the scale, we will be touching off a chain reaction of wage increases that will feed inflation without benefiting anyone.

These points were stated succinctly in a letter written by Jonathan Marshall to the Publishers' Auxiliary. The letter was published on May 25, 1972.

Mr. President, I ask unanimous consent that the letter, by one of Arizona's leading newspapermen, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

On Minimum Wages

Editor:

Your April 25 issue suggests that newspapers support the Anderson-amendment limiting the increase in the minimum wage so that it only be increased to $1.80 the first year instead of $2.00, as proposed in S1861. I suggest that such a compromise is really a cop out.

If this country is serious about fighting inflation, the minimum wage should be held at $1.60 per hour. If it is allowed to go up, the country will find that its balance of trade will be worse than during the past year because we will not be able to compete with other countries which have cheaper labor. This will mean that our American companies will close plants or assembly lines and unemployment will continue to rise.

The trouble is, we can't have our cake and eat it too. If we want to compete on the world market, reduce unemployment and hold down inflation, we have to start at the bottom, as well as the top. In other words, raising the minimum wage will set off a chain reaction in the total economy and everyone will suffer. For these reasons, I suggest that our members contact their congressional delegations and urge them to hold the line.

Jonathan Marshall,
Publisher.

GENOCIDE IS NOT A THING OF THE PAST

Mr. PROXMIRE. Mr. President, some people see the Genocide Convention as a gesture of no importance, with no other purpose than the further vilification of already-condemned crimes of past decades. Genocide, it is said, is a thing of the past, and we cannot change history with treaties 30 years after the fact.

But this hopeful view of the future resembles the hopefulness which preceded the genocidal policies of the Nazi regime. The growth of democratic enlightenment in the 18th and 19th centuries presumably had ushered in a time when systematic mass murder would be unthinkable. This naive optimism was rudely shocked by the growth of fascism.

Those who think genocide is no longer a subject of concern would do well to study last Sunday's editions, June 11, of the Washington Post and New York Times. Each newspaper features a front page article on the tragic conflict in Burundi between the ruling minority Tutsis and the majority Hutus. At least 100,000 people, and possibly many more, have been killed in Burundi in the last 6 weeks. The report by Jonathan C. Randal in the Washington Post says, in part:

> By all accounts, the orgy of killing was set off by the invaders' determination to murder all the Tutsis who make up 15 per cent of Burundi's estimated 3.5 million inhabitants. Their plan reportedly then called for the establishment of a purely Hutu regime.
>
> The continuing repression is seemingly dictated by the Tutsis' equal determination to cow the Hutu peasants into submission and wipe out the educated Hutu elite in order to ensure Tutsi domination for the foreseeable future.
>
> What has been called an attempt at "double genocide" has few parallels in the post-independence annals of Africa.

The Organization of African Unity has refused even to investigate the Burundi situation on the grounds that its charter forbids interference in its members' internal affairs. What the Genocide Convention does is proclaim that systematic extermination of racial, ethnic, cultural, and religious groups is not a matter of only internal concern, but that it violates international law. The convention allows the United Nations to consider cases of genocide, and determine what action is necessary.

The United States has for too long blithely ignored the issue of genocide. Evidence that genocide is going on in the 1970's should shake our complacency. I urge the Senate to immediately take up and ratify the Genocide Convention.

THE NATION'S LABOR LAWS AND UNION LEADERSHIP

Mr. TAFT. Mr. President, prior to the passage of the Wagner Act, it was difficult for American workers to organize unions and bargain collectively. The Wagner Act was an attempt to give the workingmen and women of the Nation sufficient bargaining power with their employers in order to advance their economic well-being. As years passed, however, it became evident that the Wagner Act contributed to new problems and failed to touch others which Congress attempted to rectify through the passage of Taft-Hartley and Landrum-Griffin.

Recently, I have received a summary of public opinion attitudes, as developed by Opinion Research Corp. of Princeton, N.J. This public opinion survey, taken late in 1971, is significant with respect to the attitudes of the general public on our Nation's labor laws and union leadership. Because of the importance of this subject, I ask unanimous consent that the summary be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

January 19, 1972.

Summary of Latest Trends in Attitudes On Labor Unions and Labor Laws

A PERSPECTIVE

1971 was a year in which there was a significant shift in the mood of the American public. For the first time since 1958, concern about the state of the economy topped all other "problems confronting the country," including the war in Vietnam.

Today, President Nixon has the backing of the majority of the American people for his new economic program. Twice as many among the general public agree with Mr. Nixon as agree with Mr. Meany about recent economic decisions.

Concern over high prices and unemployment undoubtedly colors people's attitudes towards labor unions and labor union leadership. When labor spokesmen criticize President Nixon's economic policies or push for inflationary wage settlements, they jeopardize their position in the eyes of the public at large as well as their influence as spokesmen for rank and file union members.

The public is critical of union leadership on such points as:

Meeting their responsibilities to the public as well as to their own members—64% of the public feel that union leadership is doing only a fair or poor job in this area. In the recent debate over government economic policies, 52% of the public felt that, in opposing these policies, union leaders were not truly reflecting the views of their own members.

Opposition to the President's policies—only 29% say that union leaders were right in opposing the President's plans, and a clear majority say they were wrong.

Even among union families, there is disenchantment with recent labor leader conduct.

A minority of union families—29%—believes that top labor leaders represent the average member when they speak out on the wage freeze and price controls. A scant 13% approve the discourteous treatment accorded the President at the AFL–CIO convention in Bal Harbour, Florida. And an impressive 86% of union members say that Mr. Meany was wrong in accepting his 28.6% ($20,000) annual salary increase.

ATTITUDES TOWARD UNIONS

Concern over inflation (among union members as well as the public at large) has played a role in undermining confidence in union leadership. Over the past year, the general attitude climate for labor unions has deteriorated due to strikes, and particularly the threat of major strikes that characterized the year 1971.

Some of the main findings in this survey:

There is a growing feeling since November, 1970, that strikes and labor trouble have seriously hurt the country as a whole (union members 53% to 61%, public 64% to 68%).

A majority of union members as well as the public believe that union demands will cause higher prices (union members 57%, general public 68%).

Criticism of union leadership is on the rise in terms of their not being responsive to the public's interests (union members 53% to 59%, public 60% to 64%).

Union members are no less aware than the general public that we are in an inflationary period (union members 95%, public 91%).

Increasing awareness exists among a majority of the public that high wages in this country make it difficult for the U.S. to compete with other countries, both at home and abroad. And a clear majority of union members feel the same way today.

LEGISLATIVE ISSUES

On a number of specific legislative issues, there is solid public support which comes as much, if not more, from union members themselves as from the rest of the public as a whole. These tend to be issues which involve the due democratic process in union affairs.

LATEST SURVEY RESULTS DECEMBER, 1971

	Total public (percent)	Union members (percent)	Points difference
Favor a law to:			
Give unions and management equal rights to communicate with employees	78	89	+11
Require a secret bollot after 30-day strike	77	81	+4
Guarantee union members right to criticize their leaders	74	85	+11
Allow companies and unions to decide whether or not to bargain on things not included in union contracts	67	73	+6
Require secret ballot in representation elections	65	71	+6
Allow companies and unions to decide whether or not to engage in coalition-type bargaining	56	63	+7

On certain other more technical issues, such as common situs picketing, jurisdictional disputes, and so forth, the public's and union members' support is somewhat lower and the gap between union members and the public tends to be smaller.

This study has been updated regularly since 1966. And there have been significant gains in support for specific labor reforms among the public, and in some cases, among union members as well. For example:

[In percent]

	Total public		Union members	
Favor a law to—	1966	Latest survey	1966	Latest survey
Guarantee union members' right to criticize their leaders	64	74	72	85
Require a secret ballot in representation elections	57	65	77	71
Permit management to discipline employees who commit violence in connection with a labor dispute	52	62	58	58
Forbid strikes caused by union rivalry	44	51	37	52

Most of these gains were recorded in years prior to 1971. The results for this year would suggest that support for legislative changes has begun to stabilize, but at relatively high levels. The main changes since the 1970 survey are those dealing with the general climate for labor (reported on page 2).

The findings in this survey indicate that the impact of 25 million new young voters will *not* significantly affect the drive for labor law reform. On most questions posed, the views of 18 to 24 year olds do not differ widely from those of the rest of the public.

In sum, the level of support for labor law reform has been maintained, and in some cases, significantly increased.

Of interest: There has been a small drop, on the borderline of statistical significance, in the proportion of the public which believes that we are now in a period of inflation. At the time interviewing for the current survey was done, Phase II controls had been in effect for some weeks. While it is too early to say with any assurance, it is quite possible that this drop may reflect a feeling on the part of the public that the wage-price program can achieve the desired result of putting brakes on the inflationary process.

A CITIZEN'S VIEW OF VIETNAM

Mr. TUNNEY. Mr. President, one of my constituents, Mr. David Lippman, has forwarded to my attention a persuasive and compelling letter written by Mrs. Ruth Henning to the Los Angeles Times.

I am pleased to call Mr. Lippman's letter to me and Mrs. Henney's letter to the Times to the attention of the Senate and ask unanimous consent that they be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Monday, May 22, 1972.

Senator John Tunney,
Senate Office Building,
Washington, D.C.

Dear Senator Tunney: I've enclosed a Beautiful letter by Ruth Henning, Taluca Lake, printed in the Los Angeles Times May 20, 1972.

Ruth Henning's letter should be read to the Senate and placed in the Congressional record.

I take my Hat off to Ruth.

Keep up the good work John.

Sincerely yours

David Lippman.

Letters to the Times—"Personal Responses" to the Blockade Decision

(By Ruth Henning)

I read your editorial pages every day and it has always seemed to me that the different opinions expressed are more or less in balance. I have been encouraged that you have spoken out against the war and pray you will continue to do so.

When I read the article (May 12) by Emerson D. Moran and the prominence you gave it, I felt inspired to give you my response to the President's action, which represents an opposing view.

I am a wife and mother with three grown children and a recently acquired college education—San Fernando Valley State, 1968. This is my first letter to The Times.

After watching the President on television, I felt sick, frightened and angry. I have waited to write this because I did not want to strike out while under the influence of such intense emotions. Now, a week later, I am still filled with fear, anger and revulsion. I neither approve nor support this decision, and I am frankly amazed at the number of Americans who do.

It's too bad the President didn't make his cease-fire-total-withdrawal offer long ago when it might have been believed and accepted. I do not in any way support the Hanoi government, but in all honesty, I cannot blame them for being super-cautious about any "carrot" dangled in front of them by our government whose past actions have included saturation bombing, antipersonnel weapons, napalm, defoliation, systematic destruction of their country and its population, and stubborn support for the unpopular, repressive Thieu regime.

It seemed obvious to me, an ordinary citizen, that Vietnamization was only another name for continued military action, and that it would never work without our continued military support. It also seems obvious that our prisoners of war will never be released until we get out of Vietnam. Our present activities are, far from freeing our prisoners, only creating many, many more.

"We can't just turn tail and run like cowards," say the superhawks. For a decade, we have been there pouring out our life's blood and the major portion of our tax dollars for reasons which none of us can understand or support, if indeed they were ever valid. The President himself admits we were wrong to start the whole thing, but he now seems frozen in the posture that right or wrong, we must win. Win what? A tiny, war-devastated country halfway around the world that will never stay "won" without permanent troops of occupation and permanent financial outlay. We would show far more courage to admit our mistake than to go on doggedly, desperately getting in deeper and deeper.

"There will be a bloodbath if we leave!" agonize others. In the name of heaven, what is going on there now? If we care so much about the Saigon government, we could get them out along with our own people at far less expense.

"We will lose our credibility if we suffer a military defeat!" shout the ardent nationalists. I submit that we have already lost our credibility by our futile, inhumane actions. Does anyone seriously believe the world doubts the strength and power of the United States? Judgment perhaps—but never power.

"We will no longer be Number One!" cry the Flag-wavers. This is such a shallow, childish, arrogant argument it hardly seems worth answering. The world knows we are the richest country, that our technology, our industrial capacity, our national will and strength are second to none when our cause is just—that we have the nuclear capacity to destroy the whole world many times over.

If our national aim is to triumph over communism, it is my belief that we will succeed only by making ourselves once again the shining example of democracy that works, of democracy that feeds its hungry people, takes care of its sick, provides jobs for its unemployed, cleans up its environment; that makes itself responsive to and responsible for all its people, not just the special interests; a democracy that encourages and pays for education, medical advances, cultural development, and the protection of its beauty and natural resources; a democracy that puts the emphasis on the quality of its life rather than the quality of its gross national product; a democracy that, from its plenty, exports help for human needs with no strings attached. We must do what's right for us, and admit with all humility that we may not always know what's right for someone else. If we are true to our own ideals, we will then—and only then—be Number One. This is the kind of supremacy I want for the country I love—for the United States of America!

THE UNITED NATIONS AND THE ATTAINMENT OF PEACE

Mr. PERCY. Mr. President, I invite the attention of Senators to a speech by United Nations Secretary-General Kurt Waldheim explaining the participation of the U.N. in world affairs and particularly its attempts to achieve global peace.

Mr. Waldheim spoke before a gathering of American business and labor leaders at the New York Hilton on May 25, 1972, when President Nixon was visiting Moscow to conclude with the Soviet Union several far-reaching agreements. Mr. Waldheim applauds this sort of accommodation among the world powers which would include, of course, the President's trip to the Peoples Republic of China.

I ask unanimous consent that Secretary-General Waldheim's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF SECRETARY-GENERAL KURT WALDHEIM

I am glad to be here today among so many distinguished businessmen, labor leaders and other great American personalities brought together by the United States Association for the United Nations. I cannot be grateful enough for the support we receive from the Association here in New York and in many other cities of the United States. I knew already of its activities when I was a Permanent Representative of my country in New York, but since my appointment as Secretary-General I have had many more occasions to judge its numerous and valuable contributions to our work. I wish to thank you all for having come here tonight, thus showing your interest in what the United Nations is trying to do.

There have been rather considerable changes in the world scene during the last two years. Several hopes which had been expressed in the United Nations have been fulfilled. One hope was that the heads of state of the Great Powers, including the People's Republic of China, would meet from time to time to end their confrontations and divisions and begin building together a peaceful and better world.

Well, the President of your country has visited China and at this very moment he is in Moscow. In all human affairs, to speak to each other is the first simple but essential step to better understanding, co-operation and ultimately friendship. A fundamental change has thus intervened in world affairs. Cold shoulders have been replaced by face-to-face meetings of men who bear great responsibilities towards humanity in the name of their powerful countries.

The People's Republic of China, the most populous country on earth, in the absence of which the United Nations lacked realism, is now occupying its seat in the world organization and in the Specialized Agencies. Another important event has taken place a few days ago; the German treaties were ratified, opening a new phase of East-West relations in Europe.

Some may like or dislike these developments, but a Secretary-General of the United Nations can only like them because they mean progress towards peace and accommodation amongst the Great Powers. For anyone to wait and hope that one of these powers would disappear or collapse would be tantamount to hoping for world war. There is no other choice. The equilibrium of atomic terror means also equilibrium of an understanding and co-operation between the tenants of power.

Two years ago, I had just finishing writing a book on Austria's foreign policy in which I had concluded that it could be taken as axiomatic that the big powers did not want war and that a period of detente had been initiated by President Eisenhower and Premier Krushchev. Austria was the first beneficiary of this change: It regained its independence and was free of Four-Power occupation. There have been several severe crises and strains in East-West relations since then, but none of them, neither the U–2 incident nor the Cuban Missile Crisis, interrupted the process of detente. There have been two further serious crises recently: Bangladesh and the escalation in Viet-Nam, but again none of them interrupted the trend. We must therefore be aware of a deep current of change in world political relations.

To the men fighting and to the people suffering in Viet-Nam, North or South, Vietnamese or foreign, this is of course no consolation. Death obliterates for them any hope or any vision about a future humanity at peace. The fact that there has been no world war for twenty-seven years in the most populous and more rapidly changing human society the world has ever seen can be no damper on our impatience and concern with bleeding and unsolved conflicts. While welcoming the smiles we must also eliminate the tears.

My readiness and efforts regarding Viet-Nam are known to you through the news media. They reflect not only my own personal human concern but also the fact that the community of nations cannot much longer stand by and wait for the possible but uncertain end of that conflict as a result of efforts among the parties concerned. The Paris negotiations have now lasted for four years and the situation today is not better than it was at that time.

The bloodshed in Viet-Nam does great harm to the United Nations in the eyes of the public which is asking itself: "Why is the United Nations not seized with the problem? Why is the United Nations not doing something about it?"

The United Nations has perhaps not performed miracles, but each conflict brought before it has been solved or has, at least, been stopped. However regrettable protracted unsolved conflicts like Cyprus and the Middle East may be, an armistice is definitely better than an active conflict. I have placed my concern and views before the Security Council in a memorandum to its President. It is my duty to do so in the interest of peace. I have also offered my good offices in order to be helpful in finding a solution to this conflict but it is also evident that we can succeed only if we have the co-operation of the parties concerned.

The community of nations must aim at removing urgently once and for all the various sources of bleeding and irritation which poison international relations from Cyprus to Korea, passing through the Middle East and South-East Asia. During World War II, at Teheran and Yalta, the leaders of the Allied Powers were able to meet, to talk to each other, to review their problems and to come to accommodations and agreements. Why can we not try to do the same today on the whole string of unsettled problems which divide and retard us?

Does it require a new holocaust to do the simple things which any man in the street in any country of the world would recommend to be done: to meet among all concerned, to negotiate, to accommodate and to give, at long last, to the tired inhabitants of this planet lasting peace? The benefits would be enormous for all. In this task we need not only the good will of the big powers but also that of the medium and smaller powers involved. They too must bring their contribution to the common objective of peace and understanding. We had no United Nations at the time of Theran and Yalta. Well, we have it now. The United Nations would therefore be the obvious meeting place for such an effort.

I hope that with the ratification of the German treaties we will soon see both Germanys represented at the United Nations, bringing the world organization close to universality.

I urge that this world organization created for peace and global needs be used, supported and strengthened. We know the objectives: They are inscribed in the Charter. We have the instrument which is now almost universal and in which the big powers have been given big privileges. In our highly complex and interdependent world, multilateral co-operation is an absolute must.

The billions of people deprived of atomic power, of satellites and of scientific superiority have also a right on this planet: The right to live in peace, to strive towards their progress and to build together an orderly and peaceful world. Lest we create the bonds of solidarity today among all countries there will be other big powers tomorrow pursuing the same obsolete dreams of today. We hear nowadays several lists of big powers; two, three, four or five. Never does one hear mentioned in such lists the name of the United Nations. This is wrong and short-sighted, for by disregarding and underestimating the world organization, one belittles the many poor of this world who have also a nationhood, a pride, a value and a culture. One deprives the community of nations of the strength, were it only the moral strength, which resides in their union. It is high time that in our deeply interdependent world, we discover the simple laws and immense benefits of unity. We must give its collective instruments the first place it deserves.

The process of accommodation among the big powers and the acceptance of the idea that we might be able after all to live together in peace and friendship on the same planet must be accompanied by a greater willingness to learn from each other and to exchange experience. Not everything is bad in one country, one system, one continent, one race or one culture and perfect in another. There is good and bad everywhere. We must strive together to foster what is good and to eradicate what is bad. It was not so difficult to lay down in the Charter our common objectives of peace, security, non-recourse to violence, economic progress, social justice, racial equality and the protection of the individual's human rights. We must work more intensely and more speedily towards them, leaving aside claims of superiority of any sort, be they ideological, national or material.

We must be more impatient and less complacent on the political side. Vast new problems are in the making or are already amidst us, from which no nation will be immune or able to escape, whatever its wealth, power or size may be. The names of these new problems are: the population explosion, the endangered environment, the consumption and urban explosions. It is not significant that the first agreement signed in Moscow between the two heads of state should deal with the environment? But, here again, the problem is world-wide. Our attention is beginning to be diverted from purely national concerns to preoccupations relating to the planet as a whole. There are immense tasks awaiting humanity. They must be tackled in our common interest. They will provide the employment needed as a result of diminished armaments and the eradication of built-in obsolescence and wasteful consumption.

You will ask me: "How adequate for these tasks do you find the instrument of which you are now the Chief executive officer?"

I would not hesitate to answer this: It is an excellent instrument. It is now almost universal. It provides, together with its specialized agencies, international co-operation on practically every subject on earth, from the atom to outer space, from population to the environment, from hunger and health and development to drugs and crime. It constitutes the most potent world observatory and warning system of global events and changes on this planet. Its knowledge and thinking reach well in the future. Some of the finest men and women from all countries, all beliefs, all races, all cultures and all systems work for it. It is a unique meeting ground for statesmen of practically all countries on earth during the General Assembly. It has prevented untold conflicts and has paid a thousand times its cost which is less than that of the Fire Department of New York City or the budget of many companies.

Of course, like any human institution and perhaps more than any other institution, the United Nations is in need of constant change, correction, improvement, self-criticism, modernization and streamlining. I will apply myself to these tasks with all my strength.

There are however three major defects with which I have become concerned since my appointment: the reluctance or hesitation of governments to use fully the organization they have created; the ignorance and lack of understanding of the public and of the mass media regarding its achievements and its built-in limitations; and the financial obstacles constantly placed in its way and which begin to be frankly intolerable. An organization and its Chief Executive Officer, which are expected to deal with peace, security and practically every ill and global problem on earth, should be given the peace of solvency and a minimum of financial elbowroom. We are wasting too much time in trying to meet each month's payroll. This situation, furthermore, does not help the morale of the people who have assembled from so many countries, including so many from the United States, to work together in the United Nations. To have good workers for peace, development, the environment and so on, nothing is more important than a good moral.

May I therefore appeal to you to help me correct these short-comings? There is need for more honest down-to-earth learning about it, and there is need for putting an end to its financial impediments.

I have been greatly encouraged in all my talks with heads of government in recent months. All of them place renewed confidence in the United Nations and have promised me their full support. Every where there is hope, great hope and a large part of it is placed in the United Nations.

Ladies and gentlemen, may I repeat what I said recently in the General Assembly and assure you that I will fight for peace to the utmost of my strength. But I need your help. We, if we all work together, if we all help each other, then we shall achieve what we all want to achieve, peace—peace for us, peace for our children, peace for our generation and peace for generations to come.

OSHA AND SMALL BUSINESS—OVERWHELMING REDTAPE

Mr. McINTYRE. Mr. President, the flood of Government paperwork forms imposed on the American businessman today is credited by some as their single biggest problem in their constant competitive effort to stay in business. As chairman of the Subcommittee on Regulation of the Small Business Committee, I have undertaken an indepth examination into this area which I choose to call "Federal form pollution"—a burden that costs the Nation's businessmen $18 billion every year.

I invite the attention of Senators to a thought-provoking column written by James J. Kilpatrick and published in the Washington Sunday Star of May 11, 1972, citing how small employers are protesting bitterly against another example of federally imposed recordkeeping; namely, that required by the Department of Labor under its interpretations of the Occupational Safety and Health Act. As Mr. Kilpatrick so aptly puts it, and as our subcommittee is finding more and more of a truism as we delve into the businessman's paperwork burden, "statistics to the bureaucrat are like cud to the cow."

Certainly, the intent and purpose of the Occupational Safety and Health Act to protect the American working man and woman is most commendable, but why good laws passed by Congress must become enmeshed by the Federal bureaucracy in hard and irrelevant rules and regulations for the businessman, I just cannot understand.

Mr. President, I ask unanimous consent that Mr. Kilpatrick's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDUSTRIAL SAFETY ACT OVERBURDENS EMPLOYERS

(By James J. Kilpatrick)

Industrial safety is one of those things, politically speaking, that no prudent politician can oppose and every prudent politician must support. It stands in a class with clean air, clean water, pure food, and non-flammable nighties for little girls.

Thus, it was, 17 months ago, that the Senate voted 83-3 and the House 309-60 for the Occupational Safety and Health Act of 1970. The act went into effect April 28, 1971. American employers and employees now have been struggling with its provisions for a little more than a year. It will be another year before even tentative conclusions can be drawn on the law's effectiveness.

Meanwhile, the verdict seems to be mixed. There is some reason to believe that the law's impact is like the little boy's book report on a 600-page volume dealing with penguins: "This book told me more about penguins than I really wanted to know." With its sweeping and detailed regulations, the act of 1970 may have imposed upon industry more safety than really is required.

One hesitates to venture such a judgment. The figures (excluding mining casualties, which are compiled separately and are covered by another law) offer a sobering picture of conditions in need of correction: In 1970, some 14,500 persons died and 2.2 million suffered disabling injuries in industrial accidents. An estimated 250 million man-days of work were lost. Beyond dispute, many employers have been negligent, and many workers have been careless.

Granted all that, an impression is growing that the 1970 act is developing, just as its critics have protested all along, into a lawyer's dream and an engineer's nightmare. In their eager-beaver zeal to make an impressive splash, safety inspectors from the Department of Labor have made more than 22,000 inspections in their first nine months of enforcement. They have recommended penalties in a startling 40 percent of their investigations—penalties adding up to nearly $1.5 million in fines.

If the penalties were imposed only for serious infractions of safety rules, employer protests would have a hollow ring. But in thousands of instances, it appears, elaborate citations are drawn up for the most trivial offenses: An electric extension cord is not precisely secure, a hardhat is not precisely the approved weight, a toilet seat is not exactly so many inches off the floor, an appropriate receptacle has not been provided for used paper cups at the water container.

Employers complain that the system leaves them virtually at the mercy of two groups—their own workers, and the Labor Department inspectors. Under the law, the burden of maintaining safe conditions falls entirely upon management; if an inspector finds a laborer bare-headed, when he should be wearing a hardhat, the employer is penalized—even though he may have pleaded repeatedly with his workers to observe the rule.

Small employers are protesting bitterly, with apparent justice, at the heavy burden of record-keeping demanded by the act. Statistics to the bureaucrat are like cud to the cow. It is understandable that the Department of Labor wants to feed its computers all kinds of lovely figures. But the forms are demanding; the records are tedious; and compliance takes endless time.

Admittedly, accidents cost money; but so does safety. Last week the U.S. Chamber of Commerce heard from a manufacturer of earth-moving machines. Between 1969 and 1975, some 350,000 such machines will have been built. Under the law, each must carry $2,000 in new roll-over protection. That represents an added cost of $700 million which must be recaptured somehow.

Employers undeniably have an obligation to provide safe and sanitary conditions for their workers. Who could quarrel with that? But some noise, and some dust, and some hazards are inescapably part of the world of manufacturing and building. If the administrators of the act get excessively finicky, they will succeed only in driving costs up, and cooperation down.

CONCERN IN ACTION

Mr. PACKWOOD. Mr. President, in this day of worldwide environmental concern, I think most of us realize that it will take a concentrated dedication on all our parts if we are to achieve our goal of preserving and protecting our environmental quality. But the true test of our concern lies in the decisive question "What am I willing to do?"

Oregonians, I believe, are leaders in this field for they are doers, not just talkers. In a recent environmental contest conducted by KXL–AM radio in Portland, responses to the question "What am I doing to improve the environment?" exemplify the concern and individual work Oregonians exert in their day-to-day lives. Some of the entries were in the form of letters, others were poems and essays, and all were constructive.

The credit for this timely and meaningful contest goes to the staff on KXL radio. The staff thought up the idea of devoting an entire month of public affairs programing in March, and in April put their ideas to work.

KXL broadcast 10, 60-second contest promotion announcements per day beginning April 3 and continuing through April 29, for a total of 270 announcements. The announcements ranged from noise pollution to solid waste disposal and covered all phases of pollution problems.

Mr. President, because of the importance of this subject to each of us, I ask unanimous consent that four of the top entries submitted to KXL radio in the environmental contest be printed in the RECORD.

There being no objection, the entries were ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL AWARDS CONTEST, KXL RADIO, PORTLAND, OREG.

(By Mrs. Dorothy M. Carl)

Heredity determines the color of our eyes but environment lights them up and, in the area of environmental improvement, we can no longer go on just being a good egg—we must hatch or go rotten.

This game of Ecology starts at home plate and we are all players—no spectators. Litter is our grossest national product—let's start a clean-up epidemic. If we improve one other person's habits by being a good example, we have improved 2 people!

Don't spell it "freeDUMB"—polluting habits shackle even the free. In a land where we can say anything we think (and if we can't think, we can say it anyway), fight noise pollution—if the mind goes blank, turn off the sound.

Buy only returnable or recyclable containers—and return or recycle them. Share magazines and papers. Bury or compost all clippings, grass, twigs and "soft" garbage. Instead of burning leaves, write poetry about the glories of autumn—and then bury them both!

Learn to gamble with a spade and some seeds, enlisting the aid of friendly insects and birds instead of sprays—and planting no more than your wife can weed.

Dig the dandelions—before they blow their tops.

Ride a bus—or walk—wherever possible.

Quit smoking—and refrain from telling others how you did it.

Stamp out those tiring smile buttons—substitute the real thing.

Help an unwed mother—take one of her kittens—and have it neutered.

Register and always vote, carefully studying candidates and their attitudes—aware that friends of environment are people whose feelings run ahead of their thinking.

Make friends of our mighty rivers, stapled with bridges and dammed for power—you will not despoil a friend.

Enjoy our glorious forests, deserts and open spaces, always leaving them as untouched as the first day of creation so that they will be there to return—and return—to.

Anything we can conceive, we can achieve—the most undeveloped territory in the world is under our scalps, and, I would that we have calluses on our minds but no bunions on our countryside!

ENTRY IN ENVIRONMENTAL AWARDS CONTEST

(By Marcia Lieurance)

A number of years ago I stood on the edge of a cliff on a high mountain top in eastern Oregon listening to the quiet and observing the beauty unfolding in the panorama below.

As I contemplated this peaceful time and scene—wondering how it had looked in years past—and wondering how it would look in the future—I asked myself "What can we do as individuals to reverse some of the trends that threaten our environment today?" Trends that could destroy such places and scenic wonders that were giving me this pleasurable moment in time.

The answer was "Individual and voluntary assessment work" similar to the assessment work of gold and silver and other miners proving up on their mining claims.

Since that day on the mountain top our large family and our many outdoor loving friends do our "assessment work" each time we are on an outing whether it be at the ocean, parks, lakes or streams or at a remote and isolated picnic spot on the desert or mountains.

We religiously do "our assessment work" by not only cleaning up our own areas but by cleaning up everything within our capabilities that are left behind by careless people. Sometimes we also repair things damaged by vandals, remove rocks from the road, or just about anything that needs immediate, individual attention.

The small youngsters in our group of outdoor enthusiasts are as eager to help with the pre-cleanup that is prerequisite to our good times as are the teenagers, mom and dad.

"Voluntary assessment work" has become the small price we pay for the continuing pleasure we receive in our great outdoors.

"SWAP A DIRTY WORLD FOR A CLEAN ONE"

(By Milo Moys, president)

DEAR SIRS: I am president of an 11 month old club called S.W.A.P. which stand for "Stop Water and Air Pollution." We are very well organized and have done a lot in the Portland area. We began our club at our school with three members of the 7th grade and now have 18 members and operate without parental supervision except for advice here and there. We have cleaned up roadsides, distributed Solv material, collected material from all over the world to compile into our own material to pass out to the public. We have taken surveys, and are now building a recycling center in the Hillsboro area for glass and cans. In the next 2 months we hope to begin water test on the Willamette and Tualitan Rivers. We are all 13 years of age and work hard.

"TO THE WORLD"

(By Betty J. Newell)

In the beginning
A planet was born.
"Earth" became her name.
Time passed.
And Earth grew vibrant,
Strong and beautiful.
When she was ready,
Earth blossomed
By giving birth to us,
The "Earthlings."
Earthlings flourished
And were nourished
By Earth.

To each of us,
Earth gave
Food, water and fresh, clean air,
Mountains, deserts and starry nights,
Wildlife and forests—
Waterfalls and rivers,
Blue skies,
Fluffy, white clouds,
Rainbows,
Sunrises,
Sunsets,
And bright tomorrows.

Earthlings took Earth for granted.
Wantonly, recklessly, we
Sprayed chemicals over her food,
Poured fumes and gases into her "lungs,"
Dumped garbage on her face—
And jabbed junk into her sides,
Pumped refuse into river "arteries,"
And broke her heart
With desecrated forests
And slaughtered wildlife.
The eye-sores festered,
The poisons contaminated,
The beauty faded.

Today,
Earth cries murky tears
Through carbon-clouded skies.
Her vision is blurred.
Her pulse has slowed
Earth is sick.
She is seriously ill,
She may die—
And Earthlings don't care.
Do we?
If so, why don't we do something?

When a loved one becomes ill,
The Earthling consults a doctor.

Earth has a "team of specialists"—
Historians, scientists and analysts.

Their professional medical advice:
"Stop ravaging Earth.
Stop poisoning Earth.
Scrub her clean.
Then, recycle with large doses
Of tender, loving care,
Planning and Foresight."
Each Earthling has the ability and responsibility
To have that prescription filled.

With letters,
Order it from government representatives.
Request it of auto and industry leaders.
Urge it with rapid transit monorails between cities.
Purchase it with organically grown foods and non-polluting detergents.
Talk it to your neighbors.
And in the meantime,
Do it, personally, by example.
Do as much as you can
To ease the stress and strain—
To make Earth quiet,
Clean and comfortable.

Rediscover the great
Measure of pleasure
Derived from walking
And bicycling.
If you think the world of Earth,
Then join in wishing her
A Speedy Recovery
By taking action, today.
Be aware—
Show that you care!

THE INCIDENT AT LOD

Mr. TUNNEY. Mr. President, throughout the course of history, mankind has been confronted by many dangers and threats to its existence; capricious weather that destroys crops, floods that erase villages, fires that rage through forest and farm, disease and pestilence that sweep before them the weak and the strong alike. But of the enemies of mankind, none seem so wanton as the enemy among us, the terrorists and murderers who stalk the innocent and prey upon unwitting bystanders. The most recent example of insane terrorism at Lod Airport in Israel on May 30, 1972, convincingly demonstrated the depths of depravity to which these heinous members of the human family have reached. In one furious instance of savagery, three terrorists created an eternity of havoc and destruction, an eternity of injury and pain, an eternity of maimed and crippled bodies and minds, an eternity of death for 24 pilgrims and travelers who through chance were poised before the weapons of madness.

The incident at Lod assumed what today's commentators describe as "international repercussions." Air France flight 132 originated in Paris, stopped in Rome, and flew on to Israel with its passengers from Europe, Israel, Puerto Rico, and Japan. One of the terrorist organizations headquartered in Beirut took pleasure in announcing its sponsorship and support for the attack. Radio broadcasts originating in Cairo, Damascus, and Bagdad, representing the Palestine guerrilla groups but with the apparent support of the Arab governments, applauded the actions of the three gunmen with words such as "daring," "heroic," and "thrilling."

What can be "thrilling" about a surprise attack on innocent people in a crowded airport? What is "daring" about using machine guns and hand grenades against unprotected and unsuspecting religious pilgrims on a spiritual journey of faith? Did these "heroes" expect immediate transportation to some diabolical Valhalla for murders in the name of a dubious political cause? Can these means, the callous murder of innocents, in any way be justified by the ends they are intended to serve? I would suggest, and I am positive that every sane man, woman, and child will agree with me, that the terrorists cannot be justified, regardless of the injustices real and imagined of the past, regardless of the seemingly unreachable solutions to the wide-ranging problems which separate the Arabs and the Israelis, regardless of the causes, phrased in lofty and illogical rhetoric, to which these terrorists pledge their lives.

Our world has in recent time been subjected to a new reign of terror. We have seen leaders of nations shot down by unbalanced assassins, and watched neighbors settle their differences with the torch instead of debate. We read of the new horrors of massacres in Africa and the mounting statistics of death in Asia. Police and soldiers patrol the streets in Ireland and Cyprus, and armed terrorists kidnap diplomats in Turkey and Latin America. A feeble-mindde few threaten hundreds with bombs and guns on planes and ships for a reward of ransom money. But whether their reasons be political or monetary, the terrorists of the world threaten all.

Terror in the Middle East is not a modern innovation. In the long-standing controversy over Palestine, terror tactics have been used by the malcontents and lunatic fringe as their response to a failure to realize political gains—the murderous tantrums of the unstable. A legacy of 25 years of war, hate, and frustration is the foundation for the kidnapings, murders, bombings, hijackings, and arsons of recent days. There seems to be no end to the chain of terrorist acts, to the explosions at Hebrew University, the Tel Aviv bus station, the Western Wall, or the apartment building in Haifa. There seems to be no limits to how far afield the terrorists will carry their bombs and guns to threaten and involve a growing circle of peoples and nations—to the Athens office of El Al, the airport in Algiers, Dawson Field in Jordan, and now to Lod Airport in Israel by way of Paris, Rome, Tokyo, and San Juan.

For the responsible governments involved in the Arab-Israel dispute, the prospect of hijackers and kidnapers presents a serious and perplexing problem. The State of Israel instituted rigid and effective controls over its planes and airports, but Israel's efforts are negated by the laxity and apathy of other nations and airlines. The Government of Jordan has condemned terror tactics but was unable to act against the terrorists in September 1970 when hundreds of passengers and crewmembers were held at gunpoint at Dawson Field. The Lebanese Government has tried to control the movements of the terrorists along the Isreal border, but while there has been some success, the area remains a staging ground for attacks against Israel. After the massacre of May 30, leaders of Lebanon and Jordan again issued statements condemning terrorism and denouncing the actions of the three murders at Lod Airport. But are the statements enough? Does the condemnation by a Government leader constitute an effective brake on the actions of the terrorist organizations which are permitted to operate within the territories of Jordan and Lebanon? It seems to me that public statements are not enough, even though well intended and inspired by deep conviction. More must be done to stop the kidnapers, hijackers, and killers.

There are several alternatives open to the United States. We could sever diplomatic relations with those nations which encourage or harbor terrorists and forbid our citizens to travel to those countries or to use their airlines. We could ask for voluntary boycotts against states where the hijackers operate freely. We could seek stronger international controls over preventive surveillance of passengers and luggage. The course of action I propose combines features of each of these approaches and has the added advantage of providing an incentive for all the governments involved to insure that corrective measures are taken against international criminals. Nations which harbor terrorists, or which do not comply with acceptable standards of preventive surveillance, or which contribute to the terrorists' cause by allowing propaganda dissemination, recruiting, training, or headquartering within their boundaries, or which encourage other acts of violence by either applauding terrorist exploits or by not condemning them, should be denied the right of access to the world's international air facilities and should be denied service by the world's international airlines.

An international boycott of airlines and airports, maintained through existing international organizations, such as the International Federation of Airline Pilots' Associations, would deny to nations friendly to the terrorists the revenue from tourism and international air commerce. This action would produce an international expression of condemnation of the permissive governments, would encourage other governments and airlines to tighten their own security measures in order to avoid the boycott, and would inconvenience the nationals of boycotted nations to the extent that the people would demand more stringent controls over terrorists in order to relieve the boycott.

Some strong action of this nature is imperative. The lives of innocent people are more than ever at stake.

PROBLEMS OF WOMEN OBTAINING CREDIT

Mr. PERCY. Mr. President, the National Commission on Consumer Finance has recently been holding hearings on the problems women have in obtaining or maintaining credit ratings when their marital status changes.

One of the more interesting testimonies presented was that of Jorie Lueloff Friedman, of Chicago, on the credit problems she had when she got married to Richard Friedman, regional director of HEW in Chicago.

I think her testimony does point up biases in credit systems against women. I ask unanimous consent that her testimony before the National Commission on Consumer Finance be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

TESTIMONY OF JORIE LUELOFF FRIEDMAN

My name is Jorie Lueloff Friedman, and I'm here to speak as an individual and not as a representative of any group or organization.

I would like to draw your attention to a situation you may be unaware of, just as I was until I had to contend with it personally.

The problem is this: Many stores require women with established credit to reapply for credit in their husband's name when they get married. This seems to be done as a matter of course even when there is no change in the women's financial status. The implication is that a woman has suddenly become a second class citizen or an irresponsible child who can't be trusted to pay her own bills—just because she got married.

This is what happened to me.

I've supported myself for the past nine years—first as a writer for the Associated Press and, currently, as a newscaster for NBC News in Chicago. I've had charge accounts at most major Chicago stores for more than six years. I've always paid my bills on time and I never had a credit problem—until I got married.

Shortly after my marriage I wrote all the stores where I had charge accounts and requested new credit cards with my new name and address. That's all that had changed—my name and address. Otherwise, I maintained the same status—the same job, the same salary, and, presumably the same credit rating. The response of stores was swift. One store closed my account immediately. All of them sent me application forms to open a new account—forms that asked for my husband's name, my husband's bank, my husband's employer. There was no longer any interest in me, my job, my bank, or my ability to pay my own bills.

I called some of the stores and asked why I had to open a new account. Without exception, they informed me that under Illinois law, my husband—not I—was now responsible for my bills. According to the Consumer Fraud Division of the Illinois Attorney General's Office, this simply isn't true. Furthermore, they report that under Illinois law the wife alone is responsible for her debts, and husband and wife are equally responsible for family expenses.

Nevertheless, in the interest of expediency, I dutifully filled out the credit application forms, listing my husband's employer and bank. The net result of all this activity is that my husband, who will probably never set foot inside a women's clothing store, now has charge accounts at most of the major women's stores in Chicago.

The problems with the stores were only a shadow of the trials that lay ahead with one of the major credit card organizations. I've held one of their credit cards for four years without any problems. When we married, I recommended that my husband get one of their cards. He applied for his own account—and eventually we each had our own credit card. But guess who got my bills! Not me—but my husband! For four months he paid his part of the bill, and with his check each month, he enclosed a note explaining that I—his wife—had paid fifteen dollars for the privilege of my own account and preferred to pay my own bills. We received no reply from the company, and they persisted in charging my husband for my bills. The whole thing came to a head one night two months ago when my husband was here in Washington on business. He returned to his hotel to find he'd been locked out of his room. The reason? Well, the hotel had called the credit organization and been informed that he had not paid his current bill and, therefore, was a bad credit risk. Being somewhat irritated by the incident, my husband got in touch with the company's credit manager in New York who investigated, apologized profusely and admitted the whole mess was their fault. So finally, after dozens of calls and letters I was permitted to pay my own bills. Now my account is finally in workable condition. But to this day the company persists in sending my husband notices that his account is "dangerously overdue" because he hasn't paid them the money I already paid them.

We've been married and consequently plagued by credit problems for a year. Out of that whole year one relatively small incident perhaps illustrates the problem best. When we got married, my husband had just lost the 1971 Chicago mayoral election and, consequently, was between jobs. At that time we applied for a charge account at one of the world's largest department stores. On the form it asked for the husband's employer. I told the credit clerk that my husband didn't have an employer at the moment, and I offered to supply the name of my company and my bank. "No," she said. "We don't care about the women—just the men." She certainly summed it up. In the eyes of a credit department, it seems, women cease to exist—and become non-persons—when they get married.

And so, a woman who has proved herself responsible by paying her own bills for years is suddenly treated like a child who can't be trusted any longer. It's not only unfair and demeaning, but ridiculous and unreasonable that a woman should have to forfeit her economic identity—simply because she changes her name. I would hope that you who can do something about it, would recommend that Congress develop and pass legal protections to guard against this discriminatory practice—legislation that would prohibit credit card issuers from requiring women to reapply for credit upon marriage, unless there is some reason to believe that their financial status has deteriorated.

UNAUTHORIZED RAIDS ON NORTH VIETNAM ORDERED BY GENERAL LAVELLE

Mr. FULBRIGHT. Mr. President, the juxtaposition of events and news stories in the press of last night and this morning suggests a problem which deserves attention of the Senate and of the people of the country.

A four-star Air Force general, Gen. John D. Lavelle, has acknowledged ordering U.S. Air Force units in Southeast Asia to make unauthorized raids against targets in North Vietnam and then reporting those raids as "protective-reaction" missions.

At the time this information comes to light, we have reports from Peking that U.S. air attacks in North Vietnam, but near the Chinese border, are viewed by the Chinese as threats to the security of China.

The last time units of the Armed Forces threatened to move near the border of mainland China, we ended up with a confrontation in Korea with the armed forces of China.

I am pleased that the administration has moved so quickly to remove General Lavelle from his post. That action suggests to me that high officials realize the danger implicit in the exercise of military power by overeager or irresponsible officers. At the same time, it is unfortunate that derelictions of duty of this kind must be called to public attention by a letter from a noncommissioned officer. One is reminded that it was a similar communication which brought to public attention the massacre at Mylai.

These events suggest to me that one of the problems that needs immediate attention is that of command and control in the Armed Forces—ranging from the Commander in Chief down to the ranks of enlisted men. Indeed, command and control should extend in an unbroken chain from Congress, to the President, to the Joint Chiefs of Staff, to the commanders in the field. Congress should provide policy guidance, the President should operate within the framework of that policy, and the commanders of the Armed Forces must operate under the guidance of the President.

When any part of that link is broken, representative government is threatened.

I ask unanimous consent that two articles from the New York Times be printed in the Record.

In addition, I ask unanimous consent that an article by Mr. Anthony Lewis about the destruction of the town of Phucloe by our air raids be printed in the Record.

It may be possible that the denial of these raids on civilian targets by our Air Force results from unauthorized air strikes and falsified reporting by those in command.

The indiscriminate slaughter of defenseless civilians in Vietnam—both North and South Vietnam—is a dreadful indictment of our country. This purposeless conflict should be ended.

There being no objection, the articles were ordered to be printed in the Record, as follows:

General Testifies He Made 20 Raids Without Orders

(By Seymour M. Hersh)

Washington, June 12.—Gen. John D. Lavelle acknowledged today that he was dismissed in March as commander of Air Force units in Southeast Asia after ordering his planes to make "in the neighborhood" of 20 unauthorized raids on military targets in North Vietnam and reporting them as "protective-reaction" missions.

"In certain instances," the general said at a House of Representatives committee hearing, "I made interpretations that were probably beyond the literal intention of the rules."

But General Lavelle, the only four-star general in modern United States military history to be demoted upon retirement, also insisted that his superior officers in the chain of command had been kept fully informed of his activities.

FOUR HOURS OF TESTIMONY

The reason for General Lavelle's dismissal was disclosed in The New York Times yesterday.

General Lavelle and the officer who dismissed him—Gen. John D. Ryan, the Air Force Chief of Staff—testified for two hours this morning before a House Armed Services investigating subcommittee headed by Representative F. Edward Hébert, Democrat of Louisiana.

The two generals returned in the afternoon for two more hours of testimony but this time behind closed doors. A subcommittee member said later that part of the secret session was devoted to tracing the extent of knowledge about the unauthorized raids at the highest American headquarters in Saigon, the Military Assistance Command, Vietnam, headed by Gen. Creighton W. Abrams.

REPORTS WERE ACCURATE

Asked about this during the morning's open session, General Lavelle said: "I had a lot of superiors, and I'm not saying that they all knew—by any stretch of the imagination." He added, however, that he had reported the raids to the Saigon headquarters and that "the reports were accurate."

"I think General Abrams knew what I was doing," General Lavelle said in response to questions. "But I'm positive that General Abrams had no idea what the reporting requirements were. He never worried about or sat down and debated our rules of engagement before we did it."

General Lavelle testified that he ordered the raids, aimed at targets in the southernmost areas of North Vietnam, between Nov. 8, 1971, and March 8 of this year. He took over as commander of the Seventh Air Force in July, 1971.

The targets, he said, included "airfields, radar sites, missile sites, missiles on transporters, equipment with the missiles and heavy guns." The strikes were 'very successful," he added.

CITES ENEMY BUILD-UP

The general said that he had authorized the attacks after failing to get authority to begin attacking what he said was a substantial build-up of North Vietnamese equipment such as tanks, aircraft and oil depots in an area 11 to 15 miles north of the demilitarized zone, which straddles the border between South Vietnam and North Vietnam.

The North Vietnamese offensive began late in March with an all-out assault across the eastern half of the DMZ at that point. In April President Nixon authorized the current bombing in North Vietnam.

General Ryan, in his testimony, said that he had removed General Lavelle from his command after an investigation—prompted by a letter from an Air Force sergeant—showed that "some missions had not been flown in accordance with the rules of engagement and there were irregularities in the operational reports."

THREE FALSIFIED REPORTS

General Ryan said the official Air Force investigation had concluded that there were 28 violations of the rules of engagement involving unauthorized strikes by 147 aircraft. In Air Force parlance, a mission can involve one or many individual attacks by aircraft.

The Air Force Chief of Staff also reported, under questioning, that three falsified after-action reports had been uncovered by the investigating team. The inquiry was completed on March 23, General Ryan testified, and General Lavelle was quickly ordered back to Washington. After being offered a chance to stay in the Air Force as a two-star general, General Lavelle retired.

"It was determined by my inspector general's team," General Ryan said, "that the impetus behind filing false statements came from General Lavelle."

QUESTIONED BY PIKE

General Lavelle was questioned closely by Representative Otis G. Pike, Democrat of Long Island, whose protests of what he termed a "cover-up" of the incident led to today's open hearings. Regarding the false statements, the General acknowledged that "I told my staff that we could not report "no enemy reaction" in the official statements filed by the pilots after the unauthorized missions.

In other words, the reports had to indicate that the assaults were made in response to enemy activities. Under the rules at the time, United States warplanes could respond to enemy artillery or missile fire and could even attack a missile site after the enemy's radar "locked on" a plane, indicating that a rocket would be fired.

General Ryan told the Congressmen that no disciplinary action had been taken against either the pilots or their immediate superiors for the falsification of records, most of which are classified.

General Lavelle said that he had taken full responsibility for the false reports. "I'm the Commander and the buck stops here," he said. He added that "in my opinion, these were low-level wonderful people" who were filing "what they thought we wanted."

The general insisted, however, that he had not known of the falsification until he was informed of them by representatives of the Air Force investigating team. As soon as the falsified documents were shown to him, General Lavelle testified, "I stopped all of those strikes."

"I WOULD DO IT AGAIN"

It was not made clear during the public testimony how General Lavelle could have ordered his subordinates to depict all strikes as "protective reaction" and yet still be unaware of the resulting falsified documents. At one point, the officer, now officially retired as a three-star general pending Senate confirmation, said: "If I had to do it over again, I would do it again, but look into the reporting system first."

He added that he didn't "think it was very smart" for his subordinates to fake combat reports, "but that's how it happened." "I believe somebody, someplace got overeager," he said.

After the official Air Force investigation and the resulting order to stop all unauthorized attacks, General Lavelle testified, "I assigned three men to find out how we could continue doing what we were doing but report it accurately." The general said he concluded after the study that we were "unable to do so."

China Calls Raids Threat to Border

PEKING, June 12.—China condemned American bombing of North Vietnam today and for the first time since the intensification of the attacks described them as a threat to her security.

A statement issued by the Foreign Ministry expressed support for Hanoi and said the raids were acts of aggression against the Vietnamese people and "grave provocations against the Chinese people."

The statement was the strongest against United States actions in Vietnam since President Nixon's visit to Peking in February.

[In Washington, Administration officials said there were precise limits on United States air operations over North Vietnam in the vicinity of the Chinese border. They looked upon the Chinese statement principally as politically motivated support for North Vietnam and said they continued to believe that Peking accepted United States assurances of last month that the air strikes were not meant as a threat to Chinese security.]

American strikes have included attacks against two rail lines running from the Chinese border to Hanoi that have taken United States planes close to the border.

The statement was noticeably more terse than one issued on May 11, three days after President Nixon ordered the mining of North Vietnamese ports and air strikes on North Vietnamese supply and communications lines.

It said that the United States had "steadily expanded the sphere of bombing up to areas close to the Sino-Vietnamese borders, threatening the security of China."

"These frenzied acts of aggression on the part of U.S. imperialism," it said, "are new war crimes committed against the Vietnamese people, and at the same time grave provocations against the Chinese people."

The mention of America's actions in Vietnam as a threat to China has been absent from Peking statements since the invitation to President Nixon to visit Peking was announced last July.

The statement was similar in tone to denunciations of the United States in the early stages of the Vietnam war. It carried a clear warning to the United States that China was firmly behind North Vietnam, whatever tactics were employed, "until complete victory is won."

The statement concluded: "U.S. imperialism should know that the heroic peoples of Vietnam and the other Indochinese countries are by no means alone in their struggle."

The Cost of Phucloc

(By Anthony Lewis)

LONDON, June 11.—Several weeks ago in this space there was a report from the North Vietnamese village of Phucloc. It described the damage done when, as the villagers and North Vietnamese officials said, American planes bombed Phucloc at 2:20 on the morning of April 16. They said that of the population of 611, 63 were killed and 61 injured.

The Defense Department in Washington was asked to comment, to say how such a nonmilitary place could have been bombed. Phucloc is a village of mud huts, a small island in a sea of rice fields, about five miles south of Haiphong.

The Pentagon reply, received in due course, was a flat denial that American bombers had attacked Phucloc. A B-52 raid on Haiphong on April 16 had been announced shortly after it took place, an official said. But it was against Pentagon policy to bomb populated areas, he said, and there had been no raid on Phucloc.

There is an almost Alice-in-Wonderland logic to that Pentagon comment: We do not bomb civilian targets, so we could not have bombed Phucloc. In its blandness it really suggests that there was no bombing, that the whole affair was made up or a mirage.

The difficulty is that anyone who actually saw Phucloc after April 16 will believe otherwise. It would be extremely difficult to fake the bomb craters that I saw there with my own eyes. It would be a remarkable piece of theater to stage the screaming women in the rubble, and the people who spoke of their families being killed. And others have seen Phucloc.

It would be one thing for a Pentagon official to say that no such civilian village is an American bombing target but that a mistake could not be altogether excluded that close to Haiphong. It is another to imply that there was no bombing of Phucloc at all—especially when United States intelligence photographs could well have shown the damage.

The Pentagon comment thus unintentionally illuminates one grave cost of this war to Americans: the damage to our candor and humanity.

It is not only Phucloc, of course. A number of Western correspondents over many years have reported on bomb damage to civilian facilities in North Vietnam, to schools and houses and hospitals. But American official policy is evidently to ignore all such reports, to brush them aside, to deny that mistakes can have occurred.

The official announcements continue to speak of B-52's raiding gasoline dumps and bridges and electrical plants, and of ships offshore shelling "Communist military targets." It is as if there were no human beings involved at all. But common sense, like the eyewitness accounts, tells us that any large-scale bombing or shelling hits some innocent civilians. Why, then, does the United States Government ignore or deny it?

Some of those involved in the policy of heavy bombing and shelling must, unconsciously or otherwise, regard the Vietnamese as *untermenschen*, as creatures somehow not so human as us. Others, actually facing the truth about the human damage that American bombs and shells and chemicals have done, still think our political objectives are more important.

But many Americans, probably most, have simply tuned out. The continuing death and destruction in Vietnam are no longer in their consciousness.

That is why public opinion can be so inert when Seymour Hersh of The New York Times discloses secret findings that another massacre occurred on the same morning as Mylai in 1968. The official report speaks of "murder," and of "pretense" and "misrepresentation" in covering it up, but hardly anyone in Washington—in the military, in Congress or in the press—really seems to care deeply.

In a way, concealing the truth or not caring is worse than killing women and children at Mylai or bombing them by mistake at Phucloc. Nor does it help to say that the Communists have killed countless innocent people in Vietnam. Americans have to worry about their own souls.

RECENT ACTIONS OF PRESIDENT NIXON TO IMPROVE THE CONDITIONS OF ELDERLY AMERICANS

Mr. BENNETT. Mr. President, most of the attention in the past few months has been focused on the President's foreign policy program, and justifiably so, for President Nixon has brought America's role in the world to a level of unquestioned leadership in the movement to find a lasting peace. Nevertheless, our attention should not be wholly absorbed by events abroad for the President also made great strides here at home.

One of President Nixon's major concerns has been the welfare of 21 million Americans over age 65.

The President pledged at the White House Conference on Aging that 1972 will be a year of action on behalf of the aged. This action was begun in his message to Congress in March.

President Nixon's program for the aged is comprehensive—it contains five major points. First of all, the President has increased the income of elderly Americans: He recognized that a major problem of the aged is their low level of income—three out of every 10 persons 65 or older were living below the poverty level in 1966. However, under the Nixon administration, there has been a 26-percent increase in social security benefits since 1969.

Second, President Nixon has recognized that the quality of many nursing homes is substandard, and has endeavored to upgrade the quality of these nursing homes by announcing an eight-point plan in August 1971. Significant progress has been made since then in carrying out that plan: More State nursing home inspectors are being trained, Federal enforcement has been strengthened, and a coordinated set of guidelines for fire safety and safety standards is being put into effect.

The President's third course of action has been to increase the budget of the Administration on Aging to $200 million for 1973, thereby providing homemaker, transportation, nutrition, and community services.

President Nixon's fourth step is that of significantly expanding opportunities for older Americans to make meaningful contributions to all facets of society. The President has doubled funding for the foster grandparents program, and has tripled it for the retired senior volunteer program. The President will also propose legislation to broaden the coverage of the Age Discrimination in Employment Act to include State and local government. This way, as President Nixon has explained—

> The country retains the benefit of their skills and wisdom; they in turn have the feeling of usefulness and participation which employment can provide.

Finally, Mr. Nixon has organized the executive branch to meet the needs of older Americans. He has formed the Domestic Council Cabinet-level Committee, and has appointed a Special Assistant on Aging as well as a Special Consultant on Aging.

By instituting these various aids for the aged, President Nixon has clearly shown that he is making good on his campaign promise to generate "thoughtful, workable, and effective solutions" to the problems of the elderly. The President has followed the advice submitted in the report of the Presidential Task Force on the Aging, that we "share the fruits of a future they helped create with citizens who have worked hard to insure for themselves an old age of dignity, security, and independence."

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, although we have staggered from one trade deficit to another, the current administration would have us believe that the dollar devaluation is a panacea for all our trade ills. In fact, this is another Nixonomic nostrum designed with an eye to quieting the electorate without impinging on the interests of the multinational firms.

Not only does this policy leave the underlying problems unresolved, but it ignores the realities of present-day trade practices. An April 19, 1972, article in the Wall Street Journal points out that exporters to the United States are not raising their prices and American exporters are not lowering theirs—preferring instead to increase profit.

Equally disturbing is a Journal of Commerce article detailing the necessity for the Japanese Ministry of International Trade and Industry to intervene directly to encourage a number of export firms to raise their prices. Although it remains to be seen if this move is anything more than trade propoganda, the fact that it had to be made at all belies the Nixon position that devaluation has set our foreign trade and investment house in order.

Mr. President, because of their important implications for our trading future, I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

TO AVOID TRADE FRICTION: JAPAN MOVES TO CURB EXPORTS TO UNITED STATES, EUROPE

(By A. E. Cullison)

TOKYO, April 18.—Japan's Minister of International Trade and Industry (MITI) today in a major move announced plans to begin enforcing regulations probably this month or early in May which would require Japanese manufacturers of tape recorders, electronic desktop computers and both black and white and color television sets to raise prices on exports to American and West European markets or to slash the volume of such exports.

Meanwhile members of the Japan Automobile Manufacturers Association Export Committee announced their decision in Tokyo today that the committee is working out means for controlling exports in a preventive move to avoid trade friction in American and West European markets.

NO COMPLAINTS YET

Committee members said so far they had not received any complaints but intended to anticipate such problems and thereby eliminate the likelihood that MITI might enforce regulations requiring even more stringent voluntary restrictions on the part of the auto industry.

Japan's car makers are particularly worried about British market disruption, for example.

Kakuei Tanaka, minister of international trade and industry, promised his ministry would enforce Japan's export-import transactions law to prevent recurring dumping charges against Japanese products in the United States, Britain and European Economic Community nations.

Although he limited initial price increases and volume curtailments to mainly electronic goods there were indications in MITI that the ministry also was considering similar measures of a restrictive nature for Japan's automobiles, chemicals, synthetic fibers and industrial ball bearings plus any other products which are threatening to upset orderly marketing abroad.

MARKET DISRUPTION

MITI Minister Tanaka admitted Japan cannot afford to face worldwide antidumping charges or to be accused of market disruption. Wherever MITI finds Japanese exports increasing too rapidly prices will be increased or export volumes slashed, he said, on a "voluntary" basis by Japan's manufacturers and trading houses.

Japan's orderly marketing effort will be on a goods and region basis and not across the board, however.

Officials of MITI and various industries and major corporations involved are now holding negotiations and already have reached basic agreement on limiting the number of desk top calculator exports and raising the price of color television sets destined for the U.S. market by 16.88 per cent which was the amount the yen was revalued upward last December.

Mr. Tanaka said MITI and industry leaders also have agreed upon increasing prices of tape recorders bound for British and Western European countries. MITI authorities have been seriously disturbed in recent months by overseas claims that Japanese products were being dumped at profitless prices merely because Japan's domestic economy is in a 21-month-long recession and export was the only way to relieve pressure on inventories.

MITI authorities admitted privately today that their latest unexpected move was given a final push by reports reaching Tokyo that Britain and the Benelux countries are seeking some sort of parley with Japanese industries with a view to preventing an increased inflow of Japanese products.

There were hints this afternoon that the Finance Minister was testing MITI opinion on imposition of a special export tax or export surcharge, but MITI authorities reportedly oppose such moves in favor of new program which would promote imports instead as a way of balancing trade with the U.S. which expected to be $3 billion in Japan's favor this year.

[From the Wall Street Journal, Apr. 19, 1972]

AFTER THE FALL: DESPITE DEVALUED DOLLAR, MANY FIRMS DO NOT GAIN ANY TRADE ADVANTAGES

Competitive pressures are undermining some of the price advantage that U.S. companies should be winning in international trade as a result of the devaluation of the dollar.

Importers of a variety of goods, ranging from TV sets to soft goods, have been slow to increase their American selling prices to reflect the new currency alignment agreed to in Washington last December.

And sellers of some American products overseas have been fudging on the price cuts that should be resulting from the dollar's cheaper worth.

That isn't what the world's monetary planners had in mind when they agreed to rejigger the world's currencies at a meeting at the Smithsonian Institution last Dec. 18. Their theory was clear enough: A cheaper dollar was supposed to make American goods cheaper abroad and increase the price of imports in this country. All other things being equal, a Japanese radio that sold for $100 in the U.S. last summer should cost $116.88 now because the yen's worth was raised 16.88% against the dollar. An American-made medical instrument that cost $100 previously should sell in Japan for the yen equivalent of $85.56.

U.S. trade specialists reasoned that, within a year or two, such price changes, coupled with other trade agreements, would begin to alter buying patterns in international trade. The higher price tags would discourage imports into America while cheaper quotes would spur sales of American goods in foreign lands. The U.S., it was hoped, would then start seeing some improvement in its trade account with the rest of the world. That account sank into the red last year, for the first time since 1888; the deficit was $2.05 billion.

SOME REACT PREDICTABLY

Some manufacturers have reacted the way they were supposed to. Prices for imported cars have climbed almost dollar for dollar apace with the new currency rates. A four-door Toyota Corona was boosted 16.8% in price, almost precisely matching the yen's increased value, to $2,512. Then the repeal of the 7% excise tax on all new cars, both domestic and foreign, dropped the quote back to $2,385. And prices of foreign wines have also risen in line with parity changes, as have quotes for such widely divergent products as leather goods and sheet glass.

But for some importers battling to maintain market positions in the face of intense competition, price increases are luxuries that have had to be deferred, in part or in whole.

For instance, Fuji Photo Film Co., which must sell against the entrenched Eastman Kodak Co., has held prices for film unchanged. Rather than give Kodak the slightest price edge, Fuji has elected to bear the full brunt of the yen's increased valuation itself.

Honda Motor Co. officials say they have increased Japanese export prices on motorcycles to reflect the yen's increased valuation. But they lament they haven't been able to raise retail selling prices in the U.S. to the same degree. The result, says a company spokesman, has been shrinking profit margins at the company's U.S. sales subsidiary and at its American distributors.

TV SETS AND BICYCLES

Toshiba International, a unit of Toyko Shibaura Electric Co., says its wholesale prices were boosted the full 16.88%. But retail prices for its television sets, radios, tape recorders and some other consumer products have gone up only 6% to 7%. A spokesman at Noritake Co., the Japanese chinaware company, concedes it, too, hasn't been passing along the full revaluation. "We tried to absorb part of the increase by increasing sales somewhat and decreasing expenses," he explains.

A man at a Japanese bicycle producer says "so far" it has raised prices only 7% to 9% (though another Japanese competitor has lifted quotes "at least 20%").

Some American textile executives selling against foreign competitors say they haven't witnesed any price changes since revaluation. Meno Schoenback, president of the Fulton Cotton Mills unit of Allied Products Corp., says textiles from Asia aren't carrying higher price tags "and I'm not sure if they will."

In some industries, American retailers are being billed the full cost of revaluation, but they are picking up at least part of the increased tab. One shoe-company official, for instance, says the wholesale cost of imported footwear has risen 13% to 18%. But, for the most part, he says, "retailers are absorbing these increases and aren't passing them on to their customers."

Some retailers with clout have been able to soften the impact of revaluation on them. "It's a matter of give and take," says William Fine, president of Bonwit Teller Co., a subsidiary of Genesco Inc. Gardiner Dutton, executive vice president of Kenton Corp., estimates that 25% of the goods imported by the company's Mark Cross subsidiary "are selling for less than the revluation because of our negotiations wth the suppliers to get a lower price."

TOURS AND STEEL

In most instances, American concerns are reluctant to disclose publicly how the dollar's cheaper valuation is affecting their selling prices. But American Express took full-page newspaper ads recently to proclaim: "As the world's largest travel company, American Express has been able to freeze our tour prices." The company conceded that "as a result of devaluation, some costs inevitably will rise." But the company pledged that "American Express will not pass on these increases to the people who buy our tours."

On industrial products, price comparisons are muddled by long-term contracts, extended lead times between orders and deliveries and other factors. But here, too, some prices of foreign goods haven't increased as much as the revaluation.

In the steel industry, for instance, the foreign price advantage on such high-volume items as sheet products has been cut in half by the dollar's devaluation, to about 10% from 20%. But some analysts contend the price edge for foreign steel might be even slimmer if the impact of revaluation were passed on in full.

Chemical pricing varies widely. For some chemicals, "costs have risen in line with the realignment," an industry source relates. Du Pont Co., though, notes that quotes for organic chemicals, mostly dyestuffs, have been largely unaffected by the currency changes. "Perhaps 10% have changed, but the changes haven't been large in magnitude," says a spokesman in Wilmington. From Du Pont's view, "it appears that exporters from whom we buy (chemicals)—or their countries—are absorbing the devaluation impact: we expect future contracts to be affected, though not to a staggering degree."

WARNING FROM THE TREASURY

The Du Pont spokesman didn't elaborate on how foreign countries might be absorbing the devaluation impact. Last month, however, Magnavox Co. filed a complaint with the Treasury Department charging that the Japanese government was granting "substantial export subsidies" to Japanese makers of TV sets shipped to this country. Among other points, Magnavox said that the Japanese government was helping its exporters by undervaluing the yen and intervening on currency markets. Japanese producers denied the charges.

The Treasury has yet to act on the Magnavox allegation. But this month it issued a warning to foreign companies that they may be violating U.S. rules unless they adjust their prices to reflect the currency revaluations.

Yesterday Japan's Minister of International Trade and Industry, Kakuei Tanaka, said the Japanese government has obtained "broad agreement" from Japanese electronic manufacturers to voluntarily restrict exports. He said the companies will either reduce export volume or increase export prices. No date was given to indicate when the voluntary export curbs will be imposed.

Assistant Treasury Secretary Eugene T. Rossides said that last December's "appreciation of foreign currencies in relation to the dollar has effectively increased the adjusted home market" prices of foreign merchandise as expressed in dollars. "This raises the possibility that some of these home market prices may now exceed" the prices at which the goods are sold in the U.S., he said.

Unless the companies either reduce their home market prices or lift their export prices to reflect the realignment, the official stated, they may violate U.S. laws that prohibit the sale of foreign merchandise in the U.S. at lower prices than they sell for in home markets.

But it's a two-way ocean, and sellers of some U.S. goods are also ignoring the effects of revaluation in other countries, where a cheaper dollar should mean cheaper prices for American-made goods.

PPG Industries Inc. says it hasn't altered its export prices for glass. It evidently hopes that a higher dollar price for its products overseas will offset any reduction in export volume.

Berkey Photo Inc., which exports the Omega photographic enlarger, says it is hoping to ultimately pass on the dollar's cheaper value in its overseas sales. "But first," a spokesman says, "we have to put pressure on our foreign agents and importers to make sure they don't pocket the difference."

SECRETARY PETERSON ON HARTKE-BURKE

Mr. PERCY. Mr. President, the Washington Evening Star of Sunday, May 21, contains an extensive excerpt of a speech that Secretary of Commerce Peter Peterson gave on "The Foreign Trade and Investment Act of 1972"—the so-called Hartke-Burke bill.

Secretary Peterson makes cogent arguments why this bill would be harmful to the American economy. It would, according to Secretary Peterson, raise prices, eliminate some vital imports needed by American industry, erode competition, lead to retaliation by other countries, and cost this country jobs.

Secretary Peterson does point out the need for changes in the international economy and in our international economic policy—such as more effective adjustment assistance—but he definitely opposes this piece of legislation. As Secretary Peterson says, this bill would "restrict our freedom of economic expansion still further," and "would freeze us into a pattern of protection and economic reaction." I agree.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Bill That Would Soak the Consumer

(By Peter G. Peterson)

It has often been said that this is the age of "consumerism," and that in the United States this trend has gone further than in other countries. And it is certainly true that Americans can choose freely, widely, handsomely and—I think—joyfully among an impressive array of consumer goods in virtually all product areas.

But an anomalous development is now taking place—an organized effort to raise our cost of living, to divert our human and industrial resources from the things we do well and efficiently to the things we do less well and at higher cost, which would raise unemployment and wreak havoc on overall U.S. foreign policy at the same time.

I am referring to the "Foreign Trade and Investment Act of 1972"—otherwise known as the Hartke-Burke bill.

What is behind this curious bill that would purport to make us richer by increasing inflation? That would increase unemployment in our most efficient industries? That would set us on a course of economic isolationism yet anticipate no countermeasures from our customers abroad? That would trigger bitter political conflict with our major allies around the world?

The Hartke-Burke bill represents a protest vote against imports—what is behind it?

The contemporary debate over imports and investments is amply endowed with catch phrases, the most familiar to us being the so-called "export of jobs" by U.S. investors—particularly the larger multinational firms. The U.S. is also said to be receiving a "flood" of imports, implying that imports are something bad and the country is in danger of drowning.

What does the bill do? The Hartke-Burke bill proposes that most items imported by the U.S. from foreign countries, be rolled back to the 1965–69 level. They could then increase only in proportion with rising U.S. production. This would mean a cutback of about $10.4 billion from our present level of imports, and more from future levels.

Now, many retailers have adopted the slogan, "Keep the Lid On" in cooperating with the President's wage-price program. The Hartke-Burke bill would "slap a lid" on imports at levels reflecting 1960's consumer demand and preferences but "take the lid off" a major restraint on inflation.

It is difficult to quantify precisely the overall price effects of these cutbacks. The Department of Commerce trade staff is trying to do that. We do know, however, that they would be very large.

Under the Hartke-Burke proposal, imports of capital goods needed by American manufacturers to stay abreast of foreign competition would be rolled back by 31 percent from 1971 levels.

Consumer goods would decline 34 percent, food 15 percent, and automotive vehicles a whopping 56 percent. Of course, certain imported items would be particularly hard hit. Imports of color television sets, for example, would be cut back by 64 percent ($131 million). Imports of new passenger cars would drop by 54 percent ($2.3 billion), and imports of 35 mm still cameras by 30 percent ($10 million). Some experts tell me it is probably safe to assume that the bill would raise the U.S. price level by at least $10-$15 billion, and probably much more.

Such a development would be tragic, both for our domestic economy and for our international competitive position. You are all well aware of the major effort launched by President Nixon last August to bring U.S. inflation under control. Phase II has as an interim goal reducing the rate of inflation by 1.5–2 percent, down to 2–3 percent by the end of the year. It is thus highly relevant to note that the Hartke-Burke quotas could raise prices by at least 1.5–2 percent—as much as Phase II will reduce them! In short, such legislation would seriously undermine the anti-inflationary effects of the President's wage-price program.

CAR IMPORTS WOULD FALL SHORT OF DEMAND

For example, more than 600,000 Americans currently demonstrating a desire to buy an imported subcompact would be prevented from doing so.

Would importers be content to simply sell half as many cars at the same price as before? They would have to lay off workers and cut expenses where they could, but their unit costs would also inevitably rise. Furthermore, they would find an oversupply of customers clamoring for each car allowed in. So they (and of course the manufacturer) could easily raise prices to minimize the reduction in their profits.

Finally, U.S. import quotas of this severity would go far toward permitting U.S. manufacturers to simply charge much higher prices than their own costs or the marketplace would dictate. Think with me of the effect of quotas which virtually guarantee the domestic producers a fixed share of the market.

How many of your suppliers have lowered prices as an offensive marketing weapon to hold on to their market share against foreign competition? I would guess a great many. What do you think would happen if that fear, or stimulus, were removed? They would have far less incentive to hold prices down.

In addition to lowering the level of imports, the quotas applied according to the bill's formula would freeze the product and country mix at the average ratios existing from 1965–1969. Think with me how often in your lifetimes demands or tastes have changed, and in turn the quality of foreign sources has changed.

For example, consumers have recently shown increasing preference for Japanese cars in relation to German cars. In 1971, four out of every 10 purchasers of foreign cars bought a Toyota or Datsun. Under the proposed quotas, only about half as many new foreign cars would be allowed into the country and only one in seven of those could be a Japanese car.

Those domestic price rises I talked about would also substantially erode the internal competitiveness of the U.S. economy. We know that the inflation of the mid and late 1960s had just such an effect. It made our dollar increasingly over-valued in the exchange markets, retarded our exports and stimulated imports. It required us to devalue the dollar late last year.

The devaluation should improve our trade balance by about $6 to $8 billion over the next few years, according to our own estimates, those of the international economic organizations, and those of leading academic economists. It will thus restore much of our earlier trade surplus. In the process, it should create at least half a million additional jobs for U.S. workers—precisely the number, incidentally, which the AFL-CIO claims were lost due to the changes in our trade balance in the late 1960s.

The recent devaluation, however, has only provided us with an opportunity. We could fritter it away if we fail to maintain the competitive improvement which it provides. I have already outlined how the Hartke-Burke bill would raise our prices, and thus reduce our competitiveness directly.

In addition, Hartke-Burke's sweeping import quotas would deny U.S. producers some of the vital imports they need to remain competitive, or at least raise substantially the costs of those imports. Our textile industry, for example, buys substantial amounts of European machinery in its drive to improve productivity.

Most importantly, however, a rigid regime of import quotas would affect the American competitive spirit. I don't even recall as a former businessman ever going to work thinking how *glad* I was to have competitors. I suspect none of us really enjoys our competition. And it is certainly easy to dislike foreign competition even more.

And yet, we all know that competition from abroad has increasingly provided the U.S. with a strong incentive to innovate, introduce new technology and to maximize quality and productivity.

There are a number of good illustrations of this traditional resilience of our system—when it is challenged. One is shown by the recent experience of U.S. electronic calculator manufacturers. Increased foreign competition and an eroding market share gave domestic producers a timely indication in the late 1960s that their technology was becoming outmoded.

On the basis of this import-precipitated "early warning," American manufacturers initiated an intensive R&D effort which is now paying sizeable dividends in terms of increased sales of U.S. calculators both at home and abroad. And one U.S. manufacturer is close to producing a mini-calculator for under $100—far under the price of similar Japanese versions.

What about the effect of Hartke-Burke on other countries? Can we expect others to acquiesce to quotas? Our major trading partners would stand to lose an average of nearly 30 percent of their exports to the U.S.

Imports from the European Economic Community would be cut back nearly 25 percent, or $1.8 billion.

Canada would be hit with a 30 percent loss in its exports or $3.6 billion—which would cut its entire Gross National Product by 4 percent!

The less developed countries, which literally depend on exports for their survival, would be dealt a further severe blow to their aspirations. And, tragically, those that are the newest of the developing countries (and these are usually those with even greater poverty), would be hit the hardest since their 1965–1969 imports to the United States would be at lower levels.

Suppose the European Community retaliated against the U.S. aircraft industry. Sales of most current model U.S. aircraft to European airlines could virtually cease, with an annual loss of export sales of about $400 million. Europe could not only supply most of its near-term needs for aircraft from its current or planned production, but its response to U.S. quotas would also threaten future generations of U.S. aircraft. New projects either would be precluded, as the EEC produced competitive aircraft, or would have to be priced to yield a break-even point at a much lower level of sales.

Economies of scale could not be realized as they have in the past. In turn, increased costs of future aircraft to U.S. airlines would be passed on to the consumer in higher air fares. Everyone would lose. The manufacturers would sell fewer airplanes. The airlines would pay higher prices for them. The consumer would get higher air fares. And many highly skilled, high paying jobs would be lost in the already troubled aerospace industry.

Despite the certainty of retaliation against our exports under the Hartke-Burke quotas, there are some who say "what of it?" They suggest that reducing both sides of our trade account by the same amount would provide a net increase in the number of jobs here at home. They assume that the job content of the domestic production which would replace imports is greater than the job content of our exported goods. This assumption is false.

Indeed, the reverse is true. When both direct and indirect labor requirements are considered—that is, the labor directly occupied in export and import-competing industries, and also the labor required to produce intermediate goods which support these industries—it turns out that our exported goods are actually more labor-intensive than our domestically produced goods which compete with imports.

But foreign trade, like all economic change, does cause real problems for certain individuals. Recognition that open and balanced trade helps the nation as a whole is no solace to the worker who does his job, or the firm which goes bankrupt, as a result of imports. We must have a clear and effective policy approach to deal with such problems.

Our economy must grow rapidly, to achieve full employment and induce rapid rises in productivity. We must effectively check inflation, to stay competitive both at home and abroad.

We must receive fair treatment in international trade from other countries. We must negotiate better rules and procedure to govern the international monetary and trading systems.

NEED FOR AID TO THE VICTIMS

In addition, however, we must have an effective program which will provide assistance to those industries, firms and especially workers, injured by imports. Such an "adjustment assistance" program was adopted by the Congress in principle in 1962. But it has been ineffective in practice due to a combination of excessively tight legislative requirements, excessively tight legal interpretations of those requirements—indeed, a failure on all our parts to attract sufficient priority to this very economic but also very human problem.

An interagency group is hard at work devising a better adjustment assistance program. Access to adjustment help must be greatly eased. Assistance must become available much more quickly to those who need it; "early warning" must apply in this context as well. It must receive the highest priority from both the administration and the Congress.

In a sense, Americans need the stimulus of trade and international competition even more than most people. For us, expansion, innovation and competition have always been a way of life and we have benefited greatly from our willingness to compete on equal terms with all comers, anywhere in the world. Frederick Jackson Turner, the historian, wrote that Americans need an outlet for their energies. He saw the closing of the frontier as a crucial turning point for this society which had until the early part of this century given itself wholly to the great task of settling a continent.

In many ways we see evidence today of the wisdom of Turner's assessment. Increasingly, the dynamism of our society is giving way to lassitude and a certain purposeless time-serving which not only harms us economically, but does great social harm as well. Given this situation, can we sanction a bill which would restrict our freedom of economic expansion still further, that would freeze us into a pattern of protection and economic reaction?

This is an excerpt from a speech given recently by Secretary Peterson before the convention of the American Retail Federation here.

CUTBACKS BY NIXON ADMINISTRATION IN HIGHWAY FUNDS APPROPRIATED FOR NEVADA

Mr. CANNON. Mr. President, a startling bit of news concerning Nevada's highway construction program has prompted me to again point out how unauthorized budget cutters in the Office of Management and Budget are drastically altering the intent of Congress.

The Governor of Nevada has informed me the State will receive only about 75 percent of the $31.6 million in highway funds authorized for fiscal 1973. This means that although Congress, acting under its constitutional powers, saw fit to provide Nevada with $31.6 million for road construction, the Nixon administration, acting under nothing more than gall, decided that $23.4 million was enough.

Not only has the OMB drastically cut available funds; it has also dictated methods of allocating them that will mean millions more cannot be used. Under a new quarterly control system, the State would have to carry over funds from quarter to quarter to use them all. Unfortunately, this is tantamount to kissing the money goodbye, because, as the Governor says, OMB is in the habit of confiscating unobligated monthly balances.

Although this particular problem affects only Nevada, its implications reach every one of us here and in the House. If the dictates of Congress can be blithely ignored by the self-appointed money managers of this administration, what are we doing here? With the President launching invasions in Cambodia, signing arms agreements in Russia, and altering legislation here at home—all without consulting Congress—I fear we might soon become obsolete.

I repeat my call made a few weeks ago for all Senators to support the Senator from West Virginia (Mr. Randolph) and the members of his Public Works Committee in their efforts to make the pending Federal-Aid Highway Act inviolate against administration raids. I also ask unanimous consent that the letter from the Governor of Nevada be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The State of Nevada,
Carson City, Nev., May 18, 1972.

Hon. Howard W. Cannon,
U.S. Senate, Senate Office Building,
Washington, D.C.

Dear Senator Cannon: The financing of our highway program is now reaching a state of chaos.

The Nevada State Highway Department recently received an Instructional Memorandum (copy attached) from the Federal Highway Administration which indicates that Nevada will receive only $23.4 million of the $31.6 million appropriation made by Congress for fiscal year 1973. With Nevada's present economy, we simply cannot absorb a blow of this magnitude.

This is a continuation of the diversion tactics we have experienced over the past several years. I will not justify this tactic by calling it an "impoundment" for the funds have *not* been impounded, but have actually been diverted for other uses which were not the intent of Congress.

The reduction in funds is bad enough. To make matters worse, the IM indicates that a quarterly control will be continued and an additional control by road system will apparently be initiated. Considering the size and magnitude of current projects, The Department cannot function under these restrictions. Under a quarterly control by system, the State would only be able to obligate the following amounts:

$1.05 million per quarter for the Primary System

$0.8 million per quarter or the Secondary System

$3.45 million per quarter for the Interstate System.

This would force the Department to carry funds over from quarter to quarter. Judging by what has happened in the past, when OMB has confiscated unobligated quarterly balances, I am, frankly, very dubious of attempting to develop any quarterly carryover.

There are two other points of interest I wish to bring to your attention:

1. At the rate now proposed for the Interstate program, we could anticipate completion of the system in about July, 1985 or 13 years from now. This indicates that, timewise, we are now just slightly over half finished with the Interstate System.

2. In 1956 we received approximately $7 million annually for the ABC system. For these same systems we are now receiving $8.5 million annually. Due to inflation, improved design and safety requirements, relocation assistance, etc. our purchasing power has been reduced to about 50 percent of its 1956 value. This isn't including the added costs involved in the administration of extra hearings, equal employment opportunity programs, on-the-job safety requirements, increased planning involvement and so forth.

It is my feeling that the time has arrived for Congress to challenge the authority of the Office of Management and Budget to manipulate the Highway Trust Fund to meet their own goals. This agency has apparently *assumed* the authority to develop their own program within the limits established by Congress. It is this premise that should be challenged, and if necessary, clarified by legislation.

I feel that we have now reached a point where we should seriously consider asking Congress to discontinue the collection of Federal revenue taxes that accrue to the Highway Trust Fund. It would seem appropriate that we only collect those revenues necessary to complete the Interstate System. This woud allow the States to increase their State tax revenue equal to the Federal reduction. This revenue could then be applied to their own particular problems. Upon completion of the Interstate System, these revenues would also become available for collection and distribution within each individual State. I do not feel that this would be the best course of action, for I do agree that the national highway system requires national coordination and involvement.

However, with the current control and cutback of funds, there seems to be no other recourse available to get the program flexibility so desperately needed to keep pace with our State's transportation needs.

I earnestly request your vigorous support in assuring that the intentions of Congress for the Trust Fund are strictly complied with and to suppress the effective legislative control the OMB has been allowed to exercise in the past several years.

In closing, I am sure that you are aware of our feelings regarding the President's proposal for reorganization. Our understanding at the present time is that H.R. 6962 has been reported out to the House. I cannot express too strongly our opposition to this bill and its intended purpose.

I also request your active opposition to the entire reorganization proposal.

Warmest personal regards.

Sincerely,

Mike O'Callaghan,
Governor of Nevada.

SENATOR SCOTT SUPPORTS EDUCATION

Mr. SCHWEIKER. Mr. President, the future welfare of the Nation depends to a large extent on the education its young people are receiving today. The senior Senator from Pennsylvania (Mr. Scott) has been a strong and consistent supporter of the Federal commitment to education. He has shown a particular concern for students attending nonpublic schools, in light of Supreme Court decisions overturning certain Pennsylvania laws, and has called for the adoption of limited tax credits to allow the continued existence of private education. The Senator has also urged a continued high level of Federal funding for elementary, secondary, and higher education programs.

I ask unanimous consent to place in the Record a statement of Senator Scott's efforts to aid education.

There being no objection, the statement was ordered to be printed in the Record, as follows:

92d Congress—Legislation

S. 434—To establish a National Institute of Education.

S. 1062—To establish a National Foundation for Higher Education.

S. 1290—To provide for continuation of programs authorized under the Economic Opportunity Act.

S. 1669—To strengthen education by providing a share of the revenues of the United States to the States and to local educational agencies for the purpose of assisting them in carrying out education programs reflecting areas of national concern.

S. 2153—To establish a National Historical Museum Park, to designate the study center authorized under section 2(a) of the act of August 30, 1961, as the Dwight D. Eisenhower Institute for Historical Research.

S. 2860—To amend the Internal Revenue Code of 1954 to allow a deferment of income taxes to individuals for certain higher education expenses.

S.J. Res. 34—Proposing an amendment to the Constitution of the United States with respect to the offering of voluntary prayer or meditation in public schools and other public buildings.

S.J. Res. 199—To recognize Thomas Jefferson University, Philadelphia, Pennsylvania, as the first university in the U.S. to bear the full name of the third President of the U.S. Amdt. 55 to S. 1557 Financial Assistance to Local Educational Agencies. To provide financial assistance to local educational agencies in order to establish equal educational opportunities for all children.

VOTES

Voted for financial assistance to better provide local educational opportunities for all children.

Voted for the Emergency School Aid and Quality Integrated Education Act of 1971.

Voted for increased education appropriations for fiscal year 1972.

Voted for the Education Amendments of 1971.

Recorded in favor of the Indian Education Act of 1971.

91ST CONGRESS: LEGISLATION

S. 1788—To assist in removing financial barriers to the acquisition of a post-secondary education by all those capable of benefitting.

S. 2422—That the Secretary of HEW shall prescribe maximum rate of interest allowed for student loans.

S. 2579—To authorize Commissioner of

Education to make Vocational Education Opportunity Grants.

S. 3418—To amend the Public Health Services Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice.

S. 3531—To establish a National Institute of Education.

S. 3850—To provide for emergency assistance to the Nation's medical and dental schools.

S. 4104—School Breakfast Act of 1970—To amend the Child Nutrition Act of 1966 to strengthen and improve the school breakfast program for children carried out under such act.

S.J. Res. 192—Proposing a Constitutional amendment to permit voluntary prayer in public buildings and public schools.

VOTES

Voted for the Insured Student Loan Emergency Amendments of 1969.

Voted to increase school aid for federally impacted areas by $60 million.

Voted to increase funds for Teacher Corps to $40,800,000.

Voted to increase by $47.9 million funds for student loan programs and $28,050,000 in construction funds for institutions of higher education other than public community colleges and technical institutions.

Voted to provide $53,680,000 in impacted aid for children living in low-rent public housing projects.

Voted for Drug Abuse Education Act of 1970.

Voted to make public schoolchildren from households of four persons, the annual income of which is $4,000 or less, eligible for free lunches.

Voted for school lunch and nutrition amendments.

Voted for amendment to increase from $50 to $100 million funds for Neighborhood Youth Corps summer programs to be available until September 30, 1970.

Voted to add $59 million for Project Headstart bringing the appropriation to the authorized level.

90TH CONGRESS: LEGISLATION

S. 2871—To broaden and expand food service programs for children under the National School Lunch Act.

S. 1033—To provide assistance to States for development and construction of comprehensive community colleges.

VOTES

Voted to extend for 2 years: (1) the school disaster program, (2) authorization for school construction in federally impacted areas, and (3) the coverage of the Elementary and Secondary Education Act of 1965 for children attending Department of Defense schools and Indian children.

Voted to increase by $14.9 million funds for the Teacher Corps.

Voted for the Higher Education amendments of 1968.

Voted to authorize $50 million for Fiscal Year 1969 and 1970 for school lunch programs.

Voted for the Vocational Educational Amendments of 1968.

Voted to increase by $10 million funds for the school dropout prevention program under the Elementary and Secondary Education Act.

89TH CONGRESS: LEGISLATION

S. 2067—To increase educational assistance allowances to war orphans.

S. 2778—To provide financial assistance for the education of orphans and other children lacking parental support.

S. 2921—To provide a special school milk program for children.

S. 3405—To provide for sharing of Federal tax receipts with States for purposes of education.

VOTES

Voted to liberalize the formula providing financial assistance to local school agencies for children of low-income families.

Voted for the Elementary and Secondary Education Act of 1965.

Voted for the Higher Education Act of 1965.

Voted to improve $5.2 million for matching grants to the States for community development training programs.

Voted to propose a Constitutional amendment to allow voluntary prayer in public schools.

Voted for the Elementary and Secondary Education Amendments of 1966.

88TH CONGRESS: LEGISLATION

S. 259—To allow income tax deduction for certain amounts spent in providing a higher education for self, wife, dependents.

S. 1316—To establish a National Council on the Arts and a National Arts Foundation.

VOTES

Voted *not* to reduce vocational education authorizations and *not* to eliminate programs for residential vocational schools and work-study grants.

Voted for the National Defense Education Act.

Voted to allow church-owned, operated or controlled colleges and universities to be eligible for Federal loans and grants.

Voted for the Higher Education Facilities Act of 1963.

87TH CONGRESS: LEGISLATION

S. 3477—To provide program to assist States in general university extension education.

S.J. Res. 205—To propose amendment to U.S. Constitution permitting offering of prayer in public schools.

VOTES

Voted to expand the utilization of television transmission facilities in our public schools and colleges, and in adult training programs.

Voted to withhold authorized funds from any State or school because of segregation.

Voted for the Mutual Education and Cultural Exchange Act of 1961.

86TH CONGRESS: LEGISLATION

S. 924—To establish for educational purposes, priority in award of television channels.

S. 1016—To provide for a 5-year program of assistance to school districts in meeting debt service on loans for construction of urgently needed elementary or secondary public school facilities.

VOTES

Voted to authorize funds to pay principal and interest annually coming due on *school* construction obligations in the aggregate principal of $4 billion and allocating for each of the next 4 years $1 billion for school purposes.

Voted to increase authorized appropriations to $15 per school-age child.

Voted to authorize allocation of up to $600 million for school construction in each of the next 5 fiscal years.

ADDRESS BY SENATOR KENNEDY BEFORE KENTUCKY BAR ASSOCIATION

Mr. COOPER. Mr. President, on May 24, the distinguished Senator from Massachusetts (Mr. KENNEDY) delivered an address to the annual convention of the Kentucky Bar Association. I ask unanimous consent that his speech, which addresses the problem of bringing the North and South together on national issues, be printed in the RECORD at the conclusions of my remarks.

His theme, an appeal to unity in our country, is treated with reason and compassion. His speech ends with a note of optimism, asserting that we can build the kind of society which we all want. His closing words, I believe, deserve consideration:

> America was built, Kentucky was built, by people who were poor in everything but hope and human spirit, by people who had a deep and lasting dedication to working for what they knew was right. That's the way it was before, and that's the way it can be again. North and South can move ahead together, if only we have the wisdom and inspiration to carry out the goals and dreams we share with all the people.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR EDWARD M. KENNEDY TO THE ANNUAL CONVENTION OF THE KENTUCKY BAR ASSOCIATION

I am pleased and honored to be here with you this evening and to have the opportunity to address this annual convention of the Kentucky Bar Association.

Flying into Louisville this afternoon, seeing again the beautiful mountains and the magnificent rolling hills of Kentucky, it is easy to recall the famous lines of the Kentucky Irish poet James Mulligan, as he wrote many decades ago:

"The moonlight falls the softest, In Kentucky
The summer days come oftest, In Kentucky . . .
The bluegrass waves the bluest . . .
The songbirds are the sweetest . . .
The thoroughbreds are fleetest . . .
The landscape is the grandest,
And the politics the damnedest, In Kentucky."

Coming here tonight, it is also easy to recall the dramatic role that the people of Kentucky and their great leaders have played in the history of our nation.

Over the years, men of Kentucky and men of Massachusetts have often worked together. Indeed, one of the greatest moments in American history came more than a century and a quarter ago, when Henry Clay of Kentucky and Daniel Webster of Massachusetts stood together on the Senate floor in Washington, in a noble effort to preserve the Union.

Together, they forged the famous Compromise of 1850. Together, they stemmed the threatening tide of Civil War for a decade, longer than almost anyone, North or South, had thought humanly possible in that desperate period of darkening national crisis in 1850.

A century later, when President Kennedy was a member of the Senate, he served on a committee charged with the responsibility of selecting the five outstanding Senators in the history of the country. Their first and unanimous choice was Henry Clay of Kentucky, for the vision he had held of a strong and national Union, and for the power and wisdom he had used so well in helping to preserve it.

In recent years, the story has been the same. The people of Kentucky have always had distinguished leaders to carry on the proud tradition of your past.

You gave the nation one of our outstanding Vice Presidents in Alben Barkley, and one of its outstanding Chief Justices in Fred M. Vinson.

In my own years in Congress, there is no Senator for whom I have had higher affection or respect than John Sherman Cooper. For twenty years, he has served the nation and the people of Kentucky well, and his retirement this year means a heavy loss for all of us in Washington, whatever our state or political affiliation.

In addition, I am proud to serve in Congress with so many other fine Kentucky leaders. Marlow Cook and I have worked together on the Judiciary Committee in the Senate, and we have many common interests in areas of direct concern to the Kentucky Bar Association and other Bar Associations throughout the country.

The other Senate Committee on which I serve is the Labor Committee. There, I come in frequent contact with Carl Perkins who is one of the most able and effective committee chairmen in the House, a man responsible for the continuing flow of some of the most vital and effective social legislation Congress has ever passed.

I also have great respect for the work of your fine young Congressman from Louisville, Ron Mazzoli, who has compiled a distinguished record as one of the most effective freshman members of the House. I'm especially honored to have the opportunity to visit Louisville again myself, and to join you at this centennial convention of the Kentucky Bar Association.

Under the able leadership of President O'Hara and men like Mike Mills, the past year has been one of important progress and accomplishments on many local fronts. The new client's indemnity fund, and the development of the first prepaid legal insurance program, are but some of the important signs of success and growth you have achieved. I know that President-elect Rummage will build on this fine record, and keep the Association at the forefront of the movement for change and progress and a decent life for all the people of the Commonwealth.

As lawyers, we share many common bonds. We have a long and fine tradition of service at every level of government—national, state, and local. One of the most distinguished members of your Association, Jim Wine, was picked by President Kennedy to serve as one of his most effective Ambassadors.

As lawyers, more than any other group in our society, we have it within our power to create the change we know must come. I come to Louisville tonight, believing deeply that what happens in the cities and communities of Kentucky is of enduring importance to our nation.

The state that gave Abraham Lincoln to the Union is also a state that proudly shares in many of the most enduring customs and enlightened traditions of the South.

And so today, as perhaps never before in your history, there are opportunities for innovation and leadership here. Kentucky can be a bridge between North and South, a model for progress in every corner of the nation. Perhaps no other state in America today has the heritage and capacity to build a bridge like that to our common future.

Coming to Kentucky this evening, I do not pretend to any special knowledge of this region, and I do not come as an expert on developments in the modern South that are now so widely discussed across the nation. But I have had the chance to work in Washington with many distinguished leaders from Kentucky and from the Southern States, and I have learned that there are many things the South can teach the North, if only we will listen.

It is not an easy thing to say, coming as I do from a Norhern State that has always had great pride in its leadership on race and many other areas. But I believe that if we are honest with ourselves in the America of 1972, we must be filled with pessimism over some of the directions the North may take, and we must look South to see the really hopeful steps.

In many parts of the Border Region and the Southern States, you have actually reached a point where you are moving past the North on the passionate issue of race. It is as though, by some new and cruel arithmetic, prejudice is declining in the South while resentment rises in the North.

The real tragedy for the nation in the Seventies would be for the North to repeat the racial agony of the South in the Fifties and Sixties. And it would be a double tragedy, because it would all be so unnecessary.

If Yankee ingenuity means anything, it means the ability to learn from history, from experience of others with problems like our own. And so it would take a peculiar blindness for us in the North to stumble into the sort of obsession with race that the South seems now to be leaving behind, thanks to the vision of your wisest leaders.

And race is not the only issue on which the South has something to offer. It doesn't take much travel around America, listening to the people, to realize that basic things are wrong with the nation in areas like inflation and unemployment, health and education, crime and poverty, transportation and pollution. These are issues that cut across all social and geographic lines. They affect North and South alike.

That is why President Kennedy liked to come to Kentucky. He liked to walk among the people, to visit them in their homes and farms, to hear about their problems, to learn about their dreams and aspirations. As today, he found that people everywhere are restless for change, and they are willing, as never before, to take leadership where they find it.

A few days ago, in thinking about these question and about what I would say here in Louisville tonight, I took the opportunity to look through the Inaugural Addresses and other speeches of the new Governors of the Southern and Border States. And I find that who they are and what they are saying and doing offer some of the clearest and most hopeful signs anywhere in the nation that we can really solve the common problems we face.

Here in Kentucky, the election campaign by Wendell Ford last year was an inspiration to the nation. At the State Capitol on Inauguration Day last December, he spoke of his compassion and concern for all the people of Kentucky, old and young, black and white, rich and poor.

"The test of a man in public life," he said, in words that I would make my own, "is not how well he campaigns. Rather, it is how effectively he meets the challenges and responsibilities of office.

"Man has gone from ox-carts to moon-buggies because of his determination.

"The gauging of government is not how popular it is with the powerful and the privileged few, but how honestly and fairly it deals with the many who depend upon it, whose lives are controlled by it.

"The only reason for the existence of government at any level," he said, "is to serve the people."

That's the sort of Administration we ought to have in Washington and every other state. Thanks to the effective leadership of men like Governor Ford, Kentucky is making progress today on a variety of important State and local issues. The General Assembly has already redeemed the Governor's pledge to bring a greater measure of tax justice to the people. Already, you have begun the task of government reorganization, in order to bring government closer to the people.

It is not my purpose in coming here tonight to debate such issues. But I do admire the spirit of a State with vigorous leadership, as it boldly tests itself on so many major areas of importance to the people.

And it's not just Kentucky where events like this are happening. At many other State Inaugurations in the past two years, Governors like Holton of Virginia and Askew of Florida, Bumpers of Arkansas and West of South Carolina, have sounded the call for a progressive attitude on race, and have gone on to other urgent and pressing problems like those you face in Kentucky.

It isn't any accident that State Houses in this region are filling up with new and moderate young leaders. From Frankfort to Tallahassee, from Richmond to Jackson, from Columbia to Atlanta, the South is helping to lead the attack on our most important social problems.

And it isn't only the new Governors. Courageous urban mayors, men who have made their peace with race, are also marching to the drums of change out of the simple necessity of getting on with their city's sprawling problems. Indeed, this region is moving forward more rapidly today than at any time within my memory. It is far less reticent and insecure, and far more open to the possibilities of growth and new development than almost any other section of the country.

As you should, you bring a healthy skepticism to Northern models of development. That attitude does not mean the South is being defensive or parochial. It only means that you are more observant, that you are no longer swallowing the patent Yankee medicines, that you really hope to avoid the classic Northern errors of industrial blight and urban decay, the promiscuous proliferation of our motels and neon lights, and even our errors on human rights.

Perhaps, as the cynics say, the South today is no more "new" than any of the other New Souths that have been proclaimed so often since the Civil War. You know from past experience that dreams of peace and reconciliation are easily shattered when passions are aroused. You know from present experience that it is not easy to point with pride, when the Southern and Border States trail the nation in areas like infant mortality and health care, illiteracy and rural poverty, and regressive taxes on sales and property.

But you also know the feeling of satisfaction that progress always brings. You know the feeling of confidence and maturity that leadership bestows.

Today, you have men in public life who represent all the people, not just the special interests. You know the sort of opposition you have to overcome. You know that for their own narrow political or financial advantage, there are men in high places in Washington today who would like to see the South preoccupied with race, to the point where you are unable and unwilling to claim your rights in all the areas that really matter deeply, beginning with things like homes and health and schools and jobs.

But those who seek to inflame the passions of the people fail to understand the quiet forward revolution that is taking place in the South today. Time and again in recent years, events have shown that the people are ready to move ahead. All they ask is a man whose vision is clear enough to see the way, and who cares enough to try to lead them forward.

For the first time since Franklin Roosevelt, men and women are emerging in public life who understand the people's needs. The decent and ordinary people of America didn't make the world they live in, but they have the chance to change it. And they know that the only way for change to come is for them to get involved by electing leaders who truly represent their interests.

If in this new era we stand against the people, if we give them war instead of peace, if we stand with the oil industry against tax reform, with the insurance industry against health reform, with the auto industry against safe cars, with the highway lobby against urban transit, then we do not understand the direction of our country. We deny our heritage and our history.

To me, one of the most important areas in which North and South can work together is in the area of health reform. That is an area in which as lawyers and men and women in private life, we share a common interest. It is an area which holds enormous promise for the American people, and I am pleased to know that one of the major sessions of this centennial convention was devoted to an important issue in health reform—the problem of medical malpractice, an area where there is a compelling need for doctors and lawyers to work much more closely together.

As a member of both the Judiciary Committee and the Health Committee in the Senate, I share your view of the need for action on this growing problem. Indeed, one of my major goals in the present Congress is to end the friction that has developed between medicine and law, and to restore cooperation between these two desciplines whose efforts are so important for the future well-being of our nation.

As you know, America is engaged today in a growing national debate on health reform. Together in the Senate, John Sherman Cooper and I support a comprehensive proposal for national health insurance. In Kentucky, we have the strong support of Stanley Chauvin, the President of the Louisville Bar Association, and Dr. Harvey Sloan, of the Kentucky Public Health Association.

Our proposal is called the Health Security Act, and I believe that it contains the best answers that have been developed so far to end the health care crisis.

The Health Security Program I favor is grounded in a handful of vital principles that, I hope, will form the foundation of any legislation Congress passes. Those principles are simply stated, and I would like to share them here with you.

I want a health care system that is not just an expensive privilege for the few. We lead world in Nobel Prizes for medicine and research, but we are winning no Nobel Prizes for our ability to translate the promise of the laboratory into the reality of decent health care for all the people.

I want a health care system where you can call a doctor and not get just an answering service. When they rush you to the hospital in an emergency, I want them to meet you at the door and ask how sick you are, not just how much health insurance you have.

I want every man, woman and child in America to be covered at any time and for any illness by health insurance, available at a price he can afford to pay. No American should lose his health insurance because he lost his job. No American should be hounded by bill collectors to pay the cost of sickness. No American should have the tragedy of serious illness compounded by the tragedy of bankruptcy or serious financial burden.

I want every American to receive the same high quality of health care that anyone else receives. I want to provide decent care in the South End and West End of Louisville as they have today in the East End of the city. No American should be given second class health care because he is old or poor or black.

I want a system that pays doctors and hospitals to keep the people healthy, instead of a system whose profits depend on illness.

I want a health care system that has enough doctors and facilities to meet the need. I want a system that encourages doctors to practice their profession in every community in America, not just in the high rise office buildings on Park Avenue or in Beverly Hills.

Those are the principles of the Health Security Act.

Not everyone agrees with them today. The A.M.A. does not agree. The Jefferson County Medical Society does not yet agree. The health insurance industry does not agree.

But I think that you and I and millions of ordinary men and women across the nation do agree. The opposing forces arrayed against us are powerful and organized, but I do not believe they have the strength to resist the overwhelming tide of the people's need for change. Perhaps we will not win the reform we want this year, but in the end the people will not be denied. Together, I am confident that we shall prevail, and succeed in bringing decent health care to all our citizens.

As a member of both the Judiciary Com- the same strong need for change and innovation exists in the area of medical malpractice—an area that you have analyzed so effectively in your seminar yesterday and in the other proceedings of this convention.

The time has come when we can no longer afford to ignore the soaring burden that the problem of malpractice now imposes on doctors and hospitals throughout the nation.

When every new young graduate of every medical school calls his lawyer and insurance agent before he frames his medical diploma, you know something's wrong.

When doctors pay more each year for malpractice insurance than they pay for secretaries and office space, you know that something's wrong.

When every doctor begins to see his next appointment as a lawsuit and not a patient, you know that something's wrong.

When every doctor and hospital imposes painful and unnecessary treatments on their patients, or perhaps worse, refuses to give tests or procedures that might be of substantial benefit, simply because such actions will stand up better against a million dollar suit in court, you know that something's wrong.

We know the problem has been compounded by the enormous advances in medicine in recent years. But as lawyers, we also have to share the blame. The soaring costs of litigation and attorney fees have made the problem worse.

We have to find a better way to protect the patients when things go wrong in modern medicine. We have to find a better way to guarantee the quality of care. We have to find a better way to eliminate the incompetence of the very few, without distorting the professional standards of the entire profession of medicine, and without penalizing the hundreds of thousands of dedicated American physicians who are capable of providing the finest care available anywhere in the world, if only we will give them the opportunity.

We know the doctors do not benefit from the present system of litigation. We know the angry passions that have been aroused. We know the patients do not really benefit, when only ten or twenty cents out of every dollar in malpractice awards is all that ever filters down to even the most successful claimants.

Indeed, it is fair to say, the only ones who really stand to benefit from the present system are we, the lawyers. And we as lawyers have no right to enjoy such spoils, when our efforts are contributing so much to the gross distortion of the livelihood and practice of our professional colleagues in the field of medicine.

That is why I am pleased to learn of the progress you have made in dealing with this problem in Kentucky, and the effective way in which you have aired the question at this convention.

One of the most important aspects of the health legislation I have sponsored in the Senate would provide for arbitration of medical malpractice claims, and would establish a National Commission for Quality Health Care.

The arbitration procedure I envisage would be similar in many respects to the Screening Committee for Medical Malpractice discussed in your symposium. The Commission I have proposed would be an independent government agency, created especially to monitor health care systems and to develop new approaches to determining the quality of care. Under the system I favor, the parties would be free to choose the sort of procedures involving experts as well as laymen, in the manner they deem most suitable for deciding particular medical and legal issues in their community.

For too long, for want of imagination and a little professional cooperation, we have allowed a situation to develop that has helped to worsen the nation's health care crisis. Now, thanks to the leadership of organizations like your own, we are beginning to awaken to the magnitude of the problem, and I am confident that the States and Congress will respond. Together, we can cross the threshold into a new age of health care for North and South alike.

In many respects, that's why it is on all the other great challenges we face. We can build the kind of society we want, the kind President Kennedy worked for, the kind Robert Kennedy dreamed of when he asked us to seek a newer world.

We can end the war and bring our economy back to health. We can rebuild our cities and educate our children. We can preserve our environment and end the blight of crime. We can do all the other things we have to do to safeguard the future of our nation.

America was built, Kentucky was built, by people who were poor in everything but hope and human spirit, by people who had a deep and lasting dedication to working for what they knew was right. That's the way it was before, and that's the way it can be again. North and South can move ahead together, if only we have the wisdom and inspiration to carry out the goals and dreams we share with all the people.

WHY A CONSUMER PROTECTION AGENCY IS NEEDED

Mr. PERCY. Mr. President, recent experiences confirm that the regulatory agencies we have set up to protect the consumer—particularly in the most important area of health and safety—require a shot in the arm.

For example, I was disturbed to learn last December of a secret agreement in August 1971, between Food and Drug Administration officials and particular suppliers of leaded Christmas tree tinsel. FDA seems to have dealt away its obligation to inform the public of the hazard in return for the manufacturer's promise to discontinue manufacturing the leaded tinsel after Christmas 1971, and discontinue sales of the tinsel after Christmas 1972—that is, next December. One would have thought that the tragic deaths of so many infants in this country from eating paint containing lead would have been sufficient basis for the FDA to put a halt on the sale of leaded tinsel. But in the absence of full consideration of the consumer interest, FDA officials apparently saw it otherwise. Fortunately, however, the indiscretion was brought to the attention of the public through the outcries of Congressman John Moss, my own colleague, Senator Joseph Montoya, and a concerned news media. Now, as a result of my raising the issue again, directly with FDA Commissioner Charles Edwards upon his appearance before the Subcommittee on Executive Reorganization in connection with legislation to create a new safety agency, he has assured me by letter dated May 30, 1972, that appropriate measures are being taken to keep leaded Christmas tree tinsel from being sold in this country in the future. Commissioner Edwards says:

> We have checked all known lead tinsel manufacturers and have been advised that there are no stocks available for retail distribution in this country. We have also contacted the firm that supplies uncut lead tinsel sheets and have been informed that no sales were made this year to domestic firms, and only about 20,000 pounds to Canada and Mexico. We will monitor the distribution channels to insure that no lead tinsel finds its way into the retail pipelines between now and Christmas 1973.

I was disturbed to read 3 months back that almost 1,250,000 chickens tainted with PCB—polychlorinated biphenyls—a DDT-like industrial chemical linked with skin irritation in humans—had been destroyed in Maine after discovery was made by Agriculture Department officials. Who, among the responsible Federal inspection officials, was sleeping on the job to have permitted so many chickens to have become contaminated without earlier discovery? This disclosure followed on the heels of a General Accounting Office report to Congress sharply criticizing the Department's inspection of poultry plants and citing such unsanitary conditions as:

Filthy and debris-strewn floors;

Greasy conveyor motors and rollers congested with fecal material, feathers, and dirt;

Dusty, cobwebbed ceilings and green algae on the walls of coolers; and

Rusty, dirty equipment, with heavy blood accumulations from previous slaughter.

I was shocked to learn that the chairman of the board of one of the largest crib firms in the country—upon being informed that the space between the bars of a wooden cradle he manufactured exceeded safety limits concurred in by experts, including the National Commission on Product Safety—cavalierly responded, "So what?," adding that he did not "have to justify anything." That brand of crib, and others exhibiting the same hazard, is still on the market while the Food and Drug Administration, which has jurisdiction, stands idly by.

I am appalled that, although Congress amended the Flammable Fabrics Act in 1967 to provide for more stringent standards for wearing apparel, standards for flame-retardant infant sleepwear were not announced by the Commerce Department until last year—4 years after enactment of the law—and these are not scheduled to take effect until mid-1973. Meanwhile, we are faced with an estimated annual toll of 175,000 clothing burn injuries and 4,000 deaths.

It was further distressing to learn recently of wholesale fraud and corruption in the operation of mortgage insurance housing programs in cities across the country occurring literally under the noses of Federal Housing Administration officials. Particularly in the area of section 235 home ownership programs and section 236 rental and cooperative housing programs, agency officials ignored unscrupulous operators and fast-buck artists who were bilking low-income families and defrauding the public treasury.

And, finally, I was astonished to receive from the Government Accounting Office 2 months ago a report which documented that the Division of Biologics Standards—DBS—in the National Institutes of Health was guilty of a callous disregard for public health and safety in permitting the sale of ineffective and potentially hazardous flu vaccines to the public. From 1966 through 1968, DBS indiscriminately approved subpotent dosages of influenza vaccine and thereby subjected Americans to more than 60 million doses of what may have been worthless prevention, or worse. The agency failed to turn down a single lot of flu vaccine, even though some contained as little as 1 percent of the required strength. Of 221 lots released during the period, 130 did not meet standards established by the agency itself. Inasmuch as the side effects of these inoculations—including extreme fever, rash, incapacitating diarrhea, and cramps—can be severe, I suspect that for thousands, if not millions, of Americans, their attempts to protect themselves from illness were actually much more harmful than no protection at all. The DBS blunder illustrates that the American public has been deceived into believing that, because an agency of the Federal Government has been set up to afford protection, the public is indeed being protected. But the tragic truth is: that just is not so.

We cannot be satisfied with predicting more of the same, and then retiring to the sidelines to bemoan its occurrence nor take satisfaction in the accuracy of our predictions.

Simply plying more money into existing agencies, or providing more staff, has proven over and again to be an unsatisfactory and unproductive effort.

On reading daily accounts such as these, and based on the overwhelming evidence compiled in 3 years of hearings before the Subcommittee on Executive Reorganization documenting bureaucratic lassitude, unconcern, and neglect so far as consumer interests are concerned, I can only conclude that an independent watchdog agency is necessary to change things around.

The Subcommittee on Executive Reorganization today, after extensive discussion, approved by bipartisan 7 to 0 vote and reported to the full Government Operations Committee on which I am the ranking minority member, a revised version of S. 1177. The new measure reflects literally months of intensive effort by Senators RIBICOFF, JAVITS, and myself, and the staff of the Executive Reorganization Subcommittee, to improve the original version, to clarify it, and to make sure that there would be no undue interference with legitimate business interests nor the orderly processes of Government. This draft refines and perfects the bill that passed the Senate in December 1970, by a margin of 74 to 4. At that time companion legislation was reported out of the House Government Operations Committee but was stalled in the last-minute legislative rush in the House Rules Committee.

The draft borrows from some of the best aspects of H.R. 10835, which was approved by the House in this session of Congress in October 1971, by a vote of 344 to 44, but it also benefits from the rather heated, and frequently confused, debate on the House floor over just what the measure was intended to cover.

The Nixon administration supports, and just yesterday reiterated to me its support of the concept of an independent agency to represent the interests of consumers in proceedings before Federal agencies and courts.

I look forward to prompt action by the full Government Operations Committee, notwithstanding an intensive lobbying campaign by some to stall, cripple, or kill the measure in this Congress.

Mr. President, I ask unanimous consent to insert in the RECORD at this point the full text of the helpful letter from Commissioner Edwards to me relating to leaded tinsel, together with a perceptive front-page article written by Robert Hey entitled "Consumers to Get a Watchdog?" appearing in the Christian Science Monitor of May 27, 1972. Inasmuch as the article was written prior to the circulation of the subcommittee print of S. 1177, it contains some inferences which are not reflected in the actual language of the bill. I also request that an excellent piece appearing in yesterday's Washington Post by Morton Mintz—assisted by John Thorner— and entitled "Hill Panel to Act on Independent Consumer Body" also be reprinted.

There being no objection, the letter and the articles were ordered to be printed in the RECORD, as follows:

> DEPARTMENT OF HEALTH,
> EDUCATION, AND WELFARE,
> *Rockville, Md., May 30, 1972.*
>
> Hon. CHARLES H. PERCY,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR PERCY: During the course of the recent hearing of the Subcommittee on Executive Reorganization, on the subject of consumer safety legislation, you inquired about the activities of the Food and Drug Administration relating to lead icicles sold for Christmas decoration. I noted that, although we did not have medical or other technical data upon which to base a banning order, we had taken certain actions to promote the voluntary removal of this product from the marketplace.
>
> In order that you may be fully informed, I am providing additional information on this subject.
>
> As of Christmas 1971, all domestic lead tinsel manufacturers stopped production of lead tinsel. At the close of each Christmas season, supplies in retail channels are closed out of inventories at a reduced price as is the usual custom. Lead tinsel's bulky packaging and low cost make it uneconomical to hold quantities in retail inventory from one year to the next. Therefore, our concern is with the inventories that might be available in the various manufacturers' warehouses.
>
> We have checked all known lead tinsel manufacturers and have been advised that there are no stocks available for retail distribution in this country. We have also contacted the firm that supplies uncut lead tinsel sheets and have been informed that no sales were made this year to domestic firms, and only about 20,000 pounds to Canada and Mexico. We will monitor the distribution channels to insure that no lead tinsel finds its way into the retail pipelines between now and Christmas 1973.

If we can be of further assistance, please let us know.

Sincerely yours,
CHARLES C. EDWARDS, M.D.,
Commissioner of Food and Drugs.

Consumers To Get Watchdog?

(By Robert P. Hey)

WASHINGTON.—Would you like to have a powerful consumer advocate in the middle of the discussion the next time Interstate Commerce Commission officials sit down with big moving companies to discuss the way they move people like you?

Or the next time the Federal Trade Commission discuss what to do about deceptive advertising with the advertiser?

Or when the Department of Transportation and automakers argue over auto safety standards the department must set?

Loads of consumers would—and this year it appears that they might.

Consumer groups have fought to get, in effect, such a consumer ombudsman for consumers in high circles of government—and to admit him to negotiations while decisions are being made.

Now Congress appears willing to establish a broad consumer agency, able to be the consumer's ombudsman in the formal and informal dealings of government agencies that concern consumers.

After much tricky negotiation behind the scenes—not quite completed—the way seems prepared for congressional passage this year of an intensely important consumer bill. It would establish an independent consumer agency in the federal government.

It has been learned that in approximately two weeks the Senate government reorganization subcommittee is to approve a consumer agency bill, which would strengthen in important ways one approved last year by the House. Consumer groups had sought this strengthening; some industry groups had opposed it.

CONSULTATIONS HELD

Further, several sources in and out of Congress confirm that there have been numerous consultations among various faction members of Congress who hold varying points of view on the agency and with representatives of the White House.

The aim of the secret consultations, now in their final stages, is to ensure that the bill approved by the subcommittee will be palatable for all concerned—the White House, the House of Representatives, the subcommittee's parent Government Operations Committee.

Those involved in the consultations are trying valiantly to prevent discussions from becoming personal—clashes of personality—the flaw substantially responsible for congressional defeat of a similar measure in 1970. So far they have succeeded.

While a last-minute snag could always develop, it now appears that agreement from all concerned is about reached.

PROVISIONS SKETCHED

The agency that the bill proposes would:

Be empowered to represent consumers' interests during the formal and many informal little meetings of government officials, sometimes with industry representatives, which affect consumers. These take place almost constantly.

The new agency thus would be able to represent the interests of American consumers in court proceedings before courts and federal regulatory agencies.

Keep a public record of consumer complaints.

Initiate programs to inform consumers, test products, and investigate consumer complaints.

Highly important to consumer groups—the new agency would be wholly independent of the White House, and would be established by federal law. The present top consumer representative in government is Mrs. Virginia H. Knauer, who as special assistant to the President is in a position established by the President, not by law.

Consumer groups have been critical of Mrs. Knauer on many issues. But more important, they say, is the concept that a government agency charged with representing consumers must be independent of all other government arms—including the White House—if it is to retain consumer confidence; and, some would add, if it is to be able to act independent of political pressure.

NIXON BACKS HOUSE MEASURE

President Nixon supported the measure passed by the House. Like the one expected to be approved by the Senate subcommittee, it established the Consumer Protection Agency, independent of the White House and of all other branches of the federal government.

But there were two important differences between the two bills.

The House bill says that the consumer agency would be empowered to participate in formal cases before government agencies in which consumer issues were at stake. The measure in the Senate subcommittee reads that the agency can participate also in informal meetings, such as those held so often between government agencies and industries or specific companies—meetings that frequently result in consent decisions or other government action.

Second, the House-approved version said that the proposed agency could intercede in procedures covered by the Administrative Procedure Act, i.e., rulemaking and formal kinds of government activities weren't mentioned.

OMISSIONS OR HAZINESS?

There was considerable question here whether these omissions in the House bill were intended specifically to exclude the consumer agency or whether the bill was not written clearly.

In any case, consumer groups wanted the bill clarified—and wanted to make certain that the agency could intervene broadly in any formal or informal government action involving consumers. Apparently they will be getting their way.

Yet even if the bill is passed by Congress this year and signed into law by the President, the effectiveness of the agency is not automatically assured.

Next year Congress would have to appropriate the money to run the agency. That's sometimes where the crunch comes in: Congress sets up a program or establishes an agency, then doesn't give it enough money to do its job.

Thus, consumer groups here remain wary. It will be important, they say, to be vigilant next year—to make certain that enough money is appropriated to give the prospective consumer agency a large enough staff to represent consumer interests effectively.

[From the Washington Post, June 12, 1972]

Hill Panel To Act on Independent Consumer Body

(By Morton Mintz)

A bill to establish an independent consumer protection agency, to advocate consumer interests before other federal agencies and the courts, comes before a Senate government operations subcommittee for action Tuesday after a widespread lobbying campaign to weaken or kill it.

Capitol Hill aides said that Washington representatives of about 150 major companies and trade associations set up a task force to draft weakening amendments but that other major companies—including General Motors, General Electric, Montgomery Ward and Sears, Roebuck—declined to join.

A subcommittee source named George W. Koch, president of the Grocery Manufacturers of America, Inc., as one of the leaders of the task force.

An aide to a Republican senator said that one major effort of lobbyists opposing the bill is to try to have it referred to the Judiciary Committee, a majority of which tends to oppose consumer legislation.

Another tactic being urged on senators is an amendment to create not a consumer advocate who could intervene with federal administrative agencies and courts, but one with an amicus, or friend-of-the-court status—and then only in formal procedures.

The Nixon administration despite reported divisions among its advisers has backed a less stringent version of the legislation enacted last October by the House, 344 to 44.

As of yesterday, the Senate bill was expected by subcommittee sources to be reported with only minor changes, in good part because of strong support from the two senior Republicans, Sens. Jacob K. Javits of New York and Charles H. Percy of Illinois. The chief sponsor is subcommittee chairman Abraham A. Ribicoff (D-Conn.).

The bill would give the consumer protection unit no regulatory mission. Instead, the administrator would be empowered to intervene as a party to an agency proceeding if he decided that action was necessary in order to represent consumers adequately. He could also petition an agency to initiate a proceeding in behalf of consumers.

He could not intervene in state and local proceedings unless invited.

Two key provisions in the Senate bill—not included in the House bill, whose chief sponsor was Rep. Chet Holifield (D-Calif.)—have been special targets of lobbying efforts.

One gives the administrator the right to intervene in any proceeding involving a possible fine, penalty or forfeiture. He could participate, for example, in a proceeding of the National Highway Traffic Safety Administration intended to determine whether an auto manufacturer had complied with a safety standard.

The other provision empowers the administrator to participate—again as a right—in informal proceedings. At the safety administration, for example, he could participate in the current investigation of the road-handling characteristics of the 1960 through 1963 Chevrolet Corvairs.

The absence of these provisions in the Holifield bill led its original sponsor, Rep. Benjamin S. Rosenthal (D-N.Y.), to end up opposing it in its final form. Ralph Nader, also embittered, charged the House bill had been gutted.

The Grocery Manufacturers' Koch, in a statement to The Washington Post, said his group favors a consumer protection unit "created to assist, not attack, other federal agencies that are directly responsible for the protection of consumers . . . We would favor the . . . initial role being something similar to that of an amicus curiae in court, without procedural power that could disrupt decision-making."

Both the Holifield and Ribicoff bills, Koch protested, would allow the unit "to intrude disruptively in the proceedings of federal agencies."

The lobbying campaign—much of it directed against the Holifield as well as the Ribicoff bill—has been not only extensive, but, in some ways unusual.

Last February, for example, the Consumer Federation of America, which represents almost 200 consumer groups at the state, regional and national levels, got hold of a 32-page "Business Responsiveness Kit" of undisclosed authorship. The kit calls the bill, "The most serious threat to free enterprise and orderly government ever to be proposed in government."

The kit suggests formation of a multi-business "central protest group" for each state, with emphasis on "being able to communicate on a personal basis with their U.S.

Senators," and lays out specific additional techniques of opposition.

"There is nothing in this action program that should cause embarrassment," the kit says. But because the program can be "most effective if it is based upon strengthening relationships between state and local businessmen and those government officials in Washington who represent them," the kit cautions, "it is urged that you guard against publicity of your actions that might go beyond those who share your concerns."

In March, in a Senate speech, Percy, a former member of the Illinois Chamber of Commerce, accused that organization having done a "disservice" by misrepresenting the Senate and House bills with "a blunderbuss blast" that stimulated some 2,000 letters of complaint to him alone. The chamber had attacked the legislation in a letter to 9,000 Illinois businessmen.

In April, a subcommittee Democrat, Sen. Lee Metcalf of Montana said in a speech in Helena that "a lot of companies" opposed to the Ribicoff bill had launched "a massive . . . pervasive and misleading campaign against it."

In a reference to a former Capitol Hill lobbyist for the Kennedy White House, Mike Manatos, and J. Edward Day, who was Mr. Kennedy's Postmaster General, Metcalf said, "I get visits from the old New Frontiersmen who have been hired to help kill the bill or render it useless."

Metcalf also said that A. Miles Hughey, a Washington public relations man, had distributed material in Montana warning livestock raisers that one result of passage of the Ribicoff bill would be "eliminating drugs from animal feeds," and another would be, "meat and poultry plant inspection procedures will be investigated."

Hughey told a reporter that he always accompanied his materials with copies of the bill, but refused to identify his client. Asked if he would name other clients, he said. "I don't have any at this moment."

The director of government relations for General Mills, Graham T. T. Molitor, sent Ribicoff and Percy a copy of a letter to Catherine Bedell, chairman of the Tariff Commission, in which he sharply attacked the bill and said, "I would greatly appreciate comments from your legal counsel as to what Tariff Commission proceedings would be affected and how this proposal would affect future business relationships with the commission."

Mrs. Bedell told Washington Post researcher John Thorner that she has not replied to the letter, which was dated March 24. "We don't comment on policy impact or political impact," she added. She also said that Molitor "has a right" to send such a letter.

ADDRESS BY SENATOR SAXBE BEFORE ANNUAL CONVENTION OF OHIO AFL-CIO

Mr. KENNEDY. Mr. President, I invite attention to a speech given recently by the distinguished Senator from Ohio (Mr. SAXBE) at the annual convention of the Ohio AFL-CIO.

In his speech, Mr. SAXBE describes the state of health care in the Nation. He also comments on two major legislative proposals, the National Health Security Act and the Health Maintenance Resources Development Act. I commend the speech to the Senate as a valuable analysis of the American health care system and ask unanimous consent that it be printed in the RECORD.

Senator SAXBE has been a leading advocate of the Health Security Act. His long-established concern, as well as his broad understanding of the intricate issues raised by the health care crisis, made his observations particularly relevant and significant.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

American Health Care System

(Remarks of Senator WILLIAM B. SAXBE)

It is a pleasure to be here today and speak at the annual convention of the Ohio AFL-CIO. I am especially happy to have this opportunity to talk with you on a subject of real concern to me—the problems in our health care delivery system.

How can the wealthiest nation on earth permit a sizable segment of its society to go without any health care at all? Why is it that we can spend seventy or eighty billion dollars in one year alone on health costs and still have literally millions of people who can't find, or can't afford, basic medical care?

Why? Because of the delivery system through which Americans receive their health care. The system itself is inadequate, not the components. Most attacks on our system of medical care have not been on the quality of individual care, but on the collective performance of the entire health care system.

Take the availability of care—the fact that certain people in certain places simply cannot find a doctor. Whether this is due to poor geographic distribution of medical personnel or the over-specialization of physicians, is not the issue. The point is clear—some people in this country go without medical care—and that is intolerable.

Medical care is a basic right of the people—their right to life. It is wrong when a man's ability to obtain that medical care depends on his color or his ability to pay or where he lives or who he knows.

This problem of access is compounded by another—the escalating cost of health care. These costs have risen to such an extent that medical care has become a luxury, rather than a necessity. Some people, even with insurance, can't afford to pay the exorbitant medical bills of today—and thus, can't afford the care they rightfully deserve as citizens of this wealthy nation.

And then, we see the inefficiency and waste in our system. Highly trained physicians perform tasks that could be handled by physician assistants. Patients occupy expensive hospital beds for testing that could be done on an outpatient basis. Many hospitals have duplication of expensive equipment, and others have costly equipment which is rarely used. It is, therefore, not the quality of individual medical care, but the inefficient functioning of a total system that has brought on a crisis in health care.

This crisis must be met, and changes must be made. The public is unhappy with the status quo, and they are demanding that the inefficiencies and inequities be dealt with. I think the public is entitled to these changes—it is their right. After all, this nation is currently spending seventy-five billion dollars on health costs alone, and more than one-third of that expenditure is public money—Federal, State, and local tax dollars. The public has a right to demand that their taxes be spent in the most efficient and effective way.

But it is also important for the people to know that these changes must be made gradually, with caution, and constant evaluation. Otherwise, we might launch broad new programs that would compound the problems rather than correct them. We can't expect to change overnight what has taken centuries to develop.

How do we change our health care system? Where do we begin? I think a good beginning would be to rechannel and redirect our current expenditures—that seventy-five billion dollars—into new systems with a better net result. We should take Medicare, Medicaid, all insurance expenditures, and private costs, and redirect these vast sums to new comprehensive systems, so that people will have a better chance of getting their money's worth.

For the past three years, I have cosponsored S. 3, the Health Security Act. I sponsored this bill because it provides comprehensive quality health care to all Americans. It would provide full coverage of all health benefits—routine physical examinations, visits to doctors' offices, outpatient care of all kinds, and even dental care. The program would be financed in a most judicious manner, with half of the funds coming from Federal revenue and the other half through payroll taxes. In addition, this health security program contains cost and quality controls, as well as funds earmarked to improve the system. It is the most comprehensive bill, but also the most expensive.

Congress has not acted on this bill. It still remains in the House Ways and Means Committee and the Senate Finance Committee, and Chairman Mills has already announced that his committee will not report any health legislation this year. The bill has been met with much opposition, and it has been severely attacked on its high cost. Generally, Congress is reluctant to enact such an expensive program. However, in my opinion, the cost argument is a fallacious one. It simply doesn't hold water. According to recent HEW statistics, the Health Security Program, as outlined in S. 3, would not cost much more than the total health care expenditure which we now have without any program at all.

In Fiscal Year 1970, sixty-seven billion dollars was spent on health care, and HEW estimated that the Health Security Program would have cost seventy-three billion dollars in that same year. In light of the fact that we are currently spending seventy-five billion, I think a comprehensive national program providing full health care benefits would have been worth the extra six billion that it would have cost. Hopefully, the next Congress will take this into consideration and will take some action on this important measure.

In the meantime, the Senate is presently taking action on a most important health bill—the Health Maintenance Organization and Resources Development Act. The Health Subcommittee is going to report a bill which is expected to pass the Senate some time this year. It is important that this bill pass the Senate, even if it does not become law This bill is the beginning of the first real major legislation reform in the health field. To get a major program past half the Congress sets a precedent for future action This bill is like a miniature Health Security Act—it is a forerunner to the larger bill. It has the same goal of comprehensive and quality health care for all, and emphasizes system reform.

What is an HMO? How will this new bill work? A Health Maintenance Organization is a prepaid group practice which renders full coverage of all health benefits for a fixed fee. An HMO has a team of physicians and other medical personnel to cover all services—everything from an eye examination to complicated surgery, and hospital care would be provided as well.

An HMO functions on the principles of economy and efficiency characteristic of a prepaid system. There is a financial incentive for emphasizing preventive care—for keeping people healthy. This would switch the emphasis which is presently on acute hospital care, to a less expensive preventive care, and thereby reduce the total health care expenditure in this country.

An HMO also gives more for the money. The comprehensive range of benefits—any health service—can be obtained through a prepaid group practice for the same or less money than people presently spend for only partial coverage. Therefore, it gives greater benefits at lower costs. For example, in Ohio under the best Federal employee Blue Cross-Blue Shield plan, the cost per month for a family is $58.46. In contrast, a family can enroll in the prepaid Kaiser Community Health Foundation in Cleveland for $50.94 a month. The Blues' plan would cover all hospital and some acute care physician costs, but the Kaiser plan would provide everything.

You might ask, "If HMO's have a financial incentive to reduce costly services, what is to insure that necessary services would not be withheld or that all services would be of high quality?" The new Senate bill deals directly with this problem by establishing a Commission on Quality Health Care to protect the consumer and to monitor and regulate quality control mechanisms within the HMO. In addition, the bill sets up a trust fund to help finance portions of premiums that low-income workers couldn't afford, thereby insuring that they could enroll in the plan.

In conclusion, I would like to reiterate the need to change, and re-emphasize the fact that these changes are going to come about slowly. I firmly believe that the ultimate solution to this health care problem lies in a true cooperative effort between the public and the private sector. People should exercise patience. Government can and must make an accommodation with the medical profession in order to make health care legislation work. And equally so, the profession must recognize that there are problems and must not resent or resist the efforts of government. All participants must realize that change is inevitable and should look to the good of the total system, not to the protection of private interests. Only in this way will we have a workable system, uniquely American, where quality health care can be made available to all.

VETERANS OF FOREIGN WARS SUPPORT S. 2987 FOR MEMORIAL TO THE LATE PRESIDENT DWIGHT D. EISENHOWER

Mr. JAVITS. Mr. President, the Veterans of Foreign Wars of the United States, with the approval of their commander in chief, Joseph L. Vicites, representing more than 1,700,000 members has gone on record fully endorsing and strongly supporting S. 2987, introduced by me and cosponsored by my distinguished colleagues, Senator Barry Goldwater and Senator Paul J. Fannin, of Arizona, and Senator John O. Pastore, of Rhode Island, which passed the Senate unanimously on June 8 last. This legislation would authorize a maximum of an anticipated $20 million for Eisenhower College, of Seneca Falls, N.Y., through the use of up to one-tenth of the moneys from the sale of "proof" Eisenhower silver dollars to perpetuate this living memorial.

In his statement to the Committee on Banking Housing and Urban Affairs, Francis W. Stover, legislative director of the VFW, stated that Dwight David Eisenhower symbolized the strength, integrity, character, and the nobility of this great Nation and that this unique method of funding will make possible a broad, grassroots participation by all Americans.

I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Francis W. Stover

Mr. Chairman and members of the committee: Thank you for the privilege of presenting the position of the Veterans of Foreign Wars of the United States to this distinguished Committee with respect to S. 2987. This statement has the approval of our Commander-in-Chief, Joseph L. Vicites, and represents the intense interest of the more than 1,700,000 members of the Veterans of Foreign Wars of the United States in this most meritorious legislation.

No American is more closely identified with the membership of the Veterans of Foreign Wars than Dwight David Eisenhower. Many of our members served with General Eisenhower in his capacity of Supreme Allied Commander in Europe during World War II and organizer of the North Atlantic Treaty Organization Forces. He was one of us.

As the 34th President of the United States, he demonstrated that he was indeed a leader without peer in both war and peace. He fits every description and definition of a truly great American. Regardless of how we may honor him, President Eisenhower has earned his rightful place in history. His integrity, his compassion, his empathy for all Americans is legend. Probably more than any other American of his time, Dwight David Eisenhower symbolized the strength, integrity, character, and the nobility of this great nation.

To perpetuate the memory of this great man, there was established in September, 1965 Eisenhower College. As a former President of a leading American University—Columbia—this was most fitting and proper. Eisenhower expressed his wholehearted approval of this monument to him when at the ground-breaking ceremony, he stated: "This is an honor that will be prized by me every day of my life, for I can think of no greater monument to any man that a college bearing his name; an institution which will be a vital, vigorous champion of freedom through proper education."

The obligation is now upon us to assure that this living monument in honor of Dwight David Eisenhower will continue, prosper, and be the lasting memorial and monument we intended. Before you is a bill which will provide a giant step in this direction. The Veterans of Foreign Wars extends its highest commendation to Senator Jacob Javits of New York and his distinguished colleagues, Senator Barry Goldwater and Senator Paul J. Fannin of Arizona, and Senator John Pastore of Rhode Island for introducing S. 2987, which will authorize and anticipates $20 million to assist Eisenhower College. This income will be realized in the form of one dollar from the proceeds received from the sale of each "proof" Eisenhower silver dollar, which will be sold for $10.00 to coin collectors. Further, this legislation will supplement Public Law 90-563, as approved in 1968, which provided $5 million for Eisenhower College on a matching basis.

This unique method of funding will make possible a broad, grass roots participation by all Americans, such as coin collectors and collectors of Eisenhower memorabilia. At the same time it will insure that this movement to this great American will endure.

One last comment, Mr. Chairman. The money contemplated in this bill for this monument to Dwight David Eisenhower will be far, far less than Federal funds which have been expended for monuments to other Presidents.

In summary, Mr. Chairman, the Veterans of Foreign Wars from our Commander-in-Chief Joseph L. Vicites on down fully endorses and strongly supports S. 2987. We urge the Comittee's favorable consideration and advancement of this legislation, and the Veterans of Foreign Wars will be working closely with your Senate colleagues to obtain full Senate approval of this legislation and its enactment into law.

BILL BROWNRIGG

Mr. FONG. Mr. President, I join Senators on this side of the aisle in expressing my deep appreciation of, and my high regard for, Bill Brownrigg, who retired recently as assistant secretary to the Senate minority.

Bill was here to aid me when I first arrived in the U.S. Senate nearly 13 years ago to represent the new State of Hawaii. His aid was invaluable to me then and continued to be so since.

I will always treasure my association and friendship with him.

Though I feel a loss with his absence, I join his many friends in wishing him well.

To Bill I say in the language of our native Hawaiians: Mahalo and Aloha.

"FIDDLER ON THE ROOF"

Mr. JAVITS. Mr. President, "Fiddler on the Roof" became Broadway's longest running production ever on the evening of June 17, 1972, with its 3,225th performance, beating "Life With Father," which played 3,224 performances, from November 8, 1939, through July 12, 1947.

Stars who have played Tevye in "Fiddler on the Roof" since it opened in New York at the Imperial Theater September 22, 1964, in chronological order: Zero Mostel, Luther Adler, Herschel Bernardi, Harry Goz, Jerry Jarrett, Paul Lipson, and Jan Peerce. The play is a triumph also for its director, composer, lyricist, choreographer, costumer, and author, and for its producer, Harold Prince, of New York.

Paul Lipson, who returned to his starring role May 2, 1972, has played more performances than any other actor, 1,806 as Tevye in New York and on tour with the National Co. His total performance in "Fiddler" as Tevye, Avram, the Bookseller—which he created—and Lazar Wolf, is 3,225 performances. It is the exact total of the New York run. But during the 6 months the National Co. appeared at Caesar's Palace in Las Vegas, Lipson totaled 14 performances per week as against the New York company's 8.

Overseas productions include: Finland, 15 separate productions more than any other country in Europe, and the first to present it in Europe Municipal Playhouse, Helsinki; Great Britain, London and British touring productions ran concurrently; Israel, Holland, Denmark, Sweden, Norway, Iceland, West Germany, East Germany, Japan, Spain, Czechoslovakia, Yugoslavia, Austria, France, Mexico, Turkey, Argentina, South Africa, Rhodesia, Switzerland, Brazil, Australia, and New Zealand. Upcoming will be productions next season in Hungary and Greece. In London, "Fiddler" ran for 5 years at Her Majesty's, where another Harold Prince production, "Company," is a big hit.

Music Theater International estimates that the subsidiary leasing in the United States and Canada will produce 1,015 separate productions in the first 16 months of release through June 1972.

A total of more than 2,500 performances were given by professional, community, and academic producers; and more parochial schools played "Fiddler" than other schools.

Total gross in the United States on Prince productions of "Fiddler" New York and national companies—$51,430,000, plus $12,935,000 for stock and other productions in the United States. Capitalized at $375,000, the musical had returned 98 percent profit to its investors and a matching sum to its producer. Total profits, which are divided between the producer and 147 investors is $7,402,500, so investment in theater sometimes pays off handsomely.

There have been 43 complete score record albums, plus 18 original cast albums in English, Dutch, German, Spanish, Hebrew, Yiddish, Norwegian, Swedish, French, Japanese, and others.

Estimate of theatergoers who have seen "Fiddler" in live productions around the world: 37,500,000.

Awards to "Fiddler on the Roof":

New York Drama Critics' Circle—Best Musical.

American Theatre Wing Tony Awards:
Best Musical.
Best Director—Jerome Robbins.
Best Choreographer—Jerome Robbins.
Best Score—Jerry Bock.
Best Lyrics—Shelton Harnick.
Best Actor—Zero Mostel.
Best Costumes—Patrician Zipprodt.
Best Featured Actress—Maria Karnilova.
Best Author—Musical—Joseph Stein.
Best Producer—Musical—Harold Prince.

National Catholic Theatre Conference—Best Musical.

New York Newspaper Guild—Page One Award.

THE SALT AGREEMENT

Mr. FANNIN. Mr. President, President Nixon in his quest for world peace has reached some historic agreements with the leaders in Moscow. It now is up to Congress to study carefully both the specifics and the implications of these agreements before voting to confirm them.

In considering the SALT agreement, I believe that we must understand the realities today both in our Nation and in the Soviet Union.

Ralph de Toledano in his syndicated column last Friday made some very interesting and meaningful points concerning the SALT agreement.

Mr. President, I ask unanimous consent that a portion of the column be printed in the Record at this point.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Excerpt

What President Nixon and General Secretary Brezhnev negotiated and signed was the product of long and serious discussion between America's most knowledgeable experts and their Soviet counterparts. There were complex problems to solve, so complex that many thought a meeting of minds was impossible. To imply, therefore, that Mr. Nixon was grandstanding in Moscow is both unfair and uninformed.

In viewing the SALT agreement, what is important to consider boils down to the question: Where would the United States have stood without it? That question was patiently answered by Henry Kissinger to the White House press corps in Moscow—and by the President in his meetings with the House and Senate leadership. But facts often get lost in rhetoric. A look at the arithmetic shows that the United States held its own.

If the Kremlin had continued its vast construction program, as it obviously fully intended to do, it would have had by mid-1977 when the SALT agreement expires a nuclear megatonnage of 5,500, compared to a U.S. megatonnage of 4,550. But under SALT, the USSR will have a megatonnage of 4,000 in 1977, to America's 4,450.

In deployed strategic warheads, which is what really counts, the USSR would have had 3,400 without the SALT agreement, to a U.S. total of 11,000. Under the agreement, the USSR will have 2,600 and the U.S. 11,000. In heavy bombers, there will be no changes—USSR 140, the U.S. 500. The Soviets have more land-based missiles today, but they lack MIRV—our multiple reentry missiles—which is what gives us the great preponderance of deployed warheads. Without SALT, they would have had 1,900 in 1977, but now they will be restricted to 1,330. The U.S. would have had 1,054, but now it will have 1,000. Without SALT, the Soviets would have had 1,200 sea-based missiles in 1977 to our 656. Under SALT, they will reduce that number to 950, but we will increase ours to 710.

But the true significance of SALT is not found in those figures. It lies in the mutual decision to halt an arms race which offered neither side any real security and was draining both the Soviet and the American economies. As I write from Moscow, there is enough overkill in those figures and that nuclear weight for mutual obliteration. What worries some critics is that the Soviets may disregard the agreement and continue to build up their nuclear forces, particularly nuclear-armed submarines.

But the United States has adequate means of detection. After all the Soviets cannot build a submarine in a salt mine—no pun intended—or dig an ICBM silo in secret. We will know about it and can abrogate the agreement. The Kremlin knows this and, in fact, it was fully discussed at the SALT talks. But beyond this, it should be noted, there would be no practical reason for Soviet violations—and the men of the Kremlin are eminently practical. They would have much to lose and very little to gain.

The Kremlin made it very clear that its main objective is an increase in trade with the United States. The Soviet Union also wants technological assistance. And it will get them when such matters as Lend-Lease and interest on credits are worked out. Had there been more time, they would have been settled in Moscow. That the Kremlin should even have discussed payment of its Lend-Lease debts is an index of its strong desire to come to terms with the United States.

It is no longer a question of "softness" on the part of the United States but one of logic. For even if, in a year or so, the Kremlin goes back on its word, nothing will be lost. And the breakthrough in communication with the Soviet leadership made by Mr. Nixon during his careful preparation for the summit and at the meetings in the Kremlin will always remain as a positive achievement.

CONFERRAL OF HONORARY DOCTOR OF LAWS DEGREE UPON GERARD C. SMITH

Mr. COOPER. Mr. President, on June 4, Georgetown University conferred upon Gerard C. Smith an honorary doctor of laws degree. The honorary degree was presented in recognition of Ambassador Smith's "great contribution to peace" as Chairman of the U.S. delegation to the strategic arms limitation talks.

I cannot improve upon the citation and I ask uanimous consent that it be printed in the Record at the conclusion of my remarks. I shall read the last two paragraphs of the citation:

But perhaps his greatest contribution to peace has been realized in his role as Chairman of the United States Delegation to the Strategic Arms Limitation Talks. His patience and skill at the negotiating table have brought us at last within reach of a long-sought goal—a world free from the danger and burden of armaments. The agreements reached in Moscow in themselves can reverse the mad momentum of the arms race, and also can present the United States and the Soviet Union with a significant opportunity for the eventual reduction of the vast nuclear arsenals of our two nations.

For these outstanding contributions towards the universal goals of peace and sanity, the President and Directors of Georgetown University, by virtue of their charter from the Congress of the United States, proudly and respectfully proclaim the Honorable Gerard C. Smith Doctor of Laws, honoris causa.

Ambassador Gerard Smith has demonstrated the highest measure of diplomatic skill and deserves our respect and gratitude for his devoted service to the United States and the future of mankind.

There being no objection, the citation was ordered to be printed in the Record, as follows:

Gerard C. Smith, B.A., LL.B.

(Director, U.S. Arms Control and Disarmament Agency; representative, U.S. Delegation, Strategic Arms Limitation Talks)

The President and Directors of Georgetown College, to all who shall view these presents: Greetings and peace in the Lord:

Tenacity of purpose, imagination in conception, and skill in execution characterize the man we honor today for his role in the pursuit of peace. He has faced the most important challenge of our times, and has been a consistent force behind this nation's efforts to promote world security through the control and reduction of armaments.

Lawyer, publisher, naval officer, diplomat, he has contributed his talents to his Government under the Administrations of five Presidents. He served as a Chief Adviser to the Eisenhower Administration for the Atoms for Peace Conference, and in 1958 played a major role in the shaping of U.S. proposals for a permanent United Nations Peace Force and regional arms control. In 1963, President Kennedy gave him credit for proposing the Washington-Moscow "Hot-Line"—an idea he first advanced as Assistant Secretary of State for Policy Planning in the late fifties.

In 1969, he became Director of the United States Arms Control and Disarmament Agency. Under his capable leadership, the United States has continued to add to the series of agreements with the Soviet Union to design to reduce the risks of nuclear war. He has also presided over two important multilateral arms control agreements: a treaty prohibiting the employment of nuclear weapons on the seabeds, and a convention prohibiting the development, production and stockpiling of biological weapons, thus effecting, for the first time in history, a ban over an entire class of deadly weapons.

But perhaps his greatest contribution to peace has been realized in his role as Chairman of the United States Delegation to the Strategic Arms Limitation Talks. His patience and skill at the negotiating table have brought us at last within reach of a long-sought goal—a world free from the danger and burden of armaments. The agreements reached in Moscow in themselves can reverse the mad momentum of the arms race, and also can present the United States and the Soviet Union with a significant opportunity for the eventual reduction of the vast nuclear arsenals of our two nations.

For these outstanding contributions towards the universal goals of peace and sanity, the President and Directors of Georgetown

University, by virtue of their charter from the Congress of the United States, proudly and respectfully proclaim The Honorable Gerard C. Smith, *Doctor of Laws, honoris causa*.

In testimony whereof they have issued these formal letters patent, under their hand and the Great Seal of the University, at Georgetown in the District of Columbia, this fourth day of June, nineteen hundred and seventy-two.

ROBERT J. HENLE, S.J.,
President.
EDWIN A. QUAIN, S.J.,
Chairman, Board of Directors.
DANIEL J. ALTOBELLO,
Secretary.

THE PEOPLE OF POLAND AND THEIR COMMUNIST RULERS

Mr. FANNIN. Mr. President, Ralph de Toledano also wrote an excellent column last Wednesday regarding the people of Poland and their refusal to bow to their Communist rulers. I ask unanimous consent that this column, which contains a very worthwhile message for all of us, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLAND—TROUBLE SPOT IN COMMUNISTLAND?

(By Ralph de Toledano)

It is Corpus Christi, Poland's great Catholic holiday. Every shop in Warsaw is shut down, and no government business is transacted. At 8 a.m. altars are being set up on the city's main street. At the great cathedral in Old Town, destroyed by the Nazis and rebuilt by the Polish government with loving care, Mass is being said. People of all ages all seem to be moving towards the cathedral. Priests and nuns are everywhere to be seen. In the cathedral, late teenagers and young adults make up a substantial part of the worshippers. Many of them are on their knees for as much as fifteen minutes at a time.

Ten o'clock mass. The cathedral is packed to overflowing. Down the street are two huge open air masses. There are processions everywhere, one of them six blocks long. The streets are jammed. You see the little girls in white dresses, little boys in blue. Church song fills the air.

This is Warsaw, the capital of a Communist country. But at heart it is unshakably Catholic, unshakably tied to its old traditions. Even those whose faith has been eroded participate, as a political act. The Communist leaders do not like it, but they accept it. To do otherwise would be to court riot and revolution. Where religion is concerned, the state is powerless.

But this carries over to other aspects of life. The Polish people are open and friendly to visitors, particularly to Americans. They go out of their way to be friendly. If they speak English or French—or even German—they will stop you on the street, if only to say a few words of welcome. They find it reassuring that an American President is visiting their country, an indication that they have not been forgotten in a time of summitry and great power accommodation.

They still make their jokes about the gingerbread Palace of Culture which Stalin put up for them. They are not paralyzed by the voice of the Communist bureaucracy. They have been ruled by the Kremlin's satraps for 25 years, but they still feel that this condition is not permanent.

Is this a time bomb planted within the Communist empire? Warsaw exploded once, in the Fifties—and the Kremlin knows that Poland must be handled with care. The regime speaks correctly in terms approved by Moscow. But it, too, realizes the limitations of its power. The Polish people have never accepted communism, and they can be pushed just so far.

There is another factor involved in Soviet-Polish relations—a factor of considerable importance to the world as well. World War II is still very much a reality to the peoples of both countries. Warsaw, which was still a scene of devastation when Richard Nixon visited it in 1959, is being rapidly rebuilt. But the Poles have not forgotten the death and destruction. And neither have the Russians.

If the two peoples have one thing in common, it is the seemingly eradicable recollection of the horrors of war. In Moscow, you are constantly reminded by Intourist personnel, by multi-lingual newspapermen, almost by everyone you speak to, of what war did to their city, to their country. The signs are everywhere visible—and in Leningrad, the pattern of machine-gun fire is still visible on churches and public buildings. The statistics of blood spilled and property laid waste come quickly to the tongue of the people.

If the Communist leadership in the Kremlin still wants the fruits of imperial expansion, they want it without the costs of Armageddon. The Communists in Warsaw still want the fruits of power, but not at the cost of inviting revolution. The Polish people want independence, but they are not ready to invite a holocaust.

This, perhaps, is the message of the summit meeting. For what the President has demonstrated is that firmness and fortitude can prevail. There will be much debate over the question now being asked: Did Mr. Nixon give away more than he got in his meetings with the Soviet leaders? The answer to that is a complex one. But it is already clear that if American policy continues to be pragmatic and based on knowledge rather than pious wishes, the road begun in Moscow can have a far-reaching continuation and a return of rationality in world affairs.

The President is aware of this, as he told the Joint Session of Congress. Now it is up to the Congress to stand behind him.

FOREIGN ASSISTANCE ACT OF 1972

The ACTING PRESIDENT pro tempore (Mr. McGEE). Under the previous order, the Chair lays before the Senate the unfinished business, S. 3390, which the clerk will state.

The legislative clerk read as follows:

S. 3390, to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the amendment by the Senator from Mississippi (Mr. STENNIS), No. 1221, with the time for debate between 11 a.m. and 12:30 p.m. and 2 p.m. and 2:45 p.m. to be equally divided and controlled by the Senator from Mississippi (Mr. STENNIS) and the Senator from Arkansas (Mr. FULBRIGHT).

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides on the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

TIME LIMITATION ON CONSIDERATION OF SPARKMAN AMENDMENT ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next at the hour of 11 a.m. the Senate proceed to the consideration of an amendment to be proposed by the distinguished Senator from Alabama (Mr. SPARKMAN); that time on that amendment be limited to 2 hours, the time to be equally divided between the distinguished mover of the amendment, the Senator from Alabama (Mr. SPARKMAN), and the distinguished Senator from New Jersey (Mr. CASE); that time on any perfecting amendment in the first degree to the language proposed to be stricken by the Sparkman amendment be limited to 30 minutes, to be equally divided between the mover of such and the distinguished manager of the bill, the Senator from Alabama (Mr. SPARKMAN); that time on any perfecting amendment in the second degree, debatable motion, or appeal be limited to 20 minutes, to be equally divided between the mover of such and the distinguished manager of the bill, the Senator from Alabama (Mr. SPARKMAN), unless the Senator from Alabama supports such perfecting amendment in the second degree, in which case the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

TIME LIMITATION ON SCOTT AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment to be proposed by Mr. SPARKMAN on Monday, the Senate proceed to the consideration of an amendment to be proposed by the distinguished Republican leader (Mr. SCOTT); that time on that amendment, time on perfecting amendments in the first degree, time on perfecting amendments in the second degree to the language proposed to be stricken, debatable motions and appeals be limited similarly to the respective times that have been agreed to in relation to the amendment to be offered by Mr. SPARKMAN on Monday; that Senators in control of such times will be the Senator from Pennsylvania (Mr. SCOTT), the mover of the amendment to strike, and the manager of the bill, the distinguished Senator from Alabama (Mr. SPARKMAN); that with respect to perfecting amendments in the first degree the time be under control of the mover of such and the distinguished Republican leader (Mr. SCOTT), and with respect to perfecting amendments in the second degree, debatable motions, or appeals, the time be under the control of the mover of such and the distinguished manager of the bill (Mr. SPARKMAN) or someone to be designated by Mr. SPARKMAN.

Mr. President, I offer a correction. I believe that the time in opposition to the amendment by Mr. SCOTT should be under the control of the Senator from New Jersey, Mr. CASE.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE ON YEA-AND-NAY VOTES TODAY

Mr. ROBERT C. BYRD. Mr. President, the respective cloak rooms should inform Senators on both sides of the aisle that there will be at least five or six rollcall votes today; that following the rollcall votes on the three treaties which will occur at 3 p.m., 3:10 p.m., and 3:20 p.m., today, there will be a rollcall vote on the amendment to be proposed by the Senator from Massachusetts (Mr. KENNEDY), and, very likely, on the amendment to be proposed by the Senator from Ohio (Mr. SAXBE).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SENATE TO CONVENE AT 10:30 A.M. ON MONDAY, JUNE 19, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate meets on Monday next, it convene at the hour of 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, JUNE 19, 1972, AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized on Monday next under the standing order, there be a period for the transaction of routine morning business for not to extend beyond 11 a.m., with statements limited therein to 3 minutes, and that at the hour of 11 a.m., the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I thank the Presiding Officer, and I thank the Senator from Mississippi for yielding.

Mr. STENNIS. I thank the Senator from West Virginia for his usual fine courtesies, for his real help in these activities, and for his very fine manner of transacting business.

Mr. ROBERT C. BYRD. I thank the able Senator.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. STENNIS. Mr. President, my position is very simple and short on an amendment that is also simple and short.

This is not a contest or a disagreement, or anything of that kind, between two committees of the Senate. My attitude is just to try to keep the lines straight and keep the record straight with respect to the actual military operation, the fighting in Indochina.

The matter we have before us now, S. 3390, is the Foreign Assistance Act of 1961 and its continuation. This is an annual measure, and it includes our worldwide military assistance program, wherever it applies.

However, after we really got into the war in Vietnam on an appreciable scale and were paying the cost of the equipment, the weapons, and really the operation of the army of South Vietnam, plus the Koreans, who are also there, and also some other allies in a much smaller way, and after we were carrying that load, running into the millions of dollars for years, the machinery, the bookkeeping, the accounting of our military assistance program—ordinarily called MAP—proved inadequate and inefficient when it came to the handling of the vast sums.

MAP is a peace program. It is military aid for peace, and goes to a great many countries. It is administered by the State Department under a regular, prescribed system and distribution. Military aid to South Vietnam during the fighting of this war is really, as I have said, a war measure. It is war money and it involves taking care of a fighting army under battle conditions. So we just have to have a different system altogether.

Mr. McNamara, then Secretary of Defense, appeared before our committee and testified to the inadequacy of the ordinary MAP system in meeting this problem. He asked that the matter be transferred over to the Armed Services Committee—it was not a choice between committees— to let that committee authorize what they saw fit in the way of money for our own forces in that area, for U.S. forces. All that money for supplies and everything else was commingled, anyway, for our troops and their troops. That money would be kept track of and Congress would have control over it, but it would come from a different source. It would come from the Department of Defense. That was Mr. McNamara's recommendation, and the Foreign Relations Committee informally agreed to that. It has worked since 1966, and we have gotten along all right.

This had been gone into before. Since I have become chairman I have known about it, and our committee has gone into it very carefully. Our staff has worked on it. We have called on them for a complete accounting of that money and have called on them for an accounting of the amount of money the Department of Defense has spent in different countries. They have supplied the information. We put it out on the table when the bills were being marked up last year and the year before. We had plenty of discussion about it. The Senator from Missouri was very much interested in it and was very helpful in it. He and I had some difference of opinion about it, but one thing we did—we worked out an amendment that we finally agreed on. Anyway, the two of us did.

This year we have worked on it again. We did not quite reach an agreement. We did not quite get to that point. The pending bill provides that, after fiscal 1973, all this would go back to the Foreign Relations Committee. I am not suggesting the Foreign Relations Committee would not do a good job on it. I just say that if we put it back into MAP, we are going to have an inadequate system. We are going to have a source of money in the State Department to pay for the fighting that is being carried on by the military, and we will run into the same snags and the same unbearable burdens that existed previously.

My amendment is to strike that amendment in the bill and await events, and just as soon as the hostilities stop over there, or even as soon as we have a cease-fire agreement carried out with evidence of permanence, I would be willing to let the matter go back to the Foreign Relations Committee, or let the Senate do that.

As evidence of my willingness, we agreed last year that jurisdiction over funds for Thailand would be sent to the Foreign Relations Committee, because the fighting was not going on there. At least, the prospect was that there would not be any fighting there, and I agreed to let this jurisdiction go back to the Foreign Relations Committee.

I have the same attitude now toward South Vietnam, Laos, and the other countries, as I had last year toward Thailand. We were hoping last year the war would be over by now, but it is not, so we have to look realities in the face.

I urge the Senate, for the reasons I have assigned, to strike this part of the proposed bill, to await events. The matter can be considered at any time next year.

The Senator from Alabama (Mr. SPARKMAN) is familiar with this matter. I see him on his feet. I am glad to yield to the Senator.

Mr. SPARKMAN. Mr. President, I thank the Senator. Of course, I agree with what the Senator has said about what we might call more or less an understanding that we had. Last year, for example, the Foreign Relations Committee had this same provision in the bill, and here on the floor of the Senate, as the Senator has pointed out, all of that part relating to countries other than Thailand was stricken from the bill. Thailand was transferred to the MAP program. The Senator at that time made a statement somewhat along the lines of his remarks this morning. I will quote what he said last year on this issue. He said:

> I am willing that in the future jurisdiction with respect to Southeast Asia be returned to the Committee on Foreign Relations. I think that while we are there and our men are there and the activities are going on, we ought to keep it where it is because they have to be considered together.

As I understand, that is the same argument the Senator presents at this time.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Before we get to the fiscal year beginning July 1, 1973, undoubtedly we will be out of that war. In fact, the Mansfield amendment which is in this bill requires that——

Mr. SYMINGTON. Did the Senator say fiscal 1973?

Mr. SPARKMAN. No, I said the fiscal year beginning July 1, 1973. The Mansfield amendment which is in this bill requires that all forces be removed from South Vietnam by August 31 of this year. In other words, I think all of us will agree that it is a matter of a relatively short time until we are going to be out of that war.

Let me say something else. In past years, when we have had the military program and the economic program—we used to have them in two parts—I felt very strongly that we ought not to be called upon to handle the military program, but it was decided otherwise, and I think the decision was made both by the committee and by the Senate. So I do not find too much difficulty in going along with the Senator on this proposal, because it is just a matter of time; certainly, as the Senator says, next year it would be understood that it would revert back to the Committee on Foreign Relations under the regular MAP program; and if the Senator is willing, I would be willing to accept the amendment.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. STENNIS. Yes; I thank the Senator from Alabama for his very timely remarks, and I am glad to yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I am impressed with the argument made by the distinguished chairman of the Armed Services Committee. I would ask, is Thailand currently under the Foreign Relations Committee?

Mr. STENNIS. I believe it is for 1973.

Mr. SPARKMAN. Yes.

Mr. STENNIS. Yes, it is, that is correct, for 1973 it is under the Foreign Relations Committee.

Mr. SYMINGTON. And the Senator's amendment does not change Thailand; it just changes Vietnam and Laos?

Mr. STENNIS. That is correct. My amendment just strikes out the provisions of the bill that are relevant.

Mr. SYMINGTON. Mr. President, as a member of both these committees, based on the war that is going on, I would agree with the chairman, and am glad the distinguished Senator from Alabama (Mr. SPARKMAN) says he would accept this amendment. I would also support it.

Mr. STENNIS. I thank the Senator from Missouri very much. Again I emphasize that he has worked on this problem and is very familiar with it, having worked on it from year to year, and has really made a contribution.

Mr. President, I think we ought to be very clear that we all want this war to be over, and are hoping that it will be, as we were a year ago that it would be over by now. Certainly we hope that before this matter arises again it will be over. But I want to make it clear that until it is, as long as we have this situation of having to apply these sums of money, I think the jurisdiction of the Armed Services Committee ought to continue as it is under the present law.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SPARKMAN. I am glad the Senator makes that clear.

Mr. STENNIS. Yes.

Mr. SPARKMAN. I said that on the ground that we were all confident that we will be out before that time.

Mr. STENNIS. Yes. That is all right. I thank the Senator.

Just a word here: I have been thinking a great deal. I have made very few prophesies about the extent of this war, and I do not make any prophesies now, but I am encouraged to say just a few words about the present situation as compared to what it was 60 days ago, or soon after the offensive started.

I feel encouraged by the developments of the last few weeks. Maybe I am on the gloomy side a little, or express myself when I am gloomy more than when feeling a little better. At any rate I have decided I would say just a few words today, in no way intended to give a rosy report—I have heard too many rosy reports on this matter for the last many years—but I think, Mr. President, that it is fair and accurate to say that in several important respects, things are looking somewhat better in this war, certainly better than they were soon after this recent offensive started.

First, the mining of the North Vietnam harbors and the renewed bombing of communications and other targets is apparently slowing down the delivery of the vital fuel, ammunition, and other supplies to the south.

Second, the bombing is, by all accounts, more accurate and effective than before. That impresses me. It seems to me—and I have not had the weekly special briefing on this; I missed the one today—but news accounts and what I pick up here and there impress me that this bombing is more accurate and effective, and it includes more vital targets, and that is encouraging to me.

Finally and most importantly, the North Vietnamese offensive, which was so devastating in its early phases, appears to have been greatly slowed, if not stalled, by the stiffening South Vietnamese, who have been greatly helped by our air support, of course.

I have sometimes discounted the ability of the South Vietnamese to hold under the vigorous determination of these seasoned soldiers from the north, but I have been very much pleased with the way the South Vietnamese have stiffened and have responded. I know they are greatly helped by our advisers, and I give the greatest credit to those advisers. I think this, even though not enough has happened yet to bring about any final decision.

Of course, the North Vietnamese always have the option of retreat, of going back into the bushes, going back to guerrilla warfare, and recouping, revitalizing, resupplying, and coming back to fight another day.

I really think that this evidence that we find now is encouraging. Just as an example, I mention the Kontum area, how it has held out successfully, and An Loc. I am advised that some 35 disabled tanks of the North Vietnamese that had been knocked out of operation have been discovered recently in a very small area.

So I have that word of encouragement, and I just decided last night that I would say these words today in this debate, for whatever they might be worth generally.

I want to make clear, now, that I am not predicting any great, overwhelming victory, but I do think conditions are about as I have outlined.

I yield to the Senator from Missouri.

Mr. SYMINGTON. I thank the able Senator, and came over to support the Senator on his amendment. On the conduct of the war, I would ask the able chairman, inasmuch as the United States has a gross national product of well over a trillion dollars, and the estimated gross national product of North Vietnam is $3 billion, less than one-third of 1 percent of the gross national product of the United States, does the Senator not believe that if we really do our best to destroy the forces attacking South Vietnam, in the long run we might well be successful?

Mr. STENNIS. Oh, I think so, if we really put forth the effort, and apparently we have given our military the green sign to go on this further than we have before.

Mr. SYMINGTON. Mr. President, I am not one who believes that the North Vietnamese will abandon their effort. We can give the South Vietnamese tanks, planes, and guns, but we cannot give them heart; and it becomes increasingly clear that only the use of massive U.S. airpower saved the Saigon Government.

What worries me is the consistent support of this Thieu Government by this administration; I, for one, do not believe that this war, which is costing us billions of dollars and, what is more important, thousands of American lives as well as the lives of hundreds of thousands of civilians over there—including women and children in South Vietnam as well as North Vietnam—is important to the security of the United States.

I know the able chairman said, in the beginning, that he did not want to get into this war and I would hope he would agree with me—especially as the terrible pictures of civilian casualties continue to come out as a matter of public record that the sooner we can get out of there, the better for all concerned.

Mr. STENNIS. I appreciate the Senator's remarks very much. He is very well versed in this subject. As he has said, he knows that my attitude is—that we are already in, and we have to do the best we can. I do not want us to have to tuck tail and be forced out. We would have to live with that for a century.

Mr. President, I have sent to the desk an amendment which would delete that provision in the foreign assistance bill which would transfer the authority for funding military aid for South Vietnam and Laos into the regular military aid program under the jurisdiction of the Foreign Relations Committee. I invite the attention of the Senate to the letter which is on each Senator's desk, since this spells out the reasons why such a shift is entirely inappropriate at this time.

The main reason why such funding must remain for the time being within the wartime funding pattern of the current methods is as follows:

Since a war is in progress in South Vietnam and Laos, it is simply impractical for funding to be handled under the normal peacetime provisions of the military assistance program. The military assistance program, properly under the jurisdiction of the Foreign Relations Committee, is designed for peacetime military aid. In peacetime we can make precise estimates of equipment needs. In peacetime we can order a specific number of rounds of ammunition and with precise levels of military grants or sales provide the stockpiles and modern weapons that our allies need.

But wartime is entirely different. During the Korean war a funding system was established which was very similar to that which we now use for South Vietnam and Laos. It essentially authorizes that funds appropriated for Department of Defense military functions may be used by other free world forces. That means that in the emergency conditions of a war, particularly when U.S. forces are involved, we can make expenditures for wartime needs for both U.S. and allied forces in a quick and flexible fashion. Often the logistic systems of the American and allied forces are integrated with one another.

It is simply impractical in the heat of battle to operate an accounting system which keeps track of whether a specific round of ammunition is going to be used by American or South Vietanamese forces. Not only the South Vietnamese Army, but also the South Vietnamese Navy and Air Force are supplied with American equipment. In peacetime, when U.S. forces are no longer fighting in that part of the world, it will be clear that replacements of equipment and ammunition needed by the South Vietnamese and Laotian Armies will be entirely separate from expenditures for U.S. forces. Thus I hope, and intend, that in the future the responsibility for military aid to these two nations can be returned to a normal peacetime basis and the jurisdiction for that aid can be returned to the Foreign Relations Committee. But it would be putting the cart before the horse to seek to return the funding for this aid to a peacetime basis before the conditions which would permit such a return actually exist.

I should point out that there is nothing new or different about this method of funding. As I have mentioned above, it was used during the Korean war for funding of American and Allied forces in that conflict. In 1966 and 1967 this method of funding—called military assistance service funded—was begun for South Vietnam and Laos because of the hostilities in these countries. Last year the Foreign Relations Committee included in the bill as reported a provision which would have returned responsibility for funding for South Vietnam, Laos, and Thailand to the normal peacetime military assistance program.

It was agreed at that time that the military assistance program for Thailand would be returned to the military assistance program under the jurisdiction of the Foreign Relations Committee but that the time was not yet appropriate for the change in the funding authority for South Vietnam and Laos. I believe that, and I still believe, that when the conditions permitting a normal and peacetime military assistance program—such as that which we now have for Korea—exist in South Vietnam, it will be appropriate for us to return to the normal peacetime system of handling the military assistance program. But these conditions do not yet exist and we do not yet know when they will come about.

We all hope it will be soon. But none of us can be sure. The request for military assistance for the free world forces in Southeast Asia will have to be increased for the current fiscal year from $2.5 to $2.7 billion we have been told by the Department of Defense. This is a result of the North Vietnamese offensive which has required the expenditure of large amounts of ammunition by the South Vietnamese, the replacement of equipment destroyed during the fighting, and so forth.

We all hope that these expenditures will be predictable and that there will be no unpleasant surprises during the months ahead. But we cannot be absolutely certain, and we should not write it into hard law that in exactly 12 months and 17 days from this moment the war and the need for wartime funding methods will be over. We must see what comes and we must match the funding methods to the needs of Southeast Asia, not the other way around.

I urge Senators to vote to adopt the amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the letter I have sent to each Senator.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 13, 1972.

DEAR COLLEAGUE: The amendment which I have proposed to the Foreign Assistance Act for FY 1973, on which we will vote today, deletes a provision in the bill which would transfer all funding for military assistance in South Vietnam and Laos into the annual military assistance program, under the jurisdiction of the Foreign Relations Committee.

As you are no doubt aware, military assistance for these two countries is now handled differently—it is authorized in the annual Department of Defense Procurement Authorization Bill, which comes under the jurisdiction of the Armed Services Committee. There is a good reason for this. Since there are hostilities currently in South Vietnam and Laos, it is simply impractical for military assistance to be funded under the normal peacetime procedures of the military assistance program. This was recognized back in 1966 when the authorization aid to these two countries was transferred to the military authorization bill, at the request of the Department of Defense. This is the only way it is practical to fund military assistance for countries which are involved in continuing hostilities which directly or indirectly involve American forces. The funding for our allies was handled this way during the Korean War.

I do not, by any means, believe that the funding authorization for military aid to South Vietnam and Laos should be perpetually kept in this status any more than aid to Korea was kept there. I am willing that, in the future, jurisdiction over the military aid to these two countries should be returned to the Committee on Foreign Relations. I made this point last year at the time we agreed to return jurisdiction over military assistance to Thailand to the Foreign Relations Committee.

The Committee on Armed Services thus does not seek or intend for the current funding procedures to become a permanent fixture. But as long as the war is being fought in South Vietnam and Laos, the funding requirements for this type of assistance are so different from the requirements or ordinary peacetime military assistance that the aid to these two countries must be in a different category.

The report accompanying the Foreign Assistance Act contends that returning this funding to the regular military aid program will "symbolize" the return of the responsibility for the war in Vietnam to the Vietnamese. I am afraid that it would do something far more damaging than that. By unnecessarily complicating the funding of our assistance to South Vietnam and Laos, such a shift in funding could seriously endanger the effectiveness of that return of responsibility to the Vietnamese.

I urge you to vote in favor of the amendment.

Sincerely,

JOHN C. STENNIS.

Mr. STENNIS. Mr. President, I am willing to have a voice vote on the amendment.

Mr. SPARKMAN. Mr. President, I yield back my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. There is a unanimous consent agreement to vote on the amendment at 2:45 p.m.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order be vacated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPARKMAN. And that we proceed to vote at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1220

Mr. SAXBE. Mr. President, I ask unanimous consent that the previous order to call up my amendment to S. 3390 at a later time this afternoon be vacated.

The PRESIDING OFFICER. Is there

objection? The Chair hears none, and it is so ordered.

Mr. SAXBE. Mr. President, I ask unanimous consent that such amendment be called up at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is the amendment at the desk?

Mr. SAXBE. The amendment is at the desk.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 10, line 16, strike out "$150,000,000" and insert in lieu thereof "$150,000,000 exclusive of excess defense articles ordered for grant to the Republic of Vietnam".

Mr. SAXBE. Mr. President, I send to the desk a modification of the amendment.

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk read the modification, as follows:

On page 10, line 12, immediately after "SEC. 11." insert "(a)"; in line 17, before the title "HOSTILITIES IN INDOCHINA", insert the following:

(b) section 8(e) of said act is amended by striking out the words 'prior to July 1, 1972'."

The PRESIDING OFFICER. The Chair inquires of the Senator from Ohio whether it is his intent to vacate the part of the agreement that related to a limitation on time as well as bringing up the amendment at another time.

Mr. SAXBE. Mr. President, I believe that we can dispose of this amendment in a very short time, and I therefore ask unanimous consent that the order for the time reservation also be vacated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SAXBE. Mr. President, this is a very short amendment and has to do with limitations on the excess military equipment. The amount is reduced from $185 million to $150 million. This is agreeable, although it is a 13-percent cutback. However, the modification that it would apply to all the countries, including South Vietnam, would deprive the other countries of the material that the President thinks is necessary for them to maintain their individual defense in the troubled world today. Therefore, I submit that this very short amendment, which would knock out the date prior to July 1, 1972, would accomplish what I believe is the intention of the Senate.

My amendment to the Foreign Assistance Act would eliminate the provision of excess defense articles to Vietnam from the $150 million ceiling on the provision of "no cost" excess defense articles to allied and friendly governments. Last year the $185 million ceiling for the provision of these "no cost" excess defense articles excluded the provision of these articles to South Vietnam. As presently drafted, section 11 of the Foreign Assistance Act includes Vietnam and reduces the ceiling to $150 million—$35 million below last year's figure.

Mr. President, the provision of excess defense articles to South Vietnam is a key element in our Vietnamization program. With this equipment the Vietnamese will be able to continue to make progress in beating back the North Vietnamese invasion and assuming more and more of the responsibility for their own defense.

The administration asked for a $245 million ceiling on "no charge" excess defense articles and within this ceiling had tentatively allocated $32.2 million for Vietnam. If the ceiling proposed by the Foreign Relations Committee is amended to exclude South Vietnam, the total amount available for other nations under this program will have been reduced by $62.8 million or over 13 percent when compared to the amount authorized in fiscal year 1972. This alone is a severe cut but one which the administration is prepared to live with if South Vietnam is excluded from this ceiling.

We must understand that the equipment is actually excess to the needs of our own Armed Forces. I have heard it said that the Department of Defense simply declares excess any equipment it wishes to give away to foreign countries. This is not true. Equipment is determined to be excess after careful calculations show that it no longer is needed for our own mobilization requirements and retention in stock would be uneconomical.

We should realize that this excess equipment was bought and paid for—usually many years ago—through the Defense budget. It has served the purpose for which purchased. For the most part, it is obsolescent or uneconomically repairable by U.S. standards. But to foreign countries that do not need the most sophisticated and latest models, and where materials are relatively scarce but labor is relatively plentiful and inexpensive, these are very useful items. If not used to meet bona fide military assistance requirements, it generally must be disposed of as scrap and valuable defense assets are wasted.

I am not prepared to say that, if we waste this equipment, the United States will have to purchase it at some later time for our foreign friends. But I do say that someone will have to buy it, and I suspect that the United States in one way or another will wind up footing a considerable part of that bill.

I also have heard it said that excess equipment is given to foreign countries simply because it is available—that there is no real requirement for it. This too is not true. It is given away only when available items match a preestablished requirement that has been validated by U.S. officials under a very rigid set of criteria. I think it significant to add here that only about 5 percent of the available excess is used for military assistance. The rest does not match a validated requirement or else is material that is not supplied under the program.

The purpose of my amendment is to give the Department of Defense reasonable leeway to make good use of excess equipment but, at the same time, prevent an unconstrained issue of this material to foreign countries. The Foreign Relations Committee insists upon exercising constraint and control in authorizing continuance of this program; I consider this to be entirely proper. But I am convinced that, at the figure proposed in the committee recommendation, it is overly constrained to a point that would be unnecessarily damaging to our own interests as well as those of our foreign friends.

If limited to $150 million, including equipment that might be needed by South Vietnam, a little more than $100 million will be available for other countries. I firmly believe that this is not enough and therefore am proposing that excess material given to South Vietnam not be counted under the authorization. This would eliminate any constraint on provision of excess material in support of the Vietnamization process and provide enough to meet the most pressing needs of other countries.

In concluding these remarks, I would like to underscore one final point. What I am proposing will cost the U.S. taxpayer nothing. To the contrary, it will inevitably save him money now or at some time in the future.

I support this amendment to eliminate South Vietnam from section 11 of the Foreign Assistance Act. Vietnam was not included under the ceiling on "no charge" excess defense articles last year because it was believed that Vietnam could not be looked upon as just another military aid recipient. Normal considerations simply do not apply in a shooting war.

This is as true this year as it was last year. The timely provision of excess defense articles to South Vietnam helps accelerate the pace of Vietnamization and the speed with which we can withdraw our troops there. So, while I can understand the desire of the Foreign Relations Committee to reduce the outward flow of arms to nations which are not involved in hostilities, I do not believe the same considerations apply in Vietnam. We should give the administration the legislative support which it needs to complete the Vietnamization program.

I hope very much that the distinguished manager of the bill will accept this amendment without forcing a vote on it.

Mr. SPARKMAN. Mr. President, I have discussed this matter with the Senator from Ohio. I think his amendment is entirely reasonable. Therefore, for myself, I am willing to accept the amendment.

Mr. SAXBE. I thank the Senator from Alabama.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Ohio.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

QUORUM CALL

Mr. SAXBE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. EAGLETON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SPARKMAN. Mr. President, I ask for a vote on the tax be amended at this time.

The PRESIDING OFFICER. The amendment of the Senator from Ohio, as modified, has been agreed to.

Mr. SPARKMAN. Has it been agreed to on the RECORD?

The PRESIDING OFFICER. Yes.

Mr. SPARKMAN. Oh—well, I was not aware of that.

I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. SAXBE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

QUORUM CALL

Mr. SPARKMAN. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 3166) to amend the Small Business Act, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 12846) to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12846) to amend title 10, United States Code, to authorize a treatment and rehabilitation program for drug dependent members of the Armed Forces, and for other purposes, was read twice by its title and referred to the Committee on Armed Forces.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The leigslative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY, EXECUTIVE L, 92D CONGRESS, SECOND SESSION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty on the Limitation of Antiballistic Missile Systems and the interim agreement on certain measures with respect to the limitation of offensive strategic arms signed in Moscow May 26, 1972—Executive L, 92d Congress, second session—transmitted to the Senate today by the President of the United States, and that the treaty and interim agreement and associated protocol, with accompanying papers, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hearing none, it is so ordered.

The President's message is as follows:

To the Senate of the United States:

I transmit herewith the Treaty on the Limitation of Anti-Ballistic Missile Systems and the Interim Agreement on Certain Measures with respect to the Limitation of Strategic Offensive Arms signed in Moscow on May 26, 1972. Copies of these agreements are also being forwarded to the Speaker of the House of Representatives. I ask the Senate's advice and consent to ratification of the Treaty, and an expression of support from both Houses of the Congress for the Interim Agreement on Strategic Offensive Arms.

These agreements, the product of a major effort of this administration, are a significant step into a new era of mutually agreed restraint and arms limitation between the two principal nuclear powers.

The provisions of the agreements are explained in detail in the Report of the Secretary of State, which I attach. Their main effect is this: The ABM Treaty limits the deployment of anti-ballistic missile systems to two designated areas, and at a low level. The Interim Agreement limits the overall level of strategic offensive missile forces. Together the two agreements provide for a more stable strategic balance in the next several years than would be possible if strategic arms competition continued unchecked. This benefits not only the United States and the Soviet Union, but all the nations of the world.

The agreements are an important first step in checking the arms race, but only a first step; they do not close off all avenues of strategic competition. Just as the maintenance of a strong strategic posture was an essential element in the success of these negotiations, it is now equally essential that we carry forward a sound strategic modernization program to maintain our security and to ensure that more permanent and comprehensive arms limitation agreements can be reached.

The defense capabilities of the United States are second to none in the world today. I am determined that they shall remain so. The terms of the ABM Treaty and Interim Agreement will permit the United States to take the steps we deem necessary to maintain a strategic posture which protects our vital interests and guarantees our continued security.

Besides enhancing our national security, these agreements open the opportunity for a new and more constructive U.S.-Soviet relationship, characterized by negotiated settlement of differences, rather than by the hostility and confrontation of decades past.

These accords offer tangible evidence that mankind need not live forever in the dark shadow of nuclear war. They provide renewed hope that men and nations working together can succeed in building a lasting peace.

Because these agreements effectively serve one of this Nation's most cherished purposes—a more secure and peaceful world in which America's security is fully protected—I strongly recommend that the Senate support them, and that its deliberations be conducted without delay.

RICHARD NIXON.

THE WHITE HOUSE, *June 13, 1972.*

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

TIME LIMITATION ON ALLEN AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at 2 p.m., today, the distinguished Senator from Alabama (Mr. ALLEN) be recognized for the purpose of calling up an amendment to the unfinished business (S. 3390); that time on that amendment be limited to 45 minutes, to be divided as follows: 30 minutes to be under the control of the distinguished Senator from Alabama (Mr. ALLEN) and 15 minutes to be under the control of the distinguished Senator from Idaho (Mr. CHURCH); and that a vote on the amendment occur at the hour of 2:45 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, unless some Senator seeks recognition, I am about to move that the Senate stand in recess.

RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 1:45 p.m. today.

The motion was agreed to; and at 12:42 p.m. the Senate took recess until 1:45 p.m.; whereupon the Senate reassembled, when called to order by the Presiding Officer (Mr. ALLEN).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

(The remarks that Mr. FULBRIGHT made at this point on the introduction of Senate Joint Resolution 241, dealing with limitation on strategic offensive arms, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROTH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Alabama is now recognized.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Alabama yield for a question?

Mr. ALLEN. I yield.

Mr. ROBERT C. BYRD. The vote on the amendment which the distinguished Senator from Alabama will call up will occur today at 2:45 p.m. Is it the distinguished Senator's intention to ask for the yeas and nays on that amendment?

Mr. ALLEN. Yes, it is my intention.

Mr. ROBERT C. BYRD. I thank the Senator. Then I would hope that the respective cloakrooms will send out messages to Senators on both sides of the aisle stating that there will be a rollcall vote at 2:45 p.m. today, and I express the further hope that sufficient Senators will be on hand prior thereto, in order to give the Senator from Alabama a sufficient second to his request for the yeas and nays.

Mr. ALLEN. I thank the distinguished Senator for his cooperation.

AMENDMENT NO. 1219

Mr. ALLEN. Mr. President, I call up my amendment now at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 9, strike out line 3 and all that follows through and including line 14 to-wit:
>
> PROHIBITION AGAINST FURNISHING ASSISTANCE
>
> SEC. 7. Section 620 of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:
>
> "(x) No assistance may be furnished under part II of this Act (including chapter 4 of such part), and no sale, credit sale, or guaranty with respect to defense articles or defense services may be made under the Foreign Military Sales Act, to, for, on behalf of the Governments of Pakistan, India (including Sikkim), Bangladesh, Nepal, Ceylon, the Maldive Islands, or Bhutan."

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senator from Alabama has 30 minutes and the Senator from Idaho has 15 minutes.

Who yields time?

Mr. ALLEN. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 12 minutes.

Mr. ALLEN. Mr. President, the parliamentary situation is that there is pending before the Senate a committee amendment by the Committee on Foreign Relations in the nature of a substitute to the bill as introduced. That committee amendment in the nature of a substitute incorporated within its provisions certain amendments which were offered in the committee and which, from time to time, have been offered here on the floor.

One of those amendments was the amendment by the distinguished Senator from Idaho (Mr. CHURCH) which would have reinstated a ban against foreign military sales to or on behalf of the Governments of Pakistan, India, Bangladesh, Nepal, Ceylon, the Maldive Islands, or Bhutan. So that, in order to strike at the Church amendment, it is necessary to put in an amendment to the committee substitute inasmuch as the Church amendment has now become a part of the committee substitute.

So, this amendment which I have called up would, in effect, table or strike out the Church amendment calling for a ban on military assistance in South Asia, to the countries I have enumerated and which are set out in the language of the substitute.

Mr. President, according to the committee report, the following is a list of the military aid programs planned for countries in South Asia—this is South Asia and not Southeast Asia—for fiscal year 1973:

First. Ceylon—$15,000 in grant aid for training.

Second. India—$2 million in cash FMS sales and $234,000 in grant aid for training.

Third. Nepal—$1 million—the report says $1 million, and I will touch on that in a moment—in cash FMS sales and $29,000 in grant aid for training.

Fourth. Pakistan—$3,600,000 in cash FMS sales and $243,000 in grant aid for training.

Mr. President, there are several points to bear in mind in connection with the figures cited by the committee. The $2 million cash foreign military sales going to India is meaningless and the $3,600,000 cash foreign military sales is equally meaningless for Pakistan, for the simple reason that both India and Pakistan are under an embargo which prohibits military sales to these nations. I have been assured that there are no present plans to lift the embargo.

That would really make that a moot question—the $3,600,000 that Pakistan can buy in this country for cash and the $2 million that India could buy in this country for cash. I am going to point out in a moment that foreign military sales are not always machine guns, tanks, or planes, but they can be civilian equipment. They can be bulldozers. They can be electronic equipment and many other things besides rifles, guns, and tanks.

I have also been advised that the $1 million figure in cash military sales to Nepal is actually an error fed into a computer and that an errata sheet will be shortly issued by the Department of Defense to show that the figure of $10,000 was intended and not $1 million.

Consequently, what the committee is undertaking to do is to prevent grant aid for training military personnel for Ceylon in the amount of $15,000—for Nepal, $29,000—for India, $234,000—for Pakistan, $243,000. In addition, the committee by its recognition that the prohibitions do not prohibit commercial sales of either weapons, supplies, or trade by private industry would permit Nepal to purchase in cash $10,000 from commercial sources, even if the Church amendment is not knocked out in the substitute.

So, we are talking about a total sum of $521,000 grant aid for training—and later on I will comment on the training a little bit more—and $10,000 in cash sales.

That is all the amendment is really to accomplish, inasmuch as we already have an embargo on shipments from this country of military supplies from any source—the Department of Defense, or commercial—going to India and Pakistan.

Mr. President, the above is the total sum which may be spent for purchase of weapons, supplies and equipment from commercial sources or trading by private industry nations of south Asia.

According to the committee report, the committee approved these restrictions and I quote from the report:

> In order to insure that the U.S. Government does not become any more deeply involved in the military affairs of the nations of south Asia.

It is worth bearing in mind that the

total estimate of cash sales under the Foreign Military Sales Act amounts to only $5,610,000.

Mr. President, I point out that these are sales for cash that the Church amendment, the committee amendment, is seeking to ban—not credit sales, not grants-in-aid—but sales for cash and some half a million dollars for training in this country of civilian and military personnel from the countries mentioned. We are talking about cash sales and not credit sales. And we are talking about cash sales of only $10,000 when we exclude sales of equipment and supplies under the existing embargo. The result is that the committee has simply said that the United States shall not provide grants for military training of military personnel from any of the nations in south Asia.

So, in the main what the Church amendment, the committee amendment, would also seek to do would be to bar the expenditure of a half a million dollars, $521,000 to be exact, for training in this country of military personnel and some civilian personnel on electronic equipment and things of that sort. It would deprive us from the great benefits for this country of having these people from the countries of Southeast Asia in this country where they could obtain training from our military officers. And they have a very definite esprit de corps between them and our own military instructors and personnel.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for an additional 2 minutes.

Mr. ALLEN. Mr. President, that in the main, in view of the embargo imposed on shipments to these countries from any source, military or commercial, would be barred. To me, it simply says that the United States shall not provide grants for military training of military personnel for any of the nations in South Asia. And that in the judgment of the junior Senator from Alabama would be a very shortsighted policy indeed.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ALLEN. I yield 2 minutes to the distinguished Senator from Kentucky in order that he might propound an inquiry.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes.

Mr. COOPER. Mr. President, I appreciate very much the Senator's explanation of his opposition to this section. I must confess that I was not in the committee at the time this amendment was adopted. I see the Senator from Idaho on the floor and as the author of the amendment, I know that he will explain it. However, as I recall the discussion prior to the adoption of the amendment, it was designed to cut off the possibility of a resumption of the supply of military equipment that had been furnished over the years and particularly to Pakistan. If the request has not been made, I ask consent that the Senator from Ohio Senator SAXBE and the Senator from South Carolina, Senator HOLLINGS, be made cosponsors of the amendment. Senator SAXBE has visited the area, and he and Senator HOLLINGS introduced the resolution expressing the sense of the Senate for reorganization of Bangladesh.

The Senator from Alabama (Mr. ALLEN) has pointed out—and, I think, very correctly because I am looking at tabulation No. 4 in the report—that the amounts represented here are approximately $500,000.

Mr. ALLEN. $521,000; the Senator is correct.

Mr. COOPER. The Senator has stated that these amounts to the various countries would be used only for military training.

Mr. ALLEN. As to the items for training. However, it does have the items of $2 million to India, and $3,600,000 to Pakistan, and $15,000, I believe, to Nepal. That is a projection by the committee based on information furnished by the Defense Department. However, the point the junior Senator from Alabama is making is that despite those figures, there is an embargo in force—and there has been for some time—preventing shipments of any sort, from military sources or from civilian sources, of military supplies to these countries.

Mr. COOPER. Mr. President, the Senator is correct but the purpose of the amendment is to prevent the resumption of military aid such as has occurred in the past.

If the Senator's amendment were to be adopted, it would not prevent the sale or grant of military equipment to these countries, provided the embargo is lifted. Is that a correct statement?

Mr. ALLEN. The Senator is correct. That is the sales for cash in the amounts stated in the report. I did point out that there was a computer error in the million dollar figure listed for Nepal. That figure is only $10,000. And I am so advised by the Department of Defense.

Mr. COOPER. Mr. President, I will take only a few minutes. I want to say that, from my experience in the area, I believe one of the causes of war and the troubles in the area can be attributed in some degree to our military aid.

These countries receive large supplies of military aid from other countries. India is almost entirely supplied today by the Soviet Union, and Pakistan receives military aid from the Peoples' Republic of China and from the Soviet Union. We should stay out of the competition. Mr. President, I will ask for time later.

Mr. ALLEN. Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I yield myself such time as I might require within the limit.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, the amendment offered by the distinguished Senator from Alabama would strike section 7 from the committee bill. If this were to pass, we would end up without any congressional policy regarding the furnishing of arms to the countries of the Indian Subcontinent. The executive would then be free to proceed at its pleasure. It could lift the current embargo and reinstate the arms supply program for Pakistan or for India as well as transfer those materiels programed for Ceylon or Bangladesh unchecked by any legislative guidelines.

The Congress, having not spoken in this or in any other bill, would leave the executive free to proceed with it. That is the only way one could construe the amendment offered by the distinguished Senator from Alabama.

Mr. President, the Committee on Foreign Relations, in section 7 of the Foreign Assistance Act of 1972, has reported a provision prohibiting any further participation by the U.S. Government in supplying weaponry to the nations of South Asia.

The purpose of the provision, as already noted by the distinguished senior Senator from Kentucky, based upon long and bitter experience, is to insure that the United States not blunder again, severely disserving our national interest, as we did in the 1965 war between India and Pakistan and in the Pakistan-Bangladesh and Pakistan-Bangladesh-India wars in 1971.

If this provision were enacted into law, all federally financed armaments would be banned. Commercial sales, on the other hand, would become a direct matter between the South Asian governments and the private companies concerned.

Tensions that led to tragic and traumatic conflicts in South Asia continue to linger. For the United States to rearm Pakistan, or to arm Bangladesh, the newest nation, to counterbalance India, now the dominant power in the area, would only heat up the fires that still flicker on the subcontinent. For the United States to provide India with more military might would only make the adjacent nations more mistrustful of their colossal neighbor. As long as the U.S. Government offers arms and ammunition to any of these countries, as long as the Pentagon acts as the agreeable agent in procuring and purchasing military materiel, as long as our Government provides free military training to the competing officer corps, and as long as we intervene in the delicate military affairs of Bangladesh, Bhutan, Ceylon—now Sri Lanka—India—and Sikkim—Nepal, and Pakistan, we are only repeating our mistakes of the past.

In recent times, tangible progress has been made by the superpowers toward limiting the testing, deployment and transfer of nuclear weapons. I submit, it is also imperative to seek ways for reducing the massive international traffic in conventional arms. This amendment, then, serves as a first step toward controlling the flow of these arms into the most volatile region of the Asian continent. In turn, our noninterference would encourage South Asian governments to seek among themselves solutions of a more conciliatory nature. Hopefully, this process could begin with the Delhi summit at the end of this month.

Five advanced powers—the United States, the U.S.S.R., France, the United Kingdom, and China—have supplied nearly all the weaponry for the wars in South Asia since 1947.

Ironically enough, the opposing armies in these wars possessed pretty much the same weapons provided by the five aforementioned nations. This was the case in last year's cruel conflict between India, Bangladesh, and Pakistan. The Sherman tanks used by the Indian Army and the M-47 and M-48 tanks used by the Pakistan forces were all manufactured in the United States. The Soviet T-54 and T-55 tanks used by all combatants were manufactured in the Soviet Union. The Indian Air Force flew Soviet Mig-21 jets while Pakistan flew Soviet Mig-19s. And now Ceylon has joined the club of combatants, receiving arms aid from the major suppliers to control the numerous unemployed and unsatisfied youth in that country; the militant rebels have received their tools of violence indirectly from the same sources. Such completing-the-circle circumstances reach beyond the limits of evil into the realm of the ludicrous, as was recently pointed out in a French magazine. "Frenchmen can take comfort in the fact," the periodical noted—

> That, along with providing Mirage jet fighters to Pakistan, France is also exporting anti-aircraft missiles to India to shoot down the jets. This is somehow maintaining the balance.

Since the end of last year's war, however, the balance lies solely in the lap of just one nation, India. Any efforts to arm its neighbors as some kind of "even-handed" approach to the area would be both provocative and counterproductive, if not an act of the absurd. The fact is that India has emerged the dominant power in the Indian Ocean region. Only India can work out with its neighbors the course of peace and friendship in that area of the world. Certainly the United States cannot provide equilibrium on the Subcontinent. But the United States and the U.S.S.R. could stimulate further disruptions by supplying arms.

What the Committee on Foreign Relations is proposing here is not part of any retreat to Fortress America, but a policy that would allow the U.S. Government to behave in a realistic, restrained, and moral manner. For the first time in 25 years, federally financed arms would be totally banned from South Asia. For the first time in a generation, American-furnished arms would not be stimulating a regional arms race, or contributing to the outbreak or intensification of hostilities, or constituting an unnecessary diversion on the part of recipient countries of resources needed for vital internal growth. For the first time since 1954, when the United States began to arm Pakistan lavishly, we could conduct our relations in a neutral, friendly manner toward all the nations of the Subcontinent. Our national conscience would be free of the onus that our arms were a major factor in keeping India and Pakistan on the edge of war.

If the United States really has compassion for the peoples of South Asia, which I believe to be the case, then Congress will take our Government out of the arms aid-and-sales business insofar as these countries are concerned. Hopefully, other powers would follow our example, but only time would tell. The way to begin is for the United States to establish a clear and unambiguous policy, as the Senate Foreign Relations Committee has recommended, a policy of banning further U.S. military grants and sales to the nations of South Asia.

Mr. President, I do hope that the Senate will see fit to retain the Church amendment in the bill by rejecting the motion to strike of the Senator from Alabama.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the distinguished senior Senator from Kentucky.

Mr. COOPER. I spoke briefly on this matter a few moments ago. I appreciate the correct statement by the Senator from Alabama. He is always precise in his facts. But I believe to strike out the language adopted in committee would have the effect of placing our country in a situation that when the embargo is lifted—and the embargo could be lifted at any time—furnishing arms to these nations or those who wanted arms could be resumed.

I have followed this problem for a long time. I believe our activities in furnishing arms to Pakistan has been one of the causes of the great trouble we have had.

As I have said, India is being supplied almost wholly by the Soviet Union. China is providing some arms to Pakistan as is the Soviet Union. Perhaps the Soviet Union and China will provide arms to other countries of the area. I have never felt it helped the recipients or the United States. And in time the countries of the India subcontinent may dislike their reliance on their present suppliers of arms.

The Senator from Alabama pointed out very correctly that the money in this bill, with the exception of the $10,000, is for military training. Looking at pages 6 and 7 of the report, the footnote on page 6 and 7 shows these cases the aid is for "United States and overseas training only." With regard to India and Pakistan it is for U.S. training only. I think that is proper to keep such an association with those countries. It is not a matter of furnishing hardware for them; it is a matter for training.

I hope the Senator will amend the committee amendment in the bill, proposed to be stricken by the Allen amendment, by adding on page 9, line 11, in the bill after "defense services" the words "other than military training" or similar words he would prefer.

When I was last in India, there was some expression that this would be a proper link and aid between our country and their country, I do not say that my information came from the highest levels, but I think it is correct that it would be a proper link.

Mr. CHURCH. Mr. President, I have no objection to the alteration in the provision that the Senator recommends. I suggest to him, however, that it might be better if it came on line 9 of page 9.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHURCH. Mr. President, I ask unanimous consent that I may have 1 minute to complete this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. I would propose that we insert the words "other than training" following the parentheses. That is the proper place for it to come, and it would have the same effect. I would be amenable to amending the provision in that respect.

Mr. COOPER. Will the Senator move to amend the committee amendment?

Mr. CHURCH. Yes.

Mr. President, I move that on line 9, page 9, the words "other than training" appear following the parentheses and comma. I move the adoption of that perfecting amendment.

The PRESIDING OFFICER. It would take unanimous consent for the Senator's proposal to be adopted at this time.

Mr. CHURCH. Mr. President, I ask unanimous consent.

The PRESIDING OFFICER. Would the Senator please send the language to the desk?

The clerk will state the amendment.

The assistant legislative clerk read the amendment, as follows:

> On page 9, line 9, after the word "part" and the closing parenthesis, insert the words "other than training".

The PRESIDING OFFICER. Is there objection to the amendment? Without objection, the committee language is so amended.

Mr. CHURCH. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama has 13 minutes remaining.

Mr. ALLEN. Mr. President, the Senator from New Jersey (Mr. CASE), who does not feel as I do about the amendment, asked for 3 minutes' time. Is he here? I am prepared to yield to him.

In view of his absence, and since time is running, Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, the committee substitute singles out one section of the world for special treatment, ignoring many of the important and beneficial effects which our military assistance relationships have had in the past with the countries of the area. This indiscriminate prohibition on all forms of military assistance is its greatest weakness.

Over the years in all the countries of the region we have maintained modest but important military training programs, which vary in size from one of approximately $250,000 in India and Pakistan to one of less than $50,000 in the case of Nepal, and under the perfecting amendment that was agreed to, the training programs could still be carried on.

These programs have provided opportunities for personnel from all military services to come to this country and to learn something of American military technology and tactics and to understand more about the American way of life. These links with the military leadership in the countries of South Asia have provided useful points of access and a basis of understanding and friendship which has been and could continue to be an important positive political factor for us. It is important that the United States be able to provide military training to a select number of military personnel when and as we determine it to be in our interest to do so.

I continue to speak about the training program because, if the Foreign Relations Committee saw fit to knock out the training program, and the proponents of the Church amendment now admit that it was in error in doing so, might they not be wrong also in preventing or banning military sales to those countries?

Mr President, will the Chair stop me when I have 3 minutes remaining, so that I may yield that time to the Senator from New Jersey?

Additional examples of the loss of flexibility which the amendment would impose on the conduct of our foreign relations can be seen in the examples of Nepal and Ceylon. Almost a decade ago when Nepal was faced with the need to equip its very small armed forces at a time of particular concern about the Chinese threat, we were able to institute a small assistance program under which we provided medical, communications, and transport equipment to the Nepalese army. We are continuing to sell very small quantities of spare parts to support this equipment even today, but the Church amendment embodied in the committee substitute would eliminate that type of sale

Similarly, we agreed in 1964 to join with the Government of India in building the East-West Highway across the southern plains of Nepal. Roadbuilding equipment for this highway was provided under our military assistance program.

As I stated in my earlier remarks, all military assistance does not consist of a rifle, or a tank, or a weapon. Civilian equipment and material can also be provided.

The highway has been a major cooperative program in Nepal with important positive impact on the economic development and national integration of Nepal. We would be unable to continue to support our contribution to this project if the pending amendment is not adopted.

Finally, in Ceylon, where in 1971 a Maoist insurgency broke out, we were able to move swiftly to meet requests for assistance from the Government of Ceylon. We provided helicopters and other equipment needed for the internal security of this friendly island in the Indian Ocean. Our support was an important contribution to the political stability and independence of Ceylon. Spare parts support will be required in the future if our interest in the independence of Ceylon is to have any visible credibility. If the amendment I have offered is not agreed to, we will not be able to provide such support.

Thus the committee substitute would do a serious disservice to the national interests of the United States. It would deny us needed flexibility in meeting emergent situations in the future; it would make it more difficult for the United States to build cooperative relationships with the countries of South Asia and to help them in the tasks of their own self-defense which is the fundamental assumption of the Nixon doctrine.

The next question that comes to mind is, Where will these nations turn for their future military requirements?

And the Senate should ponder that question well.

The equipment previously furnished by us will rapidly become useless without spare parts. If the nations involved intend to provide training for their military personnel in technical and specialized fields, where will they turn for such training?

Under the perfecting amendment, that is a moot question.

The answer is obvious. Communist Russia and Communist China are anxiously awaiting the opportunity to exclude all U.S. influence in South Asia. It is my sincere conviction that if the Senate does not vote to strike this section, we will have significantly contributed to the achievement of Communist goals in South Asia.

In conclusion, it is my contention that the minimal grants for training does not represent a deep involvement in military affairs of the nations of South Asia. I futher contend that to deny these nations the right to purchase for cash necessary spare parts and equipment previously furnished by the United States is a futile gesture, costly in good will, and can only provoke the nations involved into choosing alternative sources of assistance. The committee's purpose may be well intentioned, but, in my judgment, it is unwise, and I hope that the Senate will vote for the pending amendment striking out the language of the Church amendment embraced in the committee amendment.

I yield to the distinguished Senator from New Jersey, the remainder of my time.

PERSONAL STATEMENT

Mr. CASE. Mr. President, I thank the Senator from Alabama. I asked the junior Senator from Alabama if he would let me have the floor because at this time I do want to raise a question, while the senior Senator from Alabama (Mr. Sparkman) is present, as to a procedure followed this morning in which the senior Senator from Alabama was involved.

The Stennis amendment to strike subsection 3 of section 4 of the bill was to be voted on, according to the unanimous-consent agreement, at a quarter to 3 today. At about 10 minutes to 12, without a quorum call and without notification to me, though the Senator from Alabama knew that I had been the author of the language which would have been stricken by Senator Stennis' amendment, he vacated the unanimous-consent agreement and accepted the Stennis amendment, and it was adopted by a voice vote.

I say this because I think it was most unfortunate, and that this kind of thing is contrary to the spirit in which the Senate operates and has to operate if we are to accomplish our business.

I would be glad if the Senator from Alabama would respond.

Mr. SPARKMAN. Mr. President, I will say to the Senator from New Jersey that I can see why he would feel this way. I do not blame him one bit. As a matter of fact, I did know that the Senator offered this language in the committee. I knew, and was reminded by all the references to the Case amendment, that he was greatly interested in an amendment that I had introduced yesterday afternoon and had printed, which was on the table today. I had been told that he would not be ready to consider that until Monday of next week, and I agreed to that.

I must say that I just was not thinking about this being something which he should be notified about. I fully agree with him that he should have been notified, and there should have been a quorum call in order that not only he, but all Senators, would know that this changed situation was about to take place.

I do not know anything further that I can say. I am sorry that it developed that way, but that is the way it was.

Mr. CASE. I appreciate the statement the Senator has made. I accept it, of course. I would only say that I think that all of us, when we are in a position of controlling any part of the action of the Senate, have got to be extremely sensitive—and this should go for our staffs as well—to the needs of people whenever we operate, as we almost always do, under unanimous consent. These practices, once established, tend to acquire a rather sacred quality, and unless notification of an agreed scheduled change is given to the specific individuals involved, we are going to have chaos here, and it will be difficult to operate.

I certainly understand that the Senator from Alabama would not have done this except by inadvertence, and I accept the apology.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Roth). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Alabama (Mr. Allen). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Minnesota (Mr. Humphrey), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), and the Senator from Michigan (Mr. Hart), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell), and the Senator from New Jersey (Mr. Williams), are absent on official business.

On this vote, the Senator from Georgia (Mr. Gambrell) is paired with the Senator from South Dakota (Mr. McGovern). If present and voting, the Senator from Georgia would vote "yea" and the Senator from South Dakota would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New York (Mr. Buckley) and the Senator from Idaho (Mr. Jordan) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Texas (Mr. Tower) is necessarily absent.

If present and voting, the Senator from Texas (Mr. Tower) would vote "yea."

The result was announced—yeas 41, nays 43, as follows:

[No. 204 Leg.]

YEAS—41

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Boggs
Brock
Cannon
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Long
McGee
Miller
Packwood
Saxbe
Scott
Smith
Sparkman
Stafford
Stennis
Talmadge
Thurmond
Weicker
Young

NAYS—43

Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Church
Cooper
Cranston
Eagleton
Ellender
Fulbright
Harris
Hartke
Hatfield
Hughes
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Mondale
Montoya
Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Spong
Stevens
Stevenson
Symington
Taft
Tunney

NOT VOTING—16

Baker
Buckley
Gambrell
Goldwater
Gravel
Hart
Humphrey
Jordan, Idaho
McClellan
McGovern
Moss
Mundt
Muskie
Pell
Tower
Williams

So Mr. Allen's amendment was rejected.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION—CONVENTION ON THE TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS

The PRESIDING OFFICER (Mr. Roth). Under the unanimous consent agreement of Wednesday, June 7, 1972, the hour of 3 p.m. having arrived, the Senate will now go into executive session and will proceed to vote Executive Calendar Nos. 23, 24, and 25.

The resolution of ratification on all three treaties having been read, the Senate will now proceed to vote first on Calendar No. 23, Executive A (92d Cong., second sess.), the convention on the taking of evidence abroad in civil or commercial matters.

The yeas and nays have been ordered.

The question is, Will the Senate advise and consent to the resolution of ratification on Executive A (92d Cong., second sess.)?

The time for each rollcall vote will be 10 minutes instead of the regular 15 minutes.

The clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell) and the Senator from New Jersey (Mr. Williams) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey), the Senator from Georgia (Mr. Gambrell) and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New York (Mr. Buckley) and the Senator from Idaho (Mr. Jordan) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Texas (Mr. Tower) is necessarily absent.

If present and voting, the Senator from Texas (Mr. Tower) would vote "yea."

The yeas and nays resulted, yeas 84, nays 0, as follows:

[No. 205 Ex.]

YEAS—84

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Harris
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Young

NAYS—0

NOT VOTING—16

Baker
Buckley
Gambrell
Goldwater
Gravel
Hart
Humphrey
Jordan, Idaho
McClellan
McGovern
Moss
Mundt
Muskie
Pell
Tower
Williams

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

TREATY OF EXTRADITION WITH ARGENTINA

The PRESIDING OFFICER. The Senate will now proceed to vote on Executive Calendar No. 24, Executive F (92d Cong., second sess.), a treaty of extradition with Argentina. The resolution of ratification having already been reported, the question is, will the Senate advise and consent to the resolution of ratification?

The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell), and the Senator from New Jersey (Mr. Williams) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell), the Senator from Minnesota (Mr. Humphrey), and the Senator from Georgia (Mr. Gambrell), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New York (Mr. Buckley), and the Senator from Idaho (Mr. Jordan) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Texas (Mr. Tower) is necessarily absent.

If present and voting, the Senator from Texas (Mr. Tower) would vote "yea."

The yeas and nays resulted—yeas 84, nays 0, as follows:

[No. 206 Ex.]

YEAS—84

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Harris
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Young

NAYS—0

NOT VOTING—16

Baker
Buckley
Gambrell
Goldwater
Gravel
Hart
Humphrey
Jordan, Idaho
McClellan
McGovern
Moss
Mundt
Muskie
Pell
Tower
Williams

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

A PARTIAL REVISION OF THE RADIO REGULATIONS (1959) RELATING TO SPACE TELECOMMUNICATIONS

The PRESIDING OFFICER. The Senate will now proceed to vote on Executive E, Executive Calendar No. 25, A Partial Revision of the Radio Regulations Relating to Space Telecommunications.

The question is, Will the Senate advise and consent to the resolution of ratification? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell), and the Senator from New Jersey (Mr. Williams) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), the Senator from Minnesota (Mr. Humphrey), and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New York (Mr. Buckley), and the Senator from Idaho (Mr. Jordan) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Texas (Mr. Tower) is necessarily absent.

If present and voting, the Senator from Texas (Mr. Tower) would vote "yea."

The yeas and nays resulted—yeas 84, nays 0, as follows:

[No. 207 Ex.]

YEAS—84

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Harris
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Montoya
Mondale
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Young

NAYS—0

NOT VOTING—16

Baker
Buckley
Gambrell
Goldwater
Gravel
Hart
Humphrey
Jordan, Idaho
McClellan
McGovern
Moss
Mundt
Muskie
Pell
Tower
Williams

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate resumed the consideration of legislative business.

AMENDMENT OF SMALL BUSINESS ACT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3166.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3166) to amend the Small Business Act, which was to strike out all after the enacting clause, and insert:

That paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$3,100,000,000" and inserting in lieu thereof "$4,300,000,000";

(2) by striking out "$450,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$300,000,000" and inserting in lieu thereof "$350,000,000".

Sec. 2. Section 402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902 (a)) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes.

The message also announced that the House insisted upon its amendments to the bill (S. 979) to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes; disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Jarman, Mr. Murphy of New York, Mr. Devine, and Mr. Harvey were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Macdonald of Massachusetts, Mr. Van Deerlin, Mr. Springer, and Mr. Keith were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Garmatz, Mr. Clark, Mr. Lennon, Mr. Pelly, and Mr. Keith were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. McGee).

FOREIGN ASSISTANCE ACT OF 1972

The Senate resumed the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1222

Mr. KENNEDY. Mr. President, I understand there is a full hour on the amendment I am about to offer, the time to be divided evenly. Is that correct?

The PRESIDING OFFICER. That is correct?

Mr. KENNEDY. For the benefit of Senators, I will say I do not think we will need nearly all of that time. I am hopeful we can get to a vote within half an hour.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I call up my amendment, No. 1222, to the Foreign Assistance Act of 1961, as amended, submitted by myself and the distinguished Senator from Kentucky (Mr. Cooper), and Senators Humphrey, Baker, Mondale, Church, Saxbe, Stevenson, Hollings, and Cranston.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment (No. 1222) as follows:

On page 6, line 13, strike "$50,000,000" and substitute in lieu thereof "$100,000,000".

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The purpose of this amendment is to restore the amount of aid and assistance to be made available to Bangladesh from some $50 to $100 million, which was initially requested by this administration.

If this amendment is successful, the funds would be used for the items which were included in the Record yesterday. They are basically humanitarian programs to try to help restore the lives, the well-being, and the homes of hundreds of thousands of citizens of Bangladesh who have suffered so grievously over the period of the last year.

May we have order, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts is making an important statement, and he has requested that the Senate be in order.

Mr. KENNEDY. Mr. President, probably no people in recent times have suffered more grievously than have the people of Bangladesh over the last 2 years. During the period of the last 2 years more than 1 million of them lost their lives in the cyclone that struck their southern coast, and then, shortly after that, they experienced some of the most dreadful violence that any have been subjected to in modern history—a violence that caused some 10 million of their own to flee from Bangladesh into India.

I had an opportunity to visit many of the refugee camps surrounding the borders of Bangladesh just about a year ago, and it was not extraordinary, during that time, to see hundreds of thousands of children less than 7 years of age dying from mass starvation. As a matter of fact, the best estimate was that there were some 10,000 or 12,000 children who died every day of malnutrition. That was about half the total number of such deaths during that period of time.

So the people of Bangladesh have suffered grievously from violence and terrorism in their struggle for freedom, in their desire to effectuate the independence which they had secured at the ballot box. Now that peace has come to Bangladesh, the 10 million refugees have returned from India to Bangladesh, with some help and assistance from India—for rather than being a people who were willing to languish in refugee camps, where they could be assured of some food and shelter, they returned to their homes in a strikingly short period of time, to rebuild their lives and their homes and to seek a new life in the country which they loved.

This effort by the United States of providing some $100 million, which would be the amount authorized if this amendment were successful, represents the U.S. share of participation in the humanitarian undertaking to permit those people to restore their lives and well-being. I think, quite frankly, it is a minimum figure. It represents a little less than a quarter of the total amount which has been estimated as necessary to restore Bangladesh to its 1970 economy. It would, I believe, provide the kind of restoration and rehabilitation in the most important and crucial areas of housing, and would provide some transportation, but most directly in efforts that would have the greatest impact on people's lives, health, and housing and their basic needs.

The resources which will be made available under this amendment will, to a large degree, be expended——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. KENNEDY. I yield myself 3 more minutes—are partially being expended through the voluntary church agencies. The voluntary agencies, which represent all the great faiths and international service organizations, are perhaps some of the great unsung heroes in the field of humanitarian concern and relief. This aid program will work through the voluntary church agencies, composed of men and women who are selfless in their desire to help their fellow human beings. They are remarkably efficient in assuring that any tax dollar devoted to humanitarian relief actually gets into the field and the area of greatest need. So I believe, Mr. President, that this amendment for the restoration of $50 million, even recognizing some of the extraordinary needs we have here in this country, is completely in the tradition of U.S. humanitarian concern for the hundreds, thousands, and millions of homeless refugees, who have suffered so much and who are now attempting to restore their lives and well-being, and represents a strong arm of friendship to those people, to help them to help themselves.

Finally, Mr. President, I understand that there was some reluctance by the Committee on Foreign Relations to recommend the full amount requested by the administration, because some of the previously authorized funds had not been expended. I understand and appreciate that. But that was largely due, Mr. President, because we as a country had withheld our diplomatic recognition of Bangladesh until fairly recently, so it has only been recently that we have been able to involve ourselves in negotiations for the restoration of AID. In the past few weeks, the AID program has been announced, and I think it represents a very imaginative and well thought out program. There is considerable need for this kind of help and assistance, which we can provide with this amendment if it is agreed to, and I hope that it will be.

Mr. President, I ask unanimous consent that the text of my prepared remarks be printed at this point in the Record.

There being no objection, the text was ordered printed in the Record, as follows:

As I stated in introducing this amendment yesterday, the unprecedented tragedy that swept the land and people of Bangladesh last year has rightly brought an unprecedented humanitarian response from the American people and Congress. Despite the slowness of our Government to react, the American people and the Congress have seen the birth of Bangladesh as a saga of human courage and tragedy rarely witnessed in modern times—a saga deserving of our concern and our help.

After traveling to Bangladesh last February as chairman of the Judiciary Subcommittee on Refugees, I noted in my formal report to the Senate on April 5th, that "Tragedy and triumph were everywhere present." But, as I concluded then, "As evident as were the tragedies and challenges facing the people of Bangladesh, so, too, was the resilience and courage and determination of the Bengali people. They are far from the 'international basket case' some would have us believe."

Clearly, Bangladesh faces immense problems, and there can be little doubt that it is, and will likely be, a very poor nation for some years to come. But their resilience and courage which I observed is already at work in rebuilding their country and their lives. What the people of Bangladesh need today and over the next few months is the wherewithal to rehabilitate their nation. What they ask of us and the international community is to help provide the material resources to help them help themselves.

It is still premature to attempt to estimate the total costs of relief, rehabilitation, and reconstruction in Bangladesh, but there is little doubt that the need is great. In its initial assessment of the situation in Bangladesh, the United Nations outlined priority relief needs with a major emphasis on food and imported goods to get industry going again. But a follow-up survey released in April, a combined United Nations and world bank team identified the total cost of nonfood rehabilitation needs as ranging near $650 million through June 1973. The response to appeals for international assistance have been considerable, but the need remains great. These needs are discussed in some detail in a memorandum prepared for the subcommittee on refugees by the agency for international development, which I ask unanimous consent be printed at the conclusion of my remarks.

Last year the Congress voted $200 million to help return and rehabilitate the refugees who fled famine and war into India and those countless millions who remained in Bengal without food or shelter. This year, we must continue the relief work we have helped to begin.

Mr. President, I fully appreciate the rationale behind the Foreign Relations Committee's report on why it did not recommend the full $100 million authorization requested for Bangladesh by the administration. At the time of the committee's report there was no public announcement as to how the administration planned to use the funds. And as one who has been severely critical of the lethargy and inadequacy of the administration's response to the humanitarian needs of Bangladesh, I shared the committee's skepticism. The long, and totally inexcuseable, delay of our government's diplomatic recognition of Bangladesh, severally limited A.I.D.'s ability to proceed with the full range of American assistance programs. Without recognition we could not proceed with regular bilateral programs which, in the past, have been so very successful in Bengal. Without recognition, all American aid had to be channeled through the United Nations relief organization in Dacca, which served to push the percentage of the American contribution to the international effort far beyond that which either United Nations or U.S. officials desire.

But now, at last our Government has negotiated a bilateral agreement with the Government of Bangladesh. Despite the many difficulties we might have expected to face—after the famous "tilt"—in restoring American relations with Bangladesh, the government of Sheikh Mujibur Rahman has welcomed the return of American assistance and the presence of American voluntary agencies.

Important among these voluntary agency programs are the special efforts of Catholic relief services and church world service, the housing programs of CARE, the special training programs being undertaken by the international rescue committee, and many other American and international organizations. These programs deserve our support because they are effective, and because the people and Government of Bangladesh have seen that the voluntary agencies have had a long history of useful work, and that they have responded so generously on their own to the humanitarian needs of the Bengali people.

So this recent bilateral agreement with Bangladesh represents an important achievement for which I commend A.I.D. The refugee subcommittee has studied A.I.D.'s plans and we can report that this bilateral agreement reflects carefully thought out projects, mutually agreed upon by both governments. Moreover, as I introduced yesterday in the record, the list of projects that American funds will support are the kinds of assistance Bangladesh requires at this time.

Finally, Mr. President, let me say again that in an authorization bill otherwise devoted almost exclusively to security assistance, I urge the Senate not to cut corners on our humanitarian responsibility—to support this amendment to authorize the full $100 million request for relief and rehabilitation assistance for Bangladesh.

Mr. President, I ask also unanimous consent to have printed in the RECORD a memorandum prepared by AID to justify the amount requested, and a table entitled "Commitments to Bangladesh, January to December 1972."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MEMORANDUM PREPARED BY AID FOR THE SUBCOMMITTEE ON REFUGEES

FISCAL YEAR 1973 $100 MILLION REQUEST FOR SOUTH ASIA RELIEF

Magnitude of current needs

In its initial assessment of the postwar situation in Bangladesh on February 9, 1972, the United Nations outlined priority relief needs with major emphasis on food. In a follow-up survey of Bangladesh released in April, a UN/World Bank team identified rehabilitation and reconstruction needs judged as a minimum necessary to restore the shattered economy to the pre-war standard attained in 1970. That team estimated a total need for approximately $650 million of non-food assistance through June 1973. Their cost estimate included agriculture and rural reconstruction, power and industry, transportation and health. UN assessments estimated food import needs through to the next major harvest in December 1972 to be about 2,300,000 tons. Some 1,300,000 tons of this amount has been pledged and is being delivered.

It is still premature to attempt to estimate the total costs of relief, rehabilitation, and reconstruction in Bangladesh. There is, however, little doubt that the overall magnitude of need is great and that Bangladesh must continue to receive substantial outside assistance if its people are to recover from the recent tragedy and restore their shattered economy.

Response to the international community

In response to appeals for assistance issued by the UN Secretary General and Government of Bagladesh, the world community has thus far donated or pledged approximately $678 million in aid of all types for Bangladesh as follows:

ESTIMATED TOTAL POSTWAR AIR PLEDGES AND/OR DELIVERIES TO JUNE 1, 1972

[In millions of dollars]

	United States	Other	Total
Bilateral	90	340	430
Contributions in support of UN	118	51	169
Voluntary agencies	9	70	79
Other [1]		18	18
Total	217	479	696

[1] A recent $18 million commitment by the United Kingdom was not allocated between bilateral and multilateral activities.

International contributions to date have been substantial. Yet, unmet requirements are such that further assistance will be needed if the new nation of Bangladesh is to recover. The greatest hurdles lie ahead—not only in terms of monetary considerations—but in terms of the international community's will to finish a task it has only just begun. It should be noted that the UN Secretary General plans to issue a new appeal for funds in August.

Response of the U.S. Government

The United States has indicated its willingness to assume a fair share of the burden and since the end of the Indo-Pakistan war last December has contributed $140.5 million from the FY 1972 appropriatiton for relief activities in Bangladesh, including the recently signed $90 million bilateral grant agreement. Under the terms of that agreement, the United States will provide urgently required commodities such as fertilizer, cotton, and tallow, and will assist in high priority rehabilitation projects, primarily coastal embankments, restoration of power generation and distribution facilities, rebuilding of roads and bridges and repair and rehabilitation of facilities in the education sector.

Current status of the FY 1972 $200 million appropriation for U.S. assistance is outlined below:

Appropriated for FY 72: $200 million.

Prewar Obligations—(Prewar relief for Bangalee refugees in India and for relief within East Pakistan): $27.7 Million.

Postwar Obligations—($90 million bilateral grant; $50.5 million in grants to UN and voluntary agencies: $140.5 Million.

Planned Obligations During Remainder of FY 72—(Bangladesh has requested additional bilateral aid of $40 million covering such areas as housing and rehabilitation of medical facilities. Also, voluntary agencies have recently completed assessments indicating a need for approximately $15 million in added support for their programs in housing, feeding, etc.): $31.8 Million.

The United States has also agreed to provide from PL 480 sources a total of 550,000 metric tons of food grains and edible oil with a delivered world market value of approximately $76.5 million. Thus, food aid and dollar relief grants of U.S. postwar assistance to Bangladesh from all sources totals $217 million. This level of assistance represents approximately one-third of the total aid of all types pledged by other donors and is consistent with Congressional desires that the U.S. share not exceed 40 percent of the total from all other sources if reasonably possible.

FY 1973 Request for $100 Million Appropriation

As the needs of Bangladesh remain critical for the immediate future, and the world community continues to respond with new humanitarian assistance commitments, the $100 million request for FY 1973 will permit the United States to continue to participate in the international relief, rehabilitation, and reconstruction effort. The amount requested represents in our best judgment a proportionate share, roughly a third, of the anticipated worldwide contributions for Bangladesh in FY 1973. Any reduction below this amount or break in U.S. assistance would have serious consequences for the people of Bangladesh, who despite their best efforts, cannot yet make their way alone. The authorization and appropriation of $100 million for assistance to Bangladesh during FY 1973 is, therefore, essential.

In implementing the additional $100 million in assistance during the coming months, the United States will make its contributions on the basis of a continuing assessment of needs and the contributions of others. As in FY 1972, these funds will be used for substantial bilateral activity as well as continued support of UN and voluntary agency programs. An A.I.D. team has already identified a number of additional rehabilitation needs which the United States could effectively support and which could be prepared for implementation in the next few months. These include: local manufacture of tugs and barges, reconstruction of town water and sewage systems and rehabilitation of related health facilities, dredging of inland waterways, and provision of materials for construction of basic housing. We would also want to be able to support the efforts of U.S. voluntary agencies which have also recently completed new assessments of programs they could effectively handle. We believe the United States should also be able to respond to the UN Secretary General's final appeal for the international relief effort in August as well as support an IBRD initiative in reconstruction.

COMMITMENTS TO BANGLADESH, JANUARY–DECEMBER 1972

[Expressed in million of U.S. dollars]

Country	Bilateral	Voluntary agencies: From Government	Voluntary agencies: From private sources	Multilateral: UNROD	Multilateral: UNICEF	Multilateral: UNHCR	Total
Argentina				0.24			0.24
Australia	5.50						5.50
Canada	34.40	0.25		1.00	2.00		37.65
Denmark	3.50			1.00			4.50
France	.60	.30					.90
German (Federal Republic)		2.40					2.40
India	206.00						206.00
Ireland				.09	.09		.18
Italy	.10						.10
Japan				9.00			9.00
New Zealand	.50			.12			.62
Netherlands				5.50			5.50
Norway		.60		2.00			2.60
Pakistan				5.90			5.90
Sweden	22.40			4.64			27.04
Switzerland	2.00			.75			2.75
United Arab Republic	1.00						1.00
United Kingdom	12.30	.50					[1] 31.00
United States	90.00	9.17		117.83			217.00
U.S.S.R	51.60	.20					51.80
Other			65.30	1.50	11.31	6.30	84.41
Total	429.90	13.42	65.30	149.57	13.40	6.30	696.09

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[1] Includes $18,200,000 recently made available but not distributed between bilateral and multilateral activities.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield the Senator from Kansas whatever time he may require.

Mr. DOLE. Mr. President, I support the amendment offered by the distinguished Senator from Massachusetts to restore the additional $50 million requested by the administration. I ask unanimous consent, if the Senator has no objection, to become a cosponsor of the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the name of the Senator from Kansas (Mr. DOLE) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I am very glad to cosponsor the amendment of the distinguished Senator from Massachusetts (Mr. KENNEDY), which would provide an additional $50 million for the relief of Bangladesh.

The PRESIDING OFFICER. Who is yielding time to the Senator from Kentucky?

Mr. KENNEDY. I yield the Senator 5 minutes.

Mr. COOPER. This additional $50 million would authorize a total of $100 million for the humanitarian relief of Bangladesh.

At the time this subject was considered in the Foreign Relations Committee, we did not have a full breakdown of the requirements for relief for Bangladesh. Such evidence has been provided to the committee and the Members of the Senate since that time.

The administration has indicated its willingness to assume a full share of the burden of relief activities for Bangladesh. The request for $100 million for the fiscal year 1973 was made by the administration. It would permit the United States to continue to participate in international relief, rehabilitation, and reconstruction efforts. The amount requested, added to other funds which have been made available, would constitute almost one-third of the amount which has been pledged or provided by other countries.

As I recall, there are 26 nations offered aid. India has already provided or will provide $206 million, in addition to the great burdens which she bore when the hundreds of thousands of Bangladesh people were in India. The United States would provide $217 million.

Mr. COOPER. Heretofore, our aid since the war has been provided through the United Nations and voluntary agencies, but now that the United States recognizes the Government of Bangladesh, there are no diplomatic obstacles to carrying out a bilateral program as well as assistance through the U.N. and voluntary assistance for the relief of the millions of victims of the natural disaster and the war of last year.

At this point, I would like to say that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Ohio (Mr. SAXBE), who introduced the resolution in the Senate asking that the United States recognize Bangladesh, have become cosponsors of this amendment.

This amount for humanitarian relief, in my view, represents a necessary contribution to Bangladesh, and it represents also the generous character of the American Government and people. There is a clear need for help, and the United States is fortunate to be able to render critical assistance in a time of great need. I think it is necessary that the United States, as a humanitarian matter and to carry out its long record of assistance to countries throughout the world, make available the full sum of $100 million. Although it may be too early to make such a prediction, it could be that this assistance will be a factor in leading in time toward restoration of better relations between our country and the countries of the Indian subcontinent.

Again, I commend the Senator from Massachusetts for his initiative. I am glad to join him. I hope very much that the Senate, with its knowledge of this situation, will vote for this amendment and provide for these millions of people some assistance in a very critical time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I commend the senior Senator from Massachusetts (Mr. KENNEDY) and the senior Senator from Kentucky (Mr. COOPER). I know that Senator COOPER always had his heart in the right place in wanting to help this country, but he also had his heart in what he thought were the proper procedures and that we recognize it in an orderly fashion through the administration.

I, on the other hand, thought I would bring it to a head at the time in introducing the resolution, because to me Bangladesh represented what had eluded us for many years in Vietnam; namely, the right of self-determination, of free government operating upon its own. That is the way I have always seen East Pakistan—now Bangladesh—as a nation. Having had that free election, I thought we should come to their side.

Be that as it may, the Senator from Massachusetts (Mr. KENNEDY) has gone to that country; and when we could not join officially, he gave that country hope. Now he follows through, together with Senator COOPER, in providing the material means to help them rebuild. I would hope that we would join in, to recoup the loss of face by the United States in Southeast Asia because of our lethargy and tardiness and failure at the appropriate time to recognize Bangladesh as the true expression of self-determination.

The other day, the administration asked for $5 billion additional. This is just 1 percent of the $5 billion requested for the military effort being made in Vietnam. We are asking here only 1 percent of that, or $50 million additional, to rebuild a far more populous nation and in that sense a far more influential nation in Southeast Asia. It is just 1 day's cost of the regular war over there—$50 million. I think we can do far more for the interests of the United States and for the interests of free people everywhere to go along with this increase.

Mr. President, for over a year and a half now, the administration has been dragging its feet on the problems of Bangladesh. During those bloody months while the brave people of East Pakistan struggled to win their independence, the Nixon administration callously ignored them, and instead gave aid and comfort and arms to the forces of tyranny and oppression. The fact that the East Pakistanis were seeking the same self-determination for which we were fighting in Vietnam made no impression on the policymakers of the executive branch. Our acquiescence in this policy of terror continued to the end, and in the end the people of Bangladesh won through to victory. The United States reaped the scorn of freedom-loving peoples everywhere for this policy. Our relationship with India, especially, was brutally damaged by this policy.

Since joining the ranks of nationhood, the people of Bangladesh have been struggling with the awesome tasks of reconstruction. Even today, their future is by no means assured. The road ahead will be long and hard.

It should be the policy of the United States to lend a helping hand—to assist in the reconstruction and further development of Bangladesh. Our approach should be to take initiatives, and to apply a little of that famed American ingenuity to the gigantic problems that new nation faces. Instead, we had to be pulled kicking and screaming into recognizing the new nation.

Now, once again, we have the opportunity to act. Given our record of the past 2 years, this is an unearned luxury—but act we can and act we must.

The Committee on Foreign Relations has recommended cutting the request for aid to Bangladesh for fiscal year 1973. We now know that there is every justification to go ahead with the full amount The amendment by my two distinguished colleagues, the Senator from Kentucky (Mr. COOPER) and the Senator from Massachusetts (Mr. KENNEDY), would restore our aid to the full amount. It would help shore up the economy of Bangladesh, insuring that that country would become no nation's pawn—be it Russia's or India's or anyone else's.

This action is the right action to take from every standpoint. It will be of invaluable help to the economy of Bangladesh. It will be to the diplomatic interest of the United States and to the stability of all of South Asia, and it will represent America's recogntion of the errors of the past. It is time that 2 years of folly be replaced by a moment of wisdom. In that vein, Mr. President, I am happy to be a cosponsor of the Cooper-Kennedy amendment.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of the time.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. COOPER. I understand that the Senator from Ohio (Mr. SAXBE) may be on his way to the Chamber. Could we have a quorum call for a few minutes?

Mr. KENNEDY. Yes; before suggesting the absence of a quorum, I should like again to commend the Senator from Kentucky (Mr. COOPER). He has served as Ambassador of this Nation to India, and, therefore, he has a particularly good understanding of the subcontinent. His views about American interests in that part of the world should weigh heavily on all of us.

I also commend the Senator from South Carolina and the Senator from Ohio, who, more than anyone else in the Senate, together stimulated the interest of the Members of the Senate in the whole process of recognition of Bangladesh. It is through the process of recognition that this bilateral avenue has been opened up for the United States to help in these humanitarian undertakings. I want to commend them for that at this time.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COOPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. COOPER. I yield 3 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I am very happy to suport the efforts of the distinguished Senator from Kentucky and the distingiushed Senator from Massachusetts in bringing this amendment to the floor, and I intend to vote for it. I think it is an important expression of the intentions of the American people, in the position of great power and great wealth and great influence in the world which the United States has attained.

I do not think we ought to forget some of the important chapters in our own history. In the formative years of this Republic, when we were a revolutionary Nation, we were a young and struggling Nation and were very much dependent upon infusions of help of various kinds from other, better established, and then wealthier nations. This is a cycle through which nations go. It is an obligation of sorts upon civilization that, as new units are formed, those which have already attained success will help others to reach out for success. It is an important step in human development.

I think that the Senator from Kentucky and the Senator from Massachusetts have recognized this in this important amendment. It is a humanitarian amendment. It is one which I think expresses the basic goodwill and the basic good intention of the American people. But, more than that, I think it has an historic place in the history of Bangladesh and in the history of the United States. It recognizes that history, and I think that the Senate should support the amendment overwhelmingly.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I yield 3 minutes to the Senator from Ohio (Mr. SAXBE).

Mr. SAXBE. Mr. President, I support this amendment. I have been very much interested in the survival of Bangladesh. The sheer magnitude of the problem is almost more than one can comprehend. The number of people, the shortage of resources and other difficulties that face them, the very nature of their country, certainly qualifies them for humanitarian aid. That is what this amendment would help with. I cannot help feeling that only in this way can Bangladesh survive as a viable country.

Even though we have discovered in the past that humanitarian aid does not bind the recipients to us, nevertheless, I feel that this is a worthwhile and humanitarian effort that we should join in on both sides of the aisle to push through.

Mr. SPARKMAN. Mr. President, I yield myself such time as I may require.

I want to say this at the beginning, that I think I have just as much feeling and sympathy towards the situation that prevails in Bangladesh as anyone. I think that we should help. I think—in fact, I know—that we have helped, but I hope that the Senate will not agree to this amendment that is offered by the able Senator from Massachusetts.

The committee believes the United States should do its fair share for Bangladesh, but no more. Congress appropriated $200 million for Bangladesh refugee relief for the 1972 fiscal year. To date $168.2 million of that has been committed—$90 million of it only a few days ago. There is $31.8 million left which has not been committed in any way and this money is available indefinitely. In addition, the United States has given $76.5 million in food aid under Public Law 480. Thus the total aid to Bangladesh relief work, so far, is $244.7 million.

It should be recognized that we are no longer dealing with a refugee relief problem—a disaster situation—as we were when Congress considered this last year. We are talking about development assistance primarily—how and how much are we going to provide to help make Bangladesh a viable country. Of the $90 million in aid the United States just pledged most will go for import of fertilizer, raw cotton, flood control, road and power projects—categories for which the regular development loan funds are normally used. The committee has recommended $50 million more in special grant relief funds. This, together with the carryover funds, makes available $81.8 million in dollar grant aid for the coming fiscal year. In addition, there is no limit on the food aid that can be provided under Public Law 480. And, if a case can be made for more, it can be provided through the regular development loan program or as grants through the technical assistance program. The effect of the Senator's amendment would be to free $50 million of regular aid funds to loan or give to countries other than Bangladesh. With the state of our Government's fiscal situation, I cannot support a $50 million increase in economic aid, particularly at this time.

I urge that the Senate reject the amendment.

Mr. COOPER. Mr. President, the Senator from Massachusetts (Mr. KENNEDY) is the chief sponsor of the amendment. He spent days in India and Bangladesh and saw conditions there.

I have always found the Senator from Alabama (Mr. SPARKMAN) to be a humane man, but he has the responsibility, as manager, of supporting the committee bill. I have read the report of AID and the need that exists in Bangladesh. It provided a description of the disposition of the $200 million authorized for fiscal year 1972. It is correct that $31.8 million of that remains to be obligated. But AID reported that this money is needed to cover such areas as housing, rehabilitation, and medical facilities. AID also makes the statement that money is needed and additional sums are needed for such purposes as fertilizer, cotton, and tallow and to assist in high priority rehabilitation projects. Such as restoration of river embankment—for prevention of floods—the restoration of power generators and distribution facilities, rebuilding roads and bridges, rehabilitation facilities, and in the field of education. These are all prime needs of Bangladesh for reconstruction and restoration.

In addition, as the Senator from Massachusetts said there, I am certain that grievous personal needs exists among the people of Bangladesh. The $50 million we ask, as the Senator from South Carolina has said, is such a small amount comparable to the money we make available for arms. Surely, at this point, we can provide an additional $50 million for a people who have been in turmoil and travail for a year or more.

By the adoption of the amendment, the Senate, the Congress, and the American people, can show their best side to the world.

I hope that the Senator from Massachusetts will make a final statement and then we can come to a vote.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I understand that 2 minutes are left and I yield myself 2 minutes and then am prepared to yield back my time.

Mr. President, we as a country are prepared to make extraordinary expenditures when it comes to the question of escalation of our military involvement in Southeast Asia. We do not hesitate to provide a greater percentage of our money for military aid to different countries throughout the world. When we think it is in our interest, we are prepared to make grants or loans in an amount of approximately $5 billion each year for military equipment. So, if we think that it is in our interest, then I believe, when we are expending so much in many areas of the world on military hardware, that we should also indicate what I believe is the most important sense of the American spirit, that is, to extend the hand of friendship and humanitarian concern, which is ingrained in our American character. It is appropriate that we do that, and that we express it, as the distinguished Senator from Maryland and the distinguished Senator from Kentucky have already pointed out so clearly today.

I would like to see the United States the No. 1 country in terms of humanitarian aid and assistance, because there are four or five different nations in the world already giving more per capita aid than the United States for humanitarian concerns in Bangladesh. I would like to see the United States No. 1 in that area, and perhaps fourth or fifth in military aid throughout the world.

So I hope that this amendment will be accepted. I think that it will indicate our concern for the people of Bangladesh, who have been struggling so hard for their lives and their existence over a period of the past year or so, and who have really achieved their independence through democratic means. As the Senator from South Carolina and the Senator from Ohio have pointed out, when they went to the polls to elect 167 out of 169 members to the General Assembly, and had free elections, in spite of that self-determination, those elections were repressed. Yet, they persevered and achieved their independence. They are now the eighth largest country in the world in terms of population. They want to spend only a pittance for military affairs. They want to devote all their resources for the benefit of their people. Accordingly, Mr. President, it seems to me that the United States should respond in a meaningful way, as I believe this amendment does, to the humanitarian needs of the people of Bangladesh.

Mr. President, I yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Indiana (Mr. Hartke), and the Senator from Idaho (Mr. Church) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell) and the Senator from New Jersey (Mr. Williams) are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey) and the Senator from New Jersey (Mr. Williams) would each vote "yea."

On this vote, the Senator from South Dakota (Mr. McGovern) is paired with the Senator from Georgia (Mr. Gambrell).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Georgia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New York (Mr. Buckley), and the Senator from Idaho (Mr. Jordan) are absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Texas (Mr. Tower) is necessarily absent.

The Senator from Colorado (Mr. Dominick) and the Senator from Oregon (Mr. Packwood) are detained on official business.

The result was announced—yeas 50, nays 30, as follows:

[No. 208 Leg.]

YEAS—50

Aiken
Bayh
Beall
Bellmon
Bennett
Boggs
Brooke
Burdick
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston
Dole
Eagleton
Fong
Griffin
Harris
Hatfield
Hollings
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Nelson
Pastore
Pearson
Percy
Proxmire
Ribicoff
Saxbe
Schweiker
Scott
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Weicker

NAYS—30

Allen
Allott
Anderson
Bentsen
Bible
Brock
Byrd, Harry F., Jr.
Byrd, Robert C.
Curtis
Eastland
Ellender
Ervin
Fannin
Fulbright
Gurney
Hansen
Hruska
Jordan, N.C.
Long
Miller
Montoya
Randolph
Roth
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Young

NOT VOTING—20

Baker
Buckley
Church
Dominick
Gambrell
Goldwater
Gravel
Hart
Hartke
Humphrey
Jordan, Idaho
McClellan
McGovern
Moss
Mundt
Muskie
Packwood
Pell
Tower
Williams

So Mr. Kennedy's amendment (No. 1222) was agreed to.

OIL IMPORT CARGO PREFERENCE AMENDMENT

Mr. COTTON. Mr. President, presently pending on the Senate Calendar of Business as order No. 804 is the bill, H.R. 13324. It carries the rather innocuous title in the Calendar of "An act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce."

Mr. President, owing to amendments, and one in particular, made by the Committee on Commerce to H.R. 13324, it is no longer a harmless bill capable of producing no ill effects. The particular committee amendment to which I refer is to be found in section 3 of H.R. 13324. It would have the effect of requiring that at least 50 percent of "crude and unfinished oils and finished products, not including residual fuel oil to be used as fuel and No. 2 fuel oil," imported into the United States on "a quota basis, allocations of licenses" be carried on higher-costing tanker vessels of the United States. As pointed out by my distinguished colleague from Michigan (Mr. Griffin) and myself in separate views in the committee report (No. 841), accompanying H.R. 13324, this amendment is "a blow against the consumers," since it is bound to have an adverse cost impact upon the oil and petro-chemical industries of our country resulting in increased consumer prices for such products throughout the entire Nation.

My colleague (Mr. Griffin) and myself in our separate views therefore concluded in the following manner:

> We also should be mindful of the repeated warnings that any added delay in the construction and operation of bulk power plants—be it for environmental reasons or otherwise—can only give rise to increasing the grave danger of future "black-outs" or "brown-outs". Certainly, anything that might tend to slow up or restrict a needed fuel oil supply for such plants, like this oil cargo preference amendment to H.R. 13324, might very well contribute to worsen our ever-present power crisis.
>
> That such an amendment could emanate from the Committee on Commerce, which long has championed the interest of the average consumer of our nation, is shocking and beyond belief. Certainly, the armor of this "golden knight" of consumer interest will be severely tarnished if this amendment on the importation of oil is allowed to remain in the bill, H.R. 13324.

Now, Mr. President, the committee report on H.R. 13324 goes to considerable length trying to explain and to justify this amendment concerning U.S.-flag carriage of certain oil imports under quota. As a matter of fact, only slightly more than nine pages of the report are devoted to explaining appropriation authorization for maritime programs of almost $556 million. Yet, slightly more than 22 pages of the committee report are devoted to justifying this onerous oil import cargo preference amendment. To quote from the bard of Avon, "The lady doth protest too much, me-thinks."

Mr. President, this oil import cargo preference amendment certainly is a controversial provision. I am aware, for example, that this amendment has generated a considerable number of letters and telegrams to my colleagues in the Senate. And, most conspicuous in my opinion, has been the lack of a clear-cut position on the part of the Department of Commerce in which the Maritime Administration functions and which would be required to administer this oil import cargo preference amendment. As a matter of fact, the lengthy portion of the Commerce Committee report seeking to justify this amendment places, I understand, considerable reliance upon answers of the Maritime Administration when responding to written questions submitted to it by the House Committee on Merchant Marine and Fisheries concerning a similar legislative proposal, H.R. 12324. Accordingly, on June 7, I wrote to the Secretary of Commerce, the Honorable Peter G. Peterson, asking "whether the position of the Department of Commerce is, in fact, in support of this oil import cargo preference amendment." Yesterday, June 12, I received a reply to my inquiry from Secretary of Commerce Peterson, and I shall ask unanimous consent for the full text of my letter to the Secretary and his reply to me to appear at the conclusion of my remarks. Secretary Peterson's letter should help my colleagues in the Senate in evaluating this controversial amendment to H.R. 13324 and in responding to the many communications which they have received concerning it.

Mr. President, the thrust of Secretary of Commerce Peterson's letter is to indicate that the administration is evaluating various initiatives to bring into being and to sustain an appropriate tanker fleet level. The letter also expresses the belief that the 1970 amendments to the Merchant Marine Act provide the basic tools to create a healthy and competitive fleet. The Secretary of Commerce then goes on to conclude in the following manner:

> *The Department and the Administration believe it inappropriate to adopt oil import cargo preference at this time,* and therefore would hope that congressional action on the authorization for Maritime appropriations could be pursued independently. (Emphasis supplied.)

Mr. President, the Secretary of Commerce's characterization of adoption of the oil import cargo preference amendas being "inappropriate" at this time is very accurate. One unfortunate aspect that attaches to this authorization bill is the fact that at a time when the Congress is pressing to conclude necessary business in order to recess for the upcoming Democratic convention, it is most inappropriate to attach such a far-reaching substantive amendment to an authorization bill which is needed if the appropriation process is to move forward in a timely fashion. Throughout this session of the 91st Congress, the distinguished Chairman of the Senate Appropriations Committee, Mr. Ellender, has constantly reminded Members of this body of the necessity for early enactment of needed appropriation authorization measures. As recently as last Wednesday, June 7, the distinguished Senator from Louisiana (Mr. Ellender) reported on the status of appropriation bills, noting that the Appropriations Committee has reported the bill making appropriations for such departments as that of Commerce. And that committee shortly will be reporting the bill for the Department of Transportation, each of which will be held on the Calendar and each of which will contain a general provision stipulating that the funds shall be available only upon enactment of authorizing legislation.

Mr. President, H.R. 13324 does provide for needed appropriation authorizations. It would authorize funds to be appropriated for construction-differential subsidy for needed construction and reconstruction of merchant vessels; the payment of obligations incurred for ship operation subsidies; maritime research and development activities; expenses of our national defense reserve fleet; and maritime training at the Merchant Marine Academy at Kings Point and the several State marine schools. I know of no one, Mr. President, who is opposed to such vital appropriation authorizations. Yet, Mr. President, owing to this most inappropriate committee amendment made to this authorization measure, H.R. 13324, which now needs only final action by the Senate, the appropriations necessary for us to move forward with our national maritime program are being placed in jeopardy.

Mr. President, I understand perfectly that there is a very natural and laudable pressure being exerted by many to get more and more of our commodities shipped in American-flag ships. We have all been in sympathy with that. But it is not so vital in this instance to provide that 50 percent of oil imported shall be in American bottoms, because in the letter I am about to insert in the Record the Department of Commerce indicates the recommendations and the specific legislation it intends to bring up to the Congress, and bring up not later than the coming September 15.

This, I hope, will receive the attention of Senators who will perhaps be impressed by maritime people, maritime workers, and union organizations, who want them to adopt the amendment at this time. Among the measures in the legislation that will be sent up by the Commerce Department will be one that includes a federally funded ship construction program permitting Government leasing of ships to private operators. I am talking about oil tanker ships.

Further construction incentives, such as loan guarantee and interest subsidies.

Retroactive construction subsidies.

Rate subsidies.

Provisions to offset, in whole or in part, tax disadvantages on U.S.-flag operations as compared to foreign operations.

All of this is in the works, to get American-flag oil tankers operating. But instead of waiting for that—and the wait would be very brief—we have this highly controversial amendment attached to an authorization bill. This astounds me. One thing the Committee on Commerce has been identified with for not only this session and not only this Congress, but the last two Congresses, has been the protection of the consumer. If this amendment is adopted, in the haste that we must of necessity follow to get this authorization bill through for maritime appropriations, despite the exceptions involved, it will mean a higher cost for oil throughout this whole country, and particularly in the Northern States, where we have hard winters.

It will mean, for example, another threat and another handicap to our production of power, which may well hasten blackouts or brownouts. From an ecological viewpoint, in my State, for instance, at least one new powerplant is being constructed that will use crude oil for the production of the power, and it will cause the use of No. 2 oil in industrial plants, schools, large apartment houses, and elsewhere. It will mean greater scarcity of oil, and it will mean a higher price to the consumer, which is something that strikes very hard against our people, particularly in my section of New England, but to a certain extent throughout the country and to a very distinct extent in the Northern States, in cold climates.

Therefore, in conclusion, Mr. President, let me say that I strongly supported the Merchant Marine Act of 1970 enacted during the last Congress. I support the appropriation authorizations to move forward with the maritime program set forth in that act. But I cannot in all good conscience to my constituents and to the consumers of this country, support H.R. 13324 so long as section 3, providing as it does for an oil import cargo preference for U.S.-flag vessels, remains in this bill.

Mr. President, I ask unanimous consent to have printed in the Record my letter to Secretary of Commerce Peterson dated June 7, and the reply from the Secretary of Commerce to me dated June 12.

There being no objection, the letters were ordered to be printed in the Record, as follows:

June 7, 1972.

Hon. Peter G. Peterson,
Secretary, Department of Commerce,
Washington, D.C.

Dear Mr. Secretary: As you no doubt are aware, the Senate Committee on Commerce has ordered reported the bill, H.R. 13324, which would authorize appropriations for the fiscal year 1973 for certain maritime programs of your Department. However, in reporting this legislative measure the Committee also made some substantive amendments to the Merchant Marine Act of 1936, as amended. One of those substantive amendments to the 1936 Act would require that at least 50% of all oil imported into the United States on "a quota basis, allocations or licenses", excluding residual fuel oil to be used as fuel and No. 2 fuel oil, be carried on board vessels of the United States. I opposed this oil import cargo preference amendment when it was considered in Executive Session of the Committee, and it is my intention to oppose it vigorously at such time as the bill, H.R. 13324, is considered by the Senate.

In this connection, although the Committee Report accompanying H.R. 13324 has not been filed as of this date, it will be shortly. And, it is my understanding that in justification of this oil import cargo preference amendment considerable reliance will be placed in that report upon the answers of the Maritime Administration when responding to written questions submitted to it by the House Commitee on Merchant Marine and Fisheries concerning the bill, H.R. 12324. These responses were submitted to the House Committee over the signature of Mr. Robert J. Blackwell, Acting Assistant Secretary for Maritime Affairs, and serve to raise a very strong inference that your Department supports such an oil import cargo preference amendment to the Merchant Marine Act of 1936, as amended.

In order that the record may be clear on this point, Mr. Secretary, I wish to know whether the position of the Department of Commerce is, in fact, in support of this oil import cargo preference amendment.

Your early reply to this request, and such additional comments as you may wish to make on this subject, will be appreciated.

With best wishes,
Sincerely,

Norris Cotton,
U.S. Senator.

June 12, 1972.

Hon. Norris Cotton,
U.S. Senate,
Washington, D.C.

Dear Senator Cotton: This is in response to your letter of June 7, 1972, requesting the position of the Department of Commerce with respect to the oil import cargo preference amendment associated with the bill H.R. 13324.

The Departmental position remains as stated in our letter to Chairman Garmatz of the House Committee on Merchant Marine and Fisheries, dated April 28, 1972, and our letter to Chairman Magnuson of the Senate Commerce Committee, dated May 2, 1972. In those letters, this Department reaffirms its support of the goal of developing and maintaining a strong and vigorous U.S. tanker fleet but also states its view that the President's Maritime Program is the more appropriate vehicle for achieving this goal. We believe further information, set forth below, on the steps being taken by the Administration toward such a U.S. tanker fleet goal would be appropriate.

First of all, the Department, in cooperation with the Office of Emergency Preparedness and the Navy Department, is updating the analysis of the nature and size of the U.S. flag tanker fleet necessary to respond to our Nation's requirements. This study includes determination of the fleet necessary to respond to changes which may arise in national security requirements from increases in oil imports as a percentage of the national energy supply, and from any decline in the number of naval auxiliary tankers in operation.

Further, the Administration is evaluating various initiatives to bring into being and sustain an appropriate fleet level. As indicated in our aforementioned letters to the Chairmen, we believe the 1970 amendments to the Merchant Marine Act provide the basic tools to create a healthy and competitive fleet. However, our current analysis includes identification and evaluation of further legislative changes to that Act. We have already concluded that the restrictions on the ownership of foreign assets and on trading flexibility should be removed from the Merchant Marine Act. Moreover, we are also evaluating other initiatives including:

Federally-funded ship construction programs permitting government leasing of ships to private operators.

Further construction incentives such as loan guarantees and interest subsidies.

Retroactive construction subsidies.

Rate subsidies.

Provisions to offset in whole or in part tax disadvantages of U.S. flag operation as compared to foreign operation.

We expect to make our findings and recommendations on these and other possible initiatives available to the interested Committees of both Houses not later than September 15, 1972. This report would also include a comparison of such initiatives with the proposal that commercial oil imports be reserved by law to U.S. flag tankers.

Accordingly, the Department and the Administration believe it inappropriate to adopt oil import cargo preference at this time, and therefore would hope that congressional action on the authorization for Maritime appropriations could be pursued independently.

Sincerely,

PETER G. PETERSON.

FOREIGN ASSISTANCE ACT OF 1972

The Senate continued with the consideration of the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

AMENDMENT NO. 1230

Mr. BENNETT. Mr. President, I send to the desk an amendment, and ask that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 10, lines 5 and 6, insert the following:
>
> (1) In section 23 of chapter 2, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".
>
> On page 10, line 6, strike out "(1)" and insert in lieu thereof "(2)".
>
> On page 10, line 8, strike out "(2)" and insert in lieu thereof "(3)".

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield to the Senator from West Virginia.

ORDERS FOR CONSIDERATION OF THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that at 11 a.m. tomorrow the Chair lay before the Senate the unfinished business. The pending question at that time will be on agreeing to the amendment of the distinguished Senator from Utah (Mr. BENNETT).

I ask unanimous consent that time on that amendment be limited to 30 minutes, to be equally divided between and controlled by the distinguished Senator from Utah (Mr. BENNETT) and the distinguished Senator from Alabama (Mr. SPARKMAN).

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, what about amendments to the amendment?

Mr. ROBERT C. BYRD. And that the time on any amendment to the amendment, debatable motion, or appeal be limited to 10 minutes, to be equally divided between the mover of such and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON BILL TO AMEND THE LEAD-BASED PAINT POISONING PREVENTION ACT, S. 3080

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 3080, a bill to amend the Lead-Based Paint Poisoning Prevention Act, is called up and made the pending business, there be a time limitation thereon of 30 minutes to be equally divided between the Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER); that time on any amendment, debatable motion, or appeal in relation thereto be limited to 30 minutes, to be equally divided between the mover of such and the manager of the bill (Mr. KENNEDY).

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION ON ALLOTT AMENDMENT TO S. 3390

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on an amendment to be proposed by Mr. ALLOTT to the unfinished business, S. 3390, be limited to 1 hour, the time to be equally divided between the distinguished Senator from Colorado (Mr. ALLOTT) and the distinguished manager of the bill (Mr. SPARKMAN), with time on any amendment to the amendment, debatable motion or appeal limited to 20 minutes, to be equally divided between the mover of such and the distinguished Senator from Colorado (Mr. ALLOTT).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Iowa (Mr. HUGHES) tomorrow, there be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection. it is so ordered.

ORDER FOR ADJOURNMENT TO 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10:30 a.m., tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF APPROPRIATION BILLS AND S. 3080 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment by the Senator from Utah (Mr. BENNETT) to S. 3390, the unfinished business tomorrow, the unfinished business then be laid aside temporarily and the Senate proceed to the consideration of H.R. 15093, the bill making appropriations for the Department of Housing and Urban Development; that upon the disposition of H.R. 15093, the Senate proceed to the consideration of H.R. 15259, a bill making appropriations for the District of Columbia; that upon the disposition of H.R. 15259, the Senate proceed to the consideration of S. 3080; and that the unfinished business remain in a temporarily laid-aside status until the disposition of those three bills or the close of business tomorrow, whichever is the earliest.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10:30 a.m. After the two leaders have been recognized under the standing order, the distinguished junior Senator from Iowa (Mr. HUGHES) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with statements limited therein to 3 minutes.

At the hour of 11 a.m., morning business will be closed and the Chair will lay before the Senate the unfinished business, S. 3390. At that time the question will be on agreeing to the amendment by the Senator from Utah (Mr. BENNETT), amendment No. 1230, on which there is a 30-minute limitation.

Upon disposition of the amendment No. 1230 by Mr. BENNETT the Senate will proceed to lay aside temporarily the unfinished business and take up H.R. 15093, the bill making appropriations for the Department of Housing and Urban Development, on which there is a time limitation. Upon the disposition of H.R. 15093, the Senate will proceed to consider H.R. 15259, the bill making appropriations for the District of Columbia. Upon disposition of the District of Columbia appropriations bill the Senate will proceed to consider S. 3080, the Lead-Based Paint Poisoning Prevention Act. Upon disposition of S. 3080, the Senate will return to the consideration of the unfinished business, S. 3390.

There will be rollcall votes tomorrow in connection with the bills making appropriations for HUD and the District of Columbia. There may or may not be a rollcall vote in connection with the Lead-Based Paint Poisoning Prevention Act. Whether or not there is a rollcall vote on the Bennett amendment remains to be seen.

After the Senate returns to the consideration of the unfinished business on tomorrow, if the hour is not too late, it is hoped that Senators who have amendments will be prepared to call them up and that the Senate may continue to make progress on the unfinished business, S. 3390, until the close of business tomorrow.

ADJOURNMENT TO 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. tomorrow.

The motion was agreed to; and at 5:31 p.m. the Senate adjourned until tomorrow, Wednesday, June 14, 1972, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 13, 1972:

U.S. DISTRICT COURTS

William B. Enright, of California, to be a U.S. district judge for the Southern District of California, vice J. Clifford Wallace.

IN THE ARMY

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Alexander, Joe A., [redacted].
Amick, Ralph O., III, [redacted].
Anderson, Roger B., [redacted].
Applewhite, Michael P., [redacted].
Ashe, Michael H., [redacted].
Askins, David K., [redacted].
Barlow, Michael J., [redacted].
Bartley, James B., [redacted].
Batchelor, Ronald E., [redacted].
Beachy, Wilbert H., III, [redacted].
Beattie, Homer J., Jr., [redacted].
Beckett, Jack D., Jr., [redacted].
Berry, Robert T., [redacted].
Bierman, Gary R., [redacted].
Bizon, Joseph K., [redacted].
Bond, David L., [redacted].
Booth, John P., [redacted].
Botello, Benjamin, [redacted].
Bowles, Larry A., [redacted].
Bradford, Robert A., [redacted].
Bragg, William G., [redacted].
Brandt, Duane E., [redacted].
Brannen, Mark A., [redacted].
Braun, Mark E., [redacted].
Breneman, Steven H., [redacted].
Brieden, John A., III, [redacted].
Brieske, Carl W., [redacted].
Broadhurst, Walker C., [redacted].
Brooks, Dale L., [redacted].
Brown, Jerry R., [redacted].
Brueland, Ray G., [redacted].
Caldero, David E., [redacted].
Campbell, Jonathan W., [redacted].
Canavera, Clifford G., [redacted].
Carey, William C., [redacted].
Carlucci, Robert J., [redacted].
Carmona, Waldemar E., [redacted].
Carroll, James W., [redacted].
Cartner, Kent A., [redacted].
Chandler, James H., [redacted].
Channing, Roger J., [redacted].
Chewar, Mike J., [redacted].
Cochran, Anthony L., [redacted].
Coffaro, Jackie I., [redacted].
Collins, Thomas P., [redacted].
Conderman, Paul J., [redacted].
Cooper, Joe K., [redacted].
Cowart, Eric P., [redacted].
Creel, Robert H., [redacted].
Dahl, James L., [redacted].
Danner, Stephen A., [redacted].
Demberger, Richard S., [redacted].
Doan, Micael G., [redacted].
Domas, Ralph E., [redacted].
Duffy, Glenn D., [redacted].
Dungey, Clifford L., [redacted].
Eads, George W., [redacted].
Edmonds, Larry M., [redacted].
Egnew, Thomas R., [redacted].
Eiserman, Frederick A., [redacted].
Esterbrook, Ronald L., [redacted].
Evans, Gene A., [redacted].
Fay, Cornelius R. III, [redacted].
Fedenia, James N., [redacted].
Fidler, Thomas K., [redacted].
Fletcher, John R., [redacted].
Fortunato, Anthony S., [redacted].
Foulks, Charles J., [redacted].
Foust, Daniel G., [redacted].
French, James M., [redacted].
Gafford, Ronald J., [redacted].
Gallion, Charles L., Jr., [redacted].
Gaspard, Camile P., [redacted].
Genanious, Michael G., [redacted].
George, Larry, [redacted].
Gibson, James G., [redacted].
Gordy, Larry D., [redacted].
Goulding, Peter R., [redacted].
Grabicki, Anthony E., [redacted].
Gray, James S., [redacted].
Greiling, George T., [redacted].
Haas, Herbert N., [redacted].
Hailey, Hal P., [redacted].
Hammack, Michael L., [redacted].
Hanke, Brett L., [redacted].
Harmon, Michael C., [redacted].
Harper, Lawrence O., [redacted].
Harvey, Hugh W., [redacted].
Hawkins, Steven R., [redacted].
Heisey, John K., [redacted].
Hendrix, Kenny W., [redacted].
Hertzog, Frank A., [redacted].
Hill, John R., [redacted].
Hoiem, Bruce E., [redacted].
Hooley, Michael L., [redacted].
Hotchko, George J., Jr., [redacted].
Huddleston, Louis D., [redacted].
Huggins, Vernon M., [redacted].
Hunter, Clarence T., [redacted].
Jackson, Vashon C., [redacted].
James, Arthur R., [redacted].
Janak, Larry F., [redacted].
Johnson, David R., [redacted].
Johnson, Earl D., [redacted].
Johnson, Vernon C., [redacted].
Jones, Wesley L., [redacted].
Judkins, Joe R., [redacted].
Juncer, David J., [redacted].
Kenney, Robert F., Jr., [redacted].
Kidd, Wayland G., [redacted].
Kiehl, Wayne P., [redacted].
Kilpatrick, Gary L., [redacted].
Kimball, Alan M., [redacted].
La Fave, Daniel R., [redacted].
Lee, Daniel R., [redacted].
Linebarger, William G., [redacted].
Liska, Michael A., [redacted].
Lopez, Antonio, [redacted].
Lord, Paul A. U., [redacted].
Loveless, William E., [redacted].
Lugo, Jose R., [redacted].
Lydman, Alvin M., [redacted].
Lynch, James K., [redacted].
Magoon, Howard J., Jr., [redacted].
Maldonado, Martin F., [redacted].
Marchiony, Peter A., [redacted].
Martin, Edward T., [redacted].
Martin, John H., [redacted].
Marx, Christopher, G., [redacted].
Matos, Eric E., [redacted].
McCarty, Joseph P., [redacted].
McCauley, Ronald J., [redacted].
McCulloch, Herbert L., [redacted].
McDavid, Gary M., [redacted].
McGuire, Charles L. W., [redacted].
McSweeney, Stephen C., [redacted].
McWhorter, James B., Jr., [redacted].
Michelson, Thomas C., [redacted].
Miller, Daniel E., [redacted].
Miller, Raymond C., Jr., [redacted].
Moore, John T., [redacted].
Morley, George P., [redacted].
Moser, Gary L., [redacted].
Musson, John R., [redacted].
Myers, Charles L., Jr., [redacted].
Neely, Harold M., Jr., [redacted].
Obeirne, Richard C., [redacted].
Paramore, Jerry S., [redacted].
Parsons, James L., [redacted].
Pence, Robert F., Sr., [redacted].
Perrin, Dillard D., Jr., [redacted].
Philipp, Eugene P., Jr., [redacted].
Pico, Jose R., [redacted].
Pinto, Ronald M., [redacted].
Pool, Winston L., [redacted].
Pope, Olie L., Jr., [redacted].
Pratt, James R., [redacted].
Pritchett, Barry M., [redacted].
Raiford, Robert C., [redacted].

Rauer, Michael A., [redacted].
Raymond, John W., Jr., [redacted].
Reeve, Stewart A., [redacted].
Reynolds, Derek J., [redacted].
Ricci, Joseph A., [redacted].
Rickard, Larry P., [redacted].
Rios, Antonio M., III., [redacted].
Ritchie, William D. [redacted].
Rodriguez, Pablo, [redacted].
Rose, Alfred F., [redacted].
Rossi, Robert D., [redacted].
Roush, David L., [redacted].
Sabo, Wayne J., [redacted].
Santiago, Pablo E., [redacted].
Santisi, John S., [redacted].
Savoie, Thomas A., [redacted].
Schaeffer, James L., [redacted].
Schellman, Robert H., Jr., [redacted].
Schlaak, Brian W., [redacted].
Schwerin, Steven L., [redacted].
Schworm, Rondal A. [redacted].
Scott, Glen L., [redacted].
Scott, Rodger L., [redacted].
Seibert, Lee M., [redacted].
Sharkey, Paul D., [redacted].
Shaw, Stephan B., [redacted].
Shire, Bruce E., [redacted].
Siems, Terry L., [redacted].
Slack, Ronald E., [redacted].
Smith, Peter T., [redacted].
Smith, Richard A., [redacted].
Smith, William V., [redacted].
Snyder, Robert J., [redacted].
Snyder, Ronald R., Sr., [redacted].
Speer, Charles W., [redacted].
Speer, William H., [redacted].
Spencer, Sterling R., [redacted].
Springer, Carl D., [redacted].
Stein, Alan L., [redacted].
Stewart, Gayle W., [redacted].
Stewart, William T., [redacted].
Strauss, John C., [redacted].
Stroud, Gary B., [redacted].
Struve, Donald W., [redacted].
Sullivan, Steven T., [redacted].
Switzer, Donald H., [redacted].
Thompson, Michael A., [redacted].
Thrasher, Alan W., [redacted].
Thurman, Marty, [redacted].
Timmons, Mitchell J., [redacted].
Townsend, Larry W. A., [redacted].
Triplett, Charles L., Jr. [redacted].
Tritt, David W., [redacted].
Troutman, Steve A., [redacted].
Tyler, Marion J., [redacted].
Veile, Jon H., [redacted].
Venci, Robert W., [redacted].
Verhaeghe, Gary A., [redacted].
Vesely, Clarence D., [redacted].
Vona, Lonnie D., [redacted].
Von Kamecke, Thomas H., [redacted].
Walker, James L., [redacted].
Waller, Thomas M., [redacted].
Waxmonsky, Gary R., [redacted].
Weaver, Lonnie J., [redacted].
Weber, James W., [redacted].
Weimer, Curt F., [redacted].
Wells, David M., [redacted].
Wheeler, Courtney B., [redacted].
Whitaker, Lowell D., [redacted].
White, David W., [redacted].
White, Paul E., [redacted].
Wierzbicki, Boguslaw J., [redacted].
Wilkerson, Philip P., [redacted].
Williams, Andrew M., [redacted].
Williams, Richrdo J., [redacted].
Williams, Robert W., Jr., [redacted].
Wiltse, Christopher A., [redacted].
Wing, Timothy R., [redacted].
Wisch, Alec J., [redacted].
Young, Julius M., [redacted].
Zagorski, Donald R., [redacted].
Zedonek, Phillip L., [redacted].
Zielinski, James D., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Alverson, Larry L., [redacted].
Barker, William T., [redacted].
Barnhill, Danny R., [redacted].
Bartley, Bruce Q., [redacted].
Blackburn, Thomas, [redacted].
Blackburn, Wilson, [redacted].
Boden, John E., [redacted].
Bowman, Richard M., Jr., [redacted].
Brant, Bruce A., [redacted].
Brauer, Albert G., II, [redacted].
Buchmeier, Robert P., [redacted].
Butler, Stephen E., [redacted].
Caldwell, Samuel R., [redacted].
Carlson, John D., [redacted].
Carmony, Tod J., [redacted].
Carroll, Raoul L., [redacted].
Cary, Miles C., [redacted].
Casey, Patrick W., [redacted].
Clouse, Jeffery W., [redacted].
Cockerill, Charles P., [redacted].
Colon, Rolan, [redacted].
Connell, Richard E., [redacted].
Conrad, Robert W., [redacted].
Courtney, William R., [redacted].
Cox, Jesse W., Jr., [redacted].
Cummings, Edward R., [redacted].
Dipprey, Larry W., [redacted].
Evans, Paul, [redacted].
Finley, Robert L., [redacted].
Fluke, Bryan C., [redacted].
Galloway, Dwight, [redacted].
Gatrell, Cloyd B., [redacted].
Goux, Frederick W., [redacted].
Graham, James W., Jr., [redacted].
Hanson, Mark J., [redacted].
Hardy, Dennis E., [redacted].
Hollis, Harris W., Jr., [redacted].
Howard, Phillip A., [redacted].
Jimenez, Mario, [redacted].
Hoyt, Richard A., [redacted].
Jimenez, Rey E., [redacted].
Jones, Robert E., [redacted].
Kerivan, Richard P., [redacted].
Kuchenbrod, William G., Jr., [redacted].
Luxmore, Leslie L., [redacted].
Martinez, Eduardo, [redacted].
McFarland, Lester E., Jr., [redacted].
McKiernan, David D., [redacted].
Might, Thomas O., [redacted].
Moore, Jack, Jr., [redacted].
Morgan, Franklyn C., [redacted].
Morgan, Philip S., Jr., [redacted].
Medler, Robert W., [redacted].
Newbanks, Lloyd L., [redacted].
Norberg, Joseph M., [redacted].
Peltier, Pierre D., Jr., [redacted].
Phillips, Gary S., [redacted].
Pierce, William L., Jr., [redacted].
Ramirez, Hector, Jr., [redacted].
Ramirez, Manuel F., [redacted].
Ridenour, Robert V., Jr., [redacted].
Roel, Eddie, M., Jr., [redacted].
Schieke, Norman P., [redacted].
Shreiner, Craig G., [redacted].
Simons, Kenneth A., [redacted].
Sparenga, James E., [redacted].
Swanner, Stephen O., [redacted].
Tatman, David A., [redacted].
Tillman, Richard E., [redacted].
Transom, George E., III, [redacted].
Villarreal, Jesse, [redacted].
Wanat, Frank B., [redacted].
Wayt, Timothy P., [redacted].
Wells, James R., [redacted].
Whitehead, Myron E., [redacted].

IN THE NAVY

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

John H. Blake, Jr.
Lewis G. Frasch.

Stanley W. Mathis (Navy enlisted scientific education program candidate) to be a permanent ensign in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Lowell F. Swartz (Navy enlisted scientific education program candidate) to be a permanent lieutenant (junior grade) in the Line or Staff Corps of the Navy, in lieu of ensign as previously nominated and confirmed to correct grade.

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

John R. Haserick
Theodore Starkey
Henry L. Vruwink
Mark A. Weiskopf

Roy F. Carlson (civilian college graduate) to be permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification as provided by law:

John C. Clark
Leroy D. Coleman
Dean L. Cook
Leo V. Crowley, Jr.
Leonard G. Cuscianna
William J. Hayhurst
William G. Henderickson
Harold L. Jones
David M. Malin
Edmund E. Mullins
Stephen S. Perry
Neal A. Schai
Tom H. Shelly

George M. Jervey (Naval officer) to be a permanent lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

William E. Clayton, Jr.
John W. Poundstone.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Alan R. Alexander
John G. Aronen
Gary R. Gibbons
Jon J. Hanlon
Loren G. Larsen
Steven E. Liston
Donald F. Lynch, Jr.
Cecily D. G. Ross
John R. Stoianoff

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Edward C. Clark
Lorenzo T. McCarthy
Marshall K. Steele III

Frederick A. Cravens (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Walter D. Craver (civilian college graduate) to be a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following-named (civilian college graduates) to be permanent commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law:

Frederick L. Benoit
Reinhardt Bodenbender

Gino A. Curreri (civilian college graduate) to be a permanent commander and a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following-named (U.S. Navy officers) to be temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

Romaine L. Bendixen
George E. Griffin III
David N. Holt
Albert C. Price
Sam J. W. Romeo

Thomas B. Lebherz, U.S. Navy (retired) to be reappointed from the temporary disability retired list as a permanent captain in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

HM1 Judith A. Benny, USN to be a permanent ensign in the Medical Service Corps (Health Care Administration) of the Navy, subject to the qualification therefor as provided by law:

The following-named enlisted candidates to be ensigns in the Medical Service Corps (Health Care Administration) for temporary service, subject to the qualification therefor as provided by law:

Gibson, George
Jones, Robert G.
Ward, Ernest D.
Cunningham, David W.
Harmon, Layton O.
Jones, Rudolph
Pate, George
Hargett, David A.
Dillard, James B., Jr.
Morris, Donald L.
Radmore, Kenneth J., Jr.
Peterson, John C.
Crank, Harold L.
Peters, Vernon M.
Farnham, Willard H.
Day, Charles S.
Lockhart, Ralph A.
Caton, Gene A.
Kunerth, Marshall G.
Brickeen, Jerry W.
Murphree, Garry W.
Brent, William H.
Briere, Gerald P.
Gervais, David R.
Smedley, Fulton J.
Tyson, Gary D.
Heltsley, John R.
Brown, Harold T., Jr.
Wheeler, David L.
Finn, Robert F.
Olson, Peter K.
Simas, Amance R.
Langston, Carl C.
Hazzard, Charles A.
Webb, John R., Jr.
Mohler, Dennis L.
Olson, Steven D.
Pierce, Charles R.
Eichelberg, Wallace R.
Cox, Tommy W.
Nunn, Thomas D., Jr.
Norris, Henry H., Jr.
Ghent, Ernest R.
Berube, Richard P.
Meskill, Gerard V.
Ruby, Perry M., Jr.
Ansley, Bobby G.
Willems, John P.
McGann, Dennis M.
Wright, Laban J.
Glans, Dale C., Jr.
Eyre, Jay M.
Kulcsar, Theron A.
Duncan, Carl F.
Ejling, Stephen R.
Brooks, David D.
Brocker, Fred L.
Haslam, Garth S.
Wilder, Thomas W.
Spencer, Charles A.
Soliday, James E.
McClerklin, Aaron
Jose, Lynn T.
Wolfe, Theodore E., III
Vaughn, Charles D.
Diamond, David
Parrish, Gerald E.
Fox, Francis R.
Littlejohn, Harold
Brodsky, Stephen M.
Moran, William J.
Brunelle, David M.
Glowacki, David A.
Bennett, Alan H.
Caldwell, Craig R.
Todd, Hamilton S., Jr.
Epps, Kenneth L.
Goodloe, Murriel E.
Rosciam, Charles J.
Randle, Kenneth R.
Miller, Stanley C.
Garrett, James M.
Newton, Gary
Hall, James R.
Edgmon, Bobby R.
Elmers, Orin K.
Anderson, Jerry T.
McGinn, Charles F.
Mitts, Estill D., Jr.
McCoy, Wendell T.
Davis, Joe E.
Brown, William G.
Rose, Donald C.
Perry, John M.
Johnson, Ronald A.
Fudge, Gerald D.

Thomas J. Harries (Naval enlisted scientific educational program candidate), to be a permanent ensign in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Jeffrey B. Hagen (Naval Reserve officer), to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Harvey L. P. Resnick (civilian college graduate) to be a permanent commander and a temporary captain in the Medical Corps in the reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

CWO Robert J. Schoonover, USN, to be a lieutenant (junior grade) in the Navy with limited duty, for temporary service in the classification (photography) and as a permanent warrant officer and/or permanent and temporary warrant officer, subject to the qualification therefor as provided by law.

DIPLOMATIC AND FOREIGN SERVICE

Miss Jean M. Wilkowski, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

U.S. DISTRICT COURTS

Marshall A. Neill, of Washington, to be a U.S. district judge for the eastern district of Washington, vice Charles L. Powell, retired.

HOUSE OF REPRESENTATIVES—*Tuesday, June 13, 1972*

The House met at 12 o'clock noon.

Rev. John Brennan O.S.F.S., Father Judge High School, Philadelphia, Pa., offered the following prayer:

Therefore I tell you, whatever you ask in prayer, believe that you receive it, and you will.—Mark 11:24.

God our Father, grant us a sense of Your presence as we stand before You in this moment of morning prayer.

Bless, we pray, our President and governmental leaders all over this land. Bless these men and women of the House of Representatives who bear the honor and responsibility of public trust.

Inspire them to create Your kingdom of justice on this earth, in which each man renders justice to his fellow man, each citizen to his government, and government to each citizen. Grant them the practical wisdom to resolve the difficult issues related to the education of all Your children.

Through their efforts, may this great Republic become evermore truly one nation, under You, our God, with liberty and justice for all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9580) entitled "An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 82. Concurrent resolution to express the sense of the Congress that the U.S. Government urge the establishment of a United Nations Voluntary Fund for the Environment to which the United States would contribute its fair share.

TRIBUTE TO REVEREND JOHN BRENNAN, O.S.F.S.

Mr. EILBERG. Mr. Speaker, I would like to thank Father Brennan for his most inspirational prayer. At the same time I want to point out that I invited Father Brennan to deliver the invocation today, because he is a most articulate spokesman for the movement to get Government aid for the private school systems of this country, particularly those in the great cities.

These schools provide an education for thousands of children who would otherwise place an additional burden on public school systems which are already failing.

Father Brennan is a teacher at Father Judge High School, which is a Roman Catholic high school in my district, which takes in all of northeast Philadelphia. He is also president of the Council of Religious Teachers which represents many of the nuns, priests, and brothers who teach in the Philadelphia archdiocesan school system.

Because of his experience as a teacher and the time he has spent studying the system during his term as president of the council, Father Brennan knows the problems and the needs of the big city private school system.

He knows that they must have massive Federal aid if they are to survive and if they are going to continue providing children with an excellent education.

SUPPORT FOR THE PRESIDENT

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, I am happy to call to the attention of the House the action of the House Foreign Affairs Committee this morning in reporting out a resolution which it was my privilege to offer in committee in support of the President's position in Indochina.

I should particularly like to express my appreciation for the statesmanship displayed by Members on the other side, who stood on this critical issue in support of our President. This was in keeping with our committee's historic record of bipartisanship in matters of high national priority. I believe it was a blow for peace in Indochina and a blow for peace in our time.

WHERE IS THE REVENUE TO SHARE?

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as we get ready to consider the so-called revenue sharing bill, I would like to ask—Where is the revenue to share?

As of June 8, the public debt subject to limit stood at $429,244,508,343.74—which is $30,074,502,107.90 greater than it was just a year ago on that date.

THE CIVILIAN CONSERVATION CORPS UPDATED

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, today I am introducing two bills to establish two National Environmental Services Corps. The first bill, H.R. 15467, would establish a corps to give unemployed young men and women an opportunity to work as conservation managers and reforesters on public lands and Indian reservations. This bill is identical to S. 1595 introduced in the Senate by Senator HENRY JACKSON.

The second bill, H.R. 15468, of which I am the author, would establish a similar conservation corps for young men and women who are drug addicts. This Corps would be available as an alternative to prison to persons who have been convicted in Federal and State courts of drug possession and who the courts believe would benefit from work and rehabilitative treatment in such a corps. Time spent in this National Environment Services Corps would be credited against an offender's sentence. The bill requires that in establishing this Corps, the Attorney General and Secretary of Health, Education, and Welfare must provide treatment programs that will enhance the rehabilitation of Corps members and enable them to obtain permanent private or public employment upon leaving the Corps. H.R. 15468 also permits a drug addict to voluntarily seek admission to the Corps.

The National Services Corps for unemployed youths would accommodate up to 200,000 young men and women depending on the rates of unemployment in the country. The second bill, establishing the Corps for drug addicts, gives a flat authorization for 200,000 members.

Effectively, both of these bills create civilian corps comparable to the Civilian Conservation Corps established in the early years of the Franklin D. Roosevelt administration. The CCC permitted young men who could not find work in the cities during the depression to work for the Government in the forests and underdeveloped areas of our country. This was an uplifting experience for many in a very hard time—and a lasting contribution was made to the growth of our country.

Today, there is a backlog of work which must be done if the quality of our Nation's forests, parks, recreation areas, public lands, and Indian reservations are to be maintained and improved. At the same time we are going through a period of high unemployment when many skills that could be used for these purposes are not being utilized. Let us put these talents back to work and get on with the job of restoring our environment.

APPOINTMENT OF CONFEREES ON H.R. 13188, COAST GUARD AUTHORIZATION

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the annual active duty personnel strength for the Coast Guard, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon

The SPEAKER. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and appoints the following conferees: Messrs. GARMATZ, CLARK, LENNON, PELLY, and KEITH.

ATROCITIES OF NORTH VIETNAMESE SELDOM PUBLISHED

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, some segments of the electronic and other media have made a great point in the past of magnifying errors on the part of the United States in our involvement in North Vietnam. It is rather remarkable to me, however, that the thousands of atrocities committed by the North Vietnamese are seldom remarked upon.

It would seem that everyone is so anxious to get out of Vietnam that people have gotten mesmerized by the importance of fixing an arbitrary date. These same people for the most part show little or no concern for the blood bath that will follow if the North Vietnamese overrun South Vietnam.

When the city of Hue was retaken from the North Vietnamese after the 1968 Tet offensive, thousands of bodies were found in mass graves with their hands tied behind them. They had been systematically slaughtered and dropped in open pit graves and covered up. This is not at all unusual for the North Vietnamese. Another example of their callousness was on the wire services today. It reads as follows:

> **SAIGON.—Communist troops opened fire today on a ragged column of 1,000 refugees fleeing the provincial capital of An Loc and killed 12 civilians and wounded 30, field reports said.**
>
> **Newsmen who reached the scene shortly after the attack said the communists fired a barrage of mortars onto Highway 13 while the refugees were trying to flee from An Loc, 60 miles north of Saigon.**
>
> **A government relief force broke through to An Loc Monday and refugees who had been living there during the siege began streaming southward. They had escaped death by living in underground shelters while thousands of rounds of shells crashed overhead.**
>
> **The reports said the refugees—mainly old men, women and children—ran down the highway as the mortars screamed into them and the chunks of shrapnel flew through the air.**
>
> **One old woman, shrapnel cuts across her body, died in the arms of her young granddaughter, the reports said. They said a young boy, hit by shrapnel in his head, was cradled in the arms of his parents while the South Vietnamese medic tried to stop the bleeding.**

Mr. Speaker, this, once again, emphasizes the attitude of the North Vietnamese toward the South Vietnamese, their callousness and vindictiveness, and I would hope that the media in this country would report this incident with the same prominence as they have pointed out American mistakes in the past.

APPOINTMENT OF CONFEREES ON S. 979, HIGH-SPEED GROUND TRANSPORTATION

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 979) to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, MURPHY of New York, DEVINE, and HARVEY.

APPOINTMENT OF CONFEREES ON H.R. 5065, TO AMEND THE NATURAL GAS PIPELINE SAFETY ACT OF 1968

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MACDONALD of Massachusetts, VAN DEERLIN, SPRINGER, and KEITH.

CONFERENCE REPORT ON H.R. 11417, AMENDMENTS TO THE RAIL PASSENGER SERVICE ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill

(H.R. 11417) to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 6, 1972.)

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. STAGGERS. Mr. Speaker, we met with the Senate conferees just prior to the Memorial Day recess. Considering the numerous differences in substantive provisions between the House and Senate versions, we were fortunate to resolve the differences in one session, and I might say that we resolved them largely in line with the House version. I have a summary of the conference which I will include with these remarks. There were some 18 issues in the conference, and I will not undertake to recite them all. I will mention briefly the money differences:

Federal grants: House, $170 million; Senate, $270 million; and conference agreed to $225 million.

Senate authorized additional $15 million for experimental services. This was dropped.

Guarantee of loans:

House did not add any loan guarantees above the $100 million authorized in 1970.

Senate added $150 million to the original $100 million.

Conferees agreed on $50 million for 1973 and $50 million thereafter.

Urban corridor improvements:

House added no provision.

Senate authorized $50 million in direct loans.

House conferees prevailed.

All of these issues are covered in more detail in the conference report—House Report 92–1111.

I believe that we were successful in carrying out the intent of the House, and we will continue to watch closely the performance of Amtrak which will have to return to the committee again before July 1 of next year.

I urge adoption of the report.

Amendments to the Rail Passenger Service Act—Amtrak Conference Report—H.R. 11417

SUMMARY OF CONFERENCE

Salary limitation

House—$60,000 per year, unless larger salaries be derived from net profits.

Senate—$60,000 per year.

Conferees agreed on House version.

AMTRAK operations

No House provision.

Senate would require AMTRAK to operate service insofar as practicable.

Conferees agreed on Senate language.

Mail and express

House required AMTRAK to take steps to increase revenues from mail and express.

Senate provided for a study and report on the potential of mail and express.

Conferees agreed on the House version.

Free or reduced rate transportation for attendants for the blind

House authorized AMTRAK to provide free or reduced rate transportation to attendants for the blind.

No Senate provision.

Conferees agreed on the House version.

Government travel

House required Federal agencies to treat travel by train on the same basis as other modes.

No Senate provision.

Conferees agreed on the House version.

Freedom of information

House had no provision.

Senate provision subjected AMTRAK to Freedom of Information Act.

Conferees agreed on the Senate provision.

Reports

House required monthly reports with respect to revenues and expenses, etc. House also altered certain reporting dates and provided for a joint report by the Secretary and the Interstate Commerce Commission.

Senate likewise would require monthly report, but would not change report dates nor provide for the joint report.

Conferees agreed on the House version.

Amtrak's use of track and facilities

House had no provision.

Senate required the ICC to fix reasonable terms for the use of tracks and facilities.

Conferees agreed on the Senate language.

Emergency operations

House authorized ICC to require railroads to make tracks and facilities available to meet emergencies.

No Senate provision.

Conferees agreed on the House version.

Experimental services

No House provision.

Senate authorized experimental or expanded services.

Conferees agreed on the Senate language.

Labor protection

House had no provision.

The Senate added clarification to assure protection of employees transferred from railroads to Amtrak.

Conferees agreed on the Senate language.

Pass privileges

House added language to require Amtrak to assure to the maximum extent practicable that free or reduced rate transportation would be afforded to railroad employees (including retirees).

Senate version contains similar protection for such employees.

Conferees agreed on the Senate version.

Federal grants

House authorized $170 million.

Senate $270 million. Senate also authorized $15 million for experimental service. Each body authorized $2 million for international routes.

Conferees agreed on $225 million authorization and did not add the $15 million for experimental service.

Guarantee of loans

House did not add any amounts to the loan guarantee of $100 million authorized in 1970.

Senate increased the guarantee loan by $150 million.

Conferees agreed on a $50 million increase in 1973, and $50 million thereafter.

General Accounting Office audit

House provided for GAO audit of financial transactions of *any* railroad with which Amtrak has a contract.

Senate had similar but more limited language.

Conferees agreed on the Senate version.

Report by the Secretary of Transportation

House language required a comprehensive report by March 15, 1973, on the effectiveness of the Rail Passenger Service Act, and the effectiveness of Amtrak under that Act.

No Senate provision.

Conferees agreed on the House version.

Urban corridor improvements

No House provision.

Senate authorized $50 million for the purpose of making direct loans to AMTRAK for the development, improvement and construction of rights-of-way, terminals and vehicles for use within urban corridors.

Conferees agreed to omit the Senate provision.

Effective date

No House provision.

Senate provides amendments to existing law be effective upon enactment.

Conferees adopted the Senate language.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I shall be happy to yield to the distinguished gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, I agree with the comments of my chairman.

I think the House prevailed primarily in its position with the conferees.

The only thing I would point out that perhaps, it is a little different in the way it was handled in the other body. Some of the conferees talk as if this authorization for appropriations brought a permanent basis to Amtrak as a permanent organization.

However, I think we should all recognize the fact that this is a tentative stage. This only provides funding for an additional fiscal year, and the House Committee on Appropriations has already provided in the supplemental appropriation bill the sum of $170 million.

So, Mr. Speaker, the provision providing for $55 million over the House position is really meaningless.

Mr. Speaker, I think the chairman should be commended for bringing this conference report to the House in the manner in which he has presented it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. As I understand it there is involved $350 million, $150 million before July 1, 1973, and not to exceed $200 million after June 30 of 1973; is that correct? I am looking at page 6 of the conference report.

Mr. STAGGERS. I do not quite understand what the gentleman is drivng at. Is the gentleman referring to the loan program?

Mr. GROSS. These are the loan guarantees.

Mr. STAGGERS. We had written $100 million in the original bill, but they could not use but $45 million. The other body had an additional $150 million in this item but we were able to hold it to $50 million between now and July 1973, and another $50 million thereafter. However, in 1973 we will have this matter up again for consideration in order to determine what should be done in the future.

Mr. GROSS. For fiscal year 1971, there is authorized to be appropriated $40 million?

Mr. STAGGERS. That is for grants.

Mr. GROSS. That is for grants?

Mr. STAGGERS. Now, in the bill that we have just passed we had an additional $170 million.

The Senate had $270 million in there and we reduced it to $225 million.

Mr. GROSS. $225 million in perpetuity, in grants?

Mr. STAGGERS. No, sir, this is until next year.

Mr. GROSS. Until when?

Mr. STAGGERS. Until the end of the next fiscal year.

Mr. GROSS. Until the end of the 1973 fiscal year?

Mr. STAGGERS. That is right.

Mr. GROSS. I thank the gentleman, but that is still too rich for my blood and I am opposed to the conference report.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. BOLAND. I understand that the conferees added $55 million to the $170 million authorization passed by the House and it was a compromise from the $270 million passed by the Senate.

My question is directed to the amendment offered on the floor of the Senate by the junior Senator from Massachusetts with respect to experimental rail services outside of the basic system.

This amendment was offered when there was an indication that factors such as population growth, economic need, difficulties in alternative modes of transportation, et cetera, appear to make such service justified in specific areas.

There are a number of areas in the United States that are not under the basic system, but Amtrak has permitted some lines and some routes within the system to be operated provided the State picks up, I think, two-thirds of the cost of the deficit.

My question here is whether or not the $15 million that was provided for—and I know that $15 million was not provided by the conferees—but my question is whether or not in addition to the $55 million that was provided by the conferees whether or not the Amtrak officials can use any part of that addition to provide for experimental or demonstration services outside of the basic system.

Mr. STAGGERS. Yes; they can.

Mr. BOLAND. Mr. Speaker, will the gentleman yield further?

Mr. STAGGERS. I yield to the gentleman.

Mr. BOLAND. I appreciate the gentleman yielding.

Mr. Speaker, this is a very important problem in my particular area. The Amtrak operation is from Boston to New York with only one train a day and at an inconvenient time for those who reside in this area.

And it is the hope of those in this area that there would be some provision to provide for more than one train that it be increased from one to three trains a day.

Again my suggestion is, and I am pleased with the answer by the distinguished chairman of the Committee on Interstate and Foreign Commerce—my suggestion now is that Amtrak use more of the moneys that have been provided for by the conferees to expand the inland route in Massachusetts and I would hope that this legislation would enable them to do just that.

Mr. STAGGERS. I thank the gentleman from Massachusetts.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR GOVERNMENT PROCUREMENT SUBCOMMITTEE OF SELECT COMMITTEE ON SMALL BUSINESS TO SIT TODAY

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the Government Procurement Subcommittee of the Select Committee on Small Business be permitted to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

TREATY ON THE LIMITATION OF ANTIBALLISTIC MISSILE SYSTEMS—COMMUNCATION FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–311)

The SPEAKER laid before the House the following communication from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

THE WHITE HOUSE,
Washington, June 13, 1972.

Hon. CARL B. ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I transmit herewith copies of the Treaty on the Limitation of Anti-Ballistic Missile Systems and the Interim Agreement on Certain Measures with respect to the Limitation of Strategic Offensive Arms signed in Moscow on May 26, 1972. Copies of these agreements are also being forwarded to the President of the Senate. I am asking the Senate's advice and consent to ratification of the Treaty, and an expression of support from both Houses of the Congress for the Interim Agreement on Strategic Offensive Arms.

These agreements, the product of a major effort of this administration, are a significant step into a new era of mutually agreed restraint and arms limitation between the two principal nuclear powers.

The provisions of the agreements are explained in detail in the Report of the Secretary of State, which I attach. Their main effect is this: the ABM Treaty limits the deployment of anti-ballistic missile systems to two designated areas, and at a low level. The Interim Agreement limits the overall level of strategic offensive missile forces. Together the two agreements provide for a more stable strategic balance in the next several years than would be possible if strategic arms competition continued unchecked. This benefits not only the United States and the Soviet Union, but all the nations of the world.

The agreements are an important first step in checking the arms race, but only a first step; they do not close off all avenues of strategic competition. Just as the maintenance of a strong strategic posture was an essential element in the success of these negotiations, it is now equally essential that we carry forward a sound strategic modernization program to maintain our security and to ensure that more permanent and comprehensive arms limitation agreements can be reached.

The defense capabilities of the United States are second to none in the world today. I am determined that they shall remain so. The terms of the ABM Treaty and Interim Agreement will permit the United States to take the steps we deem necessary to maintain a strategic posture which protects our vital interests and guarantees our continued security.

Besides enhancing our national security, these agreements open the opportunity for a new and more constructive U.S.-Soviet relationship, characterized by negotiated settlement of differences, rather than by the hostility and confrontation of decades past.

These accords offer tangible evidence that mankind need not live forever in the dark shadow of nuclear war. They provide renewed hope that men and nations working together can succeed in building a lasting peace.

Because these agreements effectively serve one of this Nation's most cherished purposes—a more secure and peaceful world in which America's security is fully protected—I strongly recommend that the House of Representatives support The Interim Agreement on Strategic Offensive Arms, and that its deliberations be conducted without delay.

Sincerely,

RICHARD NIXON.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973

Mrs. HANSEN of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that the general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. McDADE) and myself.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentlewoman from Washington.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15418, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentlewoman from Washington (Mrs. HANSEN) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. McDADE) will be recognized for 1 hour.

The Chair recognizes the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, I yield myself such time as I may consume. I ask unanimous consent to revise and extend my remarks.

Mr. Chairman, today, again, I bring you the appropriations bill for the Department of the Interior and related agencies.

Prior to presenting the details of this bill, I would like to express my deepest appreciation to all the members of the subcommittee who have so faithfully participated in our committee activities. I particularly appreciate the opportunity of working with members from so many areas of this Nation who bring to us a wealth of knowledge from their own fields and localities. Congressman OBEY, Congressman YATES, and Congressman GALIFIANAKIS all come from diverse areas, and their work has been exceptional.

It has also been a great pleasure and privilege to work with our ranking minority member, Congressman JOSEPH McDADE, of Pennsylvania. We have worked together on the committee for several years and his dedication and effort to understand, know, and solve our complex problems are outstanding. His unfailing courtesy is deeply appreciated.

With him is my very distinguished colleague and neighbor, Congressman WENDELL WYATT of Oregon. It is a joy to serve with him as it is with the very distinguished Congressman from California (Mr. DEL CLAWSON). To each and every one of these colleagues, again I express my appreciation. We may not always agree, but from our disagreements comes a better understanding of our great common denominator—America.

I would also like to express my appreciation to the very distinguished gentleman from Texas, the chairman of the full committee, who has been most cooperative, courteous, and helpful.

And, for probably the last time in the presentation of this bill, our beloved ranking minority member, the very distinguished gentleman from Ohio (Mr. Bow) is with us. I take particular pleasure in saluting him for his helpfulness. We do not always agree, but Mr. Bow is one of the great gentlemen I know and one of the most thoughtful and courteous Members I have ever worked with in public office. We shall miss you very much, Congressman Bow, and I particularly shall miss you in the many programs in which you have interested yourself and been of such assistance.

I also want to take this opportunity to thank the hard-working and excellent staff of our Appropriations Subcommittee, George Evans and Byron Nielson, and Mr. Paul Wilson of the full committee.

I would also like to thank and express my appreciation to each Member of the House who took the time and effort to appear at hearings before our subcommittee, who has talked with me and other Members of the committee relative to funding of items in this bill and the importance and impact of what that funding means to our total national environment, economy, land management, and human progress. I am only sorry that each request could not have been granted.

The committee does recommend to each and every Member of the House that he or she read our five volumes of hearings. Within these you will find detailed budgetary analyses and innumerable facts relative to the operation of the 27 departments and agencies which are funded here today. These hearings may help you to explain to many of your constituents exactly what problems our Government faces and some of the solutions through the budgetary system. Within these volumes you will find numerous detailed contracts relative to management of pertinent activities, some in extremely controversial areas.

Now as I present this bill, I will try to give you a short summary, as in other years, of where we have been, where we are, what we are trying to achieve through the funded activities and indeed perhaps enable you to have a compacted glimpse of that part of America owned by its people for the benefit of its people.

We do not spend the most but our significance is in the immensity of the land we serve and the people. The boundaries of this committee run from Micronesia to Maine, from Alaska to Florida. In the words of the folk song, it is truly a bill for "your land and my land." In this bill are management funds for the preservation and orderly development of our national resources, not in the sums that we wish but within budgetary constraints, for the enjoyment of recreation in the far-flung areas of our domain, for pollution abatement, the welfare and education of approximately 500,000 American Indians in the reservation world and 222,000 inhabitants of the Trust Territory of the Pacific Islands, Guam, and American Samoa.

There are programs here for the people in the cities through the arts and humanities, summer in the parks, urban Indians, urban Indian health, and there is a sizable proportion of this bill devoted to education. When you fish in some remote stream it may be well to remember that probably the fish which are in the stream came from one of the hatcheries funded here today. As you share the beauty and pleasure of a national park, or a national forest, or a bit of the desert, remember that these are funded in this bill today.

And, before we consider the details of this bill, I would like to point out one thing. Unlike most appropriations bills in this House where one can be a specialist and confine one's thoughts to a region or a piece of relevant knowledge, this bill requires great tolerance, the great breadth of understanding, and the least amount of regionalism. Many people are interested in the arts or the humanities. Others may have no use for either of these, but instead prefer to concentrate on parks, sport fish, or migratory fowl.

No member of our subcommittee could afford the luxury of such a narrow viewpoint. We had to take this great American Continent of ours with all its variety and diversity into consideration. We were not legislating for Illinois, or Washington, or Florida; we are appropriating for the United States, us, our America, and our interests abroad. Our land is wide and our people are divergent, and this may probably be the best definition of America there is—a dream and a country built of a multiplicity of strands.

The bill reflects to some degree the best of each of us and the understanding we try to give to build this Nation. There are many who cannot understand why anybody would spend an hour in an art gallery; there are many who cannot understand why you would stand on the bank of a fishing stream; and there are many who wonder why we bother with amusement, but that has been the great task of this subcommittee—to understand, to know, and to love each segment of the lives reflected here. People, programs, land, energy—you name it, it is here, and it is America.

A summary of the bill is as follows:

SUMMARY OF BILL

Item	Budget estimates, fiscal year 1973	Recommended in bill	Comparison
Title I, Department of the Interior: New budget (obligational) authority	$1,732,112,000	$1,726,716,500	−$5,395,500
Title II, Related Agencies: New budget (obligational) authority	$788,228,000	$802,841,700	+$14,613,700
Grand total, new budget (obligational) authority	2,520,340,000	2,529,558,200	+9,218,200

TOTAL APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

In addition to the amounts in the accompanying bill, which are reflected in the table above, permanent legislation authorizes the continuation of certain Government activities without consideration by the Congress during the annual appropriations process.

Details of these activities are listed in appropriate tables appearing at the end of this report. In fiscal year 1972 these activities are estimated to total $700,108,780. The estimate for fiscal year 1973 is $473,245,500.

The following table reflects the total budget—obligational—authority contained both in this bill and in permanent appropriations for fiscal years 1972 and 1973:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES TOTAL BUDGET AUTHORITY FOR FISCAL YEARS 1972-73

	Fiscal year 1972	Fiscal year 1973	Change
Interior and related agencies appropri atons bill	$2,432,825,035	$2,529,558,200	+$96,733,165
Permanent appropriations	565,010,128	359,623,500	−205,386,628
Trust funds	135,098,652	113,622,000	−21,476,652
Total, budget authority	3,132,933,815	3,002,803,700	−130,130,115

REVENUE GENERATED BY AGENCIES IN BILL

The following tabulation indicates total appropriations to date for fiscal years 1971 and 1972, and the amount recommended in the bill for fiscal year 1973. It compares receipts generated by activities in this bill on an actual basis for fiscal year 1971 and on an estimated basis for fiscal years 1972 and 1973.

Item	Fiscal year 1971	Fiscal year 1972	Fiscal year 1973
Appropriations	$2,031,010,973	$2,432,825,035	$2,529,558,200
RECEIPTS			
Department of the Interior	1,459,498,977	744,459,248	[1] 4,024,951,515
Forest Service	236,189,049	352,605,000	373,780,000
Total	1,695,688,026	1,097,064,248	4,398,731,515

[1] Includes the following increases in Outer Continental Shelf receipts: bonus sales, $1,977,000,000; royalties $100,000,000, and release of escrow funds as a result of the Supreme Court's December 20, 1971, order $1,150,000,000, for a total increase in fiscal year 1973 of $3,227,000,000.

SUMMARY OF INCREASES AND DECREASES

Following is a summary by activity of the major increases and decreases in new obligational authority for the 1973 fiscal year, compared to fiscal year 1972:

Major increases:	
Education and welfare services and other assistance to American Indians	+$110,636,500
Smithsonian Institution and related activities	+51,254,000
Conservation and development of natural resources	+25,396,365
Conservation and development of mineral resources, including health and safety	+22,131,000
Arts and humanities	+20,428,000
Geologic surveys, investigations, and research	+18,950,000
Coal research	+11,680,000
Office of the Secretary and Solicitor, Interior	+5,073,000
Water resources research	+2,054,000
Fish and wildlife and parks	+1,003,500
Administration of territories	+696,000
Joint Federal-State land use planning commission for Alaska	+583,800
Subtotal, major increases	+269,886,165
Major decreases:	
Land and water conservation fund	−61,500,000
Forest fire conrtol	−61,280,000
Helium fund	−$45,300,000
Micronesian claims fund	−5,000,000
Subtotal, major decreases	−173,080,000
Other increases and decreases (net)	−73,000
Net total increase over fiscal year 1972	+96,733,165

EFFECT OF COMMITTEE ACTION ON PROJECTED BUDGET EXPENDITURES (OUTLAYS) IN FISCAL YEAR 1973

The budget estimates for bureaus and agencies funded in this bill projected new obligational authority of $2,520,340,000, and total expenditures of $2,530,047,000.

The committee has recommended total new budget—obligational—authority of $2,529,558,200, an increase of $9,218,200 over the budget estimate. Concurrent with its recommendation of an increase in new budget—obligational—authority, the committee has also recommended a reduction of $14,456,000 in appropriations to liquidate contract authority.

The net effect of committee action on expenditures for bureaus and agencies funded in this bill for fiscal year 1973 will be a reduction of $7,100,000.

EXTENT OF ACTIVITIES FUNDED IN BILL

There follows a listing of selected items which indicate the extent of activities funded in this bill:

Management of public lands (acres):	
Bureau of Land Management	451,043,353
U.S. Forest Service	186,912,210
Bureau of Indian Affairs	55,770,275
Bureau of Sport Fisheries and Wildlife	30,874,705
National Park Service	28,731,229
Total acres	753,331,772

	Current inventory	1973 construction
Road construction (miles):		
Bureau of Land Management	44,893	261
Bureau of Indian Affairs	21,664	758
National Park Service	10,066	44
Bureau of Sport Fisheries and Wildlife	6,022	
U.S. Forest Service	196,593	7,529
Total miles	279,238	8,592

	1971 actual	1973 estimate
Recreation visitations (millions):		
National Park Service	186	220
Bureau of Sport Fisheries and Wildlife	21	23
Bureau of Land Management	67	73
U.S. Forest Service	181.8	194.5
Total visitations (millions)	455.8	510.5

TIMBER PRODUCTION

Forest Service: An estimated harvest of 13.8 billion board feet is anticipated for 1973, with receipts from sales of approximately $350 million. This volume represents about one-fourth of the total timber and 30 percent of the softwood timber cut for industrial purposes annually, and is equivalent to the construction of about 1.3 million average-sized homes.

Bureau of Land Management: Administers the sale of over 1.3 billion board feet of timber annually. Timber receipts are estimated to be $73.6 million in 1973.

SOIL AND WATERSHED CONSERVATION

Forest Service: The national forests of the West—about 20 percent of the area—produce about 50 percent of the water, conservatively estimated at a value of over $1 billion annually.

Bureau of Land Management: Administers an active program of soil stabilization practices on 160 million acres of public lands covering about 1,300 watersheds. Practices are designed to conserve and develop public land soil and water resources and include construction of small water control structures, contouring and cultivation, revegetation, protective fencing, and water developments.

GRAZING

Bureau of Land Management: Administers grazing of approximately 9.1 million head of livestock and 2.4 million big game animals. Grazing receipts are estimated to be over $9.6 million in 1973.

Forest Service: Administers the grazing of 6.8 million head of livestock. This provides a continued and necessary source of grazing required by 18,000 family-type ranch units. In addition, an estimated 3.7 million big game animals graze on national forest lands.

INDIAN EDUCATION AND WELFARE

Indian children in Federal Day and Boarding Schools, 63,000.

Indian children in Public Schools, 87,000.

Indians provided with welfare guidance service, 90,000.

Operation and maintenance of 300 Indian irrigation systems.

MINERAL RESOURCES

Bureau of Land Management: Administers mining and mineral leasing on approximately 760 million acres of land in the continental United States and more than 544 million acres of submerged lands of the Outer Continental Shelf.

Geological Survey: Provides the basic scientific and engineering data concerning water, land, and mineral resources; and supervises the development and production of minerals and mineral fuels on leased Federal, Indian, and Outer Continental Shelf lands. The annual value of production on Federal, Indian, and Outer Continental Shelf mineral leases is $3.7 billion, with royalties accruing to the Government of $535 million. Bonuses from lease sales this fiscal year will approximate $101 million.

FISH AND WILDLIFE RESOURCES

Bureau of Sport Fisheries and Wildlife: Produces in excess of 5 million pounds of fish a year. The cumulative effect is estimated to support approximately 44 million fisherman-days annually. In addition, this Bureau's refuges accommodate about 1.6 billion waterfowl-use-days, not including Alaska. These refuges also support almost 5 million hunting and fishing-use-days.

ADMINISTRATION OF TERRITORIES

The Department of the Interior is responsible for the administration of the Trust Territory of the Pacific Islands (over 2,000 islands covering about 3 million square miles of the Western Pacific Ocean), American Samoa, and Guam. This involves the management of about 985 square miles of land with a total native population of approximately 222,000.

LIMITATION ON UNIT COST OF EMPLOYEE HOUSING

The limitation on the unit cost of employee housing (regardless of the source of financing) in the continental United States, Alaska, Hawaii, and the Territories shall be $29,000. This limitation includes engineering and design costs, but excludes provision of utilities to the lot line. Any exceptions to this monetary limitation shall be submitted to the Committee for its advance review and approval. Employee houses shall not exceed the standards outlined by the Committee in House Conference Report No. 2049, 87th Congress, second session.

As I close these summaries may I point out that all these natural resources of ours are bound together with unseverable threads. For example, we cannot serve or save our national revitalization without better housing, but better housing depends upon having the resources, and our forests are our one singularly renewable resource. Therefore, national forests must serve a wide variety of purposes. They must help the economy; they must assist in alleviating the problems of the underhoused; they must provide watersheds; a place to breathe and live with the majesty that alone is a tree; they must provide fishing and hunting days and they must in many ways meet the ever-rising problem of pollution.

And as we look at this housing supplied by our forests we must realize that it is also necessary to commit ourselves to the development of energy. Every house built requires heat and light. It is mandatory that we recognize that our energy use will not decline but will increase.

It is impossible to imagine women of this century returning to heating an iron on a stove where wood is used. In the first place, there is not that much wood available, and, in the second place, Mr. Ruckelshaus would have fits.

It is also necessary to remember that the elimination of crime is bound tightly into better street lighting; that it takes power to run pollution control plants; it takes power to run recycling plants; it takes power to clean up after Americans.

It is impossible, therefore, to shrug our shoulders and say calmly, "Cut the use of fuel." Let 10 people die in unlit surgical rooms some night and the wrath of America would descend on this Congress. Yet, in thinking in terms of our energy, we must also realize that the leadtime to produce much of our potential energy is between 7 and 10 years. Experimental gasification plants will not produce energy overnight. Pipelines, regardless of where they exist, will not deliver oil or gas without leadtime in construction and further leadtime in acknowledging the environmental problems before and during construction.

The committee has been deeply concerned for years about our knowledge bank of America's resources. For example, we have felt that we lacked the geological knowledge necessary to properly lease our offshore oil lands.

This committee has led the way to provide money correcting this deficiency. And so today, as you note various items where we are trying to supplement our information, please remember that this is the knowledge America must have before it makes answers "yes" or "no" on any given use of a given resource. And with our knowledge, we always face the democratic process that this knowledge must be freely and fully available for free and full public discussion so that we make up our minds in an area and an atmosphere of complete freedom.

Once the public has all the facts, I am confident the public makes the right judgment and I am confident the public will pay for what it feels is properly necessary to guarantee its security and its dominion over the future. But to operate without knowledge, without facts, is completely and utterly stupid.

We, a Nation who have sent men to the moon, don't know what lies under our lands; 345 million acres of Alaskan land are unsurveyed; 161 million acres in the lower 48 need survey attention. This is inexcusable and it often reminds me of the time in 1914 when Russia was going to mobilize her troops and Germany is reputed to have said, "Never mind; she does not even know how many she has."

Mr. Chairman, it is impossible for America to proceed without this knowledge. There is not a single day that passes when I don't pick up the paper and find an article on world economy and our position relative to resource use—who shuts down our oil; who will sell oil; who won't sell oil; whose ships will guard oil—that I do not realize it is mandatory that this country have a complete inventory of her resources; that we at all times have our options open and that we can say to the entire world, "We proceed upon the basis of our knowledge, not upon the basis of our ignorance."

Dr. Pecora, the distinguished Under Secretary, said in the evaluation of our energy problems that—

> It is necessary the United States know and understand all the facts so that we can be free to exercise our options.

No nation can be free unless it has access to the basic truths and basic facts. I only regret that our limitations in funding are as curtailed as the agencies of war have made them.

For I strongly believe that in the people and in the land of the United States lies our greatest defense. It is the defense against weakness, insecurity, poverty, hunger, poor housing, joblessness and destruction of those qualities of the environment which give to man his ability to think clearly. The human soul is never separate from the earth, water and heavens around, under, and above us.

If you will put in context what we have spent to manage the more than 753 million acres of public domain and what we have expended upon other nations, including the war in Vietnam, you will soon see the American people have been shortchanged for years and years. Perhaps it is high time that we adopted a Marshall plan for the United States of America—help for our own lands, our own people, our own problems. I do not speak as an isolationist; I speak as a person dedicated to a nation strong enough to be helpful to our friends and resistant to our enemies. I speak as a person devoted to building our technology and environment and environmental knowledge to the greatest potentiality possible for helping the world in its international solutions of environmental problems.

The world is entitled to more than missile leadership. It is entitled to our participation in knowing how to salvage man's destroyed lands; to stop pollution and safeguard against further pollution and to provide an international dominion of security from the results of neglect, callousness, and, in many instances, greed.

The committee in its report has presented to you not only statistics but some national goals which I will discuss as they relate to the various phases of the appropriations before you.

TITLE I—DEPARTMENT OF THE INTERIOR

PUBLIC LAND MANAGEMENT

BUREAU OF LAND MANAGEMENT

Management of lands and resources

Appropriation, 1972	$88,654,000
Estimate, 1973	84,057,000
Recommended, 1973	77,980,000
Comparison:	
Appropriation, 1972	−10,674,000
Estimate, 1973	−6,077,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Resource management, conservation and protection	$61,787,000	+$3,894,000	−$1,250,000
Cadastral survey	8,020,000	+368,000	
Firefighting and rehabilitation	5,400,000	−15,000,000	−4,600,000
General administration	3,000,000	+291,000	
Increased pay costs	−227,000	−227,000	−227,000
Total, management of lands and resources	77,980,000	−10,674,000	−6,077,000

The Bureau of Land Management is responsible for the conservation, management, and development of about 452 million acres of the Nation's public lands, including 278 million acres in Alaska.

In addition, the Bureau administers mining and mineral leasing on other federally owned lands, on former Federal lands where minerals have been reserved in public ownership, and on the submerged lands of the Outer Continental Shelf.

The net reduction of $6,077,000 below the budget estimate consists of an increase of $100,000 for the implementation of a wild horse and burro program; and the following decreases: $4,600,000, firefighting costs; $1,000,000 Alaska pipeline inspection; $350,000, Alaska land use plan, and $227,000, increased pay costs.

The $1,000,000 reduction recommended for Alaska pipeline inspection activities relates to work to be performed in connection with actual construction of the pipeline. Although the Secretary of the Interior has announced his intent to issue the pipeline permit, there are at least three suits now pending in the courts to enjoin construction, which may materially delay this project.

If the court enjoins construction of the pipeline, obviously the funds will not be needed at this time. Notwithstanding this reduction, the bill does provide $730,000 for necessary activities in connection with various ecological evaluations.

This entire pipeline project has been of deep and continuing interest to this subcommittee and the committee takes no small amount of credit for the fact that the committee's desire for environmental safeguards has been reflected in planning and spending.

When the first supplemental hearings were held more than 2 years ago on this entire project, probably the most thorough review of the environmental problems to be encountered because of seismic difficulties, arctic terrain, potential damage to forests, salmon-spawning streams and gravel terrain were discussed fully and at great length.

The entire problem of ocean pollution was reviewed and it was through the insistance of this committee that those environmental protective costs incurred in constructing the pipeline should be chargeable to the constructor. No matter where the pipeline goes, there are problems. For example, testimony revealed in our committee that where there would be less seismic disturbance in a trans-Canada route, however, there would be more perma-frost problems.

It is time in this country, I feel, that when we develop pipeline and energy supply sources that we put the same creative and imaginative thinking into safeguarding the environment as we have put into building planes, ships, tanks, and computers.

I cannot believe that we don't have the know-how to do it. No funds are contained in this bill for actual construction of the pipeline. Actual construction of the pipeline is the fiscal responsibility of the oil companies who will produce the oil. No Federal funds are provided for this purpose.

Construction of the pipeline, whichever route might be selected, imposes certain obligations on the Department of the Interior to supervise construction of the pipeline in order to adminster various regulations in effect in this connection and to adequately protect the environment. As I noted earlier, the committee received the first requests for funds in this connection when the pipeline was first planned. Seven accounts have been established by the Department of the Interior to record costs incurred due to its construction.

On the other hand, certain activities performed by the Department of the Interior relevant to construction of the pipeline provide information generally beneficial to the administration of Federal and State lands in Alaska and in many instances would eventually be performed regardless of the pipeline. I refer to the preparation of various maps, various geological analyses, and studies of fish and game which will enhance the fish and wildlife program in Alaska in any event.

The committee reduced the request of the Bureau of Land Management, which is responsible for the administration of the leases which might be let for the pipeline by $1,000,000. This action was in view of the fact that various court cases now pending would appear to have a delaying effect on the initial construction of the pipeline. Nothwithstanding this reduction, there is still $730,000 in the bill for the Bureau of Land Management to perform other services necessary in this connection. In addition, the bill provides $1,294,000 for geological analyses by the Geological Survey and $365,000 for the Bureau of Sport Fisheries and Wildlife to make necessary studies. I repeat, there are no funds in this bill for actual construction of the pipeline.

Currently, there is extended discussion on whether the pipeline should be built from Prudhoe Bay to Valdez or whether it would be preferable to construct a trans-Canadian pipeline to deliver the oil and gas from the North Slope directly to the Midwest. The committee is aware of the various contentions for each of these routes. The committee has no inclination to become engaged in this controversy. Certainly, this project has been under the closest scrutiny and supervision for several years. The Joint Economic Committee currently is conducting extensive hearings in this connection. Regardless of which route is ultimately chosen, the purpose of the funding in this bill is to adequately protect the general interests of the U.S. Government and to make certain that all necessary precautions are taken to adequately safeguard the environment.

However, problems of our Bureau of Land Management go far beyond the pipepline. These public lands of ours have problems of reforestation. They have problems of careful recreation management, and because the BLM is considered "Surveyor" of the United States domain, we should get on with the business of this survey.

Testimony has been presented to us many times on growth and recreation area use, and among these areas of new and growing use are desert areas. These in many instances are the hardest to maintain, for often the ecology is fragile and there is insufficient water. The American public is urged in the use of these public lands to be as careful and considerate of them as they are of their own front yard. Cleanup costs money but actual damage can be irreparable. A carelessly thrown match may ignite a tinder-dry forest and destroy not only a forest but the brush which is part of the terrain's safeguard and homes adjacent.

Our range lands are particularly in need of improvements. We cannot possibly increase the production of food which could bring the cost of living down without more range improvements. All our agencies which share range lands—the BIA, the Forest Service, and the BLM, are confronted with identical problems.

In fact, in New Mexico, poverty-stricken Navajos trying to maintain a livelihood on under-improved rangeland can never raise their standard of living without improvement of lands. I urge the Office of Management and Budget to consider in the next Forest Service budget, the BLM budget, and the BIA budget, stepped-up range improvements.

Continuing on the importance of surveys, basically there is no peace among people when the borders of their lands are in dispute and as we get further into the Alaska Native Claims Settlement Act, the completion of surveys is mandatory.

Also, it is mandatory that our surveys be completed when we get to the highly complex questions of leasing lands for mineral resource development. It is also necessary to have them stepped up if we are going to have locations and land descriptions necessary for other agencies to use in building resource knowledge banks.

Construction and maintenance

Appropriation, 1972	$4,827,000
Estimate, 1973	7,965,000
Recommended, 1973	7,965,000
Comparison:	
Appropriation, 1972	+3,138,000
Estimate, 1973	----------

The committee recommends an appropriation of $7,965,000, the budget estimate, for construction and maintenance of various facilities necessary for the proper administration of public lands under the jurisdiction of the Bureau of Land Management.

Public lands development roads and trails (Liquidation of contract authority)

Appropriation, 1972	$3,200,000
Estimate, 1973	3,265,000
Recommended, 1973	3,265,000
Comparison:	
Appropriation, 1972	+65,000
Estimate, 1973	----------

This appropriation is required to liquidate obligations incurred under contract authority provided in the Federal-Aid Highway Act for development of roads and trails on public lands.

Oregon and California grant lands (indefinite appropriation of receipts)

The bill continues the indefinite appropriation of 25 percent of the gross receipts from sales of timber and other products, representing one-third of the 75 percent of revenues due the Oregon and California counties.

It is estimated that a total of $16,700,000 will be available during fiscal year 1973 for construction, acquisition, and operation and maintenance of access roads and improvements, and for forest protection and development on the revested lands and on other Federal lands in the Oregon and California land grant counties of Oregon.

Range improvements (Indefinite appropriation of receipts)

Appropriation, 1972	$2,523,000
Estimate, 1973	3,059,000
Recommended, 1973	2,800,000
Comparison:	
Appropriation, 1972	+$277,000
Estimate, 1973	−259,000

The committee recommends an indefinite appropriation of $2,800,000 to be derived from public lands and Bankhead-Jones Farm Tenant Act Lands grazing receipts for construction, purchase, and maintenance of range improvements.

The reduction of $259,000 below the budget estimate is based on revised information indicating reduced receipts available for this appropriation in fiscal year 1973.

BUREAU OF INDIAN AFFAIRS

Education and welfare services

Appropriation, 1972	$273,787,000
Estimate, 1973	298,127,000
Recommended, 1973	298,968,000
Comparison:	
Appropriation, 1972	+25,181,000
Estimate, 1973	+841,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee, bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Educational assistance, facilities, and services	$183,840,000	+$16,180,500	+$1,333,000
Welfare and guidance services	64,787,000	+5,690,600	----------
Employment assistance	42,427,000	+2,622,900	−140,000
Maintaining law and order	8,266,000	+1,039,000	----------
Increased pay costs	−$352,000	−$352,000	−$352,000
Total, education and welfare services	298,968,000	+25,181,000	+841,000

The net increase of $841,000 over the budget estimate consists of reductions of $140,000 for employment assistance (which amount has been added to the Forest Service appropriation for Indian work programs); and $352,000 for increased pay costs, with additional funds being recommended for the following projects: +$408,000, operation of Navajo Community College, Arizona; +$300,000, general scholarships; +$100,000, legal scholarships; +$50,000, Navaho scholarships; +$200,000, development of general policy and guidelines regarding the Bureau of Indian Affairs' responsibility to participate in the funding of public school construction in areas with high Indian enrollment; and +$275,000, participation by the Bureau of Indian Affairs in providing referral services to urban Indians needing social assistance.

Increasingly over the past few years the committee has been requested to provide funding for construction of public schools where Indian students are enrolled. The percentage of Indian students attending these schools varies from a low of about 5 percent upward to possibly 50 or 60 percent. In the majority of instances, the school boards of the local districts have testified that the Indian students have placed an additional burden on the local school districts and local officials have been unable to obtain other Federal funds for assistance. Many of these school districts are located in isolated or rural regions where the tax base is limited and the bonding authority of the local government is insufficient to provide the total public school facilities required without assistance from other sources.

Occasionally, the committee has approved funding for a few of these schools where the situation appeared to be critical. However, the problem has intensified each year and has now reached the point where the committee can no longer provide funds for construction of these schools in a hit-or-miss manner without increasing the appropriation far beyond all totals envisioned by those responsible for budgetary proposals.

Accordingly, the committee has provided $200,000 in the bill for the Bureau of Indian Affairs to make a complete study of the situation. Based on the findings of this study, the Bureau is expected to recommend legislation that will provide assistance to these schools on a realistic and uniform basis with appropriate guidelines.

Resources management

Appropriations, 1972	$75,764,000
Estimate, 1973	83,734,000
Recommended, 1973	84,316,000
Comparison:	
Appropriation, 1972	+8,552,000
Estimate, 1973	+582,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Forest and range lands	$8,152,000	+$439,927	−$100,000
Outdoor recreation	353,000	+353,000	----------
Fire suppression and emergency rehabilitation	800,000	−3,068,100	----------
Agricultural and industrial assistance	18,262,000	+3,885,036	−100,000
Soil and moisture conservation	9,731,000	+2,515,384	+940,000
Maintenance of roads	6,598,000	+461,112	----------
Development of Indian arts and crafts	663,000	+5,128	−4,000
Management of Indian trust property	12,414,000	+2,168,664	−130,000
Repair and maintenance of buildings and utilities	$24,883,000	+$757,984	+$100,000
Operation, repair, and maintenance of Indian irrigation systems	1,611,000	+184,865	−90,000
Environmental quality services	883,000	+883,000	----------
Increased pay costs	−34,000	−34,000	−34,000
Total, resources management	84,316,000	+8,552,000	+582,000

The net increase of $582,000 over the budget estimate includes reductions of $484,000 requested for increased program costs, and $34,000 for increased pay costs.

The amount provided in the bill includes increased funding of $100,000 for the Youth Work-Learn Program; and $1,000,000 for range forage improvement practices, water development and rehabilitation, and other conservation practices on the Papago Reservation.

Construction

Appropriation, 1972	$43,715,500
Estimate, 1973	48,092,000
Recommanded, 1973	55,384,000
Comparison:	
Appropriation, 1972	+11,668,500
Estimate, 1973	+7,292,000

The amount provided in the bill includes reductions of $67,000 for increased pay costs; and $265,000 for planning and design of the Fort Totten High School on the Fort Totten Reservation, North Dakota. The following additional projects are recommended by the committee: +$1,470,000, Rough Rock High School, Arizona; +$1,420,000, gymnasium, Phoenix Indian School, Arizona; +$1,344,000, Colorado River Irrigation Project, Arizona; +$1,100,000, Construction and equipment, Navajo Community College, Arizona; +$950,000, Planning and design ($750,000) and water exploration ($200,000) for the Ramah Navajo School, New Mexico; +$750,000, Planning and design, Chemawa Indian School, Oregon; +$200,000, Preliminary planning, public schools with large Indian enrollment; +$135,000, Middle Gila Phreatophyte Control Project, San Carlos Indian Reservation, Arizona; +$100,000, Feasibility study for Indian school facilities at Fort Totten Reservation, North Dakota; +$85,000, Advance planning, Lodge Grass School, Montana; and +$70,000, Planning and design, Brockton High School, Montana.

The budget estimate provided $265,000 for planning and design of the Fort Totten High School on the Fort Totten Reservation, N. Dak. Information received by the committee indicates there is serious question as to whether construction of this school may be in the best interest of the Indian students from a long range standpoint. It is contended that it might be more propitious for these Indian students to mingle with other students at a public school. In order to arrive at a factual judgment of this situation, the committee has deleted the $265,000 requested for planning and design of the school, and has included $100,000 in the bill for a feasibility study to determine on a logical basis the merits of constructing an Indian high school versus the attendance of Indian students at a public school.

The committee has provided preliminary planning funds in the amount of $200,000 for public schools with large Indian enrollment. At the discretion of the Secretary of the Interior, these funds are available for use to relieve some of the critically urgent situations currently existing.

Road construction (liquidation of contract authority)

Appropriation, 1972	$33,600,000
Estimate, 1973	45,539,000
Recommended, 1973	45,539,000
Comparison:	
Appropriation, 1972	+11,939,000
Estimate, 1973	------------

This appropriation is required to liquidate obligations incurred for Indian road construction under contract authority provided in the Federal-Aid Highway Act.

Alaska Native fund

Appropriation, 1972	$12,500,000
Estimate, 1973	50,000,000
Recommended, 1973	50,000,000
Comparison:	
Appropriation, 1972	+37,500,000
Estimate, 1973	------------

Section 6 of the Alaska Native Claims Settlement Act (Public Law 92–203) provides for the establishment in the U.S. Treasury of an Alaska Native Fund into which $462,500,000 shall be deposited over a period of 11 years.

After completion of an Alaskan Native roll, all money in the Alaska Native Fund, except for certain fees as provided in section 20 of the act, will be distributed among the regional corporations (organized pursuant to section 7 of the act) for the benefit of Alaskan Natives.

The bill includes $50,000,000, the budget estimate, which is the amount specified in the authorizing legislation for deposit in the Alaska Native Fund in fiscal year 1973.

General administrative expenses

Appropriation, 1972	$6,161,000
Estimate, 1973	6,358,000
Recommended, 1973	6,200,000
Comparison:	
Appropriation, 1972	+39,000
Estimate, 1973	−158,000

The reduction of $158,000 below the budget estimate relates to the budget request for increased pay costs.

Tribal funds

Appropriation, 1972	$16,173,000
Estimate, 1973	16,505,000
Recommended, 1973	16,505,000
Comparison:	
Appropriation, 1972	+332,000
Estimate, 1973	------------

Funds held in trust for Indian tribes under the provisions of various acts are used for expenses of tribal governments, administration of Indian tribal affairs, employment of tribal attorneys, establishment and operation of tribal enterprises, investments, and the welfare of Indians.

You will note that this year in the education and welfare services, the committee has recommended $298,968,000. This is $25,181,000 above the 1972 budget. We are transferring $140,000 to a Forest Service Indian work program in Montana and we have made provision for additional funding as noted in the report.

Probably there has been no other area of the bill where we have had as many requests as we have had in the Indian field. In every phase of operation there seems to be an increasing desire to give the BIA more money for its operations. We would have been many millions of dollars above the budget request if we could have complied with all requests. However, many of them need policy review as the committee have noted in the field of school building. May I say that in 1960 the Bureau of Indian Affairs received $113,142,000. This year the total new obligational authority which does not include contract authority liquidation is $509,873,000.

A major new field in Indian management before us is that relative to urban Indians.

URBAN INDIANS

During the course of the hearings, the committee has received urgent requests to provide additional funds to the Bureau of Indian Affairs for general assistance to urban Indians. Sentiment for such action has been increasing during the past few years.

The predicament of the urban Indians has developed over a period of many years and is not the result of any particular phenomenon of recent date. The committee has been aware of and concerned with this situation for several years. In its report on the 1972 appropriations bill the committee urged the Bureau of Indian Affairs to cooperate to the fullest possible extent within existing policy and regulations in the mitigation of urban Indian problems.

There are those who feel that the appropriation of large sums of funds is a simple solution to this problem. A casual analysis of the situation might tend to lend credence to this belief. However, there are many ramifications for consideration, and in the opinion of the committee, any extensive action to cope with this situation must first be preceded by thorough and complete analysis of the objectives to be achieved and the manner in which this can best be accomplished.

Of primary importance is the fact that funds channeled through the Bureau of Indian Affairs for the benefit and welfare of Indians are not unlimited. The committee has received thoughtful and pertinent observations from Indian organizations representing Indians currently living on reservations raising questions as to what effect the expansion of the Bureau of Indian Affairs services to urban Indians might have on services now being rendered to reservation Indians.

Another pertinent consideration is the fact that Indians living in urban areas are citizens of the United States, and, as such, are fully entitled to all benefits and assistance rendered generally to American citizens by the State, county, or Federal Government.

Under current policy, Bureau of Indian Affairs' assistance is limited, with few exceptions, to reservation Indians. The extent of this assistance can be specifically designated inasmuch as it relates back to terms and provisions of various treaties consummated by the Federal Government and the Indians. In the extension of Bureau of Indian Affairs assistance to urban Indians there is the very important question of what guidelines will be followed in such action. Then, too, there are those who will raise the question as to why Indians should receive this special consideration if the same benefits are not also available to other minority groups of this country.

In view of the critical situation which exists with regard to urban Indians, the committee has included $275,000 in the bill to permit participation by the Bureau of Indian Affairs in providing referral services on a priority basis to urban Indians needing social assistance. It is anticipated that with these funds the Bureau of Indian Affairs can establish about five regional referral locations whose primary responsibility will be to assist urban Indians in making proper application for various social benefits available from Federal, State, and county governments. This admittedly is stop-gap procedure.

Concurrently, because of the urgency of the situation, the committee is of the strong opinion that in-depth hearings should be held by the respective legislative committees of the Congress with the view of determining the feasibility of extending the realm of the Bureau of Indian Affairs' responsibility relative to urban Indians. If as a result of these hearings additional action is indicated, specific legislation should be enacted setting forth definite guidelines as to the extent and type of such assistance; the qualifications for participation in the program; and possibly a limitation on funds to be made available, because undoubtedly such a program would require appropriations of material amounts.

Sometimes it appears we are not going anywhere with our Indian programs. The Bureau of Indian Affairs is not the most popular agency on earth and it does have an unusually large "Washington, D.C. reservation" of workers. However, in justice to the BIA, it could not be all as bad as it is portrayed or the Urban Indians would not be clamoring for their assistance and guidance in urban affairs. Progress is inevitable and I would hope that we can solve the problems of alcoholism, the problems of education, and begin broader-based employment in the reservation world.

Again I want to warn, however, against creating ghettos on their own reservations by hastily thought-out employment programs that do not work; industries that will be shortlived. Yet in the meantime a town will have been built which can turn into another ghetto. We need no more of this in the Indian world. We need a good agricultural policy, a good range improvement program, the wisest and best use of their resources, reforestation of their lands, improvement for their young people, a continuing program of better housing with sanitation. We need water, and we need to work with them to assist them in the preservation and upkeep of their new houses.

Some of the building programs have been sloppily supervised. Houses are poorly built. Maintenance is appalling, and I have seen examples of a new house with new floors and no sidewalks so that youngsters track in sand and dirt to destroy the floors almost immediately. I have also seen instances of new housing built before the debris of old housing, old cars and garbage was cleaned out. This is inexcusable stewardship on the part of either the housing agency or the BIA.

This Congress has provided the BIA with personnel spilling out of their ears and it should be used—used to build better schools, to build better houses, to plan community programs with the Indians, and to make sure that the Indian people have the best legal advice when contracting; that they have the best possible advice in planning new industries, and in planning the location of these industries.

We need more recreation for our young people in our Indian schools, and I am proud to say that the Cherokee school in North Carolina will be the first BIA school with a swimming pool. Each of these schools needs a swimming pool. They need tennis courts, basketball courts, and provision for group recreation in student center buildings.

I have visited in the Indian country from Alaska to Mississippi. All tribes are trying very hard to assume the leadership they deserve. Our job should be to supply the technical advice and know-how requested. We have been unstinting in that technical know-how and advice to lands across the sea. We certainly do not need to be any less unstinting with our own people—our first Americans.

But we have made progress, and if you will read testimony last year before our committee that in the so-called work-learn program, dropout rates were reduced. Students in this program had money in their pockets earned by their own efforts in village cleanup and in other constructive activities managed by themselves.

We do have summer programs and we should have more. In the educational field, we should spend a great deal more effort and energy in English and reading, and as much money as can possibly be found to provide libraries not only for children but for adults. We complain about a "culture break and culture lag." The Indians are proud of their culture and their inheritance and they bring it to us as a great contribution to America, but if we expect them to understand our textbooks and our world, which is theirs also, we must begin at an earlier age to assist families and children with the language barrier problem.

There is money this time to provide these programs and we are providing more kindergartens. Many remain to be built.

What are, however, some of our recent accomplishments?

First. There has been more involvement of local Indian education committees in the planning and monitoring of projects. All schools or school districts receiving Johnson-O'Malley assistance now have these Indian education committees.

Second. There has been a continuing increase in supplemental education programs, and the enrollment of Indian students in public schools receiving Johnson-O'Malley assistance was 86,780 in fiscal year 1972, an increase of 8,500 over the previous year.

Third. Approximately 800 individuals from local communities, most of them Indian, were working in public schools as teacher aides, home visitors, and counselors. They are available as cross-cultural contributors of behavior to teachers, children, and parents.

Fourth. During fiscal year 1972 more than 1,700 professionals and paraprofessionals working with Indian children in public schools were provided inter-service training and educational support through training programs and summer workshops.

Fifth. We have provided in this budget $1.4 million for prekindergarten pilot programs and in 1973, with the addition of 10 more kindergartens, we will have 160 kindergarten units enrolling 2,850 children. This has been done entirely in the past 5 years. Prior to that time there were no Indian children in kindergartens.

Sixth. The same is true with regard to our young people attending institutions of higher learning. This year, 1972, 350 young Indians graduate from our institutions of higher learning. We have increased scholarships and we will provide through this money for more than 10,500 young people to attend college. It is interesting also to note that their dropout rate from college is decreasing. I would also remind you that a few short years ago we had less than 500 young people attending college. In 1963 we had only 963. We have thousands of young people attending vocational schools.

In almost every field of activity our Indian people are interested in participation.

Later in the budget you will find an item of $200,000 for a program in the National Park Service for Indians. And this week I received an invitation from the National Park Service to ceremonies marking the dedication of the Indian Arts Museum at Grand Teton National Park. As time passes, there will be additional Indian Arts Museums and exhibits throughout the Nation. I urge every Member who has not had the opportunity, to visit some time the Santa Fe Indian Arts Institution in New Mexico. Here you will find some of the most challenging art ranging from sculpture to drama being created by young Indians.

In the Bureau of Sport Fisheries and Wildlife you will find hatchery construction moneys. And I think it is well to remember that fish hatcheries construction on Indian lands does not segregate these fish merely for the use of the Indians; it makes a contribution to fishermen everywhere, for the fish that go into the sea return in many areas.

In every field Indian participation in our total American life is increasing and this participation will make possible a better economy, a better environment, and a decrease in the poverty which has for so long confronted the Indian people.

In another field, may I call your attention to the sizable increase in road building. Finally and at last the BIA recognizes the fact that there are no solutions to our school and health problems and the Indian economy without carefully planned road programs. It is impossible to abolish Indian boarding schools without planning transportation to a day school. It is impossible to do the kind of health service necessary in the Indian world if there is no transportation to a hospital or clinic. I have seen Navahos walking down what passed for a road in that country in a blizzard on their way to a clinic several miles away.

Therefore, I welcome this increase, but I do want to say roads will require close and careful planning with Indian tribal groups so that their environment is protected and their desires satisfied. It should not be another clutter of elaborate highway engineering for the sake of a structure and not people.

The committee has increased in various areas Indian irrigation programs and the budget we received from OMB reflected sizable increases. May I urge that this spending continue to increase. It is imperative that these projects be completed so that the agricultural program of the Indians can be stepped up and improved.

One tribal witness appearing before us told of the immense possibilities that irrigation would provide not only in securing a better economy for them but in supplying the food market with fresh fruits and vegetables.

BUREAU OF OUTDOOR RECREATION

Salaries and expenses

Appropriation, 1972	$3,949,000
Estimate, 1973	4,203,000
Recommended, 1973	4,150,000
Comparison:	
Appropriation, 1972	+201,000
Estimate, 1973	−53,000

The Bureau of Outdoor Recreation serves as the focal point in the Federal Government for activities relating to outdoor recreation. In addition, a liaison is maintained with State and local governments and with the private sector with a view of developing and executing a nationwide coordinated effort in the provision of outdoor recreation opportunities.

The Bureau also administers a program of matching grants to States for recreation planning, for acquisition of land and water areas, and for the development of such areas.

The committee recommends an appropriation of $4,150,000, a reduction of $53,000 below the budget estimate. The reduction includes decreases of $5,000 for water resources-environmental statement reviews; $6,000 for preparation of environmental impact statements; $33,000 for surplus property aspects "Legacy of Parks"; and $9,000 for increased pay costs.

Land and water conservation fund

Appropriation, 1972	$361,500,000
Estimate, 1973	300,000,000
Recommended, 1973	300,000,000
Comparison:	
Appropriation, 1972	−61,500,000
Estimate, 1973	

The following table reflects the action recommended by the committee on the budget request:

Activity	Budget estimate	Committee bill, 1973	Change
Assistance to States	$196,500,000	$181,800,000	−$14,700,000
Federal land acquisition program:			
National Park Service:			
New areas:			
Assateague Island NS, Md.-Va	3,420,735	3,420,735	
Bighorn Canyon NRA, Mont.-Wyo	425,000	425,000	
Buffalo NR, Ark	4,812,000	4,812,000	
C&O Canal NHP, Md.-W. Va	9,485,000	9,485,000	
Gulf Islands NS, Fla.-Miss.[1]	1,272,265	1,272,265	
Minute Man NHP, Mass.[1]	3,860,000	3,860,000	
Ozark NSR, Mo	3,311,000	3,311,000	
Sleeping Bear Dunes NL, Mich.[1]	11,785,000	11,785,000	
Voyageurs NP, Minn	12,000,000	12,000,000	
Subtotal	50,371,000	50,371,000	
Inholdings:			
General	15,040,000	15,050,000	
Everglades NP, Fla.[1]	9,960,000	9,960,000	
Subtotal	25,000,000	25,000,000	
Deficiency awards	1,500,000	1,500,000	
Total, National Park Service	76,871,000	76,871,000	
Forest Service:			
New areas:			
National recreation areas:			
Whiskeytown-Shasta-Trinity NRA Calif	1,250,000	1,250,000	
Flaming Gorge NRA, Utah-Wyo	150,000	150,000	
Mount Rogers NRA, Va	1,000,000	1,000,000	
Spruce Knob-Seneca Rocks NRA, W. Va	1,000,000	1,000,000	
National Wild and Scenic Rivers	1,816,000		−1,816,000
Appalachian Trail	$1,500,000	$1,500,000	
Wilderness and primitive areas	539,000	539,000	
Lake Tahoe Lands (Nevada)	1,200,000	1,200,000	
Recreation areas within boundaries of national forests	2,500,000	23,016,000	+$20,516,000
Total, Forest Service	10,955,000	29,655,000	+18,700,000
Bureau of Sport Fisheries and Wildlife:			
Endangered species areas	3,100,000	3,100,000	
Wilderness areas	100,000	100,000	
Critical Inholdings	4,000,000		−4,000,000
Areas recently authorized by Congress	560,000	560,000	
Recreation mitigation sites	842,000	842,000	
Total, Bureau of Sport Fisheries and Wildlife	8,602,000	4,602,000	−4,000,000
Bureau of Land Management:			
King Range National Recreation Area, Calif	1,225,000	1,225,000	
Rogue River, Oreg., Wild and Scenic River	516,000	516,000	
Rio Grande, New Mexico, Wild and Scenic River	75,000	75,000	
Pacific Crest Trail	13,000	13,000	
Total, Bureau of Land Management	1,829,000	1,829,000	
Total, Federal program	98,257,000	112,957,000	+14,700,000
Bureau of Outdoor Recreation: Administration	5,243,000	5,243,000	
Grand total, 1973	300,000,000	300,000,000	

[1] Completes authorized funding.

While the total appropriation recommended by the committee is the same as the budget estimate, the committee has made certain adjustments within the overall appropriation with regard to funding for each of the segments of this program.

The bill provides $181,800,000 for assistance to States. This is a reduction of $14,700,000 below the budget estimate. Information furnished the committee revealed that total unobligated balances available to the States as of March 31, 1972 amounted to $225,932,598.

The committee has also deleted the request of $4,000,000 submitted by the Bureau of Sport Fisheries and Wildlife for acquisition of critical inholdings. According to the interpretation of the authorizing committees, there is question regarding the availability of adequate legislative authority for the program included in the budget estimate. Until this question has been resolved, the committee is of the opinion that funding should not be provided.

An appropriation of $29,655,000 is recommended for the Forest Service, an increase of $18,700,000 over the budget estimate. This includes a reduction of $1,816,000 requested for national wild and scenic rivers for which legislative authority is not yet available; and an increase of $20,516,000 for recreation areas within boundaries of national forests.

The premise on which the 1973 budget estimate was submitted would permit Forest Service acquisition of land for national recreational areas; national wild and scenic rivers; the Appalachian Trail; wilderness and primitive areas; and Lake Tahoe lands in Nevada; but would restrict land acquisition in specially designated recreation areas within national forests to only $2,500,000.

The committee emphatically disagrees with this proposed policy especially in view of the fact that in the majority of instances, these additional recreation lands would be acquired in the eastern portion of the Nation where there are numerous areas of dense population. In addition, adherence to the proposed policy would drastically interfere with coordinated recreation plans of the Forest Service and the various States.

The provision of the additional funds for the Forest Service will enable the acquisition of major critical areas such as the Snake River area in Idaho-Oregon; the Dolly-Sods area in West Virginia; four major recreational areas in Texas; and various other areas brought to the attention of the committee.

TERRITORIAL AFFAIRS

Administration of territories

Appropriation, 1972	$21,699,000
Estimate, 1973	22,375,000
Recommended, 1973	22,375,000
Comparison:	
Appropriation, 1972	+676,000
Estimate, 1973	------------

The Secretary of the Interior is charged with responsibility of promoting the economic and political development of those territories which are under the U.S. jurisdiction and within the responsibility of the Interior Department.

In addition to certain funds available to the Virgin Islands and Guam under permanent appropriations, this bill provides $6,345,000 for Guam rehabilitation, and $1,000,000 for the Guam Economic Development Fund.

The $15,030,000 included in the bill for American Samoa will provide for priority programs in education, public health, sewage facilities, and electric power.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Appropriation, 1972	$59,980,000
Estimate, 1973	60,000,000
Recommended, 1973	60,000,000
Comparison:	
Appropriation, 1972	+20,000
Estimate, 1973	------------

Funds provided under this appropriation account are for the continuation of the accelerated development program in the fields of education, health, public works, and resource management of the Trust Territory of the Pacific Islands.

On October 20, 1971, the Committee directed its Investigative Staff to perform a complete review and analysis of the administration of the construction program in the Trust Territory.

The investigative report which has been reviewed with officials of the Department of the Interior revealed numerous shortcomings and omissions which must be corrected at the earliest possible date in order to make the best possible use of available funds and provide a viable construction program to meet the needs of the Micronesian people.

The Committee is aware of the inherent problems associated with the construction projects in this area because of its location. Nonetheless, the Committee feels that major improvement can be achieved if concerted attention is given to the selection of projects that are practical, utilitarian, and in harmony with the environment peculiar to the Trust Territory. Special effort must be made to improve the coordination and supervision of construction projects.

The Interior Subcommittee on Appropriations has had the unique pleasure during the past 5 years of sharing our hearings with members of the Legislatures from Guam and Samoa and the Congress of Micronesia. As these very able spokesmen sat with us and participated in the discussions, they have been of immeasurable help in the committee's decisionmaking and in the committee's better understanding of the immensity of the problems in these American territories.

The committee wishes to thank these legislative bodies for their cooperation, interest, and knowledge so generously given to us.

MINERAL RESOURCES

GEOGRAPHICAL SURVEY

Surveys, investigations, and research

Appropriation, 1972	$131,050,000
Estimate, 1973	150,800,000
Recommended, 1973	150,000,000
Comparison:	
Appropriation, 1972	+18,950,000
Estimate, 1973	—800,000

The total amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Special resource and environmental projects	$3,753,000	+$2,443,000	------------
Alaska pipeline related investigations	1,339,000	−14,000	------------
Topographic surveys and mapping	33,959,000	−96,000	------------
Geologic and mineral resource surveys and mapping	43,265,000	+9,294,000	−$200,000
Minerals discovery loan program	272,000	−2,000	------------
Water resources investigations	$40,129,000	+$2,178,000	------------
Conservation of lands and minerals	14,259,000	+762,000	------------
Earth resources observation satellite	10,193,000	+4,440,000	−$600,000
General administration	2,831,000	−55,000	------------
Total, geological survey	150,000,000	+18,950,000	−800,000

The Geological Survey provides the basic scientific data concerning water, land, and mineral resources and supervises the prospecting, development, and production of minerals and mineral fuels on leased Federal, Indian, and Outer Continental Shelf lands.

The reduction of $800,000 below the budget estimate includes decreases of $200,000 for new methods of acquiring and presenting land-use and resource data; and $600,000 for the earth resources observation systems—EROS.

NATIONAL COAL POLICY

In its report on the 1970 appropriations bill—House report No. 91-361—this committee made extensive remarks on the conservation of our natural resources and described in particular the approaching crisis this Nation was facing with regard to the adequacy of our mineral resources.

Since that time, many other individuals and organizations have voiced similar opinions and it is now a well established consensus that this Nation must give immediate consideration to avoiding an energy crisis.

The committee joins with and applauds those individuals who are now demanding that we have a formal national energy policy. The sooner this is accomplished the better.

Of immediate concern to the committee is the dire necessity for a national coal policy. There is considerable discussion today regarding the extent to which strip mining should be limited. In fact, several bills are currently pending in the Congress which, if enacted into law, would greatly reduce the extent of strip mining activity in this country. It is to be remembered that about 35 percent of our coal is obtained by strip mining.

On the other hand, the committee is being requested to approve the appropriation of millions of dollars per year for research and development of coal utilization processes. Although the committee endorses adequate reclamation of strip mined areas, it is neither advocate nor antagonist with regard to strip mining per se. However, the committee does feel the question of whether it is practical to invest millions of dollars in various coal research programs if the source of supply for these programs is to be severely limited must be resolved at the earliest possible date.

Another important matter for consideration in this connection is the effect of various pollution control limitations that might be placed on the use of coal. If standards are so severe that the utilization of coal is priced out of the market, the cost-benefit ratio of various coal research programs now underway and anticipated will be most adverse.

It is the urgent hope of the committee that the Secretary of the Interior, in cooperation with the appropriate committees of the Congress, give immediate attention to the promulgation of a formal national coal policy.

In the Geological Survey hearings, if you will take the time to read, you will find a discussion of some of this Nation's major problems relative to finding and developing natural resources necessary to maintain our way of life without pollution of its rivers and landscape.

Mr. McKelvey, Director of the Geological Survey, said:

> 1. What are our resources? 2. Where are they? 3. In what concentration? 4. How accessible are they? 5. What are their characteristics? For example, with respect to coal deposits, what is the sulfur content? Where are the low sulfur coals?

He went on to state that this Nation not only needs to know the distribution, quality, and magnitude of our mineral, fuel, land, and water resources in identified and presently recoverable deposits, but it needs to know also where and how much we can expect to find and develop with further exploration and technologic advance.

He then points out the environmental problems, asking:

> What are the natural forces and processes at work in the earth, the rivers, the oceans, and the atmosphere, which shape our earth, distribute its materials, and modify its features and form? How did these forces, proc-

> esses, and materials interact with one another? And above all, how did they interact with man? The knowledge of the earth and its processes is essential to man's understanding of his interaction with his environment and his determination of a viable balance between environmental use and preservation.

Third, in the land-use problem, Mr. McKelvey said:

> How do the characteristics and properties of the land surface and subsurface affect its use for various human purposes? To rectify deficiencies in the use of knowledge, the Geological Survey stated that they were making a concerted effort to translate basic data into terms readily understandable by a broad spectrum of users.

The fourth problem Mr. McKelvey pointed out was that of resource management. In the basic Geological Survey budget there is funding for some of the most relevant activities of the United States. On pages 154 through 181 of volume 1 there are detailed listings of revenues generated by the Geological Survey. These come from a variety of sources, including the royalties from leased mineral lands, the Outer Continental Shelf, Federal lands onshore, Indian lands, and the sale of publications.

This budget does include increased funding for land-resource analysis programs and earthquake-hazard studies, mineral fuels and acquisition and analysis of geophysical data, and systematic reconnaissance geologic mapping of the Continental Shelf, water-quality data, and investigations of subsurface waste storage.

BUREAU OF MINES

Conservation and development of mineral resources

Appropriation, 1972	$49,858,000
Estimate, 1973	55,291,000
Recommended, 1973	58,491,000
Comparison:	
Appropriation, 1972	+8,633,000
Estimate, 1973	+3,200,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Estimate, 1973
Research:			
Coal	$13,914,000	+$4,680,000	+$200,000
Petroleum	3,218,000	+9,000	
Oil shale	2,629,000	−6,000	
Metallurgy	15,507,000	+1,076,000	
Mining	5,072,000	−45,000	
Explosives	734,000		
Resource development:			
Statistics	$2,365,000	−$3,000	
Economic analysis	584,000	−1,000	
Bituminous coal	1,047,000	+3,000	
Anthracite	4,775,000	+1,945,000	+$2,000,000
Petroleum	947,000	+3,000	
Minerals	6,958,000	+972,000	+1,000,000
International activities	741,000		
Total, conservation and development of mineral resources	58,491,000	+8,633,000	+3,200,000

The increase of $3,200,000 over the budget estimate includes the following: +$2,000,000, research and demonstration techniques for subsidence control and protection; and the consequent elimination of mine waste banks utilizing various sizes of crushed mine refuse; +$1,000,000, coal mine waste materials and storage program (inspection of dams constructed for water-silt impoundment of cleaning plant refuse material); and +$200,000, conversion of organic wastes to oil.

Health and safety

Appropriation, 1972	$81,851,000
Estimate, 1973	95,374,000
Recommended, 1973	95,374,000
Comparison:	
Appropriation, 1972	+13,523,000
Estimate, 1973	

The committee recommends an appropriation of $95,374,000, the budget estimate, for health and safety.

The amount recommended by the committee compared to the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Estimate, 1973
Inspections, investigations, and rescue work:			
Inspection and enforcement—coal	$31,418,000	+$1,190,000	
Inspection and enforcement—metal and nonmetal	6,170,000	+248,000	
Technical support and accident analysis	6,950,000	+269,000	
Education and training	5,255,000	+10,000	
Grants—coal	1,000,000	+600,000	
Federal Mine Health and Safety Academy	13,000,000	+13,000,000	
Activity total	63,793,000	+15,317,000	
Control of fire in coal deposits	$229,000		
Health and safety research:			
Health-related research in coal mines	5,034,000	−$2,396,000	
Safety research in coal mines	23,340,000	+664,000	
Metal and nonmetal mine research	2,978,000	−62,000	
Activity total	31,352,000	−1,794,000	
Total, health and safety	95,374,000	+13,523,000	

General administrative expenses

Appropriation, 1972	$2,013,000
Estimate, 1973	2,008,000
Recommended, 1973	2,000,000
Comparison:	
Appropriation, 1972	−13,000
Estimate, 1973	−8,000

The committee recommends an appropriation of $2 million, a reduction of $8,000 below the budget estimate. The reduction of $8,000 relates to increased pay costs requested in the budget estimate.

In commenting on the Bureau of Mines appropriation, may I say that the committee found the Bureau of Mines engaged in some of the most exciting and relevant research underway in this Nation. In essence, this boils down to how to reuse our waste and garbage through recycling. This waste and garbage is in a wide variety of fields.

And the Bureau of Mines also is challenged by problems resulting from yesterday's coal mining as well as planning for current and future mining, the prevention of mine fires, subsidence, pollution, and provisions for reclamation. These are all in their jurisdiction.

The committee has, we believe, wisely added a million dollars for the inspection of dams constructed for water silt impoundment, hopeful that careful inspection will forestall another Buffalo Creek.

OFFICE OF COAL RESEARCH

Salaries and expenses

Appropriation, 1972	$30,650,000
Estimate, 1973	45,330,000
Recommended, 1973	42,330,000
Comparison:	
Appropriation, 1972	+11,680,000
Estimate, 1973	−3,000,000

The Office of Coal Research contracts for research and development of new and more efficient methods of mining, preparing, and utilizing coal.

The bill provides a total of $42,330,000 for the coal research program, a reduction of $3,000,000 below the budget estimate of $45,330,000. While the committee has approved the 1973 program as submitted in the budget estimate, it has reduced the appropriation by $3,000,000 on the basis that $3,000,000 which was appropriated in fiscal year 1972 for the Cresap Plant in West Virginia is currently unobligated. It is the intent of the committee that these unobligated funds will be applied toward funding the 1973 program.

The committee still has reservations as to the wisdom of reactivating the Cresap Plant. At the time of the hearings, studies were being conducted to determine the feasibility of plant modification to permit research on the liquefaction of coal. The committee directs that no action be taken in this connection until the committee has had an opportunity to review the evaluation report and has had discussion of the merits of the program in a hearing. In the event the committee is favorably impressed, funds can be appropriated at a later date for the program.

The 1973 program consists of the following:

Coal gasification pilot plant projects (to be matched by $12,520,000 of private contributions)	$25,160,000
Coal liquefaction pilot plant projects	9,357,000
Non-pilot plant projects	9,928,000
Administration	885,000

The committee granted the 1973 program for various experimental plans recognizing the needs of this Nation.

Supplementing our formal statement in the report, it should be plainly understood that the committee is deeply concerned about the reclamation of all strip mine areas. The committee has been advised that all public land contracts carry provisions for reclamation, and continuing surveillance of the adequacy of this reclamation should be pursued diligently.

OFFICE OF OIL AND GAS

Salaries and expenses

Appropriation, 1972	$1,570,000
Estimate, 1973	1,558,000
Recommended, 1973	1,558,000
Comparison:	
Appropriation, 1972	−12,000
Estimate, 1973	

The Office of Oil and Gas serves as a focal point for leadership and information on petroleum matters in the Federal Government, and the principal channel of communication between the Federal Government, the petroleum industry, and the oil producing States. It also maintains the capability to respond effectively to emergencies affecting the Nation's supply of oil and gas.

The bill provides $1,558,000, the budget estimate, for activities under this appropriation account.

Volume 1 of the committee's hearings this year reflects a reorganization of the committee's hearing procedures.

All details relative to our energy were placed in this single volume. The testimony is extremely interesting and the discussions extremely pertinent to the members of this committee and of this House, and to those Members interested in these areas the committee recommends this volume for your perusal.

In the departmental justifications, you will find beginning on page 750 a copy of the agreement between the U.S. Department of the Interior and the American Gas Association for the cooperative coal gasification research program in which there has been such developing interest and so many questions.

You will also find beginning on page 808 Solicitor Melich's opinion on the question of patent rights to inventions and data arising out of research with the Office of Coal Research of the Department of the Interior in cases where industries contribute a significant share of the funding. This issue was raised before our committee and thoroughly discussed. Therefore, the pages from 808 through 840 should be of major interest to many.

Also in this volume 1, you will find a lengthy discussion of problems related to the Trans-Alaska Pipeline and other routes. There are innumerable charts for your information. One of the most interesting of these is on page 364 where a 1971 study graphically indicates the sources of oil pollution to the oceans.

FISH AND WILDLIFE AND PARKS

BUREAU OF SPORT FISHERIES AND WILDLIFE

Management and investigations of resources

Appropriation, 1972	$66,883,000
Estimate, 1973	74,552,000
Recommended, 1973	73,529,500
Comparison:	
Appropriation, 1972	+6,646,500
Estimate, 1973	—1,022,500

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Fish hatcheries	$12,072,000	+$240,000	
Wildlife refuges	22,473,500	+1,962,500	−$22,500
Soil and moisture conservation	807,000	+12,000	
Management and enforcement	6,439,000	+729,000	+500,000
Fishery research	6,545,000	+995,000	
Wildlife research	10,460,000	+524,000	+115,000
Fishery services	3,567,000	+165,000	
Wildlife services	$3,960,000	−$441,000	−$615,000
River basin studies	6,258,000	+2,334,000	
Endangered species	1,948,000	+1,126,000	
Increased pay costs	−1,000,000	−1,000,000	−1,000,000
Total, management and investigations of resources	73,529,500	+6,646,500	−1,022,500

The proposed net reduction of $1,022,500 below the budget estimate includes decreases of $1,000,000 for increased pay costs; and $110,000 for the San Francisco Bay National Wildlife Refuge which is not authorized. The committee has approved increases of $12,500 for the Muscatatuck National Wildlife Refuge, Ind.; and $75,000 for the environmental education program conducted in cooperation with Minnesota Environmental Sciences Foundation, Inc.

In addition, the committee directs that funds requested in the budget estimate for wildlife services—animal damage control—be reduced by $615,000 and that funding for wildlife research—animal damage control—be increased by $115,000; and funds for management and enforcement be increased by $500,000.

With the additional funds provided for research in the area of predator control, the Bureau of Sport Fisheries and Wildlife shall give special emphasis to research in the determination of livestock losses caused by predators; the development and use of more specific and painless predator poisons; the development and use of nonpoisonous repellants which may be used to keep predators from livestock; and habits of predators and behavioral techniques which may be used to control them.

The committee urges the Department of the Interior to become more aggressive in carrying out the intent of the Endangered Species Conservation Act of 1969 by placing animals on the endangered species list, whether native to this country or not, when there is a reasonable amount of evidence to indicate they may be faced with extinction. In fulfilling this obligation, the Department shall enlist the active cooperation of foreign countries to the maximum extent possible.

Construction

Appropriation, 1972	$7,226,000
Estimate, 1973	6,258,000
Recommended, 1973	
Comparison:	
Appropriation, 1972	−7,226,000
Estimate, 1973	−6,258,000

This appropriation finances the construction of fish hatcheries and wildlife refuge facilities, and fishery and wildlife research facilities.

The committee recommends a 1973 construction program totaling $9,805,100. This consists of the budgeted projects in the amount of $6,258,000 plus additional projects approved by the committee in the amount of $3,547,100.

Although a 1973 construction program of $9,805,100 is approved by the committee, no additional funds are provided in the bill. Information developed during the hearings reveals that there is an inordinately high unobligated balance being carried in this account. Therefore, the committee directs that the 1973 construction program, as approved by the committee, be funded from unobligated balances available beginning July 1, 1972.

In addition to those projects included in the budget estimate, the committee has approved the following: +$1,000,000, Rehabilitation of facilities, nationwide; +$575,000, National Fishery Research Laboratory, La Crosse, Wis.; +$504,900, Wolf Creek National Fish Hatchery, Ky.; +$350,000, Makah National Fish Hatchery, Wash.; +$225,000, Northern Plains Fishery Station, Valentine, Nebr.; +$173,200, Muscatatuck National Wildlife Refuge, Ind.; +$170,000, St. Marks National Wildlife Refuge, Fla. (Otter Lake); +$200,000, Site selection, land acquisition, and preliminary engineering, Northeast Fisheries Development Center, Pa.; +$100,000, Salton Sea Feasibility Study, Calif.; +$90,000, San Marcos National Fish Hatchery, Tex.; +$83,000, Horicon National Wildlife Refuge, Wis.; and +$76,000, Nashua National Fish Hatchery, N.H.

Migratory bird conservation account

Appropriation, 1972	$7,500,000
Estimate, 1973	7,100,000
Recommended, 1973	7,100,000
Comparison:	
Appropriation, 1972	−400,000
Estimate, 1973	----------

The recommended amount, together with an estimated $7,000,000 to be available in receipts from Federal migratory bird hunting stamps, will provide a total in the migratory bird conservation account of $14,100,000 for fiscal year 1973 to continue the expanded wetlands acquisition program.

Under the provisions of the wetlands legislation, the appropriation advances to the fund for acquisition of refugees are to be repaid from receipts beginning in fiscal year 1977.

Anadromous and Great Lakes fisheries conservation

Appropriation, 1972	$2,332,000
Estimate, 1973	2,333,000
Recommended, 1973	2,333,000
Comparison:	
Appropriation, 1972	+1,000
Estimate, 1973	----------

Funds provided under this appropriation are to carry out the provisions of Public Law 91–249, approved May 14, 1970. The purpose of this program is to preserve, develop, and enhance anadromous fishery resources within the several States and the Great Lakes.

General administrative expenses

Appropriation, 1972	$2,240,000
Estimate, 1973	2,332,000
Recommended, 1973	2,250,000
Comparison:	
Appropriation, 1972	+10,000
Estimate, 1973	−82,000

The reduction of $82,000 recommended by the committee relates to increased pay costs requested in the budget estimate.

I want to call particular attention to the committee's provision for the rehabilitation of refuge facilities nationwide. Additional funds should be added in subsequent years to restore and manage our facilities as increasing visitors make these one of our more popular outdoor areas. People come from every segment of American life, and for a wide variety of purposes, many just to enjoy an opportunity to see wildlife in its habitat, to photograph this wildlife, and in many instances to bring groups of schoolchildren to share this outdoor experience. As the years go by, I would guess that our refuge use would increase vastly more than we predict.

NATIONAL PARK SERVICE

Management and protection

Appropriation, 1972	$71,756,000
Estimate, 1973	89,937,000
Recommended, 1973	88,671,000
Comparison:	
Appropriation, 1972	+16,915,000
Estimate, 1973	−1,266,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Estimate, 1973
Management of park and other areas	$79,384,000	+$16,006,700	+$86,000
Forestry and fire control	3,118,600	+69,300	----------
Park and recreation programs	7,810,400	+2,481,000	+290,000
Increased pay costs	— $1,642,000	−$1,642,000	−$1,642,000
Total, management and protection	88,671,000	+16,915,000	−1,266,000

The net reduction of $1,266,000 recommended by the committee consists of a decrease of $1,642,000 requested for increased pay costs, and the following increases: +$200,000, Indian assistance program; +$86,000, expanded use of facilities, Delaware Water Gap National Recreation Area; +$50,000, feasibility study, Honokohau National Historic Landmark, Hawaii; and +$40,000, feasibility study, Jean LaFitte Park, Louisiana.

Maintenance and rehabilitation of physical facilities

Appropriation, 1972	$57,557,000
Estimate, 1973	73,198,000
Recommended, 1973	73,312,000
Comparison:	
Appropriation, 1972	+15,755,000
Estimate, 1973	+114,000

The increase of $114,000 over the budget estimate is for expanded use of facilities at the Delaware Water Gap National Recreation Area.

Construction

Appropriation, 1972	$75,752,000
Estimate, 1973	42,233,000
Recommended, 1973	41,711,000
Comparison:	
Appropriation, 1972	−34,041,000
Estimate, 1973	−522,000

The net reduction of $522,000 below the budget estimate consists of the following decreases and increases:

Decreases: −$1,500,000, Constitution Gardens, National Capital Parks; −$600,000, completion of Ellipse Fountains, National Capital Parks; −$300,000, Fort Circle Parks, National Capital Parks; −$207,000, increased pay costs; and −$90,000, planning, Memorial Circle Fountain, Columbia Island.

Increases: +$875,000, development of facilities, Indiana Dunes National Lakeshore, Indiana; +$500,000, reconstruction of stockade walls, Fort Vancouver National Historic Site, Washington; +$325,000, project planning—$25,000—and restoration of buildings exteriors—$300,000—Fort Larned National Historic Site, Kansas; +$171,000, project planning, Gulf Islands National Seashore, Florida and Mississippi; +$151,000, project planning, Delaware Water Gap National Recreation Area; +$128,000, project development, Fort Scott National Historic Area, Kansas; and +$25,000, planning funds, Apostle Islands National Lakeshore, Wisconsin.

Parkway and road construction (liquidation of contract authority)

Appropriation, 1972	$24,188,000
Estimate, 1973	20,222,000
Recommended, 1973	5,766,000
Comparison:	
Appropriation, 1972	−18,422,000
Estimate, 1973	−14,456,000

This appropriation provides for liquidation of obligations incurred for construction of parkways and roads and trails by the National Park Service under contract authority provided in the Federal-Aid Highway Act.

Although the committee has approved a total road construction program of $20,766,000 for fiscal year 1973, the bill provides an appropriation of only $5,766,000.

Information developed during the hearings revealed that at the end of fiscal year 1973 the National Park Service would have unexpended cash slightly in excess of $17,000,000. In view of this program slippage, the committee has reduced the provision of additional cash to liquidate contract authority by $15,000,000 below the budget estimate.

In addition to the projects contained in the 1973 budget estimate, the committee has approved the following: +$302,000, development of facilities, Indiana Dunes National Lakeshore, Indiana; +$128,000, project planning, Gulf Islands National Seashore, Florida and Mississippi; +$60,000, planning funds, Apostle Islands National Lakeshore, Wisconsin; +$30,000, feasibility study, Lake Crescent By-Pass Road, Olympic National Park, Washington; and +$24,000, project planning, Delaware Water Gap National Recreation Area.

The committee also directs that within available funds $150,000 be utilized for a study of tramway systems for Mount Rushmore National Memorial, S. Dak.; and North Cascades, Washington.

Preservation of historic properties

Appropriation, 1972	$8,369,000
Estimate, 1973	10,124,000
Recommended, 1973	11,624,000
Comparison:	
Appropriation, 1972	+3,255,000
Estimate, 1973	+1,500,000

Funds provided in this appropriation are required to carry out the provisions of Public Law 89–665, approved October 15, 1966. This legislation was enacted to establish a program for the preservation of additional historic properties throughout the Nation. The increase of $1,500,000 over the budget estimate includes $1,300,000 for grants-in-aid; and $200,000 for salvage projects for sites threatened with destruction. The total amount provided includes:

Grants-in-aid	$7,505,000
Maintenance of the National Register and administration of grants-in-aid program	858,400
Advisory Council on Historic Preservation Support	294,700
Historic Sites Survey	545,200
Historic American Buildings Survey	400,200
Historic American Engineering Record	209,600
Archeological Investigations and Salvage	1,810,900
Total	11,624,000

Of the $1,810,900 available for Archeological Investigations and Salvage, $135,000 shall be expended for the Ozette-Makah Archeological project, Washington.

General administrative expenses

Appropriation, 1972	$4,052,000
Estimate, 1973	4,175,000
Recommended, 1973	4,140,000
Comparison:	
Appropriation, 1972	+88,000
Estimate, 1973	−35,000

The reduction of $35,000 below the budget estimate relates to increased pay costs requested in the budget estimate.

Mr. Chairman, the committee and this Congress will be confronted for the next several years with many park problems. The main one is how do we protect these rather primitive lands from the excesses of the population explosion and its excesses of use? It is very difficult to contemplate the limitation of "how." Yet as we visit our national parks, and as we evaluate the escalation of use, the very term "love to death" is most appropriate.

The reason that I am cautious about the implications of reservations and limitations is that when the average American goes to a national park or a national monument and is turned away, I have heard him say, "I paid my taxes. Now what's this all about?" It is not enough to inform the public that they are overused, because every one of the 210 million Americans who own our national parks feel that they have the right to their use. It is impossible to draw a restriction and say, "These areas are for those who can afford to send a telegram or a wire and reserve space." America is not that kind of a country. The reserved space people are the very people that the average American distrusts and, as a matter of fact, that certain tax bills are aimed against. This is not the era of "rich for the rich."

Therefore, it would seem to me that the park service must develop some kind of system which will enable the most equitable use. Perhaps the best answer to the excess lies within transportation devices. I would personally urge that the park service ask all public transportation agencies to arrange trips with special rates providing access to our national parks. We may then, within the park boundaries use elephant trains, minibuses, et cetera to save on car mileage and to preserve areas rather than turning them into gigantic parking lots.

Two weeks ago I was in the Indiana Dunes area. I was so deeply impressed by the beauty there, but I was also deeply impressed by the problem of parking. There is limited lake space available and if all the land is to be occupied by parking lots, the use of the lake area will be curtailed. Perhaps the Indiana Dunes offers the park service its greatest challenge in parking and the solution to this parking may well mean answers for the rest of our national parks.

I would like to bring to the attention of Members of this House some items in the bill that I think they will find of importance. One is that portion of the bill providing Indian program development. Second, within the national historical preservation is about $300,000 to develop programs for the blacks. All of us are interested in developing identity and I would like to salute the black community for its desire to program places identifiable to the historical significance of the black contribution to the American heritage.

The third program that I think is extremely valuable to America is "Summer-in-the-Parks." Since this committee spent the first money on Summer-in-the-Parks, we are proud of its harvest. It has provided recreation, education, knowledge and plain fun not only for Washington, D.C., but in other urban areas in the United States.

I had the great good fortune of visiting New York last fall and going through many National Park Service areas. It seems to me that Ellis Island offers us an opportunity to review and recapitulate for Americans so many of our beginnings. Castle Clinton is another. Federal Hall, Grant's Tomb, Hamilton Grange, the Gateway area—all of these offer not only recreation and pleasure but they offer an identification with America's present, its past, and future. I am indeed proud today to present this national park program which envisions this particular kind of "put together."

I have a supplemental comment to make on historical property. Many urban areas are discarded as people go to the suburbs, yet some cities in the United States which have made the biggest defense against the suburban migrations are those which have rebuilt and preserved old urban areas. In an era of expensive housing, it seems to me mandatory that we make every effort to save what we have, redo, and rebuild. Perhaps the cheapest survival of our cities is in their historical preservation.

OFFICE OF SALINE WATER

Saline water conversion

Appropriation, 1972	$27,025,000
Estimate, 1973	27,021,000
Recommended, 1973	26,871,000
Comparison:	
Appropriation, 1972	−154,000
Estimate, 1973	−150,000

This program finances the research on and development of low-cost processes for converting saline water to fresh water in quality suitable for municipal, industrial, and agricultural uses as authorized by the Saline Water Conversion Act of 1971—Public Law 92-60.

The committee recommends an appropriation of $26,871,000, a reduction of $150,000 below the budget estimate. The decrease applies to the budget request of $150,000 for increased pay costs. Otherwise the appropriation would have exceeded the 1973 authorization by $150,000.

Notwithstanding, the committee has provided an additional $150,000 for administration and coordination costs offset by a reduction of $150,000 in the research and development phase of the program. The amounts recommended by the committee are as follows:

Research and development:	
Research	$5,850,000
Development	11,981,000
Design, construction, acquisition, modification, operation, and maintenance:	
Test beds and facilities	5,085,000
Modules	1,075,000
Administration and coordination	2,880,000
Total	26,871,000

OFFICE OF WATER RESOURCES RESEARCH

Salaries and expenses

Appropriation, 1972	$14,290,000
Estimate, 1973	14,304,000
Recommended, 1973	16,344,000
Comparison:	
Appropriation, 1972	+2,054,000
Estimate, 1973	+2,040,000

The objective of this program is to stimulate, sponsor, provide for, and supplement present programs for the conduct of research, investigations, experiments, and the training of scientists in the fields of water and resources which affect water, in order to assist in assuring the Nation of a supply of water sufficient in quantity and quality to meet the requirements of its expanding population.

The committee recommends an appropriation of $16,344,000, an increase of $2,040,000 over the budget estimate. The increase will provide an additional $40,000 per State for the 50 States and Puerto Rico—$140,000 per State—for assistance to States for institutes.

The amount included in the bill provides the following:

Assistance to States for institutes	$7,140,000
Matching grants to institutes	3,000,000
Water resources research to be performed by any qualified entity or individual as provided under Title II of the Act	4,300,000
Scientific information center	934,000
Administration	970,000
Total	16,344,000

OFFICE OF THE SOLICITOR

Salaries and expenses

Appropriation, 1972	$6,967,000
Estimate, 1973	7,031,000
Recommended, 1973	7,000,000
Comparison:	
Appropriation, 1972	+33,000
Estimate, 1973	−31,000

The committee recommends an appropriation of $7,000,000, a reduction of $31,000 below the budget estimate. The reduction applies to the increase requested in the budget estimate for nondiscretionary operating costs.

OFFICE OF THE SECRETARY

Salaries and expenses

Appropriation, 1972	$10,948,900
Estimate, 1973	16,412,000
Recommended, 1973	15,419,000
Comparison:	
Appropriation, 1972	+4,470,100
Estimate, 1973	—993,000

The reduction recommended by the committee includes decreases of $300,000 for current staff support; $133,000 for the bilateral cooperative program with Japan and Germany; $160,000 which is the estimated cost of establishing four area management offices in Albuquerque, Atlanta, San Francisco, and Portland; $300,000 for the departmental management information system; and $100,000 for travel.

Departmental operations

Appropriation, 1972	$3,746,100
Estimate, 1973	4,066,000
Recommended, 1973	4,066,000
Comparison:	
Appropriation, 1972	+319,900
Estimate, 1973	

The bill provides $4,066,000, the budget estimate, for departmental operations. The amount provided includes $2,857,000 for the Office of Hearings and Appeals, and $1,209,000 for the Natural Resources Library.

Salaries and expenses (special foreign currency program)

Appropriation, 1972	$500,000
Estimate, 1973	1,000,000
Recommended, 1973	750,000
Comparison:	
Appropriation, 1972	+250,000
Estimate, 1973	—250,000

The committee recommends an appropriation of $750,000, a reduction of $250,000 below the budget estimate, for various research programs utilizing excess foreign currencies.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE—FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

The bill includes under this heading a total appropriation of $344,900,000, a decrease of $34,541,300 below the 1972 appropriation, and an increase of $13,113,000 above the budget estimate.

The following is a summary of action taken on the programs included under this appropriation:

Forest land management

Appropriation, 1972	$297,095,300
Estimate, 1973	246,749,000
Recommended, 1973	257,872,000
Comparison:	
Appropriation, 1972	−39,223,300
Estimate, 1973	+11,123,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
FOREST LAND MANAGEMENT			
National Forest protection and management:			
Timber resource management:			
Sales administration and management	$66,055,000	+$932,000	
Reforestation and stand improvement	33,921,000	+1,286,000	+$3,045,000
Recreation-public use	41,472,000	+309,700	+10,000
Wildlife habitat management	7,492,000	+1,178,000	+483,000
Range resource management:			
Management	6,987,000	−459,000	
Revegetation	3,525,000	+48,000	
Improvements	4,749,000	+29,000	+75,000
Soil and water management	9,734,000	+138,000	
Mineral claims, leases, and special uses	5,657,000	+99,000	
Land classification, adjustments, and surveys	8,038,000	+484,000	
Forest fire protection	32,107,000	−5,035,000	+10,000
Maintenance of improvements for fire and general purposes (including communications)	7,795,000	+111,000	
Forest advanced logging and conservation (FALCON)	$7,500,000	+$7,500,000	+$7,500,000
Payments to Employees' Compensation Fund	2,131,000	+509,000	
Subtotal	237,163,000	+7,129,700	+11,123,000
Amount advanced from Cooperative Range Improvements	−700,000		
Subtotal, National Forest protection and management	236,463,000	+7,129,700	+11,123,000
Water resource development related activities	4,022,000	+33,000	
Fighting forest fires	4,275,000	−46,280,000	
Insect and disease control	10,585,000	−133,000	
Cooperative law enforcement program	2,527,000	+27,000	
Total, forest land management	257,872,000	−39,223,300	+11,123,000

The increase of $11,123,000 above the budget estimate includes the following: +$3,000,000, reforestation and timber stand improvement; +$7,500,000, Project FALCON; +$418,000, Wildlife habitat management, Clark and Mark Twain National Forests, Missouri; +$65,000, North Kings Deer Herd management, Sierra National Forest, California; and +$140,000, manpower training support, Montana.

Forest research

Appropriation, 1972	$54,587,000
Estimate, 1973	57,278,000
Recommended, 1973	59,268,000
Comparison:	
Appropriation, 1972	+4,681,000
Estimate, 1973	+1,990,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Forest research:			
Forest and range management research:			
Timber management research	$12,036,000	+$273,000	+$290,000
Watershed management research	6,566,000	+400,000	+300,000
Range management research	1,585,000		
Wildlife habitat research	2,188,000	+300,000	+300,000
Forest recreation research	1,253,000	+189,000	+150,000
Subtotal, forest and range management research	23,628,000	+1,162,000	+1,040,000
Forest protection research:			
Fire and atmospheric sciences research	7,781,000	+2,600,000	+400,000
Forest insect research	6,117,000	+395,000	
Forest disease research	4,163,000	+445,000	+450,000
Subtotal, forest protection research	18,061,000	+3,440,000	+850,000
Forest products and engineering research:			
Forest products utilization research	$9,231,000	+$90,000	+$100,000
Forest engineering research	1,478,000	−1,000	
Subtotal, forest products and engineering research	10,709,000	+89,000	+100,000
Forest resource economics research:			
Forest survey	3,433,000	−5,000	
Forest products marketing research	2,030,000	−3,000	
Forest economics research	1,407,000	−2,000	
Subtotal, forest resource economics research	6,870,000	−10,000	
Total, forest research	59,268,000	+4,681,000	+1,990,000

The increase of $1,990,000 over the budget estimate includes the following: +$450,000; air pollution research, Delaware, Ohio; +$400,000, controlled burning fire research, Macon, Ga.; +$250,000, timber management research ($150,000) and wildlife habitat research ($100,000), Orono, Maine; +$150,000, strip mining research, Berea, Ky.; +$150,000, wildlife habitat research, Olympia, Wash.; +$150,000, forest recreation research, Seattle, Wash.; +$140,000, silviculture research, Bend, Oreg.; −$100,000, watershed management research, Durham, N.H.; +$100,000, forest residues research; +$50,000, wildlife habitat research, Fresno, Calif.; and +$50,000, strip mining research, Logan Utah.

State and private forestry cooperation

Appropriation, 1972	$27,759,000
Estimate, 1973	27,760,000
Recommended, 1973	27,760,000
Comparison:	
Appropriation, 1972	+1,000
Estimate, 1973	

This program, carried on in cooperation with the States, encourages private timber management.

Construction and land acquisition

Appropriation, 1972	$35,703,200
Estimate, 1973	37,980,000
Recommended, 1973	43,953,900
Comparison:	
Appropriation, 1972	+8,250,700
Estimate, 1973	+5,973,900

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Recreation-public use areas	$4,300,400	−$208,800	+$1,022,400
Water resources development construction	2,209,000	+324,000	+300,000
Fire, administration, and other purposes construction	2,316,500	−114,500	+293,500
Research construction	4,358,000	−679,000	+4,358,000
Pollution abatement	$29,470,000	+$8,929,000	
Land acquisition, Weeks act	1,300,000		
Total, construction and land acquisition	43,953,900	+8,250,700	+$5,973,900

The increase of $5,973,900 over the budget estimate includes the following projects:

+$1,500,000, laboratory construction, Corvallis, Oreg.; +$963,000, land exchange-purchase, Madison, Wisc.; +$800,000, construction of Redwoods laboratory, Arcata, Calif.; +$760,000, construction of shrub improvement laboratory, Provo, Utah; +$335,000, construction of headhouse-greenhouse, Rhinelander, Wisc.; +$200,000, boundary waters canoe area, work study program, Minnesota; +$293,500, La Croix ranger district, Minnesota; +$239,500, lava lands visitor center and Benham Falls Campground, Oreg.; +$300,000, water-related development construction, Allegheny National Forest, Pa.; +$250,000, development of recreation-public use areas, Robert S. Kerr Memorial Arboretum and Nature Center, Okla.; +$182,900, development of recreation-public use areas, North Cascades Highway, Wash.; and +$150,000, development of recreation-public use areas, Deschutes National Forest, Oreg.

Youth conservation corps

Appropriation, 1972	$3,500,000
Estimate, 1973	3,500,000
Recommended, 1973	3,500,000
Comparison:	
Appropriation, 1972	----------
Estimate, 1973	----------

The bill provides $3,500,000, the budget estimate for the Youth Conservation Corps.

The objectives of this program are to provide gainful employment to America's youth, ages 15 through 18, during the summer months in a healthful outdoor atmosphere; an opportunity for understanding and appreciation of the Nation's natural environment and heritage; and to further development and maintenance of the natural resources of the United States by the youth.

Forest roads and trails (liquidation of contract authority)

Appropriation, 1972	$3,500,000
Estimate, 1973	3,500,000
Recommended, 1973	158,840,000
Comparison:	
Appropriation, 1972	+10,100,000
Estimate, 1973	------------

These funds are required to liquidate obligations incurred under contract authority contained in the Federal-Aid Highway Act.

Acquisition of lands for national forests, special acts

Appropriation, 1972	$80,000
Estimate, 1973	80,000
Recommended, 1973	80,000
Comparison:	
Appropriation, 1972	-------
Estimate, 1973	-------

Congress has enacted several special laws which authorize appropriations from the receipts of specified national forests for the purchase of lands to minimize erosion and flood damage.

Cooperative range improvements (special fund, indefinite)

Appropriation, 1972	$700,000
Estimate, 1973	700,000
Recommended, 1973	700,000
Comparison:	
Appropriation, 1972	--------
Estimate, 1973	--------

Part of the grazing fees from the National Forests, when appropriated, are used for revegetation of depleted range lands, construction and maintenance of range improvements, rodent control, and eradication of poisonous plants and noxious weeds.

Assistance to States for tree planting

Appropriation, 1972	$1,028,000
Estimate, 1973	1,027,000
Recommended, 1973	1,020,000
Comparison:	
Appropriation, 1972	—8,000
Estimate, 1973	—7,000

These funds are used to provide advice, technical assistance, and financial contribution under section 401 of the Agricultural Act of 1956, to carry out increased tree planting and reforestation work on non-Federal forest lands.

Grants are matched by the States, and work is conducted in accordance with the plans submitted by the States, and approved by the Secretary of Agriculture.

The reduction of $7,000 below the budget estimate applies to the budget request for increased pay costs.

Other members of the committee will undoubtedly present a discussion of some of our forest activities. I do want to say though that it is the continuing policy of this committee to add funds for forest reforestation.

This year we have programed $3 million additional to that budgeted. Last year we programed an additional $4.4 million. Reforestation is continuing. However, it has been slow—121,114 acres were reforested in 1971 with our 1971 appropriations—130,300 acres were planted in 1972. You will note that we approved an increase in the budget for 1972. In 1973 the Forest Service plans to plant an estimated 131,480 acres.

In reforestation there are several factors to remember: First, seed and trees must be available; second, those lands being cut at the present time are being reforested. The backlog needing reforestation is land cut many years ago. This is true also in the Bureau of Indian Affairs; third, if we are going to have mature trees in the years immediately after the year 2000 they must be in the ground now.

You will note also that the committee has increased funds for wildlife habitat research and forest recreation research. These additions are in response to thousands of conservationists who are deeply concerned about the wildlife areas and better planned recreation use.

Further, you will note that we have made provision for additional funds for strip mine research reclamation in Berea, Ky., and in Logan, Utah. These are mandatory if we are going to have the answers to mining.

The committee was extremely disappointed that the Forest Service budget as sent to us was so low, for it did not even reflect the natural cost escalation. This is the reason that the committee felt it mandatory to increase the various categories.

I would call attention to some other items that are of major importance to conservationists. One is the air pollution research at Delaware, Ohio, and the other is the controlled burning fire research at Macon, Ga. These should start us toward the answers of what we do with the problems of pollution and the solutions which may be found by the use of trees. In controlled burning, answers must be found, and found as expeditiously as possible about the slash and cleanup fires.

Excellent testimony was presented to the committee by many outside witnesses in these areas and I would like to commend the American Forestry Association and conservation groups who joined hands to support a program of increased awareness and money for the forest needs.

We have also under Forest Land Management included a new item—$7,500,000 for Project Falcon. This is the beginning of a long program that should give us some answers on how to remove timber from remote areas without damaging the terrain and causing erosion through roadbuilding. Some private industries use it but the methods and techniques have not been available nationwide, nor are they refined. And if we are going to do the conservation job that must be done, Falcon is one of the ingredients.

You will notice that we have added funds in many areas of recreation. The overuse of land is one of the major problems of all public agencies and nowhere is this truer than in the U.S. Forest Service. National parks are full and the spillover goes into the forests.

At the same time we are spending money for recreation in the forests, it is my hope that schools, clubs and conservation groups will assist in a program of keeping our forests clean, preventing fire, and helping us to slow down the destruction of our facilities through pure vandalism. It is the American people's tax dollars that are being torn up every time a forest is destroyed.

It is also true that about $20 to $25 million is needed for cleanup. It is cleanup after messy people—our visitors. This money could be much better spent on recreation areas and wildlife habitat and on reforestation.

May I commend to the Members volume 4 of our hearings, and for those interested in a very thoughtful discussion of log exports, clearcutting and other highly controversial issues, the time you take to read these will give you a deeper insight into the complexity of all the problems.

POLICY ON CLEARCUTTING

As the committee stated in its report last year, the National Forests are a resource of diverse benefits—timber, watersheds, forage, wildlife habitat, and recreation. Each is important in its own way to our national well-being. The committee continues to urge that the Forest Service, in these times of conflicting demands, stress imaginative planning and administration which will provide maximum multiple use of the national forests.

This committee has taken notice of the policy guidelines included in the report on "Clearcutting on Federal Timberlands" issued by the Subcommittee on Public Lands to the Senate Committee on Interior and Insular Affairs and urges that the Forest Service, the Bureau of Indian Affairs, and the Bureau of Land Management follow these guidelines which this committee approves.

COMMISSION OF FINE ARTS

Salaries and expenses

Appropriation, 1972	$124,000
Estimate, 1973	135,000
Recommended, 1973	135,000
Comparison:	
Appropriation, 1972	+11,000
Estimate, 1973	--------

The Commission of Fine Arts is a permanent advisory agency created to give advice concerning aesthetic standards and matters of civic design involved in the orderly development of the city of Washington; and to furnish expert opinion on questions of art to the President, to the Congress and its committees, and to the heads of various departments and agencies of the Federal and District governments.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Indian health services

Appropriation, 1972	$155,333,000
Estimate, 1973	166,540,000
Recommended, 1973	169,787,000
Comparison:	
Appropriation, 1972	+14,454,000
Estimate, 1973	+3,247,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with—1972 appropriation	Bill compared with—Estimate, 1973
Patient care	$115,906,000	+$7,763,000	+$1,900,000
Field health services	50,461,000	+5,816,000	+1,347,000
Administration	$3,420,000	+$875,000	------------
Total, Indian health services	169,787,000	+14,454,000	+$3,247,000

The increase of $3,247,000 over the budget estimate includes the following: +$1 million, additional funding for the contract health care program; +$1 million, implementation of three additional pilot urban health projects ($450,000); and $550,000 for expansion of services provided by the California Indian Rural Health Board; +$400,000, six additional positions and support costs for additional eye care; +$350,000, additional treatment of Otitis Media; +$250,000, 14 additional positions for dental services in the Aberdeen and Billings areas; and +$247,000, 50 additional community health representatives.

Indian health facilities

Appropriation, 1972	$30,442,000
Estimate, 1973	43,689,000
Recommended, 1973	44,099,000
Comparison:	
Appropriation, 1972	+13,657,000
Estimate, 1973	+410,000

The recommended increase of $410,000 over the budget estimate will provide $60,000 for preliminary planning, Gila River Hospital, Arizona; and $350,000 for planning and design, White River Apache Mountain Hospital, Arizona.

Mr. Chairman, it is with some pride that the committee calls the Members' attention to the stepped-up Indian Health program. In 1963 the Congress appropriated $66,171,000; this year we appropriated $213,886,000. We call to your attention the continuing accomplishments of the Indian Health Service. Between the years 1955 and 1968, the infant death rate was cut 51 percent; tuberculosis was cut 79 percent, an astronomical drop; congenital malformation death was cut 38 percent, and on page 443, of volume 2 of our hearings, Dr. Johnson, when asked to compare the death rates of black infants to the Indian child, said:

> I think perhaps the infant death rate is one we could call attention to. As you notice, the infant death rate has dropped from 62.5 per 1,000 live births in 1955 to 30.9—51 percent decrease. The nonwhite category in 1955 was around 40; and by 1968, which is the data we have here, it had dropped to 34. So you can see that the Indian clearly had the highest infant mortality in 1955, that he has passed the nonwhite group and actually his infant mortality experience in 1968 was better than that of the other nonwhite population of the country.

One of the great problems that we have to solve is that of the Indian child born in a hospital with a good health record who returns to his home and within a year is in trouble. What is the answer? That, I believe, is in better home care and nutrition. We need to put an emphasis now on, first, preventative medicine, and second, home and community medicine so that we have child nutrition and health advisers sharing our programs throughout our villages and our tribes.

Also, and I am going to be very frank, we need to get busy and rebuild or build new community health facilities. We also need to provide enough personnel in the Indian Health Service so that people do not work longer hours than they can possibly survive or make impossible the kind of evaluations necessary for the survival of their patients.

We have added funds in these various categories. I urge Congress to adopt them, and I would urge that if the campaign to put people to work goes ahead, with every presidential candidate I know committed to updating facilities and providing jobs, that Indian health hospital and clinic construction be the major No. 1 construction item.

We have more than $165 million in hospitals and clinics as a backlog. Let us start right there and put our money where our mouths are.

INDIAN CLAIMS COMMISSION

Salaries and expenses

Appropriation, 1972	$1,045,000
Estimated, 1973	1,090,000
Recommended, 1973	1,090,000
Comparison:	
Appropriation, 1972	+45,000
Estimate, 1973	--------

The committee recommends an appropriation of $1,090,000, the budget estimate, for the Indian Claims Commission.

NATIONAL CAPITAL PLANNING COMMISSION

Salaries and expenses

Appropriation, 1972	$1,300,000
Estimate, 1973	1,428,000
Recommended, 1973	1,425,000
Comparison:	
Appropriation, 1972	+125,000
Estimate, 1973	−3,000

The bill provides $1,425,000, a reduction of $3,000 below the budget estimate.

The committee has approved $25,000 for the 1976 bicentennial exhibit rather than the $28,000 requested in the budget estimate.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Salaries and expenses

Appropriation, 1972	$54,286,000
Estimate, 1973	76,314,000
Recommended, 1973	74,714,000
Comparison:	
Appropriation, 1972	+20,428,000
Estimate, 1973	−1,600,000

The bill provides a total appropriation of $74,714,000 for activities under this appropriation account. This is a reduction of $1,600,000 below the budget estimate.

The following tabulation reflects the distribution of funds as provided in the bill:

Activity	1972 appropriation	1973 budget estimate	Committee bill, 1973	Increase or decrease
National Endowment for the Arts:				
Grants-in-aid to groups or individuals	$20,750,000	$28,625,000	$28,025,000	—$600,000
Grants-in-aid to States	5,500,000	6,875,000	6,875,000	

Activity	1972 appropriation	1973 budget estimate	Committee bill, 1973	Increase or decrease
National Endowment for the Humanities: Grants and loans to individuals and groups	$24,500,000	$35,500,000	$34,500,000	—$1,000,000
Administrative expenses	3,536,000	5,314,000	5,314,000	
Total	54,286,000	76,314,000	74,714,000	—1,600,000

Matching grants

Appropriation, 1972	$7,000,000
Estimate, 1973	7,000,000
Recommended, 1973	7,000,000
Comparison:	
Appropriation, 1972	
Estimate, 1973	

Funds provided under this appropriation account are available for matching in an amount equal to the total amount of gifts, bequests, and devises of money, and other property received by each endowment during the current and preceding fiscal years, for which equal amounts have not previously been appropriated.

Mr. Chairman, I have no apology for the funding we have recommended of the National Foundation on the Arts and the Humanities. We in this last third of the century, it seems to me, should evaluate ourselves and the first question is, "Are arts relevant to our life?", and, two, "Are humanities relevant?" My answer is affirmatively "yes," and I quote from the Argus of May 19, which says:

> Far more is at stake than our personal pleasures in good acting or fine singing or masterpieces of painting or sculpture. The violence of our times has trust upon us a crisis in values, and the urgent need to act positively in behalf of those aspects of life that are vital to what we had been calling 'civilization'. It is too late for passive tolerance, or fringe frivolity with, the arts.
>
> Unless positive values are pumped soon into the body politic—and great are carries on overtone of values—we have more trouble ahead than I care to contemplate."

In addition, I have a letter from the Seattle Symphony Orchestra, Inc., which says:

> Within a six-day period, April 3 through 8, 1972, the Seattle Symphony Orchestra presented 33 concerts and 9 master classes in 17 cities, towns and villages of Alaska. During the first three days of the tour, Juneau, Anchorage and Fairbanks heard 7 full orchestra concerts and students of those cities participated, as well, in 9 master classes with Seattle Symphony musicians. During the last three days of the tour, the Orchesrta was divided into 7 ensembles that performed in Barrow (340 miles inside the Arctic Circle), Bethel, Haines, Homer, Kenai, Ketchikan, Kodiak, Kotzebue, Metlakatla, Nome, Petersburg, Seward, Sitka, and Wrangell.
>
> All box office receipts generated by the tour remained in Alaska to encourage future performing arts presentations.
>
> These remarkable facts were made possible by a grant from The National Endowment for the Arts with a near-ideal combination of matching support and/or services from the Alaska State Council on the Arts, The Charitable Foundation of Alaska (consisting of New England Fish Company, Sea-Land Service, Inc., Western Airlines, Whitney-Fidalgo Seafoods, Inc.), The Music Performance Trust Funds, through Seattle Local 76, A.F. of M., the National Park Service and ITT Corporation.
>
> Further the Alaska project was made possible by a new contract between the Seattle Symphony and Seattle Local 76 in which musicians of the Orchestra voluntarily reduced their normal tour income, allowed division of the Orchestra into ensembles and lifted certain working and travel restrictions. This contract has received the personal commendation of President Nixon.
>
> We are in the process of preparing a summary booklet on the Alaska venture, a copy of which we plan to send you. We respectfully urge that you give it your attention as evidence of the impact possible through cooperative efforts on the part of The National Endowment, industry and artistic labor.

Mr. Chairman, if you lived in far-off Alaska, would not you appreciate having the concerts which were given. I have the feeling that every time we offer for understanding and appreciation a ballet, a play, a painting, good music, we have done something for the restoration of our American soul. Ours is not a nation dedicated to blowing up the world. It is a nation really dedicated to helping people, to giving people an opportunity, and I think that probably the presentation of our arts and humanities program throughout the Nation for our young people, our middle-age, and our elderly, may mean the fulfillment of the American dream.

If art and the enjoyment of it is pushed beyond the financial ability of people to enjoy, can we actually point to ourselves as a democracy? It would seem to me that the greatest commentary we might make in America about Americans is that this is a land which provides the opportunity for all of us to enjoy the past, the present, the future, and the best.

Again, Mr. Chairman, I have no apologies for presenting this small share of our budget. I believe someone said it cost $16 million a day for Vietnam. This entire budget for the arts and humanities therefore would be less than 5 days and millions of Americans would participate in the life and breath of something that is infinitely immortal.

SMITHSONIAN INSTITUTION

Salaries and expenses

Appropriation, 1972	$44,701,000
Estimate, 1973	54,683,000
Recommended, 1973	51,682,000
Comparison:	
Appropriation, 1972	+6,981,000
Estimate, 1973	—3,001,000

The amount recommended by the committee compared with the 1972 appropriation and the 1973 budget estimate by activity is as follows:

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Science	$18,099,000	+$2,025,000	—$592,000
History and art	7,092,000	+1,402,000	—1,086,000
Public service	1,182,000	+235,000	—45,000
Special programs	3,818,000	+913,000	—490,000
Documentation and conservation	2,352,000	+568,000	—95,000
Administrative and central support	7,190,000	+564,000	—119,000

Activity	Committee bill, 1973	Bill compared with— 1972 appropriation	Bill compared with— Estimate, 1973
Buildings management department	$12,323,000	+$1,648,000	—$200,000
Within-grade pay increases	—200,000	—200,000	—200,000
Increased pay costs	—24,000	—24,000	—24,000
Travel	—150,000	—150,000	—150,000
Total, salaries and expenses	51,682,000	+6,981,000	—3,001,000

Museum programs and related research
(Special Foreign Currency Program)

Appropriation, 1972	$3,500,000
Estimate, 1973	6,000,000
Recommended, 1973	4,000,000
Comparison:	
Appropriation, 1972	+500,000
Estimate, 1973	—2,000,000

This appropriation item is to provide for the special foreign currency program of awarding grants to American universities, museums, or other institutions of higher learning, interested in conducting research in foreign countries.

The reduction of $2,000,000 below the budget estimate includes decreases of $397,232 for Archeology and Related Disciplines; $1,397,768 for Systematic and Environmental Biology; and $205,000 for Museum Programs.

Science Information Exchange

Appropriation, 1972	$1,600,000
Estimate, 1973	1,650,000
Recommended, 1973	1,600,000
Comparison:	
Appropriation, 1972	
Estimate, 1973	—50,000

The Science Information Exchange receives, organizes, and disseminates information about research in progress in the life, physical, and social sciences. Its mission is to assist the planning and management of research activities supported by Government and non-Government agencies and institutions by promoting the exchange of information that concerns subject matter, distribution, level of effort, and other data pertaining to current research in the pre-publication stage.

The reduction of $50,000 below the

budget estimate relates to increased pay costs.

Construction and improvements, National Zoological Park

Appropriation, 1972	$200,000
Estimate, 1973	675,000
Recommended, 1973	675,000
Comparison:	
Appropriation, 1972	+475,000
Estimate, 1973	--------

The amount recommended under the appropriation item is for the capital improvement program at the National Zoological Park.

Restoration and renovation of buildings

Appropriation, 1972	$550,000
Estimate, 1973	5,409,000
Recommended, 1973	5,064,000
Comparison:	
Appropriation, 1972	+4,514,000
Estimate, 1973	−345,000

The reduction of $345,000 consists of decreases of $145,000 for renovation of the Arts and Industries Building; $100,000 for planning a National Museum of History and Technology library addition; and $100,000 for feasibility studies on parking and the National Museum of Natural History Research Center.

Construction

Appropriation, 1972	$1,900,000
Estimate, 1973	40,275,000
Recommended, 1973	13,000,000
Comparison:	
Appropriation, 1972	+11,100,000
Estimate, 1973	−27,275,000

Contract authority

Appropriation, 1972	----------
Estimate, 1973	----------
Recommended, 1973	$27,000,000
Comparison:	
Appropriation, 1972	+27,000,000
Estimate, 1973	+27,000,000

The committee considered a total budget estimate of $40,275,000 for Construction. This included $275,000 for planning of the Bicentennial Park at Fort Foote, Maryland, and Jones Point, Virginia; and $40,000,000 for the National Air and Space Museum.

The committee has not approved $275,000 for planning of the Bicentennial Park in view of the fact that legislative authority for this project has not yet been enacted.

While the committee recommends construction of the National Air and Space Museum at a total cost of $40,000,000, the accompanying bill provides an appropriation of only $13,000,000 for this purpose. In addition, the committee has granted contract authority in the amount of $27,000,000. The committee will expect the additional cash requirements to be requested on a phased basis, thus giving the committee an opportunity to have reasonable overview of the construction of the museum as the work progresses.

The committee directs that before any funds are obligated for construction of this project, a thorough and intensive traffic study be performed under the aegis of the National Capital Planning Commission to determine the extent to which construction of the Air and Space Museum will further aggravate traffic congestion in this particular area of the Mall. The committee expects to receive a copy of the report. In the event the report should reveal reasonable probability of undue traffic congestion resulting from this project, construction of the Museum shall be delayed until adequate remedial provisions are provided.

NATIONAL GALLERY OF ART

Salaries and expenses

Appropriation, 1972	$4,841,000
Estimate, 1973	5,420,000
Recommended, 1973	5,420,000
Comparison:	
Appropriation, 1972	+579,000
Estimate, 1973	----------

The bill provides $5,420,000, the budget estimate, for salaries and expenses of the National Gallery of Art.

The National Gallery of Art receives, holds, and administers works of art acquired for the Nation by the Gallery's Board of Trustees; maintains and administers the Gallery building so as to give maximum care and protection to art treasures and to enable these works of art to be exhibited regularly to the public without charge.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Salaries and expenses

Appropriation, 1972	$695,000
Estimate, 1973	841,000
Recommended, 1973	800,000
Comparison:	
Appropriation, 1972	+105,000
Estimate, 1973	−41,000

The Woodrow Wilson International Center for Scholars was authorized by Public Law 90–637, approved October 24, 1968, as the Nation's official living memorial to the 28th President. It sponsors a continuous advanced scholar, international fellowship program on various social and scientific subjects of special interest in the world of today.

The budget estimate requested $462,000 for the Fellowship program; the committee recommends $421,000 for this activity, a reduction of $41,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

Appropriation, 1972	$37,000
Estimate, 1973	38,000
Recommended, 1973	38,000
Comparison:	
Appropriation, 1972	+1,000
Estimate, 1973	-------

The committee recommends an appropriation of $38,000, the budget estimate, for the Franklin Delano Roosevelt Memorial Commission as authorized by Public Law 91–398, approved September 8, 1970. This appropriation will provide funds for the execution of preliminary plans to develop the approved site of the Memorial.

NATIONAL COUNCIL ON INDIAN OPPORTUNITY

Salaries and expenses

Appropriation, 1972	$275,000
Estimate, 1973	300,000
Recommended, 1973	290,000
Comparison:	
Appropriation, 1972	+15,000
Estimate, 1973	−10,000

The bill provides $290,000, a reduction of $10,000 below the budget estimate, for the National Council on Indian Opportunity.

The function of the Council is to encourage full use of programs to benefit the Indian population.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

Salaries and expenses

Appropriation, 1972	$167,000
Estimate, 1973	167,000
Recommended, 1973	160,000
Comparison:	
Appropriation, 1972	−7,000
Estimate, 1973	−7,000

The committee recommends an appropriation of $160,000, a reduction of $7,000 below the budget estimate, for the Federal Metal and Nonmetallic Mine Safety Board of Review which was established by Section 10 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740).

The adjudicative duties of the Board, in docketed cases, involve the hearing and determination of applications filed by mine operators seeking annulment or revision of, and temporary relief from, orders issued by the Secretary of the Interior under sections 8 and 9 of the act.

The Committee is informed that to date, no appeals have been made to the Board for hearing.

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

Salaries and expenses

Appropriation, 1972	$125,000
Estimate, 1973	1,500,000
Recommended, 1973	708,800
Comparison:	
Appropriation, 1972	+583,800
Estimate, 1973	−791,200

The Joint Federal-State Land Use Planning Commission for Alaska was established by the Alaska Native Claims Settlement Act (Public Law 92–203). Under the Act the Federal Government will pay 50 percent of the Commission's expenses and the State Government will pay 50 percent.

The committee recommends an appropriation of $708,800, a reduction of $791,200 below the budget estimate. Based on information furnished the Committee, the amount provided in the bill will be ample to match the funds which the State of Alaska proposes to furnish in fiscal year 1973.

BUDGET ESTIMATE FOR THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The budget estimate included funding for the American Revolution Bicentennial Commission. Existing legislation authorizing this activity expires June 30, 1972.

New legislation which would authorize the continuance of this activity in fiscal year 1973 has not yet been considered by either House.

Hearings were held on the budget estimate, but in the absence of authorizing legislation for this activity in fiscal year 1973, the committee has decided to pass over this item without prejudice.

The 1972 appropriation enacted to date and the budget estimate for 1973, which for comparability are omitted from report totals, are as follows:

	1972 appropriation	Budget estimate, 1973
American Revolution Bicentennial Commission:		
Salaries and expenses	$1,434,000	$4,414,000
Grants-in-aid	2,400,000	2,400,000
Total, American Revolution Bicentennial Commission	3,834,000	6,814,000

In conclusion, Mr. Chairman, may I urge that the members of this committee support the bill that the Subcommittee on Interior and Related Agencies presents to you—and presents it with distinct affection for our Nation. May I also add as a final reminder, this money is for the care, management, and programing for survival of "your land and my land."

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1973

[Note: All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority appropriated, fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in bill	Bill compared with—	
				New budget (obligational) authority, fiscal year 1972	Budget estimates of new (obligational) authority, fiscal year 1973
(1)	(2)	(3)	(4)	(5)	(6)
TITLE I—DEPARTMENT OF THE INTERIOR					
PUBLIC LAND MANAGEMENT					
Bureau of Land Management					
Management of lands and resources	$88,654,000	$84,057,000	$77,980,000	−$10,674,000	−$6,077,000
Construction and maintenance	4,827,000	7,965,000	7,965,000	+3,138,000	
Public lands development roads and trails (appropriation to liquidate contract authority)	(3,200,000)	(3,265,000)	(3,265,000)	(+65,000)	
Oregon and California grant lands (indefinite, appropriation of receipts)	19,000,000	16,700,000	16,700,000	−2,300,000	
Range improvements (indefinite, appropriation of receipts)	2,523,000	3,059,000	2,800,000	+277,000	−259,000
Total, Bureau of Land Management	115,004,000	111,781,000	105,445,000	−9,559,000	−6,336,000
Bureau of Indian Affairs					
Education and welfare services	273,094,000	296,627,000	297,468,000	+24,374,000	+841,000
Education and welfare services (appropriation to liquidate contract authority)	(693,000)	(1,500,000)	(1,500,000)	(+807,000)	
Resources management	75,764,000	83,734,000	84,316,000	+8,552,000	+582,000
Construction	43,715,500	48,092,000	55,384,000	+11,668,500	+7,292,000
Road construction (appropriation to liquidate contract authority)	(33,600,000)	(45,539,000)	(45,539,000)	(+11,939,000)	
Alaska native fund	12,500,000	50,000,000	50,000,000	+37,500,000	
General administrative expenses	6,161,000	6,358,000	6,200,000	+39,000	−158,000
Tribal funds (definite)	3,000,000	3,000,000	3,000,000		
Tribal funds (indefinite)	13,173,000	13,505,000	13,505,000	+332,000	
Total, Bureau of Indian Affairs	427,407,500	501,316,000	509,873,000	+82,465,500	+8,557,000
Bureau of Outdoor Recreation					
Salaries and expenses	3,949,000	4,203,000	4,150,000	+201,000	−53,000
Land and Water Conservation Fund					
Appropriation of receipts (indefinite)	361,500,000	300,000,000	300,000,000	−61,500,000	
Territorial Affairs					
Administration of territories	21,699,000	22,375,000	22,375,000	+676,000	
Permanent appropriation (special fund)	(367,000)	(469,000)	(469,000)	(+102,000)	
Transferred from other accounts (special fund)	(458,360)	(470,000)	(470,000)	(+11,640)	
Trust Territory of the Pacific Islands	59,980,000	60,000,000	60,000,000	+20,000	
Micronesian claims fund	5,000,000			−5,000,000	
Total, Territorial Affairs	86,679,000	82,375,000	82,375,000	−4,304,000	
Total, Public Land Management	994,539,500	999,675,000	1,001,843,000	+7,303,500	+2,168,000
MINERAL RESOURCES					
Geological Survey					
Surveys, investigations, and research	131,050,000	150,800,000	150,000,000	+18,950,000	−800,000
Bureau of Mines					
Conservation and development of mineral resources	49,858,000	55,291,000	58,491,000	+8,633,000	+3,200,000
Health and safety	81,851,000	95,374,000	95,374,000	+13,523,000	
General administrative expenses	2,013,000	2,008,000	2,000,000	−13,000	−8,000
Helium fund (authorization to spend from public debt receipts)	45,300,000			−45,300,000	
Total, Bureau of Mines	179,022,000	152,673,000	155,865,000	−23,157,000	+3,192,000
Office of Coal Research					
Salaries and expenses	30,650,000	45,330,000	42,330,000	+11,680,000	−3,000,000
Office of Oil and Gas					
Salaries and expenses	1,570,000	1,558,000	1,558,000	−12,000	
Total, Mineral Resources	342,292,000	350,361,000	349,753,000	+7,461,000	−608,000
FISH AND WILDLIFE AND PARKS					
Bureau of Sport Fisheries and Wildlife					
Management and investigations of resources	66,883,000	74,552,000	73,529,500	+6,646,500	−1,022,500
Construction	7,226,000	6,258,000		−7,226,000	−6,258,000
Migratory bird conservation account (definite, repayable advance)	7,500,000	7,100,000	7,100,000	−400,000	
Anadromous and Great Lakes fisheries conservation	2,332,000	2,333,000	2,333,000	+1,000	
General administrative services	2,240,000	2,332,000	2,250,000	+10,000	−82,000
Total, Bureau of Sport Fisheries and Wildlife	86,181,000	92,575,000	85,212,500	−968,500	−7,362,500

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1973—Continued

[Note; All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority appropriated, fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in bill	Bill compared with—	
				New budget (obligational) authority, fiscal year 1972	Budget estimates of new (obligational) authority, fiscal year 1973
(1)	(2)	(3)	(4)	(5)	(6)
TITLE I—DEPARTMENT OF THE INTERIOR—Continued					
FISH AND WILDLIFE AND PARKS—Continued					
National Park Service					
Management and protection	$71, 756, 000	$89, 937, 000	$88, 671, 000	+$16, 915, 000	−$1, 266, 000
Maintenance and rehabilitation of physical facilities	57, 557, 000	73, 198, 000	73, 312, 000	+15, 755, 000	+114, 000
Construction	75, 752, 000	42, 233, 000	41, 711, 000	−34, 041, 000	−522, 000
Parkway and road construction (appropriation to liquidate contract authority)	(24, 188, 000)	(20, 222, 000)	(5, 766, 000)	(−18, 422, 000)	(−14, 456, 000)
Preservation of historic properties	8, 369, 000	10, 124, 000	11, 624, 000	+3, 255 000	+1, 500, 000
General administrative expenses	4, 052, 000	4, 1/5, 000	4, 140, 000	+88, 000	−35, 000
Total, National Park Service	217, 486, 000	219, 667, 000	219, 458, 000	+1, 972, 000	−209, 000
Total, Fish and Wildlife and Parks	303, 667, 000	312, 242, 000	304, 670, 500	+1, 003, 500	−7, 571, 500
OFFICE OF SALINE WATER					
Saline water conversion	27, 025, 000	27, 021, 000	26, 871, 000	−154, 000	−150, 000
OFFICE OF WATER RESOURCES RESEARCH					
Salaries and expenses	14, 290, 000	14, 304, 000	16, 344, 000	+2, 054, 000	+2, 040, 000
OFFICE OF THE SOLICITOR					
Salaries and expenses	6, 967, 000	7, 031, 000	7, 000, 000	+33, 000	−31, 000
OFFICE OF THE SECRETARY					
Salaries and expenses	[1] 10, 948, 900	16, 412, 000	15, 419, 000	+4, 470, 100	−993, 000
Departmental operations	[2] 3, 746, 100	4, 066, 000	4, 066, 000	+319, 900	
Salaries and expenses (special foreign currency program)	500, 000	1, 000, 000	750, 000	+250, 000	−250, 000
Total, Office of the Secretary	15, 195, 000	21, 478, 000	20, 235, 000	+5, 040, 000	−1, 243, 000
Total, new budget (obligational) authority, Department of the Interior	1, 703, 975, 500	1, 732, 112, 000	1, 726, 716, 500	+22, 741, 000	−5, 395, 500
Consisting of—					
Appropriations	1, 658, 675, 500	1, 732, 112, 000	1, 726, 716, 500	+68, 041, 000	−5, 395, 500
Definite appropriations	(1, 262, 479, 500)	(1, 398, 848, 000)	(1, 393, 711, 500)	(+131, 232, 000)	(−5, 136, 500)
Indefinite appropriations	(396, 196, 000)	(333, 264, 000)	(333, 005, 000)	(−63, 191, 000)	(−259, 000)
Authorization to spend from public debt receipts	45, 300, 000			−45, 300, 000	
Memoranda—					
Appropriations to liquidate contract authority	(61, 681, 000)	(70, 526, 000)	(56, 070, 000)	(−5, 611, 000)	(−14, 456, 000)
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(1, 765, 656, 500)	(1, 802, 638, 000)	(1, 782, 786, 500)	(+17, 130, 000)	(−19, 851, 500)
TITLE II—RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest protection and utilization:					
Forest land management	297, 095, 300	246, 749, 000	257, 872, 000	−39, 223, 300	+11, 123, 000
Forest research	54, 587, 000	57, 278, 000	59, 268, 000	+4, 681, 000	+1, 990, 000
State and private forestry cooperation	27, 759, 000	27, 760, 000	27, 760, 000	+1, 000	
Total, forest protection and utilization	379, 441, 300	331, 787, 000	344, 900, 000	−34, 541, 300	+13, 113, 000
Construction and land acquisition	35, 703, 200	37, 980, 000	43, 953, 900	+8, 250, 700	+5, 973, 900
Youth conservation corps	3, 500, 000	3, 500, 000	3, 500, 000		
Forest roads and trails (appropriation to liquidate contract authority)	(148, 740, 000)	(158, 840, 000)	(158, 840, 000)	(+10, 100, 000)	
Acquisition of lands for national forests:					
Special acts (special fund, indefinite)	80, 000	80, 000	80, 000		
Acquisition of lands to complete land exchanges	26, 035			−26, 035	
Cooperative range improvements (special fund, indefinite)	700, 000	700, 000	700, 000		
Assistance to States for tree planting	1, 028, 000	1, 027, 000	1, 020, 000	−8, 000	−7, 000
Total, new budget (obligational) authority, Forest Service	420, 478, 535	375, 074, 000	394, 153, 900	−26, 324, 635	+19, 079, 900
COMMISSION OF FINE ARTS					
Salaries and expenses	124, 000	135, 000	135, 000	+11, 000	
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
Health Services and Mental Health Administration					
Indian health services	155, 333, 000	166, 540, 000	169, 787, 000	+14, 454, 000	+3, 247, 000
Indian health facilities	30, 442, 000	43, 689, 000	44, 099, 000	+13, 657, 000	+410, 000
Total, Health Services and Mental Health Administration	185, 775, 000	210, 229, 000	213, 886, 000	+28, 111, 000	+3, 657, 000
INDIAN CLAIMS COMMISSION					
Salaries and expenses	1, 045, 000	1, 090, 000	1, 090, 000	+45, 000	
NATIONAL CAPITAL PLANNING COMMISSION					
Salaries and expenses	1, 300, 000	1, 428, 000	1, 425, 000	+125, 000	−3, 000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES					
Salaries and Expenses					
Endowment for the arts	26, 250, 000	35, 500, 000	34, 900, 000	+8, 650, 000	−600, 000
Endowment for the humanities	24, 500, 000	35, 500, 000	34, 500, 000	+10, 000, 000	−1, 000, 000
Administrative expenses	3, 536, 000	5, 314, 000	5, 314, 000	+1, 778, 000	
Subtotal, salaries and expenses	54, 286, 000	76, 314, 000	74, 714, 000	+20, 428, 000	−1, 600, 000
Matching Grants					
Endowment for the arts	3, 500, 000	3, 500, 000	3, 500, 000		
Endowment for the humanities	3, 500, 000	3, 500, 000	3, 500, 000		
Subtotal, matching grants	7, 000, 000	7, 000, 000	7, 000, 000		
Total, National Foundation on the Arts and the Humanities	61, 286, 000	83, 314, 000	81, 714, 000	+20, 428, 000	−1, 600, 000

Agency and item	New budget (obligational) authority appropriated, fiscal year 1972 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1973	New budget (obligational) authority recommended in bill	Bill compared with—	
				New budget (obligational) authority fiscal year 1972	Budget estimates of new (obligational) authority, fiscal year 1973
(1)	(2)	(3)	(4)	(5)	(6)
SMITHSONIAN INSTITUTION					
Salaries and expenses	$44, 701, 000	$54, 683, 000	$51, 682, 000	+$6, 981, 000	−$3, 001, 000
Museum programs and related research (special foreign currency program)	3, 500, 000	6, 000, 000	4, 000, 000	+500, 000	−2, 000, 000
Science information exchange	1, 600, 000	1, 650, 000	1, 600, 000		−50, 000
Construction and improvements, National Zoological Park	200, 000	675, 000	675, 000	+475, 000	
Restoration and renovation of buildings	550, 000	5, 409, 000	5, 064, 000	+4, 514, 000	−345, 000
Construction	1, 900, 000	40, 275, 000	13, 000, 000	+11, 100, 000	−27, 275, 000
Construction (new contract authority)			27, 000, 000	+27, 000, 000	+27, 000, 000
Construction (appropriation to liquidate contract authority)	(3, 697, 000)			(−3, 697, 000)	
Salaries and expenses, National Gallery of Art	4, 841, 000	5, 420, 000	5, 420, 000	+579, 000	
Salaries and expenses, Woodrow Wilson International Center for Scholars	695, 000	841, 000	800, 000	+105, 000	−41, 000
Total, Smithsonian Institution	57, 987, 000	114, 953, 000	109, 241, 000	+51, 254, 000	−5, 712, 000
HISTORICAL AND MEMORIAL COMMISSIONS					
Franklin Delano Roosevelt Memorial Commission	37, 000	38, 000	38, 000	+1, 000	
NATIONAL PARKS CENTENNIAL COMMISSION					
Salaries and expenses	250, 000			−250, 000	
NATIONAL COUNCIL ON INDIAN OPPORTUNITY					
Salaries and expenses	275, 000	300, 000	290, 000	+15, 000	−10, 000
FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW					
Salaries and expenses	167, 000	167, 000	160, 000	−7, 000	−7, 000
JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA					
Salaries and expenses	125, 000	1, 500, 000	708, 800	+583, 800	−791, 200)
Total, new budget (obligational) authority, Related Agencies	728, 849, 535	788, 228, 000	802, 841, 700	+73, 992, 165	+14, 613, 700
Consisting of—					
Appropriations	728, 849, 535	788, 228, 000	775, 841, 700	+46, 992, 165	−12, 386, 300
Definite appropriations	(728, 069, 535)	(787, 448, 000)	(775, 061, 700)	(+46, 992, 165)	(−12, 386, 300)
Indefinite appropriations	(780, 000)	(780, 000)	(780, 000)		
New contract authority			27, 000, 000	+27, 000, 000	+27, 000, 000
Memorandums—					
Appropriations to liquidate contract authority	(152, 437, 000)	(158, 840, 000)	(158, 840, 000)	(+6, 403, 000)	
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(881, 286, 535)	(947, 068, 000)	(961, 681, 700)	(+80, 395, 165)	(+14, 613, 700
RECAPITULATION					
Grand total, new budget (obligational) authority, all titles	2, 432, 825, 035	[3] 2, 520, 340, 000	2, 529, 558, 200	+96, 733, 165	+9, 218, 200
Consisting of—					
Appropriations	2, 387, 525, 035	2, 520, 340, 000	2, 502, 558, 200	+115, 033, 165	−17, 781, 800
Definite appropriations	(1, 990, 549, 035)	(2, 186, 296, 000)	(2, 168, 773, 200)	(+178, 224, 165)	(−17, 522, 800)
Indefinite appropriations	(396, 976, 000)	(334, 044, 000)	(333, 785, 000)	(−63, 191, 000)	(−259, 000)
New contract authority			27, 000, 000	+27, 000, 000	+27, 000, 000
Authorization to spend from public debt receipts	45, 300, 000			−45, 300, 000	
Memorandums—					
Appropriations to liquidate contract authority	(214, 118, 000)	(229, 3[illegible]6, 000)	(214, 910, 000)	(+792, 000)	(−14, 456, 000)
Grand total, new budget (obligational) authority and appropriations to liquidate contract authority	(2, 646, 943, 035)	(2, 749, 706, 000)	(2, 744, 468, 200)	(+97, 525, 165)	(−5, 237, 800)

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[1] In addition, $3,746,100 reappropriated to "Departmental Operations" (Public Law 92–184).

[2] Reappropriated from "Office of the Secretary, Salaries and expenses" (Public Law 92–184).

[3] Includes budget estimates contained in H. Doc. 92-267 and H. Doc. 92-275.

Mr. VANIK. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. HANSEN of Washington. I would be glad to yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, at this point I would like to ask the distinguished chairman of the subcommittee whether or not there is anything in this bill that makes appropriations for the helium program. I see that it is not in the bill.

Mrs. HANSEN of Washington. I am pleased to respond to the gentleman from Ohio to the effect that there is no helium money in this bill.

Mr. VANIK. No appropriation at all?

Mrs. HANSEN of Washington. No appropriation for helium whatsoever.

Mr. VANIK. I wish to congratulate the distinguished gentlewoman, chairman of the subcommittee, and to applaud the subcommittee's action on this matter.

Mrs. HANSEN of Washington. I thank the gentleman for his comments.

Mr. GROSS. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman.

Mr. GROSS. I understand that this bill is $97,525,165 above the spending for similar purposes last year; is that correct?

Mrs. HANSEN of Washington. It is and I will tell you why it is.

We have had increasing problems in connection with the welfare and education of American Indians.

Welfare has increased on the reservations.

Over 50 percent of the Navahos are unemployed.

There have been increasing health problems.

We have Indian housing that needs sanitation.

The appropriations for the arts and humanities has been increased. The President sent us a budget request which the committee has not cut ruthlessly. We have found several of these arts and humanities programs are doing an excellent job of diminishing some of our current social problems.

I had a very distinguished corporation executive tell me recently, "Of all the programs designed to meet the problems of the youngsters who would be raising cain on the streets of San Francisco, the arts program was providing them the best chance to be creative and to participate."

Mr. GROSS. That would have been my next question of the gentlewoman. Since approximately one-fourth of the increase is to the Arts and Humanities Foundation, do they do great work with the Indians, too?

Mrs. HANSEN of Washington. You would be surprised at the work they do with the Indians.

Mr. GROSS. I would imagine that they do something——

Mrs. HANSEN of Washington. If the gentleman will permit me, I wish every member of this committee would take it upon himself or herself to visit one of the most spectacular institutions in the United States, the Santa Fe Arts Institute, where many young Indians who have problems, emotional and otherwise, are doing some of the most creative work in every field from sculpture, painting, and dance to drama. It is a very rewarding thing to see young people who could go the route to pot and jail actually creating beauty for their country.

Mr. GROSS. I do not see how you could spend $74 million without accomplishing a little good.

Mrs. HANSEN of Washington. A great deal has been accomplished.

Mr. McDADE. Mr. Chairman. I yield myself 15 minutes.

Mr. Chairman and members of the committee, it is a distinct privilege to have the opportunity to join in presenting this bill to the Members of the House today.

Before I make any comment about it, I do want the distinguished gentlewoman from Washington to know how deeply we on this side of the aisle appreciate how much she has done to help make this bill an important bill that is responsive to the needs of the Nation.

The same is true of each and every member of the subcommittee. Each in his own way has contributed to the final product that we bring to the floor today in the form of this appropriation bill. None of this would be possible without the dedicated, efficient, and effective staff assistance provided us by the members of the staff of the Appropriations Committee, who worked so long, so tirelessly, and so effectively in shaping this bill.

The gentlewoman in her remarks has made what I believe to be a thorough consideration of what is in this bill, and I shall not make any effort to duplicate the ground which she has covered. Suffice it to say that there are features of the bill which stamp it as unique. It is unique in that it produces substantial amounts of revenue to the Treasury of the United States. If Members will look at the report and notice the amounts that are listed therein on page 2, they can see that it is estimated in fiscal year 1973 that this bill is projected to produce in revenues to the Treasury almost $4.5 billion. It can be viewed, therefore, in a sense, as an investment in America, and that is really what this bill is. This is the bill that deals in largest degree with the resources that shape the fiber and the strengths of so much of what this Nation represents to so many people here at home and around the world.

If one stops to consider the scope of this bill, it seems to me you must begin by recognizing in some shape the total amount of territory that is administered by the departments and agencies represented in this bill.

The Bureau of Land Management is responsible, as the report shows, for 450 million acres of land; the Forest Service, 186 million acres; the Park Service, some 28 million acres; the Bureau of Sports Fisheries and Wildlife, some 38 million acres. Cumulatively we are talking about the administration in public trust of three-quarters of a billion acres of publicly held lands. And that in itself does not tell the whole story, because the Department of the Interior is responsible also for the administration of that enormously vast and potentially wealthy and important area known as the Outer Continental Shelf. That area approximates 500 million acres.

Put together, when we look at this bill, it is important, I believe, for all of us to recognize that what we are doing is managing over a billion acres of publicly held land in trust for the people of the United States.

One can look at this bill in another way, too, to make an effort to see exactly how it is that we are spending the taxpayer's dollar to meet this important responsibility.

The largest single item in this bill relates to the expenditure of funds involving the Bureau of Indian Affairs and the Department of Health, Education, and Welfare and its contribution to Indian health.

When we look at Indian activities, just that one account, we are talking about three-quarters of a billion dollars to try to provide the necessary health services and other services to the Indians of this Nation who find themselves in such difficult circumstances. I would like to take just a moment of time to pay tribute to some of those in the Department of Health, Education, and Welfare—much maligned, I am sure, and sometimes with good reason—in the Bureau of Indian Health, where such enormous strides have have been made in trying at least to place a floor under Indian health in this Nation.

Listen to the figures we get from the investment of this money in trying to do something about maintaining basic Indian health. During the last 7 years the infant death rate is down 51 percent; tuberculosis infection is down 79 percent; gastritis is down 60 percent; and influenza and pneumonia have been decreased by 45 percent.

Surely anyone in this Nation would agree that expenditures for such purposes, producing such outstanding results, are extremely well spent. All of us, I think, would agree that those responsible for administering this program deserve the highest accolades of this House and of our fellow citizens.

If one looks at this budget after leaving the expenditures for the Bureau of Indian Affairs and Indian Health, one notices the next single largest amount represents about $350 million to the United States for service, which produces about 25 percent of all of our lumber supply in the United States of America and through its multiple-purpose usage of our forest assets provides grazing land, protection and forage for wildlife, a huge recreational asset for the people of this Nation.

The Bureau of Outdoor Recreation, will have $300 million to try to let us keep up for future generations acquisitions of sufficient recreation areas and public areas so that we can be assured of reasonable access to lands and areas in the United States of America that will assure to them and to their children some opportunity to try to be able to enjoy life as some of us have known it on the public lands of the United States of America.

Then, $219 million will be expended during fiscal year 1973 by the Park Service. I think each of us can recognize the unique contribution made by the National Park Service. An idea originated in this centennial year of the Park Service right here in the United States to recognize the importance of national assets and to try to set them aside in trust once again for the public in order that each might have an opportunity to enjoy those areas.

We can find too between the U.S. Geological Survey and the U.S. Bureau of Mines expenditures again of approximately $300 million. When one looks at the responsibility the Geological Survey has over this enormous terrain of over a billion public acres, one can recognize the importance of $150 million for the Geological Survey in order that they can provide the Department and the various bureaus and agencies covered in this bill with the expertise to see that those public lands are well managed.

The same is true of the Bureau of Mines which has so many basic responsibilities. I would be remiss at this point if I did not point out the subcommittee has this year and every year since it has been before us voted every single dollar that was requested by the Bureau for health and safety.

I would be remiss too if I did not extend my commendations to the U.S. Bureau of Mines and to Dr. Osborn and particularly to members of his staff headed by Mr. Joseph Corgan for their initiative in trying to find ways and means to deal with some of the problems that exist in this country by virtue of the fact that we have had an extraction industry which has powered and built this Nation but has left in some places an unhappy legacy, whether it be because of underground or surface mining. We have estimates there are as many as 11 million acres of disturbed land in this Nation, about 3 million surface and about 8 million subsurface, which have been disturbed in some way by the extraction industry. I believe the Bureau of Mines and particularly Mr. Corgan, whom I mentioned, are to be commended for what they have done in trying to find in cooperation with members of this subcommittee new methods to try to deal with this problem and demonstrate how we can reclaim some of this land that has been ripped up.

Mr. Chairman, I have had extensive conversations with the Bureau of Mines urging them to get involved in the very important activity of restoring and reclaiming these mine-scarred lands. I have asked the Bureau to do this because they are the prime agency of Government entrusted with the responsibility of managing the Nation's coal resources. They have recognized this long-overdue responsibility and they are willing to participate in such a project. A site should be selected on publicly owned land containing unsightly environmental hazards and it should be made into usable attractive land suitable for public use.

In their budget for conservation and development, the Bureau of Mines should commit at least $1.2 million to demonstrate to the Nation how these mine-scarred lands can be revitalized and converted into parks or scenic areas. Such techniques include reclaiming lands on a slope, strip pit filling, vegetative cover, stream control and water holding ponds, mine slope stability, and the use of burned mine red ash as a medium for developing park pathways and related facilities such as large cleared spaces for baseball diamonds, parking, and picnic facilities that can materially benefit our people.

I shall, of course, maintain my intense interest in this most important effort and continue to urge the Department to complete it. I have every confidence that our able Director of the Bureau of Mines and his staff, particularly Mr. Joseph Corgan, will conceive and execute a demonstration project that will be a model for the entire Nation.

When we talk about just those few agencies we bring attention to the major accounts in this bill, although there yet remains a considerable amount of money for the Smithsonian Institution and for the Arts and Humanities Foundation and for other agencies and bureaus included within this bill.

I have mentioned that it is a revenue-producing bill. We ought to take cognizance of the fact that there is $300 million earmarked for the Bureau of Outdoor Recreation.

This is produced because of income from various recreational activities that take place in the United States, and with royalties from offshore oil.

As a matter of fact, in 1972, for the fiscal year ended then, two-thirds of that $300 million which was earmarked and put aside for future acquisitions of these recreation areas, come from royalties from offshore oil.

These recreation areas are visited regularly. The projection is that in the next fiscal year they will be visited by more than 500 million visitations during that year.

I do want to point out that there is an increase under the Park Service accounts for the Delaware Water Gap Recreation Area, an increase in the budget of about double, which is vitally needed. This, as Members know, is a new park area visited by about 6 million people in each year, and in my judgment it is not sufficiently staffed. I commend the Members of the subcommittee for their assistance in helping me to increase the amounts of money.

I should like to point out some of the kinds of problems that are being faced in our park areas today. It seems to me the Members of the House will recall that just a few years ago we were required to expend certain moneys to permit the Park Service to maintain a special police force, since we found ourselves being confronted with a certain element, a certain group in this Nation, who saw fit not just to demonstrate but to demonstrate in a way that would deface national shrines in this Nation. What motivation such people have is beyond my comprehension, but, nevertheless, there was that motivation to deface national shrines.

In the Delaware Water Gap National Recreation Area we just had such an action on the Sunday before Memorial Day, when someone saw fit by arson to burn down a church which had been acquired by the Federal Government as a part of the Delaware Water Gap Recreation Area, which had stood since 1860.

Other buildings were also incinerated in what was termed in an editorial—"The Millbrook Atrocity." I hope those responsible will speedily be brought to justice.

There are other actions which should be pursued.

Suffice it to say, I have brought this to the attention of the National Park Service, requesting them—indeed, imploring them—to provide additional protection in this area.

We recently had a Park Service ranger hit in the face with the butt of a gun, and, according to some of the press accounts which appeared, put in danger of his life. It seems to me this is a condition we cannot tolerate, especially on Federal land.

I have been in the area. I have talked with the people who live nearby. They are convinced, and I am convinced from my own inspection, that the Park Service has not provided sufficient personnel to permit the people responsible for administering that park to do so in a meaningful way.

So once again today I urge the Park Service to take a renewed interest in the problems that we face in the Delaware Water Gap Recreation Area and to try to do a better job in providing the broad range of public services which are necessary if we are going to accommodate in a meaningful way the 6 million people who visit this installation every year.

Mr. GROSS. Mr. Chairman, will the gentleman yield at that point?

Mr. McDADE. I yield to the gentleman from Iowa.

Mr. GROSS. Has the gentleman given thought to turning these people who are vandalizing the parks over to the tender mercies of the arts and humanities?

Mr. McDADE. In my view, if these people who vandalize the parks took some interest in the arts and the humanities they would not be vandalizing our parks.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. McDADE. Yes, I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I want to commend the gentleman from Pennsylvania for the leadership that he has shown, along with the chairman of the subcommittee in the field of coal mine health and safety research.

However, I would simply ask this question: On page 19 of the report under "Health and safety inspection," it is indicated that there is $2,396,000 less than the 1972 appropriation included in the committee bill for "health-related research in coal mines."

The gentleman from Pennsylvania has been active, along with other Members of the House, in connection with the passage of the outstanding black lung compensation bill which the President signed just before he left for Moscow.

It would seem to me that in addition to making payments for compensation to those who suffer from pneumoconiosis, that there is an urgent need for additional activity by the Bureau of Mines to prevent black lung. We need more, and not less, money for health-related research in the coal mines.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. McDADE. Mr. Chairman, I yield myself 1 additional minute.

Mr. HECHLER of West Virginia. There is an urgent need for additional activity by the Bureau of Mines to support research in reducing the dust level in coal mines. In Australia, where they are 20 years ahead of us in limiting the amount of respirable coal dust in the mines, the new cases of black lung are almost negligible.

I would like to ask the gentleman from Pennsylvania, or the chairman of the subcommittee, if there is any possibility of additional funding of health-related research in coal mines?

Mr. McDADE. I might indicate to the gentleman from West Virginia who has been such an important ally in trying to do as much as we can in these areas, that we have funded every penny for health and safety insofar as inspections are concerned and the actual on-the-scene men to try to make sure that the companies are complying with the health and safety laws.

I do not mean to imply that we have given them a blank check for everything, but when we get to the item of personnel, we have given them every single penny for personnel and, in fact, encouraged them to beef up their staff.

Mr. HECHLER of West Virginia. This has nothing to do with safety inspections. I have reference to health-related research. I sincerely hope that more aggressive efforts will be made to improve the health as well as the safety of all those who work in the coal mines.

Mr. McDADE. Mr. Chairman, the bill which we present today has been unanimously reported by our subcommittee. I commend its passage to my colleagues.

Mr. CHARLES H. WILSON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 199]

Abbitt
Abernethy
Abzug
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Archer
Badillo
Baring
Bell
Biaggi
Bingham
Blanton
Blatnik
Boggs
Boland
Brasco
Brown, Ohio
Burleson, Tex.
Casey, Tex.
Celler
Chisholm
Clark
Clawson, Del
Clay
Collins, Tex.
Corman
Daniels, N.J.
Davis, Ga.
Delaney

Dingell
Dowdy
Dwyer
Eckhardt
Edmondson
Erlenborn
Esch
Eshleman
Fish
Frelinghuysen
Gallagher
Halpern
Harsha
Hébert
Hosmer
Kyros
Landgrebe
Long, La.
McClory
McCloskey
McCormack
McDonald, Mich.
McEwen
McKevitt
McMillan
Mailliard
Miller, Calif.
Moorhead
Murphy, N.Y.
O'Neill
Perkins
Pickle
Pike
Podell
Price, Tex.
Pryor, Ark.
Rangel
Rees
Rooney, N.Y.
Rooney, Pa.
Scheuer
Smith, Calif.
Springer
Stanton, James V.
Steiger, Wis.
Stuckey
Symington
Thompson, N.J.
Widnall
Wright

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15418, and finding itself without a quorum, he had directed the roll to be called, when 351 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. McCLURE).

Mr. McCLURE. Mr. Chairman and members of the committee, a fire started in the Sunshine Mine in Kellogg, Idaho, on May 2, 1972, and 91 miners lost their lives. The toll of lives would have been 93 if it had not been for the heroic effort of the rescue force assembled from those with the greatest knowledge and experience in what needs to be done in a mine disaster.

I know that you share with me the sadness and horror that such a disaster can happen. I also urge you to share my determination to do everything possible to prevent the recurrence of such a disaster. We must do everything possible to reduce the death, destruction, and suffering that may result when a disaster does occur.

I applaud the actions of the Secretary of the Interior, the Honorable Rogers C. B. Morton, which he announced on May 26, 1972, designed to avert a repetition of such a tragedy. He has started a broad and comprehensive plan to make safety a vital part of every decision made concerning a mine. His plan calls for an expanded mine inspection force, more stringent safety standards, intensified safety research, better training for miners, periodic fire drills including escape routes and plans, and strengthened technical support to assure application of most recent technology.

It is my understanding that the appropriation request that we are considering today was prepared before the horrible disaster at Kellogg on May 2, 1972, and did not include the necessary funds to carry out the comprehensive plan that Secretary Morton has proposed. The many worthwhile actions he has outlined require money for accomplishment and the objectives of his plan will be forestalled without adequate funding.

Lack of reasonable funds cannot be permitted to prevent or delay a program which holds great promise for improving the safety of miners and preventing recurrence of a disaster such as the one at the Sunshine Mine.

Secretary Morton has directed that additional mine inspectors be employed to enable the Bureau of Mines to make more frequent inspections of underground mines. I believe that action should be supported with necessary resources. He has called for strengthening of the technical support organization to assure that current technology is appropriately applied to the problems of mining. I believe that action should be sustained. He proposes to increase the number of instructors training miners how to work safely in the mines and how to survive in case of disaster. I believe this effort deserves full support. He has ordered expansion of the safety research effort to give the miner greater protection and survival capability. I believe that this action, too, should be sustained.

Because of the urgency and magnitude of the increased effort required to implement the Secretary's announced initiatives, I propose that the funds for Metal and Nonmetal Mine Health and Safety activities for fiscal year 1973 be increased by $11 million.

The additional cost estimated by the Interior Department to be $11 million is broken down as follows. If you look at the chart at the top of page 19 of the committee report, entitled Health and Safety, the $11 million would change those figures in the following fashion:

For inspection and enforcement—metal and nonmetal—an additional $4 million, for a total of $10,170,000;

For technical support and accident analysis—an additional $1 million for a total of $7,950,000;

For education and training—an additional $1 million, for a total of $6,255,000;

For metal and nonmetal mine research—an additional $5 million, for a total of $7,978,000.

I have had conversations with Mr. McDADE in regard to this matter and have also discussed possible reprograming of funds or a supplemental appropriation with the gentlelady from Washington (Mrs. HANSEN).

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I am happy to yield to the gentlewoman.

Mrs. HANSEN of Washington. Mr. Chairman, this matter of mine inspection should have a hearing. We have completed our hearings as of this time. My recommendation is that a request for a hearing should be made to the Senate committee which has not yet marked up the bill.

I would not be so insistent on hearings, but let me give you our experience with the Bureau of Mines. At the time they were testifying and justfiying 54 positions in the Bureau of Mines Budget Estimate, RIF notices were already out to those 54 individuals for which the positions were being justified.

I can tell you that the committee was shocked at this performance. I think the ranking member on this subcommittee joins me in my feeling about this. I think there should be a detailed hearing so that adequate implementation of the program can be assured.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McDADE. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mrs. HANSEN of Washington. In the meantime, I can assure the gentleman that the committee is very agreeable to the approval of reprograming requests assigning those inspectors to the mines right now.

The committee has never turned down a request from the Bureau of Mines for inspectors. We have never cut one dime from the inspection program.

Mr. McCLURE. Mr. Chairman, I thank the gentlewoman for her expressions of support and welcome the support we will get when, as, and if they come forward with a supplemental appropriation request.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman.

Mr. McDADE. Mr. Chairman, I simply want to take this time to express my commendation to the gentleman from Idaho for his diligence and persistence in this matter.

Certainly, all of us are aware of the tremendous tragedy that occurred at the Sunshine Mine and want to do what we can to rectify that situation.

I want to give my assurance to the gentleman in the well along with the gentlelady from Washington that we will look with the greatest possible favor on a request from the Bureau of Mines when it comes to us.

As you know, to date we have received no such request, but I am sure with the gentleman's prodding and our own, we will look forward to seeing such a request and doing what we can to assure that every single penny that is requested for inspections in our Nation's mines is granted.

Mr. McCLURE. I thank the gentleman for those assurances. I am sure that the people who do work underground will feel much better knowing that the committee is aware of the problem and with the pledge that they intend to respond, as the gentleman has stated.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman from Idaho yield?

Mr. McCLURE. I am happy to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I should like to add my commendation for the remarks of the gentleman from Idaho. The Bureau of Mines now has only 156 inspectors under the Federal Metal and Non-Metallic Mine Safety Act of 1966, to cover all the operations in noncoal mines. This bill adds only 15 inspectors. The Bureau really needs double that number of inspectors in order to do this job properly. I certainly hope that not only reprograming can be done, but that additional funds can be provided to achieve the objectives which the gentleman from Idaho has outlined. The Bureau needs additional funds in order to accomplish these objectives and to get the necessary facilities to prevent a recurrence of the tragedy which occurred at the Sunshine Mine on May 2. We are derelict in our duty if we do not act to protect the lives and safety of those who labor beneath the earth in this hazardous occupation.

Mr. McCLURE. I thank the gentleman for his comments, and I would just conclude by calling the attention of the committee to part I of the hearing record, page 41, where it outlines the amount of money that the Bureau of Mines has had during the fiscal years 1967 to 1973, showing the increase from $11,299,000 in 1969 to $91,743,000 in this appropriation today. But when they come forward and say "We need a little bit more," I think they ought to have it to do the job.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. YATES), a member of the committee.

Mr. YATES. Mr. Chairman, I want to pay my tribute to the distinguished chairman of our subcommittee (Mrs. HANSEN). A wonderful person and an outstanding legislator, this bill reflects in greatest measure the imprint of her work. She was thorough, she was fair, she was sympathetic and humane. She knew her bill thoroughly. That is the highest accolade which can be bestowed upon a member of the Appropriations Committee. Truly, she is a great legislator.

I have enjoyed working with my good friend from Pennsylvania, the ranking member of the committee (Mr. MCDADE). He is most knowledgeable on all the programs that make up this bill. His friendly, cooperative traits helped make the hearings interesting and valuable.

Mr. Chairman, I want to devote my attention to two items in the bill. The first relates to the arts.

I listened to the comments of my good friend from Iowa (Mr. GROSS) and I know his feelings on the subject. My own view is to the contrary. I believe that under the distinguished chairmanship of Nancy Hanks, the National Foundation on the Arts has moved forward with determination and constructively. The programs that she has established throughout the country have been well founded. The country has responded very significantly. There is a real flourishing of the arts in all parts of the country. In this respect our distinguished chairman (Mrs. HANSEN) deserves an accolade because she has been a prime mover in making available funds in this field.

The second point I want to discuss relates to the trans-Alaska pipeline.

Secretary of the Interior Morton has announced his decision to approve construction of the trans-Alaska oil pipeline from Prudhoe Bay to Valdez. At the port of Valdez the oil will be loaded onto tankers for shipment to the West Coast of the United States, and it is said, too, that a substantial portion of that oil may be shipped to Japan.

The main reason given for the decision of the Secretary is the ever-increasing energy crisis and the need to develop the Prudhoe Bay fields as quickly as possible.

I am aware of the crisis. Every Member of the House is aware of the crisis. Yet I cannot escape the conclusion that the Secretary's decision was premature, that the Secretary had not fully explored the advantages of the trans-Canada route over trans-Alaska before he came to his decision. Three suits have been filed in court in an effort to enjoin the Secretary's decision, and I am quite sure that it is the sense of our committee that no funds should be expended by the department for the purpose of constructing the Alaska pipeline until all the suits which are now pending have been disposed of.

In the interim, during the pendency of such legal action, it seems reasonable to the committee—that every effort should be made to explore the alternatives, including the possible construction of a trans-Canadian pipeline.

I said that I believed that Secretary Morton has not given full consideration to the trans-Canadian alternative. I don't believe he was fully advised on the subject. I have been able to obtain a copy of a letter that was addressed to Secretary Morton by the Canadian Minister of Energy, Mines, and Resources, Macdonald, dated May 4, 1972, in which he wrote to the Secretary as follows:

MINISTER OF ENERGY
MINES AND RESOURCES,
Ottawa, Ontario, May 4, 1972.

HON. ROGERS C. MORTON,
Secretary, Department of the Interior, Department of Interior Building, Washington, D.C.

DEAR SECRETARY MORTON: I found most useful my meeting with you in your office in Washington on March 30th last, and appreciate greatly your courtesy in discussing with me certain aspects of the interesting decision you have under consideration in connection with an application for a permit to construct an oil pipeline in Alaska.

At the time of our conversation, you suggested that you would like to have more insights and information into the Canadian interest in having such an oil pipeline constructed through Canada from Prudhoe Bay. I undertook to write this letter to you to expand on our current position regarding a possible Canadian project and, in particular to comment on matters related to the environment, financing and timing.

There would be many advantages arising from the use of a Canadian pipeline route. We believe it would enhance the energy security of your country by providing an overland route for your Alaska oil production, thereby servicing the oil deficit areas of the mid-continent and also the Pacific North West. Although cost comparisons of the trans-Canadian and trans-Alaska routes are interesting, they will, of course, not in the strictest sense be subject to direct comparison since the Canadian costs provide for placing Alaska North Slope oil directly into the mid-continent and Puget Sound markets. Canada has an interest in the energy security of your country, and this land route for Alaska crude oil would enhance that security of supply to deficit areas in the United States. Furthermore, this security of supply could be further enhanced during the interim period of northern pipeline construction by extra Canadian crude, as I indicated in my remarks in the House of Commons on April 19th.

The Mackenzie route would, of course, be advantageous to Canada in that it would give access to our potential oil resources in the northern Yukon and Mackenzie River areas. Within Canada, also, there would be benefits to the economy of these northern regions from this new activity and opportunities for the employment and training of our Native peoples.

In reciting some of the advantages to the United States and Canada of a co-operative relationship between us in the construction of an oil pipeline across Canada, I am mindful, too, that such a measure would avoid the considerable increase in tanker movements of oil on the Pacific Coast and particularly in the inland waters of Alaska, British Columbia and Washington State, and the resultant significant risk of serious environmental and economic damage. This is an area which, if not solved with reason and wisdom by us today, could produce difficult influences in Canada-United States relations.

In considering the environmental impact of oil pipelining in northern Canada, it should not be overlooked that there are current proposals being studied by gas transmission and distribution companies for a gas pipeline from Alaska through Canada to the continental United States. If these proposals are successful, there will be environmental disturbance in any event.

The major environmental impact study which was released by your Department to the public on March 20, 1972, has been under review here since its receipt. The Report is an historic document in evaluation of the impact of pipelining on the social and biological environment. Your Department deserves congratulations for the breadth of the study.

As you are well aware, the comments made in the Report on the so-called Canadian alternative are based on data in the public sector, some of which have become out of date and very little of which was produced in the last two years. Your officials did not ask for any technical assistance from Departments of the Government of Canada in connection with the environmental aspects of this study. I brought to your attention during our meeting, and by way of a letter dated March 28, 1972, the substantial program of work in the environmental field which my Government has been undertaking with the commencement of the 1970 field season. In addition, we have recently made public and have provided to your State Department a list of the thirty environmental and social studies under way at this time and scheduled for completion later this year. Of course, our general work program was known to officials of your Department and has been a matter of considerable public information in Canada.

We are of the view that your consideration of the Canadian alternative could benefit substantially from a knowledge of the work which has been done by both industry and government and which is to be completed this year. A result of detailed consideration would lead, in our view, to an improved appreciation of the advantages in an environmental sense of the Canadian alternative. We would be prepared to hold meetings between officials of our two Governments at your early convenience.

The Prime Minister of Canada, in a statement on April 28th, indicated the decision of the Government to begin construction of an all-weather highway to link the communities of Fort Simpson and Inuvik in the Northwest Territories. When completed, this will provide a road from the northern boundary of the Province of Alberta to the Arctic Ocean on a route selected to be of use for oil or gas pipelines built along the Mackenzie Valley. Such a road will, in our judgment, substantially ease the construction of a pipeline. This decision is, I think, a significant new factor which affects the balance of advantage between alternative routes. I am sure it will be taken into account by any private entities that may be interested in building an oil or a gas pipeline, and I think

> it ought to be a factor in governmental assessment as well.
>
> As to the timing for construction and completion of an oil pipeline, this is dependent on the assembly by the applicants of the technical information required, on the financial arrangements which are made and on other normal criteria for pipeline construction in Canada. These matters are subject to regulatory supervision under laws in Canada with which your officials have had a familiarity in connection with pipeline systems which now carry the bulk of Canada/United States oil and gas trade. I would confirm to you my comments in Washington on March 30th last that, in the opinion of our technical advisers, there should be no reason why regulatory and governmental consideration could not be given in an expeditious manner commencing with an application filed by the end of this year.
>
> I would be grateful for your reaction to the suggestions put forward in this letter.
>
> Yours sincerely,
>
> DONALD S. MACDONALD.

I emphasize the point made on page 2 of the letter which says this:

> As you are well aware, the comments made in the Report on the so-called Canadian alternative are based on data in the public sector, some of which have become out of date and very little of which was produced in the last two years. Your officials did not ask for any technical assistance from Departments of the Government of Canada in connection with the environmental aspects of this study.

That is the reason why I think it would be well, in this interim period when the trials are proceeding in the courts, it would be well for the Secretary to explore with the Government of Canada the question whether or not a pipeline across Canada should not be built rather than the one across Alaska.

In his speech to the Canadian Northern Pipeline Research Conference in Ottawa on February 2, the Honorable C. M. Drury, President of the Treasury Board, said this:

> In the resource management of the North American land mass, all the alternatives need to be thoroughly investigated before any unilateral actions are taken. That much seems clear no matter what national strategies are to be pursued by Canada and the United States in satisfying their respective requirements for oil and gas.

I subscribe to that sentiment. I wish Secretary Morton would subscribe to it as well and try to work out with the Government of Canada an arrangement which would be to the best interests of both our countries.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I associate myself with the remarks of the gentleman from Illinois. I think it is obvious a cross-Canada route would cause much less serious environmental damage than would the present proposal in the light of the earthquakes and other environmental damage associated with the present route.

Mr. Chairman, the Interior Appropriation bill before the House today is a tribute to one of the hardest working and knowledgeable subcommittee chairmen in the House, the gentlewoman from Washington (Mrs. HANSEN), and to the ranking minority member of the subcommittee, the gentleman from Pennsylvania (JOSEPH M. MCDADE), as well. The many changes from the administration budget found throughout the bill reflect both the wisdom and the compassion of the chairwoman.

I think it is important to point out, first, that this will undoubtedly be the only budget bill presented to the Congress this session in which more revenues are raised—$4.3 billion—than are spent—$2.5 billion.

Moreover, this is a budget which directly affects national policy in a number of significant areas.

For example, this bill deals with the energy crisis and ways to meet it, through coal gasification, the conversion of agricultural wastes into oil or the development of fuels on the Outer Continental Shelf.

It will affect the housing and construction industries, and will help to make sure that our future lumber needs will be met.

It has a direct bearing on the uses of our land resources—over three-quarters of a billion acres of land.

It supports wildlife protection and preservation, from the stocking of your favorite fishing hold to the protection of rare and endangered species.

It provides $3.5 million for summer jobs for our youth, those with the highest unemployment levels in the Nation.

And, for the hundreds of thousands of Indians in this Nation, both on and off reservations, this bill adds to administration requests more than $4 million for Indian health and education services and other types of assistance—in recognition of our long term responsibilities to America's first citizens.

This bill reflects an awareness of our responsibilities—as stewards of our public lands. It does not do enough in some areas, but given the budget limitations we had to work with, it is a respectable effort. These lands must be managed in the public interest.

This committee deals with that obligation in a number of ways.

We approve the clear-cutting guidelines included in the Senate Interior Committee's report on "Clear Cutting in Forest Timberland," guidelines which would, among others, prohibit clear cutting if it caused significant potential harm to the surrounding areas or if there was evidence that the area would not be productive again when reforestation attempts were made.

We increase the administration's budget for reforestation and timber stand improvement by $3 million, and $8 million more is added for other forest land management activities.

The proposed budget for the National Park Service for 1973 is $16.9 million larger than it was last year, and efforts are made to accommodate the ever-increasing number of persons who spend vacations and weekends in our parks, lakeshores, recreation, and historic areas.

This budget takes a major step to halt indiscriminate killing of wildlife by providing additional funds for research in predator control, including the development and use of more specific and painless predator poison, the development and use of nonpoisonous repellents which may be used to keep predators from livestock and the habit of predators and behavior techniques which may be used to control them.

We have directed the Secretary of the Interior to be more aggressive in protecting our endangered species by placing animals on the endangered species list when there is a reasonable amount of evidence to indicate they may be faced with extinction.

Lastly, as an individual member of this committee, let me say it is my profound hope that the Secretary of the Interior will give more attention to the construction of a trans-Canadian pipeline than he evidently has to date. While the environmental impact statement on the Alaskan pipeline was voluminous, I am not convinced we can equate bulk with depth of analysis. There are three lawsuits now pending to enjoin the construction of the trans-Alaskan pipeline. I would again urge the Secretary to use the time now available to him before any final legal decision on that pipeline is made, to meet again with Canadian authorities to see if and under what conditions a trans-Canadian pipeline could be constructed.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I want to commend the gentlewoman from Washington for the bill she has once again so successfully shepherded to the House floor. She is one of the most expert members of the appropriations committee and it is a pleasure to serve with her on that body.

An item of great importance to the New England delegation was not included in the administration's budget request and consequently did not find its way into the bill we are considering today. This is a $125,000 item for advance planning and land acquisition for a new Federal fish hatchery in Bethel, Vt.

I wholeheartedly support this item and I am pleased to have Mrs. HANSEN's assurance to the entire New England delegation that she will support it in conference should it be included in the Senate bill.

Inclusion of this money is vital to the success of the Atlantic Salmon Restoration program along the Connecticut river.

A combination of recent events has brought us closer to that goal:

We are finally making significant progress in cleaning up the water. Agreements have been reached with the owners of the dams on the main stem of the Connecticut to install the necessary fish ladders. Largely as a result of the tough action by the U.S. Congress, the Government of Denmark has agreed to phase out high seas fishing of the Atlantic salmon.

Now, the limiting factor is the availability of smolts for stocking, in order to reestablish major runs of salmon. At the present time, all Federal fish hatcheries are operating at near capacity, and are unable to provide the needed salmon smolts for stocking the Connecticut River. State and Federal officials are in agreement that a new hatchery is needed. After thorough study, a site in Bethel, Vt. was selected.

The result of moving now on planning and land acquisition would be to speed up the whole restoration program. If we are able to move ahead on the hatchery, and no unexpected snags develop, it may be that by 1980 there will be significant runs of Atlantic salmon up the Connecticut River. Though it will be a few years later before the runs will be able to sustain any great amount of fishing, it is certainly important to start now to restore this great sport fish to New England waters.

I pledge my support in the effort and I again thank the gentlewoman from Washington for hers.

Thank you.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, this request was received after our markup had been concluded. The committee certainly would have been happy to have recognized the request, which was signed, I believe, by each and every New England Member of the House. The committee will look on it with great favor if the other body puts it in the bill.

Mr. CONTE. Mr. Chairman, I thank the gentlewoman from Washington most kindly. We certainly appreciate the gentlewoman's cooperation. I hope if this becomes a reality some time the gentlewoman can find time in her busy schedule to be our guest up in that beautiful part of the world.

Mrs. HANSEN of Washington. Mr. Chairman, I yield 5 minutes to the gentleman from Alaska (Mr. BEGICH).

Mr. BEGICH. Mr. Chairman, I thank my colleague, the gentlewoman from Washington, for yielding time to me even though I am not a member of the committee, so that I may cast some additional light on the pipeline issue which was brought to the floor of the House today by my colleague, the gentleman from Illinois.

There has been so much misinformation on the pipeline issue that for many days I did not feel it necessary to answer some of the charges and some of the misinformation. This is the most studied project of its kind in history. It has cost our Government $12.2 million to make this study. To really stun the Members with some of the facts behind this study, I will give a few examples.

The geological information we have obtained from 6,000 borings in the ground on the Alaska pipeline route now is printed in approximately 2 tons of printed material. It took two presses running 24 hours a day for a full week just to print the information on the pipeline.

There are 27 volumes to describe the project.

Nine summary volumes have been turned over to the court recently. They are the NEPA impact study, including six major volumes and three supplemental volumes which will take the court months and months to consider fully.

I repeat, this is the most studied project in the free world today. Already the pipeline project has been delayed for 2 years while these studies have been completed.

This country is in desperate need of oil. There is an energy crisis both in oil, and related natural gas. As of 1967, we became a deficit oil producing country.

We are facing a shortage on the west coast of almost a million barrels of oil a day, and a shortage of over 5 million barrels a day in this country. By 1985 there will be a shortage of approaching 15 million barrels of oil a day in this country.

I say the time to build the pipeline is now. Here is a pipeline 4 feet in diameter, that will go over a route which is already well studied and well researched, as compared to using a Canadian route that has not been studied.

I urge every Member to note that no proposal has ever been submitted for a Canadian route. Just in the past 6 months is Canada getting to the program. The Canadian route would delay the oil coming to this country for approximately 5 years, and the gas for as long, while we have to depend more and more on oil from the Mideast countries. Even then, Mideast oil is a high sulfur content oil, a real pollutant.

Alaskan oil contains less than 1 percent sulfur, compared to the Arabian oil with more than 2½-percent sulfur.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. BEGICH. I yield to the gentleman from Washington.

Mr. PELLY. I should like to associate myself with the remarks of the gentleman and to commend him for his interest in the matter of the development of Alaska and providing for developing of the economy of the Pacific Northwest and particularly of providing oil that we need so badly on the west coast, where we have an oil deficit.

I should like to advise the gentleman that only this morning the Committee on Merchant Marine and Fisheries completed hearings on a bill which would provide legislation for construction specifications of tankers so as to protect not only the Canadian coast but also the ports of our own west coast against leakage or damage due to faulty construction of any tankers.

I thank my colleague for yielding.

Mr. BEGICH. I thank my colleague from Washington for those excellent words.

I think that this entire matter is, from time to time, oversimplified, and a reliance put on the assurances of Canada which is certainly unjustified. I wonder at the open support for a proposal which has not yet been studied. Are these Canadian route supporters so irretrievably committed that they would have to support this route even if proved after time-consuming study to be inferior.

If the Members will read the speech of Mr. Trudeau, Canada's Prime Minister, on April 22, which I will include in the RECORD later today, they will see that he is talking about Canadian labor going to work, talking about developing northern Canada at our expense. That would be a natural position for Mr. Trudeau to take, because he represents his country, Canada.

I represent my State, and this country, the United States, where we cannot afford to have another $2 billion drain into Canada. We must put our own people to work, address our own energy crisis, and avoid dependency on the other nations.

There is a great deal more to say, but with the limitation of time, only a brief response to the gentleman from Illinois is possible. What I urge is that the Members see this issue in perspective, and as one requiring a balance of many issues. Energy needs, environment, States rights, international relationships, and a host of other crucial considerations must be made. I believe these factors, considered at great length under law this Congress made in the National Environmental Policy Act, support the conclusion reached by the Department of Interior to grant the Trans-Alaska pipeline permit.

The CHAIRMAN. The time of the gentleman from Alaska has expired.

Mrs. HANSEN of Washington. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BEGICH. Thank you. If I may add one final note. I would ask the Members to examine closely the nature of the Canadian proposal. First, it has never really been made, only suggested, and for this reason it has not and cannot be studied and evaluated.

Even now, in the 11th hour of decision on the Alaska route there is no concrete proposal; only vague assurances of expediting a Canadian pipeline. I question both the ability of Canada to deliver on this assurance, and I question what is intended by expediting this route.

This Congress has wrestled with the problem of the Native land claims of Alaska for 6 years. We finally resolved that problem here just about 4 or 5 months ago in a manner which was fair and just. It had to be done prior to a pipeline.

The Canadians are just beginning to solve their Native land claims problem. I believe Canada cannot and should not build 1 inch of pipeline until they solve their own Native land claims problems. Still, they promise to "expedite" the line.

Canadian officials also assure us that they will expedite the environmental considerations, yet they have not yet heard from Canadian environmentalists. I expect that serious issues will be raised. Even when they are raised, Canada has no law equivalent to NEPA so it is difficult to see where the environmental virtue will arise.

My question is whether the promise to "expedite" is no more than a promise to roll over the rights of Canadian Natives, and to ignore serious environmental issues. Our Government, and most of us here today, have refused to do these things prior to approving a trans-Alaska route. Surely, you should not lend your support to a nonexistent, nonconcrete proposal which may not be worthy of it.

I thank the gentlewoman from Washington for yielding me this time, and I attach the speech by Mr. Trudeau which I mentioned earlier.

NOTES FOR REMARKS BY THE PRIME MINISTER TO A PUBLIC MEETING, EDMONTON, ALBERTA, APRIL 28, 1972

As I flew into Edmonton, I was struck once again by the speed and the extent of the changes which have been made here. I have the impression that one need only blink his eyes in Edmonton and in that instant there springs up at least one new major building or factory plus a whole residential subdivision.

And as I sat entranced by the variety and talent of tonight's performers, I felt pride in those qualities of Canada that never change: the human traits of diversity and tolerance which are so distinctive.

Edmonton is a remarkable example of both change and constancy. Technological progress is evident everywhere in and around the city. Yet equally evident is the variety of cultural inheritance.

I have never doubted the wisdom of the multicultural policy introduced by the federal government last fall but I became increasingly proud of it when I am given the opportunity, as tonight, to share in the rich diversity which is Canada. The ability of Canadians to work together and to profit from their distinctions is as old as Canada itself, and far older than our formal political history. When ths country's first transcontinental business enterprise was established more than two centuries ago, it was totally dependent upon the cooperative mix of skills and talents of persons of widely differing backgrounds. That enterprise that was then present.

In this age of the computer, the heart sings to realize that the language of Robert Service and the imagination of Henday and Thompson and Mackenzie still live here. It is sheer delight to encounter in this province such names as Golden Spike, Beaver Hill, Paddle River, Ghost Pine, and Little Smokey, and to realize that each of these places is a modern production center employing sophisticated equipment for the creation of raw energy.

"North" has a special meaning to Edmontonians; it is a relative concept. In the three or so decades that Canadian aviators have flown from this city, "north" has not been so much a direction as it has a challenge and an opportunity. Long before the era of roads, railways and pipelines in the north, bush pilots flying from Edmonton created a new transportation era. In 1929, when flying was still regarded in most places as a hazardous and undependable phenomenon of no long-term consequence, an Edmonton flyer, Punch Dickins, flew from Edmonton to Aklavik and return. In 1937 Grant McConachie, the late president of Canadian Pacific Arlines, began a charter airline service from here to Whitehorse. These men and their many flying comrades are best described as voyageurs of the air; employing wings rather than canoes.

The spaciousness and unpopulated wilderness which forms the bulk of Canada gives to this country a dimension unlike that of any other. It has moulded our character, our soul. There is hardly a major city in this country—and certainly not this city—which is more than an hour's drive distant from terrain virtually in the same state as first seen by the earliest explorers. This is partly so because the quest of Canadians has never been to dominate this vast land. Canada is too big, too wild, too beautiful even to consider it. Our challenge has been to live in harmony with our environment.

It is this challenge, the desire of Canadians to preserve their environment and to enhance the quality of life of their fellows, that now poses problems of equal magnitude to those of development. There is not the slightest doubt that we will soon be able to overcome all of the physical difficulties associated with the construction of all-weather highways and transmission lines for oil and natural gas from the Arctic slope to the centers of population of this continent. Before we build them, however, we must be equally certain that these facilities will not lead to ecological devastation or disregard for the life-style and the treaty claims of the original inhabitants of the north. The government's commitment is to balanced and controlled development.

Edmontonians will not be surprised that the first all-purpose northern transportation corridor will follow the Mackenzie Valley. Residents of this city have long been associated with that route both by water and by air. Much of the cargo that moves by barge each summer down the Mackenzie has either originated in Edmonton or passed through this city. The great bulk of northern air movements to such destinations as Yellowknife, Fort Simpson, Norman Wells, Arctic Red River, and Inuvik come from the airports of this city. And so, too, will much of the economic benefit of a Mackenzie River corridor find its way back into this province.

When I revealed recently that the total cost of a corridor served by pipelines and a highway would likely be in the neighbourhood of 10 billion dollars, questions were asked about the wisdom of such a project, about its feasibility, about the need. It was suggested that talk on that scale was visionary and impractical.

I was asked if the federal government would be prepared to invest large sums in the north as its share in this development. My reply was that the government is not about to begin investing. It has invested, and heavily, in both the Yukon and the Northwest Territories. And it will continue to do so.

In the past 5 years the government has spent more than 55 million dollars on the extension and improvement of communications facilities and services; more than 260 million dollars in the provision of transportation system components such as airfields, tugs and barges, and highways; more than 230 million in the provision of education, health care and housing; 18 million in the study of techniques to develop the north with minimum injury to the environment. Some of this work and these studies have been done in cooperation with private enterprise, some have been done by the federal government alone.

The government, on behalf of Canadians, is also in the oil business. It has committed 34 millions in Panarctic, for a 45% controlling interest. It is that company that has made the recent dramatic oil strikes on Ellesmere Island.

The north has relied to this date primarily on air and water transportation links. Some roads exist, as in the case of the Dempster Highway in the Yukon, but much more has to be done in order to meet the desires of the Indian population and to ensure the rational impact of development. The obvious primary need is for an all-weather highway along the full length of the Mackenzie Valley.

This road has been a dream until now. Its length—some 1,050 miles north of 60 degrees, and its cost—between 70 and 100 million dollars, have appeared as overwhelming obstacles. The benefits to be gained are now so obvious, however, and the prospects so encouraging, that I am able to announce tonight that the government will begin building this highway this summer in 1972.

Work will commence simultaneously at both the southern and northern ends—at Inuvik and Fort Simpson—and proceed toward the middle. Survey work to fix the whole route will get underway shortly, and be finished before the end of this year. When completed, this highway will stretch from the Alberta border north to the Arctic Ocean at Tuktoyaktuk. It will bring to an end the isolation for much of the year of the communities along the river and will meet the expressed desires of many of the Indian people who live there. It will improve the economic opportunities for the residents of these communities and will place them in a better position to benefit from other activity and developments.

The route will be carefully selected so that it will be of use should oil or gas pipelines be built along the Mackenzie Valley. It wil be built ahead of any pipelines and will therefore offer considerable cost savings to them during the construction period. For this reason, the government intends to recover some of the highway construction costs from the pipeline companies.

Well within this decade, Edmontonians, who have long regarded this city as the southern terminal of the Alaska Highway, will be able to drive on an all-weather, all-Canadian highway from here to the Arctic Ocean, and to choose from two different routes.

The economic benefits of these transportation links can as yet only be imagined. That they will be immense, no one doubts. The roads will also assist Canadians to visit the majestic new national parks created earlier this year for the preservation of huge areas of northern splendour.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, the appropriations bill for the Department of the Interior and its related agencies takes on increasing importance with each passing year.

The protection of environmental values is rapidly gaining its due attention and the programs funded by this legislation are the most important we have to insure the protection of our natural assets.

The Interior Subcommittee of the House Appropriations Committee has developed a strong bill that accurately reflects our national needs and commitments as well as the necessity for realistic fiscal policies at a time when the economy is beginning to gather strength and momentum.

The distinguished gentlewoman from Washington (Mrs. HANSEN) is to be congratulated for her effective and intelligent leadership of the subcommittee. I deeply appreciate her sympathetic understanding and appreciation of the issues and requests I have discussed with her. She has once again demonstrated her fair and impartial responsiveness to requests that are vital to forest enhancement and timber productivity programs.

The bipartisan, knowledgeable approach the subcommittee takes to its work is enhanced by the distinguished gentleman from Pennsylvania (Mr. McDADE) and the distinguished gentleman from Oregon (Mr. WYATT). Their contributions can be seen in the bill we are considering today.

It is helpful for those of us who represent major forestlands to have the gentlewoman from Washington and the gentleman from Oregon on the subcommittee. They represent forested areas and their expertise is great.

In addition, I am always pleased with the understanding the gentleman from Pennsylvania consistently demonstrates for problems that are essentially Western in nature such as the need for additional redwood research. This understanding clearly shows the gentleman's national outlook toward conservation and reforestation programs.

There are three specific line items in this bill which will provide the funding for projects I have been advancing for some time. The committee has agreed with their importance by providing the necessary money in the bill.

The first of these is $1.225 million for land acquisition at the King Range National Conservation Area in California. This money is needed primarily to assist to fund the differences in the values of land exchanges between the Federal Government and private land owners as we move toward consolidation of this land management unit that is now in public and private "checkerboard" ownership.

The King Range Area will be created primarily by means of land exchanges in order to minimize any erosion of the Mendocino County tax base and to maximize the benefits they obtain from each tax dollar.

When completed the King Range Conservation Area will be the third in a chain of four major public recreation areas along the north coast of California from San Francisco to the Oregon border.

These four nationally designated areas: King Range; the Redwood National Park; Point Reyes National Seashore, and the Golden Gate National Recreation Area; are the leading attractions in what is America's outstanding centers for outdoor, ecologically oriented activities. In addition we have authorized expansion of the John Muir Woods National Monument.

The four major areas are complemented by vast national forest lands, unmatchable aesthetic and recreational attractions, large State parks, pristine sandy and rocky beaches, camping grounds, centers of native American culture, and, of course, the Redwoods.

Work is proceeding on King Range and I am pleased the committee has recommended the full budget request which I sought.

In listing our Redwood Region attractions, it should be obvious that they are based upon forests and, in particular, Redwood forests.

Redwoods provide our area with its great scenic beauty, the raw materials for our forest products industry—which is the backbone of our economy—and the habitat for fish and wildlife and man in his leisure hours.

In order to continue and expand the research effort on the Redwoods, as a species, it is vital that modern science facilities be available and the committee therefore approved $800,000 for the construction of a Redwood research laboratory at California State University, Humboldt in Arcata. The laboratory headquarters will be located in the heart of the greatest Redwood producing area of the world.

Humboldt University has just recently been promoted to university status and the construction of this new facility is an appropriate and fitting recognition of Humboldt's new role.

More importantly, it is generally recognized Humboldt University is one of the leading schools of natural resources in the entire Nation. The school has leading programs in oceanography, wildlife management, forestry, and other related fields.

The Redwood Research Laboratory will improve the university's academic programs at the same time it contributes to increased understanding of our Redwood forests and their proper management.

I was delighted to note the committee's action in earmarking an additional $550,000 for expansion of the services provided by the California Rural Indian Health Board. While the amount is not all that we requested it is certainly understandable that not every program can have every dollar it would like, particularly in this year of great budget pressures.

CRIHB has provided a growing standard of medical and dental services to Indians throughout the State. Its successes are attested to by the rapid growth it has experienced and the strong support it is receiving from communities in California. That the committee has specifically recognized CRIHB with a budget increase and mention in the committee report is further testimony to the accomplishments of the organization.

I strongly support CRIHB's efforts because it is very much in the mold of a self-help organization run by Indians for Indians. Indian health needs were long ignored and CRIHB faces a virtually endless task in meeting an important need. I can assure this body today that I intend to continue to work in the Congress for adequate assistance to this organization.

I was disturbed to note in the committee report an apparent reduction of $15 million in funds for forest fire fighting programs.

However, I have checked this out with members of the subcommittee who have assured me that the seeming reduction represents only a budget processing change and not a reduction in our forest fire fighting capability.

There are a great number of additional items in the bill which I support. These include: funding for the Alaska Native fund pursuant to the Alaska Native Claims Act which has been enacted by Congress; land acquisition of a number of park and recreation areas through the land and water conservation fund and necessary development funds for these areas; $82 million for the economic and political development of territories under U.S. jurisdiction; natural resource investigations by the Geological Survey; an increase over the budget request for the preservation of historic properties in general and, particularly, the $1.8 million for archeological investigations and salvage for sites threatened with destruction; and, finally, continued work by the Office of Saline Water to explore municipal, industrial, and agricultural uses for sea water.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, here we go again, and I am glad to note the distinguished chairman of the Appropriations Committee (Mr. MAHON) on the floor. At a time when we ought to be doing something about the desperate financial straits of this country—here we go again with a $2,744,468,200 bill, which is $97,525,165 above the spending for the same general purposes last year.

I hope that someone someday gives us a clue as to when we will get a bill before the House of Representatives that carries a substantial cut in spending instead of the steady increases.

There is no way in the world that this country can be bailed out of the financial situation it is in when bill after bill is approved with millions upon millions above the spending level for the previous year. This is unconscionable.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I am glad to yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. I trust that the gentleman has read page 2 where there is reflected the revenues generated by the bill.

If I may point out, that revenue is a sizable amount of money, and I may say that you do not get some of this revenue in without expenditures.

Mr. GROSS. Well, we hear the story about all the revenue that is coming in through this bill. However, I happen to be on the Post Office and Civil Service Committee and Congress will appropriate more billions to the new Postal Corporation which collects billions in revenue.

The fact remains that we are going deeper in the hole of debt all the time, revenue or no revenue.

Mr. Chairman, the Smithsonian Institution continues to make its contribution to the cause of spending. As it did last year, it is doing its best to get rid of counterpart funds by authorizing all sorts of research projects, which is another way of saying junkets whereby professors and others undertake studies around the world such as the following:

The social history of urban planning and urbanization in Morocco.

A metric and morphological study of the evolution of the chin in Polish skeletal populations between 2000 B.C. and 1800 A.D.

I wonder if my personal physician, the distinguished gentleman from Missouri, Dr. HALL, could define for the House the meaning of the "metric and morphological study of the evolution of the chin in Polish skeletal populations"?

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I just believe that I can answer the question of my friend and sometimes patient—the gentleman in the well. A morphological study of any chin involves recession of same or prognathism, the latter is a nice word in medical circles for sticking your chin out. Surely my friend is familiar with this phenomenon, usually associated with determination, dynamism or pugnacity.

We, cultural and social investigative researchers need to know especially between the year 2000 B.C. and A.D. 1800, exactly how many Poles stuck their chins out and what they evolved into.

I repeat our friend well knows from observation and sheer experience those who have had their chins out on many occasions, but what he does not know is the prognathic function of the subcerebral exercise and the growth factor of the pineal gland and/or the hypophyseal gland—pituitary—of the brain.

Mr. GROSS. I am glad to know that it is not a receding chin or double chin but it is a jutting chin.

Speaking of Poland, you will recall that the Department of Transportation is giving extensive psychological tests to Polish truckdrivers. This means that it is a big year in Poland.

Then, there is the "Cultural, economic and social impact of rural road construction in Yugoslavia."

There is a study of "the changing structure of the family in Serbia."

You will recall that the Smithsonian expended $15,000 to study the relations of fishing boat crew members and how they relate to conflict groups in a peasant fishing town in Yugoslavia.

It is also getting to be a better year in Yugoslavia, is it not?

Moving on, we find American researchers crawling all over the map of India studying such things as the "ecology and behavior of Hoolock Gibbons," also "ecological and behavioral studies of rhesus monkeys."

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. Could I have 2 minutes, may I ask the gentleman from Pennsylvania?

Mr. McDADE. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GROSS. Mr. Chairman, I thank the gentleman for his kindness.

And there is a study of the "comparative bioenergetics of the house sparrow."

I will wager that is a good one.

Last year, you will remember, the Smithsonian Institution spent the equivalent of $25,000 to study the "biological rhythms of the catfish in India." This year they have one called "systematic and behavioral studies of flatfishes." So we have progressed from catfish to flatfish.

Mr. Chairman, I truly regret that at this moment our late colleague and my good friend, the gentleman from Alabama (Mr. ANDREWS) is not here to tell us the difference between a flatfish and an Alabama catfish.

While this is going on, someone else is studying the "ecology and behavior of the one-horned rhinoceros in India."

Finally, someone from the University of Idaho is making a "survey of the remaining Indian tiger population." I hope the "remaining tigers" did not make a meal out of this individual, whoever he is.

There are others such as the "ecology and behavior of gazelles in Israel." That is continued from last year as is the "geographical and ecological study of the mammals of Morocco."

They are also still studying the wild boar in Pakistan and they are starting studies on the ecology of Tunisian sponge communities.

Finally, back in Yugoslavia again, there is a study of the "population dynamics of certain ducks."

I will leave the rest of the list for Members of the House, who vote for this spending, to mull over and admire their handiwork.

Mrs. HANSEN of Washington. In the meantime I yield 1 minute to the distinguished gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I rise in support of this legislation and also for the purpose of commending the gentlewoman from Washington, the dean of our delegation, for her very fine work with regard to this legislation, and with regard to all the legislation that has come from her committee. Also, for the purpose of asking her a question.

Madam Chairman, you know both the gentleman from Minnesota (Mr. FRASER) and I have been very interested in the urban Indian centers.

I would like to know if it is true that the new urban Indian centers under the bill will serve Indians who have come to the cities on their own as well as those who have been relocated by the Bureau of Indian Affairs?

Mrs. HANSEN of Washington. Yes, that is the intention. Those Indians relocated by the Bureau of Indian Affairs are under the Bureau's jurisdiction and are provided services. They do have programs for housing, and so forth.

This provision in the bill is intended to assist those Indians who are in some of the worst ghettos in this land and to help them in a referral program as to the sources of services that are available. These services are available to all Americans.

Mr. MEEDS. Mr. Chairman, I thank the gentlewoman and I would again commend her not only for this section of the bill, but as to the entire bill.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. WYATT).

Mr. WYATT. Mr. Chairman, I think the subcommittee with the very able leadership by the gentlewoman from Washington and the gentleman from Pennsylvania has come up with an excellent bill.

I would like to direct my few remarks today to the renewable resources forestry provisions in the bill. This resource is a people-related resource in the truest sense of the word.

First, it is renewable year after year; and

Second, it does build houses and is used in the construction of things people use.

We have in the subcommittee this year added $3 million for purposes of reforestation to the administration's request of $18 million. This, in turn, was increased the year before from $12 million—in other words, by 50 percent—and this year again it is an appreciable increase.

Reforestation is something that environmentalists and people who are interested in all the purposes for which we manage the forests can all support enthusiastically.

We have 4½ million acres in national forest lands that today are capable of reforestation and that are not being reforested.

There is a total of nearly 70 million acres of land in the United States under all varieties of ownership that are capable of reforestation that are not being reforested.

This is a renewable resource. It is a crime that all this land is not being reforested at the present time. I would commend the committee for adding $4 million of additional funds allocated to the Forest Service from the land and water conservation use fund for purchasing land adjacent to the Snake River in Oregon and Idaho. There are priceless recreational lands which will be a real heritage for our children.

In addition, we have the $7.5 million added to the budget for the Falcon program, which is a new experimental program of environmentally advanced logging procedures—by helicopters, by balloons, and by other methods—which will do a minimum of damage to the environment.

We also have $1.5 million for the Forest Service's research laboratory. This is the third year in a row that money has been added for this facility at Corvallis, Oreg. Research is important to the forestry industry and to the process of reforestation, because until we conquer disease, until we conquer insects that devastate our forests, we are never really going to make total progress to make the best use of this renewable resource.

Again I commend the committee and thank them for the attention they have devoted to this particular portion of the bill.

Mrs. HANSEN of Washington. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I wish to thank the gentlewoman from Washington for this time.

As Members know, I have served notice that I intend to offer a motion to strike from this bill money for the Air Museum, but before I do so I want to discuss with the gentlewoman some of the language in the bill; so if I may have this opportunity to ask a few questions, I would appreciate it.

Mrs. HANSEN of Washington. I would be happy to answer them.

Mr. GIBBONS. I am directing my questions to the language on page 37, line 11, of the bill and page 36 and page 37 of the committee report, which deals with the Air Museum and, as I understand it, there are some preconditions that must be accomplished before construction of the museum can start.

My first question is this: Is this to be a new and special study of traffic?

Mrs. HANSEN of Washington. It is to be a new and special study, taking in all the facets of the problem.

Mr. GIBBONS. I thank the gentlewoman.

Will construction on the museum start before a favorable report is made?

Mrs. HANSEN of Washington. No. It cannot start before a favorable report is made, a report which will cover the problem of traffic and the relationship of the traffic to construction.

Mr. GIBBONS. Will this new report consider the adequacy of offstreet parking in and around the museum?

Mrs. HANSEN of Washington. Not only should it consider the adequacy of parking facilities, but also the traffic flow in adjacent areas, particularly in the vicinity of the proposed metro station on the mall.

Mr. GIBBONS. I would assume the committee report means by the words "undue traffic congestion" a greater traffic congestion than we now have in that area.

Mrs. HANSEN of Washington. That is correct. The question of added traffic caused by the construction of any facility is an implied part of good planning and good organization before the final letting of any contracts.

Mr. GIBBONS. With that assurance of the gentlewoman from Washington, I shall not offer my amendment. I thank the gentlewoman very much.

Mrs. HANSEN of Washington. I thank the gentleman from Florida.

Mr. McDADE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, as Members will realize, each time an appropriation bill has come up I have tried to keep them aware of the relationship of the appropriation measures to the budget request and the expected revenue of the Federal Government.

We do not seem to pay too much attention these days to where the money is coming from when we appropriate money, and in making that comment I am certainly not directing any criticism at this Appropriations Subcommittee, because in my view it has done its work very diligently. This bill is almost precisely in line with the budget request, representing just $9 million in excess. But unfortunately the budget is $25 billion out of balance with expected revenue, and I think it is well that as we go through the routine of appropriating money for the various Federal activities we keep firmly in mind where the money is coming from. I do this partly to focus the attention of Members on the need for better budget management on the part of this body.

On Thursday of this week, I am introducing with bipartisan support a resolution to amend the House rules. Under my proposal it would not be in order for the House to consider any appropriation bill until it has approved a resolution containing a comprehensive budget for the Federal Government for the ensuing fiscal year.

Mr. Chairman, if all appropriations for fiscal 1973 were held to a point 14 percent below the budget request, the result would be a balanced budget. I include the material I previously referred to at this point:

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATION FOR FISCAL 1973

Budget request	$2,520,340,000
Committee recommendation	2,529,558,200
Committee added 0.3%	9,218,200
14% cut below budget request, necessary to bring appropriation to "balanced budget" level	352,847,600
Committee added 0.3%	9,218,200
"Red Ink" in bill 14.3%	362,065,800

Appropriation bill	Budget request	Balanced budget 14 percent cut	Amount approved by House	Red ink approved by House
Legislative	$433,627,004	$372,919,224	$427,604,764	$54,685,540
State, Justice, Commerce, Judiciary, Related Agencies	4,687,988,600	4,031,670,196	4,587,104,350	555,434,154
HUD, Space, Science, Veterans, Independent Agencies	20,173,185,000	17,348,939,100	19,718,490,000	2,369,550,900
Transportation and Related Agencies	8,426,792,000	7,247,041,120	8,316,950,000	1,079,908,880
District of Columbia	343,306,000	295,243,160	332,306,000	37,062,840
Total				4,076,642,314
Interior and Related Agencies	2,520,340,000	2,167,492,400	[1] 2,529,558,200	[2] 362,065,800
Total				4,448,708,114

[1] Recommended by committee.

[2] If committee recommendations approved.

Mr. Chairman, if we were appropriating money in line with expected revenues, this bill would have to be reduced by $362 million below its present level. That is another way of saying there is about $362 million of red ink in this appropriation bill.

This should be cause for all of us to think about where we are heading in our Federal budget management. This is the sixth appropriation bill that this body has considered so far. Up to now the appropriations have been well in line with the budget request. But when one considers the expected revenue as contrasted with the budget request, if this bill is passed without amendment, we will have spilled $4½ billion in red ink so far in providing for the fiscal 1973 budget.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, I would like to point out to my friend, the gentleman from Illinois, that the $25 billion deficit is in essence modified by the substantial withholding, so that the foreseeable deficit will exceed, in fact, $30 billion conservatively, rather than the $25 billion to which the gentleman has alluded.

Mr. FINDLEY. Mr. Chairman, when this body later this week considers the appropriation bill for the Departments of Health, Education, and Welfare and Labor, I will offer the following amendment:

AMENDMENT TO BE OFFERED BY MR. FINDLEY

On page 40, after line 4, insert the following new section:

"SEC. 409. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1973, only to the extend that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 100 per centum of the total aggregate net expenditures estimated therefor in the budget for 1973 (H. Doc. 215).

Mrs. HANSEN of Washington. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to defend the Appropriations Committee to the extent of reminding this committee again that we have the lives and fortunes and well-being of the people of this Nation at stake. We might save $352 million in cash, but we may have more difficulties, illness, and problems. Very frankly, I do not hesitate to spend money to help the Indians and to avoid mine disasters. I would like to say that this appropriation is going into the constructive well-being of the American people. I have no apologies for offering a bill that is for people.

Yes, even under the foreign currency program, I find the Yale Laboratory, through this program, has discovered some virus problems and has answered that challenge.

The Yale Arborvirus Laboratory collaboration has demonstrated that, contrary to previous thought, migrating birds can transport infective viruses between continents. Some of these viruses, which can also cause fevers in man, are very serious health problems in temperate zones. Such fevers as West Nile, Kemerovo, and Sindbis have been identified in migrating birds captured by Smithsonian field teams in Egypt.

In closing, I would remind the distinguished gentleman from Illinois, there is revenue generated by this bill, and that revenue goes into the Treasury of the United States.

No, Mr. Chairman, I have no apologies for a bill that meets the health and welfare needs of the people of this great Nation.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, 1903 might best be described as the

"Wright Turn of the Century." It was Orville Wright who launched us into the age of powered flight. Simple aviation evolved into specialized aeronautics and ultimately astronautics.

On October 4, 1957, the U.S.S.R. successfully orbited a manmade satellite, Sputnik I. America's Explorer I followed a year later, and the race into space began.

Sixty-six years after Orville Wright had lifted off the sands of Kitty Hawk, another pilot, Neil Armstrong, descended from a strange craft onto the soil of the lunar surface. Man was on the moon.

The promise of yesterday became the dramatic, unforgettable fact of today. Man had successfully probed beyond the constrictions of his own planet, and in the greatest of adventures reached out into space and found a sure foothold. It is this foothold and achievements I am asking my colleagues to preserve by supporting the work of this fine committee in providing funds for the construction of a separate Museum of Air and Space.

It is absolutely essential that the American public shall have a center for the portrayal of their Nation's history of outstanding accomplishments in flight and space; and what better location is there than here at the seat of their Government where so many visit and can see for themselves the marvelous visions and feats that have kept America in a position of leadership in the world. For there is probably no other part of America's history that has so marked the development of the unique genius of our people than our progress in the field of technology as applied to flight. Our explorations and pioneering efforts in aviation and space, as they will be displayed and explained at the new museum, represent the sum and total of the qualities which have brought America to its position of greatness in the world.

Surely our Nation, which holds the world's leadership in the field of aviation and space achievements, should have a place to present its accomplishments. But until the new museum is constructed, for which funds are sought in the budget before you, the United States will not even have a permanent home for its national collections. The national exhibits of the Smithsonian Institution are now displayed in a small tin hangar which is left over from World War I and in some borrowed space temporarily assigned for this purpose in the 90-year-old Arts and Industries Building.

In closing, Mr. Chairman, I wish to emphasize that the present air and space exhibits have been among the most popular attractions on the Smithsonian Mall. For the last 5 years or so, 3½ to 4½ million persons have visited the aerospace displays annually, nearly one-third of the Smithsonian's yearly visitors. In fact, public interest in aerospace history is so great that in 1968, 8 percent of all visitors to the Smithsonian Museums were found to have seen the air and space exhibits.

It would be an outrage to this enormous public interest and to our Nation's great role in aviation and space history if Congress should delay any further in providing the funds necessary for erecting this national museum at a place of honor on the Mall, which Congress assigned to it 14 years ago. President Nixon has totally endorsed the proposal for the opening of the new National Air and Space Museum by July of 1976 as a major element of the Smithsonian Institution's partnership in the observance of the American Bicentennial. I ask that we in Congress agree with the excellent joining of these two events by appropriating now the funds which will put this project on schedule and allow its deadline to be met.

Mr. HAMMERSCHMIDT. Mr. Chairman, earlier this year the Congress took a historic step toward preserving one of our Nation's great natural resources. In enacting legislation to establish the Buffalo River in Arkansas as a national river, the Congress has insured that this beautiful river will be maintained in its natural free-flowing state for the enjoyment of present and future generations of Americans.

Since the Buffalo River flows almost entirely within my congressional district, and having sponsored the national river legislation in the 90th and subsequent Congresses, this action was particularly gratifying to me.

The legislation being considered by the House today contains a provision which constitutes another step toward the realization of this significant conservation goal. Included in the fiscal 1973 appropriations for the Department of Interior are $4,812,000 for land acquisition by the National Park Service within the boundaries of the Buffalo National River.

The Buffalo National River legislation—now Public Law 92-237—set up a federally owned and supervised area along 132 miles of the river, comprised of 95,730 acres of land and water, to be administered by the Secretary of Interior as a unit of the national parks system. The land to be acquired is identified as to ownership as Federal Government 950 acres, State of Arkansas 3,950 acres, and more than 90,000 acres are privately owned.

About 10 percent of the area could continue in private ownership subject to certain easements. There is also a large zone, comprising some 78,000 acres, that would be acquired with options to bona fide tenants of life occupancy or 25 years. Finally, some 9,000 acres within the national river boundaries are to be acquired and developed rather rapidly for public use and access.

Public Law 92-237 authorized up to $16,115,000 for land acquisition. I am greatly pleased that the House Appropriations Committee has included $4,812,000 in the fiscal 1973 Department of Interior appropriations bill for such land acquisition in the Buffalo National River. I commend the committee for thus carrying out the intent of Public Law 92-237 and trust that its action will receive the approval of my colleagues in the House.

Mr. KASTENMEIER. Mr. Chairman, I would like to take just a moment to express my appreciation to the very capable chairman of the House Interior Appropriations Subcommittee—Congresswoman JULIA BUTLER HANSEN—and her subcommittee members for their diligence and efforts in reporting a very excellent fiscal year 1973 appropriations bill for the Department of Interior and related agencies.

I am expecially grateful for that funding which relates directly to the part of the Nation which I am privileged to represent. The subcommittee included $963,000 to consummate a land exchange between U.S. Forest Products Laboratory in Madison and the University of Wisconsin. This land exchange will facilitate development of a University of Wisconsin medical training and research center that will eventually lead to improved health care for citizens across this land. The bill also includes an additional $100,000 for the Forest Products Research Laboratory to develop new techniques and knowledge necessary to utilize the waste residues from present forest and lumber industry operations. Another $83,000 has been provided to initiate work on an observation and educational facility at the Horicon National Wildlife Refuge in my district, and funding for the Water Resources Centers operating in the various States has been increased.

Yet these very worthwhile projects which I have mentioned are only a small part of this very worthwhile bill—a bill that expresses this country's faith in its ability to protect, restore, and enhance man's surroundings. Projects funded by this appropriations bill stand in marked contrast to some appropriations bills where man's baser instincts are translated into projects of death and destruction. When we can begin to spend $80 billion-plus a year on projects to improve our world, and only $2.5 billion on warmaking programs, then we will be in a better position to advance civilization once again.

Mr. MIKVA. Mr. Chairman, I would like to commend the Committee on Appropriations and, in particular, my distinguished colleague from Washington (Mrs. HANSEN) for their work on the Interior Department appropriations bill. Besides representing a great deal of knowledge and plain hard work, the bill reflects a deep concern for the natural resources of the country. It is a concern that not everyone shares—despite the conventional rhetoric these days about being committed to saving the environment.

I testified before Mrs. HANSEN's Appropriations Subcommittee in April and once again found them most informed on an issue that concerns me a great deal—saving and developing the Indiana Dunes National Lakeshore as a national park. The Park Department has a 5-year program for the development of the Dunes Park which calls for spending $2.5 million for development in the next fiscal year. The money would be used for picnic areas, roads and trails throughout the 6,000-acre park. It would mean that more people would be able to enjoy the park and its miles and miles of lakeshore, dunes and forests. Unfortunately, the administration did not appreciate the need to develop the park, and it requested less than half of the money the Park Service needed.

This is tragic. Congress approved the park in 1966 at the urging of then Senator Paul Douglas, but little has been done to develop it. The administration would only delay that development more. Mrs. Hansen's subcommittee was asked to consider restoring the full amount of development.

Given the size of the Department's total budget, it was not a large request. The subcommittee listened to the reasons for not reducing the funds, and they agreed that the development of the Indiana Dunes National Lakeshore could not wait any longer.

The subcommittee has my gratitude and the gratitude of the millions of families in the Chicago-Gary area who will be able to use this national park. The administration has talked about a program of "parks for the people," but Congress is doing something about it.

Mr. ICHORD. Mr. Chairman, I rise in support of H.R. 15418 and I am very happy to see that the committee has included funds for the wildlife habitat management area project in the Clark and Mark Twain National Forests. The final objective of this project is to improve both timber and wildlife resources on national forests lands located in Missouri. It is a project in which I have long been interested.

The Clark and Mark Twain National Forests of Missouri are of vital importance to our Nation for the production of wood, water, forage, wildlife, and recreation. Our current programs seem out of balance to meet public needs for the environmental 1970's and we are receiving criticism from all sides. With the possibility of a shorter workweek, we will have many more citizens not only Missourians but from several other States, who will wish to use this land for recreation. We cannot wait until the crisis arrives to make our preparation. We must do it now—the most feasible time. I would like to point out that a public study made by environmental experts from the Department of the Interior listed the Missouri Ozarks as one of the six best areas ecologically in which to live in the United States. Needless to remind you that publicity and facts such as this will increase the population and traffic in Missouri.

Since 1970, the U.S. Forest Service and the Missouri Department of Conservation have been engaged in a joint study of wildlife habitat and management on the Clark and Mark Twain National Forests. At the same time, great consideration was given to the best way of utilizing the forest lands to serve the interest of the general public.

Tourism in Missouri has increased rapidly in recent years and in some areas it is the leading business. Our State parks are unable to adequately accommodate the summer vacationers, and it has become necessary to place a limit on the number of campers allowed overnight. Proper utilization of the Clark and Mark Twain National Forests area would help to alleviate some of the congestion at other recreational areas and would result in better use of the whole area.

The need for further development of the Clark and Mark Twain National Forests is indeed clear to me, and likewise on the part of the many agencies who have spent much time in survey and development of plans which seem to be in the best interest of our Nation.

The development of this program represents a high degree of cooperation between many agencies and government—the State government through its legislature and the department of conservation, and the public through the National Wildlife Federation, the Missouri Conservation Federation, the American Forestry Association, and the Wildlife Management Institute.

The plan envisaged is a culmination of this extensive study by the most qualified agencies. I have the utmost confidence in these agencies and being somewhat familiar with the area myself, I endorse the plan with a high degree of certainty that it will be successful.

It is impossible to give the exact number of people living in and around the area, however, the Greater St. Louis area alone has over 1½ million population, and is approximately 75 miles from the national forest land involved. It would definitely serve a large population and being only a few miles off Interstate 44, would be highly accessible to tourists traveling across the country.

I am firmly convinced that the use of this much needed recreation area by our citizens will more than justify the proposed expenditures. Not only will the proposed program provide needed recreational areas, but it will at the same time allow us to preserve a national forest of beauty, provide a wildlife habitat, and further enhance our environment.

Mr. HANSEN of Idaho. Mr. Chairman, it is with deep distress that I note the $600,000 reduction below the amount requested for the National Endowment for the Arts. I am gratified that it is a modest cut, and mention it only because the field is so deserving and the Endowment's programs so successful, particularly in reaching out across the country and in encouraging the Nation's creative talents. The Endowment has also proven, time and again, that Federal moneys in this area do indeed stimulate increased support from private as well as other governmental sources. I would hope that in the future, the Congress will wish to continue and increase its fine bipartisan support for the Endowment's programs, particularly as we look forward to the Nation's bicentennial.

The Endowment is accomplishing a great deal in so many areas of the Nation's cultural life. As just one example: people all over the world cried out over the damage done to the "Pieta." Yet every day in this country our national heritage, in museums large and small, is threatened by humidity, pollution, inadequate security or storage facilities. Responsive to this national problem, the endowment this year introduced a pilot effort in museum conservation and renovation, an effort endorsed by President Nixon on May 4. I wish to add my voice to the many which speak to the value of the Endowment's programs, and submit for the Record the President's recent statement:

The White House,
Washington, D.C., May 4, 1972.

The National Council on the Arts has shown imaginative leadership and creative foresight in calling public attention to the critical problems confronting the priceless collections in our nation's museums. I am pleased to join with the Council in urging action by the private and public sectors to safeguard our museum collections. Only by such action can we preserve our treasures for generations to come.

This is an important function of the overall activity of the National Endowment for the Arts; and a major partnership effort between the public and private sector to preserve our cultural heritage should be a priority goal of our national bicentennial celebration.

Richard Nixon.

Mr. McKAY. Mr. Chairman, once again our colleague from Washington and her subcommittee have demonstrated their sensitivity to the problems of our Western United States, and, indeed, to many of the environmental problems of our country. Environmental protection has become a major national goal. It is, unfortunately, a subject which can generate, on the one hand, extravagant projects and exaggerate criticisms, and on the other hand, can demonstrate the selfishness of certain special interests. Under these circumstances, it is especially reassuring to see a subcommittee of the Congress deal in a reasonable and constructive way with finding solutions to environmental problems. I am referring, in particular, to the recognition by Mrs. Hansen and her committee of the need for research into the many problems which threaten the ecological balance on much of our public lands.

In forest research, for example, Mrs. Hansen's bill proposes $1,990,000 more than the President's budget for research into the restoration of strip mined areas and wildlife habitat, watershed and timber resource management, and efforts to improve the variety and vitality of shrubs to refoliate overgrazed rangeland. Her bill not only funds current research but also provides for constructing and updating facilities needed in the years ahead. These proposals represent the balanced and constructive approach we must have if we are to reconcile our commitment to environmental protection with our other vital interests.

The fact that these items had to be added to the budget indicates the insensitivity of the administration to these problems. It is noteworthy, also, that the needed additions could be made while Mrs. Hansen and her committee were reducing substantially the total budget authority of the agencies under her scrutiny.

Mr. Chairman, I congratulate Mrs. Hansen and her subcommittee on their capacity to perceive problems and to deal with them constructively.

Mr. DELLENBACK. Mr. Chairman, I rise to comment on a particular item included in the Department of the Interior and related agencies appropriation bill for fiscal 1973 before us today. The item I refer to is the appropriation for the National Foundation on the Arts and Humanities.

Since its inception in 1965, I have followed closely the activities of the National Foundation. Its work has been a landmark in America. Before the Foundation in our country was almost unique in the Western World for providing little or no financial help for her own cultural heritage or cultural innovations. The work of the Foundation—and its two principal working arms, the National Endowment for the Arts and the National Endowment for the Humanities—has enriched our cultural heritage and provided much needed aid to struggling theater and dance groups, painters and sculpturers, musicians and poets, writers and architects, and a host of other groups and individuals contributing to the growth of artistic excellence in our Nation.

In troubled times characterized too often by divisiveness and violence, we all need outlets for renewing our spirit. I believe the enrichment provided by the programs funded by the National Foundation has done much to inspire us and renew our commitment to strive for a better society.

Although the appropriation for the National Foundation is below the President's budget request, I was pleased to note that the appropriation for fiscal 1973 is a much needed increase over that provided for fiscal 1972. In the years to come I hope and feel confident that the National Foundation will be funded at levels allowing it to expand its valuable and worthwhile efforts.

I take this opportunity to express my appreciation for the truly great work completed to date by the National Foundation and to pledge my future support for the enriching experience they are giving to so many Americans.

Mr. MAYNE. Mr. Chairman, I rise in support of the increased funding for the National Foundation on the Arts and the Humanities, and for the twin endowments under that Foundation, as has been recommended by the House Appropriations Committee in the bill before the House. I strongly urge approval by the House of at least the level of appropriations recommended by the Committee for this very worthwhile program.

The pending bill as reported would provide $81,714,000 total new obligational funding for fiscal year 1973 for the National Foundation on the Arts and the Humanities. This is $20,428,000 more than the total appropriated for that agency in the current fiscal year.

I would have preferred appropriating for salaries and expenses of the Foundation the full $80 million authorization, or at least the $76,314,000 requested by the administration's budget—the committee's report does not state why it provided only $74,714,000 for salaries and expenses, $1.6 million less than the budget request—but shall not quarrel since the committee has provided funding so close to the total requested, and I shall not further delay House action on this important legislation by seeking an amendment to supply the difference in funds. Hopefully the Senate Appropriations Committee and the Senate will consider and adopt an amendment providing the greater total funding, and I advocate such action.

The relatively little opposition voiced on and off the House floor to the increased funding for the National Foundation on the Arts and the Humanities, and for its twin endowments, certainly attests well to the remarkably high confidence and trust which the Congress, the administration and the public deservedly place in the present administrators of the Foundation, most particularly Mr. Paul P. Berman, Director of Administration for the National Foundation; Miss Nancy Hanks, Chairman of the National Endowment for the Arts; and Dr. Ronald Berman, Chairman of the National Endowment for the Humanities. These fine leaders have by selfless dedication and tireless work brought the Foundation and the Endowments through trying times, and they have fulfilled the high expectations placed in them by President Nixon. When they have made mistakes, they have admitted them and have learned from them. Under their leadership, the Foundation's administration and programing have improved so that this agency could well serve as an example to other Federal agencies administering grants in other fields.

Despite the relatively little seed money provided, compared to other grant programs such as those of HUD and HEW, we have witnessed a remarkable expansion of programs on behalf of the arts and the humanities throughout the United States.

Few today can doubt the worth of these Federal grant programs and of the State, local, and private programs fostered by them and blossoming so well. The comparatively few Federal dollars disseminated in these programs have fostered a nationwide revival of interest in the arts and in the humanities which deserves continued encouragement. It is truly an idea whose time has come.

As a long time supporter of the arts and of the humanities, harking back to my earlier days as president of the Sioux City Symphony and as patron of the Sioux City Art Center, I am particularly pleased with the many fine accomplishments of the Iowa Arts Council under such capable leaders as its chairman, Mrs. Julie McDonald, and its executive director, Jack Olds. Its fine programs could not have been developed without the boost in assistance received from the Foundation, from $24,608 in fiscal year 1967 to $75,377 in fiscal year 1971 and $101,320 by April 1 of this fiscal year.

As much as $127,250 may be allocated by the National Endowment for the Arts to the Iowa Arts Council in this coming fiscal year, under the funding provided the Endowment under the pending bill. This would be distributed in the area of the arts on a matching fund basis, approximately $9,000 from State funds and the remainder provided locally.

The Iowa Arts Council plans to distribute $8,000 of the Federal allocation it receives to 10 Iowa community symphony orchestras in a program to help subsidize discount admission tickets to concerts for students through colleges. I am pleased that symphonies from Sioux City and from Fort Dodge, both in my enlarged congressional district, are among those planning to participate in this worthwhile program.

Also, $8,000 would be distributed to the Old Creamery Theater Co. of Garrison, Iowa, a professional quality troupe for Iowans which tours elementary and high schools, college campuses and community theaters—this would nearly double the current year's assistance provided this group.

Another $6,000 would be budgeted for a series of television programs to be organized in cooperation with the Iowa Educational Broadcasting Network, programs which will introduce events in the arts to viewers of educational television. Tentative plans are to include television of an art festival, of a performance by the Stradivari Quartet of the University of Iowa—a group many Washingtonians have enjoyed through concerts at the Corcoran Art Gallery, a symphony concert, and other events.

Other activities under the auspices of the Iowa Arts Council will range from ballet and music projects to art exhibitions, theatrical productions, seminars and workshops in all art fields. Musical groups which will tour Iowa under the council's sponsorship in the coming fiscal year are the Morningside College Trio from Sioux City, the University of Iowa Brass Quintet, the University of Northern Iowa Music Theater, the Iowa State University Cardinal Keynotes, and the Stradivari String Quartet. Visual art programs tentatively will include artist demonstrations and workshops at Sioux City; a summer arts workshop at Harlan; adult pottery classes and art classes for children at Garrison; a Drake University distinguished artists series; an artist-in-residence program at Davenport; and a film festival in Marshalltown.

Provided the funds which this bill should make possible, the Iowa State Arts Council also tentatively plans tours of writers and poets to Iowa communities, campuses and schools; and Iowa Dance Council workshop; a program in dramatics at Eldora Community Theater; and an artist-choreographer in residence with the Des Moines Civic Ballet. Even with the funding provided by this bill, however, the demand throughout Iowa for programs to meet the growing thirst for such activities in the arts required the council to be highly selective, approving for tentative funding during this coming year only 64 programs of some 134 proposals submitted.

Iowans may well be proud of the Iowa State Arts Council, of its outstanding Executive Director Jack E. Olds and of the many citizen volunteers who have contributed their time and talents to the success of this growing effort on behalf of the arts. I am especially pleased that this success and the interest of increasing numbers of Iowans in these programs has now encouraged similar efforts in the humanities.

The National Endowment for the Humanities has from its beginning recognized that Iowa's university and college campuses, and so forth have leaders in the humanities who need take a back seat to no one. Our State has been well represented in direct grants for Humanist Fellowships awarded to our scholars.

Until very recently Iowa did not have a State planning agency for the humanities such as the Iowa State Arts Council for the Arts. Last fall, the National Endowment for the Humanities allocated $10,000 to the Iowa Committee for Public Programs in the Humanities, ably chaired by Dean Robert F. Ray of the

State University of Iowa, for development of a State-wide program of informal adult education in the humanities. I am pleased that this committee included my good friend and well known patroness of the arts and the humanities Mrs. Robert Gleeson of Sioux City, and that the distinguished chairman of the division of humanities at Morningside College, Dr. Raymond S. Nelson has now been appointed to the enlarged Board. Encouraged by the excellent example of the Iowa State Arts Council, the Ray Committee has produced a fine State plan for Iowa programs in the humanities under the theme "Awareness of Human Needs on the Eve of American Century III." On May 30, 1972, the National Endowment for the Humanities approved this State plan and allocated $157,290 to the Iowa Board for Public Programs in the Humanities for its implementation. With the additional funding which the Iowa Board should receive under the increased appropriations provided to the National Endowment for the Humanities under the pending bill, we should soon witness a burgeoning of the humanities throughout Iowa paralleling the earlier remarkable expansion of the arts, well worth the relatively small investment of Federal funds.

I congratulate and commend the House Committee on Appropriations and most particularly the Subcommittee on the Interior Department and related agencies for their wisdom in recommending this increased funding for the National Foundation and the two endowments, and strongly urge speedy enactment of at least this level of funding by my colleagues in this House and in the Senate.

Mr. FRASER. Mr. Chairman, I am pleased to note that the committee has given special attention this year to the needs of urban American Indians.

Until recently, many of us failed to realize that the Indians in large numbers were living in cities. An Indian, almost by definition, was a native American who lived on land held in trust for him by the Federal Government. Once he left the reservation, we assumed that he somehow ceased being an Indian.

But Indian people, like other Americans, have been caught up in the urban migration. At this time, over 200,000 Indians live in urban areas. Many are struggling to maintain their Indian identity in a hostile, unfamiliar environment.

The Indians' difficulties with urban life is not unique. Other minority groups are faced with similar socioeconomic problems. But one factor sets the Indians apart. Their current situation is due in part to a deliberate attempt by the Federal Government to induce them to leave their home reservations.

While many Indians have benefited considerably from the BIA's relocation efforts, the fact remains that this Federal policy has not achieved its intended result. Thousands of Indians have found themselves stranded in the cities without adequate job skills after their temporary relocation benefits have expired.

The Appropriations Committee's recommendation that $275,000 be allocated for urban Indian referral centers represents a new acknowledgment that the Federal Government, through the Bureau of Indian Affairs, has a special responsibility to aid all urban Indians, whether or not they are enrolled in a BIA relocation program.

The committee action is in line with a recent request by 59 House Members to Interior Secretary Rogers Morton that certain Interior Department restrictions on BIA aid to urban Indians be eliminated. The Bureau, itself, proposed that these restrictions be ended in a new study of its eligibility policies.

While the urban Indian funds contained in this year's appropriations bill will only cover five pilot projects, the committee recommendation does represent an important beginning nonetheless. Additional funds could be used to support new Indian self-help efforts in scores of U.S. cities from Cleveland to Los Angeles. In my district, Minneapolis, I know that our new Indian community center is anxious to participate in this congressionally authorized urban centers program when fiscal year 1973 funds are allocated.

Mr. McDADE. Mr. Chairman, I have no further requests for time.

Mrs. HANSEN of Washington. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF MINES

CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

For expenses necessary for promoting the conservation, exploration, development, production, and utilization of mineral resources, including fuels, in the United States, its Territories, and possessions; and developing synthetics and substitutes, $58,491,000, of which $6,000,000 shall remain available until expended.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am very pleased that the committee has included the language of the Hechler amendment adopted last year, on lines 6 through 8 on page 16:

> No part of the funds appropriated by this act shall be used to pay any public relations firm for any promotional campaigns among coal miners.

Mr. Chairman, as indicated on page 18 of the committee report on the pending bill, for the inspection of dams constructed for water-silt impoundment of cleaning plant refuse material, $1 million is included.

I commend the committee for including this item, as a direct outgrowth of the Buffalo Creek disaster of February 26, 1972, but if we are going to do the job I believe it ought to be done thoroughly.

Based on information received from the Director of the Bureau of Mines this morning, I question whether $1 million will be sufficient to complete the critical task which confronts the Bureau of Mines in this area, particularly in view of the dangerous impoundments in West Virginia, Ohio, and other Appalachian States.

The $1 million will be used for contract studies of surface and underground mine waste disposal. An additional $1 million is badly needed to do the following things, from information supplied to me just this morning by the Director of the Bureau of Mines: $235,000 for geologic and hydrologic studies of the physical properties of mine waste material; $365,000 for education, training, technical support, and regulation of mine waste disposal; $100,000 for assessment and improvement of coal washing plant practices.

I should like to direct a question to any member of the committee who would care to comment as to the possibility that additional funds in the future might be obtained and supported by the committee for completing these very critical studies, which the committee has so wisely voted initial funds for.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. I am sure the gentleman is aware that the committee has always supported funds for mine safety.

I am somewhat surprised that the Bureau of Mines has been in communication with the gentleman from West Virginia and has not seen fit to tell the committee which appropriates the funds what is needed. They had every opportunity to submit a budget amendment. They failed to do this. The committee added $1 million over the budget estimate. The report has been available since Thursday, June 8, 1972, and the Bureau of Mines has never said "Boo" to the committee.

I believe I can say it is the intent of the committee to provide the maximum safety inspection, and we will indeed support the other body in any action it may take in this connection.

Mr. HECHLER of West Virginia. I appreciate the comment which the chairman of the subcommittee has made. There was no intention by the Bureau of Mines to slight the Appropriations Committee. Since Buffalo Creek is in my own congressional district, I asked the Bureau of Mines a number of questions in an effort to ascertain what needs to be done to avoid a repetition of this disaster.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I just want to say to the gentleman from West Virginia, as he and I have already discussed informally, the committee added $1 million to try to alleviate this problem. We certainly want to work with the residents of West Virginia and with the gentleman from West Virginia in trying to do what we can.

We have no request pending. This $1 million figure was added by our subcommittee, to try to alleviate this problem which causes death and hardship and suffering.

Certainly, in consultation with the Bureau of Mines, the gentleman from West Virginia and others we will look at another request with as much sympathy as we can. Certainly we want no repetition of what happened at Buffalo Creek in West Virginia.

Mr. HECHLER of West Virginia. I appreciate the comments of the gentleman from Pennsylvania and the gentlewoman from Washington, and I would like to indicate that the hearings were held at the time the Buffalo Creek Mine disaster occurrred. I simply asked a number of specific questions of the Director and members of the staff and elicited this information. It was not supplied to me in any short-circuiting of the committee.

Mrs. HANSEN of Washington. We were in the midst of our hearings when the Buffalo Creek disaster occurred.

Mr. HECHLER of West Virginia. That is correct.

Mrs. HANSEN of Washington. And, they could not decide who was supposed to inspect what.

However, I think if they want any money they have to make it plain and they have to come before the committee that supplies the money. I think they have got to keep us informed.

Mr. HECHLER of West Virginia. I agree with the gentlewoman from Washington.

I would like to raise one other question and that is with reference to the Federal Metallic and Nonmetallic Mine Safety Board of Review. It seems to me that this is a useless board. It has heard no appeals. In fact, the chairman, when asked during the hearings why there had been no appeals, responded at page 1054: "I refer to my colleagues, does anybody want to suggest a reason?" I just cannot understand this useless board and why it has any justification to continue.

Mrs. HANSEN of Washington. The committee was, frankly, somewhat startled at this situation. They had an organization, but no appeals had been filed. Actually, it was hoped that there would be appeals. This would be indicative of some action with reference to this whole matter of inspection and assessment and so forth.

Mr. HECHLER of West Virginia. The Federal Coal Mine Health and Safety Act of 1969 abolished the Board of Review for Coal Mines and I think we ought to have the same treatment as between metallic and nonmetallic mines and coal mines.

Therefore, I would hope that the authorizing committee would see fit to abolish this useless board, just as the Federal Coal Mine Health and Safety Board of Review has been abolished.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

I should like to ask someone on the subcommittee handling this bill whether any money is contained therein for the construction of an Oriental tea garden at the Hirshhorn Museum now being built on the Mall?

Mrs. HANSEN of Washington. I presented in my opening remarks a review of the items which we had in the bill and the gentleman will note that the "Japanese and Chinese oriental garden" vanished.

Mr. GROSS. It vanished?

Are there any funds in the bill for the National Park Service to provide janitorial, interpretive and other wet nursing services to the Cultural Center?

Mrs. HANSEN of Washington. There are none in this bill. However, I presume an amendment will be presented in the other body on that subject.

Mr. GROSS. Is there any money in the bill for a skating rink on the Mall, as well as sculpturing and one thing and another?

Mrs. HANSEN of Washington. No. If the gentleman will turn to the report, the gentleman will find precisely what is contained in this bill with reference to the National Park Service. The committee deleted funds for the completion of the various fountains as well as other items.

Mr. GROSS. Well, I assume that the money that puts the Park Service into the wet nursing business at the Cultural Center will come in a supplemental appropriation bill or some other bill?

Mrs. HANSEN of Washington. I do not know. It depends upon whether the Senate completes its hearings and whether or not they add this item to the bill. It is within their jurisdiction now. However, there is no money in this bill for that project at this time.

Mr. GROSS. I thank the gentlewoman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Sport Fisheries and Wildlife, including such expenses in the regional offices, $2,250,000.

Mr. HUNGATE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this legislation.

On April 12, I testified before the Interior Subcommittee on the need for funding the Clark and Mark Twain National Forests projects in Missouri. I am pleased that the subcommittee granted this request and included in the appropriations bill an additional $418,000 to carry out the programs developed for these National Forests. I extend my thanks to the committee and commend them on their action in this regard.

I would also like to reflect back to the Congress' passage of the National Environmental Policy Act. The purposes of the act were:

To declare a national policy which will encourage production and enjoyable harmony between man and his environment;

To promote efforts which will prevent or eliminate damage to the environment and biosphere and to stimulate the health and welfare of man;

To enrich the understanding of the ecological systems and natural resources important to the Nation; and

To establish a Council on Environmental Quality.

In keeping with the intent of the Act, the Forest Service has focused increased attention on environmental problems and is analyzing and studying the ecological consequences of its various activities more thoroughly.

As part of its environmental program, the Forest Service has helped chart a future course which reflects greater concern for the Nation's stewardship of forest and related lands. One of the most important objectives in this effort will be to improve the balance among the three major areas of Forest Service responsibility—national forest administration, forestry research and State and private land cooperative programs and the programs and activities within these major areas.

Forestry research meets the Forest Service's longstanding responsibility for producing the knowledge and technologies required to protect, manage, and utilize all forest resources. However, improved knowledge is needed to formulate sound national, regional, and local forestry policy and plans. Successful application of practices and programs designed to improve and protect the environment of all forest and related lands, as well as to meet human needs, depends on a strong and productive forestry research effort at the Federal level.

During the next decade, the Forest Service expects to move forward on several important fronts that relate to program administration. I am proud to see that Missourians and Missouri projects are in the forefront on this march. These fronts involve developmental work on and implementation of new methods of protection and management which will minimize adverse environmental effects; more sophisticated methods to display alternative combinations of resource uses and the consequences of each; and planning for national forest management in a way that will focus on specific units of land so that resource managers and citizens alike can visualize the issues involved and can better discuss and understand the implications of management alternatives.

I believe the Forest Service recognizes its responsibility to help bring about better public understanding of the problems and opportunities involved in natural resource management and use. A better understanding will lead to more meaningful public involvement which can help to produce improved Forest Service programs locally, regionally, and nationally—from which all of us can benefit.

I urge my colleagues to vote for and support the appropriations for the Department of the Interior in order that these important programs can be fully developed.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mrs. HANSEN of Washington. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mrs. HANSEN of Washington. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 367, nays 3, not voting 62, as follows:

[Roll No. 200]

YEAS—367

Abbitt
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClure
McCollister
McCulloch
McDade
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
Passman
Patman
Patten
Pelly
Pepper
Pettis
Peyser
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—3

Gross
Hall
Schmitz

NOT VOTING—62

Abernethy
Abourezk
Abzug
Addabbo
Alexander
Anderson, Tenn.
Archer
Badillo
Bell
Biaggi
Bingham
Blanton
Brasco
Brown, Ohio
Burleson, Tex.
Casey, Tex.
Celler
Chisholm
Clark
Clawson, Del
Collins, Tex.
Daniels, N.J.
Delaney
Dingell
Dowdy
Dwyer
Eckhardt
Edmondson
Eshleman
Fish
Gallagher
Hagan
Halpern
Harsha
Hosmer
Kyros
Landgrebe
Long, La.
McClory
McCloskey
McCormack
McDonald, Mich.
McEwen
McKevitt
McMillan
Miller, Calif.
Nichols
O'Neill
Perkins
Pickle
Podell
Price, Tex.
Pryor, Ark.
Rangel
Rooney, N.Y.
Roy
Scheuer
Springer
Steiger, Wis.
Stratton
Thompson, N.J.
Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Pickle with Mr. Price of Texas.

Mr. O'Neill with Mr. McClory.

Mr. Daniels of New Jersey with Mrs. Dwyer.

Mr. Rooney of New York with Mr. Fish.

Mr. Delaney with Mr. McEwen.

Mrs. Abzug with Mr. Long of Louisiana.

Mrs. Chisholm with Mr. Eckhardt.

Mr. Rangel with Mr. Gallagher.

Mr. Anderson of Tennessee with Mr. Springer.

Mr. Addabbo with Mr. Halpern.

Mr. Miller of California with Mr. Del Clawson.

Mr. Perkins with Mr. Brown of Ohio.

Mr. Stratton with Mr. McKevitt.

Mr. Thompson of New Jersey with Mr. Bell.

Mr. Biaggi with Mr. Harsha.

Mr. Celler with Mr. Steiger of Wisconsin.

Mr. Brasco with Mr. McCloskey.

Mr. Clark with Mr. Eshleman.

Mr. Dingell with Mr. McDonald of Michigan.

Mr. Podell with Mr. Collins of Texas.

Mr. Wright with Mr. Archer.

Mr. Burleson of Texas with Mr. Landgrebe.

Mr. Hosmer with Mr. Edmondson.

Mr. Abernethy with Mr. McMillan.

Mr. Abourezk with Mr. Scheuer.

Mr. Alexander with Mr. Nichols.

Mr. Hagan with Mr. Pryor of Arkansas.

Mr. Badillo with Mr. McCormack.

Mr. Bingham with Mr. Kyros.

Mr. Roy with Mr. Dowdy.

Mr. Casey of Texas with Mr. Blanton.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to extend their remarks and include extraneous material in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

A SALUTE TO EDUCATION

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, June 21 has been designated Education Appreciation Day. I feel it would be rank ingratitude on my part if I failed to register my appreciation for what education has done for me personally, for my family, and for America as the foremost society in the known universe.

Probably few of us can remember the opening days of the year 1900. If there be any that can, it will be recalled that it was a period of unprecedented sprightliness and hope. We had just won a big war, and our confidence in ourselves knew no bounds. The war had persuaded us to burst the bonds of our oceanic boundaries and take a seat among the recognized world powers.

From the standpoint of education, however, we had little to boast about. An agricultural society seemed to feel that the ability to read and write simple language and to calculate in Arabic numerals was sufficient for the average citizen. Secondary schools were lacking exception in population centers. As for college education, there were only 238,000 students registered in degree courses in all the colleges and universities in the Nation. For leadership in higher education we looked to Europe.

The mental stir growing out of the war did wake up education, however. Secondary schools were opened even in rural surroundings. But we were still an agriculturally oriented people. The high schools were as much a matter of prestige as of practical necessity.

Suddenly came another war. In it we found out that modern wars cannot be fought with a fourth-grade education. And that is exactly where we stood educationally during our massive military tour of Europe.

Accordingly, after coming 20 years into the current century, we found we had made reasonable progress. Everybody was expected to finish elementary school. The more ambitious added a high school training. College enrollment had more than doubled, to 598,000. This progress was enough to set off the most expansive era in scientific and technological advance ever known to man.

It touched every field of human activity. Particularly, it lifted the burden off human muscles and transferred that burden to the machine. It cured many ills, social ills as well as bodily ills. It practically abolished the rural society, and transformed it into an urban society, whether actually domiciled in the country or in the crowded city.

This is the society which education has enabled us of the present active generation to build, and which we are transferring to the coming generation. It is a good society, a promising society. So long as our children use it properly, it will provide them with the mental and physical equipment to build more nobly and more grandly.

Today we find approximately one-fourth of our total population engaged in the process of teaching and learning. The numbers are too well publicized to need repetition here. Education is a major industry in the Nation. Every citizen is involved in it, either as a direct participant or as a financial supporter. As an industry, education assumes the responsibility for dealing with every form of human activity, mental or physical, that is approved by social authority. Nothing is too sophisticated on the one hand, or too trivial on the other, to escape the guiding influence of some training system.

And this is why I deem it an honor and a privilege to pay a tribute to the force of education in building a great republic, of which I am a grateful beneficiary.

I have one word more. Research and innovation have become the handmaidens of education, as they have of every other branch of industry. Will these be able to take the drudgery off the backs of the mind, as they have off the backs of the muscle? I do not know. Frankly, I am not sure that I hope they will. It might be unfortunate if our grandchildren came into a world soft mentally as it seems to soften physically from one generation to the next.

A TRIBUTE TO EDMUND WILSON, ONE OF AMERICA'S GREAT MEN OF LETTERS

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I rise to pay tribute to one of the outstanding men of letters produced by the United States, Edmund Wilson, who died yesterday in Talcottville, N.Y.

As one who long admired Mr. Wilson and the extraordinary contributions he made, through his wide range of studies of the literatures of many languages, I suggest that all those who seek to understand our own country will long be in the debt of Edmund Wilson. For few thinkers have so perceptively written about the American civilization as did he. Edmund Wilson helped us know ourselves.

Mr. Speaker, I ask unanimous consent to include at this point in the RECORD an article from the New York Times of June 13, 1972, reporting the death of Mr. Wilson, together with two essays about him, also from the New York Times of this date, by Alden Whitman and John Leonard:

EDMUND WILSON DIES

TALCOTTVILLE, N.Y., June 12.—Edmund Wilson, who read and wrote with encyclopedic thoroughness on literature, history, anthropology and economics, died here today in the 172-year-old stone house that served as the setting of his last published book: "Upstate, Records and Recollections of Northern New York." He was 77 years old.

Some have called Mr. Wilson the dean of American letters and the pre-eminent literary and social critic of our time. But his works, which included poems, short stories and a novel, shattered disciplines and made it hard to categorize him.

Mr. Wilson had suffered from a heart condition for the last two years. He is survived by his widow, Elena Thornton Wilson; their daughter, Helen; a son, Reuel, by his marriage to the author Mary McCarthy; and another daughter, Rosalind, by his marriage to Mary Blair. He had also been married to Margaret Canby, who died.

The family said that the body would be cremated and a memorial service would be held in Wellfleet, Mass.

ERUDITE AND PRODUCTIVE

(By Alden Whitman)

Celebrated primarily as a critic, Edmund Wilson was accounted by common consent the most erudite of them, the most omniscient, the most productive, the most finicky and the most dyspeptic. There was, inevitably, some question as to whether he was the most sagacious or the most perceptive; but there was no doubt, as the years passed, that he was the most didactic and probably the most influential.

For 50 years Mr. Wilson, who regarded literature as "a history of man's ideas and imaginings in the setting of the conditions which have shaped them," wrote elegantly, chiefly for the intellectually élite. Yet such was the force of his value-judgments that he conferred reputations on writers and fashioned as a result the reading tastes of millions, to whom he himself was but a shadowy figure.

Like Dr. Johnson and his own mentor, Hippolyte Taine, the 19th-century French historian and critic, and like Charles Sainte-Beuve, also a 19th-century French critic, Mr. Wilson was a man of letters in the broadest sense. Besides being a critic, he was a novelist, short-story writer, playwright, poet, historian, Bible authority, essayist, literary quarreler, self-interviewer and autobiographer. Having troubled as an adult to learn Hebrew, Russian and Hungarian and fluent from adolescence in Greek, French, Italian and German, he ranged effortlessly in Western literature and culture. And from a mind so well furnished he was able to draw apposite allusions and examples to illuminate his diverse writings, the bulk of which were essentially criticism.

"For me," he once remarked, "literary criticism has always meant narrative and drama as well as an establishing of comparative values.

"On the comparative side, my function has, I think, been to make an effort to see in relation to one another, to bring into the same cultural sphere, a number of literary fields which have been in some cases hardly aware of one another."

Four of Mr. Wilson's books represented direct attempts to apply his humanist and historical values to writers and the culture that nurtured them. These were "Axel's Castle" in 1931, "To the Finland Station" in 1940, "The Wound and the Bow" in 1941 and "Patriotic Gore" in 1962. The first analyzed the work of Yeats, Eliot, Pound and Joyce in terms of the French Symbolist movement; the second dealt with Vicso, Saint-Simon, Taine, Marx, Engels, Lenin and Trotsky in terms of the revolutionary tradition in Europe; the third concerned the dualism of Dickens, Kipling, Casanova, Edith Wharton, Hemingway and Joyce; and the fourth treated Harriet Beecher Stowe, Lincoln, Grant, Sherman and a number of others who left a record of their experiences leading up to or in the Civil War.

In other works the critic paid his respects to many of his contemporaries—Fitzgerald, Steinbeck, Faulkner, Aldous Huxley, Louis Bromfield, Katherine Anne Porter, Dorothy Parker, John O'Hara, Thornton Wilder, Malraux and Sartre, among others.

Contemplating O'Hara, Mr. Wilson found that his work derived from Hemingway and James M. Cain, but that "his writing really belongs to a different category of fiction."

"O'Hara," he declared, "is primarily a social commentator [who] subjects to a Proustian scrutiny the tight-knitted social web of a large Pennsylvania town, the potpourri of New York night life in the twenties, the nondescript fringes of Hollywood. In all this he has explored for the first time from his peculiar semisnobbish point of view a good deal of interesting territory."

Mr. Wilson bestowed his approval on Faulkner, but it was not unalloyed. Reviewing "Intruder in the Dust," he remarked bluntly that "it ought to be said that, from the point of view of the writing, this is one of the more snarled up of Faulkner's books."

But Mr. Wilson did not limit his criticism to the kind of writers usually discussed in literary journals. He wrote of Emily Post and her etiquette books and, in an essay entitled "Who Cares Who Killed Roger Ackroyd?", he reported his conclusion that detective stories were a waste of an intelligent reader's time after having worked his way, with characteristic thoroughness, through dozens of popular successes in that genre.

He would write of writers long forgotten and of others who had never been much known. The writing was always direct and pungent. He began an essay called "What Became of Louis Bromfield" in this way:

BOOK BANNED IN STATE

"In the days of 'The Green Tree' and 'The Strange Case of Miss Annie Spragg,' Mr. Louis Bromfield used to be spoken of as one of the younger writers of promise. By the time he had brought out 'Twenty Four Hours,' it was more or less generally said of him that he was definitely second rate. Since, then, by unremitting industry and a kind of stubborn integrity that seems to make it impossible for him to turn out his rubbish without thoroughly believing in it, he has gradually made his way into the fourth rank, where his place is now secure."

These books of criticism brought Mr. Wilson his renown; a collection of six stories satirizing suburban manners and morals, "Memoirs of Hecate County," earned him notoriety. Published in 1946, the book was banned in New York State as obscene chiefly for one story, "The Princess With the Golden Hair." The story, told in the first person, contrasted the sex life of a suburban matron with that of a city working girl. Its love scenes, tame by today's standards, nonetheless shocked the Court of Special Sessions.

Reflecting a general attitude toward Mr. Wilson in the nineteen-sixties, when most of his work was behind him, Sherman Paul, also a critic, wrote:

"We think of Wilson, as he probably intended us to, when we read in 'Patriotic Gore' of the old Romans of the old America."

Professor Paul had in mind Mr. Wilson's reputation for incorruptibility; but he could also have been describing his physical appearance and his patrician attitudes. Of medium height and tending to paunchiness, his body was dominated by a massive head. His features—a high forehead, and a slightly jutting jaw—resembled those of a bulldog in repose.

He was, though, not so much pugnacious as he was disdainful or impatient with lesser intellects. Some of this was reflected in a letter he once sent to the British weekly The New Statesman. "I read your journal mostly with admiration," he wrote "but I do wish you would not so often confuse 'titillate' with 'titivate.' "

"INTERVIEW" OF HIMSELF

Another facet was thrown in a self-interview in The New Yorker in 1962 that dealt with a trip to Britain. It read in part:

"Interviewer: What brings you to England, Mr. Wilson?

"Wilson: I wanted to dine at the Cafe Royal. I have never been able to get any English friend to go there with me. They aways say that it isn't what it used to be. But I want to see it all the same. That's one reason, and another is that I want to get a set of Ackermann's 'London' at a somewhat cheaper price than they ask for it in the United States. I feel that when I've achieved these two objectives, I need never come to London again."

And later in the "interview," when Mr. Wilson was asking himself his opinions of various British writers, he wrote:

"Interviewer: And Anthony Powell [the novelist]—have you read him?

"Wilson: I don't see why you make so much fuss about him. He's just entertaining enough to read in bed late at night in summer, when his books usually reach me. If Evelyn Waugh is the Shakespeare of this school, Powell is the Middleton or Day. It's a pity he never dipped into Proust—and that goes for Durrell, too, though of course Durrell did more than dip, he saturated himself completely. Durrell is even better to read in bed."

Mr. Wilson was impartial with his hauteur, except with his close friends. For example, he customarily replied to requests of him with a printed card that read:

EDMUND WILSON REGRETS THAT IT IS IMPOSSIBLE FOR HIM TO:

Read manuscripts,
Write articles or books to order,
Write forewords or introductions,
Make statements for publicity purposes,
Do any kind or editorial work,
Judge literary contests,
Give interviews,
Conduct educational courses,
Deliver lectures,
Give talks or make speeches,
Broadcast or appear on television,
Take part in writers' congresses,
Answer questionnaires,
Contribute to or take part in symposiums or "panels" of any kind,
Contribute manuscripts for sales,
Donate copies of his books to libraries,
Autograph books for strangers,
Allow his name to be used on letterheads,
Supply personal information about himself,
Supply photographs of himself,
Supply opinions on literary or other subjects.

The critic's desire to be left in peace was understandable in view of the care and diligence with which he worked. He often called himself a journalist and, in fact, many of his essays appeared in their first form in such magazines as The New Republic, The New Yorker and New York Review of Books. These he expanded and burnished for his books, and this required enormous concentration. Partly, too, he disliked dealing with strangers because of his stutter and his absentmindedness.

Mr. Wilson accumulated a reputation for bad manners. In fact, Richard Chase, the critic, once wrote:

"People who write about Edmund Wilson are likely to include a note on how badly he acted when they saw him at a party. So I had better add that when I saw him at a party he was amenable enough.

"He made a point of sitting beside me like a benign if somewhat nettled uncle, and he asked me about Melville's poems, which he was reading at that time. The great man somewhat confounded me, and I forgot most of whatever I knew about Melville's poems.

"We talked about Whitman, and Wilson emphatically pronounced him the greatest of our classic writers ('The Scarlet Letter,' on the other hand, was a 'fraud').

"Wilson seemed rather baffled by me and soon retired to a corner with the host, who helped him puzzle out a Yiddish newspaper that had been sticking out of his pocket when he entered the house."

Professor Chase, however, did not catch Mr. Wilson at small parties he gave in his apartment or at his home on Cape Cod. On these occasions, Mr. Wilson delighted his guests with his skill at puppetry, especially Punch and Judy shows, and for his skill at Maskelyne's magic, which he picked up in Italy when he was a boy.

A command of culture came naturally to Edmund Wilson, for it was a world into which he was born and in which he was reared. The only child of Edmund and Helen Mather Kimball Wilson, he was born May 8, 1895, in Red Bank, N.J. His father, a success lawyer, served a term as Attorney General of New Jersey. His mother, also of professional background, put store by books and art as household equipment. And when the boy was 13 his parents took him to Europe for a thorough tour of the cultural sights of Italy, Austria, Germany, France and Britain.

A year later he was sent to the Hill School in Pottstown, Pa., where his first months were agonizing and rebellious. "My mother, with characteristic lack of tact, had called me 'Bunny' when she brought me on and, at a first get-together in my rooming-house, this was taken up by the boys," Edmund explained later with some asperity, adding:

"I tried to fight everybody who did this, but was outnumbered, and the house-master broke it up. I have been saddled with this nickname all my life. When I later asked my mother why she had called me that, she gave me the even more embarrassing explanation that she used to say about me as a baby that, with my black eyes, I 'looked just like a plumbun.' "

Throughout his life Mr. Wilson endured his nickname, but barely. Use of it to his face was a certain invitation to disfavor. "Bunny," though, was freely employed behind his back.

Edmund began to practice his mètier at Hill with a story for the school magazine, of which he became editor. At Princeton, which from 1912 to 1916 followed Hill, the young man continued to display literary and critical abilities. On the staff of The Nassau Literary Magazine, he encouraged his friend and fellow student, F. Scott Fitzgerald, to write for it, and it was the start of a career as a novelist on which Mr. Wilson had an enduring influence.

The association of the two Princetonians lasted even beyond Fitzgerald's life. For two years after Fitzgerald died in 1940, Mr. Wilson edited his friend's autobiographical memoir, "The Crack-Up." For the dedication he wrote a poem that began:

> "Scott, your last fragments
>   I arrange tonight,
> Assigning commas, setting
>   accents right,
> As once I punctuated,
>   spelled and trimmed,
> When, passing in a Princeton
>   spring—how dimmed
> By this damned quarter
>   century and more!—
> You left your Shadow Laurels
>   at my door."

Majoring in literature, Mr. Wilson was stimulated by Prof. Christian Gauss and by the writings of H. L. Mencken, Shaw and James Gibbons Huneker, the American critic. He also traveled abroad in these years, soaking up more of Europe on each trip. His humanism and interest in European cultures, encouraged by Professor Gauss, were enhanced by a postgraduate summer at Columbia, where he studied sociology and economics; and by a stint as a reporter on The Evening Sun in New York.

After World War I, in which Mr. Wilson served, successfully, as a private, a hospital attendant in France and a member of the Intelligence Corps, he joined the staff of Vanity Fair and was its managing editor for 1920–21. Recalling him as an editor, Zelda Fitzgerald described him as "beautiful and bloodless." Her husband, Scott, was less cryptic, for he wrote of his friend as "walking briskly through the crowd [in New York] wearing a tan raincoat over his inevitable brown get-up," cane in hand, confident, "wrapped in his own toughts and looking straight ahead."

In those years Mr. Wilson also wrote essays on Fitzgerald, Willa Cather, Pound, Byron, Poe, O'Neill, Hemingway, Lardner, Stephen Crane and William James. In addition, he collaborated with John Peale Bishop, a Princeton friend, on "The Undertaker's Garland," a book of satiric verse and prose about death and funerals.

From 1926 to 1931 Mr. Wilson was associate editor and principal book reviewer for The New Republic. In addition to commenting on the literary scene and introducing, among many others, John Dos Passos as a gifted writer, he wrote "Discordant Encounters," which dealt with the antagonism between man and the machine, and "Poets Farewell!," a volume of lyrics and sketches, mostly satiric.

He also published, in 1929, his only novel, "I Thought of Daisy," a book about Greenwich Village that was based on a sensational murder trial of the era that he witnessed. He * * * 1967, and in his introduction to that edition he was at pains to disabuse those who saw the narrator of the first-person story as Mr. Wilson.

"Nothing annoys me more than to have the characters and incidents which figure in my works of fiction represented as descriptions of real people and events," he wrote. "In the case of a still living writer, such guesses are something of an impertinence."

Nonetheless, Mr. Wilson did transmute some of his experiences into stores, albeit rearranged and disguised.

Of his articles for The New Republic the most political was "An Appeal to Progressives," published in 1931, about a year after the onset of the Depression. In it Mr. Wilson attacked the myth of a prosperous American society and the hopes of liberals that it might be gradually reformed. "The present depression," he said in urging liberals to become concerned, "may be one of the turningpoints in our history, our first real crisis since the Civil War."

In suggesting a radical approach to the country's plight, he invited intellectuals to consider the American Communist party. He found its dogmas narrow, but said radicals "must take Communism away from the Communists and take it without ambiguities, asserting that their ultimate goal is the ownership by the Government of the means of production."

VIRTUAL CALL TO ARMS

And in an article the following year he issued a virtual call to arms, saying:

"So, American intelligentsia—scientists, philosophers, artists, engineers—who have been weltering so long in prostitutions and frustrations, that phase of human life is done. Stagger out of the big office, the big mill—look beyond your useless bankrupt fields and pastures!"

Finally, in the Presidential election of 1932, Mr. Wilson was one of a number of writers who supported the Communist ticket of William Z. Foster and James W. Ford. By this time he has already established himself with "Axel's Castle" as one of the nation's foremost critics; and and he added to that reputation with "American Jitters," a collection of articles with political overtones, issued in 1932.

In 1935 Mr. Wilson traveled and studied in the Soviet Union under a Guggenheim Fellowship. He never embraced Communism, but he wrote of his experiences and his meetings with the Russians with general approbation.

Out of the trip also came "To the Finland Station," his study of the revolutionary tradition in Europe. "With his customary scholarship he prepared himself for the book by seemingly reading not only all of Marx and Engels, but also all of such 19th-century socialists as Prudhomme, Friedrich LaSalle and Bakunin.

After tracing the development of this tradition, he concluded in the final paragraph of the book that it was unlikely that Marxist formulas would be able to lead to "a society in which the superior development of some is not paid for by the exploitation, that is, by the deliberate degradation of others."

Meantime, in 1938, Mr. Wilson, then 43, had married Mary McCarthy, the 25-year-old book critic for The Nation. He had been married twice previously. His first marriage, to Mary Blair, had ended in divorce; his second wife, Margaret Canby, had died in an accident.

The union with Miss McCarthy, which lasted seven years, tended to be troubled, at least in his wife's recollection. She found him domineering in his views, so that everything that came under his hand was shaped into "an authorized version."

She also reported that at one point Mr. Wilson said, "'I think you've got a talent for writing short stories.' So he put me off in one free room with a typewriter and shut the door."

The forties were fruitful years for Mr. Wilson. He published "The Boys in the Back Room" in 1941. "The Wound and the Bow" also in 1941, "Notebooks of Night" in 1942, "The Shock of Recognition" in 1943, "Memoirs of Hecate County" in 1946 and "Europe Without Baedeker" in 1947. His apparent slacking off after 1944 was illusory, for in that year he became book reviewer for The New Yorker. His almost weekly treatment of new books was demanding, long-range and scholarly, an attitude that irritated some readers accustomed to the more bland criticism of Clifton Fadiman, Mr. Wilson's predecessor.

Although Mr. Wilson ceased to be a regular contributor to the magazine in 1948, he continued for years to contribute book reviews and feature articles. For example, from his New Yorker articles emerged "The Scrolls From the Dead Sea" in 1955. This book, rationalist in tone, brought him into conflict with orthodox interpreters of the theological implications of the scrolls. It was, however, indisputably based on an enormous body of archeological information that he had amassed in visits to the Middle East.

INJUSTICE TO INDIANS

Also from his magazine article he shaped "Apologies to the Iroquois," issued in 1959, which was both an account of life among the Iroquois Indians in New York State and Ontario and a discussion of how to right the injustices done to them over the years.

The significant book of Mr. Wilson's later life was "Patriotic Gore," on which he worked off and on for 15 years. Critics rated it a masterly study of the literature of the Civil War, at once encyclopedic and profound.

In 1963, a year after publication of "Patriotic Gore," the writer underwent an experience that puzzled him deeply. He published a polemic, "The Cold War and the Income Tax," a detailed recital of his troubles with the Internal Revenue Service and an indictment of Federal spending for the war in Vietnam and for defense. "I have finally come to feel that this country, whether or not I live in it, is no longer any place for me," he wrote.

Almost simultaneously Mr. Wilson was awarded the Presidential Medal of Freedom, the nation's highest civilian honor. The citation acclaimed him as a "critic and historian [who] has converted criticism itself into a creative act, while setting for the nation a stern and uncompromising standard of independent judgment."

Mr. Wilson did not leave the United States. Instead he continued to live, as he had for many years, with Elena Thornton, his fourth wife, in virtual seclusion in Wellfleet on Cape Cod, in Talcottville in upstate New York and in the Caribbean.

In the years since 1963 Mr. Wilson got into at least two furious quarrels. One was with Vladimir Nabokov over the latter's translation of Pushkin from the Russian. The other was with the Modern Language Association over its scholarly editions of American authors. Mr. Wilson considered these editions overpedantic to the point of uselessness.

Only last month The Times Literary Supplement, in a cover essay on Mr. Wilson and his book "Upstate," praised the scope and scale of the author's interests. "Only the European panoptic scholars come near matching Wilson for learning, and for sheer range of critical occupation there is no modern man to match him."

The book is a personal and elegiac diary of a man growing old in the place where as a child, he had first learned he was capable of "imaginative activity and some sort of literary vocation.

Generous honors came to Mr. Wilson in the late sixties. He won the National Medal for Literature in 1966 and, with it, $5,000. The award, he said, was "all the more welcome for being, as I understand it, tax-free, so that not a penny of it will be demanded for the infamous war in Vietnam and for our staggering appropriations in the interest of so-called defense, which, when I last examined the budget in 1964, amounted, together with space programs and the cost of past wars, to 79 per cent of the total."

Two years later he received the Aspen Award for his contributions to the humanities. With it went $30,000, also tax-free.

At that time, in a rare public appearance, Mr. Wilson commented on his studies in Greek and Russian and on his examinations of the Dead Sea Scrolls and American Indian Lore.

"Now, I am a far from an authority on any of these subjects but, out of a volatile curiosity and an appetite for varied entertainment, I have done reading in all of them; and I have been working, as a practicing critic, to break down the conventional frames, to get away from academic canons, that always tend to keep literature provincial."

"One of the Great Men of Letters"

(By John Leonard)

In 1963 Edmund Wilson wrote: "The knowledge that death is not so far away, that my mind and emotions and vitality will soon disappear like a puff of smoke, has the effect of making earthly affairs seem unimportant and human beings more and more ignoble. It is harder to take human life seriously, including one's own efforts and achievements and passions." Harder, but not impossible. Even as he wrote those lines in his diary, he was working on "The Cold War and the Income Tax." He would go on to rediscover this continent's north in "O Canada," to publish a third volume of literary chronicles, "The Bit Between My Teeth," to write plays and a memoir, "Upstate," and to finish a book on Russian literature, "A Window on Russia," which will appear in August. He was, as The Times Literary Supplement noted last month in a front-page essay on "Upstate," "one of the great men of letters in our century"—the American Montaigne.

He was the chairman of no department at any university. What department could possibly take in his range of interests—the modernist writers he introduced to this country in "Axel's Castle," the history of Europe's revolutionary tradition, in "To the Finland Station," the neglected literature of our own beginnings in "The Shock of Recognition" and "Patriotic Gore," the Indians we had forgotten or never known in "Apologies to the Iroquois," the essays on the Holmes-Laski correspondence, the Modern Language Association and the Marquis de Sade? The only department large enough was his head. Like a python, he devoured whole literatures.

WRITERS' "ISOLATION" SEEN

"What we lack, then, in the United States," he wrote in 1928, "is not writers or even literary parties, but simply serious literary criticism . . . It is astonishing to observe, in America, in spite of our floods of literary journalism, to what extent the literary atmosphere is a nonconductor of criticism. What actually happens, in our literary world, is that each leader or group of leaders is allowed to intimidate his disciples, either ignoring all the other leaders or taking cognizance of their existence only by distant and contemptuous sneers. . . . It, furthermore, seems unfortunate that some of our most important writers—Sherwood Anderson and Eugene O'Neill, for example—should work, as they apparently do, in almost complete intellectual isolation, receiving from the outside but little intelligent criticism and developing, in their solitary labors, little capacity for supplying it themselves."

Inasmuch as the situation has changed in the intervening four decades, Mr. Wilson was responsible. He believed as much in the republic of letters as he believed in the republic of the American past. His tenure at The New Republic was itself a kind of adult education course that created intelligent opinions about literature and circulated them. There was no intimidation and very little sneering; there was simply the strong, plain prose that grew like elm branches out of the trunk of a rich intelligence. There was a continuity in his work analogous to the continuity he sought to define and sustain in his nation's perception of itself.

HOLDING TO OUR VALUES

Toward the end, his critics used words like "patrician," "elitist" and "crotchety" to describe him. And yet he made it his business, as "Upstate" makes clear, to leave the den and talk to people to regret unwelcome social changes while accepting their inevitability, to hold to his own values while listening to the rumors and the riots of new ones, even as he made it his business to talk to and understand the literatures of so many nations, to seek everywhere the civilizing impulse, the past that is in us and the future we fashion from it.

If there is an American civilization, Mr. Wilson helped us to find it and was himself an important aspect of it. A wise man, perhaps singular. His children, and all of us who care about literature and the Republic are his children, will miss him sorely.

AMERICANISM

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, it is often said today that "Americanism" has lost its virtue, that patriotism is no longer a quality to cherish. Indeed, this sentiment has been uttered from time to time throughout our history, but particularly during those periods when America has faced its most difficult moments either at home or abroad. Always, however, there have been Americans who have understood the full meaning of these noble qualities and who have defended and emulated the ideal of the true American patriot. It is these same Americans who have seen America through its troubled moments, who have preferred to correct the wrong and strengthen the good, believing in the ultimate virtue of this country, not wishing to see the dreams and hard-won accomplishments of our forefathers shattered by blind criticism or apathy. A century ago, an eminent American statesman captured the essence of true patriotism. In an address before the New England Society of New York in 1884, Henry Cabot Lodge remarked:

> Of "Americanism" of the right sort we cannot have too much. Mere vaporism and boasting become a nation as little as a man. But honest, outspoken pride and faith in our country are infinitely to be respected.

Mr. Speaker, I have the distinct privilege of commending to my colleagues a woman whose compelling devotion and service to her country, in the true spirit of "Americanism," commands our infinite respect. I can only begin to describe the efforts and accomplishments of Mrs. William Pearsall, a friend, a constituent and a remarkable American. Grace Pearsall was recently nominated by the Port Washington, N.Y., Knights of Columbus Council 1227 for the State Deputy's Americanism Award for 1972. It is a high honor to receive this recognition, as an individual is nominated on the basis of outstanding and enduring service to his country above and beyond the call of duty. Gay Pearsall began serving her country many years ago; she is now 71, so you can imagine she has seen America marked by many changes, conflicts and accomplishments, and she has experienced a long lifetime of trying to extract the best from this Nation. During World War II, Grace Pearsall's efforts on the war bond drive in her hometown of Port Washington won her the acclaim of being made an honorary colonel. Also during the war, Mrs. Pearsall was one of the spearheads in raising funds for a Liberty P–T boat, and with the threat of aerial attack, she volunteered to man the towers on the Guggenheim estate on Long Island Sound to watch for airplanes.

In the American tradition of service both to one's country and to one's community, Grace Pearsall emerged years ago as one of the pillars of Port Washington. She has been active for years in the American Legion, serving as president of the Port Washington Auxiliary in 1944–45; she can be found leading the community in fundraising drives for worthwhile projects, such as churches, hospitals, and charities; she is a charter member of the Cow Neck Peninsula Historical Society; in fact, she is the Community's Town Crier, actively preserving the great traditions of our country. Mrs. Pearsall's interest and enthusiasm extends beyond her own community. The Seneca Indian Tribe of New York, for instance, has made her an adopted daughter, and she is an honorary member of the Atlantic Hook and Ladder Fire Co. Auxiliary. She is also greatly involved in the Senior Citizens Club, and her own active life offers encouragement to her fellow members.

Mr. Speaker, I take this time out to pay tribute to Grace Pearsall, because I believe such selfless devotion and service to one's country and to his fellowman as she embodies, deserves our recognition and praise. I, out of many, am honored to know Grace Pearsall and to share her goodness and achievements with my colleagues.

EXPENDITURES OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(Mr. THOMSON of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, tomorrow the House will consider the 1937 budget for the Departments of Labor and Health, Education, and Welfare. Both departments administer many programs of great value to the people of this country, programs which should be continued and strengthened.

What worries me most about the budgeting process is the steady enlargement of our appropriations and the diminution of our control over them. Some experts have estimated that the built in budget requirements for next year under our present programs will be more than our estimated tax revenues, even at "full employment."

Today we will consider the HEW budget. I would like to remind my colleagues only 12 percent of this massive budget is now subject to effective annual congressional control through the regular appropriations process. The other 88 percent is composed of uncontrollable charges which are tied to formulas committing our Federal dollars without regular congressional review.

Many critics of defense spending have pointed out that it is sometimes difficult for the Congress to prune excess costs from the military budget. But the simple fact is that 95 percent of the budget for the Department of Defense is controlled in the annual appropriations process—95 percent for defense compared to only 12 percent for HEW.

Overall, a recent budget analysis by economists Murray Weidenbaum and Dan Larkins points out that 54 percent of the proposed fiscal year 1973 budget, or $148 billion, is the form of uncontrollable charges such as money in trust funds and interest on the national debt.

I opposed being asked to write a blank check for any bureaucrat. But I am especially opposed to writing a blank check to pay for such bills as welfare and education which, in my experience in State and local government, can rise rapidly and unnecessarily without a constant outside review.

I would remind my colleagues that, in the coming year, expenditures for the Department of Health, Education, and Welfare are anticipated to exceed spending for national defense. It is appropriate for the Congress to insist upon improved methods of holding spenders in this bulging bureaucracy accountable for their budgets and to institute procedures that will reduce the amount of uncontrollable charges built into our increasingly uncontrollable Federal budget.

TEMPORARY APPOINTMENT TO FLAG DAY COMMITTEE

The SPEAKER. The Chair desires to state that the gentleman from Maine, Mr. PETER KYROS, a member of the Flag Day Committee, cannot be here tomorrow. The Chair temporarily appoints in his stead the gentleman from Georgia, Mr. JACK BRINKLEY.

THE NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS OF WAR AND MISSING IN ACTION WANT AN EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, I have been requested by the National League of Families of American Prisoners and Missing in Southeast Asia, to ask my colleague, Mr. PAUL McCLOSKEY, to retract statements he made last Wednesday on the NBC "Today Show."

While being interviewed by NBC's Frank McGee in regard to Mr. McCLOSKEY's views on the Vietnam war, Mr. McCloskey said, and I quote him:

> There's 700 prisoners over there. If I were General Giap, I think I'd be putting one of them in the town square of each of my 700 biggest towns.

At a later point in the interview, Mr. McCloskey said, and I quote him again:

And if I had 700 cities I'd want to save, I'd put one prisoner in each city. And I—I think the North Vietnamese may very well do that.

Mr. Speaker, Mr. McCloskey's remarks, which the league hopes will be retracted in behalf of all the families of American servicemen who are held captive or who are missing, is not an issue between critics or supporters of American policy in Vietnam.

What is at issue, in my judgment, is our colleague's unfortunate manner of expressing his opposition to bombing in such a way as to hand the North Vietamese what is, in effect, a tactical suggestion that our brave prisoners might be used as military shields.

I do not believe that was Mr. McCloskey's intent.

Without impugning the honor with which he has served his country, I believe he has a compelling responsibility to the families of the prisoners of war and missing to explain his potentially dangerous remarks.

Our POW's already are enduring captivity by an aggressor nation which has, and continues to disregard, even the most basic rules of humane treatment of prisoners as called for by the Geneva Convention.

All of those held prisoner or who are missing are a source of anxiety to wives, parents, and other loved ones and, indeed, a source of concern to the vast majority of Americans and others of conscience in the world, regardless of their other views on the tragic conflict in Southeast Asia.

In view of Hanoi's flagrant violations of the rights of those they hold captive and because of the already heavy burden carried by the families and friends of our prisoners and missing, I find Mr. McCloskey's references to the possibility of using American POW's as human targets as a display of insensitivity to the possible repercussions.

My colleague's statements also imply that it is U.S. policy to bomb nonmilitary targets.

In response to this implication, it must be pointed out that many American prisoners, particularly our airmen, are held captive and are characterized by the enemy as "war criminals" while enduring inhuman conditions precisely because they took great risks to avoid nonmilitary targets.

In response to Mr. McCloskey's remark that if he were General Giap, "I think I'd be putting one of them in the town square of each of my 700 biggest towns," I wholeheartedly agree with my distinguished colleague, Mr. Burt Talcott, who recently pointed out in this Chamber that "actually, our POW's would be safer in the city squares than in camps or prisons near military targets."

Mr. Talcott correctly observed, "would be a heinous and explicit violation of the Geneva Conventions."

Mr. Speaker, the United States has informed the North Vietnamese Government and the nations which supply them with weapons of aggression of our limited objectives of stemming the flow of these supplies so as to protect our remaining forces and to help stop the killing in South Vietnam.

I find it hard to understand how Mr. McCloskey, who has been outspoken on the subject of what he believes is moral and immoral about U.S. policy, to suggest what the North Vietnamese might do with our prisoners in violation of every standard of morality or international law.

Article 19 of section I of part III of the Geneva Convention relative to the treatment of POW's is explicit in regard to forbidding the possibility of using prisoners as hostages.

The article states:

> POW's shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger. Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

And in section II, article 23 of part III, it states:

> No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Mr. Speaker, Mrs. Carole Hanson, who is the chairman of the National League of Families of American Prisoners and Missing in Southeast Asia and the wife of a Marine Corps officer who has been missing 5 years, has declared she has "never heard a more shocking statement" than that made by Mr. McCloskey.

"She has never," she said, "heard one more dangerous to my husband and 1,700 other prisoners and missing in Southeast Asia."

"Never," she said, "has a proposal, threat or suggestion like this been made from any side, not even from Hanoi."

On behalf of the National League of Families of American Prisoners and Missing in Southeast Asia, I ask Mr. McCloskey to retract or explain his statements. To do less may leave the North Vietnamese, colleagues in Congress, and millions of Americans with what I expect is a tragic misunderstanding of the intent of his alarming remarks on the "Today" show.

At this point, Mr. Speaker, I include the entire text of the June 7 interview with Mr. McCloskey on the "Today Show" followed by the prepared remarks of Mrs. Carole Hanson, chairman of the National League of Families of American Prisoners and Missing in Southeast Asia, presented on the "Today Show," Thursday, June 8.

[From the "Today Show," WRC-TV, NBC Network, Washington, D.C., June 7, 1972]

An Interview With Representative Paul McCloskey

Frank McGee. A question. Can a Republican Congressman challenge President Nixon on the war issue and still get reelected?

Well, liberal California Republican Congressman Paul McCloskey tried and won, but barely. In yesterday's primary Mr. McCloskey, who since 1957 has represented the state's 11th Congressional District, the peninsula country below San Francisco, beat two opponents who described themselves as conservatives. But his victory was only by a plurality, not a majority—this after running against Mr. Nixon in New Hampshire primary last March, taking 20 percent of that vote, and then formally dropping out of the presidential race but continuing to speak out against tht President's war policies.

Welcome back. It's nice to see you again, Congressman.

Congressman **Paul McCloskey.** It's a long time since New Hampshire.

McGee. Beg pardon?

Congressman **McCloskey.** It's a long time since New Hampshire.

McGee. It certainly seems like it, doesn't it? You faced two opponents. They were both conservative. Had you faced only one of them you might have lost.

Congressman **McCloskey.** Well, I think I would have beaten either of them head to head. It's hard to say. Usually you pick up some and the other fellow picks up some if one man drops out.

McGee. But does your narrow victory suggest anything to you about your criticism of the President's war action?

Congressman **McCloskey.** Well, I—I think it—it indicates that you can disagree with the President and still get elected. We know that perhaps 80 percent of the Republicans support this bombing policy in South Vietnam and in North Vietnam. And to me that policy is a tragedy. I think Congress has the obligation to end it. I think we can in the next few weeks. I hope we will.

McGee. End the bombing or end the war?

McCloskey. End the bombing. I think that bombing the North Vietnam today there's a subtle distinction. We used to bomb to support American troops. Today we bomb and kill people to support American pride. America's never done this before. When we kill women and children in North Vietnam we do something that we can never take any great pride in. As long as this country does this we really can't attack the real problems that face us.

McGee. You said you thought Congress could. Did you say you thought Congress would?

Congressman **McCloskey.** I think we're within 20 or 30 votes of having enough votes in Congress to cut off the funds for this war or to pull all American troops out within the next two months. The only thing I regret is that in the two or three months before we do this a lot of people are going to get killed in North Vietnam by our B-52s.

McGee. Let's return more directly to the—to the primary here. What I'm really getting at is—is—well, are you going to—are you going to support President Nixon?

Congressman **McCloskey.** I can't support anybody that maintains this bombing policy where we kill people just for pride. To me that policy transcends party loyalty. It's the major issue in the United States.

We—we've lost the stomach to fight this war ourselves, yet we lash out and kill other people in a war we're no longer willing to die in. This country has never done this before. And I think—and I hope Congress will end it.

McGee. Well, then, would it be accurate to say that unless the President ends the bombing you will not support him in November?

Congressman **McCloskey.** That's—that's correct. I hope I can support him. There are many things the Nixon administration has done, the Moscow, the China trip, the mid-East policy, revenue sharing, welfare, tax reform—all of these things are worth supporting. But as long as we kill people in a war we're not willing to die in, I can't support the leader that calls that policy.

McGee. I think you've partially answered the next question that I'm going to ask, because it has been raised. Why don't you just become a Democrat?

Congressman **McCloskey.** You know, I first ran for Congress against Lyndon Johnson, who was conducting the same kind of policy, a bombing policy, in North Vietnam. There's nothing about the Democratic Party leadership, the Stennis's, the Eastlands that conduct this policy—it isn't a partisan matter. It doesn't make me want to become a Democrat merely because my party has become the party that wants to win this war.

McGEE. So you'll remain in your party. And I would suppose you'll continue to oppose the President and all others who favor the bombing. But let's get to what Congress can actually do. What form do you think this must take or will take in order for Congress to try to end the bombing?

Congressman McCLOSKEY. Well, there are two votes: the Mansfield Amendment, which would have all American troops out by August 31st—you can't bomb to support or to protect American lives when all Americans are out . . .

McGEE. But you've already said that that's no longer our justification for bombing.

Congressman McCLOSKEY. It isn't, but the American people—this is the thing that the vote—I suppose frustrates all of us, that we're unable to articulate to the American people that we're not bombing to preserve American lives today, we're bombing to preserve American pride. It takes the debate of a public political campaign to get this educational process across. It's happening; it's going to take us a few more months.

McGEE. Well, what I'm—what I'm getting at is even if the Mansfield approach carried, wouldn't it—wouldn't—and the bombing continue anyway?

Congressman McCLOSKEY. No, I don't think so, because even the President knows we've—we've withdrawn the Gulf of Tonkin authority to fight this war. The only authority he has is as Commander-in-Chief to protect American lives. And you pull American lives and he doesn't have that authority any longer.

And I think that something the American people might think about is that every time we send bombers over there, we may be killing our own prisoners of war. They're the only issue worth fighting for. Congress voted twice last year to get out of Vietnam if we could get the prisoners back. There's 700 prisoners over there. If I were General Giap I think I'd be putting one of them in the town square of each of my 700 biggest towns.

But when we bomb today—and we bomb with B-52s and cluster bombs and all of the weapons that make up this arsenal we use—we might very well be hitting our own POWs.

McGEE. But of course those camps—the location of those camps—are known. We even staged a raid in there to try to get some of the fellows out.

Congressman McCLOSKEY. I wouldn't bet on that. And they can move those prisoners at any time. And if I had 700 cities I'd want to save, I'd put one prisoner in each city. And I—I think the North Vietnamese may very well do that.

McGEE. Well, you were reaching another approach that Congress can take besides the Mansfield Amendment.

Congressman McCLOSKEY. Well, the other—the other approach is to cut the funds off for the war as of a date in October. This is the bill that's now coming out of the House Foreign Affairs Committee. There was sort of a tacit agreement it wouldn't come out until the President had been to Moscow and back. And this I hope my election will have some significance, that perhaps 20 or 30 Republicans may join in the vote to cut off the funds for this war.

McGEE. You say there—well, I only have a little time left—what would—what has happened that would make these 20 or 30 or 40 Republicans change their mind? They've had opportunities to vote on this before.

Congressman McCLOSKEY. Well, in this beautiful painful but effective political process of ours we all face reelection in November. And the public is beginning to understand that those that vote to continue this war also are running for election in November. My colleagues are beginning to understand that. I'm beginning to understand it. And I—I hope as that election date approaches you'll see Congressmen begin to shift as public opinion begins to exert its weight.

McGEE. Congressman, thank you again for being with us. As you say, it's been a long time since New Hampshire.

Congressman McCLOSKEY. Thank you.

REMARKS OF MRS. CAROLE HANSON, JUNE 8, 1972

Yesterday on this show, Congressman Paul McCloskey from my state said if he were General Giap of North Vietnam, he would put a prisoner of war in each of 700 town squares to halt the bombing.

In the long five years as a wife of a missing in action American, I have never heard a more shocking statement, nor one more dangerous to my husband and 1,700 other prisoners and missing men in Southeast Asia. Never has a proposal, threat or suggestion like this been made from any side, not even from Hanoi.

The most bitter of anti-war opponents have not suggested that prisoners be used as shields against bombs. Mr. McCloskey said it not once, but twice.

It must be noted that Mr. McCloskey is a Congressman of the United States of America and a former Marine Corps officer like my husband. For a man of his position and experience to suggest this most heinous violation of the Geneva Convention is stunning to all POW families, and I trust to all Americans. Whether or not the Congressman meant this as an actual proposal, is not the issue. The fact remains that this sort of serious discussion by American officials may seem to justify such actions to Hanoi.

I hope he will publicly wthdraw that statement on this program—and apologize to all POW families, and indeed to his fellow Americans in cages and cells throughout Southeast Asia. Otherwise, I would hope that his fellow representatives in Congress would consider a vote of censure.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I wish to commend our colleague, the gentleman from New York, for taking this time to call these outrageous remarks of our colleague to the attention of the House. It seems to me all of us here in this House ought to express our outrage at a suggestion that our American prisoners or our American missing in action be used in that manner.

I congratulate the gentleman in the well. He is performing a notable service by calling this to the attention of the House.

Mr. KEMP. I appreciate the gentleman's remarks.

I want to make it clear to the gentleman from Illinois and to my colleagues that this morning I delivered to Mr. McCLOSKEY's attention the complete text of my remarks. In fact, I was going to speak out yesterday, but he was not here. He is unfortunately out of town for a week, but his office does know and has been advised.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I thank and commend the gentleman from New York for taking this time for this important purpose.

I cannot believe it to have been the intent of the gentleman from California to endorse such practices of inhumanity and brutality as those which he suggested on this program, nor can I believe it was his intent to endanger the lives of men who are prisoners of war, but this is the effect of his statement; and I would join the gentleman in urging him to retract or to clarify his remarks for his own sake, for his country's sake, and for the sake of these courageous men and their families.

Mr. KEMP. I thank the gentleman.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to my colleague from New York.

Mr. KING. Mr. Speaker, I want to commend the gentleman from New York for the position that he has taken here today.

I notice that the gentleman from California (Mr. McCLOSKEY) has many, many times referred to the actions of Americans in Vietnam as being immoral.

Certainly, nothing could be more immoral than the suggestion he has made to place an American prisoner in a position where his life might be taken through an action as explained by the gentleman.

The next question is the fact that the gentleman from New York did notify Mr. McCLOSKEY's office that he was going to be here today and he was going to ask for an explanation of his statement.

Mr. Speaker, I commend the gentleman for making the statement which he has made.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, I want to commend the gentleman from New York for his remarks and for his efforts to get a clarification from the gentleman from California as to whether he really indeed meant what he said on the Today show.

It has aroused a great deal of antagonism and concern in this country.

Today I received a telegram from Mrs. Mildred Pilkington, State coordinator of the Illinois Chapter of the National League of Families, POW/MIA, in which she states as follows:

> In answer to question by Frank McGee on Today Show June 7, 1972, Representative McCloskey is quoted as saying that if he were General Giap he would stop the bombing in North Vietnam by putting prisoners of war in the courtyards of several hundred towns. As mother of MIA in North Vietnam since September 1966. I feel shaken and outraged at this cheap political ploy. Plight of our men imprisoned and accountability of the MIA is further exploited. Recommend and urge immediate censure. In no way should Mr. McCloskey be privileged to reap the praise of the enemy at home or abroad. As representative of nearly 50 Illinois men 86 families, I urge a definitive stand forthwith.

I thank the gentleman for yielding.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I do not suppose it is incumbent upon me to defend a member of the other party from attacks by members from his side, but since he is not here to speak for himself, I would like to say that it is perfectly obvious from what he said he was not advocating or even suggesting, but merely pointing out the fact that that is one of the possible consequences our Government should have weighed when it escalated its bombing of North Vietnam.

I do not think there is a single person who does not obviously want to avoid a husband or a loved one's life being placed in jeopardy by the bombings that have been instituted by the American Government.

The SPEAKER pro tempore (Mr. RANDALL). The time of the gentleman from New York has expired.

(By unanimous consent, Mr. KEMP was allowed to proceed for 5 additional minutes.)

Mr. SEIBERLING. Mr. Speaker, if the gentleman will yield further, one B-52 strike lays down a path of destruction one-half mile wide and 3 miles long.

Mr. KEMP. Mr. Speaker, I refuse to yield further to the gentleman. I recognize the gentleman's statement, and I want to make clear for the record that this is not an issue between critics or supporters of American policy and that I do not impugn the honor with which the gentleman from California has served his country. I do not suggest that he was telling them that they should do this. But, I am concerned about whether he has raised in the minds of the families of our prisoners, as well as in the minds of some of us in the Congress, the very real concern that this might occur because of the suggestion by the gentleman from California.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield further?

Mr. KEMP. I am not going to yield any further. I do not think I need to explain my statement of concern to the gentleman any further.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman from New York for yielding.

Mr. Speaker, I want to compliment the gentleman from New York, as have his colleagues who have preceded me, for taking this time to call to the attention of the Congress and the people of America the untimely and unfortunate comments which had been made by a colleague (Mr. MCCLOSKEY) of California.

I would like to say, Mr. Speaker, that every day I receive a bulletin that contains intercepted messages put out by the Communist propaganda machine to North Vietnam, to South Vietnam, and other parts of Southeast Asia.

I would point out that it is comments like we are talking about right now made by Mr. MCCLOSKEY and made by some other so-called leaders of this Congress and this Government which have appeared very prominently in the Hanoi information media.

Mr. Speaker, Hanoi's propaganda messages are designed to give aid and comfort to their troops, and if they did not, I submit they would not continuously repeat those statements which have been made by some of our colleagues.

Further, I would say that one of my main concerns is especially the safety of the Americans remaining in Southeast Asia as we withdraw, whether they are in South Vietnam, or whether they are held somewhere in North Vietnam or whether they are held as prisoners by the Vietcong.

I think their safe return must be the utmost priority in our consideration of this matter.

I think the time which has been taken by the gentleman from New York helps call attention to this great issue that is facing this country.

Mr. KEMP. Let me make it clear that we are hopeful that the gentleman from California might have an opportunity to clear up this tragic misunderstanding that is so disturbing to the families of our prisoners of war.

Mr. GUBSER. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. KEMP. I yield to the gentleman from California.

Mr. GUBSER. Mr. Speaker, I ask unanimous consent that the gentleman be given an additional 10 minutes.

The SPEAKER pro tempore (Mr. RANDALL). Is there objection to the request of the gentleman from California?

Mr. WILLIAM D. FORD. Mr. Speaker, I object.

Mr. HUNT. Mr. Speaker, I move that the gentleman be given 10 minutes additional time.

The SPEAKER pro tempore (Mr. RANDALL). The Chair will have to state that a motion to that effect is not in order at this time. Other special orders have previously been granted, and the Chair will state that the motion is not in order.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. KEMP. Yes, I am glad to yield to the gentleman from New York.

Mr. TERRY. I thank the gentleman for yielding.

Mr. KEMP. Before the gentleman proceeds, let me make it clear to everyone on the floor at this time that I am going to ask unanimous consent for 5 legislative days so that all Members might extend their remarks on the subject of this special order.

Mr. TERRY. Mr. Speaker, as the father-in-law of a Marine Corps airman missing in action in Vietnam, I join my distinguished colleague from New York in his remarks concerning this atrocious statement.

I would like to hear our colleague from California's response for making a further response to this. But I do hope he will respond quickly, knowing he is away for a week, I hope it will not be a week before we hear what his explanation is for these most unsatisfactory and scurrilous remarks concerning our prisoners of war.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman.

Mr. HUNT. Mr. Speaker, I commend the gentleman from New York again for calling this to the attention of the House and to the attention of the American people in general.

It has been noted in some circles that this remark was made. But again there are those people in the United States who have not heard this.

I am hopeful, as you are, that the remarks will be retracted, and retracted publicly, because I can think of nothing more barbarous than for someone even to intimate that we should stake out a prisoner in the square in one of the 700 cities of North Vietnam for the purpose of having that place deteriorated or wrecked by bombing and the killing of those innocent persons there being held.

I deplore the statement and would label this without any hesitation as a barbarous act.

I commend the gentleman for his action in calling this to the attention of the country.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the gentleman from New York be given 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. KEMP. I yield to the gentleman.

Mr. GUBSER. Mr. Speaker, I too would like to commend the gentleman from New York for bringing this very important matter to the attention of the House.

I, for one, do not say for one instance that any Member does not have the right and the obligation, if he feels that way, to oppose this war in Southeast Asia.

I have no objection to any person who seriously believes that it was a tactical error to resume the bombing of the North to voice that objection. But I do feel it is a mistake in judgment, to use the kindliest term that I can summon, to use sensationalism in order to back the point that bombing should not have been resumed—and to use it in such a way that it would even suggest that American prisoners of war who have endured suffering more than anyone of us can imagine, should be placed in an exposed place where their lives would be in danger.

I would think that suggestion was the very worst mistake in judgment. I do hope my colleague from California will see fit to clarify this.

I think when we oppose this war in Southeast Asia, it is certainly justified by any person who believes that way, but I do not think it is wise to dwell entirely upon the bombing of the North and acts of so-called aggression by the United States.

I was at Hue shortly after the offensive in 1968 and I saw those graves and those corpses and I smelled them and I saw people with their hands tied behind their backs with wires and I saw their nostrils in such a condition that indicated they were buried alive.

I would remind you when aggression from the North takes place not a single person turns around and goes back north. They all go south. Why? Because the aggression, if it is American aggression, is not unilateral—it is naked, cruel aggression by the North. I think some of these apologists ought to begin to recognize that is just what it is.

Mr. KEMP. Mr. Speaker, I think it should be stated also from the well today that I am going to include for the Record the entire text of this June interview with my colleague, the gentleman from California, on the "Today" show. I also will include the prepared remarks of Mrs. Carole Hanson, of the National League of Families of POW's and those missing, so that all will have both statements in complete context.

As I said earlier this is not personal; we are not challenging the integrity or the patriotism of our colleague, but we are very anxious for an explanation. I think it is time a little priority must be given to this.

Mrs. HICKS of Massachusetts. Mr. Speaker, I am horrified by the recent remarks of Mr. McCloskey concerning the American prisoners of war.

It is outrageous for a Member of Congress to be giving military advice to the enemy, particularly advice that threatens the lives and safety of our soldiers. It is a barbaric gesture.

Mr. McCloskey's suggestion would only add to North Vietnam's record of violations of the Geneva Convention on the Treatment of Prisoners of War.

The remark reflects the national confusion caused by this tragic conflict.

It is time for each of us to resolve no longer to use the POW's as political pawns. It is time to devote our efforts toward freeing them.

I call upon Mr. McCloskey to retract his recent remark.

Mr. SCHMITZ. Mr. Speaker, thanks to my colleague, the Honorable Jack F. Kemp of New York, I obtained a copy of the remarks that Mr. McCloskey of my home State of California made on the "Today Show" with regard to the American POW-MIA's held captive in North Vietnam. This is a war we are engaged in, whether the Congress has formalized it or not. Men of our Armed Forces are committed to doing battle and their lives are on the line. I therefore profoundly question the tactical suggestion offered to the enemy by Mr. McCloskey that—

> If I had 700 cities I'd want to save, I'd put one prisoner in each city. And I—I think the North Vietnamese may very well do that.

My colleague from California knows full well that every man who is suffering in those dungeons in North Vietnam is there as a result of following orders from successive Commanders in Chief. To even suggest that the enemy so use these valiant men who followed orders should be immediately retracted as explained by my colleague from California. In this cause, we cannot afford not to stand as one. I therefore join with the Honorable Jack F. Kemp of New York in requesting Mr. McCloskey to immediately retract or explain his open tactical military suggestion to the enemy.

GENERAL LEAVE

Mr. KEMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. Randall). Is there objection to the request of the gentleman from New York?

There was no objection.

CONSTRUCTION SITE VIOLENCE DOES VIOLENCE TO OUR SYSTEM OF LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Coughlin) is recognized for 10 minutes.

Mr. COUGHLIN. Mr. Speaker, I want to comment about a critical situation that has developed in Montgomery County, Pa., now that a county court judge has issued a continuing injunction involving picketing of a major construction company.

I am certain that many of my colleagues read in their local newspapers about the assault by some 1,000 persons June 5, 1972, on the proposed Valley Forge Plaza, Upper Merion Township, a construction site only a few miles away from the hills where George Washington and his troops endured the terrible winter of 1777–78.

The attack there, I am afraid, assures the construction site of an inglorious chapter in the history of labor disputes in the Philadelphia area. Newspaper articles recount only too graphically that buses unloaded bat-wielding, bomb-throwing hordes which systematically wrecked the construction area. Police officers were stoned, security guards routed, 4,000 feet of chain link fence torn down, an office and heavy equipment firebombed, and other material vandalized.

The construction firm, Altemose Construction Co., of Center Square, Pa., is at odds with unions of the Building and Construction Trades Council of Philadelphia and vicinity, and Local 30, of the United Slate, Tile and Composition Roofers, Damp and Waterproof Workers Union, over the issue of nonunion labor.

The merits of either side's position in the controversy have no bearing on the wanton destruction and lawlessness that took place. This inexcusable rampage followed a series of sporadic incidents of violence, destruction and suspected arson that for previous weeks had marked the course of the dispute between contractors and unions.

As a Federal legislator, I am charged with framing and voting on national legislation. I am presently researching the National Labor Relations Act to determine if there are sufficient powers to enforce NLRB rulings. As a citizen and a Representative, I am personally concerned that the rights of every individual are protected to the full extent of the law. I have contacted local government and law enforcement agencies to add my support for protection of the rights of all involved in the dispute.

Now, I cannot adequately express my chagrin and revulsion over the events of June 5. Not only do I see violence done to individuals and their property, but moreover, I see violence done to our system of laws that has been evolved over the years to provide protection for the legitimate rights of unions and management.

Rhetoric that too often inflames management and labor disputes comes easy in the time of heated tempers and hot issues. Yet, I do not feel I exaggerate when I state that this flagrant, unnecessary, arrogant and indefensible orgy of violence has been one of the most shattering blows to the organized labor movement in the Philadelphia area in many years. I hope that the calm and intelligent forces within organized labor itself will rebel at this disastrous use of force by taking action to insure that unions never again will resort to such tactics under pain of penalty, not just from the law, but from their own peers.

I thought that by 1972 we had long left behind the taint of billyswinging company police and blacklists, labor terrorists and coercion by force. Perhaps, the public outrage, governmental concern, and effective judicial restraints are signals enough that such violence should not be repeated. I hope so.

Over the years there has been considerable law enacted to handle disputes such as the one that triggered this assault. I believe the laws on the books are good and satisfactory. But in this Nation the system of law demands a dual responsibility—a responsibility by people to abide by it and a responsibility by the authorities to enforce it. A failure by either tempts the introduction of further legislation.

In the instances, highlighted by the June 5 violence, where the law has been violated, I note that the widespread anger and indignation cuts across management-labor lines without regard to any particular group, class, or segment of population. I hope this will help convince those involved in acts of violence and any contemplating future action of the folly of such conduct. It is self-defeating. Americans will not tolerate it. And, in the county of my residence, it will not go unpunished.

I commend the Montgomery County Commissioners, the district attorney's office, the sheriff's department, and the other law enforcement officials who have acted to enforce the law.

In particular, I commend Judge Vincent A. Cirillo, of the Montgomery County Court, for his justness and courage in handling this inflammatory case, and for his difficult decision that can only be hailed by fairminded persons.

Because they so well express the sentiments of the community, I submit for insertion in the Congressional Record these two editorials published in Philadelphia newspapers on June 7, 1972.

The Philadelphia Inquirer editorial:

RAMPAGE AT KING OF PRUSSIA WAS AN ASSAULT ON LAW ITSELF

"It amounted to a total destruction of the building site. It was virtually a military assault," said Montgomery County Judge

Vincent R. Cirillo. "This was arson, violence, malicious mischief and vandalism, a total disregard for the law."

It was also a gross, indefensible assault, by a rapacious mob, on public order and the process of law.

The scene was the construction site of the Valley Forge Plaza. The occasion was the rampage by some 1,000 people, at least some of them drawn from the picket lines set up by the AFL-CIO Building and Construction Trades Council of Philadelphia and Vicinity and by Local 30 of the United Slate, Tile and Composition Roofers, Damp and Waterproof Workers Union.

The unions were—and continue to be—opposed to the employment of non-union laborers at the site, and to the pay and benefit scales paid by the contractor and subcontractors.

That dispute is covered, we believe, by an adequate, useful and equitable system of law. We are not judging the question of labor organization, picketing or the equities involved in such efforts in the King of Prussia case.

But we are judging—and harshly—those who put their own selfish interests above the law and above the public order.

The police in King of Prussia and Montgomery County should identify and arrest every possible participant. The guilty should be vigorously prosecuted and imprisoned. If the local authorities fail in that responsibility—as they failed to prevent or significantly diminish the anarchy itself—Gov. Shapp and Attorney General J. Shane Creamer would do well to fill the gap they leave.

It is difficult to believe that if the sparsely-manned local police had been alert they could not have brought in outside police help in time to stem the rampage before it reduced the building site to—in Judge Cirillo's words—"a war zone in the aftermath of a concentrated bombing attack in World War II."

Those responsible for the administration of law and order there have the opportunity and the responsibility now to make a case in their own defense. The leaders of the unions involved bear an even heavier burden.

The Philadelphia Evening Bulletin editorial:

HARD-HATTERS' RAMPAGE

The roughhouse, terrorist tactics aimed at intimidating nonunion employers and workers on the Valley Forge Plaza construction project Monday morning were shameful and intolerable.

As they typically do in instances of construction violence, officials of the Philadelphia Building and Construction Trades Council are disclaiming responsibility for the mayhem and wanton destruction that erupted at the King of Prussia building site.

But somebody organized this assault and organized it well. The seven buses that hauled the rioters to the melee were chartered by someone. When the pickets swarmed off the buses, they were carrying sticks, clubs and homemade firebombs. They were also carrying placards that cited grievances against the nonunion Altemose Construction Co.

Whoever sent the buses and their charged-up riders to the construction site knew they weren't headed for a picnic. Presumptive evidence of a planned, rather efficiently mobilized, riot appears abundantly at hand.

Although the actual outbreak occurred in Montgomery County, the buses were evidently chartered from a Philadelphia firm. These circumstances should not be lost either on Milton O. Moss, Montgomery Country's district attorney, or on Arlen Specter, his Phildelphia colleague.

A joint investigation of all aspects of the Valley Forge free-for-all, with a view toward bringing criminal charges against those responsible for it, is urgently required.

Union building tradesmen have been among the staunchest defenders of law and order. They have been numbered among the most outspoken critics of members of other groups who take the law into their own hands and employ violence to their own ends.

Yet the Valley Forge fracas, which left the construction site looking like a devastated skirmish area, was not an isolated incident. There have been repeated instances over the past decade of bombing, burning and roughhousing as the Building Trades Council has stepped up its campaign against nonunion contractors in the Philadelphia suburbs.

The Valley Forge raid, and the definance of a Montgomery County Court injunction that followed it, has brought the union's coercive tactics to a despicable focus. The cause of law and order—and the interests of unions that adhere to accepted forms of picketing and organizing—require that a massive assault by club-swinging, rock-throwing bullies cannot be dismissed as merely a high-spirited foray by reckless labor militants.

Unless action is taken to identify and punish those responsible for so blatant a rampage, the hoodlum element in the building trades could well feel it can continue using such lawless tactics. No public prosecutor can permit so defiant an outlook to persist.

If it will take a grand jury investigation to get at the bottom of the Valley Forge riot, one should be convened. The inquiry should also consider whether local and state police were prepared to cope with so destructive, if unexpected, an emergency. The police on the scene endured rock throwing and violence that in other settings have been met with a much firmer response.

Montgomery County Judge Vincent A. Cirillo, in issuing an injunction against further mass picketing, has shown the sort of resolve that the Valley Forge conflict calls for. The district attorneys of Montgomery and Philadelphia counties should take over from there—or perhaps this is a task for Pennsylvania Attorney General J. Shane Creamer.

GOLD AT $68 AN OUNCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, during each of the first 4 days of last week, the price of gold rose to a new alltime peak on one or another of the various private markets of Europe. Profit-taking on Friday produced a break in prices. But earlier in the week, the private market value of gold rose to nearly $30 above the official level of $38 per ounce.

This price surge has apparently been triggered by a number of rumors circulating throughout Europe. First, the South Africans are withholding a portion of their current production and not selling it on the private market because that nation is now enjoying a balance-of-payments surplus. It consequently does not need to sell all of its gold output to meet foreign expenditures. The source of uncertainty, however, is just how much South Africa has cut its supplies to the market. Second, it has been reputed that Paul Volcker is about to resign as Under Secretary of the Treasury for Monetary Affairs. Finally, stories have been circulating of U.S. willingness to increase the price of gold further in return for concessions from the Soviet Union.

As I emphasized in my remarks on May 18—CONGRESSIONAL RECORD, page 18067—the International Monetary Fund Agreement—IMF—that continues to provide a tenuous link between South African supplies of gold and the size of the world's monetary gold stock should be terminated. It is this agreement that permits South African manipulation of the private gold market to cast doubt on the stability of the international monetary system. The other two rumors, as far as I know, have no basis in fact.

Although I have often disagreed with Under Secretary Volcker about the specifics of U.S. international monetary policies, I have never doubted his capabilities or his devotion to his responsibilities. He is intelligent and knowledgeable about international monetary affairs. He has always diligently worked to carry out the policies of the Treasury. I very much doubt the rumors that he is planning to leave his current post.

But even if Under Secretary Volcker did resign his Treasury responsibilities, U.S. policies regarding gold would not alter. Secretary of the Treasury-designate George Shultz strongly supports the administration position that the December 1971 realinement produced a tenable structure of exchange rates and that in time a substantial improvement in both the U.S. trade position and our balance of payments will occur. When Federal Reserve Board Chairman Arthur F. Burns made his recent speech in Montreal, some foreign observers interpreted his remarks on gold to mean that the administration's position was easing.

I do not accept that interpretation. Rather Chairman Burns meant that the United States would not insist upon immediately purging gold as a reserve asset from a reformed international monetary system and that he favored preserving and strengthening the March 1968 agreement which separated private and official gold markets.

To the self-serving rumor mongers who persist in circulating misinformation about the possibility of a United States-Soviet agreement to increase the price of gold, I would point out that the President has no authority to enter into any such deal. The Congress and only the Congress—as events since last August have amply demonstrated—has the authority to alter the official dollar price of gold.

The Congress has never increased the price of gold in order to bring windfall benefits to speculators or gold producers, and today remains as resolutely opposed as ever to any such action. No further devaluation of the dollar relative to other currencies is in order, and even if attempted, other countries would not accept a further decline in the exchange value of the dollar. Since no exchange rate changes are needed to facilitate balance-of-payments adjustments, the only effect of an increase in the dollar price of gold would be to bring windfall profits to speculators. The Congress will not consent to engineer any such windfall.

European speculators are conducting a war of nerves in the hope that sooner or later some fortuitous development will line their pockets. They are grievously mistaken.

But the Treasury can still take one further action to emphasize the futility of the speculators' game. The December 1969, IMF Agreement providing for purchases of gold from South Africa stipulates that "it shall be subject to review whenever this is requested because of a major change in circumstances." Circumstances have changed: the dollar is no longer convertible, exchange rates have been restructured, and the private market price of gold is soaring to new heights. Therefore, Treasury officials should promptly exercise their right to request immediate termination of the agreement that permits the International Monetary Fund to purchase gold from South Africa. No more gold should be added to the monetary reserve stocks of IMF members.

THE FAIR INTERNATIONAL TRADE ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 30 minutes.

Mr. BOLAND. Mr. Speaker, today I introduce a bill that would amend the tariff and trade laws of the United States to guarantee U.S. businesses and workers a fair chance to compete with foreign producers and sellers in the U.S. market. For too long, our markets have been viewed as dumping grounds for foreign excess capacity. For too long, our domestic producers have been made the target of joint business-Government cooperation from abroad. For too long, domestic producers and sellers have been held to rigorous rules of fair and open competition at home while their foreign competitors are allowed to operate free of such restrictions.

The result is unfair international trade. Such trade has subjected many U.S. industries—companies and workers—to devastating injury. In my own district alone the roller chain, electronics, textile, and shoe industries have all suffered, possibly irreparably, from unfair foreign competition.

If our Nation is to retain its industrial might while continuing its essential full participation in international trade, we must make certain that international trade is fair trade.

And I do not say "fair" trade as a euphemism for protectionism.

My bill would streamline existing law regulating the dumping of foreign merchandise in our markets, make our countervailing duties law more effective, provide for greater tariff adjustment and adjustment assistance relief for U.S. businesses and workers injured by imports, and revitalize the opportunity for private treble damages action for injuries arising from international price discrimination.

Title I of the Fair International Trade Act of 1972, which amends the Antidumping Act of 1921, contains the following major provisions:

First, the time limit on a tentative "less than fair value"—LTFV—determination under the act by the Treasury Department is set at 6 months. Currently, Treasury has no statutory or official administrative timetable for reaching such a decision, and at present time it takes the Department a year or longer to make such a determination.

Second, all proceedings and determinations are made subject to the Administrative Procedure Act, and judicial review is made available to all parties.

Third, my bill would bring the basic injury standard of the Antidumping Act—which deals in a real sense with international price discrimination—more in harmony with the laws that govern domestic business conducts by specifically incorporating the Clayton Act's "line of commerce" and "section of the country" market concepts.

Fourth, the legislation would codify the present Tariff Commission standards with reference to the quantum of injury required, the requisite causal link between LTFV imports and injury, and the showing necessary to justify a finding of likelihood of injury under the act.

Title II contains amendments to the Tariff Act of 1930 and includes the following major changes:

First, implementation of the present provisions of the Tariff Act of 1930, which provide for countervailing duties equal to the amount of any bounty or grant given in a foreign country to subsidize exports to the U.S. market, is often hampered by substantial delays in enforcement. My bill would amend the present law to require the Secretary of the Treasury to make a determination as to whether imported goods receive a "bounty or grant" within 12 months after the question is presented.

Second, the legislation would extend the potential coverage of the countervailing duty law to duty-free imports and imports subject to quotas or voluntary agreements.

Third, in an effort to strengthen the Tariff Commission and reduce the incidence of tie votes in trade proceedings, my bill would enlarge the Commission from six to seven members and increase the term from 6 to 7 years.

Title III of the Fair International Trade Act of 1972 contains amendments to the Trade Expansion Act of 1962—TEA:

First, my bill would provide a regular procedure whereby an interested party could lodge a complaint with the Tariff Commission against foreign restrictions or discrimination against U.S. exports that violate provisions of the TEA.

Second, the bill would liberalize the stringent standards for obtaining tariff adjustment of adjustment assistance currently faced by U.S. industries, independent firms, and groups of workers under TEA. In addition, the maximum level of adjustment assistance for workers unemployed as a result of imports would be increased by approximately 15 percent, to 75 percent of average weekly wages.

Third, my bill would significantly increase the Tariff Commission's authority to determine the nature and extent of relief granted under the escape clause by requiring the President to implement, in most cases, the specific tariff adjustments determined by the Commission to be necessary to eliminate the injury suffered by a U.S. industry.

Fourth, all proceedings and determinations are made subject to the APA, and judicial review from Commission determinations is made available to all parties.

Title IV amends the Revenue Act of 1916 in order to make private treble damages actions available to persons injured by the dumping of foreign products in the U.S. market. The purpose of these provisions, like many of the other provisions of my bill, is to provide an effective deterrent to international price discrimination by subjecting foreign corporations to essentially the same business rules that govern the conduct of domestic companies.

A full explanation of my bill—taken title by title, point by point—follows:

TITLE-BY-TITLE ANALYSIS OF THE FAIR INTERNATIONAL TRADE ACT OF 1972

Title I of the "Fair International Trade Act of 1972" would amend the Antidumping Act of 1921 to provide faster and more practical relief against dumping. Dumping is essentially a form of international price discrimination, under which sellers subsidize low-price sales in foreign markets with higher-price sales at home. The Antidumping Act of 1921 is intended to protect U.S. industries from injury caused by foreign companies dumping in the U.S. market.

Injurious price discrimination by U.S. companies selling in the U.S. market is a violation of our antitrust laws. Title I of the "Fair International Trade Act of 1972" would bring the basic injury standard of the Antidumping Act of 1921 more in harmony with the laws that govern domestic business conduct by specifically incorporating the Clayton Act's "line of commerce" and "section of the country" market concepts.

A major problem that U.S. companies have encountered over the years in attempting to secure antidumping relief is inconsistency in Tariff Commission interpretations of the Antidumping Act's injury requirement. Title I would add new subsections (d) and (e) to section 201, to codify the Tariff Commission's more recent and realistic interpretations of the injury requirement. It would also add a new subsection (f), which would direct that related antidumping investigations be consolidated, so that, where appropriate, the Tariff Commission would have before it evidence of the cumulative effect of dumping from different foreign sources. (p. 5)

Title I also addresses itself to one of the most frustrating aspects of the Antidumping Act from the standpoint of injured U.S. companies—delayed enforcement. Thus, Title I would require the Secretary of the Treasury to determine within four months after initiating an antidumping investigation whether there was reason to suspect dumping and, if so, to insure a notice of withholding of appraisement. The Secretary would also be required to initiate a formal investigation within 60 days after receiving a complaint unless his summary investigation indicated the complaint was clearly not meritorious. (pp. 2, 4)

Title I also would make the Antidumping Act practically as well as theoretically applicable to dumping by sellers from controlled economy countries, as to whom normal cost-price comparisons cannot be made. (p. 6)

Finally, Title I would amend the Antidumping Act of 1921 to make available to all parties the procedural protections of the Administrative Procedure Act, and to make decisions by the Secretary of the Treasury and the Tariff Commission subject to judicial review on the petition of any interested party. Under present law, aggrieved importers and foreign sellers, but not U.S. industries, have standing to seek review. (pp. 6–7)

II. AMENDMENTS TO THE TARIFF ACT OF 1930

Countervailing Duties. Chapter 1 of Title II of the "Fair International Trade Act of 1972" would amend section 303 of the Tariff Act of 1930, which provides for the imposition of countervailing duties equal to the amount of any bounty or grant given in a foreign country to subsidize exports to the U.S. market. As in the case of the present antidumping statute, the effectiveness of official action with respect to countervailing duties is often weakened as a result of substantial delays in enforcement. Chapter 1 of Title II would amend the present countervailing duty law to require the Secretary of the Treasury to make a determination as to whether imported foreign articles receive a "bounty or grant" within twelve months after the question is presented. (pp. 7–8)

Chapter 1 of Title II would also make other changes. Under present law, countervailing duties can be imposed only with respect to "dutiable" imports. Chapter 1 would amend the law to provide that countervailing duties would be applicable to subsidized duty-free imports if the Tariff Commission determined that such subsidized imports were injuring a domestic industry. Chapter 1 would also clarify that subsidies by private companies or industries are encompassed by the statute. (pp. 8–11)

Chapter 1 of Title II would also amend the countervailing duty provisions to grant the Secretary of the Treasury discretion with respect to the imposition of countervailing duties on articles subject to quotas or to an agreement limiting exports to the United States. (pp. 11–12)

Finally, Chapter 1 of Title II would, like Title I, attempt to harmonize our foreign trade laws with domestic antitrust law by specifically introducing in appropriate contexts the Clayton Act's "any section of the country" and "any line of commerce" concepts. It would also harmonize the corresponding injury standards of the Antidumping Act and the countervailing duty law, as amended, and would make available procedural protections and judicial review (pp. 9–12)

Tariff Commission. Chapter 2 of Title II would amend the Tariff Act of 1930 to increase the number of Commissioners from six to seven and to increase their terms from six to seven years. The principal purpose would be to decrease the likelihood of tie votes and, at the same time, to enlarge and strengthen the Commission. (pp. 13–14)

III. AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962 FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATION

Chapter 1 of Title III of the "Fair International Trade Act of 1972" would enable persons adversely affected by foreign restrictions or discrimination against U.S. exports to seek effective relief. The Trade Expansion Act of 1962 contains provisions that empower the President to take retaliatory measures against the exports of nations that unduly restrict and discriminate against United States exports. However, the Act contains no provisions for an orderly and timely procedure whereby parties in the U.S. who believe themselves injured by such foreign restrictive or discriminatory action can seek to invoke the statutory sanctions.

Chapter 1 would provide a complaint procedure for affected persons to bring to the President's attention evidence of such trade restrictions against U.S. exports. The procedure would be similar to that utilized in anti-dumping, countervailing duty and "escape clause" cases, and would allow any interested party to request the Tariff Commission to investigate whether particular activities of a foreign country or instrumentality constitute the kind of trade restrictions these provisions of the Act are directed against. The Commission would have three months to conduct its investigation, and within three months following an affirmative Commission finding, the President would be required to inform Congress of his actions with regard to these foreign restrictions. (pp. 15–16)

The "Escape Clause". Chapter 2 of Title III would amend the Tariff Adjustment and Adjustment Assistance sections of the Trade Expansion Act of 1962 to remove some of the barriers to relief currently faced by United States industries, individual companies and groups of workers that have been injured by imports.

Under present law, "escape clause" (tariff adjustment) relief—which consists of increased duties, quotas or such other import restrictions as are necessary to prevent or remedy serious injury from imports—is available only when the Tariff Commission determines that as a result in major part of concessions granted under trade agreements, an article is being imported in such increased quantities as to "cause or threaten to cause" serious injury to a domestic industry.

Chapter 2 of the "Fair International Trade Act" would amend these criteria by liberalizing the causal connection that must be shown between the increase in imports and injury to the domestic industry, and by broadening the definition of increased imports. In addition, while Chapter 2 would maintain the present limitation of escape clause action to imports which have been the subject of prior U.S. trade concessions, the bill would eliminate the necessity of proving a causal connection between the tariff concession and the increase in imports. (p. 18)

Chapter 2 would make parallel changes in the standards for obtaining adjustment assistance by workers or firms, would permit petition for adjustment assistance directly to the President, and would increase the adjustment assistance benefits available to workers who meet the amended injury standards. (pp. 21–23, 25–29, 36)

In addition to liberalizing the standards for obtaining "escape clause" relief by injured U.S. industries, Chapter 2 would also significantly increase the Tariff Commission's authority to determine the nature and extent of the relief granted. Under present law, Tariff Commission findings with respect to relief amount to little more than recommendations to the President. Chapter 2 would require the President to implement the specific tariff adjustments—or the specific increases or extensions of prior adjustments—determined by the Tariff Commission, unless he determined that such action would not be in the national interest. Chapter 2 would also limit the President's authority to reduce or terminate existing tariff adjustments under the statute. (pp. 19, 29–35)

Other provisions of Chapter 2 include a definition of "domestic industry" that provides for more equitable treatment of U.S. multi-product or multi-industry companies, application of the Administrative Procedure Act to Tariff Commission procedures under the statute, and the availability to all interested parties of judicial review from Commission determinations. (pp. 18–19, 24–25)

IV. AMENDMENTS TO THE REVENUE ACT OF 1916

Title IV of the "Fair International Trade Act of 1972" amends the Revenue Act of 1916 to provide an additional deterrent to international price discrimination—a practically available procedure for maintaining private treble damage actions. This is accomplished by amending the 1916 Act to permit private recovery for injurious international price discrimination without requiring the plaintiff to prove specific unlawful intent. Here again the purpose is to subject off-shore competitors to essentially the same business rules that govern the conduct of domestic companies.

The Revenue Act of 1916, though providing for treble damage recovery in certain cases, has not proved an effective means of discouraging international price discrimination or compensating those injured by it. The reason has been the Act's onerous intent requirement. As amended by Title IV of the "Fair International Trade Act of 1972", the 1916 statute would become a more effective antitrust tool against international price discrimination. Under the amendments, the requirement of showing injury to competition would be harmonized both with the Antidumping Act of 1921 and the domestic anti-price discrimination law, the Robinson-Patman Act. (pp. 38–39)

Title IV would also amend the Revenue Act of 1916 by providing that decisions of the Treasury Department and the Tariff Commission in proceedings under the Antidumping Act of 1921 would be given *prima facie* effect in private suits under the 1916 Act. This is a device borrowed from the Clayton Act and, once again, is for the purpose of harmonizing domestic and foreign antitrust trade policy. (p. 39)

The criminal provisions of the 1916 Act would be retained and the penalty for violation increased to $50,000, which is the level of fine that may be imposed for violation of domestic antitrust law. However, there would be no criminal liability in the absence of a willful violation of the statutory pricing and injury standards. (p. 40)

AN ASSESSMENT OF THE U.S. POSTAL SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, the U.S. Postal Service should not be expected to have complied fully with the congressional mandate in the Postal Reorganization Act of 1970 in the short period of time of its existence. I supported the Postal Reorganization Act, and I want to see the U.S. Postal Service succeed. I believe that we should allow the Service several years to achieve substantially its goals, but a review of its performance after 1 year in operation can shed some light as to whether or not the direction it has taken will lead eventually to success, that is, effective postal services for every citizen at fair and equitable costs.

Undoubtedly, the Postal Service began under extremely difficult circumstances. It was saddled with:

A history of 196 years of politics, resulting in postal rates rarely established to reflect the relation of the service provided to the cost therefor;

Poor labor-management relations;

Service goals which were oftentimes unrealistic and promulgated more often than not for political expediency;

Budget allocations and capital improvement programs relegated to low priorities because of overall Government-wide budgetary considerations;

Personnel appointments, perhaps politically sound but certainly not always in the best interests of the Post Office Department;

And myriad other directives which did little to add to the effectiveness of the postal service.

These obstacles hampered the efficiency of the Department, but it continued to exist. However, a continuation of the system without massive legislative surgery would have eventually led to a complete breakdown.

Hence postal reform was born followed by enactment of the Postal Reorganization Act of 1970, which granted to the Postal Service the powers necessary for it to extricate itself from the archaic system under which it had operated for nearly two centuries.

The success or failure of the U.S. Postal Service depends now on the ability of the Postmaster General and his appointees to implement the provisions of the Postal Reorganization Act. The law as enacted is virtually what was recommended. The minor variations will in no way hinder the efficiency which was promised.

Failure could only result from the inability of the Postal Service to fulfill its recommended statutory obligations or from having recommended this method of reform in the first place.

By the same token, success will have resulted from their understanding of the problems, the solutions it recommended and its ability to implement them.

I have divided this evaluation of the Postal Service into seven categories for purposes of discussion: First, service; second, modernization; third, labor-management relations; fourth, rates and revenues; fifth, appropriations; sixth, competition; and seventh, politics.

SERVICE

The single most critical area which the U.S. Postal Service must "sell" is service. If one believes that the volume of complaints concerning service indicates a deliberate policy of reducing service, without considering the congressional mandate for the Postal Service to pay its own way, is an injustice.

In order to understand the dilemma of the Postal Service this mandate and its relationship to the curtailment of services and rising costs must be reviewed.

The service previously promised, such as overnight delivery of first-class mail anywhere in the country, was realistic at that time since the Government was expected to subsidize it. However, the Congress chose a different route to follow with the passage of postal reform legislation. It decreed that no longer will the Treasury contribute to the system, but that each class must pay its own way. Less service and more costs, or a combination of both, must be the necessary result.

Even with massive subsidies, the cost to the public for providing postal services experienced dramatic increases in the 8 years before 1968. For instance, the cost of first-class mail remained constant from 1933 to 1959. From 1959 to 1968 the cost doubled from 3 to 6 cents, even at a time when the Government was picking up part of the tab.

Now under the mandate that the mail user must pay full costs, with few exceptions, for the service provided him, the Postal Service has only three choices: first, to maintain prepostal reform service goals and recover full costs therefor with massive rate increases; second, to establish new service goals, reducing service to bare minimums to the extent the present rate structure can support them, or third, reduce service goals to tolerable levels concurrent with less drastic rate increases to support that service.

It would appear that the first two alternatives are least desirable and that in choosing the third alternative, the U.S. Postal Service has chosen the correct course.

The decision of the U.S. Postal Service has resulted, and will necessarily continue to result, in the kinds of complaints that have been made, at least until the public becomes acclimated to the fact that the Post Office Department is a creature of the past and that the new order of things requires time for changes to be made. The public, of course, cannot be faulted. They are accustomed to better service at less cost—but they were not paying for it.

Reversion to the old system might eliminate some of these complaints, but it would also result in its own brand of complaints. Each solution gives birth to new problems.

MODERNIZATION

Prior to the passage of the Postal Reorganization Act, modernization and mechanization of postal facilities, to say the least, did not meet the needs of the Post Office Department. In fact, the Postal Service now finds itself in a most disadvantageous position since it must commence a crash program to rectify years of abuse while, at the same time, keeping pace with normal replacement requirements.

The failure in years past has been attributed to one major factor—lack of appropriations. When the Federal budget was to be cut, those with low priorities, such as the Post Office Department, felt the ax first. Construction of planned facilities awaited funds which more often than not were appropriated 5 to 10 years after the facilities were needed.

Since complaints on postal services were not as numerous then as they are now, it was erroneously believed that "bodies" could do the work and funds for mechanization could wait for another time. Hence, mechanization in major facilities and terminals was virtually nonexistent.

In addition, politics played havoc with mechanization and modernization. Political accommodations sometimes dictated priorities and as a result needs were sacrificed for favors.

The Postal Service, now armed with the authority to incur its own obligations not to exceed $10 billion, $1.5 billion in any 1 year for capital improvements, has the funding capacity to rectify years of neglect.

It has announced a $1.5 billion program to build 21 bulk mail facilities throughout the country by 1975. The first facility is located in New Jersey. This site, known as the "Secaucus project," is the subject of further discussion later in these remarks.

It has also earmarked some $40 million to remodel some existing post office facilities. Yet hundreds of others, which will be phased out over the next 5 to 10 years, will not be improved. The working conditions in these latter facilities are abhorrent and will deteriorate further.

The Postal Service also has been evaluating and improving a prototype in Cincinnati which it believes eventually will be the most modern and efficient automatic mail sorting equipment in the world. Similar equipment has been in operation in certain foreign countries for years.

Present plans call for the equipment to be installed in some 200 major centers around the country, some of which are not yet constructed. Yet, past deficiencies will necessitate a delay in the full implementation of this system until 1976.

There is no doubt that successful implementation will be of invaluable assistance in providing good and efficient mail service. In the meantime, however, temporary measures are needed to prevent further Postal Service deterioration in this area, and none are discernible.

The Postal Service recently completed its initial bond sale in the amount of $250 million, which is not earmarked for spending until 1974.

In view of the dire need for postal facilities and the present funding capacity of the U.S. Postal Service, one must question the projected progress of the modernization program, however. $470 million was budgeted for fiscal year 1972 and $492 million for fiscal year 1973. These amounts hardly seem enough to correct so many years of neglect.

LABOR-MANAGEMENT RELATIONS

With the enactment of postal reform the Congress was led to believe that a new era in labor-management relations was about to begin. No longer would the postal worker have to come before the Congress "begging" for a living wage, decent fringe benefits, and working conditions. No longer would the Postal Service be shackled by rules and procedures which prevented them from managing the work force.

Armed with what was termed a bold, revolutionary collective bargaining system for a large segment of the Federal work force, the problems of many years were to be solved by the parties themselves. Although one would expect certain problems which are inherent in any labor-management situation, the new era of collective bargaining, which, by the way, both parties wanted kept intact in the reform legislation, has yet to surface.

The Postal Service believes that the new system has worked. It states that the first agreement negotiated last year was accomplished without resorting to binding arbitration as provided for in the law. While this is fact, both sides to the agreement have been heard to say that to subject issues to arbitration the first time around would have been an admission that the parties could not bargain effectively and that the new system was, therefore, not all that it was claimed to be.

Assuming these admissions to be true, it is not surprising that the postal employee organizations are now seeking help from the Congress in certain legislation and that they want certain provisions of the Postal Reorganization Act amended.

On April 25, 1972, before the Subcommittee on Postal Service, the president of the National Association of Letter Carriers, while extolling certain aspects of collective bargaining, expressed doubts about its total effectiveness as presently provided for in the act, when he stated:

> Perhaps I should not conclude my testimony today without mentioning what I believe to be the only possible hope for the future unless there is a more realistic attitude in the minds of postal management. Certainly, final and binding arbitration cannot and will not change attitudes and cannot and will not produce good faith bargaining. Arbitration results can only mean awards and unfavorable decisions for both parties. Therefore, arbitration is not the desired Utopia so long as arbitration cannot provide proper attitudes. It is the type of attitude that has been described here today that is fomenting and forcing the demand for the right to strike.
>
> We have been advised by our many friends in the labor movement that arbitration is well and good and is certainly an excellent substitute for management-appointed judge and jury. It is by no means a satisfactory substitute for the right to withhold services when there has been an abuse or a flagrant violation of a contractual obligation. Therefore, our union today is solidly on record in seeking the right to strike not for the purpose of striking alone, but for the purpose of protection if collective bargaining in the Postal Establishment is to work.

On that same day, the American Postal Workers Union representatives testified in favor of first, the right to strike, second, the right to union security and to negotiate the union shop, and third, the right to political freedom. They testified on the right to strike as follows:

> A result of the 1969 strike in the Postal Service was the enactment of the Postal Reorganization Act. That Act sought to make the Postal Service an independent establishment and to create conditions for the postal employees on a parity with employees in the private sector of the economy. However, it continued in force and effect the repressive measures which deny the workers their most fundamental right, that is, the right to strike.
>
> The 750,000 employees of the Postal Service were told by Congress that they were going to be denied most of the protections of the Civil Service laws received by the other employees in the federal government and were going to be allowed to bargain collectively like private employees. However, on the other hand, they were denied the major tool—the absolutely essential weapon—possessed by private employees to use to attain their rightfully due benefits through collective bargaining.

Interestingly enough, the Postmaster General, in testimony before the committee on April 11, 1972, testified that he would not oppose granting the right to strike to postal employees. The same attitude has been confirmed by other U.S. Postal Service officials in informal conversations.

Although one cannot be certain whether the right to strike will solve all the problems, we are certain that the procedures presently established have not resolved them all.

On May 24 of this year, the American Postal Workers Union staged a rally in Washington, with union representatives from all over the Nation, in support of amendments to the Postal Reorganization Act, and also "to spotlight the failure of postal management to bargan locally in good faith." They claim a "breakdown in meaningful local negotiations which have already resulted in an estimated 100,000 impasses."

Another indication of the lack of effectiveness of the collective bargaining provisions is the fact that postal employee organizations are still lobbying Congress for certain fringe benefits.

They were successful in having an amendment added on the floor of the House, after failing in committee, to include postal employees in H.R. 12202, which would increase the Government's contribution for health benefits. On June 1, the committee voted against including postal employees under H.R. 12602, relating to the leave system for Federal employees.

RATES AND REVENUES

Under previous procedures, postal rates were established in an unscientific manner, to say the least. The relationship between the type of service provided and the recovery of costs therefor was based on inaccurate analyses, and in addition, the end product often reflected lobbying efforts of great magnitude.

Certain classes were heavily subsidized and now no longer enjoy the benefits of subsidy. These mail users are complaining the loudest, since obviously their postage rates will reflect the highest percentage increases. For instance, second-class publications, the "free press," are faced with a 142-percent increase. The claim is made now that these increased costs are intolerable, that they will force many publications to go out of business.

With very few exceptions during the debate for postal reform, the "free press" not only supported the concept of postal reform, including the requirement that each class pay its own way, but demanded it. It claimed that the Congress was the culprit since it refused to give up its stranglehold on the political Post Office Department, including its control over rates. Now with postal reform they have discovered that a prime offender and resultant beneficiary of the former rate-making process was their own industry.

The committee has received innumerable requests from publishers asking that special legislation be enacted to protect their interests. The same holds true for the service-type organizations and labor organizations which are claiming that the increased rates will adversely affect their respective publications and place such a burden on them that their effectiveness and philanthropic efforts will be substantially curtailed.

Interestingly enough, these people are not claiming that the rate is not justified as it relates to the type of service provided them—merely that they are a special class or group and therefore should enjoy special benefits.

This is what postal reform was all about: that preferential rate categories were to be eliminated. According to the policy of the Postal Reorganization Act, neither the Treasury nor other classes of mail would be required to subsidize any mail category.

Any attempt, at this time, to seek legislation giving preferential rates to any group, would be the beginning of a return to the old system.

Recently the new Postmaster General indicated that in fiscal year 1973 the Postal Service would require an additional $450 million postal rate increase. He stated further, that since he did not believe the public would stand for another rate increase, costs had to be reduced in order to eliminate the need for higher rates.

In addition to the recently announced 90-day hiring freeze, the Postmaster General on June 5 announced a new liberalized retirement policy, hoping to cut the work force further. These measures would aid in eliminating the necessity for increased rates. It is estimated that this liberalized retirement policy for this year could affect as many as 180,000 postal employees, should they choose to retire.

Although it is only conjecture on my part, these measures may only serve to delay an eventual rate increase. In the meantime, this type of personnel policy maneuvering can only adversely affect postal services.

One also cannot help but wonder whether or not there are any political implications in the decision not to seek a postal rate increase in this election year. An announcement of rate increases within a short time after November 7, 1927, would bolster this suspicion.

APPROPRIATIONS

During the debate for postal reform, the Post Office Department was adamant in its opposition to any subsidies, insisting that the new Postal Service should be completely self-supporting. Those provisions in the Postal Reorganization Act which provide for decreasing annual subsidies were enacted as a result of congressional insistence.

Interestingly enough, the initial Postal Service request for appropriations in fiscal year 1972 was cut by some $210 million by the Office of Management and Budget. Yet the Postal Service, which had insisted upon no subsidy, came to Congress asking that the amount cut be restored. In the second request for appropriations for fiscal year 1973, the same set of circumstances prevailed and the Postal Service again seeks to have the $216 million cut restored by the Congress.

The Postal Service received $1.5 billion in appropriations for fiscal year 1972 and $1.4 billion has been requested for fiscal year 1973.

With the furor over recent rate increases, and the attempt by the Postmaster General to cut costs this year to avoid an additional $450 million rate increase, there is no question that without the subsidy provided by Congress, the U.S. Postal Service would have been faced with a three-horned dilemma:

First, financial disaster with no rate increase;

Second, virtual rebellion on the part of the public, mail-users, and the Congress with a rate increase;

Third, intolerable additional service curtailments to avoid a rate increase.

Fortunately, the U.S. Postal Service will not be confronted with these alternatives, since the present rate of subsidy will continue through fiscal year 1979, and will only be reduced annually by 1 percent thereafter until it reaches 5 percent in 1984, and is authorized to remain at that level thereafter.

COMPETITION

One of the factors upon which the Postal Service based its expected revenues was the growth in the volume of mail.

It is now projected that the percentage increase in volume of growth will be the lowest since 1930, and in fact this may be the first year that the volume of mail has not increased over the previous year.

One reason for this lack of growth is probably postal rate increases; another, poorer service. Although the Postal Service has a monopoly on first-class mail, it does not in the second-, third-, and fourth-classes. Private mail services such as the independent Postal Service of America, in some areas of the country, are offering better service at less cost. Some of the major mail users have turned to these private companies.

One of the biggest money makers for the Postal Service has been the so-called "junk mail." This class of mail has been turning to independent companies to deliver its advertising matter and the resultant loss in volume has hurt Postal Service projections. Since there is a substantial "profit" factor in this class of mail, the revenue lost has serious consequences.

Although the second-class publishers are talking about private delivery or other means of distributing their publications, the Postal Service probably is not too worried about this loss of mail, since it has never paid its way. Even with the 142-percent rate increase, revenue factors would still reflect red ink.

However, there has also been a substantial drop in first-class mail. Some insurance companies and utility companies are experimenting with delivering their own monthly bills. The "profit" factor here is favorable and loss of volume will hurt.

The United Parcel Service and others like it have drained a considerable amount of parcel post business from the Postal Service. In 1967, the Post Office Department delivered twice as many parcels as United Parcel Service. However, in 1971, United Parcel Service delivered more than the Postal Service. They offer better service at competitive rates and, most importantly, the rate of damage done by their organizations as opposed to the Postal Service is minimal.

In view of this, it is understandable why the Postal Service is embarking upon a $1.5 billion capital improvement program for parcel and bulk mail facilities. However, the completion date is some 4 or 5 years away and it would appear as though these long range plans will have little effect on current problems in this area.

Although the Postmaster General recently discussed the intolerable damage rate to parcels and has promised to correct this situation, it is difficult to understand how the Postal Service expects to recoup some of its lost business in the meantime, since it has substantially curtailed delivery services for parcel post.

POLITICS

One of the major aims of the Postal Reorganization Act was to free the Post Office Department from politics which had become such an integral part of the postal system and had contributed to the problems it faced.

The former Postmaster General took such a hard stand, often described as unnecessary and unreasonable, to insure this freedom that it caused an almost irreparable rupture of relations between the Congress and the U.S. Postal Service. The Postmaster General based his hard line on the belief that the slightest accommodation, harmless as it might be, would indicate weakness and a willingness to "deal"

One of the first directives issued by the Postal Service, in January 1971, reflected the intransigence of the Postmaster General in this regard and was the forerunner of the breakdown in its relationship with the Congress.

The directive prescribed the following:

First, forbade all direct contacts with Members, their staffs, and congressional committees on all Postal Service matters except through the Congressional Liaison Office of the Postal Service.

Second, the traditional formal dedication ceremonies of new postal facilities were discontinued.

Third, advance notice of Postal Service activities to congressional offices would be discontinued and only public announcements would be made concurrently to news media and the Congress.

Such an abrupt change in the "rules" was intolerable to the Congress, to say the least. The furor that arose persisted since the edict was announced, but has subsided since then, when the new Postmaster General "modified" the gag rule somewhat in testimony before our committee on April 11, 1972.

Although the latter two provisions of the directive caused some hardship and inconvenience to Members, the gag rule was unreasonable and unwise.

Prior to this time, and for years, constituent and employee problems relating to the Postal Service were handled by congressional offices. Under the new rules, this was impossible. Members were hard put to explain to people that they now had nothing to do with the Postal Service.

The major problem Members faced was that of the more than 200 million people in this country, only 535, the Members of Congress, plus their staffs, were denied direct contact with postal employees. Any other "politician" could help, but not the Congress.

Some people also believe that the brand of politics which had to be removed from the system has been replaced to some degree by a new brand—"business world politics."

Had the Postal Service taken as hard a line on this new facet as they had on the former, the charge would be absolutely unfounded. However, circumstances suggest that there may be some basis to these claims.

For instance, many of the personnel appointments in the upper echelon of the Postal Service were made from executives in the business world, as opposed to career postal executives. In addition, the ranks of "executives" in the Assistant Postmaster General class has been increased from less than ten to more than 30 positions. With very few exceptions, they are "industry" types.

The Subcommittee on Investigations conducted an extensive study of the job evaluation contract awarded to Westinghouse Corp. in 1971. It found that the contract was awarded to the highest bidder with the least amount of expertise in the field, that the contractor had in fact been preselected, and that the "bidding" procedures followed were more for appearance than for substance. Although a conflict of interest allegation could not be "proved or disproved," the postal executive who was in charge of this project worked directly under an Assistant Postmaster General who was a former Westinghouse employee.

The Subcommittee on Postal Service conducted an investigation on the initial bond issue of the U.S. Postal Service. It found that two of the underwriters ranked low on the selection criteria of the Postal Service, but that certain of their principals were heavy political contributors to the administration; and further that President Nixon's former law firm had been selected as bond counsel. The report indicated that the Postal Service bond system could cost additional tens of millions of dollars and that the initial issue had "been handled in such a way that strong appearance of impropriety has arisen."

In another matter concerning the construction of a bulk mail facility called the "Secaucus project," the consultant hired by the Postal Service to assist in the site selection had ties with railroad companies. The Postal Service purchased the land from the subsidiaries of two railroads. The final cost of land, including land-fill and site preparation, was in excess of $80,000.00 per acre.

It would appear that the Postal Service should take the same "hard line" against industrial type politics as it has against the Congress. Even if there were no politics involved, the mere possibility of it does little to allay the fears of those who believe that one bad system has been replaced with another bad one.

CONCLUSION

The public image of the U.S. Postal Service remains low, maybe even at an all time low.

This was best illustrated by the dialog in the cartoon "Tiger" by Bud Blake:

> TIGER. I'm not going to mail a letter to Santa Claus this year.
>
> FRIEND. Don't you believe in him?
>
> TIGER. Sure. It's the Postal Service I don't believe in.

The number of complaints made either directly to the committee or referred by Members, and the demand for investigations have increased substantially. These complaints cover a wide range of activities and come from almost every sector in the country.

Not all of the complaints can be attributed solely to present operation of the Postal Service, since what they inherited demanded drastic changes which would not sit comfortably with the Congress, the mail users, or the public.

It was reported that the U.S. Postal Service has recently retained two advertising agencies, with a budget of $17.5 million, to help improve the public image of the Postal Service. It would seem that it is going to take a lot more than

"Madison Avenue" to help sell the U.S. Postal Service.

However, the new Postmaster General has brought some hope. The insensitivity to Congress, apparent under the former Postmaster General, is disappearing. In each of his public pronouncements, the Postmaster General has stressed that service is the primary objective of the Postal Service.

It would appear that the new attitude displayed is that the Postal Service is not a business but a service to be conducted in a businesslike fashion. This approach should start the Postal Service toward the road to success.

The Congress should watch and wait, criticizing when necessary, praising when deserved, and hope, along with all Americans, that the Postal Service can do the job.

THE WAR IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MIKVA) is recognized for 5 minutes.

Mr. MIKVA. Mr. Speaker, I inadvertently seem to have stumbled on a necktie party that some of my colleagues on the other side were preparing for the distinguished gentleman from California (Mr. MCCLOSKEY). I appreciate the fact that he was invited to be present at his hanging, and I am sure he regrets that he was not able to be present. But I think it comes with ill grace to say some of the things I heard. I would hope that under the power to revise remarks, some of the things I think I heard will be revised; for example, I could have sworn that I heard one of the Members on the other side suggest that Mr. MCCLOSKEY gave aid and comfort to the enemy.

Everyone knows what those words mean. Notwithstanding all the protestations of the Member who took the special order, I cannot believe he or anyone else on that side would consciously have made the imputation that the gentleman from California might be something less than a patriotic citizen of this country.

I think everybody who heard what the gentleman from California said or who read what the gentleman from California said knows very will his meaning. A lot of us happen to think that the President's current policies are jeopardizing the lives of our prisoners of war and the lives of those who are missing in action. The gentleman from California is not alone in that view, and if he chooses certain words to say it, I do not think it comes with good grace from his own party, let alone from anyone else, to suggest that there is anything wrong with his patriotism or even his judgment. I hope that some of the things I heard will be revised out of the permanent RECORD.

Mr. Speaker, I yield back the balance of my time.

LET US CLEAN UP OUR THROWAWAY SOCIETY

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, one of the major factors contributing to the ruination of our natural beauty is littering. As a traveler on our Nation's roads and major highway systems I have seen the disgraceful effects of irresponsible citizens upon the landscapes of this Nation. The "additions" to our scenery consist of everything from beverage cans and newspapers to bathroom fixtures.

The multitude of throwaway items produced by our civilization has resulted in the American public's unwillingness to exert any effort to properly dispose of their garbage. Certainly, they throw it away, along the roads, over cliffs, and into vacant lots. However, all cannot be blamed on the consumer. Too often manufacturers, in their attempt to achieve a more marketable item, have overlooked the consequences of their throwaway products.

I am pleased to say that the Johnstown plant of Bethlehem Steel in Johnstown, Pa., a major employer in my district, has accepted the responsibility of giving the consumer a chance to conveniently discard used containers. The four collection centers established throughout the city accept cans made of steel or aluminum or a combination of the two. This effort is the beginning to halt the rising number of can collections along the area's highways. I offer my deepest appreciation to the management of Bethlehem Steel in this city for instituting such a program.

For those helpless citizens unable to assume the responsibility of keeping garbage where it belongs, fines and other penalties must be enforced to assure the elimination of the littering problem.

I urge industry and the general public to assume the duties, and take the necessary steps to clean up our throwaway society.

TRIBUTE TO TED PANKOWSKI, SR.

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, a remarkable Michigan man died a few days ago. His name was Ted Pankowski, Sr. He was only 62 years old.

Ted Pankowski was a strong, down-to-earth, hard-working man, the kind of man you would trust with your life, your fortune, your cause. His rough edges added to the distinctiveness of his character and enabled him to move easily in situations where others could not easily tread.

He was among those men and women who had the good fortune to have reached maturity, in terms of age and spirit of involvement, during the era of two remarkable men, Walter Reuther and G. Mennen Williams.

Reuther gave a special brand of guidance, vision, and political toughness to the United Automobile Workers. Williams rejuvenated the Democratic Party and was the leading figure in making Michigan a two-party State. Reuther and Williams succeeded because of their own character and ability and because they were supported by a remarkable core of "secondary leadership"—decent, tireless, unpublicized men. Ted Pankowski was foremost among them.

To use a Reuther phrase, Ted worked in the vineyards during the difficult early days of the UAW, when physical danger was a daily fact of life for union men and their families. Later, in the Williams era and beyond, he had no peer, in my opinion, as a COPE district coordinator working with the Democratic Party.

Those of us in politics know that frequently a precinct worker does not involve himself beyond his own precinct, or his own neighborhood. A few more have the capability to perceive an entire congressional district with its diverse elements. A district coordinator like Ted was not a narrow specialist. He knew how to reach people of different backgrounds, ages, races, and put them together in an effective combination, frequently despite themselves.

In his last years at the UAW, Ted left the turbulence of politics to work in the relatively new field of environment. He was in it well before it became a popular issue.

Early in 1971, Ted retired and took to his beloved woods of northern Michigan. It is a profound tragedy for his family and friends that his enjoyment of that retirement was cut short.

Ted was a pioneer in modern trade unionism and programmatic Democratic politics. I was lucky to have known him as a mentor, companion, friend. It is unlikely we shall ever see his like again.

NATIONAL DAY OF MOURNING AND PRAYER FOR AMERICANS OF LITHUANIAN BACKGROUND

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, the president of the national executive committee of the Lithuanian-American Community, Mr. Vytautas Volertas, recently proposed a National Day of Mourning and Prayer for Americans of Lithuanian background. Mr. Volertas' proposal was made in response to recent developments in the Lithuanian city of Kaunas, where rioting has been underway over religious oppression and lack of political freedom.

A grave error it would be indeed, if in the wave of good feeling that has emanated from the spirit of Moscow we were to assume that all is right behind the Iron Curtain. As recent events in Lithuania attest, the struggle for religious and political freedom is continuous in the face of Soviet oppression. For example, this past March 17,000 Lithuanian Catholics signed a bitterly worded petition to Communist Party leaders demanding an end to religious suppression. This action is the most massive protest of its kind ever known to have emerged from Lithuania and the Soviet Union. This, and earlier appeals to ease religious persecution had gone unacknowledged except in the form of intensified repression. Also, within the last year priests have been imprisoned for preparing children for their first communion. At least two

Lithuanian bishops have been sent to unlimited exile without trial, and most recently a young priest, Romas Talanta, publically burned himself to death for political reasons, setting off the series of riots.

I take this time to urge Lithuanian-Americans, and indeed all Americans who cherish the freedoms of our land, to observe June 15 as a National Day of Mourning and Prayer in commemoration of the current struggle in Lithuania. That date, certainly not one for celebration, marks the anniversary of the Soviet Union's forceful occupation of Lithuania in 1940.

Mr. Speaker, I urge the Members of this body to support the proposal in the same spirit with which they have supported the Captive Nations Weeks of past years. In the next month as we prepare again to take time out to remember the plight of the more than 27 captive nations, we must take special pains to voice our sympathy for, and encouragement to, the Lithuanian people. By our encouragement, we can afford them at least a measure of hope, for in the words of the Poet Matthew Arnold, "hope once crushed, is less quick to spring again." Free nations and captive nations everywhere will suffer unless hope is kept alive in Lithuania. Let us not deny them that.

NEW YORK STATE SPECIAL OLYMPICS FOR THE MENTALLY RETARDED

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on June 16, 17, and 18 more than 1,000 youngsters from all parts of New York State will be in Syracuse to participate in a track meet. They have earned the right to compete in the meet by winning local contests in which more than 13,000 children participated. From the Syracuse competition a team will be selected to test their skills against 2,000 other boys and girls from across the Nation in a meet in Los Angeles this August. All the young athletes involved in this program are mentally retarded.

The New York State Special Olympics for the Mentally Retarded and similar programs in all 50 States and the District of Columbia, have been made possible through the magnificent efforts of the Joseph P. Kennedy, Jr. Foundation under the leadership of Mrs. Eunice Kennedy Shriver.

The Syracuse meet has won the support of Syracuse University and the people of central New York, and I commend them all for their efforts in this most meaningful cause.

I would also like to pay a special tribute to the Joseph P. Kennedy, Jr., Foundation. The Special Olympics program has grown by more than 300 percent since 1968. Now, more than a quarter of a million mentally retarded boys and girls have the chance to know the thrill of competing against others of similar age and ability, and opportunity unavailable just a few short years ago.

The Special Olympics is a great boon to many mentally retarded children, giving them an opportunity to prove to the world that mental retardation need not come hand in hand with physical inferiority, a mistaken assumption made all too often.

I urge all in central New York to support the games, and once again commend the Joseph P. Kennedy, Jr. Foundation and Mrs. Shriver for their efforts in making the Special Olympics the nationwide success it has become.

CAPITOL PAGE SCHOOL GRADUATION

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, last night it was my privilege to attend the commencement exercises of the Capitol Page School, which took place in the Ways and Means Committee room in the Longworth Building.

To the strains of the U.S. Navy Band, the 19 graduates marched solemnly to the rostrum. There was a full house—a large and very proud gathering of Members, friends, and relatives.

Among the graduates were two West Virginians—Michael Bruce Victorson, of 1531 Summit Drive, Charleston, W. Va.; and Daniel Glenn McGinn, of 1129 West 11th Street, Nitro, W. Va. That is a pretty good average for the State of West Virginia. But the average is even better when it is considered that six of the 19 page school graduates were named members of the National Honor Society, and two of the six are West Virginians—in other words, 100 percent of the West Virginia graduates are members of the National Honor Society. Victorson plans to study political science at West Virginia University, while McGinn will study political science at Washington and Lee University.

Additional honors came to the West Virginia pages who graduated last night. Daniel McGinn is vice president of the graduating class. Michael Victorson was honored by the presence of his grandfather, Rabbi Solomon Jacobson of Temple B'rith Achim, Petersburg, Va., who delivered the invocation and benediction.

Before being awarded their diplomas and a memorial plaque, the graduates were addressed by our colleague, the Honorable Daniel J. Flood of Pennsylvania. It was a most impressive and moving address, delivered in the inimitable style for which Congressman Flood has become famous. The program and the text of Representative Flood's eloquent address follow:

COMMENCEMENT EXERCISES OF CAPITOL PAGE SCHOOL

HOUSE WAYS AND
MEANS COMMITTEE ROOM,
Washington, D.C., June 12, 1972.

PROGRAM

Prelude—U.S. Navy Band, Chief Musician, Arthur Accardo.

Processional, "Pomp and Circumstances"—Elgar.

**Invocation*—Rabbi Solomon Jacobson, Rabbi, Temple B'rith Achim.

**Salute to the Flag*—Audience.

**Star Spangled Banner*—Audience.

Welcome—Mr. John C. Hoffman.

Salutatorian—Michael Partridge.

Selection—U.S. Navy Band.

Greetings—Mr. John D. Koontz, Associate Superintendent D.C. Public Schools.

Address—Honorable Daniel J. Flood, Congressman, 11th District, Pennsylvania.

Valedictorian—Bruce J. Porter.

Announcement of Honors—Mr. Hoffman.

Presentation of Diplomas—Mr. John D. Koontz.

Selection—U.S. Navy Band.

Benediction—Rabbi Solomon Jacobson.

Recessional—U.S. Navy Band.

Graduates

Gary Lee Attman, Eugene A. Chapa, Jr., **H. Rodney Clark, Paulette Marie Desell, Thomas L. Gonzales, Gregory Leon Hartman, **Richard H. Kunkel, John James McCreary, III, **Daniel Glenn McGinn.

Mitchell Lee Mirigian, **Michael Anthony Partridge, **Bruce J. Porter, Julie Lynn Price, Albert Lawrence Raithel, III, James J. Rapone, Jr., Mario Sebastian Rivera, Mitchell Rodriguez, Bobby Earl Sullivan, **Michael Bruce Victorson.

Class Officers

Lawrence Raithel—President.
Daniel McGinn—Vice President.
Paulette Desell—Secretary-Treasurer.
John McCreary—Sergeant-at-Arms.

Scholarships

National Merit Scholarship (to Duke University)—Bruce Porter.
U.S. Army Military Academy—Bruce Porter.
U.S. Naval Academy—Larry Raithel.
Nazareth College—Paulette Desell.
Harvard University—Rodney Clark.
Washington and Lee University—Dan McGinn.
Temple University—James J. Rapone, Jr.

Ushers

Chris Shea, Head Usher, Atlee Valentina, Daniel Schwich, Robert Mathias, Scott McGeary.

Music by the United States Navy Band.

Decorations, U.S. Botanical Gardens.

TEXT OF REPRESENTATIVE DANIEL J. FLOOD

It is a great pleasure for me to be here with you tonight, and to share in your happiness on this occasion. I congratulate all who are graduating at this time, as well as your families, teachers, and friends who must feel a special sense of pride and satisfaction in your achievement. You are going forth from this place out into the world—or, at least, that is what commencement speakers traditionally say! In fact, of course, *you* are leaving a particular world, the world of capital hill, the world of political decision-making, for larger worlds, private and public, which will be the area of your future careers.

Having had a taste of this rather specialized world and the legislative experience which goes with it, you may very well find that you want to come back at a later time—who knows? Perhaps as a Member of that august body, the Congress of the United States. It may be my privilege tonight to be addressing—all unknown—future Representatives and Senators. If so, I wish you well!

In the last century a Senate page wrote an account of how he and his fellow pages would meet each day before the opening of the session and mimic the distinguished members of the Senate, each page taking the role of a famous Senator. The Senators themselves would quietly drift in at the back, watching with considerable interest the workings of this rump-session. I rather suspect something like that is still going on among the pages of both Houses.

I suppose you will carry with you for many years to come memories pleasant and unpleasant of snapping fingers and blinking lights.

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*Audience Standing.

**Members of National Honor Society.

And, of course, it may well be that you do *not* want to return—perhaps feeling that, as they say, enough is too much! Whatever the case may be * * * you have acquired some direct insight into the working of the Government and, I hope, some appreciation of the complexity of the issues which confront not only Members of Congress but all who must make and implement the decisions of government, in our troubled time.

You *are* graduating into a troubled time—a Nation and a world faced with grave and urgent problems, challenging man's knowledge and ability to the utmost. The call is for men and women who will be not only seekers of the good, the just, and the true, but pioneers, breaking new paths into the future, paths of peace and of knowledge, paths of understanding and good-will at home and abroad.

Something of that spirit of pioneering courage so much a part of our American heritage was recreated for us vividly this past season in the superb television account of the discovery of the Congo, the sage of Livingston and Stanley: many of you will have seen the series or perhaps read Allan Moorehead's accounts in *The White Nile* and *The Blue Nile.*

In all our racial memory and tradition, the river has always been counted as a thing of blessing. It was the river valley that was the cradle of civilization * * *

Egypt, you know, was the gift of the Nile. The ancient rivers of China were the places where civilization first came in those eastern lands.

The biblical tradition runs true to the same form; it was a river that went out from Eden to water the garden. All the way from those early chapters of "Genesis" to the last chapters in the book called "Revelation" where "He shewed me a pure river of water of life," it is always a glad cry: "There is a river!" "There is a river, the streams whereof make glad the city of God," The river of God is full of water," Or * * * as Ezekiel put it in his interesting vision of waters issuing from out the sanctuary of God, "Everything shall live whither the river cometh." "Everything shall live whither the river cometh." The river has that lifemaking gift of refreshment, of fertility, of power, of beauty.

The symbolism of the river is powerful and deep in our culture. Those of you who have read your T. S. Eliot will recall that the central theme of "The Wasteland" is the healing, lifegiving river and the effect of its absence in a time of drought. I suppose one of the most popular songs in American life is "Old Man River."

There are several very interesting things about rivers, which touch upon the character of human life as in a parable.

First—the river replenishes its own waters.

No river in the world has all its water from a single fountain! The river, literally, drinks of brook after brook by the way!

Think how a river not only replenishes its own water, but think how it straightens its own course. It is interesting even in the short space of human lifetime, to see how those ox-bows change in the great river, the inside of the curve always eating away from the force of the water *** the outside of the curve always and forever building itself up so that as the ages go on, the river eliminates its ox-bows and takes its direct course.

So with the mighty waters of the Amazon and the Mississippi.

Think how a river not only replenishes its own waters and straightens its own course, but purifies itself as it flows along. Perhaps, you will call it chemical dissipation, perhaps you will call it aeration, the exposure to air and breezes and rain and sunlight—perhaps, you will call it evaporation! The river doesn't let itself stay soiled. Literally, as it goes it is cleansed! So, because a river does these things *** a river has always come to be the symbol of peace. "Thy peace shall be as a river."

Peace is very much in our minds and hearts today as we confront a world still sorely troubled by wars and rumors of wars.

Peace, you know, means the possession of adequate resources—water, from many hillside, wild, vast catchment areas—water not only from this watershed, but from many another watersheds—underground rivers that break out in springs and rivulets—melting waters from many a snow field and many an ice field. Peace always depends on those deep resources.

So in the world and in our own Nation—the resources of peace must include arms, strength to preserve the peace, and something more—that deep will to peace in our hearts and minds, which can bridge hostility and overcome conflict.

Peace always comes with a unity of purpose. Nothing ever stops a river from its course. The river laughs at your dams as it would laughs at dams that the beavers have built. The river laughs at your stockades and your shorings because the river with its mighty patience is cutting through the mountain * * *

It is no figure of speech, you know, when you think of mountains being carried into the midst of the sea! That is exactly and precisely what the rivers are always and forever doing. And so, the rivers, as they run their course, are always a symbol of peace.

Just these qualities are foremost among those which you and I need if we are to lead meaningful and creative lives—the deep resources of mind and spirit, resources nourished by the many streams of knowledge and experience which flow into our lives, and some great central unity of purpose.

The secret of inner peace is to be found in that quiet integrity which can bring peace not only to our selves but to the world.

It was over a hundred years ago when David Livingstone came to Capetown; he came to explore all the heart, the unknown heart of the continent of Africa. Ten years later, he found himself by the bank of the Zambezi, flowing a mile wide by those native villages. The native people there had an interesting little canoe song, "The Zambezi—nobody knows whence it comes or whither it goes."

They sing it to the rhythm of the paddle in their canoes on that great river. Twenty years later, when Livingstone was dying, he found himself working northward along the shores of another and greater river. He never lived to see where that river flowed. The natives thought it very strange of him—why did he care anyway? "We never ask the river where it comes from or where it is going."

Most of us come to a point where we are very anxious to ask the river of life where it comes from and where it is going. It is a very usual thing, isn't it, to trace that river back—to feel that somehow if we understand enough biology, enough anthropology and modern psychology, then we will know all the secrets of life. Let's cast aside all camouflage and all whitewashing and go back to the hinterland, to the wild country, and find out the sources of our river! Very wild are those jungles and those thickets of the hinterland—jungles and thickets of the savage—jungles and thickets of the beast—jungles and thickets of animal reactions. So that is what life is.

There is the real answer put very simply, put in quite its lowest terms.

A number of recent books on animals and man (easily confusing the two!) might make you feel that life *is* like that.

But you know, there is another and a better way to understand the meaning of life than that. Instead of trying to follow the river to its sources, follow it to its mouth. It was William James, himself, who said, as a psychologist, that origins never prove anything. It is often brought up in debate that of course human nature can't change itself—given these things and given these origins, it is just bound to be this way and that is all there is to it!

Do you remember the answer also given in terms of psychology? This is the very essence of human nature to change itself! The pull of life is greater than the push of life—the plans and the hopes and the purposes of life always more meaningful, more significant, more true than the mere memories, the vestigial recollections of what must have been in the past. The real way to understand life is to follow through to the destination of life—to the possibilities and destinies of life.

That, of course, is the great hope and promise before you on the horizons of Life. As you go forth into the world, be not only seekers but path-breakers for your fellowmen and women.

After Livingstone died, Stanley felt that the task of Livingstone had come to him as a solemn trust and obligation. With thirty-six men, he proceeded to sail down this unknown river, and a sort of shore relief followed their little boat alongside the stream. Many of them were killed, many of them died. For fifteen-hundred miles they followed that river. Stanley had asked the native where it went—they said "North, north, north, and on foreover to the north." So, for awhile it seemed, and then the river began to turn north by west, and now it is flowing northwest and now with a great sweep almost west * * * now making a great circle southwest—fifteen hundred miles of that great river! Not the Nile, as Livingstone had guessed, not the Niger, but one of the world's greatest rivers! Stanley stood there looking over the seven-mile expanse where the mighty Congo flows into the ocean. And so, the native called Livingstone "the Seeker of the rivers," but they call Stanley "the Breaker of the path."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HAGAN (at the request of Mr. BOGGS) for Tuesday, June 13, and Wednesday, June 14 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHOUP) to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 10 minutes, today.

Mr. COUGHLIN, for 10 minutes, today.

Mr. VEYSEY, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous matter:)

Mr. MATSUNAGA, for 10 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. BOLAND, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. HAMILTON, for 10 minutes, today.

Mr. BURKE of Florida (at the request of Mr. SHOUP), for 15 minutes today, and to revise and extend his remarks and include extraneous matter.

Mr. MIKVA (at the request of Mr. MAZZOLI), for 5 minutes today, and to revise and extend his remarks and include extraneous matter.

Mr. ABBITT (at the request of Mr. MAZZOLI), for 30 minutes on June 14, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EVINS of Tennessee notwithstanding the estimated cost of $1,400.

Mr. BOLAND to revise and extend the remarks he made today on the conference report.

(The following Members (at the request of Mr. SHOUP) and to include extraneous matter:)

Mr. LANDGREBE in five instances.

Mr. HEINZ.

Mr. DERWINSKI in three instances.

Mr. SCHWENGEL in two instances.

Mr. RIEGLE.

Mr. WYDLER in two instances.

Mr. SHOUP.

Mr. HORTON.

Mr. BOB WILSON.

Mr. WYMAN in two instances.

Mr. ZWACH.

Mr. BROTZMAN.

Mr. SCHNEEBELI.

Mr. VEYSEY.

Mr. RAILSBACK.

Mr. KEMP in two instances.

Mr. KEATING.

Mr. PELLY in two instances.

Mr. DICKINSON.

Mr. FORSYTHE.

Mr. STEIGER of Arizona.

Mr. DON H. CLAUSEN in two instances.

Mr. SHRIVER in two instances.

Mr. BURKE of Florida.

Mr. SCHMITZ in five instances.

Mr. RAILSBACK in two instances.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. EDWARDS of California in three instances.

Mr. RARICK in six instances.

Mr. GONZALEZ in three instances.

Mr. ROGERS in five instances.

Mr. HUNGATE in two instances.

Mr. HAGAN in three instances.

Mr. PUCINSKI in six instances.

Mr. DOW.

Mr. MONTGOMERY.

Mr. OBEY in four instances.

Mr. WILLIAM D. FORD.

Mr. BOLLING in two instances.

Mr. FLOOD in two instances.

Mr. BINGHAM in three instances.

Mr. JONES of Tennessee in two instances.

Mr. O'NEILL in three instances.

Mr. PODELL in two instances.

Mr. BADILLO.

Mr. WOLFF.

Mrs. HICKS of Massachusetts in two instances.

Mr. MURPHY of New York in two instances.

Mr. DENT.

Mr. HARRINGTON in two instances.

Mr. BENNETT.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 82. Concurrent resolution to express the sense of the Congress that the U.S. Government urge the establishment of a United Nations Voluntary Fund for the Environment to which the United States would contribute its fair share; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11417. An act to amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 12, 1972, present to the President, for his approval, a bill of the House of the following title:

H.R. 9096. To amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadet and midshipmen at the service academies of the Armed Forces.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 14, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2079. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting copies of the Treaty on the Limitation of Anti-Ballistic Missile Systems and the Interim Agreement on Certain Measures with respect to the Limitation of Strategic Offensive Arms, signed in Moscow on May 26, 1972 (H. Doc. 92-311); was taken from the Speaker's table, referred to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 14974. A bill to amend certain provisions of law relating to the compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards; with amendments (Rept. No. 92-1124). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 15439 A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes (Rept. No. 92-1125). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. S. 3343. An act to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans; with amendments (Rept. No. 92-1126). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself and Mr. CHARLES H. WILSON):

H.R. 15456. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

By Mr. BIESTER:

H.R. 15457. A bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service; to the Committee on Foreign Affairs.

By Mr. BOLAND:

H.R. 15458. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 15459. A bill to amend the Tariff Schedules of the United States with respect to the classification of certain ceramic articles; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 15460. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest land owners, and for other purposes; to the Committee on Agriculture.

By Mr. FASCELL:

H.R. 15461. A bill to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes; to the Committee on Foreign Affairs.

H.R. 15462. A bill to remove certain limitations on annual operation and maintenance expenditures applicable to the U.S. Section of the International Boundary and Water Commission, United States and Mexico, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WILLIAM D. FORD (for himself and Mr. BIAGGI):

H.R. 15463. A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties; to the Committee on the Judiciary.

By Mr. WILLIAM D. FORD (for himself, Mr. DINGELL, Mrs. GRIFFITHS, Mr. NEDZI, and Mr. O'HARA):

H.R. 15464. A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties; to the Committee on the Judiciary.

By Mr. GARMATZ (for himself and Mr. PELLY):

H.R. 15465. A bill to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GRASSO:

H.R. 15466. A bill to extend and improve the Federal-State unemployment compensation program by amending the Employment Security Amendments of 1970; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 15467. A bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through a program of recreational development, reforestation, and conservation management, and for other purposes; to the Committee on Education and Labor.

H.R. 15468. A bill to establish a National Human Resources Conservation Corps to rehabilitate persons convicted of violating certain narcotic drug laws and persons who volunteer for membership in such corps and to improve the quality of environment; to the Committee on Education and Labor.

By Mr. SCHMITZ:

H.R. 15469. A bill to quitclaim the interest of the United States to certain land in Escondido, Calif.; to the Committee on Agriculture.

By Mr. WARE:

H.R. 15470. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the disposal of certain surplus property for court and law enforcement purposes; to the Committee on Government Operations.

By Mr. ABOUREZK:

H.R. 15471. A bill to reduce interest rates on SBA disaster loans; to the Committee on Banking and Currency.

By Mr. BETTS (for himself and Mr. Waggonner):

H.R. 15472. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committe on Ways and Means.

By Mr. FISHER:

H.R. 15473. A bill to amend title 10 of the United States Code to provide that certain additional amounts received by retired servicemen employed in the Junior Reserve Officers' Training Corps shall be treated as subsistence or uniform allowances or as amounts received as commutation of quarters; to the Committee on Armed Services.

By Mr. GIAIMO (for himself, Mrs. Grasso, Mr. Rogers, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 15474. A bill to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of and research in Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts (for herself, Mr. Rogers, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 15475. A bill to provide for the establishment of a national advisory commission to determine the most effective means of finding the cause of and cures and treatments for multiple sclerosis; to the Committee on Interstate and Foreign Commerce.

By Mrs. HICKS of Massachusetts (for herself, Mrs. Abzug, Mr. Biaggi, Mr. Brasco, Mr. Brinkley, Mr. Clark, Mr. Eilberg, Mr. Fish, Mr. Fraser, Mr. Gonzalez, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Helstoski, Mr. Kuykendall, Mr. Mazzoli, Mr. Ryan, Mr. Whitehurst, and Mr. Winn):

H.R. 15476. A bill to establish in the Public Health Service an institute for research on dysautonomia, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 15477. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROYBAL:

H.R. 15478. A bill to require contractors of departments and agencies of the United States engaged in the production of motion picture films to pay prevailing wages; to the Committee on Education and Labor.

By Mr. STEELE:

H.R. 15479. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 15480. A bill to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specialty adapted housing for disabled veterans; to the Committee on Veterans' Affairs.

By Mr. YATRON:

H.R. 15481. A bill to provide increases in railroad retirement benefits comparable to those provided by the Social Security Amendments of 1972; to the Committee on Interstate and Foreign Commerce.

By Mr. BOGGS (for himself and Mr. Gerald R. Ford):

H.J. Res. 1227. Joint resolution approving the acceptance by the President for the United States of the Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms; to the Committee on Foreign Affairs.

By Mr. SEIBERLING (for himself, Mr. Danielson, and Mr. Charles H. Wilson):

H.J. Res. 1228. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. PERKINS (for himself, Mr. Quie, Mr. Bell, and Mrs. Mink):

H. Res. 1016. Resolution authorizing travel to the Third International Conference on Adult Education; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 15482. A bill for the relief of Stefan Wiedersperg; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 15483. A bill to provide for the striking of medals to commemorate the 500th anniversary of the birth of the Polish astronomer Nicholas Copernicus; to the Committee on Banking and Currency.

By Mr. SCHMITZ:

H.R. 15484. A bill providing for the extension of patents Nos. 2,710,876, 2,703,788, and 2,464,240; to the Committee on the Judiciary.

H.R. 15485. A bill for the relief of Olinda Bazen Garcia; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A VACATION IN AMERICA

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SCHWENGEL. Mr. Speaker, summer is the time for a family vacation. At the risk of being labeled a travel agent. I would like to point out the virtues of relaxing in rural America.

I am enclosing an article about Keosauqua on the Des Moines River in the First District of Iowa. Hotel Manning and the natural beauty of the immediate area are examples of what can be found across the Nation. Certainly, one does not need to go far, or spend a great deal to enjoy a vacation.

The article follows:

[From the Iowa City Press-Citizen, June 7, 1972]

History, Antiques, "Iowana" Still Unspoiled by Commercialism: Van Buren County—The Place Where Iowa Began

(By Lillian McLaughlin)

Keosauqua, Iowa.—For a vacation in Iowa, where better to be than Van Buren County, the place where Iowa began?

A few miles south of Eldon on Iowa 16, you are in Van Burenland. It's a grand entrance along a smooth highway that plays tag with the Des Moines River and a single railroad track down to Iowa 1 into Keosauqua.

Home base is a landmark by the Keosauqua Bridge, Hotel Manning, built by "A Great Builder of Southeast Iowa," Edwin Manning, as a general store and bank in 1854, remodeled into a hotel in 1893.

Fondly known by its patrons as the old "steamboat hotel," it has withstood four floods. Its outside glass door panes etched with H. M. represents its three owners, Manning, Bertha Mayers and since 1944, Mabel Miller.

Guests rocking on the great second floor veranda no longer see steamboats pass, only recreational craft and an occasional fisherman along the shore.

Only a few of the rooms in the Hotel Manning have private baths, tucked into a corner of the great rooms. The telephone's in the lobby and the color TV in the "lounge," a big central hallway upstairs.

The furnishings are motley: a handsome highback old walnut bed in one room, three iron ones in another. A guest may hang his coat in that big painted wooden wardrobe or on a hat tree made from a small tree-trunk.

But the generous old rooms are kept spic and span. The ceilings are 15 feet high. There are a few great bay windows that are lookouts up and down the river.

On Sundays, Mabel Miller's staff serves up a superb buffet: ham, fried chicken, meat loaf, a delicate casserole of eggplant and corn, mashed potatoes and real cream chicken gravy, a dozen or so relishes and salads and who knows how many kinds of pie, all for $2.50.

In the lobby are rocking chairs, a fancy old-fashioned dining room table and high back chairs, hump back trunks and a mynah bird that wolf-whistles and appreciates a good joke about himself.

The mynah bird's name is Charlie, says Mrs. Miller.

"Not long ago some young people on a treasure hunt were told to 'meet Charlie Manning.' They came to the desk and asked if a Charlie Manning was at the hotel, and I told them 'yes, right in that cage over there.'"

Eavesdropping across the lobby, Charlie gave a rolling guttural laugh from his cage.

Charlie will greet you as you enter: "What's your name?" As you pass he will give his wolf-whistles. Sometimes, if there's nobody about, Charlie practices his repertoire of bird call imitations.

At 6:30 a.m., he greets each day with a rousing wolf whistle. He doesn't recognize daylight savings time.

By 7 a.m., early risers can be in Lacey-Keosauqua Park just across the bridge.

The largest of Iowa's state parks, Lacey-K is a beautifully wooded area along the bluffs of the river with miles of trails, a 30-acre lake, picnic, and camping facilities for 350 units, cabins, ancient Indian Mounds, a beach and even a nine-hole gold course.

History? Antiques? Iowana? These are everywhere in Van Buren County, still untouched, or at least unspoiled by commercial tourism.

Criss-cross the Des Moines River over the bridges of these little villages and towns.

Farmington: See the old limestone structure, once a manufacturing company that produced 350 wagons and buggies a year.

Bonaparte: The old Opera House (painted silver) and surmounted with Three Wise Men and a star left over from Christmas. Stop for dinner and, if you wish, drinks at Bonaparte's Retreat, an oasis Napoleon's poor shivering men would have embraced, as do natives and visitors for miles around, to taste Bennie John Hendrick's home-cut steaks and his wife's homemade salad dressings.

Bentonsport: Take a walking tour around this village; the Mason House, another old hotel that took care of the steamboat travelers, now a museum; the country store, rebuilt from timbers of old Bonaparte railroad station, the Presbyterian Church, built in 1855, standing on a hill behind an aisle of gaunt old cedar trees.

Douds-Leando: Take a turn through these twin villages and their common river bridge. Near Douds you're driving over a great limestone quarry.

This is beautiful country—in rain, in mist, in brilliant sun.

And may any who follow have the luck to see what this writer saw: A stupendous rainbow arching over the high hills of Van Buren County, to disappear beneath its pot of gold at the north end of the Bentonsport bridge.

MACOMB COUNTY VOTES AGAINST BUSING

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, June 13, 1972

Mr. GRIFFIN. Mr. President, the volume of mail my office has received on the subject of forced busing far exceeds anything I have seen since coming to Congress 16 years ago.

The preponderance of opposition to forced busing, as reflected in my mail, is overwhelming. However, the electoral process should be a better barometer of public opinion than my mail bag.

On May 16, the citizens of Michigan's Macomb County cast their votes in an election on an advisory question that appeared on the ballot. The results:

In favor of cross-district busing, 8,917.

Against cross-district busing, 139,594.

Mr. President, I ask unanimous consent that a letter from the Macomb County Board of Commissioners reflecting the results of the vote be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MACOMB COUNTY BOARD OF COMMISSIONERS,
Mount Clemens, Mich., June 2, 1972.

Hon. ROBERT P. GRIFFIN,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR GRIFFIN: Increasing concern and much public attention has been focused on the issue of "cross-district bussing".

The Macomb County (Michigan) Board of Commissioners has acknowledged the deeply imbedded convictions of our local residents on this issue and was the first governmental entity within the State of Michigan to formally and publicly oppose the "cross-district bussing" concept as a means to achieve educational equality in our schols.

In order to more accurately evaluate our residents' reaction to this concept, and rather than recognize any specific organization or citizens' group which may have professed to "speak" for the majority, our County Board of Commissioners placed an advisory question on the Presidential Primary Ballot of May 16, 1972, throughout the County of Macomb.

The official voting results are self-explanatory: 8,917—in favor of cross-district bussing; 139,594—against cross-district bussing.

The Macomb County Board of Commissioners feel our residents and taxpayers' opinions should *not* fall along the wayside unheeded.

We urge you to do all within the power of your esteemed office to insure representation of the people on this emotional issue.

Sincerely,

STEPHEN W. DANE,
Chairman, Macomb County Board of Commissioners.

THE BEGINNING

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, last weekend I had the honor of sharing the speaking responsibilities at the Ukiah High School commencement ceremonies with three graduating seniors.

One of these speakers was Dave Dorsey, an honor student at this high school located in the heart of my congressional district. It was obvious from the attention that he received from his classmates, that Dave Dorsey had their respect and their admiration. It was also obvious from the enthusiastic response he received from the audience of classmates, parents, and loved ones that his remarks were timely and appropriate.

Having met Dave Dorsey personally and heard him speak so enthusiastically and forcefully about his convictions. I predict that this young man will have an extraordinary future in whatever career he embarks on.

Therefore, I take this means of bringing his speech to the attention of my colleagues because I believe it reflects the responsible and constructive image that is shared by a vast majority of American youth today.

The speech follows:

THE BEGINNING

(By Dave Dorsey)

Someone once said that "Today is the first day of the rest of your life". Well, this is it. High school graduation. For about 345 of us, tonight is a major turning point in our lives. After tonight the graduates of the class of 1972 will have reached the point where we must make the decisions which will determine our entire future. And then we will all go our separate ways, to make our mark on the world. The realization finally hits us, this is it. The age of preparation is over and now we will encounter success or failure, joy or sadness, whatever awaits us in this mysterious world we live in.

For many of us, graduation from high school signifies the end of our formal education. There are no more classes to suffer through, or tests to cram for, or report cards to worry about. But gone too are the dances, and carefree days we used to savor. Our learning experiences are only beginning however. The things we learn and the experiences we will have in the real world will teach us more than we ever dreamed possible. George Bernard Shaw once said "The only time my education was ever interrupted was when I was in school". The educational opportunities we will have in our jobs, in marriage, or even in the service are limitless.

Yes, we've only just begun. We have now reached the real beginning of our existence. Whatever the future holds in store for us, you can be sure that it will be like nothing we have ever experienced before.

Every generation in history has thought that it was special, that they're going to change the world. Mine is no exception. How we will change the world is the question. Let's see what we've got to work with.

We are the first generation to grow up in a world where our modern technology is taken for granted. It's no big deal that we can send a man off to the moon or that we can literally blow up the world at the push of a button. We have grown up to accept television, like the kitchen sink and the telephone as a fact of life. And through the wonders of TV; the war in Vietnam, the violence in America, and the destruction of the environment do not shock us anymore. It is all part of our world. And, if real life should get too depressing we can always turn the dial from the news and tune in some comforting soap opera.

This is the world we now face, with the added responsiblity of facing it as adults. It's kind of scary isn't it, inheriting a world filled with assassinations and wars? But before we get too critical we must ask ourselves "How will we change it?" For the better?

"Just wait until we can vote", we used to say when we were younger. Well, now that we can vote, and we're old enough to attend rallies and knock on doors and wave placards, perhaps we can initiate a change. There was an election held earlier this week and 75% of the locally registered voters did. How many of you voted? How many of *you* voted? Perhaps there is hope for this country yet.

The world is going to be constantly changing. It's inevitable. But how it changes will be up to us, that is our responsibility. It will be the duty of each of us to be aware of the issues and problems which confront our Nation today. A democratic society such as we live in, while it does have its faults, can only be successful when its people are informed. There is a vast difference between a silent majority and an apathetic majority. It will be our privilege to be concerned about the things that affect us and to express our opinions in the voting booth. We must be careful that we don't judge too quickly though, that's just as bad as being apathetic.

I hope that when we all leave dear old Ukiah that we do not forget the things which we were so concerned about as students. Dress codes and the closing of the main seemed pretty important to us at the time. I hope it doesn't slip from memory. And how about that, we'll be the last class to have gone through high school in the main!

This year I had the privilege of serving as the first student advisor to the board of education, giving me the opportunity of seeing, firsthand, the educational process at work, from both a student and administrative point of view. If more people had a chance and took the time to see an issue from both sides of the fence maybe they wouldn't be so critical. There is a short little poem which I think expresses what I am trying to say very well. It's entitled "The Wise Old Owl."

The wise old owl
He sat in an oak
The more he saw,
The less he spoke.
The less he spoke,
The more he heard.
Why can't we be
Like the wise old bird?

Thank you very much.
National graduate week!
Hug a graduate!

FUNDS TO SAVE SALTON SEA

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. VEYSEY. Mr. Speaker, included in the bill before the House today is a $100,000 line item for the final stage of the Salton Sea feasibility study.

The purpose of the study is to determine the most practical and economical way of preventing the largest lake in California from dying. Preserving the Salton Sea would be a badly needed shot in the arm for the economy of the whole southwestern corner of the United States. It would also permit development of a massive new recreation resource for millions of city-constrained people. Thirty of my congressional colleagues joined with me to recommend this project to the Secretary of the Interior last year. Five Bureaus within the Department are presently cooperating in the project, along with the State of California which has appropriated $47,500 to cover its share of the study.

Authorization of the feasibility study will be one more milestone in the 6-year effort to enhance the recreational potential of California's largest body of water.

In December 1965, as State assemblyman, I began meeting with the broad spectrum of groups interested in saving the sea. We met every 3 months to develop legislative solutions to the alarming increase in salinity and nutrients that is suffocating the sea. The result was State legislation which established the California Salton Sea Advisory Committee.

The committee, the State of California and the Federal Bureau of Reclamation conducted a major reconnaissance investigation to develop alternative plans to stablize the sea level, limit the salinity, and control the nutrient problem. They also developed engineering and financial data on the project.

The reconnaissance report documented for the first time the extent of the camping, fishing, swimming, and water skiing recreation presently enjoyed at the sea. It estimates that if the sea can be kept alive it will support 4,804,000 recreation man-days a year by the year 2000.

The report concluded that further studies are necessary to determine the specific measures required to formulate a plan, and to evaluate its engineering and economic feasibility.

I urge my colleagues to join with me in supporting this vital project.

RURAL MINNESOTA MANPOWER PROGRAM PRAISEWORTHY SUCCESS

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BERGLAND. Mr. Speaker, at a time when our Nation is concerned about the high rate of unemployment and the increasing costs of welfare, it is indeed encouraging to know of successful efforts to provide jobs for those previously living in poverty. Enclosed are some facts presented to me by Emil W. Marotzke, director of the rural Minnesota concentrated employment program—a manpower program serving 11 counties in rural northwestern Minnesota.

I have nothing but praise for the efforts of Mr. Marotzke and the benefits this kind of a program is bringing to people who reside in Minnesota's Seventh Congressional District—the district which I am proud to represent. Members of Congress interested in manpower programs will find the following facts of interest:

First. All persons placed in the rural Minnesota concentrated employment program were disadvantaged by Manpower Administration poverty guidelines upon acceptance into this program. The average annual wage at the time of entrance for 1 year prior to entrance was $1,362.

Second. For the period covered—November 1970 through April 1972 inclusive—corresponds to 1971 fiscal year plus the first 6 months of current 1972 fiscal year—771 individuals have completed training and were placed in employment. Placement in the CEP project means 30 days with the same employer without any Federal or State assistance.

Third. The average placement wage per hour was $2.25 for an average yearly starting wage of $4,684. This is not as high a quality as Mr. Marotzke would wish, however, it is in any case above the poverty guidelines and he feels that these entry level positions do give these individuals an opportunity for upward mobility on their own.

Fourth. An average individual would spend approximately 7 to 9 months in training prior to placement.

Fifth. Last year's cost for placing a man in a full-time job was $2,830. This included all operation, administrative, and enrollee costs for the CEP.

Sixth. Our 60-day followup placement indicates a stick ratio varying between 85 and 90 percent.

COOLEY'S ANEMIA

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. O'NEILL. Mr. Speaker, several diseases have received widespread public attention recently. Among these is Cooley's anemia, a tragic ailment affecting many Americans of Mediterranean origin. On June 8, 1972, the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce met in executive session and approved for full committee action a clean bill in lieu of H.R. 14016, to amend the Public Health Service Act to provide for the prevention of Cooley's anemia. The committee is to be applauded for its efforts in this area. Some months ago an intern working in my office conducted a research study of this dread disease. Because of the recent action taken by the committee in preparing this measure for consideration by the House, I am submitting for the RECORD the report completed on Cooley's anemia by my intern, Miss Susan Fine. I respectfully request that all interested Members read this account of the disease, so that they may be appraised of its character and more fully appreciate the great need to find a treatment and cure.

COOLEY'S ANEMIA

Cooley's Anemia refers to the most severe strain of thalassemia, a hereditary disease which affects the blood. It affects individuals of Mediterranean descent; Greek, Turkish, Northern African and Italian peoples are among those most susceptible to the disease. While the extent of the disease in the United States has never been precisely determined, the best available estimates are that 200,000 Americans carry the gene, and that, in addition, there exist 1,000 known cases of Cooley's Anemia in the New York City Area alone. A study conducted by Dr. Howard Pearson of Yale University showed that 20 per cent of the five hundred Italian Americans tested for the ailment, carried the gene for Cooley's Anemia. Increasing intermarriage between nationalities has caused the trait to become more widespread.

The disease is transmitted genetically according to Mendalian Laws. Thus, both parents must carry a trait in order for the child to inherit the disease. Statistically, 25 per cent of the affected parents' offspring should be normal; another 50 per cent will be carriers of the gene. The last 25 per cent would have Cooley's Anemia. Any hereditary situation, however, is valid in a statistical sense, and one family may very well go unaffected by the disease while in another, all children will develop the malady. In this way Cooley's Anemia is similar to Sickle Cell Anemia. However, whereas in Sickle Cell Anemia mutated cells interfere with normal cell production, in Cooley's Anemia too few blood cells are produced to meet the needs of the body.

The disease has two strains. One causes the child to be stillborn. In the other strain, the disease manifests itself soon after birth with the appearance of listlessness, loss of appetite, irritability, and pallor. Eventually, the spleen and the liver become enlarged and the skin appears jaundiced. Deformation of the bones, particularly those in the head cause the appearance of mongoloid features, distortion of the mouth, and teeth. The bones of the skull actually thicken, and the growth is stunted. Other marrow cavities become enlarged. Blood examinations usually reveal changes in the shape and numbers of the red blood cells and a variety of other alterations. Cardiac enlargements and cardiac failure explained by severe anemia and depositions of iron are the most frequent cause of death.

Several genetic defects cause the anemia. First, the marrow produces fewer red blood cells than usual. Also, those cells produced live only one-third to one-half as long as normal cells—about ninety to one-hundred and twenty days. Other complications do develop such as an enlarged spleen and liver, and even gallstones.

At this stage, treatment is at a very basic level with transfusions the only successful technique. Frequent transfusion is not only expensive, but also brings the danger of huge iron buildings. Because no simple test exists to determine whether a person carries the Cooley's trait, parents cannot judge the risk involved in their mating, nor can accurate disease counts be constructed. At present, doctors have learned to reduce some of the symptoms, for example a splenectomy may reduce pain. As yet, there is no cure, and the affected patients usually die before adulthood. Presently, there is only scattered resources being directed to the treatment and cure of Cooley's Anemia.

The National Institutes of Health supports 12 research projects on Cooley's Anemia for a total expenditure of approximately $631,000, which comes out of the agencies general funds. In addition, various institutes of the NIH support eleven projects which are related to Cooley's Anemia, or in which Cooley's Anemia is a minor component. The total for this group is approximately $669,000. Fields involved in this research include pathology, physiology, biochemistry, and physical chemistry, and range from studies on protein synthesis to the formation of Hemoglobin.

A newly formed organization, the Cooley's Anemia Foundation, was established to provide blood to victims and sponsor research. However, as Dr. Friedman, executive director of the Foundation, pointed out, the program's efforts are impeded due to dependence on funds from private sources. And as Dr. Lichtman, another researcher in the field stated to the House of Representatives. "basic research on the program of blood formation and destruction offers the only hope available to the sufferers."

Hundreds of hereditary diseases exist today in America; numerous ones in the same class as Cooley's Anemia probably afflict thousands of persons. Thalassmia is a disease of several varieties; heterozygous thalassmia produces an almost unnoticable anemia; alpha thalassmia is incompatible with life and causes fetal death after 30 days, and HB Bart disease is dangerous as well, for it produces a functionally in adequate anemia.

Cooley's Anemia is devastating in its affect on children afflicted and their parents. While no estimate of the exact number of people carrying the thalassma trait exists, probably several hundred thousand unknowingly have the gene. An all out attack is necessary if we are to conquer this little known, but very serious killer.

BOSWELL STEVENS—THE FARMERS' FARMER

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. MONTGOMERY. Mr. Speaker, this coming November will mark the end of a long and distinguished career in helping better the plight of farmers in my home State of Mississippi and the Nation when Boswell Stevens retires as president of the Mississippi Farm Bureau Federation following 24 years of dedicated service. I am very proud to represent this outstanding American in the Congress and appreciate the very wise advice and counsel he has given me on farm legislation over the years. Mr. Speaker. I would like to share with my colleagues the following article which has appeared in newspapers throughout Mississippi giving details of Boswell Stevens' distinguished career.

Boswell Stevens Retires as Farm Bureau Prexy

The longest tenure of any state Farm Bureau president in the nation will end this November as Boswell Stevens, president of the Mississippi Farm Bureau Federation, steps aside from a post he has held continuously since July, 1950.

The Macon, Mississippi, general farmer who literally became "Mr. Farm Bureau" in Missisippi and highly influential in national agricultural affairs, will clear the way for a younger man to take the helm of the 90,000 member organization when farmer delegates from all 82 counties converge on Jackson in November for their annual meeting.

In a news conference in Jackson, Stevens age 74, recalled his first involvement in Farm Bureau affairs in 1923 through the Noxubee County Farm Bureau. As the years passed he headed his county organization and became a state director of the federation. As a vice-president in 1950 upon the sudden death of the federation president, Ransom Aldrich of Michigan City, Stevens was suddenly thrust into a new position of leadership during an interim period. In July the voting delegates convened and elected Stevens to the presidency.

Although membership was at a low of only 16,000 farm families at the time, groundwork had been completed for new membership services in the mid-forties that were to help build farmer support of the organization as Stevens began the task of developing a staff, cooperation among agricultural agencies and enthusiasm in building a strong voice for Mississippi agriculture. The federation is non-governmental and is a voluntary dues-paying organization similar to a chamber of commerce for Mississippi agriculture.

Stevens solicited and got help from the crossgrain of Mississippi's agricultural community. A significant momentum of growth set in among the Farm Bureau affiliated life and auto insurance companies. Soon a fire insurance company was organized by the state federation. Today these companies are leaders in their field in Mississippi and the South.

With the Stevens shoulder actively put to the wheel of progress, the organization meshed its efforts to help generate other agri-business organizations such as Mississippi Livestock Producers Association, and the Jackson Association which was to evolve into Dairymen, Inc. Meanwhile, with sustained support, other Farm Bureau introduced enterprises such as Mississippi Chemical Corporation at Yazoo City, Mississippi Hospital and Medical Service and community hospitals came into the mainstream of the state's economic life. The nitrogen fertilizer manufacturing corporation was conceived in a board meeting of Farm Bureau leaders and was to set a new national concept in farmer-developed manufacturing enterprises. Farm Bureau had strongly advocated passage of a Hill-Burton Act in the national congress which was to enable rural communities in Mississippi to build modern hospital facilities with federal aid. And Farm Bureau had brought into Mississippi the Blue Cross-Blue Shield plan for prepaid hospital insurance.

For over two decades Stevens gave and took for Mississippi agriculture, testifying before Congressional committees in Jackson and Washington, arguing the Mississippi viewpoint before the executive committee and voting delegates of the American Farm Bureau convention, and sparring with occasional detractors.

His scars over the years have been minimal, for his genial and diplomatic nature has softened the blows. His manner usually has carried the day.

Others call it retirement. Boswell Stevens doesn't. But he doesn't bother to correct you when you do. With membership on a staggering number of important boards, Boswell Stevens remans in service as he steps from the presidency of the federation this November. But he's going back to Macon and get closer to the acres of black prairie soil that once engaged his full attention before he realized that prosperity for agriculture lay beyond the turn row.

UNCORKING A BATCH OF SOUR GRAPES

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. HUNGATE. Mr. Speaker, while Harvard seeks "Veritas" and Yale strives for "Lux et Veritas," in Gasconade County, Mo., it is well established that "In Vino Veritas." Once again our banjo-picking, tuba-playing, sometime editor, Tom Warden, has brought us "Bacchus to the Bible.":

Uncorking a Batch of Sour Grapes

(By Tom Warden)

When Missouri Attorney General John Danforth decreed that home wine-making is against the law, he undoubtedly uncorked the spirit of a law that is not only indefensible, but is also unenforcible.

With all due respect to General Danforth being a man of the cloth (and I've known a few of them to ferment their own juice), he is behaving like a man whose Sunday socks were used to strain out a batch of grape squeezings.

Now . . . I believe in the rule of law. I also believe that a bad law is worse than no law at all.

With one fell swoop of his ecclesiastical pen, General Danforth has made criminals out of a lot of people . . . perhaps a few clergymen, mothers, grandmothers, lawyers, newspapermen . . . the list is endless.

If this is General Danforth's interpretation of the law—and I can only wonder how the jurisprudence establishment has thus far overlooked this scurrilous practice—then the law needs to be changed, along with the man who made this assinine interpretation.

Little old ladies and well-meaning grandfathers have been making wine at home for decades, and somehow they have managed to elude the clutches of depravity while taking a daily sip of fermented finery.

I hardly believe that a basket of grapes, a saccharometer, jar, yeast and a cork are the devil's tools!

The General is trying to bring back Prohibition . . . not by legislation, but by some ridiculous interpretation of a law that is bad to start out with and impossible to enforce.

It is doubly strange that General Danforth can find nothing of greater importance to rule on than his edict making lawbreakers out of many of us.

With all the open and obvious bendings of the law in Jefferson City by legislators who put themselves above the law, and with political shysterism in St. Louis that is making a mockery out of the law, it seems the attorney general could have preoccupied his mind with more important crusades than that of cutting down grape arbors.

He is trying to unravel the fabric that has held up individual freedom in this country. It really takes a great legal mind to imagine that someone making wine at home for his own consumption is breaking the law and contributing to the increasing crime rate.

And while this modern-day Elliot Ness is going around hacking holes in basement barrels of wine, crooked politicians, the Mafia and the underworld in general is thriving right under the noses of these law-and-order apostles.

It is time, I think, for John Danforth to come down out of his pulpit and be an attorney general. He's not preaching to his flock when he renders such edicts as this wine-making farce.

I mean ill to no man, John Danforth, but I hope your next batch of wine turns to vinegar! Your latest judicial edict has certainly gone sour.

ADDRESS BY MR. GEORGE MEANY

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. PODELL. Mr. Speaker, on May 21, the Jewish Daily Forward celebrated its 75th anniversary at Philharmonic Hall in New York City. On that occasion, Mr. George Meany, president of the AFL–CIO, gave an eloquent speech commending the Forward's role as the chronicle of the activities of the American labor movement.

I am sure this address will be of interest to our colleagues. The text follows:

What do you say on the occasion of the 75th anniversary of a newspaper—the Jewish Daily Forward? It's more than a newspaper. Foreign language newspaper? Yes. But more than a foreign language newspaper. Really, the 75th anniversary of a great institution, and, to be specific, an American institution.

When you look back—and we in the labor movement have a saying that we don't like to look back, certainly not with any feeling of satisfaction, and certainly not with any feeling of complacency, because it seems to be the way of life in the labor movement that something is always going to happen tomorrow. But I think there is some satisfaction in looking back over the last 75 years—the years of this great labor newspaper.

Because, in the final analysis, it may be a foreign language newspaper; it may be a daily newspaper for the city of New York; it may even be an international paper. And it really is an institution. But to us, it is a labor paper.

From the very beginning, the Forward was truly a labor paper. Of course, it was a source of support in the struggles of the Jewish workers going back many years—the Waistmakers in 1909; the so-called Cloak and Suiters Revolution of 1910.

But over the years, the Forward has given generous support—financial and moral support—to all unions engaged in the struggle for better life. Coal miners, steel workers, and others.

Sixty years ago, it may surprise you to know, the records of the American Federation of Labor show that this was the only daily labor paper in America. And, as far as I know, it is still the only daily labor paper in America.

So, we're celebrating 75 years in the life of a living, fighting institution dedicated to making life in America more rewarding to millions of new citizens and at the same time making our democratic society more vital for American citizens as well as for foreign born.

We're celebrating the anniversary of the Jewish Daily Forward at a most timely and appropriate moment in our nation's history. When I think of the devisive and destructive forces now preaching hatred for America—its traditions as well as its free institutions—with the ostensible purpose of a better life for all; when I look at those who would eliminate the achievements of democracy in the name of progress, I more fully appreciate the part played by the Jewish Daily Forward in the last 75 years in helping the growth of the American free trade union movement and other democratic institutions in our nation.

Nor can we forget the tireless efforts of Abraham Cahan and his associates in helping to make good American citizens of the impoverished and persecuted, who came to our shores seeking freedom from tyranny, as well as an opportunity to live and grow as free men and women. Yes, as responsible American citizens, who could and did in turn make their contribution to a better society here in America.

The beginnings of the Jewish Daily Forward were anything but auspicious. It was established in opposition to the leadership of the Socialist Labor Party of that time to which practically all of the founders of the Forward were affiliated. The perspective clientele of the new publication was very, very unimpressive. Immigrants who had come to America from agricultural areas such as the Russian empire, where they had been denied the right to buy and own land, and had in effect been driven by adverse circumstances to emigrate. And they found themselves in a new land without resources, without homes, and in many cases without any skills by which they could earn a living. Poverty was common to all of these people.

But so was ambition. Ambition to use the opportunities that America afforded for education and improvement. A new Jewish culture came into being in those early days and the nerve center of that blossoming culture was the Jewish Daily Forward.

We in the American labor movement can not forget how much the development of the Forward was tied up with and inseparable from the struggles and successes of trade unionism—particularly, though not only, among the garment workers in our country.

Need I remind you that at one time the Jewish Daily Forward had to borrow the head of the ILG to become the business manager of the paper. Nor can we in the trade union movement ever forget the part played by the Forward during the 20's and 30's when American labor fought for its life against the basic evil of Communism—its attempts to infiltrate, to dominate, to take over American labor. The Forward never wavered; never compromised and never ceased its struggle against the forces of evil until the Communist threat to our movement was eliminated.

It has been said—and rightly—that America is a nation of nations. Our nation has been formed by many peoples and many cultures. The men and women of various tongues, races and creeds, who came to our shores, have made distinct contributions without destroying their own cultural and traditional values. And this was a great contribution to the enrichment of the American nation. Pride in the achievement of their forefathers did not weaken their patriotism. The high faith in themselves, in their national origin, in each particular institution they respected, actually provided a strong foundation for their new allegiance to the country to which they emigrated. That is why some people say that they were Americans before they got to America.

I think this is well to keep in mind today when we see some self-styled ideologists insisting on splintering and dividing our nation.

We of the trade union movement are practical people. And we see the benefits of a unified American citizen. The columns of the Jewish Daily Forward recount the days when winning a $1 increase a week or shortening the week from 60 to 54 hours was considered a great victory.

We see a different picture today and we've learned from experience how to stave off disastrous defeat and to insure continuing progress. Even the moments of darkest despair are fleeting when one has dedication to an ideal, devotion to a good cause and determination to translate aspirations into achievements.

We in the American trade union movement have not surrendered our hopes or our ideals for a society without determination just because progress is not as rapid as we would like it to be.

Those who preach separatism and division in our land, those who talk of white power, black power, pink power, or red power are not serving or promoting the cause of justice or equality. In reality, they are undermining the fight for a better and fuller life for all.

Some of these dividers and separators call themselves the "new left," but, in reality, they are neither new or left. There is nothing new in that old poisoned weed of anti-semitism which they peddle in the name of so-called Arab liberation, or push in the name of black power. Anti-semitism is contemptible and reactionary, no matter who preaches it or when or where it is pushed or peddled.

The politics of hate and hypocrisy do at times make strange bedfellows. I say to the angry and mostly disturbed they could benefit much from the wisdom of Abraham Cahan who once said: "One should learn to shake off European prejudices towards the idea of being an American."

And in the columns of the Forward 50 years ago Abraham Cahan said: "We have to be Americans. We shall help to build America. We shall accomplish in the new world more than we could in the old world."

Well, we in the AFL–CIO are working today and we'll continue to work for a better America and a better world—an America and a world free from poverty, ignorance, racial discrimination and prejudice of all kind, free from dictatorship and war.

In the spirit of the highest aspirations and tireless activities of those who founded this great institution, I say to the Forward on this occasion:

We in the trade union movement appreciate to the fullest the contribution you have made to the American worker and to the welfare of all Americans. This is a better nation today because of the splendid work on behalf of a better America performed over the years by Abraham Cahan and those of his fellows who were associated with him in the early days of this great institution.

We welcome our continued services in the present and we wish you many happy returns in the service of human decency, freedom, social justice and peace in the years to come.

Thank you.

EDNA B. HILL

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. STEIGER of Arizona. Mr. Speaker, on May 21 a remarkable life ended in Phoenix, Ariz.—that of Edna B. Hill, 84, a retired U.S. Public Health Service nurse who spent her life carrying comfort and hope to Indian people. Mr. Ben Vance of the Arizona Republic in Phoenix, told the story of this well-spent life in an interesting and tastefully written article which follows:

EDNA B. HILL, 84, NURSE TO ILL INDIANS

The life of a lady who spent most of it nursing and caring for others inside and outside of Arizona Indian hospitals ended Sunday after eight years of near-abandonment in Valley welfare facilities.

Edna B. Hill, 84, a retired U.S. Public Health Service nurse who was given scrolls for outstanding service during her decades with the Indian Service, died Sunday in a Phoenix nursing home. She was a ward of the county. Her retirement pay couldn't match nursing home prices.

Miss Hill retired in 1951 and came to Phoenix after serving in various parts of the state including the Whiteriver-Cibecue agency in Navajo County.

She was known throughout her long Arizona career and earlier in Missouri for spending most of her free time and salary with impoverished patients, buying handcrafted articles and aiding in the education of their families.

It was Miss Hill's hope to retire to Carmel, Calif., until she found there was not enough to build a house after paying $6,000 for a lot.

About 1952 her retirement home was a wood and canvas structure at 4946 E. Sheridan. Here she cared for an elderly nurse friend through the throes of death and devotedly selected a grave for her under a solitary shade tree in a Tempe cemetery.

In 1964 Miss Hill became tangled in a leash on one of the stray dogs she adopted and snapped her leg in a fall. Mercifully the memory of her recent past also snapped in her mind and made it easier for her few friends to sell her home, get her out of debt and find homes for her dogs.

When a newspaper ad offered a free registered German Shepherd, dawn found the lawn of Miss Hill's guardian full of people exclaiming how friendly they could be to dogs. More persons showed up that one day than the total number of visitors Miss Hill had while she was in hospitals. She would have been proud to know her dog, an offspring of Rin Tin Tin, was wanted by so many people.

Miss Hill vividly remembered incidents 20 years ago or longer. The staff of Maricopa County Hospital were instructed to gēt appointments when attending to her in the multi-bed ward. She said that the doctors over at Whiteriver would read her X-rays when they visited Ribecue. She recalled Middlesboro, Ky., as her birthplace near the historic Cumberland Gap.

When her guardian first visited, Miss Hill said, "You look like a sensible person and I'm sure I have met you somewhere before." After the county hospital stay, Miss Hill was placed in various nursing homes as her meager funds declined.

A Catholic priest will conduct a service for Miss Hill at 9 a.m. tomorrow in Whitney and Murphy Arcadia Chapel, 4800 E. Indian School. Burial will follow beneath that shade tree in Double Butte Cemetery, Tempe.

JAMES HOFFA LISTS 26 PRISON REFORMS NECESSARY TO HELP REHABILITATE PRISONERS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. PUCINSKI. Mr. Speaker, Mr. James Hoffa, former president of the Teamsters Union, has made a most significant contribution to prison reform when he testified before the other body and listed 26 specific recommendations to help rehabilitate the Nation's prisons.

The Washington Star carried an extensive report of Mr. Hoffa's testimony and I recommend it to my colleagues.

Mr. Hoffa is spearheading the drive for prison reform. There are a number of proposals now pending before Congress and more will follow. But, it is my belief that most of the recommendations proposed by Mr. Hoffa can be effectuated without additional legislation.

Authorities now have sufficient latitude to carry out these reforms.

I wish to commend Mr. Hoffa for the leadership and initiative he is providing to this serious problem facing our prisons.

Jimmy Hoffa has always been a leader and he is again demonstrating this leadership in the fight for prison reform.

This Nation owes him a debt of gratitude for taking on this thankless job.

The Washington Star article follows:

HOFFA LISTS 26 PRISON REFORMS

After four years and nine months in a federal prison, former Teamsters President Jimmy Hoffa has told Congress 26 ways he believes federal penitentiaries should be improved.

Without elaborating in his testimony prepared for delivery today to the Senate Judiciary subcommittee, Hoffa said:

"I have seen useless destruction of property, maiming of human beings, loss of self-respect, and inhumane treatment.

"The causes are not one-sided, but much of this can be cured by proper planning and education on the part of the prisoners and the officials of the institution."

Prisons are overcrowded and have an average age of 75 years, he said, and the antiquated ones should be torn down and new ones built that are smaller and more comfortable.

Job training is out of line with reality, he added, with "license plate and mop-bucket manufacturing" two examples "that bear little relation to potential jobs in private industry."

"It is not for humanitarian reasons alone that we must reform our corrections system," he said. "It is for our own safety. We have never faced up to the facts that most convicts will someday be released from the hellholes we call correctional institutions.

"They come out, as we have seen, more bitter, more disturbed, more antisocial, and more skilled in crime than when they went in."

Hoffa said he realized that budget money for prisons did not enjoy the highest priority, but he called for:

New prisons holding no more than 350 persons each, with individual cells "to retain some sort of dignity."

Adequate, comprehensive medical and dental care, libraries and recreational space.

Movies with more general appeal "rather than . . . sex movies, and crime movies, which create nothing but problems for a majority of the prisoners."

Better guard training, sufficient counseling and case workers, and prisoner grievance boards.

Visiting hours that are not restricted by number of visits per week, with a proper place, with seats, for a prisoner's visiting family.

Unrestricted mail and telephone privileges, providing the prisoners pay for their calls.

Hoffa said prisoners also should have the freedom to wear their hair the way they want, within limits, and be able to buy and wear clothes they choose after prison authorities put identifying tags on the clothing.

Prisoners should receive a minimum wage for prison work, with an active job procurement program to secure work for them when they get out, he said.

Hoffa served at Lewisburg, for mail fraud and jury tampering was commuted by President Nixon Dec. 23.

COMMIES STILL BREAK PROMISES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. DERWINSKI. Mr. Speaker, while I respect the very profound approach to foreign affairs which has marked the President's trip to Peking and Moscow, I still believe that, in the light of history, we should be very careful of agreements reached with Communist governments.

This point is very well made in a column by Dumitru Danielopol, the distinguished international correspondent for the Copley Press, which appeared in the San Diego Union of May 5.

As the major power of the free world, we have a special responsibility to ourselves and our allies to maintain vigilance, keep our defenses strong, and provide the leadership the free world needs in the face of whatever moves the Communist powers might make in violation of their commitments.

The article follows:

COMMIES STILL BREAK PROMISES

(By Dumitru Danielopol)

WASHINGTON.—After a half a century we still are shocked when Communists break their "commitments."

Why?

We've just witnessed official indignation again over Hanoi's invasion of South Vietnam in violation of an understanding with President Johnson five days before the 1968 elections.

The deal, a desperate attempt to put Hubert Humphrey in the White House, involved a U.S. promise not to bomb North Vietnam.

Many observers at the time, including this correspondent, raised eyebrows.

Now the air raids ordered by President Nixon have reopened the issue.

The Nixon administration accuses Hanoi of violating the 1968 commitment with its invasion. Hanoi rejects the existence of any commitment.

Clarification is in order even if only for the sake of historic truth.

Let's look back four years.

Soon after the Republican Miami Beach convention the British press said Mr. Nixon appeared unbeatable. The only chance for Hubert Humphrey was "a spectacular success at the Paris talks . . ."

The Humphrey campaign sputtered into October and it was evident that something drastic was in order. In some states Humphrey was not only far behind Richard Nixon, but George Wallace, too.

Hints began to drift from the White House of a possible "breakthrough" in Paris.

Sen. Strom Thurmond, R-S.C., warned that the administration "may try to 'mislead' the American people."

"Any peace move so late in the campaign must be suspect," said Sen. George Murphy, R-Calif. Sen. Everett Dirksen, R-Ill., warned about "a gimmick." South Vietnam Vice President Nguyen Cao Ky said Johnson "would stop the bombing to insure Humphrey's success."

In an article on 28 Oct. 1968 this correspondent warned that "a smoke screen of optimism" could be used by the Johnson administration to justify a bombing halt that would help Humphrey.

The order came five days before elections.

Was there a real "break through" or was it a "gimmick" to help Humphrey?

We still don't know.

Humphrey got the predictable boost but it wasn't good enough to put him in the White House.

What went wrong?

One of the people most involved in the "breakthrough," Ambassador W. Averell Harriman, then U.S. negotiator in Paris, blames the Saigon regime for dragging its feet. Had they rushed to Paris, he says, things would be different.

"Some believe," Harriman wrote later, "that if we had started actual negotiations during the week before election day, it might have made a small but vital difference in the elections."

Obviously, election day was on the minds of the men in Paris.

Russia, it is said, played a big role in the bid to defeat Nixon. Moscow pushed the North Vietnamese towards an imagined "settlement."

Today that issue is academic. What we face now has nothing to do with events in 1968. South Vietnam has been invaded by organized North Vietnamese divisions. The "civil war" masquerade has ended. This is no longer a "people's war," by even the most twisted logic. It is a typical Communist grab for power, made easier because the west continues to delude itself that agreements are possible with such an enemy.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

A DEMOCRATIC CONGRESS VERSUS A REPUBLICAN PRESIDENT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. WYMAN. Mr. Speaker, the present Congress is in the control of the Democratic Party by a margin of nearly 2 to 1 in the Senate and better than 5 to 4 in the House.

This means the Speaker of the House and every single chairman of every single standing and special committee, and every subcommittee, is a Democrat. This, in turn, means that no bill can come to a hearing in committee, or to the floor for a vote unless the Democrats decide it shall.

The result in this Congress is darn little action for America. Why? Because President Nixon has proposed about 90 different programs to the Congress for action—most of them constructive, yet apparently this Democratically controlled Congress is darned if it is going to approve anything President Nixon originates in a national election year whether it is good for the country or not.

This is unfortunate for the people of the United States as able Columnist David Broder points out so well in this morning's Washington Post. It is also very likely, as Mr. Broder concludes, that the American voting public will remember this obstructionism and procrastination by the Democrats in this Congress, in choosing a new Congress this fall.

A FALLOW CONGRESS

(By David S. Broder)

To return from the Democratic presidential primary trial to Washington and the Democratic-controlled Congress is to move from a world of glittering rhetoric to one of petty, paralyzed reality.

While George McGovern, Hubert Humphrey and the rest have been out on the road promising wondrous changes in the offing, their colleagues have been back here—doing what?

Well, the scorecard of major legislation passed by this second session of the 92nd Congress includes two laws that will affect people's lives directly and two other reform measures that may have considerable indirect effect.

Last week, Congress sent the President a massive program of aid to higher education, with a provision included to slow school busing orders. Earlier, it added enforcement powers to the Equal Employment Opportunity Commission. Both those laws will be felt in people's lives.

There's also a public benefit in the stricter campaign financing law, which Congress finally passed last January, a carryover from the previous year, though not many voters will see the advantage in concrete terms. And there may be benefits down the road, if the Equal Rights Amendment for women, which Congress approved, is ratified by the states.

But that about exhausts the lists of significant legislation passed this year. It's a meager catalogue, compared to the needs of the country or the promises Democratic presidential contenders have been making on behalf of their party.

It may be that Richard M. Nixon will overlook this Democratic "creditibility gap," but don't bet on it.

For three years, the President has had before the Congress serious proposals on revenue-sharing with states and cities, and reform of the welfare system. For two years, he has had equally significant proposals on reorganization of the federal executive branch and expansion of health insurance protection.

All of these are matters of urgent national priority. They have been acknowledged as matters of major concern by the Democratic presidential candidates, who—in all the areas except federal reorganization—have offered counter-proposals of their own going well beyond what the President has suggested.

Yet in all these areas, the Democrats will go into convention, less than a month from now, with a record of congressional inaction. To date, the Democratic Congress has neither given the President a final up-or-down vote on his own proposals in these four vital areas nor developed and passed alternative programs of its own.

If there is a justification for this abdication of political responsibility, it does not come readily to mind. And the Democratic convention orators and platform writers will have to be more devious than usual to divert the public's attention from the yawning chasm between their promises and their party's poor record of performance.

It is true, of course, that divided government—with responsibility for the executive branch in the hands of one party and legislative branch in control of the other—is an open invitation to paralysis and irresponsibility. But the Democrats cannot avoid blame by claiming negligence on the part of the President in meeting his domestic responsibilities.

The President has made serious proposals in all these areas. He has not threatened to veto the Democratic alternatives, for, indeed, no alternatives have come close to passage.

In any fair accounting for the paralysis on the domestic front, the Democrats who control the Congress must take the lion's share of the blame.

The truth is that while the Democrats have talked change in this campaign to the point that their likely nominee, McGovern, is accused by some of his fellow-partisans of being "too radical," the reality of the party's legislative record is one of pitifully little progress.

Contrasted with the openings Mr. Nixon has made in the areas of foreign policy where he does not have to wait for Congress to come plodding along, there is real question as to which party can honestly claim to be the party of change.

Where is the Democrats' domestic equivalent of the Nixon "Open Door" China policy? Where is there a law passed by the Democratic Congress in the past four years that rivals in significance the Strategic Arms Treaty Mr. Nixon negotiated in Moscow?

These are questions the voters will be asking, when the rhetoric of the presidential campaign is measured against the record.

"CHET" ASHCRAFT, A DISTINGUISHED CITIZEN

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SHRIVER. Mr. Speaker, C. P. "Chet" Ashcraft, of Hillsboro, Kans., a loyal friend and outstanding citizen, recently passed away in the town he loved. He will be sorely missed because he was so much involved in many aspects of community life for so many years. He had distinguished himself as civil defense director of Marion County, Kans. Mrs. Shriver and I join in extending our heartfelt sympathy to Mrs. Ashcraft and her family upon their great loss.

Kenneth Bruce, editor of the Hillsboro, Kans., Star-Journal, who succeeded "Chet" Ashcraft as editor of the community newspaper, has written an excellent editorial eulogizing Mr. Ashcraft. Under leave to extend my remarks in the RECORD, I include the editorial:

[From the Hillsboro Star-Journal, June 1, 1972]

WE WILL MISS CHET

It's always difficult to write appropriately adequate words when the community loses an outstanding citizen, and even harder when he is also a dear friend.

It has been almost 18 years ago that we purchased the Star-Journal from Mr. and Mrs. C. P. Ashcraft. During the years since then we have been associated with them in many ways and have always considered them very special people.

Not many weeks have gone by that Chet hasn't dropped into our office just to say "hello" or visit. We always enjoyed having a cup with the former editor who usually had a yarn or two to spin. And, if it got to be about noon, his "well, I'd better go home to mama and see what the neighbors brought in for dinner" always brought a smile.

Chet was a good community worker. He served many years as president and manager of the Marion County Fair, an event he sincerely promoted. He was also active in the Chamber of Commerce and in other civic affairs. He could tell about his experiences in helping form a German smoked sausage company; about his various political experiences in the city, county and state; about the great livestock and dairy industry of this area; or about the best places to fish . . . and made it all interesting . . . and often humorous.

A firm believer in the basic principles of life, Chet devoted many hours to his church and to the Masonic Lodge and he was a great family man.

Chet usually spoke his mind and it didn't take long to find out how he felt on a given subject . . . you always knew where he stood. Agreed or not, we knew he loved this community and his contributions to its betterment were many.

We, and so many others, will miss Chet Ashcraft.

QUESTIONNAIRE RESULTS CONGRESSMAN WYDLER'S 1972

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. WYDLER. Mr. Speaker, it has become a tradition in my congressional district to send reports of my activities to constituents and to ask each year for their views on important current national issues, by means of a questionnaire. The questionnaire is now in its 9th consecutive year.

I send the questionnaire to every household in my congressional district, regardless of the occupants' political affiliation. In this way, I can trully test the prevailing opinions on the great national issues.

Once again, thousands and thousands of people of the congressional district have answered the questionnaire. The results have been carefully tabulated, and I am still busy answering the many special comments that have been made on the questionnaire returns. The enthusiastic response proves that people do care about their Government and want to be part of it.

I am now sending a copy of the questionnaire results to each home in my congressional district.

There is no better measure of the real feelings in my district than these questionnaire results. They are the voice of the people.

The following comments are my personal interpretation on these results:

The people in my district believe that network television does not fairly present both sides of most issues.

Then, these same people agreed most strongly—89.24 percent—that Congress should have a standard procedure for Federal intervention in prolonged strikes which damage the public's interest.

There are 86.94 percent who oppose school busing; and 80.85 percent favored President Nixon's visit to mainland China.

The closest issue was over legislation to promote day care centers and nursery schools: 43.53 percent favored it, but 46.20 percent opposed and 10.27 percent were undecided.

One item that I have proposed for years, tax relief for parents supporting college students, received a strong vote of approval—68.57 percent, with 26.27 percent opposed and 5.16 percent undecided.

The complete results are as follows:

1972 QUESTIONNAIRE AND OPINION POLL

	Yes	No	Undecided
1. Broadcasting—Do you feel that network television fairly presents both sides of most issues?	33.21	54.81	11.98
2. China—Do you favor President Nixon's visit to mainland China?	80.85	11.67	7.48
3. Crime—Do you favor stricter gun controls at the Federal level?	74.40	21.05	4.55
4. Economy—Do you favor increasing the minimum wage to $2 per hour?	66.88	26.70	6.42
5. Do you favor a lower minimum wage for teenagers who work?	42.42	50.10	7.48
6. Education—Do you favor legislation to promote the establishment of daycare centers and nursery schools?	43.53	46.20	10.27
7. Do you favor allowing college students to register and vote in the towns where they attend school, including local elections?	29.61	65.06	5.33
8. Granting that busing is inconvenient for everyone, do you see busing as a legitimate means to achieve quality education for all?	9.44	86.94	3.62
9. Do you favor tax relief for parents supporting college students?	68.57	26.27	5.16
10. Environmental protection—Would you favor Federal programs to curb pollution even if it meant higher taxes?	65.63	24.26	10.11
11. Health—Do you favor a national health insurance program to cover catastrophic or prolonged illnesses?	77.24	15.46	7.30
12. Insurance—Would you favor a program of no fault automobile insurance on a national level?	67.35	16.86	15.79
13. Strikes—Do you feel that Congress should have a standard procedure for Federal intervention in prolonged strikes which damage the public's interest?	89.24	6.97	3.79

PRESSING HEALTH PROBLEMS

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 1972

Mr. DAVIS of Georgia. Mr. Speaker, as our society becomes more affluent, and as we strive to better the common good, foremost of our concerns is the solution of many of our pressing health problems. In the past few years, we have made some strides in combating heart disease and we have embarked on new frontiers in the battle against cancer. More recently, we have become attuned to certain health problems which afflict societal or racial groups, such as lead paint poisoning and sickle cell anemia. All of these efforts are indeed commendable and should be continued and expanded.

There is, however, one health problem which has not received the attention that its magnitude demands.

I am speaking of kidney disease which claims some 58,000 lives each year, and afflicts over 8 million American men, women and children. In fact, the highly touted fatality figures for automobile accidents are less each year than those for sufferers of terminal kidney ailments. Kidney disease is now the fourth major health problem in the United States, according to the National Kidney Foundation, but it is a problem which has fallen behind some less pervasive afflictions in appealing to the public conscience and the national pocketbook.

Not only is kidney disease a very serious threat to those who are unfortunate enough to be gravely ill, it also poses an economic hardship upon those who are stricken, their families and their employers. Among women, kidney disease is the No. 1 cause of absenteeism from the job, among men under 25, the second leading cause, and among men over 25, the fourth cause. Additionally, every year some 4,000 little children between the ages of 1 and 6, are stricken with childhood nephrosis.

As with all disease, we will never lay kidney disease to rest until we have committed ourselves to a total approach—of prevention, treatment, and cure. Much of the success of this total approach will lie with the conscience of the American people. Money for research is, of course, vitally important. This year, research fellowship grants for kidney studies totaled over a half a million dollars—a considerable sum except when compared to the scope of the problem. It is clear that additional monetary commitments will have to be made, both in the public and the private sectors.

Professional education is also of key importance. The National Kidney Foundation presently performs the service of providing doctors, medical societies, and social work personnel with up-to-date information on the latest advances in kidney research. Additionally, the Foundation provides information for television, radio, newspaper, and other public service formats so that the individual citizen may also keep apprised of the many facets of kidney disease and the progress in its prevention, treatment, and cure.

I briefly mentioned the public commitment which must be made if we are to stop the ravages of kidney afflictions. For just a moment, Mr. Speaker, I would like to tell my colleagues of an achievement of a number of citizens in my district and in the State of Georgia toward this end. The members of the Marietta Council of the Dixie Chapter of the Telephone Pioneers, a voluntary organization of the Southern Bell Telephone System, began a campaign nearly 1 year ago to collect enough trading stamps and cash to have an at-home artificial kidney machine contributed for present use in Cobb County. This is the first machine of its type to be based in Cobb County, which has a population of over 200,000 persons. As a part of the Atlanta metropolitan area, Cobb County citizens were able to utilize the artificial kidney machines available at Grady Memorial Hospital in Atlanta. But this hospital is the only facility in the Atlanta area which has such machines, and it must serve an extremely large metro population. Clearly, this was a big triumph for Cobb County citizens to receive a kidney machine for use in the county. It was a big triumph for those who worked so long and so hard to make their success a reality. It is obviously a big triumph for those who will now have the benefits of this machine in the privacy of their own homes.

But, in another light, Mr. Speaker, Cobb County's individual triumph points up the insufficiency of our commitment to this Nation's health and welfare. These dedicated people were able to procure one artificial kidney machine to serve a population of over 200,000 people, and throughout the State of Georgia, other chapters procured three more machines to serve their populations. But, with one out of every 25 Cobb Countians conceivably being kidney victims, some of them seriously, one machine is lamentable indeed. We simply cannot afford to rely upon the generous and unselfish efforts of groups like the Pioneers to provide all the necessary equipment for those who are afflicted with kidney disease. These persons are purely a volunteer group. It is wrong to expect that they should provide a major part of our first line of defense against kidney fatalities, when they have other responsibilities, which must come first. And, it is naive to expect that they will be able to meet the rising demand for such equipment without the Government and other institutions making commensurate contributions. What the Pioneers have done, more than anything, is to point up the grave need for strong commitments on the parts of Government, business, and academia toward ending kidney disease. The Pioneers have done much more than to donate a kidney machine. They have donated their time, effort, and money where we have not, and they have shown us the fallacy of our supposed national commitment to this Nation's health and well-being. I take great pride in their contribution of themselves, and I hope that other groups throughout the country will learn from their example. But, I also hope that those of us who are in a position to do much more, and have not, will also take a lesson. In the future, I hope that the Pioneers will no longer retain their distinction of being the only group to have provided an artificial kidney machine for use in Cobb County, and I hope that the Congress will soon concern itself with this important matter.

SHOULD WE TRY HEROIN MAINTENANCE?

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. EDWARDS of California. Mr. Speaker, in the New York Times of June 5, 1972, there appeared an article by John A. Hamilton entitled "Free Fix for Addicts?" This article sets forth the concern of narcotics treatment professionals over recent proposals to introduce heroin maintenance as an acceptable method for the treatment of heroin addiction in the United States.

The advisability of heroin maintenance is a subject which demands close scrutiny and informed debate. Too often in the past has the public dialog on narcotics addiction and the treatment of addiction been tinged with emotion. The Hamilton article makes a significant contribution to the debate on heroin maintenance and I commend it to the attention of my colleagues:

Free Fix for Addicts?

(By John A. Hamilton)

A free fix for junkies? An experimental program that gives heroin to heroin addicts under the label of "research"?

Community leaders in New York City, where a scaled-down proposal along this line is receiving renewed interest from the Lindsay administration, have denounced the idea as "a cruel hoax" and as "colonialist-type thinking." The nation's leading drug experts are also strongly opposed to the whole concept.

Dr. Vincent Dole of Rockefeller University, who developed the use of methadone in the treatment of heroin addiction, calls the thought of dispensing heroin itself "insanity." Dr. Jerome Jaffe, head of President Nixon's Special Action Office for Drug Abuse Prevention, notes the need to supply addicts with as many as five shots of heroin daily and concludes that any heroin-dispensing program would prove "a logistical nightmare."

One of the founders of the British system for treating narcotics addicts, Dr. Richard Phillipson, shares these views. The British system rests on the treatment of addiction as an illness rather than as a crime and, for a while, this treatment consisted mostly of dispensing heroin to heroin addicts. Dr. Phillipson, who is now with the National Institute of Mental Health in Washington, warns against this nation's trying slavishly to follow his original model. He points out that while some heroin is still dispensed in Britain, the British system recently has been moving toward an increased use of methadone.

Nonetheless, despite all this, there are those who persist in advocating a heroin-dispensing program for New York City. The Vera Institute of Justice has presented a formal proposal to Mayor Lindsay's Narcotics Control Council and some members of this council are urging its implementation, linking the drug problem with the crime problem and arguing that if addicts received free heroin they would no longer rob to maintain their habits.

Such an argument may now have special appeal to Mayor Lindsay. Out flat emotionally after his futile Presidential foray, badly bruised in budgetary scuffles with both the City Council and the Board of Estimate, the Mayor is reported interested in launching new programs in problem areas that would at least give the appearance of innovation and activity.

But the fear of crime, as real as it is, and the need for a mayoral initiative are hardly persuasive reasons for launching a heroin program in the face of community and medical opposition. The proposal has serious flaws. It is said that heroin is essential to "lure" street addicts into treatment programs, but the truth of the situation in New York City is more the reverse. There are long waiting lists of addicts unable to gain entrance into existing treatment programs, especially the more scccessful methadone programs. There is less a need for a "lure" than for expansion of these programs. At Rikers Island and at the Tombs, the Manhattan House of Detention, men behind bars plead with medical visitors.

"Hey, man," one said to Dr. Dole recently, "I'm in here now. I've been in here before. I'll be in here again. I need to get into a drug program."

Dr. Dole told him that most programs were now full.

The methadone programs that Dr. Dole runs require funds. Any experimental heroin program would drain away funds. Where methadone can be administered once a day and addicts can be stabilized to hold jobs, heroin would have to be administered more often and addicts would continue to suffer the "highs" and "lows" that go with such addiction. The staffing of a heroin program would have to be double or triple or more that of a methadone program. Again, a drain on scarce funds.

Dr. Phillipson's "grave reservations" about giving addicts a free heroin fix find support in the most recent figures made available by the British Home Office. As of the end of 1970, these figures show that Britain had only 1,430 narcotics addicts, compared to the estimated 150,000 now in New York City. Of these addicts, the Home Office figures show that only 183 were being maintained on heroin. Another 254 were receiving a combination of heroin and methadone, while the bulk some 738, were receiving methadone alone. A remaining group of 255 were listed as "therapeutic" addicts, having acquired their addictions from drugs taken during illnesses or operations; these were receiving a variety of other drugs.

Thus, the free fix that the British now give addicts is not usually a free heroin fix, as some advocates of a heroin program here seem to imply; on the contrary, the British are moving away from the use of heroin and toward the use of methadone. The Vera Institute's proposal for a heroin experiment has a section devoted to a discussion of the British system, but it somehow neglects to mention either Dr. Phillipson or the figures from the Home Office.

MAN WITH A MISSION

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. RAILSBACK. Mr. Speaker, for the past several months, I have had the privilege to serve on the Republican Task Force on National Health. Under the fine leadership of Chairman TIM LEE CARTER, the task force has been attempting to determine how to provide quality medical care to all citizens at a cost they can afford.

Recently an article about Congressman CARTER appeared in the Review, the official publication of the Federation of American Hospitals. This is a well-deserved tribute to an able and dedicated man, and I commend it to all my colleagues:

MAN WITH A MISSION

Congressman Tim Lee Carter (R-Ky) is a man with a mission.

He is chairman of a Republican Task Force on National Health.

The mission, he says, is to find the ingredients to incorporate into a health care program that will provide "adequate health services to all people at the lowest possible cost and, at the same time, preserve the principle of private enterprise."

The 16-member Task Force is investigating the status of health care services and exploring the feasibility of several proposed legislative courses of action in the health field.

Special attention is being given to: comprehensive National Health Insurance; catastrophic health insurance; creation of Health Maintenance Organizations (HMO's); development of medical services in rural areas; medical manpower problems and the use of para-medics; health education and the prevention of illness.

CONCERN OVER COSTS

Congressman Carter, who is a physician, said: "We are endeavoring to study all the major health problems which control persons in America today. Of primary concern, of course, is the mounting cost of health care in our hospitals, clinics and physicians' offices. It is important, therefore, that we search for a means by which proper medical care can best be provided to all groups and all levels of our society without working an undue hardship on any group."

Other members of the Republican Task Force include: Congressmen Donald G. Brotzman (Colo), Clarence Brown (Ohio), Pierre duPont (Del), Edwin B. Forsythe (NJ), Durward G. Hall (Mo); William J. Keating (Ohio), Manuel Lujan, Jr. (NM), Joseph M. McDade (Pa), Stewart B. McKinney (Conn), Jerry L. Pettis (Calif), Tom Railsback (Ill), J. William Stanton (Ohio), Fred Schwengel (Ia), John Ware (Pa), and H. John Heinz III (Pa).

Congressman Carter said members of the Task Force had been interviewing representatives of all interested groups—including hospital personnel, physicians and consumers—in an effort to try to find solutions "to our health problems."

The 61-year-old congressman from Tompkinsville, Kentucky, was elected to Congress in 1964 and re-elected three times. He is a graduate of Western Kentucky State College and the University of Tennessee School of Medicine where he obtained his medical degree in 1937. He was an Army combat medic during World War II. Until his election to Congress, he practiced medicine at Tompkinsville.

In addition to his Task Force and committee assignments, he is a member of the President's Commission on Marijuana and Drug Abuse.

Congressman Carter made these comments in a recent interview with the FAH Review Magazine:

Question. What have been some of the findings of the Republican Task Force on National Health to date?

Congressman CARTER. We, of course, have learned many things about our health problems. One of the most striking conditions is the escalating cost of health services, particularly in hospitals. Also, we have noticed that there is an increase particularly in hospitals associated with educational institutions—medical schools.

Question. In your opinion, what can be done to slow these escalating costs?

Congressman CARTER. We must streamline our medical practice in some way in order to cut out unnecessary tests and reduce the time of stay in hospitals, for example. There are many factors which enter into this.

Question. Will the findings of the Health Task Force be presented to the National Republican Party's Platform Committee?

Congressman CARTER. Yes. In fact, we expect to formulate legislation to implement our findings.

Question. What will be some of your major recommendations?

Congressman CARTER. It is a little early to say just what our recommendations will be. We have some experienced medical people who are assisting us. I thing that HMO's—Health Maintenance Organizations—will be included. However, we want to preserve the right of private physicians to build HMO's if they so desire. There would be, of course, federal financing—loans to groups that wanted to establish HMO's and perhaps grants in the ghetto areas and areas where there is an inadequate supply of medical services, particularly isolated rural areas.

Question. Do you believe that for-profit HMO's should be provided guaranteed federal loans?

Congressman CARTER. If they are for-profit HMO's, I think it should be possible for them to get fair bank loans. But I wouldn't think they should be guaranteed. I believe that grants and guaranteed loans should go to the non-profit organizations.

Question. What type of loans do you feel for-profit HMO's should receive?

Congressman CARTER. Well, they should be provided such loans as they could get from private institutions and perhaps from the federal government, as Hill-Burton gives loans at the present time. Actually, in Hill-Burton hospitals, the hospitals themselves are usually non-profit institutions but the physicians work for profit. I think that this idea can be carried over to the HMO's—that is, loans can be made to an HMO but the physicians would work there, obtaining money for each patient which they have on a fee basis, as they do at the present time.

Question. Do you foresee passage of any HMO legislation this year?

Congressman CARTER. It is possible. But I am not sure legislation will be passed. We have an HMO bill before us at the present time. It was introduced by Congressman Roy of Kansas.

Question. What role do you foresee for HMO's in the future of health care delivery?

Congressman CARTER. I think that HMO's will have a large role. We have had several HMO's throughout the country which have proved to be successful, it seems. HMO's will be able to provide a broad coverage of services—from birth throughout life. Of course, we envision an HMO as being capable of performing all complicated laboratory tests and having within it all types of specialties so that people can get a thorough physical evaluation—diagnosis can be made—and then the patients can receive adequate treatment.

Question. In your opinion, what role will the health care issue have in the 1972 election campaigns?

Congressman CARTER. I believe it will play a part. However, it won't be as decisive a part as other problems because everyone is for health, and each candidate for the presidency, for example, has his own health legislative proposals.

Question. Do you foresee approval of a National Health Insurance bill this year?

Congressman CARTER. No, sir. I do not. I haven't talked with any leader in the House or Senate who thinks that a comprehensive health insurance bill will be passed this year.

Question. Do you favor any particular National Health Insurance proposal that has been introduced thus far?

Congressman CARTER. Many of them have good features. The Republican Task Force on Health will take the better parts of each bill and develop legislation which will be helpful to the American people and, at the same time, cost them as little as possible.

Question. How do you feel about President Nixon's National Health Insurance Plan?

Congressman CARTER. I have been a sponsor of President Nixon's bill, but there are parts of it that I don't agree with. For instance, there is a slight limitation on private enterprise to which I object. While I am for loans and grants to non-profit institutions in certain instances, I want to point out that we have private physicians who want to form their groups, their clinics, their HMO's. I am all for them having the right to do so. I think the more competition we have in the health field, the better our people will be served.

Question. How do you feel about the profit motive in the health care field?

Congressman CARTER. It is just as simple as this. In any profession, you find some dedicated individuals who will work without thought of profit. But a profession such as medicine is different. It is often necessary for a physician to work night after night and on Sundays. The extra pay is an incentive. Sickness doesn't take a holiday.

A physician's work is not like that of a man on an assembly line who works eight hours and goes home. Because of the nature of sickness, a physician cannot be limited to eight hours day. Therefore, he must be paid for the increased amount of work he does.

Anyone who thinks that there should not be a profit motive in health—or in medicine and delivery of health services—would have to feel, then, that a man who works overtime on the assembly line should not receive overtime pay. Many people just haven't rationalized their thinking on this matter. Many are moved by altruistic ideals that would be good if no one would work for money or fame, but each would work for the joy of working—as Kipling has said. But, actually, in real life, it just doesn't work that way. We must have added incentive for extra work whether it is on the assembly line—on the farm—or in the duties of a nurse or a physician.

Question. In your opinion, what is the general attitude of the people toward health care delivery at this point in time?

Congressman CARTER. Well, our country wants adequate health care at a reasonable price. I don't feel the pressure at the present time to be nearly as great for a health bill as it was in 1965 when Medicare was approved. The people do, of course, want adequate health care, and they are certainly willing to pay for it. But, here again, they want it at as reasonable a price as they can get.

Question. As a physician and as a congressman, how do you fel about Medicare and Medicaid?

Congressman CARTER. I feel that Medicare has been a great help to people throughout the country. I think Medicaid serves a useful purpose. One thing I do want people to realize is that we are going to pay for what we get. So many people feel that when they receive health services from the federal government, they're not paying for them. But, they are paying for these services—they will pay for them in increased taxes. There is no other way.

Comprehensive health insurance might be written up or publicized as not costing the people anything. Well, this is the fartherest thing from the truth. They are going to pay for it. It is going to come out of their payrolls. It is going to be reflected in the added cost of manufactured articles.

Under the administration's NHI bill, the manufacturer, for example, would pay 65 per cent of the cost of medical care for his employees for the first two and a half years, and after that he would pay 75 per cent of the cost. All of these things would be reflected in higher cost of goods. Then, there is the worker himself who would pay 35 per cent and then 25 per cent.

So, we have to pay for all of these things, either through increased taxes or through the increased cost of consumer goods. It is really a matter of where we want the cost to be borne.

Another big problem, of course, is to see that everyone receives adequate care.

Question. What do you think can be done to alleviate the health manpower shortage?

Congressman CARTER. We are trying to do something about it in Congress by increasing the number of scholarships and loans for medical institutions and institutions for allied health professions. We have passed a bill that will increase the amount of money authorized for medical schools, nursing institutions, pharmacy, dentistry, podiatry and veterinary medicine. These bills—the Comprehensive Health Training Act and the Comprehensive Nurse Training Act—will provide more funds for the schools and more grants and scholarships for people who want to go to school. I feel that we will have adequate health personnel within the next few years.

NAVY COVERUP

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. ASPIN. Mr. Speaker, the Navy is covering up more than $100 million in cost overruns for sophisticated electronic equipment on 30 new DD–963 destroyers.

The cost of providing the DD–963 with complex electronic decoys and radar equipment has skyrocketed from $75 million to nearly $200 million, according to Adm. I. C. Kidd in response to my questioning before a recent hearing of the House Armed Services Committee.

Rather than calculate the real cost, the Navy continues to stick to its original estimate of $75 million for radars and decoys known as the electronic warfare suit. The real cost of the DD–963 with all its needed electronic equipment will be approximately $95 million per ship, not the Navy's current estimate of $90.5 million per ship.

It is also my belief, Mr. Speaker, that before the first DD–963 joins our fleet, the price tag will be in excess of $100 million for one destroyer.

This latest development is just one more sign that the Navy's massive shipbuilding program with Litton Industries is in deep trouble.

As many of my colleagues may know, Litton currently holds Navy contracts to build five LHA amphibious assault ships and 30 DD–963 destroyers. According to official Navy estimates the destroyers are expected to cost $2.7 billion, or approximately $90.5 million per ship.

In addition, reports in the press have indicated that Litton is seeking an additional $400 million in bailout money on the five LHA amphibious assault ships in addition to the current estimated price tag for the five ships of $960 million.

Between the DD–963 and the LHA program, the Navy is well on its way to producing its own version of the C–5A.

It is my hope that the House Armed Services Committee will give serious consideration to making changes in the Navy's request for $610 million for seven new DD–963's in the 1973 fiscal year budget.

U.N. LAW OF SEA REPORT: SECTION II

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. KEITH. Mr. Speaker, as part of my report to the Congress on the U.N. Law of the Sea Conference, I yesterday submitted for the RECORD remarks by the Honorable John R. Stevenson, legal adviser to the U.N. Seabed Committee, concerning the background on the crisis we face in the Law of the Sea. The second section, concerning the current U.S. Oceans Policy, follows:

U.N. LAW OF SEA REPORT: SECTION II

U.S. OCEANS POLICY

What emerged from the President's statement, was a new United States oceans policy designed to accommodate a wide variety of domestic and international interests. Particularly with respect to maritime limits questions—which are among the most controversial—we sought to understand the major broad limits and of narrow limits. It is our conviction that these interests can be harmonized or accommodated to a large degree in a general international settlement, if they are addressed by dealing with the real problems involved. Such an accommodation should be of greater value and duration than an arbitrary compromise.

The territorial sea and straits

The United States has recognized that the only practical possibility for agreement on the breadth of the territorial sea lies in acceptance of a 12-mile maximum limit. After careful study of our own reasons for adhering to the 3-mile limit, we decided that it would be possible to accept a 12-mile limit if it were broadly agreed, rather than unilaterally asserted, and if it were accompanied by agreement on free transit through and over international straits, that is straits used for international navigation.

The reason why the United States is insisting on this guarantee of free transit through and over straits used for international navigation is that with the move from a three to a twelve mile territorial sea, international straits between six and twenty-four miles would become overlapped by territorial seas. While the right of innocent passage through the territorial sea in straits may not be suspended, innocent passage does not include submerged transit or overflight. Moreover, some coastal States have interpreted innocent passage subjectively, arguing for example that the flag, cargo, or destination of a vessel is a relevant consideration. The absence of clear guarantees of free transit through international straits would create a number of critical pressure points around the world where the potential for conflict could dramatically increase. We saw one such situation develop prior to the 1967 war in the Middle East.

Just as the question of navigation and overflight in straits within 12-miles of the coast is one key aspect of the territorial sea issue, the rights of coastal States over resources beyond a 12-mile territorial sea are another vital aspect of this issue.

Fisheries

With respect to fisheries, there is no doubt that a settlement cannot be reached that does not protect the regulatory interests of coastal States in fisheries well beyond 12-miles. The economic and social problems caused by highly mobile distant water fishing fleets using advanced methods are not unique to developing countries; our own coastal fishermen have the same problems. In order to resolve this problem, we have proposed delegating regulatory authority to coastal States with respect to two types of fish that comprise over 75% of the world's fish catch: coastal species, that is species that normally reside off the coast, and anadromous species, that is species such as salmon that spawn in fresh water, then migrate far out to sea, and finally return to their streams of origin. The authority delegated to the coastal State would be subject to international standards, such as those designed to assure conservation and maximum utilization of fisheries and an agreed formula for historic fishing rights. We regard compulsory settlement of disputes as an essential aspect of any such settlement.

On the other hand, we do not believe there can be effective coastal State management of highly migratory oceanic species such as tuna, which appear off the coast of any one nation for only a short period of time. Accordingly, we propose that such species be managed by international and regional organizations.

SEABEDS

With respect to seabed resources beyond the territorial sea, coastal States already enjoy sovereign rights for the purpose of exploring the continental shelf and exploiting its natural resources. As I indicated earlier, a precise limit for the exercise of such rights was not agreed in 1958, although it is clear that such rights extend at least to where the water reaches a depth of 200 meters (about 600 feet).

This limit would determine not only the extent of the seabed area subject to coastal State sovereign rights over resources, but also the size of the international seabed area that would be subject to a new international regime to be established by the Law of the Sea Conference pursuant to the Declaration of Principles adopted by the General Assembly of the United Nations in 1970. With respect to the international area, the United States has proposed a new international organization to regulate and license exploration and exploitation and to collect revenues from such activities primarily for the benefit of developing countries.

In the context of considering alternative seabed limits, the narrowest limit on which agreement could conceivably be reached would be 200 meters depth. Although the distance from shore of the 200 meter depth varies from several miles to several hundred miles, an average would be less than 50 miles. Many developing coastal States have urged much broader limits for coastal State jurisdiction, such as 200 miles or the entire continental margin.

We have proposed an intermediate zone as a means of resolving this problem. The intermediate zone would begin at the 200-meter depth. We proposed that it continue seaward to embrace the continental margin, but have also indicated our willingness to consider several criteria, including a mileage distance from shore, for the outer limit of the intermediate zone. Within the intermediate zone, coastal States would regulate exploration and exploitation, but there would also be international standards and compulsory dispute settlement designed, for example, to assure protection of other uses of the area, global protection of the marine environment from seabeds pollution, and some sharing of revenues with the international community.

Scientific research

In our view, scientific research in the oceans is, and should be, beneficial to all. The United States supports both maximum freedom of scientific research and maximum efforts to ensure dissemination of the results of such research. There is no inherent contradiction between the exercise of resource jurisdiction by coastal States and the protection of free and open scientific research. On the contrary, such research can enhance the ability of coastal States to derive maximum benefits from resources under their jurisdiction. Thus, one important aspect of the intermediate zone proposal for the seabeds is that coastal State control over exploration and exploitation of resources would not restrict other uses of the area such as scientific research.

Pollution

The United States is vigorously seeking to bring ocean pollution under effective international regulation in a number of different forums. IMCO has produced several Conventions on pollution from ships, and is continuing this work. Also significant are IMCO's attempts to lessen the chances of collisions at sea through such measures as traffic separation. The U.S. has worked for a Convention on ocean dumping, an environmental monitoring system, an international fund for research, as well as other measures in the context of the 1972 Stockholm Conference on the Human Environment. The U.S. draft seabed treaty proposes that the international seabed organization to be established by the Law of the Sea Conference be given broad regulatory and emergency powers in order to prevent pollution arising from exploration and exploitation, and all deep drilling, in the international seabed area. Also, one essential advantage of an intermediate zone on the seabeds is that minimum environmental standards can be fixed internationally, thus better assuring protection of the ocean environment as a whole, assuring coastal States that they will not suffer competitive economic disadvantage by applying such standards, and assuring coastal States not only the right to apply higher standards if they choose, but the right to seek technical assistance from the international authority in doing so.

A SALUTE TO EDUCATION

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BADILLO. Mr. Speaker, with the education amendments passed last week and the Labor-HEW appropriations scheduled for action in the House tomorrow, it is appropriate that we recognize the vital role of education in our society and pay tribute to those who have made America's educational system what it is today.

With our understandable preoccupation over events on the battlefields of Vietnam we may have a tendency to overlook the battles being waged within our own society—the battle for understanding and tolerance, the battle for equal opportunity, the battle for the right to share in America's affluence.

In the front lines of those battles are the more than 2 million classroom teachers in our elementary and secondary schools. Particularly in the disadvantaged communities of our central cities, these men and women are waging a valiant struggle to provide hope and opportunity to children whose lives have been devoid of both.

The internal strength of our Nation is dependent on the products of our schools. The seeds of whatever greatness lies ahead for this country are being sown today in the classroom. To those who bear that responsibility, we must say, "Thank you, keep up the good work."

ESTABLISHING A NATIONAL DYSAUTONOMIA INSTITUTE

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

Statement by Louise Day Hicks Introducing Legislation for National Dysautonomia Institute

Mr. Speaker, I am here today to bring to the attention of this House the existence of a little-known yet devastating disease; a disease which not only kills its young victims, but first leads them through a life of tragic and bizarre symptoms.

It is called "dysautonomia," meaning disturbance of the autonomic nervous system. This familial disease of childhood occurs almost exclusively in descendants of Ashkenazic Jews, from which more than 98 percent of the American Jews are descended.

Dysautonomic children are usually undersized, and have a special facial appearance marked by pallor, a rather fixed stare, unusually high forehead, and an apprehensive, somewhat frozen expression. Characteristic symptoms of dysautonomia include vomiting, poor motor coordination, and difficulty in feeding and swallowing. But the tragically distinctive and indentifying feature of dysautonomic children is that they can cry, but are unable to shed tears. A major problem associated with this defect is that any foreign object in the eye, because there are no tears to wash it out, can often cause corneal ulcers. These ulcers may become so severe that the child's eyelids must be sewn together to heal the damage.

Characteristically, a dysautonomic child is also unable to feel pain or to distinguish between hot and cold. This dangerous insensitivity to pain can make the child oblivious to burns and broken bones, leaving many children scarred and crippled for life.

Scoliosis, the bending of the spine to one side, is another symptom which worsens as the child grows older. Also, vomiting is chronic sometimes going on for days at a time.

About 25 percent of all dysautonomic children die by the age of 10. After that the death rate mounts steadily; about 50 percent have died by the age of 20, usually from pulmonary infections.

The disease is inherited through an autosomal recessive gene. This means that when the diseased gene is paired with a normal gene, its harmful action is blocked, but the person becomes a "carrier" of dysautonomia. The disease, which may skip several generations, occurs when two people who are carriers marry and have children. In such a case, the chances are one out of four that the child will be born with dysautonomia. Today it is estimated that one out of every 100 American Jews is a carrier of dysautonomia.

What can be done for these victims today? Although the disorder was discovered in 1948 by Drs. Riley and Day (and therefore frequently termed the Riley-Day syndrome) today there is only palliative treatment for the disease consisting of using tranquilizers to help control the intense vomiting that occurs. There is no cure for the disorder itself.

Research holds the only hope for these victims. And so I am here today to introduce a bill to establish in the Public Health Service an institute for research on dysautonomia.

The establishment of a National Dysautonomia Institute would enable our country to wage an effective battle against this terrible disease. Through such an institute research programs could be conducted and fostered relating to the cause, prevention, and treatment of dysautonomia. Through this institute, our country would be able to search out undiagnosed victims who can be helped, would be able to find ways to identify carriers and prevent the disease in unborn children, and would be able to find a way of reversing the disease in its present victims.

Moreover, an understanding of dysautonomia would provide not only a better understanding of the workings of the normal nervous system, but would also provide a key to a further understanding of multiple sclerosis, Parkinson's disease, high blood pressure, heart problems, and diseases connected with all the body system affected by the autonomic nervous system.

I urge your support and approval of this bill so that we may begin to make a concentrated and an effective attack on these diseases which threaten our nation.

MAJORITY OF PEOPLE CANNOT HANDLE EFFECTS OF MARIHUANA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BOB WILSON. Mr. Speaker, in the current debate over marihuana, the point is often made by those supporting its legalization, that the use of marihuana does not lead to experimentation with more dangerous drugs. Police and narcotics officials with whom I have discussed this question disagree strongly. I recently received a very moving letter from a concerned mother whose daughter progressed to addictive use of amphetamines from initial contact with marihuana. This mother, understandably, is deeply concerned over any effort to legalize the use of marihuana and I ask my congressional colleagues to reflect carefully on her experiences.

The letter follows:

Dear Congressman Wilson: I am accepting your invitation to write you concerning my views. I received your pamphlet in the mail yesterday and it was the answer I had been looking for. Where to begin in my own small way to do what I could to prevent the legalization of marajuana.

I have just gone through the horrendous experience of having my 15 year old daughter placed under arrest at her High School for the possession of drugs (including a marajuana cigarette) and possession for sale. She was detained in juvenile hall for her own protection. My daughter had become addicted to amphetamines. Fortunately the suppliers were apprehended at the same time. She is now safe and getting the help she needs.

I am adamant about the marajuana, because I know this is where it started for her. Four years ago when she passed through the gates of Junior High School, she found the pressures too much and turned to marajuana for escape. She has told me that it was readily available then and of course it still is. From there it was easy to pop (as she puts it) a few pills now and then.

This is of course not all the story, but it is the basis. I have read all the articles pro and con on this legalizing, and have discussed it with Juvenile Detectives. I just cannot for one minute believe that anything that affects the mind as this drug does, can be beneficial to our society. Many people may be able to handle the effects and walk away, but I truly believe that the majority cannot. I am particularly concerned about our young people. Growing up has always been problematic but it is even more so today. The availability of the various drugs is bad enough in itself, legalizing any one of them is terrifying.

I would very much appreciate your advice as to who else I can write to about this issue.

I appreciate your pamphlet and commend you on the fine job you are doing as our representative.

Yours sincerely,

——— ———.

TRIBUTE TO MR. FARMER PASCHAL

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. JONES of Tennessee. Mr. Speaker, Mr. Farmer Paschal, a close personal friend of mine, whom I deeply admire and respect, of Ripley, Tenn., is retiring after 44 years in the agricultural extension farm program, 33 of these spent as Lauderdale County extension agent. Mr. Paschal has distinguished himself as an outstanding agent and has always been a friend of the farmers in this area. His presence will be sorely missed. The Lauderdale Enterprise, a weekly newspaper, has printed an article on Mr. Paschal which I would like to have inserted at this point:

FARMER PASCHAL

Farmer Paschal, Lauderdale County Extension Agent since 1939, is retiring at the end of this month, to be succeeded by his assistant county agent, Charles Peal, who in turn will be replaced by Dan T. Brown, of Cookeville, a Viet Nam veteran who has previously done Extension work in Selmer.

Friends are invited to greet Mr. Paschal in a reception being arranged by his colleagues from 2:30 to 4 p.m. Sunday, June 25th, in Ripley High School.

Mr. Paschal, oldest of five sons and three daughters of his parents, grew up on a tobacco, wheat, and hay farm in the Cottage Grove community of Henry County.

"My father wanted me to be a lawyer," he says, "and my pastor wanted me to be a preacher. I didn't think I was good enough to be a preacher nor smart enough to be a lawyer, but it took me two years to decide to become a county agent.

"We got a good county agent in Henry County in 1918, and I began to see as a 4-H boy how a county agent could help farm families. Farmers then had no impartial sources of information, and they needed them so much.

"I taught school from 1920 until 1923, spent two years in college, taught school another year, and finished college. On March 16, 1928, I took my last college exams, bought a new car, married Laura Davis, and was hired as a county agent, all in one day.

"I worked as county agent in Decatur County until 1934 and in Chester County until 1939, when I came to Ripley. (J. L. Burns and E. L. Vaughan were on the committee that recommended me to the Lauderdale County Court.)

"I worked with 4-H clubs for almost 18 years, until Lauderdale County acquired an assistant county agent to take over this work.

"In 1939, I began taking 4-Hers to the Mid-South Fair in Memphis, and this grew until we couldn't get enough busses. The school board then agreed to provide busses if we would pay the drivers and provide adult supervisors. We used as many as 21 busses to transport 950 4-Hers to the fair.

"Rat control campaigns we began in Ripley spread to Halls, Gates, and Henning and have been conducted annually for 23 years.

"In Decatur County, in 1931, I helped farmers incorporate a cooperative marketing association for green-wrap tomatoes. Lauderdale Countians have applied this co-operative idea to many projects during my years here.

"Our Soil Conservation District was organized the year I came here, and the Forked Deer Electric Co-operative, serving 6,000 families with 1,000 miles of line, was begun with 171 miles and a loan of $335,000.

"From 1939 to 1942, we supervised a Farm Program to inform farmers about ways to increase efficiency. P. M. Parker, W. C. Viar, Jim Jaynes, and William Hall were committee members.

"In 1941–42, we carried out a mattress project, making 8,200 double 50-lb. cotton mattresses to use surplus cotton.

"In 1944, the Lauderdale Farmers Co-Operative was organized, after the Farm Bureau had shown the way with co-operative sales of $50,000 to $90,000 a year from 1940 to 1944. The Co-Op sold $135,000 worth of supplies the first year, rose rapidly to half a million dollars annually, and served as a model for other counties.

"In 1948, we formed the Lauderdale Truck Growers to market strawberries. It operated successfully for 13 years.

"In 1951, we began chemical weed control work, which was being used on 600 acres by 1960 and today is used on 150,000.

"We worked out procedures for distributing surplus commodities under the County Court's direction in 1957 and 1958.

"We began work in 1958 to rid this area of brucellosis, and the county was declared brucellosis-free a year later.

"We began a farm management school in 1962, meeting with 45 farmers two hours weekly for ten weeks.

"I was called upon to work closely with the Cane Creek Watershed program, which received $3,000,000 in federal money to greatly benefit parts of the country.

"Just last year, Lauderdale County set the pace again with the state's first cotton scouting program, on 1,550 acres—a program being expanded this year and copied elsewhere.

"My 44 years in this work have seen enormous changes, but all of our Extension work boils down to one thing—getting information out to farmers; when they understand, they will respond, and all of us benefit—farm people or otherwise—when we have a strong farm economy."

Paschal won the Distinguished Service Award of the National Association of County Agricultural Agents in 1944.

Through careful planning, preparation, organization, patience, and perserverance, he made the county agent's work look easy to those not familiar with the many demands upon his office and the long hours, including night meetings, often involved.

Records show that for the last 26 years, he made an average of 235 farm visits, talked to 1,350 farmers in his office and 1,573 by phone, made 275 5-minute radio broadcasts, held 102 meetings of 8,305 farmers, distributed 1,924 bulletins, and prepared 150 news articles each year.

Mr. Paschal has used newspapers and radio extensively to inform farmers. He wrote for the Herald and the Parsons News Leader in Decatur County and the Chester County Independent in Henderson. Th Halls Graphic and The Enterprise have carried a regular weekly column by Paschal, much of which has been used also in The Jackson Sun, with Memphis and Nashville papers carrying many items. He has had a regular farm broadcast on WTRB in Ripley.

After the death of Mrs. Laura Paschal, Mr. Paschal married the former Mrs. Emma Lou Roberts, of Double Bridges. They will continue to reside in Ripley as the veteran Extension agent "takes on a few projects I haven't had time for up to now."

ECONOMY CONTINUES TO PLAGUE OUR NATION

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. LANDGREBE. Mr. Speaker, problems with the economy continue to plague our Nation, and citizens from throughout the country are concerned with it. Of special note is a letter I received from Mr. John R. Montgomery III, president of the Lakeside Bank of Chicago. I insert his remarks along with remarks that I made recently in my weekly newspaper column for my constituents. I ask my colleagues in the House to take heed of these evaluations:

MAY 1, 1972.

Hon. EARL F. LANDGREBE,
Longworth House Office Building,
Washington, D.C.

DEAR MR. LANDGREBE: The Federal Reserve Board in its annual report for the year 1971 stated that economic recovery "will depend importantly on a strengthening in consumer demands". We are told that personal income is at an all time high and yet consumer savings continues at an historically high rate. How likely is it that the consumer will spend more money and incur more debt in 1972 to spur an economic recovery?

I thought you might be interested in the results of a study we initiated recently in our bank. We have 47 employees. Except for promotional raises (2), no officer or employee received more than a 5% increase in pay in 1972. After adjustment for these promotional raises and terminated employees, our average raise from December 1971 to January 1972 was 4.14% on a comparable basis, well within the Federal guidelines. With the expiration of the surtax, 1972 federal income tax rates are less than the 1971 rates. There has also been an increase in the personal exemption. These will have an impact on taxes payable in 1973. However, as a result of insufficient withholding last year, many people have an unusually large out-of-pocket liability to meet by April 15 this year. To prevent a recurrence of this situation, tax withholding rates were increased in 1972. In our bank, without considering F.I.C.A. taxes, federal income tax withholding increased from December 1971 to January 1972 by 17%. *Thus, not only do many people have significant cash tax liabilities to meet this April, but the effect of increased withholding is to limit the raise for my average employee to only 0.8%.*

Now we are told by leading economists across the country that inflation is to abate in 1972 and the rate of inflation will approximate 2½% to 3½%. *Well, the employee whose average salary increase was 0.8%, if the rate of inflation is 3%, will actually be making 2.2% less this year than he did last year.*

Our bank hosted its Sixth Annual Business Forecast Luncheon in February. At that time we distributed questionnaires to our guests so they could prognosticate what sales, profits, demand for loans, etc. might be during the coming year. We had about 100 local businessmen in attendance. *The composite guess on the rate of inflation for 1972 was 5.3%!* This, of course, seems high until we read that in February the wholesale price index went up (adjusted for seasonal variations) 0.7%. Should this monthly increase in prices continue at the same rate during 1972, the annual rate would be 8.4%!! Naturally, we hope this will not happen, but it does seem apparent that the annual rate of inflation in 1972 will exceed the 2½% to 3½% forecast earlier. *If the increase is 5.3%, which does not now seem at all unrealistic, my average employee will face a loss of spending power of 4½% in 1972!* Facing the prospect of higher Federal income taxes (or a value added tax) in 1973, increased Social Security taxes, higher real estate taxes, probable further devaluation of the dollar which will have the effect of increasing domestic prices, together with continued and possibly more pervasive economic controls, can the consumer be expected to trigger an economic recovery? Or, given the uncertainty the future holds, is he likely to continue his high rate of savings and shy away from increased debt?

With this continued increase in prices, it is apparent that controls are "not working". Since Congress has shown no historic propensity for self-incrimination I am sure it will feel that the obvious answer is to make controls more pervasive and more mandatory. But how can controls possibly work when it is Congressional spending itself which continues to create these gigantic inflationary pressures?

We ran a $25 billion deficit on top of a full employment economy in 1968. In 1971, we ran a $23 billion deficit. In 1972, it looks like $40 billion. Budgeted for 1973 already is $25.5 billion!! We are being asked to pay the price for government excess. Who is controlling the government?

If, in fact, we have a concern for minorities, for the poor, the aged or persons otherwise handicapped, we must stop this excessive government spending. *No amount of government spending for the very groups we say we care most about can replace the purchasing power lost through deficit-created inflation.*

Is there some way we, as bankers, while still remaining responsible to our stockholders can help you return a measure of sanity to our monetary affairs? I am concerned for the welfare of my family, my employees, my customers and my country.

Cordially yours,

JOHN MONTGOMERY,
President.

THIS WEEK IN WASHINGTON

(By Congressman EARL F. LANDGREBE)

WASHINGTON, D.C.—The Chase Manhattan Bank reports, "If inflation is not effectively restrained over the next few years, periods of interrupted growth and high unemployment will be inevitable—and probably frequent. Future inflation would also pose persistent questions about the position of the American dollar, with consequent disruption of international trade and monetary relationships."

Inflation must be controlled over the long run. Wage-Price freezes and other such controls are merely stop-gap measures. They retard inflation for a short time, while attempting to maintain an acceptable rate of growth. However, they are not effective in slowing down the combined effect of inflation over the period of several years.

However, the Congress constantly faces increasing pressure to spend federal money to solve social problems. I agree with the report that "control will indeed be lost if the future implications of all Federal spending programs are not fully understood." Programs are enacted which cost little at the start, but whose cost rapidly escalate as time goes by. It would be simple to raise taxes, but also stupid to do so. I think insufficient effort is made to keep spending at a level that matches incomes

I have refused to vote for proposals that continue to represent this ridiculous system. On March 15, I voted against infusing another $170 million into Amtrak. In 1970, it was sold to the Congress as an experiment. In 1972, it comes back to the Congress requesting more money to operate. Unfortunately, the bill was approved in the House 312 to 63.

On March 15, I also voted against an additional $911.6 million for federal unemployment compensation in excess of originally anticipated levels. However, this measure passed the House also.

I have opposed a college subsidy that would guarantee a flat sum to each full-time student in attendance at every institution. To expect the federal government to pick up the tab for everyone's college education is foolhardy and costly.

Too many of these have already been approved by our liberal-controlled Congress. Thus, as federal expenditures have soared to new heights, so also has the federal debt. As a result, another increase in the debt limit, in the amount of 30 billion dollars, was approved this week, bringing our National Debt Limit up to a startling 450 billion. Of course I opposed this increase. Remember, the interest on our debt is now costing the taxpayers of this country $43,000 per minute.

Statistics indicate that unemployment is dropping. As the country heads toward full employment, economists warn that the increases in federal spending will make longer inflationary deficits inevitable. Such things as these attack the fiscal sanity of this great nation.

Should the President establish more rigid controls? I say "No!" Not only can controls be counterproductive to normal adjustment of the economy, but more important, they violate our free enterprise system!

We must take a long range look at the country's spending and budgetary process. We must combat deficits and inflation by examining the total picture, not only isolated parts. Government common sense should diminish, rather than increase, interference in this free enterprise system.

THE STARS IN OUR EYES

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BURKE of Florida. Mr. Speaker, in 1777, the Continental Congress declared the Stars and Stripes to be our country's national flag. There have been many stars added to our flag over the years, and, I am proud that I can join with my colleagues and those in our country who recognize the many great things that our Nation's flag stands for, in this tribute on Flag Day.

There are many in our country, however, who would not only destroy our flag but the Nation which it symbolizes as well. Unfortunately these few who have burned and desecrated our flag, and those who teach and practice revolution for destruction's sake, know little by personal experience of conditions in other countries. Those who have suffered as citizens of other countries less free than ours know the greatness of our country. To them the stars in our flag are symbolic of a heaven-sent blessing.

The price of freedom is vigilance and the willingness of our people to make sacrifices for God and country. We could lose our freedoms by taking them too much for granted. We should take time to remind ourselves that ours is a nation under God despite the propaganda by the desecrators of our flag who would like to make us believe otherwise.

Recently, on June 2, 1972, Yolanda Maurer, a reporter for the Fort Lauderdale News, one of the newspapers in my congressional district, wrote a very thought provoking article which reveals her feelings as one who immigrated to our country and became a citizen with respect to her anger at the recent desecration of the American flag by some last Memorial Day. I commend this article to all patriots and nonpatriots because it is worth thinking about.

TORTURE OFFENDERS: FLARE UP OVER FLAGS

(By Yolanda Maurer)

I'm angry.

In fact, I'm boiling mad.

I've been mad and shaken with helpless anger ever since the news of the desecration of the flags on Memorial Day by local vandals came out in the paper.

Normally, I don't take too kindly to flag-wavers and patriotic speech makers.

I figure that love for your country is as natural as love for your family: you don't have to talk about it all the time to convince yourself or others of it.

Besides, I've seen too many dictators in my days use narrow nationalism in guise of patriotism not to be afraid by certain ways of waving the flag . . .

But for anyone to abuse the American flag—and on the graves of soldiers besides is too much.

If whoever did it is found, I think that fines or even prison would be ridiculous.

I think we should re-instate the good old torture system of the medieval days—and let them have a little of it at a time . . . for each soldier who died for that flag.

This may seem like a pretty violent reaction to you.

So maybe it is.

Maybe it is because I remember how I saw the American flag close-up for the first time.

It was through the bars of a military prison in North Africa, where the Germans had imprisoned a group of hostages. I was one of them.

We had been there for a few weeks, and we knew that our only chance of not being shot was if the Americans made it on time.

There had been the sound of battle raging outside all that night, and, at dawn, from inside the jail, we didn't know who had finally won . . .

Suddenly, there were shouts outside, trucks driving up, men getting off . . . men running through the corridors, doors banging open all the way down the halls . . . and suddenly, they were there!

The Americans were there . . . tall, handsome, dirty, smiling, grinning, kissing, looking to us like the Angels from Heaven themselves . . .

And behind them, in the bright sunlight of the courtyard, a sun we hadn't seen for many a day, there was a beautiful flag waving gently in the sun, a flag full of stars and stripes, the flag of America.

We had waited four long years of shame, frustration and anger to see this flag fly freely—with all that stands behind it.

Nothing since, except the sight of a loved face—has ever looked as beautiful to me.

This is perhaps why I take the desecration of the flag as a personal injury.

I am not American-born.

America is my country by adoption, by choice, so to speak.

Sometimes, people love their adopted children even more than their natural ones.

Because they didn't just happen to be born.

They were chosen, selected, desired, and wanted eagerly.

You have some of these same feelings when you "choose" a country and renounce the one of your birth.

You can't stand to see it abused, debased or vilified.

This doesn't mean that you are blind and deaf to its shortcomings and its failures.

Which would be a form of stupidity.

Its just that, with all the things wrong with America—and believe me, I know them all—I still can see all the things right with it.

America—and the flag for which it stands—has fed half the earth in times of need, has spanned the cosmos to walk on the Moon, has built more courtrooms to keep its people free, and more classrooms to educate them than any one else, has made the world safe from disease, and continues to do so, has been the first to come to the rescue of every country in the world struck by a natural calamity.

America, rebuffed by other ideologies, forgetting that it is the mightiest of them all, still tries with good faith and humility to build a bridge to live with others in understanding and peace.

Its President, putting pride aside, takes the first steps and covers the world in search of that peace and understanding.

What other country could you pick to "adopt" that would make you prouder?

And, when hippie-like, I say: "Keep the faith, baby", the kind of faith I mean is in America—and the flag which stands for it.

Those who have forsaken even this faith must know inside, the darkness of Hell.

EDUCATIONAL TELEVISION

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. KEATING. Mr. Speaker, on June 1 the House-passed legislation expanding the Nation's public television program. In light of this action and expected Senate consideration of the House-passed bill, I would like to bring to my colleagues' attention a project that my office participated in with the cooperation of educational television in Cincinnati.

My office, in conjunction with the Cincinnati Chamber of Commerce, and Congressman Donald Clancy sponsored a congressional intern program which made it possible for select Cincinnati area high school students to visit Washington. The program was recorded by Cincinnati educational television, WCET.

Two WCET staff members accompanied the students on their trip to Washington. Gene Walz, manager of special projects, filmed and directed the program; and Thomas Brumley, coordinator of school services, produced "The First Congressional Scholarship Tour." The script for the program was written by A. James McAdams III, who was one of the student participants in the program. The program, which has been shown in several classrooms, is a two-part series documenting the congressional tour. On Sunday, June 18, the two programs will be shown together from 6 p.m. to 7 p.m. Marjorie McKinney, director, Department of Instruction, at WCET, said that:

> The programs demonstrate the tremendous creative potential that can be used in educational television.

The program shows the activities of the 50 students as they heard speakers that ranged from Congressman Robert Drinan, Democrat of Massachusetts, to Special Assistant to the President Clark McGregor.

Justice Potter Stewart of the U.S. Supreme Court discussed the role of the judiciary.

The students had discussions on the role of the House with Speaker Carl Albert and Minority Leader Gerald Ford. They also heard from Congressman John Anderson, Republican of Illinois. Both Congressmen Anderson and Drinan discussed the need for congressional reform and the role played by the House Rules Committee.

Two national reporters from Scripps-Howard discussed the role of the press in Washington.

Ohio Senators Taft and Saxbe talked to the students about the role of the Senate in the legislative process. Senator Taft discussed his work on the Senate Labor Committee and Senator Saxbe spoke of the confusion that often arises in the legislative process and appropriations.

To study the role of the committee in the legislative process the students sat in on a hearing on the rights of Spanish-speaking peoples before the Judiciary Subcommittee on civil rights oversight. They were addressed by committee Chairman Don Edwards and ranking Republican Charles Wiggins. Then Mr. Jerold Zeifman, counsel for the committee, talked to the students on the history of the equal rights amendment which had gone through this subcommittee.

The program shows the students participating in a panel discussion with congressional staff members from both Republican and Democratic offices.

Tom Brumley, who produced the two programs, stated that the goal was to allow students who did not travel to Washington to share some of the insights into how Government operates. He added:

> This program demonstrates the potential of education/public television to make the learning process more interesting.

THE CIVILIZING ROLE OF OUR NATIONAL PARKS

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, in honor of the hundredth anniversary of the signing of the act creating Yellowstone National Park, the first national park, President Nixon has proclaimed 1972 the National Parks Centennial Year. The celebration of this centennial has been marked by an outpouring of affection and concern for the parks on the part of press and public.

On May 28 the Sunday Star published a thoughtful contribution to the national dialog. Titled, "The Civilizing Role of Our National Parks," the article presents in graphic terms the significance of the National Park System and the challenges to it posed by the Nation's expanding need for recreation resources.

The Congress bears primary responsibility for establishment of the policies and provision of the funds which will define and sustain the development of the system during the coming decades. Believing my colleagues will find the Star article most informative, I present it for inclusion in the Record:

The Civilizing Role of Our National Parks

Every weekend from now until late summer that string of camper pickups headed out of the city, to the mountain parks and national seashores, will be getting thicker and thicker. There will be thousands more than there were at the same time last year. For disillusioned though they may be with many visions and enterprises, Americans are enjoying a resurgent love affair with the dream of the American wilderness.

The intensity of that seizure is indicated in a recent study report for which the government contracted. In this 100th year of the national parks system, an independent survey group proposed that a cool $100 billion be spent in the years ahead on the purchase and development of parklands. That would add 52 million acres of parks of all kinds, and a national bond issue is the reommended financing device.

Preposterous? So it seems at first glance, and the idea probably is much larger than anyone's hope of attainment. The country is, after all, caught in a painful squeeze of priorities, and cannot possibly afford the ideal solutions to all its problems. But the reports which the National Park Service recently received from several study task forces afford some valuable views of what ought to evolve in the American outdoors. They raise provocative questions about alternatives in the uses of the remaining open spaces, urge the creation of national parks within urban areas and warn of the penalties of failure to enlarge the public preserves. Some of those penalties are becoming clearer all along in the explosion of outdoor recreation.

No one expects that boom to abate. Perhaps more than ever before Americans have come to realize that the parklands and other unspoiled retreats are vital, beyond calculation, as civilizers of a people whose nerves are becoming ever more frazzled. Urbanization and industrial civilization, which were to give security through the conquest of nature, have produced their own shattering insecurities. This was foreseen long ago by the naturalist John Muir, who helped create Yosemite National Park. "Thousands of tired, nerve-shaken, over-civilized people," he wrote, "are beginning to find that going to the mountains is going home, that wilderness is a necessity, that mountain parks and reservations are . . . fountains of life."

The problem today is that the fountains are clogging up, because Muir's thousands have turned into surging millions. More than 200 million individual visits were recorded at the national parks last year, and the estimate for this year is 212 million. City-dwellers are streaming out in ever-increasing numbers to seek the therapy of nature, and will continue to, as urbanization continues. But what they're finding, all too often, is the same congestion they left behind—bumper-to-bumper traffic, overflowing campgrounds, noise and air pollution.

All recent studies on the subject come to the same conclusion: The national parks system is seriously underfinanced, and a good many of the parks are overrun by hordes of people and their vehicles. As the crush has intensified, one would suppose that the Park Service has been enlarged, at least moderately, to face the challenge. But no, its personnel actually have been cut by 5 percent, and it operates under a reduced and severe manpower ceiling. This austerity prevails while park rangers take on extra duties of traffic-policing, and chasing vandals who now inflict upwards of $1 million a year in damage on the parks. Though the rangers work countless hours of overtime, out of dedication to their jobs, they never catch up.

If Congress wants the parks to serve the public adequately, and not be trampled by under-regulated crowds, it must come up with considerably more money. While President Nixon has proposed the largest increase in history for parks management and operations, his budget request still leaves a gap of $18 million below the estimated needs for the next fiscal year. The lawmakers would do well to increase the funding so the Park Service can do more than desperately hold its own.

If it does only that, the pressures for expansion will keep building up and ultimately, we suppose, something will have to give. And there are many well-conceived plans for relief when the administration and Congress decide to embark on larger designs. Many older parks need to be made much larger, and new ones should be created, especially in the more populous sections. Park Service Director George B. Hartzog Jr. has some exciting ideas for bringing parks to the urban areas, where they are needed more than anywhere else.

He envisions, for example, the "recycling" of large acreages that have been blighted or neglected in the industrial onrush. Lands ravaged by strip mining and assorted industrial pollutions could be included in such a program, and eventually turned into models of natural beauty. They would be cheap to acquire and generally close to large cities, and Hartzog suggests the purchase of large chunks as "national park reserves." It is a most appealing conception, now under study by an Interior Department committee.

But the pressing need, right now, is for the purchase of much parkland of both high and low quality. This is far more important than park developments because, as the wiseacre realtors say, nobody is making any more land these days. What's left is being consumed at a phenomenal rate, and much of it is property that should be in the parks of the future. Congress has been too parsimonious in funding land purchases for new parks and additions to the older ones. As it hesitates, the real estate prices keep rising and hence the task of acquisition becomes ever more difficult.

By far the most critical aspect is the matter of privately owned lands within national park areas, which should be purchased to prevent commercial degradation of the parks. These add up to almost a quarter of a million acres and could be bought for about $300 million—certainly not an exorbitant amount. Hartzog regularly has sought $25 million a year for such purchases, but never has gotten much more than $10 million. So business ventures—even new towns—may be springing up on lands in park areas that the government should have owned a long time ago.

Beyond this lies the primary problem: The better national parks are too far apart and too far from the main concentrations of people—the city folk most in need of escapes to nature. Some major new parks, and smaller ones too, should be developed in the Boston-to-Richmond urban corridor, and in several other rapid-growth strips.

This year, though, the parks people are just hoping to cope with the vehicular onslaught. And in some places they're using transmitters that broadcast to the radios of visitors' cars, even as helicopters are used to advise rush-hour commuters in the cities.

Further, the Park Service is threshing about in a role conflict. Many environmentalists contend that its dual functions of preservation and recreation are incompatible—that mass recreation is inherently offensive. It seems to us, however, that the country is fully capable of preserving larger and larger natural areas, and at the same time providing more public recreation in high-density sectors. There is still enough land for full, parallel accommodation of both of these values, if the government will only acquire it. Until that acquisition begins on a much larger scale, however, preservation must be given top priority, even if that finally means setting entrance quotas at some parks.

Just to bring the existing park system up to standard, Hartzog says, more than $2 billion should be spent for land and development. A lot of money, but Congress should begin thinking in terms of some large installments. For the parks, we can see now, are literally springs of life, and Americans will be needing them more in the years ahead.

NEED TO REFORM EDUCATION

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. HEINZ. Mr. Speaker, we have made a tremendous investment in the youth of this Nation through our support and passage of the conference report of the Higher Education Act Amendments of 1972.

For the first time, every high school graduate may pursue a college or related higher education, with no requirement that he or his family be wealthy.

Though not entirely perfect, there are many good features in this legislation, especially the amount of per student grants, the fact that veterans may benefit greatly from the program, and that the student is given freedom of choice as to his school of higher learning, since the grant is made directly to the recipient. I am particularly pleased that for the first time, the amount of any grant is based on the need of the student, taking into account factors other than just income.

I would add that although I am encouraged by this badly needed step forward, and recognize the potential impact of this major national investment, I would urge my colleagues to work to guarantee that we get our money's worth.

There are far too many high school students today who are turned off by the education we afford them before any opportunity to pursue higher education is theirs. Even as early as elementary school, the system beyond their control has made these young men and women a poor educational investment risk. I believe, therefore, that we must pursue the reform of our elementary and secondary education to better prepare our young people for both the challenges and satisfaction of a post secondary or higher education. In fact, I am convinced that in many cases, it would be valuable to begin earlier and with a more thoughtful approach, as proposed at various times to this Congress within the last 6 months, by means of child development services not just restricted to compulsory education, but also to meet minimum health care and nutrition requirements as well.

These are vitally needed by many disadvantaged children so often found today in our urban school systems. Indeed, if we are to maintain the health and viability of public education for one and all, we must bring about meaningful change in our ability to deliver on the promise of equal educational opportunities.

We must work to create an educational system, both in the city and suburbs, that helps students more, rather than hinders them, that provides better trained educators and administrators, and that develops better teaching methods.

Only then will we realize a genuine return from the investment we have made, through our recent vote, in the Higher Education Act Amendments of 1972.

FARM PRICES AND FOOD PRICES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. ZWACH. Mr. Speaker, water lays on the land in much of our Minnesota Sixth Congressional District. One of the wettest springs in history has kept our producers out of the fields; so much of our corn is still unplanted. What is now planted may never mature, because of our short growing season.

This is an added burden in addition to those the producer already carries.

There was an interesting column in the West Central Daily Tribune at Willmar by Ann Bosch, Kandiyohi County extension home economist which I would like to share with my colleagues by inserting it in the RECORD.

She relates some facts and figures in regard to farm and food prices which all of us could well bear in mind:

FARM PRICES AND FOOD PRICES

Some interesting facts and figures about the American farmer, the food he produces for the American consumer, and why they cost what they do:

In the last 20 years—

Wholesale food prices have gone up 20 percent.

Retail food prices have gone up 43 percent.

Farm prices for food products have gone up only 6 percent.

Retail food prices have not advanced as much as other main categories in the cost-of-living index.

Twenty years ago people paid 23 percent of their take-home pay for food.

Last year they spent 16 percent of their take-home pay for food.

This year they are expected to spend less than 16 percent.

Twenty years ago the farmer received 49 cents of the dollar spent by consumers for farm-raised food. Farmers are now receiving only about 38 cents of that dollar.

In the last 20 years, while output per man hour in the manufacturing industries has multiplied by 1.6, output per man hour on farms is up by 3.3 times, or more than twice as much as in industry.

Twenty years ago one farm worker supplied 16 people with food. Now he produces enough for 51 people, an increase of more than three times.

While the American consumer was spending a decreasing amount of his take-home pay for food, that food was increasing in quality and quantity:

Farmers produced and marketed 21.9 billion pounds of beef in 1971.

Twenty years ago, they produced and marketed only 8.8 billion pounds.

Last year beef consumption per person averaged 114.3 pounds.

Twenty years ago the average consumption per person was 56.1 pounds.

Twenty years ago, only a third of the beef produced was of Choice grade.

Now 60 percent of beef production is graded Choice.

Beef and veal imported from other countries to help feed the American consumer have increased 3.7 times in the last 20 years.

The increase in food prices is primarily because of higher wages:

Average wage rates per hour of production workers in manufacturing are 2.3 times higher than 20 years ago. They were $1.56 per hour in 1951 and $3.57 in 1971.

The average hourly earnings of food marketing employees is 2.5 times higher than 20 years ago. They were $1.31 in 1951 and $3.24 in 1971.

The largest increases in the cost of food are for food eaten away from home, where labor and services are the main ingredients of food cost. Total food expenditures away from home have risen 79 percent in the last 10 years and the price index for food eaten away from home has increased more than 50 percent in the last 10 years.

CORRECTIONAL SYSTEMS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. RAILSBACK. Mr. Speaker, rehabilitation and the preparation of the offender for resumption of normal social and occupational activity should be the major purpose of the correctional institution. Recent turmoil at prisons, reformatories, and jails, as well as high recidivism rates, provide a basis for questioning our current system of criminal confinement and rehabilitation. My own conclusions, based on study and investigations as a member of the Judiciary Subcommittee charged with inquiry into our correctional systems, are that rehabilitation of the incarcerated is in most instances a theory rather than a practice. Corrections rarely correct; the system does not prepare the offender for his return to society—and 19 of every 20 incarcerated do return.

One of the most concerned and knowledgeable individuals in this area is my distinguished colleague from Illinois, the Honorable Abner J. Mikva. The following remarks by Congressman Mikva were made at a public hearing in connection with the plans of the State of Illinois to construct four new, small, community-based adult correctional facilities in or near major metropolitan areas. As an alternative to traditional confinement, such facilities offer a bold, imaginative step in the direction of reducing the high crime rate. I am pleased to insert my colleague's remarks and to share them with the membership:

Testimony of Congressman Abner J. Mikva

Mr. Chairman, it is a privilege to be here this morning to testify in support of the plans for a community based correctional center in Cook County. Under the direction of Peter Bensinger, Illinois' Department of Corrections has established itself as a leader in prison reform. It is one of the most progressive states in the country in this area, and these hearings today represent another example of that leadership. The hearings are especially important because, right now, the state and the Department of Corrections are at a critical point in their efforts to reform the prison system. It would not be an exaggeration to say that the rest of the country is watching to see what happens.

It is fashionable now to talk about prison reform. Most public officials and political candidates all have positions on it and, like the flag, they are all in favor of it. Doing something about the problem—really reforming the correctional system—takes more than rhetoric. It demands courage and vision and diligence. The Department of Corrections has those qualities and, for once, the state legislature has given the Department some of the money to put the courage and vision into practice. But one more ingredient is necessary, and that is why the Department is holding these hearings. The ingredient is public support, and without it, there won't be any prison reform.

The state in effect has left the matter in our hands now, the hands of the people who live in Cook County. We are being asked to put up or shut up, to support prison reform or stop making hypocritical statements about it. We are being asked to support the Department's plan for a community based correctional center in Cook County. More is at stake than just that though. The rising crime rate in this country is a national crisis. It is not an "urban" problem or a "black" problem or a problem just for poor people. My neighbors in Evanston are concerned about it, just as Director Bensinger's neighbors in Chicago are concerned about it. Most people recognize the urgency of the crisis, and there are constant demands on government and law enforcement to "get tough" with the crime problem. By proposing a community based correctional center, the Department of Corrections is attacking the crime problem head on, and it is asking us to help by supporting the plan.

THE NEED FOR COMMUNITY-BASED CORRECTIONAL CENTERS

For the last 150 years, the prison system in this country has been a dismal failure. It just has not worked, and the steadily rising crime rate is evidence enough of that failure. The crime rate will not go down as long as most of the people we send to jail return to crime when they are released. It is a particularly vicious circle. The present system almost encourages men and women with a "record" to return to crime, and the police end up catching the same criminals over and over again.

A good part of the problem lies with the very philosophy behind prisons in this country. Traditionally, society has responded to crime with punishment—vengeance and retribution. People convicted of a crime are taken away from their families, their jobs, and their communities and they are locked up. They are kept behind high walls and barred windows and, sometimes, they are thrown into pits and denied meals or showers as additional punishment. The theory is that this will teach them a lesson. It is supposed to be such an awful experience that no one would ever take the risk of committing another crime.

That is the theory. And, for the last 150 years, we have been learning that the theory did not work well in practice. Even with the intolerable conditions that exist in many jails and prisons today, that threat simply does not prevent people from committing crimes. It is not a deterrent. Some criminals think they will not be caught and, unfortunately, many of them are not. Even more important though, many people today live with such desperation and futility that the risk of imprisonment is not much worse than the prospect of continuing their day-to-day existence.

We have a difficult time understanding how they think and react, but it must be a terrible feeling to be shut out by society. It must be a desperate feeling to know you are undereducated, unemployed and unemployable—to know that you have virtually no chance of sharing the American dream. With that feeling, a person is likely to strike out in desperation. Punishment will not prevent it, nor will it correct that feeling.

There is another theory of penology—rehabilitation. It is nothing new, but we have been having trouble making it work. One reason is that, as a nation, we have been unwilling to commit enough resources to do the job. After all, it is easier to lock people up than to try to correct them. That unwillingness surfaced again in Congress recently when several of my colleagues suggested that we cut the appropriations for prison teachers and psychiatrists and counselors. It is a curious attitude for an enlightened nation, because rehabilitation can work and does work. We have had enough success with it to know that—so have other countries, especially in Scandinavia. When it comes to "correcting" a criminal offender—job training, education, personal counseling works a thousand times better than throwing the man into the "hole."

Rehabilitation has not worked well because our prisons often try to rehabilitate and punish at the same time. Rehabilitation won't work in a setting characterized by force and violence and intolerance—or an atmosphere of coercion. If rehabilitation is forced, if it is used as a ritual or a ticket to release, it will not work. A man must want help before he can be given help. Now, no one is talking about "coddling" prisoners or giving them "country club living," but one thing is certain we can never rehabilitate men and women if we try to do it in the fortresses and dungeons that we call "prisons." There is a need for a dual correctional system—one kind of place to send people to punish them and keep them away from the rest of society (some people may never be able to be rehabilitated)—and another kind of place where people can get help after they have been punished or instead of being punished.

THE VIENNA EXPERIENCE

There are a great many places in Illinois where we can send people to punish them. But there is only one place in the state that is designed for rehabilitation. It may be unique in this country, and it certainly is the most progressive correctional institution we have.

That place is in Vienna, Illinois; the Vienna Correctional Center. It is a community-based correctional institution, and it works.

Unlike our prisons, Vienna is not a human warehouse. There are no stone walls, or guard towers bristling with rifles and machineguns. The prisoners there have rooms, not cells, and they wear name tags instead of numbers. A man who goes to Vienna comes out with a skill that he can use to get a decent job. He comes out with some hope, and an attitude that will lead him away from, not towards, a life of crime. He has a chance to make it on the outside and make it on society's terms. It is community-based despite the fact most inmates do not come from the Vienna area. It is community-based because of the facilities in the community—from the junior college to the employers.

The Department of Corrections wants to build another Vienna in Cook County. After visiting Vienna earlier this year as chairman of a House Subcommittee on prison reform, I find the Department's proposal refreshing and encouraging. It is a major step in the right direction.

SOME QUESTIONS AND ANSWERS

No one expects the idea of a community-based correctional center to be without opposition. Some people will ask why we should provide all this "special" help for criminals when there are many, many other people, just as impoverished or uneducated but who are law-abiding citizens. The answer is that we must somehow help both. We have an obligation to the "law-abiding" citizens because it is the right thing to do. We have an obligation to rehabilitate criminals in society, not just because it is right, but because it is practical. We need prison reform, not just for the prisoners' sake, but for the sake of our society. The crime rate is not going anywhere but up unless we stop making our prisons graduate schools for crime.

Other people will be concerned about the "threat of crime" raised by housing several hundred convicted criminals in Cook County with nothing between them and the people but an open door.

This is an understandable fear—given the image that the mass media and movies have given us of escaped convicts—but I think that it is an unfounded fear. Vienna has not been terrorized by criminals. A few men have escaped, but men escape from Cook County Jail and Stateville as well. Most importantly, the furlough program at Vienna, which lets men visit their families and look for jobs, has been 100 per cent successful. Every man who has walked out of Vienna on furlough has walked back in again.

NOT A PERFECT SOLUTION

A community based correctional center in Cook County will not solve all of our crime problems. It will not be a perfect solution, but such a center will provide the right circumstances for rehabilitation. The correction of criminals should take place in the community because that is the only way they will be able to learn a skill and learn to readjust their lives. In some cases, there will be disadvantages involved in placing a man or woman near the community where they first became involved in crime. It may be necessary to consider restricting an offenders "furlough" to keep him from his old associates and his old neighborhood. There is a good example of the problem on Chicago's west side. A half-way house there, St. Leonard's, is trying to help ex-offenders succeed, and they are doing an excellent job. But they have to work under the handicap of being in what may be the geographical drug center of the city. St. Leonard's would have greater success if it were located in a place with fewer temptations. When I visited St. Leonard's one man told me, "If a guy can make it here, he can make it anywhere." That probably is true, but we shouldn't make the challenge so great. The important thing is that a community-based correctional center will provide an alternative to that old atmosphere—a source of a new job and new friends. The Department of Corrections might also want to consider exchanges of prisoners between community-based correctional centers. In any event, the theme is the same: put the offender in a place where he wants to be rehabilitated and can be rehabilitated.

A community-based correctional center for Cook County has my support, and it should have the support of everyone in this area who really wants to do something about stopping crime. This kind of "prison reform" works, and that is the best reason for expanding its use. By proposing such correctional centers, the Department of Corrections is offering to live up to its responsibility. It is our job as citizens to support the idea and live up to our responsibility as well.

FEDERAL ROLE IN SCHOOL FINANCE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. EILBERG. Mr. Speaker, today at my invitation Father John Brennan delivered the invocation before the Members of the House of Representatives. He is the president of the Council of Religious Teachers and an instructor at Father Judge High School in Philadelphia.

Because of his experiences as a teacher and with the council, he knows that large urban private school systems must have massive Federal aid if they are to continue providing children with an excellent education.

Recently Msgr. Francis B. Schulte, the superintendent of schools for the Philadelphia Archdiocese, testified before the U.S. Office of Education Public Forum on the Federal role in school finance. It is my pleasure to introduce his insight on this matter into the RECORD:

TESTIMONY OF MSGR. FRANCIS B. SCHULTE

My name is Monsignor Francis B. Schulte, and I am the Superintendent of Schools for the Archdiocese of Philadelphia. Under the general supervision of this office are 279 parish elementary schools, plus 5 special schools, and 31 diocesan high schools, educating altogether 223,000 students. The territory of the Archdiocese includes the City of Philadelphia and the four surrounding counties—Bucks, Chester, Montgomery, and Delaware. Almost 60% of these students are in Philadelphia schools. About 15% of the city students are from minority groups, and more than 20% of these are non-Catholics.

We recognize that the special concern of this panel is the urban problem, but we observe a relationship of cities with their surrounding suburbs which suggests the value of some attention to this larger context. My remarks, therefore, will be directed to a brief description of the impact of present legislation on the schools in all five counties, and to certain legislative possibilities which are important to parents both in the city and in the suburbs.

I do want to make it clear, however, that our most pressing financial strains are in the city, and it is there that our impact on the vitality of the community is most critical.

In our experience, the most significant federal impact, at least in the cities, has resulted from the Elementary and Secondary Education Act of 1965. General speaking, we would suggest that guidelines and directives issued by the Office of Education should reflect Commissioner Marland's public commitment to fair non-public school participation. Thus the greatest liberty consistent with the law should be fostered to achieve creative cooperation.

Our observation has been that Title II has been rather uniformly beneficial to non-public schools. However, it has suffered from inadequate funding and the absence of provisions for supplementary personnel adequate to insure the most effective use of the materials made available under this Title.

Title I and the more limited Title III provisions have probably been a greater catalyst for change in Philadelphia than almost anywhere in the nation. Our judgment is that such success depends upon the commitment of public and non-public schools to cooperation—cooperation in every area that affects children. Such a commitment exists in Philadelphia. At the national level, the Airlie House Conference was a serious Office of Education initiative to achieve such understanding and cooperation. The initiative must be pursued. Realistically, however, such conferences are more likely to be effective when attendance is limited to superintendents from school districts with significant numbers of non-public school students.

In general, until non-public schools sit at the table when the question "What needs to be done?" is being asked, they will always be instead the object of another question: "How do we fit the non-public schools into this finished program?" Again, Philadelphia has done more than any school district in our experience to achieve such a partnership from the beginning of the planning process.

The needs of urban children are manifold, but we would like to note in particular one serious concern. In cities like this, a growing number of Spanish-speaking people are settling. Tied with this urban growth is an influx in rural areas of migrant workers with similar needs. Catholic schools are natural allies for any governmental agency intent on meeting this important priority. But again, there is a need for adequately financed programs in which non-public schools can function effectively. Title VII is simply not funded sufficiently.

Valuable as ESEA and other laws have been, they do not address the basic survival questions of urban schools. In this regard, we plead not only for ourselves, but for our public school children as well. It is all very well to say that none of us are sailing the urban education ship as well as we might. But so long as so much of our energy is devoted to plugging leaks and bailing out the boat. America Cup performance will be difficult to attain. For our part, we are determined to remain in the core of the city so long as we have money and personnel to continue. But we need help. A citizens' committee of 31 members, chaired by Mr. John T. Gurash, Chairman of INA Corporation, is presently at work on an independent, intensive study of our financial records and prospects. While this report will not be completed for a few weeks, preliminary indications are that we may anticipate the need for more than 50 million dollars of new money in the next three years. At the same time, the staggering impact of immediate or even gradual closing of these schools on the public area will be delineated in the report.

Faced with this crisis, we specifically endorse the proposals of the President's Panel on Non-public Education. Several of these are particularly crucial to the urban poor. Singly or in combination, vouchers, supplemental income allowances for tuitions for welfare recipients and the working poor must become available. The concept of urban renewal must be extended in some effective fashion to include antiquated schools, both public and non-public, whether through matching grants or low-interest loans.

And of course, there must be a sensitivity to the needs of middleclass citizens who have remained in the cities, at least in part because of an allegiance to a non-public school now available to their children, but increasingly threatened by rising costs which lead to rising tuitions. We need stability in our cities. The demise of non-public schools would be one more reason for people to leave. To meet this cost squeeze, a tax credit on tuition would enable them to continue to send their children to the non-public school of their choice.

The signs of the times are clear: financial pressures are pricing parents of non-public schools out of any real ability to choose the school they prefer. Where poverty is greatest, the threat of such a loss of freedom is most immediate. In the cities, perhaps more than anywhere else, the disappearance of non-public schools would be a catastrophe. We urge that administrators and legislators not tarry in finding answers, for the best solution will be useless if we have dissipated another of our national resources—the non-public school.

Let me add a postscript in closing. It has come to my attention that there is increasing pressure in some federal programs to limit the number of children served and to increase the amount of service being provided to the individual child. Let me hasten to assure you that I accept the notion that there must be a concentration of service to have a significant effect on the child who is seriously disadvantaged educationally. I would hope, though, that there will be sufficient flexibility to accept the notion that success for some children may mean extra help at critical points in his educational life. Thus, a well-designed readiness program can limit the likelihood that compensatory programs will later be needed by certain children. The same reasoning would apply to the child who has special difficulty in an area like speech and who can function quite well if he or she gets help in this one area. The fact is that children seldom fit totally into set categories or rigid generalizations.

In essence, I am agreeing with the general notion of concentrated service, but asking that this approach be reasonably flexible in application.

JOB PROBLEMS THREATEN SUCCESSFUL ADDICT REHABILITATION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. EDWARDS of California. Mr. Speaker, there is an active debate underway over the best means of treating narcotics addiction. As chairman of Subcommittee No. 4 of the Committee on the Judiciary, which has jurisdiction over the Narcotic Addict Rehabilitation Act, I have heard much testimony over the past year and a half from adherents of many different types of treatment methods and philosophies. I have also, in the course of the subcommittee's work, visited many treatment programs both here and abroad and observed the application of numerous treatment modalities to heroin addiction.

I have no firm conclusions regarding which particular form of treatment is best. In fact, I am increasingly convinced that no one form of treatment can be defined as being best for all addicts. Heroin addicts are people, and differ from each other as much as any other group of people differ with regard to their needs. It therefore seems clear that different types of treatment modalities should coexist and that additional treatment methods should be developed to reach the addicts not now being served successfully by existing treatment programs.

There are, however, standards which should be applied to judge the effectiveness of heroin addiction treatment programs. The primary standard for judgment should be the success of the program in returning the addict to full, self-fulfilling participation in society. Thus almost all treatment programs that I have observed measure their success in terms of the turning away by their clients from the addict lifestyle toward a functioning in an employment or educational setting. When the way to employment is blocked for addicts in treatment, the chances are that the likelihood of success for rehabilitation are diminished. Those of us concerned with the development of more successful treatment and rehabilitation programs for narcotics addicts must also concern ourselves with the receptivity of the larger society to those addicts who need a job to support their efforts to rehabilitate themselves.

An article by James M. Markham which appeared in the New York Times on Monday, June 5, 1972, highlights the problems encountered by addicts who seek employment. It deserves the attention of all Members of this body.

The article follows:

EX-DRUG ABUSERS ARE PLAGUED BY JOB PROBLEMS

(By James M. Markham)

A youthful drug abuser sees he is getting into trouble, voluntarily joins a rehabilitation program, completes the program, rejoins society and gets a job he likes. His problems are over, right?

Wrong, if you ask Stan Oppenheim, Tom Major and many others who have been tangled in one of the toughest links of the rehabilitation chain: getting and holding a job in the straight world.

Stan Oppenheim is a husky, 28-year-old, decorated Vietnam veteran who runs a small, but prospering burglar alarm company in Brooklyn. Tom Mayor is a 21-year-old former "garbage head"—a street expression for someone who will try any drug.

After spending half a year in a upstate treatment program, Mr. Major went to Mr. Oppenheim 14 months ago and asked him for a job with his company, Griffin Security Services, Inc.

"All my life I spewed liberal thinking," Mr. Oppenheim recalled the other day. "But this put me on the spot."

"He told me that before speaking to me he wanted to inform me of his past," Mr. Oppenheim said, referring to the bearded youth's deep experimentation with many drugs, excluding heroin. "He was very straight-forward about it."

Mr. Major got the job, as an installer of alarm systems. "It was the best thing I ever did," Mr. Oppenheim said. "He's trustworthy, dependable. The customers love him."

The State Department of Motor Vehicles was somewhat less compassionate about Mr. Major's bootstrapping efforts. The young man had lost his driver's license for driving under the influence of drugs, and in his new job he had to drive a minitruck.

It took Mr. Oppenheim from March, 1971, to November, 1971, to obtain a driver's license for his new employe. During that period, another employe drove Mr. Major on his rounds—"and needless to say, during that period, we lost money on him," Mr. Oppenheimer said.

Mr. Oppenheim cajoled officials in New York and Albany, hired a lawyer, waited, obtained with some difficulty an "obligatory" certificate that turned out to be unnecessary and, finally, got the license for Mr. Major.

"The thought that was going through my mind was not Tom, but other people like him—there must be thousands of them—and how difficult it must be for them, how hopeless if they tried to do it alone," Mr. Oppenheim said. "One state agency will spend millions to reform them, and then another will go out of its way to hinder them."

Mr. Major drove faultlessly on his new job for 14 months. Then a few weeks ago, Mr. Oppenheim's insurance company, the Fireman's Fund, which in February had renewed the Griffin automobile insurance policy, announced that it was canceling it.

PREMIUM IS DOUBLED

A routine insurance check on the seven Griffin drivers had turned up Mr. Major's cluttered record from his period of drug abuse, including an entry for driving under the influence of "alcohol"—kindly judge's euphemism—and another for driving under the influence of drugs. The last entry was from November, 1970—just before Mr. Major's entry into the treatment program.

Mr. Oppenheim appealed the cancellation, stressing that Mr. Major's personal rehabilitation was well under way—and at stake. The Fireman's Fund refused to alter its decision.

Mr. Oppenheim's automobile policy will now be thrown into a high-risk pool, resulting in a doubling of his premium to $3,000. The Fireman's Fund also has informed him that it is canceling his workmen's compensation policy as well.

"This particular case was not passed off lightly," said Richard Griebel, public relations manager for the Fireman's Fund. He said the cancellation of the policies had "nothing whatsoever to do with Mr. Major's use of drugs" and resulted solely from his driving record.

Mr. Oppenheim says he will continue to keep Mr. Major on the payroll, even though it will cost him a good deal of money.

Mr. Major's story is not unusual. Almost any drug treatment program can produce a handful of similar cases.

The following are examples:

Russ McGrotty worked for an insurance company in Queens as a claims adjuster for five years—three while he was on heroin and two while on methadone maintenance. When the company learned he was on methadone, it dismissed him.

A former addict was trained as a butcher while imprisoned on Rikers Island. Released, he got a job in a supermarket, where he worked two years. When the supermarket obtained a license to sell beer in six packs, the youth was dismissed, since the market was not permitted by state law to employ a former convict if it sold alcohol.

TRAPPED IN WELFARE

In another case, Allan, a 24-year-old former heroin addict, has been participating in a state-run methadone program for two years. Last winter he was offered a job as a tow-truck driver. He applied for a tow-truck driver's license from the New York City Police License Division.

Although Allan has a hard-to-come-by "certificate of relief from disability" to cover a drug-related misdemeanor conviction, he has not been issued his license. The licensing regulations bar anyone who is addicted to alcohol or drugs, and Allan's request is with the chief surgeon's office.

Allan's widowed mother wrote Mayor Lindsay last year, appealing for a reconsideration of her son's license application. "How long can a 24-year-old man live on welfare at $17 a week?" she asked. "How long before someone really cares about my son and others like him?"

Although the Mayor's office never answered Allan's mother's letter, it was reproduced, passed among city officials and contributed to a city personnel policy statement that was released on March 22.

POLICY AGAINST BIAS

"The human suffering and social and economic loss caused by rising drug addiction are matters of deep concern to the Mayor," the statement said, spelling out that henceforth there should be no discrimination against hiring former addicts for city jobs, excluding the uniformed services.

It is too early to measure the impact of the decision, but an initial survey of city agencies that might hire former addicts turned up 58 possible openings.

Polly Feingold, director of the Coalition Action Council of the New York Urban League, has been lobbying in Albany for legislation that would lift the many restrictions on employment opportunities for ex-convicts, many of them former addicts.

State licensing practices, Miss Feingold points out, often prevent former addicts with prison records from getting jobs in establishments that sell liquor, private detective agencies, billiard parlors, banks, insurance adjustor's offices or agencies connected with boxing, wrestling or horse racing.

FORD COSPONSORS LEGISLATION TO AID LAW ENFORCEMENT OFFICIALS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, one of the most difficult and oftentimes thankless jobs in today's society is that performed by our law enforcement officers. Police officers normally work extra long hours for relatively low salaries and often work under dangerous conditions. Yet many of us take their services for granted, and we very rarely express our appreciation to these public servants for the essential services they perform.

For this reason I would like to express my personal appreciation today to the law enforcement officers throughout our Nation, and I would especially like to commend the officers of the following departments in my own State of Michigan:

Allen Park, Ash Township, Belleville, Brownstown Township, Canton Township, Carleton, Dearborn Heights, Flat Rock.

Garden City, Gibraltar, Huron Township, Inkster, Lincoln Park, Livonia, Melvindale, Rockwood, Romulus.

Southgate, Sumpter Township, Taylor, Van Buren Township, Wayne, Westland, Woodhaven, Wayne County Sheriff's Office, Michigan State Police.

Mr. Speaker, as a legislator both in the Michigan State Senate and here in the U.S. Congress I have consistently supported legislation designed to assist law enforcement officers in performing their difficult and often dangerous jobs more effectively.

There are presently two proposals of special significance to law enforcement officers pending before Congress, which I am proud to say that I sponsored. One bill which I drafted would authorize the Attorney General of the United States to reimburse any law enforcement official, who is a defendant in a civil action arising out of the performance of his official duties, for the costs of defending himself if he prevails in that action.

The other legislation of particular significance is the Law Enforcement Officer's Bill of Rights which I have joined in cosponsoring with my friend and colleague, the distinguished gentleman from New York (Mr. BIAGGI), himself a former police officer, and over 100 of my colleagues here in the House.

Both of these bills are now pending before the House Judiciary Committee and it is my hope that they will soon receive the prompt and favorable consideration which they deserve. At this point I would like to insert the text of my bill and a summary of provisions of the Law Enforcement Officer's Bill of Rights in the RECORD.

H.R. 15463

A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized to make grants to each law enforcement officer who is a defendant in any civil action arising out of the performance by such officer of his official duties, if such law enforcement officer should prevail in that civil action, to reimburse such officer for the reasonable costs of investigation and legal fees incident to such civil action.

SEC. 2. As used in this Act, the term "law enforcement officer" includes attorneys general, prosecuting attorneys, chiefs of police, sheriffs, constables, and their subordinates.

SUMMARY OF "LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS" LEGISLATION

The bill would amend the Omnibus Crime Control and Safe Streets Act of 1968 by requiring, beginning one year after enactment, two additional provisions to be incorporated by States in their Comprehensive Plans before the plans are approved for grants. These are:

1. Provide a system for the receipt, investigation and determination of complaints and grievances submitted by law enforcement officers of the State, units of general local govt. and public agencies;

2. Provide for the formulation of a "Law Enforcement Officers' Bill of Rights" which, if enacted into law, would provide statutory protection for the constitutional rights and privileges of all local law enforcement officers of the State, units of general local govts. and public agencies operating in the State.

I. The Bill of Rights shall provide, but shall not be limited to

a. Law Enforcement officers shall not be prohibited from engaging in or refusing to engage in political activity while off duty.

b. Rights of law enforcement officers under investigation are specified, such as: time and place of interrogation; nature of complaint and names of complainants; complaints sworn to; interrogations of reasonable duration; no intimidations or threats; interrogations to be recorded; officers to be informed of legal rights; at officer's request, he shall be represented by counsel or other representative of his choosing during interrogation.

c. Whenever complaint review boards are established containing other than police officers in their membership, a proportionate number of police representatives shall be included in the membership.

d. Officers' right to bring civil suit against others for damages or abridgement of civil rights arising out of official duties, and shall be given assistance when requested to bring such suits.

e. Disclosures of officers' personal finances not required for purposes of assignment or other personnel actions, unless conflict of interest is indicated or for tax collecting purposes and then only under proper legal procedures.

f. Officers to be notified and given reasons for personnel actions considered to be punitive prior to effective date of action.

g. No adverse action to be taken against a police officer for exercising rights under Law Enforcement Officers' Bill of Rights.

II. *A Law Enforcement Officers' Grievance Commission* to be established in each State or unit of general local government composed of a tripartite representation of police, government and the public. Shall have the authority and duty to receive, investigate and determine complaints and grievances submitted by police officers arising out of claimed infringements of rights. Certified police representational organizations may represent officers or may initiate complaints on behalf of members. Complaints filed by officers may be against any person, group of persons organizations or their heads; officials of his department, or other local, state or federal unit operating in the State. The Commission shall be empowered to hold hearings, take testimony under oath, issue subpoenas, issue cease and desist orders and institute actions in State courts in cases of noncompliance.

MAN DONATES 96TH PINT OF BLOOD; WIFE ONE BEHIND

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mrs. GRASSO. Mr. Speaker, those who donate blood perform an invaluable service which is often a gift of life to people in need.

Special tribute should be paid to Mr. and Mrs. Herbert Sagendorf of Thomaston, Conn., the reigning U.S. Championship donor team. Mr. Sagendorf recently gave his 96th pint of blood and is now one pint ahead of his wife. The Sagendorfs, who have been donating blood since World War II, are just shy of the celebrated 24 gallon mark. Last year in New York, they were deservedly honored as the Nation's top donor couple.

Generosity of people like the Sagendorfs is a splendid example of how each of us—in our own way—can serve our fellowman. For the interest of my colleagues, articles which resently appeared in the Thomaston Express and the Waterbury Republican regarding the Sagendorfs' feat follow:

WIFE ONE BEHIND—MAN DONATES 96TH PINT

THOMASTON.—Pulses pounded and corpuscles raced at the Red Cross Bloodmobile here Tuesday as onlookers awaited for one-half of the U.S. Championship donor team to come and shed his 96th pint.

Everything was set at Congregational Church Hall as the time approached for Thomaston's own 60-year-old Herbert Sagendorf to pump out the liquid that would make him a Blood Bank immortal.

A cake had been just baked for him and a banner citing his expected accomplishment was furled and ready. Mrs. Sagendorf, whose total donations dating back to World War II also come to 95 pints, was standing by as Bloodmobile Captain-of-the-Day.

One question was uppermost in every mind: Would Sagendorf pass the physical all donors must undergo?

Finally, he arrived, in the van of several young donor-recruits led by Sagendorf's nephew, Harry Waterhouse, 18.

The medics did their thing. Temperature? O.K. Pulse? Check. Blood pressure? Good!

They unfurled the banner. And for the 96th time, Harry Sagendorf entered the lonely world where man meets needle—eye to eye.

The Sagendorfs, now just a pint shy of a connubial 24 gallons, were honored by the American Association of Blood Banks in New York last year as the nation's top donor couple. Mrs. Sagendorf, now a pint behind her spouse, says she plans to catch up next time around.

Mrs. Winfield Wight, Thomaston blood chairman, said Sagendorf and his recruits helped the unit exceed its 200-pint quota for the visit by 11 pints.

A number of aspirants to duplicate the Sagendorf saga got special recognition after Tuesday's donations. They were led by Robert Henderson, who gave his fifth gallon; Ralph Humphrey, William Gill Jr. and Harold Morton, who reached the four-gallon level.

Blood Donors Give Over 200 Pints

Thomaston.—Over 200 pints of blood were collected at a very successful Bloodmobile visit in Thomaston April 25. Some 218 people were registered, but 7 were rejected for health reasons, and 24 non-scheduled donors, many in the teen age group, showed the spirit of the community.

The excitement of the afternoon came when Herbert Sagendorf was awarded his 12-gallon pin for the 96 pints he had donated from Sept. 1950 to the present. After he passed the medical history requirements, a banner created by Mrs. Daniel Samson, was unfurled showing the 12 gallon in the canteen, he was presented a specially decorated cake by Nancy Scott, Harry Waterhouse of Northfield, an 18-year-old, accompanied his Uncle, Herbert Sagendorf, and brought four additional friends with him as first-time donors.

A Five Gallon Award was given to Robert Henderson, four gallon Awards went to William Gill, Jr., and Ralph Humphrey, three gallon Awards to Harold Morton, Joseph B. Kelley and Donald Yurtin, two gallon Awards to Raymond Baldwin, Stacia Cocca, Rickard Darm, Horst Getschmann, John Reardon and Muriel Rowland.

The Future Nurses of Thomaston High School wore Red Cross arm bands made by Girl Scouts of Cadetts Troop 4050, under the supervision of Mrs. John Cianciolo. General Time led the industries with 37 employees recruited by Lucille DeCastro, R.N.

Sincere appreciation is extended by Mrs. Winfield E. Wight, Thomaston Red Cross Blood Donor Chairman, to the management of local industries for the 94 persons who were scheduled on factory time, to the donors and the dedicated workers who served during the afternoon, for their cooperation and assistance. Appreciation for a successful visit is also extended to the Senior Citizens for directing traffic, and to Chester Dusak for the use of his parking facilities which adjoin the Auditorium.

MARINE SCIENCES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. MURPHY of New York. Mr. Speaker, the gentleman from New York (Mr. Biaggi) has been a leading supporter of this Nation's State maritime academies. In recent years, he has fought for increased support for these vital institutions in the face of administration pressure to deemphasize the Merchant Marine training program.

Last week, he was the principal commencement speaker at the New York State Maritime College at Fort Schuyler, the oldest academy of its kind in the United States. In his address, the gentleman from New York points out a new and serious threat to the international leadership of this country—what he terms the sea gap. He points cut the urgent need to expand this country's support of research and development in the marine sciences. He sees the State maritime academies as the institutions best designed to fulfill this role.

Mr. Speaker, so that my colleagues will have the benefit of the gentleman's views, I am including the full text of his remarks at this point in the Record:

Biaggi Warns of U.S. Lag in Marine Sciences Technology

Men . . . the country doesn't need you anymore. I don't know what you plan to do when you leave here, but we have enough merchant marine officers; the Navy is overstaffed; and frankly, we ought to close down Fort Schuyler and the other state maritime schools.

How many times have you heard those words? How many times has this institution been threatened with extinction? In recent years, the voices of opposition to the state maritime academies have grown in strength. Last year, the administration drastically reduced its support for the state schools arguing that Kings Point alone could take care of the need for merchant marine officers in the Seventies.

Again, last year, opposition came from yet another quarter. The Selective Service System took exception to defering cadets at the state schools. Despite wide support for a 1–D deferment and despite strong congressional interest and despite the pleadings of the Navy and Commerce Departments, the Selective Service System still said NO.

I then introduced legislation that would mandate equal recognition with Kings Point for the state academies.

I pledge to you today that I will continue my efforts to get this bill to the floor of the House before the end of this Congress—despite the Selective Service System's opposition.

What does all this trouble and heartache mean? Why must the state maritime schools fight a continual uphill battle for survival?

The state schools have long been the bastard children of the federal maritime establishment. Born of the States these schools were taken under the wing of the Maritime Administration which provides student and operating subsidies. While their existence is recognized, many in the federal government would prefer not being reminded annually of their presence.

But what many in the federal government have lost sight of is the potential those schools offer in other areas of the maritime field. Our Nation committed billions of dollars to explore the outer reaches of space—yet we have spent virtually nothing to explore the unknown reaches of the oceans which cover three-quarters of the world's surface.

The vast resources of the ocean are just beginning to be exploited. Government control and international cooperation on the exploration and exploitation will be necessary and manpower trained in these sciences will be needed.

Our sources of food and water—which are now found primarily on the land—are being rapidly exhausted. As population grows in the third world countries new approaches to feeding the masses will be sought. The ocean and its wealth of food must be harvested in the future. Manpower skilled in the yet unsolved mysteries of the ocean will be needed.

Pollution of the ocean poses a serious threat to its potential. While we are beginning to realize the vast resources of the seas and the need to utilize them, we are destroying them by using the oceans as a dumping ground for the wastes of mankind.

Men capable of saving the seas by applying oceanographic skills will be needed in increasing numbers.

More importantly, men skilled not only in the marine sciences, but men instilled with a love of the ocean and an ability to master its mysteries will be needed.

I say to you today, it is here that the new mission of the state maritime academies lies and men like you will be the leaders of this mission.

True, the vast majority of you will not find yourselves at the helm of a merchant ship or a Navy vessel. But you will find yourself applying the skills learned here, and your knowledge of the seas, in maritime-related fields. A great many of you will be working with the Federal Government in such agencies as the National Oceanographic and Atmospheric Administration and the Maritime Administration.

Many more of you will be working for the ports and harbors of this country. For the exporters of the produce of this land. For the shippers. For the middlemen and merchants whose living is derived from trade on the seas. The communion with the sea you have enjoyed all your life will stay with you in your future professions. And as we expand our reliance on the ocean for survival, more and more doors will be opened to you.

What form will this new mission take. The old mission was one of primarily commanding ships. Of being ready to serve this Nation in time of war as members of the merchant marine. That aspect of your mission will still be there—in fact, it is the heart of your future—always ready to serve this country in time of national emergency.

But as peace returns to the world, we must broaden the scope of this mission to include the peacetime activities in the maritime field. We must train men skilled to operate in war and peace.

Later this summer i will introduce another bill expanding the scope at the state academies and providing the additional funds necessary to encourage the states to develop the New Mission at these schools.

You may ask why I am talking about a new role for the state schools to you who are leaving—who will not be around to participate in any expanded role at the academies.

I am sure, however, as you join the ranks of the alumni you realize the need to foster the growth and the development of the merchant marine and the maritime industry of this Nation. If you have looked for jobs, you have found them scarce. Other nations—particularly the Soviet Union—have surpassed us in the exploration and the use of the ocean.

In recent weeks we have heard a great deal of talk about the missile gap and the submarine gap and the defense gaps. I would like to see more concern from the present administration for what I call the Sea Gap.

While Nixon's summit and the SALT talks received the headlines, a small newspaper article in the back pages of the Times described this Sea Gap.

Oh, the Times didn't call it that, but there it was. A startling oceanographic breakthrough was discovered by a Soviet Union ocean research team. Over the last few years, breakthrough after breakthrough in the exploration of the ocean's mysteries have been accredited to the Soviets.

This Nation has turned its back on the horizons just off our shores.

We have turned our back on our oceans. I call on you today to join with me in fighting for a new mission for the state maritime academies—a new mission to explore the depths of the seas and the breadth of the oceans.

A new mission to close the sea gap.

Fort Schuyler and those who will follow you here will benefit. The other state academies and their cadets will benefit. The Nation will benefit. And you will benefit. Thousands of jobs will be created and many of the needs of this Nation will be met by a look toward the new horizons across our shores.

If we fail in this effort to develop new strength in the maritime industry of this country, we will fail ourselves as a Nation. We will have turned our backs on the last frontier on Earth. We will have abandoned our tradition of leaving no task undone—no challenge unmet.

I want you men to leave this academy with the commitment to meet this challenge. To get the job done. Fort Schuyler has instilled in you the ability to do it. Don't fail her and don't fail yourselves. America does need you—now more than ever.

REVENUE SHARING: "AN IDEA WHOSE TIME HAS GONE"

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SCHNEEBELI. Mr. Speaker, the Wall Street Journal this morning contained an editorial on revenue sharing which I think would be of great interest to my colleagues:

AN IDEA WHOSE TIME HAS GONE

After three years of discussion, President Nixon's proposal for general revenue sharing will soon be debated, possibly next week, on the floor of the House of Representatives. All signs point to House adoption of some form of the measure. But we're still hoping that Congress will find a way to deny Mr. Nixon a victory he would come to regret. The justifications for this legislation may have been barely plausible when it was conceived, but they have now dwindled to the vanishing point.

The idea of sharing the federal bonanza with the states and cities, you may recall, was conceived eight years ago at a time when the notion of a "fiscal dividend" was in vogue. We were told that the economy, and with it federal tax revenues, would be expanding so rapidly in forthcoming years that Washington would have an annual, delightful problem of what to do with the cash.

The 89th Congress, 1965–66, was thrilled with the theory, and not only enacted a host of Great Society programs, but also structured them so their costs would expand to annually chew up the fiscal dividend. At the same time, President Johnson decided to fight a war without raising taxes. The fiscal dividend would take care of everything.

When Mr. Nixon took office, state and local governments were slipping into a "fiscal crisis." Much of it was brought on by expansion of services to match the pace of the federal effort. Much, by wage demands of municipal employees and teachers, scrambling to catch up with the inflation-swollen pay increases in private industry.

Mr. Nixon embarked on a plan to cool the economy and inflation, a plan that halfway worked, i.e., the economy cooled, but inflation didn't. State and local government costs continued to rise while the onset of recession bit into their revenue sources. By the end of Mr. Nixon's first year, the notion had taken hold that local governments had exhausted revenue sources and only the federal government had the means to pay for rising costs. This was referred to as "the fiscal imbalance."

Thus, Mr. Nixon's proposal to correct the imbalance by sharing federal revenues with local governments. What money? The "peace dividend," of course. By winding down the war in Vietnam, billions would be freed for revenue sharing. As fast as Vietnam savings showed up, though, Congress dealt them out in tax cuts (1969 and 1971) and in continued expansion of domestic programs. Concurrently, the recession took enormous chunks out of federal revenues.

Throughout this period, mayors and governors lusted for the promised federal cash, but meanwhile had to meet the bills by raising state and local taxes. Last year alone, states put more than $5 billion in new or higher taxes on the books, a 10% increase in collections.

Then, the recession ends. The economy begins expanding, and with it, state and local revenues. The cost of unemployment benefits and welfare payments levels off. Wage demands by municipal employes and teachers, having reached a parity with private workers, become more reasonable. Except for a few selected cities with special problems, New York, Newark, E. St. Louis, Detroit, the nationwide "fiscal crisis" in local and state government abates.

Disappearing altogether is the "fiscal dividend" and the "peace dividend." The "fiscal imbalance" is still with us, but it has flip-flopped. As a result of the higher tax rates enacted at local levels in the past three years, the Tax Foundation now projects that state and local governments, which in 1970 raised $130.76 billion in taxes, by 1980 will raise $323.55 billion. That will be more than enough, says the Tax Foundation to meet spending needs.

But, on the other hand, the federal government now faces a dismal horizon. According to the recent Brookings Institution report, even if the economy is at full employment by 1975, federal revenues will fall $17 billion short of balancing the budget.

It would seem, then, that the idea of general sharing of federal revenues is an idea whose time has come, and gone. When the House of Representatives begins its debate, it might consider the witlessness of pursuing the matter. Suddenly, it makes more sense for the state and local governments to be sharing their revenues, their "fiscal dividends," with Uncle Sam.

EDUCATION IN BEST VALUES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BENNETT. Mr. Speaker, in the June 3 edition of the New York Times, I read with great interest the following excellent article by Prof. Reo M. Christenson of Miami University, Oxford, Ohio. He is professor of political science there.

But first, I would like to set out here the provisions of a bill which I have introduced as follows:

H.R. 11956

A Bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the Elementary and Secondary Education Act of 1970 is amended by adding at the end thereof the following new section:

"GRANTS FOR TEACHING MORAL AND ETHICAL PRINCIPLES

"SEC. 807. (a) The Commissioner shall make grants to State educational agencies to assist them in establishing and carrying out programs under which students attending public elementary and secondary schools will be provided instruction in moral and ethical principles. The content and nature of such instruction shall conform to general standards prescribed by such State agencies.

"(b) For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, and each of the two succeeding fiscal years."

SEC. 2. Section 422 of the General Education Provisions Act is amended by inserting after "the Elementary and Secondary Education Act of 1970" the following: "(other than section 810)".

The article by Professor Christenson reads as follows:

May I offer a suggestion that will horrify many of your readers? This is it: One of the greatest needs of American education is a commitment and a program to develop character.

Every healthy society needs a common core of accepted values to give it cohesion and minimal stability. Unless such a core exists and a society is prepared to indoctrinate its children with them, that society is headed for trouble. While such a body of values does exist in America—values that have solid validity despite the giddy pace of change—millions of our young people are not exposed to them (in church, school or home) in any systematic or effective way. Meanwhile, a growing harvest of public and private crime, irresponsibility, incivility, vandalism, shoddy work and lack of personal discipline is at least partly attributable to our failure in this field.

What values do I have in mind? Here are some:

Honesty and truthfulness. What could be more important? No principles are very meaningful unless illustrated, and students should read about persons returning accidental overpayments at the cashier's counter, rejecting the urge to shoplift, resisting the temptation to cheat on exams, and so forth. They should learn that it is as wrong to steal from corporations or the government as from individuals.

Trustworthiness. The longer we live, the more we appreciate those who live up to their word and carry out their responsibilities despite distractions and difficulties.

Work well done. We have seen the spread of careless workmanship in recent years and been victimized by its prevalence. Students should be taught that it is a matter of self-respect, of pride, of personal satisfaction to do a job well.

Kindness and compassion. The importance of kindness not only to friends but to all whom we meet—the humble, the poor, the aged—yes, even those whom we do not like very well.

The courage to admit mistakes. Children should be taught to express regret when they have wronged another. They should learn that it is a mark of courage, honesty, emotional health and grownupness to acknowledge mistakes and ask forgiveness.

Racial tolerance.

Respect for law. Children should learn that obedience to law in a democratic state is an obligation of citizenship. They should learn that respect for law-enforcement officers, when the latter are doing their duty, is one of the indispensable prerequisites for living together peaceably, without fear.

Nonviolence in pursuit of one's goals. Youngsters should recognize that violence begets violence; that its fruits are hatred, fear and the desire for revenge; that the employment of violence degrades its practitioners; that it takes more maturity and courage to seek redress of grievances by peaceable persistence than by throwing rocks or bricks or pulling a trigger.

Respect for democratic rights. They should learn to respect the right of all to freedom of speech—including those whose views they detest—to freedom of assembly and religion, equality before the law and the right of every man to a fair trial.

How should these values be taught? Primarily by textbooks and other readings which, by story and by historical example, illustrate the moral lessons all children should learn. These materials can be written with skill, judgment and taste—and prove absorbing, too. Children hunger to know right from wrong and thirst for models who personify those qualities which appeal to the best within us. The dramatic possibilities for conveying these qualities and personalities are limitless. There are writers on hand if the schools show an interest in this work.

Of course, there will be strenuous objections, from certain quarters, to the "indoctrination of middle-class values" into students. But many middle-class values (often shared by lower-class persons moving up the ladder) are sound and wholesome: in addition to those cited above, we might add cleanliness, courtesy, punctuality, good work an emphasis upon education and self-improvement, paying bills on time, keeping the house painted and the yard free from debris, working with local volunteer agencies, and so forth.

As for those who deplore teaching black children "white middle-class values," they should be reminded that these are not "white" values—they are simply "middle-class values."

It would be naive to think that the schools can work miracles in arresting the degeneration of values in America. But major effort by the schools would bring the problem conspicuously before our people, direct our attention and energies upon it in a purposeful way and indirectly lead homes, churches, and other groups to help the cause along.

This proposal does not imply that character training should substitute for other public or private attempts to make ours a more just and humane society. It is a supplement, not a substitute.

Any society which does not have enough self-confidence in its fundamental values to instruct the young in them or enough common sense to do so is courting disaster.

ARMY AVIATION HAS BIRTHDAY PARTY TUESDAY; 30 YEARS OLD

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. DICKINSON. Mr. Speaker, last Tuesday, June 6, 1972, was an important date for the U.S. Army, for it marked the 30th anniversary of Army aviation. June 6, 1942, was the beginning of light aviation as an organic part of the Army field artillery fire direction center.

Today aviation is an integral part of the Army's mission. Without organic air support, our Army could not have done the fine job it has done in South Vietnam. Those who doubt the value of such air support only need talk with the infantry soldier who has been in combat in Vietnam.

Mr. Speaker, Fort Rucker, Ala., is the home of Army aviation—in truth, it is the "West Point of the Air" for the U.S. Army. Fort Rucker celebrated the 30th anniversary of Army aviation appropriately, and I would like to insert in today's RECORD an article from the Daily Ledger, Enterprise, Ala., describing the events at Fort Rucker. I join in saluting Army aviation, Mr. Speaker, on its 30th birthday. As long as I remain in the Congress, and as a member of the House Armed Services Committee, I intend to do everything in my power to see that Army aviation continues to flourish.

The article follows:

ARMY AVIATION HAS BIRTHDAY PARTY TUESDAY; 30 YEARS OLD

FORT RUCKER, ALA.—On Tuesday, June 6, Army Aviation will be 30 years old. And at Ft. Rucker, the birthday will be observed with a cake-cutting, two fly-bys and a performance by the Silver Eagles.

The public is invited to join the celebration which begins at 3 p.m. at Guthrie Field.

Major General Allen M. Burdett, Jr., Ft. Rucker's commanding general, will cut the anniversary cake, followed by a fly-by of students who graduate from the Army Aviation School on June 13.

Next will be the Silver Eagles, the Army Aviation Precision Demonstration Team, with their intricate maneuvers in OH–6 and OH–58 helicopters.

The 45 minute program is scheduled to end with another fly-by, which will include 15 aircraft, two types of airplanes and three types of helicopters.

June 6, 1942 marked the beginning of light aviation as an organic part of the Army field artillery fire direction center. Organic Army light aviation consisted of "Piper Cub" type airplanes. Each artillery battalion was usually authorized two airplanes, two pilots and one mechanic to be used as an aerial observation post for adjustment of artillery fire.

In the fall of 1942 three L–4 (Piper Cubs) aircraft took off from the deck of the aircraft carrier "USS Ranger" 40 miles from the North African coast to provide aerial observation for the direction of artillery fire support of the North African invasion.

The Army quickly discovered that not only could the little airplanes provide an unequaled observation post, but that, due to their high maneuverability, losses were almost nonexistent. By the end of the war they were being used in all theaters of operations and were performing several other missions in addition to their original mission of directing artillery fire. The light aircraft were used to evacuate wounded, for courier service, for radio relay stations, and as command liaison vehicles. Thus Army Aviation became a part of the ground forces, but not yet a necessity.

Interest in the Army Aviation program decreased following World War II. The absolute necessity of having airborne observers directing artillery fire were not fully realized until the outbreak of the Korean War in 1950. The jagged, hilly terrain of Korea made ground observation almost impossible and presented numerous other problems.

Army aircraft were immediately sent into the front line area of Korea to adjust artillery fire. Within a matter of days it was obvious that the Army aircraft, with their ability to operate from small dirt strips, rice paddies which had been bulldozed flat, and other relatively flat ground, provided the only sure means of transportation. The few Army aviators in Korea during the first months were logging excessive amounts of flying time in performing missions of observation, wire laying, evacuation, radio relay, courier service, and movement of personnel and light equipment.

As the war in Korea progressed, Army aircraft were called upon for additional missions such as battlefield illumination and aerial photography. There were never enough Army aircraft or aviation personnel available for the rapidly expanding requirements. In many instances, even the Army airplanes were not able to evacuate wounded or move personnel since the terrain was too rugged to construct a short, 1,000 foot, rocky airstrip. However, a new type of aircraft, the helicopter, had reached a new technical stage of development which made its use by the field forces practical. The requirement for helicopters in Army had been established in 1947, and the Korean War provided the impetus needed to shift the helicopter program into high gear.

The rotary wing aircraft had the capability of an airplane, that is relatively high speed and the ability to pass over obstacles encountered by surface vehicles. But most important, it also had the capability to land in an area not much larger than its own dimensions. As quickly as the helicopters could be manufactured and personnel trained, they were sent to Army units in Korea. The first helcopters sent to Korea were the small two-and-three place craft, H–13 and H–23. They were immediately put into service evacuating wounded and providing transportation for division commanders. For the first time in history, a division commander could inspect his division in one day and direct combat engagements from the air.

As soon as they were available in 1952, larger, cargo-type helicopters, such as the H–19, were sent into Korea. While they did not carry guns, they were a formidable weapon. They provided means of saving thousands of lives in the fast evacuation of wounded from front line positions to rear area hospitals.

The helicopter, and with it Army Aviation, came of age in the Korean War. The 30th Medical Group alone, with 18 two-place helicopters, evacuated over 20,0000 casualties during the war. There were only two cargo helicopter companies available in Korea, the 6th and 13th, with 21 cargo helicopters each, and they proved themselves invaluable in evacuating wounded and supplying units in the front lines.

The Army emerged from the Korean War with the realization that Army Aviation possessed the capability of revolutionizing the techniques of employment of ground forces. In 1953, the 506th Transportation Company, later redesignated the 4th was assigned to the Infantry School at Fort Benning, Ga., to be used by the Infantry to develop techniques and doctrine for the tactical employment of transport helicopters. A year or so later the Army Aviation School at Ft. Rucker started conducting tests on helicopter armament, and the Artillery School at Ft. Sill, Okla., conducted tests on helicopter-borne artillery.

The period from 1955–1960 did not see a large expansion in Army Aviation, but it was a time for maturing and growing, and preparing for the future. In early 1961, the United States Army committed the first helicopter companies to the Republic of Vietnam as a means to improve the mobility of the RVN Army. The increased effectiveness of ground troops was so dramatic that plans for increases in aircraft and aviation organizations were integrated into all levels of U.S. Army planning.

The 11th Air Assault Division (Test) was born at Ft. Benning in 1962 to test these revolutionary ideas for the next two years. Not since Hannibal's historic use of elephants, or Hitler's blitzkreig in Europe has such a concept so captured the imagination of the military or the general public.

As the conflict in South Vietnam began to escalate, it became more and more evident that sizeable U.S. units must be committed. The 11th Air Assault Division, organized as a provisional unit, became a permanent U.S. Army division and was redesignated the 1st Cavalry Division (Air Mobile) and deployed to Vietnam. There it compiled an enviable record which has been branded into the pages of history.

During the period 1962–1967, the United States Army deployed to South Vietnam the 1st Cavalry Division; the 1st, 4th, 9th, and 25th infantry divisions; the 101st Airborne Division, and several separate brigades. All but the separate brigades had organic aircraft and aviation personnel assigned. Even so, to satisfy the air mobile requirements in country of exceedingly hostile terrain, additional Army aviation assets were needed. In June 1968 there was one Aviation brigade composed of four combat aviation groups, totaling more than 2,400 Army aircraft of all types and an excess of 20,000 personnel. They were involved in combat operations from the mountains and jungles near the demilitarized zone to the swamps and marshes of the Delta, an area over 450 miles long by 150 miles wide.

Even with the deescalation of American involvement in the Vietnam conflict, Army Aviation is still rapidly moving forward. The TRICAP Division located at Ft. Hood, Tex., is now undergoing tests which will last for the next several years. This Triple Capability Division consists of an armor brigade, an airmobile brigade and an air cavalry combat brigade. This unit will be assessing the combat lessons of Vietnam and the latest technological advances to develop fresh tactics to ensure the effectiveness of the Army ground team.

Army Aviation, with its rapidly developing heritage, will continue to provide Army commanders the best possible support. This assures the United States Army that it will continue to be the world's best.

WHITE MOTOR CO. DUCKS RESPONSIBILITY TO EMPLOYEES AND COMMUNITY—PENSION LAW NEEDED

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. FRASER. Mr. Speaker, a distressing example of corporate neglect of its responsibilities has occurred in my State. It clearly requires action by Congress.

The White Motor Co., Inc., headed by S. E. Knudsen, chairman and chief executive officer since May 1971, has decided to abandon its Minneapolis-Moline plant in my district, leaving hundreds of workers out of jobs and terminating or drastically cutting pension benefits earned by the employees—many of whom have been with Minneapolis-Moline most of their working lives.

On June 3, Senator WALTER F. MONDALE conducted hearings which uncovered the plans of White Motor Co. to terminate its pension plan and reduce benefit checks far below what had been promised to the employees. Retirees receiving from $200 to $400 in monthly pension checks will be cut to $90 a month.

Senator MONDALE'S hearings spotlighted weaknesses which no doubt exist in many other company pension plans in the Minneapolis area and throughout the country. Thousands of workers are in danger of losing their pension rights—even after they have retired.

To prevent other workers from suffering the fate of the Minneapolis-Moline workers, I have introduced H.R. 15367, a bill to safeguard employee pensions. When it is law, employees will be insured against loss of the benefits they have earned under their company retirement plan. After 8 years with one company a person would have a vested right to a pension. The law would permit transfer of pension rights from one company to another if a worker changed jobs.

Congress must take action to see that employees who are covered by private retirement plans actually get the pension benefits that are coming to them.

The bill I have introduced is the Senate Williams-Javits bill. One summary of the provisions of this bill follows. Another more detailed summary appeared in the CONGRESSIONAL RECORD of May 11, 1972, at page S7605:

OUTLINE OF MAJOR PROVISIONS OF WILLIAMS-JAVITS PENSION REFORM BILL—RETIREMENT INCOME SECURITY FOR EMPLOYEES ACT

The following are the major provisions of the Williams-Javits Pension Reform Bill:

1. Establishes within the Department of Labor, under the supervision and responsibility of the Secretary of Labor, an Office of Pension and Welfare Plan Administration, to be headed by an Assistant Secretary of Labor appointed by the President, with Senate advice and consent, which will be responsible for promotion, establishment, and administration and operation of employee benefit plans and enforcement of Act.

2. Prescribes minimum vesting requirements whereby an employee, after eight years of service, will acquire a vested nonforfeitable right to 30% of pension benefits, and, thereafter, each year will vest an additional 10% until, at the end of 15 years, he will have vested rights of 100%. Each existing pension plan would be given the option to elect to divide itself into a "new plan" and an "old plan." New employees would be covered only under the "new plan" and old employees would be permitted to elect coverage under either plan. The "old plan" would not be required to comply with the Act's vesting standards but would be required to comply with all other provisions of the Act. The "new plan" would be required to comply with all provisions of the Act.

3. Establishes minimum funding standards of pension plans which will insure that all pension liabilities incurred by the plan after the effective date of the Act will be funded over 40-year period.

4. Authorizes the Secretary to grant variances from funding requirements for qualifying plans under certain circumstances.

5. Establishes voluntary program for portability through a central fund, whereby employees of participating employers may transfer vested credits from one employer to another.

A VOICE OF EXPERIENCE

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. DOW. Mr. Speaker, all America recalls that Mr. Marriner S. Eccles, a distinguished cabinet leader in other years, has many times demonstrated his wisdom in statecraft.

Particularly he has been one of the American leaders who has not hesitated to condemn the grievous mistake we have made in Vietnam.

We have again from Mr. Eccles a word of admonition, indicating that it would be an illusion to suppose that the mining of the Haiphong Harbor and the bombing of railroads have achieved success for us. Mr. Eccles is particularly concerned about the escalating war and expenses, and the alarming balance of payments. I detect, too, that he is aware of the mounting deficit in our Federal budget, going on to many millions of dollars in the last 3 years.

Mr. Eccles puts it in a nutshell when he states;

> The war is destroying the American system.

His remarks are appended below:

AN ADDRESS BY MARRINER S. ECCLES

We all recognize that these are unusual and tragic times for anyone to be accepting an award for furthering the cause of world peace and world trade, since we have very little of either. I assure you, I would be much less hesitant about accepting an award if I could feel that I had accomplished something toward these ends. For most of my life, I have been working for those issues which seem to me basic for a stable and prosperous society at home and a respected position abroad. Whether it was the population dilemma, fiscal and monetary matters, or world affairs, a lifetime of pressing for change is actually all I can claim credit for.

The dilemmas we find ourselves in today were quite apparent on the horizon as long as ten years ago. And through two administrations, we have taken the wrong road every time we had a chance to alter our course. Through these years, our record for unwise and reckless action is bad. We are now—in the present world crisis—confronted with the sum total of our mistakes.

We have completely ignored our domestic needs so that we have a frustrated and angry society. Explosive and dangerous rebellion simmers just below the surface.

We have overestimated our wealth and our power and spread ourselves too thin around the world. We are just now realizing that we cannot dominate the world militarily and take care of our domestic needs as well.

We took no steps to reverse the balance of payments deficiency—but just watched the dollar depreciate. Now it is a floating currency of indeterminate value.

We have never faced up to the monopoly of labor, the favoritism toward big business, and the inequities in the tax structure. These and other developments have made the control of inflation impossible.

We have allowed the military to become blown up into such a force that it is now our master instead of our servant. Far from being a department of defense—which we do need—it has become a political arm of the President and the delineator of our foreign policy. As a result, we have wrecked our credibility in the world to such an extent that we are neither believed nor trusted. The sleight-of-hand and secret conduct of our foreign affairs has cost us our friends and made us new enemies. The Vietnamese debacle is the best "proof of that pudding."

Nearly seven years ago, I said in a widely publicized statement, "Under no circumstances should we escalate the war in Vietnam; our position there is indefensible. Contrary to our government's propaganda, we were not invited by, and we have no commitment to, any representative or responsible government in South Vietnam. We are there as an aggressor in violation of our treaty obligations under the U.N. Charter." Under our Constitution, Congress alone has the power to declare war. Johnson ignored this fact when we invaded Vietnam, and Nixon supported that invasion and expanded it by invading Cambodia and Laos. We have been in a fighting war in Asia for nearly eight years. We are now deeply involved there, and I believe will find it more difficult to sever our connection with Southeast Asia than at any other time.

The war is destroying the American system. It is drawing upon resources which need to be put to work solving increasingly critical social and economic problems facing the nation. Crime, delinquency, drug addiction, poverty, alcoholism, mental illness, war and defense have drawn an estimated $314 billion from our economy the past year. These problems are all increasing faster than our population. Crime in our country has increased 148% in ten years, while the population has increased only 13%. The number of homicides in the U.S. is five times as great as in any other country. Violence has become an accepted way of life in the United States. The sights and sounds of war have become familiar, and our people are hardened to brutality and violent death. According to the President's Commission on Violence: "The American is four times more likely to be a victim of violence than the European."

Our annual defense budget has increased from $49 billion in 1965 to approximately $80 billion at the present time. This is almost entirely due to the war in Southeast Asia which has cost about $150 billion. The federal deficit during the period was approximately $90 billion. Without Vietnam there would be a budgetary surplus of around $60 billion. The U.S. has already spent well over a trillion dollars on the military since 1946. The accumulated deficiency in our international balance of payments through 1972 was approximately $73 billion. We had a deficiency last year in our trade balance for the first time in 77 years of more than $2 billion, with an increasing deficiency this year. Previously, for a number of years this country had a trade balance surplus averaging about $5 billion.

Adding to the inflationary effects of the heavy deficit financing (approximately $30 billion this year) and the deficiency in our international balance of payments, are the exorbitant demands made by, and the settlements given to, organized labor. The unions represent only 25% of the labor force. Their wages and fringe benefits are from two to four times that of other industrial countries. Thus, organized labor not only draws from the economy benefits in excess of inflation and increased productivity, but undermines our ability to compete in world as well as domestic markets.

Reduced individual and corporate taxes, investment credit, accelerated depreciation, and the elimination of the auto sales tax, all contribute to the federal deficit. This, in turn, adds to the inflationary pressures and further weakens the dollar. It is important that tax loopholes be closed, as a matter of equity.

If we expect to strengthen the dollar, we must correct the causes of its weakness.

The problems of deficiencies in our international balance of payments and in our trade balance, as well as the increasingly large federal debt and the increasing cost of labor, have brought about a growing inflation in our country and made our dollar increasingly less desirable as a world currency. Since the International Monetary Fund was created at Bretton Woods after the war, the dollar based on gold at $35.00 an ounce has been the world currency. All other currencies were related to it. In the summer of '71, it was inevitable that the 27-year-old Bretton Woods system of fixed international exchange rates, all pegged to the U.S. dollar, would collapse. On August 15, when Nixon was forced to cut the dollar loose from gold, the old currency system died, and the dollar was left to float. Some of the other countries acted previously and others followed the dollar in letting their currencies float. Since that time, there has been no stability in the world currencies.

The important currencies have increased in value in relation to the dollar on the basis of the exchange market. The dollar, on the other hand, has become the least desirable currency, piling up in foreign central banks and other financial institutions much faster than foreign currencies in the U.S. This results in a continuing decline of confidence in the U.S. dollar, and a rush by foreigners to turn dollars into other currencies or American securities. It is undergoing a staggering decline in the black markets of the Communist world—from 30% to 60%—where it once was treasured and hoarded. To meet the crisis, Nixon imposed a 90-day 10% import tax and froze wages and prices. At the end of this Phase I period, Phase II went into effect permitting some adjustments. There is no indication when Phase II, which has not been successful, will be discontinued. Until the U.S. gets its monetary house in order and a new reserve currency can be established, we will continue to lose prestige and power, and it will be increasingly difficult for the U.S. to develop and maintain foreign trade.

In a financial sense, a war is never over since the cost of war does not end with the cessation of hostilities. During the war period since '65, there have been over 50,000 boys killed, and more than 250,000 wounded or missing. We are spending approximately $11 billion a year for veterans' benefits, and nearly $2½ billion for veterans' hospitals and medical expenses. The annual interest on the public debt is about $20 billion. This debt and high taxes are entirely due to the present and past wars. These problems cannot be brought under control until our national defense expenditures are reduced by at least $20 billion to the pre-Vietnam war level of $50 billion. This makes the ending of our stupid involvement in Southeast Asia imperative.

We have become great in world affairs because of economic strength, and not because of military strength; but we have allowed the defense establishment to overwhelm with military might. By mid '72, the U.S. will have more than 5,000 long-range nuclear weapons; the Soviet Union 2,500. Each one can destroy a city, and yet the U.S. is now proposing to substantially increase its nuclear arsenal. When is enough enough? American bombs since 1965 have produced 21 million craters in South Vietnam. In this period, we used 26 billion pounds of explosives; that is twice what the United States used in all of World War II. Of this 26 billion pounds, 21 billion were exploded in South Vietnam. In that small country—one we are supposedly to save—we have employed explosives with the energy of 36 Hiroshima nuclear bombs—all of these rained down on a country the size of Missouri.

Military muscle has never been able to preserve any world power, and it never will. If we have to depend on the military/industrial complex for our prosperity, it is a profound indictment of our capitalistic democracy.

A World War II general observes that, "We are turning into a military state, and the demoralization will eat up this country's abundance as surely and irrevocably as silkworms eat mulberry leaves."

President Eisenhower, in his farewell address in 1961, said, "In the councils of government, we must guard against the acquisition of unwarranted influence whether sought or unsought by the military/industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or our democratic processes."

No matter how much we spend for armaments, there is no safety in arms. Our security is wholly the product of economic, intellectual, and moral strength. Our national policy of relying on military power primarily, as in Vietnam, to solve the political problems, breeds violence everywhere and ultimately destroys the foundations of our Republic. We must leave the politics of Asia to the Asians.

I don't think we can win the war in the classic sense. Russia and China have publicly announced that they would continue to give the military and economic aid necessary to North Vietnam in order to defeat the U.S. aggressors. This, however, is all the help the North Vietnamese have received from Russia and China. We, on the other land, have not only provided all military equipment and other supplies, but have taken charge of the war. We have sent in our Army, Navy, and Air Force, done the bombing, and most of the fighting. We have made a civil war between the Communists and the non-Communists, our war. As a result, we have aligned against us these two powerful countries, as well as the rest of the Communist world. with practically no support from any other country. Win or lose, I doubt if we will ever be free of Indochina. If we win, we will have to rehabilitate the country which will cost us billions of dollars. If we lose, we are still morally responsible to make amends as best we can.

Look at us in Korea. As reward for victory, consider the billions we have sunk in South Korea and our situation there after twenty years. Also, consider the 250,000 troops in West Germany after twenty-five years. Germany and Japan, who were almost destroyed during the war, today are the two most prosperous countries in the world, and their currencies are the strongest. They have kept out of military commitments and have spent practically nothing for arms. This should be a lesson to us in economics.

To have world trade, you have to have a climate of peace. You have to have a stable currency—and perform responsibly on the world scene. You can't have 2,300 military bases around the world. You can't ring China and Russia with nuclear installations as we have done.. World trade and world friendship go hand in hand. Neither self-isolation nor aggression can solve the acute problems that each nation shares with the rest of the world. It is one world—or no world. The raw materials of the world belong to the people of the world and must be shared through international trade and finance.

Mr. Nixon was elected in 1968 on the strength of his claim that he had a plan to get us out of Vietnam. After more than three years in office, we are still heavily involved there with intensification of the fighting on many fronts. We hear much about the troop withdrawals but nothing about the heavy escalation of the air war, and now the huge addition of Naval power.

In looking at Mr. Nixon's record, I find it hard to believe that he is willing to get out short of victory. In 1968, a national magazine quoted Mr. Nixon as follows: "There is no alternative to the war's going on. We have to stop it with victory, or it will start all over again in a few years."

The President has also said repeatedly, "I will not be the first President to lose a war."

Based on everything Nixon says, in my opinion he has never had, and has not now, any intention of giving up the idea of a non-Communist Saigon government. And just a few weeks ago, in his statement to the nation, he again reaffirmed support of the Saigon government. Except for this issue (the political future of Saigon), this war could have been settled years ago.

We want our prisoners back and our troops returned, but the fact is—the Saigon government and victory seem to have first priority with the President, despite his protestations to the contrary. What is more, as long as the war continues, we are adding to the prisoners and more of our boys are being killed.

We are told we have to have a victory in Vietnam or there will be a "blood bath." What do you consider over 700,000 Vietnamese troops killed by us and our ally—not to mention the appalling civilian toll? Isn't that a "blood bath?" A parallel situation in the U.S. would figure out to about 6½ million young men dead. What do you think that would be called in the U.S.?

So—we have to face it! There already is a "blood bath"—and it is our doing. We are guilty. And no amount of rhetoric about a "generation of peace" will make it go away. It will never be forgotten—or forgiven. Nor should it be.

What we have now actually done in our mining of the Haiphong harbor and bombing of the railroads is to tell Russia and China and the rest of the world that *they* cannot send anything to Vietnam, but *we can*. Win or lose this immediate challenge, we have demonstrated to the Communist World, Russia and China, with whom we are hoping to trade and establish good relations, that we are dictatorial and inflexible, and that we must win at all costs. What permanent confidence and trust can we expect to establish in our future relations with them by this recent action?

I am sure the irony of the situation is lost on no one—when it is to Russia we must turn for restraint, cool-headedness, and responsibility in world affairs. If this confrontation with Russia, which we have precipitated, does not result in a global conflict, it will be because of the wisdom, judgment, and restraint of the Communists whom we hold in such scorn. If a settlement of some sort in Vietnam results from the President's trip to Moscow, it will be because Russia, in its own interest, saw fit to "pull our chestnuts out of the fire." They can demand concessions for this as they hold the cards. We have been out-maneuvered, as we have had to ask for their help. It could very well be a Cuba in reverse.

One thing is certain, we have learned some important truths about ourselves in these difficult years. We have learned that we can be influenced erroneously; that our judgment and fairness can be overwhelmed. We can be fooled and confused and made uncertain.

It looks as though there never would come a time when the country could not be whipped into a frenzy of fear over Communists even though they are 10,000 miles away.

We are pathetically at the mercy of our political leadership—which determines the image we project in the world. No king or dictator in modern times has anything remotely like the power of an American President.

Deep down in our hearts we know we have strayed far afield from the ideals on which this country was founded. We know that killing and carnage do not bring us honor. We know the quiet of a shattered country is not peace. We know that the prestige of the Presidency and the honor of our country are enhanced in the world by integrity and stability, and we are appalled at the savagery we have unleashed on a small Asian country which has in no way offended us.

Oddly enough, it was a military man who has most tellingly put into words the folly and tragedy of war. It was General Eisenhower who said: "This world in arms is not spending money alone; it is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. The cost of one modern heavy bomber is this: A modern brick school in more than 30 cities; it is two electrical power plants, each serving a town of 60,000 population; it is two fine, fully-equipped hospitals. We pay for a single fighter plane with ½ million bushels of wheat. We pay for a single destroyer with new homes that could have housed more than 8,000 people."

And, finally, from my beloved countryman, Robert Burns, a closing thought that seems to me to fit our moment in history:

> "Oh wad some Power the giftie gie us
> To see oursels as others see us!
> It wad frae monie a blunder free us,
> An' foolish notion."

ADAM CLAYTON POWELL—"HE KEPT THE FAITH"

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. CLAY. Mr. Speaker, April 4, 1972, marked the close of an era for black people in this Nation. Adam Clayton Powell—Congressman, Minister, civil rights leader—was dead. The people came 100,000 strong to say goodbye and to reminisce about the man, and his life.

A St. Louis policeman, Lt. Frederick Grimes, in a letter to Congressman Powell's son, Adam Clayton Powell III, expressed eloquently the sense of the man and the meaning of his life to black Americans. With your permission, I would like to share this letter with my colleagues:

METROPOLITAN POLICE DEPARTMENT,
CITY OF ST. LOUIS,
St. Louis, Mo., April 24, 1972.

Mr. ADAM CLAYTON POWELL, III,
Washington, D.C.

DEAR SKIPPER: This letter is to belatedly express the deep anguish that I too, feel in the loss of your dear Father. Please accept this message of sympathy with the genuine words of sympathy that you may cherish in the times ahead for you.

Uncle Jerome drove through St. Louis last week enroute to New York for the final rites and I wanted to accompany him on the trip, but unfortunately I was unable to be granted leave of absence for trip, therefore, I must offer my tribute in writing.

The volumes of rhetoric written and spoken on the life of Adam Clayton Powell, Jr., cannot adequately describe him as you knew him, nor as each of us knew him and the effects that he had on the lives of those whom he chose to love or befriend. Adam, truly wrote his own epitaph each day of his active life.

During the 1956 and 1960 Presidential Campaigns, your Father worked the St. Louis area and I was his police escort and we shared a mutual admiration and respect. At the Kennedy Inaugural in January 1961, I was one of only two black police officers from the entire nation assigned to Washington. This was solely by the insistent efforts of Congressman Powell, who demanded my presence—this is the man Powell that I knew.

Although the human image of Adam Powell is no longer with us, his contributions and memories are immortal and will live with pride in the soul of every black American yet unborn because he truly "kept the faith"—his inspirational teachings will most certainly create other black leaders. It was best expressed by President Kennedy, in his inaugural speech—"the torch has passed" which implies that you or someone like you must continue what was started by Adam C. Powell, Jr.

In the future should you have the need of my services and friendship, please be assured that you have a friend here in St. Louis.

With every good wish for your future,
Until we overcome,
Lt. FREDERICK J. GRIMES.

JOHN PAUL VANN

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BROTZMAN. Mr. Speaker, the Nation, and the district which I represent in Congress, lost an outstanding citizen last weekend. He was John Paul Vann, the senior U.S. adviser in the Central Highlands sector of South Vietnam.

John Vann was a resident of Jefferson County, Colo., but had spent 9 out of the past 11 years in a series of sensitive assignments for the United States in Vietnam.

During 1963 and 1964 he was an executive with the Martin Marietta Corp., Littleton, Colo., and it was during this period that I first met him.

He was an unusually intense person, one who characteristically applied himself night and day to the problem at hand. His intensity made him controversial, both in civilian and military life, but it was a quality which enabled him to get things done under the most trying of circumstances.

John Vann served this Nation's interests in Vietnam with the same intensity, and last Friday night it cost him his life. His hard-driving, take-charge attitude caused him, again and again, to expose himself to the greatest of risks. John Vann, I am told, never asked another man to face the hazards that he, himself, had not faced. During the current North Vietnamese offensive he was a pillar of strength for the remaining American forces and the military commanders of South Vietnam.

Many tributes are being paid John Paul Vann by the leaders of this Nation and the free peoples of Southeast Asia. His name already has become legendary in a part of the world which so much needed his strength and personal testament to democracy and the high price which sometimes must be paid to achieve and sustain it.

In my opinion, the finest tribute which can be paid John Paul Vann is to remember that he, perhaps more than any other American, has made the withdrawal of our forces feasible. When he came to Vietnam he worked with a people whose leadership had been methodically destroyed and whose ability to defend themselves had all but vanished. Today, it appears just possible that South Vietnam is developing a viable self-defense force.

This was the cause for which John Paul Vann fought for 9 years—and one for which he sacrificed his life.

WAGE-HOUR VIOLATIONS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. DENT. Mr. Speaker, I commend to my colleagues the following radio interview with Mr. Rudy Oswald, an economist with the AFL-CIO Department of Research. The subject matter discussed is the widespread violation of the Federal wage and hour law.

As the subcommittee chairman whose panel has jurisdiction over this law, I hope to schedule oversight hearings soon after the Senate completes action on the pending amendments to the Fair Labor Standards Act.

Mr. Oswald's interview follows:

LABOR NEWS CONFERENCE, MUTUAL BROADCASTING SYSTEM

Subject: Wage-Hour Violations.

Guest: Rudolph Oswald, an economist in the AFL-CIO's Department of Research.

Reporters: Robert Levey, staff writer for the Washington Post and Tom Joyce, labor correspondent for Newsweek magazine.

Moderator: Frank Harden.

MUTUAL ANNOUNCER. The following time is presented as a public service by this station and the Mutual Broadcasting System.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL-CIO. Labor News Conference brings together leading AFL-CIO representatives and ranking members of the press. Today's guest is Rudolph Oswald, an economist in the AFL-CIO's Department of Research.

Since 1938, federal law has set a floor under the wages employers must pay their workers and a ceiling on the number of hours worked, after which a penalty rate, or overtime, must be paid. Yet year after year, hundreds of thousands of some of the nation's lowest-paid workers are shortchanged wages their employers are required by federal law to pay them. Worse yet, less than one-third of those underpayments are ever recovered. Here to question Mr. Oswald about continuing violations of the federal wage and hour law, why those violations persist and prospects that they will ever be ended, are Robert Levey, staff writer for the Washington Post, and Tom Joyce, labor correspondent for Newsweek magazine. Your moderator, Frank Harden.

And now, Mr. Joyce, I believe you have the first question?

JOYCE. Mr. Oswald, the AFL-CIO claims that hundreds of thousands of workers are being shortchanged under the minimum wage law. What solid evidence do you have that is occurring?

OSWALD. Mr. Joyce, the Labor Department makes inspections of various places of work to determine whether or not they are complying with the minimum wage requirements.

So far this year—in the first nine months of fiscal '72—they have found that some 370,000 workers have been underpaid nearly $75 million. At that rate, that's about half-a-million workers underpaid $100 million over the full year. We know from the past Labor Department studies of compliance levels that their inspection find only one-third of the violations.

So, we could say that about 1.5 million workers today are not being paid the appropriate minimum wage or overtime rates, as required by the Fair Labor Standards Act—with some $300 million of underpayments.

JOYCE. Who are these workers, and why don't we hear more about them?

OSWALD. Mr. Joyce, they are a variety of workers, and many of them are afraid to bring to the government's attention the fact that they are being underpaid.

With high unemployment, they are fearful that their employer will fire them because they have complained to the government about the underpayments, even though the law prohibits employers from taking any sort of repressive action against such employees.

In most cases, they are fearful.

In some cases, they are people who don't speak English—they're Mexican-Americans, Puerto Ricans and others—often they are not familiar with the laws and requirements of this country, and they are taken advantage of.

LEVEY. Mr. Oswald, isn't a large part of the problem part-time workers and teenagers entering the labor force for the first time?

OSWALD. No, Mr. Levey—that's the impression that many people have, but in many cases, they are adult workers—often heads of families—they are victimized by employers—sometimes large employers, sometimes small employers.

We find that violations exist where children are underpaid.

But, most of the violations involve underpayments to adult workers.

LEVEY. Are there any seasonal variations of this phenomenon, or variations according to the section of the country?

OSWALD. There are variations—by industry, by area of the country, and, on occasion, seasonal variations, because of the type of industry.

There are very high violations in agriculture, which, of course, is seasonal.

There are more violations in the South, where wages tend, as a whole, to be lower.

And there are more violations involving minorities—and in some of the ghettoes of the large cities—where these workers are taken advantage of.

JOYCE. Mr. Oswald, what kind of industries are we talking about? Are we talking about mostly "Mom and Pop" operations? Are we talking about things a lot bigger than that?

OSWALD. It sometimes involves chain operations—sometimes very large establishments—and in other cases, fairly small establishments.

Small "Mom and Pop" operations are not covered by the Fair Labor Standards Act. It covers industries that are interstate commerce—most manufacturing and larger retail and service establishments—as well as schools, hospitals and other major industries in this country.

JOYCE. Would it be correct to assume that more young people are likely to be underpaid than adults?

OSWALD. No, Mr. Joyce, we find that more adults are underpaid than young people—most of the violations do involve adults.

What we do find, in terms of young people, though, is other types of violations. The Fair Labor Standards Act, when it was first written in 1938, also tried to do away with what is called "abusive child labor." It prohibited employment of children under the age of 16 during school hours, or working—when school is in session—more than three hours a day or 18 hours a week.

We find that there are many violations of these child labor regulations.

We find, for example, children under the age of 9 employed.

Some 19,000 children under age 15 were employed last year during school hours, or in industries that are hazardous according to the investigations of the Labor Department.

Obviously, that is only a small part of the total number of such violations.

LEVEY. Mr. Oswald, we've had a minimum wage law now since 1938, and, of course, during that time, we've had national administrations of both parties. Do things seem better now—under the Nixon Administration—than before, in terms of numbers?

OSWALD. Mr. Levey, the number of violations are as high as it has been for the past decade.

However, it seems that the current Administration's emphasis is no longer on discovering violations. It has de-emphasized completely the enforcement of the Fair Labor Standards Act.

The Assistant Secretary of Labor for Employment Standards has indicated that the priority should be on voluntary compliance, rather than on enforcement and uncovering underpayments.

As a result, the emphasis is no longer to make sure that employers abide by the minimum wage and child labor requirements, but rather that, in a vague sense, employers should abide by the standards as enunciated in the Act—as people said, in 1900 before passage of the Act.

But, we saw all the abuses that occurred under that attitude—and they led to enactment of the Fair Labor Standards Act in 1938.

LEVEY. Let me ask about the AFL-CIO's role in this. There's now pending on Capitol Hill a bill that would increase the minimum wage. The AFL-CIO has favored that. But, why would the AFL-CIO favor it, if people are having a tough time collecting minimum wage as it is now?

OSWALD. Yes, we favor the increase of the minimum wage—we feel that an increase is absolutely necessary for workers who are at the mercy of their employers—whose wages are so very low that they can not provide for their families.

At $1.60 an hour—which is the current minimum wage—a worker with a full-time, year-round job would only earn $3,200 a year. That's below the $4,000 poverty standard.

Yet the Nixon Administration isn't even supporting the immediate increase of the minimum wage to $2.

We feel that is the very least that is necessary—make the improvement in the minimum wage effective immediately.

The AFL-CIO, at its last convention called for an increase in the minimum wage to $2.50 an hour. We say that $2.50 is absolutely necessary, because if a worker doesn't receive more for working full-time, year-round than the minimum poverty level, you must say that our system doesn't really allow a worker to escape from poverty.

We believe that if the American industrial system is to function properly, someone who works full-time, year-round, should at least be able to support the typical family of four at a modest standard in our society—by working full-time, year-round.

The only way to accomplish that is by increasing the minimum wage.

JOYCE. Mr. Oswald, in line with what you just said—that the AFL-CIO is advocating $2.50 an hour—the AFL-CIO, if I am correct, is supporting the bill that would only increase it to $2.00 an hour, which brings the weekly wage just up to about the poverty line. How do you explain this?

OSWALD. Mr. Joyce, the AFL-CIO supported, in the House of Representatives, the Dent bill (D-Pa.) which would have raised the minimum wage—immediately—to $2 an hour.

We supported the Dent bill in the face of onslaughts by the Administration to delay even that modest increase of the minimum wage.

The Senate Labor and Public Welfare Committee has reported out a bill, which will come before the full Senate shortly, which would raise the minimum wage to $2 immediately, and a year thereafter, to $2.20.

We believe that bill would be an important step in the right direction. Our position, however, remains that a $2.50 an hour minimum wage is necessary for the country today. It is the only means to assure that workers will have enough to support a family.

Joyce. Well, you still seem to be saying that the $2.20, or whatever, is only perpetuating a group of working poor.

Oswald. We do not believe that the $2.20 provision, a year after the increase to $2 an hour, is sufficient to provide for the needs of our country, so that workers who are so employed will be able to have enough income to escape from poverty.

Levey. Mr. Oswald, of course, it's not simply a matter of getting the poor caught up a little bit—it's also a matter, isn't it, of establishing a floor for the AFL–CIO to negotiate its contracts above? Is this in any way part of the AFL–CIO's backing of the $2.50 minimum?

Oswald. Well, Mr. Levey, most of the contracts negotiated by AFL–CIO unions—and, as you know, there are 120 unions affiliated with the AFL–CIO—most of those contracts provide wages far in excess of $2.50 an hour.

So, for most of these unions, an improved minimum wage—whether it is $2, or $2.20 or $2.50—will not have any impact on their negotiations.

We feel that the improvement is an absolute necessity, in terms of basic justice—that someone who is working earns enough to be able to support his family. Look at the record—at the expenses of working. The government's own defined poverty line—$4,500 a year—at $2.50, working full-time, year-round, he would earn just $5,000 a year.

That's barely enough to pay for his working expenses—and still have slightly more than the basic poverty-level existence.

Levey. Talking again about the bill that would raise the minimum to $2.00—as I make it, that's a 25% increase in the minimum. Has any thought been given—or any flap raised—concerning the fact that that's far and away above the 5.5% guideline that the Pay Board has established?

Oswald. Mr. Levey, Mr. Rumsfeld has indicated that this is above the 5.5%.

However, the last time Congress acted to raise the minimum wage was in 1966. At that time, they raised the minimum wage to $1.60 an hour.

In the period since 1966, prices have gone up 25%—as much as the immediate increase of $2.

So, all that would happen is that these workers would be made whole today—catch up for the deterioration of their conditions over the last five years. Unless they're raised immediately to $2 an hour, they would be forced to bear fully the burdens of the current inflation.

A management consultant firm that recently studied the salaries of top officials of large corporations found that the salaries of presidents of these large corporations increased an average of 15% last year.

We're talking about an increase of the minimum wage for the first time since 1966—a period in which inflation has eroded completely the buying power.

We found during World War II, for example, when there were step-ups in the minimum wage, that even in that very tight period of wartime wage controls, the War Labor Board allowed the full minimum wage increase of 33% that had been legislated.

Joyce. Mr. Oswald, a few minutes ago, you were talking about the child labor. If I'm correct, there are a number of advocates—both in Congress and in the business community—who are advocating a sub-standard minimum wage rate for teenagers, on the theory that this would not take jobs away from adults. Can you address yourself to that proposal for a moment?

Oswald. The AFL–CIO is adamantly opposed to any sub-minimum wages paid to anyone, Mr. Joyce.

We believe that the Fair Labor Standards Act is a basic floor under wages—under all wages.

If two people are doing the same work, they should be paid the same wage—not a different or lesser wage that is based on the worker's age, or the color of his skin, or on sex, or on the language that he speaks. Workers should be paid a minimum wage based on a national floor that is a floor under all wages.

Joyce. What about the argument that a uniform minimum wage—one that made no provisions for teenagers—would deprive adults of jobs?

Oswald. If there is a sub-minimum wage established for youth—as the Administration proposes—there's no reason why any employer should increase the wage that he's now paying an employee—from $1.60 an hour, for example, to $2 an hour.

He might just as well substitute a teenager for that adult.

The whole purpose of the minimum wage law is to provide a floor under wages—and the purpose of the increase in the minimum is to raise the floor, not to pave the way for substitution of teenager workers for adult workers.

Levey. Mr. Oswald, a double-barreled question, if I may. How much of the underpaid wages is ever actually paid at a later time to the people who are cheated—number one. And number two—what are the mechanisms for these people to collect?

Oswald. Mr. Levey, there are really two ways that the workers can collect back wages, but currently, only about one-third of the wrongfully withheld wages is actually ever paid to the workers.

One way the worker can collect is to bring suit himself for the wages due him, plus an equal amount in damages, in a federal district court.

Or, he can ask the Secretary of Labor to take his case, and recover the amount due.

Under the bill that is currently being considered by the Senate, there would also be a provision that some penalty be allowed in those cases where the Secretary himself brings the court suit. Otherwise, all that the employer is required to pay is the amount he should have paid in the first place. Basically, that means that no penalty is imposed for violating the law.

Joyce. Mr. Oswald, another two-part question, if you will. One, what do you think are the chances on the Hill for this legislation? And two, why isn't there more interest in the proposal? We hear very little about it.

Oswald. The House, Mr. Joyce, passed the Fair Labor Standards Act amendments in early May, and the Senate will be taking up the amendments, most likely, in mid-June.

A report of the Senate committee will be ready for the Senate floor very shortly, and the Senate might be able to take up legislation any time thereafter.

I think the reason that we're not hearing more about it is because the Nixon Administration is not particularly interested in publicizing the plight of people whose wages are below $2 an hour—people who work full-time, year-round—or part-time—and still don't have enough to even modestly support their families.

Levey. Mr. Oswald, of course it's not just a matter of interest on the Hill, it's a matter of interest also among the aggrieved people. Is the lack of interest among them that we seem to see here—they aren't collecting their money—do you think that's related to the fact that they are among our less-vocal citizens?

Oswald. Precisely, Mr. Levey, these are the people who don't write letters—who don't have secretaries to whom they can dictate a letter to their Congressman or Senator—who do not have access to the mass media.

They are the quiet people—the down-trodden. Many have difficulty composing a letter.

Their dismal conditions, as voiced a year ago, are "forgotten Americans"—those who are working full-time and are still in poverty.

They're not heard in the streets.

They put in a full day's work, without a minimum wage, or at a wage that doesn't allow them to escape from poverty.

Harden. Thank you, gentlemen. Today's Labor News Conference guest was Rudolph Oswald, an economist in the AFL–CIO's Department of Research. Representing the press were Tom Joyce, labor correspondent for Newsweek magazine, and Robert Levey, staff writer for the Washington Post. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

Mutual Announcer. The preceding program time was presented as a public service by this station and the Mutual Broadcasting System. The opinions expressed are solely those of the participants.

NEITHER WOULD GUN LAWS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SHRIVER. Mr. Speaker, since the assassination attempt last month upon Gov. George Wallace, there have been renewed appeals for gun control legislation.

The Wichita, Kans., Eagle recently published an editorial which refers to a discussion by Dr. John Burton of Pontiac, Mich., concerning the folly of attempts to ban the sale of firearms by legislation.

Under leave to extend my remarks in the Record, I include the Eagle editorial:

Neither Would Gun Laws

Whenever there's a tragic incident in the country—such as the shooting of Governor Wallace—there is an emotional reaction against guns, and a renewal of the effort either to ban their sale or attempt to recall those already in the hands of the citizenry.

A man who is something of an expert on the subject, a forensic pathologist by the name of Dr. John Burton of Pontiac, Mich., explained the folly of such attempts to a Wichita audience the other day.

The American public feels a need to keep guns for protection and "the good guys" simply would not turn in their guns because they know there are "bad guys" out there who would refuse, said Dr. Burton.

He's right. And it is also true that making guns harder to get would handicap only the man who wanted a gun for legal uses. A criminal or a lunatic who wanted a gun would find one by illegal methods. If he couldn't, he might resort to a homemade bomb, which might kill not only his intended victim but a lot of other people as well.

As Dr. Burton pointed out, violence is nothing new. Before guns were as available as they are today, people still were killing other people. But in those days they used knives or hammers or something else. Laws already exist, of course, against committing acts of violence, but these do not deter the deranged or the impassioned.

Neither would gun laws.

DOUBLE STANDARD ON RHODESIA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. CRANE. Mr. Speaker, the double standard urged by many opponents of trade with Rhodesia is an interesting one. Such trade, these critics declare, assists a regime which does not share our own views concerning human dignity and the rights of the individual.

These same observers, however, are in the forefront of urging increased trade with Communist China and the Soviet Union. In those instances where they are willing to agree that these Communist governments are in fact dictatorships which deprive their people of elementary rights, they argue that trade will help to open these closed societies.

Thus given two forms of government different from our own, Rhodesia, on the one hand, and Communist governments, on the other, they urge a boycott of Rhodesia and an end to all restrictions with regard to Communist states.

What they forget, of course, is that the two cases are not comparable. The Soviet Union, for example, is challenging us in the Middle East, in the Indian Ocean, and in the North Atlantic. Trade with a government whose goal is world domination affects our own interests in a far different way from trade with a self-contained government such as that of Rhodesia.

Discussing this double standard, editor Robert Bleiberg of Barron's notes that:

> While boycotting Rhodesia . . . the U.S. is briskly extending the hand of friendship, not to mention offers of tangible financial aid, to two of the bloodiest tyrannies in the history of mankind. You can't do business with Smith but you can subsidize Kosygin, Brezhnev and Mao.

By boycotting Rhodesian chrome in the past, the United States has been forced to pay exorbitant prices to the only other major producer, the Soviet Union. Mr. Bleiberg points out that:

> After the imposition of U.N. sanctions, the price of imported chromite soared from $33 a ton to $72, to the pleasure and profit of the Kremlin . . . sanctions cost U.S. consumers of stainless steel an estimated $100 million per annum.

The Department of State argues that sanctions were imposed upon Rhodesia because:

> American policy rests on the basic principles of self-determination and majority rule.

Mr. Bleiberg responds that:

> The explanation must have impressed billions of disenfranchised, hopeless people throughout Latin America, Asia, and Africa, not to mention the Soviet Union . . . What a shame!

I wish to share this editorial, which appeared in Barron's of May 29, 1972, with my colleagues, and insert it into the Record at this time:

DOUBLE STANDARD—FOGGY BOTTOM IS ACTING SHAMEFULLY TOWARD RHODESIA

(By Robert M. Bleiberg)

Annual meeting time has come and nearly gone, bringing its customary quota of criticism from the floor and leaving its fair share of bruised executive egos. In sharp contrast to last year or the one before, this season in the main has been a relatively tranquil affair, with confrontations few and far between, riot and civil commotion conspicuously absent. Here and there, however, estimates of sales and earnings, no matter how rosy, have taken second place to angry protests. Thus, at the annual meeting of Union Carbide Corp., Chairman F. Perry Wilson disclosed that profits in the first quarter had increased 14%, and voiced confidence that the company "will make solid progress in 1972." Nonetheless, dissident stockholders took management to task for "corporate offenses ranging from its activities in southern Africa to executive campaign contributions," while "a group of about 30 chanting demonstrators marched in front of company headquarters, protesting Union Carbide's recent importation of 26,000 tons of Rhodesian chrome." Mr. Wilson got off easier than his opposite number at Foote Mineral Co., whose annual meeting at the Barclay Hotel in Philadelphia drew a contingent of 50 pickets, which, in between denunciations of the company for dealing with white supremacists, "danced and sang to the sound of African bongo drums."

On Capitol Hill, which usually marches to a different drum, both Congressmen and Senators lately have taken up the beat. Negro members of the House of Representatives, organized into a so-called Black Caucus, have publicly called for the destruction of American property in Rhodesia and South Africa and the violent overthrow of their racist regimes. Pending that happy outcome, Reps. Shirley Chisholm (D., N.Y.), John Conyers Jr. (D., Mich.), Ronald Dellums (D., Calif.), Charles Diggs (D., Mich.), Charles Rangel (D., N.Y.) and Louis Stokes (D., Ohio)—together with various church groups and the outlawed Zimbabwe African National Union—have brought suit in U.S. District Court seeking an injunction against the use of chrome ore shipped from Rhodesia to these shores by Foote Mineral and Union Carbide. Meanwhile, in the upper chamber, Senators Gale McGee (D., Wyo.) and Edward Kennedy (D., Mass.), with the blessings of the State Department, are pushing the repeal of last year's Byrd Amendment, which made such imports legal.

Fanaticism, said George Santayana, is redoubling one's effort while losing sight of one's aim, but the radical left is something else. For nearly half a century, despite compelling evidence to the contrary, it has proclaimed the innocence of Sacco and Vanzetti, anarchists and convicted killers, and, with equally ruthless disregard of proven fact, has launched a campaign to whitewash the Rosenbergs and Alger Hiss. By the same token, the fanatical war on Rhodesia is longer on ideology than on respect for truth. By trading with Rhodesia, charged the leader of the demonstration against Foote Mineral, the U.S. "has saved Ian Smith's government from economic disaster." In truth, thanks to the widespread flouting of United Nations' sanctions, notably by neighboring Zambia and other black African states, Rhodesia for the past half-decade has flourished. More to the point, by repealing the Byrd Amendment, Congress would deliberately reimpose a financial burden on both producers and consumers of stainless steel (which requires chrome) and once again make this country heavily dependent upon the Soviet Union for a vital raw material. Finally, while boycotting Rhodesia—only strategic products are free of the general ban—for its repugnant form of government (which, in U.N. eyes, at any rate, constitutes a "threat to peace"), the U.S. is briskly extending the hand of friendship, not to mention offers of tangible financial aid, to two of the bloodiest tyrannies in the history of mankind. You can't do business with Smith, but you can subsidize Kosygin, Brezhnev and Mao.

Armed with this double standard, the U.S. for years has been waging economic warfare on Rhodesia. Pursuant to a resolution of the U.N. Security Council in December 1966 (reaffirmed and strengthened in May 1968), President Lyndon Johnson by Executive Order imposed sanctions on that country, violations of which are punishable by fines of $10,000 and prison sentences up to ten years. (In the first case of the kind, five defendants recently pleaded guilty to violating the embargo by supplying ammonia to a Rhodesian fertilizer plant—some crime against humanity!) Under the Nixon Administration, things continued in the same ugly vein until last fall, when Senator Harry F. Byrd Jr. (D. Va.) succeeded in amending the military procurement authorization bill, to permit, in effect, the importation of Rhodesian chrome and other "strategic and critical raw materials." Since then, to the outrage of the Black Caucus and corporate pickets, shipments totaling fifty thousand tons have landed in the U.S., and efforts to repeal the Byrd Amendment have redoubled. Last week's collapse of the tentative agreement between Her Majesty's Government and Salisbury, based on findings that the black majority disapproved of its terms, doubtless will intensify the drive.

As an economic weapon—here Santayana's definition applies—the international embargo has been a joke. Since Rhodesia's Declaration of Independence in 1965, production and trade have risen by 10% per year. This is how Salisbury looked a few months ago to Ray Vicker, chief European correspondent of The Wall Street Journal: "Japanese, French, German and Italian businessmen are encountered in hotel lobbies here. Hertz' Rhodesian outlets offer Japanese-made Toyotas for rent, while Avis competes with German-made BMWs. Liquor stores carry stocks of British gin and choice Scotch. Italian shoes are popular with Rhodesian women, while French wines are found at top hostelries. . . . Rhodesia's manufacturing industries have expanded to provide many products that were formerly imported. Manufacturing expanded 12.5% in 1970 from 1969, and probably will show an increase of around 8% this year. 'We can continue to get by indefinitely, if we have to,' says one Rhodesian sanctions buster, who travels the world negotiating agreements for Rhodesian exports and imports."

Until last fall, moreover, the joke was on this country, which wound up paying an exorbitant price for chrome mined in the Soviet Union (or, there is reason to suspect, merely transshipped via Moscow from Rhodesian mines). After the imposition of U.N. sanctions, the price of imported chromite soared from $33 a ton to $72, to the pleasure and profit of the Kremlin, which, like the most rapacious capitalist, charged whatever the traffic would bear. Hence according to the American Iron and Steel Institute, sanctions cost U.S. consumers of stainless steel an estimated $100 million per annum and domestic producers, faced with mounting competition from foreign industry which enjoyed access to cheaper raw materials, a large chunk of their market. (Since the embargo was lifted, by the way, Russian ore prices have dropped sharply.) To add insult to injury, some of the "legal" Russian chrome—to judge by results of sophisticated chemical analysis performed by Crucible Steel, which found that the titanium content of ore from the Soviet Union differed markedly from that of Rhodesia—probably had its origins in racist mines. According to one State Department spokesman: "Occasionally we have heard of Russian ships docked in Africa to pick up Rhodesian chromite, but verification has proved this not to be the case." Trust Foggy Bottom to try to prove a negative.

So much for the dollars and sense. As to the legality of the Byrd Amendment, the controversy, as noted, has landed in the courts, where a U.S. District Court judge has refused to issue a preliminary injunction against Foote Mineral and Union Carbide. Plaintiffs doubtless will appeal to higher authority. However, at least one eminent lawyer, the late Dean Acheson, had no doubts as to the illegality of the embargo. In a memorable address before the American Bar Association in 1968, he stated: "It would surprise some of our fellow citizens, though hardly anyone here, to learn that the United States is engaged in an international conspiracy, instigated by Britain and blessed by the United Nations, to overthrow the government of a country that has done us no harm and threatens no one . . . (this is) barefaced aggression, unprovoked and unjustified by a single legal or moral principle." Why was Rhodesia, alone among nations, singled out as a threat to world peace? The State Department in 1969 offered a reason: "American policy on Rhodesia rests on the basic principles of self-determination and majority rule." The explanation must have impressed billions of disenfranchised, hopeless people throughout Latin America, Asia and Africa, not to mention the Soviet Union, upon which the Nixon Administration is eagerly preparing to lavish most-favored-nation treatment and subsidized credits. What a shame!

WEST POINT DURING THE ERA OF LINCOLN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SCHWENGEL. Mr. Speaker, it is not unusual that I get invited to places where we talk about Abraham Lincoln and I did get invited to hear Maj. Gen. Roland Gleszer who spoke to the Lincoln Group of the District of Columbia on May 18.

His remarks are informative and worthwhile for all who are interested in Lincoln and especially for those who are interested in American history and I am glad to have this opportunity to place them in the RECORD where they may be read by all who receive the CONGRESSIONAL RECORD.

Major General Gleszer's remarks follow:

WEST POINT DURING THE ERA OF LINCOLN

At the outset, I should admit to you my anxiety when I first began to assemble my notes for these remarks today. It is difficult to find a topic which has direct bearing on the Lincoln era, yet one which also has impact upon the affairs of today. This problem was compounded by the divergence of opinion that exists about Lincoln and the Civil War times.

After my research, I am sure that there must be more historians of the Civil War than there were generals fighting in it. And of these two groups, the historians are undoubtedly the more belligerent. In defending their favorite heroes, they occupy positions as resolutely as ever did General Grant, and in developing their cases, they fight with a gusto reminiscent of George Custer. Because of this, I feel compelled not to deal with personalities per se, but rather with institutions, specifically, those that were present during the time of Lincoln and have existed through the present.

There are two institutions about which I can lay some claim to expertise. The first, is the institution of marriage; but, I make it a habit to leave all comments about that institution to my wife. The second, by background and experience, is the U.S. Military Academy at West Point, an institution whose role during the Civil War and after has been an important one, both to the Army and to this country.

So both by elimination and inclination, I developed my topic for today—West Point during the era of Lincoln.

Over the years, I have seen the United States Military Acadamy from many perspectives . . . as a cadet, as a colonel commanding a cadet regiment and as a father of a West Pointer. From this exposure, I have drawn one vivid and significant impression, that being this: For many years, the academy has enjoyed an unparalleled respect and support from the American people. Regardless of the political climate at any given time, the grassroots popular faith in the dignity and worth of West Point has remained high, and virtually unshakeable.

As a cadet, I was often told that, in terms of popular image, cadets ranked with generals. As an officer, I quickly learned the validity of this comment. Going from cadet to officer was, in a paradoxical sense, both a demotion in image and a promotion in rank.

Now . . . what is the genesis of this emotional and what might be considered an irrational popularity? What were the factors that generated such support? Exactly where did it begin?

It developed as a direct result of the American civil war experience . . .

With the aid of history and with your indulgence, it is this thesis that I will expand today.

Things had not always been good for the academy. The 1830's and 1840's, especially, were not good years.

During this period as a result of the historical American reliance upon militia forces and a corresponding traditional distrust of standing armies, West Point had come under repeated attack. The Jacksonians assaulted the academy on both philosophical and financial grounds, claiming that its very existence was contrary to democratic concepts. Within the public mind, a very real doubt existed about the wisdom of having an academy.

With the election of Van Buren, the academy enjoyed a brief respite. But, the situation still remained "touch and go" for West Point and its survival as a national institution. In fact, the academy was very nearly disestablished in 1845.

But on the horizon loomed a confrontation which would alter the nation's attitude toward the academy. After skirmishing broke out along the Rio Grande, President Polk, on 11 May 1846, demanded a declaration of war against Mexico. After 30 years of peace, years in which West Point had graduated more than 1,000 officers, the academy got its first real test—that of the battlefield.

The war and the accomplishments of its graduates brought West Point, in the 1850's, a decade of development. The faculty was excellent. The academy was the foremost engineering school in the nation. Robert E. Lee became the school's ninth superintendent. Jefferson Davis, a West Point graduate, was the secretary of war in the cabinet of President Franklin Pierce.

But still there was no great ground swell of popular grassroots enthusiasm for the Academy. *It would take the Civil War to develop West Point as a living legend.*

The Civil War was a West Pointer's fight. In 55 of the 60 biggest battles, West Point graduates commanded both armies, in the remaining 5, a West Pointer commanded one of the opposing armies. These men knew how to train and administer troops, and as a rule they were highly intelligent. But, most importantly, they possessed the vital strengths of leadership and integrity, strengths forged by the environment of West Point.

It should be emphasized, that before 1861 few had had any actual experience in managing large numbers of troops. Not one had controlled a unit as large as a brigade and only a few had ever handled a regiment. Except for a few men who had visited Europe, the men who would lead the opposing armies in the Civil War had never seen a force larger than the 14,000 men of Winfield Scott in the Mexican War. And, this group had been only captains and lieutenants. In the Civil War, however, they were called upon to serve in the highest positions of command. In fact, Sherman confessed that his first studies of large unit tactics were made for the first time in the days prior to Bull Run.

Yet, learn they did. They proved their ability to both apply their lessons and extrapolate from their knowledge. And, as in many other wars that have been fought, the battlefield proved to be a demanding school.

The war, in addition to placing the Academy's graduates in difficult situations, also, forced the Academy as an institution into an awkward and precarious position.

As a result of the secession, a total of 286 West Pointers, including 65 cadets, had opted for the Confederacy. Although the total was by no means overwhelming, Southerners had long dominated the critical posts within the army and a loss of so many key officers panicked the civilian leaders in Washington.

This anxiety developed into an attack upon the Academy itself. In a report that was issued the first of January 1861, Secretary of War Cameron, stated "the large disaffection has excited the most profound astonishment and naturally provokes inquiry as to its cause."

President Lincoln himself, echoed similar sentiments in a message given on the 4th of July 1861: "It is worthy of note that in this Government's hour of trial, large numbers of those in the Army and Navy who have been favored as officers have resigned and proved false to the hand which had pampered them."

These early comments of the President have been attributed by many to his personal experience as a Militia captain during the Blackhawk War. But regardless of origin, the impact of his comments was felt. The dismay of many West Pointers was compounded by the fact that the critics seemed ignorant of the fact that many southern born graduates had remained loyal to the Union.

But . . . as the war progressed, Lincoln's respect for the Academy and for the quality of the men it produced grew. As Commander in Chief, he could see the necessity and worth of having a corps of trained professionals upon whom the burden of the war could be placed. To Lincoln the politician, the value of having a professional and fundamentally nonpolitical military during a time of crisis was also evident.

Another factor that Lincoln admired in the men of West Point, both of the North and the South . . . was, their inherent sense of brotherhood, a feeling that Lincoln himself hoped to maintain within the Nation as a whole, despite the divisions of war.

I would like to recount a few incidents, drawn from Fleming's "The Men and Times of West Point," that are indicative of the spirit that existed between men of both sides, especially those entrusted with responsibilities of high level command. They are symbolic of the sense of humanity and the recognition of common ties that existed.

One such story concerns General Custer and his old friend Col. Tom Rosser. In his reckless daring, Custer found himself charging the Confederate cavalry commanded by Rosser. One day in the full view of the northern sharpshooters, Rosser threw back his red lined cape and boldly reconnoitered the enemy lines. Custer, riding up and down his line, hastily ordered everyone to hold their fire. The next day, under a flag of truce, Custer sent Rosser this message: "Tom, do not expose yourself so. Yesterday I could have killed you."

Even Grant, the relentless pursuer, never forgot that he was fighting men who had been his classmates and friends. The story is recounted of the evening when Grant sent scouts forward to determine why the men of George Pickett's division were burning so many campfires. When the scouts returned and informed Grant that the fires were in honor of Pickett's newborn son, Grant ordered answering bonfires to be made. A few days later under a flag of truce, a baby's silver service was delivered to Gen. Pickett, engraved: "To George Pickett, Jr., from his father's friend, Ulysses S. Grant."

The ultimate example of this appreciation of comradeship is engrained in the humanitarian terms of surrender dictated at Appomattox. When Walt Whitman heard the conditions of this surrender he declared: "Affection shall solve the problems of freedom yet." Without a doubt, his tribute had been earned in part by West Pointers, both of the North and the South.

In some respects, this spirit of Appomattox died with Lincoln. The Nation began the long and bitter road of reconstruction—a time in which wounds did not heal, and a time in which bitterness remained. But among West Pointers, reconciliation remained not only a hope but a reality. Grant entertained Longstreet in his home, and in one of his first official acts as President, granted Longstreet a position as surveyor of customs in New Orleans. It was this desire for reconciliation that prompted several West Pointers to form an association of graduates, an organization which launched an all out effort to recruit southerners back into the Armed Forces of the Nation. As early as 1868, young men from the Southern States were once again admitted to the Military Academy.

IF ALIVE LINCOLN WOULD HAVE APPROVED

In summary, the Lincoln era was a time of challenge and testing for West Point. The academy had survived the attacks of the Jacksonian years. It had shown itself equal to the tasks of the Mexican War, and it had emerged as a corps of young and professional officers upon whom the Nation could count. The Academy had been a place where men could grow and dream, but when the dreams were shattered by the advent of war, the sense of brotherhood remained, adding humanity to the conflict and a hope of reconciliation in the years that followed.

But more important than any other factor, the Academy had come of age and had proved itself in the eyes of the Nation. By their accomplishments, its graduates had forged a tradition of sacrifice, and a reputation for integrity upon which the Academy draws to this day. It found a lasting place in the hearts and minds of the American people.

Thank you.

DEATH OF JOHN PAUL VANN

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. RHODES. Mr. Speaker, the death of John Paul Vann is a tragic loss for the United States and Vietnam. No one could have been more dedicated to the program with which he was charged than Mr. Vann—he devoted his every effort and hour to providing all possible avenues for the security and self-determination of the Vietnamese people, for whom he had deep affection. However, his chief motivation came from the fact that he was a deeply patriotic American who was convinced of the importance to us and to the world of the great effort we were making in Southeast Asia.

I will always be glad that I had the privilege of knowing John Paul Vann—when I was in Vietnam in 1970, he was working primarily in the Delta area. Nothing was too difficult or too dangerous for him to undertake, and at that time that particular area was the "hot spot" of the country. The success of the Vietnamization program there now is notable, and it is largely due to his tireless and fearless efforts.

He believed utterly and completely in the importance and necessity of his job, which he did with a single-minded purpose which resulted in concrete achievements. Certainly, the phrase, "Well done, thou good and faithful servant" could not be more deserved by or better fitted to any man than to John Paul Vann.

FOREIGN AFFAIRS COMMITTEE REPORT SHOWS SOVIET UNION SYSTEMATICALLY VIOLATED 45 PRIOR AGREEMENTS AND INTERNATIONAL TREATIES

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. EVINS of Tennessee. Mr. Speaker, certainly we are all hopeful that the recent disarmament treaty signed by the United States and Russia will mark a real beginning of disarmament. However, a review of various international agreements and treaties with the Communist Government of the Soviet Union points to a history of flagrant violations and breaches of faith.

A report of the House Foreign Affairs Committee dated September 27, 1961, is one of the most startling documents citing the "grim record of the—Soviet Union" in international relations. The report cites 45 specific Soviet violations of international treaties and agreements.

This study is very timely in the light of the recent negotiations and agreements between the United States and U.S.S.R. While we all support the efforts of the President in this area, it is our earnest prayer that history does not again repeat itself. But, upon the record, one's faith is shattered.

Because of the interest of the Congress and the American people in this subject, I insert this report in the RECORD:

BACKGROUND INFORMATION ON THE SOVIET UNION IN INTERNATIONAL RELATIONS

I. SOVIET VIOLATIONS OF INTERNATIONAL TREATIES AND AGREEMENTS

In war never tie your hands with considerations of formality. It is ridiculous not to know the history of war, not to know that a treaty is the means of gaining strength. . . . The history of war shows as clearly as clear can be that the signing of a treaty after defeat is a means of gaining strength. . . . Yes, of course, we are violating the [Brest-Litovsk] treaty; we have violated it thirty or forty times.—Lenin, *Selected Works*, Vol. VII, pp. 301, 309.

A diplomat's words must have no relation to action—otherwise what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for the concealment of bad deeds. Sincere diplomacy is no more possible than dry water or iron wood.—Stalin, *Works*, Vol. II, p. 277.

A. Germany

The Soviet Union has systematically and flagrantly violated the wartime and postwar agreements concluded by the Allies to govern the administration of the occupation and rehabilitation of Germany. In addition to violating those parts of the agreements which were designed to ensure the peaceful, democratic, and balanced economic development of all Germany, the USSR has persistently sought to terminate unilaterally the rights of the Western Allies which resulted from the victory over Nazi Germany and which were formalized in numerous agreements concluded with the Soviet Government.

1. Democracy

The Potsdam Protocol of August 1, 1945 and subsequent decisions by the Allied Control Council guaranteed certain fundamental personal and political freedoms to the German people.

a. "The judicial system will be reorganized in accordance with the principles of democracy, of justice under law, and of equal rights for all citizens without distinction of race, nationality or religion." (Potsdam Protocol, II, 8)

b. "Subject to the necessity for maintaining military security, freedom of speech, press and religion shall be permitted, and religious institutions shall be respected. Subject likewise to the maintenance of military security, the formation of free trade unions shall be permitted." (Potsdam Protocol, II, 10)

These basic human freedoms have been consistently and flagrantly violated by the Soviet Union. The legal system was put on a political basis and thousands of people in the Soviet Zone were arrested and deported to the USSR or sent to concentration camps.

There is no freedom of speech or of the press in the Soviet Zone, and freedom of religion has been greatly limited, as in the USSR. Education has been subordinated to communist aims and principles. Soviet military forces cooperated with the East German regime in putting down the uprisings and strikes which occurred in June 1953. Until it was stopped by force, the flow of refugees escaping from the Eastern Zone gave evidence of the continuing denial of basic human freedoms to the people of East Germany.

c. "So far as is practicable, there shall be uniformity of treatment of the German population throughout Germany." (Potsdam Protocol, II, 2)

The Soviet-controlled East German authorities in June 1952 began an extensive program aimed at the complete isolation of the East German population from contact with the West and particularly with the population of West Germany. Soviet actions included closure of the interzonal frontier and prohibitions of visits of West Germans to the Soviet Zone except by special permits. The USSR created a 5-kilometer blocked zone along the frontier from which a substantial portion of the population, including entire villages, was forcibly evacuated. In Berlin carefully controlled traffic from the Soviet sector to the Western sectors continued until August, 1961, when the East German regime closed the Berlin sector border as tightly as the interzonal frontier.

d. Free exchange of printed matter and films was authorized in all occupation zones of Germany and Berlin. (Control Council Directive No. 55, June 25, 1947)

Soviet authorities have repeatedly barred from the Soviet Zone or Soviet sector of Berlin such materials originating in other zones.

e. "Local self-government shall be restored throughout Germany on democratic principles . . ." (Potsdam Protocol, II, 9, i)

f. "All democratic political parties with rights of assembly and of public discussion shall be allowed and encouraged throughout Germany." (Potsdam Protocol, II, 9, ii)

g. "The purposes of the occupation of Germany . . . are to prepare for the eventual reconstruction of German political life on a democratic basis and for eventual peaceful cooperation in international life by Germany." (Potsdam Protocol, II, 3, iv)

In April 1946 the Soviet authorities forced the merger of the Socialist Party of Germany with the Communist Party of Germany, forming the SED or Socialist Unity Party, with the aim of "capturing" the Socialist voters of Berlin and the East Zone. In June 1947 the Soviets "vetoed" the election of Ernst Reuter as Governing Mayor of Berlin and installed their representatives in the police who, operating under Soviet orders, openly defied the legally-elected Berlin government. On June 23, 1948, the Soviets ordered the SED to carry out riots around the City Hall of Berlin and brought the demonstrators to the scene in Russian Army trucks.

In East Germany the so-called German Democratic Republic was established in October 1949 by Soviet order, without prior discussion or free elections. The regime's first elections were held in 1950 under the "bloc-party" system and the National Front, a communist cover organization. In 1952, the USSR refused to grant entry into East Berlin and East Germany of a UN commission to investigate whether there were conditions conducive to free elections.

2. Economic Question

The Potsdam Protocol of August 1, 1945 provided for the treatment of Germany as a single economic unit, envisaged the equitable distribution of essential commodities between the various zones and limited excessive reparations.

a. "During the period of occupation Germany shall be treated as a single economic unit." (Potsdam Protocol, II, 14)

b. "To this end common policies shall be established in regard to . . . import and export programs for Germany as a whole . . . reparation and removal of industrial war potential, transportation and communications." (Potsdam Protocol, II, 14)

c. "Allied controls shall be imposed upon the German economy but only to the extent necessary . . . to ensure in the manner determined by the Control Council equitable distribution of essential commodities between the several zones so as to produce a balanced economy throughout Germany and reduce the need for imports." (Potsdam Protocol, II, 15)

On April 5, 1946, in the Allied Control Council's Economic Directorate, the Soviet Union stated that each zone should be responsible for its own trade. The USSR thereafter consistently refused to make a common import-export plan workable by submitting a plan for its own zone, even though the Control Council, on September 20, 1945, had approved the establishment of a common program.

d. "Payment of reparations should leave enough resources to enable the German people to subsist without external assistance." (Potsdam Protocol, II, 19)

e. ". . . industrial capital equipment . . . should be removed from the Western Zones of Germany in exchange for an equivalent value of food, coal, potash, zinc, timber, clay products, petroleum products, and such other commodities as may be agreed upon." (Potsdam Protocol, III, 4, a)

The USSR exploited and drained German resources in a manner not authorized by the Potsdam Protocol, took large amounts of reparations from current production, and absorbed a substantial part of German industry in the Soviet Zone into Soviet state-owned concerns. Although the United States had made 11,100 tons of reparations equipment available to the USSR by August 1, 1946, the Soviet Union did not live up to its agreement to ship goods in return to the Western zones of Germany.

The result of the Soviet violations of the agreement on reparations and the USSR's refusal to treat Germany as an economic unit was that the United States and the United Kingdom were obliged to give financial support to their zones in Germany to maintain a minimum economy. In effect, the United States, in shipping reparations to the Soviet Union while supporting its own zone to make up deficiencies caused by Soviet violations of the Potsdam Protocol, was permitting the USSR to collect reparations from the United States itself, rather than from Germany.

f. German external assets in Finland, Eastern Austria, Hungary, Bulgaria and Rumania were to be vested in the German External Property Commission. (Control Council Law No. 5, October 30, 1945)

The USSR directly appropriated German external assets in these countries without unvesting and assignment by the German External Property Commission.

g. In conformity with Paragraph 14 of the Potsdam Protocol, quadripartite legislation was enacted to provide tax uniformity and stabilization of wages in all zones. (Control Council Laws Nos. 12, February 11, 1946, and 61, December 19, 1947; Control Council Directive No. 14, October 12, 1945)

Soviet authorities permitted the *Land* governments of Brandenburg and Saxony-Anhalt to grant partial tax exemptions to large groups of wage and salary earners in violation of this legislation. This move was intended to stop the exodus of skilled workers to the western zones, to encourage qualified workers to take jobs in Soviet-owned factories, and to make propaganda claims about improved living standards of Soviet Zone workers.

3. Demilitarization

On repeated occasions during and after the war, the USSR agreed the demilitarization of Germany should be one of the cardinal aims of the occupation.

a. "The purposes of the occupation of Germany . . . are the complete disarmament and demilitarization of Germany . . ." (Potsdam Protocol, II, 3)

b. "All armed forces of Germany or under German control . . . shall be completely disarmed. . . . Detachments of civil police to be armed with small arms only, for the maintenance of order and for guard duties, will be designated by the Allied Representatives." (Declaration Regarding Defeat of Germany, June 5, 1945, Art. 2)

c. "All forms of military training, military propaganda and military activities of whatever nature, on the part of the German people are prohibited, as well as the formation of any organization initiated to further any aspect of military training and the formation of war veterans' organizations or other groups which might develop military characteristic or which are designed to carry on the German military tradition, whether such organizations or groups purport to be political, educational, religious, social, athletic or recreational or of any other nature." (Four Power Agreement on Additional Requirements to be Imposed on Germany, September 20, 1945, Section I, Paragraph 2)

In 1948 Soviet authorities began building up a sizable "police force" in the Soviet Zone. On May 23, 1950, the United States protested to the USSR against the remilitarization of the Soviet Zone, calling attention to the fact that some 40,000 to 50,000 men in so-called "Police Alert Units" were receiving basic infantry, artillery and armored training, and were equipped with Soviet military weapons.

By the end of 1953 the Soviet Zone had a "police force" of 100,000 men, supplemented by an additional 140,200 military personnel, including three mechanized divisions and an air force. By June 1959 East German military and paramilitary forces totaled more than 700,000 men.

In violation of the four-power occupation status of Berlin the USSR has allowed the presence of East German paramilitary units and armament factories in East Berlin. Military parades have taken place annually on May Day in East Berlin. These violations were carried out during a period when the USSR itself still acknowledged the continuation of the four-power occupation status of Berlin. Until August 1961, the USSR had denied the existence of the four-power status of Berlin only during three brief periods in 1948, 1952, and 1958. Each time it reversed its position in response to strong western objections. Finally on August 13, 1961, East German armed forces, in flagrant violation of the quadripartite status of Berlin, entered Berlin and participated in the illegal closing of the border between the Soviet and Western sectors of the city.

4. Allied Occupation of Germany

In violation of wartime and postwar agreements, the Soviet Union has sought to destroy the organs established for the occupation of Germany and to deny to the Western Allies their rights stemming from the military conquest of Germany.

a. ". . . supreme authority in Germany will be exercised, on instructions from their Governments, by the Soviet, British, United States, and French Commanders-in-Chief, each in his own zone of occupation, and also jointly in matters affecting Germany as a whole. The four Commanders-in-Chief will together constitute the Control Council." (Four Power statement on control machinery in Germany, June 5, 1945, Paragraph 1)

On March 20, 1948, the Soviet commander unilaterally adjourned a meeting of the Council and abruptly walked out, thereby precipitating a rupture of its operations.

b. "The administration of the 'Greater Berlin' area will be directed by an Inter-Allied Governing Authority, which will operate under the general direction of the Control Council and will consist of four Commandants, each of whom will serve in rotation as Chief Commandant." (Four Power Statement on Control Machinery in Germany, June 5, 1945, Paragraph 7)

On June 16, 1948, the Soviet representative walked out of a meeting of the Inter-Allied Governing Authority (*Kommandatura*). On July 1, 1948, Soviet authorities announced that they would no longer participate in any meetings. These acts finally destroyed the quadripartite control machinery of Berlin.

c. [Occupation of Berlin will be carried out] . . . in accordance with arrangements between the respective commanders, including in these arrangements simultaneous movement of the national garrisons into Greater Berlin and provision of free access by air, road, and rail from Frankfurt and Bremen to Berlin for United States forces." (Letter of the President of the United States to Soviet Premier Stalin of June 14, 1945, to which Stalin replied on June 18, 1945: "On our part all necessary measures will be taken in Germany and Austria in accordance with the above stated plan".)

The Soviets imposed rail and road restrictions on Allied traffic to Berlin from the Western zones on April 1, 1948. The Allies inaugurated a "little airlift" which was expanded to a full airlift on June 26, 1948, two days after the Soviets imposed a total blockade. On July 1, 1948, the Soviet Chief of Staff of the USSR delegation to the Inter-Allied Governing Authority told his British, French, and American counterparts that four-power administration of Berlin no longer existed.

d. "All the restrictions imposed since March 1, 1948, by the Government of the Union of Soviet Socialist Republics on communications, transportation, and trade between Berlin and the Western zones of Germany and between the Eastern zone and the Western zones will be removed on May 12, 1949." (Quadripartite Agreement, New York, May 4, 1949, Paragraph 1)

e. ". . . in order to improve and supplement this and other arrangements and agreements as regards the movement of persons and goods and communications between the Eastern zone and the Western zone and between the zones and Berlin and also in regard to transit, the occupation authorities, each in his own zone, will have an obligation to take the measures necessary to insure the normal functioning and utilization of rail, water, and road transport for such movement of persons and goods and such communications by post, telephone, and telegraph." (Council of Foreign Ministers Communique, Paris, June 20, 1949, Paragraph 5)

On September 20, 1955, the USSR transferred to the East German regime control over road, railroad and air traffic in and out of Berlin in violation of the 1949 agreement. In December 1955, the Soviets threatened to interrupt the Berlin barge service, and higher tolls were levied on barges bound for Berlin in May 1958. Since January 13, 1950, the Soviet authorities have intermittently interfered with traffic between Berlin and Western Germany. On August 13, 1961 East German authorities put into effect several measures which had the effect of limiting, to a degree approaching complete prohibition, passage from the Soviet sector to the Western sectors of the city. These measures accompanied the closing of the sector boundary by a sizable deployment of police forces and by military detachments brought into Berlin for this purpose. This was a flagrant, and particularly serious, violation of the quadripartite status of Berlin and freedom of movement within that city guaranteed by the Quadripartite Agreement of New York of May 4, 1949 and by the decisions taken at Paris on June 20, 1949 by the Foreign Ministers of the Four Powers.

5. Prisoners of War

a. "German prisoners of war located in the territory of the Allied Powers and in all other territories will be returned to Germany on December 31, 1947." (Report of the Council of Foreign Ministers, April 23, 1947)

The Soviet Union reaffirmed this obligation in submitting its plan for repatriation on June 30, 1947. On January 3, 1949, the United States protested to the Soviet Union for its failure to furnish information on repatriation of war prisoners, noting that only 447,367 prisoners were known to have been repatriated out of the 890,532 war prisoners which Soviet Foreign Minister Molotov announced on March 12, 1947 were still in Soviet custody.

b. ". . . repatriation of war prisoners will be completed during 1949." (Soviet note of January 24, 1949.)

On May 5, 1952, the Soviet news agency TASS announced that the last group of German prisoners of war, numbering 17,538, had been repatriated. It added that 9,717 prisoners were still being held because they had been convicted of grave crimes and that in addition 3,815 were still being investigated. At this time it was estimated that the Soviet Government held more than 100,000 German prisoners, most of whom had been convicted on various pretexts to hard labor and were therefore no longer considered war prisoners. During the period from May 1950 to August 1955, some 11,000 German prisoners were released by the USSR, and following a special plea by the West German Government during the negotiations leading to the exchange of diplomatic rpresentatives in September 1955, the Soviets released 11,000 additional prisoners. The Soviet Government has also refused to repatriate more than 100,000 German civilians deported during and after the war from East Germany and Eastern Europe. The United Nations Ad Hoc Commission on Prisoners of War reported in September 1957 that the Soviet Government had not even replied to a request to discuss further the prisoner-of-war issue.

6. Eastern Frontiers

Both the Yalta Agreement and the Potsdam Protocol stipulated that final delimitation of the German-Polish frontier should await a peace settlement with Germany.

a. ". . . the final delimitation of the Western frontier of Poland should thereafter await the Peace Conference." (Yalta Agreement, VII)

b. "The three Heads of Government reaffirm their opinion that the final delimitation of the western frontier of Poland should await the peace settlement." (Potsdam Protocol, VIII, B)

Immediately after this pledge was made, the USSR in effect recognized the Oder-Neisse line as the German-Polish frontier, allowing the Soviet-controlled Lublin Polish Government to occupy the land and evacuate the Germans who had been living there. On July 6, 1950, the Soviet-controlled governments of Poland and East Germany signed an agreement recognizing the Oder-Neisse line, in violation of the Yalta and Potsdam Agreements.

B. The Baltic States[1]

In direct violation of a series of treaties stretching over the entire interwar period from 1920 to 1939, the Soviet Union seized the Baltic countries of Lithuania, Latvia, and Estonia in the summer of 1940 and annexed them to the USSR.

1. The Peace Treaties

In 1920 the RSFSR[2] signed peace treaties with the Baltic states, recognizing their independence and defining the joint boundaries.

a. ". . . Russia unreservedly recognizes the independence and autonomy of the State of Estonia, and renounces voluntarily and forever all rights of sovereignty formerly held by Russia over the Estonian people. . . ." (Estonia-RSFSR Treaty of Peace, Tartu, February 2, 1920, Art. II)

b. ". . . Russia recognizes without reservation the sovereign rights and independence of the Lithuanian state, with all the juridical consequences arising from such recognition, and voluntarily and for all time abandons all the sovereign rights of Russia over the Lithuanian people and their territory." (Lithuania-RSFSR Treaty of Peace, Moscow, July 12, 1920, Art. I)

c. ". . . Russia unreservedly recognizes the independence and sovereignty of the Latvian state and voluntarily and irrevocably renounces all sovereign rights over the Latvian people and territory which formerly belonged to Russia. . . ." (Latvia-RSFSR Treaty of Peace, Riga, August 11, 1920, Art. II)

2. Nonaggression Pacts

All the Baltic States signed nonaggression pacts with the Soviet Union, which were renewed periodically up until 1939.

a. "The Lithuanian Republic and the Union of Soviet Socialist Republics mutually pledge themselves to respect, in all circumstances, the sovereignty and territorial integrity and inviolability of each other. Each of the Contracting Parties pledges itself to abstain from any aggressive actions whatsoever against the other Party." (Lithuania-USSR Treaty of Nonaggression, Moscow, September 28, 1926, Arts. II, III)

By virtue of additional protocols signed May 6, 1931 and April 4, 1934, the life of this treaty was extended until December 31, 1945. It was flagrantly violated by the secret protocol concluded by the USSR with Nazi Germany on September 28, 1939 which stipulated that the territory of Lithuania fell within the Soviet sphere of influence and allowed the USSR to "take special measures on Lithuanian territory to protect its interests."

b. "Each of the High Contracting Parties undertakes to refrain from any act of aggression directed against the other and also from any acts of violence directed against the territorial integrity and inviolability or the political independence of the other Contracting Party. . . . Each of the High Contracting Parties undertakes not to be a party to any military or political treaties, conventions or agreements directed against the independence, territorial integrity or political security of the other Party. . . ." (Latvia-USSR Treaty of Nonaggression, Riga, February 5, 1932, Arts. II, III)

An additional protocol signed in Moscow on April 4, 1934 extended the life of this treaty until December 31, 1945. A secret protocol of the Nazi-Soviet Pact of August 23, 1939 stipulated that Latvia was to be considered within the Soviet sphere of interest, in direct violation of the Soviet-Latvian nonaggression treaty.

c. "Both High Contracting Parties mutually guarantee the inviolability of the frontiers existing between them and established in the Treaty of Peace signed on February 2, 1920, and undertake to refrain from any act of aggression against each other . . . Each of the High Contracting Parties undertakes not to participate in any political agreements manifestly directed against the other Party in the sense of aggression . . . ." (Estonia-USSR Treaty of Nonaggression, Moscow, May 4, 1932, Arts I, II)

An additional protocol signed in Moscow on April 4, 1934 extended the life of this treaty until December 31, 1945. A secret protocol of the Nazi-Soviet Pack of August 23, 1939 stipulated that Estonia was to be considered within the Soviet sphere of interest, in direct violation of the Soviet-Estonian nonaggression treaty.

3. Renewed Soviet guarantees

On September 28, 1939, the Soviet Union compelled Estonia to sign a Treaty of Mutual Assistance. Latvia and Lithuania signed similar treaties on October 5 and 10, respectively. By the terms of these pacts, the USSR received leases on military bases and port installations and the right to maintain armed forces on the territories of the states concerned. At the same time, the Soviet Union guaranteed in these treaties the sovereignty of the Baltic States.

a. "The entry into force of this Pact shall in no way infringe upon the sovereign rights of the Contracting Parties, particularly their economic system and political structure." (Estonia-USSR Pact of Mutual Assistance, Moscow, September 28, 1939, Art. V)

b. "The entry into force of the present Pact must in no way affect the sovereign rights of the Contracting Parties, in particular their political structure, their economic and social system, and their military measures." (Latvia-USSR Pact of Mutual Assistance, Moscow, October 5, 1939, Art. V)

c. "Entry into force of this Pact shall not affect to any extent the sovereign rights of the Contracting Parties, in particular their state organization, economic and social systems, military measures and, in general, the principle of non-intervention in internal affairs." Lithuania-USSR Treaty of Mutual Assistance, Moscow, October 10, 1939, Art. VII)

4. The Molotov Pledge

In a speech to the USSR Supreme Soviet on October 31, 1939, Soviet Foreign Minister Molotov again guaranteed the sovereignty of the Baltic countries.

"We stand for the scrupulous and punctilious observance of the pacts on the basis of complete reciprocity and we declare that all the nonsensical talk about the Sovietization of the Baltic countries is only to the interest of our common enemies." (*Pravda*, November 1, 1939)

On June 15 and 16, 1940, Soviet troops

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[1] See also sec. IV. A, pt. 3, p. 84.

[2] The RSFSR (Russian Socialist Federal Soviet Republic) was superseded by the USSR on December 30, 1922.

occupied Estonia, Latvia, and Lithuania. On July 21, the USSR forced the resignation of the governments of the three Baltic States and incorporated their territory into the USSR.

C. Finland

In direct violation of treaty obligations, the Soviet Union invaded Finland on November 30, 1939 without a declaration of war and attempted to establish a Soviet-controlled communist government in Finland, headed by former Comintern secretary Otto Kuusinen.

1. The Peace Treaty

By the Peace Treaty concluded on October 14, 1920, the Soviet Government recognized the independence and sovereignty of Finland.

"Whereas Finland declared its independence in 1917, and Russia has recognized the independence and the sovereignty of Finland within the frontiers of the Grand Duchy of Finland . . . the two powers shall mutually undertake to maintain, for the future, an attitude of peace and goodwill towards one another." (Finland-RSFSR Treaty of Peace, Dorpat, October 14, 1920, Preamble, Art. I)

2. The Nonaggression Treaty

The Nonaggression Treaty concluded on January 21, 1932 guaranteed the inviolability of Finnish territory.

"The High Contracting Parties mutually guarantee the inviolability of the frontiers existing between the Union of Soviet Socialist Republics and the Republic of Finland . . . and reciprocally undertake to refrain from any act of aggression directed against each other. Any act of violence attacking the integrity and inviolability of the territory or the political independence of the other High Contracting Party shall be regarded as an act of aggression, even if it is committed without declaration of war and avoids warlike manifestations." (Finland-USSR Treaty of Nonaggression, Helsinki, January 21, 1932, Arts. I, II)

By the Soviet-Finnish Protocol of April 7, 1934, this treaty was renewed until December 31, 1945. In October 1939, the Soviet Government presented to Finland a series of demands, including cession of territory and disarming of zones along the Finnish-Soviet border. The Finns were disinclined to accede to the Soviet "proposals" and negotiations reached a deadlock. On November 28, 1939, the USSR unilaterally abrogated the nonaggression pact and two days later invaded Finland without a declaration of war. Thirty Red Army divisions crossed the frontier. After heroic resistance against overwhelming odds, Finland capitulated and signed the Treaty of Peace of March 12, 1940. By its terms the USSR annexed the Karelian Isthmus and other Finnish territory.

D. Poland

In violation of Soviet treaty pledges of Polish sovereignty and territorial inviolability, Soviet troops invaded Poland in September 1939 in concert with German forces. The Soviet Union, in agreement with Nazi Germany, carried out the fourth partition of Poland. The pledges contained in the Yalta and Potsdam Protocols to establish a representative and democratic government in Poland after World War II were not adhered to by the USSR, which forced the Polish population to accept without free elections the Soviet-backed Lublin government.

1. Prewar Guarantees of Polish Sovereignty

The Soviet Union guaranteed Polish sovereignty and territorial inviolability in the Peace Treaty of 1921 and the Nonaggression Pact of 1932.

a. "Russia and the Ukraine abandon all rights and claims to the territories situated to the west of the frontier laid down by Article II of the present treaty. Each of the Contracting Parties mutually undertakes to respect in every way the political sovereignty of the other Party, to abstain from interference in its internal affairs, and particularly to refrain from all agitation, propaganda or interference of any kind, and not to encourage any such movement." (Poland-RSFSR Treaty of Peace, Riga, March 18, 1921, Arts. III, V)

b. "The two Contracting Parties . . . undertake to refrain from taking any aggressive action against or invading the territory of the other Party, either alone or in conjunction with other powers. . . . Each of the Contracting Parties undertakes not to be a party to any agreement openly hostile to the other Party from the point of view of aggression." (Poland-USSR Pact of Nonaggression, Moscow, July 25, 1932, Arts. I, III)

By virtue of an additional protocol signed on May 5, 1934, the Nonaggression Pact was extended to December 31, 1945. An additional joint statement of November 26, 1938 reaffirmed adherence to the Nonaggression Pact. Despite these assurances, on September 17, 1939, the USSR invaded Poland and on September 29, 1939 the Soviet Union concluded a treaty with Nazi Germany partitioning Poland. Polish territory was incorporated into the USSR. The Soviet Government cynically explained its aggression in the following words: "The Polish State and its Government have virtually ceased to exist. Treaties concluded between the Union of Soviet Socialist Republics and Poland have thereby lost their validity." On October 31, 1939, Soviet Foreign Minister Molotov, speaking to the Supreme Soviet of the USSR, in reporting the partition of Poland, bragged that, "a quick blow against Poland, first by the German Army and then by the Red Army, sufficed to leave nothing remaining of the ugly offspring of the Versailles Treaty."

2. Wartime Agreements

In 1941 the USSR signed agreements of mutual assistance with the Polish Government-in-Exile.

a. "The Government of the Union of Soviet Socialist Republics recognizes the Soviet-German Treaties of 1939 as to territorial changes in Poland as having lost their validity. The two Governments mutually agree to render one another aid and support of all kinds in the present war against Hitlerite Germany." (Poland-USSR Agreement on War Cooperation, London, July 30, 1941, Preamble, Art. III)

In December 1941 the USSR organized a Moscow-dominated Polish Government in the Soviet Union, known later as the Polish Committee of National Liberation or the Lublin Government. On April 25, 1943, the USSR severed relations with the Polish Government-in-Exile, and on July 26, 1944, the USSR established diplomatic relations with the Lublin Government.

b. "Soldiers serving in the Polish army on the territory of the Union of Soviet Socialist Republics shall be subject to Polish military laws and regulations."

"The armament, equipment, clothing, mechanical transport, etc. for the army shall as far as possible be furnished: (a) by the Government of the Union of Soviet Socialist Republics from its own stocks, (b) by the Government of the Polish Republic from supplies borrowed on the basis of the 'Lease and Lend' Bill. In this latter case the Government of the Union of Soviet Socialist Republics shall afford such help as is possible in the matter of transport. (Polish-Soviet Military Agreement, London, August 14, 1941)

The Soviets refused to give the promised rations and equipment to the Polish Army in the Soviet Union. The Polish troops under General Anders were finally evacuated to Iran. One of the most serious difficulties in forming the Polish Army resulted from the disappearance of 14,000–15,000 Polish officers known to have been in Soviet prisoner of war camps during the period of the Nazi-Soviet alliance. The bodies of 4,143 were found by the Nazis in 1943 in mass graves outside Katyn, where they had been massacred by the Soviet NKVD.

3. Agreements on Postwar Status of Poland

In complete violation of the Yalta and Potsdam Agreements, which called for the creation of a broadly-based representative government sanctioned by free elections, the USSR proceeded to force the pro-Soviet, Moscow-directed Lublin Government on the Polish people.

a. "The Provisional Government which is now functioning in Poland should therefore be reorganized as a broader democratic basis with the inclusion of democratic leaders from Poland itself and from Poles abroad. The Polish Provisional Government of National Unity shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot. In these elections all democratic and anti-Nazi parties shall have the right to take part and to put forward candidates." (Yalta Protocol, VII)

That the Soviet Union had little intention of observing this agreement became evident almost immediately, when on April 21, 1945, it concluded a formal treaty of alliance with the Lublin Government. The USSR did everything it could to hinder the participation of non-communist Polish leaders in the discussions in Moscow which were intended to reorganize the provisional Polish government. Sixteen prominent Polish leaders were arrested and imprisoned when they attempted to attend these sessions.

b. "The Three Powers note that the Polish Provisional Government of National Unity, in accordance with the decisions of the Crimea Conference, has agreed to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot in which all democratic and anti-Nazi parties shall have the right to take part and put forward candidates. . . ." (Potsdam Protocol, VIII, A)

The Polish Provisional Government was nominally a coalition, but in fact its key positions were occupied by pro-Soviet communists, who had established themselves during the period of "liberation" by the Red Army. Elections were postponed until January 19, 1947, in order to terrorize and eliminate the opposition. Of the 444 deputies elected to the Parliament in the elections, the Polish Peasant Party, which reportedly represented a large majority of the population, received only 28 seats. On January 5, 1947, the United States and the United Kingdom Governments requested the Soviet Government to join in approaching the Polish Government concerning the pledge of free elections contained in the Yalta and Potsdam Agreements. The Soviets refused. On January 28, 1947, the Department of State issued a press release stating that reports received from our Embassy in Poland immediately before and after the elections, based upon the observations of American officials, confirmed the fears of the United States Government that the elections would not be free.

E. Hungary

In violation of the Armistice Agreement, the Yalta and Potsdam Protocols, and the Peace Treaty with Hungary, the USSR refused to cooperate with the Allies in the rehabilitation of Hungary and installed a pro-Soviet government against the will of the Hungarian people and despite the protests of the Western Allies.

1. Occupation Arrangements

The Armistice Agreement and the Yalta and Potsdam Protocols provided for Allied cooperation in the establishment of democratic government in Hungary, sanctioned by free elections.

a. "For the whole period of the armistice there will be established in Hungary an Allied Control Commission which will regulate and supervise the execution of the armistice terms under the chairmanship of the representative of the Allied (Soviet) High Command and with the participation of representatives of the United Kingdom and the United States." (Armistice with Hungary, Moscow, January 20, 1945, Art. 18)

The Soviet representative on the ACC (Allied Control Commission) for Hungary consistently acted unilaterally in the name of the ACC without consultation or notice to his American and British colleagues, thus denying them any semblance of effective participation in the work of the ACC.

b. "The Premier of the Union of Soviet Socialistic Republics, the Prime Minister of the United Kingdom and the President of the United States of America have consulted with each other in the common interests of the peoples of their countries and those of liberated Europe. They jointly declare their mutual agreement to concert during the temporary period of instability in liberated Europe the policies of their three governments in assisting the peoples liberated from the domination of Nazi Germany and the peoples of the former Axis satellite states of Europe to solve by democratic means their pressing political and economic problems. . . . The three governments will jointly assist the people in any European liberated state . . . to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people . . ." (Declaration on Liberated Europe, Yalta Agreement, II)

In violation of the agreement, the USSR, acting through the Hungarian Communist Party and its own agencies and armed forces in Hungary, established a totalitarian regime contrary to the desires of the population. In June 1946 General Sviridov, Deputy Soviet Chairman of the ACC, without consulting the United States and United Kingdom ACC representatives, dissolved Catholic youth organizations. The Soviet Government rejected repeated United States proposals to join in tripartite examination of Hungary's economic problems and unilaterally imposed discriminatory economic agreements, including the establishment of joint Soviet-Hungarian companies. In February 1947 Soviet military police arrested Bela Kovacs, member of Parliament and former secretary general of the Smallholders Party. In May–June 1947 General Sviridov precipitated a political crisis enabling the Communist minority to force the resignation of Prime Minister Nagy.

c. "The three Governments agreed that the revision of the procedures of the Allied Control Commissions in these countries would now be undertaken, taking into account the interests and responsibilities of the three Governments which together presented the terms of armistice to the respective countries, and accepting as a basis, in respect of all three countries, the Soviet Government's proposals for Hungary as annexed hereto." (Potsdam Protocol, XI)

"During the period up to the conclusion of peace with Hungary the President (or Vice President) of the Allied Control Commission will regularly call conferences with the British and American representatives for the purpose of discussing the most important questions relating to the work of the Allied Control Commission. . . . Free movement by the American and British representatives in the country will be permitted. . . . " (Potsdam Protocol, Annex I, 1, 3)

Despite repeated requests, the USSR declined to discuss the revision of procedures for the Control Commissions as agreed at Potsdam. Instead, it continued to act unilaterally in the name of the Commissions in matters of substance without consultation with, or notice to, the United States and United Kingdom members. For example:

(a) Instructions were issued by the Soviet High Command regarding the size of the Hungarian Army without consulting the British or United States representatives.

(b) Without the knowledge of the United States, the Soviet deputy chairman of the ACC ordered the Hungarian Government to disband certain Catholic youth organizations in June–July 1946. He also recommended dismissal of certain government officials.

(c) In the fall of 1946 and without consulting the Americans or British, the Soviet element of the ACC gave permission to form the Hungarian Freedom Party.

(d) Early in 1947 the Hungarian police were ordered by the Soviet chairman in the name of the Allied Control Commission to suppress the publication of Count Ciano's diary.

(e) In early 1947 the Soviet chairman stated he had personally given approval to the Hungarian Government to resume diplomatic relations with certain countries in the name of the Allied Control Commission and without prior discussion with the British or Americans.

(f) In May 1947 the ACC chairman refused the United States permission to visit Hungarian Army units.

(g) Soviet authorities refused to permit free movement of the American element of the Allied Control Commission (also applicable to Bulgaria).

(h) The Soviets refused to transmit to the American representative data on the arrest of Bela Kovacs by the Soviet Army.

2. The Peace Treaty

By the terms of the Hungarian Peace Treaty, disputes over the execution of the treaty not settled by diplomatic negotiations were to be referred to the heads of the United States, United Kingdom, and Soviet diplomatic missions in Budapest.

"Excepting those instances covered by a special procedure stipulated in the present Treaty, any dispute concerning the interpretation or execution of this Treaty which is not settled by diplomatic negotiations shall be referred to the Three Heads of Mission. . . ." (Hungarian Peace Treaty, February 10, 1947, Art. 40)

On May 31, 1949, the United States requested the United Kingdom and the USSR to hold a meeting of the three heads of mission in Budapest to settle the dispute over Hungarian noncompliance with article 2 of the treaty—the so-called human-rights clause. The Soviet Union, in its note of June 11, 1949, refused to participate in the meeting. A second United States note, delivered on June 30, 1949, expressed regret over the Soviet Union's disregard of the provisions of the treaty and asserted that the existence of a dispute between the United States and Hungary could not be questioned. In a memorandum dated July 19, 1949, the Soviet Union reaffirmed its contention that no basis existed for a meeting of the three heads of mission. Since that time the Soviet Union has consistently refused to participate in such a meeting.

3. The Hungarian Uprising

Proof of the anti-popular nature of the regime installed in Hungary by the USSR in violation of the Declaration on Liberated Europe (Yalta Protocol) was furnished by the anti-government revolt of October–November, 1956. The Soviet intervention and kidnaping of Hungarian Premier Imre Nagy violated the Charter of the United Nations, the Soviet Government pledge of October 30, 1956, and the assurances of safe conduct given to Nagy by the Kadar regime.

a. "We the peoples of the United Nations, determined . . . to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of economic and social advancement of all peoples, have resolved to combine our efforts to accomplish these aims." (Charter of the United Nations, Preamble, ratified by the USSR on October 24, 1945)

b. "Having in mind that the further presence of Soviet military units in Hungary could serve as an excuse for further aggravation of the situation, the Soviet Government has given its military command instructions to withdraw the Soviet military units from the city of Budapest as soon as this is considered necessary by the Hungarian Government." (*Pravda*, October 31, 1956)

On November 4, 1956, Soviet troops entered Budapest and brutally put down the rebellion of the Hungarian people against Soviet domination and Soviet communism. On September 14, 1957, the United Nations General Assembly adopted a resolution which endorsed the report of the Special Committee on the Problem of Hungary. The report confirmed that: "(a) the Union of Soviet Socialist Republics, in violation of the Charter of the United Nations, has deprived Hungary of its liberty and political independence and the Hungarian people of the exercise of their fundamental human rights; (b) the present Hungarian regime has been imposed on the Hungarian people by the armed intervention of the Union of Soviet Socialist Republics; (c) the Union of Soviet Socialist Republics has carried out mass deportations of Hungarian citizens to the Union of Soviet Socialist Republics; (d) the Union of Soviet Socialist Republics has violated its obligations under the Geneva Conventions of 1949; (e) the present authorities in Hungary have violated the human rights and freedoms guaranteed by the Treaty of Peace with Hungary." The resolution then called upon "the Union of Soviet Socialist Republics and the present authorities in Hungary, in view of evidence contained in the report, to desist from repressive measures against the Hungarian people, to respect the liberty and political independence of Hungary and the Hungarian people's enjoyment of fundamental human rights and freedoms, and to ensure the return to Hungary of those Hungarian citizens who have been deported to the Union of Soviet Socialist Republics. . . ."

On November 22, 1956, deposed Premier Nagy was seized by Soviet authorities after leaving the Yugoslav Embassy in Budapest. This was done in violation of an agreement concluded on November 21 between Yugoslav officials and the Soviet-sponsored Kadar regime in Hungary. The Yugoslavs protested the abduction in notes to the Kadar government and the Soviet Union on November 24. As late as December 12, 1959, the General Assembly of the United Nations adopted another resolution in which it deplored the continued refusal of the USSR and the regime in Hungary to cooperate with it to achieve the objectives of the United Nations in accordance with its resolutions in regard to Hungary; deplored the continuing repression of the fundamental rights of the Hungarian people and their lack of freedom of political expression under the continuing presence of the Soviet armed forces; denounced the execution of Imre Nagy, Gen. Pal Maleter, and other Hungarian patriots; and condemned the continued defiance of the resolutions of the General Assembly of the United Nations of which the USSR and Hungary are members. It also called upon the USSR and the present Hungarian government to desist from repressive measures against the Hungarian people and to respect the liberty and political independence of Hungary and the Hungarian people's enjoyment of fundamental human rights and freedoms.

F. Rumania

During the period of the Nazi-Soviet alliance, the USSR annexed parts of Rumania. After World War II the USSR violated the Armistice Agreement, the Yalta and Potsdam Protocols, the Foreign Ministers Agreement of December, 1945, and the Peace Treaty with Rumania in refusing to cooperate with the Allies in the democratic rehabilitation of Rumania.

1. Prewar Guarantee of Sovereignty

Upon establishment of diplomatic relations, the USSR guaranteed full respect for Rumanian sovereignty.

"The Governments of our countries mutually, fully and integrally guarantee to respect the sovereignty of both countries and to abstain from any direct or indirect interference in the internal affairs and development of one another and especially from any kinds of agitation, propaganda, intervention or support of them." (Exchange of Notes, Rumania-USSR, Geneva, June 9, 1934)

In agreement with Nazi Germany, the USSR, on June 26, 1940, invaded Rumanian territory. Soviet forces occupied Bessarabia and Northern Bukovina and annexed them to the USSR.

2. Occupation Arrangements

The Armistice Agreements, the Yalta and Potsdam Protocols, and the Foreign Ministers Agreement of December 1945 provided for Allied cooperation in the establishment of democratic governments in Rumania, sanctioned by free elections.

a. "An Allied Control Commission will be established which will undertake until the conclusion of peace the regulation of and control over the execution of the present terms under the general direction and orders of the Allied (Soviet) High Command." (Armistice with Rumania, September 12, 1944, Art. 18)

The Soviet general who was Chairman of the Allied Control Commission in Bucharest failed to consult the United States and British representatives in issuing orders in the name of the ACC.

b. "The Three Powers . . . jointly declare their mutual agreement to concern during the temporary period of instability in liberated Europe the policies of their three governments in assisting the peoples liberated from the domination of Nazi Germany and the peoples of the former Axis satellite states of Europe to solve by democratic means their pressing political and economic problems." (Declaration on Liberated Europe, Yalta Agreement, II)

c. "The three Governments take note that the Rumanian Government thus reorganized should declare that free and unfettered elections will be held as soon as possible on the basis of universal and secret ballot. All democratic and anti-fascist parties should have the right to take part in these elections and to put forward candidates. The reorganized Government should give assurances concerning the grant of freedom of the press, speech, religion and association." (Foreign Ministers Agreement, December 24, 1945, V)

In February 1945 Soviet Deputy Foreign Minister Vyshinsky arrived in Bucharest to dictate the dismissal of the Radescu Government and the imposition of the communist-dominated Groza regime. Soviet authorities again directly interfered during the Rumanian elections of November 1946. Soviet troops were used to break up meetings of the opposition and disrupt orderly election procedures. In December 1946, the USSR refused to accept a proposal by the United States and United Kingdom to establish a joint commission to study the economic situation in Rumania. Meanwhile, the Soviets continued to treat Rumania as a colony of the USSR by use of Soviet-controlled joint companies, excessive reparations exactions and one-sided commercial agreements.

d. "The three Governments agreed that the revision of the procedures of the Allied Control Commission in these countries would now be undertaken taking into account the interests and responsibilities of the three Governments which together presented the terms of armistice to respective countries. . . ." (Potsdam Protocol, XI)

Despite repeated requests, the USSR refused to consult on the procedural revision of the ACC and continued unilaterally throughout the armistice period to refuse participation in ACC operations to the United States and the United Kingdom. The Soviet ACC representative issued directives to Rumanian authorities without the agreement of United States and United Kingdom representatives, sometimes in the face of United States and United Kingdom protests, and often without notification or discussion. The Soviets also obstructed the entrance of official United States personnel and aircraft into Rumania.

3. The Peace Treaty

By the terms of the Rumanian Peace Treaty, disputes over the execution of the treaty not settled by diplomatic negotiations were to be referred to the heads of the United States, the United Kingdom, and Soviet diplomatic missions in Bucharest. Soviet troops were allowed to remain only to safeguard communication line to occupation forces in Austria.

a. "Heads of the Diplomatic Missions in Bucharest of the Soviet Union, the United Kingdom, and the United States of America, acting in concert, will represent the Allied and Associated Powers in dealing with the Rumanian Government in all matters concerning the execution and interpretation of the present treaty. . . . Any dispute concerning the interpretation or execution of the treaty which is not settled by diplomatic negotiations shall be referred to the three heads of the mission." (Rumanian Peace Treaty, February 10, 1947, Arts. 37, 38)

Contrary to these provisions, the Soviet Government has consistently refused to cooperate with the American and British chiefs of mission in Bucharest and has in consequence reduced the treaty, repeatedly violated by the Rumanian Government, to a dead letter.

On May 4, 1948, the American Minister to Bucharest requested that an early meeting of the heads of the diplomatic missions in Bucharest be arranged to consider the implementation of the military clauses of the Treaty of Peace with Rumania. Both the Soviet and British chiefs of mission agreed to the meeting, which was scheduled for May 18, 1948. However, the Soviet Ambassador canceled the scheduled meeting, saying he was indisposed. On May 26, 1948, he informed the American Minister that there was no necessity for the proposed meeting and no grounds for putting the proposal into effect.

b. "Upon entry into force of this present Treaty all allied forces are to leave Rumania in 90 days, while the Soviet Union retains the right to keep such armed forces on Rumanian territory as are necessary to maintain lines of communication of the Soviet Army with the Soviet zone of occupation in Austria." (Rumanian Peace Treaty, February 10, 1947, Art. 21)

Soviet troops remained in Rumania after signature of the Austrian Peace Treaty and withdrawal of occupation forces from Austria. On April 15, 1957 the USSR and Rumania reached a new agreement sanctioning the stationing of Soviet troops in Rumania.

G. Bulgaria

The USSR violated the Armistice Agreement, the Yalta and Potsdam Protocols, the Foreign Ministers Agreement of December 1945, and the Peace Treaty with Bulgaria in refusing to cooperate with the Allies in the democratic rehabilitation of Bulgaria.

1. Occupation Arrangements

The Armistice Agreement, the Yalta and Potsdam Protocols, and the Foreign Ministers Agreement of December 1945 provided for Allied cooperation in the establishment of democratic government in Bulgaria, sanctioned by free elections.

a. "For the whole period of the armistice there will be established in Bulgaria an Allied Control Commission which will regulate and supervise the execution of the armistice terms under the chairmanship of the representative of the Allied (Soviet) High Command, and with the participation of representatives of the United States and the United Kingdom." (Armistice with Bulgaria, October 28, 1944, Art. 18)

The Soviet chairman of the ACC repeatedly took unilateral action in the name of the ACC and without consultation with his United States or United Kingdom colleagues, thus effectively negating United States and United Kingdom participation.

b. "The Government of Bulgaria will restore all property of the United Nations and their nationals, including Greek and Yugoslav, as may be determined later. The Government of Bulgaria will restore all rights and interests of the United Nations and their nationals in Bulgaria." (Armistice with Bulgaria, October 28, 1944, Arts. 9, 10)

The USSR has aided and abetted the Bulgarian Government's failure, in varying degrees, to fulfill these provisions of the armistice. The Soviets have refused to consider with the United States and United Kingdom Bulgaria's obligation to restore and restitute United Nations property and interests. While deliveries of foodstuffs were made to the Yugoslavs unilaterally, the USSR blocked three-power consideration of amounts to be shipped to Greece. None was shipped to that country.

c. "The Three Powers . . . jointly declare their mutual agreement to concert during the temporary period of instability in liberated Europe the policies of their three governments in assisting the peoples liberated from the domination of Nazi Germany and the peoples of the former Axis satellite states of Europe to solve by democratic means their pressing political and economic problems." (Declaration on Liberated Europe, Yalta Agreement, II)

d. "It is understood by the three Governments that the Soviet Government takes upon itself the mission of giving friendly advice to the Bulgarian Government with regard to the desirability of the inclusion in the Bulgarian Government of the Fatherland Front, now being formed, of an additional two representatives of other democratic groups, who (a) are truly representative of the groups of the parties which are not participating in the Government and (b) are really suitable and will work loyally with the Government." (Foreign Ministers Agreement, December 27, 1945, VI)

The Soviet Government, through the Bulgarian Communist Party, unilaterally subverted representative democratic processes in Bulgaria and assisted in denying the Bulgarian people the exercise of fundamental freedoms. In February 1945 the Soviet head of the Allied Control Commission in Sofia openly interfered in the internal affairs of Bulgaria's largest political party by demanding and obtaining the replacement of Dr. G. M. Dimitrov as Secretary General of the Agrarian Union. Soviet authorities in Bulgaria did not honor the Foreign Ministers Agreement and prevented the broadening of the Bulgarian Government.

e. "The three governments agreed that the revision of the procedures of the Allied Control Commissions in these countries would not be undertaken, taking into account the interests and responsibilities of the three governments which together presented the terms of armistice to the respective countries . . ." (Potsdam Protocol, XI)

The Soviet Government refused repeated United States and United Kingdom requests to consult as agreed. It continued to operate the Allied Control Commissions unilaterally without effective participation of or even, on occasion, knowledge of the United States and United Kingdom members.

2. The Peace Treaty

The Bulgarian peace treaty provided that disputes on the interpretation or execution of the treaty not settled by direct diplomatic negotiations should be referred to the three heads of mission in Sofia.

"Excepting those instances covered by a special procedure stipulated in the present Treaty, any dispute concerning the interpretation or execution of this Treaty which is not settled by diplomatic negotiations shall be referred to the Three Heads of Mission. . . . " (Bulgarian Peace Treaty, February 10, 1947, Art. 36)

On May 31, 1949, the United States requested the United Kingdom and the USSR to convene a meeting of the three heads of missions in Sofia to settle the dispute over Bulgarian noncompliance with article 2 of the peace treaty. The Soviet Union, in its note of June 11, 1949, refused to convene the three heads of mission with the excuse that it "did not see any grounds for convening." The USSR in the same note declared that "not only are the measures [of the Bulgarian Government] concerning which the United States of America has expressed its dissatisfaction not a violation of the peace treaty, but on the contrary are directed toward the fulfillment of the said treaties which obligate the said countries to combat organizations of the fascist type." The United States note of June 30, 1949, confirmed the existence of a dispute between Bulgaria and the United States over the peace treaty. The Soviet memorandum of July 19, 1949, reaffirmed the Soviet contention that no basis for a meeting existed. The Soviet Union has consistently maintained its obduracy on this matter.

H. Czechoslovakia

The USSR violated the 1935 Pact of Mutual Assistance, the Atlantic Charter, and the 1943 Agreement with the Czechoslovakia Government-in-Exile by collaborating with the German Nazi regime during the 1939–41 period, by annexing Czechoslovak territory in 1945, and by intervening in Czechoslovak domestic politics to institute a pro-Soviet communist government in the early postwar period.

1. The 1935 Pact of Mutual Assistance

By the terms of this pact, the USSR pledged not to aid or enter agreements with countries committing aggression against Czechoslovakia.

". . . it is stipulated that should either of the High Contracting Parties become the object of an aggression on the part of one or more third powers in conditions not giving ground for aid or assistance within the meaning of the present Treaty, the other High Contracting Party undertakes not to lend, for the duration of the conflict, aid or assistance, either directly or indirectly, to the aggressor or aggressors. Each High Contracting Party further declares that it is not bound by any other agreement for assistance which is incompatible with the present undertaking." (Czechoslovakia—USSR Treaty of Mutual Assistance, Moscow, June 5, 1935, Art. IV)

Subsequent to the signing of the Nazi-Soviet Pact on August 23, 1939, which recognized the Nazi conquest of Czechoslovakia, the USSR provided economic assistance to Nazi Germany and directed the Czechoslovak Communist Party to agitate against the legal government of Czechoslovakia.

2. The Atlantic Charter

Soviet adherence to the Atlantic Charter pledged the USSR not to seek territorial aggrandizement.

". . . their countries seek no aggrandizement, territorial or other; they desire to see not territorial changes that do not accord with the freely expressed wishes of the peoples concerned." (Atlantic Charter, August 14, 1941, Soviet adherence September 24, 1941)

In the July 1945 Treaty of Moscow, the USSR forced the Czechoslovak Government to agree to the Soviet annexation of the Carpatho-Ukraine, which was then incorporated into the Ukrainian Soviet Republic.

3. Friendship Agreement

By the terms of a friendship agreement concluded with the Czechoslovak Government-in-Exile in 1943, the USSR pledged postwar collaboration, guaranteed Czechoslovak sovereignty, and promised not to intervene in Czechoslovak internal affairs.

"The High Contracting Parties, considering the interests of the security of each of them, agree to maintain close and friendly collaboration in the period after the re-establishment of peace and to act in conformity with the principles of mutual respect for their sovereignty as well as of non-intervention in internal affairs of the other state." (Treaty of Friendship, Mutual Assistance and Post-War Collaboration, December 12, 1943, Art. 4)

During the immediate postwar period the Soviet Union did intervene in Czechoslovak internal politics to secure the establishment of a pro-Soviet communist government. The USSR actively aided the communist minority and Soviet agents worked clandestinely in the Czechoslovak Ministry of Interior under the guise of Czechoslovak communists. During the February 1948 crisis, Soviet troops surrounded four-fifths of the Czechoslovak frontiers and Soviet agents participated in meetings and demonstrations and were among the armed militia in the streets of Prague. Soviet Deputy Foreign Minister Zorin was in Prague to direct the communist takeover.

I. Iran

In direct violation of numerous prewar and wartime treaties, the USSR, in 1945, promoted rebellion in the northern area of Iran occupied by Soviet troops. By delaying the withdrawal of Soviet troops and by arming the rebels, the USSR attempted to establish Azerbaijan and Kurdish republics in Iran, which could be absorbed into the USSR.

1. Prewar Agreements

Treaties signed in 1921 and 1927 pledged Soviet respect for Iranian sovereignty and territorial integrity.

a. "In consideration of the fact that each nation has the right to determine freely its political destiny, each of the two contracting parties formally expresses its desire to abstain from any intervention in the internal affairs of the other." (Soviet-Iranian Treaty of Friendship, February 26, 1921, Art. IV)

b. "Each of the High Contracting Parties undertakes to refrain from any aggression and from any hostile acts directed against the other party, and not to introduce its military forces into the territory of the other party. . . . [They undertake] not to encourage or to allow in their respective territories the formation or activities of: (1) organizations or groups of any description whatever, whose object is to overthrow the Government of the other contracting party by means of violence, insurrection or outrage: (2) organizations or groups usurping the office of the Government of the other country or of part of its territory, also having as their object the subversion of the Government of the other contracting party by the above mentioned means, a breach of its peace and security, or an infringement of its territorial integrity." (Soviet-Iranian Treaty of Nonaggression and Neutrality, October 1, 1927, Arts. II, IV)

2. Wartime Agreements

By the terms of the Tripartite Treaty of 1942 and the Declaration of Tehran, Soviet troops were to be withdrawn from Iran not later than six months after the defeat of Nazi Germany and the USSR guaranteed once more Iranian sovereignty and territorial integrity.

a. "The forces of the Allied Powers shall be withdrawn from Iranian territory not later than six months after all hostilities between the Allied Powers and Germany and her associates have been suspended by the conclusion of an armistice or armistices or on the conclusion of a peace treaty between them, whichever date is the earlier." (Treaty of Alliance Between the United Kingdom, the Soviet Union, and Iran, January 29, 1942, Art. V)

b. "The Goverments of the United States, the Union of Soviet Socialist Republics and the United Kingdom are at one with the Government of Iran in their desire for the maintenance of the independence, sovereignty, and territorial integrity of Iran." (Declaration of Tehran, December 1, 1943)

c. "As regards the complete withdrawal of Soviet troops from Iran, the Soviet Government, as you are aware, takes the view that this withdrawal of troops should be effected within the period laid down in the Anglo-Soviet-Iranian Treaty." (Letters of Soviet Foreign Minister Molotov, September 20, 1945)

In direct violation of this long series of agreements, the Soviet Union began to promote a rebellion in the northern area of Iran occupied by Soviet troops in the fall of 1945. In the Iranian province of Azerbaijan rebels were equipped with Soviet arms, led by the Iranian communist Pishevari and aided by Soviet agents who crossed into Iran. On December 12, 1945, the rebels proclaimed the Autonomous Republic of Azerbaijan. Red Army troops provided full protection and prevented Iranian troops from reaching the scene. Shortly afterwards rebels in the neighboring Kurdish province, carrying Soviet arms and wearing Soviet uniforms, proclaimed an independent Kurdish republic In Azerbaijan, Pishevari broadcast his thanks to the Red Army for its assistance. In spite of an appeal by the Iranian Government to the United Nations, the rebels remained in control and Soviet troops failed to leave by the agreed date of March 2, 1946.

Red Army forces were withdrawn from Iran only after Iranian Premier Qavam had gone to Moscow and, under duress, had agreed to the withdrawal of the Iranian complaint before the United Nations, to the admission of three communists to his cabinet, and to the establishment of a joint Soviet-Iranian oil company (the USSR holding 51 percent of the stock) for exploitation of oil in northern Iran. Although the Iranian Premier was subsequently able to dismiss the communists from his cabinet, cancel the joint oil agreement, and send Iranian troops to put down the rebels in the North, Soviet interference in Iranian internal affairs and pressure on the government has continued. Soviet broadcasts to Iran have repeatedly attacked the Iranian Government, incited the Iranian people to violent action against it, and supported the illegal pro-Soviet Tudeh Party. The Soviet military attaché, General Rodionov, was implicated in the Tudeh conspiracy in the Iranian army and air force that was uncovered in August and September 1954.

J. Turkey

In violation of prewar agreements, the USSR attempted to obtain territorial concessions from Turkey in the early postwar period and intervened in Turkish internal affairs in efforts to intimidate and weaken the Turkish Government.

1. Treaty of Friendship

The Soviet-Turkish Treaty of Friendship of 1921 restored Turkish sovereignty over the territory of Kars and Ardahan.

"The northeast frontier of Turkey . . . follows the former northern administrative frontiers of the sanjaks of Ardahan and Kars . . ." (RSFSR[3] Turkey Treaty of Friendship, Kars, October 13, 1921, Art. IV).

2. Nonaggression Pact

The USSR pledged to abstain from aggression and not to participate in any hostile acts directed against Turkey.

"Each Contracting Party undertakes to abstain from any aggression against the other. . . . Furthermore, each of the two Contracting Parties undertakes not to participate in any hostile act by one or more other powers directed against the other Contracting Party." (Treaty of Friendship and Neutrality, Paris, December 17, 1925, Art. II)

This treaty was renewed on December 17, 1929 and again on November 7, 1935. It was unilaterally denounced by the USSR on on March 19, 1945. In June 1945, Soviet Foreign Minister Molotov demanded that Turkey cede to the Soviet Union a base on the Black Sea Straits and the districts of Kars and Ardahan. This demand was echoed by two Georgian historians in December 1945 in an open letter in which they argued that Kars, Ardahan, and other East Turkish districts had belonged to Georgia in the Middle Ages. In a vigorous note of August 8, 1946, Soviet Foreign Minister Molotov charged the Turkish Government with violations of the Montreaux Convention and demanded concessions which would establish Soviet control of the Straits at the expense of the Turks. The Turkish Government was able to resist Soviet pressure only by the intervention of the Western Allies and by the declaration of the Truman Doctrine on March 12, 1947.

K. Afghanistan

In violation of prewar treaties of neutrality and nonaggression, the USSR forced Afghanistan to cede territory and intervened in the internal affairs of Afghanistan during the postwar period.

a. "Each of the Contracting Parties undertakes to abstain from all kinds of aggression against the other. . . ." (Afghanistan-USSR Treaty of Neutrality and Non aggression, August 31, 1926, Art. II)

b. "The High Contracting Parties, having recognized each other's sovereignty, undertake to abstain from any armed or unarmed intervention in the internal affairs of the other Contracting Party. . . ." (Treaty of Neutrality and Nonaggression, June 24, 1931, Art. III)

The treaty of 1931 was renewed by the Protocol of March 29, 1936. In March 1946, Afghan officials uncovered a Soviet plot led by Soviet agents to incite the Tajik minority to open rebellion and eventual union with the USSR. That the Soviet Union eventually hoped to turn Afghanistan into a protectorate was shown by its repeated violent objections to United Nations and Western aid to Afghanistan during the immediate postwar period and by its demands that Afghanistan grant the USSR a special place in economic developmental schemes and trade.

L. China

In direct violation of the 1924 Sino-Soviet Agreement on General Principles, the Kellogg-Briand Pact and the 1937 Nonaggression Pact, the USSR repeatedly intervened in Chinese affairs prior to World War II and recognized Japanese violations of Chinese sovereignty in Manchuria. The USSR also violated wartime agreements of cooperation with Nationalist China to the advantage of the Chinese Communists.

1. Prewar Agreements

The 1924 and 1937 Sino-Soviet Pacts provided for Soviet respect of Chinese sovereignty and territory integrity. By adhering to the Kellogg-Briand Pact, the USSR formally pledged to renounce force in the settlement of disputes.

a. "The Governments of the two Contracting Parties mutually pledge themselves not to permit, within their respective territories, the existence and/or activities of any organization or groups whose aim is to struggle by acts of violence against the Government of either Contracting Party. The Government of the Union of Soviet Socialist Republics agrees to renounce the special rights and privileges relating to all concessions in any part of China acquired by the Tsarist Government. . . ." (Sino-Soviet Agreement on General Principles, May 31, 1924, Arts VI, X)

b. "War should be renounced as an instrument of national policy, and the settlement of disputes should never be sought except by peaceful means." (Kellogg-Briand Pact, August 27, 1928, adhered to by the USSR September 27, 1928)

The USSR was the first major power to break its obligations under the Kellogg-Briand Pact. In October and November 1929, Soviet troops, supported by aircraft and gunboats, invaded Manchuria in order to seize control of the Chinese Eastern Railway. The Soviet Government rebuffed all Chinese attempts to settle the dispute over the railway by diplomatic means, preferring to employ its clearly superior military power to force a settlement on its own terms. Efforts by the United States and other Western powers to invoke the Kellogg-Briand Pact and to encourage a settlement by peaceful means were brusquely rejected by the Soviet Government.

c. "In the event that either of the High Contracting Parties should be subjected to aggression on the part of one or more third powers, the other Contracting Party obligates itself . . . to refrain from taking any action or entering into any agreement which may be used by the aggressor or aggressors to the disadvantage of the Parties subjected to aggression." (Sino-Soviet Treaty of Nonaggression, August 21, 1937, Art. I)

This agreement was violated by the Soviet signature of a "neutrality pact" with Japan on April 13, 1941.

2. Wartime Agreements

The Sino-Soviet Treaty of Friendship and Alliance of 1945 and related agreements provided for mutual political and economic cooperation and recognition of sovereignty.

a. "The High Contracting Parties, having regard to the interests and security and economic development of each of them, agree to work together in close and friendly collaboration after the coming of peace and to act according to the principles of mutual respect for their sovereignty and territorial integrity and of non-intervention in the internal affairs of the other Contracting Party. The High Contracting Parties agree to afford one another all possible economic assistance in the postwar period in order to facilitate and expedite the rehabilitation of both countries and to make their contribution to the prosperity of the world." (Sino-Soviet Treaty of Friendship and Alliance, August 14, 1945, Arts. V, VI)

b. ". . . the Government of the Union of Soviet Socialist Republics agrees to render to China moral support and aid in military supplies and other material resources, such support and aid to be entirely given to the National Government as the Central Government of China." (Report of Soviet Foreign Minister Molotov, August 14, 1945)

In its occupation of Manchuria, commencing in 1945, the Soviet authorities removed from Manchuria assets valued at $858,000,000 in the form of mining equipment, rolling stock, steel mills, electric power generators, and other equipment.

The Chinese Government failed to receive from the USSR the promised military supplies and other material resources called for by the treaty. When Soviet troops left Manchuria, they allowed the Chinese communists to take over substantial quantities of Japanese arms and assume control over the area. Chinese Government troops attempting to enter Manchuria subsequent to the Japanese surrender were denied the right to land at Dairen by the Soviet authorities there and were forced to use less advantageous landing points.

c. "The administration of Dairen shall belong to China." Agreement concerning Dairen, August 14, 1945).

Due in large part to Soviet obstructionism, China was unable to establish a government administration at Dairen.

M. Korea

The USSR violated the Cairo Declaration and subsequent Allied agreements on Korea by establishing a Soviet-controlled regime in North Korea, by refusing to cooperate with the Western Allies, and by supporting the North Korean invasion of South Korea in June 1950.

1. Wartime Agreements

The Cairo Declaration, reaffirmed by the Potsdam Protocol, pledged Allied cooperation for establishment of a free and independent Korea.

a. ". . . in due course Korea shall become free and independent." (Cairo Declaration, December 1, 1943, adhered to by the USSR, August 9, 1945)

b. "The terms of the Cairo Declaration shall be carried out. . . ." (Proclamation Defining Terms for Japanese Surrender, Potsdam Protocol, July 26, 1945)

2. Postwar Agreements

A series of postwar Allied agreements based on the Foreign Ministers Declaration of December 1945 sought to establish practical means for rehabilitating Korea on a democratic basis.

"In order to assist the formation of a provisional government and with a view to the preliminary elaboration of the appropriate measures, there shall be established a Joint Commission consisting of representatives of the United States command in southern Korea and the Soviet command in northern Korea. In preparing their proposals the Commission shall consult with the Korean democratic parties and social organizations. . . . It shall be the task of the Joint Commission, with the participation of the provisional Korean democratic organization, to work out measures also for helping and assisting (trusteeship) the political, economic and social progress of the Korean people, the development of democratic self-government and the establishment of the national independence of Korea." (Report of Conference of Foreign Ministers, December 27, 1945)

The Soviet Union from the start thwarted the implementation of this agreement. Its representatives on the Joint Commission refused to recognize as "democratic" any parties and organizations not under Soviet control. The USSR used its occupation of Korea north of the 38th parallel to institute there a pro-Soviet communist regime which claimed jurisdiction over the entire country.

The Joint US–USSR Commission on Korea met 62 times. The first meeting was held on March 20, 1946; the last meeting was held on October 18, 1947. The first series of 24 meetings were concluded on May 8, 1946, when the Joint Commission adjourned *sine die*. The meetings were reconvened on May 21, 1947, and were finally suspended, after 38 meetings, on October 18, 1947.

In these 62 meetings, the Joint Commission failed to resolve the one issue which divided the Soviet and American delegations at the beginning of the talks, namely the issue of what Korean groups should be consulted concerning the formation of a provisional Korean Government. The USSR took the position that only those Korean parties and social organizations which fully supported the provisions of the Moscow agreement on Korea should be consulted. The United States held that this policy would exclude from consultation a large majority of the Korean people and would place a communist minority, which had not openly opposed the Moscow agreement, in a predominant position in the consultations. After Joint Commission negotiations had broken down on this issue in 1946, an exchange of letters between Secretary of State Marshall and Soviet Foreign Minister Molotov in April and May 1947 gave the impression that the USSR was willing to modify its position on the problem of consultation with Korean groups, and the Commission reconvened on May 21, 1947. However, the Soviet delegation in July reverted to the position it had taken during the 1946 talks, and the meetings were finally suspended on October 18.

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[3] The RSFSR (Russian Socialist Federal Soviet Republic) was superseded by the USSR on Dec. 30, 1922.

On June 25, 1950, the pro-Soviet communist regime of North Korea, armed and encouraged by the Soviet Union, attacked the Republic of Korea.

N. Japan

The Soviet Union has violated the Potsdam Protocol by refusing to return all Japanese prisoners held in the USSR. It has also unilaterally repudiated promises contained in the Joint Declaration of 1956 which established diplomatic relations between the USSR and Japan.

1. The Prisoner Issue

The Potsdam Protocol stipulated the immediate return of Japanese prisoners of war.

"The Japanese military forces, after being completely disarmed, shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives." (Proclamation Defining Terms for Japanese Surrender, Potsdam Protocol, July 26, 1945, Art. IX)

On April 22, 1950, TASS announced that the Soviet Government had completed the repatriation of Japanese "prisoners of war" from its territories, except for 2,467 men charged with war crimes or under medical treatment. However, Supreme Commander Allied Powers (SCAP) and Japanese Government figures show that as of that date 369,382 Japanese prisoners of war and civilians remained under Soviet control, still unrepatriated or unaccounted for.

2. The joint declaration

By the terms of the USSR-Japanese Joint Declaration of 1956, the Soviet Union pledged to refrain from interference in Japan's internal affairs and to return the islands of Habomai and Shikotan to Japan upon conclusion of a peace treaty.

". . . the Union of Soviet Socialist Republics . . . agrees to transfer the islands of Habomai and the island of Shikotan to Japan on the understanding, however, that the actual transfer of these islands to Japan will take place after the conclusion of a peace treaty between the Union of Soviet Socialist Republics and Japan. . . . The USSR and Japan mutually undertake to refrain from interfering, either directly or indirectly, in each other's internal affairs for any reasons of an economic, political or ideological character." (Joint Declaration of the USSR and Japan, October 19, 1956, Arts. III, IX)

The Soviet Union declared in a note of January 27, 1960, that the Habomai and Shikotan Islands would not be returned to Japan upon conclusion of a peace treaty if Western military forces remained in Japan. This was a clear repudiation of the Joint Agreement, which had placed no such conditions on the return of the islands.

The USSR has repeatedly and flagrantly interfered in Japanese internal affairs. During the weeks preceding the Japanese Diet elections of May 22, 1958, Soviet radio propaganda beamed at Japan violently opposed the re-election of Premier Kishi's Liberal Democratic Party. Soviet threats against the Japanese Government reached a high point during the renegotiation of the United States-Japan Security Treaty, threatening Japan with the danger of a nuclear war if the treaty were signed.

O. The United States

The USSR has frequently violated the terms of the Litvinov Agreements of 1933 and has failed to live up to its side of the wartime lend-lease agreements.

1. The Litvinov Agreements

The Litvinov Agreement stimulated that the USSR would not engage in subversive activities against the United States, that it would inform American authorities immediately of the whereabouts of American citizens held in the Soviet Union, and that it would not refuse visas to American citizens on the grounds of religion.

a. ". . . it will be the fixed policy of the Government of the Union of Soviet Socialist Republics to respect scrupulously the indisputable right of the United States to order its own life within its own jurisdiction in its own way and to refrain from interfering in any manner in the internal affairs of the United States, . . . to refrain, and to restrain all persons . . . from any act tending to incite or encourage armed intervention or any agitation or propaganda having as an aim the violation of the territorial integrity of the United States, its territories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States, . . . not to permit the formation or residence on its territory of any organization or group . . . which has as an aim the overthrow or the preparation for the overthrow of, or the bringing about by force of a change in, the political or social order of the whole or any part of the United States. . . ." (Letter of Soviet Foreign Minister Litvinov to President Roosevelt, November 16, 1933)

The Soviet Foreign Minister's avowal produced no effect whatever on the activities of the Third International, or Comintern, which continued to carry out its role as the organizer and directing center of the world communist movement from its headquarters in Moscow. On November 21, 1933, five days after his pledge, Litvinov said that the activities of the Comintern would not be affected by the Agreement of November 16. Yet the avowed purpose of the Comintern, clearly defined in its statutes and theses, was "the struggle by all available means, including armed force, for the overthrow of the international bourgeoisie and the creation of an international Soviet Republic."

Although the Comintern was formally dissolved in 1943, Soviet-inspired communist activity in the United States continued unabated. Evidence of systematic violation of the Litvinov agreements after 1945 was brought to light by convictions under the Smith Act of 1940, which made it a criminal offense "to organize or help to organize any society, group or assembly of persons who teach, advocate or encourage the overthrow or destruction of any Government in the United States by force or violence."

The trial and conviction in 1949 in a United States Federal Court in New York of eleven communist leaders revealed that the American Communist Party, acting on orders of the Soviet Union issued by Dmitri Manulisky, Comintern leader and in 1949 Foreign Minister of the Ukrainian Soviet Socialist Republic, had returned to a policy of violent revolution.

b. ". . . the Government of the Union of Soviet Socialist Republics, while reserving to itself the right of refusing visas to Americans desiring to enter the Union of Soviet Socialist Republics on personal grounds, does not intend to base such refusals on the fact of such persons having ecclesiastical status. (Letter of Soviet Foreign Minister Litvinov to President Roosevelt, November 16, 1933).

In March 1955 the Soviet Government expelled the Reverend Georges Bissonette, one of a succession of clergymen who had resided in Moscow and ministered to the spiritual needs of American nationals of the Roman Catholic faith in Moscow. The Soviet Government refused entry to Father Louis Dion as successor to Father Bissonette on the grounds that the Litvinov-Roosevelt agreement provided for reciprocity in the admission of clergymen to the respective countries. Although the 1933 agreement contained no provision to this effect—of which the Soviet Union's failure to make any such claims in the intervening years was itself tacit admission—the Soviet Government continued to bar Father Dion for nearly four years. He was finally admitted in January 1959 after repeated representations by the United States to the Soviet Government.

2. Lend-lease Agreement

The Lend-Lease Agreement provided for wartime cooperation and exchange of information and stipulated that material shipped to the USSR should be returned upon the ending of hostilities.

a. "The Government of the Union of Soviet Socialist Republics will continue to contribute to the defense of the United States of America and the strengthening thereof and will provide such articles, services, facilities or information as it may be in a position to supply." (Agreement on Mutual Assistance, June 11, 1942, Art. II)

There was almost complete lack of reciprocity in exchange of information. The frustrations experienced by the United States Military Mission in Moscow in attempting to achieve a semblance of cooperation with the Soviets were portrayed by General John R. Deane, the head of the Mission, in his book, *The Strange Alliance*.

b. "The Government of the Union of Soviet Socialist Republics will return to the United States of America at the end of the present emergency, as determined by the President of the United States of America, such defense articles transferred under this agreement as shall not have been destroyed, lost or consumed . . . ." (Agreement on Mutual Assistance, June 11, 1942, Art. V)

In the lend-lease settlement negotiations the United States expressed willingness to settle for "fair" value of articles remaining on the basis of usefulness to the Soviet peacetime economy. In January 1951, the United States offered to let the USSR settle its lend-lease account for a payment of $800,000—a small fraction of the value of goods retained by the Soviets. On February 4, 1960, the Soviet Embassy offered to reopen the lend-lease talks on the condition that a settlement be sought as part of a broad agreement on increased trade and long-term credit for the Soviet Union. The United States has insisted, however, that the USSR fulfill the terms of the 1942 agreement by settling its lend-lease account as a prior condition to other economic negotiations.

P. Great Britain

During the interwar period the USSR repeatedly violated pledges not to engage in subversive propaganda. In 1955, the Soviet Union unilaterally repudiated the 1942 Mutual Assistance Agreement.

1. Prewar Agreements

a. "This present Agreement is subject to the fulfillment of the following conditions, namely: (a) that each Party refrains from hostile action or undertakings against the other and from conducting outside of its own borders any official propaganda direct or indirect . . ." (RSFSR-United Kingdom Trade Agreement, March 16, 1921, Preamble)

On May 8, 1923 Great Britain delivered the "Curzon ultimatum" to the USSR, threatening to terminate the trade agreement unless impounded British fishing vessels were released and the Soviet Union disowned and recalled agents in India, Persia, and Afghanistan engaged in anti-British propaganda.

b. ". . . the Government of the Soviet Union declares that the abstention from interference with the internal affairs of the other country constitutes the necessary condition for mutual confidence and friendly relations between the two countries." (Soviet Note Regarding *De Jure* Recognition and Settlement of Outstanding Questions, February 8, 1924)

The British Government was forced to protest, on February 23, 1927, Soviet violations of its pledge to abstain from subversive propaganda. Evidence of hostile Soviet activities in Great Britain was published by the British Government in a White Paper and diplomatic relations were severed on May 26, 1927. Diplomatic relations were resumed on November 5, 1929.

2. The Mutual Assistance Pact

The British-Soviet Treaty of 1942 pledged mutual cooperation during the postwar period.

"The High Contracting Parties declare their desire to unite with other like-minded States in adopting proposals for common action to preserve peace and resist aggression in the postwar period." (United Kingdom-USSR Treaty of Alliance and Mutual Assistance, May 26, 1942, Art. III).

This treaty was unilaterally annuled on May 7, 1955 by the USSR. The action was one aspect of a Soviet campaign to prevent the ratification of the Paris agreements, which terminated the occupation of Western Germany and brought the newly formed Federal Republic into the North Atlantic Treaty Organization.

Q. Other agreements

1. The Soviet-French Treaty

On December 10, 1944, the USSR concluded a treaty of alliance and mutual aid which pledged mutual cooperation during the postwar period.

This treaty was unilaterally abrogated by the USSR on May 7, 1955, at the same time that the USSR abrogated its 1942 treaty with Great Britain.

2. The Soviet-Yugoslav Credit Agreement

On January 12, 1956, the Soviet Union and Yugoslavia concluded an agreement under which Yugoslavia was to receive Soviet credits for economic construction and expansion. Additional Soviet credits were offered to Yugoslavia in an agreement concluded August 3, 1956.

In the spring of 1958 the Soviet Union, which had become increasingly disgruntled with Yugoslavia's ideological independence, endeavored to use its credit agreement as a political weapon. *Pravda,* on May 9, 1958, noting that "ideological differences lead to differences on political issues," threatened in a thinly veiled fashion that economic assistance might be terminated if the Yugoslav ideological lines were not changed. On May 27, 1958, Foreign Minister Gromyko handed to the Yugloslav Ambassador a note announcing the unilateral suspension for five years of Soviet deliveries under the 1956 credit agreements.

3. The Israeli Oil Contract

On July 17, 1956, the Soviet state oil-exporting firm, *Soiuznefteksport,* concluded a contract with two Israeli companies to deliver oil to Israel.

On November 6, 1956, the Israeli companies were informed that the Soviet Ministry of Foreign Trade had canceled the export license under which the shipments were to be made. In announcing the unilateral cancellation of the contract, *Soiuznefteksport* justified its action by an interpretation of *force majeure* which was not even consistent with Soviet law. Israeli claims for damages were rejected out of hand by the decision of the Soviet Foreign Trade Arbitration Commission.

4. Freedom of Navigation on the Danube

On December 4, 1946, the USSR agreed at the fourth meeting of the Council of Foreign Ministers that a provision for freedom of navigation on the Danube would be included in the peace treaties with Rumania, Bulgaria and Hungary.

The USSR and its supporters, the East European satellites, at the Danube Conference in Belgrade (July 30 to August 18, 1948) pushed through virtually unchanged the Soviet draft for a new Danube convention. According to an official United States statement on August 18, the Soviet bloc "brushed aside" every amendment submitted by the Western powers. The United States, the United Kingdom and France refused to sign the Belgrade Convention and declare that they considered previous agreements on the Danube still in force. The USSR which was not a party to the 1921 convention, asserted on the other hand that Western failure to accept the new Soviet-imposed convention "will in no measure influence its coming into force."

Adoption of the Belgrade Convention provided pseudo-legal trappings for already existent Soviet domination over Danube affairs. The convention eliminated all Western countries from a new Danube Commission, which was to have representatives only from the riparian powers (annexation of Bessarabia made the USSR a riparian power). It denied the rights of Western countries under past agreements such as the 1921 convention. The new convention limited the powers of the projected commission by providing for a special Soviet-Rumanian administration on the maritime Danube, thus giving the USSR a strategic position for influencing Danube affairs. The effect of the convention was to perpetuate pro-Soviet discriminatory practices along the river.

PRICE AMENDMENT WOULD FIRE ABSENTEE CONGRESSMEN

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. PRICE of Texas. Mr. Speaker, having read over my statement in the CONGRESSIONAL RECORD of June 12, I have discovered that the Government Printing Office made a typographical error in transcribing the congressional attendance chart as reported in my Special Action Report soon to be distributed to my constituents.

Therefore, I am today resubmitting that portion of my Special Action Report so that the RECORD can be corrected:

PRICE AMENDMENT WOULD FIRE ABSENTEE CONGRESSMEN

I have introduced a Constitutional Amendment which would require Members of Congress to be recorded on at least 70% of all roll call votes during a session of Congress or lose their jobs.

The American people have a right to expect that the men they elect to Congress are going to do their job—and that is to be present and voting on important legislation involving the spending of billions of taxpayers' dollars and affecting their constituents.

While there are certain time when a Member of Congress must be necessarily absent, and my bill provides for absences due to illness or official business, nevertheless, the attendance record of all too many Congressmen is shamefully bad. In fact, if many of these Members had the same rate of absenteeism in private industry as they do in Congress, they would be fired from their jobs. My own overall attendance record since coming to Congress stands at over 90% as indicated by chart at right, and it is my belief that every American citizen has a right to full time representation in the Congress of the United States.

ATTENDANCE RECORDS*

Congressman:	*Percent*
Archer	97.0
Brooks	79.2
Burleson	89.8
Cabell	80.6
Casey	86.9
Collins	88.5
de la Garza	82.8
Dowdy	73.2
Eckhardt	85.6
Fisher	82.4
Gonzalez	99.8
Kazen	96.8
Mahon	98.2
Patman	72.2
Pickle	85.0
Poage	83.6
Price	90.4
Purcell	69.8
Roberts	87.2
Teague	67.8
White	95.0
Wright	76.6
Young	86.8

*Attendance record percentages for Texas Congressional delegation based on composite of yearly attendance averages for recorded "yea" and "nay" votes for period 1967–71.

THE 1971 FUND ASSETS SHOW RESUMED GROWTH

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. OBEY. Mr. Speaker, at the end of 1971 private pension funds amounted to $151.8 billion and public funds held $135.5 billion in assets—a total of more than $287 billion.

I insert here an article from the June issue of Pension & Welfare News and three accompanying tables given preliminary estimates of the assets of these funds at the end of 1971 and showing their growth since 1960:

THE 1971 FUNDS ASSETS SHOW RESUMED GROWTH

Total assets of private noninsured pension funds at the end of 1971 were $106,400,000,000 (book value) and $125,000,000,000 (market value) according to preliminary estimates recently by the Securities and Exchange Commission. These data on private noninsured pension funds include funds of corporations, nonprofit institutions, and union and multiemployer funds.

Also included are profit sharing plans involving retirement benefits; excluded are health, welfare, and other types of employee benefit plans.

The growth in total assets (book value) during 1971 was $9,400,000,000, or almost 10 percent. This compares very favorably to the preceding years of 1969 and 1970, during which pension funds growth had slowed considerably.

From 1960 to 1968, assets of pension funds grew at a compounded growth rate of 12 percent; in 1969 and 1970 growth was measured at 9 percent and 7 percent respectively.

Table 1 details the book and market value of fund assets in the past decade. At year end 1971 market value of total assets was 17 percent higher than book value as compared to year end 1970 when market value was 8 percent above book value. The difference is largely attributable to the gain in stock values during 1971.

Common stock in pension fund portfolios, valued at market, amounted to $84,800,000,000 at the end of 1971; common stock thus accounted for 68 percent of pension fund assets. At book valuation, common stock made up less than 59 percent of pension fund portfolios.

Pension funds added $11,000,000,000 of common stock (book value) to their holdings during 1971, while total assets rose only $9,400,000,000. This was effected by pension funds liquidating other portfolio investments in order to purchase common stock in 1971.

Holdings of corporate bonds, mortgages, and United States government securities all decreased in 1971. In contrast, during 1970, pension funds allocated an unusually large amount of new funds to the bond market and relatively less to the stock market.

The quarterly growth and distribution of pension fund assets during 1971 is shown in Table 2. Quarterly information is also published every three months in the *SEC Statistical Bulletin*.

Over $287,000,000,000 were held by all types of pension funds at the end of 1971. This figure includes assets of private noninsured pension funds, insured pension reserves, state and local government retirement funds, and pension plans administered by the United States government.

As Table 3 indicates, private pension funds amounted to $151,800,000,000 and public funds held $135,500,000,000 in assets.

In the private sector, insured pension reserves (statement value) were estimated to be $45,400,000,000 at year end 1971; more than half the growth in insured pension funds was attributable to separate accounts set up by insurance companies to invest pension moneys. Separate accounts of insurance companies amounted to an estimated $7,200,000,000 at the end of 1971, compared to $4,900,000,000 in 1970.

Turning to the public sector, state and local retirement funds had $64,700,000,000 in assets at year end 1971, according to estimates made by the Federal Reserve Board. These pension funds grew by $6,800,000,000 or 11.7 percent during the year. Federal government pension funds held $70,800,000,000 in assets, invested almost entirely in United States government securities.

TABLE 1.—ASSETS OF PRIVATE NONINSURED PENSION FUNDS

[In millions of dollars]

	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971
Book value:											
Cash and deposits	660	710	770	890	940	900	1,320	1,590	1,620	1,800	1,640
U.S. Government securities	2,720	2,920	3,050	3,190	2,990	2,750	2,320	2,760	2,790	3,030	2,730
Corporate and other bonds	16,880	18,100	19,560	21,420	23,130	25,230	26,360	27,000	27,610	29,670	29,010
Preferred stock	760	750	710	650	750	790	980	1,330	1,760	1,740	1,770
Common stock	13,340	15,730	18,120	20,950	25,120	29,070	34,950	41,740	47,860	51,740	62,780
Mortgages	1,560	1,880	2,220	2,780	3,380	3,910	4,080	4,070	4,220	4,300	3,680
Other assets	1,590	1,800	2,120	2,540	2,870	3,520	4,230	4,580	4,720	4,730	4,800
Total assets	37,510	41,890	46,550	52,420	59,180	66,170	74,240	83,070	90,580	97,010	106,420
Market value:											
Cash and deposits	700	700	800	900	900	900	1,300	1,600	1,600	1,800	1,600
U.S. Government securities	2,700	2,900	3,000	3,200	2,900	2,700	2,200	2,600	2,600	3,000	2,800
Corporate and other bonds	15,900	17,500	18,800	20,700	21,900	22,500	22,600	22,400	21,300	24,900	26,100
Preferred stock	700	700	700	700	800	800	1,000	1,400	1,600	1,600	2,000
Common stock	22,100	21,200	27,000	33,000	40,000	38,700	50,100	60,100	59,800	65,500	84,800
Mortgages	1,600	1,900	2,200	2,800	3,400	3,800	4,000	3,600	3,500	3,600	3,200
Other assets	1,600	1,800	2,200	2,600	3,000	3,500	4,200	4,300	4,300	4,300	4,500
Total assets	45,300	46,700	54,600	63,900	72,900	72,800	85,500	96,000	94,600	104,700	125,000

Note: Figures may not add to totals because of roundings.

TABLE 2.—QUARTERLY PRIVATE NONINSURED PENSION FUND ASSETS

[In millions of dollars]

	1970, December	1971			
		March	June	September	December
Cash and deposits	1,800	1,990	1,660	1,780	1,640
U.S. Government securities	3,030	3,020	2,600	2,040	2,730
Corporate and other bonds	29,670	29,050	28,780	28,380	29,010
Preferred stock	1,740	1,740	1,720	1,730	1,770
Common stock	51,740	54,660	58,310	60,250	62,780
Mortgages	4,300	4,160	3,950	3,780	3,680
Other assets	4,730	4,940	4,800	4,880	4,800
Total assets	97,010	99,560	101,820	103,440	106,420

TABLE 3.—ASSETS OF ALL PRIVATE AND PUBLIC PENSION FUNDS

[Book value, in billions of dollars; figures may not add to totals due to rounding]

	1960	1965	1966	1967	1968	1969	1970	1971
Private	52.0	86.5	95.6	106.3	118.0	128.5	138.2	151.8
Insured pension reserves [1]	18.8	27.3	29.4	32.0	35.0	37.9	41.2	[5] 45.4
(Separate accounts, included above) [2]		.3	.6	1.2	2.2	3.5	4.9	[5] 7.2
Noninsured pension funds [3]	33.1	59.2	66.2	74.2	83.1	90.6	[6] 97.0	106.4
Public	56.4	72.8	80.4	90.1	98.5	110.1	123.5	135.5
State and local	19.6	33.1	37.1	41.5	46.1	50.8	[6] 57.9	64.7
Federal:								
Federal old-age and survivors insurance	20.3	18.2	20.6	24.2	25.7	30.1	32.5	33.8
Federal disability insurance	2.3	1.6	1.7	2.0	3.0	4.1	5.6	6.6
Civil Service retirement and disability program [4]	10.4	15.9	17.0	18.1	19.4	20.8	23.1	26.1
Railroad retirement	3.7	3.9	4.1	4.2	4.2	4.3	4.4	4.3
Total private and public	108.4	159.3	176.1	196.4	216.6	238.6	261.7	287.3

[1] Statement value.

[2] Separate accounts of life insurance companies, set up for specific pension plans, allow greater investment latitude than is permissible under State laws for general life insurance assets.

[3] Includes funds of corporations, nonprofit organizations and multi-employer and uniform plans.

[4] Includes Foreign Service retirement and disability trust fund.

[5] Estimated.

[6] Revised.

PITTSBURGH AREA STUDENTS PARTICIPATE IN "YOU ARE THE FLAG" ESSAY CONTEST

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. MOORHEAD. Mr. Speaker, there are those among older Americans who are quick to criticize the young for what the elders term a "lack of patriotism."

I do not believe that this is the case. I think that today's youth holds the interest and well-being of their country just as high as many of us do and did when we were their age.

Today's youth happens to question more than some of us did and they may be a bit more skeptical of patriotic slogans, the meaning of which seem to get trampled or distorted in everyday application. But these qualities are strengths not weaknesses. A healthy skepticism leads to intelligent decisions.

Annually the Flag Plaza Foundation of Pittsburgh, an adjunct of the Boy Scouts of America, and the Duquesne Light Co., join to sponsor a "You Are the Flag" essay contest among Pittsburgh area students. There were 30,000 entries in the contest this year.

As in past years, the winners have presented their youthful patriotism in a number of unique written forms.

I would like to share them with my colleagues at this time.

In addition, I would like to include an article from the Mount Washington News about a constituent of mine, Marty O'Malley, who has been a grand finalist in the Flag Contest for the past 2 years.

The essays and news article follow:

An Unpolished Mirror—That's Me

(By Joseph Beggs)

Who me?? . . . The flag?? . . . You've got to be kidding. How can I be the flag, that great symbol of our country? I'm just a normal thirteen year old boy who likes exciting mystery books, sports, girls, my dog and cat, and I dislike school. Sure, I pledge my allegiance to the flag and raise the stars and stripes at home and at scout camp. But that doesn't make me a super patriot that you could call the flag. In fact, I don't even have a shirt that's red, white, and blue.

Now people like Betsy Ross, who is said to have made the first American flag: Patrick Henry, who cried out the ringing words, "Give me liberty, or give me death"; Thomas Jefferson, who wrote the Declaration of Independence, reflect the flag and all that it stands for. But, I don't reflect the rays of light that constantly penetrate . . . Rays come in the form of parents, teachers, Sunday School, books, and the examples of the patriots of today. Men like Armstrong and Aldron, our Presidents, and those willing to give their lives for our nation. Then there's me . . . that unpolished mirror.

Unpolished, yes . . . but at least I'm not broken. I wouldn't think of sewing the flag on my clothes or showing disrespect to the flag or mutilating it in any way. I'm proud and thankful that I'm a citizen of the United States. I want to do my part to help this country—one nation, under God, indivisible, with liberty and justice for all. Still, I am different from the patriots . . . or am I? How many of them were famous at the age of thirteen? In fact, they probably were the same as me. It was when they became polished that they reflected the flag. I'm still young, but I, too, can shine. After thinking about it, maybe I was wrong! I am the flag and I'm proud that I can begin to reflect our Nation.

I Am the Flag!!

(By Barbara Cline)

Dear Lord, you know I'm getting old, I can't deny it. In a few years I'll be 200. Yet the flow of life runs through me still. Yes, you know me, stubborn, enduring, still tossing and frolicking in the breeze, never resting, always striving onward. Perhaps the reason I never stop is because I've lead too many brave men into battles from which they never returned, or because I've witnessed so much hatred and bloodshed and agony. When I think of these things, I'm almost ready to retire.

I think and brood for awhile until, gradually, like the dawning of a new day, a fabulous, shining, glorious realization overcomes me with a radiant clarity that I can almost touch and see and smell. I have carried these courageous men into an oncoming battle for a purpose—to improve the lives of more people, to make certain that there will be less bloodshed, and to provide a new tomorrow for all the world's children! You call me Old Glory, but I'm young yet. Please God, don't let them turn their backs on me, or forsake me, oh please! . . . don't let them give up yet. I've still a lot to give. Yes, dear Lord, thank you for helping me find the goodness in what I do. It's true, I have lead men into battles but I've also lead them in exploration and discovery, from our early settling of the West, to our latest conquest of the moon. Come men, I'm ready to do what must be done.

You Are the Flag

(By Amy Couch)

See the flag as it waves overhead?
See the tombstones of men who are dead.
These men died for justice, meant to be had,
For peace and for purity, not all so bad.
The flag was their symbol of freedom and life,
The men who were fighting in grief and in strife.
The flag was important to the brave and the true,
Who fought in the mist and the morning dew.
They wanted their freedom these men with such love,
The flag was their goal as it waved high above.
They were loyal and loving and courageous too,
They fought to save the many and few.
The flag with its stripes and its blue starry field,
Is justice and peace that never shall yield.
They needed the flag for the hopeful and brave,
And for this flag many were driven to a grave.
I hope I shall never face such great pain,
Or hardships and poverty or such a great strain.
I would be willing to fight for this flag,
But I would not tear it or make it a rag.
This flag means so much to us now and back then,
That we should be willing to fight over again.
To fight in the morning or in the night,
To fight with our love and also our might.
The flag overhead is a symbol of love,
Won by men who earned it with help from above.

America

(By Miles Early)

I think to live in America, you should do your share.

There are very few people that help America grow. Most sit around and complain. Take for example, air pollution. Who really does anything about it? Or water pollution? And how about that candy bar paper that you just threw anyplace outside. You don't do that in your house, do you?

When you listen to the news at night and hear about the black power and white power going against each other, it just doesn't make sense. No one is going to achieve anything except maybe kill each other. The power I think should exist is Red, White, and Blue power.

When our country began everyone worked and shared with one another. They had building power. The flag they chose for our country was not just one color, but three. It was the flag that showed red, white, and blue power. This power was for all the people of the United States. I think it is the power of peace, love and friendship. The best thing about red, white and blue power is that the more it is shared the stronger it gets.

If we can go thousands of miles to make friends with other countries like China, I think we should be able to go ten or fifteen feet to make friends with our neighbors even if they are a different color.

If I, a boy of thirteen, can see and understand why America is so great and how to make it even greater, why can't grown-ups much smarter and wiser than I understand?

You Are the Flag

(By Beth Garrett)

It is a long day from sunrise to sunset, but that is my work day, every day, seven days a week, fifty-two weeks a year—for years stretching on for years. It is outdoor work which means I get wet when it rains, cold when it blows, and scorched by the summer sun. I'm not complaining because I love the work. It has been a steady job, and with God's help I pray that it will continue.

The job is hereditary. My father had it, and his father's, father's father had it. There have been moments of great despair and moments of glory. One of my forefathers fought with the Minute Men at Bunker Hill. Another marched to glory at Gettysburg. My own father rode with the tanks in Germany. My great, great grandfather heard the crying of a million slaves and cried too.

It is a difficult job because the world expects so much of me. I must always be honest and true. I must always be courageous and hold out a helping hand. My door must always be open, and I must bring the poor, the hopeless, and the downtrodden into my family. I must try always to act in truth and to fight for right.

I am the hope of mankind, and I sing a song of freedom. I preach equality and I shine like a great light. I am the American Flag.

What the Flag Means to Me

(By Robin Gibbons)

The Flag is a sacred symbol as it proudly waves above.
Conceived in the name of Freedom, born in a dream of love.
It flies above in time of peace; it flies in time of war;
It flies for weary wanderers that wait on a distant shore.
The right to pursue our happiness and find it if we can,
Of lofty aims, that we will find in the brotherhood of man.
It represents a land worth while, that God has surely blessed.
Symbolic of all that God made good, is imbedded in our flag;
To men who do not understand, it is just a colored rag.
They are evil men, violent men who curse and desecrate,
Who wish to overthrow this land, who tempt the hand of fate.
And yet they cry for justice when their pillaging is through,

And seek the flag's protection for the evil deeds they do.
The Flag shall never stand for greed, for evil or for hate;
It stands for love, and love it is that made our country great.
There can be no greater thrill on earth, that can ever come to you,
Than to see our flag flying in the breeze against the azure blue.
What is the meaning of our Flag? It means a guarantee
Of the right to love and believe in God.
That's what it means to me.

YOU ARE THE FLAG

(By Shawn Hetler)

You are the privilege of serving!

You are two brothers enlisting in the Navy and Air Force so that they may serve their country and thus honor their flag.

You are a father who left college also to enlist in World War II.

You are a Grandfather who enlisted in World War I.

You are a great great relative who worked to help form the Declaration of Independence.

This does not mean that any of these were war loving people, but it does mean that each one of these people felt that they shouldn't wait for the "other guy" to do the job but that they should pitch in and do it now and do it right.

You are the haven to the Irish, German, English, Scotch, Polish or Korean relatives who have fled their native lands to benefit and prosper under the shelter of your bright stars and broad stripes.

You are the Protestant, Catholic, or Jewish relative who have enjoyed your unquestioned freedom to enter the church of their choice and bend their knees, heart, and head in the prayer of their choice whether it be silent or aloud.

You are the glory floating over the school I take for granted I will be attending free for thirteen years.

You are the banner I carry dressed in my blue cub scout uniform or my green boy scout uniform.

You are my right to watch T.V., see a movie, play a record, listen to my radio, watch a ball game or play a ball game in any free time I may have and without dictation from a leader or a state.

You are my Red White and Blue security blanket that I can curl under as I say my goodnight prayer knowing that I sleep in safety and peace.

OUR COUNTRY—OUR FLAG

(By Susan Lower)

There's a flag rippling softly in the breeze. The red, white, and blue folds make it look as if it was especially made to lie against the soft clouds, surrounded by a clear, blue sky. The red, white, and blue exterior is what makes our flag a sight to behold. But to find its beautiful, hidden meaning, you must delve deep into the folds of its stars and stripes. Its meaning is there, and everybody, someday will discover just what that meaning is.

Perhaps its significance to me is that our flag stands for the big, important things in our country as well as the smaller things. The flag is all the different things that our land and our people are.

It signifies death as it's draped over a casket, but it means life as it honors a mother's new child.

It's the beautiful, green countryside, the fresh air, and a clear sky, yet it's also the crowded city, the big factories, and the dirty air.

It's the footsteps left by treading soldiers in 1775, and today it's new footsteps left on the moon.

It's a bright, sunny day dawning just over the eastern horizon, but it's that day's end as the sun lowers behind the mountains in the west.

Our flag is the rich man and the poor man; the loved and the hated. It's a smiling face and a tear-streaked face. It's the saint and the sinner; the good and the bad. It can be 20 million bright shining lights, or maybe just the flame of a single candle. Our flag is our land. It's our people. It's our past. It's our present. It's our country. But most important to me is that I'm part of all this; because I'm the flag.

YOU ARE THE FLAG

(By Scott Mehno)

The American flag is a symbol which we all cherish, but my deep and abiding love is not for the flag itself but for what it represents, the American people. Not only the great Americans who built our country into the strong nation it is today; not only the soldier at Bunker Hill or Viet Nam, there is another type in America that has contributed just as much but has received less recognition. They are the common people, the working forces who keep America moving. In a sense we are all common people striving for one goal in life, a freedom for all the people of our Nation. The flag represents this goal for all races of our country.

It also represents a dream, the American dream. It's a dream that people from all walks of life may live in freedom, and that there may be a world peace among men. Unlike other nations' great Amreicans have fulfilled some of these dreams. Others are still to be realized.

The flag represents our heritage also. It is a story in itself of every American and our struggle for liberty and justice. It portrays courage of people like Helen Keller who overcame her handicap and taught many other Americans to accept themselves for what they are. It is an emblem which depicts the power of the American people and our sacred freedom. Wherever it is flown today, on mountaintops, across American plains, on battlefields torn with bitterness, or waving freely before the White House, it commands respect from all of its observers. And though there will always be problems facing our flag and our great Nation, we will go on as the standard of liberty for the world.

MARTY O'MALLEY WINS IN FLAG ESSAY

A salute to a Mount youth for his inspiring essay on our Flag!

Marty O'Malley of 258 Republic St. is one of the grand prize winners in Duquesne Light Co.'s "You Are the Flag" essay contest.

Marty is the son of Marty and Gladys O'Malley and is an eighth grader at St. Mary of the Mount. An avid student of history, Marty's ambition is to become a lawyer.

The winners will be recognized at Flag Plaza on Flag Day, June 14. Following the award presentation they will leave on a three-day historical tour of Williamsburg, Jamestown and Yorktown, Va.—the "cradle of the colonies." Each of the winners also will receive a flag that has flown over the nation's capital for presentation to the winner's school.

Marty's essay "You Are the Flag" follows:

Who is the flag? Is it you, or me, or an idea? Please allow me, a piece of cloth with red and white stripes and 50 stars on a field of blue, to speak. Let me talk about how the flag was launched from a sewing room in Philadelphia all the way to the moon. Allow me to say some of the things I have seen along the way.

My colors were a symbol against tyranny and gave heart to those early Ameicans who wanted freedom and the right to pursue happiness. When I came on the scene I stirred those hearts to endure whatever was necessary to achieve our final goal. It took many years but I finally flew as the symbol of a new nation.

So many times I have flown with pride and glory. There were also times when my color seemed to fade. Not from the sun and rain but from my own tears. These tears were shed during our own Civil War when this nation was threatened to be torn apart from within. Tears were shed again when the red, white and blue was flown at half-mast due to the sudden and tragic loss of such men Abraham . . . Martin . . . and John.

Those colors blossomed again, as I think they always will, because of the desire of the people they represent. They shine bright with joy when they are aboard a ship loaded with food for the people of an underdeveloped nation. They glisten brightly on the side of an airplane carrying doctors, nurses and medical supplies to victims of an earthquake or some other disaster.

Who is the flag! Is it I or is it you? I think it's both of us. I am the symbol, but you are the people and the purpose!

ECONOMIC DATA AS A TOOL FOR POLICYMAKING

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BOLLING. Mr. Speaker, James Knowles, who served with the Joint Economic Committee for 22½ years made an important speech entitled "Economic Data as a Tool for Policymaking" shortly before his retirement as Director of Research of the JEC on May 17. The speech was delivered at the Federal Statistics Users' Conference at which time the Board of Trustees honored Mr. Knowles with a resolution expressing "its grateful appreciation to James W. Knowles for his many years of service and outstanding contributions to the development and improvement of Federal statistics."

Following is the text of Mr. Knowles' speech:

ECONOMIC DATA AS A TOOL FOR POLICYMAKING

On January 16, 1950, I joined the staff of the Joint Economic Committee of Congress, with one of my prime duties to assist the Committee in applying quantative economic data to policymaking. It seems entirely appropriate, therefore, that as I approach the end of my service with the Committee, after 22½ years, I should spend part of this, my last day of active duty, with members of the Federal Statistics Users' Conference to discuss, in the light of experience, some conclusions and recommendations concerning the use of economic data as a tool for policymaking. This is also appropriate because for years I performed the same function for private business before I came to Government, and I expect to continue to do so in the future.

Experience brings me to three conclusions. First, a society can achieve and maintain a high degree of individual freedom only if it insures widespread opportunity for informed, independent decision-making. As a society grows more complex, individual and collective decisions can be intelligently made only if information, especially quantative data, is made available on an increasingly large scale and measures up to rising standards of accuracy, timeliness, and consistency. Though such information flows will not insure wise solutions to our problems, it is a necessary pre-condition.

Second, enormous strides have been made in the collection, processing, analysis and publication of economic data over the last several decades. The policymakers on the Joint Economic Committee, together with their staff have been regular contributors to the improvement of statistical programs to enable them to better meet the needs of policymakers. Indeed, one of the first assignments the Committee gave the Committee staff was to produce a report on some current gaps in our statistical knowledge. The resulting report, published in 1948, became widely known under the title, "Statistical Gaps." It became the first in a long series. Nor have we seen the end of the Committee's interest in this subject.

But, after all of these years of experience, I have a most uneasy feeling that all is not well. Indeed, I confess that my impression is that there is too much heated emotionalism, bad data, and improper use of data to make one comfortable about the correctness of our decisionmaking—public or private. One might even speculate that some future historian of this period might borrow a phrase from William Jennings Bryan to accuse the public and private leaders of this era of having crucified mankind on a cross of ignorance.

Third, the data needs of policymakers are identical, whether they operate in the public or in the private sector. The distinctions sometimes drawn between the kind of issues facing each class of officials were never very significant and in recent decades have entirely disappeared. The nation needs a unified data system capable of serving these common requirements of the public and private sectors.

The cardinal requirement that data must meet for policymaking purposes is that it flow in a timely manner from a data system capable of producing not merely accurate and comprehensive data, but data that is internally consistent. Series must be consistent, not merely within themselves over time, but with each other. What do we have? Not a system, but a loose conglomeration of vaguely-related series, incomplete and with interfaces with each other that are somewhat hazy to producers and users, alike. For example, financial data comes from the Internal Revenue Service and via a quite different sample operated by the Federal Trade Commission. Related money and credit data flow through a variety of channels operated by different agencies. Orders, sales and inventories come from another sample run by still another agency. Capital expenditures come from two other sources with different samples from all the rest. Employment figures come from still other sources with still other sampling frames. One could go on at length. How much of what is reported about economic relationships really happened? How much is simply inconsistency or statistical noise? Who knows?

For decades we have known how to design a statistical system. Why don't we have one? Why is it still so difficult to use data from different agencies measuring different but related economic variables? We have for many years had the capability of making the accumulated statistical data instantly available by wire from a central computer library. I am not talking about what is sometimes called a "data bank" with its original records, but a machine-based library of readily available published data. Why isn't this service available?

Think of the great benefit to policymaking that would arise from adequate price statistics that were carefully coordinated with data about employment, output, productivity, costs, profits, etc. The Consumer Price Index is confined to one segment of consumers. Compilation of a complete system of industry-segmented price indexes remains for future accomplishment. We have long known how to compute weighted indexes and of their advantages over unweighted indexes, yet in the field of financial statistics, particularly the measurement of the money supply, the series are almost entirely of a primitive unweighted variety.

In view of the many explosions that have occurred in the political life of this nation over conflicts of interest, why are there no headlines about statistical programs? Almost all of what we know about the distribution of income is derived from data drawn from the records of tax returns filed with the IRS. This agency has a staff of great probity and ability, but it still remains true that taxes are collected so far as an average taxpayer is concerned, largely in total disregard of legal due process or the equal application of the law, as required by the Constitution. Indeed, this—so far as I know—is the only branch of law in which the citizen is considered guilty until he proves his innocence at his own expense! Here is an area of law in which the errors of a calculator enshrined in a print-out becomes *prima facie* evidence against a citizen, and the citizen is reduced to proving that the computer is in error, rather than having the Government prove that the computer was right.

Another major source of our financial and income data is the quarterly financial report which happens to be compiled by a regulatory agency which acts simultaneously as collector of statistics, investigator of economic wrongdoing, prosecutor, judge, jury and executioner. If this same condition was true in any other aspect of social life, wouldn't we be hearing an outcry about conflict of interest? Can we really rely on the integrity and professional skills of the staffs of these agencies as adequate protectors when we would not accept this condition elsewhere in society? Should not we remember that ancient prayer "lead us not into temptation?"

There are those who may take offense at my questioning of the status quo. But to those I reply simply with one question: How can we replace the heat of emotion with the cool and sane light of reasoned analysis of quantitative fact if statistical programing is not like Cesar's wife, above reproach or, more important, about the suspicion of reproach. We must not only assure the professional caliber and ethical standards of statistical staffs, we must also build an impenetrable barrier that assures the public that statistical data is isolated from any possible, even potential misuse or the improper revalation of individual records.

Again, though we have known for a long time most of the requirements for a complete system of economic reporting, there still are many gaps—some of which are listed in that early publication of the Joint Economic Committee back in 1948. What excuse can we offer for the fact that we have no independent check on the quality of available distribution of income information? We know how to remedy these shortcomings. What is required is a regular quarterly survey of income, expenditures and savings. This need has long been recognized. Yet it does not exist.

The shortcomings that I have once more referred to in these remarks are not reviewed here to make my colleagues feel bad about our lack of progress, for indeed we have made progress. Rather, it is to emphasize the challenge—these opportunities which lie ahead of us—to organize our mutual efforts so as to drag this nation into the second half of the 20th century so far as the collection and use of quantitative data is concerned.

If you have followed current policy debate very closely, you will notice that economic data are at the heart of many debates. There is almost as much debate about the facts of productivity, wages, profits and prices as there are over current stabilization policies. I wonder how many of those decisions by the regulatory agencies—now matters of current regret—would have occurred if our statistical system had been designed to provide ready and adequate tools for such program design and operation.

Although my experience indicates that failures of political calculations and forecasts have been far more important as causes for erroneous policies than errors of economic analysis and forecasting, yet I still maintain that there have been many important occasions when the outcome could have been significantly different if the contending parties in a decision-making situation had truly been enlightened by statistical data generally accepted as valid. We need not look further for proof than at the record of the monetary authorities whose mistakes and misdirected decision-making for over a half a century show how to be uncanny in almost never coming up with the right answers. I do not attribute this to the mere foibles of banker mentality or a lack of devotion to the doctrines of Milton Friedman. Nor can the fault be attributed to short-comings of personnel, for some of the outstanding talent of this century have served with great devotion and integrity in the monetary agencies. The dominant source of error is simply the deficiencies of our economic, and more particularly our monetary data, as guides to decision-making in the monetary policy field.

So far I have raised questions about the failure to raise the data system to the heights of our knowledge and of the dangers this is creating that policies may go astray. On the other hand, although it may be insulting to us as technicians, the fact is that the use of quantitative information as a tool in policymaking is still very rudimentary. As I have commented earlier, there is too much emotional heat and too little reasoned analysis of data. In addition, I might now add, there is too much abuse of statistical data.

We have much criticism these days of the tax system and demands for its reform. To what extent is this really based on analysis of objective data? How much of the argument is based on administrative data derived from the very tax system we criticize? Indeed, how much is based on myth or guesswork? If such analysis of impartial independent statistical information existed, would we have been engaged in one decade in twice enacting an investment tax credit? Would we now be engaged in a debate over the adoption of an excise tax, otherwise now known as the value-added tax? I wonder how many businessmen would support either of these two tax devices if there was an impartial analysis of their impact on rates of return on capital over a period of years. Do you really believe that businessmen are prepared to advocate increased instability for the economy as a whole and lower rates of return on capital?

Many a critic of the corporate income tax would be taking a different position if he had an impartial quantitative appraisal of the most probable outcome of the various alternatives. I wonder, too, what would be the stance of many of the present critics of the property tax, including some judges, if the difficulties of the property tax were made obvious?

I wonder what would happen under the present stabilization program if the regulators of prices and wages really had measurements showing what happens in businesses of different asset size. You will pardon me for suggesting that the popularity of Professor Galbraith's recommendation to concentrate on big firms might disappear with the speed of the Titanic going down?

Over these 22 years I have become increasingly aware that liberals and conservatives, Republicans and Democrats, businessmen and labor leaders might all be interchanging positions on important issues if the use of economic data in policymaking had reached the heights that our present knowledge and equipment makes possible.

I have asked a number of questions about why we are not making as much progress as we need to, and before I close these valedictory remarks, I would like to partially answer them. In brief, the answer can be seen from looking around this room at the people present. Here are many of the world's best experts in economic data collection and analysis. How many chief executives represent their organizations here today? Are there any? How many departments of the Government are represented by a cabinet officer? When hearings are held by Congressional Committees to consider statistical programs and their fundings, how many of the nation's leaders appear to testify in favor of an adequate organization and funding of an integrated statistical system?

We have allowed the pressures of daily decisionmaking to distract us from the vital task of creating data tools to make wise decisions possible. It is not enough for us, the technicians to be convinced of the need for an improved and integrated data system. The chief policymakers, public and private, must be convinced enough to change national priorities so as to make available the resources such a system requires. If the grand objectives set forth in Section 2 of the Employment Act of 1946 are to be realized, if we, as a nation, are to contribute to a prosperous, just and peaceful world, then all of us must re-dedicate ourselves to achievement of a truly modern and effective data system. We have the knowledge. We can eliminate the remaining pockets of ignorance and mythology that still produce mistaken economic and social decisions. I am confident that the Federal Statistics Users' Conference can and will play an outstanding role in the continuing crusade to create a just, prosperous and free society through advances in knowledge and in the application of data to policymaking, public and private.

RISING FOOD COSTS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. O'NEILL. Mr. Speaker, the problem of rising food costs has been a matter of great concern in recent months. The consumer is faced with continually rising prices on meat, vegetables, and many other products. In an economy the size of ours, it is often difficult to isolate the cause or source of such rampant inflation.

Accusations have been made that the retail food chains are responsible for spiralling food prices. I am submitting for the RECORD the remarks of Mr. Avram Goldberg, president of Stop and Shop Companies, which I hope will help balance the scales on this issue. I recommend this statement to every Member concerned about the cost of food, and the economic mechanisms behind those increases:

STATEMENT BY MR. AVRAM J. GOLDBERG

Dr. Grayson and ladies and gentlemen:

First may I introduce myself. My name is Avram Goldberg. I am president of the Stop & Shop Companies and we are headquartered here in Boston. We have been in business for 57 years starting as a small group of grocery stores. At the present time we operate 158 Stop & Shop supermarkets, 56 Bradlees self-service department stores, 19 Medi Mart super drug stores, 35 Perkins tobacco shops and 3 Funstop Toy and Leisure Time stores. We have stores in all of the New England States (except Vermont), in northern New Jersey, and a few stores in New York State, although none in the city of New York. Our individual divisions have a great degree of autonomy, but they are all part of the Stop & Shop Companies and under our total sales umbrella—thus, all are being controlled as a Tier I Company.

I appreciate very much the opportunity, as a retailer, within the time alloted to me, to present a few comments to you. It may be presumptuous of me, but I would like to compliment you for taking the time to travel around the country, and particularly to come here to Boston to listen to us. Frankly, when we first heard of this public meeting, coming so soon after the recent intensive press coverage given to the problem of food prices, we had mixed emotions about appearing. There is always the problem of words being misconstrued in what is an anxious and sometimes angry world. The open forum, however, is not only an American tradition, but particularly a New England one, and I am happy to be able to be part of it. Of course, I can in no way speak for the entire food industry or even for the New England sector of it. I am speaking only as an individual and on behalf of our own company.

I must admit that it is rather uncomfortable to be a retailer these days. For the first time, we have even been called "The Middleman". As Mr. James Cooke, president of the Super Market Institute and chairman of Penn Fruit Company of Philadelphia said in his remarks just recently at the Super Market Institute convention in Houston, "in reality, we are the endmen. We are the ones closest to the consumer, the ones who bring the bad news of rising prices. It is the retailer who receives the brunt of consumer resentment. Yet, to blame the retailer for rising prices is like blaming the thermometer for the temperature."

I thought it would be best to talk specifically about the food business because, frankly, today that seems to be the hot issue. Our position is an ironic one. There is no question that food prices have been rising. It is perfectly understandable that our customers are not happy and our role, which is both challenging and frustrating, is to be the point of communication for the customer. Yet the reality of the supermarket economic picture certainly cannot be classified as being "profiteering". I know that you undoubtedly have been deluged with statistics and I am not going to weigh you down with very many. But the figure of one cent of profit on a dollar's worth of sales has long been used as the classic symbol of our industry. Less well known is the trend, which, on a national basis, has been steadily downward for over five years. Consider these figures from a study published by the Cornell University Department of Agricultural Economics just this spring, for food chains which do one hundred million dollars per year or more. In 1964–65, those companies made an average of 1.25% net profit on sales. The next year, that figure dropped to .97%, then to .91%, and then to .45%. It rose slightly to .60% in 1968–69, declined to .45% in 1969–70 and in the 1970–71 year, it was down to .14%. So it is obvious that the runaway inflation, which we all experienced, was hurting us dramatically from a profit point of view at the same time it was hurting the consumer's pocketbook.

Now the picture in New England and particularly in Boston was even more dramatic. At the risk of being somewhat personal, it might be interesting to look at the March 27, 1972 issue of Supermarket News, admittedly a trade publication. On the front page there is a mock-up picture of two of our local retailers (one of whom happens to be myself) and the headline reads, "Boston's 'blood bath'". I would like to read to you only the first paragraph as follows:

"In Boston, the words 'exhausting,' 'frustrating,' and 'impossible' don't call to mind consumerist demands or union bargaining. They seem to be reserved for the dizzying low priced competition that has dominated the field here off and on for years." Stop & Shop is part of that competitive picture. In 1965, we dropped trading stamps in all of our operating territories and introduced our concept of discount food merchandising, which we call "mini pricing." Since then we have done our best to maintain the lowest possible prices "across the board" in our stores. Almost exactly one year ago, in April 1971, due to an intensifying competitive picture, we actually reduced 3,500 grocery prices in all of our greater Boston stores. We took this step even though we were confronted with what we all now know was a constantly increasing number of rising wholesale prices, as well as operating costs.

Putting this entire picture together, the result was that when Phase I commenced in August of 1971, thousands of grocery items in our stores in the Boston area were priced well below their level on May 25, 1970.

Now, what has been our position in Phase II? As each regulation was issued, we did our best to insure quick and full compliance, as soon as humanly possible. All of our stores (Bradlees, Medi Mart and Stop & Shop) placed the base price list out where the customers could look at it. Despite the fact that Phase II commenced on November 14, and we began receiving wholesale price increases, we were not allowed to raise any retail price above that list until we had completed and filed all the new forms. We were instructed by the Government that we were to be controlled on the basis of our historical gross margins, broken down by our standard categories. So we filed the PC–1R form for our supermarkets, by geographical area—and by department; in other words, our grocery, meat, produce and florist departments—the way we have always historically measured our performance and the only way we can capture our true gross margin percentage through our cash registers. (We understand the difference between the food and department store industries, and for our Bradlees stores, for example, we filed gross margins for 67 departments).

At the time that we filed the PC–1R forms on December 9, 1971, we were then operating at margins well below our base periods. The regulations and the interpretation we received from Washington indicated it was up to us to run our business subject to two limitations. First, we could not exceed those base period gross margins. Secondly, we were limited to a maximum percent net profit to sales, based upon our own record of the previous three years. It might be of interest for you to know that we have recently completed our 1971 fiscal year. The pretax earnings of our company, unfortunately, were down from 1970. In 1970, we earned before taxes approximately ten million dollars, and in 1971, only 4½ million dollars. After Federal income taxes in 1971, we earned 3.561 million dollars, or .39% of sales. I would have been delighted with our so-called base period net to sales which, on a post tax basis, would have enabled us to earn over 10 million dollars.

Since the beginning of Phase II, we have received over 1,400 price increases from our grocery suppliers, while at the same time, the now well known dramatic increase in the wholesale cost of meat took place. As a result, when we filed our first quarterly report at the end of March, in each one of our departments our gross margins turned out to be below the maximums set by the regulations. I should also like to point out, of course, that those margins, stemming from the performance of the previous year, are much lower than they were back in 1967 and 1968. If we are frozen at this level for a prolonged period of time, we will be hard pressed to absorb rising operating costs, such as labor, state and local taxes, insurance, utilities, maintenance costs and, incidentally, the costs of the administration of the Federal control system itself.

On March 9, 1972, the Price Commission published in the Federal Register a definition of a "low profit company", based upon return on capital. We unfortunately fall into that category, as well. Although we requested the appropriate relief under that regulation the same week, it has still not been granted.

There is another point of view being expressed by some of the governmental people with whom we deal. That is the current pressure for so-called item control rather than category control. The quandary in which we find ourselves, Dr. Grayson, is that we have, from the very beginning, made a great effort to comply promptly with the regulations, not only as we have received them in writing, but as they have been interpreted to us from Washington. We believe we are in complete compliance and, as a matter of fact, our gross margins and our net profit all fall below the standards that have been set. Merely to hold our own and to attempt to come close to our historic low gross margins, we have had to raise a number of prices. Carrying some 9,000 items in our supermarkets, some go up and some go down. On some that we have raised, we may be making a slightly higher percentage than we were a year ago. On others, due to the competitive nature of the food business, our margins have not improved, and in many cases have shrunk.

Pricing in the food business is simply not done on an item by item basis. The overall market is influenced by the particular mix of pressures of cost, and of competition. No simple formula can be used to price any item and what we in Stop & Shop, and indeed all food retailers are dealing with, is not the return or markup of any individual item, but the return on the market basket of goods that is rung up on our cash registers. Therefore, individual item prices do not have a constant relation to cost. Neither our system nor competition allows it and the controls set up under Phase II reflect the realities of the food business. In fact, in the meat department, an item by item control would be simply impossible. Shifting to an item by item basis might place an overpowering and costly burden on the supermarket industry; and thus not only is it inconsistent with the historic practice of food pricing, and the regulations as issued, but might well be a cause of additional costs to the consumer.

The problem is that our understanding is often not the same as the hard-pressed people who locally attempt to enforce the regulations, despite the fact that we have been told that our understanding is the same as that of the Price Commission.

I know that the Price Commission must be very concerned with the recent apparent surge of food prices, as reflected by the Consumer Price Index of February 1972. As we all know, the major spiraling factor was meat prices, and we were one of the 12 companies invited to Washington to the now famous meeting with Secretary Connally. I certainly don't want to get into a debate as to whether the ranchers simply "caught up" or whether the price of beef on the hoof rose too high. But I think everyone, including both Secretary Connally and Secretary Butz, agreed on the simple fact that the increase in the wholesale price of beef, which peaked in the middle of February, was a direct reflection of shortage of supply and the increasing beef demand in our country. Beef prices to us simply took off on a dramatic upwards spiral approximately the middle of November and from that time until March, our margins on beef shrank until at one point they were down approximately 25% (or 5 points) from their previous level. This was despite the fact that we were forced to raise the cost of meat at the retail case.

In periods of rising wholesale cost, *retail* price increases lag behind. When costs decline there is also a lag in retail reductions. First, there is the mechanical lag. It takes time to get product into and through our distribution system and into the case. Also, frankly, we try to recoup *somewhat* the losses we experience during the time of increasing wholesale costs, as well as to determine whether the cost reduction is apt to persist. All of this makes the consumer price index, which is six weeks behind in its reflection of the retail picture when it is announced, a rather unfair measuring stick. Incidentally, it is unfair for many other reasons with which I am sure this Commission is familiar. An example of the problem of timing and lag is that we had, in the Boston area, a major beef sale scheduled for the Monday following the meeting with Secretary Connally. Obviously, for a company of our size, that sale had to be planned weeks in advance, when there was the first indication that the wholesale market had peaked. In our smaller group of New Jersey stores (where reaction time can be shorter), beef was actually being promoted at the time of the meeting.

In summary, our position can be stated as follows:

1. We in the retail business, specifically in the retail food business, are the end men in a long chain of links in a distribution process. As each one of those links has its own cost increases, we finally receive them all, and are their point of communication to the consumer. As Mr. William Mitchell, president of Safeway Stores, said at a press conference on March 29th, "If we took all the net profit of all of the retail food chains, cooperatives and voluntary groups for a year, and distributed them back to the customers on a per capita basis, the average per capita distribution would be less than one cent per day. If we cut this industry so that it made no money at all, an average family of four would get back 28¢ at the end of the week."

2. As an industry we have an identity of interest with the consumer in arresting our national inflation. As I have tried to show, the impact of the inflationary process over the past decade has served only to weaken our low margin industry and to reduce our percentage of profit. A continuation of this trend would cripple our ability to introduce improvements, attract capital, and perhaps even to survive.

3. We have supported the control system from the beginning. We have been in compliance with both Phase I and Phase II, but our ability to comply is severely hampered by conflicting interpretations between the regulations issued by the Price Commission, and the efforts at lower levels, however well intentioned, to reinterpret and enforce them. This is particularly true in the specific areas of item vs. category control, and relief to the low profit companies.

4. A policy of either freezing retail food prices at the present level, or rolling them back and freezing them at the point they were at in August of 1971, would place an unfair burden on the retail end of the food distribution chain. It would merely perpetuate the squeeze in which we had been caught on an increasingly tight basis for several years, and make it impossible for us to absorb increasing operating costs. This would be particularly true in the competitive New England area.

5. Many union contracts negotiated during Phase II must be approved by the Pay Board. In these cases, agreed-upon increases have exceeded the guidelines set forth at the beginning of the control program. But union representatives, in their understandable zeal to protect their members, who are also our employees, have negotiated frequently as if there were no controls. The procedures of the Pay Board are so complex that it takes literally months of computer time to put together the material it requires before ruling. It would be most helpful if these procedures were simplified, for as yet we, for example, have been unable even to complete the material required for a contract negotiated in February. We will not know the total impact of the control systems upon us—and upon similar companies—until the Pay Board decisions issue. And if they are not consistent with the regulations of the Price Commission, then the cost-push squeeze will be even more intense than I have described.

I would like to thank you for the opportunity to present a point of view. We share with you the anxiety that destructive inflation must be curbed. We ask that present regulations be interpreted consistently and quickly. We strongly believe that the intensive competitiveness of the retail food business, as well as our own philosophy of maintaining high volume, low margin supermarkets will keep food prices as low as humanly possible.

I will be happy to answer to the best of my ability any questions you may have.

THE CASE FOR ECONOMIC CONVERSION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SEIBERLING. Mr. Speaker, the problem of economic conversion has received an enormous amount of verbal attention in recent years.

Unfortunately, that is just about the only kind of attention it has received.

The principle behind economic conversion is startling simple: By redirecting a substantial portion of Federal spending away from military spending and toward long-range civilian needs, we can strengthen the economy, put the unemployed back to work, and meet our commitment to make this country a better place for all its people.

The implementation is, of course, not so easy.

Until recently, it has been possible to ignore the economically disruptive aspects of massive defense spending. But in recent years, the sight of engineers and scientists in the queues at the welfare offices has caused widespread shock. I hope it will at long last stimulate Government action.

In an article in the June issue of the Akron Business and Economic Review, I have discussed how we can move from dominance by the "military-industrial" complex to what I call the "peace-industrial" complex by changing the pattern of Government spending. I include the article in the Record at this point:

The Case for Economic Conversion

(By Congressman John F. Seiberling)

In the volumes of words, written and spoken, devoted to the nation's unemployment crisis over the last several years, frequent mention has been made of the plight of unemployed scientists and engineers. Though relatively small in numbers (it was estimated in 1971 that engineers and scientists accounted for 65,000 to 100,000 of the country's 5 million unemployed), this group has been more visible to the general public and has had more impact on many public officials than the millions out of work in the nation's inner cities. Many people have come to view the high unemployment rate of the urban poor as endemic, but the sight of formerly prosperous aerospance workers standing in unemployment lines and applying for food stamps has come as a distinct shock to the general public.

The cut-back in government aerospace spending over the past several years is often cited as the cause of growing unemployment among white-collar technical workers. But it is only a part of the cause. Scientists and engineers are on the streets today because when they are dropped from aerospace work, there is nowhere else for them to go. To put it another way, the reduction of the demand for their skills in the fields of space and defense technology has not been offset by increased demand for them in other sectors of the economy.

Some of us have been talking for years about the need for "economic conversion" planning, without any tangible response on the part of the government in Washington. There is some indication, however, that the widespread concern evoked by the sight of middle-class queues at the welfare offices will bring about some governmental program for economic conversion. So far, much of the discussion has focused on the current surplus of PhD's and skilled technicians and on ways of finding them jobs in fields other than aerospace. But the case for economics conversion extends much farther than the need to put this relatively small group of people back to work.

Our heavy rate of military and aerospace spending over the last decade has distorted our entire economy and led to neglect of our most pressing social problems. It is not only the unemployed aerospace engineer in Seattle or Long Beach who stands to benefit from conversion. The unemployed resident of the inner city, the harried urban planner trying to cope with crowding and pollution, the outdoorsman who finds his favorite stream choked with effluents, and the businessman who faces declining exports and growing competition from imports all have a vested interest in economic conversion.

Our annual military expenditures swelled from $44 billion at the beginning of the Sixties to nearly $80 billion at the start of the Seventies. The expansion of public outlays for military purposes has come at the expense of other social goals. A study conducted by the Library of Congress indicating that 61% of the Administration's fiscal '72 budget (excluding trust funds such as Social Security, over which Congress has no control) was allocated to military and related expenditures.[1] Of the remaining 39%, 17% was earmarked for human resources (education, manpower, health, and income security for the poor, 11% was channeled to physical resources (agriculture, rural development, environment, commerce, transportation, community development, and housing), and 11% went to cover all other government expenditures (including space, general government, and non-military pay increases).

Part of the impact of our massive military economic investment is obvious to all who care to look. The decline in the quality of our public services, the deterioration of our health care system, the precarious financial straits of our educational institutions, the decay of our major cities, the growing pollution of our environment—all of these problems have been to large extent exacerbated by the lack of public funds to deal with them. Money which could have been spent to cure these ills has for years been siphoned off to the military.

But the trillion dollars we have spent for military purposes since 1946 has had a more subtle, less visible, impact on our economy. Not only have relatively few government dollars been available for non-military social mercial industry to government-supported needs, but a large part of our scientific and technical talent has been diverted from comdefense projects.

There is a lot of talk about the need to increase U.S. productivity today. Public officials concerned about the sagging state of the economy and economic analysts noting our first trade deficit in postwar history point to our slow rate of productivity growth as one of the main villains in the story of our economic decline. In recent years, U.S. industrial productivity has been increasing at a slower rate than that of Japan and Western Europe.[2] This has in no small part contributed to the erosion of our international trade position. The failure of productivity to keep pace with rising wages has been a part of the cause of inflation at home and our weakened competitive position abroad.[3]

Productivity increase is both a function of capital investment and technological advance. Improved industrial technology is dependent on scientific research and development (R&D). The rapid growth of federally financed defense and space research in the postwar period has had serious implications for civilian R&D efforts, and, in turn, for the productivity of U.S. industry.

The large federal R&D effort fostered a rise in the overall cost of research and development, both to the government itself and to private industry. Government-generated demand created a "sellers' market" for scientific and technical personnel, bidding the cost of their services upward.[4] The rising cost of research personnel has been a major factor in growing expense of research and development.

Investment in research is always a gamble, and as research costs have risen, it is one which private industry—seeking to minimize risk—has, in many cases, been unable and unwilling to take. This, coupled with the fact that the "cream" of our scientific and technical talent has been attracted by lucrative salaries to defense and aerospace work, has meant that the growth of civilian research and development has been retarded in the U.S. in the postwar era.[5] The application of the fruits of civilian R&D to industrial production has been further retarded in this period by steadily rising interest rates, which have discouraged the capital investment needed to infuse new technology into the economy.

The situations in Western Europe and Japan, where government investment in defense has been a much smaller portion of GNP than in the United States, are a marked contrast. In eight European countries with a combined population comparable to ours, 30% to 35% more scientists, engineers, and technicians were engaged in civilian oriented research and development between 1959 and 1965 than in the United States. The Japanese as well as the eight European countries, spent a much larger portion of GNP for civilian R&D in the same period than we did.

The correlation between large defense spending, reduced civilian research and development, and a slower rate of increase in productivity in the United States and more limited defense expenditures, greater civilian R&D, and a faster productivity rise in Japan and Western Europe is hard to ignore. It is difficult to avoid the conclusion—particularly in view of our current trade deficit—that our tremendous national investment in weaponry and weapons research has been harmful to our civilian economy.

The freeing of funds to meet domestic social needs, and the revitalization of American industry depend on the successful conversion of a substantial portion of our scientific and technical resources from military to civilian pursuits. Aerospace workers in unemployment lines are just the tip of an iceberg which has been growing for a quarter of a century and which runs very, very deep. But policy-makers in Washington have concentrated their attention on the iceberg's tip, treating the symptoms rather than the causes of our economic malaise.[6]

The Department of Labor has established a series of job information, relocation, and training programs intended to help unemployed aerospace workers. These may help a limited number of persons find new jobs, but they will not redress the imbalance between civilian and military research. In fact, the Administration's budget for fiscal '73 would actually increase the imbalance in favor of military R&D.[7] If it is approved, many currently unemployed aerospace workers may be able to return to their jobs. This is no doubt politically expedient, but in view of recent history it is also economically unsound.

Congress' record on the question of conversion has not been much better than the Administration's. The Congress too has focussed on job training and asistance to individuals and firms who want to transfer their skills to the civilian economy. There is nothing wrong with assisting aerospace workers and firms in this manner. I cosponsored legislation last year to provide this kind of assistance. However, aid of this kind cannot be given in a vacuum. There must be jobs for "retrained" workers and new civilian markets for retooled firms. At present they barely exist, and we are doing little to create them.

Logically, it would seem that the opportunities for aerospace firms in the field of civilian technology are unlimited—if they can just take advantage of them. Today there is no end to the need for such things as improved mass-transit, better low-cost housing, pollution controls, improved health care delivery systems, and more efficient urban traffic control, to name a few items on the civilian shopping list. The question has been raised as to why the aerospace companies, with their experience with systems planning and their proven ability to marshal scientific technical talent to attack and solve complex problems, don't apply themselves to these needs. Why don't airframe manufacturers, for example, adapt their skills to the housing market? Why don't the communications firms which designed our space satellites and guided our astronauts to the moon develop computer systems to rationalize the traffic flow in downtown areas? The answer lies in the fact that these items are not things which can be demanded by individual consumers in the private market-place, any more than an Apollo space ship or a minuteman missile could be.

Without any indication that an effective demand exists, it is unreasonable to expect the aerospace industry to take the initiative in applying its technology to such social needs as mass-transit, low-cost housing, and pollution controls. Investment in research and development and the application of new technology to these fields will be made when the industry has assurance that there will be a return on it. Only the government can give that assurance, because only the government can create the market for these firms' products.

In weapons and space hardware, industry has shown that it can respond to government demand and move effectively into government-created markets. But there is no reason why the demand and the markets must always be for ABM's and lunar landers. If Congress appropriates funds, the government can also demand and create markets for such things as advanced pollution control technology and high speed surface transport.

It has become fashionable in recent years to speak disparagingly of the government-created "military-industrial complex". Yet there is no reason why the alliance between government and industry must be an unholy

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Footnotes at end of table.

one, destructive of our national well-being. By redressing the present imbalance between large military outlays and relatively small civilian expenditures, the government can create a new kind of alliance for public good—a "peace-industrial complex."

The creation of a new peace-industrial complex would have tremendous social and economic benefits. It would focus our extensive technological resources and talents on our most pressing social problems. It could mean a significant upgrading of civilian industrial technology and an improved competitive position for U.S. industry at home and abroad.[8] Finally, it would mean the creation of hundreds of thousands of new, socially productive jobs.

The new peace-industrial complex would have another, less direct, but no less beneficial effect. It would enable us to rationalize our defense policies.

As of 1969 7.5 million people were directly employed by the military or military industries. It was estimated that another 11 million persons were indirectly dependent on military, or military-related activities for their livelihoods. Taken together, this amounted to 20% and 25% of the country's total labor force. This is a large group of people and a potent voting-bloc. Its presence does much to explain the pressure for constantly increased military spending which is so much a part of our system today.

The creation of new civilian jobs through the peace-industrial complex would mean reduced dependency on military and military-related activities for millions of Americans. Political pressure for increased weapons spending would be eased, and Congress could begin to consider our military spending policies in terms of our real defense needs and priorities. In an atmosphere less emotionally charged with the issue of jobs—in an economy where there are civilian alternatives for aerospace workers and management—we might avoid embarking on such questionable programs as the B–1 bomber and the Cheyenne helicopter.

It will be most unfortunate if "economic conversion" becomes a code-phrase for short-run re-employment of scientists and engineers. It is much more than that. It involves more than job retraining programs and special assistance to individual firms—although these must be a part of any detailed national conversion plan. Economic conversion involves nothing less than changing the course of government spending. It means the redirection of a substantial portion of our considerable public energies and public financial resources from military to civilian pursuits. In the end, it means committing ourselves to making this country into something better than it is today—something we can be proud to pass on to our children.

While the reader may concede in principle the necessity for economic conversion, he may also wonder how it is to be implemented. In the past several years there has been a great deal of study, and a great deal written on the most effective means of carrying out a true economic conversion program. Informed counsel and imaginative answers to this complex question are in abundance; what has been lacking is the will to act.

Successive Congresses and administrations in the post-war era have failed to grasp the extent of the damage wreaked on our national economy by the over-concentration of government resources in space and defense. But the situation is changing; awareness of the economically disruptive aspects of massive defense spending is growing. When that awareness becomes widespread in Congress, and when the public comes to share it, the creation and implementation of a national economic conversion program will be relatively easy.

FOOTNOTES

[1] Of this, 44% was earmarked for current military expenditures, 6% for veterans' benefits, and 11% for interest on the national debt (most of it war-incurred).

[2] In the period 1965–70, U.S. productivity increased at the annual rate of 2.1%. In the same period productivity gains for Japan, France, Germany, Italy and Britain were 14.2%, 6.6%, 5.3%, 5.1% and 3.6% respectively.

[3] Between 1957 and 1970 output per man-hour increased at an overall annual rate of 3.2%. Compensation per manhour increased in this period at the annual rate of 5.1%. Unit labor costs thus increased at a yealy rate of 1.9%. (This does not, however, account for all of our inflation. Pre-freeze prices were increasing between 4% and 5% per annum.)

[4] During the period of rapid expansion of governmentally supported R&D between 1950 and 1960, for example, the starting salaries for engineers with bachelor degrees rose from the 77th percentile in the rank of income of all people in the U.S. to about the 86th percentile.

[5] In spite of the fact that company-financed R&D expenditures have been steadily rising, the number of scientists and engineers per 1,000 employees in companies reporting R&D activity has remained fairly constant since the early Sixties.

[6] In all fairness, it should be noted that some of the most advanced military thinkers (still a minority, unfortunately) recognize that the weakening of our economy from a continued high level of military expenditures will inevitably have a disastrous effect on the nation's military posture. They make the point that not only is a nation's military strength a function of its economic strength but, as a result of the nuclear stalemate, the strategic competition between great powers is increasingly economic competition rather than military.

[7] For fiscal 1973, the Administration has proposed a record $83.5 billion defense budget. $8.5 billion of this is earmarked for weapons research and development, an increase of $837.8 million over last year. In contrast, government spending for civilian R&D will be increased by less than $100 million.

[8] There has been much talk of the economic "spin-off" of space and defense research, but government economists estimate that between only 5% and 10% of such R&D has a direct effect on the economy. 20% of all government R&D funds in Europe and Japan are expended for civilian purposes, as opposed to less than 6% in the United States. The higher rates of productivity increase in these countries and the rapidly improving competitive position of their goods on the world market strongly suggest that the "spin-off" from government supported civilian R&D is greater.

SENATOR BUCKLEY SPEAKS UP FOR THE PRESIDENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. KEMP. Mr. Speaker, the junior Senator from the State of New York, the Honorable JAMES L. BUCKLEY, has distinguished himself in 2 short years as a man of courage and independence, a pragmatic and objective statesman who has contributed much to the people of New York and to the Nation. His independence and pragmatism have found him at times in honest disagreement with the administration. However, it is that same independence and same practical wisdom which have, after careful consideration of the Nixon record, found Senator BUCKLEY, on June 7 before the Republican Luncheon Forum of Greater New York, endorsing, without hesitation and without misgivings, President Richard M. Nixon for reelection.

It is no small measure of the broad respect and eminent stature with which Richard Nixon is held, that the two distinguished Senators from New York, Senator JAVITS and Senator BUCKLEY, have concluded the reelection of Richard Nixon will best serve the people of New York and the Nation. To that goal, they have agreed to serve as cochairmen of the New York State Committee for the Reelection of the President. I join them in that goal and it is my distinct pleasure and personal honor to place in the RECORD, Senator BUCKLEY's eloquent speech endorsing the President's reelection:

SPEECH BY SENATOR JAMES L. BUCKLEY

Over one hundred years ago, in his first inaugural address, President Abraham Lincoln said: "Why should there not be patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world?"

Lincoln's confidence in the ultimate justice of the American people was based on his understanding of their political maturity. He knew that the democratic process involves more than the right to choose among political alternatives; it involves the reasoned and thoughtful exercise of that right of choice. It is this which lies at the heart of responsible self-government.

Between now and November seventh, each American voter will be called upon to make such a choice in the Presidential election. It is a choice which I hope and pray will be made with the most thoughtful care because I believe that questions of fundamental importance to the future of our nation may hang in the balance.

Today I want to speak to you about my own choice. I know it is early in the political season to be doing so, but it is by no means premature. Thanks to the primary campaigns, the issues which will dominate the election and the thrust of the democratic argument can be clearly seen. There is little ambiguity, in short, as to the alternatives which will be presented to the American people on Election Day.

But I also want to speak out at this time because as one of the spokesmen for the conservative wing of the Republican Party, and as one who from time to time has taken issue with the administration on important points of difference, I feel a special responsibility to dispel any ambiguity as to where I stand.

Simply stated, I stand for the re-election of Richard Nixon. I intend to work as effectively as I can for his re-election and for the election of a Congress which will work with him to enact essential reforms in the years ahead. I state my support without hesitation and without misgivings. By the same token, I see no need to minimize those differences which I have had in the past or may have in the future with specific administration policies. But to acknowledge these differences in no way diminishes my personal commitment to his re-election.

My support is based on the following:

First, an assessment of the Nixon administration.

Second, the political situation in the United States as we approach the election.

Let us first look at the record, keeping in mind that political records are not made in a vacuum. What occurred before President Nixon took office and the problems he inherited must be included in any fair evaluation of his administration, for these provided the context within which so many of his decisions had to be made.

Nor can we ignore the fact that he has had to work with a Congress both Houses of which are controlled by the opposition party, for this has dictated the limits of his legislative options.

It has been said of Attila the Hun that where his horse once trod no grass would ever grow. It can be said, with only slight exaggeration, of the political philosophy that dominated the Kennedy-Johnson years, that where its touch was felt the only things that grew were taxes and inflation and discord and bureaucracy and an endless war.

Events have a way of moving so swiftly that we tend to forget precisely what the decisions and the indecisions of those years had done to our nation. But President Nixon was not given a chance to forget. From the moment he assumed office he was faced with the legacy of the errors of the Sixties. And what was that legacy?

Violence and vandalism had been allowed to become a way of life on our campuses and in our streets. Great universities and cities were paralyzed by rampaging mobs while those in authority either looked the other way or actively condoned the lawlessness of our new barbarians.

In cities and towns across the country, the rate of crime had risen to such heights that the average person no longer felt free to walk about his neighborhood at night.

The Supreme Court had spun out a series of decisions which have erected unprecedented roadblocks in the path of those charged with bringing criminals to justice.

Public frustrations had been brought to a new high, and public confidence in government to a new low, by the unredeemed promises of "Eden Now" which had been made so freely by the high priests of the New Frontier and the Great Society. Although their programs had been enacted and billions upon billions spent, there was little they could show for all this effort but a huge bureaucracy and inflationary forces which we have yet to bring under full control.

And then there was the war. The Kennedy and Johnson administrations had wandered, willy-nilly, into a land war in Asia without any clear idea as to how to bring it to a speedy and successful conclusion. It was a war whose very real justifications were never adequately explained to the American people. It was a "No Win" war fought in a manner designed to stiffen the determination of the enemy while undermining that of the American people. It was a war which was handed over to President Nixon under conditions which precluded the military options which might have brought it to a quick and successful end.

This, then, was the legacy of chaos which was inherited by Richard Nixon as he took the oath of office in January of 1969. It was a legacy of problems and dilemmas which resulted not in spite of what the Democrats had sought to accomplish, but because of what they had been able to accomplish.

It must be remembered that all the follies and miscalculation that marked the Kennedy and Johnson years grew out of the very best that the Democrats could offer. The New Frontier and the Great Society were not just slogans. They represented the incarnation of what the Democratic theologians had told us would bring us the good, the true and the beautiful. Their every program had been enacted and they were given free reign to do as they would with almost unlimited funds. Their tragedy was not that they failed to do their best but that they succeeded; and Richard Nixion was left to pick up the pieces as best he could.

His first and most urgent task was to formulate a policy for Viet Nam which would make the most of his limited options. The demonstrators were soon in action to try to force a precipitous retreat which would have brought disaster to the people of South Viet Nam, and which would have destroyed the credibility of American alliances around the globe. He stood his ground firmly against these and other pressures. At the same time he began to plan and execute a program for the methodical phasing out of American forces as fast as the South Vietnamese could be trained to take their place. This program is all but completed. While there were more than 550,000 Americans in South Viet Nam when he took office, fewer than 60,000 are stationed there today, almost none of them in the combat arms. It is one of the ironies of these topsy-turvy times that some of those who were most responsible for the build-up of our forces in Viet Nam are today among those who have been most abusive of the President for having failed to bring them home even faster. It is as if especially diligent termites were to scold the master carpenter.

But President Nixon has done far more than just plan our disengagement from the current conflict in Southeast Asia. In formulating the Nixon Doctrine, he has restructured our security arrangements in the Western Pacific.

This doctrine takes into account the growing political and economic capabilities of our allies as well as a realistic view of our own limitations. It will meet the future needs for regional security while avoiding the risk that we will again become engaged on the ground in local conflicts in Asia. It will do all this provided that the Congress will stop slashing the President's requests for the funds required to enable us to train and equip our allies so that they may assume the full responsibility for their own defense.

With respect to the Middle East, the President has done a superb job in his handling of one of the most volatile, dangerous situations in the world today. His quiet diplomacy and his steady pursuit of consistent policies have served to discourage a major confrontation and to keep an uneasy truce alive.

On the home front, President Nixon has achieved some impressive results despite the fact that a number of his most constructive proposals have been bottled up in Congressional Committees.

His most striking contribution has been the appointment to the Supreme Court of four highly able men who share the revolutionary view that their job is to apply the law, and not to formulate it. They have already changed the character of the Court in the most fundamental way, and they are beginning to minimize the damage which has been done by some of the more surrealistic decisions of the Warren Court. I believe we are well on our way to seeing a rebirth of public confidence in the Court as it once again exercises that judicial restraint on which the rule of law depends.

The Nixon Administration has moved vigorously to combat crime in our nation. In the field of crime prevention, $312 million will be spent, a ten-fold increase in federal funding since 1968. The Justice Department criminal division returned over two thousand indictments in organized crime cases in 1971, mainly through the use of strike forces in seventeen cities. In Washington, D.C., the only urban area under federal jurisdiction, there was an absolute drop of 13.3 per cent in the crime rate in 1971.

President Nixon has launched a comprehensive, well-coordinated national attack on the problem of drug abuse. Since he took office, the budget of the Bureau of Narcotics and Dangerous Drugs has been increased five-fold and the seizure of dangerous drugs and narcotics has been increased by four hundred per cent. Abroad, he has utilized our diplomatic muscle to help dry up important sources of the heroin which is smuggled into the United States. At the same time, complementary efforts are being made in the fields of education and rehabilitation and research which will help those already caught up in the curse of drug addiction and save others from the dangers of experimentation.

The administration has also set an example as to how not to be coerced or stampeded by the arrogance of organized mobs. Nowhere was the example better set than in Washington in May of 1971 with the tough, efficient, no-nonsense handling of the "Mayday" hordes who had threatened to shut down the city of Washington, to shut down the government itself.

Richard Nixon has brought to the job of handling complex problems an extraordinary capacity for comprehensive planning and analysis. I can think of no better example of this than his wide-ranging program for the protection of the environment. In the field of the environment, for the first time in our history, a President has committed his administration to a policy of ecological responsibility. He has created the machinery required to implement and enforce it. It is a policy which will prove its effectiveness not by turning its back on our technology, but by utilizing it to achieve our necessary environmental goals. The President has also demonstrated his understanding that there is a limit to what the federal government can do, his understanding that it has already grown too large, too powerful. In last year's State of the Union message, he declared that we must reverse the flow of power to Washington. To my mind, this was one of the most important, most refreshing statements to be made by any President since World War II.

He followed up his address with six Special Revenue Sharing Proposals. They would have the unprecedented effect of dismantling more than one hundred existing federal bureaucracies while transferring their responsibilities to state and local levels of government which are far better equipped to handle them. This is a bold, workable blueprint for cutting back the size and influence of the federal government. Yet, because the proposals do not bear the Democratic stamp, it is less than certain that they will be enacted by the present Congress.

In economic affairs he has achieved a realistic revaluation of the dollar, and has negotiated other adjustments in the international monetary field which will improve our competitive position in world markets and reduce our unfavorable balance of trade.

I would be less than candid, at this point, if I didn't touch on those areas in which I have been in disagreement with the Nixon administration.

While I believe it is necessary and desirable to establish effective channels of communication with any government which has effective control over significant populations or resources, I have had serious misgivings over some of the results of the President's recent summitry.

I refer, for example, to the ambiguity in the Shanghai Communique about the status of our commitment to the security of Taiwan. If it should be widely believed that we have undertaken to scuttle an old friend and ally in the interests of major power politics, then it is understandable that other old friends and allies around the globe will begin to question the reliability of our commitment to their security. And so we have unnecessarily jeopardized confidence in our alliances at a time when too many fear that America is withdrawing from her international responsibilities.

As I have recently indicated, I am also deeply concerned about some implications of the SALT agreements. There are a number of questions which I will need to have answered before I can make a final decision as to whether or not I will vote for their ratification.

On the domestic front, I believe that the administration's Family Assistance Program will not achieve welfare reform, but will only serve to make a bad situation worse in every significant respect at an enormous cost to the American public.

In the economic sphere, I have found myself at odds with the President on the matter of wage and price controls. I believe that the monetary measures which we had taken during the first two and a half years of his term in office were those best designed to control inflation and check unemployment, and that these measures were beginning to have their effect. If experience elsewhere on the globe is any guide, these controls will not work in the longer run; and, in the meantime, our excessive spending threatens to produce a new round of inflationary pressures.

This then is the broad outline of the Nixon record as I see it—a record which warrants my support.

I stated earlier that there was another factor on which I based my endorsement of Richard Nixon's bid for re-election. I speak of the political situation in the United States as we approach Election Day.

If it is suspected that there is any appreciable difference among the probable nominees of the Democratic Party, consider for a moment the records of Senators Humphrey, McGovern and Kennedy:

On the McGovern-Hatfield Amendment to cut off all funds for American operations in Indochina by December 31, 1971, they all voted "Aye." Had they had their way, South Viet Nam would have collapsed this spring under the weight of Hanoi's massive offensive and the Communist execution squads would now be going about their grisly business of liquidating hundreds of thousands of South Vietnamese, who had shown the courage to resist, just as they had liquidated more than 5,000 civilians in Hue during their ten-week occupation of the city in 1968.

On the McGovern Amendment to the Military Procurement Authorization, which would have cut defense expenditures by twenty per cent by imposing an arbitrary $60 billion ceiling, they all voted "Aye."

On the Rehnquist nomination to the Supreme Court, they all voted "Nay."

On the two bills which President Nixon had to veto last year because of their extravagance and unwarranted expansion of federal authority, they all voted to override the veto.

We as a nation simply cannot afford to go much further down the road which any probable Democratic candidate would want to take us.

This brings me, finally, to the responsibilities which I feel as one of the spokemen for the conservative wing of the Republican Party. The fact of conservative dissent has weighed heavily on my mind, and I have shared most if not all of the concerns to which it has given voice.

However, if we conservatives fail to choose, if we decide to "sit this one out," we will in effect be helping those whose programs would lead the United States into disaster. But if we will take charge of events, there is very much that we can do.

Consider for a moment that both in 1960 and 1968, Richard Nixon failed to carry New York State as the Presidential nominee of the Republican Party. But on the basis of my own election; on the basis of what I have learned since then during my extensive travels throughout New York State; on the basis of all this experience, I can say categorically that with the support of those who supported me in 1970, Richard Nixon can and will carry New York State in 1972.

The fate that will fall on America unless we act has been spelled out quite clearly in the programs offered by the candidates of the Democratic Party. However, if we will work together, we will avert that fate by re-electing a President and in the process bringing into the Congress more men and women who reflect our views. If we will do this, we will help to build a team in Washington which will work with greatest effort to preserve and protect an America which is prosperous, strong and free.

THE CLEAN AIR ACT AMENDMENTS

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. SYMINGTON. Mr. Speaker, as a member of the Public Health and Environment Subcommittee, I am cognizant of the fact that air pollution remains a persistent problem which threatens not only the ecology, but the lives and lungs of many Americans. To remedy this situation, the Public Health and Environment Subcommittee under the very able leadership of PAUL ROGERS developed the 1970 Clean Air Act Amendments, Public Law 91–604.

Despite that law, many cities including the St. Louis area have continued to have serious air pollution problems, in part because surrounding areas continue to pollute.

Fortunately, the Environmental Protection Agency is moving to check the sources of air pollution; for example, St. Louis was recently chosen by EPA as the site of a massive, 5-year multimillion study of air pollution. When the Public Health and Environment Subcommittee holds additional oversight hearings on EPA's efforts against air pollution, EDA's study of air pollution in the St. Louis area would be an excellent topic of discussion.

At this point I insert in the RECORD, material from EPA detailing the study and three articles from the St. Louis Post-Dispatch on the problem. Three articles were written by E. F. Porter, Jr., and appeared this April.

The articles follow:

SUMMARY: EPA REGIONAL AIR POLLUTION STUDY

In his January 1972 Statement on 1973 Budget, Mr. William D. Ruckelshaus indicated an increase in research funds, stating that "Air pollution regional studies to develop analytical models which will enable the States and metropolitan areas to select more effective and less costly standards—compliance abatement strategies—will be initiated at a level of $5 million."

To provide the information that will be needed for such model development, a regional air pollution study (RAPS) has been proposed and initial FY 1973 funding totaling $5 million has been approved by OMB and allocated from EPA resources. The initial project in St. Louis, is expected to take approximately five years to complete, and cost between $20 and $30 million overall. Responsibility for study management has been given to the National Environmental Research Triangle Park, N.C.

St. Louis was chosen as the initial study site, from some 33 metropolitan areas having populations over 400,000. Selection criteria included (1) isolation of the air pollution environment from that of other urban areas, (2) the presence of a variety of pollutants in a suitable "mix", (3) available land area on which to conduct studies, (4) the presence of a well-developed control program and background information, (5) the availability of historical meteorological and pollution information, and (6) relatively uncomplicated meteorology and a mild climate. Similar studies will be conducted in other urban areas following the St. Louis study.

The research plan includes studies of pollutant sources, meteorological factors affecting its transport, chemical and physical changes in pollutants as a result of atmospheric processes, exposure to sunlight, and mixing, biological processes, and human social, health, and economic factors. The information resulting from the study will be made available to state and local agencies nationwide as well as being available within EPA.

Most of the funds for RAPS will go into in-house EPA work on plans, experimental programs, studies of project data, and research grants. A major expenditure of nearly $4 million is anticipated for an air pollution measurement network extending over the St. Louis urban area and out to 60 miles or more in all directions. Some 40 stations will telemeter air quality and meteorological information to a central computer for storage and display. 20 to 30 additional stations will record selected parameters on site. The network will be designed and managed by a prime contractor, to be selected through the normal advertising and qualification process for a service-type contract. The network hardware will be purchased by EPA through a separate normal bidding and procurement action, according to current plans. Neither procurement has been advertised as of May 5, 1972.

CLEAN AIR

(By E. F. Porter, Jr.)

The St. Louis area is not going to meet the federal deadline of 1975 for cleaning its dirty air.

Nor, for that matter, are most of the nation's heavily populated, heavily industrialized urban centers.

In fact, some states, such as Arizona, Montana and Nebraska, are not even going to try. Nor are some industrial firms, such as Anaconda Copper Co., and the major automobile producers. These conclusions are drawn from interviews with air pollution authorities and an examination of the most recent literature on the subject.

The prospect facing the St. Louis area and much of the rest of the nation is that the noble design of an impatient Congress—to require the states and industries to clean the air by 1975—is doomed to failure.

Congress set the deadline in 1970 after previous attempts in 1963 and 1967, both undertaken without specific deadlines, had failed to produce appreciable results. The deadline was established in the form of amendments to the 1970 Clean Air Act.

Missouri and 18 other states already have conceded defeat on automotive pollutants, those that originate in the internal combustion engine. Eleven states have notified the Environmental Protection Agency in Washington that they will not be able to meet the deadlines for sulfur dioxide and particulates. These pollutants account for most of the dirt in the air over urban centers.

New York has told the agency it cannot possibly attain the air quality standards for sulfur dioxide in the New York City area until the Federal Power Commission allows Consolidated Edison, the city's electric utility, to bring in more natural gas to replace dirtier fuels such as coal and oil. Because of a nationwide gas shortage, the commission has so far been unwilling to grant pipeline permits for the sake of clean air.

Pennsylvania, Maryland, Ohio and New Jersey have admitted that they cannot meet the deadline in the areas around Pittsburgh, Philadelphia, Cleveland and Washington.

Hawaii has asked for at least two additional years to stop sugar growers from burning their fields after harvesting. Colorado has admitted it does not know how to control windblown dust in some of its arid regions.

Alaska has had a problem with smog ever since motorists discovered that the best antifreeze is an engine left running. The state has not even filed the pollution-control plan required by the law. Arizona submitted a plan. But at the last minute, the state deleted all rules applicable to copper smelters, the state's biggest polluters.

The Illinois plan is even more optimistic. It includes no demurrers for automotive pollutants, even though Illinois is no better equipped than Missouri to cut tailpipe emissions.

Moreover, Missouri adopted emission restrictions for industrial sources in 1967, putting itself four years ahead of Illinois.

Illinois admits that it has inadequate restrictions on particulates—dust, soot, flyash and the like—and none at all on sulfur dioxide, a contaminant resulting principally from the burning of sulfur-bearing coal.

New Illinois standards are in the formulative stage. They were scheduled for adoption this spring, but the entire rule-making process was halted two weeks ago when a group of Chicago coal dealers went to court to block the new rules.

Even if Illinois wins a quick court decision over the coal dealers and puts its rules into effect, it may be unrealistic to assume that the rules will achieve clean air by 1975, federal officials said. Air pollution control regulations are difficult to implement; they often require that an industry spend millions of dollars for equipment that may take years to design and install.

Actually, the air in the St. Louis area has gotten cleaner since 1967, despite the inaction of Illinois. The credit, according to Pecsok, belongs largely to the Missouri Air Conservation Commission and particularly to its former chairman, Lewis C. Green, Kirkwood, who fought successfully for comprehensive emission restrictions. Such restrictions subsequently were adopted by St. Louis and St. Louis County.

Sulfur dioxide levels in downtown St. Louis dropped from an annual average of 0.031 parts for every 1,000,000 parts of air (ppm) in 1968 to approximately 0.021 ppm in the first six months of last year. This drop brings sulfur dioxide levels within a whisker of the federal primary standard that Congress wants in effect by 1975.

(The so-called federal standard is defined as the maximum level of a pollutant before it becomes hazardous to health.)

(The secondary standard, which is stricter, is the maximum level of pollution that is safe for plants, animals and materials. Federal law requires the primary standards to be reached by 1975 but specifies only that the secondary levels must be reached within a reasonable perod.)

Missouri officials believe they have a good chance of achieving both the primary and the secondary standards for sulfur dioxide by 1975, if Illinois enforces its proposed rules. But they are less confident about particulates.

Like sulfur dioxide, particulate levels have been inching down through the years. But unlike sulfur dioxide, particulate standards remain substantially above the federal primary standards, which call for an annual average of no more than 75 micrograms of dirt for every cubic meter of air. The secondary standard is 60.

At South Broadway and Huerck Street, for example, the average level last year was 122, about the same as it was at the Municipal Courts Building at 1320 Market Street.

Even in relatively clean places such as the City Art Museum in Forest Park or the St. Louis County Hospital in Clayton, particulate levels are in the high 80s.

Pecsok and Harvey D. Shell, the acting executive secretary of the State Air Conservation Commission, said airborne particles were going to be hard to control.

"We may never get there," Pecsok said. "There are just too many small sources of particulates and too much dirt moving around in the area."

Michael A. D'Onofrio, an engineer from the Environmental Protection Agency who has been assigned to scrutinize the Missouri plan, and Charles M. Copley Jr., the St. Louis air pollution control commissioner, insist that it will be possible to achieve the particulate and sulfur dioxide standards in St. Louis by the deadline. But they acknowledged that doing so would depend on two factors:

(1) A crash program on the East Side.

(2) Rigorous enforcement of pollution restrictions on hitherto neglected small sources, such as small industries and commercial establishments in St. Louis, especially along the riverfront on the city's south side. "The city's approach has been to attack the big boys first," D'Onofrio said. "They're going to have to go after some of the foundries and warehouses."

If Illinois is still bogged down by July 31 D'Onofrio noted, federal law requires Ruckelshaus to step in and issue the rules himself. There is no question that Ruckelshaus will do so, D'Onofrio said. In fact, he added, the rules are already being drafted.

WE NEED CLEAN AIR

(By E. F. Porter, Jr.)

The fact that the air in St. Louis—and in most of the rest of the nation's urban centers—is a little cleaner than it was several years ago does not mean there is less air pollution. It means only that it has been spread around more.

This is the criticism most often made of the current official federal and state air pollution control policy. It is policy that emphasizes making the outdoor—or "ambient"—air fit to breathe. It is not one of reducing or halting the total discharge of contaminants into the national, or global, envelope of air. It is a policy that at best postpones an inevitable day of reckoning, critics say.

A recent issue of Environment, the usually authoritative monthly publication of the Committee for Environmental Information, warned that the total burden of pollutants pumped into the air in the United States can be expected to increase, despite control efforts.

In the case of automobiles, for example, Environment said that even if emission controls were effective, the growth in the number of cars on the road would begin to cancel out the controls beginning in 1990. By the year 2000, the same will be true of sulfur dioxide emissions from electric power generating plants.

A close look at the St. Louis area situation tends to confirm this. In 1963, industries in the Missouri part of the metropolitan area pumped a total of about 250,000 tons of sulfur dioxide into the air. Last year, despite the ban on high sulfur fuel and other control efforts, the total amount of sulfur dioxide emitted was 339,000 tons, an increase of nearly 90,000 tons a year.

Particulate emissions showed a slight improvement over the same span: 65,061 tons poured into the sky in 1963, 57,813 tons last year.

The official federal philosophy, built into federal air pollution laws since 1963, has been that it does not really matter how much pollution goes into the air so long as it does not accumulate in one place. This view may have to be revised in the light of some recent incidents, such as acid rains in Sweden, reportedly resulting from sulfur dioxide emissions from coal burning on the British Isles, and pollution in Chicago traceable to industrial activity in Oklahoma.

The problem and the outlook for solution varies from pollutant to pollutant, all officials agree. Some are more difficult to control than others; for some control may be impossible. The situation at present:

AIRBORNE PARTICULATE MATTER

The term is generic, including smoke, dust, fly ash and all other forms of small particles light enough to stay suspended in the atmosphere. Because particulate matter has so long been recognized as a pollutant, the technology of control is better developed than for any other type. And because almost every human activity kicks up some dust or produces some smoke, particulates are one of the hardest pollutants to control on an area wide basis.

Moreover, Environment noted, the current official practice of measuring particulate pollution in terms of weight—micrograms, or pounds or tone—can be deceptive. The most dangerous of all particles, the ones that can invade the human system and lodge there, are those so small they weigh almost nothing. These tiny submicron particles are also the most effective in reducing visibility; they travel the greatest distance on the currents of the air and they defy most attempts to filter them out.

Thus, it has been estimated, strict control could reduce the total particulate emissions of all sources in the United States from the present 20,800,000 tons a year to 13,000,000 tons per year by 1980; but that industrial growth will nearly double the numbers of the submicron particles going into the air over the same period.

SULFUR DIOXIDE

Sulfur dioxide levels in the air in St. Louis have fallen in the last five years almost to the point where they rest within federally prescribed limits. But this is not because of air cleaning gadgetry.

Some improvement was brought about by a controversial Missouri rule (not yet adopted by Illinois) limiting the sulfur content of coal. Lacking technical know-how on scrubbing the sulfur dioxide out of exit gases, many small and medium-sized industries simply switched to natural gas, which is almost entirely sulfur-free.

But Union Electric Co., whose huge coal-fired power plant boilers discharge most of the area's sulfur dioxide, said it could not afford natural gas—and probably could not obtain enough, anyway.

Within the last few months, Union Electric abandoned, after three years of tinkering and outlays of at least $3,000,000, a system designed to take the sulfur dioxide out of emissions from one of the boilers at the company's Meramec plant in south St. Louis County. The system involved injection of pulverized limestone into the furnace, along with the fuel.

The Meramec plant experiment was the first of its kind in the world and drew international attention to both UE and UE's pollution control chief, John F. McLaughlin Jr. No pollution control official has expressed any doubts that McLaughlin made a conscientious effort to get the limestone process to work before tossing in sponge.

But the event comes as a blow, nevertheless, to federal and state pollution control engineers who claimed that the limestone process would prove feasible for all power plants.

It has been McLaughlin's contention for nine years that the solution to the sulfur dioxide problem could be achieved only by relocating generating capacity to outlying areas, and building tall smokestacks for dispersion.

Ironically, that is just about what has happened. Union Electric converted its older plants at Cahokia and Venice on the East Side and at Ashley Street in St. Louis to low sulfur fuel and threw the weight of its generating load on its new plants at Portage des Sioux in St. Charles County and at Labadie in Franklin County.

A still newer plant is now being built at Rush Island in extreme southern Jefferson County. None of these plants has sulfur dioxide removal systems and there are no plans to install any.

Yet between them, the Labadie and Sioux power plants discharge far more sulfur than the older facilities ever did.

As matters now stand, there is no well-tested way to control sulfur oxide emissions from fuel burning. Regions that cannot obtain supplies of sulfur-free fuels must either scatter their power plants or live with sulfur dioxide.

CARBON MONOXIDE

This odorless, colorless and highly toxic gas, which kills by supplanting oxygen in the blood stream, is a product of the automobile. Missouri officials say the air quality standards can be attained by 1977 if the auto manufacturers comply with federal emission standards beginning with 1975. The Big Three auto makers have asked for an additional year, as provided in the federal law, but insist, nonetheless, that they cannot meet even a later deadline.

HYDROCARBONS AND PHOTOCHEMICAL OXIDANTS

These smog-causing components of auto exhaust will be rolled back to acceptable levels by 1974, Missouri officials estimated, even without proposed further exhaust control.

OXIDES OF NITROGEN

Nitrogen oxides, a poisonous component of smog, result from high temperature combustion, both in gasoline engines and in power plants. Auto makers say they cannot meet federal requirements for cars and power companies and pollution control officials agree that there is no known way to eliminate oxides of nitrogen from smokestack emissions, other than rebuilding boilers at astronomical cost.

Even the Environmental Protection Agency is about to capitulate on nitrogen oxides, a federal official admitted. "It's the pollutant we know the least about. I m sure we're going to get sued by industry over it."

The experience of Los Angeles in trying to control nitrogen oxides may have been prophetic. After controlling particulates by forcing the power companies to install air cleaning systems, and controlling sulfur dioxide by forcing them to shift to low sulfur fuel, the Los Angeles Air Pollution Control District found it still had a nitrogen oxides problem.

Because there was no feasible alternative, the agency banned all further power plant construction in the Los Angeles area.

But demand for electric power in Southern California continued to rise so the Western Energy Supply and Transmission Associates, a consortium of 23 power companies, put up a generating station in the Four Corners region of northwest New Mexico, convenient to vast deposits of coal on the Navajo Indian Reservation.

The Four Corners plant today is believed to be the largest single source of air pollution in the world with emissions roughly equal to those of the entire city of New York.

Its plume of fine particulates hazes the horizon for hundreds of miles. It is clearly visible from a space capsule in orbit.

UGLY AIR

(By E. F. Porter, Jr.)

The smoky heavy industries bordering the Mississippi River's edge on the East Side are out of sight and out of mind to many St. Louisans much of the time, but they are among the chief reasons pollutant levels throughout much of the region are still well above the level the Federal Government considers safe for human health.

The metropolitan atmosphere has been gradually getting cleaner since Missouri adopted tough rules in 1967, but even on a clear day, as air travelers can attest, St. Louis is often distinguishable at a distance only as a brownish purple blister of smog, swelling a thousand feet or more above the surrounding countryside.

Federal requirements now call for a rollback of pollution so that by 1975 they will be at a level where breathing would be no longer hazardous to your health.

For at least one contaminant, sulfur dioxide, that goal would already have been attained were it not for the heavy discharges of the East Side industries, Missouri officials maintain.

Now under the Federal gun, Illinois is hastening to catch up. The Illinois Pollution Control Board, which two years ago replaced the unaggressive Air Pollution Control Board, has adopted emission regulations, in some respects more restrictive than Missouri's. But many experts, including some Federal clean-air officials, harbor private doubts as to whether Illinois can move fast enough to meet the Federal deadline.

According to estimates calculated by a computer of the Argonne National Laboratory near Chicago, total daily discharges of flyash, soot and dust in Madison and St. Clair counties, which total 317 tons, must be cut 57 per cent.

Aggregate sulfur dioxide emissions now amounting to 659 tons a day, must be reduced to 412 tons a day.

Three years may not be enough time, the skeptics say, to design and install the costly equipment necessary to do the job. Furthermore, if industries resist and avail themselves of the law's delays with courtroom challenges and requests for variances, the attainment of the clean air goal will be harder still to attain.

Some experts seriously question whether acceptable air quality ever will be achieved, or whether, in fact, industrial growth will add new pollutants to the air faster than remedial measures can take them out.

For some pollutants the solution may be palliative and temporary; relocating industrial sources so as to spread out the problem or flushing captured pollutants into the sewer system, where they become water pollutants.

COMMEMORATIVE MEDAL FOR THE 500TH ANNIVERSARY MARKING THE BIRTH OF THE POLISH ASTRONOMER, NICHOLAS COPERNICUS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. PUCINSKI. Mr. Speaker, I have today introduced legislation which would authorize the Treasury Department to strike a commemorative medal honoring the 500th anniversary of the birth of the Polish astronomer, Nicholas Copernicus.

I urge my colleagues to join in cosponsoring this legislation, which has been suggested by Mr. Aloysius Mazewski, president of the Polish National Alliance and the Polish American Congress.

Mr. Mazewski and his organizations are spearheading a worldwide observance in honor of this 500th anniversary marking the birth of Copernicus.

Mr. Mazewski and his fellow Americans of Polish descent are to be congratulated for this initiative.

Nicholas Copernicus is the father of modern science. His brilliant discoveries developed the theory of the solar system and provided the world with the first knowledge of the relationship between planets in the universe.

It was this brilliant research by Copernicus that has made it possible for the United States to develop theories and techniques leading to our successful placement of man on the moon.

This Polish astronomer has made an enormous contribution, and it is my hope the entire scientific community will join in honoring Copernicus during 1973.

I am pleased that in Chicago, Mr. Mitchell Kobelinski, president of the Illinois division of the Polish-American Congress, is spearheading the effort to honor Copernicus in Illinois during the 500th anniversary of his birth.

Included in Mr. Kobelinski's plans is the groundbreaking for a multimillion dollar Polish-American civic and cultural center to be named in honor of Nicholas Copernicus.

It is my hope that the appropriate committee will move expeditiously on my proposal for the minting of a special commemorative medal honoring Copernicus.

This will be a fitting addition to the many tributes being planned for the commemorative year.

Mr. Speaker, a copy of my bill appears at the conclusion of my remarks.

I am also including in the RECORD today a resolution adopted by the City Council of Chicago calling for a commemorative stamp to be issued in honor of Copernicus.

This action is being headed by Alderman Edwin P. Fifielski, a resident of my congressional district and a brilliant leader in his community.

I do hope that the proper authorities will take the necessary steps to issue a commemorative stamp in honor of Copernicus, as suggested by Alderman Fifielski.

H.R. 15483

A bill to provide for the striking of medals to commemorate the 500th anniversary of the birth of the Polish astronomer, Nicholas Copernicus

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury (hereinafter referred to as the "Secretary") shall strike and furnish for the Polish American Congress, Inc. (hereinafter referred to as the "corporation"), a not-for-profit organization observing the 500th anniversary of the birth of the Polish astronomer, Nicholas Copernicus, the father of modern science whose brilliant discoveries developed the theory of the solar system as we know it today and whose profound research of the universe gave civilization its first knowledge of the relationship between planets in the universe and this knowledge laid the foundation for America's ultimate success in placing man on the moon, national medals in communication of such anniversary.

SEC. 2. Such medals shall be of such sizes, materials, and designs, and shall be so inscribed, as the corporation may determine with the approval of the Secretary.

SEC. 3. Not more than one million of such medals may be produced. Production shall be in such quantities, not less than two thousand, as may be ordered by the corporation, but no work may be commenced on any order unless the Secretary has received security satisfactory to him for the payment of the cost of the production of such order. Such cost shall include labor, material, dies, use of machinery, and overhead expenses, as determined by the Secretary. No medals may be produced pursuant to this Act after December 1973.

SEC. 4. Upon receipt of payment for such medals in the amount of the cost thereof as determined pursuant to section 3, the Secretary shall deliver the medals as the corporation may request.

RESOLUTION TO HONOR POLISH GENIUS NICHOLAS COPERNICUS, "THE FATHER OF MODERN SCIENCE"

Adopted by the City Council of Chicago.

Whereas, we are approaching the 500th birthday anniversary of the great Polish scientist, Mikolaj Kopernik, known the world over as Nicholas Copernicus, the Father of Modern Science; and

Whereas, this extraordinary man of the world of enormous vision, Nicholas Copernicus developed the theory of the solar system as we know it today. Without benefit of the telescope, which he preceded by an entire century, and without the use of photography, which was not developed until 400 years after his death, Nicholas Copernicus conceived and proved that the earth and other planets revolve around the sun and that the theory of the earth's position as the center of this system, held to be true up to Copernicus' time, was definitely wrong; and

Whereas, Nicholas Copernicus was born in Torun, Poland, on February 19, 1473, and received the majority of his formal education at the University of Krakow, Poland, where he studied canon law; and

Whereas, Nicholas Copernicus reached adulthood at the time of the emergence from the so called "Dark Ages" and the development of the great Renaissance in Italy. He was a contemporary of Columbus, Michelangelo and da Vinci, among other great men, and so Nicholas Copernicus, always attracted to scientific concepts, was drawn to Italy, where he furthered his studies at the Universities of Bologna and Padua; and

Whereas, Copernicus undertook most of his studious accomplishments in the atmosphere of a world which had changed from flat to round, a world in which aesthetic values of art and beauty reigned supreme, a world in which science and other fields gained from revolutionary new thoughts and ideas, a world which saw the advent of the printed page to immortalize these new ideas; and

Whereas, Copernicus eventually concentrated all his thoughts and efforts on the design of our universe, and gathered data to support his revolutionary theory into a book which has become one of the most famous and far-reaching books ever printed: Concerning the Revolutions of the Heavenly Spheres; and

Whereas, Copernicus' book eventually revolutionized the world of science and formed a basis for all scientific thought during the ensuing four centuries, so that Nicholas Copernicus has justifiably received world recognition as "The Father of Modern Science"; and

Whereas, Mankind's ever-increasing knowledge of the moon, made a reality by the daring and resoundingly acclaimed explorations of the astronauts of these United States of America abetted by our valued scientists, would not have been possible without the foundations of these basic discoveries and theories of Nicholas Copernicus;

Now, therefore, be it resolved by the City Council of the City of Chicago that the Mayor and Members of the City Council do hereby acknowledge the approaching 500th birthday anniversary of Mikolaj Kopernik, the great Polish genius known as Nicholas Copernicus, "The Father of Modern Science," by setting aside February 19, 1973, as NICHOLAS COPERNICUS DAY in the City of Chicago.

Be it further resolved that the Congress of the United States and the U.S. Post Office Department be and are hereby memorialized to take whatever action is necessary to issue a Nicholas Copernicus commemorative stamp to honor the unique and undying contributions of this great Polish scientist.

LEGISLATION ON BEHALF OF POW'S/MIA'S

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. KEMP. Mr. Speaker, legislation which I introduced to enable the sons of POW's/MIA's to compete for additional presidential appointments to the service academies has been reported out of an Armed Services Subcommittee. Identical legislation sponsored by Senator JAMES BUCKLEY and cosponsored by 56 of his colleagues passed the Senate on December 10 on a voice vote. I wish to respectfully remind the Armed Services Committee of the widespread interest and support for this measure in both bodies and urge that it be given full committee approval in the very near future.

I insert in the RECORD at this point, Mr. Speaker, the full text of the testimony I presented to the Armed Services Subcommittee when hearings were held on this legislation:

TESTIMONY OF HON. JACK KEMP

Mr. Chairman: I am very pleased to appear here today to testify on behalf of legislation which I introduced to enable the sons of POWs and MIAs in the Vietnam conflict to compete for additional presidential appointments to the service academies. I want to thank the members of this committee for the speed with which this measure was brought up for consideration, and in addition, I would like to thank the 32 members of the House who joined me in cosponsoring the legislation and those who introduced similar bills.

Present law makes the sons of the members of the Armed Services who were totally disabled or killed in action eligible for one of 40 vacancies set aside for Presidential appointment. My bill would expand eligibility for Presidential appointments to include the sons of prisoners of war and others listed as missing in action and increase the number of these special appointments from 40 to 65.

This proposal, I feel, will in a small way show this Nation's gratitude for the sacrifice that these men and their families have been called upon to make. It will express our concern publicly for the agony and anguish which has resulted from the knowledge that the prisoners are being held as pawns in a political game being played by calculating men who have proven themselves to be impervious to the most elemental considerations of decency and humanity. By passing this measure we will acknowledge our appreciation for the courage and spirit shown by these wives and children, mothers and fathers, under the burden of exceptional hardships.

Whatever the divisions we may have over the origins of the Vietnam war, the desire for peace is unanimous as is our concern about the plight of our 1,600 brave countrymen who are missing or held prisoner by the enemy in Southeast Asia.

These men and their families have been denied the elemental rights and decencies which are the basic terms of the Geneva Convention. The enemy has not given us a complete listing of the men they hold prisoner. The North Vietnamese Communists have not allowed Red Cross teams to visit the internment camps to see that these prisoners are receiving humane treatment. They have not permitted release of the sick and injured. And they have not even exhibited a minimum of human decency and compassion.

We all pray that these brave men will soon be returned to their families; but even then, their lot will be quite different from that of prisoners taken in World War II and in the Korean War. As Senator James Buckley, who originated this legislation in the Senate, so eloquently commented:

"These men will be returning as the victims of a war which has lost that home base of public support which would make the memory of their sufferings easier to bear. This has become a war in which there are no heroes, no victory parades, no openhearted expressions of public gratitude to those who have borne the brunt of battle."

I beseech this committee to pass this legislation quickly as a demonstration to our POWs/MIAs and their families that their sacrifices have not been forgotten by a grateful people.

SENATE—*Wednesday, June 14, 1972*

The Senate met at 10:30 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord God, who redeemeth our life from destruction and crowneth our life with loving kindness and tender mercies, may our service to the Nation and to the world be given in response to Thy love. Cover our mistakes with Thy forgiveness. Confirm us in every righteous endeavor and when evening comes grant us the peace of those whose hearts are in tune with Thee.

Guide this Nation in times of peril and adversity as well as in times of peace and prosperity. May the flag we honor today be a symbol of hope and peace in a Nation under God.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 14, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of yesterday, Tuesday, June 13, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the executive calendar.

There being no objection, the Senate proceeded to consider executive business.

ENVIRONMENTAL PROTECTION AGENCY

The ACTING PRESIDENT pro tempore. The clerk will read the nomination.

The assistant legislative clerk read the nomination of Robert Lewis Sansom, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered and confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate proceeded to consider legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of certain measures on the calendar, beginning with Calendar Order No. 810.

The PRESIDING OFFICER. Without objection, it is so ordered.

COTTON CROP REPORTS

The Senate proceeded to consider the bill (S. 3104) to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 9, after the word "to", strike out "December" and insert "January"; on page 2, line 2, after the word "reports", strike out "to" and insert "of"; in line 5, after the word "day", strike out "following that" and insert "of the month"; in line 21, after "12th", insert "by deleting "August 1" and inserting in lieu thereof "or before the 12th day of August", and by deleting "December 1" and inserting in lieu thereof "on or before the 12th day of December" "; on page 3, line 9, after the word "day", strike out "following that on" and insert "of the month"; and, after line 10, insert a new section, as follows:

SEC. 4. Section 42, paragraph (a) of title 13, United States Code, is amended to read as follows:

"(a) The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, September 1, September 15, October 1, October 15, November 1, November 15, December 1, December 15, January 1, January 15, February 1, and March 1; but the Secretary may limit the canvasses of August 1 and September 1 to those sections of the cotton growing States in which cotton has been ginned."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of May 3, 1924, as amended (43 Stat. 115, 44 Stat. 1373, 60 Stat. 940, 72 Stat. 149; 7 U.S.C. 475), is amended to read as follows:

"COTTON CROP REPORTS.—The Secretary of Agriculture shall cause to be issued as of the first of each month during the cotton growing and harvesting season from August to January inclusive, reports describing the condition and progress of the crop and stating the probable number of bales which will be ginned, these reports to be issued simultaneously with the cotton ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at 3 o'clock postmeridian on or before the 12th day of the month to which the respective reports relate. No such report shall be approved and released by the Secretary of Agriculture until it shall have been passed upon by a cotton crop reporting board consisting of five members or more to be designated by him. Not less than three members of the board shall be supervisory field statisticians of the Department of Agriculture who are located in different sections of the cotton-growing States, are experienced in estimating cotton production, and have first-hand knowledge of the condition of the cotton crop based upon recent field observations. A majority of the members of the board shall be familiar with the methods and practices of producing cotton."

SEC. 2. Section 1 of the Act of May 27, 1912, as amended (37 Stat. 118, 44 Stat. 1374, 72 Stat. 149; 7 U.S.C. 476), is amended by striking out "10th" and inserting in lieu thereof "12", by deleting "August 1" and inserting in lieu thereof "or before the 12th day of August", and by deleting "December 1" and inserting in lieu thereof "on or before the 12th day of December".

SEC. 3. Section 45 of title 13, United States Code, is amended to read as follows:

"§ 45. Simultaneous publication of cotton reports

"The reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at 3 o'clock postmeridian on or before the 12th day of the month to which the respective reports relate."

SEC. 4. Section 42, paragraph (a) of title 13, United States Code, is amended to read as follows:

"(a) The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, September 1, September 15, October 1, October 15, November 1, November 15, December 1, December 15, January 1, January 15, February 1, and March 1; but the Secretary may limit the canvasses of August 1 and September 1 to those sections of the cotton-growing States in which cotton has been ginned."

The amendments were agreed to.

The bill was ordererd to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–848), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NEED AND BACKGROUND

The need for this legislation and its background are set forth as follows in the statements of U.S. Department of Agriculture and U.S. Department of Commerce witnesses who appeared at the public hearings on H.R. 13169 before the House Committee on Agriculture.

STATEMENT OF BRUCE W. KELLY, DIRECTOR, AGRICULTURAL ESTIMATES DIVISION, STATISTICAL REPORTING SERVICE, U.S. DEPARTMENT OF AGRICULTURE, APRIL 12, 1972

Mr. Chairman and members of the Cotton Subcommittee, I have with me today, Mr. Donald M. Bay, Head of the Cotton and Special Crops Section to assist in answering committee questions.

I am pleased to have this opportunity to appear before this subcommittee to discuss H.R. 13169, a bill to amend existing statutes governing the date and time cotton crops reports are released. I will also mention briefly a related amendment prepared by the Department of Commerce which changes the timing of some of the cotton ginnings reports.

It is appropriate that both pieces of legislation be considered together because of the relationship established by law between the Department of Agriculture's "Cotton Crop Reports" and the Department of Commerce's "Cotton Ginners Reports."

First, I would like to discuss the bill which changes the existing statutes to permit the Secretary of Agriculture to issue Cotton Crop Reports simultaneously with the General Crop Reports. Under existing law, the cotton reports are issued at 11 a.m., Washington, D.C., time on the 8th of the month (or the next succeeding workday in case the 8th is a nonwork day). The General Crop Report is released at 3 p.m., Washington, D.C., time not later than the 12th of the month. Combining the two reports would eliminate the requirement for separate security lockups each month from August through January, and would permit us to include cotton in the national and State releases with other crops, rather than issuing separate reports for cotton. We estimate that the savings gained through this change would be about $5,000 through a reduction in the number of releases and postage costs.

Issuing the cotton crop report simultaneously with the monthly crop report would also change the release hour from 11 a.m. to 3 p.m. The 11 a.m. release was originally established to coincide with the closing of the Liverpool Cotton Exchange. At present, trading on the New York Cotton Exchange is halted for 10 minutes following the release of the cotton crop report. However, many investors are not able to analyze the cotton crop report and adjust their position in the futures market in 10 minutes. Some investors may not have instant access to the reports. A release at 3 p.m., after the closing of the exchange, would give all investors more time for analysis before the market opens the next day. Releasing cotton with crop production reports would bring cotton in line with the other speculative commodities which are now released at 3 p.m., after the close of the Chicago and New York commodity markets.

In connection with the bill now under consideration by this committee, I would like to mention the amendment proposed by the Department of Commerce. This amendment, as I understood it, would substitute January and February ginnings reports for those now issued in mid-August and mid-September and change the release schedule of all ginnings reports to coincide with that of the Department of Agriculture for the combination of cotton and crop reports. All these changes are acceptable to the Department of Agriculture. The January 1 ginnings report is highly desirable for our utilization in making a January 1 cotton estimate.

Next, I would like to discuss the addition of a January 1 cotton crop report. The present schedule of cotton crop reports ends with the December 1 report. This schedule was set in 1924. Since that date, shifts in major cotton producing areas, cultural practices, and machine harvesting have all tended to extend the length of the harvest season. In recent years, about one-sixth of the U.S. crop was ginned after December 1 compared with less than one-tenth during the period when this law was first enacted. This past year, harvest was very late in parts of Texas and Oklahoma. Nearly one-fourth of the cotton remained to be ginned after December 1. In Oklahoma and on the Texas High Plains, harvest was just getting underway by the first of December. A January 1 cotton report would have provided a reassessment of production, including any deterioration during December of the cotton still in the field.

The Department supports the addition of a January cotton crop report contingent on the approval of the Census amendment which adds a January 1 ginners report. The January 1 Census ginners report would provide much of the basic data upon which to base a January 1 cotton estimate. No additional funds are required to add this report as cost savings from combining the Cotton Crop report with the General Crop Report should offset the cost of making a January 1 report.

In summary, I would like to recommend the enactment of H.R. 13169, including the amendment offered by the Department of Commerce.

Thank you, Mr. Chairman and members of the subcommittee. We will be happy to try to answer any questions you may have.

Statement of Dr. George H. Brown, Director, Bureau of the Census, Social and Economic Statistics Administration, U.S. Department of Commerce, April 12, 1972

Mr. Chairman, I appreciate the opportunity to appear before this subcommittee to discuss how the Department of Commerce will be affected by H.R. 13169 and the proposed amendment. The Department of Commerce is affected by this legislation because of the requirements in section 45 of title 13, United States Code, that "reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at 11 o'clock antemeridian on the eighth day following that on which the respective reports relate."

If passed, H.R. 13169 will amend section 45 of title 13, United States Code, to permit issuance of the cotton crop reports with the regular monthly crop reports "to be issued from the same place at 3 o'clock postmeridian on or before the 12th day following that on which the respective reports relate."

The proposed amendment would amend existing legislation, section 42, title 13, United States Code, which requires "The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, August 16, September 1, September 16, October 1, October 18, November 1, November 14, December 1, December 13, January 16, and March 1; * * *."

Since a large proportion of the cotton is now ginned toward the end of the season, the Bureau had been requested by the Department of Agriculture, as well as the Cotton Council, to consider adding reports of cotton ginned prior to January 1 and February 1 in order that the statistics would provide better information on the size of the cotton crop prior to the final report on March 1. In order to avoid additional reporting requirements for the respondents and an increase in the cost of the program, we suggested the alternative of shifting some of the reporting dates from the earlier to the latter part of the season. Subsequently, it appeared feasible to shift the August 16 and September 16 reports to January 1 and February 1, as called for in the proposed amendment. At the same time, it appeared desirable to standardize the mid-month reporting date at the 15th of the month. The present mid-month dates vary between the 13th and the 18th without any objective reason for the variation.

A table showing the cotton ginned as of each reporting date for the past 5 years is available for the record.

The Department of Commerce favors enactment of H.R. 13169 and is fully in accord with the proposed amendment to section 42 of title 13, United States Code, to change the dates of two ginning reports and standardizing the reporting dates.

I have with me today, Mr. J. Thomas Breen, my staff member directly responsible for the statistics involved. We shall be glad to answer any questions which the committee may have.

COTTON GINNED TO EACH REPORTING DATE, 1967-68 THROUGH 1971-72 GINNING SEASONS

Report relates to	Ginning season— 1971-72		1970-71		1969-70		1968-69		1967-68	
	To date	During period	To date	During period	To date	During period	To date	During period	To date	During period
August:										
1	122,530	122,530	6,021	5,021	79,784	79,784	6,065	6,065	256,540	256,540
16	215,674	93,144	70,210	64,189	360,867	281,083	102,495	96,430	513,401	256,861
September:										
1	364,505	148,831	279,871	209,661	538,126	167,259	372,638	270,143	631,701	118,300
16	480,724	116,219	518,613	238,742	728,548	200,422	648,810	276,172	762,374	130,673
October:										
1	879,341	398,617	1,135,199	616,586	1,606,363	877,815	1,413,634	764,824	1,012,911	250,537
18	2,605,268	1,725,927	2,609,325	1,474,126	3,808,688	2,202,325	3,246,409	1,832,775	1,833,809	820,898
November:										
1	4,602,701	1,997,433	4,163,037	1,553,712	5,783,398	1,974,710	5,950,012	2,703,612	3,289,045	1,455,236
14	6,589,741	1,987,040	6,470,003	2,306,966	6,893,033	1,109,635	7,547,410	1,597,389	4,607,031	1,317,968
December:										
1	7,909,871	1,320,130	8,829,606	2,359,603	8,378,694	1,485,661	9,170,784	1,623,374	6,320,137	1,713,106
13	8,216,704	306,833	9,786,495	956,889	9,109,955	731,261	10,048,947	878,163	6,932,850	612,713
Jan. 16	9,726,590	1,509,886	10,036,610	250,115	9,815,018	705,063	10,834,021	785,074	7,263,594	330,744
Mar. 1	10,226,779	500,189	10,112,375	75,765	9,937,068	122,050	10,916,566	82,545	7,438,615	175,021

ESTIMATED COST

In accordance with section 252 of the Legislative Reorganization Act of 1970 the following cost estimate was submitted in a similar bill to the House Committee on Agriculture. The Senate Committee on Agriculture and Forestry agrees with this estimate except that by adding September 15 to the required ginning reports a slight additional cost of about $1,000 will result. No cost will be involved in fiscal year 1972.

LAND RELEASE IN ARKANSAS

The bill (H.R. 5404) to direct the Secretary of Agriculture to release on behalf of the United States a condition in deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report

(No. 92–849), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The Committee on Agriculture and Forestry, to which was referred the bill (H.R. 5404) to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes, having considered the same, report favorably thereon without amendment and recommends that the bill do pass.

This bill authorizes and directs the Secretary of Agriculture to release, on behalf of the United States, a condition in a conveyance of certain land in the State of Arkansas to the Arkansas State Game and Fish Commission which requires the land to be used for public purposes. The release would extend only to lands covered by an agreement or agreements providing that any lands acquired in exchange for the lands released must be used for public purposes and the proceeds from any sale or lease of lands covered by the agreement must be applied toward other lands which will be used for public purposes.

The bill also provides that on any of the lands released by the Secretary pursuant to an agreement, the State of Arkansas may apply to the Secretary of the Interior for the conveyance to the State of any undivided mineral interests held by the United States. Where there are determined to be no mineral values, the State would pay $1. Where there are determined to be mineral values, the State would pay the fair market value for the mineral rights.

The bill requires that for each application for the conveyance of minerals the State must make a nonrefundable deposit to cover administrative costs and defines such costs.

NEED FOR LEGISLATION

The Arkansas Game and Fish Commission, under the date of October 2, 1969, acquired from the Secretary of Agriculture a parcel of land in Prairie County, Ark., known as the Wattensaw Area. The parcel of land consisted of 15,034 acres for which the State paid the Federal Government $638,496. The original conveyance was authorized by the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1012). The United States reserved the mineral rights and provided by a reversionary covenant that the lands must be used for public purposes.

Of immediate concern to the Arkansas Game and Fish Commission is approximately 40 acres located in the northeast and southeast quadrant of the Hazen Highway exchange. This exchange consists of the interchange where Highway 40 intersects Highway 11. Because of the interchange, and the heavy traffic involved, the land (approximately 20 acres on either side of the interchange) is made useless for the purpose for which it was originally conveyed. It does have a commercial value, however, and the State game and fish commission would like to sell the property and purchase other lands that would be suited to the purposes of the original acquisition, or exchange the approximately 40 acres for other lands.

The House Committee on Agriculture held hearings on this bill on September 15, 1971, and subsequently favorably reported the bill unanimously.

ESTIMATED COST

In accordance with section 252 of the Legislative Reorganization Act of 1970 the committee estimates that no additional costs are involved since the bill merely calls for the release of a condition on land already conveyed to the Arkansas State Game and Fish Commission. Any mineral rights will be assessed by the Secretary of the Interior, and fair market value for these rights obtained before the release of the condition. If no mineral rights of value exist, the Secretary will receive $1. No comparable estimate of costs was formally received by the committee from a Government agency.

AUTOMOBILE INFORMATION DISCLOSURE ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 473) to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That subsection 2(h) of the Automobile Information Disclosure Act (72 Stat. 325; 15 U.S.C. 1231) is amended by inserting at the end thereof the following new sentence: "New automobiles delivered to, or for further delivery to, ultimate purchasers within the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, Virgin Islands, American Samoa, the Trust Territories of the Pacific, the Canal Zone, Wake Island, Midway Island, Kingman Reef, Johnson Island, or within any other place under the jurisdiction of the United States shall be deemed to have been 'distributed in commerce'."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–850), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of S. 473, as amended, is to clarify the Congressional intent that the Automobile Information Disclosure Act of 1958 should apply to all new automobiles distributed in commerce within the United States, its territories, its possessions, and whatever else the United States exercises jurisdiction.

This objective is accomplished by inserting language into section 2(h) of the 1958 Act which clearly indicates that his Act applies throughout those areas under U.S. jurisdiction.

BACKGROUND

The Automobile Information Disclosure Act of 1958 made it clear that the Congress intended to apply the requirement for affixing a price disclosure label on new cars throughout the United States generally. However, question has arisen as to whether the 1958 Act does in fact apply to certain possessions of the United States, such as the Commonwealth of Puerto Rico, American Samoa and the Virgin Islands. In a letter of comment to the Committee on S. 473, dated August 3, 1971, the then Deputy Attorney General of the United States, Richard G. Kleindienst, indicated that the legislative history of the 1958 Act is silent with respect to these possessions. Furthermore, the legislature of Guam has requested that the Congress expressly extend the provisions of this Act to Guam and the Governors of the Commonwealth of Puerto Rico and the Virgin Islands have also expressed support of S. 473.

Although the legislative record on the 1958 Act does not indicate any intent whatever to limit its application within the United States, its territories and possessions, the Committee believes it would be desirable to establish clearly the intention of Congress that the labeling requirement of the Automobile Information Disclosure Act would apply to new automobiles delivered within the United States, the District of Columbia, all United States territories, possessions, or any other place subject to the jurisdiction of the United States.

Accordingly, S. 473, as reported by the Committee, would apply the provisions of this Act to new automobiles delivered to ultimate purchasers or for further delivery to such purchasers within any place under the jurisdiction of the United States including new automobiles delivered to U.S. bases throughout the world.

EXPLANATION OF COMMITTEE AMENDMENT

S. 473, as introduced by Senator Inouye, would have added a definition of the term "State" to the Automobile Information Disclosures Act. However, a more direct means of conveying the Congressional intent to apply the Automobile Information Disclosure Act as broadly as possible within the United States, its territories, its possessions, and wherever else the United States has jurisdiction is to simply define the meaning of the term "distributed in Commerce" as used throughout the Act.

The Committee amendment insures that there will be no misunderstanding of the Congressional intent as to the territorial applicability of this Act.

COMMITTEE ACTION

The committee considered this legislation in executive session on March 21, 1972, and ordered it reported with an amendment.

COST ESTIMATE

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91–510), the Committee estimates that there will be no additional cost to the Government from the enactment of this legislation. The Committee is aware of no estimate by any Federal agency which differs from its own estimate in this regard.

INCREASE RATES OF COMPENSATION TO DISABLED VETERANS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 808, S. 3338.

There being no objection, the Senate proceeded to consider the bill (S. 3338) to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause and insert:

That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "$25" in subsection (a) and inserting in lieu thereof "$28";

(2) by striking out "$46" in subsection (b) and inserting in lieu thereof "$51";

(3) by striking out "$70" in subsection (c) and inserting in lieu thereof "$77";

(4) by striking out "$96" in subsection (d) and inserting in lieu thereof "$106";

(5) by striking out "$135" in subsection (e) and inserting in lieu therof "$149";

(6) by striking out "$163" in subsection (f) and inserting in lieu thereof "$179";

(7) by striking out "$193" in subsection (g) and inserting in lieu thereof "212";

(8) by striking out "$223" in subsection (h) and inserting in lieu thereof "245";

(9) by striking out "$250" in subsection (i) and inserting in lieu thereof "$275";

(10) by striking out "$450" in subsection (j) and inserting in lieu thereof "$495";

(11) by striking out "$560" and "$784" in subsection (k) and inserting in lieu thereof "$616" and "$862", respectively;

(12) by striking out "$560" in subsection (l) and inserting in lieu thereof "$616";

(13) by striking out "$616" in subsection (m) and inserting in lieu thereof "$678";

(14) by striking out "$700" in subsection (n) and inserting in lieu thereof "$700";

(15) by striking out "$784" in subsections (o) and (p) and inserting in lieu thereof "$862";

(16) by striking out "$336" in subsection (r) and inserting in lieu thereof "$370"; and

(17) by striking out "$504" in subsection (s) and inserting in lieu thereof "$554".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$28" in subparagraph (A) and inserting in lieu thereof "$31";

(2) by striking out "$48" in subparagraph (B) and inserting in lieu thereof "$53";

(3) by striking out "$61" in subparagraph (C) and inserting in lieu thereof "$67";

(4) by striking out "$75" and "$14" in subparagraph (D) and inserting in lieu thereof "$83" and "$15", respectively;

(5) by striking out "$19" in subparagraph (E) and inserting in lieu thereof "$21";

(6) by striking out "$33" in subparagraph (F) and inserting in lieu thereof "$36";

(7) by striking out "$48" and "$14" in subparagraph (G) and inserting in lieu thereof "$53" and "$15", respectively;

(8) by striking out "$23" in subparagraph (H) and inserting in lieu thereof "$25"; and

(9) by striking out "$44" in subparagraph (I) and inserting in lieu thereof "$48".

SEC. 3. (a) Chapter 11 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 362. Clothing allowance

"The Administrator, under regulations which he shall prescribe, shall pay a clothing allowance of $150 per year to each veteran who, because of disability which is compensable under the provisions of this chapter, wears or uses a prosthetic or orthopedic appliance or appliances (including a wheelchair) which the Administrator determines tends to wear out or tear the clothing of such veteran."

(b) The table of sections at the beginning of such chapter 11 is amended by adding at the end thereof the following:

"362. Clothing allowance.".

SEC. 4. (a) Section 334 of title 38, United States Code, is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "that specified in section 314 of this title."

(b) Section 335 of such title is amended by striking out "equal" and all that follows down through the end thereof and inserting in lieu thereof "as provided in section 315 of this title and subject to the limitations thereof."

(c) Section 336 of such title is hereby repealed.

(d) The table of sections at the beginning of subchapter IV of chapter 11 of title 38, United States Code, is amended by striking out the following:

"336. Conditions under which wartime rates are payable.".

SEC. 5. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

Mr. TALMADGE. Mr. President, on behalf of the Committee on Veterans' Affairs, I urge prompt and favorable action on S. 3338, a bill which I introduced on March 14, 1972, to increase compensation payments to veterans whose disabilities are related to their military service, and for other purposes.

This is simple legislation. It has four simple, yet worthy, provisions.

First, the bill increases by 10 percent the compensation payments for all veterans with service-connected disabilities. This figure takes into account not only rises in the cost of living since July 1970, when disability compensation rates were last adjusted as a result of legislation which I introduced in the 91st Congress, but also prospective cost-of-living increases for calendar year 1972. It is estimated that between July 1, 1970, and December 31, 1972, the cost of living will have increased by 9.6 percent.

In this regard, I feel that it is worthy to note that during this same period, social security benefits will have been increased by at least 20 percent, the pay of Federal employees will have been increased by over 15 percent, the pay of military personnel will have been increased by more than 82 percent, the pension benefits of veterans with nonservice-connected disabilities will have been increased by 16 percent, and the average weekly take-home pay of workers in the manufacturing industries will have increased by at least 12 percent.

Second, the bill increases by 10 percent the additional payments to dependents of veterans whose service-connected disabilities are rated 50 percent or more by the Veterans' Administration.

Third, the bill establishes a $150 per year clothing allowance for veterans whose service-connected disabilities require that they wear or use prosthetic or orthopedic devices which cause unusual wear and tear on clothing. The committee specifically intends that veterans who are confined to wheelchairs or who must use crutches as a result of injuries sustained in service be eligible for this clothing allowance.

Fourth, the bill equalizes the rates of disability compensation payable to veterans of peacetime and wartime service. Under existing law, the monthly rates of compensation for disabilities incurred in military service during peacetime—and the amounts of additional compensation payable to dependents of veterans disabled by peacetime service—are 80 percent of those authorized for comparable wartime service. The committee bill removes this disparity and, thus, authorizes the same rates of compensation, and amounts of additional compensation, whether the disability of the veteran concerned was incurred during wartime or peacetime service.

Of course, to act in a responsible manner the Senate must consider the costs of the adjustments provided for in S. 3338. The 10-percent increase in disability compensation payments will affect 2,177,000 veterans and the additional cost during the first full year will be $245.8 million.

The 10-percent increase in additional payments to dependents of veterans who are 50-percent disabled or more will affect approximately 760,000 dependents and the additional cost during the first full year will be $14.2 million.

The establishment of a $150 annual clothing allowance will affect approximately 44,000 veterans and the cost during the first full year will be approximately $6.6 million.

Equalization of peacetime and wartime disability compensation rates will affect approximately 185,000 veterans. Equalization of additional compensation for dependents of severely disabled veterans will affect 21,000 persons. The cost of these provisions during the first full year will be approximately $54.1 million.

The Veterans' Administration estimates the total first year cost of S. 3338, as a package, will be $320.7 million, increasing gradually to $327.1 million in the fifth year.

Mr. President, it goes without saying that there is no way to adequately compensate a veteran who has lost a limb or an eye, or a veteran who has suffered irreparable psychological damage in the service of his country. It is impossible to repay the disabled veteran for his pain and suffering, physical and mental, which a disability often brings. No one can place a price tag on a man's eyesight. No one can attach a dollar value to a man's ability to be a working, productive member of society.

We must, however, attempt to compensate disabled veterans as best we can, for his impaired earning capacity. That is the purpose of this bill.

I have said on many occasions that a nation owes no greater debt than that owed to its men and women who have sustained injuries in that nation's service. S. 3338 recognizes this debt and seeks to honor it. I hope the Senate will adopt this badly needed and extremely worthy legislation.

Mr. President, I ask unanimous consent that excerpts from the committee report on this measure be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

BACKGROUND AND INTRODUCTION

The Subcommittee on Compensation and Pensions conducted hearings on March 29, 1972, on S. 3338 and other bills to increase disability compensation rates for veterans. Testimony and written statements were presented by representatives of the administration, veterans' groups, U.S. Senators and other interested parties. The subcommittee met in executive session on May 4, 1972 and unanimously ordered S. 3338 with amendments reported to the full committee. The full committee met in executive session on June 1, 1972, and unanimously ordered S. 3338 favorably reported with subcommittee and full committee amendments combined into a committee substitute amendment.

In summary, the provisions of this bill are as follows:

First, the bill provides for a 10-percent increase in the rate of compensation payable for service-connected disabilities.

Second, a similar 10-percent increase is provided for in monthly dependent's allowances payable for dependents of veterans rated at least 50 percent or more disabled.

Third, the bill contains a new clothing allowance of $150 per year for those veterans who must wear or use a prosthetic or orthopedic device which tends to wearout or tear the veterans' clothing.

Finally, the bill would provide for an equalization of the amount of compensation paid to identically rated veterans irrespective of whether the service-connected disability was acquired during time of peace or war.

INCREASE IN COMPENSATION RATES

The committee believes that a 10-percent increase in compensation rates provided for in section 1 of the bill is warranted for the some 2.1 million veterans who have service-connected disabilities. The rates were last adjusted by Public Law 91–376, effective July 1, 1970. Since that time the cost of living has risen 6.3 percent through April, 1972. Pertinent data on increases in the cost of living as shown by the Consumer Price Index are reflected in table 1:

TABLE 1.—U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS—CONSUMER PRICE INDEX

[1967=100]

	1968	1969	1970	1971	19722
January	102.0	106.7	113.8	119.2	123.2
February	102.3	107.1	113.9	119.4	123.8
March	102.8	108.0	114.5	119.8	124.0
April	103.1	108.7	115.2	120.2	124.3
May	103.4	109.0	115.7	120.8	
June	104.0	109.7	116.3	121.5	
July	104.5	110.2	116.7	121.8	
August	104.8	110.7	116.9	122.1	
September	105.1	111.2	117.5	122.2	
October	105.7	111.6	118.1	122.4	
November	106.1	112.2	118.5	122.6	
December	106.4	112.9	119.1	123.1	
Year average	104.2	109.8	116.3	121.3	

The committee is keenly aware that any cost of living increase will not replace lost purchasing power sustained during the past 2 years by disabled veterans who have continued to receive static compensation payments in the face of steady inflation. Second, the committee takes cognizance of the continuing rate of inflation which the country continues to experience. The President, in his Economic Report to Congress, spoke of a permissive interim objective of an inflationary growth of up to 3 percent by the end of 1972. Currently the rate is 3.3 percent. Third, the committee is aware that disability compensation is based in principle upon providing relief for impaired earning capacity of veterans disabled as a result of their military service. As such, it cannot disregard the fact that spendable annual wages of production workers from July 1970 to present have increased by about 11.8 percent. Taking the foregoing factors into account the committee believes that the modest 10 percent increase provided for in the bill would be more equitable than the 6 percent increase favored by the administration. In this connection it should be noted that income maintenance programs such as service-connected disability compensation are exempt from coverage under the economic stabilization program.

Under the bill, for example, a veteran with a 10 percent disability rating would receive a monthly increase of $3 or an additional $36 a year. At the other end of the scale a totally disabled veteran would receive an additional $45 a month or $540 a year. Compensation rates under present law and those proposed by the committee bill together with the number of veterans by disability rating are shown in the following table:

TABLE 2.—COMPARISON OF COMPENSATION RATES UNDER PRESENT LAW AND UNDER S. 3338

Disability	Present law	S. 3338	Number of veterans
(a) Rated at 10 percent	$25	$28	846,834
(b) Rated at 20 percent	46	51	332,651
(c) Rated at 30 percent	70	77	307,508
(d) Rated at 40 percent	96	106	173,405
(e) Rated at 50 percent	135	149	110,399
(f) Rated at 60 percent	163	179	107,507
(g) Rated at 70 percent	193	212	65,512
(h) Rated at 80 percent	223	245	34,001
(i) Rated at 90 percent	250	275	11,634
(j) Rated at total	450	495	127,783
Limit for veterans receiving payments under (a) to (j) above			
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	560	616	5,867
(m) Anatomical loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, rendering veteran so helpless as to require regular aid and attendance	616	678	2,832
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis, anatomical loss of both eyes	700	770	367
Limit for veterans receiving payments under (l) to (n) above			
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or total deafness in combination with total blindness (5/200 visual acuity or less)	$784	$862	
(p) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	784	862	5,721
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to whatever he is receiving under (o) or (p)	336	370	8,063
(s) Disability rated as total, plus additional independently ratable at 60 percent or over, or permanently housebound	504	554	6,969
Total number of cases affected			2,146,693

Subsection (b) of the first section also authorizes the Administrator to adjust administratively, consistent with the 10-percent-rate increases specified in subsection (a), the rate of disability compensation payable to veterans within the purview of section 10 of Public Law 85–857 who are receiving disability compensation under laws other than chapter 11 of title 38, United States Code. This provision which is similar to other provisions which have been included in prior disability compensation bills assures that there will be comparable rate increases for veterans whose disability compensation payments were authorized by earlier laws as saved by the aforementioned section 10. A history of wartime service-connected compensation increases from July 1, 1933 to present is reflected in table 3 which follows:

TABLE 3.—HISTORY OF WARTIME SERVICE-CONNECTED COMPENSATION INCREASES

Sec. 314, title 38, subpar.—	Percent	July 1, 1933	Plus percent increase equals—	Jan. 19, 1934	Plus percent increase equals—	Public Law 312, 78th Cong., June 1, 1944	Public Law 182, 79th Cong., Oct. 1, 1945	Plus percent increase equals—	Public Law 662, 79th Cong., Sept. 1, 1946	Plus percent increase equals—	Public Law 339, 81st Cong., Dec. 1, 1949	Plus percent increase equals—	Public Law 356, 82d Cong., July 1, 1952	Plus percent increase equals—	Public Law 427, 82d Cong., Aug. 1, 1952	Plus percent increase equals—
(a)	10	$9	11.1	$10	15	$11.50		20	$13.80	8.7	$15	5	$15.75			7.9
(b)	20	18	11.1	20	15	23.00		20	27.60	8.7	30	5	31.50			4.8
(c)	30	27	11.1	30	15	34.50		20	41.40	8.7	45	5	47.25			5.8
(d)	40	36	11.1	40	15	46.00		20	55.20	8.7	60	5	62.00			4.8
(e)	50	45	11.1	50	15	57.50		20	69.00 60.00	8.7	75	15	86.25			5.5
(f)	60	54	11.1	60	15	69.00		20	82.80	8.7	90	15	103.50			5.0
(g)	70	63	11.1	70	15	80.50		20	96.60	8.7	105	15	120.75			5.3
(h)	80	72	11.1	80	15	92.00		20	110.40	8.7	120	15	138.00			5.2
(i)	90	81	11.1	90	15	103.50		20	124.20	8.7	135	15	155.25			5.0
(j)	100	90	11.1	100	15	115.00		20	138.00	8.7	150	15	172.50			4.9
Subpar. (s) (housebound cases—Public Law 86-663, effective Sept. 1, 1960																
(l)		150			33.3		$200	20	240.00					10.8	$266	4.9
(m)		175			34.3		235	20	282.00					11.0	313	5.1
(n)		200			32.5		265	20	318.00					11.0	353	5.1
(o)		250			20.0		300	20	360.00					11.1	400	5.0
(p)							300	20	360.00					11.1	400	5.0

Sec. 314, title 38, subpar.—	Percent	July 1, 1933	Plus percent increase equals—	Jan. 19, 1934	Plus percent increase equals—	Public Law 312, 78th Cong., June 1, 1944	Public Law 182, 79th Cong., Oct. 1, 1945	Plus percent increase equals—	Public Law 662, 79th Cong., Sept. 1, 1946	Plus percent increase equals—	Public Law 339, 81st Cong., Dec. 1, 1949	Plus percent increase equals—	Public Law 356, 82d Cong., July 1, 1952	Plus percent increase equals—	Public Law 427, 82d Cong., Aug. 1, 1952	Plus percent increase equals—
Subpar. (r) "A and A" nonhospitalization, Public Law 85-782, effective Oct. 1, 1958																
(k)		25			40.0		35	20	42.00					11.9	47	
(q)															67	

Sec. 314, title 38, subpar.—	Public Law 695 83d Cong., Oct. 1, 1954	Plus percent increase equals—	Public Law 85–168, Oct. 1, 1957	Plus percent increase equals—	Public Law 87–645, Oct. 1, 1962	Plus percent increase equals—	Public Law 89–311, Oct. 31, 1965	Plus percent increase equals—	Public Law 90–493, Jan. 1, 1969	Plus percent increase equals—	Public Law 91–376, July 1, 1970	Plus percent increase equals—	S. 3338 92d Congress	Percent increase from Oct. 1, 1954
(a)	$17	11.8	$19	5.3	$20	5.0	$21	9.5	$23	8.7	$25	12.0	$28	64.7
(b)	33	9.1	36	5.6	38	5.3	40	7.5	43	7.0	46	10.8	51	54.5
(c)	50	10.0	55	5.5	58	3.4	60	8.3	65	7.7	70	10.0	77	54.0
(d)	66	10.6	73	5.5	77	6.6	82	8.5	89	7.9	96	10.4	106	60.6
(e)	91	9.9	100	7.0	107	5.6	113	8.0	122	10.7	135	10.3	149	60.3
(f)	190	10.1	120	6.7	128	6.3	136	8.1	147	10.9	163	9.8	179	60.4
(g)	127	10.2	140	6.4	149	7.4	161	8.1	174	10.9	193	9.8	312	60.6
(h)	145	10.3	160	6.3	170	9.4	186	8.1	201	10.9	223	9.9	245	60.8
(i)	163	9.8	179	6.7	191	9.4	209	8.1	226	10.6	250	10.0	275	60.8
(j)	181	24.3	225	11.1	250	20.0	300	33.3	400	12.5	450	10.0	495	173.4
Subpar. (s) (housebound cases) Public Law 86-663, effective Sept. 1, 1960			265	9.4	290	20.7	350	28.8	450	12.0	504	9.9	554	
(l)	279	10.8	309	10.0	340	17.6	400	25.2	500	12.0	560	10.0	616	120.7
(m)	329	9.1	359	8.6	390	15.4	450	22.2	550	12.0	616	10.1	678	106.7
(n)	371	8.1	401	9.7	440	19.3	525	18.2	625	12.0	700	10.0	770	107.4
(o)	420	7.1	450	16.7	525	14.3	600	16.7	700	12.0	784	9.9	862	105.2
(p)	420	7.1	450	16.7	525	14.3	600	16.7	700	12.0	784	9.9	862	105.2
Subpar. (r) "A and A" nonhospitalization, Public Law 85–782, effective Oct. 1, 1958			150	33.3	200	25.0	250	20.0	300	12.0	336	10.1	370	
(k)														
(q)														

INCREASES IN MONTHLY DEPENDENTS' ALLOWANCES

Under present law additional allowances are provided for dependents of veterans who are rated 50 percent or more disabled. Section 2 of the bill would provide for a corresponding 10 percent increase in these rates which would affect approximately 760,000 dependents. The additional compensation rates payable for dependents under present law and the committee bill together with a categorical breakdown of dependents affected are shown in the following tables:

TABLE 4.—MONTHLY DEPENDENTS' ALLOWANCES (FOR DEPENDENTS OF VETERANS RATED 50 TO 100 PERCENT DISABLED)

	Present law	S. 3338
Wife, no children	$28	$31
Wife and 1 child	48	53
Wife and 2 children	61	67
Wife and 3 children	75	83
Each additional child	14	15
No wife, 1 child	19	21
No wife, 2 children	33	36
No wife, 3 children	48	53
Each additional child	14	15
Mother or father, each	23	25

TABLE 5.—DEPENDENTS RECEIVING ALLOWANCES AS OF JUNE 30, 1971

Wives	309,810
Children	431,971
Mothers	14,720
Fathers	3,467
Total	759,968

CLOTHING ALLOWANCE

Section 3 of the bill creates a new section which provides for a clothing allowance of $150 a year to each veteran who because of a compensable disability, wears or uses a prosthetic or orthotic appliance or appliances which tends to wear out or tear his clothing.

The committee received extensive testimony as to the need for such legislation and the inadequacy of existing law. Current law authorizes the Administrator to furnish "special clothing" made necessary by the wearing of prosthetic appliances. It does not, however, authorize the furnishing or replacement of conventional clothing by reason of extraordinary wear and tear occasioned by the use of a prosthetic appliance. The Veterans' Administration has recognized that the use of certain types of prosthetic appliances unquestionably results in unusual wear and tear on ordinary clothing of the wearer. Accordingly, since 1948 VA field stations have been authorized to furnish repairs, reweaving and special protective linings to those areas of clothing where damage or excessive wear is or could be the result of wearing a prosthetic appliance. The regulations are, however, extremely limited and these services are approved only on the condition that the cost of any single repair, reweaving, lining or combination thereof does not exceed a total of $15 for any one garment or one-half the new or replacement value of the garment whichever is the lesser amount.

The net result is that such assistance has been extremely limited. In the past fiscal year, for example, only 220 veterans were aided with an average expenditure of $14.94. The problem, however, as brought to the committee's attention through testimony and many letters is much more extensive. The existing law also fails to recognize changes in the clothing industry since Veterans' Administration regulations were first adopted in 1948. The clothing industry has abandoned the general use of wools and other materials and has instituted the use of synthetic yarns and fabrics in the manufacture of men's wearing apparel. Repairing and reweaving of these fibers is almost impossible. Furthermore it is obvious that $15 two decades ago could purchase a far greater volume of goods and services than can be purchased today.

Enactment of this provision would give recognition to the value of military service and the difficulties these severely handicapped veterans must endure daily because of the special nature of their service-incurred disabilities. The Veterans' Administration while unable to formally support the provision has acknowledged in their testimony a "most sympathetic concern with the problems of persons disabled from service-connected causes to the extent that prosthetic appliances are necessary. . . ."

In light of the foregoing, the committee intends that the regulations which will be issued pursuant to enactment of this provision should provide for most liberal criteria as to whether a prosthetic or orthopedic device tends to wear out or tear the clothing of a veteran. Explicitly included in this new section are those veterans who are confined to wheelchairs. This section would also apply to veterans who require the constant or frequent use of crutches. The Veterans' Administration estimates that approximately 44,000 veterans will be affected by this provision at a cost of approximately $6.6 million for the first full year.

EQUALIZATION OF WARTIME AND PEACETIME RATES

Section 4 of the bill would equalize the rates of compensation paid to veterans for identical disability ratings irrespective of calendar period of service. Under existing law there is a distinction between wartime and peacetime rates with veterans of the latter receiving compensation at 80 percent of the rate of the former. Originally compensation did not differentiate between wartime and peacetime service. A distinction was created, however, with the establishment of a separate compensation program for veterans of World War I. Since then the distinction has been maintained in varying degrees in succeeding compensation programs apparently on the premise that a war veteran should be accorded preferential treatment. In 1933 the pacetime rate was set at 50 percent of the wartime rate. In 1939 this differential was narrowed to 75 percent; and in 1948 the peacetime rate was set at 80 percent of the wartime rate where it remains today.

Whatever logic this distinction once might have had with respect to compensation for service incurred injuries is no longer evident to the Commitee. By maintaining a distinction based solely on calendar period of service, a number of anomalous situations have developed. For example, a veteran who entered the service in 1965 and served his entire tour in a noncombatant status in the United States would be entitled to full compensation for injuries suffered falling down the stairs of his barracks. Conversely, a veteran who may have served in Vietnam as part of a military adivsory group in the early 1960's where he faced hostile fire in his role as advisor and who subsequently suffered an identical injury in a stateside barracks would receive only 80 percent of the compensation received by the first veteran.

Of even greater importance to the committee, however, is the basic philosophy of compensation payments. Section 355 of title 38, United States Code provides in part:

* * * * *

> The ratings shall be based, as far as practicable, upon the average impairment of earning capacity resulting from such injury in civil occupations.

* * * * *

As the Veterans' Administration noted in its request for equalization of compensation rates in 1965:

> It seems quite apparent, however that a veteran who has suffered a disability as a result of peacetime military service has the *same* loss of earnings as the veteran who has suffered the identical disability (which is disabling to the same degree) during wartime service. It follows that we are unable to justify continuance of the differential in the rates of disability compensation on any basis which is consistent with the nature and purpose of that benefit.

The committee concurs with this view and is aware of no material change in circumstances since that time which would alter the views expressed by the Veterans' Administration in their request for equalization.

Finally it should be noted that other Veterans' Administration programs have abandoned a wartime/peacetime distinction. Following extensive study, Congress adopted a new program of dependency and indemnity compensation in the Servicemen's and Veterans' Service Benefits Act of 1956 in which no distinction is made between wartime and peacetime service for the payment of compensation for service-connected deaths. In Public Law 91-101, Congress also voted to expand medical benefits to make any veteran—wartime or peacetime—over age 65 eligible for Veterans' Administration hospital care and related outpatient care for non-service-connected disabilities without having to show financial inability. Thus the equalization proposed in this bill would be consistent with recent legislation.

Approximately 185,000 veterans will be affected by the equalization. Equalization of additional compensation for dependents will affect another 28,000. Veterans affected by degree of disability are shown in the following table:

TABLE 6.—*Peacetime veterans by disability rating*

Rating (percent):	
10	75,749
20	27,808
30	26,747
40	12,088
50	7,165
60	8,729
70	5,375
80	2,172
90	607
100	12,261
k	321
k	(6,897)
l	876
m	563
n	114
o	-------
p	-------
q	2,750
r	1,317
s	853
Total	185,495

EFFECTIVE DATE

Section 5 of the act provides that the act shall take effect on the first day of the second calendar month which begins after the date of enactment.

COST

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510, 91st Congress), the committee, based upon information supplied by the Veterans' Administration, estimates the first full year cost of the bill to be $320.7 million, increasing gradually to $327.1 million in the fifth year. An itemized breakdown of the cost of S. 3338 by section for the first and fifth years follows:

S. 3338

[In millions]

	1st year	5th year
Sec. 1	$245,841	$249,968
Sec. 2	14,187	14,447
Sec. 3	6,600	7,800
Sec. 4	54,105	54,913
Total	320,700	327,100

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, there were no tabulations of votes to report; the committee unanimously ordered the bill as reported from the Subcommittee (with the addition of an amendment in the nature of a new sec. 4), reported favorably.

Mr. THURMOND. Mr. President, S. 3338 would increase the rates of compensation for disabled veterans and their dependents. This bill would raise the compensation rates by approximately 10 percent across the board. Veterans who depend on compensation to live soon find that rising costs eat up any increase.

The rates of compensation have not been increased since July 1, 1970. The rates for nonservice-connected disability and death pension were raised this year, and it is only equitable that cost-of-living increases be provided for veterans' service-connected disability compensation.

Mr. President, many of these veterans are so disabled that they are totally reliant on relatives and friends for their day-to-day care. They are unable to carry out normal activities and are unemployable or underemployed because they have little or no mobility. These deserving men and women are unable to compete with the rest of society on an equal basis. We should certainly allow them the chance of maintaining a standard of living that is comparable to those without crippling disabilities.

S. 3338 also adopts a new approach for those who must use prosthetic or orthopedic appliances including wheel chairs. This bill provides a clothing allowance for abnormal wear due to these devices. These veterans have a much higher clothing bill because clothing which comes into contact with the prosthesis tends to tear or rip.

The life span of these disabled veterans is significantly shortened in a large number of cases. No group is more deserving than those veterans who were wounded or disabled while serving their country so conscientiously. These people deserve our highest consideration. I urge my colleagues to support this bill and allow these patriots a yearly income which is commensurate with their sacrifice.

Mr. BOGGS. Mr. President, I would like to take a few moments to express my strong support for S. 3338 of which I am a cosponsor. This bill provides for a 10-percent increase in compensation for disabled veterans. I can think of no single group to whom we have a greater obligation than these men who have sacrificed so much for their country.

Obviously, no amount of compensation can take the place of the loss of a hand, an arm, a leg, or an eye. Nor can it restore the use of paralyzed limbs. This compensation is intended to replace earnings lost as a result of service-connected disability. For this reason, it is vital that compensation keep pace with the rise in wages generally and with the cost of living.

Since the last adjustment in disability compensation in 1970, the cost of living has risen 9 percent. Social Security has increased 10 percent and Federal pay has risen by nearly 12 percent. It is therefore simple equity that we make comparable adjustments in benefits for our disabled veterans. I urge all Senators to support this worthy legislation.

Mr. HARTKE. Mr. President, no person in our country is more deserving of our unceasing attention and concern than the disabled veteran. It is a concern that continues to grow daily with the swelling lists of those who have been disabled in Vietnam. Currently 287,000 Vietnam era veterans are drawing disability compensation. In total, our Nation has over 2.1 million veterans who are receiving compensation payments for service-connected disabilities.

As chairman of the Committee on Veterans' Affairs, it has been my privilege to meet with many of these men whose courageous and uncomplaining acceptance of the sacrifices they made for their country serves as a continuing inspiration for all of us. It is particularly gratifying to me, therefore, that the Senate has passed S. 3338 which the committee unanimously recommended. It contains a number of provisions which I believe meet in small part our continuing obligation to them. First, the bill provides for a 10-percent increase in compensation rates to cover past and continuing increases in the cost of living. Since the rates were last adjusted, the cost of living has risen 6.3 percent through April 1972. At present the cost of living continues to increase at a current rate of 3.3 percent. The committee believes that the 10-percent increase provided for in S. 3338 is an equitable one which takes these factors into account. Under this bill a veteran with a

10-percent disability rating will receive a monthly increase of $3 or an additional $36 a year. A veteran rated as totally disabled will receive an additional $45 a month or $540 a year. The additional allowances provided for dependents of veterans who are rated 50 percent or more disabled has also been increased by 10 percent. Approximately 760,000 dependents will be affected by these increases.

Another very important feature of this bill is the creation of a new clothing allowance of up to $150 a year to each veteran who because of a compensable disability wears or uses a prosthetic or orthopedic appliance or appliances which tends to wear out or tear his clothing. The committee has had brought to its attention many cases where veterans with artificial limbs or braces are constantly confronted with a situation where their clothes are being torn or worn out at an abnormal rate. Explicitly included in the clothing allowance provision are those veterans confined to wheelchairs as well. The committee is aware of a number of problems occasioned by those who regularly use a wheelchair which results in unusual wear and stress on their clothing. The new section would also apply to veterans who require the constant or frequent use of crutches. It is estimated by the Veterans' Administration that approximately 44,000 veterans will be affected by this provision at a cost of approximately $6.6 million for the first year.

Finally, the bill would equalize the rates of compensation paid to veterans for identical disability ratings irrespective of whether that disability occurred during wartime or peacetime. At present, the peacetime rate is set at only 80 percent of the wartime rate. Whatever logic this distinction once might have had with respect to compensation for service-incurred injuries is no longer evident to the committee. Compensation ratings are based upon the principle of providing relief for the average impairment of earning capacity resulting from the service-incurred injury. Two veterans with identical injuries will suffer the same impairment of earnings regardless of when that injury was incurred.

Over 2.1 million veterans will benefit from this act which will cost $320.7 million for the first full year.

I want to particularly commend the chairman of the Subcommittee on Compensation and Pensions, the distinguished senior Senator from Georgia (Mr. TALMADGE) for his outstanding leadership in producing the fine bill that is before the Senate today. The unanimity exhibited by each member of this committee on this vital measure for veterans has also been heartening.

I know that the Committee on Veterans' Affairs in the House of Representatives, under the extremely able leadership of its chairman, OLIN "TIGER" TEAGUE is also proceeding rapidly on similar disability compensation legislation. I am most confident that whatever minor differences may exist between the Senate and House bills will be quickly resolved so this important legislation can be sent on to the President for signature.

AMERICANS WHO DESERVE HELP: THE DISABLED VETERAN

Mr. HANSEN. Mr. President, we consider legislation today for a group of Americans who deserve commendation as well as compensation. It is my hope it will have full support of the Senate.

There is no obligation that exceeds the debt owed by their fellow-Americans to those who gave their lives or to those who gave health and limbs for the United States in the uniform of this country. We can never repay the former, those who died, or their survivors, for that great sacrifice. Nor can we fully repay the latter—the veteran who is disabled. But we must do as much as we can as a nation to partly compensate the disabled American veteran—to help make his life a little nearer normal and his hardships somewhat easier to bear.

Our bill, S. 3338, which I was privileged to cosponsor and support in the Committee on Veterans' Affairs, will for the first time provide a clothing allowance for those veterans who necessarily must wear an orthopedic appliance or prosthetic appliance. These devices bring additional and unusual wear and tear on clothing and thus an additional expense to the veteran. The legislation provides $150 annually for clothing allowance to this category of veteran.

The bill also gives needed and deserved assistance to all disabled veterans, providing a 10 percent across-the-board increase in compensation. The Senate will have my commendation for its action in passing this legislation. I am pleased to report that similar legislation has been reported by the House committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar for the time being.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized under the standing order.

Mr. GRIFFIN. I have nothing, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa (Mr. HUGHES) is recognized for not to exceed 15 minutes.

ANOTHER TONKIN GULF INCIDENT

Mr. HUGHES. Mr. President, the headline on a Washington television news program Monday evening declared that an Air Force general had admitted to a congressional subcommittee that he had "bombed North Vietnam on his own," in the words of the newscaster.

That may not be an entirely accurate characterization of the essence of the testimony given by Gen. John D. Lavelle in connection with his being relieved of command of the 7th Air Force in Southeast Asia.

But in all probability it reflects the puzzlement and uncertainty of the American people about a military command and control system that allows violations of very specific orders to the contrary from the highest military authorities of this Nation.

General Lavelle, ironically, commands a certain respect for his frank and open statement taking sole responsibility for the violations of command orders.

In addition, Secretary Laird, Air Force Secretary Seamans, and Gen. John D. Ryan, the Air Force chief of staff, are to be commended for acting swiftly and effectively to investigate the allegations and halt the violations.

But the gnawing uncertainty is: to what extent can the actions of a single combat commander, authorizing persistent violations of established orders over a period of 4 months, trigger a spiraling escalation of hostilities by both sides at a time when we are committed to winding down the intensity of the war and withdrawing?

Now, an even graver question has arisen: To what extent were unauthorized air strikes ordered by General Lavelle responsible for the total collapse of the Paris peace talks last November?

President Nixon, in his televised address on January 25, said:

> On October 25, the North Vietnamese agreed to meet and suggested November 20th. On November 17, just three days before the scheduled meeting, they said Le Duc Tho was ill. We offered to meet as soon as Le Duc Tho recovered, with him, or immediately with any other authorized leader who could come from Hanoi. Two months have passed since they called off that meeting.

Mr. President, it is imperative to note that, 2 weeks after the North Vietnamese agreed to meet and 9 days before the meeting was canceled, American war planes carried out "protective reaction strikes," as they were called by the American command in Saigon, against three North Vietnamese airfields.

That was on November 8, the same day fixed as the beginning of the Air Force investigation into the unauthorized air strikes.

Mr. President, for several months I have followed the information on the bombing of North Vietnam with increasing concern. Last November 23, I told the Senate of the rapid escalation of attacks against North Vietnam which had been labeled "protective reaction strikes."

At that time, I cited some newspaper accounts of the progressive relaxation in the rules of engagement during 1971. One report said that pilots were told to take "more aggressive actions." Another quoted pilots who spoke of "beating the other guy to the draw."

Despite the repeated claims that the war was winding down, the evidence of air activity demonstrated clearly that it was actually heating up.

Most of the actual statistics on the air war continued to be classified by the Department of Defense. These figures have no bearing on the immediate safety of the Americans involved, and I intend to propose legislation which would require the declassification of this information after a reasonable amount of time.

The number of sorties by individual

planes over North Vietnam, for example, is classified. The only data regularly released to the press and public concerned the number of "strikes," which often include several planes rather than single sorties.

By these figures, the number of attacks on North Vietnam in 1971 was more than five times the number during 1970.

The Defense Department distinguishes three types of protective reaction strikes: first, protection of reconnaissance planes when they appear to be threatened; second, those against antiaircraft and missile sites which threaten military planes operating near the borders of North Vietnam; and third, those "limited duration" raids deemed necessary to counter buildups of enemy forces.

Although the public justifications for the attacks on North Vietnam always mention the threat to unarmed reconnaissance planes, which fly in formation with fighter-bombers, the Pentagon statistics show that in 1971 this category accounted for less than one-fourth of the protective reaction strikes.

Starting last November, the number of announced strikes increased rapidly, from an average of about one every 4 days to one every other day. By March of this year, the average was approaching two every day.

I might point out, Mr. President, that during this escalation the United States unilaterally broke off both the secret and public sessions of the Paris peace talks.

In other words, the United States was giving clear signals to Hanoi that it was no longer interested in the peace talks and would instead step up the war against North Vietnam. What followed, of course, was the North Vietnamese dry-season offensive, first into Laos and later into South Vietnam.

Of course, that offensive may have taken place even if the United States had not broken off the peace talks and had not escalated its air war. But the offensive which had been predicted for January, and then February, and then March did not, in fact, begin in earnest until Easter weekend, by which time there could be no doubt that the United States felt free to bomb North Vietnam almost at will.

Long before the offensive actually started, the United States took several steps to increase its military actions and capabilities in Indochina. From a low point of 47,315 tons of munitions dropped in October, the U.S. air war soared to 91,670 tons in April, the latest month for which figures are available. Between December and March, the United States tripled the number of B-52's available for action in Southeast Asia, doubled the number of other attack aircraft, doubled the number of naval personnel off the coast of Vietnam, and began the process of increasing personnel in Thailand by over 50 percent.

What justification was there for this American escalation? Of course, there was an enemy buildup, as there has been every dry season. But compared with previous dry seasons, the number of protective reaction strikes soared dramatically this year to six times the level of last year and 18 times the level 2 years ago.

Now we are beginning to learn that the justification for many of these stepped-up attacks was falsified, misleading the American people.

The Air Force Chief of Staff, Gen. John D. Ryan, testified before the House Armed Services Committee on Monday that there had been falsification of reports and violations of the rules of engagement concerning attacks on North Vietnam. Although the general tried to minimize the extent of violations by noting that only 147 sorties were involved compared to the 25,000 flown by the 7th Air Force, the violations were far more serious.

General Ryan's investigations revealed 28 violations between November 8, 1971, and March 8, 1972, in connection with protective reaction strikes. The relevant comparison, therefore, is the 121 total of such strikes announced by the U.S. command in Saigon during the same period.

In other words, nearly one strike in every four was in violation of the rules of engagement established by the President and Secretary of Defense and the Joint Chiefs of Staff.

These startling facts suggest parallels with the 1964 Gulf of Tonkin incident.

Once again, we have been misled as to what actually occurred. We were told of the North Vietnamese retaliation but not about the allied attacks which preceded it.

Once again, serious doubts have been raised as to the adequacy of our command and control structure in Indochina. In 1964 there were unauthorized attacks on North Vietnamese villages just prior to our naval encounter in the Gulf of Tonkin.

Once again, allegations of increased North Vietnamese activity have been used as the justification for the deployment of substantial additional military units.

I only hope, Mr. President, that we will not consumate the analogy by continuing the escalation of this endless war.

I am proud to say, Mr. President, that at least one American refused to remain silent when ordered to falsify reports.

In early March, I received a letter from an Air Force enlisted man who was an intelligence specialist for the Air Force.

The letter was directed to me perhaps because a member of my staff had visited Southeast Asia in January while surveying the extent of the air war for me.

In his letter, the airman wrote:

> I and other members of (an Air Force unit) have been falsifying classified reports for missions into North Viet Nam . . . reporting that our planes have received hostile reactions such as AAA and SAM firings whether they have or not.

The significance of this allegation was obvious. After excising the name of the writer, I took a copy of the letter to Senator SYMINGTON, a former Secretary of the Air Force and a distinguished colleague on the Senate Armed Services Committee. We conferred about it, and I asked his advice.

Senator SYMINGTON transmitted the edited letter to General Ryan, the Air Force Chief of Staff, and shortly thereafter, Secretary of the Air Force Seamans requested the name of the enlisted man to assist in an investigation of the allegations. After receiving assurances that the airman's rights and well-being would be fully protected, I provided Secretary Seamans with the name.

Mr. President, I ask unanimous consent that an edited text of the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Senator HAROLD HUGHES,
Capitol Building,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUGHES: I am an intelligence specialist —— (for the Air Force) . . .

I and other members of —— have been falsifying classified reports for missions into North Viet Nam. That is, we have been reporting that our planes have received hostile reactions such as AAA and SAM firings whether they have or not. We have also been falsifying targets struck and bomb damage assessments.

I have been informed by my immediate OIC, —— that authorization for this falsification of classified documents comes from secure telephone communications from the Deputy of Operations, 7th Air Force.

I do not know where the original authorization comes from and this is my major concern. This same (officer) quipped that the President probably doesn't even know about the situation.

I am writing this letter to inform you of what is happening and to find out if this falsification of classified documents is legal and proper.

Sincerely yours,

——— ———.

Mr. HUGHES. I also ask unanimous consent that various other statements and published articles relating to this matter be printed in the RECORD following my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUGHES. According to General Ryan's testimony on Monday, an Air Force investigation began immediately and on March 23 confirmed the allegations in the letter. The commander of the 7th Air Force, General Lavelle, was summoned to Washington and subsequently relieved of his command.

Secretary Laird called me yesterday morning to explain the results of the investigation. It was the first report received by my office from Defense Department officials, though a previous briefing had been arranged which I could not attend.

Now General Lavelle's nomination to retire at the rank of lieutenant general is pending before the Senate Armed Services Committee. I have requested that action on his nomination be delayed pending completion of a committee inquiry and hearing into the events that culminated in this nomination.

Mr. President, a multitude of grave questions that fall within the prerogatives and responsibilities of the Senate have arisen in connection with this matter. In an effort to illuminate the facts and to assess their impact on world peace, I will ask General Ryan to give me a full briefing on this matter, and I intend to ask the distinguished chairman of the Senate Armed Services Committee (Mr.

Stennis) to hold comprehensive hearings into the relevant aspects of this case.

I do not know, Mr. President, where the blame for these violations of orders should be placed. I have no personal quarrel with General Lavelle or any other officer. But I am deeply disturbed by a system which permits these unauthorized attacks and then conceals them until a courageous airman writes to a Member of the U.S. Senate.

I am troubled also by some of the implications of General Lavelle's testimony on Monday. While conceding that he had responsibility as commander, he also said that "low-level, hardworking Air Force men made their interpretations of what we wanted." What did "we" want, Mr. President? How did these wishes filter down to these men? At what level were General Lavalle's admitted "liberal interpretations" of the rules of engagement known and decided upon? As the Air Force sergeant wondered, did President Nixon know about the situation?

These are important questions to be answered, Mr. President. If pilots are encouraged or permitted to deviate from their orders in these instances, how can we be sure that there have not been other violations? How many civilians have been killed or injured by such "liberal interpretations" of the rules?

Reports of our military activities in Indochina have long been shrouded in doubts about their credibility. Only last Monday, Anothony Lewis wrote in the New York Times about Pentagon denials of attacks on a North Vietnamese village which he had visited. The refusal to admit that an attack took place, or even to admit that there might have been a mistaken attack, "illuminates one grave cost of this war to Americans," says Mr. Lewis, "the damage to our candor and humanity."

That is the crux of the issue here, Mr. President. We must learn that military force is difficult to control precisely, that men in battle are under tremendous pressures which may lead them to make mistakes or even violate orders. But when such mistakes or violations occur, we must not disregard or deny them. On the contrary, we must strive to prevent recurrences.

Only in this way can our own people—and our adversaries—be sure of our purposes and conditions for continuing this war.

Mr. President, a vast range of questions have been raised by the testimony given by General Ryan and General Lavelle on Monday, as well as by a series of newspaper accounts of the events that led up to the hearing, which I have asked unanimous consent to have printed in the Record at the conclusion of my statement.

I think it is important, Mr. President, for us to realize the analogy of what has been taking place in the relationships between these bombings and the peace talks. Here is a chronology of the crucial events in this period.

October 25, 1971: United States and North Viet Nam agree to hold secret talks on November 20.

November 8: Three unauthorized attacks on North Vietnamese airfields.

November 11: United States suspends public talks for the holidays.

November 17: Hanoi says Le Duc Tho is ill, but Xuan Thuy could meet with Kissinger.

November 19: United States says "no point would be served by a meeting."

November 25: United States calls off public talks for Thanksgiving.

December 9: Ambassador Porter calls off public talks scheduled for December 15, sees no point in "another sterile session."

December 15: Porter calls off talks for 23d, offers 30th.

December 26 to 30—approximately: United States conducts 5 days of heavy "limited duration" PRS against North Vietnam.

December 28: Hanoi calls off 30th talks because of renewed bombing.

January 6, 1972: Public talks resume.

January 25: Nixon reveals secret talks, blames Hanoi for avoiding them.

March 23: Nixon suspends public talks.

Mr. President, the only "limited duration" raids between March 1971 and the December massive strikes were on one day in September, when oil storage areas were hit. Subsequent to the September raid, Hanoi did agree to further secret talks.

But the November 8 raids against airfields may have been seen as unprovoked and perhaps as an effort to separate the peace talks from U.S. freedom of military action.

By breaking off the talks in November and by continuing and increasing the PRS during November and later, the United States signaled Hanoi a lack of enthusiasm for reaching a settlement.

I point these things out in relation to the questions that are brought up by the matter of General Lavelle.

Exhibit 1

Statement of General Ryan, Chief of Staff, U.S. Air Force, June 9, 1972

I am General John D. Ryan, Chief of Staff, United States Air Force. I appreciate the opportunity to appear before this Committee.

I am informed that the Committee is interested in the facts and circumstances surrounding the return from Vietnam and retirement from the Air Force of General John D. Lavelle.

As you know, General Lavelle was Commander of the Seventh Air Force in Vietnam. He assumed that duty on 1 August 1971.

On 8 March 1972, I received a copy of a letter from an Air Force NCO alleging that the Rules of Engagement were being violated and that there were irregularities in the reports rendered.

I sent Lt. General Wilson, the Air Force Inspector General, on 9 March, to Southeast Asia to investigate this matter.

On 23 March the Inspector General confirmed the allegations. Some missions had not been flown in accordance with the Rules of Engagement and there were irregularities in the operational reports. General Lavelle admitted to the Inspector General that this had occurred.

I ascertained from the Chairman, JCS, the Secretary of Defense, and CINCPAC that authority to deviate from the Rules of Engagement had not been given General Lavelle.

On 23 March, I summoned General Lavelle to Washington and discussed the matter with him.

General Lavelle admitted to me that he had executed a small number of such strikes to attack military targets, reported as protective reaction.

After discussing this with General Lavelle, I offered him the option of continued service—a new assignment—in the Air Force in his permanent grade. I told him an application for retirement would probably be accepted.

Concurrently, I discussed this case with the Secretary of the Air Force, the Chairman, JCS, and the Secretary of Defense, and informed them of my recommendations.

General Lavelle, who was receiving medical attention for severe arm pain, made up his mind to retire on 31 March and submitted a request to do so. He stated therein that this was for personal and health reasons. He cited his son's illness as preventing further family separation. He also indicated that he was under treatment and that he had been advised that it was likely that he was in disability status.

General Lavelle's retirement was accepted by the Air Force with separation date to be determined when his physical status was settled.

During the week of 1 to 7 April General Lavelle was processing for retirement—physical examination—determination of disability, and the like.

I issued orders transferring General Lavelle to patient status in Washington. He had been in Washington since 26 March and was in fact no longer directing Seventh Air Force Operations. This transfer was in preparation for his retirement.

On 6 April, General John Vogt was selected to replace General Lavelle. On 7 April, this was announced. On the same date, General Lavelle's retirement processing was completed and his retirement effective.

I would like to emphasize that I have avoided public discussion because I had no desire to add to General Lavelle's personal and health problems by publicizing other circumstances involved in this matter. He stated his reasons for requesting retirement and I considered them, then and now, highly personal and private business.

Statement of Gen. John D. Lavelle, USAF, Retired

Mr. Chairman, it is a pleasure to appear before your Subcommittee today, and to explain the circumstances surrounding my recent retirement. I was assigned as Commander of the Seventh Air Force on 1 August 1971, just shortly before the start of the build-up of the North Vietnamese forces and their massive infiltration into Laos and South Vietnam which eventually resulted in the heavy fighting and eventual overrun of the Plain of Jars in Laos and the more recent invasion of South Vietnam. When I first took over, it was in the middle of the rainy season; however, starting in late September, as the rains subsided and the roads started to dry out, there was increased activity as the North Vietnamese infiltrations began. From this time, the infiltration, accompanied with the increased aggressiveness of the North Vietnamese, was constantly on the build.

I believe this Committee has a good appreciation of the North Vietnamese increased aggressiveness this year, but to illustrate the point, I'd like to make some rough comparisons. Considering the air war only, from the start of the dry season, which began 1 November through the end of February of this year, a period of four months, incursions into Laos or northern South Vietnam by NVN MIGs increased by a factor of about 15 over the same period for the previous year. Surface to air missile firings by a factor of about 10. The North Vietnamese had added new radar sites in the southern part of North Vietnam and had netted these with their missile radars to form a most sophisticated and complex system. This meant that the ground control intercept type heavy radars were netted with their surface to air missiles as an integrated system, therefore either the GCI radar or the missile radars could pass target information to the missile firing units. Another indication of the aggressiveness of the North Vietnamese was that on the day their ground forces launched their attacks in the Plain of Jars, a substantial number of enemy MIGs were airborne and several of them crossed into Laotian territory.

As you know, the air war in South Vietnam is very tightly controlled and operated under quite specific rules of engagement. These rules of engagement had not changed substantively since we ceased bombing North Vietnam in 1968. However, the environment over there had changed considerably. I don't think there were any missile sites or radar controlled heavy anti-aircraft artillery in the southern part of North Vietnam in 1968. In February of this year, in addition to the sophisticated air defense control system, there were many occupied surface to air missile sites, along with many radar controlled heavy anti-aircraft artillery.

The rules of engagement, although being fairly specific, also require some interpretation or judgment factor added. With this air defense buildup, increased aggressiveness of the North Vietnamese and the large number of North Vietnam regular army units that had infiltrated south or moved into position to move across the DMZ, I chose to make a very liberal interpretation of these rules of engagement. In certain instances, against high priority military targets I made interpretations that were probably beyond the literal intention of the rules. I did this since the crews were operating in an environment of optimum enemy defense. It was these isolated instances reported as protective reaction strikes that resulted in General Ryan recalling me and questioning me on wht we were doing. From this viewponnt in Washington, I had exceeded my authority. I can sit here now and understand his position, but at that time as the Commander on the spot concerned with the safety of the crews and, at the same time trying to stop the build-up that was going on, I felt that these were justifiable actions.

I had previously let it be known to General Ryan that because of personal reasons, that if he did not have an assignment for me on the East Coast this year, I would probably retire. So when he recalled me and questioned me on my conduct of the air war and informed me he intended to replace me as Seventh Air Force Commander, which is certainly his right and his responsibility, I elected to retire.

I was retired with a physical disability because of a heart murmur, emphysema, and a disc problem that causes aggravated pains in my hips and legs, particularly after heavy exercise or if I sit for a long while.

[From the Washington Post]

BOMBING VIOLATION CONCEDED—GENERAL ADMITS FALSE DATA ON RAIDS IN NORTH

(By George C. Wilson)

The former commander of the U.S. Air Force in Vietnam admitted yesterday that he "probably" went beyond his authority in bombing targets in North Vietnam and inspired his staff to file false reports on the raids.

But retired Gen. John D. Lavelle told a House Armed Services Committee hearing that "if I had it to do over again, I would do the same thing" as far as stretching the rules on targets.

He did not try to jusify or disclaim responsibiliy for the filing of false reports. Lavelle said he had told his staff that reports could not show bombing raids unrelated to enemy firing at U.S. aircraft.

Thus, to hit what Lavelle considered the important targets in the north without admitting to breaking the standing rules of engagement, pilots and others would have to claim that their bombing was triggered by such enemy action as missile firings or being tracked by enemy anti-aircraft radar.

"The buck stops here," said Lavelle in accepting responsibility for the false reports.

The Nixon administration during most of the time Lavalle commanded the 7th Air Force—from Aug. 1, 1971, until his retirement on April 7—described the bulk of its raids as "protective reaction."

The House subcommittee hearing yesterday brought these other disclosures:

"Protective reaction" was not the reason for at least 28 missions—totaling 147 planes flying to the target and back—between Nov. 8, 1971, and March 8, 1972. Gen. John D. Ryan, Air Force chief of staff, said Lavelle exceeded his authority in ordering these missions and was thus relieved. Ryan said the reports on at least three of the raids analyzed were false and were enough to convince him of serious irregularities. (The 147 sorties were out of a total of 25,000 flown in that same period, Ryan said.)

Ryan said he gave Lavelle the choice of taking another Air Force post at two ranks down from his four-star billet or to retire. Lavelle chose to retire. His permanent rank is two-star general but he received the retirement pay of full general and has been nominated for permanent three-star rank.

Lavelle's pilots in the 7th Air Force reported a buildup of 55 to 60 tanks in January in the eastern section of North Vietnam's panhandle—the launching area for Hanoi's invasion across the DMZ on March 30—but were denied permission to bomb them.

Dep. Otis Pike (D-N.Y.), who conducted the investigation for the full House Armed Services Committee, said after hearing Lavelle testify, "If we had gone after" the enemy buildup when it was first spotted, "we could have prevented the invasion."

Gen. Creighton W. Abrams, U.S. field commander in Vietnam, knew "what I was doing" but not that reports were being falsified, Lavelle said. "He never sat down and debated what the rules of engagement are when we got a missile site or radar."

The Pentagon so far has refused to supply the House Armed Services Committee with a copy of the Rules of Engagement in force while Lavelle commanded the 7th Air Force. Pike called this refusal to supply rules since superseded "ridiculous."

Col. Phillip H. Stevens, information chief for the American military command in Saigon, stopped giving out detailed information on U.S. air raids against the North on March 8—the very same day a senator gave Ryan a letter complaining of unauthorized bombing and false reports.

An Air Force sergeant had sent the letter originally to Sen. Harold E. Hughes (D-Iowa) who in turn gave it to Sen. Stuart Symington (D-Mo.). Symington passed the letter on to Ryan, according to testimony. Ryan immediately ordered an investigation.

Stevens on March 8 in Saigon said the number of aircraft involved in raiding North Vietnam would no longer be revealed because "to continue to reveal the number of aircraft would be useful to the enemy and endanger the lives of U.S. pilots."

The hearing started off in an atmosphere of calm as Committee Chairman F. Edward Hebert (D-La.) told Ryan and Lavelle—sitting side by side at the witness table—that the objective was to find out "the nature of the alleged irregularities."

ADMITS CHARGES

Ryan read a three-page statement in which he declared he sent the Air Force Inspector General to Vietnam on March 9 to investigate the charges—the day after reading the noncommissioned officer's letter. Lavelle, Ryan said, admitted the charges when confronted with them by the Inspector General.

Two weeks later, Ryan and Lavelle had a face-to-face meeting in Washington to discuss deviations from the Rules of Engagement. "Gen. Lavelle admitted to me that he had executed a small number of such strikes to attack military targets, reported as protective reaction," Ryan said.

Ryan said he discussed Lavelle's case with Defense Secretary Melvin R. Laird; Air Force Secretary Robert C. Seamans Jr., and Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff. White House sources said President Nixon himself was highly disturbed about the disclosures and the apparent breakdown in the chain of command.

"I have avoided public discussion because I had no desire to add to Gen. Lavelle's personal and health problems by publicizing other circumstances involved in this matter," Ryan said.

HANOI'S BUILDUP

Lavelle, dressed in a blue civilian suit, stressed to the committee that he took over the command just before the buildup for the big invasion of South Vietnam.

He said the network of Hanoi's air defense had changed the situation in North Vietnam "considerably" but that the rules of engagement for attacking the complex "had not changed substantively" since the bombing halt of 1968.

"The rules of engagement, although being fairly specific," Lavelle said, "also require some interpretation or judgment factor added.

"With this air defense buildup, increased aggressiveness of the North Vietnamese and the large number of North Vietnam regular army units that had infiltrated south or moved into position to move across the DMZ, I chose to make a very liberal interpretation of these rules of engagement."

After being denied permission to expand the target list, Lavelle said, "In certain instances against high priority military targets, I made interpretations that were probably beyond the literal intention of the rules.

"OPTIMUM ENEMY DEFENSE"

"I did this since the crews were operating in an environment of optimum enemy defense. It was these isolated instances reported as protective reaction strikes that resulted in Gen. Ryan recalling me and questioning me on what we were doing.

"I can sit here now and understand his position," Lavelle continued, "but at that time as the commander on the spot concerned with the safety of the crews and, at the same time trying to stop the buildup that was going on, I felt that these were justifiable actions."

The questioning of Lavelle was friendly. The majority of the House Armed Services Committee traditionally has championed the military, with its leadership often blaming Pentagon civilians for the woes of the uniformed services.

Rep. John E. Hunt (R-N.J.), for example, said, "What you did was attack the enemy with successful strikes." Lavelle termed the strikes "very" successful.

The day he ordered his command to stop filing false bombing reports, Lavelle said, "I assigned three men to find out how to continue what we were doing but to report it accurately." He said the reports required too many details to hide the real nature of the bombing raids.

The committee expressed no alarm, either in its public or closed session, about the military circumventing civilian control in picking out what to bomb in North Vietnam.

Committee sources said that Hébert has scheduled no further hearings on that subject nor any other subject involved in the Lavelle case.

After the hearing, Rep. Pike said he found it "impossible to believe that he (Lavelle) was doing what he was doing without anybody knowing it until Sen. Symington slipped a note to Gen. Ryan."

[From the New York Times, June 14, 1972]

BEHIND THE LAVELLE INCIDENT, WEAK LINKS IN THE CHAIN OF COMMAND

(By Craig B. Whitney)

SAIGON, SOUTH VIETNAM, June 13.—"The system is totally dependent on people being honest," a colonel at the military headquarters here said today in reaction to Gen. John D. Lavelle's testimony in Washington that he ordered unauthorized strikes against North Vietnam last winter. No special measures have been taken, according to command spokesmen here, to prevent a recurrence of what General Lavelle said he did about 20 times between November and March.

General Lavelle testified that he had reported the unauthorized raids as "protective reaction" missions—defensive strikes by pilots who determine that they are threatened by antiaircraft radar, missile and gun sites in North Vietnamese territory. During the pause in sustained bombing of North Vietnam between November, 1968, and April, 1972, such strikes were often reported in connection with the United States' continued program of reconnaissance flights.

REPORTS WIDELY DISTRIBUTED

To disguise regular bombing as "protective reaction," the reports would have to be falsified not only by an officer as high-ranking as General Lavelle but by their originators—in the case of the Air Force the wing commanders, who are colonels commanding three or more squadrons of 20 planes each. No wing commanders have been relieved of duty in connection with the investigation of General Lavelle's actions, according to Air Force spokesmen here. The spokesmen refused to discuss the specific charges made against and answered by General Lavelle in Washington yesterday.

The wing commanders' reports of missions are, in turn, compiled from individual pilot reports. These "operational reports" are sent not only to the Seventh Air Force headquarters in Saigon but also to intermediate headquarters at Udorn, in Thailand, and to Gen. Creighton W. Abram's Military Assistance Command in Saigon as well as the Pacific command in Hawaii, which sends them to the Pentagon.

Since the operational reports are sent to all those addresses simultaneously, an officer at the United States command said, "the only way they can be falsified is at the wing level."

"Once they get here there's no way anyone would question them," he added.

Officers in Saigon said they had no record of the attacks General Lavelle was referring to when he said he had, on his own authority, ordered strikes on targets in North Vietnam without approval from higher headquarters. Consequently, they said, they did not know which wings were involved.

The general's actions are a reminder, though on a much smaller scale, of what Gen. Douglas MacArthur did in Korea 21 years ago, when he was sacked by President Harry S. Truman for insubordination after having publicly advocated the bombing of Chinese bases.

Now, as then, the greatest check on a military commander's freedom of action and ability to exercise the power entrusted to him is not external but, rather, lies in his training, discipline, restraint and unquestioned obedience to orders.

It is at the highest levels—for example in the four-star post of commander of the Seventh Air Force in Saigon, which General Lavelle held until his relief in March—that an officer's internal qualities become most important, for there are fewer outside checks on such high-ranking positions.

It is not secret that President Lyndon B. Johnson's suspension of regular bombing of North Vietnam on Nov. 1, 1968, was unpopular among the military men here who command and fly the Air Force and Navy planes.

Many Air Force and Navy officers who disagreed with the political reasons for the action chafed because they could not strike back at enemy territory. The pause was interrupted more and more frequently in its last year by protective reaction strikes and less frequently, by "limited duration" strategic campaigns against airfields, supply buildups and surface-to air-missile sites.

Before the North Vietnamese began their current offensive south of the demilitarized zone at the end of March, the air officers lobbied hard for permission to strike at the build-up they could see just north of the zone—long-range artillery and record numbers of surface-to-air-missiles and movements of supply trucks.

Two such campaigns, involving a thousand strikes, were announced and carried out before the offensive—one for five days after Christmas and the second against North Vietnamese artillery positions in and just north of the demilitarized zone in February.

RECOMMENDED BY ABRAMS

Both campaigns were authorized by the White House after being recommended by General Abrams's headquarters, in which the commander of the Seventh Air Force is also deputy commander for air operations and supervises the activities of Navy jets from aircraft carriers at sea as well as those of the Air Force planes based in Vietnam and Thailand.

A degree of latitude was always given not only to General Lavelle and his subordinate commanders but also to individual pilots in deciding when to undertake protective reaction strikes on targets in North Vietnam—and there were many of them. Since the Nixon Administration resumed sustained bombing of the North on April 6, the term "protective reaction" has not been used.

At the end of the pause pilots were permitted to fire missiles at or drop bombs on North Vietnamese antiaircraft radar sites that took their planes under observation—a threat, in the eyes of military commanders here, even if the planes were not under fire—without asking Saigon for permission.

The difficulty that General Lavelle apparently got into was in conducting bombing of strategic targets outside the framework of the officially approved limited duration strikes and in reporting them as protective reactions.

RULES OF ENGAGEMENT

There is an extensive set of rules of engagement to instruct the American forces on the conditions under which they may take targets under attack. General Lavelle's actions once again call attention to the rules, which have been central to most of the scandals in which the Army has been involved in Vietnam over the years, most especially at Mylai four years ago.

Rules of engagement on when civilian targets may be bombed or shot at are very strict, generally requiring both advance warning to enable civilians to get out and extreme provocation from the enemy. The rules are also troublesome, and many officers and men have ignored or violated them because of weakness or because they thought the rules endangered their lives.

A Navy commando officer in the Mekong Delta said before his unit was withdrawn late last year, "The rules of engagement kept getting stricter and stricter, and I finally stopped all operations because you would have to disobey them to do anything."

Reports of violations are supposed to be investigated by military channels up the chain of command, but as General Lavelle's case shows, it is sometimes outside of channels that such reports have the best chance of being acted upon. It was a letter that disclosed what General Lavelle admitted in his testimony yesterday.

"REPORTS WERE ACCURATE"

Asked about this during the morning's open session, General Lavelle said: "I had a lot of superiors, and I'm not saying that they all knew—by any stretch of the imagination." He added, however, that he had reported the raids to the Saigon headquarters and that "the reports were accurate."

"I think General Abrams knew what I was doing," General Lavelle said in response to questions. "But I'm positive that General Abrams had no idea what the reporting requirements were. He never worried about or sat down and debated our rules of engagement before we did it."

General Lavelle testified that he ordered the raids, aimed at targets in the southernmost areas of North Vietnam, between Nov. 8, 1971, and March 8 of this year. He took over as commander of the Seventh Air Force in July, 1971.

The targets, he said, included "airfields, radar sites, missile sites, missiles on transporters, equipment with the missiles and heavy guns." The strikes were "very successful," he added.

CITES ENEMY BUILD-UP

The general said that he had authorized the attacks after failing to get authority to begin attacking what he said was a substantial build-up of North Vietnamese equipment such as tanks, aircraft and oil depots in an area 11 to 15 miles north of the demilitarized zone, which straddles the border between South Vietnam and North Vietnam.

The North Vietnamese offensive began late in March with an all-out assault across the eastern half of the DMZ at that point. In April President Nixon authorized the current bombing in North Vietnam.

General Ryan, in his testimony, said that he had removed General Lavelle from his command after an investigation—prompted by a letter from an Air Force sergeant—showed that "some missions had not been flown in accordance with the rules of engagement and there were irregularities in the operational reports."

THREE FALSIFIED REPORTS

General Ryan said the official Air Force investigation had concluded that there were 28 violations of the rules of engagement involving unauthorized strikes by 147 aircraft. In Air Force parlance, a mission can involve one or many individual attacks by aircraft.

The Air Force Chief of Staff also reported under questioning, that three falsified after-action reports had been uncovered by the investigating team. The inquiry was completed on March 23, General Ryan testified, and General Lavelle was quickly ordered back to Washington. After being offered a chance to stay in the Air Force as a two-star general, General Lavelle retired.

"It was determined by my inspector general's team," General Ryan said, "that the impetus behind filing false statements came from General Lavelle."

QUESTIONED BY PIKE

General Lavelle was questioned closely by Representative Otis G. Pike, Democrat of Long Island, whose protests of what he termed a "cover-up" of the incident led to today's open hearings. Regarding the false statements, the General acknowledged that "I told my staff that we could not report no enemy action'" in the official statements filed by the pilots after the unauthorized missions.

In other words, the reports had to indicate that the assaults were made in response to enemy activities. Under the rules at the time. United States warplanes could respond to enemy artillery or missile fire and could even attack a missile site after the enemy's radar "locked on" a plane, indicating that a rocket would be fired.

General Ryan told the Congressman that no disciplinary action had been taken against either the pilots or their immediate superiors for the falsification of records, most of which are classified .

General Lavelle said that he had taken full responsibiltiy for the false reports. "I'm the commander and the buck stops here," he said. He added that "in my opinion, these were low-level, wonderful people" who were filing "what they thought we wanted."

The general insisted, however, that he had not known of the falsifications until he was informed of them by representatives of the Air Force investigating team. As soon as the falsified documents were shown to him, General Lavelle testified, "I stopped all of those strikes."

"I WOULD DO IT AGAIN"

It was not made clear during the public testimony how General Lavelle could have ordered his subordinates to depict all strikes as "protective reaction" and yet still be unaware of the resulting falsified documents. At one point, the officer, now officially retired as a three-star general pending Senate confirmation, said: "If I had to do it over again, I would do it again, but look into the reporting system first."

He added that he didn't think it was very smart for his subordinates to fake combat reports, "but that's how it happened." "I believe somebody, someplace got overeager," he said.

After the official Air Force investigation and the resulting order to stop all unauthorized attacks, General Lavelle testified, "I assigned three men to find out how we could continue doing what we were doing but report it accurately." The general said he concluded after the study that we were "unable to do so."

ASKED BOMBING AUTHORITY

General Abram's name also came up in the open hearing when General Lavelle maintained that he had made repeated and futile requests to headquarters in Saigon for permission to attack the growing enemy buildup. He testified that he made the requests orally in December, January and February to General Abrams who then forwarded them to higher headquarters in Hawaii and Washington.

"I was told to develop a plan and be prepared to hit them when we got permission from higher headquarters," General Lavalle said.

In two occasions, in late December and mid-February, authority was given to stage heavy bombing raids for a limited time. Such raids were officially called "limited-duration protective-reaction raids."

Generals Ryan and Lavalle were the only witnesses during the hearings, although Representative Hébert announced that Secretary of Defense Melvin R. Laird was "standing by" to testify if needed. No further hearings were scheduled by the subcommittee.

[From the New York Times, June 12, 1972]

General Testifies He Made 20 Raids Without Orders—Ousted Commander Admits Strikes on North May Have Exceeded Literal Rules—Says Superiors Knew—Lavelle, at House Hearing, Insists Headquarters Was Kept Fully Informed

(By Seymour M. Hersh)

WASHINGTON, June 12.—Gen. John D. Lavelle acknowledged today that he was dismissed in March as commander of Air Force units in Southeast Asia after ordering his planes to make "in the neighborhood" of 20 unauthorized raids on military targets in North Vietnam and reporting them as "protective-reaction" missions.

"In certain instances," the general said at a House of Representatives committee hearing, "I made interpretations that were probably beyond the literal intention of the rules."

But General Lavelle, the only four-star general in modern United States military history to be demoted upon retirement, also insisted that his superior officers in the chain of command had been kept fully informed of his activities.

FOUR HOURS OF TESTIMONY

The reason for General Lavelle's dismissal was disclosed in The New York Times yesterday.

General Lavelle and the officer who dismissed him—Gen. John D. Ryan, the Air Force Chief of Staff—testified for two hours this morning before a House Armed Services investigating subcommittee headed by Representative F. Edward Hébert, Democrat of Louisiana.

The two generals returned in the afternoon for two more hours of testimony but this time behind closed doors. A subcommittee member said later that part of the secret session was devoted to tracing the extent of knowledge about the unauthorized raids at the highest American headquarters in Saigon, the Military Assistance Command, Vietnam, headed by Gen. Creighton W. Abrams.

[From the Washington Star, June 13, 1972]

Lavelle Bombing: Talks Neared, Raids Came

(By Orr Kelly)

American warplanes conducted unauthorized attacks on three North Vietnamese airfields on Nov. 8 while Henry Kissinger and Le Duc Tho were planning to resume their secret negotiations seeking an end to the Vietnam war.

The North Vietnamese called off the negotiations without explanation nine days after the raids and said Tho was ill.

The raids were the first in a series of 28 mission—involving 147 strikes by individual planes—over a period of four months carried out in violation of orders from Washington, according to testimony yesterday before the House Armed Services Investigating subcommittee.

The unusual public session of the hearing was called to consider the dismissal of Gen. John D. Lavelle as commander of the Seventh Air Force, the top Air Force command in Southeast Asia.

Both Lavelle and Gen. John D. Ryan, chief of staff of the Air Force, told the committee that Lavelle had been relieved because pilots under his command made attacks on targets in North Vietnam and reported them falsely as "protective reaction" strikes.

American pilots have long been permitted to return fire if they are fired upon. But in the cases cited to the committees, the American pilots hit missile sites, missiles on transporters, radar installations, petroleum stores and airfields even though they had not been fired upon first.

The violations of the rules of engagement, Ryan said, covered the period from Nov. 8 to Mar. 8—the day he learned of the violations following an enlisted man's letter to a U.S. senator and ordered them stopped.

On Nov. 8, the American command in Saigon reported three "protective reaction" raids on airfields at Dong Hai, Vinh and Quang Lang—apparently the beginning of the attempt of pilots under Lavelle's command to break up the North Vietnamese air defenses and disrupt their growing preparations for the offensive which began just before Easter.

At that time, secret negotiations were underway between the United States and North Vietnam.

In a televised address on Jan. 25, President Nixon said he sent a private communication to Hanoi on Oct. 11 proposing an urgent meeting on Nov. 1 between Kissinger, his adviser on national security affairs, and Tho, a member of the North Vietnamese politburo with whom Kissinger had met in previous negotiations.

"On Oct. 25," Nixon said in his address, "the North Vietnamese agreed to meet and suggested Nov. 20. On Nov. 17, just three days before the scheduled meeting, they said Le Duc Tho was ill. We offered to meet as soon as Le Duc Tho recovered, with him, or immediately with any other authorized leader who could come from Hanoi.

"Two months have passed since they called off that meeting. The only reply to our plans has been an increase in troop infiltration from North Vietnam and Communist military offensives in Laos and Cambodia. Our proposal for peace was answered by a step-up in the war," Nixon said.

On Jan. 4, in a televised interview, Nixon talked about a five-day bombing attack against North Vietnam. He said the attack was justified in part, by the North Vietnamese violation of a 1968 "understanding" not to fire upon unarmed American reconnaissance planes.

It is not clear whether or not the unauthorized strikes had any effect on the unexpected failure of the North Vietnamese to turn up for the November meeting. Testimony in yesterday's open session gave no reason to believe that Lavelle knew of the White House's peace efforts or that the White House knew of Lavelle's bombing attacks.

Under questioning by committee members, Lavelle said he thought that Gen. Creighton W. Abrams knew what he was doing but that Abrams did not know reports were falsified.

Rep. Otis Pike, D-N.Y., who instigated yesterday's hearings by speeches asking the reasons for Lavelle's dismissal, said he did not think the bombing attacks had made any difference because the number was relatively small.

Ryan said the 147 unauthorized sorties against North Vietnamese targets were part of some 25,000 sorties carried out in Southeast Asia during that four-month period. However, the number of protective reaction strikes reported in the four-month period was only 123, or between 500 and 600 sorties. The unauthorized strikes thus represented about one-fourth of the total number of attacks on targets in the North in that period.

The hearing, ordered by Rep. F. Edward Hebért, D-La., the committee chairman, consisted of a two-hour open session in the morning and a two-hour closed session in the afternoon. Although the hearing was recessed subject to a call by Hébert, the indication was that the subject had been covered and a report could be expected in about two weeks.

Pike said he did not think the air attacks could have been carried out without other officials knowing about them. But apparently investigation will not be continued in an attempt to determine who else in the chain of command may have known about the strikes.

A major unanswered question, Pike added, is why authorities in Washington, after receiving a number of reports from Lavelle on the build-up of supplies in North Vietnam, refused him permission to strike them, sticking to their policy against bombing in the North. After the North Vietnamese began their invasion, Pentagon officials said a conscious decision had been made not to attack the forces building up in preparation for the attack.

The Double Standard

(By James Reston)

WASHINGTON, June 13.—The Government of the United States is saying some odd things to the American people these days, and the case of Gen. John D. Lavelle and his private war on North Vietnam is only the latest chapter in a very strange story.

The Government is saying to young men of military age that they can be compelled to fight in the undeclared war in Vietnam against their will, or go to jail.

It is telling its soldiers on the battlefield to obey orders or go to the brig, and threatening its deserters who jump the country that they will be incarcerated if they come home.

There is no freedom here for men who refuse to engage in the killing when so ordered, but General Lavelle, who admits to bombing and killing on his own authority, is quietly retired on a four-star general's salary of $2,250 a month.

The Government here is also saying that reporters like Seymour Hersh of The New York Times, who broke the Mylai and Lavelle stories, and Neil Sheehan, also of The Times, who dug out the Pentagon Papers, and Jack Anderson, who exposed the Administration's clumsy diplomacy in the Indo-Pakistan war, are troublemakers who embarrass the Government and give aid and comfort to the enemy.

Well, it is a curious time, and the surprising thing about it is not that these things happen but the reaction to them after they do happen.

The Congress was very gentle with General Lavelle, and some members of the House Armed Services Investigating Subcommittee were openly admiring. The general is a handsome and candid man. He admitted everything, or almost everything.

He was worried about the North Vietnamese military build-up along the DMZ and recommended timely and summary action to break it up, and when he didn't get authority to do so, as the general in charge of the U.S. Air Force in Southeast Asia, he went ahead anyway.

As General Lavelle saw it, the men under him were obliged to carry out his orders, but he felt free to defy or "interpret" the orders of the Commander in Chief, the President, and his other superiors, as he pleased—not knowing, incidentally, that precisely at the time he started the bombing, the President had Henry Kissinger trying to open up peace negotiations with Le Duc Tho of North Vietnam in Paris.

To be fair about all this, it would be wrong to suggest that Lavelle is typical of the American general officers of his generation. Many of them no doubt admire him but very few have followed his bold personal initiative. Outside of MacArthur in Korea, there has been very little Caesarism or defiance of civilian authority in the Armed Services of the United States. France had much more trouble with a defeated and humiliated officer corps after its troubles in Vietnam and Algeria.

So Lavelle is an exception but he is a very important exception, and how he is handled in an age of atomic weapons could be very important for the future of the armed services of the United States, trained to fight for "victory" and now living in a more difficult and complicated time when modern arms are too powerful to be used effectively for rational purposes.

Lavelle is only a symbol of a much larger problem. Maybe he defied his officers—though it is hard to believe he could bomb unauthorized taregts for three months without their knowledge; and if he could, there is obviously something wrong with the whole U.S. intelligence system.

But even so, he has been living in an atmosphere of political trickery about Vietnam for years. The whole Vietnam policy has been seething with deception since 1965 under Presidents Kennedy, Johnson and Nixon, and the astonishing thing is not that there has been some deception by generals on the battlefield, but that there have not been more Lavelles.

Still, there is a fundamental question of public policy here. The Government has been caught once more in an obvious deception, which it tried to cover up. And this may be the most important issue before the people of the United States today. Nobody in either party has the answer to all our problems, but it would be reassuring to feel that the Government was telling the truth, even if its policies were wrong.

[From the Washington Post, June 14, 1972]

THE CASE OF GENERAL LAVELLE

To their considerable credit, American military men have been generally obedient to orders of civilian authority in the Vietnam war, though many have chafed under the frustration and casualties of a "limited" war fought with limited means for limited ends and have felt they could win or at least reduce American losses if permitted to unleash their full power. Whether this was ever so is debatable but it is plain enough that the Pentagon's loyalty to civilian authority has by and large prevailed over its frustration—a frustration no doubt confounded by the fact that successive administrations have failed to explain adequately to them, or the American public, why they were waging a "limited" war, or what, indeed "limited" means. So it is that, partly as a result of *carrying out* difficult, controversial and seemingly inexplicable civilian orders, the military has too often been made a scapegoat for the nation's misfortunes in Vietnam.

This is one reason why the case of General John Lavelle, former Air Force commander in Vietnam, is so disturbing. By his own admission he stretched and sometimes ignored orders and conducted raids against unauthorized military targets in North Vietnam. He did it, he told Congress unapologetically on Monday, to serve the safety of his crews and to blunt North Vietnam buildups which he was unable to get higher permission to strike. That is to say, an experienced decorated four-star general—no green second-rate lieutenant—not only made up his own orders but ignored the crucial requirement of a limited war to let the civilian leadership calibrate the military pressure just as it calibrates the diplomatic pressure. He took matters into his own hands. He did this, moreover, at a moment in early 1972 when the administration was trying to engage Hanoi in secret negotiations to end the war—negotiations in which each side's estimate of the other's good faith was bound to be of the essence.

Scarcely less disturbing is the distinct impression left Monday that General Lavelle had at least implicit sanction from some of his military superiors. Official Air Force procedures were not sufficient to forestall the general's promiscuous bombing, let alone to stop them once they were discovered—and they could not have been easily concealed. Unofficial procedures did: a sergeant wrote Senator Hughes, who told Senator Symington, who queried Air Force Chief of Staff Ryan, who only then investigated and relieved General Lavelle. The general subsequently retired with loss of a star.

President Nixon is described as highly disturbed by the disclosures and the apparent breakdown in the chain of command—and understandably. For quite naturally, the episode raises the question of whether officers have similarly conspired in other instances and whether the locks on civilian control of the military are suitably tamper-proof. As commander in chief, Mr. Nixon is duty bound to get satisfactory answers, as delicate to the military's equilibrium and to his own political situation as further pursuit of the matter may be. Unfortunately, the House Armed Services Committee hearings Monday were so limply conducted as to make further inquiry essential. Surely, responsible Air Force officers would want to dispel genuine and justifiable anxieties and suspicions which are bound to be raised in the public by the Lavelle affair.

[From the New York Times, June 11, 1972]

GENERAL BOMBED NORTH BEFORE ORDER BY NIXON—LAVELLE RELIEVED OF AIR FORCE POSITION AFTER REPORTING STRIKES IN EARLY 1972 AS "PROTECTIVE REACTION"

(By Seymour Hersh)

WASHINGTON, June 10.—Gen. John D. Lavelle was relieved as commander of United States Air Force units in Southeast Asia in March and demoted after ordering repeated and unauthorized bombing attacks of military targets in North Vietnam.

He reported the raids to higher headquarters as officially sanctioned "protective-reaction" strikes, military and Congressional sources said in a series of interviews.

General Lavelle, who as head of the Seventh Air Force was responsible for all Air Force combat flights in Southeast Asia, was said by these sources to have ordered the bombing raids over a three-month period that began in early January.

During those months, these sources said, the targets included airfields, radar sites, missile sites and antiaircraft batteries throughout the southernmost panhandle region of North Vietnam.

The current bombing attacks on the North were approvd by President Nixon in April.

THOUGHT IT WAS IMPLIED

During the first three months of this year, Administration spokesmen repeatedly insisted that no bombing of military targets in North Vietnam—such as those struck by General Lavelle's aircraft—was being conducted except for those missions which were publicly announced as "protective-reaction" or "limited-duration" raids.

A high-ranking military source with close knowledge of the incident said that General Lavelle was known to have received no written orders authorizing the strikes but "thought it was implied in the instructions that were given him."

The source added that the strikes ordered by General Lavelle were aimed "only at targets that could hurt the enemy." In General Lavelle's eyes, the source added, he had the authority as a battlefield commander "to make a determination of how far you can stretch rules before going up through the chain of command."

Officials in the Pentagon, the military officer added, had a much different interpretation of how far the rules could be extended.

Other military and Congressional sources close to General Lavelle said that the rational for his repeated violations of orders was the heavy build-up of equipment and matériel in North Vietnam that was being reported by his pilots.

These sources also said that the general was consistently reporting the build-up to the Military Assistance Command—Vietnam, the headquarters superior to his in the chain of command, but became frustrated when his reports "weren't listened to" and when many targets remained on the banned-targets list of the Joint Chiefs of Staff.

In addition, General Lavelle, who is 55 years old, is known to believe that his superiors at headquarters in Saigon were aware of his bombing attacks but nonetheless accepted his reports of protective-reaction strikes at face value.

The four star general was relieved as commander of the Seventh Air Force in March by General John D. Ryan, Air Force Chief of Staff. An official Air Force announcement one month later said that the general had retired "for personal and health reasons."

Last month, more than eight weeks after he was ordered to return to the United States and retire. The White House nominated General Lavelle for retirement at the three-star rank of lieutenant general. It is believed to be the first time in modern military history that a four-star general or admiral has been nominated to retire at a lower rank.

Officials in the Air Force and at the Pentagon and the White House refused to comment on the dismissal of General Lavelle pending an open hearing on the matter beginning Monday by a special investigating subcommittee of the House Armed Services Committee. The hearing was called by Representative F. Edward Hébert, Louisiana Democrat, who is chairman of the committee. Mr. Hébert also refused to comment on the matter.

Committee sources said a prime mover of the hearings was Representative Otis G. Pike, New York Democrat and a former Marine pilot, who made two speeches on the House floor last month questioning the abruptness of General Lavelle's retirement.

After Mr. Pike's speeches, the Air Force issued a second statement stating that the general had been relieved "because of irregularities in the conduct of his command responsibilities."

Another Congressional source said that General Lavelle's apparent violation of orders began after the United States conducted large-scale bombing raids over North Vietnam late last December. "He just didn't stop," the Congressional source said of the general.

General Lavelle's repeated reports of heavy enemy build-ups contrasted sharply with the official position of the Nixon Administration early this year.

High officials in the Pentagon, including Secretary of Defense Melvin R. Laird, are known to have believed until April that North Vietnam was not capable of mounting a sustained offensive.

The term "protective reaction" has been used by the Nixon Administration to describe both offensive and defensive bombing missions over North Vietnam and Laos. The term can include the individual action by an aircraft in response to an attack by an antiaircraft battery or in response to electronic contact with radar controlling a surface-to-air missile site.

In 1971, according to Pentagon statistics, Air Force and Navy planes engaged in a total of 123 acts of protective reaction, 25 of them in December. There were 27 such missions last January, 40 in February, 35 March and 26 until mid-April, when such tabulations were dropped in the wake of the North Vietnamese offensive.

During the early months of this year, North Vietnam has consistently described what it said were United States bombing missions against military targets and populated areas. On March 8, for example, the North Vietnamese Government broadcast a statement accusing the United States of staging a total of 139 bombing missions in February, dropping more than 2,100 bombs and firing nearly 200 rockets, shells and missiles.

The statement added, "Together with the bombing and strafing of North Vietnam during the past months—which Washington termed 'self-protective reactions'—the recent attacks are extremely serious war acts."

United States spokesmen announced a two-day series of "limited-duration" raids in mid-February but said they were aimed only at North Vietnamese artillery positions near the DMZ.

General Lavelle, who took over his position with the Seventh Air Force in July, 1971, is said to have received hundreds of letters from former colleagues and subordinates in support of his actions in Southeast Asia. He is known to believe that his actions were taken in good faith and has told associates that he would "do it again."

General Lavelle, contacted at his home, refused to speak publicly about the matter. He is scheduled to testify before the House investigating subcommittee tomorrow. Secretary Laird and General Ryan, the chief of staff, also are scheduled to appear.

A number of serious questions were left unanswered by the account of General Lavelle's actions and dismissal.

If General Lavelle's superiors in Saigon or elsewhere knew that his planes were conducting bombing missions, as General Lavelle is known to contend, who authorized such missions? Authority for all attacks in North Vietnam at that time in the air war—before the offensive in April—were known to have been carefully controlled by the White House.

No responsible official is contending that White House officials knew of or planned the attacks and ordered them to be reported as protective reaction.

If General Lavelle was replaced in March because higher officials in Washington, Honolulu, Saigon and elsewhere did not know of his repeated bombing attacks, a grave issue of command and control is raised. Is it possible for a battlefield commander to grossly violate operational orders and not be detected for three months?

Qualified military sources insisted that General Lavelle was relieved solely because, as one officer put it, he "was hitting targets in North Vietnam and reporting them as protective-reaction strikes." The strikes conducted by General Lavelle's aircraft, which operated from bases in Thailand and South Vietnam, were said to have been extremely successful in terms of destroying North Vietnamese equipment and radar sites.

On the question why it took three months to detect the bombings and relieve the general of his command, one well-informed Air Force officer would say only, "There definitely are two sides to the story." He had been asked specifically about the statements that General Lavelle had implicit authorization for such attacks.

A Congressional source said during an interview that he believed that General Lavelle had been relieved on orders of someone in the White House or at the top of the military command in Saigon. But that high official may not have learned himself of the repeated violations until March, the Congressional source said, and then did not find out until "somebody squealed" on the general.

The impact of the unauthorized bombing raids on the Paris peace talks is impossible to assess. But one informed diplomat with experience in Paris, after being told of General Lavelle's unauthorized attacks, noted that the incident apparently began in the weeks after secret talks were broken off between Henry A. Kissinger, President Nixon's adviser for national security, and Le Duc Tho, North Vietnam's Politburo member who is often in Paris.

The heavy amount of bombing described as protective reaction would "reinforce the distrust of us by North Vietnam," the Government official said. "And to my mind, the main impediment to negotiations has always been that our credibility with them is very low and their credibility with us is very low."

A former high-ranking Government official, also asked for his reaction to the allegations against General Lavelle, said that the unauthorized bombing undermined the United States protests at the beginning of Hanoi's offensive. Those protests alleged that North Vietnam was violating the 1968 Paris accords that call—in the United States view—for a restriction on ground assaults in return for a bombing halt.

In May, two months after he was ordered to return to the United States and retire, the White House nominated General Lavelle for retirement at the three-star rank of Lieutenant General. It was believed to be the first time in modern military history that a four-star General or Admiral has been nominated to retire at a lower rank.

Along with his unprecedented demotion to lieutenant general, General Lavelle was however, permitted a 70 per cent disability because of emphysema, which means that 70 per cent of his retirement pay will be tax free. His retirement pay is about $2,100 a month.

The general had a distinguished and uncontroversial Air Force career. A native of Cleveland and a graduate of John Carroll University there, he entered the Air Force in 1939 and flew in Europe as a combat pilot.

[From the New York Times, June *12, 1972*]

PIKE CHARGES A COVER-UP OVER GENERAL'S DISMISSAL

(By Seymour M. Hersh)

Representative Otis G. Pike, Democrat of New York yesterday accused the Air Force of "trying to sweep a scandal under the rug" by withholding information from Congress on the dismissal three months ago of Gen. John D. Lavelle as commander of the Seventh Air Force in Southeast Asia.

The Congressman, a member of a special House Armed Services investigating subcommittee that will hold a hearing today on the dismissal of General Lavelle, said that the incident involves "a grave question of civilian control of the military."

The Air Force relieved General Lavelle after aircraft under his command repeatedly bombed military targets in North Vietnam without authority. The attacks, which well-informed military and Congressional sources said took place over a three-month period beginning early in January of this year, were reported to higher authorities as officially sanctioned "protective-reaction" strikes.

The current bombing of North Vietnam was authorized by President Nixon in April.

"CURVES THROWN UP TO ME"

Mr. Pike, during a telephone interview from his home at Riverhead, L.I., said that he first learned of General Lavelle's dismissal and the reasons for it late in April.

"I've been trying for six weeks now just to get the facts officially confirmed by the Air Force and all I've gotten is curves thrown up to me," he said.

"I don't honestly know whether General Lavelle is a villain or a hero, but I do think that this is the kind of cover-up which makes the American people lose faith in the credibility of our military."

The Congressman, a former Marine pilot who has generally supported the Nixon Administration in its handling of the Vietnam war, described the issues behind General Lavelle's dismissal as "far more serious than the procurement scandals that we in Congress get so excited about; this involves the whole character of our military operation."

A source on the House Armed Services investigating subcommittee confirmed that the hearing today was being held at Mr. Pike's repeated urging.

General Lavelle and the officer who dismissed him, Gen. John D. Ryan, the Air Force Chief of Staff are both scheduled to testify. A spokesman for the subcommittee said that Secretary of Defense Melvin T. Laird, who was to have testified, would not be asked to appear unless more extensive hearings were held.

Along with being replaced, General Lavelle was officially retired by the White House last month at the rank of lieutenant general, a demotion of one grade. It is believed to be the first time in modern United States military history that a retiring four-star general or admiral suffered a loss of rank.

Mr. Pike said that a key question that he would attempt to resolve concerned the specific orders given to General Lavelle. The general received no authorization for the bombing missions in writing, but reportedly "thought it was implied" in the orders that were given him.

"I wasn't there," Mr. Pike said, "but I believe that General Lavelle did in fact become aware of targets which, in his judgment, should have been attacked as a matter of just plain good military tactics and he went ahead and attacked them." The Congressman said he had learned earlier of the specific reasons for General Lavelle's reassignment from sources "outside the Air Force," but he refused to elaborate.

The congressman added: "What I want to find out is what orders was he operating under? Were they written or oral? How were they changed to begin the bombing attacks of last December—were those written or oral?"

Mr. Pike was referring to the five days of heavy bombing of North Vietnam authorized by President Nixon at the end of last year. General Lavelle is believed by one well-placed Congressional source to have continued hitting the assigned target after the raids, which were hampered by bad weather, were ordered ended.

General Lavelle is known to believe that officers at the Military Assistance Command-Vietnam, the headquarters immediately superior to his in the chain of command, were aware of the real mission of his bombing attacks but accepted his reports of "protective reaction" without question.

"That's obviously true," said Mr. Pike. "If Lavelle's pilots were attacking unauthorized targets, obviously the men at higher headquarters knew about it. And the pilots get debriefings by operations officers, and the operations officers had to know about it."

The Congressman said that another important question focuses on intelligence estimates of North Vietnamese capabilities early this year. Another reason offered for General Lavelle's unauthorized attacks was that his pilots were describing a North Vietnamese build-up and the general was reported unable to convince higher authorities to permit him to attack the targets.

"Were we aware of the other side's build-up?" Mr. Pike asked. "And if our intelligence was not faulty, could we have prevented the offensive by hitting at their radars and missiles and stockpiles before the offensive took place? And if we could, why didn't we?"

The phrase "protective reaction" was initially coined in 1969 to describe a ground policy in South Vietnam in which field commanders were told to seek out and attack concentrations of North Vietnamese or Vietcong troops to prevent any possible offensive.

It later was extended to cover the air war and was used to justify bombing by American warplanes of missile or anti-aircraft sites that attacked the planes. Eventually, United States planes were given authority to attack such offensive emplacements if the enemy radars "locked on," indicating they were about to fire.

There were about 450 "protective reaction" strikes reported by the Saigon command between November 1968, and April 1972, when such statistics were no longer kept.

At least 17 of those missions were officially defined by the Pentagon as "limited-duration, protective-reaction" strikes involving upward of 200 assault planes attacking targets in North Vietnam from one to five days.

[From the Washington Post, Apr. 8, 1972]

UNITED STATES REPLACES ITS AIR CHIEF IN VIETNAM

The Pentagon yesterday announced the abrupt assignment of a new commander for the U.S. 7th Air Force in Vietnam, in charge of all Air Force strike in Southeast Asia.

The reason for the rapidity of the change—which comes at a time when the United States is rapidly building up its air power in Southeast Asia to oppose the Communist invasion of South Vietnam—was not given.

A Pentagon spokesman said Gen. John W. Vogt Jr., until Thursday scheduled to become chief of staff for Supreme Headquarters of Allied Powers in Europe, had instead been placed in charge of American air activity in Vietnam. He said the reassignment was effective immediately.

The spokesman said Vogt, 52, will replace Gen. John D. Lavelle, 55, "who is retiring for personal and health reasons." Lavelle has commanded the 7th Air Force since last July.

For the past two years Vogt has been director of the U.S. joint staff at the Pentagon, the organization that supports the activities of Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff.

Moorer pinned a fourth star on Vogt's shoulders in an evening ceremony at his office Thursday and presented him with the joint services commendation medal. Defense Secretary Melvin R. Laird awarded Vogt the Air Force Distinguished Service medal in a private ceremony in Laird's office yesterday morning.

Asked the reason of the change and when Vogt would be going to Vietnam, a Pentagon spokesman said, "I can't go beyond our (printed four-paragraph) statement." Informed sources, however, said Vogt would fly to Vietnam today.

Vogt, a native of Elizabeth, N.J., entered the Army Air Corps as an aviation cadet in 1941 and won his wings as a pilot and second lieutenant the next year.

Lavelle, born in Cleveland, joined the Army Air Corps in 1930 and won his wings and second lieutenant's commission in 1940.

[From the Washington Post, May 4, 1972]

AIR FORCE GENERAL TO RETIRE AT LOWER RANK

(By Michael Getler)

The four-star Air Force general who until early last month was commander of the U.S. Seventh Air Force in Vietnam has been nominated by the White House for retirement at the rank of a three-star general.

The action is believed to be the first time in modern U.S. military history that a four-star general or admiral has been nominated to retire at a lesser rank.

On April 7, just one week after the North Vietnamese invasion began across the demilitarized zone and in the midst of a massive U.S. build-up of air power in Southeast Asia, the Pentagon abruptly announced the assignment of a new commander for the Seventh Air Force, which directs all Air Force operations in the war zone.

The Pentagon announcement claimed that four-star Gen. John D. Lavelle, who had commanded the Seventh Air Force since July, 1971, was "retiring for personal and health reasons." Defense spokesmen would offer no further explanation for the action.

The unexpectedness of the move was also dramatized by the appointment on the same day of Air Force Gen. John W. Vogt to replace Lavelle. Vogt, until the previous day was slated to become chief of staff for allied headquarters in Europe.

The retirement of Lavelle has been handled in an unusual fashion since it was first announced.

Normally the announcement of retirement for high-ranking generals is accompanied by the White House nomination for retirement rank. In Lavelle's case, the nomination came several weeks later.

Technically, all active-duty three- and four-star generals at the instant of retirement revert to a permanent two-star rank, which is the highest allowed by law. But the President then nominates them, subject to Senate confirmation, to advancement to higher rank as retired officers.

Spokesmen for the Army and Navy say that to the best of their services' knowledge, no four-star general or admiral has ever been retired at a lesser grade. The Air Force declined to answer a similar query, but Defense Department officials say they also know of no precedent for the current situation.

[From the Washington Evening Star, May 16, 1972]

RYAN SAYS HE OUSTED 7TH AIR FORCE CHIEF

Gen. John D. Ryan, chief of staff of the Air Force, says he personally relieved Gen. John D. Lavelle as commander of the Seventh Air Force in Vietnam "because of irregularities in the conduct of his command responsibilities."

Lavelle, 55, retired on April 7 "for personal and health reasons." Ryan's statement yesterday was the first official acknowledgment of more serious problems between the two men.

The brief statement was handed to reporters at the Pentagon shortly after Rep. Otis Pike, D-N.Y., complained in a speech to the House about the failure of the Air Force to give a satisfactory explanation of the abrupt replacement of the service's top combat commander while his forces were being marshaled to meet a major enemy offensive.

HEARINGS TO BE EXPEDITED

Rep. H. Edward Hébert, D-La., chairman of the House Armed Services Committee, of which Pike is a member, said late yesterday that hearings by the committee's investigating subcommittee would be expedited.

Pike said in a telephone interview that he had "heard all sorts of rumors about the real reasons" for Lavelle's replacement and retirement. But, he said, despite efforts over the last several weeks he had not been able to learn the truth and did not know whether Lavelle is "a hero or a villain."

"But the truth is going to come out," he declared.

Informed sources said last week that the abrupt dismissal of Lavelle stemmed from a dispute with Ryan involving altitudes flown by pilots on combat missions. But other Pentagon sources said yesterday that there were even more important issues involved.

Lavelle, who had been in command of the Seventh Air Force in Saigon since last summer, was called back to Washington in late March—before the enemy offensive began—spent about 10 days in the Andrews Air Force Base hospital and retired on April 7. He reportedly received a 70 percent disability because of emphysema, a debilitating lung disease.

He was replaced by Gen. John A. Vogt Jr., 52, who had been scheduled to take a top Air Force command in Europe after service as director of the joint staff for the Joint Chiefs of Staff.

[From the New York Times, June 10, 1972]

MILITARY WAGING AIR WAR AS THEY WANT

(By Neil Sheehan)

WASHINGTON.—United States military leaders are being permitted to wage the air war as they want in Indochina—sealing off North Vietnam's coast and harbors with mines, followed by the systematic and relatively unrestricted destruction of military and industrial targets throughout the country.

President Nixon's two-month-old air war differs in major respects from the three-and-a-half-year bombing campaign waged by his predecessor, Lyndon B. Johnson. When Mr. Johnson was President, he and his senior advisers, in their phrase, "dribbled out" targets chosen at their Tuesday luncheon meetings.

In the current effort, as before, there are restricted zones at Hanoi and Haiphong as well as a so-called buffer zone along the China border that is about 25 miles deep. On the other hand, the military commanders are free to strike designated military targets in the restricted and buffer zones whenever they feel the need to do so. More important, they have been permitted to restrike these targets to maintain their destruction.

While most senior military leaders are optimistic, some of those interviewed on the bombing campaign are uncertain whether American air power can reduce the flow of supplies overland from China to the point where Hanoi can no longer effectively prosecute the war in the South.

The Joint Chiefs of Staff, it is understood, have made no promises to cripple North Vietnam's war-making capability within a given period. "There have been no specifics along this line," an officer familiar with their thinking said. "There are too many unpredictables."

Unlike the shifting objectives of President Johnson's campaign, which bore the code name Rolling Thunder, the goals of this air war are simple in concept.

Nixon Administration officials say they intend to deny North Vietnam any sea-borne goods that are essential to its long-term war effort. About 85 per cent of the 2.2 million tons it received last year from China, the Soviet Union and Eastern European countries arrived by sea, most through the now-mined port of Haiphong. American military leaders say the mining is reasonably effective.

ATTACK ON LAND ROUTES

Current plans also call for bombing by the Navy from aircraft carriers in the Gulf of Tonkin and by the Air Force to try to reduce the flow of weapons, ammunition, petroleum, food, clothing, medical supplies and other goods moving by alternate routes. The main routes from China consist of two railroads, the northeast line to Kwangsi Province and the northwest line to Yunnan, eight roads and the Red River waterway.

There are to be further attacks on those supplies as they are distributed throughout North Vietnam and moved toward the South through Laos and across the demilitarized zone.

In South Vietnam, meanwhile, a ferocious bombardment—on a par with the previous peak in 1968—is attempting to eliminate the 150,000 North Vietnamese troops there and to destroy what supplies they have stocked in battlefield areas.

American and South Vietnamese fighter-bombers are flying more than 15,000 sorties a month there (a sortie is a flight by a single aircraft) and the six-engine B-52 bombers, each of which carries up to 30 tons of bombs, are averaging about 75 strike sorties a day.

SUPPLIES AND MORALE

The goals are these:

A dearth of supplies will restrain Hanoi's onslaught in the South, particularly the advanced warfare with tanks and the lavish use of artillery and rockets that have prevailed since the offensive began at the end of March.

Sagging morale in the North caused by hunger and the hardships of constant bombing will force the North Vietnamese leadership to sue for peace in Paris on Mr. Nixon's terms.

The President, senior officers say, has given the military a reasonably free hand in the North to achieve those objectives.

Under the code named Operation Linebacker, in deference to Mr. Nixon's enthusiasm for football the air war got under way in three phases. It began with strikes throughout the North Vietnamese panhandle below the 20th parallel on April 6, moved into high gear with a spectacular raid by B-52's and fighter-bombers against petroleum tank farms in the Haiphong and Hanoi areas on April 16, and then settled into a sustained campaign with the President's announcement of the mining of the ports on May 8.

Military leaders say that just after the April 16 raid Mr. Nixon cleared to the Joint Chiefs a long list of targets throughout the North. The exact number is unavailable, but there are at least 200 in the bombing zones that cover the northeastern corner of North Vietnam, including Hanoi and Haiphong.

ANNOUNCED IN ADVANCE

The Joint Chiefs in turn, cleared the list to the Commander in Chief, Pacific, in Hawaii and thence to the commanders of the Seventh Fleet and the Seventh Air Force.

The subordinate commanders decide what targets they ought to strike to achieve the objectives of the campaign and simply report their intentions in advance.

The White House is apparently informed of strikes into the restricted zones by the advance warning to the Joint chiefs, but there have been no reports of interference with repeated raids.

The Longbien Bridge in Hanoi was attacked May 10 and 11. On May 18 a tank farm four miles northeast of the Hanoi center was bombed and Navy jets blasted away the center span of the Haiphong rail-highway bridge a mile from the city center on May 24.

The only military target in Haiphong to remain generally off limits is the dock area, where the foreign ships are trapped.

While precautions such as flying parallel to the border and keeping a close radar watch are being employed to avoid flights over China, two raids have been made within about 20 miles of, or less than a minute's flight time from, the frontier. The first occurred May 24 when Air Force Phantom jets knocked out six spans of the Langgiai rail bridge on the northeast line. Last Tuesday the Phantoms struck both a rail switching yard and a road bridge southwest of Langson, in the same area.

SILENCE ON CASUALTIES

To minimize civilian casualties, the listed targets are of a military or industrial nature. Pentagon spokesmen decline to answer questions about such casualties. There appears to be less concern with the civilians this time in view of the freedom given the air commanders and the attempt to cut off food, clothing and medical supplies.

The main tactical purpose of the bombing has been to keep the railroads from China cut and to destroy as much petroleum as possible. The power plants are being knocked out to impose hardship on the cities and impede the air-defense system.

If the North Vietnamese, as they are expected to, begin a full-fledged operation to truck supplies down the roads from China and to move material by barge along the waterways, the brunt of the bombing will fall on those, which are much more difficult to hit.

The advances in American technology since the 1965-68 campaign are encouraging military leaders. Such students of air power as Robert B. Hotz, editor in chief of Aviation Week and Space Technology, believe that Operation Linebacker is a case example of technological advances making possible a major foreign-policy decision by a President.

The most striking advance is the availability of laser-guided bombs of 500 to 3,000 pounds, which can be directed with a precision only dreamed of in the past.

Reconnaissance photographs of petroleum depots show only a few craters around the targets to indicate misses. The Thanhhoa rail and highway bridge about 85 miles south of Hanoi survived all efforts at destruction in the first air war, its western span was crumpled in a single strike by Phantoms on May 13. The Haiduong rail bridge below Thanhhoa, which took four raids to destroy in the previous air war, did not survive the first attack this time.

An 850-pound television-guided bomb called the Walleye, which was available during the earlier campaign, is being used with greater effect by the fighter-bombers as a result of experience. Furthermore, Navy pilots flying the new A-7E Corsair attack plane have almost doubled their bombing accuracy with a computerized display device.

Another notable advance has occurred in electronic countermeasures, which have reached a Buck Rogers stage of wizardry. During the April 16 raid, when 17 B-52's flew at a level 30,000 feet over Haiphong to bomb the petroleum depots there, a fleet of electronic-countermeasures aircraft virtually blinded the North Vietnamese defenses by jamming the radar of the Soviet-made missile batteries and conventional antiaircraft artillery.

SCORES OF SHOTS, NO HITS

Specially equipped F-105 Thunderchief fighter-bombers, called Wild Weasels, also homed in on the missile batteries and crippled their radar with Shrike missiles, which fly down a radar beam.

Without accurate radar direction, surface-to-air missiles are useless and conventional antiaircraft guns are severely hampered. The North Vietnamese fired scores of missiles at the B-52's on April 16 without making a hit.

As a result, the North Vietnamese defenses are not as effective against the smaller fighter-bombers as before and the B-52's, whose bomb load is the nearest approach to a tactical nuclear weapon, can be employed with acceptable risk.

The guesses as to how long it will take, using the mining of the ports May 8 as a starting point, for a successful campaign to seriously impede the North's war-making capability run from two to six months and up.

The weakest link in the supply system is believed to be petroleum because large amounts are necessary to keep the trucks rolling to fuel the Soviet-built tanks operating in the South.

Prior to the mining North Vietnam was importing 30,000 to 40,000 tons of petroleum a month. Senior officers guess that it may have stockpiled a two-month reserve.

The determination of the North Vietnamese and their willingness to take punishment have made the American military leaders cautious in their assessments. "The enemy has a lot of options that he can exercise to string things out, depending upon the price he is willing to pay," an officer said.

U.S. PERSONNEL STRAINED

Some officers believe that Mr. Nixon has pushed the air and naval build-up in Southeast Asia close to the limits in terms of strain on pilots and other personnel and close to what he can stand in the political repercussions from the economic costs.

On one day toward the end of May, for instance, the Navy had 13 of its 16 carriers at sea either in transit, on training assignment, with the Sixth Fleet in the Mediterranean or on missions in the Gulf of Tonkin.

Gen. John D. Ryan, Air Force Chief of Staff, distributed a special message to the men and their families on April 15 saying that he would try to bring them "home as soon as possible" because most of the pilots and ground crews had served war tours and some had only recently returned.

Secretary of Defense Melvin R. Laird's surprise announcement before the House Appropriations Committee Monday that war costs might double during the fiscal year beginning July 1—to $10-billion to $12-billion—is considered only a preliminary projection. Some Congressional observers think the figure may run higher.

The military effectiveness of further escalating the air war by dispatching more aircraft is questioned by some senior officers. They note that commanders already have authority to strike meaningful military targets and the aircraft to make the attacks.

SHIFT ON TARGETS POSSIBLE

They believe that if Mr. Nixon wants to escalate the war significantly in response to North Vietnamese ground initiatives in the

South, he may have to begin attacking civilian targets—the cities and the flood control dikes in the northern edges of the Tonkin Delta. Moreover, if the present campaign fails to achieve results, some officers would not be surprised if Mr. Nixon, having "made his commitment," changed his mind on such targets, perhaps after adequate warning to the North Vietnamese.

The B–52 raid on the Haiphong petroleum area on April 16 is regarded by senior officers as having as much a psychological as a military objective. Mr. Nixon, they believe, was demonstrating the destructive force he can loose if Hanoi does not come to terms. Three B–52's in formation can obliterate an area more than half a mile wide and nearly two miles long.

In the meantime, the military leaders are conscious that the President has put the air weapon to a greater test than ever and that the reputation of air power rides on the outcome.

"The President is retreating on the ground and advancing in the air," a Congressional student of military affairs said. "He's told the Air Force and Navy to go ahead and do their stuff. They'll prove themselves one way or the other this time."

THE COST OF PHUCLOC

(By Anthony Lewis)

LONDON, June 11.—Several weeks ago in this space there was a report from the North Vietnamese village of Phucloc. It described the damage done when, as the villagers and North Vietnamese officials said, American planes bombed Phucloc at 2:20 on the morning of April 16. They said that of the population of 611, 63 were killed and 61 injured.

The Defense Department in Washington was asked to comment, to say how such a nonmilitary place could have been bombed. Phucloc is a village of mud huts, a small island in a sea of rice fields, about five miles south of Haiphong.

The Pentagon reply, received in due course, was a flat denial that American bombers had attacked Phucloc. A B–52 raid on Haiphong on April 16 had been announced shortly after it took place, an official said. But it was against Pentagon policy to bomb populated areas, he said, and there had been no raid on Phucloc.

There is an almost Alice-in-Wonderland logic to that Pentagon comment: We do not bomb civilian targets, so we could not have bombed Phucloc. In its blandness it really suggests that there was no bombing, that the whole affair was made up or a mirage.

The difficulty is that anyone who actually saw Phucloc after April 16 will believe otherwise. It would be extremely difficult to fake the bomb craters that I saw there with my own eyes. It would be a remarkable piece of theater to stage the screaming women in the rubble, and the people who spoke of their families being killed. And others have seen Phucloc.

It would be one thing for a Pentagon official to say that no such civilian village is an American bombing target but that a mistake could not be altogether excluded that close to Haiphong. It is another to imply that there was no bombing of Phucloc at all—especially when United States intelligence photographs could well have shown the damage.

The Pentagon comment thus unintentionally illuminates one grave cost of this war to Americans: the damage to our candor and humanity.

It is not only Phucloc, of course. A number of Western correspondents over many years have reported on bomb damage to civilian facilities in North Vietnam, to schools and houses and hospitals. But American official policy is evidently to ignore all such reports, to brush them aside, to deny that mistakes can have occurred.

The official announcements continue to speak of B–52's raiding gasoline dumps and bridges and electrical plants, and of ships offshore shelling "Communist military targets." It is as if there were no human beings involved at all. But common sense, like the eyewitness accounts, tells us that any large-scale bombing or shelling hits some innocent civilians. Why, then, does the United States Government ignore or deny it?

Some of those involved in the policy of heavy bombing and shelling must, unconsciously or otherwise, regard the Vietnamese as *untermenschen*, as creatures somehow not so human as us. Others, actually facing the truth about the human damage that American bombs and shells and chemicals have done, still think our political objectives are more important.

But many Americans, probably most, have simply tuned out. The continuing death and destruction in Vietnam are no longer in their consciousness.

That is why public opinion can be so inert when Seymour Hersh of The New York Times discloses secret findings that another massacre occurred on the same morning as Mylai in 1968. The official report speaks of "murder," and of "pretense" and "misrepresentation" in covering it up, but hardly anyone in Washington—in the military, in Congress or in the press—really seems to care deeply.

In a way, concealing the truth or not caring is worse than killing women and children at Mylai or bombing them by mistake at Phucloc. Nor does it help to say that the Communists have killed countless innocent people in Vietnam. Americans have to worry about their own souls.

[From the New York Times, June 10, 1972]

WITH AIR WAR WIDENING, U.S. AIR POWER SURGES

WASHINGTON.—President Nixon has nearly doubled Air Force fighter-bomber strength in Southeast Asia and tripled the number of aircraft carriers, and he is quadrupling the force of B-52 Stratofortresses there.

The Air Force's 18-plane F-4 Phantom squadrons at bases in Thailand and at Danang, in northern South Vietnam, have gone to 21 from 11.

The attack aircraft carriers in the Gulf of Tonkin have increased from two to six, with an average of 65 fighter-bombers to a carrier. A seventh, the antisubmarine carrier Ticonderoga, is on patrol duty. More than 40 destroyers and cruisers, the largest such task force in recent memory, are protecting the carriers and hurling shells at enemy positions along the coasts.

Two more attack carriers, the America and the Oriskany, have sailed for the Gulf of Tonkin, although it is still undetermined whether they will relieve carriers on station.

The B-52 force has climbed from 45 planes stationed in southern Thailand at the beginning of the year to about 145 there and on Guam. More are being added and the figure is expected to reach 190—almost half the B–52's in the Air Force—by mid-June.

The number of men involved is unavailable, but it is estimated at 40,000 to 60,000 if support personnel at bases on Okinawa and in the Philippines are included.

About two-thirds of the attack sorties against the North are being flown by Navy planes because of the heavy commitment of the Air Force to the battlefields in the South.

In April about 1,900 sorties were launched by both services against northern targets. By the end of May the number was 5,400, but the rate is not at peak reached in 1967, when an average of 8,000 sorties a month were flown.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HUGHES. I yield.

Mr. SYMINGTON. Mr. President, let me congratulate the able Senator from Iowa for again bringing this matter to the attention of the Senate, something he first attempted many weeks ago. As a distinguished combat infantryman of World War II, he cannot be criticized by those who have some kind of euphoria with respect to the military, therefore do not attempt to find out just how the organization that annually takes so many billion dollars of the taxpayers' money is actually functioning.

A small matter, so as to correct the record: After the able Senator sent me the letter in question from this enlisted man, I took it up promptly by letter with the Secretary of the Air Force, not with the Chief of Staff. But I was assured later by the Chief of Staff that the matter was going to be handled, and handled promptly; and I was also so assured by the Secretary of Defense. This whole situation is most unfortunate, and to me just another illustration of the many tragedies involved in this unfortunate war. Ironically, the proper removal of this general for violating his instruction involved a degree of bombing not remotely commensurate with the degree of bombing currently going on at the direction of this administration.

Again let me respectfully commend the Senator for bringing this matter to the attention of the Senate.

Mr. HUGHES. I thank the distinguished Senator from Missouri.

Mr. MANSFIELD. Mr. President, I want to express to the distinguished Senator from Iowa my commendation for the temperate tone in which he has called this matter to the attention of the Senate.

I am disturbed by a number of factors connected with what has recently been brought to light and would not have seen the light of day had not the distinguished Senator from Iowa received a letter from a sergeant in Thailand who happened to be one of his constituents.

What disturbs me is the position in which it places the President, as the civilian Commander in Chief, under the Constitution. What disturbs me is the effect it might have had on the secret negotiations being carried out by the President's agent, Dr. Henry Kissinger with Le Duc Tho, Hanoi's chief delegate at just about that time.

The juxtaposition of time does raise questions. Frankly, I knew nothing about the secret meetings between Dr. Kissinger and Le Duc Tho in Paris until the President announced them. It appears to me that the diplomatic illness of Le Duc Tho after agreeing to the last meeting, which was never consumated, fits into a pattern which might be tied up with what happened around this particular time.

I would hope that this war in some way could be settled, because it has been a cancer on the body of this Nation. Not only has it caused 55,000 Americans to die and 303,000 Americans to be wounded; it also has cost this country more than $130 billion in expenditures, going back to 1961.

Furthermore, so far as the bombing is concerned, it is my understanding that we have used in Indochina approximately three times the tonnage that was used in the Pacific and European theaters during all of World War II. It is my further understanding that, on the basis of this accelerated bombing, the Secretary of Defense is going to request an additional $3 billion in the defense appropriation bill—that is through September; and if it lasts through the end of the year, $5 billion. So it is costing us a great deal in many ways, and I have not even begun to list the disasters which have resulted in this country because of our tragic and mistaken involvement in this war, in which we have no business, in which our vital interests are not concerned, in Southeast Asia.

But, for the time being, I am concerned about the position of the President in relation to this matter, in his constitutional capacity as civilian Commander in Chief. I am concerned because of the effect this action may have had on the possibility of successful negotiations between Dr. Kissinger and Le Duc Tho at that time and the reasons why that particular meeting was cancelled between the emissaries of the United States and the North Vietnamese Governments.

So I wanted to express my views on the matter and to commend the distinguished Senator from Iowa. Once again I want to say that I appreciate the temperate way in which he has discussed this most serious problem. It goes far beyond one man; it encompasses the constitutional processes of a democratic system and perhaps the future of this Nation as well. I commend the Senator.

Mr. HUGHES. I thank the Senator from Montana.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with statements therein limited to 3 minutes.

CRUDE OIL SHORTAGE ON WEST COAST

Mr. STEVENS. Mr. President, I would like to call the attention of my colleagues, particularly those from Far Western States, to the crude oil shortage that is overtaking the west coast and to the two alternative solutions to that problem.

Historically, the west coast has supplied its crude oil from the oilfields of California and those of southern Alaska. This ready availability of oil has been a most beneficial factor in the development of the Far West. Now, however, trends are changing rapidly. The west coast is using more oil every day, while every day its own oilfields are producing less and less crude oil.

By the year 1980 the west coast will only be able to produce half the oil it will be consuming by then. The remainder must be obtained elsewhere, either from foreign countries or, more likely, from the newly discovered North Slope reserves in Alaska.

Ecological considerations are attracting ever more attention on the west coast. Consequently, the alternative of importing foreign oil in fleets of foreign tankers manned by foreign crews has alarmed some leaders. If Alaskan oil is permitted to come to market in California, the outside half of the west coast's oil supply will be American oil, shipped in modern, American-built, American-flag tankers manned by American officers and crews.

The plan for tanker operations takes into account prudent limitations on the size of vessels serving various ports. The Valdez terminal, deep, broad, sheltered, and ice free would be able to handle tankers ranging in size from 30,000 to 250,000 deadweight tons. By far the most prevalent size of ship would be those in the 70,000- to 120,000-ton category. Vessels up to 120,000 tons will carry crude oil from Valdez to Long Beach, Calif., and to terminals in Puget Sound. Tankers serving San Francisco Bay, however, will be limited in size to 80,000-tonners.

I have been asked whether the tanker traffic to Puget Sound points would not cause congestion in those waterways. Tanker operations to the sound from Valdez would have increased by no more than one arrival per week by 1980.

It is interesting to note in this regard that the Marine Exchange of the Seattle Chamber of Commerce has calculated today's Puget Sound tanker traffic to be only half of what it was 10 years ago. It is also noteworthy that a review of 50 years of marine activity in Puget Sound does not reveal one serious collision. Nor have tanker movements there ever caused a major oil spill.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate the following letters, which were referred as indicated:

REPORTS ON OVEROBLIGATIONS OF APPROPRIATIONS

A letter from the Secretary of Defense, transmitting, pursuant to law, reports on overobligations of certain obligations (with accompanying reports); to the Committee on Appropriations.

FEDERAL PLAN FOR MARINE ENVIRONMENTAL PREDICTION

A letter from the Secretary of Commerce, transmitting, pursuant to law, the Federal plan for marine environmental prediction for fiscal year 1973 (with an accompanying document); to the Committee on Commerce.

NOTICE RELATING TO CHILDREN'S SLEEPWEAR

A letter from the Assistant Secretary of Commerce, transmitting, pursuant to law, a notice to be published in the Federal Register relating to children's sleepwear (with an accompanying paper); to the Committee on Commerce.

REPORT OF FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Commerce.

PROPOSED AMENDMENT OF INTERNAL REVENUE CODE OF 1954

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 with respect to the deduction for moving expenses (with an accompanying paper); to the Committee on Finance.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Survey of the Application of the Government's Policy on Self-Insurance", dated June 14, 1972 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HOLLINGS):

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Commerce:

"SENATE CONCURRENT RESOLUTION No. 32

"A concurrent resolution to urge and request the Louisiana Public Service Commission and the Interstate Commerce Commission to take any and all actions necessary to reject and/or disapprove any requests or other application by the Southern Pacific Transportation Company to abandon the Lake Charles-DeRidder branch line of the Southern Pacific Railroad

"Whereas, it has come to the attention of the members of the Louisiana Legislature that officials of the Southern Pacific Transportation Company have informed its customers in the DeRidder area of its intention to abandon the branch line between DeRidder and Lake Charles; and

"Whereas, any such discontinuance in the operation of said branch line will effect irreparable injury to the citizens of Louisiana residing in the parishes of Calcasieu and Beauregard in that said discontinuance will cause the businesses which use the services of the branch line to relocate in areas where such services are available; and

"Whereas, representatives of the governing bodies of the communities affected, numerous officials and concerned businessmen and citizens have urged and requested the administration of the Southern Pacific Transportation Company that the operation and maintenance of the branch line as described hereinabove be not discontinued by said railroad company in that same would effect an unbearable and costly burden and economic strain on the businessmen and citizens of the areas in which said line passes.

"Therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring therein, that the Louisiana Public Service Commission and the Interstate Commerce Commission are hereby strenuously urged and requested to take any and all action necessary to reject and/or disapprove any application or request by the Southern Pacific Transportation Company which would effect the discontinuance of the operation and maintenance of the branch line railroad above cited for the reasons expressed herein.

"Be it further resolved that copies of this Resolution be immediately forwarded to the following: the Chairman of the Louisiana Public Service Commission, the Chairman of the Interstate Commerce Commission, the Governor of the state of Louisiana, the President of the Southern Pacific Transportation Company and the members of Louisiana's delegation in the Congress of the United States."

Joint resolutions of the Legislature of the State of Michigan; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION GG

"A joint resolution ratifying the proposed amendment to the constitution of the United States relating to equality of persons regardless of sex

"Resolved by the Senate and the House of Representatives of the State of Michigan, That the ninety-second Congress of the United States of America, at its session, in both Houses, by a constitutional majority of two-thirds thereof has made the following proposition to amend the constitution of the United States:

"'JOINT RESOLUTION

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled* (*two-thirds of each House concurring therein*), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission by the Congress:

"'ARTICLE —

"'Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"'Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

"'Section 3. This amendment shall take effect two years after the date of ratification.'"

"Therefore, in the name of, and on behalf of, the people of the State of Michigan, we do hereby ratify, approve and assent to the proposed amendment to the Constitution of the United States.

"Resolved further, That certified copies of this joint resolution be transmitted by the Governor of the State of Michigan, to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States and the Speaker of the House of Representatives of the United States."

"HOUSE JOINT RESOLUTION LLL

"A joint resolution ratifying the proposed amendment to the constitution of the United States relating to equality of persons regardless of sex

"Resolved by the Senate and the House of Representatives of the State of Michigan, That the ninety-second Congress of the United States of America, at its session, in both Houses, by a constitutional majority of two-thirds thereof has made the following proposition to amend the constitution of the United States:

"'JOINT RESOLUTION

"'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission by the Congress:

"'ARTICLE —

"'Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"'Section 2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

"'Section 3. This amendment shall take effect two years after the date of ratification.'"

"Therefore, in the name of, and on behalf f, the people of the State of Michigan, we o hereby ratify, approve and assent to the roposed amendment to the Constitution of the United States.

"Resolved further, That certified copies of this joint resolution be transmitted by the Governor of the State of Michigan, to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States and the Speaker of the House of Representatives of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HART, from the Committee on Commerce, without amendment:

H.R. 12143. An act to provide for the establishment of the San Francisco Bay National Wildlife Refuge (Rept. No. 92-859).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Committee on Commerce:

Michael A. Gammino, Jr., of Rhode Island, Joseph D. Hughes, of Pennsylvania, Gloria L. Anderson, of Georgia, Theodore W. Braun, of California, and Neal Blackwell Freeman, of New York, to be members of the Board of Directors of the Corporation for Public Broadcasting.

Mr. PASTORE. Mr. President, from the Committee on Commerce, I also report favorably sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

George F. Martin, and sundry other Reserve officers, to be permanent commissioned officers in the regular Coast Guard; and

Paul J. Balzer, to be a permanent commissioned warrant officer in the Coast Guard.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MAGNUSON (for himself, Mr. RIBICOFF, Mr. JACKSON, Mr. KENNEDY, Mr. HUMPHREY, Mr. MCGOVERN, Mr. TUNNEY, Mr. CRANSTON, Mr. WILLIAMS, Mr. BAYH, Mr. BROOKE, Mr. JAVITS, and Mr. CASE):

S. 3704. A bill to provide for a 6-month extension of the Emergency Unemployment Compensation Program; and

S. 3705. A bill to amend section 203(2)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator. Referred to the Committee on Finance.

By Mr. MONDALE (for himself and Mr. WILLIAMS):

S. 3706. A bill to amend chapter 55 of title 10, United States Code, to provide maternity care for a pregnant member of the Armed Forces of the United States for a limited period after her discharge or release from active duty and to provide such care to the pregnant wife of a member of the Armed Forces for a limited period after the discharge or release from active duty of such member. Referred to the Committee on Veterans' Affairs.

By Mr. MONDALE (for himself and Mr. INOUYE):

S. 3707. A bill relating to the mortgage insurance premiums applicable to home mortgages insured by the Secretary of Housing and Urban Development, and requiring certain reports to the Congress by the Secretary with respect to the funds used by the Secretary in carrying out the various home mortgage insurance programs, and the premium levels necessary to sustain such funds. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. RIBICOFF (for himself, Mr. JAVITS, Mr. KENNEDY, and Mr. GURNEY):

S.J. Res. 244. A joint resolution calling for new efforts to protect international travelers from acts of violence and aerial piracy. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MAGNUSON (for himself, Mr. RIBICOFF, Mr. JACKSON, Mr. KENNEDY, Mr. HUMPHREY, Mr. MCGOVERN, Mr. TUNNEY, Mr. CRANSTON, Mr. WILLIAMS, Mr. BAYH, Mr. BROOKE, Mr. CASE, and Mr. JAVITS):

S. 3704. A bill to provide for a 6-month extension of the Emergency Unemployment Compensation Program; and

S. 3705. A bill to amend section 203(2)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator. Referred to the Committee on Finance.

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill calling for a 6-month extension of the Emergency Unemployment Compensation Act of 1971 and a bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator.

In light of the continued high rate of unemployment in the Nation, I feel the Congress has a duty to assist the people hardest hit by recent economic conditions. By enacting these measures, Congress will provide relief in the States where unemployment has had the most severe impact. In my own State, 87,430 workers have qualified for benefits under the so-called "Magnuson Extension." I believe that without this program, the economic hardships faced by thousands in my State would have been even more severe. Nationally, over 700,000 workers had received benefits during the 3-month period ending April 29, 1972, according to the Department of Labor statistics. These workers received an average benefit of $54.69 per week.

The second bill provides the States with an opportunity to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator.

This bill allows for the suspension of a provision of the 1970 act which unfairly discriminates against States with persistently high rates of unemployment. For example, Washington State has had a very high rate of unemployment over the last 2 years. Because the rate is not 120 percent of what it was during the previous 2 years, Washington State has triggered out of the Federal-State Extended Unemployment Compensation Program. Unless a national trigger goes "on," the unemployed in our State will no longer be able to receive Federal-State extended benefits. The Emergency Unemployment Compensation Act expires on June 30, 1972; thus, after June 30 the long-term unemployed in Washington State will only receive regular State benefits. The same situation exists in a number of other States and such an inequity can be corrected if this bill passes.

I am disturbed that as of today no substantive recommendations have been made to the Congress on what the administration believes should be done on this vital question. Public Law 92–224 required the Secretary of Labor to make substantive recommendations by May 1, 1972. As of today, Congress has received only a factual report, not a substantive report on what should be done for the long-term unemployed. I am concerned that this delaying tactic is intended to kill any chance for congressional action. As the Department of Labor should recall, Congress acted in a 10-day period during the Christmas season last year in order to aid the long-term unemployed. I hope that Congress is again willing to act. I noted with great pleasure that Congressman **Burke** of Massachusetts has introduced similar legislation on the House side and has been joined by a large group of cosponsors, including the powerful chairman of the Ways and Means Committee, Congressman **Wilbur Mills** of Arkansas.

Last December, Chairman **Mills** provided immense support when he skillfully guided the original act through a very difficult conference and through last minute House floor action. Obviously, his cosponsorship and leadership are vital in this effort. I, of course, would be remiss if I did not mention the equally significant effort of the distinguished chairman of the Senate Finance Committee, Senator **Russell Long**. Without his support and leadership, the Emergency Unemployment Compensation Act of 1971 could not have happened. The Finance Committee, at his urging, reported a bill (H.R. 6065) late last December and this bill provided a vehicle for attaching the so-called Magnuson amendment.

Thus today, I am pleased to introduce these two bills which will provide badly needed financial support for the hardest hit of the long-term unemployed. Of course, I realize that without positive House action and a favorable report from the Nixon administration, this will certainly be an uphill battle.

Mr. President, I ask unanimous consent to have printed in the Record several letters and articles on this question, along with a press release issued by the Senator from New Jersey (Mr. **Case**).

There being no objection, the material was ordered to be printed in the Record, as follows:

May 1, 1972.

Hon. Carl Albert,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: I am transmitting herewith a report on this Department's study and review of the program established by the Emergency Unemployment Compensation Act of 1971 (Public Law 92–224, Title II).

Section 206 of the Act which directed me to conduct such a study and review and to submit the report on or before May 1, 1972, also specified that the report shall cover the period ending March 31, 1972. In view of the time required to obtain and analyze reports from the participating States on claims filed and benefits paid, it has been necessary to limit the coverage of this report to the period ending March 25, 1972.

The first week for which benefits could be paid under the terms of the Act was the week of January 30-February 5, 1972. The data available concerning the program for our study and review was limited to eight weeks' experience which is not enough experience upon which to act. For this reason I recommend that no action with regard to continuance of the program be taken at this time.

The report I am now submitting shows the results of our study and review of the limited benefit payment experience under the program, projections of benefit payments which will be payable under the program after March 25, 1972, and the funding of the benefits payable under the program.

I plan to submit to the Congress another report on the program as soon as we receive and analyze data on the operations for the month of April, which should be in early June.

Respectfully submitted.

J. D. Hodgson,
Secretary of Labor.

May 31, 1972.

Hon. James D. Hodgson,
Secretary, Department of Labor,
Department of Labor Building,
Washington, D.C.

Dear Secretary Hodgson: I have thoroughly reviewed the report you transmitted to Congress on May 2, 1972 regarding the Emergency Unemployment Compensation Act of 1971 (Public Law 92–224, Title II).

Your cover letter indicated that you were recommending "that no action with regard to continuance of the program be taken at this time." I understand that one additional month's data will be critical in any evaluation made by the Department of Labor.

As the author of the Emergency Unemployment Compensation Act of 1971, I believe that this measure has been worthwhile and has aided hundreds-of-thousands of long-term unemployed workers in states experiencing the highest rates of unemployment. As you recall, my original proposal called for a 26-week emergency program. I still believe that a program of that duration is needed. Therefore, I am very hopeful that your "substantive recommendations" will include at least a 13-week extension of Title II of P.L. 92–224. I also hope that those recommendations will be received in the next few days in order to give Congress a week or two to consider your recommendations before Title II of P.L. 92–224 expires.

As Chairman of the Labor, Health, Education, Welfare and Related Agencies Appropriations Subcommittee, I am deeply concerned, as are the members of my Subcommittee, about the economic dilemma facing the long-term unemployed worker. I hope that your report will reflect positive interest in providing aid for these workers.

Your cooperation and prompt reply will be deeply appreciated by me.

Sincerely,

Warren G. Magnuson,
U.S. Senator.

JOBLESS PAY ACT TO BE CONSIDERED

Further extension of the Emergency Unemployment Compensation Act of 1971 will be considered by the House Ways and Means Committee, Sen. Warren Magnuson announced yesterday.

Magnuson authored the Act, which passed Congress last December.

Benefits under the Magnuson Bill ran out in early May for those who qualified for the 13-week maximum starting last Jan. 31.

Those who exhausted other regular and extended state and federal jobless benefits and entered the "Magnuson" program, with full qualification, later in the year, can continue to collect weekly unemployment compensation checks through September.

About 87,500 Washington State citizens have received benefits totaling nearly $35 million in the last four months.

"I am very pleased that the House Ways and Means Committee is taking up this question. In light of the continued high rate of unemployment—5.9 per cent nationally and 12 per cent in Washington State—an extension appears to be the best course of action," Magnuson said.

Magnuson urged a six-month extension of emergency benefits in a strongly-worded letter to Secretary of Labor James Hodgson on May 31. He said:

"The Administration has consistently opposed my efforts to aid the long-term unemployed. The Administration, under law, was supposed to make its substantive recommendations by May 1, 1972, but delayed filing a report with Congress because of an alleged lack of facts."

JOBLESS ACTION SOUGHT

Democratic members of the ad hoc Legislative Tax Reform Committee will ask today that a special legislative session consider the problems of economic recovery and unemployment, along with tax reform.

A resolution calling for expansion of the session will be considered by the committee. It says 60,000 workers have exhausted all unemployment compensation.

Pushed by Rep. Bill Chatalas, House Democratic caucus chairman, the resolution says 30,000 to 40,000 additional workers will have run out of unemployment benefits within the next several months.

Gov. Dan Evans has said he'll call a special legislative session if two-thirds of the legislators can agree on a tax reform package.

Chatalas also announced yesterday that the Unemployed Workers' Organizing Committee has more than 6,000 signatures on a petition calling for another . . .

CONGRESS WILL REVIEW JOBLESS PAY

Because of continuing unemploymen in some areas, Congress will take a new loo at another round of jobless-pay benefits. Senator Warren G. Magnuson said yesterday i Washington.

Meanwhile, in the state, a group of Democrats again urged Gov. Dan Evans to call a special session of the Legislature to take som state action on unemployment.

They suggested a new extension of the stat jobless-pay program and a broader eligibility

That is unlikely. Evans frequently has sai he doesn't think the state fund can affor another extension.

Magnuson said he was pleased that th House Ways and Means Committee will consider an extension of the Emergency Unemployment Compensation Act of 1971.

Magnuson was author of that act.

Approved by Congress last December, i has allowed qualified workers in high-unemployment areas to receive 13 extra weekl checks.

Magnuson had tried to get 26 weeks c benefits. But the original program was cu in half in a congressional compromise.

About 84,000 citizens in this state hav

received $36 million in benefits during the past four months, Magnuson said.

DAVIS WANTS LEGISLATURE TO EXTEND BENEFITS

Joe Davis, president of the State Labor Council, called on Gov. Dan Evans to call a special session of Legislature to provide an extension of unemployment compensation benefits.

In the past three weeks Davis said, 50,000 Washington workers have exhausted all unemployment compensation benefits. He said more are exhausting the benefits each week and indicated that by the end of the year up to 100,000 will have exhausted all benefits.

"This is a more substantive issue and more pressing than the tax issue," Davis said.

Evans had said he will call a special session on the question of tax reform if Republicans and Democrats reached agreement prior to the session.

Davis said interest-free Federal funds are available to pay unemployment benefits. "I think it would be foolish not to take advantage of these funds," he said.

"It's money that's costing nothing. Simple economic analysis shows that when you can borrow money at a zero rate of interest to sustain the state's economy, it is a wise thing to do," he said.

Figuring on inflation, Davis said the debt alone would would be repaid with 90 cents on the dollar borrowed.

Davis said the state must establish a mechanism that will permit an automatic extension of unemployment compensation benefits if unemployment is at a certain level. The present extended-benefits formula requires the rate of unemployment to increase each year, no matter how high it was at the starting point.

"But," be added, "in light of the continued high rate of unemployment—6.9 per cent nationally and 12 per cent in Washington State—an extension appears to be the best course of action."

The Democratic senator criticized the administration for, as he said, opposing "my efforts to aid the long-term unemployed."

He said the administration was required to make new recommendations to Congress May 1 but hasn't so far "because of an alleged lack of facts."

Representative Wilbur Mills' committee will take up the issue despite the lack of a report from the administration, Magnuson said.

A 6-per cent jobless rate during the past year and a half "is enough evidence" that something more should be done for the long-term jobless, Magnuson added.

State Representative William Chatalas, Seattle Democrat and chairman of his party's caucus in the state House, appeared at a news conference yesterday with representatives of the Unemployed Workers Organizing Committee.

They said a petition being circulated by that group asking for a state extension of 13 weeks of unemployment pay—has gathered more than 6,000 signatures.

Their statement said "employed or unemployed, all working people pay for the economic crisis through lower wages, higher taxes and fewer jobs. . .

"We, the citizens of the state, demand another 13-week benefit extension . . .

More than 60,000 workers in this state have exhausted regular or extended benefits, the U.W.O.C. spokesmen said, "Within the next several months, another 30,000 to 40,000 jobless will run out of benefits.

"Clearly a total reform of the unemployment-compensation system is urgently needed," it added.

The committee also urged that state law be changed to allow compensation for workers idled by a labor dispute and to raise minimum benefits (now $17 a week) to the equivalent of minimum wage for a 40-hour week—about $66.

Chatalas suggested that the unemployment-compensation issue be taken up at a special session of the Legislature, whether or not agreement is reached on a tax-reform package.

The governor said he would call a special session if there is bipartisan House and Senate agreement beforehand on tax reform.

A task force of legislators was meeting today to seek such agreement.

Trigger Notice No. 66, May 26, 1972—Refer to UIPL Nos. 1103 and 1156 for Public Law 91-373 Extended Benefits, and sec. 617.11-12 of Temporary Compensation Regulations for Public Law 92-224 Temporary Compensation Benefits

NATIONAL AND STATE INDICATORS UNDER EXTENDED BENEFITS OF PUBLIC LAW 91-373 AND TEMPORARY COMPENSATION OF PUBLIC LAW 92-224 AS OF MAY 20, 1972

NATIONAL INDICATOR INSURED UNEMPLOYMENT RATE FOR MOST RECENT AVAILABLE 3 MONTHS: (SEASONALLY ADJUSTED)—FEBRUARY, 4.25 PERCENT; MARCH, 4.32 PERCENT; AND APRIL, 3.98 PERCENT.

	Public Law 91-373 extended benefit				Public Law 92-224 temporary compensation benefit			
	Periods		Indicators (percent)		Rates (percent)		Periods	
State (1)	1st day (2)	Elapsed weeks[1] (3)	Public Law 91-373 IUR (4)	Prior 2 years (5)	Exhaustion (6)	Public Law 92-224 UR (cols. 4 + 6) (7)	1st day (8)	Elapsed weeks (9
Alabama	Jan. 2, 1972	20	4.00	120	0.79	4.79		
Alaska			14.03	107	1.98	16.01	Jan. 30, 1972	16
Arizona			2.82	107	.58	3.40		
Arkansas			3.84	88	.84	4.68		
California			5.71	88	1.54	7.25	Jan. 30, 1972	16
Colorado			1.48	90	.24	1.72		
Connecticut	Oct. 11, 1970	84	7.46	119	(2)	(2)	Jan. 30, 1972	16
Delaware			2.73	108	.59	3.32		
District of Columbia			2.02	113	.43	2.45		
Florida			2.39	115	.63	3.02		
Georgia			1.52	83	.58	2.10		
Hawaii	Oct. 10, 1971	32	5.02	177	.90	5.92		
Idaho			5.23	102	.90	6.13	Apr. 9, 1972	6
Illinois	Jan. 2, 1972	20	4.04	129	(2)	(2)		
Indiana		(2)	3.28	114	.91	4.19		
Iowa	Jan. 2, 1972	20	(2)	(2)	.76	(2)		
Kansas			3.06	63	.95	4.01		
Kentucky			3.89	99	.71	4.59		
Louisiana			4.22	97	1.08	5.30		
Maine	Mar. 21, 1971	61	8.14	122	1.97	10.11	Jan. 30, 1972	16
Maryland	Jan. 2, 1972	20	4.33	145	.72	5.05		
Massachusetts	Oct. 11, 1970	84	6.71	121	1.42	8.13	Jan. 30, 1972	16
Michigan			(2)	(2)	(2)	(2)	do	16
Minnesota	Jan. 2, 1972	20	5.10	127	.93	6.03	Apr. 9, 1972	6
Mississippi			2.36	74	.44	2.80		
Missouri			3.98	97	.78	4.76		
Montana			5.78	105	1.03	6.81	Feb. 20, 1972	13
Nebraska			2.50	115	.60	3.10		
Nevada	Mar. 21, 1971	61	6.53	142	1.49	8.02	Jan. 30, 1972	16
New Hampshire			(2)	(2)	.32	(2)		
New Jersey	Jan. 3, 1971	72	INA	INA	(2)	(2)	Jan. 30, 1972	16
New Mexico			(2)	(2)	(2)	(2)		
New York	Jan. 10, 1971	71	5.58	122	.96	6.54	Jan. 30, 1972	16
North Carolina			2.13	80	.40	2.53		
North Dakota			6.30	120	(2)	(2)	Feb. 27, 1972	12
Ohio		(1)	3.36	115	.59	3.95		
Oklahoma	Jan. 2, 1972	20	4.41	122	1.07	5.48		
Oregon			5.77	87	.87	6.64	Jan. 30, 1972	16
Pennsylvania	Jan. 31, 1971	68	5.02	134	.61	5.63		
Puerto Rico	Jan. 2, 1972	20	14.35	161	3.59	17.94	Mar. 12, 1972	10
Rhode Island			6.28	102	1.70	7.98	Jan. 30, 1972	16
South Carolina			2.29	81	.68	2.97		
South Dakota			3.11	119	.45	3.56		
Tennessee			2.94	75	.72	3.69		
Texas			1.88	111	.50	2.38		
Utah			4.08	101	.75	4.83		
Vermont	Jan. 3, 1971	72	7.84	135	1.12	8.96	Jan. 30, 1972	16
Virginia			1.34	93	.28	1.62		
Washington			8.76	78	2.75	11.51	Jan. 30, 1972	16
West Virginia	Jan. 2, 1972	20	5.09	125	.54	5.63	Mar. 19, 1972	9
Wisconsin			4.28	110	.65	4.93		
Wyoming			2.47	103	.31	2.78		

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[1] Elapsed weeks of nonpayment from last extended benefit period is 7 for all States unless otherwise noted in parentheses.

[2] INA.

Trigger Notice No. 66, May 26, 1972—Refer to UIPL Nos. 1103 and 1156 for Public Law 91-373 Extended Benefits, and sec. 617.11-12 of Temporary Compensation Regulations for Public Law 92-224 Temporary Compensation Benefits

NATIONAL AND STATE INDICATORS UNDER EXTENDED BENEFITS OF PUBLIC LAW 91-373 AND TEMPORARY COMPENSATION OF PUBLIC LAW 92-224 AS OF MAY 6, 1972

NATIONAL INDICATOR INSURED UNEMPLOYMENT RATE FOR MOST RECENT AVAILABLE 3 MONTHS: (SEASONALLY ADJUSTED)—FEBRUARY, 4.25 PERCENT; MARCH, 4.32 PERCENT; AND APRIL, 3.98 PERCENT

	Public Law 91-373 extended benefit				Public Law 92-224 temporary compensation benefit			
	Periods		Indicators (percent)		Rates (percent)		Periods	
State (1)	1st day (2)	Elapsed weeks[1] (3)	Public Law 91-373 IUR (4)	Prior 2 years (5)	Exhaustion (6)	Public Law 92-224 IUR (cols. 4 + 6) (7)	1st day (8)	Elapsed weeks (9)
Alabama	Jan. 2, 1972	18	4.17	124	0.80	4.97		
Alaska			14.77	109	2.06	16.83	Jan. 30, 1972	14
Arizona			3.07	113	.61	3.68		
Arkansas			4.21	91	.87	5.08		
California			6.04	92	1.57	7.61	Jan. 30, 1972	14
Colorado			1.60	93	.25	1.85		
Connecticut	Oct. 11, 1970	82	7.77	123	(2)	(2)	Jan. 30, 1972	14
Delaware			3.36	122	.62	3.98		
District of Columbia			2.08	111	.43	2.51		
Florida			2.58	123	.65	3.23		
Georgia			1.58	84	.61	2.19		
Hawaii	Oct. 10, 1971	30	5.20	179	.88	6.08		
Idaho			5.77	104	.94	6.71	Apr. 9, 1972	4
Illinois	Jan. 2, 1972	18	4.30	135	.75	5.05		
Indiana		(0)	3.63	118	.89	4.52		
Iowa	Jan. 2, 1972	18	3.80	123	.77	4.57		
Kansas			3.47	70	1.08	4.55		
Kentucky	Mar. 5, 1972	9	4.16	99	.72	4.88		
Louisiana			4.47	102	1.09	5.56		
Maine	Mar. 21, 1971	59	8.62	127	1.96	10.58	Jan. 30, 1972	14
Maryland	Jan. 2, 1972	18	4.59	146	.71	5.30		
Massachusetts	Oct. 11, 1970	82	6.95	121	1.42	8.37	Jan. 30, 1972	14
Michigan			5.98	97	1.27	7.25	do	14
Minnesota	Jan. 2, 1972	18	5.43	129	.95	6.38	Apr. 9, 1972	4
Mississippi			2.56	77	.46	3.02		
Missouri			4.41	104	.79	5.20		
Montana			6.50	108	1.06	7.56	Feb. 20, 1972	11
Nebraska			2.89	119	.62	3.51		
Nevada	Mar. 21, 1971	59	6.91	147	1.45	8.36	Jan. 30, 1972	14
New Hampshire			3.58	108	.33	3.91		
New Jersey	Jan. 3, 1971	70	7.22	121	1.27	8.49	Jan. 30, 1972	14
New Mexico			4.37	93	.69	5.06		
New York	Jan. 10, 1971	69	5.79	123	.96	6.75	Jan. 30, 1972	14
North Carolina			2.27	82	.42	2.69		
North Dakota			6.98	119	.59	7.57	Feb. 27, 1972	10
Ohio	Jan. 2, 1972	18	3.69	120	.60	4.29		
Oklahoma	do	18	4.62	125	1.08	5.70		
Oregon			6.24	90	.90	7.14	Jan. 30, 1972	14
Pennsylvania	Jan. 31, 1971	66	5.26	136	.62	5.88		
Puerto Rico	Jan. 2, 1972	18	14.66	163	3.50	18.16	Mar. 12, 1972	8
Rhode Island			6.76	107	1.70	8.46	Jan. 30, 1972	14
South Carolina			2.42	83	.71	3.13		
South Dakota			3.52	119	.48	4.00		
Tennessee			3.17	76	.75	3.92		
Texas			1.92	112	.52	2.44		
Utah			4.49	105	.77	5.26		
Vermont	Jan. 3, 1971	70	8.14	135	1.11	9.25	Jan. 30, 1972	14
Virginia			1.45	94	.29	1.74		
Washington			9.62	84	2.88	12.50	Jan. 30, 1972	14
West Virginia	Jan. 2, 1972	18	5.55	126	.53	6.08	Mar. 19, 1972	7
Wisconsin			4.71	114	.64	5.35		

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[1] Elapsed weeks of nonpayment from last extended benefit period is (7) for all States unless otherwise noted in parentheses.

[2] INA.

SENATOR CASE CALLS FOR EXTENSION OF FEDERALLY FINANCED EMERGENCY UNEMPLOYMENT COMPENSATION BENEFITS—RELEASES JOINT REPUBLICAN LETTER TO SECRETARY OF LABOR

Citing the forthcoming exhaustion of emergency unemployment benefits affecting thousands of jobless workers in 18 states and Puerto Rico, Senator Clifford P. Case in a letter released today urged Secretary of Labor James D. Hodgson to support the extension of the Emergency Unemployment Compensation Act of 1972.

Joining Senator Case in the letter to Secretary Hodgson were the following Republican Senators from states affected by the June 30 expiration of this emergency legislation: Lowell P. Weicker, Jr. (Connecticut); Jacob K. Javits (New York); Edward W. Brooke (Massachusetts); Len B. Jordan (Idaho); Mark O. Hatfield (Oregon); Robert T. Stafford (Vermont); Margaret Chase Smith (Maine); Robert W. Packwood (Oregon); George D. Aiken (Vermont); Robert P. Griffin (Michigan); Ted Stevens (Alaska); Milton R. Young (North Dakota).

Senator Case emphasized that in New Jersey alone upwards of 3,000 jobless workers per week exhaust their regular unemployment benefits and have become entitled to the further 13 week extension authorized by this law. Senator Case said that the total of 53,000 workers in New Jersey who have received $31 million under the terms of this program since January of this year would have had no other recourse if the emergency legislation had not been in force.

The text of Senator Case's letter follows:

Hon. JAMES D. HODGSON,
Secretary of Labor,
Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: Within the next few days you will be submitting to the Congress your recommendations as to the extension of the Emergency Unemployment Compensation Act of 1972.

Unless this act is extended—and your recommendations will be of critical importance to its prospects in the Congress—thousands of unemployed workers in 18 states and Puerto Rico will face an early exhaustion of their benefits and have no other recourse but to seek relief from already hard-pressed state and local governments. As of May, these included: Alaska, California, Connecticut, Idaho, Michigan, Maine, Massachusetts, Minnesota, Montana, Nevada, New Jersey, New York, North Dakota, Oregon, Puerto Rico, Rhode Island, Vermont, Washington, and West Virginia.

In the less than three month period ending April 29, according to your department's statistics, 700,000 workers received average benefits of $54.69 per week which they would not have received had this emergency 13 week extension not been in effect.

While we expect that the national employment picture will continue to improve over the course of the next year, many states with higher-than-average rates of unemployment will take longer to catch up with the average improvement taking place nation-wide.

The unevenness of the unemployment picture underlines a fundamental fact we believe you should consider in arriving at your recommendations as to the extension of the Emergency Unemployment Compensation Act of 1972—that is, to the extent that the economic plight in these especially hard-hit states is not eased, overall national recovery will be hindered and slowed.

As you know, 18 states and Puerto Rico have over 6.5 percent unemployment which entitles them to benefits under the soon-to-expire 1972 act. Another six states (Alabama, Hawaii, Illinois, Maryland, Oklahoma and Pennsylvania) qualify for a 13 week extension under the terms of 1970 legislation.

If unemployment continues at a plateau, even though at relatively high levels, 1970 act entitlements could in addition be sharply reduced. Alaska, West Virginia, Oregon, Washington, Michigan, California and Rhode Island did in fact lose such entitlements since late last year.

The bleak outlook is that expiration of the Emergency Unemployment Compensation Act of 1972, combined with a leveling off of unemployment at relatively high rates, could leave thousands of workers in half of the states in the union with no benefits beyond the normal 26 weeks of unemployment compensation routinely available during the least difficult of times.

We urge you to give full weight to these special circumstances and solicit your support for the extension of the Emergency Unemployment Compensation Act of 1972.

Mr. RIBICOFF. Mr. President, today Senator MAGNUSON and I, along with other Senators, are introducing legislation to extend the Magnuson-Ribicoff Emergency Unemployment Compensation Act of 1971 for 6 months.

This legislation, which was enacted last December, expires at the end of June 1972. The law extended unemployment compensation for an additional 13 weeks to workers whose other unemployment benefit had been exhausted. The law was triggered into effect once a State's rate of unemployment reached 6.5 percent for a 13-week period.

Connecticut and 17 other States whose unemployment rate exceeds the 6.5-percent figure have been able to benefit substantially from this program.

Since the program took effect, 637,000 unemployed workers across the country have received benefits averaging $55 a week, which they would not have received without this law.

In Connecticut by March 25 almost 25,000 workers had applied for benefits, and total benefits paid to Connecticut beneficiaries during the first 8 weeks of the program amounted to $6.6 million. The weekly average benefits paid in Connecticut under the Magnuson-Ribicoff law was $59.52.

It is crucial for unemployed workers in Connecticut and elsewhere that the Emergency Unemployment Compensation Act of 1971 be extended for 6 months.

Unemployment continues to plague Connecticut. Annual average total unemployment more than doubled in the State from 51,700 in 1969 to 122,700 in 1971. Substantial declines in durable goods manufacturing as well as decreases in machinery, fabricated metals, transportation equipment, and military prime contracts awards have kept Connecticut's unemployment rate at a disastrously high rate.

While I have introduced long term adjustment assistance legislation to aid economically depressed industries, assist in conversion to a peacetime economy, and slow the outmigration of industry from Connecticut, Connecticut workers must be given immediate help now.

I am also introducing legislation to waive certain provisions of the extended unemployment compensation benefits program to assure Connecticut's continued participation.

Under the provisions of that law, recipients could receive 13 weeks of benefits in addition to the basic 26 weeks of coverage. States remained eligible for this program only if their unemployment rate exceeded 120 percent of the rate for the 2 previous years. For 84 weeks—since October 11, 1970—Connecticut was eligible for this program.

Unfortunately, as of May 26, Connecticut triggered out of the program because, although its unemployment rate is very high, its "trigger" rate was only 119 percent of the 2 preceding years—1 percent short of the requirement. The additional measure I am introducing would waive the 120-percent requirement. Due to the Federal-State nature of this program, however, it will be necessary for State legislatures to waive the 120-percent requirement in State law.

I urge Congress to take immediate action to extend this vitally needed legislation for at least 6 months.

Mr. TUNNEY. Mr. President, the Emergency Unemployment Compensation Act of 1971 has been of very great benefit to hundreds of thousands of long-term unemployed workers in the many States experiencing prolonged and abnormally high rates of employment.

By providing an extra 13 weeks of benefits for those who have exhausted their initial entitlements, it has helped alleviate some of the deep human distress caused by the dismal condition of the national economy.

It has made it possible for many families to make ends meet—buy the food, pay the rent—at a time of financial crisis for them.

It is a program prompted by and responding to need. It makes absolutely no sense that it should be cut off preemptorily on June 30, when the need will be just as great as at the time of enactment.

Unemployment rates in many States will still be distressingly high. People will still be out of jobs. The food will still have to be bought, and the rent paid.

The need will still exist—there can be no dispute about that—and the assistance must be continued.

My settled opposition to writing an arbitrary cutoff date into the legislation has been based on the conviction that genuine concern for those who have been put out of work for a long time should not be expressed in hit-and-run action. To have more than haphazard meaning, there must be a consistent approach, a constant resource for those with difficulties to fall back on, whenever those difficulties might occur.

Such arbitrary cutoffs of support are without justification in general, and particularly at this time in the face of the continued and pressing needs of hundreds of thousands of families who have been deprived of the opportunity to earn their own living.

Given the fact, however, that such a cutoff was written into the law, I consider it of the utmost importance that it should be extended.

Of the two bills which we are joining Senator MAGNUSON in introducing today, the first seeks to have these emergency compensation benefits extended for a further 6 months, until December 31 of this year. Last week, Senators from both parties wrote to the Secretary of Labor seeking vigorous administration support for extension. I find it hard to comprehend why there has been such a lack of response to such urgent and clearly identified need.

The sorry state of the national economy which has caused the distress is the responsibility of the National Government. There can be no excuse for failure to shoulder the parallel responsibility of protecting the victims from its consequences.

It would be my earnest hope that the 6-month extension we seek today will be enough to see us through the worst of our present situation. If it is not, I shall—and I am sure my distinguished colleagues who are supporting this legislation will also—press for further extension.

Failure to extend this act will mean that the unemployed in California, 17 other States, and Puerto Rico will be left without the support this program was intended to bring to people in precisely their position.

The situation of the unemployed in California and six other States—Alaska, Washington, West Virginia, Oregon, Michigan, and Rhode Island—is aggravated by the loss of their entitlement to the basic extended benefits provided under the Federal-State Unemployment Compensation Act of 1970.

This is not a reflection, as one might expect, of a considerable improvement in the unemployment situation in these States, or of a considerable lessening of the identifiable need of their out-of-work families.

In fact, it is quite the reverse. By a perversity of the eligibility formula in this act, it is the continuation of their troubles which has disqualified them from access to benefits.

For a State to qualify, its unemployment rate must have reached 4 percent, and at the same time be at least 120 percent of the rate obtaining in the corresponding period of the previous 2 years.

In January 1971, for example, California's insured unemployment rate was 5.84 percent, which was 160 percent of the rate in the corresponding period for the preceding 2 years. Thus, the State qualified and its unemployed workers were entitled to a further 13 weeks compensation when their initial entitlements ran out.

In the week ending May 13 this year, however, the rate was 5.87 percent, slightly higher than for January 1971. Yet by this time the State had been triggered out of the program and its unemployed were denied those extended benefits.

The need in terms of people out of work was obviously no less. But because the unemployment rate in the intervening period had been uniformly high, this 5.87 percent represented only about 90 percent of the rate in the corresponding periods for the previous 2 years. The unemployed in California were pushed aside by a mathematical quirk.

The eligibility formula has thus been shown to be seriously deficient in responding to a situation of extended recession. The longer the recession lasts and the more people who are out of work, the more difficult it makes it for assistance to be delivered to those who need it.

Mr. President, we must not allow a mathematical quirk to stand in the way of the urgent needs of hard-pressed families. They need help. We have a program which could deliver it. We must see that it is delivered.

The second of the bills we are introducing today permits States to suspend the operation of the 120-percent rule which has caused the cutoff in these seven States, with retroactivity to April 1 to restore continuity.

These extensions of support which we seek are the least that must be done to alleviate the plight of the long-term unemployed. I urge Senators to act quickly and support them fully.

Mr. CASE. Mr. President, I am delighted to join Senator MAGNUSON today in introducing legislation to provide emergency unemployment compensation payments for those thousands of jobless workers who have exhausted or will soon exhaust their regular State benefits.

The first of these bills—to renew the Emergency Unemployment Compensation Act of 1971 for a period of 6 months—would authorize the continuation of the 13-week federally financed extension for workers in New Jersey and 17 other States.

Less than 2 weeks ago, every Republican Senator in the 18 States affected joined me in a letter to Secretary of Labor Hodgson urging his support for renewal of this legislation. Thereafter, 20 Democratic Senators joined in a similar letter to the Secretary. With such strong bipartisan backing, the bill will, I hope, move expeditiously through the legislative process.

In this connection, it is encouraging that Chairman WILBUR MILLS of the Ways and Means Committee has cosponsored identical legislation in the House.

The second bill which I have today joined Senator MAGNUSON in introducing would authorize the States to suspend the "120 percent" requirement for the 13-week extension of emergency benefits payable under the Federal-State Extended Unemployment Compensation Act of 1970. Until now, States have been required to suspend these payments if the unemployment rate falls below 120 percent of the rate of the preceding quarter.

As I indicated in my June 5 letter to the Secretary of Labor, the 1970 act as now written is geared only to handle sharp or rapid surges in employment. Seven States where unemployment has continued on a plateau—even though at a high level—have lost these entitlements since late last year. New Jersey itself could soon face a similar prospect: even though unemployment is at 7.3 percent—far above the Nation's average—it has leveled off at 122 percent of the previous quarter, or within 2 percentage points of the mandated cut-off. New Jersey is, therefore, in jeopardy of losing entitlement to both these benefits as well as those contained in the 1971 act which expires this month.

I believe it would be unconscionable, both in terms of the human hardships involved and in view of the already severe claims upon the resources of State and local governments, to permit these federally financed emergency programs to lapse or become suspended at this time.

I hope that Congress will act speedily on these two bills.

Mr. KENNEDY. Mr. President, I am pleased to join Senator MAGNUSON, Senator RIBICOFF, and a number of other Senators in sponsoring the bills introduced today to extend the existing emergency unemployment compensation legislation for another 6 months, and to suspend the overly restrictive trigger for extended unemployment benefits. Congressman JAMES BURKE of Massachusetts has introduced similar legislation in the House, also with broad support, and I am hopeful that Congress will move promptly to enact these needed measures.

Month after month, we have seen the same dismal story of serious unemployment across the Nation. Perhaps the greatest single failure of our current economic policy is the failure to alleviate the crushing burden of unemployment. Ten days ago, we heard that unemployment for May had remained constant at 5.9 percent—5 million Americans out of work throughout the Nation. Unemployment reached that level in November 1970, and in the 18 months that have elapsed since then, it has hovered constantly between 5.7 and 6.2 percent—a continuing reminder of the daily hardship we are inflicting on millions of our citizens.

The hardship is even greater in my own State of Massachusetts, where unemployment stood at 7.9 percent in April—more than 200,000 men and women out of work, our highest unemployment rate for any month since 1958. And the rate is even higher in many cities in the Commonwealth—it is over 8 percent in Worcester. It is over 9 percent in Springfield, in Brockton, and New Bedford, in Fall River and Lawrence. And it is over 11 percent in Lowell.

In the face of these grim statistics and continuing human hardship, I believe that Congress can do more, much more, to alleviate the plight of those who have lost their jobs, especially those who have suffered the burden of unemployment for extended periods.

The bills we are introducing today will help to meet the problem in two important ways. First, by extending for 6 additional months the Emergency Unemployment Compensation Act, which expires on June 30, we will continue to make available 13 extra weeks of unemployment compensation to workers whose other unemployment benefits have run out. This program has been of enormous value to many workers unable to find employment in the depressed conditions of today's labor market, and Senator WARREN MAGNUSON of Washington deserves great credit for the effective way in which he conceived and implemented this legislation last year. According to Labor Department figures, approximately 700,000 workers across the country, 45,000 of them in Massachusetts, have received benefits averaging about $55 a week under this emergency legislation. In the first 8 weeks of the program, more than $12 billion was paid out to workers in Massachusetts. Given the established success of the legislation, it would be unconscionable for Congress to cut the program off this month, at a time when there has been no perceptible improvement in the Nation's employment situation. Clearly, at a time of long-term unemployment, we can do no less for the long-term unemployed.

The second bill will suspend the so-called 120 percent "off" trigger contained in the Federal-State Extended Unemployment Compensation Act of 1970, which provides 13 weeks of further unemployment compensation in addition to the basic 26 weeks. Under the trigger in the present law, the extension program is suspended in States where the level of current unemployment is less than 120 percent of its level in the 2 preceding years. Whatever virtue such a trigger may have in conditions where unemployment is declining into the full employment range, it is unacceptable where unemployment, though not increasing, continues at a level of serious hardship.

According to the most recent available information for Massachusetts made public at the end of May, the relevant figure for the trigger in the Commonwealth was 121 percent. Thus, the commonwealth has managed to escape the trigger so far, but only by a hairline. New trigger notices are due momentarily, and the people of Massachusetts may not be so fortunate the next time around. A number of other States with serious unemployment, such as our neighbor State of Connecticut, have recently failed the test, and extended unemployment benefits have now been halted. I am pleased, therefore, to join in supporting legislation to restore this program for States unfairly caught by the trigger in the present economic squeeze.

One more point needs to be made. The Emergency Unemployment Compensation Act of 1971 directed the Secretary of Labor to report to the Congress by May 1972, on the operation of the program, including recommendations with respect to extended benefits in times of substantial unemployment. The report received last month by Congress is full of figures and statistics on the implementation of the program, but we look in vain for any recommendations for the future. Once again, we see that the unemployed are the forgotten men and women in the administration's economic policy. Once again, it is time for Congress to fill the vacuum.

By Mr. MONDALE (for himself and Mr. WILLIAMS):

S. 3706. A bill to amend chapter 55 of title 10, United States Code, to provide maternity care for a pregnant member of the Armed Forces of the United States for a limited period after her discharge or release from active duty, and to provide such care to the pregnant wife of a member of the Armed Forces for a limited period after the discharge or release from active duty of such member. Referred to the Committee on Veterans' Affairs.

Mr. MONDALE. Mr. President, today the Senator from New Jersey (Mr. WILLIAMS) and I am introducing legislation to provide maternity care for the pregnant wife of a member of the Armed Forces for a limited period after the discharge or release from active duty of such member or for a pregnant member of the Armed Forces for a limited period after her discharge or release from active duty. The need for this measure was brought to my attention by Mr. Ralph Braun, department commander, VFW, State of Minnesota.

A serviceman has complete medical coverage while on active duty, but these benefits—including maternity care—terminate at midnight on the date of his discharge or release from service. When a veteran applies for civilian health insurance on the day following release from active duty, he finds most—if not all—policies specifically exclude maternity benefits for the first 9 months. Consequently, a veteran faces a 10-month void in maternity care that he can circumvent only if he subscribes to a civilian plan 10 months prior to his release from active duty—a plan which is probably unnecessary to him except for the maternity care it provides.

Servicemen should not be expected to extend their enlistment in order to provide for maternity benefits. And for many—in view of the current cost of hospital and medical charges—paying for maternity care from their own funds can be an extreme hardship.

For these reasons, I feel that legislation to alleviate this problem is not only necessary, but overdue.

By Mr. MONDALE (for himself and Mr. INOUYE):

S. 3707. A bill relating to the mortgage insurance premiums applicable to home mortgages insured by the Secretary of Housing and Urban Development, and requiring certain reports to the Congress by the Secretary with respect to the funds used by the Secretary in carrying out the various home mortgage insurance programs, and the premium levels necessary to sustain such funds. Referred to the Committee on Banking, Housing and Urban Affairs.

PROPOSAL TO REDUCE FHA MORTGAGE INSURANCE RATES

Mr. MONDALE. Mr. President, the bill I am introducing today could cut homebuyers' costs for FHA mortgage insurance by 50 percent.

My proposal which is cosponsored by Senator INOUYE, will do this by cutting the FHA insurance premium from ½ of 1 percent to ¼ of 1 percent. This would save a Minnesota family with an average of $19,000 mortgage as much as $943. A family with a $25,000 mortgage could save $1,280.

If my proposal is accepted, it would lower the present inflated cost of buying a house appreciably. Mortgage interest rates for FHA insured mortgages have been above 7 percent for the past 4 years. During 1969 and 1970, when President Nixon was making his disastrous effort to control inflation by depressing the housing industry, mortgage rates soared to 8.26 percent and 9.05 percent respectively. And they have not come down to normal levels yet. In fact, they may be rising again. This is bad news for the homebuyer.

A reduction in mortgage insurance premium levels has the same effect as a reduction in mortgage interest rates. Homebuyers pay a ½ of 1 percent insurance charge on their outstanding mortgage balance every month. This payment usually goes in with the check for the mortgage payment. Cutting the insurance fee in half is exactly like lowering the mortgage interest rate by ¼ of 1 percent.

There is little doubt that a reduction of 50 percent in the premium is actuarially conservative and sound. The current one-half of 1 percent has been charged homebuyers since 1934. It is designed to cover a long-term default rate almost as severe as was experienced during the worst year of the Great Depression.

This overly pessimistic assumption has led to an enormous and unnecessary accumulation of reserves. Since 1934, the FHA has collected over $4 billion in premiums while paying out only $1.1 billion to cover defaults. See Table I.

TABLE I

Cumulative net losses through June 30, 1970 on acquired properties and assigned mortgages:

	Million
Mutual mortgage insurance fund	$716
General insurance fund	375
Cooperative management housing insurance fund [1]	
Special risk insurance fund [2]	1
	$1,092

[1] A profit of less than $0.5 million.

[2] Very few losses on acquired properties had not been realized by June 30, 1970.

FHA insurance fund reserves now total about $1.6 billion, 50 percent or $500 million more than total defaults since 1934. Table II shows the combined reserve situation.

TABLE II

FHA INSURANCE FUND RESEARCH RESERVES—ALL FHA FUNDS COMBINED

End of:	*Million*
Fiscal year 1971	$1,561
Fiscal year 1972	1,596
Fiscal year 1973	1,670

Using FHA's own inflated estimates of reserves necessary to ensure safety, $76 billion of fiscal year 1971 reserves are classified as "excess." These reserves are largely in what is now the Mutual Mortgage Insurance Fund, but they are available to the new fund structure. FHA projections suggest that "excess" reserves will rise to about $175 million at the end of fiscal year 1972, by a further $140 million in fiscal year 1973, and so on. They could reach $4 billion by 1980 if the insurance premium is not reduced.

Instead of accumulating another $140 million of "excess" reserves in fiscal year 1973, my proposal would lead to some reduction in already excessive reserves in the short run. This is as it should be. Reserves should be brought down in the next few years, and the FHA forced to seek more economy in its operations.

By lowering the rate to one-fourth of 1 percent, my proposal would cut the fat out of the FHA's insurance programs. It will force the FHA to take a careful look at its administrative costs so that it can get by on the lower premium.

Over the years, 38 percent of the insurance premium has been going to pay FHA's expenses. More of the homeowners' premium payments are going to cover FHA expenses than to meet mortgage defaults. FHA administrative costs should be reduced, and I believe that my bill will help accomplish this goal.

Mr. President, the Senate has recently passed new housing legislation superseding the National Housing Act. The House Banking and Currency Committee is now working on its version of this legislation. The House Subcommittee on Housing has reported a bill to the full Banking Committee for consideration.

Both the Senate bill and the House bill, as passed by the subcommittee, consolidate FHA insurance funds into two main funds, one for general insurance, and the other for special risk mortgages. Both bills retain a third fund, which is much smaller, for cooperative housing as well.

My bill would lower the premium for all these funds. For the subsidized mortgages under the special risk program, this makes sense because the high premium for subsidized mortgages simply adds to the Federal housing subsidy payment. Charging the occupant a premium raises the cost of the subsidy. This is so because the occupant's payment is limited to a given percentage of his income. The difference has to be made up by the subsidy voted by the Congress.

My bill, therefore, also requires the Secretary of HUD to consider the cost saving which could be achieved by eliminating the premium altogether for subsidized housing.

To summarize, my bill stipulates that within 30 days of the effective date of the legislation, mortgage insurance premium rates on all new FHA-insured mortgage loans would be reduced to no higher than one-fourth of 1 percent per annum on outstanding balances. Rates on older mortgages would drop to this level also within a few months.

Within 90 days after the effective date of the legislation, the Secretary of HUD would be required to provide Congress with recommendations with respect to the transfer of as large a part as possible of FHA insurance reserves accumulated in the past to new insurance funds set up under new housing legislation.

The Secretary will also be required to make recommendations concerning further premium reductions or to justify a higher premium level if this seems to be required after the Congress has determined that all possible economies have been made. The Secretary must also evaluate the administrative savings which might be achieved by eliminating the premiums on subsidized housing.

My bill requires that in the future, the Secretary of HUD make an annual report on the level of the insurance premium so that Congress may be certain that the homebuyer is getting the lowest possible premium rate.

Mr. President, the American homebuyer has paid a very high price for ill-conceived economic policies in the past few years. He has paid and continues to pay outrageously high mortgage rates. The Congress needs to attack this problem, and accepting my proposal on insurance premiums is one important way to do so.

I ask unanimous consent that my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the insurance premium for any mortgage insured by the Secretary of Housing and Urban Development under the National Housing Act, or any Act supplementary thereto, shall not exceed one-fourth of 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any time. With respect to any such mortgage which is outstanding on the effective date of this section, the Secretary shall adjust the insurance premium applicable to such mortgage in conformity with this section at such time (not later than 12 months after such effective date) as the next annual premium amount for such mortgage is determined.

(b) This section takes effect upon the expiration of 30 days after the date of enactment of this Act.

SEC. 2. (a) (1) The Secretary of Housing and Urban Development shall, not later than 90 days after the date of enactment of this Act, report to the Congress his recommendations with respect to transferring as large a part as practicable of the reserves of the Mutual Mortgage Insurance Fund, created by section 202 of the National Housing Act, to the General Insurance Fund and the Special Risk Insurance Fund, created respectively by sections 519 and 238(b) of such Act. In making such recommendations the Secretary shall have regard to (A) the fact that the General Insurance Fund and the Special Risk Insurance Fund are now the principal funds for carrying out the home mortgage insurance programs administered by the Secretary, (B) the fact that the reserves of the Mutual Mortgage Insurance Fund were accumulated in significant part through premium payments by mortgagors whose interests in the properties covered by insured mortgages have been transferred, and (C) the paramount interest of the Government in view of the ultimate underwriting of risk by the United States and the importance of spreading the risk over an extended period of time.

(2) The report required under paragraph (1) shall also include the recommendation of the Secretary with respect to a reduction of the premium for the insurance of any mortgage by the Secretary to a level lower than one-fourth of 1 per centum per annum of the amount of the outstanding principal obligation of the mortgage. If the Secretary determines that it is not practicable to recommmend a reduction of the premiums below one-fourth of 1 per centum per annum or if he determines that a premium greater than one-fourth of 1 per centum per annum is necessary then he shall recommend that minimum per centum which he deems to be feasible not to exceed four-tenths of 1 per centum per annum. In making any such recommendation the Secretary shall have regard to the recommendations made under paragraph (1) and shall indicate the actuarial factors assumed.

(3) The report required under paragraph (1) shall also include the Secretary's recommendation with respect to the feasibility of reducing administrative costs by eliminating mortgage insurance premiums in the case of that class of mortgages for the insurance of which premiums are now collected and deposited in the Special Risk Insurance Fund, and his recommendations for reducing mortgage insurance operating expenses in other areas.

(b) In addition to the report specified in subsection (a), the Secretary shall report annually to the Congress (1) his analysis of the financial condition of each of the mortgage insurance funds administered by him in the light of the then current risk experience and actuarial assumptions, and (2) his recommendations on the basis of such analysis, of the appropriate mortgage insurance premium levels. The first such report shall be made not later than one year after the date on which the report required under subsection (a) is submitted, and subsequent reports shall be made at annual intervals thereafter.

By Mr. RIBICOFF (for himself, Mr. JAVITS, Mr. KENNEDY, and Mr. GURNEY):

Senate Joint Resolution 244. A joint resolution calling for new efforts to protect international travelers from acts of violence and aerial piracy. Referred to the Committee on Foreign Relations.

Mr. RIBICOFF. Mr. President, new and formidable challenges have been posed to international travel by increasing numbers of skyjackings and by the Lod Airport massacre. Expressions of sorrow and shock, however, will not be enough. If future tragedies are to be averted, strong, coordinated actions by airlines and governments are needed.

If safety and sanity are to be restored to international air traffic, our own country must take the lead in accomplishing this goal. While I welcome the creation of a government task force to spur international action, it should be noted that this was done only after the Airline Pilots Association threatened a 24-hour strike for June 19.

Clearly more stringent security standards are required at all airports. The added costs, and inconvenience to passengers, must be weighed against the grave risks to life and limb and the disruption of vital communications between nations.

All nations must adhere to stricter and more thorough searching of passengers and baggage, the policing of aircraft and airports and tighter screening of suspects. Hijacked aircraft, all passengers and crew must be promptly returned. The hijackers must be brought to justice in appropriate courts.

Any nation which in any way assists or harbors hijackers or terrorists who interfere with international travel should be treated as an international outlaw. International air travel to such countries should be stopped, and their landing rights in other countries should be rescinded. All nations which desire to benefit from international aviation must make it clear that they will comply with the 1970 Hague Convention on hijacking and the 1971 Montreal Convention on air attacks and sabotage.

The recent Lod tragedy has brought this growing menace into a bloody focus. It has revealed not only the murderous plans of political fanatics, but the shocking irresponsibility of two governments—Egypt and Lebanon.

For years Egypt has given its official blessings to indiscriminate assaults on civilians by terrorist groups as an instrument of its policies against Israel. Cairo and Beirut have openly hosted the terror organizations which plan and train for the aerial piracy and sabotage abroad. The headquarters of the main terrorist organizations, including the Popular Front for the Liberation of Palestine, are in Beirut. It was there that the training of the three Japanese terrorists was carried out, and there that official spokesmen of the PFLP boasted of their great victory in massacring 26 innocent civilians. Both of these governments, along with the other governments which have in the past harbored hijackers, must be made to understand that their support of terrorist acts against civilian aviation constitutes complicity in grave crimes against the world community. The only way to do this is to mobilize international action against these countries by denying them the benefits of international aviation.

I am joined in the resolution I am introducing today by the distinguished senior Senators from New York, Massachusetts, and Florida. We invite our colleagues to cosponsor this measure. I note that similar legislation in the form of two separate resolutions was introduced in the other body last Thursday by Congressman BADILLO with more than 30 cosponsors.

Our resolution is a call for new coordinated international efforts to be spearheaded by the United States acting through international agencies. Certainly with our stake in expanded international aviation and travel it is a most appropriate role for the United States.

The world has lived with this growing menace for too long. The senseless slaughter of 26 civilians should have convinced even the most apathetic and indifferent nations that the time for effective action is now. The American public and decent men everywhere expect an end to this new barbarism which threatens important links between nations.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 244

Whereas acts of terrorism and violence against international civilian carriers and passengers now constitute a growing menance to travel and threaten communications between nations and the transportation of people and goods, and

Whereas many governments and airlines have failed to take the necessary security precautions to prevent aerial piracy and ensure the safety and well-being of persons of international travel: Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President is directed to seek at the earliest possible date, through the United Nations, the International Civil Aviation Organization or other suitable international body, a world conference for the purpose of estab-

lishing uniform, stringent security standards and procedures for the protection of human life in and around aircraft and airports, including restrictions on international flights to those countries which harbor, assist or fail to take appropriate action against individuals or groups within their borders who plan, conspire, or engage in activities leading to violent interference with international travel.

Mr. KENNEDY. Mr. President, I join today with Senator Ribicoff, Senator Javits, and Senator Gurney in introducing a joint resolution which seeks to respond to the shocking and barbarous act of terrorism at Lod Airport in Tel Aviv, Israel, last week.

The death toll of 25 is staggering because it cannot be blamed on war. It cannot be blamed on a natural disaster. It was the conscious and deliberate act of murder and assassination against innocent families, against innocent men, women, and children.

The number of survivors who will live the rest of their lives disabled physically or emotionally from the senseless act of violence by hired terrorists is unknown. Nothing that we do, nor anything that any other government does, can ever restore their lives or the lives and futures of their loved ones.

But what we must do is to take every step, enact every precaution, establish every possible security against the recurrence of that barbarism.

Nor was this latest act of violence the only evidence of the need for concerted international action.

In the past several years the numbers of terrorist activities surrounding airlines and airports in the Mid-East has increased astronomically as the terrorists have decided to use fear as a weapon against the people of Israel.

I can recall all too vividly the anxiety and fear that surrounded the lives of all members of my family when it was learned that my nephew was aboard a plane hijacked on a flight for New Delhi, where it was forced to land at Aden, the capital of South Yemen.

Yet despite this series of incidents, the Congress and the administration have not taken any action.

The Lod Airport massacre cannot be ignored. It happened and if we do not act decisively soon, we will be inviting its repitition.

For that reason, I join with my colleagues in offering this joint resolution. It represents the minimal action that we can take on this matter.

First, it directs the President to seek international action through the United Nations, the international organism to organize a world conference for the purpose of establishing stringent security stands and procedures for the protection of individuals in and around aircraft and airports.

Second, it urges consideration of placing restrictions on international flights to any nation which harbors or assists or fails to act against those within their borders who plan, conspire, or engage in activities leading to such violence as we have just experienced.

Clearly, we must take firm action to stir those governments which have the power to halt acts of terror before they occur. Restricting flights to those nations is one possibility that may be proposed. There are others including denying landing privileges at other international airports to airlines from those nations.

But what is most evident is that vigorous and expeditious action on an international level must be taken. Therefore, I urge that other Members will join with us in this resolution and that we can pass this measure with all due speed.

Mr. GURNEY. Mr. President, I am pleased to join the distinguished Senator from Connecticut (Mr. Ribicoff) in introducing this joint resolution calling for action to protect international travelers from acts of aerial piracy and sabotage.

The killing of 24 people and the wounding of 54 others in a shoot-out at Israel's Lod Airport several weeks ago simply reinforces the realization that something most be done to end this terrible violence that is threatening the entire system of international air travel.

Over the last 11 years things have gotten progressively worse. Since 1961 there have been 147 United States and 217 foreign airliners hijacked; the cost in terms of human suffering and material loss has been terrific. During this time, seven Americans, including three hijackers, have died during skyjack attempts and eight more have been wounded. Dollarwise, the direct cost of hijacking has been estimated at about $10,000 per incident, excluding extortionist ransoms, aircraft damage, special insurance surcharges and legal settlements for deaths, injuries, and other claims. Surely, none of us can forget the four airliners that were blown up in the Mideast in September 1970, the recent preannounced bombing of a TWA jetliner in Las Vegas, or the Western Airlines jet just hijacked to Algeria.

What we are now witnessing is instance after instance of people hijacking planes for ransom or political effect, often with tragic consequences. Is it any wonder that the airline pilots are becoming increasingly concerned for the safety of their planes and, particularly, for those that fly in them?

Hijacking is almost as old as commercial aviation, having first occurred in 1930, but it has only been in the last 10 years or so that it has become popular. Hence, efforts to put a stop to the practice have, likewise, been fairly recent and, unfortunately, have not had the desired effect.

The first major agreement concerning hijacking came in 1963 at Tokyo. Then, in 1970 the so-called Hague Convention for suppression of unlawful seizure of aircraft was agreed to by 81 nations, but, to date, only 15 have ratified it. Subsequently, in 1971 at Montreal an agreement was signed dealing with air attacks and sabotage but, as yet, no country has ratified it. Perhaps even more important than the fact that not all nations have agreed to these two conventions is the fact that no practical enforcement procedures for making them effective have been implemented.

Passage of this resolution will indicate to the world that the Congress of the United States is deeply concerned about this problem and feels that action cannot be delayed any longer. It will also give support to the year-old United States-Canadian proposal for creation of a special commission that would recommend measures to insure compliance with the agreements signed at The Hague and at Montreal. Moreover, this resolution will compliment the efforts of the State Department to spur further international action on this most serious matter.

Airline hijacking and sabotage is a worldwide problem calling for worldwide response. By following up on what he has already done and by urging an international conference, the President will increase the likelihood that steps can soon be taken to reduce the hijack danger that so gravely threatens all those who travel by air. Establishing "uniform, stringent security standards for the protection of human life in and around aircraft and airports" is not too much to ask of any nation, and placing restrictions on international flights to any nation which does not take action against hijacking plots is certainly in order, not only as a punitive step but also as a safety measure for international travelers.

I therefore urge speedy passage of this joint resolution and hope that the day will soon come when peoples of all nations can travel free from the dangers of air piracy and sabotage.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 5

At the request of Mr. Robert C. Byrd for Mr. Mondale, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of S. 5, the Full Opportunity and National Goals and Priorities Act.

S. 2108

At the request of Mr. Cranston, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 2108, the proposed Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971.

S. 3262

At the request of Mr. Curtis, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 3262, a bill to amend the Occupational Safety and Health Act of 1970, and for other purposes.

S. 3549

At the request of Mr. Tower, the Senator from Kentucky (Mr. Cooper) was added as a cosponsor of S. 3549, a bill to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve up to age 60.

S. 3612

At the request of Mr. Humphrey, the Senator from Montana (Mr. Metcalf), the Senator from Nevada (Mr. BIBLE), the Senator from Utah (Mr. MOSS), the Senator from Tennessee (Mr. BAKER), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 3612, a bill to establish a National Institute of Justice, in order to provide a national and coordinated effort for the reform of the judicial system in the United States, and for other purposes.

S. 3641

At the request of Mr. PEARSON, the Senator from North Dakota (Mr. YOUNG) and the Senator from Virginia (Mr. SPONG) were added as cosponsors of S. 3641, a bill to establish a National Energy Resources Advisory Board.

S. 3650

At the request of Mr. NELSON, the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 3650, a bill to provide for transmittal of the Department of Defense 5-year defense program and for congressional deliberation of major mission and support functions of the 5-year defense program.

SENATE JOINT RESOLUTION 106

At the request of Mr. HARRY F. BYRD, JR., the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 106 proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years.

SENATE RESOLUTION 320—ORIGINAL RESOLUTION REPORTED MAKING $30,000 AVAILABLE TO THE COMMITTEE ON APPROPRIATIONS

(Referred to the Committee on Rules and Administration.)

Mr. ELLENDER, from the Committee on Appropriations, reported the following resolutions:

S. RES. 320

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $30,000, in addition to the amount and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, Senate Resolution 11, agreed to March 1, 1971, and Senate Resolution 229, agreed to March 6, 1972.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1232

(Ordered to be printed and to lie on the table.)

Mr. CANNON submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENTS

AMENDMENT NO. 1233

(Ordered to be printed and to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

AMENDMENT NO. 1234

(Ordered to be printed and to lie on the table.)

Mr. INOUYE, for himself and Mr. JAVITS, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14989), supra.

AMENDMENTS NOS. 1235 AND 1236

(Ordered to be printed and to lie on the table.)

Mr. HRUSKA submitted two amendments intended to be proposed by him to the bill (H.R. 14989), supra.

AMENDMENT NO. 1236: REDUCING U.S. CONTRIBUTION TO THE UNITED NATIONS BUDGET

Mr. HRUSKA. Mr. President, the United States contribution to the United Nations budget is too high.

It should be reduced, and substantially.

It should be reduced as soon as possible and with certainty.

Mr. President, I send to the desk an amendment to H.R. 14989, which would achieve this objective. I ask unanimous consent that it be printed and lie on the desk.

This amendment would achieve a substantial, assured and orderly reduction of the U.S. contribution. In brief, it provides that after December 31, 1973, no such payment shall be made in excess of 25 percent of the annual assessment. The present percentage is 31.52 percent. In past years, it has been as high as 39.89 percent. Much progress has been made. More should be.

Mr. President, the date January 1, 1974, for limitation to 25 percent is advisedly chosen. Calendar year 1973 at the rate of 31.52 percent is included as part of the United States commitment honorably and legally contracted. We should keep our word on it and abide by it.

Since the start of the United Nations, the United States assessment has been arrived at by negotiation pursuant to the statutory authority contained in the Participation Act by which this Nation became active in the United Nations Organization.

These negotiations have been reached at 3-year intervals. The resulting agreements each time have been for 3-year terms. This is long established precedent approved by Congress in its statutory authority and by its acquiescence through the years.

Calendar year 1973 is the third year of the agreement negotiated in 1970. It is at a percentage of 31.52 percent.

It would be most unseemly that Congress would take action to repudiate and dishonor an obligation so authorized and approved by it. My amendment would prevent such repudiation.

The bill as reported by the committee in its present text—line 24, page 5 through line 6, page 6—limits payment to 25 percent for calendar year 1973. If allowed to stand thus, a default in our duly contracted obligation would occur.

My amendment would correct this by calling for completion of the 3-year commitment—including calendar year 1973—at 31.52 percent, but setting a limit of 25 percent thereafter.

The text of that portion of the bill pertinent here, upon adopting of my amendment, would then read:

> *Provided*, That after December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total assessment of such organization except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization.

The 25-percent figure would thus become an instruction to our representative in the United Nations for use in the March 1973 assessment negotiations of the United Nations. The agreements reached at that time would be for the 3-year period commencing January 1, 1974.

Mr. President, there is little disagreement that dues to these organizations are too high. The President has indicated that this is his feeling; so have the Secretary of State and Ambassador Bush. It is my information that the administration is engaged in negoiating a reduction in the contribution. The President has indicated, however, that "we must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately."

It is my hope that this body will perceive that the proposed amendment will achieve the desired result at the earliest practical time, and that this end will be gained without default on our part.

Mr. President, I urge that the amendment be approved.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 804

At the request of Mr. TOWER, the Senator from New Jersey (Mr. WILLIAMS was added as a cosponsor of Amendmen No. 804 intended to be proposed to th bill (H.R. 7117). to amend the Fishermen's Protective Act of 1967.

AMENDMENT NO. 999

At the request of Mr. MANSFIELD fo Mr. CHURCH, the Senator from Texa (Mr. BENTSEN) was added as a cosponso of Amendment No. 999, intended to b proposed to the bill (H.R. 1) to amen the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI progra to make improvements in the medicar medicaid, and maternal and child healt programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State Public Assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

NOTICE OF HEARINGS ON S. 3148—THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1972

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee To Investigate Juvenile Delinquency of the Committee on the Judiciary is continuing its hearings on S. 3148, the Juvenile Justice and Delinquency Prevention Act of 1972. This bill is designed to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency.

These hearings have been scheduled for June 27 and 28, 1972, at 10 a.m., in room 2228, New Senate Office Building.

Those who wish to file statements for inclusion in the record of the hearings should contact Mathea Falco, staff director and chief counsel of the subcommittee at 225-2951.

ADDITIONAL STATEMENTS

CRIME CONTROL AND THE CONSTITUTION—A PROGRESS REPORT ON PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, "Crime in the streets" was a major political issue during the presidential campaign of 1968 and the Congressional campaign of 1970. President Nixon vowed to make Washington, D.C., a model of safety for the rest of the Nation.

In order to implement the President's campaign slogan the Justice Department made a number of proposals for controlling crime in Washington and the rest of the Nation. Several of these proposals were of considerable merit and upon implementation have had a significant impact upon the spiralling crime rate here in the District of Columbia. For the most part these proposals were noncontroversial—reform of the courts of the District of Columbia, increasing the size and quality of the local police department and the office of the U.S. attorney, and upgrading the Bail Agency, to name a few. These reforms enjoyed bipartisan support because they grew out of years of careful study by previous administrations, based on the work of various commissions and other experts on the crime problem here in the District, and because they sought to control crime by improving the machinery of justice.

Unfortunately, the Justice Department also decided to do some creative thinking of its own in the crime control field and came up with a set of proposals which were not only controversial, but in my mind unconstitutional, unnecessary and unworkable. The D.C. Crime Bill became a grab-bag of bizarre proposals—many of which contravened hundreds of years of Anglo-American jurisprudence.

Of course, the most notorious examples were preventive detention, no-knock searches, and widespread wiretapping. But there were other less renowned, though no less objectionable proposals such as elimination of many due process safeguards for juvenile defendants, unconstitutional multiple offender sentencing procedures, automatic mental commitment prior to a hearing, mandatory minimum sentencing, and a shift in the classical burden of proof in insanity cases, to name a few.

The administration has not restrained its creativity in the crime field to the District of Columbia but would experiment with the liberties of all our citizens. The Justice Department has proposed the expansion of preventive detention nationwide. It proposes that police be authorized to detain, but not arrest, citizens for the purpose of subjecting them to tests and experiments and other so-called nontestimonial identification procedures. The administration is compiling the names of narcotics users and has established a heroin hotline whereby citizens can anonymously report to the Government on the activities of their neighbors. The President's chief advisor on drug abuse asserts that it might be necessary to identify the Nation's half million narcotics users through involuntary urinalysis and quarantine them from the rest of society.

According to the administration, it is compelled to pursue these proposals by the ineluctable forces of necessity. In the words of the Acting Attorney General of the United States.

> Society's interest in the public safety transcends other interests when danger is clear.

By these words he ignores the fact that Government's first and noblest obligation is to administer justice. Manifestly, the administration believes that the public safety cannot be protected without harsh measures. According to Mr. Kleindienst—

> Pretrial detention is essential to any serious effort to reduce crime in the District of Columbia.

The Justice Department argued that no-knock, wiretapping, and the other controversial provisions of the crime bill were also indispensable to crime control in the District. The same arguments can and will be advanced in favor of the other proposals—nationwide preventive detention and nontestimonial identification procedures are said to be indispensable to crime control; and the epidemic in heroin addiction, in the view of some administration officials, necessitates a quarantine of hundreds of thousands of our citizens without the benefit of the due process afforded a criminal defendant.

This administration contends that to enforce some laws—the criminal laws—it must ignore others—the Constitution. Justice Louis Brandeis in his dissent in the famous wiretapping case, *Olmstead* v. *United States* (1928) 277 U.S. 438, 485, warned of the dangers of this logic:

> If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself, it invites anarchy. To declare that in the Administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face.

I could spend hours detailing the constitutional infirmities of many of the administration's crime control proposals—indeed, I did so in the case of the District of Columbia Crime bill. I firmly believe that anyone willing to listen to these arguments would agree that the constitutional shortcomings of these proposals outweigh their necessity. However, the alarming fact about the administration's effort to implement many of these controversial proposals is that it has never been required to demonstrate that any of these expedients are workable or likely to have an impact on the crime and disorder that plagues our country. A case in point is preventive detention.

During the time that the D.C. Crime bill was before the Congress, the Department of Justice never made out a case for the necessity or practicability of preventive detention. The Department offered no studies to show that certain types of criminals were prone to commit crimes during pretrial release. There was not even an accurate assessment of the amount of crime committed on bail or an examination of alternative approaches to the problem. The Justice Department supported its position, for the most part, by reciting individual cases in which defendants were continually rearrested while released on bail and by rhetorical appeals. Yet on close examination most of the cases it cited would not have been prevented by the administration's 60-day detention bill.

Only after repeated demands for a scientific analysis of preventive detention did the Justice Department commission a study by the National Bureau of Standards. Significantly, this study was not authorized until August 1969 after the Department had already submitted its preventive detention bill. The study was released in April 1970, after the Department had succeeded in getting its legislation added to the D.C. Crime bill in the House District of Columbia Committee. At first, the Department was tempted to suppress the study but decided simply to ignore it. The Department's reaction is understandable since the National Bureau of Standards analysis showed that many of the assumptions upon which the proposal was based could not be supported and there was no accurate way for a judge to predict who the dangerous defendants would be. A study of this report should have made it obvious to everyone—including the Justice Department—that preventive detention was simply untenable and unworkable.

In March of 1971 another study was released which examined the fundamental assumption underlying preventive detention—the proposition that judges are capable of predicting criminal behavior. On May 12 of last year I summarized for the Senate the results of this study conducted by the Harvard Civil Rights-Civil Liberties Law Review, and placed excerpts of that study in the CONGRESSIONAL RECORD. In short, that study confirms the conclusions of the National Bureau of Standards report that judges do not have the god-like ability to predict human behavior and that preventive detention would simply be impractical.

In March of this year the Institute of Criminal Law at Georgetown University and the Vera Institute of Justice in New York City released a report that bears out the predictions I made and which were enforced by the National Bureau of Standards and Harvard studies. This report entitled "Preventive Detention in the District of Columbia: The First Ten Months" describes Washington's experience with preventive detention during the period February 1 through November 30, 1971.

The basic conclusion of this new study is that, despite the histrionics by the Justice Department, preventive detention has rarely been used.

The law was invoked against only 20 suspects out of a total of more than 6,000 felony defendants who entered the District of Columbia criminal justice system during the 10-month period. Of the 20, only 10 were actually ordered detained and five of these detention orders were reversed. In one case the defendant was released after the grand jury failed to indict on the underlying charges.

The study concludes that the local criminal justice system has found preventive detention unnecessary and unworkable. In the report's own words—

> Since prosecutors and judges can safely be presumed to be doing their utmost to reduce pretrial crime, the infrequent use of the preventive detention law suggests that, contrary to the continued protestations of its proponents, the criminal justice system has not seen the need for the law to be overwhelming—otherwise it would have seized the opportunity to use it.

The opponents of preventive detention have contended not only that preventive detention is unnecessary but that in practically every case in which the administration intended to use preventive detention, either some constitutional alternative exists to solve the problem or that the legislation does not apply. For example, the Metropolitan Police Department submitted a list of 10 cases in which they felt that preventive detention would be applied. Careful study of these cases by the staff of the Subcommittee on Constitutional Rights found the following:

> The ten case histories, submitted by the Metropolitan Police Department of the District of Columbia to illustrate the need for preventive detention, involve ten individuals and a total of thirty-four alleged offenses. There are twenty-four alleged offenses after the first arrest which are presumed to be affected by preventive detention.
>
> Trials within sixty days of the first arrest could have prevented thirteen of the cases. In four instances of arrest the defendant would have been unjustly detained, if preventive detention had been applied, since the final disposition resulted in dismissal or a finding of not guilty. In two cases the crime was allegedly committed while the defendant was on parole, probation, or after a conviction, when means other than preventive detention are available for detaining the defendant. In addition, one alleged crime, committed subsequent to a crime on parole, could have been prevented if the parole had been revoked. Thus, the above twenty-three alleged offenses could have been precluded by trials within sixty days or other means of control presently available.

A study of the 20 cases for which preventive detention was actually sought in the first 10 months of its operation will demonstrate exactly the same thing—a constitutional, less objectionable alternative existed in every case.

Of the 20 defendants, 14 were on pretrial release at the time they were arrested on the charge for which preventive detention was sought. Instead of seeking preventive detention in these 14 cases the U.S. attorney could have moved for a modification of the conditions of the defendant's release or could have requested that the court hold the defendant in contempt for violating a court order—pretrial release conditions may properly be considered a court order.

Of the remaining six of the 20 defendants for whom preventive detention was sought, 5 were on probation, parole, or work release at the time that they were arrested. Instead of seeking preventive detention in these cases a better, constitutional alternative would have been revocation of probation, parole or work release. The statutory provisions relating to these dispositions clearly provide for a modification of release conditions or even incarceration where a convict or a defendant is arrested while on supervised release from prison or jail.

Some of these five defendants were detained under subsection (e) of the preventive detention section (23-1322). That subsection, the so-called 5-day hold provision, allows for up to 5 days of detention for defendants arrested while on parole, probation, or mandatory release. The only purpose of this section is to allow the court, U.S. attorney, Probation Department, Corrections Department, and other components of the criminal justice system to gather together sufficient information to determine whether the defendant has actually violated probation, parole, or work release. If the agencies charged with supervising these defendants were adequately staffed and these defendants were seen frequently, the probation or parole officers could report to the court in a matter of hours on whether the defendant should have his probation or parole revoked. Instead of unconstitutionally holding a defendant without bail for 5 days the staff of these agencies should be enlarged and improved. For example, in the adult probation department of the superior court here in the District there are only 37 probation officers supervising over 3,200 defendants. It is no small wonder that it takes 5 days for the probation officers to even discover that one of their probationers has been arrested, much less whether he has violated conditions of his probation.

That leaves only one of the 20 defendants for whom preventive detention was sought in the first 10 months. That defendant was a 28-year-old male with no prior criminal record or pending charges, who was arrested for attempting to hack his wife's legs off with a meat ax after lying in wait for her. Superior Court Judge Halleck decided that his was an ideal case for preventive detention and urged the Government to so move and the Government did so. The Government subsequently withdrew the motion because the defendant having no past convictions, pending charges or indications of drug use, failed to meet the statutory criteria for preventive detention. He was eventually committed to St. Elizabeths to determine whether he was competent to stand trial pursuant to D.C. Code section 24-301.

Just as the subcommittee staff found with the 10 cases submitted by the police department, a careful study of the 20 actual preventive detention cases indicates that speedy trial would have an appreciable impact on pretrial crime. Thirteen of the 24 offenses involved in the police department cases could have been prevented had a 60-day trial provision been in effect. Of the 20 defendants for which preventive detention was actually sought, 14 had charges pending at the time of their arrest. All 14 of these defendants had at least one charge pending for more than 60 days. Therefore, if trials had been held within 60 days, the subsequent criminal activity probably would have been avoided and preventive detention unnecessary.

An excellent example of delay leading to preventive detention is the case of the very first defendant subjected to the preventive detention procedures. Only 10 days after preventive detention went into effect the Government sought preventive detention of a defendant charged with assault with a deadly weapon and simple assault. At the same time the Government moved for preventive detention the defendant had two other pending charges—a robbery charge pending for over a year, and a second-degree murder charge pending for over 6 months. Obviously, if the Government had tried and convicted the defendant within a few months of his arrest on either of these pending charges, the preventive detention procedure could have been avoided.

Indeed, it is ironic that the Justice Department has spent inordinate amounts of time pursuing preventive detention in these cases when it could have been seeking speedy trials for these defendants and have achieved far better results. An excellent example of the amount of time consumed in preventive detention proceedings involves the 13th defendent for which preventive detention was sought.

He was arrested on April 9, 1971, on

a narcotics sale charge. At the time he had two charges pending growing out of crimes allegedly committed one and a half years and 4 months prior to the narcotics charge. The defendant's initial presentment was the day following his arrest, April 10. The Government obtained a 3-day continuance during which time he was held without bond. On April 13 a preliminary hearing was held at which time the arresting officer, an undercover agent and a narcotics branch officer testified. Once probable cause was found the judge proceeded to hold a preventive detention hearing which lasted about an hour. The court heard evidence on the defendant's criminal history for the prior 9 years. The court ordered the defendant detained on the 13th. On April 19 a standard bond review motion was filed but the motion did not reach the judge until May 13 because the case jacket had been lost. At that time the case had already been assigned to another judge for trial. At the arraignment on May 12 an effort was made to seek review of the preventive detention order. Two hearings were held on this motion, the first on May 17, taking about an hour and the second on May 21 consuming about a half hour. Finally, the second judge reversed the preventive detention order.

Forty-three days and six hearings later the defendant was back on the street in a work release program. In late September the defendant was told that he was going to be incarcerated for violating the conditions of his work release and he absconded. By November 5, the defendant had been apprehended and incarcerated after failing to post a $40,000 bond. As of December 31, 1971, he was in jail in lieu of bond awaiting trial. So more than 8 months after his arrest, having consumed hours of precious court time in seven hearings and the energies of the U.S. attorney's office and defense counsel, the defendant still had not been tried. Indeed, the Justice Department had not even succeeded in preventively detaining him.

If all of this effort had been expended in trying and convicting this defendant by June 9, within 60 days after his arrest, the people of the District of Columbia would be much better off today. This case exemplifies a prediction that a number of opponents made in regard to preventive detention. We contended that preventive detention would be a monstrosity—an albatross around the neck of an already overloaded judiciary—and that the energy of the Justice Department would be much more wisely spent upon speedy trial for dangerous or violent defendants.

The Justice Department concedes that preventive detention proceedings are long and complicated affairs. As Thomas Flannery, then U.S. attorney for the District of Columbia, stated in a letter to Representative LAWRENCE J. HOGAN:

> In this case the preliminary and detention hearings took at least 5 hours, or 15 times as long as the hearings in a typical case. Therefore, it cannot be said that the extraordinary care and caution which attended this hearing and the other detention hearings to date have been improper or unfair to the accused. On the contrary, these hearings reveal that everyone concerned had leaned over backwards to protect the defendant's interests.

While I would disagree with the former U.S. attorney as to the fairness of these hearings, I agree that they have been lengthy, complicated proceedings. Norman Lefstein, Director of the Public Defender Service for the District of Columbia reflects my view of these proceedings completely:

> Basically, the preventive detention hearing should be approached as if it were a minitrial—one where the court is contemplating punishment without normal safeguards.

The contentions that preventive detention is unnecessary, and that it would be cumbersome and impractical were two among many arguments used against preventive detention. Quite clearly, these predictions have been borne out by the first 10 months' experience with preventive detention.

But the most important argument against preventive detention is that it is unconstitutional, unjust, and alien to Anglo-American jurisprudence. There are at least nine different constitutional objections to preventive detention. While the hearings conducted by the Subcommittee on Constitutional Rights contain a detailed explanation of these arguments, let me briefly summarize the constitutional infirmities of preventive detention.

The most obvious constitutional objection to preventive detention is that it violates the eighth amendment prohibition against excessive bail. To deny the opportunity of any bail at all makes a mockery of the right, necessarily implicit in the eighth amendment, to reasonable bail. Further, the traditional purpose of bail is to assure that the defendant appears in court for his trial. Preventive detention changes the rationale to one of protecting the innocent, which is not the historical basis of the eighth amendment.

Second, preventive detention violates due process by imposing a criminal penalty, 60 days in jail, on the basis of some future criminal activity, and not upon proof that the defendant has actually committed a crime.

Third, preventive detention undermines the presumption of innocence, deprives liberty on the basis of a vague standard of guilt—substantial probability—without the benefit of the traditional rules of evidence, also all violations of the due process clause of the fifth amendment.

Fourth, preventive detention impairs the privilege against self-incrimination by requiring a candidate for preventive detention to establish his defense prior to trial.

Fifth, preventive detention raises a double jeopardy issue under the fifth amendment where the Government seeks preventive detention and the defendant succeeds in establishing that there was no substantial probability that he committed the crime. Yet he will then have to face another criminal trial in which his guilt must be established beyond a reasonable doubt, which is a higher standard.

Sixth, a final problem under the fifth amendment is that the requirement of a grand jury indictment might be applicable to the 60-day imprisonment provided for by preventive detention.

A seventh constitutional objection to preventive detention is that it militates against access to counsel and the opportunity to participate in the preparation of a defense and therefore violates the sixth amendment right of an accused to the effective assistance of counsel.

Eighth, preventive detention undermines the sixth amendment right to trial by jury.

Ninth, the cumbersome and lengthy preventive detention proceedings are burdening the courts, thereby frustrating the goal of a speedy trial, as articulated in the sixth amendment.

None of these constitutional issues were raised in these first 20 cases. Preventive detention was actually ordered in 10 of these 20 cases and only five of the 10 preventive detention orders were appealed. In all 5 cases the preventive detention order was reversed on nonconstitutional grounds.

Indeed, as a practical matter the courts will probably never resolve the constitutional questions raised by preventive detention because in most cases the constitutional claims will be moot by the time they reach the appellate level. Since preventive detention orders can only last 60 days, all defendants are released or convicted by the end of 2 months and it is unlikely that the Supreme Court could hear a case in that short a period.

It is therefore unlikely that the many constitutional questions raised by the opponents of preventive detention will ever be resolved. Furthermore, to my astonishment there have been unanticipated abuses of preventive detention which will likewise remain unchecked by judicial review.

For example, the great majority of preventive detention proceedings to date have been held behind closed doors. I have already expressed my dismay at this unanticipated result of preventive detention in a speech given in the Senate on May 12, 1971, where I likened this new breed of preventive detention to a star chamber proceeding.

Thomas Flannery, U.S. attorney at the time that several of these secret preventive detention sessions were held, attempted to justify them by pointing out that in each case the defense counsel had moved to close the proceedings. In his own words:

> In each such instance, however, the hearings have been closed at the request of the defendant's counsel. At no time has my office moved for a closed hearing; we have simply not objected to motions by attorneys for the defense.

I am not satisfied with Mr. Flannery's rationalization.

In fact, the defendant is faced with an inescapable dilemma. He must either run the risk of prejudicial publicity at this minitrial in which the rules of evidence do not apply, and all kinds of prejudicial, inadmissible evidence is offered. Or, he must give up his constitutional right to a public trial. True, it is the defense which has moved for closed hearings, but it is the Government, by the enactment and use of preventive detention, which forces the defendant to give up his constitutional rights. Furthermore, the U.S. attorney, like the defense counsel and the judge, is an officer of the court and has a duty to assure that any proceedings in which he is involved meet constitutional standards. Therefore, the responsibility for these star chamber proceedings must be shared by all the parties involved. Hopefully, more judges in the superior court and the district court will have the courage of Judge Gesell who would not allow the defense and prosecution attorneys to sway his view of the sixth amendment:

> The Constitution is explicit as to this, and any motion in my Court that is made with respect to that by defense counsel will be denied, unless we reach a situation of immediacy and of great public importance.

Another practice that has emerged in the first 10 months of operation of preventive detention which I find disturbing is the initiation of such proceedings by the judge. Section 23–1322 of the District of Columbia Crime bill requires a Government certification that there is no condition or combination of conditions which will assure safety to the community before a judicial officer can even consider a preventive detention order. In at least two cases in the first 10 months, judges either ignored this first step or suggested that the prosecutor proceed with a preventive detention motion where the prosecutor had not even contemplated such a certification. This practice may not be violative of the Constitution but it certainly undermines the traditional adversary process which is fundamental to our criminal justice system. These judges have, in essence become prosecutors. Even the Justice Department, which drafted the preventive detention legislation, could not have intended to eliminate their own agents from any effective role in such proceedings and to adopt the continental "inquisitorial" system of criminal justice.

A third unfortunate development has been the frequent utilization of section 23–1322(c)(3) which authorizes detention for up to 5 days without a hearing and without any guiding standard for the judge—in other words detention by judicial whim. As in the case of secret hearings, the defenders of preventive detention blame this practice upon the defense attorneys because such detention results from a continuance motion by defense counsel. However, section 23–1322(c)(3) does not require detention without bond where a defense counsel moves for a continuance. There is nothing preventing a judge from releasing upon conditions or setting a money bond in this situation. As in the case of the secret hearings, the blame rests with all the parties but especially with the judge for not considering this alternative. In almost half of the preventive detention cases in the first 10 months the judges have not had the courage to consider these alternatives and preventive detention by whim has occurred.

Certainly the most serious development in the use of preventive detention in the last year is that the hearings themselves have deteriorated into kangaroo court proceedings. Aside from being denied the protection of a public proceeding, the defendant is required to meet a bewildering new standard of proof—substantial probability—to counter a wide variety of otherwise incompetent evidence, including hearsay and unsworn testimony, and is not allowed access to statements of government witnesses used against him in preventive detention hearings.

While the proponents of preventive detention contend that substantial probability means something less than reasonable doubt but more than probable cause, many judges and especially defense attorneys have no idea what it means. For example in the case of one defendant, the arresting officer testified to probable cause at the preliminary hearing. Instead of recalling the officer to testify to substantial probability at the preventive detention hearing, the judge incorporated the officer's testimony at preliminary hearing into the preventive detention record. In other words, in this case probable cause and substantial probability were the same.

As for the evidence adduced in the hearings, in at least three cases the defense counsel sought copies of statements taken from government witnesses who were called to establish substantial probability, arguing the Jencks rule applies to such proceedings. In every case the motions were denied. The Justice Department has proved dangerousness by using hearsay evidence, introducing evidence without proving its accuracy, by using juvenile records, by offering charges which were dropped, dismissed or which resulted in nolle prosequies, and by using conduct which did not even result in involvement with the law. In one case dangerousness of the defendant was based upon the prosecution's contention that a 1968 robbery was violent despite the fact that the assault with a dangerous weapon count had been dropped and the complaining witness' affidavit in support of the complaint did not allege that the defendant had a gun. Certainly one of the worst hearings was held in the preventive detention of a defendant who was required to counter considerable hearsay evidence, including a letter from community members and organizations asking that the defendant be preventively detained. That is preventive detention by mob rule. These cases show that the lack of rules of evidence means preventive detention is proved by rumor, unsupported and incorrect records, and extremely prejudicial hearsay against which there is no possible defense. This is shoddy justice by anyone's standards.

Aside from its necessity, the Justice Department argued before Congress that preventive detention was the only alternative to the hypocrisy of high money bail. In testimony before the Subcommittee on Constitutional Rights then Deputy Attorney General Richard Kleindienst contended that:

> Open pretrial detention would eliminate hypocrisy from the bail system. Under the legislation we propose, the defendants would be afforded a due process hearing in which they would gain a significant measure of protection against arbitrary determinations.
>
> The administration is opposed to a system in which a rich dangerous defendant can gain his freedom but poor nondangerous defendants cannot.

The Georgetown-Vera study indicates that though the Justice Department might assert this conviction, it seems unwilling to do anything about it. The Georgetown-Vera study found that instead of seeking preventive detention, the local U.S. attorney continues to seek high money bond for dangerous or violent defendants eligible for preventive detention. For example, the study found that 52 percent of those eligible for preventive detention were required to post high money sureties instead of being provided the so-called protections of preventive detention. In fact, the population of the District of Columbia jail, 80 percent of which is composed of persons awaiting trial, has actually increased since the advent of preventive detention. In February of 1971, when preventive detention went into effect, the jail population was 1,116 but by December of last year the jail population was at 1,266 and had been well over 1,200 for the preceding 3 months.

The adverse effects of such pretrial detention are well known. The seminal studies of the bail problem by the District of Columbia and Manhattan bail projects found that there is a significant correlation between pretrial detention and conviction rates and imposition of sentences.

A survey conducted by the American Friends Service Committee of inmates in pretrial detention as a result of high money bail sheds some light on the reason for these findings. The major reason is that incarcerated pretrial detainees have limited access to their attorneys. In their interviews with 596 inmates in the District of Columbia jail, 223 said they had no personal contact with their attorneys. Of these 223, 110 had been in jail for a month or more and four had been there for more than a year.

There are at least three lessons to be learned from the preventive detention experience.

First, the critics of preventive detention have been vindicated. In opposing this most unfortunate proposal we contended that preventive detention was unnecessary, impractical, and unconstitutional. The best proof that preventive detention is unnecesary is the fact that the Justice Department which sought enactment of preventive detention has not been anxious to use it. The few times it has been used it has proved to be a time-consuming procedure.

Unfortunately, we may never see the procedure struck down by a court as unconstitutional because the Justice Department is afraid to hold a defendant under the act long enough for an appeal. This indicates to me that the Justice Department itself has grave doubts about their proposal surviving a constitutional test.

Second, I believe that we must be much more skeptical about legislation such as the District of Columbia Crime bill, for which much is claimed in the name of law and order. Proponents of such legislation, which infringes upon the liberties of our citizens, at least must be made to carry a heavy burden to demonstrate the proposal's necessity and effectiveness. When the administration came before the Congress with preventive detention it should have been required to demonstrate conclusively that no less objectionable alternative existed to control pretrial crime and that preventive detention would have an impact on crime. Only then should this body have undertaken the agonizing task of debating the proposal's constitutionality. Only then should this body have considered adopting legislation which might threaten the constitutional protections provided our citizens.

If that standard had been applied to preventive detention, it would have never even gotten out of the House District of Columbia Committee. I venture to guess that if that standard had been applied to some of the other controversial provisions of the District of Columbia Crime bill, including wiretapping and no-knock, the Congress would have likewise found that these provisions were not necessary to the control of crime here in the District, and certainly not at the cost of our liberties.

A third valuable lesson to be learned from the preventive detention experience is that although preventive detention has not solved the problem of pretrial crime, there do exist constitutional and effective solutions to this and other perplexing problems faced by the Nation's criminal justice systems.

For example, a solution to the problem of pretrial crime is suggested by the Constitution itself in the sixth amendment:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy trial. . . .

The National Bureau of Standards study indicates that if the Congress implemented the Constitution's command and required that defendants be tried within 60 days of arrest, pretrial crime would be virtually eliminated. That study found that most pretrial releases commit crimes after they have been on release more than 60 days.

The 10 horrible cases offered before the Constitutional Rights Subcommittee at its hearings during May and June of 1970, and the 14 of 20 cases subjected to preventive detention under the law, all could have been dealt with satisfactorily if a 60 day trial rule were in effect in Washington, D.C.

Fifty-three of us in this body are now backing S. 895, a speedy trial bill, which would accomplish this result. We believe that S. 895 provides the opportunity for Congress to combat crime and at the same time to display our fundamental concern for the individual rights guaranteed to all by the Constitution.

Aside from requiring trials within 60 days in all Federal criminal cases, the bill provides the way for each Federal district to chart its own course for speedy trial and to communicate with Congress if it requires special assistance to carry out the bill's provisions. It is a vehicle through which we can bring long overdue improvements into our system of criminal justice. It is a constitutional and effective means of controlling crime.

What have we learned, then, from our flirtation with preventive detention? False claims that necessity justifies tampering or infringing or suspending constitutional guarantees in the name of law and order or security should be rejected whenever they are offered. If we are willing to sacrifice hard-won freedom in a vain search for security, we will no doubt find ourselves with neither liberty or security.

Instead of clamoring after panaceas offered in the name of law and order, it would be better to address ourselves to the slow, hard, and expensive course of improving and reforming our criminal justice system. By such reform as the Bail Reform Act, the Criminal Justice Act, and the speedy trial bill, we not only improve justice and achieve more true law and order, but at the same time we fulfill the promises of our Constitution. The unfortunate episode of preventive detention has shown us that the best way to have law and order is to insure justice.

ALLIED SERVICES ACT

Mr. TOWER. Mr. President, I am pleased to cosponsor S. 3643, the Allied Services Act. One of the greatest problems facing government today is its inability to administer and carry out its programs in a logical and effective way.

It is for this reason that the Allied Services Act is so greatly needed. This legislation is designed to enable State and local governments to better coordinate and become more intensively involved in the variety of social service programs funded by the Federal Government. It will encourage States, upon the advice of local governments, to establish single planning authorities to better coordinate the programs they directly or indirectly oversee. The Secretary of Health, Education, and Welfare will be authorized to consolidate the planning of all departmental programs into one planning grant to a State once the State submits an approved State plan to him.

Further, the Secretary will be authorized to waive some of the administrative guidelines which would not work to the best advantage of a coordinated program. In addition, State and local officials will be allowed to transfer up to 25 percent of their HEW funds between programs included in the State plan.

The intent of this legislation is quite simple. In the 5-year period between 1965 and 1970, total social welfare expenditures in the public sector at all levels increased by 13 percent. In fiscal year 1971, total expenditures increased to $170.8 billion—an increase of 17.5 percent from the previous year's total of $145.4 billion. These vast expenditures have proved to be less than totally satisfactory in meeting the needs of our citizens. A primary reason is the omnipresence of duplication of some services. Further problems include programs that work at cross purposes, and the total inability of some people to become acquainted with the programs available to their needs.

Mr. President, it is redundant to repeat the fact that the categorical grant system of providing Federal funds for needed purposes has generally failed. What is needed in place of that system are programs which emphasize a decentralization of administration and better communication between local and Federal interests.

President Nixon has properly recognized this need. His revenue sharing proposals and the purpose behind his program to reorganize the Federal structure are intended to make the Federal Government more responsive to the needs of the American people. The Allied Services Act, I am convinced, can contribute to our goal of reforming the public sector by making programs emanating out of the Department of Health, Education, and Welfare less confusing, while gearing them to a singular purpose of providing the necessary social services with as little bureaucratic waste as possible.

The cost of this act is minute when compared to some of the extravagant proposals which have been introduced. These programs could cost billions upon billions of dollars and would only add a top layer to the duplication of effort we already have.

HUD AND GSA IMPLEMENT RIBICOFF PROPOSAL

Mr. RIBICOFF. Mr. President, on March 16, 1971, I introduced S. 1282, the Government Facilities Location Act, which is designed to insure proper housing for employees of Government agencies and Government contractors.

I took this action because too often employees of agencies and companies moving to new offices lost their jobs because they were unable to find decent housing near the new location. In Washington, D.C., for example, many Federal agencies such as the Atomic Energy Commission have moved far out into the suburbs. For higher income employees this has often meant that their jobs were now closer to their homes in the suburbs. But for many low-income employees dependent on public transportation this means the loss of their jobs due to the unavailability of suburban housing and the high cost of public transportation.

Under my proposal agencies and contractors would not be allowed to locate a new facility or expand an existing one until the community in which the facility is to be located provides an adequate supply of housing for the low- and moderate-income employees of the facility.

Although the Department of Housing and Urban Development opposed S. 1282, the Senate Banking, Housing and Urban Affairs Committee incorporated sections of my bill relating to Federal agencies into the Housing Act of 1972.

Now it appears that HUD has changed its position. HUD and the General Services Administration have issued regulations that would impose essentially the same requirements on Federal agencies as those sections of my bill adopted by the Senate.

This is an important first step for the administration and a recognition of the immense impact of Federal facilities in the development of urban areas in this country. It is hoped that HUD and GSA will soon extend these rules to Federal contractors who have an equal obligation to insure decent housing for their employees.

I ask unanimous consent that the new regulations be printed in the RECORD.

There being no objection, the regulations were ordered to be printed in the RECORD, as follows:

[Docket No. N-72-106]

Department of Housing and Urban Development

(Office of the Secretary)

NEW AND RELOCATING FEDERAL FACILITIES

Procedures for Assuring Availability of Housing on Nondiscriminatory Basis for Low- and Moderate-Income Employees

Notice of the Department of Housing and Urban Development's proposed procedures for implementing the Memorandum of Understanding Between HUD and GSA Concerning Low- and Moderate-Income Housing was published in the FEDERAL REGISTER on December 11, 1971 (36 F.R. 23642). Comments were received from ten interested organizations and consideration has been given to each comment. The procedures have been revised as set forth below, and are effective on publication.

Several comments criticized the threshold levels for application of the procedures (25 low- and moderate-income employees for site selections for public buildings and 100 such employees for lease actions) as not being sufficiently inclusive. One of the comments suggested that there did not appear to be adequate justification for different threshold levels, and another comment proposed 25 for both types of actions. In view of the large volume of GSA construction and lease actions it is deemed a more effective utilization of the resources of the two Departments to concentrate on the more significant actions, i.e.. those involving a substantial number of low- and moderate-income employees. The thresholds have been changed to be 100 for both lease and new construction, and paragraph 5(d) has been added to cover actions of special importance where fewer than 100 low- and moderate-income employees will be involved.

There were a number of comments to the effect that GSA should not be permitted to select a site which HUD has reported inadequate with respect to the accessibility of the location to low- and moderate-income housing on a nondiscriminatory basis. This criticism must be rejected, since by statute and Executive order GSA has the authority and responsibility for making location determinations with respect to the construction of Federal buildings and the acquisition of leased space and must take into account factors other than those which are the subject of the Memorandum of Understanding. It was in recognition of the fact that some selections may be made contrary to the recommendation of HUD that the Memorandum of Understanding included a provision for a written Affirmative Action Plan to ensure that an adequate supply of low- and moderate-income housing on a nondiscriminatory basis will be available no later than 6 months after the building or space is to be occupied. In this connection, it was asserted in some of the comments that the housing should be made available before the building or space is to be occupied. The 6-month period is provided for in the Memorandum of Understanding, and it is appropriate to permit this leeway in these initial procedures. The Memorandum of Understanding does provide that the Memorandum will be reviewed at the end of each year and modified to incorporate any provision necessary to improve its effectiveness in light of actual experience. The validity of the 6-month period will be examined at the time the Memorandum is reviewed.

Several of the comments suggested that the procedures provide for more assurance that an Affirmative Action Plan will be carried out. The provisions relating to the Affirmative Action Plan have been revised to provide that all agreements which constitute the Plan will be signed not only by the appropriate representatives of HUD, GSA, and the Federal agency involved, but also by community bodies and agencies and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the Plan. In addition, the Plan will provide assurance by the relocating agency that, when the old and new facilities are within the same metropolitan area, transportation will be provided for the agency's low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility as provided in the Plan. Since several of the other provisions of the Plan set forth in the proposed procedures were adopted verbatim from the provisions of the Memorandum of Understanding, it is considered unnecessary to repeat these provisions, and they have instead been incorporated by reference to section 9(g) of the Memorandum of Understanding.

Several other comments criticized the procedures for not addressing the issue of nondiscrimination in the sale and rental of housing, in addition to the matter of an adequate supply of low- and moderate-income housing on a nondiscriminatory basis, since discrimination in housing can occur at higher levels as well. Revisions have been made in the procedures to include a determination by HUD of the extent of discrimination in sales or rentals in all housing, not just low- and moderate-income housing. Affirmative action plans will contain appropriate provisions designed affirmatively to further nondiscrimination in the sale or rental of housing.

The definition of "low- and moderate-income" has been revised to take into account the variations in income levels in different housing market areas.

There were several comments with respect to transportation standards, and there was criticism particularly of the difference in travel time permitted between that of low- and moderate-income employees. The criticism is well taken, and the 15-minutee difference has been deleted. In addition, the travel time requirements for lease actions were inadvertently omitted from the proposed procedures and they have now been included. Also, with respect to transportation, the revised procedures provide that the Affirmative Action Plan will insure that there is adequate transportation from housing to the site.

In response to a comment requesting particularity with respect to information which will be made available to the public, the procedures now contain a specific provision that the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

These procedures provide the elements essential for implementation of the Memorandum of Understanding and were never intended to contain all the details of implementation. The Department has initiated the preparation of a Handbook which will include a more detailed explanation of the procedures. In this connection, there were numerous other comments suggesting inclusion of items in the procedures. The suggestions raised by these comments will instead be considered for inclusion in the Handbook. Examples of such comments are: Consideration of restrictive zoning ordinances and building codes and existence of an adequate local fair housing law in making determinations regarding discrimination in housing as well as in setting requirements of Affirmative Action Plans; provision of counselling services for the involved Federal agency's employees; consultation with outside organizations, such as civil rights groups, during the investigation period; and standards and methods for determining that there is nondiscrimination in housing and that an adequate supply of low- and moderate-income housing is available on a nondiscriminatory basis.

One comment suggested that a general area survey be done for the Washington Metropolitan Area as soon as the procedures are implemented, in light of the high concentration of Government facilities in the area. Priorities for the conduct of general area surveys will be determined and surveys will be conducted in accordance with the priorities by the appropriate regional offices as soon as feasible. The Washington Metropolitan Area will be among the earliest areas surveyed.

The procedures are as follows:

1. *Purpose.* This notice establishes the procedures by which the Department of Housing and Urban Development (HUD) will implement the Memorandum of Understanding between the Department of Housing and Urban Development and the General Services Administration Concerning Low- and Moderate-Income Housing executed on June 12, 1971, and published in the FEDERAL REGISTER on December 1, 1971 (36 F.R. 22873). The Memorandum of Understanding is intended to insure the availability of housing on a nondiscriminatory basis for low- and moderate-income employees of new and relocating Federal facilities. For the purpose of these procedures, "low- and moderate-income" is defined as income up to and including the median family income established by HUD for the housing market area under consideration. In the case of General Salary Schedule employees: "low- and moderate-income" is inclusive of all grade levels from GS-1 through that grade level the midpoint of which is nearest to the dollar figure of the median family income for the area; "high-income" is defined as all General Salary Schedule grade levels above such grade level.

2. *Background.* (a) Decisions of the Federal Government concerning location or relocation of Federal facilities may have a major impact on Federal employees, particularly lower grade and minority employees.

(1) The impact on employees can be seriously adverse if facilities are established in areas with an inadequate supply of low- and moderate-income housing.

(2) The problem is even more acute for minority employees if problems of racial and ethnic discrimination further constrain the housing supply near a new or relocated facility.

(b) The General Services Administration (GSA) has responsibility for planning, developing, and constructing Government-owned public buildings for housing Federal agencies, and for acquiring leased space for Federal agency use.

(c) The Secretary of the Department of Housing and Urban Development has the responsibility under the Federal fair housing law (title VIII of the Civil Rights Act of 1968) for coordinating the efforts of all Federal Departments and Agencies to administer their programs of housing and urban development in a manner affirmatively to further the goals of fair housing.

(d) The Department of Housing and Urban Development has prime responsibility for assisting the development of the nation's supply of low- and moderate-income housing.

(e) The Memorandum of Understanding was agreed to as a means of coordinating the respective responsibilities of GSA and HUD.

3. *Responsibility.* (a) The Department of

Housing and Urban Development has the responsibility:

(1) To investigate, determine, and report findings to GSA on the availability of low- and moderate-income housing to Federal employees on a nondiscriminatory basis to serve proposed locations for a federally constructed building or a major lease action.

(2) To participate in site investigations for the purpose of providing a report to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis in or readily accessible to the delineated area within which specific sites will be considered.

(3) To develop jointly with GSA, the Federal agency involved and the community, an Affirmative Action Plan where HUD has determined that GSA's preferred location for the federally constructed building or leased space is not readily accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis in accordance with the HUD–GSA Memorandum of Understanding.

(4) To give priority consideration to applications for assistance under HUD housing programs for housing proposed to be provided in accordance with the Plan.

(b) *The General Services Administration has the responsibility:*

(1) To consider the availability of low- and moderate-income housing on a nondiscriminatory basis to the maximum possible extent compatible with other considerations in making determinations with respect to the location of federally constructed buildings and the acquisition of leased space.

(2) To provide HUD with the information necessary to carry out its responsibilities, including, but not limited to, notice that GSA is undertaking a project development investigation, notice of the time and place for site investigations, copies of the prospectus for each public building or lease-construction project, and any pertinent information supplied to GSA by the agency involved in the relocation, including number of low- and moderate-income employees expected to be employed at the new location.

(3) To advise HUD when the GSA site investigators recommend a site for selection which HUD has reported unsuitable because it is not reasonably accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis.

(4) To provide HUD with a written explanation when, after headquarters' review, a location is selected which HUD has reported unsuitable because it is not reasonably accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis.

(5) To develop jointly with HUD, the Federal agency involved and the community, an Affirmative Action Plan where HUD has determined that GSA's preferred location for the federally constructed building or leased space is not readily accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis in accordance with the HUD–GSA Memorandum of Understanding.

(c) Federal agencies considering relocation have the responsibility:

(1) To consider to the maximum possible extent the availability of low- and moderate-income housing on a nondiscriminatory basis to employees likely to be employed at a new site.

(2) To provide such data with respect to employees being relocated as may be requested by GSA and HUD.

(3) To develop jointly with HUD, GSA and the community, an Affirmative Action Plan where HUD has determined that GSA's preferred location for the federally constructed building or leased space is not readily accessible to an adequate supply of low- and moderate-income housing on a nondiscriminatory basis in accordance with the HUD–GSA Memorandum of Understanding.

4. *Responsibilities within HUD for implementation of the HUD–GSA Memorandum of Understanding.* (a) The Assistant Secretary for Equal Opportunity is responsible for the implementation of the Department's responsibilities under the Memorandum of Understanding. He will maintain liaison at the national level with the Commissioner, Public Buildings Service, GSA, concerning questions of policy and overall implementation.

(b) The HUD Regional Administrator is responsible for coordinating the implementation of this program in the Region, and for providing GSA with HUD's recommendation on specific sites.

(c) The Assistant Regional Administrator for Equal Opportunity is responsible for consolidating information and recommendations to the HUD Regional Administrator including any Affirmative Action Plans that may be required. In this connection, he shall be asssisted by the Assistant Regional Administrators for Housing Production and Mortgage Credit and for Community Planning and Management, the Regional Economist and other appropriate staff.

(d) Directors of Area Offices are responsible for providing the data needed for making recommendations to the HUD Regional Administrator concerning the adequacy of specific sites with respect to the availability of low- and moderate-income housing on a non-discriminatory basis for the Federal employees that will occupy the facility at such location.

(e) The Director of the Equal Opportunity Division in the Area Office will serve as the Department's representatives on site investigation teams.

5. *Actions subject to the procedures in this notice.*

(a) All project development investigations are subject to the procedures herein.

(b) Site selections for public buildings (or leased space in buildings to be erected by the lessor) are subject to the procedures herein in all cases in which 100 or more low- or moderate-income employees are expected to be employed in the new building.

(c) Lease actions (other than those included in (b) above) are subject to the procedures herein where:

(1) 100 or more low- or moderate-income employees are expected to be employed in the space to be leased, and

(2) If the lease involves residential relocation of a majority of the existing low- and moderate-income work force at a presently existing facility, or a significant increase in their transportation or parking costs, or travel time to the new location will exceed 45 minutes or a 20-percent increase if travel time to the present facility already exceeds an average of 45 minutes.

(d) GSA may request HUD review in actions of special importance not covered by (b) and (c).

6. *Project development investigation.* (a) Project development investigations are general surveys of a metropolitan area conducted by GSA for the purpose of identifying specific needs for Federal or lease construction or major alteration projects for housing Federal activities.

(b) The Regional Director, Public Buildings Service (PBS), will inform the HUD Regional Administrator of the initiation of a project development investigation and the area being surveyed.

(c) The HUD Regional Administrator will develop and transmit to the Regional Director, PBS, a report on the survey area which includes the following information:

(1) Summary information on general type, location, cost, and vacancy rates for all low- and moderate-income housing in the survey area. Recent FHA market analyses are acceptable for this purpose.

(2) A listing, by location, of all HUD subsidized housing in the survey area. The racial occupancy of such housing and its vacancy rate should be included. (Use data from HUD Forms 9801 and 51235.)

(3) An estimate, by general location, of the supply of other low- and moderate-income housing in the survey area which would meet the standards for relocation housing contained in the HUD Relocation Handbook (1371.1) Chapters 2 and 4. The estimated racial occupancy of such housing, or the neighborhood in which it is located, should be included, as well as vacancy rates.

(4) A listing, by location, of all subsidized housing planned within the survey area for the 1-year period following the survey.

(5) A listing of competing displacement needs for the subsidized housing planned in (4), above.

(6) A delineation of the geographic boundaries of all urban renewal, neighborhood development project, code enforcement, and model cities areas.

(7) A delineation of those subareas within the survey area which appear accessible to a supply of low- and moderate-income housing on a nondiscriminatory basis, and those which do not so appear.

(8) A determination of the extent of discrimination in the sale and rental of housing.

7. *Site investigation and selection for new construction.* (a) In cases where the Regional Office of GSA is investigating sites for construction of a specific proposed facility, the Regional Director, PBS, willl transmit to the HUD Regional Administrator in whose region the facility is to be located the following information:

(1) The number of low- and moderate-income jobs anticipated at the new or relocated facility when fully staffed.

(2) The delineated area within which specific sites will be considered or, if available, the sites under consideration.

(b) The HUD Regional Administrator, within a time period mutually agreed upon with the Regional Director, PBS, will:

(1) If there exists a General Area Survey (see 6(c), above), completed within the preceding 12 months,

(a) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas.

(B) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in (b) (1) (A).

(2) In the absence of a current General Area Survey, the HUD Regional Administrator will:

(A) Develop a survey of the delineated area similar to the General Area Survey described in 6(c), above.

(B) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in (b) (1) (A).

(c) Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

(1) *Public transportation.* Public transportation should be available to the facility from any low- or moderate-income housing available on a nondiscriminatory basis on a regular schedule providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher-income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average eight hours' wage of low-

and moderate-income employees at the facility.

(d) The HUD Regional Administrator will transmit to the Regional Director, PBS, his evaluation of the sites being considered. In any case in which a proposed site is deemed inadequate on one or more grounds, i.e., supply of low- and moderate-income housing on a non-discriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

(e) The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the sites to be recommended for a facility and their priority. In the event any of the preferred sites are identified by HUD as inadequate on one or more of the grounds set forth in (d), the HUD Regional Administrator shall promptly so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings, GSA, of HUD's concerns within 5 workdays after notification to the HUD Regional Administrator. The Assistant Secretary and the Commissioner will agree on the time required to properly present HUD's views.

(f) GSA will provide a written explanation when, after Headquarters' review, a location is selected which HUD reported inadequate with respect to one or more of the grounds set forth in (d), in accordance with the HUD–GSA Memorandum of Understanding.

(g) Prior to the announcement of a site selected contrary to the recommendation of HUD, the involved Federal Agency, GSA, HUD, and the community in which the proposed site is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan.

The Affirmative Action Plan will ensure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of 6 months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding, and will include, but not be limited to, the following points:

(1) The corrective actions specified by HUD under (d).

(2) Assurance of the relocating agency that, when the old and new facilities are within the same metropolitan area, transportation will be provided for its low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan.

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the appropriate representatives of HUD, GSA, the Federal Agency involved, community bodies and agencies and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

(h) The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

(i) The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of noncompliance HUD and GSA shall undertake appropriate action to secure compliance.

8. *Site investigation and selection for lease actions.* (a) In cases where the Regional Office of GSA is seeking to lease space meeting the tests set forth in 5(c) of this Circular, the Regional Director, PBS, will transmit to the HUD Regional Administrator in whose region the leased space is to be located the following information:

(1) The number of low- and moderate-income jobs anticipated at the new or relocated facility when fully staffed.

(2) The delineated area within which lease action is anticipated.

(b) The HUD Regional Administrator, within 4 weeks or such time period as may be mutually agreed upon with the Regional Director, PBS, will:

(1) If there exists a General Area Survey (see 6(c), above), completed within the preceding 12 months.

(A) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas.

(B) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in (b) (1) (A).

(2) In the absence of a current General Area Survey the HUD Regional Administrator will:

(A) Develop a survey of the delineated area similar to the General Area Survey described in 6(c), above.

(B) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in (b) (1) (A).

(c) Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

(1) *Public transportation.* Public transportation should be available to the facility from any low- or moderate-income housing available on a nondiscriminatory basis on a regular schedule providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher-income employees.

(2) *Private transportation and parking.* Where public transportation is unavailable, or does not meet the standard of (c) (1), above, travel time by automobile to the facility from any low- or moderate-income housing available on a nondiscriminatory basis should not exceed the estimated travel time from housing for higher-income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average 8 hours' wages of low- and moderate-income employees at the facility.

(d) The HUD Regional Administrator will transmit to the Regional Director, PBS his evaluation of the delineated area. Where the delineated area (or sub-areas within it) is deemed inadequate on one or more grounds, i.e., supply of low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

(e) The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the delineated area in which lease action will be undertaken. In the event that the area delineated (or sub-areas within it) is identified by HUD as inadequate on one or more of the grounds set forth in (d), the HUD Regional Administrator shall promptly so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within five workdays after notification to the HUD Regional Administrator. The Assistant Secretary and the Commissioner will agree on the time required to properly present HUD's views.

(f) GSA will provide a written explanation when, after Headquarters' review, GSA selects a delineated area which was wholly or in part reported by HUD as inadequate on one or more of the grounds set forth in (d), in accordance with the HUD–GSA Memorandum of Understanding.

(g) Prior to the award of a lease contract, where the entire delineated area is deemed inadequate by HUD, or the space to be leased is located within a sub-area deemed inadequate by HUD, the involved Federal Agency, GSA, HUD, and the community in which the space to be leased is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan.

The Affirmative Action Plan will ensure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of six months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding and will include, but not be limited to, the following points:

(1) The corrective actions specified by HUD under (d).

(2) Assurance of the relocating agency that, when the old and new facilities are within the same metropolitan area, transportation will be provided for its low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan.

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the designated representatives of HUD, GSA, the Federal agency involved, the lessor, community bodies and agencies and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

(h) The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

(i) The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of noncompliance HUD and GSA shall undertake appropriate action to secure compliance.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601; sec. 2 of the Housing Act of 1949, 42 U.S.C. 1441)

Effective date: These procedures are effective upon publication in the FEDERAL REGISTER (6–7–72).

GEORGE ROMNEY,
Secretary of Housing and
Urban Development.

[FR Doc. 72–8537 Filed 6–6–72; 8:50 am]

GENERAL SERVICES ADMINISTRATION

SELECTION OF SITES FOR FEDERAL BUILDINGS

Consideration of Socioeconomic Impact

Notice is hereby given that the Public Buildings Service has issued the following procedures to its employees for implementing the Memorandum of Understanding Between the Department of Housing and Urban Development (HUD) and the General Services Administration (GSA) Concerning Low and Moderate Income Housing. Proposed procedures were published in the FEDERAL REGISTER December 1, 1971, 36 F.R. 22873.

Comments were received from the Department of Housing and Urban Development, the U.S. Commission on Civil Rights and from four other non-Federal organizations. Many comments related to the necessity for procedures to be issued by the Department of Housing and Urban Development, and those comments, as well as all others received by GSA, were referred to that Department for appropriate action. The HUD procedures have been developed and are also published.

A comment was received recommending that the procedures apply to all lease and utilization actions. GSA and HUD agreed that this was administratively impossible and instead adopted rules for determining which cases are significant, thus permitting more effective utilization of the resources of the two departments to concentrate on the more significant actions, that is, those involving a substantial number of low- and moderate-income employees. Comments were received which suggested that discriminatory housing practices in the area should be reported to GSA and HUD. The revised procedures provide for such investigations and call for a report by HUD to GSA on such practices.

Comments were received recommending that GSA should not be permitted to proceed when HUD has reported inadequacy of low- and moderate-income housing. This comment must be rejected, since by statute and Executive order, BSA has the authority and responsibility for making final location determinations for the construction of Federal buildings and the acquisition of leased space and must take into account factors other than those which are the subject of the memorandum of understanding.

A recommendation was received which proposed making the employees participants in the location of selecting decisions. This recommendation was rejected on the basis that such decisions are management prerogatives. However, the memorandum of understanding provides for provision of special employee counseling and referral service by the agencies involved.

Dated: June 2, 1972.

A. F. SAMPSON,
Commissioner,
Public Building Service.

[PBS 7000.11]

GSA ORDER

JUNE 2, 1972.

SUBJECT: Availability of low- and moderate-income housing—DHUD/GSA Memorandum of Understanding of June 12, 1971.

1. *Purpose.* This order provides procedures for implementing the memorandum agreement between the Department of Housing and Urban Development (HUD) and the General Services Administration (GSA).

2. *Background.* Executive Order 11512 of February 27, 1970, provides guidance for the planning, acquisition, and management of Federal space. Executive Order No. 11512 supersedes Executive Order No. 11035 of July 9, 1962.

3. *Agreement with Secretary of Housing and Urban Development.* In further implementation of sections 2(a) (2) and (6) of Executive Order 11512, the Administrator, General Services Administration, entered into an agreement with the Secretary of Housing and Urban Development (HUD) to utilize the Department of Housing and Urban Development (HUD) to investigate, determine, and report findings to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis with respect to site selections and major lease actions having a significant socioeconomic impact on a community. Under the agreement, HUD will advise GSA on the availability of low- and moderate-income housing in connection with locating Federal facilities. HUD will also advise GSA and other Federal agencies with respect to actions which would increase the availability of low- and moderate-income housing on a nondiscriminatory basis, as well as to assist in increasing the availability of such housing through its own programs. The text of the agreement is included in figure 1.

4. *Definitions*—a. *Low and moderate income.* Equal to or less than the median family income established by HUD for the housing market area under consideration. In the case of General Salary Schedule employees: "low and moderate income" is inclusive of all grade levels from GS-1 through that grade level the midpoint of which is nearest to the dollar figure of the median family income for the area.

b. *Regional Director, PBS.* References to the Regional Director, PBS, shall be construed to mean, also, the Assistant Commissioner for Operating Programs for all actions to acquire space in the States of Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

5. *Obtaining socioeconomic data.* a. The Regional Director, PBS, is responsible for obtaining data and advice from the regional offices of the Department of Housing and Urban Development; Health, Education, and Welfare; Commerce; and others, as appropriate.

b. GSA regional requests for consultation, advice, or reports shall be in writing and shall request a reply in writing. Requests to HUD shall be directed to the Regional Administrator, HUD.

6. *Classifications for actions to which HUD-GSA Memorandum of Understanding applies.* The actions described in this paragraph are subject to the provisions of the HUD-GSA Memorandum of Understanding and the procedures which follow.

a. All project development investigations.

b. Site selections for public buildings (or leased space in buildings to be erected by the lessor) in which 100 or more low- or moderate-income employees are expected to be employed in the new building.

c. Lease actions (other than those included in b.) where:

(1) One hundred or more low- or moderate-income employees are expected to be employed in the space to be leased; and

(2) The lease involves residential relocation of a majority of the existing low- and moderate-income work force; a significant increase in their transportation or parking costs; or travel time to the new location will exceed 45 minutes, or a twenty-percent increase if travel time to the present facility already exceeds an average of 45 minutes.

d. GSA requests HUD review in lease actions of special importance not covered by (b) and (c).

7. *Project development investigation.* a. Prior to undertaking project development surveys for the purpose of identifying specific needs for Federal or lease construction or major alteration for housing Federal activities, the Regional Director, PBS, will inform the Regional Administrator, HUD, of the initiation of a project development investigation and the areas being surveyed and request information relating to present and planned availability of low- and moderate-income housing on a nondiscriminatory basis in the area where such a project might be located. This data will constitute the basic information concerning housing considerations at this stage of project planning. The HUD Regional Administrator will develop and transmit to the Regional Director, PBS, a report on the survey area which includes the following information:

(1) Summary information on general type, location, cost, and vacancy for all housing in the survey area. Recent FHA market analyses are acceptable for this purpose.

(2) A listing, by location, of all HUD subsidized housing in the survey area. The racial occupancy of such housing and its vacancy rate should be included. (Use data from HUD Forms 9801 and 51235.)

(3) An estimate, by location, of all other low- and moderate-income housing in the survey area which would meet the standards for relocation housing contained in the HUD Relocation Handbook (1371.1) chapters 2 and 4. The racial occupancy of such housing, or the neighborhood in which it is located, should be included, as well as vacancy rates.

(4) A listing, by location, of all subsidized housing planned within the survey area for the 1-year period following the survey.

(5) A listing of competing displacement needs for the subsidized housing planned in (4).

(6) A delineation of the geographic boundaries of all urban renewal, neighborhood development project, code enforcement, and model cities areas.

(7) A delineation of those subareas within the survey area which appear accessible to a supply of low- and moderate-income housing on a nondiscriminatory basis, and those which do not so appear.

(8) A determination of the extent of discrimination in the sale and rental of housing.

b. The PBS regional Operational Planning staff will prepare the Project Development Report which will delineate the general area or areas for the project. The Regional Administrator of HUD will be advised at the earliest possible time with respect to such decision.

c. The Office of Operational Planning shall be responsible for providing to the Headquarters office of HUD copies of all prospectuses approved by the Public Works Committees of the Congress.

8. *Site investigation and selection for new construction.* a. Upon receipt of a site investigation directive, the Regional Director, PBS, shall initiate necessary actions in accordance with other PBS directives. The site investigation directive will delineate the area or areas in which the proposed project will be located. The Regional Director, PBS, is required to provide advance notice of the site investigation to State and local governments, clearinghouses, and local elected officials. At the same time, the Regional Administrator, HUD, in whose region the facility is to be located will be informed of the planned site investigation, will be provided with a copy of the site investigation directive, and will be requested to designate an appropriate HUD official to participate in the site investigation work. The HUD representative will be required to survey, determine, and furnish GSA with a written report on availability of low- and moderate-income housing on a nondiscriminatory basis and the accessibility of such housing to the delineated area(s) in which the proposed building will be located. The Regional Director, PBS, will transmit to the HUD Regional Administrator in whose region the facility is to be located the following information:

(1) The number of low- and moderate-income jobs anticipated at new or relocated facilities when fully staffed.

(2) The delineated area within which specific sites will be considered or the sites under consideration.

b. The HUD Regional Administrator, within a time period mutually agreed upon with the Regional Director, PBS, will:

(1) Upon the existence of a current Gen-

eral Area Survey (See 7a) (completed within the preceding 12 months):

(a) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas.

(b) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in b(1) (a).

(2) In the absence of a current General Area Survey the HUD Regional Administrator will:

(a) Develop a survey of the delineated area similar to the General Area Survey described in 7a.

(b) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in b(1) (a).

c. Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

(1) *Public transportation.* Public transportation should be available to the facility from any low- or moderate-income housing deemed nondiscriminatory on a scheduled basis providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher-income employees.

(2) *Private transportation and parking.* Where public transportation is unavailable, or does not meet the standard of c(1), travel time by automobile to the facility from any low- or moderate-income housing deemed nondiscriminatory should not exceed the estimated travel time from housing for higher-income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average 8 hours' wage of low- and moderate-income employees at the facility.

d. The HUD Regional Administrator will transmit to the Regional Director, PBS, his evaluation of the sites being considered. In any case in which a proposed site is deemed inadequate in one or more grounds, i.e., supply of low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

e. The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the sites to be recommended for a facility and their priority. In the event any of the preferred sites are identified by HUD as inadequate on one or more of the grounds set forth in d, the HUD Regional Administrator shall so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within 5 workdays after notification to the HUD Regional Administrator and agree on the time required to properly present HUD's views.

f. GSA will provide a written explanation when, after Headquarters' review, a location is selected which HUD reported inadequate with respect to one or more of the grounds set forth in d, in accordance with the HUD–GSA Memorandum of Understanding.

g. Prior to the announcement of a site selected contrary to the recommendation of HUD, the involved Federal agency, GSA, HUD, and the community in which the proposed site is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan. The Affirmative Action Plan will ensure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of 6 months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding, and will include, but not be limited to the following points:

(1) The corrective actions specified by HUD under d;

(2) Assurance of the relocating agency that when the old and new facilities are within the same metropolitan area transportation will be provided for their low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan; and

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the appropriate representatives of HUD, GSA, the Federal agency involved, community bodies and agencies, and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

h. The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

1. The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of non-compliance HUD and GSA shall undertake appropriate action to secure compliance.

9. *Lease actions.* a. For lease actions where the regional office of GSA or the Office of Operating Programs is seeking to lease space meeting the tests set forth in 6c, the Regional Director, PBS, and the regional Assignment and Utilization (A&U) Branch shall be responsible for delineating the area for lease actions consistent with 41 CFR 101–18.102, so as to exert, to the greatest extent practicable, a positive economic and social influence on the development and redevelopment of areas in which such facilities are to be located. The area circumscribed thereby shall be sufficiently large to assure full and free participation by potential offerors. In determining this area, A&U shall consult with the agency to be housed, the Acquisition Branch, and the Operational Planning staff.

b. Whenever an agency initiates a space request which will result in a lease action as defined in 6c, the GSA Regional Director, PBS, shall contact the HUD Regional Administrator in whose region the leased space is to be located and provide the following information if available:

(1) The number of low- and moderate-income jobs anticipated at the new or relocated facility when fully staffed; and

(2) The delineated area within which lease action is anticipated.

c. The HUD Regional Administrator, within 4 weeks, or such time period as may be mutually agreed upon with the Regional Director, PBS, will:

(1) Upon the existence of a current General Area Survey (see 7a) completed within the preceding 12 months:

(a) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas; and

(b) Make recommendations to the Regional Director, PBS as to those areas reviewed, with respect to the matters referenced in 8b(1) (a),

(2) In the absence of a current General Area Survey the HUD Regional Administrator will:

(a) Develop a survey of the delineated area similar to the General Area Survey described in 7a; and

(b) Make recommendation to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in 8b(1) (a).

d. Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

(1) *Public transportation.* Public transportation should be available to the facility from any low- or moderate-income housing deemed nondiscriminatory on a scheduled basis providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher income employees.

(2) *Private transportation and parking.* Where public transportation is unavailable, or does not meet the standard of d(1), travel time by automobile to the facility from any low- or moderate-income housing deemed nondiscriminatory should not exceed the estimated travel time from housing for higher income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average 8 hours' wage of low- and moderate-income employees at the facility.

e. The HUD Regional Administrator will transmit to the Regional Director, PBS, his evaluation of the delineated area. Where the delineated area (or subareas within it) is deemed inadequate on one or more grounds, i.e., supply of low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

f. The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the delineated area in which lease action will be undertaken. In the event that the area delineated (or subareas within it) is identified by HUD as inadequate on one or more of the grounds set forth in e, the HUD Regional Administrator shall so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within 5 workdays after notification by GSA to the HUD Regional Administrator, agree on the time required to properly present HUD's views.

g. GSA will provide a written explanation when, after headquarters' review, GSA selects a delineated area which was wholly or in part reported by HUD as inadequate on one or more of the grounds set forth in e, in accordance with the HUD–GSA Memorandum of Understanding.

h. Prior to the award of a lease contract, where the entire delineated area is deemed inadequate by HUD, or the space to be leased is located within a subarea deemed inadequate by HUD, the involved Federal agency, GSA, HUD, and the community in which the space to be leased is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan. The Affirmative Action Plan will insure that an adequate supply of low- and moderate-income housing will be available on a non-discriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of 6 months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin. The affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD–GSA Memorandum of Understanding, and will include, but not be limited to, the following points:

(1) The corrective actions specified by HUD under *d*;

(2) Assurance of the relocating agency that when the old and new facilities are within the same metropolitan area, transportation will be provided for their low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan; and

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the designated representatives of HUD, GSA, the Federal agency involved, the lessor, community bodies and agencies, and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

i. The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

j. The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of noncompliance HUD and GSA shall undertake appropriate action to secure compliance.

A. F. SAMPSON,
Commissioner,
Public Buildings Service.

PURPOSE: The purpose of the Memorandum of Understanding is to provide an effective, systematic arrangement under which the Federal Government, acting through HUD and GSA, will fulfill its responsibilities under law, and, as a major employer, in accordance with the concepts of good management, to assure for its employees the availability of low- and moderate-income housing without discrimination because of race, color, religion, or national origin, and to consider the need for development and redevelopment of areas and the development of new communities and the impact on improving social and economic conditions in the area, whenever Federal Government facilities locate or relocate at new sites, and to use its resources and authority to aid in the achievement of these objectives.

1. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601) states, in section 801, that "It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States." Section 808(a) places the authority and responsibility for administering the Act in the Secretary of Housing and Urban Development. Section 808(d) requires all executive departments and agencies to administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of title VIII (fair housing) and to cooperate with the Secretary to further such purposes. Section 808(e)(5) provides that the Secretary of HUD shall administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of title VIII.

2. Section 2 of the Housing Act of 1949 (42 U.S.C. 1441) declares the national policy of * * * "the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family * * * ." This goal was reaffirmed in the Housing and Urban Development Act of 1968 (secs. 2 and 1601; 12 U.S.C. 1701t and 42 U.S.C. 1441a).

3. By virtue of the Public Building Act of 1959, as amended; the Federal Property and Administrative Services Act of 1949, as amended; and Reorganization Plan No. 18 of 1950, the Administrator of General Services is given certain authority and responsibility in connection with planning, developing, and constructing Government-owned public buildings for housing Federal agencies, and for acquiring leased space for Federal agency use.

4. Executive Order No. 11512, February 27, 1970, sets forth the policies by which the Administrator of General Services and the heads of executive agencies will be guided in the acquisition of both federally owned and leased office buildings and space.

5. While Executive Order No. 11512 provides that material consideration will be given to the efficient performance of the missions and programs of the executive agencies and the nature and functions of the facilities involved, there are six other guidelines set forth, including:

The need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in the area; and

The availability of adequate low and moderate income housing, adequate access from other areas of the urban center, and adequacy of parking.

6. General Services Administration (GSA) recognizes its responsibility, in all its determinations with respect to the construction of Federal buildings and the acquisition of leased space, to consider to the maximum possible extent the availability of low and moderate income housing without discrimination because of race, color, religion, or national origin, in accordance with its duty affirmatively to further the purposes of Title VIII of the Civil Rights Act of 1968 and with the authorities referred to in paragraph 2 above, and the guidelines referred to in paragraph 5 above, and consistent with the authorities cited in paragraphs 3 and 4 above. In connection with the foregoing statement, it is recognized that all the guidelines must be considered in each case, with the ultimate decision to be made by the Administrator of General Services upon his determination that such decision will improve the management and administration of governmental activities and services, and will foster the programs and policies of the Federal Government.

7. In addition to its fair housing responsibilities, the responsibilities of HUD include assisting in the development of the Nation's housing supply through programs of mortgage insurance, home ownership and rental housing assistance, rent supplements, below market interest rates, and low-rent public housing. Additional HUD program responsibilities which relate or impinge upon housing and community development include comprehensive planning assistance, metropolitan area planning coordination, new communities, relocation, urban renewal, model cities, rehabilitation loans and grants, neighborhood facilities grants, water and sewer grants, open space, public facilities loans. Operation Breakthrough, code enforcement, workable programs, and others.

8. In view of its responsibilities described in paragraphs 1 and 7 above, HUD possesses the necessary expertise to investigate, determine, and report to GSA on the availability of low and moderate income housing on a nondiscriminatory basis and to make findings as to such availability with respect to proposed locations for a federally constructed building of leased space which would be consistent with such reports. HUD also possesses the necessary expertise to advise GSA and other Federal agencies with respect to actions which would increase the availability of low and moderate income housing on a nondiscriminatory basis, once a site has been selected for a federally constructed building or a lease executed for space, as well as to assist in increasing the availability of such housing through its own programs such as those described in paragraph 7 above.

9. HUD and GSA agree that:

(a) GSA will pursue the achievement of low- and moderate-income housing objectives and fair housing objectives, in accordance with its responsibilities recognized in paragraph 6 above, in all determinations, tentative and final, with respect to the location of both federally constructed buildings and leased buildings and space, and will make all reasonable efforts to make this policy known to all persons, organizations, agencies and others concerned with federally owned and leased buildings and space in a manner which will aid in achieving such objectives.

(b) In view of the importance to the achievement of the objectives of this memorandum of agreement of the initial selection of a city of delineation of a general area for location of public buildings of leased space, GSA will provide the earliest possible notice to HUD of information with respect to such decisions so that HUD can carry out its responsibilities under this memorandum of agreement as effectively as possible.

(c) Government-owned Public Buildings Projects:

(1) In the planning for each new public buildings project under the Public Buildings Act of 1959, during the survey preliminary to the preparation and submission of a project development report, representatives of the regional office of GSA in which the project is proposed will consult with, and receive advice from, the regional office of HUD, and local planning and housing authorities concerning the present and planned availability of low- and moderate-income housing on a nondiscriminatory basis in the area where the project is to be located. Such advice will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a). A copy of the prospectus for each project which is authorized by the Committee on Public Works of the Congress in accordance with the requirements of section 7(a) of the Public Buildings Act of 1959, will be provided to HUD.

(2) When a site investigation for an authorized public buildings project is conducted by regional representatives of GSA to identify a site on which the public building will be constructed a representative from the regional office of HUD will participate in the site investigation for the purposes of providing a report on the availability of low- and moderate-income housing on a nondiscriminatory basis in the area of the investigation. Such report will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a).

(d) *Major lease actions having a significant socioeconomic impact on a community.* At the time GSA and the agencies who will occupy the space have tentatively delineated the general area in which the leased space must be located in order that the agencies may effectively perform their missions and programs, the regional representative of HUD will be consulted by the regional representative of GSA who is responsible for the leasing action to obtain advice from HUD concerning the availability of low- and moderate-income housing on a nondiscriminatory basis to the delinated area. Such advice will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a). Copies of lease-construction prospectuses approved by the Committee on Public Works of the Congress in conformity with the provisions of the Independent Offices and Department of Housing and Urban Development appropriation acts, will be provided to HUD.

(e) GSA and HUD will each issue internal operating procedures to implement this memorandum of understanding within a reasonable time after its execution. These procedures shall recognize the right of HUD, in the event of a disagreement between HUD and GSA representatives at the area or regional level, to bring such disagreement to the attention of GSA officials at headquarters in sufficient time to assure full consideration of HUD's views, prior to the making of a determination by GSA.

(f) In the event a decision is made by GSA as to the location of a federally constructed building or leased space, and HUD has made findings, expressed in the advice given or a report made to GSA, that the availability to such location of low and moderate income housing on a nondiscriminatory basis is inadequate, the GSA shall provide the HUD with a written explanation why the location was selected.

(g) Whenever the advice or report provided by HUD in accordance with paragraph 9(c)(1), 9(c)(2), or 9d with respect to an area or site indicates that the supply of low and moderate income housing on a nondiscriminatory basis is inadequate to meet the needs of the personnel of the agency involved, GSA and HUD will develop an affirmative action plan designed to insure that an adequate supply of such housing will be available before the building or space is to be occupied or within a period of 6 months thereafter. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low and moderate income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space. It should include commitments by the local officials having the authority to remove obstacles to the provisions of such housing, when such obstacles exist, and to take effective steps to assure its provision. The plan should also set forth the steps proposed by the agency to develop and implement a counseling and referral service to seek out and assist its personnel to obtain such housing. As part of any plan during, as well as after its development, HUD agrees to give priority consideration to application for assistance under its housing programs for the housing proposed to be provided in accordance with the plan.

10. This memorandum will be reviewed at the end of 1 year, and modified to incorporate any provision necessary to improve its effectiveness in light of actual experience.

Dated: June 11, 1971.

ROBERT L. KUNZIG,
Administrator,
General Services Administration.

Dated: June 12, 1971.

GEORGE ROMNEY,
Secretary, Department of Housing
and Urban Development.

[FR Doc. 72-8536 Filed 6-5-72; 10:02 am]

EDMUND WILSON—1895–1972

Mr. JAVITS. Mr. President, Edmund Wilson, the celebrated critic and man of letters, died Monday, June 12, at his home in Talcottville, in upstate New York, where he lived for many years to the age of 77. He was one of the most distinguished of New Yorkers and was the dean of American letters and one of the most preeminent literary critics of our time. Indeed, Mr. Wilson's last published book was "Upstate, Records and Recollections of Northern New York."

Mrs. Javits and I extend our deepest sympathies to his family. His loss will be deeply felt in the world of literature and of the arts.

I ask unanimous consent that the obituary and two articles from the New York Times of June 13, 1972, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EDMUND WILSON DIES

TALCOTTVILLE, N.Y., June 12.—Edmund Wilson, who read and wrote with encyclopedic thoroughness on literature, history, anthropology and economics, died here today in the 172-year-old stone house that served as the setting of his last published book: "Upstate Records and Recollections of Northern New York." He was 77 years old.

Some have called Mr. Wilson the dean of American letters and the pre-eminent literary and social critic of our time. But his works, which included poems, short stories and a novel, shattered disciplines and made it hard to categorize him.

Mr. Wilson had suffered from a heart condition for the last two years. He is survived by his widow, Elena Thornton Wilson; their daughter, Helen; a son, Reuel, by his marriage to the author Mary McCarthy; and another daughter, Rosalind, by his marriage to Mary Blair. He had also been married to Margaret Canby, who died.

The family said that the body would be cremated and a memorial service would be held in Wellfleet, Mass.

ERUDITE AND PRODUCTIVE

(By Alden Whitman)

Celebrated primarily as a critic, Edmund Wilson was accounted by common consent the most erudite of them, the most omniscient, the most productive, the most finicky and the most dyspeptic. There was, inevitably, some question as to whether he was the most sagacious or the most perceptive; but there was no doubt, as the years passed, that he was the most didactic and probably the most influential.

For 50 years, Mr. Wilson, who regarded literature as "a history of man's ideas and imaginings in the setting of the conditions which have shaped them," wrote elegantly, chiefly for the intellectually elite. Yet such was the force of his value-judgments that he conferred reputations on writers and fashioned as a result the reading tastes of millions, to whom he himself was but a shadowy figure.

Like Dr. Johnson and his own mentor, Hippolyte Taine, the 19th-century French historian and critic, and like Charles Sainte-Beuve, also a 19th-century French critic, Mr. Wilson was a man of letters in the broadest sense. Besides being a critic, he was a novelist, short-story writer, playwright, poet, historian, Bible authority, essayist, literary quarreler, self-interviewer and autobiographer. Having troubled as an adult to learn Hebrew, Russian and Hungarian and fluent from adolescence in Greek, French, Italian and German, he ranged effortlessly in Western literature and culture. And from a mind so well furnished he was able to draw apposite allusions and examples to illuminate his diverse writings, the bulk of which were essentially criticism.

"For me," he once remarked, "literary criticism has always meant narrative and drama as well as an estblishing of comparative values.

"On the comparative side, my function has, I think, been to make an effort to see in relation to one another, to bring into the same cultural sphere, a number of literary fields which have been in some cases hardly aware of one another."

Four of Mr. Wilson's books represented direct attempts to apply his humanist and historical values to writers and the culture that nurtured them. These were "Axel's Cast" in 1931, "To the Finland Station" in 1940, "The Wound and the Bow" in 1941 and "Patriotic Gore" in 1962. The first analyzed the work of Yeats, Eliot, Pound and Joyce in terms of the French Symbolist movement; the second dealt with Vico, Saint-Simon, Taine, Marx, Engels, Lenin and Trotsky in terms of the revolutionary tradition in Europe; the third concerned the dualism of Dickens, Kipling, Casanova, Edith Wharton, Hemingway and Joyce; and the fourth treated Harriet Beecher Stowe, Lincoln, Grant, Sherman and a number of others who left a record of their experiences leading up to or in the Civil War.

In other works the critic paid his respects to many of his contemporaries—Fitzgerald, Steinbeck, Faulkner, Aldous Huxley, Louis Bromfield, Katherine Anne Porter, Dorothy Parker, John O'Hara, Thornton Wilder, Malraux and Sartre, among others.

Contemplating O'Hara, Mr. Wilson found that his work derived from Hemingway and James M. Cain, but that "his writing really belongs to a different category of fiction."

"O'Hara," he declared, "is primarily a social commentator [who] subjects to a Proustian scrutiny the tight-knitted social web of a large Pennsylvania town, the potpourri of New York night life in the twenties, the nondescript fringes of Hollywood. In all this he has explored for the first time from his peculiar semisnobbish point of view a good deal of interesting territory."

Mr. Wilson bestowed his approval on Faulkner, but it was not unalloyed. Reviewing "Intruder in the Dust," he remarked bluntly that "it ought to be said that, from the point of view of the writing, this is one of the more snarled up of Faulkner's books."

But Mr. Wilson did not limit his criticism to the kind of writers usually discussed in literary journals. He wrote of Emily Post and her etiquette books and, in an essay entitled "Who Cares Who Killed Roger Ackroyd?", he reported his conclusion that detective stories were a waste of an intelligent reader's time after having worked his way, with characteristic thoroughness, through dozens of popular successes in that genre.

He would write of writers long forgotten and of others who had never been much known. The writing was always direct and pungent. He began an essay called "What Became of Louis Bromfield" in his way:

BOOK BANNED IN STATE

"In the days of 'The Green Tree' and 'The Strange Case of Miss Annie Spragg,' Mr. Louis Bromfield used to be spoken of as one of the younger writers of promise. By the time he had brought out 'Twenty Four Hours,' it was more or less generally said of him that he was definitely second rate. Since, then, by unremitting industry and a kind of stubborn integrity that seems to make it impossible for him to turn out his rubbish without thoroughly believing in it, he has gradually made his way into the fourth rank, where his place is now secure."

These books of criticism brought Mr. Wilson his renown; a collection of six stories satiritizing suburban manners and morals, "Memories of Hecate County," earned him notoriety. Published in 1946, the book was banned in New York State as obscene chiefly for one story. "The Princes With the Golden Hair." The story, told in the first person, contrasted the sex life of a suburban matron with that of a city working girl. Its love scenes, tame by today's standards, nonetheless shocked the Court of Special Sessions.

Reflecting a general attitude toward Mr. Wilson in the nineteen-sixties, when most of his work was behind him, Sherman Paul, also a critic, wrote:

"We think of Wilson, as he probably intended us to, when we read in 'Patriotic Gore' of the old Romans of the old America."

Professor Paul had in mind Mr. Wilson's reputation for incorruptibility; but he could also have been describing his physical appearance and his patrician attitudes. Of medium height and tending to paunchiness, his body was dominated by a massive head. His features—a high forehead and a slightly jutting jaw—resembled those of a bulldog in repose.

He was, though, not so much pugnacious as he was disdainful or impatient with lesser intellects. Some of this was reflected in a letter he once sent to the British weekly The New Statesman. "I read your journal mostly with admiration," he wrote, "but I do wish you would not so often confuse 'titillate' with 'titivate.' "

"INTERVIEW" OF HIMSELF

Another facet was thrown in a self-interview in The New Yorker in 1962 that dealt with a trip to Britain. It read in part:

"Interviewer: What brings you to England, Mr. Wilson?

"Wilson: I wanted to dine at the Café Royal. I have never been able to get any English friend to go there with me. They always say that it isn't what it used to be. But I want to see it all the same. That's one reason, and another is that I want to get a set of Ackermann's 'London' at a somewhat cheaper price than they ask for it in the United States. I feel that when I've achieved these two objectives, I need never come to London again."

And later in the "interview," when Mr. Wilson was asking himself his opinions of various British writers, he wrote:

"Interviewer: And Anthony Powell [the novelist]—have you read him?

"Wilson: I don't see why you make so much fuss about him. He's just entertaining enough. to read in bed late at night in summer, when his books usually reach me. If Evelyn Waugh is the Shakespeare of this school, Powell is the Middleton or Day. It's a pity he never dipped into Proust—and that goes for Durrell, too, though of course Durrell did more than dip, he saturated himself completely. Durrell is even better to read in bed."

Mr. Wilson was impartial with his hauteur, except with his close friends. For example, he customarily replied to requests of him with a printed card that read:

Edmund Wilson regrets that it is impossible for him to:

Read manuscripts, write articles or books to order, write forewords or introductions, make statements for publicity purposes, do any kind of editorial work, judge literary contests, give interviews, conduct educational courses, deliver lectures, give talks or make speeches, broadcast or appear on television, take part in writers' congresses, answer questionnaires, contribute to or take part in symposiums or "panels" of any kind, contribute manuscripts for sales, donate copies of his books to libraries, autograph books for strangers, allow his name to be used on letterheads, supply personal information about himself, supply photographs of himself, supply oinions on literary or other subjects.

The critic's desire to be left in peace was understandable in view of the care and diligence with which he worked. He often called himself a journalist, and, in fact, many of his essays appeared in their first form in such magazines as The New Republic, The New Yorker and New York Review of Books. These he expanded and burnished for his books, and this required enormous concentration. Partly, too, he disliked dealing with strangers because of his stutter and his absentmindedness.

Mr. Wilson accumulated a reputation for bad manners. In fact, Richard Chase, the critic, once wrote:

"People who write about Edmund Wilson are likely to include a note on how badly he acted when they saw him at a party. So I had better add that when I saw him at a party he was amenable enough.

"He made a point of sitting beside me like a benign if somewhat nettled uncle, and he asked me about Melville's poems, which he was reading at that time. The great man somewhat confounded me, and I forgot most of whatever I knew about Melville's poems.

"We talked about Whitman, and Wilson emphatically pronounced him the greatest of our classic writers ('The Scarlet Letter,' on the other hand, was a 'fraud').

"Wilson seemed rather baffled by me and soon retired to a corner with the host, who helped him puzzle out a Yiddish newspaper that had been sticking out of his pocket when he entered the house."

Professor Chase, however, did not catch Mr. Wilson at small parties he gave in his apartment or at his home on Cape Cod. On these occasions, Mr. Wilson delighted his guests with his skill at puppetry, especially Punch and Judy shows, and for his skill at Maskelyne's magic, which he picked up in Italy when he was a boy.

A command of culture came naturally to Edmund Wilson, for it was a world into which he was born and in which he was reared. The only child of Edmund and Helen Mather Kimball Wilson, he was born May 8, 1895, in Red Bank, N.J. His father, a successful lawyer, served a term as Attorney General of New Jersey. His mother, also of professional background, put store by books and art as household equipment. And when the boy was 13 his parents took him to Europe for a thorough tour of the cultural sights of Italy, Austria, Germany, France and Britain.

A year later he was sent to the Hill School in Pottstown, Pa., where his first months were agonizing and rebellious. "My mother, with characteristic lack of fact, had called me 'Bunny' when she brought me on and, at a first get-together in my rooming-house, this was taken up by the boys," Edmund explained later with some asperity, adding:

"I tried to fight everybody who did this, but was outnumbered, and the house-master broke it up. I have been saddled with this nickname all my life. When I later asked my mother why she had called me that, she gave me the even more embarrassing explanation that she used to say about me as a baby that, with my black eyes, I 'looked just like a plumbun.' "

Throughout his life Mr. Wilson endured his nickname, but barely. Use of it to his face was a certain invitation to disfavor. "Bunny," though, was freely employed behind his back.

Edmund began to practice his métier at Hill with a story for the school magazine, of which he became editor. At Princeton, which from 1912 to 1916 followed Hill, the young man continued to display literary and critical abilities. On the staff of The Nassau Literary Magazine, he encouraged his friend and fellow student, F. Scott Fitzgerald, to write for it, and it was the start of a career as a novelist on which Mr. Wilson had an enduring influence.

The association of the two Princetonians lasted even beyond Fitzgerald's life. For two years after Fitzgerald died in 1940, Mr. Wilson edited his friend's autobiographical memoir, "The Crack-Up." For the dedication he wrote a poem that began:

"Scott, your last fragments I arrange tonight,
Assigning commas, setting accents right,
As once I punctuated, spelled and trimmed,
When, passing in a Princeton spring—
how dimmed
By this damned quarter century and more!—
You left your Shadow Laurels at my door."

Majoring in literature, Mr. Wilson was stimulated by Prof. Christian Gauss and by the writings of H. L. Mencken, Shaw and James Gibbons Huneker, the American critic. He also traveled abroad in these years, soaking up more of Europe on each trip. His humanism and interest in European cultures, encouraged by Professor Gauss, were enhanced by a postgraduate summer at Columbia, where he studied sociology and economics; and by a stint as a reporter on The Evening Sun in New York.

After World War I, in which Mr. Wilson served, successively, as a private, a hospital attendant in France and a member of the Intelligence Corps, he joined the staff of Vanity Fair and was its managing editor for 1920–21. Recalling him as an editor, Zelda Fitzgerald described him as "beautiful and bloodless." Her husband, Scott, was less cryptic, for he wrote of his friend as "walking briskly through the crowd (in New York) wearing a tan raincoat over his inevitable brown get-up," cane in hand, confident, "wrapped in his own thoughts and looking straight ahead."

In those years Mr. Wilson also wrote essays on Fitzgerald, Willa Cather, Pound, Byron, Poe, O'Neill, Hemingway, Lardner, Stephen Crane and William James. In addition, he collaborated with John Peale Bishop, a Princeton friend, on "The Undertaker's Garland," a book of satiric verse and prose about death and funerals.

From 1926 to 1931 Mr. Wilson was associate editor and principal book reviewer for The New Republic. In addition to commenting on the literary scene and introducing, among many others, John Dos Passos as a gifted writer, he wrote "Discordant Encounters," which dealt with the antagonism between man and the machine, and "Poets Farewell!" a volume of lyrics and sketches mostly satiric.

He also published, in 1929, his only novel. "I Thought of Daisy," a book about Greenwich Village that was based on a sensational murder trial of the era that he witnessed. He * * * 1967, and in his introduction to that edition he was at pains to disabuse those who saw the narrator of the first-person story as Mr. Wilson.

"Nothing annoys me more than to have the characters and incidents which figure in my works of fiction represented as descriptions of real people and events," he wrote. "In the case of a still living writer, such guesses are something of an impertinence."

Nonetheless, Mr. Wilson did transmute some of his experiences into stories, albeit rearranged and disguised.

Of his articles for The New Republic the most political was "An Appeal to Progressives," published in 1931, about a year after the ones of the Depression. In it Mr. Wilson attacked the myth of a prosperous American society and the hopes of liberals that it might be gradually reformed. "The present depression," he said in urging liberals to become concerned, "may be one of the turning points in our history, our first real crisis since the Civil War."

In suggesting a radical approach to the country's plight, he invited intellectuals to consider the American Communist party. He found its dogmas narrow, but said radicals "must take Communism away from the Communists, and take it without ambiguities, asserting that their ultimate goal is the ownership by the Government of the means of production."

VIRTUAL CALL TO ARMS

And in an article the following year he issued a virtual call to arms, saying:

"So, American intelligentsia—scientists, philosophers, artists, engineers—who have been weltering so long in prostitutions and frustrations, that phase of human life is done. Stagger out of the big office, the big mill—look beyond your useless bankrupt fields and pastures!"

Finally, in the Presidential election of 1932, Mr. Wilson was one of a number of writers who supported the Communist ticket of William Z. Foster and James W. Ford. By this time he had already established himself with "Axel's Castle" as one of the nation's foremost critics; and he added to that reputation with "American Jitters," a collection of articles with political overtones, issued in 1932.

In 1935 Mr. Wilson traveled and studied in the Soviet Union under a Guggenheim Fellowship. He never embraced Communism, but he wrote of his experiences and his meetings with the Russians with general approbation.

Out of the trip also came "To the Finland Station," his study of the revolutionary tradition in Europe. "With his customary scholarship he prepared himself for the book by seemingly reading not only all of Marx and Engels, but also all of such 19th-century socialists as Prudhomme, Friedrich LaSalle and Bakunin.

After tracing the development of this tradition, he concluded in the final paragraph of the book that it was unlikely that Marxist formulas would be able to lead to "a society in which the superior development of some is not paid for by the exploitation, that is, by the deliberate degradation of others."

Meantime, in 1938, Mr. Wilson, then 43, had married Mary McCarthy, the 25-year-old book critic for The Nation. He had been married twice previously. His first marriage, to Mary Blair, had ended in divorce; his second wife, Margaret Canby, had died in an accident.

The union with Miss McCarthy, which lasted seven years tended to be troubled, at least in his wife's recollection. She found him domineering in his views, so that everything that came under his hand was shaped into "an authorized version."

She also reported that at one point Mr. Wilson said, "I think you've got a talent for writing short stories.' So he put me off in one free room with a typewriter and shut the door."

The forties were fruitful years for Mr. Wilson. He published "The Boys in the Back Room" in 1941. "The Wound and the Bow" also in 1941, "Notebooks of Night" in 1942, "The Shock of Recognition" in 1943, "Memoirs of Hecate County" in 1946 and "Europe Without Baedeker" in 1947. His apparent slacking off after 1944 was illusory, for in that year he became book reviewer for The New Yorker. His almost weekly treatment of new books was demanding, long-range and scholarly, an attitude that irritated some readers accustomed to the more bland criticism of Clifton Fadiman, Mr. Wilson's predecessor.

Although Mr. Wilson ceased to be a regular contributor to the magazine in 1948, he continued for years to contribute book reviews and feature articles. For example, from his New Yorker articles emerged "The Scrolls From the Dead Sea" in 1955. This book, rationalist in tone, brought him into conflict with orthodox interpreters of the theological implications of the scrolls. It was, however, indisputably based on an enormous body of archeological information that he had amassed in visits to the Middle East.

INJUSTICE TO INDIANS

Also from his magazine articles he shaped "Apologies to the Iroquois," issued in 1959, which was both an account of life among the Iroquois Indians in New York State and Ontario, and a discussion of how to right the injustices done to them over the years.

The significant book of Mr. Wilson's later life was "Patriotic Gore," on which he worked off and on for 15 years. Critics rated it a masterly study of the literature of the Civil War, at once encyclopedic and profound.

In 1963, a year after publication of "Patriotic Gore," the writer underwent an experience that puzzled him deeply. He published a polemic, "The Cold War and the Income Tax," a detailed recital of his troubles with the Internal Revenue Service and an indictment of Federal spending for the war in Vietnam and for defense. "I have finally come to feel that this country, whether or not I live in it, is no longer any place for me," he wrote.

Almost simultaneously Mr. Wilson was awarded the Presidential Medal of Freedom, the nation's highest civilian honor. The citation acclaimed him as a "critic and historian [who] has converted criticism itself into a creative act, while setting for the nation a stern and uncompromising standard of independent judgment."

Mr. Wilson did not leave the United States. Instead he continued to live, as he had for many years, with Elena Thornton, his fourth wife, in virtual seclusion, in Wellfleet on Cape Cod, in Talcottville in upstate New York, and in the Caribbean.

In the years since 1963 Mr. Wilson got into at least two furious quarrels. One was with Vladimir Nabokov over the latter's translation of Pushkin from the Russian. The other was with the Modern Language Association over its scholarly editions of American authors. Mr. Wilson considered these editions overpedantic to the point of uselessness.

Only last month The Times Literary Supplement, in a cover essay on Mr. Wilson and his book "Upstate," praised the scope and scale of the author's interests: "Only the European panoptic scholars come near matching Wilson for learning, and for sheer range of critical occupation there is no modern man to match him."

The book is a personal and elegiac diary of a man growing old in the place where, as a child, he had first learned he was capable of "imaginative activity and some sort of literary vocation."

Generous honors came to Mr. Wilson in the late sixties. He won the National Medal for Literature in 1966 and, with it, $5,000. The award, he said, was "all the more welcome for being, as I understand it, tax-free, so that not a penny of it will be demanded for the infamous war in Vietnam and for our staggering appropriations in the interest of so-called defense, which, when I last examined the budget in 1964, amounted, together with space programs and the cost of past wars, to 79 per cent of the total."

Two years later he received the Aspen Award for his contributions to the humanities. With it went $30,000, also tax-free.

At that time, in a rare public appearance, Mr. Wilson commented on his studies in Greek and Russian, and on his examinations of the Dead Sea Scrolls and American Indian lore:

"Now, I am far from an authority on any of these subjects but, out of a volatile curiosity and an appetite for varied entertainment, I have done reading in all of them; and I have been working, as a practicing critic, to break down the conventional frames, to get away from academic canons that always tend to keep literature provincial."

Quotations From the Writings of Edmund Wilson

Following are selected quotations from the writings of Edmund Wilson:

ON BRITISH MANNERS

What we consider British rudeness is their form of good manners. In other countries, manners are intended to diminish social friction, to show people consideration and to make them feel at ease. In England it is the other way: good breeding is something you exhibit by snubbing and scoring off people.—"Europe Without Baedeker."

ON POETRY

If, in writing about "poetry," one limits oneself to "poets" who compose in verse, one excludes too much of modern literature, and with it too much of life.—"Is Verse a Dying Technique?"

ON PROUST

Proust is perhaps the last great historian of the loves, the society, the intelligence, the diplomacy, the literature and the art of the Heartbreak House of capitalist culture; and the little man with the sad appealing voice, the meta-physician's mind, the Saracen's beak, the ill-fitting dress shirt and the great eyes that seem to see all about him like the many faceted eyes of a fly, dominates the scene and plays host in the mansion where he is not long to be master.—"Axel's Castle."

ON LEARNING A NEW LANGUAGE

Ah, the pleasures of approaching a new language! The words are all drill in the grammar. They are odd or attractive objects. . . . They involve us in oral judgments and they are devoid of emotional connotation: We can play with them like pets or toys. Then when we first begin to see into their meanings, with what freshness the world reappears to us! Trees and tables, dogs, women and children, coming and going, God, government and butter, have assumed a new strangeness and interest, as if they were being named for the first time.—"Note-Books of Night."

ON THE CRASH

To the writers and artists of my generation who had grown up in the big business era and had always resented its barbarism, its crowding out of everything they cared about, these years were not depressing but stimulating. One couldn't help being exhilarated at the sudden unexpected collapse of that stupid gigantic fraud. It gave us a new sense of freedom; and it gave us a new sense of power to find ourselves still carrying on while the bankers, for a change, were taking a beating.—"The Shores of Light."

ON DIVORCE

It is apparently un-American to be married four times. Though many, whose church forbids it, believe that divorce is sin, it may be said that aside from these groups, two marriages with a divorce are thought normal; among the rich, three are normal; and in Hollywood four are normal. But in the case of a writer, four marriages may throw doubt on his financial dealings and on his soundness as an American citizen.—"The Cold War and the Income Tax."

One of the Great Men of Letters

(By John Leonard)

In 1963 Edmund Wilson wrote: "The knowledge that death is not so far away, that my mind and emotions and vitality will soon disappear like a puff of smoke, has the effect of making earthly affairs seem unimportant and human beings more and more ignoble. It is harder to take human life seriously, including one's own efforts and achievements and passions." Harder, but not impossible. Even as he wrote those lines in his diary, he was working on "The Cold War and the Income Tax." He would go on to rediscover this continent's north in "O Canada," to publish a third volume of literary chronicles, "The Bit Between My Teeth," to write plays and a memoir, "Upstate," and to finish a book on Russian literature, "A Window on Russia," which will appear in August. He was, The Times Literary Supplement noted last month in a front-page essay on "Upstate," "one of the great men of letters in our century"—the American Montaigne.

He was the chairman of no department at any university. What department could possibly take in his range of interests—the modernist writers he introduced to this country in "Axel's Castle," the history of Europe's revolutionary tradition, in "To the Finland Station," the neglected literature of our own beginnings in "The Shock of Recognition" and "Patriotic Gore," the Indians we had forgotten or never known in "Apologies to the Iroquois," the essays on the Holmes-Laski correspondence, the Modern Language Association and the Marquis de Sade? The only department large enough was his head. Like a python, he devoured whole literatures.

WRITERS' "ISOLATION" SEEN

"What we lack, then, in the United States," he wrote in 1928, "is not writers or even literary parties, but simply serious literary criticism. . . . It is astonishing to observe, in America, in spite of our floods of literary journalism, to what extent the literary atmosphere is a nonconductor of criticism. What actually happens, in our literary world, is that each leader or group of leaders is allowed to intimidate his disciples, either ignoring all the other leaders or taking cognizance of their existence only by distant and contemptuous sneers. . . . It, furthermore, seems unfortunate that some of our most important writers—Sherwood Anderson and Eugene O'Neill, for example—should work, as they apparently do, in almost complete intellectual isolation, receiving from the outside but little intelligent criticism and developing, in their solitary labors, little capacity for supplying it themselves."

Inasmuch as the situation has changed in the intervening four decades, Mr. Wilson was responsible. He believed as much in the republic of letters as he believed in the republic of the American past. His tenure at the New Republic was itself a kind of adult education course that created intelligent opinions about literature and circulated them. There was no intimidation and very little sneering; there was simply the strong, plain prose that grew like elm branches out of the trunk of a rich intelligence. There was a continuity in his work analogous to the continuity he sought to define and sustain in his nation's perception of itself.

HOLDING TO OUR VALUES

Toward the end, his critics used words like "patrician," "élitist" and "crotchety" to describe him. And yet he made it his business, as "Upstate" makes clear, to leave the den and talk to people, to regret unwelcome social changes while accepting their inevitability, to hold to his own values while listening to the rumors and the riots of new ones, even as he made it his business to talk to and understand the literatures of so many nations, to seek everywhere the civilizing impulse, the past that is in us and the future we fashion from it.

If there is an American civilization, Mr. Wilson helped us to find it and was himself an important aspect of it. A wise man, perhaps singular. His children, and all of us who care about literature and the Republic are his children, will miss him sorely.

CLARIFICATION FOR THE RECORD

Mr. EAGLETON. Mr. President, on May 31, 1972, the New York Times published a paid advertisement sponsored by a group that identified itself as "The National Committee for Impeachment." The advertisement called for the impeachment of President Nixon and cited several "serious violations" allegedly committed by the President in his conduct of the war in Vietnam.

The advertisement quoted a portion of a speech delivered by me on the floor of the Senate on April 19, 1972, and printed in the Congressional Record of that date. This quotation was taken out of context from the public record without my consent or approval. While I disagree with the President's conduct of the Vietnam war, I do not agree with those who wish to impeach him for his actions. I hereby disclaim any association with that group and its advertisement.

PRODUCTIVITY—KEY TO HIGHER STANDARD OF LIVING—ADDRESS BY PHILIP O. GEIER, JR.

Mr. TAFT. Mr. President, throughout the ages, productivity has been the key to a higher standard of living. As Frank Porter stated in the Washington Post recently—

> If productivity had remained static over the centuries, man would never have emerged from the stone age. Increases in the standard of living are only possible through increases through productivity: Man can only consume what he produces.
>
> Productivity is directly related to our ability to compete for foreign markets, our ability to compete for domestic markets, the number of jobs which we can provide for American workingmen, our balance of trade, and the value of our dollar. It is, therefore, imperative that we set as our number one economic priority the increase in American productivity.

On May 24, Philip O. Geier, Jr., chairman of Cincinnati Milacron, Inc., addressed the Numerical Control Society in Chicago on "Productivity—America's Hope for Economic Survival." I found Mr. Geier's comments on this vital subject to be illuminating and having insight. I ask unanimous consent that they be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Productivity—America's Hope for Economic Survival

(By Philip O. Geier, Jr., chairman, Cincinnati Milacron, Inc.)

I consider it a privilege to address the opening general session of the 9th Annual Meeting and Technical Conference of the Numerical Control Society. I'm not an expert on NC by any means, but I have had enough experience to know that the theme of this conference is prophetic. The world of NC is expanding—around the world. The rapid growth of NC usage in other countries is, in fact, one of the reasons why I picked the topic I did six months ago.

I am going to talk today about "Productivity—America's Hope for Economic Survival." Since selecting this subject last fall, "productivity" has become more and more of a buzz word in our country and in the industrial nations of the world. It is a good sign that productivity has been increasingly placed under the national microscope, for attention often begets its own benefits.

Productivity, as we all know, is the relationship between total output and the number of hours worked. The term is often misused and misunderstood; often intertwined with speed up or sweat shops, longer hours or more arduous labor. And that, of course, is wrong. Improvement in productivity is a result of innovations, of new and better products and product designs, of better tools and equipment, and of advanced methods and procedures.

Why have I chosen to talk about productivity and termed it "America's Hope for Economic Survival"?

The high rate of U.S. production has been more responsible than anything else for our country's high standard of living and its past ability to compete strongly in world markets. I stress the word past, because today, U.S. industry has a compelling need to increase productivity in order to compete at home and in overseas markets.

In addition, American manufacturers are faced with rising employment costs resulting from wage settlements before and since the freeze. We are under tremendous pressure to keep unit labor costs under control. The principal solution for these problems is increased productivity, and the really significant gains will come from the installation of more efficient machinery and controls.

The bind we are in today is easy to understand. In the last decade, the federal debt went up 28% because the government overspent. At the same time, wages increased 60% while productivity went up only 29%. And this forced living costs up 36%. No nation's standard of living has ever increased so rapidly as ours.

In the past, the increase in our standard of living was paid for by enlarging markets and by increasing productivity. Today, in many quarters, productivity gains seem to be all but drying up. And yet the heightening demands of society keep forcing greater than ever increases in the standard of living.

Excess capacity and lower profits of U.S. manufacturing companies in 1970, and 1971, slowed down investment in more efficient productive equipment. But, overseas, competitors continued to install new equipment at a good rate. Overseas nations not only have more modern production facilities, they are also better disciplined. Business, government and labor plan and work together. The close cooperation in Japan is an outstanding example, but the same type of cooperation is present in varying degrees in the other industrial countries of the free world.

While competitors abroad have the support of their governments in expanding international trade, segments of our government often seem to take positions that are not favorable to the efforts of American companies to compete. That is really a strange paradox because the survival of the U.S. as a significant economic factor in the world is at stake. We are rapidly reaching the point where we could be out-produced and outcompeted by the major industrial nations of the free world. For our country, increased productivity could be the catalyst which provides the impetus for our economic survival.

Now let's take a closer look at the position of American industry compared to major competitors overseas. We have fallen behind in recent years because labor costs have increased faster than output, and the political climate in the U.S. has discouraged investment in new plants and equipment. That climate has improved in the last year following the passage of the Job Development Tax Credit and the changes in depreciation regulations which reduced the useful life of machinery and equipment by 20%.

But as far as the U.S. is concerned, we're still experiencing bad weather. Other nations have been spending significantly larger shares of their gross national product on fixed investment (Table 1).

From 1950 to 1967, all the industrial nations, with the exception of the United Kingdom, exceeded the U.S. in fixed investment as a percentage of gross national product.

As a result, other countries are experiencing much faster annual growth rates. There is a definite relationship between fixed investment and average annual growth rates, and all of the countries, except the United Kingdom, have experienced greater growth than the U.S. The obvious conclusion is that our major competitor nations are spending significantly larger shares of gross national product on new equipment to increase productivity, and, as a result, are experiencing much faster growth rates.

Table 2 shows additional reasons why

American industry must improve its productivity. Compare the rates of change in output per man hour in manufacturing for the larger industrial nations of the free world. Japan again leads the procession with a 14.2% increase in productivity. Reading down the list we see the U.S. has the smallest increase, only 2.1%.

Now, let us examine the average annual percentage change in hourly compensation. From 1965 to 1970 wages climbed at even a faster pace in other countries. Nevertheless, the total hourly wage cost in the U.S. is still almost 4 times greater than Japan, three times that of Britain, about twice that of Italy and even compared to West Germany, where employment costs have skyrocketed in recent years, American wage costs are still 50% greater.

The annual percentage change in unit labor costs is also significant. Japan—as you might expect—has had the smallest increase for this 6-year period—less than 1%. Canada had the largest increase, but the U.S. was a close second with a 3.9%.

Let's look at productivity in a different way. From 1960 to 1970 manufacturing output per man hour in the U.S. increased 34% while the weighted average of 10 competitive countries increased 87%. Since 1960, our major competitors increased their output per man hour more than twice as fast. This is a vivid example of our relative position in productivity.

It is crystal clear that U.S. industry must increase its productivity in order to be more competitive. To accomplish this, we have to increase our rate of capital investment in modern productive equipment. Machine tools are at the top of the list, so let's look at machine tool production and consumption in the leading industrial nations of the world.

First, what happened to production in 1971 (Table 3). The U.S. slipped from a close second position to third, a drop of 30%. Germany retained first place, almost doubling U.S. output. The Soviet Union took over second place from the U.S., and accounted for almost 15% of 1971 world output. Russia, combined with the East European Bloc, produced one-fourth of the world's machine tools.

Consumption, or the value of machines placed in operation, is even more meaningful (Table 4). The real health of a nation's economy can be measured as much by the consumption of machine tools as by any factor. For the first time since statistics have been kept, the U.S. failed to end up in first place and dropped to a poor fourth, behind Japan.

A decade ago, if someone told me that in ten years Japan would be producing about as many machine tools as the U.S. and installing metalworking equipment worth $100-million more than our annual investment, I'd have had serious doubts about their sanity.

It's obvious, of course, that there is a close correlation between capital investment per worker and productivity. Table 5 shows just how close this relationship has been for the last twenty years.

In the past, increases in capital spending have taken place when manufacturing was operating at rates of 83 to 84 percent of capacity, or above. The current operating rate is less than 75%, indicating excess capacity. Nevertheless, the Department of Commerce says that capital spending by manufacturing will increase sharply this year. It is forecasted to jump 8.7 percent, compared to a decline of 6.1 percent last year.

There are a number of explanations for this seeming contradiction. First, the investment tax credit has lowered the price of capital goods at a time when sharply increased cash flow from both earnings and depreciation has given U.S. companies the wherewithal to purchase new equipment.

But more significantly, it is apparent that many companies are beginning to realize that even though much of their excess capacity is still technologically adequate, it is nevertheless far from efficient, and therefore economically obsolete.

A McGraw Hill survey points up the problem. In 1968, 14% of the manufacturing facilities operated by large U.S. companies were technologically obsolete. By the end of 1970, the number had grown to 15%.

To top it off, a lot of the equipment that is not technologically obsolete is simply not automated enough to be competitive in the face of rising labor costs. Under existing conditions of worldwide trade, a substantial proportion of machinery and equipment installed in the U.S. is only marginally profitable and therefore is economically obsolete.

For the first time, the intensity of foreign competition has become the significant factor in determining the extent of obsolescence in many sectors of U.S. industry.

American companies—at any level of operation—must, one way or another, improve their productivity and reduce their costs in order to hold, or regain, the competitive edge.

As you gentlemen well know, there is a growing awareness and recognition that numerical control, and automation, coupled with process controls, are the most effective means for overcoming rising employment costs, reducing the unit costs of production, and increasing productivity.

Necessity brought the wide scale use of numerical control (NC) to the aerospace industry. But despite some notable individual company exceptions, other segments of industry have not utilized it to anywhere near the same degree.

The last American Machinist inventory of metalworking equipment taken in June, 1968, showed that there were about 13,000 NC machines in U.S. plants.

In the 4 years since then, American Machinist estimates that the number of NC machines has grown to about 21 or 22,000. That sounds impressive until you remember that there are about 2-million metalcutting machines in U.S. plants. When you view NC in that perspective, it only amounts to 1% of the machine tools installed in American factories.

If NC's productivity is considered to be 5 times that of manual machines, even in types of equipment where it has made its greatest penetration, it accounts for less than 10% of the output.

One might say, let's not look at NC's amazing growth but rather at how slow its progress has been!

It is important to keep in mind that while the installation of a single NC machine boosts a manufacturing department's productivity somewhat, the second machine has a much greater impact. In general, there is a cascading effect on productivity as other NC machines are added.

In order to obtain the productivity benefits from NC and from more recent developments such as direct numerical control (DNC), management has to make a major commitment and begin to think in terms of total manufacturing systems.

The time a product is being worked on has become of increasing importance. Consequently, more attention will be given to increasing the use of automation in the years immediately ahead. One major U.S. business found that the actual work on a product amounted to only 2% of the total elapsed time from receipt of the order until the product was shipped. This is not an isolated example. Many companies are coming to the realization that they need to adopt a new philosophy of manufacturing—a philosophy that encompasses not only the application of NC for shaping parts, but also the application of process controls for the automation of other industrial processes.

In fact, it is estimated that 26% of capital spending for equipment in 1972 will be for automated machinery, compared to 23% in 1970. The trend is definitely toward using automated methods of performing work—all the way from the receiving of raw materials to the outward movement of the finished product. As you well realize, both software and hardware are integral parts of broader automation applications.

Automation, of course, is also applicable to improving efficiency in all other functional areas of the business. These include engineering, research and development, and purchasing as well as manufacturing. In the *design* area, products not only must be designed for better sales appeal but also for greater manufacturing efficiency.

The *quality* function must do more than sort, inspect, pass and reject; management must assign specific quality responsibility to engineering, manufacturing and purchasing.

Manufacturing must work closely with engineering in the design of products for efficient production and be able to take advantage of new manufacturing techniques, new materials, and new components.

Purchasing must insist on the freedom to order by specification rather than from a single source, so it can develop an approved vendor list and establish competitive bidding practices.

When applying automation, each company must have a clearly defined purpose and develop a total business plan. Priorities should be established to select the areas to be automated. The entire business management team must be dedicated to making a significant improvement in productivity through automation. Furthermore, to benefit from automation, we also need a team effort on the part of users and suppliers of equipment. Both should contribute to the development of the automation plan, and both have vital parts in implementing it.

To sum up, automation involves: looking at every business function in terms of its relationship to every other function; considering the entire business as a system; developing a better understanding of all parts of the business, because you can't automate what you do not understand.

Now, let us look at the need for even more productivity in manufacturing from another point of view.

U.S. manufacturing contributes approximately 30% of our GNP, and it is normally thought of as highly productive and efficient. In reality, it is not, particularly when carried out on machine tools.

Mass production type manufacturing systems, such as transfer lines, produce less than 25% of all parts manufactured. About 75% of all parts are produced in small lots or batches, and the average workpiece in a batch type production shop spends only 5% of its time on production machines. And of this 5%, only 30% is productive time in shaping the part. This is hardly efficient manufacturing. It represents a real challenge.

What is the reason for this shocking situation? The tremendous advances in mechanization and automation over the years have been mainly in manufacturing *hardware*.

There has been no corresponding advance in the mechanization and automation of the *software* component of manufacturing. That is to say, in the handling of the information flow and the moment-by-moment analysis, planning and control of manufacturing operations. In its broadest sense, manufacturing information on product design characteristics and data on equipment and process costs, capabilities and performance.

Manufacturing software also includes procedures and logic for data and information analysis, production planning and control. Without manufacturing software, all this work has to be done by slow and laborious mental processes.

The computer provides the potential for effecting full scale mechanization and automation of the software component of manufacturing. However, the potential can only be realized by approaching both the software and hardware components in a new and different way.

What is the nature of this new approach? It is the concept of the integrated manufacturing system (IMS) which may be defined as a closed-loop, or feedback, system.

The prime inputs are needs, product requirements, and creativity, product concepts.

The prime outputs are finished products, fully assembled, inspected and ready for use.

The integrated manufacturing system combines software and hardware, and encompasses product design for the most efficient production, production planning including programing, production control including feedback, supervisory and adaptive optimizing, production equipment, including machine tools, and all production processes from machining through assembly to packing and shipping.

Performance is optimized by feedback from production equipment and production processes to production control.

Cost reduction and system capabilities are optimized by feedbacks from production equipment and production processes to product design and production planning.

The system operates as a closed-loop.

An IMS has the potential of being fully automated by means of versatile automation. It can be made fully self-optimizing through computer-related technology.

The concept of integrated manufacturing systems provides a workable approach to applying the computer to the automation of the flow of information, to the planning and control of manufacturing activities, and to the design and use of hardware compatible with such software.

A few of the technologically advanced nations realize that the computer, coupled with IMS, place industry at a unique point in history. They realize the great opportunity this offers to improve their manufacturing productivity and thus their competitive position in the world economy. Norway, Germany, and Japan are leading the way in the development of IMS.

These countries are taking three main steps toward eventual development of integrated manufacturing systems. These steps are:

(1) The development of Direct Numerical Control;

(2) The development of multi-station, computer controlled manufacturing systems, and

(3) Most importantly, the development of integrated manufacturing *software* systems.

Is the development of an IMS a realistic expectation? Norway, Germany and Japan appear to be committed to be making it a reality. In addition, some experts in the U.S. and in other countries definitely feel it will come about. An indication of this is the "Delphi" technological forecast carried out among members of CIRP (the International Institute for Production Engineering) by Dr. M. E. Merchant. Dr. Merchant is Director of Research Planning, Cincinnati Milacron Inc. This CIRP forecast indicates:

That by 1980, a computer software system for full automation and optimization of all steps in part manufacturing will be developed and in wide use;

By 1985, full on-line automation and optimizing of complete manufacturing plants, controlled by a computer, will be a reality;

And five years later, in 1990, they estimate that 50% of machine tools will be part of computer controlled, versatile manufacturing systems.

The possibilities of an IMS are as fascinating as they are imperative. Individual companies in the U.S. are making progress even though it is difficult for them to compete with national, tax-supported, programs in other countries.

One of the great advantages of an integrated manufacturing system is that it forces us to re-think the details of the business function, to look for new ways to do things, or, at the very least, to make sure the old ways are necessary and useful.

We should also look at improving productivity on even a broader basis and consider the human element. Significant productivity gains can also be achieved through the effective motivation and management of people.

But, how do we motivate the new work force? How do we stimulate a whole generation that didn't grow up in the depression, or get caught in a world war . . . a generation which doesn't seem to worry about job security and often doesn't seem to take pride in making a quality product. How do you motivate people who desire to live well immediately, work a 30 hour week, and retire at 55? These attitudes, the product of the boom psychology of the 60's, do not fit the economic realities of the 70's.

We in management have clearly fallen down on the people part of our jobs. As we set targets and strive for greater productivity, we must realize how important it is to establish the will to work and to get people to work together harmoniously and productively.

To do that, we must turn our attention to a rather impressive list of priorities. At a recent National Association of Manufacturers Conference on the relationship between the motivation of people and productivity, a number of fundamental issues were discussed.

That conference stressed the need to sell the concept that profits and jobs go hand in hand; and then get employee and union commitments to solve mutual problems.

When that is done, companies can begin to develop cost consciousness throughout their organizations and these steps will lead to cooperation and participation in achieving productivity improvement.

We will have to take a new look at the nature and organization of factory jobs; many are dull because assembly and other work assignments have been broken down into smaller and smaller functions. Industry must make humdrum jobs more interesting, if it wants workers to take pride in their work and turn out first quality products.

Mechanization by the use of automation *can* raise the skill-level of jobs. Many of those which are drab, menial and monotonous *can* be made more interesting and challenging.

We must foster the idea in our companies that it is the responsibility of labor to cooperate and use production equipment effectively, and thereby achieve greater productivity and better quality.

We need a new sense of national responsibility, spear-headed by business and labor leaders who are willing to put the nation's interests ahead of their own. Business and labor need to wake up to the fact that George Meany and Richard Nixon carry the same color passport.

Labor's cooperation and participation in increasing productivity will help create additional jobs, increase the pay of workers, and result in more wealth for all to share. As I. W. Abel of the Steelworkers says: "workers can't get anything by dropping a bangaining bucket into an empty well."

I believe that organized labor has a deep misconception about international trade as shown by its authorship and support of the Burke-Hartke bill, now pending in Congress. Passage of the bill would be a mistake. It stands to reason that we cannot avoid the problem of declining U.S. productivity by building a wall of import quotas. Our overseas trading partners would have no choice but to retaliate with their own trade restrictions and barriers. The resulting international trade war would be one we couldn't win. It would raise costs in all countries, and, therefore, lower standards of living everywhere.

We are operating today in a new environment—the world market. The real solution to competing successfully in international trade is to increase productivity.

In conclusion, let me briefly sum up some of the reasons why a significant increase in industrial productivity is of overriding importance.

We have noted that our ability to compete with the other industrial nations—in both home and export markets—depends upon the ability of U.S. industry to make drastic improvements in productivity. We face an economic crisis in this country.

The productivity gap has been widening, and we must close it.

To resolve this crisis, we must achieve significant gains in productivity. The practical tools are in our hands and ready to be used. They include the expanding use and application of NC; the greater application of automation and process controls; and finally, the development of closed-loop integrated manufacturing systems which make full use of computer-related technology.

In developing an integrated manufacturing system, we must place major emphasis on three things. *First,* mechanization and automation of the *software* component of manufacturing. *Second,* the greater use of computers for handling the information flow and the moment-by-moment analysis, planning and control of all manufacturing operations. And *third,* we must place emphasis on the design and use of hardware which is compatible with these software developments.

You will recall the main steps in developing an integrated manufacturing system.

First, acceleration of the further development of DNC;

Then, development of multi-station, computer-controlled manufacturing systems; and

Finally, and most importantly, development of integrated manufacturing *software* systems.

And, in addition to achieving significant breakthroughs in computer-related hardware and software, we must devote time and attention to being more effective in our management and motivation of people, for people can contribute significantly to productivity gains.

Improvement in productivity will provide major benefits for our nation. Included among these benefits are: greater economic prosperity; reduction of unemployment; increased purchasing power for all; and the generation of the funds needed to attain many other vital goals, such as improvement of education, health care, and housing; the correction of urban problems; and cleaning up the environment.

All must come to the realization that greater productivity is the only known method of achieving the greatest economic good for the largest number of people.

As Leon Greenberg, Staff Director of the Presidential Commission on Productivity, pointed out recently:

"A 0.1 percent increase in the rate of growth of output per man hour translates to about $1-billion of GNP in 1971. By 1980, adding 0.1 percent to a 'normal' economic growth rate of 4 percent would produce about $15-billion additional GNP—in real terms. For the decade as a whole, 0.1 percent difference in the annual growth rate could provide about sixty billion dollars of GNP."

If just a 0.1% productivity improvement would have that great an effect on the growth of GNP, think what additional gains would mean toward bettering standards of living and providing more and better jobs for a growing population.

It is good to know that so much national attention has recently been devoted to the need for productivity gains in recent months. The establishment in 1970 of the Presidential Commission on Productivity is also encouraging, especially since late last year it received strong governmental support and funding. The Commission now has the backing it needs to establish local productivity councils to get management, labor and the public working together. The first regional conference for this purpose will be held here in Chicago in May.

In conclusion, gentlemen, I firmly believe that you, better than any other group in this country, understand both the potential and the opportunity that lies before us.

From your own experience and as Numerical Control Society members, you know that three signpoints mark the road toward our goal:

First, the expanding use of NC in metalworking;

Second, the greater application of automation and process controls throughout industry;

And ultimately, the development of both the software and the hardware which will make closed-loop integrated manufacturing systems a reality.

Much of our hope for significant gains in productivity lies with you. The road ahead will not be easy, but the rewards will be great!

TABLE 1.—INTERNATIONAL COMPARISONS, 1950–67

	Fixed investment as percent GNP	Average annual real growth rate (percent) (GNP in constant prices)
Japan	28.3	9.8
West Germany	23.4	6.3
Canada	23.0	4.5
Italy	20.5	5.7
France	19.0	4.8
United States	16.9	3.8
United Kingdom	15.6	2.8

Sources: U.N. Year Book of National Accounts Statistics, U.S. Department of Commerce.

TABLE 2.—RATES OF CHANGE, 1965–70

[Average annual percent change]

Country	Output per man-hour	Hourly compensation	Unit labor costs
Japan	14.2	15.1	0.8
Netherlands	8.5	11.1	2.5
Sweden	7.9	10.6	2.5
Belgium	6.8	8.4	1.4
France	6.6	9.5	2.7
Germany	5.3	8.7	3.2
Italy	5.1	9.1	3.8
United Kingdom	3.6	7.6	3.8
Canada	3.5	8.3	4.6
United States	2.1	6.0	3.9

Source: U.S. Department of Labor.

TABLE 3.—PRODUCTION OF MACHINE TOOLS

[In millions of dollars]

	1971	1970
West Germany	1,820	1,479
Soviet Union	1,160	1,073
United States	980	1,443
Japan	912	1,109
United Kingdom	465	477

Source: American Machinist.

TABLE 4.—CONSUMPTION OF MACHINE TOOLS

[In millions of dollars]

	1971	1970
Soviet Union	1,260	1,132
West Germany	1,110	891
Japan	942	1,179
United States	812	1,270
France	478	393
Italy	413	467
United Kingdom	367	405

Source: American Machinist.

TABLE 5.—PRODUCTIVITY AND INVESTMENT IN MANUFACTURING

Year	Output per man-hour index 1967=100	Fixed investment per worker (constant millions of dollars)
1947	54.9	6,094
1948	58.0	6,478
1949	60.1	7,254
1950	64.4	7,102
1951	65.9	6,957
1952	66.2	7,165
1953	68.4	7,089
1954	69.5	7,949
1955	73.7	7,986
1956	72.9	8,217
1957	74.4	8,638
1958	74.4	9,533
1959	78.6	9,250
1960	79.9	9,378
1961	81.9	9,832
1962	86.6	9,706
1963	90.1	9,822
1964	94.5	9,940
1965	98.4	9,918
1966	99.9	9,845
1967	100.0	10,187
1968	104.0	10,422
1969	106.2	[1] 10,662
1970	107.8	[1] 11,545
1971	111.6	[1] 12,461

[1] Estimated.

Sources: U.S. Department of Commerce. U.S. Department of Labor.

ADDRESS BY ROBERT NATHAN AT GEORGETOWN UNIVERSITY LAW SCHOOL GRADUATION

Mr. HUMPHREY. Mr. President, on June 4, 1972, the distinguished economist Robert Roy Nathan addressed the graduates of the Georgetown University Law School. His commencement speech, entitled "Law and Reordering Priorities," is an interesting, exciting perspective on the future course of the Nation. He explores what are surely some of the most pressing public problems of our time: private affluence over public need; poverty in midst of plenty; the rush to the suburbs; public safety; and the role of the United States in assisting developing countries.

Generally, commencement addresses are more noted for how quickly they are forgotten than for what is said. But this is not the case with Mr. Nathan's address. For what he said is both profound in that it gets to the heart of some of the troubles in our Nation and at once challenging because it asks each of us to make an assessment of what this country is going to do in the future; what kinds of policies it will pursue; and what kind of life its citizens will enjoy.

Robert "Bob" Nathan has been a close personal lifelong friend of mine. I have found his counsel stimulating and rewarding. He is a thinker in the honorable sense of the word.

Perhaps the inscription on the scroll awarding him the doctor of laws, Honoris Causa from Georgetown Law School says it best:

> In recognition of his dedication to order and reason, of the unfailing excellence of his work and thought and of his caring heart, as economist, lawyer, scholar, humanitarian.

I ask unanimous consent that Robert Nathan's address and the text of the accompanying scroll be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

LAW AND REORDERING PRIORITIES

(Address to Georgetown University Law Center Graduates by Robert Roy Nathan)

Exactly four years and one month from today it will be the Fourth of July, 1976 and we will be commemorating the 200th anniversary of the United States of America.

It will be a happy occasion with colorful parades and firework displays across the land. It must be more than that. July 4, 1976 should be an occasion for serious evaluations of past success and past failures as well as careful appraisals of present strengths and present weaknesses. We need to understand why we have done well compared with most other nations and why we have not done much better, given the vast human and material resources that poured into this country from abroad before independence and for a century and a half thereafter.

It is even more important that we prepare for the difficult challenges and the tremendous opportunities that are certain to emerge in the years to come. New technologies and major breakthroughs in physical and social sciences, if used constructively, will permit undreamed of advances in living standards and the quality of life, but if used destructively they can practically end our civilization. An American third century of peace and abundance that will benefit all mankind will not just happen. We will have to prepare for it and make it happen, mostly by reordering our priorities.

If we are to prepare ourselves for July 4, 1976 there is no time to lose. Much can be done in 49 months. As we look back over the past 49 months to May 4, 1968 and the 49 months before that to April 4, 1964, we realize the vast changes that can take place in relatively short spans of history. But we need to start now to re-order those priorities, preserve the best features of our society, to moderate and change the most undesirable features, and to plan many bold new approaches.

The United States history of recent decades is certainly not without its positive accomplishments. We have definitely tamed the business cycle and will never again experience the horrors of 1929–32. We introduced and strengthened far-reaching measures providing social and economic security, including old age pensions, unemployment compensation, minimum wages, bank deposit insurance, regulation of securities markets, mortgage insurance, Federal funding of public assistance, and rights of workers to organize and bargain collectively. We survived McCarthyism and strengthened the principles of personal freedom through legislation and court decisions. Progress in civil rights and equality of opportunity in the past 15 to 20 years, though still seriously deficient, has been far greater than in the balance of the whole of the last century put together. We have made immense technological and material progress. We have done much but not nearly enough. We know that progress breeds more problems than it solves. As previously established goals are reached, new and more ambitious goals evolve. And it is proper that our values and our priorities should become ever more demanding.

We could inflate our egos by going over a large catalog of great achievements of which we can be justly proud. But it will be more fruitful to look critically at some of the more pressing problems and issues that continue to plague us. Therefore, let us today focus on what needs to be done, remembering that we have done better than this emphasis might lead one to believe.

We might best question ourselves on a few illustrative priority issues.

SHOULD WE FAVOR PRIVATE AFFLUENCE OVER PUBLIC NEEDS?

The United States seems to have a strong tide of prejudice running in favor of private consumption at the expense of essential public facilities and services. We have been rushing madly toward private material fulfillment for more of our people—but by no means all of them. More cars, more television sets, more gadgets, more luxurious living for growing numbers of affluent Americans prevail alongside miserable housing, inadequate schools, poor security for person and property, traffic congestion, deteriorating environments in our cities, continued segregation and discrimination, insufficient funding for our judiciary and penal systems, and just plain favoring private over public uses of funds and resources. Of course public revenues should be spent efficiently and honestly but not all private spending is all that efficient.

Some persons say that we cannot *afford* more public expenditures on schools, hospitals, low-income housing, mass transit, police departments, the judiciary system, corrective institutions and other public activities. Yet income taxes have been cut by many tens of billions of dollars over the past ten or twelve years. President Nixon's budget message for Fiscal Year 1973 states specifically that in 1973 American individuals will pay $22 billion less in Federal income taxes than they would pay if tax rates and structure had remained unchanged from the date the President took office. That is no more or less than taking $22 billion out of government budgets and putting it into private hands to spend. The 1964 tax cut of $13 billion was one of the biggest if not the biggest in history. If we restored just those 1964 reductions in rates, some $30 billion would be added to Federal revenues next year. And we made other tax cuts in the early 1960's. The Federal Government would have about $70 billion more for essential investment and expenditures had these huge sums not been transferred to private use through tax reductions. Then there was the two and a half billion auto excise cuts last year! These data refute any argument that we cannot afford to provide more essential public services in more adequate measure. Our tax and expenditure policies seem to reflect a *warped* sense of priorities.

MUST POVERTY PREVAIL IN THE MIDST OF PLENTY?

The gaps between the rich and the poor in the United States are huge and growing in absolute terms. Such gaps are increasingly untenable. Ctiizens are becoming more and more aware that our great and growing capacity to produce truly makes it *practicable* to *eliminate* want and privation. It is especially the adverse physical and psychological impacts of poverty on those *children* unfortunate enough to be *born* and raised in horrible slums that aggravates the discontent of the poor.

At full employment our *real* gross national product doubles every 16 or 17 years. We double our per capita *real* income about every 25 years. We can now achieve a *rise* in living standards in just one generation equal to the *increase* attained during *all* of past history.

Given our phenomenal productive capability to produce essentials as well as put men on the moon, we must not resign ourselves to continuing poverty and to great and growing gaps between the *"haves" and the "have-nots."* So what if there are some abuses, some who won't work? *Most* Americans do produce and will produce for an abundance for all Use carrots, not sticks! Would we end income taxes because of some chiselers? End inheritances because of some high-living among some sons and daughters of rich families?

CAN THE AFFLUENT HIDE IN THE SUBURBS?

There are, of course, wide variations in living standards within cities and within suburbs but it is not too far wrong to say that the larger cities of America, especially the central areas, are increasingly populated by relatively poor blacks and other minorities while the outlying neighborhoods and the suburbs are burgeoning with well-to-do whites. The lower incomes of center-city residents make their needs greater and their revenues less than in the suburbs. And it gets worse as those who can afford it move to the suburbs and the center cities are left with those who do not have the means to escape.

The well-to-do have an illusion that they can find security by running away from city problems. The concept of "brother's keeper" seems abhorrent to so many affluent suburbanites. In wealthy Montgomery County, outside Washington, there have been protests against equalization efforts within the State whereby more revenues collected in the County would go to the much less affluent Baltimore City. Even more shrill is the opposition to the proposal that residents of Montgomery County who work in the District of Columbia should be taxed to finance part of the needs of the District of Columbia. One would almost think that the boundaries between Maryland and the District were as inviolable as national borders.

Public policies have tended to aggravate the gaps and inequities between cities and suburbs. While the Federal Government has been cutting income taxes and leaving more money in the pockets of the higher income suburbanites, states and localities have had to increase sales taxes and property taxes which fall relatively more heavily on lower and middle income groups. The Federal Government cut income taxes and now says "let's relieve property taxes with a value added tax—really a sales tax! Massive city slums are spreading just because we do not seem to be able to deal with problems on a metropolitan area or statewide basis. Here, certainly is a target for priority attention.

ARE WE COPING WITH DISCIPLINE AND PERSONAL SECURITY PROBLEMS?

Far more attention is focused these days on statistics of crime and its incidence than on causes and solutions. Whatever the trend, the prevalence of crime has serious impacts on the quality of life in the United States, especially in our cities. People do, in fact, fear to walk in many neighborhoods. There is far too much physical violence and far too much illegal taking of property and destruction of individual rights through illegal practices.

Not all crime results from poverty and deprived neighborhoods and poor educational backgrounds. But these are very significant causal elements and we are not doing enough to correct these root causes of insecurity and criminal behavior.

Our slowness in strengthening and improving the processes of our police and court and penal systems are little short of scandalous. Some progress is being made in upgrading police personnel and facilities, but not nearly enough. More and better judges and other personnel in our courts should certainly be provided to speed the processes of justice.

Perhaps the worst situation is in our penal institutions. Physical facilities are crowded and abominable. Staffs are inadequate. Constructive prisoner programs are rare. Instead of being rehabilitated, prison inmates become more hardened criminals. Instead of deterring criminal activities, our system of punishment brings repetition of crimes. Billions of dollars of wasted human resources, of added costs in caring for the large and growing criminal population and of property damage flow from this terrible neglect. The physical and mental suffering of victims and the degradation and the sense of hopelessness among prisoners cannot be measured in money terms. It is ridiculous to say we cannot afford to put more funds into changing our penal institutions so that they rehabilitate individuals rather than destroy whatever positive motivations and constructive behavior these persons continue to possess. Far more money put into varied correction activities would likely yield far more benefits than the added costs and there would be added dividends of greater security for all citizens.

SHOULD WE HELP THE LESS DEVELOPED COUNTRIES?

After World War II United States leadership added a great new dimension to the relationships among countries. We initiated programs to help those nations most ravaged by World War II. Aid was provided to friend and *former* foe alike. The Marshall Plan—25 years old this week—helped rebuild Western Europe. Then came programs to help the less developed countries break out of their centuries of privation and stagnation. Never had industrialized and advanced nations given and loaned so generously to help the less fortunate to help themselves. We can be justly proud that the United States provided the initial leadership.

Why has that concern and that leadership largely disappeared? We keep cutting our foreign aid programs. Again there is question whether we can afford such activities. It is sheer nonsense to say we cannot afford two or three or five billion dollars a year for economic and social development abroad and yet spend $80 billion a year for defense and military activities and cut taxes $70 billion a year. How long can we turn our backs on those who desperately need capital and know-how to break out of the vicious circle of their primitive economic patterns?

We have learned that insecurity and turmoil flows from wide and growing gaps between the "haves" and the "have nots" within our borders. This will be equally and increasingly true across international boundaries. If the longevity of life continues to average 30 or 35 years in some developing countries compared with 70-year life spans in the United States and if per capita incomes are 20 or 30 times higher here than in the less advanced countries and if illiteracy remains at 80 and 90 percent in some nations, the day will come when it will not be safe for this country to have embassies or consulates and ships and planes and tourists in parts of Asia and Africa and Latin America. We may well be undermining our own comfort and security.

These are but a few illustrations of the many major difficult challenges that lie ahead. These are enough to warn of the need for progress, of the fact that material abundance alone will not provide peace and fulfillment, that each one's self-interest cannot be served by looking inward and ignoring the needs of others. In this shrinking world no city and no state and no nation can very well stand alone. People are too interdependent to be compartmentalized and containerized by nationality, race, education, income level, and similar characteristics.

The irresistible forces for change must and will bring progress. The principal questions relate to degree of change, to timing, and to the techniques for assuring optimum progress. We had better prepare for more rather than less, and faster rather than slower rates of change if we are to avoid polarization and troubled days.

There are many "stand-patters" who are against any change for fear of possible adverse impacts on society. More often they are worried about their *own* personal status and comforts. Too many persons agree in *principle* with the need for improvement and progress, but in *practice* they prefer to keep stalling every important new policy until some undesignated later date—maybe after they are dead. If there is a choice between stand-patters and the eager beavers who push hard for serious reforms, let us cast our lot with the latter. The chances are that the combination of those against any change plus those who are apathetic will greatly outnumber the forces for change. If for no other reason, the eager beavers deserve more support, but not change just for the sake of change.

With respect to pace of progress, the risks of moving too fast are less serious than the danger of moving too slowly or not at all. Of course there are dangers of moving too fast at times and on certain issues. We need to understand and anticipate the conflicts and difficulties and complexities associated with economic and social adjustments. Let us avoid over-simplification. If there is one thing that history has taught us it is that these adjustments *are* complex and often have repercussions which can only be fully understood after the most careful and thoughtful consideration. The results are often perverse.

Our system tends to swing toward extremes, in a pendulum kind of back and forth movement between conservatism and liberalism. Perhaps the pendulum is not a good symbol because while it moves forward and backward, its mid-point is stationary. That is exactly what must be avoided. Rather, progress should be on a pronounced upward trend not just for economic growth but for broadening and strengthening our civil rights and civil liberties, and spreading the benefits of peace and equity and abundance throughout all nations.

What about the processes for progress? Two groups in our society are likely to regard themselves as the only serious liberals and reformers. One is made up of those who are impatient and inclined to resort to violence—not so much to destroy our form of government but rather to dramatize the urgency of what they feel must be changed. They go beyond peaceful dissent and vocal protest. They engage in rioting and burning and intervening with the rights of others. These practitioners of violence may do more harm than good because their practices tend to push persons into the ranks of those who would preserve the status quo. Yet we would be unrealistic if we did not take note of the fact that sometimes our leaders are very slow to react and that they only respond after serious trouble begins. Violence must not be condoned, but neither can blind resistance to *needed* change be tolerated.

The other group is made up of a number of individuals who believe that the system is so rotted at the core, so imbedded in bias and bigotry, so structured to support the vested interests against the public interest, and so difficult to reform that *nothing* is worth saving. They are the revolutionaries of the 1970's who would destroy our system because they find nothing good in it. They do not know what should be substituted, but that does not moderate their determination to destroy. These are tragic people because they believe so strongly in their negative convictions. They have a kind of blindness to reality and their fanaticism blocks out rational consideration of alternatives. Even substantial changes in our social and economic and political patterns would not serve to moderate the views of these revolutionaries. Fortunately they do *not* represent a significant proportion of our population. But their numbers will grow if we fail to correct the most undesirable characteristics of our society.

The ideal path for future progress should involve major reliance on orderly processes, including forward-oriented legislation, the executive branch of the government formulating appropriate policies, and taking the necessary actions to achieve marked progress, and on the courts serving constructively to accelerate orderly and notable progress through interpreting the Constitution and the laws of the land *in* the public interest. Courts can contribute greatly to helping society adjust and adapt itself steadily to the expanding capabilities of our nation and to the growing needs and wants of our people. The contributions in recent years of courts in the field of civil rights with the school desegregation and many major related decisions, in the strengthening of democracy with the one man—one vote decision and recent decisions on financing education through property taxes, are illustrative of the power of a great Constitution, of courageous judges, of good lawyers and of a respectful population.

If some of the challenges I have set forth were not matched by *equal* or *greater* opportunities, you graduates would face a *bleak* future. But the opportunities for greater progress are tremendous. What can happen during the next 50 years of your adult lives can make the most expansive forecasts of today look like highly restricted visions. Having lived through the Great Depression and the New Deal, our mobilization and participation in World War II, the end of colonialism, new approaches to international relations, and unprecedented economic and social changes at home, some of us might feel smug about what we have seen and done. But your problems and your experiences and your progress will dwarf the past. We would like to share the tasks with you, but it is your future, not ours, and we salute you for your preparedness and wish you Godspeed along the rewarding paths you will follow.

Robert Roy Nathan, B.S., M.A., LL.B.

Born Dayton, Ohio, December 25, 1908

President, Robert R. Nathan Associates, Inc.

President, American Freedom from Hunger Foundation

Chief National Incomes Division, Department of Commerce 1936–40

Chairman, Planning Committee, War Production Board 1942–43

Office War Mobilization and Reconversion 1945

United Nations Korea Reconstruction Agency 1952–55

It has been said that the law is a seamless web. In rare instances a man's life and work can take on that aspect as well. In the man we honor today, the public servant and the private citizen are woven together in a life so integrated and harmonious that one can no longer be distinguished from the other. He has filled what Brandeis called "the most important office"—that of an involved and aware private citizen—"which cannot under a republican form of government be neglected without serious injury to the public."

He left regular government work after thirteen years for private life and since that time many emerging nations have benefitted from his counsel in their economic problems. He has been one of America's foremost economic thinkers from the early days of the New Deal, and has trained his considerable intellect on the central economic problem of our time—the relationship between a free economy and government. In 1942 he led the shaping of one of the economic and political miracles of history—the overall economic plan for this nation at war. As a private citizen he produced the statistical study of unemployment that became the basis for much of the Social Security legislation we know today. He earned his LL.B. at Georgetown while a chief of division at the Commerce Department. The United States Chamber of Commerce named him one of the ten outstanding young men in America in 1940, and he has amply realized that potential in a life honed by effort and intelligence and a total commitment to social justice.

Active in Jewish affairs all his life, he worked towards establishment of the State of Israel, and for the solution of its economic problems, as well as for the rights and dignity of American Jews through the Anti-Defamation League of the B'nai B'rith. He has been prominent in American political affairs, and a loyal and concerned alumnus of the Law Center; in 1971 he volunteered to head an eminently successful drive for funds to complete our magnificent new quarters.

In recognition of his dedication to order and reason, of the unfailing excellence of his work and thought, and of his caring heart, as economist, lawyer, scholar, humanitarian, the President and Directors of Georgetown University bestow upon him their highest tribute, hereby nominating and proclaiming Robert Roy Nathan, Doctor of Laws, honoris causa.

Robert J. Henle, S.J.
President.
Daniel J. Altobello,
Secretary.
Edwin A. Quain, S.J.,
Chairman, Board of Directors.

FACT AND FICTION OF THE GAS SHORTAGE

Mr. HANSEN. Mr. President, although it seems to serve the purposes of some to discount or discredit as self-serving the assertions, warnings, or recommendations of industry officials and bankers, we are fast approaching a day of reckoning if Congress does not do a little more listening to some of their advice.

As an example, the president of the American Bankers Association believes that one of the most important problems facing the Nation today is a lack of economic literacy among the people and their elected representatives.

Thus, according to Allen P. Stults, who is also chairman of American Bank & Trust Co. of Chicago, "it does our Nation no good" that a lot of misleading information is spread about in rhetoric not based on what Stults thinks are the true economic facts.

Mr. President, in an address to the recent District of Columbia Bankers Association session at Hot Springs, Va., Mr. Stults made what I consider a very good case for the "establishment" and what he meant by "misleading information." I ask unanimous consent that his remarks, as published in the Washington Post article be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection it is so ordered.

Mr. HANSEN. Also, Mr. President, I ask unanimous consent that a feature from a recent issue of the Oil and Gas Journal also be printed in the Record following Mr. Stults' remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. HANSEN. Mr. President, "Fiction and Fact" a regular feature of that publication offered its "fact" version of what it termed the "fiction" of a claim made in a letter from a group of Senators to the Federal Power Commission.

While I have not thoroughly examined the Journal's claim that the figures used by the Senators were "highly speculative or false figures to support an illogical conclusion," I do believe their basic assumptions were erroneous or at least misleading and I highly recommend the Journal's examination of all the facts of the FPC proposal which the Senators termed a scheme which would cost the consumer up to $1 trillion over the life of known potential gas reserves.

There being no objection, the items were ordered to be printed in the Record as follows:

ABA Chief Assails Misinformation

(By William H. Jones)

Hot Springs, Va., June 11.—One of the most important problems facing the nation today, in the view of the top man in the American Bankers Association, is a lack of economic literacy among the people and their elected representatives.

Thus, according to Allen P. Stults, ABA president, who is also chairman of American National Bank and Trust Co. of Chicago, "it does our nation no good" that a lot of misleading information is spread about in rhetoric not based on what Stults thinks are the true economic facts.

He cited the following as examples of misleading statements in an address to the closing session of the D.C. Bankers Association here yesterday:

The idea that there are too many loopholes in the tax structure. To the contrary, Stults asserted, various tax provisions allowing write offs and exemptions have been designed by Congress for certain purposes. The largest exemption of all, allowing home owners to deduct interest on mortgage payments, would bring in $2.8 billion in new revenues to the Treasury if eliminated, Stults estimated. He implied that home owners wouldn't think of the deduction as a "loophole."

Descriptions of the oil depletion allowance as a "curious provision to help oil millionaires." Stults said he thinks exploration for oil is extremely risky and that businessmen need some economic inducement to continue their work in this field.

Given the present energy crisis and uncertainty of foreign supply, "the hazards of discouraging oil exploration borders on the irresponsible," Stults contended, and the incentives perhaps should be enlarged.

The idea that there should be higher taxes on rich people. Soaking the rich, Stults said, would only bring in a minuscule percentage of new revenues and at the same time would dampen business leaders' incentives in their responsibilities to move companies forward.

Misconceptions about the extent and role of corporate profits. The average man on the street, said Stults, citing a recent survey, believes corporations make 28 cents of profit for every dollar of sales, while the real ratio is 4 cents to the dollar, he said.

According to Stults, profits are the best index of economic well-being in the country and should be allowed to go as high as possible. The end result of unlimited profitability, he contended, is a higher standard of living for all and better educational, civic and cultural activities.

Stults said he didn't want to "reflect on the intelligence of the public . . . they just don't have the facts."

Bankers, he said, can help lead public opinion in these matters, and give advice to the country's leaders because of their special knowledge of economic problems and an expectation of their leadership from the public, even though it won't always "make us popular."

"We," he concluded, "must assist in making the best choices."

Fiction and Fact

THE FICTION

"The optional pricing procedure proposed by the Federal Power Commission is a scheme for deregulating the price of natural gas and would cost the consumer up to $1 trillion over the life of known potential gas reserves."—Sen. William Proxmire (D-Wis.) and 13 other senators in letter to FPC opposing new pricing procedures.

THE FACT

This is a classic example of "demagogic arithmetic," the use of highly speculative or false figures to support an illogical political position.

The basic assumptions of the senators both on the price of domestic gas at the wellhead and on volumes of gas involved are false.

They evidently assume that the FPC proposal would permit wellhead prices to jump from their present level of about 25c/Mcf to $1.25/Mcf which is the accepted probable cost of imported LNG. This $1 increase would then apply to the more than 1,100 trillion cu ft of "potential" gas reserves in this country, resulting in their estimate of an added cost to the consumer of about $1 trillion.

Let's examine all facets of the FPC proposal.

In the first place, the FPC's intention in providing a pricing option for producers outside the area-rate structure was to make interstate gas competitive with intrastate gas which is unregulated. This would mean a price increase, with some restrictions, from the present 25c/Mcf to about 35c, the going average for intrastate gas. Anything more than this would not win FPC approval. The 10c/Mcf increase envisioned, thus, is a far cry from the $1 increase assumed by the senators. And it would apply to new gas, not to the 270 trillion cu ft now proved in the United States.

In the second place, FPC did not propose deregulation of gas prices. It put so many conditions around the proposal that it actually was rejected by most producers, pipelines, and distributors; and the commission now is expected to drop the matter. The senators apparently have confused a proposal by the Independent Petroleum Association of America for deregulation of gas prices with the FPC plan, but FPC did not accept the idea of deregulation.

In the third place, the 1,000-trillion-cu-ft. figure used by the senators as the volume basis for their estimate of cost to the consumer is very interesting. They apparently rounded off the 1,178 trillion cu ft figure which the Potential Gas Committee estimated as the potential gas reserves on land, offshore, and in Alaska.

This total includes "probable reserves" associated with existing fields, "possible reserves" in undiscovered fields but in areas of established production, and "speculative reserves" in new areas where there is no present production. Some 45% of all these potential reserves are "speculative," and 62% of the total is expected to lie at below 15,000 ft on land, offshore, or in Alaska—all difficult and expensive exploratory areas, and in the case of offshore and Alaskan gas, requiring unusual transportation costs.

The senators, in figuring consumer cost, also assumed that all this potential gas not only will be discovered and produced but also will be brought to market at the current 25¢ price level. Given present known costs, there's no way for more than a fraction of this potential to be realized. The price is just not high enough to undertake the exploration risks.

This brings up a fourth point. What is best for the consumer? A low price and no gas? Or pay more and have gas? One thing is sure, if the large part of the nation's potential gas reserve goes undeveloped because of depressed prices, the consumer will have to rely heavily on imported LNG, synthetic natural gas, or alternate fuels. Then, he will for sure have to pay the $1.25/Mcf price. He stands to save more in the long run by paying a price that will encourage development of a domestic supply of natural gas. And this was the motivation behind the FPC attempt to put some flexibility into rigid price regulation.

THE COMPTROLLER GENERAL LOOKS AT EPA

Mr. EAGLETON. Mr. President, the Environmental Protection Agency announced nearly a month ago that the Ford Motor Co. had discovered inaccuracies in the test data needed for certifying its 1973 vehicles under the Clean Air Act.

At that time, the agency indicated to the Subcommittee on Air and Water Pollution that legislation might be needed to assist the company in developing new data and in getting new cars into production in time for the 1973 auto year.

The subcommittee chairman, the distinguished Senator from Maine (Mr. Muskie), promptly asked the Comptroller General to investigate the agency's capacity to oversee the auto companies' preparation of data and the adequacy of the agency's procedures to prevent similar circumstances in the future.

On Monday of this week, the Comptroller General delivered a report of his investigation. It showed that the Environmental Protection Agency lacks both funds and manpower to see to it that the auto companies comply with the clean air law.

Mr. President, the Senate in its report on the Clean Air Amendments of 1970 warned that the act would be without meaning unless funds and manpower were increased significantly.

But the Comptroller General's report shows that today the prototypes of all auto companies are tested by just 19 employees of the Environmental Protection Agency.

Further, during the first 5 months of this year, five technicians employed by the Agency performed 600 tests and worked 500 hours of overtime.

The Comptroller General's report states:

> It is our opinion that EPA does not have reasonable assurance that the companies have complied with Federal regulations related to maintenance.

Mr. President, I ask unanimous consent that the Comptroller General's report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Comptroller General of the
United States,
Washington, D.C., June 12, 1972.

Dear Mr. Chairman: In response to your request of May 25, 1972 (enc. II), we are submitting a report (enc. I) on our review of (1) the adequacy of the motor vehicle certification procedures of the Environmental Protection Agency (EPA), (2) the capacity of EPA to oversee the auto companies' preparation of certification data, and (3) the procedures of the auto companies for developing the certification data.

Following is a summary of the information we obtained relating to the points of interest specified in your letter. These matters are discussed in more detail in the enclosed report.

On May 16, 1972, the Ford Motor Company withdrew the four applications it had made to EPA for certification of its 1973 vehicles. Ford officials withdrew their applications because they had discovered that Ford test personnel had performed unauthorized maintenance on prototype vehicles being tested for certification. The unauthorized maintenance had not been reported to EPA as performed, or included in the final applications.

Ford officials have attributed the cause of the problem to a lack of proper management control over certification testing. Within Ford, the Engine and Foundry Division had the responsibility for building the certification vehicles, conducting the tests, and compiling the certification data.

On May 23, 1972, Ford reorganized and transferred responsibility for prototype certification testing from its Engine and Foundry Division to the Environment and Safety Engineering Staff. Ford officials told us that Ford would take a number of additional steps to improve management control over certification vehicles.

Our discussions with officials of the General Motors Corporation, the Chrysler Corporation, and the American Motors Corporation disclosed that these companies do not have formal written certification test procedures. But officials from each of the companies stated that it was unlikely that unauthorized maintenance would be performed on their test fleet vehicles without the knowledge of upper management personnel. The officials told us that EPA personnel did not visit their plants to monitor their testing or to inspect their records.

EPA officials told us that they have no basis for suspecting that unauthorized maintenance has been performed on the test vehicles of the above-mentioned three companies. However, in view of the limited EPA staff assigned to certification activities and the lack of EPA inplant monitoring of compliance with certification regulations, it is our opinion that EPA does not have reasonable assurance that the companies have complied with Federal regulations related to maintenance.

Our review showed that the number of EPA personnel assigned to certification activities had been insufficient to adequately perform all activities necessary to ensure that auto companies complied with Federal certification regulations. Between June 1, 1971, and June 1, 1972, personnel assigned to the Mobile Source Pollution Control Program (of which certification is a function) increased from 112 to 146. During the same period personnel assigned to certification activities increased from nine to 19. Of the 19, only 10 were directly responsible for the certification of light-duty vehicles—primarily autos. No personnel had been assigned to specifically monitor activities at the test facilities of the auto companies.

The certification staff spends a significant portion of its time explaining and interpreting Federal regulations for the auto companies. The staff normally spends the rest of its time reviewing and approving manufacturers' applications for certification; assisting auto company personnel in resolving day-to-day problems; monitoring vehicle tests at EPA's Ann Arbor, Michigan, laboratory; and reviewing test data submitted by the auto companies. The staff has not been available for monitoring the in-plant testing activities of the auto companies.

Not only is the certification staff small but the recently hired staff members are relatively inexperienced. In addition, EPA has difficulty in hiring and retaining qualified staff members, primarily because of low entrance salaries for recent college graduates and noncompetitive salaries for engineers with automotive emissions experience.

The effectiveness of EPA's certification program relies heavily on the integrity of the manufacturers to carry out the testing of prototypes in accordance with Federal regulations and to submit accurate and complete data on the tests and maintenance performed on each certification test vehicle. EPA generally has accepted at face value the information submitted by the auto companies. When prototype vehicles are delivered to EPA for testing, the EPA staff makes visual observations of the vehicles; however, EPA officials told us that there is no practical way to inspect the vehicles to determine whether unauthorized maintenance had been performed. The failure of EPA to monitor the testing activities of the manufacturers can be attributed primarily to the shortage of qualified personnel.

Because Ford is in the process of rerunning tests on its certification prototypes, EPA has instituted a number of procedural changes to coordinate, control, and accelerate the certification of Ford vehicles. EPA is documenting all communications with Ford, is inspecting test vehicles before testing begins, has notified Ford that it will make spot-check inspections of Ford's records and test facilities at any time that work is being performed on the prototypes, and has made arrangements to be responsive around the clock to special problems that Ford may encounter in testing its prototypes. The cost of these changes to the Government will be substantial. For example, the EPA staff has estimated that about 1,300 hours of overtime will be needed for certification activities related to Ford vehicles.

EPA officials told us that EPA is presently considering several alternative procedures for ensuring the integrity of certification testing by the auto companies. They said that EPA might (1) make unannounced spot inspections of the auto companies' records and test facilities, (2) station inspectors at the auto companies' test facilities to provide continuous monitoring, or (3) assume responsibility for some or all testing and mileage accumulation of the companies' prototypes.

The auto companies are primarily responsible for conducting tests and accumulating mileage on certification prototypes. EPA is responsible for ensuring that the vehicles it certifies do in fact meet Federal emission standards. To carry out this responsibility, EPA needs to assure itself to a greater extent than at present that the tests are conducted in accordance with Federal regulations. We believe, therefore, that, as a minimum, EPA needs to increase its certification staff to provide in-plant monitoring of the auto companies' test activities and records related to certification vehicles.

Our review was conducted at EPA headquarters in Washington, D.C., and at the EPA Motor Vehicle Emissions Laboratory in Ann Arbor. We reviewed pertinent records, documents, and files and interviewed various officials of EPA, Ford Motor Company, Chrysler Corporation, General Motors Corporation, and American Motors Corporation. We also visited the testing facilities of some of the auto companies.

The information contained in the enclosure to this letter has been discussed with officials of EPA, but formal written comments have not been obtained. We plan to make no further distribution of this report unless copies are specifically requested and then only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

Sincerely yours,

R. F. KELLER,
Deputy Comptroller General of the United States.

GENERAL ACCOUNTING OFFICE EXAMINATION INTO THE ADEQUACY OF THE ENVIRONMENTAL PROTECTION AGENCY'S MOTOR VEHICLE CERTIFICATION ACTIVITIES

CERTIFICATION PROCESS

The Clean Air Act (42 U.S.C. 1857) provides that new motor vehicles cannot be sold, offered for sale, or introduced into commerce by a manufacturer unless the manufacturer receives from the Environmental Protection Agency (EPA) a written certificate that the vehicles conform to air pollution emission standards prescribed by regulation—a certificate of conformity. The certificate of conformity is issued to the automobile manufacturer on the basis of emissions tests of selected vehicles deemed by EPA to be representative of the manufacturer's various combinations of engines and components. Specifically, section 206 of the Clean Air Act states that:

"The Administrator shall test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted by a manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 202 of this Act. If such vehicle or engine conforms to such regulations, the Administrator shall issue a certificate of conformity upon such terms, and for such period (not in excess of one year), as he may prescribe."

The certification process begins with the submission by the automobile manufacturer of a part I application for certification of proposed vehicles. The purposes of a part I application are to give notice to EPA of the manufacturer's intent to sell vehicles; to provide information sufficient to determine whether the test equipment, test fuel, and mileage accumulation procedure proposed to be used by the manufacturer conform to Federal regulations and to provide the necessary description of the proposed product line, together with projected sales data, to allow EPA to select the vehicles it will require to be tested.

EPA reviews the part I application to ensure its conformity with Federal regulations and to resolve any problems with the manufacturers. At the time EPA reviews the part I application, it selects the vehicles to be tested. In selecting test vehicles EPA designates two different test fleets: an emission data fleet and a durability data fleet.

The emission data fleet consists of a number of vehicles tested to 4,000 miles to establish the emission level of a vehicle after it has been broken in. The durability data fleet consists of a smaller number of vehicles tested to 50,000 miles to establish the rate of deterioration of a vehicle's emission control system over the useful life of the vehicle.

The vehicle selection process begins by dividing the manufacturer's product line into groupings of vehicles called engine families. Each engine family consists of a group of vehicles whose engines could be expected to have similar emissions characteristics. Once the product line is divided into engine families, emission data and durability data vehicles are chosen.

After the manufacturer receives written notification that its proposed test procedures and equipment are acceptable and has been notified of the required test fleet, it can begin the second phase of the certification process—mileage accumulation and conformance testing. The manufacturer must test both emission data and durability data vehicles, at the zero-mile stage (less than 50 miles) and must report the results to EPA. After emission data vehicles accumulate 4,000 miles, they are tested by the manufacturer and the results are reported to EPA. The manufacturer then submits the vehicles to EPA for testing at its laboratory in Ann Arbor, Michigan. The EPA test results are considered official.

Durability data vehicles must be tested by the manufacturer at each 4,000-mile interval from 4,000 miles to 48,000 miles and at 50,000 miles. EPA may perform the test in its Ann Arbor laboratory at each test point. EPA tests, however, are generally run on the durability data vehicles only at intervals of 12,000, 24,000, 36,000, and 50,000 mile points.

When EPA conducts the test on a vehicle at a test point. EPA's test is used in determining conformity. When EPA does not conduct the test, the manufacturer's data is used, unless there is a lack of correlation between EPA's and the manufacturer's test equipment, in which case the manufacturer's data will not be accepted until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer.

Maintenance of the test fleets is allowed to be performed by the manufacturer in accordance with a prescribed schedule contained in the Federal regulations. Any other maintenance or repairs are allowed only with the advance approval of EPA. Requests to perform such unscheduled maintenance are frequently approved by EPA.

After completion of all the required tests on each of the emission data and durability data vehicles in an engine family, the manufacturer submits a part II application for certification of that engine family. The part II application contains a compilation of all test data (as a control measure, test data is also submitted to EPA as the tests are completed) on all vehicles tested and a full description of all maintenance performed. Compliance is determined by applying to the results of emission tests a deterioration factor determined from the durability tests and comparing the results with the applicable emission standards.

FORD MOTOR CO. VIOLATED FEDERAL CERTIFICATION REGULATIONS

In April and May 1972, the Ford Motor Company submitted to EPA four part II applications for certification of 1973 engine families. On May 16, 1972, Ford withdrew the applications because top management had become aware that unauthorized maintenance had been performed on the prototype vehicles tested for certification and that such maintenance had not been reported to EPA. The unauthorized maintenance invalidated the test results on the four engine families covered by the applications. Unauthorized maintenance was also performed on the eight other 1973 engine families for which Ford had almost completed certification testing, and therefore the results of the tests on those engines were also invalidated.

This was the latest in a series of incidents involving the certification of Ford vehicles. In 1970 Ford experienced delays in testing prototypes of its 1971 heavy-duty gasoline engines and requested EPA to certify the engines on the condition that Ford would ensure the proper modification of any engines later determined by EPA to be ineligible for certification. On January 11, 1971, EPA granted Ford the conditional certification, but on January 22, 1971, EPA revoked certification for two of the 11 engine models because emission test results for those two engines exceeded Federal standards. About 500 engines had been produced for the two models whose conditional certificates were revoked. Ford modified the engines to the satisfaction of EPA and reapplied for certification of the models. Subsequently, all 11 models received certificates of conformity.

In another incident Ford shipped about 200,000 1972-model vehicles to its dealers before the vehicles were certified by EPA. EPA considered the shipments illegal and requested the Department of Justice to pursue legal action against Ford. Ford signed a consent judgment and settled for $10,000 (or about 5 cents per vehicle).

Ford attributed the cause of the current incident to a lack of proper management control over certification testing. Within Ford, the Engine and Foundry Division (E&F) had the responsibility for building the certification vehicles, conducting the tests, and compiling the certification data. Ford officials told us that E&F thus had a vested interest in ensuring that the vehicles met Federal emission standards. They told us also that Ford did not have written procedures for testing vehicles for certification but that the Federal regulations and EPA advisory bulletins had been widely distributed to those having responsibility for certification testing.

Under the supervision of E&F, Ford's Car Product Development Group conducted the actual testing in its laboratory in Dearborn, Michigan, and drove the cars for mileage accumulation at three Ford test tracks. E&F, through Ford's Automotive Emissions Office (a staff office organizationally independent of E&F but responsible for signing Ford's applications for certification), requested approval from EPA to perform some unscheduled maintenance on certification vehicles. The Automotive Emissions Office relayed E&F's requests to EPA and maintained documentation concerning EPA's approval of such maintenance. Ford officials told us, however, that the working level staff of E&F routinely performed unauthorized inspections, tests, and maintenance on the 1973 prototype vehicles without notifying the Automotive Emissions Office or EPA. All such maintenance, tests, and inspections were noted in the vehicle logs and were entered into Ford's computer system.

As a result of E&F's complaints of inadequate support from Ford's Central Computer Group, the group prepared a complete report on all work done for E&F, including a printout of all maintenance performed on durability data vehicles. The printout contained data on two types of vehicle maintenance—that reported to EPA and that not reported to EPA. The Central Computer Group advised the Ford vice president in charge of the Automotive Emissions Office of the printout on May 11, 1972. On May 16, 1972, Ford advised EPA of the unauthorized maintenance and withdrew its four applications for certification previously submitted on 1973-model engine families.

Subsequent investigation by Ford disclosed that Ford personnel, in addition to performing unauthorized maintenance, had made unauthorized inspections and had conducted unauthorized diagnostic emissions tests. Ford identified 442 instances of unauthorized maintenance performed on 26 test vehicles.

Ford revised the application for one of its engine families to include the unauthorized and previously unreported maintenance items and resubmitted the application to EPA on May 19, 1972. The application contained 97 unreported maintenance items. EPA indicated that it would not have approved 71 of these items. EPA rejected the application.

On May 23, 1972, Ford reorganized and transferred responsibility for prototype certification testing from E&F to the Environmental and Safety Engineering Staff, which included the Automotive Emissions Office. The vice president in charge of the Environmental and Safety Engineering Staff reports directly to the president of Ford. In a memorandum to Ford officials concerning the transfer of responsibility for certification testing, the chairman of the board stated:

"Once a vehicle is transfered to the Environmental and Safety Engineering Staff for certification mileage accumulations and testing, neither the Engine and Foundry Division nor any other organization will touch the car or have access to it except as directed by the Environmental and Safety Engineering Staff."

Ford also established an emissions certification organization under the Automotive Emissions Office. The emissions certification director is responsible for (1) controlling the entire certification process, (2) ensuring compliance with certification procedures, and (3) verifying the accuracy and completeness of certification applications. E&F continues to build the certification vehicles, and the Car Product Development Group continues to perform the actual testing and to drive the cars for accumulation of mileage. Ford officials told us that, in addition to the reorganization, the following actions would be taken to improve management control over certification vehicles: (1) all unscheduled maintenance which could affect emissions would require the advance approval of the Automotive Emissions Office, (2) the hoods of the vehicles would be locked to prevent tampering, (3) the vehicles would be stored in closely guarded storage areas during "soak" or cooling-down periods, (4) Ford would prepare a detailed manual fully describing the certification procedures, including the duties of drivers, mechanics, and engineers, and (5) when the manual was completed, Ford would institute internal reviews to ensure compliance with the manual provisions.

CERTIFICATION PROCEDURES OF OTHER MAJOR DOMESTIC AUTO COMPANIES

We visited the General Motors Corporation, the Chrysler Corporation, and the American Motors Corporation to obtain information on their certification test procedures. None of the companies had written procedures, but officials of each of the companies stated that it was unlikely that unauthorized maintenance would be performed on their test fleet vehicles without the knowledge of upper management personnel.

The officials told us that EPA personnel did not monitor their companies' testing activities or their test records but that EPA personnel visited the companies' facilities, when requested, to approve unscheduled maintenance or to resolve problems. The officials stated, however, that they would have no objection to EPA's assigning inspectors to monitor testing activities.

EPA officials told us that they had no basis for suspecting that unauthorized maintenance had been performed on the test vehicles of the three companies. In view of the limited EPA staff assigned to certification activities and the inadequacy of EPA certification procedures, as discussed below, it is our opinion that EPA does not have reasonable assurance that the companies have complied with Federal regulations related to maintenance.

Specific information concerning the manufacturers' certification procedures follows.

General Motors Corp.

At the General Motors Corporation (GM), the Environmental Activities Staff is responsible for submitting certification and application data. The actual day-to-day test operations are performed under the direction of the Vehicle Emission Laboratory (VEL) at GM's proving ground garage. Engine design is the responsibility of auto divisions, such as Chevrolet and Buick, but testing is the responsibility of the proving grounds garage, which is organizationally independent of the auto divisions.

The proving grounds garage is responsible for accumulating mileage on the test vehicles and VEL is responsible for conducting the tests. Garage personnel, such as driver foremen, drivers, and mechanics, are not given test results. There is no incentive, in the opinion of GM officials, for such personnel to perform unauthorized maintenance or to violate other Government test requirements. As a further check on drivers, test vehicles are equipped with tachographs which record speed and time on tapes. VEL analyzes the tapes for violations of driving instructions and for unexplained stops. Also mechanics must have VEL's authorization before performing maintenance. The mechanics are required to maintain logs of all maintenance performed, and the logs are forwarded to EPA weekly through the Environmental Activities Staff.

The auto divisions are responsible for developing the prototypes to be tested. Occasionally, the proving grounds garage will require maintenance assistance from car division personnel, but in such instances the chief engineer of the proving grounds garage is present to ensure that emission control devices are not tampered with.

GM does not have a set of operating manuals and procedural instructions relating solely to auto emission testing. Generally the testing of prototypes, as described in GM's part I application, is conducted under GM's normal corporate procedures, and the various organizational elements involved in emission testing are bound by these procedures. Furthermore GM supplements these procedures, when necessary, with special instructions.

GM officials told us that EPA personnel did not monitor GM's in-plant testing and records and that most EPA staff visits were for resolving problems. The officials stated, however, that they would have no objection to onsite Government inspectors' monitoring their testing activities. They stated that, if EPA wanted to keep each test car under surveillance, it would require three men per car, because of their three-shift operation, or 78 men for the test fleet of 26 cars that were being tested at that time.

Chrysler Corp.

Chrysler Corporation engineering operations are centralized under the Division of Engineering and Research. Within the division, vehicle emission certification responsibility is assigned to Materials Engineering and is carried out by its Exhaust Emissions Section. Although Chrysler engineering is centralized, engine design and emission certification activities are separate operations. Chrysler officials expressed the belief that, because of this separation of duties, Chrysler personnel would not intentionally violate Federal certification regulations.

The responsibility of the Exhaust Emissions Section begins with assembling input data for the part I application. These data are obtained from various corporate divisions. Once the data are assembled into the prescribed EPA format by the section, they are returned to the originating division for verification, prior to being submitted to EPA for approval.

The Exhaust Emissions Section is responsible for scheduling and testing operations. To carry out this phase of the certification activity, the section has a staff of about 16 engineers assigned to the Chrysler proving grounds. Test results are verified by the engineers and forwarded, with supporting documentation, to the section's central office staff for review and reverification. Test results are assembled by the central office staff for inclusion in Chrysler's part II application.

Chrysler has not developed written procedures for its vehicle certification activities. Chrysler officials told us, however, that several unwritten procedures had been established to maximize control over vehicles during the mileage accumulation and test periods. The most significant of these are listed below.

Drivers and maintenance personnel are assigned from a central pool at the proving grounds.

They are not a part of the Exhaust Emissions Section. This is intended to relieve drivers and maintenance personnel of any vested interest in the certification program.

Test drivers receive driving instructions from the Exhaust Emissions Section. In addition, each driver must maintain a driving log during the mileage accumulation period.

Each test vehicle is equipped with a tachograph for recording time and speed during mileage accumulation.

Maintenance supervisors must prepare and sign stock orders forms to obtain replacement parts from the stock crib.

Maintenance supervisors must prepare work orders for all vehicle maintenance. These must be approved by the Exhaust Emissions engineers assigned to the proving ground.

Copies of all work orders for vehicle maintenance must be forwarded from the proving grounds to the Exhaust Emissions staff for review. These orders are entered on the section's maintenance log.

Maintenance logs are forwarded periodically to EPA by the Exhaust Emissions Section.

As a result of the recent disclosure of unauthorized maintenance on Ford Motor Company test vehicles, Chrysler initiated an internal audit of its certification procedures. Chrysler auditors advised us that no signficant problems had been identified but that two recommendations were being considered for improving vehicle control. The first related to locking or sealing the hood of the car to prevent unauthorized tampering with the engine. The second related to the possible use of prenumbered work orders to ensure that the Exhaust Emissions Section receives all vehicle maintenance work orders.

During our review we questioned Chrysler officials concerning the possibility of stationing Government personnel at the test facilities to monitor the test activities. Chrysler officials stated that they had no objection and that at least 12 persons would be required to adequately monitor Chrysler testing operations. The officials also told us that, at the request of Chrysler, EPA representatives had been at Chrysler's test facility about once a week to observe maintenance work.

American Motors Corp.

American Motors Corporation (AMC) officials stated that AMC's comparatively small corporate size allowed close supervision at all levels. The vice president for engineering and research told us that he checked the testing and certification activities daily. He said that AMC's size and financial condition required that it not absorb any losses which might be incurred if certification of new model production cars were delayed. He said that the risk involved in tampering with certification regulations would be too great.

AMC had no written procedures for development of certification data. On the basis of discussions and observations, we found that the following general procedures existed.

Necessary mileage is accumulated by the use of dynamometers or drivers on city streets. (No test track is used.)

Most drivers are hired through private employment agencies and do not have special technical skills.

Drivers maintain logs of their activities during their 8-hour shifts.

Three shifts are employed 6 days a week until the necessary mileage is accumulated.

Test cars are monitored through the use of tachograph readings which are maintained in logs for each vehicle.

Emission-type maintenance can only be approved by the supervisor of exhaust emissions or by his assistant.

A detailed log on all maintenance, including such routine maintenance as oil changes, is maintained for each vehicle.

The officials said that EPA representatives had made many visits, especially during the beginning of the certification year—November and December—to explain the Federal regulations. The officials indicated that these visits were not specifically for monitoring testing.

AMC officials stated that they would not object to onsite EPA inspectors' monitoring their certification testing activities. They expressed the belief, however, that unauthorized maintenance probably could be performed, if desired, even if Government monitoring were provided.

EPA STAFF ASSIGNED TO CERTIFICATION ACTIVITIES INSUFFICIENT

The number of persons assigned to test and certify automobile prototypes has generally been insufficient for adequately performing all activities necessary to reasonably ensure that automobile manufacturers comply with Federal certification regulations. The Director of EPA's Mobile Source Pollution Control Program told us that his initial program plan for fiscal year 1972 provided 237 authorized positions for his program, including 46 positions for the Division of Certification and Surveillance. The Director stated, however, that EPA officials had reduced the authorization for the Mobile Source Pollution Control Program to 161 positions, of which 32 were allocated to the Division of Certification and Surveillance.

As of June 1, 1972, EPA had assigned 146 persons to the Mobile Source Pollution Control Program but only 19 were directly involved in the certification of prototypes and only 10 of those were directly involved in certifying light-duty vehicles—primarily autos. One year earlier, on June 1, 1971, only five persons were assigned to certify light-duty vehicles. In July 1970 only five positions had been authorized for the entire certification program for both light- and heavy-duty vehicles.

EPA also has assigned to its emission-testing laboratory 32 technicians of whom seven perform the certification tests of light-duty vehicles. Thus the prototypes of all auto companies are tested and certified primarily through the combined direct effort of 17 EPA personnel.

Certification staff

The 10 persons responsible for certifying light-duty vehicles are assigned among three teams, each team having responsibility for about one-third of the 52 auto companies seeking certification in model year 1973. In addition to handling smaller companies, one team handles Chrysler and AMC, one team handles GM, and one team handles Ford.

The staff spends a significant part of its time explaining and interpreting Federal regulations for the auto companies, either verbally or in writing. EPA officials told us that some provisions of the regulations were general in nature because they were intended to allow the flexibility needed in dealing with today's diverse vehicle product lines and continually developing technology. The remainder of the staff's time is normally spent reviewing and approving the auto companies' part I and part II applications for certification, assisting the auto companies in resolving day-to-day problems, monitoring vehicle tests in the EPA laboratory, and reviewing maintenance logs submitted by the auto companies as testing progresses. Staff has not been available for routine monitoring of the testing activities at the auto companies.

The Director, Division of Certification and Surveillance, told us that he had had considerable difficulty in hiring and retaining qualified people. He attributed this problem to (1) low entrance salaries—(EPA hired college graduate engineers without experience at the GS–5 level)—about $7,300 and (2) noncompetitive Federal salaries for engineers with automotive emissions experience. The certification staff recently lost two experienced engineers to the auto industry, but EPA had had difficulty attracting such people from the auto industry, even at the GS–13 level (about $18,700).

Also we noted that, although the number on the light-duty certification staff had increased from five to 10 since June 1971, five of the 10 staff members had worked for EPA less than 5 months. Three of the five are recent college graduates, and the other two have a combined total of 11½ years of automotive experience. The Director told us that a newly hired college-graduate engineer needed 12 to 18 months of experience in the certification process before he could make a meaningful contribution. The Director told us that the average grade level of his staff should be increased by fiscal year 1975, if the Government is to be competitive with industry.

Laboratory staff

For 1973 models, EPA began testing durability prototypes at intermediate mileage points, in addition to the 50,000-mile point, which increased the total number of certification tests made in EPA laboratories by 50 percent over the previous year. EPA certification and laboratory officials told us that the number of laboratory technicians (seven) assigned to test light-duty vehicles was insufficient to effectively accomplish all required duties.

During the first 5 months of 1972, the seven technicians assigned to test light-duty vehicles performed about 600 tests and were required to work 500 hours of overtime. EPA officials told us that about 350 additional tests would be required to complete the certification testing of 1973 prototypes. The supervisor of the laboratory test staff expressed the belief that, because of the certification workload, his present staff of seven should be doubled.

EPA recently moved into its new $10 million emission-testing laboratory in Ann Arbor. The director of the laboratory said that it was not adequately staffed and that some equipment was being used only about one-third of the time. Another laboratory official said that, with adequate staffing, 30 tests could be run each day, compared with 10 with the present staff.

EPA PROCEDURES INADEQUATE FOR REASONABLY ENSURING THAT AUTO COMPANIES COMPLY WITH FEDERAL CERTIFICATION REGULATIONS

EPA has operated the certification program on the basic assumption that the auto companies will act in good faith, comply with EPA certification regulations, and submit complete and accurate data to EPA. On May 15, 1972, we issued to the Congress a report entitled "Cleaner Engines for Cleaner Air: Progress and Problems in Reducing Air Pollution From Automobiles, Office of Air Programs, Environmental Protection Agency" (B-166506), which included a discussion of certain shortcomings in EPA's certification program.

Our present review showed that EPA had not evaluated nor requested documentation on the practices and procedures followed by the auto companies in their testing process. Nor have EPA personnel made onsite, unannounced inspections for monitoring the auto companies' testing process and ensuring compliance with regulations. EPA visually inspects emissions data and durability data vehicles prior to testing the vehicles in its laboratory, but EPA officials told us that such inspections and tests generally could not be effective for detecting evidence of unauthorized maintenance or other irregularities.

EPA's monitoring consists primarily of its reviews of part I and part II certification applications and periodic vehicle maintenance and test records submitted by the auto companies. Certification Branch personnel evaluate data contained in the applications for conformity with the regulations. Records of the mileage accumulated, maintenance performed, and tests run on the prototypes are submitted to EPA weekly by the auto companies and are reviewed and evaluated by EPA personnel. The Director of EPA's Division of Certification and Surveillance told us that EPA's practice of accepting manufacturers' data at face value obviously was inadequate for ensuring compliance with Federal regulations.

Moreover EPA officials told us that, because of staffing limitations, EPA had not visited the manufacturers' plants to monitor the testing activities or to review the records. The visits that EPA personnel made to manufacturers' facilities usually were for resolving specific problems rather than for observing or monitoring testing practices or for spot checking records. The instances of unauthorized maintenance performed by Ford were recorded in Ford's records.

EPA's procedures have not been adequate for ensuring that manufacturers comply with Federal regulations. In addition, a lack of staff limits EPA's ability to adequately monitor the test activities of the manufacturers.

Procedures for retesting and certifying Ford cars

The process of rerunning durability tests on 39 Ford vehicles involving 12 engine families is scheduled to be completed by September 1972. To minimize delays in this testing process, EPA has established a task force to accelerate and coordinate certification of Ford vehicles. The task force is responsible for making decisions concerning the allowability of unscheduled maintenance, verifying driver's complaints, and inspecting failed components. Some of the actions EPA has taken to maintain control over the retesting of Ford vehicles include:

Installation of a tachograph in each vehicle to provide a continuous record of vehicle usage. (GM, Chrysler, and AMC have used tachographs in their test vehicles.)

Inspection by EPA of vehicles and components prior to the start of testing.

Documentation of all communications between Ford and EPA, including telephone conversations and meetings.

Tests by EPA of durability vehicles at applicable mileage points. A confirmatory test will not be run by Ford.

Spot inspection by EPA of Ford's test facilities during any time that work is being performed for making odd-hour inspections to ensure Ford integrity for the duration of the certification test program.

Review and evaluation by EPA of Ford's inspection procedures.

Establishment by Ford of a system whereby EPA would be furnished with emission and maintenance data every 24 hours.

The Director of EPA's Mobile Source Pollution Control Program emphasized to us that, although EPA would give Ford priority treatment in resolving problems, reviewing data, testing vehicles, and so forth, so that Ford vehicles could be certified as soon as possible if they met Federal emission standards, EPA would not waive any regulatory or certification requirements.

Although we did not estimate the additional costs that would be incurred by EPA in its program to accelerate certification of Ford vehicles, our review indicated that such costs would be substantial. For example, EPA estimates that about 1,300 hours of overtime work will be required. In addition, communication costs will increase as a result of the close monitoring; several EPA personnel will be assigned to monitor Ford certification activities; and a substantial amount of work will, in effect, be repeated because of the need to test an entire new fleet of prototype vehicles.

Alternative procedures being considered by EPA

EPA officials recognize that something has to be done to obtain greater assurance that auto companies comply with all Federal certification regulations, especially with respect to unscheduled maintenance. Various plans for improved monitoring of the auto companies' certification practices are being considered by EPA. An EPA official said that EPA expected to develop a plan in the near future and that it would be applied initially to the domestic auto companies. According to EPA officials the following three alternative plans were being considered.

1. The auto companies would continue to have responsibility for testing prototypes, but EPA would make unannounced inspections of the auto companies' testing facilities and records to ensure integrity of the testing.

2. EPA would have inspectors stationed at the auto companies' test facilities to continually monitor the companies' testing activities.

3. EPA would assume all responsibility for testing and mileage accumulation for some or all of the prototypes. If EPA were to assume all responsibility for testing some of the prototypes, the other prototypes would be subject to spot-check monitoring by EPA inspectors.

Alternatives 2 and 3 would probably be very expensive. For example, GM officials told us that, if the Government wanted to keep each GM test vehicle under surveillance, it would require three inspectors per car (3 shifts) or 78 inspectors for the present test fleet. A Chrysler official stated that EPA would need 12 inspectors at Chrysler: two for each of three shifts, at two locations.

With respect to alternative 3, Chrysler officials expressed the belief that EPA should not take on the responsibility for testing all prototypes, because EPA had neither the facilities nor the staff required. In addition, they said that EPA had problems with frequent staff turnover. Chrysler officials also indicated that Chrysler spent about $1 million annually on its emission certification program.

EPA's Director, Mobile Source Pollution Control Program, told us that he preferred alternative 1 and that he had requested additional resources to implement that alternative. He told us he did not believe the costs involved in alternative 2 could be justified at this time and that alternative 2 should be considered further only after experience had been gained with alternative 1. He also said that he believed that alternative 3 was unrealistic, not only because of the enormous costs involved but also because he deemed it inappropriate for the Government to assume responsibility for the testing of the vehicles. He said that under alternative 3, if a test vehicle failed for any reason, there would be endless quarreling between the EPA and the company about who caused it to fail and there would be no satisfactory way to resolve these disagreements.

CONCLUSIONS

We believe that the responsibility for accumulating mileage, testing vehicles, submitting data, and ensuring that Federal certification regulations are not violated properly should rest with the auto companies.

EPA has responsibility for ensuring that (1) the auto companies comply with Federal regulations and (2) emissions from engines awarded certificates of conformity are within established standards. We believe that, to effectively fulfill these responsibilities, as a minimum, EPA needs additional personnel assigned to its certification activities and needs to significantly increase its surveillance and monitoring of the auto companies certification procedures, practices, and records.

EPA should require that the auto companies prepare and submit to EPA written procedures for their certification activities. Officials of the four auto companies told us that they would not object to EPA inspectors' monitoring their in-plant testing and reviewing plant records related to their certification activities. In this regard, EPA personnel should be able to enter auto company facilities, unannounced, any time of the day or night when mileage is being accumulated or testing is being conducted on certification vehicles for the purpose of monitoring such activities.

Requiring the auto companies to prepare written procedures and making in-plant inspections of the companies' tests and records will not provide EPA with *total* assurance that the auto companies are not violating Federal regulations, but it will provide significantly greater assurance than now exists. The procedures that would provide the greatest assurance are those under which EPA assumed responsibility for accumulating all mileage and conducting all tests on all emission data and durability data vehicles of all auto companies. These procedures would also be the most expensive to implement.

Consideration should be given to the time and effort that would be required to obtain and train new staff. EPA has had problems in the past in hiring and retaining experienced staff. A sudden and extensive expansion of staff could be counterproductive because it would divert the time of the few experienced men from their certification duties to the training of newcomers.

U.S. SENATE,
Washington, D.C., May 25, 1972.

Hon. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. COMPTROLLER: On May 18, the Environmental Protection Agency announced that the Ford Motor Company was withdrawing the applications it had made to EPA for certification of its 1973 vehicles. According to the EPA announcement, Ford had discovered inaccuracies in its own test data.

Subsequently, at a hearing before the Subcommittee on Air and Water Pollution on May 22, William D. Ruckelshaus, Administrator of the Environmental Protection Agency, testified that Ford test personnel had performed prohibited maintenance operations on prototype vehicles being tested for certification.

Testimony at the May 22 hearing also indicated that EPA has no secure way to check data submitted by other auto companies to make sure that similar prohibited acts have not occurred in preparation of their data. Primary reliance for discovering such prohibited acts, EPA indicated, must come from disclosures of auto company employees.

In light of these events, I ask your help in investigating the current capacity of EPA to oversee the auto companies' preparation of data for certification and the adequacy of EPA procedures to prevent similar circumstances in the future. Specifically, I would like to know:

(a) The number of EPA personnel assigned to prototype certification activities;

(b) The number of EPA personnel assigned to monitor the development of certification data by the auto industry—including the number of personnel assigned to monitor activities at the test facilities of the respective auto makers;

(c) The adequacy of EPA procedures to assure that regulations covering the certification tests are not violated in the testing process; and

(d) The extent to which the data available to EPA enables the agency to independently evaluate the manufacturer procedures as required by section 208 of the Clean Air Act.

Further, EPA has indicated to the Subcommittee on Air and Water Pollution that legislation may be needed to assist Ford Motor Company in solving the problems it faces now in developing new data for certification and in getting cars into production in time for the 1973 auto year.

Before such legislation can be seriously considered, it is essential for the Subcommittee to know whether the Ford discovery of prohibited acts in the certification testing process represents an isolated incident or a more pervasive practice in the auto industry.

For this reason, I ask you also to investigate the certification data submitted to the Environmental Protection Agency by the auto companies for their 1973 vehicles and the practices and procedures employed by the auto industry in developing this data to assure that these practices are consistent with the law and EPA regulations.

As we expect a request for action on legislation in a reasonably short time, a report is needed within 10 days. Prompt study of this matter is vital to assure fully informed Congressional consideration of measures to deal with this problem.

Sincerely,
EDMUND S. MUSKIE,
Chairman, Subcommittee on Air and Water Pollution.

EXPANSION OF VOCATIONAL REHABILITATION ACT

Mr. SCHWEIKER. Mr. President, in the Committee on Labor and Public Welfare, the Subcommittee on Handicapped Workers, on which I am privileged to serve, has been holding hearings on legislation to continue and expand the Vocational Rehabilitation Act. Recently, the subcommittee received testimony from the senior Senator from Kansas (Mr. PEARSON) which I believe merits the consideration of the full Senate.

I ask unanimous consent that the testimony submitted by Senator PEARSON be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAMES B. PEARSON

Mr. Chairman, I am pleased to have this opportunity to express my views on legislation providing assistance for the handicapped. At the same time, I would like to congratulate the Labor and Public Welfare Committee and you, Mr. Chairman, on the establishment of this Subcommittee. For the first time in the Senate, a group of my colleagues, many of whom have long been recognized as leaders in efforts to enact rehabilitation legislation, will oversee the Federal Government's role in behalf of the Nation's disabled. I am confident we can all profit from the diligent work you are doing in this regard.

Mr. Chairman, no one can deny that the Vocational Rehabilitation Act, first passed by Congress in 1920, has played a significant role in focusing public awareness on the need to provide a life of dignity and purpose for our physically handicapped. Throughout the 52 years of this law's existence, the emphasis has been to provide a means whereby assistance could bring self-sufficiency and self-support to an individual suffering from a mental or physical impairment. Over the years, legislation has been enacted broadening existing law to better accomplish this goal. The results have been highly significant, bringing rehabilitation services to over one million people in 1971 and providing some 300,000 of these individuals useful and rewarding employment.

My purpose in submitting this testimony, Mr. Chairman, is to encourage adoption of legislation specifically designed to insure the full benefit of services to the severely handicapped, including the deaf and the blind. It has come to my attention that new regulations have broadened the interpretation of the act by including those who are handicapped in the social—as well as physical—sense. In many cases, the new interpretation has come at the expense of those with the most severe physical and mental problems, resulting in the denial of services for which they would normally be eligible. While I do not argue against regulations which can provide as wide coverage as possible, it is my belief that Congress should express its desire to preserve the original intent of the act—providing assistance on a priority basis to those handicapped in the traditional or physical sense.

As my colleagues in the Subcommittee are aware, legislation approved in the House clearly states this intent in its initial statement of purpose. The House-passed measure, H.R. 8395, also adds a new title to the Vocational Rehabilitation Act which specifically provides for the seriously handicapped. Title III of this bill authorizes additional grants to assist states in developing and implementing services to severely disabled persons. These funds, it should be emphasized, are not meant to replace currently committed state funds. Rather, they are intended to supplement present and future programs operated by state governments. I support the inclusion of this title in legislation considered by the Senate.

Mr. Chairman, another desirable aspect of the House-approved bill is the so-called "follow along" provision. Up to this time, the law has not required that states institute post employment services to assist the disabled individual in maintaining a job. I am encouraged that the Rehabilitational Services Administration of HEW has undertaken efforts on its own in this regard. Yet, I feel legislation is required to provide added insurance that this will be an ongoing effort among the state agencies.

Finally, Mr. Chairman, I am specially interested that the Senate bill include establishment of comprehensive centers for deaf youths and adults. While there are now institutions such as Galludet College which provide higher education facilities for the high-achieving deaf, I am concerned that little emphasis has been placed on the need to provide vocational training for the low-achieving deaf. Consequently, there are too few qualified instructors who can train the deaf in vocational pursuits. I support fully legislation authorizing centers for the training of such personnel, so that new methods and techniques designed to include the low-achieving deaf in our vocational training programs can be established.

In summary, Mr. Chairman, I believe Congress recognized the importance of continuing programs which can provide rehabilitative services for our handicapped. Over the years, the Vocational Rehabilitation Act has provided an excellent example of Federal and state partnership. However, while I applaud the work of the Rehabilitation Services Administration in its efforts. I believe Congress should insure that the best possible use be made of the limited funds available under this act. I am hopeful that the Subcommittee and the Senate will reaffirm the original intent of the law by insuring that primary consideration be given to the physically disabled who apply for rehabilitative service. In this manner, I believe we can be assured of continuing the fine work our partnership with the states has produced thus far.

SER: JOBS FOR PROGRESS

Mr. TUNNEY. Mr. President, in the near future, the Senate will be considering the 1972 comprehensive manpower legislation. One concern that I share with many of my colleagues is the delivery of manpower services to the Spanish speaking.

Five years ago, the executive director

of SER presented testimony concerning the manpower needs of chicanos before the Inter-Agency Committee on Mexican American Affairs. His comments before the Inter-Agency Committee pointed out the great need for the development of training and job opportunities for Mexican-Americans. He indicated the necessity for the redirection, the improvement, and the expansion of current programs and the creation of new ones designed specifically to meet the unique problems of chicanos. He asked, Why—and now midway in 1972 I also find myself asking, Why—has the Government failed so miserably with the Mexican-American, the second largest minority group in the country, certainly the largest minority group in the Southwest, and the largest minority of any State? Why are chicanos the most unemployed, underemployed, underpaid, and exploited people in this country?

Why is it that persons of Spanish origin have an unemployment rate 1.7 times greater than the unemployment rate of all other persons in the labor force, a median family income of 70 percent of that of other families, and an educational attainment level of 20 percent below that of persons of other origins? I might add that these figures are based on the results of a national survey conducted by the Bureau of the Census in November 1969. I have not yet seen the data which has been coming out under the latest decennial census study.

I am very much concerned with the impact that the administration's manpower revenue sharing proposal will have on Mexican-Americans. I am particularly concerned over the fact that the administration's manpower revenue sharing bill does not provide categorical manpower assistance for Mexican-Americans. I believe it is necessary to include certain categorical manpower programs as a matter of Federal policy because certain aspects of our manpower problems deserve the attention of the Federal Government and can be run better at that level. We all know too well of the many concerns raised by members of the minority communities in trying to continue participation in the planning and administration of programs that were designed to assist them. After they have now received the opportunity to be part of the unit administering and planning manpower programs, there are not adequate safeguards in the administration's proposal to guarantee their continued participation.

I particularly refer to "Jobs for Progress, Incorporated," the only bilingual-bicultural national manpower delivery system for the Spanish speaking.

Popularly known as SER—service, employment, redevelopment—this organization has a 6-year history of service to its people. Sponsored by the two largest Mexican-American organizations, the American GI Forum and the League of United Latin American Citizens—LULAC—SER has continued to effectively deliver manpower services to the disadvantaged.

DEVELOPMENT OF SER

In the spring of 1965, job replacement centers for the Spanish speaking were operated in Houston and Corpus Christi by LULAC. These Jobs for Progress centers were funded and staffed exclusively by Spanish-speaking volunteers. They did more for the Mexican American in their short existence than permanent public agencies had been able to accomplish over the years.

JOINT VENTURE

Based on the lessons learned, the two national organizations, LULAC and the American GI Forum, joined forces to form Jobs for Progress, Inc., in a massive drive to eliminate poverty in the Southwestern United States with special emphasis on bilingual-bicultural manpower services.

The large scale program to tap the manpower resources of the Spanish-speaking community was given the name "TO BE," in Spanish: SER.

SER was designed by the sponsoring American GI Forum and LULAC organizations to break down cultural and economic barriers through full employment for Mexican Americans by involving Mexican Americans themselves in the effort.

SER is staffed exclusively with bilingual personnel who are not only well qualified in their respective specialties, but whose experience and motivation make them cognizant and adept at dealing with adverse cultural differences. By developing and administering manpower programs in this manner, effective gains are already being made.

THE SPONSORS

LULAC—The League of United Latin American Citizens—was founded in 1929 in Corpus Christi, Tex., by the merger of three Mexican-American organizations.

LULAC was founded at a time when American citizens of Mexican ancestry were the victims of a very high degree of discrimination. The league was formed for the purpose of eliminating the segregation of Mexican Americans and elevating their social, economic, and educational status.

LULAC led the legal battles which have eliminated overt segregation of Mexican Americans in public schools, public facilities, and public employment; and it was LULAC who initiated and financed the court battles that led to the U.S. Supreme Court decision which declared unconstitutional the then prevalent practice, in Texas, of omitting American citizens of Mexican descent from service in grand and petit juries.

At present, LULAC members are very much involved in eliminating the more subtle, covert, segregation that now operates to hinder the socioeconomic progress of the Mexican American in Southwestern United States; and in operating a vast system of scholarship awards to worthy young people who are otherwise financially unable to attend college. Many of these young men and women do not get adequate counseling and scholarship assistance from school boards and public colleges indifferent to their educational problems.

AMERICAN GI FORUM

The American GI Forum is a nationally established veterans family organization founded in 1948 in Corpus Christi, Tex., by Dr. Hector P. Garcia for the purpose of abolishing discrimination practices against returning World War II Mexican American veterans.

The GI Forum has since broadened its scope of objectives to include a program of improvement of the social, economic and political conditions of the Mexican-American community.

The organization has among its objectives: Leadership development, intergroup understanding, preservation of basic principles of democracy, veterans' rights, nondiscrimination, eduaction, and motivation of youth.

SER

On June 10, 1966, Operation SER's Regional Office in Albuquerque, N. Mex., began functioning.

On October 3, 1966, Mr. George J. Roybal was installed as SER's executive director, with a small staff hired to implement the program and to man the Skills Bank to begin placing people in nontraditional jobs.

By the spring of 1967, the arduous task of community survey and development yielded program outlines and active volunteer SER boards in the targeted areas.

The State officials were established in June, with a Skills Bank in each, and the first five local SER projects became operational that summer.

The regional office expanded its resources for research and added a Data Processing Center to the Skills Bank when it moved from Albuquerque, N. Mex., to Santa Monica, Calif., in September 1967.

TWENTY-ONE PROJECTS

Twenty-one local SER projects were at various stages of implementation by January 1968 and the Skills Bank had placed 3,000 in gainful and productive employment.

In March 1968 a third major function was added to the Program Development and Skills Bank services when On-the-Job Training coordinators were attached to the regional and State offices.

ORGANIZATIONAL STRUCTURE

SER is administered by Jobs for Progress, Inc., with an 11-member board of directors, presently presided over by Daniel Campos of Campbell, Calif.

The Jobs for Progress Corporation is a voluntary, nonprofit, incorporated organization with its principal objectives being the social and economic betterment of the Mexican-American poor of the United States.

PERFORMANCE RESULTS

During the 6-month period being appraised, SER has served a total of 2,398 people. Of this number, 1,390 have been trained and 1,144 have been placed in meaningful jobs. The remainder is currently in training. In addition, local SER projects are now operating at 96 percent of capacity, and enrollments for the reporting period are 94 percent of the planned enrollment goal. These figures indicate the careful and effective planning that took place prior to implementation of the programs.

ENROLLED PROFILE

The following enrollee profile illustrates that SER is serving those in need. SER enrollees come from a broad cross-section of the target population and provide evidence that SER is serving the community. The following statistics were gathered from 16 projects which were operational at the beginning of the program year in September 1971:

Ninety-three percent of the enrollees are Spanish-speaking.

Seventy-four percent are heads of households.

Fifty-four percent are male.

Forty-six percent are high school dropouts.

Twelve percent are junior high and elementary school dropouts.

Twelve percent are monolingual.

PLACEMENTS

Ninety-five percent of the planned number of placements anticipated at the beginning of the program year has been accomplished. This figure represents excellent planning on the part of the local project directors and their staff. Eighty-nine percent of the people served have been placed on meaningful jobs after leaving the program. More importantly, 91 percent of SER placements are still on the job 3 months after being placed. Many positive factors account for this encouraging fact:

The quality of the training services provided is exceptional.

Counselors and other staff members are instilling a high degree of motivation in the enrollee.

SER is soliciting and gaining meaningful support from local employers.

SER is working not only for immediate placement but also long-term gainful employment.

TERMINATIONS

A mere 11 percent of all SER enrollees are unable to successfully complete the program. Even this small percentage is often due to circumstances beyond the control of the enrollee. For example, problems such as pregnancy, relocation, entry into the armed services, transportation difficulties, and other personal problems force the enrollee to leave the program. Rarely does an enrollee drop out because of lack of desire or motivation.

NATURE OF PLACEMENTS

An impressive 100 percent of SER placements have been in semiskilled, skilled, or high skilled occupations. Ninety-two percent of those placements were in the enrollee's chosen field of interest. For obvious reasons, SER is striving to place people on jobs they desire. But circumstances such as the status of the job market, availability of training programs, or the enrollee's capabilities not meeting the job requirements make 100 percent success extremely difficult. The average starting wage for SER placements is $2.49 per hour, well above the Federal minimum wage of $1.60 per hour. This is a strong indication of the type of upgrading the SER enrollee is experiencing.

REENROLLMENTS

A low 3 percent of all enrollees reenter the program. Since stipends are paid to the enrollee during training, there is a possibility that some would choose to stay in the program indefinitely. Although the stipends only cover bare living expenses, SER has been careful to keep the situation well under control, avoiding a welfare agency role. Therefore, an enrollee who has completed the training cycle is reaccepted into the program only under very special conditions. An example of this would be the phasing out of a particular occupation making additional training necessary.

COST

One of the notable achievements of the SER program is the cost per enrollee figure of $1,971. This compares very favorably with other major manpower programs which are experiencing costs per placement in excess of $4,000 to $6,000. This low figure indicates that SER is operating with great efficiency and economy while providing quality services.

With all bills involving the concept of decentralization, placing policy, planning, and administration in the hands of State and local government, certain safeguards must be included in whatever legislation affecting manpower is ultimately passed. Safeguards that insure that on the local level SER continues to be given the opportunity to deliver manpower services to the disadvantaged should be part of any legislation that addresses itself to the manpower needs of the Nation.

TAX OR SPENDING REFORM?

Mr. HANSEN. Mr. President, during an election year it is not unusual to hear some rather implausible claims, counter claims and reform demands. Tax reform is being heralded as a big issue in the presidential campaign and the average taxpayer—the little man—is being incited to tax revolt by a number of his self-appointed saviors.

Edwin S. Cohen, 5 feet 5 inches tall and Assistant Secretary of the Treasury, in a speech before the Federal Tax Institute of New England offered the following tax reform proposal. He said:

> For some time, I have been looking for a simplified, equitable tax revision program. There is considerable research to indicate that, in general, tall people have a great economic advantage over short people and are far more successful as leaders in the business and political world. I have maintained, therefore, that the tax law should provide compensation for the inequities thrust upon the short people of the world. I would draw the line at a height of 5 feet 6 inches and provide half rates of tax for those below that level and the regular rates for those above.

A few have suggested that the basic cause of his tax burden is the massive overspending of tax money resulting from the multitude of domestic social and economic programs initiated or escalated in the 1960's.

And a recent Wall Street Journal article points out that these programs are also proving a disappointment to many of the Democratic officials who presided over them.

The newest and most comprehensive evidence of disenchantment, the article says, is in the Brookings Institution book on "Setting National Priorities," which has been widely noted mainly for its warning that a tax increase may well be needed to support present trends in Federal spending. But the report has another theme as well, when it comes to solving social problems in poverty, health, education, and the environment, it concludes, "the history of the 1960's makes clear that current Federal approaches are not particularly effective."

For awhile, the Brookings report recalls nostalgically, "the idea persisted that if one could identify a problem and allocate some Federal money to it, the problem would be solved."

Mr. President, it is most encouraging that the Brookings Institution report, authored by Charles L. Shultze, who was budget director under President Johnson, and others in that administration should now call for a halt to think things over and concede that the Democratic administration launched "ineffective programs, wasted money, and squandered public confidence."

Mr. President, rather than tax reform, I suggest again that what we really need is federal spending reform.

As Director of the Office of Management and Budget, Caspar W. Weinberger was quoted as saying in the Wall Street Journal article, in the past decade, spending on social programs has vaulted to about $110 billion from $30 billion a year. He further said:

> If spending alone could solve the problems to which existing programs are addressed, there would be no problems for spending there has been.

Mr. President, I ask unanimous consent that the well-documented Wall Street Journal article entitled "What Federal Money Didn't Buy" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

What Federal Money Didn't Buy

(By Richard F. Janssen)

For a few years now, it's been pretty obvious that anyone wanting to hear a rousing rationale for the war in Vietnam needn't bother the former Johnson administration officials who had so much to do with it. Spiro Agnew appears a lot more enthusiastic about it than, say, Robert McNamara or Clark Clifford.

More recently, it's becoming evident that the domestic social and economic programs initiated or escalated in the 1960s are also proving a disappointment to many of the Democratic officials who presided over them.

The newest and most comprehensive evidence of disenchantment is in the Brookings Institution book on "Setting National Priorities," which has been widely noted mainly for its warning that a tax increase may well be needed to support present tends in federal spending. But the report has another theme as well. When it comes to solving social problems in poverty, health, education and the environment, it concludes, "the history of the 1960s makes clear that current federal approaches are not particularly effective."

That finding might be dismissed by many as predictable partisan jeering if it came from the conservative camp. But considering that its source is the citadel of intellectual Democratic liberalism, it constitutes an arresting shout to halt and think things over. The key author is Charles L. Shultze, who was LBJ's budget director, and the other main contributors also had important posts in the budget office, the White House and the Department of Health, Education and Welfare.

"SQUANDERED PUBLIC CONFIDENCE"

Nor is the enclave of ex-officials at Brookings alone in their distillusionment. "We have oversimplified our problems and oversold the prospect of quick solutions," writes William Gorham, a former HEW official who is now president of the Urban Institute. Mr. Gorham goes on to complain that the Democratic administration he served launched "ineffective programs, wasted money, and squandered public confidence."

While liberals at home are conceding that it's hard to tell if all their activism actually has made kids better educated or the poor healthier, a parallel malaise is setting in on the foreign aid front. At the World Bank, for instance, officials agonize over evidence that their efforts to speed industrialization of poor countries often tend to make the local rich richer while worsening the plight of the local poor, for at least the first decade or so.

This is in the sharp contrast, of course, to the time when those in power along the Potomac were brimming with confidence that the government could use its budgetary muscle to move the world, and quickly. When success didn't come instantly, there were always plenty of promising new methods at hand. But as it looks now to the sidelined liberals, the fallback positions are, and always were, precious few.

When the first skirmishes along John F. Kennedy's New Frontier failed to rout the nation's menacing social problems, the response was almost always that more federal dollars must be thrown into the fight. Most of Lyndon B. Johnson's Great Society seemed built on that premise too, from the war on poverty to aid to schools. For a while, the Brookings report recalls nostalgically, "the idea persisted that if one could identify a problem and allocate some federal money to it, the problem would get solved."

That idea seems far from passe, to be sure, but a case can be made that it has been given a solid try already. While the sheer dollar figures are often staggering (i.e., Social Security and other income support payments nearly tripling in 10 years to about $75 billion yearly now), standing alone they don't say much about relative effort or priorities. So the Brookings group has pulled together statistics in ways that leave less room for doubt.

As to any lingering suspicion that the federal sector simply isn't keeping pace with the economy as a whole, the study estimates that budget outlays in the fiscal year to start July 1 will amount to 20.5% of the gross national product. That would be up from 18.1% of GNP, (the total private and governmental output of goods and services) in the 1961–63 period, and up sharply from the 7.7% of the late 1930s, when FDR's anti-depression measures first made big government a big issue.

More surprisingly, perhaps, the figures don't support the thought that the military has hogged the gains since the early 1960s. Then, the military costs (including such legacies of past wars as veterans benefits and public debt interest) equalled 10.9% of the GNP; in the coming fiscal year, that share should be down to 8.4%. Meanwhile, the civilian side of the newest Nixon budget has bulged to 12.1% of the GNP, up from the New Frontier era's 7.2%.

The federal civilian outlays per person have outpaced inflation and population growth; in fact, as the figures below indicate, the "real" outlays have been rising at an ever-increasing rate. (The figures that follow are average annual percentage increases for the selected periods.)

[In percent]

	1960	1965–70	1970–73
Federal civilian outlays	7.3	13.0	15.2
Inflation	1.4	3.6	4.5
Population	1.5	1.1	1.2
Real per capita	4.1	7.9	9.0

But the old "money isn't everything" adage appears to apply even where almost unthinkable billions of dollars are involved. "It quickly becómes clear that changing institutional behavior not only is difficult but takes more than federal money," the Brookings group writes. "Putting children in preschool programs for a few weeks may improve their performance, at least temporarily, but it does not alter the homes they come from or the schools they are attending." A federal grant can let a local community build a new sewage treatment plant, but it doesn't give a local factory any incentive to stop dumping pollutants, so the river may end up as dirty as before.

With the first grudging admissions among liberal insiders that the government wasn't getting its money's worth, there came a series of responses. One was "tighter federal regulation," so that a school district receiving federal funds for "disadvantaged" children found it harder to cut back its own funds for them. But the former officials admit that no one in Washington really knew how to write regulations "that could be both understood and enforced in some 18,000 school districts."

CATCHWORDS AND COMMITTEES

Then "coordination' became the catchword. If officials of various agencies would only communicate more with each other, duplication and other waste could be avoided, and policies could be made to mesh. Elaborate networks of coordinating committees were created but mostly they "just slowed things down," the former insiders sigh.

All of which gave impetus to the third response, "decentralization." To some extent, Washington officials would simply stop trying to decide what's best for Brooklyn or Buffalo and leave it to those closer to the scene in federal field offices, state houses and city halls. As the Nixon's administration's dogged campaign for revenue sharing attests, this is a response the Republican incumbents were only too pleased to pick up from their predecessors.

But decentralization isn't a perfect solution, either, as Republican office holders can also attest. They've been moving a notch back toward centralization and coordination by setting up regional groupings of federal field offices, for instance. The trend was impelled by the finding that one local road authority was planning to put a highway smack across the runway being planned by the local airport authority—both, of course, using federal money from different federal agencies.

A fourth response to unsatisfactory programs is to spend less on them, or to wipe them out entirely. This never really caught on during the Kennedy-Johnson administrations, and the Nixon administration hasn't been able to do much more than rearrange the more offensive pieces of the fiscal furniture it inherited. Its furious battle to close down Job Corps camps was a very limited skirmish, for instance; the latest Nixon budget boasts of boosting outlays in all manpower training areas from the $1.5 billion of the last Democratic year to $3.6 billion now.

The Brookings report concludes it would be "irresponsible and dangerous" to give up the search for "solutions to urgent social problems." It further concludes that it would be useless to return to the "pat, simple answers—decentralize, regulate, coordinate, spend more, spend less."

This seems somewhat gratuitous. The government isn't about to give up, and there's no sign that the "pat" answers of the past have been altogether discarded, either.

The "spend more" answer remains alive in the Nixon administration's continuing efforts to enact revenue sharing and welfare measures which would build progressively mounting costs into budgets, even as Democratic contenders outdo each other urging expensive solutions of their own.

"CAP THE KNIFE"

At the same time, budget overseer Caspar W. Weinberger delights in his "Cap the Knife" nickname, and talks bravely of slashing outlays on low priority programs and turning back more functions to "state, local and private initiative."

In past decade, he notes, spending on social programs has vaulted to about $110 billion from $30 billion a year. "If spending alone could solve the problems to which existing programs are addressed, there would be no problems," he says, "for spending there has been."

Are there any hopeful new options left?

What the Brookings panel ultimately proposes (along with admittedly modest procedural changes such as budgeting more programs for several years instead of only one) is basically a resort to more "social experimentation" to find out how individuals and institutions actually respond to federal efforts.

That may not make a very exciting platform for any political candidate. But it just might provide a firm foundation for a more rational fiscal future. Once the public and the government realize that experimentation is about all that's been going on all along, the many inevitable failures wouldn't be so costly and frustrating. If successes are few, they still might stand out all the more clearly as guides to the ultimate solutions which must be out there somewhere.

Mr. Janssen is a member of the Journal's Washington bureau, specializing in economic affairs.

CEILING ON SPENDING AND PERSONNEL IN CAMBODIA

Mr. CASE. Mr. President, last year Congress approved the Case-Symington amendments which placed an absolute spending and personnel ceiling on American programs in Cambodia. This year the Foreign Relations Committee has again approved a spending limit on U.S. assistance to Cambodia. The personnel ceiling remains a part of the law.

The administartion has requested $348 million in funds for Cambodia in fiscal 1973, but the Foreign Relations Committee cut this figure to $275 million. While the Senate is considering whether or not to increase fiscal year 1973 request, it should keep in mind that executive failed to spend an estimated $92 million of the funds voted in fiscal year 1972 when the Congress voted the full administration request of $341 million.

The Washington Star correspondent in Asia, Henry S. Bradsher, recently published an account of some of the difficulties the United States has in spending money in Cambodia. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the Record, as follows:

[From the Evening Star, June 8, 1972]

Confusion in Phnom Penh Leaves U.S. Dollars Stranded

(By Henry S. Bradsher)

Phnom Penh.—Nations that would help the beleaguered government of Cambodia, especially the United States, are finding it difficult these days.

It is hard to find with whom to work in the government.

Most of the top officials with whom the U.S. government used to deal have disappeared. Many of the new ones lack either effective power to get anything done or the willingness and ability to use their power.

This lack of decisiveness is most noticable in the economic field.

Partly for that reason, partly for what appear to be U.S. misjudgments, the American economic aid allotment for the fiscal year just ending turned out to be wildly over what could be used.

PERSONAL PROFITS

The problem is less noticeable in the military field. Cambodia is ready and willing to absorb as much military aid as the United States wants to pump in. How it is used raises some questions among diplomatic observers here, however.

Some top military officers have seemed more concerned about making personal profits from the war than defending Cambodia.

In recent weeks the Cambodians have lost large hunks of territory along their eastern border, as the North Vietnamese army has extended the northeastern area which it has long controlled. In other areas, villagers are being alienated by Cambodian troops while Communist agents propagandize them.

SIDESHOW SUSPECTED

U.S. military aid is designed to help defend the country, but there is a nervous feeling among some educated Cambodians that Washington is not really interested in Cambodia itself—that this is only a sideshow of Vietnam.

This apprehension found some possible support from the testimony of the chairman of the U.S. Joint Chiefs of Staff, Adm. Thomas H. Moorer, to the Senate Appropriations subcommittee on foreign operations in Washington on Monday.

He justified the request for $209 million worth of military aid to Cambodia in the fiscal year beginning July 1 on the basis of the Vietnam war.

"ACTS AS BARRIER"

"An independent Cambodia acts as a barrier to the expansion of North Vietnam and contributor to the ability of the Republic of Vietnam to oppose North Vietnam's aggression and Viet Cong insurgency," Moorer said.

"Because of this, Cambodia's continued independence is very important to the success of the Vietnamization program.

"Any significant reduction in U.S. assistance to this country could well force the government to seek an accommodation with the enemy to include limitations on the aerial interdiction of the Ho Chi Minh trail, with deleterious effects on Vietnamization," Moorer warned.

Such statements raise questions here about whether the United States might continue to help Cambodia resist its own Communist threat if some settlement is reached in Vietnam.

TEAM HAS VANISHED

The questions themselves encourage a search for a compromise with the Communists here.

The U.S. government had thought it was working with an efficient team of Cambodian officials who were dedicated to the kind of anti-Communist stand which Washington sought. Now the team has vanished into the mystical workings of Cambodian politics.

The American Embassy here had tended to support that team, headed by the premier-designate, Sisowath Sirik Matak, even to the extent of encouraging its autocratic tendency to ignore the constitutional checks of parliament.

The abolition of parliament in October by Premier Lon Nol did not appear to faze the embassy.

PRESENT SITUATION

The continued collection of power by Lon Nol, who has now had himself elected president for five years, created the present situation of vaguely delegated powers and indecisiveness.

Sirik Matak was ousted from power in March as Lon Nol's right-hand man. It has since become clearer that the president's younger brother, Lon Non, was involved in getting rid of a man who had restricted Lon Nol's ability to wield the presidential authority for his own purposes.

Others who disappeared with Sirik Matak included Tim Nguon, who had supervised the economy, and foreign Minister Koun Wick.

ONE EXPERIENCED MAN

Officials at the U.S. Embassy say that only Hing Kanthel, governor of the national bank, is left of the experienced top officials who had been handling matters requiring close coordination with foreign governments.

Lon Nol has filled the gaps by giving titles and chauffeured cars to new people. In some cases jobs have been divided among several persons, with titles proliferating into a huge cabinet and staff of presidential advisers.

Many aspects of the government have bogged down in inactivity. This is particularly obvious in the economic sector.

In order to encourage farmers to grow more rice, the government has needed for some time to fix a new basic buying price for the crop. It has not done so.

Without the incentive which could be offered, farmers are not growing as much as they could. Cambodia used to export rice to pay for manufactured imports, but now cannot.

Actually, rice is an example of the fact that the Cambodian economy never seems to get quite so bad as expected—or so good.

It looked for a while last year as if rice-rich Cambodia would have to live on imported rice because of the war, but after only 20,000 tons came in, production began to cover needs.

On the other hand, it also looked as if exports, which had fallen from more than $75 million to about $10 million last year, would bottom out at the lower figure, but now they are running at an annual rate of only about $5 million.

One bright spot in exports is rubber, traditionally the second most important item.

One new rubber processing plant has begun operations and a second is being built. Compared with peacetime exports of 50,000 tons of rubber a year, there might be 10,000 tons this year and 18,000 tons next year.

No one asks too closely where the raw rubber is coming from. Much of it seems to be seeping out of Communist-controlled areas.

While exports are off, so are imports. One reason is that the Cambodian people seem to be saving much of the new money in circulation, which has helped avoid inflation.

U.S. aid was supposed to pay for vital imports, but Phnom Penh continues to look prosperous living off its fat, while little is coming in. The result is that U.S. aid has not been used very fast.

$110 MILLION APPROVED

The embassy here asked for, and Congress authorized, $110 million in economic aid for the fiscal year just ending. Only $37 million of it has been committed.

Now the administration is seeking $75 million in support assistance for Cambodia in the coming fiscal year and $12.3 million worth of Public Law 480 commodities.

With that straight-faced ability which appears in the same kind of situation next door in Saigon, U.S. officials explain that the reduced need for aid was a special case, but that the next request to Congress is really serious—every penny of it is needed desperately.

Whether Cambodia will know what it really needs, or how to use it, might come to depend on whether it gets its governmental machinery sorted out.

FIREARMS LOBBY OF AMERICA SUPPORTS ELIMINATING THE "SATURDAY NIGHT SPECIAL" HANDGUN

Mr. BAYH. Mr. President, it is encouraging to note that Mr. Morgan Norval national director of the Firearms Lobby of America, has come out in support of eliminating the "Saturday Night Special" handgun. The Firearms Lobby of America is a nonprofit association formed to influence firearms legislation. I commend Mr. Norval and his association for their stand on this issue of importance to us all.

Mr. President, I ask unanimous consent that Mr. Norval's editorial statement on WMAL–TV, June 3–4, 1972, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Morgan Norval, National Director of the Firearms Lobby of America

The attempt upon the life of Governor Wallace has brought forth a torrent of demands to abolish firearms, particularly handguns. It is ironic that the Liberal Politcians, and their allies in the news media, who heretofore have so bitterly attacked Wallace, now see in his personal tragedy an excuse to disarm law abiding Americans.

But as Governor Wallance said—even after the shooting—laws outlawing firearms will punish only the law abiding . . . the criminals will ignore them, just as they have ignored every other existing gun law.

No one disagrees with the need to find ways to end the senseless violence sweeping this nation. Political differences must be settled with ballots—not bullets.

What, then, can we do? We can eliminate the cheap, unreliable handgun, popularly known as a "Saturday night special." Secondly, the media must stop emphasizing violence in its programming, even though this may mean lower profits to them. Finally, our judicial system must stop coddling criminals. Existing laws against armed violence should be strictly enforced. Let's get the thugs off the streets.

ETHNIC HERITAGE STUDIES BILL PASSES CONGRESS

Mr. SCHWEIKER. Mr. President, the Ethnic Heritage Studies Programs Act has passed Congress, launching an important new Federal commitment to ethnicity and pluralism as positive forces in America.

Originally introduced by me in January 1971 as S. 23, the Ethnic Heritage Studies Centers Act of 1971, the bill was passed as section 504 of S. 659, the Higher Education Amendments Act of 1972, which was recently passed by both bodies of Congress and will shortly be signed into law by the President.

I have been most grateful for the bipartisan support for ethnic studies programs in the Senate and the House of Representatives, and also for the widespread support my bill has received from many individuals and groups around the country.

As the Office of Education develops guidelines for the implementation of this pilot program in ethnic studies, and as we begin work to achieve the goals of ethnic studies—self-identity, mutual understanding, and community cooperation—it is my fervent hope that all individuals and groups will be working closely together to insure that these ethnic studies programs begin in a positive, harmonious atmosphere.

Mr. President, I ask unanimous consent that the full text of the Ethnic Heritage Studies Programs Act, as passed by Congress be printed in the RECORD immediately following these remarks. In addition, I ask unanimous consent that the conference report on the Higher Education Amendments of 1972 relating to the Ethnic Heritage Studies bill, and a statement I issued on congressional passage of the bill, also be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 659, "EDUCATION AMENDMENTS OF 1972"

ETHNIC HERITAGE STUDIES PROGRAM

SEC. 504. (a) The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE PROGRAM

"STATEMENT OF POLICY

"SEC. 901. In recognition of the heterogeneous composition of the nation and of the fact that in a multiethnic society a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace, and in recognition of the principle that all persons in the educational institutions of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group, it is the purpose of this title to provide assistance designed to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of the other ethnic groups of the Nation.

"ETHNIC HERITAGE STUDIES PROGRAMS

"SEC. 902. The Commissioner is authorized to make grants to, and contracts with, public and private nonprofit educational agencies, institutions, and organizations to assist them in planning, developing, establishing, and operating ethnic heritage studies programs, as provided in this title.

"AUTHORIZED ACTIVITIES

"SEC. 903. Each program assisted under this title shall—

"(1) develop curriculum material for use in elementary and secondary schools and institutions of higher education relating to the history, geography, society, economy, literature, art, music, drama, language, and general culture of the group or groups with which the program is concerned and the contributions of that ethnic group or groups to the American heritage;

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools and institutions of higher education throughout the Nation;

"(3) provide training for persons using or preparing to use, curriculum materials developed under this title; and

"(4) cooperate with persons and organizations with a special interest in the ethnic group or groups with which the program is concerned to assist them in promoting, encouraging, developing, or producing programs or other activities which relate to the history, culture, or traditions of that ethnic group or groups.

"APPLICATIONS

"SEC. 904. (a) Any public or private nonprofit agency, institution, or organization desiring assistance under this title shall make application therefor in accordance with the provisions of this title and other applicable law and with regulations of the Commissioner promulgated for the purposes of this title. The Commissioner shall approve an application under this title only if he determines that—

"(1) the program for which the application seeks assistance will be operated by the applicant and that the applicant will carry out such program, in accordance with this title;

"(2) such program will involve the activities described in section 903; and

"(3) such program has been planned, and will be carried out, in consultation with an advisory council which is representative of the ethnic group or groups with which the program is concerned and which is appointed in a manner prescribed by regulation.

"(b) In approving applications under this title, the Commisioner shall insure that there is cooperation and coordination of efforts among the programs assisted under this title, including the exchange of materials and information and joint programs where appropriate.

"ADMINISTRATIVE PROVISIONS

"SEC. 905. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of institutions of higher education, (2) the special knowledge of ethnic groups in local communities and of foreign students pursuing their education in this country, (3) the expertise of teachers in elementary and secondary schools and institutions of higher education, and (4) the talents and experience of any other groups such as foundations, civic groups, and fraternal organizations which would further the goals of the programs.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of establishing and carrying out the programs, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Commissioner) to individuals receiving training as part of such programs, including allowances for dependents.

"NATIONAL ADVISORY COUNCIL

"SEC. 906. (a) There is hereby established a National Advisory Council on Ethnic Heritage Studies consisting of fifteen members appointed by the Secretary who shall be appointed, serve, and be compensated as provided in part D of the General Education Provisions Act.

"(b) Such Council shall, with respect to the program authorized by this title, carry out the duties and functions specified in part D of the General Education Provisions Act.

"APPROPRIATIONS AUTHORIZED

"SEC. 907. For the purpose of carrying out this title, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1973. Sums appropriated pursuant to this section shall, notwithstanding any other provision of law unless enacted in express limitation of this sentence, remain available for expenditure and obligation until the end of the fiscal year succeeding the fiscal year for which they were appropriated.".

(b) The amendment made by subsection (a) shall be effective after June 30, 1972.

CONFERENCE REPORT 92–1085 ON S. 659, "EDUCATION AMENDMENTS OF 1972," MAY 22, 1972

Ethnic Heritage program.—The Senate amendment added a new title to the Elementary and Secondary Education Act authorizing grants for Ethnic Heritage Studies Centers. These Centers would develop and disseminate curriculum materials, and encourage and promote activities related to ethnic heritage studies. Grants would be made to nonprofit public or private educational agencies, institutions, or organizations. Applicants were required to consult with a local advisory council composed of representatives of ethnic groups and cultural and educational resources from the area to be served. A National Advisory Council on Ethnic Heritage Studies, appointed by the Secretary, was established to assist and advise the Commissioner in coordinating the program. Appropriations of $10,000,000 for fiscal year 1972 and $20,000,000 for fiscal year 1973 were authorized. Funds were to be used for establishing, equipping, and operating centers, but not for construction. There were no comparable House provisions. The House recedes making the following modifications in the Senate provisions.

(1) Deleting the authorization for fiscal year 1972 and reducing the fiscal year 1973 authorization to $15,000,000.

(2) The reference to "centers" throughout the amendment was deleted. Rather, there will be grants made for projects.

SCHWEIKER ETHNIC STUDIES BILL PASSES CONGRESS

WASHINGTON, June 8.—The Schweiker "Ethnic Heritage Studies Programs Act" passed Congress today United States Senator Richard S. Schweiker (R-Pa.) announced.

Final Congressional approval came as the House of Representatives voted in favor of the Conference Report on S. 659, the Higher Education Amendments of 1971, which included Schweiker's ethnic studies bill. The Senate approved the Conference Report on May 24.

Originally introduced by Schweiker as S. 23 in January 1971, the new Ethnic Heritage Studies Programs Act authorizes the Commissioner of Education to make grants for programs, development of curriculum material and dissemination of information and materials, relating to the history, cultures and traditions of the various ethnic and minority groups in our country.

Schweiker said, "The bill has been drafted to encourage the maximum coordination, cooperation, and participation in these programs of various ethnic and minority groups. It has been designed as a pilot program. One of the measures of its success will be how well various ethnic and minority groups work together in getting this program started," he said.

Schweiker said, "By passing this ethnic studies legislation today, the Congress is for the first time providing official national recognition to ethnicity as a positive, constructive force in our society today. The 'melting pot' theory of assimilation in our society is no longer working, and too many people in modern society have lost the important values of community, identity, traditions, and family solidarity," he said.

"The ethnic studies programs Congress has authorized today will be an important beginning to help encourage ethnic pride and ethnic identity. At the same time, the ethnic studies programs will emphasize comparative studies of ethnic and minority heritages so all persons can better understand each other. Hopefully, the resulting ethnic identity and mutual understanding can lead to greater communication and cooperation in all our communities," Schweiker said.

DELAWARE ACTS TO GAIN FINAL EPA APPROVAL OF ITS CLEAN AIR PROGRAM

Mr. BOGGS. Mr. President, the Environmental Protection Agency on May 31, 1972, approved most of Delaware's plan to achieve the national ambient air quality standards. Most State plans were approved only in part. Minor portions of the Delaware plan were not approved, primarily because Delaware law did not permit some of the necessary procedures.

Today, in the Federal Register, the EPA has proposed new regulations, which it must impose to bring a State plan into compliance if the State fails to modify its plan by the end of July.

Mr. President, while Delaware was among the States listed in the Register, I am assured the EPA will approve the Delaware plan, as revised, without the necessity of EPA promulgating its own plan.

This situation is clarified by some communication between Austin Heller, Secretary of the Delaware Department of Natural Resources and Environmental Control, and Edward Furia, EPA's Administrator for Region 3, which includes Delaware.

Specifically, correspondence from Mr. Furia points out that "we have reached agreement on the remaining sections of Delaware's plan and that all sections will be approved."

This agreement, which came only a couple of days after the May 31 decision, is to be applauded. I would like to quote one other portion of Mr. Furia's letter, which I believe is pertinent. He wrote to Secretary Heller that:

> Delaware is to be congratulated in selecting early attainment dates for meeting the Federal particulate and sulphur oxide standards. This action exemplifies the environmental commitment of Governor Peterson in the State of Delaware.

Mr. President, to allow Senators to gain a better understanding of the responsible and effective way in which Delaware has handled this situation, I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Philadelphia, Pa.

Hon. RUSSELL W. PETERSON,
Governor, State of Delaware,
Dover, Del.

DEAR GOVERNOR PETERSON: This letter is to advise you of action being taken by the Environmental Protection Agency with respect to an implementation plan submitted by the State of Delaware under provisions of the Clean Air Amendments of 1970. The Environmental Protection Agency is authorized to approve or disapprove such implementation plans to the extent that they are consistent with the requirements of the amended Act and is directed to notify the States of changes needed to comply with the new regulations.

On January 28, 1972, you submitted an implementation plan for the attainment and maintenance of national ambient air quality standards for carbon monoxide, nitrogen dioxide, hydrocarbons, and photochemical oxidants in the Metropolitan Philadelphia Interstate Air Quality Control Region, and for sulfur oxides, particulate matter, carbon monoxide, nitrogen dioxide, hydrocarbons and photochemical oxidants in the Southern Delaware Intrastate Air Quality Control Region. That implementation plan has been evaluated to determine the extent to which it is consistent with the amended Clean Air Act, as well as with the Environmental Protection Agency regulations setting forth national ambient air quality standards, which were promulgated April 30, 1971 and the regulations for preparation, adoption, and submittal of implementation plans, which were promulgated August 14, 1971.

Those portions of Delaware's implementation plan which are unapprovable are listed in the enclosure to this letter. On May 31, 1972, this enclosure will also be published in the *Federal Register*. A detailed evaluation of the implementation plan will be forwarded to Mr. Austin Heller, Director, Department of Natural Resources and Environmental Control. It specifies the changes necessary to make the plan fully consistent with present requirements. Section 110 of the Clean Air Amendments of 1970 provided that the necessary changes are to be made within 60 days after this notification. It would be appropriate to make the changes in accordance with the procedures set forth in the regulations promulgated August 14, 1971 and to submit them to the Environmental Protection Agency before July 30, 1972, which is the statutory deadline for submittal of revisions to plans for implementation of the national ambient air quality standards.

I am confident that Delaware can now move ahead to revise and correct its implementation plan to meet the requirements of the amended Act and the Environmental Protection Agency's regulations. You may be sure that every effort will be made to assist you in this important undertaking. Any questions you may have will be given prompt attention by our office.

I hope that I shall have an opportunity this July to fully approve the implementation plan you have submitted under the amended Clean Air Act of 1970. That will represent another significant step toward cleaner air for all of us.

Sincerely yours,
EDWARD W. FURIA,
Regional Administrator.

SUBPART I—DELAWARE

52.420 Identification of plan

(a) Title of plan: "State of Delaware Implementation Plans for Attainment and Maintenance of National Ambient Air Quality Standards"

(b) The plan was officially submitted on January 28, 1972.

(c) Supplemental information was submitted on February 11, March 10, and May 5, 1972, by the State of Delaware, Department of Natural Resources and Environmental Control.

52.421 Classification of regions

The Delaware plan was evaluated on the basis of the following classifications.

Air quality control region	Pollutant Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemica oxidants (hydrocarbon
Metropolitan Philadelphia interstate	I	I	I	I	I
Southern Delaware intrastate	III	III	III	III	III

52.422 Approval status

With the exceptions set forth in this subpart, the Administrator approves Delaware's plan for attainment and maintenance of the national standards.

52.423 General requirements

(a) The requirements of 40CFR51.10(e) are not met since the plan does not provide for public availability of emission data.

52.424 Legal authority

(a) The requirements of 40CFR51.11(a)(6) are not met. 7 *Del. Code* §6014 will preclude release of emission data to the public in certain situations.

52.425 Prevention of air pollution emergency episodes

(a) The requirements of 40CFR51.16(b) are not met since the plan does not specify two or more stages of episode criteria for carbon monoxide.

52.426 Review of new sources and modifications

(a) The requirements of 40CFR51.18(c) are not met since the plan does not provide for a means of disapproving construction or modification of a stationary source if such construction or modification will interfere with attainment or maintenance of a national standard.

52.427 Source surveillance

(a) The requirements of 40CFR51.19(b) are not met since the plan does not provide for periodic testing of stationary sources.

54.428 Attainment dates for national standards

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Delaware's plan, except where noted.

	Pollutant						
	Particulate matter		Sulfur oxides				
Air quality control region	Primary	Secondary	Primary	Secondary	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Philadelphia interstate	A[1]	A[1]	A[1]	A[1]	A[1]	A[1]	B.
Southern Delaware intrastate	B	B	B	B	B	B	B.

[1] Proposed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

NOTES

A. 3 years from plan approval or promulgation.
B. Air quality levels presently below secondary standards.

Mr. AUSTIN HELLER,
Delaware Department of Natural Resources and Environmental Control.

In the letter to you concerning approval of your State implementation plan, the table under 52.427 was unclear and apparently inconsistent with the Federally approved Delaware control strategy for sulfur oxides. In the column titled sulfur oxides, the primary date for the metropolitan Philadelphia Interstate region should be revised from "A" to "1/1/72" and the sulfur oxide secondary column should be revised from "A" to "1/1/73". State implementation plans approved by the administrator on May 31 supplement the portions previously approved by the administrator, notice of which was published Feb. 3, 1972, as part 52 of title 40 of the Code of Federal Regulation.

Those portions of State plans which have previously been approved are unaffected by the approvals published today our staff will meet with the State of Delaware in the near future to discuss the other difficulties concerning approval of the plan.

EDWARD W. FURIA,
Regional Administrator, Environmental Protection Agency, Region III.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Philadelphia, Pa., June 2, 1972.

Hon. AUSTIN HELLER,
Secretary, Delaware Department of Natural Resources and Environmental Control, Dover, Del.

DEAR SECRETARY HELLER: In my May 31, 1972 letter to Governor Peterson and subsequent news conference, I indicated that most aspects of Delaware's implementation plan required by the Clean Air Act of 1970 were approved. Certain sections were, however, not approved for one reason or another. A list of unapproved sections was printed in the Federal Register of May 31, 1972, and a detailed evaluation of these sections was forwarded to you. As a result of this morning's meeting, I feel we have reached agreement on the remaining sections of Delaware's plan and that all sections will be approved.

Federal requirements for the public availability of emission data and the legal authority to accomplish this release will be satisfied when legislation before the Delaware Legislature is passed and signed by the Governor. Requirements for the prevention of air pollution emergency episodes and the review of new or modified stationery pollution sources will be satisfied after a Commission hearing and approval of the required regulations. We have reached agreement on an approvable periodic testing statement.

Delaware was the first State in the country to secure approval of its primary sulfur oxide control strategy. The January 1, 1972 date for attainment of the primary sulphur oxide standard has been approved. Delaware's submissions are, however, unclear on the actual date when secondary sulphur oxide standards and national standards for other pollutants will be attained. As a result of this morning's meeting, I have concluded that Delaware's January 1, 1973 date for the attainment of secondary sulphur oxide standard is approvable. The January 1, 1972 date for the attainment of primary particulate standard and the January 1, 1973 date for the attainment of the secondary particulate standard is approvable. In addition, Delaware's control strategy for carbon monoxide and nitrogen dioxide is approved, with the latest date for attainment of the national standards being May 31, 1975.

Delaware is to be congratulated in selecting early attainment dates for meeting the Federal particulate and sulphur oxide standards. This action exemplifies the environmental commitment of Governor Peterson in the State of Delaware.

With kindest regards.

Sincerely,

EDWARD W. FURIA,
Regional Administrator.

SENATOR SCOTT'S RECORD ON HEALTH

Mr. SCHWEIKER. Mr. President, the principal goal of any Federal health plan should be to assure that no American family is barred from adequate care because of an inability to pay. Republican leader HUGH SCOTT, the senior Senator from Pennsylvania, has been a strong advocate of better health care since his early days in the House of Representatives.

Senator SCOTT is the author of a major health insurance bill designed to assure the availability of essential health services for all Americans. He has also supported efforts to reduce the cost of prescription drugs to consumers.

I ask unanimous consent that Senator SCOTT's record on health matters be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

92D CONGRESS

Legislation

S. 34—To establish a National Cancer Authority with the priority to discover the method by which to conquer the menace of cancer.

S. 426—To amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation.

S. 1182—To amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations.

S. 1598—To provide health care insurance for people of the United States and to improve the availability of health services.

S. 1623—To amend the Social Security Act to require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low-income families not covered by an employer's basic health care plan.

S. 1828—The Act to Conquer Cancer.

S. 3080—To amend the Lead Based Paint Poisoning Prevention Act.

S. Con. Res. 52—Expressing the sense of the Congress with respect to the rights of mentally or physically handicapped persons.

Votes

Voted for the Conquest of Cancer Act.

Voted for the Health Professions Education Assistance Amendments of 1971.

Voted for the Nurse Training Amendments of 1971.

Voted on a resolution expressing the sense of Congress on Public Health Service Hospitals and Clinics.

Voted for the National Sickle Cell Anemia Act.

Voted for the National Cancer Act of 1971.

Voted for the Children's Dental Health Act of 1971.

91ST CONGRESS

Legislation

S. 1300—To improve the health and safety conditions of persons working in U.S. coal mining industry.

S. 1865—To establish programs to find causes and effects of malnutrition and to facilitate detection and treatment.

S. 1997—To provide for more effective prevention and treatment of alcoholism by providing grants for education and training programs and by establishing regional centers for research in alcoholism and alcohol-related problems.

S. 2809—To extend authority to make formula grants to schools of public health.

S. 3316—To require the Secretary of HEW to study and to report annually to the Congress on the health hazards of environmental pollution and the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels.

S. 3418—To amend the Public Health Service Act to provide for making of grants to medical schools and hospitals to assist them in establishing special department and programs in the field of family practice and to encourage and promote the training of medical and paramedical personnel in the field of family practice.

S. 3443—To amend and improve the Public Health Service Act to aid in the development of health-care systems by extending and improving regional medical programs, supporting comprehensive planning of public health services and health services development.

S. 4208—Family Physician Scholarship and Fellowship Program Act to lay the groundwork for providing the medical manpower needed to meet the rising health demands of the country. Would provide scholarships to young men and women who agree to practice medicine in areas designated as physician-shortage areas.

S. Res. 68—To authorize funding of the Senate Select Committee on Nutrition and Human Needs.

Votes

Voted for the Public Health Cigarette Smoking Act.

Voted to provide interim emergency coal mine disability benefits.

Voted for the Federal Coal Mine Health and Safety Act of 1969.

Voted for the Hospital and Medical Facilities Construction and Modernization Amendments of 1969 (Hill-Burton).

Voted for Medical Facilities Construction and Modernization Amendments of 1970, to provide for each fiscal year the total of the loans which may be guaranteed that shall be alloted by the Secretary of HEW among the States on the basis of each State's relative population, financial need, and need for modernization of facilities.

Voted for Health Services Improvement Act of 1970 extending the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions.

Voted for the Family Practice of Medicine Act of 1970, providing additional appropriations for the purpose of making grants to medical schools and hospitals to establish departments and programs in the field of family practice, and to encourage the training of medical and premedical personnel in the field of family medicine.

Voted to establish a National Health Service Corps authorizing pilot and demonstration projects for attempting to solve health manpower shortages in areas of critical need.

Voted for Communicable Disease Control Amendments of 1970 to provide financial assistance to the States to prevent the introduction, transmission or spread of communicable diseases in the United States from foreign countries and from interstate and intrastate sources.

Voted for Drug Abuse Prevention and Control Act of 1970.

Voted for the Occupational Safety and Health Act authorizing the Secretary of Labor by rule to promulgate any occupational safety and health standard for working men and women which is a national consensus standard or an established Federal standard.

Voted for Drug Abuse Education Act.

Voted for Drug Abuse and Drug Dependence Prevention, Treatment and Rehabilitation Act of 1970.

89TH CONGRESS

Legislation

S. 3094—To provide for inspections of mines and quarries to obtain information relating to health and safety conditions, accidents and occupational diseases.

88TH CONGRESS

Legislation

S. 2751—To provide additional funds for special milk program for children.

Votes

Voted for the Mental Health Act of 1963.

Voted for the Health Professions Educational Assistance Act of 1963.

86TH CONGRESS

Legislation

S. 3350—To provide program of Federal matching grants to States for over-65 health insurance.

Votes

Voted for the International Health and Medical Research Act of 1959.

Voted to provide a health benefits program for government employees.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, in a recent column in the Washington Post, Mr. Hobart Rowan attempted to show sharp differences of opinion between the AFL–CIO and the United Auto Workers in the area of trade policy.

There are differences in emphasis and on the wisdom of using import quotas, but their shared sense of urgency and their common need to bring the transnational corporation under some kind of control overwhelm all differences.

To set the record straight, Mr. Paul Jennings, president of the International Union of Electric Workers, wrote Mr. Rowan, pointing out the many similarities between the AFL–CIO approach and that of the UAW.

Because of the importance of clarifying this situation, Mr. President, I ask unanimous consent that Mr. Jennings' letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 5, 1972.

EDITOR,
Washington Post,
Washington, D.C.

DEAR SIR: As President of an AFL–CIO affiliate which regards enactment of the Hartke-Burke Bill of great importance, I felt that Hobart Rowen's May 4 column, "UAW Points the Way" was misleading. He was so at pains to point out differences between the respective positions on international trade of the United Auto Workers and the AFL–CIO that none but the best informed reader would think there is any agreement.

I have read the UAW resolution referred to and find 95% of it in accord with the position of my union. To take some examples: We agree that a major source of trade problems "is the spread of international corporations;" that "union solidarity" is needed "to raise the wages of underpaid workers everywhere;" that "U.S. and Canadian workers are at a serious disadvantage . . . because of their governments' failure to maintain effective full employment policies" and that U.S. law should "assure prompt and effective action" against foreign dumping.

Of the UAW's specific proposals, we are in substantial agreement with most of them, from regulating ("requiring licenses for") foreign investments by U.S. corporations, through amending "the GATT agreement to include an effective international fair labor standards provision," to promoting Buy-American and Buy-Canadian among consumers.

Nevertheless. there obviously is a clear difference over the use of import quotas, which we demand, and the combination of temporary tariffs and adjustment assistance favored by UAW. Perhaps because the UAW's view coincides with his own, Mr. Rowen chooses to depict it as demonstrating courage, vitality and intelligence, in contrast to the "horse-and-buggy" thinking of the rest of us. This propagandistic characterization is completely wrong. Because of imports, my own union has lost at least 40,000 jobs since 1966. We have been seeking meaningful action for years. We have been to the Tariff Commission, the Administration, the courts and Congress. While we have gotten a great deal of sympathy, the problem has not been met, nor has it gone away. Quite the contrary, the monthly trade deficit statistics demonstrates that it is getting worse.

My union's abandonment of so-called free trade was based on much soul-searching. Its support of the Hartke-Burke Bill is grounded on painful experience in, and careful study of, today's world. With respect to quotas, we feel that such a direct approach is the only way to effectively deal with what we are facing. On adjustment assistance, our members want to work and they consider that device a form of dole that becomes a cruel mockery when there are no jobs at the end of the adjustment road.

I welcome the UAW resolution. I respect their view in those areas where we disagree. But I make no apologies. The plant closings and layoffs my members are suffering require none.

Yours very truly,
PAUL JENNINGS, *President.*

RANK-AND-FILE REVOLT

Mr. HANSEN. Mr. President, an interesting article entitled "Rank-and-File Revolt," written by Shirley Scheibla, was published in Barron's for May 29.

The article notes that there are 80 million people in America's labor force, and of these about one-fourth, or 20 million hold union membership. Of these 20 million, according to the article, about 83 percent are union members by compulsion as a requirement for holding their jobs.

The impact of this article is that, at a time when Congress is concerned with reform of election campaign practices, the overwhelming majority of America's union members are resentful that their contributions to the unions are distributed to political candidates whom the contributing union member may very well oppose.

The Senator from Arizona last year offered an amendment to the campaign spending reform bill that would have required withdrawal of the tax-exempt status from an organization collecting involuntary dues if part of these dues were diverted for political purposes. The amendment failed by a vote of 61 to 31. According to the Senator, that practice already was supposed to be illegal, and he has pointed out that continuation of such tax exemptions forces all taxpayers to subsidize the election campaigns of candidates endorsed by union leadership.

One of our great leaders, Thomas Jefferson, is credited with the following statement:

> To compel a man to furnish contribution of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RANK-AND-FILE REVOLT—IT SEEKS TO END ILLEGAL POLITICAL SPENDING BY UNIONS

(By Shirley Scheibla)

WASHINGTON.—During the past few months, under a court order, accountants and lawyers for the National Right to Work Legal Defense Foundation have been pouring over the books and correspondence of the International Association of Machinists and Aerospace Workers (AFL–CIO) to determine the full extent of union political expenditures. The Foundation is acting as counsel for over a dozen employes of McDonnell-Douglass Corp., who say that part of the union dues which they must pay to hold their jobs is spent on behalf of political candidates, organizations and ideas they oppose. Plaintiffs charge that such a practice violates their civil rights under both federal statutes and the U.S. Constitution.

STRIKING TURNABOUT

In a striking turnabout for organized labor, which has long argued that it should be able to look at management's books, the IAM filed a motion to prohibit public disclosure of the information obtained by court order. Since the U.S. District Court at Los Angeles has just turned down this motion, the major discoveries of the examination of IAM documents may now be revealed.

According to Contentions of Fact filed with the court by the plaintiffs on April 26, IAM allocates parts of its membership dues to the AFL–CIO Committee on Political Education (COPE) and the Machinists Non-Partisan Political League, both of which are restricted by law to voluntary contributions. The League, in turn, regularly contributes to the Democratic National Committee (but not to the Republican National Committee) as well as to Democratic (but not Republican) fund-raising dinners. With few exceptions, it spends money only for Democratic candidates.

In states where the law allows, IAM arranges to have its staff employes named as voter registrars. Moreover, "The IAM frequently lends its membership lists to members of Congress for dissemination of campaign propaganda, and, using its computerized voter classification equipment, prepares for candidates, on a precinct-by-precinct basis, so-called 'walking lists' of favorable voters in the candidates' districts."

Many IAM staff members work full-time on political action. The union gives dues money to such organizations as the League of Women Voters, National Council of Senior Citizens, Group Research, Frontlash, SCOPE and the AFL–CIO Voter Registration Fund. (The Machinist, published by IAM, has described Frontlash as an organization which recruits and trains "young people who have trade union orientation and then deploys them in get-out-the-vote drives." The publication also says Frontlash, the League of Women Voters and the National Council for Senior Citizens are liberal organizations which "can work with and support labor's causes." (SCOPE—the Southern Committee on Political Ethics—"played a significant part in the unions' anti-Wallace campaign," according to the book Financing the 1968 Election, by Herbert E. Alexander of the Citizens' Research Foundation.)

MADE UNDER DURESS

The so-called Seay case cited at the outset is part of a growing revolt against the spending of compulsory dues money and "voluntary" contributions made under duress for political purposes repugnant to many workers. Last March, W. A. (Tony) Boyle was convicted in Federal District Court here for making illegal political donations with funds of the United Mine Workers, including $30,000 to Senator Hubert H. Humphrey's 1968 Democratic Presidential campaign. On May Day, a U.S. District Court judge, after finding that he illegally used union funds and facilities to promote his own candidacy, set aside Mr. Boyle's re-election to the UMW presidency.

In 1968, Lawrence L. Callanan, business manager of St. Louis Pipefitter Local 562, and two of his associates received maximum sentences of one year in jail and fines of $1,000 for making political contributions to candidates for federal office. (The case has been appealed to the U.S. Supreme Court.) Other cases involving allegations of illegal political expenditures by unions are still pending. In addition to the IAM, they involve the United Auto Workers and the American Federation of State, County and Municipal Employes (AFL–CIO).

The outcome of the growing revolt of the rank and file could have a profound effect on the nation's political future. According to Sylvester Petro, law professor at New York University and widely-acknowledged authority on organized labor, unions command the most influential single voice in national policy-making, since more than half the members of both House and Senate owe their offices in large measure to such support. By conservative estimates, unions are expected to spend between $70 million and $100 million this year alone on politics.

HOLDING THEIR JOBS

However, the record suggests that union leaders do not speak for the majority of American workers. Out of a labor force of 80 million, only 20 million belong to unions. Moreover, the Bureau of National Affairs estimates that nearly 83% belong by compulsion as a requirement for holding their jobs. (Dr. Petro estimates that between 30% and 40% of union members are either Republican or Independent.)

Despite their lavish contribution and clout on Capitol Hill, union chieftains cannot always deliver the vote. According to Rep. Philip Crane (R., Ill.), unions spent an estimated $60 million on behalf of Senator Humphrey in 1968, while public opinion surveys showed that 44% of union members and their families opposed him. In 1970, Democrats Albert Gore and Ralph Yarborough were defeated in bids for the Senate, although, according to reports to Congress, they each received contributions of over $100,000 from organized labor. This year, despite the support of UAW leaders, Senator Edmund S. Muskie fared disastrously in the Democratic Presidential primaries. After noting George Wallace's recent victory in the Democratic primary in heavily-unionized Michigan, TV commentator David Brinkley declared, "We have discovered in Michigan that the unions may be able to deliver money, but they are not able to deliver votes."

NO COMPULSION

To judge by the record, union leaders have felt under no compulsion to seek either the views or consent of their members in making political expenditures. According to AFL–CIO President George Meany: "You know, we have these laws on the books—and they have been there for many, many years—the Corrupt Practices Act and so forth—honored, so far as I am concerned, they have been honored by everybody in the breach. I don't know of any candidate for office anywhere that gives a damn where he gets the money so long as he gets it when he gets into a campaign."

But now a new force, the National Right to Work Legal Defense Foundation, has come on the scene. It was created three years ago as an adjunct of the National Right to Work Committee, which led the fight resulting in bans on compulsory unionism in 19 states. In its short life, the Foundation has made remarkable strides in supporting cases involving allegations of illegal political expenditures with compulsory dues money, and in opening to public scrutiny the ways in which union chieftains exert their political clout.

Such practices, the Foundation charges, not only flout federal statutes but also deprive a person of liberty and property without due process of law, as provided by the Constitution, and violate the Constitutional guarantees of freedom of association, conscience and political thought and action. As remedies, the Foundation is seeking withdrawal of tax exemption for unions which engage in such illegal and unconstitutional activities, refunds of dues money spent in such fashion, damages and exemption of damaged workers from future payments of union dues.

While federal statutes have prohibited political activity by corporations since 1907, a similar restriction was not imposed on unions until 1947, with passage of the Taft-Hartley Act. Until recently, unions have been able to get around the ban by insisting that their political activities are conducted entirely with voluntary contributions through such organizations as the AFL–CIO's COPE.

Unions have been extremely reluctant to open their books to show how they finance political activities. In the Street case, when employes charged that union shop dues rather than voluntary contributions were funding political activities, a superior court gave 15 railroad unions the choice of opening their books or exempting the protesting workers from all union shop agreements and refunding all dues they had paid under them. The unions chose the latter alternative in 1965, thus settling years of haggling.

In the aforementioned Seafarers case, the indictment accused the union of threatening seamen that they would lose their jobs if they refused to make "voluntary" contributions for political activities.

In the Seay case, Foundation attorney Raymond J. LaJeunesse Jr. told the court on April 18 that his examination of thousands of items in IAM's records makes it clear that the union engages in substantial political activity; however, it is impossible to determine the exact expenditures because some records have been discarded, while others have misleading classifications which do not accurately show political expenses. Plaintiffs are seeking a court order requiring the union to account properly for its expenditures with compulsory dues money, and to grant a permanent injunction against the compulsory payment of union dues by the plaintiffs.

COURT OF APPEALS

When the U.S. District Court in Los Angeles dismissed the complaint, Foundation attorneys went to the Appeals Court, which remanded the case for trial, stating: "The diversion of the employes' money from use for the purposes for which it was exacted damages them doubly. Its utilization to support candidates and cause the plaintiffs oppose renders them captive to the ideas, associations and causes espoused by others. At the same time it depletes their own funds and resources to the extent of the expropriation and renders them unable by these amounts to express their own conviction, their own ideas and support their own causes." A pre-trial hearing is scheduled for June 5.

In the Marker case, workers who pay compulsory dues to IAM and the United Auto Workers have asked IRS to withdraw tax exemption for the two unions because they illegally spend dues money for political activities. The Foundation says the case "was carefully designed along the same lines as that in which all-white private schools in Mississippi lost their tax exemption. The theory is that by allowing tax exemption to an organization denying individuals their Constitutional rights, the government is in support of that unconstitutional activity. Litigation on this theory successfully eliminated the tax exemption for the all-white private schools."

Offered as an exhibit in the case was a report by Americans for Constitutional Action on organized labor's contributions to candidates in the 1970 election. It showed that Democratic candidates for Senator, representative and governor received $4,153,746; while Republican candidates received $143,550.

REMOVE TAX EXEMPTION

Last November, Senator Paul Fannin (R., Ariz.) introduced an amendment to the Campaign Spending Reform Bill requiring that the IRS withdraw tax-exempt status for any organization collecting involuntary dues if any part was used for political purposes. Although he noted that the practice already was supposed to be illegal, the measure was defeated by a vote of 61 to 31. The Senator noted: "Of the 31 Senators who voted for the amendment, only two received union contributions in their previous election amounting to a total of $1,200.

"Of the 61 Senators who voted with labor on the matter, only nine had no reported union funds in their previous election. And of these nine, three had no opposition, and one was appointed. The 61 Senators . . . received a total of more than $2 million in their most recent election campaigns, and probably many times that amount in other funds, materials and services."

Senator Fannin says that by continuing tax exemption for all unions, IRS is forcing taxpayers to subsidize the election campaigns of union-endorsed candidates. "Right now industry is being out-gunned by the union bosses, and this fire-power is aimed right down the throats of the U.S. Congress. . . . We will never have a fair break for business or the public as long as unions are allowed to exact money from members to finance the campaigns of their chosen candidates."

The Marker case was started a few days after the defeat of the Fannin amendment. A letter filed as an exhibit shows how far union help to politicians may go. Dated November 3, 1970, it is from Guy Stubblefield, business representative of the IAM, to Floyd E. Smith, president of the IAM, and says, in part, "During the week of October 26 Brother Name and I organized our political activity in behalf of Adlai Stevenson III. All Lodge No. 1553 plants were handbilled on either Thursday or Friday, and leadership in the plants was encouraged to work in their own respective neighborhoods. Approximately 4,000 copies of the Adlai material furnished by the Machinists were distributed to and by IAM members. Additionally 3,000 copies of the Adlai material were furnished to other labor unions through the Central Body."

CLOSED BOOKS

The Foundation also is supporting the Gabauer case, filed last March, which charges top officers of the UAW with spending Community Action Plan fund money for political candidates and refusing to open the books of St. Louis Local 25 for inspection. It also contends that the officers use a substantial part of union dues and other assets to promote organizations and groups espousing and promoting ideological doctrines and causes the members oppose. These include the National Students Association, Students for a Democratic Society, Americans for Democratic Action, United World Federalists, DuBois Memorial Committee, Confederate Spanish Societies, New Mobilization for Peace, National Committee for a Sane Nuclear Policy and United States Committee for Democracy in Greece.

Another suit backed by the Foundation and brought by 12 members of UAW Local 558 in Chicago seeks to force UAW officials to end support of these same organizations. According to Bernard W. McNamara, spokesman for the group: "The members of Local 558 are sick and tired of seeing their dues money spent on political and various left-wing causes which we oppose. It is not only a violation of federal law, but in the case of our local, it has been done contrary to an express resolution adopted by an overwhelming majority of the membership."

Plaintiffs also charge that $100,000 of dues money went to Adlai E. Stevenson III, resulting in his election to the Senate in 1970, and that an additional $100,000 of dues money was spent for candidates for the House the same year. The suit seeks an accounting of the funds thus spent and asks that the union officers be required to repay to the union treasury the money they allegedly unlawfully diverted.

LONG-RANGE GOAL

Long-range goal of the National Right to Work Committee is enactment of legislation abolishing compulsory payment of union dues. That, of course, would eliminate the problem of spending such money for political purposes opposed to the payers. Representative Sam Steiger (R., Ariz.) has introduced a bill, HR 11827, which would ban compulsory unionism. It is likely to stay bottled up at the largely pro-union Thompson subcommittee of the House Education and Labor Committee, at least for the rest of this session. The vote on the Fannin amendment indicates that such a measure would be unlikely to get through the present Senate. Recourse to the courts by the rank and file will take longer, but seems to be the only avenue open.

S. D. Cadwallader, national director of the Foundation, has been a voluntary member of the Order of Railway Conductors and Brakemen for 27 years. He says: "It seems to me that it is just a matter of time before the practice of using forced union dues for political purposes and ideological causes is ended by the federal courts."

ORAL ROBERTS UNIVERSITY

Mr. BELLMON. Mr. President, Oklahoma is the home of many outstanding institutions of higher learning. One of the newest and perhaps the most innovative of the public and private schools that make up the State's educational system is Oral Roberts University of Tulsa.

Named after the well-known evangelist who founded it, ORU has made remarkable progress during the 7 years since its modernistic campus sprang up in the open spaces in south Tulsa. The school has developed a national reputation not only in the academic world but in athletics as well, sending its basketball team into the finals of the NAIA tournament this year.

Mr. Roberts, who laughs easily at the many stories that are told about him, joked that his team was "outplayed and outprayed by St. John's."

The growth of Oral Roberts University and the impact it has made on education is the subject of an article in the New York Times of June 13. Because of the importance of the involvement of privately financed institutions in the educational process, which Oral Roberts University has so aptly demonstrated, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Oral Roberts College Has Grown in 7 Years

Tulsa, Okla., June 12.—The president is a former tent evangelist and faith healer who never finished college. Faculty members are picked for their religious beliefs as well as their academic credentials. The central structure on campus is not a library but a shiny 200-foot space needle known as the Prayer Tower.

Under ordinary circumstances such ingredients would not seem conducive to the building of a major academic institution. But in the seven years since it opened its doors on 260 acres of farmland on the southern rim of Tulsa, Oral Roberts University has demonstrated that it is no ordinary institution.

Backed by the multimillion-dollar Oral Roberts Evangelistic Association and spurred by publicity from its nationally ranked basketball team, the coeducational liberal arts university has already grown from 300 to 1,800 students, earned a national reputation and built what will soon be a $48-million physical plant.

TECHNOLOGICAL PIONEER

The school has staked out a claim as one of a handful of major pioneers in the use of educational technology. Last year—only a year after the minimum waiting period for new institutions—it surprised skeptics by gaining full academic accreditation from the North Central Association of Colleges and Secondary Schools.

Forty per cent of the faculty members have earned their doctorates and although the school now gives only Bachelor of Arts and Bachelor of Science degrees—graduate programs have been postponed until the undergraduate program is stabilized—there are long-term plans for graduate programs in theology, education and business.

But perhaps most surprising, Oral Roberts has demonstrated that it is possible to run a modern university under traditional disciplinary methods and values.

Students are required to dress neatly, attend chapel and church and refrain from drinking, smoking and dancing on campus. They say "yes sir" to elders and astonish visiting teams by applauding when the visitors do well. Demonstrations are unknown, and those who dissent from administration policies are invited to leave.

"We make no bones about O.R.U. being for everyone," said Carl H. Hamilton, vice president for academic affairs, in an interview. "We take an *in loco parentis* approach and only want students here who accept our Christian life style."

Most students do, and many will tell you that in coming to Oral Roberts they have not only enrolled in an educational institution but joined a righteous cause. "It sounds crazy, but the feeling around here is glorious," said Gordon Schultz, a 20-year-old from Buffalo. "You feel that God is here."

FOUNDED BY PREACHER

The institution was founded by Oral Roberts, a 54-year-old Pentecostal preacher who during nearly two decades as a tent preacher achieved an international reputation for healing through prayer and the laying-on of hands.

Mr. Roberts says that the university was established to institutionalize and extend his preaching and healing ministry. Its basic philosophy is that education involves growth of the "whole man"—body, mind and spirit.

The evangelist, who recently joined the Methodist Church, is clearly the boss on campus. Despite a heavy television schedule, he involves himself in all major decisions and he even recruits players for the basketball team. Small signs on walls and desks carry optimistic slogans that he has made famous, such as "Expect A Miracle" and "Something Good Is Going to Happen to You."

The rapid growth of the university at a time when most existing private institutions are cutting back on expenses has been made possible by its special financial base, which is as broad as it is unconventional.

$5 CONTRIBUTIONS

Sixty per cent of the $4.6-million annual operating budget and nearly all capital funds come from the Oral Roberts Evangelistic Association, a nonprofit organization that coordinates Mr. Robert's television and publishing activities. Its hundreds of thousands of supporters, or "partners," generate an annual cash flow of about $17-million, mostly in contributions of under $5.

The academic program, which was originally designed by John D. Messick, a former president of Eastern Carolina College, revolves around a six-story Learning Center that includes a library with 176,000 items and classrooms equipped with modern elaborate technological resources.

In a report that was released earlier this month the Carnegie Commission on Higher Education called such methods "the first great technological revolution [in education] in five centuries." It urged the Federal Government to begin subsidizing the development of educational technology.

Though the financial base of the Oral Roberts Association has freed the school from many of the headaches of other private institutions, the rapid build-up and distinct character of the school have brought their own difficulties.

The initial problem—public awareness of its existence—has been solved largely by Mr. Robert's recent plunge into major television specials—a $3-million gamble—and by the creation of a basketball team that last year led major colleges in scoring.

"It used to be that I couldn't even get into good private schools to talk to prospective students," said Charles Ramsay Jr., director of admissions. "Now when I walk in a secretary is apt to ask how the team did last night."

Students gripe about the strictness of the dress code and curfew for coeds, and no one knows how much violation of the drinking and smoking regulations goes on off campus. Certainly there is some.

Such problems are minimized, though, by the fact that many students come from backgrounds where such standards are the norm. Two out of five come from Holiness or Pentacostal families, and almost all are Evangelical Christians.

RACE RELATIONS ARE GOOD

The basketball players, almost all of whom are black, have ocacsionally complained about the excessive evangelistic zeal of some students, but most say they like the nearly all-white campus because race relations are good.

"It was strange at first to have white people coming up and calling me brother," said Haywood Hill, a former starter from Manhattan whose scholarship has been continued even though his eligibility has been used up.

At the outset, members of the academic community, as well as most citizens of Tulsa, expressed doubt that a tent preacher would establish a quality school, but most have changed their minds. "They didn't hesitate to get good professional advice. They have come a long way, said Robert Kamm, president of Oklahoma State University.

Faculty members are expected to be Evangelical Christians and share Mr. Robert's basic philosophy, but this has posed no problems of academic freedom. Edward N. Nelson, a professor of zoology, noted that in a sensitive area such as evoultion he teaches "the same way I did at state schools."

University officials say that the remarkable success of the university is partly a result of good timing. "In the nineteen-sixties when the university was being planned there was a surge of support in the country for higher education," said Mr. Hamilton.

But others see a different explanation. "You look at this university and figure that seven years ago it was farmland," said Kenneth Trickey, the athletic director and basketball coach. "To me it's just a miracle. You ask how it came about. I just have to say the Lord did it."

ISRAELI AND EGYPTIAN AIRCRAFT CLASH

Mr. ALLOTT. Mr. President, the clash between Israeli and Egyptian aircraft over the eastern Mediterranean yesterday, coming just 2 weeks after the murderous terrorism at Lydda Airport, underscores an important point about the dangers inherent in the ongoing Middle East crisis.

Yesterday's air battle dramatizes the fact that the cease-fire in that region is too tenuous to rely on. The air fight also dramatizes the fact that the possibility of renewed fighting is—and must be—Israel's principle consideration as it struggles to provide for its own security.

The May 30 assault on Lydda Airport, in which three terrorists, hired by Arab extremists, slaughtered 25 innocent civilian travelers, reminds us of the nature of Israel's enemies, and tells us what Israel confronts by way of Arab fanaticism.

The Egyptian Prime Minister's reaction to the slaughter at Lydda Airport was to say that the incident demonstrated that Israel is not invincible. The Prime Minister's reaction demonstrated that his ignorance is invincible.

Israel faces, day by day, armed ignorance laced with cruelty. This should be remembered by all persons who undertake to give gratuitous advice to Israel as to how that nation can best provide for its own survival—and nothing less than survival is at stake.

In recent years Israel has been plied and belabored by suggestions—many, alas, emanating from the United States—that she should withdraw to the 1967 boundaries; that she should unilaterally withdraw to these boundaries which have been shown to be a threat to her security, and that having withdrawn to those boundaries, she should trust to the good faith, or the sense of justice, or something of the Arab nations to bring about a solution to the crisis.

I suggest that it would be irresponsible of Israel to do this, and that it is reprehensible for other nations to suggest that she do this. The bloodbath at Lydda, and the Arab states' reactions to it, is the most eloquent commentary on the standards of justice prevailing among Israel's enemies.

CLOSE OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FOREIGN ASSISTANCE ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate the unfinished business, S. 3390, which the clerk will state.

The assistant legislative clerk read as follows:

> S. 3390, to amend the Foreign Assistance Act of 1961, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. BENNETT. Mr. President, we have an agreed limitation of time on this amendment, but I note that the distinguished manager of the bill, the Senator from Alabama (Mr. SPARKMAN), is not yet on the floor, so I ask unanimous consent that we may have a quorum call until the——

Mr. PASTORE. Mr. President, would the Senator desist so that I may ask a question of the Chair?

Mr. BENNETT. Mr. President, I withhold my request.

Mr. PASTORE. Mr. President, my impression is that we were going to begin consideration of the appropriation for HUD at 11 a.m. today. I wondered what happened to that?

The ACTING PRESIDENT pro tempore. That will be the first order of business after disposition of the pending amendment, under the previous unanimous-consent agreement.

Mr. PASTORE. Is there a limitation of time on that?

The ACTING PRESIDENT pro tempore. Yes, there is a limitation of time, of 30 minutes.

Mr. PASTORE. I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BENNETT. Mr. President, I renew my unanimous-consent request, since the manager of the bill is not on the floor yet, as I do not believe that we should begin controlled time until he is here.

The PRESIDING OFFICER (Mr. MANSFIELD). Is there objection to the request of the Senator from Utah? The Chair hears none, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I yield to myself such time as I may require.

Mr. President, is the amendment now before the Senate?

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

> On page 10, lines 5 and 6, insert the following:
>
> "(1) In section 23 of chapter 2, relating to credit sales, strike out 'ten' and insert in lieu thereof 'twenty'."
>
> On page 10, line 6, strike out "(1)" and insert in lieu thereof "(2)".
>
> On page 10, line 8, strike out "(2)" and insert in lieu thereof "(3)".

Mr. BENNETT. Mr. President, S. 3390, which we have before us, does not take into account the President's request to extend the period of repayment on foreign military sales credit from 10 to 20 years. I feel that this is a mistake and so I am introducing an amendment to extend the repayment period to that longer term.

The bill provides support for our continuing security assistance program by recommending funding levels for various aspects of security assistance. However, it falls short of its intended target by failing to realistically view these matters in the context of all our security assistance objectives.

One of the more important of these objectives is to encourage those nations receiving security assistance through grants from the United States to assume progressively greater portions of their own defense costs as their economic capabilities increase. In other words, we are trying to phase the United States out of the grant MAP business. Yet, we must preserve our national interests overseas and continue to adhere in an honest fashion to our security commitments. We are trying to encourage development of those conditions which reinforce stability and thus assist our friends and allies to strengthen their own defense capabilities and become more self-reliant.

Some developing nations have been able to pick up their own defense costs at a greater rate than others. This does not mean that those who are not in as favorable a position will be left in the lurch. To ease the transition from grant programs to sales, the administration has attempted to substitute credit sales for grant military aid, followed eventually by a shift to straight commercial sales. I feel that there is no better way to insure the movement from grant assistance to credit and cash sales than by helping less fortunate countries with legitimate needs to be in a position to meet some of them through easy credit terms. This transition can be accelerated if the administration is permitted to offer easier credit terms selectively under the Foreign Military Sales Act. To help grant aid, recipient nations shift more rapidly to credit sales—and ultimately to cash—longer credit terms will mean a quicker reduction of grant military assistance as friendly nations are able to assume a greater share of their defense burden.

Increasing the repayment period will allow us to offer credit to certain countries whose balance of payments is not adequately strong to permit them to accept credit on commercial terms. This way we can also accelerate the movement away from grant MAP, secure in the feeling that we are still providing the right kinds and amounts of needed equipment.

I find the FMS credit program to be an essential aspect of our security assistance. Therefore, I see every reason to make this work on a broad and useful scale by legislating an increase in the repayment period.

I am confident that the administration will use such a provision on a most selective and judicious basis for countries unable to meet commercial terms but with the potential to begin assuming some responsibilities. Not all countries we are assisting will need—or get—20-year terms. But those who need it can get it, if this amendment is accepted. These naturally will be nations whose stability and security bear on our own interests.

Now, Mr. President, when we talk about the question of credit terms, we need to look at our competitors who are offering military equipment to the developing nations. These fall into two classes. The first are our friends in the free world. Our European competitors are offering credit terms now up to 15 to 20 years.

I can give two examples. France is offering to sell the Mirage aircraft worth $90 million on credit terms of 15 years, repayment at 5.5 percent. The best we could offer under the bill would be 10 years at 6 percent—the cost of money to the U.S. Government at the present time.

France is offering to sell $40 million of Mirage aircraft with repayment period of 14 years and credit at under 4-percent interest rate. In many cases the European sellers, in addition to offering a greater period for debt repayment and a highly concessionary interest rate, offer up to a 5-year moratorium period before the terms begin to run. Now, a 15-year credit term and a 5-year moratorium adds up to 20 years.

In addition to meeting the credit terms of competitors, our European friends are also helping to lighten the financial burden of the purchaser by spreading the repayment over a longer period of time, thus reducing the amount required each year.

Since the beginning of the foreign military sales program, no country—and I emphasize the words "no country"—has yet defaulted in its military sales credit repayment to the United States. All loans have been or are now being repaid as required and with the required interest.

So, we find ourselves competing with friendly free world nations who are already offering 20-year terms and interest rates lower than ours. However, there is another competitor. Of course, we do not know precisely what the Soviet Union deals may be with the countries to which they are selling the military equipment. But the reports we have received indicate that they are offering terms of 20 years or better, with no interest rate. There are many countries in the developing part of the world who might shift their allegiance on the basis of this kind of a competitive situation. I am not suggesting that we should meet these reported Soviet terms of 20 years' credit and no interest. However, I think it would be wise under the present situation to permit the administration to give terms of up to 20 years with the understanding, of course, that they would attempt to deal on a lower or shorter period of time with those nations that are in a position to work on closer terms.

Of course, it would be to the interest of the nations who might want to buy our military hardware to buy it and be able to pay for it in the shortest possible period, because that saves them on their credit costs.

But in the end, I think we may create problems for ourselves if we allow the European people and the Russians to outbid us. In order to meet that competition, we would fall back on a grant program instead of a loan program.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MANSFIELD). The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, I have listened with interest to the presentation made by my good friend, the Senator from Utah. I just want to remind my colleagues that we are dealing with military credit sales. If we were dealing with other things that had to do with developing the countries, I feel certain that our committee would have been much more sympathetic. However, this matter concerns the sale of weapons and military supplies to developing countries.

The 10-year repayment provision was written into the law in 1968. And we have followed it ever since then.

Last year this same issue was before the committee and it rejected it. Again this year the proposal was made to extend the repayment period to 20 years and again the committee turned it down.

The Foreign Military Sales Act, the act under which these sales are made, restricts, as the Senator has said, to 10 years the maximum term for repayment on credit sales of arms and military equipment to developing countries. I stress that we are only talking here about developing—or poor countries, if you will. The rich countries, like those of Western Europe, Japan, or Australia, either pay cash or obtain credit for arms purchases through the Export-Import Bank. The Senator's amendment would extend the maximum repayment period to 20 years on credit sales to the developing countries, a program carried out by the State and Defense Departments.

The committee considered and rejected this proposal last year. It considered and rejected it again this year. It did so primarily because many members of the committee felt that the easing of the credit terms would give encouragement to poor countries to buy military equipment that they did not really need. Many members feared that a "buy now and pay over 20 years" policy would be too tempting to many countries whether or not there was a valid security need for the arms.

It is very doubtful that much, if any, military equipment has a useful life of 20 years—the repayment period proposed by the Senator. If the Senator's amendment is adopted, the buying country would be paying long after the tanks, airplanes, and guns had been sent to the scrap heap. I might point out that the Export-Import Bank's policy, I understand, is to allow a maximum of only 7 years for repayment on credits extended for military items. It allows only 7 years also on credits for purchase of commercial aircraft. So the Export-Import Bank, apparently, considers that the 10 years, allowed under the Foreign Military Sales Act now for the poor countries, is too generous for prudent bank arms sales transactions with the rich countries.

Mr. President, most developing countries of the world are already saddled with huge external debts that will be increasingly difficult to pay in the years ahead. Many recipients of U.S. foreign aid have already been forced to reschedule their debts. It is inevitable that the list will grow because the debts of the developing countries are growing over twice as fast as export earnings—a 14 percent per annum growth of debt as opposed to a growth of about 6.5 percent per annum in their export earnings.

In summary, the committee believes that a doubling of the repayment period on arms sales would give undue encouragement to poor countries to buy arms they may not need and thus saddle them with additional debts they can ill afford to repay.

For these reasons I regret to say that, representing the committee, I feel it is necessary to oppose the amendment.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield to the Senator from Vermont.

The PRESIDING OFFICER (Mr. MCINTYRE). The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, what countries have asked for 20-year terms on military purchases?

Mr. SPARKMAN. We do not have a list of the countries that have asked for such terms.

Mr. AIKEN. If no country has asked for it, why do we encourage it?

Mr. SPARKMAN. Perhaps the Senator from Utah has a list.

Mr. AIKEN. What countries have asked for it?

Mr. BENNETT. I do not know what countries have asked for it, but it seems to me that what we are dealing with here is not an automatic change in the pattern so that every country gets 20 years; we are dealing with flexibility which the State Department and the Department of Defense might have if they find a situation where it would be necessary.

Mr. AIKEN. I would say let us wait until we find out. We have a chance to sell hundreds of millions of dollars worth of commodities abroad on 10 years' time at a low rate of interest, of course, and many countries are permitted only to have 3 years' credit for the necessities of life and food supplies.

This looks a little funny to me with 20 years for weapons and only 3 years for the necessities of life. I realize there are different countries, but we do not know who will be on our team tomorrow, and it may be different countries. That is one of the unfortunate situations. If only we could look ahead and see.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BENNETT. On whose time?

Mr. SPARKMAN. On my time.

Mr. AIKEN. I give up now and yield back any time that the Senator from Alabama yielded to me.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SPARKMAN. We have discussed this many times in committee, not just the repayment terms but the whole question of military sales. I think I can say for the committee that we have always come up with the idea that we wanted to be very careful not to encourage an arms buildup by countries that probably do not need them and cannot afford them. I think that is the real reason for the committee's objection to an extension of the repayment period.

Mr. BENNETT. The Senator from Utah agrees we should not go out and sell arms just for the sake of selling arms, and we should not attempt to build up the military capabilities of these people.

The only real value of the amendment, as the Senator from Utah sees it, is the question of flexibility. It seems to me we should be able to entrust our own Defense Department and State Department with the decision as to whether or not in a given case it is wise to extend this extra benefit to a particular country.

But I can conceive of a situation in which, with the Soviets prepared to give 20 percent and no interest, we might find ourselves in a contest where we might seriously want the support of a particular country because of its geographical situation, its economic situation, or its leadership in a group, and find that this burden we have placed on ourselves might be a key one because I realize, as does the Senator from Alabama, that these developing countries play one country against another; they try to sell their loyalty for what they can get out of it. I just hate to see the United States put in a situation in which it cannot compete.

I do not feel that this amendment that I propose would automatically open the door to these things the committee fears and I share that feeling, but I do not feel we should rigidly put ourselves in a position where we cannot compete if that competition should become vital.

I realize in the totality of the situation in this contest between the United States and the Soviets, that this is a small consideration but I think it could be an important one and I think we would be wise to provide this flexibility under the circumstances.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. SPARKMAN. I am willing to yield back the remainder of my time and I would like to suggest——

Mr. AIKEN. I wonder if it would not be well to wait and find out who will be running our State Department and Defense Department next year, and in the meantime keep control in the hands of Congress.

The Senator from Utah has asked if we do not trust the people running our State Department and Defense Department. I do not know who is going to be running these Departments for more than a few months longer. It could be somebody very favorable to Hanoi for all we know now. I hope not. Let us keep control here for the time being and then see if we can afford to be more generous next year.

Mr. BENNETT. I remind my friends that the problem is not to be decided on a political basis. This is a question of basic policy. I would like to remind my friends again that one of the first objectives of this proposal is to make it possible to reduce the number of grants we are now giving and transfer them to long-term credit. If the long-term credit is not there and we find ourselves in a tight spot we turn to grants instead of credit.

Mr. AIKEN. But we have countries asking us to sell them food in large quantities, where we are only permitted to give three years credit.

It seems to me a bit incongruous to give 20 years credit on arms and military equipment and only three years on food. Of course, on some development loans we could go to 40 years and never get it back.

Mr. BENNETT. We give food away, too.

Mr. AIKEN. We have enough due from other countries now to pay off a good deal of our national debt, if we could collect it.

Mr. BENNETT. How is the transfer made from a gift to a sale? I think the chairman of the committee knows as well as I that it is to make sure terms on the sale are good enough so that the person who previously received the gift will be able to pay part of the costs.

Mr. AIKEN. What is in a name anyway? Credit by any name could smell as sweet as a gift to many countries.

Mr. SPARKMAN. Mr. President, I am willing to yield back the remainder of my time.

Mr. BENNETT. I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Utah. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ALLEN. Mr. President, I should like to pose a parliamentary inquiry. What is the amendment we are voting on?

The PRESIDING OFFICER. The amendment is amendment No. 1230 by the Senator from Utah.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. Church), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Louisiana (Mr. Long), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell) and the Senator from New Jersey (Mr. Williams) are absent on official business.

On this vote, the Senator from Louisiana (Mr. Long) is paired with the Senator from Georgia (Mr. Gambrell).

If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Georgia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from New York (Mr. Buckley) are absent on official business.

The Senator from Massachusetts (Mr. Brooke), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood), and the Senator from Pennsylvania (Mr. Scott) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Colorado (Mr. Dominick), the Senator from Vermont (Mr. Stafford), the Senator from Texas (Mr. Tower), and the Senator fron Connecticut (Mr. Weicker) are detained on official business.

If present and voting, the Senator from Pennsylvania (Mr. Scott) and the Senator from Vermont (Mr. Stafford) would each vote "yea."

On this vote, the Senator from Massachusetts (Mr. Brooke) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Massachusetts would vote "nay" and the Senator from Texas would vote "yea."

The result was announced—yeas 41, nays 36, as follows:

[No. 209 Leg.]

YEAS—41

Allen
Allott
Bayh
Beall
Bellmon
Bennett
Bentsen
Boggs
Brock
Byrd,
  Harry F., Jr.
Cannon
Chiles
Cotton
Cranston
Curtis
Dole
Eastland
Fannin
Fong
Griffin
Gurney
Hansen
Hruska
Humphrey
Jackson
Javits
McGee
McIntyre
Miller
Mondale
Pastore
Percy
Ribicoff
Saxbe
Schweiker
Stevenson
Taft
Talmadge
Thurmond
Tunney
Young

NAYS—36

Aiken
Anderson
Bible
Burdick
Byrd, Robert C.
Case
Cook
Cooper
Eagleton
Ellender
Ervin
Fulbright
Harris
Hart
Hatfield
Hollings
Hughes
Inouye
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Metcalf
Montoya
Nelson
Pearson
Proxmire
Randolph
Roth
Smith
Sparkman
Spong
Stennis
Stevens
Symington

NOT VOTING—23

Baker
Brooke
Buckley
Church
Dominick
Gambrell
Goldwater
Gravel
Hartke
Long
Mathias
McClellan
McGovern
Moss
Mundt
Muskie
Packwood
Pell
Scott
Stafford
Tower
Weicker
Williams

So Mr. Bennett's amendment was agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the unfinished business will be laid aside temporarily and so remain until the following business is disposed of.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATIONS, 1973

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 15093, on which a unanimous-consent agreement has been entered into limiting debate on the bill and amendments thereto.

The bill will be stated by title, for the information of the Senate.

The legislative clerk read as follows:

> A bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices, for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. HARRY F. BYRD, JR. What is the time limitation of the bill?

Mr. PASTORE. Two hours on the bill and 1 hour for each amendment, and a half hour for amendments to amendments.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. What is the time limitation formula.

The PRESIDING OFFICER. The limitation is 2 hours on the bill, with a limitation of 1 hour on any amendment in the first degree, and a half hour on any amendment in the second degree, appeal, or debatable motion.

Mr. PASTORE. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PASTORE. Mr. President, the pending measure provides new budget—obligational—authority of $20,583,370,000 which is $164,813,000 below the budget estimate, $864,880,000 above the sum recommended by the House, and $2,188,266,000 more than the sum appropriated in fiscal year 1972.

The committee has also provided the full budget estimates for the limitations on contract authority of the section 235—homeownership program—and section 236—rental housing assistance program—and the college housing program. For these items, the committee recommends $170,000,000, $150,000,000, and $7,000,000, respectively.

While the new budget—obligational—authority recommended by the committee exceeds the House allowance by $864,880,000, a considerable portion of this increase is due to the fact that the committee reviewed budget estimates that were not considered by the House. Because authorizing legislation is presently pending in the Congress, the House appropriated only $19,002,000 for comprehensive planning grants, while the budget estimate for this item was $100,000,000. The committee has included the full amount of the budget estimate because the required authorizing legislation, S. 3248, has already passed the Senate.

For grants for neighborhood facilities, the House included $36,000,000, which is currently authorized, and deferred consideration of an additional $4,000,000 that was requested for this item by the Department. The committee has included the full budget estimate of $40,000,000 for grants for neighborhood facilities.

The House did not make any appropriation to cover the special revenue-sharing program, for which $490,000,000 has been requested by the Department. Legislation which has already passed the Senate provides for the implementation of this program in fiscal year 1974, and similar legislation is presently pending in the House. Since the budget presented to Congress assumed that special revenue sharing would be included in the fiscal year 1973 bill, the committee has folded in the budget estimate for this program into two of the categorical grant programs that it is intended to replace; namely, the urban renewal program and the rehabilitation loan fund. For this reason, the committee has adjusted the budget estimate for the urban renewal program from the $1,000,000,000 initially requested to $1,450,000,000, thus allocating $450,000,000 of the $490,000,000 requested for the special revenue-sharing program to the urban renewal program. The remaining $40,000,000 requested for the special revenue-sharing program has been considered as a budget estimate for the rehabilitation loan fund.

The estimates considered by the committee and not by the House are enumerated as follows:

Urban renewal	$450,000,000
Rehabilitation loan fund	40,000,000
Comprehensive planning grants	80,998,000
Grants for neighborhood facilities	4,000,000
Total	574,998,000

I want to say at this juncture that while we have gone over the House figure, the greatest part of that increase is because of the items I have just enumerated. The net increase over the amount allowed by the House would be the difference between the 864,880,000 of new budget—obligational—authority recommended by the committee, minus the $574,998,000 in estimates not considered by the House, making a total addition of committee recommendations over the House allowance of $289,882,000.

For the Department of Housing and Urban Development, the committee considered overall budget estimates of $4,657,807,000 and recommends an appropriation of $4,464,186,000. This sum is $193,621,000 below the budget estimate and $753,098,000 above the amount recommended by the House.

For the National Aeronautics and Space Administration, the committee recommends the sums of $3,431,650,000, which is $82,440,000 more than the House allowance and $24 million above the budget estimate. In this connection, the committee has earmarked funds in the bill, amounting to $24 million, which are to be used solely for aeronautical research in the fields of noise abatement and aviation safety.

For the National Science Foundation, the committee concurs with the House and recommends an appropriation of $619 million, which is $28,418,000 below the budget estimate.

The committee has also concurred with the House and made available for general purposes the $9,500,000 appropriated in fiscal year 1971 and allocated for first-year graduate traineeships. In addition, the committee has made available for general purposes $21,700,000 which was appropriated in fiscal year 1972, including $21 million earmarked for science education support and institutional improvement for science. Under the committee recommendations, there will be available to the National Science Foundation in fiscal year 1973 a total of $650,200,000, or $2,982,000 more than the estimate of new budget—obligational—authority.

The committee has also earmarked in the bill a total of $58,800,000 for science education improvement, $7 million for institutional improvement for science, and $9,200,000 for graduate student support.

For the Veterans' Administration, the committee recommends an appropriation of $11,906,620,000, which is $83,722,000 above the budget estimate and $29,342,000 above the sum recommended by the House. The committee has concurred with the House and made an addition to the medical care appropriation of $54,580,000, and has added $28,342,000 to the appropriation for the construction of hospital and domiciliary facilities. The complete list of the hospital projects to be funded is enumerated in the committee report.

The bill also provides funds for the Federal Communications Commission, the National Aeronautics and Space Council, the Office of Science and Technology, the Renegotiation Board, the Securities and Exchange Commission, and the Selective Service System.

Mr. President, this concludes my brief floor statement and I will be happy to answer any questions that Senators may have concerning the items in the pending measure.

Mr. JAVITS. Mr. President, may I ask the Senator, in view of the fact that perhaps I have the only amendment which will be made to the bill, whether he would object to a short quorum call to let Members know?

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). On whose time?

Mr. PASTORE. On my time.

The PRESIDING OFFICER. Without objecton, it is so ordered, the time will be equally divided, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. PASTORE. Mr. President, I yield myself such time as may be necessary.

At this time, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as amended be regarded for the purpose of amendment as original text, provided that no point of order shall be waived by reason of the agreement to this request.

The PRESIDING OFFICER. Without objection, it is so ordered. The committee amendments will be considered and are agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 2, line 23, after the word "by", strike out "$55,000,000" and insert "$170,000,000"; and, in line 26, after the word "by", strike out "$25,000,000" and insert "$150,000,000: *Provided,* That the increase in limitations made available in this paragraph shall be contingent upon the enactment of authorizing legislation.".

On page 3, line 14, strike out "$2,700,000" and insert "$7,000,000: *Provided,* That the increase in limitation made available in this paragraph shall be contingent upon the enactment of authorizing legislation.".

On page 3, after line 16, insert:

SPECIAL RISK INSURANCE FUND

For payment to the Special Risk Insurance Fund to cover losses sustained by the Fund in carrying out mortgage insurance operations as authorized by section 238 of the National Housing Act, as amended (12 U.S.C. 1715z-3), $35,000,000.

On page 4, after line 15, insert:

SPECIAL ASSISTANCE FUNCTIONS FUND

For payment as authorized by law to the Special Assistance Functions Fund to restore capital impairment resulting from operations authorized by section 305 of the National Housing Act (12 U.S.C. 1720), $100,000,000.

On page 5, line 12, after the word "for", strike out "$17,621,000" and insert "$21,621,000".

On page 5, line 22, after "(40 U.S.C. 461)", strike out "$19,002,000" and insert "$100,000,000"; and, in line 23, after the word "expended", insert a colon and "*Provided,* That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation.".

On page 6, line 17, after "(42 U.S.C. 4521)", strike out "$5,000,000" and insert "$10,000,000".

On page 7, line 7, after "(42 U.S.C. 3301)", strike out "$500,000,000" and insert "515,000,000".

On page 7, line 14, after "(42 U.S.C. 1452a)", strike out "$1,000,000,000" and insert "$1,450,000,000"; and, in line 21, after the word "therefor", insert a colon and "*Provided further,* That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation.".

On page 8, line 4, after "(42 U.S.C. 1452b)", strike out "$50,000,000" and insert "$90,000,000".

On page 8, line 8, after "(42 U.S.C. 3103)", strike out "$36,000,000" and insert "$40,000,000"; and, in line 10, after the word "expended", insert a colon and "*Provided,* That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation."

On page 9, line 5, strike out "$20,059,000" and insert "$25,159,000".

On page 9, line 19, after "1968", strike out "$46,000,000" and insert "$60,000,000".

On page 12, line 18, after the word "Administration", strike out "$2,550,000,000" and insert "$2,624,900,000, of which $24,000,000 shall be available only for aeronautical research in the fields of noise abatement and aviation safety,".

On page 13, line 1, after the word "law", strike out "$69,760,000" and insert "$77,300,000"; on page 14, at the beginning of line 12, insert "(21) $5,540,000 for modification of manufacturing and final assembly facilities at undesignated locations;"; in line 13, after the amendment just above stated, strike out "(21)" and insert "(22)"; in line 15, after the word "locations", strike out "(22)" and insert "(23)"; and, in line 17, after the word "locations", strike out "(23) $6,000,000" and insert "(24) $8,000,000".

On page 16, line 5, after the word "exceed", strike out "$28,600,000" and insert "$29,243,000"; in line 15, after the word "than", strike out "$18,000,000" and insert "$7,000,000"; in line 18, after the word "than", strike out "$71,000,000" and insert "$58,800,000"; in line 20, after the word "than", strike out "$20,000,000" and insert "$9,200,000"; on page 17, line 8, after the word "individual", strike out "And provided further" and insert "Provided further"; in line 11, after the word "traineeships", insert "and $21,000,000 of the amount heretofore appropriated in fiscal year 1972 and allocated for Science Education Support ($16,000,000) and Institutional Improvement for Science ($5,000,000),"; and, in line 15, after the word "appropriation", insert a colon and "And provided further, That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation.".

On page 17, line 24, after "$7,000,000", insert a comma and "to remain available until expended"; and, on page 18, line 2, after the word "currencies", insert a colon and "*Provided further*, That appropriations made in this paragraph shall not become available until the enactment of authorizing legislation.".

On page 21, line 19, after the word "information", strike out "$28,237,000" and insert "$29,237,000".

On page 22, line 12, after the word "more", strike out "$107,118,000" and insert "$125,993,000".

On page 22, line 25, after the word "Construction", strike out "$48,331,000" and insert "$57,798,000".

On page 27, line 1, after the word "exceed", strike out "$163,586,000" and insert "$170,586,000".

On page 28, line 4, after the word "of", strike out "$8,700,000" and insert "$9,106,000"; and, on page 30, line 9, after "$17,923,000", strike out the colon and "*Provided further,* That none of the funds made available for administrative or nonadministrative expenses of the Federal Home Loan Bank Board in this Act shall be used to finance the relocation of all or any part of the Federal Home Loan Bank from Greensboro, North Carolina, nor for the supervision, direction or operation of any district bank for the fourth district other than at such location: *And provided further,* That no part of the funds made available for administrative or nonadministrative expenses by this Act shall be used in connection with acquisition of land, constructing or leasing new quarters for the Federal Home Loan Bank Board."

On page 30, line 23, after the word "exceed", strike out "$514,000" and insert "$649,000".

Mr. PASTORE. Mr. President, I now yield to the distinguished Senator from Wyoming (Mr. McGEE).

Mr. McGEE. Mr. President, I should like to ask the manager of the bill about the National Science Foundation appropriation. The administration request was $647,418,000. According to my colleagues at the University of Wyoming this was cut by the committee to $619 million. Is that correct?

Mr. PASTORE. That is absolutely correct. But there were also unused funds from appropriations of previous years that were reappropriated by the committee. The House allowed $9.5 million of the unused funds to be used for general purposes. The Senate committee increased this amount by $21.7 million, which were earmarked in the 1972 budget and not used for the specific purposes. Thus, as a result of the House and Senate committee action an additional $31.2 million of new budget—obligational—authority has been made available to NSF making a total of $650.2 million available in fiscal year 1973, which is about $3 million more than the budget request.

Mr. McGEE. What the Senator says, then, is that, instead of actually going to the $647,418,000, the committee has made available a total of $650,200,000; is that not correct?

Mr. PASTORE. That is right. The committee has funded a program of $650.2 million in fiscal 1973.

Mr. McGEE. This clears up that point, and I will so report to the University of Wyoming.

I thank the distinguished Senator from Rhode Island very much.

AMENDMENT NO. 1231

Mr. JAVITS. Mr. President, I call up my amendment No. 1231 on behalf of the Senator from Massachusetts (Mr. KENNEDY) and myself and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 26, delete the figure "$150,000,000" and substitute in lieu thereof the figure "$225,000,000".

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, first, may I say that, as always is the case with the distinguished Senator from Rhode Island (Mr. PASTORE) and the distinguished Senator from Colorado (Mr. ALLOTT), they have brought in a bill which, in many respects, could not possibly be produced by anyone else. They are both dedicated to doing everything humanly possible within the public domain to deal with the vast problems of the Department of Housing and Urban Renewal.

I do not wish in any way to intimate by proposing this amendment that I am other than satisfied not only with the good faith but, far more than that, with the driving ambition of the Senator from Rhode Island and the Senator from Colorado to do all they possibly can with the committee in respect of this particular appropriation.

The fact is, whereas the section 236 appropriation left the other body with $25 million, allegedly because the other body had not yet considered the authorizing legislation, it comes to us now with $150 million—certainly a much larger sum.

Mr. PASTORE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Mr. President, the Senator from New York, as he has already said, and the Senator from Colorado and myself, have a great interest in these programs. They are worthwhile programs. No matter how great we make it within the capacity of the Government to pay for it, I am afraid the situation is such that we just cannot do enough.

The House allowed only $25 million for the section 236 program. The budget estimate was $150 million. The House action was promised on the ground that no authorization was passed, and as of today no authorization has passed. I understand that the Senate has passed an authorization of $225 million and the subcommittee of the House has approved $200 million. Of course, I do not know what figure will ultimately come out of conference.

I want to suggest this to the Senator from New York, and I have already discussed it with the Senator from Colorado (Mr. ALLOTT), that he will modify his amendment to make it $200 million instead of $225 million, we will take it to conference.

Mr. JAVITS. Mr. President, I do so gladly. I modify my amendment on behalf of the Senator from Massachusetts (Mr. KENNEDY) and myself to make the amount $200 million, which was the appropriation for fiscal 1972.

The PRESIDING OFFICER. The amendment is accordingly modified.

The amendment, as modified, reads as follows:

On page 2, line 26, delete the figure "$150,000,000" and substitute in lieu thereof the figure "$200,000,000".

Mr. JAVITS. Mr. President, I know the pressure of time, and I know that this amendment as modified will be accepted by the Senate. However, I hope the Senator allows me to spread some of the facts on the RECORD to sustain the conferees in conference.

Mr. President, I will not ask for a rollcall vote for impressive purposes, because I know that the Senators will fight for it in conference all they can.

Mr. President, the amendment proposed by Senator KENNEDY and myself would add $50 million to the committee appropriation of $150 million for section 236 to raise the total to $200 million. This is not quite up to the full amount authorized in S. 3248 which has passed the Senate, but has not yet been acted upon in the House. The House committee only allowed $25 million since no authorizing legislation had yet passed when this bill was considered. I believe it is imperative that we increase the funding for the 236 program which I consider the most important and far reaching of the housing production programs.

The 236 program was created by the 1968 Housing Act and has been largely responsible for the fact that a record number of subsidized housing units were built last year. There have been some problems with the 236 program in the housing management area and in the process of approving applications. There has also been some problem with nonprofit and limited-dividend sponsors, some of whom have proven too weak to do an adequate job with particular projects. However, the problem in the 236 program has not been as extensive as those in the 235 program which the committee has funded at the full authorized level of $170 million taking into account the passage of S. 3248.

While the 235 program is useful in many areas of the country, it applies to single-family homes and not to multifamily units. Thus, most large metropolitan areas throughout the country have to rely heavily on the 236 program to build subsidized housing. In New York and other States this has been especially true. The 236 program has been used to fund city-sponsored projects, State-sponsored projects, and private projects with good results. The 236 program is also available for rehabilitation and in S. 3248 the Senate approved an amendment which I offered to use 10 percent of the funds in the 236 program for rehabilitation. Therefore it is necessary that adequate moneys be available for the 236 program.

In Secretary Romney's testimony before the committee he indicated that they were taking positive steps to do something about the problems which have arisen in the 236 program. These steps include review of architectural fees, and the use of housing consultants, closer check on construction costs and greater promotion of long-term project ownership and management. Both the Senate and House committees have complimented HUD for its own investigation of the problems with this program and have urged the Department to carry through with its reforms. I believe that HUD will carry out its responsibility under this program and that abuses and failures pale in comparison with the underlying housing need.

We need to focus on the tremendous implications for the future of this Nation of our failure to provide shelter for every American. How many have experienced the utter devastation of Brownsville in Brooklyn, the blocks upon blocks of abandoned structures. Or, the sight of families squatting in South Bronx tenements during the bitter winter without heat or other essential services? Have they seen the victims of lead poisoning, or rat bites, or pictures of babies frozen in their cribs, or the frightened faces of old people helpless and entrapped in squalid, darkened rooms? Have they seen the young children playing in the debris of burned-out shells of buildings or amidst the garbage of rubble-strewn lots? If they ever took the time to absorb these sights, as I have as have other Senators, they would never rest in good conscience until financial resources were found equal to the enormous tasks which confront us.

Unfortunately, for those who must endure such intolerable housing conditions as a daily factor of their lives, there is so little opportunity to convey the true facts to us in Washington. In fact, so little housing has actually been built or rehabilitated in most depressed areas that the national debates now raging around "housing for the poor" must seem, to those who are even aware of it, like a theater of the absurd.

But, there is another voice emerging in this country with which those who would destroy federally assisted housing efforts will soon have to contend. This is the hard-working, middle-income family who traditionally asks for little and receives even less from the Government. In large sections of my State and other States like it, if you listen closely, you will hear from these taxpaying citizens a rising plea for relief from spiraling housing costs and deteriorating housing conditions that are forcing them in increasingly large numbers—and against their will—from the urban centers. You will hear them calling futilely in economically/ethnically mixed neighborhoods for just a little Government help to be able to preserve their homes and their communities. You will hear them louder and louder each passing day demanding their nuggets of that scarce housing subsidy which is threatened with extinction.

I am convinced that the present deemphasis of the subsidy programs, reflected in the administration's appropriation requests, is attributable as much to their costs as to the reported abuses. The OMB has calculated that the cumulative cost of the Federal subsidy programs will eventually amount to as much as $6 to $8 billion based on present levels of production. But, is this such a high price relative to the astronomical long-range cost of a crash replacement program to save our vital metropolitan nerve centers which will face the next generation? Is it such a high price in view of the incalculable toll which the present housing crisis of exacts from the physical and psychological health of those millions of families who must endure subhuman housing conditions? Is it such a high price compared to the major contribution which widespread housing deterioration now plays in the erosion of morale tearing our cities apart? Is it such a high price compared to exotic weaponry for war?

In my home city of New York we have banks with $38 billion of assets. There are 225 savings banks in the city moving into this field. The commercial banks will follow. This is really the greatest aggregation of capital on earth. Indeed, David Rockefeller, the president of Chase National, was able to advocate a national program of $10 billion for housing rehabilitation so great are the resources which these financial institutions represent.

I simply cannot, nor can anybody else, do anything now in the field of middle- and moderate-income housing unless we are able to crank in adequate section 236 funding.

If we do want the private sector to activate itself, as it undoubtedly can in an unusual way to realize a greater housing effort than we have ever been able to make thus far, this is the way to do it.

Increased funding for the 236 program has been advocated by all those organizations who have been concerned with housing problems in this country over the years. These include: The American Institute of Architects, the National Association of Homebuilders, the National Housing Conference, the National Association of Housing and Redevelopment Officials, and numerous State and local housing officials.

We should not lose sight of the fact that in 1971 we produced 445,000 new low- and moderate-income units as compared to no more than 50,000 as recently as 1967. In fact, during the past 3 years more subsidized housing for low- and moderate-income families has been provided than in the preceding 30 years. This is substantial progress and we should not be stampeded into reversing this progress. I strongly urge the committee and the Senate to increase the funding for this extremely valuable program to $200 million.

I am very grateful to my colleagues on the committee. They have made a real contribution. I am only making this argument in the hope that they will be fortified in their own convictions and will be able to persuade the members of the conference committee from the other body of the necessity for participation in this effort which is so important for the construction of low- and moderate-income housing.

Mr. KENNEDY. Mr. President, I join with Senator Javits in proposing an increase in the level of appropriations for the construction of low-income rental units.

Section 236 of the Housing Act has been the basic provider of low- and moderate-income rental units in this Nation; it follows from the 221(d)3 program as an effort by the Federal Government to make good on its commitment to decent housing for all of our citizens.

While there have been internal problems with this program, pointed out in both the House investigation and the Senate Antitrust Committee's activities, action has begun to correct the administrative difficulties and to insure its future successful operation.

What is clear however is that this program has succeeded in producing housing units for those sectors of our population who are most in need. It has provided housing to the poor and near-poor and it has sought to provide housing that young couples just starting out can afford.

Also, it seems clear that if we are to assure the low- and middle-income families of this land adequate housing, this is one of our most basic programs for that purpose.

While I would commend the Appropriations Committee and Senator Pastore, who, as always, has acted with thoughtful concern and leadership in fashioning this measure, I believe that the need can be demonstrated for increased funding for this program at the level authorized by the Senate earlier this year.

I recognize that the Senate Appropriations Committee has approved substantially more than the House, $150 million rather than the $25 million in the House bill. I believe we still must move even further, both in terms of the need and in terms of our priorities.

Providing adequate housing remains one of the basic responsibilities of our society and this program is a key element in the fulfillment of those responsibilities.

I would hope that the chairman could be able to accept this increase in appropriations and I would hope the amendment as modified to provide for an increase of $50 million, raising the level to $200 million, will be adopted.

Mr. ALLOTT. Mr. President, will the Senator yield me 3 minutes, or as much time as I require?

Mr. PASTORE. Mr. President, I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I thank the Senator from New York for his statements. I am very happy to join with the chairman of the committee in accepting the amendment as modified.

I thought a word or two might be appropriate at this time, particularly due to the experience we had last year. I hope we have it under control now. It is true, wherever there is a lot of money generated, and there is a lot of money generated and business activity generated by this fund, but wherever there is money generated we find a fast buck artist. We had numerous examples of this called to our attention and called to the attention of the committee in the House. I think it is particularly to the credit of Secretary Romney that he got into this, found it out, and actually curtailed his program until he could get control of it.

There is another feature in here that the Senator will be happy about. We have added some personnel here to aid the Secretary to take care of more inspections and auditing procedures to take care of such pitfalls in the future.

So far as I am concerned, I support the amendment and the appropriation.

Mr. PASTORE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, will the Senator yield to me for a colloquy?

Mr. PASTORE. I yield.

PAYMENTS TO PUBLIC HOUSING AUTHORITIES

Mr. JAVITS. Mr. President, on behalf of the Senator from Massachusetts (Mr. Brooke) I ask unanimous consent that a statement by the Senator from Massachusetts (Mr. Brooke) may be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NEED FOR ADEQUATE OPERATING SUBSIDIES IN PUBLIC HOUSING

(Statement by Senator Brooke)

Mr. President, an issue of growing importance to many members of both the Appropriations Committee and the Committee on Banking, Housing and Urban Affairs is the need for adequate operating subsidies in the low-income public housing program.

Opposition to the concept of operating subsidies in this area initially centered on the lack of fiscal control over the spending policies of local housing authorities. It was felt that these Authorities had little incentive to hold down costs, when they were permitted to come in at the end of their respective fiscal years requesting reimbursement on an after-the-fact basis. I, too, shared this concern. Federal resources should not be used to subsidize badly-managed projects.

On the other hand it should be apparent by now that holding these projects in a precarious financial status will not induce the implementation of efficient and effective management techniques. In many of the urban projects, the price of "economy" in this area has been paid in human terms by the children, families and older Americans who can least afford the reduction or elimination of vital support services. I have walked through many of these projects. I have talked with many of the administrators and the tenants. Psychiatrists and other medical doctors have shown me documented case histories of children who have suffered permanent damage which can be attributed to their unhealthy and violence-ridden environments.

All of us are concerned over the effective use of federal resources. Yet I am confident that none of my colleagues wishes to allow budgetary considerations to overshadow the health and safety of individuals who cannot afford decent housing in the open market.

Fortunately, we are not left with an either-or situation. Under the able leadership of the Secretary of Housing and Urban Development, George Romney, and his Assistant Secretary for Housing Management, Norman Watson, a number of effective and up-to-date management techniques have been implemented. To name one, they have instituted the forward-funding concept. In essence, this means that badly-managed housing authorities can no longer come in at the end of their fiscal year asking for a blank check to cover their wasted expenditures. Now they will be required to submit their proposed expenditures at the beginning of the year and to submit them to the careful scrutiny of HUD's management specialists. I am confident that these and other imaginative approaches will result in a fiscally-sound low-income housing program.

The Appropriations Committee has recognized that the Administration's 1973 budget request for operating subsidies of $170 million is woefully inadequate. The Administration no doubt recognizes that their calculations, made some time ago, will not allow them to do the job requested by Congress in the Committee Reports accompanying the Housing and Urban Development Acts of 1969 and 1970 along with specific language in the 1970 Act itself. The Committee Report accompanying the appropriations currently in question recognizes this inadequacy and has urged the Administration to revise their calculations in the nature of a supplemental request at an early date.

Because of my own concern in this area, I joined my colleague and Chairman of the Committee on Banking, Housing and Urban Affairs, Senator Sparkman, in requesting Secretary Romney to furnish us with his best estimates as to our actual needs in this area, along with his recommendations as to alternatives that we might consider when we go to Conference on this year's housing legislation. I am hopeful that we will have that information shortly.

Mr. President, rent-to-income limitations in public housing are no less important today than they were in 1969. Low-income families cannot afford such necessities as food and clothing when they are forced to pay 30, 40 and even 50 percent of their incomes for shelter. At the same time, local housing authorities should not be penalized as they struggle to provide low-cost housing that is safe and decent.

We must not rest until the problems in this area are satisfactorily resolved. We must do all that we can to see that these problems receive the attention they deserve, and the programs likewise receive the funding they deserve.

Mr. JAVITS. Mr. President, I wish to call attention to that part of the committee report which relates to operating subsidies in low-cost public housing. The report states that HUD allotted $170 million for these payments. The committee itself considered this amount grossly inadequate and invited the department to submit a supplemental request to cover the cost when an accurate estimate of what they will be in the coming fiscal year may be obtained.

The range of the estimate is as high as $497 million with a minimum of $320 million.

In view of the magnificent participation over the last few years in this matter by the Senator from Massachusetts (Mr. Brooke), in the whole public housing question and especially operating deficits of the local housing authorities, he wishes to be sure that attention is called to the great need that exists and to the urgency of HUD coming to the Congress to ask for the needed funds.

Mr. President, I have engaged the distinguished manager of the bill in this colloquy only for the purpose of emphasizing the fact that we expect HUD to do what is needed in submitting these more accurate estimates, and we believe it essential that some facts and figures be available from a congressional point of view so that we can appropriate the needed funds as soon as possible.

Mr. HRUSKA. Mr. President, I join with the junior Senator from Massachusetts (Mr. Brooke) in expressing the committee's concern that the Department of Housing and Urban Development submit a supplemental appropriation request to cover the costs of low-cost public housing when an adequate estimate can be obtained.

The $170 million requested by the Department for housing authority operating subsidies is expected to fall far short of the ultimate outlays required. The question is not whether additional funds will be required in fiscal year 1973 above the level provided in the bill before us, but the amount. Firm estimates should be available in several months.

The Omaha Housing Authority, a well-managed and cost-conscious activity, is one of many public housing authorities throughout the Nation that face fiscal crises due to recent congressional actions aimed at easing the rent burdens of welfare recipients, and due to departmental changes in housing authority reserve levels. These changes have merit, but increased operating subsidies will be necessary during the coming fiscal year to preserve the fiscal integrity of the well-managed housing authorities.

Mr. PASTORE. Mr. President, I call to the attention of the Senate page 11 of the committee report, midway down on the page where it is stated:

> The Committee has noted that the Department has requested only $170,000,000 for operating subsidies for low-cost public housing and it believes that this sum is going to fall far short of the ultimate outlays required for this purpose. Consequently, the Committee urges the Department to submit a supplemental request to cover these costs when an accurate estimate can be obtained.

I might say to the Senator from New York that, if they neglect in doing it, we will bite the bullet ourselves.

Mr. JAVITS. I thank the Senator. It occurs to me that as part of the debate on the amendment there should be included the statement of the committee which appears on page 6, which reads as follows:

> The Committee concurs with the House and urges the Department to carefully screen applicants for the construction of Section 236 projects, and admonishes the Department to pay particular attention to the deficiencies pointed out in the House investigative report.

Mr. President, I note on pages 6 and 7 of the committee report that no money has been provided for the various types of counseling services contemplated by HUD. The committee report states that there was no budget request for counseling services this fiscal year and that there seems to be some confusion on the part of HUD as to what kinds of services they are willing to support. A report is requested by the end of this year from HUD on this situation.

Testimony at the hearings indicates that of the $3.25 million appropriated by the Congress for counseling last year, very little will be spent in the current fiscal year. Because of this HUD did not ask for additional money specifically for counseling but has indicated that funds from the research and technology appropriations which the committee has set at $60 million will be used for counseling programs. This seems to be quite a strain on the research and technology budget since the Congress has recommended that HUD get deeply involved in experiments in housing allowances, housing abandonment and lead-base paint. These are three very important areas and will use up a large amount of that budget. Thus, we cannot be sure how much of the research and technology money will be left for counseling programs.

I believe that the situation with regard to counseling services is shocking in that so little effort was made this year to implement either the 237 homeownership counseling program or any of the other counseling or technical assistance programs. If we are to make our housing programs work, it is necessary to provide homeowners and tenants with the know-how that will enable them to take care of the housing provided them. Unfortunately this is not being done.

I would like to vigorously support the committee's call for a review and report of the situation and I urge HUD to begin implementing programs to provide counseling services as soon as possible. This is one area which should not be neglected as it has been.

Mr. PASTORE. Mr. President, the Senator from New York is absolutely correct. The committee felt we do need counseling services. It is spending 1 penny to save a dollar. There is no question about that. We have had instances where there have been abuses and sometimes there has been neglect where people were not properly counseled.

This was called to our attention by the Senator from Indiana (Mr. Hartke). We explained it to him. It was called to our attention by the Senator from Illinois (Mr. Percy), who has several amendments in regard to this, which I hope he will not pursue.

But I assure the Senator from New York, the Senator from Indiana, and the Senator from Illinois that we were very cognizant of this fact and we included $10.4 million under the research and technology appropriation for improved operation and management of existing housing, which includes counseling services. We made it clear in our report that we would like to have a report from the agency with respect to counseling service and how they use the money, by December 31, 1972.

I assure the Senator from New York, the Senator from Illinois, and the Senator from Indiana that in the event the Department falls short in providing funds for counseling services I will be the first one to recommend that funds be included in the first supplemental that comes along.

Mr. JAVITS. I thank the Senator.

Mr. PERCY. Mr. President, I have asked simply for funding for an authorization for $12.5 million. If I were assured that the entire $10.4 million enumerated on page 223 of the committee memorandum would go for counseling against section 237 and section 235, that is, counseling for poor credit risks under FHA insured loans, and counseling for section 235 low income control, for debt management, budgetary and relating counseling services, then the difference between $10.4 million and $12.5 million I would not worry about.

I am concerned that this is under a "research" area. It is lumped with other things. It is under research and technology. We do not really need research at this point. We know what happens when a person fails to make payments. He needs help. We know what happens when a building starts deteriorating and it is insured by FHA.

We know that the deterioration is such that it is not going to live out the life of the mortgage; that some counseling is needed for that family to live with the piece of property that is now theirs.

I fail to see why this has to have more researching and testing. We know what is there. We know we are losing millions of dollars. The Federal Government is becoming a slum housing owner. We need to move into this area in a massive way.

If $10.4 million were marked specifically for this program, as authorized since 1968—we have had the program since 1968—then I would be perfectly happy, but I would not want to see the money used for a lot of other things not anticipated, so that only $1 or $2 million would be left over for this purpose.

Mr. PASTORE. Let me point out that this is, first, for improved operation of family housing; second, housing management training; third, comparison of various management methods to develop improved management; and fourth, counseling services.

I want the Senator from Illinois to understand that both the Senator from Rhode Island and the Senator from Colorado look kindly upon the argument he makes. The only trouble is that the administration never asked for it. They never submitted a budget estimate. For the life of me, I cannot understand why, because, after all, as was pointed out, this involves spending one penny for counseling to save one dollar. Counseling is absolutely necessary, not only to teach people how to manage their funds, but also to take care of the appliances, which many tenants have seen for the first time.

Nevertheless, the administration never asked that we put it in.

All I am saying is, rather than complicate it further, because this will complicate the issue, if we cannot get by with it in conference, if experience in the next few weeks or few months shows these services are not being provided, the Senator from Colorado and I will be the first to help the Senator from Illinois sponsor his amendment.

Mr. ALLOTT. Mr. President——

Mr. PERCY. Mr. President, may I respond directly to that? I would like very much to hear from the Senator from Colorado, because we have discussed this in the past. The Johnson administration did request this money—$4.9 million to start with—but it was never funded by the Appropriations Committee.

Mr. PASTORE. Of the House.

Mr. PERCY. Yes, and there was a position of rigidity against it in the House. I talked with them about that. I have not been able to convince them. I said, "What you are doing is costing hundreds of millions of dollars." I have analyzed it and seen the need for it. It has made me weep to see the waste of Federal money. $10.4 million goes into public housing management and all kinds of counseling. HUD auditors went in and analyzed the 235 program. This is what the auditors found when they looked at the program:

> ISOLATED ARRANGEMENTS FOR COUNSELING BY NONPROFIT GROUPS ARE INSUFFICIENT
>
> In the absence of funding of section 237, except for isolated arrangements for counseling by non-profit groups, there has been no existing arrangement which insures that the buyer who needs counseling receives it. We found deplorable conditions in many of the homes we visited, including numerous instances of solvenly housekeeping and lack of reasonable care of property that could have been prevented with even a minimum amount of counseling oversight. If marginal mortgagors are to be successfully housed under section 235, both presale and postsale counseling is required.

What more can we do than to ask Government auditors to look into it? And they report back this kind of condition.

As recently as last night—I feel I can say this—I was talking with Mrs. Romney, who knows a good deal about these programs. I said, "Why do you think certain aspects of these programs have failed? We have, fortunately, housed over 1 million low-income people, in 235 projects who are getting along well, but we have a group of perhaps 10 percent who have failed to make the grade. Why do you think that is so?" She said to me, "In my judgment because of lack of counseling."

Mr. PASTORE. Yes; but her husband never sent up a budget estimate. Maybe she ought to speak to her husband.

Mr. PERCY. He must realistically look at the House refusal to fund this part of the program since 1968. He must also deal with OMB. I have talked to our colleagues in the House. We have tried to get funds from them for this part of the program. I think our obligation is to fight for those funds in the Senate, and then take the matter to conference.

Mr. PASTORE. The Senator is absolutely correct, but is he surprised about why we did it the way we did, in view of what happened in the House?

Mr. PERCY. I am not surprised at all.

Mr. PASTORE. Let us not give our hand away.

Mr. PERCY. I am sympathetic but must be persistent.

Mr. ALLOTT. Mr. President, I am sympathetic to what the Senator from Illinois is attempting to do here. May I make a suggestion to him? If he will read what we have written under "Nonprofit Sponsor Assistance" and under "Counseling Services," I think he will get a strong indication of what the situation was. We have gone to conference several times with counseling money—I cannot say how many times, but we have done it—and have been rebuffed by the House in an absolutely flat refusal.

There was no budget request for this amount. Therefore, any item that goes in here will be above the budget.

In addition to the usual feeling of the House, whatever that has been, we also hit the block immediately that we have an item in here above the budget, and this puts an additional burden on the chairman and myself to try to carry it.

Let me offer a very practical suggestion to the Senator. I would be tickled to death to see an item come up from the Office of Management and Budget for this, and I can see a budget item for it, but I will say to him very frankly that when we went into this matter in the hearings, or attempted to, because it was not a budgeted matter the replies we got were extremely unsatisfactory. They had not anticipated going into it, so it was not on their list. So we did not get any real feeling of how to go about this and the best way to run these counseling services.

My own feeling, and I suggested some language which was included in the report last year, was that, as far as possible, we ought to utilize organizations which have already established their identity and integrity in this kind of counseling. I am thinking of family services and church societies and civic societies, and organizations of that kind which are already established.

The last thing I want to see, and I am sure the last thing the Senator wants to see, is to put money into the bill and then have a bunch of so-called—and I say so-called—nonprofit organizations spring up in every city and say, "We are the professional counseling services for 236 and 235." In other words, we would spend the money, but we would not get the counseling. This is the sort of thing we were trying to get them to define, and I hope we can.

As far as I am concerned, if we get a budget item for this and we can get a definitive statement from HUD, I would not mind providing money for this purpose in the first supplemental bill. Preferably, I would not want to do it now, because we will never get it in conference, and I do not want to get a defeat over there based on budget conisderations also, when we have enough to go on, if we can overcome the reluctance to consider counseling services at all.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. PASTORE. This is so important a matter that I think it should be discussed. I would be perfectly willing to write a personal letter, signed by both of us, pointing out to Mr. Romney how we feel about this item and saying we would like to know what he is going to do with the $10.4 million in the 1973 budget. Further, we would point out that we feel so strongly about counseling that we would like him to submit a budget estimate for it, and let him take it to the Office of Management and Budget.

All we can do is take the horse to water; we cannot make him drink. But if we can get an estimate on this, we would be in a much better position, because when we originate items in the Senate, we always run up against the jurisdictional question with the House of Representatives, and the fact that they did not consider it and no budget estimate was ever made, will weaken our case. I am afraid we would not get to first base. The best thing that could happen to us here is to get an estimate.

Mr. ALLOTT. And not to take a defeat at this time.

Mr. PASTORE. That is right.

Mr. PERCY. Mr. President, I always like, of course, to be guided by the judgment of my senior colleagues as to the best procedure to use. However, as the distinguished Senator from Colorado knows, I have been fighting this battle ever since the Housing Act of 1968 was adopted. I was an author of portions of section 235. My original proposal was cosponsored by every single Republican. And many colleagues on the Democratic side, led later by the Senator from Alabama (Mr. SPARKMAN) and the Senator from Minnesota (Mr. MONDALE), agreed that this program had to be implemented.

But I begged and pleaded that we not put a program in without oversight authority being provided, that we not put it in without some mechanism to insure that the money we were pouring into this program, in a new form of experiment in housing, not be put in with the same old FHA approach, because that is the agency that redlined all these areas out in the cities. We were always willing to put money into the suburbs, which has stabilized them, but that left nothing for the cities but high-rise slum tenements which we put up in the name of misguided benevolent Federal public housing.

Mr. President, I regret to say that we simply have not faced up to the problem. We have the same sort of problem with hunger. I just had to recess the nutrition hearings we are holding on a $250 million nutrition bill which was initiated in the Senate. Originally the House was not too enthusiastic about keeping the nutrition experimental project alive, but so enthusiastic has the House now become on this program for feeding the elderly that it has now authorized the full $250 million: $100 million for fiscal year 1972; $150 million for fiscal year 1973.

But we had to take the leadership on that program. We cannot always be governed by what the Bureau of Management and Budget wants. It is not omniscient, and does not always have a feel for the mood of the country which I think we, as elected officials who must keep in touch with our constituents, do have. OMB officials do a marvelous job, and I wholeheartedly support them, but I do not think they have the contact we have with the people of this country.

Mr. President, let me cite a specific instance of what is going on.

I have here a proposal prepared by Sister Katherine McDonnell of Housing Counseling Services, Inc. of the Urban Rehabilitation Corporation and the American Federation of Community Credit Unions in Washington, D.C. This is a first-rate response to HUD's request for a program of concentrated counseling for delinquent or defaulting mortgagors in the District of Columbia prepared by a dedicated and experienced homeownership counselor. It provides for a sympathetic and far-reaching counseling program for an estimated 280 families over the next 2 years. HUD praised the proposal, but insisted that Sister McDonnell revise her budget downward from the original estimate of $240,000. Sister McDonnell cut all conceivable corners and managed to win commitments for reduced rents, among other things. Her revised 2-year budget was for $108,000. HUD told her she could get no more than $50,000. This would emasculate a highly promising quality program. I say we must provide HUD with the funds to support programs of the quality of Sister McDonnell's program and similar ones which I am concerned are being scaled down in extent and coverage.

Here we are, in the Nation's Capital, with 182 families the mortgages of which are in foreclosure largely, I believe, for lack of counseling. But others could be saved. Other families could be prevented the indignity of being driven out of their homes, and with the counseling services offered by an absolutely outstanding, nonprofit group. With assistance and help, they are willing to put their time and energy into it; all they need is some seed money. HUD simply has cut them down to the bone in this area.

Mr. President, our homeownership programs for low- and moderate-income families are currently the subject of much controversy and criticism and I have led some of it. Secretary Romney himself has stated that the programs have been subject to widespread fraud and abuse by fast-buck artists and unscrupulous operators who have been taking advantage of both the unsophisticated homebuyer and the overburdened taxpayer. Grand jury investigations are under way in several cities and several score indictments have been handed down in New York City alone. Congressional committees on both House and Senate sides have been attempting to sort out the reasons for the problems in these basically sound programs.

The Wall Street Journal editorially echoed the statements of the HUD auditors:

> By leaving the (homeownership) programs to operate virtually unregulated at the whim of private interests—the real estate brokers, the mortgage companies, the marginal repairmen—the FHA opened the door for enormous abuses. Unlike the more educated middle-income buyer, the poor desperately needed counseling and a public agency to protect their interests.

HUD's reluctance despite warnings to request funds to carry out its own auditors' recommendations is incomprehensible. Moreover, I cannot understand the Department's long-standing reluctance to make operational the separate counseling programs which Congress authorized for 235 and 237 buyers. I believe we must move today to remedy this situation.

Mr. President, many of my colleagues have been extremely critical of the foreclosure rate under the homeownership programs that operate in the inner city. They note that HUD may soon become—if it is not already—the Nation's No. 1 slumlord—at great expense to the taxpayer. It is my firm belief that by investing $12,500,000 in counseling services today, we can save the taxpayer untold millions tomorrow.

I want to quote from Sister McDonnell's analysis of the costs of foreclosures and, by implication, the benefits to be gained from a counseling program:

> For most low-income families home ownership is a new experience. Their past experience as rental-tenants did not prepare them for knowledgeable home ownership. The consequences of foreclosure to the mortgagor are: the loss of his equity in his home which may represent a higher investment than his rental housing expense; the difficulty in obtaining replacement housing with a bad record of default; the increased cost to him in money and psychic energy; the future difficulty of obtaining credit. According to a study by the Federal Home Loan Bank Board, the lending institution must incur added administrative expense, the loss of interest and principal, the expense of taxes, utilities, maintenance, and legal fees to finalize foreclosure. The costs to HUD include executive and administrative costs, the loss of mortgage insurance premiums, and the problems of property abandonment and the acquisition of unwanted houses, which need to be maintained. The municipality suffers the loss of tax revenues. The community in which the home is located is affected by abandoned homes which are often vandalized, and which tend to create a chain reaction of poor maintenance, deterioration of other homes, delinquencies and further defaults as other homeowners see neighborhoods deteriorating and give up their effort to maintain a property which is obviously becoming less valuable. These reasons give strong motivations to all agencies concerned to reduce the rate of foreclosure.

I believe these reasons argue persuasively for the adoption of my amendment to the pending appropriations bill.

Mr. President, I believe that groups such as Housing Counseling Services, Inc. understand the problem better, as a nonprofit group, than FHA ever did. They would never, nor would the National Home Ownership Foundation as originally conceived in our legislation, ever have permitted the real estate brokers and dealers to manipulate and engage in downright fraud, as they have, and stolen blind the Federal Treasury for lack of oversight responsibility. It is as if we did not have the GAO.

What would we do without the GAO? We have not had that kind of oversight responsibility in this area, and I think it is terrible to apply the large sums of money going into this program, and then fail, for lack of a few million dollars, to exercise oversight.

So I really feel compelled to call up an amendment I have prepared on this subject. I feel that I would be irresponsible if, once again this year, I just sort of left it to the Bureau of Management and Budget and HUD, and to the House of Representatives, where we have not had the kind of receptivity to this idea that we should have had.

My amendment has two parts: The first provides $5,000,000 for counseling services authorized by section 237(e) of the National Housing Act, the second provides $7,500,000 for counseling services under section 235 of that act.

Homeownership counseling to assist low- and moderate-income families to become and remain homeowners was authorized by the Housing and Urban Development Act of 1968. HUD has never requested funds to implement these programs, but Congress provided $3,250,000 for a section 237 counseling program last year. No funds were requested for either 235 or 237 counseling for fiscal year 1973 and none were included in the House-passed bill or the version reported by the Senate Appropriations Committee. My amendment corrects this glaring deficiency in the bill before us today.

HUD's present policy is to encourage qualified State and local agencies to provide counseling and consumer education to potential purchasers of housing insured under various FHA homeownership programs. These agencies are not paid for their services, although they do sign contracts with HUD. No area office is required to supply counseling.

I recently asked Secretary Romney—whom I hold in highest regard, whose job is a most difficult one, and whose sense of priorities I generally support and want to help strengthen—how the funds appropriated for fiscal year 1972 for a section 237 counseling program had been expended. He replied to my query in the following way:

> The $3,250,000 for counseling services appropriated for fiscal year 1972 will be used over the next two years. A portion of these funds will be used to demonstrate whether delinquent or defaulting 235 or 237 mortgagors can avoid foreclosure by receiving financial management and homeownership counseling. In addition, funds will be used to develop a contract for training staff and volunteers of counseling agencies and to evaluate the entire counseling program. Training materials will be prepared in conjunction with this portion of the counseling support activities.

Mr. President, I was concerned to note the Secretary's use of the future tense in writing about funds which were provided for use in this fiscal year. Even if we assume that Congress intended the funds it appropriated for a 237 counseling program to be used for demonstrating and evaluating improved counseling services provided by State and local agencies—and this certainly was not my understanding last year—I doubt it intended a 2-year program that was to be activated only in the 10th month of the fiscal year.

Yet, Mr. President, it was not until late April that HUD issued its Requests for Proposals—RFP's—for the activities the Secretary referred to in his letter to me. And I wish to note that the RFP makes a persuasive case for a continuing counseling program. It states that the contractors' work:

> Shall be part of HUD's effort to develop a continuing program to meet the urgent need for counseling assistance for lower-income families who are delinquent or in default on their mortgage payments.

Now, I do not wish to denigrate what the Department is trying to accomplish here. Indeed, my amendment would allow it to mount an even more intensive demonstration and evaluation program. Apparently it does not have enough money available to fully fund the proposals which have been submitted to them.

Mr. PASTORE. Of course, we cannot prevent the Senator from Illinois from bringing up his amendment, but I thought we were both on the same side. I do not want to be in the position of winning the battle and losing the war.

There is no question, at all, that if we were to agree to the Senator's amendment, we would go to conference with this proposal and it would be knocked out, and we would jeopardize our chances in a supplemental appropriation later. It is a matter of pragmatism, and that is all. All I am saying is that, after all, this is not the ultimate day. We are in accord. The Senator from Colorado and the Senator from Rhode Island are in accord that unless something happens here to justify everything that the Senator from Illinois has said, we will put it in the supplemental, and in the meantime we will see if we cannot get a budget estimate.

The name of the game here is to get the money, not to make a speech. I agree with everything the Senator has said. There is no greater proponent of this proposition. But I do not want to have the Senator put it in here and have us move to lay it on the table. I think that would prejudice our cause, and inasmuch as we have provided for counseling services already under research and technology—all right, maybe it does not belong there, but that is where it was in the budget, and so we left it in there.

The point is, do we want counseling money, or do we not want counseling money? Do we want to make a test case of it here in the Senate, then go to the House of Representatives and get it knocked out in conference, and maybe prejudice our case later? I leave that up to the Senator. We have gone through that before.

Mr. PERCY. Mr. President, I would like to go along with my colleagues, if I can have the assurance that they will be working allies with me, because I absolutely know their own hearts would be in the program. If I can have that assurance, that we will be working together in the way the Senator has suggested in this area, then I certainly will not put the amendment in today, and will do everything I can to assure that the Secretary works with us and not against us in this area.

Mr. PASTORE. I assure the Senator, and I think my colleague from Colorado will agree with this. I have asked the director of our staff to write a letter to Secretary Romney, calling his attention to this colloquy that has transpired today, and that we are very much interested in this item, and would hope he would respond with a budget estimate in this category in time for it to be acted upon.

Mr. ALLOTT. In the next supplemental.

Mr. PASTORE. In the next supplemental.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. JAVITS. Mr. President, I am very pleased that the matter has eventuated this way. I would have joined with Senator Percy had he decided to move forward with his amendment, but I agree with him, having raised the question myself, that this is the proper course, and will give him all the backing he has requested.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ALLOTT. Mr. President, let me say this: With me, it is not a question of what I want, but it is a question of being utterly pragmatic about the technical and political situation we find ourselves in with respect to this amendment, and that is all it is. It is not a question of what I want.

I have supported this proposal before, and I shall again, but I join with my friend from Rhode Island in saying I think we are far better off to leave it this way than to push an amendment. No matter what the outcome of the amendment on the Senate floor, we would certainly lose it in conference. There is no way we could keep it this time.

Mr. PERCY. I respect the judgment of my colleagues, and I certainly will accede to that position.

Mr. PASTORE. I thank the Senator.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. CRANSTON. Mr. President, I thank the distinguished chairman, Senator Pastore, first of all, for the opportunity that I had to talk with him about the matters that I wish to raise at this point prior to this matter coming to the floor of the Senate.

All veterans in the United States who know what they have accomplished are deeply grateful to Senator Pastore and Senator Allott for all they have done to increase the funds available and to strengthen the programs available for medical assistance for veterans. During the last 2 years, for fiscal years 1971 and 1972, with their leadership, their help, and their constructive attitude, $376.1 million have been added over the administration request for medical care for veterans.

With the 1973 budget as reported, we actually will have increased the hospital staffing for veterans' medical care by 20,000, over these 3 years, which is a tremendous increase and goes a long way to meet the great needs that have been brought to the attention of the Nation and to the attention of Congress during the past 3 years, beginning some 3 years ago, when it was found that medical care for veterans was lagging far behind what was owed to those veterans.

Last month, I presented detailed testimony to the Appropriations Committee regarding current needs that were not yet met. I ask unanimous consent to have that testimony printed at this point in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement of Senator Alan Cranston, U.S. Senator From California

Mr. Chairman and distinguished members of the Subcommittee, thank you for the opportunity to testify before you again, this year, on the FY 1973 budget for the Veterans Administration.

You will recall my testimony the last two years on the FY 1971 and 1972 VA budget requests, respectively. On each of those occasions I differed sharply with the sufficiency of the budget request, especially with respect to the hospital and medical program. For FY 1973, I am happy to say, I find the VA budget request to be by and large relatively sufficient under existing statutory authorities. My presentation, therefore, will only highlight certain matters that I wish to bring specially to your attention.

At the outset, I want to note my great appreciation for the courtesy and cooperation which the distinguished Subcommittee Chairman (Mr. Pastore) and the ranking minority member (Mr. Allott) have extended to me over the last two years and your enormous assistance, Mr. Chairman, in bringing the VA medical and hospital program to a level on which an adequate FY 1973 budget could be built. Through our efforts together we have appropriated a total of $376.1 million more in the last two fiscal years over the original budget requests. With the funds in the Medical Care item in the FY 1973 budget request, this effort could culminate by 1973 in an increase of about 20,000 health care workers in VA medical facilities since FY 1971. I have one caveat on this score which I will state shortly.

MEDICAL CARE

Average daily patient census

For FY 1972, the Appropriations Committees in both Houses wisely recommended and the Congress adopted a requirement in the appropriation act that the VA must maintain an average daily patient census (ADPC) of at least 85,500. The O.M.B. did not permit the VA to start implementing this requirement until approximately last October, and the census rose 1000 in November and by February (monthly 83,662) had climbed more than 4000 above the September level (79,567). Thus, your legislative action effectively broke the O.M.B. arbitrary ceiling of 79,000 and the ADPC for all of FY 1972 should end up in the 82,000 to 83,000 range (it was 80,826 cumulatively in March).

I believe some kind of Congressional action is necessary to set a minimum annual ADPC in view of O.M.B.'s action last fiscal year and the danger it may decide to repeat this action if left to its own devices. The FY 1973 budget request is generally premised on an ADPC of 83,000. Thus, if an 85,500 minimum were to be imposed again, approximately $55 million would need to be added to the Medical Care item to maintain the present staff-to-patient budget projection of 1.49 to 1. I do not believe it would be wise to impose a census floor without providing adequate additional funding to support the increase.

In this regard, I call to your attention that the provisions of S. 2354 as passed by the Senate on May 4 (inserted in lieu of the text of H.R. 10880) include a requirement for an ADPC of 84,000 for FY 1973 and an average of 97,500 operating beds. I think an 84,000 cumulative annual census is adequate in view of the new legislative authorities also contained in S. 2354 (in large measure already approved by or acceptable to the House), which I will describe later, greatly expanding eligibility for outpatient care and which should have the effect of eliminating all unnecessary hospitalizations resulting from unrealistic restrictions (medically) contained in present VA enabling legislation. To support the 84,000 ADPC figure, an additional $22 million would be needed.

Operating beds minimum

I would also support a 1000 bed raise in the operating beds minimum from 97,500 for FY 1972 to 98,500 for FY 1973 to take account of the five new VA hospitals being activated, but prefer to take this step in the authorizing legislation.

Spinal cord injury units

One other addition to the Medical Care item which I urge, is an increase of approximately $4 million to add about 400 FTEE for the 12 ongoing and 4 new spinal cord injury units to bring the staff-to-patient ratio in these units up to 2:1 by the end of FY 1973. We have made most substantial gains from the appalling ratio that existed two years ago, and I urge the Subcommittee to add funds specifically aimed at finishing the work we began. We owe it to these most seriously disabled veterans not to stand still in providing for the highest standards in the quality of their care.

Expenditure of fiscal year 1972 appropriation increase

In assessing the impact of the funds we have added for Medical Care over the past two years, I share your concern that approximately 30 percent has either not been spent or spent for items not intended by Congress (such as pay raises). But I call your attention that appropriating such additional sums, even when frozen, has been of value in assisting the VA medical program because the availability of frozen funds gives the VA an excellent arguing base for eventually securing part or all of the funds (for example apparently $12 million of the $71,230,000 frozen FY 1972 Medical Care appropriation item will very likely be spent to reduce the fee dental backlog) and also forestalls any attempt to force DM&S to absorb pay raises within existing allocations ($35,270,000 for the pay raise for the second half of FY 1973 was drawn from the frozen funds).

Effect of average GS grade rollback

Mr. Chairman, the most serious current problem facing the VA hospital and medical program today is the effect of OMB Bulletin No. 72-4 directing the VA to achieve an average grade reduction of GS employees by 1/10 of a grade by June 30, 1972. This was followed by OMB Bulletin No. 72-5 directing fixed reductions in FTP and total employment ceilings. On the latter, the VA was, by and large, given the benefit of the doubt (as I urged in my September 14, 1971, letter to the President which I ask be made an exhibit to this testimony), but the effect of the grade rollback requirement is, alarmingly, eroding the quality of patient care.

We must act to prevent any further grade rollback requirement from being implemented for FY 1973 as is now planned. The present rollback is already causing unacceptable chaos and damaging morale by arbitrarily forcing the (1) hiring of untrained personnel at lower GS levels when trained professionals and technicians are available to hire; (2) causing turnover (requiring new training costs and patient care disruption for replacements) or resentment among those denied long overdue promotions; (3) serious depression or advancement opportunities for the lower-paid patient care personnel, especially trainees promised upgrading opportunities in good faith when hired; wholesale abuse of Civil Service job classification standards and temporary appointments and promotions; widening of the disparity between GS and wage board grades (the latter not included in the OMB Bulletin); restrictions on filling openings at high levels for assistants and deputies; elimination of the policy of assigning tasks from title 38 (excepted positions to GS positions); and finally, overall slowing down in the filling of positions while the impact on the grade level is calculated and replacements are sought at far lower GS grades with lower commensurate skills than the individual being replaced.

This is a bleak picture for the veteran patient who finds himself in the care of more and more unskilled trainees rather than experienced health care workers and has to remain in the hospital extra days while waiting longer for X-ray and laboratory results. I urge you in the strongest possible terms to note with alarm in your report the pernicious effects of the grade rollback and to direct either in report language or in the bill that no further arbitrary overall ceilings or grade rollbacks be implemented for the VA during FY 1973. Unless such policies are forestalled, the DM&S personnel increases I referred to earlier as projected in the budget cannot be realized—they will be just paper estimates, like far too much included in budget justifications.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES (MAMOE)

Mr. Chairman, I am submitting for the record a copy of an April 24, 1972 letter to you as Chairman of the Appropriations Committee urging full funding for the Exchange of Medical Information program through supplemental appropriations in fiscal year 1972. Based on the same analysis and my same strong concerns, I recommend that you increase the MAMOE item by $1 million designated for the Exchange of Medical Information program so that it will be funded at the level of full authorization, rather than at the $2 million level requested by the Administration. This program offers too many valuable opportunities for innovation and achievement to be permitted to stagnate at the same dollar figure for FY 1973 as is proposed for FY 1972—a figure almost 17% less than was appropriated for fiscal year 1971. Given the overall increase in the MAMOE item of over 30% as proposed in the FY 1973 budget request over the amount appropriated in FY 1971, it is inexplicable to me that this important program should be suffering a 17% decline.

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

Fiscal year 1973 budget request

Mr. Chairman, the VA is to be congratulated for the construction budget request for FY 1973, which for the first time in four years offers hope of moving toward the schedule of construction projections originally established many years ago. I note with pleasure that the budget request now includes funds to carry out the bulk of my recommendations for construction which I presented to you in fiscal years 1971 and 1972—specifically, funds for planning, and in some instances, initial construction of new facilities at the Bronx, New York; Columbia, South Carolina and Los Angeles, California (both Wadsworth and Brentwood); as well as numerous airconditioning projects.

Additional construction funds

Nevertheless, I believe that we have fallen so far behind on our construction and renovation timetable that funds are required in addition to the $155 million request for this item. In that connection, I join in the excellent recommendations of the distinguished Senator from Washington (Mr. Magnuson), Chairman of the Subcommittee on Labor-Health, Education and Welfare, submitted to you by letter on April 5 that $28,342,000 be added in order to begin planning the 12 construction projects rated of highest priority by the Veterans Administration. These include replacement hospitals at Martinsburg, West Virginia; Richmond, Virginia; Portland, Oregon; Vancouver, Wash.; Baltimore, Maryland; Bay Pines, Florida; Augusta, Georgia and Little Rock, Arkansas; a new hospital in the Philadelphia Pennsylvania metropolitan region; and various additions, improvements, conversions and modernizations in Denver, Colorado; Chicago, Illinois; Newington, Connecticut; and Seattle, Washington.

California bed emergency

In addition, I submit for the record a copy of my letter, also of April 24, 1972, and its enclosures to you with regard to the crisis situation regarding the availability of hospital, nursing and domiciliary beds in the State of California. This emergency has been brought about by the need to evacuate large numbers of patients from VA facilities found to be seismically unsafe. The result is an immediate loss of 2432 medical beds in the state and a displacement of some 2600 patients which has already occurred.

This emergency situation exacerbates what has been for some years a serious shortage of VA medical facilities in California, where 11% of our nation's veterans reside but where less than 9% of VA hospital beds were located at the start of fiscal year 1972. I recognize fully that California is benefitting very substantially from construction of replacement facilities at San Francisco, Los Angeles, and Loma Linda and a new hospital at San Diego, but this does no more than compensate for the loss of hospital and nursing beds at San Fernando (424 beds destroyed due to the February, 1971, earthquake), at Livermore (211 beds shutdown due to seismic instability), and at the Wadsworth Hospital (approximately 675 beds eliminated due to seismic instability, only some of which would be compensated for by the eventual completion of the replacement hospital).

Three new outpatient facilities recommended

In order to meet this urgent situation, I would like to make three suggestions for action in connection with the FY 1973 budget.

1. That the VA be directed to proceed immediately to investigate with the University of Southern California-Los Angeles County Medical Center, the establishment of an outpatient facility, utilizing medical center space, to serve the veterans of the East Los Angeles area. This proposal is discussed in more detail in my January 14, 1972, letter to the President which I have submitted as an enclosure to my April 24, letter to you, Mr. Chairman, regarding construction.

2. That the Veterans Administration be directed to investigate with the Martin Luther King Hospital in Watts the possibility of establishing an outpatient clinic, utilizing space at that hospital, to provide ambulatory care to the veterans in Central and South Central Los Angeles. This was also recommended in my January 14 letter to the President.

3. That the Veterans Administration be authorized to investigate immediately the possibility of establishing an outpatient facility on land which would be donated by the University of California at Davis to operate in close affiliation with the medical school there. Such a facility could be put together in temporary buildings for about $800,000 in the first year, with an additional $1.5 million cost for first-year salaries to serve approximately 130,000 veterans in Sacramento, and Yolo, Contra Costa, and Solano counties. Such a facility would be of enormous assistance to the veterans in this area who are located a great distance from the nearest VA hospital at Martinez (approximately 60 miles Southwest of Sacramento). It also might be the forerunner of eventual relocation of the Martinez Hospital to Davis where it would be more effectively located in terms of proximity to both eligible Upper California veterans and a major medical school.

APPROPRIATIONS TO MEET NEW EXPENDITURES UNDER NEW LAW

Mr. Chairman, just recently the Senate passed unanimously the provisions of two bills reported from the Veterans' Affairs Committee. These bills will have a major impact on the future of the medical programs of the Veterans Administration. These were S. 2219, the Veterans' Administration Health Manpower Training Act of 1972, and S. 2354, the Veterans Health Care Expansion Act of 1972. Companion bills have been passed in the House (H.J. Res. 748 and H.R. 10880), and I have every expectation this legislation will become law by Fiscal Year 1973, very likely by the end of this month.

VA Health Manpower Training Act (S. 2219)

The first of these bills, S. 2219, authorizes an appropriation of $125 million for each of the next seven fiscal years for health manpower education and training programs, and n addition, provides clear statutory authorty and direction for carrying out continung medical education programs for medical and health care staff of VA hospitals and other Federal agencies at an estimated cost of approximately $1.6 million dollars each year.

The new authorities in S. 2219 will enable the Veterans Administration to utilize to the fullest extent its capacity for the training and education of health care personnel and to maximize the training potential of its affiliation with medical and nursing schools and other health care manpower training institutions by providing for direct VA support to affiliated medical education institutions which utilize the VA hospitals as clinical facilities. This direct support would enable the institution to undertake innovative training programs and to expand and improve its capacity to train health care manpower jointly with the Veterans Administration.

Training veterans with medical MOS's

An important emphasis required in the bill for health care manpower training programs supported by the Veterans Administration is the placing of specific emphasis on training programs which will recruit and train veterans with medical military occupation specialities (M.O.S.s) as well as on employing them in the Veterans Administration medical facilities upon completion of their training. The VA is in a particularly opportune position to develop new methods of training and to experiment with educational requirements. The Veterans Administration hospital system can take the lead in producing new levels and types of personnel, in expanding the roles and responsibilities of existing types of personnel, and in putting the innovations to a practical test in a clinical setting under the quality supervision of VA and medical school staffs. This is the atmosphere and the opportunity which has been generally lacking in the medical community (except in isolated outstanding programs, such as at the University of Washington), preventing the approximately 25,000 veterans released each year with specialized paramedical training from applying the skills they have learned in the Service to a productive health career in civilian life.

It is our expectation that after success in developing clinical programs using these veterans has been achieved in the VA, the results of these innovations can be translated into general usage in the community at large.

New medical schools

The primary thrust of S. 2219 is to authorize pilot programs for assistance in the establishment of up to ten new public nonprofit medical schools. A striking example of the potential contribution to the nation's need for additional medical schools which the Veterans Adminsitration can make is the establishment of the Louisiana State University Medical School at Shreveport. This school was advanced several years in becoming operational through utilizing the VA hospital and the Confederate Memorial Medical Center, a community hospital, as clinical resources, as well as relying predominantly on staffs of those hospitals and physicians from the community as faculty resources.

The need for additional health care manpower training institutions has been well documented in study after study sponsored both by the government and by prestigious foundations. The appropriations authorizations included in S. 2219 will permit the Veterans' Administration to participate fully in the effort to meet this need and to repeat the Shreveport success elsewhere.

I urge your Committee to recommend full funding of the programs authorized by this bill to support training of new health care personnel—125 million in the Senate-passed bill.

Continuing medical education

No less important than the training of new health care professionals is the continuing education of existing medical personnel. With the rapid advances in medical knowledge today, and the constant innovations in treatment programs and in the methods of provision of health services, the need for a professional to be given ready access to learning new systems and techniques is essential.

Increasing attention is being paid by states to requiring licensed health personnel either to pursue medical education courses or pass recertification examinations evaluating their skills within the context of modern techniques and learning. The Veterans Administration has long been aware of the necessity for continuing education and has had some excellent programs in the past. While it has demonstrated its concern that its staff maintain the highest standards, the demand for participation in these programs has been greater than the ability of the Veterans Administration to provide such training.

S. 2219 contains provisions to strengthen the VA in its efforts to provide such programs by calling for the formal designation of at least four VA hospitals as Regional Medical Education Centers. At these Centers, staff could be assigned for short periods to serve a residency-type training role, learning new techniques within an actual clinical setting and by participating in the application of the new techniques. These Centers would also, where staff and space is available, offer continuing education programs, on a reimbursable basis to staffs of other Federal agency medical programs, or to community physicians. For example, in many areas, an educational program at the VA facility could provide needed training for the busy practitioner in a rural community who could not leave his practice for an extended period to attend courses at a university medical center.

It is estimated that the costs of one Regional Medical Education Center would be $400,000 for the initial year of operation. Mr. Chairman, I hope you will recommend sufficient funds in the VA Medical Care item to support the establishment of at least four such Centers as directed in the bill at a total cost of $1.6 million.

Veterans Health Care Expansion Act of 1972

Provisions of the other major bill recently passed by the Senate, S. 2354, the Veterans Health Care Expansion Act of 1972, will improve the ability of the Veterans Administration to deliver quality medical care to its beneficiaries by removing certain legislative restrictions on the scope of treatment, particularly for ambulatory and nursing home care, and by expanding the coverage for eligible veterans and including as VA beneficiaries for the first time dependents of totally and permanently disabled service-connected veterans or dependents of those who die from service-connected disabilities as VA. The bill also makes improvements in the training and the personnel system of the Department of Medicine and Surgery to ensure that the highest caliber of health care staff is attracted to the VA and that the highest quality of care is provided to the veterans, as well as again placing special emphasis on the recruitment of veterans with medical MOS's for careers in VA medical facilities.

Additional authorizations of appropriations

The comprehensive overhaul of VA medical care authorities in the bill recently passed by the Senate (in H.R. 10880) is intended to eliminate certain statutory impediments which have often led the VA to adopt restrictive regulations and artificial distinctions not consistent with providing the up-to-date medical care achieveable today. The estimated cost for all the authorities of the bill is $166,950,000 for fiscal year 1973. Of this amount, however, there are two areas for which separate appropriations authorizations are made by the new legislation. These are the authorization of $3 million for research in the diagnosis, treatment, and control of sickle cell anemia, based upon screening examinations and treatment provided in Veterans Administration facilities, and the authorization of some $100,000 each year for replacing and upgrading the physical plant of the Veterans Memorial Hospital in the Philippines, and for training health personnel at that facility. This latter sum is an extension of authorities which expire June 30, 1972; the former (sickle cell research) is a new authorization and is a companion authority to one of the major new thrusts of the legislation, the establishment of a sickle cell screening and treatment program in Veterans Administration facilities.

I have attached to my statement a chart indicating the estimated costs of each of the authorities of the legislation, and I would like to expand briefly on just a few of the major ones.

Expanded eligibility

The bulk of the additional funds needed as a result of the new authorities in the legislation will cover the costs of providing outpatient care to the veteran with a 50% service-connected disability ($77 million in fiscal year 1973); providing outpatient care to any veteran where it will obviate admission to a hospital ($6.7 million)—authority requested by the administration; providing inpatient and certain outpatient care to dependents of totally disabled service-connected veterans and dependents of those veterans who die from service-connected disabilities ($25.6 million), and providing care to peacetime veterans who cannot meet the costs of hospital care ($11.7 million).

Sickle cell anemia

It is estimated that an additional $2.3 million will be needed in fiscal year 1973 to provide screening for sickle cell anemia to patients at VA hospital facilities, and to veterans receiving examinations to determine eligibility for VA benefits. The bill also authorizes the VA to provide voluntary counseling, necessary hospital care and outpatient services for disabilities arising from sickle cell trait or anemia to the veterans and counseling, and screening to the veteran's spouse, if requested. This new program will enable a great many black veterans and their families who would not otherwise have the opportunity, to receive sickle cell screening examinations, counseling and treatment.

As I stated earlier, in Fiscal Year 1973, $3 million is authorized for research in sickle cell anemia, and I urge, Mr. Chairman, that you recommend appropriations at the full level authorized. This amount will enable the Veterans Administration to build upon the studies it is presently undertaking in sickle cell disease—extending its multi-hospital cooperative studies to double the number of hospitals now involved, and extending clinical information retrieval to all VA hospitals. The VA will also be able to establish in FY 1973 a single laboratory devoted to work in genetic modification, a highly technical and most promising area of basic research indicating there may be a way to correct the abnormality in blood cells of individuals with sickle cell anemia. With the substantial proportion of hospitalized veterans who are susceptible to sickle cell trait or anemia—over 16% of VA hospital patients last year were black—and with the unique ability of the Veterans Administration medical facilities to conduct research under identical controls in a large number of clinical facilities, the potential of the Veterans Administration to achieve scientific research breakthroughs in this heretofore neglected area is outstanding.

Improvements in DM&S Personnel System

S. 2354 also makes improvements in the DM&S personnel system designed to make a career in the Veterans Administration much more attractive to scarce health professions and enable the VA to compete more effectively for their services. The costs involved in the new provisions are estimated to be $35.6 million for Fiscal Year 1973—$22.5 million of this amount for payment to nursing staff of overtime, and premium pay for night, weekend, holiday and on-call duty and $13 million to pay special salary differentials for posts that are difficult to fill and to peg general salaries geographically to an index community hospital. The additional pay authorized by the new legislation will place the nurse in the Veterans Administration facility on a par with the nurse in the community and the nurse in other Federal hospitals covered by the Civil Service in terms of pay benefits.

Mr. Chairman, at this time we are negotiating with the House Veterans' Affairs Committee to resolve the differences between the House-passed bill and the Senate-passed bill. We are making very steady progress, and I hope to send to you very shortly a supplemental report on the funds that will be required by the provisions finally agreed upon by both Houses.

Mr. Chairman, I am grateful to you for all your past help. I hope you will give the same sympathetic consideration to the recommendations that I have made for fiscal year 1973 as you have to my recommendations for the past two fiscal years. My staff and I are available to discuss any of the matters included in my testimony.

ESTIMATED COSTS OF PROGRAMS AUTHORIZED BY THE VETERANS HEALTH CARE EXPANSION ACT OF 1972

[In millions]

Section and description	Fiscal year— 1973	1974	1975	√ 1976	1977
TITLE I					
101(a), contract care	(1)				
101(b), family	(2)				
101(b), direct admission to VA nursing home	(2)				
101(c), home health	(2)				
102(1), peacetime	6.9	7.2	7.5	7.9	8.2
102(2), in-hospital for non-s/c	(2)				
102(3), dependents	16.9	17.7	18.6	19.5	20.5
103(a), outpatient care "obviates"	6.7	7.0	7.7	8.1	8.5
103(a), outpatient care, 50 percent disabled	77.2	78.6	79.4	80.2	80.2
103(a), outpaitent care, dependents	8.7	9.1	9.5	10.0	10.5
103(a), outpatient care, peacetime	4.78	5.02	5.27	5.53	5.86
103(b), annual report, new eligibility	(2)				
104(a), military to comm n/h	(2)				
104(b), NH standards	(2)				
104(d), to comm, n/h after VA exam for s/c	(3)				
105, earthquake loss	(2)				
106 (a) and (b), reimbursable emergency care	(3)				
107, extend authority for grants, Philippines veterans hospital	2.1	2.1	2.1	2.1	2.1
108, sickle cell screening	2.3	2.3	2.3	2.3	1.3
108, research	3.	4.0	5.0		
Title I, subtotal	128.58	133.02	137.37	135.63	137.16
TITLE II					
201, index hospital	(2)				
202, new ACMD's	.080	.084	.089	.094	.099
203–205, physicians' assistants under title 38	(2)				
206(1), upgrade officers	.087	.091	.094	.099	1.03
206(1), physicians' assistant pay grade	(2)				
206(2), Nurse, LPN and NA premium pay	22.5	24.8	27.1	29.5	31.9
206(2), apply to physicians' assistants	(2)				
206(2), pay to meet competition	13.0	13.7	14.5	15.2	16.1
207, physicians' assistant to title 38	(3)				
208, technical	(3)				
209(1), longer temporary appointments	(3)				
209(2), central administration	(3)				
209(3), physicians' assistants GI bill	(3)				
210, malpractice	(3)				
211, technical	(3)				
Title II, subtotal	35.667	38.675	41.783	44.893	49.129
TITLE III					
301(a), bed minimum	(2)				
301(b), earthquake resistant structure	(2)				
302(1), land jurisdiction	(3)				
302(2), lease waiver	(3)				
302(3), technical					
303(1), clarify sharing	(3)				
303 (2) and (3), (a) sharing excess beds	(3)				
Title III, subtotal					
TITLE IV					
401, extend authority for VARO Philippines	(3)	.975	.975	.975	.975
402, phone installation	.003	.003	.003	.0035	.0038
402(a)(2), (3) and (b) VA State home grant, percent increase	2.7	2.7	2.7	2.7	2.7
Title IV, subtotal	2.703	3.678	3.678	3.6785	3.6788
Grand total	166.950	175.373	182.831	184.2015	189.9678

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[1] Included in sec. 102(3).

[2] No estimate.

[3] No cost.

U. S. SENATE,
Washington, D.C., September 14, 1971.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I have been deeply concerned about the possible effects on the Department of Medicine and Surgery of the Veterans Administration of delays in allocating the full VA FY 1972 appropriation and of your recently announced proposal to reduce the numbers and average grade level of federal employees.

For years, as you know, the VA hospital system has been operating at a staff level considered to be below that necessary to provide adequate medical care to the nation's veterans. This fact was brought out as a result of hearings which Chairman Olin E. Teague of the House Veterans Affairs Committee and I, as chairman of the former Subcommittee on Veterans Affairs, held last year on the quality of care provided our Vietnam veterans. I know you understand the great need for increasing funds to operate the Veterans Administration medical system and was particularly gratified that as a result of appropriations committee and congressional action, the administration had by the end of June 1971 increased the VA medical staff by over 6.4 percent over the preceding year.

Funds for the VA hospital and medical program in the recent appropriations bill (P.L. 92–78) which you signed into law August 10, if fully allocated, will bring the level of patient care, medical research and education to a point where the VA hospital and medical program will be capable of adequately meeting the demands placed upon it. The amount decided upon was reached only after considerable deliberation on the part of members of the appropriations committees of both bodies, and after consideration of a great deal of testimony presented by public witnesses at extensive hearings both of the Health and Hospitals Subcommittee of the Senate Veterans Affairs Committee on April 27-29 and of the House Veterans Affairs Committee throughout May. I respectfully urge you to direct OMB to allocate fully to the VA all funds appropriated in the four medical items (medical care; research; construction; miscellaneous). This allocation must take place without delay—by September 30 to prevent antideficiency problems—or the substantial advances all too recently made will be lost and disabled veterans and their loved ones will be the victims.

Also, I urge that the VA be directed to implement the mandate of P.L. 92–78 that the VA average daily hospital patient census for FY 1972 not be less than 85,500.

With regard to your August 15 Executive Order No. 11615 as it affects federal employment, a five percent reduction in Department of Medicine and Surgery employment would result in largely dissipating the increase made at the end of FY 1971 and would be totally inconsistent with providing quality care to our disabled veterans. Imposition of a five percent employment reduction on the VA hospital and medical program would work a cruel hoax on our disabled veterans and their families who just now have been promised the improvement in care we in the Congress and the executive branch have sought for them. Such a rollback would also create a great and highly counterproductive demoralization among health service personnel working within the VA hospitals.

I feel sure you wish as much as I to avoid this kind of disruption of the VA hospital and medical program. Thus, I request that under the "health and safety" exception in paragraph 3 of OMB Bulletin No. 72–5 of August 25, 1971, you direct that all VA personnel employed in the hospital and medical program be exempt from the five percent reduction and also direct OMB to provide the widest possible latitude to the VA in adapting to the average grade reduction requirement.

I very much hope that this letter will be brought to your personal attention and that I may receive a favorable and prompt reply to the recommendations I have made to ensure continuation of quality health care for our veterans.

Sincerely,

ALAN CRANSTON,
Chairman,
Subcommittee on Health and Hospitals.

U.S. SENATE,
Washington, D.C., April 24, 1972.
Hon. ALLEN J. ELLENDER,
Chairman, Committee on Appropriations,
New Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: I note that the administration has requested, in its supplemental 1972 budget request, the transfer of $1,924,000 from the FY 1972 appropriation for VA Medical Care to the appropriation for Medical Administration and Miscellaneous Operating Expenses.

According to the request, this amount would be utilized "to continue the program of exchange of medical information for an additional four years."

The description of the utilization of this amount is very unclear as to the time period for which the administration is requesting funds to expend to carry out this program.

In any event, I believe this figure to be totally inadequate. I wrote Senator Pastore on December 3, 1971, asking that at the time the second supplemental is considered his Subcommittee recommend a supplemental appropriation of $3 million for FY 1972, the full amount authorized, for Exchange of Medical Information programs. I would like to stress to you my strong feeling, based on a careful evaluation of this program, that $3 million annually is needed to provide adequate support to innovative efforts in this field. I strongly urge that you give every consideration to recommending an additional $3 million in MAMOE for the Exchange of Medical Information program in the supplemental bill you report from Committee, instead of accepting the administration's suggestion for a transfer of funds.

In July, 1971, when H.R. 9382, which included the VA appropriation items, was under consideration on the floor, Senator Pastore said to Senator Hartke, Chairman of the Committee on Veterans' Affairs: "So far as that [medical information program] is concerned, when it comes up in the first supplemental, I will be for it and I will go along with the $3 million."

Authority to extend this program at the $3 million level of appropriation authorization was granted by P.L. 92–69, signed by the President on August 6, 1971. Unfortunately, enactment of this legislation occurred too late to authorize inclusion of an appropriation for Exchange of Medical Information in the Fiscal Year 1972 appropriation in P.L. 92–78.

Programs under this authority are used primarily to strengthen medical programs at Veterans' Administration Hospitals not affiliated with medical schools and located at some distance from major medical centers. These programs also foster the widest possible consultation and cooperation between VA staff and community medical professionals in providing treatment to VA beneficiaries, and in maintaining a stimulating educational environment for staff and community medical professionals.

These purposes are being accomplished through the exchange of the most advanced medical and scientific information and techniques between VA facilities and medical schools or medical centers, including closed-circuit television, single-concept films, and other similar advanced utilization of media.

One of the most exciting developments I have witnessed in the VA has been the utilization of closed-circuit television in the treatment of patients and in the training of staff. These programs are now in effect at 17 hospitals, and, I believe, could appropriately be extended to a good many more.

These and the many other innovative approaches sponsored under this activity deserve full congressional support. I hope you will agree that an appropriation of $3 million (the full amount authorized) will be a wise investment in a program with the potential of a great return not only for the VA beneficiaries, but also for the general medical community.

Sincerely,

ALAN CRANSTON,
Chairman,
Subcommittee on Health and Hospitals.

U.S. SENATE,
Washington, D.C., April 24, 1972.
Hon. ALLEN J. ELLENDER,
Chairman, Committee on Appropriations,
New Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: There is an issue, of an emergent nature, which I wish to bring to your attention at this time while you are considering the supplemental appropriation for FY 1972 for the Veterans Administration. I refer to the emergency situation at the Los Angeles hospital and the resultant urgent need to expedite as much as possible planning, design and construction of a replacement for the Wadsworth facility (for which $20,040,000 is included in the FY 1973 Construction item request). As you know, seismic studies indicated that the present facility is unsafe, and, as a result, all the patients have been transferred to other hospitals or to the Extended Care Hospital in West Los Angeles, where a 530 bed makeshift General Medical and Surgical Hospital will be maintained in affiliation with the UCLA School of Medicine until a replacement hospital is completed. Although renovations and alterations will be made to the pre-World War II former Extended Care Hospital facilities, this "interim" hospital will be, at best, a stopgap measure, from the point of view of patient care and comfort, employee morale and teaching capability.

Therefore, I recommend that you include in your Committee Report on the Second Supplemental Appropriation bill a direction to the Veterans Administration to expend carry-over construction money (about $16.7 million at close of FY 1972) for the purpose of beginning immediately and expediting the planning, surveying, design and site preparation for the Wadsworth replacement hospital, rather than waiting for enactment and apportionment of the FY 1973 appropriation. Immediate action would reduce the period of time that makeshift arrangements will be in effect and that much more quickly provide for the high quality medical care our veterans deserve in the Los Angeles area.

In my recommendations to the Subcommittee on Housing and Urban Development, Space, Science regarding the VA FY 1971 and 1972 medical and hospital program budgets, I have twice identified the Wadsworth Hospital as a grossly inadequate hospital facility based on my findings from extensive hearing testimony. These recommendations were both made long before the seismic instability findings were made. Needless to say, the evacuations and the resulting establishment of the "temporary" Wadsworth hospital have made a bad health care situation considerably worse. That is, as unacceptable as the now condemned Wadsworth buildings were to provide for good quality, modern health care, the "temporary" Wadsworth facilities will be even more unsuited for this purpose. Hence, the real urgency to move ahead as quickly as possible, and this appeal for your support and assistance toward that end.

For your background information, I am enclosing materials describing the Los Angeles emergency situation.

With many thanks for your continued cooperation.

Sincerely,

ALAN CRANSTON,
Chairman,
Subcommittee on Health and Hospitals.

Statement of Senator Alan Cranston (D., California), Chairman, Subcommittee on Health and Hospitals, Committee on Veterans' Affairs, Regarding VA Announcement of Evacuations of Patients From Buildings at VA Hospitals in Los Angeles, Livermore, and Menlo Park, Calif.

JANUARY 17, 1972.

The decision announced by the Veterans Administration last Friday is a responsible action. It is clear that the buildings involved would not withstand a major earthquake striking in their vicinity and that the areas in question are subject to seismic disturbance. Seismologists generally agree that sometime within the next 30 years California will experience an earthquake equal to or greater than the 1906 San Francisco quake and many times more severe than last February's San Fernando earthquake. It would be sheer folly and the heighth of irresponsibility to fail to take precautionary steps now to evacuate buildings of demonstrated insecurity in the face of such a grim threat.

But in another respect, the decision is regrettable because it will, of necessity, create enormous personal problems and hardships for thousands of veteran patients and VA employees. Virtually all of the patients care facilities at the Wadsworth VA hospital (involving some 620 patients and 791 beds) are to be evacuated; some 1200 domiciliary patients will be transferred and some 1270 domiciliary beds eliminated from the Los Angeles Extended Care Hospital to provide about 530 beds for Wadsworth evacuees; part of one patient building (involving 127 patients and 211 beds) at the Livermore VA hospital and the blind rehabilitation center at the Menlo Park Division of the Palo Alto VA Hospital (involving some 20 patients) also will be evacuated. As a result of these patient evacuations, a very large number of VA employees (probably about 1100) will have to be transferred.

Today's decision was made necessary by the special study which was precipitated by the earthquake which destroyed the San Fernando VA Hospital in Sylmar, California last February 9 in which 36 patients and 10 employees lost their lives. Immediately after that disaster, I personally visited the earthquake site and dispatched key staff members to conduct a special study on behalf of the Senate Veterans Affairs Committee on which I serve as Chairman of the Health and Hospitals Subcommittee. We coordinated our efforts closely with Olin E. Teague, Chairman of the House Veterans Affairs Committee, and Congressman Don Edwards who was conducting a similar investigation for that Committee.

Following our investigations, I introduced legislation to require the VA to develop earthquake and other natural disaster resistance standards for all VA medical facilities and to study all such facilities to determine earthquake and disaster resistance. Such standards will take into account local conditions.

At the same time, the Veterans Administration undertook systematic surveys to determine seismic safety of all VA buildings on the West Coast which do not satisfy local earthquake resistant construction standards. Both Congressional Committees stayed closely in touch with the Veterans Administration throughout this process by repeated inquiries about those studies and forthcoming actions based on them.

As soon as the VA's January 14 decision was announced, my staff both here and in Washington began an exhaustive series of meetings and discussions to gather all the facts and gain the widest possible understanding of the implications of the actions which lie ahead. We met with VA officials, employees and employee union representatives, concerned citizens and veterans organization representatives and medical school deans. I thank all those who assisted us so generously and willingly in this investigation.

Now it is vital that all of us work together to ensure that the evacuations and transfers of patients and employees are carried out with the highest degree of speed, efficiency, sensitivity to individual circumstances and human compassion and understanding. The responsibility to carry out this type of programs lies squarely with the Government, both morally and legally. Those patients involved, as the law fully entitles them to, have entrusted themselves to the care of the Veterans Administration and have made plans in reliance on the VA's assumption of the responsibility to provide for their care in accordance with statutory authority.

Taking preventive action now against a possible future earthquake will be inconvenient for both patients and staff. But it will, hopefully, save and preserve human life—the very purpose of hospital facilites. It is essential that the Government make sure that quarters for our aged, sick and disabled veterans are safe.

I know that all VA employees at these institutions and those receiving evacuated patients will do the very best they can. And I am equally confident that the affiliated medical schools will respond with the same high sense of medical and human priority. UCLA will be intimately involved at the Wadsworth Hospital, Stanford University at the Palo Alto VA Hospital and the new San Diego Medical School at the just completed San Diego VA Hospital which will begin receiving transferred patients shortly.

The VA is being faced with an extremely demanding set of responsibilties. It is imperative that patient evacuations be carried out with extraordinary patience and competence. Additional skilled counselors must be provided to ensure that each patient is personally counseled about his or her future care and that each staff member, as well as each patient, is given full opportunity to receive prompt answers to all questions. The VA has advised me that in addition to career VA employees, all career conditional (nontemporary or limited civil service appointees) employees and Veterans' Readjustment Appointees (recent Vietnam era veterans) will be ensured the offer of transfer to another VA job. Only about 60 Los Angeles employees of 1100 VA employees affected by the evacuations will not be protected.

I have also been assured by the VA Medical District Director that a personalized approach will be followed, although not to the degree I feel is required.

The same high priority consideration shown hospital and nursing home patients must be shown the 1200 domiciliary patients who presently occupy buildings which must be vacated. For each domiciliary patient, the present situation poses an enormous disruption to personal convenience, stability, life style, and, perhaps, health. I have found that these men and women unfortunately often receive the latest consideration and concern from the VA. As I understand it, the options open to the domiciliary patients are to accept transfer to other VA domiciliary or hospital facilities (principally in Temple, Texas, Vancouver, Washington, White City, Oregon, and Tucson, Arizona); to be transferred to available community accommodations; or, where they qualify for skilled nursing home care, to be transferred to an approved community nursing home at VA expense for a minimum of 180 days.

These alternatives may be fine for some, but may be unacceptable or inappropriate for many others. There are few, if any, similar rehabilitation medical/social facilities in the community comparable to the VA Domiciliary in West Los Angeles. I cannot stress too strongly my concern that everything possible be done to see that a sound, healthful and compassionate placement is reached for each and every domiciliary patient and that the process does not reduce itesif to the arbitrary offering of inflexible alternatives.

At the same time that we must focus on providing for the immediate needs of individuals, we must keep sight of the effect of these decisions upon the patient care potential of VA facilities in both Northern and Southern California. And we must make a concerted effort to see that this potential is not reduced for any longer than is absolutely necessary as a result of these emergency measures.

It is my understanding that, after all the transfers and evacuations are made, there will be a statewide reduction of 472 general medical and surgical beeds (261 at Wadsworth and 211 at Livermore) in patient care potential. (This reduction is not overcome by the new beds at the San Diego VA Hospital which was already scheduled to begin receiving patients shortly.) This is equivalent to the loss of an average size VA hospital. In addition, in Southern California alone we will lose a total of 1960 other patient beds as follows: domiciliary, 1270; intermediate, 290; nursing home, 225; restoration center, 175.

These are the facts even though attempts may be made to rationalize and explain these losses by citing the availability of some open beds in nearby VA facilities to accommodate some transferred patients and laying greater stress on ambulatory care. The long range question is the potential patient care capacity for VA beneficiaries in California, and that has been reduced by a total of 2432 beds at a time when it is clear the veteran demand for VA hospital, nursing home and medical care is growing and will continue to expand for quite some time.

It is, therefore, tragic that the VA announcement did not include a commitment to replace immediately the lost facilities and to ensure a continuation of adequate VA patient care capacity for California's's veterans. In order to achieve this, I wrote to the President on Friday outlining a series of steps which I believe will restore the VA health care capacity in the immediate future for California's veterans.

1. I urged the President to include in a supplemental FY 1972 budget request and in his FY 1973 budget (to be transmitted to the Congress at the end of this month) adequate construction funds to plan and complete in the next 18 months construction of an earthquake resistant replacement hospital (for Wadsworth as well as the Brentwood Hospital). This action was needed even before the seismic instability of Wadsworth was discovered. I conducted a special investigation which led me to recommend to the Senate Appropriations Committee, both in 1970 and again in 1971, that the Wadsworth VA Hospital be replaced because it was medically inadequate. I made similar recommendations each year for the Brentwood Hospital.

In my letter, I urged the President to add approximately $50 million to the VA construction item to bring about a replacement hospital for both Wadsworth and Brentwood at the earliest possible time. The domiciliary facilities which will be hastily renovated will provide only the most rudimentary hospital-type medical and physical support. These converted facilities will just not be suitable for anything but an interim period while fully appropriate and modern medical facilities are constructed.

Although I think the Veterans Administration can best determine the site for such a replacement hospital in the Los Angeles area, it seems quite logical, since speed will be of the essence to build in the large tract of VA land in West Los Angeles. This would eliminate much necessary site and land negotiations and arrangements and allow for continuation of the excellent, mutually productive affiliation with the UCLA School of Medicine.

2. If the West Los Angeles site is selected for a replacement hospital, we must come to grips with the needs of many veterans in the Los Angeles area who, because of geography and lack of adequate public transportation, are unable to reach the West Los Angeles site, the center city VA Outpatient Clinic, or the VA hospitals at Long Beach, Sepulveda, or the proposed hospital at Loma Linda. I am thinking particularly of the many Chicano

and black veterans living in the East and Southcentral Los Angeles areas who have long sought the construction of a VA hospital affiliated with the USC School of Medicine-Los Angeles County Medical Center in the East Los Angeles area. Because it seems unlikely the VA would agree to construct two more new hospitals in the Los Angeles area (considering that a new Loma Linda VA hospital has been announced, the new San Diego VA hospital is about to open, and construction is ready to begin on a replacement hospital for the Fort Miley VA hospital in San Francisco), I recommended to the President that funds be requested for a new out patient clinic to be opened in East Los Angeles in affiliation with an appropriate medical institution. Such a clinic, at least as an interim measure, would facilitate the diagnosis and treatment of disabled veterans in that area and their transportation to the appropriate VA hospital when indicated.

3. I recommended to the President that funds for the planning and expedited construction of the Loma Lina Hospital, which he announced in August of last year and which is intended in part to make up for the beds lost in the collapse of the San Fernando VA Hospital a year ago, be provided in a FY 1972 supplemental and the FY 1973 budget request.

4. Regarding Northern California, I recommended to the President that the construction of the Fort Miley VA replacement hospital in San Francisco be funded in the same urgent manner in order to compensate somewhat for the lost beds in the north. The delays in initiating construction there must be overcome immediately. It may now also be desirable to consider retaining some beds in the present Fort Miley hospital after the replacement hospital is completed.

If all of these recommendations receive the same urgent attention which has been assigned to the necessary evacuations and transfers, the medical care needs of veterans in California will be adequately met. Otherwise, we will find existing California VA facilities (many of them already hard-pressed) severely overburdened and unable to meet the health needs of three million California veterans, well over half a million of whom have recently been discharged and face so many especially severe problems.

As Chairman of the Veterans Affairs Subcommittee on Health and Hospitals, I plan to continue our very close observation of the planning and implementation of the evacuations and transfers. This will be the primary responsibility of one of my field office staffers. We in Washington will maintain close contact with the situation, working with VA medical officials in Washington, D.C., and do all possible to see that maximum compassion and sensitivity are exercised and that my recommendations to the President for construction are implemented as rapidly as possible.

JANUARY 14, 1972.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing with reference to the announcement by the Veterans Administration today regarding the necessary evacuation of some 2,000 patients in VA hospitals in Northern and Southern California due to a finding that certain VA buildings are not seismically secure. Although this will cause great inconvenience and discomfort to thousands of patients and VA employees, I recognize it is a necessary and responsible action.

I have expressed my concerns about the evacuation and transfer plans to high VA medical officials. I am writing to you about the implications of the evacuations and transfers in terms of the patient care capability of VA facilities in both Northern and Southern California.

It is my understanding that after the evacuations and transfers are completed, the VA will have 300 fewer operating general medical and surgical beds and approximately 1,500 fewer domiciliary beds available in Southern California. (This is not overcome by the opening of the new San Diego VA hospital which already was scheduled to begin receiving patients very shortly to meet the great veteran patient demands in that area over and above the demands created by the present emergency.) Elimination of this patient care capability is entirely inappropriate and unacceptable at a time when California's three million veterans' needs for patient care are clearly increasing, both in terms of the more than one-half million recently returned Vietnam veterans and the advancing age of our veterans of previous wars. I, therefore, urge that you include in your FY 1973 budget sufficient funds (approximately $50 million) in the VA medical facilities construction item to plan and construct in the Los Angeles area a replacement hospital for both the Wadsworth and the outdated neighbor Brentwood hospital in the Los Angeles area during the next 18 months.

The domiciliary facilities which are to be temporarily renovated to receive many of the Wadsworth non-acute transferred patients are acceptable hospital facilities only for the very shortest possible interim period. Permanent, modern hospital facilities must be provided to replace these converted facilities which, in my view, should as soon as possible be returned to use as domiciliary facilities to minimize the damage that will be done by the present reduction of 1,500 domiciliary beds in California.

If, as appears likely to me (in view of the need for speedy action and continuation of the excellent affiliation with the UCLA School of Medicine), a replacement hospital would be situated on the VA West Los Angeles property, I also urge you to include funds in a FY 1972 supplemental budget request and the FY 1973 budget to establish an out-patient clinic in East Los Angeles, affiliated with an appropriate medical institution, to serve the many veterans (particularly chicanos and blacks) in East Los Angeles and Southcentral Los Angeles who have great difficulty, in view of the lack of public transportation, in reaching the West Los Angeles VA hospital, or the proposed Loma Linda VA hospitals. The Los Angeles County Board of Supervisors, the University of Southern California School of Medicine, the American GI Forum and many other veterans and community groups have for some time been urging that the VA complete its plans to construct a new VA hospital in affiliation with the USC-LA County Medical Center, as had been originally planned until the Hazard Park site was abandoned. I believe that a well planned out-patient clinic could fulfill many of the veteran medical care needs in that area, at least on an interim basis.

Also, I believe that the present emergency situation—the elimination of both the San Fernando hospital a year ago and the Wadsworth hospital now—makes it absolutely necessary that the construction of the new Loma Linda hospital, which you announced in August of last year, proceed with all possible dispatch through planning, design, and construction in order to diminish the extreme burden which has been placed on the two remaining hospitals in the Los Angeles area, Sepulveda and Long Beach.

In terms of Northern California's VA medical care capability, we will be losing somewhat less than 200 beds as a result of the Livermore hospital evacuation. To help meet this situation, I urge that all impediments to proceeding with construction of the Ft. Miley VA replacement hospital (ready to break ground now) be removed and that sufficient funds be included in an FY 1972 supplemental appropriation request and the FY 1973 budget to expedite construction and completion at that site at the earliest possible date.

We have no choice but to do all possible to provide for the health and welfare of our nation's veterans, particularly the three million ex-servicemen who reside in California and who face so many especially severe problems. I respectfully urge that you give the most serious personal attention to my recommendations in order to avoid the potentially disastrous consequences which the present emergency measures threaten to the future availability of health care for California's veterans.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, Committee on Veterans Affairs.

Mr. CRANSTON. The committee has been very responsive to that testimony.

I should like to cite from the report, first, the fact that $54,580,000 has been appropriated above the budget estimate for medical care, and that is a very important step forward. Second, and very important, the maintenance of an average daily patient census of 85,500 has been authorized, which is tremendously important and is a great step forward. Most significantly, within that is the fact that 400 full-time equivalent employees for spinal cord injury units have been added, in order to bring the staff-patient ratio finally up to the necessary 2-to-1 figure. That is a very important step forward, for which I congratulate Senator PASTORE and Senator ALLOTT.

Another point that is very important relates to the matter of grade levels and their reductions. I read three paragraphs from the report:

> The Committee recognizes that providing for minimum levels for the average daily patient census and the number of operating beds nationwide deals only with the quantitative aspect of the VA medical staffing situation. The Committee is also extremely concerned about the adverse effect upon the quality of VA medical care that is being produced by the hospital-by-hospital actions to comply with the Office of Management and Budget requirement that a 1/10 grade average reduction be achieved within the Department of Medicine and Surgery by June 30, 1972.
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> The Committee has been advised that this has produced a serious morale problem within the Department of Medicine and Surgery, and if, as apparently is contemplated by OMB, further grade controls are imposed in fiscal year 1973, the very unsatisfactory medical care and staffing situation which existed 18 months ago could well be reestablished. The Committee believes that any such retrogression would be totally unacceptable and must be avoided. Thus, in order to ensure a continuation of quality, as well as an adequate quantity, of medical care for members of the Armed Forces wounded in Vietnam and other disabled veterans, the Committee directs that no part of any appropriations to the Veterans Administration for fiscal year 1973 shall be restricted as to availability by the imposition of administrative controls on the grade distribution of employees engaged in any part of the VA medical and hospital program (including support and administrative personnel).
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> In this connection, the Committee concurs with the House and is concerned that current illogical employee ceilings and general grade distributions are hindering the efforts to hire and retain sufficient high-quality staff in the medical programs. The Committee feels that if this situation is not corrected it

will have to consider taking the necessary action to effect correction at an early date.

Mr. President, I ask the distinguished Senator from Rhode Island whether it is correct that the committee is saying, in effect, that the grade reduction control is not to be imposed on the VA medical program in fiscal year 1973.

Mr. PASTORE. That is correct.

Mr. CRANSTON. I thank the chairman, because that is a very important aspect of the work that the committee has done and that we have been doing together.

I should also like to comment on one other aspect of the report in a very positive way. It relates to the construction of hospital and domiciliary facilities.

Senator Magnuson and I proposed that much be added here. In consequence of our efforts and the efforts of others—and, again, the leadership of Senator Pastore and Senator Allott—some $28,342,000 has been added over the budget estimate, and that will cover 12 projects—incidentally, not one of them in my own State of California, but I am delighted that this is happening elsewhere.

Mr. PASTORE. Well, a soldier is a soldier, and a veteran is a veteran, no matter where he happens to be in America. We all believe in that. None of this money comes to Rhode Island, but that is of little consequence. So long as it takes care of veterans, we do not care to what State it goes.

Mr. CRANSTON. Absolutely. And it is very important that it has been accomplished.

Since the testimony I referred to earlier, which I submitted to the committee, new data has been developed through a survey conducted by the House Veterans' Affairs Committee, showing the total VA hospital program needs of $208 million for hospital-by-hospital needs throughout the country. I ask unanimous consent that charts showing the results of the House survey be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. I should like to praise Chairman Teague of the House Veterans' Affairs Committee and his excellent staff, and the entire committee, for their cooperation with us in working on this project and in preparing the data which leads to what I am now going to say.

I selected items from the survey that was made by the House, following certain information available to us and to my staff, plus needed staff increases which VA asked OMB to increase: For example, the hospital-to-patient ratio from 1 to 1.64, instead of 1 to 1.49, as in the budget. OMB said, "No." Also, amounts are needed when new authorization is enacted in House Joint Resolution 748 and H.R. 10880. Both already have been passed by the House.

I refer to a chart, which I ask unanimous consent to have printed at this point in the Record.

There being no objection, the chart was ordered to be printed in the Record, as follows:

Proposed Cranston VA Medical Amendment to H.R. 15093

MEDICAL CARE ITEM

1. Fee dental, $5,311,031:

To meet hospital-by-hospital estimate for fee dental care not funded in FY 1973 budget (based upon House Veterans Affairs Committee survey) or covered by $5 million OMB release of frozen FY 1972 appropriations.

2. Staff, $93,000,000:

To support an increase in hospital staff-to-patient ratio requested by VA from OMB form 1.1.49 to 1:1.64 (12,900 FTEE) for the 85,500 census required in the bill.

3. M&R (non-recurring), $61,231,102:

To meet hospital-by-hospital estimate for non-recurring maintenance and repair not funded in FY 1973 budget (based upon House Veterans Affairs Committee survey).

4. H.J. Res. 748, $80,000,000: [1]

To fund the Veterans Administration Health Manpower Training Act as passed by both Houses (H.J. Res. 748) at the level tentatively agreed to in House-Senate negotiations (Senate version—$125 million; House version—$33 million).[1]

5. H.R. 10880, $103,000,000: [1]

To fund expansions of hospital care and medical services eligibility in provisions passed by both Houses (H.R. 10880) at the level tentatively agreed to in House-Senate negotiations (Senate version $168 million; House version—$48 million).[1]

Subtotal, $342,542,133.

MEDICAL AND PROSTHETIC RESEARCH ITEM

Sickle cell research, $3,000,000: [1]

To fund the sickle cell anemia research line item authorization in H.R. 10880 as passed by the Senate (and agreed to tentatively in House-Senate negotiations).[1]

Total, $345,542,133.

Mr. CRANSTON. The chart summarizes what these needs are. The first three relate to open-ended items that do not require authorizations.

The first is for fee dental to meet hospital-by-hospital estimates for fee dental care not funded in fiscal year 1973 budget—based upon House Veterans' Affairs Committee survey—or covered by $5 million that OMB has released from frozen fiscal year 1972 appropriations. I believe that $5,311,031 should be added for this.

Second, for staffing to support an increase in the hospital staff-to-patient ratio requested by VA from OMB from 1 to 1.49 to 1 to 1.64, which would be 12,900 FTEE, for the 85,500 census required in the bill. That would necessitate $93 million.

Third. On M. & R. nonrecurring, to meet hospital-by-hospital estimates for nonrecurring maintenance and repair not funded in the fiscal year 1973 budget, based upon the House Veterans' Affairs Committee survey, it would require $61,231,102.

Fourth. With reference to House Joint Resolution 748 which, incidentally, I believe will be fully enacted sometime in July, that is to fund the Veterans' Administration Health Manpower Training Act as passed by both Houses—House Joint Resolution 748—at the level tentatively agreed to in House-Senate negotiations. The Senate version was $125 million. The House version was $33 million. I am sure that a figure between those two figures will be agreed on. I believe that $80 million would be an appropriate figure for all those needs.

Fifth. With regard to H.R. 10880, on which I predict enactment, hopefully in July, to fund expansions of hospital care and medical services eligibility in provisions passed by both Houses—H.R. 10880—at the level tentatively agreed to in House-Senate negotiations—the Senate version is $168 million and the House version is $48 million—$103 million would be the appropriate figure there.

Mr. President, it is very important that when these programs are enacted, funds not be diverted from other needed programs to meet those programs. Knowing that we have not yet had an authorization, I hope we could make passage of these additional appropriations contingent on enactment of the authorizing legislation, as it appears in this bill for the HUD and NSF programs.

Finally, there is the matter of medical and prosthetic research, and sickle cell research, to fund the sickle cell anemia research line item authorization in H.R. 10880, as passed by the Senate and agreed to tentatively in House-Senate negotiations. That would be another $3 million, for a grand total here of $345,542,133.

Mr. President, a number of Senators have approached me about this matter and asked what might be done in regard to the pending measure. They are the Senator from Indiana (Mr. Hartke), the chairman of the Veterans' Committee; the Senator from West Virginia (Mr. Randolph), a member of that committee, who is most interested in funds for House Joint Resolution 748; the Senator from Vermont (Mr. Stafford), a member of the committee; Senators Bentsen, Fulbright, and others.

These and other Senators have hoped that we might take some action that would insure that we will be able to meet these needs. I recognize the problem, based on my conversations with the Senator from Rhode Island (Mr. Pastore) in order to achieve that end at this time.

I would like to ask when we might be able, as the authorization measures have been finally enacted and as the figure arrived at can be looked at, when will the supplemental appropriation bill be before us when we might, hopefully, take action on these matters?

Mr. PASTORE. I cannot put my finger on a definite date, because it originates in the House and then it all depends when it comes to the Senate; but before we go home, surely, before we adjourn sine die, we will have, at least, one supplemental. There is no question about it.

I want to say to my good friend from California, first, a word of praise for him. I do not think there is a Member of this body who is more dedicated and more conscientious in carrying out the responsibility which has been assigned to him as a member of the Veterans' Committee. I must admit, frankly, that he has become the legislative watchdog for the protection of our veterans and their medical care.

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[1] To be made contingent upon the enactment of new authorizing legislation.

H.J. Res. 748 passed the House on July 19, 1971, and passed the Senate on April 27, 1972.

H.R. 10880 passed the House on October 4, 1971, and passed the Senate on May 4, 1972.

$186,000,000 made contingent upon the enactment of new authorizing legislation.

I want to say for the Senate and for the House that I do not think there is an individual in Congress—and I am talking about 535 Members now, 435 Representatives and 100 Senators—who would deny one nickel for the medical care of our veterans.

That leads me to the consternation—I will use that word—that I experienced with the Office of Management and Budget. Why, in heaven's name, would they find it necessary to freeze funds, funds which Congress voted for the care of veterans? It is beyond me. This is not a dollars and cents issue. It is a "gut" issue of human beings who have served their country, especially in cases where some veterans have been injured in Vietnam with the modern implements of war, where we have seen photographs of veterans who cannot even light their own cigarettes because they have been so maimed.

Congress has been generous.

So has the distinguished Senator from California (Mr. CRANSTON). I have always found it a source of great delight to work with him on some of these appropriations.

So far as dental care is concerned, I understand that the Office of Management and Budget has now decided to unfreeze $5 million.

With regard to some of the other items, particularly items 4 and 5, the authorization has not yet been enacted with reference to those two. The Senate has taken action, and the House has, but the items have not passed and been enacted into law. This takes care of the increase in veterans care after July 1 of this year. For that reason, I think it merits serious consideration when the first supplemental comes up. The same applies to the other items. We have concurred in the increase made by the House in the veterans budget for medical care of $54,580,000. We enumerated certain items in which the Senator is interested. I think that his original request was for an increment of about $60 million——

Mr. CRANSTON. That is correct.

Mr. PASTORE. The House allowed $54,580,000, as I just indicated. We thought that was close enough to the request made by the Senator.

On behalf of the Senator from Colorado and myself, I want to say to the Senator from California that the explanation he has made today will serve a good purpose. We have always been amenable to his requests and we always give him the benefit if there is any doubt. We shall continue to do that.

With reference to the $28,342,000, the so-called Magnuson amendment, there again, as the Senator pointed out, it does not affect any veterans' hospital in my State, or the State of the Senator from California. The fact remains that we should have a long-range plan. We must build more veterans' hospitals. We have some hospitals today which are very old, which were built for the veterans of World War I. They are so archaic in every respect—many of them need to be modernized, remodeled, and air conditioned. New ones need to be built, because our population is changing and moving from one place to another. We all recall the Bronx hospital situation, which is a sad commentary on a country that can spend $5 billion without blinking an eye to continue the bombing of North Vietnam and mining Haiphong—I do not want to make an analogy here—but we seem to be able to find the money. Yesterday, we almost doubled the amount of money going to Bangladesh, which is a good thing to do, but we seem to find money easily to help other people anywhere else in the world but in our own country. When it comes to helping our own people, or helping our veterans, they always seem to talk about a deficit and how much money we do not have.

I say that if we have one single nickel available for our veterans, let us spend it on them, because it is necessary.

I would hope that the Senator from California would continue to cooperate with me and the Senator from Colorado (Mr. ALLOTT) and let us see if we cannot do something about the items he has mentioned when the first supplemental comes up.

Mr. CRANSTON. Mr. President, I thank the Senator from Rhode Island very much for his generous remarks about my efforts as chairman of the Subcommittee on Health and Hospitals.

I thank the Senator from Rhode Island and the Senator from Colorado (Mr. ALLOTT) for all that they have done in the past to help meet these needs.

I had intended to offer an amendment that would seek to get the funds which I think are needed here, but in view of the Senator's assurances that these matters will be looked into with great care, and that we can count on his help when the supplemental appropriations come before us and before this calendar year is over, I will not press such an amendment.

I thank the Senator from Rhode Island very much, once more, for his understanding, for his sincere help in the past, and for his future help which I know will be forthcoming.

Mr. PASTORE. I want to make a suggestion. I know the liaison which exists between his committee and Representative TEAGUE's committee. Much of this investigation was done with the cooperation of Representative TEAGUE's committee.

Mr. CRANSTON. That is right. It was done by his committee.

Mr. PASTORE. I would hope that the Senator would consult with Representative TEAGUE to see if he will not talk with some of the boys in the Appropriations Committee in the House as well.

Mr. CRANSTON. I will. We have already done that. We have a close relationship there. I think that we will find concurrence between the House and Senate.

The Senator referred to the Bronx Hospital, which situation was first brought to my attention and to the attention of the country in a famous Life magazine article 2 years ago. Two years later, on May 20, 1972, the National Observer printed an article under the headline "Neglected Heroes; Paralyzed Vets Blast VA Care." Many of these same hospitals are once again brought to the attention of the public and the conditions that still exist there are once again brought to light.

Mr. President, I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEGLECTED HEROES: PARALYZED VETS BLAST VA CARE

(By August Gribbin)

Navy Capt. John Barleon crushed his spine in a fighter-plane crash. He underwent extensive surgery to regain combat flying status, and actually flew again. But then his injury worsened.

Today, nearly totally paralyzed, Barleon fights to wiggle his wheel chair in and out of doors he can't open and elevators that stop above or below floor level. He's frustrated by vending machines whose coin slots, like the water fountains, are too high to reach.

NO PHONE CALLS

Yet Barleon lives in West Roxbury Hospital here, a Veterans Administration (VA) *center* for paralyzed veterans—where patients cannot receive incoming phone calls and must share their only recreation room with some 28 veterans' auxiliaries and nurses' groups.

Bill Pederson was manning a machine gun on a moving jeep that hit a land mine north of Hue in South Vietnam. Now Pederson, 24, also is almost entirely paralyzed.

Special aides must clothe Pederson, feed him, and swing him in and out of bed on a special lift. He says one aide who had idly ignored his repeated calls for help at the Hines (Ill.) VA Hospital finally put him in the lift and whispered, "You ever say a word or complain, and I'll let your ass fall from this thing one day."

COMPLAINTS MOUNT

VA doctors say paralyzed patients occasionally do fall from lifts and wheel chairs. But intimidation? That's rare, they say. More often, one hospital director concedes, aides unlawfully take tips or demand bribes. But he says this isn't widespread.

The maimed veterans say differently. And though the hospitalized vets almost invariably praise VA doctors and the "hard-working nurses and paramedical staff," they complain of:

Seemingly eternal waits for admission to hospitals and long delays in treatment once inside.

Unsanitary conditions in some special-treatment areas.

Delays in getting necessary personal-care supplies—including the special devices they need for urinating.

Too few toilets and lack of privacy in bathrooms.

Open wards where the racket of competing TV sets and radios create bedlam.

And, most important, of a shortage of doctors, nurses, and aides that many vets say keeps them from getting promised rehabilitative therapy.

The West Roxbury hospital, for example, has centers specializing in open-heart surgery and spinal-cord injuries. The medical director of the spinal-cord-injury center, whose role is crucial in caring for paralyzed veterans, retired 20 months ago. He hasn't been replaced.

A distressed nurse at another VA hospital says her staff is too shorthanded to carry out doctors' patient-care instructions, much less distribute painkilling medicine that patient's may have on request.

Leslie Burghoff, Jr., another paralyzed veteran at West Roxbury, puts it graphically:

"We need more people. To finish nighttime feedings in a reasonable time, it's rush, rush, rush. The aides push more food into a man's mouth than he can chew. He winds up coughing and dribbling away the meal he looked forward to. It's dehumanizing."

These grotesqueries do not infect all 166 VA hospital complexes, certainly. Yet an unpublicized General Accounting Office (GAO) investigative report, dated March 16, 1972, found serious overall shortages of VA hospital staff and space. The GAO even says the VA is operating unlawfully by not expanding to remedy critical bed shortages and admissions problems.

One VA physician told GAO investigators that staff shortages in his hospital's radiology service caused delays in interpreting X-rays. That alone could cause admission slow-ups and other delays.

Asked about paralyzed veterans' complaints, officials at the VA Central Office in Washington, D.C., reply that any big medical system has faults and that the VA probably has few, considering its size and complexity. Some officials say most gripes come from distrustful, demanding Vietnam-era vets who won't give radically new VA programs and remedial actions a chance.

Indeed, innovative VA studies do show that Vietnam vets suspect any "system." The vets grouse, then tend to "elope" from hospitals rather than confront problems. Some VA hospitals have followed VA headquarters' promptings and established "Vietnam Committees" composed of patients, physicians, and administrators who together discuss complaints and suggestions.

JUST MOODY GRIPING?

Some hospitals hold staff-patient "rap sessions" and let patients buy ward refrigerators and stock them with pizza, soul food, and the like. Other hospitals let patients decorate and furnish recreation areas at their own expense. There they may play stereos and loud rock music without annoying unappreciative older vets. Patients are also being allowed to ignore the 10 p.m. curfews.

VA spokesmen invariably stress that amputees and paralytics are moody at times, implying that their derogatory statements may have little foundation. The injured themselves explain that they go through periods of "mourning" and bitterness at their anatomical losses. During those bleak moods, they say, they tend to abuse even the best aides.

It's not surprising. The wounds of spinal-cord-injury (SCI) patients—the paraplegics and quadriplegics—utterly twist their lives.

PROBLEMS OF PARALYTICS

Paraplegics lose control of their bowels, bladders, and legs. And as former helicopter pilot David Hunter, 24, puts it, "Most of us will never father a child now." Yet sexual stimuli still affect these men. Some lose their sexual capacity entirely, and older paralytics say that overcoming the grave psychological wounds that this loss often brings is at best a wrenching experience.

Besides these losses, the quadriplegics lose some or all use of their arms. Typically they suffer from chronic breathing ailments. Wild temperature-control mutations make some shiver in mild coolness and others, who cannot perspire, roast in 80-degree temperatures.

Some 2,000 spinal-cord patients are now in VA hospitals. Figures don't show how many are Vietnam casualties. A conservative estimate is that about 3,000 of the 18,000 or so VA-treated spinal-cord patients were wounded in Vietnam.

READJUSTMENT AND ECONOMY

Some VA hospitals attempt to train SCI patients as well as amputees to move out of the hospital into their family homes or into apartments with paid attendants. The VA says it helps speed the veterans' readjustment. It's also cheaper for the VA.

The VA spends about $57 a day ($20,805 a year) caring for each hospitalized SCI patient. If the patient's family takes over care and the patient buys his own food, the VA's budget clearly benefits. More important, rehabilitation specialists say, the paralyzed patient gains from resuming as much control of his life as he reasonably can. And the men want to get out.

Even in that they are thwarted. The men lament that VA hospitals have no list of quarters suitable for paraplegics and quadriplegics. Because of the wheel chairs, doorways must be 36 inches wide, halls 48 inches wide; normally both are narrower. Apartments must have the permanent ramps and the convenient light switches, electrical outlets, and bathrooms that VA hospitals themselves often lack.

HELP IS HARD TO FIND

Patients must do their own advertising for home-care aides. Says Bill Pederson: "Aides are tough to find. Younger people don't want to be tied down; older people lack the stamina or strength. The aide and the patient have to get along real good, and the aide has to be fairly smart. You know, a person can break your legs turning you over in bed. Since you can't feel it, you might not know what happened until gangrene sets in."

For those sorts of reasons, paraplegics, quadriplegics, and other disabled veterans stay in VA hospitals even when they're dissatisfied. Amputees, especially paralytics, must also return frequently for check ups and for care of the immense bed sores and kidney and bladder infections that they commonly develop.

So SCI patients know much about the VA's operations and flaws. They have formed the Paralyzed Veterans of America (PVA) to learn still more and to lobby Congress and the VA for redress.

Jolted by PVA revelations two years ago, the Senate held hearings to determine how well the VA was treating the Vietnam wounded and whether it needed more money to remedy possible weaknesses in its system.

ALLEGATIONS AND ANSWERS

Donald E. Johnson, administrator of veterans' affairs, testified that all was well and that the VA had sufficient funds. However, VA doctors and veterans alleged then the same faults that the veterans complain of now.

During the hearings Life magazine ran an expose about SCI-patient wards at the Bronx, N.Y., VA Hospital, alleging overcrowding and neglect. Its photos showed rats trapped near helpless patients' beds. Life, and some hearing witnesses, said such problems stemmed from the VA's lack of staff and money.

Johnson, the VA chief, called Life's presentation "contrived" and "totally distorted." Presumably he based his rejoinder on such VA investigative reports as one by A. L. Collins, a regional medical director, who termed the article "basically untrue," yet stated:

"The janitor closets [at Bronx] . . . had not been cleaned over a long period. . . . There is a mouse problem but . . . no reports of rats . . . A linen shortage still remains, particularly towels . . . and pajama bottoms . . . Bathrooms are reasonably clean."

Dr. Howard W. Kennedy, chief medical director of the New York region, reported that, "None of the allegations are true—except for the statements regarding the old facilities, shortage of space, staffing deficiencies, lack of adequate funds, and overcrowding of patients."

The hearings prompted Congress to give the VA more money than it requested for fiscal 1971 and 1972. The reason: The VA did not ask for sufficient funds to remedy flaws and expand.

It frequently doesn't. That's because the President's Office of Management and Budget (OMB) actually dictates the size of the VA budget request, and the agency caring for the battle wounded isn't exempted from over-all Government spending restrictions. What's more, the OMB stipulates how VA money will be spent.

In fiscal 1971 the OMB ruled the VA could not hire additional staff. In fiscal 1972 the OMB decreed the VA could not touch $72,000,000 of the added $234,100,000 from Congress. It also made the VA reduce pay levels for "nonprofessionals" such as technicians, aides, and administrative help.

Congress last year ordered that the VA add more hospital beds to reduce alleged shortages and trim waiting lists. Nonetheless, the OMB ordered a cut in beds and in the number of inpatients—even as combat continued.

The General Accounting Office investigated the VA at a House committee's request. Its report said the VA is operating illegally in obeying the OMB. The report said the VA was reporting empty beds in shutdown wards as "operating" and "in service"; that waiting lists for admission were swelling, totaling 16,897 names in December 1971; and that the VA has staff shortages despite hiring 8,645 persons since May 1971.

Max Cleland, a former infantry captain, knows the good and bad of the VA. It provided him with substitutes for his legs and arm, blasted away by a grenade near Khe Sanh. He says, "The VA is my lifeline."

Cleland, now a Georgia state senator, says he's constantly getting emergency calls from needy veterans trying futilely to get into the Atlanta hospital.

"Here's an example," he says. "Recently the private doctor of a World War II amputee named Hugh Kelley called and said Kelley had gone repeatedly to the VA hospital, trying to get in. Nobody paid any attention to him. The doctor said, "If that guy isn't admitted immediately, he'll die in the waiting room." Kelley has emphysema, a growth on the lung, and pneumonia. I got him in."

The Atlanta hospital's acting director confirms that there was confusion about admitting Kelley but says he has no details.

Richard Coe, a determined, long-haired, Vietnam-combat artilleryman, damaged his spinal cord in a stateside accident. He's now a paraplegic. He quit the Memphis VA Hospital because, he alleges: "I wasn't getting the rehabilitation I know I was entitled to. No toilet training, no instruction in how to get in and out of a bath tub, no driver training.

"Worst, no one told me or my mother that I'd never walk. For months I lay there waiting for feeling to return. Then someone wheeled in the chair and said, 'Here.' I was outspoken before. I guess I was more candid after that, and they punished me by keeping me in bed except for an hour a day."

Memphis VA Hospital authorities deny Coe's story. They say records show he attended all training classes and that it is "impossible that no one counseled him about his injury."

Skeptical too, the Paralyzed Veterans of America checked out Coe's story. Allan Langer, PVA service director, asserts: "It's true."

Langer, a young paraplegic and victim of a North Vietnamese land mine, observes: "There's no congruity at all in the VA medical system."

Doctors at the Wood VA Hospital in Wisconsin, issue a beer ration "by medical prescription" for certain long-term patients; doctors at Richmond, Va., and West Roxbury consider that a violation of Federal regulations. Physicians at Wood, Richmond, and Biloxi, Miss., make rigorous therapeutic use of swimming pools, manual-arts rooms, bowling alleys, and pool tables. At some other places, one VA physician says, "They think they've completely rehabilitated a man when they cut off his arms."

"On a scale of quality from 1 to 10," says the PVA's Langer, "Castle Point Hospital, N.Y., is 10; Wood Hospital rates about 7; Long Beach 5 or 6; Richmond 4 or 5; Houston, maybe 3; Cleveland 1 or 2; and West Roxbury 1 or 2. East Orange, N.J., is bad. Memphis has problems and so do others."

Consider West Roxbury. The hospital specializes in open-heart surgery and spinal-cord injuries serving about 1,800 quadriplegics and paraplegics. Some are in-patients; the SCI wards usually house about 100 paralyzed veterans. Others return regularly for care as outpatients.

Former pilots John Barleon and Leslie Burghoff, Jr., both quadriplegics, and paraplegic William Green, head of the New England PVA chapter, represent West Roxbury's SCI patients. They aren't uninformed, system-hating rebels, but decorated, World War II veterans who are finally fed up.

They say needed reforms won't come until the SCI center has a medical director to fight for them. The patients say the center needs all of its authorized six physicians; it has four. It doesn't have its authorized psychologist either, although the patients say one is desperately needed because, as a patient puts it, "When the guy next to me asks about his sex life and manhood, what am *I* supposed to tell him?" Besides all this, the men say, the hospital is generally shorthanded in medical aides and other staff. The hospital director doesn't challenge their assertions.

The West Roxbury patients have had as much luck with their repeated requests for a psychologist as with their repeated requests for replacing the doors at one entry, or with petitioning for a usable handle on the only other door for wheelchair patients. After years of inaction, Barleon himself paid an aide to buy and install a proper handle.

Water fountains are too high for wheelchair patients. The men cannot receive incoming calls. The hospital operator tells a patient of a call and the patient returns it—if he can locate one of the two mobile pay phones 50 patients must share.

Fifty men must share two showers on a ward, so there are long waits. There is no privacy at all in cramped "personal-care areas," the euphemism for rooms where paralyzed patients must regularly receive enemas.

On a recent evening those rooms were smelly, the equipment stained. One patient says, "The rooms usually are foul, but they needn't be." Though the rest of the old hospital seems clean, those areas sincerely worry the infection-prone SCI patients.

Wards are crowded and the admissions waiting list is long, yet empty ward rooms hold stored beds. But now at least the hospital has money for modernizing, plans on paper, and a work-completion date of 1975.

"Will that really happen? What will we do until 1975?" ask Green, Barleon, Burghoff, and a passing paraplegic who couldn't avoid overhearing because there's no place for a private talk.

Adds Barleon, somewhat self-consciously: "Don't you think we have reason to be skeptical? We've heard lots of promises."

Mr. CRANSTON. Mr. President, I have one final question on this matter and one other question on another matter that I would like to address to the distinguished Senator.

Until the supplemental is adopted, would the Senator agree that the VA should proceed to the improvement of the new authorities when these bills are enacted with the expectation that funds will be appropriated in the supplemental?

Mr. PASTORE. I have no objection to that.

Mr. CRANSTON. Mr. President, on another matter, not related to veterans' care, I am not suggesting any floor action, but I want to ask about one particular program.

Section 312 of the rehabilitation program has had a mixed history in its existence.

In California it has been an enormously successful program.

The FACE program in San Francisco has begun rehabilitation in some of the city's oldest and most beautiful neighborhoods. San Francisco has invested over $3 million of its own resources to help improve the neighborhoods which have been approved by HUD for code enforcement programs. The program has likewise been very successful in various parts of Los Angeles.

But HUD has spread itself too thin and is continuing to spread this program among too many recipients. As a result, it has reduced the effectiveness of the program. And as a result section 312 funds have only been available to one-third of the applicants who desire to have their homes rehabilitated to meet the goals of the FACE program.

OMB has impounded $40 million of last year's $90,312,000 appropriations, and it has threatened to impound $40 million of the $90 million appropriation included in this bill. These funds have been impounded because the 312 program has been subject to massive abuse in some eastern cities.

The result of this impoundment has been that successful 312 programs have been unable to achieve their HUD-approved objectives. In order to help protect these programs which have been well conducted and cities who have relied on HUD, we believe that we should designate them as a priority use and that these funds should be designated for the completion of successful 312 programs.

I ask the Senator if that would not be his understanding as to the best use of the funds.

Mr. PASTORE. Of course it is. The budget estimate was $40 million. The House allowed $50 million. We made it $90 million. We included in the budget $40 million that was requested for special revenue sharing.

Mr. CRANSTON. The Senator would agree that priorities should go to the places where they have had successful programs so that they can complete them.

Mr. PASTORE. They should go where they are needed the most.

Mr. CRANSTON. That is where they are needed the most.

Mr. PASTORE. If the Senator says that, I am sure that is correct.

TABLE 1.—VA HOSPITALS AND CLINICS, ESTIMATE OF ADDITIONAL FUNDS REQUIRED OVER FISCAL YEAR 1973 TARGET ALLOWANCE

State	Total	Medical personnel	Fee dental care	Equipment		Maintenance and repair		Community nursing home care	Other
				New	Replacement	Recurring	Nonrecurring		
Total	$208,013,058	$85,999,632	$10,311,031	$20,589,975	$15,645,015	$2,326,100	$61,231,103	$3,533,953	$8,376,245
Alabama	4,531,708	1,537,057		490,865	265,545		841,990	61,251	1,335,000
Alaska									
Arizona	2,285,238	1,085,069	300,000	201,618	41,875		515,877	90,799	50,000
Arkansas	2,349,244	1,228,695	45,000	273,997	256,123		494,204		51,225
California	23,827,368	10,617,103	1,319,000	1,582,007	2,323,847	438,735	4,879,118	1,016,379	1,651,179
Colordao	2,868,570	357,288	177,388	155,176	79,368	78,367	1,929,428	1,314	90,241
Connecticut	748,693	509,256		118,895	23,260		67,282		30,000
Delaware	982,464	535,100	55,000	107,400	159,485	13,661	51,228	60,590	
District of Columbia	1,807,168	1,003,625		529,377	85,193		118,238	40,515	30,220
Florida	5,534,759	2,608,540	586,000	923,487	335,141		604,090	222,150	255,351
Georgia	8,193,404	4,672,450	900,000	909,598	874,826	346,590	413,984	47,631	28,325
Hawaii									
Idaho	178,383	99,482	55,000	3,717	20,184				
Illinois	11,992,207	6,245,701	625,000	1,169,484	998,341	60,000	699,820	120,085	2,073,776
Indiana	4,755,370	1,833,935		509,490	372,700	87,640	1,791,023		160,582
Iowa	2,346,326	1,371,413		259,757	259,349	2,500	343,658		109,649
Kansas	2,476,367	1,235,537	12,400	491,124	398,682		257,883	63,626	17,115
Kentucky	1,156,220	275,643	150,000	262,829	28,125		286,523		153,100
Louisiana	2,360,259	934,591	193,299	506,250	113,203	4,400	548,457	11,505	48,554
Maine	581,840	341,492		58,473	34,625		147,250		
Maryland	680,677	292,639	65,000	28,700			294,338		
Massachusetts	3,998,292	2,238,092		399,955	149,318	162,785	880,195	27,012	140,935
Michigan	5,390,451	2,603,635	790,000	358,157	314,190	36,390	1,171,589	102,966	13,524
Minnesota	3,410,546	752,857	750,000	1,312,145	349,636	24,420	151,488		70,000
Mississippi	1,470,521	570,733	189,966	86,561	328,780		294,751		
Missouri	7,606,065	2,889,472	131,492	489,680	492,492	292,632	3,297,003	13,294	
Montana	364,878	246,814	50,000				61,676		6,388
Nebraska	814,544	272,788	125,000	114,310	117,726	3,744	91,236	18,067	71,663
Nevada	1,489,066	699,043	45,000	306,740	64,750		359,533		14,000
New Hampshire									
New Jersey	3,878,156	1,564,536		291,400	213,107		1,774,113		35,000
New Mexico	738,320	432,489	65,000	130,382	20,935		89,514		
New York	35,940,002	9,164,747	126,000	1,213,756	814,366	24,115	24,267,081	323,937	5,000
North Carolina	4,541,509	1,911,241	650,000	347,956	366,017	34,561	1,025,033	106,701	100,000
North Dakota									
Ohio	7,108,551	3,027,212	340,000	964,227	944,662	147,634	900,826	480,643	303,347
Oklahoma	4,552,707	2,459,547		739,400	447,082		756,678		150,000
Oregon	1,824,922	245,512	657,000	100,252	86,440		721,443		14,275
Pennsylvania	6,122,743	2,988,406	244,910	197,751	442,344	2,500	1,580,888	180,507	485,437
Rhode Island	1,142,816	647,500	105,000	89,860	56,853	9,400	169,094		65,109
South Carolina	2,418,215	910,239	300,000	180,512	286,792	77,726	607,481	55,465	
South Dakota	1,074,733	467,501	20,000	72,592	105,474		409,166		

TABLE 1.—VA HOSPITALS AND CLINICS, ESTIMATE OF ADDITIONAL FUNDS REQUIRED OVER FISCAL YEAR 1973 TARGET ALLOWANCE—Continued

State	Total	Medical personnel	Fee dental care	Equipment		Maintenance and repair		Community nursing home care	Other
				New	Replacement	Recurring	Nonrecurring		
Tennessee	$3,830,545	$1,726,144	$50,000	903,480	$542,791	$40,900	$567,230		
Texas	13,274,486	5,422,671	501,764	1,701,825	1,321,148	292,800	3,948,620	$85,658	
Utah	1,491,192	646,333	70,000	150,703	216,396		397,760		$10,000
Vermont	229,500	184,500	45,000						
Virginia	3,920,721	2,461,269	135,392	157,484	191,945		803,081	171,550	
Washington	2,464,283	999,492	42,690	231,881	402,190	76,900	565,345	36,135	109,650
West Virginia	1,111,803	693,680	1,000	6,742	10,604		340,131	31,646	28,000
Wisconsin	5,049,823	1,529,570	200,000	1,200,348	554,148	67,700	1,208,330	127,097	162,630
Wyoming	1,156,223	508,993	10,000	153,875	118,764		323,161	37,430	4,000
Puerto Rico	1,941,175	950,000	182,000	105,747	16,193		184,265		502,970

TABLE 2.—VA HOSPITALS AND CLINICS, ESTIMATE OF ADDITIONAL FUNDS REQUIRED OVER FISCAL YEAR 1973 TARGET ALLOWANCE

	Total	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia
Total	$208,013,053	$4,531,708	$2,285,238	$2,349,244	$23,827,368	$2,868,570	$748,693	$982,464	$1,807,168	$5,534,759	$8,193,404
Staff:											
Total	85,999,632	1,537,057	1,085,069	1,228,695	10,617,103	357,288	509,256	535,100	1,003,625	2,608,540	4,672,450
Inpatient	77,007,984	1,478,499	916,248	1,228,695	9,645,877	357,288	349,256	535,100	907,325	2,369,019	4,107,991
Outpatient	7,391,566	58,558	158,821		971,226		160,000			239,521	384,549
Nursing home	677,178										96,977
Domiciliary	418,933										82,933
Other	503,971								96,300		
Outpatient fee:											
Dental	10,311,031		300,000	45,000	1,319,000	177,388		55,000		586,000	900,000
Medical	1,084,658					90,241				255,351	
Equipment:											
Total	36,234,990	756,410	243,493	530,120	3,905,854	234,544	142,155	266,885	614,570	1,258,628	1,784,424
Initial	20,589,975	490,865	201,618	273,997	1,582,007	155,176	118,895	107,400	529,377	923,487	909,598
Replacement	15,645,015	265,545	41,875	256,123	2,323,847	79,368	23,260	159,485	85,193	335,141	874,826
Maintenance and repair:											
Total	63,557,202	841,990	515,877	494,204	5,317,853	2,007,795	67,282	64,889	118,238	604,090	760,574
Recurring	2,326,100				438,735	78,367		13,661			346,590
Nonrecurring	61,231,102	841,990	515,877	494,204	4,879,118	1,929,428	67,282	51,228	118,238	604,090	413,984
Drug treatment centers	2,078,707				1,244,836						
Nursing home care:											
VA											
Community	3,533,953	61,251	90,799		1,016,379	1,314		60,590	40,515	222,150	47,631
State	289,217										
Other	4,923,663	1,335,000	50,000	51,225	406,343		30,000		30,220		28,325

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Total	178,383	11,992,207	4,755,370	2,346,326	2,476,367	1,156,220	2,360,259	581,840	680,677	3,998,292
Staff:										
Total	99,482	6,245,701	1,833,935	1,371,413	1,235,537	275,648	934,591	341,492	292,639	2,238,092
Inpatient	92,932	5,296,805	1,671,340	1,051,322	1,043,537	275,643	807,883	341,492	277,593	2,238,092
Outpatient	6,500	943,896	141,163	317,091	112,000		126,703		15,041	
Nursing home			21,427							
Domiciliary					80,000					
Other										
Outpatient fee:										
Dental	55,000	625,000			12,400	150,000	193,299		65,000	
Medical		68,878					36,329			
Equipment:										
Total	23,901	2,167,825	832,190	519,106	839,806	290,954	619,453	93,098	28,700	549,273
Initial	3,717	1,169,481	500,490	259,757	491,124	262,829	506,260	53,473	28,700	399,955
Replacement	20,184	993,341	372,700	269,340	398,682	23,125	113,203	34,625		149,318
Maintenance and repair:										
Total		759,820	1,873,663	346,153	257,883	286,523	552,857	147,250	294,338	1,042,980
Recurring		60,000	87,640	2,500			4,400			162,785
Nonrecurring		699,820	1,791,023	343,653	257,833	236,523	543,457	147,250	294,338	880,195
Drug treatment centers		128,635	138,202							140,935
Nursing home care:										
VA										
Community		120,085			63,626		11,505			27,012
State		100,341								
Other		1,775,922	22,380	109,649	17,115	153,100	12,225			

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Total	5,390,451	3,410,546	1,470,521	7,606,065	364,878	814,544	1,489,066		3,878,156	738,320
Staff:										
Total	2,603,636	752,857	570,733	2,889,472	246,814	272,788	699,043		1,564,536	432,489
Inpatient	2,528,796	716,857	556,947	1,934,173	221,814	241,308	630,119		1,500,799	428,489
Outpatient	74,839	36,000	13,786	866,081	25,000	31,480	68,924		63,737	
Nursing home				79,689						
Domiciliary										
Other				9,529						4,000

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Outpatient fee:										
Dental	$790,000	$750,000	$189,696	$131,492	$50,000	$125,000	$45,000			$65,000
Medical										
Equipment:										
Total	672,347	1,661,781	415,341	982,192		232,046	371,490		$504,507	151,317
Initial	358,157	1,312,145	86,561	489,680		114,320	306,740		291,400	130,382
Replacement	314,190	349,636	328,780	492,492		117,726	64,759		213,107	30,935
Maintenance and repair:										
Total	1,207,979	175,908	294,751	3,589,635	61,676	94,980	359,533		1,774,113	89,514
Recurring	36,390	24,420		292,632		3,744				
Nonrecurring	1,171,589	151,488	294,751	3,297,003	61,676	91,236	359,533		1,774,113	89,514
Drug treatment centers	13,524									
Nursing home care:										
VA										
Community	102,966			13,294		18,067				
State		20,000			6,388	71,663				
Other		50,000					14,000		35,000	

	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Puerto Rico	Pennsylvania	Rhode Island	South Carolina
Total	35,940,002	4,541,509		7,108,551	4,552,707	1,824,922	1,941,175	$6,122,743	1,142,816	2,418,215
Staff:										
Total	9,164,747	1,911,241		3,027,212	2,459,547	245,512	950,000	988,406	647,500	910,239
Inpatient	8,882,415	1,717,124		2,561,768	2,275,547	212,878	737,485	2,334,013	492,600	741,342
Outpatient	184,168	194,117		128,640	184,000	32,634	212,515	371,492	154,900	43,212
Nursing home	98,164			228,954				64,286		58,008
Domiciliary										
Other				107,850				218,615		67,677
Outpatient fee:										
Dental	127,000	650,000		340,000		657,000	182,000	244,910	105,000	300,000
Medical		100,000		40,400			437,425	8,000	45,034	
Equipment:										
Total	2,028,122	713,973		1,908,889	1,186,482	186,692	121,940	640,095	146,713	467,304
Initial	1,213,756	347,956		964,227	739,400	100,252	105,747	197,751	89,860	180,512
Replacement	814,366	366,017		944,662	447,082	86,440	16,193	442,344	56,853	286,792
Maintenance and repair:										
Total	24,291,196	1,059,594		1,048,460	756,678	721,443	184,265	1,583,388	178,494	685,207
Recurring	24,115	34,561		147,634				2,500	9,400	77,726
Nonrecurring	24,267,081	1,025,033		900,826	756,678	721,443	184,265	1,580,888	169,094	607,481
Drug treatment centers				188,197	150,000			16,378		
Nursing home care:										
VA										
Community	323,937	106,701		480,643				180,507		55,465
State				19,100					20,075	
Other	5,000			55,650		14,275	65,545	461,059		

	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Total	1,074,733	3,830,545	13,274,486	1,491,192	229,500	3,920,721	2,464,283	1,111,803	5,049,823	1,156,223
Staff:										
Total	467,501	1,726,144	5,422,671	646,333	184,500	2,461,269	999,492	693,680	1,529,570	508,993
Inpatient	443,901	1,407,972	5,192,628	646,333	184,500	2,106,069	795,196	633,980	1,416,152	471,782
Outpatient	23,600	55,172	230,043			355,200	204,296	43,388	107,057	37,211
Nursing Home		7,000						16,312	6,361	
Domiciliary		256,000								
Other										
Outpatient fee:										
Dental	20,000	50,000	501,764	70,000	45,000	135,392	42,690	1,000	200,000	10,000
Medical								3,000		
Equipment:										
Total	178,066	1,446,271	3,022,973	367,099		349,429	634,071	17,346	1,754,496	272,639
Initial	72,592	903,480	1,701,825	150,703		157,484	231,881	6,742	1,200,348	153,875
Replacement	105,474	542,791	1,321,148	216,396		191,945	401,190	10,604	554,148	118,764
Maintenance and repair:										
Total	409,166	608,130	4,241,420	397,760		803,081	642,245	340,131	1,276,030	323,161
Recurring		40,900	292,800				76,900		67,700	
Nonrecurring	409,166	567,230	3,948,620	397,760		803,081	565,345	340,131	1,208,330	323,161
Drug treatment centers							58,000			
Nursing home care:										
VA										
Community			85,658			171,550	36,135	31,646	127,097	37,430
State							51,650			
Other				10,000				25,000	162,630	4,000

TABLE 3.—VA HOSPITALS AND CLINICS ESTIMATE OF ADDITIONAL FUNDS REQUIRED OVER FISCAL YEAR 1973 TARGET ALLOWANCE

	Total	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia
Total	$208,013,053	$4,531,708	$2,285,238	$2,349,244	$23,827,368	$2,868,570	$748,693	$982,464	$1,807,168	$5,531,759	$8,193,404
Staff:											
Total	85,999,632	1,537,057	1,085,069	1,228,695	10,617,103	357,288	509,256	535,100	1,003,625	2,608,540	4,672,450
Inpatient	77,007,984	1,478,499	916,248	1,228,695	9,645,877	357,288	349,256	535,100	907,325	2,369,019	4,107,991
Outpatient	7,391,566	58,558	168,281		971,226		160,000			239,521	384,549
Nursing home	677,178										96,977
Domiciliary	418,933										82,933
Other	503,971								96,300		
Outpatient fee:											
Dental	10,311,031		300,000	45,000	1,319,000	177,388		55,000		586,000	900,000
Medical	1,084,658					90,241				255,351	
Equipment:											
Total	36,234,990	756,410	243,493	530,120	3,905,854	234,544	142,155	266,885	614,570	1,258,628	1,784,424
Initial	20,589,975	490,865	201,618	273,997	1,582,007	155,176	118,895	107,400	529,377	923,487	909,598
Replacement	15,645,015	265,545	41,875	256,123	2,323,847	79,368	23,260	159,485	85,193	335,141	874,826
Maintenance and repair:											
Total	63,557,202	841,990	515,877	494,204	5,317,853	2,007,795	67,282	64,889	118,238	604,090	760,573
Recurring	2,326,100				438,735	78,367		13,661			346,590
Nonrecurring	61,231,102	841,990	515,877	494,204	4,879,118	1,929,428	67,282	51,228	118,238	604,090	413,984
Drug treatment centers	2,078,707				1,244,836						
Nursing Home care:											
VA											
Community	3,533,953	61,251	90,799		1,016,379	1,314		60,590	40,515	222,150	47,631
State	289,217										
Other	4,923,663	1,335,000	50,000	51,225	406,343		30,000		30,220		28,325

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Total	178,383	11,992,207	4,755,370	2,346,326	2,476,367	1,156,220	2,360,259	581,840	680,677	3,998,292
Staff:										
Total	99,482	6,245,701	1,833,935	1,371,413	1,235,537	275,643	934,591	341,492	292,639	2,238,092
Inpatient	92,982	5,296,805	1,671,340	1,054,322	1,043,537	275,643	807,888	341,492	277,598	2,238,092
Outpatient	6,500	948,896	141,168	317,091	112,000		126,703		15,041	
Nursing home			21,427							
Domiciliary					80,000					
Other										
Outpatient fee:										
Dental	55,000	625,000			12,400	150,000	193,299		65,000	
Medical		68,878					36,329			
Equipment:										
Total	23,901	2,167,825	882,190	519,106	889,806	290,954	619,453	93,098	28,700	549,273
Initial	3,717	1,169,484	509,490	259,757	491,124	262,829	506,250	58,473	28,700	399,955
Replacement	20,184	998,341	372,700	259,349	398,682	28,125	113,203	34,625		149,318
Maintenance and repair:										
Total		29,820	1,878,663	346,158	257,883	286,523	552,857	147,250	294,338	1,042,980
Recurring		60,000	87,640	2,500			4,400			162,785
Non-recurring		699,820	1,791,023	343,658	257,883	286,523	548,457	147,250	294,338	880,195
Drug treatment centers		128,635	138,202							140,935
Nursing home care:										
VA										
Community		120,085			63,626		11,505			27,012
State		100,341								
Other		1,775,922	22,380	109,649	17,115	153,100	12,225			

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Total	5,390,451	3,410,546	1,470,521	7,606,065	364,878	814,544	1,489,066		3,878,156	738,320
Staff:										
Total	2,603,635	752,857	570,733	2,889,472	246,814	272,788	699,043		1,564,536	432,489
Inpatient	2,528,796	716,857	556,947	1,934 173	221,814	241,308	630,119		1,500,799	428,489
Outpatient	74,839	36,000	13,786	866,081	25,000	31,480	68,924		63,737	
Nursing home				79,689						
Domiciliary										
Other				9,529						4,000
Outpatient fee:										
Dental	790,000	750,000	189,696	131,492	50,000	125,000	45,000			65,000
Medical										
Equipment:										
Total	672,347	1,661,781	415,341	982,172		232,046	371,490		504,507	151,317
Initial	358,157	1,312,145	86,561	489,680		114,320	306,740		291,400	130,382
Replacement	314,190	349,636	328,780	492,492		117,726	64,750		213,107	20,935
Maintenance and repair:										
Total	1,207,979	175,908	294,751	3,589,635	61,676	94,980	359,533		1,774,113	89,514
Recurring	36,390	24,420		292,632		3,744				
Nonrecurring	1,171,589	151,488	294,751	3,297,003	61,676	91,236	359,533		1,774,113	89,514
Drug treatment centers	13,524									
Nursing home care:										
VA										
Community	102,966			13,294		18,067				
State		20,000			6,388	71,663				
Other		50,000					14,000		35,000	

TABLE 4.—GENERAL SCHEDULE GRADE CONTROLS

	Total	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia
Essential positions:											
Unable to fill lower grades	430	1	---	7	113	3	4	---	4	4	12
Promotion not honored	2, 547	20	27	175	142	40	28	---	28	19	14
Lost because not promoted	228	---	4	5	66	4	3	---	2	6	6
Promotions:											
Postponed	4, 463	99	60	178	386	74	121	24	61	99	50
Number:											
Total fiscal year 1971	22, 571	654	150	315	1, 205	322	176	112	332	696	758
Fiscal year 1972	7, 358	115	58	80	521	62	62	22	110	245	146
July–November fiscal year 1971	6, 619	166	46	113	420	65	50	24	76	187	115
Fiscal year 1972	5, 351	89	33	80	427	48	42	19	50	193	80
December–March fiscal year 1971	9, 078	316	46	122	306	54	53	66	47	328	249
Fisca year 1972	987	14	5	---	59	10	6	2	38	37	41
April–June fiscal year 1971	6, 862	172	58	80	479	203	73	22	209	281	394
Fiscal year 1972	1, 023	12	20	---	35	4	14	1	22	15	25
Losses July 1971–March 1972:											
Total	9, 710	141	120	141	905	136	140	17	187	395	165
Replaced:											
Total	8, 432	107	112	114	824	116	131	15	171	343	147
Same grade	3, 975	40	53	55	378	67	74	10	31	148	105
Lower grades, total	4, 457	67	59	59	446	49	57	5	140	195	42
1	2, 562	30	49	28	274	17	30	---	2	98	13
2	1, 273	16	8	26	149	20	23	2	10	49	22
3	323	16	1	3	18	8	2	---	48	11	6
4 or more	299	5	1	2	5	4	2	3	80	37	1
Not replaced	1, 278	34	8	27	81	20	9	2	16	52	18

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Essential positions:										
Unable to fill lower grades	1	32	7	1	2	---	14	---	---	35
Promotion not honored	---	260	17	35	17	7	65	20	1	125
Lost because not promoted	---	7	---	---	---	2	10	---	1	5
Promotions:										
Postponed	9	382	56	90	17	12	112	20	19	179
Number:										
Total fiscal year 1971	24	954	396	404	386	364	330	245	544	762
Fiscal year 1972	8	722	153	137	170	112	116	17	165	244
July–November fiscal year 1972	10	282	103	100	82	77	109	35	79	280
Fiscal year 1972	5	518	120	79	135	66	109	13	74	207
December–March fiscal year 1971	14	365	73	222	175	231	110	189	384	314
Fiscal year 1972	2	65	18	44	26	37	6	4	55	32
April–June fiscal year 1971	---	307	220	82	129	55	111	21	81	168
Fiscal year 1972	1	143	15	14	9	9	---	---	36	5
Losses July 1971–March 1972:										
Total	10	705	224	157	133	50	191	31	141	450
Replaced:										
Total	7	605	210	146	120	45	145	30	125	411
Same grade	4	362	142	58	51	17	56	10	49	187
Lower grades, total	3	243	68	88	69	28	89	20	76	224
1	2	127	61	50	53	15	57	9	24	174
2	---	99	6	32	10	9	31	5	24	32
3	1	11	---	4	4	2	1	6	5	11
4 or more	---	6	1	2	2	2	---	---	23	7
Not replaced	3	100	14	11	13	5	46	1	16	39

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Essential positions:										
Unable to fill lower grades	18	2	1	---	---	---	---	---	7	---
Promotion not honored	12	12	44	18	10	15	22	---	33	---
Lost because not promoted	2	---	4	---	---	---	---	---	2	---
Promotions:										
Postponed	101	56	36	91	10	31	22	18	71	---
Number:										
Total fiscal year 1971	517	269	506	265	25	198	63	45	420	99
Fiscal year 1972	223	133	101	163	17	104	9	8	195	88
July–November Fiscal year 1971	213	80	112	69	6	64	14	23	193	56
Fiscal year 1972	168	93	67	117	14	57	9	5	136	45
December–March Fiscal year 1971	204	75	314	104	14	68	41	10	129	23
Fiscal year 1972	21	29	13	31	3	12	---	---	24	18
April–June Fiscal year 1971	100	114	80	92	5	66	8	12	98	20
Fiscal year 1972	34	11	21	15	---	35	---	3	35	25
Losses July 1971–March 1972:										
Total	290	164	124	179	32	74	30	28	249	56
Replaced										
Total	213	151	117	162	30	67	27	26	213	56
Same grade	119	61	81	83	17	20	11	11	76	30
Lower grades, total	94	90	36	79	13	47	16	15	137	62
1	81	57	7	52	9	5	11	15	79	22
2	12	25	24	27	3	22	4	---	55	
3	1	6	4	---	---	13	1	---	1	---
4 or more	---	2	1	---	1	7	---	---	2	---
Not replaced	77	13	7	17	2	7	3	2	36	---

	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Puerto Rico	Pennsylvania	Rhode Island	South Carolina
Essential positions:										
Unable to fill lower grades	37	27	---	24	5	---	22	---	7	1
Promotion not honored	197	93	5	78	55	6	73	47	9	9
Lost because not promoted	16	2	---	26	---	---	11	1	4	1

TABLE 4.—GENERAL SCHEDULE GRADE CONTROLS—Continued

	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Puerto Rico	Pennsylvania	Rhode Island	South Carolina
Promotions:										
Postponed	336	128	30	245	29	19	70	206	18	30
Number:										
Total fiscal year 1971	2,209	805	78	727	232	229	199	1,009	81	268
Fiscal year 1972	759	100	21	252	78	84	56	305	30	57
July-November fiscal year 1971	933	151	22	316	39	80	79	288	22	68
Fiscal year 1972	510	92	14	221	65	46	52	246	27	53
December-March fiscal year 1971	934	580	37	199	90	94	76	454	13	178
Fiscal year 1972	148	7	3	7	10	10	3	14	3	4
April-June fiscal year 1971	542	74	19	212	103	55	44	267	46	22
Fiscal year 1972	101	1	4	24	3	28	1	45		
Losses July 1971-March 1972:										
Total	1,008	221	32	376	112	176	61	331	38	89
Replaced:										
Total	867	194	29	272	98	165	13	282	33	80
Same grade	458	102	13	118	52	59	7	122	26	41
Lower grades, total	409	92	16	154	46	106	6	160	7	39
1	250	59	8	102	37	54	5	116	6	33
2	115	25	6	42	7	42	1	40	1	5
3	32	6	1	8	1	7		1		1
4 or more	12	2	1	2	1	3		3		
Not replaced	141	27	3	104	14	11	48	49	5	9

	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Essential positions:										
Unable to fill lower grades	1	5	14		3	5	9	2		
Promotion not honored	29	130	176	10	8	197	41	42	127	9
Lost because not promoted		2	2			3	2		28	1
Promotions:										
Postponed	37	134	248	28	11	132	110	81	73	14
Number:										
Total fiscal year 1971	224	1,016	1,590	183	48	849	288	285	543	172
Fiscal year 1972	39	170	293	24	3	272	135	89	243	42
July-November fiscal year 1971	66	487	330	40	20	234	132	93	156	14
Fiscal year 1972	35	130	192	24	2	222	94	63	148	17
December-March fiscal year 1971	120	444	481	29	9	176	79	139	156	144
Fiscal year 1972	3	26	30		1	21	20	1	15	9
April-June fiscal year 1971	38	85	768	114	19	439	77	53	231	14
Fiscal year 1972	1	14	74			29	21	25	80	16
Losses July 1971-March 1972:										
Total	58	187	494	63	12	202	203	99	239	44
Replaced:										
Total	54	163	439	57	12	173	177	76	223	39
Same grade	14	84	160	15	8	65	104	42	60	19
Lower grades, total	40	79	279	42	4	108	73	34	163	20
1	15	56	149	1	4	37	54	21	94	10
2	8	20	89	5		27	14	10	57	10
3	13	1	38	14		5	3	2	6	
4 or more	4	2	3	22		39	2	1	6	
Not replaced	4	24	55	6		29	26	23	16	

TABLE 5.—INPATIENT HOSPITAL STAFF, STAFFING RATIO AND AVERAGE DAILY CENSUS

	Total	Alabama	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia
Additional staff required:											
Total	7,342.8	154.5	79.0	105.0	959.7	39.0	29.0	57.0	76.5	201.6	453.7
Recruit	1,093.6	153.5	79.0	103.0	959.7	39.0	27.0	57.0	76.5	201.6	448.2
Physicians:											
Total	498.9	11.0	4.0	14.0	57.4	1.0	5.0	2.0	10.5	7.9	13.0
Recruit	434.8	10.0	4.0	12.0	57.4	1.0	3.0	2.0	10.5	7.9	12.5
Dentists:											
Total	20.2	1.0						1.0	1.0	0.2	1.0
Recruit	20.2	1.0						1.0	1.0	0.2	1.0
Nurses:											
Total	1,416.9	53.1	16.0	15.0	176.0	5.0	2.0	16.0	8.0	38.7	70.0
Recruit	1,381.9	53.1	16.0	15.0	176.0	5.0	2.0	16.0	8.0	38.7	65.0
Nursing assistant:											
Total	1,667.6	44.0	15.0	18.0	208.0	12.0		12.0		22.5	126.0
Recruit	1,647.6	44.0	15.0	18.0	208.0	12.0		12.0		22.5	126.0
Average daily census:											
Fiscal year 1971	82,676	2,323	634	1,662	6,200	957	718	257	620	1,945	1,942
Fiscal year 1972 estimate	80,450	2,260	624	1,599	5,771	966	679	261	615	1,990	1,929
Fiscal year 1973 target allowance	83,304	2,304	643	1,566	6,274	971	698	271	633	2,426	1,947
Expected	83,004	2,304	643	1,566	6,274	971	698	271	633	2,426	1,609

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Additional staff required:										
Total	9.5	455.1	162.0	102.0	97.5	25.0	78.0	34.0	24.5	189.0
Recruit	9.5	361.0	158.0	101.0	97.5	25.0	77.0	34.0	24.5	189.0
Physicians:										
Total		36.6	7.0	7.0	8.0	3.0	8.0	2.0	3.5	11.0
Recruit		28.6	2.0	3.0	8.0	3.0	8.0	2.0	3.5	11.0
Dentists:										
Total	1.0	2.0	2.0							2.0
Recruit	1.0	2.0	2.0							2.0
Nurses:										
Total	1.0	111.0	49.0	17.0	20.0		8.0	10.0	7.0	45.0
Recruit	1.0	111.0	49.0	17.0	20.0		8.0	10.0	7.0	45.0
Nursing assistant:										
Total	1.0	112.0	23.0	15.0	18.0	11.0	14.0		14.0	53.0
Recruit	1.0	112.0	23.0	15.0	18.0	11.0	14.0		14.0	53.0

	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts
Average daily census:										
Fiscal year 1971	145	5,489	1,867	1,452	1,432	387	1,225	775	1,410	3,316
Fiscal year 1972 estimate	150	5,331	1,854	1,317	1,427	355	1,221	764	1,345	3,287
Fiscal year 1973 target allowance	150	5,435	1,886	1,360	1,419	374	1,230	766	1,412	3,289
Expected	150	5,435	1,891	1,360	1,419	350	1,230	766	1,412	3,329

	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico
Additional staff required:										
Total	216.0	64.0	58.0	198.5	25.0	20.0	55.0		160.4	38.0
Recruit	202.0	64.0	51.0	192.5	25.0	20.0	55.0		160.4	38.0
Physicians:										
Total	21.0	4.0	7.0	11.5	1.0	2.0	7.0		9.0	3.0
Recruit	15.0	4.0		10.5	1.0	2.0	7.0		9.0	3.0
Dentists:										
Total	2.0									1.0
Recruit	2.0									1.0
Nurses:										
Total	75.0	12.0	4.0	29.0	1.0	1.0	21.0		20.0	2.0
Recruit	75.0	12.0	4.0	24.0	1.0	1.0	21.0		20.0	2.0
Nursing assistant:										
Total	53.0	12.0	20.0	26.0	1.0		9.0		43.0	5.0
Recruit	53.0	12.0	20.0	26.0	1.0		9.0		43.0	5.0
Average daily census:										
Fiscal year 1971	2,472	1,684	1,165	1,493	216	678	147	127	2,296	360
Fiscal year 1972 estimate	2,360	1,582	1,181	1,463	213	667	158	133	2,283	345
Fiscal year 1973 target allowance	2,376	1,635	1,196	1,675	233	697	164	129	2,471	350
Expected	2,376	1,635	1,196	1,675	233	697	164	129	2,471	350

	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Puerto Rico	Pennsylvania	Rhode Island	South Carolina
Additional staff required:										
Total	785.8	198		245.5	150	19	76	265.7	50	70
Recruit	698.8	196		234.5	150	19	76	259.1	50	68
Physicians:										
Total	71.6	6		27.5	14	2	5	19.2	1	3
Recruit	66.6	5		18.5	14	2	5	14.6	1	2
Dentists:										
Total	2.0			1.0	1		1			
Recruit	2.0			1.0	1		1			
Nurses:										
Total	211.1	25		38.0	25	1	10	38.0	9	21
Recruit	186.1	25		38.0	25	1	10	38.0	9	21
Nursing assistants:										
Total	139.1	33		70.0	30		25	127.0	8	16
Recruit	119.1	33		70.0	30		25	127.0	8	16
Average daily census:										
Fiscal year 1971	8,298	2,042	177	3,937	599	817	567	5,048	292	618
Fiscal year 1972 estimate	7,974	2,022	177	3,829	581	812	632	4,976	298	633
Fiscal year 1973 target allowance	8,293	2,063	185	3,973	581	812	640	5,029	298	712
Expected	8,293	2,063	185	3,984	581	812	640	5,029	298	712

	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming
Additional staff required:										
Total	41.0	145.0	573.0	60.7	10.0	203.5	83.0	55.6	144.5	
Recruit	41.0	145.0	573.0	60.7	10.0	203.5	82.0	53.6	144.5	
Physicians:										
Total	3.0	8.0	27.5	5.7	3.0	7.5	2.0	8.0	7.5	
Recruit	3.0	3.0	27.5	5.7	3.0	7.5	2.0	6.0	7.5	
Dentists:										
Total			1.0							
Recruit			1.0							
Nurses:										
Total	5.0	33.0	68.0	17.0	2.0	21.0	15.0	8.0	37.0	
Recruit	5.0	33.0	68.0	17.0	2.0	21.0	15.0	8.0	37.0	
Nursing assistant:										
Total	9.0	20.0	188.0	16.0		20.0	13.0	12.0	54.0	
Recruit	9.0	20.0	188.0	16.0		20.0	13.0	12.0	54.0	
Average daily census:										
Fiscal year 1971	797	2,570	4,371	464	144	2,240	1,502	1,042	1,757	
Fiscal year 1972 estimate	785	2,530	4,189	432	149	2,135	1,505	1,003	1,658	
Fiscal year 1973 target allowance	789	2,574	4,245	449	149	2,175	1,563	1,032	1,762	
Expected	792	2,574	4,245	449	152	2,175	1,563	1,032	1,762	

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. CANNON. Mr President, returning to the veterans' situation, do I understand that the bill as it now stands, the committee bill, would increase by some $20 million the budget request for this year for veterans' facilities?

Mr. PASTORE. The Senator is correct.

Mr. CANNON. And this is represented largely by a speeding up or replacement of hospital facilities presently deteriorating, as we saw reported a few years ago in one of the national magazines?

Mr. PASTORE. We are trying to avoid this whole philosophy of wasting money. We are saying that an ounce of prevention is worth a pound of cure. Many of these facilities are neglected and they need to be modernized. That is why we adopted the so-called Magnuson amendment.

Mr. CANNON. Not so many years ago, the administration adopted a policy of attempting to close down some of the veterans' hospitals and not go ahead with new starts. Has this policy been reversed so that we can safely say that we are doing more than we had been doing?

Mr. PASTORE. This appropriation reverses that policy.

Mr. CANNON. Mr. President, a while ago I had occasion to be in Guadalajara, Mexico, speaking to a professional group. While there I learned that a substantial number of U.S. veterans were living in that community. These were disabled veterans who were living there because they could not afford to live in the United States under the type of compensation they were receiving. These veterans had gone to foreign countries to live, though they were disabled, because of the cost of living factor here. I hope that this type of improvement in our veterans program will be accomplished.

Mr. PASTORE. I would hope so. And I would hope that the matter would be looked into by the administration, particularly the Veterans' Administration. They should do something about it. This is scandalous, to me, when an American veteran is compelled to go to a low standard of living country because he cannot live in his own country on his allowance. It reflects, in my opinion, on the conscience of America.

Mr. CANNON. In Clark County in Las Vegas, which has the largest population of any county in my State, we have many veterans who must travel to the State of California, some 300 miles away, to get veterans' care and to go into the hospital. We have a hospital at Reno which is some 400 miles away. We have been trying to get out-patient facilities there. However, it looks as though we have finally been able to do something. We hope they will have the out-patient facilities there to provide immediate care for veterans there rather than compelling them to drive or to be taken 300 miles away to a veterans' hospital and then having it decided whether than can receive hospital care there.

I am delighted that the committee is taking such affirmative action. I commend both the majority and minority managers of this bill for the part they have played in it.

THE VA HOSPITAL IN PHILADELPHIA

Mr. SCHWEIKER. Mr. President, I was very pleased to learn that the Committee on Appropriations included $3.7 million for architectural planning and site acquisition for a new Veterans' Administration hospital in the Philadelphia metropolitan area. On earlier occasions, I have enumerated in great detail the pressing need for this new hospital in the Philadelphia area. The Veterans' Administration has amply documented this need. At this point, I ask unanimous consent to have my earlier testimony and the statement of my distinguished colleague, the senior Senator from Pennsylvania, Senator SCOTT, included in the RECORD.

On this occasion, I would like to take the opportunity to emphasize several of the positive considerations regarding the Philadelphia hospital.

The Veterans' Administration has long had a standing policy, and a very commendable and effective one I might add, of affiliating its institutions with existing medical schools. Such a policy benefits both parties. It provides the hospital with major resources of medical skill and manpower, drawing upon both the expertise of the faculty and the trained manpower of the students, to significantly increase and improve the delivery of medical care to its patients. The affiliated medical school, on the other hand, benefits from the facilities and opportunities the hospital provides to enlarge the clinical experience for its medical professionals.

In this respect, Philadelphia represents one of the Nation's leading concentrations of medical educational facilities and medical talent. The University of Pennsylvania Medical School is located there and is already affiliated with the existing Veterans' Administration hospital. The medical school of Temple University and the Thomas Jefferson School of Medicine are also located in Philadelphia, as are Hahnemann Medical College and the Medical College of Pennsylvania.

In short, now that the Appropriations Committee has taken measures to meet the pressing need, the capabilities exist in Philadelphia for helping to meet that need efficiently and effectively.

Once again, I would like to commend the Senate Committee on Appropriations, under the leadership of the distinguished Senator from Louisiana, Senator ELLENDER, and especially the Subcommittee on Housing and Urban Development, Space, Science, Veterans, under the chairmanship of the distinguished Senator from Rhode Island, Senator PASTORE, on their work with regard to this appropriation for the very necessary new Veterans' Administration hospital in the Philadelphia metropolitan area.

On behalf of the nearly three-quarters of a million veterans in the greater Philadelphia area, I look forward to the beginning of site selection and planning, and ultimate completion of the new Veterans' Administration hospital in Philadelphia.

HUD COUNSELING SERVICE

Mr. HART. Mr. President, at least two committees of Congress, a grand jury, newspaper reporters, authors and numerous State agencies have been at work for months trying to figure out why our housing programs are such a mess.

When the reports are all in, I suspect we will have several explanations. But—looking at the appropriation bill for the Department of Housing and Urban Development—it is simple to see one of the problems.

What is significant is what is missing: funds for counseling of potential homebuyers before they take on the financial burden of the house. This is a perfect example of the intentions of Congress being frustrated by the executive.

Four years ago, in enacting the National Housing Act of 1968, Congress recognized that minority group members—whose families for generations had been renters—may need help in determining if they could handle problems connected with being a homeowner.

Therefore, Congress directed that counseling for these groups be established—along with the housing programs.

Four years later—with billions of dollars in foreclosures on our hands—we are told by the Department of Housing and Urban Development that they are still trying to figure out how to counsel potential homebuyers.

The most charitable thing I can say is that perhaps the agency has not been looking for advice from the right people.

During hearings of the Senate Antitrust and Monopoly Subcommittee we have had several witnesses who saw no great mystery or magic involved in counseling potential homebuyers. For example, several social service agencies in Boston told us they were ready, willing and able to conduct counseling programs. The only ingredient they did not have was the Federal funds which Congress promised 4 years ago would be available.

At recent hearings on the housing situation in New York, a representative of the Bedford-Stuyvesant Restoration Corp., expressed a desire to add counseling to the groups' mortgage operation.

But more importantly, perhaps HUD officials should go out and talk to bankers—who have been counseling the middle-class homebuyers for dozens of years. Apparently these bankers have had no problem in transferring this experience to minority groups and the poorer families who can now participate in the housing market.

For example, a representative of the Buffalo Savings Bank told the subcommittee that his institution is the largest 235 lender in western New York State—with $16 million committed.

With that great deal of money outstanding the bank is just now facing its first two foreclosures.

The Green Point Savings Bank in Brooklyn has more than $500 million in mortgage loans outstanding. Overall, its delinquency rate is about 1 or 2 percent. In the minority programs, that rate is about 3 or 4 percent—about the national average for FHA loans over the past three decades.

Mr. Isidore J. Lasurdo, executive vice president of the bank, explained that the very good experience with FHA programs was due to careful underwriting—and counseling—of the potential homebuyers.

By checking out the applicant, the bank avoids many problems caused by the out-and-out fraud in Federal housing programs which has been demonstrated across the country.

As Mr. Lasurdo put it:

> We originate all loans and we interview every borrower and then, at least, we know we have a live one.
>
> We send out our own credit application. We close our own loans.

Mr. Lasurdo pointed out by doing this work itself, the bank avoided two of the biggest problems which are leading to foreclosure: Nonexistent buyers and nonexistent jobs.

The major impact of the counseling that banks do is to make sure that the individual buying a home understands fully his financial obligation—that it includes repairs and utility bills—and to assure themselves that the buyer can carry this burden.

That is plain commonsense. Each of us in this Chamber had to meet the same criteria on each home we have purchased over the years.

This is why it baffles me that HUD—after 4 years—is still telling us we must wait a few more months for them to determine how one counsels potential home buyers.

In its report on this bill, the Senate Appropriations Committee says that

HUD officials were not clear on the types of counseling services contemplated.

The committee report goes on to state:

> The committee therefore expects the Department to clarify and more sharply define its intentions and goals in this area. A report on the results of this review should be submitted to the committee by December 31, 1972.

There should be no reason why HUD cannot meet that deadline.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15093) was read the third time.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum, because I want to ask for the yeas and nays.

The PRESIDING OFFICER. On whose time?

Mr. PASTORE. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. ALLOTT. Mr. President, I yield back my time.

Mr. PASTORE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from North Dakota (Mr. Burdick), the Senator from Idaho (Mr. Church), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Louisiana (Mr. Long), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. Muskie), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell), and the Senator from New Jersey (Mr. Williams) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from New Jersey (Mr. Williams), the Senator from Alaska (Mr. Gravel), the Senator from North Dakota (Mr. Burdick), and the Senator from Rhode Island (Mr. Pell), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from New York (Mr. Buckley) are absent on official business.

The Senator from Massachusetts (Mr. Brooke), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood), and the Senator from Pennsylvania (Mr. Scott) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Oklahoma (Mr. Bellmon), the Senator from New Jersey (Mr. Case), the Senator from Colorado (Mr. Dominick), and the Senator from Texas (Mr. Tower) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. Brooke), the Senator from New Jersey (Mr. Case), the Senator from Pennsylvania (Mr. Scott), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 70, nays 2, as follows:

[No. 210 Leg.]

YEAS—70

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McGee
Metcalf
Miller
Mondale
Montoya
Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Young

NAYS—2

Brock
Roth

NOT VOTING—28

Baker
Bellmon
Brooke
Buckley
Burdick
Case
Church
Dominick
Gambrell
Goldwater
Gravel
Harris
Hartke
Hughes
Humphrey
Long
Mathias
McClellan
McGovern
McIntyre
Moss
Mundt
Muskie
Packwood
Pell
Scott
Tower
Williams

So the bill (H.R. 15093) was passed.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. COOK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Pastore, Mr. Magnuson, Mr. Ellender, Mr. Anderson, Mr. Allott, Mrs. Smith, and Mr. Young conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1973

The PRESIDING OFFICER. Under the previous order, H.R. 15093 having disposed of, the Senate will now proceed to the consideration of H.R. 15259, the District of Columbia appropriation bill, with debate on the bill and amendments thereto likewise limited under the unanimous-consent agreement previously entered into.

The clerk will state the bill by title.

The legisaltive clerk read the bill by title, as follows:

A bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. Inouye obtained the floor.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. INOUYE. I yield.

Mr. HARRY F. BYRD, JR. What is the time limitation?

Mr. INOUYE. Two hours on the bill, to be equally divided between the majority and minority, and a half hour on amendments, 15 minutes on each side.

Mr. HARRY F. BYRD, JR. I thank the Senator.

The PRESIDING OFFICER. How much time does the Senator from Hawaii yield himself?

Mr. INOUYE. Mr. President, I yield myself 10 minutes.

It is my pleasure to bring to the floor at this time the fiscal year 1973 District of Columbia appropriations bill which passed the House last Wednesday. It is an especially great pleasure in that the delay that was so frustrating last year has been avoided. As you may recall, last year the subcommittee began hearings on the District of Columbia appropriations on March 15, 1971, and finished them on April 21, 1971, only to have to wait until December to receive a bill from the House. This year our hearings began on February 7 and finished on April 11, during which period we met in 23 sessions and heard testimony from over 100 witnesses. At the time we concluded our hearings the House had not reported a bill. Because we wanted to make our recommendations while the information was fresh in our minds, the subcommittee marked up a bill of its own and brought it to the full committee on May 2. At that time the bill was ordered to be reported after the House had acted. It was agreed that if there were any substantial changes required, either as a result of the House action or for any other reason, the full committee would be reconvened to consider these changes before the bill was reported to the floor. As it happened, the financial estimates of the District were updated in the interim and the full committee met a second time to consider the various ramifications. This meeting took place Monday, and today we have a bill which we believe is adequate to meet the District of Columbia's needs in fiscal year 1973. There are reductions, to be sure, but I feel that the reductions in no way take away from the support I personally have pledged to the mayor and to the people of the District of Columbia. If we can obtain the same degree of support from Mayor Washington by way of improved accountability for and more responsible use of these funds, we will have struck a very favorable bargain.

There are a number of changes that the committee recommends, which are explained in detail in the report. At this time I would just like to summarize the committee's action. The total request of the District of Columbia for fiscal year 1973 was $900,888,000, of which $722,814,000 was for operating expenses; $28,144,000 for repayment of loans and interest; and $149,930,000 for capital outlay projects. The committee recommends $714,984,300 for operating expenses, a reduction of $7,829,700 from the amount requested and $1,139,700 below the amount recommended by the House last Wednesday; $28,144,000 for the repayment of loans and interest, the same as requested by the city and allowed by the House; and $81,719,100 for capital outlay projects, a reduction of $68,210,900 from the amount requested and $49,674,900 below the amount allowed by the House.

I ask unanimous consent that the summary of bill table that appears on page 2 of the report be included in the RECORD at this time. I believe that it more graphically illustrates the comparative figures.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF BILL

Agency and item (1)	New budget (obligational) authority, fiscal year 1972[1] (2)	Budget estimates of new (obligational) authority, fiscal year 1973 (3)	New budget (obligational) authority recommended by House (4)	New budget authority recommended by Senate committee (5)	Senate committee recommendation compared to— Budget (6)	Senate committee recommendation compared to— House bill (7)
FEDERAL FUNDS						
Federal payment	$177,740,000	$194,074,000	$189,074,000	$187,074,000	−$7,000,000	−$2,000,000
Loans for capital outlay	102,086,000	149,232,000	143,232,000	126,632,000	−22,600,000	−16,600,000
Total, Federal funds to the District of Columbia	279,826,000	343,306,000	332,306,000	313,706,000	−29,600,000	−18,600,000
Commission on the Organization of the District of Columbia Government	425,000					
Total, Federal funds	280,251,000	343,306,000	332,306,000	313,706,000	−29,600,000	−18,600,000
DISTRICT OF COLUMBIA FUNDS						
Operating expenses	666,944,000	722,814,000	716,124,000	714,984,300	−7,829,700	−1,139,700
Repayment of loans and interest	23,573,700	28,144,000	28,144,000	28,144,000		
Capital outlay	323,713,000	149,930,000	131,394,000	81,719,100	−68,210,900	−49,674,900
Total, District of Columbia funds	1,014,230,700	900,888,000	875,662,000	824,847,400	−76,040,600	−50,814,600

[1] Includes fiscal year 1972 2d supplemental appropriation.

Mr. INOUYE. With regard to the Federal funds paid to the District of Columbia, which are also included on the table just inserted—and again I refer my colleagues to page 2 of the report—the city requested a total Federal payment of $194,074,000. Of this amount, $190 million was authorized in the District of Columbia Revenue Act of 1971; the remaining $4,074,000 is requested for water and sewer services rendered Federal activities. This latter amount, the $4,074,000 we have recommended in full. The committee does not, however, recommend the full $190 million requested—the amount normally referred to as the Federal payment. Rather, the committee recommends the appropriation of $183 million, or $2 million less than the House allowance.

I believe the closeness of the House allowance and the committee recommendation is noteworthy, and that it reflects fundamental agreement between the House Subcommittee on the District of Columbia and the subcommitee which I chair, concerning the level of funding necessary to meet the city's needs. The Senators will note on page 2 that the difference between the House allowance and the committee's recommendation for operating expenses is only $1.1 million. The District of Columbia request was for $722.8 million.

Our committee was disturbed by many things that were brought to light during the hearings, but two basic problems are paramount. The first concerns adequate fiscal accountability of funds. The subcommittee asked the General Accounting Office to explore the matter and the GAO returned with a list of 18 deficiencies. I questioned Mayor Washington about the deficiencies during the hearings and later I was informed, on an item by item basis, what the source of the difficulty was. I referred all of this to the General Accounting Office for further investigation but have not received their final report as of this moment.

Based on the GAO study and other revelations during the hearings, I cannot help but think that where there is smoke there is fire. The matter of most concern to me is how much fire and, as a practical matter, what can be done about it. The Mayor and I have discussed this both publicly and privately for many hours. The committee has supported the Mayor in his requests, both financially and personnel-wise, but the day of reckoning cannot be far off. I am not the first subcommittee chairman who has extended this support; my predecessors on the subcommittee, Senators BYRD and PROXMIRE, have gone to considerable lengths to assist in this regard. I am told that the tide of unaccountability is being turned, and that when the day of reckoning does come, the District of Columbia will not be found deficient. The assistance and support provided in the last few years has resulted in renewed emphasis on the budgetary process and increased strengthening of the budget office under the able directorship of Mr. Comer C. Coppie. I look forward to seeing the results of this newly constituted office.

The second basic problem area, which is closely associated with the accounting area, is the problem of Federal grant assistance to the government of the District of Columbia. Through this year's budget, the justification materials have been focused on the funding requirements of the programs receiving appropriated funds only. No effort was made to justify the grant funding in the justifications presented to us, although the amount of the expected grant funding for the fiscal year was noted in the justification materials. I point out at this time the table on page 9 of the report, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF FEDERAL GRANTS ASSISTANCE TO THE DISTRICT OF COLUMBIA BY SOURCE

[In thousands of dollars]

Federal agency	1971 actual	1972 estimated	1973 estimated
1. Department of Health, Education, and Welfare	98,314.4	136,626.7	157,246.7
2. Department of Labor	6,329.5	10,950.5	12,169.3
3. Department of Housing and Urban Development	[1] 40,275.0	[1] 51,710.6	[1] 73,154.5
4. Department of Defense	155.6	150.0	110.0
5. Department of Justice	3,012.8	4,392.3	3,268.7
6. U.S. Civil Service Commission	10.0	41.0	2.6
7. Office of Economic Opportunity	1,551.3	2,283.5	1,595.4
8. Department of Commerce	191.6	315.4	28.0
9. Small Business Administration	33.1	14.2	
10. Department of Interior	89.8	107.8	50.0
11. Equal Employment Opportunity Commission	34.5	40.5	40.0
12. Department of Agriculture	6,597.0	3,628.0	4,334.5
13. Department of Transportation	35,400.5	29,657.7	75,323.5
14. National Science Foundation	103.0	140.0	140.0
15. National Aeronautics and Space Administration	45.0	5.0	20.0
16. Environmental Protection Agency	570.7	55,990.6	25,226.6
17. Water Resources Council	.8	24.8	20.0
Total, Federal source	[1] 192,714.8	[1] 296,178.6	[1] 352,729.8

[1] Includes estimates for Redevelopment Land Agency (RLA):

1971 estimate	$30,732
1972 estimate	41 200
1973 estimate	60,805

Mr. INOUYE. This table illustrates the magnitude of the problem that has frustrated the subcommittee with regard to appropriations for the District of Columbia. The funding request over which the District of Columbia Subcommittee is responsible for fiscal year 1973 is $90-888,000 in new obligational authority. At the same time, the District expects to receive over $350 million in grant assistance from Federal agencies. What this has amounted to in the past is that, while we reviewed the budgets and made what we thought were appropriate reductions, the District government was free to do whatever it pleased with the grant funds, including pay for programs we had specifically denied in the District appropriations.

We cannot say that this is the fault of the other appropriations subcommittees, because the sums granted to the District of Columbia are but a minor portion of the budgets they have to review. Now this review is rightly placed with the District of Columbia Subcommittee. As a result, I have requested, and the committee has consented, that inquiry into the District of Columbia grant funding be made the responsibility of the District of Columbia Subcommittee. While this subcommittee will not have the authority to reduce the grants of these various executive agencies, if irregularities arise or funding becomes excessive, the subcommittee will be responsible to see that it is brought to the attention of the subcommittee acting on the appropriation of the executive agency in question. In this way the subcommittee for the District of Columbia appropriations will be able to control the "total" Federal payment to the city. It will know what the total funding requirement of the city is and be able to act accordingly. No longer will the intent of the subcommittee be circumvented by the use of grant funding.

The committee has taken another progressive step in this bill, Mr. President. As I mentioned earlier, the committee drafted its own bill. Naturally, to satisfy the rules of the Senate, all but one legislative provision was deleted from the proposed language submitted in the budget. Some of these provisions date back over 11 years and should have been enacted into law other than in the appropriation bill. As a matter of fact, we warned the District officials that, if they did not act, we would. The result was proposed legislation that the Senate has since enacted—(S. 2004)—but that is presently sitting in committee in the House with no reporting date in sight. We have not revised the bill in this regard since the House has acted, except to add a provision which was deleted by the House. That is why you will notice numerous provisions lined out in the bill before you. The committee proposes that the legislative items be queried in conference. If they are no longer relevant, the committee proposes to delete them. If they are still required, I propose to ask why the House has not acted on the legislation now before it. I think the matter is worth pursuing.

Mr. President, there is one area where the committee differs considerably from the House as to the amount that should be allowed in fiscal year 1973. It is the capital outlay program. Last year, we were concerned that the program was getting out of hand and, as a result, the conferees agreed that a limitation of $150 million should be placed on the budget request for fiscal year 1973. The District complied with the mandate of the conference report, but I am sad to say that their compliance was, to my way of thinking, merely "token." While the District officials submitted a request for $149 million for fiscal year 1973, it should be noted that a few months ago they also submitted a supplemental request for fiscal year 1972 for another $84.2 million. Inasmuch as $67.8 million of the amount requested in the supplemental was approved, the committee recommends that only $81.7 million of the $149.9 million requested for capital outlay in this bill be approved. This will provide for a capital outlay program in line with what the Congress directed last year. The percentage of District funds being used for repayment of loans and interest for this program is growing astronomically as indicated in our report on page 7. Ten years ago the amount required for the repayment of loans and interest was less than $2 million. This year it is $28 million. If the Congress limits the District, as it has in 1973, to $150 million worth of new projects each year, the debt service cost, the cost of payment of interest and principal, will rise to over $200 million by 1989. That is almost 10 times what it is today. It is very popular for the city to engage in these new capital projects—and Mr. President, it should be noted that I am not against the construction of schools, jails, or highway projects—but we have to look to the future and see what the impact of such an ambitious program will be.

I might add at this point, Mr. President, that funds borrowed for use in the capital outlay program have been utilized, in the past, for more consumable items. The subcommittee has been watching this closely and will continue to do so. If funds are to be borrowed for a period of 30 years, we want to ensure that the goods purchased with those funds last that long as well.

The committee would like to keep the loan repayment expenses as manageable as possible but is unable to do so without keeping a tighter rein on capital outlay projects authorized in this bill. For this reason, the committee hopes that the Senate will endorse the committee's recommendation.

Mr. President, there are several acknowledgements that I feel are appropriate at this time. To begin with, I think it should be noted that this bill is being considered before the first of July only because of the cooperative efforts of all the organizations concerned with the appropriation process, the city, the executive branch, the House, and our committee on appropriations. I do not know if the public realizes the impetus that our chairman, Senator ELLENDER, has provided in seeing to it that the bill and others are considered before the start of fiscal year 1973, but, believe me, he has been the motivating force behind us all.

I would also like to recognize the staff on the committee who have been most helpful. Prior to the first of April, Mr. William Jordan, who has worked with this particular bill for almost 5 years, assisted me. He was also assisting Senator PROXMIRE on the foreign aid appropriations bill at the same time which meant that each of us were receiving half the staff assistance we needed. At this time Mr. Farrell Egge was brought in to handle the staff responsibilities on this bill on a full-time basis and Mr. Jordan was allowed to devote full time on the foreign aid bill. With Mr. Jordan's assistance, Mr. Egge has filled the breach.

Several members of my immediate staff have also become involved in this budget review, because of their interest and because of the numerous phone calls that I have received from the citizens of the District. They are Mr. Bill Milks, Mr. Anson Choung, and Mr. Charles Dickens, who is an intern from the National Science Foundation. They were of great assistance to Mr. Egge during the transition, as was Mr. Robert Clark, the minority counsel. But the "bright light" in this group is Miss Helen Dackis. Without her assistance, I am certain Messrs. Egge and Jordan would have been truly handicapped.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. HATFIELD. Mr. President, I should like to take this opportunity to commend the chairman of our subcommittee, the Senator from Hawaii (Mr. Inouye). I have been on this committee only a few weeks, but I represent the minority party, and I feel it is important for the Senate to know that the chairman of our subcommittee has diligently pursued his duties and responsibilities. But far beyond that which is normally expected of a chairman, the Senator from Hawaii not only has informed himself and become very knowledgeable as to the material that is presented through the written form and through the verbal testimony before the committee, but also has acquainted himself from on-the-scene investigation, inquiry, visitation, and interview. Therefore, the depth of his knowledge and background are indeed most impressive.

I also should like to indicate that throughout the hearings it has been obvious to me that the Senator from Hawaii has looked at more than statistics and data and figures. He also has looked at the human factor involved and the human problems represented by these figures in our Capital City.

Many would like to see home rule. I happen to be one of the supporters of home rule for our Nation's Capital. But I feel that through this kind of hearing and the kind of leadership given by Senator Inouye, we not only are developing the finest and the most efficient program under the present organic act, but also probably are doing more for laying the true foundations for solid home rule, which we hope will come in the very near future.

So, in connection with these many aspects, I take this occasion to commend my chairman and to indicate to him my respect and my great admiration for his efficient handling of the committee and for always giving a fair and total hearing to all viewpoints and all groups.

I share his concern about the capital improvement program particularly, and invite attention to page 37 of our committee report, which outlines this common concern that we share. I think that all our colleagues certainly would support our concern on this basis and therefore support the committee's action, even though we would like to appropriate far more money for these aspects.

I express again my personal appreciation and my admiration for the way the chairman has handled this very difficult assignment. I know the sacrifice of time and the sacrifice of duties which are demanded of him in performing his functions for the people of Hawaii. We all should be very cognizant of the fact that whoever serves as subcommittee chairman—especially a diligent man such as Senator Inouye—does make sacrifice of his time and energies. I thank the Senator for his outstanding performance.

Mr. INOUYE. I thank the distinguished Senator for his gracious words. It has been a great pleasure to have Senator Hatfield sitting with me on the subcommittee.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc; that the bill as amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 1, line 9, after "June 30, 1973", strike out "$185,000,000" and insert "$183,000,000".

On page 2, line 13, after "(74 Stat. 210)", strike out "$143,232,000" and insert "$126,632,000"; at the beginning of line 17, strike out "$103,070,000" and insert "$90,070,000"; in the same line, after the word "fund", strike out "$16,750,000" and insert "$13,750,000"; in line 18, after the word "fund", strike out "$3,000,000" and insert "$2,600,000"; and, in line 19, after the word "fund", strike out "$14,160,000" and insert "$13,960,000".

On page 3, line 4, after the word "expenses", strike out "$65,029,000" and insert "$63,242,600"; at the beginning of line 13, strike out "*Provided further,* That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations:"; in line 15, after the word "That", strike out "$2,500,000" and insert "$1,000,000"; and, in line 18, after the word "compensation", strike out the colon and "*Provided further,* That not to exceed $100,000 of this appropriation shall be available for settlement of property damage claims not in excess of $500 each and personal injury claims not in excess of $1,000 each: *Provided further,* That not to exceed $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner".

On page 4, line 8, after the word "Commissioner", insert "cash gratuities of not to exceed $75 to each released prisoner;"; in line 15, after the word "limitation", strike out "$181,700,000" and insert "$181,513,900".

On page 5, line 3, after the word "programs", strike out "$179,526,000" and insert "$179,907,300"; at the beginning of line 4, insert "$9,561,300 shall be for special education. Of the amount provided by this section for Education,"; and, in line 6, after the word "fund", strike out the colon and "*Provided,* That certificates of the following officials shall each be sufficient voucher for expenditures from this appropriation for such purposes as they may respectively deem necessary within the amounts specified: Superintendent of Schools, $1,000; President of the Federal City College, $1,000; President of the Washington Technical Institute, $1,000; and President of the District of Columbia Teachers College, $1,000".

On page 5, after line 13, strike out:

> Section 5533(c) of title 5, United States Code, shall not apply to compensation received by teachers of the public schools ol the District of Columbia for employment in a civilian office during the period July 1, 1972, to August 31, 1972.

On page 5, line 20, after the word "Recreation", strike out "$13,860,000" and insert "$13,843,500".

On page 5, line 24, after the word "in", insert "authorized"; in line 25, after the word "institutions,", strike out "including those under sectarian control,"; on page 6, line 2, after the word "Resources", strike out "$208,709,000" and insert "$209,915,800"; and, in line 22, after the word "Columbia", strike out "without regard to the requirement of one-year residence contained in the District of Columbia Appropriation Act, 1946, under the heading "Operating Expenses, Gallinger Municipal Hospital", and this appropriation shall also be available to render assistance to such individuals who are temporarily absent from the District of Columbia: *Provided further,* That the authorization included under the heading "Department of Public Health", in the District of Columbia Appropriation Act, 1961, for compensation of convalescent patients as an aid to their rehabilitation is hereby extended to the Vocational Rehabilitation Administration of the Department of Human Resources".

On page 7, line 15, after the word "including", strike out "$166,700" and insert "$182,300"; in line 16, after the word "education", strike out "without reference to any other law"; at the beginning of line 21, strike out "$21,711,000" and insert "$21,372,400"; and, in the same line, after the word "which", strike out $20,042,300" and insert "$20,950,500".

On page 8, line 2, after the word "services", strike out "$44,710,000" and insert "$44,309,800"; and, in line 4, after the word "fund", strike out "$13,846,100" and insert "$13,646,100".

On page 9, line 10, after the word "expended", strike out "$131,394,000" and insert "$81,719,100"; in line 11, after the word "which", strike out "$12,227,700" and insert "$3,360,000"; in line 12, after the word "fund", strike out "$2,420,000" and insert "$1,200,000"; in line 13, after the word "and", strike out "$1,760,000" and insert "$1,020,000"; in line 14, after the word "That", strike out "$4,332,000" and insert "$2,516,500"; and, on page 10, line 5, after the word "lapse", strike out the colon and "*Provided further,* Notwithstanding any other provision of law, and authorization for a capital outlay project, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (Public Law 90-495, approved August 23, 1968), for which funds have heretofore been appropriated shall expire two years from the date of the Act making such appropriation unless prior to the expiration of such period funds for such projects were or will have been obigated in whole or in part. Upon expiration of any such project authorization the funds appropriated therefore shall lapse".

On page 10, line 22, after the word "official", strike out "without counter-signature".

On page 11, after line 4, strike out:

Sec. 3. Appropriations in this Act shall be available, when authorized or approved by the Commissioner, for allowances for privately owned automobiles used for the performance of official duties at 10 cents per mile but not to exceed $35 a month for each automobile, unless otherwise therein specifically provided, except that one hundred and thirteen (eighteen for veneral disease investigators in the Department of Human Resources) such allowances at not more than $550 each per annum may be authorized or approved by the Commissioner.

On page 11, at the beginning of line 15, change the section number from "4" to "3".

On page 11, at the beginning of line 19, change the section number from "5" to "4".

On page 11, after line 20, strike out:

Sec. 6. The disbursing officials designated by the Commissioner are authorized to advance to such officials as may be approved by the Commissioner such amounts and for such purposes as he may determine.

On page 11, after line 24, strike out:

Sec. 7. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

On page 12, at the beginning of line 9, change the section number from "8" to "5".

On page 12, after line 11, strike out:

Sec. 9. All passenger motor vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner, who may from time to time alter or change the assignment for use thereof or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in the section 16 shall not apply to the Commissioner or in cases of officers and employees the character of whose duties make such transportation necessary, but only as to such latter cases when approved by the Commissioner.

On page 12, at the beginning of line 25, change the section number from "10" to "6".

On page 13, after line 3, strike out:

Sec. 11. Appropriations in this Act shall be available for the furnishing of uniforms when authorized by the Commissioner.

On page 13, at the beginning of line 7, change the section number from "12" to "7".

On page 13, after line 17, insert a new section, as follows:

Sec. 8. The Department of General Services' allocation for construction services shall not exceed 10 per centum of appropriations for all construction projects.

On page 13, after line 20, strike out:

Sec. 13. Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be applicable during the current fiscal year: *Provided,* That the limitation for "Construction Services, Department of General Services" shall, during the current fiscal year, be 10 per centum of appropriations for all construction projects: *Provided further,* That the limitation on expenditure of funds by the Chief of Police for prevention and detection of crime during the current fiscal year shall be $200,000: *Provided further,* That during the current fiscal year, the limitation with respect to a central heating system, under the heading "Department of Sanitary Engineering", shall not be applicable.

On page 14, at the beginning of line 9, change the section number from "14" to "9".

On page 14, at the beginning of line 16, change the section number from "15" to "10".

On page 14, at the beginning of line 19, change the section number from "16" to "11".

On page 15, at the beginning of line 13, change the section number from "17" to "12".

On page 15, at the beginning of line 17, change the section number from "18" to "13".

On page 15, after line 20, strike out:

Sec. 19. Appropriations in this act shall not be available, during the fiscal year ending June 30, 1973, for the compensation of any person appointed—

(1) as a full time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 39,619; or

(2) as a temporary or part time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

On page 16, after line 17, strike out:

Sec. 20. No funds appropriated herein for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community group during nonschool hours.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. I yield to the Senator from California.

Mr. CRANSTON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 9, line 10, strike out "$81,719,100" and insert in lieu thereof "$81,754,100".

Mr. CRANSTON. Mr. President, I want to make it clear that I am in full support of the very fine efforts of the District of Columbia Appropriations Subcommittee and its chairman, Mr. INOUYE, to provide the District of Columbia with an annual budget that is responsive to the needs of the District citizens and also fiscally sound. H.R. 15259 is just such a bill. The chairman has taken great pains to insure that the District's capital outlay program is kept within strict bounds to insure fiscal integrity. It is, therefore, with some trepidation that I offer this amendment to add $35,000 for a bicycle route system.

This amendment would simply restore a rather small sum, $35,000, which was in the budget request, but which was not included in the bill reported by the Senate Appropriations Committee. This $35,000 item was requested by the District government to implement a 22-mile bicycle route system in the District of Columbia.

My reason for offering this amendment is to deal with a growing traffic safety hazard on the city streets and to help protect the life and limb of the increasing numbers who rely on their bicycles as a serious means of transportation. None of the $35,000 will be used for exclusive recreational trails. Rather, the money will be used for three important purposes:

First, to provide for curb cuts and ramps where necessary and appropriate;

Second, to paint lines on the streets; and

Third, to post signs to warn motorists and pedestrians of the presence of bicyclists.

The line-painting will not establish exclusive bicycle lanes, nor will it inconvenience the motorist or redirect automobile traffic. By providing 22 miles of bicycle routes—that are clearly marked for all to see—we will divert bicycle traffic off the major traffic arteries where accidents and congestion are so likely to happen.

The plan calls for a series of bicycle routes into the downtown area: from the Georgetown area into downtown Washington, from the Connecticut Avenue area downtown, from the Capitol Hill area downtown, and from the Southwest redevelopment area downtown.

In short, my amendment is intended to deal with a growing traffic safety hazard, as recognized by the National Traffic Safety Board in a recent report entitled, "Bicycles as a Highway Safety Problem." In the District of Columbia, surveys have counted approximately 6,000 regular bicycle commuters. And if increasing bicycle sales in the metropolitan area are any indication, the number of bike commuters is growing fast.

The most current data compilation of the Metropolitan Police Department indicates that in the first 3 months of 1972, 13 accidents involving bicycles were reported. Nine of these involved nonfatal injuries. Fortunately, there were no fatalities. However, in 1971, one person lost his life in an accident involving a bicycle, and 81 sustained nonfatal injuries of varying degrees of seriousness.

I believe it is essential to include in the District of Columbia budget the funds necessary to accommodate the growing numbers of serious bicycle commuters and to assure their safety. The $35,000 is a small amount to pay to reduce the likelihood of increasing deaths and injuries on the city streets.

Mr. INOUYE. Mr. President, the committee did not consider this measure, because it was not submitted by the city of Washington. I understand that the White House submitted this proposal, but the Mayor did not initiate the request. As I understand the situation, the request was added by the council. However, I agree with Senator CRANSTON as to the necessity of this measure. I am pleased to accept the amendment and will take it to conference.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. CRANSTON. I yield back the remainder of my time.

Mr. INOUYE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. INOUYE. I yield 10 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I am enthusiastically in accord with the amendment of the Senator from California. I am a frequent user of bicycles on weekends, and I can assure the Senate that the residents of the District of Columbia have taken to the bicycle paths we now have. The paths are crowded on weekends, and this is a wonderful trend. I commend the Senator.

Mr. CRANSTON. I thank the Senator from Illinois.

PRIVILEGE FROM THE FLOOR

Mr. PERCY. Mr. President, I ask unanimous consent that during consideration of the matter I wish to bring before the Senate, Mr. William Lytton of my staff be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I enjoyed very much indeed my service on the Appropriations Committee. As the ranking Republican on the District of Columbia Committee, I benefited tremendously from that service. I know that our distinguished assistant majority leader rendered great service to the District of Columbia on that committee and became knowledgeable, and we lean heavily on him for counsel and advice.

I admire the tenacity with which my distinguished colleague from Hawaii (Mr. INOUYE) went after his job. Although we have had some differences, I pledge to him that as a resident of the District of Columbia, I shall continue my interest in the District of Columbia. We should and can make this a model city for the inhabitants of the Nation's Capital.

Mr. President, I would just like to comment briefly concerning the District of Columbia jail. The Department of Corrections requested $10 million to begin construction of a new jail facility. The House has agreed to appropriate $9 million; however, the Appropriations Committee of the Senate has recommended that no money be appropriated for this project.

The District of Columbia jail has a capacity for 663. However, it has been operating at 83 percent over capacity. The average daily population is 1,213, and a year from now the average population is expected to be 1,351. I am sure that the chairman recalls when I testified before his subcommittee on March 29 of this year, and at that time I warned of the severe overcrowding and the very real danger of a riot situation developing by the end of this summer, which information was given to me by inmates and by other people familiar with the situation out there. The facts which I discussed at that time have not changed, in my judgment. The situation is still critical, and it gets more critical each day. Any hesitation on the part of the Congress would only serve to exacerbate these very serious tensions.

Kenneth Hardy, the Director of the District of Columbia Department of Corrections, has pointed out in testimony before the Senate that—

> Any system whose facilities are operating at more than 50% over-capacity can function neither effectively nor efficiently for long.

Indeed, Mr. Hardy has also commented that he does not see "much difference in the way the Nazis kept the prisoners they had at Dachau and what we are keeping our men in today."

An independent, 2-year study of the century-old District of Columbia jail termed the jail "a filthy example of man's inhumanity to man." Obviously, the intention of the Department of Corrections to replace this barbaric structure can only be praised by all of us who have an interest in the well-being of the District of Columbia.

It is because of this, Mr. President, that I am somewhat concerned by the report of the Appropriations Committee which recommends that no money for the jail be appropriated by the Senate. I know that the distinguished chairman of the subcommittee, Mr. INOUYE, is cognizant of the very pressing need for the new jail. Since the committee report is somewhat incomplete in discussing the reasons for this deletion, I should like to ask the distinguished Senator from Hawaii the reasons for this deletion. I am thoroughly familiar and am supportive of his efforts to bring capital expenditures within control, to see that we do first things first. But this is a most urgent project. Everything that is presently desirable is probably already in the budget. But we have to put first things first.

I recognize that this might not come within the $150 million target figure, but in the Department of Corrections, of the 10 items that were asked for in the budget, the jail was the No. 1 item.

It might be useful for the record to review the fact that the overall construction of the jail is $43 million. Congress has already committed itself to the construction of this new facility by appropriating $2,650,000 as of March 31. The Department of Corrections expects to sign a contract this week with architects for $1,925,000 to provide for plans to be drawn up; and if the money requested for construction by the District would be forthcoming, the Department of Corrections estimates that excavation could be started by this time next year.

Since I am rather unclear as to why the committee has decided not to appropriate this money, I would very much appreciate the chairman's offering for the record the reasons why the committee decided to deny a request by the District in this regard, a request which was reaffirmed at noon today, at a luncheon by former Attorney General of the United States, John Mitchell, who said that in his judgment this is an urgent capital requirement and absolutely essential to continue to carry out a program which has been so costly in lives and to the property of people in the District of Columbia.

The tendency to bring down the crime rate must be accelerated and continued, but we know that a great deal of crime is created by inmates already in prison, almost all of whom will be eventually released. We know that from their experience in having to endure the inhumane conditions existing in jail, many times they revert back to a life of crime. Our prisons are today schools for advanced courses in crime. We are the victims, those of us who are residents of the District of Columbia. I feel, for the record, that it would be highly desirable, therefore—because I know that the chairman does not do things without good reason—to have it stated for the record now, as to what was in the minds of the Appropriations Subcommittee in this regard.

Mr. INOUYE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. FANNIN). The Senator from Hawaii is recognized for 5 minutes.

Mr. INOUYE. Mr. President, last year, Congress appropriated a sum in excess of $323 million for capital outlay projects for the city of Washington. As a result, in conference last year, the House and Senate conference agreed that, henceforth, a ceiling should be established for capital outlays and projects of $150 million per year.

Why?

The reason is simple. Ten years ago, the debt service cost of the city, the cost of interest payments and principal payments, was less than $2 million.

Today, as a result of the borrowing power we have extended to the city, the debt service cost—which is primarily in interest payments—exceeds $28 million.

The committee felt that if the city were permitted to continue with this accelerated capital project, no one would know what the capital debt service cost would be, say, 20 years from now.

We estimated that if we maintain a ceiling of $150 million a year, the debt service cost in the year 1989—which is not too far away, sir—would be $203 million per year.

In other words, it is easy for city officials to go out to their constituents and say, "We have got you this and that project," because they do not have to pay for it today, Mr. President. Someone's son and daughter will have to pick up the tab for that 15 or 20 years from now.

It should also be noted that Congress, in response to the pleas of city officials, appropriated large sums of money for capital projects.

At this moment, we have over $300 million worth of approved projects still unobligated for construction purposes. If these projects were of such high priority when they were presented to us a year ago, 2 years ago, or 3 years ago, why have the funds not been used?

I have suggested that funding authorization for these projects can be reprogramed and used for the jail.

In order to be consistent with my views that the people of the District of Columbia deserve self-government, I have tried my best to rely on the direction which has been coming from the mayor's office.

The subcommittee therefore requested the city to submit to this committee of ours a priority list of their projects. In the event we limited the construction program to $82 million, what would their priorities be?

Mr. President, in the priorities list, they did not include the city jail. The jail was listed in the third priority group behind at least 22 other projects.

I agree with my distinguished colleague from Illinois that the jail is important. I was at the hearing and listened to the testimony. I was personally rather surprised to find the city coming forth and not including the jail as a high priority matter.

But since I have committed myself to home rule, and since I have assured the city that I will try my best to go according to their direction, we placed their priority list in the committee report with only a few minor revisions. I would like to cite those revisions at this time.

From the amount set aside for Dunbar High School, we have deleted the sum of $225,000. That is not a large amount. But it is pretty substantial when we have a minimum of $35,000 for a bicycle path.

They had in the top priorities an item of $225,000 to build a rifle target range in Dunbar High School. I do not believe that a rifle target range has a high priority in this situation considering the recent history of the United States.

Mr. PERCY. Is that to train law enforcement officials or is it for anyone who wants to use it?

Mr. INOUYE. It is for high school students. I have tried my best, although this job is not my idea of a pleasant assignment, because I am a firm believer in home rule. But I have tried my best to do my job.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INOUYE. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 2 additional minutes.

Mr. INOUYE. Mr. President, I represent the State of Hawaii. The State of Hawaii has been struggling for home rule for a long time. We got it 13 years ago. I would like to see Washington get it tomorrow. As long as we do not have home rule here, I will try my best to provide some fiscal responsibility. I hate to see the young children of today pick up the tab for some of the luxuries that are not necessary.

Mr. President, I could go on and on for hours, if the Senator wants me to, and I could tell him some of the items that have been requested in the capital outlay budget, items that personally I see as being unnecessary items. They could be set aside for a few years at the least.

Mr. President, in closing I would like to note that throughout the United States the people of the United States have experienced hard times. The citizens of the county of Fairfax just last evening voted down a bond issue of something like $55 million for school construction programs.

There are other major cities in this Nation where we have not found a single new classroom built in the last 6 years because of the lack of funds.

Mr. President, this Congress has been, in my view, very generous to the people of this city.

But I would like to temper our generosity with some responsibility. And if the city officials wish to come forth with a revised priority list, I would be very happy to incorporate the list in the bill. Incidentally, I requested the Mayor to do so yesterday. He reported that he was not able to change the priority list.

Mr. PERCY. Mr. President, will the Senator yield me 5 minutes?

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. PERCY. Mr. President, I feel that we are getting a clarification of the matter now. It is inconceivable to me that an item that is No. 1 on the priority list of the Department of Corrections, would end up being No. 22 on the overall District of Columbia list.

I see we do have a problem. However, just to clarify the matter, is it the chairman's feeling that this jail should be constructed?

Mr. INOUYE. I feel that the jail should be constructed. It should have been constructed 5 years ago. However, I am still bound by this priority list. Therefore, I have discussed it with their fiscal officers and have suggested that they come forth with a new program of requests to set aside some of these nonpriority matters that have been pending for years and propose a start of construction on the jail. Incidentally, it might be well if the Congress were to take a good look at the construction plans for the jail.

I have made a study and I find that less than 25 percent of the residents of the District of Columbia live in air-conditioned homes.

This jail will have centralized air conditioning. Maybe this is the way to treat our felons. However, I would think that our people should get air conditioning before the prisoners get air conditioning.

Mr. PERCY. Mr. President, I have a roomful of witnesses that are waiting in the committee room at the hearing. I will try to be very brief.

As I understand it, the city has three categories of priorities. The new jail is listed in the first category. There are 25 projects listed in that first category.

I just do not understand it. If we are for the jail, and the House supports it and the chairman and the administration supports it, what do we have to do to get this project going, unless we are willing to set this aside for another year because of somehow not being able to surface this high enough in priorities because of the way we are going about it?

Mr. INOUYE. Mr. President, if the city officials will come forth with a revised priority list which would include the jail, I will publicly assure them at this time that I will do everything to see that the jail construction is made part of the bill.

I realize that the cuts proposed by the Senate subcommittee are rather harsh. But somewhere along the line someone must apply the brakes.

If we had gone along with the requests submitted by the committee, we would have appropriated this year $149 million in construction programs. Add to that the $323 million for last year. What will next year be like and the years following?

Mr. PERCY. Mr. President, I am very sympathetic with the overall objective. I would like very much to go on record as believing that if we delay this project for a year, those who participate in this delay will have to assume personal responsibility for the delay.

This final element in the program to reform the system of justice in the District of Columbia is aimed at safeguarding the lives and property of the people in this city.

The present jail is an absolutely inhumane way of handling our prisoners. They are the ones who will commit the crimes in the future. They are the ones who will rob someone. They are the ones who will rape someone. They are the ones who will murder someone. We must take this step and advance $9 million or $10 million for this step which is very small indeed when compared with the chances we are taking in endangering the lives of the citizens of the community.

I think there is a great obligation on the part of the District of Columbia administration to come forward and respond to this request for the revised list of priorities that the chairman of the subcommittee has wisely asked for.

Mr. President, I would just like to briefly refer to the question of unobligated funds.

I note that on page 40 of the committee report, $6,748,848 is listed as being unobligated as of March 31 by the Department of Corrections. I have checked with the Department of Corrections and they inform me that as of April 30 almost another million dollars was obligated, bringing the unobligated portion down to $5,901,998. Keeping in mind that the contract with architects will very probably be signed this week for almost $2 million, the total unobligated funds is down to a little under $4 million. I think that the trend is very clear that this unobligated money is very quickly being obligated. I certainly would not think that we would want to penalize the Department of Corrections, and consequently the citizens of the District, because of other departments or agencies which have not obligated their funds.

Mr. President, I trust that we will find some answer to this problem within the framework that the chairman and the distinguished ranking minority member of the subcommittee are trying to accomplish and not have an uncontrolled capital budget. However, we should have a set of priorities that we can live with and we should not be forced to sacrifice this one capital project that is so important.

Mr. INOUYE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 minute.

Mr. INOUYE. Mr. President, I wish to have the RECORD note that a few months ago in the second supplemental construction request, Congress appropriated $65,200,000 for four facilities in the Lorton complex to alleviate the conditions there.

The PRESIDING OFFICER. Who yields time?

Mr. HARRY F. BYRD, JR. Mr. President, I would like to make a few comments on the matter.

Mr. INOUYE. Mr. President, I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, as is obvious, the Senate has had very little time to study this appropriation bill. It was only available today. So, with a quick glance, there are three points that I want to mention and I would then like to ask several questions of the able chairman of the subcommittee.

The Senate committee has recommended an appropriation of $189 million below last year's figure.

It is $76 million below this year's budget request and $50 million below the amount approved by the House. Obviously the Senate committee conducted a thorough review of the District of Columbia spending programs.

Second, the total Federal funds to be paid to the District under the committee bill is $313 million, which is $33 million higher than last year's budget authority, but $30 million less than the budget recommendation.

Third, during the period 1951 to 1972 the Federal payment rose as a percentage of the District of Columbia tax revenues from 10.6 percent to 40.5 percent.

For 1973 the committee recommends a Federal payment which would be 40.8 percent of the District of Columbia tax receipts. Obviously this represents a successful effort to arrest the rapid increase in the Federal payment as a share of total District revenues.

I note on page 5 of the report that it goes back to 1951. In fiscal year 1951 the Federal payment, as a percentage of tax receipts, was 10.6 percent. In 1961 it had gone up to 15.9 percent, until last year, and that is fiscal year 1972, it was 40.5 percent, and the new year will be 40.8 percent. That is a very dramatic increase in the Federal share of the cost of the District of Columbia government.

I commend the committee for putting a brake on this tremendous increase in the Federal share.

I wish to direct several questions to the distinguished chairman of the subcommittee.

Did the chairman indicate the total cost of Government in the District of Columbia; that is, the Federal share of the local share combined?

Mr. INOUYE. The request made by the city was $900,888,000. The Senator knows we did not approve the total amount.

In addition to this sum, which includes the Federal payment of $190 million authorized, we have the sum slightly in excess of $350 million in other Federal grants such as impact aid funds from HEW, matching highway funds from the Department of Transportation, and housing funds from HUD.

Up until a few weeks ago the Subcommittee on the District of Columbia had authority only to look into those appropriated funds, but at the request of the full committee the Subcommittee on Appropriations was directed to concern itself and to exercise jurisdiction over all Federal funds. Therefore, beginning with this coming fiscal year the subcommittee will be checking into every penny that comes in from the Federal Government.

I wish to point out that there have been certain expenditures reported in the press that caused some raising of eyebrows. For example, there was the use of impact aid funds to go to a local hotel for a weekend to conduct seminars and having the Federal taxpayers pick up the tab for about $2,000 for food and other accommodations. I do not think this is a high priority matter, but if it is we would like to have city officials say so for the record.

Mr. HARRY F. BYRD, JR. From the short time I had to study the committee report I am not clear whether the total cost of government for the upcoming fiscal year is $824 million or $824 million plus the grants the Senator has been speaking of.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. INOUYE. Mr. President, I yield 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. INOUYE. If the conference approves the $824 million the total cost of government in the city of Washington would be $824 million plus $350 million.

Mr. HARRY F. BYRD, JR. Then, as I understand it from the Senator from Hawaii, the total cost of government in the District of Columbia for fiscal year 1973, as recommended by the committee will be $824 million plus $350 million, making a total of $1.174 billion.

Mr. INOUYE. The Senator is correct, but the subcommittee up until this time had no jurisdiction over the $350 million. These were funds authorized and approved by other subcommittees.

Mr. HARRY F. BYRD, JR. Yes; I understand. But I am trying to understand how much it costs to operate the District of Columbia government.

Mr. INOUYE. Over $1 billion.

Mr. HARRY F. BYRD, JR. Where do the funds come from? As I understand it, the figure is $1.174 billion for fiscal year 1973.

Mr. INOUYE. The Senator is correct.

Mr. HARRY F. BYRD, JR. I note on page 2 of the committee report that there was a very substantial supplemental for 1972. In comparing the amount recommended by the committee with 1972 figures, this is following a reduction of $189 million, the supplementals were included as they should have been for 1972.

I am wondering if the Senator anticipates supplementals for 1973.

Mr. INOUYE. It would appear it has become the tradition on the part of the city of Washington to submit supplemental requests. But may I assure the Senator from Virginia that the Subcommittee on the District of Columbia will look upon these supplemental requests with a very hard eye. We will insist that these requests be those that will meet the strict requirements of the law, that they be emergency matters. For example, if we should experience a demonstration during this winter, an unexpected demonstration which would cost extra money for security, police, law and order, I think the city is justified in coming forth and requesting those unanticipated costs.

Mr. HARRY F. BYRD, JR. In looking over the RECORD of last December and taking the committee report today for fiscal year 1972, the supplementals amounted to some $200 million, the way I see it—perhaps a little less than $200 million that the city sought last year in supplementals. Is that correct?

Mr. INOUYE. That is including construction programs also.

Mr. HARRY F. BYRD, JR. It is including the total cost of Government.

Mr. INOUYE. As the Senator will note we took that into consideration when we considered this year's budget, while limiting the capital outlay program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. INOUYE. I yield 2 additional minutes.

Mr. HARRY F. BYRD, JR. My point is the supplementals for fiscal year 1972 amount to about 25 percent of the amount previously appropriated, a very high percentage. I am pleased to hear the Senator from Hawaii, and I know he plans to go very carefully into any requests for supplemental appropriations that might be made by the District of Columbia.

Mr. President, I would like to ask this question: What is the total number of employees now on the payroll of the District of Columbia?

Mr. INOUYE. According to the latest figures we have from the city of Washington, it is 39,726.

Mr. HARRY F. BYRD, JR. That is a lesser number than had been anticipated by the committee a year ago. Is that correct?

Mr. INOUYE. I believe the figures have not changed considerably.

The PRESIDING OFFICER (Mr. SAXBE). The Senator's time has expired.

Mr. INOUYE. Mr. President, I yield myself 1 minute.

With the President's austerity program, several jobs have been eliminated. So I would say, although I do not have the figures before me, that the total number should not be far different from that of the last fiscal year.

Mr. HARRY F. BYRD, JR. I would like to ask the Senator in regard to the number of welfare recipients, the average monthly total, what the committee estimates it will be for fiscal 1973.

Mr. INOUYE. The average monthly recipients——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. INOUYE. This is an estimate. For fiscal 1973 the District Budget Office estimate of the average monthly recipients is 124,000. The total expenditure is $106,477,104, which amount we reduced by $3 million.

Mr. HARRY F. BYRD, JR. I would like to point out that just in the short period from fiscal 1970 there has been a very large increase. In 1970 there were 49,983 drawing public assistance. That number will have gone up to 124,400 for fiscal 1973. In that short period of time the number of welfare recipients has more than doubled.

Mr. INOUYE. It has doubled?

Mr. HARRY F. BYRD, JR. From 49,000 to 124,000 is more than doubled. In 1971 it was 99,000. It had doubled from 49,000 in 1970.

Mr. INOUYE. In 1970 it was 49,000.

Mr. HARRY F. BYRD, JR. In 1970 it was 49,000. In 1971 it was 99,000. That is a doubling right there. For 1973 it will be 124,000.

Mr. INOUYE. The Senator is correct.

Mr. HARRY F. BYRD, JR. In 1970, just a short time ago, the city spent $34,814,000 for welfare. For 1973 it will be $106,477,000, or $103,477,000, if $3 million has been deducted. There again, in that short period of time, the cost has increased more than threefold.

Mr. President, I ask unanimous consent that the table from page 29 of the committee report be printed in the RECORD. This table gives the average monthly caseload, the average monthly recipients, and the total expenditures for welfare, beginning in 1962 to 1973.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PUBLIC ASSISTANCE CASELOAD AND EXPENDITURES REGULAR CATEGORIES

[Amounts in thousands]

Fiscal year	Average monthly— Caseload	Average monthly— Recipients	Expenditures Total	Expenditures Local	Expenditures Federal
1962	12,706	32,864	15,809.3	6,834.8	8,974.5
1963	11,067	27,597	13,562.3	5,387.6	8,174.7
1964	10,134	25,202	12,511.6	4,799.7	7,711.9
1965	10,647	26,862	13,350.8	5,216.6	8,134.2
1966	11,375	29,368	14,614.5	5,526.8	9,087.7
1967	11,998	30,563	16,479.4	6,897.6	9,581.8
1968	13,086	33,294	19,432.6	8,794.0	10,638.6
1969	14,880	38,447	23,055.8	10,957.1	12,098.7
1970	19,603	49,883	34,814.4	17,932.3	16,882.1
1971	29,615	75,034	56,801.8	29,749.4	27,052.4
1972[1]	36,000	99,158	66,602.2	35,299.2	31,303.0
1972[2]	40,492	106,000	79,253.3	41,153.3	38,100.0
1973[2]	51,000	124,400	106,477.1	55,198.5	51,278.6

[1] Budgeted.

[2] Estimate.

Mr. HARRY F. BYRD, JR. Mr. President, I also ask unanimous consent that the table on page 5, showing the percentage of Federal contributions and costs, be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EDERAL PAYMENT COMPARED TO DISTRICT OF COLUMBIA TAX REVENUES

[Dollar amounts in thousands]

Fiscal year	Federal payment appropriated (general fund)	Tax receipts	Federal payment as a percentage of tax receipts
1951	$9,800	$92,393	10.6
1952	10,400	96,486	10.8
1953	10,000	98,669	10.1
1954	11,000	98,950	11.1
1955	20,000	107,381	18.6
1956	18,000	114,179	15.8
1957	20,000	128,724	15.5
11958	20,000	135,640	14.7
959	25,000	138,607	18.0
1960	25,000	150,704	16.6
1961	25,000	156,891	15.9
1962	30,000	168,669	17.8
1963	30,000	192,326	15.6
1964	37,500	201,725	18.6
1965	37,500	215,711	17.3
1966	44,250	237,349	18.6
1967	58,000	253,078	22.9
1968	70,000	281,495	24.9
1969	89,365	317,746	28.1
1970	116,166	363,270	32.0
1971	131,000	406,271	32.2
1972 estimate	173,654	428,850	40.5
1973 recommended	183,000	448,600	40.8

DISTRICT OF COLUMBIA TAXES

Property taxes: Realty; Personal tangible.

Sales and gross receipts: Alcoholic beverages; Cigarette; Insurance; Motor vehicle excise; Public utilities, banks, etcetera; Sales and use.

Income taxes: Individual income; Corporation franchise: Unincorporated franchise.

Other taxes: Inheritance and estate; Real estate recordation; Motor vehicle registration.

Mr. HARRY F. BYRD, JR. Mr. President, one additional item deals with the inaugural ceremonies, and appears on page 33 of the report. There is an item of $879,000 for inaugural ceremonies. Would the chairman indicate just what that $879,000 would take care of?

Mr. INOUYE. This was a request submitted by the city of Washington and by the White House to pay for expenses anticipated for the Presidential Inauguration this coming January. It would be for the construction and rental of the viewing stands, benches, additional security, additional wiring, electricity, cleanup service, and so forth.

It is based upon the experience of the past inaugural ceremonies, and it appears that, as the years go by, inaugurations get a bit more elaborate and a bit more expensive, sir.

Mr. HARRY F. BYRD, JR. Does the Senator have a comparable figure for the inauguration 4 years ago?

Mr. INOUYE. I do not, but if I recall—and I am just delving back into my mind—4 years ago the cost of the inauguration was about $440,000.

Mr. HARRY F. BYRD, JR. The reason why I asked that question is that on May 18 of this year the Senate approved a conference report which carried an item of $650,000 for the Joint Committee on Inaugural Ceremonies for 1973.

Mr. INOUYE. That is for the Capitol.

Mr. HARRY F. BYRD, JR. That did not go to the District of Columbia?

Mr. INOUYE. No; that amount is for the Capitol, the building of the special inaugural front and the guest galleries there.

Mr. HARRY F. BYRD, JR. That is correct, but what I am trying to get clear is the total inaugural cost insofar as the American taxpayer is concerned. If I understand it correctly, it would be $650,000, which has already been appropriated, plus $879,000 which is proposed to be appropriated to the District of Columbia, making a total of $1,529,000.

Mr. INOUYE. It is a very expensive gala, sir.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARRY F. BYRD, JR. I would like 2 minutes.

Mr. HATFIELD. Mr. President, I yield 2 minutes to the Senator.

Mr. HARRY F. BYRD, JR. Mr. President, I think the distinguished and able chairman, the Senator from Hawaii, has tackled this very difficult problem of financing the District of Columbia in a very able and efficient and effective way, and I want to extend to him my thanks as a colleague.

I do think it is very important that the taxpayers realize just how much of the total cost of the government in the District of Columbia is being paid for by Federal tax funds taken from the pockets of all the people of all the United States. That is why I have consistently opposed, and shall continue to oppose, any proposal to put a commuter tax on the citizens of Virginia and the citizens of Maryland, such as was proposed by the city government.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. I yield 1 minute to the Senator.

Mr. HARRY F. BYRD, JR. I am glad the committee chaired by the Senator from Hawaii knocked that proposal out, because in studying this report it becomes clear that the Virginia taxpayers and the Maryland taxpayers, along with the taxpayers of the other 48 States, are paying substantially to operate the government of the District of Columbia. Any such commuter tax as has been proposed in the past would be very unfair to put on to the people of Virginia and the people of Maryland.

I thank the distinguished Senator, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. SAXBE). All remaining time having been yielded back and the bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. Church), the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Louisiana (Mr. Long), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. Muskie) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. Pell), and the Senator from New Jersey (Mr. Williams) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), the Senator from New Jersey (Mr. Williams), and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from New York City (Mr. Buckley) are absent on official business.

The Senator from Massachusetts (Mr. Brooke), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood) and the Senator from Pennsylvania (Mr. Scott) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. Brooke) and the Senator from Pennsylvania (Mr. Scott) would each vote "yea."

The result was announced—yeas 78, nays 0, as follows:

[No. 211 Leg.]

YEAS—78

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton

Eastland
Ellender
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya

Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—0

NOT VOTING—22

Baker
Brooke
Buckley
Church
Fulbright
Gambrell
Goldwater
Gravel

Harris
Hughes
Humphrey
Long
Mathias
McClellan
McGovern
Moss

Mundt
Muskie
Packwood
Pell
Scott
Williams

So the bill (H.R. 15259) was passed.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CRANSTON. I move to lay the motion on the table.

The motion was agreed to.

Mr. INOUYE. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Saxbe) appointed Mr. Inouye, Mr. Montoya, Mr. Hollings, Mr. Ellender, Mr. Eagleton, Mr. Hatfield, Mr. Stevens, and Mr. Young conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMENDMENT OF THE LEAD-BASED PAINT POISONING PREVENTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3080, the Lead Based Paint Poisoning Prevention Act.

Debate on this bill and amendments thereto are limited under the unanimous-consent agreement previously entered into.

The bill will be stated by title, for the information of the Senate.

The assistant legislative clerk read as follows:

A bill (S. 3080) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That (a) section 101(a) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government of any State and to private nonprofit organizations in any State".

(b) Section 101(b) of such Act is amended by striking out "75 per centum" and inserting in lieu thereof "90 per centum".

(c) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is also authorized to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead based paint poisoning detection programs.".

(d) Section 101 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) No grant may be made under this section unless the Secretary determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this section for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in this section, and will in no event supplant such State, local, and other non-Federal funds.".

Sec. 2. (a) Section 201 of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units in general local government in any State and to private nonprofit organizations in any State".

(b) Section 201(a)(2) of such Act is amended to read as follows:

"(2) the development and carrying out of procedures to remove from exposure to young children all interior surfaces of residential housing, porches, and exterior surfaces of such housing to which children may be commonly exposed, in those areas that present a high risk for the health of residents because of the presence of lead based paints. Such programs should include those surfaces on which nonlead based paints have been used to cover surfaces to which lead based paints were previously applied; and".

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Any public agency of a unit of local government or private nonprofit organization which receives assistance under this Act shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such public agency of a unit of local government or private nonprofit organization under this Act."

Sec. 3. Section 301 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

"Sec. 301. (a) The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead based paint poisoning in the United States, particularly in urban areas, including the methods by which the lead based paint hazard can most effectively be removed from

interior surfaces, porches, and exterior surfaces of residential housing to which children may be exposed.

"(b) The Secretary of Health, Education, and Welfare shall conduct appropriate research on multiple layers of dried paint film, containing the various lead compounds commonly used, in order to ascertain the safe level of lead in residential paint products. Within eight months after the date of enactment of this Act, the Secretary shall submit to Congress a full and complete report of his findings and recommendations as developed pursuant to such programs, together with a statement of any legislation which should be enacted or any changes in existing law which should be made in order to carry out such recommendations."

SEC. 4. Section 401 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"PROHIBITION AGAINST USE OF LEAD BASED PAINT IN CONSTRUCTION OF FACILITIES AND THE MANUFACTURING OF CERTAIN TOYS AND UTENSILS

"SEC. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate—

"(1) to prohibit the use of lead based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance in any form, after the date of enactment of this Act, and

"(2) to prohibit the application of lead based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this Act."

SEC. 5. (a) Effective after December 31, 1972, section 501(3) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "1 per centum" and inserting in lieu thereof "five-tenths of 1 per centum".

(b) Effective after December 31, 1973, section 501(3) is amended by striking out "five-tenths of 1 per centum" and inserting in lieu thereof "six-one hundredths of 1 per centum".

SEC. 6. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $45,000,000 for each fiscal year thereafter".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $50,000,000 for each fiscal year thereafter".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $5,000,000 for each fiscal year thereafter".

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "any amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year,".

(e) Title V of the Lear Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new sections:

"ELIGIBILITY OF CERTAIN STATE AGENCIES

"SEC. 504. Notwithstanding any other provision of this Act, grants authorized under sections 101 and 201 of this Act may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose.

"ADVISORY BOARDS

"SEC. 505. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, is authorized to establish a National Childhood Lead Based Paint Poisoning Advisory Board to advise the Secretary on policy relating to the administration of this Act. Members of the Board shall include residents of communities and neighborhoods affected by lead based paint poisoning. Each member of the National Advisory Board who is not an officer of the Federal Government is authorized to receive an amount equal to the minimum daily rate prescribed for GS-18, under section 5332, title V, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of the board. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(b) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, shall promulgate regulations for establishment of an advisory board for each local program assisted under this Act to assist in carrying out this program. Two-thirds of the members of the board shall be residents of communities and neighborhoods affected by lead-based paint poisoning. A majority of the board shall be appointed from among parents who, when appointed, have at least one child under six years of age. Each member of a local advisory board shall only be reimbursed for necessary expenses incurred in the actual performance of his duties as a member of the board."

SEC. 7. Section 314(e) of the Public Health Service Act is amended by inserting at the end thereof the following new paragraph:

"No funds appropriated pursuant to the authorization of this subsection shall be available for lead-based paint poisoning control of the type authorized under the Lead-Based Paint Poisoning Prevention Act (84 Stat. 2078)."

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield myself 10 minutes.

Mr. President, I am glad to have the opportunity to urge the Senate to pass S. 3080, amendments to the Lead Based Paint Poisoning Act.

This measure represents a continuation of existing legislation, Public Law 91-695, which was introduced in 1969, when the first effort was made by Congress and the Government to meet the problem of lead-based paint poisoning.

The proposed legislation represents the result of the experience that was gained during the last 2 years plus additional information and testimony that we had during the course of the hearings by the Health Subcommittee on March 6, 9, and 10 of this year.

This measure was reported by the Health Subcommittee and the Labor Committee by a unanimous vote of Democrats and Republicans. I believe that it has been improved significantly by the amendments of the Senator from Pennsylvania (Mr. SCHWEIKER). He was one of the initial movers in the Senate in drawing our attention to the problem of lead-based paint poisoning. I had the opportunity to appear with him about 3 years ago when we were first attempting to get Federal legislation to solve the problem.

This legislation authorizes $100 million for lead poisoning programs. Five million dollars would go to the Department of Health, Education, and Welfare and to the Department of Housing and Urban Development for Research. Fifty million dollars is authorized for HEW grants to eliminate the hazard if it is found in homes, or in the interiors of buildings, and some $45 million for the screening of individuals who may be affected by lead-based paint poisoning.

Mr. President, this is a poison which has come to national attention only during the past few years, although it is as old as the foundation of our Union. Even Benjamin Franklin commented on it during the first days of the Republic. Unfortunately, very little has been done up to this time to try to do something about the disease, which affects some 400,000 young Americans and will result in the deaths of 200 children this year. 14,000 children will be treated for lead-based paint poisoning, and half of them, even after treatment, will be left mentally retarded.

Mr. President, there are few problems which come before the Senate in which we find that spending $1 of the taxpayers' money toward solving a problem can so successfully relieve pain, suffering, and human misery.

By this authorization, we will, with an adequate appropriation, have a direct effect on the impact of lead poisoning on thousands of American citizens. We will be able to save the lives of hundreds of children. We can eliminate the possibility of mental retardation in tens of thousands of young people and children, and thus meet one of the significant health hazards that face many people in this country today.

The thrust of the legislation is to provide screening, and through the process of screening be able to detect those affected by this disease and provide treatment for it. We will also be able to provide resources to remedy the situation, that is, to eliminate the hazard as it exists, for the most part in older buildings which were painted 30 years ago—buildings in the inner cities—and some in rural America.

We will be providing resources to try to eliminate those surfaces which have peeling chips that can be a cause of lead-based paint poisoning, and also provide for some resources in the area of research.

I would say also, Mr. President, that we adopted in this legislation some standards for paint to be sold for interior residential surfaces. We have carefully tried to avoid setting regulations or standards for paint which would be used on exteriors at construction sites, which pose no serious health hazard.

We have suggested in this legislation that paint with no more than 0.5 percent of lead be manufactured up to January 1, 1973, and by January 1, 1974, such paints must have a lead content of not more than .06 percent.

This is a provision in the legislation that conforms with the Food and Drug

Administration's regulations on the lead content of paint.

Representatives of the paint industry appeared before the Health Subcommittee. By and large, they were extremely constructive and sensitive to the health needs of the American people. They were willing to work with the committee in helping to try and reach some standards. Many companies have developed paint which has no lead content in it whatsoever. That has been done, for the most part, by some of the major companies.

I have had the opportunity to meet some of the representatives of the smaller companies who feel that to reach the point of .06 percent may be a burden for the company and its employees. They felt that there had not been sufficient consideration as to what percent of lead in paint caused a health hazard. But they indicated their interest in conforming to Federal regulations and Federal law.

We have also included in this legislation a study tc be made by the Department of HEW, to undertake what we hope will be an exhaustive study. The Department will report back to the Health Subcommittee in a period of 8 months with recommendations, so that the Health Subcommittee will be able to consider all the conclusions which they have been able to develop, and act on them if the committee deems it necessary and, if the evidence is convincing, to change the figures which have been indicated here.

This is a responsible way to proceed. I have been sufficiently convinced by the research, even the limited research done by the Food and Drug Administration, and the consideration given it by the Department of HEW, to urge that the other figures be included in this legislation.

I would also hope that the paint industry would feel we were trying to be positive and constructive in devising the study and will believe that it is the intention of myself and the other members of the subcommittee that we will all be be very glad to give them a hearing when the results of the study are concluded.

Mr. President, this is important legislation. It can have an important impact on relieving the pain, suffering, and human misery visited on many thousands of Americans today.

I believe that the kind of support for this problem that we heard during the course of the hearings has compelled the introduction of this legislation on the part of all Members of Congress—both the House and the Senate. I know that is close to passing parallel legislation.

Though the amounts of money included in the legislation are minimum amounts, they can, with appropriations, have a great impact on relieving pain and suffering for millions of children and young people in this country right away.

Mr. President, I urge the Senate to approve S. 3080, because it amends Public Law 91-695—the Lead Based Paint Poisoning Prevention Act—to provide $100 million a year in the battle against childhood lead poisoning.

Ten years following the signing of the Declaration of Independence, Benjamin Franklin recorded his long experience with the effects of lead poisoning. In a letter to a close friend in July 1786 he complained that,

> This mischievous effect from lead is at least above sixty years old; you will observe with concern how long a useful truth may be known and exist before it is generally received and practiced on.

Though the "useful truth" about lead based paint poisoning in children has been known for much of the time since Mr. Franklin wrote those words, we have not yet "generally received or practiced on" that knowledge. It would indeed be gratifying if substantial successes against childhood lead poisoning will have been achieved before the 200th anniversary of the Nation's celebration of independence.

Our society has failed, even today, to remove the hazards of lead based paint poisoning. When I first brought the problems of this disease to the attention of the Senate in 1969—the statistics regarding this tragic affliction were as alarming then as they are now:

At least 400,000 children suffer with lead poisoning.

Only 12,000 to 16,000 children actually receive treatment, and half of them are left mentally retarded.

About 200 young children die from lead poisoning each year.

Though lead based paint poisoning accounts for only 5 percent of all accidental poisonings of preschool children, this disease accounts for up to 70 percent of all deaths due to poisoning among preschool age children.

Current figures are believed to merely expose a fraction of those who are actually suffering from this disease. But these figures are sufficient to suggest that childhood lead poisoning is of epidemic proportions. Immediate action is required to curb the spread of this malady. There are two compelling reasons why the Senate must enact legislation to continue the fight against childhood lead based paint poisoning.

First, we know how to cure sick children who are lead poisoned. With proper treatment, the death rate would be substantially reduced. All we need to do is go out and find the children who have high blood lead levels. Once we find them, doctors can treat them and can prevent the damage caused by neglect and inadequate care.

The second reason why we must continue Federal support to combat this disease is equally compelling. We need this legislation because we know how to prevent lead-based paint poisoning. Children get sick when they swallow small chips of peeling paint from the walls of deteriorating homes that have been covered with paints containing lead or lead compounds. Furniture, eating utensils, and toys are also known as the source of lead poisoning in children. By removing lead from paint on surfaces accessible to young children, the hazards of lead-based paint poisoning are eliminated.

Since we have the medical know how to treat those who are sick there is no reason to avoid doing that. We know how to protect children from getting lead sick and we must prevent them from being exposed to this hazard.

The bill before the Senate today—S. 3080—was unanimously approved by the Health Subcommittee and the Full Committee on Labor and Public Welfare. It authorizes $100 million a year to support Federal programs that will begin to curb the damage caused by this disease. These are programs that will extend the services currently authorized under Public Law 91-695, enacted in January 1971.

Under this bill $45 million is authorized for the Department of HEW to continue awarding grants to local community organizations, both public and private, for screening and testing young children who may be lead sick. Health authorities in Chicago, New York City, Washington, D.C., and Boston have learned that when they look for lead sick children. They find them. And the more they look the more they find. This bill will provide assistance to continue the search and to refer sick children for proper medical care.

Physicians also know that while early treatment can erase the effects of lead intoxication, it does no good to hospitalize a child for lead sickness and after treatment, return him to the same conditions that caused the disease in the first place. For that reason, the bill authorizes $50 million a year for the Department of HEW to make grants to public and private organizations to continue attacking the problem of eliminating the hazards of lead based paint poisoning. Although dwellings that are most likely to present a hazard for lead poisoning are also confronted with problems of sanitation and general disrepair it is essential that we begin to eliminate the threat of lead poisoning wherever possible.

We know that many materials and techniques are available to cover up those surfaces that have been coated with lead based paints. But, the most efficient and effective methods for completing that task is a subject of continuing study. For that reason—this bill authorizes $5 million a year for the Department of HUD and the Department of HEW to research the nature and extent of the problem of lead poisoning and to determine methods for effectively removing the hazard of lead poisoning from interior residential surfaces.

In hearings before the Health Subcommittee representatives of the paint industry expressed their concern for defining feasible limits of lead contained in residential paints. As a result, the committee approved an amendment authorizing the Department of HEW to continue research on the various lead compounds commonly used in paints and to report to the Congress within 8 months, any results that may affect the provisions of this act.

Young children are sickened today because of lead used in paints applied to homes 30 to 40 years ago. For that reason this legislation is primarily designed to seek relief for their suffering. Since we know, however, that the elimination of lead in paint can prevent the spread of this disease to future generations of American children and can reduce the recurrence of the disease in children who are sick today, this bill imposes restraints upon the use of lead in paints intended for residential surfaces accessible to young children.

Officials from the Food and Drug Administration testified before the Health Subcommittee last March that newly promulgated regulations would require a limit of the lead content in such paints to no more than .5 percent by January 1, 1973, and by January 1, 1974, such paints must have a lead content of no more than .06 percent. The committee accepted an amendment to insure that this legislation would conform to the new FDA regulation.

During 1971, the Bureau of Community Environmental Management—the office within the Department of HEW that has primary responsibility for lead poisoning programs—conducted neighborhood surveys in 27 cities across the country to assess the incidence of elevated blood lead levels of children in high risk areas.

During that survey Federal health experts examined 2,309 children in 999 homes in such cities as Nashua, N.H.; Salt Lake City, Utah; and Spokane, Wash. At least 73 percent of those homes were found to have at least one interior surface with a very high lead content. And, up to 95 percent of those homes proved hazardous when the exterior surfaces were examined. Not surprisingly, therefore, 9 percent of the children in this survey were found to have elevated blood lead levels. This is an alarming rate of incidence for any disease.

Medical records show that today's cases of childhood lead poisoning are 10 times greater than those of polio when that disease was a dreaded national epidemic. Our Nation committed the resources needed to conquer polio. We must begin now to do the same for lead poisoning.

Lead-based paint poisoning strikes children between 1 and 3 years of age in 85 percent of all cases. Two-year-olds account for more than 50 percent of the deaths due to lead poisoning. But probably the most disheartening tragedies caused by this disease involve the 6,000 to 8,000 young children who are left mentally retarded by the ravages of lead intoxication. The caretaking costs for one child who must live out his life as a mental defective due to lead poisoning is more than $200,000. Yet, for less than $1,000, the hazards of this disease can be eliminated for that child.

That is the core of hope in the fight against lead poisoning. Lead poisoning is a manmade disease. It is subject to complete control. What we must do is to take forceful action to rid our Nation's neighborhoods of this menace.

The costs of lead poisoning are borne by the whole community. This malady produces tragic wastes of human resources, institutionalization of victims, and mounting burdens on municipal health facilities and finances. No one benefits from lead poisoning except owners of deteriorating property who find it unprofitable to keep their properties in good repair.

I strongly urge every Member of this Senate to vote for S. 3080, which amends the Lead Based Paint Poisoning Prevention Act. With the approval of this measure we can continue the Federal fight against this needless, but tragic disease.

Mr. President, again I want to thank the ranking Republican member of the Health Subcommittee, the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), who has followed this matter very closely and has been so helpful in developing the legislation, as well as other members of the Health Subcommittee who have been extremely helpful to all of us in this development.

Now, Mr. President, I yield 5 minutes to the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER (Mr. BROCK). The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I favor the pending bill. Although I am the ranking member of the committee, I would not presume to speak first in this debate. Rather, the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), the ranking member of the subcommittee, should precede me, except that he has an amendment and prefers to make his remarks later in that connection.

Mr. President, I am pleased to be a cosponsor of the Lead Based Paint Poisoning Prevention Act, S. 3080, and urge its passage. Lead poisoning is primarily a disease of the poor, the black, the Spanish speaking and other foreign-language groups living in substandard housing. In New York, for example, it is a tragedy that as many as 86 percent of the reported deaths from lead poisoning have occurred among black and Spanish-speaking persons.

This is really terribly tragic.

Mr. President, the Assistant Secretary of Health and Scientific Affairs, Dr. Merlin K. DuVal, testified before the Senate Health Subcommittee of the Committee on Labor and Public Welfare, of which I am ranking minority member, that as to its human dimensions:

> Approximately 25 percent of these children at risk, or about 600,000 children, may have significantly elevated blood lead levels. About 50,000 to 100,000 of these children are apt to have sufficiently high blood lead levels to indicate medical treatment.

These are children of very tender age who live in slums. As to its economic dimensions, he testified that:

> Lead paint poisoning costs this Nation about $200 million annually. This estimate includes the lost earnings and the costs of treatment, education, and institutional care of those afflicted.

In view of the severity of this health problem, which tragically is a manmade disease and, as such, highly preventable, the bill focuses on three interlocking components of this dread disease: detection and treatment; elimination; and research. Each facet will be an integral part of a comprehensive fight against lead-based paint poisoning.

Although the Department of Health, Education, and Welfare has made efforts to control lead poisoning, I believe they have not been sufficiently aggressive in pursuing ways to combat this child health problem. I am concerned that the $16,500,000 available for grants to detect, treat, and eliminate lead-based paint poisoning is definitely inadequate. The bill authorizes $95,000,000.

In my own New York City, an intensive lead-poisoning control program has been undertaken. They have expended since 1970 $4.6 million—$2,400,000 in 1970–71 and $2,200,000 in 1971–72—for which no Federal support was received.

I ask unanimous consent that a copy of New York City's lead poisoning control budget, which screens 100,000 children, be printed in the RECORD.

There being no objection, the budget copy was ordered to be printed in the RECORD, as follows:

BUREAU OF LEAD POISONING CONTROL BUDGET

New York City's program, with a $2 million budget, screens 100,000 children, but does not include the expense of repairing 1,500 apartments that are rehabilitated each year. The Bureau budget is divided into functional units.

Community relations	$315,740
Responsible for community outreach programs to recruit children for testing in approximately 100 blood drawing sites or in mobile units, and door to door testing programs. The unit also organizes community health fairs and volunteer activities.	
Laboratory unit	226,200
Analyzes 115,000 blood specimens and 60,000 paint samples per year. In addition to routine analyses, the laboratory analyzes interior paints, dishware, toys and other objects to determine if they contain dangerous and illegal amounts of lead.	
Environmental health unit	405,490
The unit completes 5,000 inspections and reinspections of dwelling units where children with lead poisoning live, as well as inspections of day care centers, hospital pediatric wards and other child care institutions. In a program to enforce the Health Codes, the unit collects samples of interior paints, dishware and toys for laboratory analyses of lead content.	
Research unit	39,750
The research objectives are to compile and analyze data to define the lead poisoning problem and provide information for the most effective control and prevention program.	
Control unit	$90,300
Responsible for management analyses and evaluation. A primary objective is implementing a computer based data collection and management control system.	
Bureau directors staff and administration	106,970
Testing	535,220
Funds to hire physicians, nurses, community service aids and clerks who make up the testing teams that test children for lead poisoning.	
Total personnel services (not including fringe)	1,719,675
Other than personnel services (includes testing and laboratory supplies, contract for keypunching and other services, equipment, printed matter and other expenses)	260,590

Based on testing 100,000 children and finding 2,500 cases of lead poisoning the per unit costs of the program may be divided into three categories.

Finding and testing children, $12.50 per child tested.

Testing dwelling units for leaded surfaces, $162.00 per case.

Program Administration, Surveillance and Research, $3.22 per child tested.

PROPOSED PROGRAM EXPANSION

This program ensures that children in immediate danger are identified and brought to medical attention. However, to intensify and expand our existing program, we have submitted a request to the Department of Health, Education and Welfare for an additional $5 million. With this funding, we could expand our screening program and begin a more aggressive attack to eliminate the hazard of lead-based paint in the home environment of young children.

TITLE I—DETECTION AND TREATMENT

New York City has requested $2.3 million to essentially double the screening program. The proposal opens up three new methods of attack.

1. An increase in the number of children in community screening programs by 25,000.
2. A program to retest 15,000 children with marginal blood lead levels (40 or 50 micrograms per 100 ml.) four times per year. The retesting program will increase the number of blood specimens analyzed by 60,000.
3. A new hospital based screening program to test 50,000 children per year.

TITLE II—HOUSING REHABILITATION

It is estimated that with the expanded screening program, the Bureau of Lead Poisoning Control will request that the Emergency Repair Program to execute repairs in 2,850 dwelling units. The current average cost is $450.00 per dwelling unit. However, it is anticipated that lead detecting instruments will be introduced and significantly increase the number of violations found per unit inspected. This will result in a corresponding increase in repair costs. The average cost per unit repaired will increase to $1,263.00. The total cost will be $1,263 x 2,850=$3,599,550. Seventy-five percent of this expense or $2,699,663 is requested under Title II of the legislation.

Mr. JAVITS. Mr. President, as a result of this program during 1970–71, over 200,000 lead poisoning tests were performed and 4,574 children identified with blood lead levels of 60 micrograms per 100 milliliter or higher—the definition of a case of lead poisoning in New York City. Inspections of the home environments where children with lead poisoning reside resulted in the Department of Health ordering repairs in 3,500 dwelling units. These repairs were performed by the landlords or assigned to the city's Housing and Development Administration. Despite this effort, New York City estimates that 5,000 children with lead poisoning remain in the population, not yet located by the program.

Old paint is a formidable source of lead exposure for children. It is estimated that 450,000 apartment units in New York City, out of a total of something in the area of almost 3 million, are in such a state of disrepair that a child living in them will be exposed to the hazard of lead-paint poisoning. Approximately 120,000 children are living in these dwellings. The New York City Health Code banned the use of high content lead paint on interior surfaces in 1959. However, most deteriorating housing stock was built before World War II. In January of 1970, the New York City Health Department created the Bureau of Lead Poisoning Control. The Bureau's approach has been to seek out and attempt to protect the child who is most likely to suffer from lead poisoning. It is recognized that the long-term solution will be to replace the deteriorating housing of the inner city.

In an effort to protect future generations of children from lead based paint, the bill amends the definition of lead based paint to that of a 0.06-percent content, effective January 1, 1974. This is a trace amount which would be a significant safeguard for young children and in accordance with proposed FDA regulations.

I am concerned that some method of enforcement must be provided based upon the New York City experience when they undertook a survey to determine the lead content of paint sold for use on interior surfaces. The startling results of this survey showed that the manufacture of lead based interior paint is still a problem. The New York City Health Code has required a lead content warning for interior paint since 1959. It states that if a paint contains more than 1 percent lead, it must bear a label stating: "contains lead, harmful if eaten—do not apply on toys, furniture, or interior surfaces which may be chewed by children."

Despite the existence of this section of the health code for over a decade, the New York City Bureau of Lead Poisoning Control found that paints manufactured by 25 of 76 companies included in the survey did not comply. In some instances, labels even stated that the paint was safe for cribs and playpens despite a lead content as high as 9.5 percent.

Despite all of this and despite the necessity for standards and inspection, if we are to achieve success against child lead poisoning, this legislation is absolutely essential. We must pass this legislation and must assure its adequate funding.

I hope that the bill will be passed by the Senate this afternoon.

Mr. President, I express my appreciation for the outstanding work done by the Senator from Pennsylvania (Mr. SCHWEIKER) on our side and by the Senator from Massachusetts (Mr. KENNEDY) on the majority side in bringing this matter to fruition on the floor.

AMENDMENT NO. 1227

Mr. SCHWEIKER. Mr. President, I call up my Amendment No. 1227.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of my amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the bill add the following:

SEC. 8. (a) Title III of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) is amended—

(1) by adding at the end thereof the following:

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS

"SEC. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedures to minimize the hazards of lead-based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall provide for (1) appropriate measures to eliminate, wherever feasible, immediate hazards due to the presence of cracking, scaling, peeling, or loose paint which may contain lead and to which children may be exposed, and (2) assured notification to purchasers of such housing of the hazards of lead-based paint, of the symptoms and treatment of lead-based paint poisoning, and of the importance and availability of maintenance and removal techniques for minimizing or eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his descretion, that such housing presents hazards of lead-based paint."; and

(2) by inserting after "PROGRAM" in the caption of such title, a semicolon and the following: "FEDERAL HOUSING ADMINISTRATION REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of ninety days following the date of enactment of this Act.

Mr. SCHWEIKER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, before getting into the details of the amendment which I have offered, I would like to pay tribute to the distinguished chairman of our subcommittee, the Senator from Massachusetts (Mr. KENNEDY), who, as he mentioned a moment ago, had joined with me in testifying on this problem some 3 years ago, and in working out various remedies to solve the tragic health hazard in the inner city areas of this country.

The Senator from Massachusetts has not only done that, but he has also shown a leadership and initiative in our committee that has produced a favorable legislative climate for passing the previous lead-based paint poisoning prevention bill, as well as setting up this particular bill for a further refinement and further leadership on the problem.

So I thank the distinguished Senator from Massachusetts for his help and leadership in this regard.

Mr. President, I also express my sincere thanks to the distinguished Senator from New York (Mr. JAVITS) for his longstanding and valued interest and support in this basic problem. His own area of the country, of course, has very serious ramifications with this problem and symptoms of it.

The Senator from New York has been most interested and most helpful and most expeditious in moving this bill not only through our subcommittee but also through the full committee as well. I thank him for his help in this regard.

Mr. President, next I would like to point out that one of the other amendments which is already in the bill broadens the concept of this problem to go into other areas where the lead-based paint problem exists. In one specific amendment that the committee was kind enough to accept, it provides for a prohibition of the application of any lead-based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this act.

This is very important because in many areas we have little children in cribs who, being little children, will chew or gnaw on the edge of that crib and if that crib is painted with lead-based paint, there is a very serious health hazard involved.

I know that many parents will remember that bare spots are left on the headboard and footboard of a crib from children chewing on it. I can speak from personal experience, having had five of my own, that they are pretty bare after a few children have gone through this particular growth stage. This presents a rather serious health hazard when such a situation exists and a small child might come into contact unwittingly with that lead-based paint. So, I appreciate the kindness of the committee in accepting the amendment.

Mr. President, I would like to address myself next to the pending amendment.

Mr. President, I have discussed this amendment with the members of the Labor and Public Welfare Committee, which considered S. 3080 and on which I serve, and the chairman and members of the committee have indicated their support for my amendment.

The amendment has also been brought to the attention of the Senate Banking, Housing and Urban Affairs Committee, since it pertains to federally insured housing, and the chairman has indicated that this amendment would be acceptable to his committee.

Lead-based paint for interior houshold use which contained very high percentages of lead compounds, at least 50 percent lead in several cases, was in fairly wide use during the years before 1950. As a consequence, much of the housing in existence today which was constructed prior to 1950 is likely to contain paint with these very high levels of lead compounds. My pending amendment would require the Secretary of Housing and Urban Development to establish procedures to minimize the hazards of lead-based paint poisoning, when inspecting residential housing constructed prior to 1950 for which an application for mortgage insurance or housing assistance payments has been made to the Federal Government.

Before approving such a mortgage or initiating a subsidized program, HUD is currently inspecting such property to determine compliance with code enforcement and the value of the property for mortgage purposes. Therefore, these procedures would not present an additional burden or significant cost to HUD. The amendment would require the Secretary to establish procedures to eliminate the hazard when paint in housing constructed prior to 1950 is found to be cracking, scaling, peeling, or loose. This is the condition in which it can most easily be eaten by small children who are subject to the disease of pica, which is an appetite for nonfood items and which is caused by eating items of any kind, including paint.

The amendment would also require the Secretary to give to the buyers of such housing assured written notification of the hazards of lead-based paint, as well as a description of the symptoms and treatment of lead-based poisoning together with information concerning the importance of the removal of such hazards and techniques currently available to do so.

This notification is very important because many people in the center cities today have no concept that day by day their children could be ingesting lead-based paint, and they have no knowledge that such a danger exists. So notification is very essential in connection with earmarking and providing a remedy to the problem.

I have long been concerned with the need to provide a solution and an end to the very serious problem of lead paint poisoning. We should use every means available, and my amendment would incorporate into an existing HUD procedure the means to warn the buyer of the hazard of lead-based paint and remove the immediate danger before he moves into the house.

S. 3080, the bill which we consider today to extend and expand the Lead-Based Paint Poisoning Prevention Act, would provide a major vehicle for ending for all time this tragic disease by providing additional resources to aid communities in detection and treatment of lead-based paint poisoning as well as assisting them in identifying problem areas where lead-based paint presents a high risk. My amendment to this bill will further increase the ability of the Federal Government to attack this tragic and totally preventable disease.

Mr. KENNEDY. Mr. President, I commend the Senator from Pennsylvania for offering this amendment. I think it is completely consistent with the thrust and purpose of the legislation. It would be extremely useful and important in trying to warn those persons who are purchasing homes about the potential danger of lead-based paint poisoning.

Do I understand from the Senator from Pennsylvania that as a practical matter a purchaser who bought a home under the provisions of this amendment would be notified that children who had lived there before had gotten lead-based paint poisoning and that this information would be made available?

Mr. SCHWEIKER. The amendment would do two things. It would, first of all, provide an inspection procedure for each house that comes up in the Federal housing and FHA program during any particular year, whereby part of the inspection before FHA approval would be for chipping and peeling paint, and if such a condition is found FHA under the amendment would have the authority to go to the builder or the remodeler and have him remedy the situation before the house is accepted by FHA.

Second, notwithstanding the remedy provided, a notice must be given to the buyer in which he is warned of the danger of lead based paint poisoning and pointing out that further chipping and peeling could occur and what to do about it.

Mr. KENNEDY. I understand this pertains to the new purchaser of the home by giving him notice. That is one purpose of the amendment. The second purpose of the amendment is to do something about the chipping or peeling or fragmentation of lead based paint in old homes at the time of the transaction or sale.

What the Senator is doing effectively by his amendment is to provide an additional kind of remedy or effort to try to reach the situation that exists in the older buildings or houses being turned over under the FHA program. Is that correct?

Mr. SCHWEIKER. That is correct.

Mr. KENNEDY. I think this certainly means a greater sense of protection. This provides notice and this is one of the real problems we have seen during the course of our hearings. Too infrequently parents know of the dangers of lead poisoning and we find instance after instance, and we have had testimony to this effect, where one child had lead paint poisoning, that child is cured, and lo and behold, the parents would bring in another child from the same house; or the house would be sold, and new children would move in and the new family that moved in would see their children affected.

This amendment provides important notification. It also has enforcement proceedings because it would require those that are going to sell these homes and take advantage of the FHA program must eliminate the hazard. This is important. It seems to me not to be an unreasonable requirement. I think this is consistent with the thrust of the legislation and I am glad to accept the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. KENNEDY. I am prepared to yield back my time.

Mr. SCHWEICKER. I am prepared to yield back the remainder of my time on the amendment and the remainder of our time on the bill.

The PRESIDING OFFICER. All time is yielded back on the amendment of the Senator from Pennsylvania. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BOGGS. Mr. President, the Labor and Public Welfare Committee has reported a bill which I consider to be of exceptional importance to the people of Delaware. I am referring to S. 3080 which amends the Lead-Based Paint Poisoning Prevention Act of 1971.

I want first of all to express my strong support for this legislation. It would continue existing authority to award grants to local agencies conducting lead based paint poisoning prevention programs while increasing the Federal share of the cost of those programs from 75 percent to 90 percent. This assistance will permit local authorities to continue screening children for high levels of lead in their blood and also to seek better methods of eliminating the hazards of leaded paint in their efforts to end the tragedy of permanent brain damage.

This legislation would also make a number of improvements in the original Lead-Based Paint Poisoning Prevention

Act. These include a prohibition on the use of lead based paint in the manufacture of toys, furniture and dishes distributed in interstate commerce, greater research by HEW on safe lead levels in paint, and grants to State agencies to establish centralized laboratory facilities to coordinate testing efforts.

When the initial legislation was passed last year, the State of Delaware and the State of Rhode Island were inadvertently barred from receiving assistance under its provisions. This was due to a strict interpretation of the language of the law which provided assistance only to units of local government. In Delaware and Rhode Island, the problems of lead-based paint are handled by statewide agencies which were ruled ineligible for assistance under this act. This was certainly not the intent of the law, and I am pleased that the Labor and Public Welfare Committee has added section 6 to S. 3080 which would permit Delaware and Rhode Island to receive assistance.

The situation in Delaware is one of great concern to me, and I know this is a serious problem throughout the country. Only recently two more Wilmington children suffered brain damage as a result of oral contact with leaded chips in their homes. The loss to society in terms of the human potential of these children is immeasurable. These tragedies and others occurring daily across the country should never have happened. They could have been prevented.

Mr. President, the money authorized by this legislation is well spent. Ultimately, the cost to society of caring for the victims of lead paint poisoning will be far greater than the cost of preventing these tragedies before they occur.

The job is a big one. It has been estimated that in Wilmington, Delaware, nearly every house painted prior to World War II, was painted with a lead-based paint. Solutions will require the concerted effort of Federal, State, and local officials as well as the public.

The State of Delaware's Division of Physical Health is working to eliminate this problem, but it is counting on Federal assistance to help out. I am confident that such assistance will be forthcoming with the passage of S. 3080. I urge Senators to support it.

Mr. PERCY. Mr. President, I am pleased that the lead-based paint poisoning amendments are before the Senate today. The bill, S. 3080, extends the provisions of the Lead-Based Paint Poisoning Prevention Act, improves the granting procedure, and authorizes more funds for State and local lead poisoning programs.

This is an excellent piece of legislation, one that is clearly needed to improve the current program. The Committee on Labor and Public Welfare has made one particular improvement in the program which will be of great benefit to my own State of Illinois.

Title V of the act, according to the amendments, will now provide that grants under sections 101 and 201 of the act may be awarded to an agency of State government where such agency provides direct services to local communities.

Availability of funds to State agencies will enable Illinois to obtain Federal support for our statewide program to combat lead paint poisoning. Illinois was the first State to have initiated a statewide campaign for poisoning detection. In order for the State department of public health to accomplish its goal it must have access to Federal funds. The lead problem in Illinois is not confined to Chicago; more than two-thirds of the "at-risk" children in Illinois—more than 666,000—live outside Chicago.

Lead-based paint poisoning remains a serious threat to more than 1 million young children in Illinois, and millions of Americans nationally. It is imperative that we have a stronger program and stricter regulations on the lead content in paint, as provided by S. 3080. I, therefore, strongly support the bill and hope that it will receive prompt approval in the House.

Mr. ROTH. Mr. President, I rise at this time to add my support for the passage of S. 3080, a bill to amend the Lead-Based Paint Poisoning Prevention Act. This bill, which I cosponsored, continues the valuable program first enacted in January of 1971 to eliminate the poisoning of children from lead-based paints.

Lead-based paint poisoning is a man-made disease that strikes in epidemic proportions in many cities of our Nation. Its victims are predominantly children living in the slums of our cities. It is caused almost invariably by repeated ingestion of chips and flakes of lead containing paint and plaster from the walls, windowsills, and woodwork of dilapidated houses built prior to World War II.

Methods of screening, diagnosis, and treatment for lead-based paint poisoning have been available for some time. Despite this, it continues to cause needless deaths of many children, and leaves many more with mental retardation, cerebral palsy, convulsive seizures, blindness, learning defects, behavior disorders, kidney diseases, and other handicaps. It is a serious indictment on our society that we know so much about this disease and yet have done so little to eliminate it.

The bill before us today is a continuation of a significant national effort to deal effectively with the problem of lead-based paint poisoning. It provides a three-pronged attack on the disease. First, it authorizes funds for grants and contracts for screening programs to identify those children with the disease who need treatment. The second part of the three-part program is an extension of authorization for the existing program to assist in the development of community programs that will identify high risk areas and neighborhoods and provide procedures to eliminate the hazards detected in those communities. The third part of the program is the authorization of funds for the Department of Housing and Urban Development to work in cooperation with the Department of Health, Education, and Welfare to determine the extent of the lead-based paint poisoning problem and to establish the most efficient ways to cover up exposed surfaces in residential communities.

It has been estimated that the cost of treatment and institutionalization to age 60 of a person who incurs severe permanent brain damage from lead poisoning in childhood ranges up to $250,000. It has been estimated on the other hand that the cost of complete removal of old lead paint from an average rowhouse with 10 windows, 2 doors, and baseboards would be about $300, and that the cost of replacing windows and door units and baseboards in such a house would be from $600 to $1,200. These are only dollar differences. They do not measure the suffering and heartache felt by families affected by lead based paint poisoning, nor do they take into consideration the unnecessary waste of potentially valuable human resources.

Rene Dubos, Rockefeller University microbiologist and expert on lead based paint poisoning, did not exaggerate when he said:

> The problem is so well-defined, so neatly-packaged, with both causes and cures known, that if we don't eliminate this social crime, our society deserves all the disasters that have been forecast for it.

I urge my colleagues to support this legislation, so that we can eliminate this unnecessary health hazard from our Nation.

The PRESIDING OFFICER. The question now recurs on the committee substitute, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL), the Senator from Iowa (Mr. HUGHES), the Senator from Alaska (Mr. GRAVEL), the Senator from Georgia (Mr. GAMBRELL), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. BUCKLEY) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Pennsylvania (Mr. SCOTT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 212 Leg.]

YEAS—82

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—0

NOT VOTING—18

Baker
Brooke
Buckley
Church
Gambrell
Goldwater
Gravel
Hughes
Mathias
McClellan
McGovern
Moss
Mundt
Muskie
Packwood
Pell
Scott
Williams

So the bill (S. 3080) was passed, as follows:

An act to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101(a) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government of any State and to private nonprofit organizations in any State".

(b) Section 101(b) of such Act is amended by striking out "75 per centum" and inserting in lieu thereof "90 per centum".

(c) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is also authorized to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead based paint poisoning detection programs.".

(d) Section 101 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) No grant may be made under this section unless the Security determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this section for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in this section, and will in no event supplant such State, local, and other non-Federal funds.".

SEC. 2. (a) Section 201 of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units in general local government in any State and to provide nonprofit organizations in any State".

(b) Section 201(a)(2) of such Act is amended to read as follows:

"(2) the development and carrying out of procedures to remove from exposure to young children all interior surfaces of residential housing, porches, and exterior surfaces of such housing to which children may be commonly exposed, in those areas that present a high risk for the health of residents because of the presence of lead based paints. Such programs should include those surfaces on which nonlead based paints have been used to cover surfaces to which lead based paints were previously applied; and".

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Any public agency of a unit of local government or private nonprofit organization which receives assistance under this Act shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such public agency of a unit of local government or private nonprofit organization under this Act."

SEC. 3. Section 301 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

"SEC. 301. (a) The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead based paint poisoning in the United States, particularly in urban areas, including the methods by which the lead based paint hazard can most effectively be removed from interior surfaces, porches, and exterior surfaces of residential housing to which children may be exposed.

"(b) The Secretary of Health, Education, and Welfare shall conduct appropriate research on multiple layers of dried paint film, containing the various lead compounds commonly used, in order to ascertain the safe level of lead in residential paint products. Within eight months after the date of enactment of this Act, the Secretary shall submit to Congress a full and complete report of his findings and recommendations as developed pursuant to such programs, together with a statement of any legislation which should be enacted or any changes in existing law which should be made in order to carry out such recommendations."

SEC. 4. Section 401 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"PROHIBITION AGAINST USE OF LEAD BASED PAINT IN CONSTRUCTION OF FACILITIES AND THE MANUFACTURE OF CERTAIN TOYS AND UTENSILS

"SEC. 407. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate—

"(1) to prohibit the use of lead based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance in any form, after the date of enactment of this Act, and

"(2) to prohibit the application of lead based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this Act."

SEC. 5. (a) Effective after December 31, 1972, section 501(3) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "1 per centum" and inserting in lieu thereof "five-tenths of 1 per centum".

(b) Effective after December 31, 1973, section 501(3) is amended by striking out "five-tenths of 1 per centum" and inserting in lieu thereof "six-one hundredths of 1 per centum".

SEC. 6. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $45,000,000 for each fiscal year thereafter".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $50,000,000 for each fiscal year thereafter".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $5,000,000 for each fiscal year thereafter".

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "any amounts authorized for one fiscal but not appropriated may be appropriated for the succeeding fiscal year,".

(e) Title V of the Lead Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new sections:

"ELIGIBILITY OF CERTAIN STATE AGENCIES

"SEC. 504. Notwithstanding any other provision of this Act, grants authorized under sections 101 and 201 of this Act may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose.

"ADVISORY BOARDS

"SEC. 505. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, is authorized to establish a National Childhood Lead Based Paint Poisoning Advisory Board to advise the Secretary on policy relating to the administration of this Act. Members of the Board shall include residents of communities and neighborhoods affected by lead based paint poisoning. Each member of the National Advisory Board who is not an officer of the Federal Government is authorized to receive an amount equal to the minimum daily rate, prescribed for GS-18, under section 5332, title V, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of the board. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(b) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, shall promulgate regulations for establishment of an advisory board for each local program assisted under this Act to assist in carrying out this program. Two-thirds of the members of the board shall be residents of communities and neighborhoods affected by lead-based paint poisoning. A majority of the board shall be appointed from among parents who, when appointed, have at least one child under six years of age. Each member of a local advisory board shall only be reimbursed for necessary expenses incurred in the actual performance of his duties as a member of the board."

Sec. 7. Section 314(e) of the Public Health Service Act is amended by inserting at the end thereof the following new paragraph:

"No funds appropriated pursuant to the authorization of this subsection shall be available for lead-based paint poisoning control of the type authorized under the Lead-Based Paint Poisoning Prevention Act (84 Stat. 2078)."

Sec. 8. (a) Title III of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) is amended—

(1) by adding at the end thereof the following:

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS

"Sec. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedures to minimize the hazards of lead-based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall provide for (1) appropriate measures to eliminate, wherever feasible, immediate hazards due to the presence of cracking, scaling, peeling, or loose paint which may contain paint and to which children may be exposed, and (2) assured notification to purchasers of such housing of the hazards of lead-based paint, of the symptoms and treatment of lead-based paint poisoning, and of the importance and availability of maintenance and removal techniques for minimizing or eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his discretion, that such housing presents hazards of lead-based paint."; and

(2) by inserting after "PROGRAM" in the caption of such title, a semicolon and the following: "FEDERAL HOUSING ADMINISTRATION REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of ninety days following the date of enactment of this Act.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT ON DEPARTMENT OF TRANSPORTATION APPROPRIATIONS (H.R. 15097) ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, yesterday I asked consent, and it was granted, to proceed Friday to the consideration of the bill making appropriatons for the Department of Transportation (H.R. 15097), following disposition of the Flammable Fabrics Act. For some unknown reason the Record today does not show that such consent was requested and given for the consideration of the transportation appropriations bill Friday. Nevertheless the record of the Journal does so show.

I, therefore, now ask unanimous consent that time on that bill, H.R. 15097, be limited to 30 minutes, to be equally divided between the Senator from New Jersey (Mr. CASE)—I have cleared this with him—and myself, as manager of the bill; that time on any amendment, debatable motion or appeal be limited to 20 minutes, equally divided between the mover of such and the manager of the bill, and in instances in which the manager of the bill supports such, the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

Mr. JAVITS. Mr. President, would the Senator provide for amendments to amendments?

Mr. ROBERT C. BYRD. Yes, I did already. I thank the distinguished Senator.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

ANNOUNCEMENT OF JOINT MEETING OF THE TWO HOUSES OF THE CONGRESS TOMORROW TO HEAR ADDRESS BY THE PRESIDENT OF THE UNITED MEXICAN STATES

Mr. MANSFIELD. Mr. President, there will be a joint session in the Chamber of the House at 12:30 p.m. tomorrow to hear an address by the President of the United Mexican States, Mr. Echeverria.

I wish to notify the Senate that it should be prepared to leave in a body tomorrow at approximately 12:13 p.m. to go to the Chamber of the House for the purpose of greeting the President of the United Mexican States.

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight it stand in adjournment until the hour of 11:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow after the two leaders have been recognized there be a period for the transaction of routine morning business with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of a quorum call prior to the march over to the House of Representatives tomorrow that the Senate stand in recess until the end of the speech by the President of the United Mexican States, or until the hour of 2 p.m., whichever is sooner.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. And, Mr. President, after the speech of the President of Mexico, under a previous agreement, the Senate will then turn to the consideration of Calendar No. 758, H.R. 9092, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, and I ask unanimous consent that it be in order that this measure be laid before the Senate at that time and under those conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the morning business proceed until the hour of 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. BROCK). Under the previous order, the Chair lays before the Senate S. 3390, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes today. The Senate is expected to adjourn shortly until 11:30 a.m. tomorrow.

ORDER FOR ROUTINE BUSINESS ON FRIDAY

On Friday, the Senate will come in at 10 a.m.

I ask unanimous consent that after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF ALLOTT AMENDMENT ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I have been told by the distinguished Senator from Colorado (Mr. ALLOTT), just a few minutes ago, that he is prepared to offer an amendment to the Foreign Assistance Act. There is already a time limitation agreement thereon of 1 hour, and the distinguished Senator from Colorado (Mr. ALLOTT) indicated to me that he would be willing to call up his amendment the first thing on Friday. Therefore, I ask unanimous consent that when the unfinished business is laid before the Senate on Friday, the amendment by Mr. ALLOTT be called up and made the pending question.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF MEASURES ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the disposition of the amendment by Mr. ALLOTT on Friday, the unfinished business be laid aside temporarily and the Senate proceed to the consideration of H.R. 5066, the Flammable Fabrics Act; that upon the disposition of H.R. 5066, the Senate proceed to the consideration of H.R. 15097, a bill making appropriations for the Department of Transportation, 1973; that upon the disposition of that bill, the Senate proceed to the consideration of S. 3645, a bill to further amend the U.S. Information and Educational Exchange Act of 1948; that the unfinished business remain in a temporarily laid-aside status until the disposition of S. 3645 or until the close of business on Friday, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION ON S. 3645

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—I have been directed to do so by the distinguished majority leader—that time on S. 3645, a bill to further amend the U.S. Information and Educational Exchange Act of 1948, be limited to 1 hour, to be equally divided between the distinguished Senator from Arkansas (Mr. FULBRIGHT) and the distinguished Senator from Vermont (Mr. AIKEN); that time on any amendment thereto, debatable motion, or appeal in relation thereto be limited to 20 minutes, to be equally divided between the mover of such and the distinguished Senator from Arkansas (Mr. FULBRIGHT), unless the Senator from Arkansas (Mr. FULBRIGHT) should favor such, in which case the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF TOWER AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next—I have cleared this with the distinguished Senator from Texas (Mr. TOWER)—upon the disposition of the amendment by the distinguished Senator from Pennsylvania (Mr. SCOTT), the distinguished Senator from Texas (Mr. TOWER) be recognized for the purpose of calling up two amendments in consecution; that time on each of the amendments—I have also cleared this with Mr. TOWER—be limited to 1 hour, the time to be equally divided between the distinguished mover of the amendments (Mr. TOWER) and the distinguished manager of the bill (Mr. SPARKMAN); that time on any perfecting amendments in the first or second degree be limited to 30 minutes, to be equally divided between the mover of such and the manager of the bill; that in the event the manager of the bill favors such, the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

Mr. STENNIS. Mr. President, reserving the right to object—I do not intend to object—I have not heard everything the Senator has said. To what bill is he referring. I thought I heard the Senator use the term "motion to strike."

Mr. ROBERT C. BYRD. The Senator from Texas (Mr. TOWER) has two amendments. I am not sure what they comprehend but they may be motions to strike. I doubt it.

Mr. STENNIS. The Senator is not talking about the amendments that I have here?

Mr. ROBERT C. BYRD. No; not at all.

Mr. STENNIS. I thank the Senator very much.

The PRESIDING OFFICER (Mr. BROCK). Is there objection to the unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Monday, next, following disposition of the two amendments of the Senator from Texas (Mr. TOWER) the Senate proceed—for the purpose of transacting some business on a second track—to the consideration of S. 3617, a bill to strengthen and expand the Headstart program.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR POST OFFICE AND CIVIL SERVICE COMMITTEE TO FILE REPORTS BY MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service be authorized to file reports until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE ON APPROPRIATIONS TO FILE ITS REPORT ON DEPARTMENT OF TRANSPORTATION APPROPRIATIONS BILL BY MIDNIGHT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow to file its report on the bill making appropriations for the Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION OF ORDERS FOR CONSIDERATION OF THE ALLOTT AMENDMENT TO THE FOREIGN ASSISTANCE ACT AND S. 3645, A BILL TO FURTHER AMEND THE U.S. INFORMATION AND EDUCATIONAL EXCHANGE ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the previously entered order be reversed with respect to the calling up on Friday of the amendment to the Foreign Assistance Act by the Senator from Colorado (Mr. ALLOTT), and S. 3645, a bill to further amend the U.S. Information and Educational Exchange Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION OF UNANIMOUS-CONSENT AGREEMENT ON THE ORDER OF THE CONSIDERATION OF CERTAIN AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next there be a slight revision in the order for the consideration of amendments as follows: That the Sparkman amendment be made the pending question immediately following the conclusion of morning business; that the Sparkman amendment be followed by an amendment by the Senator from Texas (Mr. TOWER); and that the Tower amendment be followed by a second amendment by the Senator from Texas (Mr. TOWER); following which the amendment by the Senator from Pennsylvania (Mr. SCOTT) then be made the pending question before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Presiding Officer.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11:30 a.m.

After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to extend beyond the hour of 12 o'clock noon, with statements limited therein to 3 minutes.

At the hour of 12:13 p.m., the Senate will recess and Senators will move in a body toward the House of Representatives for a joint meeting of the two Houses, to be addressed by the President of the United Mexican States. Following the joint meeting of the two Houses and no later than 2 o'clock, whichever is earlier, the Senate will resume its deliberations. The unfinished business will be laid aside temporarily and H.R. 9092, the bill by Mr. McGEE, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, will be laid before the Senate, there being a time agreement thereon.

Upon the disposition of H.R. 9092, the Senate will take up H.R. 14989—an act making appropriations for the Departments of State, Justice, and Commerce, the judiciary and related agencies—on which there is a time agreement. There will be rollcall votes tomorrow afternoon on both measures. It is my understanding that several amendments will likely be called up—especially to the bill making appropriations for the Departments of State, Justice, and Commerce—and rollcall votes will occur on those amendments. There is a likelihood, therefore, that the Senate will be in session until a reasonably late hour tomorrow.

For the information of Senators, so that they may be alerted in time, it is anticipated that on Friday there will be at least four rollcall votes. I would anticipate, furthermore, Mr. President, and I would hope that the Senate could complete the transaction of its business on Friday afternoon by 3 o'clock or earlier.

Additionally, may I say, there will be no Saturday session by reason of the fact that the Senate will have cleared all appropriation bills from the calendar, no amendments to the unfinished business can be scheduled for Saturday, and the calendar otherwise will be pretty clear.

Finally, I believe there will be at least three rollcall votes on Monday.

When the already scheduled four amendments to the unfinished business have been disposed of on Monday, the Senate will proceed to the second track and consider the bill to strengthen and expand the Headstart program, S. 3617. It is hoped that a time agreement can be reached on that bill, but this cannot be done until Monday.

Mr. President, if there be no further business to come before the Senate——

Mr. COOPER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. COOPER. Is it anticipated that the vote on the pending business will be completed on Monday?

Mr. ROBERT C. BYRD. In answer to the very able senior Senator from Kentucky, it is not anticipated that action on the unfinished business will be completed on Monday.

Mr. COOPER. There is no time agreement, then, on amendments offered, including the Mansfield amendment?

Mr. ROBERT C. BYRD. No time agreement has been entered into with respect to any amendment relating to the so-called Mansfield amendment.

Mr. COOPER. I thank the Senator.

ADJOURNMENT TO 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate today, I move, in accordance with the previous order that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and at 4:23 p.m. the Senate adjourned until tomorrow, Thursday, June 15, 1972, at 11:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 14, 1972:

ENVIRONMENTAL PROTECTION AGENCY

Robert Lewis Sansom, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

HOUSE OF REPRESENTATIVES—*Wednesday, June 14, 1972*

The House met at 12 o'clock noon.

Rev. Edward G. Latch, D.D., offered the following prayer:

Lift ye up a banner upon the high mountain.—Isaiah 13: 2.

God of our Fathers, Maker and Ruler of men, we thank Thee for this day when we lift up before our eyes the flag of our Republic. Grant, O Lord, that this banner flying in the breeze may awaken in us and in our people a greater love for our Nation and a deeper devotion to the princely principles of life and liberty for all men. Make us conscious of our duties as citizens of this free land and by Thy spirit may we accept our responsibilities to keep our land strong and free and good.

Bless Thou the flag of our beloved country and continue to make it a symbol of hope to all mankind. May it fly forever over this land of free men and free women. Before it we pledge the loyalty of our lives to the United States of America. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 3166. An act to amend the Small Business Act.

RECESS

The SPEAKER. Pursuant to the order of the House of June 1, 1972, the Chair declares the House in recess for the purpose of observing and commemorating Flag Day.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

FLAG DAY

During the recess the following proceedings took place in honor of the United States Flag, the Speaker of the House of Representatives presiding.

FLAG DAY PROGRAM, U.S. HOUSE OF REPRESENTATIVES, JUNE 14, 1972

The United States Air Force Band and the United States Air Force Singing Sergeants entered the door to the left of the Speaker and took the positions assigned to them.

The honored guests, Mr. Red Skelton, the Joint Chiefs of Staff, the Commandant of the Coast Guard, and Leaders of the Military Women entered the door to the right of the Speaker and took the positions assigned to them. Mr. Red Skelton was seated at the desk in front of the Speaker's rostrum.

The United States Air Force Band and United States Air Force Singing Sergeants (conducted by Major Albert Bader, USAF) presented *This Is My Country* (soloist Sergeant Charles Kulita).

The Doorkeeper (Honorable William M. Miller) announced the Flag of the United States.

[Applause. The Members rising.]

The United States Air Force Band played *Americans We*.

The Flag was carried into the Chamber by Color Bearer and a guard from each of the branches of the Armed Forces: Sergeant Edward D. Showers, USAF, Honor Guard, Bolling Air Force Base; SA Rickey L. Jones, USN, Ceremonial Guard, U.S. Naval District; Pfc. R. R. Reynolds, USMC, Marine Barracks Guard Company; Spc. 4 Steve Ruch, USA, Fort McNair; and SA Michael D. Bethel, U.S. Coast Guard.

The Color Guard saluted the Speaker, faced about, and saluted the House.

The Flag was posted and the Members were seated.

The SPEAKER. The Chair recognizes the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Speaker, this year marks the 25th anniversary of the United States Air Force and your Flag Day Committee is pleased to have the United States Air Force Band and Singing Sergeants conducted by Major Albert Bader participating in today's Flag Day ceremonies.

Our honored guest for Flag Day, 1972 is known and admired by all of us. When we think of Red Skelton, we think of *Clem Kadidlehopper, Freddy the Freeloader, Sheriff Deadeye, Junior the Mean*

Little Kid, Cauliflower McPug and the *Little Old Man* in Red's famous pantomimes. We have all laughed at Red and his characters.

But too few of us know about Red Skelton, the *Patriotic American*—the Red Skelton who broke all records *Selling War Bonds* during World War Two, the Red Skelton who *Entertained American troops during the Korean conflict*, the Red Skelton who made all of us think about our country when he recorded *His Pledge of Allegiance to the Flag* in 1969. At this time, on behalf of your Flag Day Committee of the United States Congress, I am proud to present to you a great American—*Mr. Red Skelton*.

[Applause, the Members rising.]

Mr. RED SKELTON. I have been given permission to dispense with all the formalities in recognizing everyone here. I just say, "Friends, thank you very much." [Applause.]

Actually, it is quite flattering to hear applause without doing anything.

I am very proud to be standing in Congress today without a subpena in my pocket, and it is quite an honor to be standing here knowing that I have not made one campaign promise.

I have been asked to recite the Pledge of Allegiance. To me it is rather dear, for this reason: as I have found a long time ago that patriotism is not a tradition, it is a family privilege, and it is something that we should all cherish.

And I know there have been great speeches made from this platform here. Nothing that I will say will be compared with what has been said, but I have always been fascinated with speeches.

One of the greatest speeches I think I have ever heard was when I was a small boy, and we boys and girls had just finished reciting the Pledge of Allegiance, and our teacher called us together and said, "Boys and girls, I have been listening to you recite the Pledge of Allegiance all semester, and it appears to me it has become monotonous to you, or could it be you do not know the meanings of those words? If I may I would like to recite the Pledge of Allegiance and give you a definition for each word.

I—me, an individual, a committee of one.

Pledge—dedicate all of my worldly goods to give without self-pity.

Allegiance—my love and my devotion.

To the Flag—our standard, Old Glory, a symbol of freedom. Wherever she waves, there is respect because your loyalty has given her a dignity that shouts freedom is everybody's job.

Of the United—that means that we have all come together.

States—individual communities that have united into 48 great states, 48 individual communities with pride and dignity and purpose, all divided with imaginary boundaries, yet united to a common purpose, and that's love for country.

Of America.

And to the Republic—a state in which sovereign power is invested in representatives chosen by the people to govern. And government is the people and it's from the people to the leaders, not from the leaders to the people.

For which it stands.

One nation—meaning, so blessed by God.

Indivisible—incapable of being divided.

With liberty—which is freedom and the right of power to live one's own life without threats or fear or some sort of retaliation.

And justice—The principle or quality of dealing fairly with others.

For all—which means "it's as much your country as it is mine."

Since I was a small boy, two states have been added to our country and two words have been added to the Pledge of Allegiance—"under God."

Wouldn't it be a pity if someone said, "That's a prayer" and that would be eliminated from schools, too?

[Applause, the Members rising.]

While we are all standing at this time I would like for all of us to recite the *Pledge of Allegiance*.

The Members and guests, led by Mr. Red Skelton, recited the *Pledge of Allegiance to the Flag*.

Mr. RED SKELTON. Thank you, and may God bless.

[Applause.]

The U.S. Air Force Band and U.S. Air Force Singing Sergeants presented *I Am An American* (Sergeant Harry Gleeson, Narrator).

Mr. NICHOLS. Mr. Speaker, Flag Day has become a tradition in the Congress and one of the men most responsible for making the program a success is our distinguished colleague from Missouri.

We were all saddened some weeks ago to learn of his announced retirement at the conclusion of the 92d Congress. Mr. Speaker, I know of no Member of this body who has served his State and his Nation in a more effective manner. Here is a man who truly loves the flag of the United States and the principles for which it stands.

With these thoughts in mind, I would like to recognize that gentleman today for his service to humanity and to his country—the esteemed gentleman from Missouri, the Honorable DURWARD HALL.

[Applause, the Members rising.]

Mr. HALL. Mr. Speaker, distinguished guests, honored services, colleagues, and friends, we are assembled here today to renew our allegiance to the cause of freedom by paying honor to the national emblem of this Republic, and to its people.

Certainly we compliment you on continuing this recognition, and I can think of no more fitting place for such an observance than here in the "people's House," where the sanctity of the representative process is preserved.

It is somewhat difficult to put together the words that express proper feeling about our "Stars and Stripes" because in this so-called era of "relevance" such traditional words as duty, honor, country, sacrifice, patriotism and dedication, are ofttimes considered to be "old hat," or out of style. They are even ridiculed as trite words, expounded by a chauvinistic generation that has no contact with the "new wave."

We do not agree, for we know it was a dedicated people who wrote the Constitution that guides the destiny of this Nation, the very document that paradoxically—and, I fear, sometimes unappreciatively—makes it possible for dissent to be heard and "peaceful protest" to be permitted, when and where responsible. Relevance in today's world is important, but there is still room for reverence—yes, reverence to the flag that has changed in design, but remains constant in representing our principles of freedom and our great Nation.

We know of the sacrifices that have been made to defend this Nation, not only from the threat of military aggression, but from crime, deterioration, and corruption from within. Many times those who criticize the loudest benefit the most from that protection.

I know it was an honorable people who sought to establish a republic out of a wilderness—a place where lovers of freedom could realize the goals, of which others only dream.

If these words sound "old hat," so be it. If they do not ring true to the beholder, that is not my problem, for during the years I have been permitted to exist on this earth, and have been privileged to live and serve in these United States, I have learned that wherever our flag flies, the people who are fortunate enough to dwell in its shadow are assured of the opportunity to drink from the cup of freedom. History teaches that each generation of responsible citizens must reach out and grasp it anew!

It has been written that, "When the hour is the blackest, the stars seem to shine the brightest." In this dark, yet emerging hour of world turmoil and distrust, it is heartening to realize that "Old Glory" has now been carried, in the quest for peace, to parts of the world that have not permitted its public display in the last generation.

And it is good to know that once again the people of the United States have extended the hand of trust in the hope that it will be accepted with a mutual desire for peace. At the same time, we do not harbor any illusions that peace between different ideologies can be easily maintained.

Ladies and gentlemen, we all know that a flag is but a piece of cloth. It has no human sense of feeling, no thought processes, no desires, character, sight, or sound. However, it is the symbol of those who do, and when it is dishonored the pain is felt by all. When it is shown disrespect, we are all affected, and when it is spat upon we are all humiliated.

It was in 1867 that Charles Sumner wrote:

> There is a national flag. He must be cold, indeed, who can look upon its folds rippling in the breeze without pride of country.

It was William Tyler Page who summed it up by writing:

> I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic, a sovereign nation of many sovereign states; a perfect union one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes I, therefore, believe it is my duty to my country to love it, to sup-

port its Constitution, to obey its laws, to respect its flag, and to defend its against all enemies.

He best described a proper living together, the symbolism involved in love of country, second only to God. As we celebrate the birth of our flag, let the word go forth from these Chambers throughout the land, by our two-way street of representative process in the Republic; of the timeliness of patriotism, participation, and dedication to flag and country.

Thank you very much.

[Applause, the Members rising.]

The Members and guests rose and sang the *Star Spangled Banner* (first verse) accompanied by the United States Air Force Band and the Air Force Singing Sergeants.

The Colors were retired from the Chamber, the United States Air Force Band playing the *National Emblem March*.

The United States Air Force Band and United States Air Force Singing Sergeants retired from the Chamber.

The honored guests retired from the Chamber.

At 12 o'clock and 37 minutes p.m., the proceedings in honor of the United States Flag were concluded.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS AND LEAVE TO EXTEND

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the Record and that all Members have permission to extend their remarks on Flag Day.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FLAG DAY CEREMONY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, I take this opportunity to commend the Speaker and the leadership on both sides of the aisle for giving us the opportunity to have Flag Day. This was a tremendous program. I would like to recognize the committee composed of the gentleman from Alabama, Congressman Bill Nichols, chairman of this committee, the gentleman from Georgia, Mr. Jack Brinkley, the gentleman from Maine, Mr. Kyros, the gentleman from New York, Mr. Jack Kemp, as well as the gentleman from Missouri, Mr. Durward Hall.

Mr. Speaker, I would especially commend Dr. Hall for the outstanding address he gave us during this Flag Day ceremony.

Also, Mr. Speaker, I would like to thank the great American, Red Skelton, for his part in the program.

Red's handling of the "Pledge of Allegiance" was great. The Air Force Band and the Singing Sergeants added much to this occasion.

Mr. Speaker, I wish all Americans could have seen this celebration. I again commend Chairman Nichols and his Flag Day Committee.

Mrs. HICKS of Massachusetts. Mr. Speaker, these are difficult times for America, times in which the ideals and values of our national heritage are severely challenged, times in which it is sometimes scorned to be patriotic. Today, as we pause to observe Flag Day, it is especially important that we take the time to consider what the flag and patriotism really mean.

The American flag was born in the troubled and uncertain days of our War for Independence. In the century and three quarters that followed, it became a beacon of light in democracy's darkest hours, stirring hearts with pride and confidence. Throughout the history of this Nation, the flag has always been a rallying point for the forces of freedom and the men who would die for it.

All sorts of objects have served as flags to the long procession of tribes and nations and armies which have moved through history from the dim centuries to the present day. The human wish to establish one's identity, to stamp one's possessions with a personal mark, to embody in a symbol the pride and hope and courage of one man or a group of men, has been the origin of flags. But among the flags of all the nations the flag of the United States of America—our flag—stands out as the most beautiful. But it is more than just a beautiful design in cloth. It is the symbol of a people united against tyranny and oppression—united for the cause of liberty and justice.

The real meaning of Old Glory is contained in the words of Franklin K. Lane:

> I swing before your eyes as a bright gleam of color, a symbol of yourself, the pictured suggestion of that big thing which makes this Nation. My stars and my stripes are your dreams and your labors. They are bright with cheer, brilliant with courage, firm with faith, because you have made them so out of your hearts.

Someone has said that today America needs more salutes to the Stars and Stripes—more demonstration of Americanism. I do not mean merely an inward emotional flutter when a parade passes or when the clear notes of our National Anthem reaches our ears. I mean that America needs a continuous consciousness of the forces of freedom which are symbolized in the Red, White and Blue.

One thing we learned during the last war was that as a people we cannot take our ancient virtues for granted. We received a rude awaking when in 1941, we discovered great numbers of our citizens were substantially unaware of world events. There followed a national speculation of what we were fighting for—and a drive for slogans and symbols to keep us alert. Today, I believe that we have a more awakened citizenry; that more people are personally and actively interested in the affairs of their community, State, and Nation and our relative place in world affairs. A Republic such as ours cannot function unless each and every citizen is well informed about, and takes an active part in, the affairs of the Nation. I firmly believe that good citizenship will provide an answer to many of our problems today. Citizenship is a full-time job. A day such as Flag Day is of paramount importance in our calendar of national holidays. It is a time for reverent evaluation of our obligations as citizens in these United States.

The patriotism that is aroused in us when we witness our flag must be directed to practical living. I sometimes wonder if in teaching history, especially American history, we do not overemphasize the flavor of the spectacular and neglect the solid foundations of hardwork and continuous sacrifice which have brought into being our great country. Love of country begins with love of the land itself. It is men and women at work; the fishing boats coming into our shores; the farmer riding his machine; the dairyman going to the farm before sunrise; the lineman mending the broken wire; the miner drilling for the blast; the engineer bringing the train in on time; the pilot in the clouds. It is the clerk in the office; the housewife doing the dishes and sending the children off to school. It is the teacher and the doctor. It is small things remembered, the little corners of the land, the houses, the people.

I include the following editorial from the New York Times, as quoted in Coronet, March 1951:

> We love our country because there was a tree on a hill, and grass thereon, and a sweet valley below. It is voices that are remembered only, no longer heard. It is parents, friends, the lazy chat of street and store and office, and the ease of mind that makes life tranquil.
>
> It is stories told. It is the Pilgrims dying in their first dreadful winter. It is the Minute Man standing his ground at Concord Bridge, and dying there. It is the wagons and the men on foot going westward. It is the settlers hacking fiercely at the primeval forest on his new, his own lands. It is Thoreau at Waldon Pond, Lincoln at Cooper Union, and Lee riding home from Appomattox. It is corruption and disgrace, answered always by men who have stood up in every generation to fight for the old ideals and the old rights.
>
> It is a great multitude of people on pilgrimage, common and ordinary people charged with the usual human failings, yet filled with such a hope as never caught the hearts of any nation on earth before. The hope of liberty. The hope of justice. The hope of a land in which a man can stand straight, without fear, without rancor.

Our flag is what we make it and keep it. It means only what we make it mean. It must be rededicated day by day. There is room under the American flag for growth and change. We stand at a time in history when the Stars and Stripes can be made to represent the peak of hope and freedom. But this will not happen automatically. We must give our flag meaning as it flies peacefully over our democratic enterprises just as it was given meaning at Yorktown and at Iwo Jima and all the battles in-between.

Each generation must be dedicated and consecrated anew to the defense of our flag; to defend it with life itself, if need be. But, above all, we must take its symbols into our lives and make from them the hope and freedom so necessary to preserve our American way of life. If we wish our flag to be honored, we, the citizens of this country, must be worthy of honor.

May each of us dedicate ourselves to all that is enobling and enduring in this land, to all that our flag symbolizes.

Mr. CHAPPELL. Mr. Speaker, today is Flag Day, a day wherein we pay special honor to America through the recognition of her flag and all that it stands for. It is a day for serious reflection on the American goal at a time when this Nation faces its greatest challenge since the Civil War.

The goal of many Americans today is so distorted from what our Founding Fathers envisioned that it is almost unrecognizable. Somewhere along the line, the American goal has slipped, fallen, and come to rest on the lowly depth of concern only for one's self, with little or no regard for others.

The prevailing attitude of so many seems to be, "What can I do for me? What can I do to further my personal desires and ambitions?"

By our pursuit of personal happiness alone, we are slowly robbing this country of its freedoms.

America was built on the idea of a government for which the people themselves were responsible. It was their duty to uphold their Government, or change it, as they saw fit.

The American of the late 18th century had foremost in his mind the idea of preserving American Government and its ideals. His goal in life was to protect his newly won freedoms and to do his part to maintain these freedoms.

It was this love of this country which caused the American of the late 19th century to lay down his life for his country—that you and I might continue to enjoy the self-determination he enjoyed. At Lexington, and Concord, New Orleans, and Fort McHenry—Americans laid down their lives that the goal of Americans—freedom and self-government—might be preserved.

We seem to have a different perspective today and most of it hinges on too great a love for the almighty dollar. Twentieth century Americans are caught in a whirlwind of materialism. With more leisure time than ever before, we seek all those things that money can buy—a more expensive home, the latest fashions in clothes, a bigger car, and all the other items that modern technology can produce to make living more comfortable.

As a nation, we have become too comfortable. I hope it would not take something as drastic as another depression to bring our Nation to a reexamination of its goals. For as difficult as it was for many of us, the depression made us concentrate on the really important things in life—individual creativity, togetherness, and teamwork within the family, finding ways to use leisure time without spending a lot of money, and in an abiding faith in spiritual values.

I do not say these things to sound like a prophet of doom. Quite the contrary, I believe all Americans have the ability to bring the American goal back into proper perspective.

To accomplish this, the most important single thing we can do is for each of us to reexamine ourselves to see clearly that which we seek in life—remembering that material possessions alone cannot bring happiness nor insure self-determination, for history teaches us that nation after nation has fallen when its people became too selfish and too greedy.

Each of us needs to live in such a way that we strengthen America. We need to redevelop pride in ourselves, pride in our work, pride in our community. We must not be afraid to speak out against lawlessness and laziness and apathy. We must be always ready to speak out for those individuals, and those actions, which strengthen America.

On this Flag Day, let us rededicate ourselves to building a strong America, with the same determination and dedication of our forefathers.

Let us keep foremost in our minds "The American's Creed," written in 1916, by William Tyler Page:

> I believe in the government of the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.
>
> I therefore believe it is my duty to my country to love it; to support its constitution; to obey its laws; to respect its flag; and to defend it against all enemies.

May God give to each of us the determination to project clearly the image of right embodied in our flag, and the will to fly it high, with pride and strength as a symbol of freedom to all men everywhere.

Mr. BARING. Mr. Speaker, Flag Day, June 14, 1972, begins America's enthusiastic celebration of this Nation's birthday on July 4. America will be 196 years old this year as the citizens of this country reaffirm their commitment to support their Nation and reaffirm their faith in our democratic system of government and society.

It is time for each of us to seriously consider the efforts and devotion to duty of those who have gone before us, those who have continuously made America great and strong.

Patriotism is the key word—a word which we live by daily and which we must instill in our young people as they grow and begin to take on the responsibility of serving their country in the best manner possible, while they enjoy the fruits of a free nation which were garnered for them over these 196 years by their forefathers and mothers.

With America's birthday this year also come our free elections during which our American youths will be able to flex their new decisionmaking powers with a voice in the leadership of the country. They join with the elders in helping the country to grow and remain on an even keel by electing responsible and forceful leadership.

It is every citizen's duty to participate in the elective process in their country which has made the free choice of government possible and it is with honor that we salute and honor America.

Mr. JOHNSON of California. Mr. Speaker, Flag Day is celebrated each year on June 14 in memory of that day in 1777 when the Continental Congress of our infant Nation adopted the Stars and Stripes as the official flag of the United States. These were perilous times. The American people had declared, on July 4, 1776, that these United States of America are, and of right, ought to be free. Some very brave men had signed their names to the Declaration of Independence and as a result stood to lose their liberty, their worldly possessions and most probably their lives.

As the war for independence proceeded, there were many different flags which led the Americans in battle and it has never been documented as to just how and under what circumstances, our flag was designed and ultimately manufactured. There are many undocumented stories of how the national flag came into being. The most prominent theories of the origin of our flag are those built around Betsy Ross, John Hulbert, George Washington, Francis Hopkinson, the town of Easton, Pa., John Paul Jones, Abram Markive, and the Rhode Island colonial flags. These theories are, of course, mutually contradictory. In general, they are all romantic and quite incapable of proof in one or more vital points. It does seem strange that in all the discussion by the various committees of the Continental Congress and by the Congress itself, when it adopted the Stars and Stripes as our national emblem, that there was no reference to the designer of our flag. This may not actually be too strange because it may have been the design of many different people, too many to mention—and, I suppose, there is romance in that fact, as well.

Flag Day was first officially observed in 1877 to celebrate the 100th anniversary of the selection of the flag. The Congress requested all public buildings to fly the flag on June 14 of that year. In 1885, Bernard J. Cigrand, a school teacher from Waubeka, Wis., began a lifetime effort to establish Flag Day as a day of an annual celebration. In 1897, the Governor of New York proclaimed a flag day celebration for the first time and stated that this celebration should become an annual event but it wasn't until 1916 that President Wilson established Flag Day as an annual national celebration.

During the entire history of the United States, our flag has been a flag of a country, not the personal standard of an emperor or a king. It has stood for all Americans and stands today as the symbol of liberty and not as the sign of the power of any ruler. It is and has been a national flag, a flag of the people and a symbol of the strength of a Government of, by, and for the people. Long may it wave.

Mr. PATTEN. Mr. Speaker, today is Flag Day, and it brings to my mind memories of my classes reciting the Pledge of Allegiance, memories of the meetings of fraternal, civic, and veterans groups, of firehouses being dedicated with new flags that have flown over our Capitol, and of just driving down a street and seeing our flag being lovingly displayed in front of homes. But most of all, Mr. Speaker, it brings back memories of what I saw behind the Iron Curtain where the flag flying over the homes—which it had to do if the family did not want to be perscuted—was not loved.

I have been impressed during the last year by what I consider a rebirth of patriotism in our Nation, and I hope that it will continue to spread. America has her faults, but she also has the means to correct these faults. She allows her people to disagree and try a new approach if an idea does not work out. When we look at our flag, this is what we should remember. Our flag is the symbol of our Nation—not of a particular policy, but of the country which allows many policies to be expressed and the rights of all to be protected.

So I join my colleagues here today in pledging my allegiance to my flag of the United States of America. She is the symbol of our freedom and liberty and the hope of the dignity and equality that man can achieve.

Mr. EDWARDS of Alabama. Mr. Speaker, there are many symbols which stand for the American way of life. But certainly none sums up our feelings better than the flag of the United States. It is fitting that we observe Flag Day to declare and emphasize our devotion to the flag and to the ideals which it symbolizes.

The flag means different things to every American. It is the memory of a passing parade, the start of an athletic event, a childhood pledge of allegiance, or a flag flying at half-mast in a time of national sorrow.

But to all of us it is the symbol of opportunity, freedom, brotherhood, citizenship, and love of country. It is the emblem of our dedication to the "old" values which have made our Nation strong, such values as honesty, dependability, faith, respect for law, compassion, tolerance, and nonviolence in the pursuit of one's opinion.

And at the same time, the flag and what it stands for serves as the cutting edge for fruitful change and progress.

I join President Nixon in calling on all citizens to observe Flag Day, 1972, and I personally urge each American to reflect on the American ideals for which our flag stands. Let us all pledge that the flag of our country will never be lowered in our hearts and minds.

Mr. GALIFIANAKIS. Mr. Speaker, today we pay homage to the American flag, our beloved Stars and Stripes first adopted as our official flag 195 years ago. It is an occasion that gives us all the opportunity to pause, take stock of ourselves as citizens, and rededicate ourselves to the ideals which Old Glory symbolizes.

Our history and our future are written on that flag. The threads of our history woven together form the fabric of our flag, and each new generation adds to it its own aspirations, struggles and victories. When we gaze at the flag we can see it with George Washington at Valley Forge and with Neil Armstrong on the moon. We can see our flag flying over foreign battlefields, and we can see it in our own hometowns at our schools and churches. It travels anywhere, always carrying with it the glory and faith of our Nation's people.

Our flag has been with us through our hardships as well as our triumphs, leading the way, guiding us in the paths of liberty and justice that our Nation was founded on.

There is none among us who can claim a special right to that flag; there is none among us, regardless of the cause, entitled to change the meaning of that flag. It belongs to us all, equally, just as this Nation belongs to us all, equally. This is the essence of our democracy. And just as the flag has preceded us all, carrying that sacred truth, it will continue long after all of us, carrying the message of all men created equal, of the right to liberty and justice for all.

Mr. CARLSON. Mr. Speaker, National Flag Day is a particularly significant occasion for the city of Aurora, Ill., in the 15th Congressional District, which I have the honor of representing. The nationally recognized father of this observance is Dr. Bernard J. Cigrand who was practicing dentistry in Aurora at the time he persuaded President Woodrow Wilson in 1916 to proclaim the first official nationwide Flag Day.

Dr. Cigrand, a great patriot, first observed Flag Day himself on June 14, 1885, as a young 19-year-old schoolteacher in Wisconsin. It is said that he placed a small flag on his wooden desk and told his handful of pupils the story of the flag of the United States. He chose that particular day—June 14—because it marked the anniversary of the adoption by the Continental Congress in 1777 of the Stars and Stripes as the flag of the United States of America.

I feel it is particularly fitting that we should set aside this time in the House of Representatives to pay honor to our Nation's flag—and I am glad to have this opportunity to recall the part Dr. Cigrand played in establishing this national observance. All Americans should be constantly reminded and made more aware of the symbolism of our flag—for the power of our flag, its grandeur, and the force of its very appearance have been demonstrated repeatedly throughout our Nation's history.

The spirit of the Stars and Stripes has, in fact, lifted our hopes and improved our national fortunes so frequently that we have every reason to know the value of its great symbolic beauty. The flag—our flag—is indeed a symbol of all that we, as Americans, should admire and love in this grand country of ours.

Mr. BIAGGI. Mr. Speaker, today we celebrate the 56th annual observance of Flag Day. Flag Day in America is a very special occasion when every American should reflect upon his heritage.

At a time when patriotism seems dim in the hearts of some of our countrymen let us be glad that there are those of us who can still celebrate Flag Day 1972 without reservation. Rather than deemphasizing the role of patriotism in our country, now is the time to renew it. We need a new commitment to the ideals of patriotism; one that will lead all of us to dedicate ourselves to the unfinished task of building a better America.

It is a time to reflect upon and to learn from our history, and especially to learn anew about the many blessings that come with liberty and freedom.

American historians remind us that history is not merely a great teacher of patriotism, but the one indispensible teacher. The more we know about the struggles which sustained its people in time of trial, the deeper will be our feeling for our country.

As we look up to the flag which is unfurled daily against the background of this historic and meaningful Capitol Building let us take this opportunity to review the great American story. It is a story of wonderful men, events, and documents. It is a story of a nation whose experience testifies eloquently to the faith, dedication, and sacrifice that gave us liberty, equality, and prosperity.

If we are to attain the great goals that our forefathers set for us we must develop a deeper feeling for our country than now seems to be evident.

These difficult times demand that we call forth the very best of our talents and abilities to meet this challenge.

Indeed, we must never succumb to the complacency that this life of liberty and prosperity can occasionally breed. We must constantly strive to actively exercise our freedoms. We must constantly strive to actively exercise our freedoms. We must also maintain the necessary defenses to preserve our liberties against all threats of tyranny, either from without or within.

Mr. Speaker, on this day let us not forget those gallant Americans who are presently prisoners of war in North Vietnam. We must remember that these men are examples of the type of Americans which exemplify the traditions and principles we are called upon to celebrate today.

Mr. SCHMITZ. Mr. Speaker, today was Flag Day and as a Member of this House I felt deeply moved by the tribute that was accorded what our esteemed colleague from Missouri, Dr. HALL, referred to as the meaningful symbol of duty, honor, country. Red Skelton noted with deep humility that the "Pledge of Allegiance to the Flag" was not a tradition, but a family privilege. The galleries were packed and as I looked around I could not help but notice that many of the spectators once again unabashedly shed tears of pride in their national symbol. The gentleman from Missouri who spoke so briefly and eloquently made note of the fact that the dissenters in this Nation who scorn our flag and what it stands for have benefited the most from it. Today I received two symbolic refutations of these dissenters. One was a letter written to Life magazine by a Green Beret medic on Life's coverage of the "Winter Soldiers" fiasco paid for by pro-Vietcong actress, Jane Fonda. M. Sgt. John Dryden's letter has never been published and on this Flag Day of 1972, it is fitting that a voice from Vietnam be heard by my fellow Members of Congress. The second letter is from the survivor sister of a soldier killed in action in Vietnam. It was published in the Mount Prospect, Ill., Herald, and written by Miss Peggy Daley Taylor. This is the day that testimony of those who really symbolize our flag should be heard. Theirs is the true story which almost never makes the front pages. The letters follow:

Vietnam Stand Blasted

This is in reply to your editorial of Feb. 3 entitled "Let's Leave S.E. Asia." So now the Herald has joined the ranks of bleeding hearts for the lives lost in Viet Nam. Two years ago I sent a letter of protest to Nixon when the Viet Nam Moratorium cadre used my brother's name in their picketing of the White House. The only difference between the campus crybabies then and the bleeding heart editors today is the type of communication used.

I don't speak for the lives lost in Viet Nam. I speak for my beliefs, which first and foremost is that there is no substitute for Victory. An ideologist says we should never have gotten into the mess. As a realist, I say that as long as we are there fighting a war, what in the Hell is wrong with winning?

I believe in predetermination, that is, your birth and death are set dates which God alone enters in the Book. What a man does between those dates is for his account when his time is up. My brother thanked God that he had the courage to go to Viet Nam in the name of his country and felt the defense of the principles of freedom were worth the hardship and sacrifice. My brother died with honor and bravery in saving the lives of his buddies. No greater love has a man than to lay down his life for a friend . . . that is the credential that was his at his judgment. He did not expect to die because God was with him but he wrote that if it was God's will, he would not complain. As a realist, no one wants to die but everyone does. No one wants wars either but that's mankind's own mistake. War is dirty, ugly and rotten, but our principle of freedom and liberty is why men fight for this country.

Just recently Kissinger announced that when Nixon goes to Peking he will offer 2.5 to 7.5 billion dollars in U.S. aid to "all of Indo China," including North Viet Nam. Will the bleeding heart editors get together and explain to me why my tax dollars will be handed over to the government that provided the circumstances of my brother's death?

The communists have not changed their policy of eventual world conquest and yet Nixon wants to rebuild their "war-ravaged" country. Incidentally, what is so war-ravaged about North Viet Nam? We have been fighting in South Viet Nam. The easiest way for the United States to win the war without U.S. casualties is to remove the 7th fleet from the Formosan Strait, transport the Nationalist Chinese to Viet Nam and let them show us how to fight to win. Unfortunately, the U.S. government will do everything in its power to make sure our allies lose.

Naturally, if American goods and resources are doled out to communist countries, our standard of living will gradually decrease and it will be easier for our enemies to conquer our country. That communist goal has NEVER changed. The American people are so darn apathetic and ignorant that they are willing to lose wars, feed and clothe the enemy, rebuild the threatening armies and sit idly by while every bit of our heritage is degraded, desecrated and eventually given away.

The only difference between a realist and an ideologist is that I don't have to ask why. When the last bastion of freedom sinks like a burning ship, I'll go down with it . . . fully aware that it was the captain that lit the match.

Peggy Daley Taylor.

Gentlemen: I read "Confessions of 'The Winter Soldiers'" in the 9 July edition of your magazine. I read it with considerable interest. I looked for lies or for stretching of the truth. I found none.

Now—a word for the opposition.

My brothers, and they *are* my brothers, in the Vietnam Veterans Against the War, have engaged themselves in their public flagellation. And in so doing, have again done their bit for the war effort—this time for the other side. *Their* brothers—the ones who came home in boxes—will appreciate again having been gutshot—this time by the very friends they loved above all men when they died.

Just how in the hell, may I inquire, does this war get to be any different than any other war? Except that in this one you get to watch your son die with his eyes shot out on the boob tube.

In 1966, I had a working arrangement with a Viet Cong medic. On Mondays I changed the dressings that he had applied on Fridays (incidentally learning a great deal about changing dressings in the process). Since I had access, at that time, to more antibiotics than he, he got in the habit of leaving notes when he felt that our joint patient required penicillin that he did not have. He never came into the villages on Monday. I never came on Friday. Our companions were armed and might not have understood a gentlemen's agreement. I never questioned the presence of a strong, healthy patient with a gunshot wound. The Viet Cong never mortared my camp.

In 1968, I had gotten in the habit of paying courtesy calls at the dispensary of a small RF–PF outpost at about the halfway point on my semi-weekly trips between a large city in the Mekong Delta and the USAF-VNAF airbase nearby. This was a short trip by jeep on a heavily travelled highway. I had the dubious honor to be one of the first medical persons to travel the highway after the first few terrible days of the 1968 Tet offensive. When I arrived at the RF–PF outpost, it was impossible not to see my friends at the outpost—all of them. Their bodies were on one side of the highway, laid out as if for inspection, their heads on the other side. It was all militarily neat and orderly. Their wives and children, as befitting mere civilians, were not in ranks. They lay where they had been shot or bayonetted—haphazardly. Every single member of the community—to include water buffalo, pigs, and dogs.

In your article, I could not find a single instance of an atrocity that I could not, by my own observation, have sworn to. But what, may I inquire, of the equal horrors perpetrated by the erstwhile gentlemen with whom our government has had the audacity to have gone to war?

My God, a war is an abomination, created in Hell. But being ordered into one by my duly elected governmental representatives, is it too much that I ask to be allowed to win it? In the election held in 1964, the candidate that dared suggest carrying the war into inviolate territory of the nation against whom we were then waging war, was defeated by the most staggering landslide in all of our national history. My government had decided to wage in the war *in the territory of our sworn allies.*

I am a professional soldier. But—I am also of an age to be considered a member of the Silent Majority. I share the guilts, with my fellow citizens, of this war. Guilts, plural. (1) The guilt of ignoring the conspiracy against us until we were involved in an impossible land war in Asia. (2) The guilt of obligating other men's sons to fight (and die) in a war in which we had no interest or will to win. (3) The guilt of desiring to withdraw from a war in which some 45,000-plus of our sons and brothers have died *without victory.* (4) And, finally, the guilt of having to acknowledge atrocities for which we are indisputably guilty.

Every war had had its atrocities, but the victor has always had the right to rewrite history to make it appear that only the vanquished had committed such abominations.

In any war, the most successful participant is inevitably the most savage, sadistic butcher involved. But we have heretofore invariably lauded him and made him a hero.

May I submit that we are *all* guilty? And guilty of what? Stupidity.

I am planning to marry a very lovely lady from Latvia. Where is Latvia? It doesn't exist—anymore. Since it was occupied in 1941 by troops of Communist Russia, it has not even the dignity of being a Communist satellite. It is now a very small, insignificant state of Russia proper. Latvia, as an entity, has ceased to exist. But, of course, we know that in this enlightened age such things can no longer happen. My love would like to know why no one is interested that her country was swallowed in one gulp by the most voracious appetite the world has ever known. I would like to know, too. Because that same appetite caused the disappearance of Estonia, Lithuania, Czechoslovakia, Poland, Hungary, East Germany, Albania, Romania, Bulgaria, Yugoslavia, China, Tibet, Cuba, North Korea, and North Vietnam. And sundry other countries in which no one has any particular interest. When we consider how very little we cared when their insignificant countries were swallowed up, can we really be too surprised when we too disappear?

To listen to them tell it, the members of the Vietnam Veterans Against the War would have us believe that our national policy was created solely to provide them with an arena in which to practice their own private hells.

I address these questions to only the members of the Vietnam Veterans Against the War: Who organized you, my brothers? Who is most interested in your public confessions of guilt? Who benefits most by the loss of confidence and the shared guilt created by your confessions?

Hell yes, you're guilty. So am I. So were we all. But what of the monstrous guilt directed against us?

I could be guilty of all manner of atrocities against those who could make slaves of my family (who are ignorant), my sweet love who escaped from Latvia (who detests them as I do and who is not ignorant), and anyone who would wrest from me by violence or by deception all that those who have gone before me have fought and died (and doubtless committed atrocities) to assure for me.

John Stuart Mill Said, "War is an ugly thing, but not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth fighting for is much worse. A man who has nothing for which he is willing to fight, nothing he cares about more than his own personal safety, is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself."

The final tortured quote of your article was to the effect of, "I have only one thing to say to the Vietnamese people, Oh God, God I'm sorry."

To paraphrase, if I may: If we lose our struggle by default, I have only one thing to say to the American people, Oh God, God I'm sorry.

M. Sgt. John Dryden.

Mr. FLOWERS. Mr. Speaker, in the days when our Nation was founded, Thomas Paine wrote:

> These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now, deserves the love and thanks of man and woman.

Tom Paine was imminently correct in 1776 when he proclaimed these words.

But how many times since then could it have rightly been said in the United States of America that "These are the times that try men's souls."

To mind quickly come thoughts of December 7, 1941, of World War I, of other great military conflicts that we have been engaged in during the almost 200 years of American history since Paine wrote the words above. And, of course, there have been other times that have tried or tested the soul of our Nation—times of conflict, turmoil, and change—times such as these we are now experiencing.

Throughout the world the American Flag has always represented hope to all mankind, and it is a reminder of the sacrifices of brave and unselfish Americans over the years—Americans who have given their life's blood that freedom should live. No other nation since the dawn of civilization has done so much for all humanity as has the United States of America.

On this Flag Day, 1972, we Americans can and should be justly proud of our heritage and its symbol. And, as we pass through these modern "times that try men's souls," let us not forget that as a Nation and as a people we have had conflict and turmoil and suffered before, and we have survived. In fact, we have always emerged triumphant, a Nation made even stronger by the healing process.

TRIBUTE TO THE LATE HONORABLE PHILIP J. PHILBIN

(Mr. DONOHUE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONOHUE. Mr. Speaker, I am deeply saddened today as I announce to the House the death early this morning of our former colleague and chairman of the House Armed Services Committee, the Honorable Philip J. Philbin. I know that my great sorrow is fully shared by practically every Member of this body.

Mr. Speaker, very few, if any, who ever served here were more highly respected and esteemed. No one was ever more beloved than he by his own people who knew him best.

Throughout his long service here, he was never a detracting critic. He was always a constructive legislative leader.

Over the years, he was so highly respected in this House because he consistently demonstrated an extraordinary depth of legislative knowledge and projection, truly sympathetic understanding of his colleagues' individual problems, and a unique ability to promote goodwill among differing Members for the accomplishment of national progress.

In short, he was a national legislator who conducted himself in accord with the highest traditions of diligent and dedicated public and personal service.

In the integrity of his character, his devotion to country, his deep concern for his neighbors, the strength of his friendship, the pleasantness of his personality, and the wholesomeness of his disposition, he daily reflected and practiced the richest qualities of human life.

His passing is a tremendous personal loss to me and to all who knew him. He will forever be remembered by his own people, because of his genuine compassion, his generous help, and his wise counsel to all who were troubled.

To me, and I am sure to all of our colleagues, he will forever be remembered and remain an inspiring legend of patriotic service above and beyond the normal course of duty.

I am sure all Members will join with me in praying that the good Lord will grant eternal rest to the great soul of our departed friend and colleague and in extending deepest sympathy to his bereaved children, Ann and Bamby.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I join my colleagues in mourning the loss of one of the most distinguished Members that ever served in this body and one of my dearest personal friends, Philip J. Philbin.

I have known Phil as a kind, considerate, and truly dedicated public servant. For 28 years here in this House his public career was spent in untiring efforts and immeasurable contributions to the national defense and to the men and women who served in the armed services, first as a member of the Military Affairs Committee from 1943 to 1946, and later as a ranking member of the Armed Services Committee.

He served as chairman of many subcommittees of the Armed Services Committee. As chairman of the Stockpile Subcommittee and the Subcommittee on Independent Research and Development, he contributed a tremendous amount to the future of America's armed services and to the future of our country.

Phil was an affable man, loved by Members on both sides of the aisle, and particularly by the employees. It can truly be said that he was an employees' member.

Well respected by all who served under him in the Armed Services Committee and by all who knew him in the House of Representatives, Phil was an unusual individual. Erudite, learned, talented, educated, he had a fund of knowledge on all subjects.

He could talk about the history of the nations of the world. He was a real master of the classics. An accomplished musician, he was a pianist, and, as a matter of fact, a composer of music.

As for sports, he played on that famous Harvard football team in the early 1900's, that played at Pasadena in the Rose Bowl, right after World War I. He was a great center on the national football team of Harvard. Phil could really talk sports, and probably knew more sporting individuals than any other man in America.

I have never met a more well-rounded man than Phil Philbin, truly loved by everybody.

I am honored to have served with Phil. I knew him since I came here in 1952, but long before that, he was a power in Massachusetts politics.

My wife Milly joins me in expressing to his family and all his friends our deepest sympathy.

Mr. DONOHUE. I yield to the distinguished majority leader, Mr. BOGGS.

Mr. BOGGS. Mr. Speaker, I join with the distinguished gentleman in the well and other Members gathered here to express deep sorrow and keen regret at the passing of Phil Philbin.

I believe I knew him as well as anyone outside of the Massachusetts delegation. For many years we have adjoining offices in the Cannon Office Building, then known as the Old House Office Building. I came to know him not only as a distinguished legislator but also as a man who devoted his time and his efforts to the security of our country, as a man who was meticulous about the work of his office. I believe that no letter ever went unanswered and no request from any constituent was ignored.

I also knew him as a friend, as my friend and as a friend of all those who work here, of the people who work on the Hill. He had a kind word for all of them, and he was known to all of them.

He had a disposition and a nature which was given to establishing and maintaining friendships. He shall be missed. But he lives in the deep affection of his colleagues.

Phil Philbin's death marks the end of a distinguished career in public service, spanning more than one half century, and comes as a heavy blow to all of us who were privileged to serve with him in the House.

Phil Philbin's career in Washington began in 1921 when he served as an aide to the late Senator David I. Walsh.

In 1942, the people of Massachusetts' Third Congressional District elected him to Congress and began a truly remarkable career in public office.

It was my privilege to serve with Phil through 11 Congresses, and I have never met a more dedicated public servant.

Phil Philbin found time to become an expert in the difficult field of national security legislation. As a member of the Committee on Armed Services, he earned a reputation as one who spent hours studying the variety of legislation and issues which come before that important committee. He was a leading architect of the policies which made our Nation strong and which contributed to world peace during the post war years.

These are a few of Phil Philbin's accomplishments during his long and distinguished career in Congress. He will be remembered not only for his legislative contributions but also for his manner, his disposition, and spirit with which he conducted himself.

Phil Philbin leaves more than a record of legislative accomplishments. He leaves an inspiring example of what a leader can be, and that is a valuable legacy indeed in these difficult and challenging days.

I join my colleagues on both sides of the aisle in expressing my deep sense of loss at the passing of this great leader and personal friend.

Mr. DONOHUE. I yield to the chairman of the Committee on Armed Services, Mr. HÉBERT.

Mr. HÉBERT. Mr. Speaker, every member of the Armed Services Committee feels a deep, deep loss on the passing of Phil Philbin.

As the Members know, he served briefly, after the death of Mendel Rivers, as chairman of the Committee on Armed Services. That fact has been overlooked by many.

Phil came to the committee when it was organized in 1947, from the old Military Affairs Committee. He and the distinguished minority whip and the gentleman from Illinois (Mr. PRICE) were the three who came from that committee.

I came from the old Naval Affairs Committee. I am the last member from that committee still serving.

Mr. Speaker, Phil Philbin sat between Mendel Rivers and myself, the ranking Member on the majority side.

I do not know of a sweeter character with whom I have ever come in contact than Phil Philbin. He was a man who loved his colleagues, loved his fellow man. He avoided controversy. Yet he was of strong will. He was dependable.

Last evening the former Speaker of the House of Representatives, the Honorable John McCormack, called me to tell me that the end was near for Phil. Of course, there are few of us here who did not know that he was terribly ill and had been so for many months.

Mr. Speaker, Phil Philbin was a man of many talents. Very few knew that he was an expert on the opera, the arts, and he, personally, was a wonderful pianist. He could entertain for hours sitting at the piano.

Another little-known fact about Phil is that he played football with Harvard, and played in the Rose Bowl many years ago. He was a great athlete. He was a great football player at Harvard.

Mr. Speaker, as we look down the years that we served together, certainly no one was more solid and stalwart at your side when you needed him than Phil Philbin.

The last correspondence I had with him was to urge him to have his portrait painted so it could hang in the House Armed Services Committee room. It was something that was his due after serving on that committee for so many years, but the chairmanship was snatched away from him. However, as we look back on it, he could have served his full term as chairman.

Mr. Speaker, I think the best manner in which I can sum it up is to say that all in all we shall not look upon his like again because this was a man, and in any language he was a great guy.

Mr. DONOHUE. I thank the distinguished chairman of the Committee on Armed Services for his kind remarks.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, the death this morning of our former colleague, Philip J. Philbin, is a great blow to the Commonwealth of Massachusetts, to this body where he served so long and faithfully, and to people everywhere who value fairness and decency in public service.

For 28 years, Phil Philbin represented the people of Massachusetts' Third Congressional District in the House of Representatives. That representation was marked by constant attention to the needs and desires of his constituents, and by conscientious concern for the National Government.

As his service continued and his seniority built up, he attained great stature in this House, and particular influence in the Armed Services Committee. But the power and influence he accrued never swayed Phil Philbin.

Many words will be used today to describe our former colleague—dedicated, talented, hard-working. He was all those things. But, most of all, I will remember Phil Philbin as a good and decent man. He brought those qualities to this body three decades ago, and he left, after 28 years, with all of them intact.

Mr. Speaker, I join all my colleagues in mourning the death of this fine man. And I extend my deepest sympathy to Mr. Philbin's family.

Mr. ARENDS. Mr. Speaker, it came as a great shock to me to learn this morning of the passing of my very good friend and former colleague Phil Philbin.

Phil served with distinction in the House for 28 years, from 1943 to 1970. He was a member of our Committee on Armed Services and made a very real contribution to the work of our committee. Phil was a quiet and unassuming person. In some respects this characteristic was disarming, for those of us who worked with him well know that he could always present his viewpoint with emphatic clarity. His capacity for leadership was repeatedly demonstrated in the work of the subcommittees on which he served as chairman.

Phil Philbin's political philosophy was different than mine. But in matters relating to national defense he never allowed a political consideration to enter into any of his decisions. In keeping with the long established policy of our committee his approach on national security questions was always nonpartisan.

Phil Philbin will be greatly missed by all of us and particularly by those of us who were privileged to work so closely with him. I extend my very real sympathy to his family. I share their loss.

Mr. DONOHUE. I thank the distinguished gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I am glad to yield to my colleague from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I thank my colleague, Mr. DONOHUE, for yielding to me at this time.

I am greatly saddened at the loss of a close personal friend, the Honorable Phil Philbin.

It is always a great loss to the country when we see the passing of a major leader of our country. I say this because Phil Philbin was a leader, and a great American.

Mr. Speaker, what I remember best about Phil Philbin was his compassion for his fellow man, his kindness, his decency, and the fact that he never lowered his principles.

He was a cultured gentleman, as was pointed out by the gentleman from Louisiana (Mr. HÉBERT). He was an authority on the arts.

I never met a man more cultured than Phil Philbin.

He always had great humor and great understanding. Some people might not realize his great love for his forebears, but it was borne out during the time of the Irish troubles. When some of those who were sympathizing with the problems of Ireland were raising money in the United States, Phil Philbin was a courier carrying that money over to Ireland, through the British lines, at the jeopardy of his own life.

Mr. Speaker, that was the type of man Phil Philbin was, a man ready to lay down his life for his fellow man.

Another thing that impresses me today is that his passing occurs on June 14, Flag Day, the flag that he loved so much, the flag that he defended all through his entire lifetime by a dedication and devotion to public service that is almost unequalled in the history of this great Nation.

This man's whole lifetime was a monument to class, good manners, and charm, the likes of which we will probably never see again.

In surroundings not exactly conducive to strong and lasting friendships, I will always treasure the momory of his friendship. Over the years he was a source of strength and wisdom to the entire Massachusetts delegation and it can honestly be said of him as of so few others than anyone who ever truly knew him was truly better off for having known him.

Mrs. Burke joins me in extending our sympathy and prayers to his daughter, to his grandchildren and to the other members of his family.

Mr. DONOHUE. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I join in this collective expression of grief over the passing of our beloved former colleague, Philip J. Philbin.

I know how deeply that grief bears upon the gentleman now in the well because no two men in or outside of the Congress were as friendly or as devoted to each other as the distinguished gentleman in the well Mr. DONOHUE and Phil Philbin.

Serving in the Congress for nearly three decades, from 1942 to 1970, Phil earned the respect and friendship of virtually everyone he encountered here in Washington.

Quite honestly, Mr. Speaker, he was one of the finest men that many of us have ever known. Either privately or publicly, I have never heard Phil Philbin utter an unkind word about anyone at any time.

Every member of the Massachusetts delegation, and in fact every Member of the House itself who knew Mr. Philbin, can testify personally to Phil's magnificent character.

He always found time to counsel a troubled colleague, to offer a few words of advice to a fledging Member who was still bewildered by the legislative process and to extend a helping hand to anyone who needed it.

A quiet man—even a self-effacing man who never sought headlines—yet, he was a diligent and painstaking worker here in the Congress, known among his colleagues on the Committee on Armed Services for his keen mind and mastery of committee work.

A ranking member of that committee, in fact, its chairman for a few days just before he left the Congress, Phil played a major role in assuring this country's military preparedness and its defense. And, equally significantly, he always tried to strike a fair and evenhanded balance between the demands of the military and the demands of its critics.

Phil's work, in an indirect way, helped lead to many of America's diplomatic triumphs over the past decade—the SALT talks, the European detente and the new exchange of views with mainland China and Russia.

Phil's service to his constituents in Massachusetts' Third Congressional District—the men and women who elected him to 14 successive terms in the House—had been truly remarkable.

No letter ever went unanswered. No plea for help was ever ignored. No constituent seeking advice was ever turned away. It is no exaggeration, Mr. Speaker, to say that Phil ran a model congressional office.

His death deeply saddens me as it saddens all of the Members of the House who knew him.

Few of us will ever match his achievements in representing a congressional district, fewer still his achievements as a man.

Mr. Speaker, I extend to his family my deepest sympathy in this hour of sorrow.

Mr. DONOHUE. Mr. Speaker, I yield to the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Speaker, Phil Philbin was one of the finest gentlemen I have ever known.

I served on the Armed Services Committee with him for more than 19 years and I have been a member of several subcommittees of which he was chairman.

Phil Philbin was a hard and conscientious worker. He was a brilliant and kindly man. He was a great American—a man of great courage and those attributes are sorely needed in our country today.

We will all miss Phil Philbin—he was a great American, a great citizen and a great patriot.

Mr. DONOHUE. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, I express the profound sorrow of every Member of this House and every resident of my congressional district at the death this morning at 3:25 a.m. for former Congressman Philip J. Philbin.

The towns of Clinton and Bolton where he has resided ever since his birth on May 29, 1898, the people of Massachusetts and the countless friends of Philip Philbin in the Congress and across the Nation will mourn the passing of this devoted public servant.

Seldom in the annals of Massachusetts politics or in the history of the Congress of the United States has a person labored so long, selflessly and diligently on behalf of the people as did Congressman Philip Philbin.

After graduating from Harvard College and Columbia Law School and working for a number of years for Senator David I. Walsh of Massachusetts, Philip J. Philbin came to the Congress in 1942. From that year until the end of 1970 he served his constituents every day, on every weekend and during every recess of the Congress. He was truly a representative of the people. No problem was too complex or too simple to merit the full consideration of the Congressman and of his staff.

The stories of the devotion and dedication of Congressman Philbin are legion and legendary. In an era when more and more American citizens were allegedly being alienated from politicians the esteem, reverence and affection which the constituents of Congressman Philbin and the people of Massachusetts had for this devoted public servant was enormous and profound.

I and the countless admirers and friends of the late Congressman Philbin send to his two daughters and to all of the members of his family our profound compassion upon their great loss. His passing is a loss to the people of the congressional district which he served for almost three decades with unparalleled devotion. His passing leaves me and all of us with the prayerful hope that we may strive to emulate his devotion to his constituents, to the Congress of the United States, and to the Nation.

Mr. DONOHUE. I now yield to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. I thank the gentleman for yielding.

Mr. Speaker, I, too, join in this tribute, in a very real, personal sense. Having had the privilege of serving with Congressman Philbin on the Armed Services Committee for over a decade, I glimpsed at firsthand those qualities which have been so generously noted here in the remarks that have been delivered. He was certainly a gentleman, and he brought to his work all of those qualities of consideration and fairness which gained for him admiration and respect. It is true that he watched with a kindly eye over those who were working with him and for him in the affairs of this House. He tried to keep always in mind the objective for which they were working and make it possible for a constructive result to be achieved.

We will do well to remember these qualities, for it is too easy to become careless, particularly in the field of public science and politics, of the feelings of others and the elements of fairness in the desire to press a point or perhaps to advance personal career. But when a man walks among us, as did Mr. Philbin, with this consideration and with this understanding, his example should remain an inspiration to all of us.

I can imagine no finer tribute than to be remembered by my colleagues with the affection and respect that is so manifest here today. We express our gratitude that there walked among us a man of his stature who was able to do so much for his State and his country, and to leave such wonderful memories.

Mr. DONOHUE. I thank the gentleman very much.

I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I thank the distinguished gentleman from Massachusetts.

Mr. Speaker, I also thank the gentleman for taking the time on the House floor today so we can join in expressing our profound regret and our deepest and saddest feeling at hearing the news that Mr. Philbin has passed on.

It seems to me that everyone of us serving or attempting to serve in the capacity of a Representative has his own evaluation of himself and of his colleagues in this chore of attempting to represent a constituency. Every one of us is concentrated single mindedly to the job of discharging this serious obligation. So, therefore, it is a rare man who also takes the time to worry with the problems of some other Member's constituency.

Some 10 years ago I found myself a freshman Member of this House. Mr. Philbin was one of the ranking members of the Armed Services Committee. I had a crisis confronting me involving the Armed Services Committee, inasmuch as I had the great privilege of representing a very historic area in the national defense picture. It was Mr. Philip Philbin who proved to me forever and a day that he had this tremendous capacity for being not only a single constitutency representative but also, indeed, a national one in discharging this other very little appreciated function of serving other interests in other parts and sections of the country.

I think this is just one reflection of Phil Philbin's great attributes which my colleagues who have preceded me have so eloquently brought out. I know that I sincerely join all the Members who have spoken thus far and who have invoked Phil's memories from certain perspectives.

I wish at this time to render a sincere tribute to this great American for the service that he rendered not only his constituency in Massachusetts but to each and every one of us and each and every one of our constituencies in this country during the time that he served so well, honorably, and efficiently as a Member of this House.

I thank the gentleman very much.

Mr. DONOHUE. I yield to the gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Speaker, I join with the gentleman from Massachusetts in expressing my sorrow upon learning of the death of our former beloved colleague and good friend, the Honorable Philip J. Philbin of the State of Massachusetts. I associate myself with the expressions of tribute and eulogy which have earlier been made.

He was possessed of a warmth of spirit and a gentleness of heart and mind which was equalled by few and excelled by none. I consider it a pleasure and a high privilege to have been included among Phil Philbin's circle of friends.

Phil Philbin was an able and outstanding Representative. He was a dedicated and highly motivated public servant. Those of us who were privileged to know him and to serve with him are grateful for that opportunity. We miss his service here. We will miss his presence among us on this earth.

Mr. Speaker, Mrs. Flynt and our children join me in extending our condolences and heartfelt sympathy to the family of the late Congressman Philbin.

Mr. DONOHUE. Mr. Speaker, I thank the gentleman from Georgia.

Mrs. HICKS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentlewoman from Massachusetts (Mrs. HICKS).

Mrs. HICKS of Massachusetts. Mr. Speaker, it was not my privilege to have served with Congressman Philip Joseph Philbin during his long tenure of office which extended from January 3, 1943, to January 3, 1971, but my father, Judge Day always referred to him as a great giant of a man—one of God's noblemen.

The Members of Congress knew Congressman Philbin as a man of intellect, learning and impeccable integrity—a statesman unswerving in his adherence to the Constitution. The dean of the Massachusetts delegation, Congressman DONOHUE knew "Phil" Philbin as a close lifelong friend.

I regret his passing this morning, but what day could be more fitting and appropriate for this great patriot than Flag Day, June 14.

Yes, the Nation has lost a distinguished son and America has lost a great and good man.

I join with my colleagues in expressing to the family of Congressman Philbin my sorrow in their great loss.

Mr. DONOHUE. Mr. Speaker, I thank the gentlewoman from Massachusetts.

Mr. CASEY of Texas. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Texas.

Mr. CASEY of Texas. Mr. Speaker, I appreciate the gentleman from Massachusetts yielding to me at this time.

I join with the gentleman from Massachusetts and with all our other colleagues in paying tribute to our dear and departed friend, Phil Philbin, a warm and wonderful man.

Phil was indeed a big man. He was big in stature and tremendous in heart and tremendously big in his generous way of giving his time for others. Phil had his favorite seat here on the floor at the center aisle and we could not pass that seat without having Phil cheer us up and help start our day. If a Member was looking a little worried, Phil would say to me as I knew he did to others, "What is troubling you, pal? You look a little troubled today." And if one shared one's problem with him, if Phil could, he would do something about it.

He was a big man in this Congress. He was a big man in this country. His contributions will long be noted by those of us who worked with him and by those of us who had the opportunity to see what he contributed to this country. It is my hope that we will long remember his contributions and the good that Phil Philbin did will not, as the poets say, be interred with his bones, but rather that we will deeply appreciate the good and build upon it, those of us who follow in his footsteps and carry on here in the Congress.

Phil had a tremendous dignity about him which I think we could all emulate, he carried the position as a Member of Congress with such dignity and with such composure that it reflected nothing but credit on this great body.

I join with the distinguished Members of the Massachusetts delegation and others here in extending my sincere and deepest sympathy to the members of his family.

Mr. DONOHUE. I thank the gentleman from Texas.

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Speaker, I thank my distinguished friend, the gentleman from Massachusetts, for yielding.

Mr. Speaker, Phil Philbin had many, many great attributes. If I were to think of one today in particular, I would single out compassion. Phil Philbin was a man of great compassion—great compassion for his fellow colleagues and all the people of this great country.

I have the great privilege of working in the suite Mr. Philbin occupied in the Rayburn Building. After his retirement from Congress, many people from far and wide would still come to that office. In chatting with them, I found they always had many kind words for Phil Philbin.

As many speakers preceding me have said today, Phil Philbin made many great contributions to this country and to our defense. We are a better nation, because he served in this great body.

I join all of my colleagues in extending deepest sympathy to the members of his family and in thanking them for allowing Phil Philbin to come our way.

Mr. HARRINGTON. Mr. Speaker, I join my colleagues from Massachusetts and the rest of the House in mourning the death of our former colleague, Phil Philbin.

Phil devoted his life to public service, and his dedication to the public interest as he saw it was unquestioned. He worked hard and long for his constituents, and he was one of the first who saw the need for affirmative action to reverse the economic downturn that has affected our State.

All of us who served with him enjoyed his fellowship. No Member of the House was more deservedly popular with his colleagues. His personal warmth, his genuine concern for others, and his unfailing willness to be helpful to his coworkers were hallmarks of his service here.

I send my sincere condolences to his relatives and the many many friends he made in a long and full life of service to his country.

Mr. MAHON. Mr. Speaker, I want to be recorded among those who pay tribute today to the memory of the late Philip Joseph Philbin. We wrought well as a Member of the Congress and it was an honor and privilege to serve with him. I always found him ready, willing, and able to be of service to the Committee on Appropriations in matters dealing with the security and strength of the United States.

Others have spoken at great length. I wanted to add my own words to those which have been trusted in the memory of this distinguished American.

Mr. BETTS. Mr. Speaker, I am very much distressed to hear the sad news about the death of our former colleague, Phil Philbin.

We became friends shortly after I came to Congress and I was always impressed with his sincerity and his friendliness. I shall always remember the many occasions when I had the opportunity to sit with him and discuss a wide range of subjects in which we had mutual interests. I learned very early in my acquaintance with him that he was a dedicated American and devoted to the service of his country and his constituents. His labors in the interest of good government never ceased and when he departed from Congress, he left a record which is difficult to match.

Above all, Phil was a gentleman in every sense of the word. I never heard any criticism of his character or his loyalty as a friend and I, as one, will always cherish the fact that I was privileged to serve with him in the House of Representatives.

I extend to his family my deepset sympathy.

Mr. SCHNEEBELI. Mr. Speaker, our former colleague, Phil Philbin, was a grand fellow with a big heart. When I first came to Washington, he was particularly kind to me, and was helpful in trying to make me feel more welcome and at home with my colleagues in the House. He had no reason to be so warmhearted, since I had never met nor known him before, but it was just typical of Phil Philbin to be so thoughtful and cooperative to a newcomer needing the help that he so kindly offered and so adequately supplied.

It was a great and interesting diversion to discuss Ivy League football with Phil. He was an outstanding football player at Harvard back in the 1920's and he would light up immediately when we talked about Harvard's current football fortunes. There were very few home games that he missed.

Phil was most charitable to his colleagues with his time, wisdom, and advice, and I shall keep fond memories in my mind about a grand fellow. We shall miss him.

Mr. ICHORD. Mr. Speaker, in 1943 our beloved former colleague, Philip Joseph Philbin, began a distinguished career of public service in the U.S. House of Representatives which lasted 28 years. It was my good fortune to be closely associated with Phil during the last 10 years of his service in Congress, especially in connection with our mutual service on the House Armed Services Committee.

Here was a man, Mr. Speaker, who was tall in stature, gentle in heart, and brilliant in mind. He served his country well in time of war and peace with endless devotion and dedication. Those of us who knew him and admired him can say with all sincerity that our lives were enriched, because of our association with him and that all citizens of this country benefited, because of his service in the U.S. Congress.

It is certainly anything but a pleasant task for me to say "farewell" to my friend and colleague who was a "man among men" and a "leader among men" and a "leader among leaders."

Mr. EVINS of Tennessee. Mr. Speaker, I want to associate myself with the remarks of the Members of the Massachusetts delegation and others, and join them in paying a brief but sincere tribute to the memory of our late and beloved colleague, Philip Joseph Philbin, of Massachusetts.

Certainly I was shocked and saddened to learn of the untimely passing of this wonderful friend, Phil Philbin. During my years of service in the Congress I have never known a more genial and warm colleague—Phil Phlibin loved life and loved people.

In addition, he was an outstanding legislator and served with dedication and distinction in the House for 28 years from his beloved State of Massachusetts. He was a member of the Armed Services Committee and was dedicated to the defense and security of our great Nation.

He served his district, State, and Nation ably and well—we shall miss him.

I want to take this means of extending to members of the Phlibin family this expression of my deepest and most sincere sympathy in their loss and bereavement. Mrs. Evins joins me in these sentiments.

Mr. BENNETT. Mr. Speaker, the late Congressman Philbin was one of the real leaders, one of the real gentlemen of this House. He was an untiring supporter of every good measure that passed this House and a pillar of opposition to the bad measures which we defeated. It was a genuine pleasure to know him as a friend, and my deepest sympathy goes out to his beloved family who survive him.

Mr. GROSS. Mr. Speaker, I am saddened by the death this morning of my good friend, the Honorable Philip J. Philbin, of Massachusetts.

Phil, as he was known and admired by all of us, was one of the most constant Members of the House of Representatives and for that reason, and because we normally sat across the aisle from each other, we exchanged greetings and visited almost every day.

Phil was a good legislator. As a member of the House Armed Services Committee, he stood always for legislation he believed to be in behalf of the security of the United States. But above all, he was a gentleman at all times.

With so many others, I have missed the presence of our friend on the House floor.

Mrs. Gross joins me in expressing sorrow that Phil has departed this life.

Mr. SIKES. Mr. Speaker, I am truly saddened at the news that my close friend of many years, our distinguished former colleague from Massachusetts, the Honorable Philip Philbin, is dead. He came to Congress very soon after I did and we served in the early days of our congressional careers on the House Military Affairs Committee and then on the House Committee on Armed Services. The warm friendship which we formed then has strengthened through the years and I know Phil Philbin as a man of great ability, a man of complete dedication to his State and Nation, and a man of courage who did not hesitate to express his convictions and to vote his feelings. There are not many who have served here who have been more genuinely respected than he. The lives of his colleagues on both sides of the aisle were enriched by our association with him and the Congress was a better place because Phil Philbin served here. He was a truly outstanding American. My earnest sympathies are extended to the members of his family.

Mr. ANNUNZIO. Mr. Speaker, I join the members of the Massachusetts delegation, and especially my colleague, Congressman HAROLD DONOHUE, in paying tribute to the Honorable Philip Joseph Philbin, a great American and a distinguished Member of this Congress.

I vividly recall when I came to Congress 8 years ago as a freshman, one of the first men I met on the floor of the House was Phil Philbin. He was a kind, gentle, and compassionate man who did not hesitate to give me a friendly hand and good sound advice.

When Congressman Philbin retired at the conclusion of the 91st Congress, he had served with great ability and genuine dedication for 28 years his constituents in the Third District of Massachusetts as well as all of the citizens in our Nation.

Phil Philbin was a patriotic American and a warm human being. He was a staunch believer in individual freedom and human dignity. He loved his country and contributed immeasurably to its continued strength and security.

His death has saddened all those who were privileged to know him. He will be missed by the people of Massachusetts, by those of us in Congress, and by his many friends. Mrs. Annunzio joins me in extending our deepest sympathy to the Massachusetts delegation and to the Philbin family on their great loss.

Mr. PRICE of Illinois. Mr. Speaker, the news of the death early this morning of our former colleague, the Honorable Philip J. Philbin of Massachusetts, came as a great shock to me.

In my first term in Congress, the 79th, it was my good fortune to serve on the Military Affairs Committee with Phil. In those days we formed a close friendship. He was then in the second term of his 14 terms as a Member of Congress. Through the years, until he left the House, we worked together on committee assignments on the Armed Services Committee.

As a member of the House Armed Services Committee, Mr. Philbin's first concern was for the welfare of the serviceman. He dedicated himself to bettering the conditions under which the serviceman worked and lived. Better housing, better pay, better retirement benefits for the man in service were always uppermost in Phil's thinking and most of his efforts were directed to doing something about those things.

As a lawyer he was interested in and devoted much time to the matter of military justice. Much of the improvements in this field can be traced to the efforts of Phil Philbin.

I join my colleagues here this afternoon in paying tribute to one of the finest men it was ever my privilege to know.

GENERAL LEAVE

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks concerning the life, character, and service of our departed former colleague, Phil Philbin.

The SPEAKER pro tempore (Mr. O'NEILL). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT PROCUREMENT OF SELECT COMMITTEE ON SMALL BUSINESS TO SIT DURING GENERAL DEBATE TODAY

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Procurement of the Select Committee on Small Business may sit during general debate today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. GROSS. Mr. Speaker, reserving the right to object, did the gentleman consult with the minority on this?

Mr. HUNGATE. The chairman asked me to make this request. I assume he did. The gentleman from North Carolina (Mr. BROYHILL) on the minority on that committee, has been sitting there this morning.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FLAG DAY, JUNE 14

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, as the people of our great country prepare for the June 14 observance of Flag Day, it is appropriate we reflect on the full meaning of this solemn day.

It was none other than the great John Adams, who, on the evening of July 3, 1776, said of America's Independence Day:

> This great anniversary festival ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports.

The same could well be said, at least in part, of Flag Day. Our flag is an inspiring symbol of the freedoms won through struggle and hardship by our forefathers, maintained through nearly two centuries by brave men and women who placed their lives, fortunes, and honor between America and our enemies, and who continue to do so today when our Nation is under attack from within and without.

The stars and bars which fly from flagstaffs across the world serve as a daily reminder that America remains the world's best hope for peace through inspiration and example. This can continue to be true as long as we determine to remain strong in the face of adversity, and as long as we maintain the traditions which always have been associated with our flag.

Our flag flies proudly from the top of our Capitol, dipping only in mourning for the lives lost of those who have stood the supreme test of dedication to the American ideal. It flies from ships at sea, embassies in foreign lands, even in the lands of those who would see us lose our freedom. It flies from remote stations across the globe manned by dedicated men and women who have left the comforts of home to man the bastions of liberty.

Our flag should be honored by all Americans. Differences among our people should not result in stain upon our flag. It is not necessary that we stand in complete accord to respect this great Nation and its hopes for the future of mankind. It is still our flag and our country and while we work for goals which we seek as individuals for our country, our flag should and must be held in the highest esteem. The flag does not represent a government. It does not represent an administration. It does not represent a policy. It represents an ideal and even those who disagree with the means of achieving our goals have no reason to defile the ideal.

Thus it is, as we approach Flag Day, that we should take stock of that which is given particular recognition on that day—the flag of the United States of America—and all that it stands for in the dangerous world in which we live.

It stands for freedom and hope, opportunity, and security.

For us, and for all mankind.

THE ATTACK ON THE HONORABLE PAUL N. McCLOSKEY, JR.

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, I rise today to express my outrage at the conduct of the gentleman from New York (Mr. Kemp) during his special order on this floor yesterday. To launch a specious attack on a colleague in his absence is an act of cowardice that I condemn. Yet the gentleman from New York is not a coward, so I can only assume it was an act of poor judgment on his part. The obvious distortion of Mr. McCloskey's remarks is so incredible that no reasonable person could ever draw the inference suggested by the gentleman from New York.

Mr. McCloskey's outstanding record of patriotism and service to his country, in war and peace, speaks for itself, and I think it is above challenge in this body.

The demagoguery participated in here yesterday by Messrs. Kemp, Pucinski, King, Crane, Young of Florida, Gubser, Terry, Hunt, Mrs. Hicks of Massachusetts, and Mr. Schmitz was unfair and I believe a discredit to the House. For 10 Members to gang up and attack another Member in his absence is unworthy of the tradition of this great body. I commend Mr. Seiberling for his courage in defending the gentleman from California.

THE REAL ISSUE CONCURRING MR. McCLOSKEY

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, I would like to address the attention of the House to the actual remarks and the real issue made here yesterday and that is that this House and the wives of the POW's/MIA's and the American people deserve an explanation of the statement made by Mr. McCloskey that "and if I had 700 cities I would want to save, I would put one prisoner in each city. Again I—I think the North Vietnamese may very well do that."

It was not a personal attack. It was a request for retraction and/or explanation. The gentleman from Michigan is out of order.

When this statement first came to my attention last Thursday after watching Mrs. Hansen on the "Today Show." I talked to Congressman McCloskey here in the House Chambers. He would not retract his statement at that time. I was astounded. Later that night I talked to Mrs. Hansen personally and she asked me to seek some public explanation or retraction. Monday, upon my return to Washington, I called his office and was told that he was out but that my call would be returned. Tuesday, still not having had my call returned, I had a member of my staff hand carry a copy of my remarks to his office so that he and his staff would know before I spoke what I was going to say. I might add here that this goes far beyond any act of mere congressional courtesy. We were told that he would be out of town for a week. I felt this could not wait in view of the fact of the distress that this was causing among many people deeply concerned about the POW/MIA question. It should also be pointed out that I inserted the entire transcript of the interview that he had on the "Today Show" with NBC's Frank McGee so that there would be no problem about qoutations out of context.

In conclusion I want to mention that the gentleman from Michigan failed to state whether he agrees or disagrees with the gentleman from California's statement.

Mr. Speaker, the National League of Families and the American people are awaiting an explanation.

COMMUNIST PROPAGANDA USE OF STATEMENTS MADE BY LEADERS IN CONGRESS AND IN GOVERNMENT

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, in view of his comments, it is interesting that the gentleman from Michigan (Mr. Riegle) failed to notify me in advance that he intended to mention my name in his 1-minute speech this morning.

Mr. Speaker, my participation in that special order discussed propaganda material published by the Communists, and examples of how they were using deeds and words of Members of Congress and other members of our Government as a part of their propaganda effort.

Mr. Speaker, I have in my hand several copies of those propaganda releases which I received during the last 2 weeks. If anyone desires to read them I have indexed them and indicate on the cover what the page and subject related to.

If anyone has any doubt in his mind that the Communists in fact do use the words and deeds of some of our leaders in Government, this material should answer that question and I make these reports available for all to see.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. KEMP. Like you I would be interested in finding out, when the book written by the gentleman from Michigan (Mr. Riegle) is released today, how many people he contacted or notified to the effect that he was writing about them in his book?

Mr. YOUNG of Florida. It would be interesting to know.

AMENDMENTS TO BE OFFERED BY REPRESENTATIVE DENNIS TO THE HEW APPROPRIATION BILL

(Mr. DENNIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. DENNIS. Mr. Speaker, I expect to offer the following amendments to the Labor-Health, Education, and Welfare Appropriation bill tomorrow.

I propose to offer an amendment to bring about a reduction of $20 million in salaries and expenses for the Occupational Health and Safety Administration. This will leave the figure more than $13 million over the comparable figure for fiscal year 1972 and should serve as a message that the amendment of that act in favor of small business is a pressing necessity.

Mr. Speaker, the other amendment will be a reduction in impact aid in the program of school assistance in federally affected areas, a $29,525,000 reduction which would bring this item down to the fiscal year 1972 appropriation level.

As the committee report says, "reform of the impacted area aid program is badly needed." However, since the legislative committee never produces the reform, I feel that we should proceed by a modest reduction in the appropriation.

Mr. Speaker, I insert at this point in the Record the text of my amendments.

The amendments referred to follow:

1. Amendment offered by Mr. Dennis of Indiana: Page 6, line 25, strike out "$69,207,000" and substitute therefor "$49,207,000."

2. Amendment by Mr. Dennis of Indiana: Page 19, line 18, Strike out "$641,405,000" and substitute therefor "$611,880,000."

Page 19, line 18: Strike out "$615,495,000" and substitute therefor "$592,580,000."

Page 19, line 22: Strike out "$25,910,000" and substitute therefor "$19,300,000."

AUTHORIZING APPROPRIATIONS FOR FIRE RESEARCH AND SAFETY ACT AND STANDARD REFERENCE DATA ACT

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13034) to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the Act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out all after line 2 down to and including "years" in line 5 and insert, "That there is authorized to be appropriated to the Department of Commerce not to exceed $5,000,000 for fiscal year 1973, not to exceed $9,000,000 for fiscal year 1974, and not to exceed $10,500,000 for fiscal year 1975".

Page 2, line 1, strike out all after "2." down to and including "years" in line 3 and insert "There is authorized to be appropriated to the Department of Commerce not to exceed $3,000,000 for fiscal year 1973, not to exceed $4,500,000 for fiscal year 1974, and not to exceed $5,500,000 for fiscal year 1975.".

The SPEAKER pro tempore (Mr. O'Neill). Is there objection to the request of the gentleman from Georgia?

Mr. SHOUP. Mr. Speaker, reserving the right to object, I should like to ask the gentleman if he has conferred with the minority with reference to this request?

Mr. DAVIS of Georgia. Mr. Speaker, if the gentleman will yield; yes, indeed. I conferred with the distinguished minority leader, and he informed me yesterday afternoon that he had no objection.

Mr. SHOUP. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1973

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 3 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. Michel) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLACKBURN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 368, nays 0, not voting 64, as follows:

[Roll No. 201]

YEAS—368

Abbitt
Abourezk
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Caffery
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fisher
Flood
Flynt
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClure
McCollister
McCormack
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—64

Abernethy
Abzug
Addabbo
Barrett
Bell
Biaggi
Bingham
Blanton
Brademas
Broomfield
Cabell
Carey, N.Y.
Chisholm
Clark
Culver
Diggs
Dingell
Dowdy
Dwyer
Eckhardt
Edmondson
Eshleman
Evins, Tenn.
Fish
Flowers
Foley
Ford, Gerald R.
Gallagher
Hagan
Halpern
Hawkins
Hébert
Heckler, Mass.
Hosmer
Jones, N.C.
Karth
Kyros
Long, La.
McClory
McCloskey
McDonald, Mich.
McEwen
McMillan
Mailliard
Miller, Calif.
Monagan
Perkins
Podell
Pryor, Ark.
Rangel
Rees
Rooney, N.Y.
Rostenkowski
Sandman
Sarbanes
Scheuer
Smith, Calif.
Springer
Stanton, J. William
Steiger, Wis.
Stratton
Talcott
Thompson, N.J.
Wright

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15417, with Mr. Holifield in the Chair.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Pennsylvania (Mr. Flood) will be recognized for 1½ hours, and the gentleman from Illinois (Mr. MICHEL) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Chairman, I yield myself such time as I may consume.

Now, as has become commonplace, we are bringing you a Department of Labor and Health, Education, and Welfare appropriation bill that is not only—and I want you to hear this. We better have a little better order, Mr. Chairman. I want them to hear it. This bill is not only over the current year level, but it also exceeds the budget. Now hold your hats—it exceeds the budget by $912 million—exclamation mark.

This is the biggest Labor-HEW appropriation bill ever, totaling over $28 billion—not millions but $28 billion.

In addition, trust funds and the permanent appropriations available to the departments and agencies that are covered in the bill total over $68 million, or a grand total of $96½ billion—considerably more than the 1973 budget for the Department of Defense.

Did you ever think you would live that long?

This still does not tell the whole story because we did not act on the budget requests—and I want you to hear this—we did not act on the budget requests totaling $5 billion because the appropriations were not authorized. So you see what is coming. I am sure we will appropriate that amount or pretty close to it before the end of this session of the Congress, and that will be in addition to the amounts in this bill.

The unauthorized requests are on page 5 of the report. As you will see, the large ones are higher education, almost $1½ billion, OEO items totaling about $2.2 billion, and social and rehabilitation services—largely the vocational rehabilitation program—$929 million.

On pages 4 and 5 of the report we set forth approximately $17.1 billion of the total appropriations of $28.2 billion which is carried in the bill that are—and I hate this word—"uncontrollable" through the appropriation process under existing legislation. The large items included in this group are grants to States for public assistance, payments to the social security and railroad retirement trust funds, unemployment compensation for ex-Federal employees and ex-servicemen, advances to the extended unemployment compensation account, Federal workmen's compensation benefits, and special benefits for disabled coal miners.

The Department of Labor accounts for slightly over $3 billion of the total carried in the bill. The committee made several small reductions from the Department's requests totaling about $4,113,000,000. The larger of these reductions were $1,250,000 in departmental management and $1,200,000 in the Bureau of Labor Statistics. Now, do not worry about that. This still leaves an increase of $3,899,000 for the departmental management compared with 1972, and an increase of $7,484,000 over 1972 for the Bureau of Labor Statistics.

You will notice that the summary tables show that the total in the bill for the Department of Labor is $674,000,000 less than the appropriation for 1972.

Do not worry about that, for three reasons. I will tell you what they are:

First, the manpower training services are under 1972 by $146,745,000. This is because the 1973 budget for summer job programs for youth was based on continuing the program at approximately the 1972 level that was provided for at the time the budget was prepared. Since the budget was prepared a supplemental appropriation for $156,550,000 has been enacted in the Second Supplemental Appropriation Act. The action of the committee in including only the amount of the budget request is with the expectation of a supplemental appropriation reasonably early in the next session of Congress when economic conditions and other factors affecting need can be more accurately determined.

The second big reduction is for advances to the extended unemployment compensation account. The bill includes $120 million which is the amount of the request, but $480 million below the amount appropriated for 1972. This reduction is due to the expiration of the Emergency Unemployment Compensation Act of 1971, and estimated improvements in the unemployment situation.

The third large decrease is for benefits for unemployed ex-Federal employees and exservicemen. The bill includes $475 million which is the amount requested, but $381,600,000 below the appropriation for 1972. The committee certainly hopes that the request represents an accurate prediction of the needs, but I think the other subcommittee members agree with me in thinking that the 1973 estimate is based on very optimistic assumptions with regard to unemployment rates during the next fiscal year.

All right. Here is what most of you have been listening for. By far the largest increase over the current fiscal year appropriation for the Department of Labor is for emergency employment assistance. We get a great deal of mail on this and telephone calls when we go home. This is the relatively new program to get public service jobs for the unemployed in State and local government programs and services, but paid with Federal funds. The appropriation for 1972 was an even billion dollars and the bill for 1973 includes $1,250,000,000 which is the amount of the request. This will not do a great deal more than annualize the 1972 program. It is estimated that 146,000 of these jobs will be filled at the end of this fiscal year, and that the 1973 appropriation will provide 154,700 man-years of employment next fiscal year.

Now, everybody wants to hear this. Every man, woman and child in the country is affected by this next one. Everybody. Of course, the Department of Health, Education, and Welfare is where the big—and that is capital BIG—increases over the budget occur. Why? Because Flood wanted it. No. We can't kid the troops. Remember that wonderful show "Damn Yankees" and that great number "What Lola Wants, Lola Gets?" This is what the people want. That is why it is in there. Members know that. The big increase then, over the budget, occurs here.

Before I discuss what makes up this increase I might mention that we have a handy reference to the items that have created the most interest in this part of the budget, starting about the middle of page 3 of the report and running through most of page 4. This gives, in capsule form, the answers to a lot of questions that we have been and will be getting.

With regard to the increase in the HEW budget, the committee has added—hold your seats—$915,836,000. When we hear tomorrow, when amendments are being offered to this bill, about this penny-pinching, miserly Committee on Appropriations who could not care less about education, children, anything, put that in your pipes and smoke it. That is $915,836,000 over the budget.

In my opinion neither the administration nor the Congress was particularly surprised; not when they saw what the increases were composed of.

Every year for the last few years the budget has greatly reduced grants for construction and Congress has consistently increased the budget. A big part of the increase over the budget, in the bill we are now considering, is in this area.

The budget had zero for construction grants for hospitals and public health centers, long-term care facilities, and modernization of such facilities—the old Hill-Burton program. The committee has put $112,200,000 in the bill for such grants, the same amount as was appropriated for 1972.

Under the health manpower program the budget included zero for construction of health professions facilities and zero for construction of nursing facilities. The committee put $100 million and $20 million, respectively, in the bill, which again is the same amount as was appropriated for 1972.

For construction of community mental health centers the budget included zero. We put $20 million in the bill, an increase of $5 million over the appropriation for 1972.

For construction of library facilities the budget included zero. We put $9,500,000 in the bill, the same amount as was appropriated for 1972.

The committee increases for these construction grant items, where the budget included zero, total an increase of $261.7 million.

This bill covers literally hundreds of separately identifiable programs, so rather than try to deal with every item I will just hit the remaining high points.

Now listen to this. The Secretary of HEW, and a great Secretary, launched a drive, to combat what? To combat alcoholism. That was early this year. A statement which he made particularly attracted our attention, and I will quote it. I am quoting Secretary Richardson:

> Alcohol is the most abused drug in the United States.

I will repeat that:

> Alcohol is the most abused drug in the United States.

How do you like that? That should shiver your timbers.

The trouble is that the budget does not reflect any real strengthening of this program despite all the talk. The only apparent increase of any consequence is represented by a transfer of activities that have been financed by OEO. That is not a real increase, but just a change in financing arrangements.

After hearing a considerable amount of testimony by both government and non-government witnesses and studying a considerable volume of material on the subject, we have come to a conclusion that I do not think any knowledgeable and objective person could argue with, that a very considerable increase is necessary if we really want to effectively combat this problem. In total the subcommittee has added $59 million to the budget for a total funding program of $156.5 million. The details concerning this start near the bottom of page 12 and run to about the middle of page 14 of the report.

For the research institutes and divisions of the National Institutes of Health the committee is recommending a total increase of $142,785,000. Sixty million dollars of this increase is for the National Cancer Institute. When the President signed the new cancer legislation he also sent to Congress a supplemental appropriation request for $100 million and stated that he would ask later for whatever additional funds can be effectively used. We heard a considerable amount of testimony from nongovernmental witnesses who offered convincing testimony that much more than the amount in the budget could be effectively used in fiscal year 1973.

Furthermore, in answer to a question by Mr. SHRIVER of the committee, Dr. Baker, who was the then Director of the Institute, said this, and I quote:

> Yes; this extra $100 million can be spent effectively in fiscal year 1973. Innumerable opportunities for productive expanded cancer research and development efforts have been pointed out quite recently through the 41 planning sessions held with 250 outstanding cancer scientists in connection with the development of the national cancer plan. Quite recently Congress has passed another supplemental appropriation for $40 million, most of which will be spent after the end of this fiscal year. In addition to that the subcommittee is recommending $60 million over the budget for 1973.

Now, I tell you what happened. After the President made that speech in which he said he was going to ask for $100 million for cancer—next morning knocking on my door were the heart and lung people who said, "What about us?" $100 million for cancer. Five times as many people died from heart and lung disease as died from cancer. What about heart and lung?

You cannot blame them.

However, the bill now pending before us includes an additional $44,720,000 over the budget for the National Heart and Lung Institute. So they are not being brushed off. This will bring the total for that Institute to $300 million. The President has indicated his strong belief that we should launch a drive in this field similar to the one in cancer. Legislation has just been reported out of the Interstate and Foreign Commerce Committee to implement such a program legislatively. We are simply recognizing the need appropriationwise and have put in an increase for 1973 of roughly the same percentage for heart as for cancer—about 30 percent.

The remainder of the increase in the Institutes totals $38,065,000, primarily for the purpose of restoring to the 1972 level all competing research grant programs, fellowships, and training programs where they were cut below that level in the 1973 budget.

For the health manpower program, in addition to the increase of $120 million for construction which I have already mentioned, we have increases recommended in the bill which total another $85 million. There are about 40 activities involved in the health manpower program, and I will not attempt to go through them all. There is a narrative explanation of the committee's action on this item beginning near the bottom of page 40 and running through page 43; and a detailed table on page 44. I would just make this overall comment that the budget cut out construction grant funds, completely, and held the other activities at pretty close to the 1972 level at a time when everybody, including the average man on the street, knows that we desperately need to increase our health manpower.

Now, for school assistance to the federally impacted areas, oh, dear, dear, dear, what a can of worms that is.

The budget, flying right in your face—and they know that this is a sacred cow up here—the budget recommended a reduction in the main part of this program, operation and maintenance under Public Law 874, of $200,495,000 below the amount that would be required to furnish the same percentage of entitlements in 1973 as is being provided in 1972. That is what they did. Just think of it. The budget also proposed language which was obviously legislation. If the committee had adopted such lanugage it would have been stricken from the bill on a point of order.

The committee was not favorably impressed with the budget proposal on either substantive or technical grounds, and is recommending a continuation of the program at the 1972 level. This is 73 percent of entitlement for B children, 90 percent of entitlement for A children in schools with less than 25 percent of total enrollment in this category, and 100 percent of entitlement of A children in those schools where 25 percent or more of the enrollment is in this category. This change from the budget requires an increase of $200,495,000.

The committee also recommends $25,910,000 for assistance for school construction under Public Law 815, an increase of $10 million over the budget. The bill also contains what amounts to a limitation which permits the use of these funds for construction of schools operated by local authorities for children who live on Federal property. This will provide for some special needs in connection with facilities on military installations and for Indian children.

The bill includes $143,609,000 for education for the handicapped, which is an increase of $12,500,000 over the request. The budget had increases in other activities carried on under this appropriation, but provided no increase for State grants which is a very basic part of the program. With the cost of doing business going up every year this really amounted to a small cutback. The $12,500,000 increase is for these grants, which will bring the amount for that purpose to $50 million.

For vocational education the committee is recommending an increase of $50 million over the budget for the basic State grants. Again the budget recommends exactly the same amount for 1973 as is available for 1972—$376,682,000. The committee thought an increase to $426,682,000 is very reasonable for this program.

I have already mentioned the increase of $9.5 million for construction funds for the public library services and construction program. In addition to restoring the $9,500,000 for construction, the committee is recommending restoration of the cut for services. The 1972 appropriation for this purpose is $49,209,000. The budget estimate was for $32,730,000. The committee is recommending $50 million, which restores the proposed cut of $16,479,000 plus $791,000 which will help in meeting increased costs.

There are other pluses and minuses in the bill, but they are relatively quite small. Also, I have not spent much time on some of the large items in the bill, like the $13 billion-plus for grants to States for public assistance, and the fact that we will probably have to have a supplemental appropriation before the end of the fiscal year 1973. I could agonize and wring my hands over that for half an hour, but, the way things are run around here, the time for serious talk on that is when the legislative bills are before us.

I hope you will agree with my thinking that neither the administration nor the Congress could possibly be surprised at the increases we have made even though they do total to a rather startling figure of almost a billion dollars. I think they are all well justified, but on the other hand I think the committee has gone as far as is reasonable. We all know that there never will be enough money to take care of all the needs of all of the programs funded by this appropriation bill. I think we have come about as close as is possible to striking that much referred to "happy medium."

I should not close my remarks without mentioning—and I want you to hear this—I cannot close my remarks without mentioning this. Our committee report contains some "additional views". I do not recommend reading them, but in case anybody does not have anything better to do and does read them, I feel obligated to point out to you that they contain—and this does not surprise me and should not surprise you because we have been through this before—they contain some absolutely shocking factual errors.

This is another one of those package deals dreamed up by that group of faceless wonders who used to meet in the Congressional Hotel before they closed that. Now I do not know where they meet. I was told it is some motel, but I do not know—or care, for that matter.

I do not know where they got these figures. I do not know if they purposely misstated what the committee did, if it was ignorance, or lack of interest. And, specifically, the table which appears on page 59 of the report indicates that the committee is recommending an appropriation of $200,495,000 for impacted area aid under Public Law 874 for fiscal year 1973. Now, that is absolutely wrong. The committee recommends an appropriation of $615,495,000 for Public Law 74, over three times as much as stated in these "additional views." How do you like that? What is the explanation for such a misstatement of fact? It is up to you. You pay your money and take your choice.

The table on page 59 also states—and these are people who have been at this business a long time and are supposed to know what is going on—that the committee recommends $26,770,000 for the Library Services and Construction Act. That is not so. That is absolutely incorrect. We are recommending $59,500,000. Why would they do that?

Mr. Chairman, several other tables are incorporated in the additional views. They may also contain errors. We have not bothered to check them, so we do not know how many mistakes there may be in them. I suggest that you use them with great caution.

I trust you will not pay much attention to the minority views—I am sure most of the 10 Members who signed them did not.

This is a good bill, Mr. Chairman, and deserves the support of all Members.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I am glad to yield to the gentleman from Florida. First, I hasten to add that there is the man in this Congress who is already the fond parent of much important health legislation, and who, I am sure, will be the prime mover of much more in the future, the gentleman from Florida, to whom I have just now yielded.

Mr. ROGERS. I am very grateful to the gentleman. May I say that I would certainly take my hat off to the gentleman in the health field. I would stand and applaud and congratulate his leadership, that of the gentleman from Illinois, and each member of your subcommittee for assuming the initiative in the health field as you have done in this bill. I think it is magnificent.

Mr. FLOOD. I could not have said that better myself, and that is praise from Caesar.

Mr. ROGERS. May I ask the gentleman just one question?

Mr. FLOOD. Yes.

Mr. ROGERS. This is on—and I have talked to the gentleman about it and I think I understand the position of the committee—the disability program.

Mr. FLOOD. Yes, we did talk about that.

Mr. ROGERS. That does have authorization. I understand it is administered in the vocational rehabilitation program.

Mr. FLOOD. Yes, and about 87 percent of the overall appropriation item of which it is a part is not yet authorized. The particular part to which you refer is, as we both know.

Mr. ROGERS. So my only request of the gentleman and to his committee would be that if the Senate does put in some funds where there is the authorization now existing for the development disability program, would the gentleman consider that in a conference and see if something could be worked out?

Mr. FLOOD. My friend from Florida knows the position of our committee on this program. We are very much in favor of it, we always have been, and we always will be. If the other body in its tremendous command of wisdom sees fit, we will look at it with a sympathetic eye.

Mr. ROGERS. The gentleman is most kind. Again I wish to congratulate the gentleman and his committee for the great work he has performed. The whole Nation is grateful to him.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Minnesota.

Mr. NELSEN. In the field of health manpower and the cancer program our committee did extensive work, and I want to compliment the gentleman on the attention that has been given by his committee to that cause, because we believe it is a worthy and deserving one. I thank the gentleman.

Mr. Chairman, I want to congratulate the truly bipartisan spirit with which the House Appropriations Committee worked out the appropriations for the Department of Health, Education, and Welfare for fiscal 1973.

I am particularly interested in cancer. If the present incidence of cancer were to continue, some 52 million Americans who are alive today will contract this disease. Translated into very simple terms, this means that in the next 10 years alone 3½ million Americans will die from this vicious disease.

In his 1971 state of the Union message President Nixon said:

> Cancer has become one of mankind's deadliest and most elusive enemies. The conquest of cancer is one of the most important efforts of our time.

Backing up his call, the President requested an additional $100 million for the National Cancer Institute even before the passage in 1971 of the historic National Cancer Act. To indicate the strong bipartisan degree of cooperation between the executive and legislative branches, I can do no better than to quote these words from the report which accompanies the bill before us:

> The Congress joined with the President last year in this total commitment to conquer cancer by promptly approving the additional funds requested for cancer research. Very recently the Congress approved an additional $40 million for cancer research which brought the 1972 appropriation to over $378 million. The Committee shares the President's view that to eliminate cancer this country must be prepared to provide the resources for a sustained battle over a considerable period of time, and the Committee feels that the country is willing to pay the price. There can be no doubt that the cost of defeating cancer will be great but the expenditure is necessary if we are ever to see the day when Americans no longer live in fear of this dread disease.

For fiscal 1973 the President requests an increase of approximately $53 million over the amount appropriated for cancer research in fiscal 1972. However, during its months of hearings and deliberations the House Appropriations Subcommittee on Labor-HEW heard testimony from many eminent cancer specialists and from the Director of the National Cancer Institute himself, indicating that a modest increase in funds would be needed to carry out the goals envisaged when the Congress overwhelmingly passed the National Cancer Act of 1971. It has, therefore, added $60 million to the appropriations for the National Cancer Institute. While this falls appreciably short of the authorization for the Institute which our Subcommittee on Public Health and Environment included for the second year of the legislation, it is a commendable step forward and I support it wholeheartedly.

Mr. Chairman, in 14 years of service in this body I have never witnessed more effective coordination between the executive and the legislative branches and between both of our political parties in the hammering out of the difficult and complex cancer legislation of 1971. There were some rough moments and some difficult adjustments to be made with the other body, but it is my belief, and I think it is the belief of every member of the Interstate Commerce Committee, Republican or Democrat, that in that legislation we charted a course leading to the eventual conquest of mankind's oldest scourge.

I, therefore, commend the entire membership of the House Appropriations Committee for reporting out a bill which seeks to implement our goals through the provision of adequate funding in the coming year.

Mr. ROY. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Kansas.

Mr. ROY. I want also to congratulate the gentleman on this fine bill and the amount of money appropriated for the Federal health program. I think we have seen over a period of time a critical underfunding of health programs, and I think the steps taken by your committee are definitely an improvement. I expect to see a great deal of improvement come from this proper funding. I thank the gentleman.

Mr. Chairman, physicians know that chronic diseases seldom are cured suddenly and dramatically. Instead, careful treatment can bring slow but steady improvement until one day when the patient is in pronounced good health.

Perhaps it can be said that most Federal health programs are chronically underfunded. Sudden and dramatic improvement in that condition is greatly desired, but that is not the way things happen. Instead, slow but steady progress can be made year by year through the appropriations process. Today I am happy to observe that that kind of steady improvement is being made, thanks in large measure to the sound treatment prescribed by the Appropriations Subcommittee headed by the gentleman from Pennsylvania.

The health budget presented to the Congress today is indeed much improved over that submitted by the administration early this year. The changes made by the committee, amounting to increases of $347,785,000 for all programs of the National Institutes of Health and $263,636,000 for the Health Services and Mental Health Administration, have practically given new life to some programs—notably construction—and have significantly strengthened many others.

I thank the members of the committee for their fine work—for their wise treatment of the patient, if you will. And I look forward to the time, not too far off, when all the Nation's health programs will themselves be in good health.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Now I feel better. Of course I yield to the gentleman from Iowa.

Mr. GROSS. I am glad that I can make the gentleman feel better.

Mr. FLOOD. You do. I would be disappointed if the gentleman from Iowa did not have some comment or question.

Mr. GROSS. Let me ask the gentleman, did the committee increase impacted school aid by $29.5 million?

Mr. FLOOD. The budget proposed a reduction below the 1972 appropriation for Public Law 874, and we put that back. We also added funds for construction of school facilities under Public Law 815.

Mr. GROSS. Then it has been increased in this bill over last year?

Mr. FLOOD. That is right.

Mr. GROSS. By about $30 million?

Mr. FLOOD. Yes.

Mr. GROSS. And over the budget by $210 million?

Mr. FLOOD. That is correct. But the gentleman understands that we put it back where it was last year, because the powers that be downtown have a different concept of how this will be administered, as you know. We are using the same formula for the aid as we did before, exactly the same formula.

Mr. GROSS. I am sure the gentleman would recommend that the Members read the hearings, would he not?

Mr. FLOOD. Oh, by all means, yes.

Mr. GROSS. At page 302 of the hearings I find you in agreement with the witness who appeared on the impacted school aid program that the program needed reform.

Mr. FLOOD. It is like any kind of reform. We must keep the patient alive while we perform the operation. I agree with the gentleman.

Mr. GROSS. I am not at all sure about that. I am of the opinion that a little euthanasia might be helpful in this case.

Mr. FLOOD. For the first time in a hundred years the gentleman and I disagree. This is the war between the States.

Mr. GROSS. That is the record.

Mr. FLOOD. It is.

Mr. PREYER of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from North Carolina.

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of the health expenditures included in the fiscal year 1973 House appropriations bill now before us. I believe that the House committee is to be highly commended for the measures it has taken to alleviate the health needs of this Nation. We are all aware that problems in the costs and delivery of health services have reached crisis proportions in the United States. Unfortunately the President and the administration chose to ignore them. The funds requested for research, for health manpower, and for mental health constituted only an insufficient percentage of the total authorizations for these various programs.

The House Appropriations Committee has increased the President's budget by $611 million. This was necessary to insure progress toward the goal of adequate professional health care for all Americans. The bill contains an increase of $205 million for health manpower. This is a first step toward meeting the health manpower shortages which I have heard documented before the Subcommittee on Public Health and Environment of the Interstate and Foreign Commerce Committee of which I am a member. The bill also includes an increase of $142.8 million above the President's budget for the research institutes of NIH. This amount includes funds to increase significantly the campaign to develop a cure for cancer and to increase research activities regarding heart disease. In addition to these increases, the NIH funds restore the project grants and training levels of other institutes to the fiscal year 1972 level. I commend the Appropriations Committee and the Subcommittee on Labor and Health, Education, and Welfare for its foresight in guaranteeing that the research efforts of NIH will not be cut back.

I must also take this opportunity, however, to state that the administration has shown unparalled shortsightedness in its proposed budget. To ignore the research needs of the aging, to ignore critical needs such as research on the sudden infant death syndrome and on the development of new technology related to human fertility is to turn one's back on the vital concerns of women and children and the elderly. I cannot understand such an approach to the budget of this Nation. Health care cannot improve without concurrent medical research to improve it. Nor do I believe the American people will allow such flagrant neglect of governmental responsibility for their continuing health problems and critical needs. Therefore, I congratulate Mr. MAHON and Mr. FLOOD on their efforts to see that this Nation's health care continues to improve and to provide our people with the services and research necessary to this goal.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, today we see the culmination of some laborious work that has extended over a period from February 5 to May 9, during which the members of our subcommittee listened day in and day out to a host and array of witnesses in support of this monumental appropriation bill. We took more than 7,200 pages of testimony during that time.

I would like to pay special tribute to the other members of the subcommittee, the gentleman from Kentucky (Mr. NATCHER), the gentleman from Iowa (Mr. SMITH), and the gentleman from Missouri (Mr. HULL)—who will most unfortunately after this session of Congress be leaving us of his own choice—and the gentleman from Texas (Mr. CASEY) and the gentleman from New Jersey (Mr. PATTEN) on the Democratic side, and also to the great help and assistance of my colleagues on our side, the gentleman from Kansas (Mr. SHRIVER), the gentleman from Massachusetts (Mr. CONTE), and our newly acquired member, the gentleman from Virginia (Mr. ROBINSON), who has so quickly acclimated himself to our committee. I want to express my thanks or appreciation to all the members for their diligence and attentiveness to our hearings over such a prolonged period of time.

Mr. Chairman, as the gentleman from Pennsylvania has pointed out, the bill we present this afternoon is some $912 million over the budget and $768 million over last year's level of spending for the Departments of Labor and Health, Education, and Welfare.

And, of course, this does not take into account the nearly $5 billion in budget requests which were not considered, because they lacked authorization.

I must say that I have mixed emotions about bringing this bill to you this afternoon in this form. As one who has tried to be a consistent advocate of Federal fiscal responsibility over the years, my support for the increases we have provided in this legislation is not given lightly or without serious consideration.

But here we are almost a billion dollars over the budget, and the bill has not even been over to that most generous other body yet. I cannot help but wonder what in the world we are going to be faced with in conference, and how much over the budget we will have to be asking you to approve in the conference report.

And, I think we had better keep in mind what kind of budget it is that we are adding to—it is not a small one, unless you consider $27.3 billion small.

Oh, sure, there were some cuts in it, but much of the money from the cuts was reallocated by the administration to other programs, both old and new, that they considered of higher priority—especially in the health and education areas.

While the budget proposed cuts in impact aid and construction grants, for instance, it proposed increases in narcotic addiction programs, family planning services, in the programs of the National Institutes of Health, especially cancer and heart and lung, in education for the handicapped, and in the education renewal programs.

So, it is an expansive budget in the area of what we might call controllable human resource programs—"controllable" as contrasted with the uncontrollable welfare funds, and "human" resource contrasted with "physical" resource programs such as the brick-and-mortar construction grants.

Basically, what we have done is approve these budget increases, restore the reductions considered of lower priority by the administration, and added substantial health and education increases of our own.

Frankly, some of the money your committee added was not, because we are sold on the value of the program, but rather because we knew that if we did not increase it prudently in committee, it would be increased irresponsibly here on the floor. Perhaps I should speak for myself and use "I" instead of "we" when I point to impacted area aid as an example.

I have stood here in the Chamber time and time again urging my colleagues to revise this whole fouled-up, inequitable program we call impact aid, but year after year we just keep funding it and adding more to it. Why? It is a program not related to economic need, not related to educational need, and some of the funds—in large amounts—go to the wealthiest school districts in the United States. It is not funded on merit; it is funded because everybody gets a little piece of the action—everybody gets part of the pie. This is a real "Uncle Sugar" program in the classical pork-barrel tradition. No strings, just count the eligible kids and write the check, and then look around for ways to broaden the eligibility requirements.

Oh, there is a need here—a different need—and, I believe, a Federal responsibility. But that has gotten lost in the scramble for Federal funds.

The health facility construction grant money is a little bit different picture. The whole argument here has been over the type of construction assistance which should be offered, and not whether assistance should or should not be given.

I think that some grant assistance is going to be necessary well into the forseeable future for those health institutions that do not have the structure or generate the resources for repayment of guaranteed or subsidized Federal loans. There are other institutions that can and should use the loan programs, but one problem has been that the interest subsidy and guaranteed loan programs have been very slow in getting off the ground.

I believe that situation may be changed in the future, though, and then the question will be whether Congress is going to provide free grant money to everyone, or will ask those institutions that are capable of repayment to assume a greater part of the health facilities construction burden.

Today, the loan guarantee program for hospital construction is a reality. As of the middle of May, requests for 59 loan guarantees totalling more than $192 million had been received, and awards to 19 of these applicants—with a loan value of over $55 million were made. This is the way for the Government to balance its fiscal needs with those of our recipient institutes for facilities.

With respect to the other construction items, the Federal Government has supported the construction of 385 community mental health centers with every expectation that we would reach the point where we could get out of the construction business, with all of our emphasis placed on operations; that is, staffing grants. In fact, in fiscal year 1971, Congress did not appropriate any money for construction, and we thought we had reached agreement that the construction target had been achieved.

In the case of construction for the health professions, the President's budget was based on the concept that vastly enlarged general Federal assistance to medical schools and other schools of the health professions would make it easier for these schools to use their own resources to finance construction. It has been quite clear for several years that we would never be able to fully finance the cost of health professions construction by relying on direct Federal appropriations. Thus, the administration advocates that the Federal Government provide its assistance primarily in the form of student aid and general support and that the private sector—assisted indirectly by these forms of Federal aid—assume major responsibility for financing construction. Frankly, the $120 million in this bill will not do very much by way of solving the immediate backlog of individual construction projects and has the potential for doing serious harm in that it will encourage these schools to expect future Federal aid and thus defer actions which they might otherwise take to obtain private sector financing.

So, your committee has added more than $300 million above the budget for education programs and more than $600 million over the budget for health programs. And, again, we have the recurring massive increases in what we erroneously call the "uncontrollables"—the welfare items, grants to States for public assistance will be funded at nearly $1.2 billion above the 1972 level, for a total of $13.4 billion.

And, this estimate was based on data from last November, so we know we are going to have to have a supplemental later on.

Even with what we have added to this bill—which, incidentally, is the largest of any Federal agency, including Defense—we know that some are saying "It isn't enough, it doesn't meet the need." I would say to those folks that they had better do some basic reassessing, not only of national needs, but also of national resources.

The hard truth is that we can never appropriate enough dollars to meet all the needs of this country, and it would be completely wrong to even consider adopting that as an objective. There just are not enough Federal dollars to do that, unless we are willing to accept far heavier Federal taxes, or go to a deficit spending program that would make our current $26 billion deficit look like pocket change.

It boils down, then, to a matter of judgment—judgment as to which needs are of the highest priority, which needs are the greatest, and the appropriations process is designed to allow Congress and the administration to exercise this judgment.

Your committee has tried to uphold its part of this process. You have assigned us to review the priorities recommended by the Executive in the budget proposal, to hear the Government and outside witnesses, and to recommend some priorities of our own.

We have done this now, to the best of our judgment and ability, and it is up to you to accept or reject our proposals. Look at our report. Here is where we believe we can do the most good for the most people with the money we have to spend.

Turn to page 3 and look at the highlights of the report—the items of special interest.

Your committee provided an increase of $7 million over the budget for psychiatric residency training. We have added $59 million for alcoholism programs. We included $20 million for construction of community mental health centers and an additional $30 million for staffing of the centers. We are recommending doubling the budget for the mental health of children programs and have restored grant funds for hospital construction.

We have added $2.5 million over the budget for the Lead-Based Paint Poisoning Prevention Act. We are recommending a $50 million increase for the National Cancer Institute and nearly $45 million more for the National Heart and Lung Institute. We approved all the requested budget increases for the other NIH Institutes and added some $38 million on top of that.

We are recommending $205 million above the budget for health manpower programs, including school construction grants.

Your committee is also recommending an increase of more than $210 million over the budget for impacted area aid. We have increased education for the handicapped by $12.5 million and vocational education by $50 million. We have added nearly $60 million above the budget for public libraries and nearly $4 million for bilingual education.

We are recommending $100 million for nutrition programs for the elderly, the full amount of the budget request for this new program.

And, besides that, we have language in the report providing specific direction in such programs as venereal disease research and control, tuberculosis prevention and eradication, sickle-cell anemia, blood bank inspection, psoriasis, genetics research, sudden infant death syndrome, research on aging, cataract and retinal disease research.

I would like to turn now to a discussion of specific items in the bill, starting with title I, the Department of Labor.

MANPOWER ADMINISTRATION

SALARIES AND EXPENSES

The bill includes $37,704,000 from general funds or $200,000 less than the request but an increase of $852,000 above 1972. The bill also provides for $26,989,000 to be used from the unemployment trust funds, this $1,142,000 increase above 1972 is the same as the budget request. Another $26,602,000 was requested under authority of the Economic Opportunity Act but that act expired June 30, 1971, so action on that request has been referred until authorization has been extended.

The $200,000 reduction compensates for an oversight in the budget. This sum represents a transfer of $200,000 for funding of surplus property activities from this appropriation to HEW.

The appropriation provides for maintaining activities at the program level of 1972 or slightly reduced. The only program increase is $730,000 and 33 positions to provide staff support for the Unemployment Insurance Service to implement the provisions of Public Law 91-373, Employment Security Amendments of 1970.

MANPOWER TRAINING SERVICES

The committee agrees with the budget request of $758,544,000 which is a reduction of $146,745,00 from 1972. Again the committee has deferred action on funds budgeted under the expired authority of the Economic Opportunity Act, which includes $875,862,000.

The large decrease results from a $156,500,000 reduction for the "In-school work support" program which is primarily the Neighborhood Youth Corps summer jobs program. An additional $56,900,000 request fell under the authority of the expired Economic Opportunity Act and was not considered. Also, the committee expects a supplemental appropriation request in the next session of Congress when the need can be more accurately determined.

The funds are expected to provide for the completion of development of 50 statewide Job Bank systems by the end of this fiscal year, and the development of a national Job Bank linking the state wide systems in 1973.

Emphasis will also be placed in providing jobs for Indians in Montana through cooperation with the Forest Service of the Department of Agriculture.

EMERGENCY EMPLOYMENT ASSISTANCE

The bill includes the budget request for this item of $1,250 million, an increase of $250 million above 1972.

This appropriation will finance 92,000 new entrants in public service jobs, in addition to the 146,000 participating in the program at the end of fiscal year 1972. The 1973 funds will fund approximately 154,700 man-years of employment, 58,100 more than in 1972.

The Federal cost per man-year averages about $7,600.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

This is an uncontrollable appropriation under existing law, for which the committee provided the budget request of $475 million, $381.6 million below the 1972 level. As the report points out, it appears that the estimate for 1973 is based on very optimistic assumptions with regard to unemployment rates during next fiscal year.

ADVANCES TO THE EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT

The bill contains $120 million, the amount of the request and $480 million below last year's funding level.

The reduction in this appropriation, the funds of which are used to meet the Federal Government's fiscal responsibility in connection with the extended unemployment benefits provided by the Employment Security Amendments of 1970, Public Law 91-373 and the Emergency Unemployment Compensation Act of 1971, Public Law 92-224, is due to the expiration of Public Law 92-224 and the estimated improvement in the unemployment situation.

FEDERAL GRANTS TO STATES FOR EMPLOYMENT SERVICES

This item is at $66.7 million, the amount of the request.

This is a new appropriation which will provide the funds needed for employment services not covered under the Employment Security Amendments of 1970, Public Law 91-373. These services include those such as youth entering the labor market for the first time; former Federal employees covered only by Federal unemployment insurance, and agricultural workers.

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

The bill authorizes the use of $820,300,000 from the Unemployment Insurance Trust Fund. The decrease of $11,700,000 from 1972 reflects the balancing of several increases and decreases.

The largest decrease results from the change in law described in connection with Federal Grants to States for Employment Services which relieves this appropriation of $66,700,000 of expenses. Other decreases include $20,000,000 due to an estimated reduction in unemployment compensation workload and $25,500,000 resulting from increased productivity from automatic data processing equipment.

Mandatory increases for such things as salary increase, rent increases and increased penalty mail costs total over $70 million; program increases total approximately $30 million. The largest program increase is $18 million to carry out the President's Executive order which requires those having contracts of $10,000 or more with the Federal Government to list all job openings with local employment offices, to help secure employment for veterans. An increase of $6,448,000 is to speed up the handling of unemployment insurance program appeals.

LABOR MANANGMENT SERVICES ADMINISTRATION SALARIES AND EXPENSES

Adjusted for transfers and a reserve for savings of $1,149,000 in 1972, the bill actually reflects an increase of $4,205,000 above 1972 on a comparable basis.

Near mandatory costs such as salary increases and penalty mail cost account for $1,734,000 of the increase. Most of the remaining $1,675,000 is for compliance activities under the Labor-Management Reporting and Disclosure Act.

EMPLOYMENT STANDARDS ADMINISTRATION SALARIES AND EXPENSES

The amount provided in the bill, $48,889,000, is $832,000 below the budget request and $36,269,000 below 1972. The decrease is accounted for by the transfer of the Occupational Safety and Health Administration to a separate appropriation.

On a comparable basis, this bill is $2,754,000 above the amount available in 1972.

This is all for near mandatory items such as increases in penalty mail costs, increased pay costs, and so forth.

Since a recent law postponed the time that the Department would assume responsibilities to administer the compensation benefits provided to miners under title IV, part C of the Coal Mine Health and Safety Act of 1969, the committee expects to receive a supplemental request in the near future.

The committee is also emphasizing that the $27,280,000 budgeted for "Improving and protecting wages" is not to be diverted from its essential purpose, the enforcement of the minimum wage and overtime requirements of the Fair Labor Standards Act. Primary and strong emphasis should be placed on investigation of possible violators and all reasonable complaints should be followed up.

EMPLOYMENT STANDARDS ADMINISTRATION FEDERAL WORKMEN'S COMPENSATION BENEFITS

The bill supports the budget request which is $30,008,000 below the 1972 budget. However, due to an increase in anticipated reimbursements from Federal agencies, there will actually be $201,100,000 available in 1973, an increase of $13,957,000 above the total estimated to be obligated in 1972.

Included in the bill is $7,457,000 for disability compensation, $2,500,000 for increased medical costs, and $4 million for death benefits.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The $69,207,000 included in the bill is $33,323,000 above the comparable appropriation for 1972 which fell under the heading "Salaries and Expenses, Employment Standards Administration."

The appropriation provides for carrying out and enforcing the provisions of the Occupational Safety and Health Act of 1970. The act extends Federal protection to nearly 60 million workers in more than 4 million places of employment.

Currently, I should point out that the Labor Department now has 498 "Field Compliance Personnel" in OSHA and of that No. 389 are classified as "inspectors." With the money that we have in this bill, it is my understanding that the Department is planning to add 150 additional inspectors, and I am not altogether sure how many additional people will actually be involved as so-called Field Compliance Personnel, but it will be a considerable number, for overall, funds in this bill were predicated on a justification of 1,133 employees for the fiscal year 1973 as compared with 983 for fiscal year 1972. However, there are a host of unfilled slots as of the last time I checked.

On page 10 of our report we make mention that our "committee has received many complaints of overly zealous enforcement officers and other complaints of great difficulty in getting assistance from the Department in interpretation of the standards and regulations in order to determine whether or not a particular work place is in compliance or what would be required to get it in compliance." I am going to be placing in the RECORD at a later point copies of several communications I have received from good constituents back home representing small business, medium-sized business and industry and a very large corporation. All of these communications set forth very succinctly just what problems they have encountered in complying with the law.

BUREAU OF LABOR STATISTICS
SALARIES AND EXPENSES

The $1,200,000 below the budget request included in the bill is $7,484,000 above the 1972 appropriation.

$3,650,000 of the increase is for revision of the Consumer Price Index. This brings the total 1973 cost of this project to $9,760,000. Note that the total cost of this project is now estimated to be $35 million instead of the original estimate of $11 million.

The remaining increase, $3,674,000, is spread across nine activities.

DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES

The $24,156,000 included in the bill is $1,250,000 below the budget request. The bill also includes authority to transfer $797,000 from the Unemployment Trust Fund.

The amount appropriated will provide for all near-mandatory costs such as salary increases and still provide $2,002,000 for program increases.

SPECIAL FOREIGN CURRENCY PROGRAM

The committee appropriated $100,000 to be used for labor attache conferences. The committee did not believe that other activities warranted funding.

Under title II of this bill, we have appropriations for the Department of Health, Education, and Welfare. Your committee has tried to fund every worthwhile project here, while keeping the overall budegt picture in perspective.

Beginning with the Health Services and Mental Health Administration appropriation, the bill includes $743,823,000, for Mental Health, an increase of $130 million above the request and $130,810,000 above the amount appropriated for 1972.

MENTAL HEALTH

For mental health research your committee provided $148,533,000, $3 million over the budget and $8.9 million over the fiscal year 1972 level.

The budget requested an increase of $4 million for grants. This would go for expanded efforts in drug abuse, child mental health, alcoholism, minority mental health problems, and crime and delinquency. Hospital improvement grants would remain funded at the 1972 level of $6.9 million.

The committee agreed to the 1973 request for an additional $4 million for grants, and added another $3 million for research in alcoholism. The budget recommended a $500,000 increase here for alcoholism research over 1972—$8,043,000 for fiscal 1973 as against $7,543,000 in 1972. The subcommittee's action woud provide $11,043,000 for 1973.

Manpower development training grants and fellowships would receive $127,971,000, some $15 million over the budget and $88,000 over the fiscal year 1972 level.

The budget recommended a decrease of $15 million. This consisted of a decrease of $7 million for the training of psychiatrists and a decrease of $8 million for undergraduate training in psychiatry of medical students and nursing students.

The 1972 budget proposed a similar cut in the psychiatric residency training program last year, but this was restored by the committee.

The committee this year has restored the $7 million, and is also putting back $4 million of the cut in undergraduate training. In addition, the committee recommends an increase of $4 million over the budget for personnel training for the National Institute on Alcohol Abuse and Alcoholism. The 1972 budget contained $4 million for this purpose and recommends the same amount for 1973. The committee's action would make a total of $8 million available.

The budget recommended no funds for construction grants for community health centers again this year, on the basis that the Hill-Burton program is available for this purpose.

Of the $15 million provided in 1972, $5.2 million was obligated and $9.8 million will be carried over into fiscal 1973.

With this $9.8 million, the Department expected to provide support for approximately 24 additional centers.

For fiscal 1972, the $5.2 million available for obligation is expected to help establish 24 new centers, bringing the total number of centers receiving construction support to 385.

The committee bill provides an additional $20 million for construction grants.

The budget request for Community Mental Health Center staffing was $135,100,000, the same as the fiscal year 1972 level. This would provide continuation support for 479 staffing grants and funds for 22 new awards. Your committee has added $30 million to this amount to support all approved but unfunded staffing applications.

During the hearings, Dr. Brown testified that—

> At the end of fiscal year 1972, we will have 529 centers funded of which 389 are expected to be operational. When fully operated, the 529 centers funded by June 30, 1972, will provide services to approximately 68 million people.

He went on to say that there were 300 centers operational as of June 30, 1971.

At the end of fiscal 1972, he added, there "will be 36 with construction only and 187 with construction and staffing—grants. That makes 223 out of the total."

The committee concurs with the $15 million increase in the budget for drug addiction activities, with the understanding that additional funding requests will be forthcoming for narcotic addiction and drug abuse programs, pursuant to Public Law 92-255, the new drug abuse legislation. The bill contains $91,298,000 compared with $76,298,000 for 1972.

During the hearings, Dr. Brown testified that "only 3 or 4 years ago" the number of heroin addicts was estimated at about 60,000, and this figure may have been underestimated by half. Now, he said:

> I would have to say that the figure is closer to 400,000. That is a big jump from 60,000.

With the funds under this appropriation, Dr. Brown said, "We will have 159 community programs funded at the end of this year," and 192 funded treatment programs by the close of fiscal 1973. Dr. Bunney testified that in 1971 there were 45 rehabilitation and treatment program centers in this country, and of these, 23 were operational. In 1972, he said, we have funded 83 and of those, 76 are operational. The projected number for 1973 is 192 funded and 163 operational by the end of the fiscal year.

In 1971, $21,252 was obligated in the community assistance activity for drug abuse programs. The President submitted a budget amendment of $67 million for drug abuse programs in 1972.

The 1973 request of $15 million would go for staffing grants, special projects, service projects, training and education projects. Special emphasis would be given to programs serving metropolitan areas with a high incidence of drug addiction.

The budget request for grants to States for alcoholism programs was the same as last year's level—$30 million. A $10 million increase was requested for project grants to provide funds for alcoholism programs formerly run by the Office of Economic Opportunity which have been transferred to the National Institute on Alcoholism.

Dr. Brown testified that no program increase was requested for fiscal 1973 because "During fiscal year 1972 the alcohol program is experiencing tremendous growth and expansion. Thus, fiscal 1973 will be a period of consolidation and evaluation of our activities to date and planning for the most appropriate future direction."

The committee, however, provided an additional $30 million for grants to States and $20 million for project grants, bringing this item to a total of $130,193,000.

The fiscal 1972 budget, as submitted, contained no request for State and community assistance in the area of mental health services to children, and the program received its initial funding of $10 million from the committee last year. It provides partial support of professional and technical staff in community mental health centers providing initial or expanded mental health services to children. Last year, with an emphasis on prevention and early treatment, 28 awards were made, and it was expected that, with the $10 million requested this year, four new awards could be made in 1973, with continuation of the 28.

The committee report notes that during the past decade, the number of children aged 10 to 14 in State mental hospitals has doubled, and the caseload of the community centers has shown a marked increase in children with problems ranging from school maladjustments to drug addiction and alcoholism. So, a doubling of the budget for this item is recommended, bringing the fiscal 1973 funding level to $20 million.

The committee concurred with the budget request of $14,022,000 for rehabilitation of drug abusers.

This program provides contract funds for the community "aftercare" of addicts upon their release from inpatient treatment at the Clinical Research Center at Lexington, Ky., as well as the salary and related support for the staff who administer the institute's overall drug abuse program.

Under this narcotic addict rehabilitation program, individuals addicted to narcotic drugs may volunteer for civil commitment for treatment, or those addicted individuals charged with violating certain Federal criminal laws may apply for civil commitment in lieu of prosecution.

The staff supported under this activity also administer the marihuana research contract program and the community narcotic addiction treatment and rehabilitation grant program, both funded under another activity.

SAINT ELIZABETHS HOSPITAL

The bill includes $30,664,000 for Saint Elizabeths Hospital. This is the amount of the budget request, and an increase of $4,445,000 over last year's level.

Including reimbursements as well as appropriated funds, and taking into account comparative transfers, it is estimated that $52,653,000 will be available in 1972, and $58,307,000 will be available in 1973—an increase of $5,654,000.

Most of this increase is for built-in expenses, such as new salaries, wage grade adjustments, and the cost of holidays and pay increases.

HEALTH SERVICES PLANNING AND DEVELOPMENT

The committee bill includes $64,501,000 for health services research and development, the amount of the budget request and $2,391,000 over the 1972 level.

This item provides support for the National Center for Health Services Research and Development, the agency responsible for the appraisal and evaluation of the effectiveness of health services operations and for developing a research and development program that is geared to improving health care nationally.

Of the $2.4 million budget increase for the center, approximately $1.9 million will go for grants and contracts to support an expanded research and development effort in the development of a cooperative Federal-State-local health services data system, to provide more reliable national statistical data on health needs in this country.

Among its other activities, the center is supporting the first automated hospital patient care management system in the United States. The center's budget is supporting research, development, and evaluation of health maintenance organizations, with respect to such factors as enrolled populations, benefit structures, utilization patterns, monitoring of services, and legal and market factors.

For comprehensive health planning, the bill includes $41,686,000, the amount of the request and $15,751,000 over the 1972 level.

This program includes both formula and project grants for assisting States in the development of mechanisms and training of personnel to facilitate health planning—identification of health needs and resources at State and local levels.

The bulk of the budget increase—$9 million—would go into project grants, to establish approximately 100 new areawide agencies and 20 new State assisted local councils, as well as to increase the Federal share of individual agency budgets. Some 172 agencies and eight State-assisted local councils are expected to be in operation in fiscal 1973.

About $2.3 million of the budget increase would go to formula grants to States, to allow State agencies to increase professional staffs by some 25 percent.

The appropriation for regional medical programs would be increased nearly $20 million over the budget request to a level of $150 million, compared with the 1972 level of $99,464,000. A carryover of $44,500,000 from fiscal 1971 provided a total obligational level of $143,964,000 in fiscal 1972.

Regional medical programs have been organized as functional consortiums of health care providers, each with special and specific resources which can be made responsive to health needs. The merger of providers has produced systematic approaches to the major diseases of the heart as well as cancer and kidney disease.

In 1972, the affiliated health providers with the aid of the regional medical program mechanism, are promoting and demonstrating at the local levels, new techniques and innovative delivery patterns that lead to improved accessibility, efficiency and effectiveness of health care.

Efforts at both regional and national levels are being directed to encourage providers of health care to make care available and accessible to areas where there is a distinct scarcity of resources, particularly in the rural and inner-city areas.

In 1972, a construction grant has been made for a regional cancer center in Seattle, Wash.

In 1973, funds will be provided for programs to enable existing health manpower to provide more and better care and training and more effective utilization of new kinds of health manpower. New funds will be used to plan and develop area health education centers, which will be major sources of manpower for health maintenance organizations, experimental health service delivery systems, and other comprehensive health care systems.

Activities aimed at improving the accessibility, efficiency, and quality of health care will provide opportunities to increase the rate of implementation of systems, innovations and new technology. Rural health care systems will be developed that are compatible with needs of rural areas; development of emergency health care systems and development of integrated regional systems which will prevent duplications of specialized resources. The provider-initiated activities leading to a greater sharing of health facilities, manpower, and other resources will provide the opportunity to show how scarce resources can be linked together efficiently.

Again this year the committee has restored construction grant funds for medical facilities which were not included in the budget request. These funds total $112.2 million, including $41.4 million for hospitals and public health centers, $20.8 million for long-term care facilities, and $50 million for modernization grants.

I have already briefly touched on the problems associated with this item, and would also refer my colleagues to the language on this in our committee report.

HEALTH SERVICES DELIVERY

The committee includes $249,209,000 for comprehensive health services, the amount of the request and $19,139,000 over the fiscal 1972 funding level. This includes grants to States, project grants, and migrant health grants.

A budget increase of $12,287,000 for health service project grants would provide support for additional neighborhood health centers previously funded by the Office of Economic Opportunity and the conversion of several family health centers from planning to operational status.

In 1972, 55 comprehensive health centers, including nine from OEO, provided primary care and ambulatory services to an estimated 850,000 persons. It is estimated that the new family health centers programs established in 1972 will have 20 centers in the planning stage and 10 operational centers serving about 100,000 persons. The $3 million of this increase slated for family health centers would allow 10 projects initiated in 1972 to become operational, and would fund three new centers.

Of the $5,800,000 budget increase for the migrant health programs, $2,800,000 is for a "built-in" increase in continuation costs for the migrant health projects, and $3 million is an actual program increase for upgrading existing projects.

The department estimated some 460,000 patient visits in 1972, an increase of 101,000 over 1971. During the hearings this year, Dr. Van Hoek testified that—

> It is anticipated that the total number of migrant patient visits in 1973 will exceed 600,000, an increase of 148,000 over the 1972 visits.

Maternal and child health services programs would be increased by $13,890,000 over last year's level.

A budget increase of $4,156,000 for grants to States will help meet the rising costs of locating, diagnosing, treating, and providing followup care for crippled children. Approximately 500,000 children will receive physicians' services under the crippled children's program in fiscal 1973.

A $9,322,000 increase for project grants will increase the level of services anticipated in the maternity and infant care and children and youth projects, and to expand services in the dental care program.

Of this $9-plus million, $3.8 million will support expansion of the 56 existing maternity and infant care projects and extend services to an additional 12,000 mothers and infants, for a total of 205,000 in 1973.

Another $5.4 million of that $9-plus million increase will assure comprehensive health services to an estimated 547,000 children in the children and youth projects, compared with 504,000 expected to be served in 1972.

Family planning services received a substantial increase last year. In 1971, the funding level stood at $39.3 million, and it was increased to $90,287,000 in 1972, an increase of $51 million. In fiscal 1973, funding would be increased another $48,802,000 to a level of $139,089,000, the amount of the budget request.

This year, Secretary Richardson testified that:

> The number of women served through the programs of the National Center (for Family Planning Services) and other programs which the Center coordinates will reach 3.4 million in 1973.

Dr. Van Hoek testified that—

> During 1972, $87.9 million for family planning project grants for services will support about 325 projects whose total capacity for services will be about 1.5 million people, more than doubling the service capacity funded through 1971. During 1972, 75 OEO projects were transferred to the National Center. . . . The 1973 budget request . . . will expand existing projects and establish approximately 25 new ones. About 75 established projects presently funded by the Office of Economic Opportunity, will be transferred in 1973, and approximately 2.2 million women will be served by all projects funded through 1973, as compared to 1.5 million in 1972. (The overall target is in excess of 5 million.)

Dr. Van Hoek also said that—

> Approximately $27 million of the (actual program increase of) $42 million will be for the expansion of existing projects; $10 million will be for the transfer of the 75 OEO projects and at least $5 million will be used for the 25 new projects.

The appropriation for the National Health Service Corps would be $8,998,000, the same as the budget request. This will provide the Corps with $1,109,000 more than was available in fiscal 1972.

A Presidential budget amendment asked $10 million for this program for fiscal 1972, an increase of $7 million over 1971. The House allowed this, but the Senate added an additional $5 million, which was split in conference.

During our committee hearings, Dr. DuVal testified on this program as follows:

> Provision of health care personnel to underserved areas through the National Health Service Corps is progressing. To date, 19 communities in 13 States have been approved for placement of 71 professionals made up of 30 physicians, 11 dentists, 21 nurses and and nine allied health professionals. Twenty five of them in 9 communities are now on board, and the remainder, now in various stages of placements will be aboard by the end of June.

He said that—

> The second round of assignments will begin in July of '72 in which approximately 100 communities will be selected and about 500 health professionals will be assigned.

Dr. DuVal also said that—

> Corps assignees provide direct, primary health care, and bill for services at the customary rate.

Dr. Van Hoek said that—

> They expect to obtain reimbursements of $6.4 million in fiscal year '73 which would make a program level of $14.8 million when added to the requested appropriation of $8.4 million.

For patient care and special health services, the bill includes $93,952,000, the amount of the budget request and $3,617,000 over the fiscal 1972 funding level. This appropriation provides support for the Public Health Service hospitals.

This year, Secretary Richardson testified that—

> We have included in the fiscal 1973 budget an amount sufficient to fund the (PHS) hospitals. We are actively pursuing with the communities in which they are situated, possible opportunities for transferring them into community use. We believe that, faced with a choice between spending a vast amount of money—perhaps as much as a half billion dollars—in bringing them into first class condition as acute care hospitals on the one side or making them available to communities for other uses, such as long-term care, we think that the latter choice makes more sense.
>
> The Hospitals are not adequately utilized, by comparison with most civilian hospitals. They tie up quite a lot of highly trained manpower. We think that we can appropriately meet our obligations to the beneficiaries of these hospitals, including the merchant seamen, by entering into various kinds of contractual arrangements with other hospitals in the ports around the country and by arrangements with the Veterans' Administration in cases where they may have unused beds at any given time.

PREVENTIVE HEALTH SERVICES

In the area of preventive health services, the appropriation for disease control would be increased $5,606,000 over the 1972 funding level. The committee provided $95,337,000 for fiscal 1973, the amount of the budget request.

The Department reports that by the end of 1972, over 30 million children will have received the rubella vaccine through these public programs. Hospital stays due to tuberculosis have been dramatically shortened as a result of research into methods of treatment and prevention of this disease.

An increase of $1,910,128 will provide expanded investigations and control of infectious diseases, particularly hepatitis, hospital infections, malaria and other parasitic and mosquito-borne diseases such as VEE and dengue, salmonellosis and intensification of the surveillance of national disease problems. An increase of $2,500,000 in project grants for venereal disease control and $500,000 for other immunizations including Rh hemolytic disease of the newborn is made possible due to an almost 50-percent reduction in the cost of rubella vaccine.

I would call my colleagues' attention to the language on page 17 of our committee report concerning venereal disease control. It points out that:

> The budget and the bill include an increase of $2,500,000 in project grants for venereal disease control bringing the total for that purpose up to $24,800,000. A total of 23,336 cases of primary and secondary syphilis was reported during 1971, a 15.6 percent increase over 1970. A further increase of 6.1 percent occurred during the first half of 1972. Reported cases grossly understate the extent of the problem, since most professionals in this field believe that many more cases are unreported than are reported. The recent report of the National Commission on Venereal Disease estimates that 80,000 cases of infectious syphilis and 2.2 million cases of gonorrhea occurred last year. Gonorrhea reached the highest level in history during 1971 and continues to be the most frequently reported of all communicable diseases. The Committee was tempted to further increase the amount in this appropriation for VD control, but it is becoming more apparent each year that the methods we have been and still are using are not the answer to this problem. They, at best, represent a holding operation. What is needed is more research to develop such things as vaccine, better prophylactics, and an accurate and simple blood test for gonorrhea (a great many cases, especially in women, go undetected by conventional tests).
>
> Such research can most properly be centered in the National Institute of Allergy and Infectious Diseases. The Committee has additional comments regarding this in the part of this report dealing with that Institute.

The objectives of the disease control programs in fiscal 1973 will be to:

Reduce the incidence of measles and rubella through the cooperative national program with State and local health departments, community health organizations, and HSMHA grant support to prevent rubella birth defects and serious complications associated with these diseases. Develop epidemiologic and laboratory information necessary to launch a national control program to reduce the incidence of gonorrhea in collaboration with State and local health departments. Develop, evaluate, and disseminate hospital infection surveillance information to identify hospital-acquired pathogens which can be controlled. Increase epidemiologic services with respect to hospital-acquired pathogens. Expand surveillance of currently important communicable disease areas; one of international scope—cholera, and one associated with drug abuse—hepatitis. Maintain the epidemic reserve with single vaccines for measles and polio and with multiple vaccines for measles and rubella to shore up the reserve for potential epidemics. Strengthen international surveillance to prevent the importation of diseases into the U.S. from foreign countries. Correct and prevent nutritional disease through a national program of surveillance of the extent of the problem, community demonstration of remedial and preventive measures, manpower development, evaluation of the health effects of food programs, and epidemiologic and laboratory nutrition research, particularly as it relates to the prevention of chronic disease. Improve the diagnostic competence of 14,000 clinical and public health laboratories through a national program of methodology research, evaluation of commercial diagnostic reagents and other materials, training, consultation, proficiency testing, clinical toxicology testing, and inter-state laboratory licensure in close collaboration with State health department laboratories to improve the quality of health care delivered, and to assure consumer safety. Develop standards and specifications for those commercial laboratory reagents which are most critical to proper patient management.

The community environmental management program would be funded at $31,075,000 by the committee bill, $4,731,000 over last year's level and $2.5

million above the budget. This $2.5 million was included by the committee for project grants for the Lead-Based Paint Poisoning Prevention program. This is discussed in detail in our committee report.

This appropriation item also supports some 30 rat control projects in 29 cities throughout the United States. The target areas within these 30 projects cover 77 square miles and embrace a population of 4.4 million people. In addition to the 30 presently active projects, five new cities will receive project funds from the fiscal year 1972 appropriation. A sixth project will be funded in New York City's East Harlem area.

During our hearings, we received testimony that:

> In the total target area we are serving . . . our surveys have indicated that the rat population cumulatively during the period of these grants has been reduced by about 50 percent. When we started, 16 percent showed active rat signs; and right now the figure is between 7 and 8 percent.

Occupational health grants and direct operations would be increased by some $3.6 million over the 1972 level.

The increase in research grants will provide for development research in the safety field relating to mechanical safety devices, design of more reliable protective devices, explore the synergistic effects of noise, heat, fatigue, and other determinants relating to accidents, and to stimulate the development of preventive occupational health in industry.

The increase in direct operations funds will provide for further development of criteria for standards in occupational health and safety, initiate a medical data survey to validate occupational disease data, initiate the second round of medical examinations for coal miners, and expand assistance to industry and State and local governments relating to occupational health programs.

NATIONAL INSTITUTES OF HEALTH

The total funding level for all the National Institutes of Health is increased $142,785,000 over the budget request and $246,937,000 over the 1972 appropriation.

DIVISION OF BIOLOGICS STANDARDS

The committee bill provides for $9,528,000 for this Division, the budget figure. This is an increase of $234,000 over 1972.

The objectives of the Division are to insure the safety, purity, and potency of biological products shipped for sale in interstate commerce. These objectives are accomplished by first, conducting research related to the development, manufacture, testing, and use of biological products and two, a control activity consisting of licensing manufacturers to produce biological products, inspection of the manufacturers' facilities, testing lots of biological products submitted for release, and establishing written and physical standards.

One area in which this Division does research is on hepatitis. Regulations have now been established that every donation of blood, plasma or serum intended for use in preparing a biological product be tested and found negative for the hepatitis associated antigen. In the past research in this area has been severely hampered by the fact that no animals could be found that were susceptible to the disease by inoculation, so direct studies concerning the development of the disease were not possible. However, the Division has now found that the chimpanzee can serve as an animal model, and the animal model system set up by the DBS points to the possibility of developing and testing various preventative measures of the disease such as possible vaccines, serums or various other therapeutic measures.

We are presently spending $5,550,000 on this disease, and how it is broken up among three institutes follows:

HEPATITIS

	1972 obligations	1973 estimate
Biologics standards	$550,000	$550,000
National Heart and Lung Institute	2,200,000	2,200,000
National Institute of Allergy and Infectious Diseases	1,900,000	2,800,000
Total	4,650,000	5,550,000

NATIONAL CANCER INSTITUTE

The committee bill provides for $492,205,000 for this Institute, $113,411,000 over 1972. This is $60,000,000 over the budget figure.

The National Cancer Institute conducts, fosters, and assists research and training directed toward preventing, diagnosing, treating, and controlling cancer in man. These objectives are pursued directly within Government laboratory and clinical facilities and through universities, nonprofit research organizations, and commercial concerns funded through grants and contracts and include laboratory, field, and clinical studies.

The cancer research centers program funds sizable integrated research organizations and provides locales for translation of research results into clinical practice and public health as models of the most recently developed methods of cancer treatment and prevention for the entire medical community. This knowledge is to be made available to the profession at large to aid in insuring that all citizens have access to the most advanced methods of clinical treatment, care, and advice.

In viral carcinogenesis the knowledge and technology are ready for sizable expansion and for development leading to prevention. Efforts in this field of cancer research of highest relevance, priority, and need remain: improved means of detection, propagation, and isolation of viruses or viral genetic material from additional cancer patients; more efficient means of producing and purifying viruses or related genetic material on an industrial scale; required technology for producing and testing safe and potent vaccines when feasible; and surveys to determine which individuals and populations are at greatest risk to cancers of suspected viral origin.

Increased research is needed on chemicals as causes of cancer. About 1,000 chemical agents have been shown to produce cancers in animals and about 20 have been shown to produce cancers in man. With the introduction of about 200,00 new agents each year, testing for their cancer-causing capabilities is needed. The methods for conducting such research have been developed to a point where large efforts may now be pursued.

During the 1960's it became clear that two human cancers were curable by the use of drugs—chemotherapy—alone. These are choriocarcinoma and Burkitt's lymphoma. In addition, there are other tumors previously fatal, that can be cured by X-irradiation or surgery plus chemotherapy. Each year the list of susceptible and potentially curable tumors grows a little longer and now includes about 15 percent of all clinical cancer types.

However, Dr. Baker of the NCI warned us that we can expect steady progress rather than any startling breakthroughs. The major reason is that we are dealing with so many different diseases. Cancer of the brain is quite different from cancer of the stomach. We have made major progress in various areas, and in childhood leukemia, we are well down the road. In breast cancer, we are already capable of curing up to 80 percent where it has not spead. Also, the time frame is rather long in cancer. It takes 2 years to evaluate one new drug even after we have gone through about 3 to 4 years of development up to the point where we are ready to take it into man. In terms of prevention, it is even longer. If we had in hand a vaccine today for childhood leukemia, it would take us a matter of years to pin it down. It is not like pneumonia. With penicillin we knew within 48 hours if penicillin was good. Cancer is not that way. And the fact is clinically we have at least 100 different kinds of cancer.

Scientific progress continues to develop rapidly in the cancer virus area. Over 100 viruses have been implicated as causes of leukemia and other cancers in every major group of animals. In anticipation of this "virus explosion" a $10 million appropriation by Congress in fiscal year 1965 launched the special virus leukemia program—SVLP—designed to intensify NCI supported research to determine whether viruses cause human leukemia. The SVLP, following the discovery of many new cancer-inducing viruses, evolved by 1968 into the special virus cancer program—SVCP—thus including other types of cancer; by 1927 the budget for this program has reached $49 million. During the past 7 years, as the Institute developed an effective science-management capability, it has made rapid, substantial progress in understanding the role of viruses in the causation of animal and human cancers.

The pap smear has been used for years to detect cervical cancer, and it has now been found to be useful in detecting other types of cancer, such as lung cancer, bladder cancer, and even in the area of oral cancer.

One of the major developments of NCI was the laminar flow rooms, which I visited in an inspection trip to NIH last fall.

In spite of antibiotics, infection is one of the major problems in the management of patients. It is usually associated with a severe reduction of white blood cells, which provide the principal defense mechanism against infection. This deficiency of white blood cells occurs either as a consequence of the underlying disease or due to the agents used to treat the disease. In acute leukemia, infection associated with severe reductions in granulocytes has become the single most important cause of death accounting for perhaps 70 percent of the deaths. Thus, myelosuppression after intensive cytotoxic therapy is a major and often limiting factor in the treatment of patients with cancer. A patient under such therapy is at high risk to infection by a large variety of organisms both endogenous and exogenous from his environment.

To protect the patient from organisms in the environment, the National Cancer Institute has been evaluating the use of isolation units. This program began in 1964 when a plastic isolator essentially consisting of a plastic canopy over a bed was utilized. In 1968, a new unit was designed based on the horizontal laminar airflow principle by Litton Industries, Applied Science Division, Minneapolis, under contract to the National Cancer Institute. This concept had of course been utilized in the space program for years in the assembly of space capsules and instruments.

The laminar airflow unit consists of a blower-filter system comprising the end wall with two side walls and ceiling of plastic panels. The filter blower wall contains filters which render the air virtually totally free of all organisms and other particles. The head of the bed is positioned against this wall so that personnel and visitors may enter the unit; and as long as they remain "downstream," no contamination will result.

This unit is readily installed in a few hours by hospital maintenance personnel in hospital rooms built according to Hill-Burton standards. The cost of the unit itself is moderate although the protected environment program is expensive because of the backup support needed, for example, sterile supplies, "sterile" food, additional nursing staff, and so forth.

The National Cancer Institute now has four such units, and there are 10 or 15 of these elsewhere in the United States.

NATIONAL HEART AND LUNG INSTITUTE

The committee bill provides for $300,000,000 for this Institute, $44,720,000 over the budget figure. This is an increase of $67,373,000 over 1972.

Heart disease, stroke, and other cardiovascular diseases are the cause of more than 1 million deaths each year, or 54 percent of all deaths, as compared with cancer, the next common cause, at about 16 percent.

This Institute continues to support a varied research program in investigator-initiated, peer-reviewed research grants to universities and other nonprofit organizations. The regular program includes research in these major disease areas: Arteriosclerosis, cardiac diseases, hypertension, and kidney diseases, pulmonary diseases, thrombosis and hemorrhagic diseases and grant programs of a special nature, which includes artificial organ and transplantation studies. The research objective is a continued—and accelerated—improvement in the diagnosis, treatment, and prevention of diseases of the heart, the lungs, and the vascular system.

This year there have been a number of exciting discoveries coming from the medical application branch of this Institute. A significant step was recently achieved toward the goal of developing a tiny, completely implantable engine to provide power for both artificial heart replacement devices and artificial heart assist devices. The nuclear engine, which uses a radioisotope fuel, offers promise for artificial hearts which could last 10 years or longer. Feasibility of the engine, which has been under development for a number of years, was demonstrated by being implanted in a calf and powering a heart-assist device. Plans call for further animal trials of greater duration.

The National Blood Resources program is actively working with several other programs within DHEW to upgrade the quality and increase the quantity of blood available for transfusion.

While there have been no real "breakthroughs" in the area of hypertension, several advances which would be of considerable clinical importance have been made. These include new combinations of diuretic and blood pressure lowering drugs. Together these drugs effectively reduce troublesome side effects of individual drugs. A new, more powerful drug (clonidine) has been introduced experimentally in this country and still has to be fully tested, but it appears to have real promise.

A number of new research techniques have been developed such as computer methods for enhancing and improving X-ray images of vessels. A new operation has been designed to help prevent heart attacks or recurrences. Segments of veins are taken from the patient's legs and connected from the aorta to the obstructed coronary arteries. The improvement in blood flow to the heart muscle is immediate, and the short-term effects of such surgery have been dramatic.

Recent studies suggest that a heritable deficiency of a blood enzyme may predispose effected individuals to the development of chronic obstructive lung diseases, such as emphysema. A number of studies concerned with determining the prevalence of this trait in the general population and its association with chronic lung disease are already underway at the NHLI. Some of the tests being conducted by a grantee of the Institute suggest that if this disease is detected at a very early stage, the disease process is reversible.

In his February health message to Congress, President Nixon identified sickle cell anemia as a high-priority disease target and called for a $5 million increase in Federal expenditures during the current fiscal year. The National Heart and Lung Institute was assigned responsibility for coordinating the joint efforts of Government agencies. The grand total for fiscal year 1973 in the committee bill is $15 million and will be allocated in the following manner:

First. Comprehensive research and community service sickle cell centers—$4.5 million in 1972 and 1973—to be administered by the NIH. There will be a limited number. Each will include research, screening, education and counseling, clinical applications, and training of professional and allied health professions personnel. The aim is to bridge the gap between fundamental research and clinical application, and promptly translate the results into demonstrations of community service. Second. Screening and education clinics—$1.8 million in 1972 and $6.55 million in 1973—to be administered by HSMHA. These clinics will provide education of the public, professionals, and allied health professions personnel, screening, definitive diagnosis for all found to be positive, and counseling. The clinics must be able to refer patients for appropriate and adequate followup care. (3) Research—$3.7 million in 1972 and 1973, of which $2.7 million is in the NHLI appropriation and $1 million is in other NIH Institutes' appropriations—to be administered by NIH. Support will be provided for both target-oriented research related to clinical manifestations and treatment of crisis, and fundamental research initiated by the individual investigator. Fourth. Information—$0.25 million in 1973. An information center will be established under the direction of the program coordinator, which will serve as a central clearinghouse for all types of sickle-cell disease information.

This disease, as is pretty generally known by now, is a genetically transmitted disease, which effects members of the black race primarily. It is estimated that approximately 1 in 500 black infants is born with this life-threatening disease. Such individuals undergo painful episodes called sickle cell crises.

The disease is due to a genetically determined defect in hemoglobin, the respiratory pigment in red blood cells which enables them to carry oxygen throughout the body. Under conditions of diminished oxygen supply or physical or emotional stress, the abnormal hemoglobin molecules become attached to one another in such a way as to distort the normally doughnut-shaped red cells into a distinctive crescent or sickle shape.

The inability of these sickled cells to pass freely through smaller blood vessels creates a "log jam" effect, blocking the flow of blood to surrounding tissues, thus causing the extremely painful sickle cell crisis.

Because sickle cell disease is genetically determined, there is no way known at the present time to cure the disease in affected individuals. Current methods of treatment are aimed primarily at alleviating the pain. However, new forms of treatment may make possible reversal of the sickling process, thereby shortening or even preventing the sickle cell crises and the resultant tissue damage. These must undergo further development and evaluation before their potential can be realized.

It is estimated that there are 2 million carriers of the trait of sickle cell anemia. These carriers are in no way debilitated. However, if two carriers marry and have children, each child has a 1-in-4 chance of having sickle cell anemia.

So, the major thrust of the program at this point is in the screening area. An article appearing in the Washington Post on June 1 stated that Dr. Mortimer S. Greenberg of Tufts University has developed a new simple and accurate screening test which can be carried out on a mass basis at a cost of approximately 3 to 4 cents each.

More than 100 different types of abnormal hemoglobin have been identified and of these, sickle cell anemia is the best understood. A few are known to cause anemia. One of these is Cooley's anemia, which is also a genetically determined anemia which occurs primarily in peoples of Mediterranean origin. Again, the carriers of the trait are in no way debilitated, but if two carriers marry, their children have a high percentage of carrying the disease. The true incidence is not known and obviously varies in different parts of the country, depending on the percent of the population of Mediterranean origin. The best available estimates are that about 20,000 individuals in this country carry the trait. The National Institutes of Health currently supports 12 research projects with major emphasis on Cooley's anemia to the extent of approximately $631,000. In addition, the various institutes support 11 projects in which the work is related to Cooley's anemia or it is a major component. The total for this latter group is approximately $669,000.

The rate of doing heart transplants has slowed considerably over previous years. To date 187 of these transplants have been performed, with 29 still surviving.

In the area of arteriosclerosis, we now know that control of high blood pressure actually prevents stroke. It reduces the death rate from congestive heart failure which is different from death from heart attack.

NATIONAL INSTITUTE OF DENTAL RESEARCH

The committee bill provides for $46,991,000 for this Institute, which is $2,576,000 over the budget. This is $3,603,000 over the 1972 figures.

The National Institute of Dental Research conducts and supports basic laboratory investigations, clinical and applied research, and epidemiological and field studies, directed toward the ultimate eradication of a broad array of oral-facial disorders.

Dental diseases are largely irreversible, for the body lacks the inherent power to repair most of the damage they inflict. Thus, prevention is of special importance to dentistry.

A universal public health problem, dental caries, has been identified as a special initiative program. Through intramural, contract and grant-supported research, intensified efforts are being made to reduce its incidence.

Other major programs are directed toward the problems of periodontal disease, oral-facial malformations, particularly malocclusion and cleft lip/palate; and oral ulcerations. Recently, the dental institute has also begun to focus more attention on pain control, a neglected area of central concern to dentistry.

In the area of caries, or tooth decay, where, as a consequence of substantive budgetary support, the Institute is now directing special efforts on a truly national scale. This special initiative program was funded by $9,155,000 the current year and $9,364,000 is being requested for fiscal year 1973. Through the enlistment of various scientific resources—in industry, universities, and private research organizations—a number of promising leads are being pursued and significant progress is foreseen. For example, the incrimination of a certain strain of streptococcus in human caries has produced a cascade of further developments, which are helping to clarify the complex picture of caries causation.

In terms of magnitude, periodontal—gum—disease, which affects an estimated 75 million Americans, ranks as a major public health problem. The major directions of research effort are highly diversified, including studies of the role of enzymes in the destruction of periodontal tissue, observations of bone metabolism, and projects to explore important immunological aspects. Presumably as our understanding of the complicated biology and chemistry of the inflammatory process in periodontal disease advances, the development of new preventive measures against the most common form of the disease looms as a distinct possibility in the future.

One of the most significant research accomplishments of the year in dental materials was the development of a new amalgam filling material which is stronger and less corrosive than amalgams used to date.

Again this year, it was emphasized that fluoridated water goes a long way in the prevention of tooth decay. There is a 40- to 60-percent reduction in tooth decay in areas with fluoridated water.

Under grant support a new sealant treatment has been developed, which is a plastic coating of the teeth, and over a period of 2 years of observation this treatment has demonstrated almost a 100-percent reducation in decay. If the observations are borne out, within the next 2 years this will be ready for public use.

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM AND DIGESTIVE DISEASES

The committee bill provides for $167,316,000 for this Institute, which is $8,227,000 over the budget. This is a increase of $13,979,000 over 1972.

This Institute bears responsibility for a broad array of chronic disabling diseases—a wider, more diversified range of illnesses than covered by any of the other Institutes of the NIH. Research activities, in addition to studies of the various arthritic diseases, include the study of a broad spectrum of heredity-linked metabolic disease such as diabetes and cystic fibrosis; gastroenterology, hematology, endocrine disorders, and mineral metabolism. Underlying these clinical studies is extensive fundamental research in biochemistry, pathology, histochemistry, chemistry, physical, chemical and molecular biology, nutrition, pharmacology, and toxicology.

Arthritis and rheumatism, terms that refer respectively to inflammation and destruction of joints and disease affecting tissues surrounding the joints, head the list of chronic diseases in the United States today in terms of social and economic importance.

Rheumatoid arthritis, the most crippling form of arthritis, continues to intrigue medical scientists. There is still no clear understanding of why one person develops the disease and not another, how the disease destroys normal tissue and what causes it to progress.

A major thrust of the research of this Institute revolves around the possibility that rheumatoid arthritis may be the result of an autoimmune reaction in which the body overreacts to proteins originating within the body's own tissues. Such immune processes may be triggered by changes brought about by an infectious agent. In view of this real possibility, diseases in animals resembling human rheumatoid arthritis and caused by a known infectious process are of deep interest. It is estimated there are about 100 disorders which are classed under the heading of arthritis and rheumatism.

This year many nations are commemorating the 50th anniversary of the discovery of insulin. Since this finding, regarded as one of the great landmarks in the history of medicine, an estimated total of 100 million people have relied upon insulin to lead healthier and longer lives. However, diabetes remains a serious and complicated disorder, ranking eighth on the list of diseases causing death in this country.

The Institute is exploring ways to suppress the development of complications of the disease which include enhanced arteriosclerosis and consequent coronary heart disease, nerve damage, kidney failure, and blindness, and to find better therapeutic measures.

In this latter regard, the Institute is involved in a 10-year study on the effects of the oral antidiabetic drugs, tolbutamide. This continuing study, conducted by 12 leading medical centers with research grant support, this Institute now has shown that another well-known antidiabetic drug, phenformin, like tolbutamide, is apparently no more effective than diet or diet and insulin in prolonging the life of patients with mild, adult-onset diabetes. Phenformin was also associated with a higher death rate from heart disease than was found in the other treatment groups just as tolbutamide has been shown previously.

Although, as Dr. Whedon, Director of this Institute commented, these results cannot be regarded as definitive proof of adverse effects, such findings raise questions concerning the long-term benefits of tolbutamide and phenformin therapy, and even concerning the importance of strict regulation of blood glucose levels, heretofore considered an important therapeutic goal in providing longevity for patients with adult-onset diabetes.

The artificial kidney program, a collaborative research and development program of this Institute, seeks to develop simpler, more efficient, and less costly artificial kidneys and improved methods of treatment for patients with permanent loss of kidney function. For the first time as a result of a new process developed by the Institute, we have become independent of large tanks and plumbing in dialysis and can now foresee development of suitcase-sized artificial kidneys which are portable.

During the past year approximately 1,000 kidney transplants took place in this country. A successful transplant of this kind can restore a patient to a period of renal sufficiency that can last for many years. However, as in heart transplants, the body will eventually reject the foreign kidney and research is continuing on drugs that suppress the body's immunologic mechanisms and on improved "matching" of donor organs and suitable recipients.

Dermatologic disorders include psoriasis, a disfiguring disease which afflicts between 2 and 8 million Americans, and causes great mental anguish to its victims and their families. The cause of psoriasis is unknown, and the disease is marked by rapid proliferation and scaling of epidermal cells. This Institute, in an attempt to accelerate the pace of psoriasis research, has organized two workshops during the last year, bringing together hundreds of scientists and physicians from different fields who pooled their present knowledge and planned for future research directions.

The Institute is in the planning stages for the establishment of a broad screening program directed toward finding one or more drugs that could be used topically to clear and control with reasonable safety the disfiguring psoriatic lesions. In addition, the Institute will intensify its support of fundamental studies on the chemistry and function of skin tissue in health and disease. Only more complete knowledge of the basic causes of psoriasis will help elucidate rational ways of controlling this condition.

This Institute, as well as the Center mentioned under "Research resources," is doing considerable research in the area of cystic fibrosis, and is budgeting $3,060,000 for fiscal year 1973. Additional grants, worth about $3 million, which are relevant in varying degrees to fundamental studies of cystic fibrosis are supported by other Institutes at NIH.

Although we still don't know what cause CF, other than it is genetically transmitted, we are making some progress in the area. An example of how CF patients can be helped medically during the first 5 years of life, with marked lessening of morbidity and mortality both during this period and throughout childhood and adolescence, is proved in a paper by an NIH grantee who reported on the course of the disease in 130 patients. The children were under 3 months of age when first diagnosed. They were observed over a 20-year period, 1949–69, for a total of 912 patient years. Whereas the prognosis in the past was nearly hopeless, the vigorous therapy instituted for these young patients after an early diagnosis has greatly improved the outlook for their health and comfort. In contrast to very high mortality rates reported previously, it is estimated that 77 percent of the group studied will survive to age 20. Furthermore, 14 of the children are said to be in excellent health, while 71 either have mild disease or are in good health.

This Institute supports 28 individual research grants related to sickle cell anemia, totaling $750,000 annually. About half of these are fundamental which characterize sickle cell anemia and other, related abnormal types of hemoglobin. These investigations attempt to establish the fundamental cause or causes of the disease and to elucidate why the abnormal blood pigment molecules of sickle cell anemia react in their unique fashion, rearranging themselves along a longitudinal axis and distorting and elongating—sickling—the red blood cells in which they are located. The other studies relate to the genetics of the disease and to ways and means of reversing the abnormal sickling reaction.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

The committee bill provides $130,672,000 for this Institute, an increase of $12,795,000 over the budget, and $13,941,000 over 1972.

This Institute is concerned with a variety of diseases which afflict the brain and sense organs. Disorders such as cerebral palsy, epilepsy, multiple sclerosis, muscular dystrophy, parkinsonism, and deafness result in long-term disability while cerebrovascular disease—stroke—is the third largest cause of death in this country. The Institute's responsibility is to learn more about the brain, the nervous system, and the communication mechanism in order to prevent disease or treat it effectively, where it already exists. More than 20 million Americans suffer from disabling neurological disorders and another 20 million have hearing, speech, and language impediments.

Spinal cord injury causes serious paralysis in 100,000 persons in the Nation. Each year there are 5,000 to 10,000 new spinal cord injuries. These occur largely in young people injured in sports, auto accidents and in the military.

With funds provided this past year, the Institute has awarded 18-month feasibility grants to six institutions to organize acute spinal cord injury clinical research centers, where teams of neurologists, neurosurgeons, and related scientific personnel will work cooperatively. In these grants, emphasis also is being given to the development and evaluation of emergency room diagnostic techniques and to medical surgical treatment.

Strokes rank third among leading causes of death in this country, taking over 200,000 lives a year. At the present time there are also between 1 and 2 million persons disabled by strokes.

The Institute has mounted a strong program in cerebrovascular disease, including sponsorship of 17 clinical research centers, some 60 research projects and two national cooperative drug trials of clinical therapy.

Since 70 to 80 percent of deaths due to brain hemorrhage occurs within the first 10 days, development is underway on a number of experimental acute care units for stroke patients. There is no uniform opinion at this time on which neurological changes are the most important to monitor in this acute phase. More information is needed on whether transient changes in intracranial pressure have serious effects on the stroke patient. If so, perhaps pressure should be monitored automatically and continuously so that measures can be instituted to counteract rapid fluctuations. The use of implanted radio-frequency sensors to monitor pressure appears to be a possibility.

A task force has been organized to draw up the plans for the development of these acute care research units and the acute stroke monitoring devices which would be developed and tested in them.

The collaborative perinatal research project has been a prospective, multidisciplinary, long-term endeavor carried out in 14 medical institutions across the country, coordinated by the Perinatal Research Branch of NINDS. This Study has made a major contribution to the increased understanding of the genetic and environmental factors affecting the central nervous system in its early development. The study has also provided substantial information on the relation of accident, infections, and birth weight factors in the perinatal period to mental retardation, cerebral palsy, and other neurological and sensory disorders.

From 1959 through 1967, some 58,000 pregnancies were observed and now the children of these pregnancies are being followed until they are 8 years of age. The funds made available last year will enable this institute to proceed with the 7-year follow-up examination of these children.

Valuable data resulting from this study is now being reported on a regular basis. For example, it had been common practice in the United States until quite recently to urge pregnant women to keep strict limits on their weight gain during pregnancy. The study indicated that this is unwise and the practice has been stopped by many obstetricians and physicians.

Scientists in the collaborative perinatal research project have also found evidence that a lack of critcal nutrients—especially protein—in the mother's prenatal diet may result in lowered intelligence in her child. Further investigations of factors which suggest this relationship are continuing through the analyses of preserved blood samples take from the women who have participated in the project since its inception. New studies in human and primate populations are extending the study of nutrition in pregnancy.

The Collaborative Perinatal Research Project has had important ancillary effects also. It has resulted in improved hospital records and better medical care in obstetrics and newborn pediatrics; fostered much related research by providing a patient population and a group of skilled senior researchers whose interests were focused on perinatal problems; led to better training of housestaff and medical students in obstetrics, neonatal pedioatrics, and neurology; encouraged interdisciplinary exchange of information, ideas, and respect; and encouraged research in other countries and exchange of ideas with foreign research groups.

The greatest value of the project, perhaps, is that it gives national impetus to the common hope that the neurological disease of childhood, especially CP, may one day be prevented.

The first comprehensive report from the Collaborative Perinatal Research Project is now in press. The report describes the prospective study, displays the distribution of the characteristics and conditions of the pregnancies investigated, and shows the relationships between these characteristics and the pregnancy outcomes (stillbirth, neonatal death, birth weight, and the presence of neurologic abnormalities at 1 year).

Statisticians and staff scientists at NINDS, assisted by collaborating institutions, are now deeply involved in an analysis of the information already available from the study. By the end of fiscal year 1975, the remaining children in the project will have completed the battery of tests.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

The committee bill provides for $113,414,000 for this institute, which is $765,000 over the budget. This is $4,296,500 over the 1972 figure.

This institute conducts and supports broadly based research on the causes, characteristics, prevention, control, and treatment of diseases believed to be caused by infectious agents including bacteria, fungi, viruses, and parasites—or by abnormalities of the body's immune mechanisms such as allergies.

As new knowledge is gained through medical research, existing ideas on the causes of major diseases are often brought into question. When this happens, investigators find they must return to the basic sciences of biochemistry, microbiology, immunology, and pharmacology to seek new answers. For example, some of the leading cripplers and killers of our time may be linked to viruses or to the body's defense mechanisms. When the mysteries of multiple sclerosis, diabetes, rheumatic diseases, and some forms of human cancer are unraveled, the causes might well prove to be microbial infections or abnormal immune mechanisms.

Seven allergic disease centers have been in operation since last summer. With funds provided by Congress, plans are being made to establish additional centers this year, including one unit at the intramural program at Bethesda. At present, these outpatient-oriented centers appear to be the best mechanism for shortening the time lag between laboratory findings and clinical practice.

Prostaglandins continue to generate considerable interest. These hormone-like chemicals occur naturally throughout the body and have powerful effects on smooth muscles, such as those in the lung, which are being studied in the treatment of asthma.

This Institute has played a catalytic role in organ transplantation since the early 1960's. More than 6,000 human kidneys have now been transplanted, and more than 4,000 individuals are alive today with kidneys from another person. Suppression of the body's normal immune response helps to preserve transplanted organs. The Institute has supported studies on immunosuppressive agents, including a biological substance called ALS. Clinical trials of this substance to prevent kidney graft rejection should begin this year.

For years, scientists in the Institute's Laboratory of Viral Diseases have been studying viruses that produce leukemia in mice. Recently, they developed a technique that might help track down a human leukemia virus.

Taken together, influenza and pneumonia are listed as the fifth leading cause of death in the United States. Each season the influenza virus "drifts" slightly in its antigenic makeup. About every 10 to 12 years, a major antigenic shift occurs. When this happens, existing vaccines become less effective and new ones must be developed. Before the next influenza pandemic occurs, it is hoped new strategies will be developed to solve this problem.

Within the framework of the NIH Hepatitis Task Force, this Institute has primary responsibility to develop vaccines and immune gamma globulin against both infectious and serum hepatitis. Two years ago a protein, Australia antigen, was discovered in the blood of many patients, who had serum hepatitis. Because of this discovery, the Institute has sharply increased its support of hepatitis research. An NIAID special fellow from California and his associates in Chile have reported on a study of nearly 2,000 patients where modified gamma globulin was added to the blood before transfusion, there were no severe cases of Hepatitis B (serum hepatitis).

Gonorrhea is second only to the common cold as the most frequent contagious disease in the United States. An estimated 2 million cases were diagnosed and treated in 1970. And some 290,000 Americans were under treatment for syphilis that year. Unquestionably, the Nation is suffering a venereal disease epidemic, and the explosive increase in the number of VD cases shows no sign of abating. Epidemiologic and clinical aspects of VD have been studied for decades. With the initial, spectacular success of penicillin treatment in the 1940's, and in light of the prevailing concept of disease control at that time, fundamental research virtually stopped. VD is again out of control. In order to have a vaccine for VD, much more knowledge will be required about the organism which causes it. This knowledge is not now available. The Institute has more than doubled the number of grants which they have in this field, and some $25,000,000 is being spent in other areas of HEW on VD.

We still haven't conquered the common cold, mainly because there are so many different viruses that cause it. There are some 87 different kinds of rhinoviruses which are separate and distinct without much relation to each other. In fact, there are another 25 that we know about which have not been fully identified. These viruses occur sporadically and cause common colds in a very random fashion. A person could have a different virus twice a year for 45 or 50 years and still barely get through all the different strains.

A milestone, however, was reached in 1957 in the understanding of mechanisms of recovery from viral infecion, when two British scientists discovered interferon. This is a protein manufactured by cells in response to a virus attack. This year the Infectious Disease Branch of this Institute sponsored a workshop in interferon and the recommendations hold promise.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

The committee bill provides for $183,171,000 for this Institute, which is $7,211,000 over the budget, and $9,697,000 over the 1972 figure.

This Institute does most of the basic research for the NIH and its major areas are genetics, fundamental sciences, pharmacology, toxicology, and biomedical engineering.

One of the major advancements in the Institute is the establishment of a library, or repository, of mammalian, particularly human, cell types in culture to make these available for study by scientists and physicians all over the country. This library of cell lines will be made from the cells of individuals who suffer from genetic diseases. Its availability will permit scientists and physicians to study the genetic and biochemical processes going on in these individuals and help them in exploring ways of treating this large group of some 1800 diseases.

This collection of cells will help scientists to determine where genetic abnormalities reside within the 23 pairs of chromosomes contained in the normal human cell. Each infant receives 23 chromosomes from each of his parents, and essentially all of the information needed to make the human body is contained within these chromosomes. Scientists are seeking to map the genetic information contained within each chromosome. They have recently benefited from the development of new techniques for the straining of chromosomes with fluorescent dyes and subsequent study of the chromosomes under ultraviolet light. Using these and other novel staining techniques, it is now possible to identify unequivocally each of the chromosomes as belonging to one of the 23 pairs mentioned above, permitting precise characterization of chromosomal abnormalities as they may occur in cancer or in genetic diseases, such as Down's syndrome, or mongolism. By the process of amniocentesis (withdrawing some of the amniotic fluid surrounding the fetus) it is now possible to determine if Down's syndrome is present and allows for the optional termination of the pregnancy.

As we learn more about the structure of chromosomes and how they function in both normal cells and in cells having gross genetic abnormalities, we may find betters ways of controlling hereditary diseases.

Perhaps the most interesting research developments in genetics in the past year have related to the several methods now explored for the transfer of genetic information, in the form of DNA, from one cell to another. The possibility now exists, though probably remote, of introducing into a genetically defective line of mammalian cells the missing genetic information, thereby potentially "curing" a genetic deficiency in an irreversible fashion.

This Institute continues to support research in the effective control and treatment of schistosomiasis, snail fever. Although not prevalent in the United States, it is one of the last great pestilences in the world and it is estimated that at least 200 million people are victims of this infection. That is about 7 percent of the entire world population. The disease abounds in southern Asia, Egypt, and in parts of Latin America and is caused by a worm known as the schistosome, which for part of its life cycle must parasitize a certain species of snail. Irrigation projects in the tropics are often accompanied by a massive epidemic of schistosomiasis and such an epidemic is occurring in Egypt as a result of completion of the Aswan High Dam.

An agent has been discovered by a grantee of this Institute which, if it passes the necessary tests for lack of chronic toxicity in animals, will then be subjected to human testing. If it proves as effective in man as it is in the chimpanzee, a new and far better agent for the treatment of this persistent scourge to mankind will have been discovered.

A significant segment of the research on the structure and function of the cell has been conducted through funds awarded to scientists by this Institute. The potential payoff for medicine is great. For example, 10 years ago, the so-called microtubule was little understood. Then in 1963, electron microscopists developed a new technique which enabled scientists to observe objects that heretofore had rarely been seen. The microtubule is being investigated in many areas, including its use in possible male contraceptives, the proccess of aging, and since it has an important role in cell division, it is of great interest to those working in cancer research and in cancer chemotherapy.

Approximately $55.7 million is being spent in this important area of genetics research.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The committee bill provides for $130,429,000, which is $3,185,000 over the budget request. It is $14,002,000 over the 1972 figure.

The National Institute of Child Health and Human Development conducts and supports research and training dealing with human development from conception through old age. The three major programs are population research, child health and aging. These areas and their attendant goals are intimately related and progress in one area represents an advance in all.

Although more women than ever report that they want only two children, many couples fail to plan pregnancies successfully. Clearly, the need for more effective, safe and acceptable contraception is pressing. The institutes' population research program concentrates on contraceptive development including reproductive biology, evaluation of existing contraceptives and research in the behavioral sciences.

Development of a variety of new methods of contraception is essential if the needs and preferences of the entire population are to be met. This scientific accomplishment depends on the application of knowledge derived from many years of fundamental research. The design and testing of reversible sterilization techniques for men have been carried out on laboratory animals in the past year. If the approach proves safe and effective in animals, human trials may begin next year.

For female contraception, the Institute is supporting work on the synthesis and testing of new drugs which have promise for eventual use. It is expected that within a year it will be known if prostaglandins will have a significant application to fertility regulation.

Evaluation of the medical effects of contraceptives presently in use has concentrated on oral contraceptives because of their widespread use. Some of the recent findings indicate that in oral contraceptive users there may be a greater risk of stroke; the incidence of breast cancer is not increased; the course of a precursor of cervical cancer is unaffected; blood pressure is modestly elevated; and depression does not seem related to use of these drugs. Next year these leads will be pursued. Research will also be continued on intrauterine devices.

Continued research in the behavioral sciences will increase our understanding of factors affecting changes in population growth. For instance, in 1971 the birth rate dropped unexpectedly to the low levels reached in the 1930's. Whether we are dealing with the beginning of a trend or merely a fluctuation will be carefully studied.

In child health programs, research is stressed that promotes infant survival, the optimal development of children and youth, and the prevention and amelioration of mental retardation.

Over 20 million Americans, representing the immediate families of our Nation's 6 million mentally retarded persons, are directly affected by the problem of mental retardation. On November 16, 1971, President Nixon pledged his support to two major national goals: To reduce by half the occurrence of mental retardation in the United States before the end of the century; and to enable one-third of the more than 200,000 retarded persons in public institutions to return to useful lives in the community. This Institute is helping to achieve these goals. For example, it is known that several types of mental subnormality are associated with chomosomal abnormalities. An institute-supported investigator has recently devised a simple, quick, and accurate method to identify each human chromosome. This is particularly significant at this time when increased demands are being made for genetic counseling.

It has been estimated that between 7,500 and 10,000 children die each year in the United States from the sudden infant death syndrome, also known as crib death. Although the specific cause of sudden death is unknown, viruses frequently are present in affected infants. Selected epidemiologic studies as well as investigations concerned with the physiology of sleep are planned with the intention of increasing our still limited knowledge of this complex medical problem. The $3 million is budgeted for this area in 1973.

The population of elderly persons in the United States is increasing steadily and if birth rates continue to fall, the fraction of the population over 65, now one-tenth, will continue to grow. Few areas of scientific activity offer so much promise for mankind as does research on aging. The benefits will appear not necessarily in adding decades to the lifespan, but rather in improving the quality of life.

In a number of aspects, aging in women differs from that of men, and although women generally live 7 to 8 years longer than men, this is unexplained. An event unique to female aging is the menopause and before this occurs, women appear relatively protected from age-related degenerative diseases compared to men. Increased concentration on female aging research will be initiated next year to establish a scientific base on this problem.

There are presently 12 mental retardation research centers, funded at a level of $32 million, of which this Institute contributes about $14.2 million.

Presently this Institute is spending $3.8 million on research on genetically transmitted diseases. We were informed in the hearings that around 60 of these diseases are now detectable using amniocentesis, which, of course, gives the parents the option of terminating the pregnancy if they desire.

NATIONAL EYE INSTITUTE

The committee bill provides $38,562,000 for this Institute, an increase of $1,178,000 over the budget request, and $1,429,500 over 1972.

The National Eye Institute was created in 1968 to improve visual health through the conduct and support of research and research training on disease problems and injuries to the eye and visual system. Institute programs are implemented through grants and contracts with individuals and research organizations working on problems of visual health, and through laboratory, clinical, and epidemiological research conducted by Institute personnel.

In its first years of operation this Institute has supported a variety of ongoing vision research projects. Also they have been developing expert scientific and administrative resources in preparation for launching a major attack on blindness. Having now overcome most of the obstacles inherent in the creation of a new research organization, the National Eye Institute is ready to inaugurate a coordinated and comprehensive targeted research program against a leading and devastating cause of blindness: glaucoma.

Glaucoma cannot now be prevented and in most cases not cured. It is a major cause of blindness, accounting for over 10 percent of the newly blind. The Institute will be spending approximately $5 million on glaucoma research in fiscal year 1973.

The Institute, in addition to its legislated mission to improve the prevention, diagnosis, and treatment of blinding eye diseases, is also supporting research on special problems of the blind and visually handicapped. Institute funds helped make possible the development of the Optacon, a device which enables the blind to read the same printed material any sighted person would use.

This ingenious instrument presents a tactile facsimile image of printed characters which are scanned by an optical probe. Thus, instead of braille impressions, the user of the Optacon senses the outline of a regular letter conveyed through the raising and lowering of an array of tiny rods which fits onto a single finger. The entire system weighs only 8 pounds, can be easily transported, and is relatively inexpensive to produce.

A more complex vision substitution device uses the images captured by a television camera to activate a series of stimulators arranged on a grid and positioned over the skin of the abdomen. A sightless person, with training and practice, learns to translate these impulses automatically into crude spatial images within his brain. The Institute has supported development of this system.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The committee bill provides $30,956,000 for this Institute, which is $1,943,000 above the budget request and $4,520,000 over 1972.

The National Institute of Environmental Health Sciences seeks to increase our understanding of environmental agents which can adversely affect man's health either immediately or over a period of time. The results of the Institute's research are promptly made available to agencies having responsibility for environmental monitoring, standard setting, and control. This Institute is seeking to determine the magnitude and significance of the hazard to man's health resulting from long-term exposures to low-level concentrations of chemical, physical, and biological agents in the environment. Underlying mechanisms of adverse response are examined in order to determine the principles and generalizations which can provide criteria which can serve as a basis for the establishment of standards by those agencies charged with the regulatory responsibility in this area.

The direct beneficiaries of the basic knowledge developed by this Institute are the categorical programs in environmental control, including those of the Environmental Protection Agency—air pollution, radiological health, environmental sanitation, solid waste management—as well as those in the Public Health Service, including the National Institute of Occupational Safety and Health, and the Food and Drug Administration. Close liaison is maintained with these activities to insure the inclusion of their requirements in the development and implementation of the Institute's research program.

Scientists in this Institute are working on such urgent and diverse problems as the toxicity of polychlorinated biphenyls—PCB's; methyl mercury poisoning; the toxicologic problems of detergents; the displacement of persistent pesticides such as DDT; asbestosis; and the potential health effects of microwaves and noise.

PCB's are highly heat resistant liquids which have been used in industrial applications for over 40 years, in everything from industrial fluids for hydraulic, gas-turbine, and vacuum pumps to the paper used in form 1040, the income tax form. It's like DDT in that it will persist virtually unchanged for as long as decades. This substance was found responsible for contamination of rice cooking oil in Japan and resulted in liver damage. Recent episodes of accidental contamination of poultry and eggs from the loss of PCB heat transfer fluids and in milk from paints containing PCB's for silo treatment have highlighted the need for additional studies.

Another area under investigation is the phthalic acid esters, which are used in such materials as food wraps, bags, and blood bags. Over a billion pounds of phthalates are produced annually. They are solids or liquids, but they tend to vaporize and go into the atmosphere. An interesting point which turned up in our hearings was that many of us have noticed a film on the inside of the windshield of our cars which is very hard to wipe off. This is most likely due to phthalates vaporizing from the plastic upholstery and depositing on the inside of the windshield.

This Institute has not been in existence very long, but it has become the focus of information exchange that has had an immediate impact on the regulatory agencies in this country and abroad. Its ability to be able to assemble very rapidly the best scientific information on a critical subject has been something of an immediate payoff from the Institute's activities. Some of the experiments take a rather long time, but increasingly, when a major problem comes up, one of the first things that happens is that this Institute is asked to make a scientific assessment of the best information around the world, which they do very rapidly. It is almost a daily occurrence that such efforts have an impact on someone's decisions concerning either regulation or the wisdom of some specific action as far as environment is concerned.

RESEARCH RESOURCES AND GENERAL RESEARCH SUPPORT GRANTS

The committee provides $75,073,000 for this division which is $64,000 over the budget and $92,000 over 1972.

The purpose of this division is, first, to provide basic resources to the biomedical research institutions of the Nation in support of the categorical research activities of NIH; second, to assist such institutions in maintaining their individuality and autonomy; and third, to encourage the conduct of innovative biomedical research by providing crucially required resources.

To accomplish this, DRR has mounted programs in four areas: First, the general clinical research centers program, which supports discrete clinical units, usually in university or university affiliated hospitals, utilized in the conduct of multicategorical clinical research; second, the biotechnology resources program, which supports the development and operation of large and complex technological resources such as computer system, mass spectrometry, and nuclear magnetic resonance systems; and third, the animal resource program, which provides support for the development and improvement of various animal models.

The research activities and accomplishments in DRR span the entire spectrum of biomedical science. For example, the armadillo has now been found as a model for Hansen's disease—leprosy. This research has been stalemated for years due to a lack of a suitable animal model.

A program at the Primate Research Center for the University of Washington is concerned with research on one of the most tragic diseases of early infancy, the sudden infant death syndrome.

Fifty-seven percent of the National Institutes of Health supportive research project grants require the use of animals. Continued experimentation with various animal models is necessary to establish some of the basic fundamental criteria of biological processes so we can apply this knowledge to human processes.

In the area of biotechnology resources, the computer resources located at the Latter-day Saints Hospital in Salt Lake City has become the unrivaled leader in developing comprehensive computer tools for both clinical research and patient care.

In the General Clinical Research Center at the Mayo Clinic, it was found that a newly discovered acid CDS—a bile acid—would dissolve gallstones, thereby alleviating the patients' suffering and relieving them from having to go through surgical removal of the gallbladder.

One of the new initiatives of DRR is the development of the minority schools biomedical support program, which was initiated during fiscal year 1972. Awards under this program will be made to competing minority institutions and will range from approximately $30,000 to $500,000 per year for a possible 5-year support period depending upon the size and quality of the institution's program.

The sources of general research support funds are included in the separate appropriation of the other Institutes and NIMH. They are then transferred to the general research support appropriation and administered by the Division of Research Resources. The amounts obtained from the other Institutes follow:

Based on the amount shown in the President's budget for 1973, $54,624,000, the breakdown of funds transferred from each of the Institutes include the National Cancer Institute, $5,924,000; National Heart and Lung Institute, $8,149,000; National Institute of Dental Research, $1,018,000; National Institute of Arthritis and Metabolic Diseases, $8,124,000; National Institute of Neurological Diseases and Stroke, $5,439,000; National Institute of Allergy and Infectious Diseases, $5,040,000; National Institute of General Medical Sciences, $6,975,000; National Institute of Child Health and Human Development, $3,896,000; National Eye Institute, $1,551,000; National Institute of Environmental Health Sciences, $481,000; and the National Institute of Mental Health, $8,027,000; for a total of $54,624,000.

A prevalent and important hereditary disease in children and infants, cystic fibrosis, is being investigated at the University of Colorado center. In cystic fibrosis, an unusually vicious mucous destroys the lungs and also prevents absorption of fats and digestion of food. The major organs affected are the pancreas, testes, liver, gut, and lungs. The child has a constant feeling of suffocating and weakness and is prone to respiratory infections. Cystic fibrosis costs an enormous amount of time, money, and suffering. Many of the afflicted children never reach adulthood, but throughout their short lifespan, they require extensive and costly medical care.

Using a biochemical approach, it was determined that viscosity of the mucous secretions could be returned to normal by a variety of compounds. The next step was the selection of a nontoxic material used safely in clinical medicine. Arginine, an amino acid, was selected; it fulfilled these safety requirements as well as the biomedical requirements for treatment. Arginine was administered to a group of cystic fibrosis patients under close supervision by the medical and nursing staff.

The results of arginine treatment of cystic fibrosis have been most encouraging. The respiratory and digestive processes of many of these children improved significantly. In patients whose main problem was pulmonary, there was marked improvement in the power of the lungs. The children looked and felt better and had a greater tolerance for exercise. Those with digestive malfunctions similarly improved; they gained weight since their bodies were more capable of absorbing fats. The abdominal pain which accompanies this disease was also relieved.

These favorable results extend beyond the patient to include his family; arginine provides an inexpensive way of treating the complications of cystic fibrosis patients, thus lessening the financial burden. Moreover, the child's relief from pain and irritability helps establish better family relationships. It should be emphasized that arginine is not a proven, permanent cure for cystic fibrosis, but it relieves the immediate physical and psychological strain of the afflicted children and their parents.

In the area of biotechnology resources, the Jet Propulsion Laboratory's sophisticated computer-based techniques for enhancing and analyzing images have been applied successfully to a wide variety of medical problems. This, of course, is one of those "space spin-offs" we have heard so much about—using space age technology to enable scientists to obtain better knowledge of the workings of the human body, benefiting all mankind.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

The committee bill provides $4,666,000 for this item, $121,000 over the budget figure. This is an increase of $359,000 over 1972.

This center is designed to facilitate and expand the continuing effort of the National Institutes of Health and the U.S. Government to broaden the knowledge base of the biomedical sciences. The center serves as a focal point for the international activities of the NIH and is responsible for the administration of a number of international programs, such as international fellowships, Fogarty scholars-in-residence, conference and seminars, International Visitors Center, special foreign currency and foreign students exchange.

Also, last year the U.S. contribution to the support of the Gorgas Memorial Laboratory became a responsibility of the Fogarty International Center and this year they have also assumed the programing responsibility for training of foreign health professionals sponsored by the World Health Organization, a function previously administered by the Bureau of Health Manpower Education.

A short time ago, obviously as a result of our rapprochment with the People's Republic of China, a meeting was held to review medicine in that country. This was attended by people outside the Government as well as representatives from the Institutes and other Federal agencies.

With the development of new techniques, especially in the area of genetics, the moral and ethical ramifications of those techniques must be studied. In October of 1971 the center held a conference on human genetics, entitled "Ethical Issues in Genetic Counseling and the Use of Genetic Knowledge" and was attended by 100 persons.

It brought representatives from the fields of law, religion, and ethics together with basic scientists, physicians, and genetic counselors involved in the diagnosis of human genetic diseases. The prime concern of the conference was the ethical and social issues which have arisen as a result of recent advances in our scientific knowledge of human genetics. These advances have enabled us to detect persons (carriers) who can transmit genetic diseases to their children and to determine, using the technique of aminocentesis, the presence or absence of disease in the fetus. The ethical questions which arise from this knowledge include: Should we detect carriers, and, if so, how should they be counseled about marriage and childbearing; how severe must a genetic disease be in order to warrant an abortion; who should decide whether a defective fetus should be aborted; what are the legal rights of the fetus and the parents.

These and other questions have particularly confronted those scientists who have developed and are applying the new methods in diagnosis of human genetic diseases. Since these are ethical and social questions, no rigid answers can be provided, but the conference provided the opportunity for a unique dialog between the leading scientists in this field and the ethicists, theologians, and lawyers who are also concerned about the application to society of the new genetic knowledge.

NATIONAL LIBRARY OF MEDICINE

The committee bill provides $28,568,000 for this division, which is $4,441,000 over 1972.

The National Library of Medicine, the world's most important resource for biomedical documents, facilitates the application of biomedical information to the treatment and prevention of disease by acquiring, organizing, and disseminating informational materials to health professions. The NLM actively explores ways in which technological advances in the communications field can be applied to organizing that knowledge and making it available where and when it is needed. It is making its computerized bibliographic data base available to users in biomedicine throughout the country through the use of on-line computer terminals, linked by a commercial land wire network.

The library is currently using an old NASA satellite to make the expertise of local hospitals available for the health care of remote Alaskan villagers with no professional health personnel. I inspected this procedure when I visited the library last fall, and it is most ingenuous. On at least two occasions it provided information which proved to be lifesaving. It has served to bring medical assistance to persons who previously could not be reached by telephone or radio communications. It has helped physicians determine when patients need to be evacuated to district or regional hospitals for emergency care. On the other hand, it has cut down on unnecessary bush plane evacuation when the patient could be managed by a health aide or local nurse after satellite consultation with a physician.

Health manpower programs would be funded at a level of $738,628,000 for fiscal 1973, an increase of $205 million over the budget request and $64,957,000 over the 1972 funding level. Rather than go through this appropriation item by item, I would refer my colleagues to the section of the committee report beginning on page 41, in which each of the committee increases is discussed individually.

Turning now to the Office of Education, as has been pointed out the committee bill is $301,455,000 above the budget request and $54,147,000 above the 1972 level. Nearly $1.5 billion in higher education programs lacked authorization when our committee considered the bill and, thus, has not been included.

Mr. Chairman, since we will continue debate on this bill tomorrow, at which time amendments will be offered to the education portion. I will defer further comment until that time. There are additional sections of the bill—Social and Rehabilitation Service, Social Security Administration, and the special institutions—which I want to discuss as well and these, too, I will defer until tomorrow's debate.

In closing, let me return briefly to the Department of Labor and, at this point, I would like to place in the Record, the several communications I discussed earlier in regard to the Occupational Safety and Health Administration.

F. Meyer & Bro. Co.,
Peoria, Ill., May 30, 1972.

Representative Robert Michel,
House Office Building,
Washington, D.C.

Dear Bob: I am writing to present my views on OSHA which are shared by most business men affected by the Act.

Most business men are in agreement with the spirit of this Act since the health and safety of our employees directly affects the morale and productivity of the work force. Then too a bad safety record directly penalizes us with high workmen's compensation rates and lost time expense. The Act has been beneficial in forcing us to take a hard look at working and safety conditions in our plants and to improve them where possible.

What I object to is the fact that the Act has taken the optimum or maximum standards as set forth by the various trade and professional groups and then demands that business meet these optimum standards and fines us when we do not or cannot meet them.

If the citizens of this country demanded the same high degree of accountability from our legislator and bureaucrats that the government increasingly demands of business many of them would soon be unemployed.

We all know that standards must be set and laws passed to guide us in running our businesses and our lives so that this results in the most good for the greatest number of people. What we are really asking is that common sense be used in administrating the laws and requiring compliance with the standards. Businesses vary in nature as much as people and what is required of one should not necessarily be required of another and some standards should be seen as a goal that can only be reached by a few.

You well know that an increasingly large number of citizens view the operations of the federal government with disenchantment, dislike and sometimes outright disgust. An uncompromising and punitive enforcement of OSHA can only reinforce this attitude especially when the standards required do not really benefit either health or safety.

We have not yet been inspected but certainly expect to appeal what we regard as arbitrary, capricious and unreasonable citations.

We also know that our mutual friend, Ed Stoetzel, says the inspectors get "Brownie Points" for each citation made. One of our directors, a CPA, was quite incensed when his client was fined because a fire extinguisher was found standing on the floor. Surely a warning notice would have been sufficient. We hang most of our extinguishers with the tops six feet from the floor instead of the specified five feet. We wonder if we will be fined and forced to lower them where they can easily be dislodged by our high trucks.

Millions of dollars are being spent by business to get into compliance with OSHA. Where this results in better working and safety conditions it is moneys well spent. Where it is spent to meet some arbitrary standards with no regard to conditions in the business involved and no assurance that safety and health will benefit then it only detracts from the employers ability to pay higher wages and put this money into more productive equipment.

We know that there have been complaints about the administration and the requirements that are much stricter than necessary. We want to also enter our plea for a common sense approach.

Yours truly,

George Meyer,
President.

McDougal-Hartmann Co.,
Peoria, Ill., April 17, 1972.

Hon. Robert H. Michel,
Rayburn Building,
Washington, D.C.

Dear Bob: Following up on our recent telephone conversation, I want to discuss further "The Occupational Safety and Health Act." This Act should have been written to cover Industry apart from Construction, because there is so much in the Act that cannot be applied to Construction. This leads to much confusion and unnecessary expense. It simply is not practical.

For instance, it states in this Act that all rubber-tired equipment must have fenders, regardless of where they are used. How can you use a motor patrol on a rough excavation job? It just won't work. But what is even worse, Congress has given Labor another club with which to clobber the Construction Industry. When is Congress going to wake up and give our Industry an opportunity to meet Labor on even grounds?

According to this instrument, Labor has the authority to say whether or not a job is safe. We have already heard from business agents that they can break any contractor by claiming jobs are unsafe. If a job is thus declared "not safe" at 2:00 P.M., for example, all work stops as the result. It is my understanding that ex-business agents are to be used as "inspectors" to determine whether or not a job is safe.

In the face of all the irregularities in the Unions that you read about in the newspapers, Congress continues to give them more authority over Industry. This can only lead to trouble for any employer. Things are so one-sided now when it comes to Labor, that it is almost impossible to operate a business.

This Act will increase our costs at least 30% with a chance that it will be much more, depending on the type of inspection. Where is all this money coming from?

It is my opinion that many contractors will go out of business in the very near future, especially the smaller ones; the very ones Government is trying to keep in business.

Sincerely yours,

H. W. Hartmann,
President.

Peoria, Ill., *March 27, 1972.*

Hon. Robert H. Michel,
Rayburn Building,
Washington, D.C.:

We understand the House will hold a hearing on the Occupational Safety and Health Act. The following comments are offered for whatever use you may wish to make of them.

In general, Caterpillar Tractor Co. has found the Occupational Safety and Health Act to be administered effectively and efficiently. Inspectors have been capable, professional and efficient, and objective in applying OSHA regulations to plant situations.

The principal deficiency of OSHA is that it emphasizes conditions. The unsafe acts of people continue to be the principal causes of occupational accidents. Achieving conditions established under the law shows good faith in providing a safe workplace, but safety performance continues to depend largely on cultivating sound employee attitudes toward safety.

We believe OSHA could be improved in the following ways:

1. There is a need to reduce the period required to obtain an interpretation of regulations. Sometimes this requires as much as two months.

2. Provision should be made for inspectors to visit plants on a consultative basis. Presently, if a company requests an inspector to come in he will inspect the plant, issue citations and levy fines for any violations found. The interests of safety would be better served if inspectors could visit plants to give their professional opinions on conditions affecting safety, and establish a time frame for correcting those they believe are deficient. This approach would be particularly helpful to small companies that most need competent advice but hesitate to invite the stigma of citations and fines. Additionally, the practice of imposing fines for minor violations tends to interfere with the professional and consultative role of inspectors.

3. As yet, we have no experience in seeking variances, but we believe past performance should be made a substantial consideration in granting them. For example, guard rails are 36 inches high in most of our plants. The OSHA regulations require them to be 42 inches high. We have no history of accidents that occurred because guard rails were no more than 36 inches in height. On this basis, it would seem that the substantial cost of raising guard rails will not improve safety and is not justified.

4. Permanent regulations, to replace the present interim regulations, are to be promulgated by April, 1973. Industry needs to know as soon as possible if there will be substantial changes so it will have time to study them and put them into effect.

R. R. Hoffman,
Manager, Safety.

Letter From Al Fuller, Owner, Peoria Heights Lumber Co., May 4, 1972

I am writing to you a few facts that concern me. I hope you will study H.R. 12068 and act with good judgment as you have in the past.

Approximately 20 years ago there were 26 lumber yards in the Greater Peoria Area, now only 4 remain of that 26. Two changed hands and three new cash and carries have started. In Peoria, Carver's and Siegel-Hunt's: Bartonville, Claus Lauterbach—H.R. changed hands. In Peoria Heights, We are left. (How long I don't know). In Aurora, Illinois there were 10 now only 3, possibly going to 2. Its like this all over the state according to the Director of Illinois Lumber and Building Material Dealers Association, Ed Sembell. Ask Sonny Meckemer why he went out.

I know there are many reasons why these yards went out of business, but government regulations, union pressures forced many to retire early and live on their investments, rather than fight the pressures of government costs and controls and union pressures.

I pride myself in being unselfish that profit is not the only motivating factor why I have stayed in business this long. I am a servant to the public. I try to make it easy for the home owner to pick up supplies for repairs and still come out even or a little ahead.

After a severe windstorm in the Peoria Area, we get many calls to fix the roof shingles. Many of these calls come from people who we have done work for or been referred by customers because they know we are honest and will not overcharge. Many times we have sent a carpenter out repairing a few shingles and the charge would be $10.00 to $15.00. We did this because the $50.00 deductible insurance left the owner with the expense. We made a little or no profit and the customer was happy. A large percentage of my customers are retirees or people on fixed income and they appreciated the economy.

Now comes OHSA.

First, I must have specified ladders so I bought one 28′. (Used to be the owner would have one or a neighbor). Now on a roof call with a couple of shingles blown off, out goes the 28′ ladder. This requires a big truck or the pick-up with suitable racks. A union driver must drive the truck (rate: $4.62 hr.) a helper, yardman or laborer must go along (rate: $4.52 hr.). The carpenter in the meantime drives his car to the job ($8.00) which includes 51½ cents per hr. to pension fund. Because I directed the carpenter to the job, I am now liable if he has an accident and his insurance coverage is not enough—additional expense to me. OHSA says the ladder must be secured to the building, cannot be placed in a driveway unless there is a barricade around the ladder. So the helper goes along to hold the ladder. Union driver or teamster can't do this because of the union rules. Now the carpenter takes the 3 or 4 shingles, cost 45 cents, up the ladder and completes the work in 15-

20 minutes. He must have a life line or build a scaffold. All three men must wear safety shoes and helmets, more cost.

So that a 15 minute job now becomes 30–45 minutes, be silly to have the truck come back and go out again. So 2 men wait. When the job is finished they bring back the ladder or if we are lucky they may have another job and could proceed on to it and reduce costs. Meantime a truck has been tied up. So that $10–$15 job has now gone up to $40–$50. Who pays, the home owner. The only increase in cost except OSHA standards has been maybe 5 cents for the shingles and a 75 cents hr. raise for the carpenter in the last year. I know some contractors say they won't go out for less than $80.00.

That is bad to comply with such regulations, but the worst is the fear of an inspector. Do you realize a violation on a job I just described could run between $50.00 and $500.00. The record keeping of OHSA requirements and a possible $10,000 fine. I know these things were intended to larger employers and I know there are hazards that should be corrected. I'm not saying OHSA is not good, but latitude in correcting a situation should be considered. The seminars I have attended indicate the whims of these safety directors can fine you whatever they feel like and go according to the book.

In 26 years of operation, I have carried workmen's compensation with just two accidents, over 270,000 man hours in that time. One fellow jumped off the truck and a ring on his little finger caught the top stake—had to be amputated. Another, a ladder slipped and the employee said he hurt his back. After his settlement, which he agreed years later was in his favor, he continued to work and has for 10 years for other people.

The fear of penalties and my inability in my case (6–8 employees) to send someone to school to learn all of these rules, to have a safety director, first aid director. Why should I have worked and done without to build what I have got today be subject to someone who knows only the book and is out to show his power?

I say again all small businessmen I have talked to fear the penalties and fines, I don't think Hitler SS Troops were any more feared. I like others say to hell with it, its not fun being in business anymore. You can't take pride in your work when you know costs are prohibitive due to government regulations. We are intelligent men and my employees are intelligent, they don't work on something unsafe and good judgment has always prevailed on our jobs. Our record attests to that.

I'm sure OHSA is needed in many, many areas but it seems to me it should be helping businessmen with their problems not penalizing them without a chance to correct errors. I know some employers would take advantage of things, but these are a minority. 98% don't want any unsafe conditions for their employees.

Sorry this got so long, hope you can find time to read it.

A very appreciative friend.

Al Fuller.

These letters are very typical, I am sure, of many letters which Members of Congress have received from these harassed businessmen, particularly small businessmen, back home. That is why we held this figure to the budget and have written strong language in the report with the hope that some of these people will take a cue from the complaints we are getting every day.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman has given us an example of how prices to the consumer are forced up, costs and prices. Am I correct in understanding that there is money in this bill to send bureaucrats around the country to tell the consumer how much he should get out of his consumer dollar?

Mr. MICHEL. Yes, through the Office of Consumer Affairs, and Extension Service in the Department of Agriculture come to mind. Their funding will come up in another appropriation bill.

Mr. GROSS. Did not the committee give this outfit funds?

Mr. MICHEL. Is the gentleman talking about money for occupational safety and health in this bill?

Mr. GROSS. Yes.

Mr. MICHEL. Yes. We have met the budget request.

Mr. GROSS. As with the increase in impacted school aid, where the committee was told that the program needs reform.

Mr. MICHEL. Yes.

Mr. GROSS. They not only got every dollar that they asked for but they get $30 million more than last year. Is there not some way that the Appropriations Committee can rap some people over the knuckles by cutting their funds and thereby forcing reforms that all admit should be made? The chairman of the subcommittee apparently does not think so, but it seems to me that this committee, by using the purse strings, can do something.

Mr. MICHEL. If I might quickly respond as to whether we can rap them over the knuckles, the gentleman may recall a few years ago we attempted to do that in our subcommittee, and then the membership of this House racked up our subcommittee unmercifully with a $1 billion increase in our bill, and we took the cue from that, saying, "Look, we are not going to let that happen to us again." I think the subcommittee feels that if there is going to be real pressure to alter our bill, we ought to do the best we can to meet the most pressing demands by acting prudently and wisely rather than yield to irresponsible action on this floor.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. MICHEL. Yes, happily.

Mr. GROSS. There is no succor, no help for the taxpayers of this country if the subcommittee and the Appropriations Committee are going to roll over and play dead. Why not let the responsibility rest with the House of Representatives? You are assuming more than your share of the responsibility by bringing these bills to the floor.

Mr. MICHEL. Let me say to my dear friend that when his attention was being diverted away a few minutes ago, I said that there are 385 Members of this House of the total membership of 435 who get a piece of that action, and when we had the authorizing bill up here, that was the time to make the change, and the simple question of mathematics vis-a-vis Members for and Members against dictates to us that such a motion as proposed by the gentleman would go down the drain.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Maryland.

Mr. HOGAN. I appreciate the gentleman's yielding. I have a great deal of respect and admiration for the gentleman in the well, but I was one of those who participated in the knuckle rapping to which the gentleman referred, and I might submit that since 385 congressional districts are recipients of impacted aid, we might consider this as a no-strings-attached revenue-sharing for education. I submit that for the gentleman's consideration.

I ask the gentleman, is he aware that the Maryland State Senate adopted a resolution on the subject of Impacted Aid for schools?

Mr. MICHEL. No; I never heard of that nor has anyone else having to do with this decision. It may be of interest that ever since President Kennedy and President Johnson sent up their budget requests on these items, it has been at about the level that was proposed by this administration. Every administration that I can remember, going back for the last decade, has proposed that we do away with it and get it back to its original intent and purpose, and that was to provide for payments in lieu of taxes for military bases or Federal installations where there is real Federal impact.

Mr. HOGAN. Would it be safe in assuming that the Maryland Senate resolution to which I referred had no result in the subcommittee's deliberations?

Mr. MICHEL. That is correct. Absolutely none.

Mr. HOGAN. Mr. Chairman, I am very pleased that the Appropriations Committee included in this bill $641,405,000, an increase of $210,495,000 over the budget request and $29,525,000 over the comparable 1972 appropriation. I am also pleased that the amount provided in the bill for assistance for maintenance and operations under Public Law 874 is $615,495,000, an increase of $200,495,000 over the budget request, and $22,915,000 more than the 1972 appropriation.

This is the amount estimated to be necessary to provide each school district the same percentage of its entitlement for 1973 as was provided by the 1972 appropriation; namely, 73 percent for "B" children, those whose parents either live or work on Federal property; 90 percent for "A" children, those whose parents both live and work on Federal property, and 100 percent for "A" children in heavily impacted school districts, where "A" children constitute more than 25 percent of total enrollment.

I commend the committee for rejecting language proposed in the budget which would have provided Public Law 874 payments only on behalf of dependents of uniformed services personnel, and would have eliminated payments on behalf of dependents of civilian employees of the Federal Government.

The bill also provides $25,910,000 for assistance for school construction in federally affected areas under Public Law 815, an increase of $10,000,000 over the budget request and $6,610,000 over the 1972 appropriation.

When the administration first proposed to reduce the Public Law 874 part of impact aid nearly $177.5 million below its fiscal 1972 level of funding, I felt that it was neither in the national interest to cut back on this important program nor would it represent justice to the schoolchildren and taxpayers in my district.

During the committee hearings on this measure as I have done in past years, I testified in support of the impact aid program and urged the committee to restore these vital funds. As do 384 other of our colleagues in the House, I represent a congressional district whose schools rely heavily on Public Law 874 funds to compensate for lost tax revenue due to the Federal presence in our area. And without such Public Law 874 funding, the schools in my district would find it impossible to balance their budgets and maintain high caliber educational systems.

Every year since I have been in Congress I have fought before the committee and in this Chamber against reductions in impact aid payments because of the importance of those Federal contributions in helping to provide quality education for public school students across the Nation. As I mentioned earlier in my colloquy with the gentleman from Illinois (Mr. MICHEL) I participated in the "knuckle rapping" he referred to. I had hoped that the administration would recognize Congress confidence in, and overwhelming support of, the impact aid program over the past 22 years, and would forgo the traditional yearly attempt to substantially reduce the program. If we are to have quality education in our public schools, impact aid funding must be continued at least at its current level. To do otherwise would mean fiscal chaos for local school systems which have already budgeted for next year based on expectations of a continuation of current Federal contributions.

Impact aid funds are not simply handouts from the Federal Government. Not only are they payments for the education of children of Federal personnel who work or live on tax-free Federal installations, but they are also payments in lieu of taxes which would be generated by the land occupied by Federal installations.

This year, the administration proposed to cut more than $17 million from the Federal Government's contribution to Maryland for fiscal 1973. Such a cutback would have meant 65-percent reduction in funds for Prince Georges and Charles Counties in my congressional district. But this year is not the first year that the White House has tried to drastically cut these special funds paid to school districts which serve areas with Federal installations. Every President since Harry Truman has tried to trim back impact aid funds.

In 1969, my first year in Congress, the administration tried to cut back the impact aid funds. I and the majority of the Members of the House opposed the cutback, and full funding was restored.

At that time I voiced my opposition to the reduction to Mr. Nixon, saying:

> Mr. President, I share your concern about the fiscal crisis facing our country, and I recognize the need for reducing Federal expenditures and establishing priorities in domestic spending. It seems to me, however, that education should be the last program to be sacrificed. The minds of our people are our greatest natural resource, and if Americans are to cope with the complexities of the society in which they live, they must be afforded every possible educational advantage. Certainly, we should not place our school systems in jeopardy by the suddenness of a drastic reduction in funds.

In 1970, the administration again tried to cut impact aid and again the great majority of us in the House opposed it and funding was restored.

Last year, the White House proposed to reduce impact aid to $430 million nationally and I again opposed that move.

I found this year's attempt to cut over $177.5 million in impact aid funds particularly disturbing in light of the President's statement on busing, his commitment to provide quality education for all, and his call to Congress to fund programs aimed at insuring that goal.

There are currently thousands of school districts that rely on Public Law 874, section 3(b) payments to compensate for lost tax revenue due to the presence of Federal property. According to the National Education Association, estimate of school statistics, 1971–72, expenditures for public elementary and secondary education nationally have increased 154 percent in the last 10 years. Many local school districts in recent years have been extremely hard pressed to raise the necessary revenue to meet these rising costs of education. And for many of these school districts, impact aid, section 3(b) funds have meant the difference between a balanced budget and acute financial crisis.

In Prince Georges County, where property taxes average about $4 per $100 of assessed value and are already among the highest in the Nation, the loss of impact aid funds would necessitate a property tax increase of approximately 21 cents per $100 of assessed value.

In Prince Georges County alone, the Federal Government owns and occupies 24,283 acres, or roughly 7.9 percent of the county's total acreage, most of which is extremely valuable because of its location in the Washington metropolitan area.

There is no way to calculate how much tax revenue that land would generate if it were in private hands, but one thing is clear; based on the administration's proposed impact aid contribution of $3.8 million for fiscal 1973, the Federal Government would have paid less than $160 per acre for use of some of the choicest land in the United States.

In conclusion, Mr. Chairman, I simply wish to point out that the impact aid program has been working successfully for 22 years, in no small measure because it gives such great flexibility to school systems by allowing the funds to be employed to meet general operating expenses throughout the system instead of tying them to specific programs. It is, in effect, a kind of no-strings attached revenue sharing. About 56 percent of the Nation's schoolchildren are in school systems which receive Federal impact aid funds.

For 22 years, despite the efforts of every President from Harry S Truman on, Congress and its authorizing committees have recognized the wisdom and value of the impact aid program, and we must resist the gutting of this program now. I urge my colleagues to support the impact aid funds in the legislation before us and hope that our colleagues in the other body will retain the funds.

Mr. DU PONT. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Delaware.

Mr. DU PONT. Mr. Chairman, several weeks ago, in remarks to this distinguished body, I pointed to the need for increased funding of the research programs of the National Institute of Child Health and Human Development. This Institute faces the very formidable task of seeking scientific knowledge in the fields of human reproduction, including the causes and consequences of population growth, in the problems of child development, including mental retardation and the sudden infant death syndrome, and in adult development and the human aging process. I believe the proposed fiscal year 1973 budget for these research programs to be vastly insufficient given the magnitude of the task. The proposed budget would have not only precluded the financing of new investigation in all NICHD research areas but would have diminished present research efforts. The funding of competing research grants, training grants, and fellowships would have been affected by severe cutbacks. The requested budget increase of a mere less than 8 percent would barely hold the line against inflation in ongoing research. The level of funds requested would serve as a further discouragement to talented researchers who might otherwise enter these fields.

Therefore I believe it both heartening and significant that the House Appropriations Committee has given recognition to the urgent need for additional fiscal year 1973 funds for NICHD. Its recommendation to increase the budget by just over $3 million restores funds for competing research grants, training grants, and fellowships to their fiscal year 1972 level of funding. I wish to commend and express my appreciation to Mr. FLOOD and members of his committee for responding to the need for vigorous action in health research. As the committee has pointed out, advances in biomedical research require at the very least a maintenance of effort. The large and complex undertakings of NICHD require systematic and continued attention, given its responsibility for protecting the health of every American.

I am particularly grateful to the committee for pointing out the critical and still unmet need for improved and acceptable fertility control technology. As chairman of the Republican Task Force on Population Growth, I have a deep concern that the Federal population research program not be given short shrift in our striving to improve human health and well being. As the President's Commission on Population Growth and the American Future has stated, methods of fertility regulation remain limited because our knowledge of basic reproductive biology is inadequate. I personally believe that the Congress must encourage the growth of the population research program if our national health goals are to be realized. This knowledge is essential not just for regulating fertility, but also for improving the outcome of pregnancy. The social science program in population will enable us to ascertain the consequences of continued population growth and to more adequately structure programs to meet the needs of America's population.

The committee is also to be applauded for its recognition of the need for continued and expanded research in prematurity, the primary cause of infant mortality and morbidity, and its expression of concern for research into the sudden infant death syndrome, and the prevention and amelioration of mental retardation. It has furthermore encouraged the growth of research on the aging process and has recommended vigorous efforts in this field.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. MICHEL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, did the committee give the NLRB and its trial examiners everything they wanted, despite the fact that they testified in the hearing that they dispose, on the average only one case a month?

Mr. MICHEL. Yes, we did. I might say to the gentleman that over the course of the years I have gone round and round with the chairman and several members of the Board. We had a problem a number of years ago when there was a big backlog of cases. We addressed ourselves to that problem and gave them additional people to cut into the backlog. We think they have cleared it up, and we do not want to see them fall into that situation again.

Mr. GROSS. The hearing record shows that in the past they disposed of as many as 40 cases each per year. Now it is down to 12 or 13 cases per year on the average, and the chairman of the subcommittee calls that "a very unimpressive record" in the hearings, but still they get everything they asked for.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Chairman, I commend the gentleman on the floor at this time, as I did previously, and the chairman and other members of the subcommittee.

I hope the subcommittee will see fit to make inquiries of the Office of Management and Budget. As the gentleman will recall, this Congress passed legislation, really requested by the President on a special action of his, for a drug abuse program. The President signed that bill March 21 of this year. Yet it is my understanding that all this time the committee has sat in on these hearings, and the Office of Budget and Management did not get up the budget request to carry out that program the President, himself, has given the highest priority to.

Certainly it is one of the major national problems we face. I wonder if the gentleman could comment on that and see if we can get some action on it. It is certainly needed, but I know the gentleman's committee did not have the request before it.

Mr. MICHEL. Yes, and some of us, as individual Members have been in touch with the Director of the Office of Management and Budget, who is now the new Secretary of the Treasury, and with Mr. Weinberger taking over from Mr. Shultz. The same observations have been made to him, and I hope, if by no other way than by this colloquy, the agitation will be such as to move them off dead center.

Mr. ROGERS. I thank the gentleman. I hope the gentleman's committee will, and certainly our committee will ask for some action, because this must be handled immediately, or we will get completely behind, even more behind in the action on drug abuse.

Mr. FLOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine (Mr. Hathaway).

Mr. HATHAWAY. Mr. Chairman, I thank the gentleman for yielding.

At the appropriate time, I shall offer an amendment to the bill which is above the budget by $364 million.

Mr. FLOOD. Mr. Chairman, I yield 20 minutes to the distinguished gentleman from Texas, the chairman of the full Committee on Appropriations.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Forty Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 202]

Abernethy
Abourezk
Abzug
Addabbo
Alexander
Anderson, Tenn.
Archer
Ashbrook
Ashley
Barrett
Bell
Betts
Bingham
Blanton
Brademas
Broomfield
Byrne, Pa.
Carey, N.Y.
Celler
Chisholm
Clark
Clay
Diggs
Dingell
Dowdy
Downing
Dwyer
Edmondson
Edwards, Calif.
Eilberg
Eshleman
Evins, Tenn.
Findley
Fish
Flowers
Ford, Gerald R.
Gallagher
Giaimo
Gray
Griffiths
Hagan
Halpern
Hébert
Horton
Hosmer
Jarman
Karth
Kastenmeier
Keating
Kee
Keith
King
Kuykendall
Kyros
Leggett
Long, La.
McClory
McCloskey
McDonald, Mich.
McEwen
McMillan
Mailliard
Melcher
Miller, Calif.
Minish
Mosher
Nichols
Perkins
Pryor, Ark.
Rangel
Reid
Rooney, N.Y.
Rosenthal
Rostenkowski
Sandman
Sarbanes
Scheuer
Shipley
Springer
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Talcott
Thompson, N.J.
Tiernan
Vander Jagt
Wiggins
Wilson, Charles H.
Zablocki

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Holifield, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15417, and finding itself without a quorum, he had directed the roll to be called, when 341 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time the point of no quorum was made the Chair had recognized the gentleman from Texas (Mr. Mahon) for 20 minutes.

The gentleman from Texas is recognized.

REVENUE SHARING: THE WAYS AND MEANS APPROPRIATION AND AUTHORIZATION BILL

Mr. MAHON. Mr. Chairman, the fires of patriotism were glowing brightly in the House of Representatives today during the Flag Day ceremonies, and I doubt if there were any present in the House or in the gallery at that time who did not feel a tingle down their spines as we said together in unison the Pledge of Allegiance to the Flag and as we stood and sung the Star-Spangled Banner.

THE LABOR-HEW BILL BEFORE US

It is because we love our country and want to act in her best interest that we meet here today to consider what is in effect a $96 billion appropriation bill. The bill before us, counting the trust funds administered by the agencies covered herein, relates to $96 billion of budget authority.

The year I was elected to the Congress the total expenditures of the Federal Government for all purposes were about $6 billion, but the pending bill alone involves some $96 billion.

We need to pause and give thought to the great, profound, dangerous issues confronting the Nation.

The gentleman from Maine, prior to my rising to speak, took steps to announce that he was going to propose an amendment to increase the pending bill by about $360 million above the present level. And the bill is already $900 million, plus, above the budget requests.

It is not wise for us to consider this measure or any spending measure separately and out of context with the entire budget program of the Government. So I want to try to place in proper perspective the whole spending picture of our Government.

I suspect that if the revenue-sharing bill comes up on the floor next week—and it may—and it may not—the vote which we cast may probably be the most significant and important vote that any Member will cast during his period of service here in the House of Representatives. So it is important that we consider this bill in the context of the revenue-sharing measure which in effect is an appropriation measure and which may or may not be approved by the House.

REVENUE SHARING: AN IDEA WHOSE TIME HAS COME—AND GONE

As was said in an editorial in one of our great newspapers yesterday, revenue sharing is an idea whose time has come—and gone.

Revenue sharing, I believe, was conceived by Walter Heller, a well known economist, in the early 1960's, when it appeared that the Federal tax structure was such that it would be generating vast sums of money for which we had no spending purpose insofar as the Federal Government was concerned. It was thought that a large, overwhelming surplus would be confronting us. There was worry about a fiscal drag.

Think of it. Was that not a grand and glorious moment, when we could ponder such a delightful problem? It vanished so quickly.

Yes, this was the atmosphere in which the idea of revenue sharing was conceived and brought to the forefront. But what brushed it aside? It was the programs of the Great Society, which rapidly accelerated, and the war in Vietnam. And so the vast potential surplus which some wanted to share with the States and local communities vanished. Instead of that, we have a desperately serious budget deficit situation.

THE CLIMBING FEDERAL DEBT

Yes, the average deficit in Federal funds to run the Government during the 1960's was about $10 billion a year. But in the 4-fiscal-year period concluding with the end of fiscal year 1973, we will be running a Federal funds deficit averaging about $28 billion per year, nearly three times as much per year as in the 1960's.

As a result of this borrowing to pay our bills, the debt will go up more than $110 billion during this 4-year period—representing about one-fourth of the total monumental national debt which has accumulated over the entire history of our Nation.

Here are the Federal funds deficit figures for the 4 fiscal years 1970 through 1973: $13 billion, $30 billion, $32 billion, $38 billion—climbing, climbing, climbing. And people talk about tax reductions and revenue sharing.

GROWTH IN FEDERAL ASSISTANCE TO STATES AND LOCALITIES

In view of our growing deficits, we are already doing more for the States and local communities than we probably are able to do—more than we can afford to do because of the terrible fiscal plight of the Federal Government at this time.

Then, when you start a program of revenue sharing at what will be called a low level of only $30 billion for 5 years, that is chicken feed. That is a mere pittance of what it will become once it is begun.

With reference to the grants to the States and local communities in 1960, what did we spend? We spent $7 billion.

For the fiscal year which ends this month—fiscal 1972—how much are we spending in grants to the States and local communities? Not $7 billion—but $37 billion.

That is how rapidly these grant-in-aid programs climb. But revenue sharing will climb a lot more precipitously than that if it ever starts down the pike. I have no doubt of that, because of the broad based lobby groups it involves and helps to organize. I dare say that no one would undertake to dispute that fact.

CATEGORICAL GRANTS VERSUS REVENUE SHARING

Mr. ANDERSON of Illinois. Mr. Chairman, would the distinguished gentleman from Texas yield?

Mr. MAHON. I would be glad to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, there certainly is no one in this House who commands more respect, I am sure, on matters of fiscal policy than the distinguished gentleman from Texas. There is no man who through the years that I have been here has displayed more knowledge and more deep feeling and more sincerity on this very important question of somehow regaining control of the fiscal situation in our country than the gentleman from Texas (Mr. MAHON).

But it seems to me that the argument made by the distinguished gentleman in describing, and very accurately so, the vast expansion that has taken place in the categorical aid programs——

Mr. MAHON. Yes.

Mr. ANDERSON of Illinois. From $7 billion to $37 billion in just 10 years is not an argument against revenue sharing but, rather, it is a very good argument in favor of making a new departure, of trying somehow to stanch this flow, this hemorrhage, that is going on insofar as the Federal Treasury is concerned, and instead of relying on this kind of aid tell the States and local communities that here we are going to give you this opportunity by giving you this very limited amount of money, giving you an opportunity what frankly must be regarded an innovative and experimental program over 5 years to see if you cannot do a better job with this than we have done over the last decade with the $37 billion in the categorical programs. I think the gentleman has stated a good argument in favor of a new approach.

Mr. MAHON. I thank the gentleman for his contributions, but here is a point that seems to refute the suggestion of my good friend.

If revenue sharing was being proposed to the Congress as a substitute for the $37 billion in categorical grants—if the administration had requested $5 billion less per year in categorical grants—then there might be some substance to the argument of my friend. But it is proposed that we pile this $30 billion program at the rate of more than $5 billion a year on top of the $37 billion which we have made available in categorical grants for the fiscal year 1972.

A TIGER BY THE TAIL

Anyone knows that if we start this program of revenue sharing on the basis of what will be called an inadequate level of only $5 billion a year, it will grow very rapidly. When we start down that road it will indeed be at a gallop.

As I said once before in this House, if you grasp this tiger by the tail, you will find it difficult to turn him loose.

Never in this century would you ever turn that tiger loose, and everyone here knows it.

ASSISTANCE TO STATES AND LOCALITIES

Yes, we have done a great deal for the States and the local communities. They are in difficulty, but most of them are not in as much fiscal difficulty as the Federal Government. Some of them are in as much or more difficulty than the Federal Government, I agree. And it is a matter of great concern to all of us. But what have we done for them?

In Federal assistance to State and local communities, we went in the period 1960 to 1972 from $7 billion to $37 billion.

In 1960, of total nondefense Federal spending, 16 percent went to the States and local communities. But of total nondefense Federal spending in 1972—not 16 percent, but 26 percent is going to aid States and local communities. That is a additional 10 percent of the nondefense Federal dollar. It is about a 60-percent increase in Federal assistance to States and localities during that period.

You ask what we have done? We are concerned and have helped.

In 1960, we provided State and local communities with 11 percent of their revenues. But in 1972, we provided them with 21 percent of their revenues for their expenditures, and yet some of the mayors—some of whom have not done such a brilliant job—come in here in the shadow of this Capitol and get the roll and check on Members of Congress and apply pressure for more, and more, and more.

But let us not be swept off our feet. Let us be strong. Let us be wise. Let us look beyond the ends of our noses at the future. It does not take a very wise man to see what is in prospect.

A VOTE FOR REVENUE SHARING IS A VOTE FOR A TAX INCREASE

I mark my words when I say a vote for revenue sharing is a vote for a tax increase. Of course, it is. Can there be anyone who thinks to the contrary?

If you add on to the $37 billion we are already providing for grants to States and localities in 1972 another $5 billion in 1973 for revenue sharing, expenditures will go up $5 billion more in the fiscal year 1973.

Spending will go up that much more precipitously. And that will only be the beginning.

Where will the revenues come from?

A vote for revenue sharing I say—and mark my words—will be a vote for a tax increase. You can tell your mayors and your folks back home that this would be a vote for a tax increase in 1973. Keep that squarely in mind.

THE RESPONSIBILITY OF THE REVENUE SHARING VOTE

There are a lot of distasteful problems here. Perhaps the most important vote that we will ever cast in our service here relates to this matter of revenue sharing. Revenue sharing is wrong in principle. This bill recommends a program that separates two inseparables—political responsibility for taxing and responsibility for spending.

Do Members want to bear the agony of raising taxes next year to support spending by States and local officeholders? Think about it.

Maybe as a temporary expediency revenue sharing might sound good. But in the long pull, I think those who become committed to this will find themselves in a box.

What will the States and the local communities do with this Christmas tree handout? Will they spend it as wisely since they do not raise these revenues as they would otherwise?

Of course, they do have their problems but revenue sharing is not the answer. If you cannot save the States and local communities with grants of $37 billion, how can you save them with this additional grant?

A MILE WIDE AND AN INCH DEEP

The revenue-sharing money will be spread so thin. How many local communities are there in the United States? There are 38,000. You are going to try to spread these funds out to these 38,000 governmental units in this country. Where will you find yourself? You will find yourself with a stream a mile wide and an inch deep and you will not solve the problems that confront the country and confront the States and the cities. It will not dent them. But it will more or less signal the takeover by the Federal Government. Everybody knows that if we appropriate Federal money, eventually there is going to be a Federal takeover. You know that. And why shouldn't the Federal Government eventually take over if the Federal Government is providing the funds?

The illustrious late Senator Dirksen of Illinois once remarked that the day might come in this country when only Rand McNally would be interested in State lines. And I would add county lines and city lines. If that day is coming, I guarantee it will be hastened by the approval of revenue sharing.

Some Members say, "I am having difficulty with my people on revenue sharing—with my mayors—not the people."

Well, let us fortify ourselves with the facts and discuss these facts with our friends at home.

They will be on our team generally speaking in my judgment if they explore the problem fully.

THE REVENUE-SHARING LOBBY

If revenue sharing becomes the law of the land, Members of Congress could well become puppets on a string. We would be dancing to the tune played by the 38,000 governmental jurisdictions throughout the United States.

The lobby now is nothing by comparison to what it would be. It is peanuts compared to what it will be after we establish the vested interests that will grow out of these funds. Is that not clear to Members?

We are helping States and local communities now far beyond what our revenues provide.

Some of our friends are here now lobbying. But, my, after the sweet taste of this painless $30 billion, what could they do? And how helpless might we be then unless we are quite strong in resisting the pressures for more and more now? The passage of the revenue-sharing bill will organize and galvanize the most powerful lobby group that this country has ever known.

I was reading one of the newspapers this morning. Finally, over on a further page, I read, "Revenue-sharers say they have the votes." They had checked us off on their list. The article said, they have the votes. But that check will be nothing compared to what will happen in 1973, 1974, 1975, 1976, and 1977 up to the year 2000, and so on. Yes, they say they have the votes. They have checked us off.

I called the Library of Congress today and said "Give me a little data about Stonewall Jackson."

They said, "Well, on July 21, 1861, the unpleasantness growing out of the war between the States, the first battle of Bull Run was fought and it was quite an engagement." The forces from the South were doing quite well. Brigadier General Bee saw Stonewall Jackson and here is a quotation of his statement:

> Brigadier General Bee shouted, "There is Jackson standing like a stone wall."

My friends of the House, when the time comes to cast our votes, will we stand like a stone wall and repel the blandishments and the expediency arguments of others? Perhaps the case is in doubt. I do not know what may happen. But a good fight in a righteous cause is well worth making.

Regardless of one's views on revenue sharing—and I support the degree of revenue sharing in which we are now engaged by way of special grants, sharing $37 billion to help States and local communities. We actually have been sharing more than we have had to share.

THE RULE ON THE REVENUE-SHARING BILL

The question arises as to an open rule on this Ways and Means Committee appropriation bill.

As chairman of the Appropriations Committee, I do not recall that I have ever asked for a closed rule on a general appropriation bill. I would not have the temerity to do so. I would not do that to the House. We are not children. We are adults. All of us are at least 25 years of age.

But what has been requested under the rule by which we are to consider revenue sharing—a straight forward appropriation bill? Thank heavens it passed the committee by only one vote. It has been requested in this rule that you, elected by the people, each representing about 470,000 people, will not be able to offer one amendment to this appropriation bill. Is that not ridiculuos? Of course it is.

Well, is it an appropriation or a revenue bill? Examine it. It does not raise one nickel in revenue. The language in the bill reads:

> There is hereby appropriated out of any amounts in the general fund of the Treasury—

That is standard language used in this bill, appropriating so much money. That is the customary language which is used in appropriation bills. And it provides the money on a yearly basis up to 5 years, giving Congress no opportunity to exercise its responsibility to account for the prudent expenditure of these funds by means of the time honored annual review process.

Yes, it is an unvarnished appropriation bill. I know there is some hazard in providing an open rule on a tax bill, and I am not advocating an open rule on the tax code part of the bill. But I am saying that we should not agree to a closed rule on this appropriation part any more than we do on any other general appropriation bill.

Certainly we should not have a closed rule on an appropriation bill extending for 5 years. How absurd can we be? How absurd?

I would suppose if we are going to have this program that we should advance fund it for 1 year so the State and local governments can know from year to year what they are getting. That amendment would, no doubt, be offered if we consider the bill under an open rule. Some say, "Oh, if you open it up, you will have this amendment, or you will have that one." Are we not able as men and women to do our duty with respect to this matter? We are prepared to do just that with the Labor-Health, Education, and Welfare appropriation bill now before us. And goodness knows we expect amendments to be offered, regardless of the efforts of the Members of the committee to produce a bill acceptable to the House.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to my distinguished colleague, the gentleman from North Carolina.

REVENUE SHARING—AN AUTHORIZATION BILL

Mr. JONAS. Mr. Chairman, is it not true the bill not only appropriates the money, but it authorizes it?

Mr. MAHON. It absolutely perverts the legislative committee system of the Congress. Of course, it does. The bill proposes to spend a great deal of money for a 5-year program for activities now subject to authorization by the legislative committees. On May 22, I wrote to all Members citing examples of how the bill impinges upon several committees.

Yes, the committees are just trampled upon like stepchildren. Shall we permit it? My committee does not want me to permit it. I have talked to my committee.

NO GROUNDSWELL FOR REVENUE SHARING

Some people think there is a great public groundswell of support for this bill. No.

I understand the Governor of New York was in Washington in support of it. I have great respect for the Governor—we have been friends for many years—but the groundswell from the people is not there.

Shall we be frightened? Shall Members of the House of Representatives be frightened by a group of mayors and Governors? Shall we panic into doing something we will everlastingly regret, and that will tend to basically alter our federal form of government? Shall we do it? Not with my vote.

NO CLOSED RULE

So we do not want to have a closed rule. Let us let the House work its will.

Did not your people think enough of you when they asked you to serve in the Congress to assume that you could vote intelligently? Of course they did.

Never in the history of the Congress have we ever been faced with an appropriation bill like this. Certainly the House must be permitted to work its own will on anything as important as this issue.

I am very much concerned that the House do the right thing. I am not worried about the people who do their homework. They know what is really involved in this issue. I am concerned about those who have listened only to a few mayors and not to the people, because the people know in revenue sharing what is going to happen. They know how it is going to gobble money, and they are not naive.

They know that more money must mean increased taxes.

The mayors are under heavy pressure, and we cannot blame them for welcoming money for which they did not have to raise taxes, but we do not need to take them off the hook.

Mr. CORMAN. Mr. Chairman, will the gentleman yield;

Mr. MAHON. I yield to the distinguished gentleman from California.

Mr. CORMAN. Mr. Chairman, it is my observation we are not going to increase taxes in this Congress. The administration is vigorously opposed to it. We are obviously not going to increase taxes.

Mr. MAHON. The gentleman means this year?

EXPENDITURE CEILING

Mr. CORMAN. In this Congress. And I would think not in the next Congress in the first half of next year, but, be that as it may, we are undoubtedly going to have an expenditure ceiling. I do not think the Ways and Means Committee is going to bring in an increase in the debt ceiling unless our committee imposes an expenditure ceiling. We are spending a total of $7 billion on revenue sharing. There are only a limited number of places to cut that $7 billion out of. Am I correct?

Mr. MAHON. I would say to the gentleman that 71 percent of the budget outlays are relatively uncontrollable under present law in the fiscal year 1973, according to the budget that came to us in January.

Mr. CORMAN. And we have appropriations requests in the neighborhood of $270 billion, and there is a proposed $250 billion expenditure ceiling. I wonder if the gentleman might indicate to us what programs might possibly be cut if we are saying that we will have the $7 billion in revenue sharing, because certainly we have to impose limits.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MICHEL. Mr. Chairman, I yield the gentleman from Texas 5 additional minutes.

Mr. MAHON. Of course, the administration, I assume, would choose to spend the revenue sharing money in fiscal year 1973 if Congress provides it.

Mr. CORMAN. Oh, yes, sir.

Mr. MAHON. I do not know what it might come out of, or whether the administration would seek to offset in other items, and I do not propose to vote for revenue sharing and then try to explain that.

But there is another thing that bothers me a little, I might say to my friend, the gentleman from California. Why would the Ways and Means Committee be proposing an expenditure ceiling at this time? This is the committee which has brought out this revenue-sharing bill that raises no revenues, but propels us on to greater spending. How could the same Committee on Ways and Means in good conscience and with a straight face come in with an expenditure ceiling proposal? Will somebody explain that?

Mr. CORMAN. It may be easier for the seven members of the minority to explain that.

Mr. MAHON. That may well be so.

NO GROUNDSWELL FROM THE PEOPLE

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman made the statement that he sees no political groundswell for revenue sharing and I want to offer concrete evidence to support his statement. I just finished a primary in which my opponent made support of revenue sharing the only issue of the campaign. I want to say that this issue was not worth 10 votes. There was absolutely no support for that position.

If the Members think the voters want revenue sharing and are inclined to vote for it because it is politically expedient to do so, they are very much mistaken. On the basis of my recent political experience I agree entirely with Mr. MAHON that the voters do not want revenue sharing.

I agree entirely with the chairman.

Mr. MAHON. I am sure that the experience of the gentleman from Maryland could be matched many times. That is one of the reasons why we should act objectively now.

But the pressures of the lobby, if this program gets going and accelerates, will be tremendous, as the gentleman well knows.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York, a member of the Ways and Means Committee, who, I assume, would not favor an expenditure ceiling, because he is adding by his vote on the Ways and Means Committee appropriation bill another $30 billion of spending over the next 5 years.

Mr. CONABLE. I thank the gentleman for yielding so graciously.

I am a little surprised that the distinguished chairman has expended so much time and so much earnestness in discussing a bill on which we are expecting 8 hours of debate next week.

I wonder if the gentleman would care to relate his remarks to the bill now before the House. Does the gentleman intend to stand like a stone wall with respect to extensions beyond the budget of this particular type of categorical aid program, which he acknowledges has been a siren song for our communities, destroying their discretionary money? The total is $94 billion that has been expended in this way, and obviously it has been a failure as a type of aid program.

Would the gentleman care to relate his remarks to this bill now before the House?

Mr. MAHON. I would be glad to. I made reference to the bill before us earlier. I would not say that all the aid we provided in these programs, at the current rate of $37 billion a year, has been a waste. I believe some tremendously important, far-reaching things, helping people in the communities all over the Nation, have taken place. Many good things have come of these programs.

I am sure the gentleman from New York has voted for these programs. I have voted for many of them myself. The gentleman from Illinois, the ranking minority member of the subcommittee, knows something of the good that has been done through these programs. We have volumes of testimony to attest to that.

How do we relate to proposals to increase the bill over the budget? It is already $912 million over the budget. That is not totally with my blessing, but, after all, I am only one of 55 members of the committee.

One of the members is proposing to offer an amendment to provide $360 million additional over the budget.

I shall stand, like Stonewall Jackson, Thomas Jonathan Jackson, at Bull Run, and oppose these amendments. That is my feeling, and I hope the House will not agree to these amendments.

We have done pretty well on our appropriation bills this year. We are over the budget in the bill before us today, but we have been under the budget in other bills we have already brought to the House and we will be under the budget in bills yet to be presented to the House.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. FLOOD. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the Ways and Means Chairman; pardon me, I misspoke. I yield to my friend, the chairman of the Rules Committee.

Mr. COLMER. Since the gentleman has a full minute, I should like to take half of that to say that if I were the chairman of the Ways and Means Committee and could have exerted some influence there, the revenue-sharing bill would not be here to be discussed. And that is no reflection upon the chairman of the Ways and Means Committee.

What I really wanted to ask my friend was this: With the deficits he has explained and considering the fact that Mr. MILLS, the chairman of the Ways and Means Committee, has asked my committee for a hearing next week as to raising the debt ceiling and the fact that he indicated again he was going to ask us in October to raise it still further, how can we talk about deficit—I am sorry; that is what I call it—they call it revenue sharing.

We do not have any revenue to share, as the gentleman pointed out. What are we going to have to do? We are going to have to borrow this money, pay interest on it, and give it to the States under the guise of revenue sharing.

That really does not seem to make sense to this common man.

Finally, I wanted to say to my friend that I agree with what he said about this rule. It should not be a closed rule.

Mr. MAHON. I thank the gentleman.

Mr. MICHEL. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON) so that the topic of this discussion can all be in its proper place.

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I strolled into the Chamber a few minutes ago, and I have been listening for the last 15 or 20 minutes with great interest to the remarks of the distinguished gentleman from Texas.

I had expected to make my defense of the revenue-sharing bill under the closed rule on next Wednesday when we are scheduled to take up this legislation. But I certainly do not object to the discussion going on at this time. It is surely going to be one of the most important and one of the most landmark pieces of legislation to come before this or any other Congress. However, I could not help but think of the meeting of the Committee on Rules which took place this morning as I listened to the gentleman from Texas decry the suggestion that we seek in fiscal year 1973 to share $5.3 billion in Federal revenue.

I sat upstairs in this Capitol Building in the Rules Committee and voted against a rule which was asked for by the chairman of the Committee on Banking and Currency today that in one single bill would commit this Federal Government to another $5 billion in categorical programs under the Community Facilities Administration of HUD, most of it to be spent in the next 12 months. He said two-thirds of it was going to be spent in the next 12 months of the $5 billion to be authorized.

If the gentleman from Texas really wants to do something about halting the situation he talked about, the categorical aid programs, which have mushroomed from $7 billion to $37 billion, I would suggest again that the only way he is going to do it is by adopting a revenue-sharing program so that we will have an answer to the people like the distinguished gentleman from Texas (Mr. PATMAN) who come before us repeatedly and say we simply must have yet another categorical aid program to help local communities with their water and sewer needs.

There is plenty of opportunity to formulate that kind of plan in the revenue-sharing bill to help our communities, to make funds available under the environmental protection program to take care of the water and sewer facilities.

But we have one more categorical aid program that has already been launched for $5 billion as a result of the action that was taken just this morning by the Rules Committee.

On the question of the rule—and certainly I do not lightly differ with my honorable friend and distinguished chairman (Mr. COLMER) but I just happen to have in front of me a chart that indicates that there have been 16 closed rules granted in the 91st Congress. To date six closed rules have been granted in this Congress. They covered such varied matters as the sugar bill, House Joint Resolution 1005, continuing appropriation for fiscal 1972, the interest equalization tax extension bill, the Federal employees salary increases, the Social Security Act Amendments of 1970, and I could go on and on.

These are not just revenue measures. There is a long and very respectable precedent for what the Rules Committee did in granting a closed rule on the bill on which the Ways and Means Committee has labored for literally 10 months in working out a very complicated formula for the allocation of these funds.

Let me suggest that I am very glad that the gentleman from Texas (Mr. MAHON) made his speech today, because there has been a rumor going around the Capitol to the effect that the only thing that offends the Appropriations Committee is that we granted a rule that waives points of order, and that this deprives them of the right that they would otherwise have of making points of order against that provision of the bill to appropriate as well as to authorize funds. But, I think the gentleman from Texas has made it abundantly clear in his usual honest and forthright manner that he is going to make every effort to kill the bill. He is very fundamentally against revenue sharing, period. But if there has been granted the kind of rule that would allow him to raise a point of order it would carve the very heart out of the revenue sharing proposal, because once you submit it to the appropriations process, what is the committee going to do in exercising its jurisdiction?

It will seek to establish the standards and criteria by which those funds shall be expended by State and local governments.

The Appropriations Committee would not be able to properly exercise its jurisdiction if it did not follow this procedure. But this is the very thing we want to get away from—namely, to merely create another categorical aid program.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MICHEL. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Texas.

Mr. MAHON. It does seem to me grossly indefensible to have an appropriation bill of $30 billion——

Mr. ANDERSON of Illinois. Now, let me state to the gentleman that this is not a $30 billion appropriation bill for the first year. Let us make it clear that we are talking about $5.3 billion for the first fiscal year, which is virtually the amount of a single categorical program that we had before us in the Rules Committee this morning.

Does not the gentleman from Texas think that if local officials are intelligently going to plan for the most judicious use of these funds, they have got to have the assurance that we are not going to be withholding funds from them in some future year. They have to know whether or not they will be available.

Mr. MAHON. I would say, the Congress could assure them for 1 year in advance, and still retain the principle of annual review.

But I was not so much complaining that the Committee on Appropriations could not offer any amendment. I was complaining that no Member of the House could offer an amendment except the chairman of the Committee on Ways and Means. On a spending bill of such far reaching importance I regard that as an affront to the House of Representatives.

Mr. ANDERSON of Illinois. I would say to the gentleman, we have been affronted—all of the Members of this House have been affronted about 31 times in this Congress and the two preceding Congresses because that is the exact number of closed rules that there have been over that period of time.

I suppose there ought to be some limit to the indignity that we heap on Members of this body, but 31 times in the 90th, 91st, and 92d Congresses, closed rules have been granted.

Mr. MAHON. I am only talking of the appropriation bills and insofar as I am aware not one in the history of this Congress has been before us under a closed rule.

Mr. ANDERSON of Illinois. We had some continuing resolutions. I have here a continuing resolution on the Department of Transportation that came out of the Committee on Appropriations on the 31st of December 1970, under a closed rule.

I have another continuing appropriation—this time in 1972, which came out of the Committee on Appropriations on the 13th of December 1971, under a closed rule.

Mr. MAHON. And the original appropriation bills to which they pertain were all subject to amendment. The continuing resolutions to which reference is made were made necessary by very special circumstances in the closing hours of the session, where a conference impasse had been reached on the regular bills—the SST issue on the transportation appropriation bill in December of 1970 and the controversy on the foreign aid appropriation bill in December of 1971.

Mr. FLOOD. Mr. Chairman, all I want to talk about is $1 billion.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. O'NEILL) for health, education, and welfare.

Mr. O'NEILL. Mr. Chairman, somebody in this Congress once said that when a ship is set adrift in a storm tossed sea, the mariner avails himself of the compass and tries to get his ship back on course.

Mr. Chairman, I think it is an excellent idea if we talk about health, education, and welfare.

Mr. Chairman, I want to heartily commend the great Chairman DAN FLOOD and the members of both parties who serve on the Labor-HEW Appropriations Subcommittee for reporting to the floor today a bill which goes a considerable distance toward restoring many of the cutbacks in the health field recommended by President Nixon in his January budget.

In my remarks of May 10 on the floor of this body, I pointed out that although President Nixon as far back as 1969 had referred to a "crisis in health care," his recommended budget, if accepted, would have resulted in severe cutbacks in health manpower training, nurse training, mental health, alcoholism, hospital construction programs, and many other areas too numerous to list at this point. Outside of a commendable increase in the budget for the National Cancer Institute and a bare cost of living increase in the National Heart and Lung

Institute, it would have resulted in cutbacks in research and training programs for the eight other Institutes which comprise the National Institutes of Health, the acknowledged leader of research in the entire world.

Mr. Chairman, increased appropriations for medical research and health care are vital. They not only save precious lives, but they also save money. For instance, I received recently a report from the Massachusetts Health Department documenting the point that the Department's measles eradication program had saved the State approximately $7 million over the past 6 years. In addition, the program reduced the number of reported cases by 98 percent, from 19,500 in 1965, to 276 in 1971. This reduction is truly miraculous and greatly important to the health of the people of my State.

I have also learned from the Massachusetts Department of Mental Health that the development of community mental health centers throughout my State has reduced the population in our formerly overcrowded State hospitals by more than 50 percent; and in the last decade alone, it has saved the State of Massachusetts close to $1 billion.

Mr. Chairman, I have been following the daily press predictions that these modest increases in the health budget voted by the House Appropriations Committee may be subject to a presidential veto. Just the other day, I read such a warning in the June 9, 1972, issue of that well-known liberal publication, the Wall Street Journal. Mr. Chairman, I cannot understand this kind of rationalization. This is the one bill which in its entirety affects the health, the education and the welfare of every American family. If any appropriations bill is to be described as a people's bill, this bill is it.

Even with the modest increases voted by the committee, only a little more than $4 billion will be devoted in fiscal year 1973 for programs aimed at changing and improving the conditions of the Nation's health as a whole. The committee increase over the administration's request is only $611 million.

To that small band of carping critics who are crying veto already, I suggest a look at the fiscal year 1973 Pentagon budget request. In its initial presentation, the Department of Defense requested $81.8 billion, an increase of $4.7 billion over fiscal year 1972, but that is not the end of the story. Last week Secretary of Defense Melvin Laird, who during his service in the House was a strong advocate of more moneys for health programs under both Republican and Democratic administrations, informed committees of the House and Senate that our recent escalation in Southeast Asia would probably require a budget amendment adding a minimum of $5 billion to the fiscal year 1973 request of his Department.

He told the congressional committees that the escalation since March of this year was costing an extra $16 million a day. By comparison, the practical eradication of live measles in Massachusetts over a 6-year period cost $1.3 million.

Mr. Chairman, I support the committee report, though it falls short of some of the recommendations in the health area that I made on the floor of the House on May 10. I support it because these moneys will save hundreds of thousands of lives; I support it because these moneys may one day lead to a cure for such age-old scourges of mankind as heart disease and cancer, which together claim the lives of 1,400,000 Americans each and every year.

Mr. Chairman, I trust that our President will come down on the side of human life and human productivity when he is presented with the usual memorandum from the Office of Management and Budget to veto the bill because it is above his original request.

I submit, not as a partisan Democrat, but as a Congressman representing all the men, women, and children of my district, that such a veto will not be tolerated. It will not be tolerated because the American people value good health above any other segment in their lives.

I respectfully request that the President of the United States listen to the voice of the people.

Mr. SHRIVER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the appropriations bill the House is considering today and tomorrow accounts for more than one-third of all Federal spending for the next fiscal year. This bill calls for the expenditure of $94 billion. All of this money will be spent for human resources, and it is $16 billion more than the fiscal 1973 budget requests for our Nation's defense.

The major portion of the Labor-HEW funds—$68 billion—will come from trust fund accounts, such as social security, railroad retirement and unemployment compensation. We should remember, however, that these funds come from taxpayers just as surely as general revenue funds.

Before I comment on a few of the highlights of our hearings on this bill, I would like to call attention to the valuable service to this House and to the country over the past 5 months by our dedicated chairman and ranking minority member and my other colleagues on the subcommittee.

Consider for a moment the hundreds of complex and worthwhile programs which are administered by these two departments and the related agencies. The official justification books for these budget requests were spread over several thousand pages. Hundreds of witnesses presented testimony which, together with questions, added up to 7,200 pages of hearings. Many other interested persons and groups contacted subcommittee members separately in behalf of specific funding items.

I will not belabor the point, but we all owe a debt of gratitude to our patient chairman, Dan Flood, and ranking Republican, Bob Michel, and all connected with this hard-working subcommittee.

In reporting out this bill, our subcommittee has made significant changes in the budget requests which were presented by the administration. In large part, these changes reflect the interests and recommendations of many of our constituents who have taken the time to let us know how they want their tax dollars spent.

The bill includes sizable increases for health programs. Among these are the cancer, heart and lung disease research efforts of the National Institutes of Health, hospital construction and modernization, health manpower training, and drug and alcohol abuse programs. In making these recommendations, our subcommittee is consciously initiating a new and more vigorous phase in Federal support for medical research and health delivery systems.

In part, the $600 million increase for health programs in this bill over the budget requests is in recognition that there is a built-in inflationary factor now in health research costs of 8 percent per year. So the overall 14-percent increase for health programs which we are recommending is actually a 6-percent increase when inflation is considered.

We are recommending $492 million for the National Cancer Institute. This is $60 million over the budget request, and, together with the $40 million fiscal 1972 supplemental funds recently approved, the additional amount available for spending in the new fiscal year will be $532 million—this is the same amount as the legal authorization level for fiscal 1973.

In providing this extra $100 million for cancer research, the subcommittee is responding to a reply by the Director of the Cancer Institute when I asked him if the full authorization level could be effectively used. Dr. Baker testified that the added funds could indeed be used effectively, and he listed, for the record, the uses to which the money would be put.

Thus, cancer research efforts are now funded at more than twice the level of 1 year ago. These additional funds are producing results. Our subcommittee was informed of notable progress in the treatment of several types of cancer, such as childhood leukemia and Burkitt's lymphoma. We hope that the funds in this bill will lead to progress in other forms of this disease.

We are recommending a 30-percent increase over fiscal 1972 for the National Heart and Lung Institute. Heart disease is still our Nation's leading killer, and it disables many thousands of Americans. Emphysema is the fastest rising cause of death in the United States today, and it ranks only behind heart disease as a disabling disease. It is just as important to step up our research efforts on these diseases as on cancer.

While much of basic health research is highly technical and difficult for the layman to understand, sometimes this research produces ironically simple results. Research conducted by the National Institute of Neurological Diseases and Stroke has shown a new use for an old standby—aspirin. Very small quantities of aspirin have been shown to greatly reduce blood platelet aggregation, and thus lead to the prevention of recurring strokes.

There are many similarly encouraging reports of progress and promise throughout the 7,200 pages of our hearings. There are also instances of statistical information which might be helpful to my colleagues in corresponding with their own constituents concerning overall Federal efforts in areas of current interest. I would like to take the rest of my time in pointing out some of these reports.

The Members will find useful and concise information listing all Federal drug abuse programs for fiscal years 1969 through 1973 on page 130 of part 1 of the hearings. Similar tables showing Federal efforts in aging programs for the last three fiscal years appear two pages later in the same volume. The various Federal agencies' programs to assist returning Vietnam veterans to find jobs are listed on page 41 of part 6 of the hearings.

During these hearings and others, we have been getting the impression that everyone is jumping on the environment bandwagon. In response to my inquiry, the National Institute of Environmental Health Sciences provided a breakdown of 61 different Federal agencies and offices now dealing in one way or another in this field. This is on pages 908 through 913 of part 4.

In view of our chronic shortage of health manpower, we are recommending an increase of $205 million over the budget request for health manpower programs. We were informed during the hearings that partially as a result of the new capitation grants, the first enrollments in the health professional schools will increase this year by about 2,800 students. This is real progress, but these new students must have some place to go. That is why we have included an additional $100 million for the construction of health educational facilities and $20 million for nursing education facilities.

In providing funds for the U.S. Office of Education's programs, we have increased the assistance for schools in federally affected areas by more than $200 million—or 50 percent above the budget request.

If we had allowed the cutback in this impacted area aid program to go unchallenged, many school districts now qualifying under the law would have some very serious problems. In my own home county, we have one school district which would have to double its property taxes, and they already pay a higher rate than the property taxes in the Washington, D.C., area.

Incidentally, a question was asked earlier as to whether or not a Maryland resolution, which was passed by the Maryland Legislature, had anything to do with our increase in the impact aid program. I would say categorically no. I was not aware of the passage of any such resolution here in Maryland. No Maryland resolution was discussed.

If we had approved this cut, Kansas would suffer a loss of $2,745,000 below the fiscal 1972 allocation. In the area that I represent, Public Law 874 accounts for 35 percent of all Federal elementary and secondary educational assistance to local school districts. In terms of the children involved, 90 percent are in the "B" category, aid for whom would have been eliminated. Reform is still needed in this program because of geographical inequities, but that reform should not come in an appropriations bill. That is the job of the authorizing committees.

Other testimony regarding this administration's plans in the field of education were more encouraging. U.S. Commissioner of Education Marland, who is doing a fine job, is pushing hard for the education renewal concept, for higher emphasis on career education, and for the establishment of a system of education extension agents.

Concerning education renewal, the commissioner told us that he intends to have a single set of regulations, guidelines, and applications which would be available to school systems wishing to update and reform their operations. Each application would be reviewed as a comprehensive whole, and each renewal site would deal with a single project officer. This should reduce considerably the amount of bureaucratic redtape that applicants now have to face.

Our subcommittee has expressed its support in the past for making our entire educational system more responsive to the real employment needs of the pupils and the manpower needs of our economy. The commissioner told of considerable progress toward setting up workable models of this concept.

For your interest, there is a brief description of the concept of this "career education" on page 110 of part 2 of our hearings. This also includes an outline of the procedures by which a local school district might convert its ongoing educational program into the career education mode.

Dr. Marland told us that the long-term objective of the proposed education extension agent program is to develop a local-State-Federal network to help local educators take prompt advantage of new education research findings. Like the popular and successful agricultural extension agents, these education agents would be hired by the local systems, and their primary job will be to meet the real and immediate needs of local schools.

Our subcommittee was encouraged by these developments. But we still have a long way to go in the administration of our ongoing education programs. We were told that even now only about 25 percent of the Office of Education's programs have been subject to formal evaluation. We are spending many billions of dollars, and we have no real way to find out if we are accomplishing the objectives of these programs.

This is a serious problem when you consider the rapid growth in these education programs. Since I joined this subcommittee, the Office of Education appropriations have gone from $583 million to the total proposed fiscal 1973 budget of $6.4 billion. The number of their programs has increased from 43 to 109 during the same time period, and their personnel has more than doubled.

Congress appropriated funds for increased evaluation of these education programs in fiscal 1970, and we will expect more progress in this important task in the near future.

Turning to the Department of Labor, we have recommended funding at the full authorization level of $1.25 billion of the Emergency Employment program. This will provide Public Service jobs for 155,000 persons in fiscal 1973 who would otherwise be unemployed.

This public service employment program has been a great help in my congressional district in lowering our high unemployment rate, which had been brought on largely by changing national priorities. For the most part, this emergency program has been administered very well at both the local and Federal levels. During the hearings, Secretary Hodgson credited Congress with giving them a program which, in his words:

> Didn't require you to carry water on all shoulders at one time.

I hope we will remember this instance in which a pressing national need can be addressed successfully and promptly without wrapping up the corrective program in all sorts of red tape.

Time does not permit my going more in depth into these hearings, but I do recommend them to you for a fuller understanding of our subcommittee's actions on this bill.

We have not pleased everyone with our recommendations in this bill—not even ourselves on every item. There is probably no way in a "human resources" funding bill that we can ever please everyone. But we have included substantial increases for those items which the testimony told us were most pressing and in which the experts indicated that the best chances for meaningful progress existed.

The bill represents the cooperative judgment of the members of our subcommittee after these 4 months of intensive hearings. I urge your support of these recommendations.

Mr. FLOOD. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Iowa (Mr. SMITH), a member of the committee.

Mr. SMITH of Iowa. Mr. Chairman, there has been an increasing interest in the delivery of health services in this country. As a member of the subcommittee which recommends appropriations for health activities and who has had an opportunity to hear experts both in and out of Government for several years testify before our 10-member subcommittee regarding the priorities in the health field, I came to the conclusion several years ago that the only way we would solve the health services shortages in the reasonably near future is to revise the health delivery system itself.

As a practical matter, there is no possibility that we will graduate enough physicians and specialists so that they can adequately fulfill all the jurisdiction they now have under the medical practice laws and rules of the various States. On the other hand, nurses are fully capable of being legally delegated the responsibility of delivering more health services and with a relatively small amount of additional training could in many cases take over substantial additional amounts of responsibility. It is with this in mind that I very violently disagree with the administration's low-budget estimate for the support of nursing and strongly promoted increases in the appropriations for institutional support and construction as well as student assistance and other areas where nurses are involved.

The budget request submitted by the administration for nursing support totals $122,934,000 and we on the committee are recommending and asking the House to approve an increase up to the sum of $163,434,000. I realize that this is an increase of over $40 million and almost 35 percent in this one field while we did not recommend increases nearly approaching this sum in other programs. However, I firmly believe that this substantially higher appropriation in the case of nursing support is fully justified in terms of the results that can be expected and the need for more immediate, rather than merely long range, relief from the shortage of health care.

Not all the remedies for this health delivery problem can come through appropriations and I do not claim that it can. For several years, I have been pressing the Secretary of Health, Education, and Welfare and the White House to call a conference of people directly involved in the delivery of health services to promote changes in State laws that are needed and which could give immediate relief in this area. I made a report on this to the House on February 17 of last year. A copy of it is as follows:

SMITH HEALTH SERVICE PLAN

Mr. **SMITH** of Iowa. Mr. Speaker, today I have written a letter to President Nixon as follows:

FEBRUARY 17, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As a member of the House Appropriations Subcommittee which recommends appropriations for the Department of Health, Education and Welfare, I have for several years had the opportunity to question and to hear the greatest medical experts available and it has become abundantly clear to many of us on the Committee that the health care problems in this country are not only getting worse but also that they will not be overcome in the foreseeable future unless there is substantial change in the method of delivering health services in this country. It has become obvious that under the state laws that now exist and the medical practice acts, as well as the various kinds of limitations on training physicians, there is no possibility that everyone who needs medical services in this country can be provided those services by a specialist physician and that a Family Nurse Practitioner or others must render preventive health services if they are to be available for most people.

For several years we have financed demonstration programs which have shown that far better medical care can be made available through greater use of allied professional and medical personnel and that as a result, not only the quantity of care but also the quality of care can increase by proper use of such personnel.

As you know, the problems of licensure and certification involve the laws and medical practice regulations of all of the 50 states. In almost every case these state laws and regulations permit educational obsolescence, provide barriers to change educational requirements as needed, restrict the delegation by a physician of tasks that others could perform, restrict the use of new equipment, prevent some qualified physician from delivering a lot more in the way of health services and make it almost impossible to have a national program for educating allied, professional and paramedical health personnel so that the supply of such personnel can be shifted to where the demand occurs. However, a national system of licensure and certification must be developed with the cooperation and support of the various groups involved in the delivery of health care and be acceptable to the consuming public. I also believe the attitudes of most members of the medical professions have now changed greatly and they would welcome some national leadership in this area.

The need for doing something concerning our national health problem has become so great that various groups are now proposing many programs, most of which would not solve the basic problem cited above. The people of this country are so eager for a solution that they are willing to try almost any kind of a program and I fear that unless the central problem is solved, some expensive nonsolution will be adopted and the American people 10 years from now will find that they are no better off than they were in 1971.

It is for all the above reasons that I strongly urge you to immediately call a national emergency meeting on health care composed of representatives from various health occupations, professions, organizations, health care institutions such as hospitals, and adequate representation by the public and the government and that this commission be directed to recommend definite courses of action to overcome these problems.

I believe the group among other things should report on the following:

(1) recommend whether, and if so, how model projects should be established demonstrating how more high quality medical care can be made available by reorganizing the methods of delivering health services, the use of nurse practitioners, health technicians and other allied health personnel;

(2) identify and define the specialties which could extend the ability to deliver medical services;

(3) define the responsibilities of personnel in each of the specialties;

(4) determine the courses needed or the method of providing uniform minimum requirements for the courses needed for each of the specialties and to recommend the titles of degrees to be granted for the various specialties;

(5) establish education equivalency measures and job performance tests;

(6) develop ways of assuring that health personnel may continue their education with the educational program so organized that credit would be given for courses taken and work accomplished toward advanced degrees;

(7) determine the most desirable method licensing individuals and institutions for the delivery of medical care;

(8) determine how state licensing procedures can best be coordinated with a national testing examination for allied health personnel;

(9) determine the feasibility and the enactment of national standards for licensing personnel; and

(10) determine whether greater public representation on an existing state license board is desirable and, if so, how this can best be obtained.

Since inadequate health care results in suffering and inability to fully enjoy life, any delay which can be avoided is intolerable. I believe it has now become abundantly clear that the only way that this national problem can be dealt with is at the Presidential level, and that the stakes involved are so great that an emergency continuous meeting under the highest national leadership is needed at this time. You could press for a solution and agreed course of action in much the same way your mediators press for solutions to a nationwide labor dispute or other matters of great importance. I respectively and sincerely urge you to take this course of action.

Sincerely,

NEAL SMITH,
Member of Congress.

As a member of the Appropriations Subcommittee which handles health appropriations, I have for several years advocated as strongly as I could the need for greater use of allied professional and paramedical personnel and reforming our system of delivering health services.

SHORTAGES OF PHYSICIANS

Everyone agrees that we have a great shortage of physicians and manpower available to deliver adequate health care. It should be obvious that under the State laws which now exist and the medical practice acts, as well as the limitations on training physicians, there is no possibility of everyone who needs medical services securing the services of a physician to provide not only remedial health services but also preventive health care. In the United States we only have 151 physicians for each 10,000 of the population and they are distributed in such a way so that many millions of people are for all practical purposes without adequate preventive health care. One hundred and nine whole counties in the United States have no physician whatever and 153 only have one.

Rural areas and low-income areas are suffering from medical care deprivation but also middle-income people who do not object to paying the cost of a call at the doctor's office must take at least one-half day off from work to do so and after considering this inconvenience and loss of income from such loss of time, they, as a practical matter, do not secure preventive medical care.

Thus, the limited time of the specialists is tied up even more because they must give highest priority to time-consuming remedial care. It is clear by now that there is no possibility within the foreseeable future of educating enough physician specialists to fill the demand for all kinds of professional health services. Therefore, we must turn to the use of allied professional personnel and paramedical personnel so that the physician's time can be utilized more efficiently and his ability to deliver preventive care extended very considerably.

SERVICES NURSE PRACTITIONERS COULD RENDER

For several years Government-financed demonstration programs our committee has supported have shown that clinics, even in rural areas several miles from a doctor's principal office or in a ghetto area, can be manned by an assistant to the physician who has been taught to discern the abnormal and treat it with or without telephone consultation with the physician's main office, to handle routine examinations and treatments, and to screen the patients who should come back on a particular day when an M.D. will be present, or to send the patient immediately with a priority where warranted to the physician's main office.

These clinics under a family nurse practitioner with the telephone consultation of a physician available can provide well child and well baby care including making observations and checking for abnormalities. They can note growth and development of the child and routine evaluation of adults and other children, all of which can be studied in the office of the physician, where he can detect anything indicating a need for personal observation. Such nurse practitioners can provide immunizations and counseling concerning the feeding of children and methods of maintaining regular health.

They can screen patients and initiate therapy in some instances. They can cooperate with the public health agencies where an epidemic is underway or a mass immunization program needed. They can track down those who react positively to tuberculosis tests and even provide house calls for the invalid and chronically ill patients who could be treated either by the nurse practitioners on the spot or with the help of a telephone call to and instructions from the physician when necessary. They would be capable of making observations relating to pregnancy, diabetes, congestive problems, and make interim reports on the condition of patients who are under continuing and direct care of physicians. They could call on these patients more often than the physician would have time to; and, therefore, when a patient needed immediate hospitalization or care of a physician they could determine this and provide that care on a priority basis.

In the local clinic, the family nurse practitioner could culture organisms from a sore throat, conduct prenatal examinations, examine, clean and disinfect punctures, give first aid and they could through a special telephone hookup, initiate an electrocardiograph examination for the physician's office or health care institution which may be many miles away and otherwise unavailable to the patient. Through this modified delivery system, the overworked physician could tremendously expand his availability to deliver health care to the family and go a long way toward remedying the serious present imbalance between supply and demand which simply cannot be remedied by just any amount of money alone.

INCREASE OF QUALITY OF CARE

With this substantial change in our method of delivering health services in this country, the same number of doctors could deliver far more medical care and have their time used more effectively so that those who need them the most can receive better quality medical care.

STATE LICENSES

Currently each State licenses the health professions within that State and in almost every case they permit educational obsolescence and provide barriers to changing the educational requirements as needed as well as permitting the delegation by the physician of a task that someone else could perform. Traditionally licensing of physicians, nurses and health personnel has been the function of each of the 50 States and these laws or medical practice regulations have, in most cases resulted in a rigid definition of the scope of practice and prevented health functions from being assumed by personnel below the level of a physician which, with new equipment and the availability of new types of personnel, could have been performed by someone other than a physician. While it is imperative that physicians in all States be permitted to delegate more tasks to allied health personnel, it is also necessary to have both public and profesional acceptance of the use of such personnel and that there be some kind of uniformity of the standards for each of the health occupations so that quality of health services can be preserevd or enhanced while increasing the quantity available. While preventing some qualified physicians from delivering a lot more in the way of health services, they also do not adequately solve the problem of the unethical or incompetent practitioner.

BOARD REPORT

I believe the group, among other things, should report on the following:

First. Recommend whether, and, if so, how model projects should be established demonstrating how more high quality medical care can be made available by reorganizing the methods of delivering health services, the use of nurse practitioners, health technicians, and other allied health personnel;

Second. Identify and define the specialties which could extend the ability to deliver medical services;

Third. Define the responsibilities of personnel in each of the specialties;

Fourth. Determine the courses needed or the method of providing uniform minimum requirements for the courses needed for each of the specialties and to recommend the titles of degrees to be granted for the various specialties;

Fifth. Establish educational equivalency measures and job performance tests;

Sixth. Develop ways of assuring that health personnel may continue their education with the educational program so organized that credit would be given for courses taken and work accomplished toward advanced degrees;

Seventh. Determine the most desirable method of licensing individuals and institutions for the delivery of medical care;

Eighth. Determine how State licensing procedure can best be coordinated with a national testing examination for allied health personnel;

Ninth. Determine the feasibility and the enactment of national standards for licensing personnel; and

Tenth. Determine whether greater public representation on an existing State license board is desirable and, if so, how this can best be obtained.

OTHER PROPOSALS

I have noticed many people groping for and proposing various courses of action in the hope of relieving this critical situation. However, none of them seem to go right to the heart of the problem. Too many would try to solve this merely with money—when money alone simply cannot solve the problem. Paying each of the limited number of physicians now in the health profession twice as much money will not increase the quantity of services, but rather, there must be a change in the methods of delivering services.

For several years and especially the past several months, I have looked everywhere for a program that will offer some hope of overcoming the principal problems connected with changing State medical practice acts, developing educational programs for allied health personnel, and providing a method whereby the licensing problems can be overcome in the least possible time. I have finally decided that the only way this can be done is by the President calling an emergency meeting and pressing continuous negotiations for a solution in much the same way that our mediators press for solutions to a labor dispute or other matters of great national importance. Unless this is done, various groups will continue to propose nonsolutions or wait for someone else to do something. The President has ample authority to call such a meeting and I strongly urge that he do so.

Although some encouragement was given in previous years to get the White House to take affirmative action in changing restrictions on delegation of authority to nurses and improving health care, it had not been done; and I reviewed the request this year when the Secretary of Health, Education, and Welfare, the Honorable Elliot Richardson was before our subcommittee. A copy of that colloquy between Secretary Richardson and myself is as follows and can be found in the hearing record in volume I at pages 136–147:

Hearing Record

RURAL HEALTH CARE

Mr. Smith. Mr. Secretary, everyone I guess is interested in health care and the lack thereof. A year ago I asked you some questions about this and I think you did do a number of things designed to help, but I am particularly interested in the lack of preventive health care and the fact that the administration's proposal and the proposal in the Senate and the AMA proposal, all three in my estimation are inadequate for rural areas in that they do not provide for a way to have clinics in these rural areas staffed with some kind of personnel that could be delegated authority from a physician and could carry out such things as well-baby clinics and house calls for the old folks to execute doctor's orders and help with health service problems such as immunization.

There is practically no plan for this in any of these programs. On the other hand it seems a lot of it could be accomplished without any new programs, just by some kind of a different arrangement on licensure and by the State themselves changing their laws and regulations regarding delegation of authority by the doctor so that he could delegate the authority to a nurse practitioner or allied health personnel who are not actually in his presence but perhaps have a direct telephone line and other electronic communication devices which are available today.

What is the situation, what progress has been made toward getting something like this done?

Secretary Richardson. Let me say first, Mr. Smith, that we share the concern you have with what needs to be done to improve the accessibility of health care services. We do not regard any of the financing bills before the Congress as the primary means of seeking to accomplish this, although we do believe that it is important that any legislation that is eventually enacted to help people pay medical payments be designed in a way that is consistent with seeking to make health care more accessible and to reduce its costs.

Mr. Smith. In other words, the new bill should permit payments to a nurse practitioner who is not in the presence of a doctor but working under him?

Secretary Richardson. Exactly. Beyond that I would say that we are one way or another, through legislation, through funding of pilot and demonstration projects, or through encouragement and exhortation, pursuing all of the means that we think make sense in bringing us closer to the general objectives you outline.

INITIATIVES IN HEALTH CARE DELIVERY

If I might just review in a summary kind of way what is in the works. With respect to the use of subprofessional personnel who can serve in remote areas, tied in by electronic means—including closed circuit television in appropriate cases—to a medical center or to a doctor's office, we are pursuing the goal of model legislation in the field of licensure in order to assure that such people can be used up to the limit of their capabilities.

Mr. Smith. Have you presented a draft bill on that?

Secretary Richardson. No. We haven't felt this could or should be a matter that the Federal Government should legislate on. We have been working on the assumption that the most the traffic would bear would be Federal leadership in seeking State legislation. So our focus has been on the development of model legislation that the States could put into effect.

Mr. Smith. Have you submitted model legislation to the States?

Secretary Richardson. I don't think we have got quite that far yet. It is a highly complex problem and it is a very controversial one within the health profession.

Mr. Smith. In some States their State law permits it.

Secretary Richardson. It is variable. In the States that do permit it we have been encouraging various kinds of projects that do utilize subprofessional personnel such as midwives, psychiatric nurses, and so on. The medex program is one of the most successful of these projects. That, as you probably remember, involves the utilization of military medical personnel who after a slight additional period of training are made available in communities around the country usually in rural areas as physician's assistants. In 1971 the total number of medex graduates was 14 and this will rise to 415 in 1972 and is estimated to be about 420 in 1973.

I could develop this further. We have a project, a particularly exciting one in Missouri, where the doctor is tied in to outlaying satellite service centers through closed circuit television and can help to provide diagnosis and guidance in this way. We think there is a lot of room for this. We think there is a lot of room for the development of means of transporting patients, in cases where this is necessary, from a remote area to a center.

AREA HEALTH EDUCATION CENTERS

Which leads me to another heading, which is the development of area health education centers. This is a concept originally proposed by the Carnegie Commission on Higher Education. Such a center consists essentially of a sort of small-scale medical teaching center in an area too sparsely populated to support a medical school, but which can nevertheless serve as a place for the provision of postgraduate training, intership, residency, and so on; and, as a place for the continuing education of the doctors in that area—a place to which they can come and where courses can be held. They would ordinarily be, and we think should be, tied in with a medical school so that they are kind of an outpost of the medical school.

Mr. SMITH. These don't contribute much to the problem I am talking about in the rural areas and those urban areas where physician's offices are few.

Secretary RICHARDSON. They can, we think, because the experience generally has been that an area has a fairly good chance of retaining in practice someone who has had his internship or residency in the area. We think this will do more to upgrade the attractiveness of practice in rural areas and the quality of practice in those areas than almost any other single measure.

Mr. SMITH. That is true, but rural towns and medically deprived urban areas which I am talking about, the problem there is that the man works, perhaps he makes $40 a day, and if he is going to go to the hospital for preventive health care, a puncture on his hand, he has to lose a half a day's work. It isn't a matter of paying $10 to the doctor for an office call, but in addition, a half day's work is lost. So he doesn't go. He won't go to the health center either.

Secretary RICHARDSON. I don't mean to suggest the area health center is a substitute for having qualified personnel like the medex in a community who can do and often do better.

There was a good article on the medex program in one of the newspapers over the weekend in which a doctor was quoted as saying he relied on his medex to do all casting of fractures. He said that his medex assistant can do this better than he can. This is true of a lot of procedures that doctors have traditionally done themselves.

Mr. SMITH. X-ray technicians have been doing it for years even though the law usually does not permit it.

Secretary RICHARDSON. If you look at the pattern in the field with the physician's assistants in the most remote, sparsely populated areas tied in electronically to the physician with whom he is associated, the physician in turn having access to an area health education center which can help keep him updated on progress in his field and give him the sense of association with other doctors who are doing significant work, the area health education center would have a significant impact. It could, in addition, sponsor research in health problems particularly relevant to the community served.

At any rate these are two things that are underway.

LOAN FORGIVENESS FOR DOCTORS

A third is incorporated in the health manpower legislation recently passed by the Congress, signed and funded by this committee in the first supplemental appropriations for this legislation. It provides means of making practice in areas which a medical personnel shortage more attractive by very generous loan forgiveness provisions for doctors who had their education funded by loans.

Mr. SMITH. Already the Sears Foundation gave up 60 or about one-third of these in their experiment. This approach won't work at all to get doctors in small towns. When I say small towns I mean towns of 3,000 or 2,000 people. They tried it for 4 or 5 years and gave up.

Secretary RICHARDSON. I have heard about their experience in this.

On the other hand it seems worthwhile at least to try. What I said in the beginning, and I would repeat at this point, is that there is at some stage of implementation, everything that seems to make any sense that would help deal with this problem.

NATIONAL HEALTH SERVICE CORPS

A fourth heading is the National Health Service Corps, also established by recently enacted legislation. We have selected 18 communities provisionally and expect to have about 62 field assignees at work by the first of March and 240 by the middle of July, and about 575 by the end of June of 1973. This is one way of making personnel available, but it is fair to say it depends on the ability to recruit them in the first instance into the Public Health Service which depends in turn at the present time very largely on the obligation of military service by doctors. At any rate it is another facet of the effort that is being made.

We are open, in effect, to the incorporation of other approaches wherever they are brought to our attention and seem to make sense.

PROPOSED WHITE HOUSE MEETING ON REVISION OF STATE LAWS FOR ALLIED HEALTH PERSONNEL

Mr. SMITH. I proposed something last year which I want to bring to your attention again, and I wish you would consider it again. It is that the President call some of these people together, the medical association people, hospital people, nurses and allied health representatives, and other people that are interested in health care, and develop a plan for immediate implementation to get States to change their laws and regulations so that doctors can delegate some of their authority to nurse practitioners or allied health personnel to work in some of these towns and medically deprived urban areas. I am fearful we are going to pass some bill in Congress which doubles or triples or quadruples the amount of money that goes into an inadequate system and that it will not help cure preventive health care problems in these rural and medically deprived areas. The only hope of solving this problem in the near future is to either have a national licensure or else, preferably of course, get the States to change the rules relative to delegation of jurisdiction, which they could do next week if they want to.

Secretary RICHARDSON. I will ask to have inserted in the record at this point a summary of the meetings and discussions that have gone on in this. I will pursue further your suggestion of a nationally convened meeting on the subject.

HEALTH MAINTENANCE ORGANIZATIONS

Secretary RICHARDSON. Your point prompts me to cite one other development that is of key importance. That is the health maintenance organization legislation now pending before Interstate and Foreign Commerce in Mr. Roger's committee.

In that legislation as you know we are concerned with encouraging the development of comprehensive prepayment plans under which services are paid for on a capitation basis. It is important both from the point of view of prevention, insofar as the health maintenance organization has a direct incentive to keep people well, and from the standpoint of cost savings. It can be important also in developing a more rational network of service including service in remote areas and the health maintenance organization may well be in many areas the best organizational matrix in which to provide the kind of structure and pattern we were talking about earlier.

In any event, the point I wanted to make is that in this legislation we have a provision to the effect that where a health maintenance organization enters into a contract with the Federal Government for the provision of service under our health financing legislation, that if in carrying out its functions under the contract it employs a physician's assistant or subprofessional not otherwise licensed in that State, under the contract clause of the Constitution that person would nevertheless be regarded as qualified, if the responsible physician in the HMO deemed him to be capable of performing the service delegated to him. The physician would remain responsible.

Mr. SMITH. But the service would still be performed in the HMO center, wouldn't it?

Secretary RICHARDSON. A HMO isn't necessarily a facility. A HMO is a financing system. He would have to be employed by the HMO. If the HMO consisted, for example, of a central building and out-patient ambulatory diagnostic facilities in, let's say, Billings, Mont., it might have outpatient clinics in a number of smaller communities which were staffed by physician's assistants. It might have a contract with a community hospital to assure that it would have acute care beds available to its subscribers. It wouldn't have to own the hospital in order to have that arrangement. And if it then in addition had a contract with the United States under which it undertook on a capitation basis to provide the comprehensive care to a person whose care was subsidized under medicaid or under our proposed family health insurance plan, then this contractual clause would apply and it could use physician's assistants for the provision of this care notwithstanding barriers of State law.

HMO OPERATION IN RURAL AREAS

Mr. SMITH. To use your example, everybody I have talked to about HMO's seem to visualize the HMO in Billings as being the answer for that whole part of the State. We are still talking about transportation. They tried that 10 years ago and that didn't provide preventive health care at all for rural areas.

To use your example, what they would need then is in Melstone which is 60 miles east, to have a clinic there occupied by a nurse practitioner or somebody with a telephone line to the physicians in Billings.

Secretary RICHARDSON. Exactly.

Mr. SMITH. She could make house calls on the elderly folks there and operate a well baby clinic and recognize the abnormal in the local citizenry when they came to the office and also know if they needed to go to Billings immediately or see the doctor the next time he comes to the clinic in Melstone.

Secretary RICHARDSON. Exactly.

OBSTACLE OF STATE LAW

Mr. SMITH. But everybody I have talked to visualized the HMO to be the answer without going into additional steps and without Montana changing their law so that the allied personnel could perform this service in Melstone. At the present time, she would have to be operating in the same office as the doctor.

Secretary RICHARDSON. Our general counsel was consulted originally about whether or not he thought the provision I am talking about in our bill would in effect supersede State law in that kind of a situation where the Federal Government did have a contract with the HMO. He thinks it would, and to that extent at least here would be the opportunity to make fairly substantial impact, depending on the rate at which HMO's come into business and depending on the amount—we don't think we need a great deal of money under the HMO legislation, however, because what is essentially required are startup costs.

We have under consideration opportunities and ways and means of forward funding of HMO services where these are federally subsidized. It has never made any sense to me, for example, if we know we are going to provide medicare funds to reimburse services to the elderly people in a given community, if we know there are a certain proportion of poor people going to become entitled to medicaid service reimbursed up to 50 percent by the Federal Government, there is no reason whatever, it seems to me, that we should not make funds available in advance based on some conservative estimate of level of services to be provided. If we do this, then the HMO can, in effect, begin to develop services with an assured source of financing from the beginning.

And under our contract with an HMO, under which it would be obligated to provide services to our beneficiaries—they might be Indians as well as the elderly or the poor—it could employ, under that contract, nursing assistants or nurse midwives or physician's assistants who could be the person in a small remote village tied in electronically with the responsible doctor. Then in those circumstances it wouldn't matter what the State law restrictions were. This I think is as important as any step we do now have in the works.

Mr. Smith. The legislation we passed last year for scholarships for doctors and so forth and the various bills that have come up have been presented as if they are the answer to the medical problem in the United States. There is practically no possibility of us getting a new doctor out of medical school to go to Melstone, Mont.

I don't care how many doctors are graduated, they are not going to move to such places as Melstone, Mont., or to towns of a thousand population. They want to go where other doctors are and practice a specialty now. So we have to recognize the need for these satellite clinics.

UNDERUTILIZATION OF CAPABLE PERSONNEL

The other thing about it is that we talk about these returning veterans and training them, but when the States won't permit them to use their training to the extent that they are really capable of using it, what incentive is there for them to go to these schools and get this training. We first need to have the delegation of authority legalized so that they can get a job that is meaningful to them. We have nurses by the hundreds who are not practicing their profession because they don't want to go down to the county hospital or to an HMO for that matter to merely change bed pans or perform menial labor.

They would come right out of retirement tomorrow if they could operate a clinic somewhere under a doctor. I find to my surprise—and the change has been great in the last 2 or 3 years—I think fully 40 percent of the doctors also want to do this.

Secretary Richardson. I think this is true. We have run tests with Federal funds in dental care, too, which show how enormously increased the productivity of dentists can be made by use of assistance; and, the dental profession is very supportive of this.

This is something that you may want to go into further with Dr. Duval and Dr. Wilson of the Health Services Mental Health Administration. Both of them are very interested, very sympathetic, and very supportive. I think it is fair to say we all agree completely with what you have said. We have tried to avoid overselling any single component of the approach to this, the various components I have tried to outline. And certainly you are absolutely right that the State law restrictions are a serious obstacle to the rational development of services.

I will, as offered earlier, provide for you and for the record a summary of what have been our efforts along these lines, and what is still coming up so that you can look this over and see whether you think we are doing enough, and if not, tell us what more you think we should be doing.

EMPHASIS ON LARGER CITIES

Mr. Smith. This is one of those things that doesn't cost money, and I think it is more important than anything we are talking about that would cost huge sums of money. I am also concerned that people are looking only at the important problems of the bigger cities, the places where the HMO would be located and so forth.

Secretary Richardson. This problem, of course, that you are mentioning exists within the bigger cities as well as in remote areas.

Mr. Smith. That is true.

Secretary Richardson. There are serious shortages of medical personnel in the poorest areas of our cities just as there are in rural areas. The problems are somewhat different but the need for the use of paraprofessionals and subprofessionals tied in with doctors in essentially the way we have been talking about is not different in principle.

Mr. Smith. I agree that is true. In fact doctor's offices are usually located primarily in just one part of a city in most of the cities.

Secretary Richardson. Yes.

NEED FOR A WHITE HOUSE CONFERENCE

Mr. Smith. The President calls the parties in when there is a strike and he can get them into a room and say, "You stay there until you settle this strike," and he usually gets results. He uses the prestige of his office to get people to get together. In the same way, I think he should also use the prestige of the office to get these health people together and say, "Now you come up with a plan under which authority can be properly delegated and you can go back to your States and accomplish this objective." This is not something that has to wait until some Federal law is passed. It is something they can do next month.

Secretary Richardson. I think this is a good idea.

Mr. Smith. I think we could have an improvement in preventive health care almost overnight with this kind of approach.

That is all I have. Thank you, sir.

Mr. Natcher. Mr. Conte.

In an attempt to get action in still another area which will directly involve this same aspect of the health delivery system, I appeared before the House Ways and Means Committee last year to make sure that any new legislation permit payment for the services involved. That testimony, which is pertinent to this discussion, is as follows:

STATEMENT OF HON. NEAL SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA, ON NATIONAL HEALTH INSURANCE

Mr. Smith. Mr. Chairman, I appreciate having this opportunity to express my views on what should be done to improve the medical care delivery system in this country, with particular emphasis upon the rural areas, towns, and smaller cities.

One-third of our Nation's citizens live in what are described as rural areas, the total population of which exceeds that of 100 of the largest cities in the United States. These people have a total population which exceeds that of all but eight of the countries of the world.

Of the 25 million Americans listed as poor, some 14 million live in rural communities. But whether one is poor or middle class employed and working, one of the primary difficulties they face today is that there is not a sufficient system of preventive medical care for these people living in the rural areas and smaller cities. There are not enough physicians to provide this kind of care; and indeed in most of the towns and cities, there is no physician, including thousands of towns and cities where there was at one time a full-time physician for that community only. Not only have the physicians left these areas without adequate attention for preventive medical care, but also no one has replaced them that could provide this kind of service.

The American Medical Association provides statistics showing that there is only one doctor for each 2,145 residents in rural areas. In the most densely populated areas, there is one doctor for only 442 residents. There are 132 counties in the United States without a single physician, and this situation is becoming worse.

I think that a recent Wall Street Journal article clearly points out the difficulty of retaining the physician in the small community. An excerpt from the article is as follows:

"As discouraging as the enfeeblement of the old rural-health-care system is the fate of one major effort to preserve it. Last year, the Sears-Roebuck Foundation reluctantly killed a 14-year-old program to help rural towns attract doctors by establishing well-equipped medical centers. By 1970, 52 of 162 such centers were closed and empty."

BEATING THE DRAFT

"The premise on which the program was found—that a good facility will recruit and retain a physician—was no longer valid," a foundation spokesman explains. "There are fewer and fewer doctors who are willing to staff these clinics. It's an injustice to a community to encourage them to build these clinics when the likelihood of getting a physician is remote."

"Doctors reject a rural practice for diverse reasons. Because medical training has become increasingly sophisticated, many of them wind up as specialists; their specialized expertise is in greater demand in larger cities than in thinly populated areas. In the country, the round-the-clock demands on a doctor, and 'professional isolation' from his peers, seem uninviting. And disadvantages of small-town living, such as schooling that sometimes is inferior and limited cultural activities, deter doctors."

I am saddened but not surprised by the fact that the Sears-Roebuck Foundation has reluctantly killed a 14-year-old program to help rural communities attract physicians by establishing well-equipped medical centers. I never did think that would work. Doctors cannot be enticed into locating where they do not prefer to live and practice. Forgiveness of debt for education and furnishing facilities will not even shift the shortage from one area to another.

One of the major problems in rural areas is that these people who work for a living both on farms and in factories must go many miles to a larger city to a doctor's office for just minor medical problems. A puncture of the hand, the need for a tetanus shot, the need for an antibiotic to curb a minor infection, immunization against an epidemic, all of these things require not only traveling several miles to the doctor's office but taking off a day from their work in order to wait for the doctor and receive the minor medical attention. The cost of the doctor's fee is small compared to the loss of time, and together, the cost is so great that they avoid preventive medicine and take the chance on becoming very ill. If they become very ill they can go to a hospital and get good care and so the doctor's time then is spent taking care of people that should have never been ill enough to have to go to a hospital to start with.

I am convinced that doctors in these county seat cities must operate clinics in the smaller towns and have them staffed with a nurse practitioner or doctor's assistant. These nurses and paramedical personnel with a direct telephone line and other modern communication methods could have the necessary supervision and yet perform services that simply are, as a practical matter, not existent in these rural towns and smaller cities of America. We are not going to have enough doctors so that people needing a tetanus shot can have it taken care of by a doctor who has spent years becoming an expert on the entire body or a specialist on the heart or some other part of the body. We are not now talking about whether we should lower the quality of medical service. What we are talking about is whether these people have any preventive medical service at all. At the present time, as a practical matter, they have no quality because they have no service.

I want to urge this committee to make provisions in any legislation reported by the committee to allow payments to nurses and paramedical personnel who operate clinics or are available in these rural towns and small cities even though they are not under the direct supervision at all times by a doctor on the premises. They should be permitted to be paid for making house calls on elderly citizens, operating well-baby clinics and performing those kinds of services. They could recognize whether a patient needs immediate attention by the doctor and sift through the patient load, so that if a doctor does come to the clinic 1 day per week, his time can be used to see those who need to be seen the most. Many doctors have told me that they believe this kind of assistance is the only way we can solve these problems, and they would like an opportunity to use this kind of assistance. Although many physicians would use this approach, rules do not permit it at the present time. I think they are going to be changed very soon, and if the Federal legislation permits payment under these circumstances, it will encourage the change of the laws so that people who now have no preventive medical care available can receive it.

There is now also serious concern in the medical community relative to malpractice law suits. Doctors simply cannot perform all of the services that are demanded of them, and there is constant pressure to delegate some of the services in their offices and to not have enough time to spend on those who need the services the most. If the pressure of the circumstances causes them to make an error in judgment, or if they delegate some authority which the State law or medical practice regulations do not authorize, they are subject to malpractice suits.

Encouraging States to make it legal to delegate this authority under certain guidelines should make a substantial contribution to reducing the malpractice suit problems. Some would like to go to the extreme and prohibit malpractice suits. This would compel those who suffer life disability to forgo any possibility of being paid by an insurance company for this disaster and ultimately result in not spending the risk that this will happen when one goes to a doctor's office. On the other hand, we all recognize that some law suits should not have been filed and request damages clear out of proportion to the loss incurred. Sometimes these suits are sustained on the basis of illegal delegation of authority or failure to provide the full quality of services purchased. Making it legal to delegate certain authority should help relieve the abuses in the malpractice law suit situation.

I serve on the Appropriations Subcommittee which recommends appropriations for the Department of HEW including the National Institutes of Health and other health-related agencies. We have heard testimony from experts throughout the field of health care who all agree that the situation is serious. I have asked deans of medical schools and others how fast they could increase the supply of doctors. There are many problems involved in doubling or tripling the number of doctors, and I am convinced that this situation cannot be solved quickly enough merely by increasing doctors. It is not practical to think that it can be. What is required is to permit physicians to delegate some of the medical services to others. We do have a lot of nurses in this country who, with a very short supplemental training course, could operate clinics in direct communication with a physician's office and as a family nurse practitioner render tremendous services which are badly needed and not being furnished today. Since the problems of licensure and certification have historically involved the laws or medical practice regulations of each of the 50 States, it will not be easy or fast to change these requirements so that some of these services can be delegated.

I recognize that any Federal law in this area would not be the primary responsibility of this committee. However, in writing a Federal health law it would provide the payment of a large share of the services involved. This committee and the law that is recommends can have a tremendous impact and offer great encouragement toward securing these changes. It not only would be socially desirable and contribute to increasing the medical care services available in this country, but it also could reduce greatly the outlays in money required to provide medical services. The cost of preventive medicine is small compared to the cost of remedial services. Hospital costs have leaped 204 percent in the last 10 years and the competition for these services would be much less if preventive medicine had been practiced to a greater extent.

I visited refugee camps in the Middle East where we have been paying about one-half of the cost of medical and other services for refugees who have almost complete preventive medical services and as a result almost no one needs to go to the hospital. Although they have complete medical service, the cost is only about $10 per year per refugee. I talked to the doctors who head the services and they say they will put the medical care for these refugees against medical care available for average citizens in any country and that the whole secret is that through the medium of the refugee camp dispensaries, they can practice preventive medicine. If anyone becomes seriously ill, they send them to very well-equipped hospitals in central cities, but the rest of the medical care problems are taken care of within a few blocks of where the people live at a dispensary or clinic.

There are a lot of people on social security in this country who have not had a house call from a doctor in years and are not able to get to a clinic in some central city. For practical purposes, they do not have what anyone could call adequate medical service even though they will be able to go to a hospital in the event of a serious illness if they reach it in time.

I would like to see the establishment of some model clinic projects with nurses and technicians in close communication with the doctor. Although you will primarily be dealing with authorizing payments for services, in view of the fact that legislation you propose will effect total payments required, I believe you could in some way become involved in encouraging or establishing these model clinic projects.

There are still some people, including some Members of the House, who believe we can solve this problem in the rural areas of the United States by forgiving part of the indebtedness a doctor requires in securing his education or in some way bribing a doctor to go to the smaller town. A community of about 800 near where I live, Monroe, Iowa, made an all-out effort to secure a doctor. The people of the town built a clinic for a doctor but he only stayed a few months and the clinic is no longer being used. There are many reasons why doctors will not live in these communities when a group practice situation or a specialist position is available in the larger city. In some instances it is plainly a matter of living where they want to live or their family would prefer to live. At the income they can earn, forgiving the repayment of a few thousand dollars is of no significance compared to living and working where they prefer. I think it is time to quit looking for easy gimmicks and time to quit thinking that money alone will solve this problem. We need to look for ways to reform and encourage reformation of the delivery system. This committee can make its contribution by permitting payments for these preventive medical services.

I thank the committee for its time and apologize for such a lengthy statement. However, I think it is one of the most important questions in the country today and that your action with regard to the matters that I have covered could very well reduce the cost of medical care under this bill by billions of dollars over a period of years.

Mr. Burke. Are there any questions? I hear none. Thank you very much, Mr. Smith.

To give a further indication of the problems involved in trying to secure results in Washington, I also want to bring to your attention a colloquy with Dr. Merlin K. Duval, Jr., Assistant Secretary for Health and Scientific Affairs when he appeared before our subcommittee. That colloquy is as follows:

LEGAL PROBLEMS IN UTILIZATION OF ALLIED HEALTH PERSONNEL

Mr. Smith. You talked about the underserved areas. It seems to me as a practical matter, and I talked to the Secretary about this when he was here, the only way we will more adequately serve these underserved areas is to get clinics out there and have a doctor delegate to a nurse practitioner or someone the authority to do certain things in his stead. They can have direct communication with him, recognize the abnormal, set up appointments for him, and on certain days he can come out there. What is being done to get the State laws and the State regulations changed to permit this kind of delegation of authority?

Dr. DuVal. There are a number of the 50 States which already have introduced changes in their appropriate medical practice laws to make it possible for persons to serve as extenders of physicians. These changes are taking different forms. In some States it is taking the form that the practitioner is being relieved of liability. In others it is actually authorizing practitioners to serve as an extension of a physician. In California the practitioner serves as an extension of the physician but relieved of liability for 2- or 3-year periods until we have determined what kind of training program it will take to educate and train these people and set appropriate educational standards.

The issue that you correctly put your finger on is that in trying to get an outreach from a clinic or from an individual physician you do have a combination of a number of factors at work. One is the fact that that individual cannot be paid directly for his services. Second, he cannot be a free-standing practitioner under the eyes of the law as yet. Third, we have very little evidence so far that he is going to be acceptable to the public. The public very often wants a physician and not someone who has not had a physician's training.

Mr. Smith. Some of them have wanted medical service for 10 years and not been able to get it. They would take something less than a specialist for many health services.

Dr. DuVal. We are counting on that as one of the breakthroughs.

Mr. Smith. Some people in towns in Iowa have not had a house call from a physician since the thirties. If there were a nurse practitioner in town, I am sure they would allow her to see them. I cannot imagine that would be a serious problem.

Dr. DuVal. We hope it is not.

Mr. Smith. My point is that it seems to me that here is something where the prestige of the White House can be used. The President can call in some of these people and figure out some approach so that they could all go back to their States and get the States to change their medical practice acts. In many cases it is just a matter of the State health authority having a meeting and doing this. It would help on the malpractice problem. One of the reasons doctors are caught on malpractice suits is because they are crowded for time and let some of the allied personnel or a nurse do something which under the law they are not supposed to delegate. In the event something goes wrong, it was an unauthorized delegation of authority. If there were a legal delegation of authority it relieves them of that kind of liability.

Dr. DuVal. How would the patient petition if they thought there were malpractice involved?

Mr. Smith. They would have to show, as they do now, that the person who gave them the medical service made an error of judgment, that they should have known better. If the service were by a nurse and it was a legally delegated service, it would be different because a nurse does not have the same level of responsibility as a physician. Under existing rules, there is liability based on the nurse performing a service when the doctor was the only one who legally could have done it. She was working for him, so he is liable. If it were an authorized delegation of authority, that risk would be reduced.

It seems to me this is basic and something should be done now.

Dr. DuVal. This year, under the Health Manpower Education initiative awards section of the Health Manpower Act we will be starting up new programs to educate and train young people who have an interest in careers of the type you are describing. The training will take place in smaller communities on the assumption that the person who comes from that community and is trained there will stay and practice there.

Mr. Smith. But why would one of them want to take that training when the law in most cases does not permit them to use it?

Dr. DuVal. The law is very responsive. When those persons are in place the law will become responsive. We didn't have a physicians' assistants law 3 years ago, but they have it now.

Mr. Smith. It seems to me we need to change the law to make it legal first, so they will train for a legal job.

Dr. DuVal. I acknowledge the chicken-and-egg problem.

Mr. Flood. Congressman Addabbo asked me to hand this letter and memorandum to you.

It seems like getting results where we are involved with the movement or changes of substantial segments in our society, which are well financed, is very difficult and especially where such groups are both alert and well financed. Getting changes in our health delivery system in the manner I believe is absolutely imperative, if we are going to get sufficient results, will not occur overnight. I have been working on this matter for several years and as long as I am privileged to do so, I am going to constantly press for practical solutions to this health delivery problem rather than merely talk. I think some progress is being made and I do see from time to time additional evidence of this idea being adopted.

A recent newspaper article indicating, to some extent, the problem and the movement in this area illustrates what I mean and it is as follows:

Washington, D.C.—Good health is the greatest need for all mankind. Without good health nothing else is really important. A great concern is sweeping the nation to improve the health delivery system so that all may have adequate care.

Congress has got into the act with great gusto as more than a dozen health-payment plans have been advanced. The most extensive health care plan has been advocated by Sen. Edward Kennedy and its concept may well provide him with the most appealing issue to sweep him into the White House. Basically Kennedy's "cradle to grave" treatment plan would establish a government operated national health insurance program completely paid by the taxpayer so that all people would be covered.

The Nixon administration has countered the Kennedy proposal with its own plan to provide health insurance coverage for all workers and their families which meet federal minimum standards. Nixon says his plan would cost a mere $7 billion and warns that Kennedy's plan would bankrupt the nation to the tune of $77 billion.

Everyone is in the act with a plan—the American Medical Association, the private health insurance companies, Sen. Russell Long with his catastrophic health insurance scheme, plus many other political leaders and organizations.

However, all the plans tackle only the financing and fail to meet the basic need of improving the nation's current health delivery dilemma today.

If the nation provides the finances, the end result may be the Pandora's box will be opened and a plethora of patients will descend into the overcrowded doctors' offices and hospitals. The danger could be that instead of improving the medical delivery system it would be critically wounded.

However, Rep. Neal Smith (D.-Iowa), who has carefully observed the medical dilemma as a chairman of a key appropriations subcommittee, has come up with an idea to help solve the current problem. Basically Smith believes that a series of clinics should be opened throughout the nation where preventive medicine could be practiced. He believes that if doctors are unavailable then medically-capable nurses or paramedic personnel could help ease the health crunch. In private many physicians believe that Smith's idea has serious merit.

Congressman Smith last February in a floor speech called for President Nixon to bring together the best people in medicine and related fields to tackle the current health crisis. He talked with doctors, hospital personnel and other medical leaders about meeting the problem now with a crash program of clinics. The President asked HEW Secretary Elliot Richardson to take a hard look at the Smith concept. Although silence at first prevailed, Richardson evidently thought the plan had merit because in August he approved a HEW report recommending changes in licensing of a health personnel so that the manpower shortage would be eased.

Congressman Smith clearly demonstrates that something should be done now when he points out that throughout rural America doctors are scarce and in many cases nonexistent.

"In the U.S. we only have 151 physicians for each 10,000 of the population and they are distributed in such a way so that many millions of people are for all practical purposes without adequate preventive health care," Smith explains. "One hundred and nine counties in the nation have no physician and 153 only have one."

Congressman Smith points out a perfect example in his own Iowa congressional district where the small community of Monroe struggled and saved so they could build a health clinic. Although the clinic was finally built, it had to close down because of the lack of a doctor.

Rep. Smith points out that all states must change their current licensing laws so that preventive medicine could be practiced without doctors on the premises but in close communication with well-trained nurses and paramedical personnel. Some people raise their eyebrows and say that doctors must be on hand. However, most physicians would welcome this plan to relieve them of simple medical functions which could be performed as well through close communications with the doctor. Maybe, an early diagnosis could prevent misery in the future. In many cases a well-trained technician or nurse could spot the trouble and send the patient to the doctor.

The nation can ill afford to wait for Congress to work out a financial scheme and the many years it takes to train badly needed doctors. The states would be wise to take a hard look at the Smith plan and to start licensing changes.

Mr. Chairman, as this bill is under consideration, I ask my colleagues in this Congress to approve this admittedly very substantial increase over the budget request for the support of the nursing profession. I do so without any apologies whatever to other segments to the health industry, some of which we increased, but in much smaller amounts, and I do so because I think it is imperative that we concentrate a far greater share of our health dollars in this area where we can hope in the near future to get some effective relief from the shortage of health delivery services.

Mr. FLOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. Burke).

Mr. BURKE of Massachusetts. Mr. Chairman, this occasion is becoming a sadder one each year. Once again, I find myself face to face with a Department of Labor, HEW, and related agencies appropriation bill which runs out of concern, which runs out of compassion by the time it gets to the appropriations for social and rehabilitation services—specifically child welfare grants. For 4 years now, the amount of money spent by the Federal Government for improving the lot of the children who are doomed to be wards of the State through no fault of their own has remained as a constant, miserly level of $46 million. The national search for ways in which to aid local, community, and State governments; the great national debate over revenue sharing seems to have passed this opportunity by. Every year, it seems, I find myself standing in this well urging that the House amend the committee bill and increase this $46 million level to the authorized sum of $110 million. Over the years I have referred to it as the John E.

Fogarty amendment. I have told my colleagues that it would be one of the most fitting tributes to the memory of our great departed friend from Rhode Island. I have received promises year after year from various officials at the Department of Health, Education, and Welfare that come next year the administration will make an all-out effort to raise this level. Yet, each year I find myself back here disappointed after learning that promises have not been kept. This year is no exception. Once again you are treated to the sorry spectacle that in spite of inflation, in spite of the need of these children, $46 million is all the Federal Government can expend on their behalf.

I know the situation would be otherwise if we were discussing the needs of a group with muscle, a group that was vocal. What we have before us today, however, is a small group but nonetheless deserving, a neglected group but nonetheless a scandal for being so. We are talking about the children about whom no one cares. The quality of what care there is varies so much across the Nation.

It seems to me we ignore these children's fate at our own future peril. These are the children in the end that no one will adopt. I hate to use the word, but in every sense, they seem to be the leftovers of this Nation in our society. Their treatment at the hands of the Federal Government can only appear to confirm this.

This year, I am changing my strategy. Instead of taking the time of the Members of this House in an all-out effort to overturn the committee provision and raise it to the authorized level where it belongs only to fail as those without a care come out of the woodwork to defeat my proposal—this year I am going to change my strategy and see if I cannot persuade my colleagues in the Senate to add this feature to their bill and hope that in conference, men of goodwill will find it in their power to measure up to our responsibilities and appropriate the full amount authorized. This in no way is indicative of any diminished concern on my part for the children involved or respect for the memory of John Fogarty, merely a decision on how best to accomplish my objectives in the light of past experience. To those from whom I would have expected support today if I had offered an amendment, I want to thank you and remind you that your support will still be valuable in seeing this thing through to completion.

Mr. MICHEL. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, the Labor-HEW Appropriations Subcommittee has jurisdiction over literally hundreds of Government programs affecting the most important concerns of human life. Each year, the subcommittee is hard pressed to accommodate the very real challenges faced by the Departments of Labor, and Health, Education, and Welfare with the stark limitations inherent in the Federal budget.

Not all can be satisfied with each of the budgetary decisions that was made in this year's bill. But none can deny the difficult task that each year confronts the subcommittee members. The distinguished gentlemen from Pennsylvania and Illinois, Mr. Flood and Mr. Michel, as well as my other colleagues on the subcommittee, are to be commended for their hard work and dedication. It was a privilege to serve with them, and I look forward to many more years of continued association on the subcommittee.

I will not repeat the very fine presentations that have already been made regarding the committee bill, but I do have some relatively brief comments that I wish to offer.

It was my hope that additional funds could have been allotted to certain programs covered in the bill, but I believe it important to stress that the committee's recommendations do represent an additional $912 million above the administration's budget requests and an additional $768.4 million above last year's appropriation. And these recommendations will undoubtedly be increased by the time final congressional action is completed on the bill.

For the Office of Education, the committee recommends substantial increases in the areas of impact aid, vocational education, education of the handicapped, bilingual education and library services, and construction. These increases are crucial if the Federal Government is to meet its commitment of preparing today's youth adequately to meet the imposing social, economic, and political problems of the next two decades.

There were several areas, however, in which I was disappointed that the committee could not have done more.

Title III of the Elementary and Secondary Education Act authorizes $605 million for innovation in education. During the past 6 years, hundreds of projects in every subject area of the elementary and secondary curriculum have explored creative new approaches to the solution of identified educational needs. The funds are granted to local school districts for locally controlled programs which meet local educational needs.

With the increased national emphasis on guidance and counseling and the need for rehabilitation training of counselors to cope with increasing numbers of complex personal and social problems confronting our youth and adults, it was my hope that the committee could have increased the administration request of $126.2 million.

A strong case was made before the subcommittee for additional title V funds to strengthen State departments of education to enable them to meet the burdens imposed on them as the result of the authorization of nearly $3 billion for education programs under other titles of the Elementary and Secondary Education Act. Yet the committee simply endorsed the administration request of $33 million.

The specific learning disabilities, innovation and development, and teacher education programs under education for the handicapped are likewise deserving of increased Federal support.

The committee did make substantial increases in the basic grant program for vocational education, yet there is a need for further Federal efforts in several of the other vocational education programs dependent upon Federal funds.

There were also many important programs for which the necessary authorizations were lacking. These include virtually all the higher education programs, the Follow Through program, the equipment and minor remodeling program, and the undergraduate instructional equipment program.

I intend to do everything I can, as a member of the Labor-HEW Subcommittee, to secure adequate funding for all the education programs I have discussed.

The committee made important increases in several health programs in which I am extremely interested. Last February the administration called dramatic attention to the fact that alcoholism is one of the most serious diseases affecting our country. There are presently at least 9 million alcoholics costing our economy an astounding $15 billion a year. Even more tragic than this is the reality that heavy drinkers contribute to more than half the deaths annually on our Nation's highways.

In the face of these grim statistics, the administration actually recommended a sum for the Alcoholism Institute which was below the amount appropriated last year. I am particularly pleased that we added $59 million to the budget for a coordinated attack on the problems associated with the most abused drug in the United States.

The budget recommendations were likewise woefully inadequate in the mental health area. As I pointed out on the floor of the House last month, the administration requested no new funds for the construction of community mental health centers in fiscal 1973. If we endorsed this recommendation, we would in effect be signing the death warrant for this program. Fortunately, we rejected this course of action and provided $20 million for construction grants.

The same perilous situation exists regarding the staffing of community mental health centers. Higher matching Federal percentages are now required for centers in poverty areas. Nor are we anywhere near the announced goal in the 1963 legislation of 1,600 to 2,000 new community mental health centers by 1980. Despite this, the administration requested the exact same sum as the Congress appropriated last year. In contrast, we provided an increase of $30 million to spur us along to the 1980 goal.

I am also gratified that the committee allocated an additional $10 million for the mental health of children and restored psychiatric residency training grants to last year's level.

As has been explained earlier, the committee made substantial additions to the budget requests for health manpower. I would take special note of the fact that we added a total of $45.5 million for our hard-pressed nursing schools and their students. Had we endorsed the administration recommendations, the level of capitation and financial distress assistance would have been inexcusably low for fiscal 1973.

There is one other item that is worthy of mention and that is the $100 million that we included to provide low-cost, nutritionally sound meals for the elderly.

Numerous studies, conducted over the past several years, have shown that limited employment opportunities, fixed income, lack of mobility, isolation, and a sense of rejection have all too often prevented the elderly from getting the proper nutrition they need. This has resulted in physical and mental deterioration becoming a way of life for too large a proportion of our senior citizens. The money provided in this bill should go a long way in reversing this trend.

In closing, let me say once again that it is an honor to work on this subcommittee. The funds we have recommended are crucial to our goal of improving the quality of American life. I urge my colleagues to support this bill.

Thank you.

In closing, Mr. Chairman, I want to compliment the gentleman from Pennsylvania, Dan Flood, and the ranking minority member, Bob Michel, who did an outstanding job in bringing this monumental piece of legislation before the House. Let me say that this has to be one of the greatest HEW bills ever brought to the floor of the House of Representatives.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. RYAN. Mr. Chairman, I know of the gentleman's interest in the question of lead poisoning, which I have discussed often with him and other members of the subcommittee. It is a devastating disease, yet wholly preventable. As the author of the Lead-Based Paint Poisoning Prevention Act, I have been pressing for adequate funding.

But I am concerned that the bill only has some $12 million to combat lead poisoning, although I recognize and applaud the fact that it is an increase of $2½ million over what the administration requested.

Mr. CONTE. Yes, it is about $2½ million above what the administration requested.

Let me also say here, if I may, not only this year but last year, it was the gentleman from New York (Mr. Ryan) who not only put pressure on me, but I am sure he put pressure on the chairman of the committee and the minority members and all the members of the committee to fund adequately this particular project to eliminate lead poisoning. It was his leadership that really spurred the committee.

Mr. Chairman, I want to take this opportunity to commend the gentleman from New York for his great crusade in this field.

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from Texas (Mr. Pickle) for a question.

Mr. PICKLE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I had hoped that the bill before us today would have included an additional $6.25 million for the migrant health program.

We have over 1 million migrant workers in the United States. We have 21 migrant health projects in Texas and two of the projects are in my district in Austin and also in San Marcos.

But they have never been able to handle fully the needs of migrant workers. There are 280,000 migrant workers in my State who need help. This group needs more help than any other group of workers.

It is the announced plan of the Public Health Service to phase out the hospitalization program. I think it would be an unfortunate development if that took place.

I wonder what the plans of the committee might be for giving full funding to this?

Mr. FLOOD. The gentleman knows that "full funding" is a bad word, as far as we are concerned. But I know what you mean.

The gentleman knows that I personally, and I think I can speak for the subcommittee, am very much in favor of this program.

We have always funded it.

In my own district, as I told the gentleman, we had a meeting of Catholic groups and Protestant groups and ecumenical groups last year to do exactly this. The poverty people are helping us do it. That is the thinking of the subcommittee.

The other body I know has also indicated some interest in this program, and I think the gentleman may have that in mind.

Mr. PICKLE. I understand the other body has worked on the possibility of a proposed provision including these additional funds in its version of the bill.

Mr. FLOOD. May I say this—probably I should not tell you—but the other body is going to mark up this bill tomorrow and it is only 20 minutes after 5, and you can take that into account.

Mr. PICKLE. I will say to the gentleman, I did not know that they were working on that. Now I know and I thank the gentleman for being sympathetic to the program.

Mr. Chairman, I feel there is a need to increase the health delivery appropriation by $6.25 million. The purpose of this increase is to increase the fund for the Migrant Health Act from $23.75 million to the authorized level of $30 million.

I suggest this increase, Mr. Chairman, because I believe the health needs of over 1 million migrant farmworkers have been neglected for too long, or have been underfunded.

Texas has the largest number of migrant health projects in the Nation with 21, two of which are located in my district in Austin and San Marcos. However, these projects have not as yet been able to fully meet the needs of the estimated 280,000 migrant workers who call Texas home.

I am deeply concerned about the plans of the Public Health Service to phase out its program of hospitalization coverage for migrants because the funds available are inadequate.

In light of the plight of the migrant worker this action would be a sad step indeed.

Generally, the man and his family who follow the crops rarely receive adequate health care. He is seldom eligible for local programs and when he is, his work usually takes him to isolated areas that do not have adequate facilities or programs. According to the U.S. Public Health Service at least two-thirds of all migrants are totally unaware of any of the handful of special programs designed for them.

Most importantly, the migrant's working and living conditions make him highly vulnerable to a wide range of diseases. His life expectancy is 20 years shorter than the average citizen's. His infant and maternal mortality rate is 125 percent higher than the national average while his death rate from influenza and pneumonia is 200 percent higher than the national rate. He or his family are 17 times more likely to suffer from tuberculosis and 35 times more likely to have worms. If he survives infancy and does not die 20 years before his time of pneumonia or tuberculosis, then he has a better chance than the average citizen of suffering from high blood pressure, diabetes, anemia, rickets, or a dozen other major diseases.

If provision is not made for adequate funding of the Public Health Service's hospitalization program for migrants under this act, then the proposed policy will seriously reduce the amount of health service available to those who most severely need more help—not less help.

Because most welfare programs do not cover these families, a single serious illness requiring hospitalization can wipe out their life savings. Furthermore, the elimination of Federal assistance will place the financial burden of these services on local communities which often already are facing severe financial problems.

At present the per capita health expenditures per migrant is less than $9 compared with a national average of $250 per person.

Mr. Chairman, I think we can afford to appropriate these additional funds. I believe the time has come to end the migrant's status as a forgotten and ignored man and to start trying to make some adequate provision for his health care needs.

Mr. FLOOD. I understand your views.

Mr. PICKLE. I thank the gentleman. I hope if the additional funds are added during the conference, we might be able to reach the point near full funding—whatever it might be.

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from New York (Mr. Ryan).

Mr. RYAN. Mr. Chairman, I rise to urge passage of H.R. 15417, appropriating funds for fiscal year 1973 for the Departments of Labor and Health, Education, and Welfare. I want to particularly offer my commendations to the distinguished chairman of the Appropriations Subcommittee responsible for fashioning this bill, the gentleman from Pennsylvania (Mr. Flood). I can sincerely attest to his dedication and to his determination to bring to the floor a bill which is a direct assault on the pressing health and education needs of this Nation.

The bill before us appropriates more

than $28 billion for health, education, manpower training, employment, and other vital programs. This constitutes an increase of $768,481,500 over the funding for fiscal year 1972. This is an increase which is absolutely essential, because the appropriations for the health, education, and employment needs of this country constitute the very guts of our struggle to turn around the priorities of this Nation.

There are a whole list of specific items in H.R. 15417 which, given the time, I would want to discuss thoroughly. Very briefly, I want to mention in passing just a few of these.

An increase of $7 million over the administration request is provided for psychiatric residency training, restoring this program to its 1972 level.

The administration budget proposed no increase in the mental health for children program. H.R. 15417 provides a $10 million increase.

The administration requested no funds for construction of community mental health centers. The bill provides $20 million.

Three hundred million dollars is provided for the National Heart and Lung Institute—an increase of more than $44 million over the administration's request, and more than $67 million over the appropriation for fiscal year 1972.

The bill before us provides more than $490 million for the National Cancer Institute. In this case, the increase over the administration request is $60 million.

H.R. 15417 provides $112,200,000 for construction grants and modernization for hospitals and public health centers and long-term care facilities. No funds were requested by the administration for this.

A more than $200,000,000 increase over the administration request has been provided for programs authorized by the Comprehensive Health Manpower and Nurse Training Acts of 1971. This includes $20 million for construction grants for nursing schools and $100 million for construction grants for schools of medicine, dentistry, and other health professions. Again, and I note this pointedly, the administration requested no funds for construction grants.

The appropriations bill before us also adds $59 million for activities related to the prevention and control of alcoholism.

An increase of $30 million over the administration budget request is provided for the staffing of community mental health centers.

The refusal by the Appropriations Committee subcommittee to be limited by the administration's limited sense of the priorities of this Nation is commendable, and must be supported, so that we can continue to turn this country around to meeting our pressing domestic needs. However, I would be remiss if I did not state clearly that while we have begun, we still have very far to go. I support the bill before us, but I urgently support even greater funding for all the crucial programs it encompasses.

In addition to the many programs involved which I have attempted to lend my voice in support of, there is one to which I do want to direct particular attention. This is the Federal assault on childhood lead poisoning—an assault fashioned by passage of the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695. As the original sponsor of this legislation, which was signed into law in January of 1971, I have, I believe, developed some special knowledge of the enormity of childhood lead poisoning's effects and of the number of innocent children it victimizes.

Sometimes childhood lead poisoning is called the "silent epidemic"; sometimes it is referred to as "ghetto malaria." But no matter what it is called, the tragic fact remains that childhood lead poisoning continues needlessly to plague the children of America. Each year thousands of young children are afflicted by this dread disease. The exact number of youngsters poisoned is unknown, for there are still far too few programs to screen children for lead poisoning. Even so, the Department of Health, Education, and Welfare has estimated that each year some 400,000 children are subjected to lead-based paint poisonings.

As a result, some 16,000 youngsters require treatment. An additional 3,200 suffer moderate to severe brain damage. And 800 are so severely afflicted that they require institutionalization for the remainder of their lives.

And for another 200 children there is no future at all—not even the bare existence of permanent institutionalization—for they will die as a result of this crippler of young children. Two hundred children a year.

In the words of HEW's Bureau of Community Environmental Management, what this adds up to is a "disease more prevalent than polio before the advent of the Salk vaccine."

Tragically, childhood lead poisoning is a totally manmade and totally preventable disease. It is not some rare malady waiting for a miracle cure. It exists only because we let it exist.

Three years ago I introduced legislation to begin a Federal program to come to grips with this crippler and killer of young children. Subsequently, Senator KENNEDY introduced companion legislation in the Senate. Finally, after 2 years of intensive effort, and with the special aid of our distinguished colleague from Pennsylvania (Mr. BARRETT), the Lead-Based Paint Poisoning Prevention Act was signed into law on January 13, 1971. In enacting this law, President Nixon committed this Nation to a massive assault to eradicate the blight of childhood lead poisoning. That commitment remains unfulfilled.

Much of the reason for this is as simple as it is intolerable: the victims of lead poisoning are the poor and the black youngsters of our inner cities, destined to live in slum housing, without enough to eat, and without adequate medical care. They are America's forgotten children, her invisible children. And the attitude of this administration toward these youngsters has been one of cruel and callous disregard. This unconscionable neglect can only be measured in the unnecessary suffering of thousands of young children.

This Government has been allowed to close its eyes to the plight of these children for far too long. It is imperative that the Congress sustain a comprehensive and meaningful program which will safeguard their health from this dread disease.

In good part, the reason that lead poisoning continues to be a national peril is that neither the Congress nor the administration has been willing to provide sufficient funding to meet the menace of lead-based paint poisoning. Despite the fact that the Lead-Based Paint Poisoning Prevention Act authorized $30 million for fiscal years 1971 and 1972, the Nixon administration refused to request any money to fund this act for fiscal 1971, and only after great pressure from me and other concerned individuals did it belatedly submit an amended budget request for $2 million for fiscal year 1972. The Congress—with great credit due to the distinguished chairman (Mr. FLOOD) and members of the subcommittee which has fashioned the bill before us today—recognized the total insufficiency of this request. But still, only $7.5 million was provided in appropriations for fiscal year 1972. That was inadequate to meet the need.

For fiscal year 1973, the fiscal year which is the subject of the appropriations bill before us today, the administration requested $9.5 million. Fortunately, the Subcommittee on the Departments of Labor and Health, Education, and Welfare Appropriations of the House Appropriations Committee has raised that amount by $2.5 million, providing $12 million in H.R. 15417.

While I commend the subcommittee for not being constrained by the administration's totally inadequate budget request, I do not believe that $12 million is anywhere near sufficient. For fiscal year 1972, which ends on June 30 of this year, the regional health directors of HEW had received, as of May 5, 1972, 61 grant applications from communities totalling about $15.8 million. This means that grant requests—with 2 months of the fiscal year still left—exceeded by more than 100 percent the available funds. And certainly the amount of requests would have been much greater but for the discouragement potential applicants received upon finding how little moneys were available, and how dilatory the administration was being in releasing funds. In fact, the first grant was not even made until May 8 of this year.

All factors indicate that the grant requests for fiscal year 1973 will far, far exceed the $12 million provided in H.R. 15417.

The most compelling testimony to the need for far greater funds was registered, perhaps, by the administration itself. At page 428 of the Appropriations Subcommittee's hearings, part 3, an administration statement acknowledges that—

> An expenditure of $25 million would support a program for approximately 60 percent of the children at risk.

Thus, even an appropriation twice that provided in H.R. 15417 would still leave 40 percent of the children, who risk lead poisoning, unscreened and untreated.

And at page 473 of the same volume,

another administration statement acknowledges that, given the administration's request of $9.5 million, which is only $2.5 million less than that provided in the bill before us, only "40 percent of the estimated high risk population will be under surveillance as a result of the screening programs."

The figures are clear. We are simply consigning children to total lack of screening for lead poisoning, and care, if they in fact have this dread disease.

I realize that there are innumerable pressures for increased funds, and I realize that the Appropriations Subcommittee's raising of funding for the Lead-Based Paint Poisoning Prevention Act by more than 25 percent over the administration request demonstrates a very real recognition of the seriousness of this disease. Given the competing demands confronting it, I believe the subcommittee acted admirably. I urge the Senate, however, to greatly increase the funding for the Lead-Based Paint Poisoning Prevention Act, and I urge the eventual conferees on the fiscal year 1973 appropriations bill for the Department of Health, Education, and Welfare to accept this increased figure.

The children must have that money.

I would continue by pointing out that we are now working to increase the authorizations for the Lead-Based Paint Poisoning Prevention Act, so that we can expand the assault on childhood lead poisoning.

On the first day of this session of the 92d Congress, I introduced legislation (H.R. 12466) to extend and expand the Lead-Based Paint Poisoning Prevention Act. And I am pleased to note that subsequently Senator KENNEDY introduced the companion legislation (S. 3080).

It is my firm belief that the passage of this legislation is an integral part of the program which we must launch to eradicate the blight of lead-based paint poisoning from the face of this country.

Sixty-five Members of Congress have joined in sponsoring this bill. They are:

LIST OF COSPONSORS

William F. Ryan (N.Y.).
Bella S. Abzug (N.Y.).
Herman Badillo (N.Y.).
William A. Barrett (Pa.).
Mario Biaggi (N.Y.).
Jonathan Bingham (N.Y.).
Edward Boland (Mass.).
John Brademas (Ind.).
Frank Brasco (N.Y.).
James Burke (Mass.).
Phillip Burton (Calif.).
Hugh Carey (N.Y.).
Shirley Chisholm (N.Y.).
William Clay (Mo.).
James Cleveland (N.H.).
George Collins (Ill.).
Silvio Conte (Mass.).
John Conyers (Mich.).
James C. Corman (Calif.).
George Danielson (Calif.).
Ronald B. Dellums (Calif.).
John Dent (Pa.).
Charles Diggs (Mich.).
John Dow (N.Y.).
Robert Drinan (Mass.).
Don Edwards (Calif.).
Joshua Eilberg (Pa.).
Walter E. Fauntroy (D.C.).
Donald Fraser (Minn.).
Ella Grasso (Conn.).
Seymour Halpern (N.Y.).
Michael Harrington (Mass.).
William Hathaway (Me.).
Augustus Hawkins (Calif.).
Ken Hechler (W. Va.).
Henry Helstoski (N.J.).
Louise Day Hicks (Mass.).
Frank Horton (N.Y.).
Andy Jacobs (Ind.).
Edward I. Koch (N.Y.).
Romano Mazzoli (Ky.).
Abner Mikva (Ill.).
Parren Mitchell (Md.).
F. Bradford Morse (Mass.).
Claude Pepper (Fla.).
Otis Pike (N.Y.).
Bertram Podell (N.Y.).
Melvin Price (Ill.).
Charles B. Rangel (N.Y.).
Thomas Rees (Calif.).
Ogden Reid (N.Y.).
Henry Reuss (Wis.).
Peter W. Rodino Jr. (N.J.).
Benjamin Rosenthal (N.Y.).
Dan Rostenkowski (Ill.).
Fernand St Germain (R.I.).
Paul Sarbanes (Md.).
James Scheuer (N.Y.).
John Seiberling (Ohio).
Louis Stokes (Ohio).
James Symington (Mo.).
Robert Tiernan (R.I.).
Lester Wolff (N.Y.).
Sidney Yates (Ill.).

I believe that both the bipartisan nature and widely differing geographic representation of this list of cosponsors indicates the growing awareness throughout this Nation that childhood lead poisoning must be eliminated, and that the Federal Government must lead the way in that effort.

Our legislation provides that for fiscal year 1973 and for each succeeding fiscal year, there is authorized to be appropriated $20 million for grants to units of general local government to assist in developing and carrying out local detection and treatment programs for victims of childhood lead poisoning; $25 million for grants to develop and carry out programs to identify high-risk areas, and then to develop and carry out lead-based paint elimination programs; and $5 million for the Department of Housing and Urban Development to carry out a demonstration and research program to determine the nature and extent of the problem and the methods by which lead-based paint can most effectively be removed.

Any amounts authorized for 1 fiscal year but not appropriated may be appropriated for the succeeding fiscal year.

That every penny of these funds is urgently needed is clear. But what is more striking is that, if we fail to spend the necessary funds to combat this menace, we will have to expend far more patching up the sins committed against our children by allowing them to fall victims to this horrid disease.

Each year, for example, 800 young children are so severely afflicted by this crippler that they require institutionalization and care for the remainder of their lives. It has been estimated that such care costs $250,000 per child for a lifetime of institutionalization. What better proof that, even in cold economic terms, an ounce of prevention is worth a pound of cure.

Our pending legislation would also change the definition of lead-based paint from paint containing more than 1 percent lead by weight—calculated as lead metal—in the total nonvolatile content of liquid paints or in the dried surface coating to 0.06 percent lead by weight.

The matter of a "safe" level of lead in paint has been of deep concern to me for quite some time. On August 9, 1971, five child health advocates joined me in filing a formal petition with the Food and Drug Administration requesting that agency to ban paint with more than minute traces—0.06 percent—of lead from household uses under the authority of the Federal Substances Act.

Joining me in submitting this petition were Prof. Joseph A. Page, associate professor, Georgetown University Law Center; Anthony L. Young; Mary Win O'Brien; Journalist Jack Newfield; and Dr. Edmund O. Rothschild, Memorial Hospital for Cancer and Allied Diseases, New York City.

On November 2, 1971, the FDA published our petition in the Federal Register in order to allow interested parties to make their comments known. At the same time, however, the FDA published another proposal—one which it had itself initiated—which would merely require that paints with a lead content in excess of 0.5 percent bear a warning label.

The overwhelming preponderance of medical and scientific evidence and opinion submitted to the FDA in regard to these proposals support my petition to ban paint with a lead content in excess of 0.06 percent from household uses. Included among the wide range of individuals and organizations endorsing my proposal are the Environmental Protection Agency; the Department of Health, Education, and Welfare's Bureau of Community Environmental Management; Jane Lin-Fu, Pediatric Consultant, Maternal and Child Health Services, HEW; the American Academy of Pediatrics; the American Public Health Association; the State of New York; the New York City Department of Consumer Affairs; and a great number of State and local health departments across this country.

Typical of the comments submitted to the FDA are those from the Environmental Protection Agency, which in its memorandum to the FDA of January 28, 1972, pointed out that—

> (EPA) studies . . . indicate that lead paint, in excess of 0.05% could constitute a danger to the health of children with pica. Our conclusion is similar to that of the American Academy of Pediatrics, which strongly recommended that lead paint in excess of 0.06% should not be permitted.

On August 2, 1971, I requested the Department of Health, Education, and Welfare, and the Department of Housing and Urban Development to undertake a full investigation as to the lead content of all paint manufactured in or imported into the United States. That study, being conducted through the National Bureau of Standards is now underway.

On February 16, 1972, Assistant Secretary for Research and Technology, HUD Harold B. Finger, provided me with the results of the preliminary survey undertaken in the Washington, D.C., area.

This preliminary study demonstrated two things. First, that there are some paints on the shelves which are in violation of the self-imposed industry standard of 1 percent lead content for household uses. And second, the vast majority of paint—72 of 97 samples analyzed—currently have a lead content less than 0.1 percent. What is most striking about this is that the paint industry has endorsed the FDA proposal to lower the definitional level to 0.5 percent, while adamantly opposing anything more stringent. Yet only three of 97 samples had a lead content in excess of 0.1 percent and less than 0.5 percent. From this preliminary data it would appear that the great preponderance of paint currently being manufactured is no more than 0.04 percent in excess of the definitional limit which our legislation proposes.

If we are to eliminate lead-based paint poisoning, we must eliminate lead from paint. It is my firm belief that the health of our Nation's children is of far more import than the slight inconvenience to paint manufacturers who will be obliged to insure quality control in the manufacture of their product.

On March 11, the FDA family acceded, and has adopted our petition. Adoption as law of this position by passage of H.R. 12466 will protect against future retraction.

The Lead-Based Paint Poisoning Prevention Act specifies that only "units of general local government in any State" are eligible for grants under titles I and II. Unfortunately, because of the administrative set-up in two States—Rhode Island and Delaware—this precludes them from receiving Federal assistance under the act.

In an effort to coordinate health services, the State of Rhode Island abolished all local health departments and offices and placed all health matters under the jurisdiction of the State Department of Health in 1966. Likewise, health programs in the State of Delaware are operated on a statewide basis.

In order to permit these States to obtain much-needed Federal funding to combat the hazards of childhood lead poisoning, my pending legislation—H.R. 12466—authorizes grants to be made to State agencies in any case where units of general local government within a State are prevented by State law from receiving such grants or from expending such grants in accordance with their intended purpose.

I believe that it is essential that Federal funds to combat lead-based paint poisoning be easily channeled to the community level where they are most needed. Therefore H.R. 12466 broadens the definition of those eligible to receive grants to include comprehensive health services programs within the meaning of section 222(a)(4) of the Economic Opportunity Act of 1964.

Finally, H.R. 12466 broadens the provisions relating to grants for detection and treatment of childhood lead poisoning to allow the Secretary of Health, Education, and Welfare to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing environmental and biological lead specimens obtained from local lead-based paint poisoning prevention programs. The amount of any such grant cannot exceed 75 percent of the cost of such a facility—a matching requirement identical to that under the other sections of title I of the Lead-Based Paint Poisoning Prevention Act.

It should be stressed that while lead poisoning is a health problem, it also is a housing problem. The main cause of this terrible crippler and killer of young children is lead-tainted paint fallen from the dilapidated walls and ceilings of tenement housing. If we are to eradicate this disease, we must eliminate its cause, for it does little good to screen and treat young children for lead poisoning and then send them back to the same conditions which caused the disease in the beginning.

Unfortunately, the elimination of lead-based paint has not been a task which has been thoroughly undertaken by States and local governments. I believe that the Federal Government can play a two-fold role in changing this situation. First, it is essential that the Congress provide adequate funding for grants under title II for the eradication of the lead-based paint in these dwellings. But second, it now appears necessary that the Federal Government use whatever means necessary to force the improvement of this housing.

Therefore, I have introduced H.R. 12943 which provides that Federal assistance to a State or local government or agency for rehabilitation or renovation of housing and for enforcement of local or State housing codes under the urban renewal program, the public housing program, the model cities program, or under any other program involving the provision by State or local governments of housing or related facilities, shall be made available only on condition that the recipient submit and carry out an effective plan for the elimination of lead-based paint poisoning.

Childhood lead poisoning is a national peril, bringing death and affliction to thousands of young children each year. Its continuance is a strain on our national conscience, for there is absolutely no reason for this disease to be allowed to continue.

We have the ability to eradicate the menace of lead-based paint poisoning from the face of America. There is no question about that. What must be questioned, however, is our will to do so. For this Government has a history of sitting on its hands when it comes to safeguarding the health of our poor citizens.

As I said when I testified on April 20 before the House Appropriations Subcommittee on the bill before us today:

> We have an obligation to assure that all children in this Nation—all children—have the opportunity to grow up in health and decent living conditions. Either we meet that obligation or we fail. It will not fade away by our ignoring it.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman.

Mr. MICHEL. Mr. Chairman, I commend the gentleman from New York for his statement which he just made and also for the very eloquent testimony that he gave our subcommittee in specific detail.

I must say that the subcommittee was very impressed with his remarks for the addition of $2½ million which will go principally for the screening and treatment activities in the lead poisoning problem.

I just wanted to make that comment at this particular juncture because I think it is very much deserved, and but for his testimony and his persistent efforts I do not think we would have done what we did. I appreciate that and commend the gentleman for it.

Mr. FLOOD. I would like to say in addition to that, I would like to add my words.

Because of the experience with this problem in recent years with reference to lead-base poisoning, the gentleman from New York (Mr. RYAN) brought this up year after year especially for the last 3 years before the committee and is largely responsible for the making of these grants and the beginning of that program.

Mr. Chairman, I yield to the gentleman from South Dakota (Mr. DENHOLM).

Mr. DENHOLM. Mr. Chairman, I would first commend the members of the committee for bringing a very complicated and comprehensive bill here this afternoon.

I would direct your attention to page 48 of the committee report under "School Assistance in Federally Affected Areas," particularly where it reads:

> The bill also provides $25,910,000 for assistance for school construction in Federally affected areas under P.L. 815, an increase of $10,000,000 over the budget request and $6,610,000 over the 1972 appropriation.
>
> It is the Committee's intent that the funds provided for 1973 be used to support high priority projects to meet urgent needs for school facilities for Indian children and for children living on military installations, particularly in cases where the schools are located on Federal lands, but are operated by local authorities.

My question is, Mr. Chairman, in a case where the schools are not located on Federal lands but are adjacent to, and the districts include Federal lands, and there are a number of schoolchildren attending the off-Federal-located institutions, is it the intent of the committee that the funds under Public Law 815 be used for construction to provide facilities for all children who attend that institution?

Mr. FLOOD. I think it is language that, without torture, should be so construed, and I will say for what it is worth that I believe that would be the opinion of the committee.

Mr. DENHOLM. Very well. I commend the committee for including that this year and funding it.

Mr. MICHEL. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

URGENCY OF ARTIFICIAL HEART DEVELOPMENT

Mr. HALL. Mr. Chairman, without comment or judgment on sectional or total overages or cuts, or national resource capability I would like to give a professional comment and report.

It has long been known that more than one-half of our U.S. citizens die of causes related to heart misfunction, disability, or disease. Many of these lives may well be lost for lack of prompt medical attention, and lack of ready transport to modernized, new intensive-care units; but assuredly many others are lost simply because their hearts are tired, wornout, and beyond repair. At least 20 to 30,000 of these unfortunate people die each year because a "replacement heart" is not available.

Long before I came to the Congress, I made the statement as a physician-surgeon, that someday in the future the cure of heart disease as one of man's greatest scourges would be surgical or mechanical; and hopefully that the treatment of malignancy—cancer—would be by hormone, serum, or injection. I have previously stated in the RECORD, that the solution to the cardiac replacement problem must rest with a suitable artificial heart; just as we now use pacemakers, properly implanted in the chest and heart wall to regulate rhythm and uniform contraction of the unique heart muscle itself. Even if heart transplants were 100 percent successful, there would still not be enough donor hearts available to meet current needs, at all times and places. Even if we would allow use of a still beating heart, from an otherwise legally determined "dead person," it would be a difficult technical feat, that is time consuming with too few surgeons to supply the demand.

It now appears that the technology is available to make a suitable artificial heart in accordance with the line of research, developed under grants from the National Heart and Lung Institute of the U.S. Department of HEW, Public Health Service, National Institute of Health, as contracted to Atlantic Richfield Co., atomic nuclear division. There undoubtedly are others working on the same or similar projects. Suffice it to say, that every effort, as demonstrated by these booklets and brochures, available for perusal by the Members during these committee hearings—should now be made to accelerate the development effort expended on artificial heart research. The incentive is obvious, in that for every day we save, about 100 lives can be saved. We can well leave it to posterity to decide whom would turn off the artificially implanted heart, all other body mechanisms being equal.

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from California (Mr. CORMAN) for the purpose of asking a question.

Mr. CORMAN. Mr. Chairman, earlier I addressed a question to Chairman MAHON with reference to the impact of an expenditure ceiling. As I understand, this bill exceeds the budget request by a substantial amount.

Mr. FLOOD. $912 million, close to $1 billion.

Mr. CORMAN. Tomorrow, as I understand it, we may be considering some additions in the field of education.

Mr. FLOOD. Amendments will be proposed.

Mr. CORMAN. If either, in connection with the debt ceiling extension, or by action of the Appropriations Committee the House imposes an expenditure ceiling at the amount recommended by the President, which is his budget request, and if we go over on this bill by $1 billion, it means he must either cut this bill back or cut some other expenditure by $1 billion.

Mr. FLOOD. That is correct.

Mr. CORMAN. And this is just one of several appropriation bills, many of which have had limits over the budget request.

Mr. FLOOD. Some have.

Mr. CORMAN. Have any had less than the budget requests?

Mr. FLOOD. Yes.

Mr. CORMAN. Which?

Mr. FLOOD. Some have. I do not recall. There will be some, but most, of course, will be above the budget level. This will be the biggest one. I might add that we have reason to believe that the Department of Defense will ask for an additional, maybe, $3 billion or $4 billion or $5 billion.

Mr. CORMAN. That was our preliminary information when we considered the debt ceiling request, that it would be $3 to $5 billion more than anticipated.

I understand there has been a bumper corn crop which has increased by nearly $3 billion the subsidy in the corn program. Maybe that is too far afield for the gentleman.

Mr. FLOOD. I have difficulty telling one type of corn from another, yes.

Mr. CORMAN. My question is, if we should adopt revenue sharing plus an expenditure ceiling, then we must anticipate some substantial cuts in the expenditures we propose. I am wondering what areas the President would have in which he could make those cuts. Obviously he must pay some bills.

Mr. FLOOD. That is a rhetorical question the gentleman will have to answer himself.

Mr. CORMAN. Just one other point on that. I understand there is going to be a substantial increase, at least the Senate Finance Committee has proposed it, in social security benefits.

Mr. FLOOD. I have so heard.

Mr. CORMAN. That, too, falls within the expenditure ceilings.

Mr. FLOOD. I have so heard.

Mr. CORMAN. I thank the gentleman.

Mr. FLOOD. Mr. Chairman, I have no further requests for time.

Mr. MICHEL. Mr. Chairman, I have no further requests for time.

Mr. GROSS. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. FLOOD. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I was interested in that bumper corn crop the gentleman from California was talking about.

Mr. FLOOD. If I were from Iowa, I would be, as well.

Mr. GROSS. If anyone would have told me a few months ago there was going to be a bumper corn crop, I would say there must be a crystal ball, the like of which I have not known.

Mr. FLOOD. The gentleman from California has such an instrument.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Of course, I yield to the gentleman from California.

Mr. CORMAN. I would say to the gentleman from Iowa, I know almost nothing about corn, either distilled or in its natural state.

Mr. GROSS. That is what I thought.

Mr. CORMAN. But I would like to point out to the gentleman that when the Committee on Ways and Means was informed by the Treasury that there have been budget increases that were unanticipated, the Department of Agriculture had come up from $8 billion to $11 billion, $3 billion of which was not anticipated. I asked why. I was told it was because a couple of years ago there was a corn blight, and they anticipated a lower yield, and they planted too much corn, and then there was no corn blight the next year, and they had to buy almost $3 billion more worth of corn than they had planned. I cite the Treasury Department rather than the Department of Agriculture as my source.

Mr. GROSS. The gentleman ought to understand that simply because seed is put into the ground, it does not mean there will be a crop.

Mr. CORMAN. But I understand they got a big crop and they could not sell it to anybody else. So naturally, they sold it to the taxpayers.

Mr. GROSS. If the gentleman is saying we are going to have a bumper crop, I say to the gentleman he does not know. and no one knows.

Mr. FLOOD. Mr. Chairman, it is just a little bit too much corn.

Mr. MINISH. Mr. Chairman, the fiscal 1973 appropriations bill for the Departments of Labor and Health, Education, and Welfare presents the House, in general, with satisfactory funding levels for most programs and agencies within its purview.

However, with regard to elementary and secondary education, adult education, vocational education, and library assistance, the legislation falls short of providing adequate funding to meet even the costs of inflation. Therefore, I shall support the quality education amendment which seeks to add $364 million to the bill and I shall have more to say on this subject when that amendment is considered by the House.

Another area in which I have been vitally interested and to which I will devote my remarks is cancer research. I am extremely gratified that the committee saw fit to overrule the administration by providing $60 million more than the budget request for the National Cancer Institute.

The legislation before us today would appropriate $492 million for the National Cancer Institute during fiscal 1973, an increase of $114 million over last year's budget. In addition, most of the $40 million included in the recently enacted second supplemental appropriations bill for fiscal 1972 will be available for expenditure next year thus bringing the cancer appropriations up to virtually the full authorization.

As a prime sponsor last year of the Conquest of Cancer Act which eventually led to the cancer attack bill signed by the President in December, I must commend the committee for a job well done. The committee has provided a funding level for the cancer attack program which will insure that the commitment made in last year's authorizing legislation is fulfilled.

Mr. Chairman, the Senate now should act to provide a similar level of funding for cancer research so that we may proceed promptly with the difficult task of finding the cause and the cure for this dread disease.

Mrs. GRASSO. Mr. Chairman, once again the Appropriations Committee has responded to the health needs of the Nation by providing generous support for the various health programs authorized under the Department of Health, Education, and Welfare.

I heartily support the health provisions of H.R. 15417, the Labor-HEW appropriations bill, and commend the chairman of the Labor-HEW Subcommittee, the distinguished gentlemen from Pennsylvania (Mr. FLOOD) and his colleagues on the Committee for their outstanding work.

A major component of improved health care for the people of this Nation is adequately funded, advanced health research and improved health care facilities and programs. The health budget submitted by the administration failed to meet these needs. Throughout the entire health budget, the administration request totaled only $3.7 billion for programs to improve the Nation's health. The net increase for research in diseases other than cancer and heart disease was less than 3 percent—an increase which did not even cover the cost of inflation. This is false economy which could deprive every major program of the funds necessary to improve the health and health care services of this Nation.

Fortunately, the Appropriations Committee's decision that to economize on the Nation's health benefits no one is reflected in the health budget which it has presented. In a number of specific areas, the Committee has provided substantial and welcome increases in appropriations for vital programs.

For instance, although an estimated 10 percent of the population suffers from some type of mental illness requiring treatment, the budget requested only $613.8 million in this area. This represented an increase over the fiscal year 1972 appropriations of a mere $800,000. The committee included $130 million in additional funds for certain vital mental health programs.

Under the administration budget, the community mental health center program (CMHC)—the major contribution of the past decade to mental health care—would no longer provide essential expansion. The budget included no increase for CMHC staffing grants and no request for construction grants. Realizing the importance of this program to local mental health care, the committee provided $30 million for staffing and $20 million for construction grants.

Alcoholism affects 9 million Americans, accounts for half of our traffic fatalities and costs an estimated $15 billion a year to the economy. To counterattack what has been called the Nation's No. 1 drug problem, the budget called for funds that would maintain a program at the 1972 level. The committee on the other hand, decided that a true national commitment required additional funds and, therefore, provided $59 million more. Of this figure, $30 million will double the figure allocated to formula grants for statewide treatment and rehabilitation programs and another $20 million will increase individual project grants to over $70 million.

The crying needs of our children in the mental health field are of special concern to me. While the number of adult patients in State mental hospitals has declined in the past 16 years, the number of admissions of children has drastically risen. The most devastating and merciless effect of inadequate Federal mental health funding has fallen, tragically, on these children. At a time when this administration claims that mental health services for children enjoy high priority consideration, it is baffling—indeed, appalling—that only $10 million for developing children's services at community mental health centers was requested this year. The additional $10 million approved by the committee will provide a better start for the development of proper care for these children.

In other health areas the committee has reaffirmed the commitment of the Congress to important programs.

Although the need for new and improved health facilities increases each day, funds for the Hill-Burton and other construction and modernization programs were virtually eliminated from the administration request. The bill before us, on the other hand, includes $112 million for hospital construction under this program.

During the 92d Congress, the Comprehensive Health Manpower Training Act and the Nurse Training Act of 1971 established new programs to meet the ever increasing need for skillfully trained medical personnel. Yet there was no request for the funds which would effectively implement these programs—actually the amount requested was $140 million less than last year. Noting that adequate health care demands trained personnel, the committee increased the administration's request by $205 million and stipulated that $120 million shall be used for the construction of facilities.

This Congress also passed legislation to embark on a crusade to conquer cancer, a disease that strikes one in every four Americans. The Congress, reflecting the determination of our people to apply the necessary resources required to meet this commitment to conquer cancer, authorized $532 million for this year. The budget request was only for $432 million. However, with the $40 million contained in the recent supplemental appropriations and the $60 million added by the Appropriations Committee to this bill, the committee has reaffirmed this national resolution which has as its goal the discovery of a cure for cancer.

Heart and lung diseases take a frightening toll of victims each year. Heart disease alone accounts for 38.6 percent of the deaths annually. Emphysema and chronic bronchitis have increased at alarming rates. To combat the various diseases which affect the heart and lung, the committee has suggested $300 million—$44.7 million above the administration's request. $14 million will be used for research and treatment of sickle cell anemia. As the first sponsor of legislation introduced in this Congress to establish a national program to seek an effective cure for sickle cell, I am pleased to see that this commitment has been translated into desperately needed research funds. It is my hope as well that the war on Cooley's Anemia will be recognized in supplemental budgeting as authorizing programs are developed.

Other areas have also received funds needed to continue research at least at last year's level. Some areas of research are little known to many of us, but they deserve our support.

The National Institute of Child Health and Human Development will receive $130.4 million this year—$3.2 million above the budget request and $14 million above last year's appropriations. I was heartened to read that the committee is very much concerned about the lack of research being conducted into sudden infant death syndrome—SIDS. The syndrome is the major cause of death of infants between 1 month and 1 year of age. Yet, the occurrence of SIDS or "crib death" cannot be predicted nor is a cure available. In a statement submitted to the Labor-HEW Subcommittee on May 2, I urged that $10 million be specifically earmarked for research on SIDS. On June 7, the Senate passed Senate Joint Resolution 206 by a vote of 72 to 0. This resolution, identical to one which I introduced on March 27, stipulated that research on SIDS should be given one of the highest priorities within the Institute of Child Health. The increase in appropriations for the Institute and the committee's statement that research on the syndrome should be vigorously pursued increases the possibility that discovering the cause of and cure for SIDS will soon become reality.

Last year, the Congress provided $350 million in additional funds for these health programs. This year the Appropriations Committee again reviewed our health priorities and reported a bill with over $600 million more for health programs than had been suggested in the budget.

Mr. Chairman, as a nation of wealth and technology, we should use our resources to benefit all the people of our Nation. Unless the Federal commitment in this field is increased, the health and health care situation in this country will deteriorate further. Not to take this affirmative action would be a crime against ourselves and our children.

I believe that the proposal before us takes this positive action. The committee bill funds programs desperately needed to provide better health, health care and facilities for the citizens of this great country.

Mr. METCALFE. Mr. Chairman, I support the House Appropriations Committee's increase of $912 million to the appropriations budget for the Department of Health, Education, and Welfare.

I am particularly pleased to see that HEW's health forces will receive $4.7 billion, instead of the $4.1 billion in the

President's proposal. Even this, however, is not enough. If there is an area of national concern in which we should be concentrating our efforts, it is in the area of health care. There are not enough doctors; not enough hospitals—and most of the hospitals are understaffed and ill-equipped; and there are too many people in this country who are without easy access to any hospital or any medical doctor.

As chairman of the Congressional Black Caucus' Subcommittee on Health, I have been involved in several conferences on health which have brought together consumers and medical experts, both of whom have testified to the inadequacy of health care in this country. I am convinced that health care must be one of our national priorities.

If this increase is approved there will be more money in the area of mental health, cancer, heart disease and alcoholism. And there will be more money for our medical schools.

I am also happy to see that we are headed in the right direction in the area of education. The $3.6 billion approved by the committee, is $302 million above the budget request and $54 million above the fiscal year 1972 funding level. However, as is so in the health area, this still is not enough to meet our educational needs. I support the Hathaway amendment which will add $364 million to various education programs in the committee bill and I support Representative BADILLO's amendment to add $15 million for bilingual education.

I urge my colleagues here to also support the committee's bill and the two amendments to this bill which I have mentioned.

Mr. SCHWENGEL. Mr. Chairman, I would like to speak in support of the quality education amendment to the HEW-Labor appropriations bill. The Appropriations Committee recommended increases in the Office of Education appropriations in the form of basic grants for vocational education, education of the handicapped, bilingual education, and the library services and construction areas. This is commendable, but the recommendations do not go far enough in some areas, and are lacking in others.

The Appropriations Committee has increased the administration's budget request by about $300 million for fiscal year 1973. However, according to Office of Education data, my State and school districts will still receive at least $118,000 less than they did in fiscal year 1972. This is represented by a $38,000 cut in programs for educationally disadvantaged children and a loss of $80,000 for vocational education.

I have long been a staunch supporter of increasing educational opportunities for all people. In the past few years, great advances have been made, especially in the areas of vocational education and education of the handicapped. But, these advances cost money. We cannot afford to go back on the investments of time and money that we have already made in the educational system of our country. We must do whatever is necessary to maintain the level of education which has been attained, as well as to advance it in the future. To reach these goals, full funding up to the level requested by the Office of Education, is vitally necessary.

I have found that needed additions, over and above the subcommittee additions to the administration's request, total nearly $364 million. Along with the subcommittee's additions of $301 million, this would represent a total addition of over $665 to the original budget. I feel that this is a reasonable request and that the Office of Education should be funded up to the level of these recommendations.

Of the $364 million in needed additions to the committee report, $257.5 million would be allotted to the areas of elementary and secondary education. The bulk of that sum—$212.5 million—would be spent on programs for the education of disadvantaged children. We cannot turn our back on individuals who, because of their special situations, may require more intense and specialized and, therefore, more expensive, types of education.

Under the proposed amendment another $27.6 million would be granted to vocational education programs. This is a relatively new and rapidly expanding area of education which provides a different type of opportunity than the traditional institutions of higher learning. It is important that we continue to expand in this area.

The additions which I am supporting are necessary in order to continue to improve and expand our educational system. Any cutback or insufficiency of increase could be fatal to programs already in existence, and prevent the development of needed new programs. There is not a doubt in my mind that the quality education amendment should have the firm support of every Member who recognizes the importance of education to our society.

Mr. FRASER. Mr. Chairman, I am pleased that the Committee on Appropriations has recommended an increase of $611 million in the health budget to help meet the health needs of our Nation.

It is particularly gratifying that the committee has proposed restoration of Hill-Burton funds to last year's level of $197 million and health manpower funds of $120 million for hospital construction.

In Minneapolis, restoration of Hill-Burton funds will provide additional aid to enable Hennepin County to proceed with the planned construction of a new Hennepin County General Hospital. It is the only hospital that provides extensive emergency services for the area's 960,000 people. Twenty-five percent of all physicians in the State of Minnesota received part of their education at Hennepin County General Hospital. Its facilities now do not meet the licensing standards of the State. The facilities are old and obsolete and do not comply with modern fire prevention codes. The State has continued the hospital's license only on the basis that new facilities will be completed by 1975.

Reinstatement of health manpower funds will allow the University of Minnesota to carry out its plans for expansion of needed medical school classes and other health facilities at a time when there is a dire need for more health manpower.

I urge passage of H.R. 15417.

Mr. HATHAWAY. Mr. Chairman, first of all, I would like to apologize to the subcommittee chairman for the two errors noted by him and appearing in the table on page 59 of the report.

The fiscal year 1973 subcommittee recommendation for impacted aid, Public Law 874, should read $615.495 million. The fiscal year 1973 subcommittee recommendation for library services and construction should read $59.50 million. Both errors came about as a result of a failure to add the budget recommendation in each case to the subcommittee additions to those recommendations.

At the appropriate time I shall introduce an amendment. This amendment, if adopted, would add $363,833,000 to amounts contained in the bill for eight broad programs.

TITLE I, ESEA

The largest of these is for title I, ESEA, the major activity of the Office of Education which provides compensatory education for disadvantaged children attending schools having a high concentration of youngsters who because of their background of poverty, migrant status of parents, or physical handicap, have need of remedial programs to permit them to compete scholastically with children from more fortunate backgrounds.

There are over 8 million young people in this category in our country who come from families where the income is $2,500 per year or less. The program in the bill would provide about $203 per eligible child above what is annually expended for each child in the school he attends. The average per pupil expenditure now runs nationally about $858 per child. More money is needed per pupil than that provided. Administration studies indicate that at least $300 per child ought to be provided for truly lasting results. There are some 12 million children in families receiving an annual income of $4,000 or less. So that as far as need is concerned, additions to this program have ample justification.

However, I make my main plea on an additional basis which I think can be helpful to the House.

The funds under title I, ESEA, flow to States and to school districts within the State by virtue of a complicated formula, using census data of family income, numbers of children whose support flow from the aid to dependent children welfare program, children who are wards of the State as dependent, or delinquent children or who are in State operated institutions for handicapped children.

The actual amount each State receives each year is calculated by the Office of Education using these factors. Because of the changes which take place in the data collected, we find for fiscal year 1973—as set forth in the hearing record, part 2, page 167—that if the same funding level is provided as was provided in fiscal year 1972, under the terms of the statutes, 25 States will receive less than they received in fiscal year 1972. For example, Alabama, Georgia, Kentucky, and Mississippi would each receive over $3 million less than in fiscal year 1972.

By providing the additional $212.5 million, however, according to tables prepared by the Office of Education, every State but New Mexico would have at least as much as it got in fiscal year 1972 and the deficiency in New Mexico would be only $269,157 instead of a $1.4-million deficiency.

TITLE II, ESEA

Title II, ESEA, which provides library materials to schools, both public and parochical, most needing them in the States, is funded in the committee bill at last year's level of $90 million. The amendment proposes to raise this by $10 million, to $100 million for fiscal year 1973.

Again the argument for the proposal is sustained by two principal lines of thought. First as to merit, the committee bill would buy about one-third of one book per child for a book costing about $3.25. Many schools, 34,000 of them in the country, do not have any school library facilities or materials. The need is undeniable. But the second line of appeal is similar to the point argued earlier for title I, because of the formula factors some 25 States will receive less in fiscal year 1973 than they received in fiscal year 1972. The budget documents in the hearing record on page 290 show this clearly. The additional $10 million provided by my amendment would alleviate that problem in good part.

TITLE III, ESEA

The supplementary services and centers of program of title III, ESEA, is designed to find better ways of reaching children and improving the education provided them. Projects are reviewed by a broadly representative State council in each State and funded for a 3-year period generally. Projects must involve the nonpublic sections in this planning although the proposals come only from public school systems.

In the committee bill, the sums provided have not changed in over 3 years, they have been held constant despite inflation costs of about 10 percent per year in that time. So, on that merit factor alone, an increase is justified; but in addition, as in the case of titles I and II, ESEA, we find the fact situation as shown in the budget documents hearings record, part 2, on pages 290 and 653, some 26 States and the District of Columbia will receive less in fiscal year 1973 than they received in fiscal year 1972. The $25 million of the amendment add-on will serve to correct in part that situation.

TITLE V, ESEA—STRENGTHENING STATE DEPARTMENT OF EDUCATION

Title V, ESEA, consists of these parts: Part A, regular State grants to improve the efficiency and effectiveness of the State education agency for which the ficsal year 1972 funding in the committee bill is continued in fiscal year 1973 at the same level; part B, which has not been funded; and part C, comprehensive planning for State and local agencies which received for the first time this year, an initial funding of $10 million in its administration proposals.

Yet because of educational renewal determinations, funds previously available to State agencies under section 402 and under the Educational Professions Development Act, part B–2 provisions, funds aggregating more than $11 million, are no longer available to State departments. For this reason, the $10 million increase of the amendment for part A is, I believe, very well justified if we are to carry out the intent of the statute.

VOCATIONAL EDUCATION ACT PROGRAMS

Despite the $50 million added by the subcommittee to the basic State grants of part B of the Vocational Education Act, it remains true that it would take $249 million more than last year to hold each of the programs in each of the States at the same funding level in fiscal year 1973 that was received for fiscal year 1972. That is more money, I believe, than the House would be willing to provide.

What I have done, therefore, is to take four programs which focus on disadvantaged young people and we bring them up, under the formulas of the enabling act to the point where no State would receive less in fiscal year 1973 than in fiscal year 1972 at a cost of $27,633,000. A chart on pages 1230–31 of volume 7 of the committee hearings, shows the deficiency that would occur unless the amendment is adopted.

The amendment provides the following amounts for each of the selected programs:

Special needs of disadvantaged students	$9,898,000
Consumer and homemaking	12,697,000
Work study	4,524,000
State advisory councils	514,000
Total	27,633,000

The provision of these amounts for these programs would have the result of making sure that each State in fiscal year 1973 will receive as much as it received in fiscal year 1972 under the operation of the formula grants.

THE ADULT EDUCATION ACT

In this portion of the bill, we find that the subcommittee provided but $51,300-000, the same as last year's original allocation before a supplemental which raised the amount to $63 million. Some $90 million is needed if we are to service the changes in the act that expanded it from the eighth grade to the high school level. My amendment adding $23,700,000 to the program would permit a beginning on the high school activities and would also cure in part the same problem that we have met before of some 26 States receiving less in fiscal year 1973 than they received in fiscal year 1972.

LIBRARY SERVICES AND CONSTRUCTION ACT

While the subcommittee is to be commended for having increased the budget estimates for these items by $26,770,000 over the administration proposals, thus bringing the funding nationally to some $800,000 over the fiscal year 1972 figures, still more money is needed for the same reasons as before.

The $14 million for services proposed in my amendment recognizes that book costs are up 39 percent since 1969. The average adult library book has a $13-plus cost attached to it. Many communities do not have this service at all. Library materials are the basic tools at all educational levels including the adult education areas.

There is great popular support for building libraries. Some 200 communities have matching money ready and waiting for Federal funds to arrive. My amendment would raise the amount available for this purpose to $15 million.

But the best and most economical use of materials is enhanced if funding is provided for more inter-library cooperation projects and programs than would be made available under the committee bill. Hence I propose adding $4.8 million for this purpose. All in all, for all these areas of the act, the amendment would provide $25,000,000 additional funds above last year's level.

PUBLIC LAW 874

Finally, the amendment includes a $30-million increase for Public Law 874 over the committee bill. It is in this area that I know many Members can speak with far greater authority than I can. It is an in-lieu of tax payment and is very important to more than a majority of the congressional districts in this country. The $20 million increase I seek would raise the entitlement of "B" children from the 73-percent level of the committee bill and it would provide for a $10-million start on funding the so-called category "C" program based on a case count of public housing children. The money, however, would be used—as is true of all Public Law 874 money—for the operation and maintenance costs of the recipient district. They and they alone, the local school boards, would determine the purposes for which the money is to be spent.

The $10 million of my amendment for part C would start the mechanism in the Office of Education. It would enable the collection of accurate statistics on where those children are and in what numbers, and it would begin to fulfill an obligation that we undertook when we approved the changes in the act.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their own remarks on the bill H.R. 15417, considered today.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REQUEST FOR PERMISSION TO CONSIDER APPROPRIATION BILLS NEXT WEEK

Mr. MAHON. Mr. Speaker, in our effort to expedite the work of the House, I had planned to ask unanimous consent to make it in order to bring up in the House on Tuesday next, for general debate only on that day, either the bill providing appropriations for Public Works or the bill providing appropriations for Treasury-Postal Service-General Government. If we take up one or both of those bills—we could not take up more than one—the next order of business, when the Appropriations Committee was recognized thereafter, would be to consider the bill under the 5-minute rule.

The SPEAKER. Does the gentleman desire to make that request?

Mr. MAHON. I desire to make that request, realizing that on the 2 days following—Wednesday and Thursday—the House is scheduled to consider the revenue sharing bill. We could undertake to complete consideration of the appropriation bill after the revenue sharing bill is disposed of.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, first I reserve the right to object because I do not believe any living human being could understand that unanimous consent request.

Mr. MAHON. I must concede that the gentleman has a valid point.

Mr. HALL. I would be glad to yield for a further explanation, but I would certainly recommend that the gentleman withhold.

Mr. MAHON. I would ask unanimous consent that we could have general debate on either the Public Works appropriation bill or the Treasury-Postal Service appropriation bill on Tuesday next.

Mr. HALL. Mr. Speaker, further reserving the right to object, I would have to know at what time the papers might be filed, and the bill might be printed and available to the Members; and that has not been stipulated as of this time.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Texas.

Mr. MAHON. The two bills are scheduled to be reported on Monday afternoon next.

Mr. HALL. Which I presume, Mr. Speaker, means that the committee has not yet completed its work and the report has not been filed.

Mr. MAHON. The full committee has not. The bills have been agreed upon in the subcommittees, and they will be before the full committee on Monday next.

Mr. HALL. Mr. Speaker, pointing out that this violates the rules of the House, but full well realizing the need to expedite the business of the House and the leadership problems as to getting away for a political convention, and so forth, I do not intend to object after the fact, when the bill is filed, in spite of the repeated remarks by the gentleman who spoke so eloquently in the well about invading the rights of individual Members; but, as of now, I would certainly have to object.

The SPEAKER. Objection is heard.

THE 750TH ANNIVERSARY OF THE HUNGARIAN CONSTITUTION

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 60 minutes.

Mr. HORTON. Mr. Speaker, President Nixon has just completed a most successful conference with Soviet officials and Polish leaders. There is evidence that a new understanding between the United States and the countries of East Europe has been reached during these visits and the Presidents earlier trip to Rumania. In the long run the success of our changing relationship with these nations should be measured by its effect in bringing about a loosening of internal control within these Eastern nations and new freedom for their peoples. Often the Western world forgets the rich heritage of freedom and independence which has been part of Eastern Europe's history for hundreds of years.

It is important during this period of changing relationships to recognize Eastern Europe's contribution to man's continuing struggle for freedom. This year is the 750th anniversary of the "Bulla Aurea," or the Golden Bull, which is the Hungarian parallel of the English Magna Carta. It is an early and fundamental expression of individual freedom and civil dignity which are still central concerns for the people of Hungary and for all freedom loving citizens of the world.

In 1222, the Hungarian Diet placed its official golden stamp upon the document, which protected the rights of all citizens against the greed of the King and the barons. The Golden Bull was originally created by free men uniting in opposition to the King and the oligarchy and it has continued to symbolize the spirit of Hungary throughout its long history of struggle. The provisions of the Golden Bull insured that feudal barons could no longer suppress their people and individual scould no longer be forced into unwilling servitude or payment. The freedom of landowners was guaranteed in very specific terms. The final clause of the Bull promised that citizens had a right to resist the King if the King were to violate the provisions of the document. This "ius resistendi" clause, the right to resist injustice, has been a cherished ideal of the Hungarian people for seven and a half centuries, an ideal which has survived through June 1956 Hungarian Revolution and to the present day. I hope that my colleagues will have an opportunity to visit the excellent Library of Congress exhibit commemorating the Golden Bull which will be shown until the end of the month.

The basic idea of the Golden Bull is one which made a large step forward toward modern government, for the Bull is a constitutional limitation of power which preserves a balance between economic and political forces. Losing two world wars and suppressed beneath two successive totalitarian dictatorships, Hungary has kept alive the spirit of the Golden Bull and continues the struggle toward freedom in the face of challenges.

Hungary's long tradition of individual freedom should not be overlooked by the western world. As relations between the United States and the Communist world grow more amicable, the issue of the personal freedom of all peoples living in Communist countries should be considered in future discussions of human rights. If the rapprochement between our country and Communist nations is to have real meaning, there should be progress toward improving the rights and freedoms of those living under Communist rule.

Dr. Andrew Frey, a distinguished Hungarian journalist before he was forced to flee his native land, has written a definitive study of the significance of the Golden Bull in the April issue of the Hungarian Freedom Fighter's Federation newsletter, the text of which follows:

THE GOLDEN BULL OF HUNGARY

The 750th anniversary of the Hungarian Magna Charta recalls the past of a thousand-year-old state. And reminds us that the nature of some social and political conflicts remains more or less the same through centuries.

This cornerstone of the Hungarian constitution, named the Bulla Aurea (Golden Bull), was issued in 1222, seven years after the Magna Charta of England was granted in June 1215. While in England this charter of liberties strengthened the barons against the King, in Hungary, it served all landowners, in today's terms the middle and the lower middle classes.

Since it was a peculiarity of Hungarian history that incomparably more people were nobles than in any other European country and that they often remained noble even when impoverished, the Golden Bull gave constitutional protection to a much larger part of the population than other similar letters of rights elsewhere in medieval Europe, including England, the "cradle of parliamentarism", or Switzerland, the "flower-garden of individual liberties".

The fact that in Hungary the human rights of that period were extended over the mass of the lesser nobility, authorizing them to put up armed resistance individually or collectively against violation of their rights, limited not only the King's power. It made it easier for the middle classes to defy also the magnates, the "petty monarchs" of the realm.

The national Diet began to emerge before the end of the 13th century and was a precursor of our modern Parliaments. It was an assembly of locally chosen delegates of all landowners and was destined to protect the lesser nobility (which then consisted of all who owned land) as well as the Church more against the aristocracy than against the King. This was one of the main reasons why feudalism could not become firmly established in Hungary.

The Golden Bull, the trailblazer of the national Diet, was such an important step towards modern democratic institutions that some of its stipulations are worth remembering even now, 750 years after the event.

It attacked the very roots of feudalism by decreeing that the title and estates of the lords-lieutenant of counties were not hereditary. It provided for the degradation of any lord-lieutenant who abused his office; and promised safeguards to all nobles—i.e., to a significant portion of the nation—against arbitrary arrest.

Soon after, in 1231, the Golden Bull was placed under the guardianship of the Archbishop of Esztergom, the Primate of Hungary. He was authorized to excommunicate the King for violation of the charter's articles.

This is why the Golden Bull, this 13th century bulwark of what today we call human rights, has been regarded as the foundation of Hungarian constitutional liberties.

"If the Bull expressed them in legal terms, their political content became known as the Doctrine of the Holy Crown, the crown of the first Hungarian king, Saint Stephen, who was anointed in 1000 A.D. The constitutional Doctrine of the Holy Crown is based on the same principles as the Golden Bull: all political power, even royal prerogatives, were subject to, and derived from, the Crown that symbolized the union of, and independence between, King and nation; the Crown was considered the fountainhead of all rights, of the King's privileges as well as of the rights of all his subjects."

While according to the concept of that age the ruler's power was based on the Grace of God, in Hungary the effectiveness of royal power depended on the assent of the entire nobility. This tenet was defined by the great codifier of Hungary, Stephen Verboeczy, who also played a memorable part in European history when he accompanied Charles V of the Holy Roman Empire to Worms where the famous confrontation with Luther took place.

The basic idea of these principles—those of the Holy Crown dating from 1000, and those of the Golden Bull of 1222—is the same: a constitutional limitation of power, a limitation that served to keep a balance between economic and political forces.

A doctrine that could help us to heal some of the problems of our modern societies.

Mr. PATTEN. Mr. Speaker, it is with great honor that today I share in the observation of the commemoration of the 750th anniversary of the Golden Bull of Hungary—The Hungarian Magna Carta. The Golden Bull is one of the earliest assertions of the type of human rights which the Founding Father's deemed so inherent to freedom and democracy in America.

Serving as the cornerstone of the Hungarian Constitution, the Golden Bull gave broad constitutional protection to the population of Hungary. Today we pay tribute to the architects of the Golden Bull and to all of the people of Hungary. However, our praise today is not limited solely to the promulgation of the Golden Bull in 1222. The principles embodied in the Golden Bull are principles which are very much alive and enforced in our own Nation today.

The Golden Bull provides clear authorization for the protection of the rights of the lower classes of Hungary. Our own "Golden Bull," the Bill of Rights, guarantees similar safeguards for the protection of all Americans.

The Golden Bull provides for severe degradation of any lord-lieutenant who abuses his office. Our own laws similarly protect the American people from abuse of powers and authority by our elected leaders and representatives.

It imposes safeguards against arbitrary arrest. Our own Constitution protects American citizens from similar treatment.

The Golden Bull embodies the same constitutional limitations which the Founding Fathers incorporated into our own system of government.

In today's world of protest and dissent, we sometimes lose track of the great safeguards the American system contains to protect the rights of her people. These fredoms—which each of us consider inherent to a democratic society—has threads which can be traced to the Golden Bull. Today is a day of celebration and rejoicing to be shared not only by all Hungarians, Mr. Speaker, but by all of the peoples of the world who cherish individual freedom in a democratic society.

Mr. BUCHANAN. Mr. Speaker, I am happy to join my colleagues today in commemoration of the 750th anniversary of the "Bulla Aurea," the Golden Bull, known as the Hungarian Magna Carta. The quest for freedom marked by insistence for human rights has been a mark of Hungary as a nation since its inception.

The Golden Bull, enacted in 1222—7 years after the Magna Carta was granted in 1215, is one of Hungary's monumental contributions to man's continuous struggle for freedom. It became another step toward our modern democratic institutions, and free men everywhere shall be forever indebted to the vision and courage of those men who drafted, enacted, and enforced the Golden Bull.

So great was its influence that feudalism did not thrive in Hungary as it did in other areas of Europe. The tenets contained in the Golden Bull served to protect not only the aristocracy from the King but also to protect the poor and the middle classes from the aristocracy. In short, the document became a constitutional limitation of power—a limitation to keep a balance between economic and political forces.

Unheard of in its day was the provision contained in the Golden Bull which extended to prelates, barons, and nobles the "ius resistendi," the right to resist the King should he violate the charter. This right has continued to burn brightly in the hearts of Hungarians from that time to the present as evidenced by the inspiring resistence of the Hungarian Freedom Fighters in 1956.

The freedom we know today is taken far too lightly. We enjoy it only because it was born in the minds of enlightened men centuries ago, because it was won through personal sacrifice by valiant men on the fields of battle, because it was continually defended at enormous costs when necessary, and because it has been jealously guarded in legislative bodies such as our own.

Consequently, Mr. Speaker, any glimmer of freedom from whatever its source and every particular act of freedom wherever committed is part and parcel of our rich heritage.

Mr. DERWINSKI. Mr. Speaker, here in the United States we are too often inclined to take our freedoms for granted, forgetting that men and women through the ages have fought and died to obtain these freedoms and bequeath them to others.

The rights that free people enjoy did not come to them overnight, but inch by inch as stubborn rulers of bygone days grudgingly yielded concessions. Neither were these rights immediately granted to all; they were extended to one group at a time. Even here in America, where our Founding Fathers recognized that fundamental human rights come, not from government, but from Almighty God, some groups enjoyed more rights than others in the early days of the Republic and their extension to everyone has been a continuous process.

We ought, from time to time, to turn back the pages of history and read about earlier efforts to secure freedoms and rights from powerful rulers who were reluctant to grant them. An auspicious occasion for such a backward glance presents itself in this year of 1972, the 750th anniversary of the enactment in 1222 of the Golden Bull by the Parliament of Hungary. This document has been called the Magna Carta of Hungary, the Great Charter of England having antedated it by a mere 7 years.

Under the terms of the Golden Bull, which was forced upon King Andrew II, Hungary's lesser nobility and clergy were exempted from taxation, permitted to dispose of their lands as they saw fit, protected from arbitrary imprisonment and confiscation, and guaranteed an annual assembly where they could petition for a redress of their grievances. The nobles also received the right to refuse to perform military service in foreign countries.

Through the centuries that followed the promulgation of the Gold Bull, the people of Hungary have been dominated at various times by the Hapsburgs of Austria, the National Socialists of Germany, and the Communists of Russia. By comparison with the Nazi and Communist tyrannies that followed, the Hapsburgs were paternal and benevolent rulers who occasionally made some concessions to their Hungarian subjects.

Let us suggest to the Soviet Union, which according to its apologists here in the United States, is mellowing, that it ease the difficult lot of the Magyars by extending to them the liberties that are enjoyed by free peoples in other lands—freedom of worship, freedom of speech and press, and free elections, to name only some of the more important ones.

Mr. Speaker, I can think of no better way to commemorate the 750th anniversary of the Golden Bull, the Great Charter of Hungary.

Mr. MINSHALL. Mr. Speaker, it is a privilege to pay homage today to a great people and to a great document, a landmark for freedom in the history of mankind.

The Bulla Aurea of the Hungarian nation represents some of the noblest aspirations of the human mind, guaranteeing personal freedom, closing the gap between the upper and middle classes, and forbidding oppression and exploitation of the poor. It is one of the pillars of the Hugarian Constitution, a constitution we all hope and pray in our lifetime will be reinstated so that Hungary can resume its rightful place among the free nations of the world.

For those of you who have not yet seen the very fine exhibit commemorating the Hungarian Golden Bull at the Library of Congress, I recommend that you do so before it closes June 30.

At this point in the RECORD, I would like to insert a copy of the April, 1972, newsletter, "The Fight for Freedom," published by the Hungarian Freedom Fighters' Federation, U.S.A., an excellent dissertation on the history of the Bulla Aurea and its relevance today.

THE GOLDEN BULL OF HUNGARY

(By Dr. Andrew Frey)

The 750th anniversary of the Hungarian Magna Carta recalls the past of a thousand-year-old state. And reminds us that the nature of some social and political conflicts remains more or less the same through centuries.

This cornerstone of the Hungarian constitution, named the Bulla Aurea (Golden Bull), was issued in 1222, seven years after the Magna Carta of England was granted in June 1215. While in England this charter of liberties strengthened the barons against the King; in Hungary, it served all landowners, in today's terms the middle and the lower middle classes.

Since it was a peculiarity of Hungarian history that incomparably more people were nobles than in any other European country and that they often remained noble even when impoverished, the Golden Bull gave constitutional protection to a much larger part of the population than other similar letters of rights elsewhere in medieval Europe, including England, the "cradle of parliamentarism," or Switzerland, the "flower-garden of individual liberties."

The fact that in Hungary the human rights of that period were extended over the mass of the lesser nobility, authorizing them to put up armed resistance individually or collectively against violation of their rights, limited not only the King's power. It made it easier for the middle classes to defy also the magnates, the "petty monarchs" of the realm.

The national Diet began to emerge before the end of the 13th century and was a precursor of our modern Parliaments. It was an assembly of locally chosen delegates of all landowners and was destined to protect the lesser nobility (which then consisted of all who owned land) as well as the Church more against the aristocracy than against the King. This was one of the main reasons why feudalism could not become firmly established in Hungary.

The Golden Bull, the trailblazer of the national Diet, was such an important step towards modern democratic institutions that some of its stipulations are worth remembering even now, 750 years after the event.

It attacked the very roots of feudalism by decreeing that the title and estates of the lords-lieutenant of counties were not hereditary. It provided for the degradation of any lord-lieutenant who abused his office; and promised safeguards to all nobles—i.e., to a significant portion of the nation—against arbitrary arrest.

Soon after, in 1231, the Golden Bull was placed under the guardianship of the Archbishop of Esztergom, the Primate of Hungary. He was authorized to excommunicate the King for violation of the charter's articles.

This is why the Golden Bull, this 13th century bulwark of what today we call human rights, has been regarded as the foundation of Hungarian constitutional liberties.

If the Bull expressed them in legal terms, their political content became known as the Doctrine of the Holy Crown, the crown of the first Hungarian king, Saint Stephen, who was anointed in 1000 A.D. The constitutional Doctrine of the Holy Crown is based on the same principles as the Golden Bull: all political power, even royal prerogatives, were subject to, and derived from, the Crown that symbolized the union of, and independence between, King and nation; the Crown was considered the fountainhead of all rights, of the King's privileges as well as of the rights of all his subjects.

While according to the concept of that age the ruler's power was based on the Grace of God, in Hungary the effectiveness of royal power depended on the assent of the entire nobility. This tenet was defined by the great codifier of Hungary, Stephen Verboeczy, who also played a memorable part in European history when he accompanied Charles V of the Holy Roman Empire to Worms where the famous confrontation with Luther took place.

The basic idea of these principles—those of the Holy Crown dating from 1000, and those of the Golden Bull of 1222—is the same: a constitutional limitation of power, a limitation that served to keep a balance between economic and political forces.

A doctrine that could help us to heal some of the problems of our modern societies.

GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks and to include extraneous material on the subject of the 750th anniversary of the Hungarian Constitution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SEARS CONGRESSIONAL INTERNSHIP PROGRAM FOR JOURNALISM STUDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 30 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, for the first 3 months of 1972, I was fortunate to have a young intern from the University of Indiana work in my office under the auspices of the Sears congressional internship program for journalism students. The intern, Margaret Finucane, proved to be a valuable asset to my staff. She was industrious and energetic. From her first day on the job, she performed like a veteran staff member. Because of my experience, I discussed this program with several of my distinguished colleagues who also received interns through this program. Their reactions were as favorable as mine.

I feel I should take this opportunity to bring this rather unique intern program to the attention of those who may not be as familiar with it as those of us who have participated.

The Sears program was conceived by Mr. John L. Wheeler who, until his recent retirement, served as the company's vice president for governmental affairs. Mr. Wheeler, the son of the distinguished former Senator from Montana, Burton K. Wheeler, was greatly influenced by his own experiences in his father's office, and felt that this type of opportunity should be made available to as many young people as possible.

The intern program was inaugurated in 1970 and, to the best of my knowledge, is the only such program designed specifically to provide journalism undergraduates with firsthand experience in the legislative process.

During their stay in Washington, the interns serve as full-time staff members, most often working in press-related activities—writing press releases and speeches, handling constituent mail, or doing research. The actual assignment of duties is left entirely to the office to which the intern is assigned.

Coordinated with the 3 months of office work is a course in "Understanding and Reporting Legislative Affairs," taught by Samuel J. Archibald, director of the Fair Campaign Practices Committee and academic adviser to the program. The course consists of 12 3-hour sessions. Students are given reading and writing assignments, are visited by guest lecturers from all phases of the media and participate in group discussions. Between the full work days in the offices and two evening classes a week, these students are making maximum use of their time in Washington.

Students participate in the internship program at no cost to them nor to the offices in which they serve. Sears pays each intern a stipend of $1,300 plus a travel allotment based on the distance from his campus to the Capitol.

Upon their arrival in Washington, the students are given an orientation program. In addition to the details of the program itself, they are given a brief seminar as to the functioning of a congressional office. The orientation enables the intern to report to his or her assignment with some basic knowledge of the workings of Congress.

The entire program is monitored by a congressional advisory committee. Each year, eight Members of Congress—who have had interns—are invited to participate. The committee reviews the winning applications, assists in the process of matching interns with congressional offices, and advises on matters of policy. It is with great pleasure that I serve on this committee for the 1973 program. The other distinguished Members of Congress on this committee are: Senators BAYH and HATFIELD, and Representatives TIM LEE CARTER, JOSHUA EILBERG, MICHAEL HARRINGTON, PETER PEYSER, and TOM RAILSBACK.

In my experience in Washington, I have not seen an intern program that was more effective from the standpoint of a congressional office, but more importantly, I have not seen a program from which the individual intern could gain so much experience and education. I would highly recommend the Sears program to any of my colleagues.

Mr. CONTE. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. ROONEY) for taking this special order to give us an opportunity to comment on the Sears congressional internship program for journalism students.

As a Member who already has had a Sears intern in my office, and as one who had the privilege of serving on the congressional advisory committee for this year's program, I am quite familiar with, and impressed by, this internship program.

The Sears program is one of the newest on Capitol Hill, having started only in 1970. But already it has established itself as one of the best.

The benefits of the program have been felt by the outstanding students selected to participate so far, and by the Members of Congress who have had the good fortune to have these students in their offices.

But I believe an even greater benefit will accrue in the years ahead to the entire country. It will come in the form of better, more informed reporting of the Nation's business as it is conducted by the Congress.

The outstanding young journalism students taking part in this program are gaining an invaluable amount of knowledge and experience in the legislative process. I firmly believe nothing can match service in a congressional office for obtaining such a background.

Because the vast majority of people cannot participate in such a program, it is vital to an informed public that the people who will be reporting and commenting on the Federal Government in the future have this kind of experience.

Thus the real winners from this program are not only the Congressmen who participate and the students who become interns. The public itself stands to benefit greatly.

The company which sponsors this programs and all those who are actively engaged in the endeavor are to be congratulated for recognizing the importance of journalism in our national life, and for taking such dramatic steps to insure that the quality of that journalism remains high in the future.

Mr. WALDIE. Mr. Speaker, I am pleased to join with my good friend to praise one of the most outstanding student internship programs in the Nation, the Sears congressional internship program for journalism students.

I have had the pleasure of serving on the Sears program's selection committee as well as having a Sears intern serve in my office.

Mr. Speaker, I have also been privileged to speak before the seminars of Sears students and can report that there has been no more attentive and responsive group of students in the Capitol.

Credit for the outstanding success of this program must be shared by the students themselves and the fine staff in the Sears office in Washington.

The curriculum designed by the Sears staff and Sam Archibald of the Freedom of Information Center is top rate, demanding, and of great personal assistance to the interns and to the offices where they work full time.

Mr. Speaker, in closing, I would like to commend my colleague from Pennsylvania (Mr. ROONEY) for providing me with an opportunity to comment on the Sears program.

Mrs. GRIFFITHS. Mr. Speaker, education is a combination of training and experience. The Sears congressional internship program provides a unique opportunity for outstanding journalism students from all regions of America to study first-hand the legislative process and enrich their college studies of communication and political science with practical experience.

Since 1970, 60 students have been placed in the offices of Members of the House and Senate, where they have been able to observe the workings of a congressional office, while assisting staff members with various projects.

These students, who have shown an interest in pursuing careers in political reporting, have been permitted to return to their studies with an increased understanding of the problems and responsibilities of the legislator, and have seen the interaction of the lawmakers with their constituents and their colleagues. Their internships have helped them prepare to report and analyze events, as future leaders of the communications media.

This spring, Theresa C. Pitts, a senior at the University of Oklahoma, was a Sears intern in my office. I was impressed by the quality of her research, and her knowledge of current affairs. Assisting my staff with special projects, I feel Theresa gained new insights into the role of the Congressman.

May I join with my colleagues in saluting the achievements of former Sears congressional interns as they begin their professional lives as reporters and researchers. I am sure we will be seeing and hearing more of these talented young people in the future. I also recognize the contribution of Sears, Roebuck, & Co., for supporting this program. In 1973, enrollment will increase by 50 percent, an expansion which indicates the success of the Sears congressional internship program for journalism students.

Mr. PREYER of North Carolina. Mr. Speaker, I am pleased to join in this special order to recognize the significant contributions made by the Sears congressional internship program to those congressional offices which have participated in the program. Those of us in our office who worked this year with Tom Adkinson of the University of Tennessee know at first hand what a fine program Sears has developed. These young men and women represent some of the finest talent in our colleges. They are imaginative and hard working. In sponsoring their experiences in Washington, Sears has helped contribute not only to the short-range goal of making a congressional office perform more effectively and responsively but to the long-range goal of making our democratic institutions stronger. When Tom Adkinson left our office, he wrote of his experience for Editor and Publisher magazine in the following article:

SEARS U. ESTABLISHES CAMPUS IN CAPITOL FOR J-STUDENTS

(By Thomas L. Adkinson)

A new "university" has just finished its third year of giving a few aspiring journalists some experience that may be a welcome surprise to their future employers. Without reservation, it can be said that this "university" is unique.

As in other universities, students strive diligently to get in; but that is about where any similarity ends.

Only journalism students attend this special university. Everyone in it seeks a job in the media. Most will try to be specialists.

The student-teacher ratio is more like a teacher-student ratio because the teachers outnumber the students. The physical plant is immense, composed of many well-known buildings stretched across two states and a patch of federally-owned land.

What is this amazing university? It is Sears U., otherwise known as the Sears Congressional Intern Program, the only program of its kind for undergraduate journalism majors.

Who are these students and teachers? The students are 20 journalism majors from 18 accredited J-schools selected through nationwide competition. The teachers include an associate professor of journalism from the University of Missouri, a sampling from the Washington press corps, and a host of congressmen, senators, administrative assistants, legislative assistants and other aides.

And what is this physical plant. Obviously, the halls of Congress, associated office buildings, and residences strewn across the District of Columbia, Virginia and Maryland.

MORE THAN JUST INTERNS

"The word 'intern' is practically a dirty word around Capitol Hill because there are so many useless interns," this year's Sears interns were told in an early winter pep talk. "The term denigrates you. But *you* are more than the average, run-of-the-mill interns." Therefore, Sears interns often say, "I'm on the congressman's staff," rather than "I'm just an intern in the congressman's office."

The pep talk speaker was Samuel J. Archibald, executive director of the Fair Campaign Practices Committee and an assistant professor of journalism from the University of Missouri. He was the interns' mentor in a seminar on "Understanding and Reporting Legislative Affairs."

The I'm-on-the-congressman's staff attitude reflects the professionalism of the entire Sears program. The program was begun in 1970 by Sears, Roebuck in cooperation with the American Council on Education for Journalism.

Providing selected outstanding journalism and communications students with first-hand knowledge of the legislative process is the stated purpose of the program. A sincere interest in pursuing a journalism career is an important criterion on which students are recommended.

"When Sears began the intern program, we weren't sure what type of students we wanted. We wanted people who could benefit from the experience for the moment; but more than that, we wanted people who could put their experience to good use later," said James Ritch, Sears information director in Washington.

CANVASSED EACH SPRING

"Journalism students have proven a good choice. They have been knowledgeable, well-trained, and assets to their offices. We hope the office work, coupled with the legislative affairs reporting seminar, will benefit them in their careers," he added.

It is true that the Sears students are not the average interns. They are sought out by the congressional offices. All offices are canvassed each spring to determine their interest, and always the demand exceeds the supply of interns. This year 167 offices vied for the services of 20 interns. In the first year of the program, 60 offices requested interns and 117 did last year.

"We have tried to get a Sears intern for three years and were unsuccessful until this Winter," said Tom Lambeth, administrative assistant to Rep. Richardson Preyer, Democrat of North Carolina.

Offices that have not had Sears interns are most likely to be accepted. Pairing interns with offices is supervised by the Congressional Advisory Committee. Members are legislators who previously have had Sears interns.

"The offices are getting a free hand, so we want to make sure they utilize the interns meaningfully," said Archibald. "We try to screen out the offices that are looking for 'go-fors'—someone they ask to 'go for this' or 'go for that.' After an intern is in an office, he is on the staff and we want and have no say on what he does."

Offices and interns are matched on party preference of the intern, common fields of interest, geographic background of the intern, and interest areas and experiences of the intern that could benefit the office.

WASHINGTON PRESS CORPS SPEAKERS

The seminar on legislative reporting was in addition to working full-time for 10 or 11 weeks for the congressmen. The course included a series of speakers from the Washington press corps, writing assignments, and readings on Congress, lobbying, electioneering, backgrounders and other subjects.

"Government isn't as simple as most columns and features make it out to be. There are plenty of angles and pressures that, if known and understood, make for better stories," said Archibald.

"There has never been a good study of reporting legislatures, and there is a vast lack of research in this area," he said. Hence, the sessions with the Washington reporters.

The seminar is another factor that makes this intern program unique. No other intern program incorporates an academic course into the experience. The course permitted most interns to receive academic credit which they otherwise might not have gotten.

Providing entertainment and enlightenment on class nights were Mike Green from the McClatchy Newspapers in California; Frank Eleazer, head of the UPI bureau in the House; Peggy Simpson, an AP regional reporter; Bill Small, vice-president of CBS News; James McCartney, national security affairs reporter for the Knight Newspapers; and Les Whitten, from Jack Anderson's "Washington Merry-Go-Round."

Perhaps the beauty of the seminar speaker program was that each speaker had a different perspective on Washington reporting. Each had a different job and, therefore, different ideas on the Washington scene.

THE REGIONAL CORRESPONDENT

Mike Green explained his concept of Washington reporting for a group of distant papers. In his case, distant meant California. His principal statement was that even though he works for a relatively few papers, there is more than enough to report for his region from Washington.

Peggy Simpson later gave her ideas on being a regional correspondent. She covers Texas, New Mexico, Arizona and Oklahoma for AP.

"Wire regional reporters are not the backbone of the Washington scene, as many editors think," she said. "We do much more than report every breath of a region's Congressmen. We work on national stories but do have to drop everything for a regional request.

"It rarely develops that we have the time we want to work on a story. AP regional reporters previously had been grounded in Washington, but now they can travel for stories, although not everyone takes advantage of the freedom."

James McCartney from Knight Newspapers bureau explained his group's theory of Washington coverage. Knight has broken away from the geographic beats such as the House, the Senate, the White House and the Pentagon.

Instead, reporters have subject-area beats and pursue stories anywhere they crop up in the Washington bureaucracy. This, McCartney said, frees reporters from dependency on a very few sources and gives them more latitude.

His insights on the Washington information situation proved very enlightening and perhaps most useful to the interns. He theorized that "because the government is so diffuse, a certain amount of information has to be given out to make the system work.

"It is so large that you can see where inconsistencies arise—when people are lying. That's where you start. You can do this at city hall, too, because they also know how to lie," he said. "Lying has become an established national institution."

McCartney also filled in the interns on what he termed two verities in Washington. First, whenever a bomb is dropped, it is in the name of peace. Second, whenever the government wants to lie, it does it in the name of the national interest, he said.

McCartney hit one note that practically all speakers mentioned. This was that "Congress and the press have somewhat similar roles: both should be adversaries of the executive branch, but Congress is not performing.

"That is why we brought you here," he told the interns, "to break open the unnecessary secrecy of the government."

"Young fogeys" is what Bill Small, vice-president of CBS News, called 19 of the 20 interns. Only one of the group indicated he was aiming at a broadcasting career.

Although promoting the importance of broadcasting, Small was concerned about the public's dependence on television news.

"It is disturbing that so many Americans get all their news from TV because they will remain ignorant. Television news is the front page and a few features. For depth, reading newspapers is absolutely essential," he said.

Small said broadcast coverage of Congress will not bring matters out in the open. "It doesn't matter whether cameras are present for congressional action because most of the work is done behind closed doors," he said.

What broadcast news can do for Congress is to enhance its prestige, he said. "In recent years, the Senate has had more television exposure than the House and has gained more public prestige, particularly concerning the Vietnam issue."

UPI's Frank Eleazer struck on the watchdog role of the press. "When congressmen have been caught in any wrong-doing, it has been more by the press than the Justice Department. No one really is watching Congress except the press," he said.

Les Whitten, who works for Jack Anderson, was the seminar's final speaker and he gave an almost evangelistic talk on investigative reporting. He called it the "only thing year in and year out that can serve a reporter who has a conscience. You can see direct results," he said.

"Investigative reporting is going after the big boys, the ones that are dangerous to go after because they are so powerful. It is a life in the gutter that requires a lot of zeal, and I would like to see some of it rub off.

"Politicians are easy marks," he said, "but the hard shots are banks, insurance companies, motor companies, pharmaceutical companies, utilities, etc. However, the record-keeping facilities of the country work in favor of the investigative reporter."

INTERNS COVERED STORIES

For the college scene, he said "college newspapers are atrocious in their ignorance of their power. After college, it will be much more difficult for reporters to get things published.

"In fact, it is often easier to expose a crook than to get the story into your newspaper. Half of the investigative reporting is fighting your own paper. Sometimes you have to shame city editors into publishing one of your reports."

Covering stories was an integral part of the seminar. Each intern wrote a localized story on the proposed federal budget, covered a series of hearings in a House Judiciary subcommittee on school busing amendments, and amendments, and prepared a series of stories on a week of hearings on Freedom of Information legislation.

On their own, several interns wrote news stories and features for their college or hometown newspapers. "Having a Washington dateline on a story by a local writer really sets the story off," said John Borger, who filed stories back to Michigan State University.

It sounds as if the seminar could have occupied all of an intern's time, but, in perspective, it took only a small portion of the Winter.

What did take up most of the time was regular office work. They were "on the staff" and they paid (in hours) for the privilege to say so.

Some worked directly with press secretaries. Others practically became press secretaries. Those who did do press work had to famliarize themselves with the district or state newspapers, prepare press releases, write radio spots, get to know the correspondents covering their offices, maintain clipping files, and sometimes arrange full-scale press conferences.

Whether or not the interns worked with their congresman's press relations, they all could observe how their offices were covered and how news was disseminated from their offices.

Practically all utilized their writing skills. Interns drafted speeches, summarized committee proceedings, and answered constituent mail.

LEARNED ABOUT THE WILDERNESS

Oregon's wilderness areas became the chief concern of Linda Herman from Indiana University, who worked for Sen. Mark Hatfield. She answered constituent letters about wilderness areas and had a considerable amount of learning to do since, as she put it, "There are precious few wilderness areas in Indiana."

On a mundane note, almost everyone got to learn or exhibit some secretarial skill. One male intern quipped, "I will be eternally grateful to my office if I ever decide to become a professional secretary."

The experience is over for the 1972 interns, but the learning process has just begun. The former interns now have the background to make a big difference when they take the road to becoming legislative or congressional reporters.

One former intern who has some time left at the University of Montana will return to her student government beat. She admitted it would be quite a letdown from Congress, but the insights she gained in Washington will be somewhat applicable, even to student government.

Next year, the program expands to 30 interns. So editors, be on the lookout. Qualfied prospects to fill your governmental reporting slots are on the way.

* * * * *

Thomas L. Adkinson, a senior in journalism at the University of Tennessee, has participated in the Sears program. Last summer he was a Newspaper Fund intern on the copy desk of the Columbus (O.) Citizen-Journal.

Mr. MEEDS. Mr. Speaker, I want to commend the gentlemen from Pennsylvania (Mr. ROONEY) for obtaining this special order to comment on the Sears congressional internship program.

It was my pleasure to have Mr. James E. Smith, a journalism student from Iowa State University in my office this spring. I have had numerous interns on my staff for short periods of time in the past and I can never be sure who benefits the most, the interns or myself.

I was glad to have Mr. Smith in the office for our mutual learning experience and hope it will benefit him in his pursuit of a journalism career. In return, it added to our understanding of the process necessary to creation of a perceptive journalist.

The founders of the Sears Congressional Internship program are to be congratulated for the concept and performance of this new internship program. I believe it is a national service to acquaint prospective practitioners of journalism with all the participants in the public exchange of ideas necessary to a healthy society.

In this day and age of people urging "involvement," I can think of no better way for young people to get involved in the processes of Government. Similarly, I think young people preparing themselves to become professional observers and interpreters of the American governmental processes should be exposed to the inner workings of the process on which they will pass news judgments.

It is a fine program and one that I think will ultimately benefit the citizens of our Nation through better informed reporting of public events.

Mr. RAILSBACK. Mr. Speaker, I am pleased to join my colleagues in commending the Sears Congressional Internship program for journalism students as a most worthwhile effort. I have always supported the many congressional intern programs because of the mutual benefits derived from having intelligent young people working with Members of Congress and their congressional staffs. The program, sponsored by Sears, Roebuck & Co., in cooperation with the American Council on Education for Journalism, stands out as one of the most effective of the many intern programs with which I have been associated.

Perhaps the key to the success of this program has been the thoughtful efforts of such individuals as Phil Knox, John Wheeler, Jim Ritch, Sam Archibald and Larry Horist in putting together a complete plan by which both the interim and the congressional office get the most from the experience. The intern selection process, the orientation of those selected, and the Washington experience itself are designed to make the intern feel and function as part of the staff. The effort, from my experience and based on what my colleagues have told me, has had remarkable success. As one Member half jokingly remarked, "I almost resented having to let the young man go; he's become that valuable to my office."

Since the program began in 1970, 60 internships have been awarded. In 1973 the program will expand so that 30 internships can be awarded. The program is open to full-time undergraduate students majoring in journalism or communications who will be juniors or seniors during the period of internship. The individuals selected are characterized by high academic performance, interest in political reporting, and an ability to write articles, news releases, speeches and newsletters.

The goal of the program is to provide selected outstanding students with firsthand knowledge of the legislative process. One criterion upon which students are recommended for the program is sincere interest in pursuing journalism as a career. As the reporters and commentators of tomorrow, the intern will hopefully leave with the kind of understanding of legislative problems and processes that will make them better journalists.

The internship consists of an appointment to the staff of a Member of Congress and enrollment in an academic course, "Understanding and Reporting Legislative Affairs." The interns work as a full-time staff person in the congressional office for 8 weeks and have a chance to translate their studies in journalism and political science into concrete experiences.

The Sears intern most recently on my staff was given major responsibility for researching and writing a number of speeches and news columns to be used in my district. His previous training and ability made him most competent in his assignments, and he quickly became a vital part of my staff. In addition, his fresh, young approach to issues often proved stimulating and helpful.

The intern frequently consulted with myself and members of my staff and soon became familiar with the wide range of legislative and governmental affairs of interest and concern to the residents of my district. During his stay, he considerably refined and expanded his understanding of what it means to be a Federal representative. His experiences with us also seemed to increase his interest in becoming actively involved in political affairs.

As always, I was sorry when the internship came to an end and our intern had to return to school. However, I am very happy to know that the program will be expanded next year and that Members of Congress will have more opportunities to work with the fine young men and women selected as interns for the Sears Congressional Internship program for journalism students.

Mr. CRANE. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ROONEY) for taking this time to comment on the Sears Congressional Internship program for journalism students.

I was fortunate to have an intern on my staff during the 1971 program and I will happily vouch for the quality of students who participate in the program.

Miss Suzanne Dean, a graduate of the University of Utah, finished graduate school at Columbia University after completing her internship on my staff and she will begin work on the staff of the Washington Post this summer. Miss Dean was a valuable addition to my staff during her internship and I am confident she will have a bright future in her journalism career.

Something I learned from Miss Dean, and I am sure my colleagues learned from their interns, is that young reporters are very concerned with fair and accurate reporting and that many of them are disturbed by the numerous criticisms of the news media.

I think their distress is justifiable. As they prepare to enter the field of professional journalism, they can see before them a news media which is rapidly losing much of its credibility, and hence much of its value to a free society.

Hopefully, their own dedication and hard work during their college years and the experience which they gain during their internship will be not only of benefit to them in their careers, but to the news media itself.

If the news media is to effectively play its important role as "watchdog of government," it must enjoy the trust of its readers and viewers. And in order to win that trust, it must be honest, objective and perhaps most of all, aware of the responsibility which the public has given it.

Fortunately, the participants in the Sears congressional internship program for journalism students appear to have these qualities. I wish to commend the program, but particularly the students who have been selected to participate in it.

REMARKS OF REPRESENTATIVE McCLOSKEY WITH REFERENCE TO PRISONERS OF WAR AND THE ESCALATION OF BOMBING IN NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 5 minutes.

Mr. SEIBERLING. Mr. Speaker, yesterday the gentleman from New York (Mr. KEMP) and some of his colleagues on the Republican side, engaged in an attack on their Republican colleague, the gentleman from California (Mr. McCLOSKEY) for some remarks he had made on a television show concerning possible risks to American prisoners of war in North Vietnam resulting from the administration's escalation of the bombing of North Vietnam.

Mr. Speaker, the gentleman from California (Mr. McCLOSKEY) was not present and, therefore, not able to respond, and apparently no one was here to speak in his behalf.

I certainly cannot speak for Mr. McCLOSKEY and I do not know what he intended by his remarks on the television program. I did not see the television program but only read what was recorded in the press.

However, it seemed to me that the remarks being made against him on the floor yesterday were so one sided that it would be appropriate that someone attempt to bring a little perspective into that discussion.

Accordingly, I asked the gentleman from New York (Mr. KEMP) if he would yield, which he did. However, before I had completed my remarks, the gentleman from New York announced that he would yield no further time to me. Of course, under the rules, he was within his rights to do this.

Since I was prevented from doing so yesterday, I would like to complete my remarks now.

I would simply add, that when you consider the situation arising from the escalated bombing of North Vietnam, it is obvious that this escalated bombing greatly increases the risk that American bombs will eventually strike American prisoners of war in North Vietnam. This risk exists no matter how careful our Air Force is to avoid bombing residential areas and no matter how careful the North Vietnamese are in complying, as they should, with the mandates of the Geneva Convention to minimize the risks to prisoners of war.

These bombings by B–52's, on the average, lay a path of destruction one-half mile wide and 3 miles long. So, inevitably not only civilian lives, but lives of other people in the vicinity are risked. It is like lightening. You never know where it is going to strike, but over a period of time, you know that a certain number of people are going to be struck. There is always a chance it will strike one of your own people. So it is with the bombing of North Vietnam.

We can only hope that tragedy will not occur. But if it does, it would mock reality to try to pin the blame on the gentleman from California (Mr. McCloskey) because he may have chosen some extreme examples in an effort to point out some of the risks involved to our prisoners of war in the administration's policy of escalated bombing.

Certainly, if there is any single American who bears responsibility for increasing those risks to our prisoners of war, it is the man who made the decision to escalate the bombing, and that is President Nixon himself.

APPOINTMENT OF THE HONORABLE RICHARD H. POFF TO THE SUPREME COURT OF VIRGINIA

The **SPEAKER** pro tempore (Mr. Gonzalez). Under a previous order of the House, the gentleman from Virginia (Mr. Abbitt) is recognized for 30 minutes.

(Mr. ABBITT asked and was given permission to revise and extend his remarks.)

Mr. ABBITT. Mr. Speaker, I am sure the Members recall that some few days ago the Honorable Thomas N. Downing announced to this body that the Governor of the Commonwealth of Virginia had appointed one of our colleagues to the Supreme Court of Virginia.

Mr. Speaker, I am highly pleased that the Governor of the Commonwealth of Virginia has appointed Hon. Richard H. Poff to fill this vacancy on the Supreme Court of Virginia that was created by the resignation of Mr. Justice Gordon.

Dick Poff, as he is affectionately known by all of his colleagues and by his friends and associates back home, is one of the outstanding Members of this House. He has been such ever since he entered on his duties here.

I have known him intimately and I have been associated with him intimately. He is one of the finest men I have had the privilege of being associated with here in this great body. He is loved and respected by all of his colleagues.

He has rendered outstanding service to the people of his district and to the people of Virginia and to the people of the Nation. He is a man of great integrity, high intelligence and he will bring to the court a dignity, modesty, knowledge, and a judicial temperament. He will render a great service to the people of our Commonwealth. He will be a great justice in the tradition of the members of the present court and of those who have gone before.

Mr. Speaker, I would like to say, in my opinion, Dick Poff has one of the best legal minds in the Congress. His work on the Committee on the Judiciary has been outstanding and has given him adequate training and preparation so that he will serve with honor and distinction as a justice of the Supreme Court of Virginia.

Dick Poff has the ability and training and judicial temperament and integrity and sense of fairness to make an outstanding justice.

I wish him Godspeed on this all-important assignment.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. Mr. Speaker, I am happy to yield to my associate, the honorable Member from the 10th Congressional District of Virginia who has served so long and so faithfully in this great body.

Mr. BROYHILL of Virginia. Mr. Speaker, the departure of my colleague Dick Poff to the highest court in the State of Virginia is a great gain for justice there and elsewhere in the Nation, but it is a loss of major proportion to the Congress of the United States.

His wisdom, his integrity, and his sense of fair play and justice has long been known to those of us who sought his advice and counsel throughout his distinguished career in Congress. His potential to serve in the highest councils of justice has long been recognized by the finest legal minds and legal organizations in this Nation. It has been recognized by more than one President of the United States.

Now he has chosen to serve justice in his native State of Virginia. He will serve it well, Mr. Speaker, as he has served his colleagues, his country and his constituents.

I will miss him as a friend and a counselor. This Congress will miss him on both sides of the aisle. But we shall, I am sure, miss him with pride as he adds his knowledge and integrity in the cause of justice and to the heritage where it was cradled along with the creation of this republic.

I wish him Godspeed.

Mr. SATTERFIELD. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I am glad to yield to my colleague, the gentleman from the Third Congressional District of Virgina.

Mr. SATTERFIELD. Mr. Speaker, I wish to take this opportunity to congratulate my colleague and to associate myself with his remarks and the remarks of my other colleagues.

I have known Dick Poff for over 25 years and I have come to know him as a man of impeccable integrity, of intelligence and of reason. I know too that he possesses that rare combination of keen perspective and judgment and ability to enunciate his views concisely and with force and with clarity. These and his other capabilities I firmly believe eminently qualify him to serve as a justice on the high court of the State of Virginia.

Although I am sad that he will be leaving this body to which he has contributed so much, my sadness is tempered by the fact that we will continue to have his services on the supreme court of appeals of the State of Virginia.

Mr. Speaker, on Monday last the Richmond Times Dispatch carried an editorial about Dick Poff, endorsing and supporting this appointment which I believe in part reflects the high esteem in which he is held by the people of his State.

Mr. Speaker, I include this editorial at this point as a part of my remarks.

Poff to the Court

As a member of the Virginia Supreme Court, Richard H. Poff can be expected to continue making significant contributions to his state just as he has during the past two decades while representing this state in the U.S. Congress.

The 48-year-old Republican congressman from Virginia's Sixth District has been chosen by Gov. Linwood Holton to fill the vacancy caused by the resignation of Justice Thomas C. Gordon Jr. of Richmond, who is returning to the private practice of law. The interim appointment is subject to confirmation by the General Assembly early next year.

Although he has never sat on the bench, Poff was so highly regarded by President Nixon as a potential member of the judiciary that his nomination to the U.S. Supreme Court seemed certain last fall. His ultimate confirmation by the Senate seemed assured, but it was also obvious that some liberals would oppose confirmation because of dissatisfaction with Poff's conservative voting record in the House. So Poff asked that his name not be submitted, saying that he wanted to spare the country, the court and his own family the unpleasantness resulting from the fight that his nomination might precipitate.

Following World War II service as a bomber pilot, the study of law at the University of Virginia, and five years of law practice, Poff was elected to the House in 1952. His constituents have returned him to Washington every two years, but last year he announced he would not seek reelection in 1972.

Before he took his seat in Congress, Poff told a reporter: "I'm dedicated to the principles of states' rights and I will work well as I can against the drift toward a big, paternalistic federal government." He has waged that fight consistently.

It is reassuring to know that the new state Supreme Court appointee has long been a strong advocate of vigorous law enforcement. He has worked for effective legislation to permit properly controlled wiretapping in the investigation of crimes, and his GOP colleagues recognized his leadership in the general area of law enforcement by naming him to head the Republican Task Force on Crime in 1967.

In 1966 Poff was one of four members of Congress praised by the American Bar Association for their efforts in obtaining congressional approval of the Twenty-fifth Amendment, providing the line of succession in the event of the death or disability of the president. He also has earned the respect of the legal profession through his work as a long-time member of the House Judiciary Committee.

It is interesting to note in the files a newspaper story of May 23, 1954, which began: "Rep. Richard H. Poff today set himself squarely against sending U.S. troops to Indochina . . ." When this country did become deeply involved in Vietnam, however, Poff supported the successive administrations on the war issue, though in 1964 he was urging that the nation either adopt a win policy or get out of Vietnam.

From the liberals' standpoint, Poff was especially vulnerable for having signed the anti-integration Southern Manifesto in 1956. Years later, Poff said that he was wrong in having signed it, that it was based on the doctrine of interposition which he knew at the time was invalid but he signed "in the political imperatives of the moment." This kind of candor is commendable.

Obviously, the duties of a judge are different from those of a legislator. Nevertheless, looking at what Richard Poff worked for and at what he accomplished during his nearly 20 years in Congress, one comes to the conclusion that he is the type of fair-minded man of sound basic principles who should serve with credit on the state's top judicial body.

Mr. DANIEL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ABBITT. I am glad to yield to my colleague, the gentleman from the Fifth District of Virginia.

Mr. DANIEL of Virginia. Mr. Speaker, we had all assumed that in 7 months, with the adjournment of the 92d Congress, this body would lose one of its most distinguished Members in the person of the Honorable RICHARD H. POFF.

Unfortunately for those of us here today, the departure is closer at hand, as he has been appointed to the Supreme Court of Virginia, effective in August.

Some chosen for this singular position are unknown beyond the confines of their profession or their home territory. This is not the case in the present instance.

Ten times the people of his district have recorded the high esteem in which they hold this gentleman. Their regard is shared by his colleagues in the Congress, for he is universally respected on both sides of the aisle in this House as a man who is knowledgeable and fair-minded.

It is gratifying to learn that Representative POFF has been named to Virginia's Supreme Court. Our State's judiciary has gained a man not only well versed in the law, but a constitutional scholar with few peers.

For a score of years, RICHARD POFF has represented in an outstanding manner the people of the Sixth District, of the Commonwealth, and of the Nation. Citizens of the Commonwealth are indeed fortunate that they will continue to benefit from this man's service to his fellow man.

Mr. ABBITT. I thank my colleague.

I am happy at this time to yield to my distinguished colleague from the Eighth Congressional District (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I appreciate the gentlemen yielding and want to commend him for taking a special order to pay tribute to our distinguished colleague, DICK POFF.

We all agree that the Governor has made an excellent choice in naming DICK as an associate justice of the Supreme Court of Appeals of Virginia. There are many Virginians who could fill this post but I know of none more highly thought of, and with such a large number of friends, than our colleague who has received this appointment. In my opinion, he will serve with distinction on our State's highest court and I am hopeful that the interim appointment made by the Governor will result in an appointment for the full term by the Virginia General Assembly.

As the membership of the House knows, DICK received serious consideration by the President for appointment to the Supreme Court of the United States but asked that his name be removed from consideration for personal and family reasons, when it appeared that there would be a long drawn-out battle for confirmation. There is every reason to believe that had this action not been taken, the President would have appointed our distinguished colleague to the High Court and DICK would have been confirmed by the Senate. Nevertheless, I am sure we all respect the decision he made.

All of us have heard Congressman POFF discuss legislation coming from the Committee on the Judiciary and I believe all Members of this House are impressed with his legal knowledge with special reference to the Constitution. He has served with distinction on the House Committee on the Judiciary and he has the respect of the members of that Committee who may be of a different party affiliation and a different political philosophy. I could review our colleagues biography and pay tribute to him on many personal achievements, but would only add that by training, experience, knowledge and temperament, he has the requirements to serve on our highest court in Virginia and to be a credit to that court.

Thank you again for yielding and for permitting me to join with my colleagues in commending the Governor on this appointment and urging that members of our General Assembly give favorable consideration to DICK POFF for the full term on the Supreme Court of Appeals of Virginia.

Mr. ABBITT. I thank the gentleman.

I am happy to yield to my colleague from the 7th Congressional District (Mr. ROBINSON).

Mr. ROBINSON of Virginia. Mr. Speaker, I am not a lawyer, so I shall not dwell on the legal attainments of my distinguished colleague. As a layman, however, and being somewhat wary of the language of the legal profession, I can state that I have had great confidence in the exposition of a point of constitutional law by DICK POFF, because I could understand it, and because the conclusion at which he arrived almost invariably impressed me as one solidly based in commonsense.

Although I was privileged to count him as a friend before coming to the Congress, the true value of that friendship was made abundantly evident on my arrival in the House. His wise and generous counsel enabled me to avoid many of the pitfalls which beset the freshman Member, and the fact that he vouched for me was instrumental, I know, in the acceptance and assistance which I received from many other senior Members.

Our colleague has been a model of the effective, yet unobstrusive, legislator. He has retained his intellectual curiosity and has drawn on his continuing studies in weighing the potential impact of each legislative decision, in committee and on the floor. His judgments have been calm, and, once they have been arrived at, he has not been moved from them by public clamor or political expediency.

His views, however, have not been intransigent, and he has been ready to acknowledge, on occasion, that new circumstances and new insights, have given him reason to modify a position previously taken.

Through the years, by conscientious attention to his public duties, DICK POFF gained in stature in the House, but it remained evident that his first concern was not personal advancement, but the best interests of the people who had sent him here to represent them—the citizens of the 6th Congressional District of Virginia. His congressional office was organized to serve them—to represent them—to represent them not only in legislative matters but also in the wide variety of problems involving agencies or agents of the huge Federal establishment with which private citizens become involved.

I am not certain as to all the ingredients of what is called judicial temperament, but, if they combine to produce an unwavering commitment to interpret the law and administer justice in an evenhanded manner, with both firmness and compassion, I am confident that our colleague will not be found deficient in any of them.

Speaking still as a layman, I will state that I have had, and continue to hold, the Supreme Court of Appeals of Virginia in great respect—a higher order of respect, I might add, than I have found myself able to accord the Federal judiciary on occasion.

When Justice POFF takes his place on that bench in Richmond, my confidence in it will be further enhanced, because I know he will be prepared not to make law, but to interpret the statutes of Virginia after measuring them against the directives and injunctions of the constitution of Virginia and the Constitution of the United States.

I share the regret being expressed here today at his impending departure from the House, but it is softened by the knowledge that judicial thought will be enriched.

Mr. ABBITT. I thank the gentleman.

I am happy to yield at this time to my dear friend and colleague from the Second Congressional District (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Speaker, I am honored and pleased to join my colleagues this afternoon in paying tribute to my good friend and colleague RICHARD POFF. While I am sorry to see DICK POFF leave the House, I believe that his appointment to the Supreme Court of the Commonwealth of Virginia will not only cap an illustrious career of public service but will bring to the high court of our State a degree of wisdom and legal talent that is matchless.

Before I came to the Congress in 1969, I knew of the splendid reputation of this man. Men in both parties told me that he had the best legal mind in the House of Representatives. After I became a Member of Congress, I saw this reputation confirmed over and over. DICK POFF has been a wise counsel to many Members of this House. His integrity and seriousness of purpose are an inspiration to me and I am going to miss his steadying influence. I would also like to commend Governor Holton this afternoon for selecting Congressman POFF for this significant judicial post. We in Virginia have always placed a high premium on judicial skill. It is in the heritage of George Mason and Thomas Jefferson, the only two Americans whose faces we see among the law givers above the doors of the gallery. It is fitting, therefore, that RICHARD POFF should go forth from this Chamber and serve on the high bench in Virginia for he will serve with distinction and in the spirit of those great Virginians who look down upon us. Mr. Speaker, I say again that I am honored to be able to participate in this tribute to my good friend and colleague.

Mr. ABBITT. I thank the gentleman from Virginia (Mr. WHITEHURST).

Mr. Speaker, I yield now to the gentleman from Virginia (Mr. WAMPLER) who is representing the Ninth District of Virginia.

Mr. WAMPLER. Mr. Speaker, I feel a special pride in my friend, DICK POFF, as he receives the well-deserved accolades of his colleagues. It is a pride born of the ascertainment that hard work is rewarded, that honesty and integrity are valued, that intellect coupled with tolerance, is justified.

DICK and I came to Washington together as freshmen Members of the 83d Congress in 1953. During that first session he was more than a colleague from my home State—he was friend, adviser, counsel, and confidant to me, as well as a model legislator. He remains so to this day.

When he made his decision a few months ago not to seek reelection this year, I felt a deep personal regret. But the greater loss will be felt by the House of Representatives and the Judiciary Committee where his contribution is invaluable. That he is attuned to the needs of his constituency is evidenced by the election returns over the past 19 years. By virtue of reapportionment, I have inherited two of his counties, and the city of Radford, where he practiced law before coming to Congress. It will be difficult to reach the level of his performance in this behalf.

But now, a singular honor has come to him which both recognizes his past achievements and seeks his continued service. Gov. Linwood Holton has indicated that RICHARD H. POFF will be named justice of the Supreme Court of Appeals of the Commonwealth of Virginia. This is our State's highest judicial tribunal.

And an exemplary justice he will be. He is thoroughly versed in constitutional law, dedicated to the ideal of law with justice, tempered with compassion and human understanding. He can be depended upon to administer this high office with dignity, with honor, and without prejudice. The Governor has chosen well, and the citizens of our beloved Virginia will be the chief beneficiaries of his wisdom.

I am delighted to join my colleagues in paying tribute to the pride of the Virginia delegation, a distinguished Member of Congress, a respected lawyer, a cogent force on the Judiciary Committee, an altogether able man, and a good friend—RICHARD H. POFF.

Mr. ABBITT. Mr. Speaker, I thank the gentleman from Virginia (Mr. WAMPLER).

I would like to say at this point I am so pleased that all nine Members of the Virginia delegation have joined together to commend the Governor of the Commonwealth of Virginia for this great appointment. I believe I can commend him on this appointment. He has appointed in my opinion one of the outstanding men, second to none, to fill the vacancy on that court.

We are personal friends of Mr. POFF, but we are not commending him because of our friendship. Five of the nine Members from Virginia that have spoken here today are attorneys. We know of Mr. POFF's integrity, and we know his ability. We have confidence in him, and we believe he will serve with honor, with fairness, and reflect great good upon the judicial members of Virginia. He will serve in the great tradition of the former members and present members of the Supreme Court of Virginia. I just want to say to our people back home that we are proud to commend Congressman POFF to the Legislature of Virginia.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield to a non-Virginian to make a few remarks?

Mr. ABBITT. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, of course, I am only a freshman Congressman, and I cannot even say that on many legislative issues that I have been on the same side as the gentleman from Virginia (Mr. POFF) but having had the experience of serving in this term on the Judiciary Committee with Mr. POFF, I would like to associate myself with the remarks just made by various gentlemen from Virginia about the qualities of mind and character evidenced by Mr. POFF.

It does not take long association to recognize the highest qualities. Mr. POFF gives every indication, to those who know him, that he will be a judge in the mold of that other great Virginian, Chief Justice John Marshall. I am sure that if he is on the bench long enough he will make a record of similar distinction.

Mr. POFF is a man who, whatever his political persuasion, approaches problems with a detached, a judicial point of view. He is a man with an unusually keen and disciplined legal mind, a clear thinker and speaker. But more than that, he is a man of fairness who tries to look objectively at a problem instead of bringing it within preconceived notions and outworn values. A man with these qualities has the capacity to grow with the times yet retain the valid essences of our great traditions.

I hope that, if the Supreme Court of Virginia can afford to suffer, in his departure, the loss that this House is soon going to suffer, there will come a time when Mr. POFF will be elevated to that yet higher post from which he withdrew his name for nomination a few months ago.

There are some people, happily, on the bench as in our legislatures, who consistently rise above the particular passions of the moment and take the long view and the enlightened view. We need more of them in high places. I believe Mr. POFF is that kind of person. I want to add my commendation to the Governor of Virginia for showing the wisdom of appointing RICHARD POFF to the supreme court of his State.

Mr. ABBITT. I thank the gentleman for his comments. I want to be associated with those sentiments expressed. I am sure I speak for all the other eight members of the delegation. They desire to be associated with those remarks.

I appreciate the opportunity of being here and of presenting this matter to the House.

Mr. DOWNING. Mr. Speaker, I came to this great Chamber almost 14 years ago. During the intervening years, I have risen on numbers of occasions with the other Members to pay proper respect to the significant accomplishments of a distinguished colleague. I appreciate this opportunity to salute yet another colleague whom we hold in the highest esteem.

Our colleague, the Honorable RICHARD H. POFF, will leave us soon. We had begun to grow accustomed to the idea of his no longer serving in the House of Representatives since his announcement earlier that he would retire at the end of this Congress. It was not easy for us to accept the idea that DICK POFF has chosen to leave us, because many of us—those of us from Virginia in particular—have come to rely heavily not only on his leadership, which is of the highest quality, but on his friendship which knows no bounds.

Now we have learned that our colleague's departure from this House which he loves so well, will be sooner than expected. Several weeks ago, the Honorable Linwood Holton, Governor of Virginia, announced at the Capitol in Richmond that he planned to appoint RICHARD H. POFF to the Virginia Supreme Court.

Governor Holton said that he had selected him, "because he has stood at the highest levels of leadership nationally, has demonstrated legal ability during almost 20 years on the House Judiciary Committee, and has provided unique representation with amazing accomplishments."

His colleagues here in the Virginia delegation feel that our Governor could have chosen no more wisely. To us, DICK has always been the one who espoused the Constitution as a sacred trust. His legal scholarship has been exemplary; his principles of justice exact. To us, he was the model candidate for high judicial appointment.

We therefore were not surprised at his response as he stood beside the Governor when the announcement was made yesterday. He said:

> I feel a mixture of joy, gratitude and humility. The Virginia Supreme Court ranks highest of all of the high courts of the States. Its decisions are acclaimed for their scholarship and craftsmanship throughout the legal profession and the academic community. His excellency, the Governor, has done me an honor which I shall strive mightily to earn.

And in particular, I was impressed with the three pledges which our colleague made.

First, he pledged "to the distinguished chief justice and the senior associate justices" that as a freshman member of the court, he will be a dutiful apprentice.

And then my admiration for him swelled to the very highest when he said:

> As a member of the judicial branch of Virginia's government, I pledge to the General Assembly that I will never invade or usurp the function of the legislative branch.

Would only that other justices on other high courts make the same resolve.

And finally, he said:

> As one sitting in judgment upon the property rights and personal rights of others, I pledge to the people of Virginia that I will seek only to serve the cause of justice for all people.

Governor Holton announced that he plans to make the formal appointment so that our good friend will be able to join his new colleagues on the bench in time for their term which begins late in August.

We will miss our daily association with him—an association which began in my case when we were classmates in the law school at the University of Virginia. We will see him go, however, without the customary feeling of sadness which we hold for many departing Members, but with a measure of admiration, because of his answer to this new call and with unbounded joy for the realization that a man so superbly schooled in this great legislative body will take to the judicial branch the lessons he so diligently learned here about "government of the people, by the people, for the people."

And, Mr. Speaker, when we welcome his successor, we will do so in the knowledge that he may walk in the shoes of Richard H. Poff, but never will he match his stride.

Mr. Speaker, our colleague Congressman William M. Colmer, the distinguished chairman of the Rules Committee, was unable to be present today but he asked me to extend to Dick Poff the sincerest congratulations and best wishes.

Mr. FUQUA. Mr. Speaker, the day that Richard H. Poff leaves the House of Representatives, it will be a loss to this body. Congressman Poff is one of the most able and brilliant Members ever to serve in the Congress, and I personally am privileged that I have had this opportunity.

The great State of Virginia is fortunate in having him accept appointment as a justice of its supreme court. I am reminded of conversations with numerous friends on the House floor when we felt that he would make this Nation an outstanding Associate Justice of its Supreme Court.

Congressman Poff has been elected to 10 consecutive terms in the House of Representatives. It is fair to say that the respect that I hold for him is not that he has served for so long, but that he has served so well.

This year will see a number of distinguished Members of this body move on to other pursuits. Their counsel, guidance, and dedication will be missed.

But none will be more missed than our distinguished colleague from Virginia.

I wish him well in this new and exciting challenge.

The people of Virginia will be well served with Richard Poff as a member of their supreme court.

Mr. HUTCHINSON. Mr. Speaker, I have been privileged to sit with Dick Poff for 8 years and work closely with him on major legislation. I know of no lawyer with a keener judicial mind. With his knowledgeability and stability, he will make an outstanding justice on the supreme court of the Commonwealth of Virginia. I am confident that he will continue to serve the people of Virginia with the same dedication that he served them in the House.

His leadership in the President's programs for judicial reform and law enforcement has been inspired. I know that he will become even more nationally recognized as one of our Nation's most able appellate jurists.

I know that each of you shares my mixed feelings of sincere congratulations and keen sense of loss of Dick Poff's devoted service to the House.

Mr. McCLORY. Mr. Speaker, the appointment of our colleague from Virginia, Richard Poff, as associate justice of the Virginia Supreme Court adds lustre and prestige to the entire institution of the judiciary.

While I had favored Dick Poff's appointment to the U.S. Supreme Court—and joined in making such a recommendation to the President—I consider that his decision to withdraw his name from consideration was one which he considered valid notwithstanding the loss to the Nation which his action caused.

Mr. Speaker, the appointment which will now result in his service on the Virginia Supreme Court should enable the judicial branch of our Government to benefit from his broad experience and his special legal talents.

Mr. Speaker, having served on the Judiciary Committee with Dick Poff during the past 8 years, and having been intimately involved with him on various major pieces of legislation in committee, and in active debates on the floor of this Chamber, I can attest, firsthand, to his scholarly analysis of legislation and his eloquent presentations during committee sessions and in floor debate.

Mr. Speaker, there are clear differences of opinion with regard to virtually all legal and legislative matters—and there are as great a variety of political philosophies as there are individuals in this Nation—but no one could ever question the fidelity and sincerity with which Dick Poff expressed his legal position and his political views. I am confident that the quality of legislation has been improved and that the reputation and prestige of this body has been enhanced by his faithful and constructive service as a Member of the House of Representatives.

Mr. Speaker, I congratulate Dick Poff on his appointment and wish him well in his career as a member of the Virginia Supreme Court. The loss to the House Judiciary Committee and to the House of Representatives is substantial, the gain to the Nation's judiciary is immeasurable.

GENERAL LEAVE

Mr. ABBITT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

PROTECTIVE LEGISLATION FOR POLICE, SHERIFFS, AND PROSECUTORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, just recently, a situation was brought to my attention which I am sure you will agree is most unfortunate—a lawsuit was brought against one of my constituents who is a police officer which launched him and his family into near poverty, even though he was proved innocent of the charges brought against him for actions taken during his line of duty. The family is still $4,000 in debt due to the legal fees incurred, and they have lost their home after having to mortgage it during these trying times. And we can only imagine the tremendous amount of pressures and sufferings the officer and his family had to endure—and are still enduring. This is an incredible situation, and a very sad one.

A short time ago, my colleague, Mr. Ichord, brought to the attention of this House facts which indicate that the case I posed is not an isolated one by any means. He documented that the number of "frivolous" suits being brought against law enforcement officers, prosecutors, and others in the field of law have increased significantly. The excuses for bringing these suits are endless. It may be that it is a ploy to delay prosecution, to create publicity, to gain sympathy, or even to "get back" at those who were only performing a duty on behalf of the citizenry at large.

Since these suits must be defended with the lawman's own resources, it can but have ill effects on their performance for fear that they will be brought to trial themselves.

It is for this reason that I am introducing a bill today aimed at helping lawmen sued for damages in Federal courts. Essentially, this measure would require plaintiffs to file a bond with the court conditioned upon the payment of reasonable investigative and legal costs if the defendant wins the suit. This would insure reimbursement, and would, hopefully, fend off those who do not believe they have a chance of winning their case in court.

This proposal is the only equitable alternative to the present situation, and it is essential that we undertake to help protect the law enforcement officers found innocent of charges.

It is my hope that this measure be seriously considered, along with other protective measures which I have supported ever since I came to Congress, providing reimbursement to the families of officers injured or killed on duty by the defendant, and making it a Federal crime to kill or feloniously assault law enforcement officers. Let us protect our "protectors."

HIGH PROFITS CAUSE OVERRUNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, contractors demanding profits as high as 20 percent are a major reason for cost overruns totaling $77 million of the Navy's special new quiet submarine.

Caving in to the unwarranted demands of contractors by the Navy has pushed the price of this new submarine from $100 million to $177 million.

General Electric, the only potential builder of the submarines' nuclear engine and Worthington Corp. of Harrison, N.J., which provides special pumps for the subs, were the major offenders in what I believe is a money-grabbing escapade.

The Navy has allowed itself to be put over a barrel and has permitted contractors to extract excessive profits. These contractors took unfair advantage and exploited the Navy for extra profits.

General Electric charged the Government for 13 percent profit for the nuclear plant on the SSN685 submarine which is nearly double the normal amount.

According to Adm. I. C. Kidd in response to questions that I posed before a recent hearing of the House Armed Services Committee, Worthington Corp., the builder of pumps, "insisted on 20 percent profits." The normal profit for this kind of contract is 11 percent.

I have written today to Navy Secretary John Warner urging him to renegotiate these contracts in order to eliminate obviously excessive profits. I believe it is unconscionable for the Navy to provide a 20 percent markup to Worthington for its pumps.

Mr. Speaker, there is no doubt in my mind that an independent authority should be established which enforces contract incentives and penalties. While many contracts today contain incentives and penalties for the contractor, they are rarely enforced. The establishment of an independent body through congressional legislation would be a first step in forcing contractors and the services to enforce penalty clauses.

Since the military obviously refuses to discipline contractors then Congress must legislate an end to this kind of ridiculous boondoggle.

HEART ASSOCIATIONS PLAY KEY ROLE IN EFFORTS TO CONTROL HEART DISEASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, many of us were watching television one evening almost 2 months ago when the evening newscasts reported on a domestic drama involving one of the country's most famous families. The family was that of former President Johnson, and the drama centered on Mr. Johnson's second heart attack, which he suffered while visiting his daughter and her family in Charlottesville, Va.

The experience the Johnson family had in early April is one that is sadly familiar to all Americans. Many have themselves been stricken by some form of heart disease, and there is hardly anyone who does not have a friend, relative, or neighbor who has been among the victims.

Cardiovascular diseases—those diseases that affect the heart and circulatory system—are the largest single cause of death in our country today. They are also a leading cause of disability. They strike at Americans in all age groups.

The statistics are sobering. Approximately 30 million Americans—close to 15 percent of our population—suffer from some form of cardiovascular disease. Over 1 million people annually die from heart disease; that amounts to 54 percent—or slightly over half—of the total deaths that occur in the United States each year. Fifty-six percent of all Indiana deaths, slightly higher than the national average, are from heart disease.

Among the elderly—those over 65, cardiovascular diseases account for two-thirds of total deaths. But they also take a heavy toll of those in the prime of life; one-third of the Americans who die before reaching 65 are victims of heart disease.

The economic costs of heart disease are staggering. They cost the Nation about $17.3 billion annually, and they cost the Nation's business about 52 million man-days of production each year.

In this country, we take pride in having brought under control many diseases that once took a heavy toll on our citizens. The threat from diphtheria, polio, tuberculosis, pneumonia, and malaria has been greatly reduced in this century.

Yet the incidence of heart disease is actually much higher today than it was in 1900. And although the death rate from all cardiovascular ailments has declined somewhat in the last few years, it is still increasing for some of the most prevalent forms—notably coronary disease and strokes.

This rising toll cannot be fully explained by increasing life expectancy. It is true that Americans are living longer and that heart attacks occur more frequently among the elderly. But the coronary death rate is also climbing for persons in the younger age bracket—especially men. Since 1950 it has gone up 14 percent for men aged 25 to 44, and 4 percent for those between 45 and 65. President Johnson suffered his first heart attack when he was 47, 8 years before he entered the White House.

What this means is that heart attacks and strokes are taking an ever greater toll of men in the most productive years of their lives. One estimate is that heart disease is responsible for $6.9 billion in lost wages each year. There is no way of assessing the hidden costs due to losses in management skills, production know-how, and personnel training.

The picture is not entirely gloomy, however. We have had some significant advances toward bringing heart disease under control. A wide variety of technologies join forces to make more precise and effective the diagnosis and treatment of cardiovascular disorders. Cardiac catheterization, radioisotope scanning, computers, sophisticated X-ray techniques, ultrasound and exercise tolerance tests are all employed.

TREATMENT

Treatment, too, has improved with anticoagulant drugs, diuretics to remove fluid from the tissues, digitalis to regulate the action of the heart muscle, diet control, and antibiotics.

SURGERY

Impressive progress has been made in surgical techniques. The development of heart-lung machines and perfection of open-heart surgery have enabled doctors to correct many of the congenital heart defects that once condemned their victims to invalidism and early death. None can better appreciate this accomplishment than the parents of the more than 25,000 babies born each year with defective hearts.

New heart valves, transplanted leg veins used to bypass a diseased area of a coronary artery, "booster" pumps are all relatively new and dramatic advances in surgical techniques.

EMERGENCY FACILITIES

Another area in which there has been great progress is in the provision of emergency facilities to treat heart attack victims. Fast action means the difference between life and death in many cases of heart attack. The solution is to begin treating the patient and monitoring his heart condition as soon as possible after an attack occurs and to maintain this surveillance continuously.

President Johnson's case provides a good illustration of what can be done. A mobile coronary care unit was sent for him after he suffered his attack. This meant that doctors could begin treating him even before he reached the University of Virginia hospital. Once at the hospital, he continued under constant observation at the intensive care facility there. And when he flew to his Texas home 2 weeks later equipment to provide the same type of care was aboard the plane on which he was traveling.

Only a decade ago few hospitals had the type of emergency facilities that helped President Johnson. Now more than one-half of our 7,000 hospitals have coronary care units at the hospital, and more and more have mobile units as well. These units feature highly trained personnel, around the clock monitoring devices, the latest techniques in the use of drugs, electrical methods of restarting and repacing the heart. This is a major reason that the death rate among hospitalized heart attack victims has dropped 30 percent in recent years.

REHABILITATION

Restoring the victim to productive living is another important advance in the treatment of cardiovascular disease, patient, family, therapist, physician all cooperate to restore health.

These are noteworthy accomplishments, but much remains to be done if we are to be successful in curbing heart disease. Further progress will require that we give attention to three tasks: prevention, research, and education.

PREVENTION

Prevention is important because it offers by far the best prospect of lowering the overall toll from heart disease. Treating persons after they suffer heart attacks and strokes can save many lives, but a really significant drop in the death rate will only be possible if we can reduce the number of heart attack victims.

The tragic fact is that half of the

persons who suffer coronary attacks die within minutes or seconds and never have an opportunity to receive medical assistance. Fifty percent of those who die suddenly are not aware they have heart disease until the fatal attack occurs. Even those who survive an initial attack may be disabled for extended periods or perhaps for the rest of their lives.

Our major objective, therefore, should be to learn more about the causes of heart disease so that we can undertake effective prevention programs.

RESEARCH

This is why research is so important. Why, for example, is the mortality rate for men under the age of 55 about twice as great in the United States, as it is in the Scandinavian countries? Medical investigators have learned a great deal about heart disease in recent years, but they acknowledge that there are still many gaps in their knowledge. They know that arteriosclerosis, or hardening of the arteries, which gradually restricts the flow of blood to the heart and the brain, is the proximate cause of most heart attacks and strokes; yet, they still do not fully understand the process by which arteriosclerosis takes place.

Statistical analysis has shown that there is a high correlation between heart disease and what have come to be known as the three high-risk factors: cigarette smoking, cholesterol in the blood, and high blood pressure. This evidence suggests that these three factors may be among the principal villains in the heart disease drama. Extensive experimentation will be needed to test this hypothesis.

Heart experts also want to find out whether there is any relation between the tensions of modern urban living and the incidence of heart attack. They would like to know why coronary disease afflicts many more men than women under age 65. The answers to these questions might lead to a significant breakthrough in preventing heart disease.

EDUCATION

Research must go hand in hand with education. We still need to do more to alert the American public to the danger from heart disease and to spread information about ways of combating it. People need to be familiar with the symptoms of heart disease, so that they can seek proper treatment before it is too late. Too often those who suffer heart attacks postpone seeking medical assistance; the average delay, according to one study is 3 hours. As research yields the information we need to mount an effective prevention program, educational activities to dissemination this information to members of the medical profession and to the public will become even more important.

CONGRESS

Congress has recognized the need for action to combat heart disease. Legislation has been proposed in both the House and the Senate to expand the activities of the National Heart and Lung Institute, which has been engaged in research into all aspects of heart disease since 1949.

The legislation in the House, which I have joined in sponsoring, provides for:

First. Development of a comprehensive plan to combat heart disease. The plan will be prepared by the National Heart and Lung Institute, and will set forth a specific, long-term strategy, identifying research priorities and requirements for new facilities, funding and staffing.

Second. Increased funding. Under the House bill annual authorizations for the National Heart and Lung Institute will be doubled next year and will continue to increase thereafter, rising from $370 million in fiscal year 1973 to $490 million in 1975.

Third. New research facilities. Fifteen new centers to be established by the National Heart and Lung Institute will work on diagnosis and prevention, as well as treatment, of heart disease.

Fourth. An expanded educational program, to be conducted by the National Heart and Lung Institute. It will give special attention to disseminating information about prevention of heart disease, particularly with regard to diet, exercise, weight control, stress, hypertension, and cigarette smoking.

Fifth. Better administration, to be achieved by giving the National Heart and Lung Institute greater authority to coordinate the activities of the Federal Government relating to heart diease.

Sixth. Closer cooperation between the National Institute, the medical profession, and the concerned public. The vehicle for this will be a restructured National Heart and Lung Advisory Council, in which Federal officials, medical experts, and public representatives will participate.

The prospects are good that we will see enactment of this legislation before the end of this year. In the House, floor action on the proposals which I am supporting should take place in a few weeks. In the Senate, a similar bill, which incorporates all of the principal features of the legislation pending in the House, has already been passed.

The proposals now being considered in Congress will give a strong impetus to the campaign against heart disease, but success will not be possible without the active involvement of concerned citizens throughout the country.

HEART ASSOCIATIONS

That is why it is essential to have the continued support of heart associations. These organizations bring together people who want to do something about heart disease in communities in all parts of the United States. They provide a valuable link between the medical profession and the general public. They have helped build the foundation of popular support that has made it possible to win Congressional approval of expanded Federal heart programs.

Volunteers are the most important resource of every heart association. Thanks to the support of public-spirited persons who are willing to contribute their time and skills, heart associations have compiled an impressive record of accomplishments.

These associations have helped to inform the people about the symptoms of heart disease and to alert them to the risks inherent in smoking, improper diet, overweight, and high blood pressure. This has involved the distribution of school health kits, the organization of nutrition and weight control classes, and the provision of speakers and informational materials.

The heart associations have introduced a new preventive technique through their PhonoCardioScan programs, which detect abnormal heart sounds in school-age children.

Another valuable association service is supplying data on the latest developments in heart research to doctors and nurses. Training sessions in mouth-to-mouth resuscitation and closed chest heart massage have prepared firemen, police, school personnel, and other individuals to give emergency assistance to heart attack victims.

Volunteers have made all of these programs possible. Volunteers will be needed to continue and expand them so that your association can contribute to the stepped-up campaign against heart disease that is now commencing.

With the vigorous support of heart association members throughout the United States, I am confident we can look forward to new progress in controlling the ravages of heart disease.

TAXATION WITHOUT JUSTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. GALIFIANAKIS) is recognized for 5 minutes.

Mr. GALIFIANAKIS. Mr. Speaker, in 1772 taxation without representation oppressed the American people. Two hundred years later we have taxation with representation, but without justification. That may be progress, but I doubt it.

I refer specifically to the $8 billion the Federal Government is estimated to have withheld unnecessarily from millions of American taxpayers. In effect, the Government has confiscated the property of American citizens and plans to hold that property and enjoy the benefits thereof for up to 1 year without paying any compensation.

The excuse, of course, is that this sorry situation is the taxpayer's fault. He or she, we are told, should have had enough sense to overdeclare personal exemptions, to claim more exemptions than he or she really has. I should not be too surprised. This is no more nonsensical than many provisions of our tax code. What is even more absurd is the attempt to blame the victim for the crime.

In reality, bureaucratic miscalculation and ineptitude are responsible for this economic fiasco, and in my opinion the Government should accept responsibility and pay the price for its mistake. The Government failed to adequately alert the American people about the recent increase in the withholding tables, and as a result, many taxpayers are being compelled to make, in effect, interest-free loans to the U.S. Treasury.

Several of my colleagues have suggested that the Government consider offering such taxpayers interest-bearing bonds instead of no-interest refund checks. In the light of the inflationary pressure likely to be incited by the cashing of millions of huge refund checks, the interest-bearing bond approach appears to be an effective instrument for correcting this gross inequity without substantial damage to the fight against inflation.

Therefore, I urge both the Congress and the administration to expedite its consideration of this subject and make a prompt effort to right this obvious wrong.

POLLUTION RESPECTS NO BOUNDARIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Gibbons) is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, much of Florida was plagued earlier this month by smog and haze which has been traced, by weather satellite photographs and other means, to smokestack emissions from as far away as Ohio, Pennsylvania, and Tennessee.

In some areas of Florida these air pollution conditions caused a significant increase in respiratory ailments and in hospitalizations for these ailments. The situation in Dade County, Fla., became so bad that county officials have threatened Federal court action against these out of State polluters.

I think that this incident is just one more indication that we are going to have to be sure that strict Federal air pollution standards are enforced nationwide if any of us are to live to enjoy the benefits of clean air and clean water in our local communities. It also serves as a warning that we as a community of nations are going to have to do a good deal more than we are now doing if we are to stop the pollution of our planet.

At this point in the Record, I would like to insert an editorial on the recent "out of State pollution" problem in Florida which appeared in the Tampa Tribune of June 2:

Pollution Respects No Boundary Lines

A complaint from Dade County this week emphasizes that the problem of air pollution is national, not local, and why national standards are so important.

Dade County (as was much of the rest of Florida) was blanketed with haze last week. In the Miami area particularly, there was a notable increase in respiratory attacks and hospitalization of victims.

In a protest to Federal officials and pollution control directors of three states, Peter Baljet, Dade pollution control chief, said weather satellite photographs and other studies had clearly established that smokestack emissions from Ohio, Pennsylvania and Tennessee had ridden air currents southward, and a temperature inversion had trapped the smog over Florida.

Baljet asked the three states and the U.S. Environmental Protective Agency to act immediately against offenders. He said under the Federal anti-pollution act the county could go into a U.S. court for injunctions against out-of-state polluters, and threatened to do so "if the administrative route fails."

That the Environmental Protection Act has sufficient teeth in it to assure clean air for everyone was made plain Tuesday by the action of U.S. District Court Judge John H. Pratt in Washington. Judge Pratt, acting in a suit brought by four ecology groups, ruled that the Federal law requires not only that states adopt pollution standards, but that they also prohibit high-quality air from deteriorating even to the level of the standards.

He ordered William D. Ruckelshaus, director of the EPA, not to approve state pollution control standards unless they expressly contained the non-degradation element. The four plaintiffs argued that Congress, in enacting the law, held its purpose was to protect and enhance air quality, and Judge Pratt, agreeing, stated, "On the face, this would appear to permit no significant deterioration of air quality."

Ruckelshaus responded that he doesn't believe he has the authority to require a non-degradation policy in clean-air areas. He asked a review of the decision, and said if Judge Pratt is upheld the courts must define the principle clearly enough for him to write appropriate regulations. He said the court's decision would open up a new area of standards for state anti-pollution plans, including those nine states, Florida among them, whose rules have received final Federal approval.

Judge Pratt's ruling, however, makes special sense in light of Dade County's plight. Even mild pollution at the point of emission, when combined in the upper air currents with that of other areas, can intensify the plague on other localities.

The air we breathe knows no city, county and state boundaries. When a polluter in Pennsylvania can put a Miamian in the hospital, the problem obviously is nationwide, not local. It behooves every citizen to demand strict Federal action to control the smokey stacks even a thousand miles away; the cough he prevents may be his own.

THE CONTRIBUTIONS OF EDITH GREEN

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, those of us who have enjoyed the privilege and honor of serving in the House with Representative Edith Green, know of her dedication to America and of her valuable contributions to sound legislation, particularly in the field of education.

Long known for her distinguished work in that field, she has again been brought deservedly to the attention of the entire country through a recent article in the Christian Science Monitor. It appeared on Monday, June 12, 1972, under the heading "School-Trend Watcher." In this article Mrs. Green talks with a reporter about her views on education, the financial difficulty facing our schools, and misuse of schools as a tool for social change. No one is better qualified than Mrs. Green to speak on this matter.

I commend the article to my colleagues and I congratulate Mrs. Green not only for what she has said but for the outstanding work she has done in this most important field throughout her career.

The article is reprinted below.

Congresswoman Green—School-trend Watcher

(By Marion Bell Wilhelm)

When Edith Starrett, the bright-eyed daughter of two dedicated teachers, yearned to become an electrical engineer, she was advised not to try for a "man's career."

Her second choice was law. Again, she was counseled out of a profession that would relegate a young woman to a "back office."

So Edith Starrett grew up to become a teacher, as was advisable for a woman looking for regular employment in the 1930's. Today she is one of the most powerful spokesmen for American education in the U.S. Congress.

After 18 years on the House Education and Labor Committee, Rep. Edith Starrett Green (D) of Oregon says philosophically: "As it turned out, the career that was chosen for me has been invaluable to my work in Congress, and I suppose it even makes me a little impatient with those of my colleagues who have never taught school."

As the chairman of the Special Subcommittee on Education, Mrs. Green keeps her eye on trends and changes throughout the 50 states and the District of Columbia. She has sponsored major legislation to help rescue the nation's schools from the gathering storms of "a social hurricane."

DECLINE OF CONFIDENCE

All over the United States, she notes, school tax levies and bond issues are being defeated. Property taxes are high and uneven. Too often, she says, those making school policy are untrained in educational and professional skills.

"People seem to be losing confidence in the public schools," she observed in a recent interview. "I fear the day may be coming when we just won't have an educated citizenry. Already, we can see some evidence of this in some of our big cities."

Representative Green's goal is to see the federal government eventually take over 35 percent of all educational costs from kindergarten through college. This would help equalize education for all Americans, she believes, while maintaining the quality of their best schools. She calls the coming changes in the financing of education "revolutionary."

However, the trend toward national financing contains some pitfalls, she cautions.

In a number of states, she points out, suits have been brought by citizens questioning the equality of education in school districts with widely divergent tax revenues. If the local property tax is abandoned for some kind of statewide tax, parents in states such as Mississippi or Alabama might also bring suits claiming inequality with states such as Connecticut. National equalization, though beneficial in some ways, could be disastrous, in Mrs. Green's opinion, "if we settle for mediocrity."

LEGISLATION INTRODUCED

"I introduced a bill last year in which I proposed that the federal government by the year 1976 would contribute 25 percent of the total cost of education in the average district," she says, "and this session I am introducing a bill that would provide one-third of the cost. At present, we are contributing 7 or 8 percent.

"But I am not persuaded that money alone is going to buy quality. Here in the District of Columbia, for example, our schools are decaying before our eyes. And yet they have the highest per capita expenditure for education of any city of similar size in the nation."

Nor does Mrs. Green think that busing is the way to achieve the best education. She says: "I think a careful reading of the evidence shows that a child's education and his ability to be educated depend more upon the environment in which he lives than on the six hours a day in which he is transported to a school outside his neighborhood. I think that the task is much greater than we have assumed. We're going to have to change homes, and we're going to have to change neighborhoods."

TOO BIG A BURDEN

Any attempt to place the major responsibility for social reform on the schools alone is doomed to failure, she asserts.

"It may be that a youngster who is attending a very poor school and is bused has an opportunity for a higher quality of education," she adds, "but I think that, overall, the reverse is accomplished. I had lunch with some school-board members in Los Angeles, for example, a year and a half ago. This last year they had to cut out $50 million in programs and services for children in the Los Angeles schools because they didn't have enough money.

"Then a state court came along and said, 'You're going to have to desegregate.' The superintendent's office told me last November that for the first year their estimate on the cost of buying buses and hiring bus drivers will be $42 million."

KISSINGER TESTIFIES IN NIGHTCLUBS BUT NOT BEFORE CONGRESS

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, Presidential Adviser Henry Kissinger is a law unto himself. While his free-wheeling antics make him a one-man successor to the old rat pack which used to be fashionable at the White House, he apparently holds out a double standard on his briefings. Rarely will he be quoted. He will not testify before congressional committees and yet, according to an article in the May 29, 1972, International Herald Tribune, he showed no qualms at "testifying" in a Moscow night club about U.S. defense and negotiation information which should be treated as highly confidential, if not secret. Will he make the same statements before appropriate congressional committees or does he limit his discussions of our Nation's secrets to bars and the jet set crowd?

According to that news report, Mr. Kissinger discussed the balance of American-Soviet nuclear weaponry in the dim Skylight Room of the Intourist Hotel. The account noted:

> To American newsmen based in Moscow, it was astonishing to hear the principal strategic adviser to the American President discussing the level of both nations' nuclear arsenals in a Moscow nightclub.

Astonishing to them, possibly, Mr. Speaker, but not astonishing to many Americans who do not trust Mr. Kissinger. One of the reasons that many of us have so little confidence in President Nixon's foreign policy conduct is Mr. Nixon's confidence in Mr. Kissinger and his coterie. There are many reasons for firing Henry Kissinger. This is probably the least of them and yet it is a part of the story of arrogance at the seat of power and national security in Washington.

The entire story is included at this point:

KISSINGER TELLS ALMOST ALL: STORY OF SUCCESS COMES OUT IN MOSCOW NIGHTCLUB

(By Murrey Marder)

MOSCOW, May 28.—None who experienced it will quickly forget the climax of an improbable diplomatic presentation that leaped between the Kremlin Palace of the Czars; a well-worn diplomatic bargaining room in Helsinki; the American Embassy here, and ultimately the nightclub of Moscow's Intourist Hotel. No one fully orchestrated this production, which dramatized the world's first nuclear arms limitation.

In the seductively dim Skylight Room, which happens to be on the hotel's ground floor, between a bandstand and a circular, raised dance floor, against a background of champagne buckets, President Nixon's inexhaustible security adviser, Henry A. Kissinger, gave the American version of what Mr. Nixon described as the "enormously important" strategic arms agreement signed two hours earlier in the Kremlin.

Over the nightclub's public address system, listeners heard what must surely have been some of the most unusual statements uttered out loud in the Soviet Union.

KISSINGER HUMOR

The Kissinger sense of humor, leavening the sobering statistics of nuclear warfare and grueling around-the-clock sessions of intensive bargaining here, was on display in an incongruous setting. Pressed by American newsmen to supply hard details on the balance of American-Soviet nuclear weaponry, Mr. Kissinger was saying: "The Soviet Union has been building missiles at the rate of something like 250 a year. If I get arrested here for espionage, gentlemen, we will know who is to blame."

To American newsmen based in Moscow, it was astonishing to hear the principal strategic adviser to the American President discussing the level of both nation's nuclear arsenals in a Moscow nightclub.

The nightclub revelation was anticipated by no one, including Mr. Kissinger. The road to it was long, tortuous, and constantly subject to the unpredictable interplay of international developments that reached from Moscow and Washington to the mined harbors of North Vietnam.

It was learned here yesterday from Nixon administration sources that one critical breakthrough to an American-Soviet agreement on strategic arms limitation was reached during Mr. Kissinger's initially secret Moscow talks with the Soviet Communist party's general secretary, Leonid I. Brezhnev, April 20–24.

In their meeting, which centered both on Vietnam and the scheduled summit talks, Mr. Kissinger and Mr. Brezhnev reached basic agreement, it is said, on including a limitation on nuclear missile-firing submarines in a first-stage SALT agreement. The accord was considered a breakthrough for the United States, which pushed hard for submarine limitations, although later new problems were to arise over exactly how the complex submarine freeze would be applied.

Simultaneously, the United States and the Soviet Union were sliding toward new tension over the American bomber attacks on the Hanoi and Haiphong region prior to Mr. Kissinger's arrival in Moscow. That slide toward the risk of a great power confrontation sharply accelerated with President Nixon's May 8 decision to order the mining of North Vietnam's harbors to try to cut the Soviet Union's sea supply line to its allies in Hanoi. American-Soviet developments were heading in exactly opposite directions at the same time: toward high prospects of coexistence, and toward confrontation.

The total inside story of the tense days between May 8 and Mr. Nixon's arrival in Moscow May 22 is still buried in secrecy. But as portions of the tale emerge they reveal increasingly that what evidently saved the summit from postponement or collapse over President Nixon's mining order was that by then the two nations were deeply involved in negotiating subjects of superior mutual interest—most especially SALT.

By the time Mr. Nixon arrived here last Monday, it was expected on both sides that a SALT agreement would be reached during his visit because the basic political decisions and most of the technical decisions has been thrashed out during 30 months of negotiating, with meetings alternately in Vienna and in Helsinki. But last-minute bargaining hangups, it was conceded, might possibly extend beyond the summit. So the pressure was on for both sides.

On Tuesday, Mr. Kissinger said, the President and Mr. Brezhnev spent the afternoon and evening on four unresolved SALT disagreements, resolving all but two of them. One group of remaining problems concerned the terms for interchanging land missiles with submarines, and another obstacle was how to deal with older Soviet submarines.

STALEMATES BROKEN

By noon Friday, the stalemates were broken, and the Russians were anxious to announce the result Friday night to avoid disrupting the summit schedule. Joint instructions were flashed to the U.S. and Soviet negotiators in Helsinki, and the final agreement was literally pieced together by American Ambassador Gerald C. Smith and chief Soviet negotiator Vladimir S. Semyonov on an American plane that brought them to Moscow Friday evening.

But the task of publishing the agreement and explaining it to the world was barely beginning at that point, with a signing ceremony set for 11 p.m. in the Kremlin.

At 10:02 p.m., American newsmen traveling with the President were assembled in the U.S. Embassy for an on-the-record briefing by Ambassador Smith and Mr. Kissinger, both operating under heavy strain.

Mr. Smith called it "the freshest treaty that I have ever talked about." In fact, it was so fresh that no one in the room had a copy to show to newsmen. That produced tumult.

Criticism already was being raised in Congress about the still-unseen treaty, especially charges that it gave lopsided submarine advantages to the Soviet Union. Mr. Smith and Mr. Kissinger firmly denied that, and then—in an unusual sequence—began revealing, in Moscow, intelligence information to sustain the American assurances.

This session, and the one afterward in the Intourist Hotel, produced on-the-record exchanges between American newsmen and officials never before heard in Moscow.

Reporter: "The basic story (about the treaty) is going to go out of this session. I think we have to get figures on submarines and other estimates, otherwise the story will go out in a garbled way . . . Is this figure of 42 Y-class submarines an accurate one that they will be allowed to complete, and we with 41?"

Mr. Smith: "I don't know about this figure of 42 submarines. I have seen all sorts of speculations about Soviet submarines, but it is perfectly clear that under this agreement, if the Soviets want to pay the price of scrapping a substantial number of other important strategic weapons systems, they can build additional submarines."

NOT AS CONSTRAINED

Reporter: ". . . I think you are evading the point . . ."

Mr. Smith: "I am purposely evading the point because that is an intelligence estimate that I am not in a position to give out . . ."

Mr. Kissinger: "Since I am not quite as constrained or don't feel as constrained as Ambassador Smith, lest we build up a profound atmosphere of mystery about the submarine issue, I will straighten it out as best I can.

"The base number of Soviet submarines is in dispute. It has been in dispute in our intelligence estimate exactly how much it is, though our intelligence estimates are in the range that was suggested."

Question "41 to 43?"

Mr. Kissinger: "I am not going to go beyond what I have said. It is in that general range. The Soviet estimate of their program is slightly more exhaustive. They, of course, have the advantage that they know what it is precisely." (Laughter).

The briefing was interrupted for the 11 p.m. signing ceremony. The frustrated newsmen watched the three official documents being signed on television. They still had no copies of the "landmark" treaty.

Later, over 100 weary, deadline-stricken U.S. reporters were assembled to meet with an equally tired Mr. Kissinger in the only available hall, the Intourist Hotel nightclub.

As he proceeded through 45 minutes of exhausting questioning, Mr. Kissinger, sleepless most of the past furious week of diplomacy, still displayed his whimsical aplomb and command of detail on a subject that has preoccupied him for years before and since he came to the White House.

NO SPRINKLING OF LEVITY

There was no sprinkling of levity to ease tension, however, when Mr. Kissinger was asked if "the United States got stuck with a submarine deal." Replied Mr. Kissinger firmly "that is an absurdity. It is a total absurdity. It was the United States which insisted that the submarines be included. . . . So this is not something that the Soviets forced on us. It is something we urged on the Soviets . . ."

If this "important first step" in limiting defensive and offensive nuclear missiles succeeds, said Mr. Kissinger, "the future will record that both sides won."

NETWORK ANTI-NIXON BIAS DOCUMENTED

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the publication known as First Monday, sponsored by the Republican National Committee, revealed some very interesting facts about the networks, as well as their commentators.

Although First Monday is a politically oriented journal, the revelations in the June 5 issue should have much broader exposure for the benefit of the public; thus I am including the following:

Soviet Summit Leaves Media Chicken Littles With Egg on Their Faces

(By John Heywood)

The U.S.-Soviet summit meeting has among other things, left the media Chicken Littles with egg on their faces.

The President had barely faded from the TV screen on May 8 when the network sneerleaders, hand-wringers and hand-shakers went to work.

As a result of the President's just announced initiatives in Vietnam, steps taken to protect American lives and prevent a Communist take-over of South Vietnam, CBS's Eric Sevareid stated flatly: "I would suspect that the summit will not come off." His CBS colleagues Marvin Kalb and Collingwood voiced similar opinions. Collingwood said ". . . certainly the Moscow summit meeting, from which so much had been expected, is now in jeoparlly . . ." Kalb declared: "One casualty of the President's mining and blockade may well be his upcoming summit to Moscow. Those who began packing and dreaming of caviar in Russia are beginning to unpack and return to some dry cereal."

CHANCELLOR: SUMMIT IN JEOPARDY

NBC's John Chancellor said on May 8: "The summit is in jeopardy today." Saying the USSR "can't sit still for this," NBC White House correspondent Richard Valeriani asked "How can they receive him (the President) now?"

Edmund Stevens of NBC observed: "The President's announcement will be pretty hard for them (the Soviets) to swallow . . . it practically killed the prospects (of a summit) . . .". ABC's Ted Koppel said: "I don't see how he (the President) can go."

Characterizing the President's actions as a "threat to the peace of the world," inviting "Soviet retaliation," the *New York Times* editorialized that "a big question mark hangs over projected summit" and "there remains no certainty that it will take place." *Times* columnist Wicker branded the President a "true emperor" and worried about the world turning into an "ash."

Not to be out-done in their denunciation of the President, the *Washington Post* opinionized: "The Moscow summit is in the balance, if it has not yet toppled over." In another editorial wondering about the national interest and the self-respect of the Soviet Union, the *Post* foresaw a possibility that "the China glow," "the Moscow summit," and "the prospects of reaching SALT, trade and European agreements before next January" might all go down the drain. *Post* columnist Joseph Kraft proclaimed the summit "in hazard" and blasted the President for putting up for grabs "the structure of world order, and the lives of thousands of Vietnamese and hundreds of Americans."

The fact of the matter is, as columnist Joseph Alsop put it: "The Soviet response to the mining of Haiphong harbor was about as tough and stiff as a length of sadly overcooked spaghetti." Those who made hysterical predictions conjuring up the wildest sort of apocalypse performed a disservice to their readers and viewers in that their ravings contributed to an irrational dialog on a subject of the utmost sensitivity, a subject which cried out for sensible discussion.

In short, much of the media's post-May 8 commentary on the President, Vietnam and the summit gives reasons to question not the judgment of the President, but rather the perspicacity of those who so badly misjudged him and subsequent events.

CBS News Accentuates Negative, Distorts Facts in Reporting Vietnam Action

During the past several weeks since the North Vietnamese invasion of South Vietnam, the *First Monday* Media Monitor has picked up a few items of interest, items which show that when it comes to astigmatisms nothing sees things quite like the CBS eye:

"DEFEAT" NOT A DEFEAT

On the evening of May 6, 1972, CBS Evening News viewers were greeted by anchorman Roger Mudd telling them: "The South Vietnamese suffered two more defeats today trying to push back the Communists in the Central Highlands." One of the "defeats" cited by Mudd was at Firebase 42 where enemy forces reportedly killed or wounded at least 100 South Vietnamese in a three-hour assault.

Meanwhile, on NBC, Don North was reporting from Firebase 42 and his more detailed account showed that the battle wasn't quite the defeat CBS had made it out to be.

Pointing out that the attackers were an estimated company of North Vietnamese sappers ("probably the most feared enemy soldiers in Vietnam"), North reported that the base had been destroyed but "if the enemy mission had been to overrun and hold this firebase, as they have so many others, they failed." North said the base was not overrun due to the fighting of the elite South Vietnamese airborne unit that had "beaten off" the attack by the North Vietnamese.

VOLUNTEER ARMY MISREPRESENTED

In the same May 6 CBS Evening News broadcast, there was a film report from Hue, South Vietnam, showing a volunteer army marching through the streets. As the camera focused on a close-up of a man who looked like a 150-year-old Ho Chi Minh in a helmet, CBS reporter David Henderson (in Hue) intoned ominously:

"Led by a brass band playing patriotic marching tunes, the local militia for the ancient imperial capital of Hue paraded through the streets today to show off their strengths. The ragged army of volunteers will be the *first line of defense* when the expected enemy attack comes. The militia is made up of men too old or too young to be in the regular army, veterans—some of them disabled, local officials and teachers."

Henderson went on to point out that the parade was through mostly empty streets because most of the people left as "they were not impressed with the militia to protect them. Local armies in this country have a reputation for panicking and running away when attacked."

NOT FIRST DEFENSE LINE

The fact of the matter is that the volunteer army shown on CBS News was not and is not the "first line of defense" of the city of Hue. As an Associated Press story reported: "The government has provided 20,000 weapons for volunteers to defend the city if the army cannot hold off the North Vietnamese." The AP report labeled the local militia "the last-ditch volunteer defenders of Hue." Thus, by presenting this disorganized group of volunteers as the primary defenders of Hue, CBS gave their viewers a much gloomier picture than the facts warranted.

The final items involve CBS reporter Bob Simon and things he said and didn't say.

In an April 29 report from Hue, Simon was reporting on the Communist shelling of Highway One and the thousands of refugees on the road. Commenting at one point on how the people had to learn for themselves that the road was being bombarded, Simon said: "The Communists were not aiming for civilians, at least one can't imagine why they would, there were more important targets on the road . . ."

COMMUNIST TERROR TACTIC

What one can't imagine is why Simon would wonder why the Communists would shell civilians. They have done so as a terror tactic since the beginning of the Vietnam war.

Just last week in a press conference, Defense Secretary Laird cited facts and figures to show the Communists "complete lack of regard" for civilians: Since the Communists invaded six weeks ago, the South Vietnamese city of An Loc, a two square mile area concentrated with a civilian population, has been hit by 35,000 rounds of enemy artillery. The four days before Quang Tri fell, the Communists were putting into that civilian population area a total of 3,000 rounds a day. The last day before it fell, the city took 4,600 rounds. As Laird put it: "They sprayed artillery into those civilian centers just as if they were using a water hose."

Another Simon report, April 28, ended on a very moving note. As the camera pans slowly showing the bodies of dead and injured men, women and children, South Vietnamese refugees, strewn across a road after their truck had hit a Communist mine, Simon says:

NOTHING LEFT TO SAY?

"By evening government spokesmen are saying another grand victory has been won in Quang Tri province, the situation is once again stabilized. But there will be more fighting and more words. Words spoken by generals, journalists, politicians. But here on Route One, it is difficult to imagine what those words can be. There is nothing left to say about this war. There is just nothing left to say."

Nothing left for Bob Simon to say obviously. But is there really nothing left to say about a truckload of innocent refugees killed and maimed by a Communist mine put there by an enemy who throughout the entire war in Vietnam has deliberately murdered civilians as an instrument of national policy? Is there really nothing left to say about an enemy who after years of aggression continues to try and enslave his fellow countrymen by force and violence? Is there nothing to be said about how 12 of North Vietnam's 13 regular army divisions are now engaged in aggression outside its borders against Laos, Cambodia and South Vietnam? Is there nothing to be said about North Vietnam's violation of the 1954 Geneva Accords and the 1968 understandings which led to a cessation of U.S. bombing? Is there nothing to be said about North Vietnam's truculence and refusal to negotiate in good faith an end to the war?

Of course there is plenty to be said about the war. But the odds are you won't hear it or see it on CBS.

THE ABSURDITY OF SOME FEDERAL PROGRAMS

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, it is not often that I find myself unable to respond to inquiries from my constituents. Some 30 years on Capitol Hill, as an aide to two Senators and as a sitting Member of this honorable body, have given me the experience not to be surprised by any inquiry, to expect almost anything from a citizen and even more and stranger things from Government, and to cope with all of these.

But I confess that two recent letters from constituents have me nonplussed. I am chagrined at my own ignorance of what brought the circumstances about, when and how I, as one Congressman, supported such a proposition, what to do about it, and how to answer the plaintive comments of my constituents.

In the interest of brevity, I want to read the two letters. I have, of course, deleted the names of the writers and other personal references.

———, Kans.,
May 2, 1972.

Hon. Joe Skubitz,
House of Representatives,
Washington, D.C.

Dear Joe: Curiosity combined with anger (perhaps you have heard from others before now) prompt this letter to you.

———, and his wife ———, who live about one and a half blocks east of me in ———, and who have lived on welfare all of their life are building a new house and it's nothing small. Of course, it can't be because they have either thirteen or fourteen children.

By the grape vine—they got an FHA loan and are to repay it at forty something dollars a month.

Those of us who work for a living, pay our taxes, contribute to all drives, etc., can't even consider such a thing as a new home—many of us even have to study all circumstances before we can even invest in a car. Yet we have to support such as this and can't help but wonder how such things are done.

We would appreciate any investigation of this situation that can be done since many of us are at a loss to understand it. Possibly in six months it will be a total wreck just like all other places they have been moved into.

So much for this—do hope you and Jess are both well and that I see you sometime soon when you are home.

Sincerely,

——— ———.

———

———, Kans.

Hon. Joe Skubitz: As a taxpayer I am wondering how the welfare Dept. can built a $30,000 home for a family with 12 children and the husband not work one day in his life time except when he need some cash for———

I think I should resign from my job and have the welfare Dept. pay the mortgage, the taxes, and some cash for food & clothing for my living. New clothing is much better than seconds or hand me down.

I do need an explanation of this matter.

Thanks

——— ———.

Obviously, when I read that first letter, I could not believe my eyes. But the writer is an old and trusted friend, a lady who travels each day to an adjacent town to work 10 hours a day to earn her own living. And my second correspondent is a medical technologist, a man who works hard for a modest living to support his family.

Upon making inquiry from Government departments, I find that the FHA will arrange financing for homes for welfare clients and that welfare payments will be augmented to meet the mortgage payments. Frankly, I had thought we were past that day when taxpayers' hard-earned dollars were squandered on $50-a-day suites at the Waldorf-Astoria and other New York hotels to house families on welfare. And I was naive enough to believe that this could happen only in New York, or Los Angeles, or Chicago, or Cleveland, never in Kansas.

Mr. Speaker, the small town in Kansas where $30,000 of taxpayer funds are being spent to build a home for a welfare family is populated by people of the most modest means. Many must live on their social security benefits alone. Most live in homes originally built by their grandparents. These are modest dwellings, small, inadequate by modern standards.

These people have a hard time making both ends meet; many find it difficult to pay their annual real estate taxes, buy fuel in winter, buy necessary medicines, and clothe themselves and their families. Many, indeed, are happy with second-hand clothes and hand-me-downs. But they are decent, hard-working people who retain their pride and independence.

Yet it is their taxes that are being used to pay for a home, a new, modern, spick-and-span dwelling that shames every remaining home in the town. Is it any wonder that people cry out at the tax load; is it any wonder that people decry the extravagance of Government; is it any wonder that people oppose welfare as it is presently constituted and administered?

Is it so hard to understand why people are frustrated and angry? Is it still a puzzle why people look for new leadership that promises an end to some of these inequitable and unsupportable programs and policies?

Nor is this surprising welfare policy the end of the story. A few days later, in a "Dear Colleague" letter, the gentleman from Idaho (Mr. McClure), informed us of the so-called double subsidy program now available under the section 235 housing program of HUD. We learned that Internal Revenue's interpretation of existing law permits a homeowner to deduct from his Federal income tax the total of his mortgage interest paid the Federal Government.

Of course, we all understand that mortgage interest paid on a privately placed mortgage loan is a deductible item in filing income tax. The logic is that the recipient of the interest must include it as income in his tax return so that the Government properly and appropriately collects a tax on the interest thus earned. But the section 235 loophole, if indeed it is a loophole, denies the Federal Government any return. The mortgage borrower gets an HUD subsidy in the first place to buy his home and then, in effect, charges the Federal Government for the interest on its own mortgage. Why not make it an interest-free mortgage in the first place; why go through this meaningless fiction?

As a certain TV comedian would say, "How sweet it is!" But to me, this is no laughing matter. It is a cruel joke on responsible, taxpaying citizens who must bear this burden. Whose largess is this, indeed?

Not the Members of Congress who advertently or inadvertently voted for such a program—we are not putting up our money for this gift.

Certainly not Mr. Romney's nor his fellow officials at HUD—it is not their private funds that are being used for this subsidy.

No, indeed—it is the sweat and blood of that inchoate mass out there—the average, small-home taxpayers whose moneys are being taken and squandered in this fashion.

I ask that those in this body who have the responsibility for these programs, those who handle welfare legislation and housing legislation; I ask them to look into these matters and do something about them before it is too late.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 12931, RURAL DEVELOPMENT ACT, 1972

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that the managers be given permission to have until midnight tonight to file a conference report on H.R. 12931, Rural Development Act, 1972.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Conference Report (H. Rept. No. 92–1129)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12931) to provide for improving the economy and living conditions in rural America, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Rural Development Act of 1972"

TITLE I—AMENDMENTS TO THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Sec. 101. Short Title.—Section 301(a) of the Consolidated Farmer-Home Administration Act of 1961 is amended to read as follows:

"(a) This title may be cited as the 'Consolidated Farm and Rural Development Act'."

SEC. 102. RURAL ENTERPRISE LOANS.—Section 304 of the Consolidated Farmers Home Administration Act of 1961 is amended by—

(1) inserting "(a)" before the first sentence and striking out

"(a)" and "(b)" in the first sentence; and

(2) adding at the end of section a new subsection as follows:

"(b) Loans may also be made or insured under this subtitle to residents of rural areas without regard to the requirements of clauses (2) and (3) of section 302 to acquire or establish in rural areas small business enterprises to provide such residents with essential income."

SEC. 103. APPRAISALS.—Section 305 of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out "normal" in the first and second sentences and striking out the last sentence.

SEC. 104. ESSENTIAL RURAL COMMUNITY FACILITIES.—Section 306(a)(1) of the Consolidated Farmers Home Administration Act of 1961 is amended (1) by inserting after "corporations not operated for profit," the following: "Indian tribes on Federal and State reservations and other federally recognized Indian tribes,"; and (2) by striking out "and recreational developments" and inserting in lieu thereof "recreational developments, and essential community facilities including necessary related equipment".

SEC. 105. GRANTS FOR WATER AND WASTE DISPOSAL SYSTEMS.—Section 306(a)(2) of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out "$100,000,000" and inserting in lieu thereof "$300,000,000".

SEC. 106. PLANNING REQUIREMENTS—The first sentence of section 306(a)(3) of the Consolidated Farmers Home Administration Act of 1961 is amended to read as follows: "No grant shall be made under paragraph (2) of this subsection in connection with any project unless the Secretary determines that the project (i) will serve a rural area which, if such project is carried out, is not likely to decline in population below that for which the project was designed, (ii) is designed and constructed so that adequate capacity will or can be made available to serve the present population of the area to the extent feasible and to serve the reasonably foreseeable growth needs of the area, and (iii) is necessary for an orderly community development consistent with a comprehensive community water, waste disposal, or other development plan of the rural area and not inconsistent with any planned development provided in any State, multijurisdictional, county, or municipal plan approved by competent authority for the area in which the rural community is located, and the Secretary shall require the submission of all applications for financial assistance under this section to the multijurisdictional substate areawide general purpose planning and development agency that has been officially designated as a clearinghouse agency under Office of Management and Budget Circular A–95 and to the county or municipal government having jurisdiction over the area in which the proposed project is to be located for review and comment within a designated period of time not to exceed 30 days concerning among other considerations, the effect of the project upon the areawide goals and plans of such agency or government. No loan under this section shall be made that is inconsistent with any multijurisdictional planning and development district areawide plan of such agency. The Secretary is authorized to reimburse such agency or government for the cost of making the required review."

SEC. 107. EXTENSION.—In the second sentence of section 306(a)(3) of the Consolidated Farmers Home Administration Act of 1961 strike out "1971" and insert "1973".

SEC. 108. WATER AND WASTE DISPOSAL PLANNING GRANTS.—Paragraph (6) of section 306(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by—

(1) striking out "$15,000,000" and inserting in lieu thereof "$30,000,000";

(2) striking out "official"; and

(3) striking out "sewer" and inserting in lieu thereof "waste disposal".

SEC. 100. DEFINITIONS.—Section 306(a)(7) of the Consolidated Farmers Home Administration Act of 1961 is amended to read as follows:

"(7) As used in this title, the terms 'rural' and 'rural area' shall not include any area in any city or town which has a population in excess of ten thousand inhabitants, except that for purposes of loans and grants for private business enterprises under sections 304(b), 310B, and 312 (b), (c), and (d) the terms 'rural' and 'rural area' may include all territory of a State, the Commonwealth of Puerto Rico and the Virgin Islands, that is not within the outer boundary of any city having a population of fifty thousand or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than one hundred persons per square mile, as determined by the Secretary of Agriculture according to the latest decennial census of the United States: *Provided*, That special consideration for such loans and grants shall be given to areas other than cities having a population of more than twenty-five thousand.

SEC. 110. REPEAL OF MAXIMUM SIZE LOAN.—Section 306(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out paragraph (5).

SEC. 111. RURAL DEVELOPMENT PLANNING GRANTS.—Section 306(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof a new paragraph as follows:

"(11) The Secretary may make grants, not to exceed $10,000,000 annually, to public bodies or such other agencies as he may select to prepare comprehensive plans for rural development or such aspects of rural development as he may specify."

SEC. 112. PRIORITY FOR CERTAIN WATER FACILITY AND WASTE DISPOSAL LOANS AND GRANTS.—Section 306(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof the following:

"(12) In the making of loans and grants for community waste disposal and water facilities under paragraphs (1) and (2) of this subsection the Secretary shall accord highest priority to the application of any municipality or other public agency (including an Indian tribe on a Federal or State reservation or other federally recognized Indian tribal group) in a rural community having a population not in excess of five thousand five hundred and which, in the case of water facility loans, has a community water supply system, where the Secretary determines that due to unanticipated diminution or deterioration of its water supply, immediate action is needed, or in the case of waste disposal, has a community waste disposal system, where the Secretary determines that due to unanticipated occurrences the system is not adequate to the needs of the community. The Secretary shall utilize the Soil Conservation Service in rendering technical assistance to applicants under this paragraph to the extent he deems appropriate."

SEC. 113. INTEREST RATES ON RURAL DEVELOPMENT LOANS.—Section 307(a) of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting before the period at the end of the second sentence thereof the following: "; except that loans (other than loans to public bodies or nonprofit associations (including Indian tribes on Federal and State reservations and other federally recognized Indian tribal groups) for community facilities, or loans of a type authorized by section 306(a)(1) prior to its amendment by the Rural Development Act of 1972) made or insured under section 304 (b), 306(a)(1), or 310B shall—

(1) when made other than as guaranteed loans, bear interest at a rate, prescribed by the Secretary, not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States comparable to the average maturities of such loans, adjusted in the judgment of the Secretary of the Treasury to provide for a rate comparable to the rates prevailing in the private market for similar loans and considering the Secretary's insurance of the loans, plus an additional charge, prescribed by the Secretary, to cover the Secretary's losses and cost of administration, which charge shall be deposited in the Rural Development Insurance Fund: *Provided*, That the rate so prescribed shall be adjusted to the nearest one-eighth of 1 per centum; and

(2) when made as guaranteed loans, bear interest at such rate as may be agreed upon by the borrower and the lender".

SEC. 114. ESCROW PAYMENTS.—Section 307 (a) of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting before the period at the end the following: ", and borrowers under this title shall prepay to the Secretary as escrow agent such taxes and insurance as he may require, on such terms and conditions as he may prescribe".

SEC. 115. AGRICULTURAL CREDIT INSURANCE FUND. AMENDMENT.—(a) Section 309(f) of the Consolidated Farmers Home Administration Act of 1961 is amended by—

(1) changing "$100,000,000" to "$500,000,000" in paragraph (1);

(2) changing paragraph (2) by—

(A) striking out "the interest" and inserting in lieu thereof "amounts";

(B) changing "prepayments" to "payments" in all three places; and

(C) inserting after "until due" the following: "or until the next agreed annual or semiannual remittance date".

(3) striking out "section 335(a) in connection with insured loans." in paragraph (5) and inserting in lieu thereof "connection with insured loans, including the difference between interest payable by borrowers and interest to which insured lenders or insured holders are entitled under agreements with the Secretary included in contracts of insurance.".

(4) inserting in paragraph (5) after "to pay" the following: "for contract services,".

(b) Section 309 of such act is amended by adding at the end thereof the following new subsections: "(g)(1) The assets and liabilities of, and authorizations applicable to, the Farmers Home Administration direct loan account created by section 338(c) and the Emergency Credit Revolving Fund referred to in section 326 are hereby transferred to the fund, and such account and such revolving fund are hereby abolished. Such assets and their proceeds, including loans made out of the fund pursuant to this section, shall be subject to the provisions of this section, section 308, the last sentence of section 306(a)(1), and the last sentence of section 307.

"(2) From time to time, and at least at the close of each fiscal year, the Secretary shall pay from the fund into the Treasury as miscellaneous receipts interest on the value as determined by the Secretary, with the approval of the Comptroller General, of the Government's equity transferred to the fund pursuant to the first sentence of this subsection plus the cumulative amount of appropriations made available after enactment of this provision as capital and for administration of the programs financed from the fund, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of loans made or insured from the fund, adjusted to the nearest one-eighth of 1 per centum. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Secretary determines that moneys in the fund exceed present and any reasonably prospective future requirements of the fund, such excess may be transferred to the general fund of the Treasury.

"(h) The Secretary may provide financial assistance to borrowers for purposes provided in this title by guaranteeing loans made by any Federal or State chartered bank, savings and loan association, cooperative lending agency, or other legally organized lending agency."

Sec. 116. Rural Development Insurance Fund.—The Consolidated Farmers Home Administration Act of 1961 is amended by inserting the following new section after section 309:

"Sec. 309A. (a) There is hereby created the Rural Development Insurance Fund (hereinafter in this section referred to as the 'Insurance Fund') which shall be used by the Secretary as a revolving fund for the discharge of the obligations of the Secretary under contracts guaranteeing or insuring rural development loans. For the purpose of this section 'rural development loans' shall be those provided for by sections 304(b), 306(a)(1), 310B, and 312(b), except loans (other than for water systems and waste disposal facilities) of a type authorized by section 306(a)(1) prior to its amendment by the Rural Development Act of 1972.

"(b) The assets and liabilities of the Agricultural Credit Insurance Fund referred to in section 309(a) applicable to loans for water systems and waste disposal facilities under section 306(a)(1) are hereby transferred to the Insurance Fund. Such assets (including the proceeds thereof) and liabilities and rural development loans guaranteed or insured pursuant to this title shall be subject to the provisions of this section and section 308.

"(c) Moneys in the Insurance Fund not needed for current operations shall be deposited in the Treasury of the United States to the credit of the Insurance Fund or invested in direct obligations of the United States or obligations guaranteed by the United States. The Secretary may purchase with money in the Insurance Fund any notes issued by the Secretary to the Secretary of the Treasury for the purpose of obtaining money for the Insurance Fund.

"(d) The Secretary is authorized to make and issue notes to the Secretary of the Treasury for the purpose of obtaining funds necessary for discharging obligations under this section and for making loans, advances, and authorized expenditures out of the Insurance Fund. Such notes shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes shall bear interest at a rate fixed by the Secretary of the Treasury, taking into consideration the current average market yield of outstanding marketable obligations of the United States having maturities comparable to the average maturities of rural development loans made, guaranteed, or insured under this title. The Secretary of the Treasury is authorized and directed to purchase any notes of the Secretary issued hereunder, and, for that purpose, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act, as amended, are extended to include the purchase of notes issued by the Secretary hereunder. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States.

"(e) Notes and security acquired by the Secretary in connection with rural development loans made, guaranteed, or insured under this title or transferred by subsection (b) of this section shall become a part of the Insurance Fund. Notes may be held in the Insurance Fund and collected in accordance with their terms or may be sold by the Secretary with or without agreements for insurance thereof at the balance due thereon, or on such other basis as the Secretary may determine from time to time. All net proceeds from such collections, including sales of notes or property, shall be deposited in and become a part of the Insurance Fund.

"(f) The Secretary shall deposit in the Insurance Fund any charges collected for loan services provided by the Secretary as well as charges assessed for losses and costs of administration in connection with making, guaranteeing, or insuring of rural development loans under this title.

"(g) The Secretary may utilize the Insurance Fund—

"(1) to make rural development loans which could be insured under this title whenever he has a reasonable assurance that they can be sold without undue delay, and he may sell and insure such loans;

"(2) to pay amounts to which the holder of insured notes is entitled on loans heretofore or hereafter insured accruing between the date of any payments by the borrower and the date of transmittal of any such payments to the holder. In the discretion of the Secretary, payments other than final payments need not be remitted to the holder until due of until the next agreed annual or semiannual remittance date;

"(3) to pay to the holder of insured notes any defaulted installment, or upon assignment of the note to the Secretary at the Secretary's request, the entire balance due on the loan;

"(4) to purchase notes in accordance with contracts of insurance heretofore or hereafter entered into by the Secretary;

"(5) to make payments in compliance with the Secretary's obligations under contracts of guarantee entered into by him;

"(6) to pay taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application and transmittal of collections or necessary to obtain credit reports on applicants or borrowers, expenses for necessary services, including construction inspections, commercial appraisals, loan servicing, consulting business advisory or other commercial and technical services, and other program services, and other expenses and advances authorized in section 335(a) of this title in connection with insured loans. Such items may be paid in connection with guaranteed loans after or in connection with acquisition by the Secretary of such loans or security therefor after default, to an extent determined by the Secretary to be necessary to protect the interest of the Government, or in connection with grants and any other activity authorized in this title;

"(7) to pay the difference between interest payments by borrowers and interest to which holders of insured notes are entitled under contracts of insurance heretofore or hereafter entered into by the Secretary; and

"(8) to pay the Secretary's costs of administration of the rural development loan program, including costs of the Secretary incidental to guaranteeing rural development loans under this title.

"(h) When any loan is sold out of the Insurance Fund as an insured loan, the interest or other income thereon paid to an insured holder shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954."

Sec. 117. Insured Watershed and Resource Conservation and Development Loans.—Subtitle A of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end a new section as follows:

"Sec. 310A. Loans meeting the requirements of the Watershed Protection and Flood Prevention Act of title III of the Bankhead-Jones Farm Tenant Act may be insured, or made to be sold and insured, in accordance with and subject to sections 308 and 309, the last sentence of section 306(a)(1), and the last sentence of section 307 of this title."

Sec. 118. Rural Industrialization Assistance.—(a) Subtitle A of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof, after section 310A as added by this Act, a new section as follows:

"Sec. 310B. (a) The Secretary may also make and insure loans to public, private, or cooperative organizations organized for profit or nonprofit, to Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, or to individuals for the purpose of improving, developing, or financing business, industry, and employment and improving the economic and environmental climate in rural communities, including pollution abatement and control. Such loans, when originated, held, and serviced by other lenders, may be guaranteed by the Secretary under this section without regard to subsections (a) and (c) of section 333.

"(b) The Secretary may make grants, not to exceed $50,000,000 annually, to eligible applicants under this section for pollution abatement and control projects in rural areas. No such grant shall exceed 50 per centum of the development cost of such a project.

"(c) The Secretary may also make grants, not to exceed $50,000,000 annually, to public bodies for measures designed to facilitate development of private business enterprises, including the development, construction, or acquisition of land, buildings, plants, equipment, access streets and roads, parking areas, utility extensions, necessary water supply and waste disposal facilities, refinancing, services and fees.

"(d) The Secretary may participate in joint financing to facilitate development of private business enterprises in rural areas with the Economic Development Administration, the Small Business Administration, and the Department of Housing and Urban Development and other Federal and State agencies and with private and quasi-public financial institutions, through joint loans to applicants eligible under subsection (a) for the purpose of improving, developing, or financing business, industry, and employment and improving the economic and environmental climate in rural areas or through joint grants to applicants eligible under subsection (e) for such purposes, including in the case of loans or grants the development, construction, or acquisition of land, buildings, plants, equipment, access streets and roads, parking areas, utility extensions, necessary water supply and waste disposal facilities, refining, service and fees.

(1) No financial or other assistance shall be extended under any provision of sections 304(b), 310B, and 312(b) that is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant, but this limitation shall not be construed to prohibit assistance for the expansion of an existing business entity

through the establishment of a new branch, affiliate, or subsidiary of such entity if the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations unless there is reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(2) No financial or other assistance shall be extended under any provision of sections 304(b), 310B, and 312(b) which is calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

(3) No financial or other assistance shall be extended under any provision of sections 304(b), 310B, and 312(b) if the Secretary of Labor certifies within 60 days after the matter has been submitted to him by the Secretary of Agriculture that the provisions of paragraph (1) and (2) of this subsection have not been complied with. The Secretary of Labor shall, in cooperation with the Secretary of Agriculture, develop a system of certification which will insure the expeditious processing of requests for assistance under this section."

(b) Section 333 of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting "310B," in paragraph (b) after "306,".

Sec. 119. Guaranteed Rural Housing Loans.—Subtitle A of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof a new section as follows:

"Sec. 310C. (a) Rural Housing Loans which (1) are guaranteed by the Secretary under section 517(a) (2) of the Housing Act of 1949, (2) are made by other lenders approved by the Secretary to provide dwellings in rural areas for the applicants' own use, and (3) bear interest and other charges at rates not above the maximum rates prescribed by the Secretary of Housing and Urban Development for loans made by private lenders for similar purposes and guaranteed by the Secretary of Housing and Urban Development under the National Housing Act or superseding legislation shall not be subject to sections 501(c) and 502(b) (3) of the Housing Act of 1949."

"(b) For the purposes of title V of the Housing Act of 1949, as amended, a guarantee of payment given under the color of law by the Department of Hawaiian Home Lands (or its successor in function) shall be found by the Secretary reasonably to assure repayment of any indebtedness so guaranteed."

Sec. 120. Young Farmers' Loans.—(a) Section 311 of the Consolidated Farmers Home Administration Act of 1961 is amended by—

(1) inserting "(a)" before the first word; and

(2) adding at the end of the section a new subsection as follows:

"(b) (1) Loans may also be made under this subtitle without regard to the requirements of clauses (2) and (3) of subsection (a) to youths who are rural residents to enable them to operate enterprises in connection with their participation in 4-H Clubs, Future Farmers of America, and similar organizations and for the purposes specified in section 312.

"(2) A person receiving a loan under this subsection who executes a promissory note therefor shall thereby incur full personal liability for the indebtedness evidenced by such note in accordance with its terms free of any disability of minority.

"(3) For loans under this subsection the Secretary may accept the personal liability of a cosigner of the promissory note in addition to the borrowers' personal liability."

(b) Section 312 of the Consolidated Farmers Administration Act of 1961 is amended by inserting "(a)" after "311".

Sec. 121. Rural Enterprise Operating Loans.—Section 312 of the Consolidated Farmers Home Administration Act of 1961, as amended by this title, is amended by—

(1) inserting "(a)" before the first word; and

(2) further amending subsection (a) (as so designated by paragraph (1)) by striking out "and (9) for loan closing costs," and by inserting in lieu thereof the following: "(9) loan closing costs, and (10) for assisting farmers or ranchers in effecting additions to or alterations in the equipment, facilities, or methods of operation of their farms or ranches in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act of 1970 or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act of 1970, if the Secretary determines that any such farmer or rancher is likely to suffer substantial economic injury due to such compliance without assistance under this paragraph."

(3) adding at the end of the section new subsections as follows:

"(b) Loans may also be made under this subtitle to residents of rural areas without regard to the requirements of clauses (2) and (3) of section 311(a) to operate in rural areas small business enterprises to provide such residents with essential income.

"(c) Loans may also be made to eligible applicants under this subtitle for pollution abatement and control projects in rural areas.

"(d) The Secretary may make grants, not to exceed $25,000,000 annually, to eligible applicants under this subtitle for pollution abatement and control projects in rural areas. No such grant shall exceed 50 per centum of the development cost of such a project."

Sec. 122. Maximum Size.—Section 313 of the Consolidated Farmers Home Administration Act of 1961 is amended by changing "$35,000" to "$50,000".

Sec. 123 Insured Operating Loans.—Subtitle B of the Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof a new section as follows:

"Sec. 317. Loans meeting the requirements of this subtitle (except section 312(b)) may be insured, or made to be sold and insured, in accordance with and subject to sections 308 and 309 and the last sentence of section 307 of this title."

Sec. 124. Amendments to Section 331.—Section 331 of the Consolidated Farmers Home Administration Act of 1961, is amended—

(1) by inserting before the semicolon, in paragraph (a), the following: ", and until January 1, 1975, make contracts for services incident to making, insuring, collecting, and servicing loans and property as determined by the Secretary to be necessary for carrying out the purposes of this title; (and the Secretary shall prior to June 30, 1974, report to the Congress through the President on the experience in using such contracts, together with recommendations for such legislation as he may see fit)"; and

(2) by changing the period at the end of any lettered paragraph thereof to a semicolon and adding at the end of such section the following additional paragraphs:

"(g) Obtain fidelity bonds protecting the Government against fraud and dishonesty of officers and employees of the Farmers Home Administration in lieu of faithful performance of duties bonds under section 14, title 6, United States Code, and regulations issued pursuant thereto, but otherwise in accordance with the provisions thereof;

"(h) Not require borrowers to pay interest accrued after December 31, 1972, on interest which is not more than 90 days overdue on any loan held or insured by the Farmers Home Administration;

"(i) Consent to the transfer of property securing any loan or financed by any loan or grant made, insured, or held by the Secretary under this title, or the provisions of any other law administered by the Farmers Home Administration, upon such terms as he deems necessary to carry out the purpose of the loan or grant or to protect the financial interest of the Government."

Sec. 125. Credit Elsewhere Determination.—Paragraph (a) of section 333 is amended by inserting after "in writing" the following: ", and the Secretary shall determine,".

Sec. 126. Repeal of County Committee Approval Requirement for Association and District Loans.—Section 333(b) of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out the words "said sections" and inserting "section 321 (b) (2)".

Sec. 127. Disposition of Real Property.—Section 335(c) of the Consolidated Farmers Home Administration Act of 1961 is amended by—

(1) striking out "subtitle A" in the first sentence and inserting in lieu thereof "the provisions of any law administered by the Farmers Home Administration";

(2) striking out "the provisions of subtitle A" in the second sentence and inserting in lieu thereof "such provisions";

(3) striking out in the fourth sentence "of at least 20 per centum" and "not more than five annual"; and

(4) adding at the end of the fourth sentence before the period the following: ", but not in any event at rates and terms more favorable than those legally permissible for eligible borrowers".

Sec. 128. (a) Guarantee of Loans.—Section 343 of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting at the end thereof before the period the following: ", and (4) the word 'insure' as used in this title includes guarantee, which means to guarantee the payment of a loan originated, held, and serviced by a private financial agency or other lender approved by the Secretary, and (5) the term 'contract of insurance' includes a contract of guarantee".

(b) Section 307(b) of the Consolidated Farmers Home Administration Act of 1961 is amended by changing "shall" to "may" in the second sentence.

Sec. 129. Order of Preference, Extent of Guaranty.—The Consolidated Farmers Home Administration Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 344. No loan (other than one to a public body or nonprofit association (including Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups) for community facilities or one of a type authorized by section 306(a) (1) prior to its amendment by the Rural Development Act of 1972) shall be made by the Secretary either for sale as an insured loan or otherwise under section 304(b), 306(a) (1), 310B, 312(b), or 312(c) unless the Secretary shall have determined that no other lender is willing to make such loan and assume 10 per centum of any loss sustained thereon. No contract guaranteeing any such loan by such other lender shall require the Secretary to participate in more than 90 per centum of any loss sustained thereon."

TITLE II—AMENDMENTS TO THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT, AS AMENDED

Sec. 201. Amendments to Public Law 83–566.—The Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended as follows:

(a) Section 1 is amended by striking out the words "the purpose of preventing such damages and of furthering the conservation, development, utilization, and disposal of water, and thereby of preserving and protecting the Nation's land and water resources" and substituting therefor the words "the purpose of preventing such damages, of furthering the conservation, development, utilization, and disposal of water, and the conservation and utilization of land and thereby of preserving, protecting, and improving the Nation's land and water resources and the quality of the environment."

(b) Section 2 is amended by substituting a comma for the word "or" after clause (1) and adding after the phrase "(2) the conservation, development, utilization, and disposal of water" a comma and the following: "or

"(3) the conservation and proper utilization of land".

(c) Section 3 is amended by changing the period at the end of paragraph (5) to a semicolon and adding the following:

"(6) to enter into agreements with landowners, operators, and occupiers, individually or collectively, based on conservation plans of such landowners, operators, and occupiers which are developed in cooperation with and approved by the soil and water conservation district in which the land described in the agreement is situated, to be carried out on such land during a period of not to exceed ten years, providing for changes in cropping systems and land uses and for the installation of soil and water conservation practices and measures needed to conserve and develop the soil, water, woodland, wildlife, and recreation resources of lands within the area included in plans for works of improvement, as provided for in such plans, including watershed or subwatershed work plans in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented. Applications for assistance in developing such conservation plans shall be made in writing to the soil and water conservation district involved, and the proposed agreement shall be reviewed by such district. In return for such agreements by landowners, operators, and occupiers the Secretary shall agree to share the costs of carrying out those practices and measures set forth in the agreement for which he determines that cost sharing is appropriate and in the public interest. The portion of such costs, including labor, to be shared shall be that part which the Secretary determines is appropriate and in the public interest for the carrying out of the practices and measures set forth in the agreement, except that the Federal assistance shall not exceed the rate of assistance for similar practices and measures under existing national programs. The Secretary may terminate any agreement with a landowner, operator, or occupier by mutual agreement if the Secretary determines that such termination would be in the public interest, and may agree to such modifications of agreements, previously entered into hereunder, as he deems desirable to carry out the purposes of this paragraph or to facilitate the practical administration of the agreements provided for herein. Notwithstanding any other provision of law, the Secretary, to the extent he deems it desirable to carry out the purposes of this paragraph, may provide in any agreement hereunder for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of any crop; or (2) surrender of any such history and allotments."

(d) Paragraph (1) of section 4 is amended by inserting after "without cost to the Federal Government" the words "from funds appropriated for the purposes of this act".

(e) Clause (A) of paragraph (2) of section 4 is amended by striking all words after "fish and wildlife", and substituting therefor the words "development, recreational development, ground water recharge, water quality management, or the conservation and proper utilization of land: *Provided,* That works of improvement for water quality management shall consist primarily of water storage capacity in reservoirs for regulation of streamflow, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source, and shall be consistent with standards and regulations adopted by the Water Resources Council on Federal cost sharing for water quality management, and".

(f) All that part of clause (B) of paragraph (2) of section 4 which follows the word "Provided," where it first appears therein is amended to read as follows: "That, in addition to and without limitation on the authority of the Secretary to make loans or advancements under section 8, the Secretary may pay for any storage of water for present or anticipated future demands or needs for municipal or industrial water included in any reservoir structure constructed or modified under the provisions of this Act as hereinafter provided: *Provided further,* That the cost of water storage to meet future demands may not exceed 30 per centum of the total estimated cost of such reservoir structure and the local organization shall give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment within the life of the reservoir structure of the cost of such storage: *Provided further,* That the Secretary shall determine prior to initiation of construction or modification of any reservoir structure including such water supply storage that there are adequate assurances by the local organization or by an agency of the State having authority to give such assurances, that the Secretary will be reimbursed the cost of water supply storage for anticipated future demands, and that the local organization will pay not less than 50 per centum of the cost of storage for present water supply demands: *And provided further,* That the cost to be borne by the local organization for anticipated future demands may be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for anticipated future water supply demands, except that (1) no reimbursement of the cost of such water supply storage for anticipated future demands need be made until such supply is first used, and (2) no interest shall be charged on the cost of such water-supply storage for anticipated future demands until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be determined in accordance with the provisions of section 8."

(g) Subsection (4) of section 5 is amended to read as follows: "(4) Any plans for works of improvement involving an estimated Federal contribution to construction costs in excess of $250,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes works of improvement for reclamation or irrigation, or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) which includes Federal assistance for good water detention structures, (c) which includes features which may affect the public health, or (d) which includes measures for control or abatement of water pollution, shall be submitted to the Secretary of the Interior, the Secretary of the Army, the Secretary of Health, Education, and Welfare, or the Administrator of the Environmental Protection Agency, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, the Secretary of the Army, the Secretary of Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, if received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President."

TITLE III—AMENDMENTS TO THE BANKHEAD-JONES FARM TENANT ACT, AS AMENDED

Sec. 301. Bankhead-Jones Farm Tenant Act Amendments.—Section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011), is amended by adding at the end thereof the following:

"The Secretary shall also be authorized in providing assistance for carrying out plans developed under this title:

"(1) To provide technical and other assistance, and to pay for any storage of water for present or anticipated future demands or needs for rural community water supply included in any reservoir structure constructed or modified pursuant to such plans: *Provided,* That the cost of water storage to meet future demands may not exceed 30 per centum of the total estimated cost of such reservoir structure and the public agency or local nonprofit organization shall give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment of the cost of such water supply storage within the life of the reservoir structure: *Provided, further,* That the public agency or local nonprofit organization prior to initiation or construction or modification of any reservoir structure including water supply storage, make provision satisfactory to the Secretary to pay for not less than 50 per centum of the cost of storage for present water supply demands, and all of the cost of storage for anticipated future demands: *And provided further,* That the cost to be borne by the public agency or local nonprofit organization for anticipated future demands may be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for anticipated future water supply demands except that (1) no payment on account of such cost need be made until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which the advancement for such water supply is first made which are neither due nor callable for redemption for fifteen years from date of issue;

"(2) To provide, for the benefit of rural communities, technical and other assistance and such proportionate share of the costs of installing measures and facilities for water quality management, for the control and abatement of agriculture-related pollution, for the disposal of solid wastes, and for the storage of water in reservoirs, farm ponds, or other impoundments, together with necessary water withdrawal appurtenances, for rural fire protection, as is determined by the Secretary to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs."

SEC. 302. SOIL, WATER, AND RELATED RESOURCE DATA.—In recognition of the increasing need for soil, water, and related resource data for land conservation, use and development, for guidance of community development for a balanced rural-urban growth, for identification of prime agriculture producing areas that should be protected, and for use in protecting the quality of the environment, the Secretary of Agriculture is directed to carry out a land inventory and monitoring program to include, but not be limited to, studies and surveys of erosion and sediment damages, flood plain identification and utilization, land use changes and trends, and degradation of the environment resulting from improper use of soil, water, and related resources. The Secretary shall issue at not less than five-year intervals a land inventory report reflecting soil, water, and related resource conditions.

TITLE IV—RURAL COMMUNITY FIRE PROTECTION

SEC. 401. WILDLIFE PROTECTION ASSISTANCE.—In order to shield human and natural resources, financial investments, and environmental quality from losses due to wildfires in unprotected or poorly protected rural areas there is a need to strengthen and synergize Federal, State, and local efforts to establish an adequate protection capability wherever the lives and property of Americans are endangered by wildfire in rural communities and areas. The Congress hereby finds that inadequate fire protection and the resultant threat of substantial losses of life and property is a significant deterrent to the investment of the labor and capital needed to help revitalize rural America, and that well-organized, equipped, and trained firefighting forces are needed in many rural areas to encourage and safeguard public and private investments in the improvement and development of areas of rural America where organized protection against losses from wildfire is lacking or inadequate. To this end, the Secretary of Agriculture is authorized and directed to provide financial, technical, and other assistance to State foresters or other appropriate officials of the several States in cooperative efforts to organize, train, and equip local forces, including those of Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups to prevent, control, and suppress wildfires threatening human life, livestock, wildlife, crops, pastures, orchards, rangeland, woodland, farmsteads, or other improvements, and other values in rural areas as defined in section 306(a)(7) of the Consolidated Farm and Rural Development Act.

SEC. 402. MATCHING.—The Secretary shall carry out this title in accordance with cooperative agreements, made with appropriate State officials, which include such terms and conditions as the Secretary deems necessary to achieve the purposes of this title. No such agreement shall provide for financial assistance by the Secretary under this title in any State during any fiscal year in excess of 50 per centum of the total budgeted expenditures or the actual expenditures, whichever is less, of the undertaking of such agreement for such year, including any expenditures of local public and private nonprofit organizations, including Indian tribal groups, participating in the activities covered by the agreement. Payments by the Secretary under any such agreement may be made on the certificate of the appropriate State official that the expenditures provided for under such agreement have been made.

SEC. 403. REPORT.—The Secretary of Agriculture shall submit to the President within two years after the date of enactment of this title a written report detailing the contribution of the rural fire protection program toward achieving the purposes of this title. The Secretary shall also include in such report such recommendations regarding the rural fire protection program as he deems appropriate. The President shall transmit the report to the Congress for review and appropriate action.

SEC. 404. APPROPRIATIONS.—There is authorized to be appropriated to carry out the provisions of this title $7,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975.

TITLE V—RURAL DEVELOPMENT AND SMALL FARM RESEARCH AND EDUCATION

SEC. 501. PURPOSES.—The purpose of this title is to encourage and foster a balanced national development that provides opportunities for increased numbers of Americans to work and enjoy a high quality of life dispersed throughout our Nation by providing the essential knowledge necessary for successful programs of rural development. It is further the purpose of this title—

(a) to provide multistate regional agencies, States, counties, cities, multicounty planning and development districts, businesses, industries, organizations, Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, and other involved with public services and investments in rural areas or that provide or may provide employment in these areas the best available scientific, technical, economic, organizational, environmental, and management information and knowledge useful to them, and to assist and encourage them in the interpretation and application of this information to practical problems and needs in rural development;

(b) to provide research and investigations in all fields that have as their purpose the development of useful knowledge and information to assist those planning, carrying out, managing, or investing in facilities, services, businesses, or other enterprises, public and private, that may contribute to rural development;

(c) to enhance the capabilities of colleges and universities to perform the vital public service roles of research, transfer, and practical application of knowledge in support of rural development;

(d) to expand research on innovative approaches to small farm management and technology and extend training and technical assistance to small farmers so that they may fully utilize the best available knowledge on sound economic approaches to small farm operations.

SEC. 502. PROGRAMS AUTHORIZED.—The Secretary of Agriculture (hereafter referred to as the "Secretary") is directed and authorized to conduct in cooperation and in coordination with colleges and universities the following programs to carry out the purposes of this title.

(a) RURAL DEVELOPMENT EXTENSION PROGRAMS.—Rural development extension programs shall consist of the collection, interpretation, and dissemination of useful information and knowledge from research and other sources to units of multistate regional agencies, State, county, municipal, and other units of government, multicounty planning and development districts, organizations of citizens contributing to rural development, business, Indian tribes on Federal or State reservations or other federally recognized Indian tribal groups, or industries that employ or may employ people in rural areas. These programs also shall include technical services and educational activity, including instruction for persons not enrolled as students in colleges or universities, to facilitate and encourage the use and practical application of this information. These programs also may include feasibility studies and planning assistance.

(b) RURAL DEVELOPMENT RESEARCH.—Rural development research shall consist of research, investigations, and basic feasibility studies in any field or discipline which may develop principles, facts, scientific and technical knowledge, new technology, and other information that may be useful to agencies of Federal, State, and local government, industries in rural areas, Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, and other organizations involved in rural development programs and activities in planning and carrying out such programs and activities or otherwise be practical and useful in achieving increased rural development.

(c) SMALL FARM EXTENSION, RESEARCH, AND DEVELOPMENT PROGRAMS.—Small farm extension and research and development programs shall consist of extension and research programs with respect to new approaches for small farms in management, agricultural production techniques, farm machinery technology, new products, cooperative agricultural marketing, and distribution suitable to the economic development of family size farm operations.

SEC. 503. APPROPRIATION AND ALLOCATION OF FUNDS.—(a) There is hereby authorized to be appropriated to carry out the purposes of this title not to exceed $10,000,000 for the fiscal year ending June 30, 1974, not to exceed $15,000,000 for the fiscal year ending June 30, 1975, and not to exceed $20,000,000 for the fiscal year ending June 30, 1976.

(b) Such sums as the Congress shall appropriate to carry out the purposes of this title pursuant to subsection (a) shall be distributed by the Secretary as follows:

(1) 4 per centum to be used by the Secretary for Federal administration, national coordination, and program assistance to the States;

(2) 10 per centum to be allocated by the Secretary to States to finance work serving two or more States in which universities in two or more States cooperate or which is conducted by one university to serve two or more States;

(3) 20 per centum shall be allocated equally among the States;

(4) 66 per centum shall be allocated to each State, as follows: One-half in an amount which bears the same ratio to the total amount to be allotted as the rural population of the States bears to the total rural population of all the States as determined by the last preceding decennial census current at the time each such additional sum is first appropriated; and one-half in an amount which bears the same ratio to the total amount to be allotted as the farm population of the State bears to the total farm population of all the States as determined by the last preceding decennial census current at the time such additional sum is first appropriated.

(c) Funds appropriated under this title may be used to pay salaries and other expenses of personnel employed to carry out the functions authorized by this title, to obtain necessary supplies, equipment, services, and rent, repair, and maintenance of other facilities needed, but may not be used to purchase or construct buildings.

(d) Payment of funds to any State for programs authorized under section 502(a), (b), and (c) shall be contingent upon the Secretary's approval of an annual plan and budget for programs conducted under each part and compliance with such regulations as the Secretary may issue under this title. Funds shall be available for use by the State in the fiscal year for which appropriated and the next fiscal year following the year for which appropriated. Funds shall be budgeted and accounted for on such forms and at such times as the Secretary shall prescribe.

(e) Funds provided to each State under this title may be used to finance programs through or at private and publicly supported colleges and universities other than the university responsible for administering the programs authorized by this title.

Sec. 504. Cooperating Colleges and Universities.—(a) Each of the programs authorized by this title shall be organized and conducted by one or more colleges or universities in each State so as to provide a coordinated program in each State.

(b) To assure national coordination with programs under the Smith-Lever Act of 1914 and the Hatch Act (as amended, August 11, 1955), administration of each State program shall be a responsibility of the institution or university accepting the benefits of the Morrill Act of 1862 (12 Stat. 503) as amended. Such administration shall be in association with the programs conducted under the Smith-Lever Act and the Hatch Act. The Secretary shall pay funds available to each State to said institution or university.

(c) All private and publicly supported colleges and universities in a State including the land-grant colleges of 1890 (26 Stat. 417) shall be eligible to conduct or participate in conducting programs authorized under this title. Officials at universities or colleges other than those responsible for administering programs authorized by this title who wish to participate in these programs shall submit program proposals to the university officials responsible for administering these programs and they shall be responsible for approval of said proposals.

(d) The university in each State responsible for administering the program authorized by this title shall designate an official who shall be responsible for programs authorized by each part of section 502 and an official who shall be responsible for the overall coordination of said programs.

(e) The chief administrative officer of the university in each State responsible for administering the program authorized by this title shall appoint a State Rural Development Advisory Council, consisting of not more than fifteen members. The administrative head of agriculture of that university shall serve as chairman. The administrative head of a principal school of engineering in the State shall be a member. There shall be at least ten additional members who shall include persons representing farmers, business, labor, banking, local government, multicounty planning and development districts, public and private colleges and Federal and State agencies involved in rural development.

It shall be the function of the Council to review and approve annual program plans conducted under this title and to advise the chief administrative officer of the university on matters pertaining to the program authorized.

Sec. 505. Agreements and Plans.—(a) Programs authorized under this title shall be conducted as mutually agreed upon by the Secretary and the university responsible for administering said programs in a memorandum of understanding which shall provide for the coordination of the programs authorized under this title, coordination of these programs with other rural development programs of Federal, State, and local government, and such other matters as the Secretary shall determine.

(b) Annually said university shall submit to the Secretary an annual program plan for programs authorized under this title which shall include plans for the programs to be conducted by each cooperating and participating university or college and such other information as the Secretary shall prescribe. Each State program must include research and extension activities directed toward identification of programs which are likely to have the greatest impact upon accomplishing the objectives of rural development in both the short and longer term and the use of these studies to support the State's comprehensive program to be supported under this title.

Sec. 506. Withholding Funds.—When the Secretary determines that a State is not eligible to receive part or all of the funds to which it is otherwise entitled because of a failure to satisfy conditions specified in this title, or because of a failure to comply with regulations issued by the Secretary under this title, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the Congress next succeeding a session of the legislature of the State from which funds have been withheld in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. If any portion of the moneys received by the designated officers of any State for the support and maintenance of programs authorized by this title shall by any action or contingency be diminished or lost, or be misapplied, it shall be replaced by said State.

Sec. 507. Definitions.—For the purposes of this title—

(a) "Rural development" means the planning, financing, and development of facilities and services in rural areas that contribute to making these areas desirable places in which to live and make private and business investments; the planning, development, and expansion of business and industry in rural areas to provide increased employment and income; the planning, development, conservation, and use of land, water, and other natural resources of rural areas to maintain or enhance the quality of the envionment for people and business in rural areas; and processes and procedures that have said objectives as their major purposes.

(b) The word "State" means the several States and the Commonwealth of Puerto Rico.

Sec. 508. Regulations.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this title.

TITLE VI—MISCELLANEOUS

Sec. 601. Location of Offices in Rural Areas.—Section 901(b) of the Act of November 30, 1970 (84 Stat. 1383), is amended to read as follows:

"(b) Congress hereby directs the heads of all executive departments and agencies of the Government to establish and maintain departmental policies and procedures giving first priority to the location of new offices and other facilities in rural areas as defined in the private business enterprise exception in section 306(a)(7) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C., 1926). The President is hereby requested to submit to the Congress not later than September 1 of each fiscal year a report reflecting the efforts during the immediately preceding fiscal year of all executive departments and agencies in carrying out the provisions of this section, citing the location of all new facilities, and including a statement covering the basic reasons for the selection of all new locations."

Sec. 602. Desertland Entrymen.—(a) The first sentence of the Act entitled "An Act to enable the Secretary of Agriculture to extend financial assistance to homestead entrymen, and for other purposes", approved October 19, 1949 (63 Stat. 883; 7 U.S.C. 1006a), is amended by striking out "homestead entry" and inserting in lieu thereof "homestead or desertland entry".

(b) The last sentence of the first section of such Act is amended by striking out "reclamation project" and inserting in lieu thereof "reclamation project or to an entryman under the desertland laws".

Sec. 603. Coordination of Rural Development Activities.—(a) Section 520 of the Revised Statutes (7 U.S.C. 2201) is amended by—

(1) inserting the words "and rural development" after the words "with agriculture", and;

(2) striking "that word" and inserting in lieu thereof "those terms".

(b) Section 526 of the Revised Statutes (7 U.S.C. 2204) is amended by—

(1) inserting "(a)" before the first sentence;

(2) inserting the words "and rural development" after the words "concerning agriculture";

(3) striking out the period at the end of the section and inserting in lieu thereof the following: "; and he shall advise the President, other members of his Cabinet, and the Congress on policies and programs designed to improve the quality of life for people living in the rural and nonmetropolitan regions of the Nation."; and

(4) adding at the end of the section a new subsection as follows:

"(b) The Secretary of Agriculture is authorized and directed to provide leadership and coordination within the executive branch and shall assume responsibility for coordinating a nationwide rural development program utilizing the services of executive branch departments and agencies and the agencies, bureaus, offices, and services of the Department of Agriculture in coordination with rural development programs of State and local governments. In carrying out this responsibility the Secretary of Agriculture shall establish employment, income, population, housing, and quality of community services and facilities goals for rural development and report annually prior to September 1 to Congress on progress in attaining such goals. The Secretary is authorized to initiate or expand research and development efforts related to solution of problems of rural water supply, rural sewage and solid waste management, rural housing, and rural industrialization."

(c)(1) The Secretary of Agriculture shall utilize to the maximum extent practicable State, regional, district, county, local, or other Department of Agriculture offices to enhance rural development, and shall to the maximum extent practicable provide directly, or, in the case of agencies outside of the Department of Agriculture, through arrangements with the heads of such agencies for—

(A) the location of all field units of the Federal Government concerned with rural development in the appropriate Department of Agriculture offices covering the geographical areas most similar to those covered by such field units, and

(B) the interchange of personnel and facilities in each such office to the extent necessary or desirable to achieve the most efficient utilization of such personnel and facilities and provide the most effective assistance in the development of rural areas in accordance with State rural development plans.

(2) The Secretary shall include in the report required by this section a report on progress made in carrying out paragraph (1) of this subsection, together with such recommendations as may be appropriate.

Sec. 604. Additional Assistant Secretary of Agriculture.—(a) In addition to the Assistant Secretaries of Agriculture now provided for by law, there shall be one additional Assistant Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Section 5315(11) of title 5, United States Code, is amended to read as follows:

"(11) Assistant Secretaries of Agriculture (4)."

Sec. 605. Long-Term Rural Environmen-

TAL PROTECTION CONTRACTS.—Subsection (b) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 163; 16 U.S.C. 590a), is further amended by adding a new paragraph at the end thereof as follows:

"In carrying out the purposes of subsection (a) of section 7, the Secretary may enter into agreements with agricultural producers for periods not to exceed ten years, on such terms and conditions as the Secretary deems desirable, creating obligations in advance of appropriations not to exceed such amounts as may be specified in annual appropriation Acts. Such agreements (i) shall be based on conservation plans approved by the soil and water conservation district or districts in which the lands described in the agreements are situated, and (ii) may be modified or terminated by mutual consent if the Secretary determines such action would be in the public interest. The Secretary also may terminate agreements if he determines such action to be in the national interest and provides public notice in ample time to give producers a reasonable opportunity to make arrangements for appropriate changes in the use of their land."

SEC. 606. COST SHARING FOR AGRICULTURE-RELATED POLLUTION PREVENTION AND ABATEMENT MEASURES.—The Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 165; 16 U.S.C. 590a), is further amended—

(1) By striking in section 7(a) the word "and" immediately before clause (5), substituting a semicolon for the period at the end of clause (5), and adding the following: "and (6) prevention and abatement of agriculture-related pollution.".

(2) By changing the first sentence of section 8(b) to read as follows: "The Secretary shall have power to carry out the purposes specified in clauses (1), (2), (3), (4), (5), and (6) of section 7(a) by making payments or grants of other aid to agricultural producers, including tenants and sharecroppers, in amounts determined by the Secretary to be fair and reasonable in connection with the effectuation of such purposes during the year with respect to which such payments or grants are made, and measured by (1) their treatment or use of their land, or a part thereof, for soil restoration, soil conservation, the prevention of erosion, or the prevention or abatement of agriculture-related pollution; (2) changes in the use of their land; (3) their equitable share, as determined by the Secretary, of the normal national production of any commodity or commodities required for domestic consumption; (4) their equitable share, as determined by the Secretary, of the national production of any commodity or commodities required for domestic consumption and exports adjusted to reflect the extent to which their utilization of cropland on the farm conforms to farming practices which the Secretary determines will best effectuate the purposes specified in section 7(a); or (5) any combination of the above."

(3) By inserting in the second paragraph of section 8(b) after the words "soil-building services" in the two places where they occur the words "or pollution prevention or abatement aids" and after the words "soil-conserving practices" the words "or pollution prevention or abatement practices".

(4) By striking "or (5)" in the first sentence of section 8(d) and substituting "(5), or (6)".

(5) By inserting in the proviso of section 8(e) after the words "soil-building or soil-conserving practices" the words "or agriculture-related pollution prevention or abatement practices".

(6) By striking the words "soil-building practices and soil- and water-conserving practices" in the penultimate sentence of section 15 and substituting "soil-building practices, soil- and water-conserving practices, and agriculture-related pollution prevention and abatement practices".

And the Senate agrees to the same.

W. R. POAGE,
GRAHAM PURCELL,
THOMAS S. FOLEY,
ED JONES,
JOHN KYL,
Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES B. ALLEN,
HUBERT H. HUMPHREY,
LAWTON CHILES,
JACK MILLER,
GEORGE D. AIKEN,
CARL T. CURTIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12931) to provide for improving the economy and living conditions in rural America, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amendment struck all after the enacting clause of H.R. 12931. There were 52 specific points of difference between the House bill and the Senate amendment. These differences and their resolution by the conferees are as follows:

1. Senate changed the title of Consolidated Farmers Home Administration Act of 1961 to "Consolidated Farm and Rural Development Act".

Conference substitute adopts Senate provision.

2. Senate specifically mentioned Indian tribes as eligible for: small business enterprise loans and pollution abatement loans and grants; loans under section 306 of the Farmers Home Administration Act; priority for water supply loans and grants where there is an unanticipated diminution or deterioration of the water supply; interest at five percent on community facility loans; rural development loans and pollution abatement grants under new section 310B; direct loans for community facilities without regard to the possibility of obtaining a guaranteed loan; rural community fire protection; and research, extension and education.

Conference substitute specifically mentions Indian tribes as eligible for programs available to public bodies.

3. House extended section 306 of the Farmers Home Administration Act to authorize loans for "essential community facilities".

Senate extended section 306(a)(1) to:

(a) include participations with other financial institutions (for similar House provision, see item 24);

(b) authorize loans to a number of specifically described borrowers and "others" (in addition to the associations, non-profit corporations and public and quasi-public bodies now covered);

(c) authorize loans for a number of specified purposes and "other rural community development projects";

(d) authorize financial and other assistance in planning rural development projects (for related House provisions, see items 7 and 8);

(e) authorize loans for projects "providing employment for" (as well as "serving") rural residents, and

(f) limit assistance in any year to the amount specified in appropriation acts.

Conference substitute adopts House provision.

It is the intent of the conferees that "essential community facilities" means that assistance under section 306(a)(1) would be available to associations, including corporations not operated for profit, and public and quasi-public agencies which will provide facilities needed for the orderly development of a rural community. These facilities would include, but would not necessarily be limited to, such items as community centers, firehouses, industrial parks, and fire and rescue equipment, including ambulances.

4. House increased annual authority for grants to finance water and waste disposal projects under such section 306(a)(2) to $500 million (from $100 million).

Conference substitute adopts House provision with an amendment limiting the authority for these grants to $300 million annually.

5. Senate prohibited grants under such section 306 if the project is inconsistent with multijurisdictional (as well as state, county or municipal) rural development plans, if any; requires submission of plans for financial assistance to such districts (as well as to county and municipal governments) for review and comment within a specified time period; prohibits loans under such section 306 that are inconsistent with the multijurisdictional plan; and authorizes the Secretary of Agriculture to reimburse such agency or government for the cost of the review.

Conference substitute adopts Senate provision with an amendment limiting the time for review to not to exceed 30 days, and making technical language changes to make the provision more compatible with other existing law in the planning field.

6. Senate extended to October 1, 1973, the authority (now expired) to make water and waste disposal grants under such section 306(a)(2) prior to the completion of comprehensive plans.

Conference substitute adopts Senate provision.

7. House increased authority for water and waste disposal planning grants under section 306(a)(6) to $30 million (from $15 million) and deleted the provision in section 306 that plans be "official." House also changed the term "sewer" to "waste disposal."

Conference substitute adopts House provision.

8. Senate authorized grants under such section 306(a)(6)(b) for preparing comprehensive plans for the development of "community services and facilities and areawide development".

Conference substitute does not include Senate provision.

9. House extended the 5,500 population rural area definition to all rural and rural area provisions of the Farmers Home Administration Act (now applicable only to section 306 of such Act).

Senate in titles I and II defined "rural areas" as all territory of a state, Puerto Rico, the Virgin Islands, American Samoa, and Guam not within a city of 50,000 or more or its adjacent urban or urbanizing area with a population density of more than 100 per square mile. (Under section 331(a) of existing law the FHA Act is now applicable to the United States, Puerto Rico, and the Virgin Islands.) Title I makes this definition applicable to the entire Farmers Home Administration Act; provided for special consideration to areas that do not include a city of more than 10,000; and requires that at least 60 percent of the assistance rendered under sections 304(b), 306, 310A, 312(b), (c), and (d) shall be in counties not having a city of more than 25,000. Senate title V (fire protection) was applicable to rural areas and rural communities having a population of 5,500 or less not included in a standard metropolitan statistical area. Senate title VI provided for research, extension, and education useful in rural areas, but did not define rural areas.

Conference substitute defines rural areas for purposes of the Act to include towns of

10,000, except that for purposes of loans and grants for private business enterprises under sections 304(b), 310(B), and 312(b) it includes all areas not within cities of 50,000, special consideration being given to areas other than cities of more than 25,000. Conference substitute also deletes American Samoa and Guam.

10. Senate defined "rural community development project" as a broad range of rural development undertakings for the purposes of the Farmers Home Administration Act.

Conference substitute does not include Senate provision, but see item 3.

11. House authorized $10 million annually in grants for plans for rural development.

Conference substitute adopts House provision.

12. Senate required the Secretary to accord the highest priority to water supply loans and grants for communities of 5,500 or below suffering an unanticipated diminution or deterioration of their water supply.

Conference substitute adopts Senate provision, but extends it to waste disposal systems.

13. Senate provided for a minimum interest rate on rural development loans under subtitle A of the Farmers Home Administration Act (other than guaranteed loans or loans to public bodies or nonprofit associations for community facilities or loans of a type made under section 306(a)(1) prior to its amendment by the bill) equal to (1) a rate fixed by the Secretary of the Treasury after consideration of market yields on U.S. obligations, prevailing private rates, U.S. insurance of the loans, plus (2) a charge to cover losses and costs of administration.

House left existing law unchanged to provide a maximum rate of five percent for all loans under subtitle A.

Conference substitute adopts Senate provision, but makes a technical correction to permit guaranteed loans for the new rural development purposes to be made at any rate agreed upon by the borrower and the lender.

14. Senate authorized the Secretary to require borrowers under such subtitle A to prepay taxes and insurance in escrow.

Conference substitute adopts Senate provision.

15. Senate authorized the Secretary to pay noteholders annually or semi-annually even though payments are made by borrowers at shorter intervals.

Conference substitute adopts Senate provision.

16. House authorized use of the Agricultural Credit Insurance Fund to pay interest subsidies to lenders who make guaranteed loans or who provide funds to make insured loans. At present it is used for this purpose for loans sold from the fund.

Conference substitute adopts House provision.

17. Senate authorized use of the Agricultural Credit Insurance Fund to pay for contract services (such as appraisal, management, advisory, administrative, and other services).

Conference substitute adopts Senate provision.

18. House transferred assets and liabilities of the direct and emergency loan accounts to the Agricultural Credit Insurance Fund, thereby making it possible to sell loans in those accounts as insured loans; made the interest on loans for such purposes sold from the fund fully taxable; required the fund to pay interest on the government's equity therein; and made it clear that the Secretary may guarantee loans made by other lenders for the purposes of the Farmers Home Administration Act.

Conference substitute adopts House provision.

19. Senate created a revolving fund, the Rural Development Insurance Fund, similar to the Agricultural Credit Insurance Fund, to be used in the guaranteeing or insuring of rural development loans. Assets and liabilities of the ACIF applicable to loans for water and waste disposal systems would be transferred to the new fund. Interest on loans sold from the new fund would be fully taxable.

Conference substitute adopts Senate provision with an amendment to subsection (g)(7) to extend that provision to guaranteed loans, thereby making it possible for the Secretary to pay interest subsidies on such loans in the same manner that he could on other insured loans.

20. House authorized insurance of loans meeting the requirements of the Watershed Protection and Flood Prevention Act and title III of the Bankhead-Jones Farm Tenant Act (R C and D projects). The interest on any such loans sold from the Agricultural Credit Insurance Fund, like other loans sold from that fund, would be fully taxable.

Conference substitute adopts House provision.

21. House prohibited rural development loans and grants under new section 310B in connection with the relocation of any industrial establishment employing more than 25 persons.

Senate prohibited any financial or other assistance under any provision of the bill that will result in the transfer from one area to another of any employment or business activity of the applicant or a directly competing firm.

Senate also prohibited any assistance which would increase goods, services, or facilities when there is not sufficient demand in the area to employ the efficient capacity of existing enterprises.

Senate also required certification by the Secretary of Labor that the above two provisions have been complied with, and requires that the Secretaries of Labor and Agriculture cooperate in developing a system of certification which will insure expeditious processing of applications for assistance.

Conference substitute adopts Senate provision with amendments—

(1) making it applicable to new sections 310B, 304(b) and 312(b).

(2) clarifies and refines the language in a number of respects, and

(3) requires the Secretary of Labor to act on any matter submitted to him within 60 days.

While allowing a maximum of 60 days, the conferees feel strongly that except in unusual circumstances the Secretary of Labor would and should act within not more than 30 days.

22. Senate limited pollution control loans and grants under the bill to rural areas.

Conference substitute adopts Senate provision.

23. House authorized $50 million annually in grants to public bodies for planning and other specified purposes.

Conference substitute adopts House provision with amendment deleting the authority for grants for planning. The conferees emphasize their intent that no grants will be made under this authority for planning purposes.

24. House provided for "joint" loans and grants with others.

Conference substitute adopts House provision with technical amendments to make it clear that only assistance to facilitate industrial development is intended.

25. House excepts rural development loans under section 310B from requirements of section 333 (a) and (c) that the applicant must certify that he cannot obtain credit elsewhere and must agree to refinance elsewhere when possible. The Conferees intend that the opportunity to participate in the rural development loan program shall extend to the banks and associations of the Farm Credit System.

Conference substitute retains the "credit elsewhere" rule, but makes it clear that this would not prevent the Secretary of Agriculture from guaranteeing loans at market interest rates as agreed to by lenders and borrowers.

26. House provided that no recommendation shall be required of the county committee with respect to rural development loans under new section 310B.

Senate had same effect and, in addition, repealed the requirement (which now applies to loans under sections 306, 314, and 321(b)(2)) for county committee recommendation.

Conference substitute adopts the Senate provision with an amendment retaining county committee recommendation on loans under section 321(b)(2).

27. House exempted applicants for rural housing loans under sections 517(a)(2) for dwellings for their own use from the "credit elsewhere" and "mandatory refinancing" provisions of title V of the Housing Act of 1949.

Conference substitute adopts the House provision with an amendment.

As in the case of rural development loans, the "credit elsewhere" rule is retained, but for above moderate housing loans it makes it clear that this would not prevent the Secretary of Agriculture from guaranteeing these rural housing loans.

The Conferees intend that the opportunity to participate in the rural housing loan program extends to the banks and associations of the Farm Credit System.

28. House authorized FHA operating loans to assist farmers to comply with the Occupational Safety and Health Act of 1970.

Conference substitute adopts House provision.

29. House specifically required the Secretary of Agriculture to determine the truth of the applicant's certification under existing section 333 that he is unable to obtain credit elsewhere.

Conference substitute adopts House provision.

30. Senate prohibited the collection of interest on interest on FHA loans (to relieve the Secretary of the necessity of calculating interest on interest on late payments under existing contracts which provide for such interest on interest).

Conference substitute adopts the Senate provision with the modification that borrowers need not pay interest on interest on loans that are not more than 90 days overdue.

31. Senate authorized the Secretary of Agriculture to contract for services in connection with FHA loans.

Conference substitute adopts the Senate provision with amendments.

In order that rural residents may receive the benefits of this Act at the earliest possible date provision has been made for Farmers Home Administration to contract for services to supplement and reinforce these services provided by agency employees. This authority extends to January 1, 1975, by which time it is expected that sufficient personnel will be employed by FHA to provide for the handling of all applications and loans in an orderly manner.

The report to Congress directed at the end of this authorization period should outline the progress made in obtaining adequate personnel and document any need for contracting for such outside services in the future.

32. Senate reorganized Farmers Home Administration into a Farm Development Administration and a Rural Enterprise and Community Development Administration, each headed by an Administrator appointed by the President, subject to Senate confirmation, at level V ($36,000) under an additional Assistant Secretary in level IV ($38,000).

Conference substitute provides only for a new Assistant Secretary of Agriculture, thereby bringing to four the total number of Assistant Secretaries in that Department.

The conferees wish to make it clear that the additional Assistant Secretary of Agriculture created by this Act is expected to be employed for purposes of adding emphasis to rural development and to provide for improved direction and emphasis within the Department of Agriculture regarding its policies, programs, and activities relating to rural development.

33. House permitted Secretary to consent to transfer of property securing any loan or financed by any loan or grant under any law administered by FHA.

Conference substitute adopts House provision.

34. House extended section 335 (which deals with disposition of real property administered under the Farmers Home Administration Act) to any law administered by FHA; repealed the provisions requiring the down payment on sale of such property to other than eligible borrowers to be at least 20 percent and the remainder to be paid "in not more than five annual" installments; and provided that the terms of such sale not be more favorable than those permissible for sale to eligible borrowers.

Conference substitute adopts House provision.

35. Senate prohibited direct and insured loans for new rural development purposes (except to public bodies and nonprofit associations for community facilities) if guaranteed loans can be obtained, and prohibits guarantee of more than 90 percent of the risk on any such loan.

Conference substitute adopts Senate provision.

36. House made it clear that liens securing guaranteed loans may run to the lender, rather than the United States.

Conference substitute adopts House provision.

37. Senate provides for sharing of Federal revenue with States, substate multijurisdictional areawide general purpose planning and development districts, and local governments for rural community development.

(a) This title authorized the appropriation of $500 million annually.

(b) This money would be apportioned among the States according to the following formula:

(i) 50 percent on the basis of the State's rural population;

(ii) 25 percent on a basis varying inversely with the State's rural per capita income; and

(iii) 25 percent on the basis of the decrease in the State's rural population.

(c) All funds would go to the States, but each State would be required to pass on one-third of these funds to substate multijurisdictional areawide general purpose planning and development districts and it must pass on one-third of the funds to local governments within the State.

The two-thirds passed on to districts and local "governments would be apportioned within each State on a similar formula basis, using the percentages 40-20-40, instead of 50-25-25.

(d) The amounts so apportioned could be used by the recipients for any rural development purpose, including the local matching share under other Federal programs, in rural areas.

(e) To become eligible for funds each State would have presented to the Secretary of Agriculture a rural development plan which is (i) developed by a statewide rural development planning system, with the participation of officials of multijurisdictional districts and local governments, and (ii) took into account plans prepared by districts and local governments.

(f) States, districts, and local units of government could enter into agreements for joint expenditures of shared revenue funds for rural development activities in one or more of them.

(g) Expenditures of shared revenues would be subject to requirements of section 901 (a) and 901(b) of the Agricultural Act of 1970.

Conference substitute does not include Senate provision.

38. Senate inserted in Congressional policy of the Watershed Act "particularly reclamation and revegetation of land that has been mined, stripmined, or abandoned by its owners".

Conference substitute does not include Senate provision.

39. Senate authorized the Secretary to pay costs of privately owned Indian lands needed for lands, easements, and rights of way under the Watershed Act.

Conference substitute does not include Senate provision.

40. Senate authorized cost sharing for ground water recharge. At present such cost sharing is not possible when use of the water cannot be identified as being a purpose for which cost sharing is authorized.

Conference substitute adopts Senate provision.

41. House limited water quality management under the Watershed Act primarily to streamflow regulation which is not a substitute for adequate treatment of waste at source and is consistent with standards of Water Resources Council.

Conference substitute adopts House provision.

42. Senate provided with respect to cost sharing on future municipal water supply that assurances of reimbursement may be provided by an agency of the State having authority to give such assurances.

Conference substitute adopts Senate provision.

43. Senate specified that the land inventory program shall include studies of flood plain identification and utilization, in addition to the studies specified in the House bill.

Conference substitute adopts the Senate provision.

44. Senate authorized the appropriation of $5 million for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, to enable the Secretary of Agriculture to provide financial, technical, and other assistance through appropriate State officials to local public and private nonprofit organizations for cooperative efforts to organize, train, and equip local forces to prevent, control, and suppress wildfires in rural areas and rural communities of 5,500 or less outside of standard metropolitan statistical areas.

An additional $2,000,000 annually was authorized for the purposes of this provision to be used in those States where the average per capita income in rural areas is below the national average per capita income in rural areas and where the timber reserves are of such importance as to warrant special consideration. The States could have used these additional funds only in the multijurisdictional planning districts where the rural per capita income is below the national average.

Financial assistance could not exceed 50 percent of budgeted or actual expenditure, whichever is less.

Conference substitute adopts the Senate provision with modifications which would:

(1) make the program apply to rural areas as defined in the conference agreement;

(2) establish the annual appropriation authority at $7 million instead of $5 million; and

(3) eliminate the extra $2 million annual authorization for States with lower than average per capita income and those areas near timber reserves.

The Conferees expect the Secretary, prior to initiating this pilot program, to designate areas of the United States which are particularly vulnerable to the hazards of wildfires. In addition the Conferees expect the Secretary, in implementing the Rural Community Fire Protection Program, to give special attention to those areas and communities that have inadequate or nonexistent fire protection facilities.

45. Senate authorized the appropriation and apportionment of funds to States for (1) rural development extension programs; (2) rural development research; (3) rural development undergraduate, graduate, and adult education; and (4) small farm extension, research and development programs.

Funds would be administered by the land grant colleges in each State subject to advice and program approval of an advisory council composed of a representative group of professional and lay leaders. Private and publicly supported colleges in a State, including the land grant colleges of 1890, would be eligible to conduct, or participate in the conduct of, programs authorized and will be represented on the advisory council.

Appropriation authorizations were scheduled to increase from a total of $75 million for fiscal 1974 to a total of $160 million for fiscal 1976 and subsequent years.

Of this amount, $25,000,000 was to be distributed among those States where the per capita income of those living on small farms in rural areas is below the national average per capita income in rural areas. These funds would be allocated among such States on the basis of the number of persons in each such State who live on small farms in rural areas and whose income is below the poverty level.

Of the remaining funds, apportionment would be as follows:

(a) 4 percent to the Secretary of Agriculture for administration;

(b) 10 percent to be allocated by the Secretary to finance work serving two or more States;

(c) 20 percent equally among the States;

(d) 33 percent among the States on the basis of rural population as determined by the last preceding decennial census at the time each such additional sum is first appropriated; and

(e) 33 percent among the States on the basis of farm population, determined in a similar manner.

Conference substitute adopts the Senate provision with the following substantive changes:

(1) The program is limited to a pilot basis for a three year period beginning July 1, 1973, and ending June 30, 1976.

(2) The level of authorized appropriations is set at $10 million for FY 1974; $15 million in FY 1975 and $20 million in FY 1976, and

(3) The formula in the Senate amendment for the priority distribution of a portion of the funds to States with below-average per capita small farm income is deleted.

(4) The provision in the Senate amendment authorizing undergraduate, graduate and adult education is deleted.

46. House amended section 901(b) of the Agricultural Act of 1970 to assign "first priority" to the location of new offices and facilities in "rural areas" (rather than areas of "lower population density" as in present law). This provision also deleted the words "insofar as practicable" of existing law.

Conference substitute adopts the House provision.

While accepting the House provision designed to strengthen Section 901(b) of the Agricultural Act of 1970, the conferees wish to make clear that "first priority" does not mean that all new Federal offices and facilities must be located in "rural areas" as defined for rural industrialization loans if there is an overwhelming reason that any such office or facility should not be located in a "rural area".

47. House increased limit on additional annual payments to State or local agencies contracted for under Greenspan program each year to $40 million (from $10 million).

Conference substitute does not include the House provision.

48. House accorded desertland entrymen the same consideration as homestead entrymen with respect to financial assistance available through the Farmers Home Administration, by accepting as security for FHA mortgages the entered desertland prior to issuance of a patent.

Conference substitute adopts the House provision.

49. Senate required the Secretary of Agriculture to acquire, preserve, and disseminate useful information on "rural development" as well as agriculture.

The Secretary was also authorized and directed to provide leadership and coordination within the executive branch and assume responsibility for a nationwide rural development program utilizing all agencies of the executive branch in coordination with rural development programs of State and local governments.

The Secretary was required to establish employment, income, population, housing, and quality of community services and facilities goals for rural development and report annually to Congress.

The Secretary was authorized to initiate or expand research and development efforts related to rural water supply, rural sewage and solid waste management, rural housing, and rural industrialization.

The Secretary also was directed to utilize all USDA field offices to enhance rural development, provide for the location of all field units of the Federal Government concerned with rural development in such offices, and provide for the interchange of personnel and facilities in such offices.

Conference substitute adopts the Senate provision.

50. Senate authorized ten-year cost sharing payments under section 8(b) of the Soil Conservation and Domestic Allotment Act based on conservation plans by soil and water conservation districts.

Conference substitute adopts the Senate provision.

51. Senate authorized cost sharing under such section 8(b) for agriculture-related pollution prevention or abatement practices unrelated to soil or water conservation.

Conference substitute adopts the Senate provision.

52. Senate authorized the Rural Telephone Bank to sell telephone debentures to the Secretary of the Treasury.

Conference substitute does not include the Senate provision.

W. R. POAGE,
GRAHAM PURCELL,
THOMAS S. FOLEY,
ED JONES,
JOHN KYL,
Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES B. ALLEN,
HUBERT H. HUMPHREY,
LAWTON CHILES,
JACK MILLER,
GEORGE D. AIKEN,
CARL T. CURTIS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent (at the request of Mr. DENHOLM) leave of absence was granted to Mr. NICHOLS for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MONTGOMERY, for 60 minutes, on June 20, and to revise and extend his remarks and include extraneous matter.

Mr. SEIBERLING, for 5 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. DENHOLM), to revise and extend their remarks, and to include extraneous matter to:)

Mr. GONZALEZ, today, for 10 minutes.
Mr. ASPIN, today, for 5 minutes.
Mr. HAMILTON, today, for 10 minutes.
Mr. GALIFIANAKIS, today, for 5 minutes.
Mr. GIBBONS, today, for 5 minutes.
Mrs. ABZUG, today, for 30 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES in five instances and to include extraneous matter.

Mr. MICHEL, and to include extraneous material, during his remarks today while in the Committee of the Whole, on the HEW appropriation bill.

Mr. FINDLEY, and to include extraneous matter during debate on HEW appropriation bill.

Mr. FLOOD to revise and extend his remarks made in the Committee of the Whole.

Mr. SMITH of Iowa to revise and extend his remarks made in the Committee of the Whole and to include extraneous matter.

Mr. SCHWENGEL and Mr. CARTER, at the request of Mr. MICHEL, to extend their remarks in the Committee of the Whole, today, on the Labor-HEW appropriation bill.

Mr. MAHON to include extraneous matter with his remarks made today in the Committee of the Whole on H.R. 15417.

All Members, at the request of Mr. FREY for 5 legislative days to extend their remarks on the Flag Day services, today.

All Members, at the request of Mr. DENHOLM, for 5 legislative days to revise and extend their remarks and include extraneous matter on the subject matter of the special order of Mr. ROONEY of Pennsylvania, today.

Mr. SATTERFIELD and to include an editorial.

(The following Members (at the request of Mr. FREY) and to include extraneous matter:)

Mr. RIEGLE.
Mr. GUDE.
Mr. KEATING.
Mr. BAKER.
Mr. ANDERSON of Illinois.
Mr. BOW.
Mr. HORTON.
Mr. WIGGINS.
Mr. DERWINSKI in two instances.
Mr. GOODLING.
Mr. SKUBITZ.
Mr. EDWARDS of Alabama.
Mr. BOB WILSON.
Mr. BELCHER.
Mr. SHRIVER in two instances.
Mr. SMITH of New York.
Mr. HEINZ.
Mr. GUBSER.
Mr. CHAMBERLAIN.
Mr. BELL.
Mr. DON H. CLAUSEN.
Mr. FREY.
Mr. RAILSBACK.
Mr. BUCHANAN.
Mr. WYMAN in two instances.
Mr. HARSHA.
Mr. BURKE of Florida.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mrs. GRIFFITHS in two instances.
Mr. SARBANES in three instances.
Mr. EVANS of Colorado.
Mr. MONTGOMERY.
Mr. EVINS of Tennessee.
Mr. CHAPPELL.
Mr. BARING.
Mr. MURPHY of Illinois.
Mr. YATRON.
Mr. WILLIAM D. FORD in two instances.
Mr. HAMILTON.
Mrs. HICKS of Massachusetts in two instances.
Mr. GONZALEZ in three instances.
Mr. HAGAN in three instances.
Mr. RARICK in three instances.
Mr. PUCINSKI in six instances.
Mr. ROGERS in five instances.
Mr. STAGGERS.
Mr. TIERNAN.
Mr. BINGHAM in three instances.
Mr. STOKES in two instances.
Mr. EDWARDS of California.
Mr. ANNUNZIO.
Mr. VANIK in two instances.
Mr. PATTEN.
Mr. FISHER in three instances.
Mr. CELLER.
Mr. ROE in two instances.
Mr. FAUNTROY in five instances.
Mr. WOLFF.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3166. An act to amend the Small Business Act.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 13, 1972 present to the President, for his approval, a bill of the House of the following title:

H.R. 11417. To amend the Rail Passenger Service Act of 1970 in order to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Thursday, June 15, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2080. A letter from the Assistant Secretary of Commerce, transmitting a copy of a preliminary finding that there may be a need for a flammability standard for sleepwear worn by children of ages 6-12; to the Committee on Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

2081. A letter from the Comptroller General of the United States, transmitting a report on a survey of the application of the Government's policy on self-insurance; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DONOHUE: Committee on the Judiciary. H.R. 13694. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; with amendments (Rept. No. 92-1127). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS or Arkansas: Committee on Ways and Means. H.R. 15390. A bill to provide for a 4-month extension of the present temporary level in the public debt limitation (Rept. No. 92-1128). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee of conference. Conference report on H.R. 12931 (Rept. No. 92-1129). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 15486. A bill to amend the Disaster Relief Act of 1970; to the Committee on Public Works.

H.R. 15487. A bill to amend the Disaster Relief Act of 1970 to authorize the cancellation of 90 percent of the principal of certain loans; to the Committee on Public Works.

By Mr. ANNUNZIO:

H.R. 15488. A bill to authorize the Attorney General to make grants to certain law enforcement officers in reimbursement for costs incurred by such officers in certain legal actions arising out of the performance of official duties; to the Committee on the Judiciary.

By Mr. ASPIN:

H.R. 15489. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to firemen shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 15490. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FAUNTROY:

H.R. 15491. A bill to amend the District of Columbia Teachers Salary Act of 1955 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. FRENZEL:

H.R. 15492. A bill to authorize appropriations for the construction of certain highways and public mass transportation facilities in accordance with title 23 of the United States Code, to establish an urban transportation program, and for other purposes; to the Committee on Public Works.

By Mr. FREY:

H.R. 15493. A bill to guarantee the right of criminal defendants to a speedy trial and to reduce crime and injustice by improving the supervision of persons released on bail and probation, and for other purposes; to the Committee on the Judiciary.

By Mr. HARVEY (for himself and Mr. ABBITT):

H.R. 15494. A bill to amend the Federal Contested Election Act to limit to $4,500 the amount which may be paid from the contingent fund of the House of Representatives to any party to a contested election case as reimbursement of expenses incurred by him in such case; to the Committee on House Administration.

By Mr. HÉBERT (for himself and Mr. ARENDS):

H.R. 15495. A bill to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. KASTENMEIER (for himself and Mr. ASPIN):

H.R. 15496. A bill to amend the Clayton Act to preserve competition among corporations engaged in the production, transportation, and refining of oil; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mrs. ABZUG, Mr. ASPIN, Mr. BADILLO, Mr. BEGICH, Mr. BINGHAM, Mr. BURTON, Mr. CLEVELAND, Mr. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. EILBERG, Mr. WILLIAM D. FORD, Mr. FORSYTHE, Mr. FRASER, Mrs. GRASSO, and Mr. GREEN of Pennsylvania):

H.R. 15497. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HICKS of Washington, Mr. MCCLORY, Mr. MAZZOLI, Mr. METCALFE, Mrs. MINK, Mr. MITCHELL, Mr. MOSS, Mr. PEPPER, Mr. RANGEL, Mr. REES, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SEIBERLING, Mr. STOKES, and Mr. SYMINGTON):

H.R. 15498. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 15499. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROSENTHAL (for himself and Mr. LENT):

H.R. 15500. A bill to establish the Airport Noise Curfew Commission and to define its functions and duties; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES:

H.R. 15501. A bill to amend title 37, United States Code, to provide an incentive plan for participation in the Ready Reserve; to the Committee on Armed Services.

By Mr. VANIK:

H.R. 15502. A bill to provide for the recycling of used oil and for other purposes; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 15503. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology and production, and for other purposes; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. KEMP, Mr. CLEVELAND, Mr. HEINZ, Mr. WYMAN, Mr. MOSHER, Mr. CONOVER, Mr. ANDERSON of Illinois, Mr. RAILSBACK, Mr. COUGHLIN, Mr. MALLARY, Mr. SEIBERLING, Mr. SCHNEEBELI, Mr. HASTINGS, Mr. FRELINGHUYSEN, Mr. DERWINSKI, Mr. O'HARA, and Mr. STRATTON):

H.R. 15504. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials and elected town and township officials; to the Committee on Government Operations.

By Mr. BURKE of Massachusetts (for himself, Mr. BOGGS, Mr. PRICE of Illinois, Mr. COTTER, Mr. MORGAN, Mr. SMITH of Iowa, Mr. MACDONALD of Massachusetts, Mr. ULLMAN, Mr. ANNUNZIO, Mr. GAYDOS, Mr. VANIK, Mr. ROSTENKOWSKI, Mr. GREEN of Pennsylvania, Mr. NIX, Mr. GARMATZ, Mr. JAMES V. STANTON, Mr. HECHLER of West Virginia, Mrs. HANSEN of Washington, Mr. CARNEY, Mr. PATTEN, Mr. MURPHY of Illinois, Mr. PEPPER and Mr. MONAGAN):

H.R. 15505. A bill to provide for a 6-month extension of the emergency unemployment compensation program; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. BOGGS, Mr. PRICE of Illinois, Mr. COTTER, Mr. DENT, Mr. FLOOD, Mr. MORGAN, Mr. SMITH of Iowa, Mr. MACDONALD of Massachusetts, Mr. ULLMAN, Mr. ANNUNZIO, Mr. GAYDOS, Mr. VANIK, Mr. ROSTENKOWSKI, Mr. GREEN of Pennsylvania, Mr. NIX, Mr. GARMATZ, Mr. JAMES V. STANTON, Mr. HECHLER of West Virginia, Mrs. HANSEN of Washington, Mr. CARNEY, Mr. PATTEN, Mr. MURPHY of Illinois, and Mr. PEPPER):

H.R. 15506. A bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to permit the States to suspend the application of the 120-percent requirement for purposes of determining whether there has been a State "off" indicator; to the Committee on Ways and Means.

By Mr. CABELL (for himself, Mr. FRASER, Mr. MIKVA, Mr. LINK, Mr. REES, Mr. FAUNTROY, Mr. NELSEN, Mr. BROYHILL of Virginia, and Mr. GUDE):

H.R. 15507. A bill to amend the National Capital Transportation Act of 1969 to provide for Federal guarantees of obligations issued by the Washington Metropolitan Area Transit Authority, to authorize an increased contribution by the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. EILBERG:

H.R. 15508. A bill to amend the Communications Act of 1934 to provide that renewal licenses for the operation of a broadcasting station may be issued for a term of 5 years and to establish certain standards for the consideration of applications for renewal of broadcasting licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH (for himself, Mr. Horton, Mr. J. William Stanton, Mr. McKevitt, Mr. Kuykendall, Mr. Miller of Ohio, Mr. Derwinski, Mr. McClure, Mr. Cleveland, Mr. Mallary, Mr. Veysey, Mr. Davis of Georgia, and Mr. Frenzel):

H.R. 15509. A bill to provide greater assurance of Federal fiscal responsibility to the Committee on Government Operations.

By Mr. GONZALEZ:

H.R. 15510. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. HAYS (for himself and Mr. Abbitt):

H.R. 15511. A bill to amend the Federal Election Campaign Act of 1971 to change the times for the filing of reports of receipts and expenditures by political committees and candidates, and for other purposes; to the Committee on House Administration.

By Mr. MILLS of Arkansas:

H.R. 15512. A bill to protect suppliers of property in trade and commerce with respect to credit card promotions, to the Committee on Banking and Currency.

By Mr. ROE:

H.R. 15513. A bill to amend section 8191 of title 5, United States Code, to extend benefits thereunder to officially recognized or designated members of a legally organized volunteer fire department, ambulance team or rescue squad not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 15514. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SHOUP:

H.R. 15515. A bill to amend the Public Works and Economic Development Act of 1965 in order to increase the authorization of appropriations for the fiscal year ending June 30, 1973, for public works and development facilities grants, and to require that a larger percentage of such appropriations be expended in certain redevelopment areas; to the Committee on Public Works.

By Mr. STRATTON (for himself, Mr. Abourezk, and Mr. Collins of Illinois):

H.R. 15516. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 15517. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHALEN:

H.J. Res. 1229. Joint resolution directing the President to seek international agreements establishing uniform standards for the protection of persons utilizing aircraft and airport facilities; to the Committee on Foreign Affairs.

By Mr. DEVINE (for himself and Mr. Wylie):

H. Res. 1017. Resolution praising Columbus, Ohio, and her residents on the occasion of the 10th anniversary of Columbus Day, U.S.A.; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 15518. A bill for the relief of David B. Smith; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 15519. A bill for the relief of Carl W. Houston; to the Committee on the Judiciary.

By Mr. SHOUP:

H.R. 15520. A bill for the relief of Jung Sup Shin; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE REVEREND ROBERT RIVES

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, June 14, 1972

Mr. GRIFFIN. Mr. President, the Reverend Robert Rives, of the Garden City, Mich., Presbyterian Church, has stepped down from the pulpit after 34 years of devoted service.

From my boyhood days in Garden City, I have had the privilege of knowing Rev. Dr. Rives. He was our family minister when I was growing up, and he has been a good friend through the years.

I ask unanimous consent that several newspaper articles concerning the retirement of Rev. Dr. Rives be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Wayne (Mich.) Daily Eagle, Apr. 27, 1972]

Rev. Rives Steps Down

(By Dann Barkume)

At approximately 12 noon on Sunday, the Rev. Robert Rives will step down from the pulpit at the Garden City Presbyterian Church for the last time.

Rev. Rives is retiring from the ministry after 35 years of service. He has been pastor of the Garden City church since May 14, 1939.

In that span, Rev. Rives has performed 702 marriages, 1,285 baptisms and has conducted 622 funerals. His career in Garden City spans not only ministerial duties, but also includes involvement in several fraternal groups and civic associations.

The Garden City Presbyterian Church has been in existence since Aug. 15, 1840 with the original congregation numbering 13. But most of the church's growth has been under Rev. Rives leadership.

Under Rev. Rives, the church has thrived and has a full program of activities, including four choirs—adult, youth, children's and cherub—Sunday School program, Women's Association, Men's Club and Boy Scout Troop 784.

Rev. Rives and his wife arrived in Garden City when it was a small community with a population of 3,000. The existing church, located on Middlebelt Road just south of Ford Road, was dedicated on Oct 28, 1928.

The original half-acre site has expanded to its present 3.5 acres and three additions have been added.

Rev. Rives is the 46th minister to serve the congregation during its 132-year history.

He is also retiring from the board of directors of the People's Community Hospital Authority, a position that he has held longer than all but one member of the 46-man-board.

He also served as chaplain in various Army and Navy hospitals. During World War II he was chaplain of the Garden City branch of the Red Cross and also served on the Rationing Board.

Rev. Rives enlisted in the Navy as a chaplain on Veteran's Day in 1944 and served until June 18, 1947, attaining the rank of commander. He served as chaplain aboard the aircraft carriers Midway and Wake and remained in the service after the end of World War II to serve as chaplain of the Naval facility in Dearborn.

Last night he was named Pastor Emeritus by the Michigan Presbytery, just four days before his retirement from active ministerial work.

Mrs. Rives, who received a master's degree in education from the University of Michigan, will retire in June after more than 30 years as a teacher. For the past 25 years, she has taught in the Wayne-Westland school system.

They have two children, Mary Luella Wade, who lives in Detroit with her husband, a director of student activities at Wayne State University, and Janet Ruth Rives, an elementary school teacher in Homewood, Ill.

A reception honoring the Rives is scheduled for 4 p.m. Sunday at Garden City West High School. Rev. Rives will be introduced by way of an Honor Guard from the U.S. Navy and many dignitaries will join an estimated 1,500 to 2,000 well-wishers to honor the retiring pastor.

Messages of commendation will be read from President Richard Nixon and Gov. William G. Milliken. A personal appearance is expected by U.S. Sen. Robert Griffin (R-Mich.), a longtime friend of the Rives.

The Rives plan to leave in June for an extended European vacation, hoping to travel around the continent for most of the year before returning to their home in Garden City.

A native of Texas, the 65-year-old pastor's only comment was "I just really can't imagine not being pastor of this church. So often people don't realize what a fine community we have to live in."

Three generations of Garden City residents will gather on Sunday to say goodbye to a man who helped build the community, but as one member of the congregation put it, "We won't be saying good-bye, we're giving him a new commission and new duties."

For Robert Rives, forced to retire at the age of 65, Sunday will culminate a 35 year relationship with a community, a relationship which he voluntarily took upon himself to build and nurture. For 35 years, Rev. Rives worked for the spiritual growth of his congregation. His congregation, almost to a person, agree that Rev. Rives will be sorely missed.

[From the Detroit News, May 1, 1972]

Garden City Presbyterians Honor Retiring Pastor

(By Gerald L. Nelson)

The Rev. Robert Rives, stepping down yesterday from the pulpit he occupied for 34 years, said his retirement festivities "were just like Easter all over again."

More than 500 turned out for Sunday services in the Garden City Presbyterian Church. Later, 1,200 showed up for the congregation's retirement reception and dinner for the burly, crewcut pastor.

Normally, a few hundred might attend services on a balmy, warm spring day, but this was Mr. Rives' last sermon.

"I was simply overwhelmed," beamed the Texas-born minister at a testimonial dinner attended by almost every important clergyman, businessman, civic leader and politician in Garden City.

"I never visualized anything like this for me. I've been to a lot of retirement dinners, but never thought of myself in that role."

Among the greetings read at the testimonial at Garden City West High School were those from President Nixon, Gov. Milliken and U.S. Senator Robert Griffin.

In a personally signed card, President Nixon commended Mr. Rives' "long and dedicated service to God and your fellow man."

In a gray suit, the carnation in the lapel drooping slightly, Mr. Rives, 65, accepted the handshaking and congratulations modestly and with a trace of his characteristic humor.

"When I saw the price of these tickets," he said, "I never thought more than 25 would show up."

His 34 years in the pulpit were interrupted by a three-year wartime stint as a U.S. Navy chaplain aboard a battleship in the Pacific.

His origins were in the cattle-and-brush country of Texas, but the road to Garden City was circuitous. He tried it as an engineer, window decorator, school teacher and photographic assistant.

Finally, his preacher father prevailed, and in 1938, fresh from the seminary, Mr. Rives took over the dissention-ridden Garden City church. There were 20 parishioners, mostly Southern-born, poor and angry.

The last minister had left amid a dispute, but says Mr. Rives, he arrived intending to stay.

"Some people said I wouldn't last a year," recalled Mr. Rives. "But there is a lot of bulldog in my nature, and I could get tough when anybody challenged."

The church, which has been expanded three times, now has 610 members.

The main speaker at last night's dinner, Dr. John Stone, pastor of an inner city church and seminary classmate of Mr. Rives, said:

"He was an ardent, devoted leader who, if things weren't right, would let you know it. But he was also like a good sailor. He could catch a wind and make it work for him."

After a one-year camping tour of Europe, the Rives will return to Garden City to live and "do some fishing." In April, the Detroit Presbytery named Mr. Rives pastor emeritus of the church.

Upon retiring, he said:

"I am saddened. I never saw myself as anything but a pastor, and I can't see myself not being pastor."

[From the Garden City Observer, May 3, 1972]

Nixon Leads Tributes to Rev. Rives

(By Leonard Poger)

After 1,288 baptisms, 702 weddings and 622 funerals, Rev. R. R. Rives Sunday declared vacant the pastorate at Garden City Presbyterian Church.

In the reception line after his last service there were tears.

Rev. Robert R. Rives, who has touched thousands of lives in Garden City, was honored in a series of events Sunday on his retirement from Garden City Presbyterian Church—a pastorate that started 33 years ago.

The long list of civic tributes was highlighted by a congratulatory card from President Nixon and a best wishes letter from a White House aide.

Twin highlights were Rev. Rives' farewell sermon at 11 a.m. and the afternoon dinner and program—each attended by an estimated 475 persons.

The emotional departure of the popular clergyman was evident in the tears streaming down the cheeks of congregants following Rev. Rives' last service Sunday morning.

And one choir member put it afterwards: "It was the blubberiest choir I've ever sung in."

"There wasn't a dry eye in the house," added another member of the church following the service.

As Rev. Rives stood at the rear door of the church sanctuary shaking hands with churchgoers, many embraced him with tears in their eyes.

At Rev. Rives' side was his wife, Wilma, who has been in the Wayne-Westland Community Schools for 25 of her 30 years in the teaching profession.

The theme of the clergyman's farewell sermon was the historical milestones recalled during his 34 years in the community.

At the afternoon recognition dinner at West High School, a special Navy color guard placed an American flag and chaplain flag behind the head table. Rev. Rives was a Navy chaplain during World War II and later served in the Naval Reserves.

Beside the congratulatory messages from President Nixon, and a White House aide, there were best wishes in writing from Gov. Milliken and a promise of a state legislative resolution honoring him on his past service and retirement.

Representing the city government were City Councilman James Plakas and Assessor Douglas Waddell, a member of the Presbyterian church.

The congratuatory card from Mr. Nixon carried the presidential seal.

The letter on White House stationery misidentified the clergyman's church as the "Garden Groves Presbyterian Church."

The letter, from Henry Cashen II, deputy assistant to the President, said that Rev. Rives' "contributions reach far beyond the confines of the church you have served, beyond the city you live in and beyond your denomination.

"Courageous and compassionate ministries from men such as you gives strength to the fiber of our free society," said the White House letter.

Gov. Milliken expressed his congratulations "for a job well done."

"During the 34 years you have touched the lives of many people and I know that Garden City has benefited greatly as a result of your inspiration both in a spiritual and a civic way," Milliken said.

In his farewell sermon Sunday, Rev. Rives called the ministry "the queen of professions" and that "worship is the pause that refreshes and reforms our spirits."

He asked forgiveness from those he may have offended over the years and added:

"I am just too human to have had anywhere near a perfect pastorate but I have sincerely tried."

CONGRESS PUSSYFOOTS ON BUSING

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SCHMITZ. Mr. Speaker, if ever there was an issue on which the voice of the American people has been heard loud and clear, it is the busing of school children for purposes of racial balance. Yet the court-ordered crosstown school buses roll on, carrying children from safe and pleasant neighborhoods to high-crime slums, in bitter mockery of Abraham Lincoln's hallowed description of a "government of the people, by the people, for the people." Excuses and evasions multiply endlessly, but the simple fact remains that Congress and the President could stop almost all busing now, immediately, by a simple law depriving the Federal courts of jurisdiction over cases involving the transportation of school children, because of their race.

This remedy by congressional statute is authorized by article III, section 2 of the Constitution, supported by no less than 77 legal precedents down through our history. It was actually approved by the Senate February 25 in a rare moment of statesmanship as part of S. 659, the Educational Amendments of 1972—only to be stricken out 3 days later.

Now this same bill, S. 659, after one of the most tangled legislative histories of the current session, is before the House of Representatives for final action. Along with setting up a colossal new multibillion dollar program for funneling taxpayers' money into our chaotic and often fiercely anti-American colleges and universities, and along with funding "educational parks"—huge consolidated schools in metropolitan areas bearing some disturbing resemblances to concentration camps—this bill pretends to meet the overriding concern of the American people about busing. It is aimed at convincing voters that Congress is really "doing something" to defend the neighborhood school. That pretense is quickly punctured by reading the actual language of the bill.

One long paragraph—section 802a—tells about how Federal funds are not to be used for busing to overcome racial imbalance. Buried in the middle is this saving clause for busing advocates:

> Except on the express written voluntary request of appropriate local school officials.

In my experience, school officials are far from reluctant to ask for money for almost any purpose, even busing.

This paragraph goes on to say that no Federal funds will be used for busing children to a school "where the educational opportunities—will be substantially inferior to his neighborhood school." But who is to determine the relative value of those "educational opportunities"—whatever that splendidly vague phrase may mean? And what about the crime rate in the area where the school is located, one of the primary concerns of parents? The bill makes no mention of that.

The next paragraph, section 802b, grandly prohibits all Federal agencies from acting to "urge, persuade, induce or require" local school boards to order busing, with just a little three-word exception—"unless constitutionally required." Everyone who reads his newspaper about busing knows that all busing for racial balance is alleged by its supporters to be constitutionally required. Those three words negate all the rest of this paragraph.

The only provision in this bill which would have any real effect on busing is the Broomfield amendment postponing the effective date of all court busing orders until all appeals have been heard or the time for appeals has expired, until the end of next year—when the election and the heightened political consciousness of the people which elections arouse, is safely past. Anyone who really thinks this issue is going to go away in a year and a half is living in a dream world.

The people want busing stopped now. Congress and the President could do exactly that by taking away court jurisdiction over transportation of school children, because of their race, or by passing a constitutional amendment overriding the busing decisions. No other measure can stop busing for good and to pretend otherwise is to deceive the electorate.

LOD AIRPORT ATTACK A COWARDLY ACT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. WALDIE. Mr. Speaker, although several days have passed since the terrorist attack at Tel Aviv's Lod Airport slaughtered 26 innocent victims, the echoes of that atrocity still sound.

The sounds are those of anguish and anger. The nations of the world ought to have reacted with stricter security at all airports by this time. They have not.

World opinion ought to have moved the airlines serving Israel to unite in taking drastic steps to discourage any recurrence of the Lod attack. Apparently, Mr. Speaker, they have not.

The United Nations should have, by now, moved into emergency session to take steps toward eliminating air piracy and the killing of innocents from international politics. Sadly, the United Nations is doing precious little in this area.

Mr. Speaker, the U.S. Government must take a leadership role in correcting the obvious deficiencies that have resulted in skyjacking and airport killing taking place almost daily.

Additionally, Mr. Speaker, the United States and the United Nations should make every effort to discourage the Government of Lebanon from giving a safe haven to the terrorists who are committed to insane political acts of murder, oftentimes using the cowardly device of pirating aircraft that are tempting targets because of lax security.

It should be worth noting that the tightly guarded airplanes of El Al, the Israeli airlines, are not subject to terrorist attacks any longer.

Mr. Speaker, the challenge to the world community, the United States and the United Nations to bring about necessary reforms to protect aircraft crews and passengers is a vital and urgent challenge.

I join with my many colleagues in both the House and the Senate who have condemned the attack at Lod Airport and who have called for quick action to prevent such an outrage from happening again.

NATIVE TAIWANESE GET TOP GOVERNMENT POSTS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SIKES. Mr. Speaker, from time to time there have been questions regarding the amount of participation in the government of the Republic of China by native Taiwanese. Those who are well informed have realized there has been a constant increase in the number of Taiwanese in high positions in government and in the military. An article published in the Christian Science Monitor, Thursday, June 8, 1972, gives very real information on the progress being made in bringing native Taiwanese into the government in high positions. I submit it for reprinting in the RECORD:

NATIVE TAIWANESE GET TOP GOVERNMENT POSTS

(By April Klimley)

TAIPEI, TAIWAN.—Nationalist China's recent government reshuffle put so many Taiwanese in top posts that it could eventually radically alter the map of the island's domestic political terrain.

Premier Chiang Ching-kuo's new Cabinet is about one-third Taiwanese.

It includes well-known former Taipei Mayor Henry Kao, who was promoted to Minister of Communications; Lin Ching-shen, former secretary-general of the Taipei branch of the ruling Kuomintang Party, who became Minister of the Interior; Hsu Ching-chung, who moved up from Interior Minister to Vice-Premier; and three ministers without portfolio.

Everyone was surprised at the number of Taiwanese chosen.

"He could have gotten away with much less," commented one Nationalist Chinese observer.

OTHER SURPRISES

Chiang Ching-kuo did not stop with the Cabinet.

He also appointed Taiwanese Hsieh Tung-min as Taiwan's first native Governor. Formerly this post has always been held by mainlanders, those who followed Generalissimo Chiang Kai-shek to Taiwan in the late 1940's.

An even bigger surprise was the appointment of Chang Fung-hsu, the magistrate of the down-island county of Pingtung, as Taipei city Mayor. Mr. Chang has never been connected with national politics, although his record as an administrator in Pingtung is excellent.

The new Cabinet has been welcomed and praised by newspapers, intellectuals, and students.

But for the near future the appointments are unlikely to change the real power balance in the national government.

One reason for this is that, except for Henry Kao, all the new men are Kuomintang Party members and are thus expected to stick to the party line, which is usually conservative on most subjects.

IDENTITY LOST?

"Taiwanese who are party members lose their identity," explained one young intellectual recently. "They will never speak out for Taiwanese."

This seems borne out by the histories of men like Vice-Premier Hsu, Interior Minister Lin, and Taiwan Governor Hsieh.

Mr. Hsieh is looked down on by many Taiwanese since he left Taiwan in the 1920's and did not return until the mid-1940s' with the Nationalist Chinese Government. He is sometimes called a "ban shan," a "half mountain," which means half a Taiwanese.

Mr. Hsieh's new post as Governor is not particularly powerful because the responsibilities of the provincial government are shrinking year by year.

The two ministries—Communications and Interior—which are being given to Taiwanese are not very important either.

POWER BASE HELD

Even the post of Vice-Premier is of debatable value. It only seems key when it is held by someone like Chiang Ching-kuo who held it up until his present appointment as Premier and who already had established a separate power base of his own.

The sole job likely to have any real impact is that of Taipei Mayor. Former Mayor Henry Kao made a worldwide reputation for himself running for the office twice. He then was appointed to the job when Taipei became a special municipality.

However, despite this political success, Mr. Kao was never very successful in overhauling the outdated city bureaucracy. The new Mayor, while not well known, is reputed to be an honest and able administrator.

'SIGNIFICANT' APPOINTMENTS

But even if Chiang Ching-kuo's appointments do not have a major impact right away, everyone on the island agrees they are "significant."

For one thing, they are an obvious attempt to rectify a situation in which native Taiwanese have been excluded from power for over 20 years.

There has been pressure on the Nationalists to share power since they retreated to the island. But only now, in the wake of expulsion from the United Nations and President Nixon's visit to Peking, has the government started to move in that direction.

The appointments also indicate that the Premier is not afraid to break precedent.

TWO NOT PROMOTED

Usually a man who does a good job in a Chinese government gets promoted, regardless of qualifications or specialty. The Premier, however, left two very good men right in their places: K. T. Li retained his job as Finance Minister, and S.Y. Sun stayed on as Economics Minister.

The reshuffle also showed that the 62-year-old heir apparent is determined to continue the attempts he has made throughout his career to woo Taiwanese.

Chiang Ching-kuo has had strong prejudices to fight against since many people resent his Soviet education and Russian wife.

"He's a hard man to respect," said one Taiwanese politician about the Premier. "He's certainly not the ideal leader."

But this man added: "If some day he leads us and fights for us, we will follow him because there's no one in the Kuomintang stronger than him."

FLAG DAY—JUNE 14, 1972

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. YATRON. Mr. Speaker, although the United States is one of the world's youngest nations, our flag is one of the oldest national emblems and even predates the present Union Jack of Great Britain and the French Tri-color.

The Continental Congress on June 14, 1777, while sitting in Philadelphia, resolved:

> That the flag of the thirteen United States be thirteen stripes, alternate red and white, that the union be thirteen stars, white in a field of blue, representnig a new constellation.

The design for the new national emblem had been developed by a distinguished committee of the Continental Congress, named in 1775, and composed of Benjamin Franklin, Thomas Lynch, and Benjamin Harrison.

Thus, we created the emblem of the United States of America which is known most widely around the world today. Most people have attributed special significance to the colors of the flag: blue, to represent justice or a covenant against oppression; red, to represent defiance or daring; and white, to represent purity or liberty. However, this is not what we honor today. We honor our Nation, and, in the words of Henry Ward Beecher:

> A thoughtful mind when it sees a nation's flag, sees not the flag, but the nation itself. And whatever may be its symbols, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belong to the nation that sets it forth. The American flag has been a symbol of Liberty and men rejoiced in it.

Flag Day has been celebrated for many years now in the United States. I believe that it is appropriate for us to pause each year to commemorate the anniversary of our national flag. To take the opportunity on this day to reflect upon the timeless ideals of the Founding Fathers which have given this Nation its heritage of freedom and justice for all.

Therefore, we honor not merely the flag today, but also what it represents. We must commit ourselves again to the achievement of its ideals and the continuation of its traditions. In honoring our flag, we should reaffirm our allegiance to the highest values and ideas which it embodies, and pledge our determination to respect and defend it against all who would remove or defile it. On Flag Day, 1972, I feel that it is appropriate to quote the words which President Wilson spoke on Flag Day, 1917:

> This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours.

These words, Mr. Speaker, are still relevant today, and it is certainly up to us to continue the heritage which has made this Nation and its flag great. Therefore, on this Flag Day, let us rededicate ourselves to the ideals which Old Glory has continuously embodied for nearly two centuries.

MR. AND MRS. HERBERT SAGENDORF

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mrs. GRASSO. Mr. Speaker, those who donate blood perform an invaluable service which is often a gift of life to people in need.

Special tribute should be paid to Mr. and Mrs. Herbert Sagendorf of Thomaston, Conn., the reigning U.S. championship donor team. Mr. Sagendorf recently gave his 96th pint of blood and is now one pint ahead of his wife. The Sagendorfs, who have been donating blood since World War II, are just shy of the celebrated 24 gallon mark. Last year in New York, they were deservedly honored as the Nation's top donor couple.

Generosity of people like the Sagendorfs as a splendid example of how each of us—in our own way—can serve our fellowman. For the interest of my colleagues, articles which resently appeared in the Thomaston Express and the Waterbury Republican regarding the Sagendorfs' feat follow:

[From the Waterbury (Conn.) American, April 26, 1972]

Man Donates 96th Pint

Thomaston.—Pulses pounded and corpuscles raced at the Red Cross Bloodmobile here Tuesday as onlookers awaited for one-half of the U.S. Championship donor team to come and shed his 96th pint.

Everything was set at Congregational Church Hall as the time approached for Thomaston's own 60-year-old Herbert Sagendorf to pump out the liquid that would make him a Blood Bank immortal.

A cake had been baked just for him and a banner citing his expected accomplishment was furled and ready. Mrs. Sagendorf, whose total donations dating back to World War II also come to 95 pints, was standing by as Bloodmobile Captain-of-the-Day.

One question was uppermost in every mind: Would Sagendorf pass the physical all donors must undergo?

Finally, he arrived, in the van of several young donor-recruits led by Sagendorf's nephew, Harry Waterhouse, 18.

The medics did their thing. Temperature? O.K. Pulse? Check. Blood pressure? Good!

They unfurled the banner. And for the 96th time, Harry Sagendorf entered the lonely world where man meets needle—eye to eye.

The Sagendorfs, now just a pint shy of a connubial 24 gallons, were honored by the American Association of Blood Banks in New York last year as the nation's top donor couple. Mrs. Sagendorf, now a pint behind her spouse, says she plans to catch up next time around.

Mrs. Winfield Wight, Thomaston blood chairman, said Sagendorf and his recruits helped the unit exceed its 200-pint quota for the visit by 11 pints.

A number of aspirants to duplicate the Sagendorf saga got special recognition after Tuesday's donations. They were led by Robert Henderson, who gave his fifth gallon: Ralph Humphrey, William Gill Jr. and Harold Morton, who reached the four-gallon level.

[From the Thomaston (Conn.) Express, May 4, 1972]

Blood Donors Give Over 200 Pints

Thomaston.—Over 200 pints of blood were collected at a very successful Bloodmobile visit in Thomaston April 25. Some 218 people were registered, but 7 were rejected for health reasons, and 24 non-scheduled donors, many in the teen age group, showed the spirit of the community.

The excitement of the afternoon came when Herbert Sagendorf was awarded his 12 gallon pin for the 96 pints he had donated from Sept. 1950 to the present. After he passed the medical history requirements, a banner created by Mrs. Daniel Samson, was unfurled showing the 12 gallon. In the canteen, he was presented a specially decorated cake by Nancy Scott. Harry Waterhouse of Northfield, an 18 year old, accompanied his Uncle, Herbert Sagendorf, and brought four additional friends with him as first time donors.

A Five Gallon Award was given to Robert Henderson, four gallon Awards went to William Gill, Jr. and Ralph Humphrey, three gallon Awards to Harold Morton, Joseph B. Kelley and Donald Yurtin, two gallon Awards to Raymond Baldwin, Stacia Cocca, Rickard Darm, Horst Getschmann, John Reardon and Muriel Rowland.

The Future Nurses of Thomaston High School wore Red Cross arm bands made by Girl Scouts of Cadetts Troop 4050, under the supervision of Mrs. John Cianciolo. General Time led the industries with 37 employees recruited by Lucille DeCastro, R.N.

Sincere appreciation is extended by Mrs. Winfield E. Wight, Thomaston Red Cross Blood Donor Chairman, to the management of local industries for the 94 persons who were scheduled on factory time, to the donors and the dedicated workers who served during the afternoon, for their cooperation and assistance. Appreciation, for a successful visit is also extended to the Senior Citizens for directing traffic, and to Chester Dusak for the use of his parking facilities which adjoin the Auditorium.

THE NATIONAL FEDERATION OF INDEPENDENT BUSINESS OBSERVES 29TH ANNIVERSARY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. EVINS of Tennessee. Mr. Speaker, one of the most effective representatives and champions of small business is the National Federation of Independent Business, which this year is observing its 29th anniversary.

The national federation was founded on May 20, 1943, by the late Mr. C. Wilson Harder, the organization's first president and chairman of the board of directors.

The purpose and program of the federation was articulated by Mr. Harder as follows:

> To promote and protect our system of private business, with equal rights to all. To give small business a greater voice in laws governing business and our Nation.

The federation is continuing this tradition of dedication and assistance to the Nation's more than 5 million small businessmen. The federation now has more than 310,000 members located in all 50 States. These 310,000 members employ some 2.6 million persons and generate more than $48 billion in business volume annually.

Representatives of the National Federation of Independent Business work closely with Members of Congress and as chairman of the House Small Business Committee, I want to commend and congratulate Mr. Wilson Johnson, president of the national federation, Mr. James Gavin, legislative director, and other officials and leaders in this important small business organization for their great work in representing in the public interest the best interests of small business on Capitol Hill.

I also want to congratulate officials and members of the federation on their 29th anniversary, and certainly I wish for this fine organization much continued good luck and success for the future.

MOSCOW TRIP DID NOT STOP OUR NEED FOR ARMED POWER

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SHRIVER. Mr. Speaker, President Nixon has transmitted to the Congress the SALT agreement reached with the Soviet Union, along with the interim arms limitation agreement. The Senate, under the Constitution, has responsibility for ratifying the ABM treaty and both Houses of Congress will be involved in approving the interim agreement. These agreements have been received, generally, with hope and enthusiasm. However, we must guard against euphoria and we must be realistic. There have been many agreements in the past which have not been honored by the Communists. We have come as far as we have because we have negotiated from strength. It is essential that America remain strong if further progress is to be made on the road to peace.

The McPherson, Kans., Sentinel has published the following editorial which is an excellent and realistic appraisal of the agreements reached with the Soviet Union. It is deserving of the attention of all Members of Congress and the people of our Nation as we evaluate the results of the President's mission to Moscow. The editorial follows:

MOSCOW TRIP DIDN'T STOP OUR NEED FOR ARMED POWER

Since President Nixon's trip to Moscow, many of us have been living in a dream world of peace from now on forever with Russia.

Defense Secretary Laird has punched a most timely needle in that bubble of a dream. Very convincingly he stated that we must keep up our armed strength to maintain our bargaining strength with Russia in future arms talks.

He is right. All that was agreed in Moscow was restriction of nuclear bombs. Guns, planes and ships were not mentioned.

This is not an argument for a wild inflation in arms buildings. Rather it is a reminder that the cold war is still here. That Russia will grab any chance she gets to seize more countries.

The only restraint Russia still will honor is the restraint of brute force.

We'd better keep a little of it just in case.

LIBERALISM VERSUS LIBERAL EDUCATION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, I was most disturbed to read in the Washington Post this past Sunday an account of the bitter controversy and intimations of academic repression that have greeted the publication of a study on the effects of busing by Prof. David Armor of Harvard University. According to the Post article as well as independent reports which I have received, Professor Armor has become the subject of severe denunciation, harassment and even vandalism because he had the honesty and courage to publish a report measuring the effects of busing which contradicts the conventional wisdom of the academic community of which he is a part. Perhaps indicative of the state of academic freedom at that great university is the statement reported in the Post by an anonymous faculty member that:

> Only a damn fool would talk . . . I don't want to pay the price.

Certainly one may take issue with the substance of Professor Armor's findings and the methodologies he employed in obtaining the results revealed in his study. As one who has taken the position that measures to relieve racial isolation and concentration in our ghetto schools are essential if we are to fulfill our national commitment to truly equal educational opportunity, I find Professor Armor's study disheartening and hope that it will be subjected to the closest critical scrutiny and evaluation.

But disagreement with methodologies and the scholarly merit of the study does not seem to be the real source of some of the more strident criticisms being directed at Professor Armor. Instead he is being denounced for the mere act of publishing the study in the first place. Even the Boston Globe, which did nothing more than reprint excerpts from his article, has been condemned for engaging in an "act of pure racism."

Obviously, the assumption behind this kind of criticism and denunciation is that scholarly work which questions the validity of the prevailing academic wisdom on certain matters should be suppressed and kept locked in the study. Yet what could be more abhorrent to the concept of academic freedom than that regrettable notion? What could do more to chill the climate for open and dispassionate inquiry than the threat that unexpected results of scholarly investigation will elicit a barrage of denunciation and intimidation if made public?

Mr. Speaker, one of America's foremost social scientists, Prof. James Q. Wilson, recently published an article in Commentary magazine that is addressed to this very question. In an article entitled, "Liberalism versus Liberal Education," he warns of the growing threat to academic freedom and open inquiry within our great universities themselves—the very institutions which have historically nurtured those values and which have the most to gain from their preservation. In light of this most recent outbreak of repression and illiberality, I believe his article is particularly timely and would urge that all of my colleagues read it.

The article follows:

LIBERALISM VERSUS LIBERAL EDUCATION

(By James Q. Wilson)

My title will strike many readers as paradoxical, even absurd. Liberalism, far from being the enemy of a liberal education, is widely regarded as being the product of it. For better or worse, the liberal creed has been nurtured and propagated on the college campuses, and though not all students become its disciples, almost all are affected by it, and some dramatically so.

At one level that is all true enough. We know that those who are college-educated are the most tolerant of unpopular opinions, are most prepared to endorse measures to advance civil liberties and civil rights, and are least willing to support anti-democratic regimes. Indeed, one of the watershed discoveries of political sociologists writing in the 1950's was that democratic values were least secure among the working class and most secure among the college-educated upper-middle class. That finding was sharply challenged, though never successfully disproved, by those few scholars who retained during the 1950's and early 1960's the conviction that the upper-middle class was characterized not by civic virtue but by the ambition for power and animated not by democratic values but by economic ones. Yet even those who offered a radical critique of society found their allies and followers, not among the workers, but among fellow college students and college graduates. Dissent, in this country as in all countries, in this era as in almost all eras, has been chiefly the province of the intelligentsia.

Among the intelligentsia, it has been those who have studied the liberal arts—especially the social sciences and the humanities—who have displayed the most "liberal" attitudes. Students of engineering, of applied sciences, and of agriculture are all much more conservative. And as Seymour Martin Lipset has shown, not only do the liberal arts stimulate liberal views, but the most able, distinguished, productive, and (presumably) highest-paid professors of the liberal arts are the most "liberal" in their orientation. In short, higher education stimulates the liberal impulse, a liberal-arts higher education stimulates it even more, and the "best" (or at least the most expensive and prestigious) liberal-arts higher education stimulates it most of all.

How, then, can I suggest that a liberal education is at all inconsistent with liberalism? I suggest it, quite simply, by pointing to the fact that it is within higher education that one finds today many but not all of the most serious threats to certain liberal values—the harassment of unpopular views, the use of force to prevent certain persons from speaking, the adoption of quota systems either to reduce the admission of certain kinds of students or enhance the admissions of other kinds, and the politicization of the university to make it an arena for the exchange of manifestoes rather than a forum for the discussion of ideas.

The liberal values that have become precarious in the very institution that once defended them are those of civility, free speech, equality of opportunity, and the maintenance of a realm of privacy and intimacy safe from the constant assaults of the political and the societal. These are not, as I shall point out, the only elements of the liberal faith, but they are important ones and they are very much in jeopardy. I realize that the vast majority of faculty and students do not approve of acts which they even say, quietly, that they deplore them; yet the vast majority also have created a communal setting and institutional culture that permits such acts to continue. The imperiled values have not been repudiated so much as they have been subjected to benign neglect.

The evidence that such a state of affairs exists is not as readily available as my confident generalizations might lead one to suppose. There is, for some reason, no organization that monitors the state of freedom on the campus, or none having the resources and persistence with which, for example, the American Civil Liberties Union monitors attacks on civil liberties *off* the campus. But if one works at or visits a major university, one will find the history of that sorry procession of episodes which has produced not mounting horror but wordless acquiescence and weary resignation.

During my adult life I have been part of five institutions—the Catholic Church, the University of Redlands, the United States Navy, the University of Chicago, and Harvard University. If I were required to rank them by the extent to which free and uninhibited discussion was possible within them, I am very much afraid that the Harvard of 1972 would not rank near the top. In the last two or three years, the list of subjects that cannot be publicly discussed there in a free and open forum has grown steadily, and now includes the war in Vietnam, public policy toward urban ghettos, the relationship between intelligence and heredity, and the role of American corporations in certain overseas regimes. To be sure, *certain* points of view about each of these matters can be, and are, discussed, but a serious discussion of *all* sides of these issues is risky, if not impossible. To be specific: a spokesman for South Vietnam, a critic of liberal policies toward the ghettos, a scientist who claimed that intelligence is largely inherited, and a corporate executive who denied that his firm was morally responsible for the regime in South Africa have all been harassed and in some cases forcibly denied an opportunity to speak.

Some of those who have not been able to speak at all, or to speak only under mental and social duress, have views I disagree with; others have views I agree with; still others have views that I have not made up my mind about. Regarding the last, it is not clear that I am going to have a chance to make up my mind for it is not clear whether the speakers involved are going to feel that the personal costs of public statements are worth the gains in educating me and others.

These problems have not been unique to my university and their emergence has been frequently deplored. I am not here interested in adding any rhetorical flourishes to this discussion: the matter is too important for either declamation or recrimination. I do wish to dispute, however, the view that because the organized New Left has lost stature and influence of late, the problem has ceased to exist. The tumult has subsided a bit (though, as I write, the President's office at Harvard is occupied by demonstrators and the Center for International Affairs has recently been sacked) and a mood of "business as usual" is now displayed by most faculty and students. But a decline in tumult and a return to self-interest are hardly equivalent to a reaffirmation of liberal values, or of any other values for that matter. The legacy of the campus flirtation with authoritarian politics is still very much with us, not in the continuance of militant action but in the absence of democratic convictions. The New Left may have repudiated itself by its extremism but it also weakened the institution that gave birth to it by casting doubt on the legitimacy of the university and of the principles of free discussion that support it.

My thesis is that the atmosphere that nurtures certain kinds of illiberality is in part a product of liberal education itself. This is *not* to say that a liberal education teaches disdain for civil liberties or tolerance for violence; quite the contrary. Nor is it to say that only a liberal education contributes to this attitude; certain persons by family origin and the political socialization it provides are more likely to display both liberality and illiberality than others. It is to say that among the consequences of a liberal education is a set of sympathies which lead many, though not all, persons in a university to acquiesce in the uncivil acts of a small minority.

It is time I offered some definitions. By "liberalism" I means a loose set of values that emphasizes the protection of civil liberties, the support of equal political and economic opportunity, the amelioration of the lot of the disadvantaged, and the enhancement of the area of personal self-expression. Liberalism, thus defined, is a tendency that both liberalizes and liberates; that is, it calls both for generosity and open handedness in the treatment of others and for a minimum of restraint or bondage on the actions of one's self. The modern father of liberalism remains John Stuart Hill: as he explained it, the policy should be organized both to insure the liberty of the citizens and the liberality of the government; the social principle should be the greatest good of the greatest number and the legal principle should be the greatest freedom of an individual consistent with the freedom of others.

A "liberal education" is thought to mean schooling in subjects that broaden one's cultural and historical sensibilities and strengthen one's critical faculties. The purpose of a liberal education is to induct a student, however partially and briefly, into the world of the intellectual. That world, in turn, is one which places a high value on the exercise of criticism, the display of originality, and the understanding of what is unfamiliar, ancient, distant, and problematic. The application of critical faculties to political and social practices means displaying suspicion toward what is formally and conventionally thought to be true in favor of what the initiated believe is actually and informally true, challenging beliefs about the purposes and legitimacy of institutions, and comparing existing practices with real or imagined alternatives. The critical thrust of liberal-arts education is invariably directed against the "conventional wisdom," and as new conventions succeed old ones, the process of criticism is repeated *ad infinitum*. The object is to acquire new and esoteric knowledge to replace popular or conventional opinion. The criteria for what constitutes "knowledge" are often not clear, being sometimes the outcome of the "scientific method" and sometimes merely the ability to be original, daring, or shocking. For example, the critical faculties when applied to American government would emphasize not constitutions but "power structures," not public opinion but the social determinants of opinion, not official statements and legal enactments but bureaucratic empire-building and legislative special interests.

The other part of the world of the intellectual is that which enlarges the perceived range of conduct, thought, and opinion by the sympathetic portrayal of what is remote, forgotten, unusual, deprived, obscure, or precarious. This aspect of the intellectual world stresses the development, not of criticism, but of cosmopolitanism. The variety of aesthetic, political, and cultural experiences is portrayed and, by being portrayed in neutral or even sympathetic tones, that variety is made to seem, if not desirable, then at least legitimate. This aspect of liberal education is directed not so much against conventional opinion as against conventional morality, which is to say, against bourgeois, morality. We learn from this experience to know and appreciate the secret worlds and despised habits of those persons who, before we began our liberal education, were beyond our ken or unpalatable to our taste. For example, we are led to read sympathetically the works of authors and poets who have stood outside the main cultural stream; we are informed of the life and plight of those who have been disadvantaged in the prevailing distribution of political or economic resources; and we encounter the different life styles of other tribes, cultures, and epochs.

Now there is obviously a close relationship between liberalism and liberal education. The exercise of the critical spirit requires the maintenance of political and intellectual freedom. An interest in deprived or despised groups leads to a concern for them, and this in turn tends to imply public and political generosity toward them. It is no surprise that liberal-arts students and professors should become liberals.

How, then, can a liberal education ever be the adversary of liberalism? The answer, I think, is that while the critical faculty requires the existence of civil liberties, it also erodes the bases of authority and legitimacy of those institutions that define and defend those liberties. Criticism is relentless and accepts no bounds; it may prosper when discourse is free and unconstrained but the price paid for that intellectual prosperity is the unceasing assault on those political and legal practices that have produced such freedom. And in the case of Herbert Marcuse, the critical faculty even comes to doubt the value of the freedom itself. Freedom exists because there first existed a certain kind of social order maintained and defined by laws, governments, and authority. Freedom cannot exist outside some system of order, yet no system of order is immune from intellectual assault.

Intellectual criticism would have bounds if there were a widely-accepted principle of authority or theory of human nature on which certain political institutions could rest immune from eroding questions. At various times there have been. Jefferson believed, or wrote as if he believed, that political and civil liberty were among the natural rights of men. But the concept of "natural rights," I need hardly add, has been among the first principles to be criticized, for it implies by its use of the term "natural" that something exists beyond man's invention and thus beyond man's revision. Reinhold Niebuhr offered a different defense of democracy: man's nature is good enough to make it possible but bad enough to make it necessary. Stated differently, we grant civil liberty because we cannot trust anyone to decide the truth. But that notion is no better suited to resist the critical impulse; it also is based on a theory of human nature and thus implies that there are aspects to our lives that are beyond the capacity of society to understand or to alter. Finally, there is the theory of consent: we have freedoms because we have agreed to have them. But if we have agreed to have freedom, we might also agree not to have freedom. Consent is a weak theory of legitimacy, and intellectuals sense it: their own privileges, if granted simply by democratic vote, could be revoked by democratic vote, and from time to time the society has been inclined to do just that.

When one presses an intellectual to supply a defense of liberty, he tends to give some variant of a single argument: utility. Liberty is good because it is useful: it enables society to discover the truth or to find, by discussion, the best policies or the wisest leaders. Under ordinary circumstances, that defense is probably good enough: liberty is useful, or at least more useful than the alternatives. But in extraordinary times, such as the present, the argument is not decisive. Persons who feel strongly that an injustice should be corrected or a condition alleviated are likely to be impatient with, and even actively hostile toward, those who wish to say that the injustice does not exist or the social problem is the fault, not of society, but of those who display the symptoms. Efforts will be made to silence such persons. The majority will not participate in such efforts, but if they believe the doctrine being silenced is sufficiently odious, they will take no active steps to oppose the censorship. They will be all the more reluctant to oppose it if it is being imposed by members of the community they value and on whose esteem they substantially depend.

It is here that the cosmopolitan aspect of liberal education becomes important. When one has cultivated an especially keen regard for the plight of some group, one is especially reluctant to continue a critical discussion of the merits of the case. The commitment to the object of concern ought to be expressed. The ways in which that priority is stated are familiar enough: "Following rules ought not to interfere with doing what is right," or "It is wrong to prefer form over substance."

Let me state in more grandiose terms what I am suggesting. Liberalism, at least as it is conveyed by higher education, is less a theory of justice than a theory of benevolence. By "justice" I mean, roughly, treating equals equally and by rules known in advance and applicable to all. By "benevolence" I mean a disposition to treat someone in a generous way, to serve his or her perceived interests and desires. Liberalism imparts a commitment to certain rules and practices that are very much a part of a theory of justice—the rule of law, equality of opportunity, democratic voting—but these rules and practices, being abstract and justified on grounds of utility, cannot easily or for long withstand an aroused sense of benevolence. Benevolence, after all, is motivated by sentiments of compassion and a belief in the worthiness of some person or group. A natural, or at least easily-stimulated, sentiment will usually be more powerful than a belief in a rule or practice.

It is sometimes suggested that students are "idealists" and that it is this that explains much of their political behavior. If the view I have developed here is correct, the word "idealist" is not the proper one, for it implies a conception of an ideal world, or the existence of an ideology, or an attachment to the importance of ideas. None of these connotations has been, in my experience, descriptive of the behavior being explained. A more accurate account would stress the fact that students, and young persons generally, have a larger and more active sense of compassion and a more easily aroused instinct of benevolence. The emotions of the young lie close to the surface; they are quickly stimulated and highly volatile. The current style that favors "coolness" should not blind us to this fact. The best evidence for it is found in the personal relationships that characterize the young: sudden attachments, romantic love, a concern for "sincerity" and openness. The communal tendencies of students have been far more visible and will probably be far more enduring than their ideological ones.

What a liberal education does is to provide a new or enlarged range of objects for those sentiments: the poor, the black, the ancient, the aesthetic, the distant, the natural. And a liberal education supplies a set of reasons for the neglect or disadvantage which these favored objects must bear. That reason is, in its most general version, the callousness of spirit, selfishness of interest, and the smallness of mind of society, its governing institutions, and, above all, its dominant class. At least in the modern period, a liberal education has tended, with varying degrees of success, to challenge the values of prevailing society and to set students apart from it. What Lionel Trilling has found to be true of modern literature is true of modern education generally:

> Any historian of the literature of the modern age will take virtually for granted the adversary intention, the actual subversive intention, that characterizes modern writing—he will perceive its clear purpose of detaching the reader from the habits of thought and feeling that the larger culture imposes, of giving him a ground and a vantage point from which to judge and condemn, and perhaps revise, the culture that has produced him.

In its extreme form, the concern with authenticity as opposed to conventionality leads to a preoccupation with pure emotion, the unconscious, and even the occult and supernatural. "Authenticity," to quote Trilling again, is an object of almost obsessive concern both "as a quality of the personal life and as a criterion of art." In its extreme form, this concern may be new, but at root it is as old as man. It once was called "sincerity" or "passion," and it has always characterized the social world of the young. Today, the young are no longer simply a biological category, they are virtually a social class, at least insofar as they are college students, and thus their concerns have become ours.

The personal concern for sincerity, feeling, and authenticity becomes, when displaced onto society, a concern for benevolence and compassion. That this displacement should occur in the way it does is a consequence of modernity; that is, it is a consequence of the fact that we now live in a secular society. Religion and God once served as objects for passion; to a limited degree, they may be returning; but in general only society can today supply the extra-personal object for passion and benevolence. The decline of religion as a focus for emotion has been underway for decades, but it became dramatically evident in the early years of the last decade. During the 1950's, theology emphasized the depravity, corruption, and imperfection of human nature and the consequent need for social restraint and legal authority as a way of preventing political and social fanaticism. But by the 1960's, as Daniel Bell has noted, an astonishing reversal had occurred: God was dead, society rather than man was the problem, social restraint was insufferable, and activism was the only form of purity. Barth, Tillich, and Niebuhr were replaced by Altizer, Vahanian, and Cox. A secular theology became a fervent ally of political liberalism.

Thus, almost the only source of ultimate value that could maintain a sense of justice against the rush of benevolence gave way. The delicate balance that must be maintained between form and substance, between rule and action, was seriously disturbed. Liberating oneself, and aiding in the liberation of deserving others, became the single end. How this was done was less important than the fact that it was done.

But benevolence can never be the sole principle of human action. At a superficial level, benevolence often tends to be perceived by its objects as busybodyness, even paternalism. At a more profound level, benevolence risks rejection or failure: what if those aided do not improve, or if for some reason personal efforts are not followed by institutional commitments? Benevolence, when frustrated, often turns to rage and those who once celebrated the virtues of compassion may come to indulge sentiments of hatred.

In 1962, an organization of students produced a document that read in part as follows:

> We regard men as infinitely precious and possessed of unfulfilled capacities for reason, freedom, and love. . . . Men have unrealized potential for self-cultivation, self-direction, self-understanding, and creativity. . . . The goals of men and society should be human independence: a concern with . . . finding a meaning of life that is personally authentic, . . . one which has full, spontaneous access to present and past experiences. *Human relationships* should involve fraternity and honesty.

Within a few years, this organization, including many of those who signed this statement at Port Huron, were attacking universities, harassing those who disagreed with them, demanding political obedience, and engaging in deliberate terrorism. Nothing could have been more liberal than the 1962 statement of the SDS; nothing could have been less liberal than its subsequent history.

For most of us, choices are never this stark. There is a sense of balance that almost always asserts itself so that neither the stern and unyielding principles of justice nor the heedless sense of compassion dominates our actions. A liberal education is at its best when it strikes this balance: when it makes one aware that principles must ultimately be justified by something more than mere utility, that liberty is as worth preserving when it is attacked by a group one admires as it is when assaulted by a group one detests, and that the bonds of civility upon which the maintenance of society depends are more fragile than we often admit.

When properly conducted, there is an inevitable and desirable tension in a liberal education: developing only the critical faculties produces universal skepticism, even about those new worlds of the mind that are discovered in a college, while heightening one's sensibilities and enlarging one's powers of compassion tend to suppress the exercise of criticism. Among the best students and teachers, that tension is evident: they are educated up to that delicate point where they can be neither true believers nor utter skeptics.

And so it should be with liberalism, or indeed with any other political faith. The commitment to fair rules and procedures often inhibits the solution of certain problems, just as the commitment to social action can subvert the maintenance of those rules. Living with such partially incompatible goals requires, ultimately, the preservation within oneself of a realm of inner privacy into which neither politics nor society can reach and where quietude and imagination do gentle battle for the loyalty of our spirit.

MEMORIAL DAY AND THE SHARPSBURG ELEMENTARY SCHOOL

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BYRON. Mr. Speaker, I had the honor of participating this year and last in the annual Memorial Day parade in Sharpsburg, Md., in the center of historic Antietam National Battlefield. One of the most impressive sights in the parade was the contingent of schoolchildren from the Sharpsburg Elementary School. The school has written a short summary of its participation in this annual event, and I would like to share it with my colleagues:

MAY 29, 1972.

SHARPSBURG SCHOOL

The day dawned clear and bright. A gentle breeze stirred. The weather was perfect for every outdoor activity, especially a parade. The entire town of Sharpsburg had been cleaned, swept and polished for the Memorial Day Parade. At an early hour visitors arrived in the town.

The Sharpsburg Elementary School, which forms a unit in that parade, had chosen for its theme "Our Keys to Freedom." The girls were dressed in white, while the boys wore navy trousers and white shirts. A red shoulder sash added a colorful touch. Two large golden keys carried by girls flanked either side of the main banner theme. The kindergarten children portrayed "Hand in Hand." The primary children were grouped with the girls portraying "Peace"; and the boys "Let's Build A Home"; and the intermediate girls and boys "Let's Teach the World to Sing." As the line of march neared the reviewing stand in the center of the town, the children stopped and sang "I'd Like To Teach the World to Sing."

The school children have participated in this parade, annually, as early as 1920. For many years the boys and girls wore white and carried a small flag over their shoulder. Since 1951 the school's part has been more meaningful and colorful. Such themes as these have been used in the past; "Lest We Forget," "Let Freedom Ring," "The Flag—What Does It Mean?," "God Bless America" and "I Hear America Singing."

Patriotic colors of red, white and blue have generally been used. All school children who wish to participate may do so.

On several occasions miniature floats mounted on children's express wagons have been used. Large floats built by teachers, parents and children have also been used.

Yes, Memorial Day has meant planning and work. But it has added a meaningful touch to a community celebration. Many people come each year just to see the school children in the parade.

WILLIAM TYLER PAGE AND THE AMERICAN CREED

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BYRON. Mr. Speaker, today marks the beginning of the Honor America Day celebrations throughout the country. On Flag Day I cannot think of a more fitting subject to mark the occasion than William Tyler Page, one of Frederick, Md.'s, most distinguished citizens and the author of the American Creed. At the time of his death in 1942, William Tyler Page had served his country and the House of Representatives perhaps longer than anyone in the history of the Republic beginning as a House page and working his way through many positions to Clerk of the House.

I would like to share with my colleagues in the House a short biography of William Tyler Page and the American Creed, an important American document and the summation of William Tyler Page's life.

The items follow:

WILLIAM TYLER PAGE

William Tyler Page, descendant of President Tyler and Carter Braxton (a "signer" of the Declaration of Independence), was born on October 19, 1868 in Frederick, Maryland. He was educated in the public schools of Baltimore and at the Frederick Academy.

Page began his service in the Capitol on December 19, 1881 at the age of thirteen. He received an appointment as a page in the Clerk's office of the House of Representatives. When he became too old to continue work as a page, he received a position in the House Post Office. He held a variety of other jobs as a House employee, *i.e.*, assistant keeper of the archives, various clerkships, clerk to the Committee on Accounts (14 years), and secretary to four Members from Rhode Island.

In 1902 he ran as the Republican candidate from the second district of Maryland and was defeated. In 1917 Page wrote his famous *American Creed*, which is familiar to millions of Americans.

On May 19, 1919 he was elected Clerk of the House and held this position for six terms. In December 1931 when the Democratic party organized the House, Mr. Page lost the Clerkship but was awarded the post of minority clerk for life; a position which was created for him.

Besides the American Creed, Page authored The Story of the Nation's Capital (1932), The Romance of the Constitution (1937), and Page's Congressional Handbook. He was the senior warden of St. Columbia's Episcopal Church and was awarded a degree of Doctor of Laws by George Washington University.

At the time of his death, October 20, 1942, William Tyler Page had served the House of Representatives for 30 Congresses, close to 61 years. He had witnessed the convening of 73 sessions and had served under 14 Speakers.

THE AMERICAN CREED

(By William Tyler Page)

I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a Republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my Country to love it; to support its Constitution; to obey its laws; to respect its flag; and to defend it against all enemies.

NAVAHO COAL MINER HARASSED BY GOVERNMENT

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, the governmental bureaucracy has done it again. A constituent of mine, Mr. Tom Williams of Elberta, Ala., has relayed to me press reports of an Arizona Indian who was trying to operate a one-man mine before he was buried under a mountain of Federal forms and procedural regulations.

Perhaps one of the greatest challenges we in the Congress face is to snap our bureaucracies out of the unfeeling, unseeing trance into which they always seem to lapse. Every day we see examples of agencies which seem to have a rhinocerous hide when it comes to providing a compassionate response to the needs of the people they are supposed to serve.

We cannot expect confidence in government until the people are treated as something more than just another ripple on the bureaucratic sea. My constituent points out astutely that we in Congress pass the laws which create these bureaucracies and we provide them with the funds to operate. It follows then that we should be able to end the coma of indifference by insisting on greater responsiveness. In this regard, I call on every Member of the House to pass the word forcefully to our bureaucracies that service to the people must take precedence over all other considerations.

Mr. Speaker, for the information of the Members, I am attaching to my remarks a copy of the article which appeared in the June 10, 1972, issue of the Mobile Press Register:

NAVAJO COAL MINER SAID HARRASSED BY GOVERNMENT

WATERFLOW, N. MEX.—A Navajo coal miner is in trouble with the federal government because he doesn't use an electric lamp on his cap and doesn't have a telephone line between his tiny mine and the shack where he stores his wheelbarrow.

Clifford George, 65, is being threatened with fines up to $60,000 and says he can't pay the $950 fine the government says he already owes.

One of his problems is that he can't read the 6-inch high stack of documents and letters that federal authorities in Washington have been sending him since November 1970.

He's been stopped from working the small seam of low grade coal near his home. He had dug a hole about 50 feet into the side of the hill and had been hauling the coal away in a wheelbarrow to sell to his neighbors.

The mine is tiny, but there are government documents marked: "Re: Hogback No. 1 mine, case Number 3505."

Now his 39-year-old wife has had to go to work to earn a living for the couple and their six children.

George's plight was revealed Friday by Navajo Tribal Councilman Harry Tome of Red Rock, Ariz., who said, "The government has been harassing this man to death. They're treating him like they'd be treating some big company."

"George has built himself a little shack about 5 by 7 feet to shelter his tools in," Tome said. "I don't know what they expect since he's the only guy working in the mine. Is he supposed to call the shack from the mine and then run back there and answer the phone?"

Another violation, said Tome, "was that George didn't have a name tag on his belt. We got him a name tag."

Still another violation was that George didn't have a mask called "self rescuers," which miners can use to get oxygen in case of emergency.

"A coal company in Kentucky donated us one, which we gave him," Tome said.

"He was accused of a violation because he hasn't filled out the forms which are required every few days on the quality of the air and dust control in the mine."

Tome said George couldn't fill out the forms because he can't speak, read or write English.

The inspectors also cited George for not having a brake on his small handcar.

"We investigated that and found we couldn't buy a one-man handcar that had a brake, or even get a brake put on it," Tome said.

Shortly after the documents started arriving, Tome took George's problems to the Navajo Tribal legal aid society at Window Rock, Ariz., 100 miles from this northwest New Mexico village.

"They've been battling back and forth ever since," Tome said.

SOWING AND REAPING

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. GOODLING. Mr. Speaker, on June 3, 1972, I had the opportunity of attending the speech contest of Region VII, Toastmasters International, which was conducted in York, Pa., my Congressional District.

I also had the high honor of receiving from Dr. Russell Herron, the organization's president, a medallion in appreciation of my attendance at this event. The medallion cites as follows:

> Toastmasters International is a non-profit, educational organization of toastmasters clubs which provide their communities a program for men to improve their abilities in communication and leadership. More than a million "men on the move" have benefited from the toastmasters program since it was introduced in 1924.

I would like to say that all seven contestants made superb presentations, the majority of which dealt with the state of our Nation.

The winner, Mr. John L. Fulbright, Jr., represented District 36, the National Capital District. In his speech he portrayed past difficulties associated with the rearing of our young and identified the steps he believes necessary to get our new generation off to a good start. Mr. Fulbright stressed the urgent need for a return to discipline and guidance.

For the past year, Mr. Fulbright has been an active member of two Toastmaster Clubs—a 15-member interracial discussion forum and the 35-member Auterior Club at the Department of the Interior, where he has been employed for 5 years. He is married, has one daughter, and resides in Sterling, Va.

Mr. Fulbright's message was both meaningful and timely, having vital application to America's social posture. I, therefore, introduce it to the CONGRESSIONAL RECORD and commend it to the attention of my colleagues. Mr. Fulbright's address follows:

SOWING AND REAPING

(By John L. Fulbright, Jr.)

Nations are like men, whatsoever they soweth, that they shall also reap. And during the time between sowing and reaping individuals and nations must do all the work necessary to insure that their crop gives them the most yield. As we look around our Nation today and view the bombing of the Pentagon and the Capitol Building, as we see the drug problem in every major city, and as we witness multiple assassinations or attempted assassinations, one has to wonder, did we work our crop? We know we planted good seeds, we know we had fertile ground, but it appears that we, like the foolish ostrich, stuck our heads in the sand when we saw the weeds that could hinder our plants' growth. We, in moments of overconfidence, practically let our plants grow on their own.

We went to the garden and told the plants about the weeds of dishonesty and the plants saw us go into the house and cheat on our income tax. The plants saw us take unfair business advantage of the poor and ignorant. We went to our garden and we started to pull the weeds of injustice. We pulled away a few weeds, tired, and the plants saw a generation that incarcerated innocent Japanese-Americans in World War II and take all of their property without any firm grounds.

We went to the garden and we took a hoe to chop away the weeds that destroy brotherhood but again we tired and the plants heard us spread the seeds of derogatory remarks like nigger, poor white trash, and pepper belly. The plants heard us spread the seeds of ignorance to our children by telling them they were better because of their race, color, or religion.

We went to the garden and took a very weak herbicide to destroy the weeds of disrespect for teachers and community leaders and the plants saw us degrade those leaders with conversation and overt disgraceful acts.

Now the plants have almost reached maturity and what do we have—a crop of stunted plants that we call a bunch of hippies, yippies, dirty-smelly kids or a bunch of rioters, looters, and killers.

And so we take all types of measures to suppress them and maybe we should. However, should not our over-riding attention be given to removing the weeds that we can so that the remainder of their growth be somewhat in a normal fashion? We must consider remedies and treat causes.

One of the best tasks that we can perform is to let those plants see how we're going to work and cultivate our new crop and the first step is getting that garden off to a good start is to make the irrigation ditches of capitalism responsive to our newly planted seeds. Now don't misunderstand that statement. Don't take that statement wrong. Capitalism is the best and most productive system under which our plants can live. But when a system has been modified to a point whereby its citizens who make $5,000 a year pay more taxes than some of its citizens who made in excess of $225,000 a year, then that system needs careful review and reworking. When a system reaches the point whereby a ten-year-old boy can purchase dope on the corners of New York and all of our law enforcement officials cannot stop the drug traffic into this country because of organized crime, then that system needs a tremendous overhaul. Malcolm X said that capitalism cannot survive because it needs to suck the blood of the poor and undeveloped. I disagree. Capitalism can survive, but its survival must be in an environment of justice and fair play. And those malignant weeds that places men's greed before the Nation's welfare must be removed.

Next we must fertilize our plants with brotherhood. Not with the spoken word but with the living being, because it will be difficult for the plants to understand brotherhood when the most segregated time in America is every Sunday morning at eleven o'clock.

We must water our plants with the justice of Joseph Addison who stated that, "Justice discards party, friendship, and kindred, and is therefore represented as blind." The plants must see justice administered in terms of the offense irrespective of the man's race or financial status.

And then we must take those steps necessary to insure that the plant grows in discipline and guidance. Discipline and guidance must be returned to home and school and those who misuse it must and should be punished. Too long, too long have we removed the rule instead of the offender.

We have good plants. We have the will and resources needed to make the risk of failure extremely low. We must join hands and work our newly planted seeds. With the help of God and the dedication of man to sound principles and justice, we'll reap plants that will truly turn swords into plow shares and the harvest will be beneficial to all mankind. Will you help us raise this crop?

PITTSBURGH AREA STUDENTS PARTICIPATE IN "YOU ARE THE FLAG" ESSAY CONTEST

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. MOORHEAD. Mr. Speaker, there are those among older Americans who are quick to criticize the young for what the elders term a "lack of patriotism."

I do not believe that this is the case I think that today's youth holds the interest and well-being of their country just as high as many of us do and did when we were their age.

Today's youth happens to question more than some of us did and they may be a bit more skeptical of patriotic slogans, the meaning of which seem to get trampled or distorted in everyday application. But these qualities are strengths not weaknesses. A healthy skepticism leads to intelligent decisions.

Annually the Flag Plaza Foundation of Pittsburgh, an adjunct of the Boy Scouts of America, and the Duquesne Light Co. join to sponsor a "You Are the Flag" essay contest among Pittsburgh area students. There were 30,000 entries in the contest this year.

As in past years, the winners have presented their youthful patriotism in a number of unique written forms.

I would like to share them with my colleagues at this time:

YOU ARE THE FLAG

(By Marty O'Malley)

Who is the flag? Is it you, or me, or an idea? Please allow me, a piece of cloth with red and white stripes and fifty stars on a field of blue, to speak. Let me talk about how the flag was launched from a sewing room in Philadelphia all the way to the moon. Allow me to say some of the things I have seen along the way.

My colors were a symbol against tyranny and gave heart to those early Americans who wanted freedom and the right to pursue happiness. When I came on the scene I stirred those hearts to endure whatever was necessary to achieve our final goal. It took many years but I finally flew as the symbol of a new nation.

So many times I have flown with pride and glory. There were also times when my color seemed to fade. Not from the sun and rain but from my own tears. These tears were shed during our own Civil War when this nation was threatened to be torn apart from within. Tears were shed again when the red, white and blue was flown at half-mast due to the sudden and tragic loss of such men as Abraham . . . Martin . . . and John.

These colors blossomed again, as I think they always will, because of the desire of the people they represent. They shine bright with joy when they are aboard a ship loaded with food for the people of an underdeveloped nation. They glisten brightly on the side of an airplane carrying doctors, nurses, and medical supplies to victims of an earthquake or some other disaster.

Who is the flag? Is it I or is it you? I think it's both of us. I am the symbol, but you are the people and the purpose!

You Are the Flag, July 4, 1972

(By Mark E. Rodenberg)

What a wonderful day for flying! Those winds are hitting just right . . . Wow, look at all those people down there! All that flag saluting, and celebrating. For me? Why? Could it be my beautiful colors of red, white, and blue? Would they do the same thing if my colors were pink, purple, and green? I know it's not that. I have flown in many other colors. Back in 1776 when I was called "Don't Tread on Me", I was brown and yellow.

Then what is it that makes people salute me? Is it what stands behind me, my history and fame compacted into a cloth of red, white, and blue? Or is it people like George Washington and Thomas Jefferson who founded our democratic government? Might it be Thomas Edison and Alexander Graham Bell who gave America a voice and ears? Is it the same thing that made the Wright brothers and John Glenn give wings to America? Could it be Andrew Carnegie and Henry Ford who built American industrial and technological power? Or Martin Luther King, Jr. and Susan B. Anthony who brought about better social life in America? Is it athletes like Jim Thorpe, Jackie Robinson, or Babe Ruth trying to become some of America's best? What is it? Is it the courage and faith they found in America? Where is it? Could it be in themselves? Is it the ability to fight and overcome a problem or discouragement. Who is it? Is it their God, their coach, or their ideals; or is it themselves and their faith in the American way? Maybe I'm just the way Americans represent themselves, their accomplishments, and reveal their pride in America. Whatever it is, it makes me proud that, "I am the Flag."

You Are the Flag

(By Mary Spindler)

In recent years there has been public desecration of the flag of the United States of America by burning, displaying it improperly, or by using it as a mere piece of clothing. To me, this desecration of the flag was not justifiable, but to those involved, it was a way of expressing their disagreement of many American policies, especially the war in Vietnam. The very fact that these people could do this to the flag shows how great a country America is. If people in some countries were to attack their government in any way they would be punished.

What these dissenters should realize is that their criticism should be constructive and not merely destructive. Merely tearing down will not solve any situation. Citizens must work, either individually or collectively, toward correcting any wrongs which they feel exist.

A nation's greatest resource is it's people. It is the pride which people take in their work that betters a nation. Each individual must work hard at their job, whatever it may be. Men such as George Washington, Thomas Jefferson, Abraham Lincoln, Alexander Graham Bell, Henry Ford, Thomas Edison, Martin Luther King, and many other Americans used their talents for the benefit of the United States and the world. But it is not merely the famous personages which make a country strong, but people like you and me.

Each individual has God-given talents for which he is responsible. He must take pride in himself and develop these talents for the honor and glory of his creator and his country which gave him the freedom to develop these talents.

So as I look upon the "Stars and Stripes" I realize that I am very fortunate indeed to have been born in this country. I have been blessed with the chance to go to school and learn to think for myself. I have received many abilities from God and have a chance to develop them. But I also have the duty to use these gifts for the betterment of myself and my country.

The flag symbolizes all these things to me. As a united people, working effectively and courageously together, we can make every effort to right the wrongs, to dispel all prejudices and bring our nation to a proud existence under "Old Glory."

The Flag's Reply

(By Wanda Veltre)

I saw two boys who I have known,
For eighteen years, but now they'd grown,
Both were healthy and happy till then.
Yes, the day came to show they were men.
I called these boys to come and defend,
My country, Their country
No need to pretend.
But, both boys came forward with love and such pride.
Was I to know that one had lied?
Both full of life, so happy, so proud,
When on that day, came before me, heads bowed.
But, one I knew was weak inside.
His true feelings he was trying hard to hide.
When it came to fighting for what both enjoyed
One was a man, but one still a boy.
Yes, another man then died for me,
To keep me waving proud and free.
And, another fraud had gone and run,
Nothing accomplished, his duty undone.
Was it fair? It's up to you.
You'll have your chance to fight for what you believe true.
And, on that day when your number is drawn,
Stand up with courage and know that we've won.
For, a country like ours, United, strong.
With the true band of freedom,
Can not be proved wrong.

Without My Flag

(By Wendy Weinstein)

They came in the middle of the night with bombs that lit the sky as they destroyed my family and friends. My flag, the symbol of free men such as I, was captured. I am no longer privileged with the joy of life, for I am dead. Yes, my eyes still see and my hands still work, but they are of no use to me. They work for the government with no profit for myself. From dawn to dusk my ears grope for the sound of children's laughter. I am foolish to even hope for the sound because the young ones work in the fields and have no time for play. My home is a pile of rubble that shows no sign of the happy lives that were destroyed by the attack. Memories of my family constantly shadow my mind. My legs serve no purpose for the forests have been burned down, and I no longer desire to take a walk. Books are banned because knowledge of better lands and happier lives is not permitted. Food raised by hardworking women and children is taken away to be eaten by the invaders. Many people are soon to die from starvation. All that was once ours has been taken from us.

I opened my eyes and realized that I'd been dreaming. From my window I could see that nothing had changed. My flag wasn't going to be taken for quite a while at least. The nation is too strong for that. I still have a wonderful country full of freedom and love to live in. Houses, buildings, forests and mountains still stand. Children joyfully play in the streets without fear of being attacked. My flag still flies and will guide me through life, for without it I have nothing!

I Am the Flag

(By Pamela Nusz)

Here I am in Independence Hall, locked in a glass case with no way to tell the world how proud I am to represent this, my great nation. I was made in 1776 by Betsy Ross. That was almost two hundred years ago, and the purpose behind me still has not changed. I stand for the actions, the thoughts, the hope, and the unity of the people here in my country. I remind them of the freedom they fought for and may have to fight to keep.

There may have been a few changes in my design over the years, but only because as my country grows and changes, I must, too. Many people come to see me here. Some who see me remember how bravely they fought to keep me. Some think of their friends and loved ones who died for this country's freedom.

I could go on and on to describe the feelings they have for me, but I think everyone would rather hear how I feel about the people of my country. I have no other word that expresses my feelings so well as the word "proud." In years of distress and depression, very few people deserted me; they have always flown my colors high to proudly show others they will stand behind me, united. Those who have not experienced it do not know what it feels like to be a mere piece of cloth that unite millions of people.

I am a symbol of our freedom. At the olympic games I did not bow to king or ruler as other flags did. I bow to no one; for in my American eyes every man is equal.

I am just part of what makes our "Star-Spangled Banner." The people, *all* of the people, working together, living united and free, are what I, our Flag really represents. We are the Flag.

NATION'S FIREMEN TO BE HONORED

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SKUBITZ. Mr. Speaker, my attention has been called to the initiation of a program to honor the heroism of the firefighters of this land in the performance of their duty. As is the case with so many of our public servants, the men who respond to fires go about their duties unheralded and unsung. We realize their importance to our daily lives only in times of disaster or when we ourselves experience some devastating occurrence.

I was therefore pleased to learn that a program of annual awards to mark the heroism of firemen on or off duty, and applicable to all ranks, has been announced by a large manufacturer of firefighter equipment. The awards, consisting of four cash prizes and symbolic plaques, will be presented to the four chosen at a national presentation dinner.

Some 25,000 announcements have been sent to both paid and volunteer fire departments throughout the country. They advise that official applications must be filed and set out rules for the awards. All applications are to be filed prior to June 30 of this year.

The distinguished panel of judges which has been selected to determine the winners includes: Arthur Fiedler, the widely known conductor of the Boston Pops Orchestra; I. Irving Pinkel, Director of NASA Aerospace Safety and Research Data; Dr. Irmagene N. Holloway, of Kansas, a former assistant in HEW's Bureau of Product Safety; John H. Washburn, president of Home Insurance Co.; Curtis Volkamer, president of the International Association of Fire Chiefs; and W. H. McClennan, president of the International Association of Firefighters.

DERWINSKI STILL IN DOUBT ON U.N.

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. CRANE. Mr. Speaker, for the past 3 months our colleague, Representative Edward Derwinski of Illinois, has provided notable service as a presidentially appointed delegate to the United Nations General Assembly in New York City.

He brought to that task the same ability to see through to the heart of problems and the same wit and good humor for which he is known in this House. He was especially effective in his debates and discussions with Soviet representatives.

At one point, when a Russian delegate voiced a tirade against the threatened rebirth of Nazism in Europe, Mr. Derwinski interrupted:

> I have seen no signs of a revival of German militarism except in 1968 when East German forces goose-stepped into Czechoslovakia. And in Russia today, we see the Jewish people, who were Nazi victims a generation ago, made to suffer persecution again. It is easy to see where the threatened evils of Nazism really exist—behind the Iron Curtain.

Has Mr. Derwinski changed his critical view of the United Nations? Discussing this question, the Chicago Tribune's distinguished columnist, Willard Edwards, reports that—

> Derwinski remains in serious doubt about the effectiveness of the U.N. and was appalled by its refusal to practice austerity even in the face of impending bankruptcy. A financial crisis has been swept under the rug but will soon recur.

Despite the contempt with which the Department of State tends to treat congressional delegates, there were rewarding moments. Mr. Edwards notes that—

> What Derwinski enjoyed most, obviously, was tilting with representatives of the Soviet Union. They must have been happy when he left because, day after day, he prodded them about the hypocrisy of their anti-American attacks.

Edward Derwinski has brought honor to the House by his service at the United Nations. I wish to share with my colleagues the article by Willard Edwards which appeared in the Chicago Tribune of June 8, 1972. This article follows:

Derwinski Still in Doubt on U.N.

(By Willard Edwards)

Washington, June 7.—Rep. Edward J. Derwinski [R., Ill.] has had to endure some ribbing in the House about his recent three-month term as a Presidentially appointed delegate to the United Nations General Assembly in New York City.

Since only two out of 435 members are thus singled out each year, both envy and sarcasm presumably tinged his salute as "ambassador" in floor debate. Rep. H. R. Gross [R., Ia.] suggested that "Living high on the hog at the U.N. and rubbing elbows with the foreign gentry" had altered Derwinski's foreign policy views.

Any intimation that Derwinski has been affected by his U.N. service was dispelled when he issued a 70-page report to the House Foreign Affairs Committee on his experiences in the international body. It was deemed valuable enough to be printed as a House document.

It is thoughtful, informative, and often entertaining. Derwinski remains in serious doubt about the effectiveness of the U.N. and was appalled by its refusal to practice austerity even in the face of impending bankruptcy. A financial crisis has been swept under the rug but will soon recur.

The American contribution to the U.N. must be reduced to 25 per cent [from the current 31 per cent] without delay, Derwinski recommended, and the Soviet Union and France pressed for substantial cash payments which they have withheld.

He did oppose, however, an immediate $25 million cut in U.N. funding voted by the House May 18 and it was this stand that aroused Gross' ire. Derwinski's explanation was that this was a default in violation of U.N. charter rules comparable to the reneging of Russia and France, making the United States equally culpable. The House, by a 202-to-156 vote, refused to agree.

In one respect, Derwinski found his U.N. service frustrating. The State Department treats congressional delegates with poorly concealed contempt, he discovered, giving them only cursory briefings, demanding to censor their speeches, and sending them instructions on voting at the last minute. He protested this bureaucratic control but got nowhere.

But, on the whole, he reported, he found the experience rewarding. It was a rare opportunity to participate directly in the conduct of foreign affairs, to study the methods and the motives of delegates from other countries, and to test wits in debates with them.

What Derwinski enjoyed most, obviously, was tilting with representatives of the Soviet Union. They must have been happy when he left because, day after day, he prodded them about the hypocrisy of their anti-American attacks.

A Russian delegate rebuked him, recalling that President Nixon had announced "an era of negotiation, not confrontation."

"What troubles me about this era of negotiations," Derwinski replied, "is that the negotiators on the Russian side may later disappear from sight and from the history books. That was the fate of Stalin and Khruchchev. President Nixon won't know how long the individuals he dealt with in Moscow will be around. They, too, may vanish from the history books and where does that leave the agreements they signed?"

Again, when a Russian delegate voiced a tirade against the threatened rebirth of Nazism in Europe, Derwinski interrupted:

"I have seen no signs of a revival of German militarism except in 1968 when East German forces goose-stepped into Czechoslovakia. And in Russia today, we see the Jewish people, who were Nazi victims a generation ago, made to suffer persecution again. It is easy to see where the threatened evils of Nazism really exist—behind the Iron Curtain."

Derwinski was a U.S. delegate during the period when Communist China was admitted to the Security Council and its predecessor, Taiwan, was expelled.

The U.S. delegation fought to prevent the explusion of Taiwan, he said, but its efforts were made made futile by the visit to Peking of Henry Kissinger, special adviser to President Nixon, at the very time the U.N. was debating the issue.

That trip "could not have come at a more inopportune political or psychological moment" and it convinced many nations that the U.S. was not sincere in its proposal of dual representation.

FORREST CATE'S COMEBACK

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BAKER. Mr. Speaker, there are many little-known stories of triumph over adversity where resolute individuals succeed despite the severest of handicaps. I know about one because it happened in the Chattanooga area and received due recognition in the press. I have reference to the story of Forrest Cate, who, though totally blind, still managed to ride a show horse and win a ribbon in the competition at the Rossville, Ga., Kiwanis Charity Horse Show last Saturday.

The story of this accomplishment has been told with understanding by Jay Searcy, sports editor of the Chattanooga Times, in his column, "Searching with Searcy."

In calling attention to Forrest Cate's "comeback," I hold it out as an example to all of us. There is a great deal which can be accomplished whenever there is a will to do it. The lesson will be obvious as you read Jay Searcy's column.

Searching With Searcy

(By Jay Searcy)

SUSPENSE AND MR. IMPERIAL

"You should have been here last night," everybody kept saying at the horse show Saturday night. The man on the gate said it, grooms hanging on the rail, people under the tent in center ring.

Everywhere you went they were talking about Forrest Cate's suspenseful ride on Mr. Imperial Friday night.

"Not many people knew what was happening," said a lady under the tent. "I don't think many of the riders even knew."

What was happening was that Forrest Cate, winner of a number of ribbons and trophies in the pleasure walking horse classes over the years, was making a comeback.

It was a horse show setting familiar to Forrest, a 38-year-old automobile dealer. Except this one was at Rossville's new city park, one of the biggest show rings in the Southeast.

There was color everywhere, like a scene from an Indiana state fair. Handsome people with brown faces. Western jeans, well faded. Cowboy hats. Riding boots. Double-breasted blazers, sulky silks. Horse trailers, motor homes, concession stands, box seats, bleachers. Organ music. Dancing horses.

LIKE MANNEQUINS

The riders looked like department store mannequins—neat, trim, pretty, handsome, clean. And they were so practiced most of them could have shown their horses blindfolded. But only one rider rode blindfolded, and that's what made Forrest Cate's comeback so suspenseful at the Rossville Kiwanis Charity Horse Show.

The blindfold Forrest wore is called diabetic retinopathy. It blinds permanently.

It had been four years since Forrest had been in a show ring, but he had never been there competing on a track he couldn't see, against competition he could only hear, for judges and spectators he could only sense. When they called for the pleasure walking horse class, Forrest rode Mr. Imperial out in a flatwalk toward the biggest challenge of his life.

His one big concern was keeping the horse on the rail. Mr. Imperial, pretty as he is, sometimes is tempermental and isn't always an easy horse to show.

Those who were watching were a lot more tense than Forrest. This was the horse that threw him not long ago, shortly after he made his first blind ride. And there was no guarantee it wouldn't happen again—show ring or no show ring.

FROM THE RAIL

Forrest wore tiny earphones that looked like hearing aids and he was being fed information by his trainer, Slim Easterly, who was standing outside the rail talking into a transistor radio speaker:

"Pull on the right rein. Good. Looking good. Tighten up now. Left rein Straighten up now. Good."

Everything went fine until the announcer called for the center. The horse wasn't going quite fast enough when Forrest bumped him and Mr. Imperial balked, momentarily. Forrest's hat flew off and Slim broke into a run down the rail to help. But before he could get there, Forrest had the horse cantering beautifully down the track in time with the organ music. It was the only bit of trouble.

When they lined the horses up to be tied, Forrest knew he had won the challenge. Even if he didn't win a ribbon, he had completed the ride, and save one small incident, it was nearly perfect. Then came the announcement:

"The blue ribbon in the pleasure walking horse class goes to Mack's Golden Go Boy!" the announcer spoke and C. B. McMullan of Shelbyville pulled out of line to the awards tent and accepted the prize.

"And second place goes to Mr. Imperial, owned and ridden by Forrest Cate Jr.!"

By now everyone at the show knew about Forrest's challenge and there were goose pimples and cloudy eyes hidden among the applause when Slim pulled Mr Imperial out and led him to the awards stand.

"I'm so proud of you," his wife Marcia told him when he left the ring.

"Are you really?" Forrest seemed surprised.

"Really " she said hugging him.

"You should have been here,' everybody kept saying.

SECRETARY VOLPE'S RELEASE OF HIGHWAY FUNDS

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HARSHA. Mr. Speaker, I have received a letter from Secretary Volpe announcing that the entire $4.4 billion in obligational authority for the Federal-aid highway program for fiscal year 1973 will be released as of June 15, 1972, on an annual basis rather than in quarterly amounts as has been the practice in recent years. Such funds will become available on July 1.

This is good news for the highway program. Release of funds in this manner will assure a maximum of flexibility to each State in planning and scheduling Federal-aid highway projects. The result will be a more orderly implementation of each State's highway program and the avoidance of sudden changes in the pace of the program due to shifts in the obligational amounts provided as has occurred in recent years.

In his letter to me, Secretary Volpe declared that his action in releasing these funds was, "Responsive to the needs of our Nation's highway program". I could not agree with him more.

I commend the Secretary on his understanding and comprehension of the problems of future development of our highways. I congratulate him for removing yet another obstacle to continuing highway development. Unquestionably, efficient development of our highways—when done with a safety awareness—will yield dividends to all Americans who will travel these roads in future years.

THE CONSEQUENCES OF A PERMISSIVE SOCIETY

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SMITH of New York. Mr. Speaker, in light of the lack of trust and confidence sometimes accorded to the youth of our Nation, it is indeed worthy to note the fine achievements continually being accomplished by our young adults. In a recent oratorical contest sponsored by the Knights of Columbus, western New York district, Mr. Brian Bryzinski of North Tonawanda, N.Y., was named runnerup, based upon his brilliant speech and his powerful delivery. Mr. Bryzinski, 17, a senior at North Tonawanda Senior High School, will soon be attending Bucknell University. He has received numerous community awards for his many accomplishments, amongst which are: New York State Regents Scholarship Award, selected as "Youth of the Month" by the Exchange Club of the Tonawanda's, Quality Student of Tonawanda and a member of the National Honor Society.

"The Consequences of a Permissive Society," a speech by Mr. Brian Bryzinski, follows:

THE CONSEQUENCES OF A PERMISSIVE SOCIETY

A society is most robust in its youth. On aging, as most societies in the past, these societies succumb to permissiveness, encumbered with unresolved problems and internal turmoil, as exemplefied by the Babylonians, the Greeks, the Egyptians, and the Romans. This renders the society easy prey for the younger, emulous nations, eager to assume a paramount position of importance. However, it is my contention that a society does not lapse into debility and permissiveness unless its citizens are, also, debilitated and permissive. It is not the society which defines the individual, but the individual who defines the society.

Lack of self-discipline is the intrinsic feature of a permissive individual. It is this lack of discipline which causes him to lose faith—faith in his religion—faith in his fellow man—faith in himself. It is this lack of discipline which makes him self-centered; and it is this lack of discipline which destroys his aspirations. As a result, his morals may be debased, his ambition curbed, and his stability threatened. We are all cognizant of the fact that instability is the element which has the most profound influence upon society. While searching for rationality, the unstable individual becomes dissatisfied with society. Why?—because he has lost his faith. If many such individuals command an influential incumbency, a permissive legislative trend may be noted, for these individuals, eager to possess self-assurance, will exhaust any means possible to achieve their ends. Thus, a liberal attitude is established; for in order to experiment, permissiveness must prevail.

Many of the same qualities existing in a permissive person are characteristic of a permissive society. Whenever permissiveness is extant, crime and corruption rise, for there is neither the means nor the desire to suppress them. As previously stated, these circumstances arise from loss of faith, loss of hope, frustration, and the new-found liberties. The public, perplexed by these privileges, exploits them, and thus they acquire an adverse connotation. In addition to this laissez-faire attitude, it is feasible, in a permissive society, for a concerned, vociferous minority to dominate the wishes of an unconcerned, silent majority. It matters not who is just or righteous, but who prevails. A movement originates and advocates the overthrow of established order, but presents no design by which to formulate a new code; it attacks the "law used to oppress those who threaten the ruling class,"[1] but manipulates and contorts the law to achieve its desires, and it despises the society, but makes no endeavor to ameliorate that society. Goals remain obscure and enigmatic; however, the movement steadily gains proselytes, for the populace is too perplexed to reason lucidly. It is not only the government which may be beset with these incursions, but the church may, also, experience tumult, as the questioning attitude encroaches upon church orthodoxy, doctrine, and rites. Tenets, branded as outdated, are abandoned, and a new orthodoxy is promulgatd to complement the permissive vogue. Finally, the populace experiences a total loss of faith in the governmental system, and a wave of fear shudders through the society, for their trust has long since expired, their wisdom has been taxed, and that last spark of hope has been extinguished. A revolution sweeps through the nation, and an era of repression is instituted.

Thus, the inception of permissiveness seeds itself in the individual, manifesting itself in the society. The government, citizens, and even the church are tainted, and the law deriled. However, "to love the rule of the law is not to minimize its imperfections and to hate the law is to hate the freedom it secures."[2] Let us enjoy the fruits of progressive change, rather than the spoils of permissiveness and repression. Most important, let us not be battered upon the rocks of permissiveness, for as the incessant waves of the sea, the malevolent effects of permissiveness are both recurrent and uncontrollable.

HONOR THE AMERICAN FLAG

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. MONTGOMERY. Mr. Speaker, in observance of Flag Day I would like to share with my colleagues the following article which has been highly recommended to me by one of my constitutents,

---

[1] William Kunstler.

[2] James J. Kilpatrick.

Cmdr. Robert W. Collins of Yazoo City who is retired from the U.S. Navy Reserves. The article which follows, was originally written by Clayton Rand in 1969:

Our American Flag

(By Clayton Rand)

Annette, the six-year-old, with amazing skill, reproduced in a small, neat, folded miniature pamphlet, copies of the flags of many countries, all in color, with special emphasis on the Stars and Stripes.

At the same time your scribe received from retired Commander Robert W. Collins, U.S. Naval Reserve, "A Chronology of Our Flag Laws."

Our first Flag Law was enacted by the Continental Congress June 14, 1777; the first U.S. Flag Law was enacted Jan. 8, 1794, and the final and permanent Flag Law was adopted April 4, 1818. It specified a flag of thirteen horizontal stripes, alternating red and white, with 20 white stars on a blue field representing the states, with an additional star to be added on each succeeding 4th of July for every added state.

Flag day is designated as June 14, the date on which the Continental Congress adopted the first Flag Law.

The Stars and Stripes should have been unfurled and flown everywhere on June 14 and should fly July 4, 1969. Not in the memory of the living has the Red, White and Blue been so desecrated at home and defiled abroad. Flag waving has become a foppish gesture to a new breed of anti-Americans infected by a perverted form of patriotism. These desecrators of Old Glory should be forced to wear the stripes to designate their degradation.

SENATOR HUGH SCOTT HONORED BY THE PENNSYLVANIA ASSOCIATION OF BROADCASTERS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HEINZ. Mr. Speaker, the Pennsylvania Association of Broadcasters paid tribute to Senator Hugh Scott's accomplishments as an outstanding Pennsylvanian by awarding him its 1972 Gold Medal, last night at the Washington Hilton Hotel.

The senior Senator from Pennsylvania joins a select group of "native sons" so honored by this group for both initiative and service to their fellow man.

I would like to add my voice to those paying tribute to Senator Scott for the wisdom and foresight displayed over the years of his distinguished public service.

His tireless concern for the welfare of this Nation's citizens is well chronicled in legislation he has introduced, his voting record, and his support and outstanding management of so many important pieces of legislation.

In recent years, he has undertaken the additional challenge and responsibility of being the Senate Republican leader, a job that he has tackled with his usual zest and great skill.

I know from a firsthand experience of having worked closely with Hugh Scott for many years, how characteristic it is for the Senator to apply himself day and night to a problem at hand and its practical solution. His own hard-driving intensity, plus the demands he places on himself as minority leader of the Senate makes him a truly remarkable man, and I am sure that my colleagues will join me in hailing his most recent honor by the Pennsylvania Association of Broadcasters.

SWIFT, SHIFTY FLIGHT OF THE DOVE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BOB WILSON. Mr. Speaker, I insert in the Record the following editorial by James J. Kilpatrick.

The editorial follows:

Swift, Shifty Flight of the Dove

Washington.—Clark Clifford, the eminent dove, last week flew a classic course through the House Foreign Affairs Committee. It was a dazzling performance, much applauded by the evening TV news and by the Sunday papers, but it invites a few dissenting observations nonetheless.

I happen to live quite literally in dove country, up in the Blue Ridge Mountains, and would tell you something of this marvelously talented bird. Unlike the quail, which is constantly heard but not so often seen, the dove is highly visible. Unlike the bashful woodcock, which hides in shady places, the audacious dove delights in public attention.

Yet the dove is notoriously the most difficult prize of the upland hunter. The dove owes his survival not so much to sheer speed, though he is deceptively swift; the genius of the dove lies in his skill in shifting direction—left, right, backwards; now skimming, now soaring. The dove always lights, as if by magic, just ten yards out of range. He can vanish in a second.

Observe the flight of Clark Clifford: "The national security of the United States is not threatened in Vietnam, regardless of the outcome of the fighting." Here he is skimming the truth. He maintains his speed: "The small, underdeveloped non-industrial nation of North Vietnam constitutes no threat to us . . ." True enough; true enough. Now he soars: "And it is equally clear that Russia and China are not on the march in Southeast Asia." But how did that get to be equally clear? It is communism that is on the march, communism in whatever mask it wears.

During his days as Secretary of Defense, Clifford set no records for infallibility. It is thus unclear why he should be regarded as a fount of perfect truth and wisdom when he insists that Nixon's measures "will have no immediate effect on the outcome of the fighting in the South, and probably no effect for many months."

On the contrary, when account is given to the totally different kind of war now being waged, there is reason to believe that Nixon's relatively bloodless measures of "denial" may seriously inhibit a flow of fuel and heavy weapons to the enemy. To some observers, whose record at least matches Clifford's, it seems worth a try.

Clifford's own solution, as he testified, is "short and simple." He flies circles around its essence, but essentially his plan is for the United States to admit defeat and to surrender the whole of Southeast Asia to the Communists. This he describes as an "overall settlement" not incompatible with the interests of Hanoi. It is a solution, one is bound to concede, perfectly in keeping with the swerving flight of the fleeing dove. Now you see him; now you don't.

UNEASY PEACE IN THE MIDDLE EAST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HAMILTON. Mr. Speaker, the uneasy ceasefire in the Middle East and the seeming intractable positions of the various parties to the Arab-Israeli conflict are the topics of two good New York Times editorials by John Oakes, the editor of the editorial page, who recently visited Egypt and Israel.

In the June 12 editorial, Mr. Oakes argued:

> The Egyptians want Russian influence in Egypt no more than they want Israel's occupation of the Sinai. But the one is likely to last as long as the other.

And in his June 13 editorial, he concludes:

> Perhaps it is just because the conflict between secure borders for Israel and the demands of Palestinian nationalism seems so insoluble that the Israelis are content to ride along for a while with the present situation, which is clearly more tolerable for them than an immediate foreseeable alternative.

The two editorials follow:

[From the New York Times, June 12, 1972]

View From the Canal

(By John B. Oakes)

The small plane takes off from Tel Aviv's local airport, nonchalantly dodges the towering stack of the municipal power plant and skims down the Mediterranean coast past ancient ports and modern pipelines, then along the northern edge of some of the most desolate country on earth, the Sinai Peninsula. Within an easy hour the plane puts down at a desert airstrip marked by a couple of huts, a handful of soldiers and the Israeli flag fluttering over the "administered territories" of Sinai.

The civilian visitor hops into a truck manned by a middle-aged reservist doing his fortnight's active service. The car bumps westward past grotesque relics of the 1967 war, wreckage of vehicels sprawling in the desert sand like the skeletons of dinosaurs.

Through the silent rubble of the city of Qantara, a once flourishing town utterly destroyed by Egyptian artillery in the 'war of attrition" and now deserted except for a few birds, dogs and flies, there at last comes into view at the very edge of the Canal the familiar paraphernalia of war: sandbags, dugouts, barbed wire, halftracks, jeeps and even a few tanks and guns.

On the far bank less than 200 feet away, a couple of Egyptian soldiers are idly fishing. An Arab guard, armed with a rifle and a pair of binoculars, intently peers from his flimsy lookout tower on the Egyptian side of the Canal at the visitors in civilian dress atop the opposite embankment. Suddenly a harsh shout is heard from the tower (no language is easier on the eye or harder on the ear than Arabic); one wonders if it's an end to the cease-fire that has been rigidly observed by both sides on this front for almost two years.

After a moment of tension, the Israeli soldiers burst into laughter; they shout back with enthusiasm. A vigorous verbal exchange continues for several minutes. What's it all about? the Israeli commander is asked. "When the Egyptian lookout across the canal saw you he began cursing all of us, all of our ancestors, and all of our children. There's nothing for us to do," he added with a twinkle, "but curse back."

Cursing across the canal is better than shooting across the canal, as everyone agrees; but the real question is how long the present quiet state of affairs will last on this, the most dangerous (if least active) of all of Israel's embattled borders. Moshe Dayan, Israel's Minister of Defense, freely predicts that the Egyptians will continue to hold their peace until after the winter (during which the Syrian airfields are unusable) but are likely to launch an attack next spring. This may be mere psychological warfare on Dayan's part; yet if no progress is made in the next few months toward a peace treaty, the bitter frustrations so evident in Cairo, steadily fed by Russian arms, could well explode into the ultimate folly, a renewal of the suspended war.

For the Egyptians, recognizing that they were disastrously defeated in 1967, do not recognize any justification in this defeat for the loss of even "one inch of Egyptian territory" which, as they insist, has been Egypt's for 5,000 years. Nor do they admit that the cession of any Egyptian land—in the northern Sinai, on the Straits of Tiran or anywhere else—can be reasonably considered essential to Israel's security in this missile age. Having in fact accepted the reality of Israel's existence, they mistrust Israel's future intentions as much as the Israelis mistrust theirs—and it is this, rather than any ideological or territorial imperative, that constitutes the fundamental barrier, even to demilitarization, that neither United States nor United Nations nor other would be peacemakers have yet been able to surmount.

Having fought four wars for their very existence during the past quarter century, most Israelis—from their indomitable Prime Minister down—refuse to believe that the ultimate Arab goal is not still to drive them into the sea; and the unremitting barrage of Arab propaganda, rejecting in some cases even the very name of Israel as well as its existence, only confirms that belief. Hence the Israelis are loath to give up their present advantageous military position, which they are convinced insures their security on the ground, for what they fear would be but another "scrap of paper."

While few, even of the extreme right wing, argue for retention of all of the Sinai, fewer still seem to believe that they can safely give up once again—as in 1956—all of the occupied areas—through demilitarization instead of military control may yet be a feasible alternative. Speaking of the outpost of Sharm el-Sheik at the tip of the peninsula, which guards the narrow entrance of the Gulf of Elat, one of Israel's most distinguished and moderate leaders observed that "we must retain control there because we must never again be placed in the position where Egypt by simply closing the straits can force us to declare war." So far from giving it up, the Israelis have in fact already built a hotel and are turning this isolated, sun-baked military post into a small tourist resort. "Moses walked, you can fly," runs the slogan.

Yet, in the incredibly complex arena of Israel's relationship with the Arab world, it is Egypt that counts more than any other Arab state; and it is with Egypt that Israel must first make peace. Egypt's population of 35 million (more than ten times that of Israel) is expected to double by the end of the century. Egyptian technology, light-years behind Israel's, is nevertheless improving. Egypt is the only Arab state whose ultimate military power, built up by Soviet assistance, is a potential menace to Israel. The Egyptians want Russian influence in Egypt no more than they want Israel's occupation of the Sinai. But the one is likely to last as long as the other; and neither Israel, relatively satisfied with things as they now exist, nor Egypt, bursting with hatred and frustration, seems ready to modify even the uncompromising tone—much less the substance—of their apparently irreconcilable positions. Yet no two nations are more conscious of history than the Israelis and the Egyptians—and if history proves anything, it proves that no national rivalry or territorial dispute is truly irreconcilable given the desire and the will to end it.

[From the New York Times, June 13, 1972]

VIEW OVER THE JORDAN

(By John B. Oakes)

The paradox of Israel today is that while Israelis are surely more self-satisfied and relaxed than probably at any other time in their 25-year history, there is neither peace nor the prospect of peace as the dangerous frustrations of the surrounding Arab world grow steadily deeper.

From the Golan heights to Sharm el Sheik, from the Jordan to the Suez Israelis show a proud confidence that their extraordinary achievements of the past quarter-century fully justify; but the visitor is left with an uneasy feeling that the future of their embattled country cannot be secure so long as its two most pressing and most proximate international problems remain unsettled: Egypt, discussed in this space yesterday, and the Palestinians.

It must be recognized from the outset that many of the several hundred thousand Arabs living in the green and fertile valleys of the West Bank under Israeli military occupation since 1967, are economically better off than they have ever been before. With virtually free access to Israel across the old Jordanian frontier, thousands of Palestinian Arabs are now working in Israeli fields and factories at the Israeli wage rate, three or four times as much as they could conceivably earn in their own homeland—to the distress mainly of large Arab landowners who complain bitterly that they have lost their cheap (and highly exploited) labor supply.

While some Israelis worry about this influx of Arab labor and its potential effect in upsetting the demographic balance of the state, many others see it as a golden opportunity to bring the Palestinian Arabs into direct contact with Israelis, leading ultimately, as they hope, to closer economic, social and—who knows—political bonds. This process—augmented by the "open bridges" policy whereby commercial traffic is now permitted between Israel and Jordan proper, and still further by the "summer visitor" program under which perhaps 150,000 Arabs from all over the world will be allowed to cross the borders on temporary permits—will necessarily be a lengthy one before it can bear fruit.

But in the meanwhile such a policy of leisurely amalgam—if it can be called a policy—fails to take adequate account of the fact that no people, including the Palestinian Arabs, can willingly accept a military occupation. This is true no matter how gentle (and the Israeli administration is not onerous) and no matter how economically and socially advantageous it may be for even large segments of the population.

The burning demands of a new-found nationalism can only grow, not diminish; and while the insanely savage terrorist activities of extremist Palestinian groups operating from outside the "administered territories" can only be counter-productive, the fact remains that the increasing political consciousness of the relatively advanced West Bank Arabs cannot be ignored. They are as unlikely to be permanently absorbed by Israel as they are to be satisfied by indefinite continuation of their present equivocal status.

And yet there is a dangerous tendency in Israel to ignore Palestinian aspirations by maintaining that the only authority with whom Israel can negotiate in reference to this area is King Hussein of Jordan, whom the Israelis know is as deeply despised by many West Bank Palestinians as they themselves are feared.

In any case, the longer the West Bank remains an "administered area," the safer most Israelis feel and the less inclined they seem to be to alter its present secure status. However, they are busy making it more secure by establishing new military settlements along the Jordan. In this way, as Deputy Premier Allon has suggested, the most strategic border areas on the river can be retained under Israeli control if and when the bulk of the territory is returned to Jordanian sovereignty. Minuscule as it is, the Jordan River is a pretty good tank trap; and that is why the Israelis show no present intention of relinquishing their military position on its western bank. Even if an arrangement can be reached with King Hussein over the West Bank and the separate but related problem of Jerusalem, the West Bank Palestinians will inevitably remain as an undigested, unregenerate and unreconciled force plaguing Israel's relationships with the rest of the Arab world.

The West Bank Arabs—torn as they are in several directions by their dislike of the occupation, their contempt for Hussein, their new and eye-opening contacts with Israelis, their rising standard of living and falling self-esteem, their revolutionary inclinations and their conservative instincts—are themselves uncertain whether they want a state of their own, some kind of federative link with Jordan, with Israel or with both.

Perhaps it is just because the conflict between secure borders for Israel and the demands of Palestinian nationalism seem so insoluble that the Israelis are content to ride along for a while with the present situation, which is clearly more tolerable for them than any immediate foreseeable alternative.

BALTIC STATES FREEDOM COMMEMORATION, JUNE 14–16

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. ANNUNZIO. Mr. Speaker, the period of June 14–16 is a time for special significance to Americans of Lithuanian, Estonian, and Latvian descent, as well as to all of us who are inspired by the courage and determination of the people of these three nations.

It was during this time, 32 years ago in June 1940, that the three Baltic States were brutally occupied by the Red Army and subsequently incorporated into the Soviet Union. These actions were in direct violation of treaties signed by Russia in 1920 which recognized the independence and sovereignty of Estonia, Latvia, and Lithuania.

The Soviets cynically disregarded the promises made a mere 20 years earlier in which they "voluntarily and forever" renounced all sovereign rights over the people and territory of the Baltic States.

The outrages suffered by these brave peoples were not, however, to end with military occupation. During the same period in June of the next year, 1941, mass deportations were executed by the Soviet Government. Thousands of Latvians, Lithuanians, and Estonians were arrested in massive sweeps by night and crowded into boxcars to be shipped to

Siberia and other remote parts of the Soviet Union far from their relatives, their friends, and their homelands. Still further criminal deportations took place in the years 1944, 1948, and 1949.

Mr. Speaker, during this period of solemn remembrance, let us pause to express our admiration for the courageous people of these three nations. Despite the tragedies they have endured, the Baltic peoples throughout the world remain dedicated to the restoration of the independence of their respective fatherlands.

We in the U.S. Congress can do no less than reassure them of our moral support. May the ideals of freedom and democracy be vindicated by the gallant determination of the people of the Baltic States. Their sacrifices should remind us all that we must continue to strive for a world in which all people can have the opportunity to live their lives as they themselves choose.

The Lithuanian-American Community of the United States of America, Inc., has requested that attention be called once again to House Concurrent Resolution 416 which was adopted by both the House and Senate during the 89th Congress. I was one of the sponsors of this legislation, the text of which follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virture of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

PERSONAL ANNOUNCEMENT

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. VEYSEY. Mr. Speaker, on May 18 I was unable to be present to vote on an amendment to the State, Justice, Commerce, and the judiciary appropriation bill that sought to delete $450,000 for the Subversive Activities Control Board, rollcall No. 162. Had I been present I would have voted "no" on this amendment. Ironically I was not present for this vote because I was attending a hearing in the House Administration Special Subcommittee on Police regarding stronger security measures for Capitol offices. This hearing was necessitated by an attack on Congressman DU PONT's office by a group of demonstrators.

On June 5 I was in California attending hearings as a member of a Special Ad Hoc Subcommittee of the House Committee on Education and Labor and missed five rollcall votes. On rollcall No. 185, the conference report on S. 1736, the Public Buildings Amendments of 1972, I would have voted "yea." On rollcall No. 186 on H.R. 12674, to establish a National Cemetery System within the Veterans' Administration, I would have voted "yea." On rollcall No. 187 on H.R. 10310, to establish the Seal Beach National Wildlife Refuge, I would have voted "yea." On rollcall No. 188 on H.R 14731, to provide for the effective enforcement of the provisions of the Fish and Wildlife Act of 1956 prohibiting the shooting at birds, fish, and other animals from aircraft, I would have voted "yea." On rollcall No. 189 on H.R. 14106, to amend the Water Resources Planning Act to authorize increased appropriations, I would have voted "yea."

MOVE TO KILL SHORT POLITICAL ANNOUNCEMENTS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. GUBSER. Mr. Speaker, apparently Mr. John W. Gardner, head of "Common Cause," has made a determination that the American public does not possess the intellect which is necessary to properly interpret a 60-second political announcement on radio or television. Accordingly, he has suggested that no political announcements be allowed which are shorter than 5 minutes. Lest readers of the CONGRESSIONAL RECORD forget I remind them that Mr. Gardner is the man who sat two seats to the left of President Lyndon Johnson on the National Security Council, which formulated the policy of escalating the war in Southeast Asia.

Radio station KLIV, in my congressional district, has been most energetic in attempting to give free time to all political candidates of all persuasions so that the public could benefit from their 60-second statements. I consider this to be outstanding public service and very much in line with the public service obligation that all broadcasting licensees assume. However, this public service would be impossible if Mr. Gardner would have his way.

On two occasions Mr. Robert S. Kieve recently editorialized on station KLIV regarding Mr. Gardner's proposal.

I believe a restatement of these editorials, which follow, is worthy of being printed in the CONGRESSIONAL RECORD:

REGARDING SHORT POLITICAL TALKS

There's a new cause among many people dedicated to the objective of making free government work. It's a mini-movement to ban from television and radio all political announcements that are shorter than five minutes.

The well-meaning people espousing this cause have apparently failed to note the irony: in the cause of free government, they are urging the prohibition of one form of free speech.

They say that short political ads today are dishonest and do not adequately discuss issues. That is indeed true of many short political ads. But long political ads or talks are not necessarily any better. A campaigner who can write a slick 60-secoond talk finds it even easier to talk a slick 60-minute talk. So length is not the factor that controls either honesty or significant communication.

What length does control is whether a message is listened to. A short talk gets listened to; a long talk often gets tuned out. If this editorial were to go on for five minutes, would you stay tuned? And if you would not, would the cause of free government benefit from this particular five-minute talk? And if you would not, would the cause of free government benefit from this particular five-minute talk? We doubt it. That's why our editorials are short. And that's why we think prohibiting short political talks would be an outrage to logic, as well as to free speech."

KILL SHORT TALKS

There's a movement to prohibit radio and television stations from broacasting 30- and 60-second announcements by political candidates. We consider that a most unfortunate suggestion.

We say that the prohibition would result only in keeping voters more ignorant about the people whose names appear on our ballots. We suggest also that those who are trying to keep short political talks off the air should know the following two facts about most of their fellow citizens: first, most people do not read detailed news about the majority of political candidates; second, they will not sit still for a five-minute political talk.

And we might add a third point: many of those same people *will* sit still for the right kind of sixty-second talk.

KLIV, which gives political candidates free time—in 60-second packages—every time there's a local election, would have to have to give up this free service. We disagree with those who say that short messages lead tc "confusion" and "distortion of issues." Real communication—even on issues more serious than tooth paste and breakfast cereals—can be created in sixty seconds or less, if the writer really works on his message.

As we have on this one 58 . . . 59 . . .60.

I also think that a letter written by Mr. Kieve under date of May 25 to Mr. Gardner would shed further light upon this very important subject. I therefore include the text of the letter at this point:

DEAR MR. GARDNER: The New York Times Sunday section recently published a quotation which suggests that you support the movement to prohibit political broadcasts which are not five minutes in length or longer.

I am dismayed by this movement, and I beg you to consider my reason: People will listen to one-minute talks; most people will not listen to five-minute talks. Couple this axiom with the fact that radio and television are mass media and should therefore effectively reach the masses, and you have a good argument in favor of one-minute talks.

Responses to the arguments against the one-minute talks are equally good: 1. Argument: *You can't adequately discuss an issue in 60 seconds.*

Response: You can. It isn't easy. But you can do it. Over the past twelve years, I have written hundreds of brief radio editorials that do discuss issues—and, I hope, not without some effect. Two editorials—on the issue of this letter—are enclosed.

2. Argument: *It's those one-minute and 30-second spots that create sophistry and dishonesty in political advertising.*

Response: So wrong! It's not the medium that creates dishonesty; the medium merely carries the message. The creator of the message creates the dishonesty—and he can do that even more easily if the medium is a five-minute talk than if it's a one-minute talk. Everything is easier in five minutes than in one.

But, illogical as this argument is, it carries a hint of the real problem: the one-minute *spot* does indeed encourage half-truths—but not because it's brief; rather, because it makes use of the production aids that tend to distort truth. Music, sound effects, visual effects—these, if used skillfully, can indeed distort truth even more easily than can the spoken word. So, if, in order to discourage the not-very-new trend toward exaggeration and distortion in politics, you are willing to go so far as to impose prohibition on forms of expression, those prohibitions should be directed *not* against the *length* of political announcements, but rather against their *form*. The prohibition should be against the use of music and sound effects and visual effects; and political candidates and the supporters of political candidates should be permitted to *speak* on behalf of those candidates for five minutes or fifteen minutes or thirty seconds—or whatever unit of time is offered by the broadcasting station.

What do you think of these responses? I value your opinion. And I fear your support of a movement which I consider so misguided. Is it possible that you may change your mind?

Sincerely,

ROBERT S. KIEVE,
President.

Mr. Speaker, the world is full of people who set themselves up as the conscience of mankind. I certainly would not make a sweeping allegation that Mr. Gardner belongs to this group but certainly with his suggestion that he alone should have the right to censor radio broadcasting and determine what is good for the American public he is in one instance at least joining the above mentioned group.

A NEW CONSTELLATION—AMERICA

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BUCHANAN. Mr. Speaker, this illustrious body enacted a resolution 193 years ago today which specified the colors and arrangement of the stars and stripes for the American flag. That resolution ended with the statement that the white stars in the blue field represented "a new constellation."

What was then a new constellation is today the brightest star in the world of nations, representing a freedom unknown in many other countries of the world community.

What we are honoring here today is not a piece of red, white, and blue cloth with stars and stripes. It is a nation, a people. It is the history of a success story in the long struggle of mankind to achieve a land flowing with milk and honey.

Ours is not a perfect nation. We have yet to reach that great American dream of providing every opportunity for each individual to attain his greatest potential.

But the light in this constellation of ours which insures that it will glow throughout history is that we have the freedom and spirit to overcome the problems which confront us today and to make this country, which is the greatest free republic in the history of the world, even better.

That flag, Mr. Speaker, is symbolic of our struggle for and achievement of freedom, just as our Nation is the symbol of freedom to the rest of the world.

Upon his return from Moscow, President Nixon described his feelings when he saw the flag of the United States of America flying over the Kremlin. That flag symbolized the efforts of our Nation in seeking a solution to our common problems of disease, poverty, and war.

That flag flies over U.S. missions in more than 100 foreign countries.

It has flown for nearly 200 years and as long as it remains, it will symbolize what we Americans have built for ourselves and what we are working to build for the rest of the world.

CONGRATULATING THE BLACK NEWSPAPER NETWORK

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. STOKES. Mr. Speaker, the black declaration of independence and the black bill of rights have been distributed throughout America's black community. Because this document was presented to the National Democratic Party as a result of demands by the Congressional Black Caucus' national constituency, its tenets have already been widely accepted by black America.

The black newspapers are to be heartily commended for disseminating information about this document. In my own city of Cleveland, the Call and Post printed the entire manifesto on June 10, 1972. That same edition carried an editorial upon the significance of the black declaration of independence and the black bill of rights.

The editor, Mr. W. O. Walker, analyzed the fact that the Congressional Black Caucus' demands had been presented only to the Democratic Party. He expressed the hope that the demands be included in the Democrat's platform next month.

Mr. Walker's analysis is, as always, perceptive and intelligent. I would like to share it with my colleagues today.

The editorial follows:

BLACK BILL OF RIGHTS

On the presumption that millions of black Americans look to the 13 black members of the United States Congress as their legitimate spokesmen on national issues, the thirteen have hammered out a Black Declaration of Independence and a Black Bill of Rights to be presented to the National Democratic Party, suggesting that the concerns and specific demands contained therein be incorporated into the official Democratic Party platform.

Since all 13 of the framers of the document are registered Democrats it is logical that it is from that Party that they should reasonably expect maximum consideration of their views, and while the document contains no direct threat to Party loyalty in the event of Party default, some of the language strongly suggests that adverse treatment of the expressed "concerns" may result in much the same kind of walkout as characterized the 21st Congressional District Caucus, which in a measure inspired the Congressional look-a-like.

"The new political mood permeating Black America makes it imperative that the Democratic Party address itself to the hopes, aspirations, concerns and rights of Black Americans—if that party expects to continue to receive the support of Black voters. Benevolence and paternalism are unacceptable and will not be tolerated. The torch has passed to a new generation of Blacks who no longer accommodate but confront; who no longer plead but demand; who no longer submit but fight."

These are strong and noble words to be uttering to a convention that will struggle to select a potential winner in a candidate who can win the approval of Governor George Wallace, the political Archie Bunker of our time.

But these 13 are strong and articulate persons who undoubtedly feel that they can wield an important influence on the direction of the black electorate come November.

The demands and concerns are not new. They incorporate such yearnings as a Welfare System with a guaranteed annual income system; an end to the Vietnam engagement and any foreign involvements; a boycott of the African governments still engaged in apartheid; the right of every American to live in a decent neighborhood, ad infinitum.

Since continued black support was never more vital to the survival of the Democratic Party than at this moment in history, it is to be hoped that most of these basic recommendations will find a place in the Democratic Party platform.

If not, the gallant 13 will have to come to grips with the inevitable question:

"Where do we go from here?"

FLAG DAY TRIBUTE TO OLEG Z. ZALESKI

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, today is Flag Day, a day which we traditionally set aside to pause and pay tribute to the Stars and Stripes.

This is a very special Flag Day for the city of Detroit and the surrounding communities in my congressional district which are served by the Port of Detroit.

On May 5, 1972, the President of the United States issued a proclamation in which he directed that the United States flag:

Shall hereafter be displayed at all times during the day and night, except when the

> weather is inclement, at U.S. ports of entry which are continually open.

I am happy and proud to say that the idea from which this proclamation originated was originally proposed by Mr. Oleg Z. Zaleski, a customs inspector of the Port of Detroit, which serves as one of Michigan's three 24-hour ports.

For this reason, the Port of Detroit has been selected as the site for a special flag raising ceremony being held today, in which the Presidential proclamation will be posted. Both Commissioner of Customs Vernon D. Acree and the Regional Commissioner of Customs Jack Lacy of Chicago, Ill., will be in Michigan to participate in this ceremony.

Mr. Speaker, at this point I would like to commend Customs Inspector Zaleski for his efforts in bringing about this Presidential proclamation.

This proclamation will make it possible for those entering our country to see our proud banner whether they arrive at night or day, and I trust that they will pause and reflect upon the deep heritage that is represented in the red, white, and blue of our U.S. flag.

CUBA SI, YANKEE FOUNDATIONS NO!

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SCHMITZ. Mr. Speaker, in Castro's radio broadcast from Bogotá, Colombia, during the 1948 revolution, he said:

> This is Fidel Castro, this is a Communist Revolution. We've captured the army headquarters, we've taken over the navy, the President has been assassinated and most of the cabinet members that have not been killed have been captured.

As former Ambassador William D. Pawley, an eyewitness to that revolution, described it recently on the Manion Forum:

> It took 2500 lives and they burned down over 400 buildings . . . the killings in the street were just unbelievable.

Today, Castro is still training guerrillas and planning revolutions in Cuba, with our own country now one of his primary targets. Examples follow:

First. John Masefield, senior British official responsible for airport security, told an international airport security conference recently:

> Havana in 1966 organized a school for hijackers. Between 1930 and 1966, hijackings throughout the world totalled 55. In the next three years, the total was 220—four times the previous 36 years. The results of that outrageous Havana Congress were extraordinary and malevolent.

Second. In the Condade area of San Juan, P.R., in November 1970, six bombs were exploded in a two-block area between Howard Johnson's and Blackton's women's wear store, with $8,000 damage. The Castro-supported Federation of University Students was held responsible.

Third. Angela Davis and Bernardine Dohrn both visited Havana in 1969. We know where Angela is, but Bernardine Dohrn is a fugitive, possibly in Havana. She went to Cuba with 20 others and returned to organize hundreds of thugs for the "SDS days of rage" in Chicago during October 1969.

Fourth. In 1962, Red Chinese opium was seized in Miami. According to Charles Siragusa, former Deputy Commissioner of Narcotics:

> That became the first concrete evidence that Cuba was being used as a base for opium smuggling.

Fifth. Some 3,000 U.S. students have visited Cuba so far, most of them ostensibly to harvest sugar cane. U.S. sources estimate that each American student harvests $83 worth of cane. Since travel for each student costs Communist Cuba $272, they lose $189 on the deal. Testimony before the Senate Internal Security Subcommittee reveals their real purpose. The students were trained in assassination and sabotage and urged to bomb draft boards, "bring the clergy into your struggle, stockpile weapons, ambush pigs—policemen—blow up Government buildings and develop inside the United States a fighting front for world revolution."

Today, according to Cuban patriotic resistance sources, Marie Airport is under the command of a Russian colonel who supervises the replacement of Russian nuclear submarine crews for the major Russian naval base at Cienfuegos, where the Russians are now about to complete an airfield of their own. Also in this area, the Russians have taken over the Portugalete sugar mill and are building a missile base, which will include radar, missiles, and heavy artillery. No Cubans are permitted in the area and the missiles are considered "long range." This could lead to another Cuban missile crisis.

Despite Castro's continuing commitment to this kind of terrorism and aggression, on November 7, 1968, the Ford Foundation announced a grant of $125,000 of its tax-free money "to help increase the fund of knowledge in the United States and other Western countries on contemporary Cuba. Funds will principally support scholars invited to undertake research in Cuba." The Ford Foundation further explained that—

> The Foundation's appropriation for research on Cuba was prompted by growing evidence that the Cubans are waiting to establish professional relationships with the North American academic community. Several U.S. scholars have recently been cleared by Cuban authorities and by the State Department for travel and study in that country. In addition to paying travel and research expenses of scholars invited for extended periods to Cuba, the funds will support conferences and seminars among North Americans, Europeans and Cubans.

What was planted by the seeds of the Ford Foundation 3½ years ago is now bearing fruit in Congress. On April 19 and 20 of this year several Senators and Congressmen sponsored a conference to condition the American public to recognizing the Castro Red regime soon, thereby once again making it American policy to strengthen Communist governments instead of trying to help liberate the people they have enslaved. It is inexcusable that the official powers of our Government are actually being used to prevent Cuban exiles from liberating their homeland. The free Cuban rallying cry should be: "Cuba Si, Yankee Foundations No!"

H.R. 9970—TO ALLEVIATE THE CRISES IN THE ELECTRIC POWER INDUSTRY

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. TIERNAN. Mr. Speaker, hearing after hearing, meeting after meeting, article after article have appeared and disappeared which dealt with the so-called energy crisis. But few really appreciate the dimension of the problem. It was, and is, only one among a host of crises with which we are confronted with every day.

As a member of the Subcommittee on Communications and Power of the House Interstate and Foreign Commerce Committee, I have been involved on a continuing basis with different aspects of the energy crisis, and have come to appreciate the complexity and seriousness of the problem. At the same time, I have become increasingly dissatisfied with industry initiatives, or the lack of them, to deal with the problem.

Recently I ran across an article in the New York Times entitled: "Lindsay Seeks Ban on New Electric Heating in City." The mayor apparently feels that no more electric heating should be installed in Consolidated Edison's service area because—

> The continued use of electric resistance heating on an "already overloaded Consolidated Edison system heightens the probabilities of brownouts."

While this reported request is not critical taken by itself, I believe that other aspects of the energy crisis make it so. The fact is that in many areas of the country, new consumers are being denied access to natural gas as well.

Oil, the next most desirable energy source for house heating, is increasingly short in supply, due at least in part to the artificial restraints of the oil import quota system.

The fact is that we in the United States face the prospect of a critically worsening energy supply situation, short and long term. A large part of the responsibility must be assumed by the electric power industry, which has historically failed to engage in the kind of intensive continuing research which would enable it to meet the ever growing demand.

I am the author of a bill, H.R. 9970, which would alleviate the crisis in the electric power industry. It would establish a national power grid which could move large blocs of power to energy starved areas like New York City in a way that would enhance both economy and efficiency. It would pioneer in the development and implementation of techniques which would enable us to meet the need for electric power in a way compatible with the environmental values which are so important to us in maintaining a decent quality of life. Yet no action has been taken on this proposal in the year since I have introduced it.

An adequate supply of electric power, Mr. Speaker, is a prerequisite for making progress in many areas of public concern, from cleaning up the environment to strengthening the economy. The time for consideration of H.R. 9970, the only way the demand for electric power can be met in an environmentally acceptable way, is now.

I insert the article from the New York Times to which I referred in the Record at this point.

The article follows:

Lindsay Asks Ban on New Electric Heating in City

(By Edward Ranzal)

Mayor Lindsay urged the State Public Service Commission yesterday to restrain Consolidated Edison from supplying electricity for heating new buildings under construction or about to be constructed.

The Mayor contended that the continued use of electric resistance heating on an "already overloaded Consolidated Edison system heightens the probabilities of brownouts."

"Priorities must therefore be established for the use of a diminishing supply of electricity available," Mr. Lindsay said.

Acting on the recommendation of his Interdepartmental Committee on Public Utilities, the Mayor wrote Joseph G. Swidler, the commission chairman, urging public hearings on the matter.

A spokesman for the P.S.C. said its chairman would have "no comment" on the Mayor's letter, but indicated that the entire Commission would take up the question of a possible public hearing. A Con Edison spokesman said the company disagreed with the city's assessment of the situation but would have no objections to public hearings on the matter.

The use of electricity for heating new buildings, the Mayor's committee reported, "jeopardizes" the availability of power essential to "the very existence of the city."

Milton Musicus, chairman of the Mayor's committee, said there were 15,381 dwelling units in the city under construction or in planning stages designed to be heated by electricity.

He said that some of these dwellings would have room air-conditioners and all would be centrally metered, with no direct tenant incentive for conservation of electricity.

Mr. Musicus said he had been in constant touch with Con Ed to urge the restriction of electric power for heating during the present shortage. He warned that the growing practice of installing electric heat because of lower installation costs "wastes fuel and saddles the tenants with the high costs because of the rising rates for electricity."

JOHN MARTIN EDMONDSON

HON. PAGE BELCHER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BELCHER. Mr. Speaker, at this time I would like to express my profound sympathy to my colleague and longtime friend, the Honorable Ed Edmondson.

As we are all painfully aware, Ed and his family have recently suffered a tragic personal loss. Their son, John, was killed early last Friday morning in an accident near Muskogee.

I knew John almost all of his life, and he was certainly a fine boy. I know his mother and father were very proud of him and his parents had great expectations for a fine future.

His loss was really a shock and my heart goes out to the entire family. The Edmondson family has suffered a great deal of tragedy in recent months and even though words cannot be adequate at a time like this, I know everyone concerned also feels this great loss.

POPULATION EXPLOSION: THE ROLE OF DEVELOPMENT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HORTON. Mr. Speaker, over the last several years there has been a great deal of discussion of the world population problem. Most of us now understand the threat implicit in the rapidly expanding rates of population growth. The Overseas Development Council, a private, nonprofit organization with headquarters in Washington, D.C., has been studying the effects of social and economic development on population growth and their work has shed important new light on this issue.

The council's recent communique, written by William Rich, addresses not only the problem, but also some of the steps which may be taken to reduce it. Mr. Rich's conclusions bring to focus the reasons why all of us need to increase our commitment to alleviating the basic problems of poverty throughout the world, and I commend this work to the attention of each of my colleagues.

Population Explosion: The Role of Development

(By William Rich)

The limits of man's natural habitat are suddenly being recognized, adding urgency to the quest for stabilization of the earth's population. As the importance of reducing population growth becomes more apparent, however, the difficulty of achieving the goal is becoming equally clear. Family planning programs have been most successful when supported by improvements in the welfare of the poor. *It is important, if not essential, to establish certain levels of social and material well-being before family size will be voluntarily reduced.* In light of these facts, it is time to take a fresh look at the population problem, to consider the conditions of the human environment on which it is based, and to determine how development efforts can contribute to improving those conditions.

A SOCIAL AND ECONOMIC THRESHOLD TO LIMITED BIRTHS?

Births have been described as "functions of total life." The decision to have children obviously is affected by many factors. There are persons at every economic level who are either particularly fond of, or simply are not interested in raising children. There also are cultural or political factors which can either stimulate or deter parents from having additional children. In various combinations, however, improvements in social and economic welfare have consistently led to reduced birth rates. Societies that create social and economic conditions conducive to limiting family size have created, in technical terms, a "socio-economic threshold" to reduced fertility.

Demographic and economic researchers have not yet produced a mathematical formula to represent the socio-economic conditions which lead to a reduced family size. Literacy, sanitation, health, nutrition, opportunities for employment, housing and education are all contributing factors whose effects will vary with changes in the total social environment. An indication of the ways in which development can affect family size, however, is now available.

The spread of education often has been related to reduced birth rates. In the first place, education and literacy help people learn about contraception. Secondly, changes in the norms and values of educated persons are known to affect family size. Moreover, extended education often causes a delay in marriage, as well as a longer period in which the child is dependent on parental support. In some cases, parents will have to decide whether to have fewer children with, or more without an education.

Some persons have attributed the population explosion to improved health conditions. While it is true that health services, accompanied by improvements in nutrition, sanitation and education have helped to reduce death rates, it is also certain that expanded health services contribute, albeit more slowly, to birth rate reduction. These services offer a natural springboard for family planning programs. Furthermore, in many countries high survival rates must be assured before births will be limited. In India, for instance, where social, economic and religious factors virtually require having a son alive at the time of the father's death, it is still necessary to have six children in order to be relatively certain that one male will survive. Under such conditions, improvements in child survival are a likely prerequisite to acceptance of family planning.

Availability of employment is another factor which influences the birth rate. In many cases, full-time employment is the key to other opportunities for improved welfare. Employment, savings and family planning are all directly related to each other. Women who work may postpone marriage, postpone having children, or decide to have only one or two. Sending children to school instead of to work can also affect family size. As these patterns of child labor change, the cost of rearing children increases. Psychologically, employment and child-bearing are both factors which tend to connote adulthood; satisfaction of one may reduce the need for the other.

Mobility, in both the social and geographical sense, is likely to affect decisions to have children. Mobile youths may postpone marriage, and as young people move from villages to cities or from town to town, family ties will be broken. In some cases, husbands leave their families for extended periods of work in another section of the country. As women gain independent social status they become increasingly active outside of the home, and are inclined to limit family size as a result.

The factor which may do the most to create an environment conducive to family planning is based on the expansion of interests and satisfactions beyond the traditional family. A couple living in poverty, without fully productive jobs, without social aspirations or belief that they can contribute to the progress of the society, might find child-bearing and rearing the most important and enjoyable experiences in the lives. The perception by both women and men that one can improve one's well-being, or that of the whole community, will not in itself change the value of having children. However, such additional routes to human satisfaction might provide a viable alternative to having large families.

ALTERNATIVES IN DEVELOPMENT STRATEGIES

Better health and education, less unemployment, "modernization" . . . on the surface, this formula seems to offer nothing new. It merely reinforces the idea that the "less developed countries need to develop." But isn't that like telling a starving man to get something to eat? *Socio*-economic development, however, is not snyonymous with growth of the Gross National Product (GNP). It also means devising a strategy which, while using a given level of resources, will deal with problems of poverty, unemployment, and malnutrition so as to bring as many people as possible to a socio-economic level conducive to family planning.

Changes in the birth rate occurred slowly and at relatively high income levels in the U.S., but there are alternative strategies which offer hope for a more rapid transition. In Korea and Taiwan the "threshold" at which the birth rate began dropping rapidly, was reached at income levels under $200 per capita. In China, the same phenomenon is probably occurring on a massive scale with even lower income levels.

One of the chief tools of socio-economic development strategy is careful distribution of scarce resources in order to reach a broad segment of a given population. Take, for instance, the issue of health care. The traditional approach is to build hospitals and to train medical doctors at an advanced level. The side effect of such programs, however, is often that those economically well off in the cities become more healthy while the condition of the poor, particularly in the rural areas, remains virtually unchanged. A recent report from the Agency for International Development on foreign assistance for the 1970's includes in its section on health the following observation: "A.I.D.'s forty-some client governments are spending about $15 billion annually on health services. This expenditure has little effect on the lives of most people. [Health] Service delivery systems reach 10 percent of the people or less. The copying of developed country health apparatus has been expensive and inappropriate, and has had comparatively little to do with reductions in mortality or ill health in the less developed countries." For a given investment, numerous village medics with minimal skills may contribute more to the health care of the people than a relative handful of highly trained doctors or hospitals modeled after those in the United States.

Similar analogies can be drawn from agricultural development. One traditional option is to invest in tractors, which often simply replace hand laborers. The relatively large-scale farmer will benefit from such a program. The employment of farm laborers, however, will be drastically reduced and small-scale farmers may be driven out of business. An alternative investment could be made in irrigation pumps and wells or fertilizer, offered on credit to small-scale farmers, who could in turn expand their more labor-intensive production.

The central feature of such alternative strategies is that opportunities to improve conditions are made available to a large proportion of the population. All too often development efforts have concentrated on sophisticated technological or capital-intensive projects. Such programs provide direct support only to a small elite with the expectation that the benefits would eventually trickle down to the great majority of the population, as has happened in much of North America and Western Europe. But this has not been the result. Joblessness is rising in many less developed countries. The population is growing faster than the benefits are being distributed, and the welfare of the poor is not improving.

MEXICO AND TAIWAN: DIFFERENT STRATEGIES AND DIFFERENT RESULTS

Examples from Mexico and Taiwan illustrate how alternative development strategies affect birth rates. The following table presents selective indicators of conditions in the two countries.

	Taiwan	Mexico
Population growth rates (percent):		
1951	3.8	
1955		3.5
1963	3.0	3.4
1970	2.2	3.4
Income per capita (1969)	$334	$606
GNP growth rates in the 1960's	10	7
Ratio of income (richest 20 percent to poorest 20 percent):		
1950	15–1	10–1
1969	4.5–1	16–1
Literacy (1970) (percent)	85	76
Infant deaths per 1,000 births (1970)	19	68
Unemployment and underemployment.[1]	negligible	serious

[1] Reliable measures of underemployment are not available; however, conditions are substantially different in the 2 countries.

As a result of socio-economic improvements in Taiwan the birth rate dropped from 46 per thousand in 1952 to 36 in 1963 at which time a vigorous family planning program was introduced. It fell even faster thereafter to 26 in 1970, which reduced the population growth rate to approximately 2.2 percent. In Mexico, on the other hand, the birth rate has only declined from 44 per thousand to 42 during the period 1952 to 1970. While the birth rate is declining in a few areas, this trend has not affected the majority of the Mexican population. Highly uneven distribution of income and social services as well as religious constraints and a lack of government support for family planning programs have all contributed to Mexico's sustained population growth.

In terms of productivity, both countries can be described as "successful." The poorest 20% of the population in Taiwan, however, improved their economic standing by over 200% in the last two decades, while the income level of the same group in Mexico fell by 20%.

Both Taiwan and Mexico have enjoyed the benefits of the "green revolution," the agricultural breakthrough which has yielded vast increases in grain production. In Mexico, however, improved wheat harvests have contributed little to help alleviate poverty. In 1960 over half of this country's total agricultural output was produced on only three percent of the Mexican farms. The same three percent accounted for 80 percent of the increase in agricultural production between 1950 and 1960. Owners of the large-scale, capital-intensive, irrigated farms were by far the largest beneficiaries of the new wheats In a ten-year period, the number of landless laborers increased 43 percent, while the average of days worked each year dropped from 194 to 100.

In Taiwan, on the other hand, land reform has put strict limits on individual land holdings, so that the average farm has only about 2.2 acres. There is also an extensive system of farm cooperatives to provide credit, markets, and new technology. As a result, small-scale rice farmers have been able to take advantage of the new crops; they have almost doubled their output in the past 20 years, while at the same time providing employment for rural dwellers.

Cultural, geographic and political conditions in Taiwan and Mexico are vastly different. The impact of these various factors on birth rates is unclear. The differences in development strategies, however, certainly appear to be linked to differences in family size.

THE CHINESE MODEL

Birth rates in China also appear to be falling, and this drop may well be related to a combination of socio-economic progress and family planning similar to that found in countries such as Taiwan, Singapore and South Korea. Although total economic activity, as measured by indicators such as the GNP, is still quite low, major social changes seem to have dramatically altered the life of the average individual, and appear to have created a living environment increasingly conducive to successful family planning programs.

The most extreme forms of poverty have been mitigated in recent years and there has been a notable improvement in the standard of living of the poorest half of the population. China has stressed rural employment, rather than industrial development, a strategy which has brought major social changes to the population group that in most other countries has been the last to change.

A number of innovations played a role in this reduction in births. With respect to social services, China has supported "barefoot doctors", medical workers with minimal training, who appear to have brought basic health care and family planning services to a large part of the population. Another innovation is the Chinese commune—or, alternatively, the production team—which generates financial and social security, formerly the province of a strong family structure. Where the new system is successful and stable enough to be depended on, it is no longer necessary to have a surviving son in order to be sure of receiving support during old age, thereby reducing the need to have children and causing the "socioeconomic threshold" to drop.

Finally, official propaganda has encouraged individuals to delay marriage and has stressed the ideal of the small family. The combination of all these changes, within the Chinese context, is apparently providing a successful start to stemming China's population growth.

HOW SHOULD THE U.S. RESPOND TO POPULATION PROBLEMS?

The most basic decisions relating to both poverty and population growth will be made by the particular nations concerned, but the rich nations of the world control resources which can affect both when and how other nations across the socio-economic threshold. The U.S. must address two principal issues if the population explosion is to be effectively checked. In the fist place, the distribution gap which separates rich countries from poor must be narrowed, so that more resources are made available to accelerate development in the poor countries. Secondly, the transfer of resources should take place in a way that facilitates improved distribution and employment patterns within the less developed countries.

As the United States confronts new issues in trade, monetary and resource policies, it must continually seek ways to make the tools for development more available to the less developed countries. Without such an effort, the gap between rich and poor, within and between countries will certainly widen, and population growth may well continue unabated. Questions of capital transfer, in turn, must be linked to questions of the distribution of wealth within the poor countries. What will be the effect of a given capital investment: will it be beneficial to the poor, or will it be inappropriate to the country's economy because it displaces labor while adding to the coffers of the country's economic elite? Introducing advanced technologies into poor countries is also a questionable policy where these countries need labor-intensive production to achieve a high level of employment. The difficulty of these problems, however, should not be an excuse for ignoring the basic need for resource transfer.

Finally, efforts to deal with poverty and development should be complemented by vigorous support for population programs and family planning research. The need to integrate family planning programs with other development projects is critical. Families which cross the "socio-economic threshold" need ready access to family planning services if the birth rate is to be controlled.

CONCLUSION

In the long-run it is difficult to imagine how population growth can be stemmed unless we confront the problems of widespread poverty and rising unemployment. Social justice may well be an indispensable key to the eventual reduction and stabilization of population growth. As the limits of growth become apparent, and as we understand population problems more clearly, policies that bring health, education and jobs to the poor become more than a humanitarian ideal; they also emerge as a pragmatic necessity.

April 13, 1972.

AMERICAN BAR ASSOCIATION COMMITTEE ISSUES REPORT ON PREVENTION OF URBAN CRIME

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the American Bar Association's Special Committee on Crime Prevention and Control recently released a report with a number of recommendations concerning the prevention of urban crime.

The several recommendations are worthy of the fullest consideration—especially the proposal for removing from the dockets of the courts the traffic violations and minor offenses which occupy and consume much time of our judges and which crowd out and delay the trial and litigation of serious charges.

Because of the interest of my colleagues and the American people in this most important matter, I place in the RECORD an excerpt from the American Bar report on urban crime.

The report follows:

RELEASE REPORT ON STUDY OF URBAN CRIME

The ABA Special Committee on Crime Prevention and Control, chaired by Edward Bennett Williams, Washington, D.C., attorney, has released a 102-page report on its one-year study, entitled "New Perspectives on Urban Crime."

The report reflects the views of the committee only. It has not been approved by the House of Delegates or Board of Governors.

In its report, the nine-member committee unanimously recommended:

Creating a system of federally-financed narcotics treatment centers to dispense withdrawal, methadone and other treatment—even heroin as a last resort—in a controlled medical environment.

Consideration by legislatures of repealing "victimless" crimes, such as adultery, vagrancy, drunkenness, gambling, prostitution and homosexuality, so that courts can concentrate on crimes that have aroused citizens' fears for safety.

Eliminating mandatory grand jury procedures in typical street crime cases where the jury often has proved a dubious safeguard and an expensive waste of time for the prosecution and the accused.

Increasing resources and speeding procedures in court probation offices so that defendants can quickly be given appropriate sentences on conviction.

Ending high-bail policies and discouraging more "preventive detention" laws, because keeping defendants in jail frustrates the rehabilitative process that could begin before trial in many cases.

Halting the time-consuming practice in many courts of questioning prospective jurors individually.

Tighter court administration experiments with computerized transcripts, fewer written briefs in criminal appeals lacking novel points of law, and shorter written opinions by appellate judges.

The nation's narcotics control policy has been "a dismal failure," the committee said, adding that what is needed is "a bold new policy which recognizes heroin addiction not as a moral problem to be dealt with through harsh penal actions, but as a disease for the individual addict and a health crisis for the rest of society."

The main function of the criminal justice system would be to identify addicts and channel them into the rehabilitative process.

The committee said the handling of victimless crimes should be transferred to nonjudicial agencies, such as detoxification centers, narcotics treatment centers and social service agencies. "The handling of other nonserious offenses, such as traffic violations and housing code violations, should be transferred to specialized administrative bodies."

THE SIGNIFICANCE OF HARPERS FERRY, W. VA.

HON. HARLEY O. STAGGERS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. STAGGERS. Mr. Speaker, the year 1972 marks the 100th anniversary of the establishment of the National Park Service. In celebration of the event, the service sponsored an arts and crafts show at Harpers Ferry, W. Va., over a period of several days in the early part of June. Thousands of visitors accepted the invitation to attend. The featured address of the occasion was made by the genial and influential senior Senator from West Virginia, the Honorable JENNINGS RANDOLPH. Senator RANDOLPH has given much time and attention to the promotion of park service operations. His interest in Harpers Ferry may be taken for granted, since it is a part of what was once his congressional district, and is now within the area I am most happy to serve.

It is matter of coincidence that 1972 is also the centennial year of Harpers Ferry as an incorporated town. Its importance historically covers a longer period. It was the gateway from the North and East to the South and West. Pioneers from Pennsylvania and New York reached the Great Valley of Virginia in colonial days through Harpers Ferry. In the early days of the 19th century a canal along the Potomac River and the first railroad built in the Nation helped to open up the Great Plains to settlement and development.

Harpers Ferry is still the passage way to modern vehicular traffic. And a magnificent portal it is. People travel to Europe to view juxtapositions of mountain and stream and valley no more breathtaking.

The historic significance of Harpers Ferry is augmented by the fact that here the great struggle between the North and South began. Possession of the site was the key to the success of the contending armies.

This combination of circumstances makes Senator RANDOLPH's address well worth reading. I feel that it will be of interest to a wide variety of readers, and I therefore request that it be printed in the RECORD.

SPEECH BY SENATOR JENNINGS RANDOLPH

We are gathered in a historic area with a magnificent array of nature's good works spread before us to enjoy. The rivers rushing along, the trees that cover the earth, and the rolling farmlands that provide food, are here for all of us to appreciate and use.

I can conceive of no finer setting in which we could meet to enjoy. The arts and crafts of our mountain heritage and commemorate the centennial of the National Park Service. We place particular emphasis on the programs being carried forward at Harper's Ferry National Historical Park. This is indeed an appropriate location for recognition of the vital work of the West Virginia Artists and Craftsmen's Guild and the employees of the National Park Service who share a mutual bond of significant contributions to the enjoyment, education, and realization of millions of our citizens. It is especially satisfying for me to witness the use of Harpers Ferry as a focal point for the display of the handwork and talents of our artists and craftsmen who strengthen and enhance understanding and appreciation of our past. For nearly three decades, I have been involved in the park development of Harpers Ferry. I think we all agree that it has been a tremendous success, and we can look forward to even greater achievements.

I introduced legislation to designate Harper's Ferry as a National Historical Monument, and my involvement has been more than that of a legislator. In addition to wishing all that is good for our State, I have an emotional attachment to this town and to this area that transcends the usual affection of a man for his homeland and its people.

The History of Harper's Ferry goes deep into our Nation's past. The town shared an important role in the development of the United States, first as a frontier outpost and later as an important point on the trail west. But Harper's Ferry owes its prominence today to the events that occurred here just over a century ago when the great social and political questions of that time were focused in this community.

Many of the dilemmas faced, not only then but now, can be more fully understood, if not solved, by a study of the history of this area.

There is, therefore, an historical heritage here—a heritage that we recognized years ago must be preserved as an important part of the American past. Harpers Ferry not only has much to tell about the maturation of the American nation, but from it we may learn partly how to cope with contemporary problems.

We owe much to the National Park Service for the skillful, sensitive and enthusiastic manner in which it has approached the preservation of Harpers Ferry.

It is through a long history of involvement with the places important to the Nation's past that the Park Service accumulated the talent that has been so much in evidence here in the creation of the National Historical Park, the Mather Training Center and the Interpretive Arts Center.

The National Park Service also is charged with great responsibilities in addition to its stewardship of many of our most important historical sites. The Nation's greatest public recreation areas also fall within its jurisdiction.

In all 50 States, the National Park Service has direct management responsibility for 74 natural areas, 171 historical areas, 37 recreational areas, and the National Capital Parks—a total of 283 units in the National Park System. And visitation in 1971 for these units totaled nearly 201 million persons. It is estimated that in 1972 this figure will increase by 6½ percent to a total of over 213 million. Harper's Ferry National Historical Park received visits by 1,130,000 persons in 1971 and the projected increase for our park is ten percent annually over the next several years.

Clearly, the management task of the Park Service is one of great responsibility. With this responsibility, the Park Service is becoming increasingly concerned with respect to the creation and maintenance of a clean and wholesome environment.

Its jurisdiction and its expertise have placed the Park Service squarely in the thick of the environmental struggle that is taking place in the United States today.

The National Park Service's involvement in environmental improvement must of necessity be largely limited to the areas in which it has direct jurisdiction. But its influence, gained through years of experience in dealing with nature, can be widely felt.

There is, in fact, no unit of government—however small—no organization, no community, no individual that is immune from involvement in what must be the great, continuing challenge of our time.

Americans are concerned over the air they breath, the water they drink, the land, the oceans, and the atmosphere. They have ample reason for their concern and they are making it clear that they will not longer tolerate the abuses of past years.

The ecology explosion has taught us that we cannot consider things in isolation. We must, instead, look at the world in which we live as a whole, with each activity and each part of nature relating to the rest.

This interdependence of man and nature and the long-range effects of our actions indicate that what you do here in the eastern panhandle is of concern to people living in Washington and even farther away.

This peaceful area, with its delightful pattern of life, may seem a long way removed from the problems of large metropolitan areas. But the nature of the topography and the way the Potomac River and the Shenandoah River flow carry the impact of your actions hundreds of miles away. If pollutants are dumped into the stream in their headwaters, they can easily find their way eastward to foul the water supply of millions of people.

Conversely, demands for water in the Washington area can dictate how river flows are controlled upstream.

Over the past year, for example, I have traveled to many parts of the country to discuss problems of the environment with many groups—students, business executive, government leaders, and individual citizens.

In each instance, I have stressed—and I do so again today—the importance of the individual in keeping our land clean and healthy. Government can do much. Industry can contribute immeasurably. But without individual responsibility exercised by every citizen, we will never reach the goals we have set.

A positive reaction is taking place, and there is noticable progress in mobilizing citizen opinion and energy to remove the neglect of years and restore our Nation.

And there is a very vital role in that restoration for an understanding and appreciation of our cultural heritage. As I stated earlier, I can conceive of no finer setting in which we could meet to enjoy the arts and crafts of our mountain history and living patterns. A more enlightened understanding of the history—the existence—of our forefathers, in my judgment, prepares us so much better to cope with the problems of the future. Wc necessarily must focus on the problems of a rapidly moving and fast-paced existence in this Twentieth Century. But that does not release us from our responsibility to search out and understand the greatness of our heritage. It does not lessen our responsibility to pass on to our children and young people this same understanding.

To study history from books alone has proven inadequate. There must be a humanization of our study and learnnig process. And it is in this area of focusing on the human element in our history—in focusing on the people—that the activities in our arts and crafts program are so vital. It is through the promotion of the handiwork and talents possessed and used by our forefathers that we gain the humanization and genuine appreciation of our history and heritage.

The enjoyment, enrichment, and education potential within our viable West Virginia Artists and Craftsmen Guild is truly unique. I know that it is a potential being used to benefit citizens—young and old. And I know also that there will be greater accomplishments and successes in the future.

Jefferson County is fortunate that it counts among its good citizens the people of the National Park Service and the Artists and Craftsmen's Guild. Their work in Harper's Ferry is a splendid, though not isolated, example of how beneficial improvements can be accomplished without detrimental side effects.

We commend them and extend congratulations to their friends and associates here whose contributions have made Jefferson County and the Eastern Panhandle of West Virginia and our Nation a better place in which to live.

JOINT RESOLUTION TO ESTABLISH UNIFORM INTERNATIONAL STANDARDS TO PROTECT AIR TRAVELERS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. RIEGLE. Mr. Speaker, I am sure our colleagues share my feeling of horror at the May 30 massacre of 25 persons, and the wounding of countless others, at Israel's Lod International Airport. This action, together with yesterday's bombing of a jet during takeoff in Detroit, adds to the growing number of such incidents around the world. Not only can the international community not condone such actions in anyway, but we can no longer delay in seeking solutions in this problem.

In the wake of this carnage, we must not sit back and hope for the best, leaving solutions to those concerned, for in a very real sense, we are all concerned. Threats to any air travelers constitute threats to all air travelers, as the Lod incident has graphically shown us.

Therefore, I have joined in cosponsoring House Joint Resolution 1222, directing the President to seek international agreements which will establish uniform standards for the protection of individuals using airport and aircraft facilities. As such incidents constitute a very real threat to communications between nations, the world community has a collective obligation to institute measures tightening security for airline passengers. I urge my colleagues to join me in seeking a workable solution to this pressing problem.

MARVIN COX

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BOW. Mr. Speaker, Marvin Cox, a good friend for many years and a friend of many other Members, is retiring from Federal service later this month.

I first met Marvin when he was administrative assistant for my late and very dear friend, Prince H. Preston of Georgia. Our good relationship has continued through the years while Marvin has been a legislative liaison officer for USIA.

I wish to include with my remarks at this point an excellent article from Roll Call concerning Marvin Cox. The article was accompanied by a picture of Mr. Cox with the gentleman from New York (Mr. CELLER) and the gentleman from Texas (Mr. PATMAN) who are the only Members now serving who were serving when Marvin Cox arrived on Capitol Hill in 1931.

The article follows:

MARVIN COX

A Capitol Hill career that began as a Congressman's secretary during the Speakership of Nicholas Longworth when each Member conducted his Congressional business in a one-room office will end this month with the retirement of Marvin Cox as Congressional Liaison Officer for USIA, where he has handled Congressional matters since he left his post in the late '50's as Administrative Assistant to the late Georgia Congressman, Prince H. Preston.

Only two current Members, Wright Patman of Texas and Emanuel Celler of New York, were serving in the House when Cox began his duties with the late Homer C. Parker in 1931.

Cox "was there" when John Nance Garner was elected Speaker as the first Democrat in that post after 14 years of Republican control of the House, and he witnessed Franklin D. Roosevelt's first inaugural in 1933 when FDR told a despairing nation, "the only thing we have to fear is fear itself."

The allowance for Congressional "clerk hire" in those halcyon days was a flat $5,000 per year to be divided between two secretaries, Cox recalls, and all Members were housed in the present Cannon House Office building, as the Longworth building "had not been completed, nor the Rayburn building even thought of."

A vivid memory of the retiring veteran's early New Deal days was the first political coup of Lyndon Johnson, then secretary to Rep. Richard M. Kleberg of Texas. The future President rallied the eager secretaries to the scores of new Members who had been swept into office in the Roosevelt 1932 landslide to have himself elected Speaker of the "Little Congress," an organization of House staff members which held weekly debates on current legislative issues under the rules of the House.

"Tom Camp, secretary to Rep. Ramspeck, was due for election as Speaker under a long-standing tradition of rotation," Cox remembers, "but Lyndon organized those new staff people and swept that tradition into the waste basket."

The "Little Congress" has long since passed into limbo.

Cox, a veteran of many Georgia Congressional campaigns, expects a busy summer despite his imminent retirement. His lawyer-son, a six-year veteran of the Georgia State Senate, faces primary opposition in his race for re-election. "I expect to be back home licking stamps for Jay's campaign letters," says the veteran of Congressional activity under six Presidents, "so I won't have time to worry about being bored."

The latest of many legislative struggles in which Cox has participated over the years was the successful effort in the Senate to have $45,000,000 cut from the 1973 USIA budget by the Foreign Relations Committee restored by amendment on the Floor. The USIA had the full amount restored by floor amendment, but Cox refuses firmly to talk about any phase of those proceedings.

The veteran Congressional staff man and liaison officer considers his years associated with the Hill both happy and productive. But he disclaims any profound knowledge that those years have brought.

"The only change I can think of that might improve the government," Cox says in his pronounced Georgia drawl, "is to move income tax day, April 15, to co-incide with Election day in November. This might bring both candidates and voters into closer touch with the realties of government.

"I'm not starting any crusade to bring about this unlikely event," he hastens to add.

As to the future, the retiring veteran professes a desire to observe the workings of the British parliament to see the points of contrast between the way in which constituents are served by the British MP's and American Congressmen. "Just to satisfy my curiosity, Cox says, "I'd like to see just how the Parliament works as compared to our Congress. I don't mean the Constitutional theories; I mean the every day way the MP's get things done."

GENOCIDE DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. DERWINSKI. Mr. Speaker, genocide, according to a leading dictionary, is defined as "the deliberate and systematic destruction of a racial, political, or cultural group." While is usually results in death for those at whom it is aimed, it can also be carried out in other ways, such as persecutions, confiscation of lands and other properties, jailings, and deportations. Once the victims have been removed by flight, transportation to less desirable regions, or imprisonment, their homes, farms, and businesses are turned over to those who are in the good graces of the ruling authorities.

Thirty-one years ago today, on June 14, 1941, the Soviet Union began to execute its policy of genocide in the Baltic nations. These three small republics, Estonia, Latvia, and Lithuania, had been annexed to the huge Soviet Empire a year earlier. Tens of thousands of the Baltic people were killed and about a million were deported to Siberia and other areas.

During the following 4 years, the Baltic lands formed part of the battleground as the erstwhile allies, the National Socialists of Germany and the Communists of Russia, fought against each other. Those Estonians, Latvians, and Lithuanians who remained were terrorized by whichever of these vicious forces happened to be in the ascendancy. The final defeat and elimination of the Nazis left the Communists in undisputed and complete control.

While some of the Baltic peoples still reside in their ancient homelands, others have been replaced by Russians from other sections of the Soviet Union and still others have been scattered to other parts of the world. Many Estonians, Latvians, and Lithuanians have, during the past three decades, begun life anew in free America. As loyal and industrious citizens they have made important and lasting contributions to their adopted country.

Mr. Speaker, may I now quote from the words written by a prominent Lithuanian Jew. Once friendly to the Soviets, his 7 years spent in slave labor camps in Siberia made him a bitter opponent of the Communist regime. Listen to the words penned by Dr. Julius Margolin:

> Until the fall of 1939, I had assumed a position of benevolent neutrality toward the U. S. S. R. . . . The last seven years have made me a convinced and ardent foe of the Soviet system. I hate this system with all the strength of my heart and all the power of my mind. Everything I have seen there has filled me with horror and disgust which will last until the end of my days. I feel that the struggle against this system of slavery, terrorism, and cruelty which prevails there constitutes the primary obligation of every man in this world. Tolerance or support of such an international shame is not permissible for people who are on this side of the Soviet border and who live under normal conditions. . . .
>
> Millions of men are perishing in the camps of the Soviet Union. . . . Since they came into being, the Soviet camps have swallowed more people, have executed more victims, than all the other camps—Hitler's included—together; and this lethal engine continues to operate full blast.
>
> And those who in reply only shrug their shoulders and try to dismiss the issue with vague and meaningless generalities, I consider moral abetters and accomplices of banditry.

Mr. Speaker, last fall, it was my privilege to serve at the U.N. and, during a discussion of the subject of the right of peoples to self-determination, I raised the question of Soviet control over the Baltic States. The point I made was as follows:

> The Baltic States—Lithuania, Latvia, and Estonia—represent a special case in point. They have been physically annexed by the Soviet Union and forcibly incorporated into the cluster of its "Socialist Republics." So far as the Communists are concerned, Lithuania, Latvia, and Estonia have ceased to exist as separate entities entitled to their own national identity and independence. These views are not shared by the United States, nor by numerous other countries. To this day, the United States accords diplomatic recognition to the representatives of the last legitimate governments of the three Baltic States.
>
> Large numbers of Baltic peoples were transferred to the Soviet interior after 1940. There are indications that as many as 60,000 Estonians and 25,000 Latvians, and probably more Lithuanians, were deported or killed during the first Soviet occupation of the Baltic States in 1940–41. The largest deportation occurred on the eve of the German invasion. After the war several waves of deportations were conducted particularly from Lithuania, and chiefly in connection with the collectivization drives in the Baltic States.
>
> Comparison of Soviet data on peasants in Latvia for the period from early 1947 to May 1949, shows that some 36,000 families or about 150,000 individuals were eliminated from the rolls during the period. Making allowance for migration to cities, it appears that over 100,000 Latvian peasants were deported to the interior. The figure for Lithuania may be assumed to be still higher. The Baltic peoples were evidently resettled in various regions of Siberia, as well as in the north.

Mr. Speaker, I trust that the Members of the House will keep in mind the legitimate aspirations of the Baltic peoples to independence and the right to again reside in their historic lands.

Mr. Speaker, in conclusion, may I direct the special attention of the House to House Congressional Resolution 416, which was adopted in the 89th Congress, which carries the following clause:

> Resolved by the House of Representatives, That the House of Representatives of the United States urge the President of the United States—
>
> (a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania; and
>
> (b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

This resolution passed the House of Representatives on June 21, 1965, and the Senate on October 22, 1966. This is, in fact, the position of the Congress. I do not believe that any developments since then have changed the basic congressional view. We should use every step possible to see that the illegal incorporation of Lithuania, Latvia, and Estonia into the Soviet Union is greatly contrary to international law and should be terminated. We cannot have lasting peace in the world unless all people, and this obviously includes the Baltic States, have the right of self-determination and government of their own choosing.

A SALUTE TO EDUCATION

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. EVANS of Colorado. Mr. Speaker, one of the major goals of government in America is to provide the conditions under which all citizens can partake of the bounty this Nation has to offer.

For many Americans that goal has been met, but for others and for all of our descendants, the goal remains ahead

State and local governments have recognized that the way to meet that chal lenge is to provide the best possible education for the greatest possible number of people. During this school year these governments are spending nearly $47 billion for elementary and secondary education.

The National Government says it recognizes the same fact, but its expenditures for education are comparatively small, indeed. During the current fiscal year, for example, the Federal Government spent only $3.4 billion for elementary and secondary education. The Federal budget proposal for the new fiscal year is only $3.6 billion.

I think the Federal Government can and ought to do better than that.

Recently, the House Appropriations Committee added an additional $301 million to the President's education budget and there have been what seem to me very valid efforts to add $364 million more.

The bulk of this extra money would go to increase the Federal contributions to elementary and secondary education, and library services, all, in my opinion, areas in which the Federal Government ought to be doing more.

We have recognized our responsibility to provide education for the American people, present and future. Now I believe it is time to fulfill that responsibility.

TRIBUTE TO TOM BRADLEY

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BELL. Mr. Speaker, on Friday evening, June 23, a testimonial dinner will be given for my friend Tom Bradley to honor him for 34 years of distinguished service to the city of Los Angeles.

The second of six children, Tom was born in Texas; he came to Los Angeles with the Bradley family in 1924 when he was 7 years old; he graduated from the Los Angeles Polytechnic High School where he was a star athlete and an outstanding student; he attended UCLA on an athletic scholarship.

Tom Bradley joined the Los Angeles city police department in 1940, served as an officer for 21 years, and retired in 1961 as a lieutenant, the highest rank which had then been accorded to a black man on our police force.

In 1951, while continuing to perform his police duties during the day, Tom began taking night classes at Southwestern University Law School. He received his degree, passed the State bar examination, and was admitted to practice law in California 5 years later in 1956.

In 1961, retiring from the police department, Tom opened his own law office and became actively involved in politics. Two years later, in the racially mixed but majority white 10th district, he became the first Negro ever elected to the Los Angeles City Council. He has been reelected by overwhelming margins in 1967 and 1971.

Councilman Bradley quickly became recognized as a leader in the field of regional planning. He has served as president of both the Los Angeles County Division of the League of California Cities and of the Southern California Association of Governments. For the 1970–72 term he was elected president of the National Association of Regional Councils.

Currently he serves as a member of the board of directors of the National League of Cities, as second vice president of the mayor's and councilman's section of the League of California Cities, as board member of the Los Angeles branch of the Urban League, and on a multitude of Federal, State, and local committees. He is the founder of the Urban Coalition of Greater Los Angeles.

In 1969, in a campaign that received nationwide attention, Tom Bradley ran for the office of mayor of the city of Los Angeles. He received 42 percent of the ballots in the primary election, far surpassing the votes received by any of the other 14 candidates, and was defeated in the runoff election when he fell 3.3 percent short of a majority.

Even in defeat, however, Tom Bradley captured the imagination and restored the interest in local government of hundreds of thousands of citizens from every section of Los Angeles who were moved by the dignity and competence of his campaign, and by the integrity and idealism which he projected.

In 30 years of service to the people of Los Angeles, Tom Bradley has been an uncommon man, a trail blazer, a balancing, conciliating, creative influence in our community. He has also been an inspiration to men and women of his own race, and to all races, that men of good will can make a difference in our society.

For these reasons, Mr. Speaker, it is with special pleasure that I direct the attention of the U.S. Congress to the career of Councilman Tom Bradley of Los Angeles and note that I will be joining his many friends at the Beverly Hilton Hotel on June 23 to show him something of our profound admiration, gratitude, and respect.

TAX "REFORM" IS A POOR SUBSTITUTE FOR ECONOMY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. RARICK. Mr. Speaker, because economy is, or ought to be, the watchword of good government, I insert an interesting editorial commentary from the June 12, 1972, issue of Barron's in the RECORD:

[From the Barron's, June 12, 1972]

UP FOR GRABS—TAX "REFORM" IS A POOR SUBSTITUTE FOR ECONOMY

(By Robert M. Bleiberg)

"No matter how much emotion a President may feel at all these aberrations of the democratic process, he cannot or, at least, should not display it lest he injure the process itself. There was a choice of two courses: The one was to battle publicly with the Democratic-controlled Congress; or to do one's best to cooperate, consult, explain and implore, with the hope of getting somewhere. . . . The constitutional division of powers is the bastion of our liberties and was not designed as a battleground to display the prowess of Presidents. They just have to work with the material that God—and the voters—have given them."

Thus philosophically wrote Herbert Hoover in his Memoirs, 1929–1941. Whether and when President Nixon, who also must deal with a balky Democratic Congress, has sought enlightenment or solace in his predecessor's words, must be left to some future historian. Suffice it for us to say that many times during the past four years—and perhaps never more so than now—he would have found them remarkably incisive and to the point. In a no-holds-barred attempt to gain control of the Executive Mansion in November, the opposition in the House and Senate, both of which rejoice in an abundance of Presidential (and Vice-Presidential) timber, have chosen to play politics with the nation's tax structure. ———, front-runner for the nomination, led the way in March, when he introduced his Tax Reform Act of 1972, a revolutionary set of proposals aimed, in the law-maker's view, at "closing $28 billion in tax loopholes which now benefit the rich and the big corporations." Last month ———, in what the astute Eliot Janeway called a "three-pronged power play," jumped on the bandwagon with his "Tax Policy Review Act," which, unless Congress takes affirmative action, would phase out every so-called tax preference, 54 all told, by 1976.

Like so many of his colleagues on Capitol Hill, ——— evidently would rather be President than right. Even in an off year like 1969, so the record suggests, when nobody's running for office, the odds are against anything sensible emerging from either the Ways & Means Committee or a Democratic Congress. That was the year, readers may recall, when a great hue and cry arose over a few hundred millionaires who, one way or another, had legally avoided paying any federal income tax. The result was the Tax Reform Act of 1969, a complicated, ill-conceived piece of legislation now known unofficially as the Lawyers' and Accountants' Relief Act, which jolted the bond (notably municipal) markets and, while barely denting the number of untaxed economic royalists, did plenty of financial damage to far-from-rich, middle management folk trying to amass a little capital. To judge by the behavior of the stock market, which traditionally can't stand uncertainty, the latest spate of anti-establishment schemes may have an even greater impact on private and public purse alike. Meanwhile, the true grievance of all taxpayers, large and small—the frightful waste of money on futile programs, documented in a scholarly work by the far-from-conservative Brookings Institution—goes on and on with no apparent hope of redress. Tax reform may make an effective campaign slogan; economy is, or ought to be, the watchword of good government.

Demagogues, to be sure, tend to take a different view, one which has found expression in measures on the books as well as others now pending. A case in point is the Tax Reform Act of 1969, which, among a host of other things, repealed the investment credit, limited accelerated depreciation in real estate, reduced mineral depletion allowances, increased levies on capital gains and pension-profit sharing plans, and, in a thrust at those odious beneficiaries of great wealth, imposed for the first time a Minimum Tax on otherwise sheltered income. ——— measure calls for repeal of the accelerated depreciation range system; taxation of capital gains at death; reduction of the oil depletion allowance from 22% to 15%; increase in the rates and lowering of the exemption in the Minimum Tax cited above.

For sweep and daring, ——— bill makes everyone else look like a piker. Designated "a bill to insure Congressional review of tax preferences and other items which narrow the income tax base, by providing now for the termination over a three-year period of existing provisions of these types," H.R. 15230 in effect would put everything up for grabs. Thus, next year one third of the 54 "preferences," including income tax exemption of an employe's death benefit up to $5,000, exemption of $100 of dividends, capital gains treatment for lump-sum distribution from pension funds, and percentage depletion for minerals, unless re-enacted by Congress, would expire.

In 1974, another 18—notably exclusion of sick pay from taxable income, deduction from income of intangible drilling and development costs, capital gains on the sale or exchange of patents and deduction of nonbusiness interest and taxes—would be under the gun. Finally, in 1975 would come the turn of the last 18, including the retirement income tax credit, tax exemption on municipal bonds, deductions for charitable contributions and medical expenses, and provisions on capital gains.

In an accompanying statement, ——— disclaimed any attempt to prejudge the issues. "I am in no way expressing an opinion about the merits or demerits of any of the provisions listed for review. In fact, many appear to me to be desirable under present circumstances." Sentiments worthy of Pandora, but scarcely reassuring to those who can remember as far back as 1969, when the House Ways and Means Committee which originates all such legislation, took its last full-dress swipe at tax reform. Despite extensive hearings, which filled 15 large volumes with testimony, the legislative procedure was slipshod: on the day before the bill was scheduled to come up for a vote on the floor, the Chairman called an extraordinary session of the Committee at noon to consider the fate of seven million middle-income taxpayers who had somehow gotten lost in the shuffle.

In a dissenting report ——— was "severely critical" of the proceedings. He pointed out that not until July 28, six days before the report was written, did the Committee get a chance to view "any of the more than 360 pages of this very complicated legislation . . . on that day, just six days ago, we first saw and took under consideration a tentative draft of a part of this bill. On that day, we approved some 83 pages. This same rapid pace without any opportunity for the Committee to examine the language in advance was carried on for the rest of the week. . . . In my opinion this would be a near impossible feat for even the best informed. . . . In my opinion all of these matters are far too important for this type of deliberation and decisionmaking."

Small wonder that here and there things went awry. Take the untaxed millionaires—in 1966–67, according to retiring Secretary of the Treasury Joseph Barr, who inspired the whole affair, 750 people with incomes of more than $100,000 per year, and 154 making $200,000, paid no federal income tax. In 1970, despite passage of the 1969 "reforms," 394 and 100 people, respectively, in the same two brackets, also got off scot-free. While the original targets thus suffered only a glancing blow, others were hit harder. As reported out by the House, the 1969 measure contained a back-door provision for taxing the income on municipal bonds; though cooler heads ultimately prevailed, the threat for a time dealt the tax-exempt market a body blow. (In view of ——— pronounced dislike for this "preference," a rerun would come as no surprise.)

On the whole, here is how Raymond Saulnier, who headed the Council of Economic Advisers under President Eisenhower, viewed the House version. "Specifically, the bill would impair the nation's capability for achieving vigorous economic growth by a number of provisions that would reduce incentives to save and invest, including the proposed treatment of capital gains and the reduction of incentives to invest in real estate and in minerals resources. It would further inhibit growth by reducing—in some cases eliminating altogether—ways in which business concerns reward management achievement under present tax law. And the balance of its revenue effect, which would become increasingly negative between 1970 and 1972, would favor consumption at the expense of investment, thereby weakening government efforts to overcome inflation as well as impeding economic growth. . . . One is impressed again and again that what we have here is a massive example of throwing out the baby with the bathwater—in this case, a whole family of babies, with a few cups of bathwater." (Last year, of course, Congress backtracked on some of the worst features of "reform.")

Despite all disclaimers, the new ——— bill is even more disquieting. As the National Association of Manufacturers stated last week: "Even if the intent of the bill is to assure review rather than repeal, the fact of the termination dates written into the law without any compensating adjustments will cause great economic uncertainty and damage the business recovery. To plan for new investment and employment opportunities—not to mention the government's own budget planning—requires at least some consistency in tax policy. The prospect of three years of turmoil in which critical provisions of the Code are in doubt such as the investment credit, depreciation treatment (all depreciation treatment, not just the recent ADR liberalization), capital gains provisions, and others could paralyze financial planning for many enterprises, large and small."

In conclusion, the NAM for once has pulled no punches. "Somehow the debate on tax reform must recognize the underlying fiscal problem of unfettered spending growth at all levels of government. This is what got the tax reform debate started again—the big federal budget deficits, the hints about raising taxes or introducing new taxes next year. While so much attention is being paid to shifting of tax burdens, very few appear concerned with expenditure control. In our view it makes much more sense to set termination dates for various spending programs. We understand the Administration has a list of 110 such programs which it feels are deserving of repeal. If Congress is to embark upon the uncertain course charted by H.R. 15230, it at least should apply the equivalent approach to the other side of the ledger. . . ."

RICHARD F. KLINE, SR.

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BYRON. Mr. Speaker, last week, Frederick, Md., lost one of its most distinguished citizens, Richard F. Kline, Sr. Dick Kline was one of the most respected citizens of Frederick—an experienced businessman and civic leader who built a small company into a large and successful contracting organization. He will be missed not only by his family but by the entire community.

Mr. Kline was born in Frederick March 4, 1909, son of the late Thomas and Cora Grossnickle Kline. He was a member of the Centennial Memorial United Methodist Church where he was very active in the Otterbein Men's Bible Class. He was graduated from Frederick High School in 1928 and attended Devitt Preparatory School in Washington, D.C. and the University of Maryland.

He had served in many civic capacities. For many years he was a member of the board of directors of St. James School. He also was a member of the board of directors of the Maryland National Bank, Frederick. Mr. Kline was president and founder of R. F. Kline, Inc., and Kline Paving Co., and was also chairman of the board of directors of Frederick Asphalt Products. He was a member of the board of directors of the Maryland Highway Contractors Association and has served on the board of the American Road Builders Association.

Dick Kline was a man of many interests. His contributions to Frederick and Frederick County will be long remembered as will his warmth and generosity. I and all who know him will miss this outstanding citizen and friend.

NATIONAL OIL RECYCLING ACT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. VANIK. Mr. Speaker, the United States today is wasting fully one-fourth of its total production of lubricating oils by failing to take advantage of available used oil recycling technologies. This waste is a national disgrace, particularly since most of the used oil is disposed of in ways which are harmful to the environment. Additionally, as the possibility of a serious shortage of oil in the United States becomes more likely, this waste serves to undermine the national defense.

In light of this serious national problem, I introduced draft legislation on December 2 of last year, to encourage improvements in oil recycling. This legislation was consequently cosponsored by about 50 Members of the House and has been introduced in the Senate. Since that time, this legislation has been extensively reviewed by a number of conservationists, environmental lawyers, and the EPA. It is my understanding that the EPA has prepared a study on the need for legislation in this area and has indicated that while my original bill has weaknesses, it would be very useful legislation.

Therefore, I am today introducing a new and more comprehensive bill today, on which I have had the assistance of Dr. Arnold W. Reitze, a former law professor at Case Western Reserve University in my congressional district, and now a professor at George Washington University's National Law Center. Dr. Reitze is one of the Nation's leading environmental lawyers; he is currently attending the Stockholm conference. I would also like to thank two of his assistants, Mr. Dennis

Koehler and Mr. Jeff Howard, recent graduates of George Washington Law School.

MAGNITUDE OF THE PROBLEM

In the United States, approximately 2½ billion gallons of lubricating oils are sold annually for industrial and automotive uses. One-half of this oil is consumed during use, and the remaining 1.25 billion gallons are drained periodically to be replaced with new oil.

Drained oil which has become physically and chemically contaminated during use is termed "waste" or "used" oil. In spite of the fact that used oil can easily be recycled as much as 75 percent of all such oil available for recycling may be disposed of in some environmentally harmful fashion.

WATER POLLUTION

Because lubricating oils will not break down under the extreme temperatures and pressures for which they are designed, they do not break down when discarded into the environment. With the exception of recycling, virtually all "uses" found for waste or used oils are ecologically harmful. Oil dumped on the surface of the ground penetrates that ground; once this oil reaches the ground water tables, the water can no longer serve as a source of potable water supply. For example, in chalky rock or limestone areas, where ground water runs through fractures in the rock formation, there have been numerous cases where minute quantities of oil have irretrievably rendered wells unfit for human water use. Even if diluted to a ratio of one part of oil to a million parts of water, the taste of groundwater is affected by oil.

Annually 150 million gallons of used oil are spread on roads. Recent tests conducted by EPA, however, have indicated that used oil does not perform such dust suppression functions very well. It emulsifies quickly during rainstorms and washes off the road or penetrates into the ground. It appears that slightly larger initial expenditures to purchase an oil or other product designed specifically for road use would result in a substantial long-term saving and serve to reduce the environmental damage caused by such use.

Used oils which find their way into sanitary sewer systems inhibit bacterial growth at sewage treatment plants, and thereby decrease the efficiency of the plants. Oils entering receiving streams as effluents from sewage treatment plants, or directly from storm drainage systems tend to adhere to floating particulates in the stream and sink to the bottom. The resulting bottom pollution destroys bottom dwelling plants and lowers marine life—often irretrievably.

U.S. Oil Week quoted EPA's Harold Bernard on January 25, 1971, as saying:

> We polled [the Federal Water Quality Administration's] regional directors. Six of the nine indicated that used oil, dumped into sewers, is a serious problem in the sewage treatment plants and has caused fires in these plants, as well as caused treatment upheaval.

Perhaps the best reason that can be advanced for not disposing used oils in a manner which pollutes the environment is the economic one. EPA's Bernard estimates that it may cost $1,000 to clean up a 100-gallon oil slick in a river. He concludes:

> That's $10 per gallon for a waste product that costs on the order of 5 cents per gallon to dispose of in an acceptable manner.

AIR POLLUTION

One alternative to dumping used oil is burning it for heat recovery. This creates a major air pollution problem, however, since the unrefined waste oils produce dangerous levels of metal oxides when burned. The January 1971 issue of Fortune magazine featured an article entitled "Metallic Menaces in the Environment." It quotes Dr. Henry A. Schroeder of the Dartmouth Medical School as saying:

> Pollution by toxic metals is a much more serious and much more insidious problem than is pollution by organic substances. Most organic substances are degradable by nature; no metal is degradable.

A study prepared for the Association of Petroleum Rerefiners, shows that more than 1,000 pounds of metal oxides are released whenever 10,000 gallons of used motor oils are burned.

MASS MARKETING

The problem of waste oil disposal is further exacerbated by what has literally been a revolution in automotive oil sales—the shift from the service station to the mass marketer. Service stations, which in 1961 accounted for 70 percent of total automotive motor oil sales, saw their share of the market slashed to roughly 45 percent by 1971. The majority of the decrease has been taken up by the large chains and discount houses, which usually sell name brand lubricating oils direct to consumers at substantial savings.

The real environmental question posed by this change in motor oil sales patterns is: What are the people who buy their oil from these sources doing with their drained waste oils? Positive incentives must be developed to insure that they are not merely dumped onto the ground or into sewers, or incinerated before dangerous contaminants are removed.

OIL RECYCLING

A small industry of "oil rerefiners" currently exists in the United States. These rerefiners, operating their own collection facilities or contracting with independent used oil collectors, acquire used lubricating oils from varied automotive and industrial sources. They rerefine the used oil by subjecting it to physical and chemical processes similar in nature though not in scope to those utilized in refining crude oil. The rerefined or recycled lubricating oils, after the addition of appropriate oil additives and in some cases, after blending with refined virgin oils to meet certain used viscosity requirements, are substantially identical to new oils and are sold for same uses as new oils of comparable quality. In some instances, the recycled oil may even be superior for its intended use to many virgin oil products.

In 1965 there were approximately 150 used-oil rerefiners; today, according to recent testimony before the Joint Economic Committee, there are approximately 50 remaining. The capacity of the rerefining industry was about 300 million gallons in 1960; today that capacity is less than 150 million gallons. A few years ago it was generally profitable for rerefiners and independent used-oil collectors to pay several cents per gallon for used oil; today those seeking to dispose of used oil often must pay several cents per gallon to have it hauled away. What has caused this decline in the oil recycling industry at a period when concern for the Nation's environment has grown tremendously? The answer seems to include adverse Federal Government actions and technological problems.

In 1965 the Excise Tax Reduction Act leveled a double-barreled blast at the rerefiners. Before that time there had been a 6-cent-per-gallon tax levied on the manufacturer of lubricating oil which was paid by the first user of that oil. Since rerefiners were exempt from paying this tax—the tax on the original oil had already been paid—the net result was a 6-cent-per-gallon competitive edge. The Internal Revenue Service changed all that in 1965, when it ruled that since these funds were to go into the Highway Trust Fund, off-highway users, notably railroads, could be refunded their full tax payments at the end of the tax year when they purchased 100 percent new lubricating oil. The IRS also refused to allow tax refunds on any new oils that were used in blending rerefined oil. Thus the rerefiners lost their 6-cent-per-gallon margin in competing for the off-highway user market, and were required in addition to pay the 6-cent-per-gallon excise tax on all new oils purchased which are necessary in the rerefining blending process.

Also in 1965, the Federal Trade Commission ruled that all containers of rerefined oil produced for sale to the public had to be prominently labeled "previously used." While a true description as far as it goes, the obvious connotation of inferiority quickly plummeted retail sales of rerefined oil to half the previous level, and the industry never recovered its share of this massive consumer market.

The effect of the FTC ruling was increased by the lack of any objective methods for comparing recycled oil with new oil. Neither the Federal Government nor private oil interests have ever developed general performance standards or economically feasible testing procedures for new oils—let alone recycled oil—a failure which has largely frustrated the recyclers' efforts to convince the public of their products' comparative worth. Another result of this lack of comparison testing is the current Federal procurement policy that all Government purchase oil must be new and may not be used or reconditioned. It is clear that the reduced drain on the Nation's oil reserves which could result from recycled oil purchases by the Federal Government would be in the national interest.

The tremendous increase in the use of oil additives in recent years presents additional problems to the oil recycling industry. These additives, of course, have performed some beneficial functions, most notably an increase in the life of certain types of oils. Automotive lubricating oil, for example, is now advertised as lasting for 4,000 miles, where several years ago oil changes were recommended every 1,000 miles. The longer useful "oil life" results in a relative decrease in consumption.

These same additives, however, must be removed in the early stages of the used-oil recycling process. The very nature of the additives—ability to withstand high temperatures, great pressures, and complex chemical reactions—makes them extremely difficult and costly to remove from used oil. Adding to this problem is the constant development of new additives; as soon as the oil recyclers succeed in removing one complex new additive from used oil, another, more complex oil additive appears on the market. There is no easy way out of this dilemma, except perhaps to discourage the use of new additives unless their total benefits clearly outweigh the total costs, including those of the oil recycling industry.

The final reason for the decrease in the amount of used oil actually recycled is environmental. Conventional rerefining technology yields a high percentage of acid sludge residue and other solid waste byproducts—as much as 30 percent of the total used oil processed. The recycling industry is finding that these unrefinable sludges pose serious waste disposal problems, and cannot be disposed of without some type of further treatment if—as they must—Federal and State pollution laws are to be complied with. Because the oil recycling industry's profit margins are generally low, the added costs of such treatment may prove to be prohibitive, forcing even more oil recyclers out of business.

Fortunately, new used-oil rerefining technologies may alleviate this problem. Preliminary results from an EPA grant funded research effort to develop such new recycling techniques indicate that the percentage of acid sludge residue can be reduced to as little as 5 percent of the volume of used oil processed, and can be of a type which satisfies sanitary landfill requirements. EPA believes that this new technology will prove to be more attractive economically than previous used oil recycling processes.

THE NATIONAL OIL RECYCLING ACT

In light of these environmental and energy problems, I am today introducing new legislation which I hope will go far to reduce the waste and environmental degradation caused by our failure to recycle used oil in significant quantities. This bill, rather than proposing new Federal laws making the dumping and incineration of used oils illegal, creates positive incentives which will lead to the recycling of a much greater proportion of the used oils now being wasted. Dumping and incineration of used oils, of course, which violates existing Federal and State statutes, remains illegal, and water pollution, air pollution, and solid waste control laws of the future may well result in tightened controls over used oil disposal. Meaningful enforcement of any of these statutes will be difficult and expensive, requiring elaborate administrative control mechanisms.

My bill, therefore, seeks to minimize the need to expand the size of existing administrative police forces. Several short amendments to the Internal Revenue Code of 1954 will simplify the tax treatment given lubricating oils, increasing Federal revenues by as much as $75 million. Changes in Federal Trade Commission labeling requirements for recycled oil will not increase that agency's burdens. Requirements that retailers provide return and handling services for used oils can easily be enforced by spot checking conducted at the local government level. Provisions requiring the maintenance of records indicating the fate of used lubricating oils may increase the administrative burden somewhat, but such information is already required under existing laws and regulations of the Departments of the Treasury, Commerce, and the Environmental Protection Agency, as well as those of State agencies.

The bill contains several provisions which would amend existing tax laws covering lubricating oils. Basically, these amendments will result in a return to the uniform tax treatment accorded the entire lubricating oil industry prior to 1965, when the rerefiners were much healthier and when more than twice as much used oil was being recycled than is the case today.

The bill, if adopted, will equalize and simplify the tax on lubricating oil, requiring all producers of new lubricating oils, including hydraulic and cutting oils, to pay a 6-cent-per-gallon excise tax. In addition, no tax refunds or rebates will be granted to any users of lubricating oils. Recycled oil will continue to be exempt from any such tax.

By resubjecting cutting and hydraulic oils to the 6-cent-per-gallon excise tax under section 4091, and by removing the tax rebate currently given off-highway users of lubricating oil under section 6424, the bill will raise approximately $75 million in additional tax revenue each year. These additional revenues will more than cover the cost of the other provisions of this bill. But more importantly, these amended tax provisions will serve to stimulate the purchase of recycled oil by industrial users. The removal of the 6-cent-per-gallon competitive edge now given to virgin oil refiners will once again enable recyclers of used oils to compete on the equal footing which existed prior to 1965.

The FTC labeling requirement will be changed by this bill so that the word "recycled" will be placed prominently on the face of all recycled oil containers. This is clearly preferable to the current FTC ruling requiring all recycled oils to bear the words "previously used" on their labels. Once the public is educated on the relative merits of recycled oil, and methods for quickly and economically comparing it with new oil are developed—the use of recycled oil should increase significantly.

Another provision of this bill makes it illegal for oil companies to prohibit their service stations or other lubricating oil retailers from stocking recycled oil products or selling the used oil that they collect.

Adoption of this legislation will also enable purchasers of automotive oils to return their used oil to the marketer in returnable, leakproof containers, thus further insuring that used oils are recycled. The bill also provides that all purchasers of automotive oil must pay a 10-cent deposit on all oil purchased in these returnable containers, regardless of their size. This deposit will be refunded when the container is returned to any marketer, regardless of whether or not it contains used oil. All marketers are required to provide ample disposal facilities on their premises for all used oil returned by consumers, and are encouraged to deliver or sell this collected used oil to the oil recyclers.

Other key provisions of the bill require all Federal Government officials to act within their respective authorities to encourage the use of recycled oils. When such oil is available at prices competitive with new oil, the bill requires that it be purchased and used by all agencies of the Federal Government, including the military, and by all private interests which are party to Government contracts. By conditioning Federal grants to the States on compliance with the provisions of this bill, the States are also encouraged to use recycled oil in a similar fashion.

PRESERVING OUR HERITAGE

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. MURPHY of Illinois. Mr. Speaker, both the Chicago Sun-Times and the Chicago Daily News recently featured editorials commending our colleague, DAN ROSTENKOWSKI, for his sponsorship of the Museum Services Act. This bill, H.R. 8677, which was cosponsored by Congressman JOHN BRADEMAS, would authorize funds for capital improvements to existing structures. It is an attempt to preserve many priceless treasures which would otherwise be lost forever.

In recent years a visit to the museum has become an increasingly popular American pastime. Increased attendance, however, has unfortunately not insured fiscal integrity, and museums have joined the ranks of the many institutions with rising monetary problems.

DAN ROSTENKOWSKI has recognized this situation, and he has acted to reinvigorate our museums. Both he and JOHN BRADEMAS deserve not only our praise but also our support.

I would like at this time to insert those editorials into the RECORD.

[From the Chicago Daily News, June 1, 1972]

TO PRESERVE OUR HERITAGE

The nation's museums have fallen on hard times. More popular than ever, attracting visitors by the millions, they are pinched by rising costs and increasingly conscious that the priceless collections they hold are threatened by theft, vandalism and such modern plagues as air pollution.

Meeting the costs of preservation and security by stiff admission fees is hardly an answer; the collections should belong to all the people. Private philanthropy continues to provide a major share of museum support, as do local public tax funds, but recent surveys indicate that more is needed. The National Council on the Arts warned early in May that "only a major concentrated effort . . . can restore and safeguard our heritage for future generations."

The federally funded council is moving to help where it can with matching grants for renovation and preservation. In Chicago, the Field Museum of Natural History, the Art Institute and the Oriental Institute at the University of Chicago have been named recipients of aid. But the council's grants through its National Endowment for the Arts are currently at a level of only $1.2 million, and even if the aid is increased in the coming year, as the council hopes, it will fall far short of the need.

A broader aid measure is pending in Congress, co-sponsored in the House by Rept. Dan Rostenkowski (D-Ill.). It would provide up to half of the cost of special projects aimed at preserving and renovating cultural collections that otherwise might be lost. It would authorize $40 million for that purpose.

The time has surely arrived when the museums should be regarded as the custodians of our national heritage, and as such receive national support. The Rostenkowski bill (H.R. 8677) deserves speedy consideration and wide backing.

[From the Chicago Sun-Times, June 4, 1972]

PRESERVING PRICELESS TREASURES

It was fortunate that the Dead Sea scrolls were preserved in a cave, Nancy Hanks, chairman of the National Council for the Arts, recently remarked. If they had been kept in a museum they never would have survived.

This may come as news to many persons who understand and appreciate the need to preserve America's priceless museum treasures but who assume that once they are under a roof conservation is assured. Not so, says Miss Hanks.

Pollution, vandalism, bad storage and gallery conditions are destroying an irreplaceable part of our cultural heritage. Uncontrolled humidity, lighting and temperature can ruin the collections in our art, science and history museums.

Most museums are of local sponsorship but the items they house are of countrywide interest. The federal government has and should contribute to conservation costs. The National Council of Arts recently announced 69 grants, which must be matched by local funds, to museums and art institutions, including the University of Chicago's Oriental Institute, the Field Museum of Natural History, and the Art Institute of Chicago. Air conditioning to prevent deterioration is one of the important items needed in many museums.

More money will be needed next year and in years to come. A bill (HR 8677) has been introduced by Reps. Dan Rostenkowski (D–Ill.) and John Brademas (D–Ind.) to provide financial relief to the nation's museums. Rostenkowski noted that in 30 years the nation's 6,000 museums have increased attendance figures from 30 million visits a year to 700 million. Chicago institutions accommodate about 8 million annually.

The very increase in traffic puts a strain on the institutions, but that's what they are intended for—public education and use. The modern-day interest in museums, sparked by more leisure time for more people, requires more museum help and maintenance cost. We urge Congress to give priority to the Rostenkowski bill; the nation's cultural heritage must be saved.

THE LOGIC OF GUN CONTROLS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. CELLER. Mr. Speaker, I place in the RECORD an excellent editorial which appeared in the Christian Science Monitor on Saturday, June 10, 1972, on the commend the observations made in the editorial to the attention of all Members:

THE LOGIC OF GUN CONTROLS

It is a simple fact to those of us who must publicly deal with gun-ownership matters, that the mail generated will run three-or-four to one against gun control laws. Today's letters column is but a sampling of *con* gun control response. This mail is useful, because it indicates what is right and what is faulty in the public's reasoning about proposed gun control legislation.

The most dangerous misconception about gun-owning is that guns are good for self-defenses. As gun law expert Franklin E. Zimring pointed out in a recent issue of The Nation: "Even though the great majority of handguns are kept for household self-defense, it is absolutely clear that the handgun in your house is more likely to kill you or a member of your family than to save your life. In Detroit more people died in one year from handgun accidents alone than were killed by home-invading robbers or burglars in four and a half years."

From the point of view of self-protection, the statistics show it would be better to get rid of one's gun than to keep it even in the face of rising general levels of gun ownership and housebreakings. There is a relationship between gun ownership levels and crime, which we will mention in a moment. But more significantly, most gun violence does not occur during robberies or other such criminal acts where strangers are involved. They occur between people who know one another, in a moment of anger or fear. And while it may be true that anything can be used as a weapon at such moments, guns are vastly more likely to lead to death—five times more so than knives. Further, among guns, the cheap Saturday-night special handgun—chief target of current gun-control efforts—is particularly lethal because of the kind of path its small-bore bullet traces on impact. Hence, on the self-defense issue, logic argues for *not* owning handguns.

Opponents of gun control regularly argue: Get at the criminal; the gun of itself commits no crime. As discussed above, this ignores the fact that most gun assaults or accidents occur when "crime" is not a factor, among persons who are not in the usual sense "criminals." Also, there appears to be a link between general gun ownership levels and the use of guns for crime. Again quoting Mr. Zimring: "As self-defense gun ownership increased in the '60's, so did the extent to which guns were employed in robberies and other criminal attacks. The most striking data on this trend come from Detroit, where racial disorders in 1966 and 1967 set off a wave of gun purchases. Accidental gun deaths tripled from 1966 to 1967, criminal gun attacks increased twice as fast as did all other types of attack, and criminal gun killings increased 10 times as fast as killings by all other means."

In our view, the estimated 200 million firearms in the United States are simply too many. Last year, at least a million cheap handguns were added to the total. We would like to see the number of guns reduced—particularly handguns which are nine times more likely to cause human fatality than long guns and serve no real sporting purpose. There are proposals (Senator Hart's bill in the Senate forbidding handgun ownership, for instance) that would do just this.

But if such legislation is too much for gun owners to take, there is a variety of lesser measures to which they should not object. The licensing of gun owners and registration of all weapons, as some bills propose, would not keep sportsmen from owning bona fide sporting weapons.

Other, stricter legislation, such as Rep. Abner Mikva's bill, would end the sale of more handguns. It would enable those who own handguns to keep them in their homes if they must insist on such hazardous "self-protection." Yet it would in effect call a halt to the private firearms race in America and avoid the kind of emotional confrontation which outright confiscation might entail. This is a sensible legislative course, which Rep. Emanuel Celler, chairman of the key House Judiciary Committee has included in his own firearms control bill.

There are, then, legislative options which could help reduce the dangers of private firearms in America without doing damage to the interests of those who wish to hunt or for whom gun ownership is a matter of quasi-civil right.

Unfortunately, the whole issue is clouded in the public's mind by irrelevancies. (For instance, the analogy between auto deaths and gun deaths: By speed limits, traffic signs, vehicle and highway safety design regulations, government *is* acting to reduce auto fatalities, which is more than it is doing in the gun-control area.)

Pending gun-control proposals in Congress are reasonable, not radical. And the disproportionate flow of letters from those opposed to controls should not distract legislators, or editors and their readers, from the fact that the majority of citizens actually favor prompt passage of gun-control laws.

SPECIAL CEREMONIES ON FLAG DAY

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. KEATING. Mr. Speaker, across this Nation today many Americans are observing Flag Day with special ceremonies honoring this country's Stars and Stripes.

I would like to bring to the attention of my colleagues a special Operation Youth sponsored by Xavier University in Cincinnati, Ohio.

This is the 21st Operation Youth program to be held by that school.

The participants are high school students from the entire State of Ohio who have finished their junior year.

These young citizens are participating in a seminar on government and patriotism.

They will be active in mock political campaigns, conventions, elections and will have special speakers, many of them prominent Ohioans who will discuss the various aspects of government.

They will honor Flag Day with six color guards. Brig. Gen. Homer Long of Fort Knox, Ky., will be the main speaker.

I wish to commend the faculty and the students at Xavier University who have put forth the effort to develop such a fine program which will surely increase the interest and dedication of our young citizens to participate in our Government.

FORD AND OUR FUTURE

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. RONCALIO. Mr. Speaker, few matters surpass in importance the pollution of our environment to present critical levels. Affluence has paid its toll in effluence. The necessity for abatement of this threat to our planet's health and well-being has not gone unheeded in our own lawmaking capacity. Congress created the Environmental Protection Agency and armed it with sufficient power to begin the task.

But I am alarmed by recent developments in the automotive industry which fly in the face of the intent of Congress, the EPA and the citizens of this Nation so deeply concerned.

Less than 2 years ago, emission standards were laid down for the 1972–75 period with each year reflecting a most stringent degree of control to result in dynamic reductions in pollution emission. Detroit lobbyists actively campaigned against these standards, spending more time and effort at legislative persuasion than at positive research and development. It now appears that the automotive industry may circumvent regulatory standards altogether.

Ford has volunteered information that will not qualify for full emission control certification by the EPA prior to the distribution of the 1973 models. Ford dealers, therefore, may not market the 1973 vehicles until EPA has certified Ford's compliance with the 1973 standards. I commend Ford for its integrity in disqualifying itself voluntarily, but I cannot close my eyes to the potentially disastrous agreement between EPA and Ford that will follow.

In lieu of marketing its 1973 vehicles, Ford plans to add 40,000 cars and about 65,000 trucks to its present model runs. The long-range effect of such a deal looks as though it possibly may continue production of its so-called present line through 1973, through 1974, and ad infinitum. EPA is naturally powerless against such an occurrence so it is our duty in Congress to legislate against the potentially destructive tactics which could very well be employed on a much greater scale than now contemplated by Ford for 1973 models.

I personally have grave doubts whether Ford or any other producer should be permitted to market even a limited number of 1972 vehicles after December 31, 1972, unless 1973 standards for emissions are met.

Time has come to recognize that we are between a rock and a hard spot. The June 8 issue of the Wall Street Journal speculates that quite possibly Ford will solve the dilemma by merely producing 1974's to the end of the century:

ONLY FORD TINKERS

Once again, the Environmental Protection Agency has demonstrated it will not swerve from doing its duty. It will allow Ford Motor Co. to produce its 1973 models, but won't let it sell them until full emission-control certification is granted. Once again, the environment is protected.

There's a slight hitch. Because Ford doesn't want to deliver to its dealers stacks of 1973 autos that the dealers can admire but not sell, it has decided to add 40,000 cars and 65,000 trucks to its 1972 model run. Now the emission standard for 1972 autos is less stringent than for the 1973s. Which means that Ford, which would really like to sell the 1973 while awaiting certification, is in a real sense being forced to further pollute the atmosphere with its 1972s.

It doesn't seem like the best solution, but at least EPA manages to punish Ford for its sins. We wonder, though, if Ford had not dutifully volunteered the information that some of its engineers were too fast on the screwdriver, would EPA have ever found out? Then again, good faith has to be assumed if this kind of program is to work without EPA having to hire thousands of tailpipe sniffers. So in the absence of a general round of confessions, it has to be assumed that of all the world's automakers, only Ford tinkers.

The worst part of the compromise, though, is that it may create a dangerous precedent. The really tough emission standards, which will add $400 to $500 to the cost of an auto, are due on the 1975 models. Remembering Ford's decision to extend this year's model run, an automaker might decide to dodge the new rules and at the same time gain a price advantage: He could keep right on building 1974s to the end of the century.

TRIBUTE TO DR. J. CUTLER ANDREWS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. MOORHEAD. Mr. Speaker, it is with deep regret that I announce the passing of a highly respected scholar and professor, Dr. J. Cutler Andrews. The Chatham College community has lost a man of great intellect and humanity. His guidance and counsel will be missed.

Dr. Andrews, a man whose academic successes are world reknown, died Friday June 2. He was a noted historian in the field of journalism and author of a number of historical books and articles.

Two of the books, "The North Reports the Civil War" and "The South Reports the Civil War," won wide acclaim as the best works on the subject of the newspaper reporting of that war.

"The North Reports the Civil War" won the Kappa Alpha Tau Award for outstanding research in the history of journalism.

A graduate of Ohio Wesleyan College, Dr. Andrews received his doctorate in history from Harvard University in 1936.

He was a member of a number of historical associations including the American, Pennsylvania, Western Pennsylvania, and Mississippi Valley Historical Associations.

He also served as past president of the Pennsylvania Historical Association.

He was a member of the Phi Beta Kappa Honorary Society and the Mount Lebanon United Methodist Church.

Surviving are his widow, Dorothy Peterson Andrews; two sons, Kenneth and Malcolm; a daughter, Sharon; and one sister, Mrs. Mary DeGolia.

THE STARS IN OUR EYES

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BURKE of Florida. Mr. Speaker, on June 14, 1777, the Continental Congress declared the Stars and Stripes to be our country's national flag. There have been many stars added to our flag over the years, and I am proud that I can join with my colleagues and those in our country who recognize the many great things that our Nation's flag stands for, in this tribute on Flag Day.

There are many in our country, however, who would not only destroy our flag but our Nation which it symbolizes, as well. Unfortunately these few who have burned and desecrated our flag, and those who teach and practice revolution for revolution's sake, know little by personal experience of conditions in other countries. Those who have suffered as citizens of foreign countries less free than ours know the greatness of our country. To them the stars in our flag are symbolic of a heaven-sent blessing.

The price of freedom is vigilance and the willingness of our people to make sacrifices for God and country. We could lose our freedoms by taking our freedoms too much for granted. We should take time to remind ourselves that ours is a Nation under God despite the propaganda by those who would like us to believe otherwise.

Recently, on June 2, 1972, Yolanda Maurer, a reporter for the Fort Lauderdale News, one of the newspapers in my congressional district, wrote a very thought provoking article which reveals her feelings as one who immigrated to our country and became a citizen. Her anger at the recent desecration of American flags, by some, last Memorial Day is eloquent and thought-provoking. I commend this article to all patriots and nonpatriots because it is worth thinking about:

TORTURE OFFENDERS: FLARE UP OVER FLAGS

(By Yolanda Maurer)

I'm angry.

In fact, I'm boiling mad.

I've been mad and shaken with helpless anger ever since the news of the desecration of the flags on Memorial Day by local vandals came out in the paper.

Normally, I don't take too kindly to flag-wavers and patriotic speech makers.

I figure that love for your country is as natural as love for your family: you don't have to talk about it all the time to convince yourself or others of it.

Besides, I've seen too many dictators in my days use narrow nationalism in guise of patriotism not to be afraid by certain ways of waving the flag . . .

But for anyone to abuse the American flag—and on the graves of soldiers besides is too much.

If whoever did it is found, I think that fines or even prison would be ridiculous.

I think we should re-instate the good old torture system of the medieval days—and let them have a little of it at a time . . . for each soldier who died for that flag.

This may seem like a pretty violent reaction to you.

So maybe it is.

Maybe it is because I remember how I saw the American flag close-up for the first time.

It was through the bars of a military prison in North Africa, where the Germans had imprisoned a group of hostages. I was one of them.

We had been there for a few weeks, and we knew that our only chance of not being shot was if the Americans made it on time.

There had been the sound of battle raging outside all that night, and, at dawn, from inside the jail, we didn't know who had finally won . . .

Suddenly, there were shouts outside, trucks driving up, men getting off . . . men running through the corridors, doors banging open all the way down the halls . . . and suddenly, they were there!

The Americans were there . . . tall, handsome, dirty, smiling, grinning, kissing, looking to us like the Angels from Heaven themselves . . .

And behind them, in the bright sunlight of the courtyard, a sun we hadn't seen for many a day, there was a beautiful flag waving gently in the sun, a flag full of stars and stripes, the flag of America.

We had waited four long years of shame, frustration and anger to see this flag fly freely—with all that stands behind it.

Nothing since, except the sight of a loved face—has ever looked as beautiful to me.

This is perhaps why I take the desecration of the flag as a personal injury.

I am not American-born.

America is my country by adoption, by choice, so to speak.

Sometimes, people love their adopted children even more than their natural ones.

Because they didn't just happen to be born.

They were chosen, selected, desired, and wanted eagerly.

You have some of these same feelings when you "choose" a country and renounce that of your birth.

You can't stand to see it abused, debased or vilified.

This doesn't mean that you are blind and deaf to its shortcomings and its failures.

Which would be a form of stupidity.

It's just that, with all the things wrong with America—and believe me, I know them all—I still can see all the things right with it.

America—and the flag for which it stands—has fed half the earth in times of need, has spanned the cosmos to walk on the Moon, has built more courtrooms to keep its people free, and more classrooms to educate them than any one else, has made the world safe from disease, and continues to do so, has been the first to come to the rescue of every country in the world struck by a natural calamity.

America, rebuffed by other ideologies, forgetting that it is the mightest of them all, still tries with good faith and humility to build a bridge to live with others in understanding and peace.

Its President, putting pride aside, takes the first steps and covers the world in search of that peace and understanding.

What other country could you pick to "adopt" that would make you prouder?

And, when hippie-like, I say: "Keep the faith, baby", the kind of faith I mean is in America—and the flag which stands for it.

Those who have forsaken even this faith must know inside, the darkness of Hell.

GO SLOW ON THE FAST BREEDER REACTOR

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. BINGHAM. Mr. Speaker, the House Appropriations Committee is in the process this week and next of marking up the 1973 appropriations bill for the Atomic Energy Commission. Among the issues which the committee and the House must face on this bill is whether we should commit the United States to rapid development of a demonstration project on the liquid metal fast breeder reactor—LMFBR. Although the Nixon administration and the AEC are pushing such action, responsible scientific and public opinion has raised serious questions concerning the hazards to public safety and the environment from construction and operation of the LMFBR. I share their concern and last March urged the Joint Atomic Energy Committee not to move beyond the R. & D. stage on the fast breeder reactor, but to pursue actively alternative sources of energy, including a demonstration of coal gasification and making feasible the use of solar energy and nuclear fusion.

Two articles which concisely detail the problems with the LMFBR are "Another SST" prepared by the Committee for Environmental Information which appeared in the July–August 1971, issue of Environment and "The Breeder: Abort It Before It Multiplies," by Sam Love, which appeared in the April 1, 1972 issue of Environmental Action.

I commend both of these articles to the Members for their serious consideration.

The following is the text of the articles on the liquid metal fast breeder reactor:

ANOTHER SST?

On May 26, THE Scientists' Institute for Public Information (SIPI) filed a complaint in federal court charging the U.S. Atomic Energy Commission with violation of the National Environmental Protection Act. This action was announced at a press conference by Dr. Margaret Mead, president of SIPI. We have asked the U.S. District Court of the District of Columbia to require the Atomic Energy Commission to consider alternatives to its program for the development and proliferation of a new type of nuclear power plant, a program which is to cost at least two billion dollars in federal funds, and to issue a statement required by the National Environmental Policy Act describing these alternatives and the potential impact of this program on the environment. SIPI is represented in this action by attorneys associated with the Natural Resources Defense Council, a public-interest law firm.

The program in question is the development and proliferation of the so-called Liquid-Metal-Cooled Fast Breeder Reactor (LMFBR), which is a kind of nuclear power plant in which plutonium serves as fuel. This type of power plant will have a number of serious disadvantages, primarily because of the use of plutonium. Nuclear power plants of the type now being constructed rely on the splitting of uranium atoms to produce the heat that is ultimately turned into electricity. Although present nuclear plants have drawbacks, the way in which they are designed includes safety features. The splitting of uranium atoms in the fuel relies on the presence of water to slow the neutrons that perpetuate the process. Any severe overheating or mechanical disturbance would expel the essential water and end in the plant's shutting down.

The LMFBR, however, relies on plutonium fuel, and the slowing of neutrons is unnecessary—it is called a "fast" reactor for this reason. Any outside force disturbing the fuel, or any agent which leads to overheating, may cause compaction of the plutonium, so that nuclear reactions, instead of being halted as in present plants, may be accelerated. The consequence might be a nuclear explosion, which would release enormous quantities of radioactive materials, including plutonium, to the general environment.

Plutonium is one of the most toxic materials known, and even without a severe accident, the existence of a large number of LMFBRs could result in plutonium contamination of the environment. The chairman of the Atomic Energy Commission, Glenn Seaborg, estimates that in 30 years, at which time he expects LMFBRs to generate a large share of the country's electric power, almost 100 tons of plutonium will be produced annually.

This enormous production of plutonium and the resulting fuel efficiency are actually the principal motives for the construction of LMFBRs, which are designed to produce more plutonium than they burn. The reactor itself will consist of a central core, in which plutonium will be split to produce heat, and an outer "blanket" of uranium-238, the common form of the element. Neutrons produced by the splitting of plutonium will slowly transform the uranium in the blanket into more plutonium, which can be extracted and burned as fuel.

Uranium, therefore, is the actual source of energy for the LMFBR, as it is for current nuclear plants. The LMFBR, however, converts the uranium into plutonium, which is burned as more plutonium is made.

The advantages of this process are economic. Only a small fraction—less than one percent—of uranium as it is mined is suitable for nuclear fission. To serve as fuel, the proportion of this "fissionable" material—the rare isotope uranium-235—must be increased at great expense.

In the LMFBR, however, ordinary uranium, the common isotope uranium-238, is converted into plutonium, which serves directly as fuel in the plant. The expensive separation of the two uranium isotopes is avoided and, presumably, the LMFBR would be able to produce correspondingly cheaper electricity. As a side benefit, reserves of uranium would be conserved.

These economic benefits are highly speculative, since the design for a working LMFBR has not been chosen. The first commercial effort to build such a plant, the Enrico Fermi Nuclear Power Plant near Detroit, Michigan, has been a financial and technical failure. It has not succeeded in producing more than a trickle of electric power (a fossil-fueled plant has been built to supplement it), nor has it produced any plutonium. It was shut down in 1966 after an accident, and only recently has begun to operate again on an experimental basis.

Assuming that a commercially attractive LMFBR is designed, it will depend on an expanding power industry. Calculations showing economic benefits from the LMFBR assume that electric power production will continue to grow at roughly its present rapid rate well beyond the end of the century. Should the power industry cease to grow or even grow very much more slowly over the next 30 to 50 years, the LMFBR would become a financial liability. Its attraction lies in the rapid production of more plutonium for further power plants—but if new plants are no longer needed, the fuel will be unnecessary, and the plants themselves will be more costly than their predecessors.

It is by no means necessary or certain that electric power production will continue to grow at present rates. The limited ability of the environment to absorb waste heat and pollutants will compel a slowing or even a reversal of this growth. The Atomic Energy Commission, however, by conducting a massive program on the assumption that growth will continue, is actually helping to fulfill its own prophecy. A massive federal investment in new power production facilities is a partial assurance that they will be used.

The desirability of such rapid and continued growth is questionable on many grounds. The development of the LMFBR, which is justified by continuation of this growth, would therefore seem to be open to question.

Even assuming the continued growth of electric power production, however, there are a variety of energy sources which do not suffer from the considerable drawbacks of the LMFBR. The production of plutonium carries with it a unique risk of contamination of the environment through catastrophic accident and through routine carelessness. The shipping, handling, and long-term storage of radioactive wastes from nuclear reactors will be a massive environmental hazard for generations succeeding ours. An additional hazard, perhaps a more serious one, is of illegal diversion of plutonium to military uses. The Atomic Energy Commission itself has called attention to the hazards of a black market in plutonium, which Glenn Seaborg predicts when the electric utilities have been converted to what he calls "the plutonium economy of the future."

Alternative methods of producing electric power without these hazards range from different designs of nuclear power plants to solar, tidal, and geothermal energy, which draw on the polluton-free resources of sunlight, tides, and subterranean heat. More efficient and cleaner means for utilizing coal, oil, and natural gas are also under development. Perhaps most significant for the long term is the development of fusion reactors, which would not produce the quantities of dangerous wastes associated with today's reactors and the LMFBR. Research and development of fusion reactors have been reduced as a result of the crash program to develop LMFBRs.

The AEC is promoting the LMFBR to an extent unmatched by any other program, public or private, for developing new or improved means for generating electricity. The great expense and long lead-times associated with the development of new energy technologies will give the LMFBR development program an irreversible momentum unless environmental hazards and alternatives to LMFBR are considered *now*.

The National Environmental Protection Act requires the Atomic Energy Commission to consider these alternatives before proceeding with its program for the commercial development of LMFBRs, and to publish its considerations, along with its judgment of the environmental impact of the proposed program and alternatives, in a statement to be circulated for public comment and review and to accompany its request for funds from Congress.

SIPI believes it is of the greatest importance that the environmental impact of the LMFBR development program and the alternatives to that program be given full consideration, and has therefore taken legal action to compel the Atomic Energy Commission to do so. The National Environmental Policy Act (NEPA) became effective in January 1970, and in our view the AEC should have prepared the required statement last year in connection with its proposal to Congress for funding of the LMFBR program. But no such statement was prepared. The shortness of time and the agency's unfamiliarity with NEPA perhaps provided some excuse for the AEC's neglect last year. However, NEPA has now been effective seventeen months, and the AEC has made its second round of authorization and appropriation requests to Congress since the act's passage. Again these requests were not accompanied by a NEPA statement as the law requires. As a result of the AEC's neglect of this important nondiscretionary duty, the public and the Congress have been deprived of the careful assessment and robust public discussion that NEPA was designed to stimulate.

While the AEC has committed itself to circulate NEPA statements on individual nuclear reactors as they are built and licensed, such statements are quite inadequate for considering the LMFBR program as a whole and in comparison with the appropriate alternatives. Although necessary, an investigation of individual reactor facilities and siting is no substitute for the timely and thorough assessment of what has become the nation's highest priority energy program.

THE BREEDER: ABORT IT BEFORE IT MULTIPLIES

(By Sam Love)

Some time in the next few months Congress will decide whether funds should be voted for an Atomic Energy Commission program to commercially develop and proliferate a new type of nuclear reactor, the Liquid Metal Cooled Fast Breeder Reactor (LMFBR). Its salesmen at the AEC tout this reactor, which can make more fuel than it uses, as the realization of mankind's dream of finding a perpetual motion machine. Its critics find its potential for environmental destruction staggering.

At a time when the new chairman of the AEC, Dr. James Schlesinger, is publicly stating before such audiences as the Atomic Industrial Forum that his agency is no longer in the business of promoting nuclear energy, the LMFBR program is being promoted to an extent that is unmatched by any other program. This salesmanship plus at least two billion dollars of federal funds by 1980 will give the breeder reactor a momentum that is much greater than any alternative energy source.

This year Congress is being asked for over $230 million for breeder research and for the construction of a demonstrator plant. This electrical generating plant will be built in cooperation with a private utility for the purpose of demonstrating the commercial feasibility of the breeder. According to the AEC, two or three such units should be operating by 1980.

Research on the LMFBR and other breeder designs has been underway for years but it is only recently that the decision has been made by the AEC to give top priority to an LMFBR cooled with liquid sodium. As the agency's plans for the commercial development of the LMFBR have become known, the controversy has heightened.

On May 26, 1971, the Scientists' Institute for Public Information (SIPI) and the Natural Resources Defense Council (NRDC) filed suit in federal court charging that the AEC had violated the National Environmental Policy Act by not preparing a statement on the environmental impact of the breeder program. A few months later, President Richard Nixon released a statement of support for the LMFBR program and said that the AEC would prepare a NEPA statement on the individual demonstrator plants.

The decision by the AEC and the President to prepare a statement on indvidual plants did not answer the charges of the SIPI suit. The issues raised by the scientists' group deal with the environmental impact of constructing large numbers of plants (the AEC projects 600 LMFBRs will be on line by the year 2000), the dangers associated with shipping large amounts of radioactive plutonium, the waste problems associated with the breeder and other questions. The SIPI-NRDC motion to get an environmental impact statement on the program has been denied by a district court judge, but an appeal of the decision is being considered by the scientists' group.

If the court rules that an environmental impact statement on the entire program is necessary, more information on the AEC's breeder program plans will be available for public scrutiny. Enough information is available now that a considerable number of scientists believe that a commitment to the LMFBR as our principal future energy source is a mistake.

The very process which makes the breeder attractive is also its most controversial feature. It is unique because it potentially can create more fuel than it consumes. This is possible because non-fissionable uranium (U-238), which cannot be used by the present generation of nuclear reactors, can be converted in the breeder into a man-made fissionable element, plutonium. Because U-238 is more abundant than the isotope U-235 which is used by present reactors, the breeder requires less mining of uranium. Also, it will not need to have its fuel prepared by the expensive isotope separation process necessary to create fuel for present reactors, so the AEC envisions breeders producing electricity at a lower cost than conventional methods of production. Because a price reduction is dependent on proliferation, the AEC contends that a large number of breeders is necessary.

But as America has found out with the present reactors, everything that glows is not golden. Proliferation of the LMFBRs will necessitate the movement of large amounts of plutonium between reactors, fuel reprocessing facilities and waste disposal sites. If some plutonium escapes into the environment through accident or sabotage, the results could be disastrous. With a half-life of 24,000 years, plutonium is radioactive far longer than the relatively short half-lives (about 15 years) of the by-products of today's light water reactors. It is also far more dangerous—a speck on the lungs can be fatal.

At this point it appears that the LMFBR may have a greater potential for accident than the reactors in use today. An article in the September 10, 1971 issue of *Science*, entitled "Radiation-Induced Swelling of Stainless Steel," outlines how the intense neutron bombardment which occurs in the LMFBR produces changes in the size of the structural materials which surround it. This can result in swelling of metals used in the construction of the reactor core. These changes in the tolerances in the core can affect coolant flow and they might precipitate the overheating of the core and the melting of the plutonium.

Another problem which plagues breeder designers is fuel handling. The advantage of the breeder is that plutonium will be generated, but retrieving the newly-created radioactive substance necessitates much more frequent fuel handling than is necessary in today's reactors. The systems for handling the fuel are described by the Atomic Energy Commission in their LMFBR feasibility study as "the most complex feature of an LMFBR." Their study suggests that fuel handling features should be given top priority for research.

Once the plutonium is lifted from its birth place in the reactor core, it must be transported to a fuel reprocessing plant so that it can be made into new fuel elements. Should an accident occur—a major concern of those critical of the LMFBR program—plutonium could leak out of the cylinders during transit. Another fear surrounding plutonium movement is that some of the material may be diverted for use by unauthorized parties. The diversion of a relatively small amount is all that is needed to construct a nuclear bomb. This is a point of serious concern in the SIPI lawsuit and in an April 9, 1971 article in *Science* entitled "Plutonium: Reactor Proliferation Threatens a Nuclear Black Market."

In referring to the problem of safeguarding plutonium, Ralph Lumb, chairman of a 1967 AEC advisory committee on safeguarding materials, said in *Science* that it is "like any other business . . . the more you have of something, the more you're going to lose." At a present price of $10,000 per kilogram, plutonium is five times as costly as heroin and ten times as expensive as gold.

AEC studies on the possibility of black-market diversion are classified, but enough information has been made public to reveal that diversion of plutonium for nuclear weapons construction is a definite possibility if the breeder proliferates. But until large quantities of plutonium are available, the problem will not be as serious because fuel cores for present reactors contain uranium enriched to only three percent whereas bomb-grade uranium requires about a 90 percent enrichment.

The problems of thermal pollution and waste disposal which plague present nuclear reactors will also curse the breeder. Although the LMFBR will generate a slightly smaller quantity of radioactive waste material, its waste will contain more plutonium than ordinary waste. This plutonium residue makes it more dangerous than our present radioactive legacy of over 100 million gallons.

The amount of thermal pollution the LMFBR causes will also be slightly less than our present reactors because of its unique liquid metal cooling system. Liquid sodium will be circulated in 2 closed loops inside the reactor. Sodium has been selected because of its heat transfer properties, low vapor pressure, and ease of circulation. In addition to its enginering pluses, however, it has a major drawback—it explodes on contact with air or water. Sodium has been chosen as the liquid metal coolant even though the AEC feasibility study completed in 1971 said: "Sodium-cooled reactors can be built and operated. However, here is no experience with large, central station, sodium-cooled fast breeder reactor systems. These larger plants will require a much broader technology than now available."

The study also said that the "state-of-the-art for detecting, locating, and containing sodium leaks, and for fighting sodium-air or sodium-water reactions is rudimentary."

Even though the AEC has officially endorsed the liquid sodium coolant, there is strong feeling inside the agency that other cooling system designs are superior. Although no one who works on breeder development is publicly attacking the decision to opt for liquid sodium, rumblings of discontent about the choice have been heard from inside the agency.

These rumblings are coming from those who have watched the breeder program since it began with the construction of the first Experimental Breeder Reactor (EBR-1) in 1951. The AEC heralds this event as a landmark occasion and has had the site declared a Registered National Landmark by the Interior Department. Even though it did prove the validity of the breeder theory, it also demonstrated its hazards. During an experiment in 1955, an accident occurred because an operator made a mistake. No one was hurt, but the temperature in the reactor core rose to over 2000 degrees Fahrenheit and the fuel rods melted. Such a meltdown could trigger a small explosion under certain conditions.

An official AEC publication, *Breeder Reactors*, describes the experience with EBR-1 this way: "Although years of hard work and further research lay ahead in applying the breeding principle to larger reactors, the ERB-1 demonstration gave a tremendous psychological boost to the scientists and engineers working toward breeder reactors and moved the breeder concept from the realm of hope to an area of more solid scientific foundation."

Another highlight in breeder history glossed over by the AEC is the experience with the Enrico Fermi plant located near Detroit. *Breeder Reactors* ends a three-sentence description of the plant with, "Although a series of operating problems delayed sustained power-demonstration runs, the Fermi plant has provided valuable insight into some of the problems that may face large, commercial breeder plants." Those "operating problems" included major equipment failures, defective accident warning instruments, and a core meltdown which released radiation in the plant and put it out of operation for about five years. Now, it is operating again at low power.

In spite of all the problems that surround the breeder, Congress appears ready to give a full go-ahead to the AEC's plans to let the breeder become the flag ship of America's alternative energy fleet. One reason the LMFBR is receiving the red carpet treatment in the halls of Congress is the scare-talk of blackouts that the utilities have used to camouflage the issues of energy waste, and the production lag which has resulted from earlier AEC projections that have not been realized. Years of AEC and utility salesmanship have conditioned the public and Congress not to question energy production plans; yet, the real answers are only going to be found when the light of public discussion illuminates the blackout issue.

U.N. LAW OF THE SEA REPORT: SECTION 3

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. KEITH. Mr. Speaker, on Monday and Tuesday of this week, I have placed in the RECORD, sections 1 and 2 of my report on the upcoming Law of the Sea Conference, including part of a statement by the Honorable John R. Stevenson, legal adviser to the U.N. Seabed Committee. To conclude my report, I wish to submit today the balance of Mr. Stevenson's statement, concerning preparations for the 1973 Law of the Sea Conference, as follows:

U.N. LAW OF THE SEA REPORT

PREPARATIONS IN THE SEABED COMMITTEE

The General Assembly will decide the precise date and agenda of the 1973 Law of the Sea Conference next fall. In the meantime, there have been three meetings of the U.N. Seabed Committee since it has been charged with preparations for the Conference. The Committee now has 91 members.

Areas of broad agreement

During the section 3 meetings of the Seabed Committee, almost all members have indicated their general views. While the United States has not agreed with all the views expressed, the discussions to date indicate at least the broad parameters of a possible eventual agreement consisting of the following elements:

(a) a 12-mile territorial sea, with freedom of navigation and overflight beyond that limit;

(b) coastal State economic controls over fisheries and seabed resources beyond 12-miles;

(c) an international regime for the seabed beyond the area of coastal State economic jurisdiction.

Unsettled issues

The key unsettled issues on which the success or failure of the 1973 Conference will doubtless hinge are the following:

(a) How far beyond 12 miles should coastal State economic jurisdiction extend and should it be exclusive or subject to international standards and accountability.

(b) Free transit through and over international straits.

(c) The nature of the international regime and machinery in the area beyond coastal State economic jurisdiction.

(d) The nature of the legal regime for the control of marine pollution beyond 12 miles.

With your permission, Mr. Chairman, I will be happy to supply the Committee, for the record, with copies of certain statements we have made explaining our position on these substantive issues in greater detail. However, in view of the widespread interest among developing countries in a 200-mile exclusive coastal State economic zone beyond the territorial sea, and the fact that some have included pollution control within this concept, I would like to outline our principal objections to such exclusive resource jurisdiction and to comment briefly on the pollution question.

Problems with the Exclusive Resource Zone

First, let me make it clear that we are not opposed to delegating extensive controls over resources to coastal States in broad areas beyond the territorial sea as part of an agreed Law of the Sea settlement.

However, it is our view that these controls must be based on an express delegation of authority from the international community, must take into account community interests, and must be accompanied by coastal State accountability to other members of the community. International standards and compulsory dispute settlement are accordingly essential. Exclusive coastal State economic jurisdiction tends to disregard the existence of community interests in the area, particularly as regards other uses such as freedom of navigation, overflight, and scientific research. There is a danger that exclusive economic jurisdiction may be expanded to interfere with such other uses.

Secondly, fisheries are more than just an economic resource. They are a vital source of animal protein for the world. There is, accordingly, a community interest in assuring that coastal State regulation is accompanied by accountability to the community for conservation and for ensuring maximum utilization of fisheries consistent with sound conservation practices. As a practical matter, there should be an agreed international formula regarding historic fishing activities of other nations in coastal areas.

Thirdly, fish do not observe arbitrary lines in the ocean. As a rule, fishing activity for particular stocks should be subject to the same management regime. Thus, coastal State regulation of coastal and anadromous species should be based on the migratory habits of such species. Moreover, certain species of fish such as tuna are highly migratory, frequently crossing entire oceans. Accordingly, we believe such migratory species can only be effectively managed by international and regional organizations rather than coastal States.

Fourthly, one of the important objectives of an international seabed regime is to provide for equitable sharing of benefits from seabed minerals. Most petroleum and gas resources are located in the continental margins off the coast. With few exceptions, these margins would be largely embraced by a 200-mile exclusive resource zone. Revenues for the international community as a whole from seabed minerals will not be very meaningful unless payments for this purpose are made not only with respect to the deep seabed exploitation of hard minerals contained in manganese nodules, but also, at least in some measure, with respect to the exploitation of the petroleum and gas resources of the continental margin beyond the 200 meter depth line. It is estimated that approximately one-half of the offshore petroleum lies beyond the 200-meter depth.

Finally, we believe that minimum international standards for protecting other uses of the sea, as well as protecting the marine environment itself from pollution arising from seabed exploration and exploitation, are in the general interest, and that these should be applied to the continental margin beyond the 200-meter depth.

Pollution issues

As I indicated, a number of coastal States have urged that pollution jurisdiction should accompany coastal State resource jurisdiction in the area beyond a 12-mile territorial sea. This will doubtlessly continue to be an important area of discussion and negotiation.

First, let me indicate the areas where there seems to be agreement. Coastal State jurisdiction over marine pollution emanating from land is clear. Moreover, it seems generally understood that coastal State economic jurisdiction over seabed resources, including such jurisdiction in an intermediate zone, will include coastal State controls over pollution from exploration and exploitation of such resources. The issue is the extent to which such controls should be subject to international standards, inspection, and dispute settlement, including minimum standards promulgated by the international seabeds organization for this purpose.

There is difficulty in dealing with the question of pollution from vessels. On the one hand, the interest of coastal States in protection from such pollution is clear. On the other hand, the international interests in freedom of navigation could be seriously compromised by coastal State controls over vessels and their movements. Moreover, the fact that vessels by their very ntaure move over large distances tends to raise serious practical questions regarding the effectiveness and harmonization of different coastal State measures. At present, as I indicated, the Intergovernmental Maritime Consultative Organization is very active in the field of preventing pollution from vessels by agreed international arrangements, and has produced a number of Conventions on the subject. With respect to IMCO's future activities in this area, at least two problems must be addressed:

First, the role of IMCO in continuing to develop international standards, and the extent to which this role needs strengthening to protect the interests of coastal States.

Second, whether additional measures for international cooperation in enforcement are desirable, and the extent to which these should involve IMCO, coastal States, or both.

If I could summarize what I have said about coastal State resource jurisdiction and related pollution problems, it would be that the existence of strong international and non-coastal interests must be taken into account in determining the nature and extent of coastal State controls, but that there need be no inherent or inevitable conflict between the two if the problems are addressed by all concerned with precision and in a spirit of mutual accommodation.

The March meeting of the Seabed Committee

I propose to conclude with a review of the March meeting of the Seabed Committee held in New York.

With respect to seabeds, the meeting was encouraging. Debate was structured, and tended to highlight the issues discussed earlier. A working group was established on principles that would form the first section of seabeds articles; additional working groups on machinery are contemplated for the summer meeting in Geneva.

One disturbing element was the revival of the divisive issues inherent in the so-called "Moratorium Resolution" passed by the General Assembly in 1969 over the opposition of the United States and many others. That Resolution purported to declare a moratorium on all exploitation of the seabed beyond the limits of national jurisdiction, without defining those limits. Among its other undesirable features, such a resolution encourages coastal States to expand their jurisdiction at the expense of the international area—and indeed, one of the strongest supporters of the Resolution did just that. We believe that the development of technology will not prejudice options regarding a seabeds regime if we proceed on schedule with treaty negotiations. Moreover, recognizing the need to preserve such options, the President stated in 1970 that all exploration and exploitation beyond 200-meters should be subject to the international regime to be agreed upon. Accordingly, it is to be hoped that the Subcommittee will not permit itself to be diverted by attempts to revive the moratorium issue at the expense of constructive and timely work on the seabeds regime.

The second Subcommittee, charged with the more traditional law of the sea subjects, spent virtually the entire session waiting for three regional groups to complete a proposal on a list of subjects and issues that would form the basis for discussion. It was introduced in the last week and contained certain unbalanced formulations that most, if not all, delegations knew from the outset could not be accepted by others on a consensus basis. These formulations would, in effect, prejudice the ultimate resolution of the issues before substantive consideration of them was completed. Moreover, while certain delegations made very useful substantive statements in the Subcommittee—particularly on fisheries—others seem to exclude the possibility of substantive progress on any issue in the Subcommittee until the list has been agreed and there has been general discussion of the list as a whole and the priorities to be assigned for discussion of different subjects.

Since there is no substantial disagreement regarding the comprehensive nature of the list, but only regarding the wording of certain items, further work on the list should not be permitted any longer to impede substantive progress. Moreover, if possible a text of the list should be prepared in informal consultations prior to this summer's meeting that can be agreed at the outset of that meeting. The Chairman of the Committee has agreed to arrange for such consultations. A copy of the proposed list, as well as the U.S. proposed amendments, will be submitted for the record.

Despite the unfortunate aspects of the list exercise, a wholly negative interpretation is unwarranted. We now see more clearly the political parameters of the negotiation, and all delegations have a better understanding of each other's positions and the options available. This had to occur; what is unfortunate is the way it occurred and the amount of the time involved.

The third Subcommittee, charged with the subjects of pollution and scientific research, spent considerable time discussing the coordination of various international activities regarding marine pollution, and trying to identify the areas in which the Law of the Sea Conference could most usefully concentrate its efforts. Some delegations have been urging complete treatment of all aspects of marine pollution at the Law of the Sea Conference, including pollution from land-based sources. Others have emphasized the important responsibilities of other international organs in this field, and have taken a more cautious approach to the scope of the Law of the Sea Conference in this regard.

Mr. Chairman, while the preparatory work thus far has not fully met our expectations, we remain convinced that these negotiations and the Conference should continue on schedule. Technology is not standing still. Unilateral claims are proliferating. The essential element for success lies in the difficult political decisions that governments must make to reach agreement, not in technical work that can be completed expeditiously once such decisions are made. It is our view that delay will only increase the difficulty of reaching such decisions.

The oceans are not a remote and largely inaccessible part of the planet or the universe. They are an integral part of our entire existence. The interests at stake in resolving a new legal order for the oceans are diverse, immediate, and vital to almost everyone. If we can bring the collective will and collective procedures to bear on providing new and effective international law and international institutions for the oceans, this could well point the way to a new dimension in international relations and new confidence in the ability of the international community as a whole to come to grips with its most pressing problems.

Thank you, Mr. Chairman.

FISCAL RESPONSIBILITY ACT WOULD PUT EFFECTIVE CONTROL ON PURSE STRINGS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. HORTON. Mr. Speaker, I am pleased to join with my colleague from Michigan (Mr. ESCH) in sponsoring the Fiscal Responsibility Act of 1972. Before enumerating the provisions of this comprehensive legislation, I wish to reflect for a moment on why I believe Congress must revise its procedures for controlling the purse strings of the Federal Government.

At the present time, much of the responsibility for Government fiscal policy has fallen into the hands of the executive branch by default. Congressional spending and budgetary procedures are far too disorganized and stop-gap to enable us to effectively plan and monitor our multibillion dollar budgets. As Congress has failed to update its appropriations procedures, more and more of the task of setting budgets straight and of setting spending priorities has shifted to the White House. That is not where the responsibility belongs.

Where have we failed? First of all, Congress has failed to respond to our inability to complete action on all appropriations measures before the fiscal year begins. We simply are unable to sift through about 14 massive appropriations bills between the end of January and the June 30 deadline. Unlike earlier days of 6- or 7-month sessions and smaller budgets, we now find ourselves considering legislation 10, 11, and even 12 months a year. Frequently, less than half of the appropriations are acted upon before the beginning of the fiscal year—leaving Federal agencies to operate under stop-gap continuing resolutions which undermine efficient planning and spending of funds.

Mr. ESCH and I have worked for several weeks on the draft of this bill. Our reason for including a change in the fiscal year to coincide with the calendar should not imply criticism of the Appropriations Committees of Congress responsible for reviewing budget requests.

On the contrary, under the very difficult time schedules imposed upon them, these committees and subcommittees do an excellent job of sifting through the myraid of complex spending requests which add up to over $245 billion for the coming fiscal year. As an example of the Appropriations Committee's effort to complete as much of its review as possible before June 30, we had a request on the floor today for permission to bring up a complex appropriation measure next Tuesday—a measure not expected to be finally reported by the full Appropriations Committee until late Monday.

Under a calendar year fiscal year setup, there would be no need to ask Members of Congress to take final action on a large spending measure with no more than a few hours to study the details of the bill in advance. This kind of time schedule is nothing short of chaotic. It does not permit intelligent review of decisions to spend billions of taxpayers dollars. It is unfair to the Appropriations Committee which has spent several months preparing its report to the House, and it is unfair to the Federal agencies and the recipients of their programs—all of whom must live with the hasty result of this rush congressional action on their budgets.

I first proposed changing to a calendar budget year in the 90th Congress, back in 1968. Last year, I testified before the Joint Committee on Congressional Organization in favor of this change, and I am continuing to urge that the Government Operations Committee, on which I serve, take up this legislation. Despite my separate bill on this subject, I think the calendar budget year is a necessary and desirable inclusion in the Federal Fiscal Responsibility Act. For only if we have a reasonable time frame in which to consider Federal spending can we take an intelligent look at the budget as a whole.

Present appropriations procedures place fiscal responsibility last on the priority list. In acting on individual spending bills, each house of Congress makes separate decisions on whether more or less money should be allocated for programs than was budgeted by the administration. Through this procedure, we may add funds to an education bill or subtract funds for a defense project, but there is no mechanism which forces Congress to look at the entire budget picture at once. While many of us try to balance our own votes for high and low priority items, the actions of Congress as a whole usually do not balance spending with available dollars. Frequently, the administration responds by holding up, or impounding funds for specific programs in direct opposition to the intent of Congress. Here again, our powers over spending priorities have shifted to the Executive by default.

Mr. Speaker, the Fiscal Responsibility Act of 1972 would restore to Congress a viable role in establishing budget priorities. It addresses four major areas in need of reform.

First, the bill reestablishes the fiscal year to coincide with the calendar year. This adjustment would give Congress 6 extra months to review the budget and would greatly reduce the need to resort to continuing funding resolutions.

Title II of the bill requires Congress to set an annual expenditure limitation 45 days after the President has submitted his budget. This would force Congress to consider the state of the economy at the beginning of each budgetary cycle and to weigh various priority programs competing for limited dollars. In addition, the Director of the Office of Management and Budget is required to report to Congress at the end of the second and third quarters his estimate of how well Federal spending policies are complying with the expenditures ceiling. If the Director estimates that spending will exceed the ceiling for the current fiscal year, he can establish pro rata reductions in all Federal departments to bring spending in line with the limitation. Upon submission of the report, Congress would have 30 days to specify or exempt appropriations categories where the reductions shall be made. As a result, Congress would have an ongoing responsibility to monitor spending levels and to stay within its own spending limit.

Title III of the bill establishes a Federal impoundment procedure and distinguishes between pro rata impoundments and those targeted at specific programs. If the President decides to institute a pro rata, across-the-board reduction in any agency, he must immediately notify Congress of his impoundment. Either House of Congress would then have 60 days to disapprove the action. In cases where the President targets his impoundment to one budget category or program, he must notify Congress 30 days in advance and either House of Congress would have 30 days to disapprove the proposed action. By distinguishing between pro rata and targeted impoundments, Congress would be assured of prior consent to any withholding of funds for specific programs. This section of the bill also includes provisions to encourage prompt disbursement of Federal funds to State and local governments and to private contractors. If additional costs are incurred by the recipient of Federal funds because of a delay of 60 days or more, the Federal Government becomes liable for those extra costs.

Finally, the Fiscal Responsibility Act establishes a Commission made up of the Comptroller General and key members of the appropriations committees, the Senate Finance Committee, and the House Ways and Means Committee. The Commission would be charged with studying the entire authorization-appropriation process and recommending further steps to modernize congressional procedures.

Mr. Speaker, the people of America expect Congress to watch over the purse strings of Government and to set Federal spending priorities. Of all branches of Government, Congress is the closest to the people and it should be equipped to respond to these demands. But unless we adopt comprehensive reforms, we will continue to fumble our fiscal powers away—along with the tax dollars of our citizens.

The Fiscal Responsibility Act offers responsible alternatives that would help put both the budget and the powers of Congress back into balance. I want to commend our colleague, Mr. ESCH, for the leadership role he has taken in this area, and I urge each of my colleagues to work with us to gain action on this measure.

RIGHT TO "FREE" LEGAL COUNSEL AT TAXPAYERS' EXPENSE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. RARICK. Mr. Speaker, the new justice theories by those presently occupying the seats of the Supreme Court are beginning to hurt—not hurt the criminals but rather the taxpayers. Thus far the right to free legal counsel in misdemeanors does not take into consideration the increased cost to the taxpayers caused by additional judges and courtroom facilities which will be made necessary because of the additional trials and delays resulting from the egalitarian theories of judges.

An example of what is to come may be indicated by a report from nearby Virginia that the right to free legal counsel in any trial which can result in a jail or prison sentence is expected to affect some 3 million people and cost the taxpayers of that State $15 million a year.

I ask that several newsclippings follow.

[From the Evening Star, June 12, 1972]

COURT BROADENS DEFENDANT RIGHTS

The Supreme Court today ruled that the right to a lawyer applies to persons on trial even for minor crimes if they face jail or prison.

In a 7 to 2 ruling, the justices declared that any person put on trial for any kind of offense which may lead to a jail term, no matter how short, is entitled to a lawyer if he wants one.

The decision, in an opinion by Justice William O. Douglas, broadened a 1963 ruling guaranteeing an attorney for trials of serious crimes.

"Under the rule we announced today," Douglas wrote, "every judge will know when the trial of a misdemeanor starts that no imprisonment may be imposed . . . unless the accused is represented by counsel."

This apparently means that a crime leading only to fines, and not jail or prison terms, is the only kind of case in which the right to a lawyer does not apply. The court said it was taking no action on cases involving only fines.

Today's ruling is expected to have its heaviest impact in about half of the states. At present, two dozen states, the District, and the federal government guarantee the right to a lawyer in every case where jailing or imprisonment could result.

There were no outright dissents from the ruling. However, the two newest justices, Lewis F. Powell Jr. and William H. Rehnquist, said they would not have gone so far as the majority.

Instead, they said in an opinion written by Powell, they would provide that judges could decide on a case-by-case basis whether a person accused of a petty offense is entitled to an attorney.

Chief Justice Warren E. Burger, in a brief separate opinion, suggested that the ruling "may well add large new burdens on a profession already overtaxed," but he concluded that "the dynamics of the professions have a way of rising to the burdens placed on it."

Today's decision grew out of the famous "Gideon" Decision of 1963, which held for the first time that the right to a lawyer applies in states as well as in federal criminal trials. Until today, however, the court had never indicated whether this right reached cases involving even such poetry offenses as traffic violations.

[From the Evening Star, June 13, 1972]

RIGHT-TO-LAWYER RULING COSTLY IN VIRGINIA

(By Alex Preston and
Lyle Denniston)

A new Supreme Court decision giving any person a right to legal counsel in any trial which can result in a jail or prison sentence, will affect some 300,000 persons a year in Virginia and cost the state about $15 million a year, State Atty. Gen. Andrew P. Miller said today.

Miller called a news conference in Richmond on the eve of the annual meeting of the State Bar Association, whose members already are talking about a special session of the General Assembly to make wholesale revisions in the state's misdemeanor laws.

Arlington County Commonwealth's Atty. William J. Hassan said Virginia had anticipated the court's ruling when the legislature earlier this year set up a six-member commission to study feasibility of establishing a public defender system.

MEETING THURSDAY

The study commission, scheduled to meet Thursday, will designate three localities to serve as pilot projects for the public defender system which entitles all persons to legal counsel.

The high court held, in a 7 to 2 decision yesterday, that any person is entitled to an attorney, even in relatively minor crimes, if a jail or prison sentence is a possible penalty. Virginia, like Maryland and about half the states, imposes an "either, or both" penalty for many misdemeanor offenses; that is a stated maximum fine or a jail term or both."

The impact on Maryland probably will be less than on Virginia. Maryland Deputy Atty. Gen. Henry Lord said his state has a public defender system and as a matter of policy has provided counsel for defendants in cases involving jail terms of 90 days or more.

"This (court decision) simply narrows it down from 90 to 1 (day)," Lord said.

But in Virginia, the ruling could be "catastrophic," according to C. Wynne Tolbert of Arlington, president of the State Bar. "The crowds of people that clutter the halls of our courthouses for cases in lower courts is unbelievable," he said.

"This decision could make the situation worse. I can't help but believe that the judge should be given more discretion in appointing attorneys to represent indigent persons."

Hassan said that mandatory jail terms are provided for certain types of traffic offenses, such as operating a motor vehicle on a suspended or revoked driver's permit.

"Although we had anticipated this decision," Hassan said, "we thought it would be more restrictive to certain types of offenses."

FISCAL PROBLEM

Under present law, Virginia provides attorneys for indigent persons accused of felonies—more serious offenses which carry penalties of one year in jail or $1,000 fine or both. But no free legal counsel is provided for indigents in misdemeanor cases.

"This landmark ruling present Virginia with a staggering judicial and fiscal problem," Miller said. He added that it seemed "incredible for such an opinion to come down without any mention of its retroactivity. Do we have to free those currently serving jail sentences on misdemeanor convictions imposed without the participation of defense lawyers?"

Miller said his office has already compiled a list of offenses under Virginia law that could carry a jail sentence; the number is well over 1,000, including drunkenness and certain traffic law violations.

Arlington County Court Judge Thomas W. Dodge foresaw "a very significant expense to this county, with lawyers possibly being needed for 1,500 additional cases a year at a cost of about $50 per case."

BURGER AGREES

In this vein, Chief Justice Warren E. Burger, in a concurring separate opinion, suggested that the ruling "may well add large new burdens on a profession already overtaxed" but he concluded that "the dynamics of the profession have a way of rising to the burdens placed on it."

The court said it was taking no action on cases involving only fines.

Several suggestions by the federal government, to make it easier for the states to adjust to the new ruling, were ignored by the court's opinion.

The key proposal by the Justice Department which favored yesterday's result, was that the court postpone the effective date of its ruling for a year, or perhaps until July 1 of next year.

But the states were given no option by the court except to adapt within about three weeks, which is the time it will take for the court to issue a formal order carrying out its suggestion.

OUR NATION SALUTES THE COURAGE AND FORTITUDE OF OUR HANDICAPPED

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. ROE. Mr. Speaker, on May 3, 1972, I had the great privilege of participating in the Humanitarian Awards program of the National Society of the Handicapped and the Joint Handicapped Council during the National Conference on the Employment of the Handicapped here in Washington. As I looked about me during the presentation ceremony—and later in warm person-to-person discussions with our handicapped visitors from my congressional district and the State of New Jersey—the distinction and honor of being one of the recipients of their "National Humanitarian Award" gave me great personal pride in having the opportunity here in Congress to vigorously support legislation to help meet the needs and work toward providing a better standard of living for the handicapped citizens of our nation. Of even greater significance is the heart-warming knowledge of the magnitude of the unselfish dedication, free spirit, silent courage and noble work of all of our handicapped fellow citizens.

During this 92d Congress I have already sponsored considerable legislation on behalf of, and to benefit our handicapped citizens. I recently joined with the distinguished chairman of the House Ways and Means Committee, WILBUR D. MILLS in sponsoring H.R. 15008 which would provide an income tax deduction in the case of disabled individuals for expenses for transportation to and from work and additional exemption for income tax purposes for a taxpayer's spouse who is disabled. Some of the other significant legislation I have sponsored is as follows:

H.R. 6298, March 17, 1971, H.R. 8011, May 3, 1971: To amend the Wagner O'Day Act to extend its provisions relating to Government procurement of commodities produced by the blind to commodities produced by other severely handicapped individuals. This measure which was signed into law by the President—Public Law 92-28—on June 23, 1971, provides employment opportunities for severely handicapped individuals in the manufacture of products to be sold to the Federal Government.

H.R. 11236, October 14, 1971: To amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped. Approximately 1 million youngsters in our Nation are homebound handicapped and for varying lengths of time, are unable to attend school, thereby suffering academically and emotionally. This measure makes a full commitment to these children in helping them to fulfill their potential by providing financial compensation to qualified college students to act as home tutors for these youngsters.

House Concurrent Resolution 436, October 21, 1971: Concurrent resolution expressing congressional recognition of a declaration of general and special rights of the mentally retarded. This measure calls attention to the plight of the mentally retarded in the hope that it will help dispel one of the major obstacles to helping and improving the circumstances of the mentally retarded: namely, the attitude of people toward the mentally retarded who are constantly facing dehumanizing abuses from a majority of this country who are unaware of their exclusion from rights such as education and training which the rest of us take for granted; unaware of the gray dullness of some institutions for the severely retarded; and unaware of the sweatshop pay that some retarded get for a good day's work. Approval of this resolution will place the United States in the leadership, in the discussion in the United Nations General Assembly, of a declaration of rights for the mentally retarded.

H.R. 11259, October 4, 1971: To amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons.

H.R. 11606, November 5, 1971: To amend the Vocational Rehabilitation Act to provide special services, artificial kidneys and supplies necessary for the treatment of individuals suffering from end stage renal disease. It is important to note that under date of March 20, 1972, the House passed by a record vote of 327 yeas to zero nays H.R. 8395, which extended and improved the basic Federal-State vocational rehabilitation program and added services for end-stage renal disease authorizing $25 million during each of the fiscal years 1973, 1974, and 1975 for this purpose.

H.R. 12352, December 15, 1971: To amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment.

H.R. 13668, March 8, 1972: To provide for paper money of the United States to carry a designation in braille indicating the denomination.

H.R. 14337, April 12, 1972: To establish in the Department of Health, Education, and Welfare an Office for the Handicapped to coordinate programs for the handicapped.

House Joint Resolution 1159, April 12, 1972: Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States.

Mr. Speaker, there is so much more to be done to help the handicapped of our Nation—and I call upon my colleagues here in the House to continue their dedicated efforts toward developing legislative proposals and action programs that will insure the handicapped of our Nation the quality of life with the highest standards of excellence which they so richly deserve.

I ask my colleagues to join with me in expressing our appreciation on behalf of all of the other recipients of the National Humanitarian Award in the highest commendation to the executive director of the Joint Handicapped Council, the Honorable Max Lupkin, who presented the awards. A handicapped person himself, he has given a lifetime of outstanding public service in sharing the burdens and seeking a better life for our handicapped as well as improved physical and mental health through social and vocational rehabilitation programs for the handicapped—we do indeed salute you, Max Lupkin.

Other recipients of the Humanitarian Award are as follows:

Distinguished Members of the Senate:
Hon. Daniel K. Inouye, of Hawaii.
Hon. Jacob K. Javits, of New York.
Hon. Russell B. Long, of Louisiana.
Hon. Adlai Stevenson III, of Illinois.

Distinguished Members of the House:
Hon. Hale Boggs, of Louisiana.
Hon. Joel T. Broyhill, of Virginia.
Hon. John W. Byrnes, of Wisconsin.
Hon. James A. Burke, of Massachusetts.
Hon. Hugh L. Carey, of New York.
Hon. Manuel Celler, of New York.
Hon. Martha W. Griffiths, of Michigan.
Hon. Wilbur D. Mills, of Arkansas.
Hon. William F. Ryan, of New York.
Hon. Al Ullman, of Oregon.
Hon. Charles A. Vanik, of Ohio.
Hon. John C. Watts, of Kentucky.

Distinguished international dignitaries:
HRH Countess Marianne Bernadotte, Stockholm, Sweden.
Premier Golda Meir, State of Israel.

Distinguished citizens:
Hon. Andrew J. Biemiller, AFL-CIO.
Hon. William B. Gardiner, DAV.
Hon. C. L. Huber, DAV.
Hon. J. R. Nelson, I.A.M. & A.W.
Hon. F. M. Putterman, JWV.
Hon. F. R. Stover, VFW.
Hon. Maurice Ward, Joint Handicapped Council.

Distinguished organizations:
Accent on Living, Inc.
The National Star Newsletter.
The National Institute for Rehabilitation Engineering of New Jersey.

Mr. Speaker, I wish to particularly commend Donald Selwyn, executive director and George W. Shultz, member of the board of directors of the National Institute for Rehabilitation Engineering of New Jersey who were present to receive the award on behalf of NIRE, the only New Jersey organization to receive the honor. I am especially proud of the fact that they are located in my congressional district. NIRE was selected for its work in socially and vocationally rehabilitating people who are severely handicapped. The institute, which was formed 5 years ago by Donald Selwyn, has an outstanding record of success in helping severely and totally disabled people to live independently, to work and to support themselves. NIRE specializes in the development of electronically operated devices and equipment to meet the needs of the handicapped, enabling them to function in an optimum independent manner in their daily pursuits. They also provide technical assistance to other handicapped service organizations, institutions, and agencies.

The Nation does indeed salute the courage and fortitude of our handicapped.

ANIMAL PSYCHOLOGY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. OBEY. Mr. Speaker, during debate on the Interior appropriations bill yesterday, I indicated that the bill had increased funding for research in the habits of predators and behavior techniques which may be used to control them.

Our hope is that with such techniques we can avoid the use of large amounts of poison on public and private lands which ends up killing target and nontarget animals alike.

An article in the Wall Street Journal a few days ago indicated some of the research which is now being done in this area. It is encouraging, I think, for all those who realize that the more we can rely upon nonchemical and nonpoisonous controls for predators and insect pests, the better off we will all be.

The article follows:

Instead of Poisoning Animal Pests, Some Groups Favor Using Psychology

(By James E. Bylin)

Logan, Utah.—Ground squirrels seem like cuddly creatures. But they like to munch on alfalfa and corn, which makes farmers mad, and they might spread disease, which makes no one happy.

So how can their population be controlled? Traditionally, they might be poisoned. But other animals you don't want killed might eat the poison, too, thereby upsetting environmentalists as well as the balance of nature.

David Balph, who has watched squirrels for years, thinks that he knows a better way than poisoning for the squirrels—and for all sorts of predators and pests as well, including coyotes, rats and starlings. Mr. Balph, a behavioral ecologist here at Utah State University and acting director of its Ecology Center, is a leading exponent of waging psychological warfare in man's perennial battle to protect crops and livestock.

His chief ploy: Learn behavioral patterns and then manipulate inbred mechanisms so the animals "control their own population."

Consider the ground squirrels. "They're like a human family," he says. "The young stay around if the environment is good. But if there are problems, they get sick of them. They're susceptible to pressures." Overpopulation causes the problems, he says, and the pressure is applied in a strange way: Yearling males about to mate for the first time mercilessly bother juveniles. Not only do the youngsters tend to scurry to other habitats but the juvenile males become "psychological castrates," unable to mate when their time comes, and the females ultimately produce smaller litters.

THE PESTER PLAN

What Mr. Balph proposes, then, is to capture a few yearling males where squirrels are a nuisance, inject them with a special hormone and let them "pester the hell out of the juveniles. We might knock down the population by 20%," he says.

Mr. Balph and a growing breed of ecologists believe that such notions may be the basis for future controls. Although their theories haven't faced the test of field use, these ecologists are in a position now to prove their ivory-tower speculation. For President Nixon, under mounting pressure, recently adopted a task-force recommendation and suspended immediately the use of poisons in federal predator-control programs. Interstate shipments of many poisons have also been stopped to discourage private use.

Since 1951, the task force reported, some $110 million in federal and contributed funds have been spent to wipe out wildlife, often indiscriminately and inhumanely. The report, in fact, contended that the prison program had never been justified by research. It chided federal researchers for concentrating on "the development of effective killing chemicals and devices" while neglecting needed research into "the gamut of ecological problems associated with predators," including "more effective, specific and economical control methods."

DRUNK AS A COYOTE?

Coyotes have been the No. 1 target for the poisons, and the Nixon ban has angered sheepmen, who allege that sheep are the No. 1 target for coyotes. No one apparently knows how much damage coyotes really do inflict, but Mr. Balph, long a resident of sheep country, suspects that it isn't as much as herders claim. "An old sheepherder goes into the mountains, gets drunk and loses half his herd," he says. "It's human nature to blame the coyotes."

In any event, some researchers now are working on a "super stink" as an alternative to poisoning. The idea, stemming from the development of special odors to keep dogs out of gardens, is that some hideous smell will repel the coyotes from the sheep. Mr. Balph disagrees on the ground that the odor would have to be so overwhelming that "the sheep couldn't live with it either." He figures, "A coyote in the attack stage is a whole different bag from a dog urinating on a rosebush."

If anything, Mr. Balph speculates, a perfumy smell might be more effective. Meat treated with a powerful emetic, or vomit-inducing agent, could be staked out for the coyotes near the sheep. It is hoped, he says, that the coyote will eat the meat, fall ill and associate it with his sickness. Carrying this plan one step forward, Mr. Balph suggests dousing the meat—and the surrounding area—with cheap perfume. The coyote might associate the sheep's entire territory with vomiting and be "conditioned to avoid the area."

Even better and simpler might be to turn the coyote's own scent against him, he says. Coyotes, he explains, size up the scope of their competition by the number of "scent posts" in a given area. (The scent, left on bushes and the like, is a combination of urine and a secretion from glands along the base of the tail.) By re-creating this scent and applying it liberally around the sheep, "we might trick the coyote into thinking the (coyote) population is greater than it is," persuading the predators to take off for greener pastures.

Another tactic worth exploring, he adds, is to record coyote howls and play them when new mothers are feeding their young. The howls might again indicate overpopulation and upset the mothers during a critical period so she doesn't take proper care of her young.

The balding, 40-year-old Mr. Balph was raised in India, where he watched rats and other pests ravage food supplies. As far as the U.S. is concerned, he considers rats and starlings as "our two most important problems."

A SCENT—THEN AN ABORTION

Rats, he ponders, might be controlled by another peculiar biological response. "It's wild," he says, but at a critical time early in their pregnancies, female rats will abort spontaneously when confronted with the scent of a strange male. Biologists suspect that the reason is to copulate with the new male. Anyway, Mr. Balph thinks a synthesized scent of a "strange male" might be used to "disrupt the normal breeding cycle" and lower the birth rate.

Under a small grant, Mr. Balph and his staff are experimenting on a starling-control technique that, he says, may also be applicable to rats. The prolific birds are a costly nuisance to feedlot operators. His approach is to drug some food pellets, once again with an emetic, and spread them around the feedlot. A key factor, he says, is that it takes about 90 seconds for the bird to vomit after eating the food. During the interim, the bird will have moved to other activities, meaning it possibly won't associate his sickness with the food pellet, which is just fine for Mr. Balph's purposes.

"He won't figure out why he's vomiting," Mr. Balph says. "We want to trick him into associating it with the whole feedlot. He'll think, 'My God, I'll have to stay away from this feedlot. Every time I get around it, I throw up my cookies.' "

If the technique is successful, he says, the number of starlings may dwindle; because "life is so easy around a feedlot, that may be why the population builds up." He adds that there is "some evidence" that such information may also be passed along to the young in their training.

Mr. Balph is scrambling for research funds—federal, state and private—to test his theories. He acknowledges that they are "way out in left field," compared with traditional control methods. By spending $200,000 a year for 10 years, he vows, "we could come up with some halfway decent control programs" for a broad spectrum of predators and pests. "We may be wrong, but we're just saying, 'Give us a chance, and we might be able to do some real good.' "

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SENATE—*Thursday, June 15, 1972*

The Senate met at 11:30 a.m. and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, in the round of daily duties we lift up to Thee our hymn of grateful praise:

"For the beauty of the earth;
For the glory of the skies;
For the love which from our birth
Over and around us lies:
Lord of all, to Thee we raise
This our hymn of grateful praise

"For the joy of human love,
Brother, sister, parent, child,
Friends on earth, and friends above;
For all gentle thoughts and mild:
Lord of all to Thee we raise
This our hymn of grateful praise."
—FOLLIOTT S. PIERPOINT, 1864.

We thank Thee, O Lord, that Thou art not only above and beyond and around us but in us and with us. Guide us all by Thy higher wisdom that in service to the Nation we may serve Thee. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 15, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 14, 1972, the following favorable report of a nomination was submitted on June 14, 1972:

By Mr. FONG, from the Committee on Post Office and Civil Service:

John Y. Ing, of Hawaii, to be a Governor of the U.S. Postal Service.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 14, 1972, the following reports of a committee were submitted on June 14, 1972:

By Mr. HOLLINGS, from the Committee on Post Office and Civil Service, without amendment:

S. 916. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations (Rept. No. 92–862).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with an amendment:

H.R. 12202. An act to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes (Rept. No. 92–861).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

H.R. 3808. An act to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes (Rept. No. 92–860).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of yesterday, Wednesday, June 14, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 13034) to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 3166. An act to amend the Small Business Act;

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes; and

H.R. 13034. An act to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. STEVENSON).

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on page 2 of the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

The ACTING PRESIDENT pro tempore. The clerk will state the first nomination.

CORPORATION FOR PUBLIC BROADCASTING

The second assistant legislative clerk proceeded to read sundry nominations for the Corporation for Public Broadcasting.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. POSTAL SERVICE

The second assistant legislative clerk read the nomination of John Y. Ing, of Hawaii, to be a Governor of the U.S. Postal Service.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The SECOND ASSISTANT LEGISLATIVE CLERK. Routine nominations placed on the Secretary's desk in the Coast Guard.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 816, 817, 818, and 819.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VERMEJO RANCH ACQUISITION

The Senate proceeded to consider the bill (S. 2699) to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the National Forest System, and for other purposes which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 2, line 20, after the word "Act", insert "of 1965"; so as to make the bill read:

S. 2699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to assure that the outstanding natural resources of the area known as the Vermejo Ranch, within the Maxwell and Sangre de Cristo land grants, New Mexico and Colorado, will be managed and protected for public use and enjoyment, under the principles of multiple use and sustained yield, the Secretary of Agriculture is hereby authorized to acquire under this Act or under other authorities available to him such lands, waters, and interests therein as he deems desirable for national forest purposes within the area generally depicted on a map entitled "Proposed Vermejo Ranch Purchase Area", which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture. Any such acquisition may be made by purchase with donated or appropriated funds, by gift, by exchange, by transfer under provisions of the Act of July 9, 1962 (43 U.S.C. 315g–1), as though the lands were within the exterior boundaries of the national forest, by transfer under the provisions of the Federal Property and Administrative Services Act (63 Stat. 377, as amended, 40 U.S.C. 471 et seq.), or otherwise.

SEC. 2. Moneys appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein for the purposes of this Act: *Provided,* That the acreage of such acquisitions shall be excluded from computation of acreage added to the National Forest System west of the one hundredth meridian for the purposes of the acreage limitation set forth in subsection 6(a)(1) of the Land and Water Conservation Fund Act of 1965.

SEC. 3. Lands, waters, and interests therein acquired pursuant to this Act shall, immediately upon acquisition or transfer thereof, be included in the Carson National Forest and shall be subject to the laws and regulations applicable to the national forest.

SEC. 4. There are hereby authorized to be appropriated such sums as are necessary for the acquisition of lands, waters, and interests therein for the purposes of this Act.

Mr. EASTLAND. Mr. President, S. 2699 would authorize the Secretary of Agriculture to acquire such lands, waters, and interests as he deems desirable for national forest purposes within the proposed Vermejo Ranch purchase area. Moneys appropriated from the land and water conservation fund would be available for such acquisition and the acquisition would become part of the Carson National Forest.

The Vermejo Ranch consists of about 480,000 acres of land adjacent to the Carson National Forest. It includes some of the highest water yielding areas in the State of New Mexico. Its water resources are very impressive, consisting of more than 60 high country fishing lakes with about 2,000 total surface acres, and over 100 miles of trout streams. Artesian water is present in the vicinity of Adams and Bartlett Lakes and supplies about 60 surface acres each. About 2,500 acres of the ranch are cultivated and irrigated, and there is a water right to 1,000 acre-feet per annum in Eagle Nest Lake for irrigation of part of this acreage.

It is one of the outstanding hunting and fishing areas in the Southwest. There are large populations of elk estimated at about 7,000, about 40,000 deer, several thousand turkeys, 200 to 300 antelope and undetermined numbers of bear and mountain lion. Small game includes grouse, quail, dove, ducks, rabbits, and squirrels.

About two-thirds of the ranch is commercial timberland, of which about two-thirds is ponderosa pine and the balance spruce and mixed conifer. While the Pacific Lumber Co. has the timber rights on about 362,000 acres there are very strong restrictions placed on logging practices and once an area has been logged it cannot again be relogged.

According to witnesses a large number of range improvements have been made. There are about 400 miles of fence, about 300 wells equipped with windmills, more than 100 stock tanks, more than 50 corrals, approximately 15 cow camps and over 5,000 linear feet of wind and snow breaks. At the present time there are approximately 10,000 head of cattle on the ranch.

If this land is purchased by the Government and added to the national forests and managed under the multiple use laws it would provide outdoor recreation of many varieties to thousands of people from many States annually. It could also provide grazing for approximately 10,000 head of cattle belonging to local ranchers.

This remarkable Vermejo Park area has virtually unlimited resources for all activities. There is fabulous scenery all the way from 6,000-foot lowlands to the 13,000-foot timberline peaks. Wild flowers occur in great variety since the area embraces five of the six life zones found in New Mexico and five of the seven to be found in North America.

Today land is in great demand. It is one of the most valuable resources that we have. There is little doubt that land of the quality of Vermejo Park is as sound an investment as can possibly be made. It is a once in a lifetime occurrence to have the opportunity to acquire for public use and benefit a tract of land of this size packed with multiple high quality resources. It seems to many individuals and organizations that it would be a major tragedy for the Forest Service not to be authorized to acquire Vermejo Park.

The Department of Agriculture opposes the bill because other priorities have been established for use of moneys from the land and water conservation fund. However, I am sure these priorities were established before the opportunity for the acquisition of the Vermejo Ranch presented itself. And unless we act now the opportunity may forever be lost. Therefore, I feel the priorities should be changed.

Another reason advanced by the Department for opposing the acquisition is that the area is remote from population centers. However, during the course of hearings testimony was received in support of the bill by a representative of the New Hampshire Wildlife Federation and the New York State Conservation Council which include some 300,000 members. The bill was also supported by the National Wildlife Federation and the National Audubon Society. This indicates widespread interest in its acquisition for the use of all the people of the Nation. Mr. President, I hope that the Senate will approve this purchase.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–854), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

S. 2699 would authorize the Secretary of Agriculture to acquire such lands, waters, and interests as he deems desirable for national forest purposes within the proposed Vermejo Ranch purchase area as shown on a map on file in the Office of the Chief of the Forest Service. Acquisitions would become a part of the Carson National Forest. Moneys appropriated from the land and water conservation fund would be available for such acquisitions; and such acquisitions would not be counted for the purpose of the provision of section 6(a)(1) of the Land and Water Conservation Fund Act of 1965, which provides that not more than 15 percent of the acreage added to the national forest system pursuant to that section shall be west of the 100th meridian.

COMMITTEE AMENDMENT

The only committee amendment was a technical one on page 2, line 21, which inserted "of 1965" after "Act" in order to complete the full title of the act referred to.

NEED FOR THE LEGISLATION

Unless the Federal Government acts now to purchase this 480,000-acre tract of land which adjoins the Carson National Forest the opportunity may be forever lost.

Evidence presented during the course of the hearings on this measure, taken from an article which appeared in the December 25 National Observer, indicated that:

There is much concern from all interested parties that a consortium might buy the ranch and immediately start on a helter-skelter land-resort development that would neatly subdivide the ranch into a thousand parcels.

Reportedly, there are two consortiums close to making the buy. "I'm not at liberty to discuss who offers what or whether they even made an offer," Simon says. But whenever there is so much money and land hanging fire, secrets are hard to keep. It is known the Japanese Mitsubishi Corp. is interested, and that another group of private individuals bid the $26,500,000 if the $100,000-plus worth of cattle were thrown in.

Now a consortium headed by Charlie Crowder of Albuquerque is supposedly close to a bid. Crowder, a respected land dealer, has a group of movie stars, land developers, and financiers ready to go, according to the current story. "Charlie's sort of a mysterious character," says the Forest Service's Ted Koskella. "You never know what he's up to until he comes in with, in our case, a land exchange all neatly tied together. He has pulled off more than his share of deals. * * *"

and

"The first man to meet our terms will buy the ranch," says Richard U. Simon, the Fort Worth lawyer handling the sale. "We've told the Forest Service and members of Congress all along that we will not wait to see if they finally decide to buy it. Right now we have half-a-dozen private groups seriously negotiating for its purchase. * * *"

Senator Clinton P. Anderson in his testimony described the land and the opportunity in this way:

The Vermejo Ranch is the heart of the old Maxwell Land Grant originally granted by the Governor of Mexico on January 11, 1841, and finally confirmed by the United States Supreme Court in 1887. The grant originally contained approximately 1,714,765 acres. During the next 50 years after the confirmation of the grant, there were numerous subdivisions of the grant. These tracts passed from one owner to another until 1945 when Mr. W. J. Gourley, a prominent businessman from Ft. Worth, Texas, began acquiring property in the area. Between 1945 and 1948, Mr. Gourley purchased several tracts and consolidated them into what is now known as the W–S or Vermejo Ranch.

This tract of land adjoins the Carson National Forest and could be easily managed by the Forest Service as a part of the Carson. The Vermejo Ranch is one of the finest areas of forest land in the Southwest and would be a public asset that would continue to grow in value.

The ranch includes some of the highest water-yielding areas in the State of New Mexico. The water resources are very impressive, consisting of more than 60 high country fishing lakes with about 2,000 total surface acres and over 100 miles of trout streams, Artesian water is present in the vicinity of Adams and Bartlett Lakes and supplies about 60 surface acres each. About 2,500 acres of the ranch are cultivated and irrigated, and there is a water right to 1,000 acre-feet per annum in Eagle Nest Lake for irrigation of part of this acreage.

The Vermejo Ranch is one of the most outstanding hunting and fishing areas in the Southwest. The owners have conducted extensive stocking programs and have maintained quality fishing with trout running in the 3- to 7-pound range. There are large populations of elk, estimated at about 7,000, 40,000 deer, several thousand turkey, 200 to 300 antelope, and undetermined numbers of bear and mountain lion. The small game includes grouse, quail, dove, ducks, rabbits and squirrels.

About two-thirds of the ranch is commercial timber land, of which about two-thirds is ponderosa pine, and the balance, spruce and mixed conifer. There is a timber sale agreement whereby the Pacific Lumber Company purchased the timber rights on 362,000 acres. The contract runs until December 31, 1990, and the company has the right to harvest all timber of a diameter of 8 inches or larger. There are very strong restrictions placed on logging practices, and once an area has been logged, it cannot be relogged. Except in the Mt. Baldy area, there has been no attempt to cut the 8-inch to 12-inch diameter class allowed in the sale agreement. I have been advised by the Forest Service in New Mexico that this cutting has been extremely well-managed and that proper disposal of brush and slash has been made, as well as restoration of the surface where needed.

During the past 25 years, the owners of the ranch have constructed an unbelievable number of range improvements. I am told that there are more than 400 miles of fence, 300 wells equipped with windmills, more than 100 stock tanks, more than 50 corrals, approximately 15 cow camps, and over 5,000 linear feet of wind and snow breaks. The stocking of the land has been conservative and, therefore, the range land is in excellent condition. There are approximately 10,000 head of cattle on the ranch, now; and it is estimated that at times, Mr. Gourley grazed as many as 19,000 head when he leased some adjoining land.

There are three outstanding oil and gas leases on about 62,000 acres. The leases are to continue for 10 years and as long thereafter as oil or gas is produced. Exploratory drilling was conducted nearly 10 years ago, but all wells were dry holes and no production ever occurred. Drilling ceased several years ago. Kaiser Steel Company holds a coal lease on about 252,000 acres. The lease permits the company to use sufficient of the surface to operate the mines but does not permit town sites. All exploration reports indicate that all present and future mining be deep underground mining of coal with very little surface disturbance.

I view this tract of land as one of the most valuable of its kind in the Southwest and believe it is an asset that should be acquired and preserved by the Government for the people of this country. If purchased by the Government and added to the National Forest and managed under the multiple use laws, it would provide outdoor recreation of many varieties to thousands of people from many states annually. It would provide grazing for approximately 10,000 head of cattle belonging to local ranchers. The ranchers in this area are mostly individuals with a very few head of livestock and are, for the most part, at or below the poverty level income. Grazing permits would enable these people to increase their herds and flocks and be a tremendous economic boost to a chronically depressed area. In the past, the income from this ranch has mostly gone to Texas banks; and except for some employment of local people, it has not been a great economic asset to the State of New Mexico. In recent years to come, there will, of course, be a new timber crop to be harvested; and the value of this timber we expect to be much greater than it would be at this time.

The Gourley Estate has offered this ranch to the Government for approximately 26 million which, according to appraisals made and provided me by the Forest Service, is not out of line with other sales in New Mexico. If the ranch is not acquired by the Government, there is a possibility that this important watershed will be broken up and sold to speculators, or to a Japanese company that has been trying to acquire the ranch for exploitation. I hope that we can put this valuable land into public ownership.

Witnesses described the wildlife habitat and resources as truly exceptional, by far the best of any area of like size in the State. There is a fine herd of no less than 4,000 elk, and mule deer number about 12,000. Black bear are more numerous than anywhere else in the State. There are 200 antelope in the low-lying prairie area. Merriam wild turkeys are in good supply and with the existing optimum habitat there is room for an increase in numbers. There are also blue grouse in the areas above 8,500 feet, and a considerable number of ducks nest around the lakes and beaver ponds.

There is a normal population of mountain lions. There are gray foxes, bobcats, too many coyotes, badgers, abert and chicaree squirrels, prairie dogs, cottontail, snowshoe, and jack rabbits. Beavers are abundant and provide many ponds to augment trout waters. The endangered black-footed ferret may still exist there.

Nowhere else that I know of can one find the variety and abundance of wildlife species that is resident on Vermejo Park. The outstanding feature of the big game situation is that the area embraces both summer and winter range. There is suitable habitat for restoration of bighorn sheep and ptarmigan, which were indigenous to the area.

The trout fishing resources are extensive, diversified, and exciting. There are about 100 miles of trout streams and 60 lakes, large and small. Some lakes can be enlarged and new ones developed by transferring water rights from agriculture to fisheries. The fisheries resources are of special interest because lakes and streams are located in the most beautiful scenic areas.

The area is adaptable for camping, picnicking, scenic sightseeing—by car or otherwise—bird and animal watching, picture taking, rock collecting, exploring, mountain climbing, hiking, backpacking, horseback riding, horse pack-in trips, wilderness experiences, et cetera.

This remarkable Vermejo Park area has virtually unlimited resources for all of these activities. There is spectacular scenery all the way from 6,000-foot lowlands to the 13,000-foot timberline peaks. Wild flowers occur in great variety, since the area embraces five of the six life zones found in New Mexico and five of the seven to be found in North America.

Land today is in great demand. Land is the most valuable resource that we have. Land of the quality of Vermejo Park is as sound an investment as can possibly be made. It is a once-in-a-lifetime occurrence to have the opportunity to acquire for public use and benefit a tract of land of this size and packed with multiple, high quality resources. It seems to many individuals and organizations that it would be a major tragedy for the Forest Service not to be authorized to acquire Vermejo Park, or ranch.

COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970 the committee agrees with the original acquisition cost estimate of the U.S. Department of Agriculture of about $26.5 million.

Administrative cost estimates by the Department of Agriculture would approximate $288,000 per year.

The committee agrees with the Department on its estimates.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

[Later in the day the following proceedings occurred:]

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote earlier today by which S. 2699 was passed, together with the third reading of the bill, be reconsidered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 2699) to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the National Forest System, and for other purposes.

The Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico (Mr. ANDERSON), I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> At the end of the bill add the following new section:
>
> SEC. 5. Notwithstanding any other provision of this Act, all transfers and acquisitions authorized herein shall be taxable under the provisions of the Internal Revenue Code of 1954 in the same manner and to the same extent as if the lands, waters and other interests were transferred to a taxpaying individual or corporation.

Mr. ANDERSON. Mr. President, my bill, S. 2699, would authorize the Government to acquire the Vermejo Ranch in New Mexico and Colorado and add this 480,000-acre tract to the Carson National Forest.

The Vermejo Ranch is the heart of the old Maxwell land grant, originally granted by the Governor of Mexico on January 11, 1841, and finally confirmed by the U.S. Supreme Court in 1887. The grant originally contained approximately 1,714,765 acres. During the next 50 years after the confirmation of the grant, there were numerous subdivisions of the grant. These tracts passed from one owner to another until 1945 when Mr. W. J. Gourley, a prominent businessman from Fort Worth, Tex., began acquiring property in the area. Between 1945 and 1948, Mr. Gourley purchased several tracts and consolidated them into what is now known as the W–S or Vermejo Ranch.

This tract of land adjoins the Carson National Forest and could be easily managed by the Forest Service as a part of the Carson. The Vermejo Ranch is one of the finest areas of forest land in the Southwest and would be a public asset that would continue to grow in value.

The ranch includes some of the highest water-yielding areas in the State of New Mexico. The water resources are very impressive, consisting of more than 60 high country fishing lakes with about 2,000 total surface acres and over 100 miles of trout streams. Artesian water is present in the vicinity of Adams and Bartlett Lakes and supplies about 60 surface acres each. About 2,500 acres of the ranch are cultivated and irrigated, and there is a water right to 1,000 acre-feet per annum in Eagle Nest Lake for irrigation of part of this acreage.

The Vermejo Ranch is one of the most outstanding hunting and fishing areas in the Southwest. The owners have conducted extensive stocking programs and have maintained quality fishing with trout running in the 3- to 7-pound range. There are large populations of elk, estimated at about 7,000, 40,000 deer, several thousand turkey, 200 to 300 antelope, and undetermined numbers of bear and mountain lion. The small game includes grouse, quail, dove, ducks, rabbits and squirrels.

About two-thirds of the ranch is commercial timberland, of which about two-thirds is Ponderosa Pine, and the balance, spruce and mixed conifer. There is a timber sale agreement whereby the Pacific Lumber Co. purchased the timber rights on 362,000 acres. The contract runs until December 31, 1990, and the company has the right to harvest all timber of a diameter of 8 inches or larger. There are very strong restrictions placed on logging practices, and once an area has been logged, it cannot be relogged. Except in the Mount Baldy area, there has been no attempt to cut the 8-inch to 12-inch diameter class allowed in the sale agreement. I have been advised by the Forest Service in New Mexico that this cutting has been extremely well-managed and that proper disposal of brush and slash has been made, as well as restoration of the surface where needed.

During the past 25 years, the owners of the ranch have constructed an unbelievable number of range improvements. I am told that there are more than 400 miles of fence, 300 wells equipped with windmills, more than 100 stock tanks, more than 50 corrals, approximately 15 cow camps, and over 5,000 linear feet of wind and snow breaks. The stocking of the land has been conservative and, therefore, the range land is in excellent condition. There are approximately 10,000 head of cattle on the ranch, now; and it is estimated that at times, Mr. Gourley grazed as many as 19,000 head when he leased some adjoining land.

There are three outstanding oil and gas leases on about 62,000 acres. The leases are to continue for 10 years and as long thereafter as oil or gas is produced. Exploratory drilling was conducted nearly 10 years ago, but all wells were dry holes and no production ever occurred. Drilling ceased several years ago. Kaiser Steel Co. holds a coal lease on about 252,000 acres. The lease permits the company to use sufficient of the surface to operate the mines but does not permit town sites. All exploration reports indicate that all present and future mining would be deep underground mining of coal with very little surface disturbance.

I view this tract of land as one of the most valuable of its kind in the Southwest and believe it is an asset that should be acquired and preserved by the Government for the people of this country. If purchased by the Government and added to the national forest and managed under the multiple use laws, it would provide outdoor recreation of many varieties to thousands of people from many States annually. It would provide grazing for approximately 10,000 head of cattle belonging to local ranchers. The ranchers in this area are mostly individuals with a very few head of livestock and are, for the most part, at or below the poverty level income. Grazing permits would enable these people to increase their herds and flocks and be a tremendous economic boost to a chronically depressed area. In the past, the income from this ranch has mostly gone to Texas banks; and except for some employment of local people, it has not been a great economic asset to the State of New Mexico. In the years to come, there will, of course, be a new timber crop to be harvested; and the value of this timber we expect to be much greater than it would be at this time.

The Gourley Estate has offered this ranch to the Government for approximately $26 million which, according to appraisals made and provided me by the Forest Service, is not out of line with other sales in New Mexico. If the ranch is not acquired by the Government, there is a possibility that this important watershed will be broken up and sold to speculators, or to a Japanese company that has been trying to acquire the ranch for exploitation. I hope that we can put this valuable land into public ownership.

During private discussions of the bill which I introduced, a representative of the Bureau of Internal Revenue indicated that in the settlement of the Gourley Estate, there will likely be considerable tax due the Government. I would not want any transfer to the Government to, in any way, relieve the Gourley Estate from payment of any just tax or other debt to the Government. Therefore, I recommend that the following language be inserted at the appropriate place in the bill:

> Notwithstanding any other provision of this Act, all transfers and acquisitions authorized herein shall be taxable under the provisions of the Internal Revenue Code of 1954 in the same manner and to the same extent as if the lands, waters and other interests were transferred to a tax-paying individual or corporation.

With this amendment to the bill, I strongly urge your committee to give a favorable report on S. 2699 at an early date so that we might have an opportunity to pass this legislation during this session of Congress. The companion House bill has already been favorably reported by the House Subcommittee on Forests to the full House Agriculture Committee. I believe that time is of the essence, and that if the Government is to acquire this land, we must pass authorizing legislation during this session or forget the whole proposal. I am reasonably sure next session will be too late.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

The **PRESIDING OFFICER.** The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2699) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2699

An act to authorize the acquisition of lands within the Vermejo Ranch, New Mexico and Colorado, for addition to the national forest system, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to assure that the outstanding natural resources of the area known as the Vermejo Ranch, within the Maxwell and Sangre de Cristo land grants, New Mexico and Colorado, will be managed and protected for public use and enjoyment, under the principles of multiple use and sustained yield, the Secretary of Agriculture is hereby authorized to acquire under this Act or under other authorities available to him such lands, waters, and interests therein as he deems desirable for national forest purposes within the area generally depicted on a map entitled "Proposed Vermejo Ranch Purchase Area", which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture. Any such acquisition may be made by purchase with donated or appropriated funds, by gift, by exchange, by transfer under provisions of the Act of July 9, 1962 (43 U.S.C. 315g–1), as though the lands were within the exterior boundaries of the national forest, by transfer under the provisions of the Federal Property and Administrative Services Act (63 Stat. 377, as amended, 40 U.S.C. 471 et seq.), or otherwise.

SEC. 2. Moneys appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein for the purposes of this Act: *Provided,* That the acreage of such acquisitions shall be excluded from computation of acreage added to the National Forest System west of the one hundredth meridian for the purposes of the acreage limitation set forth in subsection 6(a)(1) of the Land and Water Conservation Fund Act of 1965.

SEC. 3. Lands, waters, and interests therein acquired pursuant to this Act shall, immediately upon acquisition or transfer thereof, be included in the Carson National Forest and shall be subject to the laws and regulations applicable to the national forest.

SEC. 4. There are hereby authorized to be appropriated such sums as are necessary for the acquisition of lands, waters, and interests therein for the purposes of this Act.

SEC. 5. Notwithstanding any other provision of this Act, all transfers and acquisitions authorized herein shall be taxable under the provisions of the Internal Revenue Code of 1954 in the same manner and to the same extent as if the lands, waters and other interests were transferred to a tax-paying individual or corporation.

ALEXANDRIA NICHOLSON

The Senate proceeded to consider the bill (S. 3414) for the relief of Alexandria Nicholson which had been reported from the Committee on the Judiciary with an amendment in line 6, after "1957," insert a comma and "and notwithstanding the provisions of section 334(b)(1) of said act shall be held and considered to be eligible to file a valid petition for naturalization"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Alexandria Nicholson shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 17, 1957, and notwithstanding the provisions of section 334(b)(1) of said Act shall be held and considered to be eligible to file a valid petition for naturalization.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–855), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization.

FORESTRY INCENTIVES ACT OF 1972

The Senate proceeded to consider the bill (S. 3105) to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small, nonindustrial private and non-Federal public forest landowners, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments on page 4, line 8, after "(2)", strike out "Cost sharing with the owners of small nonindustrial private forest lands for the purposes of providing manpower, equipment, planting stock, and other materials to carry out the practices to be encouraged by the forestry incentives program. No cost sharing under this paragraph shall provide for a Federal contribution in excess of 80 per centum of the total cost of materials, equipment, and services" and insert "Cost sharing with nonprofit groups, individuals, and public bodies for the purpose of providing equipment to carry out the practices to be encouraged by the forestry incentives program. No cost sharing under this paragraph shall provide for a Federal contribution in excess of 80 per centum of the total cost of the equipment"; on page 6, line 8, after the word "guarantee", insert "or make"; and, in line 13, after the word "portion", strike out "of the principal and interest of" and insert "or all of the interest on"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Forestry Incentives Act of 1972".

SEC. 2. (a) Congress hereby declares that the Nation's growing demands on forests and related land resources cannot be met by intensive management of Federal lands and industrial forests alone; that the three hundred and nine million acres of nonindustrial private land and twenty-nine million acres of non-Federal public forest land contain 65 per centum of the Nation's total forest resource base available to provide timber, water, fish and wildlife habitat, and outdoor recreation opportunities; that the level of protection and management of such forest lands has historically been low; that such lands can provide substantially increased levels of resources and opportunities if judiciously managed and developed; that improved management and development of such lands will enhance and protect environmental values consistent with the National Environmental Policy Act of 1969 (83 Stat. 852); and that a forestry incentives program is necessary to supplement existing forestry assistance programs to further motivate, encourage, and involve the owners of small nonindustrial private forest lands and the owners of non-Federal public forest lands in actions needed to protect, develop, and manage their forest lands at a level adequate to meet emerging national demands.

(b) For the purposes of this Act the term "small nonindustrial private forest lands" means commercial forest lands owned by any person whose total ownership of such lands does not exceed five thousand acres. Such term also includes groups or associations owning a total of five thousand acres or less of commercial forest lands, but does not include private corporations manufacturing products or providing public utility services of any type or the subsidiaries of such corporations.

SEC. 3. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is hereby authorized and directed to develop and carry out a forestry incentives program to encourage the protection, development, and management of small nonindustrial private lands and non-Federal public forest lands. The purposes of such a program shall be to encourage landowners to apply practices which will provide for the afforestation of nonforest lands and reforestation of cutover and other nonstocked and understocked forest lands, and for intensive multiple-purpose management and protection of forest resources to provide for production of timber and other benefits, for protection and enhancement of recreation opportunities and of scenic and other environmental values, and for protection and improvement of watersheds, forage values, and fish and wildlife habitat.

SEC. 4. (a) To effectuate the purposes of the forestry incentives program authorized by this Act, the Secretary shall provide a range of forestry incentives which shall include the following:

(1) Cost sharing with the owners of small nonindustrial private forest lands and the owners of non-Federal public forest lands in providing practices on such lands which carry out the purposes of the forestry incentives program. No cost sharing under this paragraph shall provide for a Federal contribution in excess of 50 per centum of the total cost of practices on non-Federal public forest lands or in excess of 80 per centum of the total cost of practices on small nonindustrial private forest lands, and no one small nonindustrial private forest landowner shall receive cost sharing under this Act on more than five hundred acres in any one fiscal year.

(2) Cost sharing with nonprofit groups, individuals; and public bodies for the purpose of providing equipment to carry out the practices to be encouraged by the forestry incentives program. No cost sharing under this paragraph shall provide for a Federal contribution in excess of 80 per centum of the total cost of the equipment.

(b) The Secretary may, for the purpose of this section, utilize the services of State and local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1150; 16 U.S.C. 590h(b)) and distribute funds available for cost sharing under this Act by giving consideration to pertinent factors in each State and county including, but not limited to, the total areas of small nonindustrial private forest lands and non-Federal public forest land and to the areas in need of planting or additional stocking, the potential productivity of such areas, and the need for timber stand improvement on such lands. The Secretary may also designate advisers to serve as ex officio members of such committees for purposes of this Act. Such ex officio members shall be selected from (1) owners of small nonindustrial private forest lands, (2) private forest managers or consulting foresters, and (3) wildlife and other private or public resource interests.

(c) Federal funds available to a county for small nonindustrial private forest lands each year may be allocated for cost sharing among the owners of such lands on a bid basis, with such owners contracting to carry out the approved forestry practices for the smallest Federal cost share having first priority for available Federal funds, subject to the Federal cost sharing limitations prescribed in subsection (a) of this section.

(d) Buildings, dams, roads, and other structures shall not be eligible for recreation development cost sharing under this Act.

SEC. 5. The Secretary shall investigate and evaluate the effectiveness of loans, loan guarantees, and annual payments for the establishment or maintenance of practices on small nonindustrial private forest lands which meet the purposes and objectives of the forestry incentives program provided for under this Act. In carrying out any such investigation, the Secretary is authorized to conduct a pilot program and make annual or periodic payments under agreements with owners of small nonindustrial private forest lands for periods not to exceed ten years or guarantee or make loans to such owners under such terms and conditions as he shall determine to be fair and reasonable. Such loans may include, but not be limited to, low interest rates; deferred payment plans; nonrecourse provisions; long term repayment provisions; and a provision under which a portion or all of the interest on such loans may be waived at maturity under circumstances determined by the Secretary. Not to exceed $5,000,000 may be appropriated for the purposes of this section in any fiscal year.

SEC. 6. The Secretary shall consult with the State forester or other appropriate official of each State in the conduct of the forestry incentives program provided for in this Act. Federal assistance under this Act shall be extended in accordance with such terms and conditions as the Secretary deems appropriate to accomplish the purposes of this Act. Funds made available under this Act may be utilized for providing technical assistance to and encouraging non-Federal public landowners, and the owners of small nonindustrial private forest lands in initiating practices which further the purposes of this Act. The Secretary shall coordinate the administration of this Act with other related programs and shall carry out this Act in such a manner as to encourage the utilization of private agencies, firms, and individuals furnishing services and materials needed in the application of practices, included in the forestry incentives program.

SEC. 7. There are authorized to be appropriated annually an amount not to exceed $25,000,000 to carry out the provisions of this Act. Such funds shall remain available until expended.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–856), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION

This bill provides a forestry incentives program for small nonindustrial private lands and non-Federal public forest lands. "Small non-industrial private lands" is defined as commercial forest lands owned by any person, group, or association (other than a manufacturing or public utility corporation) owning a total of less than 5,000 acres of such lands.

The program would provide for Federal payment of up to 50 percent of the cost of practices on non-Federal public lands, up to 80 percent of the cost of practices on small nonindustrial private lands and up to 80 percent of the cost of equipment to be provided to carry out such practices. The Secretary of Agriculture could use also loans, loan guarantees and contracts for payments up to periods of 10 years on a pilot program basis.

The proposed Forestry Incentives Act of 1972, would establish a forestry incentives program to supplement existing forestry assistance programs. One of its purposes would be to further motivate, encourage, and involve owners of small nonindustrial private forest lands and the owners of non-Federal public forest lands in actions needed to protect, develop, and manage their forest lands at a level adequate to meet emerging national demands.

To effectuate the purposes of the act, the Secretary of Agriculture would provide a range of forestry incentives including cost sharing with owners of small nonindustrial private forest lands and with owners of non-Federal public forest lands. The cost sharing could be provided through utilization of the services of State and local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (49 Stat. 1150, 16 U.S.C. 590h(b)).

The bill would also authorize the Secretary to investigate and evaluate the effectiveness of loans, loan guarantees, and annual payments for practices on private forest lands which meet the purpose and objectives of the act. The investigation would be conducted through a pilot program for which up to $5 million would be authorized to be appropriated. A total of $25 million would be authorized to be appropriated to cover the entire program.

NEED FOR LEGISLATION

Surveys of timber supply and consumption reveal an increasing need for wood caused by a continuing growth in population. More people will need more wood and paper. By the year 2000 the Nation may need more than twice as much wood as is being produced now. In fact the United States already has become a net importer of wood.

Surveys also indicate that within a decade or two wood requirements may well exceed timber growth unless steps are taken immediately to increase the productivity of forest lands. This is necessary because of the time it takes a seedling to get up to harvestable size.

Much of this problem rests on the private nonindustrial forests held by some 4 million owners. These woodlands aggregate more than 300 million acres, about three-fifths of all the commercial forest land in the United States.

Unfortunately, many of these private forests are in a low state of productivity. About one-fourth needs planting. About 46 percent needs some sort of cultural treatment, such as the removal of defective, deformed, and diseased trees.

Landowners often are reluctant to make the necessary investments in tree planting and similar activities because several decades may elapse before they get a return on their money.

Yet people need wood for many purposes, including homes. If supplies are limited, then the cost of wood will increase, and people will have to pay more than they should.

A study performed about 10 years ago on landownership patterns in North Carolina, which is not atypical of the Southeast as a whole, indicated that nonindustrial forest ownership accounts for 76.8 percent of the commercial forest area of North Carolina—83.7 percent of the total privately held commercial forest. There are approximately 225,600 nonindustrial forest holdings in the State with an average forest area of 68.4 acres.

These nonindustrial forest properties are predominantly small, about 72 percent being less than 50 acres in size.

The nonindustrial forest owners of North Carolina have, on the average, held at least a portion of their ownership for over two decades (21.6 years). Over one-fifth of the owners have added to their properties during their tenure of ownership. The average length of tenure and frequency of acquisition during the period of ownership increases as the size of the ownership increases. Over a third of the properties and nearly as large a share of the aggregate forest area has been in the present owner's family at least one previous generation. However, well over half of the owners, representing a similar share of the total forest, claimed to have purchased at least a portion of their holdings. About four-fifths (82.8 percent) of the ownerships and two-thirds (65.1 percent) of the total forest area would be classed legally as individually owned.

One-half of the ownership surveyed were receiving little more than the most rudimentary forest care. Reaffirming many previous studies of non-industrial forest ownership, this study clearly showed that the intensity of all types of forest care increases significantly with the size of the property.

If substantial increased yields from these small private holdings are to be obtained on a sound basis by the turn of the century, these measures must be put underway promptly. That is why the enactment of this measure with long-term objectives has immediate urgency.

ESTIMATED COST

In accordance with section 252 of the Legislative Reorganization Act of 1970 the committee agrees with informal estimates by the Department of Agriculture that there will be no costs in fiscal year 1972, $10 million in fiscal year 1973; $15 million in fiscal 1974; $20 million in fiscal year 1975; and $25 million in both fiscal years 1976 and 1977.

Mr. STENNIS. Mr. President, I am pleased that the Forestry Incentives Act of 1972, which I introduced on February 2 of this year, has been favorably reported by unanimous vote of the Senate Committee on Agriculture and Forestry. I wish to extend my thanks to the distinguished chairman of the committee, the Senator from Georgia (Mr. TALMADGE), and the distinguished chairman of the Subcommittee on Environment, Soil Conservation, and Forestry, my colleague from Mississippi (Mr. EASTLAND), who is also a cosponsor of this bill, for the thorough consideration received by the legislation.

My gratitude is extended to the distinguished Senator from Nebraska (Mr. CURTIS), who very unselfishly altered his own schedule to preside at the hearing on the bill.

Other cosponsors of the Forestry Incentives Act, besides my colleague from Mississippi, are the distinguished Senator from North Carolina (Mr. JORDAN), the distinguished Senator from South Carolina (Mr. HOLLINGS), and the distinguished Senator from Alabama (Mr. SPARKMAN).

I am indebted to a number of old friends throughout the forestry community with whom I conferred during the course of preparing this bill. Many of them are Mississippians. All of them are men of long experience and broad knowledge in the growing, harvesting, and use of timber.

In the formulation of the bill, which began last year, I think it is safe to say that I received advice from the full spectrum of those in the best position to understand the problem of developing the forests of this country, and in particular the small privately owned forest lands, so that the future timber needs of the Nation can be met. They included consulting foresters, State foresters, representatives of forestry associations, and members of associations of users of forest products. I am grateful for their consultation and assistance over a period of 7 or 8 months, during which the bill was prepared, introduced, and presented at the hearing.

I wish to make a brief statement in explanation and support of the bill.

The Forestry Incentives Act authorizes the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners.

It is estimated that in 30 years the United States will need twice the amount of wood and other forest products that we now produce. A very substantial part of the required increase in production must come from privately owned nonindustrial forest lands. Over 300 million acres throughout the country fall in this category, and average growth on these lands is only one half the capacity.

Under the Forestry Incentives Act it will be possible to plant or improve 45 million acres in the next 10 years, and add 9 billion board feet of timber per year to the annual national harvest. And I want to stress that this is a national program in every respect. For example, in the North Atlantic Region, 68 percent of all the lands are forest lands, and of these, 70 percent are in private ownership. In the East there are 300,000 idle acres that are preeminently suited for growing the most valuable kinds of hardwoods.

Briefly, this bill would:

First. Authorize the Secretary of Agriculture to carry out a forestry incentive program to encourage the protection, development and management of nonindustrial private and non-Federal public lands. Land owners would be encouraged to plant seedlings where needed and apply such cultural treatments as are necessary to produce timber, expand recreational opportunities, enhance environmental values, protect watersheds and improve fish and wildlife habitat.

Second. Authorize the Secretary to share up to 50 percent of the cost of forest practices on non-Federal public lands; and up to 80 percent of the total cost on nonindustrial private lands. This covers, primarily, 80 percent of the cost of seedlings and their planting, and is of particular importance to the small and medium size privately owned farms.

Third. Utilize the services of State and local ASCS committees established under the Soil Conservation and Domestic Allotment Act. These committees, now composed primarily of agriculturists, also include representation of forest owners, forest managers and wildlife or other natural resource interests.

Fourth. Allocate Federal funds for cost sharing on a bid basis with priority accorded landowners contracting to carry out approved forestry practices for the smallest Federal cost share. This provision will spread Federal funds over a larger acreage.

Fifth. Require the Secretary of Agriculture to investigate the effectiveness of loans, loan guarantees and annual payments for periods not exceeding 10 years as methods of achieving the objectives of the forestry incentives program.

Finally. Require the Secretary of Agriculture to consult with State Foresters so that the forestry incentives program will be carried out in coordination with other related programs.

It will be recalled that the soil bank program resulted in a large increase in forest lands. From 1956 through 1964, 2,154,000 acres were planted. In spite of losses of some of these lands to highways and other developments, 90 percent of these lands are still bearing trees and are a major factor in our growth needs for future decades. The provisions of the Forestry Incentives Act will stimulate a similar but much greater expansion of wood production for the 1980's and 1990's, and beyond.

There are other benefits from the program that might be called indirect benefits because they are not directly addressed in the provisions of the legislation, but they are very real and valuable. This program helps relieve unemployment without any requirement for extensive training. In the future there will be more and larger job increases, from the harvesting, transporting, and processing of the timber. All of this contributes toward the revitalization of rural areas, so important throughout the country. The program combats the rising prices for wood products caused by limited timber growth. Also, there are the purely human benefits, such as environmental improvement, and outdoor recreation such as camping, for which opportunities are becoming limited.

The costs of this program are estimated to start at about $25 million a year, and the bill provides for this amount to be authorized annually. Ultimately the costs are expected to average $88 million a year. It is a long-term program, furthermore, and the need for reforesting private lands throughout the country are great, so that the total costs eventually will be quite sizable. There is, however, little choice as to whether we must try to solve the wood shortages of the future. The only choice is how to go about it.

I believe this bill meets the problem in a logical and effective manner. I strongly urge that the Senate give it favorable consideration.

Mr. EASTLAND. Mr. President, S. 3105, the Forestry Incentives Act of 1972 would establish a forestry incentives program to supplement existing forestry assistance programs.

One of its principal purposes would be to further motivate, encourage and involve owners of small nonindustrial private forest lands and the owners of non-Federal public forest lands in actions needed to protect, develop, and manage their forest lands at a level adequate to meet future national demands for timber.

It would accomplish this by providing for Federal payments of up to 50 percent of the cost of practices on non-Federal public lands, up to 80 percent of the cost of practices on small nonindustrial private lands and up to 80 percent of the cost of equipment to be provided to carry out such practices. It is intended that the equipment assistance would be provided soil conservation districts and similar groups who would then make the equipment available to forest land owners. The Secretary of Agriculture could also use loans, loan guarantees and contracts for payments up to periods of 10 years on a pilot program basis. The committee felt that the use of these incentives would provide the impetus necessary to the revitalization of our non-Federal forest lands.,

There is no doubt that our continually growing population will increase the demands for timber and wood substantially. Estimates indicate by the year 2000 the Nation may need more than twice as much wood as is now being produced. Further, there are surveys which indicate that within the next decade or two wood requirements may well exceed timber growth unless steps are taken now to increase the productivity of our forest lands. This is necessary because of the time it takes a seedling to get up to harvestable size.

Private nonindustrial forest lands are held by some four million owners and these woodlands aggregate more than 300 million acres, about three-fifths of all the commercial forest land in the United States.

Unfortunately, many of these private forests are in a low state of productivity. About one-fourth need planting, about 46 percent need some sort of cultural treatment such as the removal of defective, deformed, and diseased trees. Land owners often are reluctant to make the necessary investments in tree planting and similar activities because several decades may elapse before they get a return on their money. But unless these lands are made productive the Nation will suffer.

A study some years ago in North Carolina indicated that there were about 225,000 nonindustrial forest holdings in that State with an average forest area of slightly in excess of 68 acres, and 72 percent of these nonindustrial forest properties were less than 50 acres in size. This is typical of the southeast as a whole. That study also showed that one-half of the properties surveyed were receiving little more than the most rudimentary forest care. This reaffirms many previous studies of nonindustrial forest ownership and indicates that forest care decreases significantly with the size of the property.

If substantially increased yields from these small private holdings are to be obtained on a sound basis by the turn of the century the measures provided by this bill must be put under way promptly.

In its unfavorable report on the bill the Department of Agriculture agreed with the general objectives of S. 3105. They indicate that private forest lands will continue to play a vital role in meeting the Nation's timber and environmental needs and until the level and nature of management for all forestry resources on private forest lands is improved our total national forestry program will be out of balance.

However, their unfavorable reaction to the bill is predicated on the fact that the provisions of S. 3105 could be carried out under the President's special revenue sharing for rural community development, which would eliminate specially oriented grant programs and encourage State initiative in the allocation of broad grant funds; and since S. 3105 would create a new special grant program it would be inconsistent with the President's proposed special revenue sharing program, and for that reason they recommend that it not be established.

Mr. President, it is highly unlikely that the President's special revenue sharing as it relates to agriculture will become law. As a matter of fact, the Senate Committee on Agriculture and Forestry has already rejected that proposal when it was considering the provisions of the Rural Development Act of 1972.

During the course of the hearings on this measure there was no opposition to the bill, other than from the Department of Agriculture and even the witness testifying for the Department conceded that the program was a good one and that it was needed. This bill is in the best interests of this Nation's future and should be approved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ACCELERATED REFORESTATION OF NATIONAL FORESTS

The Senate proceeded to consider the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes which had been reported from the Committee on Agriculture and Forestry with amendments on page 1, line 77, after "1987", strike out "from moneys made available to carry out the provisions of section 32 of the Act of August 24, 1935 (49 Stat. 774, as amended, 7 U.S.C. 612c), amounts equal to the gross receipts from duties collected under the customs laws on wood and paper, and printed matter (including wood and wood products, cork and cork products, wood veneers, plywood, and other wood veneer assemblies and building boards, paper, paperboard, and products thereof, and books, pamphlets, and other printed and manuscript material)" and insert "such amounts as may be appropriated therefor. There is hereby authorized to be appropriated for such purpose for each of the fiscal years during such period the sum of $65,000,000"; and, on page 2, line 19, after "(46 Stat. 527, 16 U.S.C. 576b)", strike out "Any money transferred to the fund and not subsequently authorized for expenditure by the Congress within two fiscal years after which such money was transferred to the fund shall be retransferred to the fund established by section 32 of the act of August 24, 1935."

Mr. EASTLAND. Mr. President, the purpose of H.R. 13089, as amended by the Senate Committee on Agriculture and Forestry, is to establish a supplemental national reforestation fund and authorize an annual appropriation of $65 million to be transferred to that fund for the purpose of planting more trees on those areas of the national forests that are in most need of reforestation. Such moneys transferred to this fund shall be available until expended. Transfers shall begin with the fiscal year commencing July 1, 1972 and end on June 30, 1987.

The bill also calls for the Secretary of Agriculture to submit to Congress within 1 year of the date of enactment and annually thereafter a report setting out the scope of total reforestation needs and a planned program for reforesting such lands, including a description of the extent to which funds authorized by this act are to be applied to the program.

As passed by the House the bill would have allocated moneys from the fund established by section 32 of the act of August 24, 1935. Section 32 made available 30 percent of annual custom receipts through the special fund it established to encourage the exportation and domestic consumption of agricultural commodities. The section 32 moneys authorized to be used for the purposes of the bill passed by the House for national reforestation would have consisted of amounts equal to the gross receipts from duties collected under the customs laws on certain forest products listed in their bill.

The Senate Committee on Agriculture and Forestry amended this to provide for a direct appropriation of $65 million to the national reforestation fund as a supplemental source of moneys for use in reforestation.

During the course of the hearings on this bill it was pointed out repeatedly that a great need exists for more reforestation work. In 1970 the Forest Service reported that about 4.8 million acres were in need of planting. This has increased from the forest report of 1938 when about 4.5 million acres were in need of work.

Surveys of timber supply and consumption reveal an increasing need for wood caused by a continuing growth in population and that within a decade or two wood requirements could well exceed timber growth unless steps are taken immediately to increase the productivity of forest lands.

While the Department of Agriculture concurs with the basic objective that a national forests reforestation program should be accelerated they are opposed to the bill because of the use of section 32 moneys. In meeting that obligation the committe changed the funding from section 32 to a direct appropriation. The Department further opposes the bill because the earmarking approach tends to give special priority to the funding of selected programs relative to total needs. This is true and the bill does provide for special funding for a selected program. But the facts are there that some additional effort must be provided now for reforestation if the needs of the future are to be met. For this reason, Mr. President, I hope the Senate will approve H.R. 13089, as amended by the Senate Committee on Agriculture and Forestry.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–857), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to establish a supplemental national reforestation fund and authorize an annual appropriation of $65 million to be transferred to that fund for the purpose of planting more trees on those areas of the national forests that are in most need of reforestation. Such moneys transferred to this fund shall be available until expended. Transfers shall begin with the fiscal year commencing July 1, 1972, and end on June 30, 1987.

This bill also calls for the Secretary of Agriculture to submit to Congress within 1 year of the date of enactment and annually thereafter a report setting forth the scope of the total national forest reforestation needs and a planned program for reforesting such lands, including a description of the extent to which funds authorized by this act to be applied to the program.

NEED FOR LEGISLATION

During the course of hearings on this bill it was pointed out repeatedly that a great need exists for more reforestation work. In 1970, the Forest Service reported 4,788,000 acres in need of planting.

Surveys of timber supply and consumption reveal an increasing need for wood caused by a continuing growth in population and that within a decade or two wood requirements will exceed timber growth unless steps are taken immediately to increase the productivity of forest lands.

The committee hopes that this legislation will provide the impetus needed for our reforestation requirements.

COMMITTEE AMENDMENTS

The bill originally provided for use of section 32 funds for the purpose of reforestation. The committee amendment changes this to a direct appropriation. However, this does not preclude the use of section 32 funds if the Appropriations Committee so desires to use this route.

ESTIMATED COST

In accordance with section 252 of the Legislative Reorganization Act of 1970 the committee estimates the cost at $65 million annually for the next 15 years if funding by the Appropriations Committee is at the level authorized by the bill.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

VISIT BY PRESIDENT LUIS ECHEVERRIA, PRESIDENT OF MEXICO

Mr. MANSFIELD. Mr. President, the Congress and the Nation are being honored today with a state visit by the President of the United Mexican States, Luis Echeverria.

President Echeverria has done a remarkable job in trying to face up to the difficulties which confront our sister Republic—and they are many. The President himself is a human dynamo, who spends a great deal of time traveling up and down the country, meeting with the farmers, workers, and businessmen, trying to find solutions to the problems which beset his nation, with its rapidly increasing population, and in relation to that, its limited availability of resources.

There will be many problems to be discussed between President Nixon and President Echeverria. Some of them will be most difficult of solution, but all of them will have to be faced up to.

Perhaps the most important of these immediate problems at the present time is the question of the salinity of the Colorado River. On the basis of a treaty signed in 1944, the United Mexican States—the Government of Mexico—was guaranteed a certain amount of good water, which in recent years has been diluted because of the building projects within the United States which have increased the salinity of the Lower Colorado and have had adverse effects upon the Mexicali Valley, which is just south of the Imperial Valley in southern California. So I hope it will be possible for these two nations, in the persons of their Chiefs of State, to arrive at a solution which will be agreeable to both sides, and to do so soon.

Then, of course, there is the question of narcotics control. The Attorneys General of both Republics have been working very closely and, on the basis of project cooperation, there has been some gain in handling this particular situation.

There is also the question of the bracero, the immigrant worker from Mexico to the United States, and the question of trade and other matters which will have to be considered in this momentous meeting between the chiefs of both nations.

I would hope, also, that out of this would come a recognition of the fact—in my judgment—that, as far as Latin America is concerned, Mexico is really the weather vane and the determiner of what happens in that huge area comprising, in addition to Mexico, Central America, South America, the Caribbean Islands, and elsewhere.

So, Mr. President, I ask unanimous consent that an editorial entitled "Below the Salt," carried in the Washington Evening Star of June 15, 1972, be incorporated at this point in the Record.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BELOW THE SALT

The state visit of Mexico's President Luis Echeverria to Washington today and tomorrow has been properly laid on by the White House in terms of the highest form of pomp and circumstance, but the Mexicans are here for more than just surface expressions of amity.

There can be no question that Mr. Nixon has extended himself to demonstrate the affection in which the U.S. holds Mexico. The President went out of his way to arrange an Echeverria appearance before a joint session of Congress and had to pull all sorts of strings to manage it. The rest of the schedule is pro forma for any chief of a friendly state.

But there are other issues between the two neighbors which require more substance than shadow. Perhaps the whole program will reassure the Mexicans about their status with the U.S. in the light of President Nixon's gaffe in virtually labeling Brazil as the future leader of all Latin America when President Emilio Garrastazu Medici was here.

If the red carpet treatment reassures the Mexicans on that score, the matters of substance require discussion and solution. The most important of these issues is the salinity of the Colorado river which evidently is dangerously salt-laden by the time the waters leave the California-Arizona agricultural areas and enter Mexico. The U.S. is committed to maintaining the Colorado sufficiently salt-free to be usable by Mexico's burgeoning farmlands in the north.

The trouble is that the Colorado is primarily under the control of the states, not the federal government. We don't know what the President intends to do about the increasing salinity of the river but we hope he has a program for helping Mexico either through a diversion canal or through construction of desalinization plants on the Pacific Coast of Baja California.

Another item on which the two countries can cooperate even further is narcotics control. Mr. Nixon can and probably should make some financial contribution to Mexico's program for preventing the passage of dangerous drugs across the frontier.

The Mexicans also are interested in trade, *bracero* (migrant farm labor) questions and agricultural export problems.

Mr. Nixon has competence up to a point in all three. In terms of trade, the Mexicans want expansion of the so-called border industries in which cheaper Mexican labor is used to assemble appliances and weave raw cotton into cloth. They also want, although this is difficult for any Mexican official to say, at least a partial return to the temporary use of Mexican farm labor on U.S. farms. Thirdly, Mexico's tomato, strawberry and other winter vegetable products occasionally encounter trade barriers when U.S. production attains bumper status.

The AFL–CIO, no friend of Mr. Nixon's, opposes the Mexican factories' output and the *braceros* and the southern U.S. does not want competition with Mexican agricultural products. But there is room for maneuver here, perhaps more so than in the question of the salty Colorado.

Overall, Mr. Nixon knows the Mexican president as a friend and values that friendship. Hopefully, this sentiment can be translated in the Nixon-Echeverria summit into something of value to both nations.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 12 noon, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

POLITICS AND THE DEFENSE BUDGET

Mr. PROXMIRE. Mr. President, we have all been shocked in recent days by the outrageous demands of Secretary Laird and the Joint Chiefs of Staff that their approval of the SALT Treaty and Agreements is conditional on congressional approval of every new strategic weapon the military ever dreamed of building.

Included in their shopping list is full steam ahead for the B–1 bomber—already outmoded; a speedup in the ULMS or TRIDENT submarine, a good system but one which is premature; the potential hard-siting of land-based missiles; a new low flying cruise missile in lieu of the ABM; and a cost figure for two ABM sites equal to that requested for the original 12 sites.

The Christian Science Monitor has commented on this in an editorial for June 14, 1972 entitled "The Politics of Weaponry." They rightly point out that:

> "The military security of the United States is in excellent shape. With some 5,700 nuclear blows targeted on the Soviet Union against 2,500 aimed the other way, the United States is in no immediate danger of being outgunned.

In the key paragraph the editorial states that:

> To act on the essential facts about weaponry would mean bitter disappointment to several large industries and the trade unions associated with them. The juiciest kind of defense contracts are tied in with the theory that the Russians will some day emerge with a nuclear advantage unless a whole shopping list of new weapons is ordered now.

But the editorial points out that:

> . . . 100 nuclear blows are a deterrent. Anything over a hundred is already deep in the realm of overkill.

OVERKILL IN SPADES

What the editorial does not say is that we are now building to a level of 9,000 or more targeted nuclear weapons. Some of them—the Minutemen MIRV'd bombs—are 10 times as large as the Hiroshima bomb. Others, such as those to be placed on the Poseidon submarines, are one to two times more powerful than the Hiroshima bomb.

In addition, we have 3,000 to 4,000 tactical nuclear weapons on the periphery of the Soviet Union which our aircraft can deliver. The Russians have no comparable tactical weapons which can reach us. All of this is overkill in spades.

WE SHOULD NOT GIVE IN TO BLACKMAIL

In these circumstances, and especially since neither side will now deploy an ABM even theoretically capable of preventing the other side from striking back, for Secretary Laird and the generals to demand a speedup in our strategic defenses is a form of political blackmail. It is also stupid. We should refuse to give in to that.

I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE POLITICS OF WEAPONRY

The average American taxpayer should shed a tear as he listens to the debate now beginning on the new American weapons program which Secretary of Defense Melvin Laird has unveiled, but he should not worry too much about the future of the republic.

The military security of the United States is in excellent shape. With some 5,700 nuclear blows targeted on the Soviet Union against 2,500 aimed the other way, the U.S. is in no immediate danger of being outgunned. Even if the Russians were at the testing stage of MIRVs, which they are not, it would be another four or five years before they could begin to deploy them. Besides, 100 nuclear blows are a deterrent. Anything over a hundred is already deep in the realm of "overkill."

But such considerations are not conclusive in the area of politics. To act on the essential facts about weaponry would mean bitter disappointment to several large industries and the trade unions associated with them. The juiciest kind of defense contracts are tied in with the theory that the Russians will some day emerge with a nuclear advantage unless a whole shopping list of new weapons is ordered, and now.

In effect, Mr. Laird has said that the Pentagon will oppose ratification of SALT unless the Congress will authorize the Pentagon's full 1972 shopping list.

It could be called blackmail. Or the most practical kind of 1972 politics.

The aviation and air space industries are in parlous condition. A number of companies would go out of business if the Congress were to turn down the whole shopping list. It is politically unrealistic to think that it will.

The practical question is what price must be paid in unneeded weaponry.

One of the unfortunate features of the problem is that the most politically valuable of the proposed new weapons is probably the least justifiable. The new big manned bomber which the Air Force wants will cost from $30 to $50 million and bring comfort to the aircraft factories along the Pacific Coast, but is probably obsolete before the first rivet is driven. The $1 billion nuclear submarine (the Triton) which the Navy wants, is probably the most valid of all the proposed new weapons. But it won't mean as many new jobs. And Connecticut, where the submarines are built, is probably hopelessly lost to the Republicans, but California, the home of the airplanes, is not.

The net of it all is that the taxpayer is bound to be gouged for some surplus weaponry. The Republicans are simply not going into the next election campaign naked in new weapons programs. We merely hope that for the sake of the taxpayer, the programs will be kept as small as possible.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AIR FORCE SHOULD INSTITUTE PROCEEDINGS AGAINST GENERAL LAVELLE

Mr. PROXMIRE. Mr. President, I call on the Air Force to begin formal proceedings against Gen. John D. Lavelle under the Uniform Code of Military Justice, leading to his court-martial. The time has come to determine whether a civilian or military finger is on the trigger.

Here is a general who in the nuclear age ordered as many as 20 unauthorized raids on enemy targets. He did so at a time when delicate negotiations to end the war were going on.

He apparently falsified reports. He defied the orders of his superiors. He countermanded the rules laid down by the President of the United States. He deliberately violated the principles of civilian control over the military.

TAPPED ON THE WRIST

Instead of bringing immediate charges against him, ordering his arrest, and throwing him in the brig, he was tapped on the wrist by his superiors and fawned over by a number of hawkish Members of Congress.

If a private first class defied the orders of his military superiors he would be investigated, charged, court-martialed, given a bad conduct discharge, and confined for 2 years at hard labor. But the insubordination of General Lavelle was glossed over while the general was quietly retired on a $2,500 a month pension and the military tried to cover up the event.

If the Air Force does not bring General Lavelle to trial, any General who ever dreamed of riding a white horse might be ordering air strikes, surreptitious raids, and unauthorized forays in dozens of situations where the survival of civilization itself is at stake.

SERIOUS ACT MUST BE MET BY SERIOUS ACTION

The appropriate military officers must begin to treat this matter with the seriousness it deserves. It is an act virtually unprecedented in modern American military annals and, due to the terror of the nuclear age, must be answered by disciplinary action commensurate with the seriousness of the act itself.

Generals, as well as privates, must obey orders. Generals, as well as civilians, must obey the law and the Constitution. The credibility of the Air Force and the issue of civilian control of the military is at stake.

I call upon the Air Force itself to take proper action. Failing that, the President of the United States should act and act decisively to assert once more the primacy of the President's authority over that of a military officer.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, with an amendment:

S. 2871. A bill to protect marine mammals; to establish a Marine Mammal Commission, and for other purposes. (Rept. No. 92–863) (together with supplemental, minority, and additional views).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with an amendment:

S. 1682. A bill to amend title 5, United States Code, to establish and govern the

Federal Executive Service, and for other purposes (Rept. No. 92–864).

By Mr. ROBERT C. BYRD, from the Committee on Appropriations, with amendments:

H.R. 15097. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–865).

By Mr. MONDALE, from the Committee on Labor and Public Welfare, without amendment:

S. 5. A bill to promote the public welfare (Rept. No. 92–866), together with minority views.

By Mr. BAYH, from the Committee on the Judiciary, with an amendment:

S. 3443. A bill to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 (Rept. No. 92–867).

ORDER FOR STAR PRINT OF REPORT NO. 92–861

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a star print of Senate report No. 92–861, having to do with the bill H.R. 12202, to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes, in order to correct certain misprints.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

Mr. STENNIS. Mr. President, as in executive sessions, from the Committee on Armed Services I report favorably two promotions to major general and five promotions to brigadier general in the Air Force Reserve; also three promotions to major general and five promotions to brigadier general, Reserve of the Air Force—Air National Guard.

I ask that these nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Brig. Gen. John W. Hoff, and Brig. Gen. Robert B. Mantz, Air Force Reserve, for appointment in the Reserve of the Air Force, to be majors general;

Col. Vincent S. Haneman, Jr., Col. Gilbert O. Herman, Col. Edwin R. Johnston, Col. William J. Reals, and Col. Joseph M. F. Ryan, Jr., Air Force Reserve, for appointment in the Reserve of the Air Force, to be brigadiers general;

Brig. Gen. William C. Smith, Tennessee Air National Guard, Brig. Gen. Charles S. Thompson, Jr., Georgia Air National Guard, and Brig. Gen. Joseph D. Zink, New Jersey Air National Guard, for appointment as Reserve commissioned officers in the U.S. Air Force, to be majors general; and

Col. William J. Crisler, Mississippi Air National Guard, Col. Francis R. Gerard, New Jersey Air National Guard, Col. Malcolm E. Henry, Maryland Air National Guard, Col. Ralph E. Leader, Massachusetts Air National Guard, and Col. Paul D. Straw, Texas Air National Guard, for appointment as Reserve commissioned officers in the U.S. Air Force, to be brigadiers general.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCHWEIKER:

S. 3708. A bill to amend the tariff and trade laws of the United States, and for other purposes. Referred to the Committee on Finance.

By Mr. TUNNEY:

S. 3709. A bill to amend title 11 of the Social Security Act to permit a State, under its section 218 agreement, to terminate social security coverage for State or local policemen or firemen without affecting the coverage of other public employees who may be members of the same coverage group (and to permit the reinstatement of coverage for such other employees in certain cases where the group's coverage has previously been terminated). Referred to the Committee on Finance.

By Mr. JORDAN of North Carolina:

S. 3710. A bill to provide that tobacco graders shall be retained in a pay status for 10 months in a calendar year, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. STEVENS:

S. 3711. A bill to exempt from the provisions of the Airport and Airways Revenue Act of 1970 helicopters which are not operated on an established line. Referred to the Committee on Finance.

By Mr. YOUNG:

S. 3712. A bill for the relief of Arthur O. Bilden. Referred to the Committee on Veterans' Affairs.

By Mr. BENTSEN:

S. 3713. A bill for the relief of Swiff-Train Co. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself, Mr. Dole, Mr. Allen, Mr. Anderson, Mr. Bayh, Mr. Beall, Mr. Bennett, Mr. Bentsen, Mr. Bible, Mr. Boggs, Mr. Brooke, Mr. Burdick, Mr. Harry F. Byrd, Jr., Mr. Robert C. Byrd, Mr. Cannon, Mr. Chiles, Mr. Church, Mr. Cook, Mr. Cooper, Mr. Cotton, Mr. Cranston, Mr. Curtis, Mr. Dominick, Mr. Eagleton, Mr. Fong, Mr. Gravel, Mr. Griffin, Mr. Gurney, Mr. Hansen, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Hartke, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Jordan of Idaho, Mr. Jordan of North Carolina, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. McGee, Mr. McIntyre, Mr. Metcalf, Mr. Miller, Mr. Mondale, Mr. Montoya, Mr. Nelson, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Ribicoff, Mr. Roth, Mr. Schweiker, Mr. Scott, Mrs. Smith, Mr. Sparkman, Mr. Spong, Mr. Stafford, Mr. Stennis, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Taft, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Tunney, Mr. Weicker, and Mr. Young):

S.J. Res. 245. A joint resolution authorizing the President to designate the calendar month of September 1972, as "National Voter Registration Month." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHWEIKER:

S. 3708. A bill to amend the tariff and trade laws of the United States, and for other purposes. Referred to the Committee on Finance.

FAIR INTERNATIONAL TRADE ACT OF 1972

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the tariff and trade laws of the United States, and for other purposes, and ask that it be appropriately referred.

This legislation is designed to modernize existing law regarding the regulation of the dumping of foreign merchandise in the U.S. market, to make our countervailing duty law more effective, to provide for more liberal tariff adjustment and adjustment assistance relief for business and labor, and to provide for private treble damage actions based on international price discrimination.

Dumping is basically a form of international price discrimination, under which sellers subsidize low-price sales in foreign markets with high-price sales at home. In other words, dumping is the sale of a foreign product in the United States at a price lower than the price prevailing for the same product in the exporting country. Such sales, if they are injurious to U.S. products, become subject to a dumping duty equivalent to the difference between the market price domestically and the lower export price to the United States, after various adjustments are made. The reason this country has felt it appropriate to impose an additional duty on such imports is to neutralize the subsidization of low price export sales by high profits received from sales in what is often a protected domestic market of the exporting country.

Under existing law, there are two requirements essential for a dumping finding:

First, a determination of sales at "less than fair value" must be made by the Treasury Department; and

Second, a determination of injury must be made by the Tariff Commission.

The Bureau of Customs initially determines whether the necessary price difference exists. This finding is then confirmed by the Secretary of the Treasury. I should point out that the Treasury Department has made changes in procedures and has made additional proposals within the last 2 months in order to improve the handling of antidumping cases. In addition, the Treasury Department has been more liberal in making dumping findings under the Nixon administration than had previously been the case.

After the Treasury finds dumping has occurred, the case is transferred to the Tariff Commission for an investigation to determine whether American industry is being injured. If such a finding is made, dumping duties are assessed against the product. Recent Tariff Commission decisions have established that anything more than de minimus or immaterial injury to the U.S. industry is sufficient.

The Antidumping Act was amended in 1954 to limit Tariff Commission consideration to 3 months. In 1958, it was further amended to provide that a tie vote by the Tariff Commission constituted an affirmative finding of injury.

Although antidumping procedures are

being streamlined, I believe legislative changes are in order at this time.

Furthermore, I believe it is appropriate to revise existing provisions of the Tariff Act of 1930, the Trade Expansion Act of 1962 and the Revenue Act of 1916 to accomplish an overall modernization of our laws against unfair competition.

Let me make it clear that this bill does not represent protectionist legislation. It is not an attempt to hinder or prevent legitimate foreign competition. International trade is a good thing, and I want to encourage it. However, we are seeing increasing efforts on the part of foreign governments to subsidize their domestic industries through a variety of mechanisms. Foreign governments are teaming up with industry to compete in our markets. Our firms are faced with competition, then, not only from their counterparts overseas, but also from other governments. This is improper, and unfair. This is what our laws were designed to deal with. Unfortunately, since these laws were enacted, circumstances have changed, and we now need legislative changes to keep up with the times.

Title I of the Fair International Trade Act of 1972, which amends the Antidumping Act of 1921, contains the following major provisions:

First, the time limit on a tentative LTFV determination by Treasury is set at six months. Currently, Treasury has no statutory or official administrative timetable for reaching such a decision, and at present time it takes the Department a year or longer to make such a determination. While the proposed amendment to the antidumping regulations contain a time limit, it would allow as much as 13 months for a tentative LTFV determination. Moreover, even if the proposed amendment is adopted, the timetable contained therein would not be binding on Treasury, but would be only a "general" limitation.

Second, all proceedings and determinations are made subject to the Administrative Procedure Act, and judicial review is made available to all parties.

Third, since injurious price discrimination by U.S. companies selling in our domestic market is a violation of our antitrust laws, my bill would bring the basic injury standard of the Antidumping Act of 1921 more in harmony with the laws that govern domestic business conducts by specifically incorporating the Clayton act's "line of commerce" and "section of the country" market concepts.

Fourth, the legislation would codify the present Tariff Commission standard with reference to the quantum of injury required. That is, Tariff Commission decisions have established that anything more than de minimus or immaterial injury to the U.S. industry is sufficient. The legislation would incorporate this standard into law.

Fifth, the bill would codify the present Tariff Commission causation standard that LTFV imports need only be more than a de minimus factor in bringing about injury to the U.S. industry.

Sixth, my legislation would adopt recent Tariff Commission decisions which suggest that injury can be found where there is a reasonable likelihood that LTFV sales will cause future injury.

Title II contains amendments to the Tariff Act of 1930 and includes the following major changes:

First, the present provisions of the Tariff Act of 1930, which provide for countervailing duties equal to the amount of any bounty or grant given in a foreign country to subsidize exports to the U.S. market, is not as effective as it ought to be because of often substantial delays in enforcement. My bill would amend the present law to require the Secretary of the Treasury to make a determination as to whether imported goods receive a bounty or grant within 12 months after the question is presented.

Second, while under present law countervailing duties can be imposed only with respect to dutiable imports, my bill would provide that countervailing duties would be applicable to subsidized duty-free imports if the Tariff Commission determined that such subsidized imports were injuring a domestic industry.

Third, the Secretary of the Treasury would have discretion to impose countervailing duties on articles subject to quotas or to voluntary agreements limiting exports to this country.

Fourth, as under title I, the Clayton Act's "any section of the country" and "any line of commerce" concepts would be applied in an effort to make foreign competitors subject to the same kind of laws domestic industries fall under in our marketplace.

Fifth, the size of the Tariff Commission would be increased from 6 to 7 and their terms increased from 6 to 7 years. The purpose of this provision is to decrease the likelihood of tie votes, and to enlarge and strengthen the Commission.

Title III of the Fair International Trade Act of 1972 contains amendments to the Trade Expansion Act of 1962:

First, these provisions would permit persons adversely affected by foreign restrictions or discrimination against U.S. exports to seek effective relief. The present Trade Expansion Act contains no provisions for an orderly and timely procedure for parties in the United States to obtain relief, although it does permit the President to take retaliatory measures against exports from nations that discriminate against U.S. exports. My bill provides for a complaint procedure similar to that utilized in antidumping, countervailing duty, and "escape clause" cases. Any interested party could request the Tariff Commission to investigate restrictions against U.S. exports. The Tariff Commission would then have 3 months to investigate, and within 3 months following an affirmative Commission finding, the President would be required to inform Congress of his actions with regard to the situation.

Second, this bill would remove some of the barriers to relief currently faced by U.S. industries, individual firms and groups of workers that have been injured by imports. At the present time "escape clause"—tariff adjustment—relief is available only when the Tariff Commission determines that as a result in major part of concessions granted under trade agreements, an article is being imported in such increased quantities as to "cause or threaten to cause" serious injury to a domestic industry. My bill would liberalize the causal connection that must be shown between the increase in imports and injury to the domestic industry, and would broaden the definition of increased imports. Although the bill would maintain the present limitation of escape clause action to imports which have been the subject of prior U.S. trade concessions, the bill would eliminate the necessity of proving a causal connection between the tariff concession itself and the increase in imports. In essence, these provisions provide for relief where the imports contribute substantially toward causing and threatening to cause serious injury to the domestic industry, whether or not such increased imports are the major factor or the primary factor causing the injury.

Third, the Tariff Commission's authority to determine the nature and extent of relief granted in "escape clause" cases would be increased. While under present law, Tariff Commission findings with respect to relief amount to little more than recommendations to the President, my bill would require the President to implement the specific tariff adjustments determined by the Tariff Commission, unless he determined that such action would not be in the national interest.

Fourth, more liberalized standards for obtaining adjustment assistance would be available for workers and individual firms. In addition, the level of adjustment assistance for workers would be increased from the present 65 percent of average weekly wages to 75 percent of such wages. This would help U.S. workers, who generally have very little control over their own fate in such situations, by providing them with three-fourths of their weekly wages.

Title IV of this legislation amends the Revenue Act of 1916 by providing for a practically available procedure for maintaining private treble-damage actions against international price discrimination in the form of dumping. Again, the purpose is to subject offshore competitors to essentially the same rules of business conduct that are applied to domestic companies in the U.S. marketplace.

I feel confident that because this bill is directed against unfair trade practices it will receive broad support on a bipartisan basis in Congress, and the support of both business and labor. This legislation does not attempt to build a protective wall around the United States. Rather, it is designed to promote fair international trade practices.

Mr. President, in further explanation of this legislation, I ask unanimous consent that the following items be reprinted in the Record at the conclusion of my remarks.

First, a title by title analysis of the Fair International Trade Act.

Second, a chart illustrating a comparison of the Antidumping Act of 1921 and the Fair International Trade Act.

Third, the full text of the bill itself.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, This Act may be cited as the "Fair International Trade Act of 1972."

TITLE I—AMENDMENTS TO THE ANTI-DUMPING ACT OF 1921

Sec. 101. Section 201 of the Antidumping Act of 1921 (19 U.S.C. 160) is amended to read as follows:

"DUMPING INVESTIGATION

"Sec. 201. (a) Whenever the Secretary of the Treasury (hereinafter called the "Secretary") determines that a class or kind of foreign merchandise is being or is likely to be sold in the United States or elsewhere at less than its fair value, he shall so advise the United States Tariff Commission (hereinafter called the "Commission"). The Commission shall determine within three months after notification from the Secretary whether an industry in the United States is being, or is likely to be, injured in any line of commerce in any section of the country, or is prevented from being established in any line of commerce in any section of the country by reason of the importation of such merchandise into the United States from one or more foreign sources or countries. The Commission, after such investigation as it deems necessary, shall notify the Secretary of its determination, and, if that determination is in the affirmative, the Secretary shall make public a notice (hereinafter in this Act called a "finding") of his determination and the determination of the Commission. For the purposes of this subsection, the Commission shall be deemed to have made an affirmative determination if the Commissioners voting are evenly divided as to whether its determination should be in the affirmative or in the negative. The Secretary's findings shall include a description of the class or kind of merchandise to which it applies in such detail as he shall deem necessary for the guidance of customs officers.

"(b) In the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, he shall, within four months after the question of dumping was raised by or presented to him or any person to whom authority under this section has been delegated—

"(1) determine whether there is reason to believe or suspect, from the invoice or other papers or from information presented to him or to any other person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the constructed value); and

"(2) if his determination is affirmative, publish notice of that fact in the Federal Register, and require, under such regulations as he may prescribe, the withholding of appraisement as to such merchandise entered, or withdrawn from warehouse for consumption, on or after the date of publication of that notice in the Federal Register (unless the Secretary determines that the withholding should be made effective as of an earlier date in which case the effective date of the withholding shall be not more than one hundred twenty days before the question of dumping was raised by or presented to him or any person to whom authority under this section has been delegated), until the further order of the Secretary or until the Secretary has made public a finding as provided for in subsection (a) in regard to such merchandise; or

"(3) if his determination is negative, publish notice of that fact in the Federal Register, but the Secretary may within three months thereafter order the withholding of appraisement if he then has reason to believe or suspect, from the invoice or other papers or from information presented to him or to any other person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the constructed value) and such order of withholding of appraisement shall be subject to the provisions of paragraph (2).

"For purposes of this subsection, the question of dumping shall be deemed to have been raised or presented on the date on which a notice is published in the Federal Register that information relating to dumping has been received in accordance with regulations prescribed by the Secretary, or on the date sixty days after receipt of such information by the Secretary, whichever date occurs earlier."

Sec. 102. Section 201 of the Antidumping Act of 1921 (19 U.S.C. 160) is further amended by adding after subsection (c) of section 201 the following new subsections:

"(d) Injury to a domestic industry shall be established, and the Commission shall make an affirmative determination, when the Commission finds that the sale of foreign merchandse determined to have been sold at less than its fair value has caused more than de minimus or immaterial injury in any line of commerce in any section of the country.

"(e) The Commission shall render an affirmative determination of likelihood of injury when it finds a reasonable likelihood that injury cognizable under subsection (d) of this section will tend to occur by reason of sales of the class or kind of foreign merchandise involved at less than its fair value.

"(f) The Secretary shall consolidate in a single dumping investigation all complaints received as of the institution of such investigation and when instituted on his own initiative all information available to him at that time from the invoice or other papers regarding the same class or kind of merchandise regardless of the number of importers, exporters, foreign manufacturers, and countries involved."

Sec. 103. Section 205 of the Antidumping Act of 1921 (19 U.S.C. 164), is amended by inserting "(a)" immediately after "Sec. 205.," and by adding at the end thereof the following new subsection:

"(b) If available information indicates to the Secetary that the economy of the country from which the merchandise is exported is state-controlled to an extent that sales or offers of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of foreign market value under subsection (a), the Secretary shall determine the foreign market value of the merchandise on the basis of the normal costs, expenses, and profits as reflected by either—

"(1) the prices at which such or similar merchandise of a non-state-controlled-economy country is sold either (A) for consumption in the home market of that country, or (B) to other countries, including the United States; or

"(2) the constructed value of such or similar merchandise in a non-state-controlled-economy country as determined under section 206 of this Act."

Sec. 104. Section 210 of the Antidumping Act of 1921 (19 U.S.C. 169), is amended to read as follows:

"JUDICIAL REVIEW

"Sec. 210. (a) All Treasury and Commission proceedings under the Act shall be in accordance with subchapter II of chapter 5 of Title 5 of the United States Code. All final determinations issued by the Secretary or the Commission shall be made on the records made in the Secretary's investigation and Commission investigation.

"(b) Any interested party shall be entitled to seek in the United States Court of Customs and Patent Appeals judicial review of questions of law relating to any final determinations of the Secretary or the Commission under this Act, within thirty days after its publication in the Federal Register."

(e) The amendments of the Antidumping Act of 1921, as amended, provided for herein shall apply to all investigations instigated by the Secretary on or after the expiration of one hundred eighty days from the date of enactment of this Act and to all Commission investigations resulting therefrom.

TITLE II—AMENDMENTS TO THE TARIFF ACT OF 1930

Chapter 1—COUNTERVAILING DUTIES

Sec. 201. Section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) is amended to read as follows:

"Sec. 303. Countervailing Duties.

"(a) Levy of Countervailing Duties.—(1) Whenever any country, dependency, colony, province, or other political subdivision of government, or any private person, partnership, association, cartel, or corporation, shall pay or bestow directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, then upon the importation of such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to any duties otherwise imposed, a duty equal to the net amount of such bounty or grant, however, the same be paid or bestowed. The Secretary of the Treasury shall conduct an investigation and shall determine, within twelve months after the date on which the question is presented to him, whether any bounty or grant is being paid or bestowed.

"(2) In the case of any imported article or merchandise which is free of duty, duties may be imposed under this section only if there is an affirmative determination by the Tariff Commission under subsection (b)(1).

"(3) The Secretary of the Treasury shall from time to time ascertain and determine or estimate, the net amount of each such bounty or grant, and shall declare the net amount so determined or estimated.

"(4) The Secretary of the Treasury shall make all regulations he may deem necessary for the identification of such articles and merchandise and for the assessment and collection of the duties under this section. All determinations by the Secretary under this subsection and all determinations by the Tariff Commission under subsection (b)(1), whether affirmative or negative, shall be published in the Federal Register.

"(b) Injury Determinations With Respect to Duty-Free Merchandise; Suspension of Liquidation.—(1) Whenever the Secretary of the Treasury has determined under subsection (a) that a bounty or grant is being paid or bestowed with respect to any article or merchandise which is free of duty, he shall—

"(A) so advise the United States Tariff Commission, and the Commission shall determine within three months thereafter, and after such investigation as it deems necessary, whether an industry in the United States is being or is likely to be injured in any line of commerce in any section of the country, or is prevented from being established in any line of commerce in any section of the country, by reason of the importation of such article or merchandise into the United States; and the Commission shall notify the Secretary of its determination; and

"(B) require, under such regulations as he may prescribe, the suspension of liquidation as to such article or merchandise entered, or withdrawn from warehouse, for consumption, on or after the thirtieth day after the date of the publication in the Federal Register of his determination under subsection (a)(1), and such suspension of liquidation shall continue until the further order of the Secretary or until he has made public an order as provided for in paragraph (2) of this subsection.

"(2) For the purposes of subparagraph (A) injury to a domestic industry shall be established, and the Commission shall make an affirmative determination, when it finds that the sale of foreign merchandise determined to have been sold at less than its fair value has caused more than de minimus or immaterial injury in any line of commerce in any section of the country.

"(3) For the purpose of subparagraph (A) the Commission shall render an affirmative determination of likelihood of injury when it finds a reasonable likelihood that injury cognizable under subsection (2) of this section will tend to occur by reason of sales of the class or kind of foreign merchandise involved at less than its fair value.

"(4) If the determination of the Tariff Commission under subparagraph (A) is in the affirmative, the Secretary shall make public an order directing the assessment and collection of duties in the amount of such bounty or grant as is from time to time ascertained and determined, or estimated, under subsection (a).

"(c) Application of Affirmative Determination.—An affirmative determination by the Secretary of the Treasury under subsection (a)(1) with respect to any imported article or merchandise which (1) is dutiable, or (2) is free of duty but with respect to which the Tariff Commission has made an affirmative determination under subsection (b)(1), shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the thirtieth day after the date of the publication in the Federal Register of such determination by the Secretary.

"(d) Special Rule for Any Article Subject to a Quantitative Limitation.—No duty shall be imposed under this section with respect to any article which is subject to a quantitative limitation imposed by the United States on its importation, or subject to a quantitative limitation on its exportation to or importation into the United States imposed under an agreement to which the United States is a party, unless the Secretary of the Treasury determines, after seeking information and advice from such agencies as he may deem appropriate, that such quantitative limitation is not an adequate substitute for the imposition of a duty under this section.

"(e) Judicial Review.—(1) All Treasury and Commission proceedings under this section shall be in accordance with subchapter II of Chapter 5 of Title 5 of the United States Code. All final determinations issued by the Secretary or the Commission shall be made on the records made in the Secretary's investigation and Commission investigation.

"(2) Any interested party shall be entitled to seek in the United States Court of Customs and Patent Appeals judicial review of questions of law relating to any final determination of the Secretary or the Commission under this Act, within thirty days after its publication in the Federal Register."

Sec. 202. (a) Except as provided in paragraph (b), the amendments made by section 201 shall take effect on the date of the enactment of this Act.

(b) The last sentence of section 303(a)(1) of the Tariff Act of 1930 (as added by section 201 of this Act) shall apply only with respect to questions presented on or after the date of the enactment of this Act.

Chapter 2—TARIFF COMMISSION

Sec. 211. (a) The first sentence of section 330(a) of the Tariff Act of 1930 (19 U.S.C. 1330) is amended to read as follows: "The United States Tariff Commission (referred to in this Act as the 'Commission') shall be composed of seven Commissioners appointed by the President by and with the advice and consent of the Senate."

(b) The third sentence of such section is amended by striking out "three" and inserting in lieu thereof "four."

Sec. 212. Section 330(b) of the Tariff Act of 1930 (19 U.S.C. 1330) is amended to read as follows:

"(b) Terms of Office.—Terms of office of the Commissioners which begin after the date of the enactment of this statute shall be for seven years; except that the first term of office for the seventh Commissioner shall expire on June 16, 1979. The term of office of a successor to any Commissioner appointed to a term of office beginning after the date of the enactment of this statute shall (except as provided in the preceding sentence) expire seven years from the date of the expiration of the term for which his predecessor was appointed. Any Commissioner appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

Sec. 213. Section 830(a) of such Act is repealed.

TITLE III—AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962

Chapter 1—FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATORY ACTS

Sec. 301. Section 242(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(b)) is amended by striking out subsection (b)(3) and redesignating subsection (b)(4) as subsection "(b)(3)."

Sec. 302. Section 252(d) of the Trade Expansion Act of 1962 (19 U.S.C. 1882(d)) is amended to read as follows:

"(d) (1) Upon request of any interested party, the Tariff Commission shall immediately make an investigation to determine whether any specified restriction established or maintained by, or act engaged in by a foreign country or instrumentality constitutes—

"(A) a foreign import restriction referred to in subsection (a),

"(B) a nontariff trade restriction, or discriminatory or other act referred to in subsection (b), or

"(C) an unreasonable import restriction referred to in subsection (c).

"(2) Within three months after the submission of a request under paragraph (1), the Tariff Commission shall publish in the Federal Register the results of the investigation made pursuant to such request, together with its findings with respect thereto. In any case in which the Commission makes an affirmative determination of a restriction, or act referred to in subsection (a), (b), or (c) such finding shall be immediately reported to the President. Within three months after receipt of such report, the President shall report to the Congress the action taken by him under subsection (a), (b), or (c) with respect to such restriction, act, or subsidy."

Sec. 303. The heading of such section is amended to read as follows:

"Sec. 252. Foreign Import Restrictions and Discriminatory Acts."

Chapter 2—TARIFF ADJUSTMENT AND ADJUSTMENT ASSISTANCE

PETITIONS AND DETERMINATIONS

Sec. 311. (a) Section 301 of the Trade Expansion Act of 1962 (19 U.S.C. 1901) is amended to read as follows:

"(a)(1) A petition for tariff adjustment under section 351 may be filed with the Tariff Commission by a trade association, firm, certified or recognized union, or other representative of an industry.

"(2) A petition for a determination of eligibility to apply for adjustment assistance under chapter 2 may be filed with the President by a firm or its representative, and a petition for a determination of eligibility to apply for adjustment assistance under chapter 3 may be filed with the President by a group of workers or by their certified or recognized union or other duly authorized representative.

"(b)(1) Upon the request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon the filing of a petition under subsection (a)(1), the Tariff Commission shall promptly make an investigation to determine whether an article that has been the subject of concessions under trade agreements is being imported into the United States in such increased quantities, either actual or relative, as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause serious injury to the domestic industry producing articles like or directly competitive with the imported article.

"(2) For the purpose of this section, the duty free "binding" of any article shall be considered a trade concession under trade agreement.

"(3) In arriving at a determination under paragraph (1), the Tariff Commission, without excluding other factors, shall take into consideration a downward trend of production, prices, profits, or wages in the domestic industry concerned, a decline in sales, an increase in unemployment or underemployment, loss of fringe benefits, stagnant wages, an increase in imports, either actual or relative to domestic production, a higher or growing inventory, and a decline in the proportion of the domestic market supplied by domestic producers.

"(4) For purposes of paragraph (1), the term "domestic industry producing articles like or directly competitive with the imported article" means that portion or subdivision of the producing organizations manufacturing, assembling, processing, extracting, growing, or otherwise producing like or directly competitive articles in commercial quantities. In applying the preceding sentence, the Tariff Commission shall (so far as practicable) distinguish or separate the operations of the producing organizations involving the like or directly competitive articles referred to in such sentence from the operations of such organizations involving other articles.

"(5) If a majority of the Commissioners present and voting make an affirmative injury determination under paragraph (1), the Commissioners voting for such affirmative injury determination shall also determine the amount of the increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy such injury. No import restriction shall be determined which exceeds the limitations set forth in section 351(b) of the Act. For purposes of this title, a remedy determination by a majority of the Commissioners voting for the affirmative injury determination shall be treated as the remedy determination of the Tariff Commission.

"(6) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall investigate any factors which in its judgment may be contributing to increased imports of the article under investigation; and, whenever in the course of its investigation the Tariff Commission has reason to believe that the increased imports are attributable in part to circumstances which come within the purview of the Antidumping Act, 1921, section 303 or 337 of the Tariff Act of 1930, section 801 of the Revenue Act, 1916, or other remedial provisions of law, the Tariff Commission shall promptly notify the appropriate agency and take such other action as it deems appropriate in connection therewith.

"(7) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall, after reasonable notice, hold public hearings and shall afford interested parties opportunity to be present, to present evidence, and to be heard at such hearings.

"(8) The Tariff Commission shall report to the President the determinations and other results of each investigation under this subsection, including any dissenting or separate views, and any action taken under paragraph (6).

"(9) The report of the Tariff Commission of its determination under this subsection shall be made at the earliest practicable time, but not later than six months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Tariff Commission shall promptly make public such report, and shall cause a summary thereof to be published in the Federal Register.

"(10) No investigation for the purposes of this subsection shall be made, upon petition filed under subsection (a) (1), with respect to the same subject matter as a previous investigation under this subsection, unless one year has elapsed since the Tariff Commission made its report to the President of the results of such previous investigation.

"(c) (1) In the case of a petition by a firm for a determination of eligibility to apply for adjustment assistance under chapter 2, the President shall determine whether an article that has been the subject of concessions under trade agreements like or directly competitive with an article produced by the firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities, either actual or relative, as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause serious injury to such firm or subdivision. In making such determination the President shall take into account all economic factors which he considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment, loss of fringe benefits, and decreased or stagnant wages.

"(2) In the case of a petition by a group of workers for a determination of eligibility to apply for adjustment assistance under chapter 3, the President shall determine whether an article that has been the subject of concessions under trade agreements, like or directly competitive with an article produced by such workers' firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities, either actual or relative, as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause unemployment or underemployment of a significant number or proportion of the workers of such firm or subdivision.

"(3) In order to assist him in making the determinations referred to in paragraphs (1) and (2) with respect to a firm or group of workers, the President shall promptly transmit to the Tariff Commission a copy of each petition filed under subsection (a) (2) and, not later than five days after the date on which the petition is filed, shall request the Tariff Commission to conduct an investigation relating to questions of fact relevant to such determinations and to make a report of the facts disclosed by such investigation. In his request, the President may specify the particular kinds of data which he deems appropriate. Upon receipt of the President's request, the Tariff Commission shall promptly institute the investigation and promptly publish notice thereof in the Federal Register.

"(4) In the course of any investigation under paragraph (3), the Tariff Commission shall, after reasonable notice, hold a public hearing, if such hearing is requested (not later than ten days after the date of the publication of its notice under paragraph (3)) by the petitioner or any other interested person, and shall afford interested persons an opportunity to be present, to produce evidence, and to be heard at such hearing

"(5) The report of the Tariff Commission of the facts disclosed by its investigation under paragraph (3) with respect to a firm or group of workers shall be made at the earliest practicable time, but not later than sixty days after the date on which it receives the request of the President under paragraph (3).

"(d) (1) All Tariff Commission proceedings under this section and section 351 of the Act shall be in accordance with subchapter II of chapter 5 of Title 5 of the United States Code. Any final determinations in such proceedings shall be on the records made in the Commission investigation.

"(2) Any interested party shall be entitled to seek in the United States Court of Customs and Patent Appeals judicial review of questions of law relating to any final determinations of the Commission under this section and section 351 of the Act, within thirty days after its publication in the Federal Register."

(b) (1) For purposes of section 301(b) (1) of the Trade Expansion Act of 1962, reports made by the Tariff Commission during the one-year period ending on the date of the enactment of this Act shall be treated as having been made before the beginning of such period.

(2) Any investigation by the Tariff Commission under subsection (b) or (c) of section 301 of the Trade Expansion Act of 1962 (as in effect before the date of the enactment of this Act) which is in progress immediately before such date of enactment shall be continued under such subsection (b) or (c) (as amended by subsection (a) of this section) in the same manner as if the investigation had been instituted originally under the provisions of such subsection (b) or (c) (as so amended). For purposes of section 301(b) (9) or (c) (5) of the Trade Expansion Act of 1962 (as added by subsection (a) of this section) the petition for any investigation to which the preceding sentence applies shall be treated as having been filed, or the request or resolution as having been received or the motion having been adopted, as the case may be, on the date of the enactment of this Act.

(3) If, on the date of the enactment of this Act, the President has not taken any action with respect to any report of the Tariff Commission containing an affirmative determination resulting from an investigation undertaken by it pursuant to section 301(c) (1) or (2) of the Trade Expansion Act of 1962 (as in effect before the date of the enactment of this Act) such report shall be treated by the President as a report received by him under section 301(c) (5) of the Trade Expansion Act of 1962 (as added by subsection (a) of this section) on the date of the enactment of this Act.

SEC. 312. PRESIDENTIAL ACTION WITH RESPECT TO ADJUSTMENT ASSISTANCE.

(a) Section 302(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1902(a)) is amended to read as follows:

"(a) (1) If after receiving a report from the Tariff Commission containing an affirmative injury determination under section 301(b) with respect to any industry, the President provides tariff adjustment for such industry pursuant to section 351 or 352, he may

"(A) provide, with respect to such industry, that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under chapter 2,

"(B) provide, with respect to such industry, that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, or

"(C) provide that both firms and workers may request such certifications.

"(2) If after receiving a report from the Tariff Commission containing an affirmative injury determination under section 301(b) with respect to any industry the President does not provide tariff adjustment for such industry pursuant to section 351 or 352, he shall promptly provide that both firms and workers of such industry may request certifications of eligibility to apply for adjustment assistance under chapters 2 and 3.

"(3) Notice shall be published in the Federal Register of each action taken by the President under this subsection in providing that firms or workers may request certifications of eligibility to apply for adjustment assistance. Any request for such a certification must be made to the Secretary concerned within the one-year period (or such longer period as may be specified by the President) after the date on which such notice is published."

(b) Section 302(b) of such Act is amended—

(1) by striking out "subsection (a) (2)," in subparagraph (1) and inserting in lieu thereof "subsection (a)),";

(2) by striking out "subsection (a) (3)," in paragraph (2) and inserting in lieu thereof "subsection (a),"; and

(3) by adding at the end of paragraph (2) thereof the following new sentence: "A certification under this paragraph shall apply only with respect to individuals who are, or who have been employed regularly in the firm involved within one year before the date of the institution of the Tariff Commission investigation under section 307(b) relating to the industry with respect to which the President has acted under subsection (a)."

(c) Section 302(c) of such Act is amended to read as follows:

"(c) (1) After receiving a report of the Tariff Commission of the facts disclosed by its investigation under section 301(c) (3) with respect to any firm or group of workers, the President shall make his determination under section 301 (c) (1) or (c) (2) at the earliest practicable time, but not later than thirty days after the date on which he receives the Tariff Commission's report, unless, within such period, the President requests additional factual information from the Tariff Commission. In this event, the Tariff Commission shall, not later than twenty-five days after the date on which it receives the President's request, furnish such additional factual information in a supplemental report, and the President shall make his determination not later than fifteen days after the date on which he receives such supplemental report.

"(2) The President shall promptly publish in the Federal Register a summary of each determination under section 301(c) with respect to any firm or group of workers.

"(3) If the President makes an affirmative determination under section 301(c) with respect to any firm or group of workers, he shall promptly certify that such firm or group of workers is eligible to apply for adjustment assistance.

"(4) The President is authorized to exercise any of his functions with respect to determinations and certifications of eligibility of firms or workers to apply for adjustment assistance under section 301 and this section through such agency or other instrumentality of the United States Government as he may direct."

(d) The heading of such section 302 is amended to read as follows:

"SEC. 302. PRESIDENTIAL ACTION WITH RESPECT TO ADJUSTMENT ASSISTANCE."

SEC. 313. TARIFF ADJUSTMENT

(a) Paragraphs (1) and (2) of section 351(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1981 (a)) are amended to read as follows:

"(1) After receiving an affirmative injury determination of the Tariff Commission under paragraph (1) of section 301(b), the President shall proclaim the increase in, or imposition of, any duty or other import restriction on the article concerned determined and reported by the Tariff Commission pursuant to paragraph (4) of section 301(b), unless he determines that such action would not be in the national interest.

"(2) If the President does not, within sixty days after the date on which he receives an affirmative injury determination, proclaim the increase in, or imposition of, any duty or other import restriction on such article determined and reported by the Tariff Commission pursuant to section 301(b), or if he proclaims a modified increase or imposition—

"(A) he shall immediately submit a report to the House of Representatives and to the Senate stating why he has not proclaimed, or why he has modified, such increase or imposition, and

"(B) such increase or imposition shall take effect (as provided in paragraph (3)) upon the adoption by both Houses of Congress (within the sixty-day period following the date on which the report referred to in subparagraph (A) is submitted to the House of Representatives and the Senate), by the yeas and nays by the affirmative vote of a majority of the authorized membership of each House, of a concurrent resolution stating in effect that the Senate and House of Representatives approve the increase in, or imposition of, any duty or other import restriction on the article determined and reported by the Tariff Commission pursuant to section 301(b).

Nothing in subparagraph (A) shall require the President to state considerations of national interest on which his decision was based. For purposes of subparagraph (B), in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die. The report referred to in subparagraph (A) shall be delivered to both Houses of the Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session."

(b) Paragraph (3) of such section 351(a) is amended by striking out "found and reported by the Tariff Commission pursuant to section 301(e)." and inserting in lieu thereof "determined and reported by the Tariff Commission pursuant to section 301(b)."

(c) Paragraph (4) of such section 351(a) is amended by striking out "affirmative finding" each place it appears and inserting in lieu thereof "affirmative injury determination."

(d) Section 351(c) of such Act is amended to read as follows:

"(c)(1) Any increase in, or imposition of, any duty or other import restriction proclaimed pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951—

"(A) may be reduced or terminated by the President only after a determination by the Tariff Commission under subsection (d)(2) of this section that the probable economic effect of such reduction or termination will be inconsequential, and his determination, after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such reduction or termination is in the national interest.

"(2) Any increase in, or imposition of, any duty or other import restriction proclaimed pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 shall be modified (not to exceed the limitations set forth in subsection (b)) and extended in whole or in part by the President for such periods (not in excess of four years at any one time) as shall be determined by the Tariff Commission under subsection (d)(3) of this section, unless, after seeking advice of the Secretary of Commerce and the Secretary of Labor, he determines that such extension is not in the national interest.

(e) Section 351(d) of such Act is amended to read as follows:

"(d)(1) So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, including the specific steps taken by the firms in the industry to enable them to compete more effectively with imports, and shall make annual reports to the President concerning such developments.

"(2) Upon request of the President or upon its own motion, the Tariff Commission shall determine, in the light of specific steps taken by the firms in such industry to enable them to compete more effectively with imports and all other relevant factors, as to the probable economic effect on the industry concerned, and (to the extent practicable) on the firms and workers therein of the reduction or termination of the increase in, or imposition of, any duty or other import restriction pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951, and shall so advise the President.

"(3) Upon petition on behalf of the industry concerned, filed with the Tariff Commission not earlier than the date which is one year, and not later than the date which is nine months, before the date any increase or imposition referred to in paragraph (1) or (2) of subsection (c) is to terminate by reason of the expiration of the applicable period prescribed in paragraph (1) or an extension thereof under paragraph (2), the Tariff Commission shall determine the probable economic effect on such industry of such termination and shall report its determination to the President. The report of the Tariff Commission on any investigation initiated under this paragraph shall be made not later than the ninetieth day before the expiration date referred to in the preceding sentence.

"(4) In advising the President under this subsection as to its determination of the probable economic effect on the industry concerned, the Tariff Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment.

"(5) Determinations of the Tariff Commission under this subsection shall be reached on the basis of an investigation during the course of which the Tariff Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard."

SEC. 314. ORDERLY MARKETING AGREEMENTS.

Section 352(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1982(a)) is amended to read as follows:

"(a) If the President has received an affirmative injury determination of the Tariff Commission under section 301(b) with respect to an industry, he may at any time negotiate international agreements with foreign countries limiting the export from such countries and the import into the United States of the article causing or threatening to cause serious injury to such industry whenever he determines that such action would be appropriate to prevent or remedy serious injury to such industry. Any agreement concluded under this subsection may replace in whole or in part any action taken pursuant to the authority contained in paragraph (1) of section 351(a); but any agreement concluded under this subsection before the close of the period during which a concurrent resolution may be adopted under paragraph (2) of section 351(a) shall terminate not later than the effective date of any proclamation issued by the President pursuant to paragraph (3) of section 351(a)."

SEC. 315. INCREASED ASSISTANCE FOR WORKERS.

(a) Section 323(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1942(a)) is amended by striking out "an amount equal to 65 percent of his average weekly wage or to 65 percent of the average weekly manufacturing wage," and inserting in lieu thereof "an amount equal to 75 percent of his average weekly wage or to 75 percent of the average weekly manufacturing wage,".

(b) The second sentence of section 326(a) of such Act is amended to read as follows: "To this end, and subject to this chapter, adversely affected workers shall be afforded, where appropriate, the testing, counseling, training, and placement services and supportive and other services provided for under any Federal law."

(c) The amendment made by subsection (a) shall apply with respect to assistance under chapter 3 of the Trade Expansion Act of 1962 for weeks of unemployment beginning on or after the date of the enactment of this Act.

SEC. 316. CONFORMING AMENDMENTS.

(a) Section 242(b)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(b)(2)) is amended by striking out "section 301(e)" and inserting in lieu thereof "section 301 (b)".

(b) Section 302(b)(1) of such Act (19 U.S.C. 1962 (b)) (as amended by section 112(b) of this Act) is further amended by striking out "(which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused serious injury or threat thereof to such firm" and inserting in lieu thereof "have contributed substantially toward causing or threatening to cause serious injury to such firm".

(c) Section 302(b)(2) of such Act (as amended by section 112(b) of this Act) is further amended by striking out "(which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment" and inserting in lieu thereof "have contributed substantially toward causing or threatening to cause unemployment or underemployment".

(d) Section 311(b)(2) of such Act is amended by striking out "by actions taken in carrying out trade agreements, and" and by inserting in lieu thereof "by the increased imports identified by the Tariff Commission under section 301(b)(1) or by the President under section 301(c)(1), as the case may be, and".

(e) Section 317(a)(2) of such Act is

amended by striking out "by the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements" and inserting in lieu thereof "by the increased imports identified by the Tariff Commission under section 301(b)(1) or by the President under section 301(c)(1), as the case may be".

TITLE IV—AMENDMENTS TO THE REVENUE ACT OF 1916

SEC. 401. (a) Section 801 of the Act of September 8, 1916, entitled "An Act to raise revenue, and for other purposes," 15 U.S.C. 72 (hereinafter referred to as the "Revenue Act, 1916"), is amended to read as follows:

"(a) No person selling, exporting or importing any articles from any foreign country into the United States shall knowingly sell, export or import within the United States at a price less than the actual market value or wholesale price of such articles, at the time of their importation into the United States, in the principal markets of the country of their production, or of other foreign countries to which they are commonly exported, after adding to such market value or wholesale price, freight, duty, and other charges and expenses necessarily incident to the importation and sale thereof in the United States where the effect of the sale of such articles at such price is or is likely to cause injury to an industry in the United States in any line of commerce in any section of the country or to substantially lessen competition or tend to create a monopoly in any line of commerce in any section of the country or to injure, destroy, or prevent competition with any person. For purposes of this provision any person in the United States who imports an article from a foreign country shall be conclusively presumed to know the actual market value or wholesale price of such article in the principal markets of the country of its production or other foreign countries to which it is commonly exported unless such person has no direct or indirect corporate affiliation with the foreign seller or producer of such article.

"(b) An affirmative determination by the Secretary of the Treasury under section 201 (b) of the Antidumping Act, 1921 (19 U.S.C. 160(b)) with regard to any article shall constitute prima facie evidence of the sale of such article at less than its actual market value or wholesale price for purposes of subsection (a) of this section.

"(c) A determination of injury to any industry in the United States by the Tariff Commission under section 201(a) of the Antidumping Act, 1921 (19 U.S.C. 160(a)) shall constitute prima facie evidence of injury to an industry in the United States for purposes of subsection (a) of this section."

(b) The second paragraph of such section is amended by inserting in the subsection designation "(d)" before such paragraph, by inserting "willfully" before the word "violates", and by striking out "$5,000" in such paragraph and inserting in lieu thereof "$50,000".

(c) The third paragraph of such section is deleted and the section is further amended to read:

"(e) Whenever it shall appear to the court before which any proceeding under this Act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not, and subpenas to that end may be served in any district by the marshal thereof.

"(f) If a defendant, in any civil proceeding brought under this section in any court of the United States, fails to comply with any discovery order, or other order or decree, of such court, the court shall have power to enjoin the further importation into the United States, or distribution in interstate commerce within the United States, by such defendant of articles which are the same as, or similar to, those articles which are alleged in such proceeding to have been sold or imported in violation of the provisions of subsection (a) of this section, until such time as the defendant complies with such order or decree.

"(g) This section shall be held and considered to be an antitrust law of the United States, and any law of the United States which is applicable to the enforcement of the antitrust laws shall be applicable to the enforcement of this section, except to the extent that any provision of this section is inconsistent with such application."

(d) The last paragraph of such section is amended by inserting the subsection designation "(h)" before such paragraph.

TITLE-BY-TITLE ANALYSIS OF "THE FAIR INTERNATIONAL TRADE ACT OF 1972"

I. AMENDMENTS TO THE ANTIDUMPING ACT OF 1921

Title I of the "Fair International Trade Act of 1972" would amend the Antidumping Act of 1921 to provide faster and more practical relief against dumping. Dumping is essentially a form of international price discrimination, under which sellers subsidize low-price sales in foreign markets with higher-price sales at home. The Antidumping Act of 1921 is intended to protect U.S. industries from injury caused by foreign companies dumping in the U.S. market.

Injurious price discrimination by U.S. companies selling in the U.S. market is a violation of our antitrust laws. Title I of the "Fair International Trade Act of 1972" would bring the basic injury standard of the Antidumping Act of 1921 more in harmony with the laws that govern domestic business conduct by specifically incorporating the Clayton Act's "line of commerce" and "section of the country" market concepts.

A major problem that U.S. companies have encountered over the years in attempting to secure antidumping relief is inconsistency in Tariff Commission interpretations of the Antidumping Act's injury requirement.

Title I would add new subsections (d) and (e) to section 201, to codify the Tariff Commission's more recent and realistic interpretations of the injury requirement. It would also add a new subsection (f), which would direct that related antidumping investigations be consolidated, so that, where appropriate, the Tariff Commission would have before it evidence of the cumulative effect of dumping from different foreign sources.

Title I also addresses itself to one of the most frustrating aspects of the Antidumping Act from the standpoint of injured U.S. companies—delayed enforcement. Thus, Title I would require the Secretary of the Treasury to determine within four months after initiating an antidumping investigation whether there was reason to suspect dumping and, if so, to issue a notice of withholding of appraisement. The Secretary would also be required to initiate a formal investigation within 60 days after receiving a complaint unless his summary investigation indicated the complaint was clearly not meritorious.

Title I also would make the Antidumping Act practically as well as theoretically applicable to dumping by sellers from controlled economy countries, as to whom normal cost-price comparisons cannot be made.

Finally, Title I would amend the Antidumping Act of 1921 to make available to all parties the procedural protections of the Administrative Procedure Act, and to make decisions by the Secretary of the Treasury and the Tariff Commission subject to judicial review on the petition of any interested party. Under present law, aggrieved importers and foreign sellers, but not U.S. industries, have standing to seek review.

II. AMENDMENTS TO THE TARIFF ACT OF 1930

Countervailing Duties. Chapter 1 of Title II of the "Fair International Trade Act of 1972" would amend section 303 of the Tariff Act of 1930, which provides for the imposition of countervailing duties equal to the amount of any bounty or grant given in a foreign country to subsidize exports to the U.S. market. As in the case of the present antidumping statute, the effectiveness of official action with respect to countervailing duties is often weakened as a result of substantial delays in enforcement. Chapter 1 of Title II would amend the present countervailing duty law to require the Secretary of the Treasury to make a determination as to whether imported foreign articles receive a "bounty or grant" within twelve months after the question is presented.

Chapter 1 of Title II would also make other changes. Under present law, countervailing duties can be imposed only with respect to "dutiable" imports. Chapter 1 would amend the law to provide that countervailing duties would be applicable to subsidized duty-free imports if the Tariff Commission determined that such subsidized imports were injuring a domestic industry. Chapter 1 would also clarify that subsidies by private companies or industries are encompassed by the statute.

Chapter 1 of Title II would also amend the countervailing duty provisions to grant the Secretary of the Treasury discretion with respect to the imposition of countervailing duties on articles subject to quotas or to an agreement limiting exports to the United States.

Finally, Chapter 1 of Title II would, like Title I, attempt to harmonize our foreign trade laws with domestic antitrust law by specifically introducing in appropriate contexts the Clayton Act's "any section of the country" and "any line of commerce" concepts. It would also harmonize the corresponding injury standards of the Antidumping Act and the countervailing duty law, as amended, and would make available procedural protections and judicial review.

Tariff Commission. Chapter 2 of Title II would amend the Tariff Act of 1930 to increase the number of Commissioners from six to seven and to increase their terms from six to seven years. The principal purpose would be to decrease the likelihood of tie votes and, at the same time, to enlarge and strengthen the Commission.

III. AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962 FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATION

Chapter 1 of Title III of the "Fair International Trade Act of 1972" would enable persons adversely affected by foreign restrictions or discrimination against U.S. exports to seek effective relief. The Trade Expansion Act of 1962 contains provisions that empower the President to take retaliatory measures against the exports of nations that unduly restrict and discriminate against United States exports. However, the Act contains no provisions for an orderly and timely procedure whereby parties in the U.S. who believe themselves injured by such foreign restrictive or discriminatory action can seek to invoke the statutory sanctions.

Chapter 1 would provide a complaint procedure for affected persons to bring to the President's attention evidence of such trade restrictions against U.S. exports. The procedure would be similar to that utilized in antidumping, countervailing duty and "escape clause" cases, and would allow any interested party to request the Tariff Commission to investigate whether particular activities of a foreign country or instrumentality constitute the kind of trade restrictions these provisions of the Act are directed against. The Commission would have three months to conduct its investigation, and within three months following an affirmative Commission finding, the President would be required to inform Congress of his actions with regard to these foreign restrictions.

The "*Escape Clause.*" Chapter 2 of Title III would amend the Tariff Adjustment and Adjustment Assistance sections of the Trade Expansion Act of 1962 to remove some of the barriers to relief currently faced by United States industries, individual companies and groups of workers that have been injured by imports.

Under present law, "escape clause" (tariff adjustment) relief—which consists of increased duties, quotas or such other import restrictions as are necessary to prevent or remedy serious injury from imports—is available only when the Tariff Commission determines that as a result in major part of concessions granted under trade agreements, an article is being imported in such increased quantities as to "cause or threaten to cause" serious injury to a domestic industry.

Chapter 2 of the "Fair International Trade Act" would amend these criteria by liberalizing the causal connection that must be shown between the increase in imports and injury to the domestic industry, and by broadening the definition of increased imports. In addition, while Chapter 2 would maintain the present limitation of escape clause action to imports which have been the subject of prior U.S. trade concessions, the bill would eliminate the necessity of proving a causal connection between the tariff concession and the increase in imports.

Chapter 2 would make parallel changes in the standards for obtaining adjustment assistance by workers or firms, would permit petition for adjustment assistance directly to the President, and would increase the adjustment assistance benefits available to workers who meet the amended injury standards.

In addition to liberalizing the standards for obtaining "escape clause" relief by injured U.S. industries, Chapter 2 would also significantly increase the Tariff Commission's authority to determine the nature and extent of the relief granted. Under present law, Tariff Commission findings with respect to relief amount to little more than recommendations to the President. Chapter 2 would require the President to implement the specific tariff adjustments—or the specific increases or extensions of prior adjustments—determined by the Tariff Commission, unless he determined that such action would not be in the national interest. Chapter 2 would also limit the President's authority to reduce or terminate existing tariff adjustments under the statute.

Other provisions of Chapter 2 include a definition of "domestic industry" that provides for more equitable treatment of U.S. multi-product or multi-industry companies, application of the Administrative Procedure Act to Tariff Commission procedures under the statute, and the availability to all interested parties of judicial review from Commission determinations.

IV. AMENDMENTS TO THE REVENUE ACT OF 1916

Title IV of the "Fair International Trade Act of 1972" amends the Revenue Act of 1916 to provide an additional deterrent to international price discrimination—a practically available procedure for maintaining private treble damage actions. This is accomplished by amending the 1916 Act to permit private recovery for injurious international price discrimination without requiring the plaintiff to prove specific unlawful intent. Here again the purpose is to subject off-shore competitors to essentially the same business rules that govern the conduct of domestic companies.

The Revenue Act of 1916, though providing for treble damage recovery in certain cases, has not proved an effective means of discouraging international price discrimination or compensating those injured by it. The reason has been the Act's onerous intent requirement. As amended by Title IV of the "Fair International Trade Act of 1972", the 1916 statute would become a more effective antitrust tool against international price discrimination. Under the amendments, the requirement of showing injury to competition would be harmonized both with the Antidumping Act of 1921 and the domestic anti-price discrimination law, the Robinson-Patman Act.

Title IV would also amend the Revenue Act of 1916 by providing that decisions of the Treasury Department and the Tariff Commission in proceedings under the Antidumping Act of 1921 would be given *prima facie* effect in private suits under the 1916 Act. This is a device borrowed from the Clayton Act and, once again, is for the purpose of harmonizing domestic and foreign antitrust trade policy.

The criminal provisions of the 1916 Act would be retained and the penalty for violation increased to $50,000, which is the level of fine that may be imposed for violation of domestic antitrust law. However, there would be no criminal liability in the absence of a willful violation of the statutory pricing and injury standards.

ISSUE	ANTIDUMPING ACT OF 1921	PROPOSED FAIR INTERNATIONAL TRADE ACT
1. Who may initiate an investigation and how may it be initiated?	No restrictions. Presumably by any individual or group and in any form. ("Whenever . . . the Secretary has reason to believe or suspect . . . from information presented to him. . . .")	No change in statute.
2. Governmental agencies and their functions.	Department of the Treasury determines if sales are at less than fair value (LTFV). Tariff Commission determines whether U.S. industry is injured. Treasury determines and imposes dumping duties.	No change.
3. Time limit on proceeding.	LTFV determination: no limit (current Treasury goal is nine months). Injury: three months after LTFV finding.	LTFV determination: six months. Injury: no change. Total: nine months.
4. Quantum of injury required	Injury is not defined in statute. Tariff Commission decisions have established that anything more than *de minimus* or immaterial injury to U.S. industry is sufficient.	Codifies Tariff Commission standard.
5. Standard of causation between LTFV import and injury.	Causation not defined in statute. Tariff Commission decisions establish that LTFV imports need only be more than *de minimus* factor in bringing about injury to U.S. industry.	Codifies Tariff Commission standard.
6. Standard for determining likelihood of injury.	Likelihood standard not defined in statute. Tariff Commission decisions suggest that injury will be found where there is a "reasonable likelihood" that LTFV sales will cause injury.	Adopts Tariff Commission standard.
7. Potential intervention by President	Not possible.	Not possible.
8. Effect of tie vote by Tariff Commission	Tie is considered an affirmative finding of injury to U.S. industries.	No change.
9. APA protection and judicial review	No APA protection. Review only available to importers or foreign producers.	All proceedings and determinations subject to APA protections. Judicial review available to all parties.
10. Withholding of appraisement	Appraisement may be withheld when Secretary of Treasury believes goods were sold at LTFV.	No change.
11. Definition of industry	Undefined in statute, but some Commission decisions have recognized regional industries or markets.	Facilitates finding of injury to a less-than-national industry by adopting Clayton Act "line of commerce, section of the country" concept.
12. State controlled economies	No special provisions.	New provisions to facilitate effective antidumping regulation of products from State controlled economies.

By Mr. TUNNEY:

S. 3709. A bill to amend title II of the Social Security Act to permit a State, under its section 218 agreement, to terminate social security coverage for State or local policemen or firemen without affecting the coverage of other public employees who may be members of the same coverage group (and to permit the reinstatement of coverage for such other employees in certain cases where the group's coverage has previously been terminated). Referred to the Committee on Finance.

RETIREMENT FOR SAFETY WORKERS

Mr. TUNNEY. Mr. President, I am introducing today a bill which would permit State and local policemen or firemen to withdraw from social security without affecting the coverage of other public employees who are members of the same coverage group.

It would also open the way to reinstatement of those employees whose coverage has already been terminated as a result of action initiated by policemen or firemen.

The difficulties which policemen and firemen have encountered in relation to the social security system are amply reflected in the disjointed development of provisions affecting them, and the present great disparities in the treatment of identical groups in different States.

At the heart of these problems is the fact that for retirement and general social security purposes policemen and firemen constitute a separate and difficult class.

The national social security system is predicated on a relatively uniform national social pattern of retirement at a certain age after a certain number of years of covered work.

Its benefits are based on these broad actuarial facts and are framed according to these general expectations and needs.

Unfortunately, policemen, and firemen, by the very nature of their occupations, do not fall easily into this broad pattern.

Necessarily, they retire early—at 55 or 50.

Social security benefits are not available to them until they are 62, and then they are actuarially reduced benefits—calculated on the assumption that even that small degree of early retirement is an aberration from normality, which is patently not the case for them.

Moreover, should they reach the point of claiming benefits, their personal entitlements are limited in two significant ways. Their working life and, therefore, the period of covered employment, is shorter, and in the time between their stopping work and receiving benefits increases in the general level of wages leave them at a disadvantage compared with those who qualify for social security immediately on retirement.

Furthermore, as the average life expectancy of safety workers on retirement is low, they stand an abnormally high chance of receiving nothing at all.

Thus, the national social security system inadequately addresses the needs of their special situation.

Because of these particular needs and the failure of social security to take them into account, many State and local governments have developed specially tailored retirement systems. Providing as they must for realistic retirement income after a shorter span of working years, these have been expensive systems.

Their necessary cost results in policemen and firemen having to pay, with social security, as much as 14 percent of their paycheck just for retirement purposes. They must pay for their special system if they are to hope for adequate and appropriate coverage, and they are required to pay for the doubtful benefits of social security on top of that.

Not surprisingly, many of them want to get out.

That is where the difficulty arises.

WITHDRAWAL GREATER THAN NECESSARY

The law at present rightly places a total ban on individual withdrawals from coverage. It also seeks to deter extensive termination by permitting only entire coverage groups to withdraw.

In practice, however, this provision is acting only partially as a deterrent.

Groups are withdrawing. That is to be expected under any system which is not totally closed. But in many cases it would seem that the existing withdrawal requirements are having quite the opposite effect to that intended—more employees are being taken out of social security than would likely opt for that alternative if the requirements were not so rigid.

Currently, in the State of California alone, 23 cities have completed action to take their employees out of social security. A further 14 are in the process of doing so. Involved in this movement out of coverage are 1,928 policemen and firemen and 4,678 miscellaneous employees. Similar action is being prepared or contemplated in a number of other districts.

There are various reasons for withdrawal.

My bill seeks to address only one of them.

The initial and overriding factor in a considerable number of cases has been the very firm conviction and desire of firemen and policemen who are covered as part of a general local government employees' group, to have that coverage terminated, for reasons I have already outlined.

Under the present machinery, they can only terminate if their whole local government group—miscellaneous workers as well as policemen and firemen—terminates as a single entity.

In many cases, the safety groups have acted reluctantly, knowing that the interests of the rest of their coverage group did not match their own, but feeling that it was necessary for them to withdraw and realizing that no other way was open to them than taking the whole group out of coverage.

Because of the firmness of their conviction that they should withdraw, and their cohesiveness as a group, they have been able to create enough momentum to achieve withdrawal.

As a result, a considerable number of miscellaneous workers have left the umbrella of protection which the national system affords them.

For those who have amassed considerable entitlements already, the effects of withdrawal may be comparatively limited. For those who have little, and especially for those who are yet to join the employee group, it means total exclusion from the strengths and benefits of the national social security system—a system which is basically appropriate to their needs.

This bill would make it possible for police and firemen to seek withdrawal in the future without jeopardizing the coverage of these other employees.

It would also make it possible for the miscellaneous workers to protect their long-term interests by seeking reinstatement of coverage separate from the policemen and firemen who initiated the original withdrawal.

OPPORTUNITY TO RETURN

My investigations in California have revealed that should this bill become law the miscellaneous workers in at least 13 groups would be given the opportunity to return to the system.

These problems are not peculiar to California by any means. They are repeated in State after State.

In fact, they are partially recognized in the law already, for in a limited number of States firemen may now be treated as a separate group.

In the interests of equity and the strength of the system as a whole, it is important to limit the extent of withdrawal so that only those with a deep-seated mismatch with the system leave it, and so that those who want to remain within the system are able to do so regardless of the interests and desires of a quite different class of employees who happen to be covered in the same local group.

I believe that this bill approaches that problem realistically and effectively, and I ask my distinguished colleagues in the Senate to lend it their full support.

Mr. President, I have also submitted an amendment to H.R. 1, the Social Security Amendments of 1972, which would accomplish these objectives. I ask unanimous consent that my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 218(g)(1) of the Social Security Act is amended by striking out "either" after "Secretary", by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) with respect to services of—

"(i) all employees included under the agreement as a single coverage group within the meaning of subsection (d)(4) which is composed entirely of positions of policemen or firemen or both;

"(ii) all employees in positions of policemen or firemen or both which are included under the agreement as a part of a coverage group within the meaning of subsection (d)(4); or

"(iii) all employees in positions of policemen or firemen or both which were included under the agreement as a part of a coverage group as defined in subsection (b)(5) and which were covered by a retirement system after the date coverage was extended to such group,

but only if the agreement has been in effect with respect to employees in such positions for not less than five years prior to the receipt of such notice."

(b) Section 218(g)(3) of such Act is amended by adding at the end thereof the following sentence: "If any such agreement is terminated with respect to services of employees in positions of policemen or firemen as described in paragraph (1)(C), the Secretary and the State may not thereafter modify such agreement so as to again make the agreement applicable to services performed by employees in such positions."

Sec. 2. Notwithstanding any provision of section 218 of the Social Security Act, any agreement with a State under such section may, if the State so desires, be modified at any time prior to July 1, 1975 so as to again make the agreement applicable to services performed by employees, other than employees in policemen's or firemen's positions. in a coverage group with respect to which the agreement was terminated by the State prior to the enactment of this Act if the Governor of the State, or an official designated by him, certifies that the following conditions have been met—

(1) the majority of such employees have indicated a desire to have their coverage reinstated, and

(2) the termination of the agreement with respect to the coverage group was for the purpose of terminating coverage for those employees in policemen's or firemen's positions or both.

Notwithstanding the provisions of section 218(f)(1) of such Act, any such modification shall be effective as of the date coverage was previously terminated for those members of the coverage group who meet the conditions prescribed in section 218(f)(2) of such Act.

By Mr. STEVENS:

S. 3711. A bill to exempt from the provisions of the Airport and Airways Revenue Act of 1970 helicopters which are not operated on an established line. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, I am introducing a bill today which would exempt from the Airport and Airways Revenue Act of 1970 helicopters not operated on established lines. The effect of this would be to exempt from the operation of the tax, those helicopter lines operating on nonscheduled routes.

The reason I am introducing this legislation is because it has been called to my attention that many small helicopter operators have had a great deal of difficulty and a great financial burden put upon them and their customers as the result of this tax.

Many of these helicopter companies are small and are not subsidized. They are required to charge their customers the tax on the full charter rate being charged for the helicopter, whether there be one passenger or a full load. The result may be a payment of tax on the full charter rate for a 15-seat helicopter which may in fact carry but one or two passengers.

Moreover, many of these helicopter operators do not use airports and airways communications, two of the major types of facilities supported by such taxes. For example, one company in my State of Alaska, operating approximately 20 miles north of Kenai on the shores of Cook Inlet, maintains two heliports which are owned or leased by the oil industry. The improvements thereon are owned and maintained by the helicopter company. For this base, helicopters support 13 permanent drilling platforms in Cook Inlet. They have their own flight following procedures, their own as well as oil industry owned radio communication, and have no need of nor do they use any governmental communications facilities whatsoever.

The only times such facilities are utilized are on the infrequent occasions that helicopters must return to their Anchorage bases for major maintenance. A similar situation obtains for the many nonscheduled helicopters operators throughout the Alaska bush area. Many of these go from 4 to 6 months between the times they use FAA facilities.

Many of the helicopters which utilize FAA facilities because they are flown in and out of Anchorage airports are those with gross takeoff weights under 6,100 pounds. These are subject to the fuel tax rather than the transportation tax. Seldom is a helicopter chartered on a noncompetitive basis in the weight class over 6,100 pounds simply because of the costs involved. These helicopters are hired on a competitive bid basis and often leave their base of operation for a continual period of time. As indicated above, these also go for many months without contacting any governmentally provided facility. I am informed that between 80 and 90 percent of the total flight time of Alaska helicopter operation is completed in the bush, in remote wilderness areas where FAA facilities for helicopters are not only nonexistent, but unnecessary.

Such taxes often yield extremely unfair results, especially in situations such as the one described above in Cook Inlet, in which many companies share the use of one helicopter. In such cases the bookkeeping problems are immense for small operators. It is almost impossible to adequately and fairly charge a proper customer the transportation taxes due. Such problems arise because the helicopter operator must, several times a day, transport a varying number of passengers per helicopter to a number of different platforms owned by different oil companies and pick passengers on each of the platforms, returning them to shore or even to other platforms out in the inlet.

As many as 28 passengers working for as many as six different companies may be transported on a 20-minute flight. Out in the inlet some passengers may deplane and others may board, only to be transported a relatively short distance for a very brief flight to another platform or back to the mainland. To give you an idea of the briefness of the flight, the total flight takes but 20 minutes from the heliport to each of four platforms in Cook Inlet and back to the heliport again.

Moreover, these taxes are extremely high and quite burdensome to the customers involved. For example, a tax charge of $48 must be made on a 1-hour charter flight in a Bell 205A-1 in which six people are being transported. The same six people would be required to pay only $8 each in transportation taxes on a Boeing 747 from Anchorage to Seattle. The total amount of the taxes collected is equally substantial. For example a single Alaska helicopter operator was required to pay from July 1, 1970, to November 1, 1971, a total of $230,000 in transportation taxes. One customer alone was invoiced $47,000 in transportation taxes for the 15-month period. This is a substantial amount.

Helicopters not subjected to this tax are now and would continue to be subject to the fuel tax imposed by section 4041 (c)(4) of the Internal Revenue Code—title 26 United States Code.

For these reasons, I hope serious consideration will be given to amending these transportation taxes for helicopters not being operated on established lines. I ask unanimous consent that my bill be printed in the Congressional Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that 26 U.S.C. 4281 is amended by adding at the end thereof the following sentence: "Nor shall such taxes apply to transportation by a helicopter except when operated on an established line".

By Mr. RANDOLPH (for himself, Mr. Dole, Mr. Allen, Mr. Anderson, Mr. Bayh, Mr. Beall, Mr. Bennett, Mr. Bentsen, Mr. Bible, Mr. Boggs, Mr. Brooke, Mr. Burdick, Mr. Harry F. Byrd, Jr., Mr. Robert C. Byrd, Mr. Cannon, Mr. Chiles, Mr. Church, Mr. Cook, Mr. Cooper, Mr. Cotton, Mr. Cranston, Mr. Curtis, Mr. Dominick, Mr. Eagleton, Mr. Fong, Mr. Gravel, Mr. Griffin, Mr. Gurney, Mr. Hansen, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Hartke, Mr. Hollings, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Jordan of Idaho, Mr. Jordan of North Carolina, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. McGee, Mr. McIntyre, Mr. Metcalf, Mr. Miller, Mr. Mondale, Mr. Montoya, Mr. Nelson, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Ribicoff, Mr. Roth, Mr. Schweiker, Mr. Scott, Mrs. Smith, Mr. Sparkman, Mr. Spong, Mr. Stafford, Mr. Stennis, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Taft, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Tunney, Mr. Weicker, and Mr. Young):

S.J. Res. 245. A joint resolution authorizing the President to designate the calendar month of September 1972, as "National Voter Registration Month." Referred to the Committee on the Judiciary.

Mr. RANDOLPH. Mr. President, on behalf of myself and the Senator from Kansas (Mr. Dole), and 72 cosponsors I introduce a Senate Joint Resolution authorizing the President to designate the period September 1 through September 30, 1972, as National Voter Registration Month.

Too many Americans take their freedom and franchise for granted. Too many Americans enjoy the excitement of an election year without actual participation. If we are to have more responsive government, we must make every effort to have a more responsive electorate. It is important that we continue to work and encourage all eligible citizens to register and participate in the electoral process. This resolution, I believe, will help to focus national attention at a period of time just prior to the 1972 general election. A similar proposal has been introduced in the House of Representatives by Representative RIEGLE.

Since June 30, 1971, when the 26th amendment to the U.S. Constitution was formally ratified, a potential 25 milion new voters have become eligible to vote. I was privileged to have authorized such an amendment as early as 1942. The action by Congress and the individual States last year was most gratifying. But the so-called youth vote will be lessened in value if youth do not vote.

This joint resolution is directed at encouraging all eligible voters to register and vote. It is a sad commentary on our electoral system, I feel, when only two out of three eligible voters of all ages cast their ballots, as happened in 1968.

I am confident that the indifference or ignorance of one-third of this Nation's electorate can be overcome. I am certain that a massive infusion of youthful ideals and energies in the electoral process will stimulate reaction and concern among the millions of adults who do not bother to vote. To this end, I commend the national student lobby and other organizations who are actively involved not only in voter registration, but in day-to-day legislative issues before this Congress.

It was reported to me recently that in my home State of West Virginia, more than 60,000 of the 99,000 newly enfranchised young voters in the 18-to-21 age bracket already have registered for the fall election. I am informed that this 61 percent registration figure is among the highest, if not the highest, in the country.

Political analysts are divided on what impact, if any, the youth vote will have on this year's general election results. Certainly, the activities of college students in the primary campaigns have received high visibility. But I remind you that only 26 percent of the potential young voters actually attend college. Another 4 percent are in high school. This leaves 70 percent of the youthful electorate which is composed of men and women who are working or seeking work, who are starting families, buying homes, paying taxes, and looking to a future they themselves could have a role in shaping.

With new voting eligibility of this significant segment of our population, it is appropriate that our Nation initiate a special effort to increase participation in the electoral process. The focus of attention on youth involvement provides a real catalyst for renewed action in this area so that all citizens will benefit. I believe that our citizens—from the youth to the senior citizen—can form a partnership of activity to make the use of the ballot a more meaningful exercise.

I am hopeful that the Senate will adopt this important joint resolution in the bipartisan spirit in which it is presented. I urge Congress to tell all the citizens of this Nation that full participation in our electoral process is not only a desirable dream, but an achievable goal.

Mr. DOLE. Mr. President, the right to vote is a precious freedom, an integral element of an open and democratic system of government. The vote is the fundamental and most powerful force in the hands of a free people who wish to guide and direct the destiny of themselves and their Nation. From the ballot of each voter flows an uninhibited mandate and a statement to those who would represent him. It gives each voter an equal say in the election process, a voice which is not affected by wealth, race, geography, religion or any other element which from time to time may influence the affairs of men.

The importance of voting is difficult to overstate. Indeed, this importance raises it to an obligation upon all eligible men and women, for, just as each citizen is responsible for the quality of a government which is of, for, and by the people, that responsibility is most importantly met through regular and conscientious exercise of the vote.

EXPANDING THE FRANCHISE

We Americans have always cherished the institutions of our Republic—including the electoral process—and we have taken significant steps over the years to broaden both voter participation and the scope of the votes cast.

In 1868 and 1869 the 14th and 15th amendments to the Constitution granted and insured the right to vote to former slaves. The 19th amendment, extended the franchise to women in 1920. The 23d amendment, ratified in 1960, gave the vote in presidential elections to residents of the District of Columbia. The 24th amendment in 1964 removed the impediment of the poll tax in Federal elections. And most recently, in 1971, the 26th amendment granted the vote to those aged 18 to 20. The cumulative effect of these six amendments is that some 60 to 70 percent of today's voting population enjoys the franchise which would be denied them under the "free, male, white and 21" construction originally given the Constitution.

Voter participation has also been enhanced by recent voting rights acts which provide real protections for participants in all Federal elections and less stringent barriers to absentees and new residents in presidential contests. The Supreme Court has just this year delivered a major decision still more strictly limiting the inhibitions of residency requirements.

INCREASED SCOPE

The scope of the vote has also been broadened in this country by such steps as the 17th amendment providing for direct election of Senators, and the Supreme Court's one-man, one-vote decisions which govern the population of congressional districts. Of course, efforts are continuing to devise a new formula for the election of the President and Vice President whereby the electoral college can be reformed or eliminated to make way for direct or automatic apportionment of each State's vote.

Of course, our people can take justifiable pride in this record. It is a story of continuing progress toward improving our election system and thereby the quality of our Government.

A NATIONAL SHORTCOMING

But there is, unfortunately, an aspect of our electoral process which is not a source of pride, but which is, rather, a point of some embarrassment for a nation with our heritage, wealth and position of prominence in world affairs.

The fact is that, although many avenues of voter eligibility have been opened and in spite of the increased importance which the vote of each individual has assumed, Americans do not exercise their right to vote—do not live up to their responsibility to vote—as they should.

POOR COMPARISONS

In fact, in the 1968 presidential election only 61 percent of the American voting age population cast ballots. This figure compares poorly with 76 percent in Canada; 89 percent in Denmark; 86 percent in West Germany; 87 percent in New Zealand and 89 percent in Sweden. The comparison is even more unfavorable when one considers that the highest turnout in the last two decades was 64 percent in 1960, and the rate in nonpresidential years runs far below 50 percent. In 1970, only 44.9 percent voted. Such performance amounts to a national disgrace.

Of course, get-out-the-vote drives are features of every election, but such activities only address part of the problem. Undoubtedly, voters should be gotten out, but, more fundamentally, voters should be enrolled so they can be eligible to be brought to the polls.

UNTAPPED RESOURCE

Voter registration is the key to increasing voter turnout on election day, and unregistered voters are the great, untapped resource of the political world. In 1968, it was estimated that some 23.1 percent, nearly one-fourth, of our eligible voters were not registered. It takes no great gift of insight to appreciate the impact these votes would have on contests from the presidency to the city council. Even at the prevailing 61 percent turnout rate in 1968, those additional 18.3 million votes could very well have changed the outcome of a significant number, if not a majority of the races. After all, how many officeholders received greater than a 5 to 10 percent majority—much less one in the 25 percent range?

INCREASED ATTENTION

In 1972 a great deal of attention should—and is—being paid to the unregistered but otherwise eligible voter. Both national parties are directing significant voter registration drives all across the country, and many other groups and organizations have developed programs. Some of this activity is directed at the newly enfranchised 18- to 20-year-olds, but it goes much further. I believe that the entire political apparatus of America is awakening to the opportunity to be found in the unregistered voter. Whether he or she is young or old, a college student or a retired person, whether an individual is a member of a highly mobile executive family or one who suffers from a mobility-reducing disability—there is growing recognition that this individual must be sought out and brought into the electoral process in unprecedented numbers.

And because of this awakening and activity, I believe the American political system stands at the threshold of a great opportunity to take on the increased vitality and strength which inevitably comes from greater citizen participation.

NATIONAL VOTER REGISTRATION MONTH

It is a pleasure to join with the distinguished senior Senator from West Virginia (Mr. RANDOLPH) in introducing a measure which will serve to draw the Nation's attention to the importance of voter registration.

Authorizing the designation of September 1972 as "National Voter Registration Month" will put the Congress on record as a full-spirited participant in the campaign to expand the voter polls and thereby the people's part in securing the sound and wise functioning of government in America—at local, State and national levels. It is highly appropriate that the legislative branch take this step to provide leadership and support for the many efforts which will be made between now and election day to reach and enroll unregistered voters.

The Senator from Kansas would certainly hope that the support already shown for this measure by the many Senators who have joined as cosponsors indicates that it might receive rapid approval from the Senate. Hopefully, our colleagues in the House can approve an identical bill, so full congressional action can send it to the President in ample time to give National Voter Registration Month a well-deserved round of national publicity.

SPECIAL SIGNIFICANCE

I would also take this opportunity to congratulate the Senator from West Virginia for his long record of leadership in extending and expanding the vote in this country. This year is of particular significance to him and his work, because it marks the first presidential election in which 18- to 20-year-old citizens have been universally entitled to vote. They gained this privilege and responsibility in large measure because of Senator RANDOLPH's leadership and support for the measure which finally became the 26th amendment to our Constitution.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2719

At the request of Mr. PERCY, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 2719, the Alcoholic Drivers Safety Act.

S. 3443

At his own request, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3443, a bill to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968.

S. 3507

Mr. HOLLINGS. Mr. President, through error, the name of my distinguished colleague from Texas (Mr. TOWER) was not included in the list of cosponsors of S. 3507, the Coastal Zone Management Act.

I ask unanimous consent that he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3515

At the request of Mr. BELLMON, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 3515, the Weather Modification and Precipitation Management Act of 1972.

S. 3641

At the request of Mr. PEARSON, the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3641, a bill to establish a National Energy Resources Advisory Board.

S. 3656

At the request of Mr. ROBERT C. BYRD, the Senator from Florida (Mr. CHILES) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 3656, the South Atlantic Environmental Basin bill.

SENATE JOINT RESOLUTION 228

At the request of Mr. HOLLINGS, the Senator from Alabama (Mr. ALLEN), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Montana (Mr. MANSFIELD), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PASTORE), the Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Joint Resolution 228, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1237

(Ordered to be printed and to lie on the table.)

Mr. BENTSEN submitted an amendment intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

IMPROVED FINANCING FOR PUBLIC BROADCASTING—AMENDMENT

AMENDMENT NO. 1238

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H.R. 13918) to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1239

(Ordered to be printed and referred to the Committee on Finance.)

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

(The remarks of Mr. TUNNEY on this subject appear under the heading "Statements on Introduced Bills and Joint Resolutions" when he introduced S. 3709.)

UNIFORMED SERVICES SPECIAL PAY ACT OF 1972—AMENDMENT

AMENDMENT NO. 1240

(Ordered to be printed and referred to the Committee on Armed Services.)

PUBLIC HEALTH SERVICE AMENDMENT

Mr. GRAVEL. Mr. President, this past March S. 3410 was introduced which would revise the special incentive pay structure for members of the armed services. This legislation is entitled the "Uniformed Services Special Pay Act of 1972."

Holding the views that I do on the need to move to an all volunteer force I am always in favor of more adequate pay scales for the recruitment and retention of persons for the services. In the case of S. 3410 I am especially interested in those provisions relating to additional incentive pay for physicians and dentists. The effect of this provision as it now stands would be to exclude medical personnel of the Public Health Service from gaining the same special pay benefits as their counterparts in the military.

Mr. President, this is patently unfair and unwise, and I will offer an amendment to repair this inequity.

It may be argued, of course, that the incentive pay already granted miiltary and Public Health Service personnel is enough or too much; that there is no need for Government to provide additional pay to make up for some alleged or real deficiency between the income of doctors and dentists while on active duty and what they might receive in provate practice. There may well be an obligation toserve a period of time in public service of this sort at some financial sacrifice.

I am not arguing all that. What I do say is that Public Health Service personnel should be treated the same for pay purposes as military medical personnel. After all, the Public Health Service has long had a particular relationship with the military—a medical officer has the choice of serving his obligated time with one or the other agency. How then could the Public Health Service compete with the military for medical personnel if the pay scales are skewed sharply in favor of the military? Is this the basis on which we want people to make their choice? Can it be demonstrated that the public need is substantially greater for medical personnel for the Department of Defense than the Public Health Service? Do we know that the contribution is greater?

I am advised that a study on the status of all medical personnel in the governmental service is soon to be conducted. Fine. I certainly do not object to that, and I am sure there is much to be studied on this complex issue. I do object to arbitrarily and unfairly disrupting the pay parity between the Public Health Service and the Department of Defense medical personnel in the meantime. Imbalances once made are often hard to redress.

I am also aware that S. 3410 would retain the provision for continuation pay for Public Health Service medical officers. The proposed disparity comes in where the Department of Defense counterparts are dropped from eligibility for continuation pay, but would be given bonus pay of not to exceed $17,000 annually for each year of agreed continued service. The net difference is that S. 3410 if enacted in its present form would permit critical health specialists in the Armed Forces to receive as much as $13,000 per year more than their professional counterparts in the Public Health Service.

Mr. President, the Public Health Service has done a generally outstanding job in Alaska and its personnel are important contributors to the health and welfare of our State. I am sure that many of my colleagues would say the same for Public Health Service activities in their States. In Alaska there are some 85 physicians and 35 dentists in the Public Health Service doing yeoman work. Nationally the numbers are something like 2,550 physicians and 549 dentists. I am told the additional cost of bringing these people under S. 3410 in a like manner with Department of Defense medical personnel would be approximately $6 or $7 million for fiscal year 1973—subsequent annual costs would be greater. This is a small amount to pay for equitable treatment and the continued staffing of our Public Health Service to meet the ongoing demands on that important domestic agency.

Accordingly I submit an amendment to S. 3410 which would maintain equal treatment for Public Health Service medical officers along with Department of Defense medical officers by making the former eligible for the same bonus pay arrangements as the latter in section 2(5) of S. 3410—and paragraph 311 (a) of the basic legislation, chapter 5, title 37, United States Code.

FOREIGN ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1241

(Ordered to be printed and to lie on the table.)

Mr. ALLOTT submitted an amendment intended to be proposed by him to the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

NOTICE OF HEARING ON NATIONAL CORRECTIONAL STANDARDS ACT

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce hearings for the consideration of S. 3049, the National Corrections Standards Act, beginning at 10 a.m. on June 22, 1972, in room 1318 of the New Senate Office Building.

This legislation is designed to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities.

This is the second scheduled hearing on this legislation, and I would anticipate that several additional days will be necessary to carefully consider this proposed legislation. These additional days will be scheduled as time permits.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

NOTICE OF HEARING ON NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, June 22, 1972, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Marion T. Bennett, of Maryland, to be an associate judge of the U.S. Court of Claims, vice Linton M. Collins, deceased.

Thomas E. Kauper, of Michigan, to be an Assistant Attorney General, vice Richard W. McLaren, resigned.

Samuel P. King, of Hawaii, to be U.S. district judge for the District of Hawaii, vice C. Nils Tavares, retired.

A. William Olson, Jr., of California, to be an Assistant Attorney General, vice Robert C. Mardian, resigned.

J. Clifford Wallace, of California, to be U.S. circuit judge for the ninth circuit, vice James M. Carter, retired.

Hirman H. Ward, of North Carolina, to be U.S. district judge, middle district of North Carolina, vice Edwin M. Stanley, deceased.

Harlington Wood, Jr., of Illinois, to be an Assistant Attorney General, vice Louis Patrick Gray III, resigned.

At the indicated time and place, persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND) chairman; the Senator from Arkansas (Mr. McCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

ADDITIONAL STATEMENTS

MISUSE AND ABUSE OF BARBITURATES

Mr. TOWER. Mr. President, I am pleased to cosponsor S. 3538 and S. 3539, two bills that could significantly curtail the misuse and abuse of barbiturates.

Barbiturates are replacing, and in some areas of the country, surpassing heroin and amphetamines as "the drug most abused." Some drug experts have called 1966 "the year of acid"—LSD—1968 "the year of speed"—amphetamines—and 1970 "the year of smack"—heroin. If the incidence of barbiturate abuse continues to grow at the present rate, 1972 may well be known as "the year of the downer"—barbiturates. Although this is a general statement, it indicates that the drug abuser will gravitate to the drug which is most readily available. Unfortunately, not only are barbiturates readily available, they are also relatively inexpensive. Consequently, they are the most abused drug among our school age population.

Today, on the streets of America, a youth can easily obtain "reds," "red devils," "red birds," "red lillies," or "Mexican reds" for 25 to 50 cents a capsule. In fact, he has a colorful selection from which to choose. He might prefer "blue devils," "blue heaven," "blue bullets," "yellow jackets," "purple hearts," or "rainbows." The names may vary, but the product is the same—a class of drugs derived from barbituric acid. One youth of 16 has said that it is less trouble to obtain barbiturates than it is to purchase cigarettes.

Barbiturates are the best known of the drugs which are used medicinally to relax the central nervous system. Generally, they are known as sleeping pills. Such trade names as Amytal, Seconal, Nembutal, Luminal, and Tuinal are found in many medicine chests in households across the land. These medications have many legitimate and useful purposes in treating a wide range of medical disorders, such as epilepsy, insomnia, gastritis, duodenal, and gastric ulcers, meningitis, relief of anxiety, and surgical anesthesia. Until recently, however, the general public was not aware of the potential harm involved in their misuse or abuse.

Unfortunately, the effects, the availability, and the low cost of barbiturates have made them extremely attractive as drugs of abuse.

Barbiturates are highly dangerous when they are taken without proper medical supervision. Increasing use of these pills quickly produces a tolerance. Once this tolerance has been achieved, the user experiences a euphoric effect from taking barbiturates. Rather than feeling merely drowsy and sluggish, he actually feels high, and completely insulated from reality. It permits the user to escape from the anxieties of his everyday life.

Barbiturates relax the muscles and impair the judgment of the user. He reacts more slowly and he is less coordinated. Violent behavior often accompanies barbiturate abuse. The heavy abuser is confused, agitated, aggressive, and prone to hostile activities.

Barbiturates are clearly drugs of abuse and dependency. Abuse is defined by the World Health Organization as excessive use of a drug to the extent that it damages a person's health and social adjustment.

Barbituric dependency, as defined by the World Health Organization, is the state arising from repeated administration of barbiturates on a continuous basis, generally in amounts that exceed the usual therapeutic dose, with a strong desire or need to continue taking the drug.

The withdrawal from barbiturate dependence is even more severe than withdrawal from opiates such as heroin and morphine. Even a moderate reduction of the accustomed dose may bring on a severe withdrawal. After 12 hours off the drug, the user experiences nervousness, headache, tremors, insomnia, fever, and nausea. After 3 days, some go into convulsions and delirium. Visual hallucinations, usually of a persecutory nature, are common. Barbiturate withdrawal is a serious medical emergency and requires hospitalization. In fact, without medical supervision, it is often fatal. Furthermore, barbiturate dependency is often more difficult to cure than narcotic addiction.

The potential for abuse has become a reality—the abuse of barbiturates is significant numerically; it is widespread; and it is increasing. Over 4 million school age youth have abused barbiturates. A recently released Gallup poll revealed a 50-percent increase in the use of barbiturates on college campuses. Barbituric abuse accounted for 89.3 percent of all reported drug abuse in the armed forces serving in Korea, 42.2 percent of the detected drug abuse by troops in Europe, and 33.3 percent in Panama. The task force on drug abuse national survey of police departments indicates that barbiturate abuse is a problem or a major problem in 77 percent of the jurisdictions surveyed. Police seizures of barbiturates, likewise, indicate an alarming level of abuse in many areas. The Dallas Police Department, for example, seized over half a million barbiturates in 1969.

In response to a letter from the task force on drug abuse inquiring about the drug abuse patterns of certain localities, the corodinator of a free clinic in Texas wrote:

> We are open all night on a walk-in or call-in basis. I would have to say that the single drug which causes the bulk of our problems these days is barbiturates. They are legal, easily obtainable, and not respected by the drug taking population . . .

Drug availability is one of the prime factors in drug abuse. Barbiturates are readily available. While amphetamine production has decreased over the past several years, barbiturate production has increased dramatically. Production has increased from 3 billion dosage units in 1967 to 5 billion dosage units in 1970.

In recent years, these drugs have flooded the black market. Unlike amphetamines, barbiturates are not easy to synthesize. The result is that most of the drugs found on the street are from legitimate manufacturers. President Nixon, in his address on June 22, 1971, before the American Medical Association, said that he would estimate that of the over 5 billion doses legally produced each year, half would be diverted into illegal sales.

In testimony before the Juvenile Delinquency Subcommittee on September 15, 1969, John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, stated that 92 percent of the barbiturates on the illicit market are "legitimately manufactured and diverted." Indeed, Mr. Ingersoll has recently stated to this same subcommittee that—"unlike the case of all other major drugs of abuse, it appears that this demand—for barbiturates—is supplied exclusively from what begins as legitimate production."

A survey by the task force on drug abuse substantiates Mr. Ingersoll's statement. Twenty-seven of 35 police departments responding to the survey estimate that more than 90 percent of the barbiturates available on the street were legitimately manufactured.

These legitimately manufactured barbiturates are diverted from legal channels by theft, smuggling, hijacking, forgery, and prescription abuse.

S. 3539 could significantly reduce the volume of barbiturates being diverted into the black market. It would remove the four short-acting barbiturates most frequently abused from schedule III of the Controlled Substances Act and place them in the more strictly regulated schedule II of the same act. Rescheduling barbiturates would impose production quotas—so that only enough dosage units for legitimate medical purposes would be manufactured. By substantially eliminating overproduction, the number of barbiturates diverted into the black market would be reduced. Furthermore, drug manufacturers, wholesalers, and retailers would be required to keep accurate records, thus preventing diversion in the distribution of barbiturates on a large scale. Furthermore, the rescheduling would require more careful dispensing of barbiturates. The physician would be required to put his BNDD control number on any prescription of barbiturates. Prescriptions would be for a limited duration and would not be renewable indefinitely. Hence, the abuse of legitimately prescribed barbiturates would be curtailed without affecting the legitimate use of these drugs when prescribed under careful medical supervision. S. 3539 would effectively prevent much of the diversion which presently occurs.

S. 3538, a companion bill, would require all manufacturers and producers of solid oral form barbiturates to place identifying marks or symbols on their products. Hence, barbiturates seized by law enforcement agencies could be readily traced to the original source, enhancing the possibility of locating the leaks in manufacturing and distribution. I am encouraged by Mr. John Ingersoll's concurrence that this bill would facilitate police efforts to trace illicitly diverted barbiturates.

Mr. President, I am further encouraged by the progress of the hearings on these two bills before the Subcommittee on Juvenile Delinquency. I fervently hope that Congress will act affirmatively on these measures at this session.

WHAT LIFE IS LIKE IN ALASKA

Mr. STEVENS. Mr. President, quite often people from throughout the country write to me asking what life is like in Alaska. Many of these people are interested in moving to my State or starting businesses there. Many students also write to me requesting information on Alaska.

A large number of these people have specific questions to be answered, but many of them would just like some general information on my State.

Recently in the April 1972 issue of NOAA, the magazine of the National Oceanic and Atmospheric Administration, of the U.S. Department of Commerce, an excellent article entitled "Alaska—Big, Wild and Beautiful" appeared on page 9. The article is short, but it contains much useful information.

Mr. President, I ask unanimous consent that the article be printed in the RECORD so that it may be available to the many people to whom it may be of interest.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALASKA—BIG, WILD AND BEAUTIFUL

Alaska, our 49th state, is a land of superlatives. Not only is it our northernmost and coldest state, it is also the biggest (twice the size of Texas), least populous (with one third as many people as Rhode Island), and possibly the richest with a 1968 oil strike on the North Slope that may be one of the greatest in history and brought more than 900 millions in bids for oil-land leases.

Alaska has the highest mountain in North America—Mount McKinley, soaring 20,320 feet above sea level, and 17 of the 18 highest peaks in the nation (the 18th being Mount Whitney, in California—14,494 feet). It has the longest tidal shoreline, which, at 34,000 sinuous, craggy miles, approaches that of the entire lower 48 states, measuring 54,000 miles.

The nation's lowest temperature on record was observed January 23, 1971, at Prospect Creek, Alaska, in the southern foothills of the Brooks Mountains—a numbing 80 degrees below zero. The lowest annual average temperature in the U.S. is at Point Barrow, Alaska—9.6 degrees above zero—where you'll also find the coolest summers, averaging 36.7 degrees. Coldest winters are at Barter Island on the Arctic Coast of northeast Alaska, averaging minus 15.6 degrees. Yet, with all these frigid records, a sweltering 100 degrees was recorded at Fort Yukon in July 1915.

Alaska also is a place of great extremes in precipitation, varying by region from an annual average of 4 inches to 220. The Arctic portion, north of the Brooks Range, is as dry as Arizona. Yet the southeastern part, which is shielded by the mountains and draws warmth and moisture from the Alaska current, gets four times as much precipitation as New York City or Washington, D.C. In the central Gulf of Alaska area, much of the precipitation falls as snow. A record snowfall of 975.5 inches (81 feet) occurred at Thompson Pass on the highway out of Valdez in 1952–53, with that same station registering a record fall in one month of 298 inches (25 feet), in February 1953. A record of 62 inches (5 feet) was measured on a single day in December 1955.

Yet most Alaskans scoff at the "igloo image" lower 48ers have of them. Reason is that most live in modern comfort in the relatively "balmy" portion where Anchorage is situated, which has a climate somewhat like the north coast of Maine. Almost half the total population of 300,000 people lives in and around Anchorage. So, when you note that the state's average density is one half person per square mile, compared with 60 in the lower 48, it's obvious that in areas outside of Anchorage and Fairbanks (the only two cities with more than 25,000 people), urban congestion isn't much of a problem.

In fact, Alaska has at one time been likened to a huge government game preserve, where 53,000 Indians, Aleuts, and Eskimos can still hunt and fish in the manner of the ancestors. (Alaska has more Eskimos than any other place in the world.) When Alaska was admitted to the Union on January 3, 1959, the Federal government owned 99.8 percent of the land, and still owns 96 percent. In this huge happy hunting ground are 100 million acres of timber, principally hemlock and spruce, seven million acres of lakes, and several thousand miles of navigable rivers. It has the nation's only active volcanoes—about 40, all told—and is sprinkled with some 5,000 glaciers and icefields. Also, it is subject to frequent earthquakes. The greatest earthquake ever recorded in North America occurred on Good Friday, March 27, 1964, in Alaska. It killed 114 persons, caused 50,000 square miles of land to heave and tremble, and did about 311 million dollars' property damage.

Alaska's wildlife is just as impressive as its climate and topography. Included are Alaskan brown bears (a king-sized subspecies of the grizzly), polar bears, black bears, timber wolves, wolverines, lynx, foxes, snowshoe rabbits, moose, caribou, mountain goats, Dall sheep, musk oxen, bald eagles, ptarmigan, spruce grouse, puffins, walrus, sea lions, seals, sea otters, salmon, trout, tom cod, smelt, king crabs, scallops, and shrimp—to name only a few of the more illustrious. Many of these are delicious. Some of them, such as the brown bears and polar bears, feel the same way about people.

Alaska, like Ireland, has no snakes.

In all this vast territory, covering 586,500 square miles, or 375 million acres, and streaching 2,000 miles east to west and 1,100 miles north to south—there are only a few million acres suitable for crops. Less than 100,000 acres is actually under cultivation, much of this in hay, silage, and pasture. Milk and vegetable crops are also important which introduces more superlatives. The growing reason is short, averaging about 160 days a year, but 16 to 19 hours of sunshine a day produces some of the finest and/or biggest vegetables grown anywhere, such as 60-pound cabbages and 30-pound turnips.

In keeping with the rest of its wild and youthful character, Alaska is short on surface transportation and long on aircraft. There is only one railroad, the government-owned Alaska Railroad, which runs north 470 miles from Seward to Fairbanks, and about 3,000 miles of surfaced roads. Yet the state has a dozen local airlines and about 700 airfields. One of every 54 residents has a pilot's license. International air carriers use it as a major way-stop for crossing the Pole.

Now that serious efforts are under way to find a means of transporting vast quantities of oil from the North Slope to consumers in the lower 48, Alaska's prospects for development are greater than ever. Officials undoubtedly will be calling for a host of sophisticated new services from many disciplines, a large number of which will no doubt come from members of the NOAA family.

U.S. DEFIANCE OF U.N. PROCEDURES

Mr. McGEE. Mr. President, we have been witnessing a growing tendency on the part of the U.S. Congress to take unilateral action highly detrimental to the future of the United Nations and in violation of our treaty obligations to that institution.

Our increasing defiance of U.N. procedures and obligations has called into question this Nation's credibility and integrity. In Tuesday's—June 13—edition of the Evening Star, columnist Charles Bartlett writes about the U.S. Congress and this Nation's financial obligation to the U.N. Mr. Bartlett makes some very poignant observations relative to recent efforts by Congress to unilaterally cut its U.N. contribution in defiance of regular U.N. procedures for resolving such questions.

As I have always maintained, it is incumbent upon this country to do all within its power to strengthen the United Nations and the role it plays in the international community. Yet, there appears to be increasing opinion that we should allow the U.N. to experience the same demise as the League of Nations. Such a path would be highly regrettable and without merit.

I therefore ask unanimous consent that Mr. Bartlett's column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Congress and Our U.N. Contribution

(By Charles Bartlett)

United Nations, N.Y.—This is really not a prudent time for Congress to manifest the nation's weariness of its world responsibilities with a unilateral cut in its U.N. contribution.

The Senate Appropriations Committee has softened the harsh, precipitous act of the House, which voted 202 to 156 for an immediate cutback to 25 percent of the U.N. budget. Acknowledging that this step at this point will leave the U.N. flat broke by October, the Senate committee has postponed the retrenchment until the start of 1973.

But this concession is not enough because it will deny the American government an opportunity to negotiate the 25 percent ceiling through the regular procedures. The U.N. Contributions Committee meets in 1973 and the reduction in the American share can be achieved then. But Congress, in defying the procedures, will set a flighty precedent and leave the nation in legal default on a commitment made only one year ago.

The bitterness stirred by the expulsion of Taiwan was fully reflected in the House debate. Disenchantment with the U.N. reaches from high officials in the Nixon administration to the general public, and those who know it best do not hide their concern over the steady expansion of U.N. costs. The world body's bureaucrats have learned how to fatten their resources by aligning the poor members against the rich ones who pay most of the costs.

So no American officials dispute the wisdom of the goal that Congress has set, and there is considerable optimism that Ambassador George Bush and his team here will be able next year to persuade the other major contributors to accept it. But much will be lost, and only some $25 million will be saved, by setting aside the procedures which have kept the U.N. in business.

For one thing, important leverage will be lost in the dealings with those nations which caused the U.N.'s financial crisis by defaulting on payments for political reasons. This leverage is being applied with increasing success, and France is repaying almost all of what it has withheld since 1963. There is no real hope now that the Soviets may be persuaded to compensate for their refusal to participate in the costs of some expensive peace-keeping operations.

This cooperative trend is important because the Chinese newcomers are going to have to be talked out of their present inclination to balk at paying their share of budget items which they don't approve. Fortunately their recalcitrance is now directed at small items like the cost of keeping up the U.N. cemetery in South Korea, but their approach will be damaging over the long run unless they can be persuaded that it will not serve the interests of world peace.

There will be an important loss to the momentum of the new secretary-general, Kurt Waldheim, who is setting out to revive the U.N. from the slump in which U Thant left it. He is still an uncertain figure whom some view skeptically, but he is showing energy and courage and above all an awareness that the U.N. needs a leader who can articulate its claims on the world's support and exploit its opportunities for useful diplomacy.

Unlike U Thant, Waldheim is showing determination to come to grips with a budget which has more than doubled in the past 10 years. He has persuaded one of Canada's ablest career officials, George Davidson, to take on the management responsibilities. He is putting a tight hold on current expenditures, trying to keep them 10 percent below the authorized budget of $213 million.

There is no magic handle by which the U.N. can quickly reclaim public enthusiasm. There is no administrative handle by which the four nations paying 60 percent of the budget can prevent the 128 paying 40 percent from running up the costs. But the U.N. members are sensitive to the winds that are blowing, and its financial crisis has made the point that it can be destroyed, as was the League of Nations, by fiscal atrophy.

So Congress' warning will be useful, but the task of shrinking the American burden will more safely be left to the diplomats.

U.S. SERVICEMEN VIEW OUR VIETNAM COMMITMENT

Mr. DOLE. Mr. President, listening to certain politicians, pundits, and self-proclaimed spokesmen around the country, one might be tempted to draw negative conclusions about the men and women of the Armed Forces who have been called to serve in Vietnam. But the impression that might be gained from the publicity and promotional stunts of antiwar students, some journalists and others would be wholly inaccurate and unfair to the vast majority of personnel—career, draftee, and volunteer—who have served in Southeast Asia with honor, distinction, and a high commitment to their Nation and its policies.

More eloquently and more convincingly than I could put it, Americans serving in Vietnam tell the story of the sensitivity, concern, and thoughtful dedication which has characterized the presence of greater number of our troops in indochina. I believe it would be appropriate for three of these statements to be made a part of the Record, for they persuasively set forth points of view which too seldom seem to find the wide expression given to those of the doom and gloom merchants. Therefore, I ask unanimous consent that a letter from M. Sgt. William E. Peters, of Salina, Kans.; a letter from Sgt. John Lozarek and 13 others published in the Kansas City Star of May 28; and excerpts from a letter from Capt. Ed. E. Blankenhagen, of Manhattan, Kans., be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

APRIL 16, 1972.

Senator ROBERT DOLE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOLE: In a few days I will be leaving the Central Highlands here at Pleiku, Republic of South Vietnam, after spending two years of my life in service to our nation in RVN and in the cause of freedom. I can assure you I am most proud of our nation and the ideals for which it stands. I have witnessed incursions into the rights and freedoms of a lovely gracious people during my stay here, but none more serious than the past few days. I am sad indeed to leave my friends here and I worry about their well-being as I do of my own family. I am sick and tired of people at home forgetting those in need throughout the world, especially those political leaders in opposition to the Administration. The United States did not start this war, nor have they perpetuated it for greedy means, but the Hanoi regime has done this in flagrant violation of human rights and freedoms. They grossly abuse their own people for enhancing and insuring they retain control, power and the "right" image. Should there be any doubts of this speak to the people who live there and know from experience. Those peoples' problems are simply they will do what their told or else and the "else", in the case of NVA soldiers in the Highland Regions anyway, is death, with no hope of returning home even in a body bag.

With the massive buildup of forces in the Highlands, it would seem one of Hanoi's principle objectives is to mount a large scale invasion here, thrusting to the coast. They very probably expect to do this once South Viet troops are well occupied in Quang Tri Province and at the An Loc area. I would expect this to occur near May 1 to coincide with the communist celebrations, hopefully on their part, victory. So I personally feel very grave danger existing for American forces in this area, along with the residents of Kontum and Pleike. Something has to be done to counter the threat and to help save the misery and terror in store for our friends here in town.

So far this area has been saved from attack, but I know personally the enemy moves closer, day by day to set up positions for artillery and rockets. The enemy is up to no good and he must be defeated once and for all. The battle here will be the last major offensive prior to the rains, but I feel it will be spectacular, possibly defeating South Vietnam by splitting the nation again.

Still the South Viets seem to be fighting well and they are gaining needed experience. There is much hatred here for communists, a result of their methods of forcing their views on people in the 1968 Tet offensive at Hue. Even the Viet Cong (VC) support is not here; there may indeed by remnants of VC forces throughout Vietnam, people who still live in the hills and are isolated from the population because they retain a label.

The VC label is one threatened by extinction, as one can tell in the battle of An Loc, with the NLF wanting desperately to set up their capital there. It is strange the NVA is fighting the battle there and not the Viet Cong forces. This is how Vietnam has changed—before the VC force was the principle factor—now its outside forces and I can assure you the NVA invasion is highly opposed. The VC dream of popular revolt and the Madam in Paris, figurehead for the NLF has passed, much to these peoples hopes of maintaining an "Image" of power, authority and control. Right now the NVA realize the necessity of trying to re-establish the NLF and VC stature. I believe there is indeed people here who oppose the Thieu government much like our own people's political rows, but that doesn't necessarily label them as violent. The old VC core was killed off in 1968 and since remnants of them seem to be felt mostly on the central coastal regions and in the Delta around Can To. Even then a lot of those people at Can To seem to just disagree, perhaps violently if any one comes close to their property and they are not necessarily VC.

There is *nothing* the enemy wishes a majority of people to believe more now, than to fear the VC are everywhere and in complete control, ready to attack at given moments. Yet nothing is further from the truth. Its the NVA to worry about now.

My feeling is communists have pretty well been kicked out of South Vietnam over the past. Now of course they try to return by force and I pray to God it doesn't work. Hopefully, I make some sense and perhaps help in my way. I hope that help comes for the Highlands—defensively, if not offensively prior to D Day.

Wishing you the best of luck and of course it goes without saying, I'm highly complimentary of President Nixon's actions since the March 30th invasion.

Very sincerely,
M. Sgt. WILLIAM E. PETERS.

We here in Vietnam have listened with disappointmentand bewilderment to people putting down the President of our country for what he is doing. If they, the protesters, had to live with the threat of dying, they would be glad to have air strikes keeping the rockets, mortars and other devices of war away from them.

The other night, for instance, the North Vietnamese were sitting about six miles from us at Da Nang. If it were not for the air strikes a few of us might not be alive today. We are all scared and want to come home. That is what President Nixon is trying to do—get us home.

Most Americans agree that the war is wrong and we have no business being here. President Nixon was not the one who put us here. The tough, dirty job of getting us out was placed on him. To us, President Nixon is doing his best to do what's right for us and the United States. But what can one man do?

We say to all people who have never been here, and to all protesters in general, please stop the protesting and help our country and President to get this war over a lot faster.

Sgt. JOHN LAZAREK,
(and 13 others).

APO SAN FRANCISCO.

MAY 1, 1972.

Why don't you guys start a backlash back home in favor of bombing North Vietnam. I mean they invaded, we didn't. The NVA is mortaring civilians down here, kidnapping and killing civilians, so why should the people in North Nam be exempt. You won't believe the jubilation of the people at the news of bombing Hanoi and Haiphong. Both the VN's and U.S. were ecstatic. Also, thank God for aircraft carriers. We've got them stationed off-shore of Binh Dai. They're pounding the VC and NVA bad here in Kien Hoa. I mean, like we've got 5 battalions of bad guys roaming through the area. The U.S. here are pretty disheartened because we are not in the news. We don't have fighting on the scale of Quang Tri or An Loc, but the danger is the same. We've pulled Kit Carson Scouts into the U.S. compound for added security. The KCS are a U.S. funded group of ex-VC who are U.S. led and the best fighting unit in Kien Hoa. The KCS is hated by the VC and not trusted by the VN's so they work together for the sole reason of survival. Nobody messes with them.

My first job here was a 4 day mission with KCS. Now, don't get upset and worried, though I know you will be anyway til I get home, but the situation is well in hand. The PSDF is really being targeted by the VC, because they can get recruits and weapons. In a 5 day period I had 41 PSDF MIA and 50 weapons lost. These were the reported incidents and I know of some more unreported.

Boy, is it great to listen to the news of war protests back home. Love that moral support. . . . Excuse the language but that's the only way I can protest. The protestors are so idealistic in a pragmatic world. The bombing is indirectly saving U.S. lives and don't forget it. I value my life and those of my fellow U.S. and VN and it would be a real heartbreaking affair if my President did not help us. He is actively protecting our lives. The protestors would throw them away and our allies. We're close to final success, so let's not quit now.

Capt. ED E. BLANKENHAGEN.

MEAT IMPORT QUOTAS

Mr. PEARSON. Mr. President, I am deeply concerned by reports that the administration is seriously considering taking action to set aside the Meat Import Act of 1964 and to eliminate all quotas. Serious consideration is also being given, as I understand it, to the imposition of meat price controls following the elimination of quotas.

Mr. President, I am opposed to either of these courses of action. A removal of the meat import quota would not affect retail prices and therefore would bring no relief to the housewife. On the other hand, such action could very well have a depressing effect on live cattle prices. Moreover, the precedent setting nature of such action would be such that the cattlemen could not look to the future with confidence. If there is to be no stability to the meat import program cattlemen would be confronted with an intolerable element of uncertainty regarding future production plans.

An imposition of price controls at a level that would be clearly visible to the housewife would have an economically depressing effect on the cattle industry and this would tend to discourage the expansion of future production which is so clearly needed if we are to meet the growing demand for meat in this country.

The plain and simple fact is, of course, that live cattle prices are not too high. Current price levels are about where they were 20 years ago. And during that time, of course, costs of production have risen dramatically. Cattlemen are now receiving a workable profit but by no conceivable stretch of the imagination are they making an excessive profit. Indeed, any lessening of the small profit margin that now exists will discourage future production increases which the consumer is obviously demanding.

The well-being of the cattle industry is, of course, of great importance to the entire agricultural sector. Many wheat and feed grain farmers are able to continue satisfactory operations only because of the current stability in livestock prices. And in Kansas, beef is a $1¼ billion industry. Any decline here would, of course, have ramifications throughout the entire State economy.

Mr. President, if the administration wants to do something in this area it seems to me that they should look very carefully at processing and retail price margins. Past experience has shown that many of the retail markups on meat are simply not justified.

Mr. President, because of my concern over this matter I wrote the President outlining my views on this. I ask unanimous consent that my letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U. S. Senate,
Washington, D.C., June 13, 1972.
Hon. Richard M. Nixon,
The President of the United States, The White House, Washington, D.C.

Dear Mr. President: I want to express my concern regarding reports that the Administration is considering eliminating the meat import quotas and/or establishing price controls on meat. I wish to respectfully register my opposition to either of these two actions.

A removal of the meat import quota would not significantly affect retail prices, therefore, bringing no relief to the Housewife. On the other hand, such action would cause great consternation among the cattlemen, even if such action did not, in fact, affect live cattle prices, because of the cattlemen's concern over the precedent setting nature of such action.

An imposition of price controls at a level that would be clearly visible to the housewife would have an economically depressing effect on cattlemen and this would have the effect of discouraging the expansion of future production which is clearly needed to meet the growing demand for meat in this country.

Current live cattle prices are about where they were 20 years ago, and, of course, during this period costs of production have risen dramatically, and even though cattlemen have increased the efficiency of their production, current cattle prices can in no way be seen as yielding the cattlemen an excessive profit. Indeed, as I have indicated any lessening of the small profit margin that now exists will discourage future needed production increases.

Activities by your Administration over recent months have served to demonstrate to American farmers that you are concerned about their economic well being and are committed to seeing to it that they have the opportunity to participate fairly in the expanding prosperity of this nation. I believe it is important that we make every effort to assure the American farmers that these policies will continue.

Very truly yours,
James B. Pearson,
U.S. Senator.

COOPERATIVE LEAGUE ENDORSES GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, I received a letter recently from Mr. Stanley Dreyer, president of the Cooperative League of the U.S.A., expressing that organization's support from my efforts to keep the Genocide Convention before the attention of the Senate. The Cooperative League joins scores of organizations in our country which have endorsed the convention—from the Federation of Women's Clubs to the AFL–CIO to the National Conference of Christians and Jews to the Federation of Teachers.

The Cooperative League's letter notes that the United States has kept the Genocide Convention "in limbo" for more than 20 years. The letter continues:

As you have pointed out repeatedly, many other members of the United Nations have long since ratified the treaty and it is embarrassing to thoughtful citizens that our country has dillydallied here for so many years despite the proud idealism informing our foreign policy throughout American history.

There is a symbolic importance to our acting on the treaty that shrinks into insignificance the petty objections to which the Senate has listened far too long.

Mr. President, the endorsement of the Cooperative League provides still more evidence of the broad public support the Genocide Convention has in this country. The Senate's failure over the past 23 years to ratify this treaty is disgraceful. Since the favorable report of the Foreign Relations Committee last year, our inaction must seem to the world more like apathy than uncertainty. I urge the Senate to consider and ratify the Genocide Convention without delay.

READING CRISIS IN THE NATION

Mr. BOGGS. Mr. President, too few of us are really well aware of the reading crisis in this Nation today. The National Reading Center of Washington, D.C., tells us that 8 million schoolchildren need special help in learning to read.

There are 21 million Americans who are bound down economically and socially because they lack the basic reading skills to qualify for a job with a future.

I am pleased to report that citizens of Delaware are moving to meet the reading problem in our State, on a volunteer basis, in helping our young children to get a good start in reading.

In Dover recently, 117 volunteer tutor-trainers and coordinators, representing 18 of our school districts, participated in a 2-day training workshop scheduled by the National Reading Center.

These trained volunteers have now returned to their home communities to teach other volunteers how to tutor primary-grade children in reading.

The participating school districts include:

Alexis I. Dupont, Alfred I. Dupont, Appoquinimink, Caesar-Rodney, Cape Henlopen, Capital, Claymont, Conand, Conrad, Indian River.

Lore, Marshall-McKean, Milford, Mount Pleasant, Newark Special, New Castle Gunning Bedford, Seaford, Smyrna, Woodbridge.

Also, the Richardson Park community action programs and the Delaware Division of Libraries are supporting this productive project.

There is no charge to local volunteers for the National Reading Center's tutor-training program.

This important step in providing trained reading help for the children of Delaware has been acclaimed by the Wilmington, Del., Morning News in an editorial dated May 31, 1972. I ask unanimous consent that the editorial, entitled "Volunteers To Help Johnny Learn To Read," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Volunteers To Help Johnny Learn To Read

American society's massive use of volunteer workers is unique. In no other nation do so many citizens perform for free so many important functions for total strangers in institutions or even in their homes. While this generous outpouring of volunteer help—be it in schools, hospitals, prisons, nursing homes or whatever—is highly commendable and bespeaks of a spirit of generosity, it also carries with it some problems.

Volunteer workers often have not been as effective as one might hope, because the receiving agency has failed to train, instruct and properly direct them. There has been an understandable reluctance to tell volunteers what to do, since, after all, they are doing something for nothing and one should not be too demanding of them. Fortunately, this attitude of false consideration toward volunteers is changing and those who give of their time for free are more and more being treated as persons who can generally be expected to perform a given task at a given time and place. This more professional attitude results in the volunteer feeling more competent in what he is doing and makes the volunteer services more effective for the recipient.

To bring about this better integration of volunteers into work forces, receiving agencies have been running all sorts of orientation and training sessions for those offering to donate their time and energies. But few training programs are as ambitious as the one just undertaken with federal aid for the training of reading tutors. A team from the National Reading Center went to Dover recently to conduct an intensive training session in the techniques of teaching reading. This team worked with 100 "trainers" who are then expected, in turn, to offer 20 hours of instruction to volunteer tutors. The training program is expected to grow in pyramid fashion: From a small team of federal instructors to 100 Delaware trainers and, hopefully, to as many as 2,500 qualified tutors throughout the state's schools.

It's a giant, constructive effort to overcome the problems faced by regular teachers that do not have enough time to give individual attention to slow readers. And through volunteers are already performing many tasks in the state's school system, this is the first comprehenive endeavor to harness their talents in a truly productive manner. If it works, it will bring satisfaction to the hard-working volunteer and give a good many of the students the extra support they so desperately need.

PHILIP J. PHILBIN

Mr. BROOKE. Mr. President, the people of Massachusetts are deeply saddened by the death of a respected and loved public servant, former Representative Philip J. Philbin, of Bolton, Mass.

Phil Philbin spent the better portion of his adult life in service to the people of the Commonwealth and of the Nation. He developed an expertise in labor problems through his years as a special counsel to the Senate Committee on Education and Labor, as an official of the U.S. Department of Labor, and as a member of the advisory board of the Massachusetts Unemployment Compensation Commission.

For 28 years Phil Philbin served in Congress with great distinction, rising to the chairmanship of the House Armed Services Committee before his retirement from public life in 1970.

I was privileged to know Phil Philbin for many years, and cherished his warm friendship and wise counsel. To his two daughters, and his many friends, I extend my deepest sympathy.

NADER ON PENSION REFORM

Mr. HART. Mr. President, it has been said that the quality of a society can be judged by how well or poorly its older citizens fare.

If that is true, history may well be less than kind in its judgment of our society.

The harsh fact is that many of our older citizens live out their final years in poverty or near poverty.

Social security and medicare are helpful, but even as we prepare to vote another increase in social security payments we know that this program is not designed to provide by itself an adequate retirement income.

However, even with all the problems and inadequacies of the Social Security System, it does provide some assistance. Our greater failing has been our continued disregard of the legitimate interest society has in the development of well financed, strongly protected, responsive pension programs.

As long as social security or some other form of Federal payments remains a base on which to build an adequate retirement income, society will have an interest in seeing that pension programs work for all those who seek to participate, and work in a way that frees rather than inhibits an individual from pursuing a productive career.

The failures and abuses of present pension systems have been well documented.

It has been estimated that one-half of all persons participating in a retirement program will receive no payments when they retire. And many of those who do will receive payments far smaller than anticipated.

Pension programs disappear when plants are closed or companies are merged.

An employee loses his stake in a pension program when he is fired or moves to a new job.

Some workers never remain with one company long enough to qualify for a pension, even though payments to the retirement fund may be part of the fringe benefits included in his compensation.

And many people work for businesses too small to be able to afford the administrative costs of establishing a pension plan.

For those who may doubt the seriousness of these failures, I refer them to the excellent study made by the Senate Subcommittee on Welfare and Pension, under the leadership of Senator WILLIAMS and Senator JAVITS.

Of course no study can accurately assess the unknown costs the present pension exact from employees who, except for fear of losing a pension, might move on to more rewarding employment.

It seems clear that a society which places a high value on an individual's right to grow to his or her full potential should seek to do what it can to remove unnecessary barriers to such growth.

Equally important, a society which believes in the dignity of the individual, regardless of age, should do what it can to protect the individuals preparations for an economically sound retirement.

After too many years of talk, it now appears that the time for pension reform has come.

The question remains what kind of reform and how extensive a reform should Congress consider.

The Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS) have introduced a bill, which I cosponsored, which includes major reform proposals, but which stops short, for example, of full portability and immediate vesting.

As always, many feel it is a question of half a loaf or no bread at all.

And, of course, opinions differ as to how much pension reform bread we can afford.

Others believe that the time is here to go for the whole loaf, and that if we miss this opportunity we will not soon again have another chance.

Ralph Nader, the consumer advocate, is one who holds this latter view.

He outlined his thoughts on pension reform in a speech to the Sixth Annual Conference on Employee Benefits in New York City on May 24, 1972. I ask unanimous consent that excerpts of Mr. Nader's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY RALPH NADER BEFORE THE SIXTH ANNUAL CONFERENCE ON EMPLOYEE BENEFITS, NEW YORK CITY, MAY 24, 1972

In terms of dollar impact, the private pension system represents one of the most comprehensive consumer frauds that many Americans will encounter in their lifetime. And I use the term "fraud" advisedly.

Those of you who sell, service and administer private pension plans, as well as those who negotiate and establish plans, have seriously and deliberately misrepresented the nature of this pension system. The industry has induced some 30 million Americans to rely on the system's promise of retirement security knowing full well that the system can afford to provide that security to very few. At least one-half of all persons participating in private pension plans will not receive pension benefits when they retire. More than one-half of all persons who receive private pension benefits receive less than $1,000 a year. The majority of pension plans do not provide for benefits for dependent widows or widowers, or provide very limited benefits. This vast 151 billion dollar system—heavily subsidized by an annual Federal tax subsidy of well over 8 billion dollars a year—is hurting too many people unnecessarily and unfairly.

The problem is not, as many of you like to contend, simply a problem of communication. It is a problem which goes to the very essence of the system. The response of many of you to the petition I filed with the Secretary of Labor last July made that all too clear.

In that petition I asked the Secretary to exercise his authority under the Welfare and Pension Plans Disclosure Act to require plan administrators to advise plan participants in negative and unambiguous language of circumstances under which they or their survivors might not or would not receive pension benefits. Your immediate reaction was that this would be disastrous—if employees were made aware of the contingent nature of their promised benefits, they might not want pension plans!

Although you quickly withdrew this objection, it had its effect. The rule proposed by the Department of Labor on February 1st of this year, while acknowledging that plan administrators do have an obligation to advise participants of the circumstances under which they may not receive benefits, would allow administrators to satisfy this obligation in such a way that only the most diligent of employees would ever be likely to discover the limitations of their plans. The rule would also ensure that those few employees who do manage to read these provisions could rely on them only at their peril. It would be difficult to find a better expression of what appears to be the prevailing industry ethic: the less employees know about the operation of the pension system, the better.

What is disconcerting is to find this attitude emerge from the department of labor, the government agency generally considered to be the advocate for the interests of employees. [The explanation may be that the department acted on the recommendation of its advisory council on employee welfare and pension benefit plans which has a minimum of 10 of its 13 members with strong "vested" interests in the present operation of the pension system and no members specifically representing the interests of the millions of persons who have been or will be hurt by the pension system.] . . .

The pension industry has made it clear that its phenomenal economic and political power will be used to ensure that there is as little meaningful reform as possible. Your efforts to forestall the enactment of truly comprehensive legislation represent a classic case study of the influence of special interests on our legislative processes.

Not only do you have members of the U.S. chamber of commerce, the national association of manufacturers, the American Bankers Association and the Life Insurance Association of America in almost continual communication with members of Congress and the Administration, you also have the Association of Private Pension and Welfare Plans, Inc., a main purpose of which is to arrange meetings for industry representatives with Senators and Congressmen, and the ad hoc groups from the several regional pension conferences which make it their business to call repeatedly on every person in Washington who might conceivably be in a policy-making position. Some of you neglect nothing including encouraging key congressional staffers to adopt legislative proposals you know to be politically unfeasible, solely as a means of distracting attention from more viable alternatives. Others guarantee that a professional association will report out position papers favorable to your interests by making sure that its members know that their statements will be relayed back to their clients. Still others put forward studies that you know are based on unrepresentative samples. And all of this has considerable effect: bills are introduced which are increasingly less comprehensive, more "acceptable"—to that curious pension coalition of industry and organized labor.

None of this would be particularly remarkable but for the fact that no one is being heard on the other side.

Compromises are being made, not of opposing views, but all from the same starting point—do as little as possible. No one is representing the interests of persons hurt by the system, the usual adversary process isn't operative. [It is also not working, I might add, in the courts. Despite a few significant breakthroughs, it is still virtually impossible for employees to get representation in pension cases, even if they can afford to pay. A member of my staff tried to find a lawyer for a pension claimant here in New York and learned that most pension lawyers consider themselves employer lawyers and will not represent employees, even where there is no possibility of a conflict of interest. Last year at another pension industry conference I suggested that you undertake to establish a clearinghouse for pension complaints. In response to the suggestion I was contacted by several lawyers and actuaries around the country willing to volunteer their services. All that is now needed is minimal funding staff.]

In the absence of representation of the interests of beneficiaries before Congress, the intensity of industry lobbying seems somewhat strange. It is particularly so, given the fact that sole reason for the existence of the industry is ensure the well-being of the persons whose interests you so actively oppose. Many of you are fiduciaries, obligated by law to act in the best interests of pension beneficiaries. Even if you do not actively support realistic reform legislation, as I think your fiduciary responsibility requires you to, at the very least it is incumbent upon you not to oppose it.

The financial community has consistently taken an unduly narrow view of fiduciary responsibility. Even though you acknowledge that you have a responsibility to seek a maximum return (consistent with safety) on pension money, you have not acted effectively to rid yourselves of the interlocking directorates, and other conflicting interests that may adversely affect pension, fund performance.

Even more important, you have failed to recognize that pension beneficiaries are a unique class of beneficiaries and that their money is allocated to a very special use—providing income at retirement. From this perspective, yield although important (particularly when increased earnings are used to increased benefits), is not the only consideration in determining the best interests of beneficiaries. High benefits are meaningless to a retiree who faces even higher costs at retirement. His concern is with his *real* income—his income less expenses a higher benefit is of no use to him if he cannot afford a place to live because there is a housing shortage. It won't help him if he must pay large amounts for medical care because he has been maimed in an unsafe factory or automobile or has emphysema aggravated by polluted air. And his interests will have been substantially disserved if he can't afford to purchase essential consumer goods because his pension money has been invested to increase concentration and decrease competition among the manufacturers of those goods. I submit that for these reasons such considerations may be very relevant to your investment of pension fund money. Is it too much to expect you to take longer run concerns into account in addition to maintaining shorter run concerns? Consider what has happened to societies in the past who chose myopia?

Partly in response to the concern of a number of trust officers and insurance company administrators who expressed a genuine interest in responsible investment of pension fund monies but who were unclear as to what mechanism to use to ascertain the interests of those beneficiaries, I put forward a suggestion last year for a possible restructuring of the pension system to achieve that end. The idea, which was later published in the September issue of Pension and Welfare News, met with widespread interest within the industry and considerable enthusiasm by members of Congress. The suggestion was a means of preserving capital in the private sector, while at the same time providing an equitable means of guaranteeing retirement security.

To summarize, I propose the creation of a limited number of private, competitive, cooperative, insured institutions to be licensed and regulated by the Securities and Exchange Commission. These institutions would be empowered to receive contributions made by employers for their employees and by employees and self-employed persons for themselves and their dependent spouses. All contributions to these institutions would be tax deductible and the funds' earnings would be exempt from taxation.

Employees and self-employed persons would choose the institution where their contributions would be invested. Each person could belong to only one such institution at a time, although he could transfer his money to another fund if dissatisfied with the investment or other practices of his original fund.

An individual's contributions would be pooled for investment purposes with all other employee contributions and a prorata share of the fund's earnings each year would be credited to his account. Each employee would have a passbook indicating the total amount in his account. At any time that he opted to file a declaration of retirement (but only one time during his life), he would begin receiving a lifetime annuity calculated on the basis of the total amount in his account and his actuarily determined life expectancy. He would also receive a cost of living adjustment to the extent of amounts available to the fund.

The directors of each fund would be representative of the fund membership and would also include persons with appropriate financial expertise. They would be subject to reelection by fund members, much as corporate officers are elected, and officers would be appointed by the directors.

The fund charters would outline the fiduciary responsibility of fund officers and directors and would specifically provide for prudent socially responsible investments. The directors would seek guidance in making investment decisions by sending investment and proxy voting preference questionnaires to fund participants. The questionnaires would not be binding on the directors. All investment decisions would be open to public scrutiny.

This proposal has now been worked out in its details but the basic outline remains the same.

Three questions were raised by industry members about the proposal: would there be enough money available to a fund participant when he retired? How could the proposed system be instituted without hurting those persons who expect to benefit from the present system? And, finally, what about increases in the cost of living? Let the following tentative thoughts serve as discussion-starters:

First, would there be enough money? Those of you who are actuaries know that there would be. An oversimplified and extremely conservative example will illustrate. The average American worker earns roughly $9,000 a year. Assume that his earnings remain constant over his lifetime and that he works from age 25 to age 65. Assume also that his employer puts an amount equal to 4 percent of the employee's pay into the employee's pension account and that this money earns 3 percent a year. Given a life expectancy of 15 years at retirement, that employee could count on a pension benefit of roughly $2,200 a year, considerably more than the current average private pension benefit which is estimated to be less than $1,000 a year.

The second question dealt with the problem of a transition to the new system. How could the proposed system be instituted without hurting those under present plans, particularly the older workers. What about making explicit what is implicit in the present system? Why not use the money theoretically allocable to younger employees to pay the benefits of older employees?

Let me be more specific. Employees assume that a certain percentage of their pay is being withheld in order to pay for their pension benefits. In fact, ordinarily pension contributions are determined in terms of percentage of payroll not percentage of pay, and the amounts paid into the pension fund are used to pay the benefits of retirees and older workers, particularly those with fast service credits.

What I suggest is that for purposes of the transition, is that employers first calculate their pension contributions in terms of a percentage of each employee's pay and then pay these contributions as follows: (1) all contributions allocable to employees now covered by the existing pension plan to the fund established by that plan: (2) all contributions allocable to new employees who are 35 years or older to their accounts in one of the new pension institutions: (3) all contributions allocable to new employees who are under 35 years to the pension fund established under the old plan. I have been told that this would make it possible for all employees now covered by pension plans to receive the benefits they have been promised by those plans. In addition all new employees would be guaranteed at least some coverage—up to 30 years of coverage for the younger employees—under the new system. In time, perhaps in 10 years, the age 35 cut-off date could be reduced to age 30—or earlier if a fund is able to pay all previously promised benefits before then. In another 10 years, the age cut-off could be reduced to age 25 or 3 years of service whichever is less.

At that time, the transition would be complete and all participants would be able to contribute to the new system for at least 40 years.

[During the transition period it would also be possible for employees and self-employed persons to contribute to their own retirement fund accounts, and for employers, if they chose, to do so, to transfer employees' discounted vested pension rights to these accounts. In addition it would be open to employers to terminate existing plans and distribute the money to individual accounts in accordance with the plan's termination schedule. Such a distribution might also take place in three-fourths of the employees covered by a given plan voted for termination.]

Under this approach all benefits that have been promised by existing plans would be paid. Participants would receive no less than they now can expect to receive. They also would receive no more. Those who are now programmed to lose out because of unrealistic vesting or funding requirements would still lose out. [Unless, of course, the employer is in a position to accelerate the transition. If so, he could then improve vesting provisions and funding and even increase benefit levels.]

The answer for those persons already scheduled to lose the pension "lottery," and particularly for those who have already lost, is not to apply first-aid to the system but to provide a direct and immediately effective retired workers' subsidy. This might be an amount which, added to income from all other sources would ensure that every American over 65 years of age would be able to live at least at the poverty level (and preferably at the low-income level). It is incredible that one-fourth of our aged population is now forced to live below the poverty level. This subsidy would be a temporary measure, phasing itself out as the public and private retirement systems begin to live up to their promises of a decent retirement for all. The money for the subsidy could come from a specially earmarked emergency corporate income surtax which instead of being passed on to consumers in the cost of goods and services might be taken out of divided payments on a uniform basis. In effect it would be a contribution by shareholders in recognition of services rendered to all American corporations.

Finally, there is the cost of living problem. As nearly as practicable, the retirement funds should, of course, make cost of living adjustments. It might be possible for this money to come from earnings on retirees' accounts and forfeitures. At the point when an employee files a declaration of retirement, his funds would be set aside with the funds of all other retirees. That money would continue to earn interest and the interest would be apportioned among the retirees.

In addition, there could be forfeitures coming from employees who died prior to filing a declaration of retirement without survivors and from some survivors' accounts. Let me explain this very briefly. The proposed system would encourage separate accounts for husbands and wives. Contributions would, of course, be made for working women, but in addition, husbands might be encouraged by a tax deferral to contribute to accounts for wives during periods when they stay home to raise families. Husbands and wives could jointly file a declaration of retirement at any time and receive an annuity based on three-fourths the amount in their combined accounts. The survivor would continue to receive the same amount. [This is merely a variation of a proposal contained in H.R. 1 which may have even greater applicability to the private system than to social security where there are complicating factors.] If husband and wife did not make this election at retirement, the survivor would take an annuity based on his life expectancy and the amount in his account or his spouse's whichever was larger. All amounts reverting to the fund by reason of a participant's death without a survivor or where the survivor opted to take his own account would be paid over to a Federal Pension Insurance Corporation. The F.P.I.C. would use a portion of this amount to pay off insurance premiums and then at the end of each year would return the balance remaining to the several funds on a pro rata basis according to total assets, to be added to the retirees' cost of living fund. [Until this additional money is available for the purchase of insurance premiums, funds would have authority to borrow from the Treasury.] I leave it to the actuaries among you to determine whether something along these lines would work.

Opposition to this proposal may come far more from its impact on the immense economic power you have amassed over the past 20 years than from any technical objections. 151.8 billion dollars increasing at a rate of more than 13.6 billion a year is a lot of money, and there is very little regulation at all over how it is invested and to what ends.

If this is our only objection to the proposal, I submit that it is untenable at this time in our history. The vote phenomenon in recent primaries is indicative of an impatience on the part of the public with bigness, with the remoteness of decision making from the citizen, consumer and taxpayer. There is increasing realization that the investment practices of pension funds are directly and significantly affecting the economic priorities of the nation, that it may be one of the causes of the lack of diversification essential to a healthy, competitive economy. At the same time persons covered by pension plans are beginning to express an interest in how the money taken out of their paychecks is being spent.

Pensions are only just beginning to surface as a popular issue. Increasingly congressmen are coming back to their districts to find that as many persons are concerned about pensions as tax reform and busing. Until now there has been a good deal of discontent, but there has been very little understanding as to the reasons for this discontent. That may change soon. This summer Grossman Publishers will be coming out with a small, simple and eminently readable handbook entitled *You and Your Pension*, authored by myself and Kate Blackwell. It is designed to explain the operation of the private pension system to the millions of persons affected by it both, directly and indirectly, and to outline some suggestions for change and ways for beneficiaries to assert their rights. The book says little you do not already know—it merely synthesizes the volumes of material that somehow hasn't yet filtered down to those people most immediately concerned—but you may find it interesting reading.

I suspect that once the public becomes aware of how the system operates its reaction will not differ significantly from that of the 537 persons who responded to a questionnaire that I sent out to 839 people last year (actually to 758, since 81 envelopes were returned unopened). The questionnaire was sent to people who had written to the president, Members of Congress or myself describing their experiences with the private pension system. The responses have been tabulated for a pension report which I will be submitting on behalf of these people to all Members of Congress.

The responses came from 40 States. Slightly less than half of those answering were retired, about a third were over 65 years of age, and a fourth were female. More than half were receiving or expected to receive private pension benefits.

Not unexpectedly an overwhelming majority—4 out of 5—said that employer contributions to private pension funds were more like wages than gratuities. More surprisingly, slightly more than half said that they would rather see private pension benefits for more people rather than more money for persons now receiving private pension benefits. All but a very small proportion believe that privae pension plans should provide for survitors and should be insured. They would also like to see some sort of vesting. Almost all of these persons are willing to pay the cost of these provisions in terms of reduced benefits. They also are interested in having a voice in who administers the pension fund and where it is invested.

I noticed that your conference literature describes this as the year of decision in employee benefits. You may find that when the time comes for a decision and if and when the public understands the operation of the private pension system, they are going to seek a simple solution. Increasingly, people in Washington who think about these matters are asking the question—"Why the private sysem? Why not an expansion of the social security system"? And there may not be an effective answer. When persons responding to the questionnaire were asked whether they would rather see higher social security retirement benefits for everybody or more people getting private pension benefits, only 9 more people opted for the private system than social security. This may be a response worth thinking about. Especially, as more and more disclosures are emerging to persuade them that their complaints reflect, not an aberration, but a system.

NEW FEDERAL PROGRAMS REQUIRE TAX INCREASES

Mr. BROCK. Mr. President, our penchant for deficit spending has brought us to a point where our currency is weakening throughout the world and where we can no longer finance new Federal programs without tax increases.

At the Federal and State levels, we have exhausted virtually all traditional sources of revenue. Yet, there continues to be a desperate need for additional moneys. Where we should seek these revenues and how they are to be collected has been the subject of much discussion in Congress.

Mr. President, steps toward resolution of this dilemma is the subject of an editorial published recently in the Memphis Commercial Appeal. I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The article deals with the inability of the Federal Government to improve the effectiveness of its programs in both human and budgetary terms.

In addition, the Commercial Appeal's editorial offers an excellent discussion of the various alternatives which are now presented as solutions to growing revenue demands. Moreover, I am particularly pleased that they find that the most logical approach to tax reform is the one embodied in the recent report by the Brookings Institute. This proposal calls for a comprehensive income tax with reduced rates to replace the present narrow tax with high rates.

Mr. President, all indications point to a tax increase in the near future. If this is to be the case, the concept of a comprehensive tax reform appears to be the most equitable and effective alternative to provide the funds necessary to maintain the search for remedies to problems which now face our country.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TAXES AND SERVICES

Spokesmen for the Nixon administration have reacted defensively to the report by the Brookings Institution that the federal government will not be able to finance the normal growth of existing services, much less introduce major new programs, without tax increases or comprehensive tax reform.

John D. Ehrlichman, the President's chief adviser for domestic affairs, criticized the Brookings analysis for rejecting the possibility of cutting federal spending. The administration, he said, is committed to holding the tax line at least through fiscal 1974. This is a good political response, especially since it puts the burden on Congress to resist the demands and ignore the needs for federal aid.

George P. Shultz, who has been nominated to be secretary of the Treasury, took the same tack before the Senate Finance Committee when he said, ". . . we must do everything we can to bring outlays under control."

Economies in government should always be sought. Government officials shouldn't even have to remind the public of that. But the Brookings report did study lower spending. It concluded that "the total sums involved (in the possible expenditure reductions) are small compared to the cost of new program proposals (by the administration)." It also noted that Congress is not likely to substantially cut any of the large federal subsidies, such as those for education and the poor.

The federal tax or revenue crisis was caused in large part by the expansion of services that returned relatively little in economic or social improvements. Since 1965, the largest percentage increase in federal spending has been aid to states and cities. That aid rose from 11 billion dollars in 1965 to a projected 36 billion in fiscal 1972. It is estimated to be 41 billion next year. Much of these funds have been poorly spent. It costs as much to keep a child in a day care center in New York City as it does to send a young man to Yale. The billion-dollar-plus compensatory education programs have been dismal failures. The waste in welfare spending is becoming a national scandal.

These problems have stimulated two kinds of proposals: One for tax reform, the other for reforms or reductions in services.

Senator Hubert Humphrey and others have lent their voices to an increasing popular demand to close tax loopholes "that protect the super-rich." Humphrey estimates the nation could take in an extra 16 billion dollars, although that figure does not seem to have a sound statistical basis. Neither does the proposal realistically take into consideration the difficulty of getting tax reforms through

Congress. At best, in the view of many economists, the additions to federal revenues through plugging up loopholes would be gradual and much more modest.

As far as tax reform is concerned, the most logical approach seems to be the one recommended by Brookings tax specialists. They propose a comprehensive income tax with lower rates to replace the present narrow tax with high rates. The poor would be exempted, but preferential treatments would be eliminated across the board, from capital gains to Social Security. The tax would apply to all kinds of income. Additional revenues of 77 billion dollars are predicted.

To combat the problems with expanding services, the administration has proposed to cut back or eliminate many of the "Great Society" programs started by President Johnson. Other domestic programs would be shifted to state and local governments through revenue sharing. Welfare reform also is high on the administration's priority list. But as important and promising as the reform plan is, it won't cut welfare spending over the short run.

It seems clear that the government will have to cut its services or raise taxes. Even good economic growth in the next three years probably will not yield more than 20 billion dollars in new revenues, which would be exhausted by present government programs and such new ones as family assistance and medicare for the poor and the disabled. That would leave the government with continued annual deficits of about 30 billion dollars (the current year's may run as high as 39 billion).

If the administration and Congress could agree on cuts, they still would not have dealt with the heart of the Brookings report's message.

The report concluded by saying: "Giving up the search for solutions to urgent social problems would be both irresponsible and dangerous. But taking refuge in pat, simple answers—decentralize, regulate, coordinate, spend more, spend less—seems unlikely to lead to a workable new strategy. It is time for a new and more realistic look at the federal government and the ways in which it can hope to carry out its activities effectively."

Perhaps when the political demands of the election year are past, both the administration and Congress will take that look. A more equitable system of taxation and better ways of providing necessary services must be found.

ECOLOGICAL THREATS TO SEA-LEVEL CANAL THROUGH PANAMA

Mr. TOWER. Mr. President, there continues to be a great deal of controversy in the scientific community over the ecological threats to building a sea-level canal through Panama. Aside from the cost factor of building a sea-level canal, which seems almost prohibitive, the ecological questions must be settled before we could even consider whether or not to build one. For the information of Senators, who I know are much concerned with this matter, I ask unanimous consent to have printed in the Record at this point a letter that I received from Mr. John P. Sheffey, special adviser, Office of Interoceanic Canal Negotiations, Department of State, relating to the environmental dangers of building a sea-level canal connecting the Atlantic and Pacific Oceans. Since Mr. Sheffey disagreed with the findings of Dr. John C. Briggs, director of graduate studies of the University of South Florida, I asked Dr. Briggs to reply to Mr. Sheffey's allegations. I ask unanimous consent that the reply of Dr. Briggs be likewise printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Department of State,
Washington, D.C., April 27, 1972.

Hon. John G. Tower,
U.S. Senate,
Washington, D.C.

Dear Senator Tower: The article by Dr. John C. Briggs, "The Sea-Level Canal Proposal", which you inserted in the Congressional Record of April 19, 1972 (pages 13392–13393) points out valid concerns about the potential ecological threats of a sea-level Isthmian canal. However, Dr. Briggs failed to cite the mitigating factors, of which he is well aware. I personally called them to his attention in the course of the Sea-Level Canal Study.

In the interest of objectivity I would greatly appreciate your placing in the Record the following summary of the factors that led the President's Canal Study Commission to conclude that the ecological risks in opening a sea-level canal were acceptable.

The Commission was well aware that a sea-level canal would inevitably impact on the ecology of the surrounding area and that the United States had an obligation to prevent any harmful changes, if possible, and to avoid entirely risks of damage to the environment out of proportion to the potential benefits of the project. In recommending that a sea-level canal be built, the Commission did take cognizance of this obligation, and made provision in its recommendations for a fresh-water barrier to the transfer of ocean populations through the sea-level canal if further research proves it needed.

Obviously, a sea-level link between the oceans would introduce new opportunities for biological changes, but there are many reasons for confidence that explosive changes in the ocean populations are unlikely. There has been a considerable movement of marine life between the oceans through the present canal by three distinct means in its 58 years of operation. First, swimming and drifting biota that thrive in both salt and fresh water readily pass through the locks and some eventually make their way across Gatun and Miraflores Lakes to the opposite oceans. Some have already been identified as having followed this path.

Second, barnacles, algae, and similar clinging organisms pass in both directions on the hulls of ships. Entrapped in this growth many other small forms of marine life—parasites, plankton, etc.—are bound to have made the passage year in and year out. Third, and perhaps most important to the question of the biological impact of linking the oceans, is the daily transfer of large amounts of salt water in ships' ballast tanks. Lightly loaded or empty ships approaching the canal are frequently required to take on ballast water before entering the locks. This is to deepen their drafts to make them easier to handle in the canal. On leaving the canal a few hours later at the opposite ocean, this ballast water is discharged to lighten the ships to save fuel on the remainder of the trip. Thus, all the small swimming and drifting marine life that would be found in these thousands of samples of sea water taken from both oceans daily since 1914, have made the trip across the Isthmus in salt water in both directions. While a sea-level salt-water channel between the oceans would vastly augment the movements of marine creatures between the oceans, the new avenue would appear to offer previously denied passage only for that portion of ocean life that could not transit by one or more of the three existing means. It follows that a large portion of the small swimming, drifting, and clinging creatures on both sides of the Isthmus have long been exposed to inoculations of the same category from the opposite ocean. To date, no discernible effects have resulted. It seems reasonable to conclude that a sea-level canal would create little or no new threat to the major portions of the two ocean populations which comprise the species that now can transit the Isthmus. New exposures would be limited to the larger swimming and drifting biota, and even these can transit at present in infant or larval stages. Thus, the area of danger of harmful biological changes when the oceans are joined is much less broad than it first appears.

The only specific dangers thus far identified are the poisonous Pacific Sea Snake and the coral-eating Crown-of-Thorns star-fish. An objective view of both threats is not very alarming. The sea-snake abounds in the millions throughout the warm waters of the Pacific and the Indian Oceans and creates no problems for the countless beach resorts bordering on these waters. The snake avoids inshore waters in the first place, it flees humans rather than attacking them, its mouth is too small to bite a flat body surface easily. In its free state it just does not attack humans, and when it bites in self-defense while being handled it rarely succeeds in injecting harmful amounts of venom. Fishermen throughout the Pacific handle them quite freely when they are caught in their nets. There is simply no evidence that their presence in the Pacific is a significant threat to humans. In much of the Orient, incidentally, they are regarded as a great delicacy, and fishermen handle them by the hundreds for the commercial market for their flesh and skins. The only obstacles to the sea-snake's migration through the present canal are the canal's length and its maze of locks and channels. Its fresh water is no barrier. There is even less to prevent its migration through the salt water Suez Canal from the Indian Ocean through the Mediterranean to the Atlantic. The entire route consists of the warm waters in which it thrives. One can only conclude that its avoidance of in-shore waters keeps it away from these canal entrances, and those few that may have wandered into these canals, and possibly through them, have not found the new environment suitable for colonization. The Smithsonian Instiution's experiments have, I believe, indicated that predator fish in the Atlantic are ignorant of the snake's poison and eat it readily. Although the fish might die as a result, the snake frequently does also. This could be the reason it has not colonized the Mediterranean and subsequently the Atlantic through the Suez, and the few strays from the deep Pacific that might make their way through a sea-level isthmian canal certainly will have a hard time surviving long enough to colonize the Caribbean and the warm waters of the Atlantic. Should it succeed in doing so, there is no discernible reason for it being any more of a problem in the Caribbean or the Atlantic than it is now at the Pacific beach resorts of Panama and the hundred of others ringing the warm waters of the Pacific and Indian Oceans where bathers are generally unaware of its presence offshore.

The Crown-of-Thorns starfish now also appears to be somewhat exaggerated threat. According to a recent edition of the Smithsonian Magazine, marine biologists are having second thoughts about its destructiveness to coral reefs and suspect that its recent increase in numbers along the Great Barrier Reef north of Australia was a natural population cycle that is again in a downswing. It is possible that the drifting larvae of this starfish have already been transported through the Panama Canal in ships' ballast tanks and found the Caribbean environment inhospitable. In any event, the Pacific tides prevent coral growth anywhere near the planned entrance to the sea-level canal, and hence the offshore approaches to the canal and its forty-mile length of turbid waters would be major barriers to the starfish as well as to a large percentage of the other denizens of both oceans.

Because of the great divergence of views on the ecological consequences of a sea-level canal, the Canal Study Commission had an evaluation made by the Battelle Memorial Institute of Columbus, Ohio. This study's findings are summarized as follows:

"On the basis of the limited ecological information currently available we were unable to predict the specific ecological consequences of marine mixing via a sea-level canal. Preliminary modeling studies indicate that the net flow of water would be from the Pacific to the Atlantic. This would result in minor environmental changes near the ends of the canal and near the shore to the east of the Atlantic terminums. Passive migration of planktonic organisms would occur almost entirely in the same direction. Active migration of nekton could occur in either direction, but environmental conditions in the canal would favor migration from the Pacific to the Atlantic. We have found no firm evidence to support the prediction of massive migrations from one ocean to another followed by widespread competition and extinction of thousands of species.

"Evidence currently available appears to indicate a variety of barriers to migration of species from one ocean to another and/or the subsequent establishment of successful breeding colonies in the latter. Environmental conditions in the canal would constitute barriers to the migration of both plankton and nekton, and the effectiveness of these barriers could be enhanced by engineering manipulations of freshwater inputs to the canal and other artificial means. The marine habitats and biotic communities at the opposite ends of most proposed sea-level canal routes are strinkingly different. Where similar habitats do occur on both sides of the Isthmus, they are already occupied by taxonomically similar or ecologically analogous species. These differences in environmental conditions on the two sides of the Isthmus and the prior occupancy of similar niches by related or analogous species would constitute significant deterrents to the establishment and ecological success of those species which may manage to get through the canal.

"It is highly improbable that blue-water species like the sea-snake and the Crown-of-Thorns starfish could get through the canal except under the most unusal circumstances. On the other hand, we can be fairly certain that some Pacific species could pass through the canal and could become locally established in the Pacific waters of the Atlantic. It is also improbable that these species would be able to survive in the Atlantic outside the region of environmental modification due to water flow through the canal. The Pacific species most likely to become established along the Caribbean shore are those of estuarine and other shallow-water habitats, the very habitats that have been least thoroughly studied.

"To improve the precision and reliability of these and similar ecological prediction would require additional information and quantitative data which could be provided only by a comprehensive program of field, laboratory, and theoretical (modeling) studies. Extensive taxonomic surveys would be required to improve our knowledge of the biota of the Tropical Western Caribbean and Tropical Eastern Pacific. Except for a few economically important species, ecological life history data are virtually non-existent. Basic biological studies would be required to obtain such information. The geographical extent and physiochemical characteristics of the marine habitats on the two sides of the Isthmus are imperfectly known from a few cursory surveys. The species composition and functional-ecological structure of the biotic communities that characterize these habitats are imperfectly known and inadequately understood. The parameters required to predict the flow of water and plankton through the canal have not been adequately measured. The processes of migration, establishment, and competition have been but little studied and are not well understood. To remove these deficiencies in our knowledge would require a comprehensive, long-term program of well-coordinated physical oceanography, marine ecology, and basic marine biology studies."

The Commission concluded that the risk of adverse ecological consequences appeared to be acceptable. However, it also concluded that long-term studies were needed to be more confident and that tentative provisions should be made for a fresh water or heated water barrier in the midsection of the sea-level canal should a barrier prove needed. The National Academy of Sciences developed a study program, and it is expected that such a program would be initiated with the decision to build a sea-level canal. In any event, the choice between additional locks for the present canal and a sea-level canal need not be made for 15 to 20 years, and the construction of either will take an additional 10 to 15 years. There is adequate time to investigate the potential environmental effects before the oceans can be joined at sea-level.

Sincerely,

JOHN P. SHEFFEY,
Special Adviser Office for Interoceanic Canal Negotiations.

UNIVERSITY OF SOUTH FLORIDA,
Tampa, Fla., June 9, 1972.

Hon. JOHN G. TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: In his letter of criticism about my article on the sea-level canal proposal, Mr. John P. Sheffey, Special Advisor to the Office for Interoceanic Canal Negotiations in the Department of State, emphasized two main points: (1) there has been considerable movement of marine animals through the present freshwater canal and it hasn't done any harm so why should an increased movement through a sea-level canal have any drastic effects? and (2) the poisonous seasnake and the crown-of-thorns starfish pose no real threats to the ecology of the Atlantic.

There is evidence that occasional, individual marine animals are transported through the present canal mainly on ship bottoms or in ballast tanks. However, biologists know that in order for a species to successfully colonize a new environment a considerable number of individuals is necessary. Otherwise, the new colony will not contain enough genetic variability, i.e. a gene pool of sufficient size, to permit it to survive. Fortunately, the present freshwater canal has proved to be such an effective barrier that interoceanic colonization has been almost entirely prevented.

Mr. Sheffey feels that the dangers posed by the migration of such animals as the poisonous, yellow-bellied seasnake and the crown-of-thorns starfish through a sea-level canal have been exaggerated. His reasoning is based mainly on some evidence that these animals are really not very harmful in the Pacific. Again, this is a problem that can be evaluated only in the light of what biologists know about the behavior and ecology of such animals. Predatory species are, in their native environment, generally counteracted by various kinds of defense mechanisms that have evolved in the prey species. Also, such predators, in their home waters, have to contend with pressure by animals that prey upon them, parasitize them, or compete with them. It is the combined action of such factors that ordinarily keep populations of dangerous or obnoxious animals at a tolerable level.

I cannot emphasize too strongly that the introduction of animals, such as the seasnake and the predatory starfish, into the Atlantic via a sea-level canal is very likely to result in these species becoming *far more* numerous in the Atlantic than they ever have been in the Pacific.

They would be entering an environment where their natural prey species have developed no defense mechanisms and where their own predators, parasites, and competitors are likely to be absent. Thus we have the real threat of a population explosion, such as took place when rabbits were introduced into Australia, whereby the seasnake and starfish could exist in enormous numbers in the tropical Atlantic from northern Florida to southern Brazil.

Mr. Sheffey, in his letter, quoted at length from a Battelle Foundation study which, as far as its biological content is concerned, represents questionable professional advice. He said nothing about the conclusions reached by a distinguished committee convened by the National Academy of Sciences for the express purpose of examining the ecological consequences of the proposed sea-level canal. The NAS committee felt that if such a canal had to be built there were "grave potential dangers of inter-oceanic migrations of plants and animals" and furthermore that it was "essential that migrations be prevented as far as possible by installing the most effective barriers that can be devised."

The important point in my article was that the Terminal Lake-Third Locks Plan for the modification of the present canal presents an attractive and desirable alternative to the sea-level canal proposal. By adopting the former, we can avoid the undertaking of an enormous project that is biologically dangerous, economically expensive, and commercially unnecessary.

If the Terminal Lake-Third Locks Plan were adopted by Congress, the State Department would not have to proceed with its plans to give up our sovereignty over the Canal Zone in order to gain permission to construct a sea-level canal in Panamanian territory.

Sincerely,

JOHN C. BRIGGS,
Director, Graduate Studies.

WILLIAM PENN PATRICK, CHAIRMAN OF HOLIDAY MAGIC, INC.

Mr. GRAVEL. Mr. President, our early pioneers had no vast country to call their own. Instead, against seemingly insurmountable deterrences, they went out into the wilderness and from the plains, forests, and mountains carved out the towns and cities and greatness that today makes up our Nation.

As a Senator from the State of Alaska, where brave men and women still strive to conquer our last Northern frontier, it is strongly within me to recognize and exalt a pioneering spirit in keeping with the honor and tradition of our cherished history.

Such a person is William Penn Patrick, North Carolinian by birth, now a Californian residing in Tiburon. As founder and chairman of the board of Holiday Magic, Inc., Mr. Patrick is a man who classified as fallacy the legend that no one man today could singlehandedly create an international corporation. His belief in his ideals has given to tens of thousands of persons across the country gainful and needed employment.

In his accomplishments, Mr. Patrick has truly embodied the rags-to-riches theme. Holiday Magic, Inc., was formed in 1964 when Mr. Patrick became committed to a belief that perseverance and imagination could create for a dedicated American a future of his choosing.

Holiday Magic has changed dramatically the lives of his many employees through an imaginative, practical marketing concept that rewards initiative. Mr. Patrick's unique marketing concept threatens to dramatically change the sales technique of some of our Nation's largest direct sales companies. Its marketing concept which is as old as selling itself, is a means by which goods or services are distributed to the consumer through more than one independent intermediary rather than directly from the source. This procedure enables Holiday Magic distributors to realize a higher percent of profit as their share of retail sales for merchandise than other ordinary direct sales firms offer their representatives.

This concept has caused competitive corporations such as Avon and Amway to attack his method of distribution and sales when their own methods could bear investigation and may have to.

Loyal sales women, appropriately named Holiday Girls, a sizable number of whom work and reside in Alaska, are determined that no critics can detract from the enormous success and integrity of Holiday Magic. For these people, Holiday Magic provides a means to become independently successful and pridefully self-supporting.

In 1964, when Mr. Patrick committed his family's entire savings of a few thousand dollars to a dream, the preseverance and dedication of his pursuit was to rekindle again in the heart of an American pioneer an urge to carve from a dream a wonderous reality of success. For this fact alone, he and the people who work with him, should be commended.

ACCOMPLISHMENTS OF B. BOYD FLICKINGER

Mr. BEALL. Mr. President, on May 12, a distinguished Marylander was recognized as Shepherd College's "Outstanding Alumnus of the Year," in ceremonies held on the Shepherdstown, W. Va., campus. B. Floyd Flickinger has compiled a long and distinguished career as historian, educator, conservationist, and lecturer. Of particular note, was his service as first historian of the National Park Service and superintendent of the Colonial Historic Park, comprising Jamestown and Yorktown, where he closely directed the development of those shrines. At present Professor Flickinger is a member of the Maryland Bicentennial Commission for the Commemoration of the American Revolution.

I ask unanimous consent that two articles, from the Baltimore Evening Sun and the News American of May 17, 1972, be printed in the Record, so that Senators might read of the many accomplishments of Professor Flickinger.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Baltimore Evening Sun, May 17, 1972]

Shepherd College Alumni Honor Prof. Flickinger

B. Floyd Flinckinger, of 300 St. Dunstans road, has been named "Outstanding Alumnus of the Year" by the Alumni Assciation of Shepherd College, Shepherdstown, W. Va.

The citation was presented to Professor Flickinger, a member of the board of trustees of the Shepherd College Foundation, at the annual alumni banquet held Friday at the college. The presentation was one of the highlights of the celebration of the college's centennial.

After his graduation from Shepherd, Professor Flickinger attended Lafayette College, where he was graduated summa cum laude with Phi Beta Kappa honors. Later, he was a duPont Fellow in American history at the University of Virginia.

Since that he has taught history, political science, economics and English at Loyola College, the University of Baltimore, Mount St. Agnes College, the University of Maryland and Baltimore Community College, as well as at the College of William and Mary.

He was the first historian of the National Park Service and was superintendent of the Colonial National Historic Park, comprising Jamestown and Yorktown, directing their development.

Professor Flickinger is a member of the Maryland Bicentennial Commission for the Commemoration of the American revolution, a member of the commission's executive committee and chairman of the historical committee.

[From the Baltimore News American, May 17, 1972]

Named Alumnus of the Year

B. Floyd Flickinger, a history teacher of 300 block St. Dunstan's Road, has been named "Outstanding Alumnus of the Year" by the Alumni Association of Shepherd College, Shephardstown, W. Va.

Flickinger has taught at Loyola College, University of Baltimore, Mt. St. Agnes College, the University of Maryland and Baltimore Community College.

DUMPING OFF SANDY HOOK HURTS SEA LIFE

Mr. HOLLINGS. Mr. President, the New York Times for today contains an article entitled "U.S. Survey Indicates Dumping Off Sandy Hook Hurts Sea Life," written by Mr. Harold M. Schmeck. The article is one more piece of evidence in the growing collection of reasons for strong and immediate legislation to curb the pollution and total destruction of the waters adjacent to the United States.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Survey Indicates Dumping Off Sandy Hook Hurts Sea Life

(By Harold M. Schmeck)

Washington, June 14.—The dumping of sewage and sludge from dredging into the New York Bight—east of Sandy Hook—appears to be harming marine life, according to a report by the National Marine Fisheries Service.

Studies during the last two years showed that the total population of marine-dwelling species was decreased and that many large crustaceans, such as crabs and lobsters, were diseased.

Abnormally high concentrations of bacteria were found and traces of heavy metals were detected in higher-than-normal amounts in the dumping areas at sampling stations both to the north and south, the report said. Some of the heavy metals used in industry are poisonous when absorbed.

Fish caught on the periphery of the dumping area were found often to have such things as cigarette filters in their stomachs.

"DELETERIOUS EFFECT"

"We conclude from the data accumulated during the present study that disposal of dredging spoils and sewage sludges has had a significant and often deleterious effect on the living resources of the New York Bight. However, an expert in ocean pollution who was not involved in the study said that far larger amounts of pollutant material reached these waters from sewage into the Hudson and other rivers. He said this pollution almost certainly played a part in the ecological problems of the waters off the New York and New Jersey coasts.

The implication was that many factors probably need to be considered in fixing blame for pollutant effects beyond the limits of the dumping area, which comprises 14 square miles.

The report said that there had been few studies of the effects of solid-waste disposal in coastal waters and that differing conditions made it hard to apply the results of one study to the probable effects of pollution in another area.

SLOW RECOVERY CITED

Based on the studies that have been done, the report concluded that disposal of wastes in oceans had harmful effects on various marine environments and that recovery of the regions was slow after heavy pollution.

"This suggests that we should objectively consider all evidence before commencing to despill new areas or before moving existing inshore disposal activities farther offshore," the report said.

The document was prepared for the United States Army Corps of Engineers by the Sandy Hook Laboratory, Middle Atlantic Coastal Fisheries Center of the National Marine Fisheries Service. The service is a unit of the National Oceanic and Atmospheric Administration, Department of Commerce.

ADEQUATE CREDIT NEEDED FOR SMALL FARMERS

Mr. JORDAN of North Carolina. Mr. President, the plight of many small farmers, not only in my State of North Carolina but elsewhere across the country, in obtaining adequate credit to keep them from being forced out of business because of crop failures due to natural and other causes is widely known. But I think the situation has been particularly well documented in an editorial published several months ago in the Elizabeth City, N.C., Daily Advanced. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Where Is Uncle Sam?

The federal government's efforts to help the farmer have resulted in substantial production increases and better prices for farm products.

President Richard Nixon, in his State of the Union Message in January, said the productivity of America's farmers has increased 200 percent during the past 20 years.

However, there is still no established credit system to prevent capable small farmers from being forced out of business by bad weather and plant diseases.

Due to adverse circumstances during 1971 the farmers of eastern North Carolina are now faced with a gloomy outlook.

Growers in the Northeastern part of the state, where most of the farms are small, are in need of immediate aid. The plight of the small grain grower is acute.

In northeastern North Carolina, normally a prosperous growing area, grain farmers struck out four times last year, and some of them may be out of the game for good.

The first strike was a shortage, and high cost, of blight-free seed corn. Seed corn in 1971 was $35 to $38 per bushel, compared to a price of $25 per bushel the year before.

The second strike: Due to the blight in 1970 the Government encouraged increased planting. The Government thought, and rightfully so, that we might possibly have more blight that could cut yields nationally. It turned out just the opposite. So when there was less blight and the government estimates came out, the price on corn dropped from $1.60 per bushel at planting time to $1.20. Now the farmer already had the corn planted. At harvest time the price was only $1.07.

The third strike: Hurricane Ginger! This storm, coming just at the very beginning of harvest time, blew down all the corn that was already damaged by blight and badly damaged all other. Ginger damaged the blossom of the soybean, then in the blooming state.

The fourth strike: The rains of October totalled 16.3 inches. This cut the soybean yield 40 per cent and adversely affected prices due to damaged and decayed beans.

All farmers in the hurricane area are in a bind. Those who have part-time jobs or are more diversified can survive, but those depending entirely on producing grain are in severe financial trouble.

For example, five years ago, M. J. Baum, a chain store executive, decided to take early retirement and return to his native Currituck County to develop land he owned and to do some sharecropping. Sharecropping is an arrangement between land owner and farmer, whereby the landowner provides the land and and pays a portion of the crop expenses of seed and fertilizer in exchange for a portion of the profit of the crop, usually one-third while the farmer provides the labor, equipment, gas, etc., and pays two-thirds of the crop expense in exchange for two-thirds of the profit.

Baum's observations while dealing in agricultural products as an executive of A&P stores convinced him that small farmers could profitably adopt modern methods such as the use of liquid fertilizers and larger equipment.

He entered into an agreement with Carlton Smith, an experienced Sligo, N.C., farmer to cultivate one of the Baum farms.

At the time, Smith was living in a $35-a-month rented house which cost $50 per month to heat. He was paying up to $30 per acre for other land which he rented.

In 1971, after being on his own for four years, Smith was cultivating 700 acres and using modern equipment.

Through hard work and cooperative landlords, the Smith family prospered. Mrs. Smith, on her day off from nursing at a nearby hospital, operated a tractor with a two-year-old baby in her lap. Her teenage sons picked up roots and handled chores.

Baum was favorably impressed by the enterprising tenant farmer and gave him a 250' x 420' lot on which to build his own home.

In 1971, with grain planted and a highly favorably crop outlook, Smith obtained a loan of $26,000 to build a house. He borrowed $5,000 from his crop lien in order to make a $6,000 down payment. Then came fall and the harvest—Hurricane Ginger, rain, rain, and more rain.

Yield was down 40 per cent from 1970. His gross income loss, figured on the basis of his 1970 yield per acre, is $19,000 compared to the previous year.

If the government had paid the farmer the average price for what was delivered, he would have received over $9,000, but the area was not declared a major disaster area by the President because no bridges were washed away and no homes completely destroyed. At a meeting held in the Elizabeth City Armory in November, federal, state and local political leaders unsuccessfully sought to obtain a major disaster designation. Farmers by the hundreds flocked in from the surrounding counties and were disappointed with the government's decision.

Now farmer Smith is in a real bind. He owes for last year's grain. His credit has run out, since he doesn't own land. Land rent is due. He could lose his brand new home.

Smith, an honest, hardworking 39-year-old farmer with no social affiliations except his church, with a wife and four children ranging in age from five to 14 years, is in real trouble.

He does not want to quit farming or move to the city—and he certainly does not want to become a welfare case.

It should be pointed out, however, that a farmer in Smith's predicament could move his wife and four children into a big city and collect several thousand dollars per year in welfare funds without working. In fact, the amount of welfare money which he could draw over a two-year period would solve his problem if made available to him through a three-year loan.

According to a Wall Street Journal story Feb. 9. Smith might have fared better if his new house had been roughed up by an earthquake. Then he might have arranged a $3,000 federal loan, only $500 of which would be repaid.

In his State of the Union Message, President Nixon said, "Still there are very serious farm problems—and we are taking strong actions to meet them."

A few hours after the President spoke, a Democratic party leader said his party would make special efforts to help the country's small farmers.

There are many Carlton Smiths who may lose their homes and machinery for reasons beyond their control unless they can arrange low interest loans.

As collateral, they pledge their full-time efforts to repay the loans and at the same time to accelerate America's farm productivity. They feel that the American government should aid those with enterprise and determination to stand on their own feet.

WHAT IS RIGHT WITH TITLE IX OF S. 3010—LEGAL SERVICES?

Mr. BROCK. Mr. President, I do not challenge the concept of legal services, nor do I object to the principle of the creation of a legal services corporation. However, the proposal, as reported by the Senate Committee on Labor and Public Welfare, bears little resemblance, in form or in substance, to what was envisioned by the President when he first transmitted to the Congress a message on the creation of a new corporation. As written, this legislation is a sham and a fraud.

Over the course of the last few weeks many Senators have illustrated the many problems which exist within the present program. The proposed amendments to the existing act would do nothing to resolve these problems—unless as some seem to believe, to cover them in a blanket of obfuscation and rhetoric is supposed to resolve them.

Mr. President, resolution of the problems of the present programs should be the first course of business. Yet, this bill seeks to thwart remedial efforts and further obscure the principle of guaranteeing the right to legal counsel by compounding the problems of the existing program. These problems are not minor. They are as major as—

The role of Federal oversight as to this to-be-federally-created and to-be-federally-funded new Corporation;

The role of accountability of the Corporation, its directors, officers, and employees to the people through their elected representatives;

The qualifications of attorneys and personnel who will provide legal services to the poor;

The question as to who is eligible to be represented by the project attorneys;

The nature of the attorney-client relationship within federally created and federally funded efforts;

The question of solicitation by project attorneys within the client community;

The question of the permissible scope of the outside practice of law and representation, if any;

The establishment of priorities as to the types of cases which will be given top priority;

The role of project attorneys in criminal representation and in prison activities;

The role of project attorneys in so-called community organization and education;

The promotion of philosophical, ideological, political and partisan goals by project directors and attorneys;

The nature and scope of the representation of organizations and associations;

The efficacy of involvement and participation in direct action, political activity, legislative advocacy, and lobbying;

The role of the State bar associations and State and local officials; and

The shape the new program will take within an autonomous and independent legal services corporation.

Surely, it is the responsibility and the duty of this body to resolve these and related issues before we create and set loose with the force of Federal statute a new corporation—independent of Federal authority—and subsequently fund that corporation with taxpayers dollars. Surely, we must act more wisely on this matter, or we will be inviting a repetition of the horror stories we hear today.

THE PRESIDENT'S VETO—1971

Senators have shown to us clearly that the proposed legislation, as reported by the committee, bears little resemblance, in form or in substance, to what was envisioned by the President. It is obvious that the National Legal Services Corporation, as provision for it is made in proposed title IX of the EOA, bears no resemblance to what the President has asked for—and to what is needed as a new program. If it is removed from OEO it runs a substantial risk of once again being vetoed by the President, I, for one, will exercise every argument at my command to encourage him to do so if it passes as presently written.

Why?

In his veto message of December 9, 1971, the President spelled out very clearly the nature of his objections to the bill as passed by the Congress. In that veto message he said, in part:

> The provision creating the National Legal Services Corporation differs crucially from the proposal originally put forth by this administration. Our intention was to create a legal services corporation, to aid the poor, that was independent and free of politics, yet contained built-in safeguards to assure its operation in a responsible manner. In the Congress, however, the legislation has been substantially altered, so that the quintessential principle of accountability has been lost.
>
> In re-writing our original proposal, the door has been left wide open to those abuses which have cost one anti-poverty program after another its public enthusiasm and public support.
>
> The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under congressional revisions, the President has full discretion to appoint only six of the seventeen directors; the balance must be chosen from lists provided by various professional, client and special interest groups, some of which are actual or potential grantees of the Corporation.
>
> The sole interest to which each board member must be beholden is the public interest. The sole constituency he must represent is the whole American people. The best way to insure this in this case is the constitutional way—to provide a free hand in the appointive process to the one official accountable to, and answerable to, the whole American people—the President of the United States, and to trust to the Senate of the United States to exercise its advise and consent function.
>
> To compound the problem of accountability, Congress has further proposed that during the crucial 90 day period—when the corporation is set into motion—its governance is to rest exclusively in the hands of designees of five private interest groups. That proposal should be dropped.
>
> It would be better to have no legal services corporation that one so irresponsibly structured. I urge the Congress to rewrite this bill, to create a new National Legal Services Corporation, truly independent of political influences, containing strict safeguards against the kind of abuses certain to erode public support—a legal services corporation which places the needs of low-income clients first, before the political concerns of either legal service attorneys or elected officials.

I wish to stress one sentence above all others in this veto language:

> It would be better to have no legal services corporation than one so irresponsibly structured.

The President would not have said that, unless he fully meant it—that is, that his support of a corporation structure was conditioned upon it meeting certain tests. I suggest that the new bill utterly fails, as did the one last year, to meet these tests.

A PRESIDENTIAL VETO—1972?

Mr. President, the ultimate question before us, obviously, is whether or not the proposed language will ever become the law of the land. Will it pass Congress? If it does, will it be signed by the President? I offer the following analysis for the consideration of this body:

With reference to political activities, the veto message said:

> Our intention was to create a legal services corporation, to aid the poor, that was independent and free of politics, yet contained built-in safeguards to assure its operation in a responsible manner. In the Congress, however, the legislation has been substantially altered, so that the quintessential principle of accountability has been lost.

Now, this new legislation commits the same error.

Section 906(e) states as follows:

> The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committees request that the attorney makes representations to them. . . .

This language is identical to the language contained in the bill vetoed by the President.

This section does not, in reality, guard against what it fraudulently purports to guard against. Rather, it specifically authorizes legislative advocacy—lobbying—which by definition is a type of political activity—here, federally funded—when such is in furtherance of the interests of a client—if an attorney does not have one at the moment, he can secure one—or a group of clients—there would be little difficulty for a project attorney of getting concurrence from such groups, permitting him thereby to speak in their behalf. The prohibition, further, is applicable only while the attorney is "engaged in activities carried on by legal services programs funded by the Corporation." At all other times, such as during lunch hours, or while taking "afternoon leave," even those things apparently prohibited would be allowed.

Additionally, the language does not prohibit grassroots organization of legislative advocacy efforts through such client groups as the National Welfare Rights Organization, the National Tenants Union, and so forth.

Section 907(d) states as follows:

> The Corporation shall insure that all employees of legal services programs assisted by the Corporation, while engaged in activities carried on by legal services programs, refrain (1) from any partisan or nonpartisan political activity associated with a candidate for public or party office. . . .

An improvement?—baloney.

This section fails to prohibit participation in campaigns associated with constitutional amendments and constitutional conventions, codes, statutes, and ordinances; referenda and bond issues; and so forth.

Despite the fact that project attorneys will be paid from Federal funds, it fails to limit their off-duty political activities at least to the extent that Federal employees activities are limited under the Hatch Act. At a minimum the same standards should apply.

While the section purports to cover in a small measure the working hour activities of employees, it does not restrict in any way the use of program funds, the provision of services, or the provision of facilities for such political efforts.

Section 907(d) further reads:

> The Corporation shall insure that all employees of legal services programs assisted by the Corporation, while engaged in activities carried on by legal services programs, refrain . . . (2) from any voter registration activity *other than* legal representation or any activity to provide voters or prospective voters with transportation to the polls. (Emphasis added.)

This section specifically permits voter registration activity of a legal representation nature; therefore, under the terms of the bill, it would be permissible conduct to state, "I advise you of your legal rights as to voting. You have the right to vote at the next election, which is on November 7, 1972. Since you live at this address, you may vote in this precinct; the precinct polling place is at the school house. You have the right to register as a Democrat—or Republican—partisan. You have a right to exercise your franchise on behalf of candidates of that party on that date."

Furthermore, by the terms of this section, activity to provide voters or prospective voters with transportation to the polls is permissible. Note the word "from" is not found between the "or" and "any"; therefore, it becomes part of the exception to the prohibition, not part of the prohibition itself.

THOSE ABUSES WHICH COST PUBLIC ENTHUSIASM AND PUBLIC SUPPORT

VETO MESSAGE

> In re-writing our original proposal, the door has been left wide open to those abuses which have cost one anti-poverty program after another its public enthusiasm and public support.

NEW LEGISLATION

The areas susceptible to abuse are many. First, there are the areas susceptible of abuse by virtue of political activity. Refer to the items detailed infra. Second, section 902(b) grants a tax-exempt status to the corporation despite its ability to engage in political activities. Third, the advisory councils which would be created by virtue of section 903 are comprised of those with direct interests in the programs, grants, funds, etc., admitting, thereby, of publicly visible conflicts—in short, a further extension of the poverty-industrial complex. Section 904(c) permit the chief administrative officer to serve at the pleasure of the board, not of the elected representatives in Congress, that is, he is appointed and serves at the pleasure of the board, with no advice and consent from the Senate and with no appointment by the President. Section 904(e) permits meetings of the board to be closed—not subject to public scrutiny. Section 906(a)(8) permits an establishment of eligibility without any guidelines from the Congress and does not require conformity with antipoverty guidelines, indices, and criteria of the Federal Government. While section 908

(a) permits public disclosure of all information and documents relevant to grants and contracts, section 908(b) does not permit full disclosure of evaluation, inspection, and monitoring reports.

The ultimate slam at public accountability is section 913, which reads as follows:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

It is readily apparent that, upon the enactment of this legislation, there is to be no accountability to the public through their elected representatives or through appointed officials, despite the funding of the Corporation by the Government. It is complete immunity from legislative executive scrutiny.

RESTRICTIONS PLACED UPON THE PRESIDENT

VETO MESSAGE

> The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under the Congressional revisions, the President has full discretion to appoint only six of the seventeen directors; the balance must be chosen from lists provided by various professional, client, or special interest groups, some of which are actual or potential grantees of the Corporation.
>
> The sole interest to which each board member must be beholden is the public interest. The sole constituency he must represent is the whole American people. The best way to insure this in this case is the constitutional way—to provide a free hand in the appointive process to the one official accountable to, and answerable to, the whole American people—the President of the United States, and to trust to the Senate of the United States to exercise its advise and consent function.

NEW LEGISLATION

Provision with respect to the manner of selection of members of the Board of Directors can be found in section 904(a). Section 904(a) is an attempted compromise; it is a marginal one at best, more one of appearance than reality, and still falls within the criticism of the President voiced in the veto message.

The Board is to consist of 19 individuals "appointed by the President, by and with the consent of the Senate, one of whom shall be elected to serve as chairman annually by vote of an absolute majority of such board." The manner of appointment is as follows:

First. Ten members shall be appointed from among individuals in the general public, not less than six of whom shall be members of the bar of the highest court of a State;

Second. Nine members shall be appointed as follows:

Two members who are representatives of individuals eligible for assistance from recommendations made by the Clients Advisory Council;

Two members from among former legal services project attorneys, from recommendations made by the Project Attorneys Advisory Council; and

Five members, one of whom shall be from recommendations made by each of the following groups: American Bar Association, Association of American Law Schools, National Bar Association, National Legal Aid and Defender Association, and American Trial Lawyers Association.

The compromise is being phrased, "The President has a majority. He has 10 of the 19." In reality, therefore, every Presidential appointment would have to hold solid; in the give-and-take of making the appointments and in the give-and-take of decisionmaking, holding such a majority solid is questionable.

There is no Presidential appointment of the Chairman of the Board.

Additionally, the President still does not have appointment power over those who should be, in accordance with the language of the veto message, accountable to the public as a whole, not to a segment thereof. This cannot be true until the President has free appointive power over all, with the advice and consent of the Senate.

The executive committee shall consist of less than five and not more than seven members, which shall include the Chairman of the Board, at least one appointed pursuant to the President's public appointments, and one appointed pursuant to the specially named groups: Note: the Chairman of the Board is not necessarily the chairman of the executive committee; the Board could elect someone else to the chairmanship of the latter.

The new Corporation will function under the new title and under the District of Columbia Nonprofit Corporation Act. The latter gives exceedingly broad discretion to the executive committee, including discretion as to policy matters.

TRANSITIONAL PERIOD

VETO MESSAGE

> To compound the problem of accountability, Congress has further proposed that during the crucial 90 day period—when the corporation is set into motion—its governance is to rest exclusively in the hands of designees of five private interest groups. That proposal should be dropped.

NEW LEGISLATION

The old proposal was dropped. Something almost equally offensive was added.

Section 903(b) directs that the Director of the Office of Economic Opportunity shall serve as the incorporating trustee; in and of itself, this would be acceptable. However, the section requires the exercise of his responsibilities to be carried out in consultation with the National Advisory Council, as constituted on April 15, 1972.

The National Advisory Council is composed overwhelmingly of members and representatives of the private interest groups that the President objected to in the veto message. All of the organizations represented as making recommendations to the President as to the appointment of members of the board pursuant to section 904(a)(2)(C) are represented on the National Advisory Council. In reality, the tensions which would have been inherent in the old approach remain in the new approach.

Few conclusions are left to the reasonable man except to conclude that the provisions of S. 3010, as reported, have failed to meet the objections raised by the President through the veto message. I need not remind my colleagues that the veto message was sustained last year.

WHAT SHOULD BE DONE?

I can speak only for myself, in commenting upon "What should be done?" but, aside from efforts that should be employed to clean up the bill, if it is not put into a significantly different substantive format than reported it should be roundly repudiated. We must restore the proper role of the Congress and the Executive. We must provide for full accountability for any expenditure of public funds. We must insure adequate safeguards against repetitions and acceleration within the new corporation of the horror stories we have heard.

For my own part, I am sufficiently concerned to say that if a motion to strike that title IX is offered during the debate on S. 3010, I shall support that motion; and if title IX remains in the bill, I shall oppose the bill. It is a disservice to the taxpayer and the public.

LITHUANIA

Mr. PERCY. Mr. President, today, the 15th of June, marks the anniversary of the forceful occupation of Lithuania by forces of the Soviet Union. For 32 years the people of Lithuania have labored under foreign rule. For 32 years Lithuanians have been unable to exercise one of their most basic rights—the right to worship without restriction.

Religious oppression in Lithuania was recently brought to the attention of the entire world by the dramatic self-immolation of a brave young Lithuanian Roman Catholic, Romas Talantas. The public outcry that has followed in the wake of this tragic event has not been confined to Lithuanians.

There are 2 million persons of Lithuanian descent in the United States. Today these citizens are pausing in their daily routines to mark a National Day of Mourning and Prayer to demonstrate their solidarity with the people of their homeland in the fight to establish religious and political freedom.

Let us join our Lithuanian-American countrymen in their prayers for the relief of their homeland and the restoration of the ability to worship freely in Lithuania without harassment. I call upon my colleagues in Congress to join with me in recommitting themselves to the cause of freedom—not only in Lithuania, but in Latvia and Estonia and in all nations where basic rights are repressed or denied.

PRESIDENTIAL SCHOLARS

Mr. GRAVEL. Mr. President, on June 13 the Nation's presidential scholars were recognized for their achievement in a ceremony at the White House, during which they were presented with medal-lions from the President and addressed by Vice President AGNEW. An interesting sidelight of that ceremony was the presentation of a letter to President Nixon in protest of the war in Indochina, written by Miss Lynn Levitt, of New York, and signed by herself and 15 other presidential scholars.

The letter strongly expresses the idealism and commitment to peace of so many of our Nation's youth. In the hope that we may all learn from it, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR PRESIDENT NIXON: In a letter sent to all the Presidential Scholars we were told that "to be chosen is a tribute that carries the high personal responsibility to represent your state." We sincerely wish that we do represent the youth of the United States and the people of our state. Yet we are individuals. We must be responsible first to ourselves. And we believe that one of our major responsibilities is to work for peace. The destruction and disrespect of human life so evident in Viet Nam, completely violates our deepest-held moral convictions. Mr. President, you have always said that you want peace. Indeed, your speech in Russia with its beautiful and noble words attests to that. We want so much to believe that you want peace—what man does not?—but the ugly reality blatantly contradicts what you have said. Who does not want peace with honor? But the war still rages on and we have not gained any honor nor will we.

Mr. Nixon, we are terribly frustrated and confused. You speak of peace but your actions are far from peaceful in Vietnam. Please, please prove that you want peace just as much as we do. Look around you. Open your eyes, your mind, your heart. We all need to become more sensitive to the needs and problems of our fellow human beings. Let us look through the veil of politics and conflict and discover that we are all members of the Family of Man. We would never do any harm to members of our own family—would you?

Sincerely,

Lynn Levitt, New York; Summerlynne Solop, Oklahoma; Peter Hayes, New York; Jan Bush, Alabama; Doug Bedingferd, New Mexico; Pat Lupinetti, West Virginia; Karen Lease, Iowa; Andrew Porter, Alaska; Camera Jones, Michigan.

Teri Pettit, New Mexico; Charles J. Villa, Jr., New Hampshire; Shelley Olson, Montana; Michael R. White, New Jersey; Sharon McLaughlin, New Hampshire; Tom Schacht, Michigan; Aubay D. Washington, Michigan.

MARYLAND SCHOOL FOR THE BLIND

Mr. BEALL. Mr. President, I invite the attention of Senators to a most significant milestone that has been reached by the Maryland School for the Blind. On June 6, the Maryland Scholastic Association, by a near unanimous vote, admitted the school to its membership, thus becoming the first organized prep league in the Nation to include a school for the blind in its competition.

I commend MSA for its decision. Not only will it allow the student-athletes of the Maryland School for the Blind to engage in a full conference schedule with teams from throughout the Baltimore metropolitan area, but it will also permit competitors from these schools to young people who possess unique qualities in the face of unfortunate physical handicaps. Clearly, the goals of interscholastic athletics will be greatly served by the initiation of this competition.

This coming year the Maryland School for the Blind will compete in junior varsity track and soccer and varsity wrestling. Presently, the school has 67 boys eligible for activity in MSA with 36 totally blind and the remainder visually handicapped to some extent. I am sure the members of MSA will not take their new opponent lightly, for determination and desire can surely make up in large meausure for physical deficiencies. I congratulate the Maryland School for the Blind, and wish them every success in the coming years.

THE PRICE OF HIDES AND SHOE IMPORTS

Mr. SYMINGTON. Mr. Presdent, in March of this year, with hide prices rising steeply, Missouri shoe manufacturers urged, as a temporary matter, that export controls be imposed on hides so as to avoid consumer hardship; also to aid the domestic industry and the national economy during an emergency caused by the withdrawal of Argentine hides from the export market.

I spoke then with the Secretary of Commerce, thereupon wrote him presenting the situation as relayed by a major Missouri manufacturer who stated:

The situation we face is rather unique in that we are letting basic raw materials in temporary short supply leave our shores and return to us as a finished product, disrupting both the domestic tanning industry and the domestic shoe manufacturing industry, causing much higher prices to the consumers at retail, making our trade deficit worse and with the major recipient being the packers and hide brokers, not the farmer.

We believe this an untenable situation for our government to permit, and they have the mechanism to correct it.

In response to requests to invoke the Export Control Act, the Commerce Department announced that, preliminary to any such decision, a thorough investigation and study of hide prices was being initiated.

For some 2 months now that study has continued, and now apparently has moved into the analysis stage, but no relief has yet been provided. Meanwhile, only this week, hide prices hit a new high on Tuesday, with the composite price reaching 28.83 cents per pound. Heavy native steer hides were priced at 29.5 cents.

Those prices are just double those of a year ago.

With the cost of leather accounting for roughly 25 to 33 percent of the price of shoes at retail, shoe manufacturers continue to wait anxiously for this administration to take the corrective action available under the Export Control Act.

At the same time shoe manufacturers continue to be concerned about shoe imports and the lack of decision regarding the findings of the Tariff Commission on the impact of imports on the domestic shoe industry. It appears that the decision has been delayed for more than a year, while efforts have been made to obtain agreements with Spain to restrain their bulging shoe exports to the United States.

Some attribute lack of success in these negotiations with Spain as an additional cost of the already high price we are paying for the Spanish bases.

The administration has all the tools needed to take the necessary corrective action essential for relief to our domestic shoe manufacturers. Let me urge them to move ahead now with decisions that recognize the importance of preserving our domestic shoe industry as most important employers in the small towns of America.

TRIBUTE TO DR. FREDERIC B. IRVIN, PRESIDENT OF NEWBERRY COLLEGE, NEWBERRY, S.C.

Mr. THURMOND. Mr. President, on April 21, 1972, Dr. Frederic B. Irvin was inaugurated as the 12th president of Newberry College, Newberry, S.C.

The inaugural address was delivered by Dr. Frederic W. Ness, president of the American Association of Colleges. Dr. Ness' remarks were followed by a response from the new president, and the ceremony was concluded with the formal induction and oath of office administered to Dr. Irvin.

I am highly pleased that Newberry College was able to secure the services of a man of Dr. Irvin's high caliber. His background and experience afford him excellent qualifications to render a valuable service to that institution.

I wish to express my sincere best wishes to President Irvin as he undertakes this important responsibility.

Mr. President, I ask unanimous consent that the speeches by Dr. Ness and Dr. Irvin, and the program outlining the induction ceremony, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ADDRESS BY DR. FREDERIC W. NESS

The normal practice at such ceremonial occasions is for the visiting orator to devote his brief span of time to altering the new president (sometimes referred to as the sacrificial lamb) to the horrors that lie ahead and to warning him to make good his escape while there may still be time. When I sat down a few days ago to draw up these notes, however, I recalled a personal experience of many years back which seemed to have some relevance to my asignment today and which suggested modification of the standard procedures.

The joining of a president and a college, I would remind you, is not unlike the mating of man and wife. Now, when my bride and I were inducted into our present state of connubial bliss on the distant but enchanted isle of Martha's Vineyard we had both arrived at which might euphemistically be described as our mature years. Observing protocol, a night or two before the event we paid a visit to the officiating pastor in his book-lined study for the customary few words of last-minute advice. Looking us over quietly for a moment or two the good man opened the conversation by saying simply, "Well, if there is anything you two don't know about getting along together, it's too late for me to tell you now."

The analogy is obvious: When I first made contact with Dr. Fred Irvin back in the 50s, he was already a seasoned and highly effective college president. In the intervening decade he has held a variety of responsible positions of national and international significance, positions which called for keen intelligence, unusual diplomacy, and no small measure of low animal cunning. Therefore if there is anything he doesn't know about the intricacies of managing so strange an organism as a college, it is too late for me to tell him now. Or possibly even too late for him at this stage to try to learn.

Therefore, and with your indulgence, I would instead like to consider with you an issue which I believe to have implications for this academic community and for all of higher education as well. I want to talk, in fact, about the cheerful possibility of the bankruptcy of the liberal arts college. Quickly to allay your fears, let me assure you that I am not today concerned about budgetary matters. Some independent liberal arts colleges, to be sure, are likely to slide into fiscal bankruptcy in the next few years and possibly even more will before the end of this decade if certain forms of relief do not become available, and soon. But since I am no longer a college president desperately trying to balance a budget, I have the leisure to be concerned at the moment with the more subtle bankruptcy of liberal learning as a concept, as a system, even as a way of life.

While Dr. Irvin was still president of Thiel College I had the honor to be invited to address an Honors Day convocation on his campus. Responding to slightly more than idle curiosity, I pulled the old speech out of my files the other day and reread it with a degree of modest interest. The title "The Perils of Lilliput"; and the general theme, that unless the small liberal arts college rethinks its objectives and develops a truly distinctive approach to the education of those individuals placing their futures in its tender custody, it will cease to exist as a viable educational entity.

(By way of digression, may I remind you, President Irvin, that on the day of this memorable address of mine at Thiel College you, Sir, deliberately absented yourself from the campus. Well, you can't get away this time!)

Although very few of the colleges which I had in mind on that earlier occasion have in fact ceased to be, I think my prediction has greater validity today than it did nearly two decades ago. I see it now, however, in somewhat different dimensions.

Perhaps it is overly dramatic for me to suggest that liberal learning is in danger of bankruptcy, and yet to me the elements are becoming all too evident. Of this much I am certain—we simply can no longer proceed in a business-as-usual fashion. The world around us in changing, has changed. The system—if it is right to call higher education a system—as we know it and promote it was designed for a quite different set of circumstances.

That we sense these changes and are uneasy about them is evidenced by the substantial number of experiments and innovations that are taking place on college campuses all the way from Bangor to San Diego. But examined closely, nine-tenths of these innovations turn out to be little more than tinkering with the status quo. All too often they seem to be designed essentially to preserve the traditional, however ingeniously disguised, rather than to make the hard effort to penetrate to the heart of the academic problem.

It is true that we are beginning to learn, perhaps the hard way, what we can no longer live with. For example, in administration the old pattern of the benevolent despot in the president's office has yielded to a system involving, among other things, much greater faculty participation. And this is, on the whole, a desirable development. Unfortunately in some instances it has simply replaced one irrationality with another, to the place where on a few campuses today so many are in the act that the essential role of leadership can no longer be exercised. Even such basic economies as are involved in securing increased faculty productivity have become next to impossible. Given a choice between benevolent despotism or participatory chaos. I'm afraid that I would have to side with Plato of old.

Related to this, we have learned, too, that the traditional concept of loco parentis is self defeating if what we are seeking to instill in our "junior scholars" is the desire for responsibility and maturity. Thus we are engaging our students actively both in self governance and self education. And this is indeed a salutory change. But here again we are caught in the uncertainties of just how far is far enough. Further, looking at this development purely legalistically, I wonder how many colleges at the moment have an idea of the full implications of the lowered age of majority. In certain states the 18 year-old is now recognized as a legel adult. What this means to many of our longstanding academic customs and practices is profound and but dimly understood.

We have learned, or are beginning to learn, that learning itself is far more important than teaching—though we certainly have little notion at the moment as to what this signifies in terms of the proper role for the instructor. Many of our senior faculty members are never likely to modify the conventional patterns of lecture and examination. Not a few of our younger instructors, on the other hand, feel that there is no difference between student and teacher and govern their relationships and academic praxes accordingly. Perhaps both are right. I suspect, however, that neither is on target.

We have learned, however imperfectly, that there are important ways in which the world around us can serve as the classroom and laboratory, that under proper guidance the student in absentia can function in part as his own experimental mentor. But we are none-the-less wise in approaching this new academic relaxation with a degree of caution. Again the quest is how far is far enough. Many of our current programs, both on campus and off, assume unrealistic levels of maturity and self determination. Thus they may offer quite the wrong regimen for a substantial percentage of our students. Can we really expect a man to run who is only learning to walk? Perhaps not, though on average I would still opt for giving it a try.

We have learned, or are beginning to learn, that a lot of the rituals which had operated as if sanctified are questionable if not downright dispensable. As one example, I recall reading correspondence dated in the early part of this century in which a distinguished American educator was questioning, to a distinguished European counterpart, the whole concept of academic grading. Yet it has been only in the past few years that the profession as a whole has taken up the issue. Some colleges, with an impetuous eagerness to "get with it," have thrown out the grading system entirely and others are pellmelling to get on the band wagon—this despite the absence of adequate evaluative substitutes or any hard data on possible impacts on the student's subsequent academic aspirations.

These are but a few of the things we have learned, or are beginning to learn. And although, as I have pointed out, each requires a word of caution, my reservations do not, singly or in combination, suggest any such dire consequence as academic bankruptcy. On the contrary I view them on the whole as offering favorable angry of a more effective climate for learning.

What I am really concerned about, however, is what we have *not* as yet learned. As the poet is thought to have warned us, a little knowledge may be a dangerous thing. (And, by the way, President Irvin, a little college may be a dangerous thing, too!)

What we need first and foremost, I would suggest, is to learn new and different ways of looking at knowledge. And it follows, as the night the day, that we need new and different ways of looking at college as well. We need to rethink our goals and our missions, to redesign the liberalizing functions of our institutional patterns of learning.

Before I elaborate, it might be worth asking why significant change seems to be so difficult, so slow in accomplishment. The simplest answer lies, of course, in the well-known fact that social systems are reformed, and reformable, from within only under the most extraordinary circumstances. Another way this has frequently been expressed is that moving a college is not dissimilar, in its complexity, to moving a cemetery. The living seem to assume some of the characteristics of the process.

The basic difficulty in reforming a college from within is that the potential reformers have generally been products of the system and any innate ability to step aside and look upon the system with a critical or creative eye is quickly dimmed by the necessities of academic survival. Wordsworth, in his "Intimations of Immortality," described the process as the all-too-rapid immolation of the sentient soul within the prison walls of maturity. To put the matter bluntly, the faculty member, brought up in, for, and by his particular academic discipline, is understandably more concerned with the survival under the rules of the game than with changing the rules and thereby re-forming the game.

(I'm all the more willing to level such charges in the sure knowledge that I'll be leaving town shortly after the termination of these ceremonies!)

By basic contention here is that we, all of us—faculty, administrators, students—have come to accept, largely uncritically, that human knowledge is properly and inevitably pigeonholed into the disciplinary categories of history, English literature, economics, physics, geology, and so forth. Characteristically when we cloak this division of knowledge in a learning system, we assume that it is sacrosanct, untouchable. Further, we identify learning with the thing learned and etch in concrete what should at the very least have remained quasi malleable. We thus become far more concerned with substance than method, with rigid verities rather than evolving truths, with standardized expectations rather than with individualized fulfillment.

Although we have not as yet learned how to reorder our traditional academic patterns, I suggest that it is quite possible to approach a college education in terms of modes of knowing rather than of isolated (or even interrelated) categories of knowledge. This may well be dreaming, but it is not just idle dreaming. Once, in fact, in a wild thrust of creative impulse, I came up with just such a design. My failure to carry it off has been one of the major disappointments of my career.

I won't describe it to you in detail, both because of time and because it has been partially immortalized in print. Expounded under the hucksterish rubric "The Sequential Seminar in Creative Development," it sought to undermine the current rote or nemonic system of learning by crossing the disciplines with linkages based on the ways in which the mind works and the man learns. Frankly it was a little too complicated even for its designer, but, to the extent I understand it, I still think it makes a great deal of sense.

We have not, I believe, learned as yet how to take students where they are, developmentally, and to design academic programs to meet developmental needs. Perhaps a system which aspires, at the post-secondary level, to educate a very high percentage of the total population is much too large and complex ever to do so. But even many of our small colleges are not demonstrably concerned with such individualization, despite claims set forth in their annual bulletins.

I am beginning half to convince myself that we should seek means of deliberately suspending the educational progression of the individual at one or more of his growth stages in order to accommodate other priorities. For example, I find myself questioning that is ethically right for the majority of our young people to be virtually forced to remain in a dependent state through the late teens and early twenties—just at a period in life when they are feeling the greatest urge to test their wings. A few successful flights may be worth dozens of falls.

Or again, if it were easy to slip back into the educational scheme, wouldn't it be far healthier for the young man and woman to be introduced to the responsibilities of marriage at the time when the mating instinct reaches its physical and psychological apogee instead of continuing with a system in which so many of our youth who aspire to advanced degrees must pay such a heavy price in diminished personal involvement. But maybe I'd better focus my thoughts on more strictly academic matters.

We have not, I believe, learned enough about the inadequacies of the cognitive/rationalistic mode of knowing. How well I remember one occasion a few years back when a young militant student, earnest and deeply frustrated, cried out at me in exasperation, "I know you understand what I am saying, but can you feel what I am feeling?" This was no idle query, and I am afraid that the adequacy of my response left much to be desired. There is more to life than knowing. The E.Q. (emotional quotient) may be more important to individual and even societal well-being that the I.Q. Yet our educational system has given far too little care to this need.

Even as I say this I am reminded of the recent study conducted under the auspices of the Carnegie Commission which concluded that the college graduate, on average, is a happier individual than the non-graduate. Perhaps if we reordered the curriculum by introducing such courses as Happiness I, Contentment II, and Ecstasy III and IV, we could do even better, we could have an even more salubrious impact. But you will forgive me if I remain skeptical. I am equally skeptical, however, that the way we now combine, and the ways we now present, our smatterings of the humanities, the social sciences, the arts, and the sciences contribute much to intelectual liberation, let alone emotional maturity.

We have not as yet learned, in the collegiate setting, how to relate liberal learning creatively to the vocational needs of our students. I speak as a wary (as well as weary) father whose two youngest daughters are recent graduates of fine liberal-arts programs, one with a major in history, the other with a double concentration in art and English. Need I tell you, they both had a problem, as did the father who was anxious to get them off the pay roll. They simply had nothing to offer the job market. Somewhere in my notes I have a statement from a professor of liberal learning who declared that if he ever discovered in his teaching anything of immediate, practical value, he would resign at once. I am sorry that I was not there, in a position of authority, when he made the offer.

Our colleges of liberal arts and sciences were originally initiated as vocational institutions; and, though usually not acknowledging the fact, they have for years been involved in certain types and stages of vocational preparation. For example, many liberal-arts institutions are turning out graduates a high percentage of whom go directly into elementary or secondary school teaching. Others of our colleges achieve status through continuing to induct large numbers of their students into graduate and professional study. Yet both of these "markets," if I may be forgiven the term, have undergone a dramatic decline and are not likely to pick up again for a long time to come. What, then, is or should be our response?

I must pause for just a moment on this one and ask why it is that for the past seven hundred years or so the professoriate has been primarily interested—and I state this as an observable fact—in trying to turn out scholars, despite the absence of true scholarly interest or ability in all but a handful of their students. Is the answer simply that this is the easy thing to do? How can the professor of literature, for example, be expected to have any interest in, let alone knowledge of, the career expectations of the business man or the public servant? Yet are we meeting our obligation to our students when we don't at least make the effort?

Well, I do not propose that we immediately convert to vocational or technical schools. I would suggest, however, that we have a considerable obligation to concern ourselves with the vocational needs of our students. Further, I believe that, if we pay more attention to method, we could go a long way toward infusing vocational study with a true liberalization of the mind and spirit. As taught today vocational education is far from liberalizing and liberal education, for most students, is woefully far from "vocationalizing"—but for the sake of the individual as well as of the society we serve, it's high time for these twain to meet.

There are, I can assure you, other very important things we in higher education have not as yet learned; but, to avoid further trying your patience, let me mention only one more.

As a nation and as a society we are currently in the throes of a revolution of the spirit. Yesterday's verities are suffering in the hostile climate of the relative and the uncertain. This is having its impact on every phase of our lives, every hour of the day, every day of the week—including and particularly Sunday.

The liberal arts college was founded and has ostensibly been maintained to promulgate a set of values, for the most part in the Judeo-Christian tradition. But these values, at least as they are practiced, seem lately to be inadequate to meet the needs of our students. Perhaps—and I would underline the uncertainty—it has always been something of a fiction that a college can instill or strengthen values that were not previously held and strongly held. Yet there is some evidence that some colleges do make some difference. At the same time there is present in this college generation a desire, almost unique in my years of experience, to reassert the value of values, to put into practice what older generations were content merely to preach. There is, in short, a new spirituality. Our problem as custodians of society's most evolved institution, the nation's liberal arts college and university, is somehow or other to marshal this new creative spirituality and to focus it for the welfare of mankind.

To do this is perhaps the most important of the things we have not as yet learned. Not to do it, and soon, may well mean the ultimate thrust into bankruptcy of liberal learning and the liberal arts college.

And so, Dr. Irvin, if you think you have returned to the campus as a place of relative serenity after your hectic years in the arena of international conflict, I have done my best in the past few minutes to alert you that we have not resolved all of our problems in the years you've been away. There are still a few things left for you to do.

Thus, in congratulating you and this fine college on so auspicious a marriage, may I wish you Godspeed and enjoin you and your colleagues to think of these things.

Response by Dr. Fredric B. Irvin

Mr. Kohn, Dr. Ness, Members of the Faculty, Members of the Student Association, and Distinguished Guests:

It is with great pleasure and a deep sense of humility that I accept the honor which the Board of Trustees of Newberry College have accorded me this day in inaugurating me as the 12th president of a college which is now in its 142nd year of service to the State of South Carolina and to the Lutheran Church in America. For it was actually in February, 1831, that the first classes of a Lutheran Academy began, which eventually resulted in the chartering of Newberry as a college of the liberal arts by the State of South Carolina in 1856. With my Scotch-Irish name, "Irvin," and my Pennsylvania Lutheranism, I feel right at home in the Dutch Fork of South Carolina. We have loved this state and its people, and the friendly town of Newberry, from the day of our arrival here nine months ago.

The names of all of the first eleven presidents of this college—whether Northener or Southerner, whether clergy or layman—are recorded in every issue of our catalog and in the history of our college. The names of at least seven of my predecessors are household words on this campus because of the buildings named in their honor—Smeltzer, Holland, Cromer, Derrick, Kinard, Kaufmann, and Wiles. On days like this, days of rededication and renewal, we think of their work and their service with thankfulness to God because they were men who knew what they believed in and who persevered. If they had not been men of both faith and perseverance, our country would never have developed its system of church colleges or its dual system of higher education, which have been of inestimable value in molding our ideals and history as a nation under God.

Today the church-related college seems to be less appreciated and valued than it was even 20 years ago. Twenty years ago we enrolled about half the students in our country. Today we enroll about 25 percent.

Granted that we could never have continued the same record of service during the mass enrollments of the past two decades, it is still ironic to note that one of the tax-supported universities of South Carolina has reported that it cannot accept more students for next year. Its facilities are crowded. The facilities of the private colleges, on the other hand, are not being used to capacity. Another newspaper article quoted an educator as saying that we have 7,000 vacancies in our private colleges. The public universities and colleges of South Carolina now have an enormous advantage over the private church-related colleges of our state in that inflation and other factors have forced our costs so high that thousands of students who want to study in our institutions can no longer do so because the state of South Carolina will foot the bill for their education in public institutions but cannot give tuition grants to students who wish to attend colleges like Newberry, Presbyterian, Erskine, Wofford, or our other neighboring colleges which are related to churches. I do not plead our cause because of our history of service to this state, or because of the debt which the state owes us for our work in the past, nor am I being a sentimentalist. I ask simply for fairness, for understanding, and for a judgment of our worth to this state and to American society in general.

I realize that in the present crisis of values in our American civilization many people are asking with greater insistence—how are you, as a church-related college, any different from the rapidly developing state institutions? As the technical institutes of the state develop, now laying plans to add what they call a "liberal arts component" to their two-year courses, others ask whether there is anything unique in our combination of religious values and the liberal arts. During the past academic semester I gave four chapel-lectures in this institution on the nature of the church-related college, trying to establish the nature and purpose of the church college within a conceptual framework of a philosophy of education and philosophy of religion. Some faculty members—not all—appreciated my approach because this is the method in which we have been trained. Many students, on the other hand, often seem to be more interested today in how they feel about things than in intellectual discourse and reason. And I readily admit that feeling and emotional response are also important aspects of the educational process. We are thinking, feeling, and acting human beings. But on this day, on the occasion of my inauguration as the 12th president of Newberry College, I can at least express my conviction that the church-related college *is* different, for those who have eyes to see, that it *is* unique in the American society and experience, and that it will continue to be unique if it is permitted to survive and flourish in American life. The answer to the question of survival is in your hands as much as in mine. But I know that without my conviction the Board of Trustees would not have elected me to the presidency. And I know that without my conviction I would never have accepted the presidency of Newberry College.

I have now had intimate and direct experience with the educational systems of certain countries of Asia and certain countries of Europe over a period of 16 or 17 years, and my conviction is that our country needs the colleges of the church more than ever before in American history. In our present national mood of crisis, disillusionment, flux, anxiety, and even despair, the churches also need their colleges because it is through us that the church can perform its most important witness to society. Our church-related colleges also need the moral and financial assistance of the State of South Carolina and of the federal government; and the state and the country need us just as much as we need them if we are to recapture a sense of national purpose and values and a solution of national problems based on the worth and dignity of the human individual.

The most important things in life, Mr. Chairman, are often things which cannot be measured with any exactitude, and yet we know that they are real, that they are valuable, and of the very essence of life. In the midst of all the complexities of modern day society we ask in this college for the right and the privilege of teaching and learning as a Christian community so that we can emphasize the values inherent in the Christian faith and relate the context of this faith to the academic disciplines. We do not claim to be better than other men. We do not believe that our function is to protect young men and women from the changing mores of the society in which we live, except in so far as we can offer guidance freely and with their participation. We feel alarmed when people accuse us in our statements of purpose and practices of assuming a pharasaical attitude, or even a pietistic one, if I may use that word in a pejorative sense.

I myself accept the presidency of this college today, Mr. Chairman, because I believe that it is for me the path of Christian discipleship. I believe that in the face of every doubt and perplexity I can draw upon the sustaining power of Christ and the Church which He founded. I am a traditionalist in my belief that we Americans should preserve and strengthen those collegiate institutions which have enlivened the spirit of men and given them knowledge, skills, and hope as our nation developed. I am a Christian apologist in my belief that Newberry College with other church-related colleges has a unique role to fill in American higher education. From my training and education, which have been mainly in the humanities—literature, religion, languages, and the fine arts—I believe in the importance of an education suffused with the content and the method of the liberal arts. Institutions like Newberry *can* and have changed in the course of their history. I believe, however, not in change merely for the sake of change and innovation, but in that change which takes into account the human condition and man's relationship to God and his fellowmen. I believe, with Pestalozzi, that God is the nearest relation to man.

And so, I thank you, Mr. Chairman and the Board of Trustees of Newberry College, for your confidence in having elected me the 12th president of this institution of the Lutheran Church and of South Carolina, which I shall serve willingly. I call especially upon my colleagues, the members of the Faculty and of the Administration, and upon the members of the Newberry College Student Association, to work with me zealously as I shall work with them, to relaize the rich promises and potentialities of this institution. May God bless Newberry College.

THE OATH OF OFFICE FOR THE PRESIDENT OF NEWBERRY COLLEGE

The INDUCTOR. Mr. A. Hart Kohn, Jr. (president of the Board of Trustees).

By virtue of the authority vested in me by the South Carolina Synod, the Florida Synod, and the Southeastern Synod of the Lutheran Church in America, I have the honor to induct Frederic B. Irvin into the office of President of Newberry College.

(The Conductors escort the President to the Inductor).

Dr. Conrad B. Park, Academic Dean, and Mr. James H. Riddle, Jr., President of the Newberry College Student Government Association.

The CONDUCTOR. Mr. Kohn, it gives us pleasure to present for induction as twelfth President of Newberry College Dr. Frederic B. Irvin.

The INDUCTOR. Dr. Irvin, you are here to assume formally the responsibilities of the presidency of Newberry College. You will be the chief executive officer of the College and will act for the Board of Trustees in furnishing educational leadership and administrative direction for the whole life and activity of the College. You are enjoined to be ever mindful of the Christian motivation which originated and still impels this college.

I ask you, in the presence of God and of this company, whether you accept the responsibilities of this office and whether you pledge to perform faithfully the duties thereof. If so, repeat the following words after me:

(The President repeats after the Inductor):

I accept this office with full consciousness of its obligations and responsibilities. I solemnly pledge to perform the duties of the office to the best of my ability, to be true to the faith of the church, and to acquit myself as worthy of the confidence of the church, the board of trustees, the alumni, the faculty, the students, and all other friends and supporters of the college.

The INDUCTOR. I do now declare you to be the twelfth President of Newberry College, with all the rights, privileges, and obligations pertaining to that office. On behalf of the Church and the College, I extend sincere best wishes to you and pray that your labors may be fruitful, that God's Truth may be your truth; God's Light, your light; God's Power, your strength; and God's Grace, your peace. May God bless you.

DISTRICT OF COLUMBIA JAIL

Mr. PERCY. Mr. President, yesterday I engaged in a discussion with the distinguished Senator from Hawaii (Mr. INOUYE) concerning the failure of the Senate Subcommittee on District of Columbia Appropriations to provide funds for the construction of a new District of Columbia jail. I think that the discussion was very useful in putting into the RECORD not only the reasoning of the distinguished chairman of that subcommittee in denying the funds at this time, but also in describing the type of facility that would be replaced by a new detention facility. I was pleased to hear about the high priority he also assigned to this need.

As I pointed out yesterday, the District of Columbia jail is over a century old, and has a capacity for 663. However, it is now operating at 83 percent over capacity with an average daily population of 1,213, and a year from now the average population is estimated to be 1,351. I repeat today what I said then. The present jail is indeed a filthy example of man's inhumanity to man.

These overcrowded conditions can only deter any efforts toward rehabilitation. We have put these men into a situation worse than that to which animals in a zoo are subjected. As a result, our primary struggle is to try to keep these people from acting like the animals that we treat them like. You cannot treat men like beasts and expect them to behave like men. You cannot rob these human beings of any vestige of self-respect and expect them to respect the laws of society.

This point has been made time and time again by everyone connected with the prisons of this country. James Hoffa, who spent 58 months in the Federal penitentiary at Lewisburg, Pa., has been a very effective spokesman for the very pressing need for a new look at corrections. He has often described the incredibly barbaric conditions that result from overcrowding. In testimony before the Senate this week, he pointed out that the penitentiary at Lewisburg was built in 1932, and has a designed capacity for 950. Yet the average population is 1,794. This is very nearly the same percentage overcapacity as the District of Columbia jail, so the comments that Mr. Hoffa made concerning Lewisburg apply with equal force to the District of Columbia jail.

In every instance where we hear from those who have been confined in our antiquated penal institutions, the cry is in essence the same, "Don't treat me like an animal; I am a man, treat me like one." Yet by packing body after body into cramped cages, it is impossible to treat an inmate like a human being when he is placed in inhuman conditions.

The new D.C. jail that is being planned would be a great step forward in helping to provide an institution where a man could be treated like a man, where a person could maintain a sense of dignity and self-respect. The result would not just be the absence of bruised feelings to a couple of ex-offenders. The result would be measured in much larger terms, because by having provided facilities where these men's humanity and dignity were recognized and respected, they would hopefully emerge from behind bars with a heightened sense of respect for the rest of society. The end result would be a better chance for society to be truly protected by having provided the means for effective rehabilitation.

Mr. President, I am pleased that as a result of yesterday's colloquy with Senator INOUYE, we now have his public assurance to restore the funds for the District jail if the government of the District comes forward with a revised list of priorities. It is hoped, as a result of this, that the construction of a new jail will no longer be delayed and that construction of the jail can proceed.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Tom Wicker, published in today's New York Times, concerning Mr. Hoffa and his remarks on the condition of our prisons. Since I think Mr. Hoffa's comments are relevant not only to the federal system, but also to our District jail, I think that all Senators would benefit from the article.

There being no objection, the article was ordered to be printed in the RECORD as follows:

THE CAGE AND THE CLUB

(By Tom Wicker)

BOSTON.—James R. Hoffa apparently got respectful attention when he talked about prison life before a Senate subcommittee. If the Senators were paying as much attention to what he said as they were to his reputation, which is doubtful, they heard him make two of the most important points about the medieval penal institutions still tolerated in America.

Mr. Hoffa's credentials in this field are his 58 months in the Federal prison at Lewisburg, Pa. That is by no means the worst place of its kind, and since he was always a hard case himself, not easily pushed around, shocked or intimidated, it can be assumed that Mr. Hoffa was not exaggerating when he talked of crowded and inhumane conditions, men dying for lack of medical care, rampant sexual offenses and slave wages for work that taught the inmates nothing useful to them outside the walls.

The most telling point made by the former Teamster leader bears directly on the public interest in prison reform. That interest is not always apparent to those whose first impulse is to lock up offenders and throw away the key.

But "it is not for humanitarian reasons alone that we must reform the system," Mr. Hoffa pointed out. "It is for our own safety. We have never faced up to the fact that most convicts will someday be released from the hellholes we call correctional institutions. They come out more bitter, more disturbed, more antisocial, and more skilled in crime than when they went in."

He might have added that they also "come out" with more mental illness, more drug addiction, and less ability to get and keep an honest job. Thus, even the toughest law-and-order man, no matter how he may despise those he accuses of "coddling criminals," ought to be able to see that such prisons make the crime problem worse, not better; that sending men and women to such places makes life more dangerous, not less.

Mr. Hoffa put his finger on the main reason why this should be so. He pointed out that Lewisburg, with 1,800 inmates, was grossly overcrowded (as are virtually all prisons, state or Federal) and he recommended that none should have more than 350 inmates. If each were then provided with an individual cell, he said, "men may be able to retain some sort of dignity" even in prison.

"Dignity" is the key to it; time and again, the prisoners in revolt at Attica last year said that what they wanted above all was to be "treated like men." Instead, in most prisons, they are treated more like animals—caged behind bars, existing in inhumane conditions, without adequate facilities, separated almost totally from family and friends, deprived largely of the civil and personal rights most of us exercise, subject to sexual abuse, in many cases the objects of brutality or insensitivity by their keepers. When they get out, they are without training, have little hope of finding a decent job and face the lifelong stigma of being an "ex-con."

Mr. Hoffa pointed out that even one so powerful and influential as he (testimony that tacitly suggested another fact of prison life—the special privileges available to prisoners who can buy or otherwise command them) could not get a pair of prison shoes that fit, and that many other prisoners' clothing and shoes were the wrong size. What place does this kind of minor harassment—whether it results from carelessness, lack of funds, or deliberate efforts at humiliation and punishment, as Mr. Hoffa believes—have in a system that bills itself as correctional?

It is only one more senseless step in the process of reducing a man or a woman to an animal in a cage.

Mr. Hoffa did not draw the obvious conclusion that the prison as presently conceived and administered in the United States is all but incapable of preserving a person's "dignity," of treating him as a real human being. Such prisons, even if their living conditions are improved somewhat, will continue to turn out the embittered and angry "graduates" that he describes.

That is not to say that improvements—for instance, keeping the Lewisburg prison library open on weekends, as Mr. Hoffa recommended—should not be made. But in the long run the prison itself is the trouble, and the only real reform is to find some more sensible and effective means than the cage and the club for dealing with those who offend us.

HENRIETTA CHASE RETIRES

Mr. SPARKMAN. Mr. President, I wish to pay tribute to a very worthy member of the staff of the Committee on Banking, Housing and Urban Affairs, of which I am chairman.

On June 30, 1972, Miss Henrietta Chase who is chief clerk of the committee will retire after 24 years of outstanding service. Henrietta has served loyally and well. She has been tireless in her efforts to keep the committee functioning smoothly and efficiently. I am sure many of you over the years have had occasion to call upon Henrietta when things needed to be done, and I dare say there have been very few requests, if any, that have not been acted upon efficiently and promptly. Henrietta knows how to get things done. She will be missed.

As I recall, Henrietta was encouraged to come to Washington from Minnesota by former President Harry Truman at the time he was campaigning in Minneapolis for the vice presidency. Mr. Truman thought highly enough of her abilities to ask her to become part of his staff on the Senate War Investigating Committee. Henrietta worked on that committee for the year 1945. She left that staff to work in New York as secretary in the law office of the former chief counsel of the War Investigating Committee. In 1949, she returned to Washington to work on the Banking and Currency Committee, of which at that time Senator Maybank was chairman. Since that time, Henrietta has served under the chairmanships of Senators Capehart, FULBRIGHT, Robertson, and me, and I may add, with complete dedication to all of us. Senators might be interested to know, by the way, that there have been only three women who have held the position of chief clerk of a standing committee of the Senate, and Henrietta is one of them.

Henrietta is leaving us at a time when women are being recognized and placed in responsible positions in both government and private industry. I, for one, am proud and pleased that Henrietta's talent and ability were recognized and put to use by many of us long before this trend came about.

Too often, when everything is functioning smoothly, we fail to realize how much hard work and dedication has taken place behind the scenes. There is much involved in setting up committee hearings. We do not have to think or worry about many little details because, in the case of the Banking Committee, Henrietta has done her job. And, setting up committee hearings is just a very small part of her responsibilities. In addition, there are records to be kept, vouchers and bills to be paid, committee budgets to work up, payrolls to compute, and much, much more. All of these tasks demand complete attention and accuracy. The members of my committee have never had to worry about any of them because of the complete confidence we have placed in Henrietta. Her consistently efficient service has merited our confidence.

Henrietta has served the Senate and her country well. We, on the Banking Committee, have become a little spoiled because she took such good care of us. She will be difficult to replace. But we—and I believe I speak for all the members and staff of the committee—wish her much happiness and a good future in the years ahead.

QUORUM CALL

Mr. MANSFIELD. Mr. President, under the agreement entered into last night, the morning hour for the conduct of morning business was to be concluded at 12 noon today, at which time a quorum call was to be suggested.

Therefore, I suggest the absence of a quorum at this time.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED MEXICAN STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, pursuant to previous agreement, the Senate stand in recess until the conclusion of the joint meeting of the two Houses or 2 o'clock, whichever is earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 12:13 p.m., the Senate, preceded by the President pro tempore of the Senate, Mr. ELLENDER; William H. Wannall, Deputy Sergeant at Arms; and Darrell St. Claire, Assistant Secretary of the Senate, proceeded to the Hall of the House of Representatives to hear an address by His Excellency, Luis Echeverria, President of the United Mexican States.

The address delivered by President Echeverria appears in the proceedings of the House of Representatives in today's RECORD.

At 1:28 p.m., the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. BURDICK).

UNFINISHED BUSINESS (S. 3390) TEMPORARILY LAID ASIDE

The PRESIDING OFFICER (Mr. BURDICK). Under the previous order the unfinished business will be temporarily laid aside.

PAY SYSTEM FOR GOVERNMENT PREVAILING RATE EMPLOYEES

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of H.R. 9092, the bill relating to the pay system for Government prevailing rate employees, which the clerk will state by title.

The bill was read by title as follows:

A bill (H.R. 9092) to provide an equitable system for fixing and adjusting the rate of pay for prevailing rate employees of the Government, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with amendments on page 4, line 24, after the word "section", strike out "5348" and insert "5347"; on page 7, line 15, after the word "each", strike out "two" and insert "2"; on page 12, line 2, after the figure "3", strike out "o'clock post-meridian" and insert "p.m."; in line 6, after the figure "11", strike out "o'clock post-meridian" and insert "p.m."; in line 7, after the figure "8", strike out "o'clock antemeridan" and insert "a.m."; on page 18, after line 9, strike out:

"§ 5347. Federal Prevailing Rate Advisory Committee

"(a) There is established a Federal Prevailing Rate Advisory Committee composed of—

"(1) the Chairman, who shall not hold any other office or position in the Government of the United States or the government of the District of Columbia, and who shall be appointed by the President for a 4-year term;

"(2) one member from the Office of the Secretary of Defense, designated by the Secretary of Defense;

"(3) two members from the military departments, designated by the Chairman of the Civil Service Commission;

"(4) one member, designated by the Chairman of the Civil Service Commission from time to time from an agency (other than the Department of Defense, a military department, and the Civil Service Commission);

"(5) an employee of the Civil Service Commission, designated by the Chairman of the Civil Service Commission; and

"(6) five members, designated by the Chairman of the Civil Service Commission, from among the employee organizations representing, under exclusive recognition of the Government of the United States, the largest numbers of prevailing rate employees.

"(b) In designating members from among employee organizations under subsection (a)(6) of this section, the Chairman of the Civil Service Commission shall designate, as nearly as practicable, a number of members from a particular employee organization in the same proportion to the total number of employee representatives appointed to the Committee under subsection (a)(6) of this section as the number of prevailing rate employees represented by such organization is to the total number of prevailing rate employees. However, there shall not be more than two members from any one employee organization nor more than four members from a single council, federation, alliance, association, or affiliation of employee organizations.

"(c) Every 2 years the Chairman of the Civil Service Commission shall review employee organization representation to determine adequate or proportional representation under the guidelines of subsection (b) of this section.

"(d) the members from the employee organizations serve at the pleasure of the Chairman of the Civil Service Commission.

"(e) The Committee shall study the prevailing rate system and other matters pertinent to the establishment of prevailing rates under this subchapter and, from time to time, advise the Civil Service Commission thereon. Conclusions and recommendations of the Committee shall be formulated by majority vote. The Chairman of the Committee may vote only to break a tie vote of the Committee. The Committee shall make an annual report to the Commission and the President for transmittal to Congress, including recommendations and other matters considered appropriate. Any member of the Committee may include in the annual report recommendations and other matters he considers appropriate.

"(f) The Committee shall meet at the call of the Chairman. However, a special meeting shall be called by the Chairman if 5 members make a written request to the Chairman to call a special meeting to consider matters within the purview of the Committee.

"(g) Members of the Committee described in paragraphs (2) (5) of subsection (a) of this section serve without additional pay. The Chairman is entitled to a rate of pay equal to the maximum rate currently paid, from time to time, under the General Schedule. Members who represent employee organizations are not entitled to pay from the Government of the United States for services rendered to the Committee.

"(h) The Civil Service Commission shall provide such clerical and professional personnel as the Chairman of the Committee considers appropriate and necessary to carry out its functions under this subchapter. Such personnel shall be responsible to the Chairman of the Committee.

On page 21, at the beginning of line 12, change the paragraph number from "5348" to "5347"; at the beginning of line 21, strike out "may" and insert "shall"; on page 22, at the beginning of line 3, change the paragraph number from "5349" to "5348"; on page 23, in the material following line 8, strike out "5347." Federal Prevailing Rate Advisory Committee."; after the amendment just above stated, strike out "5348" and insert "5347"; at the beginning of the line following the amendment just above stated, strike out "5349" and insert "5348"; on page 24, at the beginning of line 19, strike out "5349" and insert "5348"; on page 25, line 3, after the word "or", strike out "5349" and insert "5348"; on page 29, at the beginning of line 1, strike out "5349" and insert "5348"; and, on page 30, line 22, after the word "prescribe." insert "Notwithstanding the provisions of this subsection, section 5343(e)(1) (D) and (E) and (e)(2)(C), as enacted by the first section of this Act, shall not be effective until the first day of the first pay period commencing after (1) the date on which the President ceases to exercise his authority under the Economic Stabilization Act of 1970 to stabilize wages and salaries, or (2) April 30, 1973, whichever occurs first."

The PRESIDING OFFICER. Under the previous unanimous-consent agreement the time for debate on this bill is limited to 2 hours, equally divided between the Senator from Wyoming (Mr. McGEE) and the Senator from Hawaii (Mr. FONG). Debate on amendments is limited to 30 minutes, equally divided between the mover of such and the manager of the bill, or the minority leader if the manager of the bill, or the minority leader if the manager of the bill is in favor of the amendment.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quroum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ADDRESS TO THE JOINT MEETING OF THE TWO HOUSES BY PRESIDENT ECHEVERRIA OF MEXICO

Mr. MANSFIELD. Mr. President, the joint meeting of the Congress of the United States has just had a rare opportunity to listen to the President of the United Mexican States, Luis Echeverria, deliver an address in the Chamber of the House of Representatives. It was a frank speech. It was the kind of speech one would expect a good friend to make, because it laid bare some of the questions which confront both of us at the present time, but most especially the Mexican Republic.

It was a speech which I think was well taken by the Members of the Congress in session assembled. I think it is always good among friends to lay the cards on the table so that differences can be considered in the open, as well as behind closed doors, if need be, so that solutions can be achieved and so that questions raised can, if possible, be answered.

I want to commend the distinguished President of the United Mexican States for his frankness, his honesty, and his forthrightness in laying before the representatives of the people what I assume he will lay before the President of the United States, Mr. Nixon, in greater detail during the period of this state visit.

So again I want to say it was a pleasure and a privilege to have had the opportunity to hear President Echeverria; that the Senate and House were honored in extending the invitation to him to address a joint meeting; and that we look forward to solving, if at all possible, and at the earliest opportunity, as many of these problems as we can which confront our two great republics today.

President Echeverria and his people, who represent a great nation, are welcome to this Chamber, and we are delighted that he spoke with such candor and frankness, and we also appreciated very much the philosophy which he expressed and which was interspersed through his remarks on the occasion of his speech today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on today, June 14, 1972 the President had approved and signed the act (S. 1140) to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes.

PAY SYSTEM FOR GOVERNMENT PREVAILING RATE EMPLOYEES

The Senate continued with the consideration of the bill (H.R. 9092) to provide an equitable system for fixing and adjusting the rate of pay for prevailing rate employees of the Government, and for other purposes.

Mr. McGEE. I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, the bill we are considering today, H.R. 9092, is the culmination of several years' study by the Congress on legislation to establish by law a system for the employment of tradesmen and craftsmen in the Federal service.

In 1967, the Senate Committee on Post Office and Civil Service recommended and the Senate passed S. 2303, the bill designed to establish a new blue-collar pay and classification system. It comes as a shock to many people to discover that there is no real regulation or system under statute for the compensation of these Federal employees, and thus when that bill (S. 2303) failed of enactment in the House of Representatives, we had to bide our time to try again. In 1970, both houses agreed upon a bill (H.R. 17809), but that time the bill was vetoed by President Nixon.

H.R. 9092 is a modification which I believe generally improves upon the provisions of the 1970 bill. It passed the House of Representatives on July 28, 1971.

To describe the background, Mr. President, it is well that we keep in mind that the blue-collar workers in the Federal Government are a small minority group. There are about 650,000 blue-collar workers in the Federal Government. Most of them are employed in the Department of Defense and work at military bases around the country. The remainder work in Veterans' Administration hospitals and the custodial force of the General Services Administration and the Department of Interior and in some other agencies scattered around the country. There is very little written law about their status as Federal employees. During the Civil War—and that means our own Civil War, in our country's history—when it was necessary to hire carpenters and steamfitters to work in the naval yards, Congress enacted the basic statute which has been on the books in one form or another for 110 years—that the rates of pay of tradesmen and skilled craftsmen should be established in accordance with the prevailing rates in the community where they are employed.

That machinery for the blue-collar system failed. Up until a few years ago, there were several hundred wage boards and geographic areas used in the executive branch for fixing pay. The system was acknowledged by practically everyone who new anything about it as being an unholy mess.

In 1965—quite literally one century, almost to the year, the terminal point of our Civil War—President Johnson signed an Executive order requiring the coordination by the Civil Service Commission of all agencies who have blue-collar employees. By July 1, 1968, the Coordinated Federal Wage Board System was established, and since that time it has worked reasonably well. The Chairman of the Civil Service Commission is the Chairman of the Board, and both agencies and employee unions are represented on the Board. The number of wage boards in the Nation has been reduced to a fairly manageable size, and the method of fixing rates of pay is better than it used to be. For example, we no longer have two different agencies in the same town paying widely varying rates for precisely the same kind of job—and that is making some headway—and there have been some other improvements.

But the system is not perfect and it is not established under statute as determined by the legislative power of the Government. The President may at his discretion revise the system, and the 650,000 employees in the system do not have the asurance of guidelines established by law. We often, in our rhetoric, brag about our being a nation under law, not under men. Yet, here would seem to be a flagrant denial of that somewhat sacred principle—at least, rhetorically. When we contrast the status in the Federal Government, in the inequity that now exists, with the circumstances in other segments of the Nation's business community, we can appreciate the change that is required. For example, if one is running a small shop on Main Street, the authority to change things around and issue new orders without legislative guidelines may be desirable. That is the way we run our offices, for example. We hire and fire as we please. We pay our employees what we think they are worth, based on individual judgments, or what our sense of compassion and humanitarianism inspires us to provide. But when you are running the biggest business in the world, which is the Government of the United States, you just cannot run a responsible store that way. We do not do it that way for any other Federal employees. There has been a classified system established by law for the civil service for 50 years. There was a classification system established by law for postal workers until the enactment of the Postal Reorganization Act, and that system of classification and pay was carried over into the new, semi-independent postal agency until superseded by collective bargaining. The wage board employees are the only group in the executive branch who do not have either a formal job classification and pay system established by law or collective bargaining options. The time is long overdue for establishing such an orderly statutory system.

In its simplest form, that is what H.R. 9092 does. It says that this is going to be the law when it comes to blue-collar workers. This is what the President and the Civil Service Commission and the various agencies in the executive branch are going to do. It is the function of Congress to declare what the policy of the Government shall be. It is the function of the executive branch to carry out that policy. Guidelines are established in this bill that shall direct the course of administrative action by the Civil Service Commission. The guidelines are not extensive. They will not bind the hands of the executive branch too firmly. But they will assure 650,000 blue-collar workers that—to borrow a phrase—yes, Virginia, there is a Congress of the United States, and there is a policy for the blue-collar employment system.

To my dismay, it is apparent that the executive branch does not favor the enactment of a law for these employees. I have never been able to understand exactly why the administration is opposed to establishing by law a system of employment for these people. The Wagner Act is 37 years old, other Federal employees have laws establishing their employment system, but for some curious reason it is the conviction of the Office of Management and Budget and the Civil Service Commission and the Department of Defense that carpenters and joiners and steamfitters and electricians and janitors and nursing assistants and charwomen need only the benevolence of the executive branch, and that if the Congress will just lie down and be quiet and not make waves, somehow the Commission or the Department of Defense or somebody else can solve all of the problems that need to be solved. That is as archaic as the mere rhetoric in it must sound. In the 5 years our committee has been studying this problem, very little evidence has been presented to the committee to substantiate any misgivings of a substantive sort that the administration may say it entertained.

It took 3 years for the Coordinated Federal Wage Board System even to get off the ground. It took 2 years for the Civil Service Commission to implement the one-time Monroney amendment at a single Air Force base in the United States, and I must say the Department of

Defense has to be dragged feet first, kicking and screaming, into recognizing that the law of the land applied to them.

The reaction of the Office of Management and Budget and the Department of Defense has been that if we pass this bill, there will be massive layoffs. I note that my distinguished colleague highlights this assertion in his upcoming remarks. This is one of the first cries we hear in the face of change, in the face of modernization, in the face of updating and upgrading a process that reflects that we do learn and that we are not stuck in the cement of the past. It reminds me, in a way, of the McKinley-Bryan election in 1896, when employers told their workers that if Bryan was elected they need not bother to show up for work the next day. There have already been cutbacks in the executive branch, mindless budget cutting to achieve some numerical magic unrelated to the needs of an agency. I am sure that there will be more probably equally mindless slashes at agency function.

But the wailing of the budget cutters should not deter us from recognizing the principles to be established by law.

I say to the Members of this body that it is important we establish that difference in our own minds. It is not fair that these workers do not have a statement of congressional policy governing their employment; it is as elementary as that. It is not fair that the workers do not have an effective voice in determining questions of ultimate importance regarding their job descriptions and the setting of their pay. It is not fair that all of the authority is vested only in management. That kind of labor-management program simply does not work in the United States of America any more. It flies in the face not only of the history of this country but of the events of even the past few years. We are entitled to the benefit of our own experience along this trail.

Now, Mr. President, there are two or three features of the bill which have raised considerable controversy which I now turn to for a few casual comments. The most significant sometimes suggested is the establishment of the fourth and fifth steps for blue-collar workers. Presently there are three steps in all of the wage grades. The agency establishes the prevailing rate for the job—I will go into that in a minute—and a new employee is placed in the first step of that grade. That step is 96 percent of the prevailing rate, something like an apprentice scale. After 6 months, if his service is satisfactory—I underscore that—he moves to the second step, which is 100 percent of the prevailing rate; and a year later, now a journeyman in his field, he moves to the third step, which is 104 percent of the prevailing rate in his field.

The bill would establish a fourth and fifth step at 108 percent and 112 percent of the prevailing rate, which is a considerable compromise itself in terms of the needs so dramatically developed in the course of the hearings on this measure.

The opponents of the bill will say that this is unfair to the local labor market, to provide for a salary raise somewhere down the road for individuals among the blue-collar workers who meet these requisites. But, do not lose the point, Mr. President, that this is the setting up by law of a predictable hope for progress, advancement, and promotion which is desperately important if the Federal employment system is to work and is to attract those with the best purposes in terms of service to their job.

The opponents will say that it is unfair to the businessman in the community to pay up to 12 percent above the prevailing rate.

That is another one of the assertions made by critics.

My answer to that is, it is also obviously unfair to business to have a minimum wage or maximum hours, or occupational safety laws, or labor unions, or any of the other laws of this Nation which give the working man a fair chance. They must be viewed as unfair to the businessman or to any other laws that this Nation has enacted in order to give the working man a fair chance in his relations with his employer. In the first place the prevailing rate as determined by the agency is an elusive concept in itself. It is the weighted average of all of the wages in all of the surveyed industries in the area for a particular job. Now that, right there, is a loaded sentence if there ever was one. The agency determines the weighted average. The agency determines what industries will be surveyed. The agency collects the statistical data. The agency does the whole thing. Now let us be realistic. The budget of the Government of the United States is several hundred billion dollars a year and one of our serious national problems is to hold down Federal spending. Surely no one in this Chamber is so naive as to think that the Office of Management and Budget and various departments and agencies in the executive branch will leave any stone unturned to save money. The economics of fixing wages is a science and an art that is as subject to political whims as any other. The result in this case is that the prevailing rate does not reflect the kind of wage policies which should be the policy of the Federal Government. One hundred and twelve percent of the prevailing rate in many cases will not be the rate necessary to recruit and retain the best qualified people in the labor market. Certainly 104 percent will not do that.

Opponents of a fourth and fifth step for wage board workers can, and I am sure will, cite pages of figures to show the percentage of increase for wage board workers over the past few years—the past 5, 10, or 20 and maybe even the past 110 years—back to the Civil War again. The argument seems to be that because these people have been treated reasonably fair we should not enact legislation to insure by law that they get the kind of pay that we want them to have. Equity cries out that we should set by law a procedure, a process, standards of direction, that do not rely on the changing whims of whoever may be in the White House at that moment. Once again we take pride in being a nation under law and not a nation under men.

I must inject here, Mr. President, that it has been somewhat amusing for me to observe that the percentage pay increases for wage board workers in Wyoming have improved considerably, curiously, since I became chairman of the committee in 1969, just as they have improved considerably in Hawaii, the home State of the ranking Republican member of the committee who presides over the august ranks of our committee endeavors; just as they improved considerably in Oklahoma when my predecessor Mike Monroney was chairman of the committee, which likewise increased. Perhaps we could solve many of these problems if we amended the Reorganization Act to put all Senators on the Post Office and Civil Service Committee.

I might suggest to my good friend from Hawaii that the way we can get the problem solved, forthrightly to adjust the inequities in the wage board system in this country, is to expand the size of the committee and under the Organization Act require every Member of the Senate to be on the Post Office and Civil Service Committee. It does seem to have a certain magic that applies to the areas directly represented by members of the committee itself.

White-collar civil service workers generally have 10 steps in their grades compared to three for blue-collar workers. The comparable wage is the fourth step of the grade, but an employee in the classified civil service stays in that fourth step only 2 years and then he moves on up. Among the postal workers in the lower levels, letter carriers and clerks and mailhandlers have 12 steps in their grade. Wage board supervisors—the management end and the blue-collar workers in that industry at that level—have 5 steps in their grade. The principle of longevity increases for long and faithful service is part and parcel of the Federal establishment. All we are doing here is saying to the blue-collar employee that you are going to be treated the same as your fellow workers in the clerical, administrative, technical, and professional occupations in the Federal service.

A second controversial point is the establishment of pay differential for evening and night work. The bill says that if one works the swing shift he gets a 7½-percent premium, and if he works the night shift he gets automatically a 10-percent premium. The only other Federal law on this subject is that which applies to all other Federal employees in the executive branch, and that is if one works at night he gets 10 percent.

That law that protects the white-collar workers in that way is only 27 years old, so that perhaps we are premature in determining that we have already had sufficient experience to judge this in that 27 years. So perhaps the policy of premium pay is not sufficiently mature for the opponents of this measure to consider that it should apply to wage-board workers. I would submit that the time is long past for us to have learned from that experience.

A provision that we have stricken from the House bill would establish a council made up of labor and employee representatives and chaired by an individual not otherwise employed in the Federal

Government. The Senate Post Office and Civil Service Committee has removed that provision from the bill, but I must say without prejudice. We support the concept of a pay council. Perhaps in conference with our colleagues in the House of Representatives we can work something out on that score. The pay council included in the House bill was an advisory group, exercised no actual power and possessed no actual authority other than to make recommendations and write memoranda. We on the committee are inclined to think that there is a sufficient number of blue-ribbon study groups. A truly representative council on wage-board pay with actual power would probably be far more beneficial to the Government and the employee than any advisory committee that might be established. There is presently a wage-board council with labor and management representation, and I think that until this problem can be thought through it would be adviseable to retain that portion of the present system.

For technical purposes I ask unanimous consent that the sectional analysis and the report of this bill be printed in the Record at this point. There are several features of the bill which I will not go into at this time but that should be put into the Record. By having the analysis of the report printed in the Record, it will be covered without taking the time of the Senate this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Section Analysis

The first section of the bill amends subchapter IV (Prevailing Rate Systems) of chapter 53 of title 5, United States Code by rewriting sections 5341–5345 and adding new sections 5346–5348.

POLICY

Section 1 provides a new section 5341 of title 5, United States Code, to declare the policy for the payment of wage board employees. The rates of pay will be based on principles that (1) there will be equal pay for substantially equal work; (2) there will be relative differences in pay within a local wage area when there exists recognizable differences in duties, responsibilities and qualification requirements among positions; (3) the level of rates of pay will be maintained in line with prevailing levels for comparable work within a local wage area; and (4) rates of pay will be maintained so as to attract and retain qualified prevailing rate employees.

DEFINITIONS

Section 5342 defines "agency" to exclude certain Government agencies which are generally excluded from laws relating to civil service.

Section 5342(a) also defines "prevailing rate employee" to include ordinary wage board employees plus employees of nonappropriated fund activities of the Armed Services and the Veterans' Canteen Service.

Section 5342(b) excludes certain employees from this legislation. The exclusion relates to employees who are not wage board employees.

Section 5342(c) requires U.S. citizenship for all wage board employees employed in the United States unless no U.S. citizen is available to fill the position.

Section 5343 establishes the wage determination system by which employees pay shall be fixed and adjusted from time to time as nearly as is consistent with the prevailing rates. The Civil Service Commission is vested with responsibility for determining boundaries of wage areas. Section 5343(a)(B)(i) limits wage areas for nonappropriated funds to the immediate locality of the activity.

LEAD AGENCY

The Civil Service Commission shall designate a lead agency from among agencies having prevailing rate employees in a wage area which shall put the designated wage rates into effect. The authority for setting rates for wage board employees outside the United States is vested with the Civil Service Commission.

WAGE AREAS

The Commission is required by section 5343 to schedule full-scale wage surveys every 2 years and shall schedule follow-up surveys to be conducted between this 2-year period. The Commission is empowered to issue regulations which prescribe practices and procedures for conducting wage surveys, analyzing data, and scheduling rates. This also includes regulations for administering the prevailing rate system. Regulations shall include surveys of private enterprise which are similar in work and job content.

Also, the section provides for employee union participation in planning surveys, collection and analysis of data, and issuance of recommendations relating to the prevailing rate system.

"MONRONEY AMENDMENT"

Section 5343(d)(1) makes the provision that the lead agency shall determine whether there are sufficient comparable jobs in the wage area to make a reasonable survey. If there is not a sufficient number of comparable jobs, a separate schedule shall be established by surveying the nearest wage area which does have a sufficient number of such jobs.

STEP INCREASES

Section 5343(e)(1) provides a five-step pay scale for each wage grade. These additional step increases will not take effect until the President lifts the wage stabilization freeze or expiration of the Economic Stabilization Act of 1970, whichever occurs first. When effective, the fourth step will be 108 percent of the prevailing rate and the fifth step will be 112 percent of the prevailing rate.

Section 5343 (e)(2) enables an employee to receive automatic advancement to the next pay step after (a) 26 weeks of service in step 1; (b) 78 calendar weeks of service in step 2 and 104 weeks of service in steps 3 and 4.

Paragraph (3) requires preservation of step increases for employees called to military or essential civilian service during a period of war or national emergency.

Paragraph (4) requires that supervisory wage schedules and Monroney schedules shall follow local practices as to number of steps.

SHIFT DIFFERENTIAL

Section 5343(f) authorizes the payment of uniform shift differentials to prevailing rate employees assigned to the second or third shifts. A differential of 7.5 percent of the employee's scheduled rate will be paid for the entire shift when a majority of the employee's regularly scheduled nonovertime work hours are between 3 p.m. and midnight. A differential of 10 percent will be paid when a majority of the regularly scheduled nonovertime work hours are between 11 p.m. and 8 a.m. Section 5343(f) specifically provides that night shift differentials are to be considered a part of basic pay. Thus, such differentials will be included in rates of basic pay for purposes of computing overtime, Sunday, and holiday pay, and deductions for retirement and group life insurance. It is anticipated by the committee that the Civil Service Commission may issue regulations governing such matters as the treatment of night differential when a prevailing rate employee is excused from work on a holiday, traveling on official business, absent on leave, or temporarily assigned to a different tour of duty.

EFFECTIVE DATE

Section 5344 makes wage increases effective 45 working days after the survey is ordered. This currently is the practice.

RETROACTIVE PAY

Section 5344 is standard technical language for retroactive pay to employees.

SAVED PAY

Section 5345 provides "saved pay" for any career employee who has served 2 continuous years in his former position, and who was not demoted through any fault of his own or on account of lack of funds or work.

Paragraph (5) puts a maximum limit of 2 years on saved pay. The employee is entitled to this as long as he (*a*) continues in the same agency without a break in service of one work day or more; (*b*) is not entitled to a higher scheduled rate of pay by operation of this subchapter and is not demoted for cause.

REDUCTION IN GRADE

Section 5345(b) limits saved pay to not more than the new rate to which he was assigned plus the difference between his former rate and the minimum rate of a position three pay grades below his former rate.

Section 5345(b)(c) are powers of the Civil Service Commission dealing with saved pay under unusual circumstances not provided for in this legislation.

JOB GRADING SYSTEM

Section 5346 provides for a job grading system. This is a classification system for wage board jobs and is to be administered by the Civil Service Commission. The Commission will be required to monitor classification by agencies to insure compliance with uniform rules and procedures.

APPEALS

The section entitles an aggrieved employee with the right to petition the Commission for a review of his own job classification. The Commission shall investigate such a complaint and make a decision. This decision is binding on all parties.

CREWS OF VESSELS

Section 5347 is a restatement of existing law relating to crews of vessels of the United States who are paid in accordance with practices of the maritime industry. However section 5347(*b*) has been amended to make vessel employees of Panama Canal Company subject to wage practices of the maritime industry and not merely authorize such pay, as is the case under existing law.

LEGISLATIVE, JUDICIAL, BUREAU OF ENGRAVING AND GOVERNMENT OF DISTRICT OF COLUMBIA

Section 5348 provides that existing wage practices for Government agencies excluded from this legislation shall continue in effect, but that each agency is empowered to adopt for its policy the provisions of this act relating to retroactive pay and saved pay.

Section 5348(*b*) states this section does not modify existing law relating to employees of the Architect of the Capitol, certain employees in the Bureau of Engraving and Printing, and Government Printing Office employees.

Section 5348(*c*) amends the analysis of subchapter IV of chapter 53 of title 5, United States Code.

MISCELLANEOUS CONFORMING PROVISIONS

§ 5348, section 2 is a technical amendment clarifying the application of civil service laws to employees of nonappropriated fund activities.

Section 3 is a technical amendment concerning the applicability of saved pay protection. Sections 4 and 5 are technical amendments. Section 6 extends the basic workweek provisions of law, which now apply to employees under the Classification Act, to wage board employees. This will require a regularly scheduled 5-day workweek, with 2 consecutive days off. Presently, agencies are not required by law to maintain such work schedules, although they generally do.

Section 7 of the bill repeals existing law on the workweek because section 6 brings wage board employees under the Classification Act workweek.

Section 8 is a technical amendment.

Section 9(*a*) (1) is a general rule for converting present wage board employees to the new schedule. Time-in-grade will be counted toward not more than one-step increase. Section 9(*a*) (2) is a savings clause to prevent a loss of pay for any wage board employee converted to the new pay schedule.

GUIDELINES FOR INITIAL CONVERSION

Section 9(*b*) is a savings clause to prevent disruption or modification of existing wage board bargaining agreements now in effect.

Section 10 extends Sunday premium pay and overtime pay to employees of nonappropriated fund activities.

Section 11 relates to the amount of life insurance on an employee. His new insurance coverage is effective on the latter of the date to the order setting the new pay scale or the effective date. Employees who die during such period receive the benefit of the increase.

Section 12 is a technical amendment authorizing the Civil Service Commission to issue regulations pursuant to this legislation.

Section 13 is a general repealer and section 14 corrects a technical error in the 1971 pay bill relating to the pay of employees of the House and Senate, to permit their pay adjustments to be effective at the first of each January rather than February. This is in accord with pay adjustments in the other agencies of the Government.

EFFECTIVE DATE OF COMPARABILITY ADJUSTMENTS

Section 5343(*e*) (1) (D) and (E) and (*e*) (2) (C) until the first day of the first pay period commencing after (1) the date on which the President ceases to exercise his authority under the Economic Stabilization Act of 1970 to stabilize wages and salaries or (2) April 30, 1973, whichever occurs first.

Section 18(b) is a savings clause for wage surveys in progress during the period after enactment but prior to the effective date.

COST

This legislation becomes effective either April 30, 1973, or the date on which the President ceases to exercise his authority under the Economic Stabilization Act, whichever occurs first. The cost is estimated to be $115 million for the first full fiscal year. This figure represents the cost of adding the fourth step. After 2 years from that date, $66 million will be required to implement the fifth step.

The amendment requiring maritime rates in the case of vessel employees of the Panama Canal Company is estimated to cost $345,000 per year. This sum would be paid out of fees for the use of the Canal, not out of Treasury funds.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law in which no change is proposed is shown in roman; existing law proposed to be omitted is enclosed in black brackets; new matter is shown in italic):

Mr. McGEE. Mr. President, I think we have worked out a good piece of legislation. It has been tightened up, and some of its rubber edges have been polished and are recommended to the consideration of the Senate. As a further precaution we have also included on the Senate side a provision to postpone the effective date of any pay increases under this bill until such time as the President lifts wage and price controls or until April 30, 1973, whichever occurs first. That in our judgment is a substantial compromise on our part.

It likewise reflects a general consideration of the bind the President himself is in when he seeks to cope with the many aspects of the price controls at this time.

With this in mind, Mr. President, I would certainly hope that wisdom would prevail downtown and that this bill could become law and that it would be sustained by the judgment of the Chief Executive. I think, looking backward for just a moment, that the veto of the bill about a year and a half ago, probably resulted from very poor advice. I think there is a wise consensus of that judgment. Had it been signed then, the disappointment and frustration of these employees would have been avoided. I hope that those disappointments and frustrations will not increase as a result of our recommendations on the pending bill this year.

The PRESIDING OFFICER (Mr. FANNIN). The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, I rise to strongly oppose H.R. 9092, the Federal Prevailing Wage or Wage Board bill.

Although this bill ostensibly seeks to codify a system presently established by regulation, it actually goes far beyond the present wage system. If it were just confined to codifying the present system, I would not object to its enactment, although I think it is unnecessary because the Coordinated Federal Wage System which was only put into action about 3 years ago is working very well as stated by the distinguished chairman.

But, Mr. President, this legislation changes radically the rate of pay of Federal blue-collar workers. It raises Federal blue-collar workers' pay 12 percent above the prevailing wage for similar work in private industry. This 12-percent rate over the prevailing wage in industry would completely wreck and destroy the principle of comparability which has been in existence for over 100 years, since the end of the Civil War.

At the outset, Mr. President, coming from the State of Hawaii, where we have more than 12,000 blue-collar workers who would benefit tremendously from the passage of this bill, I really should be fighting for this bill rather than opposing it; but this bill will create such chaos and will so wreck the system now prevailing that I am constrained to oppose it.

As member of the Committee on Post Office and Civil Service for the past 12 years, I have had the privilege of working on every Federal pay bill presented to the Senate since 1960. I take great pride in the fact that I took an active part in helping write into law in 1962 the principle of pay comparability with private industry for Federal white-collar employees. That principle of equal pay for equal work was borrowed from the Federal blue-collar system which had been in existence for over 100 years. It had worked and has continued to work very well for Federal blue-collar employees. It has worked very well for Federal white-collar employees since its adoption in 1962.

My record of active support for equitable pay legislation for Federal employees with private industry speaks for itself, and I shall continue to fight for fair and equitable pay treatment for all Federal employees.

However, the bill before us does great violence to the comparability principle and in fact destroys it.

Its other harmful effects far outweigh whatever benefits it might have. I strongly opposed this legislation in committee, and I urge the Senate to defeat it today.

Essentially, H.R. 9092 would have the following adverse consequences:

First. It would destroy the equal pay for equal work principle governing Federal blue-collar pay by setting Federal pay 12 percent above that of private industry. This percentage would be 19½ percent higher than private industry for swing shift Federal blue-collar workers and 22 percent higher for those on night shift.

Second. This bill would allow the pay of the 510,000 Federal blue-collar workers—less than 1 percent of the national work force—to set the wage pace for the other 84 million American workers.

There is a dispute as to how many blue-collar workers there are in the system. My Chairman says the figure is approximately 670,000.

Mr. McGEE. 650,000.

Mr. FONG. 650,000. The latest figure I have from the Civil Service Commission is 510,000. This figure was about 900,000 approximately 10 years ago. It had dropped to about 700,000 and is now down to 510,000. So there has been a large decrease in the number of blue-collar workers in the last 10 years from 900,000 to 510,000 at present.

There are 84 million American workers in the United States, but 510,000 American workers will get 12 percent over and above the rate of pay of the other 84 million American workers—less than 1 percent, these 510,000 workers, will set the wage pace for the other 84 million American workers.

Third. It threatens the loss of jobs for 23,500 Federal employees, as the Federal Departments and agencies would probably have to absorb the full $178 million cost of this legislation.

Fourth. It threatens the reduction in pay and grade of another 170,000 other Federal employees because, as it worked before and will work again, for every reduction in force of one worker, there is usually an accompanying "bumping down" in pay and grade of five other workers. This would come on the heels of a 52,000-job cut of 5 percent in Federal employment estimated for fiscal year 1972.

The President has asked for a 5-percent reduction in the work force for fiscal year 1972, and this is estimated to be 52,000 jobs. The loss of 23,500 jobs would come on the heels of the cut of 52,000 jobs.

Fifth. The 12 percent above comparability pay with private industry will result in a continuous staircase escalation of wages, as private industry workers will seek equal pay with Federal workers, and Federal pay by law must rise 12 percent above private industry.

This is how it could work. These Federal workers would receive 12 percent over and above the man in private industry. This man seeing that the Federal worker is getting 12 percent more than he is getting would ask for more, so as soon as he rises the Federal worker rises, and this would be a continuous staircase escalation. It is obvious this will seriously aggravate the already critical problem of inflation.

BACKGROUND

The Federal prevailing wage or blue-collar system covers all Federal craftsmen, tradesmen, and laborers who number approximately 510,000 at the present time. This group makes up less than 1 percent of our national work force of about 84 million. The total Federal work force numbers approximately 1,300,000 white-collar employees, 510,000 blue-collar employees, paid on a wage area scale, and approximately 3 million military personnel. All Federal workers and military personnel make up approximately 5.7 percent of the national work force.

The Federal prevailing wage system has been modified and improved through the years, but for over 100 years, essentially the same principle of equal pay for equal work with private industry has been the guideline for this system.

Simply stated, the system requires annual surveys of private industry pay within the general area where the Federal facility concerned is located. The findings of these annual surveys dictate the pay for the Federal blue-collar employee within that particular wage area. Federal pay increases justified by the surveys are put into effect 45 days after the survey is ordered.

In other words, surveys will be going on in various parts of the country. There are 139 Federal wage areas. These area wage surveys would come up with the prevailing wage in the community. Within 45 days after the order is given to take the survey, that increase, if there is an increase, is implemented. So within 45 days of the order the Federal blue-collar workers get a wage increase, if a wage increase is justified.

Up until 1968 each Federal agency had its own "wage board" system and conducted its own area wage surveys. Proliferation of agency systems caused widespread problems among the different agency offices within wage areas and within the individual agencies nationwide. The problems caused by this proliferation of wage board systems resulted in a conversion beginning in 1968 to a coordinated Federal wage system.

The coordinated Federal wage system is close to being fully implemented throughout the United States and its overall effect has been most favorable. Even the chairman stated, just a little while ago, that its effects have been favorable.

Under this new system, uniform policies and procedures for conducting wage surveys and setting wage rates apply to all agencies. Uniform job grading systems and standards likewise have been developed and applied to all agencies so that jobs are placed in proper grades under standardized wage schedules.

As the coordinated Federal wage system was established only 3 years ago under President Lyndon Johnson, and as it has worked well so far, enactment of this bill is most premature and unwarranted. This system should be given more time to prove itself.

Wage areas have been uniformly established and defined. The boundaries of these wage areas are continuously being reviewed and appropriate changes being made where justified.

At the present time there are 139 Federal wage areas in the United States, with a few special schedules set aside because of unique situations. All Federal agencies employing wage board employees participate in their particular wage area survey. The Federal agency with the larger number of Federal wage board employees is designated the lead agency in these area wage surveys.

The surveys are conducted by local agency personnel with Federal employee organization representatives participating in all phases of the survey.

Under the new Coordinated Federal Wage System, all wage schedules are keyed to industry rate structures in the entire wage area. Previously, pay rates were based on limited wage surveys conducted in the immediate vicinity of the Federal facility. In many cases this resulted in lower pay rates for employees working at facilities located in rural areas.

Under the new system, surveys are keyed to industry-wide rate structures within the entire wage area. This has resulted in bringing higher pay rates to Federal wage board workers in the entire wage area, including the rural areas.

The pay rates these employees have received under the coordinated system have by and large been substantial.

In the 68 largest wage survey areas, covering 403,053 employees, or 79 percent of all Federal wage board employees, the average total pay increase for the period 1961 through 1971 was 65.18 percent. On the other hand, the total average pay increase granted by the Congress to the Federal statutory salaried or white collar employees for the same period was 55.26

I ask unanimous consent that a table period of 10 years.

I ask unanimous consent that a table showing the pay increases in these 68 largest Federal wage areas for the period 1961 through 1971 be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

WAGE INCREASES FOR 68 MAJOR WAGE AREAS THROUGHOUT THE UNITED STATES FOR THE CALENDAR YEARS 1961, 1971

State and area	Average annual percentage increase											Overall average percentage increase 1961 through 1971
	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	
Alabama:												
Huntsville	3.1	3.1	1.3	1.8	1.7	1.5	2.8	4.2	5.6	[1]9.0	[1]7.7	65.0
Birmingham	3.4	2.6	2.1	2.3	1.3	3.0	2.7	3.7	4.8	[1]7.1	[1]6.7	50.2
Alaska: (Regular)	2.1	2.4	2.6	1.7	5.1	3.4	4.6	[1]11.1	7.1	[1]9.2	5.5	69.6
Arizona: Phoenix	3.3	4.1	1.8	2.1	2.9	2.5	3.8	4.0	[1]10.4	[1]4.2	[1]12.3	69.4
Arkansas: Little Rock	2.5	2.4	1.8	3.5	4.6	3.5	4.4	7.1	12.1	[1]8.1	5.5	72.4
California:												
San Francisco	3.2	1.4	2.4	3.3	2.8	2.8	4.4	[1]9.5	[1]6.0	[1]9.3		60.9
Sacramento	2.8	3.7	3.7	3.4	4.1	3.4	3.7	5.0	8.3	[2]12.2	[1][2]8.1	80.7
Los Angeles	3.2	3.1	2.5	2.7	3.3	4.1	4.2	6.9	8.8	[1]6.1		56.9
San Diego	3.5	3.6	2.5	3.3	4.1	4.0	4.5	[1]7.8	[1]5.8	[1]7.0		57.9
Colorado:												
Denver	3.0	3.0	3.0	1.9	2.6	3.6	3.1	3.6	[1]11.3	[1]6.2	10.9	69.1
Southern and western	3.2	2.5	2.2	1.2	1.4	4.3	2.0	4.4	[1]10.7	[1]4.5	[1]6.2	54.2
Connecticut: New London	3.2	2.1	2.4	3.1	1.4	2.2	3.0	7.2	[1]5.2	[1]4.3	5.5	48.0
Delaware: Wilmington	3.5	2.5	2.3	2.1	2.4	2.9	3.7	5.7	[1]9.0	[1][2]5.7	[1][2]10.3	64.3
District of Columbia: Washington, D.C	2.2	4.2	2.5	3.1	3.3	4.4	4.8	6.9	[1]5.3	[1]8.4	5.5	67.8
Florida;												
Miami	2.8	1.9	1.8	2.6	2.8	2.1	3.7	3.8	4.9	[1]16.4	[1]7.8	62.4
Jacksonville		1.9	2.9	2.0	3.6	1.9	3.8	7.5	5.3	[1][2]16.2	[1][2]7.7	68.1
Georgia:												
Atlanta	2.4	3.1	2.4	3.2	3.2	3.8	3.2	5.7	[1]11.5	[1]7.5	[1]11.3	77.1
Macon	3.0	2.3	2.4	4.0	3.2	3.8	4.8	5.5	[1]10.3	[1][2]16.8		88.6
Hawaii: Hawaii			4.2	4.8	4.7	4.3	5.5	7.3	8.0	[1]12.5	[1]11.9	109.0
Idaho: Boise	1.5	1.7	1.8	1.7	3.6	3.6	2.7	4.0	[1]9.0	.8	5.5	60.0
Illinois:												
Chicago	4.1	2.4	2.4	3.1	2.6	2.9	3.8	4.8	6.3	[1]6.1	[1]8.6	61.3
Champaign-Urbana	2.0	3.9	2.6	2.0	4.3	4.8	5.1	[1]18.6	[1]7.1	[1]13.2		82.5

Footnotes at end of article.

WAGE INCREASES FOR 68 MAJOR WAGE AREAS THROUGHOUT THE UNITED STATES FOR THE CALENDAR YEARS 1961, 1971—Continued

State and area	Average annual percentage increase											Overall average percentage increase 1961 through 1971
	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	
Indiana: Indianapolis	3.0	2.5	2.7	1.9	3.6	----------	4.4	7.1	6.4	[1]3.7	[1]5.9	51.7
Iowa: Davenport-Rock Island	3.7	3.2	2.6	1.6	4.0	4.8	4.5	[1]9.2	[1]4.4	[1]4.9	[1]5.5	69.4
Kansas: Wichita	3.4	1.4	2.5	2.4	2.9	3.1	----------	4.3	[1]10.9	[1]5.9	[1]6.9	55.1
Kentucky: Louisville	3.6	2.8	3.0	2.2	2.6	3.8	3.1	5.2	[1]7.3	[1]5.2	[1]10.8	66.4
Louisiana: New Orleans	3.5	2.1	2.9	3.2	2.8	3.4	3.7	4.7	5.4	[1]5.8	[1]6.5	54.8
Maine: Portland	3.9	2.6	2.2	1.3	1.7	2.1	3.9	3.7	[1]7.2	[1]2.8	[1]9.4	61.0
Maryland: Baltimore	3.6	3.0	1.7	2.0	1.7	2.8	3.3	5.7	[1]8.7	[1]6.3	5.5	57.9
Massachusetts:												
Boston	2.9	2.1	2.2	1.4	2.7	3.8	2.7	4.9	[1]10.2	[1]6.2	5.5	55.8
Central and western	2.7	2.7	2.0	2.8	2.8	3.0	3.9	4.5	6.7	[1]6.1	5.5	51.0
Michigan: Detroit	3.3	2.4	2.9	2.8	1.6	3.7	3.9	7.1	6.4	[1]8.4	[1]10.1	71.3
Minnesota: Minneapolis	2.7	2.7	2.9	2.5	3.5	3 5	2.6	5.2	[1]12.7	[1]7.5	[1]12.5	77.4
Miississppi:												
Biloxi	2.7	2.1	2.1	2.5	3.1	2.1	6.1	[1]5.6	[1]2.8	[1]10.8	5.5	59.6
Jackson	2.5	1.5	2.9	3.2	3.4	3.3	3.9	5.4	6.7	[1]7.2	[1]5.1	59.4
Missouri:												
Kansas City	2.5	----------	4.6	3.4	3.9	----------	3.5	4.9	5.2	[1]15.4	[1]9.6	69.0
St. Louis	3.1	1.8	2.4	2.4	3.5	3.6	----------	5.2	4.5	[1]13.3	[1]8.2	61.1
Montana: Great Falls	1.6	2.5	3.0	3.3	3.6	2.7	3.0	5.9	[1]7.0	[1]5.3	5.5	53.2
Nebraska: Omah	1.7	3.3	2.8	2.6	3.4	3.3	4.2	5.1	[1]6.8	[1]9.2	5.5	59.4
Nevada: Las Vegas	2.7	4.4	2.4	5.6	3.3	4.2	4.6	4.9	[1]20.3	[1,2]4.7	5.5	85.5
New Hampshire: Portsmouth	5.9	2.3	1.4	1.1	2.4	3.9	6.0	7.1	7.8	[1]7.1	5.5	58.8
New Jersey: Central New Jersey-New York	4.4	2.8	2.7	2.9	2.4	3.3	3.9	4.5	[1]7.3	4.7	[1]13.1	68.9
New Mexico: Albuquerque	3.7	2.4	2.1	2.9	3.2	3.1	2.9	3.5	[1]5.5	[1]5.2	7.7	55.2
New York:												
New York	2.9	2.8	2.9	2.4	2.9	3.0	3.1	4.7	[1]7.3	[1]4.7	[1]13.1	63.6
Albany	3.4	2.6	1.9	3.3	4.2	2.8	4.0	5.2	5.8	[1]11.6	9.0	72.6
North Carolina: Fayetteville	2.9	3.4	1.5	3.0	5.1	3.3	4.2	6.1	7.0	[1]12.7	[1]10.4	83.9
North Dakota: Fargo	3.9	1.9	3.0	1.9	2.5	3.2	3.7	5.6	[1]6.1	[1]6.3	[1]8.1	80.2
Ohio:												
Dayton	3.4	2.6	2.2	2.9	1.4	4.4	4.1	7.5	5.5	[1]9.0	[1]7.9	67.0
Columbus	3.2	3.3	2.7	2.8	2.1	2.1	3.9	5.9	5.9	[1]6.5	[1]7.2	60.7
Oklahoma: Oklahoma City	2.2	2.6	2.0	2.1	2.5	3.6	5.4	[1,2]16.5	[1,2]7.1	[1,2]6.8	5.5	69.1
Oregon: Portland	2.2	3.0	1.7	2.0	3.7	3.4	3.8	4.6	[1]13.2	[1]6.2	5.5	62.1
Pennsylvania:												
Philadelphia	2.6	2.4	2.5	2.3	2.9	3.3	4.0	[1]6.3	[1]4.5	[1]12.4	----------	55.8
Pittsburgh	3.6	3.4	2.2	1.3	1.1	3.4	2.1	3.9	9.5	[1]5.1	[1]5.8	51.7
Rhode Island: Narragansett Bay	2.8	2.7	1.7	3.8	2.1	3.2	4.1	4.9	[1]12.8	[1,2]7.9	[1]6.2	71.4
South Carolina:												
Charleston	2.5	2.7	2.2	2.6	3.0	3.2	4.4	[1]5.2	[1]3.3	[1]11.6	----------	50.2
Columbia	2.9	3.4	1.7	3.1	3.5	3.8	4.3	6.0	6.3	[1]12.1	[1]7.6	76.4
South Dakota: Sioux Falls	3.1	2.9	2.6	3.1	2.7	2.9	4.5	5.9	[1]6.7	[1]7.7	5.5	61.1
Tennessee: Nashville	4.2	2.6	3.7	3.1	1.2	3.1	3.8	4.6	[1]4.9	[1]4.9	[1]9.5	58.3
Texas:												
Dallas-Fort Worth	3.2	1.6	2.5	1.8	3.2	3.0	3.0	4.7	5.7	[1]12.7	[1]8.4	65.0
San Antonio	2.2	3.1	2.7	3.6	4.8	3.0	5.2	5.0	5.2	[1,2]13.7	5.5	77.7
Utah: Salt Lake City	3.9	2.8	2.9	2.4	2.9	3.6	3.3	3.8	[1]7.2	[1]4.3	[1]4.7	64.0
Vermont: Burlington	6.4	4.5	4.2	3.8	1.8	2.0	3.8	4.1	5.2	[1]21.6	[1]4.5	94.0
Virginia:												
Norfolk	3.0	3.6	3.0	2.5	1.2	2.9	3.2	3.4	6.7	[1,2]12.1	[1,2]5.1	57.0
Richmond	3.1	2.4	2.4	2.5	2.6	3.8	3.2	4.0	[1]6.8	[1]6.3	[1]5.5	55.0
Washington: Seattle	3.0	3.4	2.3	3.4	3.7	3.5	4.7	9.1	[1]9.5	[1]5.6	5.5	68.2
West Virginia: Charleston	2.5	1.1	1.3	1.7	2.6	2.8	2.6	2.9	[1]12.4	[1]5.8	[1]7.9	40.0
Wisconsin: Milwaukee	3.1	3.0	3.3	2.6	2.4	2.5	4.0	5.5	[1]7.1	[1]5.9	[1]6.1	58.0
Wyoming: Cheyenne	1.6	3.6	1.6	1.1	3.8	3.4	2.8	5.5	[1]10.4	[1]8.1	[1]7.8	63.0

[1] Percentage increases for the years of 1968, 1969, 1970, and 1971 reflect adjustments made under the coordinated Federal wage system. All other percentage increases were made under agency procedures.

[2] Includes Monroney amendment adjustment.

Mr. FONG. Mr. President, if you look at this pay schedule and look at the increases over the past 10 years, you will find some of these increases going as high as 109 percent. For example, in Huntsville, Ala., it is 65 percent. In Birmingham, Ala., it is 50.2 percent. In Alaska it is 69.6 percent. In Little Rock it is 72.4 percent. In San Francisco, 60.9 percent. In Sacramento, 80.7 percent. In Los Angeles, 56.9 percent. In San Diego, 57.9 percent. In Hawaii, 109 percent.

So within the past 10 years the Federal blue-collar workers have received increases averaging around 65.18 percent, or 9.82 percent more than the salaried white-collar workers.

It must be pointed out that all of the annual increases received by the Federal blue-collar employees brought their wages up to comparability with their counterparts in private industry.

When I first came to the Congress in 1959, the cry from the Federal blue-collar workers in Hawaii was that they were not having comparable wages. They said—

> Give us comparable wages with those people who work in similar jobs in private industry in San Francisco, Los Angeles, and Seattle.

During the years we have worked for comparability in pay. Equal pay for equal work was the guiding light for all the Federal blue-collar workers. We have now attained the principle of comparability for all blue-collar workers. This bill seeks to destroy the principle of comparability by giving these blue-collar workers 12 percent more than their counterparts in private industry.

It must be pointed out that all of the annual increases received by the Federal blue-collar employees brought their wages up to comparability with their counterparts in private industry.

The timelag between the date when a survey is ordered to the date a pay increase is put into effect is 45 days—a minimal period considering all factors. By way of contrast, time timelag of Federal white collar pay being brought up to comparability with private industry has been a year and a half or more because Congress has to take affirmative action through legislation to implement white collar pay increases.

Under the present coordinated Federal wage system, all nonsupervisory wage board pay grades have three steps.

The first step is 96 percent of the average private industry wage for that particular skill. In other words, a man coming into employment with the Federal service comes in at a 96-percent rate, as related to the worker in private industry. The second step, is 100 percent of the private industry average; and this is attained at a half-year level. The third step is 104 percent of the private industry average. So it takes an employee, if his work is satisfactory, 6 months to move from the first to the second step and 1 year 6 months to move from the second to the third step, so that at the end of 2 years of satisfactory service, a Federal wage board employee is making 4 percent more than the average of his counterparts in private industry. This difference with the Federal employee making 4 percent more than his private industry counterpart is maintained throughout the employee's career.

However, this 4-percent difference at the top level, even though we do have a 4-percent overcomparability at this time, has not resulted in any great disparity in wages between Federal and private industry pay.

H.R. 9092 would change the present wage board system drastically by adding to the present three-step wage schedule an additional fourth and fifth steps. The fourth step woull be 108 percent of the average prevailing private industry wage and the fifth step would be 112 percent of the average private industry wage.

This means that instead of 4 percent more than that of private industry, Federal blue-collar employees at the top step of their pay schedule would be making 12 percent more. It would put private industry 12 percent behind the Federal Government and would have the effect of causing private industry workers to press for wage increases bringing them up to the Federal employee level. The ultimate effect will be a continuous staircase escalation of wages as private industry workers will seek to equal Federal pay, and Federal pay by law must rise 12 percent above private industry.

This will aggravate the already serious problem of inflation under which all in our country are suffering.

Passage of this bill would mean that less than 1 percent of our national work force would be setting the pay pace for the remaining 95 percent. This excludes Federal white-collar employees and military personnel. Instead of Federal wages following private industry, as it should be, and as it has been for the past 100 years, the 1 percent will be leading the 95 percent in an unending spiral of pay increases. The result can only be utter chaos, increased unemployment, and greater inflation.

Although Federal blue-collar pay should not dictate the pay rates for private industry, neither should it unduly lag behind. The fact is that, under the existing system, pay for Federal blue-collar employees has not lagged behind that in private industry. In the case of Federal blue-collar employees with 2 or more years service, their pay already is 4 percent higher than the private industry average.

STEP INCREASES

Regarding the number of steps in each Federal blue-collar pay level as compared with private industry, U.S. Civil Service Commission surveys indicate that 64 percent of the private industry firms surveyed for Federal pay purposes have single step pay levels. The average step rate for all firms surveyed was 1.8 steps. The present Federal wage board system exceeds the average number of steps in private industry pay level by 1.2 steps. If this bill is enacted, it will exceed private industry pay steps by not 1.2 steps, but 3.2 steps.

Federal blue-collar superisors have 5-step pay levels. However, this is justified on the basis that surveys of private industry practice indicate a wide variance in the pay of supervisors. Therefore, 5-step pay levels were established for supervisors following the wide variance of pay for private industry supervisors. The same widespread variance is not present at the journeymen levels.

SWING AND NIGHT SHIFT DIFFERENTIALS

Another provision of H.R. 9092 which would do great violence to the existing pay comparability principle is that which establishes national swing and night shift differentials.

At the present time Federal blue-collar workers who work on swing and night shifts receive whatever shift differentials are being paid by private industry within their particular wage areas. The 7½-percent and 10-percent differentials required under this bill are substantially above the prevailing rate and would further aggravate the disparity between Government wages and those in private industry.

When H.R. 9092 is fully effective, Federal swing shift blue-collar employees, because of the 7½-percent shift differential and the 12-percent base pay increase, will be making 19½ percent above the average in private industry. Night shift Federal blue-collar employees will be making 22 percent above the average pay in private industry.

It must be pointed out that this would all be in addition to the pay hikes all Federal blue-collar employees would receive as a result of the yearly area wage surveys which will continue to be taken.

This increase would be over and above the annual wage increases that, for this year and for the past 10 years, have been given each year, and which I have alluded to as being approximately 65.8 percent over the level of 1960. This year it is expected that Federal blue-collar workers will receive an estimated 8- or 9-percent increase in their wages when the annual wage surveys are completed, and that is supposed to be implemented within 45 days of the order to take the survey. Therefore, if this goes into effect, we will have an increase of 8 or 9 percent on the annual wage survey increases, and then another 8 percent more under this bill.

LOSS OF 23,500 FEDERAL JOBS

This bill threatens to put approximately 23,500 Federal employees out of jobs within the next 2 years and will adversely affect approximately 117,000 other Federal employees.

The cost of this legislation is estimated at $178 million when fully effective in 2 years. The U.S. Civil Service Commission advises that with a representative mix of jobs, the $178 million represents approximately 23,500 jobs.

Because of the usual practice of requiring Federal agencies to absorb the costs of employee pay increases, if this bill is enacted, the agencies will have to make up the $178 million cost out of their operating budgets. This means that approximately 23,500 Federal jobs will have to be cut in order to obtain the money to pay for these wage increases.

In the past 10 years, Mr. President, we have been giving wage increases to the blue collar workers, and as the departments have been absorbing these costs, they have been consistently reducing the number of blue collar employees. As I stated earlier, when I first came to Congress, the number of blue collar workers was approximately 900,000. Today, because of the 5-percent cut in the work force ordered by the President and because of the various increases and because of other factors, the number has now been reduced to 510,000 Federal blue collar employees. And we are going to reduce that number by another 23,500 if we pass this bill.

Also, I am advised that for every reduction in force of one Federal worker, there is usually an accompanying "bumping down" in grade of five other workers. If we eliminate 23,500 Federal jobs, it will affect another 117,500 workers who will be bumped.

This means that if 23,500 Federal jobs are eliminated because of this bill, approximately 117,500 other Federal employees will suffer reductions in grade and pay through the exercise of bumping and retrenchment rights by those whose jobs are eliminated.

I know of one case that has been brought to my attention very forcibly by a young lady who was GS-11, receiving a salary of approximately $14,000 annually. Because of the RIF of 52,000 jobs, she was bumped from GS-11 to GS-5, and her pay is now approximately $7,000. When I talk about "bumping down," this is what I mean—bumping down the 117,000 other Federal workers because 23,500 Federal jobs have been eliminated.

In many, many cases bumping and retrenchment reach down to the lowest grade levels available in an agency. This is particularly true during times like these when Federal jobs are very, very scarce. One need only talk to an employee who has been RIF'd or bumped to see that when a RIF order is issued employees not only lose their jobs, but many more suffer cuts in pay and grade. Pay losses can cut an employee's salary in half or more. For this to happen to the breadwinner in the family can be particularly disastrous.

In some bumping cases, employees can take advantage of the "saved pay" provision of the law which keeps them at the same rate of pay they received prior to being bumped for 2 years. For 2 years they could be safeguarded in the pay they were receiving. However, "saved pay" cannot apply in cases where an employee loses his or her job because of a reduction in force due to lack of funds or curtailment of work, or where the employee is bumped three grades or more. In other words, the employee who was bumped from GS-11 to a GS-5 was bumped more than three grades, and she does not receive "saved pay." She goes right down to the level of $7,000.

It is obvious, then, that passage of this bill can work almost an immediate hardship on approximately 140,000 Federal employees and their families.

Many of us in Congress were hoping that the 5-percent reduction-in-force order now in effect would end on June 30, 1972, and that we could look for a stabilizing of Federal employment in fiscal year 1973. This 5-percent reduction in force is estimated to reduce Federal employment by 52,000 workers by June 30, 1972.

By the passage of this bill, the Government would have to reduce its work force further—23,500 jobs over and above the 52,000 jobs lost by the 5-percent reduction-in-force order. This means a reduction of 23,500 plus 52,000 jobs, or a total reduction of 75,500 jobs.

Many Federal blue-collar employees have written to me expressing their gravest concern regarding Federal job cutbacks that have been ordered for this fiscal year. Those who have written to me and others who have contacted me in my home State of Hawaii are not complaining about their pay rates but, instead, are concerned about jobs. They all urge that the RIF's be held at a minimum and, if at all possible, stopped. One of the employees at the Pearl Harbor Naval Shipyard has written to me volunteering to take a reduction in pay if it will mean keeping some of his co-workers at the shipyard at work.

Employees in private industry have taken affirmative steps to halt job cutbacks at their factories.

In Dayton, Ohio, workers at the Frigidaire Division of General Motors voted to forgo a 3-percent pay increase scheduled for November 23, 1971, and another 3 percent scheduled for a year later, in order to stop layoffs and to have 850 former employees called back to work.

In Batavia, N.Y., the employees of the Sylvania Division of General Telephone and Electronics gave up a cost-of-living increase of 8 cents an hour to keep their plant in operation.

Congress would be derelict in its duty if it did not listen to and heed this counsel. Congress must do all it can to reduce unemployment. Passage of this bill would do exactly the opposite—add to unemployment.

As I pointed out earlier, Federal blue-collar employees have been receiving pay increases every year. In many areas these increases have been as high as 80 percent, 90 percent, and some even over 100 percent, for the past 10 years. The average pay increase for the 68 largest wage areas in the United States covering 79 percent of all Federal blue-collar workers over the past 10 years is 65.18 percent.

They are now scheduled to receive another pay increase this year, based on 1972 area wage surveys. The Civil Service Commission estimates that this increase will average around 8 or 9 percent. Already, Federal blue-collar employees are making 4 percent more than the average pay of their counterparts in private industry. These employees, under the present wage board system, have been treated very well so far as pay is concerned.

Yesterday, I sent letters to all Senators calling to their attention the serious, adverse consequences of this legislation.

I reiterate the points I made in that letter to summarize my statements here.

The bill would do the following:

First. Would destroy the Federal prevailing wage pay system which has worked well for over 100 years.

Second. Would destroy the "comparability of pay" principle by setting Federal blue-collar workers' pay 12 percent above private industry workers.

Third. Would allow the pay of 510,000 Federal blue-collar workers—less than 1 percent of the national work force—to set the wage pace for 84 million other American workers.

Fourth. Threatens the loss of jobs for 23,500 Federal employees as the Federal departments and agencies would have to absorb the $178 million cost of this legislation following previous precedents.

Fifth. Threatens the reduction of pay and grade of about 117,000 other Federal employees because for every reduction-in-force of one worker, usually there is an accompanying "bumping down" in grade and pay of five other workers. This adverse effect on over 140,000 Federal employees will come on the heels of a 52,000 job cut of 5 percent in Federal employment estimated for fiscal 1972.

Sixth. The 12-percent above comparability pay rate for Federal blue-collar employees over their counterparts in private industry will bring about a continuous staircase escalation of wages as private industry workers will seek to equal Federal pay, and Federal pay by law must rise 12 percent above private industry. This will aggravate the already serious problem of inflation from which all Americans are now suffering.

In concluding, I wish to remind my colleagues that in the 91st Congress—3 years ago—a bill, H.R. 17809, similar in purpose but only raising Federal blue-collar workers from 104 percent to 108 percent over prevailing private wages was vetoed by President Nixon on January 1, 1971. The present bill goes far beyond the vetoed bill, in that it raises Federal blue-collar workers from 104 percent to 108 percent and then to 112 percent over prevailing private wages. Besides, this bill gives an additional 7.5 percent and 10-percent differential for swing and night shift work, respectively, over and above the 112 percent.

Surely this bill, if passed, will be vetoed by the President. I have been advised that this bill, if passed, will be vetoed by the President.

I read now the veto message of the President to H.R. 17809:

To the House of Representatives:

I am returning, without my approval, H.R. 17809, a bill which would fix in law the pay practices applied to Federal "blue collar" employees.

A uniform government-wide wage system for these employees already exists. The Coordinated Federal Wage System which is now in effect is flexible and can respond to changing labor market conditions. The responsiveness of the present method has been demonstrated recently as it provided average wage increases of 9.5 percent during Fiscal Year 1969 and 8.1 percent in Fiscal Year 1970.

H.R. 17809 would also have adverse economic implications. At a time when the Administration is most concerned about inflationary wage settlements in the private sector, this bill would mean that many Federal Employees in a given locality would be paid at much higher rates than those prevailing in the private sector of the same locality. Under the present system, most Federal blue collar workers are already paid four percent more than prevailing rates. This bill would mean that about two-thirds of these workers would be paid at rates eight percent above prevailing rates.

The costly and unwarranted pay features of H.R. 17809 would add still further to a $4 billion blue collar Federal payroll. Since the majority of the employees covered by the proposed bill are employed by the Department of Defense, the only way in which the substantial added costs of the enrolled bill could be met would be through further reductions in employment levels. The Department of Defense has been undergoing substantial employee reductions in the past two years and further reductions would not be acceptable at this time.

Finally, it should be noted that when the wages of Federal employees go up, even greater pressures are placed on private employers to raise their own wages—and thus the fires of inflation are fueled.

In order to keep the administrative wage structure flexible, to fight inflation, and to maintain sufficient employment levels, I must disapprove this bill.

RICHARD NIXON.

THE WHITE HOUSE, *January 1, 1971.*

Therefore, I urge that the Senate look at the broad and long-range consequences of this legislation. This is not the time to approve this type of legislation. We all should be joining in the fight against unemployment; against inflation; and against inequitable disparities between Federal and private industry wages.

This bill does just the opposite. It threatens to increase unemployment; threatens to increase inflation; and, increase the disparity between Federal and private industry wages.

Therefore, Mr. President, I urge the Senate to defeat this legislation.

Mr. President, I ask unanimous consent that the minority views of H.R. 9092 be printed in the RECORD.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS

(To accompany H.R. 9092)

H.R. 9092 would adversely overhaul the Federal prevailing wage pay system covering the 510,000 Federal wage board or blue collar employees.

1. It threatens the jobs of 23,500 Federal workers and threatens reduction in pay and grade for many thousands of others because of the reduction in force orders it would generate and the exercising of bumping and retrenchment rights that would follow.

2. It would destroy the principle of salary comparability of Federal blue collar employees with their counterparts in private industry and completely negate the equal pay for equal work concept now followed in setting federal blue collar pay.

3. It would overturn a Federal blue collar system which has existed for over 100 years—a system which has worked satisfactorily in practice. This system of comparability with industry worked so well that it was adopted in the Federal Pay Comparability Act of 1962, as the guiding principle in setting the pay for the 1.3 million white collar employees in the Federal service.

4. It would establish and maintain the wages of Federal blue collar employees who have 2 or more years Federal service 12 percent above the average pay of workers with the same skills in private industry.

5. It would give an additional 8 percent base pay increase to Federal blue collar employees over and above the annual pay increases they have been receiving. These increases averaged approximately 65.18 percent over the past 10 years. This compares very favorably with the 55.26 percent average pay increase received by Federal white collar employees for the same period of time.

6. It would establish for Federal blue collar employees national swing and night shift differentials of 7.5 percent and 10 percent respectively hiking the pay of Federal workers on those shifts 3.5 percent and 5 percent more above their counterparts in private industry.

7. It would mean that out of the approximately 84,000,000 national workforce less than 1 percent (the 510,000 Federal blue collar workers) would be dictating the pay rates for the 95 percent in private industry (approximately 4 percent are in other types

of Federal employment, i.e. white collar and military).

Background

The Federal prevailing wage or blue collar system covers all Federal craftsmen, tradesmen and laborers and has been in existence for over 100 years. Presently it covers approximately 510,000 employees who make up less than 1 percent of our national workforce of about 84,000,000. (The total Federal workforce numbers approximately 3,000,000 military personnel. All Federal workers and military personnel make up approximately 5.7 percent of the national workforce.)

The Federal prevailing wage system has been modified and improved through the years but essentially the same principle of equal pay for equal work with private industry as the base has been the guideline for this system.

Simply stated the system requires annual surveys of private industry pay within the general area where the Federal facility concerned is located. The findings of these annual surveys dictate the pay for the Federal blue collar employees within that particular wage area. Federal pay increases justified by the surveys are put into effect 45 days after the survey is ordered.

Prior to 1968, each Federal agency had its own "wage board" system and conducted its own area wage surveys. Proliferation of agency systems caused widespread problems among the different agency offices within wage areas and within the individual agencies nationwide.

After several years of intensive study by the U.S. Civil Service Commission, conversion to a Coordinated Federal Wage System began in October 1968.

Coordinated Federal wage system

Under this new Coordinated Federal Wage System, uniform policies and procedures for conducting wage surveys and setting wage rates were established for all agencies. Uniform job grading systems and standards were developed so that jobs would be placed in proper grades under standardized wage schedules. Wage areas were uniformly established and defined. These wage areas are continuously being reviewed and appropriate changes being made where justified. At the present time there are 139 Federal wage areas in the United States, with a few special schedules set aside because of unique situations. All Federal agencies employing wage board employees participate in their particular wage area surveys annually. The Federal agency located in each of the areas which has the largest number of wage board employees is designated the lead agency for that particular area.

It is important to note that representatives of Federal employee unions participate in collecting and processing the data gathered in these local wage surveys.

Under the new Coordinated Federal Wage System, all wage schedules are keyed to industry rate structures in the entire wage area.

Previously, under the agency systems, pay rates were based on limited wage surveys conducted in the immediate vicinity of the Federal facility. In many cases data was obtainable only from a few firms causing lower pay rates in the rural wage areas.

By keying the surveys to industrywide rate structures within the entire wage survey area, the lower rural rate data is mixed with rate data in metropolitan areas. This has resulted in bringing higher pay rates to Federal wage board workers in rural areas.

Although pay increases of Federal wage board employees vary from area to area, depending on wage settlements in the private sector, on the average, pay adjustments under the coordinated system have been substantial.

In the 68 largest wage survey areas, covering 403,053 employees or 79 percent of all Federal wage board employees, the average total pay increase for the period 1961 through 1971 was 65.18 percent. On the other hand, the total average pay increase granted by the Congress to the Federal statutory salaries or white collar employees for the same period was 55.26 percent or 9.82 percent less. As a rule, Federal wage board employees have received an increase in wages annually for many years.

The following table shows the actual increases granted in each of the 68 largest wage survey areas during each of the 10 years from 1961 through 1971. Some of the rates in 1971 were held to the 5.5 percent guideline figure established by the President's pay board. It should be noted that the total increases for the past 10 years ranged from 50 percent to 109 percent, in all but two areas. (48 percent in the New London, Conn. and 40 percent in the Charleston, W. Va. wage areas.)

Step increase

Under the present Coordinated Federal Wage System, all non-supervisory wage board pay grades have three steps.

WAGE INCREASES FOR 68 MAJOR WAGE AREAS THROUGHOUT THE UNITED STATES FOR THE CALENDAR YEARS 1961 THROUGH AUG. 8, 1971

State and area	Average annual percentage increase											Overall average percentage increase 1961 through 1971
	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	
Alabama:												
Huntsville	3.1	3.1	1.3	1.8	1.7	1.5	2.8	4.2	5.6	[1,2]9.0	[1]7.7	65.0
Birmingham	3.4	2.6	2.1	2.3	1.3	3.0	2.7	3.7	4.8	[1]7.1	[1]6.7	50.2
Alaska: (regular)	2.1	2.4	2.6	1.7	5.1	3.4	4.6	[1]11.1	[1]7.1	[1]9.2	5.5	69.6
Arizona: Phoenix	3.3	4.1	1.8	2.1	2.9	2.5	3.8	4.0	[1]10.4	[1]4.2	[1]12.3	69.4
Arkansas: Little Rock	2.5	2.4	1.8	3.5	4.6	3.5	4.4	7.1	[1]12.1	[1]8.1	5.5	72.4
California:												
San Francisco	3.2	1.4	2.4	3.3	2.8	2.8	4.4	[1]9.5	[1]6.0	[1]9.3		60.9
Sacramento	2.8	3.7	3.7	3.4	4.1	3.4	3.7	5.0	8.3	[1,2]12.2	[1,2]8.1	80.7
Los Angeles	3.2	3.1	2.5	2.7	3.3	4.1	4.2	6.9	8.8	[1]6.1		56.9
San Diego	3.5	3.6	2.5	3.3	4.1	4.0	4.5	[1]7.8	[1]5.8	[1]7.0		57.9
Colorado:												
Denver	3.0	3.0	3.0	1.9	2.6	3.6	3.1	3.6	[1]11.3	[1]6.2	[1]10.9	69.1
Southern and western	3.2	2.5	2.2	1.2	1.4	4.3	2.0	4.4	[1]10.7	[1]4.5	[1]6.2	54.2
Connecticut: New London	3.2	2.1	2.4	3.1	1.4	2.2	3.0	7.2	[1]5.2	[1]4.3	5.5	48.0
Delaware: Wilmington	3.5	2.5	2.3	2.1	2.4	2.9	3.7	5.7	[1]9.0	[2]5.7	[1,2]10.3	64.3
District of Columbia	2.2	4.2	2.5	3.1	3.3	4.4	4.8	[1]6.9	[1]5.3	[1]8.4	5.5	67.8
Florida:												
Miami	2.8	1.9	1.8	2.6	2.8	2.1	3.7	3.8	4.9	[1]16.4	[1]7.8	62.4
Jacksonville		1.9	2.9	3.6	3.6	1.9	3.8	7.5	5.3	[1,2]16.2	[1,2]7.7	68.1
Georgia:												
Atlanta	2.4	3.1	2.4	3.2	3.2	3.8	3.2	5.7	[1]11.5	[1]7.5	[1]11.3	77.1
Macon	3.0	2.3	2.4	4.0	3.2	3.8	4.8	5.5	[1]10.3	[1,2]16.8	6.9	95.5
Hawaii: Hawaii			4.2	4.8	4.7	4.3	5.5	7.3	8.0	[1]12.5	[1]11.9	109.0
Idaho: Boise	1.5	1.7	1.8	1.7	3.6	3.6	2.7	4.0	[1]9.0	9.8	5.5	60.0
Illinois:												
Chicago	4.1	2.4	2.4	3.1	2.6	2.9	3.8	4.8	6.3	[1]6.1	[1]8.6	61.3
Champaign-Urbana	2.0	3.9	2.6	2.0	4.3	4.8	5.1	[1]18.6	[1]7.1	[1]13.2		32.5
Indiana: Indianapolis	3.0	2.5	2.7	1.9	3.6		4.4	7.1	6.4	[1]3.7	[1]5.9	51.7
Iowa: Davenport-Rock Island	3.7	3.2	2.6	1.6	4.0	4.8	4.5	[1]9.2	[1]4.4	[1]4.9	[1]5.5	69.4
Kansas: Wichita	3.4	1.4	2.5	2.4	2.9	3.1		4.3	[1]10.9	[1]5.9	[1]6.9	55.1
Kentucky: Louisville	3.6	2.8	3.0	2.2	2.6	3.8	3.1	5.2	[1]7.3	[1]5.2	[1]10.8	66.4
Louisiana: New Orleans	3.5	2.1	2.9	3.2	2.8	3.4	3.7	4.7	5.4	[1]5.8	[1]6.5	54.8
Maine: Portland	3.9	2.6	2.2	1.3	1.7	2.1	3.9	3.7	[1]7.2	[1]2.8	[1]9.4	61.0
Maryland: Baltimore	3.6	3.0	1.7	2.0	1.7	2.8	3.3	5.7	[1]8.7	[1]6.3	5.5	57.9
Massachusetts:												
Boston	2.9	2.1	2.2	1.4	2.7	3.8	2.7	4.9	[1]10.2	[1]6.2	5.5	55.8
Central and western	2.7	2.7	2.0	2.8	2.8	3.0	3.9	4.5	6.7	6.1	5.5	51.0
Michigan: Detroit	3.3	2.4	2.9	2.8	1.6	3.7	3.9	7.1	6.4	[1]8.4	[1]10.1	71.3
Minnesota: Minneapolis	2.7	2.7	2.9	2.5	3.5	3.5	2.6	5.2	[1]12.7	[1]7.5	[1]12.5	77.4
Mississippi:												
Biloxi	2.7	2.1	2.1	2.5	3.1	2.1	6.1	[1]5.6	[1]2.8	[1]10.8	5.5	59.6
Jackson	2.5	1.5	2.9	3.2	3.4	3.3	3.9	5.4	6.7	[1]7.2	[1]5.1	59.4
Missouri:												
Kansas City	2.5		4.6	3.4	3.9		3.5	4.9	5.2	[1]15.4	[1]9.6	69.0
St. Louis	3.1	1.8	2.4	2.4	3.5	3.6		5.2	4.5	[1]13.3	8.2	61.1
Montana: Great Falls	1.6	2.5	3.0	3.3	3.6	2.7	3.0	5.9	[1]7.0	[1]5.3	5.5	53.2
Nebraska: Omaha	1.7	3.3	2.8	2.6	3.4	3.3	4.2	5.1	[1]6.8	[1]9.2	.5	59.4
Nevada: Las Vegas	2.7	4.4	2.4	5.6	3.3	4.2	4.6	4.9	[1]20.3	[1,2]4.7	.5	85.4

Footnotes at end of table.

WAGE INCREASES FOR 68 MAJOR WAGE AREAS THROUGHOUT THE UNITED STATES FOR THE CALENDAR YEARS 1961 THROUGH AUG. 8, 1971—Continued

State and area	Average annual percentage increase											Overall average percentage increase 1961 through 1971
	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	
New Hampshire: Portsmouth	5.9	2.3	1.4	1.1	2.4	3.9	6.0	7.1	7.8	[1]7.1	5.5	58.8
New Jersey: Central New Jersey-New York	4.4	2.8	2.7	2.9	2.4	3.3	3.9	4.5	[1]7.3	[1]4.7	[1]13.1	68.9
New Mexico: Albuquerque	3.7	2.4	2.1	2.9	3.2	3.1	2.9	3.5	[1]5.5	[1]5.2	7.7	55.2
New York:												
New York	2.9	2.8	2.9	2.4	2.9	3.0	3.1	4.7	[1]7.3	[1]4.7	[1]13.1	63.6
Albany	3.4	2.6	1.9	3.3	4.2	2.8	4.0	5.2	5.8	[1]11.6	[1]9.0	72.6
North Carolina: Fayetteville	2.9	3.4	1.5	3.0	5.1	3.3	4.2	6.1	7.0	[1]12.7	[1]10.4	83.9
North Dakota: Fargo	2.9	1.9	3.0	1.9	2.5	3.2	3.7	5.6	[1]6.1	[1]6.3	[1]8.1	80.2
Ohio:												
Dayton	3.4	2.6	2.2	2.9	1.4	4.4	4.1	7.5	5.5	[1]9.0	[1]7.9	67.0
Columbus	3.2	3.3	2.7	2.8	2.1	2.1	3.9	5.9	5.9	[1]6.5	[1]7.2	60.6
Oklahoma: Oklahoma City	2.2	2.6	2.0	2.1	2.5	3.6	5.4	[1,2]16.5	[1,2]7.1	[1,2]6.8	5.5	69.1
Oregon: Portland	2.2	3.0	1.7	2.0	3.7	3.4	3.8	4.6	[1]13.2	[1]6.2	5.5	62.1
Pennsylvania:												
Philadelphia	2.6	2.4	2.5	2.3	2.9	3.3	4.0	[1]6.3	[1]4.5	[1]12.4	------------	55.8
Pittsburgh	3.6	3.4	2.2	1.3	1.1	3.4	2.1	3.9	9.5	[1]5.1	[1]5.8	51.6
Rhode Island: Narragansett Bay	2.8	2.7	1.7	3.8	2.1	3.2	4.1	4.9	[2]12.8	[1,2]7.9	[1]6.2	71.4
South Carolina:												
Charleston	2.5	2.7	2.2	2.6	3.0	3.2	4.4	[1]5.2	[1]3.3	[1]11.6	------------	50.2
Columbia	2.9	3.4	1.7	3.1	3.5	3.8	4.3	6.0	6.3	[1]12.1	[1]766	76.4
South Dakota: Sioux Falls	3.1	2.9	2.6	3.1	2.7	2.9	4.5	5.9	[1]6.7	[1]7.7	5.5	61.1
Tennessee: Nashville	4.2	2.6	3.7	3.1	1.2	3.1	3.8	4.6	[1]4.9	[1]4.9	[1]9.5	58.3
Texas:												
Dallas-Fort Worth	3.2	1.6	2.5	1.8	3.2	3.0	3.0	4.7	5.7	[1]12.7	[1]8.4	65.0
San Antonio	2.2	3.1	2.7	3.6	4.8	3.0	5.2	5.0	5.2	[1,2]13.7	5.5	77.1
Utah: Salt Lake City	3.9	2.8	2.9	2.4	2.9	3.6	3.3	3.8	[1]7.2	[1]4.3	[1]4.7	64.7
Vermont: Burlington	6.4	4.5	4.2	3.8	1.8	2.0	3.8	4.1	5.2	[1]21.6	[1]4.5	94.8
Virginia:												
Norfolk	3.0	3.6	3.0	2.5	1.2	2.9	3.2	3.4	6.7	[1,2]12.1	[1,2]5.1	57.0
Richmond	3.1	2.4	2.4	2.5	2.6	3.8	3.2	4.0	[1]6.8	[1]6.3	[1]5.5	55.1
Washington: Seattle	3.0	3.4	2.3	3.4	3.7	3.5	4.7	9.1	[1]9.5	[1]5.6	5.5	68.2
West Virginia: Charleston	2.5	1.1	1.3	1.7	2.6	2.8	2.6	2.9	[1]12.4	[1]5.8	[1]7.9	40.0
Wisconsin: Milwaukee	3.1	3.0	3.3	2.6	2.4	2.5	4.0	5.5	[1]7.1	[1]6.1	[1]5.9	58.6
Wyoming: Cheyenne	1.6	3.6	1.6	1.1	3.8	3.4	2.8	5.5	[1]10.4	[1]8.1	[1]7.8	63.1

[1] Percentage increases for the years of 1968, 1969, 1970, and 1971 reflect adjustments made under the Coordinated Federal Wage System. All other percentage increases not marked with an asterisk were made under agency procedures.

[2] Includes Monroney amendment adjustment.

The first step is 96 percent of the average private industry wage for that particular skill; the second step is 100 percent of the private industry average; and, the third step is 104 percent of the private industry average. It takes an employee, if his work is satisfactory, 6 months to move from the first to the second step and 1 year, 6 months to move from the second to the third step, so that at the end of 2 years of satisfactory service, a Federal wage board employee is making 4 percent more than the average of his counterparts in private industry.

H.R. 9092 would increase the number of steps in each grade level from the present three to five. The first step would continue to be 96 percent of the average pay in private industry; the second step would continue to be 100 percent; the third step would continue to be 104 percent but the fourth step would be at 108 percent; and, the fifth step at 112 percent of the average private industry pay level.

The present 3-step system has not resulted in any great disparity in wages between Federal and private industry pay. However, should the five-step 112 percent above average rate schedule be adopted, it would change the present pay picture drastically. Federal blue collar employees would be making 12 percent more than the average pay in private industry.

This new 5-step system with its 12 percent above private industry rates would destroy the equal pay for equal work concept.

It would put private industry workers 12 percent behind the Federal workers and would have the effect of causing private industry workers to press for wage increases to equal or exceed that of Federal workers. If such increases were granted, it would in turn push Federal workers another 12 percent or more higher. This step by step escalation could be unending.

Passage of this bill would mean that less than 1 percent of our national workforce would be setting the pay rates for the remaining 95 percent. (Excludes Federal white collar employees and military personnel). This should not be.

Although Federal blue collar pay should not dictate the pay rates for private industry; neither should it unduly lag behind. The fact is that, under the existing system, pay for Federal blue collar employees has not lagged behind private industry and in the case of Federal blue collar employees with 2 or more years' service, their pay already runs 4 percent higher than the private industry average.

Under the principle of wage comparability, Federal wage board employees have followed the prevailing private industry wage in their communities. This is proper as the Federal blue collar workers constitute approximately less than 1 percent of our total national workforce of approximately 84 million. It is reasonable that the pattern of wages be set by the other 95 percent (4 percent of workforce is Federal white collar and military).

Regarding the number of steps in each Federal pay level as compared with private industry, Civil Service Commission surveys indicate that 64 percent of the private industry firms surveyed for Federal pay purposes have single step pay levels. The average step rate for all firms surveyed was 1.8 steps. The present Federal wage board system exceeds the average number of steps in private industry pay levels by 2.2 steps.

It must be pointed out that supervisors in the Federal wage board field have 5-step pay levels. However, this is justified on the basis that surveys of private industry practice indicate a wide variance in the pay of supervisors. Therefore, 5-step pay levels were established for supervisors following the private industry practice. The same wide-spread variance is not present at the journeyman levels.

It should also be noted that Chairman Robert E. Hampton of the U.S. Civil Service Commission has stated time and time again that the Federal system shall continue to follow private industry. If private industry moves to five steps for its journeymen, the Federal service would follow this lead. This would be keeping with the basic philosophy of the Federal pay system of equal pay for equal work.

Swing and night shift differentials

As with base pay, the bill would increase the swing and night shift differentials for Federal blue collar employees substantially above private industry.

The bill would cancel the present practice of paying Federal blue collar employees the same swing and night shift differentials that are paid by private industry in each particular wage area. Instead, it establishes a national rate of pay for swing and night shift work. This pay would be 7½ percent for swing shift and 10 percent for night shift work.

The U.S. Civil Service Commission advises that its Coordinated Federal Wage System surveys show that the 7½ and 10 percent differentials are substantial above what is paid in private industry. The differences in such pay varies from wage area to wage area, but the private industry rates are approximately 3.5 percent and 5 percent of base pay for swing and night shift work, respectively.

Using the private industry average pay as the base of 100 percent, Federal swing shift blue collar employees with 2 or more years service are presently at the 107.5 percent pay level; those on night shift are at the 109 percent level.

When H.R. 9092 is fully effective—in 2 years—the same Federal swing shift blue collar employees because of the 7½ percent shift differential and the 12 percent base pay increases will be receiving 119½ percent of the average private industry pay and those on the night-shift will be receiving 122 percent of the average pay of private industry. Stated another way the swing shift Federal blue collar employee will be making 16 percent more than the average of his counterparts in private industry and the night shift employee will be making 17 percent more than the average of his counterparts in private industry.

These increases do not include the annual pay hikes all Federal blue collar employees would receive from the 1972, 1973 and 1974 area wage surveys.

Loss of 23,500 Federal jobs

This bill threatens to put approximately 23,500 Federal employees out of jobs within the next 2 years. The cost of this legislation is estimated at $178,000,000 when fully effective in 2 years. The U.S. Civil Service Commission has translated this cost figure into 23,500 Federal jobs.

Because of the common practice of requiring Federal agencies to absorb the costs of pay increases for their employees, if this bill is enacted, the agencies will have to make up the $178,000,000 cost figure out of their operating budgets. This means that approximately 23,500 Federal jobs will have to be cut by the end of fiscal year 1974.

Already in fiscal year 1972 alone it is estimated that Federal employment will be cut by over 52,000 employees. The Defense Department alone will lose 52,000 positions and this is approximately 90 percent of the entire Federal employee cutback for fiscal 1972.

Many of us in the Congress were hoping that the reduction in force orders now being issued would end on June 30, 1972, and we could look for a stabilizing of Federal employment in fiscal year 1973.

However, passage of this bill would destroy all such hopes. Instead the Government would have to continue cutting jobs and the Congress will have to take the blame for these reductions.

Many Federal blue collar employees have written to me expressing their gravest concern regarding these Federal cutbacks. Those with whom I have spoken in Hawaii are not complaining about their pay rates and also understand the reasons for the cutbacks in Federal jobs. However, they urge that the number of RIF orders issued be held to a minimum or even halted as soon as possible. One of the employees at the Pearl Harbor Naval Shipyard has written to me volunteering to take a reduction in pay if it will mean keeping some of his co-workers at the shipyard on board.

It is obvious that the overriding concern among these employees is keeping their jobs, not pay increases. If getting paid 12 percent more than their counterparts in private industry means that some of them will lose their jobs I am confident, given a choice, they will forego the increases and keep their jobs. I share their views and will not support legislation which threatens to cut 23,500 Federal jobs within the next 2 years.

This same urgent feeling for retaining jobs prevails in the private industry.

In Dayton, Ohio, workers at the Frigidaire Division of General Motors voted to forgo a 3 percent pay increase scheduled for November 23, 1971, and another 3 percent scheduled for a year later, in order to stop further layoffs and to have 850 former employees called back to work.

In Batavia, N.Y., the employees of the Sylvania Division of General Telephone & Electronics gave up a cost-of-living increase of 8 cents an hour to keep their plant in operation.

The Congress would be derelict in its duty if it did not listen to and heed this counsel. Congress must do all it can to reduce unemployment. Passage of this bill would do exactly the opposite; add to unemployment.

It must also be pointed out that the reduction in force orders in the Federal Government adversely affect many, many more employees than those who actually lose their jobs.

When a RIF order is issued it calls into operation a whole series of personnel moves not only within the agency involved but even extending to other agencies.

First, the agency must describe the limits within which employees will compete with each other for jobs not being cut. It involves defining by organization and geography competitive areas.

Then, within each competitive area, competitive levels by grade and occupation must be defined. Grades and occupations which are so similar to each other in all important respects that the people who occupy them are interchangeable with one another must be established.

Following these steps, registers listing all employees in each competitive level must be drawn up and the relative standings of the employees based on tenure, military preference, length of service and performance ratings established.

After all these procedural steps are accomplished, then the actual bumping and exercising of retrenchment rights by all affected employees begins.

In many, many cases bumping and retrenchment reach down to the lowest grade levels available in an agency. This is particularly true during times like these when federal jobs are very, very scarce. One need only talk to an employee who has been RIF'd or bumped to see that when a RIF order is issued employees not only lose their jobs, but many more are reduced in pay and grade. Pay losses can cut an employee's salary in half or more. For this to happen to the breadwinner in the family can be disastrous.

There is a provision in law allowing an employee who is bumped to continue receiving his original pay for 2 years following the adverse action. This "save pay" law blunts some of the financial setbacks imposed on these employees; however, the "save pay" provision is poor consolation when the reduction in grade and pay need never have been instigated by Congress.

Also, an employee who is bumped will probably have to work many additional years in order to recoup the losses suffered, all during that time realizing that should another RIF occur, he may very well be out of a job entirely.

The Congress has the most serious responsibility of taking a long, hard look at the consequences of passage of this bill before acting. Passage will most certainly threaten 23,500 Federal employees with the loss of their jobs and many, many thousands more with reductions in grade and pay.

The fact that the bill delays implementation of the fourth step hike for 1 year does not soften the ultimate effects of this legislation. The fifth step increase will still go into effect in 2 years, and the national shift differentials will become effective 90 days after enactment.

As I pointed out earlier in this report, Federal blue collar employees have been receiving pay increases every year. In many areas these increases have been as high as 80 percent, 90 percent and some over 100 percent for the past 10 years. The average pay increase for the 68 largest wage areas in the United States covering 79 percent of all Federal blue collar workers over the past 10 years is 65.18 percent.

They are now scheduled to receive another pay increase this year, based on 1972 area wage surveys. Blue collar employees who have worked for the Federal Government for over 2 years are already making 4 percent above the average pay of their counterparts in private industry. These employees have not been treated poorly as far as pay is concerned.

Nonappropriated fund employees

No valid argument can be made against bringing the approximately 140,000 nonappropriated fund employees of the military departments and the Veterans' Administration into the Federal prevailing wage system. I endorse such a move and believe they should be made part of the Federal prevailing wage workforce. However, attempting to do it through this legislation, with all of its deficiencies, is doing this group of loyal and outstanding employees a great desservice.

Summary

Federal prevailing wage of blue collar employees have been receiving annual pay increases for many, many years always bringing them up to comparability with their counterparts in private industry. These pay increases over the past 10 years have averaged approximately 65.18 percent and in many wage areas around the country the increases have been in excess of 80, 90, and even 100 percent. All Federal blue collar employees who have worked for the Federal Government over 2 years and have done satisfactory work are now making 4 percent above the average pay of their counterparts in private industry.

Passage of this bill would raise Federal blue collar base pay to 12 percent above private industry. Swing and night shift differentials would add 7½ and 10 percent more to base pay for each of those shifts respectively, putting Federal pay way above what is being paid for comparable work in private industry.

Passage of this bill with its $178,000,000 price tag threatens to put 23,500 Federal employees out of work. Already the Federal Government is cutting an estimated 52,000 Federal jobs this year. Efforts to halt Federal reduction in force orders by the end of fiscal year 1972 would be futile if this bill is passed.

In addition, if this bill is passed and the estimated 23,500 Federal employees lose their jobs, thousands more who are retained on the Federal employment rolls will suffer cuts in pay and grade through the exercise of bumping and retrenchment rights by all adversely affected employees.

Federal as well as private industry employees would appreciate receiving higher pay. But faced with the choice of getting higher pay or possibly losing their jobs, it is commonsense that they would choose to keep their jobs and their present pay.

In many areas around the country employees in private industry have voted to take pay cuts in order to keep their plants in operation and reduce the loss of jobs.

It would be unconsiconable on the part of the Senate to approve this bill at this time when instead we should be joining the rest of the country in doing all we can to help in the fight against unemployment and inflation.

Federal blue collar workers have been receiving substantial pay increases for many years and these increases have been coming every year. Many improvements have been made in the prevailing wage system, particularly since the Coordinated Federal Wage System was established in 1968.

The present pay system has retained good pay stability and linkage in all local wage areas between the Federal Government and private industry. Federal wages have rightfully followed the lead of private industry because Federal blue collar workers comprise less than 1 percent of our national workforce and the majority should set the pay pace.

This bill would destroy the pay stability that now exists between private industry and Government. It would put Federal blue collar pay 12 percent and more above the pay for similar work in private industry.

This situation would trigger an unending cycle of leapfrogging pay with private industry trying to catch up with Government. The result would be utter chaos and runaway inflation, which could cause many employees to lose their jobs and aggravate unemployment.

The Senate should defeat this legislation because it jeopardizes Federal jobs, Federal pay and pay stability throughout the country among all blue collar workers, Federal and non-Federal.

Hiram L. Fong,
U.S. Senator.

Mr. McGEE. Mr. President, before I yield to my colleagues who asked to address themselves to this question briefly, I want to say a word or two about the remarks of my distinguished compatriot on the committee and particularly to focus on the main thrust of his argument.

As I listened very carefully to the distinguished Senator from Hawaii (Mr. Fong), what he is in effect asking this body to agree to is the conclusion, first of all, that blue-collar workers in this country are overpaid, that they are getting too much money.

I believe that the blue-collar workers in Wyoming and Hawaii should weigh that statement and ask themselves if they think they are getting overpaid.

He cites again and again the percentages which have been increased over recent years. It is true. But, Mr. President, they started at the very bottom. If we start at the very bottom and increase it a slight amount, we will double or treble it percentage-wise.

Let us not downgrade the blue-collar worker. Equity requires that he knows where he stands. This is not a pay raise for anyone. This is a set of guidelines to place the blue-collar workers under the same kinds of procedures that establish a higher grade of performance, the same thing that is now accorded white-collar workers in the Federal service.

We are only saying that the time is past to consider blue-collar workers still down at the Navy Yard as being in the American Civil War. Times have changed. It is time that we bring them up into the 20th century.

Likewise, Mr. President, it is incredible to believe, but what my distinguished friend, the Senator from Hawaii, has asserted here this afternoon is that because of this bill we are going to throw some 50,000 or 75,000 Federal employees out of work.

That is a pretty serious charge. I can say to the Senate as I stand here this afternoon that I have yet to hear the first cry of protest from the Federal employees about this bill. And if it is going to knock them out of work, surely they would be the first to register that protest.

I wait now in silence to hear that first protest. And I say to my friend, the Senator from Hawaii, that there is no voice that cries out now in the same vein of the specter that the Senator from Hawaii has painted for us here this afternoon.

The Federal employees are united in wanting this bill. They believe that it raises the level of performance, that it raises a measure of hope for some incentive to dedicate themselves in the blue collar group to the Federal service.

So I say, Mr. President, that it is time we strip the rhetoric away from the colloquy in this measure and come to grips with the whole thrust of this bill, that it simply seeks to dignify the laboring endeavors of the several hundreds of thousands of blue-collar workers in the Federal service of the United States.

We are only asking that we place them under the law, not under the vagaries or the whims of one man or any man, be it Nixon or Johnson or Kennedy or whomever. We are asking that we remember our faith and that we are indeed a Nation under law and not under men.

So, Mr. President, I beseech the Members of this body to take this step ahead and upward from the depths in which we have imprisoned until now the blue-collar workers. They are not only not overpaid and they are not only not languishing in great wealth, but they have also long since been suffering from the sting of second-class citizenship among Federal employees.

We have reserved in this bill, Mr. President, the further specific mandate to the President of the United States that none of these incentive adjustments in their promotion opportunities should take effect while the price freeze is on, while the present emergency attains.

We are not trying to row anybody's boat. We are simply trying to wake up some of those who have been rowing a boat in the wrong century. We are simply trying to say that these employees at the bottom of the Federal scale of our many Federal employees be given equal treatment under law, which is all this measure does, and that the dignity of a charwoman, of a nursing assistant, or of a worker in one of the various kinds of janitorial services cries out for recognition.

That is the essence of the measure pending here.

Mr. President, I ask unanimous consent to have printed in the Record a couple of additional statements by Members of the Senate who are necessarily absent.

First I ask unanimous consent that there be printed in the Record a statement prepared by the Senator from Virginia (Mr. Spong). I would personally care to mention that the Senator from Virginia has been one of the leaders in the drive to achieve a correcting of the inequities of the years that are bygone. His leadership led him to introduce a measure that was very much the same as the House bill that was passed. There have been a few modest adjustments to his measure as the committee reported its recommended measure.

The distinguished Senator from Virginia should be applauded and recognized for his farsightedness in leading in the Senate toward a new wage board law.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Spong

I compliment the distinguished Chairman of the Post Office and Civil Service Committee and the members of that Committee for reporting this legislation. In March of 1971, I introduced S. 1086 which was identical to this bill as it was initially introduced in the House.

No single item with which I have dealt within the last five and a half years has received as much attention as the problems affecting federal employees who are paid under the Wage Board or the Prevailing Rate System. In 1965, President Johnson instructed the Civil Service Commission to establish a Coordinated Federal Wage System for prevailing rate employees in order that all such employees in a local wage area would be paid the same rates. This was a commendable instruction. About three and one half years later, in December of 1968, the Civil Service Commission finally announced its Federal Coordinated Wage System. However, it set aside a large number of employees for further study. It wasn't until April of 1972, this year, that the Commission announced that those who were set aside in December of 1968, would be considered "wage positions when responsible management organizes the work so that the paramount requirement of the positions is trade or craft knowledge and experience and employees must utilize such knowledge and experience in the performance of assigned duties." Mr. President, that is exactly the position which applied to those same employees in 1968. Even though that announcement was made two months ago, its implementation has still not occurred so we have another two to four months delay. In addition to the time which this and related problems have required during the last five and one half years, nothing has been more frustrating than the repeated delays of arriving at decisions with respect to these employees.

The Civil Service Commission will contend that this legislation is not needed. I submit to you that it is needed and that it is essential if the system for establishing wage rates is not to be arbitrarily treated by the Civil Service Commission.

The system of comparability was adopted for classified employees under the Federal Pay Comparability Act of 1962. Comparability for classified employees is established by law. Classified employees under that system have ten in-grade pay steps. This legislation which establishes by statute a comparability system for Wage Board employees provides five in-grade steps. It is not unfair—it is equitable legislation and it should be enacted.

The Committee has very wisely precluded the argument that this legislation is inflationary. The third and fourth in-grade steps will not become effective until April 30, 1973, unless the President ends controls prior to that time. I commend the Committee for including the saved pay provisions of the bill and for including coverage of approximately 100,000 employees of non-appropriated fund activities, such as post exchanges, commissaries of the armed services and veteran's canteen services within the prevailing rate system.

Mr. President, this legislation covers the trained and skilled craftsmen and mechanics—the journeymen and many of their supervisors—the men who are responsible for the maintenance and repair of naval vessels. With the condition of our fleet, their skills are important to our defense and to the readiness of our fleet. These are the men who are responsible for the maintenance and repair of our aircraft.

There are over one half million of these Wage Board employees in the Federal Government. There are 32,000 of them in Virginia. 89.8% of those in Virginia do not meet the national average for an intermediate level of budget for a family of four.

Mr. President, this legislation will establish the basic law for the protection of these Wage Board employees. Similar legislation was vetoed by the President. I think this legislation is fair and equitable both to the employees and to the taxpayer.

I hope the Senate will enact this bill by an overwhelming vote.

Mr. McGEE. Mr. President, I also ask unanimous consent to have printed in the Record a statement by the Senator from Utah (Mr. Moss), a member of the Post Office and Civil Service Committee. He is indeed the newest member of the committee.

The Senator from Utah (Mr. Moss) is unable to be here today because of the illness of his wife in Salt Lake City. He, too, has been very strong in his support of meritorious legislation for Federal workers. His absence today is only explained by the illness in his family. We hope that his wife Phyllis will enjoy a speedy recovery and release from the hospital.

The distinguished Senator from Utah (Mr. Moss) stands tall among the Members of the Senate who are concerned about justice and equity for Federal employees.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MOSS

As a member of the Post Office and Civil Service Committee which has deliberated long and hard over this legislation, I am personally aware of the issues which concern wage grade employees. For this reason, I am glad to support H.R. 9092.

This is not the first time this legislation has been considered by Congress. A similar bill was passed by both Houses late in 1970. Unfortunately it was vetoed by the President.

As a sponsor of S. 231, one of several Wage Board bills which have been considered by the Committee, I am enthusiastic about this early action on H.R. 9092.

In short, I have heard all the arguments for this measure and all the arguments against it. I assure you that H.R. 9092 is a sorely needed step to bring equity to more than 800,000 Federal "blue collar" workers.

My acquaintance with the problem of wage grade employees is not limited to my role on the Post Office and Civil Service Committee. In my own state there are today 14,600 wage grade employees. I am, therefore, well aware of their problems, their needs and their standard of living.

Even after passage of this legislation, a large proportion of these Federal employees will be below the intermediate level.

My other great concern for these employees is that they are suffering discrimination. I have been pleased to see the Congress eliminate discrimination because of sex, race, color, creed, age and national origin. Why does the Administration want to continue discrimination because of pay system? White collar employees have a career system of ten steps. They move up in grade, step by step, as they demonstrate their continued loyal service to the Federal government. Wage grade employees have only three steps.

This bill, in fact, does not go far enough to bring them full equality with white collar workers. It, however, narrows the great gap by providing for five steps.

In my opinion, taking action on legislation to provide an equitable system for fixing and adjusting the rates of Wage Board and non-appropriated fund employees is one of the top priority jobs before Congress. We cannot move too decisively or too soon.

The Wage Board and non-appropriated fund workers, who number some 800,000 and represent nearly one-fourth of the non-military Federal employees, have far too long been the forgotten members of our official family of workers.

They were forgotten when the Pendleton Act was passed in 1883 setting up a compensation system regulated by civil service law for the white collar worker.

They were forgotten in 1907 when salaries of postal clerks and letter carriers were set and again in 1924 when the Roberts Act governing the compensation of Foreign Service personnel was passed.

And finally, they could only look on quietly when a statutory pay system for the Department of Medicine and Surgery of the Veterans Administration became law in 1946.

During the past twenty years they have watched on the sidelines while these basic laws for other government employees have been strengthened and improved and salaries periodically raised.

They have had to muddle along without any status—any Federal law—which established a systematic and fair manner in which their wages should be computed and their problems handled.

They have simply been by-passed, forgotten, left out.

Well, they must be left out no longer. Positive action on H.R. 9092 is essential if we are to remove the frustration which has long been felt by Federal blue collar workers. We have it in our hands to offer hope to a group in our society which has waited all too patiently for a sign of national concern, a sign that they have not been ignored.

Three years ago this week I introduced S. 2371, a bill which was similar to the measure we have before us today. Other Senators have introduced Wage Board bills as long as five years ago.

Last session the Congress responded to the pleas of blue collar workers for a decent system of wages and advancement opportunities. Had the bill passed it would have at least begun to modernize the prevailing rate pay system. It was a disappointment to many, and a source of frustration to over 800,000 Federal employees when the President vetoed it.

Throughout all the discussion and debate on Wage Board reform, one underlying thread remains clear: those Federal employees who have so long stood "outside the law" can no longer be ignored. We can no longer permit blue collar wages to be governed in the absence of a Federal statute.

We have before us today a bill which is by no means perfect. It is not all that many of us had hoped it would be. It, however, is a beginning, a long-overdue beginning, and a necessary step on behalf of Federal employees. I am sure the distinguished members of the Senate will give it their overwhelming support, and that the President will sign the bill into law at the earliest opportunity.

Mr. BOGGS. Mr. President, I have long been aware of the problems of Federal blue-collar employees. I have heard from many of the more than 1,100 Federal prevailing rate employees in my own State of Delaware, and I feel I have an understanding of their concern with the present blue-collar wage system of the Federal Government. H.R. 9092 would go far toward providing these employees with a structured and equitable wage system, one I believe will bring them into line with other Federal employees as well as employees of private industry.

It has been a longstanding concern of mine that wage grade employees do not receive treatment equal to their fellow Federal employees. Nowhere is this more evident than in the structure of their step system within grades. Wage grade employees currently have three steps within grades. By contrast, white-collar employees of the Federal Government have 10 steps.

Such a restriction on the number of increments has the effect of reducing incentives for advancement because it takes so long to pass through the steps. Wage grade employees perform valuable and essential services and I believe they merit the same dignity and the same incentives for advancement given white-collar employees. H.R. 9092 moves in this direction by replacing the three-step system with five steps.

In addition, the bill would establish statutory shift differentials for wage grade employees of the Federal Government. It would also include for the first time employees of nonappropriated fund activities of the Armed Forces in the prevailing rate system and make provision for "saved pay" for blue-collar workers who are reduced in grade through no fault of their own.

The question of pay for Federal wage grade employees is one that has concerned me for some time. In Delaware, for instance, 997 out of 1,115 Federal blue-collar workers in the State earn less than the Department of Labor's national average intermediate level of income for a family of four. H.R. 9092 would require the Civil Service Commission to conduct full-scale area wage surveys every 2 years in order to insure comparability of Federal blue-collar pay with that of pay for similar work in private industry.

The reforms contained in this legislation are overdue. I support H.R. 9092 and I urge Senators to approve this measure.

Mr. McGEE. Mr. President. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wyoming has 22 minutes remaining.

Mr. PELL. Mr. President, will the Senator yield me 5 minutes?

Mr. McGEE. I yield 5 minutes to the distinguished junior Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, the prevailing wage, or blue-collar employees of the Federal Government are a work force of immense value to the Government and to the people of this country. Our blue-collar workers do important work, often requiring advanced skills, technical training, and substantial experience. And through the years, the blue-collar workers have proven to be a dedicated and deeply loyal work force.

In return for their productive and dedicated services, the blue-collar workers deserve and should be given fair treatment by their employer, the Federal Government. Unfortunately, fair treatment has not always been the rule, and all too often fair treatment has been the exception.

All too often, the interests of the Government's blue-collar workers have been sacrificed in pursuit of other goals of the Government. Although the stated goal may be fair treatment, there is in the executive branch an understandable, but nonetheless regrettable, temptation to view blue-collar wages as a weapon in efforts to balance a budget, or to combat inflation. When this happens, equity suffers and the blue-collar worker bears a burden not shared by his fellow workers in private industry.

Since I have been in the Senate, I have maintained close contact with the thousands of prevailing wage employees in the State of Rhode Island and with their elected spokesmen. I have become intimately familiar with their problems and their grievances. On their behalf, and in the interest of fairness, I have worked and tried to correct some of these inequities—for example, wage survey areas that are defined too narrowly to encompass a true labor market, and result in the payment of substandard wages as a "prevailing" wage. Or, as another example, the arbitrary freezing of blue-collar wages to combat inflation while workers in nongovernment jobs were permitted wage increases.

I think experience has proven that if these inequities are to be corrected, the Congress will have to do it.

The bill before us, H.R. 9092, represents a step toward equity for blue-collar workers, and I intend to support it. The provisions for payment of stipulated night differential, for the ultimate addition of two new pay steps, for "saved pay" for employees required to accept positions in lower classifications under certain circumstances, and the extension of coverage to employees of nonappropriated fund activities of the armed service represent commendable advances toward fair treatment of blue-collar workers.

The bill unfortunately falls short of providing fully equitable treatment. Most importantly, the legislation, I believe, fails to provide sufficient congressional guidelines for establishment of wage survey areas. The Civil Service Commission will remain free, as it has in the past, to establish unrealistically small survey areas, arbitrarily ignoring the influence of large, adjacent metropolitan areas on wages.

The Narragansett Bay wage survey area in my own State is such an area, which has been arbitrarily isolated from the very real influence of wages paid in the nearby Boston and New London areas.

I would like to mention here also another matter of grave concern to blue-collar workers—the current practice of reducing the force of blue-collar workers through contracts with private firms for work previously done by prevailing wage employees.

This so-called contracting-out policy might be defensible, I believe, if it could be demonstrated that the same work can be done at less cost to the taxpayer. But there are indications in my own State that contracting-out is being done primarily to meet personnel ceilings imposed by the Department of Defense, without any prior study indicating that the Government will save any of the taxpayers' money. Indeed, it seems quite possible, lacking prior studies, that in many cases contracting-out will cost more than the wages saved by cutting back the number of blue-collar jobs.

Because of the substantial increase in contracting-out at naval installations in Rhode Island, at the expense of blue-collar workers, I have asked the General Accounting Office to investigate this practice in Rhode Island.

In addition, I and my colleagues of the Rhode Island congressional delegation recently conducted a hearing on contracting-out at naval installations in the State. At that hearing we heard convincing testimony that contracting-out was costing the taxpayer more money and costing blue-collar workers their jobs.

Indeed some of the testimony was shocking—testimony that private contractors were hiring military personnel in off-duty hours to perform work formerly done by Wage Board workers; and testimony of "forced attrition" in which workers were coerced into early retirement, presumably to save the jobs of their fellow workers, only to see their fellow workers laid off because of contracting-out.

There are other serious questions raised by contracting-out procedures—questions of the effects on base security in sensitive areas, and of the reliability and quality of the work performed under contracts.

And I hope very much that the Post Office and Civil Service Committee, with its proven regard for high standards of Government service, will consider looking into this matter because of the very severe impact it has on the blue-collar work force of the Government, as well as its potential impact on the Nation's taxpayers.

Mr. President, I believe it would be a great injustice if the President were to veto this bill. And I believe that if he did so, I would look forward to voting in support of overriding such a veto, a vote which I hope would prevail.

Mr. McGEE. Mr. President, I say to the Senator from Rhode Island that the committee gave some thought even to adding a provision to this measure, a provision that was sponsored by the Senator from Rhode Island.

However, his alerting the committee to this matter is sufficient to guarantee that we will plunge into the contracting-out practice. It is a very mixed bag. It would take more probing, I suspect, to do than the convenience of an amendment here would permit. We do guarantee that will be gone into at great length.

I thank the Senator for his remarks.

Mr. PELL. Mr. President, I thank the Senator from Wyoming.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, how much time remains to the Senator from Rhode Island?

The PRESIDING OFFICER. Two minutes remain to the junior Senator from Rhode Island.

Mr. PELL. Mr. President, I yield my 2 minutes to the senior Senator from Rhode Island.

The PRESIDING OFFICER. The senior Senator from Rhode Island is recognized for 2 minutes.

Mr. PASTORE. Mr. President, I associate myself with everything my colleague has said, particularly with this practice of contracting out work that in the past has been done by government workers in the blue-collar class.

Fortunately for us, in times of emergency we have been able to call upon these various people who have been trained to do this work for their government. We have installations in Rhode Island where the quality of the work is second to none in the entire land. Those workers are ready, willing, and able.

I think it is a regrettable state of affairs that, after these people have been trained and performed admirably, have incurred obligations as homeowners with family responsibilities, all of a sudden the policy of the government has been changed and the government begins to contract out this work and thereby deprives these people of their jobs, jobs that are covered by this particular bill.

I feel the bill deserves the support of the Senate. Frankly, up until this time, the Federal blue-collar workers have been second-class citizens insofar as Government employment is concerned. And this whole system of regulating their pay scale has been rather lopsided. In our State of Rhode Island one does not have to travel very far to find people who do the same work for their government and are paid on a different classification and wage.

The junior Senator from Rhode Island and I have been working at this for some time. I am very happy that we have reached the moment now that we can do something about this.

Mr. McGEE. Mr. President, before recognizing the Senator from Alaska I wish to reiterate that this whole mishmash of so-called threats to employment of Federal workers should be laid bare. If, indeed, that is a primary concern of my colleague from Hawaii let me say that the next logical step would be let us pay them one-half of what they are worth and then increase the employment. We are trying to measure the work of a man who does his job so that it is predictable, and so that he has some incentive to advance. It is nothing more than that.

In those simple terms I think the expressions already shared by our colleagues cry out to us that this is long overdue and that, indeed, we support the pending measure from the Committee on Post Office and Civil Service.

Mr. PELL. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PELL. Along the same line, another indefensible practice has been brought to my attention. That is the practice of using military personnel on their off-duty time for blue-collar jobs. This can involve a question of national security when, for example off-duty military personnel are used for refueling operations.

In a time of national emergency, the military personnel with their regular missions to perform would not be available for this vital work—and there would be no blue-collar workers to do the job.

I hope this is looked into by the committee.

Mr. SCHWEIKER. Mr. President, I ask that justice be done to a group of dedicated, capable citizens who are presently denied less than their full due. They are the wage grade or blue-collar employees of the Federal Government. White-collar workers in the Federal Government have a system with 10 steps within grade; blue-collar employees have three. This places very narrow limits on career incentive and is an apparent devaluation of the dignity of their professions. This is compounded by further discrimination in pay.

According to figures gathered by the Bureau of Labor Statistics, it takes $10,971 for a family of four to meet the fiscal requirements of an intermediate level budget.

In the State of Pennsylvania, 28,188 wage grade employees are on the Federal payroll. Of these, 25,903, or 91.8 percent, earn less than $10,971 and, therefore, fall short of being able to support an intermediate level of living. These are skilled, loyal citizens who make a valuable contribution to our country through their work. They are entitled to this intermediate standard of living at least.

H.R. 9092 would alleviate these deprivations both in pay and in career incentive. It would replace the present three-step system with a five-step one, giving the wage grade system more career orientation. These employees have been denied the full recognition of their value in the Federal labor force for too long already. I urge the passage of this measure.

Mr. McGEE. Mr. President, I yield next to the distinguished Senator from Alaska. I wish to mention that the Senator from Alaska has been one of the most articulate members of the committee in trying to understand the problems of the Federal employee and I suspect that in the State of Alaska that is even disproportionately a real problem one has to live with, more so than some of the older States of the Union. The sharpness and depth of study of the Senator from Alaska on this question have always exceeded the requirements of his office.

How much time would the Senator from Alaska like to have yielded to him?

Mr. STEVENS. Five minutes.

Mr. McGEE. I yield 5 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the chairman of the committee. I regret that I do disagree with the ranking minority member of our committee. Our disagreement has been explored in committee. I am sure it is not any surprise that I do support the bill. I am grateful to the chairman of the committee for accepting the suggestion I made that led to the concept that the increase in the fourth and fifth rates would not be effective until the first pay period has ceased or the authority has expired.

That concept was not an original one of mine. It is a suggestion that came from the Organization of Government Employees through a conversation I had with them concerning the problem of the wage board and blue collar employees in my State.

I think my good friend from Hawaii misses one point. We are talking about rates that are 96 percent to 112 percent through the five steps of the prevailing rate. Nowhere is it demonstrated as well as it is in Alaska that the prevailing rate is just slightly above the average rate in private employment. The survey, I think, is defective to begin with, but the results lead to the prevailing rate. In no instance I know of would the person entitled to the fifth rate under this bill of 112 percent of the prevailing rate be able to make as much money doing the same thing in a blue collar capacity, as he would if he worked for one of the dynamic contractors who pays his people for the jobs they do, which reflect the talent, capability, and experience of the employee.

The present system under which the wages of the blue-collar employees of the Federal Government are set is haphazard and inequitable. H.R. 9092 would establish a uniform procedure for establishing and revising regulations regarding pay and conducting wage surveys.

In that regard we should note it not only covers two new steps but changes the concept of a 7.5 percent pay differential nationwide for the normal overtime work in the second shift and 10 percent for the third shift. This is due to the differences blue-collar employees receive under the present law in terms of shift differentials, which are not uniform.

It would retain the concept of the prevailing rate while bringing some measure of justice and equity to the pay system on which these neglected Federal employees must rely.

I say neglected because these employees have been left out in the cold while so many of their fellow Federal workers have had their pay systems set statutorily and revised to the tune of the changing demands of time.

There is little incentive for men and women to go into or remain in the occupations of the wage grade system of the Federal Government. They are underpaid.

Even under this bill they would be underpaid in comparison with those who have longevity and who are doing the same job in private enterprise in the same locality.

They reach the top of the pay ladder all too quickly. Where Federal employees in the classified service have 10 steps within grades, wage board employees have only three.

The reason that white-collar, General Schedule employees have 10 steps is to both retain them in the Federal service by holding out the prospect of increased wages for loyalty and to reward them for loyalty. Both the executive branch and the Congress have accepted the fact that it is in the best interests of the United States to reward employees for choosing Federal service as a career. We find this concept not only in the 10-step system for white-collar pay; we find it in the way Federal employee retirement annuities are computed. We find this in the way the Veterans Preference Act determines retention on the rosters in the event of reductions in force.

We find this philosophy present in every area where there has been legislation. And it is absent in the blue collar, wage-grade system principally because there has been no legislation.

There is considerable misunderstanding about the step system. The executive branch, which has denied these employees compensation for career commitment, is the main source of this misunderstanding. The executive branch asserts that this bill would result in Federal wage grade employees eventually being paid 12 percent above the prevailing rate.

In my opinion, the people earning the rate do not know what they have when they are finished; they are just slightly over the wage rate in each area.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. McGEE. I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. Actually, I believe that we should all clearly understand that the term "prevailing rate" in this legislation is a term of art. It has a technical, expert meaning which is not identical with the general meaning most people assign that term. When most people talk of paying wage grade employees a prevailing rate, they assume that the term means the rate going in the area at the time. They assume it is a genuinely free rate.

But we all know that the term has rigid definitions. Data is collected; it is weighted, then the rates paid the top wage-grade employees and the rates paid the lowest level are integrated into a straight-line system based on the formula of least squares. This system often produces absurd situations, because all graph straight lines using such a formula revolve around a central point or fulcrum. In one instance, even though all private enterprise blue-collar employees in a survey area received wage increases, the "teeter totter" effect of this formula produced a line where the lower levels would have had pay decreases and the higher levels would have had increases even greater than those in private enterprise. Fortunately, the coordinate wage system mechanism contains people of good sense and this aberration was corrected.

We have also other types of misinformation or misinterpretation from the executive branch. You may have seen figures showing what great percentage increases have been given blue-collar employees. The use of percentages is dangerous, as we all know. But in this case, the percentages are even more suspect because the executive branch has included in the increases not merely normal wage increments, but also the corrections for past distortions resulting from the preceding uncoordinated wage grade system. Consequently, the base from which the percentages is calculated is like a sand floor instead of the solid ground used for computing percentages for white collar employees.

I do not believe that cost or economics is the real issue. Besides statistics, there is also a philosophical issue involved. I believe that there are forces at work which do not want this area, where legislation does not exist, to be encompassed by law and statute. These forces do not wish the blue-collar employees and their union representatives to be able to deal with management from the strong platform of law and statute, a platform which they could invoke whenever they felt they might have to go to court or assert or protect their rights.

I am a great believer in good law, which is clear in its provisions. I find H.R. 9092 to qualify as good, comprehensive law. For this reason, I shall vote for it, as it is before us, and urge all Senators to join me in its enactment.

Mr. President, I would like to ask one question of my colleague, the Senator from Hawaii, who has notified us that the President would again veto this concept. My question is a sincere one, which I am sure he realizes.

Does the Senator from Hawaii disagree with me that the prevailing rate is the wrong word to be used in this concept?

Mr. FONG. No, I do not.

Mr. STEVENS. Had we used——

Mr. FONG. On whose time is this?

Mr. STEVENS. My time. I only have one-half of a minute left.

Had we used a concept of average wage rate, would the Senator from Hawaii have felt the same way about the prevailing rate in view of the fact that it is in fact slightly over the average wage rate for the area of my constituency?

Mr. FONG. The prevailing rate is similar to the average rate. This is the definition given in the bill because you have to strike an average somewhere. You cannot get the top or the bottom so it was a prevailing rate.

Mr. STEVENS. I thank the Senator for his candor and fairness. I think I made my point. We are not talking about 108 percent of the amount these employees get paid in private enterprise.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Mr. President, will the Senator yield to me 1 additional minute?

Mr. McGEE. I yield.

Mr. STEVENS. We are talking about 108 percent of the average or 112 percent of the average.

In my State that means that the average pay of blue-collar employees is approximately 70 percent of what is being paid people who do the same work in private enterprise or under the Davis-Bacon Act. We legislated that act. They get the same pay as the prevailing union rates under the Davis-Bacon Act. If we had put that in the law and stated that it should be the prevailing union rates, it would make some sense. This percent system is still inequitable, even if we pass the bill. I regret the President announced he would again veto this small step toward equity for blue-collar employees of the Federal Government.

Mr. FONG. Mr. President, I yield myself 5 minutes.

To answer the Senator from Wyoming, who said I am downgrading the blue-collar workers, I want to say I have the greatest respect for the Federal blue-collar workers. There are approximately 10,000 blue-collar workers in my State. They were neglected workers 10 years ago, but since then they have had an approximately 109-percent increase in their salaries, and at the present time they are getting 4 percent above the average prevailing rate.

There is no misunderstanding about this bill. The bill is very clear. Let me read it to my colleagues. What this bill states in the first and second pages under the title "Policy" is as follows:

> It is the policy of Congress that rates of pay of prevailing rate employees be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and be based on principles that—

I am reading from the bill, now—

> (1) there will be equal pay for substantially equal work for all prevailing rate employees who are working under similar conditions of employment in all agencies within the same local wage area.

Subparagraph (3) of that policy statement reads:

> the level of rates of pay will be maintained in line with prevailing levels for comparable work within a local wage area.

What does that mean? That means that we are going to give to the Federal employee comparable wages to those of his counterpart in private industry. We have followed that principle for over 100 years. That principle had worked so well that in 1962 Congress adopted the principle of comparability for the salaries of Federal white-collar workers, and that principle of comparability is written into the statutes for all classified Federal employees. That principle was so good that it was copied by the Congress for the Federal classified employees.

Mr. President, as I have stated, the number of blue-collar workers was approximately 900,000 when I came to Congress 12 years ago. That number now has dropped to 510,000. The President is urging a 5-percent cut. I know the Federal worker in every one of my colleagues' States here have been affected by this RIF in jobs.

In my State of Hawaii, just in the Naval Shipyard facility at Pearl Harbor, 500 positions were cut. This RIF, which will end on June 30, 1972, will cut 52,000 Federal jobs throughout the United States.

This bill, if passed, will cost $178 million. The Civil Service Commission has put this into the computer and has come out with a picture that shows 23,500 jobs will be affected. Following the precedent we have used, every time we give a pay raise, the Federal departments have had to absorb the costs of the pay raise. That is why the number of jobs has been cut down. We have followed that procedure. Twenty-three thousand and five hundred jobs are going to be RIF'ed. Twenty-three thousand and five hundred people are going to lose their jobs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield myself 3 more minutes.

With every loss of a job in the Federal Government, there is a bumping of five other employees. In other words, if I lose my job, it affects five others of my fellow employees. They will be bumped to a lower grade. As I have said, a woman was bumped $7,000 because there was a RIF'ing in her department. So in the RIF'ing of 23,500 jobs, we will be affecting another 117,000 people. In other words, if the bill is passed, it will affect the lives of 140,000 of our Federal employees.

Mr. PASTORE. Mr. President, will the Sentor yield?

Mr. FONG. I yield.

Mr. PASTORE. Is there anything in the bill which compels the department to absorb that?

Mr. FONG. This is what has been done with past pay increases and this one will follow those precedents.

Mr. PASTORE. I know it has been done because that is the choice of the administration, but if we appropriate the money, there will be no bumping.

Mr. FONG. It will have to because of the stringent financial condition in the Federal Government. The administration has followed that course.

Mr. PASTORE. I know. This financial stringency has been overdramatized. We just got through spending $5 billion for the latest bombing in North Vietnam, and now we are crying over $75 million to pay an honest, reasonable day's wage to a man who works for his Government. I do not think that parsimony with the blue-collar workers naturally follows.

Mr. FONG. We are not talking about an honest day's wages for the men. They are receiving, on the average, 4 percent more than the average wage paid in the community. We are going to give them another 8 percent, which is 12 percent more than the average wage in the community. As of now, the Government is cutting out 52,000 jobs.

Mr. PASTORE. Why?

Mr. FONG. Because there was a 5 percent reduction in force.

Mr. PASTORE. Who dictated that?

Mr. FONG. The administration did.

Mr. PASTORE. Whose fault was that?

Mr. FONG. It was because we did not have the money.

Mr. PASTORE. All we have to do is appropriate.

Mr. FONG. Yes, but where is the money coming from?

Mr. PASTORE. The Treasury of the United States, like we find money for Vietnam.

Mr. FONG. Congress has never appropriated the money. In all these instances, Congress has not appropriated the money. That is the resaon why they have taken it out of the hide of these agencies, and in taking it out of the hide of the agencies we have cut the work force from 900,000 to 510,000.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. COOPER. In the event the bill is passed, what wage rate will these employees receive under the existing procedures?

Mr. FONG. Under the existing procedures which will be carried on this year, it is estimated by the Civil Service Commission that these people will get a wage increase of 8 to 9 percent. This is over and above the 8 or 9 percent they have been getting. They have been getting that for the past 8 or 10 years. As I have stated, the average increase in all these areas has been 65.18 percent, and the average wage increase of the white-collar workers has been 55 percent. There is approximately a 10-percent difference between the wage increases of the classified workers and that of the blue-collar workers. In other words, the blue-collar workers have fared better than the white-collar workers.

We are not downgrading the blue-collar workers. We are not saying, "You are not giving good service to the Federal Government." We are not saying, "You should not get the pay you are getting." We have already given them 4 percent more than the average paid in the community in which they are working. They are getting 4 percent more now. This bill will wreak havoc with the comparability system which we inaugurated in 1962 for the white-collar workers, which principle has been prevailing for the past 100 years in the Federal blue-collar pay system.

Mr. McGEE. Mr. President, may I ask how much time remains?

The PRESIDING OFFICER. The Senator from Wyoming has 6 minutes remaining. The Senator from Hawaii has 2 minutes remaining.

Mr. McGEE. Mr. President, in the interests of the fairness doctrine, I yield myself 4 minutes, so that it will come out about the same and the time will be balanced, and then I am prepared to proceed with the agreed-upon process of a tabling motion by the Senator from Hawaii.

Mr. FONG. Mr. President, I am prepared to move to lay the bill on the table, and if that motion should fail, we will proceed to a vote up or down, and this will give us the necessary time within the agreed upon time limitation to carry out the votes.

The PRESIDING OFFICER. Such a motion would be in order at the expiration of all the time. There is no need for a unanimous-consent agreement.

The Senator from Wyoming is recognized for 4 minutes.

Mr. McGEE. Mr. President, I just want to make sure that the full record is spread before us, in the light of the comments that have been made, particularly about the prevailing wage and determining what is the prevailing wage, and by comparison with whom.

That is good as far as it goes, but it does not go to the point. Left out of the prevailing wage summary in any community is the construction workers' group. Left out of the arrival at a prevailing wage are the job shops. Those are the highest salaried groups in a community. Therefore, the prevailing wage approach, under the existing system, still leaves a gross inequity.

Mr. President, as we have all crusaded for comparability in employment for Federal workers, we have come to understand that comparability does not achieve equality, equity, or justice among the blue-collar workers, for one reason. We gave comparability to all the white-collar workers, but we also gave the white-collar workers a 10-step promotion system as an incentive to be inspired in their Federal employment. We have confined the blue-collar workers to three steps. We likewise gave to all of the Federal employees above the blue-collar level a 10 percent dividend for night employment, and we are only saying that the time has come that, for their level of work, for their devotion to duty, the blue-collar workers are entitled under law to the same expectations in their careers as those in the white-collar service.

I have listened to the arguments by Senator Fong and would like to answer them individually. Some of these have already been answered in my floor opening statement and I will not dwell on those points.

The distinguished Senator has stated that if H.R. 9092 is enacted into law, 23,500 employees will be threatened with loss of jobs. He apparently arrives at that figure in this manner; it is customary for agencies to make up the cost of salary increases from within their operating budgets. Implementation of the fourth and fifth steps would cost approximately $178 million. Three things come to mind after analyzing the figures. First, the fourth and fifth steps most likely not take effect until April 30, 1973, or the date on which the President ceases to exercise his authority under the Economic Stabilization Act, whichever occurs first. Assuming the fourth and fifth steps do not take effect until April 1973, and there is no indication they will not, then the cost of the fourth and fifth steps for fiscal year 1973 would only be $19 million and not $178 million. The balance could and should be budgeted for fiscal 1974 now and, as I see it, no problems would insure. Few jobs, if any, would be sacrificed.

Second, the Senator has stated that the comparability of Federal blue-collar employees with their counterparts in private industry would be damaged by passage of this bill. Again, let me say that the 112 percent of the prevailing wage as proposed by the fifth step in H.R. 9092 is definitely misleading. Economics of fixing wages is never absolute and I would venture to say that if four surveys were taken within 1 month's period, it is likely that four diverse sets of figures would be obtained.

Our goal also is to obtain the finest possible employees and in order to do this, we must be at least on parity with private industry. This requires a recruitment program containing some incentives. H.R. 9092 supplies some of this incentive to work for the Federal Government, with the implementation of the fourth and fifth steps. We are not asking for 10 steps which our white-collar employees receive. We just feel at this time that two more steps are necessary to make these employees full citizens. Pay comparability will not be destroyed but improved upon. By passage of H.R. 9092, a more objective survey possibly will be taken. The agency will now look a bit closer at the agencies to be surveyed. I would say with the additional two steps that, if anything, salary comparability will be strengthened.

Another issue is the Federal blue-collar pay system would be overturned by passage of this bill, a system he says has existed for over 100 years. We are not overturning the pay system, we are improving it.

The fourth and fifth arguments advanced by Senator Fong can be treated as one. The statistical increase of 11 percent the past 10 years of blue-collar workers over white-collar workers in the Federal Government is correct. However, until very recently the blue-collar worker was one of the lowest paid in any industry. Yes, they have made progress, but not as much as they should or we want them to make.

The distinguished Senator from Hawaii has also raised objection for raising to 10 percent the pay differential for evening and night work. Private industry has certain incentives which the Senator is well aware of to induce the workers to labor on the least desirable shifts. Again, I repeat that the law giving 10 percent differential to all other Federal employees has been on the books since 1945. The U.S. Government has been working hard to bring all Federal employees to a level of parity with private industry. The 10-percent pay differential is just one more small way to do this.

Mr. President, the bill before us today is substantially the same bill that has passed this body last year and the House of Representatives the past 2 years. The time is ripe. We have denied for too long the plight of the blue-collar worker. As chairman of the Post Office and Civil Service Committee, I am proud the majority agrees that this legislation is ready for a vote and ultimate passage by this distinguished body.

I conclude, Mr. President, by saying again that this has to be bogeyman stuff that we have here about all the people who are going to lose their jobs. If that in fact is true, it is strange that those people about to lose their jobs have not risen by the 52,000 or the 75,000 or whatever number you want to grab out of the air and said, "Don't do this, because I need my job." Instead, the blue-collar Government employees of this country have petitioned again and again for this legislation. There is the answer to the legitimacy of equity in this bill.

Mr. President, I am prepared to yield back my 2 minutes.

Mr. FONG. Mr. President, I want only 1 minute to answer the Senator from Wyoming. The reason we have so many steps in the classified white-collar system is that industry has that, and we are following industry. That is the rule of comparability: We are following industry, and the reason we have only three steps here is to follow industry as closely as possible and industry has only 1.8 steps in the classified white-collar system steps. We have provided three steps. But that is the rule of comparability, following industry, and we have done that in all these cases.

I yield back the remainder of my time.

Mr. McGEE. Mr. President, in the interest of comparability and fairness, I yield back my 2 minutes.

Mr. FONG. Mr. President, I move that the bill (H.R. 9092) be laid on the table.

The PRESIDING OFFICER. Does the Senator request the yeas and nays on his motion?

Mr. FONG. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Beall). The question is on agreeing to the motion of the Senator from Hawaii that the bill (H.R. 9092) be laid on the table. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. Ellender), the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Louisiana (Mr. Long), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), and the Senator from Connecticut (Mr. Ribicoff), are necessarily absent.

I further announce that the Senator from Idaho (Mr. Church), and the Senator from New Jersey (Mr. Williams), are absent on official business.

I further announce that, if present and voting, the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from Connecticut (Mr. Ribicoff), the Senator from New Jersey (Mr. Williams), and the Senator from Oklahoma (Mr. Harris), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from New York (Mr. Buckley) are absent on official business.

The Senator from Oklahoma (Mr. Bellmon), the Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Saxbe), the Senator from Pennsylvania (Mr. Scott), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from Arizona (Mr. Goldwater), and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The result was announced—yeas 19, nays 56, as follows:

[No. 213 Leg.]

YEAS—19

Allott
Bennett
Brock
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Griffin
Hansen
Hruska
Jordan, Idaho
Miller
Roth
Taft
Thurmond
Young

NAYS—56

Aiken
Allen
Anderson
Bayh
Beall
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cranston
Eagleton
Eastland
Ervin
Gravel
Gurney
Hart
Hartke
Hatfield
Hollings
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
McGee
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney

NOT VOTING—25

Baker
Bellmon
Buckley
Church
Ellender
Fulbright
Gambrell
Goldwater
Harris
Hughes
Humphrey
Long
Mathias
McClellan
McGovern
McIntyre
Metcalf
Moss
Mundt
Muskie
Ribicoff
Saxbe
Scott
Weicker
Williams

So the motion to table was rejected.

Mr. BURDICK. Mr. President, I rise in support of the measure presently before the Senate, H.R. 9092. These amendments to the Federal prevailing rate system represent a long overdue first step toward the goal of providing equity and justice for the Federal blue-collar worker.

Many of us recall the disappointment of last year when the President vetoed the wage grade reform bill. Those of us on the Post Office and Civil Service Committee were especially discouraged at this setback as it represented another delay for the Federal blue-collar worker who had made a convincing case before the committee.

However, as a result of the leadership of our able committee chairman, Senator McGee, the best of several new bills—one of which was my own—were incorporated into the Senate version of a bill already passed by the House of Representatives, H.R. 9092.

If this measure is finally adopted by Congress we will be bringing justice to more than 800,000 blue-collar workers.

The PRESIDING OFFICER (Mr. Beall). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9092) was read the third time.

Mr. McGEE. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. Ellender), the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Louisiana (Mr. Long), the Senator from Arkansas, (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. Williams) and the Senator from Idaho (Mr. Church) are absent on official business.

I further announce that, if present and voting, the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from South Dakota (Mr. McGovern), the Senator from Connecticut (Mr. Ribicoff), the Senator from New Jersey (Mr. Williams), and the Senator from Oklahoma (Mr. Harris) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from New York (Mr. Buckley) are absent on official business.

The Senator from Oklahoma (Mr. Bellmon), the Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Saxbe), the Senator from Pennsylvania (Mr. Scott), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The result was announced—yeas 56, nays 19, as follows:

[No. 214 Leg.]

YEAS—56

Aiken
Allen
Anderson
Bayh
Beall
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cranston
Eagleton
Eastland
Ervin
Gravel
Gurney
Hart
Hartke
Hatfield
Hollings
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Magnuson
Mansfield
McGee
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney

NAYS—19

Allott
Bennett
Brock
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Griffin
Hansen
Hruska
Jordan, Idaho
Miller
Roth
Taft
Thurmond
Young

NOT VOTING—25

Baker
Bellmon
Buckley
Church
Ellender
Fulbright
Gambrell
Goldwater
Harris
Hughes
Humphrey
Long
Mathias
McClellan
McGovern
McIntyre
Metcalf
Moss
Mundt
Muskie
Ribicoff
Saxbe
Scott
Weicker
Williams

So the bill (H.R. 9092) was passed.

Mr. McGEE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 15, 1972, he presented to the President of the United States the enrolled bill (S. 3166) to amend the Small Business Act.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BOLAND, Mr. EVINS of Tennessee, Mr. SHIPLEY, Mr. GIAIMO, Mr. PRYOR of Arkansas, Mr. ROUSH, Mr. MAHON, Mr. JONAS, Mr. TALCOTT, Mr. McDADE, Mr. DEL CLAWSON, and Mr. BOW were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. NATCHER, Mr. GIAIMO, Mr. PRYOR of Arkansas, Mr. OBEY, Mr. STOKES, Mr. McKAY, Mr. MAHON, Mr. DAVIS of Wisconsin, Mr. SCHERLE, Mr. McEWEN, Mr. MYERS, and Mr. BOW were appointed managers on the part of the House at the conference.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1973

The PRESIDING OFFICER (Mr. BEALL). Under the previous order, the Senate will now proceed to the consideration of H.R. 14989, the appropriations bill for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the time for debate on this bill is limited to 4 hours, to be equally divided between the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Maine (Mrs. SMITH). Debate on amendments in the first degree will be limited to 1 hour, to be equally divided between the mover of the amendment and the manager of the bill, or the minority leader if the manager of the bill is in favor of the amendment. There will be one-half hour on amendments in the second degree, to be equally divided between the mover and the manager of the bill, or the minority leader if the manager of the bill is in favor of the amendment.

The Senator from South Carolina is recognized.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that, in addition to staff counsel, a member of my staff, Mrs. Mary Jo Manning, be permitted access to the floor during the consideration and final vote on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point or order shall be considered to have been waived by reason of the agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 3, line 6, after the word "aids", strike out "$260,500,000" and insert "$261,200,000".

On page 5, line 18, after the word "Congress", strike out "$152,120,250" and insert "$184,808,169"; and, after the amendment just above stated strike out the colon and *"Provided,* That no payment shall be made herefrom to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization." and insert a colon and *"Provided,* That effective January 1, 1973, and thereafter no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except that this proviso shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization."

On page 11, line 17, after the word "Congress", strike out "$3,234,500" and insert "$3,327,000".

On page 12, line 12, after "(31 U.S.C. 529)", strike out "$40,816,000" and insert "$52,860,000"; and, in line 13, after the word "than", strike out "$4,500,000" and insert "$4,000,000".

On page 12, at the beginning of line 25, strike out "$6,000,000" and insert "$6,320,000".

On page 13, after line 23, insert a new section, as follows:

SEC. 105. None of the funds appropriated in this title shall be available for obligation, except on the enactment into law of authorizing legislation.

On page 17, after line 9, insert:

The funds provided for Salaries and Expenses, Federal Bureau of Investigation, may be used, in addition to those uses authorized thereunder, for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination at that provided for under the aforementioned appropriation.

On page 21, line 3, after the word "expended", insert a colon and *"Provided,* That $15,000,000 of the funds available for planning grants to States under section 205 of such Act may be allocated without regard to the population formula set forth in that section."

On page 23, line 20, after the word "equipment", strike out "$34,300,000" and insert "$35,872,000".

On page 24, at the beginning of line 5, strike out "$10,500,000" and insert "$11,857,000".

On page 24, line 22, after "85 Stat. 166)", strike out "$160,000,000" and insert "$190,000,000".

On page 25, line 23, after the word "amended", strike out "$39,072,000" and insert "$62,472,000".

On page 27, line 24, after the word "program", insert a colon and *"Provided,* That none of the funds appropriated in this paragraph shall be available for obligation after August 1, 1972, except upon the enactment into law of authorizing legislation.".

On page 28, line 6, after "January 1, 1968,", strike out "$2,300,000" and insert "$2,600,000, of which $300,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972.".

On page 29, line 19, after the word "year", strike out "$197,000,000" and insert "$221,265,000, of which $6,000,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972".

On page 30, line 8, after the word "facilities", strike out "$127,000,000" and insert "$197,612,000, of which $13,000,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972,"; and, in line 12, after the word "expended", insert a colon and *"Provided,* That none of the funds appropriated in this paragraph shall be available to carry out the provision of Public Law 89–701 (approved November 2, 1966), as amended, by Public Law 90–549 (approved October 4, 1968) except upon enactment into law of authorizing legislation."

On page 30, line 22, after the word "forecasting," strike out "$30,000,000" and insert "$43,036,000".

On page 31, line 5, after "(80 Stat. 1091–1099)", strike out "$3,232,000" and insert "$3,432,000".

On page 31, line 17, after the word "expended", insert a colon and *"Provided,* That of the sum appropriated in this paragraph, $21,000 shall not be available for obligation except upon enactment into law of authorizing legislation.".

On page 31, line 25, after the word "Patents", strike out "$67,000,000" and insert "$68,000,000".

On page 32, line 9, after "(15 U.S.C. 278d)", strike out "$62,100,000" and insert "$76,100,000"; at the beginning of line 10, strike out "$1,960,000" and insert

"$3,750,000"; in line 12, after the word "exceed", strike out "$7,200,000" and insert "$14,424,000"; and, in line 15, after the word "expended", insert a colon and "*Provided,* That none of the funds appropriated in this paragraph shall be available to carry on the Standard Reference Data Program, the Fire Research and Safety Program, nor the Flammable Fabrics Program, except upon enactment into law of authorizing legislation."

On page 33, line 18, after "(13)", strike out "$5,800,000" and insert "$7,705,000, of which $700,000 shall be derived by transfer from the appropriation for "Financial and technical assistance, Trade Adjustment Assistance", fiscal year 1972,".

On page 34, line 8, after the word "modern", strike out "break-bulk" and insert "or reconstructed".

On page 38, after line 18, insert a new section, as follows:

SEC. 305. None of the funds appropriated in this title for the Maritime Administration shall be available for obligation for ship construction, operating-differential subsidies, research and development, salaries and expenses, maritime training, nor State marine schools, except upon enactment into law of authorizing legislation.

On page 39, line 8, after the word "Court," strike out "$3,770,000" and insert "$3,784,000".

On page 40, line 9, after "$1,000,000", insert a colon and "*Provided,* That not to exceed $95,000 of the unobligated balance of the appropriation under this head for the fiscal year 1972 is hereby continued available until June 30, 1972.".

On page 41, line 1, after the word "court", strike out "$2,241,000" and insert "$2,341,000".

On page 41, line 23, after the word "for", strike out "$75,663,000" and insert "$78,518,000"; on page 42, line 12, after the word "exceed", strike out "$41,326" and insert "$52,372"; and, in line 16, after the word "exceed", strike out "$53,477" and insert "$64,523".

On page 42, line 25, after "October 14, 1970", strike out "$13,500,000" and insert "$15,083,000"; and, in the same line, after the amendment just above stated, strike out the colon "*Provided,* That none of the funds contained in this title shall be available for the compensation and reimbursement of expenses of attorneys appointed by judges of the District of Columbia Court of Appeals or by judges of the Superior Court of the District of Columbia".

On page 43, line 13, after the word "Columbia", strike out "$10,506,000" and insert "$10,959,000".

On page 44, at the beginning of line 4, strike out "$6,991,000" and insert "$6,656,000".

On page 45, line 1, after "(84 Stat. 468)", strike out "$350,000" and insert "$426,000".

On page 46, line 25, after "(22 U.S.C. 2551 et seq.)", strike out "$10,000,000" and insert "$10,253,000: *Provided,* That none of the funds appropriated in this paragraph shall be available for obligation except upon enactment into law of authorizing legislation.".

On page 47, line 14, after "$4,820,000", insert a colon and "*Provided,* That of the sum appropriated in this paragraph, $820,000 shall not be available for obligation except upon enactment into law of authorizing legislation".

On page 47, line 22, after "$38,795,000", insert a colon and "*Provided,* That none of the funds appropriated in this paragraph shall be available for obligation except upon the enactment into law of authorizing legislation.".

On page 48, line 7, after the word "exceed", strike out "$1,500,000" and insert "$3,100,000"; and, in line 9, after the word "Act,", strike out "$25,110,000" and insert "$42,896,000".

On page 52, line 25, after "5 U.S.C. 3109", strike out "$5,800,000" and insert "$6,160,000."

On page 57, line 5, after "(75 Stat. 527)", strike out "$3,394,000" and insert "$4,946,000".

On page 60, after line 20, strike out:

SEC. 706. No part of the funds appropriated by this Act shall be used to furnish Government-purchased or leased limousines or luxury sedans or chauffeurs for any employee of the United States other than those defined in 5 U.S.C. 5312.

And, in lieu thereof, insert:

SEC. 706. No part of the funds appropriated by this Act shall be available to the Department of Justice or the Subversive Activities Control Board to carry out, execute or implement the provisions of Executive Order 11605 of July 2, 1971.

On page 61, after line 5, insert a new section, as follows:

SEC. 707. None of the funds appropriated in this Act for the United States Information Agency shall be available for obligation except upon the enactment into law of authorizing legislation.

Mr. HOLLINGS. Mr. President, I shall make only a few brief remarks concerning the 1973 appropriation bill for the Departments of State, Justice, and Commerce, the judiciary, and related agencies, that is now before the Senate, and then I shall yield to the ranking minority member of the committee, Senator MARGARET CHASE SMITH, who has been of enormous help in this matter.

The PRESIDING OFFICER. How much time does the Senator yield to himself?

Mr. HOLLINGS. So much time as may be necessary to make my opening statement.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, as the report indicates the total amount recommended is $4,819,292,769 in new obligational authority. This sum is $232,188,419 over the sum allowed by the House, is $529,302,659 over the total appropriations for 1972, and $114,966,169 over the total revised estimates for fiscal year 1973.

With respect to the sum added to the House bill, I wish to point out some of the major items:

For the Department of State, the committee recommended a total of $570,670,169, an increase of $45,844,419 over the House allowance. This additional sum would provide $700,000 for salaries and expenses to help defray increased pay costs and overseas operating expenses such as wage and price increases and added support to security, communications, and passport and visa operations; $32,687,919 for contributions to international organizations to provide $24,070,500, the sum requested restored to permit full payment of the U.S. assessment for calendar year 1972 at the going rate for the United Nations and affiliated agencies that had been limited to the 25 percent restriction under the House provision, and the balance, $8,617,419, the sum needed to cover our contribution to the International Labor Organization through the calendar year 1972—fiscal year 1973; $92,500 for the International Fisheries Commission, to provide $80,500 to the Inter-American Tropical Tuna Commission to permit salary increases of personnel and improvement of the Commission's basic data system, and the balance, $12,000 for U.S. membership in the International Council for the Exploration of the Sea; $12,044,000 for the mutual educational and cultural exchange activities, which together with the House allowance of $40,816,000 would provide the full budget request of $52,860,000, and $320,000 additional for the Center for Cultural and Technical Interchange in Hawaii to permit expansion of existing programs, including mandatory cost increases of Center operations.

The committee also recommended that the House provision on restriction of assessments to U.N. and affiliates exceeding the 25 percent maximum become effective on January 1, 1973.

For the Department of Justice, the committee agreed with the House allowance of $1,765,578,000 in new obligational authority for the fiscal year 1973. The Department advised that they were satisfied with this allowance which includes the full budget requests of $850,597,000 for the Law Enforcement Assistance Administration; $351,675,000 for the Federal Bureau of Investigation; $135,084,000 for the Immigration and Naturalization Service; and $74,053,000 for the Bureau of Narcotics and Dangerous Drugs. The allowance also includes the funds necessary to cope with the increased caseload of the U.S. Attorney's and Marshals Offices and for which 165 additional positions were provided—135 for U.S. Attorneys and 30 for deputy marshals; 205 additional positions for the Legal Divisions, including 107 for the Criminal Division, 36 for the Civil Rights Division, 27 for the Civil Division, 13 for the Tax Division, and 191 additional positions essential for the care, custody and treatment of inmates and the expansion of the narcotic addict treatment program, of the Bureau of Prisons.

Language has been added to the text of the House bill to provide for the use of Federal Bureau of Investigation funds in the exchange of identification records with nationally charted and federally insured institutions and officials of State and local government for purposes of employment and licensing, also to permit the Law Enforcement Assistance Administration to allocate $15,000,000 of the $50,000,000 available for planning grants to states without regard to the population formula set forth under section 205 of the Act.

For the Department of Commerce, the committee recommends a total of $1,470,721,000 in new obligational authority for the fiscal year 1973. This sum is $137,-

796,000 over the total budget request and $161,647,000 above the sum provided in the House bill. Also allowed by transfer authority was $20,000,000 from the 1972 appropriation for Trade adjustment assistance. These increases, reflected in several appropriation items, were considered by the committee to be essential for the Department to adequately finance the various programs recommended as high priority items and of extreme importance to the livelihood and welfare of this country.

Although the report, beginning at page 18, will provide a detail of the committee's recommendation for each Commerce appropriation item, it appears worthy to comment on the significant increases over the House allowances, namely $30,000,000 for the Economic Development Administration, development facilities and of which 25 to 35 percent will be available for public works impact projects. This sum, together with the House allowance of $160,000,000, will provide $190,000,000, the sum available for grants and loans in fiscal 1972; $23,400,000 for the Regional Action Planning Commissions to provide: $600,000 for administrative expenses, Ozark Commission; $800,000 for planning funds, Upper Missouri Commission; $1,000,000 for administrative and planning funds, Pacific Northwest Commission, and $21,000,000 to provide $3,000,000 to each of the seven regions to further fund airport safety projects at existing airports, and $108,113,000 for the National Oceanic and Atmospheric Administration. This sum, together with the House allowance of $357,293,000 will provide a total of $465,406,000 that the committee determined to be the minimum required in fiscal 1973 for the administration to accelerate a well balanced operations and development program, including high-priority projects involving the weather, ocean, earth, and solar systems. In this connection, attention is invited to page 24 of the report which indicates, by activity and amount, the committee's recommendation as to distribution of $76,046,000 which was included in the overall recommendation of $108,113,000, and which had not been included in the President's budget submission for NOAA. Of special importance is the addition of $14,000,000 for Research and Technical Services, National Bureau of Standards. This increase covers high-priority items requested by the Secretary of Commerce and provides the full request for the experimental technology incentives program, pollution measurement methods and standards, fire research and safety and the equipment modernization program. The committee earmarked funds to initiate an expanded fiber, textile and apparel flammability research program as it was considered to be of the very highest priority in order to reduce, if not eliminate, the tragic loss of life and serious injury to children and the aged.

For the Maritime Administration, the committee approved the House allowance of $342,222,000 in new obligational authority, and $233,312,000 for liquidation of contracts. The allowance provides $280,000,000 for the ship construction program. Included in this sum is $250,000,000 for the construction subsidy to fund up to 17 vessels, and $30,000,000 for the purchase of modern or reconstructed United States-flag vessels for lay-up in the National Defense Reserve Fleet.

For the judiciary branch the committee recommended a total of $191,499,600, which is an increase of $4,746,000 over the sum allowed in the House bill. Included in the increase is $14,000 for a secretarial position to the Administrative Assistant to the Chief Justice; $100,000 for the Customs Court to finance 8 of the 12 full-time positions needed to cope with the increased caseload in the clerk's and marshal's offices; $2,855,000 for Salaries of Supporting Personnel to provide 204 additional personnel—136 probation officers and 68 clerk-stenographers essential to the probation system in assisting the courts with their programs of expediting their caseload; $620,000 for 61 secretarial positions for circuit judges of which 15 are for the Fifth Circuit Court of Appeals, and $235,000 for related benefits; and, $453,000 for travel and miscellaneous expenses of the additional personnel provided for district and circuit courts under the appropriation for salaries of supporting personnel.

For representation of court appointed counsel and operation of defender organizations, the committee recommended the full budget estimate of $15,083,000, an increase of $1,583,000 over the House allowance. The committee disagreed with the contention of the House that such funds cannot be used to pay attorneys and experts appointed in the District of Columbia Superior Court and Court of Appeals and accordingly deleted the restrictive proviso relating thereto. Furthermore, the Comptroller General of the United States, in his decision of May 26, 1972, held that the provisions of the Criminal Justice Act of 1964, as amended, were applicable in criminal and related proceedings brought by, and in the name of the United States in the District of Columbia Superior Court and the District of Columbia Court of Appeals.

For salaries of referees, a special fund, the Committee proposed a reduction of $335,000 which, together with the $71,000 reduced by the House, was requested to adjust the salaries of full-time referees from $30,000 to $32,000 per annum. It was the committee's opinion that this proposed salary adjustment should be deferred until such time as pending legislation is enacted to provide for salary adjustments of the U.S. magistrates.

For the Commission on Bankruptcy Laws of the United States, the committee recommended the budget estimate of $426,000, which is an increase of $76,000 over the House allowance and was considered necessary to cover the costs for completion of the study and report during the fiscal year 1973.

For Related Agencies, the committee recommended a total of $820,824,000, which is an increase of $9,951,000 over the House allowance. This increase includes $253,000 for the Arms Control and Disarmament Agency; $17,786,000 for the Equal Employment Opportunity Commission, and which includes $14,786,000, the budget estimate that was not considered by the House but was requested to finance the budget estimate that was not considered by the House but was requested to finance the recently enacted authorization, Public Law 92–261, approved March 24, 1972; $360,000 for the Tariff Commission to provide for about 50 additional employees to cope with the increased workload; and $1,552,000 for special international exhibitions of the U.S. Information Agency and relating to a new budget estimate not considered by the House but needed to cover expenses of the U.S. exhibition, "Outdoor Recreation, USA," to be shown in six cities of the U.S.S.R. in accordance with U.S. and Soviet agreement signed April 11, 1972.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. President, I wish to take special note of the committee's recommendation for fiscal year 1973 for the Law Enforcement Assistance Administration in the amount of $850,597,000.

I believe these funds will be used by States and local units of government to make needed improvements in all phases of the criminal justice system. Under the LEAA program, the States submit comprehensive plans which contain projects for the police, courts and corrections, with a special emphasis on community-based corrections.

Mr. President, I am aware, as most of my collegues are, that there has been some criticism of the LEAA program. Althrough some funds were misspent in the early years of LEAA's existance, the Appropriations Committee has been satisfied by the LEAA Administrator, Jerris Leonard, that his agency is taking corrective action to see that this program functions in the way Congress intended. I am confident that the dollars we are appropriating today will be used to wage a vigorous attack on crime in our nation.

Also, I am pleased to note the LEAA program has been successful in South Carolina and has received widespread support. At this time, I would like to congratulate all those who have made this program work in my State.

Mr. President, I ask unanimous consent that the report which was submitted by Mr. Carl Reasonover, executive director of the South Carolina law enforcement assistance program, for LEAA's third annual report, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

SOUTH CAROLINA REPORT

Following is the FY 1971 report of the South Carolina Law Enforcement Assistance Program (LEAP).

GREATEST NEEDS

According to the 1968 population estimates, South Carolina ranks 26th in U.S. population with approximately 2,664,000 residents. Of these inhabitants, over 55 percent are located in the rural areas. Adequate crime prevention and control programs, however, must also be developed for South Carolina cities anticipating the greatest population growth. Because of this, a significant amount of program resources has to be directed towards smaller criminal justice agencies. Regional programs which will serve a number of these smaller agencies would be ideal.

38 percent of the population is under 18 years of age and 34.8 percent of the inhabitants are non-white; it is necessary that the criminal justice problems of these groups receive special attention.

A LEAP survey of the needs and problems

in the criminal justice system, has made possible—for the first time in South Carolina—a framework for systematic analysis of arrests, judicial processes, incarceration, release on probation or parole, rehabilitation and reintegration of the offender back into society.

The survey revealed breakdowns in communication between state agencies and local agencies, and between state and local agencies and the general public. We found overlapping jurisdictions, manpower duplication and waste, marked deficiencies in training, wide variances in hiring standards, a lack of research, and inadequate criminal records keeping, reporting and data collection. These deficiencies extend throughout the criminal justice system. Adult and juvenile penal facilities are inadequate and overcrowded. Courts operate in a variety of unsatisfactory physical settings. Sentencing procedures vary widely for the same offense; indeterminate sentences are not applied to adult offenders. Local police and sheriffs departments have insufficient or outmoded equipment. Training facilities and academies are inadequate, under-staffed and deficient in training hardware, mock-ups, and film, journals and textbook libraries. There was little training where different disciplines trained together.

SOUTH CAROLINA STATISTICS

Population: 2,590,516.

Planning grant: $355,000.

Action grant: $4,223,000.

Programs: upgrading personnel, $554,800; prevention of crime, $25,500; juvenile delinquency, $482,730; detection and apprehension of criminals, $678,850; prosecution, court and law reform, $460,250; correction and rehabilitation, $204,300; organized crime, $37,500; community relations, $42,000; riots and civil disorders, $174,950; construction, $1,198,100; and research and development, $364,020.

State correctional officers and local police officers often are uniformed and placed on line duty with little orientation to their duties and responsibilities. Career ladders are dismal, hiring standards vary widely and turnover rates are unacceptably high.

Juvenile educational and rehabilitation activities are substandard; there are shortages of teachers in the school system capable of diagnosing potential juvenile delinquents. There are not alternatives, such as halfway houses, to incarceration of juveniles. There are only 19 Family Courts, inadequately equipped to handle the numbers of juvenile cases in the state. Juvenile probation and parole is understaffed, underfunded and undertrained.

Criminal laws are not collected in a single volume of the Code of Laws of South Carolina. They are not up to date. They do not take cognizance of modern day crimes. These laws are in such a condition that it is mandatory that they be gathered in one central part of the Code of Laws of South Carolina. Fragmentary reports indicate a general, perceptible rise in index crimes over the past five years. Reliable crime statistics, owing to deficiencies in criminal record data collection, are lacking. South Carolina law does not require recording and collection of criminal statistics by the law enforcement agencies. Rather, statistics are maintained, if at all, on a voluntary basis. Crime statistics in the FBI's Uniform Crime Reports are the only available statistics at present.

At the state level, the LEAP set the following priorities for developing programs during FY 1971: training, construction and renovation of facilities, personnel, equipment and research.

At the local level, the priorities were: personnel training, equipment, personnel and salary improvements, records improvement, public education and management improvements.

MAJOR ACTION PROGRAMS

South Carolina's major action programs focus on establishing an information and communications system, a training academy and educational television training program and a volunteer corps to aid youth on parole.

Information and communications

The Criminal Justice Information and Communications System aims at collecting and disseminating criminal data from and to all state and local law enforcement agencies. Presently, it is possible for local law enforcement agencies to receive criminal data from the National Criminal Information Center only via State Law Enforcement Division. LEAA awarded $237,027 in FY 1971 funds to Law Enforcement Division to design and implement the needed system.

There are three phases to implementing the system:

Administrative

This phase will permit local law enforcement agencies to communicate with each other on an individual basis. Previously, intra-state communications were transmitted to all terminals. This phase adds 11 circuits and 10 terminals, increasing the number of circuits to 15 and number of terminals to 67.

Data collection and dissemination

After completion of phase one, all law enforcement agencies will be asked to report criminal activity information to the Division, where it will be compiled and coordinated for future use by the agencies. Also, local agencies will become capable of receiving data directly from the NCIC. It will also be possible for the agencies to obtain information concerning vehicles, drivers licenses, and so on, directly from the State Highway Department.

Criminal records

The final phase will give the courts, the corrections departments and probation, pardon and parole agencies access to the systems. Complete pre-sentencing information will be available and reporting requirements to the Attorney General will be simplified. The criminal history records are planned to be open-ended; health, welfare and education information about the criminal can be added, providing baseline research and statistical data to develop criminal profiles.

Training academy

At the direction of the Governor, a study of personnel agencies training needs and problems was made. Based on the results of the study, the State Legislature created a Criminal Justice Training Academy.

The Governor's Committee on Criminal Administration and Juvenile Delinquency allocated $500,000 from the FY 1970 LEAA grant and $149,800 from the FY 1971 state funds level to establish the Academy. A South Carolina Criminal Justice Academy will be constructed with LEAA, National Highway Safety Board and state and local funds, near Columbia. It will train an estimated 1,310 criminal justice employees yearly. It is expected to be operational by January 1972.

ETV training program

The South Carolina Law Enforcement Education Television Training Program was inaugurated by Governor McNair in September, 1965, to train approximately 4,000 police officers through closed circuit television. In December 1965, the first program was televised. The programs are 30 to 60 minutes of black and white video taped material transmitted monthly to 50 locations in the state. At each location a discussion leader distributes study workbooks, which are used by the students for discussing the programs.

Through televised instruction, approximately 4,000 criminal justice personnel will be brought up to date on changes in the law and new techniques used elsewhere in the criminal justice system. Twelve new programs are expected to be produced under this current $50,000 LEAA grant. Programs under preparation emphasize scientific techniques, crime scene searches, and arrest problems—focusing more on the "how to do it" than on "what the law is." Programs explaining new laws and new decisions by the courts will also serve as aids to the South Carolina Police Academy.

Volunteers

Under a $70,947 discretionary grant in 1970—a $96,959 continuation grant for 1971 is pending—an innovative program using volunteers in youthful offender rehabilitation was instituted in the Department of Corrections. Volunteers aid in the operations of the Parole and Aftercare Section of the Youthful Offender Division, where they supervise 17- to 21-year-old parolees over a two-year period. The volunteers are trained by, and under the supervision of professional parole counselors.

For the most part, the volunteers are friends or acquaintances of the youths or their parole supervisor. Most of the people contacted as potential volunteers welcomed the chance to serve.

Of the nearly 500 youthful offenders released since July 1969, only 50 (10 percent) have been returned to state correctional institutions for parole violation or felony charges. To date, the project has secured the services of 170 volunteers.

OTHER MAJOR PROGRAMS

Other major programs in the South Carolina criminal justice system center on community-based corrections and upgrading the courts.

Project Re-Entry

Project Re-Entry, a community-based pre-release center in North Charleston, enables individuals returning to the coastal area of the state from correctional institutions to participate in a program that eases their transition to civilian life. The program marshals private-sector resources in training, employment placement and guidance; provides transitional services and selective community-offender interactions; and provides supervision for individuals on work release. It also provides a continuous source of trained manpower to the community. The project was funded with a $114,433 discretionary grant.

Continuous data are maintained on all participants to determine the effectiveness of Project Re-Entry. Data collected includes number of recidivists, employer satisfaction with participants and level and extent of community participation. To date, 93 candidates have been processed through this center, and 33 are currently involved.

City-county complex

Florence County is located in the central eastern portion of South Carolina. The county contains 805 square miles with an estimated population of 85,000. Its largest city, Florence, has approximately 30,000 inhabitants.

The city of Florence was originally the center of an agrarian area, but is rapidly becoming urbanized. Industrialization has brought about many built-in problems, most of which are results of conflicting socio-economic stratifications. During this period of transition, there has been a significant increase in all crime categories.

The offices, jail, law enforcement division and courtrooms—all old, inadequate buildings—of the City and County of Florence were located on adjoining property in downtown Florence.

A feasibility survey during April and May 1965, determined that the buildings were "inadequate, badly deteriorated and not recommended for continued use."

Plans are underway for the sale of $5 million in Florence County bonds to finance a new complex to house the criminal justice agencies. The $5 million bond issue, however, was not adequate to complete the project. A $190,000 LEAA grant was awarded to the City and County of Florence during FY 1970 to aid the construction of the law enforcement complex. During FY 1971, a grant of $80,000 regional funds and $433,000 escrow funds were granted. As of July 1971, the complex has received LEAA action funds totaling $440,000. Construction is underway and the facility is expected to be completed by December 1972.

FAMILY COURT PROGRAM

There is an urgent need to replace the blame-guilt attiude directed to juvenile delinquency with a careful definition of each child's problems, characteristics and skills and the implementation of community-based treatment programs. This special project, funded with a $250,000 discretionary grant to the Vocational Rehabilitation Department, will concentrate intensive long-term services on juveline delinquents, ages 14 to 17, who are under the supervision of the Family Courts in Charleston, Spartanburg, Florence, Rock Hill and Columbia and who have not yet experienced institutionalization. The vocational rehabilitation unit will try to reduce juvenile recidivism rates by developing inter-community services such as group, individual and family counseling; voluntary placement in foster home or group home settings; work and recreation programs; remedial and vocational education programs; job training and counseling; physical and mental health services; and other services of a like nature.

A centralized unit will coordinate the program development of all five community units and a unit now operating in the Department of Juvenile Corrections. Approximately 500 juveniles will receive service in the first year of funding.

MISDEMEANOR OPERATIONS

As part of a master plan to improve its criminal justice system, the City of Columbia set as its goal updating and streamlining of the City's Recorders Courts. The objective is efficient administration of justice.

Columbia's growing crime problem—in 1968, 8,002 persons were cited for crimes; in 1970, 8,661 were cited—has produced a heavy and rapidly increasing caseload, as well as a backlog, in the city's Recorder's Office.

Changes in the system are directed to improving the court's operations, reducing the policeman's time in court and enhancing the prestige and dignity of the court. Plans call for: a full-time judge, one associate judge, legal and clerical assistance, organization of a violations bureau and a probation office and upgraded operating space.

To date, a public defender system has been created in Richland County. A full-time judge and a full-time probation officer have been employed; renovation and construction has been completed for a violation bureau; and additional personnel have been employed.

OTHER BIG CITY PROGRAMS

The changing makeup of Columbia's urban area presents a mounting crime problem. Related significantly to increasing criminal activity are a redistribution of Columbia's population, increased density of automobiles, annexation of 21 subdivisions to the central city and infringement by dissident groups on the State Capitol. The City of Columbia has set forth a master plan to improve and expand the existing criminal justice system. Included in the plan was the modernization of the Columbia Police Department communications system. The problems of criminal justice communications in Columbia are no different from those in the rest of the state. Inability of departments to coordinate with each other via a shared radio frequency, the tardiness of bulletin and announcement release and the rapid exchange of pertinent information regarding criminal activities are at the forefront. A new system was designed and aimed at providing adequate two-way radio communications between the policeman on the beat, the squad car or the agent on stakeout and their headquarters and between police agencies within the Columbia metropolitan area.

In the 1967 school year, there were 154 thefts from schools involving a loss of $72,130.00 and 52 acts of vandalism against schools with a loss of $39,467.00—for a total loss of $101,597.00. The city of Columbia realized the need to provide increased protection for school plants against the crimes of burglarly, larceny and vandalism. With assistance from an LEAA action grant, school and local officials and the Columbia Police and County Sheriff's departments have installed an audio, or sonic, alarm system in an effort to prevent crime against the district's schools and increase the chances of apprehending the criminals.

CARL R. REASONOVER,
Executive Director.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. HOLLINGS. Mr. President, the issue before us is one of the most important we shall address during this session.

The decisions to be taken here involve nothing less than the safety, welfare, economy and quality of life of many millions of Americans.

It represents a major challenge and an unparalleled opportunity, and it deserves our most thoughtful consideration.

I refer to the fiscal year 1973 budget for the National Oceanic and Atmospheric Administration.

As early as 1966, the Congress recognized that the time had come for our Nation to give serious attention to the marine environment and to the potential resources of the oceans. It also realized the time had come to move nationally to stimulate marine exploration, science, technology, and on a materially larger scale than had been attempted before. These congressional convictions resulted in the Marine Resources and Engineering Development Act, which brought the formation of one of the most distinguished commissions in recent history: the Commission on Marine Science, Engineering and Resources, headed by Dr. Julius Stratton.

In January 1969, the Stratton Commission issued a historic, far-reaching report, "Our Nation and the Sea," which in my view will stand for a great many years as one of the most important reports to emerge from a governmental commission. It set down guidelines for the creation of the National Oceanic and Atmospheric Administration, which came into being by Executive order in October 1970.

NOAA, as it is informally known, was formed to provide a mechanism for the civil Federal effort in the oceans, the air and, to a more limited extent, the solid earth. It brought together numerous Federal organizations under a sweeping charter and with a staggering responsibility to the people of our Nation.

The Stratton Commission offered, as a first budget for the proposed agency, $773 million, with the possibility that subsequent activities would add $36 million. It projected an operating budget of approximately $2 billion a year by 1980.

And this was in the days of the 1969 dollar.

NOAA's funding has not begun to keep pace with the Stratton Commission's recommendations, nor with the Nation's needs. The Congress, which so wisely foresaw the national requirement for major progress in the oceans and atmosphere, has not thus far seen fit to provide the financial tools to make it possible.

NOAA's first appropriation was $280,000,000. Its fiscal year 1972 appropriation was $338,064,000. These figures represent a pitifully inadequate approach to our environmental problems and opportunities.

This year, we have the chance to rectify the situation, and I am convinced that the Nation will applaud the Congress for so doing. The budget for which I am speaking was not arrived at without deep thought, nor without the serious weighing of fiscal responsibility against long-neglected national needs.

The Senate Appropriations Committee is proposing, and hopes very earnestly that this body and the Congress will adopt a fiscal year 1973 budget of $465,406,000 for NOAA.

There has been a disposition on the part of many, I fear, to regard NOAA as a somewhat expanded version of its old Weather Bureau, now the National Weather Service. In that connection, it may be germane to review briefly the responsibilities faced by the agency today.

NOAA must develop programs to assure the wise, balanced use of the ocean and its resources, to make possible their development and conservation. These programs, properly funded, will bring a surge of development. They will mean the birth of new industries and the regeneration of existing ones—in short, jobs—and a welcome boost to the national economy.

NOAA must develop and operate systems to monitor and predict weather, ocean, earth, and solar hazards. This simple statement encompasses a responsibility intimately affecting life, safety, property, work, play, and quality of living for the entire Nation.

NOAA must explore the feasibility and, where warranted, develop a national capability for the beneficial modification of the environment, a potentially tremendous tool toward human betterment. Of equal importance, it must understand the consequences of man's inadvertent effects upon that environment.

I submit, gentlemen, that it cannot be done—that it cannot begin to be done—on the budget submitted to the Congress. I should like, if I may, to discuss NOAA's responsibilities in the light of what needs to be done, and what cannot be accomplished within the framework of the original budget.

First let us consider the oceans, our final unexplored frontier and perhaps one of our last hopes for the resources our burgeoning populations will need in ever-increasing volume. As the Stratton Commission pointed out:

> How fully and wisely the United States uses the sea in the decades ahead will affect profoundly its security, its economy, its ability to meet increasing demands for food and raw materials, its position and influence in the world community, and the quality of the environment in which its people live.

We look to the oceans today almost as we looked to the land yesterday. We look to them for protein, for minerals, for gas. And, in an era of intensifying needs for these resources, it is imperative that we do. But the fact is that we are ill equipped to undertake what should have been well underway by now. We lack not only a basic understanding of ocean processes: we lack the simple knowledge which comes from a sufficiency of maps and charts. We critically need nautical charts for safe and efficient use of our waterways—but in this day and age we need much more.

We cannot hope to develop a marine industry capable of helping to solve pressing national problems without first describing the geophysical characteristics of our continental margins and certain deep ocean areas—and the need to do so is painfully apparent.

It has been estimated that in the past three decades our Nation has used more minerals and fuels than the entire world in all of its previous history, and the demand may well triple by the year 2000. The United States uses more than one-third of the total world production of petroleum and more than 60 percent of its marketed natural gas. It has been estimated that by the end of the century we shall need more than double the amount of fossil fuels used today for the generation of electrical energy alone. We have become dependent upon foreign sources for many of our hard minerals, and it is wholly logical that we turn to the oceans to redress this unfortunate balance. We are almost entirely dependent upon imports for such minerals as chromium, manganese, nickel, cobalt, industrial diamonds, platinum, and tin. Of more than 70 strategic and critical commodities indispensable to our economy in times of conventional warfare, more than 40 are largely imported. Offshore deposits are becoming increasingly interesting to other nations.

We have found that we can obtain such fundamental mineral supplies as sand and gravel more economically in many cases from the sea than from the land. We take more than 16 percent of our petroleum and gas from beneath the waters of the Continental Shelf. The nonliving resource potential of the oceans must be explored as a matter of national urgency.

Our coastal zones are of surpassing importance to us; they constitute by all odds the most valuable real estate in our Nation. Thirty States border on the sea coasts and the Great Lakes; there the greater portion of our industry and commerce are carried on; there lie the biologically richest regions of our country.

The Senate has, of course, recognized the importance of the coastal zone by its recent passage of the coastal zone management bill. But let me point out that we are a long way indeed from rational management of these national treasures when they are not even adequately mapped, let alone adequately understood.

I say it is vitally necessary that we abandon halfway measures in matters of such importance. We are asking that approximately $7,507,000 be restored to the NOAA budget in the areas I have just outlined, to enable that agency to make the kind of effort our Nation requires.

NOAA is responsible also for developing our Federal civil manned undersea science and technology program. I would be hard put to think of an exploratory effort of more importance to our country. The sea bottom is a vast mystery, one which cannot be penetrated fully except by man himself. The sea bottom cannot be properly understood, developed or protected until we can work on it for extended periods. The Stratton Commission, more than 3 years ago, called for a national effort to develop deep submersibles with capabilities for research and exploration at 20,000 feet. Until man—in or out of submersibles—can work under the sea effectively, our effort is seriously deficient.

Literally dozens of programs are crying out for accomplishment. NOAA, to its credit, has launched a manned underseas science and technology program, but it is by no stretch of the imagination the size and scope required to get on with such urgent tasks as extensive pollution assessment, resource studies and environmental evaluation—to name a few. We are asking that the sum of $13,400,000 be added to the budget proposal in order to attack this area with the attention it deserves. Not directly related to the manned undersea effort, but complementary to it in providing badly needed marine environmental information is NOAA's national data buoy program, to which we should like to see $1,287,000 added by this body.

When we consider the living resources of our oceans, we can immediately identify two major problems: First, we do not know the potential for food from the sea, although the demand for it is great and steadily rising; and second, our own fisheries are in serious trouble. Turning again to the Stratton Commission Report, we find the prediction that total annual production of marine food products can grow from the present 50-odd million metric tons annually to 400 or 500 million metric tons—exclusive of mariculture—before expansion costs render further growth uneconomic—a promising forecast indeed. It would lead one to believe that no great problems exist in this area, that there is plenty for all.

Contrast this, however, with what is happening today: fish are a common resource about which we really know very little and to which there is generally unlimited entry, and other nations are getting the lion's share of the world catch. We are importing about three-quarters of all the fish we consume. Since the early 1960's foreign fleets—huge factory ships, in many instances—have brought depletion to important fisheries and hardship to our industry. Haddock, cod, herring, the hakes, mackerel and other species continue to be heavily exploited. Under current international law, it cannot be prevented, although this Nation will press vigorously for more effective regulation at the Law of the Sea Conference next year.

There are, however, certain things which can be accomplished, and which should not wait for international agreement. The oceans, far from being a storehouse of unlimited fishery riches, are a delicate and sensitive food-producing system requiring far better understanding than we now possess if we are to use them intelligently. NOAA is starting a program which it calls MESA—marine ecosystem analysis—designed to offer better understanding of physical, chemical, and biological processes in the marine environmental and to provide information and services assuring protection as well as development of that environment. It will gather ecological information, determining the effects of environmental change, developing ways to repair damaged environments, and providing other services in the general area of Federal water resource planning.

NOAA's National Marine Fisheries Service has developed the beginnings of a program to monitor, assess, and predict our living marine resources. It will watch seasonal and annual changes in fishery resources in relation to the needs of our Nation. It will assess the productive capacity of these resources and ultimately establish a comprehensive description of the marine ecosystem in biological terms, from which rational fisheries management decisions can be taken.

There are many other areas in which NOAA is working to help restore our fisheries to health. I could single out the establishment of Federal-State management arrangements and assistance to the States, the enforcement of international and domestic regulations, the development of markets, particularly for unused and underused species, and mariculture, one of the more exciting and potentially productive possibilities before us. The sector which gives me greatest immediate concern, however, is that dealing with the matters I have just discussed—resource understanding, management and development, and the ecological and biological study necessary to the fulfillment of our fisheries potential. It is our considered opinion that this crucial problem, with so much opportunity for progress and such great menace for disaster to fine American industry, requires $9,000,000 more than was contained in the original budget request.

To work on, in and under the ocean, man must have the benefit of environmental forecasts which are essentially marine in nature. NOAA is expanding its weather service to accommodate this pressing need, but the funds allotted by the House are not, in my opinion, sufficient to carry out this responsibility in a way that will insure maximum safety and efficiency for men working in the oceans. Accordingly, we are asking that this body increase the original figure by $3,700,000.

One of our greatest oceanic challenges is the achievement of an understanding of oceanic properties and processes. The oceans and the atmosphere interact continuously, each a driving force determining the state of the other. While we know this, there is much more that we do not know. When we do, many mysteries will be solved. Research for its own sake never has been particularly attractive to those who control our finances; the quicker the promise of payoff, the more likely a research budget request is to succeed. What NOAA contemplates, however, is not research for its own sake; it is research designed to produce economically useful information and which should solve many problems which plague us today. I believe that the original budget proposal is seriously inadequate, and we are, therefore, proposing the addition of $6,319,000 to it.

One NOAA effort which is paying dividends in a most substantial way—here and now—is its national sea grant program. This is one of the most creative and innovative marine undertakings in our Nation today. It moves knowledge and ideas from the laboratory to the docks and boats. It works in a very personal and effective way with those who need it most, with applied research, by educating technicians, and by energizing oceanic efforts along every U.S. coastline and our Great Lakes. It is a relatively new program; it is fresh and dynamic—and it gets things done. Since it is a matching-fund effort, it receives close and enthusiastic cooperation and collaboration from the States. Sea grantees in Washington have developed pan-sized salmon which will open a new market; have advanced shrimp mariculture in Florida; have conducted research which brought new laws permitting private hatchery operation in Oregon; have helped establish marine public health programs in Texas. I could name scores of other achievements. Sea grant, my distinguished colleagues, rolls up its sleeves and goes to work in the great American tradition. It succeeds. No marine program in the Nation is more deserving of our support, and none will produce more in return for it. I ask that this Chamber add the sum of $8,803,000 to the entirely insufficient amount originally requested of the Congress.

The programs I have just outlined represent the bulk of the additional funds we are requesting, because we are just making our beginnings in the Federal ocean effort. Of equal importance, however, are the Nation's programs in the solid earth and the atmosphere, and I should like to share my views about them with you.

No responsible American could fail to have been touched and concerned when the great San Fernando Valley earthquake occurred on February 9, 1971. It was only by the sheerest of chance that the disaster was not greater. While earthquakes are not predictable in the short term, there is a serious expectation, based upon historical recurrence, that certain areas of our Nation may undergo upheavals involving wholesale death and destruction over the coming years. Indeed, NOAA seismologists have said that earthquakes as severe or stronger than the San Fernando event could occur in at least 16 other populous States. This conclusion was documented by 20 instances in which strong earthquakes have occurred outside of California and Alaska during the past three centuries. It has also been established that a great many high-rise buildings might well collapse in any great earthquake.

NOAA bears a substantial seismological responsibility to our Nation. Its programs have recently been reorganized and consolidated. Its National Earthquake Information Center for some years has notified our people quickly and faithfully of earthquake occurrences around the world. NOAA's seismic monitoring systems provide the basic risk assessments upon which earthquake-resistant structures can be erected, minimizing danger and damage. We must, however, work toward a goal of short-range earthquake prediction, as well as expanding and refining other seismic services to our people. In view of the gravity of this responsibility, and of the dangers inherent in the faults beneath our feet, I am convinced that proper weight has not been given to this effort, and I am asking that $2,395,000 be added to it.

The tasks I have been addressing affect many, many millions of Americans. The tasks I turn to now affect the lives of every American. I refer to NOAA's weather effort.

The United States has the best weather service in the world. We may well be proud of it. No hurricane can approach our shores undetected and unwarned; our tornado warning service is the finest anywhere; our protection from floods and similar natural hazards is unapproached elsewhere over the face of the globe. Our day-to-day weather service is excellent.

All of this is not good enough. It will not be good enough until every possible life and every possible piece of property are fully protected; until long-range, accurate forecasts provide the information needed by every segment of our economy and every individual in their lives and work.

At present, the Nation's weather services are best described as somewhat inconsistent. Quite properly, the heaviest effort has been devoted to the science and service of those phenomena which deal the most death and destruction. There are, however, certain areas where more funds are severely needed. Only our largest cities have the convenience of adequate automatic telephone-answering services at weather stations. While the NOAA Weather Wire and its network of VHF–FM continuous-broadcast shortwave weather information stations are very useful, there are by no means enough of them. Many airports lack terminal weather forecasts. There are regions without agricultural weather services, without fire-weather services, without air pollution meteorological services—all prime necessities.

We do not lack the technology to improve and extend our services; we simply have not committed adequate funds to the task. Nor would those funds represent service without return. They would repay themselves handsomely—first of all, of course, in life, but also in crops saved, industrial operations better planned and operated, in disaster losses averted through more complete community preparedness, transportation schedules improved, in better service to air pollution authorities—even in services to men in space. I might point out that the President has recognized the need for additional efforts in natural disasters, and has proposed action in that direction.

There is no need to remind this body that weather is global, that the problems are so great and the lack of knowledge of fundamental environmental processes so immense that no one country can hope to solve them by itself. Fortunately, there are international organizations dedicated to the solution of weather problems—notably the World Meteorological Organization and the International Council of Scientific Unions. They have launched a world weather program, of which the global atmospheric research program is a vital part. The United States is active in these programs. During the summer of 1974 the global atmospheric research program will conduct an international experiment in the tropical Atlantic to study atmospheric circulation.

It is encouraging to me that we are deeply involved, both domestically and internationally, in an effort to improve our understanding of weather processes and the services we provide. There are several areas in which it is my conviction that more funds are required than have been allotted, in the following areas: aeronautical charting, basic weather service and analysis, river and flood forecasting, hurricane and tornado forecasting, aviation weather service, upper air and space forecasts, pollution forecasts, and the global atmospheric research program. I am requesting this body to approve a budget of approximately $14,944,000 over that submitted to the Congress. I assure you the money will be well spent.

Next I would call your attention to the national opportunities presented by one of the most marvelous technological achievements of our time—the satellite, which has already helped to revolutionize weather forecasting and whose potential seems virtually limitless. The weather satellite has given our Nation eyes to view the world. It has provided a first line of defense against natural hazards. It is constantly being improved. Satellites soon to be launched will allow us to obtain vertical temperature and moisture profiles of the atmosphere, twice daily and on a global basis. The first geostationary satellite is planned for 1973, giving nearly continuous day and nighttime coverage.

But it would be a mistake to restrict our satellite thinking to simple weather terms. Before this year goes into history, satellite oceanic observations in the form of sea-surface temperatures will be ours. This will have a direct effect upon our knowledge of such things as fish distribution and coastal pollution. Earth resources satellites will provide our first opportunity to sense ocean color, and possibly sediment load. Sea-ice monitoring by satellite is now routine. Caribou herds have been tracked by satellite; there is reason to believe other natural resources can be similarly monitored.

The age of the satellite is in its infancy. It is imperative that NOAA make every possible use of this promising environmental tool, and that the Congress allow it to do so. For this reason, I am asking that the sum of $6,716,000 be added to the original allowance for this item.

Finally, I should like to address the third major responsibility of NOAA—the general area of environmental modification. Here, indeed, may lie one of our greatest opportunities to improve the quality of life in America. Already, there is ground for optimism that the fury of the hurricane can be partially diffused by cloud seeding; it has in fact been demonstrated to the satisfaction of many, although NOAA scientists decline to make the claim until further research is completed. In the great state of Florida in 1971, scientists from this agency conducted experiments instrumental in alleviating a disastrous drought. Over Lake Erie, experiments have been conducted to redistribute snowfall with a view to lessening the impact of severe storms on metropolitan areas. Hail, which causes many millions of dollars' damage annually to agriculture, may be susceptible to modification by cloud seeding. Other Federal agencies are involved in a variety of experiments. The main responsibility, however, lies with NOAA.

Environmental modification, however, has many facets—scientific, operational, legal, and social. One of our most pressing concerns, in these days of smoggy skies, is to understand the consequences of inadvertent environmental change. We must do more to monitor natural and manmade effects on atmospheric constituents, to determine what they are doing—or what they may do—to our weather and climate. This will require time, efforts, and funds, and over a period of time it will be fully as important to our Nation as our labors in hurricane and tornado detection and warning. Life literally may hang in the balance. A program of this nature must not be underfunded.

I am convinced that the original action leaves it in that posture, and I earnestly request that the sum of $1,715,000 be restored forthwith.

What you have just heard has dealt entirely with NOAA programs which we consider to have been the victims of shortsighted fiscal policy. I have made no attempt to cover all of NOAA's efforts; only those which I feel to be in danger. It is my hope that the issues which I have placed before you will offer a clear realization of the absolute need that this Congress act with the wisdom which characterized its establishment of the Commission which brought NOAA into being. To a certain extent, NOAA is the creation of the Congress. When we consider its fiscal fate, we are effectively controlling a vital segment of our Nation's future. Our actions directly affect NOAA's capacity for serving the American people in many areas of surpassing importance to their daily lives now, and to those of their children and grandchildren in the years to come.

Let us act with courage and conviction. The Nation needs an effective, vigorous NOAA, and we must do everything in our power to provide it. There is no more vital or useful agency in the U.S. Government.

Let us unshackle it—today.

Mr. President, I wish to recognize the fact that the distinguished senior Senator from Arkansas (Mr. McCLELLAN) was in daily touch with me during the hearings we had over the past 3 months on the appropriation bill for State, Justice, and Commerce, which is now before this body. Obviously, in his campaign for reelection he could not be here all the time, but I talked to him the day after his renomination, the day before yesterday, and he asked that progress be made on this bill and that it be dispensed with today, if at all possible.

I wish to recognize the contribution and leadership of the distinguished senior Senator from Arkansas (Mr. McCLELLAN) in trying to bring to the Senate what I think is a reasonable bill, within the context of the hearings and the evidence which was presented before the committee.

No one was of more help than the distinguished senior Senator from Maine (Mrs. MARGARET CHASE SMITH). She was there daily with her experience, background, and judgment, and it was a distinct pleasure to be able to work with her on this particular measure.

At this point I would like to yield to the ranking minority member of the subcommittee, the distinguished senior Senator from Maine.

Mrs. SMITH. Mr. President, as the ranking minority member of the subcommittee which considered H.R. 14989, the appropriation bill for the Departments of State, Justice, Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973. I want to congratulate the distinguished acting chairman of the subcommittee (Mr. HOLLINGS) for the excellent manner in which he carried out his assignment and duties in reporting this bill.

The chairman has already discussed all the money items in the bill so I shall not take the time of the Senate to expand in this area except to state that the appropriation bill before us totals $4,819,292,769, which is $114,966,169 over the budget request. The bulk of the increase recommended is to take care of the National Oceanic and Atmospheric Administration program. The committee felt that this is an area where more should be done than recommended in the budget for air pollution, weather forecasting, earthquake studies, research and development, et cetera. Twenty million dollars of this increase will be provided by transfer and will not add to the overall budget.

The committee is recommending in this bill before you the full amount of the budget estimate for the mutual educational and cultural exchange program. I believe they are doing a good job under new direction. In the State Department area for contributions to international organizations, the full amount of the request is recommended, plus full funding for the International Labor Organization.

The committee is also recommending in the bill that after January 1, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except the International Atomic Energy Agency and the joint financing program of the International Civil Aviation Organization. I do not need to remind the Senate that over the years this committee and the House committee have served warning, by way of report language, to get our percentage payment down. Up to now there has been little success. The difference in the Senate recommendation and the House-passed version of this bill is that the House-passed bill would cut the contribution to international organizations immediately, whereby the Senate language on pages 5 and 6 of this bill provides a cutoff date of January 1, 1973. This would provide a little time so that the department can reach this level in a more orderly way. There are a lot of ramifications to be ironed out between now and the cutoff date of January 1, 1973.

Mr. President, in closing I want to say that there are other areas in the bill where additional increases could be justified. However, in order to preserve a certain balance to maintain the integrity of the most necessary programs it became necessary to hold the line and avoid adding to inflationary pressures. I believe that the committee used excellent discretion in these decisions before reporting the bill. I further believe that the amounts recommended in the bill for the various departments and agencies will provide adequate funding for the next fiscal year and will meet the obligations of the departments.

I am pleased to have participated in the hearings and to have worked with the acting chairman, the Honorable "Fritz" ERNEST F. HOLLINGS. This is a job well done by the chairman and his committee and especially by the knowledgeable and efficient members of the staff: Mr. Harold E. Merrick, Mr. William J. Kennedy, and Mr. Joseph T. McDonnell.

Mr. President, I join the chairman of the subcommittee in support of the passage of this bill.

Mr. HRUSKA. Mr. President, I support H.R. 14989 as it was approved and reported from the Committee on Appropriations. I have proposed two amendments to various sections of the bill which I shall call up later this afternoon and on which I shall comment in greater detail at that time. This bill makes appropriations for fiscal year 1973 for three very important executive departments—State, Justice, and Commerce, for the third branch of the Federal Government—the judiciary—and for a number of related agencies.

At the outset, I want to congratulate the chairman of the committee, the Senator from Louisiana (Mr. ELLENDER), for the effort he has put into the Senate drive to have fiscal year 1973 appropriations approved by June 30. While this is only the fifth bill to be considered on the floor for fiscal year 1973, it is still possible to meet the deadline if all Senators will cooperate. I also want to thank the temporary chairman of the subcommittee, the Senator from South Carolina (Mr. Hollings) for the very diligent and capable way that he processed this bill. In the absence of the permanent chairman, the Senator from Arkansas (Mr. McClellan), our colleague from South Carolina did an outstanding job of leading the subcommittee. As always, the ranking minority member, the Senator from Maine (Mrs. Smith), contributed greatly to the consensus that was reached on this bill.

Mr. President, the bill appropriates $4.8 billion for the work of these departments and agencies. The committee, however, has carefully considered every item in the bill and it reflects its best judgment as to the needs of the departments and priorities that should be given the various programs. The committee figure represents an increase of $232 million over the amount approved by the other body, $115 million over the budget estimate, and $529 million more than the appropriation for fiscal year 1972.

Other members of the committee will be discussing the bill in great detail. This Senator would like to spend just a moment on a few of the items that are of particular concern or interest to him.

DEPARTMENT OF STATE

The Senate bill appropriates $570.6 million for the operations of the State Department for the coming fiscal year. This figure contrasts with the House approved amount of $524.8 million, the budget estimate of $569.8 million, and the fiscal year 1972 appropriation of $510.8 million.

The action of the committee regarding the United States contribution to international organizations and conferences is of particular interest to this Senator. For a number of years I have felt that the United States was being called upon to support these organizations to an extent far beyond our interest, capability, or necessity. I have advocated in the past and support now the idea that this Nation should not pay more than 25 percent of the cost of these bodies. In fact, it is possible that this figure could be cut even more. For this reason, I support that action of the House imposing a 25 percent limit on U.S. participation.

However, in order to facilitate advance planning and the smooth functioning of these organizations, my view is that the committee modification of the House proposal which imposes this limitation after January 1, 1973, be changed to December 31, 1973. This postponement means that the affected international organizations will have time to seek alternative funding sources or the realinement of priorities necessary to meet the new budget situation. It is also in accord with the 3-year cycle by which the U.N. budget is formulated.

Section 105 of the bill which indicates that none of the funds in this bill will be available for obligation until the authorizing legislation is enacted was added in response to a problem facing a number of the items of the bill. Similar language is contained in other sections of the bill. The problem is that the heavy workload of the Senate has meant that a number of authorization bills for items in the State, Justice, and Commerce appropriations bill have not yet reached the floor for approval.

This means, once again, that there will be a problem for the affected departments and agencies regarding funding for the first part of fiscal year 1973 or until such time as the authorizations are approved. In order to facilitate the work of the Appropriations Committee, the chairman has moved ahead with this and other bills despite the lack of some authorizations, but it was felt necessary that language such as that in section 105 be added.

DEPARTMENT OF JUSTICE

For the work of the Department of Justice in fiscal year 1973, the committee has recommended $1.77 billion. This amount is identical with that approved by the House and contrasts with the fiscal year 1972 appropriation of $1.57 billion; it is $11 million less than the budget estimate.

This Senator fully supports the action of the committee in approving almost all of the budget request for this Department. I am especially pleased that the full amount requested by the Federal Bureau of Investigation, $351.7 million, the Immigration and Naturalization Service, $135.1 million, and the Bureau of Narcotics and Dangerous Drugs, $74.1 million, has been approved. These vital law enforcement agencies need these moneys if they are to carry out their responsibility to insure the safety of American citizens.

With regard to the appropriation for the Law Enforcement Assistance Administration, I am gratified that the committee has seen fit to approve the entire budget request of $850.6 million. This is an increase of over $150 million from the previous year and $400 million from fiscal year 1971. It demonstrates the growth and the capability of this relatively new Federal program.

A good deal has been said and written about the Nation's criminal justice systems and the Law Enforcement Assistance Administration in recent weeks. Some of the comment has been critical. Some has been politically motivated and some is based on incomplete or inaccurate information.

However, when it comes time to assess the variety of opinions expressed regarding Federal efforts to assist local law enforcement, it seems to me that the most valid opinions are those stated by persons involved in the day-to-day job of protecting the public safety. I invite the attention of the Senate to a special editorial in the April–May 1972 issue of the National Sheriff magazine, published by the National Sheriff's Association. I am certain each Member of the Senate will be interested to know what the sheriffs—those men who are on the frontline in the everyday battle against crime—say about LEAA, and about some of the recent criticism aimed at the law enforcement program.

The editorial points out:

> In the few years since LEAA began operations, greater efforts have been made to combat crime than were made during any previous time since the foundation of the Republic. LEAA has provided financial assistance in impressive amounts to the hard-pressed law enforcement agencies that have for so long been the stepchild of many State and local jurisdictions.

Mr. President, I urge wholehearted support for the LEAA appropriation now before the Senate, and I ask unanimous consent that the editorial from the National Sheriff be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Of Vital Significance to All or American Law Enforcement

It is most unfortunate that some members of the Legal and Monetary Affairs Subcommittee of the House Government Operations Subcommittee have seen fit to recommend, as reported recently by the news media, that further funding increases for the Law Enforcement Assistance Administration (LEAA) be suspended.

An examination of the facts reveals that this action was prompted by unwarranted conclusions, improperly drawn from misleading evidence.

We all understand that the American system of government is founded on the give-and-take of everyday politics. But there are a number of issues before the nation that are simply too important to be subjected to partisan fray. Surely the safety of our citizens is one of them.

It is therefore intolerable that some reasonable criticism of the relatively few LEAA-sponsored programs that ran into trouble is being used as a smokescreen to hide the death blows aimed at financial assistance to the states and to local government for the improvement of law enforcement.

It would be well for all citizens concerned about law enforcement in this nation to familiarize themselves with the facts because much is at stake.

Before LEAA went into operation, the United States had suffered several bloody civil disorders that threatened the stability of the nation. Congress finally enacted the Omnibus Crime Control and Safe Streets Act shortly after the assassination of a prominent presidential candidate.

The new legislation creating LEAA called for what is basically a block grant program run by the nation's fifty-five states and territories, according to their own ideas of what they need most.

The thought behind this approach was to give state and local governments the tools they need to do something specific about reducing crime. The Safe Streets concept recognizes that the United States is a Federal Republic in which law enforcement is, and must remain, an essentially state and local function.

At the same time, however, Congress also understood that the states, counties, towns, and villages across the land do need substantial amounts of federal aid to assist them in meeting their law enforcement obligations to the public.

In the few years since LEAA began operations, greater efforts have been made to combat crime than were made during any previous time since the foundation of the Republic. LEAA has provided financial assistance in impressive amounts to the hardpressed law enforcement agencies that have for so long been the stepchild of many state and local jurisdictions.

Positive results are beginning to appear. Although, across the nation, crime is still increasing, its rate of growth is definitely beginning to slow. Many jurisdictions are actually showing decreases.

The danger of suspending federal funding assistance under state and local plans should be clear to every one of us. The power to dictate use of funds is the power to control. If the present system should be changed, giving federal officials the final say in funding, they certainly will have the power to determine policy in every sheriff's office, courthouse, penitentiary, and police department in the nation.

Had the critics limited themselves to reporting on the entire Safe Streets program—had they made a real attempt to take an honest look at how LEAA is doing in its fourth year—they would have been fulfilling a responsibility to the Congress and to the people. Congress has the right and the duty to see to it that every federal agency is run efficiently and according to the law. No one, however, has the right to distort the truth to fit preconceived notions of how the federal government should operate in the American Republic.

Of the nineteen witnesses who testified, only one suggested a fund freeze. Many other witnesses indicated just the opposite—that LEAA spending is sound and there are good and sufficient reasons to believe that the pace is correct.

Moreover, there is nothing in the record which would indicate the need for more federal controls—controls which can result in dictating needs to local law enforcement agencies.

For these reasons, we hope that any attempt to reshape federal aid to law enforcement into a program to control this country's criminal justice system from Washington, D.C., fails.

This nation's long tradition of local, impartial, law enforcement is in jeopardy. This is too paramount an issue to be sacrificed on the altar of partisan politics.

Mr. HRUSKA. Mr. President, the committee has approved the request of the Administrator of LEAA that language be added to the bill specifying that $15,000,000 of the appropriation shall be available for allocation to the various States without regard to the population formula contained in section 205 of the authorization. This language has been added to insure that all States, regardless of population, will have sufficient funds available to them to insure their ability to formulate effective and comprehensive criminal justice plans. By adhering in the past strictly to the formula set forth in section 205, several of the smaller States have found that they have not been receiving funding sufficient to enable them to meet this fundamental requirement of an effective statewide law enforcement effort. The language of the committee should go a long way toward rectifying this defect. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table showing how the various States would be affected by alternative base figures of $100,000—the present figure—and $200,000 or $300,000. The table will demonstrate the equity for both large and small States which will result from the adoption of this language.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FUNDS FOR PLANNING

State	Population	Fiscal year 1972	Fiscal year 1973		
			$100,000	$200,000 base	$300,000 base
Alabama	3,444,165	593,000	843,650	851,738	859,826
Alaska	300,382	143,000	164,857	256,841	348,825
Arizona	1,770,900	354,000	482,365	535,107	587,848
Arkansas	1,923,295	375,000	515,270	563,944	612,619
California	19,953,134	2,957,000	4,408,202	3,975,728	3,543,253
Colorado	2,207,259	416,000	576,582	617,679	658,775
Connecticut	3,031,709	534,000	754,594	773,689	792,784
Delaware	548,104	178,000	218,344	303,717	389,000
District of Columbia	756,510	208,000	263,342	343,154	422,965
Florida	6,789,443	1,072,000	1,565,949	1,484,765	1,403,580
Georgia	4,589,575	757,000	1,090,963	1,068,484	1,046,005
Hawaii	768,561	210,000	265,944	345,434	424,924
Idaho	712,567	202,000	253,854	334,838	415,823
Illinois	11,113,976	1,691,000	2,499,685	2,303,095	2,106,505
Indiana	5,193,669	844,000	1,221,396	1,182,797	1,144,197
Iowa	2,824,376	504,000	709,828	734,456	759,084
Kansas	2,246,578	422,000	585,072	625,119	665,166
Kentucky	3,218,706	561,000	794,970	809,075	823,179
Louisiana	3,641,306	622,000	886,216	889,043	891,870
Maine	992,048	243,000	314,199	387,725	461,251
Maryland	3,922,399	662,000	946,909	942,234	937,560
Massachusetts	5,689,170	914,000	1,328,383	1,276,560	1,224,738
Michigan	8,875,083	1,371,000	2,016,273	1,879,430	1,742,587
Minnesota	3,804,971	645,000	921,554	920,014	918,473
Mississippi	2,216,912	417,000	578,666	619,505	660,344
Missouri	4,676,501	770,000	1,109,731	1,084,933	1,060,135
Montana	694,409	199,000	249,934	331,402	412,871
Nebraska	1,483,493	312,000	420,310	480,721	541,132
Nevada	488,738	171,000	205,526	292,483	379,441
New Hampshire	737,681	206,000	259,277	339,591	419,905
New Jersey	7,168,164	1,126,000	1,647,721	1,556,430	1,465,138
New Mexico	1,016,000	245,000	319,370	392,257	465,144
New York	18,236,967	2,704,000	4,037,654	3,650,978	3,264,301
North Carolina	5,082,059	828,000	1,197,298	1,161,677	1,126,056
North Dakota	617,761	188,000	233,384	316,898	400,413
Ohio	10,652,017	1,625,000	2,399,941	2,215,679	2,031,416
Oklahoma	2,559,229	466,000	652,578	684,282	715,986
Oregon	2,091,385	399,000	551,563	595,752	639,941
Pennsylvania	11,793,909	1,788,000	2,646,494	2,431,759	2,217,024
Rhode Island	946,725	236,000	304,413	379,148	453,884
South Carolina	2,590,516	471,000	659,334	690,202	721,071
South Dakota	665,507	195,000	243,693	325,933	408,173
Tennessee	3,923,687	662,000	947,187	942,478	937,770
Texas	11,196,730	1,703,000	2,517,554	2,318,755	2,119,956
Utah	1,059,273	251,000	328,714	400,446	472,178
Vermont	444,330	164,000	195,937	284,080	372,222
Virginia	4,648,494	766,000	1,103,684	1,079,633	1,055,582
Washington	3,409,169	588,000	836,094	845,116	854,138
West Virginia	1,744,237	350,000	476,608	530,061	583,514
Wisconsin	4,417,731	733,000	1,053,859	1,035,966	1,018,073
Wyoming	332,416	148,000	171,773	262,903	354,032
American Samoa	27,159	104,000	105,864	205,139	304,414
Guam	84,996	113,000	118,352	216,083	313,815
Puerto Rico	2,712,033	485,000	685,571	713,197	740,823
Virgin Islands	62,468	109,000	113,487	211,820	310,153

DEPARTMENT OF COMMERCE

Mr. HRUSKA. Mr. President, the committee has approved $1.49 billion for the work of the Department of Commerce in fiscal year 1973. The House had appropriated $1.31 billion and the budget request was for $1.33 billion. The fiscal year 1972 appropriation was $1.27 billion.

When it is called up for consideration, I shall support the amendment of the Senator from Hawaii (Mr. INOUYE) to increase the appropriation for the U.S. Travel Service from $8.5 to $12.1 million. This is a most important program that is both fostering better understanding of this Nation by citizens of other nations and adding greatly to the income we receive from abroad, thus benefiting our balance-of-payments programs. It is essential that this service be given adequate funding to carry on these projects now that it is getting going in a substantial way. The United States is incurring a "travel receipts deficit" of more than $2.7 billion. This outflow of funds from American tourist expenditures abroad is one of the major components of our balance-of-payments deficit. Never before has there existed such a favorable economic climate for the United States to strike hard at this superb target of opportunity to attract foreign tourists to the United States. The devaluation of the dollar, increased prosperity abroad, and the determination of our Government to attract foreign visitors combine to present us with a rare opportunity to give tourist promotion a historic boost. This opportunity must not be permitted to slip by simply because of inadequate resources.

THE JUDICIARY

Mr. HRUSKA. Mr. President, for fiscal year 1973 the committee has approved $191.5 million for the work of the judicial branch of the Federal Government. This contrasts with the House approved figure of $186.8 million, the budget request of $199.5 million, and the fiscal year 1972 appropriation of $176.1 million.

This Senator is particularly concerned by the action of the House in removing all funds for support of the Criminal Justice Act of 1964, as amended, in the District of Columbia. This action was based on the view that the legislation did not provide for such payments because the new superior court for the District of Columbia is not the type of Federal court covered by the act.

In 1970, when the amendments to the Criminal Justice Act were under consideration by the Senate, I proposed and the Senate adopted an amendment expressly extending coverage of the act to the new judicial system then being considered for the District. I ask unanimous consent to have printed at this point in the RECORD an excerpt from the CONGRESSIONAL RECORD, volume 116, part 10, page 13731, containing the debate and action on this amendment.

Also I ask unanimous consent to have printed at this point in the RECORD a letter from the Comptroller General of the United States, dated May 26, 1972, setting forth his opinion that the terms of the act do extend to the District of Columbia.

There being no objection, the items

were ordered to be printed in the Record, as follows:

Excerpt

Mr. Hruska. Mr. President, I send to the desk an amendment to the committee substitute amendment, and ask for its immediate consideration.

The Presiding Officer. The amendment will be stated.

The Bill Clerk. The Senator from Nebraska (Mr. Hruska) proposes an amendment as follows:

"On page 22, after line 21, insert a new section as follows:

"Sec. 3. The provisions of this Act shall be applicable in the District of Columbia. The plan for the District of Columbia shall be approved jointly by the District of Columbia Court of Appeals, and the Judicial Council of the District of Columbia Circuit."

Mr. Hruska. Mr. President, the amendment that I have offered would make the provisions of the Criminal Justice Act, as amended by S. 1461, fully applicable to the District of Columbia.

This amendment is needed to clarify the application of the act to appointed counsel appearing before the court of general sessions or any other courts of general jurisdiction, now or in the future, in the District of Columbia. The Criminal Justice Act of 1964, as originally enacted, omitted any reference to the District of Columbia Court of General Sessions, although the Comptroller General ruled in 1966 that the act does extend to certain classes of cases prosecuted in that court. As I recall, that was also the intent of the 1964 act.

Since the Constitutional Rights Subcommittee began consideration of S. 1461, and other proposed amendments to the 1964 act, legislation has been proceeding through the Senate and the House District Committees that would significantly reorganize the Federal courts of the District. That legislation is now before a conference committee.

The concurrent jurisdiction of the District of Columbia District Court and the District of Columbia Court of General Sessions over certain offenses against the United States would end under that legislation, and the court system would be greatly changed. It is the concurrent jurisdiction, however, upon which the Comptroller General based his opinion of coverage under the 1964 act.

Therefore, to insure coverage of the Criminal Justice Act in the District, whether or not the court reorganization bill is enacted, for those classes of cases specified in the 1964 act, as amended by S. 1461 as reported by the full Judiciary Committee, this amendment is offered.

The Presiding Officer. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

Comptroller General
of the United States,
Washington, D.C., May 26, 1972.

Hon. Rowland F. Kirks,
Director, Administrative Office of the United States Courts

Dear Mr. Kirk: Your letter of March 7, 1972, requests our opinion as to whether, in light of the reorganization of the local courts in the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970, Public Law 91–358, 84 Stat. 473, the funds appropriated to the Federal Judiciary for the implementation of the Criminal Justice Act (CJA), 18 U.S.C. 3006A, are available to pay attorneys and experts appointed in the District of Columbia Superior Court as well as pay for other services, in cases where exclusive jurisdiction over the criminal offense charged is vested in that court; and if it is our decision that such funds may be so applied, in what categories of cases could such attorneys and experts be compensated. You also ask what responsibilities the Judicial Conference of the United States and your office would have over the administration of, and budgeting for, the CJA program in the District of Columbia (D.C.) Superior Court and the District of Columbia (D.C.) Court of Appeals if we determine that CJA applies to cases peculiar to the local jurisdiction of those courts. We wrote to the Executive Officer of the D.C. Courts for his views on these matters, and in response thereto The Honorable Harold Greene, Chief Judge of the Superior Court of the District of Columbia furnished us the views of the District of Columbia courts.

In 45 Comp. Gen. 785 (1966)—referred to in your letter—we stated that the Criminal Justice Act is intended to provide adequate representation at all stages for persons charged with the commission of felonies or misdemeanors, other than petty offenses as defined in section 1 of title 18, United States Code, who are financially unable to obtain an adequate defense. We noted that in making such provision, the act was framed in terms of the Federal Court System of which the District of Columbia Court of General Sessions has traditionally not been considered a part. However, we pointed out that with respect to the purposes of the Criminal Justice Act of 1964 the United States District Court for the District of Columbia had concurrent jurisdiction over all criminal cases which could properly be heard in the "United States Branch" of the D.C. Court of General Sessions, and that all criminal cases heard in the Court of General Sessions—other than those involving violations of police or municipal ordinances or regulations—were prosecuted by a United States attorney in the name of the United States. We stated that since the United States determined whether a defendant in a criminal case was to be tried in the United States District Court or in the Court of General Sessions, it was difficult to reach the conclusion that the Congress intended a defendant's entitlement under the Criminal Justice Act to be dependent upon whether the United States should choose to prosecute him in one court rather than another. Thus, we concluded that the Criminal Justice Act of 1964 should be construed as covering the United States Branch of the D.C. Court of General Sessions and that any plan covering application of the act in the District of Columbia should include that Branch. See also our decisions of September 24, 1970, B-153485 and 48 Comp. Gen. 569 (1969).

On July 29, 1970, the District of Columbia Court Reform and Criminal Procedure Act of 1970, Public Law 91–358, 84 Stat. 473 (henceforth referred to as the D.C. Court Reform Act) was enacted into law. Among other things, that act merged the three local courts—the Court of General Sessions, the Juvenile Court, and the D.C. Tax Court—into a new Superior Court. The Superior Court is given exclusive jurisdiction "of any criminal case under any law applicable exclusively to the District of Columbia" except for those already commenced in the United States District Court or those filed there during an 18-month transition period. The D.C. Court Reform Act also established the District of Columbia Public Defender Service and phased out over a 30-month period the former pro rata contributions made from District of Columbia appropriations for the maintenance of the United States District Court and the United States Court of Appeals.

You state that the D.C. Superior Court, having been invested with both misdemeanor and felony criminal jurisdiction of local application, has assumed much of the character of a State court. You further state that it appears that two of the major premises of our original opinions finding the Criminal Justice Act of 1964 applicable to the D.C. General Sessions Court are now eliminated: first, there is no longer concurrent jurisdiction shared by the local court and the United States Court and second, the trial jurisdiction is no longer dependent upon whether the United States should choose to prosecute a defendant in one court rather than another.

On October 14, 1970, shortly after the enactment of the D.C. Court Reform Act, there was enacted Public Law 91–447, 84 Stat. 916, amending 18 U.S.C. 3006A (the CJA), which amendment you describe as a "virtual rewriting of the Criminal Justice Act." While in this act the Congress did not disturb the section (18 U.S.C. 3006A(k)) defining the United States "District Courts" to which CJA is applicable, it added a new subsection (1) to the CJA, which subsection provides:

"(1) *Applicability in the District of Columbia.*—The provisions of this Act, other than subsection (h) of section 1, shall be applicable in the District of Columbia. The plan of the District of Columbia shall be approved jointly by the Judicial Council of the District of Columbia Circuit and the District of Columbia Court of Appeals."

This language (except for the phrase "other than subsection (h) of section 1") was initially introduced on April 30, 1970, on the floor of the Senate, by Senator Hruska as an amendment to the bill which amended the CIA. At the time the amendment was introduced, Senator Hruska made the following statement:

"Mr. President, the amendment that I have offered would make the provisions of the Criminal Justice Act, as amended by S. 1461, fully applicable to the District of Columbia.

"This amendment is needed to clarify the application of the act to appointed counsel appearing before the court of general sessions or any other courts of general jurisdiction, now or in the future, in the District of Columbia. The Criminal Justice Act of 1964, as originally enacted, omitted any reference to the District of Columbia Court of General Sessions, although the Comptroller General ruled in 1966 that the act does extend to certain classes of cases prosecuted in that court. As I recall, that was also the intent of the 1964 act.

"Since the Constitutional Rights Subcommittee began consideration of S. 1461, and other proposed amendments to the 1964 act, legislation has been proceeding through the Senate and House District Committees that would significantly reorganize the Federal courts of the District. That legislation is now before a conference committe.

"The concurrent jurisdiction of the District of Columbia District Court and the District of Columbia Court of General Sessions over certain offenses against the United States would end under that legislation, and the court systems would be greatly changed. It is the concurrent jurisdiction, however, upon which the Comptroller General based his opinion of coverage under the 1964 act.

"Therefore, to insure coverage of the Criminal Justice Act in the District, whether or not the court reorganization bill is enacted, for those classes specified in the 1964 act as amended by S. 1461 as reported by the full Judicial Committee, this amendment is offered." (Cong. Rec., vol. 116, pt. 10, p. 13732.)

Senator Hruska's amendment making the CJA applicable in the local courts of the District of Columbia was agreed to by the Senate. It was subsequently accepted by the House, with additional amendments after the Department of Justice noted that the language of the Senate amendment left unclear the applicability of the public defender organization provisions of the act within the District of Columbia and the question of compensation of counsel appointed to represent juveniles. (See the Hearings before Subcommittee No. 3 of the House Judiciary

Committee, June 18 and 25, 1970, pages 96 to 99.) While the Department of Justice proposed specific language to deal with these problems, the House Committee merely amended the bill to exempt the District of Columbia from the public defender organization provisions of the CJA within the District of Columbia courts. Thus, House Report No. 91–1546, 91st Congress, explains:

"Amendment No. 11 provides that except for subsection (h) involving defender organizations, the provisions of the Criminal Justice Act apply in the District of Columbia. The District already [sic] a Public Defender Service (title III, Public Law 91–358)."

The House and the Senate both accepted this further amendment of Senator Hruska's amendment.

Further, we note that section 210(a) of the D.C. Court Reform Act revises, codifies, and enacts the general and permanent laws of the District of Columbia relating to criminal procedure. That section revises title 23, D.C. Code, and provides, in effect, that all criminal prosecutions—except (in most cases) for prosecutions for violations of all police or municipal ordinances or regulations and for violation of all penal statutes in the nature of police or municipal regulations, where the maximum punishment is a fine only, or imprisonment not exceeding one year, or prosecutions for violations of section 6 of the act of July 29, 1892 (D.C. Code, section 22–1107), relating to disorderly conduct, and for violations of section 9 of that act (D.C. Code, section 22–1112), relating to lewd, indecent, or obscene acts—shall be conducted in the name of the United States by the United States attorney for the District of Columbia, or his assistants. In other words, most, if not all, criminal prosecutions formerly brought by the United States attorney in the name of the United States in the "'United States Branch" of the Court of General Sessions or in the United States District Court for the District of Columbia will now be brought by the United States attorney in the name of the United States in the D.C. Superior Court. Application of the CJA to these cases in the Superior Court would accomplish the stated purpose of the sponsor of subsection (1) of the CJA that CJA coverage in the District under the 1970 amendments should include those classes of cases which were covered by the 1964 act prior to the reorganization of the D.C. Court System.

Moreover, the intent to make applicable the CJA to the District of Columbia courts is obvious from the wording of subsection (1) of the CAJ. As noted above, the last sentence of that subsection provides:

"The plan of the District of Columbia shall be approved jointly by the Judicial Council of the District of Columbia Circuit and the District of Columbia Court of Appeals."

We agree with Judge Greene's interpretation of this sentence that:

"* * * Had it not been the clear congressional intent for the Criminal Justice Act to apply to the D. C. Court system, there would, of course, have been no reason whatever for requiring that the Criminal Justice Act plan for the District of Columbia be approved by the District of Columbia Court of Appeals, a local court without strictly 'federal' responsibilities."

We agree that the rationale of our former decisions making the CJA—prior to the 1970 amendments thereto—applicable to the D.C. Court of General Sessions (i.e., the concurrent jurisdiction shared by the local court and the United States District Court for the District of Columbia and the fact that the choice of forum was up to the United States) no longer applies to the D.C. courts as reorganized by the D.C. Court Reform Act. However, it is our opinion that except as to subsection (h) of the CJA relating to public defender systems, subsection (1) of the CJA, as added by Public Law 91–447, clearly and unequivocally makes the CJA applicable to prosecutions brought in the D.C. Superior Court and the D.C. Court of Appeals with regard to those prosecutions brought in the name of the United States, and we so hold.

As to the application of the CJA to juvenile proceedings, section 3006A(a) of title 18, United States Code, provides, in effect, that the CJA will cover:

"* * * any person, financially unable to obtain adequate representation (1) who is charged with * * * juvenile delinquency by the commission of an act, which if committed by an adult, would be such a felony or misdemeanor * * * or, (4) for whom the Sixth Amendment to the Constitution requires the appointment of counsel or for whom, in a case in which he faces loss of liberty, any Federal law requires the appointment of counsel. * * *"

House Report 91–1546, dated September 30, 1970, states on page 3 that the purpose of 18 U.S.C. 3006A is to:

"* * * render explicit the coverage [under section 3006A(a)(1)] of persons charged with juvenile delinquency. Within the District of Columbia, children would also be covered by section [3006A(a)(4)], insofar as the District of Columbia Court Reform and Criminal Procedure Act of 1970 (Public Law 91–358, approved July 29, 1970) requires the appointment of counsel for them in cases in which they face loss of liberty * * *"

In other words, the provisions of 18 U.S.C. 3006A(a)(1) are applicable in the District of Columbia, as in all the other CJA covered jurisdictions,to persons charged with juvenile delinquency by the commission of an act which, if it had been committed by an adult, would be a felony or misdemeanor (other than a petty offense as defined by 18 U.S.C. 1) or with violation of probation covered by the provisions of the CJA, and the provisions of 18 U.S.C. 3006A(a)(4) cover persons charged in juvenile proceedings in the District of Columbia for whom the Sixth Amendment of the Constitution requires the appointment of counsel, or for whom, in a case in which the juvenile faces loss of liberty, any Federal law—including, in particular, the D.C. Court Reform Act—requires the appointment of counsel.

As to your final question, the Administrative Office of the United States Courts should handle the administration of, and budgeting for, the CJA program in the District of Columbia's local courts generally in the same manner as it has in the past and to the extent possible as it administers and budgets for programs of the Federal district courts, except, of course, that the administration of, budgeting for, and financing of, the District of Columbia Public Defender Service should be in accordance with sections 306 and 307 of the D.C. Court Reform Act. Except for the aforementioned, this decision should not be construed to increase or decrease the responsibilities of the Judicial Conference of the United States or the Administrative Office of the United States Courts under sections 604, 605, and 610 of title 28, United States Code with respect to the D.C. Superior Court and the D.C. Court of Appeals.

Copies of this decision are being sent to the Executive Director of the District of Columbia Courts and to the Chief Judge of the Superior Court of the District of Columbia.

Sincerely yours,

R. F. Keller,
Deputy Comptroller General
of the United States.

Mr. HRUSKA. Mr. President, it is for these reasons that I am very much pleased that the committee has recommended the deletion from H.R. 14989 of the provision attached by the House removing attorneys and experts appointed by the judges of the District of Columbia Superior Court and Court of Appeals from the coverage of the appropriation. I fully support the committee action and urge that it be approved by the entire Senate.

RELATED AGENCIES

Two of the 15 related agencies covered by this bill are of keen interest to this Senator: The special representative for trade negotiations and the Subversive Activities Control Board.

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

The committee has concurred with the House and approved $925,000 for the work of the special representative for trade negotiations for fiscal year 1973. This is $235,000 below the budget request, but $111,000 over the fiscal year 1972 appropriation. I have proposed and will call up at a later time an amendment to increase this amount to $1,100,000, almost a full budget estimate. In view of the important preliminary work done at the Summit Conference in Moscow on the subject of expanded Russian-American trade and the hope that concrete agreements in this area can be worked out during the coming year as well as other ongoing projects, I feel that it is necessary that this office receive the full budget estimate. I shall comment in more detail at the time my amendment is considered.

SUBVERSIVE ACTIVITIES CONTROL BOARD

For fiscal year 1973 the committee has approved $450,000 for the work of the Subversive Activities Control Board. This is the same amount approved by the House and equal to the sum appropriated in fiscal year 1972. It is a reduction of $256,000 from the budget request. This Senator has no problem with the cuts approved by the committee in this request.

What does concern me is the provision attached to the appropriation which requires that no part of these funds may be used to implement the directive of President Nixon, Executive Order 11605 signed July 2, 1971, which assigns new duties to the Board.

The purpose of the order was to permit the Board to deal with and make appropriate determinations with regard to violent, action-oriented organizations, whether or not such organizations are Communist in nature. It seems to this Senator that the functions the President delegated to the Board are useful and important. I regret that the action of the committee will have the effect, however temporary, of causing the Board to cease performing these duties.

On July 15, 1971, I made some remarks on the floor of the Senate concerning the Executive order and the purposes which motivated its execution. I ask unanimous consent that the text of those remarks from the Congressional Record, volume 117, part 19, page 25300 appear at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Executive Order 10450

The amendments to Executive Order 10450, signed by President Nixon on July 2, provide an effective mechanism for the updating of the Attorney General's list of organizations designated pursuant to the Executive order and will expedite the elimination of those organizations which consists of over 90 percent which are now inactive or for other appropriate reasons should not be on the list.

Prior to the recent amendment to the Executive order, the Attorney General was charged with the sole responsibility for both the factfinding and designating functions in connection with the Government's personnel security program. This placed the Attorney General in the unfortunate posture of prosecutor, judge, and jury in determining whether any organization should be designated as a subversive organization. That is, there was no independent hearing or independent consideration other than that made by the Attorney General or officials within his own department before an organization could be so designated. Prior to amendment, the Executive order did not recognize the revolutionary terrorist organizations which have developed since the order was last amended.

Under the new amendment to the order, the Subversive Activities Control Board will be authorized, upon petition of the Attorney General, to hear cases and make findings involving organizations which are alleged to fall within the following criteria: Totalitarian, Fascist, Communist, or subversive, or as having adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States, or of any State, or which seeks to overthrow the Government of the United States, or of any State or subdivision thereof, by unlawful means. The above criteria are substantially the same as those prescribed by Executive Order 9835 dated March 21, 1947, and continued in Executive Order 10450, dated April 27, 1953. The amended Executive order provides definitions for each one of the categories of organizations listed in the present Executive order and, as noted, provides for a new class of organization and a definition of that class in recognition of recent history.

The amended Executive order also provides that the Board may determine, after consideration of the evidence, whether those organizations previously designated have ceased to exist, or upon petition of the Attorney General or any cited organization, that such organization does not currently meet the standards for designation. In short, an additional purpose will be to update the list where needed and to eliminate listed organizations which no longer exist or do not meet the criteria established.

The Executive order thus separates the hearing function from the Department of Justice by transferring those functions to the Subversive Activities Control Board. It provides for a due process hearing before an independent body with the Attorney General making his decisions based upon the recommendations and findings of that body.

It must be stressed that the objectives of Executive Order 10450, as amended, relate to the continuing vitality of the Federal employee security program. It should be pointed out that under Executive Order 10450, membership in the designated organizations is but one factor to be considered in implementation of the Federal personnel security program.

The need to provide for the integrity of Government employees is, of course, as old as the Government itself. The present security programs were set out in Executive Order 9835 of March 1947, and confirmed by the present Executive Order 10450 in April 1953. The new amendments are designed to guarantee the continued vitality of the program in light of current circumstances and to provide additional procedural safeguards.

Mr. HRUSKA. In order to implement all of the portions of President Nixon's Executive order, the Senator from Mississippi (Mr. EASTLAND) and I introduced a bill, S. 2294, to amend the Subversive Activities Control Act of 1950. That bill was referred to the Judiciary Committee; no action has been taken thereon. On May 30, 1972, the House approved a companion bill, H.R. 9669, by a vote of 226 to 105; this bill has also been referred to the Judiciary Committee.

We shall proceed with hearings and committee action on these bills at a very early date. Should the Senate then approve language implementing the President's Executive order, there could be no basis for an allegation that duties were transferred by executive fiat which should have been referred to the Congress for consideration. At that time there would no longer be any reason for the proviso approved by the Appropriations Committee.

All of these questions have been debated on the Senate floor twice before between the Senator from North Carolina (Mr. ERVIN) and me. At one point language similar to that contained in the committee bill was approved by the Senate only to be removed in conference. The action of the conference was later validated by the Senate, but by a narrow vote. Rather than require a great deal of time to reargue these points, I will not propose an amendment deleting the committee language, despite the fact that he opposes it. Rather, I hope that the matter can be settled for all time by appropriate action of the Judiciary Committee and the Senate on either H.R. 9669 or S. 2294.

CONCLUSION

With the three exceptions of amendments I have indicated I will propose or support, it is my hope that the Senate will give its approval to the action of the Appropriations Committee and vote favorably on the bill, H.R. 14989, making appropriations for the Departments of State, Justice and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973.

OCEAN PROGRAMS

Mr. FONG. Mr. President, I wish to voice my strong support for the increased funding recommended by the Senate Appropriations Committee for the National Oceanic and Atmospheric Administration in the Department of Commerce.

H.R. 14989, making fiscal 1973 appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies, as reported, would increase NOAA's budget by $76,046,000 over the House allowance, to a total of $465,406,000.

As a member of the Appropriations Committee, I am in hearty agreement with the committee's decision to give NOAA a major boost in its fiscal 1973 budget, particularly for funding activities in the marine environment. Those in Congress who have urged a stronger national effort in ocean activities, as I have, will be encouraged to know that of the $76,046,000 increase recommended for NOAA, $50,076,000 would be for the oceans, and the balance principally for weather, earthquake, and environmental satellite operations.

I am especially pleased that the sea grant program is recommended for an increase of $8,803,000 over the House-approved figure of $21,197,000 and more than $12 million above the fiscal 1972 budget. This program deserves the additional funding to enable it to carry out the purposes set forth by Congress when it enacted the Sea Grant Colleges and Program Act of 1966: To develop the gainful use of marine resources by providing "greater economic opportunities, including expanded employment and commerce; the enjoyment and use of our marine resources; new sources of food; and new means for development of marine resources" through programs of research, education, and training of skilled manpower, and advisory services.

Sea grant institutions across the Nation, including the University of Hawaii, have enthusiastically responded to the challenge and opportunities opened up through the sea grant program. They have been limited in achieving more promising results only by the restricted funding available till now. With additional "seed money," the sea grant program will indeed be able to fulfill its mission as a national program for the development of ocean resources.

Great hopes for oceanography and all marine activities were expressed when Congress in 1966 passed the Marine Resources and Engineering Development Act. This landmark legislation established ocean development as national policy, and placed emphasis on the pragmatic use of the seas and their resources for the national interest, and for the benefit of mankind in all lands.

Out of the legislation emerged a Commission on Marine Science, Engineering, and Resources which published the most comprehensive report ever on the subject of "Our Nation and the Sea." The report laid the foundation for the creation, by an executive reorganization plan, of the National Oceanic and Atmospheric Administration—NOAA—in the Department of Commerce nearly 2 years ago. NOAA embodies the hopes of those who advocated a unified, national effort in the oceans and the atmosphere. Unfortunately, funding has not been adequate for the heavy tasks placed by Congress upon the new agency.

The time has come to provide NOAA with the additional funds necessary, in the Senate Appropriation Committee's view, for such high-priority projects as deep ocean exploration, the sea grant program, analysis of ocean pollution, tropical storm experiments and warning systems, weather modification, earthquake studies, and modernization and relocation of facilities.

I am keenly aware of the fiscal restraints faced by our National Government, but I nevertheless believe these projects deserve adequate budgetary support now by this Congress.

It is my sincere hope that this Congress will rise to the opportunity to provide the recommended funds for NOAA to carry out its vital tasks in the oceans and the atmosphere.

Mr. TALMADGE. Mr. President, will the Senator from South Carolina yield to me at this point?

Mr. HOLLINGS. I am glad to yield to the Senator from Georgia.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. HOLLINGS. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

TRANSPORTATION CRISIS FACED BY MEMBERS OF THE SUPREME COURT

Mr. TALMADGE. Mr. President, I would like to direct the attention of the Senate to a serious transportation crisis which exists in our Nation's Capital. I refer to the problems which the members of the Supreme Court are encountering in getting to and from work every day. This problem has recently grown acute due to the flight of the Justices to the suburbs so that they can be closer to the private schools which their children and grandchildren populate in great numbers. The administration moved to meet this emergency by suggesting that each member of the Court be given his own driver and limousine. The committee has compromised by providing funds in the amount of $14,600 for a car and driver for the Chief Justice.

It occurs to me that perhaps we could arrive at a solution which would adequately and appropriately meet this problem and alleviate trouble spots which exist in several other areas as well.

My staff has instituted extensive inquiries among experts in the transportation industry. I am told that for no more that $1,000 an extremely utilitarian and attractive, though slightly used, vehicle could be secured which would admirably meet this crisis. This all-purpose vehicle has traditionally been used to transport students to and from school, primarily in the Southern States. But it is easily adaptable for other uses. I refer, of course, to that reliable mechanical beast of burden which is second only to the little red school house as an American institution—the yellow schoolbus.

It is a matter of record that the Justices themselves are ardent supporters of this method of transportation. In the great American tradition of selfless patriotism, however, they have not tried to selfishly secure for themselves the benefits which they have so freely distributed to others. With a single such vehicle, we could transport these distinguished jurists in a body, each morning, to their place of employment.

By this one simple stroke, we could do even more than relieve the transportation crisis. As the result of actions taken last year by the Appropriations Committee, unemployment runs rampant in the ranks of chauffeurs and drivers in the District of Columbia. In the District of Columbia government alone, no less than 48 of these drivers were cut from the employment rolls last year. We could reduce this figure by almost 5 percent by employing a driver and guard for the bus.

But the benefits do not stop here. One school bus would cause significantly less air and noise pollution than would the nine limousines. We would be striking a blow for clean air.

In all fairness, however, all would not be roses as the result of my proposal. There would also be some thorns, I am sad to say. The Justices would have to get up before day, stand in the sleet and the snow, to return home after dark. No longer would the suburban neighborhoods ring with the glad shouts of the Justices at play in the afternoon after Court was out. But they are not without recourse. Should this new form of transportation endanger their health, or significantly impinge upon their educational processes, we could implore the President to step in and declare a moratorium on this busing. Of course, this step could only be taken after due deliberation, and the taking of several polls among the electorate.

I want to point out to the Senate that we are moving with caution in this area. If this revolutionary transportation scheme should prove effective, it could be expanded to the ranks of the district and appellate court judges. Who knows, Mr. President, we might even expand the concept developed in this pilot study to include the ranks of neglected HEW bureaucrats who are slowed in their self-appointed mission to save our children, by the traffic jams they must contend with every morning.

I wonder if I might ask the distinguished floor manager of this bill whether any thought was given to such alternative solutions during committees deliberations on the bill.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Georgia has made a very interesting point. The fact of the matter is that Justice Potter Stewart and Justice Byron White testified to the Supreme Court request. At that time the Senator from Rhode Island suggested we might consider a carpool, that such would be more economical. When I suggested at that time that a bus might be employed, they did not seem to like it very much, although I did note they took it with good humor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HOLLINGS. I think the justices are really trying to do their best.

I happen to favor the view that if a fellow makes $60,000, why does he need money for a car? Every member of the Court receives $60,000, plus another $60,000, plus the car.

Mr. TALMADGE. Since these Justices are so enamoured of school busing, that would solve the problem admirably, and they could travel more economically in a body at less cost to the taxpayers.

Mr. HOLLINGS. Yes. I do not know where they are located, but I take it they will have to go to the suburban areas to find them and bring them down to the ghetto area.

Mr. TALMADGE. Yes, I understand so, because they have fled to the suburbs in recent years so that they could send their grandchildren to private schools which are public.

Mr. ERVIN. Mr. President, if the Senator will yield, is it not the Senator's understanding that they are sending their grandchildren to neighborhood schools, which are private even though public?

Mr. TALMADGE. Yes, they are private, even though they are public. It occurred to me that it would be a good way to transport these justices while at the same time letting them know what schoolbusing is and its benefits, and letting them enjoy the benefits they have imposed on millions of schoolchildren throughout the country.

I thank my colleague for yielding. I hope next time, in some appropriation bill, his wisdom can prevail on his colleagues.

Mr. HOLLINGS. I thank my colleague. He has brought realism to a real problem.

Mr. President, at the time the bill was considered by your committee, there was included a flammable fabrics research program. $450,000 was made available. It is included in the bill for the experimental technology development and applications incentives program for a textile flammability research. It is the first increment of a 3-year program and will include basic and fundamental research.

I ask unanimous consent to have a statement on this subject printed in the RECORD showing the areas to which the $450,000 will be applied.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

(1) Development of test methods (including mannequin tests) and laboratory simulation of real life situations including effect on flammability of such use variables as wear, washing and other cleaning methods.

Government sponsored exploration of alternate ways of testing garments is of top priority. It is critically important that fundamental information be developed through a cooperatively financed effort and made immediately available to the several test method setting organizations.

(2) Analysis of burn and accident data.

A. Extend the accident acquisition system already in operation to:

(1) Provide more precise information on the specific garment design and constructions, fabric types and fiber content.

(2) Provide information on the location of initial ignition.

B. Pinpoint demographic information to show where specific exposure is exceptionally high and, through controlled data collection, ascertain whether the introduction of less flammable garments can successfully influence the accident rates in this area.

This is an A priority item. It is imperative that the Federal Government join with the private sector (i.e. hospitals and health units) and the public for the common good. The role of Government would be: the funding of necessary resources, the utilization of its already well established network of research facilities, and the bringing of objectivity and credibility to the effort. The derived benefit will be a more meaningful data base and a practical valuation of a proposed standard upon which to build realistic flammability standards.

(3) Evaluation of potential hazard.

A. Development of design and construction parameters that offer maximum safety in garments based on: design, construction, fabric type and end use category. Simultaneous laboratory work to attempt to predict the design parameters that will be most hazardous. It should also be directed toward the result of reaction to fire (for instance, running in panic).

B. Flammability characteristics of multicomponent systems, including:

(1) Blends of thermoplastics and non-thermoplastics.

(2) Combinations of different thermoplastics, including low percentage usage in seams, trim and combinations of fire retardant and non-fire retardant fibers.

(3) Laminates and other "layered" products, for example, quilts.

(4) Study the interactions of apparel garments in relation to each other in model experiments. This is exceptionally important since almost all individuals wear several layers of garments and the interaction of one to the other is not understood.

This is an A priority item. Knowledge is urgently needed with respect to a meaningful integration of safety hazards and laboratory measurements. Since the entire standard setting process is dependent upon this interaction, government funding of such a research program would provide credence for its finding of need for additional flammability standards.

(4) The role that ignition, flame propagation, heat evolution, and smoke and toxic gas generation play in the flammability behavior of textile products.

The role of Government would be in the funding of a study enlisting the cooperation of university and industry representatives. The study would seek to separate and measure the basic factors involved in flammability and to gain a better understanding of the relationship between them. The benefit would come by the development of a body of knowledge upon which a variety of research could draw.

(5) Non-textile factors in the fire system. Investigate the involvement and possible means of controlling other factors in the fire system:

(1) Detection and suppression (in structural fires).

(2) Source of ignition—ranges, heaters, matches.

(3) Personal behavior (through education).

As visualized today, programs (1) and (2) could result in code changes. Government support for the data and independence of the data collecting source from industrial domination is vital.

The proposed study is based on the realization that the "fireproof building" concept has fallen short of its objective in that virtually all the contents of a modern building are combustible to some degree. Once a fire starts, complete involvement of all materials can occur with surprising rapidity and the conflagration can spread to adjacent areas with great force (flashover). Government assistance in funding is essential to our understanding of how to detect, control and extinquish such fires.

(6) Dissemination of information.

A. Technical assistance to small organizations.

B. Information on advancing technology.

C. Life safety consumer education program.

The public as well as small businesses have a real need to know. A single reliable point source of information is necessary to both acquaint the consumer with the problems of flammability and to advise business with a high level of technical competence on complying with present and future regulations.

ESTIMATE OF DOLLAR COST IN THOUSANDS OVER 3-YEAR PERIOD

	1st year	2d year	3d year	Total
1. Development of test methods	120	120	40	280
2. Analysis of data	50	50	50	150
3. Evaluation of hazard	80	80	40	200
4. Role of various factors in flammability	40	40	40	120
5. Nontextile factors in fire system	85	85	35	205
6. Dissemination of information	75	75	75	225
Total	450	450	280	1,180

RELATIONSHIP OF CLOUD SEEDING TO RAPID CITY FLASH FLOOD DISASTER

Mr. HOLLINGS. Mr. President, the disaster at Rapid City, S. Dak. is one which has generated a tremendous interest, and there are various provisions for weather modification in the bill. For example, a wire reporting system was not available at Rapid City, S. Dak. This particular bill would provide for it. But the other matter which was of great interest was whether seeding or weather modification attempts in South Dakota just preceding the flood had any bearing on the flood. We have at this time a preliminary report from the Bureau of Reclamation, Department of the Interior, and from the National Oceanic and Atmospheric Administration, Department of Commerce, to the effect that it had no effect whatever on or made no contribution to the disaster there. I believe these reports are very significant and should be submitted and made a part of the RECORD, and I ask unanimous consent that they be made a part of the RECORD at this time.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RELATIONSHIP OF CLOUD SEEDING TO RAPID CITY FLASH FLOOD DISASTER

Attached is a detailed report of the circumstances surrounding the weather modification activity carried out by the South Dakota School of Mines and Technology as prepared by the Bureau of Reclamation of the Department of the Interior. The Bureau of Reclamation provides funding support to this program. Briefly summarized, the report makes the following points:

a. The general weather situation that developed caused the heavy rains that produced the severe flash flooding.

b. The rains that caused the flooding occurred in a 90 square mile drainage area between Pactola Reservoir (west of Rapid City) and Rapid City.

c. The South Dakota School of Mines and Technology seeded a single cloud for about 10 minutes at about 3 p.m., 14 miles north-northwest of Rapid City and a second cloud was seeded from 5 p.m. to 5:37 p.m. about 27 miles south of Rapid City.

d. Both of the seedings produced less than an inch of rain and the rain that fell would have drained into the Cheyenne River, downstream of Rapid City. They could not have contributed to the loss of life and damage in Rapid City.

NOAA's analysis of the weather situation during the disaster is similar to that in the Bureau of Reclamation report. There is little question but that the weather pattern affecting the area was fully capable of producing the heavy and persistent rains that resulted. On the basis of the preliminary information available to NOAA, we have no evidence that would suggest that the cloud seeding experiments could have had any significant effect on the flash floods that affected the Rapid City area.

NOAA had recognized that flooding was in prospect and advised the responsible officials in the communities likely to be affected. A preliminary summary of the NOAA actions prior to and during the flash flood is also attached. A full report will be available upon completion of the report of a NOAA survey team that is currently on the scene.

SUMMARY OF CLOUD SEEDING ACTIVITIES AND WEATHER CONDITIONS FOR SOUTH DAKOTA—JUNE 9, 1972, PREPARED BY THE BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

The storm that produced the Rapid City catastrophe was the result of a rare combination of meteorologic conditions.

These included a persistent easterly flow of low-level, moist air against the Black Hills, and the absence of westerly winds aloft that usually move such mountain-formed rainclouds eastward where rainfall is then deposited over the plains.

Cloud seeding, conducted by the Institute of Atmospheric Sciences of the South Dakota School of Mines and Technology on the afternoon of Friday, June 9, could not have contributed to the loss of life and damage in Rapid City.

GENERAL WEATHER SITUATION

The Dakotas were under the influence of the leading edge of a cold air mass on Friday, June 9. At 9 a.m. MDT, the frontal system extended from a position south of Sioux Falls to about 50 miles north of Rapid City, moving very slowly to the southwest. Late in the day, the frontal system became stationary in the vicinity of the Black Hills.

Strong easterly winds prevailed from the surface to about 5,000 feet, with only very light winds above 8,000 feet.

Although dry air enveloped the Rapid City area at 6 a.m. MDT, there was considerable moisture to the northeast. This moisture was later carried by the easterly flow into the Black Hills area.

The normal afternoon heating was accomplished by the continuous supply of extremely moist air, thus increasing instability and providing favorable conditions for the development of large cumulo-nimbus clouds with tops reaching 50,000 feet.

RAINFALL PATTERN

The heavy rain area was limited to the east slope of the Black Hills. This represents a belt about 15 miles wide from the first outlying foothills just west of north-south Highway 79 to a line of 6,000 to 7,000-foot crests that include Harney Peak, loftiest in the Black Hills.

To reach the site where the deluge occurred, the moist air, moving in a west-northwest direction, passed first over Pine Ridge, 70 miles southeast of Rapid City. Pine Ridge is at an elevation of about 3,700 feet. From there, the terrain falls away to an average elevation of about 2,700 feet along the shallow Cheyenne River basin, then up a gradual rise of about 500 feet to the beginning of the abrupt Black Hills slope.

No excessive rain fell at Pine Ridge, and neither was there excessive rain between Pine Ridge and any point in the Black Hills where the ground rises above 4,500 feet in elevation.

SEEDING ACTIVITY ON JUNE 9

South Dakota School of Mines and Technology had a single seeding aircraft aloft during part of the afternoon of Friday, June June 9.

The school's cloud seeding experiments are part of a continuing research effort that has been in progress at Rapid City each summer since 1965. When seedable summer clouds occur in the experimental area, three options are exercised on a randomized selection basis: 1. Don't seed. 2. Seed with common salt. 3. Seed with silver iodide.

On Friday, seeding was conducted with finely divided common salt, released by the research aircraft at cloud base, into the updraft.

Seeding was conducted over dry land east of the Black Hills. A single convective cloud was seeded for about 10 minutes at approximately 3 p.m., near Piedmont, some 14 miles north-northwest of Rapid City, in an area that drains into Elk Creek. A second cloud was seeded from 5 p.m. until 5:37 p.m., in the vicinity of Fairburn, about 27 miles south of Rapid City. Battle Creek and Red Shirt Creek drain this area.

Each of these three creeks contributes its entire flow to the Cheyenne River, downstream (east) of Rapid City.

The first seeded cloud remained nearly stationary after seeding, while the second was tracked by radar in a general nothwesterly direction to a point near Hermosa, well away from the area where the deluge later occurred.

About 700 pounds of salt were distributed between the two clouds. Rain accompanied both seeding events. Radar returns from the two seeded clouds enabled project officials to estimate rainfall amounts of 1,000 acre-feet from the first cloud, near Piedmont, and about 4,000 acre-feet from the cloud near Fairburn. In each case, these amounts represent less than 1 inch of rainfall.

By contrast, the rainfall that deluged Rapid Creek and Battle Creek and contributed most to the devastation at Rapid City was greatly in excess of 100,000 acre-feet. The total Black Hills deluge was probably between 500,000 and 1 million acre-feet.

Expressed another way, the amount of rainfall associated with the seeding effort was less than one-thousandth the amount that produced the flood, and fell well outside the flood watersheds.

FLOOD HYDROLOGY

The 100-year, 6-hour maximum rainfall estimate for the Rapid City area is 3.6 inches (Weather Bureau Technical Paper No. 40). In the flood design for the Bureau of Reclamation's Pactola Reservoir, the maximum probable computed rainfall used was 9.2 inches in a 12-hour period over the reservoir's 320-square mile drainage area. The design flow inflow to Pactola is 69,000 cfs.

Between Pactola Reservoir and Rapid City, there is a 90-square mile drainage area. It was here that virtually all of the flood waters originated. The flood control space at Pactola showed only 1,200 acre-feet was occupied following the flood, out of a flood control capacity of 43,050 acre-feet. There were no spills at Pactola, where 40 cfs were being released before the flood. Outlets were closed at the dam sometime during the storm period.

COMPUTER PROGRAMMING

The Bureau employs a computer-processed mathematical model in the performance of all summer cloud seeding experiments it sponsors, including those in South Dakota.

The computer program incorporates what is known about the rainfall production mechanism of untreated clouds, and projects in numerical form produce the presumed effects of different seeding techniques on those same clouds.

On Friday, June 9, the computer program predicted that seeding clouds over the plains area with powdered common salt would cause them to rain out before they reached the Black Hills. Radar surveillance showed heavy (water) relativity in clouds over the Black Hills, and because of this naturally efficient rain production, clouds in that area were specifically not seeded.

The experiment was intended to cause the clouds to rain out over the still-dry plains, and to make them rain more efficiently than they would have naturally. Radar observations indicated that the two clouds that were seeded did precipitate in a manner predicted by the computer.

PRELIMINARY REPORT OF WARNINGS ISSUED ON THE RAPID CITY FLOOD, JUNE 9, 1972

The following is a brief summary of the weather events and warnings issued in connection with the Rapid City flood. This summary is based on informal reports and is subject to verification by the survey team.

The late afternoon forecast for Friday evening and Saturday morning called for thundershowers. Light rain started in the Rapid Creek drainage area at 5 p.m. and became heavy at 6 p.m. Most of the heavy amounts of precipitation occurred in a one and one-half to two-hour period. Newton Fork, which was in the center of the heavy rains, reported seven and one-quarter inches with most of this rain occurring between 8:30 p.m. and 10 p.m. A site 5 miles west of Rapid City reported 10 inches between 5:30 and 11:00 p.m.

Since the National Weather Wire Service (NWWS) is not available in South Dakota, forecasts and warnings are disseminated by telephone. The Weather Service Office (WSO) Rapid City started disseminating warning information at 6:50 p.m. and had completed most of the dissemination by 8 p.m. Telephone calls were made to large numbers of radio and television stations, Defense Civil Preparedness Agency offices and law enforcement agencies in the area.

Warnings issued, June 9:

6:50 p.m.—first warning issued based on data from Air Weather Service radar at Ellsworth AFB, by telephone.

7:15 p.m.—flash flood warning for Spearfish area.

8:00 p.m.—flash flood warning for Rapid Creek and Box Elder Creek drainage.

After 8:00 p.m.—radio and TV made continual warnings and flash flood situation reports.

10:30–11:00 p.m.—Mayor and Civil Defense officials asked for immediate evacuation of flood plain in Rapid City.

Apparently large quantities of debris blocked the spillway of the Canyon Lake Dam causing the water level to build up to extremely high levels. The dam started to give way at 11:00 p.m. and the entire dam gave way within about 15 minutes. The crest occurred about one mile downstream a half hour later. The peak discharge through Rapid City was measured at about 25,000 cubic feet per second. The previous record was 2,000 c.f.s. in 1962.

Mr. HOLLINGS. Mr. President, for information of the Senate, I wish to advise that the financial status of the disaster loan fund of the Small Business Administration for fiscal 1973 is sufficient to cover the requirements for the South Dakota floods plus other disasters that are now in process. There will be an estimated balance on June 30, 1972, of $70 million. This sum together with the $80 million allowed in the pending bill will provide a total availability of $150 million.

Mr. President, I ask unanimous consent that a statement on the status of the disaster loan funds, as furnished by the Small Business Administration on June 14, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATUS OF DISASTER LOAN FUNDS

	Millions
A. Estimated balance June 30, 1972	*$70
Capital appropriation fiscal year 1973	80
Total available 1973	150

* (Excluding South Dakota Flood)

B. SOUTH DAKOTA FLOODS

SBA has a Cadre at Rapid City, South Dakota, and is establishing an office to handle loan applicants. Although it is too early to obtain reasonable estimates for the requirements for South Dakota, the current availability in the fund is sufficient to commence approving loan applications. This $70 million balance along with the $80 million appropriation for 1973, should be sufficient to cover the requirements for South Dakota, plus other disasters that are now in process.

C. MAKEUP OF $80 MILLION 1973 APPROPRIATION

The $80 million 1973 appropriation was predicated on an estimated loan volume of $100 million. The $80 million appropriation plus $24.5 million carryover from 1972 would have been sufficient for this $100 million estimate. Of course, there is no way to forecast disaster requirements, and in the event the $80 million proves insufficient, it will be necessary for SBA to request supplemental appropriations.

D. EXPLANATION OF $70 MILLION BALANCE AT JUNE 30, 1972

At the time SBA appeared in support of their $70 million in supplemental funds for disaster loans, there were approximately four months left in the Fiscal Year. At that time, the SBA projection included requirements for existing disasters, extension of Flood Insurance requirements, and the floods in West Virginia and Massachusetts. The balance in the fund at the time, plus the $70 million would have taken care of these requirements and left $24.5 million to carry over into FY 1973. The $24.5 million, plus the $80 million 1973 appropriation was for an estimated $100 million program in 1973. Since SBA's appearance, there have been revised estimates indicating that the carryover would be $70 million instead of the $24.5 million. These shortfalls are primarily as follows:

[In thousands of dollars]

Disaster	Previous 1972 estimate	Actual through May	Current 1972 estimates	Difference
Corpus Christi (Fern)	42,000	32,233	36,000	6,000
Newark (New York and New Jersey)	80,000	54,864	56,000	24,000
West Virginia	10,000	2,717	3,500	6,500
Massachusetts	10,000	5,450	7,000	3,000
Other Disasters[1]	58,000	48,264	52,000	6,000

[1] Includes Celia of $24,800,000 (closed in February).

Mr. HOLLINGS. Mr. President, the Senator from Wisconsin has an amendment, but the Senator from Florida has a matter which will save the time of the Senator from Florida if it may be brought up at this time.

Just before the bill was marked up, on that very day, under the various regional commission development programs, the new Pacific Northwest Commission was announced. We were able to include funding for it. The very next day, the State of Florida was added to the Coastal Plans Regional Commission. The Senator from Florida has an amendment which the committee is willing to accept. I believe at this time perhaps the Senator would want to call up his amendment, have it reported, and then perhaps we can discuss it.

Mr. GURNEY. Mr. President, will the Senator yield me 2 minutes?

Mr. HOLLINGS. I yield.

Mr. GURNEY. I thank the Senator from South Carolina.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 25, line 23, in lieu of $62,472,000 insert $62,672,000.

Mr. GURNEY. Mr. President, what the amendment does is add $200,000 to the appropriation for Regional Action Planning Commissions of the Department of Commerce. The $200,000 would be used to revise and update the Coastal Plain Regional Commission to take into account the addition of Florida to the commission.

As the distinguished manager of the bill has pointed out, Florida asked permission to get into this regional commission, which is composed of North Carolina, South Carolina, and Georgia. The Secretary of Commerce a few days ago agreed to it and recommended that this be done, but it was too late to get the money in the bill. The amendment would take care of it, and I thank the Senator for considering it at this time.

Mr. HOLLINGS. Mr. President, unless our distinguished leader on the other side has any comment, we are glad to accept this amendment without a record vote.

I yield back my time.

Mrs. SMITH. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. INOUYE. Mr. President, I wish to call up my modified version of amendment No. 1234, which I offer for myself and the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 29, line 8, strike out "$8,500,000" and insert in lieu thereof "$10,000,000".

Mr. INOUYE. Mr. President, this is an amendment to increase the committee's recommendation of $8.5 million for the U.S. Travel Service to $10 million.

I have discussed the amendment with the floor manager, the distinguished Senator from South Carolina, and with the distinguished acting minority leader (Mrs. SMITH). I have been assured that this amendment can be taken to conference.

The U.S. Travel Service in the Department of Commerce serves this Nation as the Federal Government's official tourism promotion office. Enabling legislation passed in 1961 states that USTS is to strengthen the domestic and foreign commerce of this Nation and to promote friendly understanding and appreciation of the United States through encouragement of visits by foreign residents.

To accomplish this important and very sizable task, USTS was given a budget of only $6.5 million by the Congress for its operations during fiscal year 1972. This amount placed the United States 15th in the lineup of nations when tourism promotion budgets are compared—15 in an increasingly stiff competition for the $20 billion-plus annual travel market.

For fiscal 1973, the House of Representatives has set the USTS budget at $8.5 million. I feel, however, that the Senate, which took the lead in establishing the U.S. Travel Service, should now take the lead in supporting its programs through an increase in that budget figure. And I am, therefore, proposing an amendment which would support an increase in the USTS budget to $12 million. Let me present several reasons—some recent, others historic—for my action:

The United States is still suffering from a heavy deficit in the balance-of-payments ledger—and the travel account has represented better than half of that imbalance margin in all but 3 of the last 10 years. In 1970 alone, the travel-dollar deficit was $2.472 billion, an increase of 17.2 percent over the 1969 deficit. Estimates for 1971 are $2.6 billion, a 7-percent increase over the 1970 figure.

While this reduction of travel-deficit growth is encouraging, efforts must be stepped up to reduce it even further.

Recent events give the United States an excellent opportunity to help shore up the travel-dollar deficit situation. Following the revaluation of the dollar in December, the currencies of the major tourism markets have moved from 7.5 to about 17 percent, relative to the dollar. Coincident with that occurrence, transatlantic fares were reduced. The consequence is that a trip to the United States is now cheaper than it has been for many years. Now it is up to us to promote that fact—to make everyone aware of the opportunities that await them in this country at very low costs.

There are now approximately 70 million people, in the nations served by USTS regional offices, with economic capabilities for a trip to the United States. However, many of them are locked into long-existing patterns of travel to destinations other than the United States. In order to break these patterns, USTS must be given the resources to reach a higher percentage of these travelers with a promotional message. Such action is especially important over the next few years in order to assure heavy international attendance at planned American Revolution bicentennial programs.

Among the many benefits to be experienced from more tourism promotion is a very impressive one to be enjoyed by the labor community. Recent statistics prove that every $20,000 brought into the United States through tourism creates one new job for an American. Further, every overseas visitor to the United State represents a $400 export.

The Senate Committee on Appropriations has asked to see evidence of the effectiveness of USTS programs before approving an appropriation beyond $8.5 million. Concrete results of the USTS program were presented by the former Assistant Secretary of Commerce for Tourism, C. Langhorne Washburn, when he appeared before the Committee on Appropriations. Broader evidence of the impact of this program will not be easy to obtain—and it will be costly.

Since its creation nearly 11 years ago, USTS has operated on an annual budget of $3 million to $4.5 million through 1971. It is difficult to measure the effectiveness of so small a budget on the international travel patterns of the entire world. However, with an increased budget during fiscal year 1972 and the expectation of additional funds in the coming fiscal year, the United States Travel Service has undertaken the development of a comprehensive system of measuring the impact of its programs in terms of the objectives set forth for it by the International Travel Act of 1961—Public Law 87–63—as amended. Next year, USTS should be asked to show the mean by which they will measure their program results. One year is not sufficient time to obtain and demonstrate results.

In the meantime, however, there is a need to take positive action to reduce the growth of the travel deficit—now, while travel to the United States is so low in cost.

Significance of this program to the administration's overall effort to improve our economic situation was emphasized by the President in his most recent state of the Union message. In it he affirmed his support of the expanded travel promotion program proposed in the fiscal year 1973 budget submission. He also asked the Congress to allocate "about double" the 1972 budget for USTS. That amount would come to approximately $12 million.

I would hope that this body would defer to the Committee on Commerce, which regards tourism as an instrument to help alleviate the present balance-of-payment ills experienced by this Nation. In the January 28, 1972, publication, Goals of the Committee on Commerce, it was stated that "comprehensive oversight hearing will be held early in the second session." Accordingly, we should allow the U.S. Travel Service increased funding to operate its expanded projects while the committee continues to review the agency's programs.

Beyond the hard economic facts involved in international travel there is another aspect of the USTS program, one which was given high priority by Congress when it passed the International Travel Act of 1961: the role of travel in creating among foreign citizens a friendly understanding and appreciation of the United States and its people. Their program will enhance our image abroad at a time when such efforts are especially important.

This past winter, following his meetings in Florida with President Nixon, West German Chancellor Willy Brandt was asked by reporters for his impression of the United States. He replied that he was amazed by the warmth and friendliness of the American people. If this same impression can be left with the 25 million visitors who are expected to visit the United States during the Bicentennial Celebration year of 1976, support of the travel promotion programs of the U.S. Travel Service will have been abundantly rewarded.

In the area of travel, the United States cannot face inward only—it must also look across its border and its shorelines—it must play an even more energetic and responsible role in the formidable international competition for the travel dollar, it must seek better understanding among people through travel, and it must take every opportunity to reflect itself appropriately through its travel-promotion messages in other nations.

Mr. JAVITS. Mr. President, I strongly support the amendment being introduced by the distinguished Senator from Hawaii (Mr. INOUYE) to increase the appropriations for the U.S. Travel Service—this country's national tourist office.

In his state of the Union address, President Nixon asked the Congress to vote USTS an appropriation of $12 million. Although severe budget stringency was being asked in other quarters of this Government, this additional investment in the one agency devoted to correcting our severe travel gap represented a good, even essential, investment. In our annual report, the Republican members of the Joint Economic Committee stated that it was a realistic use of opportunity costing.

With all due respect to the Appropriations Committee, I suggest that we give further consideration to the President's request for $12 million.

Right now the United States faces a major challenge to its economic supremacy. It must either compete more effectively in the world's markets, or watch its foreign currency earnings shrink—and its balance-of-payments deficit widen.

International travel today is a $20 billion jackpot. Last year, however, the Congress gave the U.S. Travel Service only $6.5 million to compete for this burgeoning market. In a ranking of national tourist offices, by budget size, the U.S. Travel Service rated not first or second—but 15th.

It is hardly surprising that in the last 10 years, the U.S. share of the world's international travel "arrivals" has remained relatively constant—and its share of the world's travel receipts has increased less than 1 percentage point.

Every successful businessman knows that to make money you must invest money. And that is what the United States must do to win more international travel dollars.

While we have been appropriating USTS lean budgets of $3, $4, and even $6 million, foreign governments have been moving into the world's lushest travel markets and establishing generously funded travel promotion operations.

At last count, 94 foreign countries were supporting 206 official travel promotion offices in the United States. This country had fewer than 20 such offices abroad—even when those run by States and cities were taken into account.

At the same time, more than 70 foreign-flag carriers were operating some 628 U.S. sales offices—all promoting travel to foreign destinations.

The United States has to compete harder just to catch up. It has to attract more foreign visitors to its shores because every year, foreign governments are luring more Americans abroad. Last year, Americans took more than 23 million trips to foreign countries. In the last 10 years, the number of trips Americans have taken abroad annually have more than doubled. This country has no viable alternative except to compete.

Part of the U.S. Travel Service mission is to convince the private sector—as well as U.S. States and cities—of this fact. The domestic U.S. travel market is so affluent that large segments of the domestic tourism industry have simply not entered the international market.

The only way to engage these industry components in the Visit U.S.A. program is to minimize their risk—to show them first of all, that there is profit potential in the foreign market, and second, that a limited promotional investment in foreign language advertising and sales tools will pay off. In short, the U.S. National Tourist Office must act as a catalyst. It must literally coax portions of the private sector to compete in the interest in the international market.

At present, the U.S. Travel Service is employing market research and matching grants to increase private enterprise interest in the international market.

In the past year, with matching funds, USTS has led 26 States, the District of Columbia, and nearly 200 private entrepreneurs, into the international travel market and involved them in a concerted Visit U.S.A. promotional program.

All this takes money, but in this case we get a return on our investment in USTS. With the $12 million appropriation USTS could stimulate even greater State, local and private industry participation. It can help each of our States to compete more effectively for a share of the international travel market, and help redress our $2 billion plus travel gap.

There is one last point I would like to make about the national tourist office's role as a catalytic agent—and it is this: in the past, it has been argued that increasing USTS' appropriation was unnecessary because promoting travel to the United States was the responsibility of the airlines and the hotels. This is no longer a valid argument, if, in fact, it ever was.

The U.S. travel industry is rapidly becoming internationalized in ownership, management, and service. A number of U.S. hotel and motel chains own or manage foreign as well as U.S. properties. Some U.S. carriers may serve as many points outside the country as inside, and their employees abroad, below the district sales manager level, are not U.S. citizens, but host country nationals.

These U.S. round-the-world airlines compete at nearly every foreign station they serve with a dozen or so other airlines flying to many of the same foreign cities they do. We cannot expect these multinational concerns to exclusively promote U.S. destinations, U.S. international carriers must advertise foreign as well as U.S. destinations or run the risk of transporting seats filled only with pressurized air.

The balance-of-payments deficit and the travel gap are public sector deficits, and the public sector must play a more active role in boosting its own foreign currency earnings.

A budget increase for USTS, in the amount the President requested, would be a sound, remedial step. Budget research conducted by USTS indicates that a correlation does exist between a nation's tourism promotion budget and its tourism receipts. The larger the proportion the national tourist office budget is of the GNP, the larger the proportion the country's tourism receipts is of GNP.

Mr. ALLOTT. Mr. President, I wish to state my support for Senator INOUYE's amendment which would raise the USTS appropriation. This will restore the program to a level more in line with the budget request of $12 million for fiscal year 1973. Because Colorado receives thousands of incoming foreign visitors annually, I have a particular awareness of the activities of the USTS. I believe that the budget request of $12 million for fiscal year 1973 is a reasonable one—especially considering the task.

The U.S. Travel Service is a small agency with fewer than 50 U.S. citizen employees. It operates only eight travel promotion officers abroad and one covers a sales territory of 20 countries. Another serves, singlehandedly, a region almost as large as the United States.

The fact is that in the major markets of the world, USTS and the U.S. travel industry are outmanned. They are also being outgunned and overpowered.

Competition in the world travel market is formidable today and growing more so. Nearly every country in the world is fighting for a share of the $20 billion world travel market, and this Government is partially responsible for the situation. Our well intentioned foreign aid program, has heped to bankroll our own touristic competitors.

I am not trying to be critical of our foreign aid programs, but I do want to point out that these programs do tend to aggravate an already bad balance of payments situation. While we continue to support the establishment of a tourist industry in developing countries, we must maintain a balance through continued support of our national tourist office and its efforts to help U.S. destinations compete for international tourists.

In every major travel market in the world—especially in Europe and the United Kingdom—U.S. destinations are competing with strong, Government-backed foreign tourist offices and flag carriers. One has only to study northern European travel patterns to see that the U.S. Government must increase its efforts just to stay in the running or to present a competitive package.

Part of the USTS job is to involve the private sector and other levels of government in the "Visit U.S.A." promotion effort. The Federal Government, and the public sector, should not have to assume the entire program cost.

In the last year, USTS has successfully used modest matching grants to increase private sector, and local government, involvement in the "Visit U.S.A." effort. With an investment of $478,798, USTS has generated more than a million dollars worth of "Visit U.S.A." advertising and promotion.

The U.S. Travel Service program is a productive investment—not an expense. The return on this investment will come in the form of increased foreign currency earnings for the United States greater sales tax revenues for hard-pressed State governments, and fatter excise tax collections for the U.S. Treasury.

Mr. HOLLINGS. Mr. President, unless there is comment from the other side, I yield back my time and am ready to accept the amendment without a record vote.

Mrs. SMITH. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. INOUYE. Mr. President, I had another amendment, amendment No. 1233, which I am not going to call up at this time. I have been assured by the Senator that when the priorities picture is a better one, the committee will consider it.

Mr. HOLLINGS. That is right, Mr. President. The Sao Paulo Trade Center was considered as a third priority item. The committee did not go along with it at this time, but after this year I am certain the Sao Paulo Trade Center will be heading the list.

Mr. INOUYE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to me dated June 14, 1972, from William P. Rogers, Secretary of State of the United States.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, D.C., June 14, 1972.

Hon. DANIEL K. INOUYE,
U.S. Senate.

DEAR SENATOR INOUYE: The restoration of $633,000 to the Department of Commerce appropriation for the construction of a United States Trade Center in Sao Paulo, Brazil, and of $3.5 million for the United States Travel Service would be valuable contributions to our efforts to improve our balance of payments. The first would help to expand our exports and the second would increase the number of foreign visitors to the United States, thereby providing new jobs and adding to our exports.

It is for these reasons that the Department of State is favorable to your amendments to H.R. 14989. I hope that they will be adopted by the Senate.

The economy of Brazil is the largest in Latin America, with a gross national product surpassing $40 billion in 1971. As a trading partner, Brazil ranks just behind France, having taken just under a billion dollars worth of U.S. exports during 1971. Furthermore, the economies of few countries in the world have grown at a rate of over nine percent as has that of Brazil in each of the past four years. That kind of growth has not gone unnoticed by Europe and Japan. Last year cabinet ministers of the French and German governments opened national trade fairs in Brazil, while the Soviet Union and Japan ran active trade centers and the French took steps to establish their own center.

Despite our best efforts, the United States share of the Brazilian market declined from 39 percent in 1966 to 32 percent in 1970. Establishment of a trade center, jointly administered by the Department of Commerce and the Department of State, in Sao Paulo, an industrial metropolis which by itself absorbs half of the U.S. exports destined for Brazil, would be of major assistance in reversing this trend.

The Travel Service has had a notable success in increasing the number of foreign visitors to the United States. The long-term interest of the United States in the growth of this travel, which has so favorable an effect upon our balance of payments, is a sound reason for assuring that the Travel Service has adequate funds to develop this potential.

It is with these considerations in mind that I wish to assure you of my support for the restoration of these funds requested for the FY 1973 budget of the Department of Commerce and approved by the Office of Management and Budget.

Sincerely,

WILLIAM P. ROGERS.

PRIVILEGE OF THE FLOOR

Mr. GURNEY. Mr. President, I ask unanimous consent that my staff members, Mr. Leo Zani and Mr. Kevin O'Connell, be given the privilege of the floor during the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I ask unanimous consent that, during the consideration and voting on this bill and any amendments to it, two members of the Judiciary Committee staff, Malcolm Hawk and Stan Ebner, be permitted access to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, I ask unanimous consent to have present a Judiciary Committee staff member from this side of the aisle as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1226

Mr. PROXMIRE. Mr. President, I call up my amendment, No. 1226, and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

It is proposed, on page 52, to strike lines 15 through 20, as follows:

SUBVERSIVE ACTIVITIES CONTROL BOARD

SALARIES AND EXPENSES

For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109, and not to exceed $15,000 for expenses of travel, $450,000.

Mr. PROXMIRE. Mr. President, let me state what the amendment would do. It would strike out the provision providing necessary expenses of the Subversive Activities Control Board. It would not touch the committee amendment, which is desirable and necessary, if this amendment is adopted, so that the action taken by the committee would be in conference in full.

Mr. President, this amendment is cosponsored by the Senator from North Carolina (Mr. ERVIN) and myself. I do not believe it is an overstatement to say that in 22 years and with $6.75 million, the Subversive Activities Control Board has not done anything useful. The Congress is being asked for yet another appropriation—on the grounds that this time as we were told in 1967 and 1968 and 1969 and 1970 and 1971 this time things will be different. But all of the evidence leads to the conclusion that this revised edition of SACB will do no more and cost no less than its expensive and impotent predecessors. How many times do we have to find this well dry before we conclude that there is no water in it.

The Board was created in 1950, at the height of American anxiety over the cold war. The Board was to identify "Communist action," "Communist front," and "Communist infiltrated" organizations, and require both the groups and their members to register with the Attorney General. But in the 22 years since, there has not been a single case in which that procedure was successfully carried out. Not one. In some years, the Board was presented with no cases. On some cases they did hear, the Board took no action. In some cases on which the Board took action, the action was overturned by the courts. In no cases at all did any person or any group ever register in accordance with the Board's direction. Seven groups were found to be "Communist front;" no groups were found to be "Communist infiltrated;" and one group—the Communist Party itself—was found to be "Communist action." What a contribution. The Communist Party was found to be Communist Action. No individuals were ever finally registered as members of these groups.

These statistics are bleak indeed. The explanation is not that the Board was ineffectual; the problem is rather in the ill-advised and unconstitutional responsibilities the Board was assigned. In 1965 the Supreme Court found the Board in violation of the fifth amendment's guarantee against self-incrimination, because the Board required individuals to register as members of Communist groups at a time when membership was illegal under the Smith Act. After Congress tried to avoid that difficulty in a 1967 revision, the Board's system of registration was held to be in violation of the first amendment's guarantee of freedom of association—and the decision was affirmed by the Supreme Court's denial of certiorari. Had the Board been more successful, it would only have succeeded in violating the constitutional rights of many citizens; as it was, what little it tried to do was often thrown out of court. It is not surprising, then, that the Board did nothing at all in 1967 and 1968, and almost nothing since. In 1970, the Board held hearings on two cases, taking testimony from three witnesses, for a total of 10 days. For their 10 days of work, each of the five Board members received a salary of $36,000.

Faced with this scandalous situation in 1971, the administration tried to resuscitate the Board by issuing Executive Order 11605. This order purported to give the Board a new set of tasks to justify its continuation. The Board was now to be responsible for keeping a list of subversive organizations for use by the executive branch in considering prospective employees. This list had previously been kept by the Attorney General, although no organizations had been added to or removed from the list since 1955.

The truth is that this new responsibility is just as useless and probably considerably less time-consuming than the old ones—and suffers in addition from a double case of unconstitutionality.

In the first place, as the Appropriations Committee decided, and as the Senate voted last year, it is not the business of an Executive order to legislate an entirely new set of functions for an agency established by act of Congress. This is an outrageous attempt to usurp legislative powers. While the recent court decision of American Servicemen's Fund et al. against Mitchell did not rule directly on this matter, it did hold that—

> There is no precedent for a President delegating to an independent, quasi-judicial body far-reaching responsibilities different in form and effect from those specifically

given that body when created by the Congress.

Not only does Executive Order 11605 violate separation of powers, it is very likely unconstitutional on other grounds as well. As the American Servicemen's Fund decision said—

> The Order contains definitions governing listing which appear on their face to raise constitutional problems by reason of their vagueness and overbreadth and the resulting effect on the rights of many Government workers, present or future.

In effect, Executive Order 11605 attempts to enlarge the Board's old restrictions on freedom of association, and make them into conditions for employment. However, the Supreme Court's decision on loyalty oaths in Cole against Richardson just last April clearly states that employment may not be restricted by such unconstitutional requirements.

But, Mr. President, even if we assume that the courts will allow the Board to do everything Executive Order 11605 allows—and that seems far from likely—even then, I submit, the Board will still have almost nothing to do.

The Board is empowered to do two things with the Attorney General's list. First, upon petition by the Attorney General, it may add organizations to the list. The budget proposal of the Board says that 25 such cases are expected. But Kevin Maroney, a Justice Department official, testified in January that the Department would "probably not file any cases" while the American Servicemen's Fund case is being appealed—which could take 2 years. In other words, this entire fiscal year could easily go by without the Justice Department submitting a single new case.

The Board may also delete from the list organizations which no longer exists, or are no longer subversive. The Board's budget proposal anticipates 156 cases of this sort, of which 150 involve merely the question of the organization's existence. Now it might seem that crossing the names of organizations which do not exist off a list which has not been used for 17 years, is an utterly pointless activity. But we need not worry that the Board will waste much time on this project; a Board official candidly indicated that the Board can dispose of 25 cases in a single evening. Six evenings should be enough to complete this year's work.

In short, even if Executive Order 11605 were constitutional, it could not possibly justify the continued existence of the Subversive Activities Control Board.

My point is not only that the Subversive Activities Control Board has done almost nothing and will continue to do almost nothing. There is also nothing it really ought to be doing. It is no accident that the Board has kept running afoul of the courts. Its approach to the problem of internal security is not in keeping with guarantees of constitutional liberties. Compiling lists of groups with allegedly subversive ideas is insidious and ultimately beside the point. When men commit illegal acts to overthrow the Government, or have plans to commit such acts, they should be apprehended and tried. Even if the Control Board had had more success, it would have contributed nothing to our security—and it would have contributed much more to infringement of constitutional rights. An official blacklist in the hands of five men is inconsistent with our democratic society.

The Subversive Activities Control Board is a boondoggle in cold warrior's clothing. We should not respond to a program of no value by cutting its budget request to last year's level. A program with no purpose should get no funds at all.

Mr. HOLLINGS. Mr. President, first, I ask unanimous consent to have printed in the RECORD a letter from the Commander in Chief of the Veterans of Foreign Wars, with an enclosed resolution, and a letter from the National Legislative Commission of the American Legion. Both of those organizations have been vitally interested in this measure.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, D.C., June 14, 1972.

Hon. ERNEST F. HOLLINGS,
United State Senate,
Washington, D.C.

MY DEAR SENATOR HOLLINGS: This is to indicate the support of the Veterans of Foreign Wars for the amount of $450,000 recommended by your Appropriations Committee for the Subversive Activities Control Board for fiscal year 1973, as provided in H.R. 14989, the State, Justice, and Commerce, the Judiciary and related agencies appropriation bill for 1973, scheduled for consideration this week.

The Veterans of Foreign Wars has long supported the objectives of the Subversive Activities Control Board. A typical resolution of the concern of our membership is found in a V.F.W. resolution identified as No. 136, entitled "Action Against Dissident, Violent and Co-Called Non-Violent Groups and Individuals," a copy of which is enclosed.

The Subversive Activities Control Board is the agency of government established to make determinations respecting communists, subversive and violence-oriented organizations identified in our resolution No. 136. In that regard, the Veterans of Foreign Wars is deeply disappointed with the restrictive language in the appropriation bill that the $450,000 may not be used to carry out President Nixon's Executive Order No. 11605 which will update the Attorney General's list which we feel is long overdue. In any event, the Veterans of Foreign Wars recommends your favorable consideration and vote for the $450,000 for the Subversive Activities Control Board for 1973.

The Veterans of Foreign Wars is vehemently opposed to proposed amendments to be offered which would delete the entire amount of $450,000 from the bill, thus killing the Subversive Activities Control Board. Your favorable consideration of these recommendations will be deeply appreciated by the more than 1.7 million members of the Veterans of Foreign Wars. With kind personal regards, I am

Sincerely,

JOSEPH L. VICITES,
Commander-in-Chief.

RESOLUTION NO. 136—ACTION AGAINST DISSIDENT, VIOLENT AND SO-CALLED NON-VIOLENT GROUPS AND INDIVIDUALS

Whereas, certain dissident, violent and so-called non-violent groups and individuals are undermining the military defenses of the United States, knowingly and unwittingly helping the enemy; and

Whereas, there are elements among the population of the United States of America who favor the aims and objectives of North Vietnam and Vietcong as against the hopes and aspirations of the free people of South Vietnam; and

Whereas, some veterans are members of these groups, and utilize certain publications in which to advertise for membership and spread their propaganda in support of communistic ideals and goals; and

Whereas, the Veterans of Foreign Wars, many of whose members have served in the Vietnam conflict with honor, believes in adequate National Defense and Peace with honor; now, therefore

Be it resolved, by the 72nd National Convention of the Veterans of Foreign Wars of the United States, that the Justice Department institute an in-depth investigation and identification of all organizations or individuals who are knowingly or unwittingly undermining the position and security of the United States, to determine their sources of funds and propaganda, and to take whatever action deemed necessary to insure the safety of our nation; and

Be it further resolved, that the Veterans of Foreign Wars maintain its firm stand against any and all subversive groups of individuals who threaten the security of the United States of America.

Adopted at the 72nd National Convention of the Veterans of Foreign Wars of the United States held in Dallas, Texas, August 13 through 20, 1971.

THE AMERICAN LEGION,
Washington, D.C., June 13, 1972.

Hon. ERNEST HOLLINGS,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLINGS: According to published reports in the news media, an effort will be made to delete all appropriations for the Subversive Activities Control Board at the time H.R. 14989, the 1973 appropriations bill for the Departments of State, Justice and Commerce, the Judiciary and related agencies, is considered by the Senate.

The American Legion believes that such a move would not be in the interest of our nation's internal security. The SACB continues to serve an important function according to several government witnesses who recently testified before the House Internal Security Committee, and only the Attorney General's list of organizations need modernization.

The Senate Judiciary Committee presently has under study H.R. 9669 which passed the House on May 30 by a vote of 226–105. This measure would expand the function of the Board and authorize it to, among other things, consider all types of subversive organizations, whether foreign or domestic. To deny funds for the continued operation of the Board at this crucial time would only serve to encourage those organizations whose announced purpose is to change our democratic form of government to a totalitarian state.

The American Legion would appreciate your support of the continued existence of the SACB through the appropriation of sufficient funds to permit it to carry out its work.

Sincerely yours,

HERALD E. STRINGER,
Director, National Legislative Commission.

Mr. HOLLINGS. "Eternal vigilance is the price of liberty" is an old, but still true, injunction. Today we are considering the investigation and surveillance of the Communist movement in the United States. And there are those who claim that the threat is so diminished that no watchfulness is necessary. Do not post a guard, do not man the towers, they say—there is no danger from within.

I submit that there is a continuing necessity to keep close tabs on what the Communists are doing. For one thing, this is an election year. The Communists are making no secret of their desire to get on the ballot in as many states as possible. Their effort, of course, is not to win—but to muddy and confuse and bewilder.

In addition to that, we all know that this is a period of many changes in the country. All about us, institutions and ideas are in flux. It is fertile ground for those who would subvert and destroy. There are many causes and movements in the country—some good, some less worthy. The danger is that even the worthy movements, if they go about their business unsuspecting, can find themselves infiltrated and perhaps even taken over.

All evidence points to increasing membership in the various Communist parties and groups in this country, and to the heightened activity of these groups—the Communist Party of the U.S.A., the Progressive Labor Party, the Socialist Workers' Party, and so on.

There are those who would cut back and even eliminate the governmental agencies which are responsible for the important works of surveillance. The Subversive Activities Control Board is one of the agencies most often singled out for attack. I believe that rather than eliminate the Board, we should make every effort to update it—to make it a more effective vehicle for the exposure of the Communist menace. This is no time to lapse into false complacency.

In spite of summit agreements in Moscow, and meetings with Mao in Peking, the world is still not a safe place. There is still an enemy without, and just as surely there is the enemy from within. To lower our guard now, at this critical time in history, would be the ultimate folly. It could be the lull that destroys our society.

I intend to vote in favor of continued funding for the Subversive Activities Control Board. And I intend to work toward making it fulfill the visions of those who founded it. The choice is not between a moderately good board and no board at all. There is a third alternative—and that is an even better Subversive Activities Board. I support the latter.

Mr. President, when we considered this matter, we had before us language which was, in essence, the earlier amendment to last year's appropriation bill, that—

> No part of the funds appropriated by this Act shall be available to the Department of Justice or the Subversive Activities Control Board to carry out, execute, or implement the provisions of Executive Order 11605 of July 2, 1971.

The Senate had voted on that language with approval, and your committee went along with that particular language, concurring that it was beyond the purview of the Executive to assign additional duties to this particular board through Executive order, and that it should be done through legislation.

Before I dwell on the legislation, let me state this: We also went into the amount. We considered the 1973 estimate, which was about $706,000, and we made the same allowance the House made, of $450,000. In other words, for the five commissioners, 11 secretaries, office expenses, and various other material to do what? To carry out the intent of a statute enacted by this Congress.

There has been dialogue and an argument in court, and I can remember our distinguished former minority leader, the late Senator Dirksen, some 4 or 5 years ago, on this very same measure, with the very same adversaries, defending this appropriation.

They do not like the Subversive Activities Control Board, yet they do not seek to amend the legislation. They always come at the back door with a collateral attack when the appropriation bill comes along.

I respectfully submit that all we are doing is trying to appropriate for what Congress itself has asked be done. If Congress says, "No, there should not be a Subversive Activities Control Board," let Congress repeal the formative statute which requires this function within our Government.

The fact of the matter is, in order to correct this situation of the Executive order vis-a-vis Congress itself acting, on the House side, they proceeded in very deliberate fashion, and they have passed a bill over here to the Senate, which is presently in our Judiciary Committee. It is H.R. 9669. They had this from their Internal Security Committee. On May 9 they reported it, and they passed it on May 30 by a vote of 226 to 105. They had quite a bit of discussion in detail as to the particular findings of their special study committee.

The chairman of the Subcommittee on Loyalty and Security on the House side is former Judge RICHARDSON PREYER of North Carolina, for whom we all have a high regard. Representative PREYER, after weeks and weeks of hearings, found certain things that obviously are not found by the Senator from Wisconsin.

I read from Representative PREYER's statement:

> Figures brought to our attention indicate that the efforts of subversives to penetrate our government in some of its most sensitive agencies has by no means abated.

We can say: "We don't need a Congress. We don't need any more new laws. We don't need any lawyers. People aren't going to steal, lie, kill, or cheat. So we can do away with the court system, and do away with the security aspects of our government, because the President has been to Peking and Moscow."

That is absolutely false. The President has evoked communications with these governments, both Russian and the People's Republic of China, but by no means have they changed their minds about prevailing in our country by means of violence. H.R. 9669 addresses itself to that continuing problem and resolves this particular Subversive Activities Control Board into the Federal Internal Security Board. To carry on what? To carry on not only a listing of Communist activities in various agencies and organizations within the land, but also to list those which are intent upon overthrowing the U.S. Government by violence, or by engaging in violence, subverting the actual orderly course of government itself within the United States.

What does it do? In essence, with all the upheaval and the suspicion and the distrust and the changing times, I think this board does perform a useful function. I think it is a good stopgap. If anyone thinks an organization is a Communist organization, then we do have within the Government an authoritative source that we can say has investigated and has or has not found that it is a Communist organization, rather than both sides being right and both sides being wrong. I think it is a very valuable service for this particular function to be carried on.

But the main reason why this board comes up with low marks—and it comes up with low marks on everybody's scoreboard—for activity is that it has been brought, kicking and screaming, through a 10-year period of courts and motions and efforts to emasculate and sideline the board in a fashion somewhat similar to this—which is collateral—on the question of money. They do not come to Congress and say, "Vote down the measure by majority vote." They say, "Rule it out in the courts, motion it to death, have it completely frustrated, or otherwise cancel this appropriation." That is why they have not done anything. We have had them before our body. They are all capable people.

I readily admit that we could economize and have three commissioners instead of five. I do not think they could handle 27 hearings in an evening if they went about deliberately protecting individual rights in America, and that is what seems to be in the mind of the Senator from Wisconsin. They cannot protect the rights of individuals by handling 27 cases in an evening.

One cannot say that a policeman in front of the Capitol is useless because he has not arrested anybody in the last year. I think that the fact that he is there has a salutary effect and brings about law and order. I think that this board also has a very valuable effect within our Government at this time. I think it would be a very bad mistake at this time, when the matter has passed the House and we have done away with the Executive order and instead inserted this language in the measure which is before the Judiciary Committee, to come in precipitately and, by the time we have come before this committee, just knock it out.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. PROXMIRE. I ask the distinguished manager of the bill whether he accepts the opinion expressed by Kevin Maroney of the Justice Department that as long as the American serviceman case is pending, which may be for the next 2 years, the Board would have no work to do. In other words, Justice would not file a single new case. So there's nothing for them to do.

Furthermore, I wonder whether the Senator would accept the position of the Subversive Activities Control Board official, who candidly said they could dispose of the old cases, take them off the list, the organizations that no longer exist, 25 in an evening. This was not my estimate; it was theirs.

Mr. HOLLINGS. I would answer the distinguished Senator's question with another question. Does the Senator from Wisconsin suggest that we do away with busing until all bus cases have been settled? That would solve the busing problem in this land; I can guarantee that. We did not have to pass a law that said just until after the election, because I think that is the most political thing that has been done in Congress. After my election year, in 1974—that is what Congress just enacted, signed by the President:

> In the middle of 1974, in your election year, Hollings, we're going to start busing again.

Does the Senator think we ought to stop busing until all busing cases have been settled?

Mr. PROXMIRE. Next year there will be nothing for this Board to do; therefore, we should not appropriate that money.

Mr. HOLLINGS. Under that theory, we would not have any buses.

Mr. PROXMIRE. I voted with the Senator from South Carolina on busing. I am against busing, too. There is no difference. I suggest that the Senator look up the record.

So far as this matter is concerned, this is a Board with nothing to do.

Mr. HOLLINGS. I think the Senator knows full well that there is a bill before the Judiciary Committee, and they will reconstitute this Board from the Subversive Activities into the Federal Security Board. There are approximately 3 million Government employees. Some are in sensitive positions and some are in nonsensitive positions. The distinguished Senator from North Carolina has far more experience in this field than I. Sometimes it is carried over into the nonsensitive field, but I think that is a function of the Board. Certainly, we ought to be able to ask somebody within the Government, some authority that has investigated, when people are being hired for sensitive positions, to find out whether or not particular organizations are subversive. It is only for exposure. We need it in the Government. Is it the Senator's position that we do not need this function at all?

Mr. PROXMIRE. Perhaps I misunderstand the Senator.

On page 61 of the bill, the committee said:

> SEC. 706. No part of the funds appropriated by this Act shall be available to the Department of Justice or the Subversive Activities Control Board to carry out, execute or implement the provisions of Executive Order 11605 of July 2, 1971.

Therefore, this Board would not be able under this appropriation bill's own instruction to perform any new function proposed by the President. Is that correct? Or is the Senator referring to something else?

Mr. HOLLINGS. I am referring to this Board, and I think this Board should persist and should take the additional duties assigned to it under the new act.

Mr. PROXMIRE. During the testimony, the Board testified that they have spent a total of 1 hour and 15 minutes to handle 111 cases—48 seconds a case—at $406,000. That is $5,433 per minute. How do you like that for waste? It must get some kind of record.

Mr. HOLLINGS. Mr. President, I think the Senator and I agree that this Board has not functioned in the context of actually putting out results. I am glad they have not. In fact, we have had hearings within the executive department of the Government that this has had a very good effect. The very first thing was an assault upon the constitutionality of the Board itself. They said, "You can't have such a board." That is really the argument. It was found constitutional in the early 1950's; and we found, with the Hoover Commission investigating the executive activities and the intelligence activities of this Government, that many of these organizations were not organizing as a result.

In other words, the Board itself would have a mission to serve. But I do not know when we will need it. They say we do need it.

The Communist membership in the United States—not a specific membership figure—but a press release by Gus Hall on February 17, 1972, indicates that the membership was 15,000. A similar statement in 1969 puts it at between 15,000 and 16,000 dues-paying members in the Communist Party. That did not include, of course, the 129,000 sympathizers.

Mr. PROXMIRE. We have a professional skilled organization in the FBI to investigate and determine the activities of the Communist Party and find out who is active in the Communist Party. The fact is that this Board has done nothing. They have had 22 years to do it. Every year the committee comes back with the same argument, give them another year and they will get busy. They have done literally nothing. I challenge the Senator, can he name anyone this Board has identified as active in the Communist Party? Has it identified any subversive? Have they identified a single Communist?

Mr. HOLLINGS. Under this particular House bill, the Board would be resolved into the Federal Internal Security Board and its function would be to conduct hearings and make findings on petition of the Attorney General with respect to the character of relevant organizations to be designated in furtherance of the program to ascertain the suitability of individuals on loyalties or security grounds for admission to or retention in the services of the executive branch.

Would the Senator support that bill?

Mr. PROXMIRE. May I say that it is perfectly proper to have investigations of people going to work in the Government. They should be carefully screened under some circumstances, but I do not think that the Subversive Activities Control Board purports to have that function. It does not do that. The Civil Service Commission does this and has done it under an Eisenhower Executive order for many years.

Mr. HOLLINGS. That is because of the legal gymnastics which have gone on for the past 10 years. Just because that has gone on for 10 years is no reason to disband the Board any more than schools should be disbanded because there is no more busing, on which we have had legal gymnastics around here for 5 years.

Mr. PROXMIRE. If there are no children to pick up or no schools to go to, the bus can be sold. We would not need drivers. We could save their salaries.

Mr. HOLLINGS. But, the fact is there are schools. There are Communists, and there are security risks, and we do not want to employ them in the Government.

Mr. PROXMIRE. There are no security risks or Communists that that Board is capable of identifying or doing anything about. They have done nothing about it. Nothing.

Mr. GURNEY. Mr. President, if the Senator will yield on the charge made by the Senator from Wisconsin (Mr. PROXMIRE) that nothing has been done for 22 years by the Subversive Activities Control Board, that is not the information I have.

I understand, from a history of the Subversive Activities Control Board, that they have registered one Communist action group; that is, the Communist Party. There are no others in the country except that one.

Mr. PROXMIRE. Does the Senator from Florida consider that a contribution, identifying the Communist Party as a Communist action group? We certainly do not need five commissioners earning $36,000 a year to do that.

Mr. GURNEY. If the Senator will allow me to continue, I will give him some additional information, and then he can ask all the questions he wants.

In addition, the SACB has registered 25 Communist front groups and two Communist infiltrated groups. At present, it has three more Communist front group cases before it. The Board has handled some 66 individual cases and, more recently, has undertaken the task of making recommendations to the Attorney General so that the Attorney General's list can be updated.

So the Senator is not correct when he says that the Board has done nothing for 22 years.

I just wanted to get these facts on the RECORD and indicate to him what had been done by the Board.

Then I should also like to make this further statement in support of what the distinguished manager of the bill has said, that because we have a Board like this and there is evidence that the very fact it is there is like the policeman in front of the Capitol steps who is on duty. That is the reason why he is there even though no crime may be committed. During the years the Board has existed, the membership of the Communist Party has gone down. Also, many of the Communist front organizations have gone out of business. The existence of the Board is the reason that has happened.

Mr. ERVIN. Mr. President, will someone yield me some time?

Mr. PROXMIRE. Mr. President, I yield 15 minutes to the Senator from North Carolina.

The PRESIDING OFFICER (Mr. SPONG). The Senator from North Carolina is recognized for 15 minutes.

Mr. ERVIN. Mr. President, this section should be called a bill to give unemployment benefits to five bureaucrats.

The Board was created in 1950 when McCarthyism ran supreme over the land, when there were people seeing Communists under every bed or hiding behind every rosebush. Those people had vivid imaginations.

The Supreme Court held that the portions of the act creating the Board gave it the power to make Communist action fronts, Communist-dominated, and Communist-infiltrated organizations register only if it could find a constitutional method to make them do so.

Some opinions held that everything Congress had authorized the Board to do, except to draw its breath and salary, was unconstitutional. It held they could not make a requirement to register because the Communist Party was outlawed and a man would have to incriminate himself for being guilty of a violation of law if he registered as a member of it. Therefore, that provision was invalidated by the fifth amendment provision against self-incrimination.

The Congress attempted to give new breath of life to the Board, and so it said that instead of requiring them to register, they had not been able to get anyone to register, but they did find one that was in action in the United States, the Communist Party. They charged 25 others with being Communist-front organizations, but they could not make a single one of them register. They found, in most cases, that most of the organizations had ceased to exist.

Congress tried to help them out and breathe more life into this abomination. They passed a law that they could hold hearings and declare people and organizations to be subversive—that is, Communist—and brand the members. The circuit court of appeals of this district, in the Boorda case, stepped in and said that it was unconstitutional for the Board to declare any man to be a Communist unless it showed that he participated in illegal aims of the party. They were never able to show that, and the Department of Justice did not dare to appeal that decision. So since the time of the Boorda case, they have had nothing to do. Last year the President attempted to breathe new life into the Board by an Executive order which was clearly legislation and a violation of the Constitution in that respect and also a violation of the first amendment.

When the case was heard—it was alluded to by the Senator from Wisconsin—the judge, in effect, said that it was unconstitutional. And so they have not dared to exercise their power under the Executive order. So what did they do? They instituted 111 proceedings in the last year to declare that 111 organizations that no one had heard anything about for 20-odd years—who were on the subversive list of the Attorney General had died—ceased to exist. So they held hearings on 111 cases and it took 48 seconds to try each case—48 seconds, I repeat—and all these organizations had long since ceased to exist. They had been dead from the time whereof the memory of man runneth not to the contrary. They stretched it out over 4 days—1 hour and 15 minutes—to find 111 organizations that no one heard anything about for years and had ceased to exist. That is all they did last year, except draw their breath and their salaries.

This Board should be abolished for financial reasons, unless Members of Congress want to take five bureaucrats and give them unemployment compensation benefits.

The bad thing about the bill is that it is alien to America. Such a bill was never dreamed of until 1950. Then people started to see Communists. The House committee passed this bill. It gave the Attorney General the power to file petitions alleging that members of Communist action groups held illegal memberships. And during all of those years from that date down to this, the Attorney General alleged that 66 people out of 200 million Americans were Communist action group members.

They want to keep the Board for fear that those 66 men—who were never convicted—may overthrow by force and violence a nation of 200 million people. We have $450,000 in this appropriation to pay five men for doing nothing and to pay their secretaries to assist them in doing nothing. That is the purpose of the bill.

We are on limited time. However, I thank the good Lord that the Board has not been able to find anything more to do, because I do not think there are very many disloyal Americans.

Judge RICHARDSON PREYER opposed the bill the House passed. The House passed a bill that if the rules of the Senate did not prevent me from saying so, I would say was the biggest fool legislation ever passed by either House or Congress, because it says that hereafter this Board shall have such powers as the Board and the Attorney General by regulation may prescribe.

That is what it says. And that is the bill that is pending before the Internal Subcommittee of the Senate today. They changed the name of the organization. Even the Board got disgusted with its name. It had it changed to Internal Security. The only internal security it has promoted has been the internal financial security of the five members of the Board who draw some $30,000-odd a year of the taxpayers' money for doing nothing except to sit in big easy arm chairs.

Mr. President, I ask unanimous consent that an article entitled "The Internal Security Act of 1950: An Argument for Its Repeal" written by Nathaniel L. Nathanson and Stanley C. Feldman, be printed at this point in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The Internal Security Act of 1950: An Argument for Its Repeal

(By Nathaniel L. Nathanson and Stanley C. Feldman)

INTRODUCTION

Ever since its enactment twenty-two years ago over Presidential veto, the Internal Security Act of 1950 (the so-called McCarran Act),[1] has been embroiled in controversy. Title II of the Act—also called the Emergency Detention Act of 1950—finally was repealed on September 25, 1971,[2] without ever having been used. But Title I—also called the Subversive Activities Control Act of 1950—has managed to survive despite vigorous and frequent attempts to accomplish its repeal. The following discussion examines the administration of Title I since its enactment and marshalls the arguments in support of its repeal.

THE SUBVERSIVE ACTIVITIES CONTROL ACT

Title I of the Act established an independent agency known as the Subversive Activities Control Board to identify, on petition of the Attorney General, "Communist-action" and "Communist-front" organizations (coverage was extended to "Communist-infiltrated" organizations, by a 1954 amendment), and the members of "Communist-action organizations". It also required the registration of those organizations and members so identified with the Attorney General and the annual filing of information concerning officers, printing facilities, and finances.

A Communist-action organization is defined as one which (i) is substantially directed, dominated, or controlled by the foreign government or foreign organization controlling the world Communist movement referred to in section 2 of this title, and (ii) operates primarily to advance the objectives of such world Communist movement. . . ." A Communist-front organization is defined as one "which (A) is substantially directed, dominated, or controlled by a Communist-action organization and (B) is primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title." Finally, a Communist-infiltrated organization is defined as one "which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within three years have been actively engaged in, giving aid or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title, and (B) is serving, or within three years has served, as a means for (i) the giving of aid or support to any such organizations, government, or movement, or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces." Members of Communist-action organizations were barred from working in defense facilities and from obtaining passports, and any member of a registered Communist-organization was prohibited from employment or non-elective office under the United States.[3]

ADMINISTRATION AND LITIGATION UNDER THE ACT

In all the years of its existence, the Subversive Activities Control Board (hereafter referred to as the SACB) has determined only one organization, the Communist Party of the United States, to be a Communist-action organization. In *Communist Party v. SACB*,[4] the Supreme Court upheld the registration requirement in regard to the Communist Party. This decision was the culmination of ten years of complicated and expensive litigation. But in *Albertson v. SACB*,[5] the Court held that the fifth amendment privilege against self-incrimination was violated when individual members of the Communist Party were required to register. Since no individual member of the Communist Party could constitutionally be required to register, it was a logical next step

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Footnotes at end of article.

to hold that the Party itself could plead the defense of self-incrimination on behalf of its members if ordered to comply with the registration requirements of the Act, including the filing of membership lists. The Court of Appeals for the District of Columbia Circuit so held in *Communist Party v. United States*,[6] and the government did not ask for certiorari to review this decision.

Following this seventeen-year futile attempt to force the Communist Party to register as a Communist-action organization, a 1968 amendment to the Subversive Activities Control Act replaced the compulsory registration provisions of the Act with authorization for the Board to issue "declaratory orders" determining whether the organizations it investigates are to be characterized as "Communist-action," "Commuist-front," or "Communist-infiltrated," and whether individuals are members of Communist-action organizations. But this attempted revitalization through the 1968 amendment was also doomed in large measure to disappointment. *Boorda v. SACB*,[7] held that the provisions of the Subversive Activities Control Act authorizing determinations with respect to membership of individuals in Communist-action organizations were unconstitutional on the ground that the disclosure of Communist Party membership is "constitutionally protected" by the first amendment, "except for those who join with the specific intent to further illegal action."

The only surviving aspect of the Board's jurisdiction of current significance is its authority to determine whether organizations should be characterized as Communist-front or Communist-infiltrated. Between 1953 and 1969 twenty-four petitions were filed by the Attorney General asking for such determinations. Twenty-two of these involved alleged Communist-front organizations. Eight of these were dismissed by the Board. In the remaining 14, the Board issued orders requiring registration as Communist-front organizations. In two of these the organizations ceased to operate and took no appeal.

In the remaining 11 cases, appeals were filed in the Court of Appeals for the District of Columbia. In seven of these appeals motions to vacate the Board's order were filed on the ground that the organizations had dissolved. In four of these seven, the Court found that the organization had dissolved either formally or in fact. In the three other cases, the Court found that the organizations, although inactive, had not proved dissolution. In only one of these was the appeal pursued to the point of a decision of the court, affirming the order of the Board.[8] In none of these three cases did the organization register; nor was any further action taken.

In one of the remaining four Communist-front cases, *National Council for American-Soviet Friendship v. SACB*,[9] the Court set aside the Board's order on the ground that the Government had failed to establish that the organization at the time of hearing was substantially dominated or controlled by a Communist-action organization. In the three other cases the Court of Appeals affirmed the Board's order. In two of these, the Supreme Court vacated the judgment of the Court of Appeals and remanded the cases to the Board on the ground that the records were stale.[10] In both of these the Board vacated its former orders and dismissed the petitions. In the third case, in which the Board's order was affirmed, the organization became defunct and no further proceedings occurred.[11] In the two Communist-infiltration cases, the petitions were dismissed by the Board, with the consent of the Attorney General.

In summary, no organization was finally required to register as a Communist-front or Communist-infiltrated organization. Apart from the decision in the National Council for American-Soviet Friendship case, where the Board's order was set aside, the energies of counsel were mainly devoted to litigating the question whether the organization concerned was in fact defunct.

In addition to the disclosure purposes of the Act, determinations with respect to individuals and organizations import certain collateral disabilities. Some of these consequences have also been voided by court decisions. In *Aptheker v. Secretary of State*,[12] section 6, making it unlawful for a member of a Communist-action organization to apply for or to use a passport, was held to be void for overbreadth in that it unduly restricted the right to travel in contravention of the liberty guaranteed by the fifth amendment. In *United States v. Robel*,[13] section 5 (a) (1) (D), making it unlawful for members of Communist-action organizations to be employed in any defense facility, was held "an unconstitutional abridgement of the right of association protected by the first amendment." The *Robel* decision does not auger well for the other provisions of section 5, including those which prohibit a member of a Communist-action organization from seeking or holding non-elective office or employment under the United States.

In recognition of the Board's dreary history of unsuccessful litigation, as well as its lack of activity at that time, the Congress on January 2, 1968, made the continued life of the Board conditional upon the referral of *one* case to it within the period of a year.[14] The Board survived this test, but during the period following this action of Congress until the *Boorda* decision of December 12, 1969, a period of approximately 2 years, only 22 petitions were filed by the Attorney General for determinations of individual membership in the Communist Party. *Boorda* has now foreclosed any further exercise of jurisdiction on this matter. In the twenty years of the Board's existence, a total of only 66 petitions for the determination of individual membership in the Communist Party have been filed. After the *Boorda* decision, the supporters of the SACB were distressed by the fact that it was left with virtually nothing to do; the only authority remaining to the Board was the authority to issue declaratory orders publicizing that certain organizations are subversive, insofar as an organization may be declared "Communist-action," "Communist-front," or "Communist-infiltrated." On July 13, 1970, two petitions were filed by the Attorney General for Board orders determining both the Center for Marxist Education and the Young Workers Liberation League to be Communist-front organizations pursuant to Section 13(a) of the Subversive Activities Control Act. The evidentiary hearings for these organizations were completed recently and further action is pending. If adverse determinations are made in respect to either or both of these organizations, the application of the principle of the *Boorda* decision to the constitutionality of the Communist-front provisions of the statute will surely be argued upon appeal.

THE FUNDAMENTAL CONSTITUTIONAL QUESTION

The fundamental question underlying all of the Board's remaining activities under the statute is whether it is the proper business of government to guard its citizens from questionable associations by publicly labeling certain organizations as politically dangerous. This is the purport of a declaratory order characterizing an organization as Communist-action, Communist-front, or Communist-infiltrated. We submit that involving the government in such a process is so basically inconsistent with the fundamental assumptions of an intellectually free society that it is not surprising that the per curiam opinion vacating the order in *American Committee for Protection of Foreign Born v. Subversive Activities Control Board*,[15] made this explicit reservation with respect to the constitutionality of the whole process of attaching the label "Communist-front" to private organizations: "Our Communist Party decision on the Communist-action provisions did not necessarily foreclose petitioner's constitutional questions bearing on the Communist-front provisions." As this reservation suggests there is good reason to believe that a continuation of the Board's life would eventually lead to a determination of the unconstitutionality of its principal remaining function under the Internal Security Act.

EXECUTIVE ORDER 11605

Under Executive Order 11605[16] issued on July 2, 1971, the SACB is authorized to conduct hearings, upon petition by the Attorney General, to determine "whether any organization is totalitarian, fascist, communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means."

The SACB may further determine, upon petition of the Attorney General or of an organization which has been designated under the provisions of this Executive Order and after appropriate hearings, that an organization has ceased to exist.

The clear intent of this Order is to revitalize the nearly moribund SACB by expanding its powers while, at the same time, updating the Attorney General's list of Subversive Organizations—a list that has not been amended for 15 years and that is now composed mainly of defunct organizations.[17]

The origin of the Attorney General's list is Executive Order 9835,[18] issued March 21, 1947, which required the Attorney General to furnish the Loyalty Review Board for civilian employment in the federal government the names of organizations he determined to be totalitarian, fascist, communist or subversive, or which adopted subversive policies. The dissemination of the names of the organizations on the Attorney General's list, then, served to notify government employees as well as prospective employees that membership in such organizations could affect their service in the federal government. Executive Order 9835 was superseded by Executive Order 10450,[19] which directed the Attorney General to continue listing subversive organizations and to supply information in that regard to the heads of government departments and agencies.

Executive Order 11605 in effect transfers from the Attorney General to the SACB the authority previously conferred upon the Attorney General by Executive Order 9835 and later by Executive Order 10450 to determine whether an organization is "subversive." Executive Order 11605 also modifies somewhat the standards previously incorporated in 9835 and 10450 with respect to the organizations to be listed. More specifically, it undertakes to define the terms, "totalitarian," "communist," "fascist," and "subversive."[20]

After passage of the 1971 appropriations bill containing an item for the SACB,[21] the Senate Subcommittee on Separation of Powers held hearings in October 1971 on Executive Order 11605. Under the leadership of its chairman, Senator Sam J. Ervin, Jr., the subcommittee considered the question of the circumvention of the legislative powers of Congress by executive orders. Senator Ervin, also introduced S.2466 which would make it unlawful for the SACB to carry out the new functions conferred by Executive Order 11605 and S. Res. 163, which expresses the view that the Executive Order is a usurpation of the legislative powers of Congress; both bills were reported favorably by that subcommittee and are currently pending in the Committee on the Judiciary.[22] The Justice Department, on the other hand, has proposed legislation renaming the Board as the Federal Internal Security Board and making

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Footnotes at end of article.

certain procedural provisions of the Internal Security Act applicable to the administration of the Executive Order. Bills to this effect have been introduced in Congress.[22]

It may well be that the reactivation of the Attorney General's list for purposes of government employment will raise substantial constitutional difficulties under the principles of *Keyishian v. Board of Regents*,[24] and *United States v. Robel*,[25] holding that an individual may not be barred from employment in the government or in critical defense facilities merely because of membership in the Communist Party or other proscribed organizations.[26] It has also been suggested that there is another constitutional problem with respect to whether the President can add additional powers to a quasi-judicial agency established by statute for certain specific purposes.[27] In any event, the attempt to revitalize the SACB by transferring to it responsibility for what was formerly the Attorney General's list of subversive organizations only accentuates the need for thorough reconsideration of the Board's continuation.[28]

CONCLUSION

The present condition of the SACB is quite unlike that of the SACB in 1950. Stripped of all but one of its functions under the original Act by court decisions, even its remaining authority is of questionable validity in light of the decision in the *Boorda* case. In short, the SACB for twenty years has been an exercise in futility, wasting large sums of the taxpayers' money while inevitably pinning a social stigma against any one charged, irrespective of the merits of the charges.

Not only have the provisions of the Internal Security Act proven ineffective and unworkable, but the very dangers it seeks to protect us against are adequately met by other laws. Treason,[29] espionage,[30] sabotage,[31] and conspiracies to overthrow our government by force or violence have long been punishable crimes, irrespective of the Internal Security Act. For example, the statute on seditious conspiracy[32] makes it a crime, subject to a fine of not more than $20,000 or imprisonment up to twenty years.

"[i]f two or more persons in any State or Territory or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder or delay the execution of any law of the United States, or by force to seize or take, or possess any property of the United States contrary to the authority thereof. . . ."

In addition, the Alien Registration Act of 1940 (popularly known as the Smith Act),[33] making it a crime to advocate overthrow of the government by force or violence, or to be a member of an organization which advocates such overthrow, is still in force and available, provided that it is enforced in accordance with the constitutional limitations elaborated in *Dennis v. United States*.[34] *Yates v. United States*,[35] *Scales v. United States*,[36] and *Noto v. United States*.[37] Furthermore, other laws[38] require registration with the Attorney General, in such detail as he may prescribe, by every organization subject to foreign control which engages either in political activity or civilian military activity, by every organization which engages both in political and civilian military activity, irrespective of foreign control, and by every organization one of whose purposes is the overthrow or control of the government by force or threat of force. Finally, every agent of a foreign government, other than a duly accredited diplomatic representative, must file a comprehensive registration statement with the Attorney General before disseminating political propaganda in the United States.[39] The authority remaining in the SACB to issue declaratory orders in regard to whether organizations are "Communist-front" or "Communist-infiltrated" is hardly an essential safeguard of our security and, at best, contributes little, if anything, toward those legitimate objectives which are better accomplished under other existing laws.

Nor do we believe that the Board should not be continued for the purpose of carrying out the functions conferred by Executive Order 11605. These are subject to the same constitutional objections as the Board's remaining statutory functions. Furthermore, American citizens should be assumed to be sufficiently mature to make their own choices among political organizations, accepting at the same time whatever appropriate risks may be involved in such associations. The governmental labeling of organizations as "Communist-front," "Communist-infiltrated" or "subversive," should not be confused with general and objective disclosure requirements which are made applicable to various types of organizational or propaganda activities, such as the disclosure requirements applicable to labor unions, political parties, or agents of foreign powers. Whether such objective disclosure requirements should be extended to other types of organizational or propaganda activities is a debatable question of public policy which has nothing to do with continuation of the Subversive Activities Control Board.

The strategic importance of national security is not denied because an objective appraisal of the record of the SACB leads to the inevitable conclusion that it should be abolished. The real point at issue is the question of the most effective means of insuring our national security. Our experience with Title I of the Internal Security Act and the Board it established has proven that means inimical to our constitutional traditions of free speech and free association have had at best a dubious effect in curtailing the "Communist threat" of internal subversion. It is abundantly clear that the time has come to rid ourselves of the SACB and the moral and legal burdens engendered throughout its existence.

FOOTNOTES

[1] 50 U.S.C. §§ 781–794, 811–826.

[2] Public Law 92–128.

[3] In 1954 Congress extended the prohibition to holding office in, or employment with, a labor organization and to representation of an employer, 50 U.S.C.A. § 784 (2) (1951 ed., p. 1971).

[4] 367 US. (1961).

[5] 382 U.S. 70 (1965).

[6] 384 F.2d 967 (D.C. Cir. 1967).

[7] 421 F.2d 1142 (D.C. Cir. 1969), *cert. denied*, 397 U.S. 1042 (1970).

[8] Jefferson School of Social Science v. SACB, 331 F.2d 76 (D.C. Cir. 1963).

[9] 322 F.2d 375 (D.C. Cir. 1963).

[10] American Committee for Protection of the Foreign Born v. SACB, 380 U.S. 503 (1965); Veterans of the Abraham Lincoln Brigade v. SACB, 380 U.S. 513 (1965).

[11] Weinstock v. SACB, 331 F.2d 75 (D.C. Cir. 1963).

[12] 387 U.S. 500 (1954).

[13] 389 U.S. 258 (1967).

[14] 50 U.S.C. § 791(1) (1964 Ed. Supp. V).

[15] 380 U.S. 503, 505 (1965).

[16] 36 Fed. Reg. 12831.

[17] See Hearings regarding the Administration of the Subversive Activities Control Act of 1950 and the Federal Civilian Employee Loyalty-Security Program Part I, 91st Congress, 2d Sess., Sept. 23 and 30, 1970, p. 5254.

[18] 12 Fed. Reg. 1935, Mar. 21, 1947.

[19] 18 Fed. Reg. 2489, April 27, 1953.

[20] Compare, for example, 2(c), (f), (g), and (h) of Executive Order 11605 with paragraph 3 of Part III of Executive Order 9835 and Section 12 of Executive Order 10450.

[21] 117 Cong. Rec. H7595–8, Aug. 2, 1971; S13043, Aug. 3, 1971.

[22] 117 Cong. Rec. S195, Jan. 21, 1972.

[23] 117 Cong. Rec. H7179, July 27, 1971.

[24] 385 U.S. 589 (1967).

[25] 389 U.S. 258 (1967).

[26] See, for example, the testimony of Kimbell Johnson, Director, Bureau of Personnel Investigations, U.S. Civil Service Commission, in Hearings regarding the Administration of the Subversive Activities Control Act of 1950 and the Federal Civilian Employee Loyalty-Security Program. Part I, pp. 5254–5255.

[27] See remarks of Senator Ervin during Senate debate on Conference Report recommending an appropriation for the Subversive Activities Control Board (117 Cong. Rec. S13022–S13030, Aug. 3, 1971); remarks of Representative Edwards in House debate on the appropriation (117 Cong. Rec. H7181–H7184, July 27, 1971). Department of Justice Memorandum on Legal Issues Raised in connection with Executive Order 11605 and the SACB Appropriation (117 Cong. Rec. H7278, July 27, 1971). The appropriation for the SACB was finally approved without the proposed restriction, originally approved by the Senate, prohibiting use of any of the money appropriated for carrying out the responsibilities conferred by Executive Order 11605. 117 Cong. Rec. S11445–11450, S13022, S13043, and H7598.

[28] The President's proposed budget for 1973 contains an increased item for the SACB, apparently on the assumption that its responsibilities under Executive Order 11605 will result in an increased workload. Senator Proxmire has given notice that an attempt will again be made to strike this item from the budget. 118 Cong. Rec. S 881, Feb. 1, 1972. Recent information received from the SACB indicate that as of March 31, 1972, 169 petitions had been filed by the Attorney General which asked merely for determinations under Executive Order 11605 that certain organizations previously listed have ceased to exist; approximately 80 of these have been disposed of.

[29] 18 U.S.C. §§ 2381–2391.

[30] 18 U.S.C. §§ 791–799.

[31] 18 U.S.C. §§ 2151–2157.

[32] 18 U.S.C. § 2384.

[33] 18 U.S.C. § 2385.

[34] 341 U.S. 494 (1951).

[35] 354 U.S. 298 (1957).

[36] 367 U.S. 203 (1961).

[37] 367 U.S. 290 (1961).

[38] 18 U.S.C. § 2386.

[39] 22 U.S.C. §§ 611–621.

Mr. ERVIN. Mr. President, I ask unanimous consent that a statement prepared by me entitled "Freedom in Peril: The Subversive Activities Control Board," which gives the minimal history of this organization and how it is an affront to the first amendment, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FREEDOM IN PERIL: THE SUBVERSIVE ACTIVITIES CONTROL BOARD

Mr. ERVIN. Mr. President, the Senate today has an unusual opportunity to vote for freedom under the Constitution and for economy in government at the same time.

The amendment offered by the distinguished Senator from Wisconsin and myself would save the American taxpayers hundreds of thousands of dollars in wasteful spending on an agency that has very little to show for its 22-year history.

At the same time, it would lay to rest once and for all the Subversive Activities Control Board, which in addition to establishing a barren record has been a threat to the freedom-loving traditions of this great Nation.

Since it was created in 1950, the SACB has spent $6.75 million doing practically nothing. This year, the Board asked Congress for an appropriation of $706,000, but the House and

Senate Appropriations Committee wisely cut the figure to $450,000—the same amount granted last year.

Mr. President, we cannot justify wasting another $450,000 on the SACB when so many of our national needs are going unmet.

The SACB has been moribund since its existence in part because the courts have struck down its major approach for combatting subversion—disclosure of individual members through compulsory registration.

Until 1971, the Attorney General brought only 25 petitions alleging organizations to be "communist action," "communist front," or "communist infiltrated." Of these 25 petitions, the Board issued only eight final orders determining that the organizations fell within the definitions of the Act. Only one organization, the Communist Party of the United States, was designated a "communist action" organization, and seven groups were found to be "communist front" organizations.

The majority of the remaining cases were dropped either because the Board found that the organizations did not fall within the provisions of the Act, or because the Board's orders were vacated pursuant to a Federal court decision.

Even with additional duties purportedly conferred on it by President Nixon's Executive Order 11605 of July 2, 1971, the Board has found little to do.

During the past year, it handled 111 petitions referred by the Attorney General to remove organizations from the so-called Attorney General's list of subversive groups. These 111 petitions were disposed of in just 75 minutes of hearing time.

Mr. President, at more than $5,000 per minute, these hearings likely were the most expensive in the history of the American bureaucracy. Such waste is disgraceful.

More important than the absolute waste involved, however, is the total disregard for the fundamental freedoms of all Americans presented by the continued existence of the SACB.

To discuss this threat to freedom, I must first discuss the First Amendment. This is so because the SACB and efforts to revive it obviously are inspired by a lack of faith in the First Amendment freedoms and a fear of their exercise by persons whose thoughts and words understandably are offensive to the established order.

The First Amendment outlaws governmental action which abridges freedom of thought, or freedom of speech, or freedom of the press, or freedom of association, or freedom of assembly, or freedom of petition, or freedom of religion. These freedoms embrace and nourish a kindred freedom, the freedom of dissent.

These freedoms, which may be called First Amendment freedoms, were created to make Americans politically, intellectually, and spiritually free.

The novelist, Thomas Wolfe, sensed this when he said:

"So, then, to every man his chance—to every man, regardless of his birth, his shining, golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this, seeker, is the promise of America. I do not believe * * * that the ideas represented by 'freedom of thought', 'freedom of speech', 'freedom of press' and 'free assembly' are just rhetorical myths. I believe rather that they are among the most valuable realities that men have gained, and that if they are destroyed men will again fight to have them."

The First Amendment grants its freedoms to all persons within the boundaries of our country without regard to whether they are wise or foolish, learned or ignorant, profound or shallow, brave or timid, or devout or ungodly, and without regard to whether they love or hate our country and its institutions. Consequently, the Amendment protects the expression of all kinds of ideas, no matter how antiquated, novel, or queer they may be.

In the final analysis, the First Amendment is based upon an abiding faith that our country has nothing to fear from the exercise of its freedoms as long as it leaves truth free to combat error. I share this faith.

To be sure, the exercise of First Amendment rights by others may annoy us and subject us at times to tirades of intellectual or political rubbish. This is a small price to pay, however, for the benefits which the exercise of these rights bestows on our country.

The First Amendment protects the expression of ideas, not the commission of acts, and for this reason cannot be invoked to justify criminal or violent deeds.

It is explicit in the First Amendment that the freedom of the people to assemble to petition for the redress of grievances must be exercised peaceably; and it is implicit in it that the other freedoms it secures must be exercised in like manner.

First Amendment freedoms are simply designed to secure to the people a constitutionally protected right to use the means which nature and man's ingenuity afford them to express to others their thoughts, ideas, and desires concerning government, society, religion, and all other things under the sun. Inasmuch as expression has persuasive power, this right must be recognized and exercied if government is to be responsive to the will of the people, and if society is to be free.

Since one of its principal purposes is to make America a politically free society, the First Amendment assures to every person or group of persons the right to express publicly ideas concerning any problem of government or society without prior restraint or fear of subsequent punishment, even though the ideas are displeasing to government or are believed by a majority of our citizens to be false and fraught with evil consequences.

Why did the Founding Fathers secure this right to every individual and association and assembly within our borders?

There are two answers to this question, one philosophical and the other pragmatic.

As philosophers, the Founding Fathers believed that free and full debate teaches men the truth that frees them from the worst of tyranny, i.e., tyranny over the mind; and as pragmatists, the Founding Fathers believed that free and full debate is vital to the civil and political institutions they established.

The Founding Fathers were right on both counts.

Freedom of thought and speech are the things which distinguish our country most sharply from totalitarian regimes. They enable our country to enjoy a diversity of ideas and programs, and to escape the standardization of ideas and programs totalitarian tyranny requires.

Besides, a free and full interchange of ideas concerning the problems of government and society makes us aware of conditions and policies which need correction, and induces us to make in apt time and in a peaceful way the reforms that changing times demand. As a consequence, violent revolution has no rational or rightful place in our system.

Like all freedoms, First Amendments may be abused.

Society is often disturbed by those who abuse these freedoms to protect, either rightly or wrongly, conditions or policies they deplore.

Society must ordinarily tolerate these abuses by protestors, however much it may hate their thoughts and words.

This is true because the power of government to deal with them is limited by the First Amendment.

It is well that this is so. If it is justified, protest may lead to reform; and if it is unjustified, protest may relieve at least temporarily the tensions of the protestors. In either event, protest has therapeutic value for both protestors and society.

Freedom of thought is absolute, and cannot be limited or punished by government in any way. Other First Amendment freedoms are qualified in the sense that their exercise may be circumscribed by government within narrow limits to protect other overriding social interests.

The general rule, however, is that people may express their ideas freely, and associate or assemble freely to make their ideas effective. But this general rule does not prevail in respect to the exercise of speech, association, or assembly which defames others, invades the privacy of others, constitutes obscenity, incites to crime or violence, obstructs the courts in the administration of justice, amounts to sedition, or imperils the national security.

Government may punish by law past speech, association, or assembly falling within these narrow limits, and under extraordinary circumstances subject it to prior restraint by obtaining injunctions from courts of equity.

Except when it acts within these narrow limits, government violates the First Amendment if it attempts to limit its freedoms by legislation. Moreover, government violates the First Amendment if it engages in conduct which is calculated and intended to stifle the willingness of people to exercise their freedom of speech, association, or assembly. It is to be noted in this connection that the First Amendment was written for the timid as well as the brave.

In describing First Amendment limitations on the power of government, the Supreme Court declared in *Terminiello v. Chicago*, 337 U.S. 1, 4, that "freedom of speech, though not absolute, is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest."

Strange as it may seem at first blush, the Amendment protects advocacy of conduct prohibited by law unless it incites action to bring such conduct about and creates a clear and present danger that it will provoke action to that end. This is so because the Amendment protects the expression of ideas, no matter how reprehensible they may be.

Since the doctrine of civil disobedience is invoked with such frequency nowadays, it seems not amiss to emphasize that the Constitution does not countenance civil disobedience which contemplates and produces unlawful acts.

Government has an inherent right to self-protection, and may under some conditions prohibit or punish the advocacy or teaching of the desirability of overthrowing it by violent action.

Judges have used multitudes of words in many cases to define the conditions under which government may exercise its right of self-protection by limiting speech, association, and assembly.

While the words of some of the judges are sometimes somewhat elusive in meaning and for that reason difficult to comprehend, I interpret these cases to lay down these principles:

1. The First Amendment protects all utterances, individual or concerted, advocating constitutional or political changes, however revolutionary they may be, if the utterances contemplate that the changes are to be achieved by lawful means. Hence, freedom of speech permits an individual or a group to advocate the adoption of communism, fascism, or any other system of government by means of the ballot box.

2. The First Amendment also protects all utterances, individual or concerted, advocating or teaching as an abstract doctrine the

desirability of the forcible overthrow of the government. This is true even though such advocacy or teaching is engaged in with intent to accomplish violent overthrow and with the hope that it may ultimately do so.

3. The First Amendment affords no protection, however, to utterances, individual or concerted, advocating or teaching action for the forcible overthrow of government.

4. Inasmuch as the capacity of a group to create danger is greater than that of an individual, the law makes a distinction between the power of government to exercise its right of self-protection against individuals and groups. Government may prohibit or punish utterances of an individual advocating or teaching action for the forcible overthrow of government only if his advocacy or teaching creates a clear and present danger that it will provoke action. But it may prohibit or punish utterances of a group advocating or teaching action for the forcible overthrow of government if their advocacy or teaching takes place under circumstances reasonably justifying apprehension that the action will occur either immediately or at a future time selected by the group.

When it enacted The Smith Act of 1940, Congress made it a felony knowingly or willfully to advocate or teach the desirability of overthrowing the government of the United States or any of its states, territories, districts, or possessions by violence. (18 U.S.C. 2385)

In construing the Smith Act, the Supreme Court decided that the words "advocate" and "teach" were not used by Congress in their ordinary dictionary meanings, because they had been construed in prior cases interpreting similar laws "as terms of art carrying a special and limited connotation." (*Yates v. United States*, 354 U.S. 298, 319) By so doing, the Supreme Court adjudged that the principles which I have outlined were embodied in the Smith Act and in consequence such Act is not unconstitutional.

The Constitution expressly provides two ways to protect our country against domestic danger by civil means. Congress may make punishable as crimes dangerous acts, and, subject to First Amendment limitations, dangerous words; and those of us who esteem our system the best yet devised by man may use our First Amendment freedoms to instruct the ignorant, convert the doubting, and combat the efforts of those who undertake to destroy or injure it.

Justice Bandeis must have had these considerations in mind when he made this statement in his eloquent concurring opinion in *Whitney v. California*, 274, U.S. 357, 378:

"Among freemen, the deterrents ordinarily to be applied to prevent crime are education and punishment for violations of the law, not abridgment of the rights of free speech and assembly."

Since it was first organized as the nation's legislature, Congress has enacted these sedition laws: the Sedition Act of 1798, which still lives in infamy; the Espionage and Sedition Acts of 1917 and 1918, which Attorney General Palmer grossly abused in his "witch-hunts" after the First World War; and the Smith Act of 1940, whose potentiality for abuse has been restricted by Supreme Court cases, which subject its broad language to First Amendment limitations. Each of these Acts was adopted in a time of great national strain.

By each of these laws, Congress made utterances it deemed dangerous to the common weal punishable as crimes, and thus secured to all against whom the laws were invoked the right to trial by an impartial jury of the vicinage and the other protections created by the Constitution to prevent the punishment of the innocent.

From the time of the Russian Revolution until the day on which Russia became an ally of the United States in the Second World War, multitudes of Americans entertained profound fears in respect to the menace which they believed communism presented to peace abroad and security at home. As a result of Russia's intransigence in Europe and the communist take-over of mainland China after the end of the war, these fears were revived and intensified, and they rightly remain until this day insofar as they are based on concern for the threat which communism poses to world peace.

Inasmuch as they were based on concern for domestic security, the fears of communism persisted with intensity until the middle of the 1950's, and they still linger in some quarters.

There is room for dispute as to how substantial the communist threat to our domestic security actually was during the times it was feared most. There was some tangible evidence and plethoric surmise that communists had strongly infiltrated segments of the labor movement and had even penetrated government and the armed forces to a degree. The extent of the threat was exaggerated by a tendency on the part of the fearful to believe that persons of unorthodox views were tainted with communism.

Anyway, the fear of the threat to domestic security produced two pieces of major congressional legislation, the Smith Act of 1940, which has already been mentioned, and the Internal Security Act of 1950, which Congress passed over President Truman's veto.

Before the Internal Security Act was adopted, our country steadfastly adhered to the principle that government ought not to punish anybody for anything except for crime of which he has been convicted in a constitutionally-conducted trial in a court of justice.

The Internal Security Act injected a novel concept into our system, which is alien to this principle.

This concept may be summarized in this way:

To protect society, our country should maintain a governmental agency to stigmatize publicly organizations the government considers intellectually or politically dangerous, and visit upon such organizations and their members severe penalties.

I use the phrase "intellectually or politically dangerous" to distinguish the stimatized organizations and their members from organizations and individuals whose legally dangerous acts or words are punishable as crimes under constitutional safeguards.

The Internal Security Act of 1950 created the Subversive Activities Control Board. By the original Act and an amendment of 1954, the Board was given jurisdiction to act on petitions of the Attorney General to identify and require the public registration of communist-action, communist-front, and communist-infiltrated organizations, and members of communist-action organizations.

The Act as amended automatically imposed upon the organizations and the members of the organizations stigmatized by the Board severe penalties. For example, a stigmatized organization was denied the use of instrumentalities of communication unless it plainly revealed that they were being used by it and that it was "a communist organization"; and a member of a stigmatized organization was denied the right to hold any nonelective office or employment under the United States or even to seek such office or employment or employment in any defense facility without revealing his membership in the organization; the right to hold office or employment with any labor organization subject to the National Labor Relations Act; and the right to obtain or use a passport.

The Supreme Court adjudged, in essence, in *Communist Party of the United States* v. *Subversive Activities Control Board*, 367 U.S. 1, that Congress had the constitutional power to regulate the registration of communist organizations because of its finding that such organizations advocate or teach action for the forcible overthrow of government. It ruled, however, in other cases that the procedures prescribed by the Act to effect the compulsory registration of communist organizations violated the self-incrimination clause of the Fifth Amendment, and that major provisions of the Act relating to membership in communist organizations imposed penalties upon individuals on the theory of guilt by association and could not be reconciled with the First Amendment.

These rulings left the Subversive Activities Control Board with virtually nothing it could constitutionally do.

By an amendment of January 2, 1968, Congress undertook to revive the moribund agency by repealing the compulsory registration provisions of the Internal Security Act, and by conferring upon the Board power to issue declaratory orders determining whether organizations it investigates are communist-action, communist-front, or communist-infiltrated organizations, and whether individuals it investigates are members of communist-action organizations.

The revival was short-lived. On December 12, 1969, the United States Court of Appeals for the District of Columbia Circuit handed down *Boorda* v. *Subversive Activities Control Board*, 421 F. 2d 1142, holding that the provisions of the Internal Security Act and its amendments allowing public disclosure of an individual's membership in a communist-action organization without finding that the individual concerned shares in any illegal purposes of the organization to which he belongs violates the First Amendment.

The Supreme Court refused to review this ruling, and the Board found itself left once again with virtually nothing it could constitutionally do.

As one who loves America and hates Communism, I take much comfort from the ineffective record of the Board. It corroborates my conviction that despite its enormous efforts to peddle its shoddy ideas, Communism has made few sales in America.

On July 2, 1971, President Nixon issued Executive Order No. 11605, which attempts to confer on the Subversive Activities Control Board vast power to harass and stigmatize Americans.

President Nixon's Order purports to amend Executive Order No. 10450, which was issued by President Eisenhower on April 27, 1953, to establish loyalty and security requirements for government employment. Hence, we must understand what power the executive department has in this area.

As Justice Frankfurter declared in his concurring opinion in *Garner v. Los Angeles Board*, 341 U.S. 716, 724–5:

"The Constitution does not guarantee government employment. City, State, and Nation are not confined to making provisions appropriate for securing competent professional discharge of the functions pertaining to diverse governmental jobs. They may also assure themselves of fidelity to the very presuppositions of our scheme of government on the part of those who seek to serve it. No unit of government can be denied the right to keep out of its employ those who seek to overthrow the government by force or violence, or are knowingly members of an organization engaged in such endeavor."

President Eisenhower's Executive Order applies only to persons presently enjoying or presently seeking employment in federal executive departments and agencies, and requires the Civil Service Commission, the employing department or agency, or the F.B.I. to investigate matters relating to them as individuals, including their individual memberships in subversive organizations, which are relevant to the determination of whether the employment or retention in employment of each of them is clearly consistent with the interests of national security.

Hence, the Eisenhower Order establishes forthright and circumscribed procedures for insuring the loyalty of federal civil servants. Moreover, it merely implements powers vested in the President by the Constitution and Acts of Congress relating to government employment.

President Nixon's Executive Order is a different kettle of fish.

To be sure, it professes itself to be a mere amendment to the Eisenhower Order, and it does alter that Order in one or more insignificant respects.

The major provisions of his Executive Order represent, in reality, an attempt on the part of President Nixon to amend the Internal Security Act of 1950 by bestowing upon the Subversive Activities Control Board new sweeping powers far in excess of those Congress sought to give it.

To this end, the Nixon Order declares in express terms that the Board shall henceforth possess and exercise the power to conduct, on petition of the Attorney General, hearings to determine whether any of the innumerable organizations which claim the membership of millions of Americans who do not enjoy or seek federal employment are (a) totalitarian, (b) fascist, (c) communist, or (d) subversive organizations, or (e) organizations which have the policy "of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State," or (f) organizations "which seek to overthrow the government of the United States or any State or subdivision thereof by unlawful means."

The Nixon Order further declares that in making its determinations, the Board shall have power to investigate the activities and objectives of every group in America which commits acts of force or violence; or unlawfully damages or destroys property, or injures persons; or violates laws "pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses."

The Nixon Order provides that the Attorney General will transmit to each federal executive department or agency the names of all organizations condemned by the Subversive Activities Control Board for its use in determining whether persons enjoying or seeking employment by it should be employed or retained in employment.

It is manifest, however, that the real objective of the Order is to empower the Board to brand the organizations and groups specified in it as intellectually or politically dangerous to the established order. It is equally as manifest that such branding of these organizations and groups will place a political or social stigma on their members, and tend to minimize their exercise of freedom of speech, association, and assembly.

I submit that the provisions of the Nixon Order which purport to confer new powers on the Board have no legal force for these reasons:

1. Their promulgation was beyond the constitutional power of the President.
2. They are void for overbreadth.
3. They violate the First Amendment and due process rights of all the members of the organizations or groups designated except those who share the illegal aims of the organizations or groups.

What was said by the Supreme Court in respect to President Truman's Executive Order in the steel-seizure case, *Youngstown Sheet and Tube Company v. Sawyer*, 343 U.S. 589, 588, makes it plain that in his attempt to expand the power of the Board, President Nixon undertook to make law.

"The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a Presidential policy be executed in a manner prescribed by the President."

It necessarily follows that the major provisions of the Nixon Order are void under Sections 1 and 8 of Article I of the Constitution, which give Congress all the law-making power of the federal government and deny any of it to the President.

I do not question the power of the President under the Constitution and Acts of Congress governing federal employment to establish by executive order procedures to assure the loyalty of federal civil servants. But I do assert with confidence that even if it were a bona fide effort to accomplish that objective, the Nixon Order would be void for overbreadth.

The Order brings within its coverage the organizational memberships of millions of Americans who neither enjoy nor seek employment in the federal establishment. Besides, it applies to the activities and objectives of groups past numbering which have no relationship whatever to the loyalty of federal civil servants.

The President has no power to subject the organizational memberships, activities, or objectives of all Americans to the scrutiny of the Subversive Activities Control Board because some of them may be employed by the federal government or some of them may hereafter seek employment by it.

The Nixon Order also violates the First Amendment and the due process clause of the Fifth Amendment by applying the theory of guilt by association and stimatizing politically and socially all the members of all the organizations or groups branded by the Subversive Activities Control Board, including those who may be passive or inactive members of such organizations or groups, or those who may be unaware of the unlawful aims of such organizations or groups, or those who may disagree with those unlawful aims.

While I do not care to belabor the points, a pretty good case can also be made for the proposition that some of the powers the Order attempts to allot to the Board trespass upon areas the Constitution reserves to the States, and others offend the First Amendment principle that government cannot touch the mere advocacy of ideas, no matter how reprehensible they may be.

MY FAITH

Apart from its constitutional infirmities, President Nixon's Executive Order is to be deplored because it has no rightful place in our land.

It is not the function of government in a free society to protect its citizens against thoughts or associations it deems dangerous, or to stigmatize its citizens for thoughts or associations it thinks hazardous. Yet that is exactly what the Executive Order undertakes to empower the Subversive Activities Control Board to do.

I rejoice in the fact that the Committee on Appropriations has amended the State-Commerce-Justice Appropriations bill to prohibit the expenditure of any funds to carry out the functions granted the Board by Executive Order 11605. With the Order effectively paralyzed, there will be no justification for continuing to fund the Board, since for all practical purposes it will have nothing to do except pose a latent threat to freedom.

If America is to be free, her government must permit her people to think their own thoughts and determine their own associaitons without official instruction or intimidation; and if America is to be secure, her government must punish her people for the crimes they commit, not for the thoughts they think or the associations they choose.

In closing, I affirm my faith in the sanity and steadfastness of the overwhelming majority of all Americans. I shall not fear for the security of my country as long as love of liberty abides in their hearts, and truth is left free to combat error.

Mr. ERVIN. Mr. President, I ask unanimous consent that a statement prepared by me entitled "Getting Our Money's Worth From the SACB at $5,413.33 a Minute" be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Getting Our Money's Worth From the SACB at $5,413.33 a Minute

Mr. Ervin. Mr. President, in a few days the Senate will be asked to appropriate almost one-half million dollars to continue the SACB for another year. Many Senators, myself included, oppose this appropriation and ask that the Board finally be laid to rest by striking the money from the bill.

Last Saturday, June 10, an editorial appeared in The Washington Post setting out the case against the SACB. Although that editorial repeated the uncontroverted facts about the history of the SACB, it may be that some people believe that the Post and other opponents of the Board have been unfair in their criticism.

Allow me to summarize the arguments against the Board. Quite simply the continued existence of the SACB stands as an insult to the traditional freedoms of Americans. Although we may be thankful that the Board has never exercised effectively any of its unconstitutional powers, still the public has had little to show for the expenditure of almost seven million dollars in taxpayers' money during the Board's 22-year history. During this time it heard only 26 cases.

In 1971 there was a last minute desperate effort by the Administration to find something for the Board to do. On July 2, 1971, the President attempted to amend the Internal Security Act of 1950 by Executive Order. Executive Order 11605 purported to expand the Board's powers to include the preparation of the so-called Attorney General's list of supposedly subversive groups. Last year the Senate effectively rejected this Executive Order as unconstitutional for the reason that the President had attempted to legislate, which under the Constitution is a congressional responsibility, and secondly because the order infringes upon the rights of free expression and free association. I am pleased that the Appropriations Committee has reported the bill with this same amendment already added.

In all fairness, the President, who is "a trained lawyer," no doubt recognized the constitutional infirmities of his action but felt compelled to ignore these qualms in an attempt to save the Board from extinction and to rescue its members from the excruciating boredom they have suffered for almost two decades by giving it something—anything—to do. To some extent, the latter goal may have been successful. I am informed that the Board heard 111 cases last year. Certainly when compared with the 25 cases it heard in its previous 20 years, this seems a lot of work. In fact, when the Board came before the appropriations committees of Congress this year, it was evidently so proud of having had a four-fold increase in the number of cases last year over its entire previous 20-year history that it pleaded for a 57 percent increase in its appropriation so that it might continue at this feverish pace.

Now, skeptics may take issue with claims that the Board is overworked. They might argue that these 111 petitions can be used to demonstrate that the SACB is an agency which cannot function under the Constitution except by holding absurd proceedings on matters about which no one cares. They might cavil by pointing out that in all these cases the Board was simply exercising its "delisting" function pursuant to the order and that that is all the Board is likely to do in years to come. They might point out that these 111 cases only took four days of hearings which consumed a total of only 1¼ hours of the Board's time. They might also argue that at more than $5,000 a minute these are probably the most expensive hearings in the history of American bureaucracy.

Indeed, to date the "delisting" hearings have not been excessively complicated. The process operates something like this. The Justice Department decides that a group on the Attorney General's list has gone out of existence. This is not too difficult since most of them were created in the pre-World War II era, and nothing has been heard of them since the war started. They have existed for the past 20 or 30 years only in the Justice Department's Attorney General's list, which was last revised 17 years ago. An Attorney General in the Justice Department then prepares a formal application or petition alleging that the group no longer exists and establishes the date when the association expired. He prepares identical ones for each group and then sends the petition by certified mail to the last known address of each of the organizations.

The Post Office performs perhaps the most important and difficult phase of this "delisting" process—it tries to deliver the petitions. Since the associations have all expired, naturally the Post Office returns the notices to the Justice Department marked either "addresses unknown," "unclaimed," "no forwarding address," "unknown," "return to sender," or some other appropriate notation signifying that no one was there to receive it. Armed with this conclusive evidence of the organization's demise—and who can argue with such simple yet uncontrovertible evidence based upon the joint efforts of two government agencies—the Justice Department then forwards the petitions, returned envelopes, and certificates of service to the SACB for the hearing. The Justice Department officially closes this meticulous investigation with its declaration to the Board that "in the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further showing with respect to this petition."

And now it's the SACB's turn to carry the ball. Upon receipt of the petitions from the Justice Department, the Board categorizes the organizations named and groups them into sets of 25–30 cases. After a date is set, a notice of hearings, together with a copy of each petition and certificate of service from the Justice Department involved, is published in the *Federal Register*. Although not as popular a journal as *Playboy*, this is to satisfy the necessary legal notice that each organization has been duly informed of the impending hearing. The Board then awaits in vain a response to its notice.

Finally the day arrives and the hearings are called to order. Assembled are all interested parties to the proceedings. A panel of three Board members are present. What work preoccupies the other two that they cannot also participate, no one has explained. The General Counsel, whose presence "assures that due process and procedural safeguards are met," is also there. So are a court stenographer and all witnesses. Thus far only the Executive Secretary, who is also Chief Clerk of the Board, has ever testified.

The hearing consists solely of the formal recitation of the actions of the Justice Department, Post Office, and Board to date and the insertion of each and every copy of each of the documents—including each unsigned register receipt and each envelope—into the record. The Executive Secretary states the Justice Department's allegations that the groups seem to have gone out of existence and tells the Board of the lack of response to its published notice of hearings. He presents to the Board the unequivocal evidence adduced by the Justice Department—the returned petitions with the Post Office's "unknown" notation on the envelopes. After receiving this material into the record, the evidentiary proceeding, which averages 48 seconds per case, is gaveled to a close. The whole thing literally takes less time to do than it takes to describe.

The three Board members who heard the testimony then retire to their chambers to prepare a recommendation to be presented to the entire Board. On the basis of the preponderence of evidence, the Board inevitably issues its conclusion asking the Attorney General to strike the group's name from the list because it no longer exists.

I must confess that I am not persuaded that the taxpayers got their money's worth last year, having spent almost $500,000 for this kind of nonsense. This is a travesty of bureaucracy in inaction. I cannot understand why the SACB has come before the Congress asking for a 57 percent increase in its budget to conduct this simple exercise. I cannot understand why anyone would want to continue the farce for yet another year.

But perhaps I am being too hasty on the Board. Maybe they are engaged in difficult, important work. What would happen if an organization actually contested one of the Justice Department's delisting petitions? What if an organization came forward and insisted that it was still alive and still subversive?

The questions of determining whether an unincorporated association has died and, if so, the exact moment of its passing, will not be easy ones. Indeed, they rate as profound political, philosophical, legal—and maybe even religious questions. The giants of western civilization—Shakespeare, Descartes, Plato, Blackstone to name a few—have written reams trying to grasp the meaning and definition of human death. How much more elusive and more difficult is the question with which the members of the Subversive Activities Control Board must grapple—the life and death of a supposedly subversive organization.

How does one decide when an unincorporated voluntary association has become defunct? This is not a simple issue for the common law. The legal encyclopedia lists nine means by which a group may commit associational suicide. A consideration of only two out of the nine points up the difficulties the Board will face if an organization protests that reports of its death are greatly exaggerated.

For example, Corpus Juris teaches us that an organization may be destroyed by unanimous consent of its members. Assume that the SACB adopts this test. To begin with the Board has to determine whether the meeting of the group where the organization was allegedly dissolved was properly called. So the SACB would have to obtain a copy of the constitution and by-laws of, for example, the Central Council of American Women of Croation Descent. Hopefully, there will be no language barrier. After becoming experts on the constitution and by-laws of this rather obscure group, assuming they have one, the SACB then has to get a stenographic record of the group's final meeting or else receive oral testimony from those present at that last meeting 20 or 30 years ago. The Board then must determine whether the members who voted on the resolution dissolving the organization were actually bona fide members. In the case of the Central Council, the SACB would have to determine whether the women involved were truly of Croation descent. Along the way, they would have to decide how much Croation ancestry qualifies to be a bona fide member. What, for instance, about adopted children? What if the only members actually present at such a meeting were FBI agents? Would they be considered bona fide members? What if they were both Croation and FBI?

Assuming the SACB cannot resolve the issue in this manner, Corpus Juris suggests another test. An association can cease to exist when it has achieved its object or purpose. This would involve the SACB in even more complex problems. The SACB first must determine the organization's purpose or goal. Consider the difficulties the Board faces in that regard with respect to the League for Common Sense. What is common sense?

Clearly in this case, the League has not achieved its purpose—which I guess is the forcible overthrow of the United States government by common sense. Anyone can tell that common sense does not dominate our government. Indeed, it has not even begun to subvert important portions of it. The Senate could strike a blow for the victory of common sense by abolishing the SACB. Until it does so, no one can argue that the League for Common Sense has achieved its goal. More likely, it has despaired of even converting the government to the principles of common sense. We can see that this test will not be of much help to the SACB in deciding when a voluntary association expires.

Of course, this test would be unfair for some groups. For example, consider the Department's petition in the case of "Everybody's Committee to Outlaw War." Now this organizations goal is clear—to outlaw war—but the group obviously has not achieved its goal. In fact, using this test it might be argued that this group never even existed because its purpose was frustrated from the very beginning and anyway not "everybody" is in favor of outlawing war.

I could go on and list the other tests laid out by Corpus Juris for determining whether an organization has ceased to exist but I believe I have made my point. The SACB has a Herculean task. I submit that even a Holmes or a Cardozo would have considerable difficulty determining these crucial questions of law and philosophy.

Indeed, my reading of Corpus Juris and the cases cited thereunder do not even address themselves to the question of how to determine the exact date an organization has succumbed—which is the other issue the Board must resolve. Here the Board will, no doubt, make exciting new contributions to the common law as it labors in a vineyard overgrown with onion grass. Few have trod this ground before.

I expect the Board has anticipated the possibility of a contested delisting case and has begun to formulate a new standard, a test to determine whether an organization has ceased to exist. Perhaps this is what the missing two Board members do when the hearings are going on. Even though we cannot yet see the fruits of their labor, I suppose the Senate must use its imagination. Imagine the Board members, red-eyed from long nights of worry, its legal assistants burdened down with briefs and dusty case books, pouring over old philosophical tracts from the Byzantine Age, perusing the statements of men of learning from the nation's schools of philosophy, law, medicine and religion.

If we invest another half-million dollars in the Board we will eventually get this classic statement on this most important problem—associational suicide. We will have a classic essay, an essay on one of the issues of great moment to the future of western civilization. An issue which can only be compared to such fundamental questions as: How many angels do stand on a pin? Does a tree make a sound if it falls with no one to hear it? Where does the flame go when a candle is blown out? Does a pond ever stop rippling when a stone is dropped in it? Who killed cock-robin?

That is what we buy the American people if we approve the Board's money. It's time to put an end to this travesty.

Mr. ERVIN. Mr. President, this statement gives a history of how they dug up 111 dead organizations temporarily and then put them back to rest at the rate of one every 48 seconds. It shows how the great labors of this Board consisting of five members consumed only

4 hours and 15 minutes, since the bill was up here for consideration last year, of very arduous labor which consisted of resting in easy armchairs.

Mr. President, I also ask unanimous consent that—an editorial published in the Washington Post entitled "A Last Hurrah for the SACB?" be printed in the RECORD. I hope that the title of the editorial is a harbinger of the success of the amendment, and that the amendment will be adopted.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 11, 1972]

A LAST HURRAH FOR THE SACB?

The appropriations bill for the Departments of State, Justice and Commerce, the Judiciary and Related Agencies, which contains, among other things, the appropriation for the Subversive Activities Control Board, has been reported out of Committee and will soon be taken up by the Senate. The Board has had so little to do over its lifetime that last year, its Chairman had to admit plaintively during his appropriations hearings that he and his agency had too little to do and the President felt constrained to issue an executive order of doubtful Constitutional validity in an effort to interrupt the agency's slumber. The Senate, where welfare discussions are sure to evoke numerous expressions of high principle against giving people taxpayers' money for doing nothing, will have to go through extraordinary contortions in order to justify appropriating another penny for the SACB.

The Board was created by the Internal Security Act of 1950 to identify, when petitioned by the Attorney General, three kinds of organizations: "communist action" "communist front," and "communist infiltrated," and to provide a registry of subversive individuals. In large measure, because the courts have found that the bulk of its authority was unconstitutional, the Board has done next to nothing in the 88 years of its existence. Up through the summer of 1971, Attorneys General had sent over 25 petitions suggesting the listing of organizations and it had rendered final orders in only eight of them. From 1966 to 1971 the Board held no hearings on alleged communist front organizations, then in fiscal year 1971 it heard three witnesses on two cases. So far in fiscal 1972, it has heard no cases. It has never managed to register a single subversive individual. While we would agree with the argument that, considering its obnoxious mandate, it is probably a good thing that the Board has done so little, it is a fact that it has managed to spend about $6.7 million of the taxpayers' money, all to no purpose.

The inactivity led President Nixon to issue an executive order which seems to have been intended to give the Board a little work to do. And nasty work it is. It transfers the function of making up the list of subversive organizations from the Attorney General to the Board, vastly and vaguely expands the types of organizations to be listed (totalitarian, fascist, communist and subversive, which seek to overthrow the government by unlawful means or advocate force or violence to deny others their constitutional rights) and it also authorizes the government to evaluate its present or prospective employees on the basis of the SACB listings.

The executive order raises three enormous problems: first, it is an attempt to amend legislation by executive fiat; second, its provisions are so broad and imprecise they could encompass any number of lawful dissident organizations including substantial chunks of the peace and civil rights movements; and finally, the order is aimed at speech alone as opposed to illegal acts—a grievous wounding of the first amendment.

The Senate has a great opportunity finally to lay this offense to the Constitution and to budget-conscious government watchers to rest, once and for all. When the money bill comes to the floor, it will carry with it Senator Ervin's amendment which would prohibit the Board from using any appropriaated money to carry out the provisions of the executive order. This is a good measure, as far as it goes, we think, but it does not go far enough. On the floor, Senators Proxmire and Ervin will offer amendments deleting all appropriations for the SACB. A similar amendment was defeated by the narrow margin of 47 to 41 last year. Since then, the Board has done virtually no work even with its ugly and probably unconstitutional new powers, the very existence of which—whether they are exercised or not—demean the republic. A Senate vote for the Proxmire-Ervin amendment would be a statesmanlike exercise in an important area of pollution control and in budget trimming all in one fell swoop.

Mr. ERVIN. Mr. President, why is this Board bad? The Constitution of the United States and the American system of government contemplated that no man shall be punished by the Government except for a crime which he has committed and of which he has been duly convicted according to constitutional standards in a court of justice. However, we departed from that good old American principle back in 1950 when we established this Board, whose sole purpose is to try to intimidate people and to keep them from speaking in their own voices and to keep them from associating with people who have like thoughts. So, we set up this Board to brand organizations as being political and intellectually dangerous to the establishment.

The Constitution in article I gives its freedoms to every person within our borders regardless of whether he is wise or foolish, whether learned or ignorant, whether devout or ungodly, and regardless of whether he loves America and its institutions or hates them. It gives every person the right to make a fool of himself. It is the purpose of this Board to keep some people intimidated so that they will not make damn fools of themselves.

The Board only found 66 people of that character—and they were not convicted of being so—since 1950. But the United States is not in any danger of being overthrown by force and violence by 66 alleged Communists out of a population of 200 million people.

If I could see ghosts of communism hiding in all corners, I could support this thing. If I thought 200 million Americans were so pusillanimous as to believe that the country they love could be overthrown by force and violence by 66 people, I would vote against the amendment offered by the Senator from Wisconsin and myself. I would vote to continue the unemployment insurance compensation benefits for the five bureaucrats who do nothing but draw their breaths and their salaries.

The Board has no function except to brand organizations as being politically and intellectually obnoxious.

The Constitution of the United States gives a man the right to make a damn fool of himself and believe anything that he wants to as long as he does not take any action.

We have a law, the Smith Act, that says that any man who advocates the overthrow of the Government by force and violence, if he comes within the terms of the Smith Act as interpreted by the Supreme Court—which requires more than mere theory and utterances—can be prosecuted.

If anyone is afraid of someone overthrowing the Government by force and violence, let him make out a case under the Smith Act, which has been held constitutional. But let us not permit them to set up an organization which cannot function under the decisions of the Supreme Court, an organization that is likely to label or brand as politically or intellectually obnoxious to the established order people who think in a sort of haywire fashion.

I do not fear for the security of my country as long as my country only punishes people for the crimes they commit. However, I do fear for the continuance of my country as a free society when my country sets up a board which undertakes to tell people what thoughts they can think and what associations they shall choose.

I do not think my country is in any danger as long as the love of liberty abides in the hearts of its people, as long as it leaves truth free to combat error.

That was the reason which inspired the writing of the first amendment.

This measure is nothing in the world but an effort to continue by this appropriation an organization which has proved to have functions which are unconstitutional and an organization which cannot find anything constitutionally to do, in order that that organization might try to exercise what Thomas Jefferson said was tyranny over the mind.

Like Thomas Jefferson, I have sworn eternal hostility to every form of tyranny over the mind of man, and this proposal to continue this board in existence is merely an attempt to have an organization whose sole function is to try to exercise tyranny over the mind of men whose foolish thoughts are obnoxious to those of us who belong to the established order.

I am frankly willing to let any man think anything he wants to think, no matter how foolish or how unpatriotic, because I have an abiding conviction that our country has nothing to fear from freedom of thought, no matter how foolish it might be, as long as it leaves truth free to combat error.

The Senator from South Carolina said we should have a way to investigate people applying for Government jobs. Mr. President, you already have such an order in the form of an Executive order signed by President Eisenhower. It provides that no person is entitled to have Federal employment or to be retained in Federal employment if his employment or retention is inconsistent with the national security. It provides that the Civil Service Commission shall have the power to examine applicants for employment through the Civil Service Commission, and it provides that where the person to be employed does not come through civil service he can be investigated by the employing department or agency. It further expressly provides that either the Civil Service Commission or the employment department or agency can receive assistance of the FBI with respect to every person who is employed by the Federal Government or who seeks employment by the Federal Government, concerning whom there is any doubt as to whether or not he is a patriotic American and a good security risk.

Mr. President, why set up a board of five men to conduct investigations like that of all people in the United States on the theory that some of them may at some time in the future seek employment at the hands of the Federal Government? If these board members want a pension, let us give them a pension, but let us not go through the mockery of doing nothing but drawing salaries and breath. Let us save this $450,000 and have some respect for the first amendment which is designed to make every American, regardless of how wise or foolish he is, intellectually and spiritually free.

Mr. HOLLINGS. Mr. President, I yield 10 minutes to my distinguished senior colleague from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the pending amendment 1226 to H.R. 14989, the State-Justice-Commerce appropriations, would eliminate the appropriation for the next fiscal year for the Subversive Activities Control Board.

Such a suggestion disturbs me greatly. The SACB has played a vital role in the protection of national security. Communist front organizations have shown us time after time that they fear the strengthening of our security above anything else. The undermining of Communist operations and strengthening of U.S. security can be done through the mere process of exposure.

Mr. President, now is certainly not the time to weaken our activities in this area. On May 30, 1972, H.R. 9669 passed the House. This legislation would serve as the heart of a new internal security program. This was formulated by the joint efforts of the executive branch and the House over several years. It is now pending in the Senate Judiciary Committee.

The new program created by Executive Order 11605 and H.R. 9669 permits actions aginst the various Communist organizations which are operating within the United States to violate personal freedoms of U.S. citizens by unlawful means. This program will alert the American people to the nature of these various organizations by making this knowledge public. This new program will greatly reduce the weaknesses of the existing operations.

The Subversive Activities Control Board is an essential part of the program. This board was formed to expose the Communist Party USA and the "fronts" of the Communist Party which are dedicated to the active overthrow of the Government of the United States by illegal means.

Congress held extensive hearings in the years from 1947 to 1950 to determine how best to control the threat the Communist movement poses to the internal security of the United States. Congress finally decided that the best solution is a system of control through revelation, combined with limitations on certain types of Communist activity.

The Subversive Activities Control Act of 1950 was the solution proposed by Congress at that time. This act granted the Communist Party the freedom to exist and to operate, but denied the Communist movement its most lethal weapon: Its secretive, subversive manner. By operating in a clandestine manner, the Communist Party was able to keep the individual American citizen ignorant of its purpose, existence or aims.

Mr. President, Congress decided that Communist organizations must now annually file certain basic information with the Attorney General. This registration and disclosure requirement is to protect the interest of the American people in the same way they are protected from certain practices of various businessmen, lobbyists, and political parties.

If these Communist groups did not register, the Attorney General could petition the SACB to hold hearings to determine if they came under the 1950 act and then order them to register as such. The informational, educational, and exposure function under this 1950 act was to be achieved through the SACB by its hearings, reports, and filed information.

Critics have charged that the SACB has become moribund. This charge may have been accurate under Attorneys General Katzenbach and Clark. However, under this administration the Justice Department has again been sending cases to the Board. Over 200 cases have been filed with the SACB since October 1971 under Executive Order 11605.

The Congress has supported the Board throughout its history by appropriations and by major amendments to the 1950 act. The recent 1968 amendment reiterated the nature of the World Communist Movement and stated that:

> The Party and the Movement present a clear and present danger to the security of the United States and to the existence of free American institutions.

Mr. President, President Nixon's Executive Order 11605 will join with the House bill to correct the present shortcomings in our internal security system. This order will give the SACB a major role in Government employee security procedures. It also designates the Board as the hearing and factfinding agency for organizations to be placed on the Attorney General's list. This list continues to be a vital element in the Federal personnel security program.

The Attorney General's list was a nonadversary closed administrative procedure. In the 1950's, various court decisions decreed that these proceedings should be open with requisite due process. The executive branch lacks the authority to confer subpena and judicial appeal and thus there have been no organizations designated by the Justice Department since 1955. The list needs updating; however, Government witnesses who have testified before the House Internal Security Committee stated that the program is effective because of its exposure of subversive organizations and their activities, and that only the list needs modernizing. The objection concerning open adversary hearings is also eliminated because the SACB is a quasi-judicial body with cross-examination and evidence examination rights to those involved.

To eliminate the SACB appropriation at this time would be dangerous, particularly in view of the effort taken to formulate a new program and to provide the SACB with the powers needed to carry out its essential role.

Mr. President, I ask unanimous consent that the statements by Mr. John W. Mahan, Chairman of the Subversive Activities Control Board, before the Committee on Appropriations of the U.S. Senate and the Committee on Internal Security of the U.S. House of Representatives be inserted in the Record at the conclusion of my remarks.

There being no objection, the statements were ordered to be printed in the Record, as follows:

STATEMENT OF JOHN W. MAHAN, CHAIRMAN, SUBVERSIVE ACTIVITIES CONTROL BOARD

Mr. Mahan. That is correct.

We would like to have the 80-page statement placed in the record and I would like to summarize, Mr. Chairman.

The Chairman. That will be done without objection.

(The document referred to follows:)

SUBVERSIVE ACTIVITIES CONTROL BOARD

The Subversive Activities Control Board (SACB) is an independent, five-member, quasi-judicial agency of the Federal Government whose members are appointed by the President with the advice and consent of the Senate. No more than three members may be of the same political party.

The Board was created by Title I of the Internal Security Act of 1950, the Subversive Activities Control Act, which became law over presidential veto on September 23, 1950, in the Second Session of the 81st Congress.

The function of the Board is to hold hearings, on petition of the Attorney General of the United States, for the purpose of determining whether organizations are Communist-action, Communist-front, or Communist-infiltrated, as those terms are defined in the Subversive Activities Control Act. Until recently, it also had the function of determining whether individuals were members of the Communist Party, which the Board had found to be a Communist-action organization. Another Board function is to hold hearings, on petition of organizations (and, formerly, individuals) which are the subject of Board findings, to determine whether the finding in question should be vacated or altered.

The Board does not have authority to conduct investigations or initiate proceedings itself. It can hold hearings and issue reports only on request of parties authorized by the Subversive Activities Control Act to submit petitions to it.

BACKGROUND

The purpose of Congress in enacting the Internal Security Act which created the SACB can be understood only in the light of certain developments which had taken place over a period of years prior to 1950.

The end of World War II did not bring peace. International Communism's intent to take over the world soon became apparent from its seizure of various governments in Middle and Eastern Europe and its attempts—defeated with United States assistance—to take over Iran, Turkey, Greece, the Philippines and other nations.

Concurrently with these foreign developments, the American people were jolted into a realization that, operating through the U.S. Communist Party and a network of spies and agents, international Communism not only planned the destruction of the United States by force and violence but had made considerable headway in penetrating and influencing many areas of life in this country, including the Government itself.

The 1945 defection of Igor Gouzenko, code clerk of the Soviet Embassy in Ottawa, Canada, revealed American complicity in the theft of United States atomic secrets by the Soviet Union while it was our World War II ally. Louis Budenz' testimony about the Party before the House Committee on Un-American Activities in 1946 also had great impact. Budenz had served for years on the National Board, the ruling body of the Communist Party, and also as managing editor of the Party's newspaper, the "Daily Worker." He was thus in a position to reveal much about the Party that had not been made public before.

Other Congressional revelations about Communist operations, combined with events abroad and widespread open Communist activities within this country, inevitably led to the introduction of bills dealing with the problem of domestic Communist subversion.

In 1947, the Committee on Un-American Activities held seven days of hearings on two such bills. Nineteen witnesses testified in these hearings and their testimony filled approximately 600 pages. Witnesses ranged from Eugene Dennis, then the General Secretary of the Communist Party, to persons such as FBI Director J. Edgar Hoover, the Honorable William C. Bullitt, former Ambassador to the Soviet Union, Victor Kravchenko, representatives of veterans and patriotic groups, congressmen, governors, and the President of the AFL, William Green.

Shortly after the completion of these hearings, Senator Mundt, then a Representative and member of the Committee, after consulting with the FBI and his friend and Committee colleague, then Representative Richard M. Nixon, introduced a bill which became known as the Mundt-Nixon bill and was the original version of the Subversive Activities Control Act.

In 1948, a Legislative Subcommittee of the Committee on Un-American Activities, chaired by then Representative Nixon, held hearings on this bill and on another bill which would have outlawed the Communist Party. Thirty witnesses testified in these hearings which extended over a period of seven days. Many prominent Americans were among those testifying—Attorney General Tom C. Clark; FDR braintruster Donald Richberg; Ferenc Nagy, former Premier of Hungary; Louis Waldman, the famous labor lawyer; Admiral William H. Standley, former Ambassador Extraordinary to the Soviet Union; John Foster Dulles; Thomas Reed Powell, Professor of Constitutional Law at Harvard; Raymond Moley, Professor of Law at Columbia University and Associate Editor of Newsweek; Adolph A. Berle, Jr., another Columbia University Law School Professor and former Assistant Secretary of State; Dr. William Yandell Elliott, Professor of Government at Harvard; Eugene Lyons, editor, writer, correspondent and authority on the Soviet Union; the Chairman of the American Bar Association's Special Committee on the Bill of Rights; and Benjamin J. Davis, the late Chairman of the Communist Party.

The House passed the bill on May 19, 1948, by a 319–58 vote, after it was reported by the committee. Hearings on it were held in the Senate but that body adjourned before acting on the measure.

In 1949, additional Senate hearings were held on the Mundt-Nixon and related bills and, in 1950, further hearings were held by the House Committee on Un-American Activities. I will not take time to go into details about these hearings, the type witnesses, etc., but the result of all this was that by the time September 1950 came, the House and Senate had held 58 days of hearings during which over 230 witnesses had filled some 3,200 pages of testimony with views pro and con the bills which became the Subversive Activities Control Act.

It is worth noting that Senator Wiley stated on the Senate floor on June 19, 1948, that, in the Senate Judiciary Committee hearings held that year, opponents of the proposed legislation were given 4/5 of the time allowed for testimony and the proponents only 1/5. An array of Communists testified in these Senate hearings, a few of them openly, but most of them covertly, under the mask of officers of Communist-controlled unions or officials of Communist fronts.

After the House passed the Mundt-Nixon bill in 1948, there was great public demand for Senate action. Allegations were made that Communist and leftist pressure was shocking Senate approval of the House-passed bill. In his remarks on the Senate Floor on June 19, Senator Wiley, Chairman of the Judiciary Committee, said that the Committee was not reporting the House-passed bill only because it "arrived too late in the Senate" (on May 21) and the Senate was not going to merely rubber stamp the House measure. He emphasized the fact that the Communists had neither killed nor succeeded in delaying the proposed legislation, and that it was simply a matter of the Senate Committee not having sufficient time to fully weigh and consider the bill after four days of hearings late in May during which the testimony of 27 witnesses was received.

This fact, combined with the fact that the House and Senate held so many days of hearings with so many witnesses over a period of four years before enacting the Internal Security Act, refutes the claim that it was a hastily conceived measure passed in the grip of hysteria. On the contrary, it was probably the most carefully and thoroughly considered security bill ever enacted by the Congress.

It is important to recall that during the years 1947, 48, 49, and 50, while these hearings were being held, more and more evidence was piling up which demonstrated the need for effective internal security measures. There was the testimony of Elizabeth Bentley and Whittaker Chambers before the Committee on Un-American Activities and the eventual Alger Hiss conviction on perjury charges growing out of those hearings. The Committee also exposed American Communist complicity in the Soviet theft of our atomic secrets from Los Alamos, Communist penetration of the Radiation Laboratories at the University of California and of numerous governmental agencies. Theft of documents and influencing of policy in favor of Soviet Union was also disclosed.

The 1946 Amerasia case alone involved the theft of hundreds of classified Government documents.

In 1947 The Committee on Un-American Activities published a heavily documented report on the Communist Party as the agent of a foreign power. In 1948 it published a similar report on the Communist Party as an advocate of the overthrow of the Government by force and violence.

A Gallup Poll taken early in 1947 revealed that:

61% of the American people believed that membership in the Communist Party should be made a criminal offense;

61% believed that Party members were loyal to the Soviet Union rather than to the United States, and;

67% believed that Communists should be barred from all Government positions.

Communist Party leader William Z. Foster, testifying before the Senate Judiciary Committee in its hearings on the Mundt-Nixon bill in 1948, said that if there were a war with Russia it would be the fault of the United States and United States Party members "are not going to fight against the Soviet Union."

In March 1949, Foster and Eugene Dennis, another top Party leader, said that U.S. Communists would be on the side of Russia in the event of a "Wall Street war." It was after they had made this statement that President Truman referred to the leaders of the Communist Party as "traitors."

In 1949, the CIO began expelling a dozen of its major unions on the basis of Communist-control and subservience to the policies of the Cominform rather than the CIO Communist penetration not only of moving pictures, but of radio and TV and the use of these media for propaganda purposes were documented.

The top leaders of the Communist Party, indicted for conspiring to teach and advocate the violent overthrow of the United States Government in 1948, were tried and convicted in 1949.

J. Edgar Hoover in his appearances before the House Appropriations Committee and in speeches and articles did much to alert the Congress and the public about Communist operations and penetration in this country.

In the spring and summer of 1950 the Committee on Un-American Activities held hearings on Communism in the United States Government. During these hearings various persons who had served as Government officials and had been identified as Communists and members of cells within the Government were called as witnesses. They included members of the so-called Silvermaster spy group, named after Nathan Gregory Silvermaster who had been director of the Labor Division of the Farm Security Administration and had served on the Board of Economic Warfare; the Perlo group, also involved in espionage, named after Victor Perlo, now a columnist for the Communist Party's newspaper, The Daily World, who was head of a research section branch in the Office of Price Administration who had also been employed by the War Production Board and the Treasury Department; and the Ware-Abt-Witt penetration group named after the late Harold Ware, who had been employed in the Department of Agriculture; John J. Abt, now an attorney for the Communist Party, who had also worked in the Department of Agriculture, for the WPA, the Senate Committee on Education and Labor and the Department of Justice; and Nathan Witt of Agriculture and the NLRB.

On the international front, the Government adopted various methods to combat Soviet aggression and also its propaganda operations. During these years the CIA, Voice of America, and the United States Information Agency were created. The Marshall Plan, forerunner of the various foreign-aid programs that have since been carried out to strengthen foreign nations threatened by Communist aggression, was instituted. In 1949 the North Atlantic Treaty Organization was formed. The South East Asia Treaty Organization (SEATO), was formed several years later. In the light of these developments, it was only natural that steps would also be taken to counter the inroads made by Communism here at home.

These and numerous other events which could be mentioned, coupled with continued Soviet aggression abroad, make readily understandable the determination of Congress that the Internal Security Act be passed before it recessed for the 1950 elections.

The Communist Party was not idle with respect to the proposed legislation during this period. To supplement the appearances its open officials and secret agents made to oppose the measure in legislative hearings, it launched a nationwide agitation and propaganda campaign against the proposed legislation.

During the Senate hearings on the bill in 1948, as one example, the Committee for Democratic Rights staged a demonstration in Washington on the day Paul Robeson testified against the bill, which was the last day of the hearings. Almost 6,000 people, most of them from New York City, came to Washington on special trains and in automobiles and chartered buses. They picketed the White House, invaded the Senate Office Building, and held a rally at the Washington Monument at which Robeson sang.

In December 1950, a few months after the bill became law, the Committee on Un-American Activities published a report on a front that had been set up by the Party for the specific purpose of agitating against the bill that became the Subversive Activities Control Act. The report was entitled, "The National Committee to Defeat the Mundt Bill—a Communist Lobby."

In September 1950, the Communist Party held a huge rally in Madison Square Garden, New York City, to celebrate its 31st anniversary. The main theme of the rally was opposition to the McCarran Bill, as it was known at that time.

On September 22, when the President's veto of the bill was being debated in the Senate, Party agents were working just outside the Senate Chambers trying to induce members of that body to uphold the veto.

On September 25, 1950, immediately after the law was passed, the "Daily Worker" called for a campaign to nullify the law. As the members of this Committee know, that campaign is still going on, 20 years later.

On August 29, 1950, by a vote of 354 to 20, the House passed H.R. 9490, an updated version of the Mundt-Nixon bill introduced by Chairman Wood of the Committee on Un-American Activities. This bill was adopted by the Senate, with amendments, by a vote of 70 to 7 on September 12. After a conference, the House approved the compromise measure by a vote of 313 to 20 on September 20, and the Senate approved it on the same day by a vote of 51 to 7. Because the Administration had indicated its disapproval of the bill and a veto appeared likely, Congress refused to adjourn as it had planned, but stayed in session so that it could override any veto.

When President Truman vetoed the measure, as had been expected, the House overrode his veto on September 22 by a vote of 286 to 48, and the Senate, early in the morning of September 23, by a vote of 57 to 10, after being in session all night long and only after Senator Langer, who was determined to filibuster the bill to death, collapsed from exhaustion.

History of the Board

Immediately after passing the Internal Security Act, Congress recessed for the 1950 elections until November 27, 1950. President Truman appointed the five original members of the Board on October 23, during the recess. They were: Seth W. Richardson Chairman, Peter Campbell Brown, David J. Coddaire, Charles M. LaFollette, Dr. Kathryn McHale.

The Board held its organizational meeting in the Apex Building in Washington, D.C., on November 1, 1950, after Chief Judge Bolitha J. Laws of the United States District Court had administered the oath of office to the members.

At the meeting the Board considered and adopted organizational and functional charts and a budget request for $326,990 which had been prepared by Francis P. Brassor, a specialist in administration, personnel and budgeting who was loaned to the Board by the office of Administrative Services of the Civil Service Commission to assist in its organization. Mr. Brassor was designated as Acting Executive Secretary of the Board at this meeting. He, like a few other initial employees, was detailed to the Board for several years on a reimbursable basis from other Government agencies.

The Board acquired space in the old RFC Building, now called the Lafayette Building. It received $60,000 from the President's Emergency Fund for its initial expenses. This and a subsequent congressional appropriation of $175,000 gave the Board a total of $235,000 on which to operate during the eight months of its existence in fiscal year 1951.

The next few meetings of the Board were devoted largely to organizational matters, the drafting and adoption of Board Rules and Regulations, the hiring of personnel, and similar matters. The first version of the Board's Rules and Regulations was published in the Federal Register of November 21, 1950 (15 Fed. Reg., 7920, 7960). These Rules and Regulations have been revised several times since then, most recently on January 16, 1963.

At a meeting on December 21, 1950, the Board adopted a seal which had been prepared with the assistance of the Heraldry Branch of the Department of the Army.

President Truman submitted the names of the five Board nominees to the Senate on November 27, 1950, the day it reassembled following the election recess. The Senate failed to act to them prior to adjourning on January 2, 1951. They were therefore resubmitted on February 12, 1951. For reasons of health, Seth W. Richardson, the first chairman, resigned on June 6 before being confirmed. The other four members were confirmed by the Senate on August 9, 1951.

As of June 30, 1951, after being in existence eight months, the Board had 26 employees. During fiscal year 1952, when its appropriation was also $235,000, it reached a peak of 38 employees. This number had dropped to 34 at the end of that fiscal year. Since that time, the number of employees has always been below 30. At the present time, it is 9.

The largest appropriation received by the Board during the 20 years of its existence was in fiscal year 1966, when its appropriation totaled $480,000. Its lowest appropriation was $235,000, the sum on which it operated during each of the first two fiscal years of its existence.

Twenty-four persons have been nominated by various Presidents for Board membership, and 21 have actually served as members. There have been six full-term Chairmen. In addition, Mr. LaFollette served as Acting Chairman for a time during June 1951.

The Board received its first petition to hold a hearing on November 20, 1950. This petition, submitted by Attorney General J. Howard McGrath, concerned the Communist Party as a Communist-action organization.

Attorneys General have submitted a total of 94 petitions to the Board requesting it to hold hearings and issue appropriate reports and orders. The breakdown of the types of these petitions is as follows:

Communist-action organizations	1
Communist-front organizations	25
Communist-infiltrated organizations	2
Individual Communist Party Memberships	66
Total	94

In addition, one organization, the International Union of Mine, Mill and Smelter Workers, found by the Board to be a Communist-infiltrated organization, subsequently filed a petition pursuant to section 13A (b) of the Act asking that the Board find it no longer Communist-infiltrated.

Summary and disposition of cases—Communist Party of the United States of America (Docket No. 51-101)

Petition filed: November 22, 1950. Attorney General: J. Howard McGrath.

Hearings: April 23, 1951–July 1, 1952. Hearing Transcript: 18045 pp.

Place: Washington, D.C., and New York City.

Recommended Decision: October 20, 1952 (170 pp.). By: Kathryn McHale and Peter Campbell Brown, Member and Chairman.

Board Report and Order: April 20, 1953 (219 pp.)—found the Communist Party to be a Communist-action group and ordered it to register as such.

Court of Appeals,* December 23, 1954, affirmed Board Order.

First Remand: Supreme Court, April 30, 1956, for reconsideration of findings in light of Communist Party claim that testimony of three Government witnesses was false.

Modified Board Report and Order: December 18, 1956 (206 pp.)—again found the Communist Party a Communist-action organization, after testimony of three challenged witnesses had been struck.

Second Remand: January 9, 1958, Court of Appeals, for production of reports to the FBI by witness Markward on grounds that the Supreme Court decision in *Jencks* (353 U.S. 657 (1957)) was applicable to Board proceedings.

COMMENT ON SENATOR PROXMIRE'S STATEMENT

There are many inaccuracies in the statement submitted for the record by Senator Proxmire. Having no desire to be argumentative or contentious with the Senator on the issues he raises, but being strongly desirous of keeping the record straight, I will quote certain of his key sentences and then cite facts rebutting them.

Statement: "the S.A.C.B., and all that it represents, is inconsistent with the First, Fifth and Fourteenth Amendments" and "freedom and democracy are not protected by denying the right to free association, by discouraging or opposing political beliefs, or by undertaking witch hunts."

Fact: The U.S. Supreme Court rejects these charges. It made specific findings in Communist Party that the SACB and the statute in no way violate the Fifth Amendment, nor the First Amendment rights of free speech and association. The Fourteenth Amendment claim has never been supported by any court in decisions on the Board or the statute.

The Court stated in Communist Party:

"There is no attempt here to impose stifling obligations upon proponents of a particular political creed as such, or even to check the importation of particular political ideas from abroad for propagation here." (C.P. v. S.A.C.B., 361 US 1, at 104, 105.)

The Court of Appeals subsequently held (*Communist Party, U.S.A.* v. *United States of America,* 384 F. 2d 957) that the Communist Party, having invoked the Fifth Amendment in response to a Board order to register, could not be compelled to register. This decision did not, however, find or imply that the statute, the Board, its findings, or its order to register were unconstitutional. It merely held that if an organization invoked the self-incrimination privilege in response to a Board order, it could escape compliance with the order. It was comparable to earlier court decisions that a witness who invoked the self-incrimination privilege in response to a valid question asked by a constitutionally created congressional committee, could avoid answering the question.

Though the Court also held in *Albertson and Proctor* v. *SACB* (382 U.S. 70) that the registration provision of the statute, as applied to individual members of the Communist Party, violated their self-incrimination privilege, this decision, affecting only one of many provisions in the Act, did not support the above statement by Senator Proxmire. If his statement were true, the courts would have made findings to this effect years ago and the statute would have been long since repealed and the Board abolished.

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*"Court of Appeals," in all cases, refers to the U.S. Court of Appeals for the District of Columbia Circuit.

Statement: "All efforts by the S.A.C.B. [since 1965] to enforce the Internal Security Act have been thrown out of court."

Fact: The SACB has no enforcement duties whatsoever in relation to the Internal Security Act. Enforcement and administration of the Act, by congressional determination, are completely the responsibility of the Attorney General. For this reason, it would be improper for the Board to attempt action in this area and it has never done so.

The Attorney General alone has the power to bring cases before the Board under the Act's provisions and, if the Board makes a positive finding which is upheld by the courts, he has sole authority and responsibility for the enforcement of the regulatory provisions which flow from the finding.

The Board's sole function under the statute is to hold hearings when petitioned to do so by the Attorney General, to make findings of fact thereon and report them to the Attorney General.

Statement: "In the 22 years that it has been in existence, the S.A.C.B. has never controlled a single subversive, not one."

Fact: The legislation which created the SACB limited its function to holding open hearings and making findings of fact with respect to certain categories of organizations defined in the law, in response to petitions from the Attorney General. Its findings are furnished to the Attorney General who has the sole responsibility for enforcing the Internal Security Act of 1950, as amended. It was the intent of the Congress to have a quasi-judicial executive agency that would, in keeping with constitutional guarantees, inform the public about the nature and extent of Communist activities which, the Congress found, "present a clear and present danger to the security of the United States." Certain controls on such activities would flow from the Board's findings.

Thus, it was the administration of all provisions of the statute, rather than just the work of the SACB, that was intended to control or regulate certain types of Communist subversive activity in the U.S.

The results of the SACB's findings may be briefly summarized as follows:

When the SACB was created in 1950, the Communist Party had over 52,000 members. In 1961, the year the Supreme Court upheld the constitutionality of the Board's hearings, report, and order concerning the Communist Party, its membership had declined to less than 10,000.

It is not claimed that the Board action alone was responsible for this decline, but authorities agree that it was probably the most important factor in bringing it about. J. Edgar Hoover testified in 1966 that while waging a "worldwide" campaign against the Internal Security Act, leaders of the U.S. Communist Party were stating that if they could repeal the Act (and eliminate the Board) "they can recruit 50,000 new members within a year."

The Communist Party did not hold a convention for nine years after the Board was created, and then none for seven years after that (its constitution provided for a convention every two years).

In the 22 years of the Board's existence, cases concerning the 25 most important Communist fronts in the country have been referred to it. Proceedings in 23 of these cases have been completed (the Board is presently preparing reports on the last 2 of these cases). Twenty of the 23 fronts on which the Board has completed proceedings have gone out of existence. The 3 that are still functioning are shadows of their former selves.

Specific examples of how Board proceedings have controlled Communist fronts follow:

1. The *Labor Youth League* was formed in 1949 to serve as the youth arm of the Communist Party. It made considerable progress. The Attorney General therefore petitioned the Board in April 1953 to hold hearings for the purpose of finding it to be a Communist front. Hearings were held in 1953 and 1954 and, in February 1955, the Board issued its report and order finding the Labor Youth League to be a Communist front.

The Labor Youth League was dissolved in February 1957 at a special convention called for that purpose. The official LYL summary of this convention contained the following statement:

"A large number of the delegates spoke of the attacks against the LYL by the McCarran Act [Internal Security Act and SACB] as a major factor in preventing the growth of the organization. . . ."

2. Three years later, in 1960, because a youth group is so vital to the Communist Party, another organization, *Advance,* was formed as successor to LYL. In January 1963, the Attorney General petitioned the Board to make a finding about Advance. The Board held hearings in 1963 and 1964 and, in September 1964, its recommended decision finding Advance a Communist front was filed. Six months later, in March 1965, Advance was dissolved.

For the second time in a row, Board proceedings initiated by the Attorney General had stymied the Communist Party's efforts to organize a successful and effective youth group.

Statement: "The only organization it [the Board] has judged to be a Communist-action organization has been none other than the Communist Party of the United States. (An example of perceptive work!)"

Fact: The Congress knowingly, deliberately—and correctly—designed and worded the Internal Security Act to reflect that, in each nation of the world that is a target of Soviet subversion, there was one and only one "Communist-action organization" (usually called the Communist Party) which directed subversive operations for the USSR.

Further, it was the Attorney General, not the Board, who determined that the Board should undertake this proceeding. In doing so, he was carrying out the clearly expressed will of the Congress.

Most important, the Act was so designed that, unless there was first a finding that a Communist-action organization was operating in the United States, there could be no proceedings involving other types of Communist organizations, all of which were defined as being controlled, directly or indirectly, by a Communist-action organization or its members. All the regulatory and control provisions of the Act also flowed from such a finding.

Thus, the Attorney General, in carrying out his constitutional obligations to enforce the law as enacted by Congress, had no choice but to petition the Board, as its very first case, to make a determination that the Communist Party was a Communist-action organization.

Statement: "In 1968 Congress amended the Internal Security Act. . . and empowered the Attorney General to send to the Board names of possible subversives . . . The Board was to hold hearings on questionable individuals and register those if found to be subversive."

Fact: The Congress has never given the Attorney General or the Board authority to initiate or hold hearings concerning "possible" subversives or "questionable" individuals, nor has it authorized the Board to find anyone "subversive" and register them.

Moreover, the 1968 amendment referred to actually did the opposite of what the Senator claims. It eliminated the registration provisions concerning Communist organizations and individuals contained in the Act.

Statement: "Time and again it [the SACB] has sought to hold hearings and to register individuals or organizations that are 'totalitarian, facist [sic.], Communist, or subversive' ".

Fact: Not once has the Board sought to hold a hearing to register individuals or organizations that are totalitarian, fascist, or subversive. Congress did not authorize it to do so in the Internal Security Act.

Executive Order 11605, signed less than a year ago (July 2, 1971), authorizes the Board to hold hearings and make findings that organizations are of the above types. The order, however, has no registration provisions. Furthermore, no petitions have been filed with the Board under the order asking it to find that any organization is totalitarian, fascist, Communist or subversive. The 169 petitions filed with the Board since last October all ask for determinations that organizations on the Attorney General's list have ceased to exist.

Statement: "The output of the Board has been near zero."

Fact: The Board has received and acted on petitions from Attorneys General as follows:

Communist-action case	1
Communist-front cases	25
Communist-infiltrated cases	2
Individual membership cases	66
Executive Order cases	136

(111 have been completed and, within a few weeks, it will act on another 33 petitions of this type.)

Transcripts of hearings held by the Board total well over 100,000 pages. In addition, the Board has issued numerous reports, orders, and memoranda on factual and legal issues relating to its work which fill a 5-volume set of over 3,000 pages.

Statement: "Congress has had a history of trying to revise and restructure the S.A.C.B. to give it greater impact and to have it comply with the Constitution. Each new revision has been struck down by the courts and each action by the Board has been overturned."

Fact: Major revisions of the Internal Security Act were enacted in 1954 and 1968. Only one of the numerous provisions contained in these amendments has been struck down by the courts. That was the 1968 amendment authorizing the Attorney General to petition the Board to find that an individual is a member of the Communist Party.

Statement: "Even in 1950 Members of Congress, and President Truman himself, realized that the Board was a mistake."

Fact: This allegation is vague, yet highly misleading in its implication.

On August 29, 1950, the House passed H.R. 9490, the bill which became the Internal Security Act, by a vote of 357 to 1.

The Senate then passed an amended version of the bill by a vote of 70 to 7.

On September 20, the House approved the conference report on the bill by a vote of 313 to 20 and the Senate by a vote of 51 to 7.

When President Truman vetoed the measure, the House overrode his veto by a vote of 286 to 48 and the Senate by a vote of 57 to 10.

Statement: "Last year, after the Board frankly admitted it had nothing to do, the Senate voted to fund it $450,000."

Fact: The Board never stated last year that it had "nothing to do." Testifying before this Committee for the Board, I stated in response to a question by Senator McClellan about its workload:

"There are two Communist-front cases which had been sent to the Board. . . . We are holding hearings on these two cases. Those are two cases that we have. Of course they have never done anything with the DuBois case, which is the third case we have had. . . .

"We can try more cases. . . ."

Mr. GURNEY. Mr. President, in considering this amendment to delete the

$450,000 in funds for the Subversive Activities Control Board—SACB—the key question to be answered is, Does the U.S. Government have the right to protect itself from external and internal dangers and, if so, by what means?

I believe there is general agreement that our Government does have the right to protect itself, right down to the point of not employing people who are knowing members of subversive groups. The problem becomes one of making the Nation, and its personnel agencies, aware of these groups without depriving innocent people of their constitutional rights. Certainly, in view of all the recent hue and cry about public disclosure, the American people are entitled to know which groups are subversive—which is what the SACB is all about.

Contrary to what some people would have us believe, the most important functions of the SACB—holding hearings and issuing reports on the three types of Communist organizations listed in the Internal Security Act of 1950—have not been impaired by the courts.

It has been claimed that the activities of the SACB violate the first and fifth amendments, yet the Supreme Court specifically ruled in *Communist Party* v. *SACB*, 361 U.S. 1, at 104, 105, that such was not the case. As for violations of the 14th amendment, no court, in the 22 years of its existence, has ever ruled that the SACB has denied the right to due process. The facts of the matter are that the SACB is required to maintain records which are open to the public and that its findings can be appealed to the U.S. Court of Appeals for the District of Columbia and then, if necessary, to the Supreme Court.

As long as people are not required to incriminate themselves—which they are not—the Government owes it to the Nation to make public what groups are for us and which ones are against us. Any society, no matter how free, must have some checks against internal subversion if it is to survive.

As for the concern about guilt by association hurting people's job opportunities, I think the SACB serves a positive rather than a negative function. If subversive groups have been publicly identified as such, people will have a better idea of what a group stands for and what it will mean if they join it. Then, if one still insists on joining a subversive group—which is certainly his right—then he should be willing to accept the consequences. The needs of society—in this case self-preservation—must not be overlooked in our concern for the rights of each individual.

As far as the SACB not having enough to do, several things must be taken into account. First, the law states that the Attorney General must initiate an investigation into a group, not the SACB. Any charge of inactivity, therefore, should take this factor into account. Just because two Attorneys General—Nicholas Katzenbach and Ramsey Clark—chose to use the SACB far less than either of their predecessors or their successor, there is hardly grounds for doing away with the SACB.

Second, the record shows that the SACB has been far from inactive. In its 22-year history it has registered one Communist action group—the Communist Party—25 Communist front groups and two Communist-infiltrated groups. At present, it has three more Communist front group cases before it. In addition, the SACB has handled some 66 individual cases and more recently has undertaken the task of making recommendations to the Attorney General so that Attorney General's list can be updated.

Charges that SACB has only registered one Communist action group overlooks the fact that the Communists have only one such group in the United States—the Communist Party itself.

Probably even more important than this statistical record is the psychological impact of the SACB. If the SACB was not an impediment to Communist recruiting efforts, why then do Communist publications keep calling for its elimination? And why did Communist Party leaders claim that, if the Internal Security Act—of which the SACB is an integral part—were repealed, they would recruit 50,000 new members within a year?

Furthermore, one cannot ignore the fact that Communist Party membership has dropped from 52,000 to 10,000 and that 20 of the Communist front groups the SACB has so identified have gone out of existence. Now, some may use these figures to argue for the elimination of the Board; this Senator prefers to think that SACB exposure, or the possibility of it, had something to do with the demise of a number of these groups. In view of the proliferation of subversive groups of all types in the Nation today, there seems to be more, rather than less, reason for continuing the activities of the SACB.

I might also remind my colleagues that the House Internal Security Committee has held extensive hearings on both the Subversive Activities Control Act and the Federal civilian employee loyalty-security program. The result was H.R. 9669, which passed the House in May 30, 1972, by a vote of 226 to 105 and authorized the President to delegate more work to the SACB, not less. Moreover, the House has already passed a bill authorizing $450,000 for the SACB and, in the process, defeated an amendment similar to the one we are now discussing by a vote of 206 to 106.

As far as this Senator is concerned, there is no reason to delete the funds for SACB. Not only has it performed an important service to the public by identifying subversive groups, but it is also of great assistance to Federal agencies which need to check out potential and existing employees. Now, with the number of subversive groups proliferating, there is more reason than ever to keep track of them and to keep the American public informed as to what they really stand for.

This Nation has a right to defend itself and to protect the American way of life. The SACB is one of many ways to achieving that end and, as such, should not be disregarded. The American people are sick of the small minority of revolutionaries who use, to the fullest possible extent, the constitutional protections provided by the very country they want to overthrow. The freedoms enumerated in the Bill of Rights are in no way synonymous with subversion, nor were they designed to provide full and adequate immunity to those engaged in subversion. By voting to fund SACB today, we will be putting the revolutionaries on notice that we are not about to allow subversion to become an accepted way of life. Getting this message across is worth every nickel of the $450,000 we are discussing here today.

Therefore, I urge my colleagues to vote "No" on this amendment to delete the SACB funds.

Mr. HOLLINGS. Mr. President, I yield now to the distinguished Senator from Nebraska so much time as he may require.

Mr. HRUSKA. I thank the Senator from South Carolina.

Mr. President, in considering the pending amendment, we ought to realize that we are engaged in considering the broad subject of personnel security in Federal employment. That is where the whole demand is. In 1947 we had an Executive order that set forth a list of organizations, membership in which would be considered as one of the elements to determine whether or not an applicant for employment by the Federal Government would be suitable and would comply with the requirements for security which are laid down as desirable in employment. That order created the Loyality Review Board.

That Subversive Activities Control Act was passed in 1950, creating the Board for the purpose of making a determination as to which organizations would fall within the categories that are spelled out in that act, whether they were totalitarian, Fascist, Communist, or subversive.

In 1953, the 1947 Executive order was modified by President Eisenhower in Order No. 10450. It is that order under which the Subversive Activities Control Board functioned for a long time.

In 1971—July of 1971—President Nixon issued a new order. It superseded the 1953 order, and it added new classifications and organizations to those that would be under the jurisdiction of the SACB to identify. The new classification is this, Mr. President. Under the new amendment, the Subversive Activities Control Board would be authorized to hear cases and make findings involving organizations that, in addition to totalitarian, fascist, Communist, or subversive, would be this type of organization: an organization—and I am quoting now—"as having adopted a policy of unlawfully advocating commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State or organizations which seek to overthrow the Government of the United States or of any State or subdivision thereof by unlawful means."

We get into categories of organizations which are familiar in today's nomenclature: The Weathermen, for example, the Black Panthers, RIM–I, RIM–II, Rim No. 2, the Youth International Revolutionary Party, and so on—not that membership in these organizations would ipso facto disqualify an applicant for employment in the Federal Government, but it is one of the elements and one of the circumstances that can be considered in determining whether or not a person should be on the payroll for the purpose of Federal employment.

The 1971 Executive order is alleged to be an invasion of the legislative process. It is said that the Subversive Activities Control Act of 1950, if it is going to be changed to the extent embraced in the 1971 order, should be done by statute, and not by Executive order. Rather than go to the matter of testing that out in the courts and adding more legislation of the type that plagued the existence of SACB, a bill was introduced in the other body and a bill was introduced in this body—they were identical bills—that had for their purpose the legitimizing of the changes made in the Subversive Activities Control Board so as to embrace the content and the substance of the Executive order of July 1971. The Senate bill to which I refer is S. 2294.

On May 30 of this year, the other body, by a vote of 226 to 105, approved such a bill, H.R. 9669.

Mr. President, I ask unanimous consent that there be set out in the Record at this point the text of that bill.

There being no objection, the bill was ordered to be printed in the Record, as follows:

H.R. 9669

An act to amend the Subversive Activities Control Act of 1950, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3(11) of the Subversive Activities Control Act of 1950 is amended by deleting the words "Subversive Activities Control Board" and inserting in lieu thereof the words "Federal Internal Security Board".

(b) Section 12(a) of the Subversive Activities Control Act is amended by deleting the words "Subversive Activities Control Board" and inserting in lieu thereof the words "Federal Internal Security Board."

(c) The caption to section 12 of the Subversive Activities Control Act of 1950 is amended to read "Federal Internal Security Board".

Sec. 2. Under such regulations as he may prescribe, the President is authorized to delegate to the Federal Internal Security Board the function of conducting hearings and making findings, upon petition of the Attorney General, with respect to the character of relevant organizations to be designated in furtherance of programs established to ascertain the suitability of individuals on loyalty and security grounds for admission to or retention in the civil service in the executive branch. The provisions of subsections (c) and (d) (1), (2), and (3) of section 13, and section 14 of the Subversive Activities Control Act of 1950, as amended, shall apply to proceedings conducted by the Federal Internal Security Board pursuant to the delegation authorized by this section.

Mr. HRUSKA. Mr. President, the bill provides, in brief, just what the objectives were, as I have already described—namely, that it would by statute bring the substance of the 1971 Executive order properly within the purview of the SACB, which would be renamed and called the Federal Internal Security Board.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. Mr. President, if the time on the amendment has expired, I yield such time as is necessary on the bill itself.

Mr. HRUSKA. I would like 5 minutes.

Hearings are scheduled in this body, in the Judiciary Committee, on this bill and the Senate version. The policy adopted by the committee was that opportunity would be given to the other body to act first. The other body has acted. Now the Senate will proceed in orderly fashion to consider the proposal.

The wise course for this body to take is to continue the SACB under an appropriation equal to last year's for the purpose of having that body available to execute and implement the new statute and the new Executive order and carry on in the duties that would be assigned to it, but particularly in the field of the Weathermen, RIM–I, RIM–II, Black Panthers, and the Youth International Revolutionary Party, because organizations of that type have developed into a new current event that is highly important in the handling of the personnel security program of the Federal Government.

I want to say again that it should be of great interest to any agency that is putting new men or women on the payroll whether the applicants for those jobs are members of any organization that has a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or the laws of the United States or of any State. It should be of vital interest to the employer of a Federal agency whether or not the organization to which that man or woman belongs is one which seeks to overthrow the Government of the United States or of any State or subdivision thereof by unlawful means.

It was only a little over a year ago that, within 200 or 300 feet of this Chamber, a satchel of dynamite was caused to be exploded in one of the restrooms of the Capitol, shaking this part of the Capitol. Would it not be of interest to any official of the Federal Government entertaining the application of someone for employment in the Federal Government to know whether or not that applicant is a member of a type of organization that advocates that type of conduct? I would think it would be, and I would think every Member of this body would be concerned with that point.

The purpose of having the appropriation available on last year's basis is to have a holding operation, in the main, to await the enactment of the legislation. In the meantime, they are engaged in correcting, editing, and revising the list of the subversive organizations known as the Attorney General's list.

That is the sum and substance of it. It is a holding action so that we can ready in the proper way the designation of these organizations and for those purposes.

I believe that is a sufficient description at this time to supplement those descriptions already made by the junior Senator from South Carolina and the senior Senator from South Carolina, who went into that subject in greater detail. It is my hope that the amendment will be defeated, so that we may continue with this program, with those views in mind that I have just explained.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, this is not a simple matter of throwing out a bunch of lazy bums. It is definitely very complex. It goes into the sensitivity or nonsensitivity of positions within the executive department. It goes into whether or not individuals' rights are protected.

Suffice it to say that during the past 10 years, the Supreme Court has acted to protect individual rights in other areas, as in education and within prisons, and I think they have acted properly to protect individual rights in such instances.

I know of no one better qualified to speak on this subject than former Judge Richardson Preyer, now a distinguished Representative from North Carolina, who has made a most thorough study on this score, and I ask unanimous consent that a statement by the Honorable Richardson Preyer on loyalty and security, made in the House of Representatives, be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Honorable Richardson Preyer, Chairman, Subcommittee on Loyalty and Security, House Committee on Internal Security, Subcommittee Hearings, March 16, 1972

As you know, this subcommittee, consisting of myself as subcommittee chairman, together with Mr. Ichord who is chairman of the full Committee, and Representatives Claude Pepper, John M. Ashbrook, and Roger H. Zion, has been engaged in a study of the administration of the Subversive Activities Control Act of 1950 and of laws and procedures underlying the Federal Civilian Employee Loyalty and Security Program. More recently, several bills relevant to the inquiry, including H.R. 11120, H.R. 9669, and H.R. 574 have been referred to this subcommittee for consideration and report.

In the course of its inquiry, you will recall, the subcommittee has heard representatives of all cabinet departments of the Government (including the Post Office Department, now the U.S. Postal Service), and twelve major independent agencies, as well as the Subversive Activities Control Board. We now approach the close of the subcommittee's public hearings. In due course we shall make our report. I am pleased to take this opportunity to note that, on the whole, we have found the administrative and security officers of the departments and agencies to be frank and cooperative. We are grateful for their contribution to the subcommittee's efforts.

On the occasion of the appearance today of representatives of the Civil Service Commission, an agency which carries a heavy burden in the administration of the loyalty and security program, I am impelled to observe that I share certain apprehensions regarding the operation of this program. These arise because it is evident that there are some serious deficiencies in procedural aspects and regulations under which the program is administered. Yet it does not appear to me, nor is it my belief that the Civil Service is riddled with subversives. On the contrary, I believe that the employee recruitment program has operated generally to provide the Federal Government with a body of trustworthy, loyal, and effective public servants.

Nevertheless, figures brought to our attention indicate that the efforts of subversives to penetrate our Government, in some of its most sensitive agencies, has by no means abated. Some indication of the magnitude of the effort may be derived from the fact that full-field investigations, prompted by subversive associations of applicants for Federal employment, within recent years have numbered about 500 each year. That there has been some penetration of Government by subversives seems clear. Of the 20-odd agencies of Government of whom we have inquired, several agencies have advised us that one or more persons in their employ are present or past members of certain subversive groups.[1] Those of which we are informed do not appear to be significantly large in number. However, we cannot verify this information. It is an extraordinary fact that neither the Civil Service Commission, nor the several departments of the Government, maintain any separate indices with respect to persons employed in Government as to whom investigation has revealed past or present affiliation with subversive organizations.

On the other hand, we do know that there are weaknesses in the procedures, the consequence of which must necessarily be that some subversives, however small their number, may pass through the screen. It is also clear that we seem to be having extraordinary difficulty in ridding ourselves of those of whom we are aware. Indeed, I have formed the impression—and this is on the basis of candid disclosures by experienced security officers in the major departments and agencies of Government—that there is really no program for the dismissal of persons on loyalty grounds from non-sensitive positions. It is a matter of significance, as well as a matter of surprise to me, that most agencies have told us they have ceased dismissing persons on loyalty and security grounds. Our examination of existing procedures in the major departments and agencies of the Government reveals that most of them have adopted no regulations to implement dismissals from non-sensitive positions on loyalty grounds. It is also a fact that although most agencies do have regulations implementing dismissals from sensitive positions on "national security" grounds, yet no agency within the past 5 years has dismissed any employee from any such position on loyalty or security grounds.

The agencies tell us that they have been advised to take that course by the Civil Service Commission and the Department of Justice. We are informed that they have been instructed to utilize "suitability" grounds—that is suitability grounds *other than* loyalty or security—in all cases. This, of course, assumes that other grounds may appear as a basis for dismissal when an individual's loyalty or security status is called into question. What happens when such other concurrent grounds do not exist? May we then presume that the loyalty or security risk is permitted to retain his employment?

The agencies in fact appear to take the view that the Supreme Court has said we cannot have a loyalty or security program in nonsensitive positions, in support of which the decision in *Cole* v. *Young*[2] is frequently cited as the culprit. It does not appear to me that the decision is the disaster it is said to be, or that it should have the effect which ostensibly has been attributed to it. It is of course true that the summary procedures for suspension and dismissal authorized by the Act of August 26, 1950[3] "in the interest of the national security" have been limited by the decision to positions determined to be sensitive on national security grounds. Moreover, it is the obvious effect of the decision that E. O. 10450 shall require appropriate amendment if it is to be applicable both to sensitive and non-sensitive positions as originally intended on its promulgation in 1953. However, the decision explicitly recognized that there is no absence of authority to dismiss employees on the ground of reasonable doubt as to loyalty, regardless of position, under the general personnel laws, particularly the Lloyd-LaFollette and Veterans' Preference Acts.[4] These congressional enactments provide liberal procedures for dismissals and, while requiring notice and an opportunity to respond, do not require confrontation or cross examination of Federal witnesses.

So we must inquire of the Civil Service Commission why they have not, on the other hand, advised agencies to implement procedures for dismissals from non-sensitive positions on loyalty grounds under the Lloyd-LaFollette and Veterans' Preference Acts, or with respect to persons not within the purview of this legislation, then under such procedures as were employed in *Bailey* v. *Richardson?*[5] We must also inquire of them why they have advised the agencies not to process dismissals from sensitive positions on loyalty or security grounds as authorized by the Act of August 26, 1950 and as required by E. O. 10450?

Apart from *Cole* v. *Young*, we are also advised that other court decisions have had a significant impact on the loyalty and security program. These decisions, we are told, have virtually rendered removal actions based on membership impossible. There are difficulties, our witnesses have said, in proving what is conceived as the inflexible requirement of the cases that (1) the goals of the organization are unlawful, (2) the member has knowledge of these goals, (3) the member specifically intends to further and accomplish these goals, and (4) the member is an "active" and not merely passive or inert member. Mr. Mardian, Assistant Attorney General, Internal Security Division, in a statement to our Committee last July 29, 1971, expressed it as saying that some of the difficulties "have arisen as the result of court decisions which require that action can only be taken against an employee whom the Government can prove has knowingly involved himself in the illegal conduct of an organization in which he is active." Mr. Kevin T. Maroney, Deputy Assistant Attorney General, Internal Security Division, who appeared before us this January 27, 1972, put it this way: "The Supreme Court has indicated that only knowing and active membership in certain types of organizations, and not mere membership *per se*, can be the basis for governmental sanctions against an individual," for which he cites *Aptheker* v. *Secretary of State*, 378 U.S. 500 (1964); *Elfbrandt* v. *Russell*, 384 U.S. 11 (1966); *Keyishian* v. *Board of Regents*, 385 U.S. 589 (1967); *United States* v. *Rabel*, 389 U.S. 258 (1967); *Brandenburg* v. *Ohio*, 395 U.S. 444 (1969); *Baird* v. *State of Arizona*, 401 U.S. 1 (1971) and *In Re Stolar*, 401 U.S. 23 (1971).

I cannot fully agree with the propositions as stated by any of these gentlemen. The position they take is too rigid, too indiscriminate. Such unqualified representations have had the effect of discouraging, confusing, and disconcerting our security personnel. Although cases called to our attention by Mr. Maroney are typical of those frequently cited for the proposition which he and some others assert, they are all distinguishable from the situation under the Federal employee loyalty and security program either as currently authorized (pursuant to E.O 10450) or as proposed in the bill, H.R. 11120. This fact indeed is made clear by Mr. Justice Goldberg, who wrote for the majority in *Aptheker*, a principal case cited by Mr Maroney, in which a divided court voided section 6 of the Subversive Activities Control Act.

Section 6 to which I refer prohibited and made punishable the application for, or use of, passports by members of organizations required to register as Communist. It was voided on the ground that it "too broadly and indiscriminately restricts the right to travel and thereby abridges the liberty guaranteed by the Fifth Amendment." In determining the constitutionality of the provision, said Mr. Justice Goldberg, it was important to consider that Congress has within its power "less drastic" means of achieving the congressional objectives of safeguarding our national security. As an example of such means—and this is the point I wish to emphasize—he cited the Federal Employee Loyalty Program. "Under Executive Order No. 9835," he said, "membership in a Communist organization is not considered conclusive but only as one factor to be weighed in determining the loyalty of an applicant or employee." This was said in relation to footnoting the 1950 remarks of Peyton Ford, then Assistant to the Attorney General of the United States, in expressing to the Congress the views of the Department of Justice with regard to a proposed Government loyalty bill which predicated, as Justice Goldberg noted, a conclusive presumption of disloyalty on the fact of organizational membership. Mr. Ford is quoted as saying:

"A world of difference exists, from the standpoint of sound policy and constitutional validity, between making, as the bill would, membership in an organization designated by the Attorney General a felony, and recognizing such membership, as does the employee loyalty program under Executive Order 9835, as merely one piece of evidence pointing to possible disloyalty. The bill would brand the member of a listed organization a felon, no matter how innocent his membership; the loyalty program enables the member to respond to charges against him and to show, in a manner consistent with American concepts of justice and fairness, that his membership is innocent and does not reflect upon his loyalty."

Indeed, the latest and perhaps most relevant of the cited decisions, the case of *Robel*, does not support the rigid conclusion Mr. Maroney asserts. In voiding on the ground of "overbreadth" provisions of section 5 of the Subversive Activities Control Act which made it unlawful for a member of a Communist-action organization (in this case the Communist Party, USA) "to engage in any employment in any defense facility," Chief Justice Warren likewise appears to suggest a screening program as a premissible alternative. (389 U.S., at 266 f.) Moreover, the decision was understood by Mr. Justice White, in a dissenting opinion with which Mr. Justice Harlan joined, "to permit barring respondent, although not an 'active' member of the Party from employment in 'sensitive' positions in the defense establishment." Although concurring in the result, on the ground that there were no standards establish for the designation of "defense facilities," Mr. Justice Brennan took the position that the Congress could as a "prophylactic" measure bar *all* Communist Party members, whether active or passive, from employment in defense facilities.

The remaining cases cited by Mr. Maroney are likewise distinguishable. In *Elfbrandt*, a State loyalty oath statute, subjecting the affiant to a perjury prosecution if he knowingly became or remained a member of the Communist Party, was voided because, here again, a disability was imposed resting upon a narrow fact of current membership of which the individual could not exculpate himself.[6] In *Keyishian*, sections of the New York State Civil Service and Education Law, intended to insure the employment of loyal teachers, requiring removal of teachers for "treasonable and siditious utterances," were held "unconstitutionally vague," and other provisions of the statue which made Communist Party membership prima facie evidence of disqualification were held void for "overbreadth," because by official administrative interpretations the presumption of disqualification arising from proof of "mere membership" was not fully rebuttable. *Brandeburg*, which involved an Ohio criminal syndicalism statute similar to the Federal Smith Act, appears to me to have been cited in error, for I see nothing relevant to the proposition for which it is cited.

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[1] These responses are collected in Appendix C of the subcommittee Hearings, Part 4.

[2] 351 U.S. 536 (1956).

[3] Now 5 U.S.C. 7531–7533.

[4] Respectively 5 U.S.C. 7501 and 7512, 7701.

[5] 181 F. 2d 46 (1950), affirmed 341 U.S. 918. Miss Bailey, a probational appointee, was dismissed from the Federal service because of alleged disloyalty in accordance with the standard established by E. O. 9835 (President Truman's "loyalty order"). Her dismissal under regulations of the Civil Service Commission rather than procedures of the Lloyd-LaFollette Act was sustained.

Lastly, Mr. Maroney cites *Baird* and *Stolar*. These cases were decided together with *Law Students* v. *Wadmond*, 401 U.S. 154 (1971), which he does not cite, although the trio involved the same, or similar, issues relating to applications for membership in State bars. The State requirements involved in Baird and Stolar were voided, whereas in Wadmond they were upheld. Actually, Wadmond throws some light in support of procedures laid down in H.R. 11120. In Baird and Stolar, applicants for membership in the State bars were denied admission for failure to respond to questions relating to membership in subversive organizations, whereas in Wadmond similar inquiries were upheld in which it appeared that no person was refused admission, and it further appeared that the inquiry had no purpose of "penalizing political beliefs," but was directed toward ascertaining the good faith with which an applicant could take the constitutional oath. Mr. Justice Stewart, writing for the majority in Wadmond, thought it important to point out that there was no indication that a New York bar applicant would not be given the opportunity to explain "any mental reservation" and still gain admission to the bar.

Litigation in which the agencies have been involved, unsuccessfully in several instances, has indicated that they have not availed themselves of procedural advantages. In the administration of the loyalty-security program, the role of presumptions with respect to knowledge and intent arising from proof of membership has been ignored, and the agencies have not taken into account the burden which should rest upon the applicant of coming forward with rebutting evidence upon proof of membership. See *Keyishian* v. *Board of Regents*, supra, at page 608. Certainly where the Government has established the character of the organization and has introduced evidence of the applicant's membership we may require the applicant to assume the burden of coming forward with credible evidence establishing (a) lack of knowledge of the purpose of the organization, and (b) lack of intent to further its purposes. The three-judge district court in *Law Students* v. *Wadmond*, (297 F. Supp. 117, at 125) had occasion to note the significance of distinguishing between a shifting of the burden of proof, which could be constitutionally impermissible, and the burden of coming forward with evidence, for which there is abundant favorable precedent. The court had occasion to say, "We see no reason why New York may not impose the latter with respect to a subject concerning which the applicant has detailed knowledge, but the committees will be required to make extensive investigation." Undoubtedly the utilization of such permissible and rational trial techniques would lighten the burden of the personnel and security officers in the administration of the loyalty and security program. We have seen no evidence that these useful and intelligible procedures are followed or promulgated.

It ought to be made clear, it appears to me, that the point of focus is not upon the organizational membership but upon the standard. To that end it is of no consequence whether that standard be, as in loyalty cases, loyalty to the Government of the United States, or, as in the bill H.R. 11120, good faith support of the Constitution of the United States, or, as in national security matters, clearly consistent with the interests of the national security. There should be no doubt that we are looking to the nature and character of the individual's activities or associations in their totality, and that the purpose of the inquiry is not punishment, but enlightenment, with assurance to the individual that he shall have full opportunity to respond to the issues and to the investigation. This, I believe, to be the true distillation of these most recent decisions of the Court. It is, in my opinion, the essence of such cases as *Robel* and *Apiheker*.

Indeed, when we talk of organizational associations, are we not endeavoring to determine whether the individual is committed to a purpose or ideology inconsistent with the faithful and most efficient execution of his responsibilities to the Federal Government? To make this judgment, we cannot literally look into the individual's mind, but we seek to read it in the only way possible, and that is on the basis of his actions. It is in objective manifestations by deed or speech that intent or purpose should be proved in this as in other cases. In making these determinations, we cannot adhere to rules or limitations which defy reality.

Organizational membership is significant and objective evidence of an individual's commitment to a particular purpose or ideology. It must be recognized, however, that we are dealing with a complex and subtle area of inquiry. Certain organizations, such as those in the Communist movement, have a detailed doctrinal base. We must be able to discriminate among varying types of action and auxiliary organizations and the significance of an individual's relationship to each. We must take into consideration the nature of the position which the applicant seeks. Is he, for example, seeking employment in a position to which he will have access to top secret defense information? Here, past membership in a subversive organization may be significant, particularly when it is evident that the individual has recently severed membership for the purpose of seeking sensitive employment.

When we talk of "active" and "knowing" membership, are we not only reciting some evidential factors which relate to the ultimate question of purposive membership? Is the fact that the individual is inactive necessarily an exculpating fact? On the contrary, it may be significant, particularly where there is reason to believe that the individual is a "sleeper" in the Communist Party, or has discontinued activities and severed all contact with the Party for the purpose of later surfacing and undertaking a special mission on its behalf. May an individual be a loyalty and security risk who does not accept, or share, the illegal means of purpose of the organization? Certainly if the individual shares the ultimate political objective of the organization, but takes the position that, while he himself would not attain it by illegal means, he will nevertheless stand by and not oppose those who would, can one say that such a person "supports" the Constitution or is fit for Federal employment?

I would like to say that I am coming increasingly to the view that some of the principal deficiencies in the loyalty and security program can, and should, be resolved by executive action. Other deficiencies must be resolved by legislation. The advantages of flexibility inherent in executive action has much to commend it in this difficult field of trial and error, rather than the more rigid route of legislation, although these are certain areas which undoubtedly require the base of legislative authority or the impetus of legislative action. I am not unmindful of the failures of executive action during the years since the enactment of E. O. 10450. It may be argued, with good reason, that in placing our reliance on executive action we have had little evidence to comfort us in this approach. Nevertheless, this subcommittee shall make its report on existing deficiencies, and we shall hopefully make several recommendations for executive action. If we see no beneficial response to this course, we may then take the alternative route of mandatory legislation.

The bill H.R. 11120 provides the necessary legislative base for the erection of a Federal Employee Security and Appeals Commission which would follow upon the repeal of the Subversive Activities Control Act. The provisions of the bill which establish a mandatory loyalty-type standard for Federal employment are intended to give legislative impetus to the loyalty program which, as the investigation indicates, has so seriously deteriorated since the decision in *Cole* v. *Young*. It is my position that the Federal Government must have, and maintain, a district loyalty program for access to all positions in Government. Apart from ethical concerns, the maintenance of a loyalty standard involves the question of efficiency. It is a means of giving assurance that the operation of the Government will not be sabotaged, impeded, or obstructed by individuals who are not committed to its successful operation, or who are committed to its failure, and destruction.

I would like to observe in conclusion, that the difficult question, it appears to me, in the maintenance of the loyalty and security program has not been with the sensitive policy-making positions, but with respect to the great mass of positions which have been commonly, although not always accurately, referred to as non-sensitive. I am speaking now from the standpoint of investigation for clearance. It is evident that we cannot afford investigations of a full-field type for all positions, either from a point of view of what it would cost, or from the point of view of what it would do to civil liberties in this country. That we must have some degree of investigation seems clear. If there are no investigations, or if the investigations are largely ineffective, it is not inconceivable that the Government would ultimately be overrun, and in a substantial degree immobilized, by persons hostile to its purposes. I think that this matter can be worked out along lines provided in the bill, H.R. 11120.

Certainly no argument is necessary to support the proposition that the Government and people of the United States have a most vital and imperative interest in maintaining the integrity of its civil service. It was a bitter experience to learn not so long ago of the loss of our atomic secrets, because of the deep penetration made into our scientific community by individuals committed to the Communist ideology. However, excesses that may follow upon a failure to maintain public confidence is, in my opinion, the true, and perhaps most abiding, lesson of the McCarthy era.

Mr. BAYH. Mr. President, since its creation in 1950, the Subversive Activities Control Board has spent $6.75 million to consider only 25 petitions, brought by the Attorney General, alleging that certain organizations were "Communist action," "Communist front," or "Communist infiltrated." Of those 25 petitions, only eight justified final orders of the Board that the organization named fell within the definitions of the Internal Security Act of 1950. Not only have attorneys general made scant use of the SACB, but also the courts have struck down the Board's main tool for combating subversion—disclosure of individual members of organizations through compulsory registration. For 21 years the Board has had practically nothing to do.

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[6] This distinction has been advanced by the "Burger Court" in the latest decision on the subject. See *Connell* v. *Higginbotham*, 403 U.S. 207, decided June 7, 1971.

Last year the President issued Executive Order 11605 designed to expand the purposes of the SACB; since then hearings have indicated that these new purposes are of dubious constitutionality. As a result, the Committee on Appropriations has prohibited the use of any funds in this act to carry out the new responsibilities assigned to the Board by Executive Order 11605. The committee action has returned the SACB to its pre-1971 status: that of having practically no legal functions. I cannot vote in good conscience to appropriate one-half million dollars simply to pay the salaries of a large staff with nothing to do.

Mr. HOLLINGS. Mr. President, is the Senator from Wisconsin ready to vote?

Mr. PROXMIRE. The Senator from North Carolina had requested some time.

Mr. ERVIN. Mr. President, I would like to have about 5 minutes on the bill.

Mr. HOLLINGS. I yield the Senator 5 minutes on the bill.

Mr. PROXMIRE At the end of that time, I might say, I shall be prepared to yield back my time

Mr. ERVIN. Mr. President, I have given a lot of study to this question——

Mr. HOLLINGS. Mr. President, will the Senator from North Carolina yield for a moment, so that we may ask for the yeas and nays?

Mr. ERVIN. I yield.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, in my early days in the Senate, I went along with the arguments that were advanced in behalf of the continuance of the Subversive Activities Control Board, until I got to studying the thing and reading these Supreme Court decisions; and now I am a convert to the viewpoint of those who do not believe in governmental tyranny. Therefore, I oppose the continuance of this Board.

I have read these decisions a number of times, and I shall merely summarize them now.

In the first case, the Supreme Court adjudged, in essence, in *Communist Party of the United States* v. *Subversive Activities Control Board*, 367 U.S. 1, that Congress had the constitutional power to regulate the registration of Communist organizations because of its finding that such organizations advocate or teach action for the forcible overthrow of Government. The Court held in that case and other cases that merely advocating the overthrow of the Government by force or violence was permitted by the first amendment. The Court ruled, however, in other cases that the procedures prescribed by the act to effect the compulsory registration of Communist organizations violated the self-incrimination clause of the fifth amendment, and that major provisions of the act relating to membership in Communist organizations imposed penalties upon individuals on the theory of guilt by association and could not be reconciled with the first amendment.

These rulings left the Subversive Activities Control Board with virtually nothing it could constitutionally do except, as I have said before, draw its breath and a salary.

By an amendment of January 2, 1968, Congress underwent to revive the moribund agency by repealing the compulsory registration provisions of the Internal Security Act, and by conferring upon the Board power to issue declaratory orders determining whether organizations it investigates are Communist-action, Communist-front, or Communist-infiltrated organizations, and whether individuals it investigates are members of Communist-action organizations.

The revival was short-lived. On December 12, 1969, the U.S. Court of Appeals for the District of Columbia Circuit handed down *Boorda* v. *Subversive Activities Control Board*, 421 F.2d 1142, holding that the provisions of the Internal Security Act and its amendments allowing public disclosure of an individual's membership in a Communist-action organization without finding that the individual concerned shares in any illegal purposes of the organization to which he belongs violates the first amendment.

The Supreme Court refused to review this ruling, and the Board found itself left once again with virtually nothing it could constitutionally do.

RECORD OF THE BOARD

Let us consider the record of the Board during the 21 years of its existence.

During these 21 years, the Board has found only one Communist-action organization in all America, and that was the Communist Party itself. It was not even able, by constitutional methods, to impose registration upon it.

During these 21 years, the Attorney General filed petitions alleging that 22 other organizations were Communist-front or Communist-infiltrated. Eight of these petitions were dismissed by the Board, and the other 14 came to naught because the organizations had ceased to exist or the Board was unable for other reasons to compel their registration.

During these 21 years, the Attorney General filed petitions alleging that 66 individuals—that is, 66 persons out of 200 million Americans—were members of Communist-action organizations. These petitions were frustrated in large measure by the Boorda case and other decisions.

As one who lives America and hates communism, I take much comfort from the ineffective record of the Board. It corroborates my conviction that despite its enormous efforts to peddle its shoddy ideas, communism has made few sales in America.

This was the status of the Board until last July 2, when the President issued an Executive order attempting to give the Board powers that Congress had not given the Board and which had been declared unconstitutional before. The point was raised that that was an exercise of legislative power by the President, and therefore it was unconstitutional. It was also clearly a violation of the first amendment, in many respects, and a violation of the clause reserving certain powers to the States; and the Board has never dared to use that order.

In addition to the record which I have cited, the only thing the Board has done to date is try 111 cases alleging that organizations on the Attorney General's subversive list had ceased to exist. It took the Board an average of 48 seconds to try each of those 111 cases. They worked a total of 1 hour and 15 minutes in disposing of those 111 cases.

Mr. PROXMIRE. Mr. President, if the Senator from South Carolina is ready to vote, I am ready to yield back the remainder of my time.

Mr. HOLLINGS. We have no further time. We are prepared to vote.

The PRESIDING OFFICER (Mr. SPONG). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Wisconsin. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. JORDAN of Idaho (when his name was called). On this vote I have a pair with the distinguished Senator from Arizona (Mr. GOLDWATER). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Connecticut (Mr. RIBICOFF). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BIBLE (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Idaho (Mr. CHURCH). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. SPARKMAN (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Arkansas (Mr. FULBRIGHT). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), and the Senator from Connecticut (Mr. Ribicoff), are necessarily absent.

I further announce that the Senator from New Jersey (Mr. Williams) and the Senator from Idaho (Mr. Church), are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Iowa (Mr. Hughes), the Senator from Maine (Mr. Muskie), and the Senator from New Jersey (Mr. Williams) would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. Baker) and the Senator from New York (Mr. Buckley) are absent on official business.

The Senator from Oklahoma (Mr. Bellmon), the Senator from Tennessee (Mr. Brock), the Senator from Michigan (Mr. Griffin), the Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Saxbe), the Senator from Pennsylvania (Mr. Scott), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from Pennsylvania (Mr. Scott) would vote "nay."

The pair of the Senator from Arizona (Mr. Goldwater) has been previously announced.

The result was announced—yeas 42, nays 25, as follows:

[No. 215 Leg.]

YEAS—42

Aiken
Bayh
Bentsen
Boggs
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cooper
Cranston
Dominick
Eagleton
Ervin
Harris
Hartke
Hatfield
Inouye
Jackson
Javits
Kennedy
Magnuson
McGee
McGovern
Mondale
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Spong
Stafford
Stevenson
Symington
Talmadge
Tunney

NAYS—25

Allen
Allott
Beall
Bennett
Cook
Cotton
Curtis
Dole
Eastland
Fannin
Fong
Gurney
Hansen
Hollings
Hruska
Miller
Montoya
Schweiker
Smith
Stennis
Stevens
Taft
Thurmond
Tower
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—4

Jordan of Idaho, for.
Mansfield, against.
Bible, against.
Sparkman, against.

NOT VOTING—29

Anderson
Baker
Bellmon
Brock
Buckley
Church
Ellender
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Hart
Hughes
Humphrey
Jordan, N.C.
Long
Mathias
McClellan
McIntyre
Metcalf
Moss
Mundt
Muskie
Ribicoff
Saxbe
Scott
Weicker
Williams

So Mr. Proxmire's amendment (No. 1226) was agreed to.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TUNNEY. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. Spong). The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 15, line 7, strike out "$12,836,000" and insert in lieu thereof "$14,836,000".

Mr. TUNNEY. Mr. President, this amendment would add $2 million to the appropriation for the Antitrust Division of the Justice Department.

My reasons for this amendment are rather simple. Concentration of economic power has become an increasing reality in this country. Accompanying that concentration are implications and effects of vast significance to every member of society. And for that reason, if decisions about the nature and extent of such concentration are not to be made by default, we must depend upon continued vitality of the Nation's antitrust laws.

Effective enforcement of those laws hinges to a considerable extent upon the resources which we make available to those charged with the responsibility of that enforcement. Yet despite the enormous impact which antitrust violations have upon the economic well-being of our citizens, the budget for the Antitrust Division has remained essentially static.

Furthermore, when compared with the funds which we have committed to other law enforcement activities, the disparity is most striking. In 1972, the budget for the FBI was $334 million, for LEAA it was almost $700 million. The President has estimated that the total Federal outlays for the reduction of crime in 1972 amounted to almost $2 billion. Yet antitrust law enforcement accounted for less than six-tenths of 1 percent of that total.

I propose a small but significant effort to increase that fraction by adding $2 million additional funds. That would mean moving the budget for the Antitrust Division up from $12 million to approximately $14 million.

I had considered a much more substantial amendment, one which would double the antitrust budget, because I believe that kind of increase is necessary if we are to have continued vitality in the enforcement of the antitrust laws. But I am aware of the difficulty in gearing up the Division to use that kind of increase effectively in a short period of time. In addition, in view of the fact that a new Assistant Attorney General for the Antitrust Division has just been nominated. I believe we should first determine his own views regarding the task which he has been assigned. Thus, until we have some idea of his attitude toward vigorous enforcement of the antitrust laws, I think it would be inappropriate to commit a major new infusion of money.

For that reason, I have selected $2 million as a figure which will allow a substantial increase in the Division's manpower—approximately 50 to 75 professionals—this year. Such an increase could serve as a signal that we in the Congress expect and are prepared to support a major new effort toward effective enforcement of the antitrust laws. In addition, it provides the opportunity for the Division and its new chief to demonstrate a commitment toward such enforcement.

Anyone who examines the tasks assigned to the Antitrust Division can see that the need for additional resources is a major one.

RESPONSIBILITIES AND RESOURCES

The Antitrust Division enforces the spectrum of antitrust laws, including the 1890 Sherman Act, the 1914 Clayton Act—significantly amended in 1950—and the 1936 Robinson-Patman Act. Besides filing cases in Federal district courts, the Division is an antitrust advocate intervening before such Federal agencies as the Interstate Commerce Commission—as it did in the Penn Central and Northern Lines cases—the Federal Power Commission—for example, El Paso Natural Gas and Otter Tail—the Federal Communications Commission—the proposed ITT–ABC merger—and others. Under the 1966 Bank Merger Act it can file to enjoin a bank merger, approved by banking agencies, up to 30 days after the merger is tentatively approved. It reports to the President and Congress on anticompetitive developments connected with the Defense Production Act, Interstate Oil Compact, Small Business Administration, and identical bid program. The Antitrust Division has a business clearance program in which corporations reveal their future intentions in the effort to obtain prior antitrust clearance; the scheme was explained to Congress as follows:

> Although the Department of Justice is not authorized to give advisory opinions to private parties, for several decades the Antitrust Division has been willing in certain circumstances to review proposed business conduct and state its enforcement intentions.

And finally, the Division answers congressional correspondence, which amounts to about 650 letters a year.

To accomplish these manifold objectives, the Antitrust Division is budgeted for the present fiscal year at $11,988,000. This provides for about 354 full-time professionals—316 lawyers and 38 economists—very few possess Ph. D.'s—who are located in Washington, D.C., and seven field offices around the country—Chicago, Los Angeles, Philadelphia, San Francisco, Cleveland, New York, Atlanta. Although this funding level is a 200-percent increase from 1950, the vast bulk of this increase has gone into higher salaries mandated by statutory pay increases. Since 1950 Division staff has only increased 12 percent, from 314 to 354, while during this same period the GNP increased 300 percent and the 200 top industrial corporations increased their ownership of manufacturing assets from 46 to 66 percent. In the late 1960's during the largest numerical merger wave in American history, the staff of the Antitrust Division barely increased at all. For a trillion-dollar-plus economy, with 245 firms having assets over a billion dollars, with 85,000 firms over 1 million in assets, and with some 1.5 million corporations in all, 354 corporate cops do not seem very many. Nor does the budget of $12 million, relatively speaking, which is one-twentieth of Procter & Gamble's advertising budget, one-tenth the cost of one C–5A cargo plane, one-fifth the appropriation of the Bureau of Commercial Fisheries, and as much money as General Motors grosses in 4 hours.

I feel that it is very obvious when we consider the extraordinary increase in the gross national product and the significant increase in assets of not only the 200 largest corporations, but let us say the largest 1,000 corporations, the Antitrust Division is significantly outgunned. It just does not have the manpower to do what it ought to be doing.

If one speaks privately to many of the Antitrust Division's lawyers about the problems they face, he will begin to realize that when they get into court they are usually outgunned 5 or 6 to 1 and sometimes 50 to 1 by corporate lawyers on the other side.

Despite its inadequate overtime, the Antitrust Division budget—unlike, say, that of the FBI or LEAA—seems immune to sharp increases. In part, this is due to the Congress itself. Former Attorney General Ramsey Clark has complained that congressional committees "had us so cowed that if we needed 100 lawyers, we would ask for 20 and hope to get five." Another factor may be that Antitrust Division chiefs and Attorneys General have been largely content with the static situation, unwilling to rock the budgetary boat by asking for more. And what is not requested, the Office of Management and Budget and Congress do not approve. If the agency which stands to benefit is too shy to take the initiative, it is up to Congress to determine whether in fact a dramatically increased budget is necessary for antitrust enforcement to even minimally succeed.

OBSTACLES

Some agencies can operate efficiently, receiving—or filing—many cases and resolving them quickly. Yet for others, massive efforts—and budgets—are necessary for them to meet their responsibilities. Thus, one measure of the adequacy of an agency's budget is the context in which it operates. Are there many obstacles or is enforcement expeditious?

Antitrust cases are among the most difficult enterprises that the Government undertakes. Because the basic laws are often intentionally vague—for example, restraints of trade—and the arguments economically sophisticated, the legal issues in antitrust cases are quite complex. If for no other reason than this, enforcement would be a long, slow process. But there are other reasons as well.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend.

The Senator from California may proceed.

Mr. TUNNEY. Mr. President, I can assure my colleagues that my statement will be brief. I have about another 5 minutes in which I would like to present to the Senate some of the reasons for my amendment. If Senators will just bear with me for those 5 minutes, I will greatly appreciate it.

INFORMATION GATHERING

Ferreting out the facts in an antitrust case is an art and a chore. Grand juries are the best investigative device, but they are only called when a criminal, rather than a civil, violation is suspected. Also, since the Antitrust Division does not like to call grand juries unless there is a high likelihood it will return an indictment, not many are called; there were 26 in fiscal year 1970 and 22 in fiscal year 1969. In civil cases there are civil "subpenas"—civil investigative demands—CID's—which legally compel the business recipient to respond. But CID's can only be served on firms "under investigation," which excludes other firms in the industry who might be sources of valuable information; there is also no provision for "oral" CID's, deposing the potential defendants and cross-examining them. Other information gathering devices include asking corporations to cooperate voluntarily, getting supplemental help from the FBI—whose agents lack the expertise to get anything but the most rudimentary of data—and scouring periodicals and trade press—antitrust offenders rarely admit their machinations.

Taking these mechanisms together, it is extremely difficult, time-consuming, and costly to uncover even the most basic industrial information. Even the market share of the investigated firm—often the key determinant of a violation—is difficult to determine.

DEFENSE COUNSEL

Antitrust laywers have made a legal art out of delay, as their clients profit by justice delayed. Slowing down proceedings has other benefits as well: Witnesses die, evidence and memory grow stale, markets change, and new administrations take over Washington—all of which can moot any relief or lead to dismissal. Defense counsel themselves admitted such motives to Ralph Nader's antitrust study group, as quoted in their impressively detailed study:

> THE CLOSED ENTERPRISE SYSTEM
>
> Antitrust is a game to private counsel. They think they can milk a client since they know it can take eight years for a resolution. They know no one will push them, so they take a free ride and travel around the country getting admissions and taking depositions—which alone can take three years.—Former Antitrust Divisions lawyer.
>
> Delay—that's what they get paid for.—Antitrust Division trial lawyer.
>
> Defense counsel tell their clients: if the Antitrust Division sues, you will lose, but you can still gain three to five years to make your profit or acquire know-how from the illegal merger. Delaying a government prosecution is justified on the theory of maybe getting a better deal next year. In private treble-damage suits the philosophy is consciously or semi-consciously to wear out the plaintiffs.—Former Division lawyer, New York City defense attorney.

The result of all of the above are enormous, unwieldy, and delayed proceedings. Examples are easy to find. The IBM-monopolization case has been filed for 3½ years and it is barely into pretrial discovery; in that case three Antitrust Division lawyers confront up to 30 IBM and private firm attorneys, many of whom attend a special computer school to comprehend the complex issues. The 1945 Alcoa case had 15,000 pages of documentary evidence and took 20 years to resolve, although at issue was a firm with 100 percent of the market. National Lead 2 years later had 1,400 exhibits to be identified and authenticated. Ferguson against Ford Motor Co., a private suit filed in 1948, entailed 100,000 pages of depositions from 173 witnesses, with some 700,000 pages of documents in all. The oil-cartel case of 1953 against the five biggest integrated oil companies accumulated 100,000 documents and took 13 years to decide—by a combination of ineffective decrees and dismissals; the case never did get out of pretrial proceedings. Longer yet is El Paso Natural Gas: Filed in 1957, it has been to the Supreme Court four times and is still unresolved. Suits against GM for its bus monopoly and its acquisition of Euclid each took a decade to settle, without any litigation. While these are extreme examples, no comfort can be taken from the average merger or monopolization case. Economist Kenneth Elzinga found that it took an average of 63.8 months—or over 5 years—from the time of an illegal merger to a final divestiture order. Law Professor Richard Posner found the average length of a monopolization suit to be about 8 years.

These delayed proceedings have distinct advantages for business, and they know it. For time is money to the businesses charged. Every day that an illegal scheme or merger can be continued means additional profits to that firm.

OUTPUT

Slender resources, and an obstacle course for an enforcement process, have led to a generally unimpressive enforcement record.

Except for occasional highs, like in 1940–42 or 1960, the number of cases filed annually has stayed quite similar over the years. The breakdown is as follows:

1940	96
1941	83
1942	97
1943	58
1944	22
1945	24
1946	26
1947	44
1948	34
1949	57
1950	71
1951	51
1952	30
1953	33
1954	32
1955	47
1956	48
1957	55
1958	54
1959	63
1960	86
1961	62
1962	73
1963	62
1964	64
1965	43
1966	44

1967	53
1968	50
1969	53
1970	59
1971	64

While the absolute numbers are similar, there has been a decrease in the number of criminal prosecutions—which means, therefore, a commensurate increase in civil cases. In 1940–49, 58 percent of the cases filed by the Antitrust Division were criminal; in 1950–59, 48 percent were criminal; and in 1960–69, 31 percent were criminal; in the last 2 years, 14 percent have been criminal.

Of civil cases filed, the majority are settled before trial. Eighty-three percent of all civil suits in the 1960's were resolved via consent decrees. When asked about the high prevalence of such settlements, antitrust enforcers invariably have two responses: The first is, "We got everything we could have if we had litigated," which is sometimes accurate and sometimes not; and the second is "We simply lack the resources to go to trial on many cases." The average of 13 trials annually over the last decade is the result of these beliefs.

There are three areas of Antitrust Division "output" which warrant praise. First, the Division has more than doubled the number of "major investigations instituted" during the 1960's. Second, especially since the tenure of Donald Turner as head of the Antitrust Division—1965–68—the agency has more actively intervened in regulatory proceedings as advocates of competition; this is reflected in the number of so-called kindred cases, which went from 114 in 1965 to 342 in 1968. And third, the pure "won-lost" record of the Antitrust Division, is impressive.

But all such statistics cannot ultimately shield the generic failure of antitrust enforcement. For example, what does it mean to "win" a case? Consent decrees count as wins, although many are drawn up by defense counsel and do not include divestiture of the subsidiary initially sought to be divested. But it is precisely because the Antitrust Division lacks the manpower to go confidently to the litigation mat that it is induced to settle cases at the semblance of success. In fact, the outgunning of the Division by the private antitrust bar—something they privately admit to, even boast about—leads to a whole series of "soft" enforcement decisions. Voluntary requests for information are preferred over formal CID's; business clearance letters over formal and independent investigations; consent decrees over litigated decrees; nolo contendere pleas over guilty pleas or criminal trials. In each the sting of enforcement is cushioned, and the antitrust laws begin to lose their teeth.

Perhaps the greatest cost of inadequate resources is the absence of serious antimonopoly cases. Small price-fixing and merger cases, which are relatively easy to handle, are very tempting targets for enforcers who have to tell Congress each year the number of cases filed. Not the impact of the cases but their number. A suit to horizontally deconcentrate General Motors or vertically break up Anaconda, however, would require massive manpower over a long period of time. Even if the Antitrust Division had the resolve to file such cases, which is far from evident, they privately blame their lack of staff as reason enough to abstain. The Antitrust Division's February 1969 budgetary proposal to the House Appropriations Subcommittee contained this complaint:

> Most of our resources in this subcategory must be committed to what could be termed responsive as opposed to affirmative action. . . . We have not been able to undertake, in the scope that would appear indicated, a sufficient number of the broadscale investigations and studies of the kind that lead to Section 2 cases against firms in monopolistic or tightly oligopolistic industries. The potential gains to competition in the economy and to the public interest in this area are enormous.

The spectacle of IBM's gargantian defense team, and of the statement by one GM executive that "If it—the Antitrust Division—tried to split off Chevrolet, it would be 10 years before the case even got to court," make the Division pause and then end even their thoughts about such antitrust cases.

The steady and small number of cases each year, the slow process of delayed proceedings, the frequency of compromise settlements, the lack of structural cases—all communicate a clear message to the American business community. As one Washington antitrust lawyer wrote in Dun's Review in the late 1960's—

> A key ingredient for compliance was often missing—the conviction of businessmen that the Antitrust Division would act. . . . As time passed, a growing suspicion spread among the business community that the Antitrust Division was a paper tiger.

And here lies the greatest cost of inadequate resources. The low level of enforcement simply does not deter antitrust violations. Said one San Francisco executive, speaking no doubt the mind of many of his colleagues:

> The government can't hit everyone, so a business goes ahead and does what it wants, if it isn't obviously crooked, and gambles that it won't get caught. There is no moral dimension to it. The odds are in your favor.

WHAT CAN BE DONE

The present tiny increase in the budget of the Antitrust Division simply prevents enforcement from falling further behind in its assigned task. A serious increase in its appropriations over the next 2 years such as I am proposing would go a long way toward enabling this agency to fulfill its obligations to American consumers. The uses to which the money could be put are obvious. Experienced economists, induced to work on major cases at GS–16 levels, could be hired; and more lawyers could be taken on. The benefits of this added manpower should also be evident: Innovative and important cases could be developed by industrial economists schooled in particular industries; teams of lawyers and economists, now needed to handle daily problems, could be freed to engage in intensive studies of creative cases in previously ignored areas—that is, the legal profession, trade associations, company towns, advertising-as-entry-barriers; innovative use could be made of computer studies to detect local price-fixing, comparing prices in a certain locales with competitive prices elsewhere; serious monopolization cases could be brought in major industries, finally testing the extent to which the Sherman Act's prohibitions include shared monopolies—oligopolies; additional field offices could be established, generating more citizen and business complaints and information, as well as working with local and State law enforcement agencies to combat antitrust crime; a vastly increased role could be played to insist that regulatory agencies not ignore the principles and benefits of competition; litigated cases would increase, consent decrees would decline, and remaining consent decrees would contain better settlements since defendants would realize that the Division would be willing and able to go to trial unless its demands for relief were met; staff resources could be devoted to systematic information gathering as well as to formation of a priority planning staff to determine where resources should best be devoted. Thus, both more cases and more important cases would be brought, to be resolved more vigorously. This can only help put the teeth back into the paper tiger, and businessmen, accordingly, cannot but take note.

The benefit to consumers could be incalculable. For too long we have considered antitrust as something deadingly abstract, of no immediate interest to our daily lives, esoterica to be unraveled by economists. As the closed enterprise system accurately notes:

> The concentration of industrial assets, the distribution and extent of our wealth, productivity, innovation, pollution, employment, racism, political contributions, and lobbying—all are issues of national pitch and moment, all are touched by antitrust policy. As our competitive economy goes, so goes our polity; the two are inseparable.

More specifically, antitrust violations and economic concentration, according to the best estimates, costs this country between $48 and $60 billion in lost production—due to monopoly restrictions of output—and approximately $23 billion in higher prices—due to monopoly overcharges. While a budget of $14 million cannot recoup all this loss, it can do far better than one of $12 million. It would also provide the first significant step toward a more substantial increase next year. And this area, particularly, is one where an ounce of prevention is worth a pound of cure, where a small investment of millions can save consumers literally billions in lost purchasing power. No doubt this proposal will meet with righteous indignation by many in industry, who are all for competition—for the other guy. But I cannot think of a better investment Congress can make.

Mr. COOK. Mr. President, I raise the point of order that the amendment of the Senator from California increases the appropriations; it is not only authorized, but it is not within the budget estimate.

I think the amendment is subject to a point of order, if I am not mistaken.

The PRESIDING OFFICER. The Chair is advised that this amount proposed in the pending amendment is in excess of the budget estimates——

Mr. TUNNEY. Mr. President, is it possible to speak to the point of order before the Chair makes its ruling?

The PRESIDING OFFICER. The Senator from California has the right to use all of his time before the point of order is made.

Mr. TUNNEY. I would just like to argue for a moment with respect to the point of order. I am perfectly willing to have the point of order made. I do not want to keep my colleagues here if the point of order is going to be sustained but I would like to argue it.

Mr. COOK. Mr. President, may I inquire how much time the Senator has remaining?

The PRESIDING OFFICER. The Senator from California has 12 minutes remaining.

Mr. COOK. Mr. President, I will withdraw the point of order until the Senator from California utilizes all of his time within the framework of the time limitation that he has in connection with his amendment.

Mr. TUNNEY. Mr. President, I have nothing further to say. I have completed my statement on the amendment I am offering. Inasmuch as I would not want to delay the business of the Senate, I would be perfectly willing to address the point of order now, if the Senator insists on making the point of order.

Mr. COOK. I will do so, but if the Senator wishes to utilize the remainder of his time in arguing against the point of order, he may do so, and then this Senator will take such action as he feels is necessary at the conclusion of the remarks by the Senator from California.

Mr. TUNNEY. Mr. President, back on November 23, 1971, a point of order was made by the Senator from Louisiana (Mr. ELLENDER) in connection with the Foreign Military Sales Act. He made the point of order that there was no authorization in the appropriation of moneys for the sale of aircraft to Israel.

Legislative counsel, Mr. Hugh C. Evans, senior counsel for the office of legislative counsel, wrote an opinion, for the Parliamentarian in which he stated:

> The second reason for believing that section 501 is an authorization for appropriations is that the section authorizes the President to undertake certain acts. The enactment by Congress of a provision of law conferring authority upon the President to perform certain acts itself constitutes authority for the appropriation of funds to carry out those acts, in the absence of a clear legislative intent to the contrary. Otherwise, Congress would be engaging in a useless gesture of authorizing the President to act but not authorizing funds to accomplish that act.
>
> This office has consistently taken the position that language specifically authorizing appropriations is unnecessary to authorize the appropriation of funds to carry out any legislative program enacted by the Congress. The same position is taken by Mr. Reed Dickerson in his book on *Legislative Drafting:*

The point simply is that Congress has enacted laws that set up the Department of Justice, and Congress has enacted laws establishing the Assistant Attorney General. We have passed the Clayton Antitrust Act and the Sherman Antitrust Act. The Justice Department is supposed to enforce those acts.

It seems to me to be clear that this is such an authorization as would comply with the opinion by the legislative counsel; that unless Congress clearly intended otherwise, a general authorization is sufficient for an appropriation of funds in the budget of a Cabinet department.

I think that it is clear in this particular case that an additional increase of $2 million to the Antitrust Division has been authorized in general law.

Does the Senator care to dispute that point?

Mr. COOK. It is not this Senator's desire to enter into debate on the merits. If the Senator from California wishes to interpret a prior opinion of Legislative Counsel, that is fine.

I think the point still prevails, and at the conclusion of the Senator's remarks I will make the point of order.

Mr. TUNNEY. But the opinion of the Legislative Counsel was confirmed by a vote of the Senate. We have a precedent.

Mr. COOK. May I say to the Senator I do not want to get into a debate with him. If the Senator wishes to appeal the point of order, that is within the prerogative of the Senator from California.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. I have finished my statement on the merits of my amendment and I am prepared, so that the Senate's business can be conducted, to have the decision on the point of order by the Chair.

Mr. COOK. Mr. President, I raise the point of order.

The PRESIDING OFFICER. The Chair is advised that this amount proposed is in excess of the budget estimates and is not authorized by law. Therefore, under rule XVI, paragraph 1, the amendment is not in order. The point of order is sustained.

Mr. TUNNEY. Mr. President, I appeal from the ruling of the Chair.

Mr. HANSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. What is the question?

The PRESIDING OFFICER. The question is: Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOK. Does a "yea" vote sustain the Chair?

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

Do Senators yield back their time?

Mr. COOK. Mr. President, I yield back my time.

The PRESIDING OFFICER. Does the Senator from California yield back his time?

Mr. TUNNEY. Mr. President, I would like, before yielding back my time to indicate to my colleagues that if they sustain the ruling of the Chair it will be a terribly bad precedent for the Senate to be setting—saying that we cannot use general authorization laws that create Cabinet positions or create departments and allow for those departments or agencies to conduct their business that the Senate cannot add on money to appropriation bills, and therefore, allow the Office of Management and Budget to dictate to the Senate and to the Congress what the top level of appropriations is going to be.

I think that the dignity of the Senate demands that we overrule the ruling of the Chair, and follow the precedent established before in 1971 when we voted against the point of order of the Senator from Louisiana (Mr. ELLENDER) which would have prevented some $500 million for being appropriated for the sale of jets to Israel.

Mr. COOK. Mr. President, may I ask unanimous consent that my statement yielding back my time be rescinded?

Mr. TUNNEY. Mr. President, I will yield to the Senator from my time.

The PRESIDING OFFICER. Does the Senator make the request?

Mr. COOK. I make the request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered. The Senator from Kentucky.

Mr. COOK. Mr. President, may I say that the question is very simple. What the Senator from California is really saying is that, somehow or other, we are shattering precedent. As a matter of fact, if we do not sustain the ruling, that will be shattering precedent, because the request the Senator has made should have been made to the original appropriation bill. That is what he should have done. If there was great enthusiasm to add this sum, obviously that great enthusiasm must have prevailed at that time.

The only point I wish to make is that if we in fact pass these appropriation bills which Members of the Senate participate in and vote on, and then we come back, and engage in this process, then obviously we have overlooked our responsibility to increase the amount for the respective departments at the time and at the place where, in fact, it should have been done.

I only assert that we, somehow or other, do not move so fast that someone can plead it was overlooked or was not done at the time it should have been done. If we do this, and do it as a consistent precedent, then I might say we will be further out of balance than ever before, because once we pass the appropriation bills, we will then be back on the arduous task of adding on to authorization bills such tremendous sums of money that the fact that we have already passed and sustained appropriation bills will have been for naught and we will ultimately have reversed the process so that we will have to see that one attempts to keep up with the other.

So I would say the earth-shattering

precedent the Senator talks about is the one he attempts to make. It shatters precedent to the point where we can come along, after missing the opportunity when we should have done it, and seek to do it now. Therefore, I think the ruling of the Chair should be sustained.

If the Senator wishes to take this position, he should do it at the proper time and the proper place.

Mr. TUNNEY. Mr. President, may I say it would be a reversal of the precedent in 1971 in a precisely similar case where the decision of the Senate was that laws passed by Congress imposing duties upon the executive branch necessarily carry with them the authorization to appropriate moneys to carry out such duties.

It is quite clear that general authorization bills, such as setting up departments and agencies, imply an authorization of funds needed to carry out the duties imposed upon those departments and agencies. The point of order was sustained by the Chair because the Chair said there was not an authorization. I think it is very clear that there has been an authorization in setting up the Department of Justice, in setting up a system where we have an Assistant Attorney General for the Antitrust Division, and where we have passed the Sherman Antitrust Act, the Clayton Antitrust Act, the Robinson-Patman Act—all designed to enforce the antitrust policy of this country. That is the authorization.

It must be clear in this particular case, if Senators believe in the merits of the case, that they ought to overrule the ruling of the Chair. To do otherwise would mean that the decision of the Appropriations Committee on the size of the budget for any executive department is always final. I cannot believe that the Senate wishes to abdicate total control over the final size of a department's operational budget. Suppose the President only requested $10 for the Justice Department and the Appropriations Committee only voted $10. Are we to believe that the Senate could not increase that figure on the floor? That is the logical result if the Chair is sustained on this point.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. COOK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Eagleton). The question is: Shall the decision of the Chair stand as the judgment of the Senate? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Louisiana (Mr. Ellender), the Senator from Arkansas (Mr. Fulbright), the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from North Carolina (Mr. Jordan), the Senator from Louisiana (Mr. Long), the Senator from Arkansas (Mr. McClellan), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. Williams) and the Senator from Idaho (Mr. Church) are absent on official business.

On this vote, the Senator from Georgia (Mr. Gambrell) is paired with the Senator from Connecticut (Mr. Ribicoff). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Connecticut would vote "nay."

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel) and the Senator from Illinois (Mr. Stevenson) would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New York (Mr. Buckley), and the Senator from Vermont (Mr. Stafford) are absent on official business.

The Senator from Oklahoma (Mr. Bellmon), the Senator from Tennessee (Mr. Brock), the Senator from Arizona (Mr. Fannin), the Senator from Michigan (Mr. Griffin), the Senator from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Saxbe), the Senator from Pennsylvania (Mr. Scott), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from Pennsylvania (Mr. Scott) would vote "yea."

The result was announced—yeas 51, nays 17, as follows:

[No. 216 Leg.]

YEAS—51

Aiken
Allen
Allott
Beall
Bennett
Bentsen
Bible
Boggs
Brooke
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Fong
Gurney
Hansen
Hatfield
Hollings
Hruska
Inouye
Javits
Jordan, Idaho
Mansfield
Miller
Montoya
Packwood
Pearson
Percy
Proxmire
Randolph
Roth
Schweiker
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Young

NAYS—17

Bayh
Burdick
Chiles
Cranston
Ervin
Harris
Hartke
Jackson
Kennedy
Magnuson
McGee
McGovern
Mondale
Nelson
Pastore
Pell
Tunney

NOT VOTING—32

Anderson
Baker
Bellmon
Brock
Buckley
Church
Ellender
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Hart
Hughes
Humphrey
Jordan, N.C.
Long
Mathias
McClellan
McIntyre
Metcalf
Moss
Mundt
Muskie
Ribicoff
Saxbe
Scott
Stafford
Stevenson
Weicker
Williams

The PRESIDING OFFICER (Mr. Eagleton). The decision of the Chair stands as the judgment of the Senate, and the point of order is sustained.

Mr. ERVIN. Mr. President, I desire to offer an amendment in my own handwriting. I take no pride in my own handwriting. I ask unanimous consent that instead of the clerk stating the amendment, I be permitted to state it.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. This is an amendment to the provision of the bill starting on line 10 and ending on line 11 on page 17. To understand the amendment, I should state what this provision of the bill provides.

Mr. MILLER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

Mr. MILLER. Mr. President, may we ask the Senator to repeat his remarks?

Mr. ERVIN. Mr. President, this is an amendment to the provision of the bill which apears on lines 10 to 21, inclusive, on page 17. It is the part that is printed in italics.

This provision of the bill, in substance, authorizes the Federal Buerau of Investigation to furnish what it calls identification records—which means criminal records—to officials of federally chartered or insured banking institutions, to enable them to comply with the statute which forbids them to employ any man in any of these banking institutions who has been convicted of a banking crime. That is the effect of the law. It also authorizes them to furnish these records to State or local governments for purposes of employment or licensing. The amendment would read as follows:

> On page 17, line 21, change the period to a colon and add the following thereafter: "*Provided, however*, The Federal Bureau of Investigation is hereby forbidden to furnish officials of federally chartered or insured banking institutions or officials of any State or local government any identification or other record indicating that any person has been arrested on any criminal charge or charged with any criminal offense unless such record discloses that such person pleaded guilty or nolle contendere to or was convicted of such charge or offense in a court of justice."

In other words, I have some misgivings about the presence in the bill of the provision I seek to amend, on the theory that—perhaps it is legislation on an appropriation bill, but bypassing that—I think it would be better to confine the FBI to its allotted duty of investigating the commission of crime and investigating domestic subversion instead of furnishing employment information. But I am willing to forgo that conviction, provided the records that the FBI furnishes show not merely that the man has been arrested or has, in effect, pleaded guilty or has been convicted.

I think great injury can be done to a man in such a situation, because thousands of people—especially young people arrested in demonstrations in recent years—are arrested and then turned loose.

The reason I am concerned about this is that in conducting investigations for the Subcommittee on Constitutional Rights, a man came to me and told me that when he was about 16 years of age, attending high school, there was a theft from a locker in his high school gymnasium. He said he was taken to the police station, booked, fingerprinted, and a record was made of the arrest. Then they investigated and found that he was not guilty of anything, and they turned him loose. He went into the Army, served honorably for 20 years, retired after a record of honorable service to his country, came back into civilian life, and applied for a job in an industrial plant. He told me that apparently he had all the qualifications for the job for which he applied, but they would not give him the job and never would explain why.

Fortunately for him, he had a friend who worked in the plant; and this friend went to the personnel officer and found out that the reason they would not give this man employment was that they had this arrest record, which was 20 or 30 years old at that time—merely the fact that he had been arrested.

The dissemination of information, mere arrest, without any followup as to whether there was a conviction, has caused great difficulty to many Americans. I just want this amendment adopted to make certain that if the FBI furnishes this information, they have to furnish a record of what happened as a result of the arrest or the charge and show that the man either was convicted or pleaded guilty. I think everybody is entitled to that kind of protection.

I send this amendment to the desk, and I hope the manager of the bill will accept it.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield.

Mr. MILLER. From the Senator's explanation, it sounds to me as though he has a meritorious amendment. I wish to make a suggestion for a slight modification.

The amendment, as I understand it, reads only in the case of a person who has been convicted or has pleaded guilty. I would suggest that the Senator add "or pleaded nolo contendere," because, as the Senator well knows, that is the equivalent of a guilty plea. I think we ought to cover those pleas.

Mr. ERVIN. I think the Senator has a valid point.

Mr. President, I modify the amendment so as to insert that the record shall not be disseminated by the FBI unless such record discloses that such person pleaded guilty or nolo contendere to such charge or offense or was convicted of the charge or offense in a court of justice.

I think the Senator's point is well taken, and I so modify the amendment.

The PRESIDING OFFICER. The amendment is modified to include "nolo contendere."

Mr. HOLLINGS. Mr. President, we are prepared to accept this amendment without a record vote. I have discussed it with the Senator from Maine (Mrs. SMITH) and the Senator from Nebraska (Mr. HRUSKA) and others who have worked on this measure in the Judiciary Committee, and with respect to arrest records generally, with the FBI.

I ask unanimous consent to have printed in the RECORD a statement as to the history of non-Federal applicant fingerprint program of the FBI.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HISTORY OF NON-FEDERAL APPLICANT FINGERPRINT PROGRAM

Since 1937 the FBI Identification Division has, in accordance with statutory authority augmented by executive orders and Attorney General instructions, processed fingerprints of applicants for employment in law enforcement agencies and correctional institutions, employment in Federally chartered or insured banking institutions, and for licensing and local employment if fingerprinting for such licensing and employment was required by local ordinance or official regulation. The demands for this service have grown steadily since 1937 as local regulatory agencies consider identification records vital to the public interest in many diverse areas of employment and licensing.

In 1971 the Government's authority to disseminate arrest information in response to non-Federal applicant fingerprints was challenged in the courts for the first time. In the case Michael Stuart v. John N. Mitchell, et al, Civil Action 70–2756–R, U.S. District Court, Los Angeles, California, (Judge Manuel L. Real) ruled that Section 534, Title 28, U.S. Code, does provide authority for the FBI to disseminate arrest information in response to non-Federal applicant fingerprints. In a second case, Menard v. Mitchell, 328 F. Supp. 718 (D.D.C. 1971), U.S. District Judge Gerhard A. Gesell, District of Columbia, handed down a Memorandum Opinion in which he noted "Thus the court finds that the Bureau (FBI) is without authority to disseminate arrest records outside the Federal Government for employment, licensing and related purposes." Judge Gesell indicated that the FBI needs legislative guidance and there must be a national policy developed in this area which will have built into it adequate sanctions and administrative safeguards. As a result of this June 15, 1971, decision, the FBI promptly discontinued disseminating identification records for local employment and licensing, except law enforcement positions, until December 26, 1971, when the President approved Public Law 92–184. This was an appropriations measure which authorized dissemination of identification records to Federally chartered or insured banking institutions and, if authorized by state statute and approved by the United States Attorney General, to officials of state and local governments for the purpose of employment and licensing. This temporary authority was provided by Senate action and grew out of widespread appeals from many different constituency interests for restoration of this vital service. In establishing the temporary authority, the Senate wisely recognized that abuse of the privilege was possible and accordingly placed responsibility upon each state to submit only applicant and licensing prints for which there is a requirement clearly covered by state law. As a result, the volume existing before the Gessell decision (including a plethora of types of employment, some of which had been of questionable vital public interest) was sharply reduced. This vital service cannot be discharged by the states themselves as there is only one national repository of arrest records and fingerprints. Felons with extensive records using an alias to gain employment in a bank or a security house can thus only be detected through a check of his fingerprints in the national file. The FBI uncovers such situations almost on a daily basis, which serves as justification by the states to insist upon this service.

The insertion of language in the fiscal year 1973 Departmental Appropriations Act similar to that included in Public Law 92–184, is to provide for continuing this service on a temporary basis until the Congress can receive, deliberate, and act upon proposed permanent legislation that has been prepared by the Department of Justice and delivered to the Office of Management and Budget for approval. As soon as such approval is forthcoming, it will be referred to the Congress. It is then that all ramifications can be explored and suitable legislation enacted if deemed appropriate. In the meanwhile, however, it is deemed essential that this service, which serves significant interests in the various states, not be again disrupted. If it is, an avalanche of protests can be expected from state civil service systems, financial institutions, gun licensing authorities, school boards, gaming license authorities, etc.

PENDING BILLS AFFECTING PROGRAM

(1) To authorize the Attorney General to exchange criminal record information with certain state and local agencies—S. 2545 (Bible), H.R. 11548 (Sikes), H.R. 13209 (Chappell).

This bill would amend Section 534 of Title 28, US Code, to permit the dissemination of identification records to any non-law enforcement official or agency of any state or city if the laws (including regulations) of such state or city authorize or require such official or agency to acquire criminal record information in the performance of his duties. If enacted, this bill would restore dissemination practices prior to the Menard case

(2) Criminal Justice Information Systems Security and Privacy Act of 1971—S. 2546 (Hruska), H.R. 10789 (McCulloch, et al.), H.R. 10892 (Celler).

This legislation restricts the dissemination of arrest information to law enforcement agencies for law enforcement purposes or for such additional lawful purposes necessary to the proper enforcement or administration of other provisions of law as the Attorney General may prescribe, by regulations. While this bill deals specifically with a computerized criminal justice information system funded by the Law Enforcement Assistance Administration, its provisions could, if made applicable to the present FBI manual system, result in a curtailment of services in connection with local licensing and employment.

(3) Nullification and Restrictions on Dissemination of Certain Criminal Records—S. 2732 (Burdick).

This legislation provides for the nullification of arrest records not followed by valid convictions and restricts the dissemination of arrest records for direct law enforcement purposes. In addition, this bill prohibits the dissemination of arrest records without valid convictions for purposes of bonding, licensing, and employment unless the employment directly affects the national security or the public trust in any industry or agency where the nature of the offense compromising such records is sensitive to such position.

IMPACT ON FBI IDENTIFICATION DIVISION OF DISSEMINATING RECORDS WITHOUT CONVICTIONS

The FBI has on file some twenty million identification records. Many contain numerous arrest entries and the dispositions to some of these are unknown because the arresting agencies have failed to forward same to the FBI. To review and analyze each record disseminated to determine if there is a conviction for each arrest and prepare a new record containing only entries with convictions would be exceedingly costly and time consuming. It is not a system that could be instituted overnight, in view of recruiting and training of large blocs of employees and acquiring space to house them. In the event the FBI were required to disseminate one type of record for law enforcement purposes and another for employment and licensing, this would necessitate the maintenance of two different records with subsequent dual postings and would impose unworkable conditions on the manual system in the FBI Identification Division which primarily serves law enforcement needs throughout the country.

The question of withholding information concerning an arrest in which a conviction is not shown should be carefully considered. Many dispositions of arrest do not appear on records simply because the trial has been delayed. In others, cases are not adjudicated for reasons other than lack of evidence to convict. A typical example is a case involving child molestation in which the parents of the victim will not allow the child to participate in court action. Some records will contain several arrests for indecent exposure or other similar charge with no convictions recorded. To withhold such information concerning an applicant for a schoolteacher position does not appear to be in the best interests of the public. The same would hold true in a case where an individual has been arrested several times for larceny or embezzlement but not convicted and he applies for a position in a banking institution.

Irrespective of the action that Congress may take in connection with the non-Federal applicant fingerprint program, careful consideration should be given to any proposal that would interfere with the maintenance and dissemination of criminal arrest information which are essential tools in preserving the peace and protecting society from the violence of crime.

Mr. HOLLINGS. Mr. President, various State agencies, national banks, persons making application to receive a firearm, school bus drivers, persons who work in casinos, persons who work in racetracks, have all depended on the FBI furnishing these records. J. Edgar Hoover said at the time he appeared before our committee, as a result of the interim authorization within the appropriation bill, since the decision of the court striking it down, that in no instance has he ever furnished it to a State or local agency if there has been any abuse. The fact is, it indicated such was the intent of about 21 or 22 and he would not furnish those records to them. He had the very same this year, in fairness to the FBI, that the Senator from North Carolina has. The very form itself has on the frontispiece, in the largest language possible, indicating that the records are not conclusive or final records; and in large language it says "Where disposition is not shown, or further explanation of charge or disposition is desired, communicate with agency contributing those fingerprints."

So the agency has had the same misgiving about putting out a record indicating that someone was a criminal or involved in a crime, when the facts were otherwise, really, that they have been arrested and there was no plea, and certainly no conviction.

The Senator from Nevada (Mr. BIBLE) has been a leader in this matter and will provide this information for the State and local agencies. I have discussed it thoroughly with him. Perhaps he would like to comment on it now.

Mr. BIBLE. Mr. President, I thank the distinguished Senator from South Carolina. We have had further discussion about refinement of this amendment which the Senator from North Carolina (Mr. ERVIN) has offered. It is a good refinement. I would hope that the Judiciary Committee—I do not know whether they can do it this year, as they have had such a busy year—but early next year I would hope that they would have some hearings on the legislation on this subject now pending before them, because the present provision is in the nature of a stopgap.

In my judgment, the committee provision is not subject to a point of order, because related language came to us from the House. Whether it is subject or not to a point of order, and I do not believe that it is, this matter should be dealt with squarely in full fledged hearings. I would hope that we would be able to do that next year.

The purpose of the provision in question is to make it clear that the Federal Bureau of Investigation is authorized to use its funds to continue its long-standing program of providing criminal records identification services to federally chartered and insured banking institutions and, where authorized by State law and approved by the Attorney General of the United States, to State and local officials for their official use in checking the background of persons seeking to be licensed or employed in sensitive businesses or occupations.

Such services have been performed by the FBI under authority contained in every Department of Justice appropriations act since 1921, including the Supplemental Appropriations Act for 1972 in which the Congress approved a specific restatement of that authority.

Mr. President, I cannot overemphasize the importance of this provision. Without it, these essential FBI criminal records services will have to be terminated at the end of this month.

Not only federally chartered and insured banking institutions—which have an obvious need to screen prospective employees—but official agencies of State and local governments all across the country will be denied access to criminal records information they need in order to carry out their own responsibilities under a variety of State laws.

According to a nationwide survey, which I understand is now being conducted by the FBI, at least 32 States, the District of Columbia, and Puerto Rico have statutes on their books requiring fingerprint checks in connection with licensing and/or employment in sensitive businesses and occupations.

The survey is incomplete, and the details are not yet available. However, the businesses, occupations, professions, and activities for which a fingerprint record check is often—and, I think, properly—considered essential for the protection of the public include:

The legalized gambling industry in my own State of Nevada. This is a prime example. Nevada law requires a thorough screening and background investigation of all who seek to be licensed or employed in her gaming industry. This sensitive industry is closely monitored by State authorities in order to assure honest operations, and an FBI record check is indispensable if screening is to be thorough.

The liquor industry is another case in point. Many, if not all, States have special statutory requirements for the screening of persons who seek licensing or employment to handle alcoholic beverages. The National Conference of State Liquor Administrators—a nationwide organization of alcoholic beverage control officials—is deeply concerned because the termination of FBI records service would seriously undermine the States' ability to prevent persons with disqualifying criminal records from entering the liquor industry.

Some of the States require criminal records checks before licensing persons for the practice of medicine, law, pharmacy, and other professions. Others require full background investigations of those who would be private investigators, securities dealers, real estate salesmen, taxicab drivers, and others.

The FBI is the only available central clearinghouse for criminal records information. I say again, if the services covered by this provision were not available, it would be impossible—or at least exceedingly difficult—for public officials throughout the States to meet their own statutory obligations to obtain criminal records checks in connection with their licensing and employment functions.

And there is another aspect of this that warrants special notice. We are all concerned about the crime problem; the infiltration of legitimate business by organized crime; the gun control problem.

Title IX of the Crime Control Act of 1970 was enacted to curb the infiltration of legitimate business by organized criminals and racketeers. How can this be done if State and local officials responsible for screening entry into sensitive industries and occupations cannot get a criminal records check on people applying to enter such activities?

Section 922(g) of the Gun Control Act of 1968 makes it unlawful for an ex-felon to receive firearms or ammunition that has been moved in interstate or foreign commerce. Many, if not all, the States also prohibit at least handgun ownership by ex-felons. How can this kind of prohibition be made effective if local public officials administering gun control laws cannot get a criminal records check on people who apply to purchase weapons?

Mr. President, these are very real problems. This has to be viewed as a crime prevention matter. State and local public officials must be able to obtain FBI criminal records information for official use. Otherwise, their ability to protect the public against the criminal element will be seriously impaired.

I think that in this age of computers and the rapid gathering and dissemination of information, the Government has an obligation to take every reasonable precaution to see that its information functions include safeguards to protect individual rights.

I also agree that, in view of concerns expressed by the President's Commission on Law Enforcement and Administration of Justice and recent court decisions, this is a matter ripe for congressional review.

But it is essential that these services be continued while that process goes forward.

In the meantime, certain safeguards have been built into this bill. The services involved would be available only to public officials authorized by State law to request them—for their official use only—subject to the approval of the Attorney General. And under language approved by the House, the service would be subject to cancellation if dissemination is made outside the receiving department or agency.

As I have said, this is an essential crime prevention service. The Congress has spoken loudly for crime control. State and local officials all across the country charged with the responsibility to screen applicants for sensitive businesses and occupations are an integral part of our national crime control effort. And it makes no sense at all to deny them access to the only available national clearinghouse for criminal records information. To do so would be to place officials throughout the country in a position where they would not be able to meet their own statutory obligations.

I urge acceptance of the provision as modified by the amendment of the Senator from North Carolina.

Mr. BURDICK. Mr. President, if the distinguished Senator will yield, the Subcommittee on Penitentiaries has had hearings and is holding hearings on that subject right now——

Mr. BIBLE. I am happy to hear that.

Mr. BURDICK. We are not only dealing with the arrest record, but also first convictions. We are going into the whole field.

Let me say that I am heartily in support of the pending amendment.

Mr. BIBLE. I appreciate that. Certainly I, too, consider this to be a good amendment. It should be agreed to.

Mr. HRUSKA. Mr. President, I concur with the acting chairman and manager of the bill that it would be well to take this amendment to conference and work out of it what we can.

I have discussed one or two features of this with the Senator from North Carolina (Mr. ERVIN). They are not so serious but what they can, if necessary, be adjusted in conference. If not, I would be willing to review other legislation pending or in process. I go along with the suggestion of the chairman that we approve the amendment and take it to the conference.

Mr. HOLLINGS. Mr. President, I yield back my time on the amendment.

Mr. ERVIN. Mr. President, I yield back my time on the amendment.

The PRESIDING OFFICER (Mr. EAGLETON). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from North Carolina (Mr. ERVIN).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1235

Mr. HRUSKA. Mr. President, I call up my amendment, No. 1235, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 52, line 10, strike the following: "925,000" and insert in lieu thereof "1,100,000".

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, this amendment would restore $175,000 to the appropriations requested by the office of the Special Representative for Trade Negotiations. If the money is restored, it will enable that office to provide for the six new positions which they requested. It would not, however, allow any further funds to establish an office in Geneva, which has already been included in the larger request. That part of the request is not included in my amendment. Now even a quick look at the rapidly expanding responsibilities and activities of the office suggests the need for expanded financing. In this regard, it is the opinion of this Senator that the funding approved by the committee would not be sufficient to meet the requirements of the STR Office.

First, in the aftermath of the Smithsonian Agreement the STR Office has begun the difficult process of exacting the commitment of our major trading partners to short-term agreements improving the U.S. trade position.

Second, it has pushed forward with longer term arrangements for a major overhaul of the international trade and monetary systems. As a result, Japan, the European Community, and many other countries of the world are now publicly committed to international discussion and negotiation—beginning in 1973 if possible—of such critical trade problems as agricultural protectionism, nontariff barriers to trade, and preferential trading arrangements.

American farmers have a lot at stake in these negotiations. No sector of our economy depends so heavily on the export market for its products. And no sector has received less satisfaction from past efforts to reduce trade barriers.

In Europe, for example, farmers are now guaranteed nearly twice the world price for all the wheat they can produce. A variable levy on imports assures that European mills will use all the Common Market's production before our grains can be used. Export subsidies, financed from the proceeds of levies on our grains, permit Common Market farm products to compete with ours in markets as far away as Taiwan. These policies apply not just to wheat but to other grains, meats, sugar, dairy products, and a host of other farm products we produce.

Our farmers need these markets. They are not going to get them unless we can get back to the bargaining table with a tough set of demands for removing these trade restrictions. The agreements we have with Japan and the Common Market to begin a new series of negotiations will give us a new opportunity to present these demands. Of course, extensive preparations will be necessary. A trade bill must be prepared for consideration by the Congress. Various private groups, farmers among them, must be consulted to assure broad backing for our objectives. A case must be made for what we want. And, finally, a competent team must be assembled to conduct the negotiations. The Office of Special Trade Representative realizing this responsibility have placed two competent agriculture-oriented Deputy Special Representatives for Trade Negotiations on their staff. Ambassador Hal Malgren participated in the Kennedy round negotiations on grains and Ambassador William R. Pearce is a knowledgeable grain industry leader. Both have been confirmed by the Senate.

Third, it is now the responsibility of the STR Office to prepare for this major round of upcoming talks on trade and related matters. It must develop a set of goals which reflects the economic interests of the country at a time when we must bargain forcefully. It must, in close consultation with Congress, develop a set of legislative proposals which reflect those broad economic interests and it must undertake the task of negotiating with our trading partners on the basis of the program which will emerge from our consideration of trade legislation.

It is in the very nature of the tasks performed by the Office of the Special Representative for Trade Negotiations that some years will be far more demanding upon its resources than others. Given the present worldwide commitment to a rethinking and a reformation of the present unparalleled opportunity to achieve some long-needed improvements which can be of enormous benefit to all Americans. At this particularly crucial moment, it would be pennywise and pound-foolish to leave this agency underfinanced.

Our trading partners know that there are billions of dollars of potential trade at stake, and they assign large and knowledgeable teams to these negotiations. The U.S. negotiating effort draws on the talents of several agencies of the Government, but the overall responsibility for planning, coordination, and negotiation lies, as legislated by Congress, in the Trade Expansion Act of 1962, in the Office of the Special Representative for Trade Negotiations. I urge the Senate to grant to the office the funds requested to get its most important job done.

I hope this amendment can be accepted.

Mr. HOLLINGS. Mr. President, we would be glad to accept the amendment. I have discussed it with my distinguished colleague from Nebraska. Originally, of course, the amendment called for the institution of a Geneva office, but when we went over the hearing record, we realized that it was not justified at this time. We will willingly go along with an additional $175,000 which will finance the cost of six additional positions, none of which is to be used to set up the Geneva office or the experts needed with respect to the office, because of the increased responsibilities. They can obtain these experts from the Department of State, as has been done in the past, on a nonreimbursable basis.

Mr. President, unless there is further discussion on this amendment, I am prepared to yield back my time.

Mr. HRUSKA. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to amendment No. 1235 of the Senator from Nebraska (Mr. Hruska).

The amendment was agreed to.

AMENDMENT NO. 1236

Mr. HRUSKA. Mr. President, I call up my amendment No. 1236 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 5, line 25, strike the following: "effective January 1, 1973, and thereafter" and insert in lieu thereof "after December 31, 1973,".

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, I commence my explanation of the amendment which I propose by first stating that I believe the U.S. contribution to the United Nations is too high.

I believe that the contribution of the United States should be reduced, and should be reduced substantially.

Furthermore, it should be reduced at the earliest possible time.

It would be my thought, as it seems to be in the other body, to require a limit of a 25-percent assessment against the United States for any operating budget of the United Nations. That figure is perfectly satisfactory to me, an amount not to exceed 25 percent.

However, the change and the reduction from the present 31.52 percent should be effected in an orderly way.

Let me explain that under the provisions of the Charter of the United Nations, and the Participation Act enacted by Congress initially, the process of funding the United Nations is done in this wise. There is a budget set. Then there is a negotiation among the representatives on the committee to assess the respective nations according to an agreement that can be reached

When an agreement is reached as to the percentage of each nation, an agreement covering a 3-year period—a period not less than 3 years—is made for the purpose of approving the budget and also of fixing the assessments of the respective nations.

The latest such negotiation was held in December of 1970, at which time an agreement was entered into for 3 years—calendar years 1971, 1972, and 1973.

The percentage for the United States was fixed at 31.52 percent. Thereby, upon approval of that budget and that assessment, there arose and was created a legal and moral responsibility on the part of this country to pay in an amount equal to 31.52 percent of the operating budget for 1973 and the 2 preceding calendar years.

Now the language in the bill that we have before us provides that, effective on January 1, 1973, and thereafter, no appropriation is authorized and no payment shall be made in excess of 25 percent.

That is 6.52 percent, less than the agreement to which we are bound by law and by the morals of the situation.

The amendment that is pending would do this. It would provide that after December 31, 1973, no appropriation is authorized and no payment shall be made in excess of 25 percent. That would enable the payment of the 1973 contribution pursuant to the agreement that was made in December 1970.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HRUSKA. Mr. President, I yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, as a member of the Commission on the United Nations which was headed by Ambassador Lodge, I favored a reduction in our share of the costs of the United Nations from about 31 percent to 25 percent. However, I do not favor a blanket reduction for all of the auxiliary agencies of the United Nations, believing they should be considered one by one, each on its own merits.

Inasmuch as this committee amendment in the bill is applicable not only to the United Nations, but also to all agencies, with two exceptions, I feel that the amendment now offered by the Senator from Nebraska is a good amendment and that it will give us another year in which to consider not only what we want to do about the United Nations—whether we want to reduce it to 25 percent all at once or do it more gradually—but also to consider auxiliary organizations, some of which I think operate very distinctly to the advantage of the United States.

Therefore, I support the amendment of the Senator from Nebraska.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator. I just need a small amount of time.

We are all sophisticated here. We know that even if we do something that is right in principle, we have to do it in the proper way. And that is what the Senator from Nebraska is giving us an opportunity to do, to do this right.

I asked our Ambassador to the United Nations, George Bush, to give me an analysis of how the U.N. contribution works. I am in receipt of a telegram from him. I ask unanimous consent that that telegram be printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Senator J. K. Javits,
Old Senate Office Building,
Washington, D.C.

Per your request for information re U.N. scale of assessments, present scale in which United States assessed at 31.52 percent for U.N. regular budget covers calendar years 1971–1973. This scale was established in 1970 by U.N. General Assembly acting on recommendation of U.N. expert committee on contributions which included a U.S. expert as one of its members. Only at its next session in May and June 1973 will committee on contributions basis of guidelines provided by General Assembly formulate a new scale of assessments for period 1974–1975 and recommend such a scale for approval by assembly at its 28th session in fall of 1973. Consequently 27th session of assembly this fall is appropriate time to attempt to obtain decision by assembly to establish a new 25 percent ceiling on highest contributor and to instruct committee on contributions on method of achieving this objective. Accordingly we propose at 27th session to attempt to secure such a decision by assembly which will reduce U.S. contribution to 25 percent. In future years we must recognize that whether or not there is full reduction to 25 percent in 1974–1976 scale of assessments will depend very largely upon timing of admission of new member states to U.N. organization. If U.S. attempts to reduce U.S. assessments percentage unilaterally to 25 percent for year 1972 and 1973 (that is prior to establishment of a new scale for 1974–1976) and funds for those years appropriated only at 25 percent level United States will be in arrears for those years in amounts representing difference between appropriations at 31.52 percent level and 25 percent level (at present U.N. budget levels this means about $13,000,000 per year) I urge that United States not be placed in position of defaulting on payment of assessed contributions called for by our treaty obligation under U.N. charter. Appreciate your continued interest in U.N. and any assistance you can provide in support of amendment.

George Bush.

Mr. JAVITS. Mr. President, this is the way it works. In this fall the United States delegation will ask the General Assembly to reduce our contribution to 25 percent in future years. Ambassador Bush is confident that can be done over a period of time providing we do not approach it on a coercive basis.

That is what the Senator from Nebraska has in mind. At the time the General Assembly so acts—and he has no doubt that it will—after the 3 years is over, we will reduce our contribution. To act alone and stop payments will not help. We will still owe the money and we will have a big assessment at the U.N. We should not go against our treaty and contract obligations and reverse those rules. Nothing is really accomplished by that action.

So for the very fundamental reason that this is the right thing to do and the right way in which to do it, I hope very much that the Senate will accept the amendment that has been offered to us in a very statesmanlike way by the Senator from Nebraska.

I thank my colleague for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield myself the time I will require.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I will try to be as brief as possible. I will try to emphasize that we have not overskirted the corporations or taken into consideration the very language we put in there. In a deliberate fashion, instead of the broad sweep that the Senator from Nebraska is concerned about, we excluded the International Atomic Energy Commission and also the International Civil Aviation Organization.

Let us talk about principle and agreement and a few other things. The very basis that the Senator from Nebraska draws his principle from is none other than what we call the Assessment Committee of the United Nations itself, which under the beginning charter, under article XVII, pertaining to committee matters, says that every 3 years they assess a certain percentage.

Interestingly enough this committee met in 1964 and said that as a matter of principle no one should pay over 30 percent. Why was that? It was because they did not want the tail wagging the dog.

That is the trouble with the dear old United States of America now. We are buying everything. They say, "We don't want to be bought. As a matter of principle, no one can pay over 30 percent."

However, the very same committee keeps on taking us on account of arrearages owed by other nations. What have we tried to do? We have tried to get the other nations to pay.

The Soviet Union is some $102 million behind right now.

France itself is $22 million behind.

Other nations owe $150 million in arrearages now. And the more they get in arrearages, the more we pick up.

What is the contract and the agreement that the Senator referred to in December 1970?

I say it is false. They have a contribution committee. However, what is the actual budget, the budget is similar to what we consider in the Congress? We operate on a fiscal basis. From July 1 of this particular year—in a couple of weeks, July 1, 1972—until the end of June 1973 is our fiscal year. And each Congress comes into office. One Congress does not bind the other.

What is the contractual obligation at the present moment? Under the contribution committee's direction, yes, we are obligated until the end of this calendar year. I say to the Senator from Nebraska that we are obligated until December 31, 1972.

There is no budget for the United Nations for the year 1973. That direction is just this specific. They have a committee that they call the fifth committee. One has to be an FBI man to find out these facts. He will not find them from the State Department.

I tried to find out what the contract was. I talked to the Ambassador and to assistant secretaries and to everyone else in the Department. However, they could not give us the full information.

The budget goes to the fifth committee. When? It goes to them in December. And after the fifth committee agrees on what the budget is, then they will do it for next year, and that is the mechanism contractually, as to what our agreement is.

What about our history for the past 22 years? Look at what the committee said in 1950 in the appropriations bill report:

> Every effort will be made to reduce the unusually high percentage of contributions which, in all too many instances, our country is called upon to make. The high percentage of contributions of the United States should be reduced just as quickly as they can.
>
> The committee will examine carefully this item next year to determine what progress has been made by the Department in making such judgment.

Mr. President, we have gone down from 39.89 percent to 31.52 percent. However, we have stayed at 31 percent, plus, for 7 years.

Here is what the Appropriations Committee found:

> The committee believes that every effort must be made by the department to reduce the unusually high percentage of contributions which the United States is called upon to make for most of these organizations.

That is the Lodge Commission, the commission of former Ambassador Lodge, who said it should be no more than 25 percent. He said that last year.

But that group that is going to meet says, "We are going to do this in an orderly way, we are going to adhere to principles." They say, "You keep paying the piper and voting them in and out."

At the time they discussed this in the House of Representatives, Representative FRANK BOW, the distinguished Representative from Ohio was there in Geneva when they discussed these matters. I have before me the CONGRESSIONAL RECORD of May 18, just last month, at page 18028 where it is stated:

> Stay firm on limitations on international organization funds. Many of our friends here in Switzerland agree with our position. We shall have the respect of many nations that will support us. You may quote me on the floor.
>
> FRANK T. BOW,
> *Member of Congress.*

The President in February said 25 percent. The Lodge Commission said 25 percent. We have been saying that for 22 years. What is wrong with Congress? We keep talking about these matters. You presidential candidates know about that. We keep on saying things that sound pretty, but where is the result? When are we going to do it?

We have fulfilled our obligation under the contract. In the subcommittee we voted, and it was almost unanimous in the Committee on Appropriations. The House cut it back automatically to the end of this year. We said no. We are obliged under the budget of this fiscal year 1972, so we said up to January 1, 1973, we will pay at the present rate of 31.52 percent and thereafter 25 percent.

That is the contract. When we come right down to it there is no provision in the United Nations Charter for arrearages other than stating that they vote a country out if they do not pay their dues after 2 years. They have not voted out anybody but I do not think we should get behind. We had to use this particular approach in connection with the International Labor Organization, the Senator from New York knows that. We got in arrears and we stayed there. We had to pay our dues so they would recognize us when we walked in the front door. The junior Senator from New York put this in the bill and the Senate adopted it last fall in the foreign authorization bill. It was knocked out in conference.

I say to the Senator from Vermont, we went over all of these organizations. We excluded the International Atomic Energy and the International Civil Aviation Organization, after discussing them all, and what the cut would mean down to 25 percent after January 1, 1973.

Mr. President, the committee opposes the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from South Carolina yield to me for 5 minutes?

Mr. HOLLINGS. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I am impressed with the argument made by the distinguished Senator from South Carolina. I support the position of the Committee on Appropriations. As the Senator from South Carolina pointed out the Senate itself went on record last fall as favoring a reduction to 25 percent in the contributions to the United Nations.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRY F. BYRD, JR. Mr. President, as the Senator from South Carolina also pointed out, too frequently has Congress, the Senate and the House, made statements to the American people and then gone back on their statements.

I think the time has come to meet this issue head on. The Committee on Appropriations certainly has been fair. The Committee on Appropriations went beyond what the House of Representatives wanted to do. The House voted to make the reduction effective the end of this month or beginning the first day of next month, July 1.

The Committee on Appropriations thought that was too precipitate and the Committee on Appropriations recommends that the reduction to 25 percent take effect January 1, next year.

The amendment offered by the distinguished Senator from Nebraska would postpone it for an additional year beyond that. It seems to me the Committee on Appropriations has gone into this matter carefully and has recommended to the Senate January 1, 1973, and I think the committee should be sustained. I shall vote to sustain the action of the committee.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I believe I am correct in saying that the action of the Committee on Appropriations might have been predicated upon the report made by the Lodge Commission. The Senator from Vermont (Mr. AIKEN) served on that commission. I also served on that commission as did several other Members of the Senate. In that report it is stated, and I quote:

> Affirm its intention to maintain and increase its total contributions to the UN, but that, as part of a redistribution of responsibilities, it will seek over a period of years to reduce its current contribution of 31.52 percent to the assessed regular budget of the Organization so that eventually its share will not exceed 25 percent.

Every year at the U.N. a specially constituted budget commission meets and largely upon the basis of gross national product they agree upon a figure of assessment against each country. Our share of the budget has been reduced over a period of years. It is down to 31.52 percent and will be reduced to 25 percent.

I am not clear from the amendment if this was directed solely to the budget of the United Nations or if it embraces also the other organizations, such as the Children's Fund, the FAO, World Health Organization and the Food and Agricultural Organization, and other agencies of the U.N. Is it directed solely to the U.N. budget?

Mr. HOLLINGS. All organizations except the International Atomic Energy Commission and the International Civil Aviation Organization. It includes the United Nations Educational, Scientific and Cultural Organization, World Health Organization, the Food and Agricultural Organization, and the World Meteorological Organization.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. I thank the Senator.

It exempts those two organizations, then. But if this cut is directed to all of them you are seriously crippling important agencies such as the Children's Fund, the FAO, which deals with food, Palestinian refugees, who are now in dire need as a result of cuts.

I hope very much that the amendment of the Senator from Nebraska will be agreed to so that a reduction to 25 percent can be worked out. We should not cut off the humane activities of the United Nations and our participation in them in the pursuit of the 25 percent figure. Our total contribution to the United Nations, and that includes population activities, is now less than $300,000,000. I think it is a mistake to do it this way. We are involved directly or indirectly in wars all over the world at great cost of tens of billions of dollars; I think it is good that we are involved in some peaceful activities such as the U.N. and voluntary agencies that contribute so much to settle the lot of mankind.

I hope the amendment of the Senator from Nebraska is agreed to.

Mr. HOLLINGS. Mr. President, I yield myself just 1 minute.

The distinguished Senator from Kentucky puts it in terms of being humane or inhumane. The Lodge Commission, upon which he served, and upon which the distinguished Senator from Vermont also served, reported on April 26, 1971, over a year ago, that the commission thinks that no State should pay any less than $200,000, that no State should pay less than one-tenth of 1 percent.

The commission recommends that the United States reduce its current contribution to the regular budget of 31.52 percent down to 25 percent, but it also recommends an increase of voluntary budgets and funds for other purposes so we will still be contributing, but on the regular budget—and I emphasize this—"but on the regular budget—it is unwholesome and unsound for any country to pay more than 25 percent."

So to some it might not be humane, but to others it might be unwholesome and unsound to pay more. We found that out a year ago and we have not done anything about it.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. ALLOTT. I have been reading this language. It is unfortunate that we did not go into this closer in the committee, but I do have a question. As this language is written, it says that no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 percent except the three that are enumerated. Now the Senator is quoting the Lodge report, which gives an exception to the agencies the Senator from Kentucky was talking about.

I do not think our contribution to the regular assessments has been reduced very much. My recollection runs that it went from 39 percent and a fraction in 1946 to perhaps 31 percent today. That is the most it has been reduced, and I am not satisfied with that reduction, I must say; but, on the other hand, I do not think we should vote upon this matter upon the basis that the committee amendment—not the Senator's but the committee amendment; we all adopted it in the committee—would permit an assessment for any of these other agencies—WHO, Children's organizations, Palestinian refugees—of more than 25 percent.

I must say I am not sympathetic particularly to the amendment of the Senator from Nebraska, but it does have that going for it—that the committee amendment would lock out everything, and I mean everything, except the three organizations.

Mr. HOLLINGS. Mr. President, responding, and yielding myself that much time, this was not done willynilly. The fact of the matter is that they are in the report, I just listened to the Senator from Kentucky, to the World Health Organization, the Educational Scientific and Cultural Organization, World Meteorological Organization, and not the International Atomic Agency, or the International Civil Aviation Organization, which are exempt.

The House, after hearing, saw fit to exempt those 2 agencies, and the Senate did also.

So we did not just put it down and not give any meaning or thought to other organizations. This is under the section of the bill having to do with international organizations and contributions to those international organizations. We considered the amount and have listed just exactly what it would mean. But we went back to our own Congress, which started with this matter 22 years ago, and which thought it was too high then, and, having done nothing, we got to the Lodge Commission.

I believe the Senator from Colorado was off the floor a minute ago when I used the language "But on the regular budget it is unwholesome and unsound for any country to pay more than 25 percent."

Mr. ALLOTT. No; I was here.

Mr. HOLLINGS. And we followed the President, who stated in his message this year, that the most we ought to pay to these organizations is 25 percent. So the Congress is proceeding on what the President and the Congress have recommended. So we have appropriated for that amount.

Mr. ALLOTT. Mr. President, will the Senator yield for just a minute?

Mr. HOLLINGS. I yield.

Mr. ALLOTT. I want to say, first of all, to keep the record clear, that the Senator from Colorado was on the floor when the Senator read the Lodge report. I am fully acquainted with what is in it.

I do not think my point has gotten quite through, or perhaps I do not understand the Senator's point, and that is that by this amendment the committee cuts everything. It is a drastic thing—it cuts everything except the three items mentioned in the United Nations heretofore. I was a delegate to the United Nations in 1962 and served up there almost 6 months steadily. In the United Nations we have contributed this set amount—I believe 31 or 32 percent now. I am not sure of the exact fraction, but it was that amount for the regular assessment. Then we also contributed about 40 percent to the ancillary organizations.

In general principle, I agree that 25 percent is as much as the United States should contribute to the whole thing, but I do not think, if I understand the Senator correctly, that, as the language is written, it exempts anything but the three specifically named organizations.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself just 2 minutes.

The position of the manager of the bill is sound. I agree with 90 percent of it. The only thing with which I do not agree is the opposition to this amendment and the vote that he is going to cast against it. But when he said that the Lodge Commission found it was "unwholesome and unsound" for any nation to pay more than 25 percent, I agree with him. I support him. When he says that we have said a lot of things here and we have talked about doing something about it and nothing happens, I agree with him. I think he is right.

The point is that this time we are making a change not where it does not count, but where it does count. It does not count to have it in the Lodge report. It does not count to have it in the committee report. It does count to put it in the form of a statute, and the amendment, as modified by my amendment, will effect the change. It will effect the change as early as we can do it in keeping with national honor, law, and morals, and that is when we carry out our 3-year contract to pay out 31.52 percent. That 3-year contract is prescribed by the Charter of the United Nations, because the assessment made by each nation is to be made under an agreement that will be for a period of not less than 3 years. That is why this is so.

The President is for the reduction. The Department of State is for the reduction.

George Bush, the Ambassador to the United Nations, is for the reduction. This Congress, in my judgment, is for the reduction. The question is, How do we achieve it?

The President says we must proceed in an orderly way in reaching this goal. It is unrealistic to state that it can be done immediately. We ought to carry out our contract. We made an agreement. It is a lawful agreement. It is a binding agreement. We ought not to break it, or we will be damaging our national honor and our ultimate success in working out a negotiation, not in an abrasive process, or not based on intimidation or sheer force, but to keep our agreement and then negotiate to bring our contribution down to 25 percent, under the law, starting with January 1, 1974, which will limit the authority, and limit it to the 25 percent.

So I suggest again, all the representations and arguments made by the Senator from Virginia and by the Senator from South Carolina are true and are right, and I am for them, but let us do it the right way.

Let us adopt the Hruska amendment to the amendment of the committee.

On June 13, I wrote to Mr. Clark MacGregor on the President's White House staff concerning my intention to propose this amendment. Yesterday I received a response from him indicating President Nixon's support for this amendment. I ask unanimous consent, Mr. President, to have these two letters printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 13, 1972.
Mr. CLARK MACGREGOR,
The White House,
Washington, D.C.

DEAR CLARK: I am writing with regard to the Senate Appropriations Committee's recommendation that appropriations for contribution to the United Nations and its affiliated agencies be limited to 25 percent of total assessments effective January 1, 1973, and thereafter. I am aware that the President has already informed the Congress of his policy to negotiate a reduction of the U.S. contribution ceiling to 25 percent. The President, however, also stated in his February 9, 1972, statement "we must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately."

This Senator is one of those who supports the reduction in the United States contribution to a figure not in excess of 25 percent. I voted last year for the provision urging the President to arrange such a reduction.

However, I am informed that the United Nations has traditionally established assessments for three-year periods. The present three-year segment will not expire until December 31, 1973. This procedure has been well-established by long practice based on the United Nations Participation Act, has been approved by our Ambassador to the U.N., and acquiesced in by the Congress. To this Senator it would appear that we have a legal and moral obligation to abide by the present assessment until the end of Calendar 1973.

Accordingly, if the President desires, I am considering the introduction of an amendment that would make the Senate proviso effective after December 31, 1973. This amendment would allow the United States to observe due process in negotiating a reduction in its rate of assessment to 25 percent, or less. If you believe the above course of action would be desirable, please let me know. I understand the Senate vote on the Committee's bill will take place on Thursday, June 15.

Sincerely,

ROMAN L. HRUSKA,
U.S. Senator of Nebraska.

THE WHITE HOUSE,
Washington, D.C., June 14, 1972.
Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR ROMAN: Thank you for your constructive letter of June 13, 1972 regarding United States contributions to the United Nations and its affiliated agencies.

As you have noted, the President approves the goal of establishing a 25% ceiling on our contributions to the regular assessed budgets of the UN and its specialized agencies, since we think it unwise for the UN to be overly dependent financially on any one country. We intend, through discussions with other UN members, to work vigorously to reduce our contribution to 25% as soon as we can, consistently with our international obligations.

However, as the President has said, "We must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately."

You are also correct in your understanding of the fact that, under legal and long-standing UN procedures, assessments run for three years, and that the present period expires on December 31, 1973. Thus, there is indeed a legal and moral obligation on the United States to abide by the existing assessment until the end of calendar 1973.

For these reasons we strongly urge you to introduce the amendment you are considering, which would make the Senate limitation on our regular budgetary contribution effective only after December 31, 1973.

Sincerely,

CLARK MACGREGOR,
Counsel to the President for Congressional Relations.

Mr. HOLLINGS. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. HOLLINGS. I yield myself such time as I may require.

Mr. President, he says he is for it, the President is for it, Congress is for it, and everything; how do we do it?

What does he propose to do? He says "do it." And when does he propose to do it?

His amendment says to do it on December 31, 1973, which is beyond the purview of this bill. As I read the title of the bill, it says: "Making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973."

So his way of doing business is to do it 6 months beyond the next fiscal year. I say the way to do it is refer it to the committee and then let the committee report, at the end of this calendar year, December 31, 1972.

Mr. KENNEDY. Mr. President, I support the amendment of the Senator from Nebraska to delay for an additional year the deadline for reducing the U.S. regular contribution to the United Nations to 25 percent of the total cost.

I believe that any deadline is inadvisable but it would appear that this step by the Senator from Nebraska is the minimum action necessary to preserve our traditional compliance with our treaty obligations.

If we were to set the date contained within the committee bill, it would foreclose the possibility of negotiating a reduction in the assessment with the accord of the other member nations.

The United Nations General Assembly currently is scheduled to reassess the financial requirements on each nation in the spring of 1973 and to establish the assessment ceilings for the following 3 years.

By accepting the amendment proposed by the Senator from Nebraska, we will have retained our freedom of action to review the United Nations actions. However, at the same time, we will have upheld our treaty obligations. A unilateral reduction at this time not only calls into question our credibility but also severely damages important on-going United Nations programs.

For example, the proposed amendment would have the effect of reducing in calendar year 1973, our contribution to the world health organization by some $5.5 million.

It seems almost absurd to consider a substantial reduction of that kind in a program whose aims are so clearly in the best interest of the citizens of this country as well as people throughout the world.

It would mean reducing WHO programs in health manpower development, in the health aspects of environmental population and in the field of drug abuse.

I traveled with the health subcommittee to England, to Sweden, to Israel, and to Denmark and found that as one might expect, no nation has a monopoly on the skills and understanding to solve the health problems affecting the peoples of the world.

We can learn much from what is being done in other nations and it makes no sense for the United States to unilaterally reduce our contribution to a program such as the WHO which is clearly in our national interest.

Nor does it seem in our interest unilaterally to reduce our contribution to UNESCO which provides such important services in the areas of education, scientific, and cultural activities.

Similarly, I would question reducing contributions to the food and agricultural organization. FAO has led in developing the research and techniques of the green revolution bringing food to communities throughout the underdeveloped world.

And I would challenge any Member to justify reducing our contributions to UNICEF which continues to provide food, clothing, and shelter to countless orphans and abandoned children around the world.

At the same time, when one examines the history of the United Nations and the history of the U.S. contribution, it seems evident that we have successfully negotiated reductions in our contribution over the years. Originally, the United States paid nearly 40 percent of the total cost of operating the United Nations. Subsequently, successive reductions occurred in 1948, 1957, 1963, 1965, 1968, and 1971.

I believe that the same process of negotiations will achieve our ultimate objective and that it is far, far better to achieve the goal through negotiations than through unilateral action.

SUPPORT FOR U.N. OBLIGATIONS

Mr. BROOKE. Mr. President, I wish to lend my strong support to the amendment offered by the distinguished Senator from Nebraska (Mr. HRUSKA) regarding the U.S. contribution to the United Nations.

For some time, Members of Congress and private citizens have expressed concern that the United States was paying more than its fair share of U.N. expenses. In some cases, it has been pointed out, this country pays 30 percent or more of the budget of the U.N. and its specialized agencies. For this reason, the House of Representatives voted to limit our contribution to 25 percent of the budget of any U.N. organ, effective July 1, 1972.

Responding to objections that such a deadline was too precipitate, the Senate Appropriations Committee, upon which I serve, voted to extend the deadline to January 1, 1973. I welcome this extension, but regarded it as inadequate.

At the time that the United States and other nations negotiated their financial commitments to the United Nations, these commitments were scheduled to extend through calendar year 1973. The present assessment will thus expire on December 31, 1973. New agreements on the financial commitments of all nations will be renegotiated within the year.

Mr. President, the United States, as the world's principal democracy and the leader of the free world, has an unprecedented responsibility to show respect for international agreements. The assessments for financial responsibility to the U.N. were achieved through the democratic process. Any refinements or revisions in those assessments should likewise be the product of democratically reached agreements among the member states.

No nation, and particularly not this Nation, should unilaterally abrogate any part of its treaties or commitments to the world organization. Such lack of respect for our word abroad is both unseemly and a denial of our principles as a nation. It is also, in my judgment, unnecessary at a time when relief is imminent.

Next spring, the U.N. Committee on Contributions will hold its regularly scheduled meeting to reassess the contributions of member states. The U.S. share of the U.N. budget, which has undergone constant downward revision over the last several years, will almost certainly be set at 25 percent during the course of these negotiations. This is exactly the share desired by both the House and Senate committees, and it can be obtained within the year without resorting to the undesirable expedient of unilateral abrogation of our commitments.

Mr. President, I urge Senators to give their support to the amendment of the distinguished Senator from Nebraska (Mr. HRUSKA) which would set the U.S. contribution to the United Nations and its agencies at 25 percent effective after December 31, 1973.

Mr. STEVENSON. Mr. President, what is the real issue posed by the effort to make a unilateral reduction in our contribution to the United Nations and its voluntary agencies?

The real issue is not whether we are paying more than our fair share—and viewed as a percentage of our gross national product our contributions are less than those of 41 other nations.

The real issue is not whether we should try to negotiate a reduction in our contributions—the Congress, the administration and the Lodge Commission are already on record in favor of such negotiations.

The real issue is whether we should force the United States to renege on a legally binding obligation we have freely assumed under articles 17 and 21 of the United Nations Charter; or, to put it another way, whether the Congress of the United States regards the United Nations Charter as a living covenant with 131 other member nations, or as a scrap of paper.

For over a decade we have castigated other nations—notably the Soviet Union and France—for refusing to honor financial commitments to the United Nations. Against this background, a unilateral reduction to 25 percent is an act of rank hypocrisy which will do incalculable damage to our already waning ability to exercise responsible leadership within the United Nations.

By thus lashing out against the United Nations in its hour of need, we could help cause that body to go the way of the League of Nations. We could set back the prospects of effective international peacekeeping mechanisms. And, without a doubt, we will discredit ourselves in the global community more effectively than our worst enemies could hope to do.

Mr. HOLLINGS. My remaining time is yielded back.

Mr. HRUSKA. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. PROXMIRE). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Nebraska (Mr. HRUSKA). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Idaho (Mr. CHURCH) are absent on official business.

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from Georgia (Mr. GAMBRELL).

If present and voting, the Senator from Alaska would vote "yea" and the Senator from Georgia would vote "nay."

I further announce that, if present and voting, the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would vote "yea."

The result was announced—yeas 39, nays 28, as follows:

[No. 217 Leg.]

YEAS—39

Aiken
Allott
Bayh
Beall
Bennett
Boggs
Brooke
Burdick
Case
Chiles
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Fong
Hansen
Harris
Hatfield
Hruska
Javits
Jordan, Idaho
Kennedy
McGee
Miller
Mondale
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Schweiker
Stevens
Taft
Tunney
Young

NAYS—28

Allen
Bentsen
Bible
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Cotton
Eastland
Ervin
Gurney
Hartke
Hollings
Inouye
Jackson
Magnuson
Mansfield
Montoya
Pastore
Randolph
Roth
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower

NOT VOTING—33

Anderson
Baker
Bellmon
Brock
Buckley
Church
Ellender
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Hart
Hughes
Humphrey
Jordan, N.C.
Long
Mathias
McClellan
McGovern
McIntyre
Metcalf
Moss
Mundt
Muskie
Ribicoff
Saxbe
Scott
Stafford
Stevenson
Weicker
Williams

So Mr. HRUSKA's amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLOTT. I move to lay that motion on the table.

The motion was agreed to.

PROBATION OFFICERS

Mr. BURDICK. Mr. President, I wish to commend the Committee on Appropriations, and the subcommittee which considered the bill before us, for its recommendation that the authorized number of U.S. probation officers be significantly increased.

The U.S. Probation Service performs a vital function for the federal system of criminal justice, preparing presentence reports for the courts, and providing supervision in the community for convicted offenders on probation and parole.

The need for more officers can be justified solely on the basis of numbers. The load on the criminal justice system is increasing, and so the number of officers must be increased.

At present, the U.S. Probation Service has 45,000 convicted offenders under supervision, and is preparing presentence reports at the rate of 26,000 per year.

Based upon the standard applied by the President's Commission on Law Enforcement and the Administration of Justice, the appropriation pending here today should provide for approximately 1,500 officers, instead of only 876.

As we can see, the recommendation of the Appropriations Committee is a very modest one. I not only urge its approval, but also urge that if it is approved by the Senate, the conference committee accept nothing less than the Senate figure in the final bill.

I believe that our Nation is coming to realize something important about the correction of convicted offenders—that probation and parole are a better means for the rehabilitation of many, and at less cost to the taxpayer. Professionals in the field of corrections have testified to this before the Subcommittee on National Penitentiaries, but other citizen groups such as the U.S. Chamber of Commerce have also told us so.

The appropriation bill before us today provides some of the means necessary to provide adequate supervision for these former offenders, and I urge final adoption of nothing less than what the Appropriations Committee has recommended.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. TUNNEY. Mr. President, before we act on this appropriation bill, I wish to comment on the money in this bill for the Law Enforcement Assistance Administration. Contained in this bill are funds totaling $850.6 million for LEAA for the coming fiscal year.

This figure is a major part of a total of over $2 billion which the President has estimated will be the Federal outlays in the coming year for the reduction of crime.

By any standard, that is a massive amount of money being spent in combating crime. But I believe it is essential that as we appropriate such funds we take an increasingly hard look at how those funds are being spent. There is a tendency, common I suspect among all of us, to think that simply by pouring huge amounts of money into anticrime programs we can meet our responsibilities to the demand of all our citizens for safe homes and safe streets.

But we are fast approaching the point when simply uncritical support for massive funding is no longer enough.

The time is fast approaching when the citizens of this country are going to ask us what we have to show for the billions which we have appropriated. It has been 5 years since the President's Commission on Law Enforcement and Administration of Justice issued its 10-volume report on crime in the United States. It has been almost 5 years since we enacted the Omnibus Crime Control and Safe Streets Act which established LEAA.

During the next session of Congress we will be faced with the task of reevaluating that legislation and making a determination of what has worked and what has not. As a member of the Senate Judiciary Committee, I expect to take an active part in that process. And, therefore, I believe it is critical that a major part of the effort this year by LEAA should be directed toward developing the information and the evaluation methods by which those judgments can be made.

For that reason, I want to address these comments to a specific part of this bill—funding for the National Institute of Law Enforcement and Criminal Justice. The Institute is intended to be the research and development of LEAA. And it is the Institute which can and must develop the capacity to provide the information and the evaluation necessary for effective use of the massive funds we are now spending.

The vital importance of the Institute has been underscored from the inception of the LEAA program. Even before the LEAA was created, the President's Crime Commission—whose recommendation inspired the legislation which created LEAA—stated that:

> *It is essential that the new Justice Department program embody a major research component, if it is not simply to perpetuate present failures in many areas.* This is particularly important at the outset when difficult decisions must be made about what meets the standards justifying Federal aid. There is too little research now being done in this field and very few skilled researchers to do it (p. 277). (Italic added.)
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> * * * * *
>
> . . . The Commission believes the Federal Government should provide support for a number of institutes, specifically dedicated to research into crime and criminal justice. . . .
>
> *These institutes would serve as the foundation for the other parts of the Federal program described here,* both in the substance of the research they undertook and in the availability of their staff members as top-level consultants. They could provide training, through special seminars or degree courses, for senior administrators and specialist personnel. They could undertake studies of the effectiveness of various education and training programs. They could provide much of the data needed to conduct organization and operations studies, and seek and test new techniques for implementation. They could take major responsibility for analyzing data developed by the national information systems and they would propose and evaluate important consulting services (pp. 287–288). (Italic added.)

The Senate Judiciary Committee's report on the 1968 Omnibus Crime Control and Safe Streets Act clearly summarizes the legislative intent behind the Institute's establishment:

> The Institute, which is authorized to establish a central research facility to create and develop comprehensive programs to carry out the programs described in this section (on Title I), would be modeled along the lines of the National Institutes of Health and the National Academy of Sciences—(S. Rept. 90–1097, p. 36).

Since its formation, the Institute has unfortunately fallen far short of this admittedly ambitious aim.

It has not served as the intended foundation. The law enforcement officers with whom I have been in touch are frustrated, by and large, by the lack of leadership so far provided. This is not intended as hostile criticism. I believe these goals remain vital and I am committed to assist in whatever constructive action is possible to see that these goals are fulfilled.

I believe that the following comments by Attorney General John Mitchell, during hearings before the Senate Judiciary Subcommittee on Criminal Laws and Procedures, in the 91st Congress illustrate some of the problems.

Mr. Mitchell was asked the following question:

When the legislation was initially passed in 1968, it was felt that the National Institute ought to have approximately 10 percent of the funding, and now it was down to about 1 percent, could he comment on how significant and important this Institute is in terms of what needs to be done in the fight against crime?

His response was this:

> Senator, *it is very important.* As I have said back a while ago, our criminal justice system is related to the 18th and 19th Century, and *we must find ways of* not doing more of the same, but of *doing things better and differently.*
>
> The Institute is an area in which we can make these advancements, as well as in the grants that we provide to the States and their localities, which also do research and development with the grants. I feel that the Institute can help this program and provide the technical leadership that is needed from the Federal Government in order to bring the States and the localities along.
>
> We did request those additional funds, but I must admit that *the activities of the Institute to date,* while they have made reasonable progress, *have not been outstanding,* and I think that we have to develop it further, to bring to bear, hopefully, new abilities and techniques if we can find them and to upgrade it as fast and as quickly as possible. (p. 557)

These problems were due in large part to the fact that the Institute was drastically underfunded during its initial years—$2.9 million was appropriated for fiscal 1969, and $7.5 million for fiscal years 1970 and 1971. Here the fault lay not with the administration, but with the Congress. In each case, the figure granted was considerably lower than the request. The only time the full amount requested was appropriated was in fiscal 1972, a sum of $21 million.

An additional $10 million has been requested for fiscal 1973, of which $6 million is to be used for a demonstration program to suppress drug trafficking, and not by the Institute itself. LEAA Administrator Jerris Leonard was explicit about this at the House Appropriations hearings:

> The actual increase for the Institute, for our research and demonstration and development, is $4 million, from $21 million to $25 million.

In the House-passed bill, $4 million has been transferred from the total $10 million appropriation to another segment of the LEAA program. Assuming that the Institute does receive its requested $25 million, $10 million of this has been scheduled for use exclusively on the High Impact Program, aimed at reducing specific crimes in eight target cities. This leaves a total of $15 million, of which a good portion appears to be earmarked for hardware research.

It is my belief that additional funds should be allocated to the Institute from the LEAA budget and that those funds should be used primarily toward the ends of a. improving LEAA's evaluation capability and b. the dissemination of information to law enforcement agencies. This would begin with intensive work on the development of goals and priorities, in conjunction with the National Advisory Commission on Criminal Justice Standards and Goals appointed by LEAA Administrator Jerris Leonard last October. The development of evaluative techniques and dissemination of information on the success or failure of various LEAA-funded programs should also be given top priority.

Former LEAA Administrator Charles Rogovin suggested some of the activities the Institute should be pursuing with greater attention in his recent testimony before the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee:

> The Institute was created to do highly directed, practical research on important issues in the criminal justice system. It was designed to provide policy leadership and innovation to other parts of the program. It does none of this. By this time, the Institute should have developed evaluation methods to be used by State planning agencies, and by LEAA itself. *It has not, and so there is no evaluation of anybody's efforts—at the State, local, or Federal levels.* The Institute should have been measuring progress in achieving the goals of LEAA, and helping to set new ones.

In milder but similar language, former Attorney General John Mitchell expressed some of the same ideas in testimony before a House Judiciary subcommittee:

> One of the functions that the Institute can be most helpful in is to see, by evaluation and research projects that lead to evaluation, that this money is being spent for various programs in our total concept by the States and municipalities, particularly the kind of programs, are worthy the money that they cost and produce the results that we expect that they should produce.

I agree with both of these statements, and would like to stress that what is being talked about here is not so much experimental research—much as that is needed—but the successful implementation of the entire LEAA program.

Th solution however is not simply the infusion of more money. What is really required is a substantial refocusing of effort on the part of LEAA as a whole upon the role which the Institute can and must plan if the entire program is to be anything more than a gigantic Federal pork barrel.

For this reason, although I was prepared to offer an amendment to add additional funds to the LEAA budget for the Institute, I decided not to do so at this time. There would be something ludicrous about asking the Senate to add $5 or $10 million to a budget which now totals over $850 million so that LEAA can spend that $850 effectively.

Somewhere in that massive amount of money there has got to be enough funds to do the job which I am proposing and to do it right.

CRIMINAL JUSTICE ACT APPLIES TO THE DISTRICT OF COLUMBIA

Mr. ERVIN. Mr. President, I support the Senate Appropriations Committee's amendment to H.R. 14989 which begins at line 25 on page 42 and which extends through line 4 on page 43. That amendment simply restores the funds for paying Criminal Justice Act compensation in the District of Columbia. When the House Appropriations Committee considered this matter a few weeks ago, a puzzling but prevailing belief emerged that District of Columbia courts were not eligible for such funds after the District of Columbia Court Reorganization Act of 1970 took effect.

Mr. President, I do not understand how the House Appropriations Committee could have arrived at that conclusion in light of the plain language of the law Congress passed in 1970. That language precisely spelled out the applicability of the Criminal Justice Act to the District of Columbia and, in my judgment, the intent of Congress could not have been any clearer.

I am pleased to note that the Comptroller General shares my view in a ruling on this matter on May 26, 1972. That ruling followed House action on the appropriations bill by some 8 days and removes any conceivable room for doubt about the applicability of the act to the District. It is now clear that the act applies here and that the funds deleted under the earlier House interpretation should be returned to the bill.

Restoring these funds for Criminal Justice Act compensation in the District of Columbia means nothing less than insuring continued applicability of the sixth amendment right to counsel in the District. To do otherwise would undermine one of the most fundamental elements of our criminal justice system. I urge support for the changes proposed by the Senate Appropriations Committee.

Mr. SCOTT. Mr. President, H.R. 14989 appropriates money for some very important law enforcement and criminal justice activities in my Commonwealth of Pennsylvania. Among these are the construction of a new metropolitan correctional center in the Philadelphia-New Jersey area and an increase in the number of probation officers assigned to each of Pennsylvania's three Federal court districts.

The administration's budget request for the fiscal year 1973 included the new construction of the Philadelphia-New Jersey area metropolitan correctional center. I am pleased that both the House of Representatives and the Senate Appropriations Committee have agreed to appropriate $9.5 million toward this construction. Hopefully, the Senate itself will concur in this recommendation, since it is vital to the Federal Bureau of Prisons' continuing effort to reform the prison system.

Furthermore, there will be additional appropriations here for a top-priority item—the expansion of the narcotic addict treatment program. The administration requested $3.4 million for this activity, which will cover the cost of treatment of narcotic addicts while in institutions and provide for aftercare treatment services after the inmate is released.

Under existing Federal law, the various U.S. district courts maintain the probation system. Several classes of offenders against Federal laws who are not confined are supervised by probation officers who are appointed by the district court and directly responsible to it.

For a probation officer to be truly effective, he should be assigned no more than 35 offenders. However, at the present time, each officer is faced with a supervision caseload of 100, which is three times more than he can realistically handle. Recognizing this serious problem, the Judicial Conference requested 348 additional probation officer positions for the fiscal year 1973.

As an example of what this proposed increase in probation officers would mean, seven of these new officers would be assigned to the U.S. district court for the western district of Pennsylvania. In a letter to me, the U.S. Attorney for that district, Richard L. Thornburgh, pointed out that—

> The recent addition of more Federal investigators, prosecutors and judges in this judicial district plus a growing emphasis on probation over incarceration has substantially increased the pre-sentence, investigative and supervisory work performed by this probation office. The demand for probation service will continue to escalate with the criminal caseload in this district.

Unfortunately, the House of Representatives allowed for the appointment of only 100 new probation officers, an inadequate number when compared to the demonstrated need. Our Senate Appropriations Committee has reconsidered that amount and has agreed to provide for 236 probation officers, a good increase since it would permit, for example. Five new positions in Pennsylvania's western district. That is somewhat more than half of what the district needs.

It is important to single out one of the special programs in which probation officers are involved. The Narcotic Addict Rehabilitation Act of 1966 established a comprehensive treatment program for narcotic addicts both in the institution and in the community. Probation officers provide community supervision for those persons sentenced under title II of the act. The aftercare program combines intensive supervision by the probation officers and counseling in a suitable clinic. This drug treatment program will assume even greater stature since the recent enactment of a measure providing care for narcotic addicts who are placed on probation, released on parole, or mandatorily released. With this additional caseload, the need for more probation officers becomes even more apparent.

Mr. President, subject to the final appropriation figures exacted by Congress, the Department of Justice expects to spend nearly $70 million in the Commonwealth of Pennsylvania during the next fiscal year. Almost half of those funds, $32.5 million, will be allocated by the Law Enforcement Assistance Administration. And about half of that amount, $18 million, will come from the Bureau of Prisons for new facilities and improvements in the Federal penal system. Following is a table of the Justice Department's estimated obligations in Pennsylvania during the fiscal year 1973:

PENNSYLVANIA—ESTIMATED OBLIGATIONS BY DEPARTMENT OF JUSTICE DURING FISCAL YEAR 1973

Criminal Division	$469, 000
United States Attorneys and Marshals	2, 821, 000
Community Relations Service	149, 000
Federal Bureau of Investigation	10, 792, 000
Immigration and Naturalization Service	1, 587, 000
Bureau of Prisons	18, 079, 000
Law Enforcement Assistance Administration [1]	32, 503, 000
Bureau of Narcotics and Dangerous Drugs	2, 022, 000
Total	68, 422, 000

[1] Exclusive of Discretionary funds.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HOLLINGS. I yield back the remainder of my time.

Mr. FONG. I yield back the remainder of my time.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Idaho (Mr. CHURCH) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), would each vote "yea."

Mr. COTTON. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. BUCKLEY), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. FANNIN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would have voted "yea."

The result was announced—yeas 64, nays 1, as follows:

[No. 218 Leg.]

YEAS—64

Aiken
Allen
Allott
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fong
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McGee
Miller
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Schweiker
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Tunney

NAYS—1

Roth

NOT VOTING—35

Anderson
Baker
Bellmon
Brock
Buckley
Church
Ellender
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Harris
Hart
Hughes
Humphrey
Jordan, N.C.
Long
Mathias
McClellan
McGovern
McIntyre
Metcalf
Moss
Mundt
Muskie
Ribicoff
Saxbe
Scott
Stafford
Stevenson
Weicker
Williams
Young

So the bill (H.R. 14989) was passed.

Mr. HOLLINGS. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. ALLEN) appointed Mr. MCCLELLAN, Mr. ELLENDER, Mr. PASTORE, Mr. HOLLINGS, Mr. FULBRIGHT, Mrs. SMITH, Mr. HRUSKA, Mr. FONG, and Mr. YOUNG conferees on the part of the Senate.

THE FOREIGN ASSISTANCE ACT OF 1972

The PRESIDING OFFICER (Mr. ALLEN). In accordance with the previous order, the Chair now lays before the Senate the unfinished business which the clerk will please report.

The assistant legislative clerk read as follows:

S. 3390, to amend the Foreign Assistance Act of 1961, and for other purposes.

The PRESIDING OFFICER. What is the will of the Senate?

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention on International Liability for Damage Caused by Space Objects, signed at Washington, London, and Moscow on March 29, 1972—Executive M, 92d Congress, second session—and the 1969 International Convention on Tonnage Measurements of Ships, signed for the United States at London June 23, 1969—Executive N, 92d Congress, second session—transmitted to the Senate today by the President of the United States, and that the two conventions, with accompanying papers, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages from the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Convention on International Liability for Damage Caused by Space Objects, signed at Washington, London and Moscow on March 29, 1972. The report of the Department of State concerning the Convention is also transmitted.

This Convention is designed to provide American citizens, as well as those of other States which are parties to the agreement, with an assurance that fair compensation will be paid promptly for injury or damage caused by the space objects of other States which are parties to this Convention. As Admiral Alan Shepard said to the United Nations General Assembly on November 29 of last year, this is "a sound treaty based on realistic perceptions of mutual interest and mutual benefit."

The Liability Convention is a fitting companion to the Outer Space Treaty and the Astronaut Rescue Agreement. The Senate gave its consent to these earlier treaties in the field of space activities by unanimous votes. I hope the Senate will also give its strong endorsement to this latest Convention.

RICHARD NIXON.

THE WHITE HOUSE, *June 15, 1972.*

To the Senate of the United States:

The 1969 International Convention on Tonnage Measurement of Ships was signed for the United States at London June 23, 1969, and I am transmitting it today for the advice and consent of the Senate. I am also transmitting the report of the Department of State with respect to the Convention and the official report of the United States delegation to the International Conference on Tonnage Measurement of Ships in 1969, which recommends acceptance of the Convention by the United States.

The Convention which embodies uniform principles and rules with respect to the determination of tonnage of ships on international voyages, is designed to establish a system of measurement acceptable to all States. In addition to eliminating duplication in the work of measuring vessels engaged in international voyages, the Convention should simplify the movement of vessels in and out of the ports of the world and avoid economic inequities among ships of various nationalities.

I recommend that the Senate give its advice and consent to acceptance of the new Convention subject to the understanding proposed by the Department of State with respect to its application to Panama Canal tolls.

RICHARD NIXON.

THE WHITE HOUSE, *June 15, 1972.*

ORDER FOR ROUTINE MORNING BUSINESS AND LAYING BEFORE THE SENATE OF S. 3645 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, following the recognition of the two leaders under the standing order, or their designees, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate S. 3645, a bill to further amend the U.S. Information and Educational Exchange Act of 1948.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, at the direction of the distinguished majority leader, and with the concurrence of the distinguished senior Senator from Vermont (Mr. AIKEN), I ask unanimous consent that time on the bill, S. 3645, be limited to 30 minutes rather than 1 hour as previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME LIMITATION ON PUBLIC WORKS APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for public works is called up and made the pending business, there be a time limitation thereon of 2 hours, the time to be equally divided between the distinguished junior Senator from Mississippi (Mr. STENNIS) and the distinguished senior Senator from Oregon (Mr. HATFIELD); that the time on any amendment, debatable motion, or appeal in relation thereto be limited to 30 minutes, to be equally divided between the mover of such and the distinguished manager of the bill, except in those instances in which the manager of the bill may support such, in which case the time in opposition thereto be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION OF ORDER FOR LIMITATION OF TIME ON SENATE RESOLUTION 299—ESTABLISHMENT OF SELECT COMMITTEE TO STUDY QUESTIONS RELATING TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on Senate Resolution 299 to be limited to 1½ hours instead of the 2 hours as previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME ON PRODUCT SAFETY BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 3419, the so-called product safety bill, is called up and made the pending business before the Senate, the time on that bill be limited to 2 hours to be equally divided between the able senior Senator from Washington (Mr. MAGNUSON) and the distinguished senior Senator from New Hampshire (Mr. COTTON); that the time on an amendment to be offered by the Senator from New Hampshire (Mr. COTTON) be limited to 3 hours, to be equally divided between the mover of that amendment and the distinguished senior Senator from Washington (Mr. MAGNUSON); that the time on an amendment to be offered by the able Senator from Florida (Mr. GURNEY) be limited to 2 hours, to be equally divided between the mover of the amendment, the Senator from Florida (Mr. GURNEY) and the distinguished Senator from Washington (Mr. MAGNUSON); that debate on any other amendment, debatable motion, or appeal be limited to 30 minutes, to be equally divided between the mover of such and the manager of the bill, unless the manager of the bill supports such, in which case the time in opposition be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME ON APPROPRIATION BILL FOR THE TREASURY AND POST OFFICE DEPARTMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for the Treasury and Post Office is called up and made the pending business before the Senate, the time be limited to 2 hours on the bill, the time to be equally divided between and controlled by the distinguished junior Senator from New Mexico (Mr. MONTOYA) and the distinguished senior Senator from Delaware (Mr. BOGGS); that the time on any amendment, debatable motion, or appeal in relation thereto be limited to one-half hour, to be equally divided between the mover of such and the distinguished manager of the bill, the Senator from New Mexico (Mr. MONTOYA), except that in the event the Senator from New Mexico (Mr. MONTOYA), the manager of the bill, should favor such, the time in opposition thereto then to be under the control of the Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YIELDING OF TIME ON PUBLIC WORKS APPROPRIATION, TREASURY AND POST OFFICE APPROPRIATION, AND PRODUCT SAFETY BILLS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators in control of the time on any of the following bills, a bill making appropriations for Public Works, a bill making appropriations for Treasury and Post Office, and S. 3419, the Product Safety bill may yield therefrom to any Senator on any amendment, debatable motion or appeal in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may I say for the RECORD that in each case I have cleared these requests with the managers of the respective bills and the ranking minority members thereof, and I have apprised the distinguished majority leader before making the requests.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 9 A.M. ON TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY NEXT WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, Tuesday, Wednesday, and Thursday of next week it stand in recess, respectively, until the hour of 9 a.m. on Tuesday, Wednesday, Thursday, and Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SENATE RESOLUTION 299 TO BE LAID BEFORE THE SENATE ON THURSDAY, JUNE 22, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the prayer on Thursday, June 22, 1972, the Chair lay before the Senate, Senate Resolution 299. This request has been cleared with Mr. HRUSKA and Mr. JAVITS.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. There will be routine morning business for not to exceed 15 minutes, after which the Senate will take up S. 3645, Radio Free Europe, under a limitation of 30 minutes. A rollcall vote will occur on S. 3645. That rollcall vote could occur conceivably as early as 10:30 a.m. tomorrow.

Next, the Senate will consider the amendment by Mr. ALLOTT to S. 3390, the Foreign Aid Act—Amendment No. 1241. There is a time limitation on that amendment of 1 hour. A rollcall vote will occur.

Next, the Senate will take up H.R. 5066, the Flammable Fabrics Act, under a time limitation. At least one rollcall vote will likely occur thereon.

Finally, H.R. 15097, a bill making appropriations for the Department of Transportation, will be called up under a time limitation agreement. A rollcall vote will occur on final passage thereof.

Therefore, Mr. President, I would anticipate something like at least four yea-and-nay votes, and hopefully no more tomorrow. I would also anticipate—and hope—that action on all of the foregoing measures can be completed by not later than 3 p.m. tomorrow.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 8:22 p.m. the Senate adjourned until tomorrow, Friday, June 16, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 15, 1972:

INTERSTATE COMMERCE COMMISSION

Rodolfo Montejano, of California, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1972, vice Laurence Walrath, resigned.

IN THE COAST GUARD

The following-named commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of captain:

Robert M. Bissey
Ralph C. Bohn
Stephen Daniels
Ralph J. Diverio
David Gaber
Richard J. Gaedtke
Herbert K. Heasley
Walter E. Johnson
Audrey H. Jones
James M. Kennelly, Jr.
James H. Lipscomb III
James H. C. Lowe
Thomas M. McKeithen
Peter L. Murphy, Jr.
Joseph J. O'Rourke
Harold Perkins
Oliver E. Thorpe, Jr.
George T. Vogel
Michael F. Walsh
Marion L. Weiss

IN THE ARMY

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

MEDICAL CORPS

To be major general

Brig. Gen. Richard Ray Taylor, [redacted], Army of the United States (colonel, Medical Corps, U.S. Army).

To be brigadier general

Col. Robert Wesley Green, [redacted], Medical Corps, U.S. Army.

Col. Marshall Edward McCabe, [redacted], Medical Corps, U.S. Army.

Col. Charles Calvin Pixley, [redacted], Medical Corps, U.S. Army.

IN THE NAVY

The following-named lieutenant commanders of the line and staff corps of the Navy for temporary promotion to the grade of commander pursuant to title 10, United States Code, section 5787, while serving in, or ordered to, billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subject to qualification therefor as provided by law:

LINE

Calhoun, John F.
Davis John D.
Dellwo, Richard E.
Dorsey, Edward B.
Epley, James M.
Giese, Carl E., Jr.
McCarty, Kenneth R.
Musgrove, Robert W.
Rasmussen, John D.
Taylor, Bruce A., Jr.
Trout, Michael D.
Walker, Dodson D., Jr.
Zeller, Raymond G.

SUPPLY CORPS

Morgart, James A.

U.S. CIRCUIT COURTS

Levin H. Campbell, of Massachusetts, to be a U.S. circuit judge, first circuit, vice Bailey Aldrich, retiring.

U.S. DISTRICT COURTS

Robert L. Carter, of New York, to be a U.S. district judge for the southern district of New York, vice Thomas F. Croake, retired.

Thomas P. Griesa, of New York, to be a U.S. district judge for the southern district of New York, vice a new position created by Public Law 91–272, approved June 2, 1970.

Whitman Knapp, of New York, to be a U.S. district judge for the southern district of New York, vice Walter R. Mansfield, elevated.

Charles E. Stewart, Jr., of New York, to be a U.S. district judge for the southern district of New York, vice Sidney Sugarman, retired.

MISSISSIPPI RIVER COMMISSION

Subject to qualifications provided by law, the following for appointment as a Member of the Mississippi River Commission:

Rear Adm. Allen L. Powell, Director, National Ocean Survey, National Oceanic and Atmospheric Administration.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 15, 1972:

CORPORATION FOR PUBLIC BROADCASTING

The following-named persons to be Members of the Board of Directors of the Corporation for Public Broadcasting for terms expiring March 26, 1978:

Michael A. Gammino, Jr., of Rhode Island.
Joseph D. Hughes, of Pennsylvania.
Gloria L. Anderson, of Georgia.
Theodore W. Braun, of California.
Neal Blackwell Freeman, of New York.

U.S. POSTAL SERVICE

John Y. Ing, of Hawaii, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1972.

IN THE COAST GUARD

Coast Guard nominations beginning George F. Martin, to be lieutenant commander, and ending Paul J. Balzer, to be chief warrant officer, W–2, which nominations were received by the Senate and appeared in the Congressional Record on June 12, 1972.

HOUSE OF REPRESENTATIVES—*Thursday, June 15, 1972*

The House met at 12 o'clock noon.

Rabbi Steven M. Dworken, Congregation Shaarey Tphiloh, Portland, Maine, offered the following prayer:

Our Father in Heaven, as another session of Congress opens, we turn to You for guidance in the discharge of its weighty and grave responsibilities. May this august body, through its legislation, further the ideals of equality, liberty, and justice for all upon which our beloved country is founded. May tranquility, peace, and harmony reign within our borders, and may we be the harbingers of universal brotherhood.

Grant us of Your wisdom so that we may be leaders in promulgating the idea that the conference table is a far better arena for settling differences than the battlefield.

May the day soon come when the vast sums spent on machinery of destruction can be spent on machinery of healing, balm, and peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 15093. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15259. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15093) entitled "An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Pastore, Mr. Magnuson, Mr. Ellender, Mr. Anderson, Mr. Allott, Mrs. Smith, and Mr. Young to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15259) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Inouye, Mr. Montoya, Mr. Hollings, Mr. Ellender, Mr. Eagleton, Mr. Hatfield, Mr. Stevens, and Mr. Young to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 473. An act to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States;

S. 3080. An act to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes;

S. 3104. An act to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports; and

S. 3338. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

RECESS

The SPEAKER. The Chair declares a recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 1 minute p.m.) the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED MEXICAN STATES

The Speaker of the House presided.

The Doorkeeper (Hon. William M. Miller) announced the President pro tempore and the Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the President of the United Mexican States into the Chamber the gentleman from Louisiana (Mr. Boggs), the gentleman from Massachusetts (Mr. O'Neill), the gentleman from Pennsylvania (Mr. Morgan), the gentleman from Texas (Mr. Gonzalez), the gentleman from California (Mr. Roybal), the gentleman from Texas (Mr. de la Garza), the gentleman from Texas (Mr. Kazen), the gentleman from Illinois (Mr. Arends), the gentleman from California (Mr. Mailliard), the gentleman from Arizona (Mr. Rhodes), the gentleman from Illinois (Mr. Anderson), the gentleman from New York (Mr. Conable) and the gentleman from New Mexico (Mr. Lujan).

The PRESIDENT pro tempore. As President pro tempore of the Senate and on behalf of the Senate, I appoint the following Senators as a committee on the part of the Senate to conduct the President of Mexico into the Chamber: the Senator from Montana (Mr. Mansfield), the Senator from West Virginia (Mr. Robert C. Byrd), the Senator from Washington (Mr. Magnuson), the Senator from Alabama (Mr. Sparkman), the Senator from Texas (Mr. Bentsen), the Senator from Michigan (Mr. Griffin), the Senator from Maine (Mrs. Smith), the Senator from Vermont (Mr. Aiken), the Senator from New Hampshire (Mr. Cotton), and the Senator from Colorado (Mr. Allott).

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 32 minutes p.m., the Doorkeeper announced the President of the United Mexican States.

The President of the United Mexican States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and pleasure to present to you a distinguished representative of a great and free people, for whom we hold feelings of high regard and warm friendship, His Excellency the President of the United Mexican States.

[Applause, the Members rising.]

ADDRESS BY THE PRESIDENT OF THE UNITED MEXICAN STATES

President ECHEVERRIA. Mr. Speaker, Mr. President, Honorable Senators and Members of the House: I thank you for the honor of having invited me to speak before this Assembly which represents the American people.

The United States is the creator of one of the most significant experiences of contemporary history. The establishment of a society based on equality before the law and on the principles of political democracy drew people from all corners of the globe and made this land the source of great advances in the intellectual and material progress of humanity.

The United States was born during the era of the great ideological revolution of the XVIII century. The principles of liberalism were the source of its dynamic drive. However, the growing complexities of its internal and external life brought about attitudes that were not always in accord with the values of a system based on the right of all persons, groups of persons, or nations to self-fulfillment, within the framework of their own freedom.

One of the virtues of the American society is its capacity for deep thought and self-criticism which seems to correct its errors and to renew its concept of the world. Now that it has a greater awareness of its strength and the careful manner in which it should be used, we trust that it will devise a policy to meet the real demands of our time.

The United States is encouraging dialog with other world powers that have different ideologies. Apparently irreconcilable antagonisms have been attenuated and lines of communication that were closed for many years have been opened. Nevertheless, these changes have not yet been reflected in the policy of the United States toward the Third World and toward the Latin American countries, in particular.

The nuclear threat and arduous economic competition among the great powers have made them seek self-limitation in peaceful coexistence. However, the end of the cold war will not be the beginning of a period of peace as long as the weak countries are excluded from its benefits.

The countries of the Third World are glad to see any negotiations and any agreement that tends to reduce international tensions, but they are suspicious of pacts between great powers that ignore the rights and interests of less developed nations.

We cannot be in agreement with those who try to reduce world politics to dealings among powerful nations. We agree even less with those who confuse power with the capacity to produce nuclear weapons. The possibility of oppressed nations to change is also a political fact whose importance we cannot underestimate.

Moreover, we understand that the solution of the main problems we now face—peace, security, and development—lies not in the formation of closed international clubs, but in the participation of all the peoples of the world in the decisions that affect them all.

A harmonious situation cannot be founded on the dissension of most of the inhabitants of the world. Our people are aware that their poverty produces wealth for others. The accumulated resentment against political colonialism is now reborn against economic colonialism.

Peace and progress depend to an ever-increasing degree on the attitude that we adopt together to close the alarming gap that separates the rich nations from the poor ones. Political and demographic pressures of less developed countries endanger the stability of wealthy societies. If effective policies of balanced development are not adopted, poverty will cross all borders.

History shows that the most powerful empires were destroyed by the contradictions and social conflicts which their own power produced. It is more sensible to lay the foundations of security on a better distribution of wealth than on the progressive stockpiling of arms and technological resources.

It is necessary to end an era in which the immediate interest of a few has prevailed over the permanent interest of many. Realism in politics and economics consists in obtaining constant and sound earnings and not in procuring quick profits, generally unfair and frequently imaginary.

With the same clearness of mind and pragmatism with which the need for mutual respect among powerful countries is recognized, it is necessary to understand that lasting peace depends on absolute respect for the way in which each country has chosen to achieve progress.

Colonial attitudes that should have disappeared still try to control international relations. The centers of world influence impose their conditions for exchange on the other countries. Moreover, they reduce the capacity of action of weak nations by opposing indispensable transformation of structures or by intervening in the political processes of these nations.

The history of underdeveloped nations is a permanent struggle between the forces that seek social change and those that try to perpetuate injustice. The latter almost always have the support of powerful foreign groups that try to impose inadequate systems on countries whose true reality they ignore.

The great powers are beginning to understand the danger that such an attitude implies for their own stability. And this fact coincides with a better organization of the poor nations in defense of their legitimate rights and interests. Therefore the moment is ripe to unite efforts. The weak nations must be convinced that the basis of change resides in their own attempts to improve their situation. The powerful nations must keep in mind that civilizations are strengthened and survive not when they subjugate, but when they share.

Mexico participates in the problems, aspirations and demands of developing nations. The relations between our two countries are, in a certain way, a mirror of the American attitude toward nations that struggle for their liberation.

The United States is finding the way to harmonize its interests with those of the countries where the important revolutions of the XX century were made. Now it is better equipped to understand Mexico not only as a neighbor but as a nation born from an ideological and social movement with its own charactertics.

The foreign policy of Mexico toward the United States, as toward any other country, follows the nation's objectives: to strengthen its political autonomy, establish its cultural personality, extend the basis of its democracy, surmount underdevelopment, and put an end to any system of exploitation.

The main purpose of our visit to the United States on this occasion, in response to President Nixon's kind invitation, is to assess the relations between our nations and examine the real possibilities of establishing fairer treatment in the future.

The best way for us to fulfill these objectives is to express Mexico's points of view with clarity and firmness. To reach realistic and lasting agreements, we must define our respective positions.

Mexico does not expect special treatment from the United States, but only asks that our contacts and exchanges be regulated by the standards of fairness and respect that should govern all international relations.

We must proceed in our own way, we live our own life style and our own ideology. We do not try to impose our principles on anyone, but neither do we allow any foreign interference. We are respectful of the rights of others and want them to respect our rights. We are sure that a greater degree of cooperation between our two countries is not only feasible, but necessary.

I do not think this is the time for a detailed examination of the problems that we should solve together, but I believe it is advisable to refer to some of current interest.

To achieve a better understanding between our two countries, it would be advisable for you to consider certain problems which are not of great concern to American public opinion but which do have serious consequences for us.

The artificial salinity of the Colorado River is the most delicate problem between our two countries. The water from the Welton Mohawk Canal has severely affected the agriculture of the Mexicali Valley and has brought poverty to thousands of farmers. The damage is enormous and Mexican public opinion is becoming increasingly impatient about this important matter that has been going on for more than a decade without any satisfactory solution.

The Imperial Valley and the Mexicali Valley are part of the same river basin that the Colorado River irrigates. In the Treaty of 1944, it was agreed that the quality of the water to be delivered to us would serve useful purposes and therefore, the only possible interpretation of this instrument is equal conditions for both parties concerned. Voluntary pollution of the water that flows into our territory is an unacceptable form of discrimination.

Mexico does not wish to break the principles of our neighborly friendship by resorting to litigation; however, it expressly reserves its rights in Act 218 and will defend them vigorously under any circumstances.

In any case, it is impossible to understand why the United States does not use the same boldness and imagination that it applies to solving complex problems with its enemies, to the solution of simple problems with its friends.

Indications that there are minority groups who want to limit the import of Mexican agricultural products and forbid entry of goods, semimanufactured abroad with American raw materials and products, are also of concern to us. Both measures would be harmful to our already extremely unfavorable trade balance with the United States, and would also have negative effects on the American consumer.

Any new limitation that might be established on Mexican imports would be a severe setback to our bilateral relations. Lack of foresight could raise a barrier between economic structures that would obtain important reciprocal benefits if they were to effectively combine their resources. This would be inadequate.

We have made it clear, in other forums, that there can be no justification for the United States' delay in the adoption of the general scheme of tariff preferences, suggested by the Second World Conference on Trade and Development.

We do not aspire to special concessions in the field of foreign trade; but we consider it unfair that the exportation of our manufactured goods should not be compensated advantageously in view of the high prices that we are obliged to pay for the capital goods and technology that we require.

It is equally inexplicable, among countries solemnly dedicated to "join forces in order that their peoples may attain a harmonious development", that measures such as the tariff reductions that have been granted by the United Kingdom, the European Economic Community, Japan and other industrialized countries, both capitalistic and socialistic, should not be adopted.

Let us not confuse private or local interests with national interests. Let us not permit our many contacts—the logical result of our geographic proximity—to make us forget the order of importance of the different factors that determine relations among states.

Mexico proposes to the people and government of the United States that we begin a new phase of our relations. Thus you would conform to the action you have taken in other areas, and we would attain the objectives that have always guided our foreign policy.

The interdependence of countries opens unsuspected possibilities of progress; but it also exposes us to new subjections dangerous in the measure in which they are disguised. That is why cooperation among independent states demands the full exercise of their sovereign rights.

Mexico has always defended the right of its people to freely forge their destiny. It searches incessantly for new social and economic formulas within the frame of its Constitution.

We hold that true development derives the impulse toward production from an equitable distribution of wealth and the satisfaction of social demands. We believe that growth without justice ends in the annulment of democracy and that freedom is only possible through equitable progress.

We do not want to negotiate, with other countries, advantages that favor economic minorities. The heritage of prolonged relationships of dependence should be combated, simultaneously, at the international level and within the scope of our own countries.

Autonomy before others and internal participation are inseparable goals of independent development. We do not wish to consolidate privileged groups that serve as obvious links with centers of power, nor cause a breach that would isolate us from the currents of progress.

If we can expand the scope of our collaboration, if we use the law and our good will to reconcile our differences, if we rigorously apply the standards of fair international coexistence to our relations, we will have made great progress along the road of our friendship. We will have contributed to the creation of a peaceful and prosperous future for both nations.

I have come to speak with you Senators and Representatives on behalf of a neighboring country and a friend of the United States. There is no true friendship without frankness, a frankness will lead us to the solution of common problems within a framework of justice. This means a renewal of our common faith in democracy using the unlimited possibilities of the human spirit, as long as it is developed within a framework of freedom, because the human spirit can develop only within an atmosphere which it needs. An atmosphere which it needs can be provided only within a framework of political, social, and economic democracy.

We cannot divide the personality of man and think that we can solve his material problems without solving the problems that make up his whole composition. The instruments that man has created within the economic industrial field and his whole contemporary civilization in general in which he lives must be placed in the service of the whole man. That is why dictators attempt to divide man, to try to standardize him, and to try by compulsion to divide his very personality.

That is why in political relations within each country or in international relations among countries, if there is a predominance of the play of passing interests alone, we run the risk of interference with the full development of contemporary man.

So let us seek in our internal political relations within our own countries and in our international relations among ourselves this new sense of a new humanism, and let us not confuse ends with means, because the nations of this hemisphere were born with a special destiny that needs to be nurtured within those fields which give man his greatness, which is a greatness which we must not abdicate.

Senators and Representatives, I have brought you the cordial and warm greetings of the people of the Government of Mexico, leaving aside the rules of protocol and diplomacy that sometimes distract us from the very great truths of our time, in order that we may join together, working for our respective peoples, and I bring to you for the record Mexico's willingness and desire to speak with frankness to its great neighbor and friend, the United States, so we may obtain greater cooperation in the future and eliminate certain barriers that separate us now and perhaps in the future, so that in the future we may achieve a balance of development within a framework of freedom, which is so necessary for the human spirit and the spirit of democracy, to which we may ever aspire, and so we may work together in the future for the welfare of our peoples.

Thank you very much.

At 1 o'clock and 16 minutes p.m., the President of the United Mexican States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper (Hon. William M. Miller) escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The **SPEAKER**. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 1 o'clock and 20 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. **BOGGS**. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 15259, DISTRICT OF COLUMBIA APPROPRIATIONS, 1973

Mr. **NATCHER**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The **SPEAKER**. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. NATCHER, GIAIMO, PRYOR of Arkansas, OBEY, STOKES, MCKAY, MAHON, DAVIS of Wisconsin, SCHERLE, MCEWEN, MYERS, and BOW.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. **BOLLING**. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

A TRIBUTE TO RETIRING TEACHERS

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **MAYNE**. Mr. Speaker, I look forward with great pleasure to participating next week in the "Salue to Education" being planned by the National Education Association. I have the very highest regard for the teaching profession and am personally very indebted to the many fine teachers who contributed to my own education.

During the past 26 years, the teachers with whom I have had the most contact have been those teaching in the public schools of my home community of Sioux City, Iowa. My three children were all educated there, and I have had a firsthand opportunity to observe the dedication and excellence of those who were their instructors.

It is fitting that we gratefully acknowledge the longtime service of the following teachers in the Sioux City Community School District who, after teaching the following number of years, have retired the past year or will reach retirement by September 1:

Mrs. Alice Anderson, 45 years total in the teaching profession; Mrs. Mildred Carter, 43½; Miss Alice Jean Clark, 40; Miss Esther Coacher, 44; Mr. Lowell Crippen, 41; Mrs. Alice Fountain, 44½; Miss Irene Decker, 44½; Mrs. Olvena Foster, 29; Mrs. Ruth French, 26½; Miss Fay Freshwaters, 44; Mr. Emmett Fricke, 43; Miss Vesta Gifford, 38; Miss Dorothy Kay, 46; Mrs. Minerva Luikart, 27; Miss Nellie Mason, 43; Miss Ruth Nelson, 43; Miss Anna Marie Peelen, 40½; Mrs. Delia Retzloff, 33½; Miss Dorothy Ryan, 44; Mr. Harold Stevens, 43; Mrs. Clara May Strain, 30; Miss Leita Stribley, 38; Mr. Clarence Wauer, 45; and Mrs. Mildred Wyma, 32½ years as a teacher.

APPOINTMENT OF CONFEREES ON H.R. 15093, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES, 1973

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. BOLAND, EVINS of Tennessee, SHIPLEY, GIAIMO, PRYOR of Arkansas, ROUSH, MAHON, JONAS, TALCOTT, MCDADE, DEL CLAWSON, and BOW.

DEPARTMENTS OF LABOR, AND HEALTH EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 15417, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose yesterday the Clerk had read through line 7, page 1 of the bill.

If there are no amendments to be proposed, the Clerk will read.

The Clerk read as follows:

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $69,207,000.

AMENDMENT OFFERED BY MR. DENNIS

Mr. DENNIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DENNIS: On page 6, line 25, strike out "$69,207,000" and insert in lieu thereof "$49,207,000".

Mr. DENNIS. Mr. Chairman and members of the committee, this amendment simply cuts $20 million from the appropriation for the necessary salaries and expenses for the occupational safety and health administration.

I do not think, Mr. Chairman, that in my brief time in this body I have ever received more mail objecting to an act and to the administration of that act than the Occupational Safety and Health Act has brought forth.

Because of that reaction, along with a great many other Members of this House, I have cosponsored legislation to introduce amendments designed to ameliorate the effect of that act on the small businessmen and on the farm.

Generally speaking, these amendments would exempt the small farmer from the effect of the act. They would exempt the employer of under 25 people from the effect of the act, and would postpone the effect of the act as to employers of less than 100 people. They would cut down on the arbitrary rulemaking authority of the administration.

I may be wrong, but so far as I can observe, the legislative committees involved are not about to do anything about holding hearings on these amendments in spite of the fact that there is a very widespread demand for them and a very widespread support for them in this House, judging by the people who have introduced legislation.

So, it seems to me, that we ought to seize on the opportunity to reduce the appropriation for the enforcement of the act, because that would do several things.

In the first place, it would send a message loud and clear to the legislative committee and to the people downtown that they have got to give some relief to the farmer and to the small businessman whom you and I represent, and who is being victimized, so to speak, under the regulations and the rules of this act.

In the second place, we could save $20 million of the taxpayers' money and let it stay in their pockets, and at the same time that we are sending this message, we would also give them a little of their own money to use and we would take some of these inspectors off their backs.

If you cut it down to the appropriation last year, you would not take $20 million off this appropriation—you would take off $33 million. So I am already providing $13 million more than last year by this amendment.

I think there is a reason for that, because the two things are not quite equivalent. They do have additional duties under the new law, and I am giving them $13 million more to perform those duties under the terms of this amendment. But I do think a $20 million reduction, which would put this down to just about a $50 million appropriation instead of a $69 million appropriation would be a good and beneficial thing.

It would cut some of the fat out of this. It would make it impossible to continue hiring myriad inspectors and other bureaucrats until we find out how many really need, and how they are going to administer this act.

It would give some relief to the small businessman and the farmer. Here is a practical thing we can do. We talk about giving these people help. We introduce bills, which nobody pays any attention to, but right here this afternoon we can take a $20 million load off the taxpayers, and I do not know how many hundreds of bureaucrats off them also, as a practical relief in their everyday business operations.

I think the people I represent and the people you represent would appreciate our doing just that. So it is a very simple amendment, easy to understand, and its purpose is clear. It provides an opportunity to strike an immediate, although modest, blow for liberty, and I urge support of my amendment.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. FINDLEY. I am much in support of the amendment. I wonder if the gentleman would clarify how his amendment would give relief to the small businessman from the application of the Health and Safety Standards Act. Could you amplify that a little?

Mr. DENNIS. As I understand it, they are asking for $69 million, which is $33,323,000 more than last year, so as to hire additional personnel to enforce this act and to go out and ride herd on you in the conduct of your business. If they do not have as much money, they cannot hire as many people to do that.

Mr. FINDLEY. If the gentleman will yield further, certainly adoption of the amendment would be notice to the executive branch that the Congress does want the small businessman virtually to be exempt from the application of the Health and Safety Standards Act, is that correct?

Mr. DENNIS. The gentleman is eminently correct. That is certainly what I am trying to do.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Chairman, I rise in support of the amendment.

Heated controversy surrounded the Occupational Safety and Health Act when it was first introduced, debated and finally approved. Even before the law went into effect, its checkered legislative history gave some indication of the difficulties it would encounter after passage. The act's intentions are praiseworthy—it aims to insure a safe and healthful working environment for every employee in the country—but, as so often happens, a great gap developed between intention and execution.

Much of the problem lies with the law itself. In an effort to insure strict and swift application of safety and health standards, it adopts a punitive approach to enforcement. Considering the complexity and universal applicability of the regulations—744 columns in the Federal Register—very little time was allowed to familiarize employers with their new duties. Most small businessmen and farmers have never been subject to such regulation before. Faced with a bewildering welter of minutely prescribed safety and health standards, they are at a loss to know which ones apply to them. Big corporations employ professional staffs solely in order to analyze and apply such standards. The small businessman cannot afford to hire a lawyer to interpret the law and an accountant to keep the records it requires. The first time he is even aware of a violation may well be when a Federal inspector slaps a fine on him for noncompliance.

The inspector is not being personally arbitrary when he does this. The law makes it mandatory to impose a "first instance sanction," an automatic penalty for the first violation. This may entail a fine of $1,000, an insignificant sum for General Motors, perhaps, but a serious loss for the small machine shop operator who is subject to exactly the same rules. The law takes no cognizance of the employer's ability to pay the fine or to make the necessary changes in his operations to comply with the rules.

Realizing that the Occupational Safety and Health Act discriminates in effect if not in intention against small employers, Congress is considering a number of amendments to the law. I have introduced or cosponsored three bills exempting nonmanufacturing firms and those with no more than 25 employees, recognizing the difference between heavy and light residential construction, and proposing other changes to make the law more equitable and less onerous. These measures are designed to restore the balance between concern for employees' safety and realistic consideration for employers' problems and responsibilities.

As a first step I urge the House to adopt this amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Iowa.

Mr. GROSS. I, too, rise in support of the gentleman's amendment. There seems to be no other way to stop the harassment of the bureaucrats than to rap their knuckles by cutting the funds that keep them in business. It is a good amendment.

Mr. THONE. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Nebraska.

Mr. THONE. I, too, rise in support of the amendment.

Mr. Chairman, the Occupational Safety and Health Act of 1970 is imperfect legislation. The act should be amended in many respects.

The law provides that an OSHA inspector can walk into a place of business, decide that the agency's regulations are being violated and levy a fine up to $1,000 on the spot. He may return the next day and levy another fine. This is the most flagrant violation of the American system of due process of law ever to come to my attention.

The act is written so that every farmer or shopkeeper who hires one part-time helper comes under the same Federal requirements for safety and health as major factories.

The House Special Subcommittee on Labor has not scheduled hearings on any of the many bills introduced to amend this act. Reducing the OSHA appropriations will send a message to the subcommittee that it is time to schedule hearings.

This act is being administered poorly in my opinion. In administering OSHA, the Labor Department has issued a directive that the same regulations shall apply to the builder of one house at a time as apply to the contractor building a giant dam or a high rise office building. Commonsense dictates that they should be different standards for heavy outright construction.

In administering this act, the Labor Department has ruled that when one farmer helps another, an employer-employee relationship exists even though no money changes hands. In other words, the heavyhanded, bureaucratic regulations of OSHA are about to end the centuries-old tradition of neighbor helping neighbor.

In administering this act, the Labor Department have issued volumes of regulations, many of which have no bearing on the health or safety of employees. For example, OSHA has decreed that a toilet seat must not be a complete circle. OSHA proclaims that a toilet seat must be split in the front. Officials of the Labor Department have been unable to explain to me how this contributes to the health and safety of employees.

The Labor Department has been uncooperative in administering the Occupational Safety and Health Act. When a businessman wrote asking that someone come to his shop to explain the law, he received an answer which said that if OSHA officials came to his shop, they would make an inspection and if they found violations he would be fined.

The Labor Department has been uncooperative when Members of the House of Representatives and the Senate have pointed out OSHA regulations that are silly or of no contribution to health and safety. Reducing the OSHA appropriations will send a message to the Labor Department that it is time to revise the regulations of this act so that they make sense.

I urge approval of the amendment.

Mr. FLOOD. Mr. Chairman, of course I rise in opposition to the amendment. It should not be necessary for me to go into a song and dance as to why. I understand the position and the feelings of the gentlemen who have indicated support for the amendment. The committee knows about the problems. The committee knows about the mail. But my friends who say they are now in opposition to funding the program know perfectly well that that is not the way to combat this kind of problem, that is not the way to meet this kind of problem, that is not the way to solve this kind of problem. We went through all of this at great length in the committee.

Keep in mind what we are talking about. When Congress passed the Occupational Safety and Health Act, I am sure this was not done with tongue in cheek or anything like that. This is a basic, organic law. We passed this act with the expectation that it would be enforced. This is the Occupational Safety and Health Act. The act must be enforced, which makes a lot of people unhappy. No matter whether you are talking about a traffic light or a piece of legislation like this, a lot of people get unhappy.

A lot of things have happened that were wrong. There is no question about that. Somebody always goofs a little here and there on something like this—so far-reaching, and new, and of such major import. But this is not the way to proceed: "Let's cut out the money and put handcuffs on those clowns downtown." That is not the way to do it.

Mr. Chairman, this act covers approximately 60 million employees and almost 5 million establishments throughout the entire Nation. The amount in the bill provides for only a little over 1,000 jobs to enforce the bill's requirements relating to 60 million workers in 5 million places. Just about 1,000. That is what? One for every 4,000-plus establishments in the country, one inspector for about 4,000 places. Good heavens. Reduction in enforcement? Why, the amendment would defeat the entire purpose of the act and, by the way, that would be to the detriment not only of the employees but of society at large, who must pay the costs of these thousands and thousands of preventable occupational injuries, illnesses, and deaths. That is what this bill is for. The entire society is involved, not merely the businessman.

There is no question several somebodies have made mistakes and we have had the to-be-expected reactions. I have seen the mail. There is no doubt about this. We went into this thing in the hearings with these people and I took these people apart and so did the rest of the committee. We knocked their brains out for the very reasons the gentlemen who support this amendment are talking about.

I think every Member of this House has received these complaints about overly zealous enforcement activities. We know about that. But to the extent there is a problem, the committee feels that this is one that can be worked out with better training and supervision of the Departments' compliance officers.

Do not forget this. Also, every Member of this House has seen and has heard allegations on the part of organized labor on this. They say that the budget does not provide half enough inspectors to do a proper job of enforcing this act. There is no question about that.

This, of course, should be defeated. This is not the way to improve the enforcement of this act—obviously.

Mr. McCLURE. Mr. Chairman, I rise in support of the amendment.

Mr. FINDLEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred Members are present, a quorum.

The gentleman from Idaho is recognized for 5 minutes.

Mr. McCLURE. Mr. Chairman, I was going to offer an amendment to eliminate all of the funds to operate the Occupational Health and Safety Act except for the Review Commission.

Many of us harbored some fears about the OSHA bill when it was before us a year-and-a-half ago, but I dare say that not in our wildest dreams did we envision it becoming the bureaucratic nightmare it is today.

When the Daniels bill was reported out of committee, it was obvious that the Federal Government was about to usurp the safety field once and for all. So, we looked for the most reasonable approach—one that not only assured the worker he was working under safe conditions, but one that assisted—rather than penalized—the businessman.

The most reasonable alternative before us appeared to be the Sikes-Steiger substitute. It had the support of the administration and the support of business. Both the U.S. Chamber of Commerce and the National Association of Manufacturers urged its adoption. A majority of the Members of this body voted to substitute it for the original bill and it was then adopted by a vote of 383 to 5.

We were then told that the conference report was also reasonable. And they said that, after all, this is a reasonable administration, so the law will be administered reasonably too.

Finally, we were told that if it does not work out as planned, Congress can always amend the law. Well, it has not worked out, and we find ourselves virtually helpless. In the intervening months, approximately 75 bills have been introduced in the House, including one of my own, to amend the law, but no action has been taken on any of them.

So these amendments are not offered merely to hamstring the Department of Labor, but rather to get the attention of the administration and to get the attention of our congressional leaders and to say to them, "This law is not working out as planned. Small businessmen are being harassed needlessly. Some are on the verge of closing down. Men will be thrown out of work and the unemployment rates increased—all in the name of safety. And it is wrong."

If the adoption of the Dennis amendment forces the administration and the Education and Labor Committee to take the coercion out of the Occupational Safety and Health program, then I say we will have put in a pretty good day's work.

I want to reiterate the fact that this amendment would not strike the funds for the Review Commission. If there is one thing the business community needs now, it is someplace to turn to try and repair the damage already done. In this connection, I am also introducing today a bill which would help some of these people recover the costs of taking their protests into the court. It makes the United States liable for court costs and attorney's fees to persons who prevail over the Government in actions arising out of administrative actions of Federal agencies.

You all have had the same complaints, the same pleas from small businessmen that I have had. You know something is going to have to be done. The big businessman can probably ride out this act, but the little fellow who has sunk his life's wages into his business probably cannot. There has been enough talk about OSHA. This is the one and only opportunity you are going to have this year to really do something about it. I urge you to join me in taking the first step toward correcting the outrageous administration of this law.

The following is an excerpt from a constituent dated March 1, 1972:

> The initial OSHA inspection was made at our plant on December 2, 1971. At that time the federal inspector established certain deadlines to meet all necessary corrections which he felt were necessary. On his subsequent inspection on February 8, 1972, we were found to have complied with all major corrections and most of the minor corrections as identified by this federal inspector.
>
> On the first inspection on December 2, 1971, we were fined the sum of $500.00 for violations as identified by the federal inspector. On February 8 during his follow-up visit, he found three minor violations which since have been corrected.
>
> The three minor violations as identified by the federal inspector were:
>
> (1) One of our receivers had that day, inadvertently dropped a pallet of glue blocks in front of one of our portable fire extinguishers causing an obstruction.
>
> (2) We had failed to paint the weight load capacity on one of our overhead crane assemblies (not that the hoist assembly was insufficient for the loads carried; but that the maximum load weight capacity was not painted in legible figures.)
>
> (3) We were advised to provide additional water closet facilities for the employees. This we failed to do due to a lack of communication . . . For this we assume total responsibility.
>
> Our concern is with the severity of the fines for the minor violations. (1) Obstruction in front of fire extinguisher $6600.00. (2). Weight load not painted on hoist assembly $2900.00. (3). Fined for not providing water closet facilities, for which we accept responsibility, $700.00. Total fines $10,260.00 plus a $500.00 initial fine on January 4, 1972.

This, I believe, illustrates the exact reason why there are those of us who are willing to take some very drastic steps at this point to get the message to the people who are charged with the enforcement of this act, that they are being unreasonable, arbitrary, and capricious, that their actions are confiscatory and will not result in saving lives but will result in the loss of jobs and the closing of businesses.

I believe it is high time that the Congress spoke up and made itself heard and heard in terms the people downtown can understand. This is the way it ought to be done. I know of no other way in which this message will be given to them downtown.

I have heard it said that the committee has raised some questions and has told them they ought to do better. I ask if there has been one change for the better in the administration of this act since that took place, and the answer, of course, is that there has not.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

As the chairman said, we gave this a thorough hearing in the committee. When we had the markup, this issue took the longest to discuss in the entire bill.

There were those on the subcommittee who wanted to add around 400 new inspectors, and add $5 million. We labored hard and debated that particular item longer than any other item in this bill.

After the subcommittee worked its will it was determined that this was a fair number to carry out the Occupational Safety Act which was enacted by the Congress.

Now we hear about some of the abuses under the act. I would be the last person to stand up here to say that there are no abuses under the act, but this is not the way to go about correcting them. To try to come here to "gut" this particular item is the wrong way.

If there are those who feel the intent of the law as passed by the Congress is not being carried out, let them go to the Committee on Education and Labor and seek an amendment to the act. They should not come in through the back door to try to "gut" the act.

The Select Committee on Small Business, on which I am the ranking Republican member, in the next few weeks will hold extensive hearings on this particular matter. Shall industries throughout the United States have been called in before that committee to express their grievances. Hopefully, if the evidence proves that changes should be made some of the members of that committee will then offer amendments to the act before the Committee on Education and Labor

I offer today my colleague from Idaho and my colleague from Indiana the opportunity to come before the Select Committee on Small Business, to testify, and to present to that committee the evidence they have of abuses under the act.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I will be glad to yield to the gentleman.

Mr. McCLURE. The gentleman from Massachusetts heard me read the letter that I had received from a gentleman in my district in Idaho, and I am sure the gentleman would agree that the enforcement of this is arbitrary and capricious, and that this is wrong.

Mr. CONTE. I do not believe that on the strength of one letter we should take the approach the gentleman is suggesting. I say let us do it right, and I invite the gentleman, and the gentleman who wrote him the letter, to come before the committee and testify. We would like to have them do so.

Mr. McCLURE. Mr. Chairman, will the gentleman yield further?

Mr. CONTE. I will agree that there are grievances. I know there are grievances, and there are abuses to the law. All I am saying is that this is the wrong way of going about handling it. Instead they should come up before the Select Committee on Small Business, make their presentation, and do it in the proper manner.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. Mr. Chairman, I have nothing further to say, and I hope that the amendment is defeated.

Mr. McCLURE. I thank the gentleman for his courtesy.

Mr. DANIELS of New Jersey. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as chairman of the Select Subcommittee on Labor which has jurisdiction over this particular subject matter, I brought the bill to the House floor, but a substitute was adopted, as mentioned by the previous speakers.

However, I would like to say that the bill is substantially the same as the bill that was originally introduced.

If there are any abuses or complaints with regard to the enforcement of this law then the blame belongs downtown with the Department of Labor. There are not sufficient inspectors. We have a little over 1,000 inspectors, as our distinguished chairman of the Appropriations Subcommittee, the gentleman from Pennsylvania, has indicated, who supervise 5 million plants encompassing 55 million to 60 million employees.

I might point out that if fines are being imposed which are deemed to be arbitrary, the Secretary of Labor has the authority to compromise those fines.

As a matter of fact, I sent a letter to the Secretary of Labor protesting the manner in which fines are imposed and compromised. He is required under the law to give his reasons in the Register, and this he has failed to do. There is no question about that, and I have seen this happen time and again since the enactment of this bill.

But, Mr. Chairman, I further believe that the approach being taken here today is absolutely wrong. I have received some objections, as have other Congressmen, about half a dozen, and I want the Members to know that I propose to hold hearings before the end of the year.

This amendment is not the way to go about correcting any abuses that may be in this law. If any changes are deemed desirable in this law then they should be considered in the committee, and if they can prove their case before the committee then we can make the changes to correct any abuses that are taking place.

Therefore, Mr. Chairman, I ask for the defeat of this amendment.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are getting the same old story of procrastination over and over again. I doubt if there is a Member of this House who has not had protests over the enforcement of this occupational safety law. Cases have been related. The chairman of the subcommittee that brought the bill to the House floor admitted the law has not been well administered. So did the gentleman from Massachusetts (Mr. CONTE).

But it is the old story all over again, wait until tomorrow or next year to do something about it, meanwhile the operators of plants throughout the country, particularly the small operators, are the victims of harassment and abuse. If I remember correctly, the gentleman from New Jersey suggested at one time that the inspectors be allowed to close down plants. If they had that power there would be a lot of small plants closed today.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I would respectfully refer the gentleman to the debate on the floor of the House with regard to the provisions dealing with imminent dangers. I proposed on the House floor when the bill was first considered that that provision be eliminated because I deemed it to be an unreasonable provision.

But I would also like to remind the gentleman from Iowa, if I may continue——

Mr. GROSS. Yes, I yield to my friend from New Jersey.

Mr. DANIELS of New Jersey. We have in this country 14,500 workmen who are killed on the job annually, and in addition to that there are other innumerable instances of accidents, some 2.2 million people in this country being disabled.

Mr. GROSS. Just 1 minute. How many plants and businesses are going to be closed by the kind of administration of the occupational safety law that we have had up to this point?

The gentleman from Massachusetts (Mr. CONTE) said that we should go to the Committee on Small Business for legislation to stop the harassment. The Committee on Small Business is not a legislative committee, and the gentleman knows it. Even if you were to go to the Committee on Education and Labor for the corrective legislation, in my opinion the gentleman from Massachusetts might just as well take a running jump into the Potomac River as far as getting any real help by way of legislation to stop the abuses.

Mr. DANIELS of New Jersey. If the gentleman will yield further, I would say that I have the greatest respect for the gentleman from Iowa, and the gentleman knows that I have the highest regard for his ability. May I say that I have not heard any complaint from the gentleman; he has not sent me any letters complaining about this fact, and I have had only half a dozen at the most from other Members.

Mr. GROSS. I do not know whether the gentleman has received complaints. I assumed the gentleman has been hearing, as I have from businessmen, and would operate on his own initiative.

Mr. DANIELS of New Jersey. If the gentleman has received complaints and has not reported them to the proper authority, which is the Committee on Education and Labor, then I believe that the gentleman should do so.

Mr. GROSS. I will be glad to do so.

Mr. SHOUP. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I have the rather dubious honor, I suppose, of not being present and being a Member of this House when this bill was passed in a previous session. But at the time it was passed, I did applaud it because the title, as such, sounded like something we did need. However, the application of it has proven to be exactly the opposite.

In directing a reply to the gentleman from Massachusetts in offering time to be heard before the Select Committee on Small Business, I thank him for the privilege. He has accepted my application. I will be there to testify. I say to the gentleman from New Jersey who has said that he will hold oversight hearings on this particular bill, I am waiting to hear, though, when they will have hearings on legislative proposals and amendments to this bill that will do something about it.

I am afraid that we are getting no place with nothing but oversight hearings.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. SHOUP. I yield to the gentleman.

Mr. DANIELS of New Jersey. Mr. Chairman, our committee has been holding hearings on other legislation that has been pending since last year. We have in committee a number of important bills. I assure the gentleman we will have hearings early this fall.

Mr. SHOUP. There will be legislative hearings on proposed amendments?

Mr. DANIELS of New Jersey. Oversight and on proposed amendments, yes.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. SHOUP. I yield to the gentleman.

Mr. McCLURE. Mr. Chairman, I thank the gentleman for yielding.

I think the record should be made straight so that people do not get confused.

Mr. Chairman, when you are talking of mining accidents, you are talking about an entirely different body of legislation, as the gentleman well knows. Whatever mine accidents do occur are under different legislation in spite of different legislation. I, along with others, have asked for the strengthening of that legislation to make mines as safe as possible and to get good ones.

But this is an entirely different body of law and an entirely different inspection procedure.

It is not just one letter that I have received and read, but there are dozens of letters that I have not read that ought to be made a matter of record and that ought to be considered by this Congress.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. SHOUP. I yield to the gentleman.

Mr. SCHERLE. Mr. Chairman, as a former member of the Committee on Education and Labor, we held extensive hearings clear across the country and the legislation finally passed in the House was certainly not the legislation that the committee acted upon and worked on for many, many months. The final version was the Senate bill and rewritten by the majority staff on the House committee. It appears this legislation was designed to harass and force small business out of business.

Mr. SHOUP. Mr. Chairman, we have heard continual references to small industry and to small businessmen and to the businessman.

I would like to ask the gentleman from Pennsylvania, who certainly supports the bill as written and as it is being administered, and supports the additional money—what do I answer to my working people who are saying, "Dick, when are you going to get around to helping us to get better working conditions and get more safe conditions and more healthful conditions?"

"The last time an inspector came to our plant and in our business, he spent more of his time going into the rest rooms and counting the number of hangars and seeing whether the lids were on the waste baskets."

"When is he going to get out into the plant and find out if we have safe working conditions or not?"

I cannot agree with him to put more money into this program.

Mr. RONCALIO. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana.

While I want very much for the workers of this Nation to be protected by adequate safety and health laws, I do not believe an additional amount of money to hire more OSHA inspectors within the Department of Labor is going to contribute anything toward the promulgation and enforcement of occupational safety and health standards.

In the committee report on H.R. 15417, it states:

> The Committee has received many complaints of overly zealous enforcement officers and other complaints of great difficulty in getting assistance from the Department in interpretation of the standards and regulations in order to determine whether or not a particular workplace is in compliance or what would be required to get it in compliance.

This describes exactly the occurrences in my State of Wyoming time and time again.

It is for this very reason that I have introduced an amendment to the Occupational Safety and Health Act which would provide for a first-time, on-site inspection by Department of Labor officials for the purpose of giving advice, not fines. It is for this very reason that I have urged the leadership of the House of Representatives to hold hearings on the Occupational Safety and Health Act so that we can take a look at the difficulties faced by small businessmen, farmers, and ranchers in trying to comply with this new law. It is for this very reason that I am opposing any increased funding for the employment of additional OSHA inspectors.

All indications I have point to the possibility that more Department of Labor inspectors will result in one thing—more harassment for the small businessman, farmer, and rancher.

In my State of Wyoming the Occupational Safety and Health Act has caused nothing but chaos. Businessmen have been besieged with Department of Labor officials who are passing out fines even before owners and managers have received a copy of the 400-plus-page document detailing the rules and regulations to which they must comply.

Furthermore, when the 400-page document is received, the farmer, rancher, and small businessman is overpowered with the duty of wading through each page and trying to decide which rules apply to his own operation.

The Department of Labor is not administering the Occupational Safety and Health Act, Mr. Chairman. In addition to a reluctance to provide guidance and information, I have received reports of arbitrary fines, rudeness, and sarcasm on the part of Department of Labor inspectors. The overall effect has been to drive a serious and growing wedge between the public and the Federal Government.

Although I was not a Member of Congress when the Occupational Safety and Health Act was passed, I feel a real responsibility to putting forth my best efforts in helping to bring some justice and equity to the act.

One mistake was made when the Department of Labor was given a free rein on devising rules and regulations regarding safety and health. We would be doubling the injustice to small businessmen, ranchers and farmers if we were to call for more inspectors to cause more harassment, more rudeness, and more arbitrary penalties. Furthermore, we would be failing in our duties of listening to the citizens to whom we are responsible.

Based on past attitudes and activities, Mr. Chairman, the Department of Labor has no right to an additional penny for the promulgation and enforcement of occupational safety and health standards.

I have letters to support my position from employers in Wyoming, of 10 or 15 people or less, saying that they had written to OSHA's Denver office for guidance, but were threatened only with a fine.

This has gone on mointh after month, and now we expect to give the Department of Labor an additional $20 million to reward them for that type of public service, I submit, is a reflection on all of us. I submit that if Members have a conscience for their duties they will support the amendment.

The gentleman from Texas (Mr. Fisher) joins me in that support, as do the gentleman from Montana (Mr. Melcher), the gentleman from South Dakota (Mr. Denholm), the gentleman from Nebraska (Mr. Thone), and the gentleman from Kansas (Mr. Sebelius). We have joined four of our colleagues in the other body asking for amendments. But we get vague promises of a hearing. We are not asking that the law be repealed or that it be amended with relation to those employers who employ 25 or less. We are not trying to cut the guts out of the enforcement procedure. We believe that every employer should have safe premises for his employees regardless of size.

The Department of Labor has loused this up so badly sometimes I wonder if this administration really seeks to subvert the entire OSHA program. Instead of giving attention to the places where 14,000 deaths annually occur we find the inspectors determining what kind of rest rooms should be provided in barbershops, or telling an automobile dealer that he must put a restroom in his premises for his wife, even though they use the same restroom at home.

I urge support of this decent amendment.

Mr. SISK. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized.

Mr. SISK. Mr. Chairman, I hate to take time on this question, but I think we are all concerned about the same thing. It seems to me the thing we are attempting to do in this amendment—and I have great sympathy for the problem my friend from Wyoming has, because I have similar problems—but I question whether this is the way to get at them. I think many of us supported the bill. I was a strong supporter of the bill introduced by my good friend from New Jersey for health and safety, because I thought we needed it.

I take this time primarily to direct a few questions to my colleague from New Jersey (Mr. Daniels). It was my understanding that a few moments ago the gentleman indicated that he expected to hold hearings this year. Did I understand correctly?

Mr. DANIELS of New Jersey. Absolutely correct, hearings will be held.

Mr. SISK. Do you have at this moment in time any particular idea of the scope or to what extent you expect to go into that subject? I raise the question for this reason: A number of questions have been raised in my area similar to the problems my friend from Wyoming and others are experiencing. I have been informed basically by the staff of the Committee on Education and Labor that they felt there was enough flexibility to have corrected some of the abuses that were going on in the assessment of very unfair fines and the way they were being handled. Does the gentleman basically agree with that, or does he feel that we will probably have to amend the act?

Mr. DANIELS of New Jersey. No, that is absolutely true. The Secretary has the authority under the act to fine up to $1,000 for each violation. But he also has the necessary discretion under the act to compromise those fines. The act also provides that when he does effect a compromise, he must insert the facts in the Register and give his reasons for the compromise.

There are a lot of things the Secretary is not doing, and I brought them to the Secretary's attention, but he disagreed with my interpretation of the act.

Mr. SISK. May I ask the gentleman another question on the act and the way it is being administered? We have, for example, some rather blanket across-the-board rules and regulations that are being laid down, particularly in the area of construction. They are apparently using the same requirements, the same criteria, if you are building a one-story home as though you were building a 40-story skyscraper in New York. Is it not a fact that there is flexibility enough in the law that requirements and criteria could be on the basis of the type and kind of job it is?

Mr. DANIELS of New Jersey. I will say to the distinguished gentleman from California that your understanding with reference to the manner in which the Secretary is enforcing this law is correct. The Secretary does have the right under the law to establish a different set of standards for the light construction industry as distinguished from the heavy construction industry. Therefore, those people in the light construction industry can petition the Secretary of Labor to establish the necessary standards or conduct the necessary hearings for those standards to be established. I have received complaints on that matter. I do not know what the Secretary of Labor has done about that, but we will consider the subject hereafter when we conduct our hearings.

Mr. SISK. I appreciate the comments of the gentleman. I do hope he looks into this, because what he has said has been my understanding. Apparently there have been petitions by the light construction industry. I am talking primarily of the homebuilders where these fellows never get more than 6 to 8 feet off the ground. Apparently there has been an absolute refusal to consider any different kind of regulation or criteria with respect to those people.

I appreciate the comments of the gentleman. I basically support the committee headed by the gentleman from Pennsylvania because I doubt that this is the way to get at the problem. I think we had better move through the legislative committee.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, I ask the gentleman to yield just for one observation. I become a little disturbed when I hear on the floor of this House that the responsibility for interpreting a law which this Congress passed should be laid upon the bureaucrats in the Labor Department. If the law was written properly in the first place, we would not be faced with the situation where we are now permitting interpretation of vaguely written legislative language in the Department. That is exactly what we have done and the chickens are coming home to roost.

Mr. SEIBERLING. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, this bill means a very great deal to the workers in the tire industry, which happens to be one of the largest industries in this country. To gut the appropriations, which are too small to begin with, for the administration of this law is going to mean that the necessary protection for the workers in that and other major industries is crippled.

We have been moving ahead too slowly in implementing the Occupational Safety and Health Act. We should be moving ahead much faster, not only in funding the Occupational Safety and Health Administration but also in funding the National Institute for Occupational Safety and Health. On the latter, we should be doubling or even tripling the proposed appropriation.

I recognize that there are adjustments that need to be made in the act or at least the administration of the act, and the gentleman from New Jersey has indicated that his subcommittee is going to review this. But to gut the funds to administer the act in the many industries of his country where this act has been desperately needed for years would be a miscarriage.

I hope this House will not take that kind of drastic action. To do so would frustrate the important purpose for which the act was enacted less than 2 years ago.

The purpose of the Occupational Safety and Health Act, as stated in its preamble, is to assure "so far as possible every working man and woman in the Nation safe and healthful working conditions."

In signing the bill into public law, President Nixon called it perhaps the most important legislation passed by the 91st Congress.

Last year, the Congress passed a total appropriation of $61 million for this act—$36 million for the Occupational Health and Safety Administration in the Department of Labor, and $25 million for the National Institute for Occupational Safety and Health in the Department of Health, Education, and Welfare.

During consideration of the bill on the floor, the distinguished chairman of the Labor-HEW Appropriations subcommittee, Mr. FLOOD, assured me that that sum—which was actually slightly less in the House—was "adequate for the time being, but that it will surely be increased in the future."

Last year when we were considering this appropriation, in late July, the occupational health and safety program was just getting off the ground. This was the justification used for appropriating such a very small sum at that time.

Now this program has been in operation for a full year. This is the second appropriation to come before the Congress. The administration requested, and the Appropriations Committee has recommended, a total appropriation of $95 million, $67 million will go to OSHA and $28 million to NIOSH.

Although the 1973 request represents a one-third increase over the 1972 appropriation, it appears, from all the evidence available to me, that the 1973 appropriation is woefully inadequate. We simply cannot come anywhere near meeting the goal established in the preamble of this act with the kind of barebones appropriation before us today.

If President Nixon truly feels that this is one of the historic acts of the 91st Congress, he has not translated that feeling into his budget requests for the program.

In testimony before the Labor-HEW appropriation subcommittee last month, George Taylor, an economist with the AFL-CIO, made an interesting comparison between the level of funding in the Department of the Interior for health and safety activities and the level of funding in the Department of Labor for such activities.

In fiscal 1972, the U.S. Bureau of Mines, which administers the Coal Mine Health and Safety Act, budgeted $309.54 in enforcement dollars per covered worker while the Department of Labor allotted a mere 41 cents per covered worker for its corresponding activities under the Occupational Safety and Health Act.

I am not arguing against full funding for the Coal Mine Health and Safety Act, Mr. Chairman. On the contrary, I support a far more intensive effort to rid that occupation of the hazards and high death and accident rate which now plague it.

But I would point out that the 57 million workers who rely on the Department of Labor to assure them a healthy and safe working environment deserve a comparable commitment of Federal dollars.

Let me briefly describe what this meager appropriation will mean in terms of performance ability over the next year:

As of February, 1972, 20,700 workplaces had been inspected under the provisions of the act, and only 23 percent were found to meet the guidelines set under the law. In other words, 77 percent of all the workplaces checked were in violation of the law.

This statistic is startling for two reasons:

First, there are 4.1 million workplaces in the United States and only about 400 compliance officers at OSHA. At the rate inspections are being carried out now, it will take 20 to 30 years just to complete the first round. One expert estimates that by April, 1973, when the act is 2 years old, only 1.4 percent of the workplaces covered by the act will have been inspected.

Second, it is important to understand that most of the violations that were cited were for the most routine and obvious kinds of safety violations such as slippery floors and unguarded machines. The compliance officers have had very little training in industrial hygiene, and usually are not equipped to do even routine health tests such as measurement of noise.

This is quite a violations record for this small group of overworked, undertrained inspectors, and the mind boggles to think what a full complement of trained experts would turn up in the way of additional safety and health violations. But that is not likely to happen under this appropriation.

At present, as I indicated, there are approximately 400 compliance officers, and only a handful of industrial hygienists. Under this bill, the Department of Labor has plans for 800 compliance officers and 40 to 50 industrial hygienists by the end of 1973.

But I understand that officials of the Department of Health, Education, and Welfare testified during congressional hearings that we need a ratio of one industrial hygienist to every 35,000 workers—which means a total of 8,000 industrial hygienists.

Obviously, we cannot even begin to scratch the surface of the health and safety problems facing American workers without a substantial increase in enforcement personnel.

Enforcement and compliance are just one facet of this program, however.

The real backbone of the Occupational Safety and Health Act is the work performed by the National Institute for Occupational Safety and Health in the Department of Health, Education, and Welfare.

Under the act, NIOSH is responsible for doing all the research from which the standards are developed, and training for standards implementation.

For 1973, the proposed budget for NIOSH is $28 million. This represents an increase of only $3 billion over last year—when most regional offices were not staffed—and it comes no where near the figure needed to launch an effective research and training program.

For example, there are 12,000 potentially harmful toxic substances used in the American workplace, and we have standards for only a handful. Under this budget, the Secretary of Labor has indicated that by the end of the year we will have only nine or 10 more standards.

In fiscal 1972, 20 research proposals recommended by the NIOSH Research Advisory Committe for funding were turned down because of lack of funds.

According to the Government's own estimates, 3,000 doctors are needed immediately to provide medical services generated by the act. But only a few dozen doctors are being trained as specialists in occupational medicine.

The responsibility placed on NIOSH by the Occupational Safety and Health Act is enormous. Unless NIOSH is adequately funded, the entire effort will be rendered ineffective, and the $28 million appropriation before us today certainly cannot be termed adequate.

One often hears the complaint that strict and aggressive enforcement of this law will be very costly. I recognize that, and I think the majority of the Members of Congress who voted in favor of this act recognized that.

The evidence presented to the Congress at that time indicated that on-the-job deaths, injuries, work-related diseases et cetera represented one of the most serious health problems in the Nation.

By passing this act, Congress pledged to attack that problem to make the American workplace a safe and healthy environment, and by so doing, pledged to make available whatever funds were necessary to do the job.

Yet this administration has pledged only five one-hundredths of 1 percent of its total 1973 budget to help wage this war. With continued funding at this level, the Occupational Safety and Health Act will surely die a slow death.

Mr. Chairman, the AFL–CIO presented an alternative budget for administration of the Occupational Safety and Health Act when they testified before the Labor-HEW Appropriation Subcommittee, and I insert a copy of that budget in the RECORD at this point:

TABLE 1.—SUMMARY: SUPPORTING DATA FOR AFL–COI PROPOSAL—FISCAL YEAR 1973, FOR ADMINISTRATION OF PUBLIC LAW 91–596

[Dollars in thousands]

Agency	President's budget	AFL–CIO proposal	Increase over President's budget	
			Amount	Percent
Occupational Safety and Health Administration	$67,500	$102,446	$34,946	51.0
National Institute for Occupational Safety and Health	[1] 22,117	60,000	37,883	171.3
Occupational Safety and Health Review Commission	1,280	3,800	2,520	196.9
Total	90,897	166,246	75,349	82.6

[1] $6,200,000 deleted from NIOSH budget, as this amount is earmarked for research by NIOSH under the Federal Coal Mine Safety Act.

TABLE 2.—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, U.S. DEPARTMENT OF LABOR

[In thousands of dollars]

Program item	President's budget	AFL–CIO proposal	Increase over President's budget
Standards	$2,800	$6,000	$3,200
Enforcement	23,285	[1] 70,400	47,115
Training	6,500	3,294	3,206
State programs	29,975	[1] 10,000	−19,975
Statistics	4,600	6,000	1,400
Management	3,546	3,546	
Total	67,500	102,446	34,946

[1] Reprogram $19,975 from State programs to enforcement.

The AFL–CIO proposal would provide for an increase of compliance officers from the present total of 407 to 2,500, and for 70 more industrial hygienists, bringing the total for that type position to 115, as compared to the present level of 40. The cost per each such position is about $17,000 annually and would include provision for backup personnel.

The most important priority of OSHA is enforcement of occupational safety and health standards. We have therefore recommended the reprograming of $19,975,000 from the $29,975,000 allocated to State grants for enforcement.

There is no indication that satisfactory State plans will be submitted by more than a few States between July 1, 1972, and June 30, 1973. Our conclusion is based on data and reports we have received from 25 State bodies, and on the fact that 18 State legislatures were not in session this year.

We do not anticipate the need for more than the $10 million for program grants which we have suggested for allocation to States with approved plans under section 18(b) of the act.

The AFL–CIO policy is to oppose any State plan which does not contain the full range of worker protections found in the Federal act; does not have equivalent penalties for violations; does not have adequate budget and staff under civil service, and does have adequate enabling legislation. It can therefore be anticipated that we will be requesting and obtaining administrative hearing on any plans failing to meet these conditions, which will further delay their approval until they have been revised.

The sharp recommended increase in compliance personnel by the proposed AFL–CIO proposal cannot be realized unless training resources are at the same time equivalently increased. This means that the President's budget recommendation for training be doubled. Actually or potentially eligible manpower for compliance positions is not in short supply. Our own unions are a huge potential resource. Some 200 union members with backgrounds in job safety, have submitted applications for OSHA compliance positions.

Job specifications must be changed, however, to allow substitution of competent practical experience in safety for college education, before our union members in any numbers can be qualified under civil service, also present restrictive Labor Department policies on their hiring. Unfortunately, nearly all union applicants who were fully qualified under present specifications have been passed over for positions under hiring policies of the Department of Labor.

TABLE 3.—NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

[Amount in thousands]

Program item	President's budget	AFL–CIO proposal	Increase over President's budget
Research and training grants	$4,414	$10,000	$5,586
Standards	14,193	40,000	25,807
Technical assistance	3,510	10,000	6,490
Total	22,117	60,000	37,883

(*A*) *Research and training*

The increase of $56 million over the President's proposal is needed to provide expansion into new and existing but unsolved occupational health problems. Such research is badly needed to expand knowledge about effects of large numbers of toxic materials used in industrial processes. There are an estimated 12,000 of these at present and 600 new ones are added each year. The additional funding we propose would be for extramural grants to institutions with resources in fields beyond the capacity of the research program of NIOSH itself.

(*B*) *Standards*

The AFL–CIO-recommended increase of $25.8 million is to enable NIOSH to speed up drastically its production of criteria and standards on toxic materials. Under the President's budget, funds are available for criteria and recommended standards on only 12 toxic substances. . . .

Mr. FISHER. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I did not hear all the debate on this subject but I am quite aware, as I am sure most of the Members are, of the widespread concern that is being expressed throughout the country regarding the manner in which the Occupational Safety and Health Act is being implemented and enforced.

I was pleased to learn a moment ago from the gentleman from the Education and Labor Committee that some oversight hearings are planned. I understand the same is true in the other body. I wonder if I could ask the gentleman from New Jersey to announce when he plans to hold hearings of that kind. We need legislative action more than oversight action.

Mr. DANIELS of New Jersey. Mr. Chairman, if the gentleman will yield, I would point out the Democratic National Convention will take place in a couple of weeks and the Republican National Convention shortly after that, and I will endeavor to hold these hearings in September or shortly thereafter.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, it is a little amusing, to be frank, that we expect that committee, which sent to the floor a committee bill which was far tougher than the bill that passed the Congress in this area, to correct the situation. I have no faith that that committee is going to do anything to moderate this legislation. The majority on that committee tried to ram down the throat of the House a far tougher bill, and now to expect that committee to do anything in a remedial way is ridiculous.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I share the concern which has been expressed by my distinguished friend from Texas, by the distinguished minority leader, the gentleman from Michigan, and others, about this matter. I recall very well what has happened heretofore on this subject. The House passed a good health and accident safety bill. The Senate passed a bad bill, and our conferees accepted in large measure the Senate bill. The result is we have a bill whose administration now is a monstrosity in the eyes of a great many of the people who are being subjected to rules they can hardly live with and continue to operate.

Let us face it. We are not going to get a bill in this Congress to give relief to our constituents. If we are going to get any relief for them, we had better get it here and now. I am going to vote for the amendment. I say this regretfully because I have the greatest respect for the chairman and members of the subcommittee which brought the appropriations bill to the floor. But I must vote to provide a measure of relief for the people I represent. I trust that a majority of us in the House have the same attitude.

Mr. FISHER. Mr. Chairman, I share the view expressed by the gentleman from Florida. I think those who have followed this thing in recent months must recognize that it is absolutely imperative that this law be changed in a number of respects. Pending that, I would think it appropriate to proceed cautiously in terms of additional expenditures, So I, too, support the pending amendment.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the last word.

I was amused by the statement of my colleague from Michigan, the distinguished minority leader. The record will show that the committee to whom he refers brought a bill to the floor that was then changed very dramatically. One way in which it was changed, at his instance and with his earnest support, was to take the restraints we tried to place around the Secretary of Labor off of him and turn him loose to run around doing the kinds of things described on the floor.

I submit to the gentleman from Michigan, there is nothing wrong with this law that cannot be cured by the November election this year. What we need is a new set of bureaucrats who know what is in the law and how to administer it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS).

The question was taken; and on a division (demanded by Mr. DENNIS) there were—ayes 47, noes 55.

TELLER VOTE WITH CLERKS

Mr. DENNIS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. DENNIS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. DENNIS, CONTE, FLOOD, and MCCLURE.

The Committee divided, and the tellers reported that there were—ayes 160, noes 206, not voting 67, as follows:

[Roll No. 203]

[Recorded Teller Vote]

AYES—160

Abbitt
Alexander
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Bennett
Betts
Blackburn
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Conover
Coughlin
Crane
Daniel, Va.
Davis, S.C.
Davis, Wis.
Denholm
Dennis
Derwinski
Devine
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Findley
Fisher
Flynt
Ford, Gerald R.

Forsythe
Fountain
Frey
Galifianakis
Gettys
Giaimo
Goldwater
Goodling
Griffin
Gross
Grover
Gubser
Haley
Hammerschmidt
Harvey
Hastings
Heckler, Mass.
Heinz
Henderson
Horton
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
King
Kuykendall
Kyl
Landgrebe
Latta
Lloyd
Lujan
McClure
McCollister
McCulloch
McKevitt
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Miller, Ohio
Mills, Md.
Mizell
Myers
Nelsen
O'Konski
Passman
Pelly
Pettis
Pickle

Pirnie
Poff
Powell
Price, Tex.
Quie
Quillen
Rarick
Rhodes
Roberts
Robinson, Va.
Rogers
Roncalio
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steiger, Ariz.
Stratton
Stubblefield
Stuckey
Taylor
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Whalley
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wylie
Wyman
Zion

NOES—206

Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Annunzio
Ashley

Aspin
Aspinall
Badillo
Barrett
Begich
Bergland
Bevill
Biaggi
Biester
Boggs
Boland

Bolling
Brademas
Brasco
Brooks
Brown, Mich.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Caffery

Carney
Casey, Tex.
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Collins, Ill.
Conte
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellenback
Dellums
Dent
Diggs
Donohue
Dow
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Flowers
Foley
Ford, William D.
Frenzel
Fulton
Garmatz
Gaydos
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays

Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Howard
Hull
Hungate
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Keating
Keith
Kemp
Kluczynski
Koch
Leggett
Lennon
Lent
Long, Md.
McClory
McCormack
McDade
McFall
McKinney
Macdonald, Mass.
Madden
Mahon
Matsunaga
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Minish
Mink
Minshall
Mitchell
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Peyser
Pike

Podell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Railsback
Randall
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Stanton, James V.
Steed
Steele
Stokes
Symington
Teague, Calif.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Widnall
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zwach

NOT VOTING—67

Abernethy
Abourezk
Baring
Belcher
Bell
Bingham
Blanton
Blatnik
Bow
Broomfield
Carey, N.Y.
Celler
Curlin
Dickinson
Dingell
Dowdy
Dwyer
Edmondson
Eshleman
Fraser
Frelinghuysen
Fuqua
Gallagher

Griffiths
Hagan
Hall
Halpern
Harsha
Hébert
Hosmer
Kazen
Kee
Kyros
Landrum
Link
Long, La.
McCloskey
McDonald, Mich.
McEwen
McKay
McMillan
Mailliard
Metcalfe
Mills, Ark.
Mollohan

Montgomery
Mosher
Murphy, N.Y.
Nichols
Patman
Perkins
Poage
Pryor, Ark.
Rooney, N.Y.
Rooney, Pa.
Rousselot
Schneebeli
Springer
Staggers
Steiger, Wis.
Stephens
Sullivan
Talcott
Teague, Tex.
Thompson, N.J.
Ullman
Ware

So the amendment was rejected.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 6, after line 25, add the following—

"None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the Federal Government who inspect firms employing twenty-five persons or less for compliance with the Occupational Safety and Health Act of 1970."

Mr. FINDLEY. Mr. Chairman, this amendment is similar, in fact it goes right to the heart of the question raised by the amendment offered by the gentleman from Indiana (Mr. Dennis). I am going to ask for recorded tellers, and I hope and expect we will have enough Members stand to effect that order. That is why I think you would want to listen to the amendment. I will read it again for that reason:

> On page 6, after line 25, add the following—None of the funds appropriated by this Act shall be expended to pay the salaries of any employees of the federal government who inspect firms employing 25 persons or less for compliance with the Occupational Safety and Health Act of 1970.

If my amendment becomes law, it will give the small business firms of the Nation a year's moratorium from our form of Federal harassment. It will enable Mr. Daniels' committee and any other committee that might like to have any further hearings to decide just what type of Federal safety and health regulations should be proposed for small business firms. It would relieve the small businessman of the harassment that has been so visible to all of us, resulting in many complaints from every district in the country.

I have no need to prolong this discussion——

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from Ohio.

Mr. LATTA. I wish to commend the gentleman from Illinois for offering the amendment, which I support wholeheartedly and wish to be associated with his remarks.

Mr. FINDLEY. I thank the gentleman.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Texas.

Mr. FISHER. I rise in support of the gentleman's amendment. I think it is very fair, very reasonable, and very timely. There are at present situations that are impossible. It is simply unfair to apply the same standards, the same regulations and the same controls to a small business, where they are much better able to police their own problems, than we would apply to the big companies scattered throughout the land. I think it is an appropriate amendment.

Mr. FINDLEY. I will say to the gentleman that the amendment might be described as the amendment on toilet seats, because the OSHA inspectors have gone to the ridiculous point of specifying the style of toilet seats that shall be used in restrooms of small business firms.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Iowa.

Mr. MAYNE. I join the gentleman from Illinois in support of his amendment. We should attempt to restore some element of common sense to the administration of the act as it relates to the small businessmen of the country. I support the gentleman's amendment and commend him for offering it.

Mr. Chairman, firms employing 25 persons or less do not require the same rigorous inspection for compliance with the Occupational Safety and Health Act of 1970 as the larger firms. I believe the Findley amendment makes good sense and is very necessary. Many of my constituents, both owners and employees of small firms and farms alike, have written my office requesting that they be relieved of the very unreasonable and burdensome regulations imposed on them under the Occupational Safety and Health Act of 1970.

As is so often the case, legislation designed to correct problems prevalent in big business operations has created unreasonable and unnecessary hardships when applied indiscriminately to smaller firms and farms. This has been like trying to shoot a mouse with an elephant gun.

I am deeply concerned about the continuing serious losses, both human and financial, which are occurring due to occupational related accidents, and am for any reasonable steps necessary to protect both agricultural and industrial labor. However, I would like to point to the excellent safety records which have been compiled by small business entities during the years before OSHA was in existence. It was through the application of down-to-earth commonsense, not the unreasonable OSHA regulations, that these small businesses were able to operate safely and economically.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Indiana.

Mr. DENNIS. I think the gentleman in the well has an excellent amendment. It will not gut the appropriation at all. You can put the money on the big fellows, which is where it ought to go, and it will largely accomplish the objective of giving relief to the small man.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from North Carolina.

Mr. MIZELL. I thank the gentleman for yielding. I support the gentleman in his amendment.

Mr. SEBELIUS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Kansas.

Mr. SEBELIUS. I, too, support the amendment offered by the gentleman from Illinois. I would direct his attention to one item. I had the administrator of OSHA in my office, and they are leaving the toilets alone and going on to bigger things. Now, another thing that is still a big problem is the situation of the farmer exchanging work with his neighbor which is covered by the act according to the Department of Labor. Your amendment would cover it, and I am for it.

Mr. FINDLEY. I thank the gentleman for this progress report.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment. I have been here a long time and I have heard amendments, and amendments, and amendments to amendments, but this is the first time I have seen an amendment that would almost give a license to kill. We are saying, in the amendment, to an employer of under 25 employees, "You don't have to worry about health hazards. Don't worry about injuries. Don't worry about hazards that may result in fatal accidents. We are giving carte blanche to him. It is a change in the law, as a matter of fact, and perhaps I should have raised a point of order, but I am advised it would likely have been overruled since the amendment is in the form of a limitation.

This is a can-of-worms bill, but let us not get too silly this early in the day.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

I would like to point out that statistics will show that the overwhelming number of accidents occur in small plants. I am sure that everyone who is aware of the manner in which big business is conducted knows that they have health and safety crews operating to protect the health and safety of its employees. Big business cannot afford to have many accidents. They cannot afford to lose the services of a talented, experienced individual. The major number of accidents that do occur, occur in small plants.

Second, I rise in opposition to the amendment because this is not the way to legislate. This type of amendment should not be offered to this bill on the floor without giving our committee an opportunity to consider the amendment. Therefore, I rise in opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Findley).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 105, noes 68.

TELLER VOTE WITH CLERKS

Mr. FLOOD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FLOOD. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. Findley, Daniels of New Jersey, Flood, and McClure.

The Committee divided, and the tellers reported that there were—ayes 213, noes 154, not voting 66, as follows:

[Roll No. 204]

[Recorded Teller Vote]

AYES—213

Abbitt
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bennett
Betts
Blackburn
Bow
Bray
Brinkley
Brooks
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conover
Coughlin
Crane
Culver
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Denholm
Dennis
Derwinski

Devine
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Galifianakis
Gettys
Giaimo
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Haley
Hamilton
Hammerschmidt
Harsha
Harvey
Hastings
Heckler, Mass.
Heinz
Henderson
Hicks, Wash.
Hogan
Horton
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Leggett
Lennon
Lent
Lloyd
Lujan
McClory
McClure
McCollister
McCulloch
McKevitt
McKinney
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Melcher
Miller, Ohio
Mills, Md.
Minshall
Mizell
Mollohan
Myers
Nelsen
O'Konski
Passman
Pettis
Pickle
Pike
Pirnie
Poff
Powell
Preyer, N.C.
Price, Tex.
Purcell
Quie
Quillen
Randall
Rarick
Rees
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncalio
Roush
Roy
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stratton
Stubblefield
Stuckey
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wright
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion

NOES—154

Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Bevill
Biaggi
Biester
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carney
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Daniels, N.J.
Danielson
Delaney
Dellums
Dent
Diggs
Donohue
Dow
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Foley
Ford, William D.
Fraser
Fulton
Garmatz
Gaydos
Gibbons
Gonzalez
Grasso
Green, Pa.
Gude
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks, Mass.
Holifield
Howard
Hull
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Keating
Kluczynski
Koch
Long, Md.
McCormack
McDade
McFall
Madden
Matsunaga
Mazzoli
Meeds
Michel
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Moss
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pelly
Peyser
Podell
Price, Ill.
Pucinski
Railsback
Rangel
Reid
Reuss
Riegle
Rodino
Roe
Rosenthal
Rostenkowski
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Sisk
Smith, Iowa
Stanton, James V.
Steed
Steele
Stokes
Symington
Teague, Calif.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Whalen
Wilson, Charles H.
Wolff
Wyatt
Wydler
Yates
Yatron
Zablocki
Zwach

NOT VOTING—66

Abernethy
Abourezk
Bell
Bingham
Blanton
Broomfield
Brotzman
Carey, N.Y.
Celler
Conable
Curlin
Dellenback
Dingell
Dowdy
Dwyer
Edmondson
Erlenborn
Eshleman
Fuqua
Gallagher
Gray
Griffiths
Hagan
Hall
Halpern
Hébert
Hillis
Hosmer
Kee
Kyros
Landrum
Link
Long, La.
McCloskey
McDonald, Mich.
McEwen
McKay
McMillan
Macdonald, Mass.
Mailliard
Metcalfe
Mills, Ark.
Montgomery
Mosher
Murphy, Ill.
Murphy, N.Y.
Nichols
Patman
Pepper
Perkins
Poage
Pryor, Ark.
Rooney, N.Y.
Rooney, Pa.
Rousselot
Springer
Steiger, Ariz.
Steiger, Wis.
Stephens
Sullivan
Talcott
Thompson, N.J.
Ullman
Waldie
Ware
Wiggins

So the amendment was agreed to.

The Clerk read as follows:

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I ($1,597,500,000), title III ($146,393,000), and title V, Parts A and C ($43,000,000), of the Elementary and Secondary Education Act, $1,786,893,000: *Provided*, That grants to States on behalf of local education agencies under said title I–A shall not be less than grants made to such agencies in the fiscal year 1972.

The CHAIRMAN. For what purpose does the gentleman from Michigan (Mr. O'HARA) rise?

POINT OF ORDER

Mr. O'HARA. Mr. Chairman, I make a point of order to the proviso beginning on line 10, page 19, and extending through line 13, page 19.

The CHAIRMAN. That is as to the language beginning on line 10, with the word "Provided,"?

Mr. O'HARA. That is right, Mr. Chairman, and continuing on through line 13 on page 19.

Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman is recognized.

Mr. O'HARA. Mr. Chairman, I make the point of order that the proviso constitutes legislation on an appropriation bill and, therefore, ought to be stricken.

I call the attention of the Chair to the ruling made by the Chair on a very similar point which is found in the CONGRESSIONAL RECORD, vol. 116, part 3, page 4019.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. FLOOD) desire to be heard on the point of order?

Mr. FLOOD. Mr. Chairman, the same point of order was raised last year, and we concede the point of order.

The CHAIRMAN (Mr. HOLIFIELD). The gentleman from Pennsylvania concedes the point of order.

The point of order is sustained.

AMENDMENT OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLOOD: On page 19, line 10, after the dollar amount, insert the following:

": *Provided*, That none of the funds contained herein for carrying out title I of said Act shall be used to make grants to any State under that title in excess of the total grants made to such State from appropriations under said title for fiscal year 1972"

POINT OF ORDER RESERVED

The CHAIRMAN. For what purpose does the gentleman from Michigan (Mr. O'HARA) rise?

Mr. O'HARA. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Michigan reserves a point of order against the amendment.

Mr. FLOOD. Mr. Chairman, the purpose of this amendment is to replace the section which has just been deleted from the bill, but in the from of a limitation which, of course, is not subject to a point of order.

Mr. Chairman, if the amendment is adopted, it will assure that each State receives the same amount under title I of the program for the fiscal year 1973 as it did for the fiscal year 1972. And it will prevent reductions in some State allotments which would otherwise occur. So, Mr. Chairman, I urge adoption of the amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman desire to press his point of order?

Mr. O'HARA. Mr. Chairman, I will continue to press a point of order, although I concede that the amendment takes a somewhat different form. It is merely, as explained by the gentleman from Pennsylvania, a different way of accomplishing exactly the same thing. I would, therefore, make the point that if the language which was stricken constitutes legislation on an appropriation bill, then the amendment offered by the gentleman from Pennsylvania, which he says accomplishes the same thing, is likewise legislation upon an appropriation.

Mr. FLOOD. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman may be heard.

Mr. FLOOD. The language of the amendment is very clearly only a limitation on the use of funds in the traditional manner. It is completely a negative thing. But of importance, it does not impose any additional duties on anyone in the Department of Health, Education, and Welfare, for right now they must now determine the total amount granted to each State in order to comply with the allocation formula in the Elementary and Secondary Education Act. Most certainly, Mr. Chairman, it does not violate the rules of the House.

PARLIAMENTARY INQUIRY

Mr. EVANS of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. EVANS of Colorado. In the event the Chair were to overrule the point of order, and in the event the amendment offered by the gentleman from Pennsylvania were to be agreed to, would it thereafter be in order to offer an amendment to title I of ESEA, the point at which we are now in the bill, increasing appropriations for that purpose?

The CHAIRMAN (Mr. HOLIFIELD). If the amendment were agreed to, the Chair would inform the gentleman from Colorado that further amendments to the paragraph would still be in order.

The Chair is ready to rule.

The gentleman from Michigan (Mr. O'HARA), has raised a point of order against the amendment offered by the gentleman from Pennsylvania (Mr. FLOOD) alleging that it is legislation upon an appropriation bill.

The Chair would like to point out that the language which was just ruled out on a point of order by the gentleman from Michigan provided that "grants to States * * * shall not be less than grants made to such agencies in the fiscal year 1972."

The language set a minimum amount for grants and was in the nature of affirmative directions to the Office of Education.

The present amendment, on the other hand, is limited to the use of the funds in this bill. It is prefaced with the phrase "That none of the funds contained herein."

Furthermore, it places a maximum amount on the amount of grants. It is a negative restriction on the use of funds in the bill and proposes that the grants be measured by an ascertainable standard—that is, the amount of the grants in fiscal 1972.

The Chair holds that the amendment is a proper limitation and overrules the point of order.

Mr. O'HARA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as the situation now stands, the formula provided for title I, title III, and title V of the Elementary and Secondary Education Act will be as it is in the authorizing legislation, unless the gentleman from Pennsylvania succeeds by his amendment in changing that formula.

The way title I, the biggest title, works now, Mr. Chairman, each State receives one-half of the cost of education in that State or one-half of the national average cost of education, whichever is higher, times the number of educationally disadvantaged children residing within the State. Naturally, those figures change. Some States increase their appropriations for education, and when they increase their State effort, they are entitled to more Federal money. Other States may decrease their local effort, and when they do, they are entitled to less Federal money. Some States may have more children who, because of bad ecomonic conditions in the State, would qualify as educationally disadvantaged.

The formula in the legislative act takes all that into account and each year we must recompute the State's entitlement. What the gentleman from Pennsylvania is proposing to do is to say, "Forget all that. Do not recompute their entitlement. Do not take into account whether the State has been increasing its own expenditures or not. Do not take into account whether there are more or less children who would be entitled to assistance under this bill. Go ahead and give them what they got last year, whether or not that makes sense, or whether or not it is fair."

What is the effect of this amendment? I have not the time to recite it, but it costs a number of States who have increased their expenditures on education a considerable amount of money. It costs the State of Georgia for instance $2,712,000. It costs the State of Illinois $5,724,000, and so on.

I would hope Mr. Chairman, that we will stick by the formula in the bill. It does not make a bit of difference in terms of how much total money we are going to spend. It makes a difference only in terms of equity.

I hope the amendment will be defeated.

Mr. EVANS of Colorado. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I associate myself with the comments of the gentleman from Michigan. I think he has explained why this should be defeated better than I could. Also his explanation tells us why this House should support the package amendment which is going to be offered to several sections on the educational part of this bill.

But while I have the floor, so I may be perfectly clear with regard to the parliamentary situation we are in, may I ask this question for my own understanding of our situation? In the event the amendment of the distinguished gentleman from Pennsylvania (Mr. FLOOD) passes, thereby limiting the expenditures under title I to that which was spent the last fiscal year, thereafter, after the adoption of the gentleman's amendment, would it be in order to offer an amendment to increase the sum of money contained in the bill for title I?

The CHAIRMAN (Mr. HOLIFIELD). The Chair will say that the amendment offered by the gentleman from Pennsylvania (Mr. FLOOD) is an amendment to the paragraph, a perfecting amendment, and if that amendment is agreed to an amendment striking and inserting a whole new paragraph would still be in order.

Mr. EVANS of Colorado. I thank the Chair.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to point out to the Members of the House that on page 60 of the report is a list showing the States that will have their funding reduced below last year's level if this amendment is defeated. I think the Members might want to get out the report and look at that list. The total is $36,498,049. This is a reduction below the amount they received in the present fiscal year that is about to end. Perhaps some others would get some more, but these listed States would have a decrease. It is going to be more difficult for those States who will not get as much as they have this year. So Members ought to be fully aware of that and look at the table on page 60 of the report.

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Michigan has just pointed out there will be some readjustments. Some States will have more and some less money simply because the ratio has changed. In the authorizing legislation we passed in this House we provided for those changes. Now we are coming in here and changing the rules. What about the States which in 1967 and 1968 and 1969 and 1970 were tied to the archaic figures of the 1960 census in the distribution of the money? They did not come in here and ask for readjustments in this formula. We said this was the formula the House authorized in the bill and we accepted that.

We accepted all those inequities. Now, as the figures change and as States that have improved their contributions are entitled to a better formula, the Appropriations Committee comes around to say, "We are going to change the ground rules, because we do not want to hurt anybody."

That is no way to play the game. For every State which will get more money under the amendment pending before the House other States will lose money.

I suggest we should stay with the formula authorized in the authorizing legislation. That is the only way to get equity in the distribution of these funds. Otherwise we will make a mockery of the whole legislative system.

We in the authorizing committee carefully studied all the aspects of this, as the gentleman from Michigan (Mr. O'HARA) pointed out, and we took into consideration all of the factors as to the distribution of the money.

I regret that the point of order was not sustained, but in view of the fact that the point of order was not sustained it is up to the Members of this House to retain the equity and the dignity of the legislative process instead of letting the Appropriations Committee come in now with an amendment to change and undo the whole thing.

These States are entitled to increases based on new figures compared to 1968, 1969, and 1970, when they were dealing with the archaic census figures. Why penalize them now, when they have a break coming and when they have been enduring hardship long enough?

I hope that the amendment will be defeated.

I will say that if this amendment is sustained, sooner or later every Member of this House will feel the full adverse effects of this amendment. I hope the amendment will be defeated.

Mr. MICHEL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first let me address my comments in answer to the gentleman from Illinois (Mr. PUCINSKI) as to how these moneys will be distributed and under what formula.

Members should know that we may not get from the Census Bureau the updated figures from the 1970 census that will change the formula for the fiscal year 1973. If that be the case, then the argument does not hold any water whatsoever.

I personally hope that we are going to have those figures available so that we can crank them into an updated computation in line with the authorizing formula.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentlemen from Illinois.

Mr. PUCINSKI. Is it not a fact, however, that we will ultimately get those figures and the Census Bureau has assured us these figures will be forthcoming? This amendment would totally negate any new figures.

Mr. MICHEL. No; I do not agree.

Mr. PUCINSKI. And we might as well not have any new census figures.

Mr. MICHEL. I do not agree with the gentleman at all.

Mr. PUCINSKI. The gentleman knows that is right.

Mr. MICHEL. I beg to differ, because I have just talked to Commissioner of Education this morning on that very point. I asked the question, "Have you got yet the revised census figures?" The answer was "No." I asked, "Can they get them to you soon?" And the answer was, "I do not know that they can."

Mr. PUCINSKI. He did not say they cannot. He did not say they will not.

Mr. MICHEL. I am just suggesting that there is an area of doubt that we will get them before September or October.

In answer to the gentleman from Michigan (Mr. O'HARA), the point was made that we are just going to give to each State what we did before. I would not be too concerned about that.

What was the concern of everybody here and of the subcommittee itself? It was to bring every State up to the point where they would not receive any less money this year than last. The Hathaway amendment does the same thing and goes beyond and grants some more.

So that particular argument does not hold water either.

Really, what the amendment of the gentleman from Pennsylvania (Mr. FLOOD) will do here is to provide that base for every State as it got last year.

If Members are interested in getting some more money for this title I, I would remind Members of the new Emergency School Assistance Act provisions; 15 percent of that $1 billion appropriation that will come up here will go into title I, targeted in by the legislative act we all authorized. So they will get more money in the amount of $150 million.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Michigan.

Mr. O'HARA. Last year I made the same point of order, and that proviso was knocked out.

I want the Members of the House to know that not a single State got a penny less as a result of my action, because the Appropriations Committee made sure of that when the supplemental came up. They put in the money needed for those States that had lost something, to make them whole.

I say to the Members of the House that if they defeat the amendment, the same thing will happen this year. No State will be hurt, and the States which need more will get justice.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Of course, as the gentleman from Illinois knows, the language was stricken out of the bill last year. A supplemental was necessary. The Members voted for it, and it passed almost unanimously. But it was also necessary to restore the floor language in the supplemental bill.

Mr. MICHEL. I would urge support of the gentleman's amendment.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am sorry I am differing with my colleague, the gentleman from Illinois, on the Flood amendment, but I think it would be a mistake for us to adopt that and make certain that every State receives the amount it received the year before. One of the things that will happen when we do receive the new census information—and I am astonished that the Census Bureau cannot get it to the Office of Education, and we cannot utilize it—we are going into the next school year, the 1972–73 school year still basing the formula on the 1959 income information. There is not a child in school who is counted now under that information, there is not a one in school. We do not know where poor children live until the census information comes out.

But there is another part of the formula that counts people on welfare; if it does happen that one State changes in respect to perhaps having less of a welfare problem and another State's position changes to having a worse welfare problem, then the money should shift to where the problem exists.

That is the way the silly formula is written. And if we do not like the formula then do not try to change it by saying that every State will come out with the same amount of money. We really ought to change the formula, and we will take that up in the next Congress. You cannot wait until all the kids have left school before you change the allocation to the States. It does not make any sense at all. All you are saying is let us just keep every State receiving the same amount of money. It is terrible to do that. Title I is not written to guarantee States a certain amount of money but to fund compensatory education for disadvantaged where they happen to live. Let us use the formula we have, and vote down the Flood amendment.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, actually there may be some very embarrassed Members in this Chamber when the census figures do come out, and many Members may find that by voting for the Flood amendment they have shortchanged their respective districts, because when these new census figures come up we will be using data from 1970 instead of 1960 and you may find that you have dealt away or voted away a very substantial improvement in your district by locking in the 1972 formula for 1973 as proposed by our colleague, the gentleman from Pennsylvania (Mr. FLOOD).

Mr. QUIE. It does not make any sense to pay for needs that do not exist.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FLOOD).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Chairman, I have an amendment to the paragraph of the bill just read which is a single substitute for several paragraphs of the bill dealing with the Office of Education, and I hereby give notice that if the amendment is agreed to I will make motions to strike out the remaining paragraphs beginning with line 14 on page 19 and extending through and including line 17 on page 21.

The Clerk read as follows:

Amendment offered by Mr. HATHAWAY: On page 19, strike out lines 6 through 13 and substitute in lieu thereof:

"For carrying out, to the extent not otherwise provided, title I ($1,810,000,000), title II ($171,393,000), and title V, Parts A and C ($53,000,000), of the Elementary and Secondary Education Act, $2,034,393,000. For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $671,405,000, of which $645,495,000, including $41,450,000 for amounts payable under section 6 and $10,000,000 for complying with section 303(1) (C) shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $25,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14(a) and 14(b) of said Act of September 23, 1950. For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, and section 5 of Public Law 85–905, $143,609,000. For carrying out, to the extent not otherwise provided, section 102(b) ($29,898,000), parts B and C ($444,682,000), D, F ($38,322,000), G ($19,500,000), H ($10,524,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C., ch. 30) ($75,000,000), $643,460,000, including $16,000,000 for examplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $18,000,000 for research and training under part C of said 1963 Act. For carrying out, to the extent not otherwise provided, titles I ($62,000,000), II, and III ($7,530,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); and title II ($100,000,000) of the Elementary and Secondary Education Act; $184,500,000, of which $15,000,000, to remain available through June 30, 1974, shall be for grants for public library construction under title II of the Library Services and Construction Act.

Mr. HATHAWAY (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

Mr. YATES. Mr. Chairman, reserving the right to object, may I ask the gentleman whether or not in his amendment there is any provision for amending the section entitled "Educational Renewal" which appears on page 21?

Mr. HATHAWAY. As I understand, yes; my amendment can be amended.

Mr. YATES. In other words, in your amendment you do cover or make some changes in that paragraph?

Mr. HATHAWAY. No.

Mr. YATES. You do not?

Mr. HATHAWAY. No.

Mr. YATES. I thank the gentleman.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. HATHAWAY. Mr. Chairman, this is an amendment calling for an increase in the funding of titles I, II, III, and V of ESEA the Vocational Education Act, and the Library Services and Construction Act, the Impact Aid Act, and the Adult Education Act, by $364 million.

The primary purpose of most of the money requested is to help people throughout this country who have been disadvantaged with regard to the education they have received.

Title I of the Elementary and Secondary Education Act was designed to help children from families of very low income, children who are definitely disadvantaged. We know that the Adult Education Act helps those who for one reason or another have not completed their education. Initially this act extended only to eighth-grade education, but a couple of years ago this was changed, and now under the adult education program those who did not receive a high school education are entitled to participate.

The principle purpose of this amendment is to bring school districts and State agencies throughout the Nation aid up to the funding level they had in 1972. Because, and as it has been explained in answer to the distinguished chairman of the subcommittee's amendment, the one that was just defeated, when the facts in the formula change, and you have the same amount of money, then you will have unequal distribution and many States who, for example, have increased the number of AFDC children would not be getting the same level of funding as they were last year unless we raise the amount of money. In fact, the tables that had been printed—and I believe they are in the report, and have been printed in the Congressional Record, and which have been sent around to the various offices—indicate that some 25 States would get less under title I, for example, than they got last year unless this amendment is agreed to. If the amendment is agreed to there is only one State, New Mexico, that would get less funding than it did in 1972.

We as a nation, for many years dedicated ourselves to making sure that every child throughout the country got some kind of education. Our objective initially on education in this Nation was quantity education. When the Nation was first founded, there were many young people who had no access to education whatsoever. We completed that objective. Everywhere in this Nation today a person can get some kind of education that is paid for with taxpayers' money.

But since the advent of the Elementary and Secondary Education Act, which was passed as you know in 1965, we have concerned ourselves with the quality of education the children throughout this Nation are getting.

The purpose of this amendment, which is called the quality education amendment, is to make sure we afford quality education throughout the Nation.

I think that in our every day deliberations here on the floor of the House and in committee, we get tied up too much with numbers and we forget just what those numbers really mean. We talk about children from disadvantaged families, those who come from families that have an income level of $4,000 or less. But we fail to go further and really examine what it means to be a child coming from a family with an income of only $4,000 a year or less. There are 12 million children in this Nation who come from such families. These children are coming from families where they have barely enough money for food and for rent. There certainly is not enough money for any educational material and devices such as books and magazines. Undoubtedly, the parents in these families do not have the educational background such as we in this Chamber and many others throughout the country have to give to our children.

So these children who come from these low-income families, come to school, and school is the only place really where they are going to get any kind of education unlike the middle-income family.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. HATHAWAY asked and was given permission to proceed for 3 additional minutes.)

Mr. HATHAWAY. So they come to school where they are going to get their only education—unlike the middle income or the upper income family where a lot of the educational process takes place in the home.

So when they come to that school, they are at a considerable disadvantage competitively with the other students in that school.

This amendment today to title I is only $22.5 million and adds merely $17 per child for the 12 million disadvantaged children in this country.

In fact, the appropriation recommended by the committee is only $133 per child and this would raise it to only $150 per child.

Certainly we can afford in this country that has a gross national product of over a trillion dollars and which is the richest nation in the world—we can afford an additional $17 for the disadvantaged child in this Nation.

But more than that, the investment in education—or the money we are going to put out for education, not only in title I but the other titles that are being amended here today, is going to constitute a savings to us in the long run. We are going to eliminate a lot of our welfare payments and a lot of the unemployment payments.

We are going to be able to eliminate a lot of the causes and the cost of crime and it is going to help to cut down on delinquency.

More than that, because of the investment we are making in education, we are going to make more productive individuals in this Nation so that they can go out and earn a living. They will more than repay in income tax the amount of money we are investing here today.

But even more than the money investment and the return that we are going to get from the investment we will make in education in terms of taxes, we have to look at the potential of each and every one of the individuals that we have in this Nation. If we are ever going to make this Nation the really great Nation that it is capable of being, we have to do everything we can do to help every individual regardless of what his economic circumstances are, realize his full potential.

By adopting the amendment here today, which does not provide a large sum of money—it is only $364 million, and we spend many more dollars than that on hardware, and certainly we should be putting humans ahead of hardware—by adopting this amendment today, we can at least partially help many individuals in this country realize that potential.

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record.)

Mr. BARRETT. Mr. Chairman, I commend the chairman of the Labor-HEW Subcommittee, my longtime friend and colleague, the gentleman from the 11th Congressional District of Pennsylvania (Mr. Flood) and the members of the Appropriations Committee for the bill before us. It provides funds for so many vital, needed programs dealing with the health of the American people. However, I must express my disappointment over the paucity of funds for a program which deals with a major health problem of so many of our young children. Preschool age children living in our cities and in rural America, generally in homes over 30 years old—and there are many of them.

I refer to the shortage of funds for Public Law 91-695, the Lead-Based Paint Poisoning Prevention Act, a program to conquer the man-made malady of lead poisoning.

Mr. Chairman, I would offer an amendment to the bill to increase the funding for this program, unfortunately the present authorization expires at the end of this month. However, I do not expect the program to expire for just yesterday the Senate passed S. 3080, which will extend and expand the program as well as authorize a much needed increase in appropriations. Similar legislation is pending in the Banking and Currency Committee.

This health problem, affecting almost one-half million young, preschool age children yearly, of lead poisoning is a man-made malady which has reached epidemic proportions. It has been called the silent epidemic. It results from the use of lead-based paints in older houses.

The first funds for this program were appropriated in 1971. Unfortunately, the funds appropriated, including those in this bill, are far from what is needed to screen and treat the thousands of preschool age children subjected to the lead paint hazard and to inspect and remove lead from homes. We have just started to scratch the surface in dealing with this peril to our children. Of the approximately one-half million who suffer from this, only 12,000 to 16,000 actually receive treatment, and half of them are left mentally retarded. About 200 die from lead poisoning each year, and this from a manmade malady. Although lead based paint poisoning accounts for only 5 percent of all accidental poisonings of preschool children, this disease accounts for up to 70 percent of all deaths due to poisoning among these children. Approximately 3,200 children suffer moderate to severe brain damage, and 800 are so severely afflicted that they require institutionalization for the remainder of their lives. It has been estimated that such care costs $250,000 per child for a lifetime of institutionalization. Annually, that is a cost of $200 million to the taxpayer. There is no way to estimate or assess the untold pain, misery, and suffering of the parents and families of these children.

Mr. Chairman, we know the cause of this epidemic and we know how it can be conquered. As soon as the continuation of the program is approved, I sincerely hope that the Appropriations Committee will take the necessary action to provide full funding.

Mr. FLOOD. Mr. Chairman, I rise to oppose the amendment.

(By unanimous consent, Mr. FLOOD was allowed to proceed for an additional 5 minutes.)

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Apparently the authors of this amendment do not like the term "package." Now it is a "quality" amendment. Don't you love that? "Package" is a bad word now. Now it is a "quality" amendment. The name has changed, but the same people are behind it. It is the same people. They used to hang out in the Congressional Hotel. Now that is closed down, of course, and they meet in some hidden, mysterious place in the dead of night to concoct these amendments.

I am reminded of the three preparing the witch's brew in Macbeth:

> When shall we three meet again? In thunder, lightning or in Maine?

They call it a quality amendment. At the shopping center we see quality beer, quality corn, or quality bologna. No matter how thin you slice it, it is still bologna.

It seems that no matter what the committee does, this group has to put together one of these "package" amendments, in order to justify their existence. I would remind you that the last time one of these "package" amendments was adopted in the House, the Labor-HEW appropriation bill was vetoed, the veto was sustained, and as a result, the appropriations were not finally enacted until March 5, after three quarters of the fiscal year had elapsed.

Let me make a few general remarks about how we have treated education programs. As I have said on so many previous occasions, this bill is a can of worms. There are hundreds and hundreds of separate and distinct programs in it. Each one has its own clientele, its own constituency, its own advocates, all over this Nation. We cannot possibly please all of them. Our committee has to make tough decisions. There is only so much pie, and we have to try to divide it up equitably and sensibly. We try to achieve a balance which will be acceptable to a majority of the Members of this House. We are acting as your agents. You are looking over our shoulders all the time, and we are very much aware of it.

If you look at the summary table on page 2 of the report, you will find that this bill includes $912 million in increases over the President's budget for 1973. There is a little over $600 million in increases for health programs and about $300 million in increases over the budget for education programs.

For the education programs which are in the bill before us today, we are providing increases of $190 million, or 5.5 percent, over the 1972 level. But, this bill includes only a portion of the 1973 appropriations for education which are eventually going to be enacted. We have not yet considered appropriations for programs authorized in the education amendments which we passed last Thursday, and which contain authorizations for appropriations amounting to over $6 billion for fiscal 1973.

We have left out of the bill a total of almost $2.9 billion in 1973 budget proposals for education programs. If you add this to the amount in this bill for education, you will get a total of over $6.5 billion which is an increase of $1.3 billion, or 25 percent, over the 1972 appropriations. This is without considering any further congressional add-ons, which we all know are very likely to occur. I feel confident that when we are finished with all the appropriation bills in this session of Congress, we will have provided very large increases in funds for all levels of education.

Now, to be more specific:

The biggest single item in the gentleman's amendment is an increase of over $200 million for title I of the Elementary and Secondary Education Act. The bill already contains $1,597,500,000 for the title I program. This is the same as the budget request and the amount appropriated for 1972. Let me emphasize that we are talking about billions, not millions, here. When we discussed the education programs in our subcommittee markup session, we considered very carefully whether we should add funds over the budget request for the title I program. We decided against it for the following reasons:

We have added $301,455,000 over the budget request for other education programs. We were quite sure that most Members—not all, of course—would rather have us put additional funds into those programs than into title I.

There have been many reports that school districts are not using title I funds properly. In a number of these cases, HEW is taking steps to recover title I funds from school districts which have misused them.

The President's budget for 1973 includes an additional $1 billion in new money under the Emergency School Aid Act. This money will go to schools educating low income, minority group children—the same children who are the target of the title I program. The conference report on S. 659, which authorizes this new program, passed the House last Thursday. I am sure that the $1 billion, or some portion of it, will be appropriated for 1973.

These are the reasons why the subcommittee did not recommend an increase for the title I program. Now I would like to comment on the other parts of this "package" amendment.

First. School Libraries—Title II, ESEA—the bill includes $90 million, the full budget request, and the same as the amount appropriated for 1972.

Second. Supplementary Centers and Services—title III, ESEA—The bill includes $146,393,000, the full budget request, and the amount appropriated for 1972. This is for demonstration projects. The period of Federal support for these projects is limited. Therefore the appropriation will support 52 new projects for 1973.

Third. Strengthening State Departments of Education—Title V, ESEA—The bill includes $43 million, the full amount of the budget request, and an increase of $10 million over the 1972 appropriation.

Fourth. Vocational Education—The committee added $50 million over the budget request and the 1972 appropriation. This is for basic State grants, which give the States flexibility to use the funds for programs which they believe to have the highest priority. We have also approved a requested increase of $14 million for demonstration projects in career education. And finally, we have included language in the bill to assure that no State receives less in 1973 for vocational education than it did in 1972.

Fifth. Adult Education—The bill includes $51,300,000, the full budget request and the same as the amount appropriated for 1972, together with language to insure that no State receives less in 1973 than it did in 1972.

Sixth. Library Services and Construction—The committee added $26,770,000 over the budget request to keep this program going at above the current level.

Seventh. Impacted Area Aid—Public Law 874—The bill includes an increase of $200,495,000 over the budget request and $22,915,000 over the 1972 appropriation. This bill provides every school district with the same percentage of its entitlement in 1973 as in 1972. I assume that this means that every school district will get more money in 1973 than in 1972, unless its enrollment of federally connected children declines.

In conclusion, Mr. Chairman, I hope the Members will agree that we have done the best we could for education programs under the circumstances and will vote down the gentlemen's amendment.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(On request of Mr. GERALD R. FORD, and by unanimous consent, Mr. FLOOD was allowed to proceed for 2 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Of course I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I have listened to the gentleman from Pennsylvania. First let me say I wholeheartedly agree with his point of view and I will do all I can to help and assist in defeating the Hathaway amendment.

Mr. FLOOD. I am sure the gentleman, with his distinction and intelligence, will do so.

Mr. GERALD R. FORD. Let me ask the distinguished gentleman from Pennsylvania if this is a correct analysis in summary of what he has been saying: In every one of the categories covered by this amendment there is at least as much if not more money recommended by the subcommittee for fiscal year 1973 as there was for fiscal year 1972.

Mr. FLOOD. Yes, that is right.

Mr. GERALD R. FORD. In no instance has any program or category been reduced.

Mr. FLOOD. That is right.

Mr. GERALD R. FORD. As a matter of fact, the committee has increased in various ways some $300 million or more to help and assist, over what the President recommended and over what we appropriated for these programs in 1972.

Mr. FLOOD. I could not say it better myself. That is praise from Caesar.

Mr. GERALD R. FORD. I thank my friend.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield for a question?

Mr. FLOOD. I yield to the gentleman from Maine.

Mr. HATHAWAY. The gentleman does not mean, however, that if the increase is not made in title I some 25 States will not get less in 1973 than they did in 1972 because of the increase in AFDC or the increase in per-pupil costs of education?

Mr. FLOOD. I say that we cannot play any numbers game. I do not have this crystal ball; your friends have it. You do not know it, and I do not know, and you know I do not know it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(By unanimous consent, Mr. FLOOD was allowed to proceed for 1 additional minute.)

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. To answer the gentleman from Maine, did he not vote in the first place for the Federal aid to education program which established this formula which provides the inequities he alleges for 25 States?

Mr. HATHAWAY. If the gentleman will yield, I voted for the program, but it does not establish any inequity, in my opinion. If we have changes in the formula factors and we have the total amount fixed, then we are apt to have many States—this year it would be 25—who would get less money in 1973 under the committee bill than they got in 1972.

Mr. GERALD R. FORD. But the gentleman from Maine voted for that authorization legislation about which he now complains. I do not understand.

Mr. FLOOD. Of course he did. I am not complaining about the formula.

Mr. HATHAWAY. I am just complaining about the funding to fulfill the formula.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to make about three points with regard to this amendment so that the Members are fully aware of what they are doing when they vote on this amendment.

No. 1: The amendment strikes from the provisions of the bill, and does not reinsert it, a provision with regard to impacted aid which would provide the 100-percent and 90-percent provisions for Indian children, and category A children.

Talk about the children who are most in need of Federal support, these are the ones who are. The A's live on Federal property, and they go to school on Federal property, and we have protected them in this bill. This pending amendment would reduce the funds for them. The language which gives them more money is stricken in this pending amendment, and it is not reinserted.

In addition to that, the Indian children—and no one would claim, I would think, who has visited an Indian reservation, that it is possible to educate the Indian children on the same amount that most others are educated for in this country. I think they ought to be put under special legislation, but they are under the Impact Aid Law. So we have tried to protect them.

Well, if you vote for this pending amendment, you will vote to reduce the aid for the Indian children, and against protection for the A's also.

Then they talk about title I, the fact of the matter is that in this year, or for the school year of 1973, we are going to appropriate a total of about $2.5 billion or a little more for a combination of title I and emergency school aid. The emergency school aid authorization just passed but is not as yet signed by the President. So in this bill there is $1.6 billion for title I, the same amount as last year for title I, but the committee is not tying down the final amount for sure because the ratio will be determined when we reach the point where we can combine the emergency school aid in title I. We will not receive a request for additional money from the administration until the recently passed bill is signed by the President, but what we are going to be doing here if you vote for this amendment is to tie it down the ratio, at the ratio of 1.8 for title I, compared to .7 for emergency school aid.

This money should eventually go to essentially the same people. Whatever the majority after considering both programs together want to do should be it, and we ought to preserve some elbow room rather than determine it prematurely today.

We ought to have a balanced package and that includes all of these items that I have talked about. As far as these other items in the amendment are, I think they ought to be considered separately, and I favor eventual increases for some. But I say that bringing this whole thing in as a package is not the way to do it. So you want to vote this amendment down and let these items come up one at a time, and then deal with them on their merits. And if they have merit they can be voted on on their merits, but they should not be included in a package like this.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I just want to add my few words to what the gentleman from Iowa (Mr. SMITH) has said about the need for a balanced package. We have expanded programs in a number of ways and I favor expanded Federal aid to education.

Just recently, as you will recall, I strongly supported S. 659, the higher education authorization, and as the gentleman from Iowa has indicated, that has not been signed into law as yet, so that therefore the Committee on Appropriations could not bring forth appropriations for that.

Now, what we need to make certain that with a limited amount of funds available—and I am certain that we will appropriate more money for education than the administration asked for, and more money above the budget than the $301 million that the Committee on Appropriations brought out—that we fund all authorizations in a balanced way.

Let us look at the disadvantaged kids, do you want to help them only under title I or also under the aid in the higher education bill? I would like to fund the student aid authorizations of the higher education bill so needy students can go not only to the 4-year liberal arts colleges, but vocational schools, and proprietary schools whose students get jobs as soon as they get out of school?

The only way we are going to write a balanced package that I can see is to send this bill to the other body, and the authorization bill will be signed at that time, and they will write as balanced a program as they possibly can, then our conferees can try to do the best for the House. They have shown their interest in education by appropriating $301 million over what the President requested, and I think they made wise decisions in their increases. But on the Hathaway proposal that is before us, I do not think all of these are wise increases.

Let us look at the $212 million for the Elementary and Secondary Education Act, title I. Where do we need the money most? It is where there is a concentration of disadvantaged children, meaning under the act—poor children—but only 27 percent of title I money goes to schools that have 30 percent or more of poor children in them.

You know if a child goes to a school where most of the kids are advantaged, according to the studies I have seen, they then absorb that motivation from those advantaged kids that they sit with.

But if kids go to school where a high percentage are disadvantaged, they have to have compensatory education and some have improved from compensatory education.

But there is regression on the part of some title I students rather than improvement. There are some that have not shown any change at all. Others have shown substantial improvement and seems to be where there is concentration of funds which we don't even now do adequately enough.

I would say on title I they are just learning how to handle that money well. So I would expect you would keep this at that level for another year and provide the additional help through the emergency school aid authorization this year.

Last, I would say is that in impact aid money, I recognize that the committee has substantially increased the money for impact aid because they always have to do that because the majority of the Members of the House have substantial impact aid going into their district.

But when the Hathaway amendment adds some money for category "C" students, that is just an effort to bring the rest of us into the act to also vote for increased impact aid.

I do not care how you look at it—category "B" impact aid money is in many instances just a big boondoggle.

There is no reason why my children should be counted for impact aid in Montgomery County as they are. That is ridiculous.

Some category "B" students are really on impact, they ought to receive the money. But as yet, we have not separated the reasonable from the unreasonable.

Let us not go beyond what the Committee on Appropriations has proposed in this bill.

So, Mr. Chairman, I urge that you vote down the Hathaway amendment not as a move to stop spending money for education, but rather to enable the other body and the Committee on Appropriations in conference to write up a balanced package for education to provide increased funds that would provide the greatest amount of help to the young people who need it.

Mr. MICHEL. Mr. Chairman, I rise in strong opposition to the Hathaway package of amendments and would like to voice my objections to each of the items in chronological order.

First, your committee considered adding funds to title I, and we decided not to. Why?

One reason is that we still have questions about the effectiveness of title I as compared with some of our other education programs. Yes, we had questions last year—and the year before—and we are still not persuaded that another dollar put into title I will buy as much as a dollar put elsewhere.

The evaluation of title I is still really a mixed bag. You have one study showing significant gains in learning among disadvantaged children, and then you have others showing no appreciable difference.

Then, this year we also heard testimony on alleged misuse of title I funds by some school districts, and this concerns us very much.

But, besides this, we also have the administration's request for a billion dollars for the new emergency school aid legislation, at least 15 percent of which would be earmarked for compensatory education—the target of title I. This would be $150 million at a minimum. And probably more.

I urge my colleagues to turn down this effort to prematurely add over $200 million for this title I item.

In a statement by the Secretary on April 23, 1972, there is reference to a study entitled "Effect of Compensatory Education" which gives evidence on both sides of the question.

Three other large-scale investigative studies indicate that title I is not effective. These studies are: G.E. Temple Study, conducted in 1965–67 and was done in 11 large cities; National Evaluation of Title I, this was done by the Office of Education; National Evaluation of Headstart Program, while this study was done only with regard to Headstart, the findings revealed that a very small percentage of the participating children made any appreciable advance and that even this was lost when the child was placed into a normal school situation.

Thus, there have been four major studies with negative findings.

Second, for school library resources, the amendment would add an additional $10 million above the $90 million recommended by our committee. Funds for this item have more than doubled within the past 3 years, and what we have proposed in our bill will serve 98 percent of the target population of 50 million students.

I think you should also keep in mind that this is not the only source of funds for library resources. For example, $60 million of title I funds are used to purchase books and library materials.

The third item, supplementary services, title III, is funded at a level of $146.4 million in our bill, and the amendment would add another $25 million. This is a demonstration program, not designed to provide on-going support to school districts. Its purpose is to initiate supplementary educational programs with Federal funds—programs which can then be taken over by the States and localities. This means that we have old projects terminating and new ones starting each year.

Under our committee's recommendation, the level of support per pupil would remain the same—there would be no loss on that basis—and some 52 new projects could be initiated. We would have nearly 1,000 projects operating next year, and the success of this program is evidenced in the fact that about 62 percent of all projects funded by it have been continued with State and local funds. There is no justification for an increase here.

Your committee bill already contains almost a 30-percent increase for the next item, strengthening State departments of education—title V—ESEA. And, altogether, in the whole education budget, we have provided some $141 million for State education agencies, compared with $123 million in 1972. There is no reason for a further increase here.

The gentleman proposes another $30 million for impact aid. This is preposterous. We should not add another dime to this item, which is already nearly $23 million over the current year, and $200 million over the budget.

And, for heaven's sake, let us not bring "C" students into the picture. Public housing is not a federally imposed burden, and there is simply no way of guaranteeing that the funds would go for the education of public-housing students within a school district. This could only further complicate an already inequitable program, and eventually wind up costing hundreds of millions more with little, if anything, to show for it. This House last year turned down a $60 million amendment proposed for the same purpose—to initiate a funding of so-called "C" students.

I can certainly appreciate the good intentions of the gentleman from Maine in proposing the $27 million-plus increase for the vocational education programs, but I wish he could have sat in on some of our hearings and discussions on this item. He might better understand why we recommended what we did.

In the first place, there is increasing evidence that our existing vocational education programs need to be more responsive to the demands of the current job market. The problem is, How do we make this happen? We are taking kind of a dual approach here. Commissioner Marland is working hard to develop a career-education thrust, to redirect both our thinking and our efforts in this area. The budget includes some $55 million in increases for career-education programs.

At the same time, your committee added $50 million over the budget, not for the more inflexible, categorical programs, but for basic State grants, which leave the States free to decide their own priorities. This is simply not the time to tie down more Federal dollars in categorical aid.

As far as adult education is concerned, again, if our committee language remains intact, no State will receive less than they have this current fiscal year. Besides an additional $10 million in the OE budget for experimental projects and teacher training activities in this area, over $30 million in fiscal 1973 adult basic education funds is available from sources outside the Office of Education—through OEO, Model Cities, and other appropriations.

Finally, for library services and construction, I would just point out that your committee has already added nearly $27 million over the budget. The administration proposed reductions here primarily because—as they correctly indicated—95 percent of all States overmatch Federal funds for libraries. Here again, it is a question of priorities.

So, we have a package here of good intentions but poor justifications. I commend the gentleman from Maine for his concern, but at the same time, I urge my colleagues to reject his amendment.

Let me emphasize again, this is a very generous bill which we had put together for your consideration, and over $300 million of the increases for the budget are in the field of education.

We have provided for a 30-percent increase in programs designed for educating the handicapped. The State grant program, the deaf-blind centers, early childhood projects, specific learning disabilities, regional resource centers, programs for innovation and development, as well as technology and communications, and special education and manpower. These items are increased by more than $33 million over last year's level for a total of $143.6 million.

In addition our bill provides increases over the 1972 appropriation for special technology projects in the amount of $10 million; the right to read program, $10.3 million; career education models, $14 million; environmental education and school health and nutrition projects, $1.3 million; education statistics, $2.7 million; education extension agents, $6.6 million; and the national achievement study, $1 million.

These are all selective increases, based on the testimony and best judgment of both departmental and outside witnesses, as to the need in these particular areas.

Your committee weighed this testimony carefully and recommended these increases in the light of overall budget priorities for education funds.

In other words, every item of concern to the gentleman from Maine has been considered in detail by your committee, and we have found that the further increases he recommends are simply not justified when weighed against the available dollars and the budget priorities with which we are working.

One final word if I may. I do not want to see this bill vetoed, and we are already on some shaky ground with our significant increases and from what we might expect over in the other body. I would certainly caution against piling on another $364 million with this amendment. We are still faced with a $26 billion deficit, and while some may dare the President in an election year to veto this bill, I think he has demonstrated quite recently that he is a gutsy, feisty President who will have no reservation about vetoing a money bill if it gets too far out of line.

Mr. KOCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of both the Hathaway quality education appropriation amendment and the amendment to be offered later for increased funding of bilingual education programs.

While I commend the Appropriations Committee in making certain increases over the administration's funding request for the Office of Education, I believe that unless greater increases are made in certain areas of this appropriations bill, current programs for disadvantaged children, for vocational training, and for adult education cannot be maintained at their present levels and may even have to be cut back considerably, due to the increase in the past year in the costs of services.

Particularly important in this amendment is the increased appropriation for title I—disadvantaged children—of the Elementary and Secondary Education Act. As reported by the committee this bill provides no increase for title I funds over the current year. Under this amendment, $212.5 million would be added to insure that programs presently in operation will not have to be discontinued and dismantled because of lack of funds next year. Our education programs are an investment in the future of our country, and we must make sure, particularly, that those children presently from disadvantaged backgrounds are not denied a share in this future.

In addition, these amendments will provide increased funds for school libraries by $10 million, for vocational education programs by $27.6 million, and for adult education programs by $23 million. I must stress that these increases will provide for minimum funding levels, which are absolutely essential if we are merely to maintain viable education programs in all our States.

With respect to the bilingual education amendment which will be offered this afternoon, let me again stress the urgency of funding increases. At present, there are only about 100,000 children in the entire country being served by bilingual education programs under title VII of the Elementary and Secondary Education Act, and last year the Office of Education was able to approve only about 26 percent of the total applications it received for new programs. With the additional $15 million provided by this amendment, approximately 90,000 more children—practically double the present number—could be reached.

Mr. ROYBAL. Mr. Chairman, I rise in support of the Hathaway amendment which would add approximately $364 million to the Labor-HEW appropriations bill for eight vital programs.

While I commend the work of the Appropriations Committee, its subcommittee, and its chairman for supporting health manpower, equal education, and bilingual education, I believe the Hathaway amendment provides justified and reasonable program increases in these areas.

The largest chunk is for title I, Elementary and Secondary Education Act, which is designed to aid school districts in meeting the special educational needs of children residing in areas with high concentrations of low-income families. Here the amount to be added is $212.5 million, increasing the total for title I to $1.81 billion.

As you know, the major portion of title I funds is allocated by congressional formula to local educational agencies. The remaining funds serve special State agency programs for the handicapped, juvenile delinquents, neglected children, and children of migrant workers.

In fiscal year 1972, Congress appropriated $1.59 billion for this program against an authorization of $4.1 billion. For fiscal year 1973, the Labor-HEW appropriations bill has recommended the exact same level of funding as in fiscal year 1972.

I believe that there is more than ample justification for additional funds. First of all, there are over 8 million needy children who come from families with an income of $2,500 per year or less. While many of these children are served by this program, the level of support per student is inadequate. The bill would only provide about $203 per eligible child above what is annually expended for each child in the school he attends, in contrast to the administration's own estimate that at least $300 per child is needed to produce lasting results. The National School Boards Association places that figure closer to $800.

In this context we should also remember that there are some 12 million children from families with an annual income of $4,000 or less that certainly need our support.

An additional argument can be made. Given our current formula for distributing title I funds, 25 States would suffer cutbacks unless more moneys are provided for in this bill. The Hathaway amendment would assure that all except New Mexico would receive at least what they had in fiscal year 1972, with New Mexico's cutback drastically reduced.

Quite clearly the objective of this amendment is to provide adequate and equitable funding for every State not only for title I, but also for titles II, III, and V of our Elementary and Secondary Education Act; for vocational education programs, particularly for the disadvantaged; for the expanded adult education programs; our library services and construction efforts; and impact aid. This approach will help maintain the effectiveness of these programs and avoid serious reversals.

I strongly urge your support for this important amendment.

Mr. MINISH. Mr. Chairman, I rise in strong support of the amendment offered by Mr. HATHAWAY, known as the quality education amendment.

The amendment would add approximately $364 million to the pending appropriation bill for the Departments of Labor and HEW. Among the programs whose funding would be increased if the amendment is enacted are title I of the Elementary and Secondary Education Act, funds for school libraries, vocational education, adult education, and library services and construction.

It should be noted that even if this amendment is adopted, the programs strengthened by it will still fall substantially short of their authorized funding levels.

A great deal has been said in previous debates this year about quality education. Well, we are not going to achieve quality education by funding vital education programs at or below last year's level.

The amendment is supported by the Committee for Full Funding of Education, an umbrella organization of more than 100 education groups including the National Education Association and the American Federation of Teachers. I urge approval by the House of the quality education amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maine (Mr. HATHAWAY) which would add some $364 million in appropriations for the Office of Education. I might point out that the omnibus bill before us today is already some $912 million over the administration request, and that the committee's request for the Office of Education is already some $300 million in excess of the budget estimate. In addition, I am told that this bill does not cover nearly $5 billion under the Labor-HEW category which will have to be appropriated at a later date, including nearly $1.5 billion for higher education as a result of our recent authorization. And we are already talking about a revised budget deficit of some $27 billion in fiscal 1973. And yet the gentleman from Maine would have us appropriate another third of a billion dollars in a bill which is already nearly $1 billion over the budget request.

Mr. Chairman, I would ask, where does it all end? Where do we draw the line? We have heard a lot of talk about raising additional revenues by plugging the so-called tax loopholes, and I would certainly be in favor of taking a hard look at the various tax reform proposals which have been advanced. But Mr. Chairman, let us not be guilty of putting the proverbial cart before the horse by spending vast new sums before we have made provision for raising additional revenues by one means or another.

I note with interest that the gentleman has termed his amendment the quality education amendment, and that, as in the past, this has the support of various education groups. The largest portion of the $364 million—some $212.5 million—would go for title I programs—that is, those programs designed to assist educationally deprived children—for which the administration and the committee have already requested nearly $1.6 billion. I think it is rather curious that this has the support of presumably the same educators who paraded before the House Education Subcommittee in opposition to the President's proposed Equal Educational Opportunities Act which would target more moneys for compensatory education programs. You will recall that, in submitting this legislation, the President promised that a major portion of the emergency school desegregation funds be used as incentive grants to encourage eligible school districts to design educational programs to assist disadvantaged children. Specifically, the President asked for a compensatory education grant of approximately $300 per low-income pupil for schools in which substantial numbers of the students are from poor families.

Why, I would ask, do those same educators who so vehemently oppose the President's Equal Education Opportunity Act to increase funding for compensatory programs now come out so strongly for the Hathaway amendment which would increase funding for these very same programs to the tune of an additional $212.5 million? Under the President's proposal, about 15 percent of the $1 billion annual emergency school aid money, or $150 million annually, would be added to title I or compensatory programs. I appreciate the fact that the results of the title I program have been mixed, and to this day I am confused about its real value. But I am even more confused about this apparent contradiction on the part of the so-called educators who in one breath attack an additional $150 million for compensatory programs, saying it is not the answer, and in another breath support an additional $212.5 million for compensatory programs, saying this is a quality education amendment. They cannot have it both ways.

Mr. DANIELS of New Jersey. Mr. Chairman, although the Appropriations Committee added over $300 million to the President's budget, most of these funds restored and were earmarked for programs the administration sought to cut. This year, with the battle over busing, most people, including the President, have been saying that it is not the transportation of children that is important, but the quality of the education at the end of the ride. The quality education appropriations amendment was therefore introduced.

The quality education appropriations amendment places funds in the areas of greatest need. The total package is modest compared to previous years—$363.8 million. The amendment will also remove the 73-percent limitation on impact aid.

The quality education appropriations amendment provides much needed funds for:

First. Title I—ESEA—disadvantaged children, $212.5 million.

Second. Title II——ESEA—school libraries, $10 million.

Third. Title III—ESEA—supplementary services and centers, $25 million.

Fourth. Title V—ESEA—strengthening State departments of education, $10 million.

Fifth. Vocational education programs: Disadvantaged students, $9.898 million.

Sixth. Consumer and homemaking, $12,658 million.

Seventh. Work-study, $4.524 million.

Eighth. State Advisory Council, $0.514 million.

Ninth. Public Law 874, impact aid, $30 million.

Tenth. Adult Education Act, $23.7 million.

Eleventh. Library Services and Construction Act, $25 million.

New Jersey school districts are in dire need of these additional funds. If this amendment were to fail, New Jersey would receive less Federal aid in fiscal 1973 than in fiscal 1972. New Jersey school districts, like school districts throughout the country, face a severe financial crisis.

The problem in New Jersey, however, is compounded by a recent superior court decision in New Jersey—Robinson against Cahill—that declared that the current property tax base of financing public education is unconstitutional. As of January 1, 1973, more than 50 percent of the local school districts will stop receiving State aid due to the superior court decision.

This means that more than half of the local school districts in New Jersey will not receive the State aid they anticipated in their fiscal 1972–73 budget. If the quality education appropriations amendment is not enacted, New Jersey school districts will receive less Federal aid in fiscal 1973 than they received in fiscal 1972. The loss of both Federal and State aid to local school districts in New Jersey is likely to cause a cutback in essential services to the youth of our State. I do not believe that we can permit this to happen to any child, whether he resides in New Jersey or any other part of our country.

The hue and cry we all hear in educational circles is for "accountability." Can we in the Congress possibly hold the educational community "accountable" if we do not provide them with the necessary resources to do the job?

I urge the Members of the House of Representatives to make themselves "accountable" to the youth and to the future of this Nation.

Mr. DRINAN. Mr. Chairman, I rise to express my strong support for the quality education appropriations amendment to H.R. 15417 sponsored by Congressmen BILL HATHAWAY, DAVID PRYOR, DONALD RIEGLE, and seven other members of the Appropriations Committee, to add the sum of $363.8 million to the appropriation for the U.S. Office of Education for fiscal year 1973.

Before commenting further on this amendment, I wish to put my comments in perspective by briefly reviewing the recent history of congressional appropriations for education. The Nixon administration and the Congress clearly disagree on the role that the Federal Government should play in stimulating the growth of elementary and secondary education in this country. This point is made in the Brookings Institution's brilliant new study, "Setting National Priorities: The 1973 Budget," which was published last month. If I may quote at length from chapter 10, "Financing Elementary and Secondary Education":

> The administration's past elementary and secondary education budgets have pursued four objectives. First, they have placed an emphasis on holding down expenditures; only very modest increases were requested in 1971 and 1972. Second, last year the administration made a major effort to consolidate certain categorical aid programs by combining them into a special education revenue sharing grant that was to have been distributed on a formula basis to states and school districts. Third, this administration, like its predecessor, has persistently and unsuccessfully tried to reduce the impacted areas aid program. . . .
>
> The Congress, on the other hand, has ignored the aims of the administration, and instead has tended to maintain past emphases while increasing the total amount spent on education. In both fiscal 1970 and 1971, it enacted appropriations for education that the President vetoed because he considered them both too large and misdirected. The administration's special revenue sharing program for education, which was to have consolidated more than thirty programs into five block grants, was not acted on by the Congress last year. Instead it passed a 1972 appropriation for the Office of Education . . . that reflected its usual priorities. . . .

In no other area of Federal responsibility has Congress exerted its considerable influence over the executive branch more forcefully and more successfully than over the annual appropriation for elementary and secondary education. Yet this year the Appropriations Committee of this House has asked us to approve exactly what the President has requested, despite the President's demonstrated hostility to the provisions and the intent of the Elementary and Secondary Education Act.

For example, the President—and the Appropriations Committee—want to allocate $1.598 billion for title I of the act. The purpose of title I is to provide funds to improve the educational achievement of children from low-income families. Since its inception in 1965, title I has been one of the most successful of all programs administered by the Office of Education. Yet the $1.598 billion sum, if approved, would force half the States in the Union to decrease their title I expenditures in 1973.

Under the terms of the Hathaway amendment, an additional $212.5 million would be added to the important title I appropriation, the sum necessary to assure that no State would have to make drastic cuts in its title I program for 1973. Altogether $257.5 million would be added to the four principal titles of the Elementary and Secondary Education Act, enough at least to restore some sense of forward movement to the largest and most important single program in the Office of Education.

The Hathaway amendment adds $27.6 million to the $54.3 million recommended by the Appropriations Committee for the Vocational Education Act. In 1972 the Congress voted $54.3 million in VEA funds. For 1973 the President requested the same sum and the Appropriations Committee approved it without change, despite the tremendous interest generated in the act's provisions. The Hathaway amendment adds 50 percent to the funds for the consumer and homemaking program, 50 percent to the work-study program, 75 percent to the program for disadvantaged students with special needs, and 25 percent for the State advisory councils. The overall appropriation for vocational education is raised from $54.3 million to a more realistic $81.9 million.

Fortunately, and much to the Appropriations Committee's credit, the committee has done its usual admirable job of safeguarding one program from the Nixon administration's annual attempt to reduce it. The program is, of course, the enormously important impact aid program, which provides financial assistance to school districts whose tax base is seriously affected by Federal installations or Federal activities. The President's request of $415 million for 1973 is almost $180 million below the figure approved for 1972, and the committee in its wisdom restored more than $200 million to the President's wholly inadequate request. The committee's $615.5 million recommendation for 1973 is still $30 million short of the figure in the Hathaway amendment, but it is nonetheless an important step in the preservation and expansion of the highly successful impact aid program.

In summary, the Appropriations Committee has added approximately $301.5 million to the administration's 1973 education budget request. However, two-thirds of this sum was added to the impact aid program, for which the Nixon budget request was $177 million below the expended amount for fiscal year 1972; in total, therefore, the 1973 recommendation of the Appropriations Committee is only $54.1 million greater than 1972 outlays—a small increase in light of the traditional role of this committee in the educational budgetary process.

The Hathaway amendment would add a much needed $363.8 million to the committee's recommendation, including an additional $257.5 million for elementary and secondary education, $27.6 million for vocational education, $30 million for impact aid, $25 million for library services and construction, and $23.7 million for adult education. This amendment is entirely consistent with actions this House has taken in the past several years in appropriating considerably more for education than the President requested—three-quarters of a billion dollars more in fiscal year 1971, for example.

In a year when the debate over quality education has all too frequently dissolved into highly emotional and partisan considerations of issues which are only distantly related to education, it is appropriate that we should intensify our efforts to assure that the Nation's schools get the funding they need to move forward. I urge my colleagues to approve Congressman HATHAWAY's quality education appropriations amendment, and I suggest that everybody who is interested in the field of education recall the words of the Red Queen in Lewis Carroll's "Through the Looking Glass":

> Here, you see, it takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that!

Mr. O'HARA. Mr. Chairman, I wish to express my strong support for the Hathaway amendment, and for the contribution which it will make toward making "quality education"—not a catch phrase—but a reality.

I would hope that my colleagues would consider this amendment, first and foremost, on its merits—for on this basis, alone, it deserves favorable consideration.

Beyond that, I would hope that my colleagues would consider this amendment in the light of the votes which we have cast in this Chamber on the busing issue. I see a direct relationship between the action which we have taken on busing and the action which we will take today on doing something about quality education for all children, but particularly those who are educationally disadvantaged.

There has been much discussion in this Chamber—about the rationale behind court-ordered busing. And it always seemed to boil down to the issue of how do we go about assuring quality education in this country.

I was a cosponsor of the Broomfield amendment. I worked for its inclusion in the Higher Education Act and I supported it every step of the way. I did so because I felt that busing to achieve racial integration—or busing to achieve quality education—simply did not make any sense. The overwhelming number of my constituents feel the same way. In my annual congressional questionnaire, which my staff has just completed tabulating, 92.9 percent of the people voted against forced busing.

At the same time that the people in my district were expressing their overwhelming opposition to court-ordered busing, they also placed themselves solidly on record in favor of making a greater financial commitment to the inner-city schools. By a margin of better than 2 to 1, my constituents said they were willing to support increased expenditures of public funds for educational programs to aid the educationally disadvantaged.

This amendment involves precisely the kind of commitment that my constituents have indicated they support—more money where it is needed most to get the educational job done. I believe that this principle is shared by those in this Chamber who provided the majority vote by which we have passed antibusing amendments.

If we adopt the Hathaway amendment, the words "quality education" will reflect our conscience, our commitment, our sincerity.

If we reject the Hathaway amendment—in the light of our votes on school busing—then quality education will be nothing more than code words for racism.

I do not believe that this body is racist.

I am confident that the Hathaway amendment will prevail—and that we will put our money where our conscience is.

Mr. RYAN. Mr. Chairman, I rise in support of the quality education appropriations amendment which would provide additional funds for essential educational programs.

This amendment would provide additional appropriations totaling $363.8 million for a variety of programs ranging from grants for vocational education to education of the handicapped. It would provide an additional $9.8 million for vocational students with special needs and would insure that no State receives less in fiscal year 1973 than it received in fiscal year 1972. The amendment would provide an additional $4.5 million for vocational work-study programs, again insuring that no State receives less in fiscal year 1973 than it received in fiscal year 1972. And an additional $25 million would be provided for library services and construction.

I would like to touch briefly upon one program which has been consistently underfunded by the Congress and which would receive additional funds under the Hathaway amendment.

Title I of the Elementary and Secondary Education Act provides financial assistance for disadvantaged children and represents an attempt to alleviate educational deficiencies resulting from an impoverished environment and inadequate cultural, health, social, and educational experiences. The committee bill provides for $1.5 billion for title I programs, the same amount as was appropriated for fiscal year 1972. The Hathaway amendment would increase this amount by $212.5 million.

I think that an excerpt from a study published in 1971 by the Committee for Economic Development, entitled "Education for the Urban Disadvantaged," clearly points out the need for increased funding of these programs:

> While the American schools have generally provided middle and upper income youth with the intellectual tools necessary for success in our society, they have commonly failed to cope effectively with the task of educating the disadvantaged youth in our urban centers. To an alarming extent they

have simply swept disadvantaged youth under the educational rug.

It is true that we cannot solve this problem with money alone, but a lack of funds will deny any possibility of success in assisting these children.

The programs funded by the Office of Education appropriations bill are, and should be, of enormous importance to all Americans. It is vital that adequate educational opportunities be provided for the people of our country. The Hathaway amendment is essential in meeting that responsibility, and I urge my colleagues to vote in favor of it.

Mrs. ABZUG. Mr. Chairman, I rise in support of the quality education amendment, which would add $364 million in education funds to this bill, and in support of the Badillo amendment, which would add $15 million to the appropriation for the bilingual education program.

Congress can face no greater challenge than to increase our commitment of Federal tax dollars to the educational programs in this country. Education is the lifeblood of a society, and it is our most important tool for assuring progress for America and equal opportunity for all Americans.

The bulk of the money proposed in the quality education amendment—$212.5 million—would be for programs under title I of the Elementary and Secondary Education Act. Aid under title I is for local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means—including preschool programs—which contribute particularly to meeting the special educational needs of educationally deprived children.

Under the law, these funds are not just swallowed up in the budgets of local school boards; they must be spent in areas having high concentrations of deprived children; they must be used in addition to—not instead of—funds otherwise made available to those areas. In short, they represent a direct pipeline from the Federal Government to the children of this Nation who are most in need of that help. They represent a national commitment on which we must not scrimp or cut corners. Nothing—not the war in Indochina, not the space shuttle, not the SST—is as critical to assuring equal opportunity in our society as a proper education, and title I programs are an important factor in bringing this about.

The quality education amendment also contains much needed additional funding for vocational education, school libraries, and adult education. These too are areas in which we should make the fullest possible commitment of our resources, and I urge the adoption of this amendment.

Mr. STOKES. Mr. Chairman, I must make several comments about this appropriations bill for the Departments of Labor and HEW. The bill provides funds for hundreds of vital programs dealing with human needs. The sums are vast, but the needs are impossible to measure in dollars. I am generally pleased with the bill. The Subcommittee on Labor-HEW and the full Appropriations Committee have increased the President's budget request by just over $900 million. I commend my colleagues on the committee for this demonstration of commitment to people programs. Health programs, particularly in the manpower area, and education vitally need the increased funds which the bill provides.

There is one portion of the bill which I feel is inadequate. That is the funding recommended for the Office of Education. I understand and appreciate the fact that a very substantial increase in this item was approved. I regret to say, however, that the increase was insufficient. I was one of nine members of the Appropriations Committee who submitted additional views. I urge my colleagues to read that statement which begins at page 59 of the report on the bill. The quality education amendment offered by the gentleman from Maine (Mr. HATHAWAY) has our support. It is designed to prevent reduction in funds available under the Elementary and Secondary Education Act. Because of revisions in the formula under which such funds are allocated, many States would suffer serious cuts in ESEA funding if our amendment is not adopted. In addition, the amendment will provide much needed increases in funding for vocational education programs, and programs under the Library Services and Construction Act. I hope that my colleagues will recognize the necessity for these additional funds and support the amendment.

I regret that this bill, like the Higher Education Act, is tainted by antibusing provisions. Sections 208 and 209 at pages 33 and 34 of the bill are of questionable legal effect. The implication is clear. These sections are yet another expression of the foot-dragging resistance to the elimination of the last vestiges of segregation in our schools. Like all of the other antibusing legislation which has come before this House, I am vehemently opposed to these provisions. Once more I call upon my colleagues to bury this volatile and totally insubstantial busing issue. Let us get on with the effort to provide both quality and equality in education.

Mr. LEGGETT. Mr. Chairman, I hope the Hathaway amendment will pass. We hear a lot of talk about reordering national priorities these days, but we have seen very little action. Today we have a chance to put our money where our mouths have been.

The Appropriations Committee has done good work in appropriating funds above the level requested by the Nixon administration. But I believe we should improve on this work still further by passing the Hathaway amendment.

This package of amendments contains $30 million for impact aid, which, of course, is a matter of personal interest to me given the heavily impacted nature of my district. A number of my school districts are on the brink of fiscal disaster and this will certainly help.

But, in addition, the Hathaway amendment contains $212.5 million for education for the disadvantaged, $10 million for school libraries, $25 million for library services and construction, $27.6 million for vocational education, and $25 million for library services.

Mr. Chairman, these are the kinds of services a government is supposed to provide for its citizens. This is the reason we are in business. The total Hathaway amendment is less than one-twentieth of 1 percent of the projected military budget.

If we can afford anything at all, we can afford the Hathaway amendment.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 15417, the Departments of Labor, and Health, Education, and Welfare, and Related Agencies appropriation bill for the fiscal year ending June 30, 1973.

I also support and will vote in favor of the amendment to be offered by our colleague (Mr. HATHAWAY) to add additional funds to this appropriation measure for activities of the Office of Education. These increases are needed to bolster the basic section of the Elementary and Secondary Education Act, Federal aid to local school districts with large numbers of disadvantaged children and to prevent decreases in funding. Without passage of this amendment, 25 States will receive less money for fiscal year 1973 for their local educational agencies than they received for fiscal year 1972.

In addition this amendment will provide $10 million additional dollars for school library construction and services programs. In Queens, N.Y., we have seen the need for additional assistance in this area to prevent the shutdown of library services.

As a member of the Appropriations Committee I believe we must assign a high priority to education and it was for that reason that I joined with nine of my colleagues of the committee in filing additional views in connection with the committee report on H.R. 15417. The committee has considered the many programs covered by this appropriation measure with a view toward readjusting some of the priorities recommended by the administration. For example, while no funds were requested for the construction of community mental health centers, we have added $20 million to the bill and we have increased by $10 million the request for programs for mental health for children.

Another area in which the committee felt more funds were needed was alcoholism prevention and control. A total of $59 million additional has been added for research, training, and project grants to the States. We decided not to drop funds for hospital construction and public health centers as recommended by the administration but instead we have appropriated at the 1972 level. Other health programs funded by this measure include the new National Cancer Institute, the new National Heart and Lung Institute, health manpower training programs, and nutrition programs for the elderly.

Under the Labor Department appropriation sections of the bill, we have funded at the level requested by the Occupational Health and Safety Act program for administration of controls to protect workers in hazardous employment as well as manpower training programs.

I urge my colleagues to support H.R. 15417 and to vote for the amendment to increase appropriations for Office of Education programs.

Mr. RANGEL. Mr. Chairman, I support the commendable work done by Chairman FLOOD and the Appropriations Committee in the arduous task of weighing the merits of so many worthwhile Federal programs, of balancing competing fiscal considerations against the urgent needs of labor, education, health, and welfare.

The results of their deliberations include a number of items of special interest in the $28 billion HEW appropriation and the $3 billion Department of Labor budget. Among other things, the committee has added $59 million over the budget for alcoholism prevention and control, $20 million to keep the program for construction of community mental health centers going, $112 million for hospital construction, and $2.5 million over the budget request of $9.5 million for lead-based paint poisoning prevention programs.

I am, however, somewhat disappointed to find some less favorable recommendations sandwiched in an otherwise good bill. I refer to the sickle cell appropriation, the so-called Whitten amendments, and the education appropriations.

When an estimated 10 percent of the black population carries the sickle cell trait, and when one out of every 500 black babies born has the hereditary disease itself, it is discouraging to learn that the committee has made no increase in the $15 million administration request for sickle cell anemia research.

Another disappointment is the so-called Whitten amendments relating to school desegregation and busing which again have been towlined on to the appropriations of HEW. Under section 208 of the appropriations bill, HEW is prevented from requiring any school district to bus students, to close down any segregated school, or to transfer any pupil to another school unless by freedom of choice. Under section 209 of the bill, HEW is prevented from authorizing as a condition precedent to obtaining Federal funds any of these traditional modes of dismantling dual school systems. These ill-conceived amendments do little other than undermine the constitutional mandate of school boards to end State-fostered segregation at once. I am hopeful that the Senate will again neutralize these repugnant measures as it did last year. I think it is very unfortunate that there are simply not enough votes here in the House to cleanse this appropriations bill of the racist taint in these amendments.

Another disappointment is the funding levels for education—programs for disadvantaged children, school libraries, supplementary centers, State departments of education, impacted aid, vocational education, adult education, and library services.

Under the committee recommendations these eight key educational programs would receive a total of $2.657 billion. Title I for disadvantaged children would receive $1.597 billion, title II for school libraries would receive $90 million, title III for supplementary centers would receive $146 million, title V for strengthening State departments of education would receive $43 million, impacted aid would receive $615 million, vocational education programs would receive $53 million, adult education would receive $51 million, and library services would receive $60 million. For the most part, all these programs would be funded at basically the same level as they were for fiscal 1972. Since teacher salaries, equipment, supplies, and services are continuing to go up, it would mean that the same programs could not be run again this coming fiscal year on the local level. In other words, inflationary costs would cause a 5-percent cutback in existing programs now being conducted in local school districts.

For this reason, I strongly favor the Hathaway amendment. Under this package amendment, appropriations for these key educational programs would be boosted by $364 million. Some $212 of this $364 million increase would go to disadvantaged children under title I programs. This additional amount proposed by the Hathaway amendment would guarantee that every State but New Mexico would have at least as much as it received for the previous fiscal year and the difference in New Mexico would amount only to $270,000 instead of $1.4 million.

Title I, as you may know, is a program to assist school districts in meeting the special educational needs of children residing in areas with high concentrations of low-income families. Under the committee bill, New York State would receive about $207 million of the total $1.597 billion appropriated nationwide for the program. The Hathaway amendment would boost New York State's share some $32.5 million from $207 million to over $239 million.

Title I has not been very successful in meeting the special educational needs of disadvantaged children in New York City where about $140 million was spent this fiscal year. Primary responsibility for this snafu lies with the State department of education which has approved dozens of projects it should not have primarily because of sloppy monitoring. The central board of education, of course, under decentralization looks only to see that the forms are properly filled out and does not really review the substance of the proposals submitted by the local districts. The State simply has not put enough professionals on the monitoring process but rather has allocated them for other work such as devising innovative reading models.

When I find that the reading and quantitative skills of the title I target children in my congressional district show no substantial improvement after title I funds have been poured in, I have a difficult time continuing to justify voting for increased appropriations above the amounts recommended by the House Appropriations Committee.

I see two big problems citywide in title I. First, the programs submitted for approval are frequently not designed to meet the greatest needs of the children themselves. For example, it is fine to fund hundreds of paraprofessionals but they should be utilized full time in helping children develop mathematics and vocabulary skills rather than running errands for principals or doing community work in an OEO fashion. The second problem is that the evaluative process is ineffective for determining how good the programs are and whether they should be continued or changed. Large sums of money are contracted out to private concerns to do this evaluating and yet their results don't really respond to what evaluation is all about.

Still another problem is that the money to meet teacher union demands seems to come out of title I. Title I is an exceptionally complex program where administrators and coordinators must exercise hard judgment on which children should receive the benefits since the funds must be concentrated on limited numbers if the funds are to have any effect and exercise hard judgment on which needs are the most urgent since all needs cannot realistically be met. It is unfortunate that the teacher union demands and special needs of educationally deprived children do not always coincide.

It is with some reluctance, then, that I vote today in favor of the Hathaway amendment which would give the State $32.5 million more for title I, the bulk of which would go to New York City. But I feel it would be unconscionable to deprive our children of additional funds if there is any hope for their improvement as a result of this increase. I am hopeful that State and local school officials will now take the appropriate steps to correct some of these deficiencies.

Mr. WOLFF. Mr. Chairman, I am pleased to support the Hathaway amendment, which I feel will be adopted. However, the adoption of the amendment will preclude my offering of an amendment to this section which I know would have had a great deal of support from my colleagues here on the floor.

Mr. Chairman, this amendment was directed specifically to the special programs for children with specific learning disabilities established in April of 1970.

This program is aimed not primarily at the physically, mentally, or emotionally handicapped child but at the child who experiences academic failures as a result of learning disabilities and a lack of adequate attention to such disabilities. I understand that about 70 percent of the handicapped conditions could be prevented or ameliorated with the appropriate early intervention. Yet only about 10 percent of the 2.5 million children under six actually receive any direct attention under such federally sponsored programs.

Under Public Law 91–230 the Office of Education is authorized to establish and operate, in conjunction with a variety of State and local agencies and organizations, model centers for the improvement of education of children with specific learning disabilities which would provide testing, evaluation, program development and teaching assistance in this vitally important area. A report recently submitted to the Secretary of the Department of Health, Education, and Welfare concluded that "a student's initial failure in learning to read can have enormous consequences in terms of emotional maladjustment tendency toward delinquency, likelihood of becoming a dropout, and difficulty in obtaining employment." I know that many of my colleagues supported the original program for children with disabling learning problems precisely in order to identify early and hopefully eliminate the potentially dire consequences of such problems.

However, let us look at the record of the Congress for this important program. We provided an authorization, spread over a period of 4 years of $94 million for these special programs for children with specific learning disabilities. During the past 3 years, we have been, I feel, derelict in our responsibility to this program since we have appropriated only $3.25 million. If we enact this section today without amendment, we will have appropriated a grand total of $6.5 million for the entire 4-year period. At this rate, it will take almost 20 years to expend the funds that were authorized for 4 years. This is an intolerable situation.

Mr. Chairman, innumerable Members of this body have time and time again taken to the floor to call for a particular problem to be dealt with at its very source. We hear of alpha and omega costs, that is the cost of prevention and the cost of cure. It is cheaper to prevent than to remedy.

Here we had an opportunity to improve our educational system by diagnosing disabilities and setting up programs to deal with them. We also had the opportunity to prevent before it happens, dropouts, juvenile delinquents, and other emotional disorders.

My amendment merely provides for an accelerated expenditure of funds in this area during the 1973 fiscal year. The $31 million total would still put this program at about only one-third of its originally authorized funding. Certainly this is a small amount of money compared to the sums spent on dealing with the results of the lack of efforts to check these disabilities at their source. Inasmuch as there was considerable support for my amendment, I hope that we will be able to add it on to the next supplemental appropriation.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the Hathaway quality education amendment. This amendment would add approximately $364 million to the appropriations for the Office of Education for the coming fiscal year.

It contains additional funds for such vitally important education programs in the Elementary and Secondary Education Act as title I, for disadvantaged children; title II, for school library resources, textbooks and other instructional materials; title III, for supplementary educational centers and services; and title V, for State departments of education.

It also contains additional funds for the impact aid program, for vocational education programs, for adult education, and for library services and construction.

The Hathaway quality education amendment is supported by virtually every educational organization in the United States, including the National Education Association, the American Federation of Teachers, the Council of Great City Schools, and the Emergency Committee for Full Funding.

Mr. Chairman, while the debate on this amendment has been heated and vigorous, and while educators throughout the country are anxiously awaiting the final outcome, I would like to stress that even with the adoption of the Hathaway amendment the amount we will be appropriating today does not even come close to the amount which is actually needed to solve the crisis in education presently confronting this country.

The adoption of the Hathaway amendment is necessary. It is crucial. But in proper perspective it amounts to nothing more than merely applying a band-aid or a temporary splint when major surgery is actually required. What Congress should really be doing here today, instead of bickering over an additional $364 million for education, is making a much greater financial commitment—the kind of commitment which experts have told us is so urgently required and the kind of commitment which some of us have been advocating for years.

We should be making the type of commitment Commissioner of Education Sidney Marland was talking about last year when he told nine big-city majors that he believed "the Federal Government should pay 25 to 30 percent of the cost of public education." We should be responding to the study financed by the Office of Education which tells us that:

> Public schools should receive at least 22 percent and preferably 30 percent of their total revenue from the Federal Government in order for the schools to have an adequate tax base and in order for the Federal Government to accomplish legitimate and appropriate Federal purposes.

The National Education Association has also recommended that the Federal Government should provide 33 percent of the cost of educating our children.

While I hope this body will act favorably on the amendment before us today—so we can at least get a few more Federal dollars to our local schools immediately—it is my hope that by this time next year we will have had the opportunity to act on my own proposal—the Quality School Assistance Act. This legislation would do away with this present patchwork approach and provide the mechanism to send enough Federal dollars to each and every local school agency throughout the country so that we can begin to provide the quality and equality in education which is so urgently needed in almost every State.

The Quality School Assistance Act, which I introduced last year and reintroduced this year with almost 40 additional cosponsors, would enable the Federal Government to contribute immediately to each local school agency, an amount equivalent to 20 percent of the average per-pupil expenditure. This amount would increase gradually each year until it reached a level of 35 percent of the cost of educating each child in 1976.

But while we quibble today over this amendment, which simply provides for a mere 364 million additional dollars to the Federal Government's contribution to the cost of educating our children, it should be kept in mind that despite all the recommendations of the experts, the amount of the Federal contribution to education today remains at a level of approximately 7 percent of the total cost.

It should also be kept in mind that in spite of all the talk we have heard during the past year about school finance reform and about quality education, the bulk of the burden of financing education continues to be borne by the financially starved State and local governments. Approximately 41 percent of the cost is derived from State governments and most of the remainder—which amounts to over 50 percent of the cost—is derived from what the Office of Education's study refers to as "the most regressive of any of the major types of taxes"—the local property tax.

Mr. Chairman, we simply can no longer afford to depend on property taxes as the major source of revenue for educating our children. The property tax is grossly unfair—it is unfair to families with school-age children, it is unfair to our senior citizens living on fixed incomes, and it is unfair to the struggling small businessman.

The voices of the people have spoken loudly and clearly on this issue. They simply will not and cannot afford any more increases in local property tax. They are depending on us in Congress to find a solution to this problem, and the only immediate solution is more Federal funds. During the past few years the people in my own congressional district have on several occasions voted down further increases in property tax—not because they are not interested in quality education for their children, but because they simply can no longer afford the increases in this type of tax.

The situation is the same in virtually every part of the country. Last year voters approved only 47 percent of the school bond issues put before them—compared with 75 percent as recently as 1965 and 89 percent in 1960.

The result has been disastrous, but it is the result which many of us have been predicting for several years. We are now faced with the sad spectacle throughout the country, of overcrowded and deteriorating schools, half-day sessions, bankrupt school districts, and court orders requiring students to be bused away from their neighborhoods so they can receive a proper education.

Mr. Chairman, only the Federal Government has the resources to respond to this national crisis in education, and it is up to us in Congress to take the initiative.

The response of the executive branch under the leadership of Mr. Nixon has been shameful and irresponsible. The Nixon administration's response to this growing national problem has been the typical Nixon approach to any domestic problem—plenty of soothing rhetoric concocted by his White House staff of slick advertising executives and public relations men, but no substantive or decisive action.

The reason that most of us here in

Congress have been visited by educators from all over the country during the past week is that these people know we are their last hope. They know their pleas have fallen on deaf ears in the White House, and they know all about Mr. Nixon's colorful rhetoric and his do-nothing approach.

They remember all too well Mr. Nixon's campaign speech in February 1968, in which he stated that "when you cut expenditures for education, what you are doing is short-changing the American future." Of course that was back in the days when Mr. Nixon was also telling us that he was capable of running things properly and that he had a secret plan to end the war in Southeast Asia.

There was, however, one line of rhetoric which came out of the Nixon administration which proved to be very true indeed. That was when we were told by the Nixon administration to "watch what we do rather than what we say."

This statement is particularly appropriate with respect to Mr. Nixon's record on education, for after that speech he made in 1968 in which he told us that we are short-changing America's future when we cut expenditures for education, he promptly began to build an excellent record of short-changing America's future. He vetoed the appropriations for education for fiscal years 1970 and 1971 and this year, despite all his rhetoric about quality education and high property taxes, he sent a budget request to Congress which was labeled by the National Education Association as "a totally inadequate response to the pressing needs for the schools," because it was so far below the amount Congress had already authorized to be spent on education.

Mr. Chairman, we in Congress can no longer fail to respond to this country's educational needs. We have seen the dismal response of the Nixon administration and we have heard the voice of the people. The additional funds in the Hathaway amendment amount to no more than what Mr. Nixon spends in 3 or 4 days on that war in Southeast Asia which he told us he could end back in 1968. The amount contained in the Hathaway amendment is necessary just to prevent 25 States from receiving less Federal funds this year than they did last year, and I strongly urge its adoption.

We are told today, as we have been told in the past, that passage of the Hathaway amendment will cause the President to veto the entire appropriations for both health and education. I am sure that the parents and students in Michigan who face a very uncertain future in their schools will be watching as the President has a chance to express himself on the priority rating of education in his administration.

The action we have already taken in this Chamber today by supporting my friend and distinguished colleague from Michigan (Mr. O'HARA) in defeating the Flood amendment has already assured the State of Michigan an additional $12.1 million in title I funds.

The passage of the Hathaway amendment will assure Michigan schools of at least another $17.8 million over and above the recommendations of President Nixon and the Appropriations Committee.

Mr. Chairman, when many of the children of Michigan are at this very moment wondering whether their schools will have enough money to reopen their doors next September, we simply cannot afford to continue quibbling over these additional funds for education and we cannot afford to back down because of Mr. Nixon's irresponsible threat of a Presidential veto.

Mr. MITCHELL. Mr. Chairman, education is one area where we cannot allow ourselves simply to stand still in our efforts. Yet the appropriations for education contained in H.R. 15417 would mean that, as a consequence of inflation, major programs would be cut back in numerous instances. We know only too well of the effects of the shrinking dollar at the food market and in the home. We cannot allow this blight to spread to the schoolhouse as well. It is for this reason that I rise in support of the package of amendments designed to increase the fiscal year 1973 funding for several vital education programs.

The compensatory education provided to disadvantaged children under title I of the Elementary and Secondary Education Act constitutes the major activity of the Office of Education. Over 12 million children benefit from the programs funded under this title. The additional $212.5 million beyond what the Appropriations Committee has voted would mean that only one State would have less money for these programs in the upcoming fiscal year than it presently does. Twenty-five States would be faced with a reduction in funds under the committee's appropriation.

Fifty-one million children are served by title II assistance for school libraries. At present, the libraries in 50 percent of our elementary schools and 45 to 67 percent of our secondary schools fail to meet State standards in at least one respect. It is also estimated that 425 million volumes are needed to bring school libraries in line with nationally recognized standards. The additional $10 million requested for this title will help to prevent us from falling even further behind in this area.

In the field of vocational education, we are again faced with the prospect of a diminution in the funds available to several States. The proposed increase would bring each State back up to last year's level of spending for special vocational education programs, which primarily aid students from urban centers and other economically depressed areas.

For 13 million adult Americans, their failure either to read, speak, or write English adequately represents a substantial impairment of their ability to find and then to maintain employment commensurate with their real ability. The additional money sought in the area of adult education is the basic minimum figure for adequate programs in this vital area.

All of the programs affected by this amendment are of proven worth. The additional $363 million to be provided for these programs will bring a return far greater than the original investment. I urge my colleagues to support the amendment.

Mr. HULL. Mr. Chairman, several Members have asked me about the absence of any funds for title III of the National Defense Education Act, a program to help our schools obtain vitally needed equipment and materials to meet priority needs. May I just point out that we are not considering it in the 1973 Labor-HEW appropriations bill because NDEA III was a part of the Education Amendments Act of 1972 which was just passed on June 8, too late for authorized programs to be included for appropriations. Ever since the House Appropriations Subcommittee on Labor-Health, Education, and Welfare, on which I serve, worked on the 1973 education appropriations bill, NDEA III's authorization has been pending in the education amendments of 1972, now awaiting the President's signature. He is expected to sign it, I understand, and thus funding of NDEA III-A and other programs in that bill will come before us at a later date. We all regret the extraordinary delay in the authorizing bill. Because the program is so crucial to our schools, I just want to say I wish the Education Committees of both houses had moved their bill forward more swiftly.

NDEA III in recent years has been subject to much debate and its status hangs today in question since the administration continues to oppose it. The Congress, however, has funded it since its inception 14 years ago and I hope this year will be no exception to that fine record of support. NDEA III is the major program providing funds for schools to purchase instructional media; in fact, it is the only program that can reach all students in all schools in all areas for almost all subjects. NDEA III provides the tools which make learning more efficient, effective, and more individualized. Indeed, it is at the heart of education—in the classrooms of America for the direct benefit of students.

Why then, if it is such a basic program, is it opposed each year? Administration opponents are fond of saying it is not needed, that schools can purchase instructional media under other programs, citing as examples ESEA I and ESEA III. A moment's thought reveals that these programs are aimed at specific problems and that they cannot serve all schools as does NDEA III. Additionally, schools receiving title I funds are encouraged primarily to use those funds for teachers and teacher aids. In fact, in some States such as North Carolina, purchase of instructional media is prohibited under title I by State regulations. NDEA III cannot be replaced by any existing Federal program; there is no program which has its unique feature of serving all students in all schools in such a basic manner.

Another charge often heard is that the goals of NDEA III have been met. Research reveals the contrary. The increasing need for educational media in our classrooms has been documented time and again; in fact, only 20 percent of the Nation's schools can meet the widely accepted school media standards, and media is used only about 5 percent of all instruction time. Even though since 1958 enrollments have increased, schools have been modernized, and costs of instruction have climbed, the appropriation for NDEA III has had to be cut back because of overriding Federal budget problems. Particularly critical is the fact that NDEA III's program base has been expanded; subjects not heretofore eligible are now covered. And the program's flexibility—another good feature of the program—allows NDEA III funds to be used to help such endeavors as Right To Read. NDEA III is critical to Right To Read, an administration-backed program, since remedial efforts often require intensive use of audiovisual equipment and materials. U.S. Office of Education studies show that NDEA III helps to support about half of the federally funded reading projects under the Right To Read effort.

A third objection often raised against NDEA III is that funds appropriated are not used. Since passage of the "Tydings amendment" in 1970, a provision allowing States and localities to carry over funds from 1 year to the next, OE reports that all funds are indeed used, primarily in the first year of funding. Prior to enactment of this amendment a small amount of NDEA III money, as well as others, was returned to the Federal Treasury. But OE officials maintain that school officials had to return funds because of problems related to late appropriations—not because of inherent flaws in the program.

A recent study entitled "The New Instructional Technologies: Are They Worth It?" following up the 1970 report of the Commission on Instructional Technology has provided further evidence of the need for NDEA III. In this report, Sidney Tickton of the Academy for Educational Development has told the President's Commission on School Finance of the cost-benefits of technology, though conclusive data remains somewhat scattered. But this researcher concludes without reservation that instructional media can be cost effective, that costs of instructional media spread over a reasonable period are not greater than those of traditional methods, and that media should certainly be used to teach the disadvantaged.

Another report issued this month, "The Fourth Revolution: Instructional Technology in Higher Education," outlines the critical need for technology in education—particularly focusing on the future needs in higher education. This study brings me to plead, as I have before, for funding title VI of the Higher Education Act, NDEA III's counterpart. This program has suffered the same plight as NDEA III and in my view should receive a very high priority. College instruction has traditionally been the weakest of all. This report dramatically concludes:

> The new technology may provide the single greatest opportunity for academic change on and off campus.

Thus, evidence mounts to convince me that the Congress must continue audiovisual technology as a high priority in education. No advocate of technology in teaching wishes to replace teachers with machines; we must have the human element, too. But, as Sir Eric Ashby has said:

> Any technology which increases the rate of learning would enable (as Comenius put it centuries ago) the teacher to teach less and the learner to learn more.

Is this not, after all, our goal?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine (Mr. HATHAWAY).

TELLER VOTE WITH CLERKS

Mr. HATHAWAY. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HATHAWAY. Mr. Chairman, I demand tellers with Clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. HATHAWAY, MICHEL, FLOOD, and O'HARA.

The Committee divided, and the tellers reported that there were—ayes 212, noes 163, not voting 58, as follows:

[Roll No. 205]

[Recorded Teller Vote]

AYES—212

Abzug
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashley
Aspin
Badillo
Baring
Barrett
Begich
Belcher
Bergland
Bevill
Biaggi
Biester
Blatnik
Boggs
Bolling
Brademas
Brasco
Brinkley
Brooks
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burton
Byrne, Pa.
Byron
Caffery
Carey, N.Y.
Carney
Chamberlain
Chisholm
Clark
Clay
Cleveland
Collins, Ill.
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Donohue
Dow
Drinan
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Fulton
Galifianakis
Gaydos
Gonzalez
Grasso
Gray
Green, Pa.
Gubser
Gude
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Howard
Hungate
Ichord
Jacobs
Jarman
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Koch
Leggett
Lent
Lujan
McClory
McCormack
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pepper
Pettis
Peyser
Pike
Podell
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quillen
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Roncalio
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Shoup
Sisk
Staggers
Stanton, James V.
Steed
Steele
Stokes
Stratton
Stubblefield
Symington
Taylor
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Whalen
White
Widnall
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NOES—163

Abbitt
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Bennett
Blackburn
Boland
Bow
Brotzman
Brown, Mich.
Broyhill, N.C.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Cabell
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Coughlin
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flynt
Ford, Gerald R.
Frelinghuysen
Frenzel
Frey
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Haley
Hansen, Idaho
Harsha
Harvey
Hastings
Hogan
Hull
Hunt
Hutchinson
Johnson, Pa.
Jonas
Jones, Ala.
Keith
King
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lloyd
Long, Md.
McCollister
McCulloch
McDade
McFall
McKevitt
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Monagan
Myers
Natcher
Nelsen
Pelly
Pickle
Pirnie
Poff
Price, Tex.
Quie
Railsback
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steiger, Ariz.
Stuckey
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Ullman
Waggonner
Wampler
Ware
Whalley
Whitehurst
Whitten
Williams
Wilson, Bob
Wydler
Wylie
Wyman
Young, Fla.
Zion

NOT VOTING—58

Abernethy
Abourezk
Bell
Betts
Bingham
Blanton
Bray
Broomfield
Celler
Curlin
Davis, S.C.
Dingell
Dowdy
Edmondson
Eshleman
Fuqua
Gallagher
Garmatz
Griffiths
Hagan
Hall
Halpern
Hébert
Hillis
Hosmer
Kee
Kyros
Landrum
Link
Long, La.
McCloskey
McClure
McDonald, Mich.
McEwen
McKay
McMillan
Mailliard
Metcalfe
Mills, Ark.
Montgomery
Mosher
Nichols
Passman
Patman
Perkins
Poage
Pryor, Ark.
Rooney, N.Y.
Rooney, Pa.
Rousselot
Springer
Steiger, Wis.
Stephens
Sullivan
Talcott
Thompson, N.J.
Wiggins
Winn

So the amendment was agreed to.

Mr. WOLFF. Mr. Chairman, I move to strike the last word.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today we have an opportunity to improve upon the committee's efforts to maintain a strong Federal commitment of providing educational opportunities for our people despite the less than adequate recommendations of the Nixon administration. For this purpose I must rise to urge every one of my colleagues to consider the vital necessity of adequate educational appropriations and to support the quality education appropriation amendment.

No one can truthfully say that money spent on education is money ill-spent. I have always personally felt that education of our youth is a critical priority for the future protection of our planet. The problems of the present and the future can only be solved, I feel, by education.

The committee has appropriated $301,455,000 above the administration's 1973 budget, including almost $2.5 million extra for impacted aid under Public Law 874 and $27 million extra for Library Services and Construction Act projects. This is necessary and desirable. Yet the evidence clearly demonstrates that even the committee's generosity would not be enough to adequately provide what is needed for the proper application of our worthwhile Federal educational assistance programs.

According to the committee report, my home State of Illinois would receive, under the basic proposal, $1,602,478 less for local education agencies in 1973 than in 1972. This is an example of the inadequacy of the basic bill and the need for complementary appropriations.

Mr. Chairman, you can cut back spending in many areas, and I am all for it, but I cannot support reductions in worthwhile educational expenditures. After all, if we can spend an additional $5 billion in Vietnam for the stepped up bombing and naval blockade, we can certainly spare a few dollars to fund education programs adequately. I will cast my vote for the amendment and urge my colleagues to do the same.

PARLIAMENTARY INQUIRY

Mr. HATHAWAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HATHAWAY. Has the Clerk started to read the next paragraph?

The CHAIRMAN. The Clerk has not started to read, but at this time the Clerk will read.

The Clerk read as follows:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $641,405,000, of which $615,495,000, including $41,450,000 for amounts payable under section 6 shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $25,910,000, which shall remain available until expended, shall be only for providing school facilities as authorized by section 5 and subsections 14(a) and 14(b) of said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 73 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further*, That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools.

MOTION OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Chairman, I move to strike the paragraph beginning on line 14, page 19, and ending on line 11, page 20.

The CHAIRMAN. Without objection, the motion is agreed to.

There was no objection.

So the motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EDUCATION FOR THE HANDICAPPED

For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, and section 5 of Public Law 85–905, $143,609,000.

MOTION OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Chairman, I move to strike the paragraph on page 20, beginning with line 12 and ending with line 15.

The CHAIRMAN. Without objection, the motion is agreed to.

Mr. GROSS. Mr. Chairman, reserving the right to object, what is going on?

The CHAIRMAN. The Chair will be glad to inform the gentleman that the gentleman from Maine (Mr. HATHAWAY) announced he would strike out a certain number of paragraphs to make the bill conform to the controlling paragraph which has just been adopted, and the committee is now taking such action.

Mr. GROSS. Mr. Chairman, I withdraw my reservation.

There was no objection.

So the motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, section 102(b) ($20,000,000), parts B and C ($444,682,000), D, F ($25,625,000), G ($19,500,000), H ($6,000,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and the Adult Education Act of 1966 (20 U.S.C. ch. 30) ($51,300,000), $592,127,000, including $16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1974, and not to exceed $18,000,000 for research and training under part C of said 1963 Act: *Provided*, That grants to each State under the Adult Education Act shall not be less than grants made to such State agencies in fiscal year 1971: *Provided further*, That grants to each State under the Vocational Education Act shall not be less than grants made to such States in fiscal year 1972.

MOTION OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Chairman, I move to strike the paragraph beginning on line 16, page 20, and extending down through line 8 on page 21.

The CHAIRMAN. Without objection, the motion is agreed to.

Mr. QUIE. Mr. Chairman, reserving the right to object, I would like to make a parliamentary inquiry.

The CHAIRMAN. The Chair cannot hear the gentleman.

PARLIAMENTARY INQUIRY

Mr. QUIE. Mr. Chairman, my parliamentary inquiry is this: I have an amendment at the desk which would, on page 21, line 1, strike out the words after "1974" down through the word "Act" on line 3. Is it possible to offer that amendment now that the Hathaway amendment has been adopted?

The CHAIRMAN. It is possible.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer that amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE:

On page 21, line 1, strike out all that follows after "1974" through the word "Act" on line 3.

The CHAIRMAN. The Chair was of the impression that the amendment offered by the gentleman from Maine had been agreed to, striking out the paragraph to which the amendment is offered.

Mr. QUIE. I did not hear the chairman.

The CHAIRMAN. The Chair thought that amendment had been agreed to, striking out the paragraph. That was the last Hathaway amendment.

Mr. QUIE. In my copy of the Hathaway amendment it was not stricken out. If that is correct, the Hathaway amendment would put a period after "1974" on line 1 and strike out the rest. It was my understanding the Hathaway amendment put a period after the word "Act" on line 3 and struck out the proviso, which is the rest of line 3 down through line 8.

The CHAIRMAN. The Chair would have to rule that the gentleman rose too late. The motion had been offered by Mr. Hathaway, and there was no objection and it was acceded to.

Mr. QUIE. Mr. Chairman, the Chair asked if there was any objection, and I reserved the right to object, which I am still reserving, and on that I asked my parliamentary inquiry.

The CHAIRMAN. The Chair must state that the Chair did not hear the gentleman say he was reserving the right to object on the Hathaway motion.

Mr. QUIE. It was on that reservation that the chairman recognized me.

The CHAIRMAN. The Chair will recognize the gentleman on the basis of his statement which the Chair did not hear.

The Clerk will report the amendment offered by the gentleman from Minnesota.

Mr. FLOOD. Mr. Chairman, I still feel constrained to say the amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. QUIE:

On page 21, line 1, strike out all that follows after "1974" through the word "Act" on line 3.

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FLOOD. Mr. Chairman, my point of order is that the committee has just agreed to this.

The CHAIRMAN. The committee has agreed to what?

Mr. FLOOD. The position taken by my friend, the gentleman from Minnesota (Mr. QUIE). I have here, for instance, that we voted not to exceed $18 million for research and training, under part C of said 1963 act. Now I had the clear impression, I am sorry to say, that the committee just agreed to this. I am in a strange position now, but I do not think it will last, but that is the way I understand it.

The CHAIRMAN. The Chair will state that the first amendment offered by Mr. HATHAWAY on page 19, was to the paragraph beginning on line 7 and that amendment was a substitute amendment, and was agreed to.

Now we still have to read each one of the paragraphs of the bill duplicated or modified by the Hathaway amendment, and a perfecting amendment to those paragraphs is in order even though a motion to strike out is first offered.

POINT OF ORDER

Mr. O'HARA. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. O'HARA. Mr. Chairman, my point of order is if a motion to strike has been made, is it not then out of order to try to amend the paragraph that the motion to strike applies to?

The CHAIRMAN. The Chair would have to rule that a perfecting amendment is in order although a motion to strike is pending. Therefore the Chair rules that the amendment offered by the gentleman from Minnesota (Mr. QUIE) is in order on the basis that it is a perfecting amendment to the paragraph to which the motion to strike is pending.

Mr. QUIE. Mr. Chairman, as you might want to follow along on the amendment again, I will repeat it to you. It is on the top of page 21 of the bill, and there are these words: "June 30, 1974."

My amendment then strikes out the words, "not to exceed $18 million for research and training under part C of said 1963 act."

The effect of dropping that $18 million limitation would make the law as it presently reads apply.

Now, if you will go back to page 20, line 18, the Hathaway amendment did not change this, it provides for—

parts B and C ($444,682,000)—

These are basic grants in parts B and C for research money. Fifty percent of the research money the Commissioner is responsible for making the determination on how it is to be expended in each of the States, and 50 percent goes to the States for them to make the determination on how this is to be used for research. This would mean that 10 percent of the $444,682,000 would be used for part C as the law requires. And I urge you not to put a restriction on that of $18 million because the effect of what happened last year was that the research money of part C was limited to $18 million. And there was a colloquy between the gentleman from Illinois, the gentleman from Pennsylvania, and the gentleman from Iowa, and it was the impression at that time that the $18 million would go to the States for them to use, but instead only $9 million was used by the States, and that was only after we put pressure on the Office of Education to allocate at least that much to the States.

We need research in occupational education. There is a dramatic need for this kind of research program. There is no other area of education that is in greater need of such a program so that the young people can leave their formal education and secure a job.

The administration asked for the National Institute of Education so they could do more research. Here we have authorization already on the books, and the Congress fully intended that 10 percent of the money should be used for part C.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, this amendment in no way changes the dollar figures; all it does is bring this appropriation into conformity with the authorization. This House has already established the rule that 10 percent of this money should go for research. That is what the House adopted. What the Committee on Appropriations is doing is putting a limitation on that. I submit that the gentleman from Minnesota (Mr. QUIE), makes a good point, because if you go along with the gentleman from Minnesota all you will be doing is taking care of what is authorized, and would be helping every vocational educational department in every State in the country. You will also be giving the States 50 percent of this to develop research programs of their own at the State level in order to meet the job needs and the career needs, and vocational needs of their students.

So I would suggest to the Members of the House that they should go along with the amendment offered by the gentleman from Minnesota, so that we can assure that the vocational needs across this country will be helped, which are so urgently needed.

I urge that the amendment be agreed to.

Mr. QUIE. I would say in explanation that this does not change the money. It does not increase the appropriation. It merely lets part B and part C be administered and the allocation of money the way the authorization legislation provides.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. SMITH of Iowa. The gentleman referred to me in his remarks. I thought we had a clear understanding last year, but the department for some reason ignored it.

You and I tried to convince the department that they were misinterpreting the appropriation law and with only partial success.

I agree with what the gentleman said about that situation.

Mr. QUIE. I know that the gentleman wants to do what he believes is necessary to do.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. WILLIAM D. FORD. Is it my understanding that the difference between what you are seeking to do and what the gentleman from Maine seeks to do with the amendment pending is that you want to reinsert or retain in the bill the language starting with *"Provided,"* on line 3?

Mr. QUIE. Oh, no, the gentleman is not correct.

I do not want to reinsert any language that the gentleman from Maine struck out but to strike out language that he retains which changes the intent or changes the authorization legislation.

If we are going to change the authorization legislation, we ought to do it in our committee.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. QUIE was granted permission to proceed for 3 additional minutes.)

Mr. QUIE. But instead, the gentleman will recall, part B and part C are authorized at one figure—90 percent of that figure is to be used for part B and 10 percent for part C.

I believe that is the way we ought to appropriate the money.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. SMITH of Iowa. The problem the gentleman conceives to be in disagreement with what we are trying to accomplish, but we are confused about how your amendment reads.

It does not seem to do what you say. It looks like all you want to do is to strike out that language and do not want to change the Hathaway amendment so the effect would be a balance of that paragraph down through line 8 which would also be stricken.

Mr. QUIE. That would be the effect.

The adoption of my amendment would not affect the Hathaway amendment. Line 3 would be stricken through line 8. The Hathaway amendment changes the figures on lines 18, 19, and 22 of page 20 and my amendment would not affect that either.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. O'HARA. The trouble is that the Hathaway amendment is a substitute for all of the language beginning on page 19, line 6 and continuing right on through page 21, line 17. The gentleman's amendment to be effective had to be made to the Hathaway amendment, but the Hathaway amendment has already been adopted and it is too late to amend the Hathaway amendment.

The trouble now is that the gentleman's amendment will not have any effect because the Hathaway amendment has already replaced the language the gentleman is trying to amend.

Mr. O'HARA. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to offer his amendment to the Hathaway amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, reserving the right to object, I should like to propound a parliamentary inquiry.

I should like to inquire how far the Clerk had read in this bill prior to the last amendment?

This bill, in my opinion, has not been read. We are simply adopting amendments without ever having read the bill—not the point of the last amendment offered by the gentleman from Maine (Mr. HATHAWAY).

Mr. Chairman, I submit the bill ought to be read.

The CHAIRMAN. The Chair will state that the Clerk did read each one of the paragraphs on which notice was served by the gentleman from Maine (Mr. HATHAWAY) that he would offer motions to strike if his amendment was agreed to.

Now the Clerk has read the beginning of this paragraph "Vocational and Adult Education."

The same occupant of the Chair made a similar ruling on July 29, 1969, where an amendment in the nature of a substitute for several paragraphs of an appropriation bill had been offered with notice given that motions to strike out the following paragraphs would be made as they were read.

The Chair indicated such paragraphs were subject to perfecting amendments as well as to motions to strike after having been read.

Mr. O'HARA. Mr. Chairman, I withdraw my unanimous-consent request.

PARLIAMENTARY INQUIRY

Mr. QUIE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. QUIE. Mr. Chairman, it is my understanding that my amendment does nothing to the Hathaway amendment with the exception that it strikes out the language on line 1, page 21, after 1974 down through the word "act."

The CHAIRMAN. The gentleman is partly right and partly wrong.

The motion to strike now pending applies to line 16 on page 20 to line 8 on page 21. The original Hathaway amendment has been disposed of. This is a subsequent amendment, which is a motion to strike. The gentleman from Minnesota can perfect the paragraph by striking out the lines which have been read in his amendment. He is entitled to a vote on it as a perfecting amendment, and the Chair is ready to put the question on the perfecting amendment.

PARLIAMENTARY INQUIRY

Mr. PUCINSKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PUCINSKI. If the Quie amendment is adopted, it will apply to the language in the Hathaway amendment just as it would the language which we are now striking from lines 1 through 3; is that correct?

The CHAIRMAN. The Chair cannot interpret the legal effect. The Chair can only rule on parliamentary procedure and has ruled that the perfecting amendment to the pending paragraph is in order.

Mr. PUCINSKI. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it. The Chair advises that the Chair cannot give the gentleman a legal interpretation.

Mr. PUCINSKI. As I understand, the gentleman from Michigan raised the question that even if you were to adopt this amendment, it would have no meaning in the Hathaway amendment. My understanding is it would, that if this language is dropped from page 21, it will be similarly dropped from the Hathaway amendment.

The CHAIRMAN. The gentleman is not correct. The original Hathaway amendment was offered at line 5 on page 19. That was the original Hathaway amendment. The gentleman served notice at that time that he would offer motions to strike the remaining paragraphs in order for them to conform to the figures which were substituted in his amendment. So there has been a series of motions to strike paragraphs. We are now on the next-to-last paragraph, and the motion to strike is pending. A perfecting amendment to the paragraph is in order, and the Chair has recognized the gentleman from Minnesota for that purpose. The gentleman has offered it and the Chair is ready to put the question.

Mr. FLOOD. Mr. Chairman, now that this is as clear as things usually are, let us talk about the merits. Usually we do that. Let me tell you about the amendment itself.

It is true that the amendment offered by the gentleman from Minnesota does not increase the appropriations in the bill, but this is what it does do. It does increase the amount which the States will be required to spend for research, exclamation mark! This bill as reported by our committee contains a limitation. We have a limitation in here of $18 million on the amount which the States must spend for research. That is in here, period. If the gentleman's amendment prevails, do you know what is going to happen? The States will then be required to use 10 percent of their basic grants, they will be required to spend 10 percent of their basic grants for research, whether they like it or not. Under the bill, that would be $44 million—that is an increase of $26 million—this $26 million would have to come out of other vocational educational programs.

In other words, this is it. The gentleman's amendment would increase research at the expense of all the other programs. I do not think there are many Members in this House, Mr. Chairman, who want to vote for that kind of a redistribution of the appropriation.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Of course, I yield to the gentleman from Minnesota.

Mr. QUIE. It is true that if you take 10 percent of the money for research, then they cannot spend some of that money for some of the basic programs. But this will not reduce the amount of money in basic grants from last year. In fact, it will still permit basic grants to be increased just about $24 million.

Mr. FLOOD. That has nothing to do with the case at all. You know exactly what I am talking about. If you cut 6 inches from the bottom of the blanket to sew it on the top of the blanket, what do you achieve? What you are doing is compelling 10 percent of the grants to States to be used for that purpose. Under your proposal they must spend 10 percent for research, whether they like it or not. These people do not want to do it.

Mr. QUIE. Mr. Chairman, will the gentleman yield further?

Mr. FLOOD. I yield to the gentleman from Minnesota.

Mr. QUIE. That is exactly what the authorization legislation says. If you want to change that, let us change the authorization legislation. That is the way we should do it, rather than on an appropriation bill coming in here with the statement, "We do not think you need it for research." We believe it is needed for research if you are going to use this money in a worthwhile way.

Mr. FLOOD. Now that the Hathaway amendment has been adopted, you are making mandatory that the 10 percent be spent for research and that it must come out of other funds. It must come out of other funds because you are not adding any money. You are doing some hanky-panky with the bill.

Mr. QUIE. I am not doing the hanky-panky. You did the hanky-panky.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment.

The distinguished chairman of this subcommittee failed to state that whichever way we distribute this money, it still goes to the States. We are not shortchanging anybody. We are not taking anything away. But it was the State vocational administrators who came before our committee, before my subcommittee, and asked specifically that 10 percent of this money be set aside for research, so they can come in with more realistic, meaningful programs.

We have developed 5,000 new skills in this country in the last 10 years, so these vocational education people want to develop courses and curricula to keep pace with these changing times and changing needs in vocational education.

This is not something the gentleman from Minnesota and I dreamed up. This is something the vocational educational people asked for, so we put it in the authorization bill. Now the Appropriations Committee comes along and says, "You people did not know what you were doing. We are going to set a maximum of $18 million." What we are saying is go back to what the vocational education people have asked for. They have asked for 10 percent, half of that goes to the States. They will develop curricula. The other half remains with the Commissioner and he will develop curricula in cooperation with the States.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman. I want to try to get clear what is being done. I address a question to the gentleman from Minnesota (Mr. HATHAWAY): On page 21, line 3, of the bill, the language thereafter, from line 3 through line 8 is stricken by the amendment the gentleman offered; is that correct?

Mr. HATHAWAY. No. That was included in my amendment.

Mr. GROSS. So that language is in the bill?

Mr. HATHAWAY. That is correct. After my motion to strike the language was made, the gentleman from Minnesota (Mr. QUIE) objected so he could introduce his amendment. So my amendment language has to be perfected by striking this language.

Mr. GROSS. Does the gentleman strike the language and then reintroduce it by virtue of his motion?

Mr. HATHAWAY. My amendment included some of the language that is already in the bill.

Mr. GROSS. The amendment that was adopted earlier?

Mr. HATHAWAY. Yes, that is correct.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Quie).

The amendment was rejected.

The CHAIRMAN. The question is on the motion to strike the language on page 20, line 16, through line 8 on page 21, offered by the gentleman from Minnesota (Mr. Hathaway).

The motion was agreed to.

AMENDMENTS OFFERED BY MR. GOLDWATER

Mr. GOLDWATER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Goldwater: On page 20, line 15——

Mr. FLOOD. A point of order, Mr. Chairman. We have gone by this.

The CHAIRMAN. That is correct. The Chair will rule that the gentleman's amendment is not in order.

Mr. GOLDWATER. Mr. Chairman, I was on my feet.

Mr. FLOOD. Regular order.

Mr. GOLDWATER. Mr. Chairman, the section was read and I was on my feet seeking recognition and the Chair passed over that section and did not recognize me for my amendment.

The CHAIRMAN. If the Chair did not see the gentleman, the Chair apologizes. However, that section has been taken care of and we cannot go back, unless the gentleman asks unanimous consent to go back. The Chair will entertain that kind of request.

Mr. GOLDWATER. Mr. Chairman, I ask unanimous consent that we go back and reopen that section.

Mr. O'HARA. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. Regular order is demanded.

The Clerk will read.

The Clerk read as follows:

LIBRARY RESOURCES

For carrying out, to the extent not otherwise provided, titles I ($47,270,000), II, and III ($2,730,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); and title II ($90,000,000) of the Elementary and Secondary Education Act; $149,500,000, of which $9,500,000, to remain available through June 30, 1974, shall be for grants for public library construction under title II of the Library Services and Construction Act.

MOTION OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. Hathaway moves to strike the language beginning on page 21, line 9, through line 17.

The CHAIRMAN. The question is on the motion.

Mr. CONTE. Mr. Chairman, did the Chair recognize me?

The CHAIRMAN. The Chair also saw the gentleman from Maine on his feet and knew he had an amendment. Is this another motion to strike sections?

Mr. HATHAWAY. Yes; it is, Mr. Chairman.

The CHAIRMAN. The Chair was attempting to give preference to recognizing the gentleman from Maine to offer motions to strike the sections relating to his previously adopted amendment.

The CHAIRMAN. The question is on the motion offered by the gentleman from Maine.

The motion was agreed to.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, during the last few days, as the contents of H.R. 15417, the Labor-HEW appropriations bill, were reviewed back home, I received a number of inquiries from my constituents asking why no funds were included for title III of the National Defense Education Act of 1958. A number of other Congressmen have received similar calls, so therefore, as a member of the subcommittee responsible for this bill, I feel it appropriate to enter an explanation at this point in the Record.

NDEA III is authorized for an additional 3 years in S. 659, the Educational Amendments Act of 1972, which was enacted too late for any appropriations to be considered for the various programs included.

Therefore, our subcommittee had no opportunity to include NDEA III or any higher education programs in H.R. 15417. This fact in no way prejudices NDEA III; nor does it indicate, as some have suggested, that there will be no funds this year for NDEA III.

It is entirely possible that when the Labor-HEW appropriations bill is taken up by the Senate Labor-HEW Subcommittee that they could add the funds there. Our subcommittee has already received testimony on NDEA III and we would be prepared to consider the Senate's recommendation in conference.

NDEA III is a valuable 50–50 matching program which has proved to be one of the most successful. The need for continuing NDEA III has been amply demonstrated by witnesses before our subcommittee so I am hopeful we will be able to fund, at least at last year's level in the near future.

Mr. Chairman, I think it is important that, whenever possible, we try to move school program funding forward as rapidly as possible so that administrators have adequate time to plan. This is certainly true in the case of NDEA III and I hope that something can be worked out this month to continue this valuable program.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EDUCATIONAL RENEWAL

For carrying out, to the extent not otherwise provided, titles VII and VIII of the Elementary and Secondary Education Act, part B–1 of the Education Professions Development Act, section 309 of the Adult Education Act, as amended, part IV of title III of the Communications Act of 1934, the Cooperative Research Act (except section 4), the Drug Abuse Education Act of 1970, the Environmental Education Act, and sections 402 and 412 of the General Education Provisions Act, $219,190,000, of which $13,000,000 shall be for educational broadcasting facilities and shall remain available until expended.

AMENDMENT OFFERED BY MR. BADILLO

Mr. BADILLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Badillo: On page 22, line 2, strike out "$219,190,000" and insert "$234,190,000" and before the period in line 4 insert the following: "and of which $60,000,000 shall be for carrying out Title VII of the Elementary and Secondary Education Act."

Mr. BADILLO. Mr. Chairman, when the Congress enacted the Bilingual Education Act 5 years ago it gave clear recognition to the fact that foreign language-speaking children were being seriously cheated educationally and virtually neglected by typical American teaching methods and practices. For many years students who spoke languages other than English—in most cases Spanish—were treated as disadvantaged, handicapped, or even retarded. Oftentimes these children were punished for speaking their mother tongue and they were forced into conforming with an alien culture. They were frequently placed in classes for the retarded as they could not cope with placement tests and other standardized educational devices conducted in English. In other cases they were relegated to remedial classes and were usually not permitted to pursue academic or college-preparatory courses but vocational programs. Believe me as I speak from personal experience.

However, the Bilingual Education Act held out some hope to these youngsters and the Congress made a commitment to afford full and equal educational opportunities to children with limited English-speaking ability and raised in surroundings in which the dominant language is Spanish, French, Greek, Portuguese, or one of the American Indian or Eskimo tongues.

The Bilingual Education Act was subsequently incorporated into the Elementary and Secondary Education Act as title VII. Programs funded under title VII promote the development and implementation of bilingual/bicultural education programs, the teaching of English as a second language, the teaching of the students' mother tongue as the native language, the establishment of programs aimed at providing Spanish-speaking and other foreign language-speaking children with a basic knowledge and appreciation of their culture and heritage and the recruitment of qualified teaching personnel.

Regretably the Congress has failed to match its words with action as historically bilingual education programs have been consistently underfunded. In fiscal year 1969, for example, the Congress appropriated only $7.5 million, just 25 percent of the authorization. This was barely enough money to adequately fund programs for less than 1 percent of the approximately 5 million children who were estimated to be in desperate need of special bilingual education. For the succeeding 4 fiscal years the story has been basically the same and this year we are confronted with an appropriation figure which is just barely more than 30 percent of the authorization, even though the need is far more critical today than when the bilingual program was initiated. By failing to approve more significant increases in title VII funds the Congress has simply retreated from the goals envisioned in the Bilingual Education Act and has done little to encourage the development and expansion of bilingual education.

Because of the severe shortage in title VII funds, the U.S. Office of Education was only able to approve 49 new projects for the current fiscal year—about 26 percent of the total applications it received for new programs. The Office of Education was able to approve project plans for only six New York City school districts. These programs will benefit an estimated 7,300 students. However, consider the fact Spanish-speaking children in the New York City public school system who, because of severe language handicaps, are not receiving a meaningful education.

I am often questioned as to how the lack of bilingual education affects the learning process of foreign language-speaking children. A good example is the almost insurmountable problems being experienced by Puerto Rican children in New York City—although their difficulties are also being repeated by Puerto Ricans in Philadelphia, various communities in New Jersey, Cleveland, Chicago; by Chicanos in Los Angeles, San Francisco, and countless communities in Texas, Arizona, and New Mexico; by French-speaking children in Maine; and by oriental language, speaking children on the west coast and in New York.

Half of the Puerto Rican population in New York is school age; although a large percentage are not attending school. The dropout rate boggles the imagination—an estimated 87 percent of Puerto Ricans over the age of 25 in the city of New York have not completed their high school education. Of those Puerto Ricans 25 years of age and over living in one of New York City's 26 poverty areas, the average student has completed only 8.3 years of school as compared with the median of 12.1 years for the city population as a whole and 11.8 years for nonwhites. In this same age category only 15 percent earned high school diplomas.

Earlier this month Mr. Louis Nuñez, former executive director of Aspira of America and currently the Acting Deputy Staff Director of the U.S. Civil Rights Commission, made a very revealing and timely presentation to the House Civil Rights Oversight Subcommittee. He reported, for example, that the number of students with serious to severe language difficulties in New York City in October 1970 was 135,000 or 11.3 percent of the school population. Puerto Rican children represent 70 percent of these students. More than 1 out of every 3 Puerto Rican pupils—38.7 percent—has a serious to severe language difficulty.

Mr. Nuñez also shared with the subcommittee the disorienting, depressing, and discouraging experiences foreign language-speaking children undergo in school. They do not understand their teachers or school books; guidance counselors offer advice only in English; Spanish language testing is virtually nonexistent; and some school systems persist in placing foreign language-speaking children in the lowest tracks or in educationally mentally retarded classes without adequate testing in the mother tongue.

I raise these statistics and problems only to demonstrate that we are not even beginning to effectively cope with the problem. We must take affirmative action to insure that foreign language-speaking children are not educationally cheated and barred from entry into the mainstream of American life. It is clear that significantly increased funds are urgently required if the needs of Spanish-speaking and other foreign language-speaking children are to be met.

The amount of financial support for bilingual education requested by the administration—less than even one-third of the authorization—can only be interpreted as a standing affront to the millions of foreign language-speaking schoolchildren in this country. According to the Office of Education only 25 new projects, serving an additional 20,000 children, could be funded at this level.

I am indeed pleased that the Appropriations Committee had the foresight to raise this figure by more than $3 million and commend its members for taking this action. However, the need is critical and much more must be done. Therefore, the amendment I am offering will increase title VII appropriations by $15 million to a level of $60 million. This figure is still less than half of the $135-million authorization and, in view of the great need for effective bilingual/bicultural education, the amount called for in my amendment is really rather modest. Nevertheless, with a total appropriation of $60 million an estimated 110 new projects could be mounted and approximately 90,000 more children—almost double the present number—could be reached. Further, by raising this appropriation we will be renewing our commitment to providing meaningful bilingual education to those requiring it and providing the wherewithal to enable the Office of Education to expand the programs to areas now denied such aid or with only a limited number of programs. The Office of Education, working with grossly insufficient funds, has made some attempts to achieve a degree of balance in the allocation of title VII funds. Unfortunately, however, it has been at the expense of needy children. We simply cannot cut off one area or State to serve another as such action would defeat the basic principles underlying the Bilingual Education Act. The solution is to approve increased appropriations.

Mr. Chairman, approximately one-third of this body has constituents who are currently participating in one of the 213 bilingual education programs funded under title VII. I urge that they and our other colleagues give this issue full, careful and sympathetic consideration and that they support my amendment to give these foreign language speaking children an opportunity to reap the full benefits of citizenship and to overcome language handicaps. It is a fact that we live in a multilingual/multicultural environment and all elements of the community must be given full respect and the chance to participate on an equal footing. Increased support for bilingual/bicultural education will be a significant advance in this direction.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I commend my distinguished colleague from New York for offering this amendment to increase the funding for bilingual education—a program which is essential to the development of our Spanish-speaking schoolchildren—as well as other non-English-speaking children.

This amendment to the Labor-HEW appropriations bill for fiscal year 1973 would appropriate an additional $15 million for bilingual education programs funded under title VII of the Elementary and Secondary Education Act. This would bring the appropriations for bilingual education under this title up to $60 million, although the authorization for fiscal year 1973 is $135 million. The administration budget request was for $41,130,000, and the committee's recommendation is for $45 million.

The Bilingual Education Act was originally funded in the 90th Congress under title VII of ESEA. However, the funding for this program has never been realistic in light of the large number of children who stand to benefit from this type of assistance. As an original sponsor of this act, I have repeatedly stressed the need for raising the funding level.

Only $7.5 million was appropriated for fiscal year 1969, despite the fact that $30 million had been authorized. The appropriation was increased to $21.25 million for fiscal year 1970, although the authorization had been for $40 million. The appropriation was again increased for fiscal year 1971 to $25 million, an amount that was $55 million below the authorization level. And the $35 million appropriated for fiscal year 1972 is $65 million less than the amount authorized.

I have introduced legislation each year, beginning in 1969, to provide supplemental appropriations for the bilingual education program. In 1969, I introduced a measure to provide a supplemental appropriation of $22.5 million for title VII for fiscal year 1969, a figure that would have brought the appropriation figure up to the amount authorized. In 1970, I introduced a bill calling for a supplemental appropriation of $18.75 million to bring the appropriation figure up to the level of the authorization. In 1971, I again introduced a bill to increase the appropriation for title VII, by $55 million, a figure that represented the difference between the amount authorized and that appropriated for fiscal year 1971. And this year, I again introduced legislation, H.R. 12424, cosponsored by 10 Members of the House, to provide a supplemental appropriation of $65 million for fiscal year 1972 to bring the appropriation up to the authorization level of $100 million.

Not only is the amount of Federal funding for bilingual education programs totally insufficient, but another inequity exists as well—namely, the distribution of funds that are made available. For example, under this program in 1970, New York State received $1.5 million, California $7.2 million, and Texas $4.7 million.

That these allocations were inequitable is clearly seen when we examine the number of Spanish-surnamed children in school in those States in 1970: New York had 300,000, California 500,000, and Texas 600,000.

A recent New York City Board of Education study justifiably criticizes the manner in which funds are distributed under title VII of the ESEA, and states that allocations are extremely competitive and vulnerable to political pressure, and that committees from Texas and California have been far more organized, visible, and voluble.

In meetings which I arranged for members of the New York congressional delegation, the Office of Education conceded that New York State and New York City have been shortchanged in the past in the allocations of funds for bilingual education programs. Unfortunately, the Office of Education has not taken the necessary steps to remedy this situation, for the figures for continuation costs for bilingual education programs for fiscal year 1972 illustrate that this inequity is being continued—California will receive almost $8.5 million, Texas $6.1 million, while New York will be given only $2.9 million. The money for these programs is being concentrated in certain regions of the country, while other areas, particularly New York State and New York City, lack the resources to meet adequately the needs of children who need this type of assistance. No justification has been offered by the Office of Education for this disparity; indeed, as I have pointed out, the Office of Education has admitted that inequities do exist and that they should be corrected.

There is yet another issued involved in the failure to provide bilingual education programs for those children who need this aid. Those school districts that do not provide this type of help are failing to comply with title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of national origin in federally assisted programs.

On January 21 of this year, I wrote to John G. Veneman, Under Secretary of the Department of Health, Education, and Welfare, requesting a full report on a study conducted by HEW's Office of Civil Rights regarding noncompliance with title VI of the 1964 Civil Rights Act. The Office of Civil Rights found that 50 school districts throughout the Nation are failing to comply with civil rights laws because they deny Spanish-speaking citizens equal opportunity to learn.

The requirements of title VI as they relate to school districts enrolling national origin group students were set forth in a memorandum issued by HEW on May 25, 1970. The memo, written by the Director of the Office for Civil Rights, J. Stanley Pottinger, states that—

> Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

The memo further states that—

> Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language needs as soon as possible and must not operate as an educational dead-end or permanent track.

Therefore, title VI specifically requires school districts with significant numbers of non-English-speaking children to take whatever steps are necessary, including the provision of linguistically competent educational services, to prevent the exclusion of such children from participation in and the full benefits of the educational programs of the school children.

Clearly, numerous school districts throughout the country are not fulfilling this directive. They are not providing adequate assistance to the thousands of schoolchildren who need it. For example, in a speech before the U.S. Civil Rights Commission on February 15 of this year, New York State commissioner of education Ewald B. Nyquist stated that according to the most recent New York City school census, there are 160,815 children who have English language difficulties, 94,800 of whom are Puerto Rican pupils with moderate to severe language handicaps. Yet a recent New York City Board of Education study estimates that only 4,418 non-English-speaking students of Spanish background had some kind of bilingual instruction in the last school year.

It has been estimated that 86 percent of the Puerto Rican students in New York City may be below normal reading levels and it has been documented that their dropout rate is the system's worst—57 percent compared with 46 percent for blacks and 29 percent for other groups. While Puerto Rican pupils account for 25 percent of the New York City school population, only one Puerto Rican in a hundred received an academic diploma. Twelve percent of Puerto Ricans of college age pursue a higher education, while 45 percent of college age people in the general population go on to college.

The staff report of the U.S. Civil Rights Commission, dated February 1972, and entitled "Public Education for Puerto Rican Children in New York City," concluded that higher dropout statistics and below-average reading scores clearly indicate that the needs of educationally disadvantaged students, particularly those who are Spanish-speaking, with moderate to severe English language difficulties, are not being met in the public schools of New York City.

If only $45 million for bilingual education programs is appropriated, approximately 20,000 additional children will be able to benefit from these programs. However, if we raised the appropriation to $60 million an additional 90,000 children will be given the opportunity to benefit genuinely from the educational experience. I, therefore, urge support of the amendment.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. BADILLO), which would increase bilingual education funds by $15 million, for a total appropriation for the program of $60 million.

There are approximately 3 million children who have been estimated to need special bilingual education, but at the present time only 100,000 children in the entire country are served. These children are from a variety of backgrounds: Children of Italian, Albanian, Greek, Puerto Rican, Mexican, Cuban, Oriental, American Indian, French, and Portuguese parentage who urgently require this special assistance.

When the Congress passed the Bilingual Education Act 5 years ago it demonstrated its recognition of the fact that foreign-language speaking children were being seriously shortchangd and neglected by the educational process. The amendment offered by the gentleman from New York (Mr. BADILLO) would serve to carry out the intentions of the act by providing the necessary funds to do the job properly.

While I support this amendment, I do not feel that the emphasis of such a program should be directed exclusively to one group as the gentleman from New York (Mr. BADILLO) has indicated in his statements on the floor. I believe that this program should incorporate not only the Puerto Rican community, but the other minority groups as well.

I urge my colleagues to support the amendment offered by the gentleman from New York (Mr. BADILLO) in order that this program may be funded at a level which will enable it to benefit all of the minority groups I have mentioned. In this way, these children will be able to enter the mainstream of American life. Their language barrier will no longer prohibit them from participating in the daily activities which other children already enjoy.

Mr. BADILLO. The gentleman is correct in his statement, and I thank him for his assistance.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. EDWARDS of California, and by unanimous consent, Mr. BADILLO was allowed to proceed for 3 additional minutes.)

Mr. BADILLO. Mr. Chairman, I just want to say to the gentleman from New York (Mr. BIAGGI) that I agree with the gentleman completely. I only used the Spanish-speaking children as an example of what I meant, but the need for bilingual programs is equally there for those of Greek, Portuguese, or Chinese, Japanese, Filipino, or French ancestry, as well as other groups, and this also would cover the American Indians and the Eskimos.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, I want to commend the distinguished gentleman from New York (Mr. BADILLO) for his continued leadership in this area, and I wish to associate myself with his remarks. This vital amendment must be approved.

In addition to the Spanish-speaking communities of our country, this added funding is needed to expand this program for the Japanese, Chinese, and Filipino communities.

I urge my colleagues to vote "aye" on this amendment.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Chairman, I want to commend the gentleman for raising this extremely important issue that is so necessary not only to many students in the New York area, but is equally of importance to students all over this country.

Mr. Chairman, I support the amendment which would appropriate an additional $15 million for the bilingual education program under title VII of the Elementary and Secondary Education Act. Last year, only $35 million of the authorized $100 million was appropriated; further, the Nixon administration had the impounded $10 million of that sum until several Members, including myself, pressured them about it back in December. This year, the Appropriations Committee has proposed $45 million for bilingual education. While this is an improvement, it is barely a drop in the bucket in comparison with the authorization for 1973, which is $135 million, and with our needs, which are even greater than the authorized sum.

There are 5 million children in this country, 600,000 of them in my own State of New York, who are in need of bilingual educational assistance. Presently, only 100,000 of that 5 million are being served by programs under title VII, and the additional appropriation proposed for the coming year would add only 35,000 more.

We must increase these funds, which represent a direct and clearly identifiable commitment to the struggle of Chicanoes, Puerto Ricans, Chinese, American Indians, and other linguistic minorities for equal educational and equal social opportunity all over this country. The funds contained in this amendment are needed to begin to make the promise of education a reality for all children regardless of whether English is their primary or secondary tongue, and I urge the adoption of this amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in strong support of the amendment by the distinguished gentleman from New York, (Mr. BADILLO) to provide $15 million additional to our bilingual education programs.

Enhancement of bilingual education is vital if we are to be able to provide equal opportunities for all Americans including those for whom English is their second language.

I have been pleased to support fully the bilingual education effort ever since former Secretary of Health, Education, and Welfare, Robert Finch was able to get the program moving and bring it to its present effective level.

Language is a simple but fundamental reflection of cultural heritage. By presenting educational opportunities in their native language to those from non-Anglo cultures we offer both increased opportunities for advancement within our American society as well as protection for their cultural background.

Our Nation has grown strong by learning from and incorporating the strengths of the diverse groups which have come to our shores—some seeking haven; some seeking opportunity. Bilingual education programs are a small but important means to retain that strength and maintain our growth as a free people.

Therefore, I strongly urge prompt passage of the Badillo amendment.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I wish to commend the gentleman from New York for offering his amendment. There is such a program in my district, and I know that it is very helpful, and that we should extend these programs and make them available to many more children who would gain from a bilingual program.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise in support of the amendment proposed by the gentleman from New York. The amendment would increase the appropriation in the committee bill by $15 million. The additional funding would bring the appropriation just under half of what was authorized. I do not think this is asking too much.

The money is sorely needed not only for new bilingual education projects, but for expansion of existing projects as well. In Philadelphia, for example, there are 85,000 Spanish-speaking people and 9,000 Spanish-speaking schoolchildren in desperate need of bilingual training. The Philadelphia School Board receives calls daily from principals seeking help for newly enrolled Spanish-speaking students. The number and need is continually increasing.

But the Philadelphia school system has not been able to open new projects or expand existing projects in order to meet these ever increasing demands. In fact, during fiscal year 1972, no money was allocated in the entire State of Pennsylvania for new projects, and, in Philadelphia, the amount for existing projects was $200,000 less than sought. As a result, the English second language program failed to meet the needs of the students, because there was not enough teachers. In Philadelphia, we have been unable to establish much needed bilingual day care centers and cultural centers for bilingual material, nor could we begin a planned Spanish adult education program.

This is a tragic situation, Mr. Chairman. It is a situation in which children are being effectively denied a decent education and a fair start in life. And the reason for this denial, this injustice, is clear: We in the Congress have not met our responsibilities with respect to adequately funding bilingual education. With this amendment we can begin to meet that obligation. This amendment addresses itself to a special situation. Some may question it for that reason. But I believe that special attention is called for. Where I come from, the children affected most by this amendment have always been given special treatment by society. They are especially poor and have an especially difficult time finding jobs. They live in especially bad housing and are frequently forced to pay especially unfair rents. The schools these children attend are in especially sad condition. Those this amendment helps, need special help. And everything just—everything human, everything fair dictates that we respond with special concern.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I rise in support of the proposed amendment to increase the appropriation for bilingual education programs. As chairman of the Civil Rights Oversight Subcommittee of the Committee on the Judiciary, I have just completed a series of hearings on the educational problems of the Spanish speaking. The testimony presented to my subcommittee at these hearings is an indictment of the failure of our Nation's schools to reach and properly educate Spanish-speaking students.

The U.S. Commission on Civil Rights has conducted a comprehensive study of the education of Mexican-Americans in the Southwest and of mainland Puerto Ricans in the Northeast and has found that Spanish-speaking students are burdened with the problems of ethnic isolation, educational failure, and cultural exclusion. The Commission has found, in the five Southwestern States studied, that Mexican-American students are achieving at a lower rate than Anglo students: they drop out of school at an earlier age; their reading achievement is poorer; repetition of grades is more frequent; overageness is more prevalent; and their participation in extracurricular activities is less than that of Anglo students.

The reasons for this failure of school systems to educate chicano students in the Southwest is clear. The Civil Rights Commission has reported that the school districts studied in the Southwest have almost universally failed to recognize the rich cultural history and traditions of the chicano community. In many schools use of the Spanish language is discouraged and no effort is made in the school curriculum to provide chicano students with a knowledge of their rich heritage. The result is frustration, discouragement, and alienation experienced by Mexican-American youth to the extent that four out of 10 chicano students leave high school without graduating.

The Bilingual Education Act, passed by the Congress in 1968, was intended to provide a partial answer to the educational problems of Spanish-speaking students. Bilingual education is a vehicle which permits non-English-speaking children to develop to their full potential as bilingual, bicultural Americans. In a bilingual education program all subjects are presented in the native language of the student, with an emphasis on the history and culture of the child whose first language is other than English. When such a program works effectively, the non-English-speaking child learns two languages and two cultures, while the English-speaking child receives the same bilingual and bicultural abilities and sensitivities.

Bilingual education has been acclaimed by educators. The tragedy is that the programs initiated under the Bilingual Education Act have reached so few Spanish-speaking students. In the five Southwestern States studied by the Civil Rights Commission only 1.9 percent of eligible Spanish-speaking students were receiving bilingual education. The reason for this is clear. The administration regards the bilingual education program as a pilot effort, one not intended to be fully implemented by the Federal Government. I see no validity for this claim. In passing the Bilingual Education Act the Congress stated that bilingual education was being provided in recognition of the special educational needs of non-English-speaking students and to provide financial assistance to local educational agencies to develop and carry out new elementary and secondary school programs designed to meet these educational needs (21 U.S.C. sec. 880b). The Congress authorized appropriations of $250 million for the first 4 years of the program, yet the President has requested only a minuscule fraction of this. In 1971 the President requested only $10 million for bilingual education programs, while the Congress appropriated $25 million. In 1972 the President requested $25 million, while the Congress appropriated $35 million. The present request is $41 million and the proposed appropriation is $45 million.

This amount, Mr. Chairman, is totally insufficient to provide the needed expansion of bilingual education programs for the Spanish-speaking students in this Nation. The Federal Government must act to end the massive educational retardation of Spanish-speaking students. As we have addressed ourselves to antibusing legislation in this Chamber, many have claimed that the answer to educational problems is not to be found in busing, but in the development and implementation of good compensatory education programs. It is the height of hypocrisy to make this claim and then continue to deny adequate funding for one of the most hopeful and successful programs for improving the educational achievement of the Spanish-speaking student.

I hope that those of us in this Chamber who really are interested in dealing with educational problems will support the proposed amendment to provide increased funding for bilingual education.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. ROYBAL. Mr. Chairman, as one of the original authors of the Bilingual Education Act I am pleased to rise in support of the amendment being offered by the gentleman from New York (Mr. BADILLO).

When the Congress acted upon the bilingual education legislation some 4 years ago we declared that foreign-language speaking children must no longer be cruelly deprived of equal educational opportunities. In enacting this measure we hoped to meet the pressing educational needs of the millions of children who suffer from severely limited English-speaking ability and who are raised in environments in which the dominant language is not English but perhaps Spanish, French, Greek, Portuguese, or one of the American Indian or Eskimo dialects, or any other language other than dialects, or any other language other than English.

Unfortunately, however, the goals which we envisioned at that time have not been realized but have been seriously handicapped by the lack of sufficient funds. During the program's first fiscal year, for example, just 25 percent of the amount authorized was appropriated. Since that time we have seen the same sad story repeated year after year.

This year the administration came to us with a request to appropriate just barely 30 percent of the amount previously authorized. At this level only 25 new bilingual programs could be mounted. Consider these numbers in comparison with the 185 requests for new projects which the Office of Education received last year alone. Consider the fact that, at the level proposed by the administration, only an estimated 123,000 children will be reached by bilingual education as compared with the estimated 5 million children who are in need of this assistance. Such an attitude displays a clear lack of a substantive commitment to effectively deal with the problem and to encourage and expand bilingual-bicultural programs.

The amendment offered today is really rather modest. By adding $15 million to the $45 million approved by the Appropriations Committee we will at least be able to implement many new programs and reach many more than the present number of students participating in bilingual projects. Furthermore, the Congress will have the opportunity to reaffirm its commitment to the principles established in the Bilingual Education Act.

Mr. Chairman, bilingual-bicultural education not only provides an opportunity for non-English-speaking children to fully enjoy the rights and privileges of citizenship, but can become a national asset of tremendous value—if we but develop it as such.

Bilingualism pursued as a national goal would affirm our belief in a pluralistic and free society enriched by our various cultures and languages.

I urge my colleagues to join with me in supporting the pending amendment.

Mr. ANDERSON of California. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Chairman, I wish to commend the gentleman from New York for his leadership in this field, and I urge support of his amendment which would provide an additional $15 million for the bilingual education program designed to meet the unique educational needs of children who have limited English-speaking ability, and who come from an environment where the dominant language is not English.

Because of this language barrier, many bright students are dulled and cannot compete in an Anglo society.

According to a December 1971, U.S. Commission on Civil Rights report:

> Out of every 100 Mexican American youngsters who enter first grade, only 60 graduate from high school. In contrast, 86 out of every 100 Anglos remain in school and receive high school diplomas.

Mr. Chairman, the Mexican-American child can learn as well and as fast as any child, but not if he or she does not comprehend the language. And the fact is that an estimated 1 out of 5 Spanish-speaking Americans is illiterate in English.

The Bilingual Education Act was designed to meet this challenge and insure that foreign-language speaking children are not educationally cheated.

However, we have not adequately funded this program. For fiscal year 1973, the administration requested $41 million. The Appropriations Committee deserves our thanks for increasing this level to $45 million.

Yet, much more can be done with adequate funding. In fiscal year 1972, only 26 percent of those school districts which applied for a new program were approved.

The Badillo amendment would increase funding to $60 million, thus, an estimated 110 new projects could be implemented and approximately 90,000 more children could be served by the program.

Mr. Chairman, I support this amendment and I urge my colleagues to join with me in this step toward removing the unnecessary barriers of language which have deprived our society of the fruits of many intelligent students who were forced to drop out because they did not understand the language of their teacher, the textbooks, nor their fellow students.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I would like to commend the gentleman in the well on his very important amendment, and I wish to associate myself with his remarks, and urge the adoption of the amendment.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this amendment.

The Chairman, this is an important amendment and I rise in its support. An estimated 75 percent of Spanish-speaking children do not finish high school because of language barriers. The Badillo amendment would increase funding for the Bilingual Education Act.

In 1967 it was my privilege to serve as chairman of the subcommittee which wrote the Bilingual Education Act, presently title VII of the Elementary and Secondary Education Act. Congress accepted our work in 1967 because of the obviously enormous need for bilingual education programs for the 5 million children who were estimated by the Office of Education to have limited English-speaking ability.

Our foresight in 1967 has been proven by time. Those children who are now participating in bilingual education programs are for the first time in their lives being given a true opportunity to receive an adequate education. No longer will they be handicapped by limited English-speaking ability in their strivings to secure a proper place in American life. And all of us deserve credit for that accomplishment. You have helped thousands of Spanish-speaking children learn English and be able to continue their education.

But this opportunity is only being made available to a pitifully small number of childen. The Office of Education estimates that, with the present year's appropriations for the Bilingual Education Act, only 2 percent of the children which need such instruction will actually be benefiting by bilingual education. The Office also estimates that because of the sparsity of funds only one-fourth of the applications received from school districts are being funded. If more funds were available I am sure that far more school districts would eagerly seize upon this opportunity to provide good bilingual education programs for the 98 percent of the children who are not now being served.

I would like to congratulate the Appropriations Committee for its empathy for these children. The committee has increased the appropriations for bilingual education by $10 million over that of the present fiscal year, but this increased appropriation will only permit funding of new programs to reach an additional 35,000 children. This increase in funds will not even be sufficient to reach another 1 percent of the children in need of these programs.

Therefore, Mr. Chairman, I enthusiastically support the Badillo amendment which would make an additional $15 million available for bilingual education. The Badillo amendment in conjunction with the committee increase will permit us to almost double the number of children served. We would double it to 4 percent of the children in need.

All other things being equal, I would say that even the Badillo amendment is totally inadequate; but I am a great believer in trying to achieve what is possible and I believe that at this particular time all that we can try to do is secure this increase of $15 million. In terms of this entire bill, this increase is a pittance but it will allow us to do so much.

In addition to the need for new funds I would like to comment upon another problem with the Bilingual Education Act, namely, the inequitable distribution of funds. In Illinois we have 200,000 Spanish-speaking children, many of whom live in Chicago; but last year we received only $220,000 in Federal funds. This amounts to about $1 per child which is less than the amount per child which Texas and California received.

I am fully aware of the enormous needs existing among the Spanish-speaking people in the Southwest, but I would like to remind the Office of Education of the problems facing the Spanish-speaking in the other States. For instance, the statistics on the lot of Puerto Ricans in this country are staggering. One of every two Puerto Rican families has an income of less than $4,000 a year. One out of every 10 Puerto Ricans in the labor force is unemployed as compared to 1 out of every 22 for the community as a whole. And lastly 7 out of every 10 who are employed have low-wage, low-skilled, low-status positions. And these people are concentrated in the States which the Office of Education is ignoring in its distribution of funds.

I would urge the Office to recognize these facts and to more equitably distribute these bilingual education funds so that all the Spanish-speaking people in our country will at least have an even chance to make a better living.

It is ironic that while Illinois ranks fifth in the number of Spanish-speaking children in the United States, Illinois ranks 20th in terms of funds received from title VII. This inequity must be corrected.

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from New York (Mr. BADILLO).

Now, Mr. Chairman, I do not have the impression that this is Daniel walking into the lion's den by a long shot. Apparently all of those, I hope, who support this amendment have been vying with each other to be next to talk on it since it was offered. I did not know I would get mixed up in the New York primary, but you know how those things are.

They are my good friends, these fellows are my friends, but keep this in mind, take a look at those fellows and then take a look at me. I spoke Spanish before many of these fellows were born, and I was raised and went to school with chicanos before you fellows ever heard the word.

I am a strong supporter, and this committee is a strong supporter of bilingual education. Do not forget that. We have nurtured it year after year. However, Mr. Chairman, I believe that the committee has made ample provision in the bill for bilingual education programs. If you will look at pages 50 and 51 of the report, you will see that we have provided $45,000,000 for bilingual education programs under title VII of the Elementary and Secondary Education Act. That is an increase of $3,870,000 over the budget request and an increase of $10,000,000, or 28 percent over the 1972 appropriation. I should add that the 1972 appropriation for this program represented an increase of 40 percent over 1971.

Do you think we are not in favor of this? You are out of your mind.

There is undoubtedly a much greater need for bilingual education than could ever be met through this particular program. The Office of Education told us in our hearings this year that there are another 230,000 children enrolled in bilingual education classes supported by local, State, and Federal funds other than the title VII program.

It seems obvious that the Federal Government cannot support all bilingual education, any more than it can be the sole source of support for education of the handicapped or any other special group.

The Federal Government's role here, as in so many other areas, is to find out and demonstrate what works best; to produce materials that can be used in school systems all over the country; and to provide a base on which other schools and the States can build.

Finally, Mr. Chairman, the education amendments which we cleared for the President last Thursday, authorize an appropriation of $1 billion for fiscal year 1973 for emergency school aid.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. FLOOD asked and was given permission to proceed for 2 additional minutes.)

Mr. FLOOD. Under this law that you just passed last Thursday, 1, 2, 3, 4 percent of the appropriations for that emergency school aid is reserved for bilingual education.

Under the circumstances, I do not think it is necessary or desirable to have more money than what we have included in the bill. It is not necessary and you should not do it. I do not blame these fellows, but they are wrong.

Mr. McKINNEY. Mr. Chairman, I move to strike out the last word.

Mr. McKINNEY. Mr. Chairman, I rise in support of Mr. BADILLO's amendment to add an additional $15 million to the budget recommended by the Appropriations Committee for bilingual education programs.

According to Office of Education figures, approximately 5 million children in the United States need to be instructed bilingually. The question I asked myself as I was reviewing this legislation was, how many children who need this instruction actually receive it? In 1972 at a funding level of $35 million, federally funded bilingual education programs reached 107,000 children. That is not much. Combined with State and local programs, we find an additional 230,000 children enrolled in such programs. That is twice 107,000, but next to 5 million we still have a long, long way to go.

The committee bill added an additional $10 million to the 1972 budget bringing the 1973 level to $45 million. What that means is that 55 to 60 new programs could be funded serving an additional 35,000 children.

If we passed the Badillo amendment which called for an addition of $15 million to the committee recommendation of $45 million, we can almost double the number of children now receiving bilingual education. I believe there is an urgency surrounding our need to substantially increase the funding for these programs. Let me use the city of Bridgeport in my district to illustrate the magnitude of the problem.

In Bridgeport, 22 percent of the elementary school students are Spanish speaking. Now we have been lucky in Bridgeport because we have a Federal grant of $85,000. However, let me tell you about that grant. It funds a kindergarten program reaching 250 children. But these children move on to the first grade in a year, yet the bilingual program does not. It is a kindergarten program and it will remain a kindergarten program until we can find a way to raise another $85,000 for a similar program for first grade students.

Let me go one step further and tell you that in Bridgeport 13 percent of our high school student body is Spanish speaking. Somewhere along the line, more than 50 percent of our Spanish-speaking students drop out of school. It does not stretch the imagination too much to realize that there is not much incentive for a child remaining in school if he cannot understand what is being said, let alone understand the print in his books.

Mr. YATES. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I have been hearing the same speech from the distinguished chairman of the Appropriations Subcommittee for the last 3 years. I know that because I have offered amendments to increase the funds for the bilingual program over the last 3 years and in each instance he has taken the floor to make the same speech. Such speeches do not speak to the facts or alter the facts respecting the enormous need for additional money for the bilingual program.

The fact is that there are 5 million children of Spanish-speaking families in this country. The present bilingual education appropriation takes care of approximately 83,000 of them. Where is the equity in that?

From what the chairman said, you would think that there were adequate funds in this bill. Yes, there has been an increase in this bill—an increase that should have been made years ago, but it is still inadequate.

The authorization for this program exceeds $100 million. Yet, in this bill there is made available only—what amounts?—$45 million—not even half of the funding this program deserves.

The plain fact is that Spanish-speaking children all over the country are being deprived of equal opportunities to obtain an education, the same opportunities that their American counterparts receive.

The gentleman from Florida made the same speech last year about having learned to speak Spanish before any of us even knew or heard about these programs.

That may be true, but the gentleman was lucky enough to learn to speak English as well and to become an integral part of the American community as a result of being able to speak English. That same opportunity is not available to the children of Spanish-speaking families. It would be available if there were more money in this bill.

Mr. Chairman, this is a good program. It will open the door to a better life for thousands of young children if we provide the funds. Do not close that door. Let us support the amendment offered by the gentleman from New York. I urge the House to do so.

AMENDMENT OFFERED BY MR. O'HARA TO THE AMENDMENT OFFERED BY MR. BADILLO

Mr. O'HARA. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York (Mr. BADILLO).

The Clerk read as follows:

> Amendment offered by Mr. O'HARA to the amendment offered by Mr. BADILLO: In the Badillo amendment strike out "$234,190,000" and insert "$259,190,000," and at the end of the Badillo amendment insert: ", and of which $25,000,000 shall be for carrying out the Environmental Education Act".

Mr. O'HARA. Mr. Chairman, my amendment is a very simple one. It would raise the amount appropriated for environmental education by $25 million—the full funding level originally proposed by the Congress at the time it passed the Environmental Education Act of 1970.

In offering this amendment, I wish to commend the members of the Labor-HEW Subcommittee on Appropriations for having the good sense to go beyond the President's recommendation with respect to this program.

The administration had asked the Congress for only $3.18 million to fund this vital program for fiscal 1963. This amount was only about one-eighth of what we had in mind when we passed this legislation. The committee almost doubled this amount—recommending an appropriation of $6 million. This is a vast improvement over the President's proposal. But it simply does not go far enough.

There is a critical need for an environmental education program in this country if we are to do the job that needs to be done in cleaning up our air, land, and water. Environmental education involves everyone—teachers, public service personnel, community leaders, labor representatives, industry officials, and government employees at State, Federal, and local levels. It offers the first—and most important—link in the chain of getting people working together, pooling their resources to save the Nation's ecology. The brief history of environmental education has been one of instantaneous acceptance across the country. Records made public by the Office of Education, which is charged with the responsibility for carrying out this program, showed there was an instant response which indicated the eagerness of Americans to participate in such a program.

Only one out of 25 applications received by the Office of Education has been approved because of the low level of funding for this program. Up to now, it seems, our promises to do something have outstripped our willingness to back up those promises with cold, hard cash.

We have heard the administration's repeated calls for action in this field. Two years ago, in his environmental message to the Congress, the President declared:

> The task of cleaning up our environment calls for a total mobilization by all of us. It involves government at every level; it requires the help of every citizen.

This Congress showed its willingness to become involved in the battle to save the ecology when it passed the Environmental Education Act of 1970—and passed it, I might add, on a bipartisan basis.

We must show our renewed willingness to do battle on this front today by increasing the appropriation for this program to its full-funding level—and, again, by doing so on a bipartisan basis.

Mr. FLOOD. Mr. Chairman, I would like to have Members' attention so they will see what they are doing. We were talking about bilingual education. There is no question that it certainly is a popular program. We have God, country, and Yale—and now ecology. Wow. What are you against? Motherhood? This bill already provides over $4 million for this very line item, right now—environmental education. The gentleman knows that very well.

This is an increase of $820,000 over the budget and over the 1972 appropriation. Mr. Chairman, this is one of many categorical grant programs for specific purposes which have been authorized by Congress and which are funded through this bill. We have never bothered to count them, but I am sure they number in the hundreds. Each of those programs has its own advocates. Most of them have funding authorizations far in excess of the amounts Congress is likely to appropriate in the foreseeable future. We could not possibly fully fund all of these authorizations, even if we wanted to.

The advocates for this particular program are especially vigorous. And, of course, anything with the name "environmental" or "ecological" attached to it is very popular these days.

Mr. Chairman, the committee has always looked with favor on this program. We have given it favorable treatment again this year. We have not cut it.

On the contrary, we have increased it over the budget request and over the current year appropriation.

Mr. Chairman, I think the committee recommendation permits a reasonable rate of expansion for this program, and therefore I oppose the amendment.

Mr. MICHEL. Mr. Chairman, I rise in opposition to the amendment and the amendment to the amendment.

I just want to simply underscore on the latter point that we are increasing in this bill those environmental project grants from 125 to 160. That is orderly progress. I think to pile onto that the additional money in the amount suggested by the gentleman from Michigan is just an unconscionable amount.

If I may briefly review for the Members now, the various programs in which we have funds for bilingual education: $24 million in title 1, ESEA; $9 million in title III, ESEA; and $41,130,000 in title VII, ESEA; and $7 million Follow Through for bilingual; and $3 million for adult education.

As the chairman commented, under the Emergency School Assistance Act, 4 percent of $1 billion will come up in a supplemental, and that is $40 million on top of $84 million.

That is $124 million in the field of bilingual education alone.

I think we certainly ought to stick with the committee on this item. You have all had your fun and have all kinds of things to talk about with the folks back home about how much you have increased this bill. I have added it up. With this amendment, if it is adopted, we will have $1,316,000,000 over the budget before it goes over to the other body—and without the higher education items.

I wonder how many of you here will be willing to stand up for a tax increase one of these days to fund these increases in spending? Usually the ones voting to spend more and more are the first to run for cover when we talk about additional taxes required to pay the bill.

I would plead with you to vote down this additional add on.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman correctly points out the amount in the authorizations for bilingual programs. But authorizations mean little without adequate funding. The fact remains that no matter how high the authorizations go, the Appropriations Committee continues to keep down the funding to woefully inadequate levels.

Mr. MICHEL. Of course, we must. If we are going to have simply an authorizing figure prevail, we could have the authorizing and appropriating in one step. We did away with the procedure a number of years ago. We contend that we take a good look at these items, and we looked over them for a period of 3 months, and then to have the Members toss that all down the drain simply because Members are all running for reelection and want to make a few points back home—it does get a little discouraging. Again, I ask the committee to support us on this item.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in strong support of the amendment to the Labor-HEW appropriations bill, H.R. 15417, proposed by my colleague from New York, HERMAN BADILLO. This amendment provides an opportunity to support, expand, and improve our national programs of bilingual education.

Approximately 3 million children have been estimated to need special education, yet only 100,000 children in the entire country are being served because funds are not available. This amendment provides an additional $15 million. With these new funds we will be able to mount about 100 new programs and reach approximately 90,000 more children. These funds can help us meet the urgent and growing need for programs of bilingual education.

One of the recipients of this worthwhile bilingual education program is the Thaddeus Kosciuszko, which is in my congressional district. This program prepares pupils for entry into the regular curriculum and provides onsite teacher training programs, as well as summer courses and workshops. We must continue to support these programs for the benefit of our children and of our communities. Bilingual education programs are not only a necessary step in meeting an immediate need, but an insurance policy for the future of this country.

The amendment before us represents a step further in the progress we are making to resolve the problem of bilingual education. It deserves the support of this body and I wholeheartedly endorse its adoption.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in strong support of the amendment by the distinguished gentleman from New York (Mr. BADILLO) to provide $15 million additional to our bilingual education programs.

Enhancement of bilingual education is vital if we are to be able to provide equal opportunities for all Americans including those for whom English is their second language.

I have been pleased to support fully the bilingual education effort ever since former Secretary of Health, Education, and Welfare Robert Finch was able to get the program moving and bring it to its present effective level.

Language is a simple but fundamental reflection of cultural heritage. By presenting educational opportunities in their native language to those from non-Anglo cultures we offer both increased opportunities for advancement within our American society as well as protection for their cultural background.

Our Nation has grown strong by learning from and incorporating that the strengths of the diverse groups which have come to our shores—some seeking haven; some seeking opportunity. Bilingual education programs are a small but important means to retain that strength and maintain our growth as a free people.

Therefore, I strongly urge prompt passage of the Badillo amendment.

Mr. RANGEL. Mr. Chairman, I rise to support the Badillo amendment which would add $15 million to the present $45 million earmarked for bilingual education programs funded under title VII of the Elementary and Secondary Education Act.

Bilingual education is designed to meet the unique needs of Puerto Rican, chicano, and other youngsters whose native tongue is not English. The main problem with the program has been that the Office of Education has not had enough money to take care of the needs of all Spanish-speaking children and has concentrated its limited funds primarily in the Southwest to the neglect of those in the Northeast.

A regional comparison of allocation of title VII funds reveals that the 2½ million Spanish-speaking people in New York, representing over 13 percent of the State's population, are victims of a severe imbalance in funding between the Northeast and the Southwest as the following tables reflect:

EXAMPLE OF INEQUITIES IN DISTRIBUTION FORMULA FOR TITLE VII FUNDS

State	Spanish-surnamed public school enrollment	Title VII appropriation (fiscal year 1970)	Per pupil amount
New York	263,799	$1,494,059	$5.66
New Jersey	46,063	535,000	1.16
Massachusetts	8,733	378,508	4.33
Illinois	68,917	200,000	2.90
California	646,282	7,231,886	11.19
Texas	505,214	4,791,481	9.48
New Mexico	102,994	992,607	9.64
Colorado	71,348	389,290	5.46

Source: DHEW and U.S. Civil Rights Commission, March 9, 1971.

MISCELLANEOUS FACTS ON BILINGUAL EDUCATION

[Source: Bilingual Education Division, U.S. Office of Education]

1. There are a *total of 214* Title VII programs:

a. a total of *45* programs are identified as *Puerto Rican.*

b. a total of *135* programs are identified as *Chicano.*

2. The *45 Puerto Rican projects*—primarily on the East Coast—serve approximately *20,000 children.*

a. Average Cost per Project=$270,000.

b. Average Cost per Child=$504.00.

3. The *135 Mexican-American projects*—primarily in the Southwest with a few in the Mid West—serve approximately *55,000 children.*

a. Average Cost per Project=$280,000.

b. Average Cost per Child=$509.00.

4. State/Regional Project Comparison:

SOUTHWEST PROJECTS

California	59
Arizona	8
New Mexico	12
Texas	42
Total	121

NORTHEAST PROJECTS

New York	26
New Jersey	4
Connecticut	3
Pennsylvania	2
Massachsuetts	6
Total	41

The Badillo amendment would provide sufficient funds to the Office of Education so that more projects in the Northeast region also could be funded. I am not suggesting that the funds be given just to the Northeast States nor am I suggesting that funds be cut from the programs in California, Arizona, New Mexico, or Texas. Rather I am supporting the Badillo amendment so that all quality bilingual programs may be approved and funded.

In view of the limited amount of funds now available, for example, the Office of education was only able to approve some six projects in New York City. While these six programs benefit some 7,300 pupils, there has been a great deal of concern because there are over 250,000 Spanish-speaking pupils there who have severe language handicaps and are in need of assistance. An indication of this tremendous need is the overall dropout rate: Over 87 percent of those Spanish-speaking persons over 25 never completed high school. The inability of these men and women to communicate effectively in the English language prevents their full participation in the political and social struggle in the country and denies their access to meaningful employment.

It must be emphasized that bilingual education is not simply the teaching of English as a second language.

It does considerably more by providing children an appreciation of the history and culture associated with their language.

For too many years educators treated students who spoke languages other than English as handicapped or retarded, punishing them for speaking their mother tongue. By stifling the child's self-expression in his own native tongue, educators also did injury to his sense of identity and self-esteem.

Fortunately, about 5 years ago a number of farsighted Congressmen and Senators introduced the Bilingual Education Act which was subsequently incorporated into the Elementary and Secondary Act as title VII and enacted into law.

Unfortunately, the ideals of the sponsors of this legislation have never been realized and have been thwarted by lack of sufficient funds. Authorization levels have been sufficient but appropriation levels have been worse than stingy.

I find it ironic that many of my colleagues point out with pride they support bilingual education but neglect to mention the consistently inadequate sums they support it with. It is remarkable that millions of dollars are spent to encourage pupils to learn foreign languages—with Spanish being the most popular choice—and that at the same time many of my colleagues continue to consistently underfund bilingual education.

During fiscal year 1971, 158 Bilingual Education projects proposals were submitted to the Office of Education. Of these, only 33 were funded, all at reduced levels because of monetary limitations. In New York State, only eight of the 33 proposals submitted were funded. During fiscal year 1972, only 49 of the new applications received were funded. Nationwide that amounted to only about 26 percent of the total received.

Congress today has the unique opportunity to fulfill its commitment made to Puerto Rican, Mexican-American, and other foreign language speaking children. The administration requested only $41 million. The Appropriations Committee wisely increased the amount to $45 million. At this level an estimated 35,000 more children would be helped in some 50 or so new projects. The Badillo amendment proposes a modest $15 million increase to $60 million so that 110 new projects involving about 90,000 more children could be reached.

I strongly urge my colleagues to adopt this modest increase to $60 million so that we can realistically demonstrate our commitment to providing full and equal educational opportunities to those of our children whose native tongue is other than English.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. O'HARA) to the amendment offered by the gentleman from New York (Mr. BADILLO).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BADILLO).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. BADILLO. Mr. Chairman, I demand tellers.

Mr. MYERS. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is that the gentleman from New York demanded tellers.

Tellers were ordered.

Mr. BADILLO. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. FLOOD, DELLUMS, BADILLO, and MICHEL.

The Committee divided, and the tellers reported that there were—ayes 144, noes 205, not voting 83, as follows:

[Roll No. 206]

[Recorded Teller Vote]

AYES—144

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Archer
Ashley
Aspin
Badillo
Barrett
Begich
Biaggi
Boggs
Boland
Bolling
Brademas
Brasco
Burke, Mass.
Burton
Byrne, Pa.
Caffery
Carey, N.Y.
Chisholm
Clausen, Don H.
Clay
Collins, Ill.
Collins, Tex.
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
de la Garza
Dellums
Derwinski
Diggs
Donohue
Dow
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Fascell
Foley
Ford, William D.
Frey
Fulton
Goldwater
Gonzalez
Grasso
Green, Pa.
Gude
Hamilton
Hanna
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Hicks, Mass.
Horton
Howard
Hungate
Hunt
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Kazen
Keith
Koch
Leggett
Lujan
McClory
McCormack
McFall
McKinney
Madden
Matsunaga
Meeds
Melcher
Mikva
Minish
Mink
Minshall
Mitchell
Moorhead
Moss
Murphy, Ill.
Nedzi
Nix
Obey
O'Hara
O'Konski
Patten
Pepper
Pettis
Pickle
Price, Ill.
Pucinski
Purcell
Railsback
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Roncalio
Rosenthal
Rostenkowski
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Seiberling
Sisk
Stanton, James V.
Steele
Stokes
Symington
Teague, Calif.
Udall
Vanik
Veysey
Waldie
Whalen
White
Wilson, Charles H.
Wolff
Wright
Wydler
Yates
Young, Tex.
Zablocki

NOES—205

Abbitt
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Bow
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Camp
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Cleveland
Collier
Conable
Conover
Conte
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Denholm
Dennis
Dent
Devine
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Erlenborn
Evans, Colo.
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Galifianakis
Gaydos
Gettys
Giaimo
Gibbons
Goodling
Gray
Green, Oreg.
Griffin
Gross
Gubser
Haley
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hays
Heckler, Mass.
Heinz
Henderson
Hicks, Wash.
Hogan
Hull
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Keating
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lent
Lloyd
Long, Md.
McCollister
McCulloch
McDade
McKevitt
Macdonald, Mass.
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Mizell
Mollohan
Monagan
Morgan
Murphy, N.Y.
Myers
Natcher
Nelsen
Passman
Pelly
Pike
Powell
Preyer, N.C.
Price, Tex.
Quie
Quillen
Randall
Rarick
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roush
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Stratton
Stubblefield
Stuckey
Taylor
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Ullman
Vander Jagt
Vigorito
Waggonner
Wampler
Ware
Whalley
Whitten
Widnall
Williams
Winn
Wyatt
Wylie
Wyman
Yatron
Young, Fla.
Zion
Zwach

NOT VOTING—83

Abernethy
Abourezk
Anderson, Tenn.
Bell
Bingham
Blanton
Blatnik
Bray
Broomfield
Broyhill, Va.
Byrnes, Wis.
Celler
Clark
Colmer
Curlin
Davis, S.C.
Delaney
Dingell
Dowdy
Edmondson
Eshleman
Fraser
Frenzel
Fuqua
Gallagher
Garmatz
Griffiths
Grover
Hagan
Hall
Halpern
Harsha
Hébert
Hillis
Holifield
Hosmer
Kee
Kluczynski
Kyros
Landrum
Lennon
Link
Long, La.
McCloskey
McClure
McDonald, Mich.
McEwen
McKay
McMillan
Mailliard
Metcalfe
Miller, Calif.
Montgomery
Mosher
Nichols
O'Neill
Patman
Perkins
Peyser
Pirnie
Poage
Podell
Poff
Pryor, Ark.
Rhodes
Rooney, N.Y.
Rooney, Pa.
Rousselot
Scheuer
Slack
Smith, Calif.
Springer
Steiger, Ariz.
Steiger, Wis.
Stephens
Sullivan
Talcott
Teague, Tex.
Thompson, N.J.
Van Deerlin
Whitehurst
Wiggins
Wilson, Bob

So the amendment was rejected.

Mr. BRADEMAS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish to propound some questions to the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD) so as to clarify a few points about the appropriation item under the heading "educational renewal," which is on page 50 of the committee report.

Allow me if you will, also to preface my questions with the observation that several members of the Committee on Education and Labor have been concerned for several months about an Office of Education proposal for renewal strategy, or renewal sites, or renewal programs, or renewal centers—the Office of Education itself has not been able adequately to explain this renewal concept.

Indeed, because it was evident that no legislative authority for such a program existed, the conferees on S. 659, the Education Amendments of 1972, which now await the President's signature, expressly prohibited the so-called renewal strategy until OE had received legislative authority from Congress for it.

Mr. Chairman, I point out, also, that because the education amendments established a new National Institute of Education, to support research in education, the conferees amended the Cooperative Research Act to reflect the new organization of our educational research efforts.

Now, my question for my distinguished colleague from Pennsylvania is that as I understand the appropriation item entitled, "educational renewal," it is merely a new grouping, a new arrangement of existing categorical appropriations, and that the item, therefore, in no way changes the manner in which Congress expects these categorical appropriations to be used. Am I correct in that understanding?

Mr. FLOOD. The gentleman from Indiana is correct.

Mr. BRADEMAS. That is to say, then, to go a step further, that this appropriation in no way authorizes a renewal strategy, or renewal sites, or centers, or whatever else the Office of Education calls this program?

Mr. FLOOD. The gentleman is correct.

Mr. BRADEMAS. In which case then, if the gentleman will bear with me for a moment longer, this appropriation in no way authorizes the Office of Education to "package" categorical grant programs which the Congress designed to meet specific needs?

Mr. FLOOD. That is correct.

Mr. BRADEMAS. I thank the distinguished chairman of the subcommittee.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 22, line 4, change the period to a semicolon and add the following: "Provided that the funds herein appropriated for bilingual education under the Bilingual Education Act shall be distributed in accordance with the authority contained in Section 703(b) of said Act requiring that the Commissioner shall give highest priority to states and areas within states having the greatest need for programs under the Act, and that such priority shall take into consideration the number of children of limited English-speaking ability between the ages of three (3) and eighteen (18) in each state; and provided further that such distribution of funds shall be made without regard to the provisions of Section 704(a) of the Bilingual Education Act that distribution be 'from families (A) with incomes below $3,000 per year, or (B) receiving payments under a program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act', and of Section 704(c) of the Bilingual Education Act that distribution be 'from families (A) with incomes below $3,000 per year, or (B) receiving payments under a program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act.' "

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. FLOOD. Yes, Mr. Chairman, and very briefly.

Mr. Chairman, the length of this amendment should speak for me rather than for itself.

Mr. Chairman, it is very clear and I read now from Cannon's Procedures in the House of Representatives, page 46, which reads as follows:

> Any deviation however slight from the text of existing law.

It says that no deviation however slight. This is certainly that, if you heard it as I did. I had a copy of the amendment and I read it carefully in some detail.

Mr. Chairman, I could not make it any plainer if I wrote it myself.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. YATES. Yes, Mr. Chairman.

Mr. Chairman, I conceive of this amendment as being a limitation on an appropriation bill in determining the manner in which funds be spent. I, therefore, think it is in order.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is ready to rule. The amendment does not restate existing law but changes existing law. Therefore, it becomes legislation on an appropriation bill, and the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: at page 22, line 4, change the period to a semicolon and add the following: "Provided that the funds herein appropriated for bilingual education under the Bilingual Education Act shall be distributed in accordance with the authority contained in Section 703(b) of said Act requiring that the Commissioner shall give highest priority to states and areas within states having the greatest need for programs under the Act, and that such priority shall take into consideration the number of children of limited English-speaking ability between the ages of three (3) and eighteen (18) in each state;"

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, I make a point of order to the amendment on the ground it is obviously legislation on an appropriation bill. The amendment applies to a specific provision of the act, and any time you do that, that is patently, obviously, and clearly legislation upon an appropriation bill.

Mr. YATES. Mr. Chairman, I think the gentleman is indulging in double talk. I do not quite understand what his point of order is. This is a repetition of the statute itself and is therefore completely clear.

Mr. FLOOD. There is a deviation.

Mr. YATES. There is not a deviation. It is an actual quotation.

Mr. FLOOD. There was a slight change, which was ruled on by the Chair in ruling on the point of order, and it is out of order for that reason.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is ready to rule. The language of the gentleman's amendment states that the Commissioner shall give the highest priority to States and areas within the States having the greatest need for the program under the act. But the amendment goes further and also states that the funds in the pending bill shall be distributed in accordance with the authority contained in section 703 of the act. While the statute states priorities, the amendment is mandatory and directs the Commissioner to follow those priorities. It thus goes beyond the law, is a modification of existing law, and is, therefore, legislation.

Mr. YATES. Mr. Chairman, will the Chair indulge me and permit me to read what the act states?

The CHAIRMAN. The Chair has just read the act. The gentleman may read it again.

Mr. YATES. Here is what the act states. I read from section 703:

> In determining distribution of funds under this title, the Commissioner shall give highest priority to States and areas within States having the greatest need for programs under this title. Such priority shall take into consideration the number of children of limited English-speaking ability between the ages of 3 and 18 in each State.

I incorporated that language in my amendment, Mr. Chairman, and I am not deviating from it. I am following the act and asking that the funds be allocated in accordance with the authority of that section.

The CHAIRMAN. The gentleman's language is different from the language in the act although it is similar. There is a mandate in the gentleman's language that the funds shall be distributed in accordance with the priorities stated in the act, and the statute only says the Commissioner shall give the highest priority to States and areas within the States having the greatest need for programs pursuant to this title. Therefore, the Chair finds that the amendment carries a stronger mandate than that in the statute and is, therefore, legislation on an appropriation bill.

The Chair, therefore, sustains the point of order.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not intend to take the 5 minutes. There was purpose to my offering my first amendment. I consider the present bilingual education act most unfair in requiring that funds distributed under that act be distributed in greatest part to families, that earn less than $3,000 a year or are on welfare. That is a most unrealistic provision. In my district, and I think in most districts of the country, any person who works for a living must make more than $3,000 a year. It operates most unfairly on working families because they do not qualify under the language of that act. Thus, children of Spanish-speaking families are barred from obtaining the help they need if their parents earn more than $3,000 a year. How unfair.

It is my purpose to bring this to the attention of the Education and Labor Committee, with which I have filed an amendment and with which I have sought a hearing, asking that those provisions be stricken. I shall continue to press for that hearing and for a change in the law.

The mandate of the bilingual education program is clear. It is to provide an education for all children regardless of income who need the special benefits that the act provides. The act applies to all children. If they lack skills in English as they all do, the income limitation operates to create an unfair and artificial barrier to their hopes and aspirations.

I offered the second amendment in order to show the outrageous manner in which the bilingual education program has been administered. I am not given to extravagant denunciations of executive agencies ordinarily, but I believe that the Office of Bilingual Education is discriminating against my State of Illinois and against other States in their distribution of bilingual funds.

For example, in the distribution of funds for Spanish-speaking students, California is ranked No. 1 in numbers of Spanish-speaking students, and rightfully California is given the greatest share of funds. Texas is ranked No. 2, and is rightfully given the second spot. New York is rightfully ranked No. 3, and New Mexico as No. 4; but Illinois which is No. 5 in the list having the greatest number of Spanish-speaking children, ranks 14th in the amount of funds it receives under this program. Last year millions of dollars went to other States for this program. Illinois received a little over $500,000.

In the 5 years that the bilingual education program has been operating to date, California, Texas, New York, and New Mexico which have the greatest Spanish-speaking population have been given the first four places in the Spanish funding, but Illinois, which is No. 5, is still No. 12 in that distribution of funds. Does that make sense? Obviously not. There are States who have received more money than the State which I am honored to represent, even though they do not deserve such funds. That discrimination must be corrected.

Therefore I would urge that the Committee on Education and Labor will consider this matter immediately. The problems are so great as to require their urgent attention. I would hope they would amend the law to provide for a much more equitable distribution of funds.

I also state, Mr. Chairman, I would hope and expect that the Office of Education would administer this law much more fairly. I intend to take this obvious discrimination to that office and I hope its patterns will be changed.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I would like to read into the Record a statement of a former President of the United States, Theodore Roosevelt, who said:

> We have room for but one language here, and that is the English language, for we intend to see that the crucible turns our people out as Americans, and not as dwellers in a polyglot boarding house.

Mr. YATES. I thank the gentleman. Certainly English is America's mother language and all America's children should be given the opportunity to learn it.

Mr. Chairman, I would tell the gentleman from Iowa of the letter I have received from teachers in the schools in my district pointing out the tragedy of Spanish-speaking students struggling to understand their courses which are taught in English and not being able to comprehend them. As bright, as diligent, as anxious to learn as their English-speaking schoolmates, they invariably drop behind. They cannot keep pace with their fellow students who speak English and they suffer as a result. They are handicapped to that extent and handicapped unfairly.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois (Mr. Michel).

Mr. MICHEL. Mr. Chairman, I commend the gentleman for the statistics which he cited in his presentation. I am sorry I cannot put my finger on the exchange I have had with the Commissioner of Education on this very subject of the proper geographical distribution of these funds for bilingual education around the country. I think there has been a renewed emphasis to redirect some of those funds, particularly to the East and Midwest, where there was always prior to that a concentration in the Southwest and maybe in the South. The Commissioner told me this morning in a specific conversation in which we discussed this matter that he would continue those efforts.

I would hope with the impetus given to it by the gentleman in his effort at least to offer an amendment, even though it be ruled out of order, that in trying to get this point across he will continue in a renewed effort to do just that.

Mr. YATES. I thank the gentleman.

AMENDMENT OFFERED BY MR. PEYSER

Mr. PEYSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Peyser: On page 22, line 2, strike "$210,190,000," and insert in lieu thereof "$225,190,000."

Mr. PEYSER. Mr. Chairman, I want to review something that came up a few minutes ago, which I had no idea was coming up, and that was an amendment offered by the gentleman from Michigan (Mr. O'Hara) dealing with the Environmental Education Act.

Mr. Chairman, I circulated a letter, as the Members are aware, dealing with the Environmental Education Act in April, when I announced I was planning on introducing an amendment to increase the funds for this act by $6 million.

With all the hundreds of millions we have been talking about today, I realize this probably looks like an insignificant amount, but in reality it is of the utmost importance and I think it is the best form of preventive medicine for us that we can take right now to stop this ever-increasing flow of money that we are putting out in areas such as water pollution and the battle to save the environment, all of which are absolutely necessary and which I support.

But, Mr. Chairman, if we do not start building today the kind of program that is going to educate the young people of our country, that is going to create programs that they can work within to learn about the environment and learn what they can do to solve the pollution problems while they are young, then I think we are going to be spending and talking about billions in 1980, amounts that will be double and triple the amounts we are talking about now to try to save the environment.

So this, if you will, is a piece of legislation I hope will be enacted, which will move up the $4 million that has been appropriated to $10 million.

The reasons for this are as follows: Last year there were over 1,900 qualified applications for this program. This program is sponsored by Boy Scout troops, by churches, by libraries, by museums, by schools; in other words, by all these types of organizations. It brings into actual play the young people in these organizations.

As to the average sized grant in the last year, out of 74 grants the average was $18,000. So this is not a big giveaway-type program. It is a program which is really speaking to the people, to the little organizations who want to get into this environment battle and who want to work with the young people to improve our future.

By moving this up $6 million we are going to be able to have over 200 new projects this coming year.

I hope the Members of the House will give consideration to this, and view the approach as environmental preventive medicine for the future. I am asking its enactment.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I am glad to yield to the gentleman from Indiana.

Mr. BRADEMAS. I commend the gentleman from New York on his amendment.

As a sponsor of the Environmental Education Act of 1970, which was supported by members of both sides of the aisle in the subcommittee, in the full committee, and here in this body, I have been aware of the immense demand for funds for environmental education programs.

Although the Appropriations Committee added some money to the amount appropriated for the current fiscal year—the figure in the bill for environmental education is $4 million—the demand far exceeds that amount.

I note, moreover, that the proposal of the gentleman from New York is much more modest than that of my friend, the gentleman from Michigan (Mr. O'Hara), which I also supported but which was voted down. I hope that this more modest request will win the approval of the committee.

For, Mr. Chairman, I believe—and I do not think that champions of clean air, land, and water would disagree—that if we are to be able to make substantial progress in meeting our ecological crisis, we are going to need a citizenry informed and educated about the whole spectrum of issues that are called environmental; and we are going to require as well changes in basic attitudes toward the environment and man's place in it.

That is why several colleagues and I, in the House, sponsored the Environmental Education Act of 1970, which authorizes Federal funds to support elementary and secondary school courses on ecology as well as curriculum development and teacher training for environmental studies.

Mr. Chairman, witnesses before our subcommittee were virtually unanimous in their support of this measure.

But allow me, if I may, to cite not the eloquent testimony which the subcommittee heard in favor of environmental education, but point rather to certain facts which, since enactment of the law, have dramatized the need for more adequate funding of the Environmental Education Act.

I ask that Members consider the following information:

In the first year of the implementation of the act, with only 3 weeks' notice of the grant procedures—and almost no publicity—the Office of Environmental Education was deluged with 1,925 proposals from all over the country, totaling $70 million.

Only $2 million were available to meet that avalanche of requests.

Last year, the Office of Education claims to have spent $11.4 million from other legislative authorities, on environmental education, above and beyond the $3.515 million available through the Environmental Education Act. The testimony of the administration itself, therefore, indicates the need for more funding for environmental education.

The Environmental Education Act, I should point out, is obviously filling a great public need.

Mr. Chairman, as we are talking, the United Nations is conducting a Conference on the Human Environment in Stockholm. Extensive publicity has attended this conference in this country and around the world. Undoubtedly the conference will increase public awareness of the need for environmental programs of all kinds.

So I urge support of this amendment to increase funds for the environmental education program within the Office of Education. Public interest in environmental education—and the need for the programs—clearly justify increasing the extremely modest appropriations which have characterized this act to date.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment. I am amazed that it was offered.

I spoke at some length in opposition to an almost identical amendment offered by the gentleman from Michigan, just a few minutes ago, I believe, and it was soundly defeated. That speaks for itself. Of course this amendment should be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PEYSER).

The amendment was rejected.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, had the Hathaway amendment not prevailed, I would have offered an amendment here which would have cut back the appropriation for impact aid to so-called federally affected areas to the level of funding of last year. There seemed to me to be very little point in offering such an amendment when this body had just finished passing, by a rather substantial margin, an amendment which, among other things, increased impact aid by some $30 million; so I refrained from doing so.

I believe perhaps it might be worthwhile just to make a couple of brief comments on the subject, nevertheless.

Here is a program which originally had a legitimate purpose, to relieve areas impacted by military installations, which has grown and grown and multipled and multiplied, so that it now enjoys what we might call almost a built-in passage assurance in this House by its impact on almost every congressional district in the Nation.

I will have to state that I am one of the comparatively few Members of this body of whom that is not true, and for that reason I am in a position where I can speak somewhat objectively. Perhaps for that very reason I have a duty to say a little something on the subject.

I could not do better than to quote my distinguished friend, the gentleman from Minnesota (Mr. QUIE), who said here in the well awhile ago in connection with another amendment that it was wrong for us to be supporting the schooling of his child out here in Montgomery County, Md. I could not agree more with the gentleman.

I will add that I believe it is wrong for my people in the 10th District of Indiana, and your people in your districts all over this country, to be paying for the schooling of my good friend's child out here in Montgomery County, one of the richest counties in the United States, with one of the highest tax bases.

I might just read from the committee report on page 48:

> The committee continues to believe that reform of the impacted area aid program is badly needed, but that it must be brought about through amendments to the basic legislation . . .

Mr. Chairman, this is the fourth time I, myself, have heard that argument in the House, but we continue yearly to appropriate ever-increasing amounts for that purpose.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I will be happy to yield to the gentleman in just one moment.

I simply want to say before I sit down that it seems to me that, at some time, this body is going to have to summon up the courage to deal with a problem which we know we have to deal with, instead of every year spending increasing amounts of money that we do not have on a program which, in its present form, we cannot even attempt to justify.

I now yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I thank the gentleman for yielding, and it prompts me to point out that in the adoption of the Hathaway amendment you have really opened up a great Pandora's box. For the first time you have now put $10 million in funding C students who are supposed to be justified through public housing units. We turned down $60 million for this last year. If you think that item is going to stop at the $10 million figure once started, I would predict that it will be several hundred million within 3 or 4 years. And still you will be coming back and telling us on this floor what a lousy, rotten, no-good program it is, because you fell for the sucker bait today, and got this thing started.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interests or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)) $2,921,000, to remain available until expended.

AMENDMENT OFFERED BY MR. GOLDWATER

Mr. GOLDWATER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOLDWATER:

Page 23, after line 6, add a new paragraph as follows:

"For the education of the handicapped in higher education an additional $2,000,000."

Mr. GOLDWATER. Mr. Chairman, the education of the deaf in this country has been limited, to say the least, for many, many years. Currently there are three federally funded colleges all located on the east coast. Last year their budgets were approximately $38.4 million, most all of which was provided by the Federal Government. These three colleges are Gallaudet, the Model Secondary School, and the National Technical Institute for the Deaf in New York. They are all three very fine schools, but again, I repeat, they are all located on the east coast.

Now, it is a fact that there are over 200,000 deaf people in the United States, 50 percent of whom are located in the west, and yet these individuals who are unfortunate enough to be deaf must provide a tremendous amount of expense on their own to travel all the way to the east for their college education.

Besides the three colleges which are located in the east, there are presently several university and college programs spread out around this country which are small by comparison, and which have been operating under demonstration grants from HEW under the Education of the Handicapped Act.

These demonstration grant programs go back to about 1964. They have been pretty consistent, but the level of funding has not increased to any appreciable amount. As such, with the increase in the cost of living and the tremendous increase in interest of deaf children wanting to go to school, the cost to universities and colleges have gone up.

Therefore, these schools and universities, away from the east coast, have not had this year sufficient moneys to fund the programs and to meet the demands and the needs that presently present themselves.

For instance, Denver Community College in Denver, could provide education for 200 or 300 more students if they could acquire $200,000.

Lee College in Baytown, Tex., will have to close down.

The North Carolina School for the Deaf needs an additional $200,000.

California State University at Northridge needs $112,000 or it will be forced to reduce its enrollment.

It is not a great deal of money that these universities and colleges need.

It is important to provide this education for these students who are not located on the east coast, that we do provide this minimal amount of money to keep the current programs going.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from California.

Mr. CORMAN. Mr Chairman, I commend the gentleman for bringing this amendment to the floor. I think it is unconscionable that we would cut off desperately needed aid for institutions in the West.

This is an insignificant amount of money from the point of view of this budget, but it is tremendously important in the lives of many people who are handicapped, who do have these difficulties. We would be making it impossible for the colleges to take care of them unless the amendment is adopted.

Mr. Chairman, I thank the gentleman for bringing in this amendment. I hope it is adopted.

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, I also would like to commend the gentleman on this amendment.

I am acquainted with this problem because of a personal problem involving my nephew.

One of the great problems has been education outside the regular Federal schools for the deaf.

Mr. Chairman, this is certainly only a drop in the bucket, but it is a drop in the right direction. I hope the committee accepts this amendment.

Mr. GOLDWATER. Mr. Chairman, the $2 million I am requesting at this point is a miniscule amount compared to the total bill we are considering.

Mr. Chairman, I would not normally have offered this amendment except that in looking into the problem, I find that all of these university and college programs, small as they might be, are going either to have to close down or to minimize their educational programs unless they get this additional money to keep them going.

Mr. FLOOD. Mr. Chairman, of course, I must rise in opposition to this amendment for the reasons I have stated against all these other amendments.

Mr. Chairman, if this is so very, very serious, then why in the world didn't the gentleman or somebody in the United States bring this to the attention of the Committee? Nobody has come forward to tell us about this until a quarter to six or whatever time it happens to be now, and it is late in the day. That is not right. That is not fair to the House and it is not fair to the Committee and it is not at all fair to the subject matter to which this matter directs itself by any means.

This is a Health, Education and Welfare Subcommittee of the Committee on Appropriations of the House of Representatives. We are now speaking about that. These things should be brought to the attention of the Committee. It is not right and it is not proper to be done in this way under any circumstances.

No appearance was made about this. We hold months and months of hearings, and we would have given serious attention to this problem, had we known about it.

There is no doubt in my mind that there must be need in these areas. There is no question about that. But you cannot run down here with a piece of paper this late and say, "Mr. Chairman, I want x millions of dollars for a school in my district." That is not proper and it is not the correct way to do this. You cannot run this business that way.

Speaking for my committee, we object to this kind of operation. We should not do this this way. Come to see us. We are willing to help. We help everybody that we can. Come and testify on this—tell us about it. I believe you have a case, but tell us about it and bring your experts. You are not an expert and neither am I an expert. But we sit down with our experts to see the way these things should be handled. We will do that and we have done it for years. But, do not do it this way because this is not the proper way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GOLDWATER).

The question was taken; and on a division (demanded by Mr. GOLDWATER) there were—ayes 48, noes 66.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH AND TRAINING ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Social and Rehabilitation Service, and the Social Security Administration, as authorized by law, $8,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such Service and Administration for payments in the foregoing currencies.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GROSS. I would like to ask the distinguished chairman of the subcommittee about this $8 million. Is this more of the arts and humanities or the Smithsonian Institution funding so-called studies and research around the world? Does this include, for example, a study of "The Josefinist Enlightenment Among the Serbs"?

Mr. FLOOD. This is for research in vocational rehabilitation and related activities. The gentleman may be opposed to some of the projects. I know I am.

Mr. GROSS. Is this $8 million for junketing professors?

Mr. FLOOD. Not this appropriation. I know what the gentleman is talking about. I complained about that before you did. I can tell you where it is.

Mr. GROSS. I wonder if it includes the junket of another professor to pursue "Aspects of Culture Change in Morocco," or that of another on the subject of "The Neutralization of the Mediterranean and the Foundation of Modern Morocco, 1511–1580".

Mr. FLOOD. If it does, I certainly hope that it had a good result.

Mr. GROSS. I wonder if it includes a study of "The State and Trade in Seventeenth Century Golconda?"

Mr. FLOOD. I do not know, but I believe the answer is "No."

Mr. GROSS. That was a 12-month study in India. Then came a 9-month study on "The Effects of Modernization on the Gradual Disappearance of a Substandard Dialect in Yugoslavia."

Mr. FLOOD. Whatever it is you are talking about, I tell the gentleman they came to us and asked for an increase in this appropriation and we said, "No, go away."

Mr. GROSS. What is the $8 million for if it is not for that kind of so-called study and rseearch? I note there is $88,000 for a study in India to "Establish and Evaluate the Effects of Intensive Employment-oriented Services on Rehabilitation of Wayward Youth."

Mr. FLOOD. We do not think it includes those things. We certainly hope it does not include those things. If I had known we would get into this discussion I would have gotten a detailed list. But I just cannot answer definitely.

Mr. GROSS. I notice that Egypt gets into this bill to the tune of $150,000 to finance a "Community Based Demonstration Youth Services Center for Delinquent and Pre-Delinquent Youth." What is a predelinquent youth?

But the prize in this junketing study, research business must go to Poland which will be delighted to learn that the United States is providing the equivalent of $125,000 to study the "Rehabilitation of Emotionally Disturbed College Students." We have a few of them in this country.

Mr. FLOOD. A predelinquent youth is a youth who is apt to become delinquent. That is predelinquent.

Mr. GROSS. The United States is financing a $50,000 study in Tunisia for "Comprehensive Community Services Including Day Care for Young Children."

And the Yugoslavs will certainly be pleased to learn that the United States wants to spend $100,000 for the "Development of Predictive Scales for Rehabilitation of Juvenile Deliquents," and another $65,000 is slated for the study of "Housing and Environmental Design in Different Types of Housing and Service Arrangements for the Elderly" in that country.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. We said on page 53 of the report how the committee feels about projects such as those you have mentioned. Let me read that portion of the report:

> The committee continues to be skeptical as to the value to the U.S. of studies of social problems in the countries where these currencies are available and wishes to see evidence of useful results before agreeing to further increases in this appropriation.

What is the matter with that?

Mr. GROSS. Let me compliment the gentleman.

Mr. FLOOD. I like that.

Mr. GROSS. The gentleman during the hearings referred to an elite club among the country's educators whose members pass around these choice junkets among themselves. This is what my friend from Pennsylvania, the distinguished chairman said:

> It is a sort of club, we hear, and you pass the word around to this university and that State department of education that "Now is the time to go to Tibet." It is a sort of closed corporation, we are advised, and now, of course, it is very difficult to be against it.

Does the committee realize that if the members of this elite club of professors continue to spend millions of dollars or the equivalent thereof in counterpart funds this way, that there may not be any left for the junketing Members of Congress when they go abroad?

Mr. FLOOD. The gentleman from Iowa is quoting me, and he could not possibly do better.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For expenses not otherwise provided, necessary for the Social and Rehabilitation Service, $60,215,000, together with not to exceed $600,000 to be transferred from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as provided in section 201(g)(1) of the Social Security Act.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

As chairman of the task force on national health, I wish to point out that testimony was recently presented to the task force by the arthritis foundation. It is my firm belief that great strides toward finding a cure for this dread crippler can be made if greater Federal attention is focused on this problem. I want to emphasize the importance of the proposed budget for the Arthritis Institute by the HEW Appropriations Subcommittee.

Hopefully, we shall soon see the day when arthritis is no longer a menace to the well-being of so many of our Nation's people.

As a member of the Subcommittee on Public Health and Environment, and as a physician, I can appreciate the difficulty of the task the Appropriation Committee has performed. I would like to say here and now that I think they performed very well, indeed.

It is no easy thing to sort out what appear to be the national requirements in health, to match them with existing health programs, and then try to fit them more or less within the restrictions of a national budget. All the while this is going on, there is the certain knowledge that one program or another or one interest or another is going to be slighted, somewhere along the line.

This time the process seems to have worked as well as possible. I believe this is a very good health budget, and I intend to vote for it. It is probably the largest health budget we have seen—but that is as it should be, for it is high time that the National and the Congress gave health programs proper attention. In fact, the greatest service of the Appropriations Committee this year may be that it has set health programs at the high priority they deserve and most likely will have to have over the next several years.

We all know that the really close work in this process has to be done by the subcommittee having the special expertise. In this case it was the Subcommittee on Labor and Health, Education, and Welfare. I tip my hat to the subcommittee, its chairman, and its ranking minority member. They have all done good work.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 208. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: On page 33, all the following new paragraph to section 208:

"No part of the funds contained in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system."

Mr. ASHBROOK. Mr. Chairman, at this late hour it is not necessary to speak more than about 2 minutes on this amendment. I will not take more than that amount of time. I merely make three quick points.

First, there is nothing new about this amendment. We have voted on it three times previously.

Second, I think we all know what happened in the conference report on higher education. When we voted last Thursday on the conference report, many colleagues voted for the conference report even though they disagreed with what the conferees had done in changing the language of the amendments this House had voted on last November.

At that time—that is, last Thursday—my colleagues indicated that when the appropriation bill came up, that would be an appropriate time to vote on this amendment, and in effect they voted for the conference report last Thursday even though they did not agree with what had been done in watering down the antibusing amendment.

Third, this amendment will prevent Federal funds provided for in this act from being used for busing where the purpose is for racial balance. I think everybody understands this amendment. There is no need to take a greater amount of time.

Mr. GONZALEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have a question in connection with the wording of this particular section 208. I would like to direct to the chairman of the committee this question. That last phrase or clause, is it something new:

> or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Mr. FLOOD. It is exactly the same language as we had before, in the previous amendment. Exactly the same.

Mr. GONZALEZ. It is the same as the previous act?

Mr. FLOOD. Yes.

Mr. GONZALEZ. I thank the gentleman.

Mr. FLOOD. Mr. Chairman, I do not want this busing business to be brought up at this time of night. We could be here until heaven knows when.

Let us be fair about this. We have provisions relating to this problem in the present appropriation bill. They are the same provisions which have been in the bill for several years. This might be lace curtains for dressing it up a little bit. If this is what it should be, it should be taken to the legislative committee.

We have this bill. I do not know why it is brought in now. It is unnecessary for the purpose of the appropriation.

Go to the legislative committee and have the blood spilled all over the floor. Take it over there and have a ball but let us not get it into this bill.

Mr. Chairman, I am against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ASHBROOK. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

SALARIES AND EXPENSES

For expenses necessary for the Cabinet Committee on Opportunities for Spanish-Speaking People, and the Advisory Council on Spanish-Speaking Americans, $1,260,000.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not desire to take up the time of the committee at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 408. The Secretary of Labor and Secretary of Health, Education, and Welfare are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 40, after line 4, insert:

"SEC. 409. No part of the funds appropriated by this Act shall be used to purchase goods or services from a supplier which compensates any officer or employee at a rate in excess of level II of the Executive Schedule under section 5313 of title 5, United States Code."

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FLOOD. Mr Chairman, again I am referring to Cannon's Procedure of the House of Representatives, and I am referring to pages 69 and 70, under the heading, "Construed as legislation and not limitations and therefore not admitted".

I go on to read:

> Provision that no part of an appropriation should be used except in a certain way, thereby restricting executive discretion to the extent of imposing new duties.

Now, this is clearly what is being attempted in this amendment.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard on the point of order?

Mr. JACOBS. Mr. Chairman, only to say that I think this is clearly a limitation on an appropriation bill, and there have been many occasions where appropriations cannot be used to make purchases with corporations where certain activities are carried on by the corporation.

I have nothing further to say.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is ready to rule.

The Chair is aware of the precedent cited by the gentleman from Pennsylvania, but under the language as it is written in the amendment offered by the gentleman from Indiana it is a negative restriction, and therefore the Chair rules that the amendment is in order.

Mr. JACOBS. Mr. Chairman, I direct the Committee's attention to June 1, 1972, when in the Committee of the Whole House on the State of the Union there was a bill being considered regarding the Public Broadcasting Corp. An amendment was offered to that bill which required that no Federal funds could be used by that corporation if any of the salaries of any of the officers of that corporation exceeded $42,500 per annum, which is the legal salary of Members of the Congress.

I would now like to quote from my friend, the gentleman from Louisiana (Mr. WAGGONNER), who said on page 19462:

> The answer to the gentleman's question is simply, "No, we cannot limit what a private corporation pays its employees." But we can limit what we give in grants to that private corporation if they pay what we consider to be excessive salaries to those employees.

Some of you may recall that at this time I supported that amendment that I said I would like to test that theory of statecraft with reference to other corporations from which services are obtained by public appropriations. I said at the time that I would like to test whether what is sass to the gander would also be applied as sass to the goose, and this is my purpose in offering this amendment.

I think it is probably a pretty good idea if the corporation wants to do business with the U.S. Government that since Congress has set the policy now in the case of Public Broadcasting from which a service to the public has been purchased, in the opinion of the majority of this House, a majority of the Congress, whether or not the same should apply to other corporations that are going to supply the U.S. Government, and we will see if other corporate executives can cripple along on $42,000 a year.

Mr. Chairman, I yield back the balance of my time.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana, (Mr. JACOBS).

Mr. Chairman, this is fantastic, this amendment hinges on an element of sheer fantasy. This would require thousands of employees, thousands of man-hours, to investigate thousands of corporations, to investigate thousands of payroll and salary schedules all over the country, maybe all over the world.

Do not forget we are dealing with billions of dollars in this bill, and we are dealing with thousands of contracts.

For example, if this amendment were adopted, I doubt if any of the agencies covered by this bill could buy a Ford car. I do not have to guess at the salary schedules of employees within the structure of the Ford Co. as to whether they would be above the level set here. Now do you now see how far this goes?

There is no need for me to go on and on. This is fantastic, impossible, and the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: Page 40, after line 4, insert:

"SEC. 409. No part of the funds appropriated by this Act shall be used to furnish Government-purchased or -leased limousines or luxury sedans or chauffeurs for any employee of the United States other than those defined in 5 U.S.C. 5312."

Mr. JACOBS. Mr. Chairman, I realize the committee is anxious to support this amendment and wants to move on to a vote on it.

I would just point out, we have just witnessed what I have always heard around here—"Holy cows make money. Regular cows get slaughtered."

The regular cow being public broadcasting.

Now we have the question of whether public employees are going to ride high at the taxpayers' expense in luxury sedans and limousines and with chauffeurs.

I would just point out one thing that I learned today, which may be of interest to some of the rank and filers here. That is 2 years ago I started offering these amendments wondering whether sedans and luxury limousines should be provided to public servants and whether they should be attended by servants in this democracy of ours.

Do you know what I found out? Just 1 year ago the Office of Management and Budget stopped accounting for the number of luxury sedans and limousines in the Federal Government.

Now I will wait until the next appropriation bill comes up to tell you at whose request they stopped the accounting for them.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken; and on a division—demanded by Mr. JACOBS—there were—ayes 52, noes 57.

So the amendment was rejected.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on yesterday I pointed out here on the floor the very serious fiscal situation confronting the country and urged greater restraint in Federal spending. I pointed out that the huge budget deficits of the 1970's are unacceptable, especially when coupled with the budget deficits of the 1960's which, fortunately, were not so large as the current deficits.

The matter of additional taxes was also discussed here on the floor on yesterday.

Mr. Chairman, this bill goes too far in providing funds above the President's budget and I have not found it possible to support many of the increases which have been made.

It is to be regretted that the House has been unwilling to practice sufficient restraint on this bill and I want to be so recorded in the RECORD of today.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 40, after line 4, insert the following new section:

"SEC. 409. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1973, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 100 per centum of the total aggregate net expenditures estimated therefor in the budget for 1973 (H. Doc. 215)."

POINT OF ORDER

Mr. FLOOD. Mr. Chairman, I make a point of order against the amendment.

Mr. Chairman, this is legislation upon an appropriation bill—period.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. FINDLEY. Yes, Mr. Chairman.

Mr. Chairman, I would like to explain to the Chair that the language of this amendment with the exception of the percentage figure and the House document reference is identical to the so-called Bow amendment which was offered on many occasions in past years and which has been challenged on previous occasions and which has been sustained being in order of an appropriation bill.

The CHAIRMAN (Mr. HOLIFIELD). The Chair has examined the amendment and will rule that it is in order. It is, in effect, the "Bow" amendment with a very slight variation. It is a restriction on the appropriations in this bill.

The point of order is overruled.

Mr. FINDLEY. Mr. Chairman, this, of course, is not the first time I have offered an amendment similar to the language now before the committee.

This amendment differs from previous amendments in that it would bring the appropriation now before this committee back to the level requested by the President. It would leave in the hands of the Executive the discretion as to where to make the cuts from the amounts that have been approved by the committee in order to bring the total expenditures for the fiscal year 1973 in line with the request for these various agencies made in the President's budget message earlier this year.

The effect of the amendment in dollars is to take from the amount presently authorized by the committee $1,275,856,000. By accepting the amendment, the amount approved by this committee would be $27,327,323,500, which, of course, is what the President has requested.

The committee brought forth a bill for us to consider which added 3.3 percent to the President's budget request or the amount of $912,023,000. If the committee instead had brought to us an appropriation bill in line with the anticipated revenue for the Federal Government in fiscal 1973 it would have cut below the President's request by an amount of $3,825,825,290. We have today added the Hathaway amendment costing $363,833,000, which brings the red ink, so to speak, in the bill now before us to the grand total of $5,101,681,290.

Mr. Chairman, I apologize. My amendment would not take all of the red ink out of the bill by a long shot. It would take out of the bill $1.275 billion in red ink. The very least we should do is to hold the line on the President's budget request. The simple fact is that the President's budget request is out of balance with expected revenues for fiscal 1973 in the amount of $27 billion.

A table of appropriation bills approved so far follows:

Appropriation bill	Budget request	Balanced budget level (14-percent cut)	Amount approved by House	"Red Ink" approved by House
Legislative	$433,627,004	$372,919,224	$427,604,764	$54,685,540
State, Justice, Commerce, Judiciary, related agencies	4,687,988,600	4,031,670,196	4,587,104,350	555,434,514
HUD, Space, Science, Veterans, Independent Agencies	20,173,185,000	17,348,939,100	19,718,400,000	2,369,550,900
Transportation and Related Agencies	$8,426,792,000	$7,247,041,120	$8,316,950,000	$1,069,908,880
District of Columbia	343,306,000	295,243,160	332,306,000	37,062,840
Interior and Related Agencies	2,520,340,000	2,167,492,400	2,529,558,200	362,065,800
Labor, HEW, and Related Agencies	27,327,323,500	23,501,498,210	26,603,179,500	5,101,681,290
Total				9,550,389,404

Fiscal summary of the appropriations bill for Departments of Labor, and Health, Education, and Welfare, and related agencies, fiscal year 1973

Budget request	$27,327,323,500
Committee recommendation	28,239,346,500
Committee added 3.3 percent	912,023,000
Balanced budget level 14 percent cut from budget request	3,825,825,290
Committee added 3.3 percent	912,023,000
"Red ink" still in bill, 17.3 percent	4,737,848,290
Hathaway amendment	363,833,000
Red ink in bill, 19 percent	5,101,681,290

Mr. FLOOD. Mr. Chairman, I do not think it is necessary to speak in opposition to the amendment, but I feel I must do it for the record. I direct your attention to the fact that we are convening as a Committee of the Whole House today. This is a meat ax, a Meat Ax in capital letters. All this simple little amendment would do would be to upset everything you have done here today except overrule the speech of my friend from Mexico. I will admit that we brought this bill to the floor with pretty good introductions this week. We had a Color Guard and the Air Force Band. We had a guest star on the platform, and then we had the President of Mexico. That is the way to bring a bill in, but it is not the way to take it out. This will upset everything the Appropriations Committee has done about this matter. It will upset everything that has been done here today by everybody in this place, good, bad, or indifferent. It will cut out the good things and the bad things.

Mr. Chairman, this is no way to legislate.

Mr. DE LA GARZA. Mr. Chairman, this Nation has a responsibility in time of affluence to become more aware and more responsive to the crying need of the agricultural worker who must leave his home in search of a job so his family can exist.

I know because I represent the heart of the migrant country in this whole Nation. I know what I am talking about and I strongly urge that the appropriations bill we are presently discussing increase the migrant health act to at least the authorized level of $30 million dollars.

While Texas has more migrant projects than any State in the Nation—and in my particular district there have been many approved throughout Cameron, Hidalgo, and Willacy Counties—nevertheless we face a problem that certainly is not insurmountable but one which requires particular attention.

It is difficult for us to think about a man who piles his family into a raggedy old truck—who gets into a vehicle that barely qualifies under State law—to remove his family from home and custom far into the North to pick sugar beets in Michigan or out West to pick grapes in California.

It is difficult for these people to be aware generally of what advantages are afforded him when he is away from home—thereby making it doubly important that such advantages be afforded him while he is at home.

Statistics about the migrant are known to all but let me point out here that one portion of my district, the Lower Rio Grande Valley, by current guidelines for poverty has a total of 33 percent of population as family units earning less than $3,000 a year. It is hard for these people to make ends meet. It is hard for them to pay the doctor. It is hard for the doctor to meet his overhead and take care of them.

Let me here, however, point out how very adequately and magnificently the doctors of the area have responded to the needs of the migrant. The doctors in Cameron County have made every effort to insure quality medical care to the total community and they have worked with charitable organizations who have received funding from the Federal Government to assist in this effort.

The same is true in other areas of the district—and I say this because I do not want anyone to think that we are letting the Federal Government take care of our problems. We are not—but there is a need for more health personnel—specifically in the rural areas—we do need more doctors and more nurses. Community hospitals are fast outgrowing their intended capacities and the rural areas oftentimes have little or nothing to serve adequately as emergency facilities or access hospitals.

We need to further and to improve medical education among the poor and among all people especially in regards to nutrition and to pre- and postnatal care, infectious diseases, family planning, et cetera. We must become more aware and more responsive to the crying needs of our medically indigent so they can receive comprehensive care.

But then this also creates a problem unless the Federal Government comes in. There are some remarkable hospitals in our area—some of them operated by church organizations. They are finding a tough up hill fight to maintain their quality medical care delivery and keep their heads above water financially.

With reference to this particular situation I can mention two of these hospitals which come to mind immediately. They are the Valley Baptist Hospital in Harlingen and the Knapp Methodist

Memorial Hospital in Weslaco. Both of these have cooperated magnificently despite severe financial problems brought about by varying interpretations of how medicare and medicaid reimbursements should be handled with the results that they had to repay hundreds of thousands of dollars. I keep telling the HEW people about the problems of these hospitals and HEW tells me they have no authority to help. We must give HEW the authority.

If provisions are not made for adequate funding so that hospitalization programs can care for the medically indigent and migrants under the act then the entire area suffers.

We stand a chance of having to close the doors of hospitals, stripping them of primary services. In the end everybody suffers. Our people are doing everything they possibly can locally to assist in the migrant situation—but a doctor seeing 60 patients a day cannot see 20 of them free or 30 of them free. He still has to pay rent and meet an overhead.

Likewise a parent of three children earning $10 a day will do everything possible to avoid a doctor bill or a drug bill. He cannot pay that bill so his family does without care.

I think it is time that we take a close and careful look to taking care of these situations—the money will be spent somewhere—I am not advocating making money available so that people can hold a fine job but I am urging that we try to do something for these people who are not as fortunate as we and to try to help the hospitals with funded in-house programs so that they can help the migrant and the indigent and stay in business to help us when we require their fine facilities. I thank you.

Mr. RANDALL. Mr. Chairman, I enthusiastically support the amendment of the gentleman from Illinois (Mr. FINDLEY) which would stop employees in the Department of Labor from checking for compliance under the terms of the Occupational Safety and Health Act those firms employing 25 people or less.

It would have been a poor decision had I decided to vote against the Findley amendment because I would have found myself in a situation of unexplainable inconsistency. The reason is that on March 2, 1972, I introduced H.R. 13554, a bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business or any other business with 25 or less employees in States having laws regulating safety in such businesses from Federal standards created under that act.

Mr. Chairman, along with a majority of the Members of the House I supported the Occupational Safety and Health Act of 1970 because, in my own mind at that time, I thought it was the intention of Congress to improve occupational safety in heavy industry. But even with existing safety precautions men continue to be maimed and killed in heavy industry.

It is apparent now that many of us did not comb the fine print in the act we passed in 1970 in our zeal to improve safety conditions in our high manufacturing plants and in mining, as well as the transportation industry.

Yet, Mr. Chairman, I cannot let myself believe it was the intention of the Congress that all the inspectors employed under the act should be turned loose to harass small businessmen in the manner that has transpired since the passage of the act in 1970.

It should go without saying that no thinking Member of Congress intended to pass a measure in the form of the Occupational Safety and Health Act that would result in constant harassment of small businessmen. Let there be no mistake about it, the passage of time will prove that this act of 1970 will contribute to putting more small businessmen out of business than any other bill passed by the Congress in recent years.

Mr. Chairman, as evidence that I believe in adequate funding of the Occupational Safety and Health Act of 1970, which is needed to properly police the most hazardous industries, I opposed the effort of the gentleman from Indiana (Mr. DENNIS) to cut $20 million which is needed to enforce that act in the huge industries where men are almost daily maimed or killed.

I suppose we should always expect some nit-picking by over zealous inspectors. However, a most interesting project would be to find out who dreamed up the regulation which requires every small businessman must have an open front toilet seat or be guilty of a violation of the Occupational Safety and Health Act.

According to the mail our office has received, these inspectors descend upon a small businessman and proceed to charge him with noncompliance of the Occupational Safety and Health Act if the businessman happens to be so unthoughtful as to continue to use a toilet or commode top that is formed in a circle. How ridiculous. Such unbelievably restrictive regulations against small businessmen who are trying to make ends meet should provide ample reason for the amendment of the gentleman from Illinois, to be referred to hereafter as the "Toilet Seat Amendment."

In a more serious tone, I am pleased to note that the Findley amendment will operate to make into law the terms and provisions of our own bill, H.R. 13554, at least for a period of 1 year covered by this appropriation bill. We should all be indebted to the gentleman from Illinois for his timely amendment. When we commenced with this appropriation bill I never dreamed there would be a chance to achieve the objectives of our bill to give some relief to small businesses in this bill.

So many of our small businessmen have complained against the unfairness of the Occupational Safety and Health Act that our good colleague from Missouri (Mr. HUNGATE) a subcommittee chairman of the Small Business Committee, will in a few weeks conduct hearings to determine exactly how detrimental the implementation of this Act has been against those little businesses that have had to put up with an almost endless number of inspections under this Occupational Safety and Health Act.

I suppose none of us can ever be sure or positive how far the bureaucrats will go, first in formulating regulations and then liberally interpreting their own regulations to hinder or hamper the work not only of our small businessmen, but also our farmers. During the debate one of our colleagues from the State of Kansas pointed out he had evidence that if farmers exchanged labor, they become subject to the provisions of the Occupational Safety and Health Act.

Someone downtown dreamed up the fiction that when our farmers exchange labor with each other one becomes an employer and the other becomes an employee and, therefore, come under the terms of the Act of 1970. Surely that was not the intention of any of us when we voted for the bill 2 years ago.

The Occupational Safety and Health Act has been overinterpreted and our small businessmen and farmers have been overinspected far beyond the intention of the Congress. Under the amendment before us, we will at least give some relief today to those hard-pressed farmers who hire fewer than 25 workers. They will have at least 1 year's relief. Within that year we must pass into law some amendments to give our little businessmen and small farmers permanent relief.

Mr. DONOHUE. Mr. Chairman, this bill before us, granting appropriations to the Departments of Labor and Health, Education, and Welfare, as well as related Federal agencies is obviously of tremendous importance and impact upon the continuing and expanding progress and security of our people and our Nation.

Practically every program and human activity area covered by this bill is of the highest urgency and priority to the further welfare and development of all of our citizens at every age level.

The testimony and evidence of recognized and acclaimed authorities in the various fields of health, education, and manpower, for the preservation and strengthening of these provenly effective programs, is overwhelming and I most earnestly hope this testimony will be carefully reviewed by every Member and accepted by the House.

When we dwell, even briefly and summarily, upon the significance of just a few of the programs projected by this bill, such as the construction and staffing of community mental health centers, mental health guidance to children, hospital expansion, the National Cancer and National Heart and Lung Institutes operations, increasing professionally trained health manpower, extending vocational education and education for the handicapped, establishing nutrition programs for the elderly, retaining essential public library services, and maintaining impacted area aid then we vividly realize there is no other legislative measure coming before the Congress that more directly and personally affects the improved quality of life in this country for each and every citizen, child, youth, adult, and aged.

Mr. Chairman, in this rather frustrating period of our national history we are all, of course, required to be earnestly and diligently concerned about the most economically and effective spending in all Government operations and activities.

On this score and from all the evidence that has been presented in support of this bill I think it is clearly apparent that the appropriations that have been recommended are modest and reasonable for the critical human purposes that are involved and that the approval of this measure is unquestionably in the national interest.

Mr. MIZELL. Mr. Chairman, I rise at this time in support of Mr. FINDLEY's amendment, which is designed to prohibit harassment of the small businessman and to provide an impetus for effective and fair guidelines for the protection of the worker in the small business operation.

We have been trying for some time, as all of my colleagues know, to get the Department of Labor to establish guidelines under the Occupational Safety and Health Act that would distinguish between the safety requirements needed for large-scale business operations and those needed for smaller businesses.

This is particularly important as it relates to heavy and light construction. These two industries have next to nothing in common as far as safety hazards are concerned, but no distinction has been made between the two, and light construction is faced with meeting the same safety requirements as heavy construction.

This amendment gives us the time to set up the more reasonable and more equitable guidelines for small business that should have been formulated in the first place.

The record of harassment by Federal inspection officials against small business has been well-documented by several of my colleagues today, and I need not try to provide any more evidence at this time.

The central point, Mr. Chairman, is that not enough planning and not enough consideration for the special problems of small business have gone into the formulation of this legislation, and Mr. FINDLEY's amendment simply requires that that planning and consideration be employed, however belatedly, in the establishment of safety guidelines, and it prohibits harassment of small businessmen in the meantime.

I urge my colleagues to join me in supporting this amendment.

Mrs. ABZUG. Mr. Chairman, I rise in support of the quality education amendment, which would add $364 million in education funds to this bill, and in support of the Badillo amendment, which would add $15 million to the appropriation for the bilingual education program.

Congress can face no greater challenge than to increase our commitment of Federal tax dollars to the educational programs in this country. Education is the lifeblood of a society, and it is our most important tool for assuring progress for America and equal opportunity for all Americans.

The bulk of the money proposed in the quality education amendment—$212.5 million—would be for programs under title I of the Elementary and Secondary Education Act. Aid under title I is for "local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means—including preschool programs—which contribute particularly to meeting the special educational needs of educationally deprived children."

Under the law, these funds are not just swallowed up in the budgets of local school boards; they must be spent in areas having high concentrations of deprived children; they must be used in addition to—not instead of—funds otherwise made available to those areas. In short, they represent a direct pipeline from the Federal Government to the children of this Nation who are most in need of that help. They represent a national commitment on which we must not scrimp or cut corners. Nothing—not the war in Indochina, not the space shuttle, not the SST, not even some of the domestic programs which are also important—is as critical to assuring equal opportunity in our society as a proper education, and title I programs are an important factor in bringing this about.

The quality education amendment also contains much needed additional funding for vocational education, school libraries, and adult education. These, too, are areas in which we should make the fullest possible commitment of our resources, and I urge the adoption of this amendment.

I also support the amendment which would appropriate an additional $15 million for the bilingual education program under title VII of the Elementary and Secondary Education Act. Last year, only $35 million of the authorized $100 million was appropriated; further, the Nixon administration had the collossal nerve to impound $10 million of that sum until several Members, including myself, pressured them about it back in December. This year, the Appropriations Committee has proposed $45 million for bilingual education. While this is an improvement, it is barely a drop in the bucket in comparison with the authorization for 1973, which is $135 million, and with our needs, which are even greater than the authorized sum.

There are 5 million children in this country, 600,000 of them in my own State of New York, who are in need of bilingual educational assistance. Presently, only 100,000 of that 5 million are being served by programs under title VII, and the additional appropriation proposed for the coming year would add only 35,000 more.

We must increase these funds, which represent a direct and clearly identifiable commitment to the struggle of Chicanoes, Puerto Ricans, Chinese, American Indians, and other linguistic minorities for equal educational and equal social opportunity. The funds contained in this amendment are needed to begin to make the promise of education a reality for all children regardless of whether English is their primary or secondary tongue, and I urge the adoption of this amendment.

Mr. MIKVA. Mr. Chairman, as of June 30 the Postal Service will be discontinuing the postal academy program. The Department of Labor has offered to provide $1.3 million to keep the program alive through the summer, but if continued funding is not found by that time, this important and highly successful program will be lost.

For 2 years the postal academy program has been a source of hope for inner city dropouts. High school dropouts across the country are recruited for the program, which provides remedial education leading to a high school equivalency degree and promises an opportunity for employment in the Postal Service.

> In May 1970, the Postal Academy Program first opened its doors to an initial group of 250 students in sites in five cities—Atlanta, Chicago, Detroit, San Francisco and Washington, D.C. located in a variety of renovated community buildings in the urban centers. Each of the academies recruited an initial group of fifty high school dropouts, aged 16–22, under the direction of a local community oriented Director.
>
> In the two years since then, the PAP added two new academies in the existing cities and opened a new academy in Newark. The enrollment has grown to 1,275 and the academies are showing the first fruits of success. As of January 1972, scarcely one and one-half years after opening, the Postal Academy Program has recorded 58 students who are in college, 95 students who have received their high school equivalency diplomas, 103 students who entered full time employment, 16 students who entered the armed services, and 57 students who returned to the public schools. In November 1971, the Department of Labor conducted an extensive evaluation and had high praise for the quality of the staff and of the educational program and of the enthusiasm of the students.

The success of the postal academy program has been due in no small measure to the personal interest shown by former Postmaster General Winton Blount. The Postal Service has provided 10 percent of the funding, and most important, has made a commitment to provide job opportunities at the end of the line. However, things have not been so rosy since Postmaster Blount's departure. The new management at the Postal Service is decidedly less sympathetic to the program, and has cut back on the number and caliber of jobs available to Postal Academy participants. By now it is clear that the Postal Academy will have to find a new home or close its doors.

The logical place to continue the program is HEW or the Department of Labor, or some combination of the two. Throughout the program's history, HEW and Labor have provided 90 percent of the funding. Recently, the postal academy program was evaluated by the Department of Labor. Their report praised the success of the program and recommended its continuation. It further recommended that the Department of Health, Education, and Welfare be assigned responsibility for the education aspects of the program, and the Department of Labor take over the manpower function.

With all the millions of dollars we spend seeking answers to the desperate problems of unemployment, poverty, and crime in our Nation's cities, it would be foolish to abandon a program which has been so singularly successful. I would urge that efforts be undertaken by HEW and the Department of Labor to insure the continuation of the postal academy program. A number of our colleagues in the House as well as in the other body have expressed similar concerns; a sampling of their letters in support of the program follows:

MAY 17, 1972.

MR. ELMER T. KLASSEN,
Postmaster General,
U.S. Postal Service,
Washington, D.C.

DEAR POSTMASTER GENERAL KLASSEN: It has come to my attention that the Postal Academy Program which has served high school dropouts in six of our larger cities is being forced to close down due to lack of further funds.

The program has appeared to be a successful one in helping our young people stay in school. Since your department has been among the organizations which have supported this program, I would urge that you give your consideration to the need of establishing some type of formal funding arrangements to allow this program to continue.

Thank you for any consideration you may give.

Sincerely,

EDMUND S. MUSKIE,
U.S. Senator.

MAY 22, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I was disheartened to learn that the United States Postal Service has decided to discontinue its sponsorship of the Postal Academy Program—one which both you and Mrs. Nixon have commended for its record of achievement in giving new skills and new hope to disadvantaged young people who have neither. I ask you to give this matter your personal attention and to help save the best chance 1300 young persons have to improve their prospects for a brighter future.

The decision to terminate the Postal Academy Program was based neither on the failure of the Program to demonstrate its achievements nor on a lack of available federal funds.

The Educational Testing Service, evaluations by the Department of Labor, and observations by the Office of Education and Postal Service have all cited the Program for its accomplishments. A surprising number of the participants have entered college, received high school equivalency diplomas, or returned to public schools. The Educational Testing Service has said that the average student entering the Program improves his functional ability by about one academic year during the first four months.

On February 7, 1972, the Office of Management and Budget indicated that it had sufficient funds to continue the $4 million program for Fiscal Year 1973 and that, pending the accomplishment of three program adjustments, the Departments involved should confirm Program continuation. It appears that qualitative requirements have been met, yet the Postal Service's response has been to withdraw its vital support at a critical time.

If the Postal Service insists on terminating the Postal Academy Program, then I urge you to provide a sponsor which will serve as a suitable alternative to keep open the centers in Chicago, Detroit, Newark, Atlanta, San Francisco, and Washington, D.C.

Time is of the essence. If these programs do not receive a reprieve in the very near future, they will have to begin terminating leases and contracts which will make it impossible to reinstate the projects. Failure to continue these programs will also contribute to the further alienation of the Program participants, who have already been among society's outcast.

I look forward to hearing from you soon about your actions on behalf of the Postal Academy Program.

Respectfully,

ADLAI E. STEVENSON III.

MAY 25, 1972.

Hon. E. T. KLASSEN,
Postmaster General, U.S. Postal Service,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: It was with dismay that I learned the U.S. Postal Service has withdrawn its support of the Postal Academy Program effective June 30, 1972. Although lack of funds was cited as the reason for this action, the Office of Management and Budget announced on February 7, 1972 that the $4 million cost of the program could be met in Fiscal Year 1973.

The Postal Academy Program has helped many young people through their "storefront academies" in the short two years it has been in operation. Compliments have come to it from public and private sources. Most importantly, scores of young people who seemed doomed to lives of poverty, ignorance and degradation have been given a hand toward something better. Surely, no effort is too great in behalf of such a goal.

The program has been under the auspices of the Postal Service although jointly funded by the Department of Labor and the Department of Health, Education and Welfare. Such a division is obviously not in the best interests of the program and no one would quarrel with the Postal Service's contention that the academies have nothing to do with the mail. At the same time, it seems appropriate, and fair, that the program be continued—as approved by OMB—through Fiscal Year 1973 under the existing arrangement. During that period of time, a permanent home for the academies can be found.

I would appreciate your thoughts on this matter and urge that every consideration be given to continuation of this exemplary program.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

MAY 19, 1972.

The Honorable E. T. KLASSEN,
Postmaster General,
Washington, D.C.

DEAR MR. KLASSEN: I have recently been informed that a decision has been reached to terminate funding of the Postal Academy Program.

In a recent mailgram received by Mr. Jim Hill, Director, Postal Academy Training Institute, the U.S. Postal Service asserted that "funds are not available", hence termination of the program. However, in a memorandum for Malcolm Lowell, Jr., Assistant Secretary for the Manpower Administration, Department of Labor, from Paul O'Neill, Assistant Director of the Office of Management and Budget, the Office of Management and Budget insists that funds are available, and that plans were underway to continue the Postal Academy Program.

According to the O.M.B. memorandum, "to confirm the details of Postal Academy continuation funding in Fiscal Year 1973 was to total $3.9 million; $2.1 million administered by H.E.W. appropriated to the Department of Labor as institutional training funds, $1.4 million administered by the Department of Labor, and $.4 million matching funds from Post Office sources. In addition, it is documented that "the location of the Postal Academy Program within the Postal Service shall continue in Fiscal Year 1973".

I would also like to call to your attention, the "Evaluation Study of the Postal Academy Program" conducted by the Division of Program Evaluation, Manpower Administration, Department of Labor, which strongly indicates the Postal Academy Program to be worthy of continued funding.

As you know, the Academy Program takes inner-city dropouts off the streets and trains and educates them in "storefront academies", allowing the individual to eventually achieve equivalency degrees that would not otherwise be possible. The Manpower Administration's report describes the 'real pride, hope, positive attitudes, feelings of accomplishment, and the air of exuberance" of these underprivileged young people who are given one final hope for a decent life from the Postal Academy.

You can be certain that I strongly support the goals and aspirations of the Postal Academy Program and those devoted teachers who have interrupted their professional careers to teach the poor. I strongly urge you to review this program again, and reconsider it for funding. I truly hope that our priorities have not become so confused that we are not willing to expend every effort to educate our young and to support workable and productive programs such as the Postal Academy Program. We cannot afford to deny the disadvantaged youth of our inner-city that one final opportunity to receive a decent education. It is for these young people that I strongly urge you to review this decision, and to fund the Postal Academy Program without delay.

I await your comments.

With best wishes,

Sincerely,

HARRISON A. WILLIAMS, Jr.

MAY 17, 1972.

The Honorable ELMER T. KLASSEN,
Postmaster General, U.S. Postal Service,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: I have been informed that the Postal Academy Program will be closed at the end of Fiscal Year 1972. As you know, one of the most successful installations of the Program is located in San Francisco and I am, therefore, very much concerned about the possible loss of the very real and substantial benefits of the program.

Since the inception of the program, the San Francisco academies have serviced 467 students and their families. At the present time, 200 students are enrolled in San Francisco. A member of my San Francisco District Office staff, who is trained and experienced in social work, has visited the installations and observed the training. She informs me that the entire program impressed her as being one of the most practical, realistic and beneficial rehabilitation and training programs for young people she has ever observed.

I realize that the Program has been jointly financed by the Departments of Labor, Health, Education and Welfare, and the U.S. Postal Service, and I am making a similar request to Secretaries Richardson and Hodgson. The continuation of a proven program which provides basic educational skills to high school dropouts at a low cost, and prepares them to pass the General Education Diploma examination, depends upon the decision made by you gentlemen. Certainly the social and personal benefits of the Program far exceed the monetary costs. Your favorable consideration is anticipated.

I will appreciate being kept informed about the status of this matter.

Sincerely,

PHILLIP BURTON,
Member of Congress.

MAY 30, 1972.

MR. JOHN D. EHRLICHMAN,
Assistant to the President for Domestic Affairs, Washington, D.C.

DEAR MR. EHRLICHMAN: I have learned of the plans of the United States Postal Service to close the Postal Academy Program. I am greatly concerned about this for several reasons.

First, because of the success of the program. The Educational Testing Service evaluation indicates that the student, high school dropouts, advanced one and one half grade levels in a four month period.

Further, a report by the Department of Labor, DSG Report No. 18, evaluation study of the Postal Academy Program, states: "if there is any one observation that graphically stands out after observing and talking with a number of students at the various academy projects, it is the 'air of exuberance' at these store-front schools. There seems to be a real pride, hope, positive attitudes, feelings of accomplishments, and the kind of aspirations that one would hardly expect to find among a group of inner-city dropouts."

Secondly, a memorandum from Mr. Paul H. O'Neill, Assistant Director, Office of Management and Budget dated February 7, 1972 indicates that the Postal Academy was to continue for FY 1973. If this is so, why did the U.S. Postal Service announce that it would terminate its sponsorship.

May I suggest that the money the Office of Management and Budget stated was available in the Department of Health, Education and Welfare and in the Department of Labor committed to the continuation of the Postal Academy be made available to the Academy now and that another Department, perhaps, the Department of Labor, be responsible for the continuation of the Program.

I strongly endorse the objectives of the program, and I believe that a program that is meeting the educational and job needs of so many individuals should be continued.

Please inform me what plans the Administration has to continue this program.

With every best wish.

Sincerely,

RALPH H. METCALFE,
Member of Congress.

MAY 23, 1972.

Hon. JOSEPH A. MATUKONIS,
Congressional Liaison Officer, U.S. Postal Service, Washington, D.C.

DEAR MR. MATUKONIS: My attention has been drawn quite recently to the unhappy prospect of the demise of the Postal Academy Program.

From the materials made available to me, it would appear that the Academy Program has been quite successful in motivating youngsters to consider the Postal Service as a career. Although the Academy Program situated in Newark, New Jersey, is not in my Congressional District, I do hope you will permit me this opportunity to urge that the decision to phase out the Program be reconsidered.

Thank you for your serious consideration and thoughtful attention to this matter.

Cordially,

FRANK THOMPSON, Jr.

MAY 31, 1972.

Hon. JAMES D. HODGSON,
Secretary, Department of Labor,
Washington, D.C.

DEAR MR. SECRETARY: I am deeply disturbed at reports that the Postal Academy program will be terminated as of June 30, 1972. The Postal Academy is the type of innovative approach to solving educational problems our government should be encouraging, not terminating at this time. I hope very much that you will prevail upon the Post Office to continue to run the Academy program, so, if the Post Office is unwilling to run it, that HEW will continue the program directly, with the present funding arrangements continued. Clearly, HEW has such authority, since it has been funding the major share of the program since its inception, and the original FY 1973 budget provided for a continuation of present funding.

With best wishes.

Sincerely,

JACOB K. JAVITS.

U.S. SENATE,
OFFICE OF THE ASSISTANT
MINORITY LEADER,
Washington, D.C., June 6, 1972.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, when Red Blount was Postmaster General he launched a postal academy program to help train inner city youth which has proved quite successful in Detroit and 5 other cities.

Now, in view of the Post Office Department reorganization, it appears that the academy program is about to "fall between the cracks" of government.

I wish to urge the White House to consider convening a meeting of Labor, HEW, and Post Office Department representatives to determine how the postal academy program could be continued.

Enclosed is a copy of a self-explanatory letter I have just received from the Honorable Romon S. Gribbs, Mayor of the City of Detroit.

With best wishes and my kind regards, I am

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

WASHINGTON, D.C., *May 19, 1972.*

Hon. ELMER T. KLASSEN,
Postmaster General,
U.S. Postal Service,
Washington, D.C.

DEAR GENERAL: I have received a letter from Mr. Darnley M. Osborne, Jr., Assistant Director, Postal Academy Program, who informs me that it is the intention of the Postal Service to close down the program as of June 30, 1972.

This is regrettable because I believe the program has been a success and that we need more successful programs rather than instituting new ones at some future time which may not succeed.

I first became acquainted with the Postal Academy Program when Mr. Houseman was Assistant Director of Personnel.

I would like to add my support to that of others who protest the intended closing down of this program. I would like a report on this matter as soon as possible from your office.

Sincerely,

ROBERT N. C. NIX,
Chairman.

HOUSE OF REPRESENTATIVES,
Atlanta, Ga., May 22, 1972.

DEAR MR. OSBORNE: I am writing to express my regret at the impending closure of schools operated under the Postal Academy Program.

The schools have been an undeniable asset to this community, permitting thousands of inner city young people to further their education.

I hope the decision can be reversed, and this worthwhile and successful program can be continued.

It seems a shame, when so many government supported educational efforts fail to accomplish their purpose, that a proven effort must be halted.

I stand ready to offer any assistance I can to help keep the Postal Academies functioning.

Sincerely,

JULIAN BOND.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 15417, a bill making appropriations for the Departments of Labor, and Health, Education, and Welfare for the fiscal year beginning July 1, 1972.

EDUCATION

This measure is extremely important to the citizens of California and of the Nation in two respects: First, it offers economic aid to our financially hard-pressed schools, and second, it presents a partial remedy to the problem of skyrocketing property taxes.

Although education is generally considered to be a responsibility of the States, and although State constitutions typically specify that the State provide an adequate system of public education for the children of the State, the task of financing systems of public education has traditionally been delegated to local school districts where over half of the moneys spent by the public schools is raised. Most local areas rely almost exclusively on the local property tax to raise their share of the costs.

However, the Supreme Court of California, in the Serrano against Priest case held that the system of educational finance in force in California, which relies heavily on local property taxes, could violate the Constitution if demonstrated to make "the equality of education available to a child a function of the wealth of his parents and neighbors." The court found that 56 percent of California school funds derive from property taxes and the tax base ranges from $103 to $952,156 assessed value per elementary pupil.

As a result, the poorer districts must levy twice the tax rate to support half the education program.

What is the answer to the school finance problem?

First, the State of California must assume a greater proportion of the cost of educating a child. In the 1964–65 school year, the State government provided nearly $40 of every $100 spent on educating a child. Today, the government in Sacramento contributes only $34.80 of every $100 spent. Nationally, State governments account for 41 percent of the costs of educating a schoolchild.

Second, the Federal Government must expand its role in financing local education without infringing on local control.

Nationally, the Federal Government pays only 7 percent of the costs of educating a child, but in California, the Federal Government contributes only $6 out of every $100 spent on elementary and secondary education.

Mr. Chairman, the bill before us appropriates over $3.9 billion for education, which is $665 million more than the sum recommended by the administration, and $418 million over the amount appropriated for fiscal year 1972.

This level of spending will allow the school districts to continue their current program, without cutting back on the number of teachers, and on the quality of education offered. It will allow most local governments to continue to operate their schools without resorting to increasing taxes on the local property owner for the purpose of education.

I support this measure as a step toward equal, quality education. But it is only a step. Now, it is time for the State governments to do their part, and provide a level of funding that takes the burden off of the property owner.

Mr. VEYSEY. Mr. Chairman, the quality education amendment before the House today is a carefully constructed package aimed at retaining the momentum we have been able to achieve over the last 10 years toward a quality education for all. It would restore to existing levels the funding for those States, including California, which would lose Federal funds under the proposed apportionments in the bill. The amendment offers important additional help for bilingual education and vocational education, both of which are in critically short supply. It recognizes the unusual impact that Federal employees place on school districts by including an increase in the level of funding for Public Law 874, Impact Aid; and it would help State departments of education deal more effectively with the growing list of responsibilities they are being asked to assume.

I am pleased to note a new mood this year in selling the need for supplements to the education appropriation. I have heard considerably more reasoned discussion of the issues and have noted a much better awareness of the other important priorities competing for these funds. Education is one of the most important activities we undertake, but it is not the only one. Failure to recognize this has led to demands in the past which were unrealistic and impossible to grant. Fortunately, the additions proposed today do not fall into that category.

I would like to call my colleagues attention to one aspect of this bill which may not be obvious on its face. The largest single line item proposed by the committee and the largest single increase sought in the amendment is for title I, aid to disadvantaged children. This is a program aimed directly at the parts of our population least able to help themselves and least benefited by traditional approaches to financing education.

Yet, appropriating nearly $2 billion to the title I program obviously cannot do the job if the funds do not go where the children that need them are today. The past decade has seen the most significant shifts in population in the history of our country. Yet today, nearly 2 years after the 1970 census, the Department of Health, Education, and Welfare is still planning to distribute these title I funds for the next fiscal year on the basis of 1960 census figures; which were in fact gathered in 1959. I find it hard to believe that the Congress will sit by and watch its purpose in funding this program derailed by this incredible delay.

I am serving notice on the Census Bureau and the Office of Education that a "business as usual" attitude on this issue is not acceptable. Every congressional district and every State that has increased in population in the last 10 years stands to lose title I funds unless the Census Bureau and the Office of Education get together this month. I intend to keep my colleagues informed of the status of this problem until it is solved.

Mr. HARRINGTON. Mr. Chairman, I rise in support of the labor-health, education, and welfare appropriations bill before the House today.

The House Appropriations Committee, with few exceptions, has done an excellent job in increasing the terribly inadequate administration requests for funding of the various agencies covered by this bill. This is especially true in the matter of health. I believe the committee should be highly commended for its hard work and obvious recognition of the domestic priorities of this Nation.

I am particularly pleased by the fact that the committee has appropriated nearly $744 million for mental health. This appropriation represents an increase of $130 million over the administration's request and an approximately equal increase over the amount appropriated in fiscal year 1972.

The increase over the budget request of $30 million for staffing grants and $20 million for construction grants for community mental health centers will help this Nation meet the goal, established by Congress, of total national coverage of community mental health centers by 1980. I cannot emphasize enough how imperative it is that sufficient funds and commitment be made to the continued operation of mental health centers. These centers provide comprehensive, short-term care to large numbers of patients, close to their home communities. As a result in part of the establishment of such centers, the number of patients in State mental hospitals has decreased for the 16th straight year. Fewer persons are now doomed to lives in institutions. Community mental health centers are helping our society to help mentally ill individuals without robbing them of productive and useful lives in the community.

This bill also provides $7 million for psychiatric residency programs. The administration has requested a zero appropriation for this program. It is important that more doctors be trained in psychiatry in light of the considerable demands for more mental health personnel. With one out of every 10 persons suffering from severe mental illness, we simply must have enough doctors to treat the illness.

One of the finest actions by the committee has been to provide $20 million for the mental health of children. The President has requested only $10 million for this program—the same amount as last year. And of that $10 million, all but $2 million has been committed for continuing the few programs already in existence. The committee, by doubling the money, has recognized that mentally ill children must not be shortchanged. There are about 4 million children under the age of 18 in the United States with behavioral disorders, of whom 1.4 million are in acute need of mental health care. Of these, only 473,000 receive even minimal attention. In the last 10 years the number of 10- to 14-year-olds in our State mental hospitals has doubled. And, as the committee report states:

> During the past year our 360 community mental health centers were flooded with an unanticipated caseload of children with all kinds of problems from school maladjustments to drug addiction and alcoholism. The Committee has been told that more than 150,000 children came to these centers for help, but only about 10 percent could be cared for.

In the State of Massachusetts, many severely disturbed children cannot find assistance in the State and must be sent to schools out of State for any help they need. There is a crying need for better mental health care for children and the appropriation of $20 million is a start. Frankly, I would like to see a greater national understanding and commitment to the problem of children's mental health and I intend to work in the future toward a more extensive program in this area.

The committee has asked that $3.6 billion be appropriated for the Office of Education, $54 million above the fiscal year 1972 funding level. While I think that the committee's increases in this area are to be commended, I believe that our commitment to education should be total.

The Congress has authorized considerably more for education than the committee would have us appropriate. I think we owe it to the children of this Nation to provide additional appropriations, and I will therefore, support and vote for the amendment offered by Congressman HATHAWAY to increase the appropriations figure by the $363.8 million.

One aspect of the education appropriations bill which disturbs me particularly is the proposal that appropriations for disadvantaged young Americans remain at $1.597 billion—the same as last year. The needs of the disadvantaged have increased since last year due to inflation and the high cost of living. An appropriation of the same amount is, in effect a cut in the real value of the appropriation. I support the Hathaway amendment which would provide an additional $212 million for the education of the disadvantaged. Since education is the surest vehicle for the poor and the underprivileged to advance, we must not slight them. If we can spend $16 million a day to fight the Vietnam war, surely it is not too much to ask that $212 million—13¼ days of war—more be spent to attempt to assure disadvantaged children the necessary education that he or she needs to develop to the best of his abilities.

The other increases in the Hathaway amendment—for State libraries, vocational education, impact aid, adult education, library services, and construction—help to meet the further educational needs of America. Although at this stage they are only marginal increases, the benefits gained from such increases outweigh the additional costs when one realizes that better funding will help provide more American children with the education they need to make a better society in the future.

I have, Mr. Chairman, supported the Hathaway amendment in the past and I will vote for it again today.

I also support Representative BADILLO's amendment to title III that would increase the appropriation from $45 million to $60 million for bilingual education. Again, this marginal increase in the funding of this necessary program will have an important effect on those children who have a language barrier in this country. The additional funding in this case would permit 110 new projects to be implemented and an additional 90,000 students to be assisted. There are an increasing number of bilingual children throughout the country, and we must meet the needs of these children if they are going to become an essential part of our American society. These children are at one of the most severe disadvantages—not knowing the language in which they are being taught. Unlike other disadvantages this can be overcome through the bilingual education programs.

Finally, I support the Peyser amendment that would increase the approved appropriations for environmental education from $4 million to a level of $10 million. This program provides grants to groups and schools for studies of environment. As the U.S. Commissioner of Education, S. P. Marland, Jr., has stressed, it is clear that education is central to any serious attempt to abate pollution and maintain a quality environment. With a strong environmental education background in the 1970's, the United States will be able to improve significantly the quality of life in the near future.

The present funding was able to provide funds for just 74 grants, although over 1,900 requests for grants under this program were made. Most of the 1,900 requests would qualify for funding if enough money were available. If we are going to have enough sense to take a responsible look at our own environment, then we must have enough funds to provide for environmental education. The $10 million is not enough, but it will at least allow us to get the program off the ground and determine future needs better.

I urge support of the Hathaway, Badillo, and Peyser amendments and a vote for the entire bill.

Mr. HANSEN of Idaho. Mr. Chairman, I am extremely pleased to note that the appropriation bill before us today includes $130 million for the National Institute of Neurological Diseases and Stroke which represents $12 million over the amount requested, and nearly $14 million over the amount appropriated for the last fiscal year. I applaud the committee's action which shows its keen awareness of the vital importance of the work and research being conducted by the Institute.

I note that in the committee's report, the Institute is directed to give high priority to many activities currently under way, and included in the research efforts the committee has directed the Institute to give high priority to "eventually finding means of either regenerating the spinal cord or by-passing it electrically."

This is very good news for those among us who have been closely following the efforts of our leading neuroscientists to find a cure for paraplegia. I earlier documented the case for such efforts in the CONGRESSIONAL RECORD on July 21, 1971, and February 24, 1972. Since then, there have been several encouraging developments which indicate that increasing attention is being focused on the problem by responsible officials within and outside of Government. Such attention and support are vital, as the scope of the necessary research effort will be massive and will require a complete national commitment both in effort and money. As we know, Mr. Chairman, the victims of paraplegia can be crippled by illness, by war, and by tragic accidents such as recently befell Governor Wallace. The cost to the Nation of this illness is staggering both in human and economic terms, and we simply must go forward with these modest beginnings, so that a cure can someday be found.

Another encouraging development was the announcement on March 13, 1972, by the National Institute of Neurological Diseases and Stroke, that the name of the existing section on trophic nerve function was being changed to that of the section on nerve regeneration. It is, I believe, a symbolically important step in the right direction as it indicates the NIND's recognition of the legitimacy of the scientific inquiry, and, with funds made available to it under this bill, commits the Institute's new section on nerve regeneration to an active leadership role in the search for a cure for paraplegia.

A final item which I wish to call to the attention of my colleagues is the announcement of the awarding of the National Paraplegic Foundation's first $10,000 William Thompson Wakemen Basic Research Award.

I wish to extend my sincere congratulations to the corecipients of the award, Dr. William F. Windle and Dr. Roger W. Sperry, who, as winners, were judged to be the scientists who have made the most significant contribution toward finding an eventual cure for paraplegia. Dr. Windle and Dr. Sperry were selected by a special National Paraplegic Foundation panel of scientific and medical personnel prior to the Foundation's second International Neuroscientific Conference held in Palm Beach, Fla., May 1–3.

The current president of the National Paraplegic Foundation, Prof. Timothy J. Nugent stated in naming the recipients that:

> The panel recognize the existing preliminary results and the potential for future accomplishments of the scientists currently at work. For the first award, it chose two distinguished scientists whose main contributions were made over a span of many years, beginning a long time ago, because their research and inspired leadership has been largely responsible for inducing many others to embark on research related to spinal cord injuries.

I agree with Professor Nugent who concluded that the award represents a milestone in the history of medical science and rehabilitation.

Dr. Windle, from Denison University, Ohio, was cited for recognition of his dedication over many years to the problem of paraplegia and the repair of the injured spinal cord; for his orginal research which showed that regeneration of nerve fibers across the severed spinal cord is possible; and for his continuing inspiration to others.

Dr. Sperry, from the California Institute of Technology, was named recognition of his contributions in basic research on factors responsible for functional regeneration in the central nervous system and for his distinguished contribution to concepts of chemical selectivity in the establishment of appropriate nerve connections. His work is fundamental to the eventual solution of the problem of spinal cord regeneration.

Dr. Windle and Dr. Sperry will present papers on their research and receive plaques, citations and $5,000 honorariums at the National Paraplegic Foundation annual meeting in Milwaukee, June 28.

Mr. MICHEL. Mr. Chairman, as we conclude debate on this bill, there are several other major items on which I would like to make a few brief comments. These include the appropration for the Social and Rehabilitation Service, the Social Security Administration, the special institutions, and related agencies.

SOCIAL AND REHABILITATION SERVICE

A number of SRS items were not considered by the committee because they lacked authorization. Among these are the work incentive programs, most of the rehabilitation programs designed to return physically or mentally handicapped persons to gainful employment, some of the special programs for the aging, and most of the training programs. Budget requests for these items total over a billion dollars.

Your committee did, however, provide $100,000,000, the full amount of the budget request, for nutrition programs for the elderly. Authorized in the current session of Congress, these programs provide grants to the States for up to 90 percent of the cost of meals for persons and their spouses over 60 years of age. It is estimated this amount will provide low cost, nutritional meals to approximately 400,000 older persons daily in fiscal year 1973. The amount approved by the committee includes $400,000 for administrative costs.

Although the developmental disabilities program did not lack authorization, the committee decided not to consider it at this time because it is so closely related to the other social and rehabilitation service programs for which authorization was lacking.

This was not an oversight, and your committee is assured that this important program will not be injured or hampered if it is not included in this appropriation bill. It will be considered with the other SRS programs at a later time.

Of course, the biggest item in this section of the bill is grants to states for public assistance, which accounts for nearly half of the total funds contained in our bill, excluding the trust funds. Five separate appropriations are contained in this category: maintenance assistance, medical assistance, social services, State and local training, and child welfare services.

The first, maintenance assistance, is funded at $7,554,108,000. This is $845,650,000 over the 1972 level.

Under formulas established by Congress, the Federal Government reimburses the States for payments made to eligible needy persons—dependent children deprived of parental support or care, the aged, the blind, and the disabled—for food, shelter, clothing, and other necessary items of daily living; also, for the costs of vendor payments made to intermediate care facilities for the aged, blind, and disabled; and for the costs of State and local administration of the program. Repatriation is 100 percent Federal funds for financial assistance and services provided to U.S. nationals repatriated from abroad because of mental illness, other illness, destitution, or international crises.

The maintenance assistance programs are administered by the States with the financial participation of the Federal Government, and under Federal policies and regulations. The scope of coverage and assistance standards are set forth in State plans approved by the Federal Government as being in accord with these regulations and the provisions of the Social Security Act.

In fiscal year 1972, it is anticipated that maintenance assistance will be made to a monthly average of about 14.3 million needy recipients, with the majority of the assistance to families with dependent children—over 11 million recipients—and to the aged—over 2 million.

It is estimated that in 1973 maintenance payments will be made to a monthly average of about 16 million recipients including 12.6 million under aid to families with dependent children and 2.1 million under old-age assistance.

The second item, medical assistance, is funded at $4,477,687,000, which is $426,056,000 above the 1972 level.

Grants for medical assistance under title XIX of the Social Security Act (medicaid) are made to States having plans approved by the Department of Health, Education, and Welfare. The purpose of title XIX, which became effective in January 1966, is to assist States to provide higher quality medical care to their low-income population.

Federal financial participation in medicaid payments varies from a minimum of 50 percent to a maximum of 83 percent depending upon the per capita income of the State. The Federal program requires that eligible recipients include, as a minimum, all persons receiving or eligible to receive maintenance payments under the Social Security Act and eligible children under 21 who are not in families. In addition, States may elect to cover certain medically needy persons who are eligible for help only with their medical bills and, hence, do not receive maintenance payments. Medicaid complements the Federal medicare program by paying the deductible and coinsurance for the needy aged, by paying their premiums for medicare's supplementary medical insurance program, and by paying for services not covered by medicare; for example, long-term skilled nursing home care or prescription drugs.

The next item, social services, is funded at $1,241,348,000, or $121,933,000 below last year's appropriation.

Social services are authorized under the 1967 Amendments to the Social Security Act. The purpose of this program is to provide a full range of social services to public assistance recipients and former or potential recipients.

Services are provided to recipients of aid to families with dependent children, and to the adult categories receiving old age assistance, aid to the permanently and totally disabled, and aid to the blind. Grants are made to States based on a rate of 75 percent Federal financial participation for AFDC and either 75 percent or 50 percent for the adult programs.

Adult services are being extended to 51 States and jurisdictions. It is expected that 48 States will adopt the mandatory services required under the new Federal adult service regulations in order to qualify for 75 percent Federal financial participation.

States are being assisted to complete the separation of social service functions from income maintenance. Fifty-one States have participated in separation to some extent. Complete caseload separation has occurred in the AFDC category in 18 States; in OAA, 12 States; in AB, 12 States; and in APTD, 12 States.

Approximately 644,000 adults and 4,151,000 families, including 12 million children, are expected to receive one or more social services under the AFDC program during 1972.

During 1973, restructuring of the social services program will be a priority. Administrative controls will include the following: First, a program and financial planning system, second, a management information system for monitoring and evaluation, third, revision of regulations which will require States to develop a goal-oriented social service system, fourth, issuance of regulations that will formalize requirements for separation of social services functions from income maintenance activities, fifth, issuance of new policy and procedures on the purchase of services and use of donated funds. These initiatives are expected to result in Federal savings of $184,000,000.

Approximately 1,050,000 adults and 6,670,000 families, including 16,200,000 children, are expected to receive one or more social services during 1973.

The fourth item, State and local training, is funded at $50,561,000, which is $4,797,000 over the 1972 level.

Under the 1962 amendments to the Social Security Act, Federal financial participation at the 75-percent rate is available to States for costs of training public assistance staff or persons preparing for employment in public assistance agencies. The 1967 amendments require States to provide for the training and effective use of subprofessionals as community service aides and of volunteers.

This program enables State and local public assistance agencies to provide educational leave for employees, stipends for individuals preparing for employment, agency inservice training programs for employees, and educational and training contracts for training.

Training focused on orientation to the agency was provided to persons in new careers as well as persons entering one of the technical or professional areas. Training of subprofessionals and volunteers was added to the regular ongoing training programs. Special emphasis was placed on training for new service delivery systems and on quality control training of staff. Specific training was provided for the jobs of determining and maintaining eligibility for financial assistance and delivery of services as States move into the separation of financial assistance and service functions.

In fiscal 1973, States will have separated the financial assistance and service functions which will necessitate the retraining of more personnel as well as training new employees for these functions. This will mean extensive retraining of all employees for an entirely new program responsibility and series of agency relationships as different parts of government assume responsibilities which the public welfare system has formerly performed.

Finally, the last item of this section of the bill, child welfare services, is funded at $46,000,000, the same level as the 1972 appropriation.

Child welfare services are authorized under title IV–B of the 1967 amendments to the Social Security Act. The purpose of this program is to provide essential child welfare services to children in their own homes, or in foster homes or institutions.

Child welfare services are extended to children in need of such services without regard to financial need, legal residence, race, or religion. Each State receives a uniform grant of $70,000 and an additional grant which varies directly with child population under 21 and inversely with average per capita income.

In 1972, States are being encouraged to coordinate child welfare services more closely with the social services program of AFDC and to use child welfare services to fill the gaps that cannot be reached through the AFDC social services program. Approximately 614,000 children will receive services under this program in 1972. Total expenditures are estimated at $575,000,000 with Federal financial participation being approximately 8 percent.

I should just note here before we leave Grants to States for public assistance that these requests were based on estimates that were received from the States last November and based on past experience, I think we can brace ourselves for a large supplemental request later this year.

SOCIAL SECURITY ADMINISTRATION

In the appropriation for the Social Security Administration, we have five major items of interest: First, matching payments for supplementary medical insurance; second, hospital insurance for the uninsured; third, military service credits; fourth, retirement benefits for certain uninsured persons; and, fifth, special benefits for disabled coal miners.

Three of the first four activities represent payments to reimburse the trust funds for benefits chargeable to general revenues. The fourth effectuates dollar-for-dollar matching from Federal funds of premiums paid by or for individuals covered under the voluntary supplementary medical insurance program. In all four situations, the amount of the payments to be made derives from the exercise by individuals of their rights under the law and is not subject to administrative control.

The amount of funds required for Federal matching of premiums paid by or for individuals in the voluntary medical insurance program is dependent on the number of persons enrolled in the program and the premium rate which has been promulgated by the Secretary of Health, Education, and Welfare for the fiscal year for which funds are appropriated.

Appropriation estimates for payments to the trust funds for the cost of hospital insurance for the uninsured, noncontributory military service credits and retirement benefits for certain uninsured persons aged 72 and over are based on benefits paid or to be paid to individuals protected by these provisions of law and the related administrative and interest costs.

During fiscal year 1972, the average number of enrollees in the supplementary medical insurance program is estimated at 20,100,000. Of these, 10,900,000 are expected to receive reimbursed medical services. It is estimated that $2,240,000,000 in supplementary medical insurance benefits will be paid during 1972. An average of 1,567,000 uninsured persons will be eligible for hospital insurance benefits during 1972, and benefits for this group are estimated at $539,000,000.

The average number of enrollees in the supplementary medical insurance program is expected to grow to 20,500,000 in 1973. The standard monthly premium rate and the Federal matching payment will be increased from $5.60 to $5.80 effective July 1, 1972, essentially for increases in the utilization and cost of covered services. Approximately 11,400,000 individuals will receive reimbursed services and $2,455,000,000 in supplementary medical insurance benefits will be paid. In 1973 approximately 1,405,000 uninsured persons—162,000 less than in 1972—will be eligible for hospital insurance, and an estimated $548,000,000 in benefits will be paid for this group.

The appropriation for the first four items constitutes payments to Social Security Trust Funds which, in fiscal 1973 is estimated at $2,475,485,000, some $10,188,000 over the amount appropriated for 1972.

The appropriation for special benefits for disabled coal miners would be $557,788,000 for fiscal 1973, an apparent reduction of more than $375 million below the 1972 funding level. This is due to the fact that the 1972 appropriation covered payments for the two preceding years.

The benefit payment estimate includes monthly payments to 125,000 miners and widows who were on the benefit rolls as of June 30, 1971, and to an additional 86,000 miners and widows to be awarded payments during fiscal year 1972. About 37,000 of the awards to be made in 1972 result from reconsiderations and appeals filed by claimants previously disallowed and these awards include from 18 to 29 months of retroactive payments. The number of awards resulting from reversal of previous denials and carrying large retroactive payments is expected to decline to about 14,000 in 1973. In addition under present law, the Social Security Administration will have jurisdiction over only a relatively few new claims filed after December 31, 1972, and will not make monthly payments to living miners who filed claims during calendar year 1972 for months after 1972. These payments and most new claims filed after December 31, 1972 will be handled by the Department of Labor and the State workman's compensation agencies. However, the ongoing level of benefits increases in 1973 because of the number of beneficiaries added to the rolls in 1972. These several factors result in a reduction of $23,000,000 in the level of benefit payment obligations estimated for fiscal year 1973 as compared with fiscal year 1972.

Current estimates for administrative expenses for this program anticipate the receipt of 43,000 claims in 1973 as compared with an estimated 89,000 claims in 1972. Also, reconsiderations to be processed are expected to decrease from 91,000 in 1972 to 26,000 in 1973. However, the other major workload, requests for hearing processed is estimated to increase from 23,000 in 1972 to 28,000 in 1973. Workloads related to the maintenance of the beneficiary roll will continue to rise slightly. The net effect of these changes is a composite reduction of 20 percent in the volume of work performed by Social Security Administration personnel and a reduction of about 70 percent in the number of cases handled by the State agencies for the development of additional medical evidence.

Turning now to the special institutions, the bill includes $1,696,500 for the American Printing House for the Blind, an increase of $116,500 over the 1972 level.

The purpose of the American Printing House for the Blind, under the act, "To promote the education of the blind," is to provide educational materials to students, of less than college grade, who attend public schools and classes with sighted children and blind students who attend special schools and classes for the blind.

All superintendents of schools for the blind and of public instruction in the various States, or their designees, are ex-officio trustees of the Printing House in the administration of the Federal act "to promote the education of the blind." This group meets annually, in October each year, at the Printing House and elects the various Advisory Committee members to work with the Printing House in textbook adoption and tangible apparatus to be produced and educational research. In addition to producing the newly adopted materials for the next school year, the Printing House makes the necessary reprints and keeps in stock a finished goods inventory of more than $1,500,000 in order to serve the needs of the schools for the blind and State Departments of Education on a current order basis.

The bill also includes $4,694,000 for the National Technical Institute for the Deaf, the amount of the budget request.

As authorized by Public Law 89–36 the Secretary of Health, Education, and Welfare entered into an agreement with the Rochester Institute of Technology for the establishment, construction, and operation of the National Technical Institute for the Deaf. Its purpose is to provide a coeducational, residential facility for post-secondary technical training and education for persons who are deaf in order to prepare them for successful employment.

In 1972 the education and training programs are expanding to serve 431 students from 40 States; several new vocational technical training programs are being started; the integrated social and recreational programs for deaf students are being continued; job placement efforts are being intensified and follow-up research is being initiated; and computer assisted instruction and picture-telephone applications are being broadened.

In 1973, 503 students will be enrolled; job placement employer contacts will be multiplied considerably; comparative curricula studies will be conducted; new communications programs will be initiated; innovative uses of computerized instructional systems will be investigated; and much will be done to automate student and administrative data gathering and reporting.

For the Model Secondary School for the Deaf, the bill includes $4,625,000, the same of the budget request.

To break through some of the barriers that limit the educational achievement of young deaf people and resolve some of the problems in teaching and learning so that deaf students who attend this high school can achieve at levels more comparable to the achievement levels of hearing high school students; to provide administrative and support services to the Model Secondary School for the Deaf as a whole, and to provide student services for the welfare of the student body; to demonstrate how programs of the quality of the Model Secondary School for the Deaf may be developed in other regions with State and local resources.

This activity includes obligations incurred for the instructional program to provide individualized secondary education for young deaf persons in preparation for higher education and for vocational training. Also, included under this activity are obligations incurred through educational support and general administrative services.

In fiscal year 1972, the emphasis was placed on a program of evaluation of student achievement and the effectiveness of materials and methods in use. The instructional staff continued to produce instructional materials appropriate for computer-assisted instruction, and technological contributions to education were explored. An entire high school curriculum must be developed over the next 2 or 3 years; therefore, the development of curriculum materials continued to receive priority. A pilot residence program provided for current student enrollment with experiments in patterns of residential living that show promise for use in the permanent facility. Continued experimentation within the temporary facility with respect to furniture and equipment configurations was planned. Continued improvements in the student services program were initiated.

In fiscal year 1973, the Model Secondary School for the Deaf will continue to develop and provide a program of excellence for the present student body. Extensive emphasis will be placed on developing instructional materials of an individualized nature including filmed, televised, computerized and other technological formats. Increased efforts in the evaluation of student progress and of the effectiveness of methods in use will be undertaken to lend direction to instructional planning. Audiological, psychological, social work, health, and other professional service components of the school program require further development prior to a major increase in the student body. The Model Secondary School for the Deaf additionally will respond to the commitment to serve other schools in the region and nationally through dissemination enterprises.

Also included in the bill is $14,446,000 for Gallaudet College, an increase of $4,960,000 from the budget request. The increase over the budget is for completion of the updating of the college's utility system.

This appropriation consists of two major activities: College operations and Kendall Demonstration Elementary School.

The college operations activity is responsible for instructional programs in the undergraduate college, graduate college, preschool, summer school, the library, public services, continuing education, research and for student aid. Also included in this activity are the administrative offices, business management, support and student services.

The obligations for this activity include salaries and benefits for departmental chairmen, teaching staff and their supporting staff and staff personnel, office and laboratory expenses, travel, equipment and other departmental expenses.

Funds requested are to initiate more of the Role and Function Committee's recommendations as described in the new era report. It is extremely important that the latest technological advances be brought to the institution to assist our students in learning. Funds are requested to expand the tutorial program which will provide an opportunity to deaf students to improve as rapidly as possible in language skills and basic academic studies needed for college entrance. Another important part of the request are funds in order to provide more courses, seminars, study tours, and grants in aid. Also, funds are requested for teaching and nonteaching faculty salaries in order to remain competitive with other institutions of higher education in the metropolitan area. The custodial services, along with the preventive maintenance program, must be upgraded in order to provide a physical environment that is conducive to learning. The expansion of the institution necessitates a more sophisticated administrative support system along with an increase in student services.

This activity is responsible for carrying out the mandate of Public Law 91-587 to convert the present Kendall School into a demonstration elementary school for deaf children residing in the Washington metropolitan area.

The obligations for this activity are primarily focused upon areas of presently inadequate, insufficient, or nonexisting program support of the present Kendall Demonstration Elementary School. Major areas of increase include supportive staff, teacher aides, special services, instructional equipment, supplies and materials expenses, as well as the establishment of a program management sector to develop a program effectiveness and budgetary impact data system.

The committee agreed to the budget request of $58,881,000 for Howard University. This will provide for salary increases, improvements in the university's academic program, and in the operation of Freedman's Hospital, as well as funds for construction.

This appropriation provides support for the total program of the university, including subactivities such as instruction and departmental research; research and training sponsored by outside organizations and agencies; libraries that serve the several areas of specialized instruction; administrative and support services; operation and maintenance of the physical plant; auxiliary enterprises; and student aid.

Instruction, with its supporting subactivities, provides education on the undergraduate, graduate, and professional levels for students who find it difficult, or impossible to secure the type of quality of training of their own choosing within their locality. While this education is available at Howard University to all without regard to race, creed, or national origin, the university undertakes to give special attention to the needs of blacks and other minorities.

The university will provide needed improvements in its educational program in 1972 by, first, establishing 82 new teaching positions in liberal arts, medicine, dentistry, social work, urban affairs, business education, and communications; and providing 74 new positions as support for the teaching staff; second, continuing improvement of faculty salaries at a reasonable level of comparability, and, third, providing additional support for campus safety and security; air-conditioning Founders library, and installing of the centrex telephone system.

The overall goal of the university in 1973 is to make major strides in strengthening all programs and services of the university to provide more effective teaching in all academic units, and to establish it as a leader and pioneer in selected and strategic areas of higher education. Specifically, the university will continue to seek improvement of faculty salaries in order to remain competitive; seek increases in the number of teachers to attain the student-faculty ratio required for quality instruction and faculty productivity and continue progress in the development of new academic programs initiated in fiscal year 1971-72.

The Freedman's Hospital furnishes inpatient and outpatient care for the community and serves as a facility for training of physicians, nurses, professional, and technical health personnel. It is the teaching hospital for Howard University's health center.

Operation of the hospital is financed by direct appropriation and income derived from charges for medical and hospital services to patients, medicare patients and patients certified by the District of Columbia and other jurisdictions. The hospital operates a total of 428 beds and 60 bassinets.

In 1971 the hospital provided inpatient care for an average daily census of 391.0 patients—including newborn—and 128,153 outpatient visits were provided. The inpatient level was 2 percent above the 1970 average daily census. Outpatient visits were 7.8 percent above original estimates.

In 1972 it is expected that inpatient load will increase over the 1971 level to an average daily census of 398 patients. The outpatient visit level is also expected to continue its rising trend and reach a total of 132,000 outpatient visits. Because of a change in student demand, there will be a shift in emphasis from the diploma nursing school to the baccalaureate nurse program in the academic program activity.

The basic long-term objective of the Freedman's Hospital is to operate an efficient institution providing a good quality of patient care to its patient clientele in the Metropolitan Washington area, functioning as a fully adequate locale for the teaching functions of Howard University and for the training of paramedical personnel and utilizing the resources that are available in patient material and professional talent to develop a creative and effective research program.

Patient load estimates for 1973 envision a further increase in average daily census to 406 and outpatient visits to 131,000, increases of 4 and 10 percent respectively.

Turning now to the related agencies, the committee appropriated a total of $106,665,000 for these agencies in fiscal 1973.

For the Commission on Railroad Retirement, the bill includes $101,000, the amount of the request and a decrease of $391,000 from the 1972 level.

The Commission was established under section 7 of the Railroad Retirement Act Amendments of 1970 (Public Law 91-377), as amended (Public Law 92-46), to conduct a study of the railroad retirement system and its financing for the purpose of recommending to the Congress changes which would provide adequate levels of benefits on an actuarially sound basis. The Commission is required to submit its final report on or before July 1, 1972, and is allowed 60 days thereafter for orderly termination of its activities. The appropriation for 1973 provides for the termination period.

The bill provides $10,650,000 for the Federal Mediation and Conciliation Service, the amount of the budget request and an increase of $240,000 from last year.

The Service under title II of the Labor Management Relations Act of 1947, assists labor and management in mediation and prevention of disputes affecting industries engaged in interstate commerce and defense production, other than rail and air transportation, whenever in its judgment such disputes threaten to cause a substantial interruption of commerce. Under the authority of Executive Order 11491 of October 29, 1969, as amended by Executive Order 11616, dated August 26, 1971, the Service also makes its mediation and conciliation facilities available to Federal agencies and organizations representing Federal employees in the resolution of negotiation disputes.

The committee agreed to the budget request of $1,260,000 for the Cabinet Committee on Opportunities for Spanish-Speaking People, an increase of $370,000 over the 1972 appropriation.

The Cabinet Committee on Opportunities for the Spanish-Speaking People was created on December 30, 1969, by Public Law 91-181. The primary functions of the committee are to advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-speaking and Spanish-surnamed Americans; and to advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-speaking and Spanish-surnamed Americans, and on priorities thereunder.

Included in the bill is $406,000 for the National Commission on Libraries and Information Science, the amount of the budget request and an increase of $206,000 over last year.

The Commission is a permanent, independent agency composed of the Librarian of Congress and 14 members appointed by the President, five of whom are professional librarians or information specialists. The Commission was appointed in May 1971, and is responsible for developing plans for meeting the library and information needs of the Nation, for coordinating Federal, State, and local activities to meet these needs, and for advising the President and Congress on national library and information science policy.

The bill includes $1,440,000 for the National Commission on Marihuana and Drug Abuse, an increase of $300,000 over the budget request and an increase of $212,000 over 1972.

The National Commission on Marihuana and Drug Abuse was created by Public Law 91-513, as amended by Public Law 92-13. The Commission will be in existence for a period up to 26 months to conduct a study of marihuana including the extent of its use, the efficacy of existing laws, its pharmacology and effects, its relationship to crime and other drugs, and its international control. The Commission will also conduct a study and investigation into the causes of drug abuse and their relative significance.

On the basis of its study, the Commission will make recommendations to the President and the Congress, for legislation and administrative action.

The budget request of $50,456,000 for the National Labor Relations Board was appropriated by the committee, and increase of $1,988,000 over 1972.

The Board resolves representation disputes in industry and remedies and prevents specified unfair labor practices by employers or labor organizations. Similar responsibilities for the new U.S. Postal Service were assumed on July 1, 1971. Additional funds are requested to enable the Agency to process a steadily rising caseload of both unfair labor practice and representation cases. Estimates for 1973 reflect an intake increase over 1972 of 7.7 percent for unfair labor practice cases and 5.6 percent for representation cases including Postal Service filings.

The bill also included $2,888,000, the amount of the budget request, for the National Mediation Board. This appropriation is $92,000 over the 1972 level.

The Board mediates labor disputes and determines collective bargaining representatives for the 700 carriers and the 1 million employees in the railroad and airline industries.

When mediation fails, the parties are urged to submit their differences to arbitration. If neither mediation nor voluntary arbitration is successful, the President, when notified of disputes which threaten seriously to interrupt service, may appoint an emergency board to investigate and report on the disputes as a basis for agreement.

Railroad employees and carrier grievances resulting from application of collective bargaining contracts may be brought for settlement ot the National Railroad Adjustment Board. The Board is composed of carrier and union representatives compensated by the parties. Administrative direction and guidance is provided by the administrative officer designated by the National Mediation Board. The appropriation also provides for neutral referees to sit with the Board when they are deadlocked. Boards of Adjustment, previously carried under activity 2, are also financed under this activity.

The bill includes $5,979,000 for the Occupational Safety and Health Review Commission, the amount of the budget request and an increase of $4,346,000 over last year.

The Review Commission, established by the Occupational Safety and Health Act of 1970, is empowered to provide a forum for the adjudication of contested enforcement actions instituted by the Secretary of Labor. The Commission holds factfinding hearings and issues orders affirming, modifying, or vacating the Secretary's enforcement actions.

This large increase is needed to provide additional personnel to enable the Commission to keep abreast of its rapidly expanding caseload.

Under the Railroad Retirement Board, the bill includes $21,645,000 for payments for military service credits, the amount of the budget request, and $19,822,000 for limitation on salaries and expenses, also the amount of the budget request.

The Board administers the Railroad Retirement Act which provides a program for the payment of regular annuities for age and disability and benefits for survivors, financed by taxes paid equally by employers and employees. The Board also participates in the administration of the hospital and medical insurance programs for persons covered by the Railroad Retirement Act for which it is reimbursed in part by the Social Security Administration, the activity of which is reflected in the advances and reimbursements account.

The Board also administers a program for the payment of supplemental annuities under certain conditions to career railroad workers awarded regular retirement annuities after June 1966, financed by a tax paid by employers based on the number of man-hours for which they pay compensation. The supplemental annuity paid to employees is in addition to the regular railroad retirement annuity.

And for the U.S. Soldiers' Home, the bill includes authority to use $11,596,000 for the Soldiers' Home Permanent Fund, the amount of the request, and an increase of $13,000 over the amount authorized for fiscal year 1972. It also includes $244,000 for capital outlay, the amount of the budget request, and an increase of $164,000 over the 1972 level.

The U.S. Soldiers' Home provides medical and domiciliary care and other authorized benefits for the relief and support of certain old, invalid, or disabled soldiers of the Regular Army and airmen of the Air Force. Funds for operation and maintenance of the Home are appropriated from the Soldiers' Home permanent fund—trust fund—and not from the general funds of the Treasury.

Mr. GUDE. Mr. Chairman, I rise in particular to congratulate the House Appropriations Committee for a bill which increases the funds for programs in the field of medical research and the delivery of health care. As I pointed out in my remarks on May 10 on the floor of the House, the proposed budget for fiscal 1973 could be a serious blow to the ongoing program of important and lifesaving programs, both at the National Institutes of Health and at the National Institute of Mental Health. I take great pride in the fact that both the National Institutes of Health and the Health Services and Mental Health Administration are located in my district.

I am particularly grateful to the committee for the increase of $30 million in staffing grants for community mental health centers. However, I must point out in all fairness that a considerable portion of this increase will go to mental health centers which were approved in fiscal 1972, but were not supported, because of lack of funds. For example, the entire State of Maryland received only $718,000 in staffing grants in fiscal 1972.

Let me point out several concrete examples of what this means: The Upper Montgomery County Mental Health Center, located in the Montgomery General Hospital at Olney, has been constructed with matching Federal and State support. However, the key to its successful operation is an adequate professional staff. It has been almost a year since its staffing grant application was approved, but it has yet to receive any funds because of the fiscal stringency crippling the entire mental health center program in this country.

The 300 fully operating mental health centers in the country are doing a magnificent job of reducing the patients in residence in our State hospitals. As pointed out in the hearings before the House Appropriations Committee this year, the reduction of almost 50 percent in the number of patients incarcerated in our State mental hospitals in the past decade alone has saved the States and localities several billions of dollars.

We need at least 10 more mental health centers in Maryland and my county has already benefited considerably from State and local support moneys; we feel the Federal Government should provide support to a corresponding degree.

For example, the Silver Spring-Takoma Park Mental Health Center will open in September of this year. It has received financial support from the State, from the county and from the Washington Sanitarium and Hospital, and it is now preparing a staffing grant application to the Federal Government. I hope and urge that it will be funded with the increases recommended in the bill before us today. It is desperately needed.

Although the Holy Cross Hospital opened a small psychiatric unit just a month ago with its own funds and staff, there is still a great need for a comprehensive mental health center in that area. The citizens of that portion of my district are working with the Community Psychiatric Clinic, the Montgomery County Health Department, and the State to construct or purchase a building located near Holy Cross Hospital. If a building can be purchased for a reasonable amount of money, another staffing grant application will come in from my district within the next few months.

In the entire Bethesda catchment area there is not a single mental health center despite the enormous growth of our population in Montgomery County over these past few years.

Mr. Chairman, I must repeat my hope that the $30 million which the House Appropriations Committee has added to the administration's request for mental health staffing grants will cover these needs which I have cited and others which times does not permit me to list. However, if it is determined that these additional moneys are not sufficient, I would respectfully suggest that the members of the Labor-HEW subcommittee take a positive attitude toward any additional increases for centers' staffing which the other body may approve. We are behind in funding these centers and I hope that this year's appropriation will mark a turning point toward adequate Federal support of this vital programs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FINDLEY. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15417), making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BOW

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BOW. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bow moves to recommit the bill H.R. 15417 to the Committee on Appropriations with instructions to that committee to report it back forthwith with the following amendment:

On page 40, after line 4, insert a new section as follows:

"SEC. 409. From the amounts appropriated in this Act, exclusive of salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operations, maintenance and capital outlay of the United States Soldiers' Home and payments into the Social Security and Railroad Retirement trust funds, the total available for expenditures shall not exceed 95 per centum of the total appropriations contained herein."

Mr. BOW. Mr. Speaker, this of course is what has been known over the years as the Bow amendment, which has been adopted by this body on several occasions and rejected on some occasions. It will be called a meat-ax cut, but sometimes it is well to get out the meat ax. This is the first time I have offered this for some time, but when we see what has happened here today and what is happening to the situation in our country, I could not resist it now because with the bill as it is this is going to save approximately $1.4 billion.

This only provides that we are going to cut it down to 95 percent in expenditures—not in appropriations but in expenditures—of what we are authorizing today, and it protects the Social Security Administration, the Railroad Retirement Board, the Soldiers' Home, and payments in social security.

I can look forward, Mr. Chairman, to a vote within the near future on extending the debt limitation, and I wonder about those who have been voting here today to increase these amounts and this great debt with these great appropriations—how are they going to vote when it comes to the question of the increase in the debt limitation and whose responsibility it will be then?

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, the only way to insure that this loaded and bloated appropriation bill will not be vetoed is to vote for the motion to recommit. A 5-percent expenditure cut below the appropriation will save the expenditure of approximately $1.3 billion in fiscal year 1973, and that amount is approximately the total added in appropriations over the budget submitted by the President.

Our memories ought to take us back to 1970 when in that year on this appropriation bill we did almost exactly as we are doing today. The net result was there was a veto, it was sustained, and the HEW-Labor appropriate bill did not become law until well after the school year started for elementary and secondary schools, and the school administrators the length and breadth of the country objected to the uncertainties as a result.

If this bill is not cut back by the Bow amendment, at least in my judgment there is a very high degree of likelihood we will have a replay of 1970.

Mr. Speaker, for that reason I strongly urge, to avoid the problems of 1970, that we support the motion to recommit and avoid the possibility, a distinct one, of a veto and the problems that would result thereafter.

Mr. BOW. Mr. Speaker, I appreciate the remarks of the distinguished minority leader. I urge my colleagues who are for fiscal responsibility, to try to stop this trend and to vote for this motion to recommit. It is a difficult one to vote for, but I hope the Members will support it.

Mr. FLOOD. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker and Members of the House, this is not a new argument. We have been advised, to use a very soft word—I would prefer to use the word "threatened"—on several occasions by the minority leader and others that if the House works its will on a given piece of legislation, it will be vetoed, and therefore we must fall back and rescind what we have accomplished here in the past several days.

Mr. Speaker, all of us stand here occasion after occasion and talk about this being the great Chamber of the representatives of the people, the place where the laws are considered and made. I just do not believe that we have to be threatened and intimidated by the notion that the Chief Executive, the President, is going to veto this bill.

I believe this is a good bill. The Members have worked hard and long and diligently to perfect the bill.

I know it can be argued that the amounts are somewhat above what the budget recommended, but I would say that when we look at the needs in these areas of health and education, the demands all over this country, and when we look at this plus trillion-dollar economy of ours, what we have done is anything but generous. The amount of the national commitment to education in this country is unfortunately less than it is in most countries in the Western World. We pay a penalty for it, a very dear penalty, because unfortunately the standard of education in this country has suffered accordingly.

Mr. Speaker, I commend you on the fine job you have done, and I commend your colleagues. The bill has been accepted by and large. Some amendments have been adopted. That is the legislative will of this body.

I hope that none of us will be threatened and cajoled and intimidated by a Presidential veto. If the President wants to veto the bill, that is his privilege. We will bring it back here and see whether or not we can override the veto.

Mr. FLOOD. Mr. Speaker, I wish to add nothing more than I said in opposing the amendment of the gentleman from Illinois, which was soundly defeated.

Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. FLOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 208, not voting 86, as follows:

[Roll No. 207]

YEAS—138

Abbitt
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Belcher
Bennett
Betts
Blackburn
Bow
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burke, Fla.
Burleson, Tex.
Cabell
Camp
Carlson
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Conover
Crane
Daniel, Va.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
Erlenborn
Findley
Fish
Fisher
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Gettys
Goldwater
Goodling
Griffin
Gross
Gubser
Haley
Hamilton
Hastings
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, N.C.
Keating
Keith
Kemp
Kuykendall
Kyl
Landgrebe
Latta
Lloyd
Lujan
McCollister
McCulloch
McKevitt
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Myers
Nelsen
Passman
Pelly
Pettis
Powell
Price, Tex.
Purcell
Quie
Quillen
Rhodes
Robinson, Va.
Robison, N.Y.
Roush
Runnels
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shriver
Sikes
Skubitz
Smith, N.Y.
Spence
Steiger, Ariz.
Stuckey
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Whalley
Widnall
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion

NAYS—208

Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Bergland
Bevill
Biaggi
Biester
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Chisholm
Clark
Clay
Cleveland
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Dellums
Denholm
Dent
Diggs
Donohue
Dorn
Dow
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fulton
Galifianakis
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gude
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Howard
Hull
Hungate
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Koch
Leggett
Lent
Long, Md.
McClory
McCormack
McDade
McFall
McKinney
Macdonald, Mass.
Madden
Mahon
Matsunaga
Mazzoli
Meeds
Melcher
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, N.Y.
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Konski
O'Neill
Patten
Peyser
Pickle
Pike
Preyer, N.C.
Price, Ill.
Pucinski
Railsback
Randall
Rangel
Rees
Reid
Reuss
Riegle
Roberts
Rodino
Roe
Rogers
Roncalio
Rostenkowski
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Schwengel
Seiberling
Shipley
Shoup
Sisk
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stokes
Stratton
Stubblefield
Symington
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vanik
Vigorito
Waldie
Whalen
White
Whitten
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NOT VOTING—86

Abernethy
Abourezk
Abzug
Anderson, Tenn.
Bell
Bingham
Blanton
Blatnik
Bray
Broomfield
Byrnes, Wis.
Celler
Chamberlain
Collins, Ill.
Curlin
Davis, S.C.
Delaney
Dingell
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Eshleman
Fraser
Frenzel
Fuqua
Gallagher
Garmatz
Griffiths
Grover
Hagan
Hall
Halpern
Harsha
Harvey
Hébert
Hillis
Hosmer
King
Kluczynski
Kyros
Landrum
Lennon
Link
Long, La.
McCloskey
McClure
McDonald, Mich.
McEwen
McKay
McMillan
Mailliard
Martin
Metcalfe
Montgomery
Mosher
Nichols
O'Hara
Patman
Pepper
Perkins
Pirnie
Poage
Podell
Poff
Pryor, Ark.
Rarick
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rousselot
Scheuer
Smith, Calif.
Snyder
Springer
Steiger, Wis.
Stephens
Sullivan
Talcott
Thompson, N.J.
Van Deerlin
Whitehurst
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Rarick for, with Mr. Rooney of New York against.

Mr. McEwen for, with Mr. Mosher against.

Mr. Rousselot for, with Mr. Pirnie against.

Mr. Hall for, with Mrs. Dwyer against.

Mr. Abernethy for, with Mr. Link against.

Mr. Bray for, with Mr. Perkins against.

Mr. Smith of California for, with Mr. Celler against.

Mr. Edwards of Alabama for, with Mr. Thompson of New Jersey against.

Mr. Martin for, with Mr. Fraser against.

Mr. King for, with Mr. Kyros against.

Mr. Dowdy for, with Mr. O'Hara against.

Mr. Long of Louisiana for, with Mr. Kluczynski against.

Mr. Montgomery for, with Mr. Metcalfe against.

Until further notice:

Mr. Hébert with Mr. Byrnes of Wisconsin.

Mr. Rooney of Pennsylvania with Mr. Eshleman.

Mr. Nichols with Mr. Poff.

Mr. Delaney with Mr. Halpern.

Mr. Pepper with Mr. McClure.

Mr. Collins of Illinois with Mrs. Abzug.

Mr. Patman with Mr. McCloskey.

Mr. Podell with Mr. Grover.

Mr. Fuqua with Mr. Springer.

Mrs. Griffiths with Mr. McDonald of Michigan.

Mr. Lennon with Mr. Hillis.

Mr. Van Deerlin with Mr. Hosmer.

Mrs. Sullivan with Mr. Frenzel.

Mr. Charles H. Wilson with Mr. Bob Wilson.

Mr. Dingell with Mr. Chamberlain.

Mr. Curlin with Mr. Snyder.

Mr. Edmondson with Mr. Broomfield.

Mr. Garmatz with Mr. Harsha.

Mr. Anderson of Tennessee with Mr. Williams.

Mr. Abourezk with Mr. Steiger of Wisconsin.

Mr. Blanton with Mr. Mailliard.

Mr. McKay with Mr. Harvey.

Mr. Pryor of Arkansas with Mr. Bell.

Mr. Hagan with Mr. Whitehurst.

Mr. Stephens with Mr. Talcott.

Mr. McMillan with Mr. Wiggins.

Mr. Bingham with Mr. Davis of South Carolina.

Mr. Rosenthal with Mr. Landrum.

Mr. Gallagher with Mr. Scheuer.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The question is on the passage of the bill.

Mr. FLOOD. Mr. Speaker, on that demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 277, nays 60, not voting 95, as follows:

[Roll No. 208]

YEAS—277

Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bergland
Bevill
Biaggi
Biester
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Dellenback
Dellums
Denholm
Dent
Diggs
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frey
Galifianakis
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gubser
Gude
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Howard
Hull
Hungate
Hunt
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Koch
Latta
Leggett
Lent
Lloyd
Long, Md.
Lujan
McClory
McCollister
McCormack
McCulloch
McDade
McFall
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mann
Mathias, Calif.
Matsunaga
Mayne
Meeds
Melcher
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Konski
O'Neill
Passman
Patten
Pepper
Pettis
Peyser
Pickle
Pike
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Rangel
Rees
Reid
Reuss
Riegle
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sarbanes
Schwengel
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Spence
Stanton, J. William
Stanton, James V.
Steed
Steele
Stokes
Stratton
Stubblefield
Stuckey
Symington
Taylor
Teague, Calif.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Whalen
White
Whitten
Widnall
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—60

Abbitt
Archer
Arends
Ashbrook
Baker
Bennett
Betts
Blackburn
Bow
Broyhill, N.C.
Camp
Carlson
Chappell
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Conover
Crane
Daniel, Va.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Findley
Flynt
Ford, Gerald R.
Goodling
Griffin
Gross
Haley
Hutchinson
Jonas
Kuykendall
Kyl
Landgrebe
Mallary
Martin
Mathis, Ga.
Michel
Mizell
Pelly
Rhodes
Robinson, Va.
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Smith, N.Y.
Steiger, Ariz.
Teague, Tex.
Thompson, Ga.
Ware
Whalley

NOT VOTING—95

Abernethy
Abourezk
Abzug
Anderson, Tenn.
Bell
Bingham
Blanton
Blatnik
Bray
Broomfield
Byrne, Pa.
Byrnes, Wis.
Celler
Chamberlain
Clancy
Collins, Ill.
Curlin
Davis, S.C.
Delaney
Dingell
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Fraser
Frenzel
Fulton
Fuqua
Gallagher
Garmatz
Griffiths
Grover
Hagan
Hall
Halpern
Harsha
Harvey
Hébert
Hillis
Hosmer
Ichord
King
Kluczynski
Kyros
Landrum
Lennon
Link
Long, La.
McCloskey
McClure
McDonald, Mich.
McEwen
McKay
McMillan
Mailliard
Mazzoli
Metcalfe
Montgomery
Mosher
Nichols
Nix
O'Hara
Patman
Perkins
Pirnie
Poage
Podell
Poff
Pryor, Ark.
Randall
Rarick
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rousselot
Scheuer
Smith, Calif.
Snyder
Springer
Staggers
Steiger, Wis.
Stephens
Sullivan
Talcott
Terry
Thompson, N.J.
Whitehurst
Wiggins
Williams
Wilson, Bob
Wilson, Charles H
Wright
Yatron

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Hall against.

Mr. Grover for, with Mr. Rousselot against.

Mr. McDonald of Michigan for, with Mr. Edwards of Alabama against.

Mr. Hillis for, with Mr. Terry against.

Mr. Nichols for, with Mr. Abernethy against.

Mr. McEwen for, with Mr. Rarick against.

Mr. Frenzel for, with Mr. Smith of California against.

Until further notice:

Mr. Hébert with Mr. Byrnes of Wisconsin.

Mr. Ichord with Mr. Chamberlain.

Mrs. Sullivan with Mr. Bray.

Mr. Dingell with Mr. Broomfield.

Mrs. Griffiths with Mr. Harvey.

Mr. Podell with Mr. Halpern.

Mr. Mazzoli with Mr. Snyder.

Mr. Thompson of New Jersey with Mrs. Dwyer.

Mr. Charles H. Wilson with Mr. Bob Wilson.

Mr. Byrne of Pennsylvania with Mr. Williams.

Mr. Yatron with Mr. Eshleman.

Mr. Collins of Illinois with Mrs. Abzug.

Mr. Fraser with Mr. Metcalfe.

Mr. Kluczynski with Mr. Erlenborn.

Mr. Lennon with Mr. Poff.

Mr. Link with Mr. Springer.

Mr. Blatnik with Mr. Harsha.

Mr. Edmondson with Mr. McClure.

Mr. Perkins with Mr. Bell.

Mr. Rooney of Pennsylvania with Mr. McCloskey.

Mr. Nix with Mr. Rosenthal.

Mr. Celler with Mr. King.

Mr. Delaney with Mr. Wiggins.

Mr. Staggers with Mr. Whitehurst.

Mr. Montgomery with Mr. Clancy.

Mr. Fulton with Mr. Hosmer.

Mr. Curlin with Mr. Talcott.

Mr. Anderson of Tennessee with Mr. Mailliard.

Mr. Kyros with Mr. Mosher.

Mr. Bingham with Mr. Pirnie.

Mr. Abourezk with Mr. Stephens.

Mr. McMillian with Mr. Blanton.

Mr. Davis of South Carolina with Mr. Patman.

Mr. O'Hara with Mr. Scheuer.

Mr. Wright with Mr. Randal.

Mr. Hagan with Mr. Fuqua.

Mr. McKay with Mr. Pryor of Arkansas.

Mr. Long of Louisiana with Mr. Garmatz.

Mr. Landrum with Mr. Gallagher.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 15417), just passed, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR GENERAL DEBATE ONLY ON JUNE 20 ON PUBLIC WORKS, ATOMIC ENERGY, TREASURY, AND POSTAL SERVICE APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order in the House on Tuesday next—clause 6 of rule XXI to the contrary notwithstanding—to have general debate only on the bill making appropriations for public works for water and power development, the Atomic Energy Commission, and certain other agencies for the fiscal year ending June 30, 1973, and to have general debate only on the bill making appropriations for the Treasury Department, the Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 14734, FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

Mr. MORGAN submitted the following conference report and statement on the bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency:

CONFERENCE REPORT (HOUSE REPT. NO. 92-1145)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14734) to authorize appropriations for the Department of State and for the United States Information Agency, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Foreign Relations Authorization Act of 1972".

TITLE I—DEPARTMENT OF STATE

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) There are authorized to be appropriated for the Department of State for fiscal year 1973, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, and other purposes authorized by law, the following amounts:

(1) for the "Administration of Foreign Affairs", $289,453,000;

(2) for "International Organizations and Conferences", $188,263,000;

(3) for "International Commissions", $18,226,000;

(4) for "Educational Exchange", $59,200,000; and

(5) for "Migration and Refuge Assistance", $8,212,000.

(b) The Secretary of State is authorized to furnish, on terms and conditions he considers appropriate, assistance to Israel or another suitable country, including assistance for the resettlement in Israel or such country of Jewish or other similar refugees from the Union of Soviet Socialist Republics. There are authorized to be appropriated to the Secretary not to exceed $85,000,000 to carry out the provisions of this subsection.

(c) Appropriations made under subsection (a) of this section are authorized to remain available until expended.

LIMITATION UPON PRIOR AUTHORIZATION REQUIREMENT

SEC. 102. Section 15(a) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended by section 407 of the Foreign Assistance Act of 1971 (22 U.S.C. 2680), is amended by adding at the end thereof the following new sentence: "The provisions of this subsection shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.".

DEPUTY SECRETARY OF STATE AND UNDER SECRETARY OF STATE

SEC. 103. (a)(1) The first section of the Act of May 26, 1949, as amended (22 U.S.C. 2652), is amended to read as follows: "That there shall be in the Department of State, in addition to the Secretary of State, a Deputy Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, a Deputy Under Secretary of State, and eleven Assistant Secretaries of State."

(2) Section 2(b) of the Act of May 26, 1949, as amended (22 U.S.C. 2652), is repealed.

(b) The duties of the Under Secretary of State are transferred to the Deputy Secretary of State. The individual holding, on the date of enactment of this Act, the office of the Under Secretary of State may assume the duties of the Deputy Secretary of State. The individual assuming such duties shall not be required to be reappointed by reason of the enactment of this section.

(c) The provisions of subsection (a) of this section are effective July 1, 1972.

EXECUTIVE SCHEDULE PAY RATES

SEC. 104. Chapter 53 of title 5, United States Code, is amended as follows:

(1) Section 5313(2) is amended to read as follows:

"(2) Deputy Secretary of State."

(2) Section 5314(9) is amended by striking out "or" before "Under Secretary of State for Economic Affairs" and inserting in lieu thereof "and".

(3) Section 5315(10) is amended to read as follows:

"(10) Deputy Under Secretary of State."

RETIREMENT ANNUITIES FOR CERTAIN ALIENS

SEC. 105. (a) Section 8331(1) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by inserting, immediately below subparagraph (I), the following new subparagraph:

"(J) an alien (i) who was previously employed by the Government, (ii) who is employed full time by a foreign government for the purpose of protecting or furthering the interests of the United States during an interruption of diplomatic or consular relations, and (iii) for whose services reimbursement is made to the foreign government by the United States;".

(b) Subsection (a) of this section shall become effective on the first day of the second month which begins after its enactment.

(c) The amendments made by such subsection (a) shall not apply in the cases of persons retired or otherwise separated prior to the effective date established under subsection (b) of this section, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

SEC. 106. (a) Section 3(b)(1) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 241(b)(1)), is amended to read as follows:

"(b)(1) Subject to any policies the President may prescribe to effectuate the purposes of this subsection and—

"(A) under regulations the head of an agency (other than a military department, the Secretary of the Treasury with respect to the Coast Guard, the Department of Defense, or an agency or office referred to in subparagraph (B) of this paragraph) may prescribe for his agency or, in the case of ACTION, all of that part of ACTION other than the office referred to in such subparagraph, part thereof, he or his designee may settle and pay a claim arising after August 31, 1964, against the United States for not more than $6,500 made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency or part thereof, for damage to, or loss, of, personal property incident to his service; and

"(B) under regulations the Secretary of State, the Administrator for the Agency for International Development, the Director of the United States Information Agency, the Director of the United States Arms Control and Disarmament Agency, the Director of ACTION with respect to the office of ACTION engaged primarily in carrying out the Peace Corps Act, and the Board of Directors of the Overseas Private Investment Corporation, may prescribe for their agencies or, in the case of ACTION, for such office, he or his designee may settle and pay a claim arising after August 31, 1964, against the United States for not more than $10,000 made by a civilian officer or employee of such agency or office for damage to, or loss of personal property incident to his service.

If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled before August 31, 1964."

(b) Subsection (a) of this section is effective August 31, 1964. Notwithstanding section 4 of the Military Personnel and Civilian Employees' Claims Act of 1964, or any other provision of law, a claim heretofore settled in the amount of $6,500 solely by reason of the maximum limitation established by section 3(b)(1) of such Act, may, upon written request of the claimant made within one year from the date of enactment of this Act, be reconsidered and settled under that section, as amended by subsection (a) of this section.

AMBASSADORS AND MINISTERS

SEC. 107. Section 501 of the Foreign Service Act of 1946 (22 U.S.C. 901) is amended by adding at the end thereof the following new subsection:

"(c) On and after the date of enactment of the Foreign Relations Authorization Act of 1972, no person shall be designated as ambassador or minister, or be designated to serve in any position with the title of ambassador or minister, unless that person is appointed as an ambassador or minister in accordance with subsection (a) of this section or clause 3, section 2, of article II of the Constitution, relating to recess appointments, except that the personal rank of ambassador or minister may be conferred by the President in connection with special missions for the President of an essentially limited and temporary nature of not exceeding six months."

TITLE II—UNITED STATES INFORMATION AGENCY

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There are authorized to be appropriated for the United States Information Agency for fiscal year 1973, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) $194,213,000 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)", except that so much of such amount as may be appropriated for "Salaries and expenses (special foreign currency program)" may be appropriated without fiscal year limitation;

(2) $5,036,000 for "Special international exhibitions" and "Special international exhibitions (special foreign currency program)", which amount may be appropriated without fiscal year limitation; and

(3) $1,000,000 for "Acquisition and construction of radio facilities", which amount may be appropriated without fiscal year limitation.

PROVIDING CERTAIN BASIC AUTHORITIES

SEC. 202. Title VIII of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471) is amended by adding at the end thereof the following new sections:

"BASIC AUTHORITY

"SEC. 804. In carrying out the provisions of this Act, the Secretary, or any Government agency authorized to administer such provisions, may—

"(1) employ, without regard to the civil service and classification laws, aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages when suitable qualified United States citizens are not available (such aliens to be investigated for such employment in accordance with procedures established by the Secretary or such agency and the Attorney General), and such persons may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(15)) for such time and under such conditions and procedures as may be established by the Secretary and the Attorney General;

"(2) pay travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States;

"(3) incur expenses for entertainment within the United States within such amounts as may be provided in appropriations Acts;

"(4) obtain insurance on official motor vehicles operated by the Secretary or such agency in foreign countries, and pay the expenses incident thereto;

"(5) notwithstanding the provisions of section 2680(k) of title 28, United States Code, pay tort claims in the manner authorized in the first paragraph of section 2672 of such title, when such claims arise in foreign countries in connection with operations conducted abroad under this Act;

"(6) employ aliens by contract for services abroad;

"(7) provide ice and drinking water abroad;

"(8) pay excise taxes on negotiable instruments abroad;

"(9) pay the actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities conducted under this Act;

"(10) rent or lease, for periods not exceeding five years, offices, buildings, grounds, and living quarters abroad for employees carrying out this Act, and make payments therefor in advance;

"(11) maintain, improve, and repair properties used for information activities in foreign countries;

"(12) furnish fuel and utilities for Government-owned or leased property abroad; and

"(13) pay travel expenses of employees attending official international conferences, without regard to sections 5701–5708 of title 5, United States Code, and regulations issued thereunder, but at rates not in excess of comparable allowances approved for such conferences by the Secretary.

"TRAVEL EXPENSES

"SEC. 805. Appropriated funds made available for any fiscal year to the Secretary or any Government agency, to carry out the provisions of this Act, for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, shall be available for all such expenses in connection with travel or transportation which begins in that fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed until the following fiscal year."

LIMITATION UPON PRIOR AUTHORIZATION REQUIREMENT

SEC. 203. Section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476) is amended by adding at the end thereof the following new sentence: "The provisions of this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Secretary or such agency as authorized by law."

DISSEMINATION OF INFORMATION WITHIN UNITED STATES

SEC. 204. The second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) is amended to read as follows: "Any such information (other than "Problems of Communism" which may continue to be sold by the Government Printing Office) shall not be disseminated within the United States, its territories, or possessions, but, on request, shall be available in the English language at the Department of State, at all reasonable times following its release as information abroad, for examination only by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and by research students and scholars, and, on request, shall be made available for examination only to Members of Congress."

TITLE III—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. The second sentence of section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended by inserting immediately after "$17,500,000,", the following: ", and for the two fiscal years 1973 and 1974, the sum of $22,000,000".

REPORT TO CONGRESS

SEC. 302. (a) The United States Arms Control and Disarmament Agency, with the cooperation and assistance of other relevant Government agencies including the Department of State and the Department of Defense, shall prepare and submit to the Congress a comprehensive report on the international transfer of conventional arms based upon existing and new work in this area. The report shall include (but not be limited to) the following subjects:

(1) the quantity and nature of the international transfer of conventional arms, including the identification of the major supplying and recipient countries;

(2) the policies of the major exporters of conventional arms toward transfer, including the terms on which conventional arms are made available for transfer, whether by credit, grant, or cash-and-carry basis;

(3) the effects of conventional arms transfer on international stability and regional balances of power;

(4) the impact of conventional arms transfer on the economies of supplying and recipient countries;

(5) the history of any negotiations on conventional arms transfer, including past policies adopted by the United States and other suppliers of conventional arms;

(6) the major obstacles to negotiations on conventional arms transfer;

(7) the possibilities for limiting conventional arms transfer, including potentialities for international agreements, step-by-step approaches on particular weapons systems, and regional arms limitations; and

(8) recommendations for future United States policy on conventional arms transfer.

(b) The report required by subsection (a) shall be submitted to the Congress not later than one year after the date of the enactment of this Act, and an interim report shall be submitted to the Congress not later than six months after such date.

TITLE IV—PEACE CORPS

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. (a) The first phrase of section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)), ending with a colon, is amended to read as follows: "There are authorized to be appropriated to the President for the fiscal year 1973 not to exceed $88,027,000 to carry out the purposes of this Act:".

VOLUNTARY SERVICE PROGRAMS

SEC. 402. Paragraph (2) of subsection (b) of section 301 of the Peace Corps Act (22 U.S.C. 2501a), which relates to encouragement of voluntary service programs, is amended by striking out "$300,000" and inserting in lieu thereof "$350,000", by striking out "1971", and by inserting, before the word "fiscal" the word "any".

NATIONAL ADVISORY COUNCIL

SEC. 403. Section 12 of the Peace Corps Act (22 U.S.C. 2511) is repealed, and the Peace Corps National Advisory Council is abolished, effective ninety days after the date of enactment of this Act.

TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

CERTAIN ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS

SEC. 501. In addition to amounts authorized by sections 101 (a) and (b) and 201 of this Act, there are authorized to be appropriated for the Department of State and the United States Information Agency for fiscal year 1973 such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, or other nondiscretionary costs.

EXPRESSION OF INDIVIDUAL VIEWS TO CONGRESS

SEC. 502. Upon the request of a committee of either House of Congress, a joint committee of Congress, or a member of such committee, any officer appointed by the President, by and with the advice and consent of the Senate, to a position in the Department of State, the United States Information Agency, the Agency for International Development, the United States Arms Control and Disarmament Agency, or any other department, agency, or independent establishment of the United States Government primarily concerned with matters relating to foreign countries or multilateral organizations, may express his views and opinions, and make recommendations he considers appropriate, if the request of the committee or member of the committee relates to a subject which is within the jurisdiction of that committee.

INTERNATIONAL NARCOTICS CONTROL

SEC. 503. Chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control, is amended by striking out section 481 and inserting in lieu thereof the following new sections:

"SEC. 481. INTERNATIONAL NARCOTICS CONTROL.—It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, smuggling, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics, and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970. Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, smuggling of, and traffic in, narcotic and psychotropic drugs. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter.

"SEC. 482. AUTHORIZATION.—To carry out the purposes of section 481, there are authorized to be appropriated to the President

$42,500,000 for the fiscal year 1973, which amount is authorized to remain available until expended."

TITLE VI—STUDY COMMISSION RELATING TO FOREIGN POLICY

FINDINGS AND PURPOSE

SEC. 601. It is the purpose of this title to establish a study commission which will submit findings and recommendations to provide a more effective system for the formulation and implementation of the Nation's foreign policy.

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

SEC. 602. (a) To carry out the purpose of section 601 of this Act, there is established a Commission on the Organization of the Government for the Conduct of Foreign Policy (hereafter referred to in this title as the "Commission").

(b) The Commission shall be composed of the following twelve members:

(1) four members appointed by the President, two from the executive branch of the Government and two from private life;

(2) four members appointed by the President of the Senate, two from the Senate (one from each of the two major political parties) and two from private life; and

(3) four members appointed by the Speaker of the House of Representatives, two from the House of Representatives (one from each of the two major political parties) and two from private life.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) Each member of the Commission who is not otherwise employed by the United States Government shall receive $145 a day (including traveltime) during which he is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

DUTIES OF THE COMMISSION

SEC. 603. (a) The Commission shall study and investigate the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of United States foreign policy and shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs in the formulation and implementation of such policy, including, but not limited to, recommendations with respect to—

(1) the reorganization of the departments, agencies, independent establishments, and instrumentalities of the executive branch participating in foreign policy matters;

(2) more effective arrangements between the executive branch and Congress, which will better enable each to carry out its constitutional responsibilities;

(3) improved procedures among departments, agencies, independent establishments, and instrumentalities of the United States Government to provide improved coordination and control with respect to the conduct of foreign policy;

(4) the abolition of services, activities, and functions not necessary to the efficient conduct of foreign policy; and

(5) other measures to promote peace, economy, efficiency, and improved administration of foreign policy.

(b) The Commission shall submit a comprehensive report to the President and Congress, not later than June 30, 1974, containing the findings and recommendations of the Commission with respect to its study and investigation. Such recommendations may include proposed constitutional amendments, legislation, and administrative actions the Commission considers appropriate in carrying out its duties. The Commission shall cease to exist on the thirtieth day after the date on which it files the comprehensive report under this subsection.

POWERS OF THE COMMISSION

SEC. 604. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of any such subcommittee, or any designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to the extent authorized by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

STAFF OF THE COMMISSION

SEC. 605. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at GS-18.

EXPENSES OF THE COMMISSION

SEC. 606. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
L. H. FOUNTAIN,
DANTE B. FASCELL,
WILLIAM S. MAILLIARD,
PETER H. B. FRELINGHUYSEN,
WILLIAM S. BROOMFIELD,
Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
WILLIAM B. SPONG, Jr.,
FRANK CHURCH,
GEORGE D. AIKEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14734) to authorize appropriations for the Department of State and for the United States Information Agency, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill, and the House disagreed to the Senate amendments.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the text of the House bill, with an amendment which is a substitute for both the text of the House bill and the Senate amendment to the text of the House bill. The committee of conference also recommends that the House recede from its disagreement to the amendment of the Senate to the title of the House bill.

The differences between the text of the House bill, the Senate amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

AUTHORIZATION OF ASSISTANCE TO REFUGEES FROM THE SOVIET UNION

The Senate amendment authorized the appropriation of $8,212,000 for migration and refugee assistance and the appropriation of $85,000,000 for assistance to Israel and other suitable countries for the resettlement of Jewish or other similar refugees from the Soviet Union.

The House bill authorized $93,212,000 for migration and refugee assistance, of which $85,000,000 was intended for Israel.

The House receded.

AVAILABILITY OF FUNDS

The Senate amendment contained separate provisions authorizing the appropriations for the Department of State to remain available until expended, and for the United States Information Agency without fiscal year limitation, with the exception of the amounts appropriated for USIA salaries and expenses.

The House bill contained similar provisions in a single section.

The House receded.

LIMITATION UPON PRIOR AUTHORIZATION REQUIREMENT

The Senate amendment contained two separate sections, applying to the Department of State and the United States Information Agency respectively, to assure that permanent appropriations under which payments are made directly from trust funds and other similar accounts in accordance with existing statutory authority are excluded from the application of section 407 of the Foreign Assistance Act of 1971.

The House bill contained one section applying to both agencies.

The House receded.

AUTHORIZATION OF APPROPRIATION FOR GRIEVANCE BOARD

The Senate amendment contained an open-ended authorization for appropriations for salaries and expenses of a grievance board as envisioned in the section of the Senate amendment dealing with Foreign Service grievances.

The House bill did not contain a comparable provision.

The Senate receded.

DEPUTY SECRETARY, UNDER SECRETARY FOR ECONOMIC AFFAIRS

The Senate amendment established the positions of Deputy Secretary of State and Under Secretary of State for Economic Affairs, abolished one position of Deputy Under Secretary of State, and raised the number of Assistant Secretaries of State from 11 to 12.

The House bill contained no comparable provision.

The House receded with an amendment eliminating the increase in the numbers of Assistant Secretaries of State.

BUREAU OF NORTH AMERICAN AFFAIRS AND BUREAU OF SOUTH AMERICAN AFFAIRS

The Senate amendment established a Bureau of North American Affairs and a Bureau of South American Affairs, each to be headed by an Assistant Secretary of State.

The House bill contained no comparable provision.

The Senate receded.

TRANSFER OF DUTIES OF THE UNDER SECRETARY OF STATE TO THE DEPUTY SECRETARY OF STATE

The Senate amendment transferred the duties of the Under Secretary of State to the Deputy Secretary of State.

The House bill contained no comparable provision.

The House receded.

EFFECTIVE DATE OF IMPLEMENTATION, JULY 1, 1972

The Senate amendment set July 1, 1972 as the effective date of the provision establishing the positions of Deputy Secretary of State and Under Secretary of State for Economic Affairs.

The House bill contained no comparable provision.

The House receded.

EXECUTIVE SCHEDULE PAY RATES

The Senate amendment amended the Executive Schedule pay rates to substitute Deputy Secretary of State for Under Secretary of State, and Under Secretary for Economic Affairs for the Deputy Under Secretary and to add a twelfth Assistant Secretary of State.

The House bill contained no comparable provision.

The House receded with an amendment eliminating the twelfth Assistant Secretary of State.

RETIREMENT ANNUITIES FOR CERTAIN ALIENS

The Senate amendment amended Title 5, United States Code, to authorize civil service retirement credit for certain alien employees of the United States abroad who work for a protecting power (foreign government) on United States interests during an interruption of diplomatic or consular relations.

The House bill did not contain a comparable provision.

The House receded.

CIVILIAN EMPLOYEES' CLAIMS

The Senate amendment amended the Military Personnel and Civilian Employees' Claims Act of 1964 to (1) increase authority for settlement of claims from $6,500 to $10,000 for personnel of designated foreign affairs agencies other than the Department of Defense, the military departments and Coast Guard, for personal property losses incident to service, and (2) permit reconsideration, retroactive to August 31, 1964, of any claim heretofore settled and paid in the amount of $6,500 solely because that was the maximum amount authorized under existing law.

The House bill did not contain a comparable provision.

The House receded.

RETIREMENT OF CAREER MINISTERS

The Senate amendment amended the Foring Service Act of 1946, as amended, to lower the mandatory retirement age for career ministers from age 65 to age 60.

The House bill did not contain a comparable provision.

The Senate receded.

RECOMMENDATIONS FOR PROMOTIONS

The Senate amendment amended the Foreign Service Act of 1946, as amended, to (1) require promotion of Foreign Service officers by rank order within class or rank order by specialty within class and (2) authorize the Secretary of State to recommend promotion as a remedy for grievances.

The House bill did not contain a comparable provision.

The Senate receded.

FOREIGN SERVICE GRIEVANCES

The Senate amendment contained an amendment to the Foreign Service Act of 1946, as amended, that included detailed provisions relating to the handling of grievances by Foreign Service personnel.

The House bill did not contain a comparable provision.

The Senate receded.

AMBASSADORS AND MINISTERS

The Senate amendment contained a provision that no person shall be designated as ambassador or minister or designated to serve in any position or use any title which includes either of those words unless he is appointed as an ambassador or minister with Senate confirmation or in accordance with the constitutional provisions relating to recess appointments.

The House bill did not contain a comparable provision.

The House receded with an amendment that permits the President to confer the personal rank of ambassador or minister in connection with special missions for the President of an essentially limited and temporary nature not to exceed six months.

BASIC AUTHORITIES FOR UNITED STATES INFORMATION AGENCY

The Senate amendment included a section that is, in effect, a "point or order bill". It provided basic authority for USIA to support items traditionally included in annual Agency appropriation acts. The language in the Senate version was identical with the language regularly included in such appropriations acts and does not constitute any new authority.

The House bill did not contain a comparable section.

The House receded.

DOMESTIC DISSEMINATION OF INFORMATION BY USIA

The Senate amendment amended section 501 of the United States Information and Educational Exchange Act of 1948, to prohibit dissemination domestically of any information product of the U.S. Information Agency other than the publication, "Problems of Communism."

The House bill did not contain a comparable provision.

The House receded after the Senate provision was amended in two instances: first, to permit research students and scholars to examine USIA Information products in Washington; and, second, to clarify further that USIA materials are to be made available to Members of Congress for examination only and not for dissemination.

ACDA REPORT TO CONGRESS

The Senate amendment contained a requirement that the Arms Control and Disarmament Agency with the assistance of other relevant Government agencies shall prepare and submit to Congress a comprehensive report on the international transfer of conventional arms based upon existing and new work in this area. It specified some of the items that should be included in the report.

The House bill did not contain a comparable provision.

The House receded.

PEACE CORPS NATIONAL ADVISORY COUNCIL

The House bill contained an amendment that abolished the Peace Corps National Ad. visory Council subject to the creation of a National Advisory Council for ACTION of which the Peace Corps is now a part.

The Senate amendment provided for the abolition of the Peace Corps National Advisory Council ninety days after the date of enactment of this legislation.

The House receded.

CERTAIN ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS

The Senate amendment included authorizations of appropriations for the Department of State and USIA for fiscal year 1973 for programs or activities authorized by law subsequent to the date of enactment of the authorization act for these two agencies.

The House bill did not contain a comparable provision.

The Senate receded.

EXPRESSION OF INDIVIDUAL VIEWS TO CONGRESS

The Senate amendment included language to permit a presidential appointee in any of the foreign affairs agencies to express his views and opinions, and make recommendations he considers appropriate, upon request by a committee of either House, a joint committee, or any member of such committee, if the request of the committee or members of the committee relates to a subject within the jurisdiction of that committee.

The House bill did not contain a comparable provision.

The House receded.

DEPARTMENT OF STATE PERSONNEL CEILING

The Senate amendment restricted the total number of American employees of the Department of State overseas to 6,000 after April 1, 1972.

The House bill did not contain a comparable provision.

The Senate receded.

UNITED NATIONS HEADQUARTERS CONSTRUCTION

The Senate amendment contained a provision reaffirming the authorization by the Congress (P.L. 91–622) of providing $20,000,000 to the United Nations through the Secretary of State as a contribution to the cost of expanding the U.N. Headquarters in New York.

The House bill contained no comparable provision.

The Senate receded.

USE OF FOREIGN CURRENCIES

The Senate amendment contained a section modifying the restrictions on the use of foreign currencies in connection with travel by members of Congress.

The House bill contained no comparable provision.

The Senate receded.

INTERNATIONAL NARCOTICS CONTROL

The Senate amendment substituted new provisions in lieu of section 481 of the Foreign Assistance Act of 1961, as amended, authorizing an appropriation of $42,500,000 for fiscal year 1973 for international narcotics control.

The House bill contained no comparable provision.

The House receded.

STUDY COMMISSION RELATING TO FOREIGN POLICY

The Senate amendment contained a title relating to the establishment of a study commission to submit findings and recommendations on the formulation and implementation of American foreign policy, with membership from the Congress and the Executive Branch.

The House bill contained no comparable provision.

The House receded with an amendment.

TITLE

The Senate amendment provided that the Act may be cited as the "Foreign Relations Authorization Act of 1972."

The House bill provided that the Act may be cited as the "Department of State and United States Information Agency Appropriations Authorization Act of 1972."

The House receded.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
WAYNE L. HAYS,
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Managers on the Part of the House.

J. W. FULBRIGHT,
JOHN SPARKMAN,
WILLIAM B. SPONG, JR.,
FRANK CHURCH,
GEORGE D. AIKEN,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT ON U.S. ECONOMIC ASSISTANCE FOR THE KHMER REPUBLIC (CAMBODIA) UNTIL MIDNIGHT TOMORROW

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tomorrow night to file a report entitled "U.S. Economic Assistance for the Khmer Republic—Cambodia."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROGRAM FOR WEEK OF JUNE 13

(Mr. FREY asked and was given permission to address the House for 1 minute.)

Mr. FREY. Mr. Speaker, I take this time to ask the distinguished majority leader if he can inform us as to the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. FREY. I yield to the majority leader.

Mr. BOGGS. Mr. Speaker, in reply to the distinguished gentleman from Florida, we have concluded the program for this week and I will ask unanimous consent to go over to Monday.

Monday is Consent Calendar Day.

That will be followed by four suspensions:

First. H.R. 13694, American Revolution Bicentennial Commission;

Second. Senate Joint Resolution 211, National Commission on Consumer Finance;

Third. H.R. 15439, Compensation for Disabled Veterans; and

Fourth. S. 3343, Housing for Disabled Veterans.

For Tuesday there is the Private Calendar, to be followed by general debate only on the Public Works-AEC appropriation bill and general debate only on the Treasury-Postal Service appropriation bill.

On Wednesday and the balance of the week there is scheduled for consideration the State and Local Fiscal Assistance Act, commonly called the revenue-sharing bill, under a closed rule with 8 hours of debate; and the conclusion of consideration of the two appropriation bills which I have just mentioned, Public Works-AEC and Treasury-Postal Service; followed by consideration of the cyclamates ban compensation bill, which is subject to a rule being granted.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

It is entirely probable that on Friday next the House will be in session. I might say that we have an exceedingly heavy schedule for the following week.

Under the plan previously announced, the House will recess for the Democratic convention at the close of business on Friday, June 30, so it is highly likely we will have business an Friday next and on the succeeding Friday.

Mr. FREY. I thank the distinguished majority leader.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FREY. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. As to what appropriation bill did the chairman of the Appropriations Committee ask permission for consideration on Monday or Tuesday?

Mr. BOGGS. On Tuesday.

Mr. GROSS. Tuesday. That would be the Treasury and Postal Service bill?

Mr. BOGGS. The gentleman asked to call up two, the Public Works-AEC bill and the Treasury-Postal Service bill, for general debate only.

Mr. GROSS. On both bills or one?

Mr. BOGGS. Both bills.

Mr. GROSS. May I ask the gentleman, when would it be planned to return to these bills, in view of the schedule thereafter?

Mr. BOGGS. Following the conclusion of the revenue-sharing bill.

Mr. GROSS. Conclusion of the revenue-sharing bill?

Mr. BOGGS. The revenue-sharing bill is the first order of business on Wednesday. If the rule is adopted, the debate cannot exceed 8 hours. So if all the debate is consumed, we will finish the revenue-sharing bill on Thursday.

Mr. GROSS. Then we will go back to the two appropriation bills, after the revenue-sharing bill?

Mr. BOGGS. That is correct.

Mr. GROSS. Is the debt-ceiling bill ready to be considered by the House?

Mr. BOGGS. The debt-ceiling bill is tentatively scheduled for Tuesday, June 27.

Mr. GROSS. I was in hope that would be called up tomorrow or Saturday, in view of the $100 billion bill we just passed. I would think it would be urgent that the debt ceiling be increased in view of that kind of wild-eyed spending.

Mr. BOGGS. Well, the debt ceiling will be increased, as the gentleman knows.

ADJOURNMENT OVER TO MONDAY, JUNE 19, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business scheduled for Calendar Wednesday on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

TO SECURE HUMANE TREATMENT FOR OUR POW'S AND MIA'S

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLENBACK. Mr. Speaker, according to the latest Department of Defense figures, 1,737 U.S. military personnel and civilians are reported captured or missing in action in Southeast Asia; 65 of these men are from my own State of Oregon. The parents, wives, and children of a majority of these men have no idea whether or not they are even alive. And those who do know, must still live in daily anxiety for the health and well-being of their loved one.

I am quite certain that everyone in this body would like to see the conclusion of the Vietnam war and the safe return of our prisoners to their families. It is further evident that many of us differ in our concepts of how to best achieve this end. While we in Congress endeavor to resolve the problem, however, we must not let up in our efforts to bring Hanoi into compliance with the provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war.

Today I am introducing a resolution which offers a new and previously untried approach to obtaining humane treatment for our prisoners. It begins by recognizing the fact that under article 1 of the convention, every party is bound to "respect and to insure respect for the present convention in all circumstances." It points out that the United States has made every effort to convince North Vietnam of its obligations as a party. It then calls upon the other parties for assistance and urges them to fulfill their responsibility by "using all appropriate means at their command to persuade North Vietnam to fulfill its obligations under the convention." More than 130 nations are now parties to the convention, and although each bears the solemn responsibility of insuring respect for the convention, too few have taken it seriously.

Jean S. Pictet, one of the drafters of

the Geneva Convention, said the following in regard to article 1:

> In the event of a Power failing to fulfill its obligations, each of the other Contracting Parties (neutral, allied or enemy) should endeavor to bring it back to an attitude of respect for the Convention. The proper working of the system of protection provided by the Convention demands in fact that the States which are parties to it should not be content merely to apply its provisions themselves, but should do everything in their power to ensure that it is respected universally.

The resolution which I am introducing will, if passed, put Congress on record as determined to seek the assistance of all contracting parties to gain this universal respect and to make the convention not just a meaningless piece of paper, but a binding agreement between responsible nations.

I will be reintroducing this resolution in the near future and will be sending out a "Dear Colleague" letter requesting the support of each of you who wish to join me in this effort to bring relief to our prisoners and their families. We have a responsibility to the American people to try every avenue of approach and we should not let up in this responsibility until we have met with success.

WHERE IS THE SUPPORT FOR REVENUE SHARING COMING FROM?

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, we are hearing a lot of talk about how Congress has got to pass the so-called revenue-sharing bill because there is so much support for it.

Well, Mr. Speaker, I have not received any expressions of support from the taxpayers of my congressional district, who would have to pick up the $30 billion tab for revenue sharing.

In fact, I am receiving all kinds of expressions of opposition to the bill from all kinds of different sources for all kinds of reasons. For instance, both the AFL-CIO and the chamber of commerce have some pretty good reasons for their adamant opposition to the pending revenue-sharing bill—and it certainly is not very often that we find these two organizations on the same side of an issue.

I would like to know where all this supposed support for revenue sharing is coming from? In my experience, it is coming from a few tax-supported organizations who stand to gain tremendously by the passage of revenue sharing. These include the National League of Cities, the U.S. Conference of Mayors, the National Governors Conference, the Council of State Governments, the National Association of County Officers, and the International County Management Association.

Revenue sharing may bring money and power to these tax-supported organizations, but it does not look like it will bring anything to the average taxpayer, but higher Federal taxes, increased inflationary pressure, and higher interest payments on the national debt.

I think the taxpayers in my district would be pretty mad to find out that these tax-supported organizations are using tax funds to lobby for such a costly and inequitable bill which was likely to bring the average taxpayer nothing more than this.

At this point in the RECORD, Mr. Speaker, I would like to insert the communications of opposition which I have received from just two of the many non-tax supported organizations which are opposed to the revenue-sharing bill—the AFL-CIO and the chamber of commerce.

The material follows:

JUNE 9, 1972.

Hon. SAM GIBBONS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GIBBONS: The AFL-CIO opposes a closed rule on the so-called revenue sharing bill reported out by the Ways and Means Committee because we believe the legislation can be substantially improved on the floor.

We cannot support the bill in its present form. The Committee bill deviates in many areas from the original bill introduced by Chairman Mills, which we did support.

Our specific concerns are:

1. Although local government would receive two-thirds of the funds in the first year of the five-year program, their share would decrease each subsequent year until it reached 55 percent in the fifth year. The state share, which is totally without functional strings or labor standards, would be increased each year. As a result, the cities would be shortchanged.

2. The "high priority" local government expenditure categories have been made so broad that, in our view, apart from education and welfare, few functions would be excluded. This would dilute the impact of the proposal on the pressing needs of local governments.

3. The labor standard sections that apply to local government expenditures are too weak, while the state share has no labor protection provisions.

4. In the original Mills bill, the state share, although without restrictions as to use, was totally conditioned on a state's income tax effort. The Committee bill waters down this allocation formula so that income tax effort would have only half the weight as in the original bill. As a result, states with no income taxes would receive some funds for the entire five years. In the original bill, a non-income tax state could receive a minimum payment for only two years.

The Committee bill, in our opinion, is closer to the Administration bill than the original Mills bill in that the expenditure strings and labor standards are weaker; they apply to a smaller portion of the funds, and a lesser proportion of the money would go directly to the cities.

We believe that the House should have the opportunity to significantly improve the revenue sharing proposal by strengthening labor protection provisions, insuring that two-thirds of the funds go to local governments, directing these funds to high-priority functions, and encouraging states to reform their tax structures.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

Hon. SAM GIBBONS,
U.S. House of Representatives,
Washington, D.C.:

Members of the Chamber of Commerce of the United States greatly disappointed with major aspects of revenue sharing bill, H.R. 14370. While we applaud some features of bill, we believe bill should be changed: (1) to abandon automatic five-year appropriation, and provide instead for multi-year appropriations under five-year authorization and for regular appropriations review by Congress, (2) to expand list of high priority national purposes for which funds may be spent, so State and local governments may have greater flexibility in allocating funds according to actual local priority needs, (3) to require that State grants, like local grants, should be spent for stated broad purposes, and (4) to remove discriminatory tie between grants to States and existence of any specific type of State tax. National chamber supports concept of block grant aid to cities and States. But believes these changes essential to make bill more effective, more fair, and more fiscally responsible. Because such changes not possible under closed rule, we encourage you vote against rule with hope ways and means committee would then modify bill accordingly before bringing back to floor.

ARCH N. BOOTH,
Executive Vice President.

CRISIS IN SURVIVAL: THE PLIGHT OF SOVIET JEWRY

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, I am pleased to join with Congressman BERTRAM PODELL and over 100 of my colleagues in the House in sponsoring the National Conference of Soviet Jewry exhibit on the steps of the Capitol today. This display, which is entitled "Crisis in Survival: The Plight of Soviet Jewry," was prepared by the Greater New York Conference on Soviet Jewry in cooperation with the Anti-Defamation League of the B'nai B'rith. Various aspects of Soviet Jewish life were depicted, and Rabbi Gilbert Klaperman, chairman of the Greater New York Conference on Soviet Jewry, the central coordinating and resource body for more than 70 Jewish organizations in the New York area on the plight of Soviet Jewry, made the presentation.

The ceremony was held in commemoration of the second anniversary of the arrests of nine Soviet Jews in Leningrad for the attempted hijacking of an airliner. They were brought to trial and convicted in December of 1970. The fact that two death sentences and harsh prison terms were imposed prompted me at that time to urge then-Speaker McCormack, then-Majority Leader ALBERT, and the chairman of the House Foreign Affairs Committee to bring to the floor, in the closing days of that Congress, a resolution condemning the persecution of Soviet Jews and urging the Soviet Union to provide fair and equitable justice for its Jewish citizens, as I had introduced. On December 31, 1970, the House leadership brought to the floor, and the House passed, House Resolution 1336, which put the House on record in support of religious freedom and equal justice for all Soviet citizens.

There have been other measures passed by the House which illustrate the growing concern of many Members about the plight of Soviet Jewry and their conviction that the United States should demand of the Soviet Government that it grant Soviet Jews the basic rights to which all men and women are entitled.

On April 17 of this year the House

passed a resolution, House Concurrent Resolution 471, of which I was a cosponsor, which requested the President to call on the Soviet Government to permit the free expression of ideas and exercise of religion by all of its citizens, and to use all formal and informal channels to convey this position. It calls on the President to request of the Soviet Government that it allow its citizens the right to emigration to the countries of their choice, as affirmed by the United Nations Declaration of Human Rights, and it calls on the State Department to raise in the General Assembly of the United Nations the issue of the Soviet Union's transgression of the Declaration of Human Rights.

However, if Soviet Jews are to win the struggle for survival, their cause must be kept center-stage. It is widely believed that worldwide concern and pressure on Soviet officials is responsible for the increase in the number of Jews being permitted to emigrate, and the public outcry following the secret trials in Leningrad in 1970 did force the Soviets to commute the death sentences of two men whose only crime was to yearn for freedom.

We must continue to focus world attention on the plight of Soviet Jews, and intensify the pressure on the Soviet Government on their behalf. In light of the recent summit talks in Moscow, it is vital that we reaffirm our commitment to assist Soviet Jews and that we make clear that discussions between world leaders will not suffice. Substantive action on the part of the Soviet Government will have to be forthcoming, and we will continue our efforts until that action is taken.

Albert Arent, chairman of the National Jewish Community Relations Advisory Council, a joint consultative and planning body of 92 Jewish councils in cities throughout the United States and nine major national Jewish organizations, spoke today on the steps of the Capitol of the impending trials of Soviet activists and read a declaration prepared by the National Conference on Soviet Jewry:

> Over 40 Jewish prisoners of conscience are now incarcerated in prison, still dreaming and praying for a day, a moment, of freedom. We stand with them. These suffering Jewish heroes are our symbol of man's most courageous and profound struggle for Jewish rights and for individual human freedom.

I think it only fitting that we who are fortunate enough to live in a free society play an active role in this struggle for freedom, and I would like to commend Congressman PODELL for organizing today's display on behalf of Soviet Jews.

USDA BLUEPRINT TO SCUTTLE FARM PROGRAMS AND FARMERS

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, my attention has been called to a blueprint for future U.S. agricultural policy which has been prepared in the Department of Agriculture by a committee of 15 young executives. The plan calls for terminating all price-support programs, including wheat, feed grains, dairy products, wool, sugar, cotton—absolutely all of them—and disregarding in all future agricultural programs the income needs of farmers and ranchers.

The blueprint, obviously sponsored by a carefully selected group of young executives to give it a new generation look, is nonetheless the same blueprint made a decade ago by large agribusiness tycoons in the Committee for Economic Development's "Adaptive Plan for Agriculture" and other documents.

The 15 young executives at USDA, appointed by former Secretary of Agriculture Clifford M. Hardin and continued by Secretary Earl L. Butz, were first schooled at seminars addressed by USDA officials and others in Washington. Then they were divided into subgroups to go out into the field and talk to food producers, farmers, and others involved in agriculture. They actually visited Mississippi, south central Texas, Washington, and California, neglecting not only most of Texas but also ignoring the Northeast, Southeast, Midwest, and Great Plains—most of agricultural America.

Then they came back to Washington, D.C., and wrote their paper, which reflects the madcap agribusiness schemes to take agriculture away from bonafide farmers and ranchers. This is undoubtedly going to be suggested to the agriculture committees, in one way or another, when they start studying a program to follow the set-aside law which expires December 31, 1973.

The Young Executive Committee's report has not been released by the Department of Agriculture, although presented to the Secretary some time ago, and is not likely to be officially released before very late this year.

I think it should be made available to everyone now, for it illuminates the thinking behind our current policy of driving farm grain prices down to world price levels, where there are no floors and prices are set by nations that are dumping their surpluses into that market. It also makes clear why the House Agriculture Committee has urged us during discussions of the set-aside program, to support the President's new welfare plan to take care of 300,000 displaced farmers that former Secretary Hardin estimated would go onto welfare rolls.

The Young Executives earth-shaking report speculates that the number of farms in America, as a result of lower prices and a $6 billion or 40-percent loss in net income, might drop as low as 600,000. According to the census there were 2.7 million farms and ranches in December 31, 1969. A reduction of 2.1 million farms and ranches is therefore contemplated.

Also, according to the Young Executives, value of farmlands would drop billions of dollars with the removal of farm price supports—lands would be much cheaper for the big agribusiness conglomerates to acquire. Tobacco farmers' assets alone—the one commodity on which any estimate was made—would stand to lose $2 to $3 billion in capital values, to say nothing of their losses of annual income.

The blueprint amounts to the most colossal scheme to demolish agriculture as we know it today, and throw this whole Nation into an economic tailspin, that I have yet seen.

I suspect that because of the election year, this document will be disclaimed, if not repudiated.

One of my purposes in calling attention to it at this time and giving some official public cognizance to it, is to let the disclaimers pour out where we can examine them for equivocation, hedging, or bona fide repudiation of this scheme to bankrupt all farm enterprises and replace them with vertically or horizontally integrated production units.

I would like to put the whole 50-page document in the RECORD, but because of limitations on insertions, I am including only about eight pages of its contents including a statement of the study background, and excerpts from a summary of findings and recommendations.

If the Department of Agriculture does not promptly print and distribute the entire document prepared by its Young Executives Committee at taxpayers' expense, then I shall submit it in its entirety for the RECORD, or request the Agriculture Committee to get out an edition.

The copy I have obtained comes to me through the National Farmers Organization. Their paper, the NFO Reporter, contains rather liberal quotes from the Young Executives findings in its June issue and I request the full text from which their material was obtained.

The article follows:

NEW DIRECTIONS FOR U.S. AGRICULTURAL POLICY

COMMITTEE MEMBERS

Gene S. Bergoffen, Executive Secretary, Forest Service; Allan S. Johnson, Project Leader, Economic Research Service; Carol G. Alexander, National Agricultural Library; Karen L. Berke, Agricultural Marketing Service.

John S. Bottum, Extension Service; John E. Carson, Animal and Plant Health Inspection Service; Betty L. Dotson, Food and Nutrition Service; Avram E. Guroff, Economic Research Service.

Clarence R. Hanna, Office of Information Systems; James E. Haskell, Farmer Cooperative Service; Homer R. Hilner, Soil Conservation Service; Jerome A. Miles, Office of Budget and Finance.

Gerald C. Puppe, Federal Crop Insurance Corporation; William L. Ruble, Agricultural Stabilization and Conservation Service; Robert P. Shiner, Commodity Exchange Authority.

STUDY BACKGROUND

The Young Executives Committee was established by Secretary's Memorandum No. 1727, April 26, 1971. Each of its 15 members represent an agency of the Department of Agriculture.

Shortly after the Committee was established and organized, then Secretary of Agriculture Clifford M. Hardin asked it to undertake a review of the "farm income question" and to present its views to him and his staff.

As part of its information-gathering activities, the Committee arranged seminars with a number of Department officials and others outside the Department. In November 1971, the Committee divided into subteams of three each and visited four areas of the country to talk with farmers, food producers, and others involved in agriculture. Teams visited South Central Texas, Mississippi, Washington, and California.

Viewpoints were developed on the basis of position papers developed by individual members and discussed by the Committee. When points of view were adopted by the Committee, individual members were assigned to draft report sections incorporating the Committee positions.

The entire report has been reviewed in detail by members of the Young Executives Committee and is submitted as a Committee document.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Farm income—a new perspective

The Committee concluded that the basic farm income statistics developed and published by the Department tend to present a distorted picture of the true economic conditions in the farming sector. The statistics include establishments that cannot reasonably be called farms and are inconsistent with the Department's farm income mission. The Department's mission is stated in terms of equitable returns to resources whereas the statistical measures are concerned with income of farmers, a welfare concept. To overcome these deficiencies the Committee recommends: 1) farms be defined as establishments with annual sales of $5,000 or more, 2) elimination of the parity price ratio, and 3) development of a set of statistics which would compare the return to all resources, including family labor, used in the production of each agricultural commodity with what these resources could earn outside of agriculture.

A policy framework for agriculture

The policy framework recommended by the Committee has the following characteristics:

1. Agriculture should be viewed as an industry which consumes resources, provides employment, and produces goods of value to society.

2. National policy for agriculture should be directed at creating an environment which would enable the industry to provide adequate supplies of food and fiber at reasonable prices to meet domestic needs and to compete in world markets.

3. National policy should not be directed at assuring any particular level of income from farming for the Nation's farmers. Income from farming should be of concern only to the extent that it affects the industry's ability to produce efficiently adequate supplies of food and fiber.

4. National policy should be directed toward maintaining agriculture as a viable industry and not as a way of life.

5. The agricultural industry should operate with a minimum of direct involvement by the public sector. The public sector's role should be limited to the establishment and enforcement of rules which will allow the industry to maximize its contribution to the total welfare of the Nation.

Effectiveness of the Basic Farm Programs and Recommended Changes

The present basic farm programs—the farm price support program and related direct payments to farmers—are not consistent with the Committee's basic policy framework for U.S. agriculture. The programs are costly, they limit supplies of food and fiber, and they are a deterrent to the efficient production of agricultural commodities. Because the program benefits have been capitalized into land values, their income benefits to second generation owners is negligible.

The Committee recommends that the basic farm programs be phased out over a period of 5 years. This should be accomplished by reducing the payment per bushel of projected yield rather than by restrictions on total payments. Over the same 5-year period, nonresource loan rates would be reduced to a "disaster price" level for feed grain crops and wheat and to zero for all other crops.

Comments and Recommendations Concerning Other Programs Affecting Farmers and Farm Income

Farm Credit

In concert with the objective to assure adequate supplies of food and fiber, the Nation must see that the credit needs of the farm sector are met. Private lenders, along with the Farm Credit System, should be capable of providing these credit needs. The Farm Credit System should continue to compete for funds in the money markets; their bonds should remain uninsured by the Federal Government; and their loans should be free of any interest subsidy to the borrowers. The Emergency Loan Program administered by the Department's Farmers Home Administration (FHA) needs to be continued. The Committee recommends elimination of the Farm Ownership Loan and Farm Operating Loan programs and questions the need for subsidized soil and water loans and loans to grazing associations.

Domestic Market Promotion

Expenditure of public funds for domestic promotion of agricultural products should be limited to those activities that can be justified on the grounds of improving human nutrition.

Foreign Market Promotion

The United States and other countries should strive to minimize artificial trade barriers. But increased reliance on free trade will require stepped up efforts on the part of the United States to compete for world markets. This needs to take the form of improved intelligence of trade potentials by commodity and by country. Promotional activities will also be needed.

Crop Insurance

To the extent that crop insurance is not available through the private sector it should be provided by the Federal Government. If provided by the Federal Government, the premiums charged need to reflect the actual risk assumed.

Production and Market Research

The abundance of low-cost food and fiber in the United States can be attributed in large part, to publicly supported production and market research and dissemination. Such research and associated dissemination activities must be continued if we are to meet the needs of a growing population and compete in world markets.

Market Information and Monitoring Activities

Transferring the function of supply management from the public to the private sector will increase the information needs of the latter. Only the public sector, with its legislative authority to acquire data from private sources, is equipped to meet these needs. It will be necessary for the Department to monitor the agricultural economy to assure success relative to the Nation's objective to provide adequate supplies of food and fiber at reasonable prices.

Farmer Bargaining

The Committee supports all assistance government can reasonably give producer cooperatives and market agreements and orders should be authorized wherever appropriate. But the Committee would discourage enactment of any legislation that would exempt farmer associations from antitrust laws. The policy objective in this area should be to bring about a balance in the relative bargaining strength of producers and buyers without compromising existing antitrust laws or seriously disrupting the marketing and distribution system.

Improving the Level of Living in Rural America

Agriculture cannot be looked upon to provide employment opportunities sufficient to maintain the present population base of rural areas. Neither can agriculturally oriented programs solve rural welfare problems. If rural towns and communities are to survive, and hopefully grow, off-farm employment must be found. Toward this end, the Committee makes the following recommendations:

1. Immediate enactment of the Family Assistance Plan.

2. Improved educational and vocational training for rural residents.

3. Tax incentives for industries locating plants in rural areas. Such tax incentives should be granted through the Federal tax system

4. A credit system should be established to make credit available for construction of community services and facilities and housing. The credit should take the form of insured loans.

5. Technical advisors, trained in community planning, should be made available to rural communities. These technical advisors need to be supported by an expanded research effort on the complex problems of rural development.

6. A national framework for land use planning should be developed to guide future growth and development.

7. A visible, specified, cabinet-level body or official must be designated to coordinate rural development efforts. The Committee firmly believes that stronger national direction is imperative and, therefore does not believe that Rural Community Development Revenue Sharing proposal should be the principal thrust toward improvement of the rural sector.

TRIBUTE TO DR. ELSON

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 30 minutes.

Mr. BROWN of Ohio. Mr. Speaker, on Sunday, May 14, 1972, the Reverend Dr. Edward L. R. Elson, S.T.D., announced to his congregation at the National Presbyterian Church, that he would no longer be maintaining a full preaching schedule hereafter. He had earlier this year given notice of his retirement from pastoral responsibilities effective January 1, 1973. I would like to enter the following tribute to the Reverend Dr. Elson, who through his pastoral achievements and spiritual leadership, has established himself as one of the most distinguished clergymen in America today. A more comprehensive curriculum vitae on Dr. Elson and a summary of the sermon on the Sunday he relinquished the pulpit have been placed in the Extension of Remarks section of today's RECORD.

Few churchmen of our day have had such a notable and outstanding ministerial career than the senior minister of The National Presbyterian Church, Washington, D.C. Dr. Edward L. R. Elson is a nationally known and recognized Christian leader, and remains in great demand as lecturer, writer, and conference speaker.

Born in Monongahela, Pa., Dr. Elson received the A.B. degree from Asbury College in 1928 and the M. Th. degree from the University of Southern California in 1931. Since that time, no less than 16 colleges and universities have conferred upon him their honorary doctoral degrees.

Throughout his ministry, Dr. Elson has been a committed churchman. He was ordained by the Presbytery of Los Angeles in 1930. For 10 years, he served as the pastor of the First Presbyterian Church, La Jolla, Calif., before accepting the call to become pastor of The National Presbyterian Church here in the Nation's Capital. He has faithfully served this church as senior minister since 1946.

In addition to his regular pastoral duties, Dr. Elson has given leadership in his denomination. He served as moderator of both the Los Angeles Presbytery and of the Presbytery of Washington City. He was also president of the Washington Federation of Churches from 1952–54, and was six times commissioner to the general assembly of the United Presbyterian Church in the United States of America. But perhaps even more significant is the leadership that Dr. Elson has given among government officials. He served as pastor and personal counselor to President and Mrs. Eisenhower, and has preached the Christian Gospel to hundreds of America's governmental leaders with great power and influence.

While achieving national distinction as a Christian leader, however, Dr. Elson has also been a servant among men. His national stature has not kept him from a life of community service. He has given unselfishly of his time and influence, serving as chairman of the National Council, American Friends of the Middle East; as member of the National Advisory Council, Welfare of the Blind, Inc.; and as a member of the Advisory Committee on the Arts, John F. Kennedy Center for the Performing Arts.

Numerous awards and honors have been given Dr. Elson in recognition of his ministry and service. Ten times he has been the recipient of the Freedoms Foundation Award, the latest being the Principal Sermon Award, 1971. In 1954, he was selected Clergy Churchman of the Year. He received the Honor Medal Award for his book, America's Spiritual Recovery, 1954. He has been the recipient of 18 military decorations for his service as a U.S. Army chaplain, retiring from the service in 1961 with the rank of colonel. But the most significant honor in Dr. Elson's ministry came in January of 1969, when he was elected Chaplain of the U.S. Senate. He assumed the Chaplain's duties in addition to his regular pastoral responsibilities and will continue to serve as Chaplain after his retirement from the pastoral ministry of National Presbyterian Church.

Dr. Elson has been assisted in his ministry by his gracious and beloved wife, Helen. They have four children, all residing in the Washington-Baltimore area.

Upon completion of his pastoral duties, Dr. Elson will continue as Senate Chaplain as well as maintain a moderate schedule of speaking, traveling, and writing. The author of five books and a contributor to 10 others, he will continue to add to his already significant volume of published works.

As one who has given himself without reserve to the Christian ministry and to the service of mankind here in the Nation's Capital, it is fitting and right that this tribute of recognition, of appreciation, and of congratulations be heartily given to one of America's outstanding and most distinguished Christian leaders.

Mr. PIRNIE. Mr. Speaker, I am very pleased that we are taking note of the Christian leadership provided by our good friend, Dr. Edward L. R. Elson, who has announced his retirement as pastor of the National Presbyterian Church in our Nation's Capital.

During the past 14 years, it has been my privilege to witness the courageous and objective leadership which he has provided. We are grateful that his ministry has included distinguished service as a chaplain in our Armed Forces and currently as Chaplain of the U.S. Senate. His personal philosophy and religious commitment have consistently supported all that is best in American life. He has believed in the power of Christian character to protect and develop this Nation and has sought individual courageous sacrifice to the attainment of this end. His deep thinking, clear logic, and articulate sermons have made possible a vital ministry of outstanding impact.

In a time when some of his calling have been losing a sense of national dignity, spiritual unity and pastoral responsibility, he has continued to serve in a way to command affection and respect. I have been proud of his ministry and consider it a privilege to enjoy his friendship. Although he richly deserves release from the pressure of his heavy responsibilities, I trust that his continuing presence will bless the spiritual life of our Nation's Capital. Also, I wish for him and his charming wife, who has so graciously supported his distinguished career, happiness and health in the years ahead.

Mr. FOUNTAIN. Mr. Speaker, it is a great pleasure for me to join my able colleague, the gentleman from Ohio (Mr. BROWN) and other colleagues who are paying well-deserved tribute to the eminent Chaplain of the Senate, the Reverend Dr. L. R. Elson, one of America's most noted preachers and spiritual leaders, on the occasion of his retirement from the pastorate of the National Presbyterian Church. For over a quarter of a century Dr. Elson has served in this pastorate with great distinction. It is good to know that he will continue to serve in the Senate, and that his rich accumulation of experience and insight will be communicated to an even larger congregation as he enters upon the vocation of "preacher at large."

Dr. Elson has always been sensitive to the issues of the day and has spoken out with courage born of deep faith in God, a faith which helped create the present National Presbyterian Center. It has been my privilege to know him as pastor through my own and my family's attendance at the National Presbyterian Church, and while serving on the church's board of trustees during the initial period when plans were being made for the present National Church and National Presbyterian Center. Also, since January 1953, when I came to this body, I have come to know and appreciate Dr. Elson as a close personal friend, whose relationship has been a continuing source of inspiration and strength. During all of these years, our friendship has been and is a deeply rewarding experience for me and for my family—an experience which we will always cherish and hold near and dear to our hearts.

I know of no clergyman in America who better understands and appreciates not only the nature, the service, the responsibilities and problems of men and women in public life and government on the national scene, especially the Presidency and members of the Congress of the United States, but who also has an intimate knowledge and awareness of their hopes, their dreams and their aspirations, not just for themselves and their families, but for the constituencies they have been chosen to represent.

Of Dr. Elson it may be said, in the words of the Prophet Jeremiah:

> Blessed is the man that trusteth in the Lord, and whose hope the Lord is. For he shall be as a tree planted by the waters, and that spreadeth out her roots by the river, and shall not see when heat cometh, but her leaf shall be green.

Mr. McCOLLISTER. Mr. Speaker, I am pleased to join my colleagues today in honoring Dr. Edward L. R. Elson as he retires from the active ministry of the National Presbyterian Church. His contributions to religious life in Washington span 26 years and include numerous achievements. During that time he has been recognized on many occassions for his leadership among the clergy of our country.

Members of both the House of Representatives and Senate are gratified that Dr. Elson will be continuing his duties as Chaplain of the Senate. We hope that this decrease in duties will provide him more of the leisure time he deserves after so many years of service.

Mr. WHALLEY. Mr. Speaker, "He preaches well," wrote Cervantes, "that lives well," a sentiment repeated with slightly different emphasis a century later by Thomas Fuller:

> None can pray well but he that lives well.

Both sayings aptly describe the life and ministry of Dr. Edward L. R. Elson, the distinguished Chaplain of the U.S. Senate, whose resignation from the pastorate of the National Presbyterian Church marks his retirement after 42 years in the parish ministry.

Ordained in 1930 by the Presbytery of Los Angeles, Dr. Elson, who celebrated his 65th birthday in December, was called to the National Presbyterian Church—or Covenant-First Presbyterian Church, as it was formerly known—in 1946, and has served that pastorate for some 26 years, fully a quarter century.

Happily, Dr. Elson's resignation from his pastorate does not mark the end of his public ministry. He has announced that he will continue to serve as Chaplain to the Senate while devoting more time to his writing and to his vocation as a "preacher at large."

From Jonathan Edwards to Phillips Brooks, preaching in the great tradition has been a vital part of the American scene. Dr. Elson stands within that tradition. His has been a prophetic voice—forthright in advocacy of truth regardless of the currents of the day.

I speak as one who has been associated with the National Presbyterian Church during Dr. Elson's pastorate.

It was during Dr. Elson's ministry that the National Presbyterian Church Center was relocated from the old edifice at 18th and N Street NW, to the present $8.5 million complex on Nebraska Avenue. His leadership during these years of change and renewal has been a crucial factor in the life of the National Church as in the larger religious community in Washington and throughout the land.

We rejoice that Dr. Elson will continue his ministry in the Congress and in the Nation, and we wish him many years more of service to God and country.

Mr. BOW. Mr. Speaker, one of the greatest rewards of service here in Congress is the opportunity to enjoy associations and friendships with some of the outstanding men of our time. Dr. Elson is certainly such a man, and it has been both a personal pleasure and a privilege to know him as a friend.

Dr. Elson has special connections with the 16th Congressional District through the College of Wooster, a Presbyterian institution. At least one of the Elson children has attended that college during my years of service here. I am grateful to Dr. Elson for serving as the speaker at a Frank Bow Day celebration several years ago on the campus at Wooster. These are associations that are dear to me.

Beyond that, of course, I must pay tribute to Dr. Elson's outstanding spiritual leadership and express my appreciation for his guidance. Dr. Elson is one of the most distinguished clergymen in American today, and he is also a pillar of strength within the Presbyterian church of which I have been a lifelong member.

Though he retires now from the active ministry, I am confident that Dr. Elson in his role as Chaplain of the Senate and in many, many other activities will continue to make a profound and lasting contribution to our society.

Mr. FUQUA. Mr. Speaker, reaching to the sky at the National Presbyterian Church and Center is the "Tower of Faith."

Ceremonies dedicating the tower were held only recently for the 173-foot freestanding bell tower of Presbyterian Church showplace in Northwest Washington.

No man appreciated those ceremonies more than the distinguished theologian and minister, Dr. Edward L. R. Elson, the pastor of the National Presbyterian Church for the past 26 years.

Dr. Elson has announced his plans to relinquish the demanding role as pastor of this historic church, but will continue his distinguished service as Chaplain of the U.S. Senate.

This announcement is particularly moving to my family, for we worship at the National Presbyterian Church while maintaining our membership in my home church at Blountstown, Fla.

Through this experience, I have come to appreciate Dr. Elson as a minister and as a man. I know from others the difficult task which went into the removal of this great church from downtown Washington to this remarkable structure which represents Presbyterians everywhere.

Dr. Elson has distinguished himself as Chaplain of the Senate. Here he is the friend and adviser to Members of that body in their deliberations in the most trying period in our Nation's history.

When Dr. Elson does retire, he can look back upon a full life. One filled with accomplishment and that rare accolade of his fellow man—honored, respected and his accomplishments recognized in his own time.

GENERAL LEAVE

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in tribute to this distinguished American.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

KEMP END THE WAR RESOLUTION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, I have introduced before the House of Representatives, a House concurrent resolution which, if enacted, can put an end to the bloodshed, human suffering, and destruction which has been inflicted upon Southeast Asia for the past 25 years. This resolution draws on many of the proposals that have been previously introduced in Congress, and contains a number of unique, and very responsible approaches toward a plan for lasting peace in Southeast Asia. The measure seeks not only to end the involvement of the United States in the war, but also to put an end to the war itself. The resolution establishes seven broad objectives which were sought by my distinguished Democratic colleague, Mr. CHARLES H. WILSON of California in his resolution of April 29. Those objectives, according to Mr. WILSON, follow the intent expressed by the Democratic Caucus vote of April 19, and also follow from the President's recent peace initiatives. They are: First, to end the war; second, to repatriate the prisoners of war; third, to settle political issues; fourth, to guarantee the peace; fifth, to alleviate human suffering; sixth, to guarantee self-determination to the people of Vietnam; and seventh, to reunite the American people.

Mr. Speaker, the time has come for positive alternatives to end this war; reopening the peace talks and negotiating a date certain for total withdrawal of all foreign forces from sovereign territory anywhere in Indochina are two such alternatives. This Congress cannot by legislative act impose an agreement upon the parties of this war, nor will cutting off funds bring about the cessation of hostilities which result in continued human and ecological devastation of the Asian people and their land. But this resolution can, by registering our bipartisan singleminded purpose of finding an end to the war, usher in a new day of negotiation, which is the only course offering hope of a lasting peace in Southeast Asia.

Mr. Speaker, if an end to the war, an end to the killing, and the repatriation of prisoners is what we really want, this House concurrent resolution is the path to follow, and one which I believe all people of good will and compassion can support.

As a conclusion, I will include an excellent editorial from the Washington Evening Star of June 13.

As the Star editorial points out, the prospects for peace seem to be growing brighter. Now is the time to reaffirm our commitment to ending this war. Adopting this resolution will not only add impetus to the support our negotiators must have, but will also demonstrate our commitment to finding an end to the war to the other side. An affirmative action from this body cannot help but be useful.

The editorial follows:

PEACE PROSPECTS

It may be too much to hope for; the many disappointments of the past discourage excessive optimism. But it may be that for the first time there is today a real possibility for an acceptable negotiated settlement of the war in Vietnam.

The changing prospect is reflected in the return to Paris of the chief American delegate to the peace talks after a boycott of five weeks. Ambassador William J. Porter has emphasized the intense interest of President Nixon in some kind of negotiated settlement, noting that his return to Paris was "an additional indication of his (Mr. Nixon's) strong preference and hope that such a settlement can be achieved."

This renewed hope, in turn, undoubtedly reflects a dramatic shift in the military perspective in South Vietnam. At the outset of the North Vietnamese offensive at the end of March, there was lively anxiety in Washington and Saigon over the possibility of a military debacle. The fear was that the Communists would succeed in routing the South Vietnamese army, seize several important provincial capitals, including Hue, and then propose to parley. The outlook for an acceptable political settlement under those circumstances would have been more than dismal.

Now this prospect has radically changed for the better. The South Vietnamese, with heavy American air support, have held at Hue, An Loc and Kontum. On most fronts the South Vietnamese appear at this point to have regained the military initiative, inflicting heavy losses on the invading forces.

The situation today—perhaps prematurely—is being compared to the last major Communist offensive during Tet in 1968. In reality, however, it is quite different. In 1968, the Communists, by sacrificing virtually their whole indigenous Viet Cong apparatus, achieved far greater initial successes, including the seizure of Hue and heavy fighting in Saigon itself. This time, the leaders in Hanoi appear to be willing to sacrifice their entire regular army in an effort which so far has produced no comparable results.

Their offensive, furthermore, has resulted in the mining of all major harbors and a renewal of full-scale bombing of military targets in North Vietnam of an effectiveness that was never achieved in earlier years. This time, even the most skeptical experts concede that Hanoi's capacity to continue the war in the South is being very seriously reduced.

In this situation, the leaders in Hanoi may well be contemplating the defeat of their offensive, the destruction of a major part of their army, their domestic industrial plant and their system of communications. It is possible that they are asking themselves where they go from here; reports of strong disputes within the North Vietnamese politburo appear well-founded. The North Vietnamese are also painfully aware that their difficulties have not prevented a significant rapprochement between the United States, China and the Soviet Union.

All of which suggests the possibility that the leaders in Hanoi may, at long last, be willing to talk seriously about a political settlement that would permit the withdrawal of the remaining American troops, a return of American war prisoners and an end to the fighting. That is a prediction which no one on the basis of past performance can make with much confidence. But it is certainly a possibility that must be explored with great care.

TWENTY-FOUR MEMBERS INTRODUCE BUDGET PROPOSAL

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, with a bipartisan group of 24 cosponsors, including several prominent members of the Ways and Means and Appropriations Committees, today introduced an amendment to the Rules of the House of Representatives aimed at more businesslike control of the Federal budget.

LIST OF COSPONSORS

Bill Archer, (R-Tex.).
Charles E. Bennett, (D-Fla.).
William G. Bray, (R-Ind.).
Harold R. Collier, (R-Ill.).
James M. Collins, (R-Tex.).
David W. Dennis, (R-Ind.).
Pierre S. du Pont, (R-Del.).
John N. Erlenborn, (R-Ill.).
Dante B. Fascell, (D-Fla.).
Edwin B. Forsythe, (R-N.J.).
Sam Gibbons, (D-Fla.).
David N. Henderson, (D-N.C.).
Edward Hutchinson, (R-Mich.).
Alton Lennon, (D-N.C.).
Manuel Lujan, Jr., (R-N. Mex.).
James R. Mann, (D-S.C.).
Robert H. Michel, (R-Ill.).
Albert H. Quie, (R-Minn.).
John J. Rhodes, (R-Ariz.).
John H. Rousselot, (R-Calif.).
Herman T. Schneebeli, (R-Pa.).
Charles Thone, (R-Nebr.).
Samuel L. Devine, (R-Ohio).
Henry S. Reuss, (D-Wis.).

Under the proposal, the House cannot consider any appropriation bills until it has first approved a resolution containing a comprehensive Federal budget for the ensuing fiscal year.

The budget resolution must include an estimate of tax revenues, expenditure ceilings for each main appropriation bill, and recommendations on handling differences between revenues and expenditures. If expenditures exceed revenues, for example, the resolution must include a recommendation to raise taxes or increase the Federal debt, or a combination of both.

Once the budget resolution is approved, appropriation measures would be handled in customary fashion, with one important exception. Two-thirds affirmative vote would be required for the House to approve any appropriation bill which exceeds the provisions of the budget resolution.

This rule change could establish a much more businesslike control of the Federal budget. Under it, the House would make fundamental decisions on how much aggregate spending should occur and where the money will come from—before it starts to approve separate spending bills.

Almost every business firm and municipality in the country—even the smallest—adopts a budget before it starts spending money for the coming business year. Ironically, the institution charged by the Constitution with controlling the largest business in the country, the Federal Government, does not adopt a budget. To be sure, the President proposes one, but at no time does the House of Representatives adopt the President's budget or one of its own.

Under present procedures, the House never faces up to these fundamental questions. Instead it starts appropriating money piecemeal with little regard for how the pieces fit the total spending pie, and how it all will be financed.

For example, when the House finishes work today on the Labor-HEW appropriations bill, it will have approved seven separate bills, aggregating $64 billion. This is $240 million more spending for these categories than requested by the President, and—more importantly—it is $9 billion more than revenue prospects would justify. In short, the House has already spilled $9 billion in red ink for fiscal 1973, and only half of the appropriation bills have come forward. Some of the biggest are yet to come.

If the proposed rule had been in effect, none of these bills could have been considered until the House first approved a budget resolution with an expenditure ceiling provided in it for each bill. The House would have faced up to the vexing, but vital question of red ink before spending tax dollars.

The rule change is proposed out of conviction that the present system of raising and spending Federal revenue is gravely inadequate, and that it contributes substantially to inflationary pressure. The adverse impact of Federal deficits of $50 billion for the past 2 years is obvious.

I include the following:

RESOLUTION TO AMEND RULES OF HOUSE OF REPRESENTATIVES TO REQUIRE HOUSE-AUTHORIZED FEDERAL BUDGET

1. The Committee on Appropriations and the Committee on Ways and Means of the House of Representatives are authorized and directed to meet jointly at the beginning of each regular session of Congress and after due study and review, including consideration of the annual budget message of the President, report to the House a resolution containing a House-Authorized Federal Budget for the ensuing fiscal year not later than 90 days after the President's message has been received.

The proposed budget shall include:

1. Estimated overall Federal receipts from all sources;

2. The maximum aggregate amount to be granted in obligational authority for all purposes, together with a maximum amount for each appropriation bill or resolution;

3. Specific recommendations as to adjustment in revenue measures and/or public debt level necessitated by a deficit or surplus, if such is shown by budget figures on aggregate expenditures and receipts.

When the Committees on Appropriations and Ways and Means have jointly reported the House resolution adopting such budget, it shall be in order, after the report on the resolution has been available to the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays), for the Chairman of the Committee on Appropriations to move to proceed to the consideration of such resolution in the Committee of the Whole House on the State of the Union (even though a previous motion to the same effect has been disagreed to). Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote.

After general debate on the resolution, which shall be limited to not to exceed 10 hours, one-half of such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and one-half of such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee of the Whole shall rise and report the resolution back to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to adoption without intervening motion except one motion to recommit.

2. No bill or resolution carrying appropriations for the ensuing fiscal year shall be in order for consideration by the House until the House-Authorized Federal Budget for such year has been approved.

The report on each such bill or resolution must include a statement in one of the following forms: "The provisions of this bill (or resolution) conform to the requirements of the House-Authorized Federal Budget for fiscal 19—— and will not cause it to be unbalanced in any respect. The bill (or resolution) as reported will appropriate $——, and when this amount is deducted from $——, the maximum amount for this appropriation bill (or resolution) under the House-Authorized Federal Budget for fiscal 19——, the remaining balance is $——."—or—"The provisions of this bill (or resolution) do not conform to the requirements of the House-Authorized Federal Budget for fiscal 19——. The bill (or resolution) as reported will appropriate $——, and when this amount is deducted from $——, the maximum amount for this appropriation bill (or resolution) under the House-Authorized Federal Budget for fiscal 19——, a deficit results in the amount of $——."

Any bill or resolution carrying appropriations whose report fails to include a statement in the first form, or which, in its amended form, fails to comply with the requirement as stated in the first form, shall require the approval of two-thirds of those Members present and voting, a quorum being present. This requirement shall not be waived or suspended.

3. The joint statement of managers to accompany a report made by a committee of conference on a bill or resolution carrying appropriations shall include a statement in one of the following forms: "The provisions of this conference report conform to the requirements of the House-Approved Federal

Budget for fiscal 19—— and will not cause it to be unbalanced in any respect."—or—"The provisions of this conference report do not conform to the requirements of the House-Authorized Federal Budget for fiscal 19——."

A conference report on a bill or resolution carrying appropriations which fails to include a statement in the first form shall require the approval of two-thirds of those Members present and voting, a quorum being present. Motions to dispose of amendments remaining in disagreement following adoption of a conference report on a bill or resolution carrying appropriations shall require the approval of two-thirds of those Members present and voting, a quorum being present, if the effect of the adoption of such motion would be to appropriate an amount in excess of that contained in the House-Authorized Federal Budget for such year.

The requirements of this rule shall not be waived or suspended.

Questions and Answers: Rule Requiring House Approval of Resolution of Federal Budget

Q. What will the rule do?

A. It will require approval of a resolution containing a comprehensive budget for the Federal government before the House can consider any appropriation bills for the ensuing fiscal year. It will also require a two-thirds vote to approve the appropriation of money in excess of that provided in the comprehensive budget.

Q. Wouldn't this requirement be just one more delay in an appropriation process that is already too slow moving?

A. To the contrary, it would help streamline procedures. Each Subcommittee of Appropriations would know that not later than 90 days after the President's fiscal messages have been delivered to Capitol Hill, it will be required to help draft the resolution on the House-approved federal budget. This requirement would be new incentive to press forward and make the hearings as complete as possible by the time the deadline arrives. Because of the two-thirds vote requirement on "overruns," subcommittee will be unlikely to spend much time dealing with requests for such. Most appropriation bills will be virtually ready for reporting to the House by May. In turn, the deadline will exert pressure on the authorizing committees to complete their work.

Q. Will the rule produce balanced budgets?

A. It will certainly help. The budget resolution will bring together for approval at one time expenditure totals and revenue forecasts. If the requests are out of balance, Members voting yes will be voting for an unbalanced budget. Because this is an unappealing posture, most will be inclined to vote to keep expenditure in line with revenue—or at least to make the best possible legislative record in that direction. If the figures show a balance of revenue and expenditure, those voting yes will be voting for a balanced budget.

Q. How will the rule affect tax levels?

A. If the budget shows expenditure in excess of revenue, it will also provide that the difference be made up by more revenue, higher level of public debt, or a combination of the two. If it calls for $3 billion more in revenue, for example, approval of the resolution with this item in it would have the effect of directing Ways and Means Committee to come forth with measures providing the extra revenue.

Q. How will the rule affect the ceiling on public debt?

A. In line with the answer just above, if the resolution calls for meeting a budget deficit by a $3 billion increase in public debt, that would effectively settle the question of an increase in the debt ceiling at a later date. The amount of increase, of course, would be determined by how close the subsequent Congressional appropriations match the provisions of the budget resolution, and the accuracy of revenue forecasts.

Q. At what point would the proposal involve the Senate?

A. At no point would the involvement be direct. Indirectly, the effect would be substantial. Once the House approves the resolution on the budget, it could consider appropriation bills. But not until then. Once approved by the House (by majority vote, or two-thirds, as circumstances may require), the appropriation bills would go through customary channels. If the Senate should approve a bill providing more money than authorized in the House budget resolution, the conference report could be accepted by the House only if two-thirds of those present and voting approve.

Q. What is the purpose of the proposed rule?

A. To cause the House to make basic decisions on expenditures and revenues for the ensuing fiscal year, and what to do about the difference between the two items, before it begins to appropriate money. Under present procedures, the House never at any time approves a budget for the federal government, even in the most general, tentative terms. It receives the President's budget message; subcommittees of the Appropriations Committee begin to hold hearings; eventually, based on these hearings, the House begins to appropriate money piecemeal. Only once in recent years—1963—did the House establish even an aggregate expenditure ceiling. It deals with the question of public debt at the wrong end of the process—after the money has been appropriated and obligated—not before. It deals with the relationship of revenue to expenditure only on those infrequent occasions when the Ways and Means Committee brings forward a bill dealing with general taxation.

Q. In House rules from 1947 to 1970 was the requirement that the Congress approve a budget for the federal government. It didn't work. Does this plan have better prospect of success?

A. Yes, because the differences are substantial. The old rule had a vital shortcoming. It had no teeth. Failure to adopt the "legislative budget" resolution, as provided in the rule, did not stop the appropriation process. The new proposal provides that appropriation bills are not in order until the budget resolution has been adopted. The old rule on the "legislative budget" had no such requirement. The old rule produced a legislative budget resolution only once—in 1947, and on two subsequent years became hopelessly mired in Senate-House conference. After 1949 no serious effort to pass a "legislative" budget was undertaken. The new proposal deals only with House procedures.

Q. Would it not be better to include the Senate in the rule?

A. The Senate, of course, can adopt exactly the same discipline, a new discipline or no discipline. The House need not wait for Senate concurrence. Both the House and Senate have their separate responsibilities, so either body can justify special measures of self-discipline.

Q. Give an illustrative chronology showing how things might move along under the proposal.

A. January 20. The President submits his budget, which includes details for each appropriation bill category. It also includes revenue forecasts.

February 1. Each appropriation subcommittee theoretically can begin hearings. Each will have nearly three months in which to examine witnesses and requests, before participating jointly with other Appropriations Committee members and Ways and Means Committee members in reporting the resolution on the federal budget. Meanwhile the Ways and Means Committee can examine revenue aspects of the budget message, together with the content of the President's economic message (submitted each year on January 20). It can draw upon information and views gathered by the Joint Economic Committee. This will give the committee more than two months to weigh alternatives on taxation and debt for the ensuing fiscal year before meeting with the Appropriations Committee.

April 1. Senior members of Appropriations and Ways and Means Committees will meet for discussion of a draft resolution on the federal budget.

April 15. Committees on Appropriations and Ways and Means will meet formally to mark up and report the resolution.

April 20. House will act on resolution. Debate time of ten hours divided four ways—one-fourth to each chairman and ranking minority member of each committee.

The resolution to be open to amendment under five-minute rule. If House fails to approve resolution, a new resolution will be developed and reported by the same committees, acting jointly, until a resolution is passed.

The resolution, being privileged, will not require Rules Committee action. The resolution will be handled on the floor by the Appropriations Committee chairman and ranking minority.

May 1. Appropriation bills will be considered. Usual procedures will be followed except for the requirement of approval by two-thirds vote if the bill exceeds the expenditure ceiling set for it in the budget resolution. Likewise, a conference report in excess of the budget resolution will require approval by two-thirds vote.

Mr. Speaker, the new fiscal year is only 2 weeks off.

Federal business is the biggest in the world. Expenditures for the coming business year are estimated at $250 billion, with revenue estimated at $223 billion. The President's forecast shows a deficit of $27 billion. We are finishing a business year with a deficit of about $26 billion. All of this is probably familiar information to you.

What is ironic is that the management of this business by the U.S. Congress is unquestionably the worst of any major business operation. Private business firms could not survive under the sloppy procedures the Congress follows. Let me illustrate.

The fiscal year will begin with only a small portion of the money required actually voted on by the Congress. Long after the business year has begun, the Congress will still be debating appropriation bills. The departments and agencies of Government will operate under what are called continuing resolutions, which permit expenditures at the rate of the previous year until such time as the Congress actually appropriates new money.

The business year was half gone last winter when several appropriations bills finally made the route. And one bill, the one dealing with foreign aid, was not approved until March 8 of this year. By then the business year for which the money was provided was 75 percent gone. Only 3 of the 12 months remained.

This meant the departments and agencies could not efficiently plain their work. The funding of new programs could not occur. When they finally get their money late in the year, tendency is to spend it fast before the new year starts. That leads to greater waste.

But this is not the worst of it. Never at any time during the business year does the Congress approve a comprehensive budget for the Federal Government. The President sent a budget message, of course, as he always does the first of each calendar year. The Joint Economic Committee held brief hearings on the budget, as it always does. But the committee never made a decision on the budget. Nor did any other committee or subcommittee of the Congress. Nor did the House. Nor did the Senate.

One would have thought that receipt of the President's budget recommendations would set in motion a procedure leading promptly to a legislative decision on the budget—how much, in light of the revenue forecast, the Government should spend and what should be done about the shortage of revenues and excess of expenditures.

But no. That would be too businesslike. Congress does not operate that way.

Instead, in its own leisurely way the Congress puts out of mind the vexing question of a comprehensive budget and begins piecemeal to appropriate money based on the President's requests—never facing the whole fiscal picture, never deciding how much extra debt the budget might require—how much extra revenue should be raised.

The only time the Congress even takes a furtive peek at the Federal fiscal posture is at the wrong end of the year—and then half blindfolded.

That occurs when public law forces the Congress to raise the statutory limit on the Federal debt. At least once a year, after the money has been appropriated—not before—we vote an increase in the public debt ceiling. By then the Government has traversed the business-year tunnel. The obligations are made. The Treasury checks are written. To refuse to increase the debt limit under these circumstances would be the height of irresponsibility. This would cause a plunge in the Government bond market. It would cause panic in the international monetary exchanges. Confidence in the dollar would take a disastrous nosedive.

Confronted with these grim certainties the Congress on March 15 increased the ceiling on the public debt by $20 billion, bringing the new ceiling to $450 billion. And this was less than half of the amount requested by the President. In a short time Congress will again be called upon to raise the debt limit, probably by about $30 billion more.

The other day in a public discussion I was challenged by a college professor who said:

> Public debt is nothing to worry about. After all, we owe this debt to ourselves, don't we?

When I was first elected to Congress in 1960, the annual interest cost of the public debt, that is, the Federal debt, was $9 billion—which figured out about $200 a year for each American family.

This year the interest cost of the Federal debt is not $9 billion, but $19 billion—more than twice as high as a decade ago—and still climbing. The interest cost averages out to $380 a year for each American family—more than a dollar a day for just interest cost.

This year the Federal debt goes up another $26 billion. This adds another $13 million to the annual interest cost. Next year the debt increase estimated by the White House is $27 billion, adding more than $13 million annually to the interest cost. Every dollar must come out of someone's pocket in the form of increased taxes.

But will next year's deficit be $27 billion? The probability is that it will be much more—billions more.

The purpose of the proposed rule change is to deal more effectively with problems caused by large recurring deficits.

PROHIBITING THE GSA GRANTEE PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 30 minutes.

Mr. WYMAN. Mr. Speaker, in recent years there has developed in our Nation a growing concern among small businessmen that the Federal Government is threatening many small firms with direct and indirect competition.

This feeling has been stimulated largely by efforts of a few persons within the General Services Administration who apparently believe the Federal Government has a right to take over a market which is today served almost entirely by small business.

The first evidence of this came to the surface in 1969 when GSA proposed to use the newly enacted Intergovernmental Cooperation Act of 1968 as a basis for extending its services to all State and local governments. This apparently was the first time GSA openly extended its services beyond the confines of the Federal agencies and bureaus it was designed to serve.

Recognizing that, using taxpayers dollars, GSA would have an unfair advantage over small firms, the Nixon administration wisely and swiftly ordered GSA to scrap its plans. On November 10, 1969, Senator KARL MUNDT, of South Dakota, commented on this action by stating:

> It has been my privilege for a number of years to serve as the ranking minority member of that committee. At no time during our deliberations on the Intergovernmental Cooperation Act did anyone suggest or contemplate that any Federal agency would go into the purchasing business or into the supply business for State or local governmental bodies.
>
> And I am pleased to say that the White House moved promptly and decisively when it was alerted to the content and significance of the proposal being advanced within the executive branch. Clearly, neither the Intergovernmental Cooperation Act nor good public policy would countenance such an attempt to put the massive purchasing capacity of the Federal Government into competition with the many thousands of separate business enterprises now serving the myriad State and local government supply requirements all across the Nation.
>
> Nothing could have been further from the intent of Congress in the Intergovernmental Cooperation Act of 1968 . . .
>
> I point out, too, that my own view of the intent of the law and my concern about the undesirable impact of such Federal competition with private business were shared by many other Members of the Senate, and in the other body as well. The distinguished chairman of the Committee on Government Operations (Mr. McClellan) registered the same objections I did.
>
> I am sure they and many other Members of both Houses breathed the same sigh of relief I did August 7 when we learned that the intent of Congress was being adhered to and that the GSA purchasing proposal had been stopped.
>
> Mr. President, in order to help avert the possibility of this proposal popping up again, I feel it important that my report on this matter should be made a part of this debate and of the permanent record of the Senate.

It would seem that GSA might have read the handwriting on the wall: That the Nixon administration had no intention of destroying thousands of small firms and that GSA's job was to reserve its services exclusively for the giant Federal system.

Undaunted, GSA decided to recreate the same program under the assumed authority of the Federal Property and Administrative Services Act of 1949, as amended. While that act specifically states:

> [Title II, Sec. 201(a)]—The Administrator shall, in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and with due regard to the program and activities of the agencies concerned—
>
> (3) procure and supply personal property services for the use of executive agencies in the proper discharge of their responsibilities and perform functions related to procurement and supply such as those mentioned above . . .

It also says:

> [Title II, Sec. 205(c)]—The Administrator shall prescribe such regulations as he deems necessary to effectuate his functions under this Act . . .

Using the latter quote, GSA claims the authority for servicing any recipient of Federal funds even though the funds involved may be only a tiny portion of the recipient's income.

Now, Mr. Speaker, I am pleased to report that this program has been called to the attention of the White House and Frank Carlucci, a fine public servant, on examining the facts, issued on May 16, 1972, a letter to GSA stating:

> The above authorizations are not consistent with the purpose of the Administration's policy of reliance on the private enterprise system and is particularly objectionable in this sense because the burden of GSA competition falls more heavily on small businesses throughout the country. To the extent that grantees are components of State or local governments, the authorizations are also not consistent with the intent of Congress as expressed in the Intergovernmental Cooperation Act and implementing regulations (Circular A-97) of OMB.
>
> It is our conclusion, in view of the above, that GSA should discontinue all authorizations and practices which now permit the use of Federal sources of supply or services by Federal grantees.
>
> I am requesting, therefore, that immediate steps be taken to propose an amendment to GSA regulations that would rescind all authorizations of GSA under which Federal grantees are permitted to use Federal sources

> of supply. The proposed regulation should, of course, be made available under OMB Circular No. A-85 for comment by State and local governments prior to issuance.
>
> Upon issuance of the amendment, action should be taken to notify the agencies of the determination and request that they immediately advise their grantees that access to Federal sources, i.e., depots, stores, warehouses, contracts, excess personal property, or other such sources is no longer authorized. Appropriate action consistent with the above should also be taken with respect to existing arrangements and unfilled requisitions.

In my opinion, Mr. Carlucci is correct in his assessment and I am pleased to report that GSA has already begun the process by which it may withdraw the program.

Such withdrawal would be welcome news through the small business community. However, these same small businessmen must be assured that this program, today called the grantee program, will not resurrect itself in some new form at a future date. Therefore, I am today introducing legislation to place a permanent prohibition on this type of program which fosters Government competition with small business.

Mr. Speaker, I would like to cite the Small Business Act of 1953 (15 U.S.C. par. 631, 1964):

> It is the declared policy of the Congress that the government should aid, counsel, assist and protect, insofar as possible, the interests of small business concerns in order to preserve free competitive enterprise. . . .

In my opinion this legislation is consistent with congressional intent relative to the General Services Administration and is consistent with the firm policy of this administration which is to preserve the American system of free enterprise, with a secure and proper place for the small businessman who pays taxes, employs local citizens, and makes outstanding contributions to his community.

The text of my bill and an explanatory memorandum are as follows:

H.R. 15562

> A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit the making available of Government procurement sources to Federal grantees and contractors
>
> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481), is amended by adding at the end thereof the following new subsection:
>
> "(f) Except as otherwise specifically provided by law, the Administrator shall not either directly or indirectly make available to any grantee, subgrantee, contractor, or subcontractor to any executive agency any supply or service source which is made available to him by law or other authority or which is under his control. Nothing in this subsection shall be construed to prohibit the disposal of excess or surplus property in accordance with section 202 or 203 of this Act."

EXPLANATORY MEMORANDUM CONCERNING THE PROPOSED AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

> The purpose of the Federal Property and Administrative Services Act of 1949, (hereinafter "the Act") is to simplify the procurement, utilization and disposal of government property, to reorganize certain agencies of government, and for other purposes. The Act seeks to effect maximum efficiency, economy and service in the utilization and procurement of property for agencies in the *executive branch* of the federal government by centering responsibility therefor in the General Services Administration (hereinafter "GSA") which this Act established. The Act further provides that the General Services Administrator (hereinafter "the Administrator") shall, as far as practical upon the request of any agency in the legislative or judicial branch of the government, or of any mixed-ownership government corporations, or of the District of Columbia, purchase, warehouse and distribute personal property and non-personal services to meet their needs. One of the stated policies of the Act is the protection of small-business concerns.
>
> Without Congressional authorization, GSA has extended the coverage of the Act to include purchases of personal property and non-personal services by and for grantees, subgrantees, contractors and subcontractors of federal agencies (hereinafter referred to as "grantees" or "grantees of federal agencies"). GSA has issued a Bulletin, FPMR A-17, November 7, 1967, and Regulations, 41 C.F.R. Part 101-26, April 17, 1971, and 41 C.F.R. Part 101-33, December 23, 1971, which, in summary, authorize other government agencies to, in turn, authorize grantees of such agencies to purchase from GSA inventories or order directly from manufacturers that are supply contractors to GSA, supplies and equipment at the prices and on other terms and conditions contained in the supply contracts between GSA and the manufacturers.
>
> This unauthorized extension of the Act has already injured thousands of small-business concerns, middleman in the chain of distribution, across the Nation, and threatens to eliminate them entirely from a huge market to which they heretofore had access, thereby threatening the very existence of the free enterprice system which is the mainstay of the Nation's economy.
>
> As of May 1, 1972, more than 30 federal agencies, relying on the GSA Regulations for authorization, have issued more than 9,000 letters of authorization authorizing their respective grantees to purchase personal property and non-personal services directly from GSA supply or service sources and facilities. In the letters of authorization, generally, the agencies have declined responsibility for any debts incurred by the grantee to GSA, and have imposed no monetary limitations and no requirement that title to the property purchased vest in the government.
>
> Grantees have purchased substantial amounts of property and services since the program went into effect. In the period July, 1971, through March, 1972, purchases by and for grantees from GSA stores and inventories alone amounted to $6,126,979.00. This figure does not include direct purchases by grantees from suppliers in the private sector, under the suppliers' contracts with GSA, because, apparently, neither GSA nor the grantor agency police such purchases and no figures are available. GSA has advised grantees to report to GSA any failure or refusal by suppliers in the private sector to sell goods or services to the grantee under the contracts between the supplier and GSA. In a well-documented example from a Southern State, a manufacturer declined to sell certain items to a grantee under the manufacturer's contract with GSA on the ground that Title 41 C.F.R. Part 101-26 was permissive and not mandatory as to it. GSA then purchased the items for dropshipment to the grantee under its contract with the manufacturer.
>
> It is the purpose and intent of the proposed amendment to prohibit this threat, and similar threats, to small-business concerns whom the Act expressly seeks to protect. The proposed amendment merely states explicitly that which is already contained in the Act, namely, that GSA and its Administrator are not authorized to make available to any grantee, subgrantee, contractor or subcontractor of any federal agency any supply or service source or facility which is made available to GSA or its Administrator by law or other authority or which is under the control of GSA or its Administrator. Supply or service source or facility includes, but is not limited to, GSA selfservice stores; Federal Supply Schedules; D.S.A.; Federal Prison Industries, Inc.; Workshops for the Blind and Severely Handicapped; Supplier—contractors to GSA; and other programs of the Federal Supply Service, such as providing automatic data-processing equipment, supplies and services.
>
> Procurement functions by federal agencies for grantees, subgrantees, contractors and subcontractors of such agencies may be authorized by Congress alone, and may be performed by GSA and its Administrator only where such procurement functions are transferred to GSA in accordance with Section 107(b) of the Act. [5 U.S.C. § 630e(b)].

HIGHER EDUCATION BILL IS NOT THE ANSWER

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, what appears on the surface to be an impressive education bill passed by the House recently is, in reality, a deceptive bundle of what will amount to unkept promises. It is, in short, a wolf in sheepskin.

Although the House-Senate conference report on the higher education bill passed the House by a vote of 218 to 180 and earlier passed the Senate, I voted against the measure. I had previously voted for the bill when it passed the House earlier, but it just was not the same bill when it returned from the House-Senate conference committee.

My opposition is based primarily on the formula determined by the conferenre committee which says the amount of Federal aid an institution of higher learning will receive will be determined by the number of federally subsidized underprivileged students the institution has enrolled.

I believe this is wrong and it is not educationally sound. First, the formula for institutional aid almost demands that financially troubled colleges and universities seeking Federal assistance will have to rush out and take in as many underprivileged students as they can, regardless of the student's qualifications or desire to achieve a college education.

There is no consideration in the bill's distribution formula for the amount of institutional aid to be based on an institution's need. Therefore, I believe the bill offers very little help to the small and private colleges—the group that seems to be having the greatest percentage of financial difficulties. There was considerable help for them in the original bill but it was virtually wiped out in conference.

Second, I opposed the final bill because a portion of it is based on the assumption that all students are entitled—not eligible but entitled—to receive $1,400 a year, minus any family contribution toward their education expenses. Aside from the fact that this cannot be justified, the truth is that we just do not have the money to send every student to college.

I think any student financial aid supplied by the Federal Government should depend on the academic achievement, the motivation of the student, plus need. In present Government programs, such as the work-study program and national defense loans, the Federal Government has never gone by the theory that every student is entitled to financial assistance. On the contrary, the student has had to show motivation and a desire, in addition to need.

This is also bad because every high school student does not need to attend college. There is an equally needed place in our society for those who are interested in technical subjects and those who possess labor skills. I do not believe that we can best serve the individuals or the Nation by following a policy that has as its purpose to try to persuade colleges to take students who are unprepared for college.

Third, the bill approved by the House appears on the surface to be against busing, but, in reality, it is just the opposite. The bill encourages the Commissioner of Education to push for what is termed the Metro School District approach. That is, students from adjoining counties can be bused across county lines to achieve integration goals. Earlier attempts by the House to enforce strong antibusing measures were rendered meaningless by the House-Senate conference. The bill allows the South to remain hooked by previous court orders while the North has been let off the hook. This is not fair.

There is an important point to all of this that should be stressed. This supposedly great-sounding Federal money program most likely will never be fully funded, because we simply do not have the money. I do not believe the promises can be fulfilled.

Many leading educators in Alabama and in other parts of the country have expressed concern over the bill's passage. I share their concern. I stand ready to support public and private higher education and students, and I had hoped that Congress would find a more reasonable solution to help them. I hope I am wrong but I am afraid the higher education bill is not the answer.

FEDERAL SURVIVOR ANNUITY BENEFITS

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, today I am introducing legislation (H.R. 15564) to correct an inequity which presently exists as regards Federal survivor annuity benefits.

Under present law, a "widow" or "widower" of a Federal employee or member is eligible for survivor annuity benefits only if the marriage lasted at least 2 years immediately before death or the surviving spouse is the parent of issue of the marriage.

The question of inequity arises because under the law, section 8341 of title 5, United States Code, as interpreted by the Civil Service Commission, a child who is adopted by a couple during their marriage is not "issue by such marriage" so as to qualify the widow or widower for survivor annuity purposes. Thus, where children are adopted, the employee's surviving spouse must have been married to the employee for at least the 2 years immediately before his death in order to qualify for a survivor annuity.

This legislation will correct that situation.

Mr. Speaker, it is not uncommon for parents to have legally adopted children and, therefore, the law regarding survivor annuity benefits should reflect this reality. No surviving spouse of a Federal employee should be deprived these earned and needed benefits, because his or her child is not a natural born child of the marriage.

DD–963 DESTROYER

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, Litton Industries and the Navy are engaging in a public relations stunt by beginning work 6 months early on the DD–963 destroyer. This stunt will only create more delays and cost overruns on five LHA amphibious assault ships that Litton is also building for the Navy.

It is common knowledge both inside and outside the Navy that Litton is concentrating on building the DD–963 while, in effect, creating more serious problems on the LHA. On June 6, Litton began cutting metal for the DD–963 destroyer, diverting workers from the LHA project which is only 2 percent complete.

I believe that the Navy should force Litton to concentrate on solving problems on the LHA program. The Navy should decide whether or not to cancel the DD–963 destroyer program on the basis of Litton's ability to shorten delays and cut costs on the LHA as well as making a decent start on the DD–963 program. Exactly the opposite is occurring right now. The Navy and Litton are taking the attitude that the LHA is a lost cause so why not let it completely go to the dogs. Instead, Litton and the Navy should be attempting to affect cost cuts and shorten delays on the LHA program.

As many of my colleagues know, the House Armed Services Committee voted to cut the $612 million authorization for the seven DD–963 destroyers to $247 million—only enough to buy so-called long lead items such as engines, radars, and certain electronic gear.

Sixteen of the 30 DD–963's have been funded thus far and the decision will be made later whether to proceed with the rest of the program.

Mr. Speaker, the Navy and Litton have made a conscious decision to sweep the LHA prices under the rug hoping the Congress and the American people will forget about the hundreds of millions of dollars of cost overruns and huge delay on the five LHA ships. By stretching out the LHA program, the Navy and Litton are only increasing costs and delays while, at the same time, hoping that an early start on the DD–963 will have the appearances of the successful beginning.

As many of my colleagues may know, shipbuilding costs always increase when the time needed to complete a project is increased. In fact, the number of manhours needed to build the LHA is now double the original estimate.

According to the original contract, five LHA's should cost approximately $600 million which includes the cost of cancellation of four ships that were included in the original nine-ship contract. But now Litton Industries is demanding approximately $1.2 billion for five ships representing cost overruns of $600 million.

Mr. Speaker, the Navy and Litton are making a serious mistake. In the long run, the LHA program will cost more and more and delays will increase. As a result, the DD–963 program will also be affected and we may be saddled with the C–5A of shipbuilding. It is my hope that Litton will stop engaging in public-relations stunts and start concentrating on building all 35 ships for which it has Government contract as quickly and as cheaply as possible.

NEWSLETTER

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Koch) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, I soon will be mailing to my constituents my June newsletter. This report discusses a number of issues I have worked on in the Congress and my district in recent months; it also includes the tabulated results of my May questionnaire. I should like to submit for printing in the Record the full text of the report. It follows:

CONGRESSMAN EDWARD I. KOCH REPORTS FROM WASHINGTON

JUNE 1972.

DEAR CONSTITUENT AND FELLOW NEW YORKER: We are all aware that during the past year or so there has been a dramatic increase in crime and acts of violence in and around our City schools. In recent months many constituents have told me about incidents when their children have been extorted for money in the public schools and have been assaulted on their way to and from school.

Many middle class families have reacted to this fear by removing their children from the public schools and placing them in non-public schools at great financial cost. The poor do not have this option, and it is their children who therefore suffer the most.

In an effort to understand better the problems involved, this spring I visited a number of schools in our District. And, in May, I held a legislative hearing to take testimony from expert witnesses representing principals, teachers, parents and students. The hearing focused on immediate remedial measures needed to deal with internal security, intruders, security around the schools, and burglaries. The four-hour hearing was held in an appropriate setting—the library at Wagner Junior High School.

I was impressed with the proposals to provide adequate legal counseling to principals and teachers as well as students; to use more security guards for keeping out intruders (parents are already doing this in some schools); to better utilize police manpower in school neighborhoods; and to involve student volunteers in security matters. All of these proposals should be considered and considered now. After listening to all the testimony, I am convinced more than ever that children who want to learn must be protected from the disruptive behavior of other students who, in turn need help, including special classes.

A transcript of the hearing is being sent to those groups already working on this problem throughout the District. I have introduced legislation which would amend the Elementary and Secondary Education Act of 1965 to provide monies to assist school districts to carry out security plans to reduce crime and increase the safety and security of children, employees and facilities.

I will continue to involve myself in this critical problem of school safety. There are many other things that must be done to improve our schools but without safety—education doesn't have a chance.

LIGHT ON CRIME

What the Police Department calls "crime against the person" means street crime to most of us—robberies and muggings. Last year this type of crime increased in New York City by 16%, further arousing the anger, frustration and fear of all New Yorkers. For many of us the streets have become corridors of fear after dark.

This past March I introduced legislation to establish a Federal Light On Crime Program. H.R. 14022 would authorize the expenditure of $30 million in each of the next 3 years specifically for the purchase and installation of high-pressure sodium-type lights. The funds would come in grants made directly to local governments on a 75% Federal, 25% local share basis. This program involves relatively low costs for a potentially high return. High-pressure sodium lights are able to illuminate a city street far better than our traditional street lighting. In a sense they turn night into day, and their effectiveness as a deterrent against crimes is undeniable. For example, after installation of high intensity lighting in Washington, D.C. high-crime areas, crime decreased by 31%.

New York like other cities has installed high pressure sodium lights on some streets (you may have seen some in our District) but local governments cannot finance the type of massive lighting program which I believe we need for our city streets. An infusion of Federal funds such as I propose would mean that whole communities could be illuminated for the benefit of residents and merchants alike.

SEX DISCRIMINATION

The response to the questionnaire indicates that many women in the District have been discriminated against, particularly in employment, because of sex. Improvements have come slowly in the past few years but should be accelerated as the result of new guidelines issued April 5 by the U.S. Equal Employment Opportunity Commission.

Briefly, the major points of the new regulation are:

Individuals must be considered for employment on the basis of their capabilities, not on characteristics generally attributed to a particular sex.

State laws limiting the hiring of females in certain occupations are contrary to the Civil Rights Act and thus cannot be used in defense of discrimination.

Physical facilities provided for one sex must be provided for another, and the absence of such facilities cannot be used as an excuse not to hire someone.

It is unlawful to classify a job as a "male" or "female" job or to maintain separate lines of promotion and seniority.

Restrictive rules applicable to married women, but not married men, are prohibited by the Civil Rights Act.

Advertisements for employment cannot indicate "a preference, limitation, specification or discrimination based on sex."

Private employment agencies cannot deal exclusively with one sex nor discriminate against applicants because of their sex.

It is unlawful for an employer to discriminate between men and women with regard to fringe benefits (i.e. medical and life insurance, retirement benefits, profit sharing, bonus plans, and leave).

Different optional or compulsory retirement ages based on sex are unlawful.

A written or unwritten employment practice which excludes women because of pregnancy is "in prima facie violation" of the Civil Rights Act.

Disabilities due to pregnancy related conditions must be treated as any other temporary health disability.

If you feel that you are being discriminated against in your employment because of your sex, race, color, national origin, or religion, I would be pleased to supply you with the necessary forms to file a complaint with the EEOC. The EEOC is authorized to investigate complaints against employers of 25 or more persons (including state and local governments), labor organizations and employment agencies. If the EEOC determines a complaint is justified, it will first seek voluntary compliance before instituting legal action in the courts.

Legislation helps thwart discrimination, but substantial changes will come only if people are willing to protest individual acts of discrimination and use the law to back their complaints.

MARIHUANA

On March 22nd the National Commission on Marihuana and Drug Abuse issued its report on marihuana. This event was of particular interest to me because in April 1969, shortly after I came to Congress, I introduced the original bill creating the Commission.

For a year the Commission's 13 Members conducted a comprehensive study of marihuana smoking in this country, examining the social, medical, and legal effects of its use. The report issued in March was balanced and thorough.

The Commission found that approximately 24 million Americans have tried marihuana at least once and that there are at least 8.3 million current users. The Commission did not find any evidence that experimental or intermittent use of marihuana causes physical or psychological harm. However, it indicated that it did not have sufficient information to appraise the long-term effects of marihuana on the individual and our society. Therefore, it recommended a "social policy seeking to discourage marihuana use" while proposing that all federal criminal penalties for the personal possession of marihuana and the casual transfer (at no profit) of marihuana in private be removed. Similar changes were recommended for state laws.

On April 20th I joined with Senators Jacob Javits and Harold Hughes, members of the Commission, in introducing a bill to implement the Commission's basic recommendations. The need for change in our marihuana laws is clear. The effects of marihuana smoking simply do not warrant the harsh penalties prescribed by present laws—both state and federal. It serves no purpose, and is indeed barbaric, to send young people to jail for their possession of a single marihuana cigarette and saddle them with criminal records for the rest of their lives.

QUESTIONNAIRE RESULTS

The response to the May questionnaire was excellent. Approximately 15,000 questionnaires were returned with some 20,000 people indicating their positions on the issues polled. The tabulated results in percentages are as follows:

Percent

1. Do you favor increasing the minimum wage to $2.00 an hour and extending its coverage to all workers, including employees in small retail shops, farm workers, and domestics?

Yes	76
No	24

2. Do you favor a federal "value added tax" (a national sales tax) as a means of financing elementary and secondary education, instead of local revenue sources like the property tax?

Yes	38
No	62

3. Do you believe the government should provide 200,000 more public service jobs (currently the Emergency Employment Act of 1971 is providing 140,000 such jobs at a cost of $1 billion)?

Yes	59
No	41

4. Would you favor the government's guaranteeing a job to everyone seeking work and being an employer of "last resort" when jobs are not available from private enterprise?

Yes	63
No	37

5. Assuming that it is Constitutional, would you favor a system of federal tax credits for parents with children in nonpublic schools?

Yes	41
No	59

6. Do you favor a Constitutional Amendment or legislative measure prohibiting the use of busing by courts or localities to desegregate public schools?

Yes	38
No	62

7. Would you favor the establishment of bilingual programs in all of the City's public schools having a substantial number of Spanish speaking student?

Yes	60
No	40

8. Would you favor setting aside lanes on some major avenues in New York City for use by bicycles?

Yes	79
No	21

9. a. Do you now ride a bike to work?

b. Would you ride a bike to work in good weather if exclusive bike lanes and parking facilities were provided?

a.

Yes	7
No	93

b.

Yes	49
No	51

10. Would you favor the operation of heroin maintenance pilot projects on a limited and temporary basis in order to determine the feasibility of establishing

heroin maintenance programs for adult addicts?

Yes	73
No	27

11. Do you believe the Civil Rights Act's protections (in employment, housing, etc.) should be extended to homosexuals?

Yes	83
No	17

12. Do you believe in the concept of "scatter site" housing—i.e. building government subsidized low income housing in middle income areas?

Yes	56
No	44

The overwhelming consensus on the question of Vietnam was that our troops should be withdrawn immediately; 49% favored the immediate withdrawal of U.S. combat forces and cessation of air support and weapons supply; 25% favored immediate withdrawal of troops and air support, but the continued furnishing of weapons. And 7% favored withdrawal but continued air and weapons support.

16% of the respondents favored the President's policies of "Vietnamization" aided by U.S. air support, and 3% recommended stepping up our military activities with the objective of a military victory.

The following are five bills I have authored that touch upon issues of current interest. Do you approve?

H.R. 850, as amended, establishing a uniform tax rate so that individuals, regardless of whether they are married or single, would pay the same graduated tax on their taxable income (after deductions).

	Percent
Yes	88
No	12

H.R. 854, as amended, requiring federal agencies to inform persons of files maintained on them and allow them to inspect their files for errors; the bill also establishes a board to which one could appeal for the removal of erroneous and irrelevant material.

Yes	94
No	6

H.R. 12417 offering draft resisters conditional amnesty—amnesty in return for two years of civilian service comparable to that now required of conscientious objectors.

Yes	79
No	21

H.R. 13362 providing $400 million annually in federal assistance in meeting the expenses of operating public transportation (subways, buses, and commuter railroads).

Yes	89
No	11

H.R. 14549 decriminalizing the personal use and possession of marihuana and allowing the transfer (at no profit) of reasonable amounts of marihuana when incident to private use. The sale of marihuana for profit and smoking it in public would continue to be subject to criminal penalties.

Yes	70
No	30

VOLUNTEER WORK

Lately more and more New Yorkers have expressed an eagerness to get involved and help improve conditions in New York City. I know, as they do, that government is not and should not be the only source of help to those in need. Often people have the desire to help their fellow New Yorkers, but they are uncertain about the kind of work they want to do, and where to go to volunteer.

I have listed a few organizations and agencies which either have extensive volunteer programs and can use more help, or which coordinate volunteer activities. This list is by no means complete—there are hundreds of outstanding agencies which welcome volunteers—but I hope it will serve as a starting point for those who want to help.

American Red Cross—150 Amsterdam Avenue, 787-1000 (Ext. 421).

Work on nonmedical aspects of blood programs (blood mobile); volunteer drivers for Red Cross vehicles; clerical; social service type work.

The Association of Community Service Centers—(Mobilization for Youth) 152 Avenue D, 533-2410 (Ext. 7 or 8) Ms. Sylvia Castaneda.

Volunteers (bi-lingual English/Spanish) to teach classes to the aged during the daytime; tutoring (bi-lingual); volunteer lawyers (need not be bi-lingual) to give advice on housing, welfare, etc.

Community Service Society of New York—105 East 22nd Street, 254-8900, Mrs. Madeleine Woodward, Director of Volunteer Programs.

Work with the aged; Corrections; Thrift Shop. CSS will refer volunteers to other agencies as well. Minimum service: 3 hours a week.

Federation of Jewish Philanthropies—130 East 59th Street, PL 1-1000 (Ext. 209) Mrs. Henry Pearce, Chairman of Volunteers.

Refers volunteers to member agencies; clerical; teaching crafts; library; Thrift Shop; aged; youth; tutoring; physical education; Family Court Program.

Federation of Protestant Welfare Agencies—281 Park Avenue South, 777-4800, Ms. Rita Lambek, Director, Volunteer Bureau or Miss Janet Shair, Consultant on Volunteer Service.

Recruits and refers volunteers to its 285 member agencies and to other nonaffiliated agencies. Work with children, the aged, blind; tutoring; teaching English; drug programs.

Ladies of Charity of the Catholic Charities of the Archdiocese of New York—122 East 22nd Street, OR 7-5000, Ms. Marie Ryan, Director of Volunteers (Ext. 417, 418) Tuesday and Thursday.

Need friendly visitors to elderly in their apartments, hotels and nursing homes; escort service to hospitals, clinics, doctors' offices; recreation programs in nursing homes; child care and day care; visitors to prisons; Thrift Shop; tutoring; USO.

League of Women Voters—131 East 23rd Street, 677-5050, Ms. Myrna Baron, Director of Voter Service.

Work on Telephone Information Service which operates from 10 a.m. to 4 p.m. 5 days a week answering callers' questions; voter registration drives; speakers (before community groups). No minimum time, but regular schedule.

Mayor's Office of Volunteers—250 Broadway, Room 1407, 566-5950, Ms. Patricia Richter, Executive Director; Ms. Winifred Brown, Administrative Director.

Central clearing house to recruit and place citizen volunteers in City and private agencies.

National Council of Jewish Women—9 East 69th Street, LE 5-5900, Ms. Edna Eigen, Director, Community and Volunteer Services.

Work with the aged; the young; tutoring; Thrift Shop; Bookmobile; Boutique. Minimum service: one-half day a week.

United Hospital Fund—3 East 54th Street, PL 4-1080, Ms. Judith Bartow, Staff Associate, Volunteer Service.

Refers volunteers to member voluntary hospitals and to the 16 hospitals which are under the City's Health and Hospitals Corporation. Minimum service: 3-4 hours weekdays or 2-3 hours evenings and weekends.

Volunteers may also call the hospital nearest them and speak with the Director of Volunteers (almost every hospital has one).

Your comments on this newsletter and any proposals you might have on any subject are of interest to me. Please write me c/o House of Representatives, Washington, D.C. 20515.

If you need assistance, call my New York City office at 26 Federal Plaza on 264-1066 between 9:00 a.m. and 5:00 p.m. on weekdays.

My report also included four pictures that were entitled as follows:

On May 24th about 150 people, many of whom are distinguished scientists, professors and artists, assembled on the steps of the Capitol with several Members of Congress. I told the group that I will continue to pursue every constructive effort necessary to undo the President's usurpation of Congressional authority and get our men, bombs, and mines out of Vietnam. I then accompanied them when they delivered a "petition for redress of grievances" to the Speaker of the House, Carl Albert.

UFT President, Albert Shanker, testifying at my hearing on school violence.

The March 22nd press conference of the National Commission on Marihuana and Drug Abuse with Chairman Reymond P. Shafer, former Governor of Pennsylvania, and Commission Member Joan Ganz Cooney, President of Children's Television Workshop.

On April 10th and again on May 1st, the House Ways and Means Committee held hearings on my bill, H.R. 850 as amended, to give single taxpayers and working married couples tax equity. In preparing for the hearings I met on several occasions with Chairman Wilbur Mills and Vivien Kellems who is the citizen leader in the national campaign for tax equity for single taxpayers.

SEEKS TO CORRECT INADEQUACIES IN SOCIAL SECURITY SYSTEM

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 30 minutes.

Mrs. ABZUG. Mr. Speaker, the social security system must be adjusted to serve the needs of the people. Today, one of our most serious problems is assuring adequate income for our older citizens. As it stands now, older Americans who are beneficiaries of social security are in a terrible financial situation compared to the currently working population.

Let me cite some statistics: Of the 20.5 million persons aged 65 and over in 1967, only about 3 million were employed, according to a study by the Department of Labor. Projections for 1980 in the same report indicate that out of a population of 23.1 million aged persons, 19.7 million will not be in the labor force. If these projections foretell the future with any degree of accuracy, earnings will constitute a diminishing portion of total income for the aged population, causing them to rely increasingly upon social security benefits for their main support.

This situation calls for legislation to correct the financial inequalities that exist in the social security system. I am today introducing a package of bills which go to specific problems and seek to correct the inadequacies of the existing system. I would like to share with my colleagues the information that motivated me to make a comprehensive study of the social security system and propose these corrections. I hope that they will act upon this knowledge and support these social security reforms.

A U.S. Bureau of the Census report on family incomes has indicated that the income of the aged is very much below the national average. The median total income of families headed by a person aged 65 or over in 1970 was $5,053, while the median income of all families was $9,590. The median income of aged unrelated individuals—people not in family earning units—was $1,951, compared with $2,489 for all unrelated individuals.

Retirement is the main reason for the decline in total income of older persons, but also, the older a person is, the more likely it is that his or her social security and other pension benefits are based on past employment and earnings which were at rates much below the current wage level, and the more likely it is that the former wage earner is in the process of reducing or exhausting his or her assets.

The net result of this is that poverty is the rule for people over 65. The most recent Social Security Administration figures show that nearly 30 percent of those aged 65 or over—in comparison with 17 percent of the population at large—are officially classified as "poor" by their standards. In 1966, 2.7 million of the 4.9 million aged persons living alone were poor. Of the aged living in family units, 2.7 million of the 13.1 million were in households classified as poor.

Thus, 25 percent of the people 65 and over—as compared with 10 percent of the general population—are below the poverty line. The Social Security Administration's latest figures state that 92 percent of all persons aged 65 or over were eligible for benefits in 1971. The average old-age retirement benefit in January 1972 was $132.16 a month—$116.58 for reduced benefits paid to people who retire at age 62 instead of at age 65 or later. Couples receive more, not only because couples' benefits are 50-percent larger than those of single persons, but also because the earning histories of married men tend to be higher than those of nonmarried men or women.

Another problem under the current system is that of early retirees. The Social Security Administration tells us that early retirees earned less and experienced more unemployment than did workers who retired at age 65 or later. As a result, benefits of early retirees run 25 to 35 percent below those of persons who retire when aged 65 or more. A report by the Brookings Institution states:

> The economic condition of early retirees must be inferior to that of persons who are aged 65 or over at the time of retirement . . . his family is even more dependent on Social Security benefits than are other beneficiaries . . . they have low earning histories and because retirement is before age 65, they must accept permanently reduced benefits.

There are also certain inequities regarding the treatment of both women and men that are built into the social security system.

For example, there are many special dependency requirements for men who want to collect widowers' benefits where there are few for widows. Men have to have been dependent upon their wives at the time of the wives' entitlement to benefits, or the wife must have died during a period of her disability.

In order for a divorced woman to collect wives' benefits on her husband's earning record, they must have been married for 20 years. This provision alone handicaps women by putting many of them in a precarious financial situation if they have spent most or all of the period of their marriage doing domestic work and not accruing any earnings or earning resources.

Another serious problem which is reflected in the divorce provision discussed earlier is that this country must face the fact that there are millions of people—mostly women—who have spent their peak earning years managing a household and caring for families. This effort is one which is as socially useful as outside paid work and it ought to be recognized as such. The worth of this work should be calculated in terms of current market values. Social security benefits should then be paid to "householders" on the basis of that calculation. One of the bills I am introducing today would correct this inequity.

I will also be reintroducing my bill H.R. 13371, which provides for a minimum annual income of $3,375 for older single people and $4,500 in the case of couples, a 25 percent across-the-board increase in social security benefits with subsequent cost-of-living increases, reduces the social security tax rates and provides a more equitable determination and apportionment, eliminates the existing actuarial reduction in widows' and widowers' benefits in case of disability, includes within the term "disability" conditions requiring substantially continuing care, and requires that future social security benefit increases be disregarded in determining need under the various federally assisted public insurance programs.

A brief explanation of all 14 new bills I am introducing today follows:

Explanation of Bills

H.R. ———. The "householder's basic benefit" is a Social Security benefit available to all men and women who remain at home and perform the service of maintaining a household during the time they could have been wage-earners. The financing for this will come out of the 4 to 6 billion dollar annual surplus of the Social Security Trust Fund or out of general revenues. It is our national responsibility to insure that our older citizens, those who have managed households as well as those who have been employed, have an adequate income to support them during retirement.

H.R. ———. This bill would allow full Social Security benefits to be collected at age 60 and reduced benefits at age 55. It also provides that widows', widowers', and parents' insurance benefits shall be payable without regard to age.

H.R. ———. This bill would allow anybody receiving Social Security benefits to earn an outside income of up to $9,000 after which only 50¢ would be taken away from Social Security benefits for each dollar earned.

H.R ———. This bill will eliminate the "family maximum." At present, provisions in the Social Security laws limit the total amount of benefits that may be paid to any one wage earner. With this change, the individual would be allowed to collect as much as he is entitled to as an individual wage-earner.

H.R. ———. This bill reduces from 20 to 5 the number of years a divorced woman must have been married to allow her to collect wife's benefits on the former husband's earnings record.

H.R. ———. This bill eliminates the special dependency requirements for husbands' and widowers' insurance benefits. It also makes these benefits payable on the same basis as benefits for wives and widows.

H.R. ———. This bill equalizes the situation between men and women so that benefits are provided for widowed fathers with minor children—who now receive no benefits at all—on the same basis as widowed mothers with minor children.

H.R. ———. This bill allows a person who has been married and then divorced or widowed to retain the benefits to which he or she is entitled by the first marriage, upon remarriage, subject to the generic prohibition against simultaneous entitlement to benefits.

H.R. ———. This bill provides that brothers and sisters who depend on a Social Security beneficiary for at least one-half of their support are eligible to receive dependents' benefits.

H.R. ———. This bill would allow people to collect benefits on salaries based upon incomes of up to $20,000 instead of the present $9,000. It would also eliminate the ceiling on the amount of earnings which may be counted for the purposes of Social Security taxes.

H.R. ———. This bill would reduce from 50 per cent to 25 per cent the proportion of support which an individual would have to be receiving from a Social Security beneficiary in order to qualify for dependent's benefits; however, no one would be permitted to receive benefits as a dependent of more than one person at a time.

H.R. ———. This bill removes the duration of time requirements for men and women to collect widows' and widowers' benefits. Currently, a widow or widower must have been married nine months, or there must be a dependent minor child in order to collect benefits at all. This protects men and women who are briefly married but entitled to benefits on their spouse's earning record.

H.R. ———. This bill would allow people who are entitled to more than one benefit to collect the largest benefit plus one-half of the second largest to which they are entitled. This would allow a person who is entitled to a benefit other than the basic one—for example, a benefit based on a disability—to collect one-half of that next benefit. This would help the beneficiary pay for costs incurred by his disability. It is clear that his other basic benefit would very possibly not be adequate under certain circumstances.

H.R. ———. This bill allows dependent parents who receive at least one-half of their support from a working child to collect old age or disability insurance benefits when the child becomes eligible for Social Security. Currently, parents can collect only as survivors. Elderly parents who are dependent for their support on their wage-earning children are clearly cases in need. We must help the family in support of the parent before the beneficiary dies. Even at age 65 it can become extremely difficult for a person on Social Security to maintain a viable family unit for a wife and children. All older people over 72 receive about $44 a month, but this certainly is a minor help to a person supporting a family.

We cannot allow our elderly to live in the indignity of poverty. We must make a national commitment to insure that all our retired and elderly citizens live peaceful productive lives on adequate incomes.

ANNIVERSARY OF SOVIET OCCUPATION OF LITHUANIA

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like at this time to direct my remarks toward the policy of repression that the Soviet Union persists in utilizing toward the republic of Lithuania. This day marks the sad anniversary of the invasion and occupation of the peace-loving nation of Lithuania by the Soviet Army in 1940. From that moment on, the people of this Baltic state have suffered restrictions on their political freedom and oppression in their religious pursuits. The actions of the Soviet Union in this affair cannot in anyway be found to be consistent with the charter of the United Nations and therefore constitutes an illegal subjugation of an entire nation.

Through the efforts of the Lithuanian-American community and the National Captive Nations Committee we have been made frighteningly aware of the plight of this enslavement. The rioting and turmoil that recently took place in Kaunas and drew the focus of international attention has only served to underline the determination of this proud people to regain their beloved independence and secure their cultural and political freedoms.

The ongoing tragedy in Lithuania should be of special concern to the Government and people of America, a nation dedicated to the sacred principle of national self-determination. The developments in Lithuania have for many years closely paralleled the dilemmas that have plagued Soviet Jewry and warrant our closest scrutiny. Any and all attempts at politico-cultural genocide must be met by a strong American revulsion grounded in the doctrine of universal human rights.

With these thoughts in mind, I am sure that all Members of Congress and the American people as a whole will share with me in the recognition of this somber occasion and work undaunted in the noble cause of freedom.

Mr. FLOOD. Mr. Speaker, it is not generally known and sufficiently appreciated that the largest captive non-Russian nation in the U.S.S.R. and Eastern Europe is Ukraine.

With a population of over 45 million, Ukraine is one of the most resourceful nations in Europe, and, if it were not under the domination of Russian Moscow, it would surely again become "the granary of Europe" in an advanced economic framework of industry and agriculture. Also, the country's geographic location, extending from the Carpathian Mountains toward the Caucasus and above the Black Sea, is a most strategic one as concern developments in Europe, Asia, and the Middle East.

Because we shall hear more and more about this largest captive nation in Europe, I submit for our popular edification the illuminating section on "Ucrainica in American and Foreign Periodicals" in the world-respected scholarly journal of East European and Asian affairs, the Ukrainian Quarterly. The section, prepared by Dr. Lev E. Dobriansky of Georgetown University, regularly shows the growing interest in this captive nation and, above all, the prominent myths and misconceptions that many in the West still cling to when analyzing or commenting upon the Soviet Union, Russia, or Ukraine. It is high time these myths were dissipated, and a Select House Committee on the Captive Nations would be the most effective way of doing it—the Ukrainian Quarterly, summer, 1972.

UCRAINICA IN AMERICAN AND FOREIGN PERIODICALS

"The Dramatic Changes at USIA," an article by Verdon Cummings. *Human Events*, Washington, D.C., May 6, 1972.

The very able and highly principled Director of the United States Information Agency, Frank Shakespeare, has lately been under fire for his many courageous changes and innovations in the USIA. As emphasized in this revealing article, one of the most innovative was his March directive to abolish all nonsensical, semantic usages concerning the Soviet Union. It may not be sufficiently recognized, but this constitutes a tremendous stride in our government. It is hoped that some segments of the White House will catch up with the Shakespeare innovation.

As the writer puts it bluntly, "In another policy memorandum to his aides, Shakespeare made it clear that the use of the word 'Soviet' as a collective noun would no longer be acceptable by USIA media and officers." If one were to read the complete memo or directive, he would be wholesomely surprised by the firm, knowledgeable stroke taken. As the Director stated it, "USSR propaganda increasingly refers to the people who live within its borders as 'the Soviets.' There is no such thing. The correct meaning of 'soviet' is a council of workers. Use of the word as a collective noun for the population of the USSR should be avoided by our media and officers."

The Director is quoted further as stating, "The people of the major nations within the Soviet Union should be referred to by their nationality; i.e., Ukrainians, Georgians, Latvians, Russians, Uzbeks, Armenians, etc," He referred to the February issue of *Soviet Life*, which alluded to "a new historical community of peoples—the Soviet nation," and replied, "This is semantical absurdity. There is no 'Soviet nation' and never will be."

In what is truly a most substantial innovation in our executive part of the national government, Mr. Shakespeare stressed also that the "Union of Soviet Socialist Republics is a state; it encompasses many nations, and is thus a multi-national state . . . but it is not a nation. To call it so, apart from being grammatically incorrect, is to foster the illusion of one happy family rather than an imperialist state increasingly beset with nationality problems, which is what it is."

The progress made in this respect for our Nation's understanding of the USSR cannot be sufficiently described here. Anyone familliar with these problems for the past two decades and more must pay tribute to the tremendous action taken by Mr. Shakespeare.

"USIA Head Bars 'Soviet' From Usage," a report in AP. *The Washington Post*, Washington, D.C., March 24, 1972.

Concerning the above Shakespeare change, reports across the country featured the immediate reaction of Senator W. J. Fulbright, chairman of the Senate Foreign Relations Committee. According to this Associated Press report, Fulbright viewed the directive as an indication of a USIA effort to "stir up trouble for the USSR government."

Fulbright held that such things "undermine the objectives of the President's trip to the Soviet Union." In an exchange with Kenneth R. Giddens, director of the VOA, who denied this intent, the chairman responded, "It looks like that is exactly what you are trying to do." However, the facts are that Fulbright has very little understanding of this problem and, what's more, shows his usual poor logic in suggesting that a suppression of truth is necessary for the avoidance of trouble-making or the success of the President's trip to Moscow. You don't impress the Russian leaders with cowering non-knowledgeability.

"What's In A Shakespeare?", an article by Russell Baker. *The New York Times*, New York, N.Y., March 3, 1972.

On the same subject, a possibly humorous but definitely puerile piece is presented here, comparing William Shakespeare's negative view on the value of a name and Frank Shakespeare's insistence on semantical precision as concerns our treatment of the USSR. The essential parts of Mr. Shakespeare's USIA directive are repeated here. And several ridiculous observations are made as well.

"Mr. Shakespeare (Frank)," the writer observes, "obviously dislikes the Soviet Union and believes that it can be hurt if we refuse to call its residents by the name of its choosing. What's in a name? The difference between victory and defeat for the imperialistic Soviet multinational state, he suggests." From this above it is evident that the writer shows little comprehension of the institutional environment of the USSR. Certainly the name USSR itself has never been of the "choosing" of over half of its population. What's more, the state as a whole is not "imperialistic" but rather the Soviet Russian apparatus which overran the independent republics of Ukraine, Byelorussia, Georgia, Armenia and others back in the early 20's. In short, a rose is a rose, a rose, and a fool is a fool, a fool.

"Get Kowtoniuk," an editorial. *The Richmond News Leader*, Richmond, Va., February 7, 1972.

The incredible case of Professor Filimon Kowtoniuk at Virginia State College has been reported in all the large newspapers of our country. The charge against the professor was "unprofessional conduct." Actually, it was a crude attempt to oust the tenured professor for his anti-communist views. As the editorial points out, "In articles by two different writers, the *Times* has suggested that the real reason behind his dismissal was his outspoken anti-communism." Reference is made to articles that appeared in *The New York Times*.

However, with the help of professional organizations, Dr. Kowtoniuk fought the case and, on the basis of latest information, won it. He is quoted in this editorial as having said "I am very, very much sickened by all of this." And, indeed, he should be. Freedom is as precious in academia as in life generally. Freedom is indivisible. The professor is to be widely congratulated for his substantial contribution to it, despite his unfortunate personal costs.

"Magadan and the Rising New Humanism," an article by Roman Rakhmanny. *The Windsor Star*, Windsor, Canada, March 8, 1972.

The writer of this absorbing piece is a Canadian journalist of Ukrainian ancestry. His writings on East European subjects are extensively published in Canadian and other organs. As this one, they are consistently packed with concrete facts and new information, and engage the reader's interest throughout. This article, based on Michael Solomon's book *Magadan*, stresses the new sweep of humanism among the various nationals in the USSR, including the Russians themselves.

Solomon is a naturalized Canadian who spent years in the Magadan concentration camp system during the days of Stalin and Beria. He was turned over by Romania's secret police to the Russians who regarded him as a British spy and also a Jewish expert on Palestine. As the writer shows, Solomon "frankly admits to not having shared in the 'delusion' of the Ukrainian prisoners for the idea of a sovereign non-communist Ukraine." The writer develops the matter of international understanding and concern among the peoples in the USSR by interweaving the Solomon disclosures with the good works of Rev. Onufriy Iwaniuk who saved Jews in Lviv during the war, the declarations of Ivan Dzyuba, the incarcerated Ukrainian writer, in behalf of the rights of Jews in Ukraine, and other instances in the rising new humanism in the USSR.

"Canada Beefs Up Guard On Kosygin," a news report. *Boston Evening Globe*, Boston, Mass., October 19, 1971.

This is just one of numerous reports on the Kosygin trip to Canada last fall. The visit was not without some comical aspects as well as hazards. Two bombs and a dozen Molotov cocktails were discovered near the Russian embassy in Ottawa.

With this account a photo is shown of a young demonstrator holding a sign with the message "Ukraine Will Rise." Canadians of Ukrainian ancestry demonstrated extensively against Kosygin's presence. One great value in such demonstrations is the momentary publicity given to the issues and problems that people are concerned with. The problem of Ukraine's freedom was highlighted in the course of this visit.

"Khrushchev's Life: Peasant, Hero, Dishonor," an article by Stephen S. Rosenfeld, *The Washington Post*, Washington, D.C., September 12, 1971.

Upon the death of Nikita S. Khrushchev many of the articles that were written seemed to be dressed-up eulogies for a man whose ascent to power was made possible through the death of millions. At least this one presents the bloody facts of K's life. Not all of them as can be found in the Congressional study of 1959 on *The Crimes of Khrushchev*, but a sufficient amount, nonetheless.

Referring to the period of the late 30's, the *Post's* editorial writer states, "The Ukraine in that period put up tremendous resistance to Stalin's policies. Millions died. Khrushchev's hands were bloodied. His ruthless administration and his identification with Stalin became his chief political embarrassment after Stalin's death."

"Soviets Admit They Fear Expressions of Nationalism," a commentary. *Freedom's Facts*, Washington, D.C., April 1972.

This publication of the All American Conference, edited by Donald L. Miller, features many excellent commentaries on the Soviet Union. This one highlights the force of nationalism among the captive nations. Aptly put at the start, "If a Rumanian prefers being Rumanian to being a socialist internationalist, he becomes an enemy to the Soviets—even if he is a Communist." Of course, a "Ukrainian who wants self-determination for Ukraine is an enemy of the Soviet state."

Moscow's fears on this score are cogently educed in the commentary. For instance, on April 3 Radio Moscow attacked the People's Republic of China and "declared that nationalism led to the Hungarian Revolution in 1956, the Czechoslovak Revolution in 1968, and to the current anti-Soviet appeals of Peking to nations of East Europe and Ukraine to demand national independence." Also, Moscow has repeatedly attacked Radio Liberty and Radio Free Europe as "organizers of ideological diversions" in Eastern Europe. On this, significantly, Moscow has an ally in Senator Fulbright in the U.S.

"Soviet Analyst—A New Fortnightly Newsletter," introduced by the Honorable Gordon Allott. *The Congressional Record*, Washington, D.C., April 5, 1972.

Senator Allott of Colorado has introduced to the American reading public the new publication *Soviet Analyst*, issued in London under the dual editorship of Robert Conquest and Tibor Szamuely. Both editors are experts on the Soviet Union. The theme of the new publication is set forth in these penetrating words: "Our relations with the Soviet Union are the centre of the whole refractory array of international problems before us, and thus of the future of the world. The depth and accuracy of our understanding of the Soviet Union is the crux of our correct handling of these problems." This truth has been expounded by *The Ukrainian Quarterly* since its inception in the 40's.

It is encouraging to see the emphasis placed on nationality problems in the USSR. As the editors emphasize, "For years the West knew hardly anything about nationality problems in the USSR." They point out that the "recent arrests of 'bourgeois nationalists'—many of them CP members—in the Ukraine and elsewhere illustrate the government's increasing difficulties." In the years ahead the problem of the captive non-Russian nations in the USSR will unquestionably be a prime subject. Every new publication that recognizes this will also be of prime service to the interests of the West.

"Radio Liberty and the Russians," an article by Susan Jacoby. *The Washington Post*, Washington, D.C., April 9, 1972.

At a time when Radio Liberty, Radio Free Europe and also the VOA should be properly funded to expand their facilities to accommodate the historic changes taking place in Eastern Europe, Senator Fulbright and others would have them contracted. The benefit to Moscow is obvious. In this well-written article the writer pleads the cause of Radio Liberty. Her message is identical to that expressed in the article in this issue on "Do You Know the Captive Nations?"

In the data that she provides to justify the basic utility of RL, the writer incorporates material on Ukraine. As she puts it, "Radio Liberty also broadcasts many Samizdat works by Ukrainian writers in the Ukrainian language. They are not as well known in the West as Russian Samizdat writers but are even more important to the 49 million Ukrainians who make up the second largest ethnic group (after Russians) in the Soviet Union." More precisely, of course, they are more than an ethnic group; they are the largest non-Russian nation both in the USSR and Eastern Europe.

"College Protesters Disrupt Soviet Poet's Performance," a UPI report. *United Press International*, St. Paul, Minn., February 19, 1972.

The antics of the Russian poet Yevgeny Yevtushenko are familiar now to most Americans. Among dissident Russian intellectuals in the USSR he is held in low esteem both for the third-rate quality of his poetry and his evident serviceability to the Kremlin. The theatrical performer received a jolt during one of his recitals at Macalester College in Minnesota when, on stage, he was confronted by demonstrators shouting "Freedom to Ukraine."

Credit for the demonstration goes to TUSM, a Ukrainian American youth organization. As reported, "TUSM was composed of about 50 members . . . the group had no intention of harming Yevtushenko but merely wanted to read a series of demands for Ukrainian independence over the microphone." It is certain that the Russian poet will never forget this incident in terms of the message conveyed by the courageous students.

"Lithuania's Catholics," an editorial. *The Evening Star*, Washington, D.C., March 31, 1972.

"Much is written about the plight of Jews in the Soviet Union, less about the persecution of Christians under Russian sway" is the way this editorial begins. It is a pungent piece, covering not only Lithuania's Catholics but also other Christians in the USSR. It stresses, "Catholics in Byelorussia and the Ukraine suffer under similar disabilities, as in fact do members of the Russian Orthodox and other denominations."

The editorial advises Moscow to take a leaf from Poland's book, which shows that "it is possible for Marxism and Catholicism to coexist." The matter is deeper than this, but the suggestion is a good one. When hearings on the Flood resolution, H. Con. Res. 555–56, seeking to resurrect the Ukrainian Catholic and Orthodox Churches in the Ukraine, take place before the House Foreign Affairs Committee, this point will receive much attention.

"The War of Nationalities," a commentary. *Freedom's Facts*, Washington, D.C., February 1972.

Continuing with its far-seeing examination of a basic captive nations concept, this publication concentrates on the nationalities in both the USSR and Red China. That this subject will be of increasing importance in the years ahead goes without saying. The Nixon gestures both toward Peking and Moscow provide the climate for this. The commentary mentions Red Chinese-inspired appeals in Ukraine, "specifically urging Ukrainians to take up arms against Moscow in order to win long-desired Ukrainian independence."

It also states, "There is a twisted irony to Communist Chinese efforts to mobilize non-Russian nationalities to break away from Moscow and Russian intimations of interest in breaking non-Chinese nationalities away from Peking. The concept of supporting non-Russian and non-Chinese nationalities against their masters is American, a concept originated and carried forward by Dr. Lev E. Dobriansky, a professor at Georgetown University, President of the Ukrainian Congress Committee of America, and a long-time participant in the All American Conference."

With a firm grasp of the matter, the commentator points out further, "Presidents Eisenhower, Kennedy, Johnson and Nixon dutifully have issued annual Captive Nations proclamations, based upon the Captive Nations Resolution which Dr. Dobriansky moved through Congress to final adoption. Now, it seems that the two Communist giants themselves are making the liberation of nationalities of priority concern, not, admittedly, to bring the nationalities full independence but rather to exploit their aspirations for freedom as weapons against their vulnerable opponents." The last one couldn't express it more accurately and cogently.

"Russification on Baltic," an editorial. *The New York Times*, New York, March 18, 1972.

Though awkward in terminology, this editorial makes its point in the first sentence: "Minority nationalism has been growing in the Soviet Union, as elsewhere." From many angles, the nationalism is hardly "minority." Nations, captive ones, are involved in the USSR. But the editor makes his point, nonetheless, when he proceeds to state that the "demands of Soviet Jews for permission to emigrate to Israel, the complaints of Ukrainian intellectuals about the slighting of the Ukrainian language and culture and the little-concealed dislike Georgians feel toward Russian domination have been frequently noted."

Now, signs of stern resistance have appeared in the Baltic states against the selfsame process of Russification. As the editorial points out, "the native peoples of the Baltic states—involuntarily incorporated into the Soviet Union three decades ago—are apparently worrying Moscow by their resistance to Russification, particularly to the influx of Russians and other Slavs who form an ever-increasing proportion of the population in the three Baltic states." Those who are familiar with political Russian techniques have long been shown the use of economic means for the attainment of political and even genocidal objectives. The editorial fails to introduce this intriguing aspect of the case.

GENERAL LEAVE

Mr. DENHOLM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the special order taken today by the gentleman from Massachusetts (Mr. BURKE) on the subject of Lithuania.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

URGENT NEED FOR STRICTER GUN CONTROL

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 10 minutes.

Mr. O'NEILL. Mr. Speaker, recent events have once again emphasized the emphatic and urgent need for stricter, more stringent gun control laws. The easy availability of handguns figure imminently in the rising crime rate, and the decreasing respect for life and property. For this reason, I am today expressing my support for the bill introduced by my colleague from Illinois (ABNER MIKVA).

In addition, I will shortly be asking that the Massachusetts delegation join me in this effort to eliminate the 20,000 deaths a year which result from gunfire in America. H.R. 915, proposed a comprehensive system of prevention and control which would prohibit the importation, manufacture, sale, purchase, sale, transfer, receipt or transportation of handguns in any manner affecting interstate and foreign commerce, except for or by the members of the Armed Forces, law enforcement officials, or by authorized pistol clubs. As Mayor Daley, of Chicago, has pointed out numerous times, the handgun serves no useful function, as it is inappropriate for use by legitimate sportsmen.

Opponents of gun control regularly argue that the focus of the effort should be directed at the criminal and that gun controls restrict law abiding citizens in their attempt to defend themselves. Yet handguns are seldom useful or appropriate for self-defense. More often than not, guns precipitate violence rather than deter it. As several gun experts have pointed out, it is more likely that a handgun stored in the home for "protection" will injure or kill a member of the family than save a life. A recent article in the Christian Science Monitor stated that in Detroit, more people died in 1 year from handgun accidents alone than were killed by home invading burglars in 4¼ years. Most gun violence does not occur during robberies or other criminal acts involving strangers. Generally, gunplay occurs between people who know each other. Furthermore, guns are vastly more likely to lead to death than other weapons, five times more likely than knives, for instance. Logic and reason gravitate against the ownership of handguns. Arming our citizenry can only further guarantee that actual violence will result and encourages a spirit and ambience of lawlessness which is intolerable in this modern age.

As Congressman MIKVA indicated when he introduced this bill, the mayors of our major cities, the police chiefs and the majority of Americans are aware of the desperate need for handgun control. The estimated 200 million firearms in the United States represent potential death and violence. This Nation, by refusing to act to curtail this domestic arms race, is daily perpetrating crime against itself at the tremendous price of thousands of human lives.

Many opponents of gun control argue that we must analyze further the role which the easy availability of guns play in the overall crime rate before enacting gun control. They question the cause and effect of guns and crime. Yet, while further study is warranted, we can no longer afford to wait for the final answer. Although the subliminal cause of violent crime may lie in sociological factors beyond our present knowledge, the direct cause, guns, is certainly within our control.

I, therefore, call on Members of Congress to unite behind a strong gun control measure. While we have faced frontally every other threat to survival in this country, we have hidden from the gun control issue. Every other potential hazard to human life has been controlled, from DDT to chemicals in our food. It is foolhardy to delay gun control when the effect of doing so is so plainly visible.

While every other civilized nation in the world has taken steps to control the ownership and sale of firearms, the United States has done nothing. In Tokyo, a city four times the size of Los Angeles, only three persons were killed in 1970 by handguns. Yet last year handguns were used to kill 117 persons in Los Angeles, alone. Four years after Senator Robert Kennedy's death, President Johnson's basic question remains unanswered. "What in the name of conscience will it take to pass a truly effective gun control law?" We must supply a prompt and effective response to that question, for it cannot be allowed to linger while thousands die each year from handguns.

NDEA MERITS EARLY FUNDING

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, one of the most popular Federal education assistance programs in Tennessee is title III of the National Defense Education Act.

Therefore, it is of great concern to me and the thousands of Tennesseans involved and interested in education in Tennessee that title III of NDEA was not included in the Labor-HEW appropriations bill which we consider today. Unfortunately neither NDEA title III nor any of the other programs included in the Education Amendments Act of 1972, S. 659, could be included in this appropriations bill because action on the authorization legislation came too late for proper consideration by the appropriations committee.

However, now that the authorization for another 3 years has been passed, it is my hope that the earliest possible consideration by the Labor-HEW Appropriations Subcommittee will be given to legislation recommending funding for NDEA title III and other programs such as title VI of the Higher Education Act of 1965.

The NDEA program is ongoing and of great value to local school administrators. Therefore, I believe it would be a disservice to efficient education planning if title III funds are delayed into the 1972–73 school year. It is my hope that the earliest possible consideration by the Labor-HEW Appropriations Subcommittee will be given to legislation recommending funding for NDEA title III and other programs such as title VI of the Higher Education Act of 1965.

The NDEA program is ongoing and of great value to local school administrators. Therefore, I believe it would be a disservice to efficient education planning if title III funds are delayed into the 1972–73 school year. It is my hope that some way will be found for funding this program in order that schools can begin planning now on how they will use this money. Too often we have found that when funds are appropriated late in the school year, administrators are rushed to use the money and inefficiencies occur.

I repeatedly receive reports as have many Members, I am sure, indicating the continued need for NDEA III, despite the recommendation of the administration that it be discontinued. I hope the appropriations committee will hear the pleas of local schools throughout the Nation which are counting on NDEA title III funds and will be seriously hurt by any long delays in moving such funds from Washington into the field.

DEATH OF 1ST LT. RONALD DOUGHTIE

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, much has been reported of the death of John Paul Vann, senior U.S. Adviser in the Central Highlands of South Vietnam.

Two other men died with Vann in that unfortunate crash on June 9. The pilot was 1st Lt. Ronald E. Doughtie of Tampa, Fla.

The job of a helicopter pilot is a dangerous one which is not sought after in the Army. It takes a special type of man to daily dart in and out of the intense fighting in South Vietnam, carrying vital cargo or personnel. And it takes a special type of man to be John Paul Vann's pilot. Ron Doughtie was this type of man.

Coming up through the ranks in the Army, he was commissioned 3 years ago. His father is a retired lieutenant colonel with a fine record of service. His brother currently serves in the Naval Reserves. He leaves a wife and child currently residing in Pennsylvania. No one can fully realize the great sacrifice made by the families of our servicemen who are killed in action. His mother, his wife, and the rest of his family have experienced an irreparable loss.

So ends the career of a courageous young man. Ron will be missed by many.

SEX DISCRIMINATION IN THE INSURANCE BUSINESS

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, today, several of my colleagues and I are introducing legislation to correct what appears to be a widespread discriminatory practice by insurance companies of limiting coverage in certain policies written for women.

One of the many types of discrimination is to be seen in disability income policies written for women. This was first brought to my attention by a highly respected and eminent woman physician, and surgeon, Dr. Amelia Lipton, practicing in Coos Bay, Oreg. I was at first slightly incredulous at the documentation of outrageous discrimination she brought to my attention late last year. Subsequent investigation, however, shows that it was all too painfully true.

When Dr. Lipton first applied for disability income insurance coverage commensurate with her professional standing and earning capability, she was informed that it would be available to her on a professional men's disability policy but that her coverage would be limited to substantially less than half what she would be permitted if indeed she were a "professional man." She would be permitted $100 weekly indemnity and not one penny more. Men could draw $250 weekly benefits and perhaps more.

Understandably incensed, the doctor wrote a letter of protest to her insurance company and received back the following reply which must surely rank with the foremost "nonexplanations" of all time:

> Our underwriting is not based on your income. . . . I can well understand your point in stating that your disability would be equally disastrous (as a man's); however, we must abide by our Company's rule.

No amount of evasion could cover up the fact that this doctor's disability income coverage was being limited because of one fact and one fact only: She was a woman—one who managed, against almost insurmountable odds, to enter the prestigious field of medicine. And although one of the elite 9 percent to do so, she was by no means to be spared the slings and arrows of outrageous discrimination from this wholly unexpected quarter. Had she been a male doctor, there would not have been the ceiling of $100 a week for insurance coverage.

Her story was reported in the Portland Oregonian, as follows:

STATE INVESTIGATES INSURANCE SEX BIAS

A Coos Bay physician has sparked a state investigation of insurance companies which balk at giving professional women the same protection they do men.

Dr. Amelia Lipton told Rep. Edith Green, D-Oreg. that the Commercial Insurance Co. of San Francisco refused to give her any more than $100 a week in commercial income insurance.

Dr. Lipton said the company told her the limit on all female applications is $100 regardless of income.

There is no hard and fast rule for men, the Associated Press reported Rep. Green said.

Normally such policies are based on the income of the applicant. A person might make between $40,000 and $60,000 a year and take out disability income insurance of up to $1,000 a week.

Rep. Green wrote to Oregon Insurance Commissioner Cornelius Bateson, asking him to look into the case. Monday Bateson was out of the state, but his assistant commissioner, Frank Howatt, said Bateson had received an explanation from the company. Howatt said the company admitted its basic underwriting policy was at fault and that it should have considered Dr. Lipton's policy on its merits.

STUDY SCHEDULED

Howatt said Bateson would study the case to see if it constituted unjust discrimination. He also said the office would try to determine if the practice is widespread in the insurance business.

In a letter to Rep. Green, Bateson said, "I get the impression that Commercial may tend to think of females as only occupying low-paying positions and not being capable of becoming doctors or members of Congress. An archaic view, but unfortunately not one which has been completely eradicated."

In San Francisco, Mrs. Elsie Hook, Commercial's underwriter, said the company has reconsidered Dr. Lipton's case and is willing to approve whatever disability insurance she requested.

Dr. Lipton is vacationing in Africa until April and could not be reached.

Mrs. Hook said the company would lift its limit on womens' disability income policies from $100 to $150 a week but would go no further. "Women are more prone to sickness than men," she told The Oregonian.

When asked why Dr. Lipton's case would be judged on its merits while other womens' policies would be subject to the $150 a week rule, she referred further questions to the firm's New York office.

In Washington Mrs. Green said state insurance commissioners have the clout to force equitable practices of firms operating within their boundaries.

Howatt said if the firm was found to be unjustly discriminating, Bateson could issue a cease and desist order, could withdraw approval for the firm to operate in Oregon or fine the firm.

Rep. Green said she will introduce legislation in Congress to prevent such disparities in coverage.

Pleased as she was by the partial personal victory, Dr. Lipton herself is mindful of the fact that there is a larger one yet to be won—for all women, regardless of professional rank or calling. As she so eloquently wrote to me afterwards—

> It is my hope that the change will be one of policy, rather than of concession to an individual. I hope that the insurance commissions will follow through.

This is why I have decided to introduce national legislation. In so doing, I am mindful of the fact that it is traditionally a State function to regulate the insurance business. For my part, I would be content to let it remain so since it would be more in consonance with my dedication in principle to a return to even greater State and local control.

There are some matters, however, which—like this present one—are of such overriding concern that they demand the setting of a national policy against discrimination based on sex. There is certainly precedent for this in the introduction of legislation for a national uniform standard of no-fault automobile insurance which has been occasioned, as I understand it, by the chaotic situation which now exists in the various States with respect to this issue.

What I have disclosed here today may only be the tip of the iceberg of sex discrimination which, for all we know, may exist in greater or lesser degree in most, if not all, of the regulatory codes uniquely in force in each State. I would hope, Mr. Speaker, that the great majority of my esteemed colleagues will agree that it is a situation which very much needs looking into, and I offer the text of my bill for their earnest consideration:

H.R. 15552

A bill to provide a remedy for sex discrimination by the insurance business with respect to the availability and scope of insurance coverage for women

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person contracting to insure another against any loss shall deny to the insured or otherwise limit the insurance normally written with respect to the risk of such loss solely because of the insured's sex, nor shall any person holding himself out to the public as offering to contract to insure others refuse to contract to insure any person solely on the grounds of that person's sex. Nothing in this Act shall prevent any person who contracts to insure another from setting rates for such insurance in accordance with relevant actuarial data, even if such rates differ with respect to the sex of the insured. The courts of the United States shall have jurisdiction to give appropriate civil relief, including damages and declaratory and equitable relief, to any person aggrieved by a violation of this Act.

ENVIRONMENTAL PROTECTION AGENCY BAN ON DDT IS COSTLY AND UNSCIENTIFIC

(Mr. GOODLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GOODLING. Mr. Speaker, the decision of the Environmental Protection Agency to ban DDT is perhaps one of the most costly and unscientific actions ever taken by an agency of this Government.

By its own admission, it may be costly in human life, for the switch from DDT to methyl parathion could well cause a number of deaths in cotton fields in 1973. This fear is based on the unhappy experience several years ago when four deaths occurred in tobacco fields when organo phosphates were used in place of DDT.

The decision to ban DDT will be costly because it will increase the cost of producing cotton which is used not only as a fiber but as food oil and high protein meal for livestock production.

The decision to ban DDT is unscientific because it accepts only the viewpoints which support its conclusions and ignores scientific fact to the contrary. In particular, the decision ignores the previous findings by the hearing officer following 7 months of testimony including cross-examinations, resulting in a document of 12,000 pages.

The decision to ban DDT is unscientific and appears to be an emotional one for it is blind to environmental evidence that this Nation's wildlife populations, with few exceptions, are the highest in history. It bases much of the case on thin egg shells which have not been conclusively proved and, in fact, the record shows it is in serious doubt particularly when one of the government witnesses supporting this theory failed to insert the complete record of his research into the record of the hearing.

As a Pennsylvania orchardist and agriculturist, I know that every poultryman who has produced eggs has experienced thin egg shells. We, in agriculture, know how to handle the problem. If the environmentalists will turn the thin shell egg problem of wildlife over to the USDA and the Nation's land-grant colleges, we will not only solve it, we will create a surplus of that species if the national interest so indicates.

The decision is unscientific for it is in complete variance with the eloquent testimony of Dr. Norman Borlaug, Nobel Prize winner, whose knowledge and observations of the environment around the world lead him to conclude the environment is not in danger from DDT.

Personally, I have applied DDT since the 1940's on my own orchards. I have not seen environmental damage on my farms which today abound in wildlife. Doctors tell me I am in excellent health.

I feel that DDT has been of more benefit to mankind than the whole race of environmentalists put together, for it has saved millions of lives and has been an essential tool in the production of a dependable food supply at low cost to consumers.

I challenge the wisdom when EPA concludes that the use of DDT is not necessary to assure an adequate supply of cotton at a reasonable cost. This is a decision which within the structure of our Government should be made only by the USDA for it has the responsibility for the dependability and adequacy of this Nation's food supply. For EPA to make a decision forcing a change of practice in one season on 38 percent of a major U.S. crop—that agency should also have the responsibility to live with its action.

I call upon the USDA to challenge EPA so that a balanced decision will be reached which will enable us to enjoy the benefits of DDT within the limitations of acceptable risks.

Unless the USDA fights this action, the Department, in my judgment, will lose a substantial reason for its existence.

Let me say I have been a conservationist and ecologist before many of today's "instant experts" were born. As I pointed out during hearings, too many are strangely and completely inconsistent.

Prior to the time DDT became a dirty word we were doing a reasonably good job in controlling the ravages of the gypsy moth. Today it is on the rampage in practically the entire Northeastern area of our country. Countless millions of trees have already fallen victims to the caterpillar stage of this pest. There is every indication the spread will be rapid and in time will cover the entire United States.

Some would have us believe biological controls are the answer. They may be in the distant but not the immediate future.

As one who has been personally involved in agriculture for a half century, I believe June 14, 1972, will go down in history as a dark day in the life of the infant Environmental Protective Agency. It may have attempted to run before it had acquired a steady walking gait.

Finally, it may be a bit ironic that DDT is banned for use in the United States but its manufacture and sale to foreign countries has the blessing of EPA. There is a possibility that it could be sprayed on food and fiber plants and in turn the end product exported to the United States. Hardly appears consistent, does it?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Erlenborn (at the request of Mr. Gerald R. Ford), for June 19–June 28, on account of official business as U.S. representative to ILO.

Mr. Esch (at the request of Mr. Gerald R. Ford), for June 19–June 28, on account of official business as U.S. representative to ILO.

Mr. Hagan (at the request of Mr. Boggs), for today, on account of official business.

Mr. Hosmer (at the request of Mr. Gerald R. Ford), for week of June 12, on account of official business.

Mr. McKay (at the request of Mr. Boggs), for today, on account of official business.

Mr. Nichols (at the request of Mr. Boggs), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Frey), to revise and extend their remarks, and to include extraneous matter):

Mr. Kemp, today, for 15 minutes.

Mr. Findley, today, for 10 minutes.

Mr. Wyman, today, for 30 minutes.

Mr. McClory, on June 22, for 60 minutes.

Mr. Edwards of Alabama, today, for 5 minutes.

Mr. Hogan, today, for 5 minutes.

(The following Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Aspin, for 5 minutes, today.

Mr. Koch, for 10 minutes, today.

Mr. Flood, for 5 minutes, today.

Mrs. Abzug, for 30 minutes, today.

Mr. Burke of Massachusetts, for 15 minutes, today.

Mr. O'Neill, for 10 minutes, today.

Mr. Fulton, for 5 minutes, today.

Mr. Dent, for 30 minutes, June 20.

Mr. Gaydos, for 30 minutes, June 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Yates to revise and extend his remarks during the Committee of the Whole today, and to include extraneous material.

Mr. Flood to revise and extend his remarks on H.R. 15417.

Mr. Seiberling to revise and extend and include extraneous matter with remarks made in the Committee of the Whole.

Mr. Frey and to include extraneous matter and notwithstanding estimated cost of $630.

All Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous matter on the amendments of Mr. Hathaway and Mr. Badillo to H.R. 15417, today.

(The following Members (at the request of Mr. Frey) and to include extraneous matter:)

Mr. Rhodes in five instances.
Mr. Scherle in 10 instances.
Mr. Whalen in two instances.
Mr. Findley.
Mr. Kemp in two instances.
Mr. McDade.
Mr. Gubser.
Mr. Duncan.
Mr. Forsythe in two instances.
Mr. Brotzman.
Mr. Crane in five instances.
Mr. Broomfield.
Mr. Wyman in two instances.
Mr. Derwinski.
Mr. Smith of New York.
Mr. Bob Wilson in three instances.
Mr. Spence.
Mr. Gross.
Mr. Hansen of Idaho.
Mr. Veysey.
Mr. Frenzel in three instances.
Mr. Broyhill of Virginia.
Mr. Steele.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. Podell in two instances.
Mr. Flood.
Mr. Mitchell in two instances.
Mr. Rodino in two instances.
Mr. Gonzalez in three instances.
Mr. Hagan in two instances.
Mr. Rarick in three instances.
Mr. Rogers in five instances.
Mr. Hungate in two instances.
Mr. Yatron.
Mr. Dorn in five instances.
Mr. Wolff.

Mr. BINGHAM in three instances.
Mr. FOUNTAIN.
Mr. LONG of Maryland.
Mr. GARMATZ in two instances.
Mr. MACDONALD of Massachusetts.
Mr. MILLS of Arkansas in three instances.
Mr. JAMES V. STANTON.
Mr. NIX in two instances.
Mr. MOORHEAD in five instances.
Mr. VAN DEERLIN.
Mr. BENNETT in two instances.
Mr. BEGICH in five instances.
Mr. MCKAY.
Mr. WILLIAM D. FORD in two instances.
Mrs. MINK.
Mr. LEGGETT in 10 instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 473. An act to amend the Automobile Information Disclosure Act to make its provisions applicable to the possessions of the United States; to the Committee on Interstate and Foreign Commerce; and

S. 3080. An act to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5404. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Arkansas Game and Fish Commission, and for other purposes.

H.R. 13034. An act to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the Act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Monday, June 19, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2082. A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to provide for the registration and regulation of oil and gas programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

2083. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled "Sales by Producers of Natural Gas to Interstate Pipeline Companies, 1970"; to the Committee on Interstate and Foreign Commerce.

2084. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 with respect to the deduction for moving expenses; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. Senate Joint Resolution 211. Joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance (Rept. No. 92–1130). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 1018. A resolution providing for the consideration of H.R. 13853. A bill to amend title VII of the Housing and Urban Development Act of 1965 (Rept. No. 92–1131). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1019. A resolution providing for the consideration of H.R. 14163. A bill to amend the Agricultural Act of 1970, as amended to idemnify farmers and ranchers whose domestic animals are killed by predatory animals (Rept. No. 92–1132). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 10923. A bill to amend the cargo preference law; with an amendment (Rept. No. 92–1138). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 9410. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; with amendments (Rept. No. 92–1143). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 12991. A bill to continue until the close of June 30, 1975, the existing suspension of duty on certain copying shoe lathes (Rept. No. 92–1144). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee of conference. Conference report on H.R. 14734. (Rept. No. 92–1145). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 1860. A bill for the relief of David Capps, formerly a corporal in the U.S. Marine Corps; with an amendment (Rept. No. 92–1133). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 6204. A bill for the relief of John S. Attinello; with amendments (Rept. No. 92–1134). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 10012. A bill for the relief of David J. Foster; with amendments (Rept. No. 92–1135). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 10635. A bill for the relief of William E. Baker; with amendments (Rept. No. 92–1136). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 12638. A bill for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired; with amendments (Rept. No. 92–1137). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. House Resolution 943. Resolution to refer the bill (H.R. 3462) entitled "A bill for the relief of Seaview Electric Company" to the Chief Commissioner of the Court of Claims (Rept. No. 92–1139). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. H.R. 10363. A bill for the relief of Herbert Improte; with an amendment (Rept. No. 92–1140). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. S. 889. An act to restore the postal service seniority of Elmer Erickson (Rept. No. 92–1141). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. S. 2359. An act for the relief of Willard O. Brown (Rept. No. 92–1142). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 15521. A bill to amend title II of the Social Security Act and chapters 2 and 21 of the Internal Revenue Code, and to add a new title XX to the Social Security Act to provide for a minimum annual income of $3,375 in the case of single individuals, and $4,500 in the case of married couples, a 25-percent across-the-board increase with subsequent cost-of-living increases, to reduce social security tax rates and provide a more equitable method for their determination and apportionment, to increase old-age, survivors, and disability insurance benefits to reflect the new tax and benefit base, to eliminate the existing actuarial reduction in widow's and widower's benefits in cases of disability, to include within the term "disability" certain additional conditions requiring substantially continuous care, and to require that future social security benefit increases be disregarded in determining need under the various federally assisted public assistance programs; to the Committee on Ways and Means.

H.R. 15522. A bill to amend title II of the Social Security Act to provide that an individual who resides with and maintains a household for another person or persons (while such person or any of such persons is employed or self-employed) shall be considered as performing covered services in maintaining such household and shall be credited accordingly for benefit purposes; to the Committee on Ways and Means.

H.R. 15523. A bill to amend title II of the Social Security Act to provide that full old-age, wife's, and husband's insurance benefits (and medicare benefits) shall be payable at age 60 (with such benefits being payable in reduced amounts at age 55), to provide that full widow's, widower's and parent's insurance benefits shall be payable without regard to age, and for other purposes; to the Committee on Ways and Means.

H.R. 15524. A bill to amend title II of the Social Security Act to increase to $9,000 a year the amount of outside earnings permitted without deduction from benefits thereunder and to provide that deductions from benefits on account of outside earnings in excess of that amount shall not exceed one-half of such excess; to the Committee on Ways and Means.

H.R. 15525. A bill to amend title II of the Social Security Act to eliminate the "family maximum" provisions which presently limit the total amount of benefits that may be paid on an individual's wage record; to the Committee on Ways and Means.

H.R. 15526. A bill to amend title II of the Social Security Act to reduce from 20 to 5 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

H.R. 15527. A bill to amend title II of the Social Security Act to eliminate the special dependency requirements for entitlement to husband's and widower's insurance benefits, so that such benefits will be payable on the same basis as benefits for wives and widows; to the Committee on Ways and Means.

H.R. 15528. A bill to amend title II of the Social Security Act to provide benefits for widowed fathers with minor children, on the same basis as is presently provided for widowed mothers with minor children; to the Committee on Ways and Means.

H.R. 15529. A bill to amend title II of the Social Security Act to provide that the marriage or remarriage of a beneficiary shall not terminate his or her entitlement to benefits or reduce the amount thereof; to the Committee on Ways and Means.

H.R. 15530. A bill to amend title II of the Social Security Act to provide monthly insurance benefits for qualified dependent brothers and sisters of certain insured individuals; to the Committee on Ways and Means.

H.R. 15531. A bill to amend title II of the Social Security Act to increase to $20,000 the ceiling on the amount of earnings which may be counted annually for purposes of social security benefits, and to amend the Internal Revenue Code of 1954 to eliminate altogether the ceiling on the amount of earnings which may be counted for purposes of social security taxes; to the Committee on Ways and Means.

H.R. 15532. A bill to amend title II of the Social Security Act to provide that an individual shall be considered to be dependent upon another person (for purposes of any kind of benefits which are conditioned upon such dependency) if he or she is receiving at least one-fourth of his or her support (instead of one-half of such support as required under present law) from such other person; to the Committee on Ways and Means.

H.R. 15533. A bill to amend title II of the Social Security Act to eliminate the duration of marriage and other special requirements which are presently applicable in determing whether a person is the spouse or former spouse of an insured individual for benefit purposes; to the Committee on Ways and Means.

H.R. 15534. A bill to amend title II of the Social Security Act to provide that an individual entitled to more than one monthly insurance benefit thereunder may simultaneously receive the largest of such benefits plus one-half of the next largest; to the Committee on Ways and Means.

H.R. 15535. A bill to amend title II of the Social Security Act to provide monthly insurance benefits for certain dependent parents of individuals entitled to old-age or disability insurance benefits; to the Committee on Ways and Means.

By Mr. BRAY:

H.R. 15536. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.R. 15537. A bill to establish an Environmental Quality Corps; to the Committee on Education and Labor.

By Mr. CONABLE:

H.R. 15538. A bill to amend the Internal Revenue Code of 1954 to correct an inequity with respect to the applicability of the rules involving carryback and carryover of unused credits for investment in certain depreciable property; to the Committee on Ways and Means.

By Mr. McCLURE:

H.R. 15539. A bill to amend section 2412(a) of title 28, United States Code, to make the United States liable for court costs and attorney's fees to persons who prevail over the United States in actions arising out of administrative actions of agencies of the executive branch; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 15540. A bill to amend title 39, United States Code, to exempt State lotteries from certain Federal prohibitions; to the Committee on Ways and Means.

By Mr. O'NEILL:

H.R. 15541. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas (for himself, Mrs. Abzug, Mr. Badillo, Mr. Bennett, Mr. Bergland, Mr. Brasco, Mr. Burton, Mr. Byrne of Pennsylvania, Mr. Collins of Illinois, Mr. Coughlin, Mr. Davis of South Carolina, Mr. Dingell, Mr. Eilberg, Mr. Fascell, Mr. Fish, Mr. Forsythe, Mr. Gonzalez, Mrs. Hansen of Washington, Mr. Harrington, Mr. Hechler of West Virginia, Mrs. Hicks of Massachusetts, Mr. Hogan, Mr. Hosmer, and Mr. Leggett):

H.R. 15542. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PRYOR of Arkansas (for himself, Mr. Conte, Mr. Melcher, Mr. Mitchell, Mr. Mollohan, Mr. Moorhead, Mr. Podell, Mr. Rees, Mr. J. William Stanton, Mr. Steele, Mr. Stuckey, Mr. Schwengel, Mr. Tiernan, and Mr. Yatron):

H.R. 15543. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RARICK:

H.R. 15544. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mr. SCHERLE:

H.R. 15545. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise certain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

By Mrs. ABZUG (for herself and Mr. Metcalfe):

H.R. 15546. A bill to prohibit discrimination by any federally insured bank, savings and loan association, or credit union against any individual on the basis of sex or marital status in credit transactions and in connection with applications for credit, and for other purposes; to the Committee on Banking and Currency.

H.R. 15547. A bill to prohibit discrimination by financial institutions or any other persons on the basis of sex or marital status in connection with federally related mortgage transactions, and to require all parties to any such transaction to submit appropriate reports thereon (containing specified information) for public inspection; to the Committee on Banking and Currency.

H.R. 15548. A bill to amend the Truth in Lending Act, to prohibit discrimination by creditors against individuals on the basis of sex or marital status with respect to the extension of credit; to the Committee on Banking and Currency.

By Mr. BERGLAND:

H.R. 15549. A bill to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 15550. A bill to convey to the City of Alexandria, Va., certain lands of the United States, and for other purposes; to the Committee on the District of Columbia.

By Mr. EILBERG:

H.R. 15551. A bill to provide for orderly trade in antifriction ball and roller bearings and parts thereof; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon (for herself, Mrs. Griffiths, Mrs. Hicks of Massachusetts, Mrs. Grasso, Mrs. Chisholm, Mrs. Mink, Mrs. Hansen of Washington, Mrs. Dwyer, and Mrs. Sullivan):

H.R. 15552. A bill to provide a remedy for sex discrimination by the insurance business with respect to the availability and scope of insurance coverage for women; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA:

H.R. 15553. A bill to amend the National Housing Act to provide for parity of regulation of service corporations owned by State-chartered insured savings and loan associations; to the Committee on Banking and Currency.

By Mr. LEGGETT:

H.R. 15554. A bill to authorize grants to the Deganawadah-Quetzalcoatl University; to the Committee on Education and Labor.

By Mr. McKINNEY (for himself, Mr. Conover, Mrs. Grasso, Mr. Halpern, Mr. Podell, and Mr. St Germain):

H.R. 15555. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts won in State lotteries; to the Committee on Ways and Means.

By Mr. O'NEILL:

H.R. 15556. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 15557. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUPPE:

H.R. 15558. A bill to amend the Truth in Lending Act to protect consumers against careless and unfair billing practices, and for other purposes; to the Committee on Banking and Currency.

By Mr. SHOUP:

H.R. 15559. A bill to amend the Small Business Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. TIERNAN:

H.R. 15560. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

H.R. 15561. A bill to amend title II of the Social Security Act to provide in certain cases for the payment of minimum wife's (or husband's) insurance benefits to an otherwise qualified individual before the insured spouse attains retirement age and becomes entitled to benefits himself; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 15562. A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit the making available of Government procurement sources to Federal grantees and contractors; to the Committee on Government Operations.

By Mr. DUNCAN:

H.R. 15563. A bill to designate Joyce Kilmer Memorial Forest and Slickrock Creek watershed as wilderness areas; to the Committee on Interior and Insular Affairs.

By Mr. HOGAN:

H.R. 15564. A bill to amend title 5, United States Code, to extend survivor annuity eligibility to a surviving spouse who is the parent of an adopted child; to the Committee on Post Office and Civil Service.

By Mr. PUCINSKI:

H.R. 15565. A bill to amend the Food Stamp Act of 1964, to provide that income received by individuals who are at least 60 years of age under the Social Security Act or the Railroad Retirement Act shall not be counted by the Secretary of Agriculture in determining national standards of eligibility for participation by households (of which such individuals are a member) in the food stamp program; to the Committee on Agriculture.

By Mr. DELLENBACK:

H. Con. Res. 633. Concurrent resolution calling upon all signatories to the Geneva Convention to insure respect for that convention by persuading North Vietnam to fulfill its obligations under the convention; to the Committee on Foreign Affairs

By Mr. FINDLEY (for himself, Mr. Archer, Mr. Bennett, Mr. Bray, Mr. Collier, Mr. Collins of Texas, Mr. Dennis, Mr. Devine, Mr. du Pont, Mr. Erlenborn, Mr. Fascell, Mr. Forsythe, Mr. Gibbons, Mr. Henderson, Mr. Hutchinson, Mr. Lennon, Mr. Lujan, Mr. Mann, Mr. Michel, Mr. Quie, Mr. Reuss, Mr. Rhodes, Mr. Rousselot, Mr. Schneebeli, and Mr. Thone):

H. Res. 1020. Resolution amending the Rules of the House by adding rule XLV on House-authorized Federal budget; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MEEDS:

H.R. 15566. A bill for the relief of Mildred Christine Ford; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 15567. A bill for the relief of Nepty Masauo Jones; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 15568. A bill for the relief of Mofizal Ahmed; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

LAW DAY U.S.A.—NEW YORK CIVIL COURT OBSERVANCE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, June 15, 1972

Mr. JAVITS. Mr. President, I would like to call attention to the record of the New York Civil Court's Law Day U.S.A. observance on May 1, 1972, which had as its theme "Equal Access to Equal Justice," and featured the unveiling of the worldwide recognized symbol of access for the handicapped on the facade of the courthouse at 111 Centre Street, New York City, before an estimated 1,000 Americans representing the bench and bar, government agencies, architects, and the handicapped.

I ask unanimous consent that speeches delivered on that occasion be printed in the Record.

There being no objection, the speeches were ordered to be printed in the Record, as follows:

Law Day U.S.A.

Court Officer. Hear ye, hear ye! The Law Day USA Ceremonies will come to order. Judge Nathaniel Sorkin, presiding.

Judge Sorkin. Judge Thompson, Presiding Justice Stevens, Presiding Justice Rabin, my colleagues, distinguished guests, ladies and gentlemen:

As Chairman of the Law Day Observance, I welcome you to the ceremony being held on the legendary steps of the courthouse at 111 Centre Street, in the northern end of the Civic Center in New York County. The fact that the steps are legendary, rather than real, thereby affording "equal access to equal justice," is the theme of this Law Day program.

Before presenting our Master of Ceremonies, I want to express my appreciation to the organizations and groups that helped make this event successful. Rehabilitation International and Rehabilitation International U.S.A., Metropolitan Chapter of the National Rehabilitation Association, Architectural Barriers Association, and the Mayor's Advisory Committee on the Handicapped, of which I am a member and whose Chairman, Judge Joel J. Tyler, requested me to report that this unveiling will serve as the kick-off for a campaign by his Committee to encourage the display of the Symbol of Access on all barrier-free public buildings, and last—last because it is written that the last shall be first, and, indeed, he is first and a man of firsts. I speak of the first fireman to become a Judge, then a Fire Commissioner, again a Judge and then a Justice of the Supreme Court, and an Administrative Judge. The first Administrative Judge of a Court that has effected current calendars and has a courthouse that can display the Symbol of Access. I refer to the Administrative Judge of the Civil Court of the City of New York, our Master of Ceremonies, Justice Edward Thompson.

Justice Thompson. Judge Sorkin, Presiding Justice Stevens, Presiding Justice Rabin, Commissioner Maevis, distinguished guests, my colleagues, ladies and gentlemen.

All over the land there will be Law Day ceremonies today. The President the Chief Justice of the United States, and the Chief Justices of every State have proclaimed this. However, here we have today something which not only will provide equal justice, but equal access to justice. I wonder how many of you realize that 12% of our population is handicapped. We are so fortunate, indeed, to have a structure such as this which could bear the symbol that it is a place which is accessible to those, whether they be litigants or lawyers, witnesses or Judges, those who travel in a chair propelled by a wheel and self locomotion can enter the building, go anywhere within the confines thereof and use all of its physical facilities. Yes, and even ascend the Bench or the witness box. As it was said by Judge Sorkin, a member of this Bench for more than 15 years, who himself uses a wheelchair as a result of childhood polio, this building is the only public building which offers such facilities.

This ceremony is held today, among other things, for the reason that you and I may show the way to the architects and the builders and the planners and the administrators of tomorrow that they should, when they erect buildings, take cognizance of the fact that so many of our brethren are handicapped and they, too, need equal access, barrier-free buildings, under the law.

I would now like to introduce to you some very distinguished guests who are with us today. The Chief Justice of the Supreme Court of the Phillipine Islands, Honorable Robert R. Concepcion; Associate Justice of the Appellate Division, First Department, Honorable Louis J. Capozzoli; the Director of Training of the State and a Professor of the National College of the State Judiciary located in Reno, Nevada, Dr. Ronald Fremlin; a great community leader, scouter, and Past President of the Council of Churches of New York, Reverend Dr. Mannie L. Wilson; Deputy Borough President of Manhattan, Hon. Leonard Cohen; Chairman of the Civil Court Committee of the Association of the Bar of the City of New York, Mr. Robinson Markel; Chairman of the Civil Court Committee of the New York State Trial Lawyers Association, Mr. Samuel F. Gold.

And now to kick off these brief ceremonies, I am pleased to call upon a Law Professor about to assume that title at Fordham University School of Law, and a Vice-President of the New York Women's Bar Association, Professor Shiela Birnbaum.

Professor Birnmaum. Thank you Judge Thompson, honored guests and ladies and gentlemen:

The Constitution guarantees to every person access to the judicial system and a day in court. This guarantee must be assured to all persons regardless of their status, regardless of whether their cause is popular or unpopular. But, there is one group that has been overlooked often by our courts and by our society, and those are the handicapped and the disabled. In order for them to have equal justice, they must have equal access to our courts. They must be able to enter our courts with dignity, with pride, and with self-respect. There are hundreds of thousands of physically handicapped persons in this State that do not have the opportunity to enter the courthouses on the same basis as those who are not handicapped. Surely, victims of accidents who come to the courts to seek legal redress ought to be able to enter these courts on their own basis. We must provide access and we must provide access with dignity. A person who is in a wheelchair should not have to be carried into our courthouses, but should be able to enter our courthouses with self-respect and dignity. The handicapped do not want pity, but they do want an opportunity to live their lives the same as others and to use our legal facilities as others can.

Today we are making a first step forward and it is a good step. We are unveiling a Symbol of Access to this building that is constructed in such a way that handicapped people can take full advantage of it. And we must do more in this area. We must take this into consideration in the construction of all our public buildings, especially our courthouses so that the handicapped may have equal access in order to have equal justice.

Justice THOMPSON. All of these things come to pass only because we have a builder. We are fortunate enough to have the biggest builder in New York here today. He is the Commissioner of the Department of Public Works. It is because of the things he does and the things he stands for that the Symbol of Access is to be affixed to this building and unveiled today.

I would now like to introduce the Commissioner of the Department of Public Works, Honorable Alfred Maevis.

Commissioner MAEVIS. Thank you Judge Thompson, Mr. Mayor, Judge Sorkin, Judge Rabin, Judge Stevens, our honored guest from the Phillipines, Chief Justice Concepcion. Here I will stop introducing Judges because then I get in trouble and my name is "Mud" if I miss one. It is now ladies and gentlemen.

As an engineer and as a Commissioner of Public Works, I am honored to be here today. I have been invited to participate not only in the Law Day USA celebration, but also in the unveiling of the Symbol of Access for the handicapped on this Courthouse. That was an excellent phrase that Judge Sorkin used, "equal access". For many of us it means very little because we have no problems. For others, though, it is a major problem and I am very pleased that my predecessors had enough foresight on this building to provide this "equal access".

I can also assure you that the new Family Court, which is going up across the street will have this "equal access", also the new Family and Criminal Court in the Bronx and every one of our new libraries will, and I shall see that there will be a very definite effort to make sure that every institution provides "equal access".

I think this day is a step ahead for our city and for all those who participated with me, Judge Thompson and with Judge Sorkin to make this possible.

Justice THOMPSON. I would now like to introduce the President of the New York County Trial Lawyers Association, which is the largest association of lawyers within the entire City of New York,

Mr. Thomas Kiernan.

Mr. KIERNAN. Thank you Judge Thompson, Mr. Mayor, Presiding Justice Stevens and Presiding Justice Rabin, Your Honors, Guests, Ladies and Gentlemen:

It is a great privilege for me to be here today and participate in this ceremony on behalf of the New York County Lawyers Association.

We all know that the rule of law is the way of life which we live in this country. And without the rule of law, we would be in a chaotic condition. We all know what has happened in places where the rule of law has been disregarded. Places such as Nazi Germany, places such as Italy under the Mussolini regime, places of that kind where freedom is unknown.

It is perfectly clear that where you have a rule of law, the law has to be applied equally to all persons, without regard to their status, their influence, their wealth, their social position, or other things of that kind. And it is because we have a system of courts in this country in which the vast majority of our people have great confidence, that we have the peace and order that we have today in this country.

One of the things that brings about equal access to the law is the kind of thing that we are enjoying here and witnessing here today. I mean, free access to the courts and this ceremony which will honor the handicapped in their efforts to have access to the courts. It is something that I think is significant.

Now we know in the Legislature there is pending a series of bills which would provide for the central administration of the courts throughout this State. I do not know whether those bills will be enacted, but if there is central administration, it probably will hold well for a more meaningful access to the courts and there will be, I think, community improvements and administrative improvements. We all know how badly things are needed and I hope with your cooperation and the cooperation of the Bar Associations, we will be able to accomplish something along these lines.

Justice THOMPSON. All of you know that this is commonly known as the Civil Court of New York. It is known as the Peoples Court. Day by day, week by week, month by month, more and more people come to this Court to seek redress for their civil wrongs. Many of them come without counsel. The opportunity to come in here free and easy, without barriers, has particularly grown during this time of consumer protection. And no bodies in the field of law have shown more attention and given more preference to you and the opportunity to people of all kinds to come in and to press their claims than our two great Presiding Justices who preside over the operations of this Court. As you know, the Civil Court is comprised of the five boroughs and counties in the City of New York. And two of these counties, namely Manhattan and the Bronx, are presided over by Presiding Justice Harold A. Stevens. The other three counties, namely Kings, Queens and Richmond, together with the six or seven others, are presided over by Presiding Justice Samuel Rabin. And, together, these two departments as they are called, comprise approximately 75% of all of the people of the great State of New York.

These two Presiding Justices have worked so that it be true that access opportunities for the resolution or civil claims be made popular, be made easy, be made facile within the Civil Court of the City of New York.

I give to you, and I give to them, as I introduce them for a few brief remarks, my personal tribute and the tribute of my colleagues of the Civil Court Bench who are seated in the rows before you, for the wonderful cooperation and assistance and guidance they have given us.

Now, may I call upon first for a few remarks, The Honorable Harold A. Stevens, Presiding Justice of the Appellate Division, First Department.

Justice STEVENS. Administrative Judge Thompson, Mayor Lindsay, Judge Sorkin, Judge Concepcion, Commissioner Maevis, My Partner in Crime—as we refer to each other—Justice Rabin, Distinguished Guests on the platform and equally Distinguished Guests in the audience:

It is a happy occasion to join with others in the placing of a symbol on this building which indicates that all persons who suffer physical disability will not encounter that problem as they seek to enter this Temple of Justice. I was delighted to hear Commissioner Maevis say that in the new structures which are now rising and will house the courts, that that same care and attention which have been evident here, will be carried out in those buildings. I would, however, add one word while we are concerned today with the care of those who are physically disabled, I would point out to you that on Law Day we should be equally concerned that in the years ahead we assure the future generations that they should not suffer disabilities by reason of denials of equal opportunities and privileges which might prepare them for the future. And, along that line, I would say issues which appeal to the emotion, which have no sound basis and leaves no logic, which would throw us back for perhaps 70 to 75 years, should not be indulged in merely for the purpose of seeking and obtaining re-election.

Justice THOMPSON. Thank you Presiding Justice Stevens.

Now I am honored and privileged to introduce you to the Presiding Justice of the Appellate Division, Second Department, The Honorable Samuel Rabin.

Justice RABIN. Judge Thompson, Mr. Mayor, Judge Sorkin, Commissioner Maevis, Our Guests, and particularly My Partner in Crime. Judge Stevens referred to me as His Partner in Crime because as you probably know, the greatest amount of our time as Administrative Judges during this last year has been devoted to attempting to alleviate the conditions in our courts, our judicial systems and our correctional system, which hopefully will reduce crime and the number of criminals that we have to take care of, and see that the system of justice is properly administered, so today we don't come here as Partners in Crime. We come to pay our tribute to a group of Judges who sit in a court that takes care of the problems of the people of our community and a group of Judges that has done a magnificent job in administering justice well and equally to the people of this city.

I want to take this opportunity if I may, Judge Thompson, to compliment you on what you have done and how you have done it. Today is an example of your inventiveness and an example of the thinking which has led to the improvements of your Court.

Today is not just Law Day for you in the abstract. Today is Law Day not only in the abstract, but Law Day to know something specifically has been done for people, and for people in need of consideration. That is what our court system stands for. I am very happy today to join in this little way in my tribute for what you have been doing and in my tribute also to what all of the Judges in the First and Second Departments have been doing to make justice a living and a real thing.

Justice THOMPSON. Thank you for the deep-rooted compliment, Justice Rabin. We certainly appreciate those kind remarks. The Chief Executive of the City of New York has taken the time out of his extremely busy schedule to come here this afternoon. All of these things become possible because he has the foresight to have in his Cabinet people such as Commissioner Maevis and possibly others who have been associated either before or will hereafter be associated with him in the building program in the City to make such an opportunity available to people such as we see sitting before us—the handicapped. There are literally scores of representatives here today of associations of the handicapped from all over the world. Judge Sorkin will unveil the Symbol with Mayor Lindsay after the Mayor speaks with you. I wonder how many of you realize that the Symbol is one which is international in scope which is displayed in every country in the world in recognition of the rights—the rights mind you—of handicapped people who come to gain access to various things. We are doing something which is worldwide here, and we are recognizing the fact that our Mayor has made many of these things possible.

It is with deep honor and privilege that I introduce to you, The Mayor of the City of New York, The Honorable John V. Lindsay.

Mayor LINDSAY. Judge Thompson, thank you very much for your introduction.

Justice Stevens, Justice Rabin, Judge Sorkin, Judges of the Civil Court, ladies and gentlemen:

I feel very inadequate in the presence of all of these Honorable Judges on this platform and those who are stretched out here in the audience before me.

We are a little bit comforted by the knowledge that a Judge is only a law student who corrects his own examination papers.

I want to express my thanks to Judge Thompson and the Presiding Justices of the Appellate Division, First and Second Departments and the distinguished Judges of the Civil Court that are here today on behalf of the entire City of New York for the superlative work that you have been doing in keeping the Civil Court calendar current.

The Civil and Criminal Courts of the City, thanks to the leadership of Justices Stevens, Rabin, Thompson and Ross; and thanks to the cooperation of the Justices of the Civil and Criminal Courts who can take pride in the fact that the calendars of those two courts are current.

I, personally, take pride in the fact that there are professionals in the business of the administration of justice from around the United States who are now coming to New York City to take a look at what is happening in those two courts to see whether or not a similar attack on the problem of court delay can be made in the jurisdictions from which they come. This has been a very important development. It can only have occurred in the case of the Civil Court with the energy, the toughness and the leadership of Justice Thompson. The leadership that he has provided has been significant, meaningful and important to the whole City and has set the landmark and the pace for other aspects of the administration of justice to emulate.

We all know that we have considerable distance to travel in respect of the New York State Supreme Court itself, and particularly its Criminal Part.

On this Law Day, the 1st of May, it is appropriate I think that we recommit ourselves to the process of curing the delays that occur in the Criminal Part of the Supreme Court. Part of those delays I think, myself, can be and should be accomplished ultimately by New York State taking on the long and difficult task of reforming the method of selection of the elective State Supreme Court. Long the subject of concern of constitutional conventions and of persons like myself, the Bar Associations who have taken up the lances on this subject and mounted the white horses, only to have them shattered in the battle. It must be understood that the problems of the Supreme Court's Criminal Parts are vastly more complicated than the problems of the Criminal Court of the City. Nonetheless, the same kind of results might be achieved if only the system itself will respond more vigorously to the leadership that is being provided by the gentlemen who are sitting here, namely, the distinguished Presiding Justice of the First Department, Justice Stevens and the Presiding Justice of the Second Department, Justice Rabin.

What Justices Ross and Thompson have brought about, at a lesser level from them, can be a strong goal for all of us to try to pursue.

It is also appropriate that on Law Day we salute what has been accomplished here in respect to a portion of the public.

To Judge Sorkin goes my thanks and the thanks of all the jurists and all of the people for his pressure, cooperation, constructive advice in the accomplishment of a single thing, just to make life easier for a segment of our population which has a burden upon its shoulders, long beyond and long overdue. Handicapped persons in our City live with problems that are beyond the comprehension of most of us. Handicapped persons of our City have made a contribution to the well-being of this town far beyond the knowledge of the average citizen. Handicapped persons that I have worked with myself have taught me something about the meaning of care, courage, compassion, toughness and bravery. And the unveiling of this plaque which symbolizes the importance we attach toward the well-being of handicapped persons is something that will inure to the benefit of all New Yorkers everywhere, not just those who are suffering from the burdens of being handicapped.

Finally, before we have this unveiling, I want to express my appreciation to the two jurists who have been most responsible for this, by presenting to each of them a Certificate of Appreciation of the City that simply spells out in very official terms with the seal and the colors of the City attached, and the thanks of eight million New Yorkers. The first plaque is to The Honorable Nathaniel Sorkin:

"In Recognition Of The Great Service He Has Rendered Our City Despite Almost Insurmountable Personal Barriers. His Distinguished Career Has Inspired All The Handicapped With The Knowledge That Personal Affliction Is Surmountable. It Is My Privilege To Commend Him On Behalf Of All Of Our Citizens."

Judge SORKIN. Thank you, Mr. Mayor.

Mayor LINDSAY. The second plaque is to The Honorable Edward Thompson:

"In Recognition Of His Keen Interest In The Social Problems And Civil Rights Of The Handicapped Which Is Surpassed Only By His Judicial Demeanor And Fairness To All People. It Is My Privilege To Commend Him On Behalf Of Our Citizens."

Justice THOMPSON. Mayor Lindsay, I thank you very much.

Mr. Mayor, Judge Sorkin, Commissioner Maevis, will you all kindly proceed to the back of the platform for the unveiling.

Judge SORKIN. By the Symbol that I now unveil, know all persons that this Courthouse is barrier-free, all handicapped persons, welcome!

Justice THOMPSON. Thank you, Mr. Mayor; thank you Judge Sorkin. Thank all for attending today's ceremony.

FINANCING LOCAL GOVERNMENT

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FOUNTAIN. Mr. Speaker, Mr. William G. Colman, the highly regarded former executive director of the Advisory Commission on Intergovernmental Relations, recently addressed the annual conference of the Municipal Officers Association. I want to share his very thoughtful talk on "Some Future Issues in Local Government Financing" with my colleagues, since the financial problems of our local and State governments is a matter of deep concern to all of us at this time.

I found the following observations in Mr. Colman's address especially thought-provoking:

If we are to maintain—or regain—fiscal and moral solvency in this country, we have got to stop the reckless habit of promising public benefits beyond our physical and financial capacity to provide, and we have got to stop launching programs on a limited basis, if we doubt our ability to extend them to all the people who on a basis of equity would be entitled to the benefits.

No wonder our citizens are losing confidence in government! No wonder our middle income taxpayers are up in arms!

The complete address follows:

SOME FUTURE ISSUES IN LOCAL GOVERNMENT FINANCING

(By William G. Colman)

Any one of you if asked to write down the six or eight major issues in local government financing over the next decade would come up with a list different from the person sitting next to you, but it is a safe bet that half of them would pretty much coincide, and some chance that you would be together on two-thirds or more of them. This is indicative both of similarity of problems being faced by state and local finance officers over the country and of the overriding nature of some of these problems.

So I will deal today with my own list, secure in knowing that it's in the same ball park as yours, but much less certain as to any ideal solutions. Some ideas and alternatives will be suggested for your consideration.

At the outset, I'll just reel off what seem to me to be the crucial decisions that must be confronted soon if we are to avoid fiscal chaos on the one hand or abdication of local self-determination in financial affairs on the other. Then we will try to examine each one in as much depth as time permits. Here they are:

How to assure equality of educational opportunity in fiscal terms while preserving local policy control over public education.

How to reform the property tax so that it may continue to be a substantial source of local revenue.

How to assure equity among neighborhoods in the delivery of municpal services while avoiding a strait jacket of one-man one-dollar egalitarianism portended by some current judicial decisions.

How to cope with growing employee union clout and associated factors of rising unfunded pension system liability and a shocking decline in local public employee productivity—a decline that is playing havoc with local budgeting and revenue raising.

How to avoid escalating public expectations for services far beyond the ability of taxpayers to provide.

How to evolve a local revenue structure that is equitable, administrable, and provides an optimal mix among taxes, user charges, and other revenue sources.

How to fashion a fiscal and functional framework within metropolitan areas for the provision of area-wide services under financing arrangements that appropriately relate degree of functional spillover to the geographic breadth of the tax base.

How to assure an adequate market for local bond issues.

And of course the list could go on. I have purposely omitted three fiscal issues of a high order because they are so pervasive and have been discussed so exhaustively over the recent past: Federal revenue sharing with state and local governments; welfare reform; and the economic, fiscal, and social survival of the great central cities of America. Suffice it to say here that there is growing agreement across the political spectrum that indeed Federal revenues must and will be shared and that welfare should and must be federalized. The survival of the inner cities poses the basic question whether to undertake massive reconstruction at a cost of untold scores of billions of dollars or conversely adopt a people-oriented approach of assisted depopulation and resettlement coupled with planned economic disinvestment in these core city areas—also at a cost of untold scores of billions.

Any of these three issues would require all the time available to us and more. Instead we will now try to focus on the questions posed earlier and which confront every municipal finance officer regardless of the size of his city.

SCHOOL FINANCE AND PROPERTY TAX REFORM

I will deal collectively and very briefly with these two hot potatoes because they are being discussed in depth by Messrs. Harris and McGrew. Let me just say that I agreed completely with the proposals of the President's Commission on School Finance and of the ACIR that state governments assume the responsibility for funding practically all of the non-Federal share of school costs with limited local supplementation.

With regard to the property tax I have never agreed with and do not now share in the condemnation heaped upon this tax by economists and politicians alike. It will be difficult to replace, and if displaced entirely, state-local finance and the practice of local self-government in this country will both suffer. The economic stability of the tax and its braking effect upon public spending are virtues not found in any other major tax. Finding for it a reduced but secure place in the state-local fiscal sun is a major financial and political challenge of this decade.

EQUITY IN NEIGHBORHOOD SERVICE DELIVERY

It is well known—

That in many cities low income neighborhoods are discriminated against in the provision of public facilities and services;

That present policies often result in local areas which need the most service receiving the least;

That fiscal guidelines for measuring differentials of service need are woefully lacking; and

That these policies and practices contribute greatly to urban blight and social unrest.

What is not so apparent, however, is that unless city finance officers, city managers, and city political leaders shape up and shape up fairly rapidly in this area, they will see an increasing number of what should be legislative or administrative decisions being made by the courts.

In Shaw, Mississippi, the court held that to provide particular municipal services to one part of town and not to another was a denial of equal protection. When courts find such discrimination, it is a logical part of the judicial process for a remedy of some kind to be ordered. But it is in the development of a remedy that the judge must begin to play a policy and administrative role.

So it behooves finance officers to work with managers and mayors in collecting the facts about equity of service levels among neighborhoods and in developing criteria for the differentiation of service intensity in relation to need. These are tough issues but fiscal and policy managers are in a better position than judges to work out the answers.

PUBLIC EMPLOYEE ORGANIZATION, PRODUCTIVITY, AND PAY

It is noteworthy that an objection most often expressed to Federal revenue sharing by the urban poor and minority groups is the fear that most of the unearmarked funds will be eaten up by public employee unions in salary and fringe benefit raises. Yet as budgetary constraints tighten at the municipal bargaining table, mayors and councilmen with disturbing frequency are buying labor peace by agreeing to large increases in fringe benefits especially earlier and more generous retirement pay, but with devastating fiscal consequences for the future. For some services in some cities we are approaching a situation where we will have two retired employees for each active worker—in other words, paying three generations of workers at the same time.

However, it is pointless to think that public employee unions will halt their demands of their own accord. In quite a number of states and in many localities particularly smaller ones, it is still considered illegal or immoral or both to belong to, consort with, or direct sympathetic attention toward an employee organization or any of its leaders or officers. Until we remove the burr of outdated and repressive labor practices from beneath the saddle of public employee organizations we can expect them to continue bucking and bolting. The other essential ingredient is a greater measure of political guts for mayors and managers at the bargaining table.

Along with rapid increases in pay over recent years we have also been facing a shocking decline in employee productivity. Instances abound on every hand in your city and mine. Here again, though, we must do some careful differentiating. Some of the decrease in productivity really represents an increase in output quality, more public health personnel per thousand population, for example.

Secondly, most local governmental functions are labor intensive rather than capital intensive. Since all sectors of the economy compete for talent, wages and salaries in the service-dominated sectors must generally keep up with those in the capital-dominated sectors. This tends to place a squeeze on the cost of those activities for which individual productivity is hard to increase.[1]

Finally, some of the basic problems in productivity lie in its measurement. It is here that city finance officers and managers must work collectively to formulate and perfect data bases and techniques for appraising objectively the quality of urban services. We must strive toward a rating system on the functional side as adequate as what we have long had in the rating of municipal debt offerings.

ESCALATION OF PUBLIC EXPECTATIONS

In a recent speech HEW Secretary Elliot Richardson commented upon the great and growing shortfall between legislated promises and the actual allocation of resources. He pointed out that to provide adequate mental retardation services for all those meeting present legal criteria would require an additional $10 billion and 750,000 more professional, paraprofessional and volunteer workers in that field; for community mental health services the dollar requirements are $11.5 billion and 400,000 personnel; for day care services for all low income families $30 billion dollars and ten million, yes ten million more workers. For all HEW programs combined the need was $100 billion and 20 million more employees at all levels of government. Government today employs a total of fourteen million, and the nation's total labor force is around 85 million.

This illustrates the shape we are in and the absolute necessity of curbing our promises and increasing what Richardson calls our "social efficiency"—the development of more economical ways of delivering public services; prominent among such possibilities is the substitution of paraprofessional time for professional time, reserving the latter for tasks that must be, repeat *must be* performed by a professional.

If I may use a personal example, the Montgomery County, Maryland Board of Education on which I serve, this year began a pilot project at the elementary school level to use teachers' aides instead of substitute teachers to fill in when the teacher is absent. This type of possibility occurs at countless points in the spectrum of public administration today.

If we are to maintain—or regain—fiscal and moral solvency in this country, we have got to stop the reckless habit of promising public benefits beyond our physical and financial capacity to provide, and we have got to stop launching programs on a limited basis, if we doubt our ability to extend them to all the people who on a basis of equity would be entitled to the benefits.

No wonder our citizens are losing confidence in government! No wonder our middle income taxpayers are up in arms!

AN EFFECTIVE AND EQUITABLE LOCAL REVENUE MIX

One good effect of current school finance litigation is the removal of sole dependency upon the property tax for local revenue. I would predict an increase in the spread of local revenue sources among various nonproperty taxes and user charges. The piggyback income tax likely will find increasing favor as the few holdout states against an income tax quickly succumb within the next couple of years.

To say all this, however, is to give little clue as to what a desirable mix of local revenue sources might be. Obviously, there cannot be an optimal *local* mix, because we must always look at the *state-local total* in order to assess the burden for any one tax and the burden of the state-local taxes collectively.

In connection with tax burden—you may wish to call it "effort" for political and psychological purposes—we need to move further and faster in perfecting measures for fiscal capacity and the impact of taxation upon that capacity. Whether we use personal income or the yield of a representative tax system as a base, we need to exclude the so-called exported taxes (severance, sales and gambling taxes paid by tourists, and so forth) in assessing relative tax effort or burden.

Finally, with regard to local revenue mix, it is rather clear that most cities can and should make more vigorous use of user charges than they have in the past. Now that the level of most municipal services is nearer a point of adequacy than formerly, there is a stronger ease for user charges to finance all or part of special improvements to service. Also it has been pointed out that whether or not user charges bring in a lot more revenue, some of them serve a good purpose by letting the price mechanism show what municipal services the public is willing to pay for and whether the public is ready to pay for them in locations where their cost is high.

FINANCING AREA—WIDE SERVICES IN METROPOLITAN AMERICA

Undoubtedly the next few years are going to see a rapid increase in the extent to which various governmental services are "metropolitanized"—in financing, or in administration, or both. Court decisions relating service costs to service benefits and curbing the extent of interlocal fiscal disparities will augment this trend, but its basic push will be economic and technological. As pollution abatement facilities become more complicated and more expensive, regional use becomes more imperative. As mass transit becomes more necessary, its local financing will depend increasingly upon metropolitan fiscal arrangements. And the list can go on.

As we develop area-wide entities for handling one or more of these functions that can no longer be carved upon a local unit by unit basis, it is likely that we will depend heavily at the outset upon revenue bonds and user charges to finance the metropolitan operations. Local residents will be reluctant initially to entrust the new agencies with property—or other general taxing authority and the principle of *pro rata* contributions from member local governments now used to finance many COGs will soon join the Lakewood plan in proven inadequacy for interlocal fiscal cooperation in metropolitan areas.

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[1] See Downs, *Urban Problems and Prospects*, Markham, 1970. pp. 32–34 for a further discussion of this point.

In addition to the formation of area-wide financing districts of one kind or another, let me mention a little discussed possibility for revenue raising in our large urban areas—the establishment by the Congress of Federal Metropolitan Taxing Districts, preceded by a constitutional amendment if necessary, whereby the residents of the district could vote a particular level or rate of income taxation to be piggybacked onto the Federal personal income tax and the collections remanded by the IRS to the governing board of the district. This kind of mechanism would allow the raising of revenue on an area-wide basis in an equitable and effective manner through use of the Federal tax machinery. Why don't you think that one over!

ASSURING AN ADEQUATE MARKET FOR LOCAL BOND ISSUES

Many of you are more familiar than I with the latest projections of needed local borrowing over the next decade, but a squeeze in the municipal bond market is widely predicted. It is more than likely that you are going to find some of your revenue borrowing extremely costly in the years ahead. You are also going to be under unremitting public pressure on the tax exemption front as tax reform gathers a new head of steam. It seems evident that some supplements to the existing pattern of debt financing are going to be required.

Some suggestions made by various study groups and by individual state and local executives over the past few years bear repeating here. I list them in no particular order of priority.

Enactment of a general government-wide statute by the Congress authorizing Federal departments and agencies to enter into prefinancing contracts with state and local governments whereby Federal reimbursement is pledged for state or local payments made in advance to cover the Federal share of project construction.

Some substitution of Federal lump sum payments for debt service grants, thereby transferring some of the borrowing burden from municipal to Federal bonds.

Initiation on a pilot basis of Federal subsidized lending operations for localities having to pay unusually high rates in the tax exempt market.

Establishment of state programs to assist small local governments in their access to the tax exempt market and where appropriate the use of the state government as a prime borrower and re-lender.

Each of the foregoing have problems and are not without controversy. But who ever said that municipal finance was non-controversial?

* * * * *

So we have here, it seems, a challenging agenda for the Seventies. Some will call it back-breaking. But three things are inescapable.

Local government must continue to function in these United States. That takes money.

Taxpayers as never before are demanding efficiency, accountability, and prudence in government operations and more resistance to employee demands at the bargaining table. That takes integrity and guts.

And the urban poor, supported by the courts are demanding real, honest to God equity in the financing and delivery of public services.

How do all of these yet retain the flexibility that is essential to effective public administration and the quality of diversity that is the hallmark of the American federal system, merely requires the wisdom of Solomon.

Good luck!

MERCURY LEVEL CEILINGS IN ALASKA FISH HARVESTING

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Thursday, June 15, 1972

Mr. GRAVEL. Mr. President, in addition to competing with the Russians and the Japanese for their living the hard working fishermen of Alaska must comply with rigid FDA regulations which appear to be arbitrarily set and more stringent than rules imposed by other nations who have conducted more research in the areas regulated. I am talking about the 0.5 parts per million ceiling for mercury that is allowed in the fish harvested for sale in the U.S. market. I am informed that, due to this regulation, fishermen in Alaska—through an agreement with the Halibut Association of North America—are cutting lose all halibut that they catch which weigh over 100 pounds, while Canadian fishermen are able to harvest these fish. In some areas of Alaska the fish over 100 pounds constitute half of the catch. I ask unanimous consent that an article from the July issue of Environmental Quality Magazine, illuminating the possibility of overreaction by the FDA in setting its mercury level ceilings, be printed in the RECORD.

There being no objection, the article is ordered to be printed in the RECORD, as follows:

MERCURY MADNESS

(By Henry A. Schroeder, M.D.)

Once the only effective cure for syphilis, and valued throughout the medical profession as a disinfectant, mercury has recently fallen into disrepute, and is considered by many to be contaminating seafood. Henry A. Schroeder, a medical doctor, Professor of Physiology Emeritus at Dartmouth Medical School. and Director of Research at the Brattleboro Memorial Hospital in Brattleboro, Vermont, explains the toxic nature of mercury and exposes the fallacy of mercury hysteria which has swept the country . . . Tuna is safe—enjoy, enjoy.

Mercury, atomic number 80, molecular weight 200.59, is one of the 84 stable elements in the universe. Therefore, the earth's crust and sea water contain, and have always contained, mercury. It is not very abundant, although it is more common than platinum or gold, and about equal to silver or cadmium in terrestrial distribution. Because mercury is a strangely heavy liquid at ordinary temperatures and evaporates slightly, the upper layers of soil contain less of it than the deeper ones, and its concentrations vary from .03 to .8 parts per million (ppm) of soil. Most rocks contain the smaller value, but shales have on the average .4 ppm.

In view of these natural concentrations, long known to geologists, it is not surprising that there is mercury in river water, which constantly adds mercury to the sea where it has been continually concentrating since the beginning of time. Although the concentration is still small (.08 to 1.0 parts per billion), over centuries a sizeable accumulation of mercury would be expected in the ocean, were it not for the fact that, like most other elements, mercury is not soluble in sea water, and it sinks to the ocean floor. Rivers pour 37 trillion tons of water into the ocean annually; contained within this flood are 2,000 tons of mercury, yet only one ton (0.03 percent) is actually suspended in water—the rest is in the form of sediment.

Life began in the seas, and the seas have always contained mercury. Considering the wide dispersal of mercury throughout the environment, it should come as no surprise that mercury is found in every living thing. In fact, brown algae (sea weed), which form the beginning of the food chain for some fish, concentrate mercury in their tissues to some 250 times the level of seawater. The continuous exposure to mercury in soil insures that plant tissues take up mercury. Because plants are the basic food source for land animals and insects, it is therefore impossible for an earthbound organism to be free from mercury.

HUMAN ELEMENT

We can reconstruct the mercury status of the average man, or Reference Man, as he is called. He is an adult male weighing 70 kilograms (154 pounds), middle aged, a little fat about the middle. He was killed in an accident, so he can be studied. And his body contains 51 elements, of which 12 are present in large amounts and 39 are "trace" substances.

Twelve of these trace elements in his body are essential for life and health. The others are either inert or toxic, but toxic only in larger amounts. As for mercury, our Reference Man's entire body contains 13 milligrams. The concentration is .2 ppm. In his lungs there are .58 ppm, brain 1.0 ppm, kidneys 2.8 ppm and hair (at least of Englishmen and Welshmen) 6.0 ppm.

The Food and Drug Administration has arbitrarily set a limit of .5 ppm mercury in fish and other food. The lack of wisdom behind such regulation and its association with popular hysteria shall be the focus of the remaining discussion.

FALSE POLLUTION

What has man done to set the stage for a mercury scare? According to H.J.M. Bowen, who collected most of the data used in this article, there are 10,000 tons of mercury mined annually around the world. River waters carry 3,000 tons to the ocean, most of it from natural sources, but ocean water only retains one ton. If all of the mercury mined annually were dumped into the sea, which is far from the truth, the ocean water would gain 3 tons. In a volume of 142 quintillion tons of sea water, even a thousand years of total dumping could not be detected by the most sensitive instruments. Therefore we can say with certainty that the oceans have not been "polluted" by mercury, or even contaminated, from man's activities. Two tenths of a part per quadrillion is not measurable and is meaningless in biological terms.

Because the oceans are neither polluted nor contaminated, it follows logically that ocean fish are not polluted, regardless of the mercury level in their flesh. Therefore, tuna and swordfish, and the bottom feeders such as flounder, cod, haddock, and halibut are as safe to eat as they were before we discovered mercury in them.

One explanation of the relatively high levels of 1.12 ppm mercury in 139 of 30,000 batches of tuna involves the biological fact that mercury is an accumulative element. Like cadmium, to which it is chemically similar, mercury accumulates with age. Larger and older fish have collected more mercury in their lives than younger, smaller fish new to the environment. This has been proven in cohoe salmon.

THE "OTHER" MERCURY

If the seas and their contents are not contaminated, what about local bodies of water? That is another situation entirely, and it concerns methyl-mercury almost exclusively.

When mercury is methylated by the addition of a carbon and 3 hydrogen atoms, it becomes much more toxic than simple salts or organic compounds of mercury. Methylmercury is a special case, for it does not behave as does common inorganic mercury—it is a deadly persistent poison.

Mercury poisoning articles invariably point to the "Mad Hatter" of *Alice in Won-*

derland as a prime example of the dangers of quicksilver. Mercury compounds are used in the manufacture of felt and hatters showed pathogenic side effects of mercury poisoning as an occupational hazard.

But they did not have methyl-mercury poisoning. Take away the source for exposure and the mercury is soon lost from the body (although it may collect in the kidneys for some time) and the symptoms clear.

Mercury is an excellent catalyst for making acetaldehyde and vinyl chloride out of acetylene gas. In the process, methyl mercury is formed. If it is dumped into relatively confined waters, it can enter the food chain and be accumulated by fish. People eating a lot of those fish can thus be poisoned.

ILLUSTRATIVE ACCIDENT

In Minimata, Japan, an acetaldehyde plant making 1,500 tons a year, and a vinyl chloride plant with a capacity close to 7,000 tons a year, dumped their used mercury catalysts into the small Minimata Bay. The plants began operations in 1946 and 1948 respectively. In 1953 the first case of methyl mercury poisoning occurred, and by 1961, 88 cases were recorded, with 33 additional ones later found. Of these, 46 died. The disease occurred in local fishermen and their families, and in the people who fished for food and ate much fish and shellfish.

Cats in the affected families, dogs, pigs, crows and sea birds in the area died. Crabs, fish and shellfish in the contaminated areas also died. Rabbits, horses and cows did not. Large amounts of mercury, 133 to 2,010 ppm, were found in mud near the drainage channels of the plants, falling to 12–22 ppm at the mouth of the small bay, and .25–.30 ppm just outside the bay. The sea bottom outside the bay contained .06–.55 ppm, which is near normal. Fish had about 20 ppm and shellfish 11–39 ppm mercury, presumably methyl mercury. Amounts of methyl mercury calculated to produce the disease range from 700 mg. per month to 120 mg. per month or 23 to 4 mg. per day. If all of the mercury in an average tuna were in the special state of methyl mercury, which it certainly is not, one would have to eat nine pounds of tuna daily at 1.0 ppm to achieve the minimum requirement for methyl mercury poisoning.

Methyl mercury has not been found to cause birth defects, although infants were born with the disease contracted from their mothers (this is not a genetic abnormality). They resembled cerebral palsy victims in some respects, having small brains.

Large amounts of mercury were found in the organs of the patients who died, up to 70 times normal in liver, 48 times normal in kidney, and 25 times normal in brain tissue. The longer a person lived after treatment was initiated, the less mercury was found in these organs at death, indicating that the body can lose much methyl mercury in three months and most of it in ten years, although the damage to the brain is permanent. Unlike inorganic mercury, which in large doses can poison the kidney, no signs of kidney or liver damage were detected. Mercury in hair ranged from 50 to 570 ppm.

Insofar as is known, no individual in Japan outside these heavily polluted areas was harmed by this strictly local pollution from methyl mercury. Panic anyone?

Methyl mercury has been shown in laboratory experiments to be made from inorganic mercury by the action of certain bacteria which live in the absence of oxygen. It is feared that mercury deposited in mud at the bottoms of quiet lakes and rivers will be attacked by microorganisms, and produce methyl mercury. This compound, unlike inorganic mercury, is soluble in water, and is easily taken up into the food chain where it eventually becomes concentrated in fish.

How much methyl mercury is formed, and how rapidly, is unknown. Many other simple compounds of mercury, however, are soluble, and these could get into the food chain (witness the concentration by brown algae from sea water). Fish slime can also methylate and accumulate mercury.

The "dangerous level" of .5 ppm mercury, so called by the newspapers and fixed by the FDA, tacitly assumes but does not explicitly say that all of the mercury in fish and seafood is methyl mercury. In Sweden, the "dangerous level" is 1.0 ppm, which if applied here would still exclude only a very few tuna, swordfish and clams, and no lobster.

Publicizing the discovery of "high" concentrations of mercury in the flesh of game fish in Lake St. Clair, Michigan led to what one U.S. Senator called "a national catastrophe." Partially informed scientists and the uninformed press reacted emotionally to the finding of mercury in fish, and the FDA rapidly set a level of half that considered safe by Swedish scientists, who have studied the problem for years.

Perhaps Swedes are less susceptible to mercury than Americans—perhaps not.

Although it was apparent to informed scientists that mercury was in soil, water and air—indeed, in every living thing on land and in water, awareness of this fact went unrecognized, and the scare spread.

Everything was tested for mercury. Scientists from government agencies went so far as to analyze the hair of Aleut Indians; they found ten times as much mercury as the FDA allows for fish, and traced the source to seal blubber. Seals live on fish, fish are polluted (so they thought), seals accumulate mercury, and the Aleuts eat seals.

But where in the Aleutian Islands was anyone dumping mercury?

Nowhere.

Therefore the oceans are polluted! Mystery solved.

The facts are clear. The oceans are "polluted" with mercury and have been "polluted" ever since the seas were formed and became salt, or if one prefers, since the Third Day of Creation. Seals have always accumulated mercury, in spite of FDA regulations. Aleutian hair levels of mercury are typical of European and Canadian hair levels, and a little lower than those of our Reference Man.

Mystery solved again. What the Aleuts are eating is "background" or natural mercury.

Fish accumulate mercury throughout their bodies, while mammals tend to localize it in their kidneys. People who eat a lot of fish and seafood take in more mercury than people who eat meat (the same is true for iodine). Their hair contains more, there is more in their blood, and there is probably more in their own kidneys. Likewise, all fish eaters, from barracuda, northern pike and porpoises to sea birds, polar bears, cats, and Aleuts inevitably accumulate mercury in their tissues as a natural process—and always have.

Is this process harmful?

If a person ate fish containing .6 ppm, now prohibited, he would have to consume 7 kilograms or 15 pounds of fish a day to maintain a toxic level in his body. In the case of lobsters in Boston Harbor, with .8 ppm, it would take 5 kg. or 11 pounds a day to poison you, that is if all of the mercury were highly toxic methyl mercury. If it were all inorganic mercury, it would do you no harm whatsoever, even at 4 mg. per day. The absurdity of the FDA limits are thus easily demonstrated, except in the case of methyl mercury.

TO CATCH A POISON

There is only one method for measuring methyl mercury in biological material. By that method, one has to believe that about 90 percent of the mercury in fish, meat, eggs, organs—in fact, nearly everything—is methyl mercury.

There are two explanations for why animals can yield 90% methyl mercury in laboratory analysis. One is that the mercury in fish and other foods is metholated during the analytical procedure. In that case, false values would appear since much of the methyl mercury is formed after the animal is removed from the environment.

The other is that methyl mercury in flesh and other foods is so tightly bound to other chemicals that it is no longer toxic. If it were toxic, sea mammals would suffer from methyl mercury poisoning, as would all fish-eaters. They don't.

Therefore, we can continue to eat ocean fish and sea food, unless it comes from an area where methyl mercury is dumped. Fresh water fish are also safe, unless they are shown to contain toxic levels of methyl mercury or to come from a lake known to be contaminated.

We can continue to eat fish, as we always have, without fear.

Mercury is easily methylated in the test tube by methylated vitamin B12, and by rotten fish, among other substances. To analyze methyl mercury contents, the fish are digested by hydrochloric acid. The FDA is right to ban fish with sizable amounts of methyl mercury. What is needed is a foolproof method for measuring methyl mercury in foods, so that actions of the FDA are based on scientific logic—not hysteria. In this way, the almost ruined swordfish industry can revive, and sportsmen can again enjoy their hobby.

Much money and effort have been wasted hunting mercurial witches—and more will continue to be lost for some time. But as the scare eventually dies down, people will inherit a better understanding of the ecological concepts portrayed in this article: food chains, persistant and accumulated poisons, forms of industrial contamination, and a touch of organic chemistry. With such popular intelligence, other false crises should be controlled, and real ones avoided.

[This article was abstracted from *Pollution, Profits and Progress,* by Henry A. Schroeder, M.D., Stephen Green Press, 1971.]

VALUE-ADDED TAX

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. HANSEN of Idaho. Mr. Speaker, despite the initially negative response in most quarters to the proposed value-added tax idea, many thinkers and writers are, upon closer examination, finding that this might not be such a bad alternative after all. The New Republic, this week, printed an article by Melville J. Ulmer, "How Bad is VAT?" which balances VAT against other tax alternatives and finds that VAT is not without a certain appeal. The article follows:

IFS, ANDS, AND BUTS OF THE VALUE-ADDED TAX—HOW BAD IS VAT?

(By Melville J. Ulmer)

Ever since Mr. Nixon dropped the hint that he was "considering" a novel levy that would replace the property tax as the principal means of financing education, various commentators (including this journal) have been swatting at what they assume he has in mind—a value-added tax. VAT, they contend, is nothing but old granny sales tax under a heavy coat of rouge—another contrivance to gouge the poor. That judgment leaves them wide open to counterattack. For VAT, as it is shaping up, is not nearly that bad.

In its initial effect, a federal value-added tax would have the same impact on consumers, through higher prices, as a national sales tax. But there are as many as five important offsetting factors:

1) As tentatively proposed by the administration, VAT will be coupled with a system of tax rebates for low-income families to combat potential regressiveness.

2) VAT is designed to replace the local residential property tax, which contrary to popular repute, is about as regressive as the sales tax.

3) Improvements in education are now stymied by stubborn resistance to increases in the property tax, which is the chief source of local revenue. Levied on a federal basis, VAT can provide the funds more effectively and also help equalize the resources available to rich and poor counties around the nation.

4) VAT is more easily administered than a sales tax and is less easily circumvented by unscrupulous merchants.

5) The income tax is currently avoided in large part by a considerable portion of middle- and upper-income classes; no consumer can possibly avoid VAT.

The value-added tax is called that because it is levied on a product at each stage of its production on the basis of the value added at that stage. If Firm A buys flour, sugar and other ingredients from various producers for $1000, and sells its own finished bakery product for $1500, the amount of "value added" for the bakery is construed to be $500—which in essence is the net output of its labor and capital. The method of tax collection contains its own built-in, self-enforcement procedure. If the tax were four percent, in the above example, Firm A would be initially liable for a gross tax bill of $60, or four percent of $1500. But if this baking company were able to show, in its invoices, that its suppliers had already fulfilled their legal obligations by paying a four percent tax on the $1000 worth of supplies, its own net bill would come to only $20 (four percent of $500, or the value added).

Each stage of production, in this way, would pay only a relatively small portion of the total tax, and hence would have only a small incentive to seek avoidance. More important, the producers at each stage have a powerful motivation to make sure that their suppliers have met their legal obligations.

Another advantage of VAT is that it is a tremendously efficient money raiser, which perhaps accounts for its nearly universal use in Western Europe. It is this characteristic, also, that explains opposition to the tax from many conservatives. For instance, James M. Buchanan writes: "If the objective is to ensure that the federal government budget grows even larger through time, not only absolutely but also in proportion to the GNP, there is no better means of ensuring this than to adopt the federal value-added tax now. The so-called middle-class majority, and their congressional representatives, should think twice about long-run terms of trade between temporary property-tax relief now and massive new federal taxation for the future." Given such opposition, and in the light of so many desperate calls on federal funds from anti-pollution to anti-poverty, one may suspect that VAT may have something to be said for it. The gross yield from a three percent value-added tax, which is the rate under consideration by the administration, would be about $18 billion a year. After allowance for a system of rebates for lower-income families, the net yield would be $13 billion, or a billion or two more than is collected through the residential property tax for use in public education.

The most important question is, how would the new tax fit into a fiscal system that is already top-heavy with regressive measures? The answer comes in two parts.

First, note that VAT is supposed to substitute, dollar for dollar, for the property tax on residential structures now imposed by local governments. In their eagerness to demonstrate what a fabulous social gain this would be, President Nixon's fiscal experts released data to show that the property tax is the most regressive of all levies. There was just one catch. The figures had been repudiated as erroneous nearly a year ago by the government's own Census Bureau. New and presumably better estimates, the work of the bureau's Herman Miller, show that there is little to choose between the property tax and VAT in their treatment of the various income groups. Both are equally regressive.

Secondly, however, the administration has announced it intends to temper VAT's regressiveness by providing cash rebates to poorer families and graduated tax credits for middle-income groups. Such rebates and credits, a kind of negative income tax, could be established independently, even if VAT were not adopted. Nevertheless, VAT provides the occasion and the opportunity for this welcome innovation. Much will depend on the magnitude of the proposed rebates, a detail not yet settled. At worst, they could prove to be a mere token, to sedate opposition, but that could be remedied by an alert Congress.

VAT, then, is neither the financial ogre some liberals feared nor the sparkling benefaction the administration touted. Provided generous allowances are made for the poor, it could be a tolerable addition to the federal government's arsenal of money raisers. Furthermore, the residential property tax it would replace is widely considered a nuisance that has on occasion inhibited urban planning and renewal (a *land* tax would be something else again). More broadly, VAT may set a precedent for adopting a more pragmatic approach to the whole tax system and help rid us of the encrusted conventional thinking that obstructs most attempts at innovation.

Since Adam Smith (1723–1790), all advanced western nations and nearly all economists have paid dutiful obeisance to the proposition that taxes ought to be levied on the individuals according to their ability to pay; dutiful in sentiment, not in deeds, for it requires no statistical micrometer to see that the "ability to pay" standard is blatantly ignored. The evidence appears in the accompanying table, which shows the latest estimate available of the impact of taxes on various income groups. It is a conservative estimate, in that it accepts as literal truth the incomes of respondents as reported to the Internal Revenue Service and hence exaggerates the progressivity of the income tax—the *only* progressive levy now on the books. Even so, as the first column of the table shows, families with less than $4000 annually pay as much as 25 percent of their incomes in taxes of all kinds, barely under the 31 percent paid by those in the $15,000 to $18,000 bracket, and not a great deal below the 38 percent paid out by all the families with income over $25,000.

TAXES PAID AS A PERCENT OF INCOME IN 1968

Income class,	All taxes	Federal income tax		All other Federal, State and local taxes
		Personal	Corporate	
Under $2,000	25.6	0.6	3.1	21.9
$2,000 to $4,000	24.7	2.5	3.1	19.1
$4,000 to $6,000	27.9	4.7	3.2	20.0
$6,000 to $8,000	30.1	6.5	3.2	20.4
$8,000 to $10,000	29.9	7.6	2.9	19.4
$10,000 to $15,000	30.9	9.1	3.0	18.8
$15,000 to $25,000	31.1	10.3	4.1	16.7
$25,000 and over	38.5	16.0	10.8	11.7
All classes	31.6	9.5	4.7	17.4

Note: This table shows both the direct as well as the indirect impact of taxes on families in the various income groups. The effect of a sales tax or of VAT is entirely indirect, because it is incorporated in the higher prices of goods that people buy and hence indirectly eats into their incomes. The effect of a personal income tax is direct since it directly absorbs part of family incomes. The effect of a corporate income tax is mixed. In part it is passed on to consumers in higher prices, like a sales tax or VAT, and hence affects family incomes indirectly. Part, however is paid out of corporate profits and affects stockholders' incomes directly.

Source: Roger A. Harriot and Herman P. Miller, U.S. Bureau of the Census.

Moreover, the situation is worse than appears on the surface. There are illegal as well as legal ways of understating incomes as reported to the Internal Revenue Service. If understatements are taken into account, both on the personal and the corporate level, the 38 percent of income ostensibly paid out for all taxes by families in the $25,000-and-over bracket might well be reduced to something closer to 31 percent. In short, barely any progressivity would be left in any range, and virtually none at all over the range of incomes from $6000 to infinity. Illegal evasions aside, loopholes in the income tax law now cost the federal government some $20 billion to $30 billion a year, according to estimates prepared for Rep. Henry Reuss (D, Wis.).

With Herculean effort, some of the gaps in the income tax law may be closed in the future, but neither the cumulative induration of vested interests nor the lessons of history promise that fundamental reforms will be swift or sweeping. As for illegal evasions, there would appear to be no way of catching most of these short of planting an IRS agent in the office of every one of the millions of independent business firms and self-employed professionals. We've got to keep trying. But in the meantime a break is long overdue with the doctrinaire and fallacious view that all hope for progress resides in improving that "best of all taxes"—the income tax. Other routes for reforming our financial system may, as a practical matter, be more promising.

The value-added tax, coupled with ample subsidies for the poor, would be one such opportunity. Graduated sales and excise taxes offer additional examples, as yet untried, of levies that would reach everyone, inescapably, including those who today go free; and yet they would fall more heavily on the rich than on the poor—a claim we cannot make with complete confidence of any other tax. What I am proposing here are taxes on the sales of certain goods, such as autos, at low rates for the cheaper, smaller, lower-powered models and moving gradually upward to the highest rates on the expensive, souped-up, ostentatious grades. The objective would be not to penalize those who can and do live well, but to require larger public contributions from those who make greater demands on the nation's resources. Coincidentally, the objective would be to tax people according to their ability to pay. We have not been very successful in doing this by trying to attach incomes. Taxing expenditures on a graduated scale should be more effective, which may be one reason so many legislators bridle at the thought.

COMPLAINT IN SUIT FOR INJUNCTIVE RELIEF

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Thursday, June 15, 1972

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD the complaint for injunctive relief in a suit in the U.S. District Court for the Northern District of Virginia.

There being no objection, the complaint was ordered to be printed in the RECORD, as follows:

[U.S. District Court for the Northern District of Virginia]

CIVIL ACTION NO. —— SUIT FOR INJUNCTIVE RELIEF

John M. Wells, 501 N. St. Asaph, Alexandria, Virginia; Kenneth W. Johnson, 8604 Washington Avenue, Alexandria, Virginia;

Steven C. Robert, 10718 Scott Drive, Fairfax, Virginia, 22030; Ted Eckert, 2932 Lobelle Drive, Falls Church, Virginia, 22042; Debbie Perrin, 7055 Skyles Way, Apt. 203, Springfield, Virginia; Richard Hudson, 6708 Gaithier Road, Falls Church, Virginia; Jack Thome, 6304 Lachine, #103, Alexandria, Virginia; Joyce Chupka, 8559 Richmond Hwy., Apt. 301, Alexandria, Virginia; Pete Chaves, 4906 Yorktown Blvd., Arlington, Virginia; Jonathan W. Brooks, 2202 Kimrich Dr., Falls Church, Virginia; Douglas Schoke, 1791 Lanier, Washington, D.C.; Lewis J. Bellamy, 6615 May Fair Drive, #202, Fairfax, Virginia; Janet Pielke, 11110 Cavalier Ct., 6–G, Fairfax, Virginia; Eddie Gorman, 2420 N. Ottawa Street, Arlington, Virginia; John M. Pla, III, 200 Lockhart Street, Vienna, Virginia; Mike McCaffrey, 6202 Old Oaks Ct., Springfield, Virginia; Joni Schaum, 6615 May Fair Drive, #202, Fairfax, Virginia; Jim Atwell, 5113 Mt. Vernon Memorial Highway, Alexandria, Virginia; and Jerri Brown, 7212 Timber Lane, Falls Church, Virginia, Plaintiffs versus Richard M. Nixon Individually and as President of the United States, The White House, 1600 Pennsylvania Ave., N.W., Washington, D.C.; Henry Kissinger, Individually and as National Security Advisor to the President, The White House, Washington, D.C.; Melvin R. Laird, Individually and as Secretary of Defense, Department of Defense, Washington, D.C.; and John B. Connally, Individually, as former Secretary of the Treasury, and as Private Advisor to the President, Defendants.

COMPLAINT

1. This is a civil action arising under the Constitution and laws of the United States. The amount in controversy exceeds $10,000 exclusive of interests and costs. The Court has jurisdiction over this case under 28 U.S.C. Sections 1331, 1346, and 1361; 18 U.S.C. Section 3231; and 42 U.S.C. Section 1988.

2. Plaintiffs are citizens of the United States.

3. Defendants Richard Nixon, Henry Kissinger and Melvin Laird are officials and employees of the United States. Defendant Richard Nixon is President, Defendant Henry Kissinger is National Security Advisor to the President, and Defendant Melvin Laird is Secretary of Defense. This suit is brought against them in their individual and official capabilities. Defendant John Connally was until recently Secretary of the Treasury and now is a private advisor to the President. This suit is brought against him in his individual capacity, his former official capacity, and his present semiofficial capacity.

4. Defendants have engaged and are continuing to engage in a conspiracy to violate the Constitution and statutes of the United States. In part this conspiracy is a criminal conspiracy, and in part it is a civil conspiracy. Also, defendants have engaged and are continuing to engage in acts which violate the Constitution and criminal and civil statutes of the United States.

5. Article I, Section 8, Clause 11 of the United States Constitution provides that Congress shall have the power to declare war. Under this provision, each citizen has a right not to be subject to the hazards of war, or to running the risk of encountering those hazards, unless Congress specifically and intentionally authorizes hostilities.

6. P.L. 92–156, Section 601, popularly known as the Mansfield Amendment, makes it the policy of the United States to terminate all American military operations in Indo-China at the earliest practicable date, to secure the release of American prisoners, and to withdraw all American military forces from Indo-China.

7. 18 U.S.C. 956 makes it a crime to conspire to injure specific property located within a foreign country and belonging to a foreign government with which the United States is at peace.

8. P.L. 91–441, Section 501(a)(1) makes it unlawful to use appropriations to finance Viet Namese, Thai or other second nation troops in actions designed to give military support and assistance to the government of Cambodia or Laos.

9. 18 U.S.C. Section 241 makes it a crime to conspire to injure or oppress any citizen in the enjoyment of any right or privilege secured by the Constitution or laws of the United States.

10. 42 U.S.C. Section 1985 makes it a civil offense if two or more people conspire to deprive any person, directly or indirectly, of equal protection of the laws or of equal privileges and immunities, under the laws.

11. 18 U.S.C. Section 242 makes it a crime for any person, under color of law, to deprive any inhabitant of any rights, privileges, or immunities guaranteed by the Constitution or laws of the United States.

12. By the activities to be described in this paragraph, defendants have conspired to engage in, are continuing to conspire to engage in, and are actually engaging in, acts which violate the constitutional provision, criminal statutes, and civil statutes set forth in paragraphs 5–11 of this complaint. (A) In signing the Mansfield Amendment on November 17, 1971, defendant Nixon announced that he would ignore the amendment, saying that the amendment "does not reflect my judgment about the way in which the war should be brought to a conclusion. My signing of the bill which contains this section, therefore, will not change the policies I have pursued and that I shall continue to pursue toward this end." (B) Subsequently, defendants Nixon, Kissinger and Laird conspired to bring about, and did in fact bring about, an increased air bombardment in Indo-China. This air bombardment constitutes one of the largest sustained aerial warfare campaigns in this history of war. The bombardment is continuing at the present time. (C) In May 1972, defendants Nixon, Kissinger and Connally conspired to bring about, and with the help of defendant Laird did bring about, the laying of mines in the harbors of North Viet Nam. These mines will destroy, within the territorial waters of North Viet Nam, the ships of any nation whose vessels seek to enter and leave said harbors. Such ships will include the vessels of nations with which the United States is at peace, such as the U.S.S.R. and the People's Republic of China. (D) Defendants have conspired and threatened to militarily interdict any attempt by ships of any nation to enter the territorial waters of North Viet Nam or to deliver supplies there. Defendants have also conspired and threatened to militarily prevent the successful landing of supplies in North Viet Nam by air. The potential military interdiction of ships and planes could involve the United States in unauthorized acts of war against third parties with whom the United States is at peace. (E) Defendants have conspired to bring about, and in part have brought about, the military interdiction of rail and truck traffic from China to North Viet Nam. This military interdiction may result in the destruction, by American forces, of the property of nations with which the United States is not at war. (F) Defendants are conspiring to cause, and are in fact causing, appropriations to be spent to finance Thai troops in actions designed to provide military support for the government of Laos.

13. The conspiratorial activities and overt actions described in paragraph 12 above have not been authorized by Congress.

14. The conspiratorial activities and the overt actions described in paragraph 12 have had the following effects. First, they have increased the scope of the war in violation of the Mansfield amendment. Second, by increasing the risk of military confrontation with the U.S.S.R. and China, they have deprived the plaintiffs and all other citizens of one of the most important rights, privileges and immunities guaranteed by the Constitution and statutes of the United States—the right, privilege and immunity of not having to run the risk of harm caused by war unless war has been authorized by Congress. Third, they have caused a threat that specific property of foreign governments with which the United States is at peace will be destroyed, and already have caused injury to such property. Fourth, they are violating a Congressional law against using American money to pay second-nation troops fighting in Laos.

15. Plaintiffs have no adequate remedy at law. Money damages cannot compensate them for the harm which may result from the criminally conspiratorial activities, the civilly conspiratorial activities, and the overtly illegal acts of defendants. And a criminal prosecution against defendants is not feasible, since the Attorney General and the Department of Justice, which bring criminal prosecutions, are subject to the direction of defendant Nixon, the chief criminal and civil conspirator and actor herein.

16. Plaintiffs have already suffered, and are further threatened with, grave and irreparable injury by the conspiracy and actions of the defendants.

Wherefore, plaintiffs respectfully pray:

(1) That this Court issue a preliminary and permanent injunction agianst the criminally and civilly unlawful conspiracy described above;

(2) That this Court issue a preliminary and permanent injunction against the illegal overt actions taken or threatened by defendants.

(3) That this Court issue such other and further relief as may be appropriate.

Lawrence R. Velvel, Catholic University Law School, Washington, D.C. 20017; John M. Wilkins, 10560 Main, Fairfax, Virginia; Robert Surovell, Surovell, Smith & Parks, 10560 Main, Fairfax, Virginia, Attorneys for Plaintiffs.

JOHN PAUL VANN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the Washington Daily News for June 12, 1972 carried a fine editorial on John Paul Vann which I would like to call to the attention of this body. My oldest son James who served two tours of duty in Vietnam as an employee of AID knew John Paul Vann personally and worked closely with him in the small villages of South Vietnam. He both admired and respected John Paul Vann as a leader and as a man and considers his loss as a tremendous loss to what this country is trying to do in South Vietnam.

The editorial follows:

John Paul Vann

John Paul Vann was a hero and a patriot.

He first saw Vietnam in 1961 as a lieutenant colonel sent to advise a South Vietnamese division in the Mekong Delta. He quickly proved two things: he was utterly fearless, and he would never become a general in the U.S. Army.

A tough little man from the Virginia Piedmont, Col. Vann spoke his mind in blunt, rude terms to the press and his military and civilian superiors alike. The press loved it. The higherups did not.

He was not the careful team player who gets ahead in the military or in business. In 1963, he was forced to retire as a colonel. But Col. Vann, who learned the psychology of the Vietnamese better than most, was fascinated by their struggle with the Viet Cong and in 1965 returned as a civilian adviser.

Col. Vann became head of the pacification program in the delta. He flew his own helicopter over the battlefields. He deserved and got much credit for Saigon's success in the country's richest rice growing region.

As a "reward" they made Col. Vann senior advisor in Military Region II, the indefensible Central Highlands that the Communists could attack from the jungled mountains of Laos and Cambodia. Ironically, the post had always before been filled by a major general.

The little Virginian literally took over the war in the highlands. He called for the B52 strikes that decimated the enemy. He repeatedly exposed his helicopter to ground fire, so he would know where to send the bombers.

Col. Vann always went to see for himself. Last Friday night he went once too often. Near an obscure South Vietnamese fire base that needed help, his helicopter was shot down or crashed, killing him and two U.S. Army officers.

To North Vietnam's ambition to take Kontum and Pleiku, Col. Vann's death is worth an extra division. To the South Vietnamese people he sought to help, it is a cruel loss. They are not likely to get another John Paul Vann.

"ABILITY COUNTS" CONTEST WINNER CITED

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FAUNTROY. Mr. Speaker, it is a pleasure to call the attention of my colleagues to the achievements of 17-year-old Jeanette St. Onge, a student of St. Patrick's Academy.

Jeanette was recently named first place winner of the 24th annual "Ability Counts" survey contest, a contest held among 11th and 12th grade high school students, sponsored nationally by the President's Committee on Employment of the Handicapped and in the District of Columbia by the Mayor's Committee on Employment of the Handicapped.

Miss St. Onge was awarded $100 by the Greater Washington Central Labor Council, AFL–CIO; an engraved plaque by the Disabled American Veterans; and a certificate of merit from the President's Committee on Employment of the Handicapped.

In conjunction with the "Ability Counts" survey contest, this year a national poster contest communicating the idea of "Hire the Handicapped" was held. The first place winner was Melvin Trotter of the Sharpe Health School, who was presented a $450 savings bond by the Mayor's Committee on Employment of the Handicapped, and a U.S. flag on behalf of the District of Columbia delegate.

My congratulations to Jeanette St. Onge and Melvin Trotter, both residents of the District of Columbia.

The "Ability Counts" contest is aimed at making us aware of the problems faced by the handicapped in obtaining employment, and the many high achievements of severely disabled persons. It is a pleasure for me to share with my colleagues Miss St. Onge's report:

"EMPLOYMENT OF THE HANDICAPPED: HOW WELL IS MY COMMUNITY INFORMED?"

(By Jeanette St. Onge)

The word "handicapped" covers a broad range of ideas in today's fast moving world. When thinking about its meaning carefully, you might ask yourself the question, "Who is not handicapped?" Can you fly a plane, or water ski, or climb the highest mountain in the world? If not, then you are, in a sense, handicapped.

Yet there is a different connotation to this word today, and that is the one we are most concerned with. It classifies over 25 million men, women, and children as unable to carry on their daily lives at full capacity. This includes the blind woman down the street, the deaf worker at the office, and the little mentally retarded boy next door. These people can, and must live normal lives just as you and I.

But what about the employment of the handicapped? How do many employers learn about the needs of these people? News media: T.V. and radio provide news spots advertising "Hire the Handicapped." My investigation revealed that there are many sources available to the concerned citizens. Among them is Gallaudet College in Washington, D.C., which sends brochures to thousands of business organizations all over the community. These inform the employer of the potential which their deaf students possess.

In my interview with the Director of Equal Employment Opportunity for the Association of American Railroads in Washington, D.C., I learned that they keep in contact with the National Alliance of Businessmen, an organization that provides job opportunities for the disadvantaged and for the Vietnam-era veteran. The Association once had an individual who was an alcoholic who performed his job well. They now have someone with a speech defect working in the Public Relations Department. The director stated that they are now working on a job training course where they could recruit several handicapped and put them through training for particular jobs.

The Temple Secretarial School in Washington, D.C., also trains the handicapped as good typists and stenographers. These people are referred to them by the District of Columbia Department of Rehabilitation.

The major offices of many of the nationally known organizations which strive to help the handicapped are located in Washington, D.C., which makes this community a well informed one. Among these organizations are: The Columbia Lighthouse for the Blind, Veterans' Administration, Veterans of Foreign Wars, The Department of Health, Education, and Welfare; the Social Security Administration, the National Rehabilitation Association, the Good Will Industry, and the President's Committee on Employment of the Handicapped. All these associations were formed with one firm goal in mind—to help the handicapped person seek a more meaningful life for himself, especially in the business world. These social groups, however, can do only so much; the rest is up to us.

Being well informed is one thing, and our community, I should say, is one of the best informed in the nation. Using the information, however, is quite another matter. This involves opening our thoughts to the hiring of the handicapped. We must show the world that they are worthy of the chance to prove themselves. In doing this, we will not only be informed but we shall act on the knowledge received.

Attention, Mr. Employer: Don't YOU become handicapped in your ideas!

NAVAL AIR ANTISUBMARINE STRENGTH

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. SPENCE. Mr. Speaker, on May 24, 1972 the gentleman from California (Mr. LEGGETT), addressed the House on the subject of the Navy's proposed new aircraft carrier, the CVN–70. My colleague inserted with his remarks, two letters written by Mr. Stuart Barber of Arlington, Va. In these letters, Mr. Barber deplores the critical shortage of antisubmarine aircraft carriers in the Navy and of antisubmarine helicopters operating from other ships. In brief, he disagrees with the present construction and development priorities of the Navy and proposes the construction of antisubmarine aircraft carriers rather than the nuclear powered CVN–70 in the fiscal year 1973 budget.

In past years the Navy has operated a number of aircraft carriers specifically dedicated to the task of development of air antisubmarine techniques. This has been possible by using for this task World War II *Essex* class veterans as they were replaced as attack aircraft carriers by the modern new carriers. In 1965, there were nine antisubmarine aircraft carriers in active service—and 15 attack carriers. Budgetary restraints, together with the advancing age of the remaining *Essex* class ships, have progressively reduced the number of dedicated antisubmarine aircraft carriers to the two in service today. To counter this trend toward a lessened antisubmarine strength the Navy has experimented with "multipurpose" carriers which carry both antisubmarine and attack aircraft in the same ship—there are 13 attack carriers and one multimission carrier in service today.

The Navy's plan for the future of its aircraft carrier forces is to convert as many as possible to the multimission capability. This objective is based on three considerations:

First. Operational exercises with the first aircraft carrier outfitted for both antisubmarine and attack aircraft have shown that modern carriers can perform both tasks;

Second. Operating funds for naval forces will continue to be limited, and roles and missions will have to be combined as much as possible; and

Third. The nature of the challenge at sea is broadening as the Soviets add modern surface ships to their submarine and air forces; this requires that our aircraft carriers at sea have fighters, attack aircraft and antisubmarine aircraft embarked for effective operations against all three opposing forces.

The Navy is deeply concerned about its antisubmarine capability. The patrol frigate, the sea control ship, the SSN–638 class submarines, the new *Spruance* class destroyers and the Lamps program to add ASW helicopters to ships have all been prompted by its effort to keep pace. But new surface ships, just like the old antisubmarine carriers, can only hunt submarines where air superiority is assured to counter hostile air and surface ship threats. That air superiority must be provided on the scene from sea-based fighter and attack aircraft operating from a modern carrier.

The multimission aircraft carrier concept provides an attack carrier with the varied air strength required to permit it to operate against hostile air, surface and subsurface weapons. In addition to having the fighter, attack, and support aircraft of an attack carrier air wing, the ship has the sophisticated analysis, control and support equipment developed by antisubmarine forces. The carrier air wing can be adjusted from one strong in antisubmarine aircraft, through intermediate stages of combined antisubmarine and attack strength, to one optimized for support of an adjacent land campaign.

Mr. Barber is concerned over the reduction in dedicated air antisubmarine strength. So should we all be concerned. But in analyzing the challenges and the possible courses of action, the Navy has determined that the use of modern aircraft carriers, such as the requested CVN–70, in both antisubmarine and attack roles offers the greatest naval strength within reasonable fiscal limitations.

In introducing the letters, Congressman Leggett remarked that the functioning of a carrier task force can be destroyed with one antiship missile against the carrier's superstructure, thereby preventing the launch and recovery of aircraft. The probability that a missile, after penetrating the myriad of defenses, would pick out the superstructure as a target, is quite obviously low. However, even if the superstructure were damaged, flight operations could continue. An aircraft carrier is designed and constructed with redundancy of command and control stations. Damage to primary stations in the "island" would cause the shift of these functions to secondary stations, and operations would continue. Congressman Leggett further stated that after major fires in two carriers off Vietnam, resumption of combat operations required several months for repairs. That these ships returned to port was incident to priorities at the time. In a full combat situation, a damaged carrier would make repairs at sea and continue to fight as necessary.

MR. JIM MALOOF

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MICHEL. Mr. Speaker, there is a line from a favorite song of mine which goes, "Where oh where but in America, can we sing true freedom's song?" That sentiment is expressed perfectly in a story and an editorial appearing in the Peoria Journal Star concerning a good friend and constituent of mine, Dr. Jim Maloof, who is Lebanese, and who was selected to receive the B'nai B'rith citizen of the year award from the Jewish community in my home town of Peoria.

There could be no more eloquent portrayal of what the United States of America really stands for and this award emphasizes again that our country, in spite of her difficulties in recent years and in spite of the constant carping and criticism from those who can see no good in her, remains as a beacon of hope to those millions of less fortunate individuals living in parts of the world where the fruits of freedom are not so readily available.

I know personally of Jim's efforts and the success he has achieved in the many volunteer tasks he has taken upon himself but thank goodness there are thousands of "Jim Maloofs" all over the country—dedicated men and women who provide immeasurable aid to their home communities by recognizing a job that must be done or a need that must be filled and then pitch in enthusiastically to get the job done. I salute Jim and all his counterparts around the country and certainly it is not an exaggeration to say that the results of their efforts contribute as much to the strength, vitality and security of our country as does our strong military establishment which is so important during these trying days in an uncertain world.

I insert the article and editorial referred to earlier in the Record at this point:

Jewish Men Honor Maloof, A Lebanese, for Volunteer Work

(By Theo Jean Kenyon)

Last night in a warm blend of ethnic emotion that would have delighted Danny Thomas, a man he frequently brings to Peoria to aid sick children, Peorian James Maloof received the B'nai B'rith Citizen of the Year Award.

Maloof, local realtor whose initial 1961 Teenagers' March for St. Jude Research Hospital mushroomed into a national idea that now enlists 400 communities annually, told the 300 guests in Hotel Pere Marquette's grand ballroom he didn't do it alone.

"Maybe I've been able to motivate people into joining good causes," he acknowledged, but he also thanked those who helped him on the way.

One, the Rev. John Whelan, prayed with him; the members of his Kiwanis Club gave him "fellowship that carried me through bad times;" and Dr. Moris Adland and Dr. Robert Hart helped to bring true the dream of having an affiliate of St. Jude's Hospital in Peoria.

"I get a lot of accolades, but without these two men it couldn't have happened," he said of Adland and Hart in connection with the Peoria Midwest Affiliate at Methodist Hospital. Maloof is chairman of the executive board of that affiliate.

The Lebanese boy, who went to Sacred Heart School and Spalding Institute, enlisted in the Army Air Corps in World War II and came back to his family's cleaning business, said the greatest thrill in receiving the award was its implication of ethic harmony, "people of the Jewish faith honoring someone of the Lebanese faith."

M. L. Bork of Ben M. Frankel Lodge of B'nai B'rith, and a past winner of the Citizen of the Year award, presented the plaque to Maloof.

Bishop Edward W. O'Rourke of the Peoria Catholic diocese praised the kind of "good volunteer" represented by Maloof.

"We leave huge areas untouched by our government but assume by our compassion and love we will voluntarily fill those gaps. Either there has to be a great outpouring of love and service then or our kind of a free society is in danger," the bishop said.

Irwin Zeisel, president of Ben Frankel Lodge, presented an honorary B'nai B'rith award to Mrs. Ruth Season, in honor of the service given by her husband, Bernard Season, who died Feb. 16, 1971. He was a past president of the organization.

Jim Maloof: Individual

Thursday night Jim Maloof will be given what is popularly called the "man of the year" award for distinguished community service, and that action this year represents one of the oldest and best of American traditions—and one we seem to be drifting away from far too much.

The presentation is unique, and uniquely American, because Maloof is a member of the Lebanese community of Peoria, and the award is presented by the B'nai B'rith, the old, pioneering Jewish charitable organization.

It comes at a time, following the bizarre massacre at Lod airport by three "Kamikaze" terrorists, when there is exceptional tension between Israel and Lebanon (because an announcement taking "credit" for the murderous action was issued by an Arab guerrilla and propaganda headquarters in Beirut.)

One can look at the award as one representing simply unprejudiced justice without regard to such identities, fairly given on the basis of performance.

It is doubtless that, but it is also more than that.

Such action in itself adheres to an American tradition that we cannot afford to lose—a tradition that while national origins, race, religious identity, or community identification are important matters none of them achieves the level of importance of individuality.

The first identity of every one of us is as a person in his own right, and the first and fairest measurement is how each of us performs as an individual.

This priority of consideration and respect, regarding each person as a "sovereign" human being is an all important frame of reference.

It measures a man not by "where he came in", for better or worse, nor even by where he ends up in the journey of life—but by how and where he travelled from whatever that starting place was.

This concept does not require anyone to discard racial or religious or community identity, or the recognition of those "differences," but it puts each in its proper perspective and measures as first priority the quality of that individual as a person.

We have not always lived up to that tradition, but there has never been a time when it did not exist and was not a powerful and important part of the American scene.

It would be tragic if today's "polarizations," the frequent pre-occupation with "national" and "societal" identification, with broad assignments of "guilt" or disadvantage results in a form of dialogue that destroys this tradition.

It is infinitely superior to mass assignment of virtue, sin, guilt, debt or entitlement—as much as such lend themselves to grander and broader conclusions.

It is doubtful if there are real solutions to the problems arising from racist attitudes, economic prejudices, and sectional differences without a return to the right of every individual to be regarded and judged, first of all, as one person, on his own individual merits.

Obviously, B'nai B'rith remained true to that principle when they chose Jim Maloof for special honors this year. They thought of him as "Jim Maloof," a fellow they KNOW and admire—not as a representative of any special group.

Obviously, Jim Maloof remained true to that principle when he accepted. He thought of those who sought to honor him as a group of individuals that he knows and respects—not as representatives of the Jewish community, per se.

This is an action in which all are "neighbors" in the real physical sense, and the Biblical sense, as well, and in which all concerned recognize that their human brotherhood is the primary frame of reference.

It is a central principle we need to strengthen rather than lose in the welter of ethnic propositions that now confront us.

C. L. DANCEY.

FOREIGN FISHING ACTIVITIES OFF ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BEGICH. Mr. Speaker, from time to time I have called the attention of my colleagues to the foreign fishing activity that is taking place off the coast of Alaska and off the coast of many of our fishing States. I insert in today's RECORD a copy of the monthly summary of such activities for April 1972, which was received recently in my office. I am hopeful that the insertion of this summary and of others which I will insert in the future will serve to remind the Members of the continuing nature of this problem, not only in Alaska but in all coastal areas which depend heavily on fishing activities as a part of their economy.

As this particular report indicates, the level of foreign fishing activity off the coast of Alaska declined slightly during this month, but I believe that none of us should be misled by that trend. The simple fact is that overall the foreign fishing activity off our coast is increasing drastically, and month-to-month decreases are functions only of the location of the fish which is being sought at the time.

These fleets of foreign fishermen fully recognize the dangers of coming into our territorial waters and do not appear reluctant to sacrifice the occasional fine and forfeiture which is presently structured in the law. I continue to believe that inadequate enforcement and surveillance capability, half-hearted prosecution, and inadequate penalties allow this activity to continue as a calculated risk on the part of foreign fishermen. It is a situation to which we must address ourselves continually in order to protect a valuable American resource.

The monthly summary follows:

NATIONAL MARINE FISHERIES SERVICE—MONTHLY SUMMARY OF FOREIGN FISHING ACTIVITIES OFF ALASKA, MAY 5, 1972

APRIL 1972

Soviet: The number of Soviet vessels engaged in fisheries off Alaska decreased steadily in April dropping to about 114 at the month's end. That was a decline of about 45 vessels from the previous month and from April 1971. The decline resulted from fewer trawlers fishing in the Bering Sea and the ending of the Gulf of Alaska shrimp fishery.

Groundfish trawl fishery

The trawl fishery for groundfish along the Continental Shelf edge north of the Fox Islands in eastern Aleutians was resumed in early April by two medium trawlers and increased to four such vessels by months end.

The Soviet fleets which had been fishing for flounder in the eastern Bering Sea and for herring in the central Bering Sea during the winter months merged in April and shifted to the Continental Shelf edge from southeast of to northwest of the Pribilof Islands. The major effort shifted to fishing for Alaska pollock. A few of the trawlers fishing near the Pribilof Islands continued catching small quantities of flounder and some of the trawlers fishing northwest of the Pribilofs in the central Bering Sea continued catching herring. The fleet included nearly 90 trawlers and over 20 support vessels the first half of April and then dropped to just over 80 vessels by the month's end.

Shrimp fishery

The Soviet Gulf of Alaska shrimp fishery which has been centered east of the Shumagin Islands in the western Gulf since mid-January ended the first week of April. That was nearly a month earlier than the Soviet shrimp fishery ended in 1971.

Ocean perch fishery

The Soviet ocean perch fishery in the Gulf of Alaska increased sharply and the first ocean perch fishery along the Aleutian Islands in 1972 occurred in April.

The Soviet perch fleet in the Gulf of Alaska increased from 2 stern trawlers in early April to 16 stern trawlers and 5 medium trawlers by the month's end. The increase resulted from a shift of vessels from the Bering Sea and from the Gulf shrimp fishery. The five medium trawlers fished southeast of Cape St. Elias in the eastern Gulf and in addition to perch were taking large quantities of sablefish. Observations indicated the sablefish catches may have exceeded the ocean perch catches. The 16 stern trawlers fished along the Continental Shelf edge from off Kodiak Island westward to the Shumagin Islands.

Soviet fishing for ocean perch along the Aleutian Islands began in early April by about three stern trawlers south of the central Aleutians. By the month's end an additional three stern trawlers were fishing off the Near Islands in the western Aleutians.

Japanese: Approximately 160 Japanese vessels engaged in fisheries off Alaska in April. That was about 15 vessels less than the previous month and also about 15 vessels less than in April 1971. The lower number resulted from less effort in the Japanese trawl fisheries in the Bering Sea.

Pacific Ocean perch fishery

About 5 independent stern trawlers continued fishing for ocean perch in the Gulf of Alaska. The vessels remained scattered in the eastern and central Gulf, ranging from off Kodiak Island eastward to off southeastern Alaska.

Fish meat, fish meal, and oil fishery

Continuing the fishery for Alaska pollock for the production of minced fish meat and fish meal and oil were four factory ship fleets in the eastern Bering Sea. The four fleets, involving a total of 77 trawlers, moved northward along the Continental Shelf edge from just north of Unimak Pass toward the Pribilof Islands.

Groundfish trawl fishery

The number of independent stern trawlers fishing for groundfish along the Continental Shelf edge in the Bering Sea remained at about 25. The trawlers, supported by at least two refrigerated transports, fished between Unimak Pass and the Pribilof Islands, catching primarily Alaska pollock.

Crab fishery

The Japanese crab fishery was continued by two factory ship fleets in the eastern Bering Sea. The two fleets, accompanied by a total of 30 catcher vessels, remained centered in the pot sanctuary north of Unimak Island in the eastern Bering Sea. Emphasis remained on fishing pots for tanner crab.

Longline fishery

The number of longline vessels fishing for sablefish in the Gulf of Alaska dropped from 9 to 5. The vessels were scattered in the eastern and central Gulf ranging from Kodiak Island to off the coast of southeastern Alaska. Two Japanese longline vessels were sighted in the Bering Sea. One was near the Pribilof Islands and the other was north of the Alaska Peninsula. At least one of the two vessels was rigged for gillnetting as well as longlining. Both vessels may have been waiting for the traditional herring fishing grounds northeast of the Pribilofs and off Togiak in Bristol Bay to become clear of ice to start the annual spring Japanese gill net fishery for herring.

Japanese fined $180,000

The captains of the Japanese cargo ship and stern trawler seized on April 3, 1972, for allegedly conducting fishery support activities in the U.S. contiguous fishery zone off Kodiak Island plead *nolo contendere* in U.S. District Court in Anchorage, Alaska on April 7. The U.S. District Court Judge found the two captains guilty and fined each of them $15,000. The civil suit against the vessels was settled by payment of $150,000. The criminal and civil fines totaled $180,000.

South Korean: Early in April a small stern trawler which had been fishing south of the Fox Islands in the eastern Aleutians transited Unimak Pass into the Bering Sea. It is believed the vessel shifted areas to fish for Alaska pollock. Late in April another South Korean stern trawler was sighted on the Continental Shelf north of Alaska Peninsula. This vessel also presumably fished for Alaska pollock in eastern Bering Sea.

THE 750TH ANNIVERSARY OF HUNGARIAN GOLDEN BULL

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. GUDE. Mr. Speaker, I am most pleased to participate today in recognition of the 750th anniversary of the Hungarian Golden Bull, the Magna Carta-like doctrine which is the cornerstone of the Hungarian constitution.

This constitutional document, issued in 1222, extended human rights of the period to all landowners in Hungary—today's middle and lower middle classes. This is particularly important in that the Golden Bull established equal rights among the nobility and free men of Hungary, those who constituted the political nation at that time. Unlike other European countries, there was no stratification between these groups. It limited not only the King's power, but that of the "petty monarchs" of the realm as well. Constitutional protection was therein granted to a very large portion of the population.

In its various provisions, including safeguards to all nobles against arbitrary arrest, its decree that the title and estates of the lord-lieutenants of counties were not hereditary, the Golden

Bull played a vital role in preventing feudalism from becoming firmly entrenched in Hungary.

Indeed, the denial of basic human rights, the persecution of minority groups which goes on in Eastern Europe today, moves in the opposite direction of that established by the Golden Bull. In light of our changing relationship with these countries, and efforts to bring about a new freedom for their peoples, it is especially meaningful to commemorate at this time the tradition of freedom that has existed there for hundreds of years.

NATIONAL DAY OF MOURNING AND PRAYER FOR LITHUANIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. EILBERG. Mr. Speaker, today we observe the National Day of Mourning and Prayer for the people of Lithuania fighting against Soviet domination. We, in the United States, dedicated to the ideals of freedom and self-determination, sympathize with the Lithuanians who have fought valiantly through the centuries to throw off the Russian yoke of oppression.

After a long period of Soviet domination lasting 120 years—1795–1915—followed by German occupation during the First World War, Lithuania declared its independence on February 16, 1918. Yet, by the beginning of the next year, the Russians had again invaded the country. The Lithuanians repulsed the aggressors, however, and in the peace treaty of 1920 Russia recognized Lithuania as an independent nation and pledged to renounce forever all rights of sovereignty to that country. For 22 years, until 1940, Lithuania enjoyed an independent status and proved its ability to govern itself effectively. It entered upon a period of unparalleled economic, social, and political progress. Its leaders instituted a long-needed land reform program, the first of its kind in modern Europe; industry was expanded, liberal labor laws were passed, and an enlightened educational program reduced the illiteracy rate among Lithuanians to 15 percent—following generations of foreign rule which had left two-thirds of the population unable to read or write.

These years of independence and accomplishment were to be short-lived, however, for the country again was occupied by the Red Army in the Second World War and was proclaimed a constituent republic of the U.S.S.R. on August 3, 1940. Following the German attack against the Soviet Union 10 months later, Lithuania fell into Nazi hands, until reoccupied by the Soviet Army in 1944 and incorporated into the Soviet system.

Throughout these successive occupations, the Lithuanian people waged a valiant fight for their freedom. Between the years 1940–52 alone, some 30,000 Lithuanian freedom fighters died for their country, in an organized resistance movement against their oppressors. Furthermore, Lithuania has lost more than one fourth of her population as a result of a continued Soviet program of deportation and resettlement.

Over a million people of Lithuanian heritage reside in the United States. A large number of them came to the United States after the Soviet Union seized their lands. Other thousands fled to other nations or were sent to such places as Siberia by the leaders in the Kremlin.

Successive governments of the United States under Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon have refused to recognize the Soviet Union's incorporation of Lithuania and continue to maintain relations with the representatives of the former independent Lithuanian Government. However, our country could do more to support the Lithuanian people in their struggle against Soviet domination.

The United States Congress—89th Congress—made a step in the right direction by adopting a resolution calling for freedom for Lithuania as well as for the other Baltic States of Latvia and Estonia. All Americans should urge the President of the United States to implement the resolution by bringing the issue to the attention of the United Nations and by requesting the Soviets to withdraw from Lithuania, as well as from Latvia and Estonia.

On this day, I urge the Soviet Union to consider the millions of people held captive within its empire. I urge them to release all these freedom-loving people, including the 3 million Lithuanians who have fought so hard and valiantly for their nationhood and independence.

OUR FLAG—SYMBOL OF HOPE FOR THE FUTURE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mrs. GRASSO. Mr. Speaker, today we honor our flag, a flag which stands for the greatness of America.

To me, the American flag is a symbol of hope for the future as well as a reflection of achievement in the past. The principles of our democracy, the strength of our people, the legacy of our growth as a nation are unfurled in the Stars and Stripes.

The flag symbolizes our hopes and dreams, solicits our dedication and commitment, and beckons our love and respect in behalf of this great Nation.

Mr. Speaker, since becoming a Member of the House of Representatives, it has been my pleasure and privilege to give nearly 100 American flags to various civic organizations in my district. These are very special flags, since each has flown over the U.S. Capitol. I know that for the many people who will see these flags fly majestically in the wind, new inspiration must come as it always has to me.

ENVIRONMENTAL QUALITY CORPS ACT OF 1972

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BROTZMAN. Mr. Speaker, I am today introducing in this body a bill entitled the "Environmental Quality Corps Act of 1972" which, I feel, would marshal this Nation's surplus human resources to help solve some of our greatest domestic problems.

My bill would put as many as 100,000 of our young adults—particularly our returning Vietnam veterans—to work upgrading the quality of our physical environment and helping to heal the sores which the hand of man has inflicted upon our earth.

There is ample precedent for this kind of program, Mr. Speaker. The Nation experimented with several somewhat similar concepts during the great depression of the 1930's, with varying degrees of success. Currently, we have the Youth Conservation Corps, among many other scattered programs, to provide manpower for some of our conservation works. However, none of the present programs to date represent a concerted effort on the part of the Federal Government to meet the degradation of our environment head on.

As I have envisaged it, the Environmental Quality Corps would be an independent agency headed by an administrator who would report directly to the President. He would work with a Board of Advisers which would include the Administrator of the Environmental Protection Agency, the Chairman of the President's Council on Environmental Quality, the Administrator of the Veterans' Administration, and the Secretaries of the Departments of Labor, Agriculture, Interior, Transportation, and Housing and Urban Development.

The stated duty of the Corps would be "to provide the manpower needed in projects designed to better the environmental quality for all Americans." These projects could include reforestation, park and campground construction and maintenance, recreational facilities construction in both urban and rural areas, and highway beautification.

But the corps is especially designed to provide at least a partial solution to another problem which has plagued our country for the past few years. This problem, the high rate of unemployment, is particularly evident among the young in America. Those under the age of 26, including those brave men who have served their country in Vietnam, presently suffer an unemployment rate nearly twice as high as the current nationwide average. These young, mostly unskilled or lacking the opportunity to further their education, are often left with little choice but to go on the government dole. The Corps would not only provide them with a place to earn their living, but an opportunity to take part in a most meaningful and exciting program designed to benefit their fellow Americans.

The Corps would be open to all nonmarried American citizens, ages 18 through 26, without regard to any consideration of race, social class, economic status, or sex. The only exception to this general rule is that the Administrator would be directed to give some special consideration to veterans who have served honorably in the Armed Forces of the United States. In my opinion, this Nation owes these young men and women an extra helping hand during their transition to civilian life. This is particularly so in view of the present period of relatively high unemployment.

Each volunteer would enlist in the Corps for 1 year, with the option of reenlisting for up to 1 additional year if he chooses. Corpsmen would be provided with room and board, a modest allowance, and the training needed to help them better themselves once on the outside world.

Although the initial lifetime of the Corps as specified in my bill is 2 years, the structure is flexible enough, I feel, that it could provide an ongoing means of absorbing our surplus manpower—wherever it might occur—and give the Nation something tangible in return. Too many of our welfare and unemployment compensation programs simply do not accomplish this.

Furthermore, I believe that the training received in the Corps could qualify many of these young people for careers in the field of environmental quality. If we are really serious about cleaning up our environment and keeping it clean, then vast new human resources—trained and highly motivated—are going to be required. I see in the Environmental Quality Corps a substantial supplier of these resources.

Finally, I would just like to remind the Members present here today of the words of President Nixon this last February, in his third annual environmental message to the Congress:

> The starting point of environmental quality is in the hearts and minds of the people. Unless the people have a deep commitment to the new values and a clear understanding of the new problems, all our laws and programs and spending will avail little. The young, quick to commit and used to learning, are gaining the changed outlook fastest of all. Their enthusiasm about the environment spreads with a healthy contagion; their energy in its behalf can be an impressive force for good.

Mr. Speaker, I firmly believe that as set forth in this bill which I am introducing today, the Envronmental Quality Corps could be an ideal vehicle for helping to promote this "healthy contagion." I urge passage of this bill yet in the 92d Congress.

SEARS CONGRESSIONAL INTERNSHIP PROGRAM

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. HANLEY. Mr. Speaker, I would like to add to the remarks yesterday of my distinguished colleague from Pennsylvania (Mr. ROONEY) concerning the Sears congressional internship program.

As another participant in this program, I know that it is unique among the internship programs on the Hill. For not only does the intern gain the experience of working in a congressional office, but he or she also receives invaluable training for their vocation.

Our Nation's lifeblood is diversity. Our system of government needs free and open debate on the issues of the day so the voters can make intelligent decisions at the ballot box. Without the media, this would be impossible. Whatever our private opinions of the press, we must all acknowledge that fact. The press is not only the fourth estate, a check upon Government, but it is also a vital tie between elected officials and their constituencies.

The Sears program teaches the intern about Government and legislation so that the intern as a reporter can cover these activities in a more objective manner.

Putting aside any contribution an intern can make to a congressional office, the Sears program helps all of us, and all of the media-dependent people of the Nation by improving tomorrow's coverage of the events that shape the world.

BUYER BEWARE—OF THE FDA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. ROSENTHAL. Mr. Speaker, the Food and Drug Administration was designed to be an impartial regulatory agency. At times, it seems far from it. A group of five George Washington University Law School students organized under the acronym, LABEL, Inc.—Law Students Association for Buyers' Education and Labeling—petitioned the Food and Drug Administration on February 25, 1971, to issue a new regulation stating:

> For the purposes of promoting honesty and fair dealing in the interest of consumers, all food manufacturers and distributors must list on the label, in the order of their predominance, all ingredients which are contained in their products.

This proposed regulation was printed in the Federal Register on May 12, 1971, and opened for public comment. Support for it was evident. More than 5,000 angry and concerned consumers from all over the country expressed their approval of the LABEL proposal. The only letters of objection came from about 200 various food industries.

Despite the fact that 95 percent of the comments were favorable, the Food and Drug Administration told LABEL that "after reviewing all the comments" it had decided in favor of the industry views and against the proposal.

LABEL objected to this denial and requested a public hearing. The Food and Drug Administration on June 6, 1972, denied this request as well. The FDA contends that it does not have the authority to promulgate such a regulation, but under the 1938 Food, Drug and Cosmetics Act and the 1966 Fair Packaging and Labeling Act, it does. This is a case of simply passing the buck and avoiding taking action unfavorable to industry.

It is inconceivable to me that a regulatory agency such as FDA can remain so removed from the facts of the situation. What will it take to convince the agency of the dire need for complete disclosure of ingredients on food labels? Is it not aware of the potentially tragic consequences of people unknowingly eating what they are allergic to? It seems that the agency's interests lie in another direction namely, with the small but vocal group of food manufacturers who oppose this or any type of regulation in the public interest.

LABEL has continued its fight for this proposal. A petition for review has just been submitted to the U.S. Court of Appeals of the District of Columbia. Hopefully, the failure of the Food and Drug Administration to act will be rectified by adequate court action. It is highly unfortunate that a Federal agency of this nature is so unresponsive to the public.

KURT WALDHEIM MAKES IMPORTANT SPEECH AT STOCKHOLM CONFERENCE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. UDALL. Mr. Speaker, I direct the Members' attention to an important address delivered by U.N. Secretary-General Kurt Waldheim at the historic Conference on the Human Environment now in progress in Stockholm. The Secretary-General's address set a visionary and productive tone which must be maintained by the conferees if major accords are to be reached.

Reminding us that no number of ABM's or nuclear submarines can secure the borders of any nation from deadly industrial fumes produced in another, Mr. Waldheim calls for new principles of human behavior and responsibility based upon the realization that in a world of limited and shared natural resources the survival of all peoples is interdependent.

The full text follows:

ADDRESS BY SECRETARY-GENERAL KURT WALDHEIM TO UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT, STOCKHOLM, JUNE 5

Following is the text of an address by Secretary-General Kurt Waldheim, prepared for delivery on 5 June to the United Nations Conference on the Human Environment, Stockholm:

Just four years ago the Swedish Delegation to the United Nations called the urgent attention of the international community to the growing crisis of the human environment. The results of this pioneering initiative have been manifold since then and they can be seen today. It is my great privilege and honour to express the sincere gratitude of the United Nations to the Government and people of Sweden for the central role they have played in bringing about this historic United Nations Conference on the Human Environment.

This tribute, however, would be incomplete if I did not also express my sincere appreciation for the warm welcome we have received, and for all that Sweden has done to make our stay a productive and a memorable event.

As we are gathered here today, it is difficult not to think of the satisfaction and pride this Conference would have stirred in the heart of that great, selfless international civil servant, Dag Hammarskjöld. All of us who knew him and knew of his hopes for the United Nations and for the world remember him today together with all the other courageous men of peace who have come from Sweden to serve the cause of the United Nations—the cause of peace, of justice, of harmony—the cause of this Conference.

It is indeed, a historic Conference. Possibly future generations will call it a turning point, a moment in history when a major correction was introduced in the process of the industrial revolution which started, less than two hundred years ago, to transform so profoundly conditions of life on our planet.

No event, indeed, has ever had such far-reaching effects as the industrial revolution. We must be immensely grateful to it for all the good it has done for mankind. Many of us would not be here today without it. Thanks to it we live longer, we are healthier, we are better educated, we have good homes, we are well-nourished and clothed, we can take means of transportation which allow us to be gathered here today from all parts of the globe. No human being in the past has ever had so many blessings and goods as the average citizen has today in the developed world.

This process is far from being completed. It encompasses only one-third of humanity and even within that third there are many, many poor people who share insufficiently in its benefits. We must think especially of the two billion men, women and children who are still hungry, uneducated, subject to disease and who have so little hope and happiness at the very moment when we are assembled here.

Therefore, while the environment is an emerging new and very serious problem, we must not forget that development is still the highest priority and an unreached objective. Indeed humanity is challenged by the development and by the environment issues and we must learn to tackle them both with proper historical perspective and with a sense of justice for all.

The United Nations Conference on Trade and Development which has just concluded its third session has once again reminded the world of these fundamental issues. It has underlined the importance to keep in mind, in deliberations and decisions, the relationship between the environment and the trade and development of all countries, particularly the trade and development problems of the developing countries. If we do nothing to cope with these essential questions, saving the biosphere may well be an empty victory.

Everything is of concern to everybody in our deeply interdependent world today.

This is the basic human story, of immense historic weight, with which this Conference is seized. It is a problem which no nation, no continent, no hemisphere, no race, no system can handle alone. It is a world-wide issue which concerns us all.

I believe that we just woke up in time to deal with that problem and a lot has already been done since the Government of Sweden asked for this Conference to be convened. As it was the case for so many problems of our society, be it independence, economic development, racial equality, human rights, nuclear proliferation, population, etc., the United Nations acted immediately as a world-wide communications and warning system on this new collective problem. Through governmental concern, the news media, educators and non-governmental organizations, the consciousness of the environmental problem soon reached the masses. It was as if the scales had fallen from the eyes of the people. This is an enormous result, for it is the action and behaviour of each individual multiplied by millions which nowadays can most effectively change conditions for better or for worse. Industrialists, workers, consumers, public servants, rich and poor suddenly discovered that they were all sitting in the same boat and that something was in the making from which sooner or later no one would be able to escape.

We have seen within a very short time rivers cleaned, cities restored to health and beauty, many new clean industrial processes invented, and much nature saved. This is testimony that the job can be done. But the total deterioration of our common environment, the atmosphere and the seas and oceans continues. We must stop the trend. We must take the necessary international decisions to protect these common properties. This is one of the fundamental responsibilities of this Conference to lay the groundwork to this end. No less than we did in outer space, if we are to make headway in protecting and enhancing the environment, we need to agree on new principles of human behavior and responsibility. I further hope that man's view and vision of the environment in the 1970s will lead him to a consensus on a Declaration on the Human Environment and I am convinced that there is a wide base of support for the Action Plan and for the Human Environment that has been put before you.

You, the delegates to the Conference, you are here not only in a natural capacity, but also representing the world as a whole. The quality of the atmosphere and of our oceans can be nothing else but the product of the behaviour of nations. The United Nations has no intrinsic value, no power of its own, it cannot clean a single river for you. But it can bring Governments together, as it does today, to agree and to pledge that they will do certain things, refrain from doing others and create the necessary institutional arrangements in the United Nations to collect world-wide data, to measure, to warn, to exchange experience and to review proper implementation by all.

No crisis ever before in history than the environmental crisis has underlined to such an extent the interdependence of nations.

All nations have a common concern, a common stake and interest in the future of our only one earth. We are here because our joint need to unite in protecting the human environment is greater than any of the divisions and conflicts that still so unnecessarily keep us apart. The iron rule remains: our world is one, inseparable and interdependent. It is this world that is threatened by the impact of man's unplanned, selfish and ever growing activities.

No political system makes us immune to this threat; no level of economic development permits us to escape; we all face the challenge as equals—equally threatened, equally vulnerable. There is no splended isolation in matters of the environment. Pollution of the atmosphere, of the seas, of the rivers, and of the earth concerns all of us.

The crisis of the human environment is a global crisis. It requires, therefore, global solutions. It requires that the nations of the world unite in an unprecedented effort of international co-operation and that our Organization becomes at long last in practice what its name meant it to be: an organization of united nations. To do this means primarily that we must put our political will to work for the preservation and survival of our living world, the natural world on which all life depends.

We are living in an epoch when vast new responsibilities are falling one after the other upon our shoulders. But when we look at the priorities reflected in the world's governmental spending, we see the first place occupied not by development, the environment, education or health, we see it occupied by armaments.

The continued sophistication and accumulation of weapons of mass destruction poses a direct threat not only to the human environment but also to human survival. Nuclear weapons have multiplied to such an extent that a mere fraction of them would be enough to eliminate life on earth. Continued nuclear tests above ground poison the atmosphere, and underground nuclear tests are a potential threat to both the atmosphere and the earth, through venting and seepage and possibly triggering earthquakes. Chemical weapons, such as herbicides and defoliants, lay waste and may do irreversible damage to precious resources of productive land.

There must be a drastic reordering of priorities if the nations of the world are to deal successfully with the tremendous problems they face. It seems clear that we shall not be able to overcome the staggering problems of poverty, population pollution, the widening development gap, and the host of other problems that confront the nations and peoples of the world, unless a very substantial part of the massive sums now devoted to military purposes is available for solving the problems of life and society. The environmental problems are part and parcel of all these contemporary problems.

We must now actively reduce and ultimately suppress the ugliest of all pollutions, the armaments pollution. Several steps have already been taken in this direction in the United Nations and a new significant step has been taken the other week in Moscow. Let us hope that your efforts here will go hand in hand with disarmament and will be assisted by it. The United Nations Development Decade, together with the Disarmament Decade and now the efforts on the environment which would warrant an Environment Decade, should be the first steps to assure the establishment of better world priorities for the peoples.

I would not like to finish, Ladies and Gentlemen, without paying a warm tribute to all those who have worked so hard to prepare this Conference: biologists and other scientists, government officials, our colleagues from the specialized agencies, the many non-governmental organizations, the news media, and several youth groups. My thanks go especially to the Preparatory Committee which did outstanding work during these past two years under the chairmanship of Ambassador Keith Johnson. Its work had been facilitated and stimulated in the most efficient way by the Conference secretariat and its highly devoted, inspired and far-sighted Head, Mr. Maurice Strong, the Secretary-General of the Conference, to whom I would like to pay here a special tribute.

It has been a pioneering venture with no precedents to guide it, and it has produced one of the most significant by-products of the entire preparatory process remarkable demonstration of the effective and productive teamwork which can result from the mobilization by the United Nations of the important resources available throughout the United Nations system itself, in its member Governments, and in other intergovernmental and non-governmental organizations all co-operating together to achieve a common goal.

It should be evident that I am no pessimist about the United Nations. No pessimist could be Secretary-General. That is why I believe that, with all its difficulties, with all its challenges, with all the crises in the world, the United Nations has a major role to play in the environmental area.

Some among us here may have differing views of the United Nation's abilities; others, of its capacities. In considering these, we must consider too that, like any human institution, the United Nations reflects human frailties. It also reflects, however, human hope.

Our problems are serious and our challenges are many, but environmental concerns are causing men to look beyond the walls of what they hitherto considered to be impregnable national castles. The realization that the earth and its resources are not infinite is inevitably bringing about a reshuffling of objectives and priorities. Growth is slowly being reoriented—towards less material goals in the affluent countries, towards more rational development in the less industrialized world. Exploration of the environmental issues is opening new opportunities to the developing countries. Much will change in the years ahead. Much will be done and undone. There will be movement, and therein lies our hope.

As we now consider the choices before us, we must realize we are not faced with many separate problems, but with different aspects of a single over-all problem: the survival and prosperity of all men and women and their harmonious development, physical as well as spiritual, in peace with each other and with nature. This is the solution we must seek. It is within our power to find it.

And if that is our goal, then surely there is only one road that will lead us there. In taking it at this Conference, the United Nations may well mark the beginning of a new era for international co-operation and for all humanity.

PROTECTING THE BILL OF RIGHTS IN MIDDLE-CLASS HOUSING

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. PODELL. Mr. Speaker, the Bill of Rights and our system of justice is supposed to protect everyone from the arbitrary actions of government. Among the most important foundations of our democracy are the right to privacy, the constitutional prohibition against self-incrimination and the presumption that a person is innocent before proven guilty.

But in New York today, all of these foundations are being challenged. Middle-class citizens are being forced to abandon their fundamental rights in order to live in decent housing at a fair cost.

Mr. Speaker, this outrageous situation began with a very noble expriment. A number of years ago, New York State established the visionary Mitchell-Lama program to encourage the Development of reasonably priced middle-class apartments. This law has not only enabled many New Yorkers to find decent housing, but has also provided a buffer against some of the worst excesses of inflation that other apartment dwellers have had to face.

In years past, the residents of this housing have had to sign an affidavit attesting to their middle-income status. A tenant's signature was taken as his solemn oath—in the same way that his signature is used on a driver's license, a check, or a Federal income tax return.

This year, however, the managers of these apartment buildings were forced by the State division of housing to have gone beyond the normal affadavit. These State officials are demanding that each tenant sign a statement authorizing the New York City finance administrator to show his income tax returns to the State division of housing.

This procedure assumes that the tenant is guilty of defrauding the State—even though no tenant has been brought before a court of law on such charges. This procedure requires self-incrimination. This procedure opens up income tax returns to numerous curiosity seekers in the bureaucracy of New York—when instead the right of privacy should be protected. Indeed, we know that Federal income tax returns, which are available to the States, have been misused by some State officials.

So far as I know, only these middle-class tenants are forced to forfeit their fundamental rights in this way.

Many organizations and people are subsidized. The officers of the Lockheed Corp. are subsidized. Certain builders in New York are subsidized. The officers of certain day care centers are subsidized. Yet none of these people are required to divulge their income tax returns.

Why are only middle-class persons' rights so easily violated?

Mr. Speaker, today I have introduced legislation to protect the rights of these middle-class citizens—the backbone of America. My legislation amends the fair housing laws which we enacted in order to end practices of discrimination and intimidation in housing. When we passed those laws we could not have anticipated this latest form of intimidation.

These tenants should not be forced to choose between skyrocketing rents or the forfeiture of their rights. My bill would specifically protect them by providing that:

> No person shall be required by any officer of the Federal Government or any officer of any State or municipal government or any manager of housing or any other person to divulge his income tax return as a condition for residence in any housing, provided that such person is not under criminal indictment or authorized criminal investigation.

This legislation should not be necessary—but it is unfortunately now necessary. As we all know, "eternal vigilance is the price of liberty."

SOUTH VIETNAM'S STRUGGLE TO BE LEFT ALONE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. WYMAN. Mr. Speaker, in the course of its courageous struggle to defeat and expel the Communist invaders from the north, South Vietnam is not falling apart internally. While there may be splits in the political infrastructure of the South Vietnamese Government the people of that beleaguered nation hate the enemy worse than particular Government leaders, including President Thieu.

As John Roche points out in his column in today's Washington Post, Thieu is arming the population through the local militia, which would be inconceivable were there any real threat of a so-called general uprising against the Government.

President Nixon's position that settlement of political differences should be negotiated among and between Vietnamese after a cease-fire, the return of Americans held prisoner, and withdrawal of all U.S. forces within 120 days, is an exceedingly reasonable proposition. I suspect it will be eventually accepted.

The article follows:

SOUTH VIETNAM STRUGGLES ON

(By John P. Roche)

Now that the North Vietnamese have been at it for two months, perhaps we can begin to assess intelligently the status of Vietnamization. What exactly has happened to the Republic of Vietnam, that allegedly "corrupt, incompetent, dictatorship"? The answer: It is still there, its army is fighting bravely, its president is hopping around from one theater of operations to another. To date, Hanoi has taken one provincial capital, Quangtri City, which is within spitting distance of the DMZ on a windy day. "Dictator" Thieu persists in his odd habit of arming the masses—50,000 rifles were passed out to the militia in Hue—while the Senate in Saigon rejects his request for decree powers, strange behavior for a legislative body in a "police state."

The most significant aspect of this picture is what has not happened: there have been absolutely no indications that the people of South Vietnam are eagerly planning a "general uprising." The role assigned to them in General Giap's script. On the contrary, the opposition groups in Saigon have made it clear that, while Thieu is not their favorite, the Communists are the enemy.

American commentators, some I suspect deliberately, have misinterpreted the views of the militant Buddhists and their allies, that is, Thic Tri Quang and what might be called the "Big Minh" ambiance. They have never been pro-Hanoi (indeed, Tri Quang is a refugee from the North).

Their goal has been to install themselves, not the Communists, in power in Saigon. Antiwar Americans have used their attacks on the Thieu government (and its predecessors) as evidence of pro-Communist sentiment. They don't know their customers. Tri Quang is hard as nails: he knows he wouldn't be in business in the authentic dictatorship up North. And Big Minh, just the other day, dismissed "coalition government" as a Communist trap.

It is also interesting to note that the "civil war" dimension of the struggle has practically vanished except in Binhdinh. The basic reason for this is that Giap sacrificed the Vietcong Main Force units in the 1968 Tet offensive. Their mission was to touch off the "general uprising" in the cities while the North Vietnamese regulars remained in reserve to move in and clean up.

But there was no uprising and the VC was virtually eliminated as a fighting force. Hanoi made no effort to rescue them, leading the suspicious to recall how Stalin's armies sat on the outskirts of Warsaw in 1944 until the Nazis had suppressed the Polish Nationalist insurrrection in the city. The Soviets had their own set of tame Poles ready to assume power, and it was convenient for the Nazis to dispose of a potential anti-Communist opposition. From 1969 on, Hanoi could have no problem with indigenous Southern Communists: potential Titos were sent into the abattoir.

On the other side of the hill, things don't seem to be going too well. Moscow and Peking have both sent comradely regards to Hanoi and have issued ritual denunciations of our escalation of the air war against the North.

And Giap's troops have been taking a fearful bashing, with very little to show for it. Which leads one to expect a new peace offensive. Hanoi's Foreign Minister Nguygen Duy Trinh in conversation with Anthony Lewis already indicated the first move (in a scenario set forth here in March, 1970): a tripartite coalition of Provisional Revolutionary Government Communists, members of the Saigon regime (Thieu excluded), and "neutral" exiles now in Paris. The fall-back position from that would be a coalition including Thieu and the PRG, with a President drawn from the "neutrals."

Let us hope our negotiators are on their toes. This would be a tricky one to handle, particularly in the middle of an American presidential campaign. Like the other scenarios it has as its centerpiece the Americans busting Thieu, but it would have a surface plausibility that other Hanoi peace offensives have lacked—and great innate appeal to war-weary Americans.

MIKVA INTRODUCES NATIONAL CRIME VICTIMS COMPENSATION ACT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MIKVA. Mr. Speaker, yesterday, June 14, I introduced the National Crime Victims Compensation Act, along with 35 cosponsors.

The war on crime is a long way from being won. In the meantime, we are doing all too little to bring emergency help to the people who suffer the most direct impact from the crime rate statistics. The people of America are entitled to be compensated for the losses they sustain at the hands of criminals, and that is what this bill would do.

Crime is endemic in our society, and nothing we do in this bill is likely to reduce substantially the incidence of crime. The National Crime Victims Compensation Act is no substitute for a strong anticrime program. But it will redistribute more evenly the burden which today falls capriciously on those who are so unfortunate as to be in the wrong place at the wrong time.

There has developed a rather substantial body of experience on which to draw for guidance in framing a crime victim compensation system.

In 1964, New Zealand began compensating victims of violent crime in accordance with legislation passed in 1963. Great Britain followed later in 1964 with a compensation system of its own. Canada followed suit in 1967, and New South Wales—in Australia—did the same in 1968. Each of these foreign jurisdictions has had several years of experience, each with a somewhat different compensation system.

In this country, seven States offer compensation to victims of violent crime. They are California, Hawaii, Maryland, Massachusetts, New York, Nevada, and New Jersey. Attached to my statement, for inclusion in the RECORD, is a table outlining the major provisions of each of those State laws.

The bill introduced today contains three titles:

Part A of title I establishes a compensation system to reimburse victims of violent crime for medical expenses and lost wages. A three-man Federal board would make awards to applicants injured by criminal acts on Federal territory, including the District of Columbia.

Part B of title I authorizes LEAA to fund 75 percent of the costs of similar State compensation systems.

Title II authorizes LEAA to establish direct Federal group insurance plans for public safety officers in States where such insurance is not available at inexpensive group rates.

Title III authorizes a lump sum Federal benefit of up to $50,000 to be paid on behalf of any policeman, fireman, prison guard, or other public safety officer—State or Federal—who is disabled or killed by a criminal act in the line of duty.

The bill closely parallels titles I–III of Senator MCCLELLAN's bill (S. 2994) which is expected to be before the Senate Judiciary Committee in the near future. With prompt action by both Houses of Congress, we should be able to provide relief soon to the innocent victims of violent crime.

I am pleased to list the following Members as cosponsors of the National Crime Victims Compensation Act:

COSPONSORS

JONATHAN BINGHAM, KEN HECHLER, JAMES SCHEUER, HERMAN BADILLO, WILLIAM GREEN, PARREN MITCHELL, JAMES SYMINGTON, TOM REES, PATSY MINK, HENRY HELSTOSKI, NICK BEGICH, ROMANO MAZZOLI, JAMES CLEVELAND, FLOYD HICKS, MICHAEL HARRINGTON, EDWIN FORSYTHE, JOHN MOSS, GEORGE COLLINS, BENJAMIN ROSENTHAL, BELLA ABZUG, JOHN SEIBERLING, PHILLIP BURTON, LOUIS STOKES, ROBERT MCCLORY, JOSHUA EILBERG, CLAUDE PEPPER, RALPH METCALFE, CHARLES RANGEL, LES ASPIN, DONALD FRASER, ELLA GRASSO, WILLIAM FORD, JOHN CONYERS, FERNAND ST GERMAIN, and RONALD DELLUMS.

State	Jurisdiction	Eligibility	Restrictions	Amount	Subrogation	Attorney fees	Loss of property	Determination
California: Cal. Gov't Code. §§ 13960–13966 (1967); §§ 13970–13974 (1969).	State Board of Control (hearing).	1. Victim. 2. Dependents—in case of pecuniary loss from his injury or death.	Need basis	Not in excess of $5,000.	State subrogated to rights of claimant against offender to the extent of payment of the claim. May intervene in claimant's action against offender or bring own.	Not in excess of 10%	To private citizen preventing crime or apprehending criminal, or rescuing a person.	May refuse to compensate for lack of cooperation with police in apprehension of offender.
Hawaii: Hawaii Rev. Law §§ 35–1, 351–70 (1967).	Criminal Injuries Compensation Commission (hearing).	1. Victim. 2. Dependents—in case of his death. 3. Other—person responsible for victim's maintenance, where pecuniary loss results from victim's injury.	General	Not in excess of $10,000.	State may bring derivative action against the convicted offender in the name of the victim or dependents awarded compensation. Excess recovery given to claimant.	Commission's part of order may award reasonable attorney fees, not in excess of 15% of an award over $1,000—out of the award.	To private citizen in preventing crme or apprehending a criminal.	Reduce compensation to extent victim was responsible for the crime that caused his injury.
Maryland: Md. Ann. Stat. art 26A, §§ 1–17 (1968).	Criminal Injuries Compensation Board (single member with right to appeal to whole).	1. Victim. 2. Dependents—in case of his death. 3. Other—dependent on victim for their principal support. 4. Anyone injured or killed in attempting to prevent a crime, and his dependents.	Out-of-pocket loss of $100 or two weeks' earnings plus "serious financial hardship."	Art. 101, § 36 schedule used.	--------------------	Subrogated to the extent of the award to recover payments resulting from the crime.	----------------	Reduce compensation to extent victim contributed to his injury. May be disregarded if victim attempted to aid a victim or prevent crime or apprehend a person after he committed a crime.
Massachusetts: Mass. Gen. Laws ch. 258A, §§ 1–7 (1968).	District Court	1. Victim. 2. Dependents—in case of his death.	Out-of-pocket loss of $100 or two weeks' earnings.	Equal to loss up to $10,000.	--------------------	"To the extent of compensation," any amount received by claimant from any source exceeding the actual loss to the victim may be recovered.	Court as part of order may award reasonable attorney fees, not in excess of 15% of an award over $1,000—out of the award.	Same.

State	Jurisdiction	Eligibility	Restrictions	Amount	Subrogation	Attorney fees	Loss of property	Determination
New York: N.Y. Exec. Law §§ 620–635 (1966).	Crime Victims Compensation Board (single member with right to appeal to whole).	1. Victim. 2. Dependent—in case of his death. 3. Other—dependent on victim for their principal support. 4. Anyone injured or killed in attempting to prevent a crime, and his dependents.	Out-of-pocket loss of $100 or two weeks' earnings plus "serious financial hardship."	Not in excess of $100 per week earnings or support, nor an aggregate award of more than $15,000.	----------------------	To the extent of the award to recover payments resulting from the crime.	------------------	Reduce compensation to extent victim contributed to his injury. May be disregarded if victim attempted to aid a victim or prevent crime or apprehend a person after he committed a crime.
Nevada: Nev. Rev. Stat. §§ 217.180–217.260 (1969).	State Board of Examiners (hearing).	1. Victim. 2. Dependent—in case of his death. 3. Other—person responsible for victim's maintenance where pecuniary loss results from victim's injury.	General--------	Not in excess of $5,000.	Subrogated to the cause of action of the applicant against the offender and may bring an action for the amount of damages sustained by the applicant. Excess recovery paid to claimant.	Board as a part of order may allow reasonable attorney fees, not to exceed 10%—out of the award.	------------------	In determining whether to make an order for compensation, the board shall consider provocation, consent, or any other behavior of the victim.
New Jersey: N.J. Session Law Oct. 1971.	Violent Crimes Compensation Board (hearing).	1. Victim. 2. Dependent—in case of death. 3. Other—person responsible for victim's maintenance where pecuniary loss results from victim's injury.	Out of pocket loss of $100 or two weeks earnings.	Not in excess of $10,000.	Subrogated to the cause of action of the applicant against the offender and may bring an action for the amount of damages sustained by applicant. Excess recovery paid to claimant.	Board as part of order may allow reasonable attorney fees, not to exceed 15% of the award—not out of award.	------------------	Reduce compensation to extent victim contributed to his injury. May be disregarded if victim attempted to aid a victim or prevent a crime or apprehend a person after he committed a crime.
Victims of crime act of 1972 [Title I].	Violent Crimes Compensation Board (hearing).	1. Victim. 2. Dependent—In case of his death. 3. Other—person where pecuniary loss results from victim's injury. 4. Anyone suffering pecuniary loss.	$100 minimum plus undue financial hardship.	Not in excess of $50,000.	Attorney General may maintain action against offender for recovery of the whole or specified amounts of the compensation.	Attorney fees allowable as under 18 U.S.C. 3006A.	------------------	In determining whether to make an order, the behavior of the victim is considered.

Note: Adapted from 47 Notre Dame Law 88 (1971).

MR. ROONEY ON NEWS MEDIA FREEDOMS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. VAN DEERLIN. Mr. Speaker, fundamental constitutional rights are an issue of primary concern to all Americans. Governmental regulation of the news media is fundamentally improper, under our system.

Our colleague, FRED ROONEY, has touched on some critical points in an address delivered May 23 to the Pennsylvania Broadcasters Association. Mr. ROONEY's thoughtful remarks provide considerable background and guidance in this sensitive area.

The text of his speech follows:

OPENING REMARKS ON NEED TO EDUCATE MEMBERS OF CONGRESS "IN THE CLEAREST AND SIMPLEST WAY POSSIBLE ON THE MAJOR MATTERS WHICH CONCERN YOU AS BROADCASTERS"

There's an interesting cover story in this month's issue of "Nation's Business," which I am sure you have all seen.

The opening sentence of the story poses a perplexing question:

"How would you like to own a business where you are required every three years to justify your performance to seven political appointees and perhaps lose that business if they don't think you measure up?"

I'd say that's a unique kind of business.

I'm sure it occurs to you when you fill out your license renewal applications.

You've always been beholden to government for your broadcast franchise, and subject to Federal controls and laws.

But lately, you're being made more aware than ever before.

For many years the license renewal policy of the FCC was consistent.

The Commission, in reviewing renewal applications gave great weight to the past performance of a licensee on the reasonable assumption that proven record of good performance was better evidence of future quality performance than any other measurable factor.

Now, because of recent court decisions, any individual or group can challenge a station's right to continue operating.

The station is compelled to respond, no matter how unrealistic the complaint.

And a recent decision by the U.S. Court of Appeals in Washington has raised concern that a broadcaster might be required to pay for all expenses incurred by the challenger, even after meeting his demands.

Such license challenges have put more than 100 stations under attack, and two owners out of business.

The final solution to the license renewal matter, in my view, is to be found in the Congress.

We will have a permanent national renewal policy, binding on both the FCC and the courts, only when specific criteria are written into law.

Nearly 200 Members of Congress in both Houses and in both parties have lent their names to renewal legislation.

Nearly 100 bills are pending.

My bill, H.R. 13193, would extend the license period to 5 years for radio stations and retain the 3-year statutory limitation for television stations.

At the same time it would assure both that their licenses would be renewed if the station could show the FCC a good-faith effort to serve the needs and interests of its community during the preceding license period.

The public interest requires that the broadcast industry be a stable one in which licensees whose past record of performance meets or exceeds broadcast criteria established by the FCC have a reasonable degree of assurance that their applications for license renewals will be determined upon such criteria, and not some extraneous issues not directly related to the quality of service extended to their broadcast area.

My bill does this, without in any way eliminating any existing rights enjoyed by those who desire to contest a license application or otherwise bring to the attention of the FCC any alleged failures of a licensee.

Unfortunately, you are not going to get license renewal legislation in this, the 92nd Congress, but the issue is still very much alive.

I urge all broadcasters to use the next 8 or 9 months to educate their Congressmen as to the need for this legislation.

Permit me also to call your attention to legislation which I have introduced in the House with some 25 cosponsors to remove existing Federal legal barriers to the broadcasting of information about the Pennsylvania lottery.

All news media in Pennsylvania and other States which have implemented state-operated lotteries have encountered the restrictions imposed by Federal anti-lottery laws.

These Federal laws involve interstate commerce, use of the mails and broadcasting.

A number of related bills are pending in several House committees. Only mine, however, has tied all the necessary revisions of Federal law into a single legislative package which now is before the House Judiciary Subcommittee No. 2.

That subcommittee seems almost equally divided on the question of removing Federal obstacles to the State-operated lotteries.

I have been advised, for example, that the subcommittee's two members from the State of California, Congressman Waldie and Danielson have indicated they oppose these measures.

On the other hand, there have been recent reports that California is looking at the east coast State lotteries with considerable interest.

Obviously, if California establishes its own lottery, then that State's broadcasters will be in the same shoes in which Pennsylvania broadcasters find themselves now.

Here, then, is an opportunity for your group to contact your affiliates in California and seek their help to win the support of the two California Congressmen on the Judiciary Subcommittee No. 2 for favorable action on the lottery legislation.

In addition to license renewal problems, the broadcast industry now has to face the Federal Trade Commission's recent counter-advertising proposal which, if enacted, has the potential of undermining and destroying the entire financial base of commercial broadcasting.

The concept of counter-advertising is so broad in scope as to cover most products and services now advertised over your stations.

I know from experience that no more consumer-oriented groups exist than my constituency.

And I also know that no company is going to pay to advertise its product on radio and television if by doing so it will automatically give a right to someone else to attack it on the same station.

The broadcasters' plight is of concern of all American business, because if counter-advertising comes, it's only a short step to the point at which any form of advertising would be affected.

If your industry can be undermined by Government policy, so can other industries.

Counter-advertising and license challenges may head your current inventory of headaches.

But you've been attacked in the name of public interest in a lot of other ways.

There's been a ban on broadcast advertising of lawful products whose advertising is permitted in all other media.

That only cost you $200 million a year in cigarette revenue—and now there's a lot of Government interest in your proprietary drug advertising.

There's been the prime-time access rule.

That's only depriving you of about 600 hours of network programing a year and a drop-off in audience between 7:30 and 8 p.m.

I understand there was a well-intentioned reason for the rule, but like so many of the well-intentioned regulations you're working with today, it hasn't worked.

It has, however, given rise to other ideas for controlling program content by times of day and segments of the audience, and encouraging parents agitating for all kinds of innovations in children's programs—like totally eliminating commercials.

There is for this election year, a new political-spending bill.

I don't know how you're going to fare on that.

I do not know that the equal time provision—section 315 of the communications act—is still in force, making fun situations for comedian Pat Paulsen, but depriving the American voter of television encounters between the major presidential candidates, in the words of Frank Stanton, "crippling the most constructive use of broadcasting in the electoral process."

There's more, of course.

Any number of tortured applications of the fairness doctrine.

Compulsory access to the air stripping you of the responsibility for what you broadcast even though you're still held accountable for it.

The constant threat of investigation that hangs over your head and yours alone among the media.

The pressures on broadcast news which are a part of this.

The uncertainty as you approach license renewal time that regardless of how conscientiously you've tried to serve your community, you still may find yourself in a contest with special interest groups who want to take your license for any of a growing number of reasons.

And now some icing on the cake—the Justice Department antitrust suits against the networks contesting their program production, acquisition and sales practices.

I think the suits are way off base.

I think they are against the public interest.

I think they will fail.

And I think they are just another indication—as many of your new problems are—of an administration trying desperately to keep broadcasting off balance and bend it to its own end.

The public interest can be served best if we put the roles of government and the press in proper perspective.

Government is an institution, and so is the press.

Our founding fathers wisely foresaw that these two institutions would, in most cases, be adversaries and seldom, if ever, allies.

It is the responsibility of government to govern.

It is the responsibility of the press to report how government is functioning.

Both must ultimately account to the public.

When your industry is encroached upon by government, the public suffers.

The attack began in Des Moines in November, 1969, with a lecture from Spiro Agnew on network news bias and how the networks must be made more responsive to the views of the people.

Some of his rhetoric may have seemed amusing—even appropriate—to you at the time, but it just might have been the first step toward dividing and conquering your industry by intimidating your news people and by dampening your enthusiasm to speak out on matters of national and local importance.

Senator Bob Dole then took up the fight and flew around the countryside assailing the "liberal media".

And the President's closest staff assistants are lately growing more vocal.

H. R. Haldeman was a guest on the "Today" program several months ago.

He took that opportunity to deliver a salvo at the credibility of the news media and at what he believes to be television's continuing anti-administration bias.

James Keogh, chief of research and writing for Richard Nixon during the 1968 election campaign, and later a special assistant to the President, is out with a new book titled "President Nixon and the Press."

It details the President's poor treatment by the media.

Mr. Keogh also spoke about it in a recent "Today" program interview.

And earlier this month, on a public broadcast service program, White House speechwriter Patrick Buchanan bluntly suggested that because CBS and NBC are biased in their news coverage, along with some publications, the administration might be obliged to sponsor antitrust action to break up their "monopoly" on ideas.

He also said that the current Justice Department suits against network programing are "just testing out the theory."

The Justice Department quickly denied this, and Senator Dole promptly and officially added his disagreement with Buchanan.

Of course, Mr. Buchanan said that he was expressing his personal opinion.

All the administration people do that, including Mr. Agnew.

Then try to be careful not to give the impression of a massive frontal assault.

For instance, Mr. Buchanan pointedly excluded ABC from his news antitrust wishes.

White House communications chief Herb Klein salutes your freedom of broadcasting rights every chance he gets after someone else in the administration has scolded you.

And you will get messages from the President at your big conventions about the great job you *station people* are going.

Just to keep you a little more off balance, and possibly undecided about what's going on, Clay Whitehead, the administration's spokesman on communications policy, tells you the things you really like to hear—about the deregulation of radio, and after that, gee, maybe television.

About his opposition to the FCC's banning newspaper-CATV crossownership in the same market, and the present rule prohibiting crossownership of TV stations and cable systems.

He also tells you about the administration's great disturbance at the way the trend is going in connection with FCC and court rulings on access and the fairness doctrine.

A few weeks ago he even went on new ground and asked the Nation's newspaper publishers to oppose, with him, a trend in Government to stifle freedom of the press.

And he called the fairness doctrine "a runaway theory" that may trample newspapers next.

Mr. Whitehead is a regular Paul Revere.

I agree with his warnings and nearly everything he says.

But I don't think he voices the true feelings of the present administration.

The name of the administration game is quiet intimdation and the encouragement of splits in your industry between stations and their networks.

There's a fast thrust at an annoyance of the movement and then a denial of restrictive intent; an occasional subpoena and investigation and then a pat on the head.

When caught with a hot potato, like the ITT mess or a war going badly for all to see on the evening news, there's always an antitrust action, or the threat of one to take the heat off.

There is supposed to be liberal bias intelevision news.

The Nixon administration has told us this right along.

The networks are said to freeze out opposing points of view and opposing information.

Let's look at the freeze.

President Nixon on 29 occasions since his inaugural has taken over the networks for a "major" pronouncement, or one so advertised.

It could be every month if he wanted.

He has held a number, a dwindling number, of televised news conferences and several "conversations" with network interviewers.

He has appeared in fragments of innumerable news broadcasts—this above and beyond all the coverage granted Vice President Agnew, various cabinet members and other Republican dignitaries.

Even the President's staff men are promoting their books and their views on the tube.

And since the present administration does make our nation's policy, does keep the records, does appoint, hire and fire people, it does supply a vast amount of news and views, all duely reported on a daily basis.

I hope a Democratic administration is so lucky next year.

The question to be asked, of course, is what does the public think?

What bias does it see on television?

Earlier this year TV Guide took the trouble to find out.

It commissioned Opinion Research Corporation to sample viewer attitudes on TV news credibility around the country.

The findings were highly interesting.

A majority of Americans think television offers the most complete political coverage of any news medium.

Most consider television fairest and most objective of the media and see little difference in fairness between each of the networks.

Perhaps most significant, where it is believed television news bias exists, opinions divided almost 50-50 on alleged favoritism:

A quarter of those interviewed see a pro-Nixon bias; another quarter see an anti-Nixon bias; 12 percent think the Republicans are treated more kindly; 13 percent think the Democrats are; 16 percent maintain that liberals get better treatment; 14 percent are sure conservatives do.

Those are pretty good marks, pretty balanced opinion, and most of those interviewed didn't detect bias on any kind.

What turned up in the study in fact confirms the findings of other continuing surveys of public attitudes toward TV news over the last decade.

I can understand why many broadcasters—faced with the spectrum of counter-advertising, meeting license renewal challenges and trying to interpret the conflicting decisions made under the umbrella of the fairness doctrine—feel like the "shuttlecock in a badminton game."

Don't take these blows at your freedoms or at your economic base.

Fight back.

Tell your story to the public—the story of a great free and competitive industry, unexcelled anywhere in the world—an industry which brings all Americans everything from wholesome entertainment and up-to-the-minute news in their homes and their cars to live pictures from China and the moon.

Tell your story in terms of the new products and services developed by American business which, through broadcast advertising, can be sold all over the Nation, providing for the American people the goods and services they want at prices kept as low as possible because they can be mass produced and sold.

You have an honest and honorable story to tell—a story that needs to be told to the public and to the Congress.

Only you can tell it.

The time to begin is now.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

DISTRICT OF COLUMBIA TEACHERS DESERVE RAISE—LAST RAISE CAME 3 YEARS AGO

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FAUNTROY. Mr. Speaker, today I am introducing the District of Columbia teacher pay bill. The measure, recently approved by the District of Columbia Board of Education, would increase teacher salaries an average of 17 percent over a 2-year period. Mr. Speaker, this is urgent legislation. The education of the children of the District of Columbia has a place second to none in the list of priorities facing this city. Central to the education of children is a dedicated and well-trained force of educational personnel, and particularly classroom teachers. We cannot hope to attract and retain the quality of teachers that the District of Columbia needs to adequately educate its children unless we provide a fair and equitable salary increase.

District of Columbia teachers have not received a salary increase since September 1969, almost 3 years ago. In a sense, the bill I introduce today is simply a cost-of-living increase which barely allows our teachers to keep pace with the inflationary spiral. Since 1969, the cost of living in the District of Columbia has gone up 11.04 percent and will no doubt increase even more over the next 2 years, the period covered by my proposed legislation. Employees covered by the Teacher's Salary Act have fallen behind other employees of the Board of Education. Classified employees have received increases totaling 17.7 percent since 1970. Wage board employees have received an increase of 19.2 percent over the same period.

Mr. Speaker, these increases for teachers are long overdue. With time rapidly running out this session of Congress, the District government, the President, the House District Committee, and the House itself must commit itself to the children of the city by rapidly considering this legislation so that our teachers can receive fair pay when they return to school in September. I recognize that a method must be found to pay for the increase. But time is short, and I urge all the agencies with responsibility over this matter to move quickly to devise a financing proposal so that Congress can move quickly on this important legislation.

The bill in substance does the following:

First. Provides that the Board of Education be given authorization to establish the salary and fringe benefits of the Superintendent.

Second. Provides for the establishment of the position of Vice Superintendent.

Third. In the case of school officers in TSA classes 3 through 6, provides for placement of a new appointee at higher level—up to step 3 of his salary class. Present law requires placement at step 1 of his salary class. Teachers may be placed up to step 9 of their salary class.

Fourth. Provides for elimination of the present four levels of principals in salary class; the 1,000 point factoring system, and the requirement for three consecutive annual evaluations of levels in order for a principal to move to the next higher salary level. This procedure creates inequities in compensation of principals. Our proposal would require that the principal's job be defined and allocated to a proper salary class. Many school systems allocate principals to salary classes or grades based upon a student enrollment range or a range of teaching staff assigned to a school. Our proposal provides for flexibility in determining salary classification or principal positions.

Fifth. Provides for payment of extra duty pay at the end of the activity rather than in prorated amounts at each pay period. The present system is administratively inefficient, costly, and results in many delayed payments.

Sixth. Eliminates the option on the part of teachers for 20 or 24 pay periods and places all employees on a uniform 24 pay period. With a uniform pay period, many payroll problems could be eliminated, the system simplified, and employee morale improved.

Seventh. Provides for authorization by the Board to correct retroactively administrative errors in promotion placement for compensation purposes. At present time, many employees have suffered a loss in compensation because District of Columbia Finance has ruled that the Board does not have this authority—only the District of Columbia Finance has the authority to make the determination. District of Columbia Finance is far removed from the internal administration of the District of Columbia school system and is not knowledgeable about the complexities of the teacher certification process.

Eighth. Provides for payment of one-half pay to school officers granted sabbatical leave. The present law states that they can only receive one-half the maximum salary provided class 15 teachers. This is not equity of treatment Assuming that we limited the number of school officers receiving educational leave with pay in any one year to five, our increased cost, which should be budgeted, would approximate $10,000.

Ninth. Provides that effective July 1, 1974, full authority for establishing salary and classification of all employees be transferred to the Board of Education. This authority presently is vested in the District of Columbia City Council and the Congress.

NIX BILL TO ELIMINATE CONFLICT BETWEEN STATE AND FEDERAL STATUTES ON STATE GOVERNMENT LOTTERIES

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. NIX. Mr. Speaker, I have today introduced a bill that will bring Federal legislation into conformity with State statutes in those States which permit State-run lotteries. Such States include my own State of Pennsylvania and, among others, the States of New York and New Hampshire.

This legislation is necessary to prevent a conflict between Federal statutes, including the postal statutes which forbids the mailing of lottery information. We have a situation where a weekly newspaper editor could be in the position of violating the Postal and Criminal Code.

The Federal statutes were originally intended to prosecute and prevent gambling by commercial enterprises. They were enacted long before State governments adopted lottery statutes as a fundraising device.

I believe that where States are entitled to enact statutes which cannot be questioned as to their constitutionality under the 14th amendment, that the Federal Government should not make the operation of such statutes difficult or impossible. That is the situation we have here.

My bill will erase a possible conflict between State and Federal Governments. I ask the House to support its passage.

FREEDOM IN SOVIET RUSSIA—PETER C. ANDREWS' REPORT ON PLIGHT OF SOVIET JEWS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. KEMP. Mr. Speaker, today, on the second anniversary of the mass arrests of the brave Soviet Jews who stood trial in Leningrad, it is appropriate that we assess the current status of the cause of freedom from Soviet oppression, which these people risked their lives for.

The forced separations of families and friends, the loss of jobs of those seeking to emigrate, the confinements in prisons and communication blackouts imposed by the Soviet Government often have been recounted in this Chamber.

But, until Soviet leaders honor their government's signing of international agreements to allow the Jews to practice their religion and to emigrate to their homeland in Israel, we in Congress and millions of Americans and others concerned with this humanitarian cause cannot abate our efforts in behalf of this oppressed people.

One of the concerned Americans who has contributed substantially to these efforts is Mr. Peter C. Andrews, the Washington Bureau Chief of the Buffalo Courier-Express.

Following Mr. Andrews' return from Moscow in connection with our President's recent trip, this veteran newsman chronicled conditions faced by the suffering Jews and aspects of the Soviet Government's reactions to world concern.

At this point, Mr. Speaker, I request permission to bring Mr. Andrews' story to the attention of my colleagues and following that, a statement I made today in connection with a National Conference on Soviet Jewry observance and exhibit at the Capitol:

SEMI-FREEDOM CONSTRICTS SOVIET LIFE

(By Peter C. Andrews)

A police state is not a happy one, and despite the trimmings of a free society, Russia is still a police state.

There are certain advantages to this, of course. such as safety from muggings in the streets at night and virtually no unemployment, but these advantages are obtained at a price that is unacceptable to most Americans.

In the Moscow District alone, by official admission, there are half a million unpaid "volunteers" to help the Moscow Militia maintain order. These young people are sometimes identified by the red arm bands they wear on their sleeves, but at other times they become evident only when they emerge from crowds to lead party demonstrations or recite the party line at gatherings.

They are part of a vast body of informers that operate on all levels of Russian society, spying on friends, neighbors, relatives, or strangers—anybody who might be thinking less than charitable thoughts about the government.

MOVEMENTS ARE MONITORED

The Russians tried very hard during President Nixon's visit to give the appearance of a free society. However, it is rather obvious that when one is required to turn in the hotel room key to the madame in charge of the corridor with each going and coming, that one's movements are being monitored. It cannot be proved, but most of the reporters with the President assumed their telephone calls from the hotel were monitored and their luggage was searched.

Prior to President Nixon's visit, scores of potential "troublemakers" were rounded up by the police to prevent them from getting in contact with the presidential party or with the press.

Among these were some of the more active of the 82,000 Jews who have applied for exit visas from Russia to emigrate to Israel. I personally made more than 70 phone calls to seven of these activists and not one call was answered. My contacts were all being held in preventive detention, charged only with intent to commit a crime—talking to me and other members of the press.

JEWS WAIT TO LEAVE

This question of Soviet Jewry is a dangerous one for Russia, because the Jews are only one of many minority groups in Russia. About 3,000 per month are emigrating from Russia to Israel, but the waiting list of applicants remains at a fairly constant level of more than 80,000.

The Russians try to downplay this mass migration because of the disturbing effect it might have on her Lithuanians, Latvians, and other groups who might get similar ideas of getting out from under the Russian yoke.

President Nixon brought up the question of Soviet Jews during his summit meeting. It is not quite clear just how the matter was broached, but presidential adviser Martin J. Hillebrand had a three-hour briefing at the State Department on the matter before he left for the trip.

PRESENT DECLARATION

One of the factors that might have been discussed was that prior to the trip, 135 congressmen, or almost one-third of the entire membership of the House of Representatives, presented a declaration of concern to the President about the issue.

Since congressional approval will be needed for the implementation of some of the agreements signed at the summit, the President or his staff could properly make a connection between getting congressional approval and solution of the Jewish issue.

The extreme Russian sensitivity toward the subject is shown by the fact that several hours of briefings in Moscow were devoted to the subject. During the briefings the attention of the press was repeatedly directed toward the Jewish Autonomous Region of Birobidzhan, near the Japanese border.

The settlement hardly represents all of Soviet Jewry, however, since it has a population of only 15,000, is physically isolated by thousands of miles from the mainstream of Russian life and culture and has an inhospitable climate. Most Jews prefer to live in the large cities. There are an estimated 240,000 living in Moscow, 170,000 in Leningrad and 150,000 in Kiev.

PROBLEM IS DENIED

The Russian attitude toward the Jews is one of assimilation, and that no problem exists on the Jewish issue. The large number of emigres or those wishing to emigrate is an embarrassment to her. One of the factors keeping down the emigration lists is that as soon as someone applies for an exit visa, he or she usually loses whatever job he is holding and is forced to live on the charity of friends or relatives until the visa is granted.

The Russian people appear to be living in a state of semi-freedom. Everything is regulated—who can move where and who is allowed to do what. There has been definite progress made toward greater freedoms in the last few years, but by American standards, the degree of control over the population is intolerable.

STATEMENT ISSUED AT CAPITOL EXHIBIT ON SOVIET JEWRY

I should like to begin with an expression of gratitude to my distinguished colleague and friend from New York, Congressman Bert Podell, and to the New York Conference on Soviet Jewry for affording me the opportunity to participate in today's program.

We are all familiar with today's abhorrent conditions under which Soviet Jews must live and with the cultural deprivation they are suffering. So there is no need to recount that here. So as we focus on this issue, it might be wise for us to ask the following questions:

What has brought about the dramatic show of concern now being displayed by people the world over, people of differing nationalities and religions? What has resulted from this concern and the protests? Are protests succeeding? And most importantly, what does the future hold for the Soviet Jewish Movement for redemption in Israel?

The massive, international support for Soviet Jewry has no doubt been coalesced by the brave actions of individual Russian Jews themselves.

It is inspiring to me that the first ones to speak out risked not only losing their jobs and friends, but their lives as well when they publicly challenged Soviet Totalitarianism.

Thanks to their courage, it is not uncommon today to read of Jewish citizens in the USSR staging a hunger strike in Red Square or signing letters to Soviet officials asking of them, and often demanding of them, the basic human right to repatriate. Interestingly enough, Jews in the Soviet Union seem to prefer that word to the word emigrate, inasmuch as they see Israel as their native country and desire their right to return to their homeland.

The utter failure of Marxist Leninism in Russia to assimilate the Jewish minority into the Soviet Conglomerate is thus illustrated and it is no wonder that the rulers in Moscow are doing everything possible to cover up these fifty years of failure.

Soviet leadership has been determined, since the Revolution of 1917, to destroy the Jews as a culture, people, and entity, and to equate the Jewish religion with some sort of bankrupt mysticism. Karl Marx referred to the Jews as being "enlisted on the side of tyranny" and every Soviet leader from Lenin to Brehznev has done his best to destroy them, their methods varying only in degree.

Yet, the entirety of a half century of propaganda, distortion, persecution and social manipulation was no match for the six-day war which quickly gave Soviet Jews a new sense of pride and honor that developed into the protest spirit that permeates Russian Judaism today.

The migration of Soviet Jews to Israel reached a new high in 1971 and may continue to climb in 1972. Regardless of what the exact figures of 1972 will be, I believe that the increased emigration rate for last year is indicative of the success of our protest movement and should encourage us all to continue raising our voices. The increased numbers of emigrants reflect a concerted effort by the USSR to defuse the protests as much as possible and to put on a facade of accommodating the Jews to some extent. However, increasing pressure is being brought to bear on agitators within the Soviet Union in order that their hopes of leaving will be kept minimal regardless of the seemingly high emigration rate.

What we must demand from the Soviet Union is a re-affirmation of the international treaty commitments that nation has signed declaring the right to leave and/or return to one's country as a basic human right and to live up to those commitments. It is significant to note that there is a growing movement among the non-Jewish intelligentsia (writers, scientists, etc.) on behalf of the right to leave and this conceivably could pose a greater threat to internal Soviet stability than the protests from the Soviet Jews themselves.

It is difficult to say at this point how the issue will eventually be resolved. Some say the USSR will allow tens of thousands to emigrate shortly in order to impose a severe economic handicap on Israel, which must bear the cost of absorption. Personally, I doubt that this would influence a Soviet policy change. Rather, any change in Soviet policy will result from an unacceptable loss of Russia's prestige due to the continuing protests or from a realization that it is better to allow the dissident faction to leave the country so it can no longer foment difficulties for Soviet leaders.

I want to read you a letter I received from someone who has given me a great deal of inspiration for our cause. It is from a young woman who has waged a courageous battle against Soviet tyranny. Her words show that, working together, we can move mountains of prejudice and repression.

I met Rita Gluzman during my visit to Israel in the summer of 1971. While the Soviet Union had permitted her to go to Israel, where her first child was born several months later, her husband was forced to remain in Russia. Rita pleaded desperately to the United States for help, and following weeks of strenuous efforts, her husband was finally given permission to join his family in Israel.

I also received a letter from Leonid Machlis, whom I was able to offer some similar small help. But, in the interest of time, I will quote only from Mrs. Gluzman's letter.

Her letter is not just for me but also for all who have helped in any manner, whether signing a petition, being here today or for any action in behalf of Soviet Jewry.

The following are Mrs. Gluzman's words:

"... I am writing to you as I would like to share my happiness with you. I remember that when I was miserable, I turned to you who were ready to listen to me, and asked you to help me in getting my husband back. You, and your compatriots have helped me. And I know I am not the only one whom you helped. The Jews in the Soviet Union, feeling the support of the public opinion in Europe and especially in the U.S.A., can fight for their rights to live in Israel, and can even be successful in this fight of theirs.

The first fruits of this fight can already be seen. However, I cannot forget that many thousands of my brothers and sisters are still awaiting the happy day when they will be able to go to Israel. They feel the moral and effective support of such people as you. They know that the pressure of the West on the Soviet authorities brings positive results, I know this from my personal experience when I went to the U.S.A. to ask for your help.

I wish much happiness to you personally and to all those in America who had helped me, as well as to all those who are still helping my numerous friends in the U.S.S.R.

God bess you all.

Sincerely yours,

RITA GLUZMAN.

The words of Rita Gluzman and the tens of thousands of Soviet Jews who cry out for our help speak eloquently for the cause we must sustain.

WORKERS SEEK TO END ILLEGAL POLITICAL SPENDINGS BY UNIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. CRANE. Mr. Speaker, at this time more than a dozen employees of McDonnell Douglas Corp., members of the International Association of Machinists and Aerospace Workers, AFL–CIO, claim that part of the union dues which they must pay to hold their jobs is spent on behalf of political candidates, organizations, and ideas they oppose.

With the support of the National Right To Work Legal Defense Foundation, these workers charge that such a practice violates their civil rights under both Federal statutes and the U.S. Constitution.

Although organized labor claims the right to look at the books of management, writes Shirley Scheibla in Barron's, the response of union leaders to a demand that their own books be opened is quite different.

She notes that:

> In a striking turnabout for organized labor—the IAM filed a motion to prohibit public disclosure of the information obtained by court order. Since the U.S. District Court at Los Angeles has just turned down this motion, the major discoveries of the examination of the IAM documents may now be revealed.

It seems that IAM allocates parts of its membership dues to the AFL–CIO Committee on Political Education, COPE, and the Machinists Non-Partisan Political League, both of which are restricted by law to voluntary contributions. Mrs. Scheibla points out that:

> The League, in turn, regularly contributes to the Democratic National Committee (but not to the Republican National Committee) as well as to the Democratic (but not the Republican) fund-raising dinners. With few exceptions, it spends money only for Democratic candidates.

The court case involving the machinists union is only one example of the growing revolt of workers against a union leadership which uses their compulsory dues for partisan political purposes. Last March, W. A. "Tony" Boyle was convicted for making illegal political donations with funds of the United Mine Workers, including $30,000 to HUBERT HUMPHREY's 1968 Democratic presidential campaign.

Union leaders often use the dues of their members to advance causes with which the members disagree. Mrs. Scheibla writes that:

> Union leaders have felt under no compulsion to seek either the views or consent of their members in making political expenditures.

George Meany himself declared that:

> You know, we have these laws on the books—honored, so far as I am concerned ... in the breach.

Now with the legal action sponsored by the National Right To Work Legal Defense Foundation there is reason to hope that these illegal activities will be brought to a halt.

Mrs. Scheibla states that the long-range goal of the National Right To Work Committee—

> Is enactment of legislation abolishing compulsory payment of union dues. That, of course, would eliminate the problem of spending such money for political purposes opposed by the payers.

I wish to share Mrs. Scheibla's article, which appears in the May 29, 1972, issue of Barron's, with my colleagues, and insert it into the RECORD at this time. The article follows:

RANK-AND-FILE REVOLT: IT SEEKS TO END ILLEGAL POLITICAL SPENDING BY UNIONS

(By Shirley Scheibla)

"To compel a man to furnish contribution of money for the propagation of opinions which he disbelieves is sinful and tyrannical."

—THOMAS JEFFERSON.

WASHINGTON.—During the past few months, under a court order, accountants and lawyers for the National Right to Work Legal Defense Foundation have been poring over the books and correspondence of the International Association of Machinists and Aerospace Workers (AFL–CIO) to determine the full extent of union political expenditures. The Foundation is acting as counsel for over a dozen employes of McDonnell-Douglas Corp., who say that part of the union dues which they must pay to hold their jobs is spent on behalf of political candidates, organizations and ideas they oppose. Plaintiffs charge that such a practice violates their civil rights under both federal statutes and the U.S. Constitution.

STRIKING TURNABOUT

In a striking turnabout for organized labor, which has long argued that it should be able to look at management's books, the IAM filed a motion to prohibit public dsiclosure of the information obtained by court order. Since the U.S. District Court at Los Angeles has just turned down this motion, the major discoveries of the examination of IAM documents may now be revealed.

According to Contentions of Fact filed with the court by the plaintiffs on April 26, IAM allocates parts of its membership dues to the AFL–CIO Committee on Political Education (COPE) and the Machinists Non-Partisan Political League, both of which are restricted by law to voluntary contributions. The League, in turn, regularly contributes to the Democratic National Committee (but not to the Republican National Committee) as well as to Democratic (but not Republican) fund-raising dinners. With few exceptions, it spends money only for Democratic candidates.

In states where the law allows, IAM arranges to have its staff employees named as voter registrars. Moreover, "The IAM frequently lends its membership lists to members of Congress for dissemination of campaign propaganda, and, using its computerized voter classification equipment, prepares for candidates, on a precinct-by-precinct basis, so-called 'walking lists' of favorable voters in the candidates' districts."

Many IAM staff members work full-time on political action. The union gives dues money to such organizations as the League of Women Voters, National Council of Senior Citizens, Group Research, Frontlash, SCOPE and the AFL–CIO Voter Registration Fund. (The Machinists, published by IAM, has described Frontlash as an organization which recruits and trains "young people who have trade union orientation and then deploys them in get-out-the-vote drives." The publication also says Frontlash, the League of Women Voters and the National Council for Senior Citizens are liberal organizations which "can work with and support labor's causes." (SCOPE—the Southern Committee on Political Ethics—"played a significant part in the unions' anti-Wallace campaign," according to the book Financing the 1968 Election, by Herbert E. Alexander of the Citizens' Research Foundation.)

MADE UNDER DURESS

The so-called Seay case cited at the outset is part of a growing revolt against the spending of compulsory dues money and "voluntary" contributions made under duress for political purposes repugnant to many workers. Last March, W. A. (Tony) Boyle was convicted in Federal District Court here for making illegal political donations with funds of the United Mine Workers, including $30,000 to Senator Herbert H. Humphrey's 1968 Democratic Presidential campaign. On May Day, a U.S. District Court judge, after finding that he illegally used union funds and facilities to promote his own candidacy, set aside Mr. Boyle's re-election to the UMW presidency.

In 1968, Lawrence L. Callanan, business manager of St. Louis Pipefitter Local 562, and two of his associates received maximum sentences of one year in jail and fines of $1,000 for making political contributions to candidates for federal office. (The case has been appealed to the U.S. Supreme Court.) Other cases involving allegations of illegal political expenditures by unions are still pending. In addition to the IAM, they involve the United Auto Workers and the American Federation of State, County and Municipal Employes (AFL–CIO).

The outcome of the growing revolt of the rank and file could have a profound effect on the nation's political future. According to Sylvester Petro, law professor at New York University and widely-acknowledged authority on organized labor, unions command the most influential single voice in national policy-making, since more than half the members of both House and Senate owe their offices in large measure to such support. By conservative estimates, unions are expected to spend between $70 million and $100 million this year alone on politics.

HOLDING THEIR JOBS

However, the record suggests that union leaders do not speak for the majority of American workers. Out of a labor force of 80 million, only 20 million belong to unions. Moreover, the Bureau of National Affairs estimates that nearly 83% belong by compulsion as a requirement for holding their jobs. (Dr. Petro estimates that between 30% and 40% of union members are either Republican or Independent.)

Despite their lavish contribution and clout on Capitol Hill, union chieftains cannot always deliver the vote. According to Rep. Philip Crane (R., Ill.), unions spent an estimated $60 million on behalf of Senator Humphrey in 1968, while public opinion surveys showed that 44% of union members and their families opposed him. In 1970, Democrats Albert Gore and Ralph Yarborough were defeated in bids for the Senate, although, according to reports to Congress, they each received contributions of over $100,000 from organized labor. This year, despite the support of UAW leaders, Senator Edmund S. Muskie fared disastrously in the Democratic Presidential primaries. After noting George Wallace's recent victory in the Democratic primary in heavily-unionized Michigan, TV commentator David Brinkley declared, "We have discovered in Michigan that the unions may be able to deliver money, but they are not able to deliver votes."

NO COMPULSION

To judge by the record, union leaders have felt under no compulsion to seek either the views or consent of their members in making political expenditures. According to AFL–CIO President George Meany: "You know, we have these laws on the books—and they have been there for many, many years—the Corrupt Practices Act and so forth—honored, so far as I am concerned, they have been honored by everybody in the breach. I don't know of any candidate for office anywhere that gives a damn where he gets the money so long as he gets it when he gets into a campaign."

But now a new force, the National Right to Work Legal Defense Foundation, has come on the scene. It was created three years ago as an adjunct to the National Right to Work Committee, which led the fight resulting in bans on compulsory unionism in 19 states. In its short life, the Foundation has made remarkable strikes in supporting cases involving allegations of illegal political expenditures with compulsory dues money, and in opening to public scrutiny the ways in which union chieftains exert their political clout.

Such practices, the Foundation charges, not only flout federal statutes but also deprive a person of liberty and property without due process of law, as provided by the Constitution, and violate the Constitutional guarantees of freedom of association, conscience and political thought and action. As remedies, the Foundation is seeking withdrawal of tax exemption for unions which engage in such illegal and unconstitutional activities, refunds of dues money spent in such fashion, damages and exemption of damaged workers from future payments of union dues.

While federal statutes have prohibited political activity by corporations since 1907, a similar restriction was not imposed on unions until 1947, with passage of the Taft-Hartley Act. Until recently, unions have been able to get around the ban by insisting that their political activities are conducted entirely with voluntary contributions through such organizations as the AFL–CIO's COPE.

Unions have been extremely reluctant to open their books to show how they finance political activities. In the Street case, when employees charged that union shop dues rather than voluntary contributions were funding political activities, a superior court gave 15 railroad unions the choice of opening their books or exempting the protesting workers from all union shop agreements and refunding all dues they had paid under them. The unions chose the latter alternative in 1965, thus settling years of haggling.

In the aforementioned Seafarers case, the indictment accused the union of threatening seamen that they would lose their jobs if they refused to make "voluntary" contributions for political activities.

In the Seay case, Foundation attorney Raymond J. LaJeunesse Jr. told the court on April 18 that his examination of thousands of items in IAM's records makes it clear that the union engages in substantial political activity; however, it is impossible to determine the exact expenditures because some records have been discarded, while others have misleading classifications which do not accurately show political expenses. Plaintiffs are seeking a court order requiring the union to account properly for its expenditures with compulsory dues money, and to grant a permanent injunction against the compulsory payment of union dues by the plaintiffs.

COURT OF APPEALS

When the U.S. District Court in Los Angeles dismissed the complaint, Foundation attorneys went to the Appeals Court, which remanded the case for trial, stating: "The diversion of the employees' money from use for the purposes for which it was exacted damages them doubly. Its utilization to support candidates and cause the plaintiffs oppose renders them captive to the ideas, associations and causes espoused by others. At the same time it depletes their own funds and resources to the extent of the expropriation and renders them unable by these amounts to express their own conviction, their own ideas and support their own causes." A pre-trial hearing is scheduled for June 5.

In the Marker case, workers who pay compulsory dues to IAM and the United Auto Workers have asked IRS to withdraw tax exemption for the two unions because they illegally spend dues money for political activities. The Foundation says the case "was carefully designed along the same lines as that in which all-white private schools in Mississippi lost their tax exemption. The theory is that by allowing tax exemption to an organization denying individuals their Constitutional rights, the government is in support of that unconstitutional activity. Litigation on this theory successfully eliminated the tax exemption for the all-white private schools."

Offered as an exhibit in the case was a report by Americans for Constitutional Action on organized labor's contributions to candidates in the 1970 election. It showed that Democratic candidates for Senator, representative and governor received $4,153,746; while Republican candidates received $143,550.

REMOVE TAX-EXEMPTION

Last November, Senator Paul Fannin (R. Ariz.) introduced an amendment to the Campaign Spending Reform Bill requiring that the IRS withdraw tax-exempt status for any organization collecting involuntary dues if any part was used for political purposes. Although he noted that the practice already was supposed to be illegal, the measure was defeated by a vote of 61 to 31. The Senator noted: "Of the 31 Senators who voted for the amendment, only two received union contributions in their previous election amounting to a total of $1,200.

"Of the 61 Senators who voted with labor on the matter, only nine had no reported union funds in their previous election. And of these nine, three had no opposition, and one was appointed. The 61 Senators . . . received a total of more than $2 million in their most recent election campaigns, and probably many times that amount in other funds, materials and services."

Senator Fannin says that by continuing tax exemption for all unions, IRS is forcing taxpayers to subsidize the election campaigns of union-endorsed candidates. "Right now industry is being out-gunned by the union bosses, and this fire-power is aimed right down the throats of the U.S. Congress. . . . We will never have a fair break for business or the public as long as unions are allowed to exact money from members to finance the campaigns of their chosen candidates."

The Marker case was started a few days after the defeat of the Fannin amendment. A letter filed as an exhibit shows how far union help to politicians may go. Dated November 3, 1970, it is from Guy Stubblefield, business representative of the IAM, to Floyd E. Smith, president of the IAM, and says, in part, "During the week of October 26 Brother Name and I organized our political activity in behalf of Adlai Stevenson III. All Lodge No. 1553 plants were handbilled on either Thursday or Friday, and leadership in the plants was encouraged to work in their own respective neighborhoods. Approximately 4,000 copies of the Adlai material furnished by the Machinists were distributed to and by IAM members. Additionally 3,000 copies of the Adlai material were furnished to other labor unions through the Central Body."

CLOSED BOOKS

The Foundation also is supporting the Gabauer case, filed last March, which charges top officers of the UAW with spending Community Action Plan fund money for political candidates and refusing to open the books of St. Louis Local 25 for inspection. It also contends that the officers use a substantial part of union dues and other assets to promote organizations and groups espousing and promoting ideological doctrines and causes the members oppose. These include the National Students Association, Students for a Democratic Society, Americans for Democratic Action, United World Federalists, DuBois Memorial Committee, Confederate Spanish Societies, New Mobilization for Peace, National Committee for a Sane Nuclear Policy and United States Committee for Democracy in Greece.

Another suit backed by the Foundation and brought by 12 members of UAW Local 558 in Chicago seeks to force UAW officials to end support of these same organizations. According to Bernard W. McNamara, spokesman for the group: "The members of Local 558 are sick and tired of seeing their dues money spent on political and various left-wing causes which we oppose. It is not only a violation of federal law, but in the case of our local, it has been done contrary to an express resolution adopted by an overwhelming majority of the membership."

Plaintiffs also charge that $100,000 of dues money went to Adlai E. Stevenson III, resulting in his election to the Senate in 1970, and that an additional $100,000 of dues money was spent for candidates for the House the same year. The suit seeks an accounting of the funds thus spent and asks that the union officers be required to repay to the union treasury the money they allegedly unlawfully diverted.

LONG-RANGE GOAL

Long-range goal of the National Right to Work Committee is enactment of legislation abolishing compulsory payment of union dues. That, of course, would eliminate the problem of spending such money for political purposes opposed by the payers. Representative Sam Steiger (R., Ariz.) has introduced a bill, HR 11827, which would ban compulsory unionism. It is likely to stay bottled up at the largely pro-union Thompson subcommittee of the House Education and Labor Committee, at least for the rest of this session. The vote on the Fannin amendment indicates that such a measure would be unlikely to get through the present Senate. Recourse to the courts by the rank and file will take longer, but seems to be the only avenue open.

S. D. Cadwallader, national director of the Foundation, has been a voluntary member of the Order of Railway Conduotors and Brakemen for 27 years. He says: "It seems to me that it is just a matter of time before the practice of using forced union dues for political purposes and ideological causes is ended by the federal courts."

PEACE, COMMUNIST STYLE—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on the means by which communism is influencing the American judicial system and our democracy. I insert the report at this point:

RARICK REPORTS TO HIS PEOPLE ON PEACE, COMMUNIST STYLE

The latest news, as if selected on a national scale to condition the minds of our people to accept what is yet to come seems to be concentrated on the Moscow meeting, the Angela Davis acquittal, and the George Wallace shooting.

President Nixon and his able staff are hard at work seeking political support and public backing for his peace deals with the Soviets, trying to reassure the realists that he really didn't disarm America or agree to limit the country to a second rate power. The Soviets' reaction has been quite to the contrary.

That part of the controlled Communist news media available to us in Congress has heralded the U.S.-Soviet talks as a victory for world socialism and a giant step forward for the Communist party dedicated to attaining world conquest. The Russian papers report the victory to their people:

"Lenin's principle of proletarian internationalism is applied to the international proletariat, the individual national rank and file, and the national liberation movement of the peoples of the world. . . . We exert major influence on the world revolution through our economic policy. The struggle in the world context has now reached this stage. Only when we solve this task can we achieve final victory within the international context."

In a June 1st broadcast in Mandarin to Red China:

"The results of the Soviet-American negotiations show that improvement of relations between the two great powers on the basis of peaceful coexistence is an actual possibility. 'Basic Principles of Relations Between the United States and the USSR,' a document to which CPSU Central Committee General Secretary comrade Brezhnev and U.S. President Nixon affixed their signatures, laid the foundation for improving relations and developing effective cooperation."

Notice that in the Soviet broadcast Brezhnev is not referred to as a Russian official, but as Comrade—the General Secretary of the Communist Party. So, any agreement was not with the Russian people, but with the Communist Party, a political apparatus that controls the Russian peoples.

The Communists continue, however:

"It should be emphatically pointed out here that the Soviet policy of improving relations between the Soviet Union and the United States does not affect the discharge of its internationalist duties."

The Soviets reassure their people that any agreement made with the U.S. will not be interpreted by them to affect their ultimate goal—the overthrow of all the non-Communist governments of the world, which the Communists teach is the only way to peace.

I have page after page of Communist propaganda broadcast to the world praising the so-called disarmament treaty as a victory for international Communists.

In nearby Silver Springs, Maryland, Governor George C. Wallace, who was hit by five bullets in an attempted assassination, has been transferred to a regular hospital room. Governor Wallace is a very sick man but making steady progress and remains a forceful voice in Amercan politics. His would-be assassin has been charged by both federal authorities and the State of Maryland.

Reportedly the would-be assassin tagged after Governor Wallace and infiltrated into his political camp, suggesting he was on an assigned mission. He did not trust to marksmanship—he dared not miss—he waited until the close range opportunity presented itself and emptied his gun point blank into the stomach of George Wallace so that Wallace's wounds would be fatal.

But divine intervention had again upset the plans of man; Wallace lives and will continue his courageous battle. The would-be assassin, the so-called loner, may now have more to fear than from his masters than from the law—he bungled his mission.

I am concerned that the verdict in the Angela Davis case will be a pattern for a crusade to exploit Wallace's would-be assassin as a new martyr in another constitutional crisis to aid and abet criminals. The persuasive argument goes like this. Suspect, would-be assassin, was held by the police for a suggested seven hours before seeing legal counsel of his choosing. The argument continues that this may exceed the legal tests laid down by the U.S. Supreme Court, thus depriving him of his Constitutional rights; therefore, suggesting that he should never come to trial. That this new mobilization is a fallacy seems unimportant to the revolutionary who is not interested in facts but rather is persuaded by emotion and hysteria. Certainly the police in Maryland did not have an attorney with them or assigned at the jail waiting for an assassination attempt to occur. Governor Wallace was not consulted as to the rights of any would-be attempt to kill him. All reports indicate that the apprehended suspect was offered an attorney—which he rejected—because he demanded exclusively an American Civil Liberties lawyer.

I sincerely hope that the wounded George Wallace is not made a scapegoat, if not a villain—for allowing himself to be shot.

I do not make this statement lightly. In California in the justice for Angela matter, a state judge, Harold J. Hailey, was kidnapped from his own courtroom with a sawed-off shotgun at his neck and subsequently murdered. In fact, his head was blown off. Jurors in the courtroom were also taken hostage and the assistant District Attorney was paralyzed in the same incident.

Yet, public opinion was so mobilized by repetitious pleas of pity and sympathy for Angela Davis and her so-called love affair with a convict that the American public seem to have forgotten the brutal murder and the brazen insult to any theory of justice under law and order. Remember that the courtroom only exists for the people in dispensing justice in an orderly and dignified manner, rather than allowing the people to take the law into their own hands and enact vengeance as a mob.

The California trial on charges of murder, kidnapping, and conspiracy is over; and regardless of our feelings and reactions, under the law she goes free of the charges by the State of California. But the interesting part of the Davis case was not the charges or the trial, or for that matter even the acquittal, but rather the unprecedented amount of publicity and world-wide acclaim that Angela Davis received and continues to receive. The reason for her being catapulted into an international figure can only be explained as that she is a self-admitted Communist and that the Soviet Union and the Communist Party of the U.S.A. not only used Angela to raise money, get publicity and give "their people" a battle cry, but to further polarize the American people and belittle our time-proven Anglo-Saxon system of law. If you think the propaganda was demoralizing on unsuspecting Americans who should know better—think of it's impact on the unsuspecting peoples of the world.

Immediately following the verdict, which the Communists had apparently felt would be more advantageous if it were a finding of guilty rather than of innocent, American papers reported:

"In Soviet Bloc countries—where government propaganda had transformed Miss Davis into a folk hero and where the public had been deluged with posters, public rallies and lapel buttons emphasizing the theme 'Free Angela Davis'—the acquittal was described as a great triumph for the progressive peoples of the world against racism and imperialism."

The Soviet Party position on the Davis trial clearly indicates their continued efforts to effect an overthrow of our country by collaborated activity to divide our people, class against class, race against race, thus encouraging additional acts of violence.

A judge and three prisoners were killed and another prisoner and District Attorney injured in what the Soviet Union would have the world believe was in the best interest of progressive minded people. Murder is a strange progress—but Communists have strange morals.

It must be remembered that Angela Davis admitted ownership of the guns, acknowledged involvement in what she calls freeing political prisoners, and fled across state lines following the shootout, thus making her a fugitive from justice. This is generally considered a crime in all civilized countries—we can even assume in the Soviet Union.

And how did Angela Davis accept the verdict? At first, she acted like a normal human beign relieved of a great threat to her freedom. Then, she reverted back to her Communist Party discipline; and without any gratitude or regard for our system, which had just given her the benefit of doubt, she attacked our entire American system of justice and reverted to Communist criminal type. Her repeated use of the words "people's struggle" and "oppressed people" are perfect examples of the use of Communist jargon to disarm uninformed Americans. *"People* or *"people's struggle"* to an indoctrinated Communist means *"Communist"* and *"Communist struggle."* No one else counts. The term, *"oppressed peoples"* refers to free people or people who have not yet been intimidated or induced to join the Communist movement to enslave the world.

This is about as ridiculous as was the argument of her black attorney to the all-white jury urging them to think black and trying to make the issues white versus black—rather than murder, kidnapping and conspiracy versus innocence. It should seem strange to any thinking American for black Americans to call our American society racist, when all Russians are white.

The Communist-labaled racist society that Angela Davis continues to denounce in favor of her allegiance to the Soviet Union has been very good to her. She has had the freedom to obtain a first-class education, the freedom to make her own decisions, which included a college education financed by taxpayers and enabling her to achieve a professorship at a California college; and she was granted the freedom of making her choice as to whether or not she would dedicate her life to being a loyal and faithful American citizen using her intelligence and achievements to help her people or whether she would become a Communist, dedicated to the violent overthrow of the country of her birth, dedicated to the destruction of the free enterprise system of economy, and an atheist. She chose the latter, and yet still has been accorded the freedom of our land and the protection of our laws. Even Angela Davis should have intelligence enough to know that the repressed people of the Soviet Union would never have been given any of these freedoms which she now despises. Likewise, she should know of the ever-increasing lists of immigrants from Communist countries awaiting the opportunity to come to America and the free world.

She repeatedly and arrogantly denied the charges, yet refused to testify in her own defense. It may be that she did not send her guns in the California murders. Being an admitted Communist, she may well have been the victim of her own comrades. In other words, the Communists in California may have deliberately involved her guns hoping that she would be convicted so that she could be used as more anti-American racist propaganda. But just as the U.S.-Soviet treaty is being used by the Communist propaganda mills to advance its threat to the free world people, so is the Communist propaganda using Angela Davis and the court's decision. Moscow's official party organ, Tass has labeled the acquittal "as a great triumph for the progressive peoples of the world against racism and imperialism."

The Communist paper *Neues Dutchland* of East Germany said it was "a victory of the truth over the lie." The acquittal, it said, "was made possible because millions throughout the world came out in support of Angela Davis and because the threats of the racist anti-Communist plot was made clear for all to see." Radio Hanoi used the verdict for a different kind of propaganda by hailing it "as a victory for anti-war forces in the U.S."

In typical fashion none of the Communist voices who have talked about justice for Angela ever mention the absence of justice for Judge Hailey and the other three people who were murdered. Truth and full disclosure is just not a Communist policy. Communist policies are interested in goals and not individuals—unless for their advantages to the "movement." But then for that matter, not even in America are people being told that acquittal by a state jury under state criminal charges is not the end of the case. The American people have been sold the conclusion that there is nothing more than can be done in achieving justice for Judge Hailey.

Overlooked or ignored is the fact that she, while under indictment for a felony, fled the state and became a fugitive from justice—which is a crime. Overlooked is the precedent established by the U.S. Supreme Court in 1966—that verdicts of acquittal in state court murder proceedings do not bar federal prosecution under 1866 Civil Rights statutes enacted during the Reconstruction Period following the Civil War and having to do with violation of civil rights! The law is 18 U.S.C. Sections 241–242. Certainly federal prosecution for deprivation of Civil Rights in the Southland, despite earlier verdicts of acquittal or no action by state authorities, are just as pertinent when applied against denial of Civil Rights in California.

I have so notified the U.S. Attorney General—but because of the double standard of laws in our country, I don't expect any Federal action in this case. The Communist philosophy of Angela Davis—justice from the end of a gun barrel—is being tolerated and allowed to provoke violence and deny the Civil Rights of decent law-abiding American people.

And this brings us back to the attempted assassination of George Wallace. Governor Wallace's alleged assassin is being set up as a political prisoner "cause celebre". Is not George Wallace like Judge Hailey? Both are political victims, and the "right to know" machinery ignores the civil rights of the victims of political crimes which are acts of violence used by the Communists to advance their goal. Will George Wallace's intended assassin be promoted as another Angela Davis fund raiser for the Communist party?

EULOGY TO ARTHUR H. SEIDENSPINNER

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. HOGAN. Mr. Speaker, late last month my home county of Prince Georges, Md., lost one of its outstanding citizens and I lost a dear friend when Arthur H. Seidenspinner went to his eternal reward.

He was a kind, gentle, and dedicated man who spent his lifetime helping others. As one civic leader said to me at Artie Seidenspinner's funeral:

> As many times as I asked him to work on a project, he never once turned me down.

Artie Seidenspinner will be sorely missed not only by his wonderful lifemate, Pauline, and his other relatives, but also by his countless friends who had the pleasure and privilege of knowing such a man.

I had the high honor of serving as an honorary pallbearer and was deeply moved by the eulogy delivered by Harry E. Hasslinger which accurately conveyed the accomplishments of this man and the high regard all of his friends had for him.

I insert this eulogy in the CONGRESSIONAL RECORD at this point:

EULOGY TO ARTHUR H. "ARTIE" SEIDENSPINNER

(By Harry E. Hasslinger)

Jesus said . . . "And thou shalt love the Lord thy God with all thy heart, with all thy soul, with all thy mind, and with all thy strength: this is the first commandment. And the second is like, namely this, Thou shalt love thy neighbor as thyself. There is none other commandments greater than these."

How many times have you heard these commandments? How many times have you read these commandments? Many, I am sure. But, how many times have you seen anyone who has lived these commandments?

You and I have had the privilege of seeing and knowing someone who did live these commandments. . . . Arthur H. Seidenspinner . . . more affectionately known to us as "Artie." They were truly the guide for his life.

When you love the Lord with all your heart, soul, mind and strength, you love him in entirety; you turn yourself over to him completely. Artie did, for he took Jesus' word literally . . . "Except a man be born again, he shall not see the kingdom of God."

What a man of faith! Artie trusted the Lord fully for his guidance. Daily he sought such guidance through the study of the Scriptures and through prayer. Some of us had the privilege of meeting with him on Saturday mornings for the past 18 years in our College Park Prayer Breakfast Group. What a living testimony he was in his constant praise to God for the many blessings he had received! He was a pillar of strength to our group.

His witness, however, was not just on Saturday mornings, nor just on Sunday mornings, but daily. In all his contacts with his fellow man, you could see the Lord's radiance reflected in his actions. This, you can all affirm.

Twelve years ago the first Annual Governor of Maryland Prayer Breakfast was held with a gathering of governmental, business and civic leaders from all over the State. Artie was not only a prime mover in its establishment, but in its continuance over the years. This was just another of his many ways of witnessing for the Lord and helping to spread the Gospel.

As an active member of the Riverdale Presbyterian Church, he has served on its Board of Trustees and its Session, and contributed much to its progress. But his love for God and neighbor has not been limited to the immediate environs; it has spread to the "uttermost parts of the earth." Through his assistance to International Christian Leadership and others, he has made an enduring contribution to spreading the Gospel "to all the world."

Jesus said that the first commandment was to "love God" and the second to "love neighbor." They were placed in that order and rightfully so. Artie not only believed that if you loved God you would automatically love your neighbor, he personified that fact.

But, who is your neighbor? . . . Jesus told the parable of the Good Samaritan in the first century. Artie is a parable of a Good Samaritan of the 20th century. His neighbor was not just the persons living "next door" but those of the entire community . . . the County . . . the State . . . the Nation . . . Yes, even beyond the shores of the U.S. His gifts of time, talent and funds verify that fact.

Artie was always helping people. He was truly a "friend to man." This was one of his ways of showing his love for his neighbor. Time does not permit us to enumerate all the things he has done. As a matter of fact, he would not want us to, for he did not serve for credit. Let us just cite a few examples, though, so we might try to duplicate his love for neighbor.

Think of the time, effort and leadership he gave, as President of the Prince George's Chamber of Commerce and the Prince George's Real Estate Board . . . as a member of the Real Estate Commission of Maryland for 13 years . . . as a member of the Board of Directors of the Prince George's Chapter, American Red Cross . . . the Advisory Board of the Suburban Trust Company. There are ever so many organizations that have benefitted similarly from his unselfish and dedicated service.

One of Artie's greatest interests was the youth. He devoted much of his efforts and gifts to affording young people a better opportunity to know the value of a Christian life. The Seidenspinner's home was always open to young people.

He made a wonderful contribution to the youth in the 4–H Club program through his black angus breeding farm. . . . The Boy Scouts gained much from his financial aid. . . . He has been an active supporter of the University of Maryland in many ways. Numerous students have benefitted from this interest, particularly from the various scholarships he has endowed. . . . His generous contributions over the years to the Prince George's Scholarship Fund assured an education for many young people who returned to the County as teachers.

One of his greatest beneficiaries is the international organization "Campus Crusade for Christ." Hundreds of youths on college campuses have learned to know the Gospel because of his interest and financial support. This is particularly true at the University of Maryland. Let me cite just one example. . . . Several hundred students meet weekly on the College Park Campus under the sponsorship of Campus Crusade for instruction in the Bible and Christian witnessing. I have heard the testimony of students who have given up "hard dope" and accepted Jesus Christ, as a result of this program. Such would not have been possible without the support Artie Seidenspinner has been giving to Campus Crusade for Christ.

Just recently the Seidenspinner's bought "Curly" Byrd's home in College Park, which will be of great benefit to young people. This residence has become the home of a Christian family who will have students visit from time to time for counseling and training in the Gospel and Christian witnessing.

Well, we have mentioned but a few of Artie's many acts of love, his service and philanthropy. There are numerous others. But, most of his giving is unknown to man; it is "seen only by God," for Artie believed as Jesus told us. . . . "When thou doest thine alms, do not sound a trumpet before thee."

Throughout his years, Artie has received many awards in recognition of his dedicated leadership and service. He did not seek nor did he desire acclaim. I do think though that we might mention just two, as examples of the esteem in which he is held. . . . In 1962, the College Park Lions Club cited him "for his loyal, faithful and unselfish efforts in the interest of his community and fellow men". Just recently, the College Park Rotary recognized his distinguished leadership and service with its award to the non-Rotarian who best meets the "Four Way Test" of Rotary.

We have touched but briefly on some of Artie's many acts of love to God and neighbor. There is one aspect of his love, however, that I have deliberately saved until the end, namely, the love of husband and wife. For almost 47 years, Pauline and Artie have been "loving partners" in work, play and service. But, most important is that they have been "loving partners" in the daily study of the Bible and daily prayer with God. Truly, they have been "one flesh." They have set a wonderful example of Christian love. What a blessing they have been to all of us!

So, we are gathered here today, but not to pay homage to a departed loved one, for Artie is not gone. . . . He is still with us, we just do not see him, physically that is . . . When you toss a stone into the water, the ripples that develop flow out until you cannot see them. But, they have not stopped; you just do not see them as they continue on and on and on. . . . Thus it is with Artie. . . . His ripples . . . his spirit . . . will continue on and on and on. . . . Grant that we may dedicate ourselves today to carry on with the same spirit . . . with that same love for God . . . with that same love for neighbor . . . he so wonderfully set as an example for us.

Before Jesus departed from the disciples at that "Last Supper" he told them . . . "I go to prepare a place for you. I will come again, and receive you unto myself; that where I am, there ye may be also." That promise was not just for the disciples of the first century, but for those of all centuries.

Well, last Saturday, Jesus came for Artie to take him from his earthly room to his reward in his Heavenly Room. . . . I am sure that there was great joy in Heaven when they arrived together and Artie was lovingly greeted by Our Heavenly Father. . . . "Well done, my good and faithful servant."

CITIZEN COOPERATION AVERTS DISASTER

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BYRON. Mr. Speaker, occassionally an accident or incident occurs that is potentially disastrous; however, with local citizens and officials working together disaster is averted. Last February such an accident occurred in Washington County, Md., but through the efforts of the State Police, local firemen, and many citizens and businesses, the potential seriousness of the accident was minimized.

On a February morning, a truck carrying liquid propane gas was involved in an accident on Interstate 81 near Williamsport, Md., and the truck immediately began to leak its propane gas on the highway. Quick action by the State Police sealed off the highway in both directions reducing the likelihood of an explosion. The local fire companies also helped reduce the possibility of an explosion by keeping a steady stream of water on the tank truck. Local citizens and businesses pitched in to offer assistance including food for the busy firemen. I would like to commend all those individuals involved for their outstanding work. These included the following organizations and individuals:

LIST OF ORGANIZATIONS AND INDIVIDALS

Charles Cronauer—State Fire Marshall.
Sharpsburg Volunteer Fire Company.
Halfway Volunteer Fire Company.
Williamsport Volunteer Fire Company.
Funkstown Volunteer Fire Company.
Maryland State Police.
Burger Chef—Virginia Avenue.
Salvation Army of Hagerstown, Md.
Harry E. Shafer.
Boonsboro Volunteer Fire Company.
Washington County Civil Defense Agency.
Maugansville Volunteer Fire Company.
Fairplay Volunteer Fire Company.
Williamsport Ambulance Squad.
Community Rescue Ambulance Squad.
Hagerstown Fire Department.
Longmeadow Fire Department.
Salvation Army of Martinsburg, W. Va.
West Virginia State Police—Martinsburg.
Mayor and Council of the Town of Williamsport.

TONGUE-IN-CHEEK BILL?

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. SHRIVER. Mr. Speaker, I include the following thought-provoking editorial from the Newton Kansan which presents several enlightening pros and cons of the much-discussed matter of closing tax loopholes. The editorial follows:

TONGUE-IN-CHEEK BILL?

Rep. Wilbur Mills of the House Ways and Means committee has introduced a bill in Congress to close all tax "loopholes" over a 3-year period beginning in 1974.

This may be a tongue-in-cheek bill, for by lumping all of the loophole closing legislation in one bill it is certain to have wide opposition. All tax payers are in favor of closing loopholes that doesn't benefit them, but keeping open those that do. And a bill like this is certain to hit about everybody.

One of the "loopholes" the bill would close would be that which makes tax free interest on municipal bonds. Most of these bonds are sold to the wealthy, who thereby escape paying income taxes, so the reasoning goes.

They do escape the federal tax, but in essence, they are contributing to the community whose bonds they own. One of the reasons municipal bonds are sold at a lower rate than other bonds is this very "loophole". Since the buyers don't have to pay income tax on the interest, they can afford to buy them at a lower interest rate than otherwise.

Because the buyers are satisfied with a lower interest rate, the local real estate property taxpayer benefits, because he doesn't have to fork over as much money to pay the interest.

About the only way that the loophole could be closed and still retain the benefits to the real estate property taxpayer would be for the federal government to funnel back to the cities an amount equivalent to the increase in interest rates on municipal bonds that such a closure would cause.

But this has a couple of drawbacks: how is anybody going to be able to determine that difference from year to year and from bond sale to bond sale? And when the federal—or state—government collects taxes and funnels it back to local government some of the money must be used to pay administration costs, thus reducing the amount available for distribution.

UNITED STATES FACES PINCH AS "HAVE-NOT" NATION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GAYDOS. Mr. Speaker, one of the most interesting news articles I have read in some time appeared in a recent issue of the Pittsburgh Press. It was written by Mr. William H. Wylie, business editor for the Press, and involved a talk by E. F. Andrews, vice president—materials for Allegheny Ludlum Industries, before the American Iron and Steel Institute in New York.

The article describes one of the critical problems in the United States today—the transition from a resource-rich to a resource-poor Nation in a relatively short period of time.

The United States according to Mr. Andrews, now is 100-percent dependent upon foreign sources for its chromite, columbium, mica, rutile and tin, all vital strategic materials. It also depends on foreign nations for 99 percent of its manganese, 98 percent of platinum, 94 percent of antimony, 93 percent of cobalt, 87 percent of nickel and 35 percent of iron ore, just to name a few.

Mr. Andrews warns the rules and policies which served us as a "have" Nation will not serve us as a "have-not" Nation and suggests our Government weigh economic considerations when political and social policies toward developing nations are made. Furthermore, he recommends a review of the degree of our growing dependency for raw materials on "unfriendly" nations. He indicates more raw materials could be obtained from Russia and China because of recent developments but also warns that increasing dependency on these sources could come back to haunt us in future international crises.

Mr. Speaker, I am inserting Mr. Wylie's article into the RECORD for I believe it merits the attention of my colleagues:

UNITED STATES FACES PINCH AS "HAVE-NOT" NATION

(By William H. Wylie)

The transition from a "have" to a "have-not" nation will be painful for the United States, an Allegheny Ludlum Industries executive warned the steel industry today.

"The struggle for the world's dwindling supplies of raw materials could be the most critical problem facing this country in the next decade," E. F. Andrews told members of the American Iron and Steel Institute in New York.

"We must move quickly and wisely or be shut out from vital mineral resources essential to our very economic existence," the Allegheny Ludium vice president-materials said.

Andrews noted that foreign competitors enjoy an advantage over American companies—cooperation of their own governments.

Using statistics, he pointed out that the U.S. had gone from a resource-rich to a resource poor nation in a relatively short time.

Steel is especially involved in the search for new sources of raw materials, he said.

"The United States is 100 per cent dependent upon foreign sources for its chromite, columbium, mica, rutile and tin—all essential strategic materials," Andrews said.

He also said the U.S. is dependent on foreign nations for: 99 per cent of its managanese, 98 per cent of platinum; 94 per cent of antimony, 93 per cent of cobalt, 91 per cent of bauxite, 87 per cent of nickel, 83 per cent of asbestos, 78 per cent of fluorspar, 58 per cent of zinc, 53 per cent of cadmium, 51 per cent of beryllium, 38 per cent of lead, 38 per cent of mercury and 35 per cent of iron ore.

The steel executive said there are only a few options left to the United States besides securing foreign sources of raw materials.

"New resources could possibly be discovered; or new processes and techniques could be developed, permitting reduction in the need for primary materials.

"Presently under heavy study is an increase in the recycling of materials. Finally, there could be development of substitute materials.

"All of these offer rather limited 'sure fire' total answers to our problem," Andrews said.

He estimated that the U.S. depends on foreign sources for half of its total mineral requirements.

"In 1970, we imported $9 billion in minerals and exported $5 billion. If the trend of the past 20 years continues, we will require mineral imports of $60 billion by the year 2000," he said.

"The rules, the policies and the thinking that served us as a 'have' nation will not serve us as a 'have-not' nation," he continued.

Andrews called for an "in-depth review of our national posture" to make sure economic considerations are weighed when political and social policies toward developing nations are made.

"Certainly recent events involving chrome from Rhodesia, nickel from Cuba, tungsten from China, tin from Bolivia, cobalt from the Congo and iron ore and copper from Chile are cause for reexamination," he said.

"A complete review should be made to examine the degree of our growing dependency for our raw materials on 'unfriendly' nations," he added.

Andrews said Russia has been gaining a bigger share of chrome and nickel supplies. He suggested that "now that the Bamboo Curtain has been penetrated," the U.S. should try to tap China's tungsten supply.

At the same time he warned that increasing dependency on these sources could come back to haunt the U.S. in future international crises.

"And yet government actions in the last few years seems to be almost designed to push us in the direction of unfriendly sources," he observed.

On the environment, he said, "It is essential that our national goals on ecology be properly balanced against our national economic well-being."

As for business-government cooperation, he called it essential in the areas of raw materials, ecology, taxes and industrial safety.

Obviously the "game plan" for a "have-not" nation is different than Americans are used to.

FREEDOM, FREEDOM

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mrs. GRASSO. Mr. Speaker, today is a sorrowful occasion for freedom-loving people throughout the world. Thirty-two years ago, on June 15, 1940, the Soviet Union occupied and absorbed the independent Baltic States of Latvia, Lithuania, and Estonia. Thus began one of the most systematically brutal occupations of all time. Thousands of people were either killed or exiled in the early years of Soviet rule.

Unfortunately, recent events present a reminder that the Soviet imperialism which destroyed the freedom, liberty, and national integrity of these three States continues its oppression of minorities. Yesterday's press contained reports of a second self-immolation by fire of a Lithuanian youth in protest over Soviet occupation. It also mentioned further information on the nationalist rioting in Kaunus last month. All of these actions were directed against the source of discontent in the Baltic Republics—Soviet domination.

In April of this year, over 17,000 signatures on petitions informed U.N. Secretary General Kurt Waldheim of the renewed religious persecutions in predominantly Catholic Lithuania. On May 14, a young Catholic Lithuanian, Roman Talanta, burned himself to death in protest over the foreign domination of his homeland. The riots in Kaunus followed, and a crowd—its members too young to have lived in a free Lithuania—shouted for "Freedom, Freedom," and an end to the Soviet occupation. Their cries were met with brutal retaliation administered by internal security forces.

In response to this renewed repression in Lithuania, the president of the Lithuanian-American Community of the U.S.A., V. P. Volertas, has asked that June 15 be considered a day of mourning. Today, I join in that plea.

Discontent with Communist oppression is not confined to Lithuania alone. Smoldering beneath the surface of society in the Baltic States is a renewed sense of nationalist pride. It is noteworthy that the rioters and protesters of Kaunus were nearly all young—too young to have enjoyed the joys of life before the advent of Soviet imperialism. These people, despite Russian pressure, have developed the spirit of nationalism which led to the formation of the free Baltic States following World War I. Such deep feelings of the soul cannot be contained by physical oppressions.

The desire of the Baltic people to rid their countries of Soviet domination burns deeply within their hearts. Latvians, Lithuanians, and Estonians want to live in freedom and peace. They want to be governed by themselves and not by their powerful neighbors.

On this tragic anniversary of the loss of political freedom in the Baltic States, I wish to express my sincere hope that one day all of these people will be able to enjoy the freedom that has been cruelly repressed for the past 32 years.

THE GUN CONTROL ISSUE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BEGICH. Mr. Speaker, in recent weeks, the continuing series of tragedies which involve the use of firearms has brought renewed attention to the matter of gun control. As I have pointed out many times, the term "gun control" itself is an oversimplification, for it includes not only the question of firearms misuse but also the interests of many who use guns for purposes which are highly proper and must continue to be protected.

For my own part, and as a Representative of the State of Alaska, I must continue to insist that the issue of gun control be approached on a rational and selective basis, that we address ourselves to those aspects of misuse which are most significant and recognize the rights of so many others who use guns properly and must not be penalized because of the misuse of a few. I am attaching for the attention of my colleagues today a resolution recently passed by the Legislature of the State of Alaska relating to firearms legislation under consideration in Congress. This resolution expresses, I believe, the strong feeling of Alaskans on this issue and the need for sensitive legislation. In addition to this resolution, I am attaching an article I wrote recently for Gun World magazine in which I set out rather fully my own views on this highly controversial topic. I am hopeful that this will be both of interest to my colleagues and to the many constituents in my State who have written to me regarding this issue.

Alaska State Legislature, Senate Joint Resolution No. 76—Requesting the United States Congress to reject gun legislation.

Be it resolved by the Legislature of the State of Alaska:

Whereas the United States Congress has already passed numerous firearms Acts; and

Whereas these Acts already provide sufficient protection against the criminal element with regard to firearms; and

Whereas further legislation to restrict the possession of firearms would as a practical matter have no deterrent effect on the acquisition of firearms by criminals; and

Whereas the only result of further legislation in this field would be to greatly inconvenience the lawful citizen and infringe upon his right to bear arms; and

Whereas the enactment of legislation to restrict the possession of firearms would open the door to a black market in guns, promote graft and corruption, and thus increase, not diminish, crime; and

Whereas over-reaction to tragic events in this nation often leads to the enactment of poorly considered legislation which does not go to the root of the problems leading up to the tragedy and more often than not places insupportable burdens on the innocent public at large;

Be it resolved that the Congress of the United States is respectfully requested to reject any legislation at this time which would restrict in any form a person's right to possess firearms.

[From the Gun World magazine, September 1971]

GUEST SHOT: NICK BEGICH

(Note.—U.S. Congressman Nick Begich attended public schools in Eveleth, Minnesota. He then worked his way through St. Cloud State College. He obtained his master of arts degree in educational administration and political science from the University of Minnesota.

(Congressman Begich has continued his graduate work toward a doctoral degree at the University of North Dakota and at the University of Colorado. He has completed fifteen years in teaching and school administration and twelve years at instructor of American government and U.S. history for the University of Alaska.

(Congressman Begich went to Alaska as boys' counselor at West Anchorage High School and a year later was appointed director of student personnel for the Anchorage School District. Two years later, he was appointed principal of the Ursa Minor Elementary School at Fort Richardson Army Base. Appointed superintendent of schools in the Fort Richardson School System in 1963, he resigned from that position at the end of the 1967–1968 school year.

(He served on the National Compact on Education in 1967 and was selected to represent the State Senate at the leadership conference in Washington, D.C. From 1967 to 1971, he was the minority whip of the State Senate. He served for eight regular sessions and two special sessions in the Alaska State Senate before his election as the sole Alaskan Representative to the U.S. Congress in 1970.)

One of the sad things that seems to be occurring in America today is that so many issues are being given over to emotionalism. When this happens, the real merits of an issue are forgotten on both sides, extreme positions are taken and the chances for a rational solution are lost.

Certainly this is what has happened to the issue of "gun control." The term, "gun control," is itself an oversimplification, for it now is used not only to include the specific question of the misuse of guns, but also the interests of sportsmen, collectors and all those who share in the world of the arms. To treat the problem as a widespread one, as many people do, is to be grossly unfair to the vast majority of those who own firearms and use and care for them with the highest regard for other citizens.

Throughout my career as a legislator, I have been guided by certain basic convictions on this entire question. Among the most important is my feeling that the question of firearms regulation is clearly a matter of state's rights and that, in the absence of extraordinary cause, the Federal government should not legislate in this area. No state could serve as a better example than Alaska to prove that overgeneralized Federal regulation will always be insensitive to the special problems and needs of a specific state.

Secondly, I have remained convinced that people make a grave error when they suggest that the problems of crime and lawlessness are the problems of firearms ownership.

Throughout my career of public service, I have been committed to the idea of attacking all problems at their source, and I can assure you that the problem of crime is not caused by a failure to strictly regulate guns. While it is not altogether a coincidence that firearms are sometimes involved in crime, it cannot be responsibly claimed that they are the cause.

The source of this problem is complex and certainly involves poverty, unemployment, a lack of education, the difficulty of coping with our complex society and an atmosphere which creates a lack of respect for the law. Finding this complex source of crime and lawlessness must be every American's most important job for the next decade.

Finally, I have always felt that those who actively participate in an area of interest are the best source of ideas concerning that area, and bring constructive self-judgments to every problem. This is certainly true of the tens of thousands of American men and women who share an interest in firearms. What I have learned from such people is revealing and heartening.

I have not met such a person who does not favor strict safety regulation in the manufacture and specifications for firearms and firearms equipment. I have not met anyone who does not favor extensive gun safety training programs, or firm hunting laws, or stiff penalties for those who misuse guns. When these same people tell me that they disapprove of gun registration or mail-order restrictions, their views must be respected, because they bring a practical knowledge to the question which cannot be replaced.

To be completely fair, I must say that I speak more as an Alaskan than anything else. I can appreciate that in urban areas, and in the case of guns which can be easily concealed, it may be appropriate to maintain more stringent controls. There may be other areas or types of control which would be desirable in specific cases. The point is that the case for such increased regulation must be made in each of these cases individually.

The case for strict firearms regulation has not been made in Alaska. During my period of service in the Alaska State Senate, I fought and voted repeatedly against registration, mail order and other control legislation. Such statutes would work a special hardship in Alaska, where it would be nearly impossible for Alaska natives and others in the rural areas to comply with such laws. Over a period of time, these same citizens of Alaska have established a record for extremely wise and safe gun use.

It is my feeling that the experience with such legislation in Alaska has been and is being repealed elsewhere in the United States. Wherever it is possible to separate the issue from the emotions, it should be possible to reach rational decisions, in many cases, I believe lawmakers will discover that regulation is just not necessary.

SAFETY AWARD TO THE VILLAGE OF LAKE SUCCESS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. WOLFF. Mr. Speaker, I would like to call to the attention of the House an unusual and noteworthy achievement of the village of Lake Success in New York.

Earlier this week, the Automobile Club of New York presented the village of Lake Success with an award for its distinguished record of more than 10 years without a serious injury or death to a pedestrian as a result of an automobile accident. In this time of ever increasing traffic accidents and fatalities, and with more attention being devoted to the motorist's convenience and ease, rather than the pedestrian's, surely the village of Lake Success deserves a special salute for its achievement. Clearly, such a record was not reached by "accident," and the citizens of Lake Success are to be commended for their efforts to make their village a safe one.

A number of other Long Island communities also received the AAA pedestrian safety award, including my home village of Kensington, whose safety record is 6 years. The others who are to be commended are: Southampton, 26 years without a pedestrian fatality; Lawrence, Patchogue and Sea Cliff, 10 years; Cedarhurst, Mineola, and Babylon, 5 years; Northport, East Hills, Island Park, Malverne, New Hyde Park, and Roslyn, 2 years; and Farmingdale, Floral Park, Lynbrook, East Hampton and Southold, 1 year.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BOB WILSON. Mr. Speaker, I recently included in the RECORD a letter from Washington Police Chief Jerry Wilson outlining the concrete assistance his department has received from the Law Enforcement Assistance Administration under the able leadership of Administrator Jerris Leonard. I was pleased to receive the following letter from Los Angeles Chief of Police Edward M. Davis. Chief Davis details the beneficial effects on his department's law enforcement capabilities resulting from their close interaction with LEAA. I am pleased to share Chief Davis' letter with my House colleagues and want to take this opportunity to commend Jerris Leonard for a difficult task well-done:

LOS ANGELES, CALIF.,
May 25, 1972.

Hon. BOB WILSON,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN WILSON: Recently it has come to my attention that a congressional investigation has alleged the misuse of federal monies through the disbursement of Law Enforcement Assistance Administration (LEAA) funds.

The April 10, 1972, edition of the Los Angeles Times reported that the Legal and Monetary Affairs Subcommittee, headed by Representative John Monagan, alleges that the Law Enforcement Assistance Administration's programs "have been characterized by inefficiency, waste, maladministration and in some cases, corruption." The Committee further contends that the government's top crime-fighting program "has had no visible impact on the incidence of crime in the United States."

As Chief of Police for the City of Los Angeles, I do not believe that the findings of the Committee reflect the significant role of the Law Enforcement Assistance Administration's fight against criminal activity throughout the United States.

Since 1968, the Los Angeles Police Department has diligently worked in conjunction with this federal agency to create and provide police programs that will prove to be of benefit to the entire criminal justice system.

For example, two programs of immediate importance to this Department are the Pattern Recognition and Information Correlation (PATRIC) and the Automated Field Interview System (AFIS). PATRIC is the Los Angeles Police Department's approach to an automated system of correlation and retrieval of tactical police information. The purposes of this system are to provide investigators with rapid data of crime modus operandi and suspect and stolen property information. The Automated Field Interview System is a program whereby field interview information pertaining to vehicles and pedestrians is stored in an automated system. Both of these computer-oriented programs have proven successful in the capture of numerous felony suspects.

It is a matter of record that because of the fiscal squeeze experienced in large cities, many sorely needed law enforcement programs are never developed. In spite of a scarcity of municipal funds, Los Angeles, with the assistance of LEAA, has produced viable police programs in the fields of police training, management development, police operations, and computerized auxiliary support services.

The attached is a partial list of grant programs currently funded by the Law Enforcement Assistance Administration and demonstrates the responsiveness of that organization to the needs of law enforcement in the City of Los Angeles.

Very truly yours,

E. M. DAVIS,
Chief of Police.

POLICE TASK FORCE—NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS

The Law Enforcement Assistance Administration has taken the lead in improving the overall performance of the Criminal Justice System. A National Advisory Commission on Criminal Justice Standards and Goals was organized, and task forces were instituted to aid the Commission in the study of the multi-faceted Criminal Justice System. In Los Angeles, Chief of Police E. M. Davis, heads the Police Task Force. The objective of the Commission is to upgrade the standards of performance of the justice system throughout the nation. The organization of the Commission has been the only concerted effort in establishing uniformity in the appliance of justice and level of service to the community.

FIREARMS TRAINING FACILITY

Public safety requires that a police officer exercise extreme discretion in the use of firearms. It has been learned that an officer is apt to use poor judgment in stressful field situations. The Firearms Training Facility being developed with funds from LEAA, will require each officer to repeatedly perform in simulated field situations. The experience gained on the training field will prepare the officer to act prudently in an emergency.

RESTRUCTURING OF NARCOTICS ENFORCEMENT FOR THE ERADICATION OF ORGANIZED TRAFFICKING

The elements of organized crime have reaped vast profits with relative safety in organized narcotics trafficking. The organized criminal is insulated from the street peddler by several levels of intermediaries. With the aid of LEAA, the Los Angeles Police Department is restructuring its narcotics enforcement machinery to attack the major distributors, and dry up the flow of narcotics at the source.

AUTOMATED FIELD INTERVIEW SYSTEM; PATTERN RECOGNITION AND INFORMATION SYSTEM; AND AUTOMATED WORTHLESS DOCUMENT INDEX

The Los Angeles Police Department has always been a leader in applying the latest advances in scientific investigation techniques and information management. Three grant projects, Automated Field Interview System (AFI), Pattern Recognition and Information Correlation (PATRIC), and Automated Worthless Document Index (AWDI), have been undertaken with LEAA support. These projects demonstrate a high level of sophistication in crime investigation, and patrol deployment planning. Computer technology has been utilized with a high degree of proficiency in assisting the investigative mission of the Department.

CRIME SPECIFIC—TEAM POLICING

The Los Angeles Police Department has initiated an innovative technique for police deployment and patrol. With assistance from LEAA, the Team Policing project is being tested in one particular geographic patrol division. The specific objective is to substantially reduce burglaries in the test area.

EXECUTIVE DEVELOPMENT FELLOWSHIP GRANT

This enabled one lieutenant and one sergeant to attend the university of their choice in order to complete the requirements for a masters degree.

MANAGEMENT DEVELOPMENT CENTER

This project involves the creation of a Management Development Center staffed and maintained for the purpose of consolidating the Department's efforts into one standardized and coordinated approach to management training In addition, it involves the design of sophisticated management institutes and seminars to be presented not only to our own personnel but involves, on a limited basis, the utilization of the center for management development of law enforcement officers on a regional basis.

DEMONSTRATION AND EVALUATION OF CLOSED CIRCUIT TELEVISION CAPABILITIES

This grant project enabled the Los Angeles Police Department to design and install a universal airborne closed circuit television package which can be installed in any helicopter at a reasonable cost per unit.

MULTI-MEDIA INSTRUCTION FOR LAW ENFORCEMENT

The dynamic nature of law enforcement coupled with the acquisition of new personnel are giving rise to rapidly increasing demands for more and improved training. These factors stress the existing training methods to the point where they may no longer provide the quantity and quality of instruction required. To alleviate this problem, the Multi-Media Instruction for Law Enforcement Grant has provided the law enforcement community with a core of multi-media instructional packages that can be duplicated and used by any agency for the training of the basic police officer. Additionally, the system will be a model representing the state-of-the-art in advance instructional technology.

LAW ENFORCEMENT MANPOWER RESOURCE ALLOCATION SYSTEM

The Los Angeles Police Department's computerized predictive resources allocation system is the result of a search for the optimal means of deploying police field forces so that the most effective job can be done with the patrol manpower resources available. The system reliably and accurately forecasts calls-for-service workloads and the number of patrol units needed to meet these requirements.

TRAINING SYSTEM STUDY

As the result of a training system study conducted in conjunction with North American Rockwell Information Systems Company, the Los Angeles Police Department has adopted a new approach for the training of police officers.

The approach is based upon multi-media individualized instruction which allows each recruit to proceed at his own pace using various types of training materials such as films, slides, tapes, programmed instruction texts and student workbooks.

AIRBORNE TELEVISION GRANT

This enabled the Los Angeles Police Department to develop a closed circuit television system to be mounted on a helicopter for visual transmissions during unusual occurrences.

MASTER PLAN FOR DEPARTMENTAL INFORMATION SYSTEMS

This grant establishes guidelines, costs, and alternatives that will provide the focus for development of a working document for the implementation of all computer-based information systems within the Los Angeles Police Department for the next ten years.

MISSING LINK STILL MISSING

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GUDE. Mr. Speaker, for all too long, the Washington metropolitan area has been without an adequate mass transportation system, a system which would conbine to best advantage all the available modes of public transit coordinated to offer the commuter and tourist a viable alternative to the private automobile for intracity travel. Good progress is being made on our subway system and efforts are underway to find a solution to our local bus problems, and I would hope that such a solution will be forthcoming in the not too distant future.

However much benefit local citizens will gain from this important progress, there is one type of transit which has been for the most part, neglected for many years—that of a good, efficient, and frequent commuter rail service. Carl Englund completed his study commenting on the feasibility of such a system long, long ago. The National Association of Railroad Passengers and the Alliance for Commuter Rail Progress have been most active in pushing for implementation of a program to develop such a rail system. Many months ago, I urged Maryland's secretary of transportation to consider action on these proposals.

An editorial in the Evening Star yesterday has given a fair appraisal of the problem as it now stands. I heartily concur with the Star's view and commend the text of that editorial to my colleagues.

I have pushed for commuter rail service for some time, and will be sponsoring legislation with my able colleague from Maryland, the Hon. Lawrence Hogan, which, if enacted, would direct the WMATA to develop a program within 180 days for such a system, and to begin implementation as soon as that plan is developed. Similar legislation has been introduced into the other body by Maryland's Members, Senators Beall and Mathias.

Mr. Speaker, we have talked far too long and too much about the benefits of and need for a commuter rail system in the Washington area. The matter has been studied to death. Now is the time for positive action.

The editorial is as follows:

A Missing Link

Along with the auto, the bus and the Metro subway system now taking form, is the commuter train also finally to be encouraged to make a significant contribution to the Washington area's transportation arsenal? If that question cannot yet be answered affirmatively, the possibility at least is generating more interest, and we think it is high time.

The focus of attention on the subject at the moment is in Baltimore, where staff aides of Maryland's new Department of Transportation are pushing for an infusion of state aid to expand railroad commuter service through Washington's Maryland suburbs. A couple of proposals have been advanced—one calling for cash subsidies, the other purchase of equipment, to bolster the limited commuter services now provided on the Baltimore & Ohio and the Penn Central rail lines.

According to the citizen-based Alliance for Rail Commuter Progress, regular commuter use of the B&O's brunswick line (tapping the burgeoning areas of Rockville and Gaithersburg) has increased by about 40 percent since a ridership campaign was initiated by that group last September. To accommodate the higher demand, the B&O has been forced to add more cars. But the kind of response—understandable as it may be from the viewpoint of the railroad's bookkeepers—hardly proves anything about the potential of commuter trains, especially if, as the citizens' group alleges, the trains' seating capacity remains sorely inadequate.

The Maryland state-aid proposals are said to be in a highly preliminary stage of consideration, and indeed, at a meeting with area congressmen the other day, Transportation Secretary Harry R. Hughes reportedly had little, if anything, to say about them.

His new department was created, however, on the sensible premise that since various modes of travel are required to meet modern urban transportation needs, the fragmented approaches of the past should be replaced by a greater degree of coordination in their planning and financing. The possibility that commuter trains could prove to be a more useful link in Maryland's total transportation picture, alleviating some of the pressures now borne by automobiles and the traditional forms of public transit, is one not to be passed up.

BURKE-HARTKE BILL POTENTIALLY DANGEROUS TO THE AGRICULTURE INDUSTRY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FRENZEL. Mr. Speaker, the Burke-Hartke bill provoked considerable response from the heavy industrial areas of the United States. Less widely known, but equally important, is the potential damage which this legislation could cause the agriculture industry.

The June 3, 1972, editorial of the Farmer highlights several of the potential effects of the passage of this protectionistic bill.

I commend the following editorial to my fellow Members:

New Protectionist Threat

A new bill—in toto or as tack-on amendments—is quietly trying to make its way through Congress without creating waves. It doesn't even mention agriculture, but if passed, could hurt agriculture by blunting new market development and by chopping back the $7.8 billion in farm export sales we now enjoy.

Called the "Foreign Trade and Investment Act of 1972," the proposal is another attempt at job protectionism. Sponsored by Congressman James Burke (D-Mass.) and Senator Vance Hartke (D-Ind.), it is backed by organized labor. Its purpose: to protect those U.S. industries which have let wages get out of balance with production and are now hard-put to match foreign competition.

The Burke-Hartke bill proposes three things: Place quotas on all categories of imports at rates based on 1965–69 domestic consumption; provide an arrangement whereby U.S. capital and technology expansion abroad could be blocked whenever such transfer might decrease U.S. employment; sharply increase the taxing of U.S. business operations in overseas areas. Effects would be to restrict foreign market development, discourage overseas investment and put U.S. subsidiaries at a serious competitive disadvantage.

If the bill passes, foreign governments would retaliate. U.S. agricultural exports would be their primary target.

The Common Market, our biggest farm customer, could easily slap a tax on soybeans, for example. It proposed a consumption tax of $60/metric ton on oilseed and $30/mt on oil cake and meal as long as three years ago. Such action would lop off a lot of our sales—and 60% of our beans must find markets abroad. Passage of Burke-Hartke would also cut the ground from under our request that the Common Market lower its levy against U.S. feed grain, which is paying a very stiff tariff to get in now. Japan, too, while it can't aspire to the agricultural self-sufficiency the Common Market wants, could alter its buying patterns to be less dependent on the U.S. And Japan is our largest single-nation buyer, with $1.2 billion in farm product purchases last year.

By blocking future overseas investments, Burke-Hartke could blunt U.S. chances at future grain markets, which are expanding. Demand for meat is increasing around the world. Japan eats only 10% as much meat as do we, the Soviet Block 50% less and the Common Market only 60% as much. As red meat consumption increases, we want our share of the feedstuffs market to produce that livestock. Our best chance of getting it is the same way we have in the past, by showing foreign feeders how to make most efficient use of our grains and supplement. And that takes market development expenditures.

Burke-Hartke is short-sighted in other areas, too. Foreign expansions may well generate U.S. jobs, rather than lose them. We know agricultural investments abroad keep more of our land in production by finding markets for U.S. crops. As production holds up, so does demand for machinery, chemicals, fuel and other inputs. Employment is boosted at elevators, in trucking and at the rail and barge terminals. Ag exports even help pay wages of those striking dockworkers.

U.S. agriculture has doubled its exports in the past 15 years. Its route to still greater production rests with more market expansion. Such broad opportunities must not be sacrificed to the narrow isolationist interests of a few. This bill, or any amendment which smacks of blatant protectionism, should be defeated.

A WORLD FIGURE FROM JACKSONVILLE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BENNETT. Mr. Speaker, from June 15 through July 4, 1972, Jacksonville, Fla., which I represent in Congress, will be celebrating its sesquicentennial. Part of that celebration will honor James Weldon Johnson, a black man who made substantial contributions to our community almost a century ago.

I include in the Record two articles that appeared in the June 11 edition of the Florida Times-Union and one from the June 13 edition of the Jacksonville Journal, each regarding this outstanding citizen:

[From the Florida Times-Union and Journal, June 11, 1972]

A World Figure From Jacksonville

(By James R. Ward)

If you go anywhere in the world and mention Jacksonville, there's a better than even chance people you meet will know the names of two men closely associated with your hometown.

One of them would be Andrew Jackson, the

American general and president after whom the city is named.

The other would be James Weldon Johnson, who was born here a century ago.

And, of the two men, Johnson would probably be better known for his Jacksonville connection than Jackson.

With no offense intended, Jackson is known for more things than having towns named after him—even if he did protect this frontier town from the threat of the Seminoles and serve as the state's first territorial governor.

It is, therefore, ironic that not many Jacksonville residents either know or know much about James Weldon Johnson.

The name is familiar, of course.

There's a junior high school and a Y.M.C.A. branch named in his memory.

But the man behind the name—a man recognized for his genius around the world—is relatively unknown.

He left his mark on Jacksonville before he went to New York City to live—as he made his mark there and was subsequently heard of, read about and respected around the world—but Jacksonville forgot him.

Now recognized as one of the world's great men, not merely as one of the most capable Negroes of his time, perhaps it's time to recall James Weldon Johnson and his Jacksonville.

Johnson was born on Lee Street (the house is gone now and on the property there stands a Firestone store) on June 17, 1871.

Saturday, as part of the city's sesquicentennial celebration, a program, organized by Mrs. Earl Johnson (no relation), will mark Johnson's centenary-plus-one and recount in word, music and picture his accomplishments, his achievements.

They are many and they are great; but Jacksonville was where the seeds of that greatness and those accomplishments were sown.

It was here that the child became the father of the man, that he became to amount to something.

James Weldon Johnson began standing out from the crowd hereabouts in 1877.

That was the year former President Ulysses S. Grant came to town and Stanton School, where Negro children then went through the eighth grade and where his mother taught, was dismissed for the day.

Many children and adults stood along the route Grant took that day, but he only shook hands with one person—a boy who stuck out his hand and Grant shook it.

It was, of course, James Weldon Johnson who reached out to shake the hand of the man most singularly responsible for the military defeat of the South in the War Between the States.

After that, during the next decade he went to Atlanta University to complete his formal education, he learned well how to play baseball and, being a good student, was selected by his principal to deliver The Florida Times-Union, when the paper asked the principal to select a bright, responsible youngster for the job.

Prior to the days of Jim Crow, days which began about the time Johnson went to Atlanta to study, the color of a man's skin didn't mean much in Jacksonville.

His father, who was the head waiter at the St. James Hotel, was his idol. Of all the men in the city, who else, he said more than once, could get so many people to do what he said by simply telling them to do something?

Later, when the races moved more and more toward being actually separate and legally separated, his voice would often be raised against the resulting conflicts and injustices, but it was ever a voice of reason and compassion, however tempered with irony and indignation.

When he returned to Jacksonville after his Atlanta experience, he became a teacher at Stanton School.

He stayed long enough to become principal and to add four grades to the eight elementary grades there already.

Stanton High School was the first higher education institution the Negro had access to in Jacksonville, but the School Board was displeased.

Johnson hadn't told them he was doing it—and he taught the four classes himself for the first two years.

As New York began to beckon to Johnson, he studied the law and became the first Negro admitted to the Florida Bar since Reconstruction and he started a newspaper, a first for the Negro anywhere.

But soon, too soon perhaps, he was gone.

He was on a trip that would carry him far from this place, but, as his parents had left their positive mark on his character, so Jacksonville had influenced him.

Now it is time that the rest of that story to become better known.

It is time for the man to influence his city, the city of his birth, just as he was influenced by it.

Some of that influence on James Weldon Johnson led to greatness; the study of his genius might, if John Dewey knew what he was talking about, have a kindred result.

[From the Florida Times-Union and Journal, June 11, 1972]

OUR RENAISSANCE MAN

James Weldon Johnson is Jacksonville's Renaissance Man.

To reduce his life's work to its many parts is to draw a catalogue of callings, of careers.

Call him a teacher, an administrator, and he's turning an eight-grade institute into Stanton Senior High School—the first Negro High School in Jacksonville.

Call him a lyricist, a writer of songs, and he's writing Stanton's school song, "Lift Every Voice and Sing"—a song which has been called "The Negro National Anthem."

Or, he's writing the lyrics for music written by his brother, Rosamond Johnson, or Robert Cole—he's a habitue of Tin Pan Alley.

You've heard those words, tapped your feet to those tunes. Remember "Under the Bamboo Tree." "The Maiden with the Dreamy Eyes," and "The Congo Love Song."

You remember his Broadway musical, which he wrote with his brother and Cole, "The Shoo-Fly Regiment."

And, if you're political, maybe you remember his national campaign song, the one he wrote for Theodore Roosevelt—"You're All Right, Teddy."

Teddy liked it. He said it was "bully good," and he won the election.

Call him a poet, a maker of verse, a forger of words, and he's playing the black preacher with the immortal and moving words of "God's Trombones."

Or, he's writing poignantly of the half century his people had lived since Abraham Lincoln wrote and signed "The Emancipation Proclamation."

Or, he's writing of his people's penchant to sing songs in the night, as Israel did in bondage; he's writing "O Black and Unknown Barts."

Call him a diplomat, a representative of his country in foreign lands, and he's serving as a consul in Puerto Cabello, Venezuela, and Corinto, Nicaragua, where he took command of a U.S. Marine detachment during a banana revolution, one of three which took place while he was there.

Or, he's being sent to Haiti to investigate charges of brutality when the Marines occupied the country.

Call him a novelist, a teller of truth by way of fiction, and he's writing "Autobiography of an Ex-Colored Man"—one of the first, if not the first, books which showed the Negro his heritage, his source of pride and in the despair, his American experience.

Call him an essayist, a journalist of acquired knowledge and experience, and he's writing about his own particular demon, creativity; he's writing "The Negro's Creative Genius" and "The Dilemma of the American Artist."

Call him an autobiographer, a rememberer of one's own life and times, and he's writing about his land, his America, his hope and his agony; he's writing "Along This Way."

Call him a lawyer, an advocate, and he's the first Negro to be admitted to the Florida Bar since Reconstruction and his oral examination reads like a session of an inquisition.

Call him an advocate of his people, call him a civil rights worker before the fact, and he's one of the first field secretaries of the National Association for the Advancement of Colored People, fighting for the country's first anti-lynching law and speaking words of reason against a backdrop of terror and fear.

Call him an editor, a newspaperman, and he's editing the first Negro newspaper, "The Daily American."

It was published in his hometown, Jacksonville.

Call him a native of Jacksonville, a son of this place, and you have a dimension no other man—black or white—has brought to this city.

He is Jacksonville's Renaissance Man.

He is a promise born 101 years ago—a promise that just now approaches reality—a reform that may yet initiate a renaissance.

[From the Jacksonville Journal, June 13, 1972]

(By George Harmon)

FORGOTTEN NO LONGER

They won't be able to say, after this coming Saturday, that Jacksonville has forgotten James Weldon Johnson.

A full day of events is planned for one of this city's most accomplished natives—a black man who filled his life with many careers.

Born in Jacksonville in 1871, and killed in a car-train collision in Maine in 1938, Johnson was a lawyer, educator, newspaper, publisher, a writer of popular songs for Broadway plays, a diplomat, a poet, an author and one of the pioneers in the civil rights movement.

In his hometown, however, Johnson almost became a forgotten man. A junior high school is named after him, and a branch of the YMCA—but few Jacksonville citizens knew anything about the man behind the name until this year.

Jacksonville's sesquicentennial celebration, which is now reaching its climax, helped revive interest in James Weldon Johnson. As a result, he is being honored with "James Weldon Johnson Day," as part of the official sesquicentennial festivities.

"LIFT EV'RY VOICE"

The first event on Saturday's agenda will be the unveiling of a historical marker across the street from 1307 Lee St., where Johnson's home once stood.

Mrs. Earl M. Johnson, wife of a Jacksonville city councilman and an instructor in math, psychology and education at Jacksonville University, is chairman of the James Weldon Johnson Day events. (The last name is coincidental; she's no relation to the man being honored.)

Although some purists in the local history game might object to the historical marker being placed across the street from Johnson's homesite, instead of the exact spot where the house stood, Mrs. Johnson said there's a good reason for the choice.

"The spot we chose is owned by the city," she said, "which means we'll be able to keep the surrounding area clean, and to beautify it."

The home that once stood at 1307 Lee St. is the place where Johnson and his brother

Rosamond—the two later became, with Bob Cole, a popular songwriting team in New York City—composed a song entitled "Lift Ev'ry Voice and Sing."

The words of the song were written in February 1900 by James Weldon Johnson as he sat on the front porch of the house. Johnson shoved the verses through an open window into the living room, where Rosamond sat at a piano and composed the music.

The song was written to be sung by students of Stanton High School to celebrate Abraham Lincoln's birthday. Johnson was principal of Stanton, where his mother had once taught. When Johnson took over direction of the school in 1894, after graduating from Atlanta University, it went only through the eighth grade. Johnson converted it into Jacksonville's first Negro high school—some say without the school board's knowledge—and the first class had graduated around 1896.

"Lift Ev'ry Voice and Sing has had a remarkable history. After the Stanton students had introduced it, the song was published and spread quickly through black communities of the nation.

For many years it was known as the "black national anthem." Later, when blacks complained that their national anthem was the "Star Spangled Banner," it was redesignated as the official song for the National Association for the Advancement of Colored People.

The Johnson homesite marker will be unveiled by City Council President Lynwood Roberts. Also taking part in the program will be Rev. Rudolph McKissick, pastor of Bethel Baptist Institutional Church, and the Raines High School Band directed by Julian White.

The Raines band, naturally, will be playing "Lift Every Voice and Sing."

LUNCHEON PROGRAM

Following the ceremonies at the Johnson homesite, a dutch-treat luncheon will be held at the Thunderbird Motel at 12:30 p.m. Saturday.

On the luncheon program will be:

Dr. Ellen Moers, associate professor of English at Barnard College of Columbia University in New York City. Dr. Moers will talk about Johnson's literary works. It was she who wrote an article in The New York Times Book Review earlier this year in which she noted that 1871 was the birth year of the four American artists who helped New York City steal some of Boston's reputation as a national intellectual center. The four artists: authors James Weldon Johnson, Stephen Crane, and Theodore Dreiser, and painter John Sloan.

Robert Earl Jones, black actor and father of another black actor, James Earl Jones. The elder Jones will recite for the luncheon guests "The Creation," one of the poems in a volume entitled "God's Trombones," in which James Weldon Johnson took well-known Bible stories and rewrote them as he believed they would have written in South Georgia-North Florida Negro speech.

Henry Mack, music teacher at Eugene J. Butler High School here, who will play a piano medley of the songs composed by the Johnson brothers.

The Saturday luncheon, said Mrs. Johnson can be attended, at $4 per ticket, by anyone who reserves a seat not later than Thursday noon by telephoning the Jacksonville Sesquicentennial office at 398–5377.

"I understand that some of the members of the first graduating class of Stanton High School are still living in Jacksonville," said Mrs. Johnson. "If so, we'd like for them to sit at the head table during the luncheon; but we haven't been able to locate them."

Among those who will be sitting at the head table will be Mrs. Israel Kaplan, wife of the rabbi emeritus of Jacksonville Jewish Temple, one of the Jacksonville women who campaigned several years ago to have the local school named in honor of James Weldon Johnson; Miss Eartha White, Jacksonville's black philanthropist, who was a girlhood sweetheart of Rosamond Johnson; and Mrs. Mildred Johnson Edwards of New York City, Rosamond's daughter.

(James Weldon Johnson's widow is still living, in New York City, but she is 86 years old and her health won't allow her to come to Jacksonville.)

"EVENING WITH JOHNSON"

The final event of James Weldon Johnson Day will be "An Evening with James Weldon Johnson," free to the public, at 8:30 Saturday night in the Prudential Auditorium.

Robert Earl Jones will appear also on this program, reciting some of James Weldon Johnson's poetry and other writings, with the choir of Edward Waters College providing background accompaniment.

The Edward Waters choir will also sing some old Negro spirituals which were compiled in two volumes by the Johnson brothers when they became worried that the songs would die out and be irretrievable for future generations.

Another facet of Jacksonville's "rediscovery" of James Weldon Johnson is an exhibit of the books which Johnson wrote. They are on display at the downtown library.

Later this month, the Jacksonville Art Museum is expected to erect the Smithsonian Institution's pictorial display of Johnson's life and works. The display couldn't be obtained this week because of its popularity. It is now on display in Nassau, The Bahamas, which is where Johnson's mother was born, and the exhibit is booked for various cities of the nation through mid-1973.

STATEMENT ON HUNGARIAN MAGNA CARTA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. CRANE. Mr. Speaker, this year marks the 750th anniversary of the "Bulla Aurea," or Golden Bull, which is, in effect, the Magna Carta of Hungary.

Enacted in 1222 by the Hungarian Diet, this charter guarantees personal freedom and narrowed the breech between the upper and middle classes and ordered an end to the oppression and exploitation of the people by the nobility.

The most notable provision of this charter stated that prelates, barons, and others of the nobility would be free to "resist and withstand" the King should he violate any of the charter's provisions. Magna Carta in England, similarly, limited the role of the King and, in effect, placed him under the restraint of law.

The "ius resistendi," or right to resist, contained in the "Bulla Aurea," remained one of the most important rights of the Hungarian people for succeeding centuries.

At this time when we celebrate the introduction of rule by law to Hungary, it is essential that we keep faith with the brave and valiant people of that country who suffer under the tyranny of communism.

Hungarians do not today have the right to resist. In 1956, the people of Hungary rose up bravely against their Communist oppressors only to be brutally defeated by an invading Russian army. In an era when there is much discussion of "detente" and an easing of tension between East and West it is easy to forget those men, women, and even children who have perished in the fight for freedom in Hungary and elsewhere in Eastern Europe. This we must not do.

Today, Hungarians do not live under a legal charter which limits the authority of their rulers. The rulers of Hungary are elected by no one, and are not obligated to go to the people in an election to obtain their approval.

They are, instead, the handpicked supporters of a foreign country, and have been installed in their positions of power by the armed might of the Soviet Union, as have the leaders of Czechoslovakia and other Eastern European countries.

We must look forward to the day when Hungarians will once again be masters of their own fate, when once again those who rule will be limited by law, and will be obligated to follow the will of the people.

Often, those who defend tyrannical rule argue that we, in America, would not wish to live under such a dictatorship, but that the peoples who suffer under such rule have never known democracy anyway, and that perhaps they want communism.

The fact is that a majority has never freely elected a Communist government in history. Even as they seek power through violence, Communists preach not tyranny but freedom. Lenin, for example, promised the people of the Soviet Union "bread, peace, and land," not communism. Castro promised "democracy" and Mao Tse-tung claimed to be an "agrarian reformer." Once in power, however, tyranny descended upon the peoples of those unfortunate countries.

Let us celebrate the 750th anniversary of the "Bulla Aurea" by reaffirming our faith in a free and independent Hungary. Such freedom and independence would be the culmination of this great Hungarian tradition, just as the Communist domination of today is its antithesis.

EDUCATION

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. DUNCAN. Mr. Speaker, every day the Nation's 2 million elementary and secondary teachers are called upon to answer the most thought-provoking question ever devised by man. Why? The quality of our educational system's answer to this quest for knowledge has enabled America to meet the great challenges of our time.

Education's response to inquisitive minds has inspired young Americans to dream dreams of trips to the moon, great medical discoveries, and inventions which stagger the imagination. Our educational system has, over the years, demonstrated its ability to transform the dreams of the young into the realities of the future. The sum total of this experience has meant a better life for all of us.

We must never lose sight of the importance a good education means to the 46 million youngsters who fill our elementary and secondary schools. Education is the key to their future and the future of our country.

America indeed owes a great debt of gratitude to our educational system. The fruits of this system have provided all Americans with a quality of life unparalleled in history.

CHARLES F. KETTERING II

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. WHALEN. Mr. Speaker, the Ketterings of Dayton, Ohio, are one of the most prominent families in our Nation. Their progenitor, Charles F Kettering, was the well-known inventor and longtime vice president of General Motors Corp.

The fame of his grandson and namesake, Charles F. Kettering II, perhaps was not as widespread. However, he was indeed the equal of his grandfather and father in his concern for his fellow human beings.

Charles F. "Chuck" Kettering II died suddenly and tragically in December. His 40 years of life were filled with philanthropic activities. Chuck received a B.A. degree from Dartmouth College and served his alma mater as an assistant to the director of admissions. In 1963, he was awarded a master's degree in personnel services from the University of Colorado where he later served as a faculty advisor and as assistant dean of the College of Arts and Sciences.

At the time of his death, Chuck was a trustee of the Charles F. Kettering Foundation and the Kettering Fund and a director of C. F. Kettering, Inc., all in Dayton. In addition, he was chairman of the board of his own Denver-based foundation, CFK Ltd.. which contributed more than $200,000 annually for educational projects. Under his direction, CFK Ltd. also has made substantial contributions to projects throughout the western United States, many of them related to minority group causes.

Charles F. Kettering II was an extraordinary man and an extraordinarily good human being. The tributes which have been written of him reflect, to the extent that it is possible to do so in words, the impact which his life had on his associates. I am honored to have this opportunity to present three of these memorials. The first, by the CFK Ltd. board of directors, was made available to me by Presidential Counselor Donald Rumsfeld, a former Member of the House and a longstanding friend of Chuck Kettering. The second is reprinted from the publication of the Kettering Foundation. The third is by Mr. Tony Larson of radio station KOSI in Denver.

The tributes follow:

CHUCK

Have you Noticed . . . ? He Was That Kind of Man.

Have you noticed that everyone who knew him, no matter how much or how little, called him their friend?

He was that kind of Man.

Have you noticed that everyone, then and now, have only good words for him?

He was that kind of Man.

Have you noticed that no one, although many have tried, has a completely adequate way to pay full tribute to him?

He was that kind of Man.

Did you notice that Chuck always paused to feed the hungry and to soothe the pained in spite of life's mad pursuit?

He was that kind of Man.

Did you notice that Chuck always took time to care?

He was that kind of Man.

Did you notice that Chuck knew he was blessed manyfold times—by his parents, his beloved by his side, his children, and his friends?

He was that kind of Man.

Of Chuck it can be said:

He has lived . . . He has truly lived . . . He shall not die . . . Because he cared and because we still here also care.

Chuck was that kind of Man.

CFK Ltd. Board of Directors:

B. FRANK BROWN,
GEORGE L. BROWN,
LEO C. MCKENNA.

CHARLES F. KETTERING II—AUGUST 28, 1931–DECEMBER 12, 1971

The untimely death of Chuck Kettering leaves his fellow Trustees and the entire Staff of the Charles F. Kettering Foundation feeling a tragic loss.

Until he was fatally struck by a car on a street near his Denver home, Chuck Kettering spent much of his time striving to rectify inequities and indignities as he saw them.

Through his participation on the Board of the Charles F. Kettering Foundation; on the boards of several other foundations and universities; and as Chairman of the foundation he established in Denver, CFK, Ltd.; Chuck exerted a stimulating influence on many projects and people. Frequently, he would also go beyond the reach of any institution to personally extend his support and understanding.

But it was more than his achievements that earned Chuck Kettering the lasting respect and love of those who knew him well; he was known and revered for what he was.

He was a man with courage, a man with soul, and a man with empathy for disadvantaged people.

WHEN YOU LOSE A FRIEND—A TRIBUTE TO CHARLES F. KETTERING II 1931–71

These thoughts on Chuck Kettering were authored and delivered by Tony Larson on KOSI Radio, Denver, on December 13, 1971

Carl Sandburg wrote, "A man's life? A candle in the wind."

All of us are no more than that, but every so often there is a man, who while his life burns brightly, accomplishes tasks that far surpass the works of most. He does it quietly, without fanfare, expecting no rewards, shunning the spotlight of notoriety, underplaying acclaim, accepting the inner satisfaction that comes with the opportunity of giving—his mind, his talent, his concern for others.

A man such as this has moved beyond rehearsal—the mere playing of a role—he knows himself. He is true to himself, and he finds freedom in the giving of himself.

Too often we move about on stage encountering few who meet the standards of this man. We deceive and are deceived by false faces; by the push and the rush of fleeting time and passing friendships. If we meet this man and can call him friend, time holds more for us. It widens to offer substance; to add perspective.

In the measure of our own "candle in the wind," we can ease the tempo, pause and think more deeply on the worth of knowing such a man. If we take that time, soberly, and are willing to sit—as if at the foot of a teacher—and patiently listen, giving value to his words, we learn, and we grow. We learn by watching him work, amazed at his steady hand knowing its strengths and weaknesses; inspired by the clarity of his mind, his thought and planning, channeled into human concerns. We grow because his friendship has added depth and meaning to our lives. We are the fortunate who benefit from his labor, and there is no way to return the trust and faith of that friendship other than by giving it away to some else.

A man such as this . . . died in our city last night. He was only forty.

Those who knew Chuck Kettering, knew a most extraordinary man—a teacher—who walked through life with a clearly defined purpose: to use his resources for the good of others. He worked tirelessly to see that goal achieved, but was never too busy to share his insight and wisdom—to extend his hand, to be a friend.

The wealth of the man was in the man.

AID FOR THE ELDERLY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. YATRON. Mr. Speaker, as we are well aware, our Nation is now being challenged—as it never has been before—to develop and implement a national policy on aging. This will require a full fledged action campaign in several areas if the later years are to be a time for dignity and self-respect.

One of these efforts to help our senior citizens has begun to make progress in the Sixth Congressional District of Pennsylvania. Mrs. Minerva Kasper, an energetic septuagenarian publisher, has begun a newspaper, the Berks County Senior Citizen. This newspaper, which may be the only one of its kind in the Nation, operates solely to express the feelings, needs, and interests of older Americans. It is free of charge to the elderly, and deals with topics which range from programs of assistance on the local level, to open letters to the President on the national level.

As Mrs. Kasper has often pointed out, nowhere is the need to assist the elderly more evident than in the area of economic security. Today, more than 4.7 million older individuals exist below the poverty line—nearly 100,000 more than in 1968. Older Americans are more than twice as likely to be poor as younger Americans. One out of every four persons 65 and older—in contrast to one in nine for younger individuals—lives in poverty. Congress has realized these deficiencies and has been extremely active in this area recently, with many efforts to increase the income of the elderly near passage now.

Another area of utmost concern to the elderly is the field of health care. Today, less than 7 years after the passage of medicare, the threat of costly illness is still too real for too many older Americans. The sad truth is that serious illness strikes with much greater frequency and severity at a time in life when incomes are most limited. Persons 65 and over have health bills averaging nearly $800 a year; or approximately six times that of youngsters and three times that of individuals in the 19 to 64 age category. Efforts to assure increased medicare coverage, expanded community services, national health plans, and health maintenance organizations are currently in various stages of completion in Congress as efforts to help the elderly progress.

If our Nation is to assure true economic security in retirement, we must resolve the serious medical cost problems which pose an intolerable drain upon the limited incomes of older Americans.

Today, our Nation has a unique opportunity to make advancing age a time of fulfillment, instead of neglect and dispair. Mrs. Kasper, through her efforts as a writer, on radio broadcasts, and in countless personal contacts and endeavors, has launched a spirited drive to assure that the needs of the elderly are met. Ever since she began her writing career 50 years ago, she has been determined that the voices of the elderly should be heard. Such dedication deserves our recognition, and I would like to commend her for the devotion she has shown toward senior citizens 365 days a year.

Perhaps even more significant, however, there is already broad agreement on many crucial policy goals and the course of action our Nation should take now and in the future. In many respects, the report of the White House Conference on Aging is a ringing reaffirmation of the recommendations advanced by congressional committees and councils.

With this broad base for support, our Nation can begin to develop, for the first time in its history, a comprehensive workable national policy for the elderly American. As Mrs. Kasper has often said in her efforts to help the elderly:

> May God help the members of Congress to open up their hearts to them, consider their plight and feel the great urge I feel towards them. Let it not be said . . . that this great nation with all its wealth, will continue to neglect them. They deserve our love, consideration and care.

I believe that the Congress has embarked upon a path which will meet the needs of the elderly, and I would like to commend Mrs. Kasper for her untiring efforts in their behalf.

A TRIBUTE TO DICK O'BRIEN

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. STEELE. Mr. Speaker, each year the Northern Middlesex, Conn., Chamber of Commerce honors one citizen as the area's outstanding citizen of the year.

This year the chamber has selected Mr. Dick O'Brien of Haddam for this high award and will honor him at the chamber's 77th annual dinner on June 19.

Both as an individual and as president of WCNX in Middletown, Mr. O'Brien has contributed greatly to Middlesex County through his deep interest in people and service to the community. Indeed, his extensive activities throughout Connecticut have made him not only an asset to Middlesex County, but to the entire State of Connecticut.

He serves on the boards of directors of Middlesex Memorial Hospital, Goodspeed Opera House and the Connecticut Broadcasting Association. He is a member of the advisory board of the Hartford National Bank and the board of trustees of the YMCA, a corporator of the Farmers and Mechanics Savings Bank of Middletown and a member of the board of his alma mater, Trinity College in Hartford. He is currently a member of the board of directors of the Northern Middlesex Chamber of Commerce and has served in various capacities in the chamber for the past 22 years, helping to make it one of the most successful and respected chambers of commerce in the United States.

It is no surprise that a man who has done so much for his city, county, and State should be so honored. Dick O'Brien epitomizes the individual responsibility, commitment and action which have always been the driving force of our national life.

ADDRESS BY THE HONORABLE G. A. LINCOLN

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MILLS of Arkansas. Mr. Speaker, I am submitting for printing in the RECORD the address by the Honorable G. A. Lincoln, Director of the Office of Emergency Preparedness of the Executive Office of the President before the Interstate Oil Compact Commission meeting at Hot Springs, Ark., on June 13, 1972. I recommend these important remarks to attention of my colleagues:

REMARKS BY HONORABLE G. A. LINCOLN

Honorable Chairman, Ladies and Gentlemen:

It is both a privilege and a unique experience for me to be here in Arkansas with you this morning; a privilege because you are an important part of that group of people who provide that essential resource for our country—energy. I consider it an even greater privilege since my Agency has no official relationship to your compact functions. It is a unique experience because, even though fairly widely traveled, I have never before been in the State of Arkansas.

One of the tenets inscribed on my young mind by my grandmother was that "confession is good for the soul." I should start by confessing that because your invitation reached me not too long ago, I am going to say here principally some of the things that I have said to other audiences, most of them in the provinces of our East Coast. If any of you have heard some of my remarks, I ask you to accept the repetition as a point that I still think is important.

It is not often that a Nation reaches a watershed period, a time when it crosses a divide between one era and another. Our country is progressing over a number of divides at this time with new policy in areas important to our society.

I am going to speak briefly of four of these areas and the progress which has been made under the leadership of our President—the unprecedented agreements with the Soviet Union to limit nuclear armaments, the President's energetic efforts to achieve an honorable peace in Vietnam, and his fight against inflation. I will spend the greater part of my time with you on the fourth problem area, one with which you in this meeting are centrally and, many of you, professionally concerned—energy and energy security.

The four together are topics of the highest concern in foreign and domestic policy. In my judgment, within a very few years, perhaps five to ten at the most, energy policy will rank in national concern as importantly as national security and foreign policy, with which, of course, it is closely intertwined.

The fight against inflation and a search for a just resolution of the Vietnam tragedy are primarily reactions to crisis situations which this Administration has inherited. The strategic arms limitation agreements are a positive action toward stabilizing the dangerous and burdensome strategic arms competition.

The treaty with the USSR on defensive missiles and the agreement on offensive systems can well be characterized as the beginning of a new era. For the first time, actual limits on numbers of strategic weapons have been agreed to by the major nuclear powers. The benefits in added safety and lessened burdens should become increasingly evident as this solid base is used to build further toward a lasting peace.

The agreements lend stability to the nuclear equation by taking into account the national interests of both sides. They do not favor one at the expense of the other. Secondly, they are in the category of national security actions that protect our people against an attack by diminishing the threat of attack. Thirdly, they do not decrease the nuclear power available in the world, and so are not the occasion to lessen our vigilance or drop our guard in the strategic arena.

It is appropriate to mention the very grave problems of Vietnam, at this time, in juxtaposition with our progress in arms control. The Moscow meeting, at which over two and one-half years of arms control negotiations were coming to fruition, just happened to get scheduled at a time shortly after North Vietnam launched a massive, open aggression against South Vietnam. Both this aggression, which may or may not have been timed in relation to the Moscow meeting, and the great goals of that meeting were on the President's desk at the same time.

The Vietnamization program, designed to enable the South Vietnamese to protect themselves, had been generally successful in protecting the people of South Vietnam against internal subversion and small unit attacks. Now however, the enemy has abandoned all pretense of their so-called "people's war" of spontaneous insurgency and restorted to open aggression, across international borders utilizing virtually their entire armed force in a conventional military operation. They had failed in their initial attempt to take over South Vietnam by internal warfare and they are now trying other, much more destructive means.

This brutal invasion of South Vietnam was answered by our President with courage and foresight. How better to stop killing than to deny the enemy the tools of war? How better to do this than to mine openly the entry ports through which the largest part of those materials have been sent? Since idle gestures by a great power are both impotent and dangerous, the concurrent bombing of land lines of supply is a necessary part of the effectiveness of the coastal blockade by mines.

The President's policy has, so far, been successful. The North Vietnamese have not won by brute force what was denied them when they used subversion and murder. The blatant aggressor has not been allowed to keep his own country as a sanctuary. Neither the United States nor the Soviet Union has allowed the Vietnam situation to replace other, overriding common interests in building a more stable relationship.

But I do restate our objectives—to stop

the war and the killing, recover our prisoners and let the South Vietnamese work out, for themselves, their own government.

Turning now to a major domestic problem—inflation—this the President has tackled forthrightly and tenaciously with the new economic program.

An important part of that program, in addition to international trade and monetary policy, is stabilization of the economy. Most of you probably recall that the Office of Emergency Preparedness was charged with managing the 90-day freeze.

It is now over nine months since the President announced his new economic program, and we are beginning to see substantial progress in the fight against inflation. Price indices are always subject to multiple interpretations, and are somewhat unreliable over the short run. But, I do offer these figures for your considerations.

In the even months prior to the wage-price freeze, the Wholesale Price Index increased at an annual rate of 5.0%. The President's program has so far reduced this annual rate of increase by 32%—to 3.4% per year. The Consumer Price Index rose at an annual rate of 3.9% in the seven months prior to the freeze. Since the freeze, it has risen at the reduced rate of 2.8%. In April, the last month for which consumer price figures are available, the Index was even lower—2.4% on an annual basis.

In my personal judgment, the statistics, while important, are less so than breaking the inflation psychology. This is necessary for a sound economy and society.

I now turn to the problem of our energy matters.

I do get a lot of the President's mail forwarded to my office to handle, but I got a new one last week. A letter addressed to the Government Bureaucrat in Charge of Energy, care of the White House, was bucked to me for reply. This writer was, by the way, worrying about gas supply in Oklahoma.

This problem in energy matters—sometimes called the energy crisis—is already upon us and will be with us for a couple of decades at least.

I do, as most of you know, come into contact with our energy problems through my national security job as Director of the Office of Emergency Preparedness. My duties include responsibility for policy formulation, management and surveillance of the Mandatory Oil Import Program—a national security program stemming from one of our laws.

The quantity of our oil in imports, and the subsequent degree of hazard to our security, fairly obviously turn on both domestic energy supply and domestic energy demand. The resultant energy gap caused by demand increasing more rapidly than supply is filled by imported oil. While energy sources—coal, gas, oil and nuclear power—are in varying degrees substitutable one for another, oil is currently the most versatile of all energy fuels. Hence, the security hazard which derives from the extent of the shortfall in domestic energy supply makes such matters as the Alaskan pipeline, offshore leasing, efficiency in oil recovery, and maximization of the use of our one abundant fuel—coal—as much matters of security concern as is the determination of the oil import quota. In fact, that determination is now, to a considerable extent, a statistical forecasting exercise since it is based on the estimate of the gap between supply and demand.

I am not in this meeting going to retread the tiresome trail of the different ways we might manage our oil imports—quotas, tariffs or a combination of the two. All current forecasts of our energy position show that the situation is hazardous to the national security. A favorite projection for around 1980 is that half of our oil will be imported, or approximately a quarter of our energy supply—our light, heat, and transportation—will be imported. The problem we face, from the national security standpoint, is how best to minimize that hazard as we orchestrate the many efforts required, as best we can, to meet other important domestic and foreign programs and objectives of our Republic.

People can rightly ask how this crisis situation has come about, allegedly without warning, and in some instances they rightly blame the government. In fact, but in hindsight, government should probably accept some blame in certain specific areas where policies stem from perhaps a decade ago and are only now being changed to meet realities—for example pricing of natural gas.

We have dealt in the past with energy on an assumption of abundance. This assumption is no longer valid. Policies in the past have been guided by the effects of governmental controls and on relative costs, rather than by concern over the conditions of prospective scarcity or over the most efficient consumption patterns.

Now when the crunch of scarcity begins to be apparent, we have compounded our difficulties by a too long delayed interest in environmental programs. These programs both increase demand for scarcer types of energy such as gas and tend to restrict domestic supply. This is illustrated by our problems in unlocking the energy resources of Alaska and the Outer Continental Shelf, and the inhibitions placed on our use of coal.

There are some answers often suggested for our energy programs.

One suggestion is that nuclear power will fill a great part of the energy gap. In fact, large amounts of nuclear power only begins to come on line after 1985, and even then will not for a long while, if ever, increase at a rate equal to that of projected increases in energy demand.

Another suggestion is that imported liquid natural gas and synthetic natural gas from imported petroleum could close a significant part of the supply-demand gap. On the basis of our total energy requirements, these sources of supply cannot be very significant by current estimates They may, however, be helpful in particular areas of the East Coast. The estimated costs are a puzzling item in the framework of our current energy policy—around a dollar, to as high as $1.40, per MCF when the interstate wellhead price of new domestic gas is now, I believe, about 25¢ and the city gate price in the Northeast is around 50 to 60 cents. Assuming that there is in our country a supply elasticity based on the price of gas, which I believe there must be, the situation certainly warrants an increase in wellhead price of new gas, as I have stated some time ago.

The most often mentioned proposed solution is to close the energy gap with oil imports. These imports have gone up and will continue to do so for at least awhile—the question is how much and in what pattern.

It is worth keeping in mind the negative aspects of increasing oil imports, particularly in the longer run. There are, as examples, the very significant adverse effects on our balance of payments. Also, larger imports increase dependency on Eastern Hemisphere sources where oil exporting countries may not continue indefinitely to provide, on schedule, all of the demand of the oil consuming countries, even at an increasing price.

As prorationing de facto disappears in the United States, we now see prorationing in the form of arbitrary production limits developing in the OPEC countries, and can expect it to increase. The implications include a probable higher price of foreign oil and restricted supply with a consequent national security implication.

It appears we will be entering the market in years to come for large quantities of oil in competition with our European and Japanese friends. Oil income may be adequate to the current needs of producing countries, and foresight argues for conservation of their reserves to guarantee future income. After all, these oil producing countries have their own compact for pricing and for dealing with oil companies and oil consuming countries on such matters as ownership and sales. The international oil pictures has changed drastically in the last few years and the change foretells increasing hazards to our energy and national security.

In a recent speech, Under Secretary Pecora, of the Department of the Interior, emphasized our policy of developing domestic energy resources and of maintaining processing and refining capacity within the United States. Doing so contributes to flexibility and diversity in dealing with various sources of foreign supply. This is a fallback position being forced on us by the hard fact that our domestic oil production no longer equals our requirements. But this situation can be improved, even if the problem cannot be completely solved.

There are at least three methods by which we can increase oil and gas production capacity—we can discover new reserves by new exploration here in the United States; we can develop the known reserves now considered uneconomic, such as oil from shale and the tight gas reservoirs; and, we can improve recovery. I do not name as a fourth alternative, producing above the Maximum Efficient Rate, which would produce more oil initially but would ultimately decrease total recovery. In an era when the energy gap is projected to persist and grow for the foreseeable future, this fourth method would be a false security indeed.

At the same time, I think it is safe to say that barring unexpected discovery of several giant fields, and even if Alaska crude comes on line promptly, henceforth market demand prorationing by State regulatory agencies will have at most a minor effect. By allowing essentially unrestricted production within the constraints of present prices and tax incentives, we can maintain the highest level of exploration and development. The higher production levels will allow a faster return on investment and thus improve the economic incentive for needed investment in the domestic oil industry. Unduly restricting current production would be detrimental to our goal of increasing longer range U.S. production and reducing or minimizing the energy gap.

Instead, we must turn our attention to the maximization of ultimate production through improved, although comparatively expensive, recovery methods. This is an area in which the IOCC's historic efforts deserve high commendation. When the compact was organized in 1935, less than 10% of the oil in place was being extracted in the average reservoir. Today, largely through the efforts of the producing States, that figure is 36%. But, as Governor Hathaway told the Congress two weeks ago, that is not yet enough. According to American Petroleum Institute reserve estimates, there are around 275 billion barrels of oil in presently known reservoirs that will not be recovered using existing recovery methods. According to one estimate I have seen, some 60 to 75 billion barrels of this oil is potentially recoverable using improved recovery methods. A failure to maximize recovery means more oil imports and less energy security.

There are several possible avenues to improving recovery. One is through modification of the incentive structure defined largely by prices and taxes. This will not change quickly. Another avenue is accelerating development of recovery technology. The petroleum industry has recently taken important cooperative steps in this direction. Some of you here undoubtedly attended the recent Oil Recovery Symposium at Tulsa.

Yet another aid to recovery is unitization. The payoffs of unitization are reduced costs and increased recovery through early implementation of optimum recovery methods.

Unitization has long been a concern of this group and your past successes have been noteworthy. However, I am apprised that there are still some gaps remaining. With this country facing a severe energy shortage we can no longer afford the luxury of inefficient production methods. National security requires that we produce from each reservoir with maximum efficiency. Effective unitization is important in an energy scarcity situation.

Both enforcement of MER's and improvement of recovery are examples of conservation in the production of energy. I do mention briefly the corresponding requirement for conservation in the use of energy. Our energy dilemma is going to be manageable only if we exercise the same resourcefulness on the side of moderating demand that we must exercise in expanding supply. A million barrels per day equivalent of oil not used because of fuel energy conservation is an even better achievement than the same amount of energy developed—since we don't have to pay for it and there is less insult to our environment.

I have just sent a letter to Governors of all fifty states concerning emergency energy matters to avoid brownouts and blackouts, and soliciting cooperation in energy conservation measures to avert critical shortages of power which could arise this summer.

Far beyond actions to keep the lights on this summer, we need systematic actions to maintain the quality of our life and over industrial production, while using less energy in the longer run. There are vast opportunities on this little explored frontier. Transportation efficiency, production of electricity, home insulation, and consumer incentives are just some examples. Rough staff level estimates indicate that the payoff starts now and by 1980 added energy available as a result of conservation could be on the order of the production of two or three Prudhoe Bays.

I should refer to the environment as another area of newly increased concern to many of us. I understand that your Commission was far ahead of EPA and most of the rest of us in giving attention to the environmental consequences of oil production. Comparison of today's clean oil production methods with the wasteful and environmentally harmful flares and salt water discharges through the 1930's and 1940's is an example of how effective regulation at the state level can minimize environmental damage without destroying the industry being regulated.

While there are undeniable tradeoffs between energy adequacy and environmental quality, we cannot solve the equation by throwing away either side of it. There can be no priorities among essentials.

In closing, I do comment on the need to move quickly and positively to adjust our energy affairs at the local and state level, as well as at the national level, to the changing times. Your Interstate Oil Compact Commission does have a specific charter directed to the purpose of conserving "oil and gas by the prevention of physical waste thereof from any cause."

As I understand it, the actual operation of your mission is through the actions of states, organizations, and individuals who are here represented or present.

In connection with another one of my jobs for the President, emergency preparedness, I did, coincidentally, urge a meeting of State officials in San Antonio yesterday to review their State legislation and procedures. This review should be done in light of the changing requirements for preparedness and response to emergencies, for example to hurricanes and other natural phenomena.

I suggest to all here that, if you have not done so already, it is urgent that there be a systematic review of State laws, rules, and regulations and of operations affecting oil and gas production. This review should be accomplished in light of the current situation of increased scarcity rather than the situation of abundant energy under which your Compact was born.

As a general rule we should be slow to discard the institutions which have served us well in the past but, on the other hand, we should be assiduous in shaping them within the dimensions of the charter imposed by the changing times.

I have appreciated very much this double opportunity of visiting the great State of Arkansas, where I have not before had the privilege of being and of talking to this distinguished and widely representative group concerned with our energy problems.

ROADBUILDER'S DREAM

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FRENZEL. Mr. Speaker, the Minneapolis-St. Paul area like other major urban centers throughout the country is wrestling with the problem of long-range transit planning. Inevitably when billion dollar capital expenditures hang in the balance, the policymaking process becomes embroiled in controversy. Some would have us believe that any major expansion of public transit is a waste of public funds. Others, and I include myself in this group, feel that we must find a people pleasing alternative to the automobile if we are to reverse the steady deterioration of our urban environments.

Even among we right thinkers who favor a more balanced urban transportation system there are differences over the criterion which mass transit should meet. Should we be satisfied with a transit system that is aimed principally at the rush hour traffic problem or should we aim higher and attempt to attract riders out of their cars for other kinds of trips as well? What are the relative costs of either strategy?

Whatever the final answers to these fundamental and difficult questions, the St. Paul Pioneer Press in a recent editorial put their finger on a key consideration. They say:

> One way to make mass transit more popular is to make traveling by auto less attractive, particularly for commuters. A better scheme would be to devise a mass transit system that is as attractive as commuting by car.

I suspect this is the key to winning public support for new and expanded mass transit systems.

The editorial follows:

ROADBUILDER'S DREAM

At a nice round price of $100,000 a consulting firm has developed for the Metropolitan Council a Twin Cities area transportation plan that calls for a future system of mass transit relying solely on buses operated on a street-highway grid system (including freeways). It is difficult to see how this plan differs much from the transportation system that now exists.

The consulting firm proposal calls for 227 miles of new highways and completion of the 466-mile freeway system the state highway department has planned for the metro area. As St. Paul Mayor Lawrence Cohen has so aptly described the proposal, it is a "highway builder's dream."

The present transportation system of the Twin Cities is one of buses, streets and highways. The only problem is that most people who have an alternative will not ride the buses, preferring to pay the considerable extra expense of commuting by automobile in exchange for the added convenience of a personal vehicle. Of course, much of this convenience is provided by the tearing down of homes, commercial buildings, trees and parks to make way for ever-wider strips of concrete.

Along with these concrete ribbons come air pollution, noise pollution and the permanent division of many traditional residential communities. More of the downtown area is devoted to the parking of automobiles, forcing more retail shops out of the loop and into the suburbs. The city becomes a ghost town after the evening traffic jams break up.

It seems preposterous that anybody or any firm claiming to have expertise in transportation planning would suggest an urban-area transportation plan calling for even more highways that will certainly mean the loss of more homes, buildings, trees and parks. New highways will only make travel by automobile more attractive and pollution levels will climb.

One way to make mass transit more popular is to make traveling by auto less attractive, particularly for commuters. A better scheme would be to devise a mass transit system that is as attractive as commuting by car.

CONFERRING OF HONORARY DEGREE UPON FRED B. ROONEY

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GREEN of Pennsylvania. Mr. Speaker, occasionally one of our colleagues is honored in such a way that we like to share his happy achievements with all the Members of the Congress, as well as his good friends in his district. I speak of Congressman FRED B. ROONEY, who has just been awarded an honorary doctor of laws degree by Moravian College.

As a Congressman from Pennsylvania, I have worked closely with the Honorable FRED ROONEY, 15th District of Pennsylvania, on matters of mutual concern to our constituents, and I have been impressed with Congressman ROONEY's relentless devotion, dedication, and sensitivity to the needs of his districts. The role of a Congressman and a lawmaker frequently involves a balancing of national against local needs. Congressman ROONEY has a unique ability to satisfactorily resolve these frequently conflicting needs. Moravian College has recognized this unique ability and has appropriately awarded Mr. ROONEY an honorary doctor of laws degree.

MORAVIAN COLLEGE COMMENCEMENT—CITATION BY ROBERT P. SNYDER, MAY 28, 1972

President Collier, I present for special honor the Honorable Fred B. Rooney, Congressman from the 15th District of Pennsylvania, and close friend of this institution.

It is the awesome responsibility of 435 individuals to represent 200,000,000 fellow Americans in the Congress of the United States. Each Representative must give special concern to the needs, if not the wants, of the residents of his district while keeping paramount the total welfare of the people of this nation and of the world. Congressman Rooney has succeeded in both.

At a time when there is widespread alienation throughout our land and a feeling that government is remote, Congressman Rooney is known for the attention he willingly gives to a wide range of requests from the half million residents of the 15th District.

His concern for the immediate needs of his constituents is not at the expense of judgment devoted to national concerns. Discussion of the great issues of our times are many-sided. Yet, when a congressman finally votes on each of the 1,000 bills which reach the floor annually, his final legislative response must be yea or nay, often in the face of conflicting, strident pleas of special interest groups.

Congressman Rooney has initiated substantial health and consumer legislation, including the establishment of the National Eye Institute for research into the causes of blindness, and laws prohibiting deceptive sales practices.

A native son of Bethlehem, a devoted father, a man who has served Northampton County in the State Senate, a man who has been reelected to Congress four times, and a man who paces the sidelines with Moravian's coaches at Steel Field, I am happy to present the Honorable Fred B. Rooney, Representative of the 15th Congressional District, for the degree, Doctor of Laws.

AID FAILURE PROPHECY COMES TRUE—LAOS NOW; CAMBODIA, VIETNAM NEXT?

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MOORHEAD. Mr. Speaker, as chairman of the Foreign Operations and Government Information Subcommittee, I was dismayed greatly to read an article entitled "Fraud Seen on Aid to Laos," which appeared in the Washington Evening Star, Tuesday, June 13. The article described the failure of the foreign exchange operations fund set up under the auspices of the U.S. foreign aid program. Similar funds are in process for Cambodia and South Vietnam.

The House Committee on Government Operations warned in a report to this body December 8, 1971, that the United States was headed for trouble in giving unrestricted cash grants to programs such as the one in Laos. The advice went unheeded and, as a result, the U.S. aid program in Laos is a failure. Will history repeat itself in Cambodia and Vietnam?

The following article and the conclusions and recommendations of our report last December may even be of interest to Henry Kissinger when be gets back to Washington:

FRAUD SEEN ON AID TO LAOS

(By Tammy Arbuckle)

VIENTIANE.—American and other economic sources here condemn the agreement with Laos which the United States is expected to sign this week contributing $16.1 million in U.S. funds to the foreign exchange operations fund whose ostensible purpose is to stabilize the Lao monetary unit the kip.

"Fraud and corruptions and the inability of the Lao government to impose any economic measures and cooperate with the donor nations have made the Foreign Exchange Operations Fund (FEOF) meaningless and unworkable," official economic sources said. "The money put into FEOF is not stabilizing the economy nor is it contributing to Laos economic development."

FEOF is a money changing operation which makes dollars available to Laos importers at a set price of 605 kip for one U.S. dollar. American and other western economic sources describe the operation as one in which some 800 importers and a few politically important Lao families can change their kip profits into dollars and stash them away in Swiss and other bank accounts, courtesy of the U.S. taxpayer.

PRICE UNSTABLE

American and other economists here made the following points arguing that FEOF should be scrapped. Prices in Laos are no longer stable. Meat for example has jumped in price by 100 percent from 1.10 per kilo to $2.20 per kilo, making it an impossible purchase for the average Lao. Other commodities such as milk, sugar, chicken, duck and some types of rice are in the same state. Whenever the Lao government attempts to investigate, prices come down but food is hidden and hoarded and becomes unavailable.

Price figures put before the Moorhead House subcommittee on government operations by U.S. aid claiming prices in Laos have risen only 8 percent in the last eight years are spurious. They were challenged by this reporter who did his own pricing in Laos markets using Lao housewives.

PROFITEERING INCREASES

Other points made by economists are: Pegging the dollar at 605 has not led to food being made available to the consumer on a cheaper basis. It has only led to blatant profiteering by local merchants.

Merchants do this through a thriving black market for dollars which has begun in Vientiane. They import at 605 and peg their price at the black market rate of 820 to $1.

The Lao government is totally unable to impose price controls and there is no way of preventing this. Foodstuffs produced in Laos are even pegged at black market rates although they are not economically linked to the dollar as they are not imports.

Economists also make these points: FEOF dollars are not soaking up excess kip as they were designed to do. This is because the Lao government has failed to impose any fiscal discipline on itself. Its budget deficit is 15 billion kip and getting bigger every year because it continues to hire more and more civil servants which it does not need, is forced by rising prices to give salary increases making more kip available, and economic sources allege is surreptitiously printing more kip.

These sources said two Britannia planes arrived in Vientiane a few weeks ago with cargos of newly printed kip notes from Singapore.

NEED IS INCREASING

There is no evidence available that the Lao government has destroyed the old kip in equivalent amounts. To make matters worse the Lao government has slashed import duties against U.S. advice, making its revenues less, its deficit greater, and therefore its need for more FEOF funds greater.

At one point this year Laos made FEOP dollar available for travelers. Merchants jumped at this dollar source. Overnight whole families claimed to be going abroad. Bank officials said they received 50 or 60 application forms all in the same handwriting. Couriers were employed to take cases full of passports across Mekong to Thailand to get them stamped by Thai officials to show applicants really travelled although in fact the merchants remained in Vientiane.

Top U.S. aid officials such as U.S. aid director Charles Mann still defend FEOF. These officials claim they are plugging holes which the Moorhead committee complained about in 1971. They say Laos is paying toward FEOF now to the tune of $2 million and that new documentation will eliminate the capital flight of FEOF dollars from Laos. In fact in their haste to make things work, though no FEOF agreement has been signed. the U.S. has already given Laos $7 million through 'letters of intent' as a U.S. promise to sign agreements.

U.S. CLAIMS DERIDED

Other American aid officials and diplomats from other donor nations (Britain, Japan, France, Australia, but the U.S. contributes 75 percent of the FEOF total) laugh at U.S. aid claims. The Lao contribution is in special drawing rights from the International Monetary Fund to which the U.S. indirectly contributed and no amount of documentations in Laos can stop fraud because top Lao officials including cabinet ministers and National assembly deputies are in league with Chinese and Vietnamese merchants who run the country's economy. "Look how FEOF got into this mess," they say.

The International Monetary Fund planned to devalue the kip but the plan was leaked by the Lao government. There was a run on FEOF leaving it $3 million short in 1971 as the Chinese and Lao chased dollars before devaluation could take place.

FAMILY ACCUSED

The same thing happened again in 1972 to a lesser extent and FEOF is expected to be at least $3.5 million short this fiscal year, an amount which U.S. aid officials are likely to try to take out of fiscal 1973.

Economists allege the powerful Lao family, the Sananikone, are deeply involved in the whole FEOF fraud.

During earlier attempts by U.S. AID at documentation a Sananikone family member, it is alleged, took kickbacks totalling $750,000 from Chinese merchants applying for imports in his capacity of a Lao government official.

The merchants have dreamed up a new swindle on forthcoming FEOF money, a western diplomat said. Although they are applying for FEOF money for imports they have no intention of doing any importing.

Informed sources in merchant circles say warehouses are full of imported goods boarded over the last three years. The merchants intend to pass off these goods with Lao customs collusion as fresh imports to substantiate their demand for FEOF dollars. This means the next lot of FEOF money will end up in Swiss and other bank accounts having been procured in exchange for the kip profit on the old goods.

Sources here say the list of fraud, corruption, greed and mismanagement in connection with FOEF funds is endless and easy to find in this small community.

Why then do U.S. aid officials insist on throwing away the American taxpayers' money when they know it's not going to benefit the Lao man in the street and is not going to stabilize the country's economy?

CALLED POLITICAL

"It is just a gigantic political payoff," said one bitter American official tired of his superiors' policies. "The embassy is pushing Charlie Mann to get this economic thing settled. They think that if the economic crisis worsens Souvanna (Phouma, Laos' premier) will fall.

"The Sanaikones have been criticizing him in the assembly over the economy and the embassy feels that if we clip their wings, particularly their ability to change their kip profits from their financial concerns into dollars then they'll push Souvanna and there could be a right wing coup."

Other western diplomats back this allegation. But both they and disgruntled U.S. officials say they have no faith in this theory.

"If FEOF is stopped the kip will jump to 8,000 to one dollar," a diplomat said. "That will soak up all this excess kip and the Chinese profiteers will leave. The imports of luxury items like cars, whiskey and perfumes would have to stop. There's nothing the Lao could do about it. They need all that U.S.

military aid too much. The assembly and the government are blaming the U.S. for this crisis. We are not even getting any political mileage for our money."

The following are the conclusions and recommendations of the December 8, 1971, report on Laos by the House Committee on Government Operations based on a study conducted by its Foreign Operations and Government Information Subcommittee:

VI. PROGRAM OVERHAUL NEEDED

CONCLUSIONS

U.S. Government programs designed to stabilize the Lao economy over the past 15 years have been basically uneconomical for the United States and have promoted rather than curtailed fraud and corruption. The value of the Lao currency has been maintained, in recent years, not by any true measure of monetary stability in Laos but simply by foreign aid donors to Laos, mostly the United States, artificially controlling the Lao currency market by buying and selling kip at a fixed price. If the exchange rate rises, kip is bought, if the rate declines, kip is sold back into the Lao money market. Stabilization of the kip is as simple and artificial as that.

The system has provided an excellent vehicle for the Lao importers to import luxury goods for sale, at sizable profits, in Laos, Thailand, and Cambodia. As Lao officials were able to acquire kip, they were able to convert it to hard currency and transfer it to accounts in other more secure countries. Without such convertibility—which is mostly financed by the United States—the kip would hardly have been worth acquiring.

If we are to help the Lao people, a major overhaul of our aid program for Laos is necessary beyond any doubt. Competent personnel need to be assigned. They will need to be thoroughly versed in the shortcomings of the economy and efficiency of our previous programs in Laos and will need to take a realistic approach if we are ever to be successful in our foreign assistance programs for Laos. AID officials in Washington will need to constantly monitor the Laos program to prevent slippage.

Our foreign assistance programs for Laos have contained all the elements needed but our excessive generosity has precluded any real and lasting success. Where a shopping bag was needed, we sent a truck load.

U.S. Government programs for Laos provide food and equipment for the Lao military. Other U.S. programs provide essential government services, such as agricultural development, education, health care, and road maintenance. Still other U.S. programs provide full support in the form of food, clothing, and shelter for Lao refugees. Yet, in addition to all this, we have also saddled the U.S. taxpayers with multi-million-dollar "stabilization" programs to support the monetized sector of Laos, which consists of no more than a half million people. The Lao stabilization programs may have been more successful had they been more limited in size, more efficiently administered, and more firmly coupled with stringent RLG fiscal and monetary controls. Most of the Lao people have not benefited from these programs, only a wealthy few. If our AID program in Laos is to be economical and efficient, it simply must be brought under control. Determinations need to be made as to kind and amounts of commodities actually needed by the Lao monetized sector—and these commodities need to be supplied from U.S. sources. Controls needs to be established to insure that the economic assistance financed by the U.S. taxpayers is properly utilized and benefits the Lao people generally rather than only a selected few. If fraud and corruption cannot be prevented, then there simply is no basis for a U.S.-financed program.

It is relatively obvious that our partners have never really bought the FEOF stabilization program. As the costs of the Foreign Exchange Operations Fund skyrocketed, our partners have not been willing to increase their contributions; the U.S. taxpayers picked up the tab for the additional input into the fund. Nor has there ever been adequate information or controls to insure the efficient and economical use of the U.S. taxpayers' gifts to the monetized sector of Laos.

From a U.S. Government viewpoint, the beneficial aspects of the FEOF program in proviidng a degree of economic stability may have been outweighed by the lack of effective controls—leading to the importation of nonessential luxury goods, capital flight, and the acquisition of dollars by Communists.

France, for all practical purposes, has been using FEOF to acquire the kip needed for its local expenses in Laos. Japan has reserved its kip being acquired through FEOF for future uses and has indicated that it will not increase its contributions to FEOF. Australia and the United Kingdom are—in all probability—also looking for ways to gracefully rid themselves of FEOF. Action to establish a properly controlled program is long past due.

Unrestricted cash grant programs of the types funded by the United States in Laos are uncontrollable and lack assurance that the foreign assistance is efficiently and economically used and, therefore, deserve little consideration in our foreign assistance program. Every grant or loan given by the U.S. Government should clearly be for a specific and definite purpose and adequate controls should be established to insure that the U.S. taxpayers' money is specifically used for the intended purpose. Anything less than this is an open invitation to fraud and corruption.

It's been said[1] before that "this type of administration of this (AID's) program is making us look utterly foolish in the eyes of friend and foe alike."

RECOMMENDATIONS

1. The United States, in assisting Laos to achieve stability, security and development, must devise programs which are far more effective and economical than those of the past. There is a need to develop programs which assure the Laotian people a supply of essential commodities necessary for maintaining a reasonable standard of living, but without facilitating smuggling, corruption, or the importation of nonessential goods. There is a need to develop fiscal and monetary stability, including the imposition of an adequate tax structure and a realistic exchange rate, while preventing the misuse of foreign exchange or an unacceptable burden on the U.S. payments balance. There is a need to assist in the planned development of the Laotian economy, in cooperation with other developed nations, while sharing equitably in the award of sponsored projects and in the supply of goods. Finally, there is a need to establish effective controls and restrictions to asure that the programs so established are working according to plan—something unachieved to date.

To accomplish the above, it is essential that far more information be obtained about the workings of the Laotian economy and society, about consumption habits, about types and quantities of commodities required, and about many other necessary factors. Too often in the past, the United States has been operating in the dark in Laos and has made serious mistakes as a consequence. Neither a commodity import program nor a foreign exchange stabilization program nor a cash grant program has proved satisfactory. The fact is that no acceptable solution has yet been found. In the meantime, the U.S. taxpayers have been subjected to an unfair burden. There is a vital need for AID to initiate studies immediately and intensively with other U.S. agencies, the International Monetary Fund, other international agencies, and with other nations to develop programs that will assist the Laotians in achieving their goals and objectives, but in keeping with the economic needs of the United States.

For almost two decades, U.S. financial assistance has been misused in Laos. The American taxpayers have grown tired and disgusted in seeing their money spent in Laos on nonessentials, luxuries, hoarding, and corruption. AID must assign highly competent personnel under top priority status to develop and recommend to the Congress—within 90 days—new programs which will accomplish the goals and objectives outlined above with regard to U.S. assistance efforts in Laos.

2. AID must press for a satisfactory conclusion to negotiation of fair and equitable freight rates for commodities transported through Thailand to Laos. AID should also conduct appropriate cost audits to insure proper freight charges. If this matter cannot be satisfactorily negotiated—now—with the Thai Government, consideration should be given to making appropriate reductions in U.S. economic assistance to Thailand.

3. AID should also insure that commodities provided for construction of the Nam Ngum Dam in Laos are fairly priced. As the U.S. Government provides 50 percent of the $30 million required for construction of this dam, it is imperative that AID insure that the funding provided is properly spent.

4. The Committee on Government Operations further suggests that the Foreign Assistance Authorization and Appropriation Committees of both the House and Senate consider amendments to Foreign Assistance Authorization and Appropriation Acts specifically prohibiting the use of unrestricted cash grants except in those instances where specifically and separately authorized by the Congress.

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[1] Representative John J. Flynt, Jr. Hearings on "Foreign Operations Appropriations for 1964," p. 269.

BILL TO ELIMINATE TAX-LOSS FARMING

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BERGLAND. Mr. Speaker, today I introduced a bill to amend the Internal Revenue Code and prohibit persons who are not bona fide farmers from using losses incurred in their farming operations as an offset to income from other sources. This bill would affect 14,000 persons who are claiming substantial losses on this hobby farming and would produce an estimated $205 million in new revenue.

While $205 million in tax revenues will not solve the fiscal crisis in the Federal budget, if added to other tax reform measures pending in Congress, it will go a long way in closing the budget gap. In addition to the revenue consideration I think it is high time the taxpayers stop subsidizing these millionaire playboys. Theses individuals buy farms, operate them at a loss and then charge off the loss—giving them an unfair advantage over the hundreds of thousands of family farmers who are struggling to make ends meet.

If some corporation or wealthy person persists in farming for a hobby under the terms of this bill, they will pay for their fun out of their income after taxes. Income tax records indicate millionaires are notoriously bad farmers with nearly all who farm reporting a loss.

Since I believe this bill to be of major importance to the family farm community, I am including the text for the RECORD:

H.R. 15549

A bill to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Farm Tax Reform Act of 1972".

(b) AMENDMENT OF CODE.— Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"SEC. 280. LIMITATION ON DEDUCTIONS ATTRIBUTABLE TO FARMING.

"(a) GENERAL RULE.—In the case of a taxpayer engaged in the business of farming, the deductions attributable to such business which, but for this section, would be allowable under this chapter for the taxable year shall not exceed the sum of—

"(1) the gross income derived from the business of farming for such taxable year, and

"(2) in the case of an individual, the higher of (A) $15,000, plus one-half of the amount by which the excess of the aggregate of the deductions attributable to such business over the gross income derived from such business for the taxable year exceeds $15,000, or (B) the amount of the special deductions (as defined in subsection (e)(2)) for the taxable year, or

"(3) in the case of any other taxpayer, the higher of (A) one-half of the excess of the aggregate of the deductions attributable to such business over the gross income derived from such business for the taxable year, or (B) the amount of the special deductions for the taxable year.

For purposes of this subsection, an individual does not include a trust.

"(b) MARRIED INDIVIDUALS.—In the case of a husband and wife who file a separate return, the $15,000 amount specified in subsection (a)(2) shall be $7,500. The preceding sentence shall not apply if the spouse of the taxpayer does not have any income or deductions attributable to the business of farming for the taxable year.

"(c) EXCEPTION FOR TAXPAYERS USING CERTAIN ACCOUNTING METHODS.—

"(1) IN GENERAL.—Subsection (a) shall not apply to a taxpayer who elects to compute taxable income from farming (A) by using inventories, and (B) by charging to capital account all expenditures paid or incurred which are properly chargeable to capital account (including such expenditures which the taxpayer may, under this chapter or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account).

"(2) TIME, MANNER, AND EFFECT OF ELECTION.—An election under paragraph (1) for any taxable year shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year, and shall be made and filed in such manner as the Secretary or his delegate shall prescribe by regulations. Such election shall be binding on the taxpayer for such taxable year and for all subsequent taxable years and may not be revoked except with the consent of the Secretary or his delegate.

"(3) CHANGE OF METHOD OF ACCOUNTING, ETC.—If, in order to comply with the election made under paragraph (1), a taxpayer changes his method of accounting in computing taxable income from the business of farming, such change shall be treated as having been made with the consent of the Secretary or his delegate and for purposes of section 481(a)(2) shall be treated as a change not initiated by the taxpayer.

"(d) CARRYOVER OF FARM OPERATING LOSSES.—The amount not allowed as deductions by reason of subsection (a) for any taxable year shall be treated as a deduction attributable to the business of farming for each succeeding taxable year (to the extent not allowed as a deduction under this subsection for any prior taxable year), except that the amount so treated shall be allowable as a deduction for any such succeeding taxable year only in an amount not to exceed one-half of the excess of—

"(1) the gross income derived from the business of farming for such succeeding taxable year, over

"(2) the deductions allowable by this chapter (computed without regard to this subsection) for such succeeding taxable year which are attributable to the business of farming.

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) NONFARM ADJUSTED GROSS INCOME.—The term 'nonfarm adjusted gross income' means adjusted gross income computed without regard to income and deductions attributable to the business of farming.

"(2) SPECIAL DEDUCTIONS.—The term 'special deductions' means the deductions allowable under this chapter which are attributable to the business of farming and which are attributable to—

"(A) taxes,

"(B) interest,

"(C) losses arising from fire, storm, or other casualty, or from abandonment or theft,

"(D) losses and expenses directly attributable to drought, and

"(E) recognized losses from sales, exchanges, and involuntary conversions.

"(3) INCOME AND DEDUCTIONS.—The determination of whether any item of income is derived from the business of farming and whether any deduction is attributable to the business of farming shall be made under regulations prescribed by the Secretary or his delegate, but (except for purposes of paragraph (1)) gains or losses which for the taxable year are treated under section 1231 (a) (after the application of section 1245) as gains and losses from sales or exchanges of capital assets held for more than 6 months shall not be taken into account.

"(4) BUSINESS OF FARMING.—

"(A) HORSE RACING.—In the case of a taxpayer engaged in the raising of horses, the business of farming includes the racing of horses.

"(B) SEVERAL BUSINESSES OF FARMING.—If a taxpayer is engaged in more than one business of farming, all such businesses shall be treated as one business.

"(C) RELATED INTEGRATED BUSINESSES.—If a taxpayer is engaged in the business of farming and is also engaged in one or more businesses which are directly related to his business of farming and are conducted on an integrated basis with his business of farming, the taxpayer may elect to treat all such businesses as a single business of farming. An election under this paragraph shall be made in such manner, at such time, and subject to such conditions as the Secretary or his delegate may prescribe by regulations.

"(5) PARTNERSHIPS.—A business of farming carried on by a partnership shall be treated as carried on by the members of such partnership in proportion to their interest in such partnership."

(c) Repeal of Farm Loss Recapture Provision.—

(1) Section 1251(b)(2)(A) of such Code is amended by inserting after "taxable year" the following: "(other than a taxable year beginning after the date of the enactment of the Farm Tax Reform Act of 1972)".

(2) Section 1251(b)(3)(A) of such Code is amended by striking out "an amount equal" and inserting in lieu thereof: "with respect to taxable years other than taxable years beginning after the date of the enactment of the Farm Tax Reform Act of 1972, an amount equal".

(3) Section 1251 of such Code is amended by adding at the end thereof the following new subsection: "(f) Cross Reference.—

"For limitation on deductions attributable to farming applicable to taxable years beginning after the date of the enactment of the Farm Tax Reform Act of 1972, see section 280."

(d) CLERICAL AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"SEC. 280. LIMITATION ON DEDUCTIONS ATTRIBUTABLE TO FARMING"

(e) EFFECTIVE DATE.—The amendments made by subsection (b) of this section shall apply only to taxable years beginning after the date of the enactment of this Act.

THE EAST BERLIN REVOLT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. DERWINSKI. Mr. Speaker, next Saturday will be the 19th anniversary of the revolt in East Berlin, when tens of thousands of Germans rose in protest against their Communist oppressors.

A recital of the causes for the uprising shows that events in East Germany followed an all too familiar pattern: Intensified persecution of the churches, near-starvation brought on by serious food shortages which were sure to worsen before the grain and potato harvests, collectivization of agriculture, and takeover of factories, the last being aggravated by increases in production norms.

The revolt of June 17, 1953, was set in motion on the previous day, when construction workers on the Stalinallee project, in what was apparently a spontaneous action, threw down their tools and marched through the city in protest against the increased production quotas that had been ordered. The higher norms were revoked as a result of the protest meeting that the workers staged at the government buildings.

The revolt spread on June 17, when what amounted to a general strike took place in East Berlin and strikers seized the factories. Thousands of the city's residents demonstrated in the streets, took over government buildings, jails, banks, and police stations. The Soviet authorities rushed army tanks to the city to help restore order, declared martial law, and imposed a curfew. At least 17 Soviet divisions were required to maintain martial law.

On the 18th, the strikes spread to the East German uranium and coal mines. Sixteen people were killed, hundreds injured, and thousands arrested before the lifting of the state of siege in East Berlin on July 9. Martial law ended 3 days later.

As embarrassing as the uprising was to the tyrants in the Kremlin, even more humiliating to the Soviet leaders was the feeding of hungry East Berliners by their fellow Germans in the American sector. West Berliners began providing food on July 14 and the American authorities followed suit on the 27th.

The Soviet Union was requested to permit the United States to deliver $15,000,000 worth of American food for free distribution in East Germany. When permission was refused, the food was made available in West Berlin. By August 2, a million parcels of food had been distributed to hungry East Germans and the free world had won a tremendous propaganda victory through its humanitarianism.

Mr. Speaker, how ironic that the protest of June 17, 1953, was organized and carried out by the working classes, the very people for whom the Communists presume to speak. How ironic that a great agricultural nation such as the Soviet Union was unable to feed the inhabitants of East Germany. How ironic that the Iron Curtain in the form of the Berlin Wall that now separates the two sections of Berlin was erected, not to keep outsiders from entering the People's Paradise, but to keep insiders from leaving.

PRAYER FOR LITHUANIANS

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. WHALEN. Mr. Speaker, it is with deep regret and sympathy that I view the most recent tragedy in the long Lithuanian struggle to free herself from religious and political oppression. I refer to the recent death by self-immolation of a young Roman Catholic man in the Lihtuanian city of Kaunas.

I therefore join today with Americans of Lithuanian origin on this national day of mourning and prayer for the plight of the Lithuanian nation, so declared by the Lithuanian-American Community and the Roman Catholic Churches of America.

Unhappily, June also marks the 22d anniversary of the Soviet Union's forceful occupation of Lithuania. Since that day in 1940, the problems of religious persecution and political repression in Lithuania have continued to mount.

The Lithuanian people have demonstrated that they will not let themselves and their natural right to freedom of expression be forgotten by the rest of the free world. We have seen their determination to resist tyranny in the massive petitions that have been signed and sent by Lithuanian-Americans to the President, by the extensive petitions submitted by their native countrymen to the United Nations and the Communist Party leaders themselves, and by the repeated protests in that country.

As citizens of a nation dedicated to the ideal of freedom American's pray that one day the people of Lithuania will also regain the freedoms that are rightfully theirs. Along with this hope, we also share the sorrow that all Lithuanians feel today following the recent tragedies in their country.

THE DEFEATISTS ARE AT IT AGAIN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BOB WILSON. Mr. Speaker, I am pleased to share with my House colleagues a recent speech by Richard G. Capen, Jr., vice president, Copley Newspapers, La Jolla, Calif., before the District Convention, Lions International, San Diego, on May 26. I heartily recommend this excellent commentary to the thoughtful review of the recent crop of newly "converted" doves.

The speech follows:

THE DEFEATISTS ARE AT IT AGAIN!

(By Richard G. Capen, Jr.)

Events of the past few days have moved the world's two great powers a few steps closer to President Nixon's goal of building a generation of peace. The President's statesmanlike leadership during the substantive talks in Moscow can be a source of pride for all Americans.

We now have a major understanding to halt the arms race. We have treaties with the Soviets on conquering pollution and disease. A joint Soviet-United States space effort is planned by 1975. An agreement has been reached to reduce incidents at sea.

Through the spirit of negotiations, an outbreak of war has been averted in the Middle East. The access to Berlin has been reestablished. A treaty involving the use of the world's seabeds has been developed and we have renewed a dialogue with the more than 800 million people of Mainland China.

Regrettably, our desire to negotiate differences has not led to an end of the war in South Viet Nam. But that has not been due to any lack of effort or reasonableness on the part of the Nixon Administration. Rather, our initiatives toward an honorable settlement have been met with only obstinate, negative response from the enemy.

Today it's a new ball game in Viet Nam. It's a new game because the North Vietnamese have made it so, not the United States. The enemy has violated the demilitarized zone. They have rocketed population areas. They have killed more than 20,000 civilians in the past two months alone.

To invade South Viet Nam, the enemy has committed virtually all of its combat forces—12 of 13 divisions. Their goal has been to choke off South Viet Nam's freedom at all cost. The North Vietnamese have undertaken this massive effort in clear violation of international accords and understandings which they themselves agreed to follow.

Despite these facts, the American defeatists are at it again.

They have called The President's decision reckless, foolish and irresponsible. They were convinced that the Moscow talks would be sabotaged, that the Red Chinese would be forced to intercede. To hear these defeatists talk, one would think that the North Vietnamese invasion was our fault instead of the other way around.

Some of these critics, I am convinced, would rather see America defeated than support any responsible means for extricating this country from a long and frustrating war.

In the frantic search for expedient solutions, they have openly supported resolutions which would tie The President's hands as he withdraws from Viet Nam. Yet, several years ago they were giving full approval to decisions that got us into Viet Nam.

Today, they favor resolutions to condemn President Nixon for seeking to stop the enemy's aggression, but they direct not one single word of criticism against the enemy that started that aggression. Some have gone so far as to believe enemy propaganda while deliberately refusing to accept statements by our own government.

Now these defeatists are seeking to cover up their own errors, and the mistakes of earlier administrations, by labeling this battle "Nixon's War." It's a simple matter for them to criticize their country's current military initiatives. After all, they have no responsibility for the consequences of such casual words. Nor would they be accountable for the loss of credibility in our nation's commitments around the globe should we desert South Viet Nam at this, their most critical, moment.

Some critics have built their entire political career on platforms of obstructionism. They have placed their political interest first and their country's interest last. They have expressed moral indignation when it was convenient to do so.

They have generated the impression that there would be no war in the world if the United States were not in Viet Nam. They have naively convinced others that once the last American soldier was out of Viet Nam, that there would be peace in the world. Do they really believe that settling the war in Viet Nam will settle the war in Ireland? Or the war in the Middle East? Or the confrontation in India and Pakistan? Or the dispute along the Chinese-Russian borders?

No, Catholics and Protestants, Arabs and Jews, Hindus and Moselms and Russians and Chinese have battled for hundreds of years. It's not likely to stop soon. This, of course, is regrettable, but, I cannot really believe that restoring peace in Southeast Asia will restore peace in the world.

Because it's a new ball game today in Viet Nam, I believe it is essential to place recent developments in proper perspective. One cannot do so without taking stock of what has occurred in the past three and one-half years.

In my opinion, President Nixon has shown incredible restraint in the face of irresponsible criticism by those who run away from their responsibility for past actions by seeking to saddle others with the consequences of these actions.

Today, from the privacy of Washington offices, a former Defense Secretary and a former U.S. negotiator in Paris have all the answers for getting America out of Viet Nam—now. But, where were those ready solutions when these former officials were in positions to act? These were the people who got our country into a war they could neither win nor end. That, in a sentence, is the sad legacy President Nixon inherited when he assumed office.

Since January 1969, conditions have changed substantially through President Nixon s leadership and through his Vietnamization program. It was not President Nixon who sent 550,000 Americans to Viet Nam. He has brought 500,000 home.

It was not President Nixon who was in office when as many as 500 Americans were being killed each week. Under his administration, combat deaths have been reduced by more than 95%. And I might add that those low levels have been maintained despite the current intensity of ground combat in South Viet Nam.

When the Nixon Administration took office, American troops were handling ground combat. In fact, there was no authorized plan whatsoever for turning that combat role over to our allies. Today, the South Vietnamese have that responsibility and they are doing amazingly well. Sure, they are not winning every battle, but no one ever predicted they would.

In short, Vietnamization is working. We have provided the equipment. We have helped to train South Vietnamese forces, and we have assisted with air and naval support as necessary. As a result, substantial numbers of Americans have been withdrawn. Do you realize that there are fewer Americans in Viet Nam today than there were Americans in Korea when President Nixon took office in 1969. It took 10 to 15 years for the Koreans to take over their own internal security responsibilities. But the South Vietnamese have been forced to assume that responsibility in less than three years. I think they have come a long way.

Three and one-half years ago, there was no comprehensive peace plan for ending the war in Viet Nam. That, too, has all changed. Through secret initiatives and public talks in Paris, The President has sought every reasonable avenue for ending the conflict through negotiations. But the enemy has balked every step of the way, greeting each peace offer with insult and escalation of the war.

I don't see how anyone can possibly criticize The President for failing to do all that was humanly possible to end the conflict. He has offered every reasonable alternative to Hanoi. Even while negotiating—as frustrating as that was—he proceeded to withdraw thousands and thousands of Americans despite any visible progress in Paris.

Today, not only has The President decided to stand up against the enemy's blatant aggression, but he also has made it clear that the North Vietnamese will have to prove their sincerity to negotiate before such talks are resumed. In the meantime, their war-making capacity is being destroyed. It is being destroyed rapidly and effectively.

Overlooked in the dramatic announcement to mine the harbors of North Viet Nam and to step up our bombing of military and strategic targets has been the significant negotiating move made by this country.

That involves our proposal to withdraw all U.S. forces from Viet Nam within four months after American prisoners of war are released and after an internationally supervised cease fire has begun. There are no commitments for linking our withdrawal to the progress of Vietnamization. There are no commitments linking our agreement to the stability of the South Vietnamese government. In short, it is about the most liberal peace plan anyone—most of all the enemy—could hope to expect.

Even the Senate Doves should be able to support this proposal, but I sometimes think that they are more concerned about defeating the Communists than protecting the South Vietnamese.

Fortunately, I feel that most Americans understand what has been accomplished to date and realize what is now at stake. They respect The President's efforts. They recognize that he has taken every possible public and private step to end our involvement. And they know that it is the enemy—not the United States—that is responsible for the current actions in Viet Nam.

Public support from a majority of Americans has come through clearly. It has been seen in the thousands of letters and telegrams to The White House and Congress. It has been seen in the Gallup poll indicating that 74% of the American public supports The President's efforts toward building peace. It has been seen in the Harris poll showing that 59% endorse The President's decision to mine the enemy's harbors.

It has also been seen in the low level of protest around the country. Sure, there have been some riots and demonstrations, but there always will be regardless of the issue. Those who carry the Viet Cong flag today will carry another banner tomorrow. But you can be sure that their banners will urge the destruction of America not the improvement of it!

If there is to be a negotiated settlement, the time is now. In the meantime, The President has asked for the support of a unified nation. I believe he deserves that support and I believe, for the most part, he is receiving it.

Today this nation has a new direction. The Peking trip has dramatized that fact. The substantive agreements in Moscow have dramatized that fact.

Hopefully, the world can arrive at a point when its leaders can safely discuss and resolve mutual problems. If so, we will truly be moving toward our nation's goal of a generation of peace.

"HAWAIIAN" MEANS MORE THAN BLOOD AND SKIN, SAYS DAVID K. TRASK, IN NOTING EVOLVING ETHNIC RELATIONSHIPS IN THE 50TH STATE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. MATSUNAGA. Mr. Speaker, over the years, peoples of many different races, nationalities, and creeds have made Hawaii their home. To a large extent, they adopted the island culture; they also saw some of their own beliefs and customs adopted by earlier immigrants. This process of integration has been so successful that our late, beloved President John F. Kennedy selected Hawaii as the site of his first major civil rights address. Pointing to Hawaii's outstanding achievements in race relations, President Kennedy on June 9, 1963, in Honolulu, urged the Nation to emulate its youngest State.

The most thoughtful of Hawaii's citizens, while recognizing Hawaii's position of leadership, realize that relations between the varying peoples of the island State are still evolving. While great progress has been made, there is room for improvement—a fact which is illustrated by recent reports of ethnic tension between the descendents of the earliest Hawaiians and the descendents of later immigrants.

These problems have raised serious questions in the minds of thinking Hawaiians: Can we preserve our racial and ethnic harmony and still allow each individual to fully develop his own ethnic identity? Can we have a harmonious society composed of individuals from many different cultures and races? Can an individual of Japanese, Chinese, Filipino, or Caucasian ancestry be a "true Hawaiian"?

These questions and others were raised at the recent annual convention of the Hawaiian Civic Clubs in Honolulu, Hawaii, by Matsuo Takabuki, a distinguished attorney and trustee of the Bishop Estate. Mr. Takabuki, who is of Japanese ancestry, urged members of the Hawaiian Civic Clubs to seek a balance whereby they can maintain their ethnic identity and still function as members of a larger society.

In introducing Mr. Takabuki, Mr. David Trask, a member of an old and highly respected Hawaiian family, and the retiring president of the organization of Hawaiian Civic Clubs, sought to define a "true Hawaiian." Mr. Trask eloquently reminded his fellow Hawaiians that "'Hawaiian' means more than blood and skin."

With the thought that my colleagues will find both speeches inspiring and thought provoking, I am submitting them for inclusion in today's RECORD:

A SPEECH BY MATSUO TAKABUKI

When I was first approached to address you, I had mixed feelings, but I consulted a friend whose judgment I valued, and he encouraged me to accept it.

So I am here this morning.

For many years I have avoided making a speech, and I was contented because it was the way I wanted it.

For many years I was out of the "glass-bowl of public glare"—permanently retired from the public sector—to live within a fence of privacy for myself and my family, and it was a lifestyle more to our liking. I enjoyed what I was doing in my particular fields of interests, being adequately compensated for my work with people I knew who entrusted me with such work.

But eight months ago I was thrust into the center of a stage of raging controversy within our community, and but for one public statement, I refrained from making any other statement until today.

It has been six and a half months since I took office as a Trustee of the Bishop Estate. And I should like to share some of my thoughts with you.

At the outset, let me make an obvious personal commitment. You can be assured of my best efforts to perform the job I have been entrusted to do—to use whatever talents I may have to work with the other trustees of the Estate to meet the broad objectives established under the Will of Princess Bernice Pauahi Paki Bishop. You can be assured that there will be no miracles—no earth-shaking changes—only my continuous effort with the other trustees to enhance the assets of the Estate, and to generate more income to fund the educational activities of its principal beneficiary, Kamehameha School, and to assist in establishing meaningful programs in reaching out to as many of the children who are not presently receiving the benefits of her concern.

If you will allow me another brief personal note, I want to tell you of my profound admiration for the two principal benefactors of the Estate, the Princess and her husband, Charles Reed Bishop, for their foresight by creating this legacy of charity and compassion which shall continue in perpetuity. Trustees will come and go, but the Estate and Kamehameha School shall remain beyond any Trustee's lifetime as the lasting memorial of her concern for her people.

Now, let me get back to look at this "Takabuki problem" as it may relate to you, to me, and to our broader community. You have asked, and others have asked, and rightly so, who is this guy, "Takabuki," who is vested with this awesome responsibility by the Supreme Court of Hawaii as one of her five Trustees to do the good that the Princess wanted for her people. What is he? An unscrupulous political hack; a shrewd conspirator out to destroy the Estate, or the best thing which happened to the Estate, or anywhere in between these two extremes. Only time will tell how this story will end.

Perhaps, however, an observation made by a friend in half-jest may be illuminating. In our abstract philosophical evaluation of this controversy, he sort of brightened up, grinning somewhat impishly, and said pleasantly, "You know, Matsy, I think you got a lot of charisma," and he paused, and I quickly reacted, somewhat puzzled, "Charisma?" at this very inappropriate description of me, especially in the midst of the raging controversy, and he smiled, and continued. "Yes, a lot of *negative* charisma." How right he was! I could never win a popularity contest.

Now that you know of this speaker with neagtive charisma, it should warn you that you could not be expecting too much from him.

Let me, however, attempt to place in some perspective the deeper issues of this controversy by quoting from an article appearing in the Star-Bulletin by Tomi Knaefler, in an interview with Dr. Alan Howard, a former Bishop Museum anthropologist who is now professor of anthropology at the University of Hawaii, with a three year live-in research and study in Nanakuli. The excerpts of his interview read as follows:

"The Takabuki protest symbolizes the Hawaiians' first battle cry to legitimize their ethnic identity. If they fail to gain it through this route, they have no choice but to express themselves through conflict—politically and militantly.

"At heart, the Hawaiian movement is no different than the blacks' fight for ethnic identity.

"The protest points up the myth of Hawaii's melting pot concept, which, in fact, is a boiling pot of suppressed racial differences long denied legitimate airing.

"The melting pot illusion simply must go. The damage it has done is to blur ethnic diversity and to allow the Anglo culture to dominate."

These are very interesting observations. Certainly they touch the sensitive vein of ethnic identity—so different from the accepted rhetoric of the "melting pot" of the Pacific—and so true in some respect—but is this battle cry for ethnic identity comparable in intensity as the "black power" movement of the militant blacks? Is this melting pot illusion called Hawaii similar to the black ghettos of Watts, Newark or Harlem? Are the Japanese, or Takabuki, the symbol of suppression as the "whiteys" are to the militant blacks? Dr. Howard, however, softens this thrust by saying that:

[But]

"I don't feel the protest is an expression of hostility toward the Japanese or toward Takabuki as an individual."

But is he right when he said in seeking your ethnic identity, you have "no choice but to express yourselves through conflict—politically and militantly". Can there be other options and alternates that you can choose? Or can you do it alone as one ethnic group isolated from all other groups in this society? Or is this irrelevant because we are on the threshold of a new era—a changing lifestyle from the melting pot concept to ethnicity, and an emotional need of ethnic minorities to pursue militant courses of action on ethnic lines to get a "piece of the action"?

Let me try to examine this point of view.

Anyone who has lived in Hawaii for awhile can readily give you illustrations of ethnic tensions, and yes, discrimination existing in our imperfect society, but is it boiling so much that the melting pot becomes the boiling pot of suppressed racial differences? Are you, or am I, or are we prepared to move away from the goal of making Hawaii the "melting pot" of the Pacific? Are we ready to cast aside the acceptable norm in reaching for a "homogenized blend of races", or in looking even further in the future, will there be a time when the bloodlines of our people may becomes so mixed as to have the "golden man" of the Pacific?

Is the "part-Hawaiian" who has grown so substantially to be this "golden man" of the future? A Hawaiian-Chinese, Hawaiian-Caucasian, Hawaiian-Japanese, or any mixture with Hawaiian is racially classified as "part-Hawaiian", and not part-Chinese, part-Haole, or part-Japanese. But will time and circumstances change this ethnic reference as it did in our recent Hawaiian history. I think back to the days of the 442nd Regimental Combat Team in the Second World War, and I can remember when many Hawaiian-Japanese were not part-Hawaiian then, but part-Japanese who can only belong to this racially segregated combat unit. Any smattering of Japanese blood made him different from other ethnic Americans at war, but I can remember also the counter-declaration by Franklin D. Roosevelt that "Americanism is not a matter of race, color or creed", and for this reason this ethnic group should be given the chance to prove themselves.

What happened since is past history, and I guess we proved that President Roosevelt was not wrong that Americanism overcame ethnic bloodlines, and perhaps, the melting pot concept is viable and the "golden man" is achievable.

Are we now, two and a half decades later, involved in a new cycle of re-ordering our priorities when ethnic identity becomes the rallying cry for a sense of pride and confidence? Is it not true that to deny pride in one's ethnic identity is really to deny who you really are? Or, perhaps, could it be an angry ethnic outcry born of frustration? Should we now say that "Brown, Yellow, White or Black is beautiful", as the case may be, and put the homogenized blend of races on the back burner as a myth—the bad guy of Anglo-Saxon culture who suppresses ethnic pride?

In searching for this ethnic identity, or in seeking a sense of pride and confidence in ethnic terms, is there any danger that it may lead some to reject all that is not of its color? Or, will the opportunity to openly and proudly air their cultural and ethnic differences create an understanding, appreciation, and mutual respect among all the diverse ethnic groups to accept them as they are?

Is Dr. Howard right when he seeks replacement of the melting pot concept with ethnic diversity by saying:

"There are those who oppose legitimizing ethnicity on grounds this would lead to racist conflicts.

"Such danger exists more by denying ethnicity because to deny pride in one's ethnicity is to deny who you really are.

"The need then, is a society that encourages divergence, no convergence. A recognition and respect for individual differences. And a willingness to admit that there's more than one way, more than one right, more than one truth."

But what happens when such ethnicity, such way, such right, or such truth sharply conflicts with other groups aspiring for the same thing within the same society—or it runs counter to the dominant White-Anglo-Saxon Protestant cultural pattern—or it denies the concept of love and the brotherhood of men of the Protestant ethic—or it violates the precept of a democratically constituted political structure that "all men are created equal."

I guess this was our dilemma in this incident. But can there be an accommodation of both concepts?

When does ethnic identity become a divisive force, and not a positive one within a community? Can you be primarily ethnic in some areas like the Hawaiian Homes Commission, and yes, your major legacy as the Bishop Estate, Liliuokalani Trust and others, and yet, perhaps, reconcile these as exceptions to the rule to escape the possible backlash of the accepted more of the "melting pot" concept within our society?

Where is the balance one can strike on ethnic diversity, and yet maintain an equal, if not stronger, desire to seek a common denominator so we could live together in relative harmony? Can we believe ethnicity and the "golden man" concept at the same time? Are we, again, going through a useless exercise of soothing rhetoric of trying to blend the races even though we recognize that we will continue to have this kind of ethnic crisis so long as people have different shades of color?

Can there be a common definition of a "child of Hawaii", a "keiki o ka aina"? Or is this, again, the same kind of rhetoric to lead to conformity to suppress ethnicity under a WASP cultural pattern?

Can any one of us be a "child of Hawaii" in one respect, but never in another one? Don't you, or I, or any other person, have the right to foreclose all others in doing our own ethnic thing? Isn't it your right to control your own ethnic destiny? Is it not true that only you could fully understand your own ethnic hopes and aspirations? But, then, what about a Charles Reed Bishop? Or is Abraham Lincoln irrelevant to the Blacks because he was none of them? I wonder if there are some lessons we can learn from these questions.

Or, in evaluating another incident within a different context where the converse can be said to have occurred, should we really applaud Jesse Kuhaulua for his award by the East-West Center for his contribution to intercultural activity in gaining unprecedented stature as a non-Japanese in a purely indigenous Japanese sport called sumo? Can't he be, in one way of thinking, the shining example of "brown power" over "yellow power" in Hawaii? Or is he another example of the blending of the races, the racial tolerance, or the Aloha spirit of Hawaii? Or is Jesse Takamiyama an "Uncle Tom" for the Japanese?

I raise these hard questions to show that there are many sides to an issue, and many shades of interpretation depending on how you see it, or want to see it, and the rationale you use to justify your belief.

I raise these questions to show that any action may bring diverse re-actions—good or bad, sharp or indifferent, in varying shades of intensity depending on how such action may affect the person or persons involved.

I raise these questions as possible basis for your own critical re-evaluation, and perhaps, the need for careful re-thinking, re-examination and re-ordering of your priorities and values—and I suggest it may be a time for soul-searching for all of us, seeking, perhaps, for a new accommodation, or re-affirming the old concepts, or blending the new and the old, in trying to reconcile all the variables covering the whole spectrum of our society, including our ethnicity, our socio-economic priorities, our political cross-currents, and our individual and collective hopes for the future, and seeking somehow by our actions to create a better Hawaii for all of us.

I do not pretend to know the answers. And it is certainly not for me to try to tell you what should be done. You will have to decide what is your own way, what is your own right, and what is your own truth.

And in this difficult task that only you can decide, I wish you well.

PRESIDENT'S MESSAGE: "HAWAIIAN" MEANS MORE THAN BLOOD AND SKIN

(By David K. Trask)

Fellow Hawaiians, I've decided to step down as President of the Hawaiian Civic Clubs. I've made this decision because I feel that it is the best thing I can do in serving the Hawaiian people. By stepping down, I will allow someone to replace me who can devote more time and energy to the important work of the organization and thereby move the organization forward at a more rapid pace.

However, as I retire from the Presidency, I feel compelled to make a few observations which I hope all of you will accept as being the words of a Hawaiian who desires nothing but the best for Hawaii and the Hawaiians. Let me take you back through time so that we may see what has happened to the Hawaiian people. I believe that if we can understand the past, we will be able to better understand what is required of us in this time and age. If we can understand what is required of us, we will be able to see what needs to be done so that our children and our children's children will be able to derive whatever benefits we will be able to bestow upon them.

About a century or so ago, we Hawaiians were in our full spendor and glory. We had a ruler of our race who ruled these beautiful islands and the life style that we developed for ourselves was a life style which most people only dreamed about. We were truly blessed by the gods, for we had a beautiful cluster of islands in which to live; we had one of the most favorable climates in the world; and the flora and fauna of Hawaii flourished without much cultivation. All of our people were able to live happily and comfortably without having to compete for food, shelter, or clothing. We learned to share with each other and really believed that all men should live as brothers. We welcomed most of the strangers that came to our shores in the true spirit of Aloha—with open hearts, mind and arms.

We lived in this happy state not really realizing that Hawaii was changing and that the time of the old Hawaii was drawing to a close. Suddenly, at the turn of the 20th century, we were rudely awakened by a shocking and chilling sight. We witnessed the lowering of the Hawaiian flag at Iolani Palace and the raising of a new flag. The Hawaiian Kingdom had come to an end. Many of us did not realize then nor do some of us realize now that that was the most visible day when the old Hawaiian life style began to change. Big business and complex economics had come to Hawaii and with its coming came the cold, calculating, sophisticated, efficient and competing methods of operation. Hawaiians were ill-equipped to exist in that environment for we had learned how to live in a world of plenty without competition. Now, we were suddenly thrust into a world where competition rather than sharing was the keystone.

As a result of the new environment and our reluctance to change our life style with the times, we find ourselves today with little. What we retain are a few benefits which we really believe we must preserve for our children and their children's children. One of these benefits is the Bishop Estate and its holding of lands. Every Hawaiian believes that he has a stake and interest in the Bishop Estate. He somehow feels that the lands of the Estate were once his and that it should be protected from all those who would take his inheritance. There is really nothing wrong with that feeling, but what is wrong is the feeling that all other races would rob us of our inheritance and therefore should be excluded from the Estate. What I think we are confusing is racism with what should be the present definition of the word "Hawaiian". We seem to be saying that anyone without the blood of those who originally came to the Hawaiian Islands is not a Hawaiian. Yet, look at all of us here today. We have the blood of the races of today's Hawaii running through our veins—Chinese, Japanese, Korean, Filipino, Puerto Rican, Portuguese, Samoan, Black, Haloe, and many others. In fact, our last names reflect the conglomerate of races—Chang, Akana, Tsukiyama, Lyman, Paglinawan, Thompson, King, Galderia, and Trask. Are we less Hawaiian because we are not pure bloods? Frankly, I think it is time that we think of the word "Hawaiian" as representing a person who really represents Hawaii, regardless of race or color. Such a man is a person who believes in his fellow man, who treats all equally, and who treats all men with compassion and understanding. That is a Hawaiian, for it represents that which was the most beautiful part of the Hawaiian life style and culture.

I think Matsy Takabuki is such a man. Many of you may disagree with me and with his appointment to the Board of Trustees of the Bishop Estate. I believe that Matsy will add a new dimension to the Board for he is a man of wide business, legal and political experience which when devoted to the tasks of the Estate will provide all of us with what we want most—to preserve the Estate for the benefit of our children and their children's children.

The entire episode of Matsy's appointment was disheartening to me. It was disheartening because I witnessed an attempt by some to close the hearts, minds and arms of some of us to a person of another race who, if anything, is a true son of Hawaii. Matsy was born in Hawaii; he went to school with us; he fought against our common enemies during a time of crisis; he served us as our representative in political office and has worked all of his life in Hawaii. If that does not make him a Hawaiian or a son of Hawaii, then I don't know what will. What some of us have done to him and through him to others who live, understand and love Hawaii is beyond comprehension, for if we deny him and others like him of being Hawaiian, then we will be losing the most important and valid part of our life style. If we do that, we will have been finally conquered by others, for we will have learned how to hate others who look different from ourselves.

I believe that the most important gift that our ancestors gave us and which we must pass on to our children is the openness of heart, mind and arms—the love of our fellow man no matter what his color, or his looks. We must teach our children that they should not judge a man by his race, the color of his skin, the way he looks, or the way that he spells his last name; but rather that they should judge him by what he believes in, what he feels and by what he does. If any man believes in his fellow man and treats him with love, compassion and understanding then love him for he is a true Hawaiian and a son of Hawaii.

CONGRESSMAN McCLOSKEY'S REMARKS ON THE "TODAY SHOW"

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 1972

Mr. BIAGGI. Mr. Speaker, I was shocked to hear the comments made by the gentleman from California (Mr. McCloskey) on the NBC–TV, "Today Show" concerning American prisoners of war in North Vietnam. Mr. McCloskey said, and I quote:

> There's 700 prisoners over there. If I were General Giap I think I'd be putting one of them in the town square of each of my 700 biggest towns.

He went on to say:

> And if I had 700 cities I'd want to save, I'd put one prisoner in each city. And I think the North Vietnamese may very well do that.

I cannot believe that Mr. McCloskey, a former Marine Corps officer, would actually be advocating such a policy. The damage, however, lies with the fact that this sort of suggestion by an American Congressman might have the effect of not only putting the idea in the mind of the enemy, but also since it is being discussed on high levels in this country, actually seem to justify such an action in Hanoi.

I do not believe that American officials should be planting any more sinister ideas in the minds of the enemy than are already there, particularly when it would have the effect of jeopardizing our American Servicemen who are prisoners of War in North Vietnam. In addition we should not be discussing the possibility of using the POW's as pawns in the conflict. Certainly, we should not be suggesting that they be held up as living targets for our bombers.

Mr. Speaker, this type of suggested use of prisoners of war has never been used by even our most brutal opponents in war. For example, we never had to face the possibility of bombing our servicemen who were captured by the Germans in World War II. What is the purpose of suggesting such an idea to the leaders of North Vietnam?

The day after Mr. McCloskey spoke on the "Today Show," Mrs. Carole Hanson, the chairman of the National League of Families of American Prisoners and Missing in Southeast Asia appeared and made a rebuttal to the remarks of Mr. McCloskey. She is also the wife of a Marine Corps officer who has been missing for 5 years. In her statement Mrs. Hanson said:

> In the long five years as a wife of a missing in action American, I have never heard a more shocking statement, nor one more dangerous to my husband and 1700 other prisoners and missing men in Southeast Asia. Never has a proposal, threat, or suggestion like this been made from any side, not even from Hanoi.
>
> The most bitter of anti-war opponents have not suggested that prisoners be used as shields against bombs. Mr. McCloskey said it not once, but twice.

She went on to say:

> For a man of his position and experience to suggest this most heinous violation of the Geneva Convention is stunning to all POW families, and I trust to all Americans. Whether or not the Congressman meant this as an actual proposal, is not the issue. The fact remains that this sort of serious discussion by American officials may seem to justify such actions to Hanoi.

I agree with Mrs. Hanson's statement, and hope that such suggestions will cease in the future. We should not place the American prisoners of war in a more dangerous situation than they are in already. We all want this conflict to end, but not at the expense of American prisoners of war. They have already paid a high enough price.

HALTS DETROIT BUSING

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BROOMFIELD. Mr. Speaker, the crisis of forced busing has been above all others the one issue which is of paramount concern to my constituents in Oakland County, Mich. I have received tens of thousands of letters from concerned parents who have turned to Congress for relief from court-ordered forced busing.

I have devoted a great deal of my time during this past year working toward a legislative means to stop forced busing. I am pleased to say that last week my measure to delay all court-ordered busing pending appeal received final congressional approval and has now been sent to the President for his signature.

Mr. Speaker, I have tried to keep in constant communication with my constituents in order to keep them abreast of the latest developments here in Washington. As you can imagine, I was extremely pleased to mail this week my Washington Report announcing the culmination of over a year's work to halt forced busing. Mr. Speaker, because I feel that this report may be of interest to my colleagues I include it at this point in the RECORD:

HALTS DETROIT BUSING—BROOMFIELD ANTI-BUSING AMENDMENT GETS FINAL APPROVAL FROM CONGRESS

DEAR FRIEND: I am pleased to report to you that Congress on June 8th gave final approval and sent to the President for his signature my legislation against forced school busing. It will mean that no court can order busing this fall between Detroit and the suburbs and the nation will have at least an 18-month breathing period in the busing controversy. During that time, I am hopeful the U.S. Supreme Court will rule against forced school busing.

The House of Representatives gave strong approval to the Higher Education Act containing my legislation by a vote of 218 to 180. All but five of the members of the Michigan Congressional delegation present and voting supported it. Those opposed included Senator Philip Hart, Congressmen Jack McDonald, John Conyers, Guy Vander Jagt and Gerald Ford. Despite his "No" vote, Congressman Gerald Ford called the Broomfield Amendment "the only meaningful part of the bill in the busing field."

Congressman Marvin Esch of Ann Arbor, one of Congress' recognized experts in education and a ranking member of the House Education and Labor Committee, played a major role in helping me get approval on the House Floor. (Excerpts of Congressman Esch's speech are contained on the reverse side of this letter along with my own statement and those of several other Michigan Congressmen.) Senator Griffin helped get the measure approved in the Senate.

While some have been critical of my proposal as not tough enough, a number of national organizations which support school busing made an all-out, though unsuccessful effort to defeat it. One national labor organization attacked my bill with this statement: "(We) do not take lightly our opposition to the Higher Education Act. (We) do so, not because of the proposals dealing with higher education, but because of the inclusion of the Broomfield Amendment. . . ."

I agree that further legislation may be necessary when the new Congress reconvenes next January. But given the present make-up of Congress, I am convinced that no stronger anti-busing language can be passed now. Without this anti-busing amendment, we would have nothing with which to fight forced busing *this year* in Michigan and throughout the country. I will continue to work for approval of any legislation that will make forced school busing a thing of the past.

Sincerely,

WILLIAM S. BROOMFIELD,
Member of Congress.

[From the CONGRESSIONAL RECORD, June 8, 1972]

REMARKS OF HON. WILLIAM S. BROOMFIELD

Mr. Speaker, as the author of the Broomfield antibusing amendment which is contained in the bill before us. I have listened with great interest to the debate about this proposal since it was first approved by this body nearly 7 months ago.

I would only ask each of you to ask yourselves one very simple and direct question before you vote today.

Are you for or are you against forced busing?

And, if in all sincerity you conclude that you are against forced busing, you will vote for the bill and my amendment.

Because plainly and simply it is the only antibusing legislation before us today.

It is the only antibusing legislation that will go to the White House for the President's signature tomorrow—not next month, or next fall, or next year, or the year after.

If we, who are opposed to court-ordered busing, view this vote today as an all-or-nothing proposition, we are going to get just that—absolutely nothing—to prevent the senseless busing of thousands of school children this fall.

In the Detroit metropolitan area where I come from, in Florida, in California, or Texas where court-ordered busing could begin or will continue next September—just 3 months from now—people will want to know: "What happened to the Broomfield amendment?"

"Isn't it true," they will ask, "that Congress had before it the means to halt this senseless busing at least while we appealed our case all the way to the U.S. Supreme Court?"

The answer is: Of course it would have. And, it will, if we pass this legislation today.

We have the means here today to halt those buses before they ever roll. We cannot let this chance slip through our hands.

Make no mistake about it, I am not telling you that we have the final answer to the busing problem before us.

I am prepared to continue working tomorrow for even stronger language and, if necessary, a constitutional amendment which will once-and-for-all make court-ordered busing a thing of the past.

But we have to be realistic. Forced busing is not yet a thing of the past. It is a very real and persistent problem of the present. It will, unfortunately, continue until we do something about it here in Congress.

This amendment bridges the gap between the present crisis for which we have no legislative remedy and that day in the future when we can eradicate forced busing for good.

Let us not delude ourselves—nor the people who are depending on us—that this can be accomplished overnight.

Does anyone of us who is sincerely opposed to forced busing seriously suggest that we vote down this antibusing legislation today and begin all over again tomorrow with absolutely no assurance that we can do better.

We can fill the air with all of the highest sounding rhetoric in the world about the need for strong legislation.

But if children are bused next week or next month or next fall because we were not satisfied with half-a-loaf then we have failed to help the people who are counting on us.

If this body were to pass a constitutional amendment against forced busing today, and, if by some major miracle the Senate were to do likewise tomorrow, which you and I know is as unlikely as a July snowfall, it still would be years before it could be ratified by the necessary State legislatures and be put into effect.

So, I say let us pass this language today. Let us take half-a-loaf today and begin working tomorrow for the rest.

This amendment will buy us the time we need to get the rest.

Without this antibusing amendment, parents in many places throughout the country will read in tomorrow's papers that Congress rejected help in the fight against forced busing while their children ride 10, 20, or 30 miles to school under court decree.

With this antibusing amendment, they will read that Congress is making progress in the fight against forced busing while their children continue to walk to their neighborhood school.

I can think of no better way to illustrate the importance and the fairness of the Broomfield antibusing amendment than by reminding you that only 2 days ago the Fourth Circuit Court of Appeals reversed a lower Federal court's cross-district busing order in Richmond.

If the appeals court had not ruled till next fall, children would have been bused only to find that it was not necessary under the law.

There is a very real possibility that without my antibusing amendment that hypothetical could become a reality in Metropolitan Detroit and other parts of the Nation.

I want to avoid that. My antibusing amendment will avoid that. It provides that the defendant school district will have his day in court before he has to buy buses, uproot children from their neighborhood schools and implement forced busing.

It seems clear to me that the true solution to the busing problem lies in upgrading the quality of all of our schools across the country.

As one of the original signers of the discharge petition to the constitutional amendment to ban busing, I testified before the House Judiciary Committee last month on this very point. I feel that busing is hardly a remedy to the problem of unequal education.

There are remedies, real remedies, which we can and should explore. We need increased financial aid to local schools. We need improved teacher training programs designed to develop the unique and special skills to reach disadvantaged children. We need teaching aides and assistants to relieve professional teachers from the daily burdens and duties which rob them of precious time they can devote to their students.

Mr. Speaker it is for all of these reasons, but most especially to give relief to the millions of Americans who oppose forced busing, that I respectfully urge this House to pass the Higher Education Act and my amendment to postpone court-ordered busing until all appeals to that order have been exhausted.

OTHER CONGRESSMEN SPEAK OUT ON THE BROOMFIELD AMENDMENT

REMARKS OF HON. LUCIEN N. NEDZI

Mr. Chairman, I support the Broomfield amendment.

I recognize that what the Broomfield amendment does is rather drastic in respect to the control that Congress exercises over the courts, but we are dealing with an extremely drastic problem. The entire problem has been discussed thoroughly. What I would like to do in the brief time available to me is to bring to the attention of the Members the situation which exists in Detroit at the present time and point out to the Members the reasons why I and most of my Democratic colleagues from Michigan support this amendment.

REMARKS OF HON. GARRY BROWN

But let me say, Mr. Speaker, before my time expires, I think the adoption of the Broomfield amendment is so essential with regard to this legislation that I intend to support the motion to instruct. I think every Member of the House should do likewise.

REMARKS OF HON. MARVIN L. ESCH

There has been such emotionalism on the issue of school busing that we have failed to grasp the purpose for our schools—and that is to create a stable environment in which the children can learn. The impact of the Broomfield amendment, whether we are for or against the busing of schools, will do that. It will provide more stability to school systems, so that we will not have another generation of children growing up in an unstable atmosphere of school busing. Those who are undetermined in this Chamber today, if they vote against this conference report, will be saying they do not wish to stop court-ordered busing for the next 18 months.

REMARKS OF HON. WILLIAM D. FORD

I am convinced that if this legislation is adopted today we will never see cross-district

busing or court-ordered school district mergers in the State of Michigan or any other metropolitan area such as that surrounding Detroit.

Section 803 is the most important provision of this entire act to the people of my district, to the State of Michigan, and, perhaps, to the country, particularly now, as we wait day by day for a final decision from the Federal court which is at this very moment considering a plan of metropolitan school districts or cross-district assignment of pupils in the Detroit metropolitan area.

MODEL STATE ACT FOR TREATMENT AND REHABILITATION OF DRUG DEPENDENTS

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FREY. Mr. Speaker, I have drafted a model act for a comprehensive approach at the State level to the demand side of the drug problem. The model act has been enacted by the State of Tennessee and is under consideration by several other States.

On Friday, June 16, I will address the National Association of State Drug Abuse Program Coordinators on the model act. Following is the most recent version of the model act:

MODEL STATE ACT FOR THE TREATMENT AND REHABILITATION OF DRUG DEPENDENT PERSONS

Be It Enacted by the Legislature of the State of ———:

Section 1. Purpose.—

(1) It is the intent of the legislature that persons charged with or convicted of violating state criminal laws, with certain enumerated exceptions, or persons not charged with a criminal offense, who are determined to be a drug dependent person and who require medical treatment should be civilly committed for confinement and treatment for such condition and its underlying causes. Such treatment shall be carried out for nonpunitive purposes not only for the protection of the drug dependent person against himself, but also for the prevention of contamination of others and the protection of the public.

(2) It is the further policy of the legislature that individualized, community-based treatment taking into account the degree of addiction, age of the drug dependent person, and behavior and criminal record of the drug dependent person, will be provided to those committed under this program so that they may be treated and rehabilitated in the shortest possible period of time and once again become functioning members of society.

Section 2. Definitions.—As used in this act, unless the context clearly requires otherwise:

(1) "Authority" means the drug dependent evaluation authority.

(2) "Center" means the state rehabilitation center.

(3) "Commission" means the state drug dependent commission.

(4) "Conviction" and "convicted" mean the final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere, but do not include a final judgment which has been expunged by pardon, reversed, set aside or otherwise rendered nugatory.

(5) "Director" means the director of the state rehabilitation center.

(6) "Drug dependent person" means a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from administration of a controlled substance on a continuous basis. Drug dependence is characterized by behavorial and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

(7) "Eligible individual" means any individual charged with an offense against the state, except those individuals as follows:

(a) Persons previously convicted for murder, assault with intent to commit murder, attempt to commit murder, kidnapping, arson, robbery, burglary, mayhem, felonies involving bodily harm or attempt to inflict bodily harm, or any offense for which the minimum term is more than five (5) years in state prison.

(b) Persons whose histories include criminality of any nature which is evaluated as chronic or extensive.

(c) Persons who appear to be involved in a large-scale trafficking operation for sale of narcotics, dangerous drugs, or marijuana, or persons who are found to be trafficking or in possession of narcotics, marijuana, or dangerous drugs beyond that which might be reasonably necessary to support their own need for narcotics.

(d) Persons with a history of assaults, battery, and other offenses against the person, including:

1. Those with a pattern of aggressive and assaultive behavior. This pattern may be developed either by acts committed over several years with periods of nonviolent adjustment in between or it may demonstrate itself in a series of acts preceding the instant arrest.

2. Those who have a pattern of aggression which precedes their narcotic addiction and continues after their addiction.

3. Those for whom it is adjudged that long-term institutionalization is indicated because of the seriousness of their behavior. Single acts of aggression may warrant exclusion when the act was of such nature that it demonstrates aggression which was aggravated or vicious, or when the individual was involved in using dangerous or deadly weapons in the commission of the instant or prior offenses.

(e) Persons whose histories show they can reasonably be classified as an escape risk or are recalcitrant to the extent that they unduly threaten the good order and the security of the minimum security facilities of the civil addict program.

(f) Persons who are shown to be narcotic addicts, but who have been previously exposed to therapy and rehabilitation programs without significant gains.

(g) Persons who have major behavior or medical disorders distinguishable from narcotics addiction and who would need treatment in addition to a treatment for addiction which the civil addict program is not able to provide, including:

1. Persons shown to be sex deviates who need treatment for this pathology in order that they may be controlled and become less of a threat or menace to society.

2. Persons who would require treatment for chronic psychosis before the addiction program could begin.

3. Persons with such serious medical problems that treatment for their narcotic addiction is secondary.

4. Persons whose medical problems are so severe as to be deemed irreversible.

(8) "Felony" includes any offense in violation of a law of the state which at the time of the offense was classified as a felony by the law of the state.

(9) "Patient'" means any individual with respect to whom a petition has been filed by the state attorney as provided in §§3 and 4.

(10) "Related individual" means any person with whom the alleged narcotic addict may reside or at whose house he may be, or the husband or wife, father or mother, brother or sister, the child, or the nearest available relative of the alleged narcotic addict.

(11) "Treatment" includes confinement in an institution or supervised aftercare or outpatient treatment in the community and includes, but is not limited to, medical, educational, social, psychological, vocational services, corrective and preventive guidance and training, and other rehabilitative or maintenance services designed to control or eliminate the patients dependence on controlled substances and to make him less susceptible to dependence on controlled substances in the future.

Section 3. Civil commitment of persons charged with or convicted of a crime.—

(1) (a) If the state attorney or judge has reason to believe that an individual charged with or convicted of a criminal offense against the state is drug dependent, then the state attorney or judge will request the commission to determine if there is reasonable cause to believe such. If the commission determines that there is reasonable cause, the state attorney will file a petition with the court to have such a person examined to determine if he is, in fact, drug dependent.

(b) Upon the filing of any such petition by a state attorney, the court may order the individual to appear before it for an examination as provided in paragraph (d). The court shall cause a copy of the petition and order to be personally served upon the defendant.

(c) The court shall advise the individual to be examined of his right to have his own physician present for consultation during any examination conducted under this section, but in no event shall such physician be entitled to participate in any such examination or in the making of the report required under this section with respect to the examination.

(d) The court shall then appoint two (2) qualified physicians, one (1) of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination the court may order the individual committed for a period not to exceed seventy-two (72) hours to the custody of the chairman of the commission for confinement in a suitable hospital or other facility designated by the chairman of the commission. Each physician appointed by the court shall, within the seventy-two (72) hour period, examine the individual and at the end of the examination file with the court a written report with respect to the examination. The examination shall consist of a physical examination and a psychiatric examination, except that if the physical examination indicates that the individual is not a drug dependent person, the psychiatric examination shall not be administered and the individual shall be immediately returned to the court for such further proceedings as it may direct. Each such report shall include a statement of the examining physician's conclusions as to whether the individual examined is a drug dependent person and requires medical treatment. Upon the filing of the reports, copies shall be made available to the individual and the state attorney.

(2) (a) If both examining physicians as referred to in subsection (1) (d) conclude in their respective written reports that the individual is not a drug dependent person, or does not require medical treatment, the court shall immediately enter an order discharging the individual and the pending criminal proceeding shall be immediately resumed.

(b) If the written report of either such physician indicates that the individual is a drug dependent person who requires medical treatment, or that the physician submitting the report is unable to reach any conclusion by reason of the refusal of the individual to submit to a thorough examination, the court shall promptly set the case for completion of the criminal proceedings.

(3) (a) Any individual who has been examined and found to be a drug dependent

person in need of medical treatment under this section may be detained by the court for a reasonable period of time in a suitable hospital or other facility designated by the center until after the criminal proceeding has been concluded, and such hospital or facility may administer to the patient such interim medical treatment as is necessary.

(b) An individual committed for examination shall not be released on bail or his own recognizance.

(4) At the completion of the criminal proceedings, an individual who was found innocent of the criminal charge and who was examined and determined to be a drug dependent person in need of medical treatment may, after being advised of the consequences of such commitment under subsection (2) of section 5, petition to be committed under section 5. If, however, he does not volunteer for treatment, the state attorney may petition for his commitment under section 4.

(5) (a) At the completion of the criminal proceedings, an individual who was found guilty of the criminal charge and who was examined and determined to be a drug dependent person in need of medical treatment will be advised by the court that if, after hearing as provided in this section, he is found to be a drug dependent person who requires medical treatment and an eligible individual as defined in § 2(7) and desires to be committed for treatment:

1. He may be civilly committed to the center for treatment.
2. He may not voluntarily withdraw from the treatment.
3. The treatment will last for an indeterminate period of time not to exceed five (5) years but in no event shall it exceed the sentence which would otherwise have been imposed.
4. During treatment, he may be confined in an institution.
5. The imposition or execution of the sentence will be stayed, pending the successful completion of treatment.

(b) The court shall advise the patient appearing before it pursuant to paragraph (a) of his right to have counsel at every stage of the civil judicial proceedings under this section and, if he is unable because of financial reasons to obtain counsel, the court will, at the patient's request, assign counsel to represent him.

(6) If the individual referred to in subsection (5) desires to be committed for treatment and if the commission certifies that appropriate facilities and trained personnel are available for the treatment of the person and that such person is an "eligible individual" as defined in section 2(7), the state attorney will petition for his commitment. After such petition has been filed, the individual will be transferred to the court of competent jurisdiction located at the facility designated by the commission.

(a) The court of competent jurisdiction will promptly set the case for civil hearing to review the report of the examination conducted by the commission and other information coming to its attention to determine if the patient is a drug dependent person and if he is an "eligible indivdual" as defined in section 2(7). The court shall cause a written notice of the time and place of such hearing to be served personally upon the patient and his attorney. Such notice shall also inform the patient that upon demand made by him within fifteen (15) days after he has been served, he shall be entitled to have all issues of fact with respect to his alleged drug dependency determined by a jury. If no timely demand for a jury trial is made, the court, in conducting such hearing, shall determine all issues of fact without a jury.

(b) In conducting any civil hearings under this title, the court shall receive and consider all relevant evidence and testimony which may be offered, including the contents of the reports referred to in section 3. Any patient with respect to whom such hearing is held shall be entitled to testify and to present and cross-examine witnesses.

(7) Whenever an individual is committed to the custody of the commission for treatment under this chapter the sentence shall be continued without final disposition and shall be dismissed if the commission certifies to the court that the individual has successfully completed the treatment program. On receipt of such certification, the court shall discharge the individual from custody and waive the sentence. If prior to such certification the commission determines that the individual cannot be further treated as a medical problem, it shall advise the court. The court shall thereupon terminate the commitment and the patient shall be returned to the court for execution of the sentence.

(8) An individual committed for treatment shall not be released on bail or on his own recognizance.

(9) Whoever escapes or attempts to escape while committed to institutional custody for examination or treatment, or whoever rescues or attempts to rescue or instigates, aids or assists the escape or attempt to escape of such a person is guilty of a crime punishable by imprisonment in the state prison for not exceeding years. This section does not apply to unauthorized absence from a halfway house or other outpatient facility or program.

(10) The total period of treatment for any individual committed to the custody of the commission under this title shall not exceed five (5) years, but in no even shall it exceed the maximum sentence that could otherwise have been imposed. If, at the expiration of such maximum period, the commission is unable to certify that the individual has successfully completed his treatment program, the pending criminal proceeding shall be resumed.

(11) An individual committed under this title may not be conditionally released until he has been treated for six (6) months following such commitment in the state treatment and rehabilitation center established by the commission and the division of corrections under subsection (2) of section 6 of this act.

(12) Nothing in this section shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous treatments.

(13) Whenever a pending criminal proceeding against an individual is resumed under this title, he shall receive full credit toward the service of any sentence which may be imposed for any time spent in the institutional custody of the commission or any other time spent in institutional custody in connection with the matter for which sentence is imposed.

(14) The determination of drug dependency and the subsequent civil commitment under this chapter shall not be deemed a criminal conviction. The results of any tests or procedures conducted by the director of the state rehabilitation center or the supervisory aftercare authority to determine drug dependency may only be used in a further proceeding under this chapter. They shall not be used against the examined individual in any criminal proceeding except that the fact that he is a drug dependent person may be elicited on his cross-examination as bearing on his credibility as a witness.

Section 4. Involuntary civil commitment of persons not charged or convicted of any criminal offense.—

(1) (a) Except as otherwise provided in subsection (11), whenever a related individual, or any law enforcement officer or health official has reason to believe that any person is a drug dependent person, such related individual law enforcement officer, or health official may file a petition with the commission requesting that such person be admitted to the commission for treatment of his dependency. Any such petition filed by a related individual, law enforcement officer, or health official with respect to a person believed by such related individual, law enforcement officer, or health official to be a drug dependent person shall set forth the name and address of the alleged drug dependent person and the facts or other data on which the petitioner bases his belief that the person with respect to whom the petition is filed is a drug dependent person.

(b) The commission will, after receiving the request for treatment and rehabilitation of a suspected drug dependent person under paragraph (a), if it is determined that there is reasonable cause to believe that the individual is a drug dependent person, that appropriate facilities and trained personnel are available for the treatment of the person, and that the person is an "eligible individual" as defined in subsection (8) of section 1, advise the state attorney to file a petition with the court of competent jurisdiction to commit such individual to the commission for treatment.

(c) Upon the filing of any such petition by a state attorney, the court may order the individual to appear before it for an examination by physicians as provided under subsection (2) and for a hearing, if required, under subsection (4). The court shall cause a copy of such petition and order to be served personally upon the patient.

(2) The court shall immediately advise any patient appearing before it pursuant to an order issued under paragraph (c) of subsection (1) of his right to have:

(a) Counsel at every stage of the judicial proceedings under this title and that, if he is unable because of financial reasons to obtain counsel the court will, at the patient's request, assign counsel to represent him; and

(b) Present for consultation during any examination conducted under this section, a qualified physician retained by such patient, but in no event shall such physician be entitled to participate in any such examination or in the making of any report required under this section with respect to such examination.

(3) The court shall also advise such patient that if, after an examination and hearing as provided in this section, he is found to be a drug dependent person who requires medical treatment, he will be civilly committed to the commission for treatment; that he may not voluntarily withdraw from such treatment; that the treatment (including posthospitalizaton treatment and supervision) may last eighteen (18) months; that he may be confined in an institution for up to, but not exceeding six (6) months for treatment or, in the alternative, he may be placed in an outpatient program established by the commission for treatment and supervision; that if he is confined in an inpatient facility he will, following his release, be placed under the care and custody of the commission for treatment and supervision under a posthospitalization program established by the commission, and that should he fail or refuse to cooperate in such posthospitalization program or be determined by the commission to have relapsed to the use of drugs, he may be recommitted for additional confinement in an inpatient facility followed by additional posthospitalization treatment and supervision. After so advising the patient, the court shall appoint two (2) qualified physicians, one (1) of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination, the court may order the patient committed for such reasonable period of time as it shall determine, not to exceed seventy-two (72) hours. The examination shall consist of a physical examination and a psychiatric examination except the psychiatric examination shall not be administered, and the patient shall be immediately returned to the court for such further proceedings as it may direct, if the physical examination indicates that the patient is not a drug dependent person. Each physician appointed by the court shall, with-

in such period so determined by the court, examine the patient and file with the court, a written report with respect to such examination. Each such report shall include a statement of the examining physician's conclusions as to whether the patient examined is a drug dependent person and is likely to be rehabilitated through treatment. Upon the filing of such reports, the patient so examined shall be returned to the court for such further proceedings as it may direct under this section. Copies of such reports shall be made available to the patient and his counsel.

(4) (a) If both examining physicians conclude in their respective written reports that the patient is not a drug-dependent person, or does not require medical treatment, the court shall immediately enter an order discharging the patient and dismissing the proceedings under this section. If the written report of either such physician indicates that the patient is a drug dependent person who requires medical treatment, or that the physician submitting the report is unable to reach any conclusion by reason of the refusal of the patient to submit to a thorough examination, the court shall promptly set the case for hearing. The court shall cause a written notice of the time and place of such hearing to be served personally upon the patient and his attorney. Such notice shall also inform the patient that upon demand made by his within fifteen (15) days after he has been served, he shall be entitled to have all issues of fact with respect to his alleged drug dependency determined by a jury. If no timely demand for a jury is made, the court, in conducting such hearing, shall determine all issues of fact without a jury.

(b) In conducting any hearing under this section, the court shall receive and consider all relevant evidence and testimony which may be offered, including the contents of the reports referred to in subsection (3). Any patient with respect to whom a hearing is held under this section shall be entitled to testify and to present and cross-examine witnesses.

(c) Any patient with respect to whom a hearing has been set under this section may be detained by the court for a reasonable period of time not to exceed thirty (30) days in a suitable hospital or other facility designated by the director of the state rehabilitation center until after such hearing has been concluded.

(5) If the court determines after a hearing that such patient is a drug-dependent person who requires medical treatment, the court shall order him committed to the care and custody of the commission for treatment in an inpatient facility or outpatient program to be established by the commission. The commission shall submit to the court written reports with respect to such patient at such times as the court may direct. Such reports shall include information as to the health and general condition of the patient, together with the recommendations of the commission concerning the continued confinement of such patient.

(6) Any patient committed to the care and custody of the director of the commission pursuant to subsection (5) of this section shall either be committed for a period up to six (6) months in an inpatient facility subject to such posthospitalization program as may be established pursuant to subsection (7) of this section, or in the alternative, he may be placed in an outpatient program established by the commission for treatment and supervision. After the director of the commission certifies that the individual has recovered from his drug dependency to the extent that release on an outpatient status is warranted, the authority, in its discretion, may conditionally release the individual under supervision.

(7) If, at any time during such three (3) year period, any patient:

(a) Fails or refuses to comply with the directions and orders of the commission in connection with such patient's posthospitalization treatment and supervision, or

(b) Is determined by the commission to be again using controlled substances, the commission may order such patient's immediate return to the committing court which may recommit such patient to the commission for additional treatment for a period of not to exceed six (6) months, and may require such patient thereafter to submit to a posthospitalization program.

(8) Nothing in this section shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous commitments.

(9) Any determination by the court pursuant to this section that a patient is a drug dependent person shall not be deemed a criminal conviction, nor shall such patient be denominated a criminal by reason of that determination. The results of any hearing, examination, test or procedure to determine narcotic addiction of any patient under this section shall not be used against such patient in any criminal proceeding.

(10) Any physician conducting an examination under this section shall be a competent and compellable witness at any hearing or other proceeding conducted pursuant to this section and the physician-patient privileges shall not be applicable.

(11) The provisions of this section shall not be applicable with respect to any person against whom there is pending a criminal charge, whether by indictment or by information, which has not been fully determined or who is on probation or whose sentence following conviction on such a charge, including any time on parole or mandatory release has not been fully served, except that such provision shall be applicable to any such person on probation, parole, or mandatory release if the authority authorized to require his return to custody consents to his commitment.

(12) Notwithstanding any other provisions of this section, no patient shall be examined pursuant to subsection (2) of this section unless the commission certifies that adequate facilities or personnel for treatment of such patient are available.

(13) Whoever escapes or attempts to escape while committed to institutional custody for examination or treatment under this section, or whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempt to escape of such a person is guilty of a crime punishable by imprisonment in the state prison for not exceeding —— years. This shall not apply to unauthorized absence from a halfway house or other outpatient facility or program.

(14) Any person who knowingly makes any false statement to the state attorney or his assistants in any petition under subsection (1) of this section shall be guilty of a misdemeanor of the third degree.

Section 5. Treatment for noncriminal addicts who volunteer for treatment.—

(1) Whenever any drug dependent person desires to obtain treatment for his dependency such drug dependent person may file a petition with the director of a community based multimodality treatment program established pursuant to section 6 of this act, requesting that he be examined and admitted for treatment for his dependency. Any such petition filed by a drug dependent person shall set forth his name and address and the facts relating to his dependency. Any person thirteen (13) years of age or older has the capacity to consent to such examination and treatment for any dependency.

(2) The director of the community-based multimodality treatment program will, after receiving the request for treatment and rehabilitation of a suspected drug dependent person under subsection (1), advise the patient that if, after an examination as provided in subsection (3), he is found to be an "eligible" drug dependent person who requires medical treatment, he will be committed to the commission for treatment, that he may not voluntarily withdraw from such treatment; that the treatment (including posthospitalization treatment and supervision) may last six (6) months, that he may be confined in an institution for up to, but not exceeding, three (3) months for treatment or, in the alternative, he may be placed in an outpatient program established by the commission for treatment and supervision; that if he is confined in an inpatient facility he will, following his release, be placed under the care and custody of the commission for treatment and supervision under a posthospitalization program established by the commission; and that should he fail or refuse to cooperate in such posthospitalization program or be determined by the commission to have relapsed to the use of controlled substances, he may be recommitted for additional confinement in an inpatient facility following by additional posthospitalization treatment and supervision.

(3) After being so advised, if the patient knowingly and voluntarily agrees to be committed for treatment, the director shall appoint two (2) qualified physicians, one (1) of whom shall be a psychiatrist, to examine the patient. For the purpose of the examination, the director may order the patient committed for such reasonable period of time as it shall determine but not to exceed ten (10) days. The examination shall consist of a physical examination and a psychiatric examination, except the psychiatric examination shall not be administered, and the patient shall be released, if the physical examination indicates that the patient is not a drug dependent person. Each physician appointed by the director shall, within such period so determined by the director, examine the patient and file with the director a written report with respect to such examination. Each such report shall include a statement of the examining physician's conclusions as to whether the patient examined is a drug dependent person and is likely to be rehabilitated through treatment. Upon the filing of such reports, the patient so examined shall be returned to the director for such further proceedings as he may direct under this title. Copies of such reports shall be made available to the patient.

(4) If both examining physicians conclude in their respective written reports that the patient is not a drug dependent person or is does not require medical treatment, the director shall immediately enter an order discharging the patient. If the written report of either such physician indicates that the patient is a drug dependent person requires medical treatment, and the director determines that the patient is an "eligible individual," the director shall commit him either to an inpatient program not to exceed three (3) months, or to an outpatient program in the community for individualized treatment and supervision. After the director certifies that the individual has recovered from his dependency to the extent that release on an outpatient status is warranted, the narcotic addict evaluation authority created in section 7, in its discretion, may conditionally release the individual under supervision.

(5) If, at any time during such six (6) months period, any patient:

(a) Fails or refuses to comply with the directions and orders of the director in connection with such patient's posthospitalization treatment and supervision, or

(b) Is determined by the director to be again using drugs, the director may order such patient's immediate return for additional inpatient treatment for a period not to exceed three (3) months, and may require such patient thereafter to submit to a posthospitalization program.

(6) The provisions of this section shall not be applicable with respect to any person against whom there is pending a criminal charge, whether by indictment or by information, which has not been fully determined or who is on probation or whose sentence following conviction on such a charge, including any time on parole or mandatory release has not been fully served, except that such provisions shall be applicable to any such person on probation, parole, or mandatory release if the authority authorized to require his return to custody consents to his commitment.

(7) The patient may any time after being committed petition for release from the treatment facility or program if:

(a) The patient did not knowingly and voluntarily agree to such commitment;

(b) The patient can prove that he is not receiving any medical benefit from such confinement; or

(c) The patient ceases to be a drug dependent person.

(8) Any determination pursuant to this section that a patient is a drug dependent person shall not be deemed a criminal conviction, nor shall such patient be denominated a criminal by reason of that determination. The results of any hearing, examination, test or proceeding to determine the drug dependency of any patient under this section shall not be used against such patient in any criminal proceeding.

Section 6. State drug dependent treatment commission.

(1) There is hereby established a state drug dependent treatment commission either as a separate agency or within an agency. Such commission shall consist of five (5) members, who shall be appointed by the governor, by and with the advice and consent of the senate. Insofar as practicable, the members of the commission shall possess broad knowledge and experience in medicine, psychology, social work, sociology, education and law. The term of office of each such member shall be for five (5) years; provided that the members first appointed shall serve for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively, from January 1 next succeeding their appointment, and providing further, that any member appointed to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom he is to succeed.

(a) The members of such commission shall devote their whole time and capacity to their duties as such members. They shall receive an annual salary to be fixed by the governor within the amount made available therefor by appropriation, and shall be allowed their actual and necessary expenses in the performance of their duties hereunder.

(b) The governor may remove any member of the commission for cause after an opportunity to be heard. A statement of the cause of his removal shall be filed by the governor in the office of the department of state.

(c) The governor shall designate a member of the commission as chairman thereof to serve as such during the pleasure of the governor. The chairman shall direct the work of the commission and shall be the chief executive officer of the commission.

(d) The commission shall make an annual report to the governor and the legislature.

(a) (a) The commission shall assist the state attorney in making his decision to petition an individual for commitment by:

1. Receiving the request from a person to commit himself or another suspected to be a drug dependent person under section 4 of this act;

2. Determining that there is reasonable cause to believe that a person is a drug dependent person and advising the state attorney as to such; and

3. Determining that adequate facilities and trained personnel exist to treat the person for whom the petition was filed and advising the state attorney as to such.

(b) The commission shall survey and analyze the state's needs by gathering information and maintaining statistical and other records relating to drug dependents and drug dependency in the state. It shall be the duty of every physician, dentist, veterinarian or other person who is authorized to administer or professionally use controlled substances, or apothecaries, hospitals, clinics, dispensaries or persons authorized to dispense and all public officials having duties to perform with respect to controlled substances or users of controlled substances to report and supply such information in relation thereto as the commission shall by rule, regulation or order require.

(c) The commission shall promote, develop, establish, coordinate, and conduct through the utilization of federal, state, local and private resources, community-based multimodality treatment programs in communities throughout the state which have severe drug dependency problems, for the treatment, aftercare, and rehabilitation of drug dependent persons certified to the care and custody of the commission. Such programs shall, in order to provide comprehensive treatment at the community level:

1. Coordinate such existing public and non-profit private treatment agencies and organizations, provided that such existing programs or facilities meet the standards established pursuant to paragraph (g); and

2. Develop with federal, state, local and private resources additional treatment programs to complement and supplement existing programs.

(d) The commission together with the state department of corrections shall establish and operate, through the utilization of federal and state resources, a state treatment and rehabilitation center for drug dependent person committed under section 3 of this act who were found guilty of a criminal offense or drug dependent persons committed under either sections 3, 4, or 5, who have exhibited such antisocial tendencies that confinement in the center is considered necessary. The center should provide comprehensive treatment including, but not limited to, diagnostic medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative or maintenance services designed to protect the public and benefit the drug dependent person by correcting his antisocial tendencies and ending or controlling his dependence on controlled substances. Separate treatment and rehabilitation programs or facilities shall be established for persons under the age of eighteen (18) and for men and women.

(e) The commission together with the state department of corrections shall establish a treatment and rehabilitation program for the detoxification and treatment of inmates in the state prison system.

(f) The commission shall establish, maintain, operate and designate medical examination or other facilities for alleged drug dependent persons for the purpose of determining whether such persons are drug dependent persons and for the care and custody of alleged drug dependent persons with respect to whom court proceedings are pending.

(g) The commission shall, together with the State Department of corrections, establish a drug dependent parole program. Rules and regulations governing the operation of the program shall be established to closely supervise the patient after release from the facility, to make periodic and surprise testing for controlled substances use, to counsel the patient and assist him in securing employment and a place to live, to recommend to the director of the state rehabilitation center if it is in the best interests of the patient and society that a patient should be returned to inpatient status at the state rehabilitation center, and to limit the caseload of each parole officer so that he can effectively assist the individual drug dependent person.

(h) The commission shall establish standards for licensing treatment programs or facilities in effect immediately prior to the effective date of this act and the establishment of new ones that are components of a community-based, multimodality treatment program.

(i) The commission should exercise complete flexibility in dealing with drug dependent persons committed to the custody and care of the commission for treatment and rehabilitation or who volunteer for treatment and provide them with individualized, multimodality treatment.

(j) The commission shall provide education and training in prevention, diagnosis, treatment, rehabilitation and control of drug dependency for medical students, physicians, nurses, social workers and others with responsibilities for drug dependent persons either alone or in conjunction with other agencies, public or private.

(k) The commission shall provide public education on the nature and results of drug dependency and on the potentialities of prevention and rehabilitation in order to promote public understanding, interest and support.

(l) The commission shall disseminate information relating to public and private services and facilities in the state available for the assistance of drug dependent persons and potential drug dependent persons.

(3) Treatment for the maintenance or control of dependence on controlled substances by the use of methadone and other heroin substitutes shall be strictly controlled, limited to drug dependent persons who are over eighteen (18) years of age and who have failed on two (2) previous occasions to respond to treatment designed to end dependence on addicting drugs, and shall not be administered to pregnant women. Maintenance programs will not be administered for either detoxification or treatment purposes to drug dependent inmates in the state prison system.

Section 7. Drug dependent evaluation authority.—

(1) There shall be established a drug dependent evaluation authority. The authority shall be composed of five (5) members, each of whom shall be appointed by the governor, for a term of four (4) years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the authority shall be designated by the governor from the five (5) members from time to time. The terms of the members first appointed to the authority shall expire as follows: one on January 15, 1973, one on January 15, 1974, one on January 15, 1975, one on January 15, 1976 and one on January 15, 1977. Their successors shall hold office for terms of four (4) years, each term to commence on the expiration date of the term of the predecessor. The governor shall fill every vacancy for the balance of the unexpired term. Insofar as practicable, persons appointed to the authority shall have a broad background in law, sociology, law enforcement, medicine, or education, and shall have a deep interest in the rehabilitation of drug dependent persons.

(2) Each member of the authority shall devote such time to the duties of his office as required for performance of his duties and shall be entitled to an annual salary as provided by law for attendance upon business of the authority. In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses in accordance with § 112.061, Florida Statutes.

(3) The authority shall maintain its headquarters at the state rehabilitation center and shall be provided with necessary office space, equipment and services from funds

appropriated to the state rehabilitation center.

(4) The authority shall meet at the center or its branches at such time as may be necessary for a full and complete study of the cases of all patients who are certified by the director of the state rehabilitation center to the authority as having recovered from drug dependency or to such an extent that release in an outpatient status is warranted. Other times and places of meetings may also be fixed by the authority. The authority panel shall consist of at least two (2) members of the authority. Three (3) members of the authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by a majority of the members present.

(5) After an initial period of observation and treatment, whenever a person committed under this act has recovered from his drug dependency to such an extent that, in the opinion of the director of the state rehabilitation center, release in an outpatient status is warranted, the director shall certify such fact to the authority. If the director has not so certified within the preceding three (3) months, his case shall automatically be referred to the authority for consideration of the advisability of release in outpatient status. Upon any such certification by the director or such automatic certification, the authority may release such person in an outpatient status subject to being retaken and returned to inpatient status by the committing court as described in subsection (7) of section 4 of this act. The supervision of such persons while in an outpatient status shall be administered by the state rehabilitation center in conjunction with the state department of corrections.

(a) A single member of the authority may, by written or oral order, suspend the release in outpatient status of such person and cause him to be retaken, until the next meeting of the authority. The written order of any member of the authority shall be sufficient warrant for any peace officer to return such persons to physical custody.

(b) It is hereby made the duty of all peace officers to execute any such order in like manner as ordinary criminal process.

Section 8. Civil commitment and the courts.—

(1) All hearings to be held pursuant to §§ 3 and 4 of this act for the civil commitment of alleged drug dependent persons will be held in a division of the circuit court to be located in the state hospital designated by the center where the alleged drug dependent persons are confined for treatment and examination pending the hearing.

(2) The attorney general is authorized and directed to establish training programs for the circuit court judges who sit on the court referred to in subsection (1) of this section, and probation and parole offices under the drug dependent parole program created in § 4 to better acquaint them with all aspects of the problems relating to drug dependency, and to enable them to carry out their duties and responsibilities regarding drug dependency in a manner that will best serve the interests of justice, safety, and humanity.

Sec. 8. Severability

If any section, provision, or term of this Act shall be adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions and terms shall be and remain in full force and effect.

Sec. 10. Continuation of Rules

Any orders and rules promulgated under any law affected by this Act and in effect on the effective date of this Act and not in conflict with it shall continue in effect until modified, superseded, or repealed.

Sec. 11. Repealers

(List repealers of appropriate State code sections).

Sec. 12. Effective Date

This Act shall take effect upon becoming a law.

QUESTIONNAIRE RESULTS FROM THE 40TH DISTRICT OF NEW YORK

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. SMITH of New York. Mr. Speaker, recently I mailed my annual questionnaire to the residents of my district. I received in return in excess of 21,000 responses with my constituents' views on the pressing issues facing this Nation. I am pleased to have the opportunity to include the results of that survey at this time for the review of my colleagues:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIEND: As I have done in the past, I am again asking you to take a few moments of your time to let me know how you feel about the important issues facing all Americans. In this way, I feel I can best serve your needs and reflect your desires in Congress.

The Constitutional amendment which lowered the voting age to 18 has focused attention on the fact that there may be more than two qualified voters in each household. If this is the case in your home, feel free to attach an extra sheet of paper to this questionnaire with the additional responses.

Thank you for giving me the valuable benefit of your opinions through this questionnaire, and please feel free to call on me whenever I can be of service to you.

With every good wish.

Sincerely yours,

HENRY P. SMITH III.

[In percent]

1. Certain measures have been taken to remedy U.S. economic difficulties. How would you describe your outlook now regarding the future of the U.S. economy?

Very optimistic	4
Optimistic	34
Pessimistic	31
Very pessimistic	10
Undecided	15
No reponse	5

2. Federal spending involves your tax dollars. Should the Federal Government spend more, less, or the same on the following?

	NR	More	Less	Same
Defense	4	14	49	33
Education	4	47	14	35
Space development	4	10	59	27
Crime prevention	4	71	5	20
Foreign aid	4	3	82	10
Environmental protection	5	63	6	26
Aid to poor	4	31	24	41
Aid to elderly	3	59	5	32
Consumer protection	5	46	11	38
Mass transportation	6	33	30	31
Farm programs	6	14	43	37

3. What is your opinion on amnesty for those who chose to leave the United States rather than serve in the military?

	Yes	No	NR
Amnesty should never be granted	28		25
Amnesty should be granted only after serving in a public service job for a specified length of time	39		
Unconditional amnesty and pardon	8		
4. Do you favor compulsory arbitration to control nationwide strikes in the transportation industry?	84	12	3

Note: NR means no response.

[In percent]

5. Regarding possession and use of marijuana:

(a) Legalize it	10
(b) Reduce present penalties	22
(c) Retain present penalties	17
(d) Increase present penalties	37
(e) No response	14

6. Would you be willing to pay increased prices for consumer goods if they could be made pollution free?

Yes	60
No	36
No response	4

7. Do you think forced busing of school children is a proper method to achieve racial balance in American schools?

Yes	5
No	93
No response	2

8. Do you favor continued deficit spending if it is necessary to reduce unemployment?

Yes	39
No	56
No response	5

9. Do you approve of President Nixon's initiatives in opening new approaches toward Red China and the Soviet Union?

Yes	80
No	16
No response	4

In addition, Mr. Speaker, the results of the presidential preference question are as follows: President Nixon, 45 percent; Governor Wallace, 9 percent; Senator MCGOVERN, 7 percent; Senator MUSKIE, 4 percent; Senator HUMPHREY, 3 percent; and undecided, 23 percent.

THE LATE HONORABLE PHILIP J. PHILBIN

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. ZABLOCKI. Mr. Speaker, I wish to join my colleagues in expressing sorrow at the untimely passing of our former esteemed colleague, the Honorable Philip J. Philbin.

It was a privilege to serve in the Congress with him for he was a distinguished legislator and a good friend. He served the people of the Third District of Massachusetts with dedication and devotion and as a ranking member for a long period of time and all too briefly as chairman of the Armed Services Committee his expertise on national security legislation contributed to the strength and security of our Nation.

Congressman Philbin was a dedicated, hard-working, high-principled gentleman who will be missed by his colleagues and his many friends. The Nation has lost a great citizen. My wife Blanche joins me in expressing deep sympathy to his children and we hope they derive consolation from the knowledge that his loss is shared by his many friends.

ANTIPOVERTY WEAPON: SELF-INTEREST

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. McDADE. Mr. Speaker, Charles Bartlett, the very perceptive syndicated columnist of the Washington Evening

Star, in a recent article calls attention to a new imaginative program being carried out by Action. The program, called university year in action, provides the opportunity for students to earn college credits for working on inner-city problems. This combined work-study program is only 9 months old but already it is functioning in 24 colleges and universities throughout the Nation.

Mr. Speaker, this is one very excellent way in which the creative talents of our young people can be put to work in solving the many problems of our cities. I commend the Action program for displaying such leadership and I highly recommend this article to the Members' attention.

The article follows:

ANTIPOVERTY WEAPON: SELF-INTEREST

It is difficult to dispute the Urban League's assessment that public sympathy and attention are turning away from the inner cities.

The concern has faded like a fad because the problems are stubborn and the solutions are uncertain. The Urban Coalition finds it increasingly hard to cement a link between the power structures and the needs of the cities. David Rockefeller warns business leaders that if they keep pulling away from the problems, they may have social obligations imposed upon them by law.

But the job of reviving the cities and tackling the intricacies of racial disintegration cannot be done by fiat or left to the impulses of goodwill. The broad consensus now is that the best, perhaps the only, hope lies in exertions that are motivated by a large degree of direct self-interest.

This is the premise on which Samuel Beard, a young New Yorker with a strong urge to turn the situation around, has launched the Development Council. It will serve as a catalyst to make the point to manufacturers, particularly small ones in labor intensive industries, that there are significant advantages in putting factories in the slums. These include access to a job-hungry work force as well as priority claims on federal loans.

Beard learned the importance of the self-interest motivation in the course of a successful campaign to persuade large corporations to deposit portions of capital in minority banks. He was able to induce American companies to place over $250 million in these banks, not by stressing that it was a nice thing to do but by describing the corporate benefits that could flow from the gesture.

On the personal level, the same principle is being used by the Nixon volunteer agency Action to bring college students into the battle against urban poverty. The program is called University Year in Action. It is only nine months old but it clearly holds the potential for a profound impact on the volunteer students, who earn credits while they gain experience in the ghettos, and on the universities, which have their first real opportunity to become involved in the communities which surround them.

Both the volunteer and the university are subsidized so the federal cost for each of the 1,000 students now working out of 24 academic institutions is about $6,100. But this is less than the cost of a VISTA volunteer and the impact is magnified because the students have the backing and guidance of their faculties.

The virtues of UYA were eloquently described to a Senate committee by Charles Hurst, who has transformed Malcolm X College on the West Side of Chicago into an imposing institution. He said that if the program had not come along the universities would still be talking about what they ought to be doing instead of doing something. The problem, as he put it, is that education has been producing "socially naive people."

Hurst predicted that UYA, if allowed to expand to a broader segment of the student population, can accomplish an immense social result by producing a new breed of decision-makers with a sharpened sense of social responsibility and a keener awareness of what needs to be done. This, he said, is crucially important at a time when "we are living as witnesses to social disaster in all the major cities."

Liberals in Congress have been curiously reluctant to endorse UYA, partly because it is a Nixon program and partly because they fear it may eclipse VISTA, their own innovation. They are restricting its expansion and hobbling its evolution, even though it may be the best hope of reinvigorating concerns which have gone out of style.

This is not the kind of issue on which parochial notions should be allowed to intrude because it is important to develop incentives that will keep the battle against poverty going.

AHEAD TOGETHER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. LONG of Maryland. Mr. Speaker, the Political Activities Club of Bel Air High School in my congressional district has sent me its platform, "Ahead Together," which is based on the club's opinion poll taken in the school.

I am enthusiastic about some of the ideas presented, such as reform of our foreign aid, control of guns without interfering with sportsmen, and reexamining our system of health care delivery.

The platform also contains some views that I cannot support, including the position on the draft, pollution, drugs, and welfare.

By and large, however, this platform represents great maturity on the part of the students of Bel Air High School. I am always encouraged when a group of young people takes an interest in politics and does it in such a responsible way.

I am pleased to insert the platform in the RECORD:

AHEAD TOGETHER

INTRODUCTION

This platform is the result of a random sampling of students from grades 9–12 concerning the various issues facing the United States today.

We believe that this platform represents not only the views of the average teenager, but also his concern for the future he will inherit.

It is our fervent hope that this platform will be read and that the reader will gain a fresher insight about what this country is and, should be doing.

Respectfully submitted.

ANTHONY F. SARCONE,
Advisor.
RICHARD BRINEY,
President.
BRENDA AYRES,
Corresponding Secretary.

I. FOREIGN AFFAIRS

One of the most serious problems facing the United States is the question of foreign aid.

It is the belief of the students of Bel Air High School that the government should distribute as much information as possible about how foreign aid is administered and distributed.

We also believe that the people should have a say in how foreign aid is determined.

Foreign aid should be reduced but not cut out altogether.

No aid should be sent to developed nations or to nations who owe us money, especially those nations who borrowed billions during the two World Wars.

The students of Bel Air High School feel that nations are entitled to receive foreign aid if they are also funded by the Communists or even if they vote against us in the United Nations.

We feel that nations that constantly espouse anti-Americanism should not receive any foreign aid.

Lastly, we feel that monies should be diverted from the foreign aid program and used for more valuable projects such as education, eliminating poverty and pollution control.

The students of Bel Air High School feel that the United States is not accepting the role as number one nation properly and that we are too concerned with other nations rather than ourselves. This view should not be mistaken for isolationism.

It is in this vein that the students of Bel Air High School hope that the United States will continue to support activities and resources of the United Nations.

We also feel that the United States should take a harder line with the North Vietnamese at the Paris "Peace Talks."

II. DEFENSE

The students of Bel Air High School recognize that the United States should maintain an effective and efficient military establishment.

We would like to see the government reverse the trend of recent years and begin again to build up the navy and our missile capabilities to meet Soviet increases in this area.

We lastly feel that the military should be held criminally accountable for cost overruns which have become too frequent and much too costly.

III. DRAFT

We the students of Bel Air High School would like to see the draft abolished completely and a volunteer army created instead.

IV. CRIME

One of the most serious of our domestic problems is that of crime.

The only way to wipe out crime is to eradicate the economic and social ills that cause most crimes.

We the students of Bel Air High School feel that hiring more policemen is NOT the solution to the problem of crime.

We also feel that wire taps are an invasion of privacy and should NOT be used.

We strongly urge that the problem of crowded court dockets be solved by setting a time limit for cases to be heard.

We feel, however, that despite the slow wheels of justice, suspects should be held until their cases are heard.

V. SPACE PROGRAM

We urge NASA to admit women as astronauts to the space program.

It is our belief that a space program is necessary and that the United States has benefitted from the material and information gained from space exploration.

We would urge the development of a space station.

We strongly suggest a joint America-Soviet space venture.

Until such time as our other, more pressing domestic problems, such as pollution, poverty, urban renewal, etc. are solved, we feel the amount of money alloted the space program should be cut back.

VI. HEALTH AND WELFARE

We strongly urge that welfare programs be reformed and that the amount of assistance be based on the cost of living.

We feel that free medical clinics should be made available to people in low income brackets.

It is our belief that the shortage of doctors is a very serious one and that the government should do all that it can to defray the cost of medical tuition for the student.

We approve of the opening of Fort Dietrich in Frederick, Maryland as a cancer research center and hope that more such places will be opened by the government.

VII. POLLUTION

It is our firm conviction that the government is not doing enough in the area of pollution.

We feel that the government is the only agency capable of solving the pollution problem.

We urge that off-shore oil drilling NOT be allowed and further that stricter pollution controls be applied to the automobile industry.

VIII. TRANSPORTATION

We feel that the solution to the traffic problem is NOT the building of more high speed expressways.

We would like to see cars banned from city streets and mass transit used instead.

We also want the development of a practical steam or electric car.

IX. DRUGS

While we are not exactly certain as to the long range effects of marijuana we feel it is less harmful than alcohol.

We the students of Bel Air High School are far from united on the question of legalizing the use of marijuana, but more feel it should be, than do not.

X. ECONOMY

We favor the concept of a wage-price freeze and strongly desire to see profits frozen.

We also favor permanent government controls to avoid inflation.

XI. PRISON REFORM

We feel that one of the most serious problems to be faced in the area of prison reform is the quality of the guards. It is our overwhelming opinion that the average prison guard is poorly and inadequately trained. We feel this should be corrected so that he can act more intelligently to stop prison riots before they start.

We feel that the luxuries and money given to prisoners at present is for the most part adequate.

As for capital punishment, we are almost evenly divided, but more favor its retention, than do not.

XII. BUREAUCRACY

We feel that the Congress has far too many committees and thus wastes much of its time in pointless debates.

It is our almost unanimous opinion that the bureaucracy is much too large and thus the government is very ineffective and inefficient.

We urge that Congress take measures to revamp and thus revitalize the structure of the bureaucracy.

XIII. GUN CONTROL

We highly recommend that all firearms and ammunition be made illegal for sale to minors and that stiff penalties be provided.

We feel that all gun traffic should be strictly controlled, but that the rights of hunters should not be infringed.

WASATCH FRONT FIVE-COUNTY ALCOHOL SAFETY ACTION PROJECT

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. McKAY. Mr. Speaker, John Volpe, Secretary of Transportation, visited Salt Lake City, Utah, on June 6, 1972. Part of his time was devoted to a review of the Wasatch Front five-county alcohol safety action project.

Public safety officials arranged to demonstrate the arrest and booking procedures for a drinking driver at the Salt Lake City and County Jail. Mr. Newell Knight, highway patrol specialist in breathalyzer operation and training, explained the use of a breathalyzer while giving an actual test.

In Utah, 0.08 percent blood alcohol concentration is the presumptive level of intoxication. If, upon arrest, tests show that the driver's BAC is 0.08 percent or higher, he is held for arraignment and charged with driving under the influence of alcohol. Under Utah laws, DUI is a misdemeanor and punishable by a fine of up to $300, and/or 6 months in jail.

At the time of arraignment, the driver enters a plea. If he pleads guilty or is found guilty by trial, a presentence investigation may be ordered by the judge. Presentence investigations attempt to determine the seriousness of the alcohol problem and then make appropriate recommendations for probation programs.

The judge may sentence the offender to jail, a fine, probation, or any combination thereof. After completing the sentence, including the terms of probation, the individual is released from his sentence; however, the ASAP program will continue contact for several years.

ASAP activities involve all phases of the legal system, and will coordinate with rehabilitative programs when advisable. Special enforcement teams in the Salt Lake City Police Department, Salt Lake County Sheriff's Department, Ogden City Police Department, Provo City Police Department, and the Utah Highway Patrol will increase detection and arrest of drinking drivers.

Additional prosecutors are being trained to handle the increased caseloads in the Salt Lake County, Weber County, and Davis County Attorneys' Offices. Judicial seminars are being planned to acquaint judges with ASAP goals and alternatives. Probation personnel funded by ASAP will conduct presentence investigations for courts in Salt Lake City, Ogden, and Provo. Investigations include a preliminary assessment of the seriousness of the driver's alcohol problem, and recommendations for appropriate rehabilitative measures.

Cooperative agreements with the University of Utah Clinic for Alcohol and Drug Abuse, Weber County Mental Health Center, and Timpanogos Mental Health Center have been arranged. These groups will help determine appropriate referrals and rehabilitative programs for those drivers who have very serious alcohol problems.

Schools to reeducate those convicted of DUI are in operation and are an integral part of our program. Increased knowledge of the serious effects of alcohol on driving will serve to reorient attitudes toward operating an automobile while intoxicated.

Driver license revocation is mandatory upon DUI conviction. Additional hearing officers are being trained to process the increased number of revocation reviews.

Public information and education is an important part of the ASAP program. Alcohol information is being added to existing driver training programs and driver license manuals. The news media as well as individual speakers will present programs to increase the public's awareness of the alcohol problem as it relates to traffic safety. Efforts will be made to impress upon the public that alcohol-related accidents can and must be reduced.

Mr. Speaker, preliminary results indicate that as the program becomes operational on July 1, 1972, we will, with the continued cooperation and efforts of concerned personnel, be able to significantly reduce the number of alcohol-related accidents in our area.

JAMES SUMMER: THE SOCIAL ROLE OF BUSINESS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. FRENZEL. Mr. Speaker, a recent Minneapolis Tribune article carried excerpts from a speech by James Summer, president, General Mills, Inc., at an Upper Midwest Council seminar on the social responsibilities of business and labor.

Mr. Summer discussed the dilemma businessmen face in trying to balance the traditional objective of making a profit with increasing demands to participate in socially relevant activities. The usual corporate response has been to channel a portion of its resources into nonprofit corporations over which it has little control. Because there is no real incentive in this system, the results have proved disappointing.

As an alternative, Mr. Summer proposes that corporations consider moving directly into service fields such as education and health care. Under his plan corporate subsidiaries would be formed to compete with other such subsidiaries, and with public and nonprofit organizations, for the business on the basis of a modest return on equity.

Mr. Summer's intriguing proposal deserves active consideration by corporations which understand the potency of incentive systems.

The article follows:

JAMES SUMMER: THE SOCIAL ROLE OF BUSINESS

I am going to describe a new institutional relationship for the large companies that will seem at first to do bodily harm to David Rockefeller as the symbolic representative of capital. The same will be true of George Meany and labor and of Ralph Nader and the consumer.

As I see the matter, the solution to our dilemma of balancing corporate independence and responsibility has to go to the root of the institution itself. The solution is not to divert the large corporation from an economic purpose to a social purpose, but rather to redefine the corporation so that its pursuit of the economic purpose is kept consistent with its various—and sometimes conflicting—obligations.

The typical manager of the larger company sees social responsibility in two ways: first, the manner in which he deals with demands to modify the conduct of his business; second, the providing of money and people to a growing number of nonprofit organizations. The first is a subject in itself, but I want to concentrate on the second.

Up to some level, the manager can absorb the demands or requests as being important, but still peripheral to his basic professional purpose: to make a profit in his business, Above some level of demand, and we seem to have reached it, a real anxiety sets in. The amount of money and manpower is important, but the real problem is a growing suspicion that the resources are being wasted and even may be adding to the problem.

The manager cannot follow through to make the resource produce the results intended. He is detached from the resource and is viewed that way.

This leads to the charge of tokenism, which is valid insofar as the manager's and the company's vital interests are not at stake. What he is doing is frustrating him, and as yet there is nothing he can do with a sense of purpose and control.

A partial solution to what business can do with purpose and control may lie in a fundamental trend of recent years.

The relative importance of definable products such as Wheaties, TV sets, etc., is decreasing, while the importance of services such as education and health care is increasing. Most of these increasing services are being handled by public or nonprofit private organizations, and with growing uneasiness. I will call this the gray service zone, since it is midway between the black and white of that which is clearly private and that which is clearly public.

There is an opportunity for the large companies of the Twin Cities to move out. I propose that 8 to 10 large companies assume the responsibility for operating in three or four of these growing gray-service areas.

Each company would form a subsidiary with staff and financial support as a bonafide slice of its corporate whole, fully committed at risk of reputation as any other commercial activity it engages in. It would compete with one or two other companies in the selected area. It would operate at a profit, but at a return on equity of perhaps 5 percent.

This proposed form of decision influence on top management to integrate social costs into the economic judgments of 500 to 1,000 companies is infinitely preferable to a state-controlled system.

There might be some short-term dilution to shareholders, but the genetic defect would be avoided not least to the benefit of the shareholder.

The manager and the corporation are not going to solve the social problems of the world, but they could be making a powerful contribution if they came to clear grips with what they could do and demanded relief from what they cannot do.

VIOLATION OF HUMAN RIGHTS IN SOVIET-OCCUPIED BALTIC STATES

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GARMATZ. Mr. Speaker, Americans of Baltic origin or descent and their friends will mark some sad and glorious anniversaries during this month. First, the Baltic States were overrun by the Soviets 32 years ago; second, 31 years ago Lithuanians were successful in their revolt against the Soviet Union; and finally, the Baltic peoples have lost more than one-fourth of their population during these 32 years of the Soviet terror and occupation.

I, once again, urge the administration to implement legislation by bringing the Baltic States question in the United Nations and requesting the Soviets to withdraw from Lithuania, Latvia, and Estonia.

I would like to include the following essay prepared by the Lithuanian American Community of the United States of America, Inc., at this point in the RECORD, along with a copy of House Concurrent Resolution 416, of the 89th Congress, which was unanimously passed by the House and the Senate:

VIOLATION OF HUMAN RIGHTS IN SOVIET-OCCUPIED BALTIC STATES—RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Soviets dominate Lithuania, Latvia and Estonia, and Russian troops are at hand to squelch any resistance. The Baltic peoples are deprived of their very basic human rights and freedom. They are unable to speak for themselves. It is the responsibility of all the people in the free world to be spokesmen for enslaved Lithuanians, Latvians, Estonians and other captive people.

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviets invaded the Baltic States in June of 1940 and grabbed them by force of arms. The Baltic peoples have been suffering in Russian-Communist captivity for more than 30 years.

SAD AND GLORIOUS EVENTS OF JUNE

The month of June is very sad as well as glorious to the Balts in all parts of the world and to other freedom-loving people. Thirty-two years ago this month—in June of 1940—the Soviet Union invaded the grand old Baltic States of Lithuania, Latvia and Estonia and took over these three peace-loving republics by force of arms. One year later—in June of 1941—the Russian Communists started mass deportations of the Baltic people, and over 150,000 Lithuanians, Latvians and Estonians were swallowed up in Siberian slave and labor camps. Several days before the Nazi invasion of the Soviet Union on June 22, 1941, the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was re-established. This free, provisional government of Lithuania remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

ANCIENT NATIONS

The Balts are proud people who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 721st anniversary of the formation of the Lithuanian state. Mindaugas the Great, unified Lithuanian principalities into one kingdom in 1251.

The Baltic peoples have suffered for centuries from the "accident of geography" From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Lithuanians, Latvians and Estonians, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

RESISTANCE AGAINST THE INVADERS

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. It is widely recognized that in the period between 1940 and 1952, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the Soviet conquerors.

The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, the Baltic nations of Lithuania, Latvia and Estonia have lost more than one-fourth of their combined populations to the ethnically genocidal deportation and resettlement programs of the Soviet Union. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

DESPERATE PLIGHT OF LITHUANIANS

Two events of the past several months indicate the desperate plight of Lithuania's Roman Catholics, the primary target of the Soviet government repression among Religious denominations. In March, 1972, a petition bearing 17,054 signatures was forwarded to Dr. Kurt Waldheim, Secretary General of the United Nations. The courageous signatories stated that they were appealing to the United Nations to relay their protest to Leonid Brezhnev, Secretary General of the Russian Communist Party, because three previous collective letters had gone unanswered.

The most recent known demonstrations against the Soviet occupation of Lithuania and persecution of religion took place in the city of Kaunas and in other cities during the second part of May, 1972. Several thousand youths battled police and Soviet soldiers in Kaunas after a young Roman Catholic, Romas Talanta, burned himself to death in a public park for political reasons. The rioting continued for several days after the funeral of Talanta and spread throughout the entire country suffering in the Soviet captivity. This immolation has brought international furor and attention to the problems besetting the captive Lithuanian nation.

CONFRONTING THE SOVIETS WITH THEIR ACTS OF AGGRESSION

The United States Government still refuses to recognize the forced incorporation of the Baltic States into the Soviet Union. But this lack of official recognition by our Government is not enough. Our diplomatic representatives at the United Nations and elsewhere should be prepared to confront the Soviet Union with its acts of aggression against Lithuania, Latvia and Esthonia when Soviet spokesmen raise the cry of "imperialism" against our own country.

The Soviet Union has signed the U.N. Declaration of Human Rights. This document describes the fundamental privileges which are due to every individual from a state in which he lives. These include the rights of assembly, of free elections and of freedom of worship. Most importantly, they include the right to move freely over the borders for emigration or temporary visiting.

The United States and other countries of the free world should urge the Kremlin leaders to make these rights described in the Declaration available to the Balts and other captive people. If the rulers of the Soviet Union had the courage to carry out such reforms there would be no end for self-immolation to demonstrate the plight of Lithuanians and other people of the Russian Communist captivity.

BRINGING THE BALTIC CASE IN THE UNITED NATIONS

Past experience indicates that the Soviet Government is sensitive to criticism of its actions by those in the free world. Hoping that such means may minimize the persecution of the Balts in the Soviet captivity, the Administration should go ahead and implement *H. Con. Res. 416* (89th Congress). This legislation was unanimously passed by the House and the Senate and it calls for the freedom from Soviet domination of Lithuania, Latvia and Estonia. The President of the United States should bring the issue of the liberation of the Baltic States in the United Nations and demand the Soviets to withdraw from Lithuania, Latvia and

Estonia. We should have a single standard for freedom. Its denial in the whole or in part, in any place in the world, including the Soviet Union, is surely intolerable.

TREATIES THAT WERE NOT KEPT BY THE SOVIETS—ILLEGAL SEIZURE OF THE BALTIC STATES BY THE SOVIET UNION

The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist captivity for 32 years.

The seizure and annexation of Lithuania, Latvia and Estonia by the Soviet Union constituted an act of aggression and a flagrant violation of numerous international treaties and agreements, as well as the inalienable rights of the Baltic peoples.

The treaties and agreements violated by the Soviet Union are:

1. *Treaty of Peace between Russia and Estonia,* signed at Tartu (Estonia) on February 2, 1940;
2. *Peace Treaty between Lithuania and the Russian Socialist Federal Republic, and Protocol,* signed at Moscow on July 12, 1920;
3. *Treaty of Peace between Latvia and Russia,* done at Moscow, completed and signed at Riga (Latvia), August 11, 1920;
4. *Treaty of Non-Aggression between the Republic of Lithuania and the Union of Soviet Socialist Republics,* signed at Moscow on September 28, 1926;
5. *Treaty of Non-Aggression and Peaceful Settlement of Disputes between Estonia and the Union of Soviet Socialist Republics,* signed at Moscow, May 4, 1932; extended in 1934 for a term to last until December 31, 1945;
6. *Convention for the Definition of Aggression,* signed at London, July 3, 1933, between Romania, Estonia, Latvia, Poland, Turkey, the Union of Soviet Socialist Republics, Persia, and Afghanistan.
7. *Convention between Lithuania and the Union of Soviet Socialist Republics for the Definition of Aggression,* signed at London, July 5, 1933; extended in 1933 for a term to last until April 4, 1943;
8. *Treaty of Non-Aggression between Latvia and the Union of Soviet Socialist Republics,* signed at Riga, February 5, 1932;
9. *General Treaty for Renunciation of War as an Instrument of National Policy,* signed at Paris, August 27, 1928, to which 63 states are parties among them the Soviet Union and the Republics of Lithuania, Latvia and Estonia;
10. *Convention relating to the Establishment of the Conciliation Commission* and Conciliation Procedure between Latvia and the U.S.S.R., signed on June 18, 1932;
11. *Mutual Assistance Pact between the Soviet Socialist Republics and Estonia,* signed on September 28, 1939;
12. *Mutual Assistance Pact between the Union of Soviet Socialist Republics and Latvia,* signed on October 5, 1939;
13. *Mutual Assistance Pact between the Union of Soviet Socialist Republics and Lithuania,* signed on October 10, 1939;
14. *The Covenant of the League of Nations,* came into force on January 10, 1920. Lithuania, Latvia and Estonia became Members of the League on September 22, 1921, and the Soviet Union on September 18, 1934.

As the forcible incorporation of Lithuania, Latvia and Estonia by the Soviet Union constitutes a violation of international treaties and generally accepted and recognized principles of international law, the Soviet regime in the three Baltic States lacks any legal basis and should be regarded only as a temporary occupation.

H. CON RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH R. ROBERTS,
Clerk.

TRIBUTE TO DR. ELSON

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. BROWN of Ohio. Mr. Speaker, I wish to enter into the RECORD the following sermon by the Reverend Dr. Edward L. R. Elson. On Sunday, May 14, 1972, Dr. Elson announced to his congregation at the National Presbyterian Church that for health reasons he would no longer be maintaining a full preaching schedule. Earlier this year, he had given notice of his retirement from pastoral responsibilities effective January 1, 1973. This sermon was written prior to his receiving word from his doctor that he would have to surrender his pulpit and pastoral responsibilities. His sermon, entitled "Dividends From Difficulties," is especially significant in light of the circumstances that accompanied its delivery, making it all the more fitting that it be entered into the RECORD. I would also like to enter the following tribute to the Reverend Dr. Elson, one of the most distinguished clergymen in America today.

The Reverend Dr. Elson was born in Monongahela, Pa. He attended high school in Clairton, Pa. He received the A.B. degree from Asbury College, Wilmore, Ky., in 1928, and the M. Th. degree from the University of Southern California in 1931. He has been the recipient of 16 honorary doctor's degrees, including the D.D. from Occidental College in 1947, and Wheaton College in 1943; the S.T.D. from the College of Emporia in 1955, and from Ripon College in 1956; the Litt.D. from Centre College of Kentucky in 1952, from Lafayette College in 1958, and from Gettysburg College in 1960; the LL.D. from Norwich University in 1953, from Davis and Elkins College in 1955, from Asbury College in 1958, and from Hope College in 1961; the L.H.D. from the University of Southern California in 1954, from the College of Wooster in 1960, and from Washington and Jefferson College in 1960; and the D. Hum. from Parsons College in 1955.

Dr. Elson was ordained into the ministry by the Presbytery of Los Angeles at Santa Monica, Calif., April 27, 1930. He served as assistant minister, First Presbyterian Church, Santa Monica, Calif., 1929–31. From 1931 to 1941, he was minister of the First Presbyterian Church, La Jolla, Calif. Since 1946, he has been minister of the National Presbyterian Church, Washington, D.C. During this time, he was pastor to former President and Mrs. Eisenhower, members of the Cabinet and other Government officials. In January 1969, he was elected as Chaplain of the U.S. Senate.

His public service includes the following: a member, board of directors, Maryville College, Maryville, Tenn.; president, board of trustees, Wilson College, Chambersburg, Pa.; member, board of directors, Freedoms Foundation at Valley Forge, Valley Forge, Pa.; chairman, national council, American Friends of the Middle East; member, Advisory Committee on the Arts, John F. Kennedy Center for the Performing Arts; president, board of directors, American Colony Charities Association, Jerusalem; vice president, Religious Heritage of America since 1965; former chairman, Clergy Advisory Council, National Association of Manufacturers; member, National Advisory Council, Welfare of the Blind, Inc.

His past positions include: Moderator, Los Angeles Presbytery, 1938; western regional director of Presbyterian Post War Fund, 1946; member, board of pensions, Presbyterian Church in U.S.A., 1948–57; national chaplain, Disabled American Veterans, 1950–51; president, Washington Federation of Churches, 1952–54; president, Military Chaplains Association, 1957–59; commissioner to the general assembly, United Presbyterian Church in the U.S.A. six times; president, Kiwanis Club, La Jolla, Calif.—honorary life member; moderator, Presbytery of Washington City, 1966.

Dr. Elson has extensive military experience. He was commissioned chaplain, U.S. Army Reserve, 1930. He has held the rank of colonel since 1944, from which he retired in November 1961. He saw extended active duty, 1941–46, was chaplain XXI Corps, European Theater; chaplain, 7th U.S. Army, Europe. His military decorations include the Legion of Merit; Bronze Star Medal; Army Commendation Medal; French Croix de Guerre avec Palme; French Medal of Freedom; Silver Star of Jordan—First Class; Gold Medal, Lebanese Order of Merit—First Class; Arms of the City of Colmar, France; German Occupation Medal; Reserve Officers Medal with three clusters; Chief of Army Chaplains Silver Medallion; National Defense Medal; American Theater Medal; Victory Medal, World War II; European Theater Medal.

His numerous honors include being recipient of the following: "Clergy Churchman of the Year" Award by Religious Heritage of America and Washington Pilgrimage of American Churchmen, 1954; Freedoms Foundation Award, Sermon Category: 1951, 1954, 1957, 1958, 1959, 1960, 1962, 1964; Freedoms Foundation Principal Sermon Award, 1965 and 1971; Honor Medal Award for his book, America's Spiritual Recovery, 1954; Honorary Citizen, Dallas, Tex., Charlotte, N.C., Alliance, Ohio; Honorary Kentucky Colonel; Honorary Life Member, Kiwanis International; Member U.S. Mission to observe Vietnamese Elections, 1967; World Who's Who, First Edition; Who's Who in America; Who's Who in Government; Community Leaders of America, fourth edition—1970.

His travels have taken him to Europe, the Middle East, and Africa. He has been guest preacher in leading churches in the British Isles and Europe. He frequently has been guest speaker at colleges and universities in the United States. He has been retreat master at spiritual retreats for clergy and military chaplains, in the United States and abroad.

He is the author of the following books: One Moment With God, Doubleday, 1951; America's Spiritual Recovery, Revell, 1954; And Still He Speaks, Revell, 1960; The Inevitable Encounter, Erdmans, 1962; and has been a contributor to 10 additional books and periodicals.

He holds membership in the following societies: Theta Sigma, Chi Alpha, YMCA, International Platform Association, Newcomen Society in North America, Cosmos Club, Army and Navy Club, U.S. Capitol Historical Society—sustaining member, Pennsylvania State Society, Disabled American Veterans—national chaplain, 1950–51, the Military Order of the World Wars, and the Military Chaplains Association. He is a member of the following learned societies: Phi Chi Phi, American Society of Church History, Church Service Society, Academy of Religion and Mental Health.

His wife is the former Helen Chittick, a descendant of Wishart, coadjutor of John Knox, and was educated at the Bishop's School and the University of California. They have four children. Mrs. Erland Heginbotham, Washington, D.C., Eleanor Frances; Miss Beverly Lunn, Washington, D.C.; Mrs. Duncan MacRae, Baltimore, Md., Mary Faith; David Edward, Washington, D.C.

In light of his achievements, honors, and outstanding ministry, I present also this sermon by Dr. Elson, for the benefit of my colleagues:

Dividends From Difficulties

"Thou hast enlarged me when I was in distress."—Psalm 4: 1.

The Fourth Psalm was written for an ancient people at a time of great peril. The King, threatened by conspiracy and rebellion, was camping out with a few of his followers. His adversaries were all about him. The future was uncertain. The enemy seemed rich and well-fed, while this band had to forage about for food and shelter. At any moment it seemed a fatal stroke might fall. One among the king's followers, David, took up his stylus and wrote an evening hymn which moves to the joyous conclusion:

"Thou has put gladness in my heart, more than in the time that their corn and their wine increased; I will both lay me down in peace and sleep: for Thou, Lord, only makest me to dwell in safety."

No wonder this evening hymn became a great favorite of that ancient vagabond nation, Israel. This people, chosen of God to produce the Saviour, had her ups and downs, her depressions and prosperity, her defeats and victories. Wandering across deserts, scaling mountains, fording streams—no matter what the day had brought—when they sat by their campfires at evening they sang this refrain: "Thou hast enlarged me when I was in distress." Dividends from difficulties.

Why is it that men and women grow great and strong and creative under criticism, in suffering and in sorrow? So often it is through pain and in hardship that God puts a song in the heart and creative energy in the brain.

Criticism is a form of suffering which most people encounter fairly early in life, and the pain is intensely real and poignant. Most human beings desire social approval. Men and women appreciate approbation. To be accepted, to be popular, is a better way of life than to live under disdain and disapproval. Yet men and women who accomplish most in life sometimes receive the severest criticism. Politicians, professional men, ministers, writers—who register their leadership on the human scene—are perpetually exposed to their critics. None is completely impervious to this ordeal.

It is not that we get criticism—nor that it hurts—but rather how we manage criticism, which is the measure of our character. Can we suffer the assaults of our fellows, evaluate the statements and the circumstances of the declaration, and then grow under them?

Someone had hard words for Andrew Jackson when they said, "The President is a monster whose choicest ailment is human blood." Yet Jackson gave his critic a cabinet post.

"The President is a low, cunning clown. He is the original gorilla. Those who seek the ape-man are fools to travel all the way to Africa when what they are after can be so readily located in Springfield, Illinois." This critic was speaking of the man whose monument is the most beautiful in our Capital—Abraham Lincoln.

"He is treacherous in private friendships, a hypocrite in public life, an imposter in public life, an imposter who has either abandoned all good principles or else never had any." This was somebody's view of Washington.

And eighty million people heard and saw the funeral in this Church for the late Hon. J. Edgar Hoover. Since then I have fallen heir to some of the objects which he kept in little framed easels on his desk as he worked. Here is a quotation from Earl Keith: "Criticism is something you can avoid by saying nothing, doing nothing and being nothing." Here is one from the Psalms: "I will not be afraid of ten thousands of people that have set themselves against me round about." Perhaps these and others give us a brief insight into a great life which was informed and guided by a knowledge of the Bible, the catechisms and confessions of our particular Christian heritage.

All of us suffer in some way or other the criticism of others. How do we use it? Do we ask if it is true and, if true, do we make revision? And, if not true, do we give it all back to God for His dealing? Do we remember Jesus who died trying to combine all that was holiest in tradition with all that was healthiest in innovation, who unflinchingly spoke the truth, and who "when accused, opened not His mouth."

That is why I did not respond publically to the erroneous attacks upon my Palm Sunday sermon.

Suffering from personal abuse and criticism can be carried in the majesty of human personality and turned into a testimony for God.

Then there is the enlargement of character which comes from sickness. "Thou has enlarged me when I was in distress" is the reminiscent testimony of many a person who has walked in the valley of physical suffering.

I think of the daughter of one of our church officers, who suffered severely from polio but remained a beautiful homemaker and saint of God to her whole community—a refined, ennobled and radiant spirit. She turned her suffering into a testimony of faith and courage.

One of our noblest hymns begins, "O Love that wilt not let me go . . ." We never weary of it. The words were written by George Matheson, who distilled beauty from a great sadness. This promising young minister was engaged to a lovely lady when he began to lose his sight. He told her of the darkness descending upon him only to find her unwilling to share his burden of blindness. Alone in the quiet haven of his study, he wrote about another love—a "love that wilt not let me go . . . a joy that seekest me through pain . . . a Cross that liftest up my head." That hymn speaks to men's deepest needs because it came out of a suffering soul, testifying triumphantly.

Another hymn—"How Firm a Fountain"—had been the favorite of Robert E. Lee—Woodrow Wilson—William McKinley—Dwight D. Eisenhower. When we recall its words and ponder their meaning, we are able to understand its power for these great men of the past:

"When through the deep waters I call thee
to go.
The rivers of woe shall not thee overflow;
For I will be with thee, thy troubles to bless;
And sanctify to thee thy deepest distress."

That hymn speaks to the heart which knows the burden of leadership in times of great national crisis, when human wisdom seems so fallible and great decisions must be made.

We think sickness a tragedy. Hold on! It depends upon what we do with this experience. If we learn to alternate between intense work and complete repose, we have been well schooled by sickness.

Hawaiian music gets hold of us in the depths. What is its power? It seems to be a blend of sorrow and joy. Born in a leper colony where men's bodies were dropping away, but where their souls sang to God, it is laughter with tears in it. It is beauty distilled from the holy joy of a heart in suffering.

Or look at our only true native music, the Negro spiritual. Listen to the "Largo" of *The New World Symphony* by Dvorak, with its haunting refrain, "Goin' home . . . I'm just goin' home."

Out of the suffering of Negroes walking over the stubble in the fields of the Southland comes

"Sometimes I'm up—sometimes I'm down
O yes Lord.
Nobody knows the trouble I have
Glory Hallelujah!"

One summer while a college student I worked with an engineering company installing a new kiln in a pottery in Ohio. I learned their lesson about suffering and beauty. The chinaware which was to bear the most beautiful and permanent decorations would be smeared with black pitch and then placed in the kiln and baked in the fury of intense heat. After some hours it was removed and the blackness was brushed off, and there for the whole world to see was the beauty of hand painted china. So it is with suffering. Out of the blackness and fire of suffering ofttimes comes the beauty of the human soul.

What is it that war does to a man? Either he capitulates under its strain, gives way under its exertions, deteriorates under its duress, or he becomes a bigger, better, stronger man. Justice Holmes looked back upon his war years as the refining period of his life. Those who have been in battle know its terror, its devastation and its torment of soul. Yet, even here, creative energies have been released.

In World War II, John Gillespie Magee, Jr. of this city, joined the Royal Canadian Air Force and was killed in action on December 11, 1941. Whatever creative insights were down deep inside this boy welled up within him as he flew his plane in that war. He left us an immortal poem—"High Flight"—

"Oh, I have slipped the surly bonds of earth,
And danced the skies on laughter—silvered wings:
Sunward I've climbed and joined the tumbling mirth
Of sun-split clouds—and done a hundred things
You have not dreamed of—wheeled and soared and swung
High in the sunlit silence. Hov'ring there,
I've chased the shouting wind along and flung
My eager craft through footless halls of air.
"Up, up the long delirious, burning blue
I've topped the wind-swept heights with easy grace,
Where never lark, or even eagle, flew;
And, while with silent, lifting mind I've trod
The high untrespassed sanctity of space.
Put out my hand, and touched the face of God."

The death of a youth like this seems tragic, but in those brief years he touched the face of God and his experience and his words will live in English literature for ever. "Thou hast enlarged me when I was in distress."

One of the great Christian heroes of our age is John Hayes, our missionary for many years in China. I spent many hours with him after his brain-washing and threatened execution by the Chinese Communists. I have always felt close to him and part of his ordeal because, when he was hauled up for trial and accused of being the leader of an American spy ring, I was supposed to be his Washington axis. He came back to us by the merciful deliverance of God and in answer to our prayers, and this is what he had to say,

"God kept me, gave me clarity, made me strong. I did not seek release. I only wanted to be true to Christ, and true to truth, with or without my head."

There was a new quality to John Hayes' message and his life as he witnessed in Indonesia. "Enlarged in distress?" Why not?

Look at Paul. Six of his letters were written in jail. He did not write about gray, grim prison walls. His soul sang, "Rejoice, rejoice!" . . . When I am weak, then am I strong."

Perhaps the deepest suffering we are called upon to endure is the sorrow of losing a loved one. When we lose a visible friend, do we gain the invisible Lord? Even out of these depths of loss come beauty and fresh spiritual vigor.

Someone once wrote these words:

"I walked a mile with pleasure.
She chatted all the way,
And left me none the wiser
For all she had to say.

"I walked a mile with sorrow;
And ne'er a word said she.
But, Oh! the truths I learned from her
When sorrow walked with me."

Occasionally our choir sings an introit penned by Cleland B. McAfee for a communion service. That week the McAfee family, his church and the town had been stunned with grief over the death of Dr. McAfee's two small nieces, within twenty-four hours of each other. Seeking for some comfort for all the saddened hearts, he wrote:

"There is a place of comfort sweet,
Near to the heart of God;
A place where we our Saviours meet,
Near to the heart of God.

"There is a place of full release,
Near to the heart of God;
A place where all is joy and peace
Near to the heart of God."

A friend of ours, Mrs. Bertha Spafford Vester, who spent an entire lifetime in Jerusalem, has written of the tragedy which befell her parents on her mother's first trip across the Atlantic. Traveling with her four little daughters on a French luxury liner, the ship was struck by another vessel in the middle of the night and sank within twelve minutes. By some miracle Mrs. Spafford was rescued, but her children drowned.

Her cable to her husband, delayed at home because of business, plunged him into the valley of the shadow of death where he searched his life, hitherto so blessed, for an explanation of this sudden tragedy. On his way across the Atlantic to rejoin his wife, Horatio Spafford wrote the hymn which has given comfort to so many:

"When peace like a river attendeth my way,
When sorrows like sea-billows roll,
Whatever my lot, Thou hast taught me to say;
'It is well, it is well with my soul.' "

"Thou hast enlarged me when I was in distress." It seems like a hard way, but it is the way of life and sometimes it is God's way to creativeness. It is a certain way to a deeper life with God.

How do you use suffering? Do you recoil from it in bitterness? Or do you accept it, grow under it, turn it into a testimony of beauty?

When the skies are black, when the thunder of life's storms roll and the tempests are wild, do you hear the angels sing? Is it well with your soul? Are there not dividends from difficulties?

Out of the sufferings of the past has come the music of life; out of difficulty, new dedications; out of hardship, a new hallowing of life.

"Thou hast enlarged me when I was in distress."

IN MEMORIAM

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. RODINO. Mr. Speaker, it is with a great deal of affection and with a deep sense of loss that my thoughts turn to the many days the Honorable Philip J. Philbin shared these Chambers with us. Mr. Philbin's beliefs and views, his tenacious sense of commitment to those whom he served and to the principles upon which our Nation stands, have engraved in our hearts his image as an advocate of the highest traditions of our land. The following words by the poet Arthur Guiterman best express the continual presence I am certain he will hold for all of us:

The Past is deathless. Souls are wells too deep
To spend their purest gains.
All that he gave to us is ours to keep
While memory remains.

I join at this time with my fellow colleagues in honoring so dear a friend and so respected a man.

TECHNOLOGY AND THE ENVIRONMENT

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. GUBSER. Mr. Speaker, in the last few years this Nation has developed millions of instant experts in the field of ecology who can tell us how to unpollute our environment. Many of them advocate the zero growth, and the stifling of what we have learned to view as progress in recent decades. Almost all of them seem to look upon modern technology and scientific development as an enemy of a clean environment. Many of them say it must stop.

Frankly, I believe the answer to cleaning up our environment lies in technological and scientific development and much as I would personally enjoy it, I cannot conceive of this Nation giving up of its way of life to return to a simple agrarian existence.

Unfortunately, many of the people who advocate stopping technology are those who are so affluent that they possess every known gadget which consumes energy and does in fact pollute the environment.

Recently an article by Ernest Conine indicated that these people are "hip-deep in hypocrisy." The title of the article is "Give Up Gadgets for Ecology's Sake?"

I believe every reader of the Congressional Record would benefit from the thoughts presented by Mr. Conine and for this reason I submit his article in full:

Give Up Gadgets for Ecology's Sake?

(By Ernest Conine)

One Californian, after listening to an especially impassioned speech by a dedicated enemy of environmental pollution, looked over the gathering of affluent liberals and made a cynical observation:

"I'll wager there isn't a guy here who doesn't have at least two cars in his garage—not to mention the dune buggies, snowmobiles and motorbikes—plus air-conditioning and a houseful of electrical appliances.

"But I don't see anybody rushing to give up all those gadgets and goodies in the name of a clean environment." It's easier, he added, just to make high-sounding speeches about the sins of the industrial polluters and the evils of continued economic growth.

The observation is hardly original, but it is to the point.

America is hip-deep in hypocrisy on ecology, as on other matters. If Americans could cut through the hypocrisy, they might be a lot closer to some solution.

Why not require everybody who makes speeches about the environment—or, for that matter, writes columns or editorials about it—to make full public disclosure of just what his own contribution to the problem is?

The proposal, while offered facetiously, might not be a bad idea at that.

Each speaker or commentator on the ecology would be given an environmental guilt rating which he would have to display publicly—maybe on a lapel badge—whenever and wherever he holds forth on pollution. The higher the number, the larger the indicated contribution to the pollution crisis.

As most people know by now, overpopulation and affluence are the twin roots of ecological evil. So any man or woman with more than the allowable two children would be penalized two points for each "surplus" child.

Each household could have one compact car, not exceeding 115 horsepower, without penalty. But every extra car would cost a point. The big gas-eaters would count double. So would dune-buggies, gas-driven lawnmowers, snowmobiles, boats, campers and motorcycles, since all are essentially luxury items.

Every household could be entitled, without penalty, to one TV set, one radio, one record player, one cooking apparatus, whether gas or electric, and one refrigerator. Penalty points would be assessed, however, for extra appliances in these categories. And points would be added to the guilt rating for electric blankets, swimming pool heaters, electric mixers and can openers, power saws and mowers, electric razors and hair-dryers and (except in desert climates) air-conditioners.

Considering how much pollution jet airliners spew into the air, anybody traveling more than 1,000 airline miles each year would have to add a point for each extra thousand miles.

Obviously the whole idea is absurd—not to mention being unconstitutional and possibly even subversive. Which is too bad, considering the amount of antidemocratic and antihumanist nonsense which is being uttered these days in the name of ecological survival.

Not long ago, for example, a team of MIT scientists and engineers warned that the world faces pestilence, poverty and starvation within 70 years unless economic growth is halted. Think of the implications.

What these and like-minded experts are saying, in effect, is that mankind has only two ways to go:

The have-nots of the world—the people with an environmental guilt rating of close to zero, if you will—must accept a condition of permanent poverty and give up all hope that they, or their children or grandchildren, will ever be able to enjoy the kind of affluence while a middle-class American or Englishman or Japanese enjoys today.

Failing that, the haves—the people with an environmental guilt rating of 10 or 15 or 20—must be forced or persuaded to join the ranks of the have-nots.

Human nature being what it is and always has been, neither is going to happen.

The ultimate answer will be found, one suspects, not in stopping economic growth and the spread of affluence, in halting the construction of power plants and prattling on about returning to nature, but in the technological fix. Pollution-free generation of power. Conserving of the world's mineral resources through recycling. Outer space garbage disposal. Maybe even colonization of the planets.

This is pretty far-out stuff. But not as far out as the nation that half the world's people are going to stay poor in order to keep the earth environmentally safe for the other half.

CLEVELAND'S MRS. JAMES V. O'BRIEN CELEBRATES 100TH BIRTHDAY

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 1972

Mr. JAMES V. STANTON. Mr. Speaker, on the day of June 16 I am pleased to join with the many friends and relatives of Mrs. James V. O'Brien in extending to her warmest congratulations upon her 100th birthday.

Longevity alone is not a cause for celebration, but rather we pay tribute to Mrs. O'Brien for the great deal she has accomplished in the years God has given her. Through the love, devotion, and guidance she rendered as a wife and mother, and later as a grandmother and greatgrandmother, she has raised and sent into the world a family of productive and dedicated citizens. Surely there can be no greater accomplishment.

Her lively spirit and attitude toward life serves as an inspiration to us all.

PHILIP J. PHILBIN

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. CELLER. Mr. Speaker, it was my privilege to have had Phil Philbin as a fellow colleague throughout his years of service in the House of Representatives. I am deeply saddened by his death.

Phil was a man of kindness and erudition. And this kindness and erudition he put to use to serve his Nation. It was this combination that gave him the unique quality which earned him both affection and respect. Few in the House could resist his warmth of personality and few could successfully challenge the wealth of information Phil brought to the floor when legislation was before it.

The passing of the years brings many changes and one accommodates oneself to meet them. But to the loss of a good fellow being, one cannot become reconciled. A scar forever remains.

To his family I extend my deepest sympathies. A measure of consolation to them must be that so many of his friends and colleagues share in the feeling of loss.

REGRETS PASSING OF FORMER CONGRESSMAN PHIL PHILBIN

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 1972

Mr. MONAGAN. Mr. Speaker, I was shocked to learn of the death of my dear friend former Congressman Phil Philbin and I join my colleagues in expressing my regrets at his passing.

He was a devoted Member of Congress and represented the people of his district with the utmost fidelity. No task was to small for him to perform for his constituents and he furthered their interests with dedication and understanding.

He also served the people of the country well in his years as a member of the Committee on Armed Services and his devotion to maintaining the strength of our national defense never wavered during his career of 28 years.

Those who knew Phil Philbin intimately, as I did, remember him most of all for the warm qualities of friendship. He was a delightful companion and an excellent raconteur and on innumerable occasions I enjoyed chatting with him while we discussed mutual friends or pompous figures whom Phil was skilled in deflating.

Not everyone knew that Phil was an excellent pianist and a great lover of music. His particular affection was for the musical comedy melodies of earlier days, ranging from Victor Herbert to Jerome Kern. He was a personal friend of many of the most famous composers and would meet and entertain them from time to time. Rudolf Friml was a particular friend. With his warm and charming personality and his skillful manipulation of the piano, Phil Philbin added pleasure for many people to innumerable gatherings, both in Washington and elsewhere.

A fine athlete in his youth, a graduate of Harvard, a devoted father, a dedicated Member of Congress and a warm and loyal friend, Phil Philbin passes from the scene at a time when people of his experience and conviction are sorely needed. He will be missed.